HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MAY 24, 2023**
ACM: Majed Al-Ghafry

FILE NUMBER: Z223-131(AU) **DATE FILED:** November 15, 2022

LOCATION: West corner of Lemmon Avenue and Herschel Avenue

COUNCIL DISTRICT: 14

SIZE OF REQUEST: Approx. 0.44 Acres **CENSUS TRACT:** 48113000608

OWNER/APPLICANT: 4401 Lemmon Avenue, LLC

REPRESENTATIVE: Aaron Hawkins

REQUEST: An application for a Specific Use Permit for a drive-through restaurant on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.

SUMMARY: The purpose of the request is to allow the redevelopment of the property with a drive-through restaurant.

CPC RECOMMENDTAION: **Denial without prejudice.**

STAFF RECOMMENDATION: **Approval** for a five-year period, subject to a site plan and conditions.

PD No. 193:
https://dallascityhall.com/departments/city-attorney/pages/articles-data.aspx?pd=193-I

BACKGROUND INFORMATION:

- The area of request is currently zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District. The GR Subdistrict allows the use by Specific Use Permit.
- The property is currently developed with a vacant 2,160-square-foot-office building. The most recent certificate of occupancy was issued on April 24, 2009 for an office use (Money Max).
- The applicant proposes to redevelop the site with an 820-square-foot drive-through restaurant, which will be served by a dual drive-through lane design. The restaurant will have a walk-up window and will contain no inside seating areas.
- On January 18,2023, the Board of Adjustment approved an application for a variance to the off-street parking regulations to provide only four of the required eight off-street parking spaces, subject to a site plan.

Zoning History:

There has been no recent zoning activity in the area within the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Lemmon Avenue	Principal Arterial	90 feet/90 feet ROW
Herschel Avenue	Local Street	50 feet ROW

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system. Staff will continue review of engineering plans at permitting to comply with city standards.

STAFF ANALYSIS:

Area Plan:

The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

(1) To achieve buildings more urban in form.

(2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.

(3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.

(4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.

(5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.

(6) To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.

(7) To promote landscape/streetscape quality and appearance.

While applicant's proposal to develop the site with an auto-oriented use is not completely consistent with objectives one (1) and three (3), the applicant proposes elements to ensure compatibility with surrounding development and to encourage walkability, consistent with objectives four (4), six (6) and seven (7). Specifically, the site plan layout ensures the frontage along Lemmon Avenue is multimodal and pedestrian safe, by indicating just one driveway along Lemmon Avenue, 15 feet wide, a six-foot sidewalk, street and side landscape buffers, and an area for a bus shelter for transit. The proposed site plan includes a walk-up window with direct access from Lemmon Avenue sidewalk. A screening wall is proposed along the rear property line, along the alley that is separating the area of request from the adjacent single family neighborhood.

Surrounding Land Uses:

	Zoning	Land Use
Site	GR Subdistrict in PDD No. 193	Vacant building
Northwest	GR Subdistrict in PDD No. 193	Retail, Restaurant, Office
North	GR Subdistrict in PDD No. 193	Medical office
Northeast	GR Subdistrict in PDD No. 193	Retail
East	GR Subdistrict in PDD No. 193	Restaurant without drive-through
Southeast	GR Subdistrict in PDD No 193	Restaurant with drive-though
South Southwest	CD 16 – Conservation District Rawlins, SUP No. 1232	Single family; Private street

Land Use Compatibility:

The area of request contains a 2,160-square-foot building, currently vacant. The applicant proposes to redevelop the site with an 820-square-foot drive-through restaurant, which

will be served by a dual drive-through lane design. The restaurant will have a walk-up window and will contain no inside seating areas. The request site is surrounded by a combination of retail, office, restaurant with and without drive-through windows, personal service uses along Lemmon Avenue; and by single family uses on the west and southwest in the rear of the property. Herschel Avenue dead-ends at the site; therefore, the commercial and residential type of traffic patterns are separated. The site is separated by alley from the single family uses.

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.

Considering:

- the development pattern of the area, with a combination of more pedestrian-friendly uses and layout and some car-oriented layout along Lemmon Avenue,
- the separation from the adjacent neighborhood and the screening wall proposed along the rear property line,
- provisions contained in PD No. 193 regarding outdoor loudspeakers that ensure minimum disturbance to the residential adjacency,

Staff considers the proposal compatible with the existing development pattern of the area. Staff recommends approval for a for a five-year period, subject to a site plan and conditions. The time period recommendation is intending to allow the SUP to be reevaluated together with the surrounding areas after a consistent period of time that allows the proposal to be developed and continued operation for few years.

Landscaping:

Landscaping must be provided in accordance with the landscaping requirements of PD No. 193, the Oak Lawn Special Purpose District. The proposed site plan layout ensures the possibility to comply with landscape requirements per PD No. 193.

Parking:

Pursuant to PD No. 193, a drive-through restaurant requires one (1) space per 100 square feet of floor area. Therefore, the proposed ±820-square-foot restaurant requires 8 spaces. On January 18, 2023, the Board of Adjustment approved an application for a variance to the off-street parking regulations to provide only four of the required eight off-street parking spaces, subject to a site plan. PD No. 193 does not dictate specific stacking requirements. However, the stacking depicted on the site plan complies and is acceptable for staff.

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. The site is not within an identifiable MVA cluster. However, the site is located adjacent to a “C” MVA cluster to the southwest. A “D” MVA cluster is located further to the southeast.

List of Partners

4401 Lemmon Avenue, LLC
Charlie Corson
Robert Williams

CPC Action
March 23, 2023

Motion: It was moved to recommend **denial without prejudice** of a Specific Use Permit for a drive-through restaurant on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, at the west corner of Lemmon Avenue and Herschel Avenue.

Maker: Kingston
Second: Hampton
Result: Carried: 11 to 1

For: 11 - Hampton, Herbert, Anderson, Shidid, Carpenter, Blair, Jung, Treadway, Haqq*, Kingston, Rubin

Against: 1 - Wheeler-Reagan
Absent: 2 - Housewright, Stanard
Vacancy: 1 - District 1

*out of the room, shown voting in favor

Friendly Amendment: Vice Chair Rubin offered an amendment to the motion to deny without prejudice. Commissioner Kingston accepted Vice Chair Rubin amendment.

Notices:	Area:	200	Mailed:	18
Replies:	For:	1	Against:	0

Speakers: For: David Grates, 2215 Cedar Spring Rd., Dallas, TX, 75201
Against: None

Proposed SUP Conditions

1. USE: The only use authorized by this specific use permit is a drive-through restaurant.

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_____, (five-year period from the passage of this ordinance).

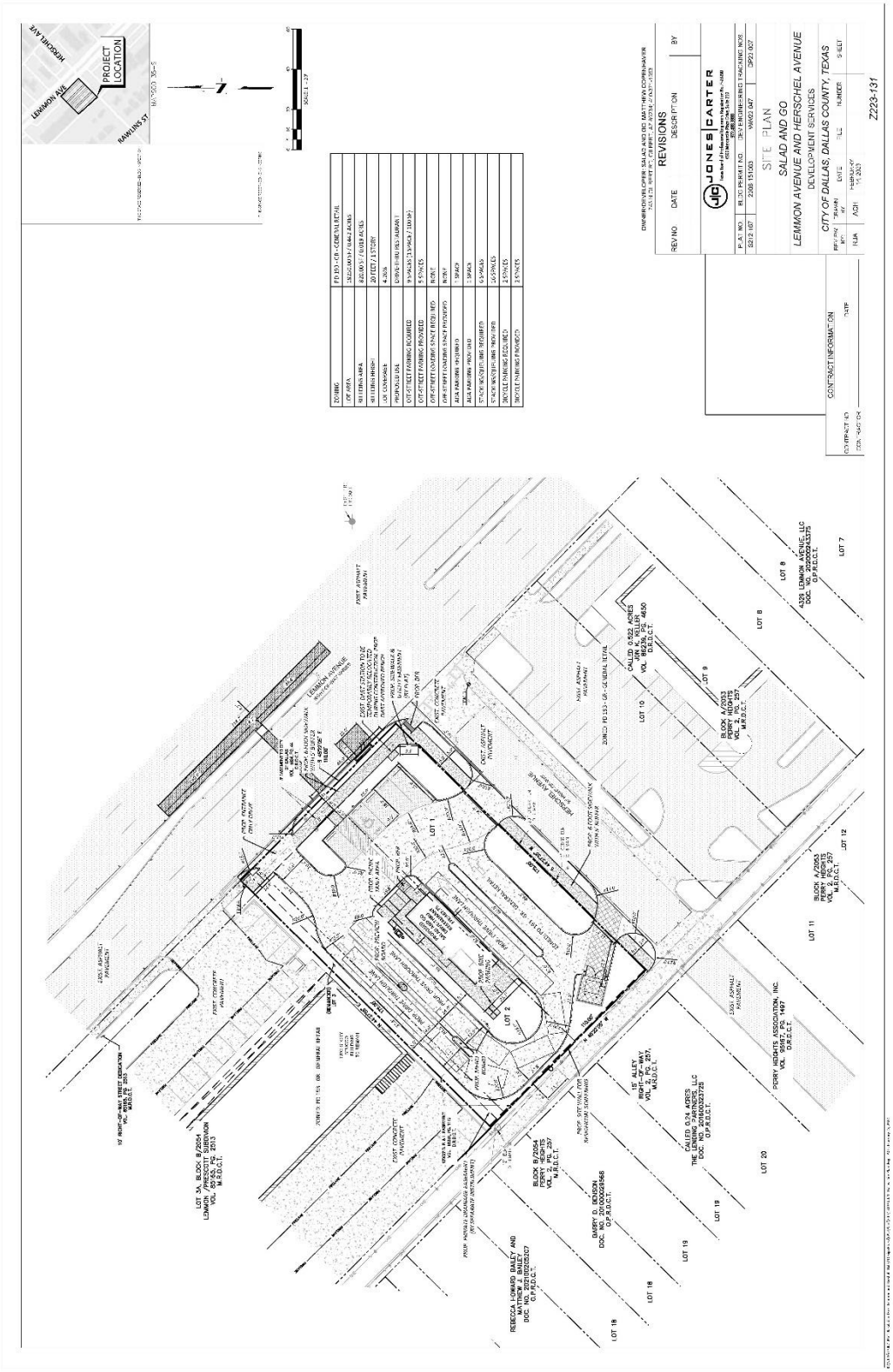
4. MAXIMUM FLOOR AREA: The maximum floor area for drive-through restaurant is 820 square feet in the location shown on the attached site plan.

5. INGRESS-EGRESS: Ingress and egress must be provided as shown on the attached site plan. No other ingress or egress is permitted.

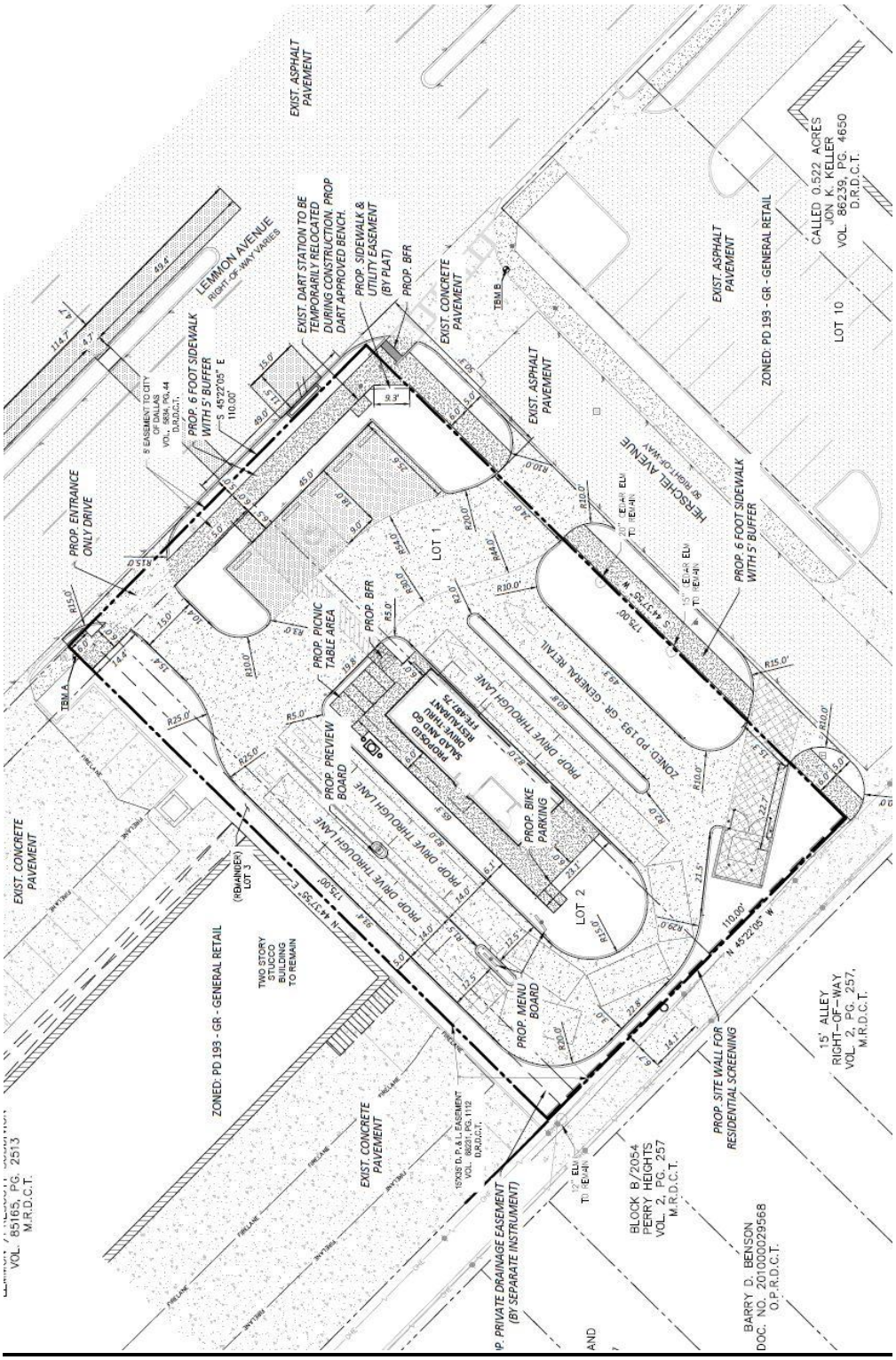
6. MAINTENANCE: The entire Property must be properly maintained in a state of good repair and neat appearance.

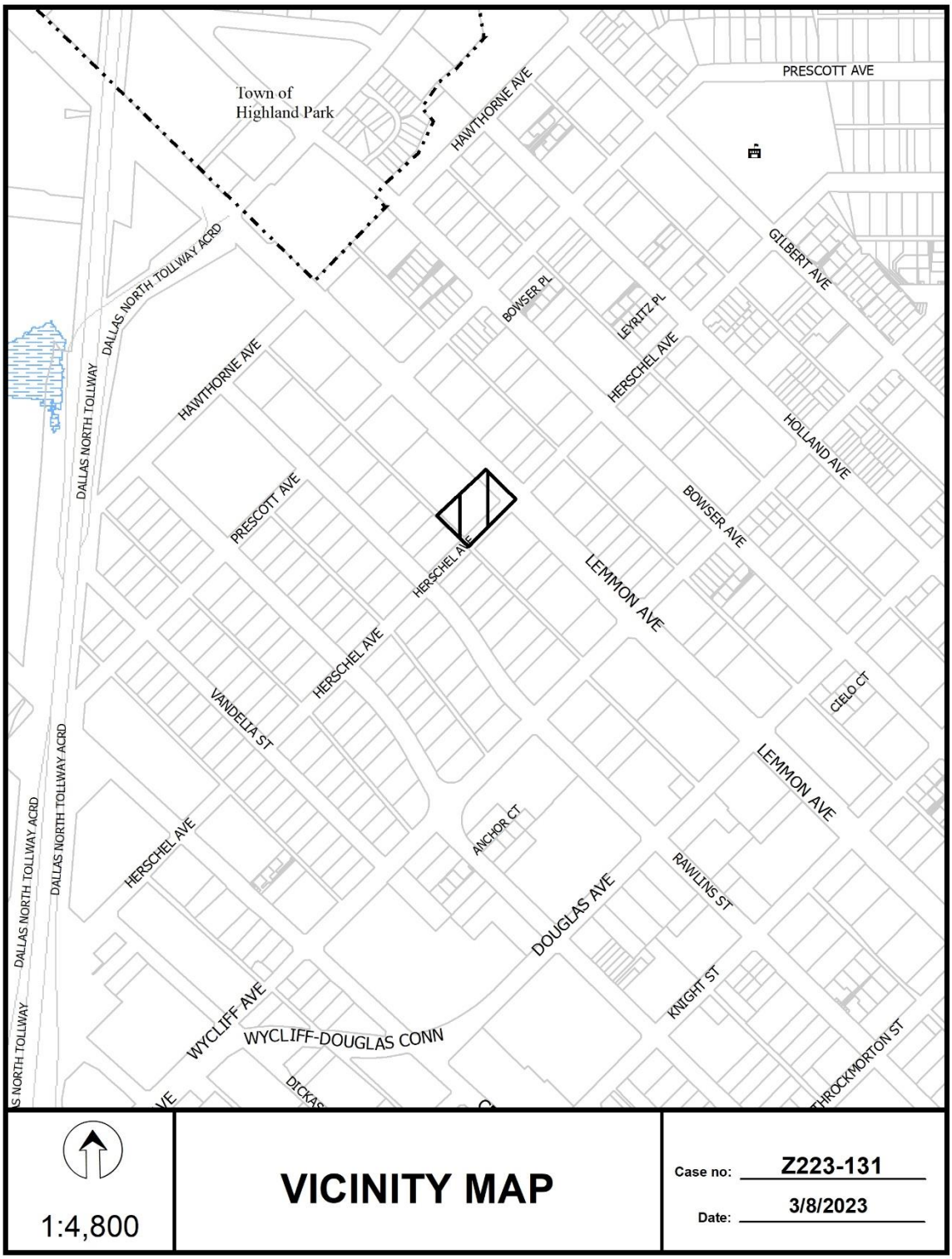
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas

Proposed Site Plan



Proposed Site Plan
(enlarged)




Town of
Highland Park
PRESCOTT AVE
HAWTHORNE AVE
GILBERT AVE
BOWSER PL
LEYRITZ PL
HERSCHEL AVE
HOLLAND AVE
DALLAS NORTH TOLLWAY ACRD
DALLAS NORTH TOLLWAY
HAWTHORNE AVE
PRESCOTT AVE
BOWSER AVE
HERSCHEL AVE
LEMMON AVE
VANDELIA ST
HERSCHEL AVE
CIELO CT
LEMMON AVE
ANCHOR CT
HERSCHEL AVE
RAWLINS ST
DOUGLAS AVE
KNIGHT ST
WYCLIFF AVE
WYCLIFF-DOUGLAS CONN
THROCKMORTON ST
1:4,800
VICINITY MAP
Case no: Z223-131
Date: 3/8/2023

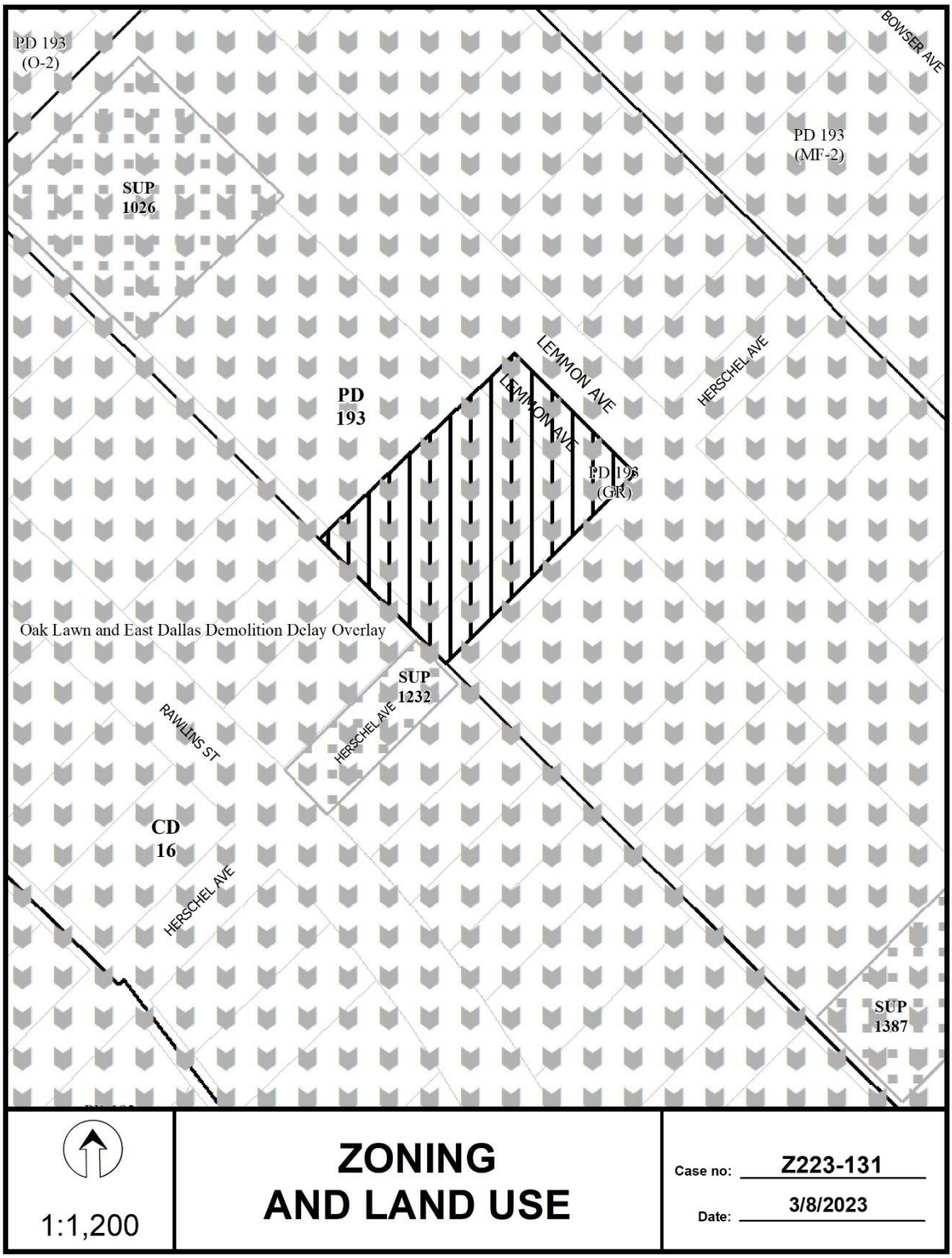


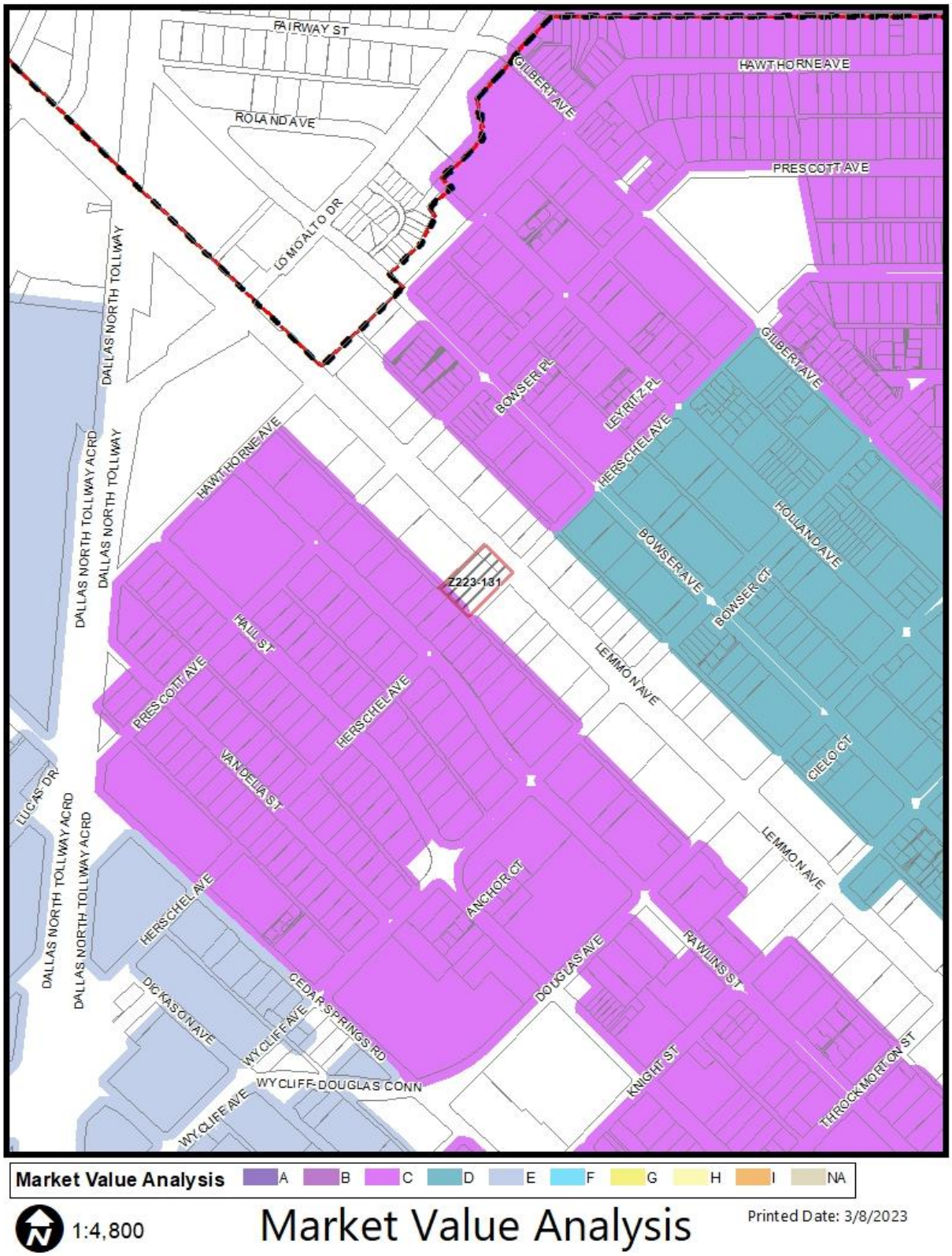
1:1,200

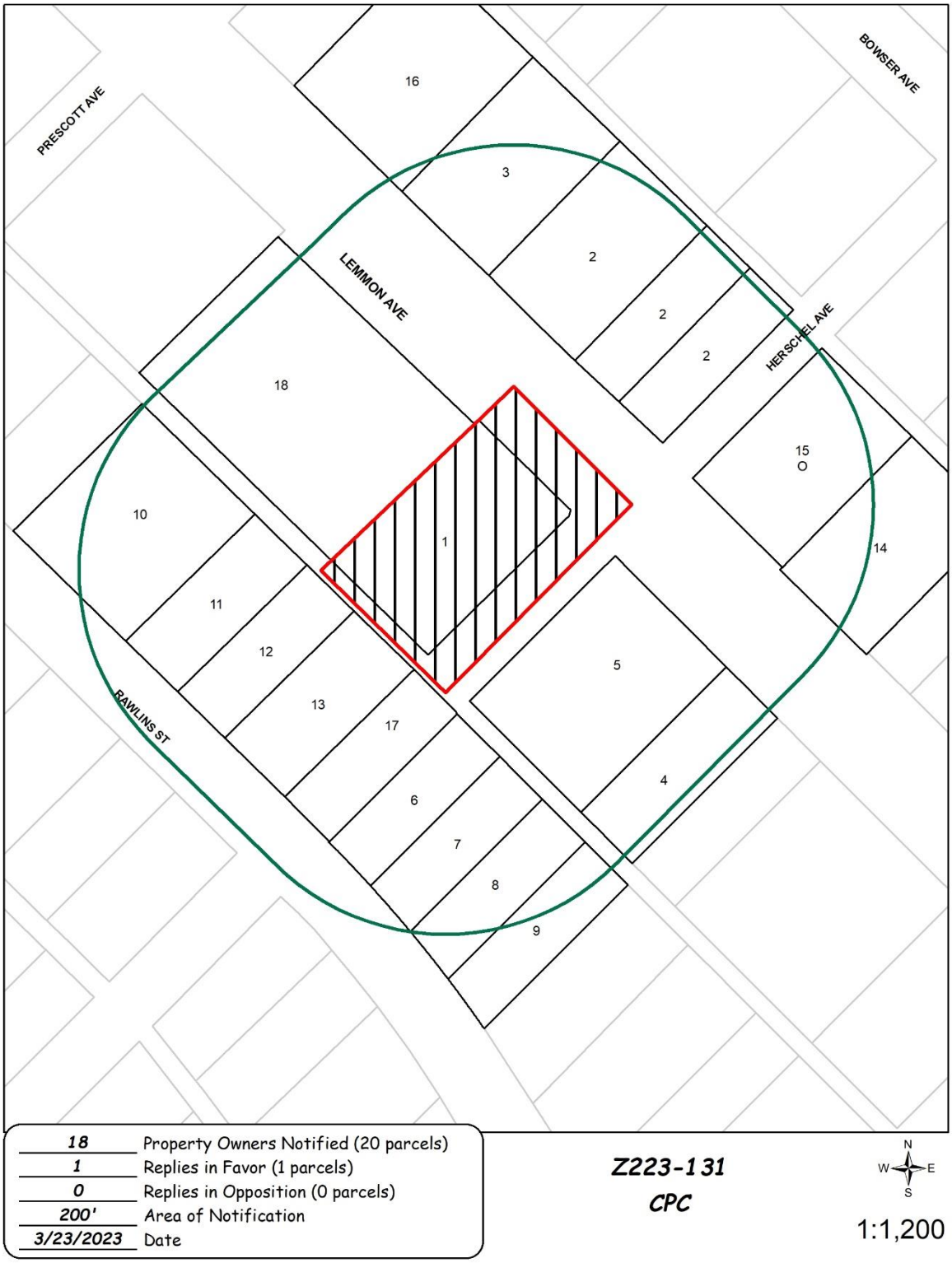
AERIAL MAP

Case no: Z223-131

Date: 3/8/2023


PD 193
(O-2)
BOWSER AVE
PD 193
(MF-2)
SUP
1026
LEMMON AVE
HERSCHEL AVE
PD
193
LEMMON AVE
PD 193
(GR)
Oak Lawn and East Dallas Demolition Delay Overlay
SUP
1232
HERSCHEL AVE
RAWLINS ST
CD
16
HERSCHEL AVE
SUP
1387
1:1,200
ZONING
AND LAND USE
Case no: Z223-131
Date: 3/8/2023


FAIRWAY ST
ROLAND AVE
LOMO ALTO DR
DALLAS NORTH TOLLWAY
DALLAS NORTH TOLLWAY ACRD
GILBERT AVE
HAWTHORNE AVE
PRESCOTT AVE
BOWSER PL
LEYRITZ PL
HERSCHEL AVE
HOLLAND AVE
BOWSER AVE
BOWSER CT
Z223-131
HALL ST
LEMMON AVE
VANDELIA ST
CIELO CT
LUCAS DR
ANCHOR CT
DOUGLAS AVE
RAWLINS ST
DICKASON AVE
CEDAR SPRINGS RD
WYCLIFF AVE
WYCLIFF-DOUGLAS CONN
KNIGHT ST
THROCKMORTON ST
Market Value Analysis
A
B
C
D
E
F
G
H
I
NA
1:4,800
Market Value Analysis
Printed Date: 3/8/2023


PRESCOTT AVE
BOWSER AVE
LEMMON AVE
HERSCHEL AVE
RAWLINS ST
16
3
2
2
2
18
10
1
15
O
14
11
12
13
17
5
4
6
7
8
9
18 Property Owners Notified (20 parcels)
1 Replies in Favor (1 parcels)
0 Replies in Opposition (0 parcels)
200' Area of Notification
3/23/2023 Date
Z223-131
CPC
N
W
E
S
1:1,200

03/08/2023

Notification List of Property Owners

Z223-131

18 Property Owners Notified

Label #	*Address*		*Owner*
1	4401	LEMMON AVE	4401 LEMMON AVENUE LLC
2	4402	LEMMON AVE	CCCP LLC
3	4416	LEMMON AVE	JRXL INC
4	4329	LEMMON AVE	4329 LEMMON AVENUE LLC
5	4341	LEMMON AVE	KELLER JON K
6	4338	RAWLINS ST	KINNEY DELANE R &
7	4334	RAWLINS ST	SINKULE DARYL JOHN LIV TR &
8	4330	RAWLINS ST	ALCOCER FERNANDO
9	4326	RAWLINS ST	HORN WILLIAM C &
10	4420	RAWLINS ST	DURANTE MICHAEL P
11	4412	RAWLINS ST	BAILEY REBECCA HOWARD &
12	4406	RAWLINS ST	BENSON BARRY D &
13	4402	RAWLINS ST	KING WILLIAM S &
14	4330	LEMMON AVE	CHIPOTLE MEXICAN GRILL
15	4334	LEMMON AVE	CM LEMMON I LP
16	4428	LEMMON AVE	IS TEX FAMILY PS LP
17	4340	RAWLINS ST	PERRY HTS NEIGHBORHOOD
18	4411	LEMMON AVE	PARKLANE INVESTMENTS INC