

FILE NUMBER: Z190-296(ND) **DATE FILED:** July 1, 2020
LOCATION: Southeast corner of Cedar Crest Boulevard and East Kiest Boulevard
COUNCIL DISTRICT: 4 **MAPSCO:** 55 H
SIZE OF REQUEST: Approx. 0.55 acre **CENSUS TRACT:** 55.00

REPRESENTATIVE: Audra Buckley

APPLICANT: Aladdin Mustafa

OWNER: AMA Corporation

REQUEST: An application for a Specific Use Permit for a motor vehicle fueling station use on property zoned an NS(A) Neighborhood Services District.

SUMMARY: The purpose of the request is to allow for a new motor fueling station at an existing general merchandise or food store [Kiest Market].

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

STAFF RECOMMENDATION: Approval for a five-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The area of request is zoned an NS(A) Neighborhood Service District and is currently developed with one structure with three suites: two general merchandise or food store 3,500 square feet or less uses and a dry cleaner or laundry store use.
- The applicant proposes to construct a motor fueling station use in conjunction with the existing general merchandise or food store 3,500 square feet or less.
- The general merchandise or food store and the dry cleaner or laundry store uses are allowed by right in the NS(A) District; however, the motor vehicle fueling station use is allowed by SUP only.

Zoning History: There have been no zoning requests in the vicinity in the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Required ROW
Kiest Blvd	Principal Arterial	100 feet
Cedar Crest Blvd Kiest to Stella	Community Collector	100 feet
Cedar Crest Blvd 11 th to Kiest	Principal Arterial	100 feet

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:

URBAN DESIGN ELEMENT**GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY****Policy 5.2.4 Enhance retail, industrial and business operations****Land Use:**

	Zoning	Land Use
Site	NS(A)	General merchandise or food stores < 3,500 sf; dry cleaner or laundry store
Northeast	CR with D Overlay, R-5(A)	Auto service center, Undeveloped
Southeast	NS(A)	Multifamily
South	NS(A)	Undeveloped
West	CR	Vacant general merchandise or food store > 3,500 sf
Northwest	CR	Undeveloped

Land Use Compatibility:

The area of request is zoned an NS(A) Neighborhood Service District and is currently developed with one structure with three suites: two general merchandise or food store 3,500 square feet or less uses and a dry cleaner or laundry store use. The applicant proposes to construct a motor fueling station use in conjunction with the existing general merchandise or food store 3,500 square feet or less.

Uses surrounding the area of request include an auto service center and undeveloped property to the northeast across Kiest Boulevard, multifamily and undeveloped property to the southeast and south. A vacant general merchandise or food store greater than 3,500 square feet and undeveloped property is to the west and northwest.

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 is recommending a five-year period with eligibility for automatic renewal for additional 10-year periods. A shorter initial time-period allows staff and the surrounding property owners to evaluate compliance with the conditions and site plan and comment on the compatibility of the use. Automatic renewals are being recommended as the property is adjacent to non-residential uses, except for the non-conforming multifamily uses to the southeast, and is located on two major roadways. The applicant is proposing to satisfy required parking through a remote parking agreement. The initial short time-period will also allow staff to evaluate if the remote parking is working properly.

The applicant's request, subject to a site plan and conditions, complies with the general provisions for consideration of an SUP.

Development Standards:

<u>DISTRICT</u>	<u>SETBACKS</u>		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
<i>Existing:</i> NS(A) Neighborhood Service	15'	20' adjacent to res, other no min.	No max. dwg density. Max FAR = 0.5	35' for structures w/gable, hip, or gambrel roof; 30' other	40%	RPS and Visual Intrusion	Retail and personal service, office

Parking:

Parking must be provided in accordance with the Dallas Development Code, as amended.

The approximately 7,729 square foot, one-story building contains three uses: two general merchandise or food store uses and a dry cleaner or laundry store use. Both uses require a ratio of one off-street parking space for every 200 square feet of floor area. Additionally, the parking regulations establish that for a motor vehicle fueling station, a minimum of two off-street parking are required. The total parking required for the site is 41 spaces.

As depicted on the proposed site plan, a total of 18 off-street parking spaces will be provided on site. The applicant indicated the additional required parking will be provided through a remote parking agreement per the Development Code.

Landscaping:

At the time of development, landscaping must be provided in accordance with Article X of the Dallas Development Code, as amended.

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 MVA Category. Property to the southeast is within an “E” MVA Category and an “I” MVA Category is across Cedar Crest Boulevard to the northwest.

LIST OF OFFICERS

AMA Corporation

Abdel Rizek Hijaz, President
Anwar Haifa, Vice-President
Mohammed Hejaz, Secretary

CPC Action
March 25, 2021

Motion: It was moved to recommend **approval** of a Specific Use Permit for a motor vehicle fueling station use for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned an NS(A) Neighborhood Services District on the southeast corner of Cedar Crest Boulevard and East Kiest Boulevard.

Maker: Johnson
Second: Suhler
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Stinson, Johnson,
Shidid, Carpenter, Jackson, Blair, Jung,
Suhler, Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 10

Notices: Area: 200 Mailed: 12
Replies: For: 0 Against: 0

Speakers: For: Audra Buckley, 1414 Belleview St., Dallas, TX, 75215
Against: None

CPC RECOMMENDED SUP CONDITIONS

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 and elevation.

CPC Recommendation:

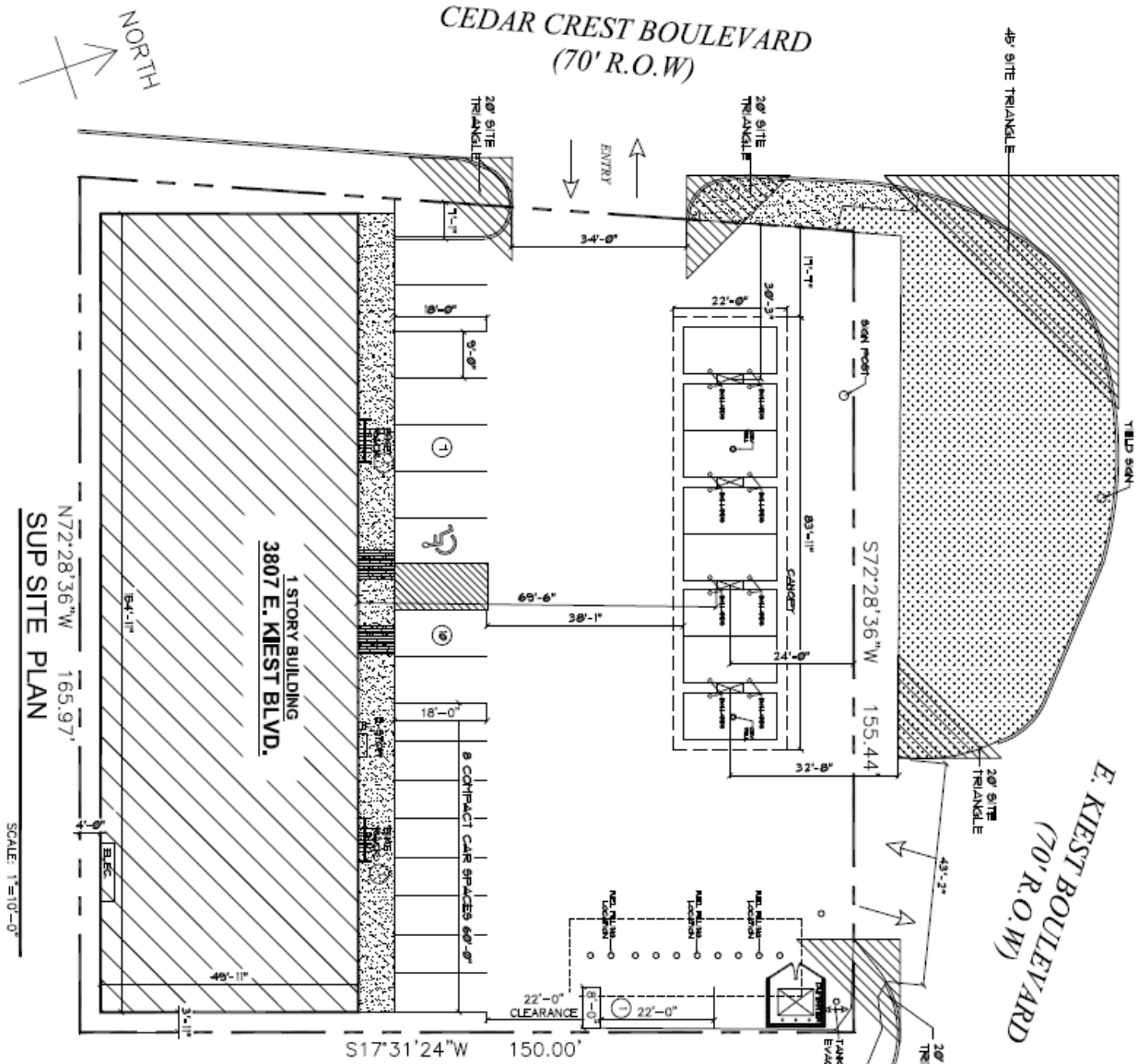
3. TIME LIMIT: This specific use permit expires on (five years from this date) but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete 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.)

Staff Recommendation:

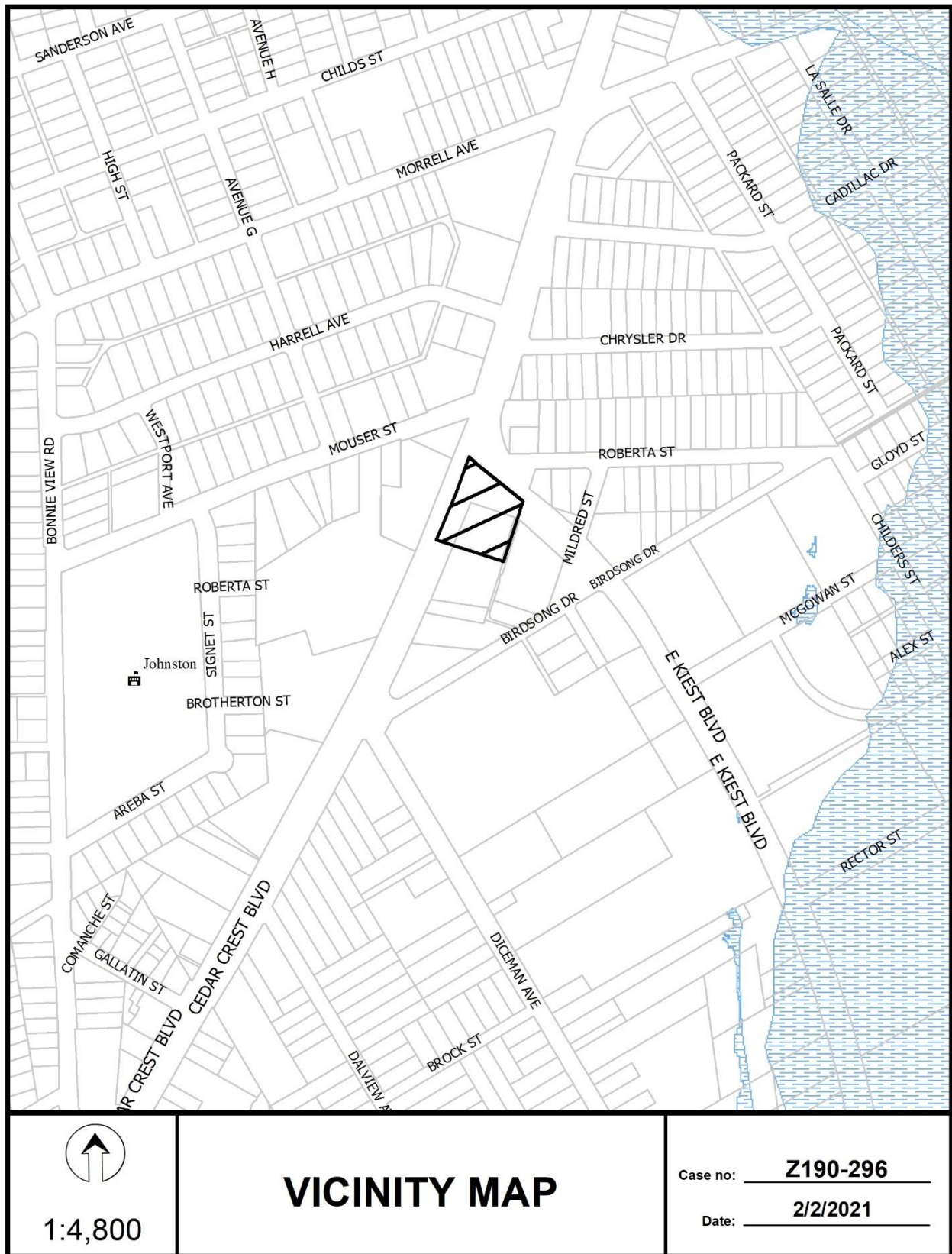
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4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

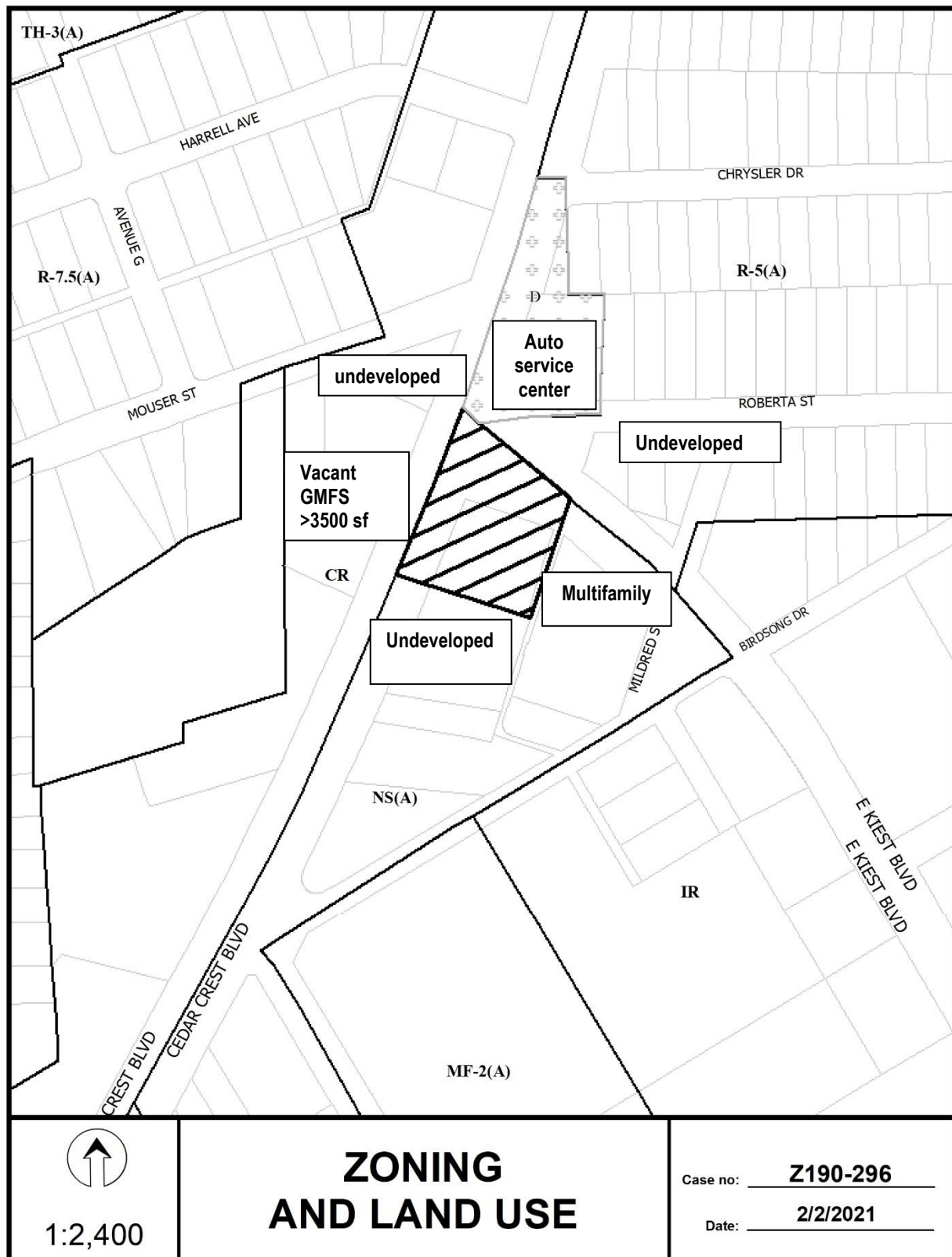
CPC RECOMMENDED SITE PLAN



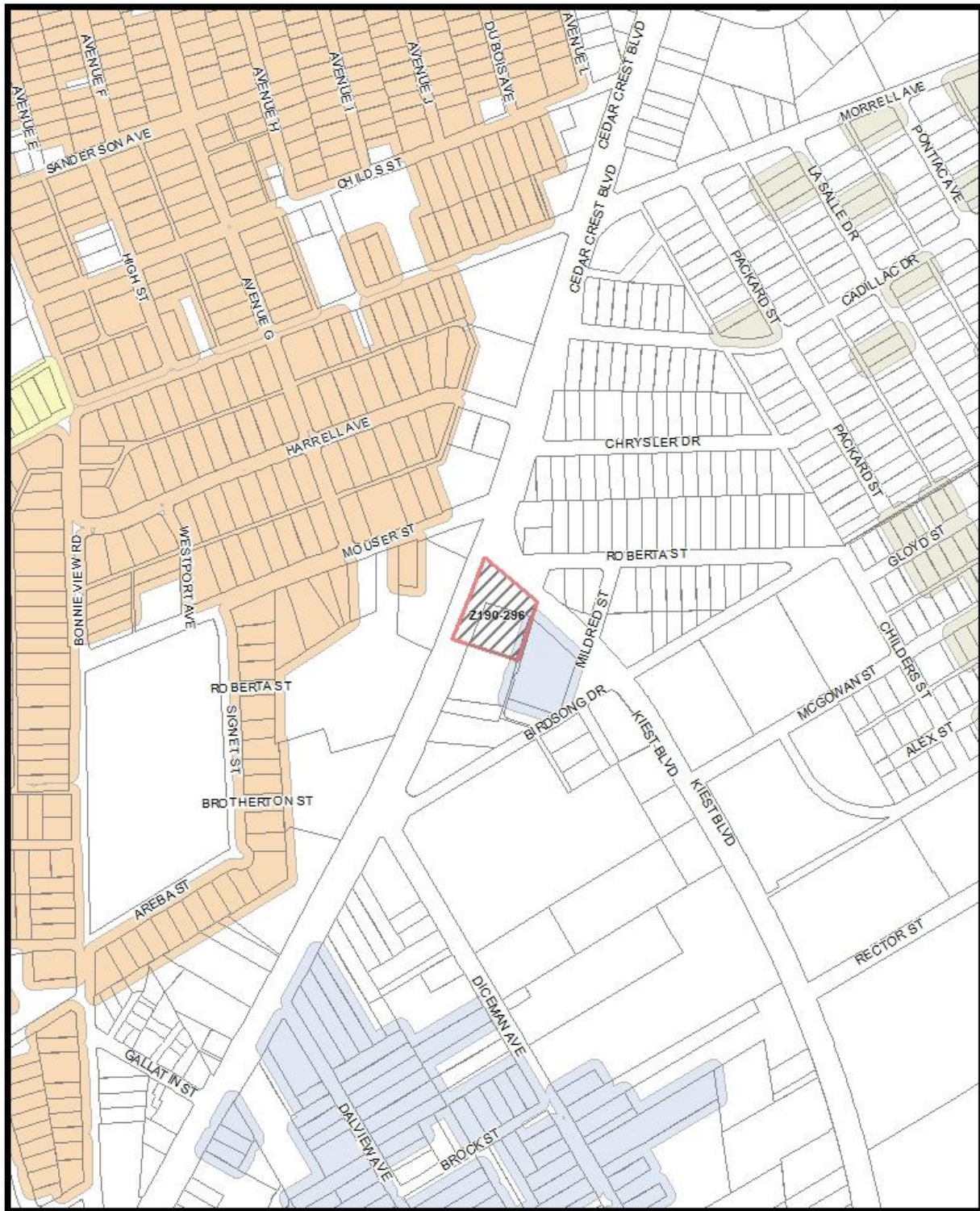
Site Details	
Zoning: NSIA with SUP for a Motor Vehicle Fueling Station Lot Area: Existing 1-Story Structure General Coverage Lot Coverage Required Parking: General Merchandise Personal Service Use Motor Vehicle Fueling Station Total Required Parking: 28 Spaces 11 Spaces 2 Spaces 41 Spaces Provided Parking: Service Parking - Back of 6 Off-Street Parking (On-site) Off-Street Parking Up Parking Agreement Total Provided Parking: 3 Spaces 18 Spaces 21 Spaces 41 Spaces	24133 SF 7720 SF 1865 SF 40% 28 Spaces 11 Spaces 2 Spaces 41 Spaces 3 Spaces 18 Spaces 21 Spaces 41 Spaces







Z190-296(ND)



MVACluster A B C D E F G H I NA

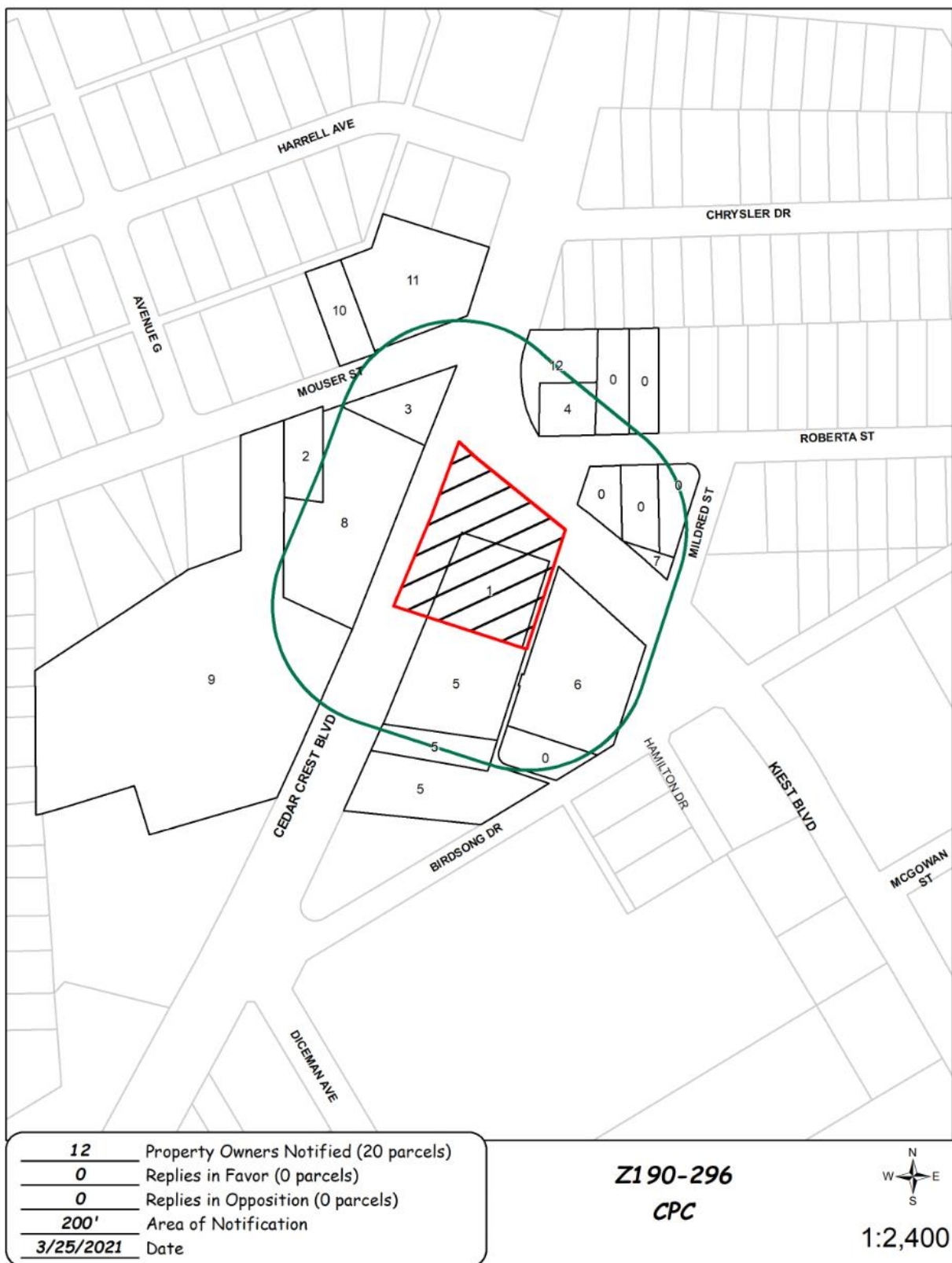


1:4,800

Market Value Analysis

Printed Date: 2/2/2021

CPC RESPONSES



03/24/2021

Reply List of Property Owners

Z190-296

12 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	3801	E Kiest Blvd	A M A CORPORATION
2	2214	Mouser St	TURNER LOUISE
3	2697	CEDAR CREST BLVD	WILHITE ELIZA
4	2710	CEDAR CREST BLVD	WEBB TOMMY
5	2660	CEDAR CREST BLVD	WATERS BROTHERS LLP
6	3811	E Kiest Blvd	Kiest Apts LLC
7	1015	MILDRED ST	GILLIAM MARK D
8	2683	CEDAR CREST BLVD	2683 CEDAR CREST LLC
9	2653	CEDAR CREST BLVD	BRAHMDELL MANAGEMENT COMPANY
10	2223	Mouser St	BRIONES CHER DANCER
11	2303	Mouser St	Taxpayer at
12	2722	CEDAR CREST BLVD	Taxpayer at