

FILE NUMBER: Z190-334(JK)

DATE FILED: August 12, 2020

LOCATION: North of Scyene Road, between North Prairie Creek Road and Kingsford Avenue

COUNCIL DISTRICT: 7

MAPSCO 49 S

SIZE OF REQUEST: ± 0.3497 acres

CENSUS TRACT: 121.00

REPRESENTATIVE: Audra Buckley

APPLICANT: Placid Development Group, LLC

OWNER: James Carter

REQUEST: An application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District.

SUMMARY: The applicant proposes to allow for the development of the property as parking for retail uses to the south. The applicant has volunteered deed restrictions to prohibit various uses as well as to require screening requirements, and no structures along any residential adjacency.

CPC RECOMMENDATION: Approval, subject to deed restrictions volunteered by the applicant.

STAFF RECOMMENDATION: Denial.

BACKGROUND INFORMATION:

- The request site is currently undeveloped land zoned an R-7.5(A) Single Family District.
- The purpose of this request is to increase the available parking to accommodate development of the property to the south as a general merchandise or food store and restaurants.
- General merchandise or food store 3,500 square feet or less use is defined as a retail store with a floor area of 3,500 square feet or less for the sale of general merchandise or food. Typical general merchandise includes clothing and other apparel, equipment for hobbies and sports, gifts, flowers and household plants, dry goods, toys, furniture, antiques, books and stationery, pets, drugs, auto parts and accessories, and similar consumer goods. The term “food store” includes a grocery store, delicatessen, convenience store without drive-through, and specialty foods store.
- Restaurant without drive-or drive through service use is defined as an establishment principally for the sale and consumption of food on the premises.
- The applicant is volunteering deed restrictions to prohibit various uses as well as to require screening requirements, and no structures along any residential adjacency.

Zoning History: There has been three zoning change requests in the area in the last five years.

1. **Z190-317** An application for a CR Community Retail District on property zoned an R-7.5(A) Single Family District (Scheduled for the January 27, 2021 City Council hearing).
2. **Z189-120** On March 21, 2019, the City Plan Commission denied a request for an R-7.5(A) Single Family District on property zoned a CR Community Retail District.
3. **Z156-277:** On October 11, 2017, the City Council approved a CR Community Retail District subject to deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Scyene Road	Principal Arterial	100 feet/100 feet
North Prairie Creek Road	Principal Arterial	100 feet/100 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and determined it will not have a negative impact on the existing street system.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

ECONOMIC ELEMENT**Goal 2.1 PROMOTE BALANCED GROWTH**

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions

STAFF ANALYSIS:**Surrounding Land Uses:**

	Zoning	Land Use
Site	R-7.5(A)	Undeveloped
North	R-7.5 (A)	Single Family
South	CR with Deed Restrictions	Undeveloped
East	R-7.5(A)	Single Family
West	CR-D	Vehicle or engine repair and maintenance

Land Use Compatibility:

The property is currently undeveloped and is adjacent to residential uses. The property abuts two principal arterials. There is a local street that is adjacent to the site's eastern property line.

The applicant's request for a CR Community Retail District is to allow for development of a parking lot serving a community retail development to the south of the requested site. These commercial properties abut residential districts but limit their impact on these communities through deed restrictions and screening requirements – minimizing the possible intrusion on these residential (or less intensive) communities.

The applicant also proposed deed restrictions that are similar to the property to the south. The deed restrictions will prohibit certain main uses from being developed on site as well as prohibited access onto Kingsford Road. A dividing wall must be built directly north of the property, and the property is only surface parking with no structures allowed except a dumpster and a dumpster enclosure.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
Proposed							
R-7.5(A) - Existing Single Family	25'	5'	1 Dwelling Unit/ 7,500 sq. ft.	30'	45%		Single family
Existing							
CR - Proposed Community retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

Landscaping: Landscaping will be in accordance with Article X, as amended.

Parking:

The proposed development to the south will be a general merchandise or food store and two restaurants totaling 4,650 square feet of floor area. The total square foot of floor area for each restaurant will be approximately 700 square foot with 3,250 square foot of floor area for the general merchandise or food store.

The required off street parking for a restaurant is one parking space per 100 square feet. The 1,400 square feet for the restaurants, will require 14 parking spaces. The required off street parking for a general merchandise or food store 3,500 square feet or less is one space per 200 square feet. The general merchandise or food store is 3,250 square feet, with 17 parking spaces required. The required off street parking for a motor vehicle fueling station is 2 parking spaces. The site satisfies this requirement. Based on staff's calculations, the applicant is required to have 33 parking spaces.

The applicant proposed that the subject site will be used for excess parking for the general merchandise or food store and restaurant uses to the south. Parking on the lot to the south meets the parking requirement for the uses on that site. The applicant indicated the request to provide excess parking stems from the restaurant operators indicating additional parking is necessary for optimal operations.

A parking demand analysis justifying the parking demand for the proposed site may justify the applicant's request. However, overparking can lead to nuisances that are not desirable since residential areas surround the request area. Additional parking could impact the drainage and impervious surface. Also, the parking can impact the adjacent road circulation with ingress and egress for the front and rear of the property.

Staff recommends denial of the request due to the excessive amount of parking requested by the applicant which exceeds the required number of spaces for the proposed uses.

Market Value Analysis

Market Value Analysis (MVA) is a tool to aid residents and policymakers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to target intervention strategies more precisely in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). The area of request has a portion of the site located in Category "F", and immediately adjacent to Category "H" properties. Properties to the north, east, west, and southwest of the site are also within Category "H". Properties within Category "G" are located further west of the proposed site. There are also properties within Category "H" south and southeast of the area of request.

List of Officers

Placid Development Group, LLC

Seth Williams, Managing Member

Kelly Hampton, Managing Member

CPC ACTION

December 3, 2020

Motion I: It was moved to recommend **approval** of a CR Community Retail District, subject to deed restrictions volunteered by the applicant to include additional restrictions regarding delivery hours and idling of large trucks on property zoned an R-7.5(A) Single Family District, north of Scyene Road, between North Prairie Creek Road and Kingsford Avenue.

Maker: Jackson
Second: Garcia
Result: Failed: 2 to 13

For: 2 - Jackson, Garcia

Against: 13 - MacGregor, Hampton, Stinson, Johnson, Shidid,
Carpenter, Blair, Jung, Myers, Suhler, Schwope,
Murphy, Rubin

Absent: 0
Vacancy: 0

Motion II: In considering an application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District, north of Scyene Road, between North Prairie Creek Road and Kingsford Avenue, it was moved to **hold** this case under advisement until December 17, 2020.

Maker: Jackson
Second: Garcia
Result: Carried: 15 to 0

For: 15 - MacGregor, Hampton, Stinson, Johnson, Shidid,
Carpenter, Jackson, Blair, Jung, Myers, Suhler,
Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 200 Mailed: 13
Replies: For: 0 Against: 0

Speakers: For: Audra Buckley, 1414 Belleview St., Dallas, TX, 75215
Kelly Hampton, 1001 Pine Meadow Ct., Southlake, TX, 76092
Larae Tucker, 402 Burl Moore Rd., Ennis, TX, 75119
Against: None

CPC ACTION

December 17, 2020

Motion: It was moved to recommend **approval** of a CR Community Retail District, subject to deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District, north of Scyene Road, between North Prairie Creek Road and Kingsford Avenue.

Maker: Jackson
Second: Rubin
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Stinson, Shidid,
Carpenter, Jackson, Blair, Jung, Myers, Suhler,
Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 1 - Johnson
Vacancy: 0

Notices: Area: 200 Mailed: 13
Replies: For: 4 Against: 0

Speakers: For: Audra Buckley, 1414 Belleview St., Dallas, TX, 75215
Kelly Hampton, 1001 Pine Meadow Ct., Southlake, TX, 76092
Larae Tucker, 402 Burl Moore Rd., Ennis, TX, 75119
Against: None

CPC Volunteered Deed Restrictions
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The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

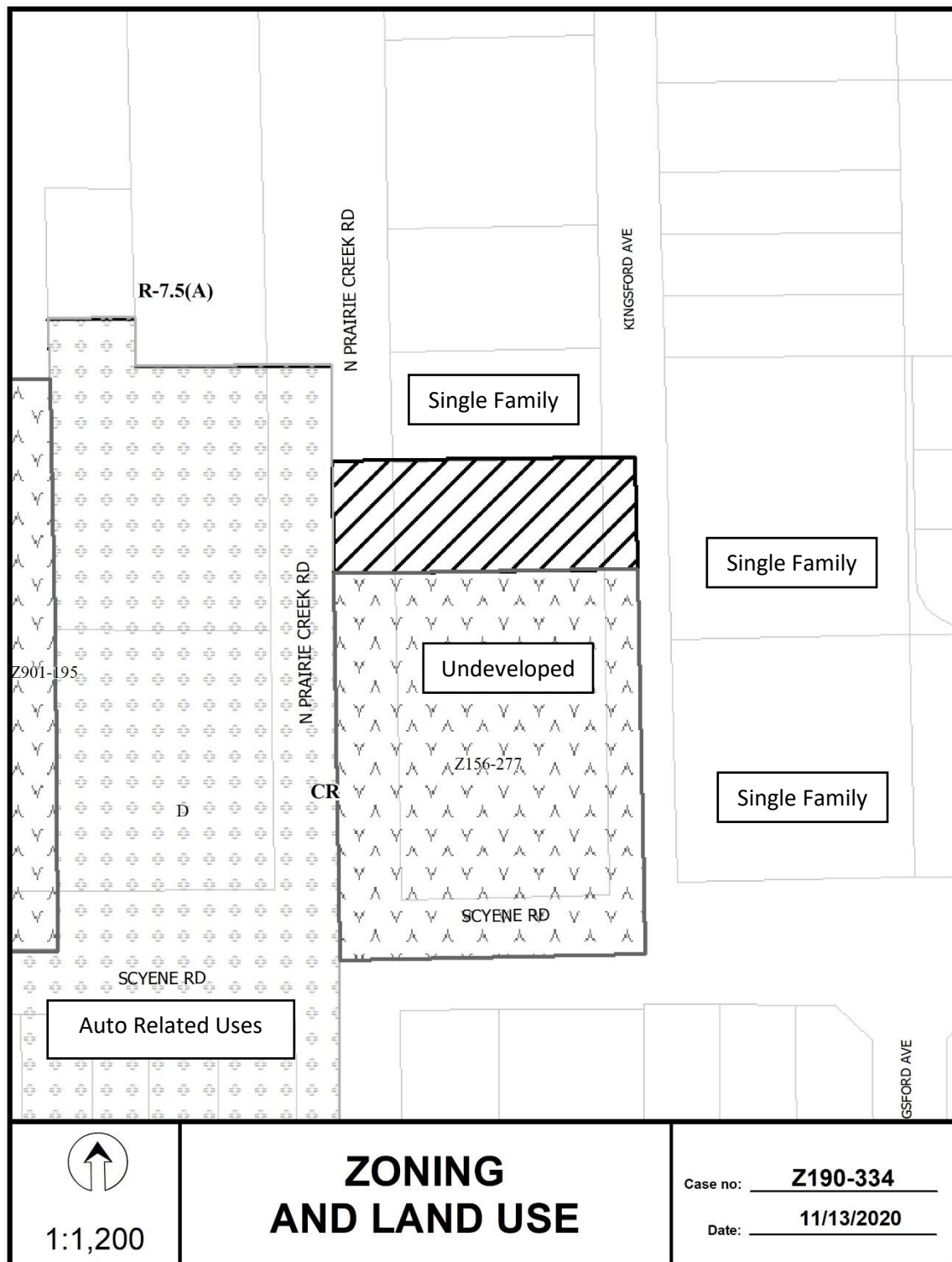
1. The following uses are prohibited:

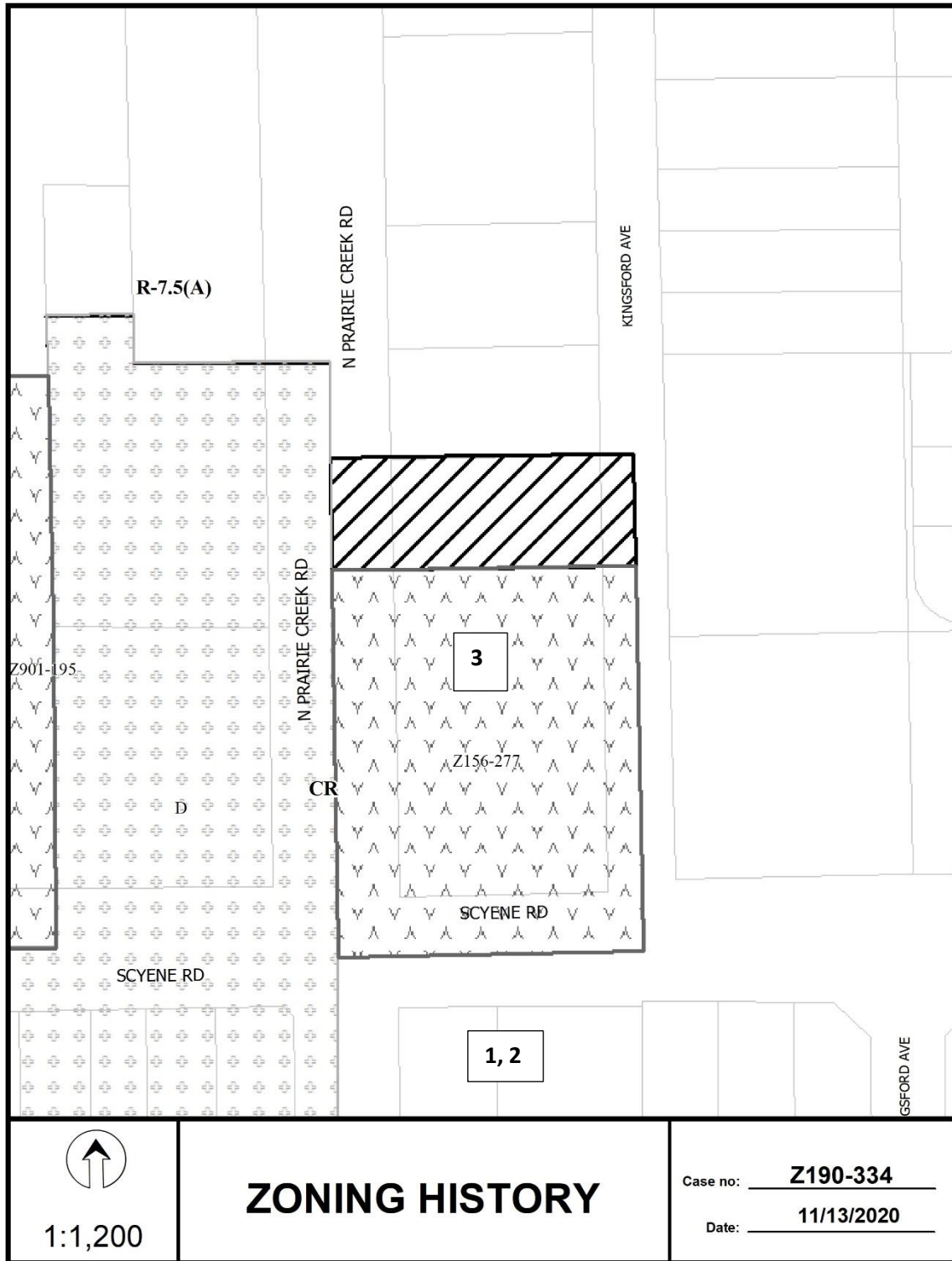
- (1) Institutional and community services uses.
 - Cemetery or mausoleum.
 - College, university, or seminary
 - Open-enrollment charter school or private school
 - Public school other than open-enrollment charter school
- (2) Lodging uses.
 - None permitted
- (3) Residential uses.
 - College dormitory, fraternity, or sorority house.
- (4) Retail and personal services uses.
 - Business school
 - Car wash
 - Commercial amusement (outside)
 - Commercial parking lot or garage
 - Mortuary, funeral home or commercial wedding chapel
- (5) Transportation uses.
 - Transit passenger shelter.
 - Transit passenger station or transfer center.
- (6) Utility and public service uses.
 - Commercial radio and television transmitting station.
 - Electrical substation.
 - Local utilities.
 - Police or fire station.
 - Post office.
 - Radio, television, or microwave tower.
 - Tower/antenna for cellular communication.
 - Utility or government installation other than listed.
- (7) Wholesale, distribution, and storage uses.
 - Mini-warehouse.
 - Recycling buy-back center.
 - Recycling collection center.
 - Recycling drop-off container.
 - Recycling drop-off for special occasion collection.

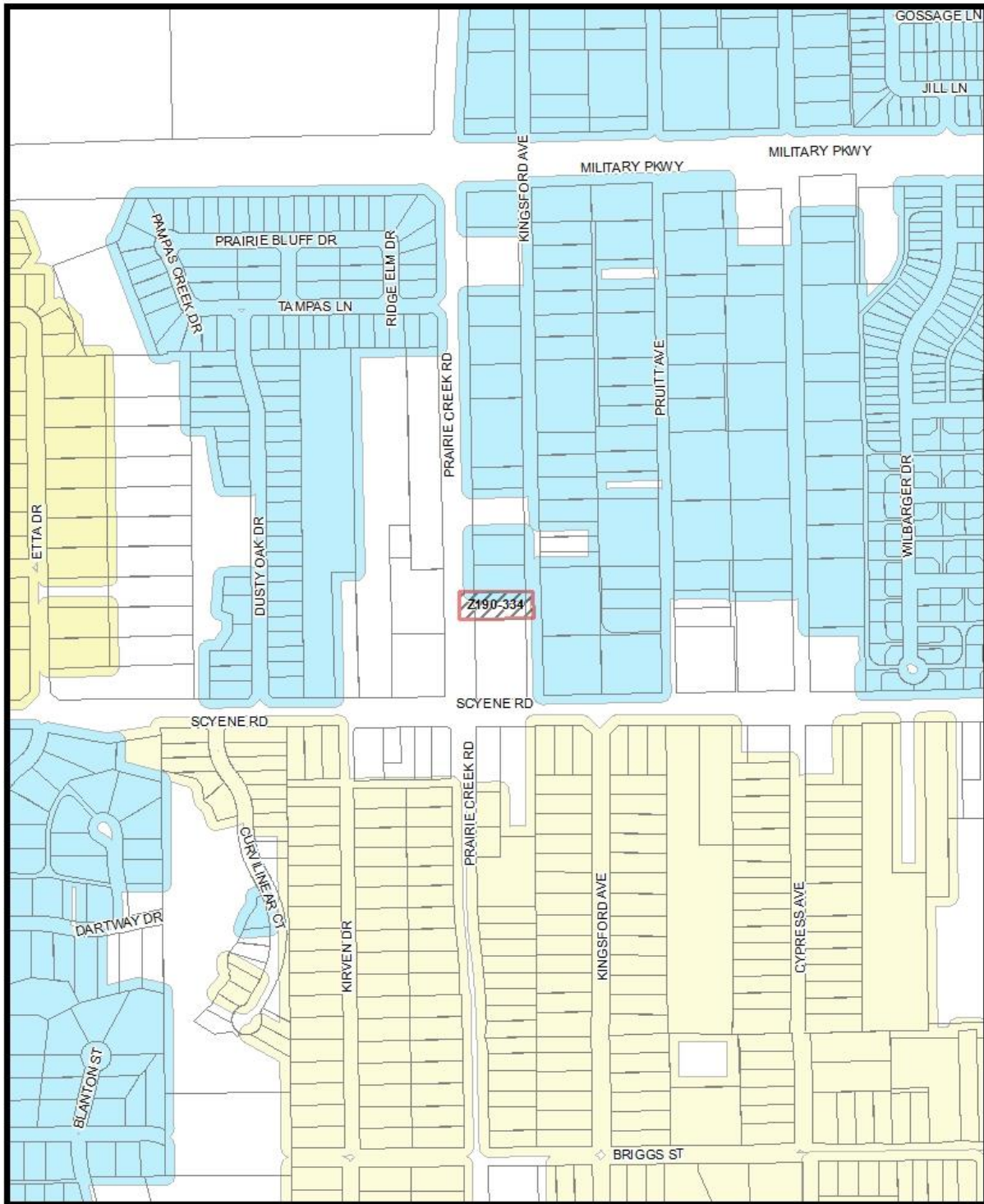
2. An eight foot screening wall must be built at north side of property, if property directly north is zoned residential.
3. Landscaping: A minimum 35 x 170 square foot residential buffer zone (RBZ) is required on the north side of the property. The RBZ is required to provide buffer zone enhancements as follows: The required four (4) trees must be legacy trees with base plantings of water wise plant materials; a minimum of 2500 square feet must be delineated as a pocket park as described in Section 51A-10.126(b)(10) of Article X with small and medium sized trees; total RBZ area must create a habitat preservation and restoration area using an active management plan through the creation of natural habitat conditions. Site maintenance must be continual for the purpose of sustaining the vegetated area. The remaining 54.6 x 170 square feet of the subject property not required for dumpster enclosure with dumpsters, sidewalks, parking and loading spaces, curbs, on-site vehicular maneuverability, including large trucks or emergency access vehicles, must contain native ground cover.
4. On east side of the Property, no curb cuts or vehicular access to Property is permitted if property to the east is zoned residential.
5. Dumpsters and dumpster enclosures are prohibited within the residential buffer zone. With the exception of the screening wall, no other structures are permitted within the subject property.
6. Loading, staging, or idling of commercial vehicles is prohibited between 10:00 pm and 6:00 am. Signs prohibiting loading, staging, and idling of commercial vehicles between the hours of 10:00 pm and 6:00 a.m. must be posted every 75 feet adjacent to the service area.
7. Refuse and recycling collection is prohibited between the hours of 10:00 pm and 6:00 am.











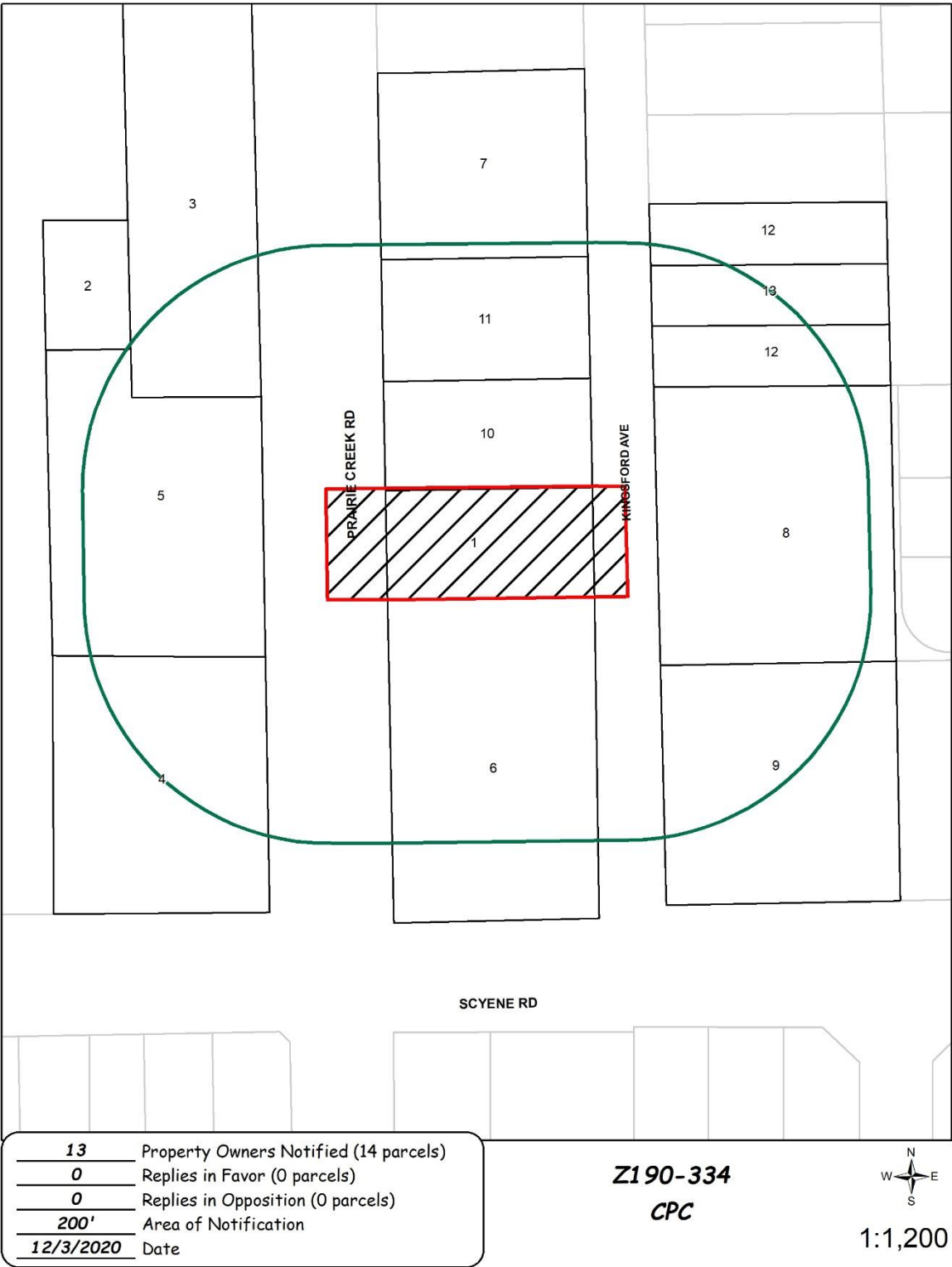
Market Value Analysis A B C D E F G H I NA



Market Value Analysis

Printed Date: 11/13/2020

CPC RESPONSES



Reply List of Property Owners***Z190-334******13 Property Owners Notified******4 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	3107 KINGSFORD AVE	CARTER JAMES
O	2	9109 SCYENE RD	CARTER KENT
O	3	3200 N PRAIRIE CREEK RD	CARTER KENT
	4	9115 SCYENE RD	WACKEROW MARY H
	5	3125 N PRAIRIE CREEK RD	NOSHAHI MOHAMMAD H
O	6	3005 KINGSFORD AVE	CARTER KENT
	7	3302 S PRAIRIE CREEK RD	NORTH DALLAS CHURCH OF CHRIST
	8	3116 KINGSFORD AVE	PGSR REALTY LLC
	9	3006 KINGSFORD AVE	FLORES JESUS & ROSALINDA
	10	3117 KINGSFORD AVE	JOHNSON GLORIA I
	11	3207 KINGSFORD AVE	TORRES JOSE A
	12	3204 KINGSFORD AVE	TONGRA LP
	13	3208 KINGSFORD AVE	HERNANDEZ ANACLETO & ELIDA