

FILE NUMBER: Z190-222(JT)

DATE FILED: March 5, 2020

LOCATION: South line of Tea Garden Road, west of Haymarket Road

COUNCIL DISTRICT: 8

MAPSCO: 69 Q, U

SIZE OF REQUEST: ±16.313 acres

CENSUS TRACT: 171.02

REPRESENTATIVE: La Sierra Planning Group

APPLICANT/OWNER: Joel Torres

REQUEST: An application for the renewal of Specific Use Permit No. 2233 for a private recreation center, club, or area on property zoned an A(A) Agricultural District.

SUMMARY: The applicant proposes to continue the use of the property for private fields: three baseball fields and one volleyball court.

CPC RECOMMENDATION: Approval for a two-year period, subject to conditions.

STAFF RECOMMENDATION: Approval for a two-year period, subject to conditions.

BACKGROUND INFORMATION:

- The request is made to continue the use of one volleyball court and three baseball fields [a private recreation center, club, or area.]
- The owner currently hosts baseball and volleyball games for local adult male baseball teams.
- A specific use permit is required to allow the continued use as a private recreation center, club, or area in a residential zoning district, including the A(A) Agricultural District.
- On June 13, 2018 the City Council approved Specific Use Permit No. 2233 for a private recreation center, club or area for a two-year period.

Zoning History:

There have been no zoning cases within the vicinity of the area of request in the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Right-of-Way
Teagarden Road	Local	60 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

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 comprehensive plan does not make a specific land use recommendation related to the request.

Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections.

The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods’ unique characteristics. Acknowledge the importance of neighborhoods to the city’s long-term health and vitality.

Implementation Measure 1.1.5.3 Encourage neighborhood-serving office, retail, or other non-residential uses to be located in residential community areas, primarily on significant roadways or at key intersections.

Land Use Compatibility:

The subject site is zoned an A(A) Agricultural District. The uses permitted in this district are intended to accommodate normal farming, ranching, and gardening activities. Over time, it is expected that agricultural zoned properties will eventually develop into urban sites.

	Zoning	Land Use
Site	A(A) Agricultural with SUP No. 2233	Private recreation, club, or area.
North	A(A) Agricultural	Single family and agricultural
East	A(A) Agricultural	Single family and agricultural
South	A(A) Agricultural	Single family and agricultural
West	A(A) Agricultural, PD No. 819, R-7,5 (A), R-5(A), and Deed Restrictions	Single family, public school, and agricultural

Surrounding land uses include single family and agricultural, with a school nearby as well. These uses are typical in residential neighborhoods with low density. The private recreation center, club, or area use is permitted by right in retail, commercial service, industrial, central area, mixed use, multiple commercial and urban corridor districts. When feasible, this use is allowed in residential districts with a SUP. The intent of allowing it by SUP in residential districts is to gauge the level of appropriateness and provide for public comment.

The fields currently exist and are used by the property owner and baseball teams from around the metroplex, according to the applicant (owner). The City Council approved operations to occur between 11:00 a.m. and 8:00 p.m. on Sundays. The applicant is requesting to be allowed to operate during the following times: Monday through Friday

between 4:00 p.m. and 8:00 p.m. (for practice only). The applicant has informed staff that they have been practicing throughout out the week. The applicant would also like to operate on Saturday between 4:00 p.m. and 8:00 p.m. and Sunday between 10:00 a.m. and 8:00 p.m.

A six-foot opaque privacy fence exists along the perimeter of the site. The use of proposed lighting and amplified sound is currently limited to the hours from 11:00 a.m. to 8:00 p.m. on Sundays. No lights have been installed on the property. The applicant is requesting to expand the times to operate at the site at 10:00 a.m. on Sunday instead of 11:00 a.m. The applicant is requesting to have amplified sound during hours of operation.

Paved parking exceeding the code requirement is being offered within the site. Sec. 51A 4.208(2)(c) requires three parking spaces per playing field and an additional one parking space per 150 square feet of floor area. In all, approximately 44 parking spaces are required for the three baseball fields, one volleyball court, and 4,680 square feet of additional floor area (storage buildings and covered porches). Portable toilets and a dumpster exist as identified on the site plan.

Staff believes that with the proposed changes regarding the hours of operation along with the number of days proposed by the applicant and compliance with the proposed site plan and conditions, the use could be an asset to the area as it develops into an urban site in the future. In an effort to ensure that the site matches the future development of the area, staff is recommending limiting the time period to only two years with no auto renewal. This will give the neighbors, especially the new residential subdivision, which is currently being constructed, the opportunity to experience the facility under the SUP regulations imposed by this request. If additional concerns arise, the conditions may be amended when the SUP comes in for renewal.

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.

Parking:

Sec. 51A 4.208(2)(c) requires three parking spaces per playing field and an additional one parking space per 150 square feet of floor area. In all, approximately 44 parking spaces are required for the three baseball fields, one volleyball court, and 4,680 square feet of additional floor area (storage buildings and covered porches). The proposed site plan depicts that the applicant would provide 116 parking spaces, of which five are van accessible handicapped spaces.

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Landscaping and Screening:

According to the City arborist, this request meets the requirements of Article X.

**CPC Action:
June 18, 2020**

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2233 for a private recreation center, club, or area for a two-year period, subject to conditions with the following modifications: 1) Hours of Operation - Monday through Friday, 4:00 p.m. to 8:00 p.m.; Saturday and Sunday, 10:00 a.m. to 8:00 p.m., and 2) amplified sound limited to the hours of operation on property zoned an A(A) Agricultural District, on the south line of Tea Garden Road, west of Haymarket Road.

Maker: Blair
Second: Schultz
Result: Carried: 15 to 0

For: 15 - MacGregor, Hampton, Stinson, Johnson, Shidid, Carpenter, Jackson, Blair, Jung, Housewright, Schultz, Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 400 Mailed: 17
Replies: For: 0 Against: 0

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

CPC RECOMMENDED CONDITIONS

1. USE: The only use authorized by this specific use permit is a private recreation center, club, or area.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC Recommendation

3. TIME LIMIT: This specific use permit expires on ~~June 13, 2020~~ 2 years from passage of this ordinance (date).

Applicant's Request

3. TIME LIMIT: This specific use permit expires on ~~June 13, 2020~~ (five years 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 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. DRAINAGE: Prior to the issuance of a certificate of occupancy, drainage on the property must comply with Section 51A-8.611(e).
5. HOURS OF OPERATION: The private recreation center, club, or area may only operate between ~~11:00 a.m. 4:00 p.m.~~ 4:00 p.m. and 8:00 p.m. on Sundays Monday through Friday, and Saturday and Sunday, 10:00 a.m. to 8:00 p.m.

6. INGRESS/EGRESS:

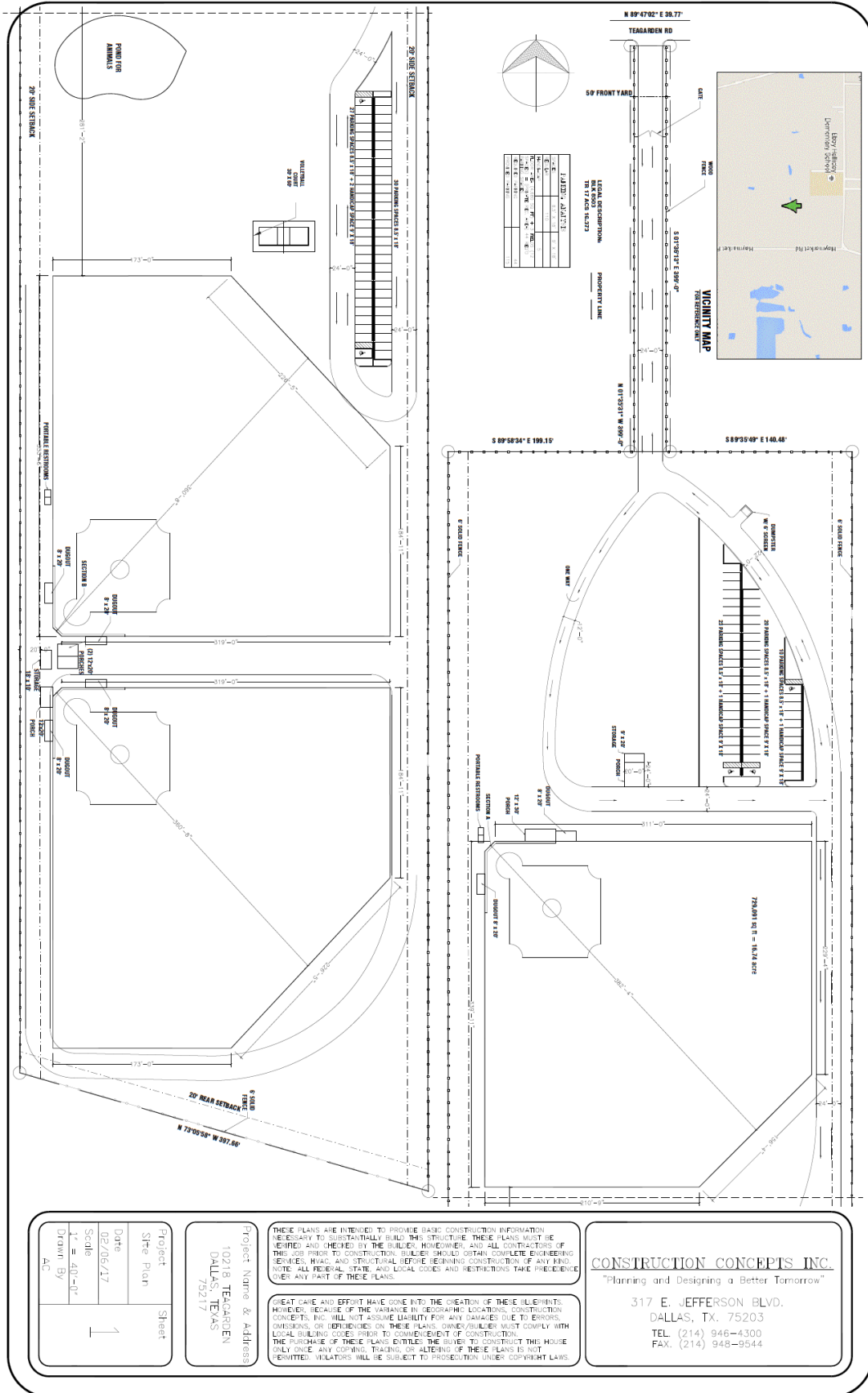
A. The entrance at Teagarden Road must remained gated.

B. A minimum of one security officer must be employed and stationed at the access drive to direct traffic during the hours of operation and until the Property has been vacated.

7. OUTDOOR LIGHTING: Operation of outdoor lighting is limited to the hours between 11:00 a.m. and 8:00 p.m. on Sundays.

8. OUTDOOR SOUND: Operation of loudspeakers and other forms of amplification is limited to the hours of operation. ~~between 11:00 a.m. and 8:00 p.m. on Sundays.~~
9. SCREENING:
 - A. Except for required visibility triangles and points of ingress and egress, a minimum six-foot-tall solid screen must be maintained along the perimeter of the property. Screening material must be wood or masonry.
 - B. Evergreen hedging must comply with Section 51A-4.602(b) and be provided in the interior along the perimeter fence shown on the attached site plan. The evergreen hedge must be irrigated and maintained in a healthy, growing condition.
10. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
11. 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.

Existing Site Plan



Project	Site Plan	Sheet
Date	02/06/17	1
Scale	1" = 40'-0"	
Drawn By	AC	

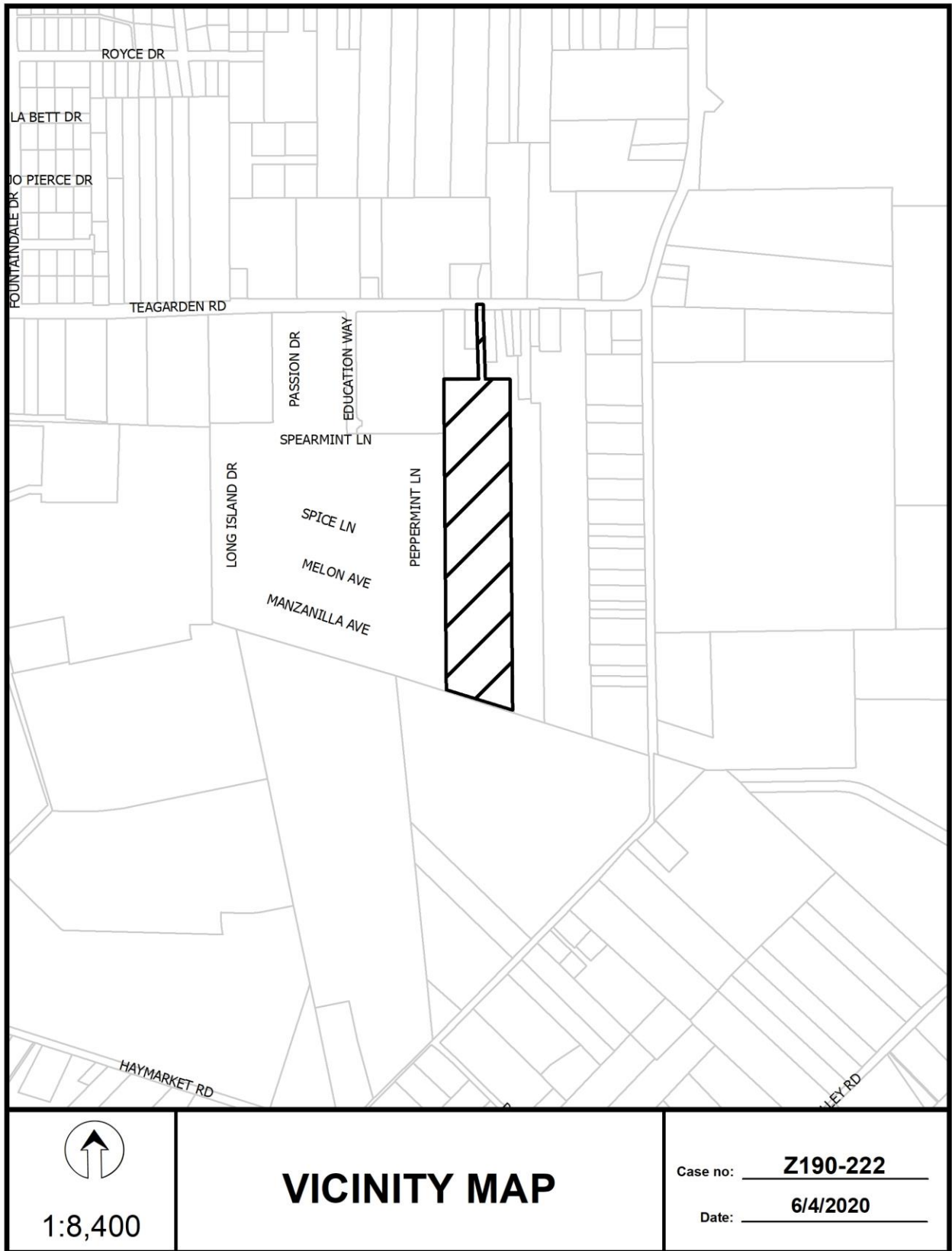
Project Name & Address
 10218 TEAGARDEN
 DALLAS, TEXAS
 75217

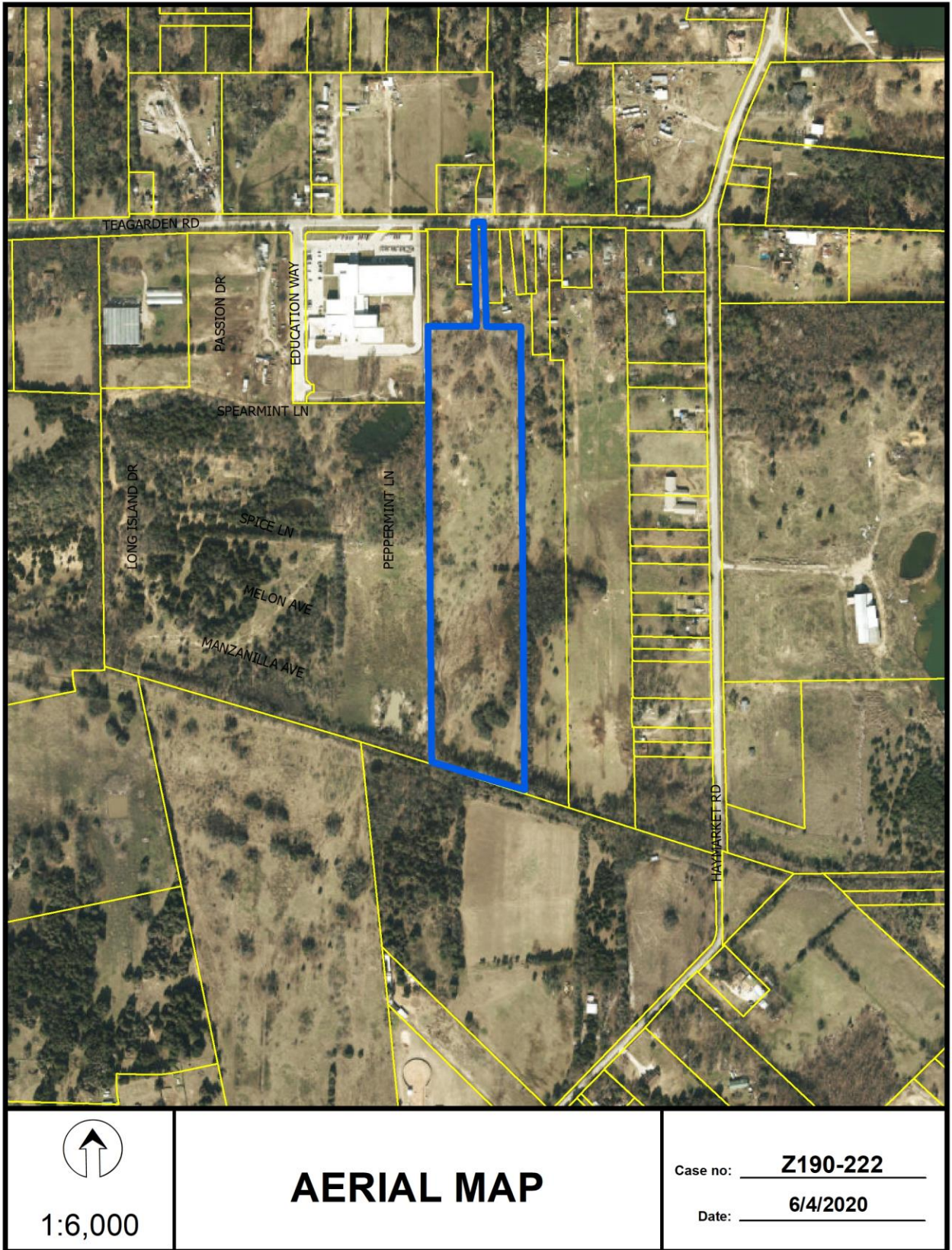
THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE VERIFIED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OF THIS JOB PRIOR TO CONSTRUCTION. BUILDER SHOULD OBTAIN COMPLETE ENGINEERING SERVICES, HVAC, AND STRUCTURAL BEFORE BEGINNING CONSTRUCTION OF ANY KIND. NOTE: ALL FEDERAL, STATE AND LOCAL CODES AND RESTRICTIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS.

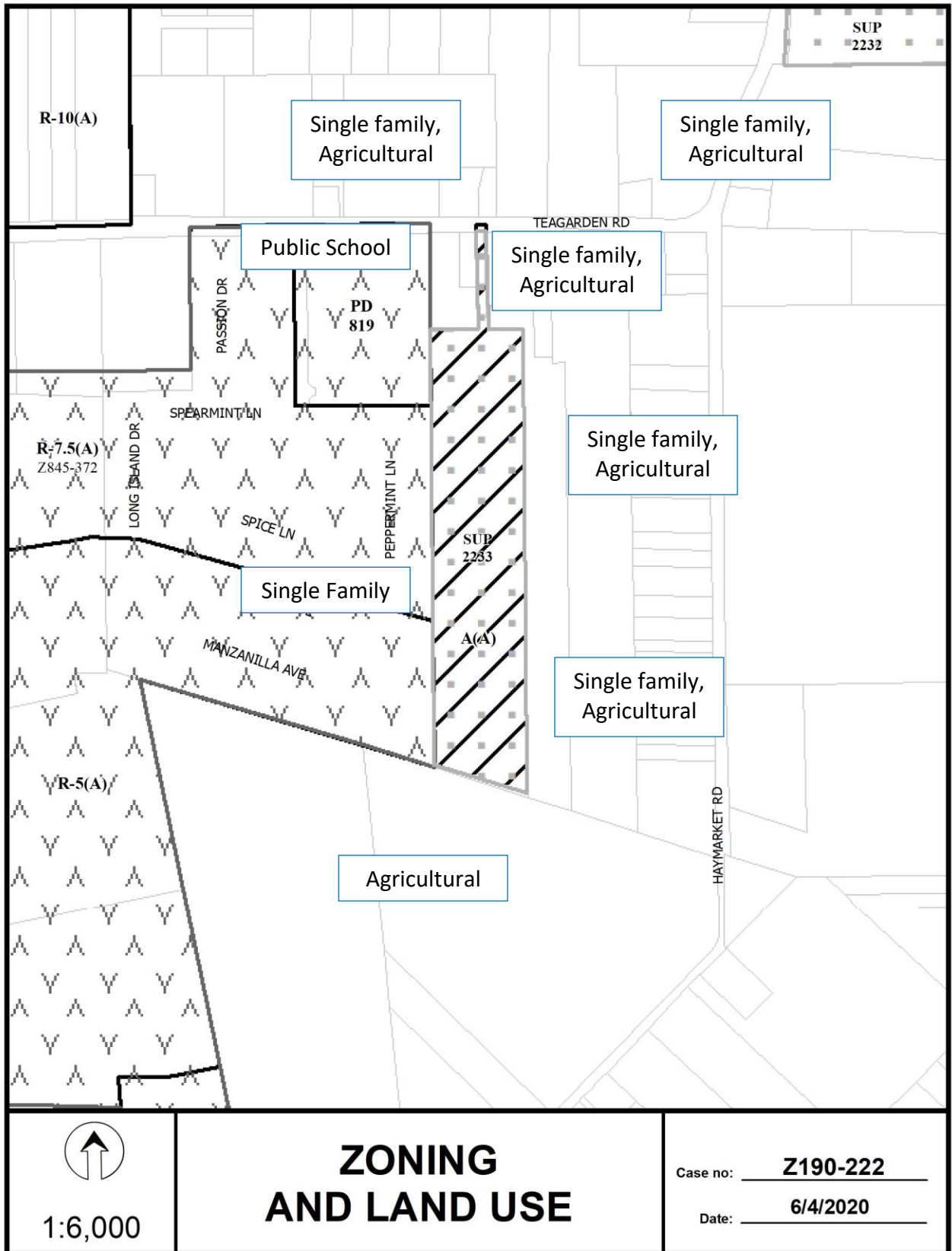
GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. HOWEVER, BECAUSE OF THE VARIANCE IN GEOGRAPHIC LOCATIONS, CONSTRUCTION CONDITIONS, THE FIRM WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNERS/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE PURCHASE OF THESE PLANS OBTAINS THE BUILDER TO CONSTRUCT THIS HOUSE ONLY ONCE. ANY COPYING, TRACING, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

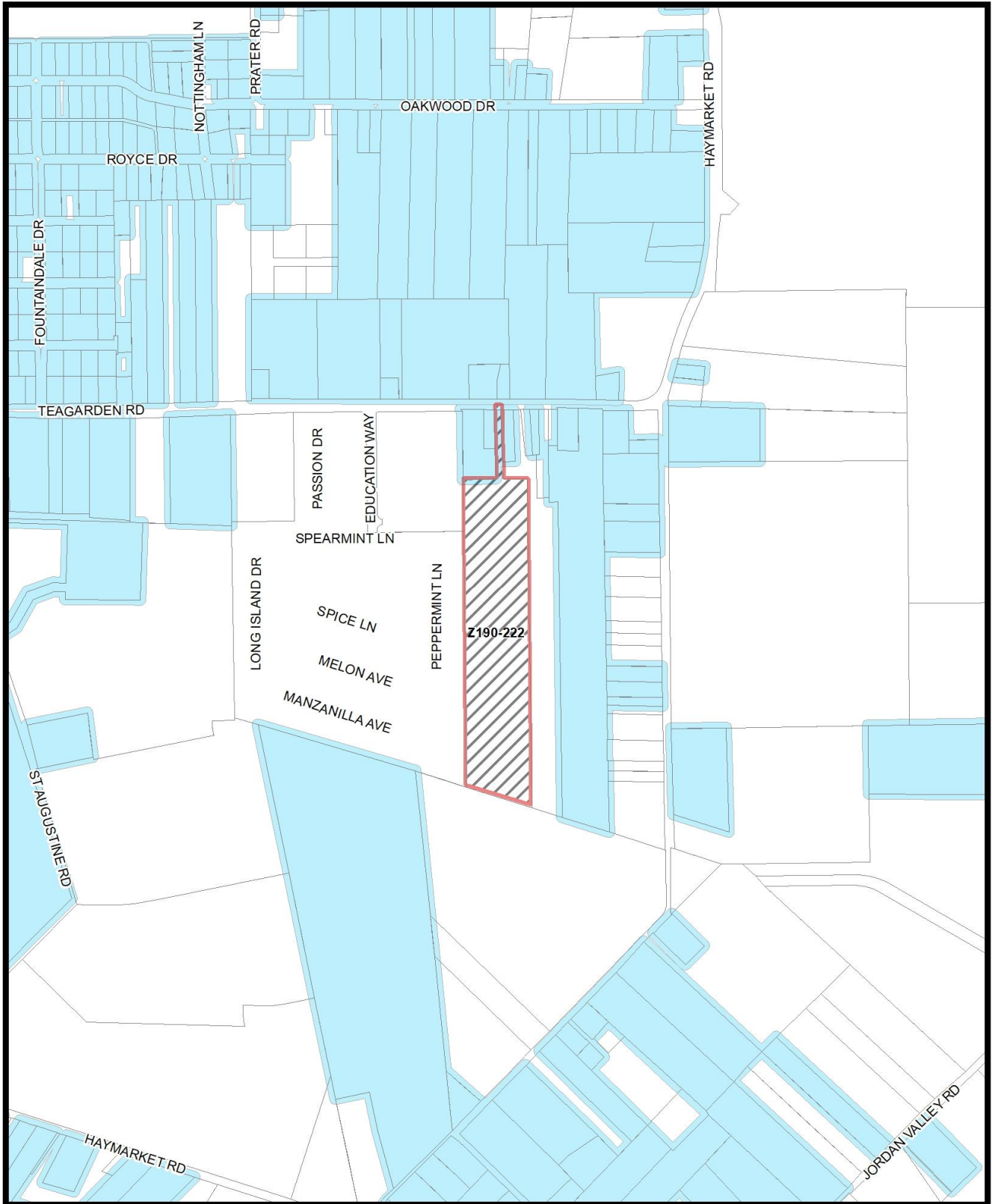
CONSTRUCTION CONCEPTS INC.
 "Planning and Designing a Better Tomorrow"

317 E. JEFFERSON BLVD.
 DALLAS, TX. 75203
 TEL: (214) 946-4300
 FAX: (214) 946-9544









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

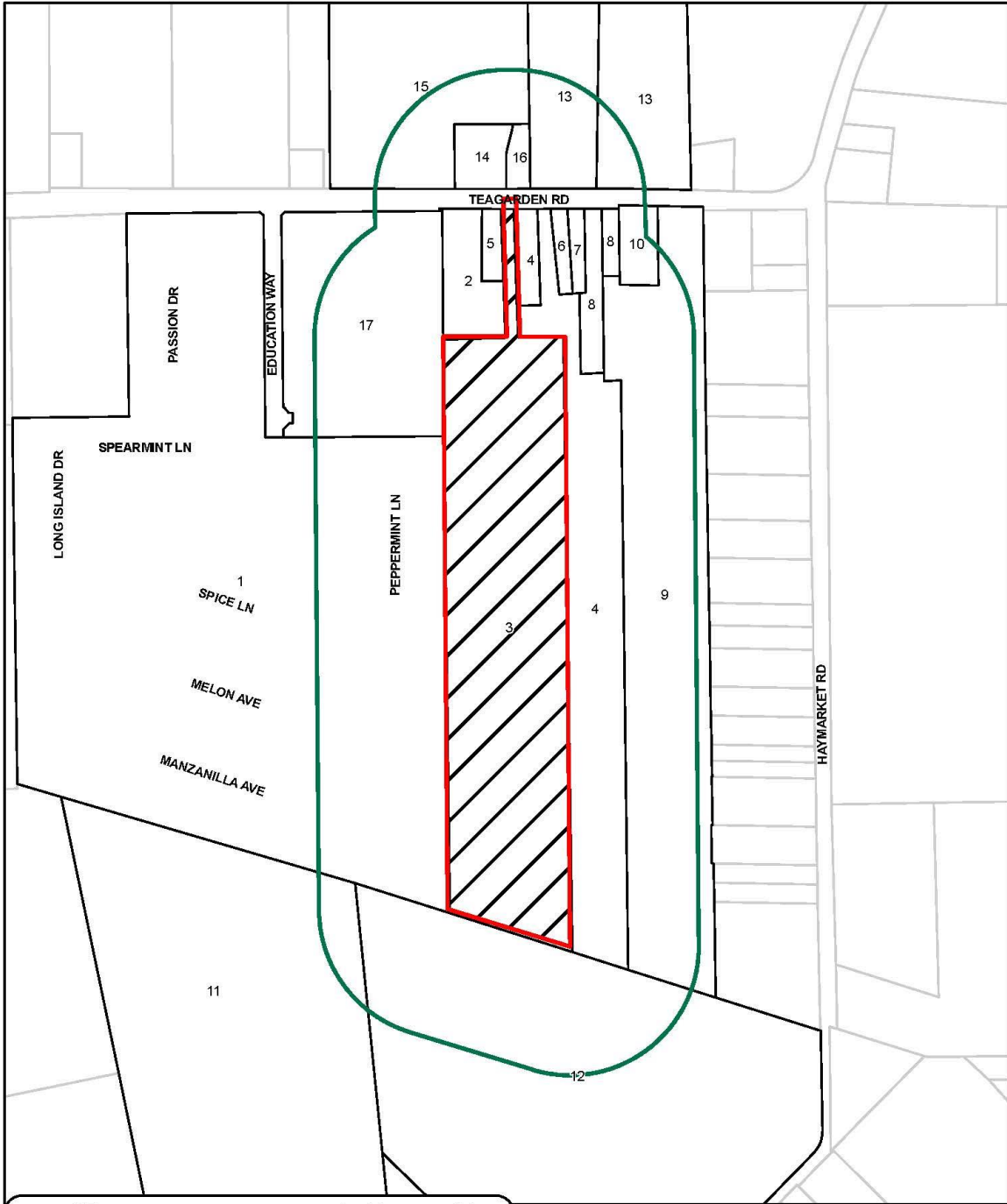


1:8,400

Market Value Analysis

Printed Date: 6/4/2020

CPC Responses



<u>17</u>	Property Owners Notified (20 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>400'</u>	Area of Notification
<u>6/18/2020</u>	Date

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CPC



1:4,800

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06/17/2020

Reply List of Property Owners

Z190-222

17 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	10020	TEAGARDEN RD	10020 TEAGARDEN ROAD LLP
2	10214	TEAGARDEN RD	MARTENSEN GAYLE
3	10218	TEAGARDEN RD	TORRES JOEL
4	10224	TEAGARDEN RD	TERRY DONNA LYNN
5	10216	TEAGARDEN RD	CASTRO JOSE T &
6	10230	TEAGARDEN RD	HARGROVE GEORGE &
7	10310	TEAGARDEN RD	HARGROVE GEORGE
8	10318	TEAGARDEN RD	HARGROVE GEORGE W & DONNA
9	10360	TEAGARDEN RD	HARGROVE GEORGE W JR &
10	10334	TEAGARDEN RD	SAENZ BRIGIDO & CAROL
11	2411	HAYMARKET RD	WEBB WALTER E & MELISSA A
12	2500	HAYMARKET RD	CERVANTES JUAN C
13	10327	TEAGARDEN RD	OLIVARES PRINCESS YULIANNA C
14	10215	TEAGARDEN RD	VARGAS JOSE
15	10209	TEAGARDEN RD	LAIR BILLY WAYNE &
16	10217	TEAGARDEN RD	LAIR JOSHUA RYAN
17	10210	TEAGARDEN RD	Dallas ISD