

HONORABLE MAYOR AND CITY COUNCIL WEDNESDAY, NOVEMBER 11, 2020

ACM: Dr. Eric A. Johnson

FILE NUMBER:	Z190-300(LG)	DATE FILED:	July 7, 2020
LOCATION:	West line of South Belt Line Road, northeast of Sarah Lane		
COUNCIL DISTRICT:	8	MAPSCO:	70 F
SIZE OF REQUEST:	±2.93 acres	CENSUS TRACT:	171.01

APPLICANT/OWNER: Ronny & Grace Chaves

REPRESENTATIVE: Grace Chaves

REQUEST: An application for the renewal of Special Use Permit No. 2282 for outside sales on property zoned a CS Commercial Service District with deed restrictions [Z167-362].

SUMMARY: The purpose of the request is to allow for the operation of an outdoor flea market.

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

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

BACKGROUND INFORMATION:

- On June 27, 2018, the City Council approved the creation of Specific Use Permit No. 2282 and a general zoning change from an R-10(A) Single Family District to a CS Commercial Service District with deed restrictions volunteered by the applicant.
- The request site currently is undeveloped.
- The applicant's request is for the renewal of a Specific Use Permit that will allow for the operation of an outside flea market.

Zoning History: There has not been any zoning changes requested in the area during the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
South Belt Line Road	Principal Arterial	100 ft.	100 ft.
Lawson Road	Principal Arterial	60 ft.	100 ft.

Traffic: In May 2019, the applicant was informed by the Department of Transportation that improvements needed to be made at the entrance of the site at the applicant's expense, in lieu of the City's future plans to realign Lawson Road at South Belt Line Road. Currently, the property does not have adequate left turning lanes to enter the property or Lawson Road. The site also does not have signals installed on all four sides of the intersection of South Belt Line Road and Lawson Road. The current estimated cost of these improvements is \$250,000. Although the project has been delayed by the City until further notice, the applicant has decided to move forward with their improvements, so their site can be fully developed.

The applicant has submitted a proposed traffic plan that includes the installation of a signal mast on the west side of South Belt Line Road at the entrance of the property. The applicant also proposes to add left turning lanes on the northbound and southbound approaches of South Belt Line Road. The applicant currently has a driveway located on the southern side of their property, which is south of the existing intersection. The applicant is proposing to move the driveway further north to align its driveway with the anticipated future alignment of Lawson Road at South Belt Line Road. The location of the proposed driveway also matches the existing site plan that was approved in 2018.

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system, as long as the recommended improvements are made by the applicant.

Land Use:

	Zoning	Land Use
Site	CS w/ deed restrictions and SUP No. 2282	Undeveloped
Northeast	R-10(A)	Single Family, General merchandise or food store
Southeast	R-10(A)	Undeveloped, single family
Northwest	R-10(A)	Undeveloped
Southwest	R-10(A)	Undeveloped, single family

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.

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

West Kleberg Community Plan (2007):

The intent of "The West Kleberg Community Plan" was to provide an overall vision to create economic development that will stimulate specific types development for the community. The West Kleberg Community Plan identified a vision statement as follows: To reflect "Old Kleberg's" historical heritage, to promote a strong rural atmosphere, to allow for future growth with sensitivity to future amenities and infrastructure of a modern urban environment. Long-time residents seem to have mixed feelings about growth, noting on one side the negative impacts of crowds, noise, traffic, and pollution, while acknowledging the benefits of improved public services, better schools, and new neighborhood-serving retail and commercial business locating to the area.

Based on the Community Plan, the request site is located within in an area that is designated as "Sub-area 1, which was comprised of approximately 2,047 acres of which 46 percent was vacant or undeveloped, and 33 percent was comprised of Single Family

(SF) uses at the time of publication in 2007". The request site is located with the area designated as Subarea 1.

The Plan also indicated that "commercial service and retail uses are dominant along Highway 175, with a concentration of these uses between Edd and Belt Line Roads. The West Kleberg community desires to encourage economic development along its main corridors, namely Highway 175 and Belt Line Road." A retail gap analysis completed with the plan identified that residents of this area were likely to spend their income in nearby cities, including Balch Springs and the City of Mesquite, since retail facilities are not sufficiently available in the immediate area. This analysis may not accurately reflect the preferences of households within the study area; however, it can serve as a source for future projections of the needed types of services needed within this sector of Dallas.

The Future Vision Map depicts a 1,000-foot buffer zone as ideal for business development along the Highway 175-freeway corridor. Land assemblage may be required to develop in these areas to construct uses such as a hospital, bank, mixed use projects and so on. Business nodes to possibly stimulate economic activity are earmarked at the intersections of Seagoville and Belt Line Roads; Highway 175 and Belt Line Road; and Kleberg and Belt Line Roads.

STAFF ANALYSIS:

Land Use Compatibility: The site is undeveloped and is surrounding by large tracts of undeveloped land. There are scattered residential uses in area. However, a more established residential development is located approximately 158 feet south of the request site.

The applicant proposes to operate a flea market, classified in the Development Code as an outside sales use. An outside sales use falls within the retail and personal service category and is only permitted by right in the CA Central Area District or by SUP in either an RR Regional Retail District or a CS Commercial Service District.

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.

Staff believes that the applicant's request for outside sales could assist in the redevelopment efforts on the community. Even though the proposed flea market may not

be consistent with the character of the neighborhood, the site is located in a rural part of the community, where there is a very low density of residential uses.

The proposed site plan shows an increase for the outdoor sales area from 16,269 square feet to 16,272 square feet. The approved site plan and conditions limited the office to 1,060 square feet. The applicant proposes to increase the office to 1,200 square feet as shown on the proposed site plan. However, the conditions were not amended at CPC. Council would need to take specific action to amend the conditions to match the site plan if the increase is to be allowed.

Development Standards:

<u>DISTRICT</u>	<u>SETBACKS</u>		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
CS - existing Commercial Service	15' 0' on minor	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office/ lodging/ retail combined	45' 3 stories	80%	Proximity Slope Visual Intrusion	Commercial & business service, supporting retail & personal service & office

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

Parking: The Dallas Development Code requires off-street parking to be provided for an outside sales use at one space for each 200 square feet of sales area. The applicant proposes to have approximately 16,272 square feet of sales area. Based on the total square feet of sales area, the applicant will have to provide 82 spaces. In addition, the site plan reveals that approximately 1,200 square feet of floor area will be designated as office and public restroom space, which requires one space per 333 square feet of floor area, which means four spaces are required for the office use. Based upon these uses, the required number of off-street parking spaces required is 86 spaces. The applicant provides a total of 87 spaces (83 regular, four accessible), as depicted on the proposed SUP site plan.

The prior site plan provided 90 spaces, which was greater than the 86 parking spaces required (an additional 4 spaces) and the prior size of the area for outdoor sales was 16,269 square feet. The proposed site plan will add an additional 3 square feet, so the parking requirements will remain the same.

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 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. While the subject site is uncategorized, there are properties to the north, south, east and west of said property

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located within Category “F”. There are also properties located in Category “E” further northeast of said property.

CPC ACTION
October 1, 2020

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2282 for outside sales for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned a CS Commercial Service District with deed restrictions (Z167-362), on the west line of South Belt Line Road, northeast of Sarah Lane.

Maker: Jung
Second: Murphy
Result: Carried: 13 to 0

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

Against: 0
Absent: 1 - Hampton
Vacancy: 1 - District 11

Notices: Area: 300 Mailed: 25
Replies: For: 0 Against: 2

Speakers: For: None
For (Did not speak): Grace Chaves, 1609 Falmouth Dr., Plano, TX, 75025
Warren Ellis, P.O. Box 364, Frisco, TX, 75034
Against: None

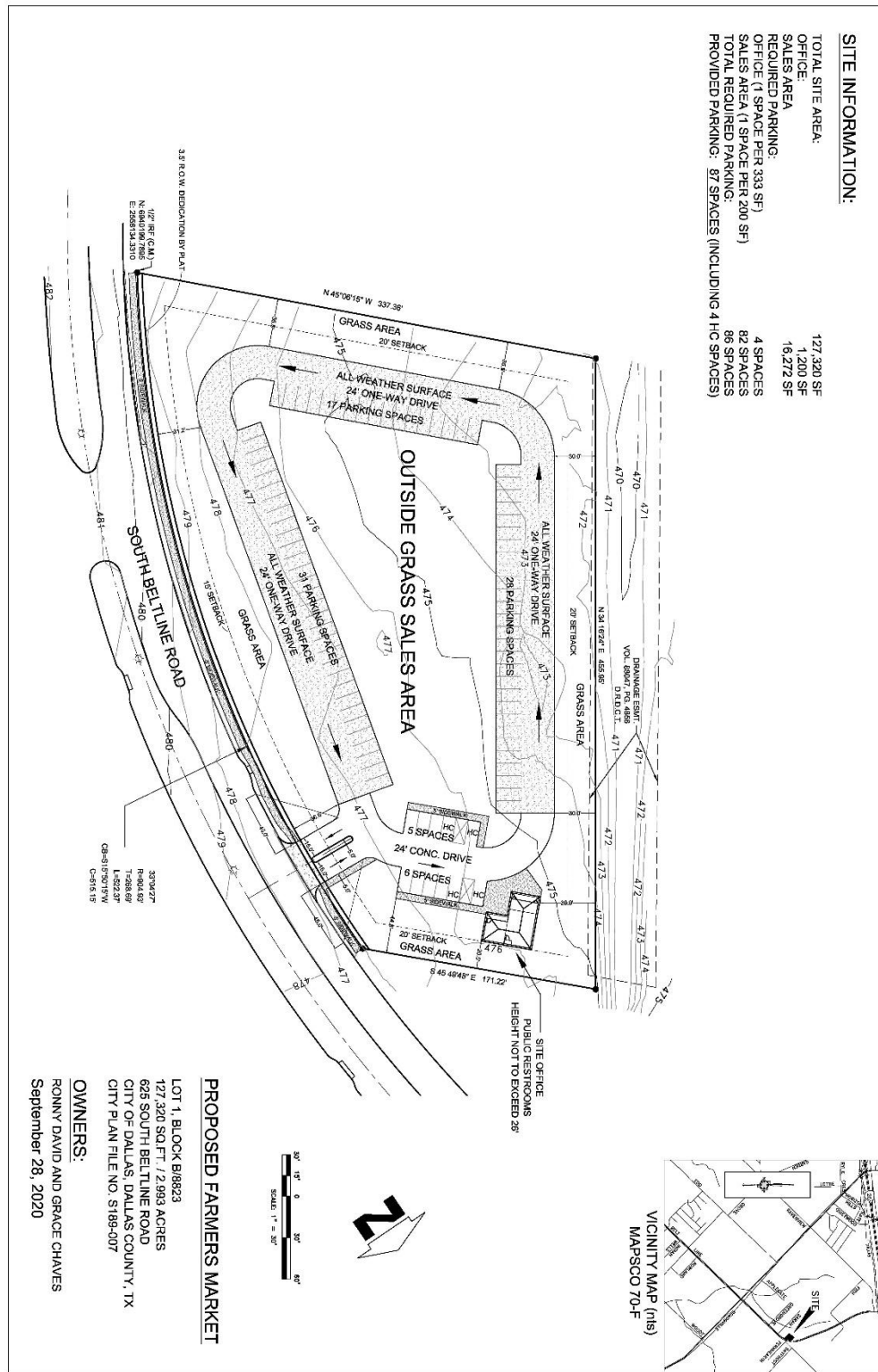
CPC RECOMMENDED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is outside sales.
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 ~~June 28, 2020~~, (two-year period from the passage 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 Development 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. FLOOR AREA: Maximum floor area for the office is 1,060 square feet in the location shown on the attached site plan.
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.

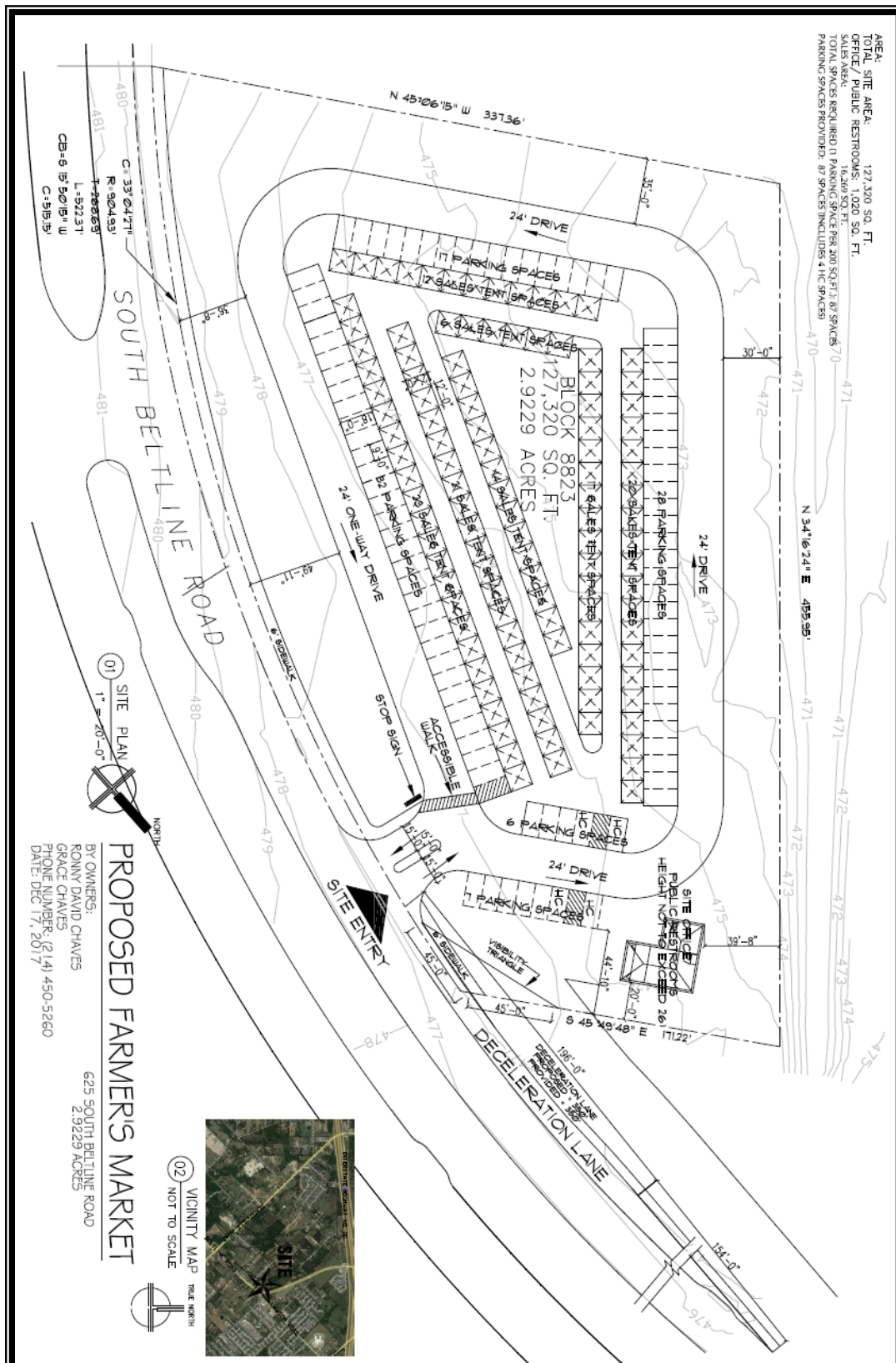
PROPOSED SITE PLAN

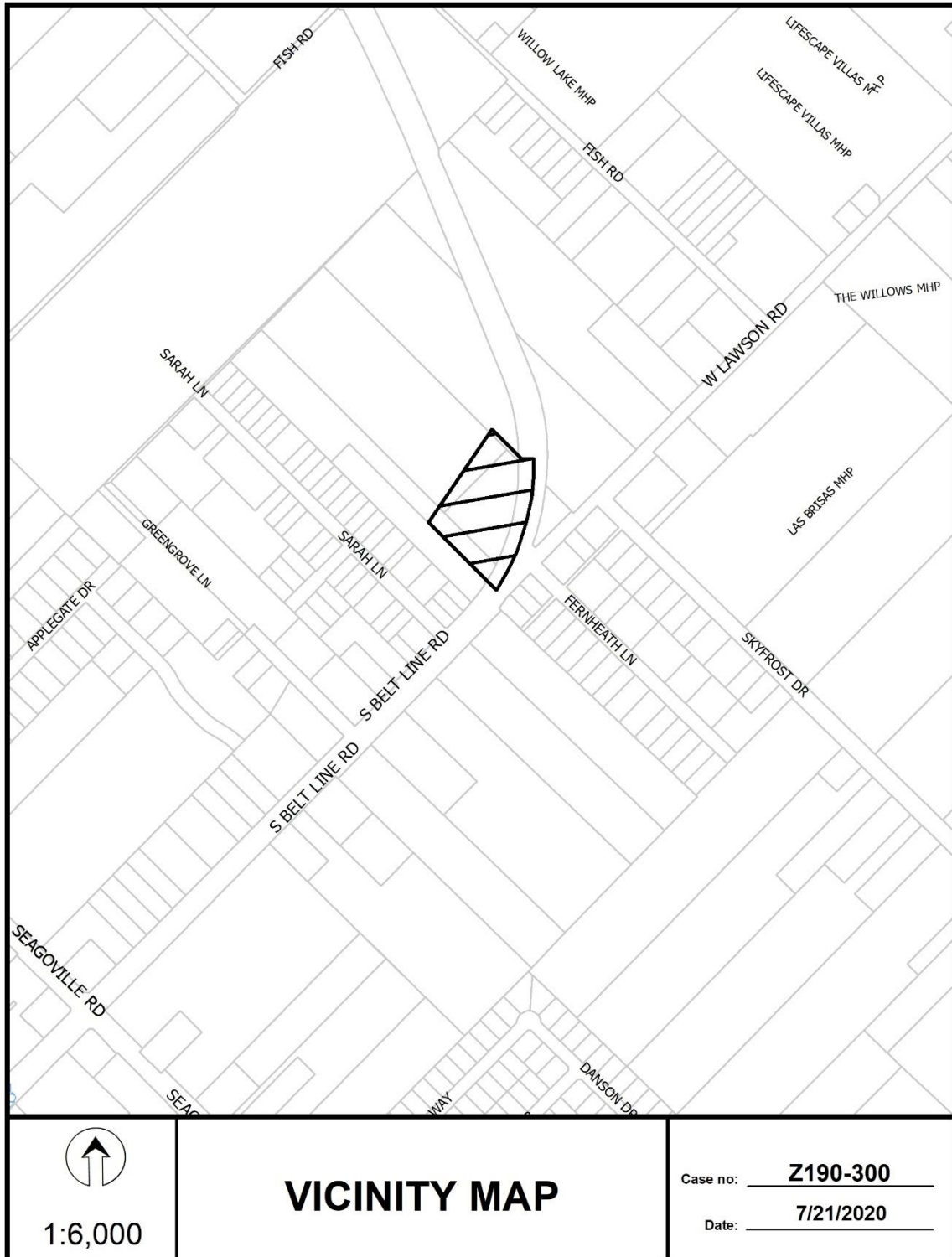
SITE INFORMATION:

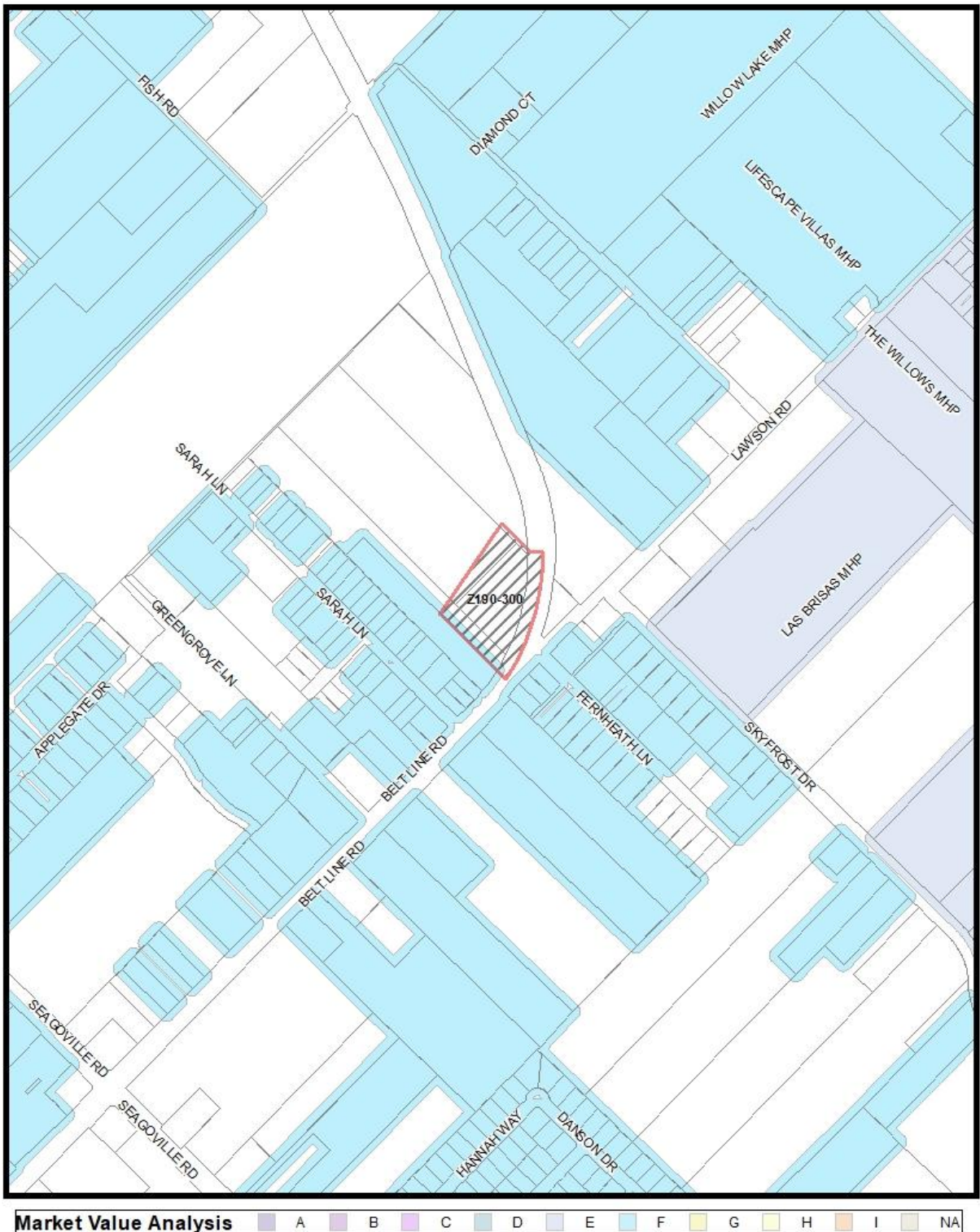
TOTAL SITE AREA: 127,320 SF
 OFFICE: 1,200 SF
 SALES AREA: 16,272 SF
 REQUIRED PARKING:
 OFFICE (1 SPACE PER 333 SF) 4 SPACES
 SALES AREA (1 SPACE PER 200 SF) 82 SPACES
 TOTAL REQUIRED PARKING: 86 SPACES
 PROVIDED PARKING: 87 SPACES (INCLUDING 4 HC SPACES)



EXISTING SITE PLAN







Market Value Analysis



1:6,000

Market Value Analysis

Printed Date: 7/21/2020

CPC RESPONSES



09/30/2020

Reply List of Property Owners***Z190-300******25 Property Owners Notified******0 Property Owners in Favor******2 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	639 S BELTLINE RD	CHAVES RONNY DAVID
	2	646 S BELTLINE RD	SOSA ALBERTO REZA
	3	640 S BELTLINE RD	ORTIZ JUAN LUIS &
	4	634 S BELTLINE RD	KIRBY RICKY B &
	5	13510 FERNHEATH LN	TRUJILLOCALVILLO ELVIA &
	6	13516 FERNHEATH LN	TILLISON GARY W &
	7	628 LAWSON RD	REA CECILIO & GUILLERMO
	8	616 LAWSON RD	BUSTOS RUBEN
	9	13509 FERNHEATH LN	PINAORTIZ JOSE REYES
X	10	720 S BELTLINE RD	ARCHER SAMUEL R & RITA L
	11	710 S BELTLINE RD	WHITTLE MORRIS L & PAMELA
	12	705 S BELTLINE RD	CANCHOLA JOSE & MARIA
	13	713 S BELTLINE RD	GARCIA BLANCA
	14	717 S BELTLINE RD	PULIDO FLORENCIO
	15	13447 SARAH LN	WEED KELLY
	16	13435 SARAH LN	MARTINEZ BERNARDA PADRON &
	17	13423 SARAH LN	MARTINEZ BERNARDA PADRON &
	18	13417 SARAH LN	HERNANDEZ ERIC &
	19	13411 SARAH LN	STALLINGS MELISSA
	20	13405 SARAH LN	MOULTON PHILLIP A
X	21	13341 SARAH LN	CONTRERAS JOSE L
	22	13335 SARAH LN	RAMIREZ VICTOR
	23	645 S BELTLINE RD	CANCHOLA JOSE GUDALUPE &
	24	625 S BELTLINE RD	SANTANA TOMAS
	25	500 S BELTLINE RD	QUACH NHI