

ACM: Dr. Eric A. Johnson

FILE NUMBER: Z190-337(NN) **DATE FILED:** August 19, 2020

LOCATION: South side of Interstate Highway 30 and the east side of Westmoreland Road

COUNCIL DISTRICT: 1 **MAPSCO:** 43 U

SIZE OF REQUEST: ± 7.26 acres **CENSUS TRACT:** 69.00

REPRESENTATIVE: Lauren Montgomery, JGH Consultants, LLC

APPLICANT/OWNER: QT South, LLC

REQUEST: An application to amend Planned Development District No. 986 for CR Community Retail District uses.

SUMMARY: The request seeks the installation of one sign with a maximum area of 400 square feet and a maximum height of 50 feet in a location that does not allow the installation of the proposed sign (Quick Trip).

CPC RECOMMENDATION: Approval, subject to a revised development plan and conditions.

STAFF RECOMMENDATION: Denial.

BACKGROUND INFORMATION

- Planned Development District No. 986 was approved by Council on August 9, 2017.
- The request site is currently developed with an approximately 4,840 square foot general merchandise or food store with a motor vehicle fueling station use.
- PD No. 986 currently complies with the provisions for business zoning districts in Article VII.
- The request seeks the installation of an additional sign in a location that does not allow the installation of the proposed sign. This would essentially relocate one of the allowed Expressway Signs to the proposed location.

Zoning History

There has been one recent zoning change requested in the area within the last five years.

1. **Z167-173:** On August 9, 2017, the City Council approved the application to repeal a portion of Specific Use Permit No. 98, approved a CR Community Retail District; and created Planned Development District No. 986, subject to a development plan, landscape plan, and conditions.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Westmoreland Road	Principal Arterial	100

Traffic

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and has determined that the proposed development will not have a negative impact on the surrounding street 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 2.2 ENGAGE IN STRATEGIC ECONOMIC DEVELOPMENT

Policy 2.2.6 Restore Dallas as the foremost retail location in the region.

Surrounding Land Uses

	Zoning	Land Use
Site	PD No. 986	General Merchandise; Fueling Station
North	IR	Animal Service
South	NO (A); CR	Undeveloped
East	CR; PD No. 714 (Subdistrict 4B)	Undeveloped
West	PD No. 811 (Subarea A)	Restaurant

Land Use Compatibility

Per 51A-7.305(b)(3), Non-monument signs are not allowed within 250 feet of private property in a non-business zoning district. Any signs located in the proposed location would be required to be constructed as monument signs.

Per 51A-7.305(b)(4), One Expressway sign is allowed for every 450 feet of frontage or fraction thereof on an expressway. The site has approximately 520’ of expressway frontage, therefore two expressway signs are allowed per existing code conditions. The proposed sign can be located within 100 feet of the expressway right-of-way without a PD amendment.

The proposed location of the requested sign would be approximately 40 feet to 50 feet above the nearest travel lane of the right-of-way, where a sign’s height is measured from, which provides a much taller base than anything in the surrounding area. A provision for an 80 foot to 100 foot tall sign would be required in order to allow a sign that measures 50 feet from the base of the sign, becoming substantially taller than any other object in the surrounding area (except for the communications tower).

In order to accommodate this requested non-monument sign at the proposed location, the sign needs to be specified and the height of the sign needs to be defined as the vertical distance from the highest part of the sign and the base of the sign within the PD conditions. The condition regarding measurement was discussed at CPC but was inadvertently omitted from the CPC recommendation. Staff recommends City Council consider including a condition regarding how to measure the sign in this amendment.

Staff did not find justification for the request since the proposed sign can be located along the expressway without amending the PD. Staff did not find the applicant’s argument of obstructed visibility at the allowed location valid.

Landscaping

No change in landscaping is triggered or proposed with this request.

Parking

No change in landscaping is triggered or proposed with this request.

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. While the area of request is not categorized as being within an MVA cluster, properties to the south and southeast are located within an “D” and “E” Category.

List of Officers

QT South, LLC

Chester Cadieux III
James Marchesano
Stuart C. Sullivan
Marvin C. O'Dell III
Jeffery T. Thoene
Chad M. Standford
Kelley P. Vaughn
Craig D. Williams

**CPC ACTION
JANUARY 7, 2021**

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 986 for CR Community Retail District uses, subject to a revised development plan to reflect new height in maximum area on the south side of Interstate Highway 30 and the east side of Westmoreland Road.

Maker: MacGregor
Second: Blair
Result: Carried: 8 to 3

For: 8 - MacGregor, Shidid, Blair, Suhler, Schwope,
Murphy, Garcia, Rubin

Against: 3 - Hampton, Carpenter, Jung
Absent: 4 - Stinson, Johnson, Jackson, Myers,
Vacancy: 0

Notices: Area: 500 Mailed: 20
Replies: For: 0 Against: 0

Speakers: For: Lauren Montgomery, 4447 N. Central Expy., Dallas, TX, 75205
Gwen Keen, 1120 N. Industrial Blvd., Euless, TX, 76039

For (Did not speak): John Pimentel, Address not given

Against: None

Staff: Jason Pool, Sign Inspector, Sustainable Development and Construction

CPC Recommended Conditions

ARTICLE 986.

PD 986.

SEC. 51P-986.101. LEGISLATIVE HISTORY.

PD 986 was established by Ordinance No 30593, passed by the Dallas City Council on August 17, 2017.

SEC. 51P-986.102. PROPERTY LOCATION AND SIZE.

PD 986 is established on property located south of Interstate Highway 30 and east of N. Westmoreland Drive. The size of PD 986 is approximately 7.26 acres.

SEC. 51P-986.103. DEFINITIONS AND INTERPRETATIONS.

- (a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.
- (b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.
- (c) This District is considered to be a nonresidential zoning district.

SEC. 51P-986.104. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 986A: development plan.
- (2) Exhibit 986B: landscape plan.

SEC. 51P-986.105. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit 986A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P-986.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the CR Community Retail District, subject to the same conditions applicable in the CR Community Retail District, as set out in Chapter 51A. For example, a use permitted in the CR Community Retail District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the CR Community Retail District is subject to DIR in this district; etc.

(b) The following main uses are prohibited:

- (1) Commercial and business service uses.
 - Building repair and maintenance shop.
 - Tool or equipment rental.
- (2) Industrial uses.
 - Gas drilling and production.
- (3) Office uses.
 - Alternative financial establishment.
- (4) Retail and personal service uses.
 - Liquor store.
 - Pawn shop.
 - Swap or buy shop.

SEC. 51P-986.107. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

SEC. 51P-986.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

The yard, lot, and space regulations for the CR Community Retail District apply.

SEC. 51P-986.109. OFF-STREET PARKING AND LOADING.

Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

SEC. 51P-986.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-986.111. LANDSCAPING.

(a) Landscaping must be provided as shown on the landscape plan (Exhibit 986 B). If there is a conflict between the text of this article and the landscape plan, the text of this article controls.

(b) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P-986.112. SIDEWALKS.

(a) A minimum six-foot wide unobstructed sidewalk must be provided in an area parallel to and between four and 12 feet from the back of projected Westmoreland Road street curb.

(b) A scored concrete sidewalk is required to provide an additional pedestrian connection between Westmoreland Road and the facility as shown on the development plan.

(c) At each intersection of driveway and sidewalk, sidewalks must be constructed of a material that differs in finish and color from that of vehicular ingress and egress driveways.

SEC. 51P-986.113. SEC. 51P-986.113. SIGNS.

CPC Recommendation

~~Signs must comply with the provisions for business zoning districts in Article VII. (Ord. 30593).~~

(a) Except for the pylon sign shown on the development plan (Exhibit 986A) all signage must comply with the provisions for business zoning districts in Article VII.

(b) The pylon sign shown on the development plan (Exhibit 986A) shall be permitted at the location shown on the development plan (Exhibit 986A) at a maximum height of 50 feet and a maximum size of 400 square feet.

Staff Suggestion:

~~Signs must comply with the provisions for business zoning districts in Article VII. (Ord. 30593).~~

(c) Except for the non-monument sign shown on the development plan (Exhibit 986A) all signage must comply with the provisions for business zoning districts in Article VII.

(d) HEIGHT, as applied to the non-monument sign specified on the Development Plan (Exhibit 986A), means the vertical distance between the highest part of the sign and the base of the sign.

(e) The non-monument sign shown on the development plan (Exhibit 986A) shall be permitted at the location shown on the development plan (Exhibit 986A) as an alternative location for an allowed expressway sign for the development at a maximum height of 50 feet and a maximum size of 400 square feet.

SEC. 51P-986.114. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

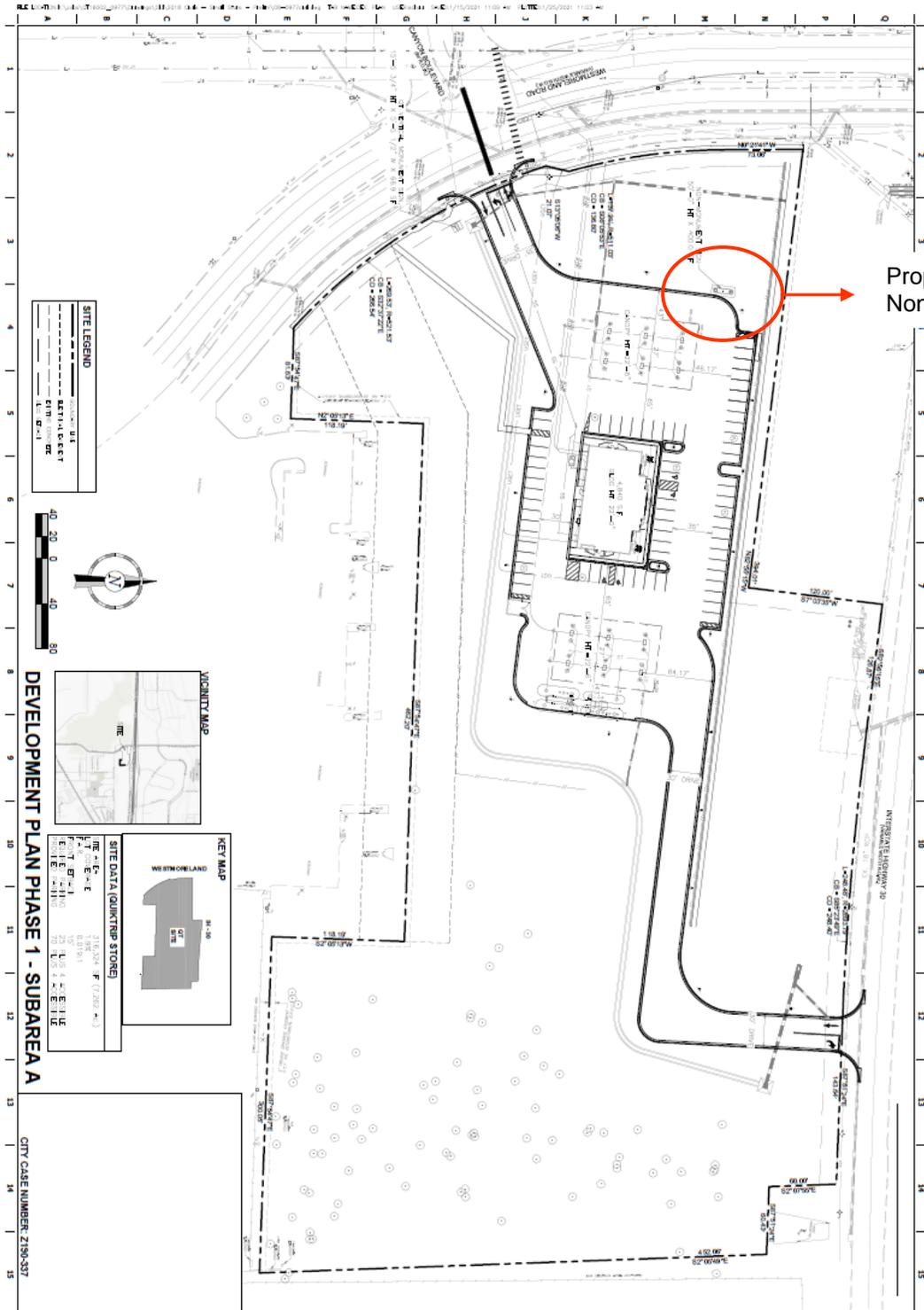
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-986.114. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.”

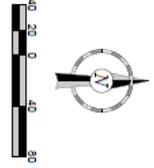
PROPOSED DEVELOPMENT PLAN



Proposed Location of Non-Monument Sign

SITE LEGEND

---	EXISTING
---	PROPOSED
---	ETB
---	ETB



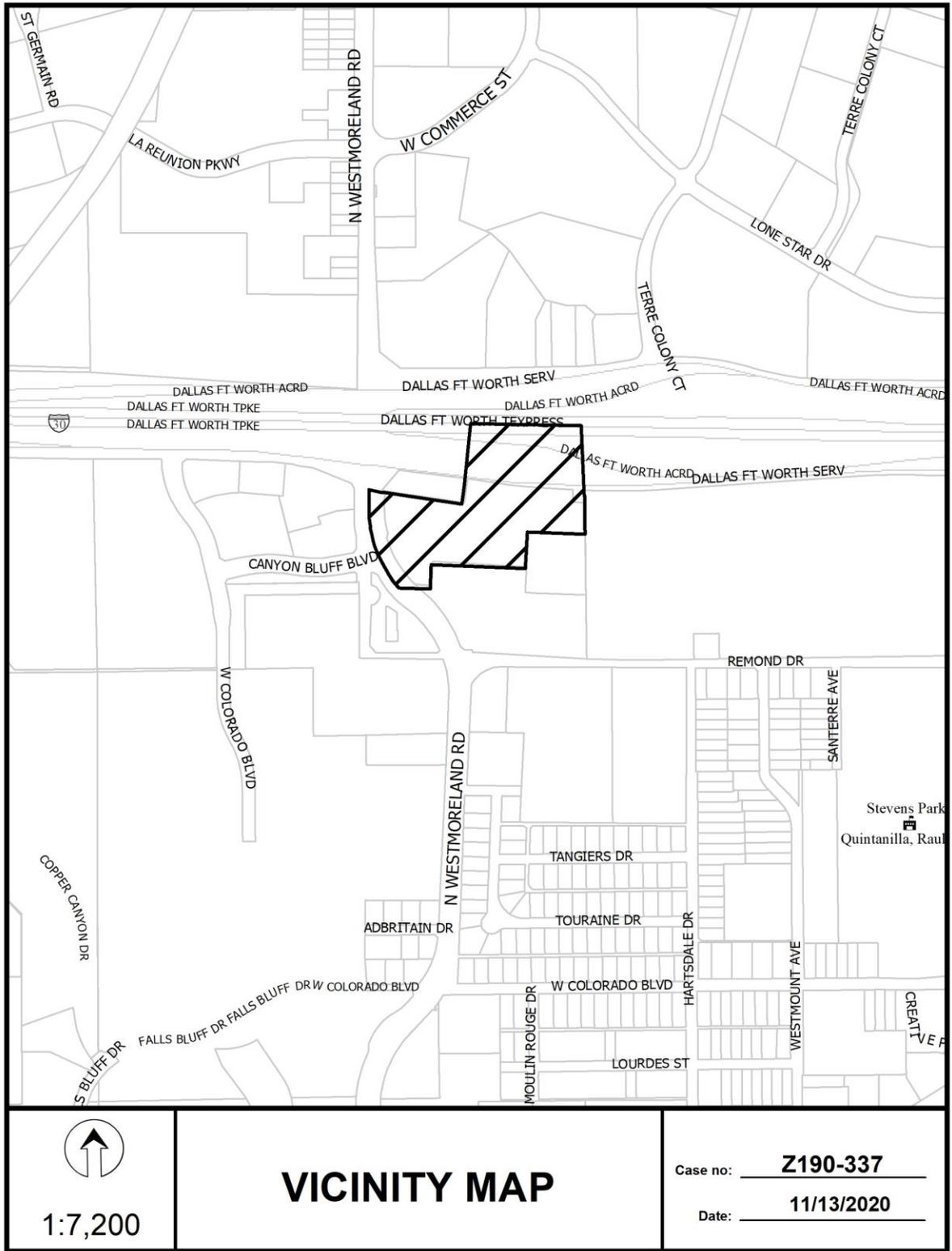
SITE DATA (QUICKTRIP STORE)

HT	4'-0"	F	(7200 +/-)
WT	6'-0"	E	1.0000
F	1'-0"	1	1.0000
ETB	1'-0"	1	1.0000
ETB	1'-0"	1	1.0000
ETB	1'-0"	1	1.0000

DEVELOPMENT PLAN PHASE 1 - SUBAREA A

CITY CASE NUMBER: Z190-337

<p>3</p>	<p>PRELIMINARY SITE PLAN</p>	<p>DATE: 11/11/2021</p>	<p>BY: [Signature]</p>	<p>DESCRIPTION: [Signature]</p>	<p>QUICKTRIP</p>	<p>QuikTrip No. 977</p> <p>1-30 & WEST MORELAND ROAD</p> <p>DALLAS, TEXAS</p>	<p>IRKMAN ENGINEERING</p>	<p>STATE OF TEXAS</p> <p>REGISTERED PROFESSIONAL ENGINEER</p> <p>NO. 12345</p> <p>EXPIRES: 12/31/2023</p>
	<p>ORIGINAL ISSUE DATE:</p>	<p>DATE:</p>	<p>BY:</p>	<p>DESCRIPTION:</p>	<p>DATE:</p>	<p>DATE:</p>	<p>DATE:</p>	



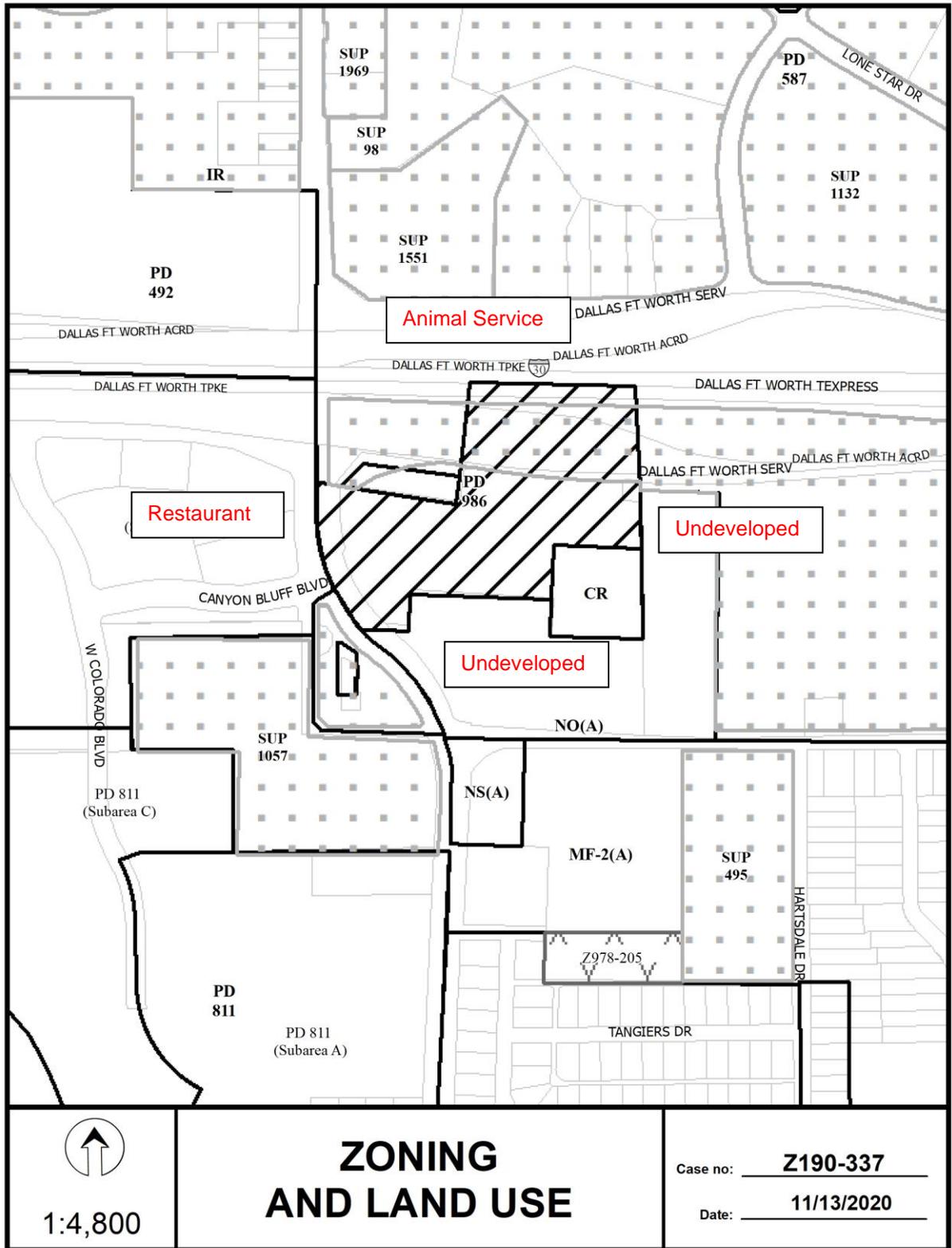


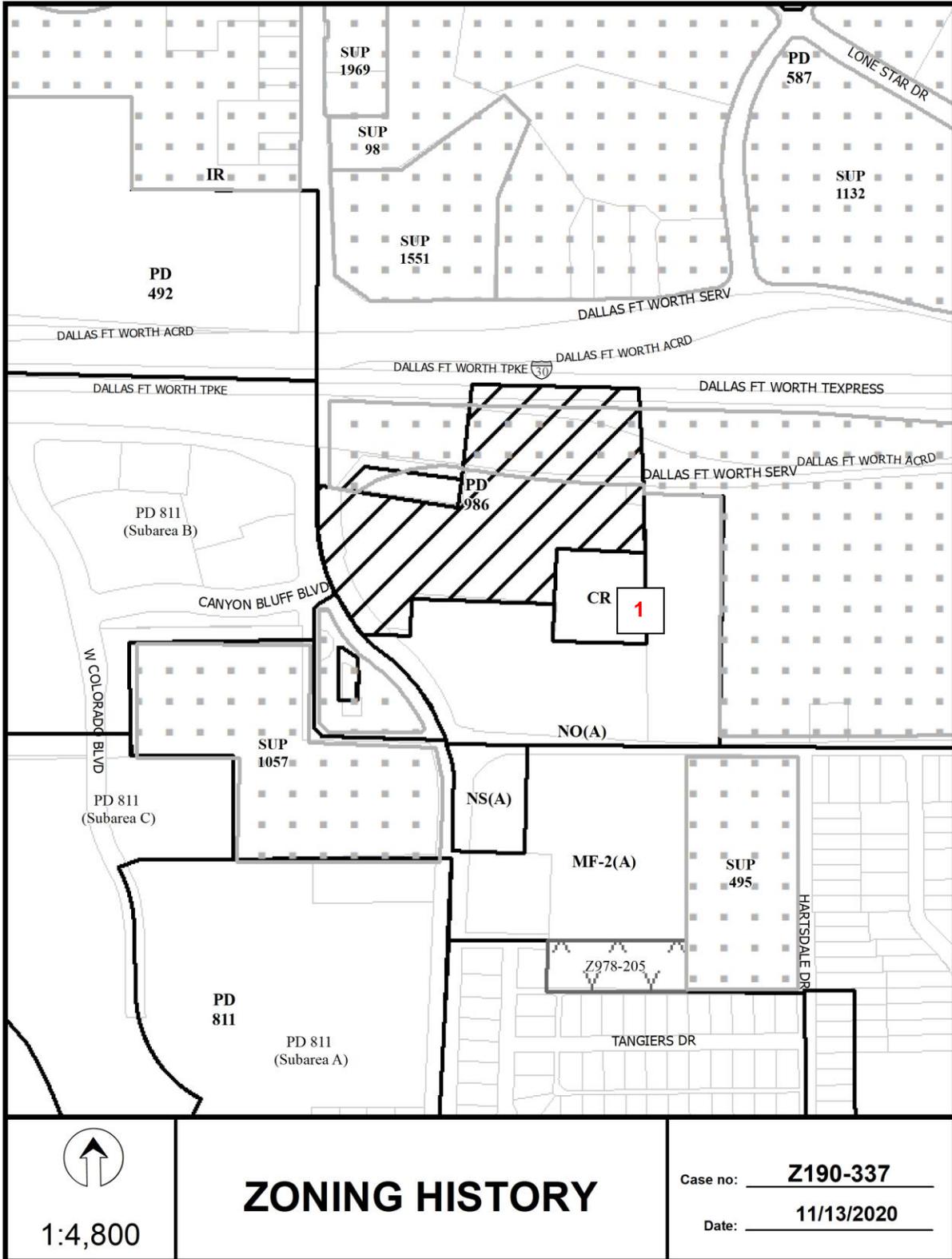
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AERIAL MAP

Case no: Z190-337

Date: 11/13/2020

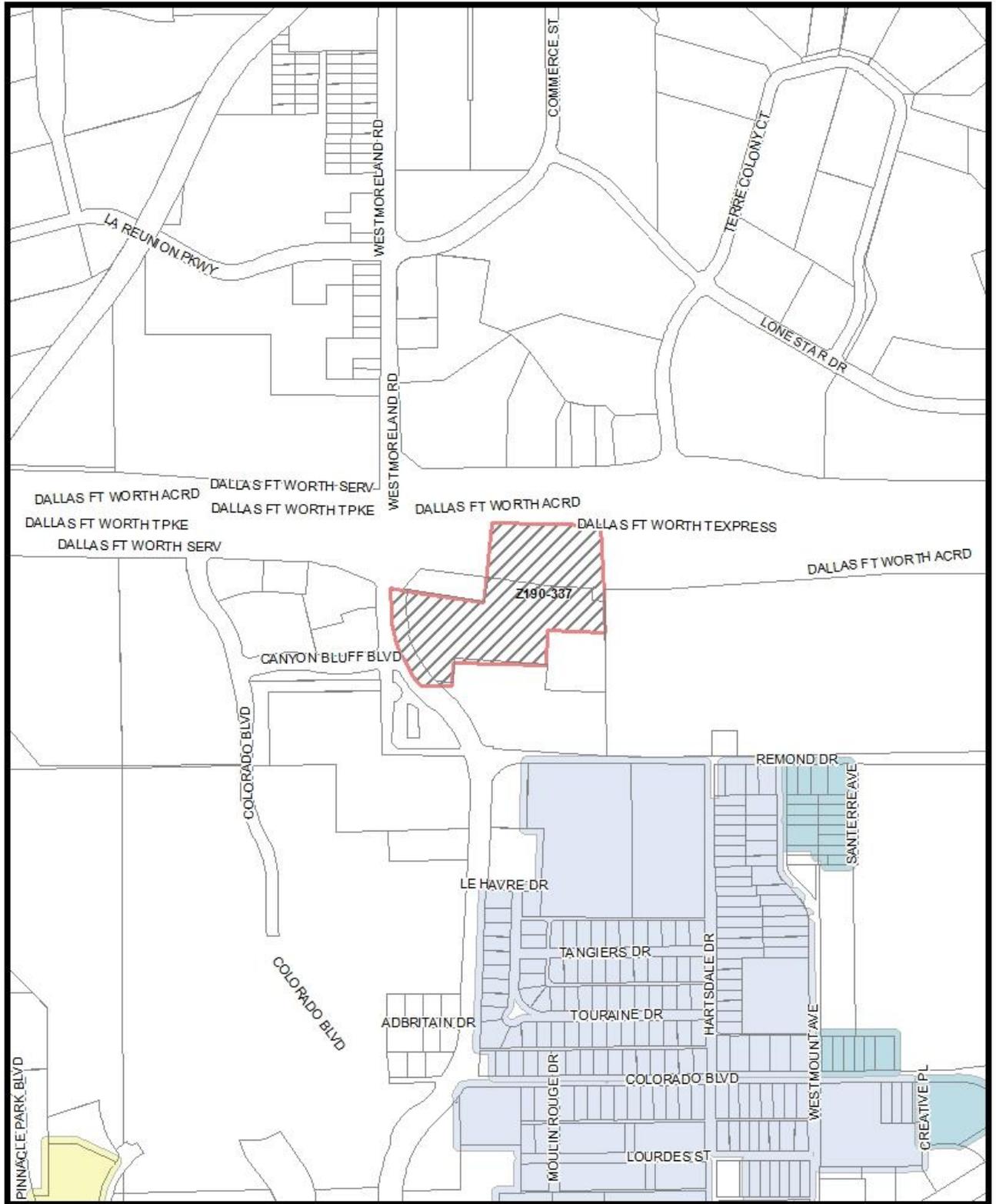




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ZONING HISTORY

Case no: Z190-337
Date: 11/13/2020



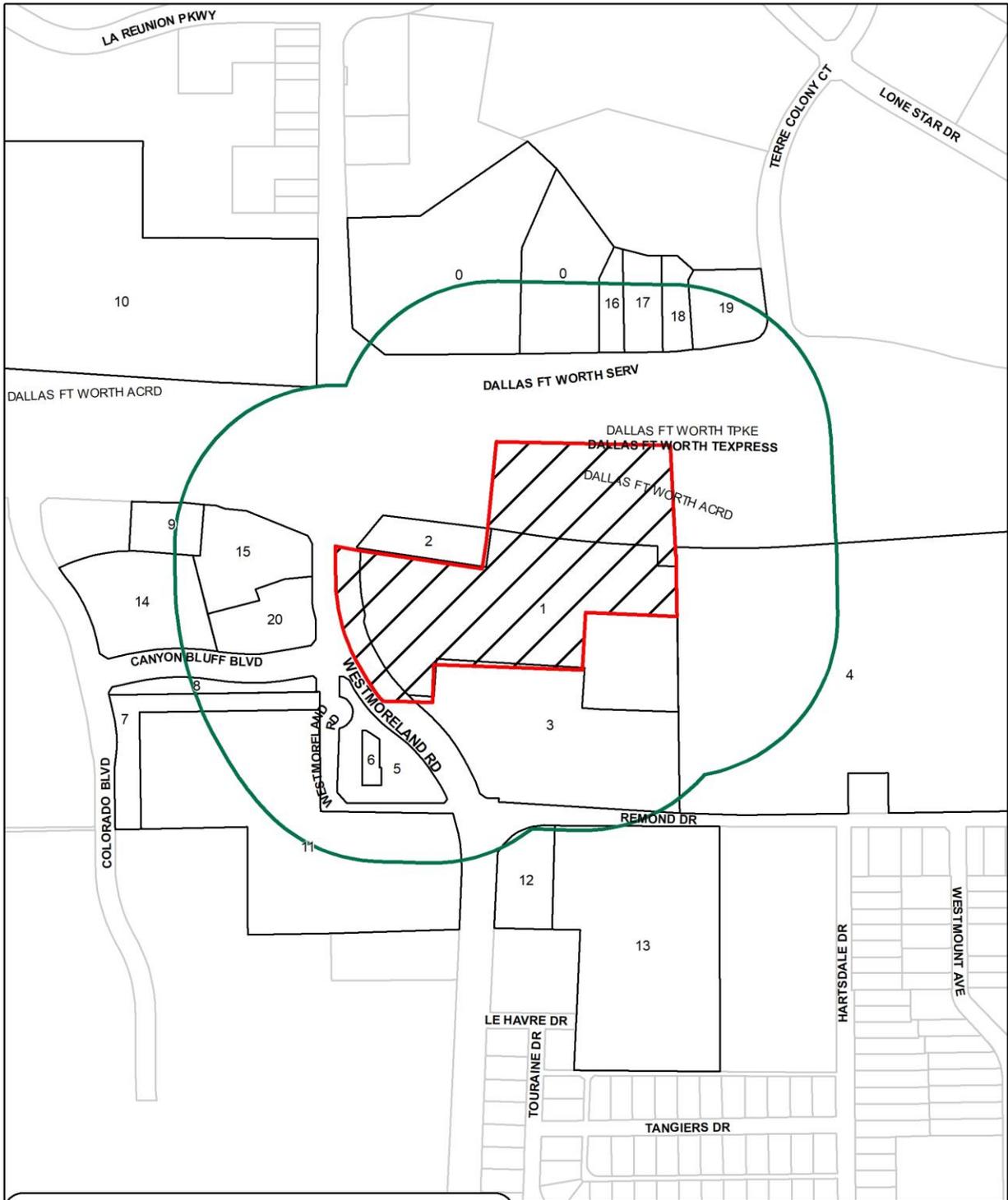
Market Value Analysis A B C D E F G H I NA



Market Value Analysis

Printed Date: 11/13/2020

CPC RESPONSES



<u>20</u>	Property Owners Notified (22 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>500'</u>	Area of Notification
<u>1/7/2021</u>	Date

Z190-337
CPC



1:4,800

Z190-337(NN)

01/06/2021

Reply List of Property Owners

Z190-337

20 Property Owners Notified

0 Property Owners in Favor

0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2841 REMOND DR	QT SOUTH LLC
	2	1600 N WESTMORELAND RD	ONCOR ELECRC DELIVERY COMPANY
	3	1400 N WESTMORELAND RD	DALLAS COUNTY HOSPITAL DISTRICT
	4	2400 IH 30	U S POSTAL SERVICE
	5	1433 N WESTMORELAND RD	SLF THE CANYOUN IN OAK CLIFF LP
	6	1433 N WESTMORELAND RD	CROWN COMMUNICATION INC
	7	1419 N WESTMORELAND RD	Taxpayer at
	8	1600 N WESTMORELAND RD	Taxpayer at
	9	1600 N WESTMORELAND RD	KAIZEN REAL ESTATE INC
	10	1729 N WESTMORELAND RD	COMMERCIAL METALS CO
	11	1353 N WESTMORELAND RD	DALLAS CO MENTAL HEALTH &
	12	1350 N WESTMORELAND RD	SAM WEST PARTNERS LLC
	13	3050 REMOND DR	MHMR SENIOR HOUSING LP
	14	3425 CANYON BLUFF BLVD	CANYONS HOTEL VENTURE
	15	3351 CANYON BLUFF BLVD	T&W INVESTMENTS LLC
	16	3121 IH 30	Taxpayer at
	17	3111 IH 30	Taxpayer at
	18	3101 IH 30	Taxpayer at
	19	1771 TERRE COLONY CT	PROGRESSIVE CAPITAL LLC
	20	3333 CANYON BLUFF BLVD	Taxpayer at