

**FILE NUMBER:** M234-014(TB)

**DATE FILED:** December 11, 2023

**LOCATION:** South line of Bruton Road at the terminus of Scammel Drive

**COUNCIL DISTRICT:** 5

**SIZE OF REQUEST:** ± 0.4855 acres

**CENSUS TRACT:** 48113009204

**MISCELLANEOUS DOCKET ITEM**

**REPRESENTATIVE:** Victor Castro, BTR Construction Group LLC

**OWNER/ APPLICANT:** Rosalba Betancur Garcia and Noe Moises Santoyo

**REQUEST:** An application for a minor amendment to existing site plan for Specific Use Permit No. 2441 for a restaurant without drive-in or drive-through service on property zoned an NO(A) Neighborhood Office District with a D-1 Liquor Control Overlay.

**STAFF RECOMMENDATION:** Approval

**BACKGROUND INFORMATION:**

On January 26, 2022 the Dallas City Council established Specific Use Permit No. 2441, by Ordinance No. 32127 for a restaurant without drive-in or drive-through service.

The site plan and use of the property must comply with the site plan within the ordinance. If there is a conflict between the text of the article and the site plan, the text of the article controls.

**REQUEST DETAILS:**

The purpose of this request is to allow for the reconfiguration of the parking. The applicant is proposing to remove a previous (not constructed) drive approach shown on the site plan and reconfigure the parking.

Upon review of the proposed SUP site plan, staff has determined that the request complies with the requirements set forth by the Specific Use Permit conditions and does not impact any other provisions of the ordinance permitting this use.

This is not a change in zoning request and no changes to the existing zoning standards can be considered. The only purpose of this hearing is to determine if the proposed site plan amendment complies with the standards established for minor amendments. The City code requires that if the plan amendment complies with the standards for a minor amendment, the plan shall be approved.

Staff has determined that the request meets the minor amendment criteria for an SUP site plan does not violate other applicable code requirements.

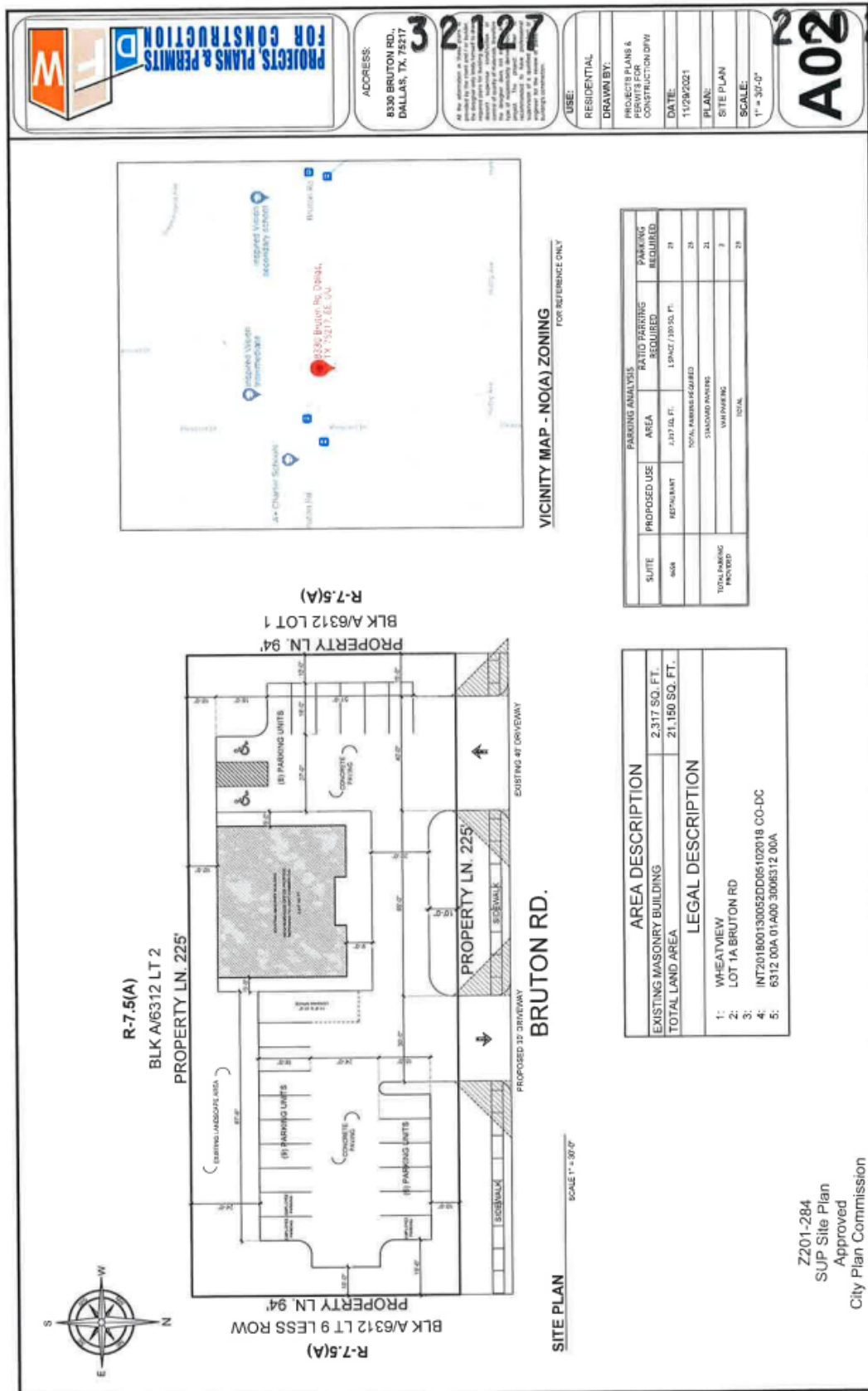
M234-014(TB)

List of Officers
------------------

Rosalba Betancur Garcia – owner

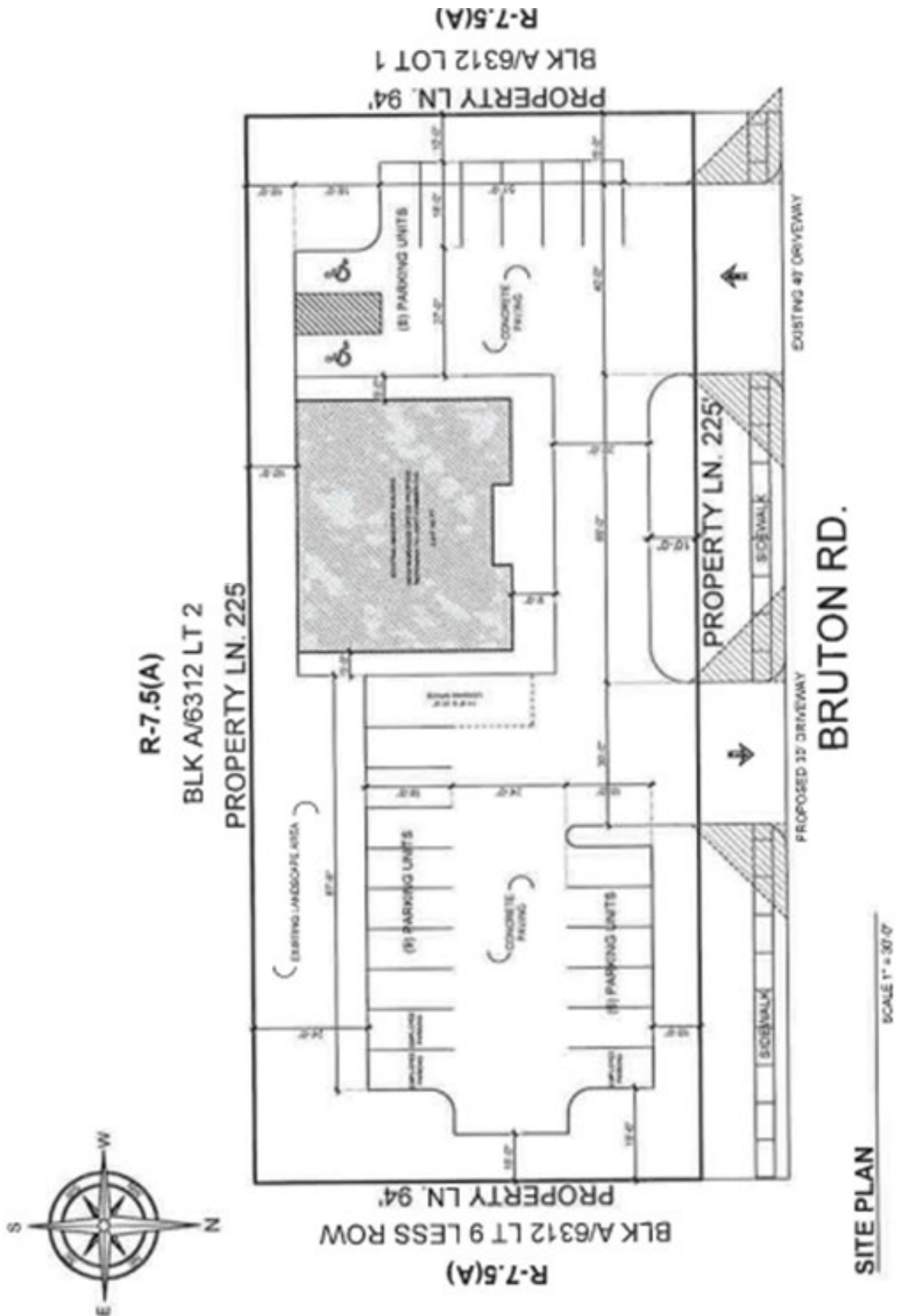
Noe Moises Santoyo - owner

## Existing Site Plan

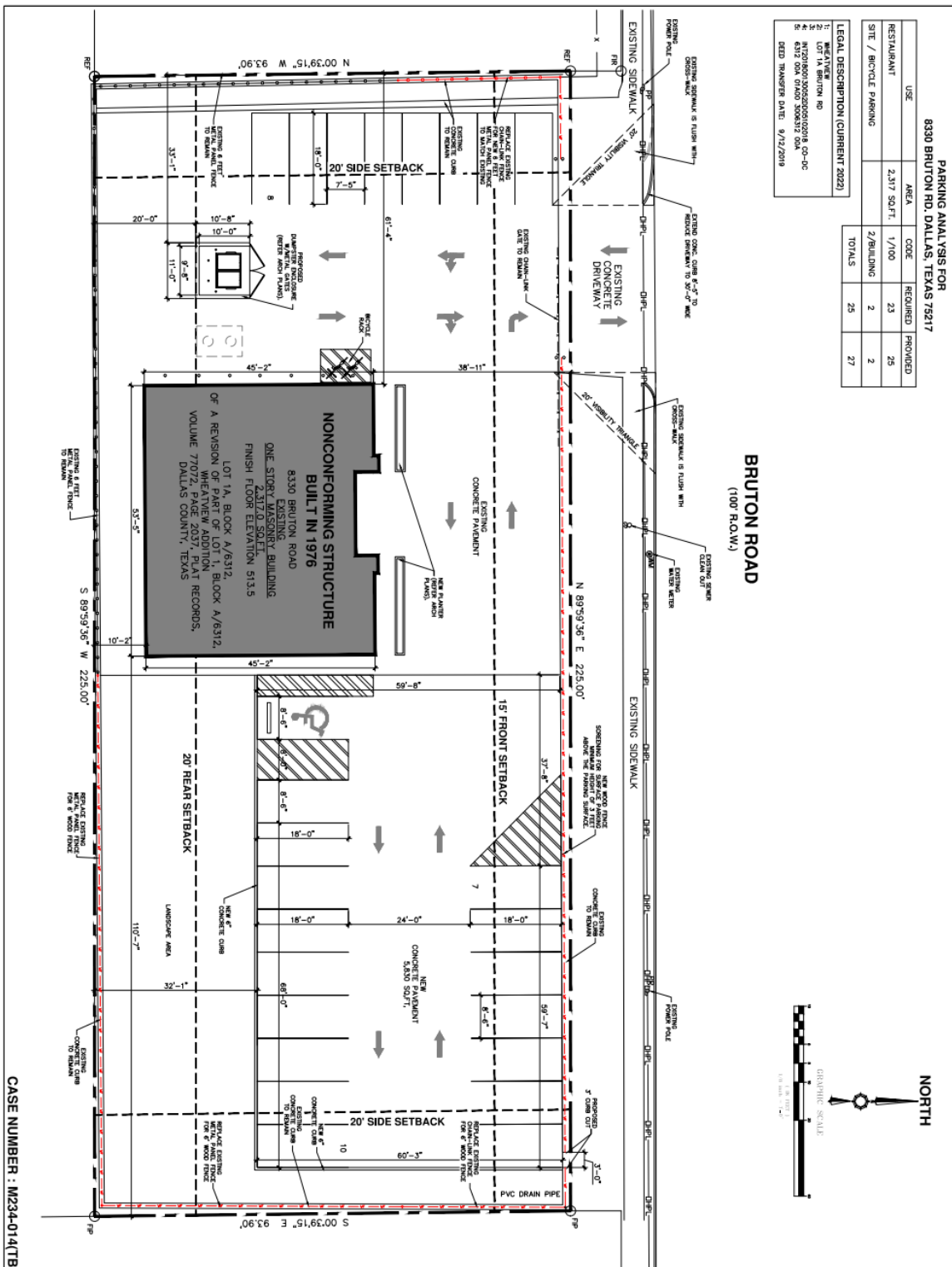


Z201-284  
SUP Site Plan  
Approved  
City Plan Commission  
January 26, 2021

Existing Site Plan - Enlarged



## Proposed Site Plan





SUP Conditions

220265

1-12-22

ORDINANCE NO. 32127

An ordinance amending the zoning ordinances of the City of Dallas by permitting the following property, which is presently zoned as an NO(A) Neighborhood Office District with a D-1 Liquor Control Overlay:

BEING Lot 1A in City Block A/6312; fronting approximately 222 feet along the south line of Bruton Road east of Pleasant Drive; and containing approximately 0.485 acre,

to be used under Specific Use Permit No. 2441 for a restaurant without drive-in or drive-through service; providing that this specific use permit shall be granted subject to certain conditions; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this specific use permit; and

WHEREAS, the city council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the city council finds that it is in the public interest to grant this specific use permit, subject to certain conditions; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:



SUP Conditions

32127

220265

SECTION 1. That the zoning ordinances of the City of Dallas are amended to allow the following property ("the Property"), which is presently zoned as an NO(A) Neighborhood Office District with a D-1 Liquor Control Overlay, to be used under Specific Use Permit No. 2441 for a restaurant without drive-in or drive-through service:

BEING Lot 1A in City Block A/6312; fronting approximately 222 feet along the south line of Bruton Road east of Pleasant Drive; and containing approximately 0.485 acre.

SECTION 2. That this specific use permit is granted on the following conditions:

1. USE: The only use authorized by this specific use permit is a restaurant without drive-in or drive-through service.
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 January 26, 2025.
4. HOURS OF OPERATION: The restaurant without drive-in or drive-through service use may only operate between 6:00 a.m. and 11:00 p.m., Monday through Sunday.
5. INGRESS-EGRESS: Ingress and egress must be provided in the locations shown on the attached site plan. No other ingress or egress is permitted.
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.

SECTION 3. That all paved areas, permanent drives, streets, and drainage structures, if any, on the Property must be constructed in accordance with standard City of Dallas specifications, and completed to the satisfaction of the City of Dallas.

SECTION 4. That the building official shall not issue a building permit or a certificate of occupancy for a use authorized by this specific use permit on the Property until there has been full

SUP Conditions

220265

32127

compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 5. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 6. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 8. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

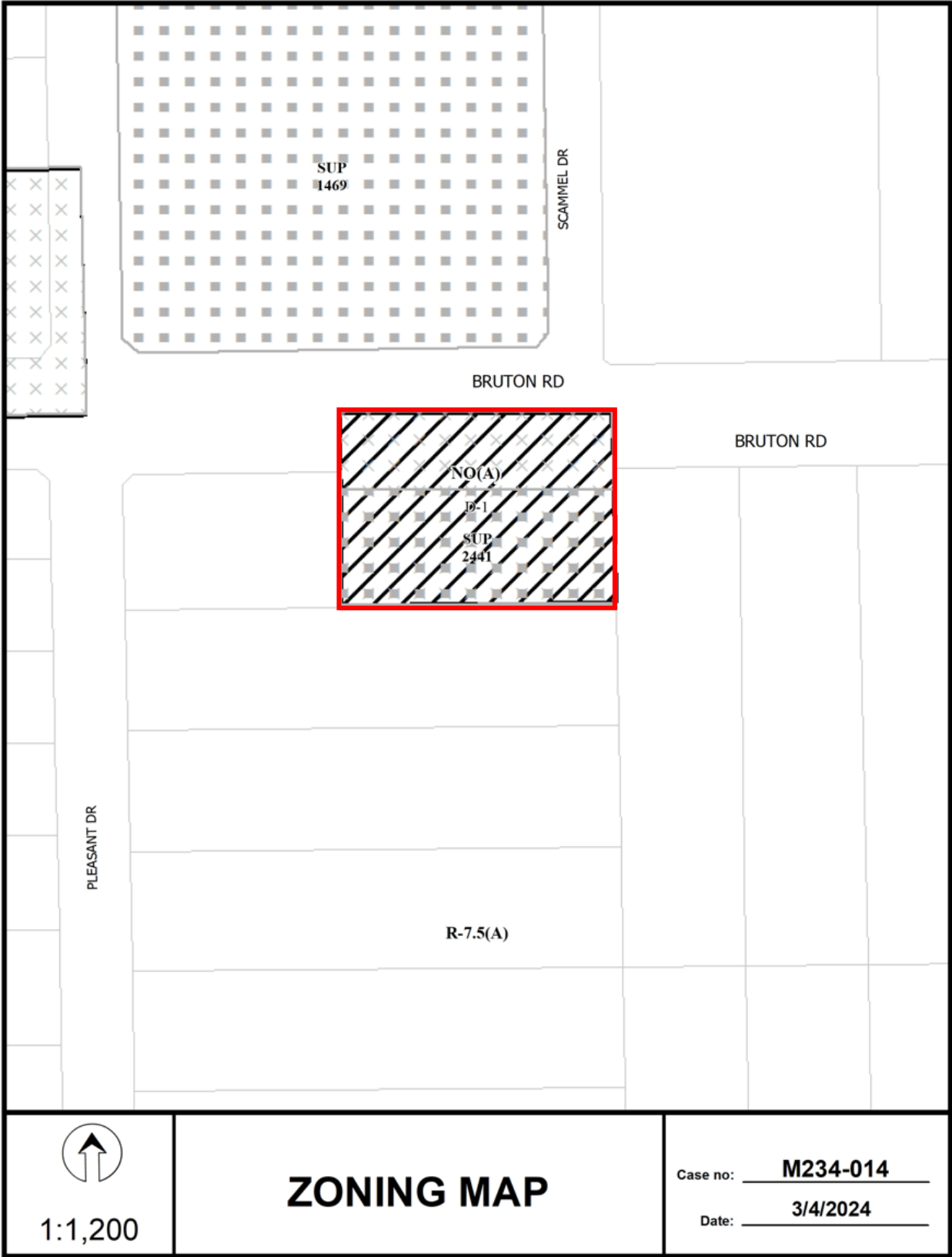
By Carolyn Buzard  
Assistant City Attorney

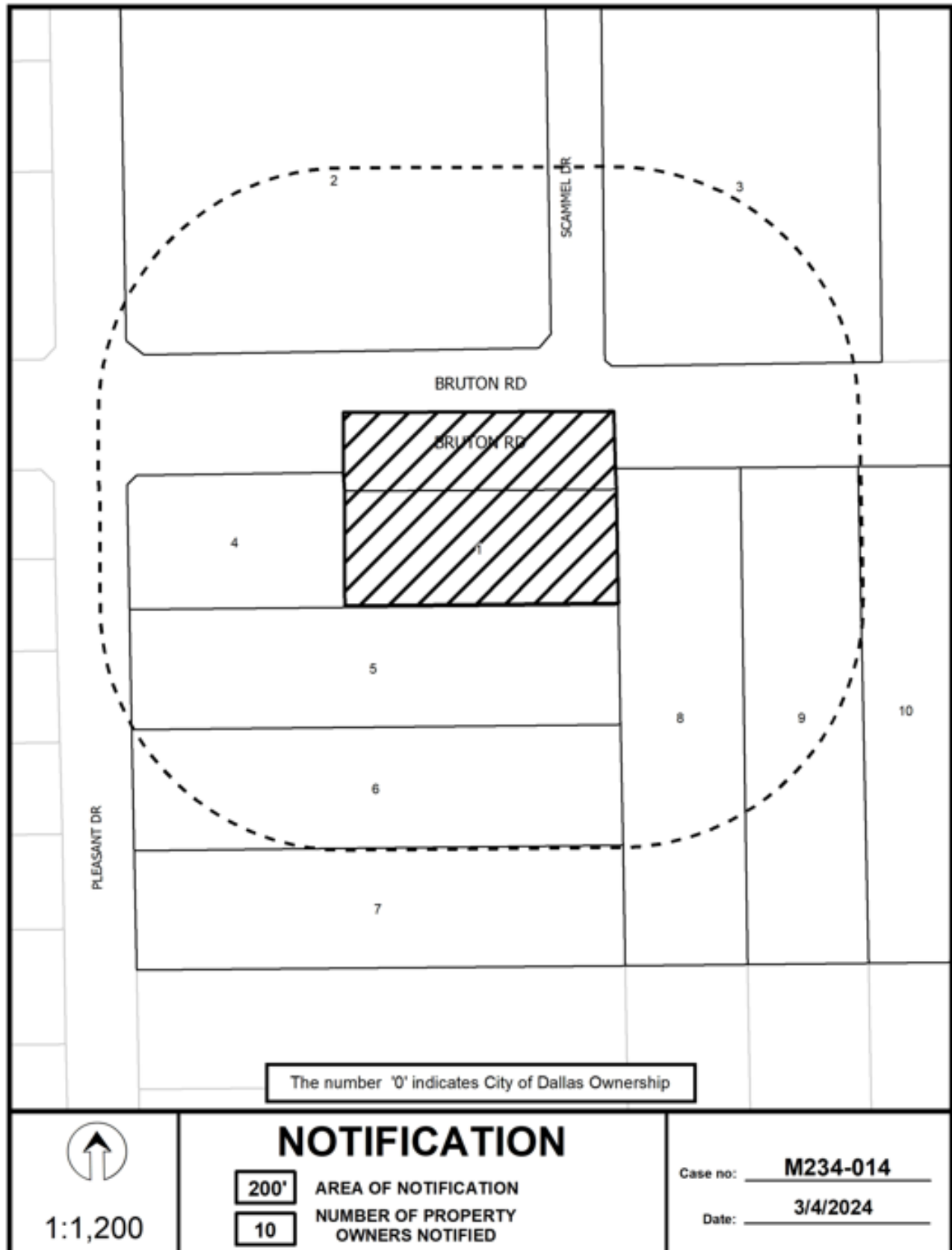
Passed JAN 26 2022



Aerial View







M234-014(TB)

03/04/2024

## ***Notification List of Property Owners***

***M234-014***

***10 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	8330 BRUTON RD	GARCIA ROSALBA BETANCOURT &
2	8301 BRUTON RD	PLEASANT MOUND
3	8335 BRUTON RD	GREATER MACEDONIA
4	2060 PLEASANT DR	UGWONALI FELIX C &
5	2050 PLEASANT DR	UGWONALI AZUKA AI
6	2044 PLEASANT DR	SOLIS TERESA
7	2036 PLEASANT DR	ALEMAN PROPERTIES INVESTMENT LLC
8	8336 BRUTON RD	ALEMAN PROPERTIES INV LLC
9	8348 BRUTON RD	GONZALEZ FRANCISCA
10	8406 BRUTON RD	MEDINA G MARCO ANTONIO