

**FILE NUMBER:** Z189-246(PD)

**DATE FILED:** April 17, 2019

**LOCATION:** West corner of South Buckner Boulevard and St. Francis Avenue

**COUNCIL DISTRICT:** 7

**MAPSCO:** 48 L

**SIZE OF REQUEST:** Approx. ± 3.0 acres

**CENSUS TRACT:** 0122.07

**REPRESENTATIVE:** Santos Martinez, La Sierra Planning Group

**APPLICANT/OWNER:** Sikka Investments LLC

**REQUEST:** An application for a **(1)** a CR Community Retail District with deed restrictions volunteered by the applicant; **(2)** the termination of Specific Use Permit No. 2235 for a motor vehicle fueling station use; and **(3)** a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less use on property zoned an NS(A)-D-1 Neighborhood Service District with a D-1 Liquor Control Overlay and Specific Use Permit No. 2235 for a motor vehicle fueling station use.

**SUMMARY:** The applicant proposes to 1) change the zoning to a CR Community Retail District to allow for the motor vehicle fueling station use by right and terminate SUP No. 2235 for a motor vehicle fueling station use; 2) volunteer deed restrictions to restrict uses allowed in the CR District and limit the maximum height to 35 feet for structures with a gable, hip or gambrel roof and to 30 feet for any other structure; and 3) allow an SUP for the sale of alcoholic beverages in conjunction with an existing general merchandise or food store 3,500 square feet or less.

**CPC RECOMMENDATION:** **Denial** of the zoning change to a CR Community Retail District with deed restrictions volunteered by the applicant; **denial** of the termination of existing Specific Use Permit No. 2235 for a motor vehicle fueling station use; and **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less use for a three-year period with eligibility of automatic renewals for additional five-year periods, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** **Denial** of the zoning change to a CR Community Retail District with deed restrictions volunteered by the applicant; **denial** of the termination of existing Specific Use Permit No. 2235 for a motor vehicle fueling station use; and **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less use for a two-year period with eligibility of automatic renewals for additional five-year periods, subject to a site plan and conditions.

**BACKGROUND:**

- On April 12, 2017, SUP No. 2235 for a motor vehicle fueling station was approved for a five-year period (expiration date of April 12, 2022) but is eligible for automatic renewals for additional five-year periods.
- The request site is approximately three acres or 130,636 square feet of land and developed with a general merchandise or food store greater than 3,500 square feet use. The use is developed with 18,652 square feet of floor area consisting of a 4,184 square foot laundromat use; a 3,272 square foot restaurant use; and, a 2,930 square foot convenience store with a 6,750 square foot canopied motor vehicle fueling station with 10 fuel pumps.
- On February 23, 2019, a Certificate of Occupancy (CO) DBA: Lucky Texan #8 – Fox Fuels #8; was issued for the aforementioned uses.
- The request site is located within the Urbandale/Parkdale NeighborUp target area to accelerate the GrowSouth vision and mobilize economic development.
- The retail and personal service use are permitted by right. The restaurant use is permitted subject to residential adjacency review. The motor vehicle fueling station and sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less use require SUPs in the NS(A) Neighborhood Service District.

**Zoning History:**

There have been three zoning changes in the area within the last five years.

1. **Z178-169:** On January 3, 2017, an application was submitted for a SUP for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet. The application was subsequently withdrawn on April 12, 2018.
2. **Z156-360:** On April 12, 2017, the City Council approved Specific Use Permit No. 2235 for a motor vehicle fueling station on property zoned an NS(A)-D-1 Neighborhood Service District with a D-1 Liquor Control Overlay.
3. **Z167-102** On January 25, 2017 the City Council approved an amendment to Specific Use Permit No. 1501 for a private recreation center, club, or area and private elementary school use to include a middle school and a high school and to revise the existing site plan on property zoned an R-7.5(A) Single Family District on property located on the south line of Samuel Boulevard, east of South Buckner Boulevard.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
Buckner Blvd.	Principal Arterial	107 feet
Eastpoint Dr.	Community Collector	60 feet

**Traffic:**

The Engineering Division of the Department of Sustainable Development and Construction 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 for a SUP for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less use is consistent with the following land use policy:

**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:**

NeighborUp is an independent collective impact nonprofit, convened to accelerate the GrowSouth vision and mobilize economic development in three target Southern Dallas neighborhoods. These neighborhoods are: 1) Red Bird from I-35 to S. Cockrell Hill Rd. 2) Parkdale/Urbandale, a far southeast Dallas neighborhood, and 3) The Education Corridor between Paul Quinn College on the east and the University of North Texas-Dallas on the west. Neighbor Up serves as a new tool to attack poverty and stimulate growth and improvement in Southern Dallas.

Goals of the Parkdale/Urbandale target area are to secure this neighborhood as the best place to raise a family by ensuring great schools through encouraging formalized neighborhood association and school partnerships and increased parental engagement and student awareness of the emerging Dallas job market; ensuring nice

homes/neighborhoods through allocating GrowSouth challenge grants to promote beautification events; and providing a great quality of life by promoting ridership and engagement with DART, improving parks and decreasing crime.

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
Site	NS(A) - D-1, SUP No. 2235	Retail & Personal service uses
North	NS(A) - D-1	Undeveloped
South	MF-2(A)	Multifamily
West	MF-2(A)	Multifamily
East	LI	Undeveloped

**Land Use Compatibility:**

The request site is approximately 3.0 acres and is currently developed with retail and personal service uses. The existing zoning of the property is NS(A)-D-1 Neighborhood Service District with a Liquor Control Overlay. The property is adjacent to undeveloped land to the north and east and multifamily development to the west and south with a high-density single-family neighborhood further north of the site.

The applicant is proposing to 1) change the zoning to a CR Community Retail District to allow for the motor vehicle fueling station use by right and terminate existing SUP No. 2235 for a motor vehicle fueling station use; 2) volunteer deed restrictions to restrict uses allowed in the CR District and limit the maximum height to 35 feet for structures with a gable, hip or gambrel roof and to 30 feet for any other structure; and 3) allow an SUP for the sale of alcoholic beverages in conjunction with an existing general merchandise or food store 3,500 square feet or less.

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 request does not appear to have an adverse impact on the surrounding zoning and land uses.

The general merchandise 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 request has an active convenience store license.

Although the request site is adjacent to several tracts of undeveloped land to the north and east, the site is immediately adjacent to a multifamily district to the west and south.

Staff recommends approval of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a two-year time period with eligibility of automatic renewals for additional five-year periods, subject to a site plan and conditions. The applicant's request is consistent with the existing zoning, the general provisions for a Specific Use Permit and is not foreseen to have a negative impact on the surrounding properties. This has been the standard for the proposed use because it allows for the review of the use after the initial two-year period.

Staff recommends denial of the request to terminate existing SUP No. 2235 allowing a motor vehicle fueling station and the zoning change to a CR Community Retail District with deed restrictions volunteered by the applicant to allow a motor vehicle fueling station. The requested uses are allowed by SUP within the existing NS(A) Neighborhood Service District, the use has been approved by Council with a five-year time period with eligibility for automatic renewals for additional five-year periods, and

periodic review during the automatic renewal process will provide the Commission and Council with oversight to ensure that the use continues to operate in a manner that is not detrimental to the neighborhood and in compliance with the approved site plan and conditions.

The list of prohibited uses is as follows:

- Gas drilling and production.
- Temporary concrete or asphalt batching plant.
- Hotel and motel.
- Lodging or boarding house.
- Overnight general purpose.
- College dormitory, fraternity, or sorority house.
- Alcoholic beverage establishments.
- Ambulance service.
- Animal shelter or clinic without outside runs.
- Auto service center.
- Business school.
- Car wash.
- Commercial amusement (inside).
- Commercial amusement (outside).
- Commercial parking lot or garage.
- Convenience store with drive-through.
- Furniture store.
- General merchandise or food store greater than 3,500 square feet.
- General merchandise or food store 100,000 square feet or more.
- Home improvement center, lumber, brick or building materials sales yard.
- Household equipment and appliance repair.
- Liquor store.
- Mortuary, funeral home, or commercial wedding chapel.
- Nursery, garden shop, or plant sales.
- Paraphernalia shop.
- Pawn shop.
- Restaurant with drive-in or drive-through service.
- Swap or buy shop.
- Temporary retail use.
- Theater.
- Mini-warehouse.
- Recycling buy-back center.
- Recycling collection center.

The following uses have not been restricted.

- Building repair and maintenance shop.
- Catering service.
- Custom business services.
- Electronics service center.
- Medical or scientific laboratory.
- Tool or equipment rental.
- College, university, or seminary.
- Hospital.
- Alternative financial establishment.
- Financial institution with drive-in window.
- Private recreation center, club or area.
- Commercial amusement (outside).
- Commercial radio and television transmitting station.
- Police or fire station.
- Post office.

### **Development Standards**

The chart below provides for a comparison between the existing and the proposed zoning regulations.

<b><u>DISTRICT</u></b>	<b><u>SETBACKS</u></b>		<b>Density</b>	<b>Height</b>	<b>Lot Coverage</b>	<b>Special Standards</b>	<b>PRIMARY Uses</b>
	<b>Front</b>	<b>Side/Rear</b>					
NS(A) Neighborhood Service Existing	15'	20' adjacent to residential OTHER: No min	0.5 FAR	35' for gable, hip or gambrel roof OTHER: 30'	40%	Proximity Slope Visual Intrusion	Retail
CR Community Retail - Proposed	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

### **Parking:**

The Dallas Development Code requires off-street parking to be provided for a general merchandise use at one space for each 200 square feet of floor area, one space for each 100 square feet of restaurant and laundromat use, and two spaces for a motor vehicle fueling station. Therefore, the parking requirements for the proposed 3,272 square foot restaurant use are 33 spaces; 17 spaces for the 2,930 square foot general merchandise store, 21 spaces for the 4,184 square foot laundromat use and two spaces for the motor vehicle fueling station. The total required parking spaces is 71. The attached site plan depicts a total of 71 parking spaces.

**Landscaping:**

The proposed development is required to provide landscaping in accordance with Article X of the Dallas Development Code. Some of the mandatory requirements are: 10-foot landscape buffer and a solid fence along the boundaries where adjacent residential development occurs, site trees, street trees, and screening of off-street parking. The site currently provides all of the required landscaping.

**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 Category; however, it is in proximity to a “D” MVA Cluster to the west and south.



**List of Partners/Principals/Officers**

**Sikka Investments LLC**

Alex Daredia	Officer
Shazeb Daredia	Officer

**CPC ACTION**  
**February 6, 2020**

**Motion:** It was moved to recommend 1) **denial** of a CR Community Retail District with deed restrictions volunteered by the applicant; 2) **denial** of the termination of Specific Use Permit No. 2235 for a motor vehicle fueling station use; and 3) **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less use for a three-year period with eligibility of automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned an NS(A)-D-1 Neighborhood Service District with a D-1 Liquor Control Overlay and Specific Use Permit No. 2235 for a motor vehicle fueling station use, on the west corner of South Buckner Boulevard and St. Francis Avenue.

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

For: 13 - MacGregor, Hampton, Johnson, Shidid,  
Carpenter, Jackson, Blair, Jung, Housewright,  
Schultz, Schwope, Garcia, Rubin

Against: 0  
Absent: 1 - Murphy  
Vacancy: 1 - District 3

**Notices:** Area: 400 Mailed: 45  
**Replies:** For: 0 Against: 4

**Speakers:** For: Santos Martinez, 12 Tanager Terrace, Angel Fire, NM, 87710  
Against: None

**Proposed Volunteered Deed Restrictions**  
**Not recommended by CPC**

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

(1) The following uses are prohibited on the Property:

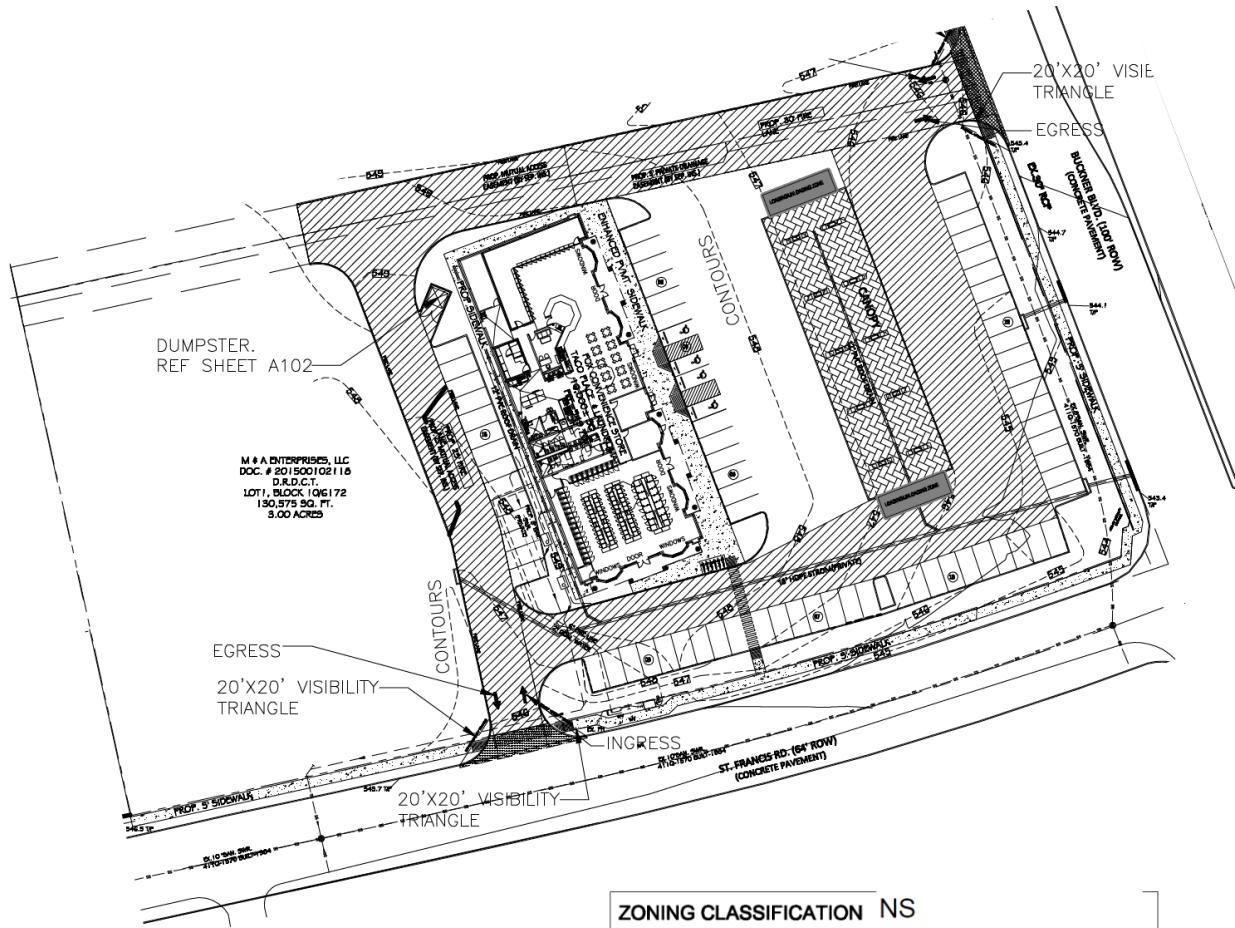
- Gas drilling and production.
- Temporary concrete or asphalt batching plant.
- Hotel and motel.
- Lodging or boarding house.
- Overnight general purpose.
- College dormitory, fraternity, or sorority house.
- Alcoholic beverage establishments.
- Ambulance service.
- Animal shelter or clinic without outside runs.
- Auto service center.
- Business school.
- Car wash.
- Commercial amusement (inside).
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- Liquor store.
- Mortuary, funeral home, or commercial wedding chapel.
- Nursery, garden shop, or plant sales.
- Paraphernalia shop.
- Pawn shop.
- Restaurant with drive-in or drive-through service.
- Swap or buy shop.
- Temporary retail use.
- Theater.
- Mini-warehouse.
- Recycling buy-back center.
- Recycling collection center.

(2) The maximum building height shall be 35 feet for a structure with a gable, hip, or gambrel roof; and 30 feet for any other structure.

**CPC Recommended Conditions**

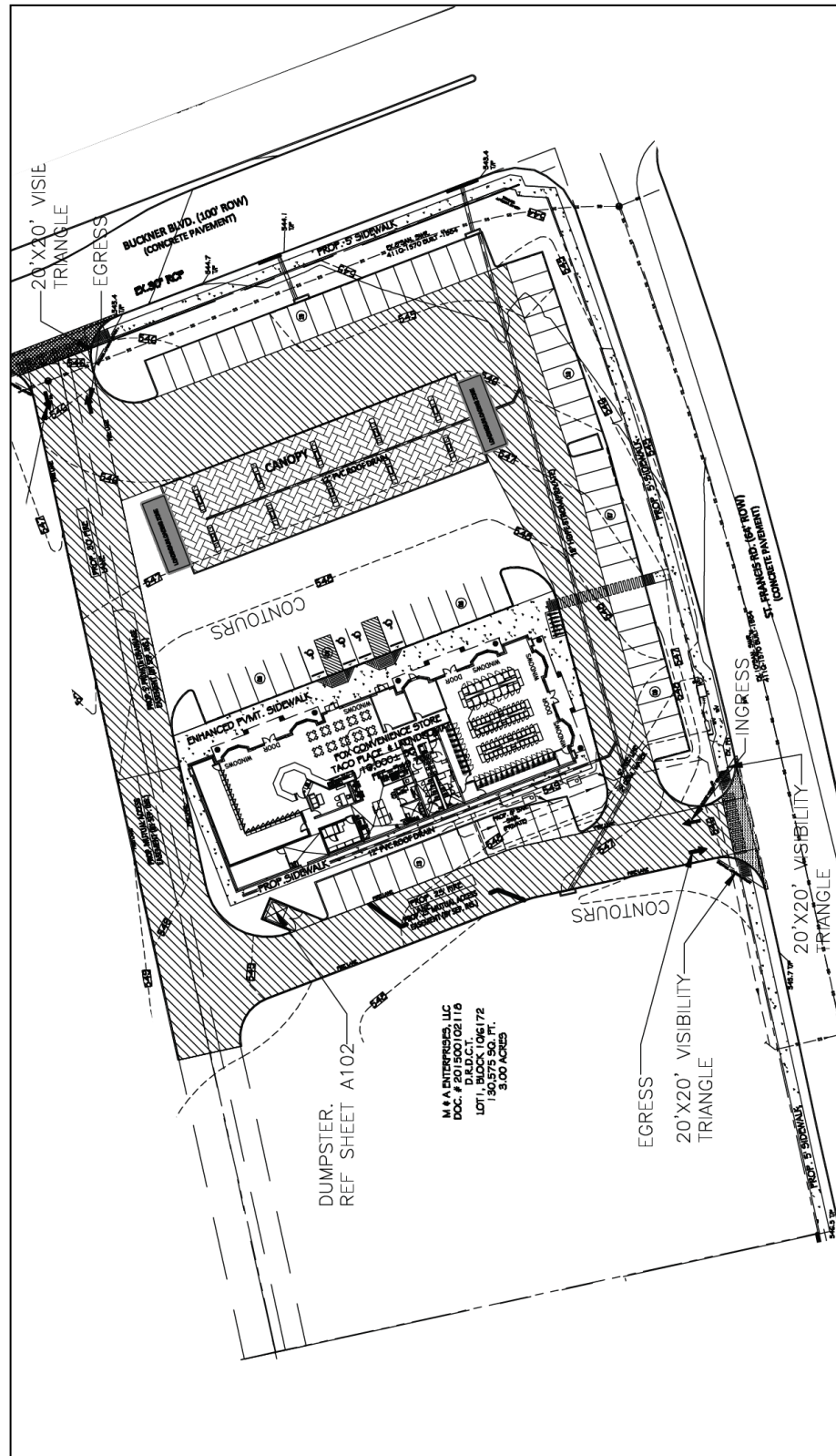
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on \_\_\_\_\_, (three-years from the passage of this ordinance) but is eligible for automatic renewals 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. FENCE: A six-foot-high solid wood fence must be provided in the location shown on the attached landscape plan.
5. INGRESS-EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
6. PARKING: Off-street parking must be located as shown on the attached site plan.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. 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



<b>ZONING CLASSIFICATION</b>		NS
<b>LOT AREA</b>		
<b>SQ. FT.</b>		130,575SF
<b>ACRES</b>		3.00AC
<b>TOTAL BUILDING FLOOR AREA</b>		11,120SF
<b>FLOOR AREA FOR EACH USE</b>		
laundry store		4184 s.f.
Restaurant		3272 s.f.
General Merchandise		2930 s.f.
<b>4 RETAIL-1</b>		<b>400SF</b>
<b>5 RETAIL-2</b>		<b>360SF</b>
<b>FLOOR AREA RATIO</b>		.0851
<b>BUILDING COVERAGE</b>		
<b>SQ. FT.</b>		13,320SF
<b>%</b>		10.20
<b>NON PERMEABLE COVERAGE</b>		82
<b>PARKING SPACES</b>		
<b>REQUIRED</b>		72
<b>PROVIDED</b>		74

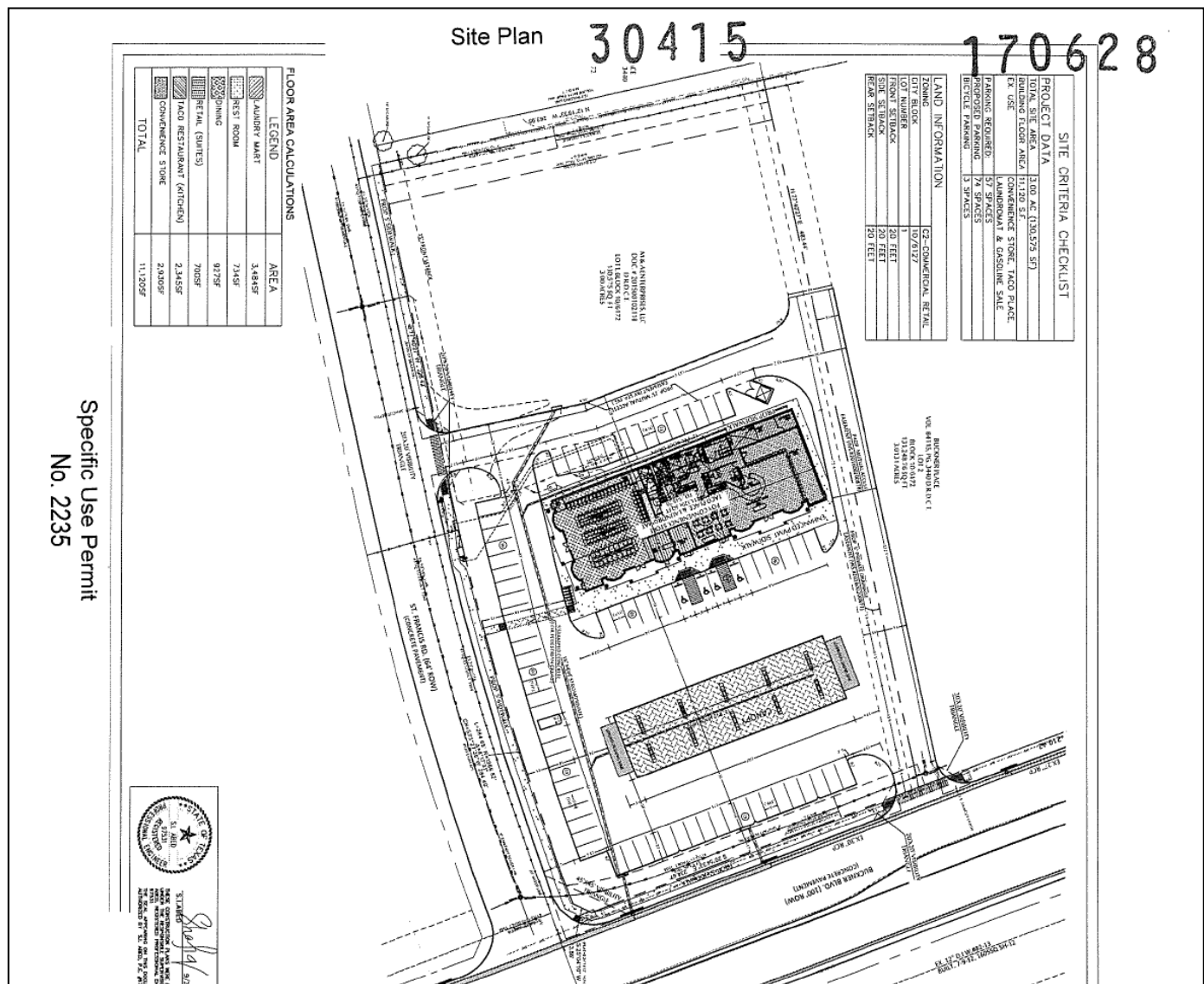
## Enlarged Proposed Site Plan



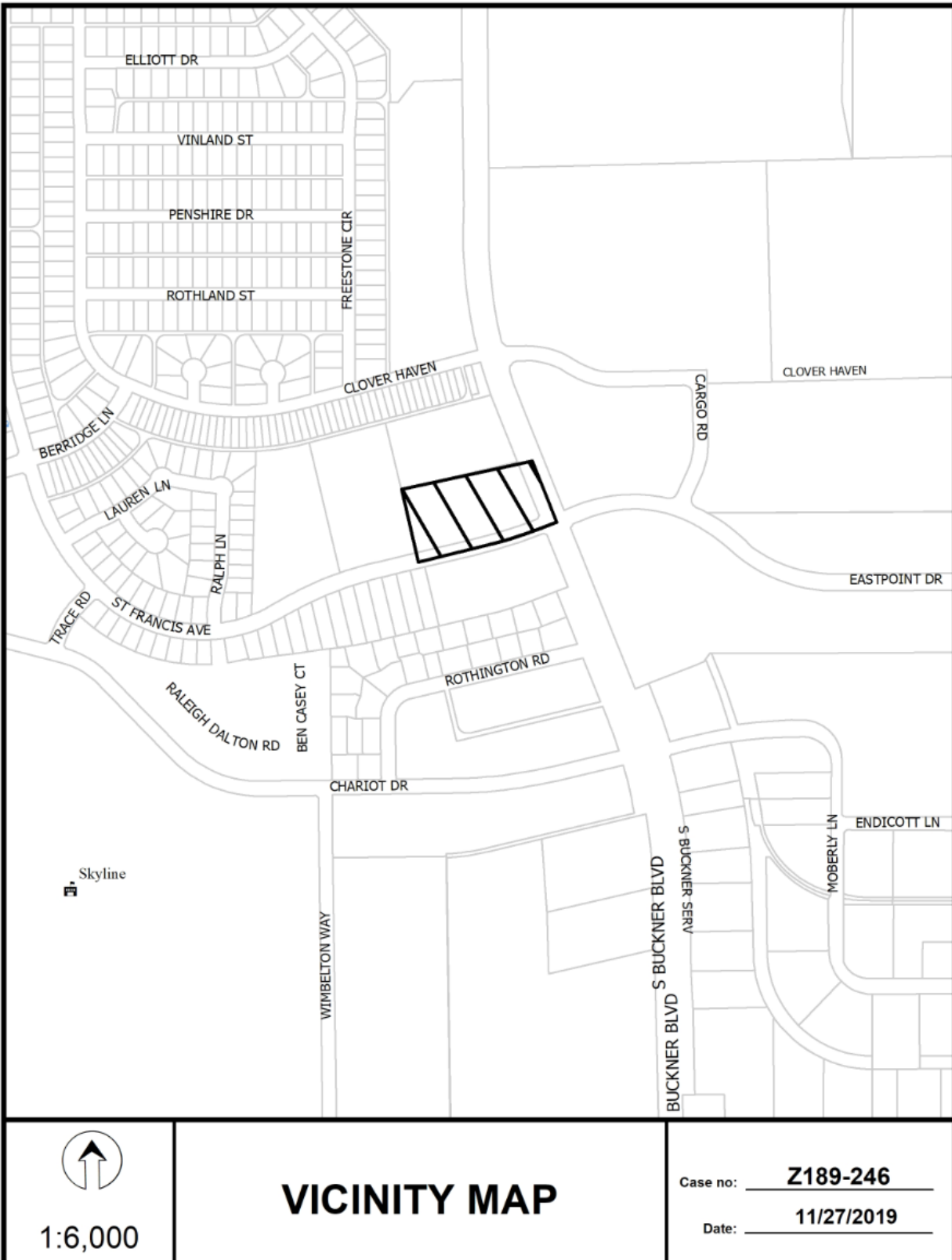
**Proposed Termination of SUP No. 2235 Conditions**  
**CPC did not recommend approval**

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 April 12, 2022 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: Landscaping must be provided as shown on the attached landscape plan.
5. FENCE: A six-foot-high solid wood fence must be provided in the location shown on the attached landscape plan.
6. INGRESS-EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
7. PARKING: Off-street parking must be located as shown on the attached site plan.
8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
9. 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.”

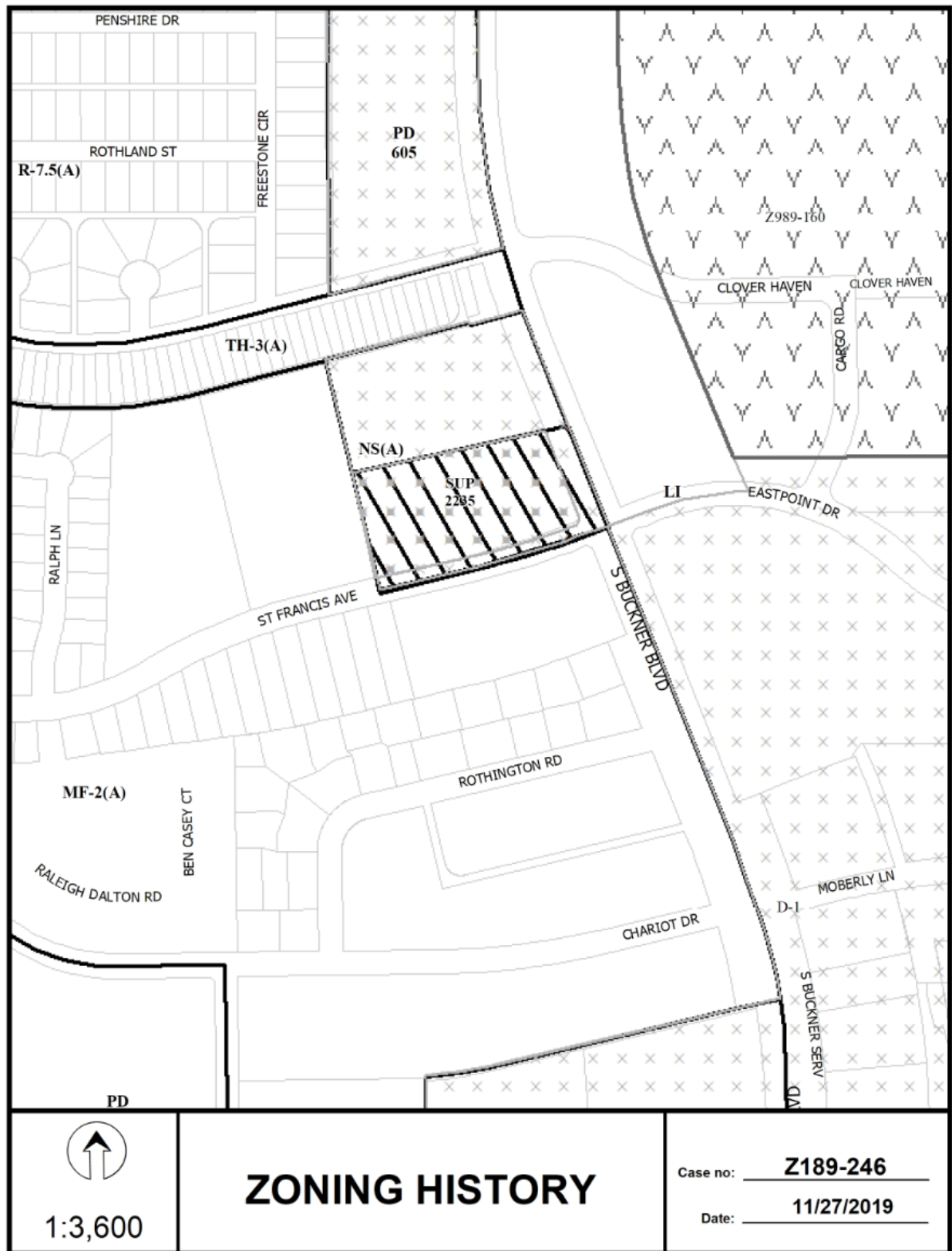
**Proposed Termination of SUP No. 2235 Site Plan**  
**CPC did not recommend approval**



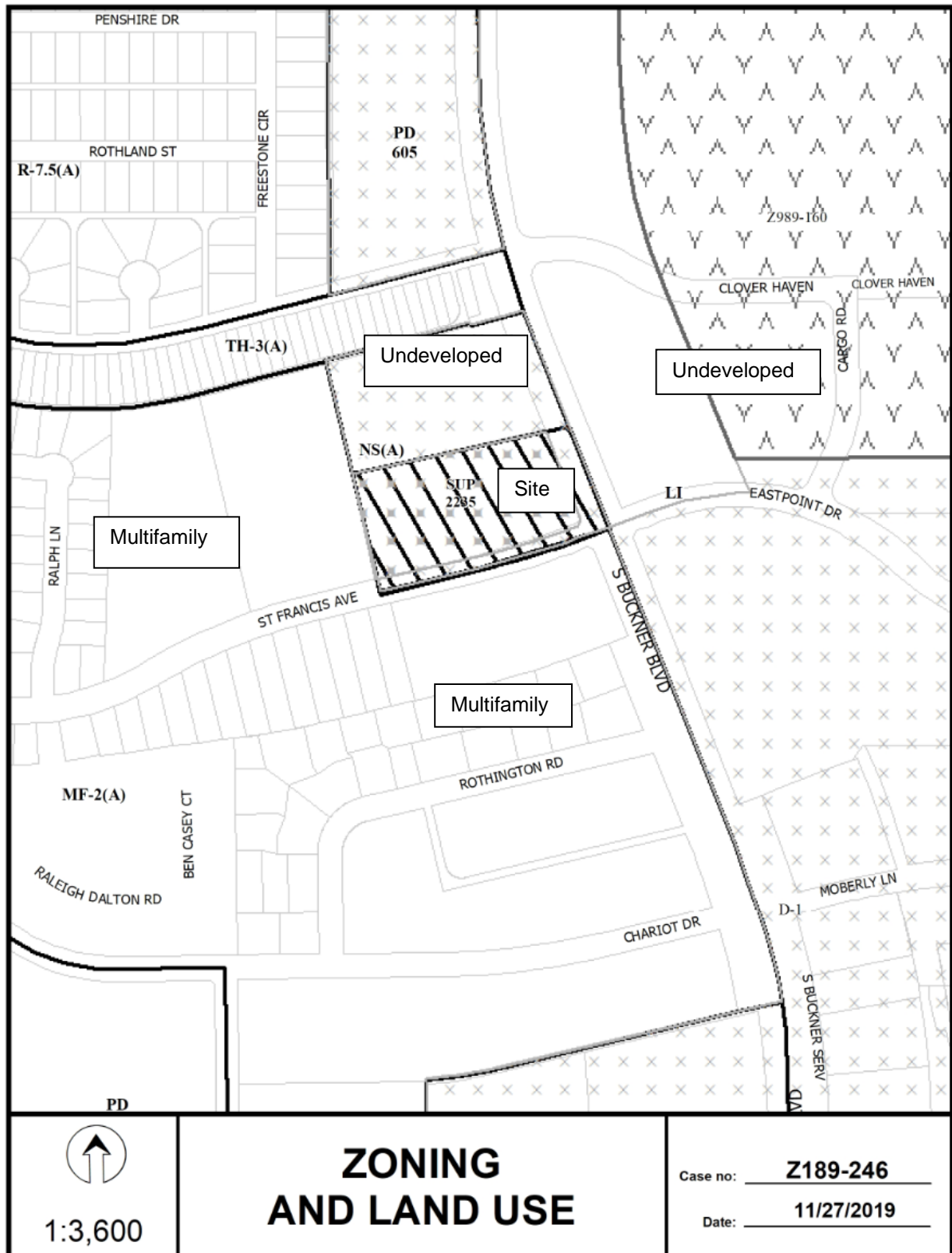


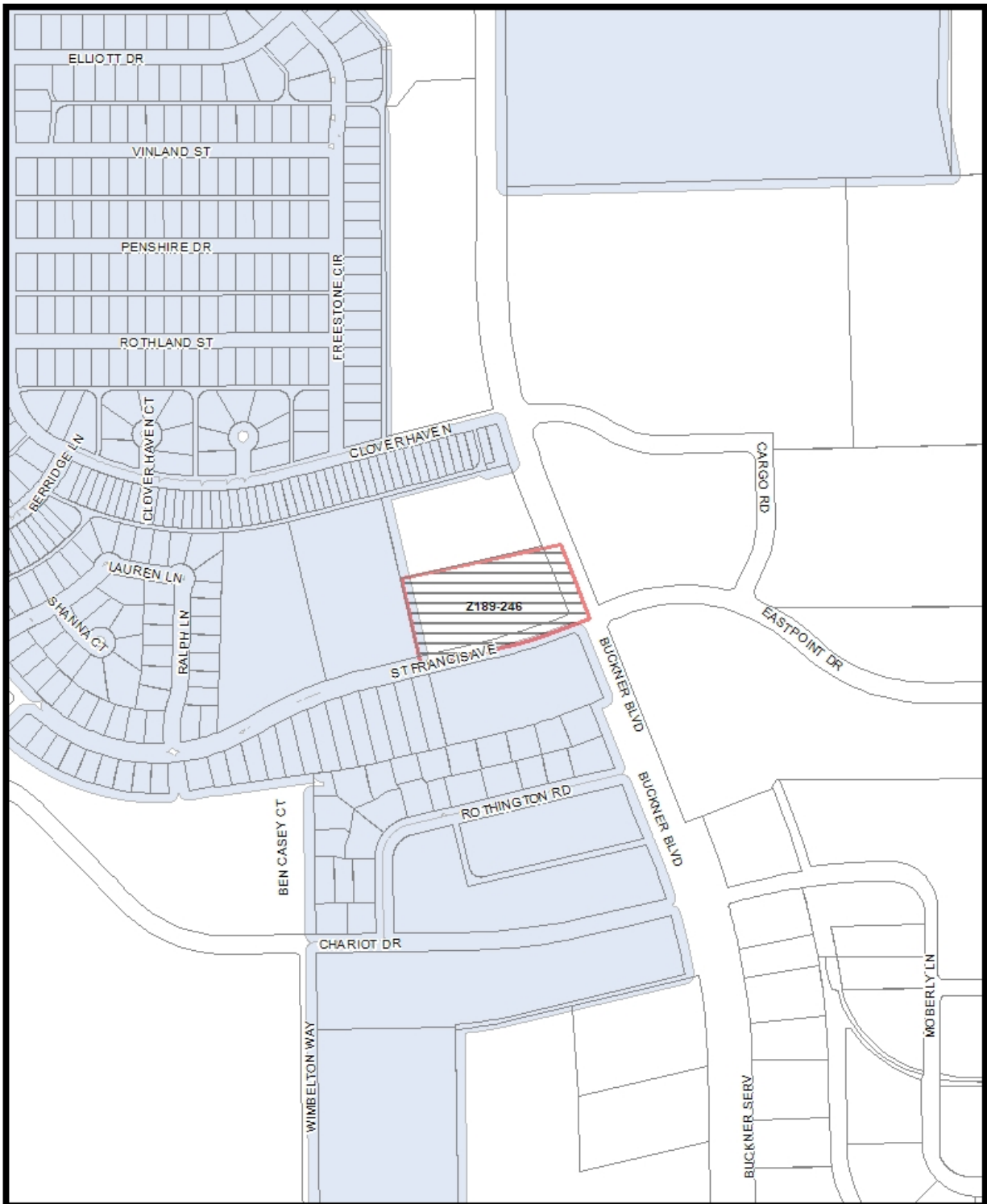












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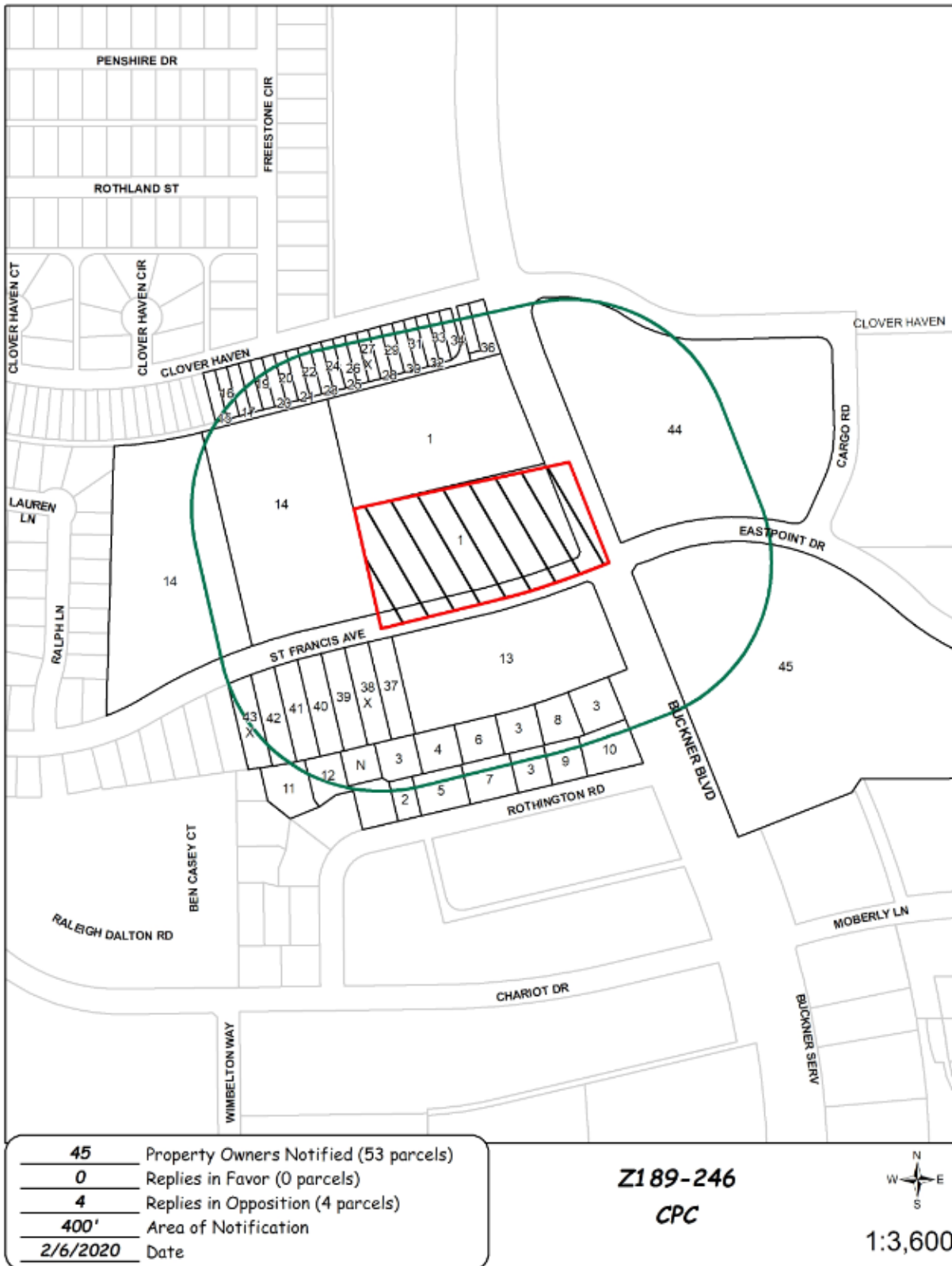


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## Market Value Analysis

Printed Date: 11/27/2019

## CPC RESPONSES



02/05/2020

***Reply List of Property Owners******Z189-246******45 Property Owners Notified******0 Property Owners in Favor******4 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	5001 S BUCKNER BLVD	SIKKA INVESTMENTS LLC
	2	8005 ROTHINGTON RD	INDIGO BUILDERS INC
	3	8005 ROTHINGTON RD	TKN REALTY LLC
	4	8005 ROTHINGTON RD	DING LILIAN
	5	8005 ROTHINGTON RD	WYATT GREGORY
	6	8005 ROTHINGTON RD	NGUYEN TUNG KIM
	7	8005 ROTHINGTON RD	ROTHINGTON DLG LLC
	8	8007 ROTHINGTON RD	MSK INVESTMENT GRP LLC
	9	8007 ROTHINGTON RD	NGUYEN TUNG KIM
	10	8007 ROTHINGTON RD	CUELLAR SERGIO
	11	8003 ROTHINGTON RD	DV2 CAPITAL GROUP LLC
	12	8003 ROTHINGTON RD	PEREZ JACOB ANDRES
	13	4999 S BUCKNER BLVD	BUCKNER TOWN VIEW HOLDINGS LTD
	14	4748 ST FRANCIS AVE	RANCHO BUCKNER LTD
	15	4827 CLOVER HAVEN	PALOMINO MARIA MERCEDES
	16	4823 CLOVER HAVEN	GARRETT BRETT T
	17	4819 CLOVER HAVEN	SPEARS GRENALDA
X	18	4815 CLOVER HAVEN	BURNS CAROLYN I
	19	4811 CLOVER HAVEN	KARL FARMER LLC
	20	4807 CLOVER HAVEN	MORENO BRENDA DARLINE
	21	4763 CLOVER HAVEN	BROWN EDWARD
	22	4759 CLOVER HAVEN	KINGBLACK SANDRA E
	23	4755 CLOVER HAVEN	WILLIAMS ERMA JEAN
	24	4751 CLOVER HAVEN	ANDERSON GARY D
	25	4747 CLOVER HAVEN	CARRAWAY KAROLYN
	26	4743 CLOVER HAVEN	PIERRO MAYOLA

02/05/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
X	27	4739 CLOVER HAVEN	THOMAS CAROLYN ANN
	28	4735 CLOVER HAVEN	MENDOZA J CONSEPCION BARBOZA &
	29	4731 CLOVER HAVEN	REDDIC GLORIA
	30	4727 CLOVER HAVEN	SLOAN ROBIN M
	31	4723 CLOVER HAVEN	HORN MARVA
	32	4719 CLOVER HAVEN	CUNNINGHAM LOIS M
	33	4715 CLOVER HAVEN	JAMISON MARIANNE & JANETTE PERASSO FAMILY TR
	34	4711 CLOVER HAVEN	JAMISON MARIANNE & JANETTE PERASSO FAMILY TR
	35	4707 CLOVER HAVEN	BECKHAM ALBERTA ESTATE OF
	36	4703 CLOVER HAVEN	MAYWEATHER LARETA
	37	4727 ST FRANCIS AVE	ALLEN JIMMY L & CLOMA M
X	38	4723 ST FRANCIS AVE	LONG CARL
	39	4719 ST FRANCIS AVE	HICKS TONIE Y
	40	4715 ST FRANCIS AVE	PITTS SUZANNE
	41	4711 ST FRANCIS AVE	HERRERA CECILIA P
	42	4707 ST FRANCIS AVE	SANCHEZ JUANA &
X	43	4661 ST FRANCIS AVE	STEWART ALVIN & BERNICE D
	44	5194 BUCKNER BLVD	EXTER BUCKNER LAND LP
	45	8200 EASTPOINT DR	COCA COLA SOUTHWEST