

FILE NUMBER: Z190-157(CT) **DATE FILED:** December 16, 2019
LOCATION: Southwest corner of South Central Expressway and Elsie Faye Heggins Street
COUNCIL DISTRICT: 7 **MAPSCO:** 56 C
SIZE OF REQUEST: Approx. 23, 000 sq. ft. **CENSUS TRACT:** 40.00

REPRESENTATIVE: Sarmed Pervaiz

APPLICANT: Tahir Pervaiz

OWNER: Fahmina Pervaiz, Sole Owner

REQUEST: An application for the renewal of and an amendment to Specific Use Permit No. 2021 for a motor vehicle fueling station on property zoned NC(E) Neighborhood Commercial (Enhanced) Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District

SUMMARY: The purpose of the request is to allow for the continued operation of a motor vehicle fueling station use and to modify the site plan primarily with a proposed structure for a dry cleaning or laundry use. [Valero]

CPC RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions.

BACKGROUND INFORMATION:

- The subject site is currently developed with a 1,376-square-foot general merchandise or food store 3,500 square feet or less (convenience store) and vehicle fueling station (gas pumps).
- The NC(E) Neighborhood Commercial (Enhanced) Subdistrict within PD No. 595 requires an SUP for a motor vehicle fueling station use.
- Specific Use Permit No. 2021 for motor vehicle fueling station was approved by City Council on April 10, 2013 for a three-year period with eligibility for automatic renewals for additional five-year periods, was auto-renewed in 2016, and with the update to the site plan seek a five-year renewal and continued automatic renewals.
- The applicant proposes to add a 1,797 square foot structure for a dry cleaning or laundry use on the site.

Zoning History: There has been one zoning change for the area of request in the past five years.

1. **Z189-183** On November 21, 2019, the City Plan Commission approved a new Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
South Central Expressway	Freeway	Variable
Elsie Faye Heggins Street	Minor Arterial	100 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

STAFF ANALYSIS:

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.

The request complies with the following land use goals and policies of the Comprehensive Plan:

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

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

URBAN DESIGN

GOAL 5.3 ESTABLISH WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Area Plan:

The South Dallas/Fair Park Economic Development Corridor Plan was adopted in September of 2001. The study area is located south-east of the I-30 HOV, south of S Haskell Ave, west of Hatcher St, east of S Lamar St and north of William Blair Jr. Park. It includes landmarks such as the South Boulevard Park- Park Row Historic District, Fair Park, the Cotton Bowl Stadium, and the Starplex Pavilion.

This plan focuses on providing economic development revitalization strategy recommendations for the Dallas/Fair Park commercial corridor. It provides an analysis of the current conditions of the area, including land use and demographics. Development plan studies of both the neighborhood and community commercial areas are also done to guide zoning and prevent potential negative impacts of mixed use development.

The South Dallas/Fair Park Economic Development Corridor Plan General Corridor Land Use Concepts Map outlines the subject property as a neighborhood commercial area (Enhanced). The motor vehicle fueling station, general merchandise or food store less than 3,500 square feet, and the dry cleaning or laundry store uses all fit within the retail/personal service use allowed in Neighborhood Commercial Areas (Enhanced).

Land Use:

	Zoning	Land Use
Site	PD No. 595 NC(E) with SUP No. 2021	Fueling Station General Merchandise and Food Store
Northwest	PD No. 595 NC(E)	Retail
North	PD No. 595 (FWMU-3)	Undeveloped
Northeast	PD No. 595 NC(E) PD No. 595 R-5(A)	Single Family Undeveloped
Southeast	PD No. 595 D(A)	Single Family Undeveloped
South	PD No. 595 D(A)	Single Family Undeveloped
Southwest	PD No. 595 D(A)	Single Family Undeveloped

Land Use Compatibility:

The site is currently zoned Planned Development District No. 595 NC(E) with SUP No. 2021 for a fueling station and is currently developed with a general merchandise or food store 3,500 square feet or less and a motor vehicle fueling station. The applicant proposes the continued operation of the motor vehicle fueling station use and to update the site plan to include the proposed dry cleaning or laundry use.

The general merchandise and food store use and the dry cleaning and laundry use are permitted by right. The motor vehicle fueling station use requires a Specific Use Permit in the existing NC(E) Subdistrict within Planned Development District No. 595.

The adjacent land uses consist of single family uses and undeveloped lots south of the site. North of the site are undeveloped land and retail uses and the site is adjacent to the South Central Expressway. Across North Central Expressway to the north is a large undeveloped tract of land.

Staff is supporting the continued use of the motor vehicle fueling station as the location is at the cross section of a minor arterial and a freeway. The Specific Use Permit for the use has been renewed through the automatic renewal process for the use at the location and serves a need for the surrounding community.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of

the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise and food store 3,500 square feet or less use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually. The applicant is in compliance with Chapter 12B.

The applicant's request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code.

Development Standards:

<u>DISTRICT</u>	<u>SETBACKS</u>		<u>Density</u>	<u>Height</u>	<u>Lot Coverage</u>	<u>Special Standards</u>	<u>Primary Uses</u>
	<u>Front</u>	<u>Side/Rear</u>					
PDD No. 595 NC(E)	<p>A front yard is not required.</p> <p>If a front yard is provided, it must be a minimum of 15 feet with landscaping provided in accordance with Section 51P-595.118, "Landscaping."</p> <p>A front yard of up to five feet may be provided to the extent needed to accommodate a wider than standard sidewalk for any portion of the wider sidewalk that cannot be placed in the right-of-way.</p>	<p>15 feet where adjacent to or directly across an alley from a residential subdistrict or an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district</p> <p>and</p> <p>no minimum in all other cases, but if a setback is provided it must be at least 5 feet.</p>	0.5 FAR	30'	40%	Proximity Slope	Retail/Personal Service

Landscaping:

Landscaping of any development will be as depicted on the site plan. The additional square footage to the development would not trigger landscaping.

Parking:

The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store 3,500 square feet or less is at one space for each 200 square feet of floor area, one per 200 for the dry cleaning or laundry use, and two spaces are required for the motor vehicle fueling station use. Based on the 3,173 square feet of total floor area consisting of the proposed uses, the development requires 18 spaces with 17 provided and one parking space being met by the addition of bike parking for the site as depicted on the site plan.

Market Value Analysis

[Market Value Analysis \(MVA\)](#), is a tool to aid residents and policy-makers 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 more precisely target intervention strategies 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 to orange, representing the weakest markets. A small portion of the site is within an "I" MVA Cluster and encompassed to the north, south, east, and west by "I" MVA designation.

**CPC ACTION
MAY 6, 2021**

Motion: It was moved to recommend **approval** of the renewal of and an amendment to Specific Use Permit No. 2021 for a motor vehicle fueling station for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions on property zoned NC(E) Neighborhood Commercial (Enhanced) Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, at the southwest corner of South Central Expressway and Elsie Faye Heggins Street.

Maker: Jackson
Second: Suhler
Result: Carried: 13 to 0

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

Against: 0
Absent: 1 - Garcia
Vacancy: 1 - District 10

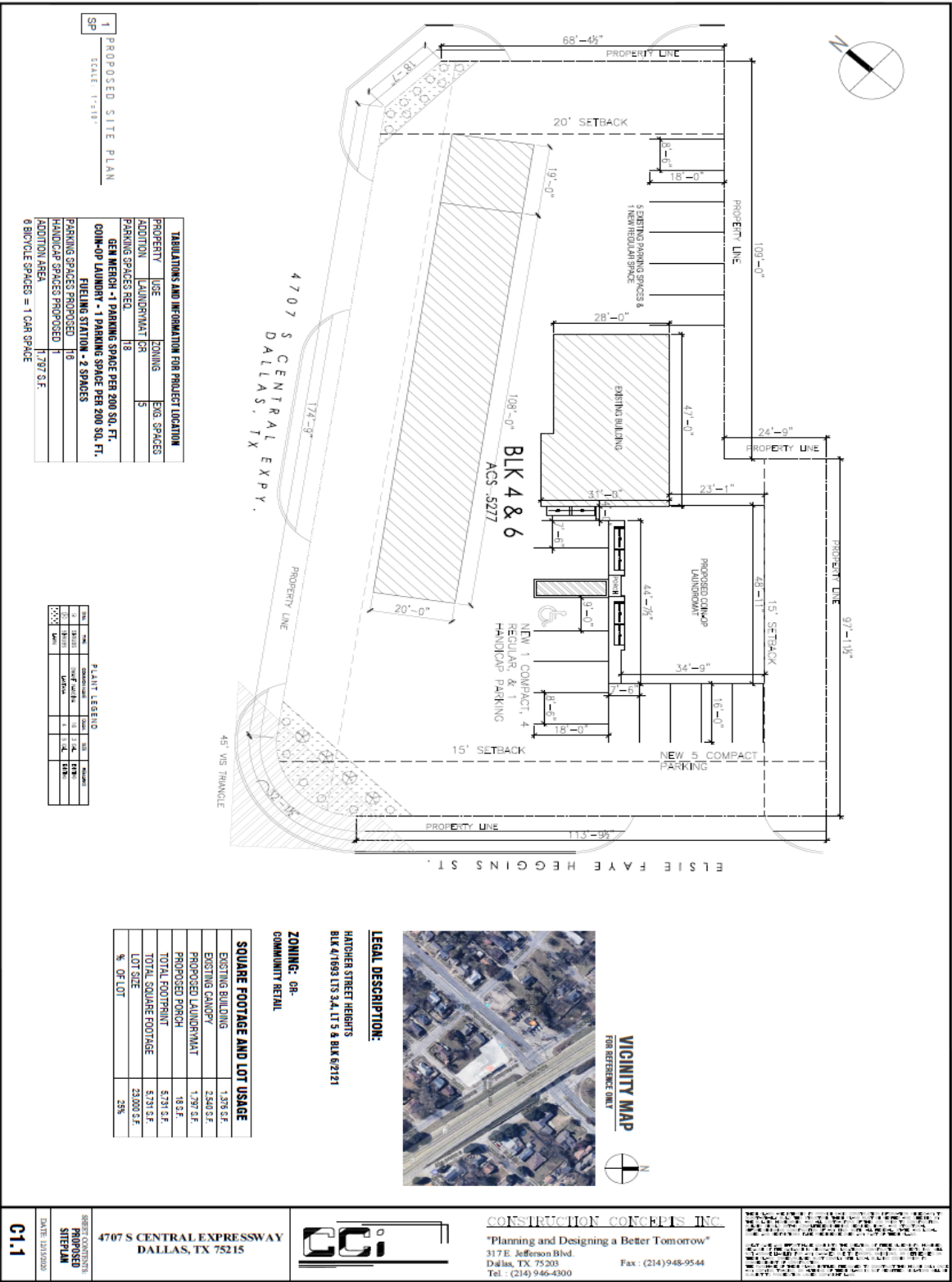
Notices: Area: 200 Mailed: 32
Replies: For: 2 Against: 0

Speakers: For: None
For (Did not Speak): Tahir Pervaiz, 4707 S. Central Expy., TX, 75215
Against: None

CPC RECOMMENDED CONDITIONS

1. USE: The only use authorized by this specific use permit is a motor vehicle fueling station.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ~~March 28, 2020~~ (five years from the passing of this ordinance), but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. LANDSCAPING: Prior to issuance of a certificate of occupancy, landscaping must be provided as shown on the attached site and landscape plan.
5. INGRESS-EGRESS: Ingress and egress must be provided as shown on the attached site plan.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

CPC RECOMMENDED SITE PLAN



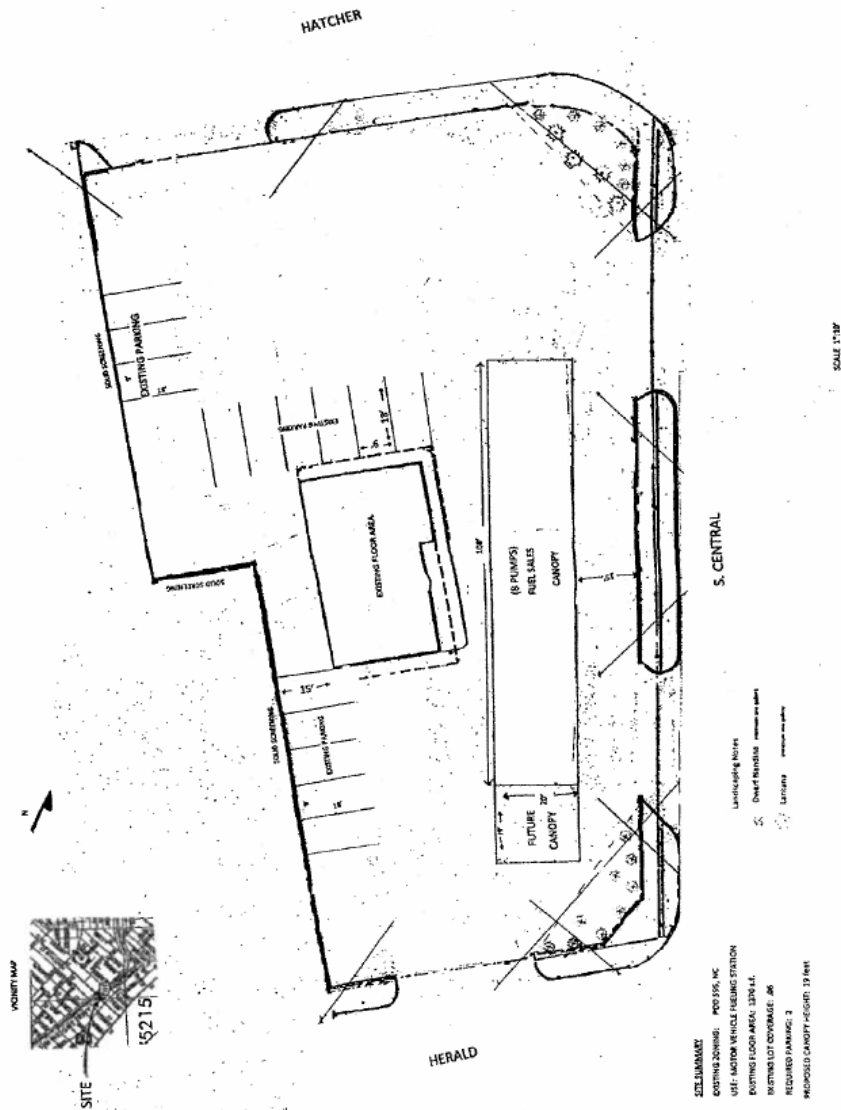
EXISTING SUP SITE PLAN

130655

Site Plan

28960

Z123-150 (RB)
SITE AND LANDSCAPE PLAN



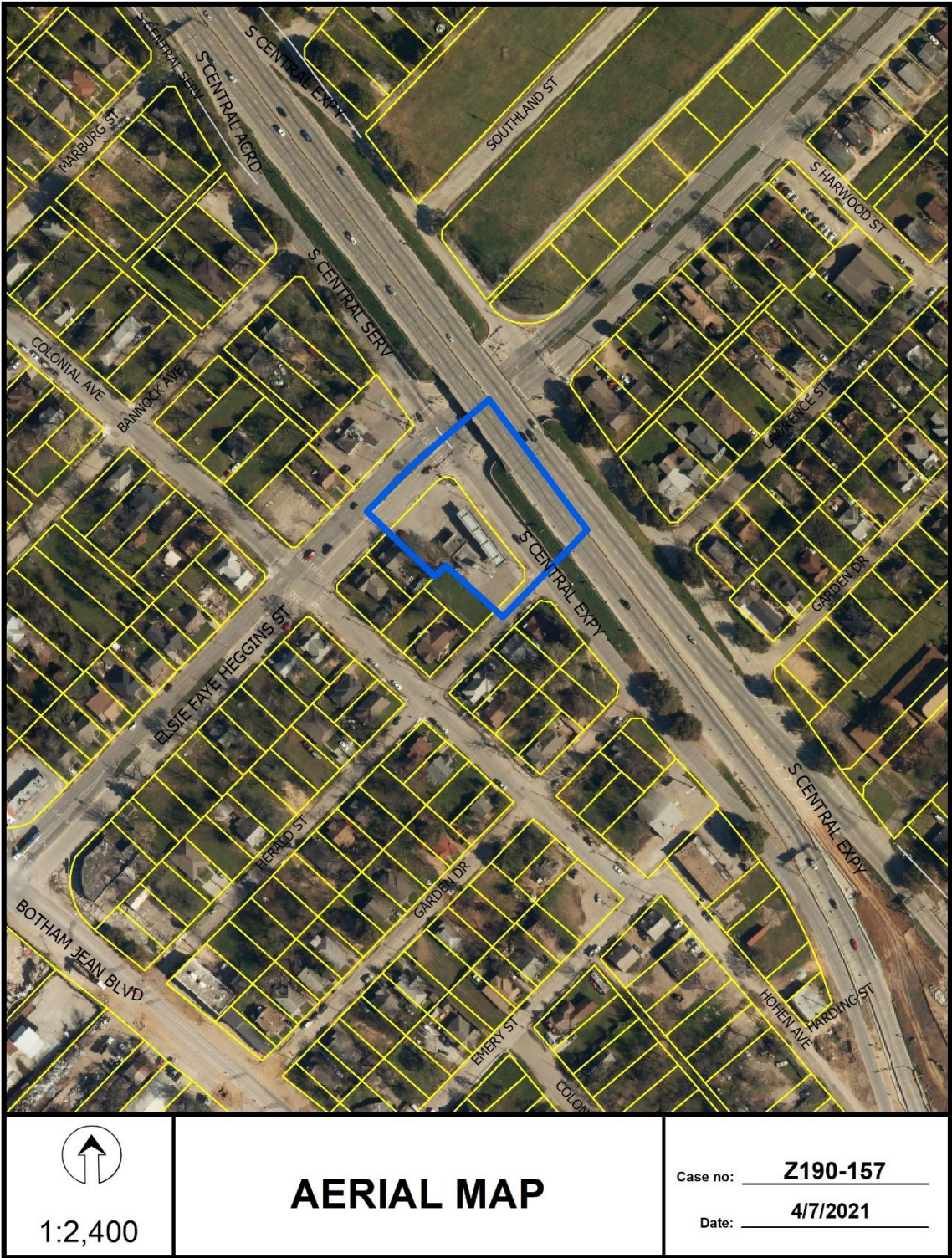
Specific Use Permit
No. 2021

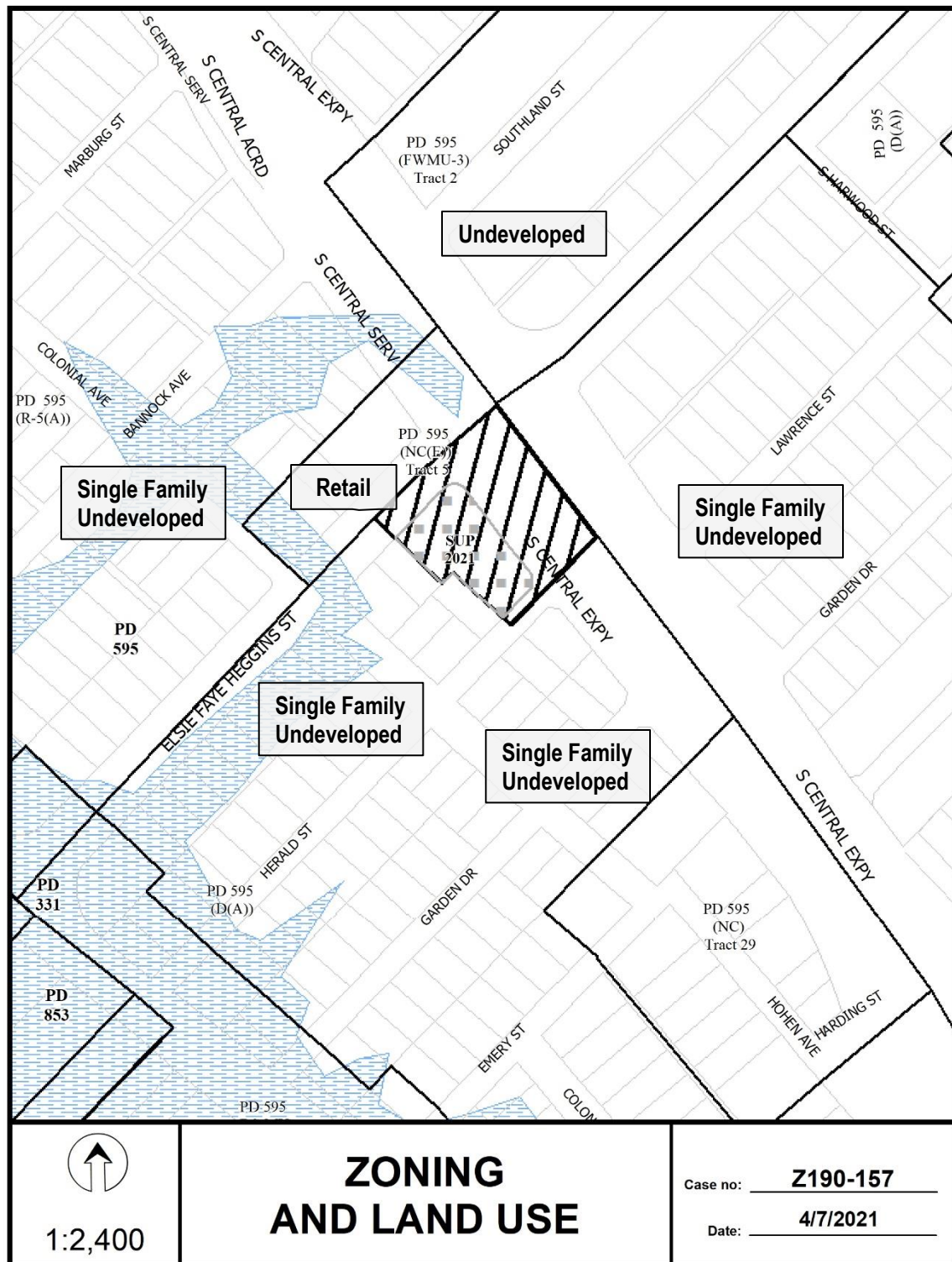
Approved
City Plan Commission
February 21, 2013

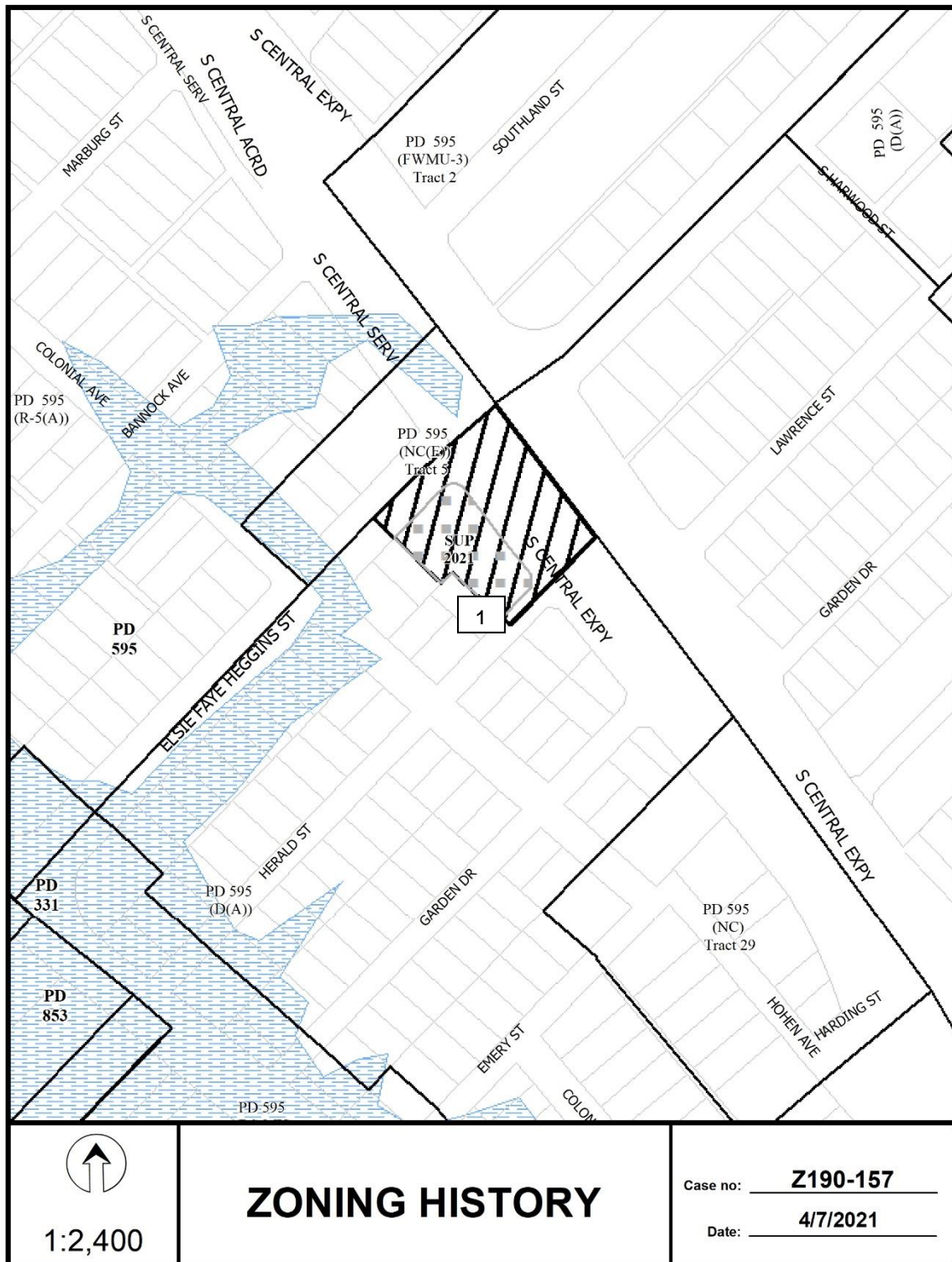
Z190-157(CT)

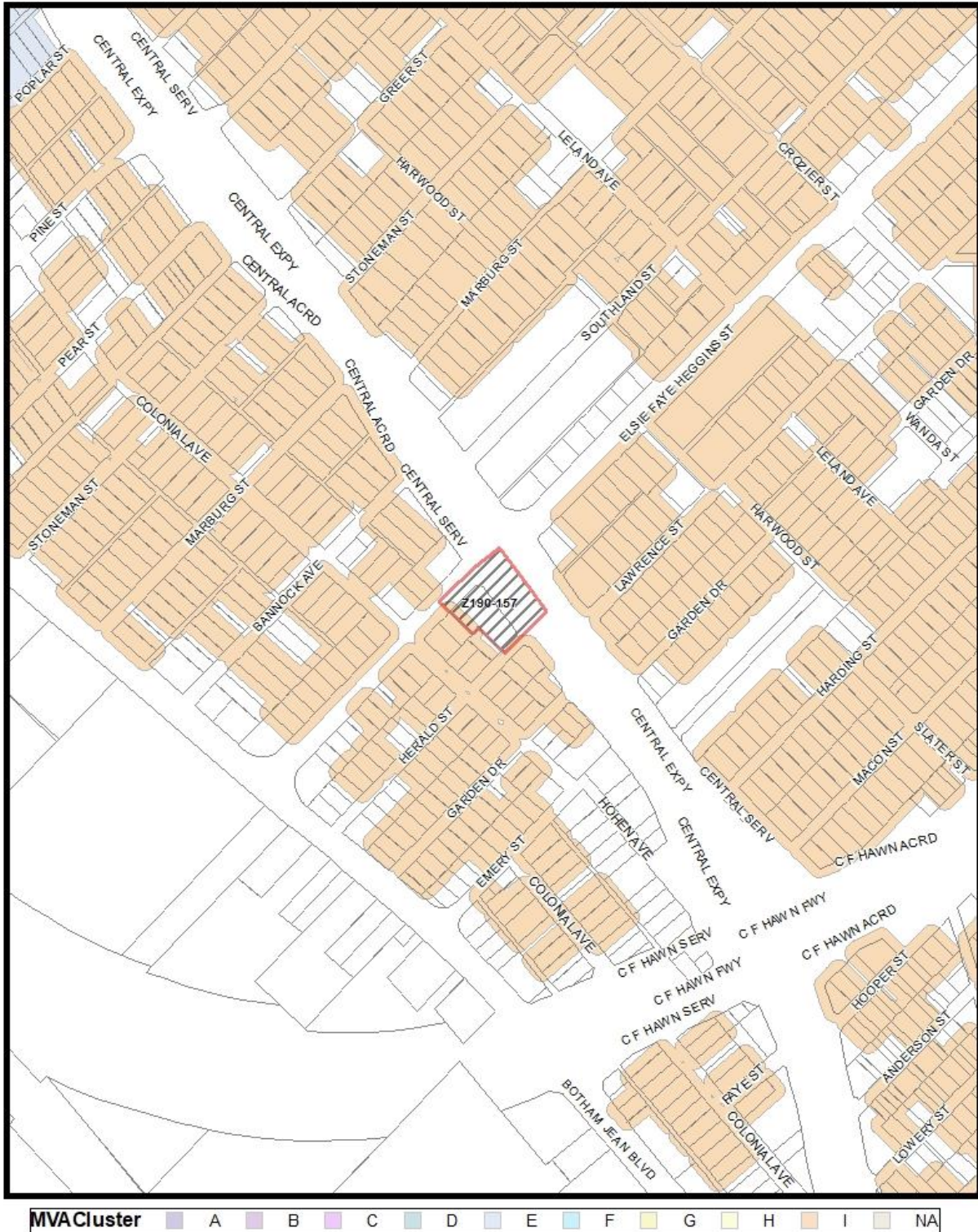


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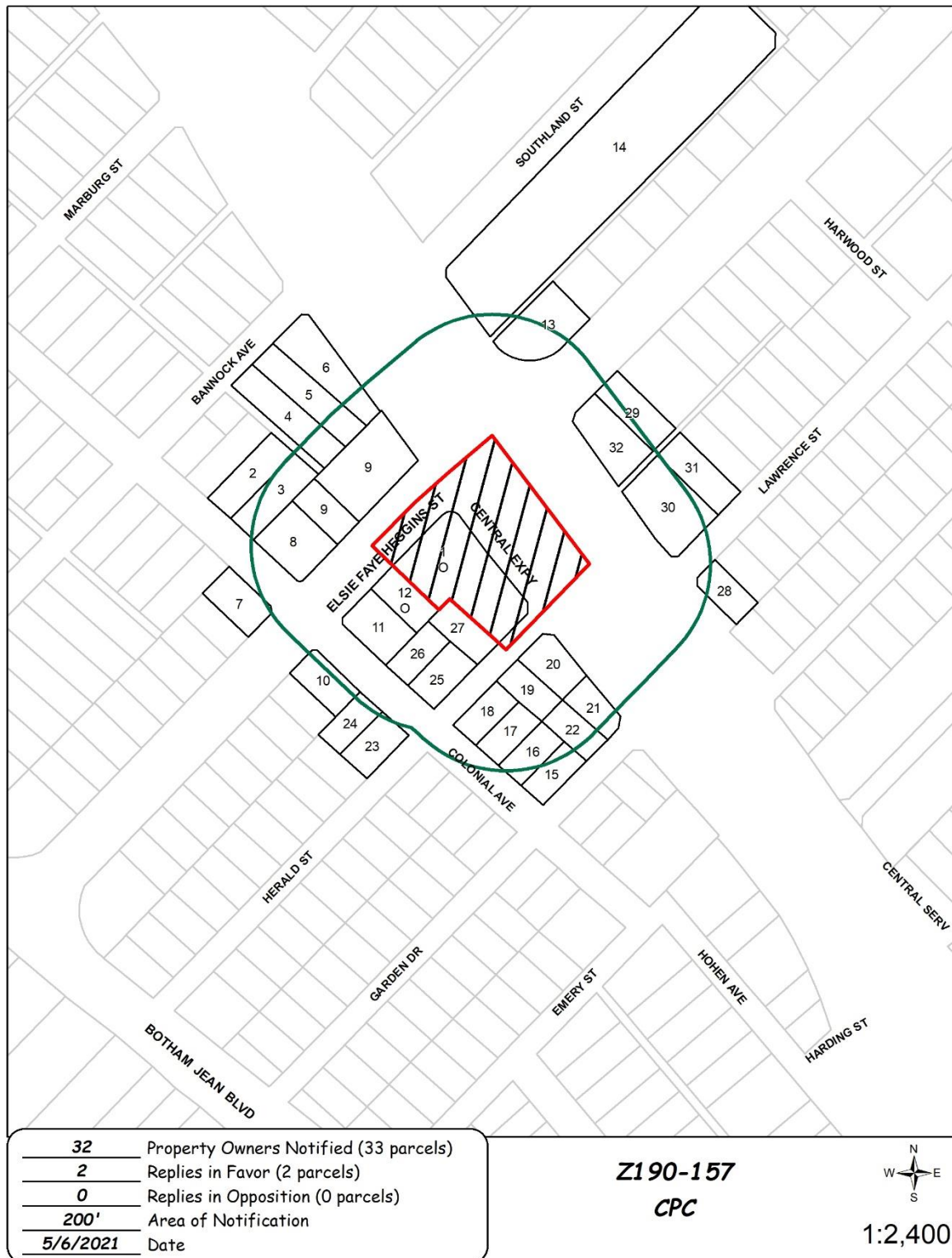




Market Value Analysis

Printed Date: 4/7/2021

CPC RESPONSES



05/05/2021

Reply List of Property Owners***Z190-157******32 Property Owners Notified 2 Property Owners in Favor 0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	4707 S CENTRAL EXPY	PERVAIZ FAHMINA
	2	4610 COLONIAL AVE	Taxpayer at
	3	4614 COLONIAL AVE	NORVILLE HOMER L
	4	1714 BANNOCK AVE	QUEZADA HUGO
	5	1718 BANNOCK AVE	VENTURA ALBERTO GARCIA
	6	1728 BANNOCK AVE	WARIS ZISHAN
	7	1645 ELSIE FAYE HEGGINS ST	THOMPSON MELVIN LLOYD
	8	1705 ELSIE FAYE HEGGINS ST	EDINBYRD CHERYL
	9	1709 ELSIE FAYE HEGGINS ST	JONES W J
	10	1646 ELSIE FAYE HEGGINS ST	VASQUEZ JOSE ORTEGA & MARIA CHRISTINA FRANCO M
	11	1704 ELSIE FAYE HEGGINS ST	CALHOUN LASHONDA RENEE
O	12	1708 ELSIE FAYE HEGGINS ST	BRADLEY DOROTHY
	13	2209 ELSIE FAYE HEGGINS ST	IMBROGLIO INC
	14	2202 SOUTHLAND ST	KKBK ACQUISITIONS LLC
	15	4814 COLONIAL AVE	PONCE ELIAS
	16	4810 COLONIAL AVE	LAGOW DEVELOPMENT PROJECT LLC
	17	4804 COLONIAL AVE	HERNANDEZ ELSA
	18	4800 COLONIAL AVE	PITTS JAMES E &
	19	1710 HERALD ST	THOMAS VALERIE R
	20	1714 HERALD ST	EVANS WANDA M
	21	1715 GARDEN DR	NEW WAVE HOLDINGS LLC
	22	1709 GARDEN DR	MULLIN WRAYLONTA &
	23	4725 COLONIAL AVE	CABALLERO ANTONIO
	24	4715 COLONIAL AVE	PORTILLO FRANSISCO
	25	4718 COLONIAL AVE	DAVIS RANDOLPH & EVELYN H
	26	4714 COLONIAL AVE	ALLEN JOE

Z190-157(CT)

05/05/2021

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	1711 HERALD ST	Taxpayer at
	28	2210 LAWRENCE ST	EVERETT SHARON
	29	2206 ELSIE FAYE HEGGINS ST	BELIEVING & FOLLOWING IN
	30	2215 LAWRENCE ST	THAMES REAL ESTATE INC
	31	2219 LAWRENCE ST	PEARL CALVIN L LIFE ESTATE
	32	2202 ELSIE FAYE HEGGINS ST	BELIEVING & FOLLOWING IN