HONORABLE MAYOR & CITY COUNCIL WEDNESDAY, JUNE 28, 2023

ACM: Majed Al-Ghafry

FILE NUMBER: Z223-128(JM) DATE FILED: November 9, 2022

LOCATION: Southwest corner of Dairy Milk Lane and Zodiac Lane

COUNCIL DISTRICT: 6

SIZE OF REQUEST: ±2.07 acres CENSUS TRACT: 48113009701

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

OWNER/APPLICANT: CKS Packaging, Inc.

REQUEST: An application to renew Specific Use Permit No. 2377 for a

commercial motor vehicle parking on property zoned an IR

Industrial/Research District.

SUMMARY: The applicant proposes to operate a commercial motor

vehicle parking use on the site.

CPC RECOMMENDATION: Approval for a three-year period, subject to a revised

site plan, a revised landscape plan, and conditions.

STAFF RECOMMENDATION: <u>Approval</u> for a three-year period, subject to a revised

site plan, a revised landscape plan, and conditions.

BACKGROUND INFORMATION:

- On April 22, 2020, the City Council adopted an ordinance granting SUP No. 2377 for a commercial motor vehicle parking use at the site for a three-year period. A minor amendment was completed to allow drainage improvements (M201-043). The request site remains unimproved.
- Commercial motor vehicle parking is a facility for the temporary, daily, or overnight
 parking of commercial motor vehicles as defined in the use regulations for a truck
 stop, and/or motor vehicles with two or more rear axles such as trucks, truck
 tractors, and similar vehicles, for no charge or for a fee, regardless of whether that
 fee is charged independently of any other use on the lot, if the parking is not
 accessory to a main use on the lot.
- The requested commercial motor vehicle parking use is allowed by right in an IR district; however, a commercial motor vehicle parking use requires an SUP if located within 500 feet from a residential district. An R-7.5(A) Single Family District is located 342 feet to the east of this property.

Zoning History: There has been one zoning change requested in the area within the last five years.

 Z190-159: On April 21, 2020, City Council approved an application granting SUP No. 2377 for a commercial motor vehicle parking use on property zoned an IR Industrial/Research District, located on the southwest corner of Dairy Milk Lane and Zodiac Lane. [subject site]

Thoroughfares/Streets:

Thoroughfares/Street	Туре	Existing ROW	Proposed ROW
Zodiac Lane	Local	60 feet	None
Dairy Milk Lane	Local	60 feet	None

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system. Staff will continue review of engineering plans at permitting to comply with city standards.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006 and outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The request aligns with the following land use goals and policies of the Comprehensive Plan:

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.

The request site is located east of Harry Hines Boulevard and a Dallas Area Rapid Transit rail system. The site is centrally located within an Industrial Research District heavily concentrated with industrial type uses consisting of office showroom/warehouse and warehouse uses.

Land Use:

	Zoning	Land Use	
Site	IR Industrial Research	Undeveloped	
North	IR Industrial Research	Office showroom/warehouse	
South	IR Industrial Research	Office showroom/warehouse	
East	IR Industrial Research	Office showroom/warehouse and	
		warehouse	
West	IR Industrial Research Office showroom/warehouse		

Land Use Compatibility:

The 2.07-acre site remains unimproved. The use has yet to operate since a paving and drainage permit was pending due to drainage improvements. The applicant is now ready to move forward, but the SUP requires renewal and updating of plans to allow for the necessary drainage improvements.

The requested commercial motor vehicle parking use will facilitate the temporary, daily, or overnight parking of commercial motor vehicles as defined in the use regulations for a

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truck stop, and/or motor vehicles with two or more rear axles such as trucks, truck tractors, and similar vehicles, for no charge or for a fee, regardless of whether that fee is charged independently of any other use on the lot, if parking is not accessory to a main use on the lot.

The request site is located within an industrial area and is adjacent to office showroom/warehouse and warehouse uses on all sides. The original site plan depicts a total of 62 off-street parking spaces dimensioned to accommodate large trucks and motor vehicles. A minor amendment in 2021 revised the layout to allow for drainage improvements to the east along Zodiac Lane. The revised plan reduced the spaces to 58, identified floodplain on the southern portion of the lot, and closed the third driveway onto Zodiac Lane, to make way for the drainage improvements. The proposed site plan aligns with the changes made in the minor amendment, while removing some extra topographic details.

A Specific Use Permit is required for a commercial motor vehicle parking use in the IR Industrial/Research District if located within 500 feet of a residential district, measured in a straight line, without regard to intervening structures or objects, from the nearest of the lot where the use is conducted to the nearest boundary of the zoning district at issue. Property to the east along Allegheny Drive is zoned an R-7.5(A) Single Family District and measures less than 350 feet from the request site. However, between the request site and the residential district lies a warehouse storage use. Staff does not believe the proposed use will pose a negative impact since an intervening warehouse storage use separates the proposed use from the nearby residential 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.

While the request site is within 500 feet of a residential district, staff has considered that the residential district is not immediately adjacent to the site and will not be significantly impacted by the proposed use. Additionally, the request site will provide landscape trees and 187 shrubs along both frontages. Staff recommends approval of the request for a

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three-year period. While the request site is adjacent to office showroom/warehouse and warehouse uses, and these uses do back up to the residential district, the proposed use does not exist within the area. The initiation of the use at the site since the approval of the SUP was halted due to issues with drainage and floodplain. Since the use has yet to operate and integrate with this neighborhood, staff recommends a renewal of three years.

Landscaping:

The request will trigger landscaping requirements per Article X, as amended. Article X is triggered when a building permit for construction falls under the regulations of Sec. 51 A-10.121 Application of Division. The pavement area measures about 65,000 square feet of pavement area, which is greater than the 2,000-square-foot threshold making landscaping applicable to the request.

A minor amendment in 2021 provided a revised landscape plan with the drainage improvements along the eastern Zodiac Lane frontage, driveway removed in this area, and the floodplain areas to the south. Additionally, 37 trees will be planted for mitigation requirements, 182 Buford Holly shrubs along the perimeter of the site, and about 19,265 square feet of Bermuda grass.

Parking:

The proposed commercial motor vehicle parking use does not require off street parking or loading. The original site plan depicts 62 off-street parking spaces for the use. The revised site plan shows 58 parking spaces (both minor amendment and proposed with this application). Per Section 51A-4.301(d)(2), for a use other than a single family, duplex, or vehicle storage lot use, each off-street parking space must be clearly and permanently identified by stripes, buttons, tiles, curbs, barriers, or another method approved by the building official.

The proposed SUP conditions include the requirement for either (A) concrete paving; or (B) hot mix asphalt paving which consists of a binder and surface course.

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 subject site is not located within an identified market type category, it is within proximity to an "E" and "F" MVA cluster to the east across Zodiac Lane.

DRAFT CPC Action May 18, 2023

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Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2377 for commercial motor vehicle parking for a three-year period, subject to a revised site plan, a revised landscape plan, and conditions on property zoned an IR Industrial Research District, on the southwest corner of Dairy Milk Lane and Zodiac Lane.

Maker: Rubin

Second: Housewright Result: Carried: 11 to 0

For: 11 - Hampton, Herbert, Anderson, Shidid, Wheeler-

Reagan, Blair, Housewright, Treadway,

Planner: Jennifer Muñoz

Stanard, Kingston, Rubin

Against: 0

Absent: 4 - Popken, Carpenter, Jung, Hagq

Vacancy: 0

Notices: Area: 300 Mailed: 10 Replies: For: 0 Against: 0

Speakers: None

List of Officers

CKS PACKAGING

Charles K. Sewell - Chairman
John R. Sewell - President & CEO
Scott K. Sewell - COO; Operations
W. Drew Sewell - COO; Administration
Dewayne Philips - Executive Vice President
Dan Fischer - CFO
Jim Meyman - V.P. Operations
Lloyd Martin - V.P. Manufacturing

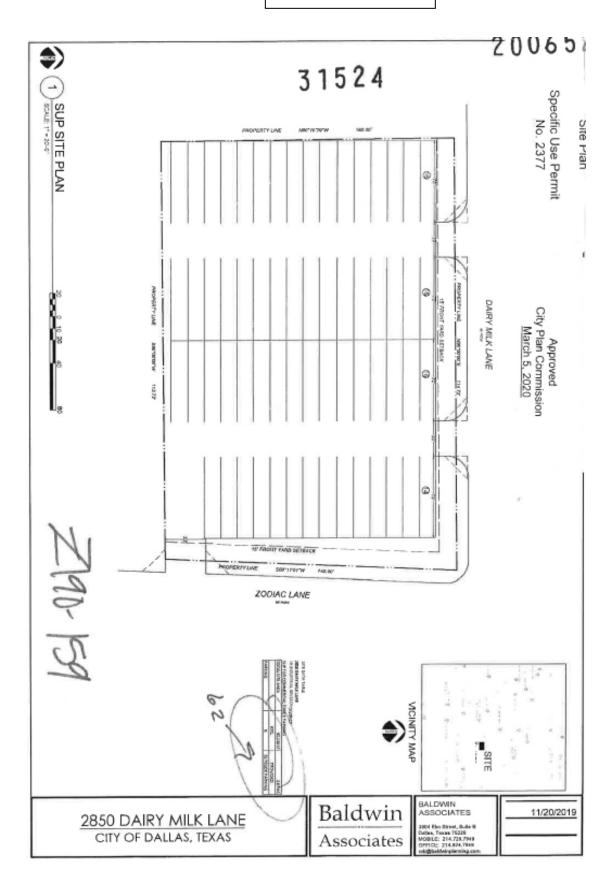
CPC RECOMMENED SUP No. 2377 PROPOSED SUP CONDITIONS

- 1. <u>USE:</u> The only use authorized by this specific use permit is commercial motor vehicle parking.
- 2. <u>SITE PLAN</u>: Use and development of the Property must comply with the attached site plan.
- 3. <u>TIME LIMIT</u>: This specific use permit expires on April 22, 2023. April 22, 2026.
- 4. <u>LANDSCAPING</u>. Landscaping must comply with the attached landscape plan.
- 5. <u>INGRESS/EGRESS</u>: Ingress and egress of commercial motor vehicles is prohibited between 10:00 p.m. and 7:00 a.m. (the next day), Monday through Sunday.
- 6. <u>SURFACE PAVING</u>: Surface paving must be concrete or asphalt.
- 7. <u>MAINTENANCE</u>: The property must be properly maintained in a state of good repair and neat appearance.
- 8. <u>GENERAL REQUIREMENT</u>: 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 1 SUP SITE PLAN SCALE: 1" = 20'-0" DAIRY MILK LANE PARKING 2850 DAIRY MILK LANE SITE DATA TABLE TOTAL SITE AREA SUP FOR COMMERCIAL TRUCK PARKING IR INDUSTRIAL RESEACH DISTRICT ZODIAC LANE REQ. 90,230 SF **58 TRUCK PARKING** VICINITY MAP PROVIDED 2.07 AC

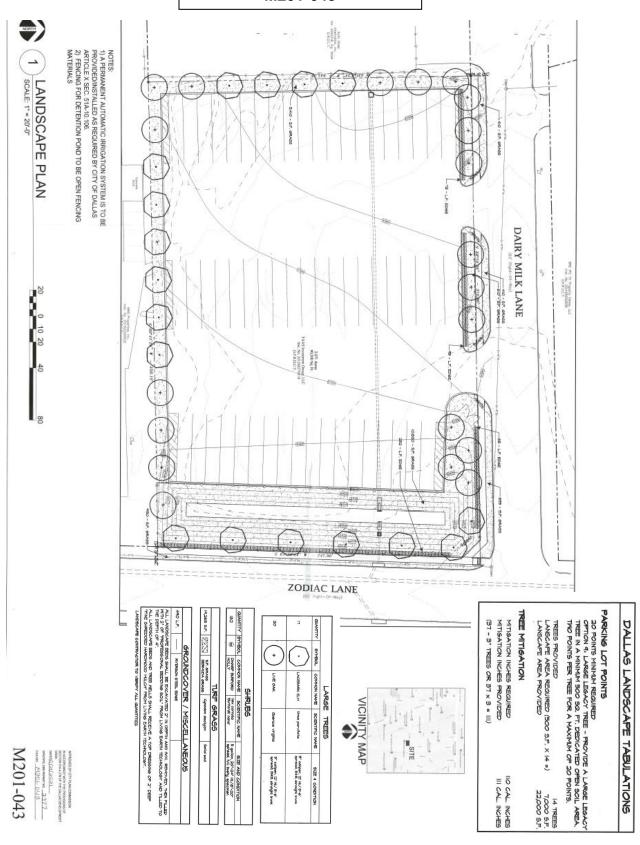
Existing Site Plan M201-043 1 SUP SITE PLAN DAIRY MILK LANE 15' FRONT YARD SETBACK ZODIAC LANE VICINITY MAP M201-043

Original Site Plan

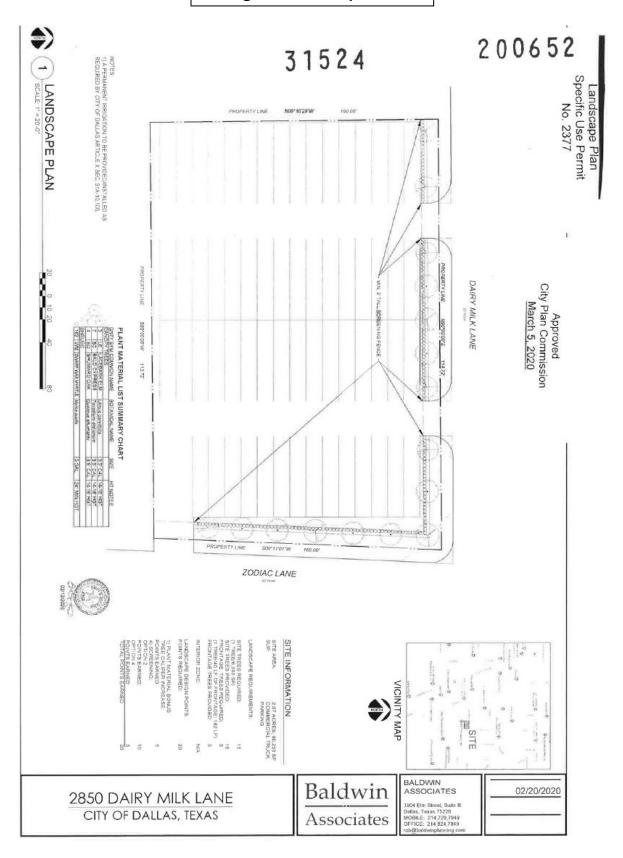


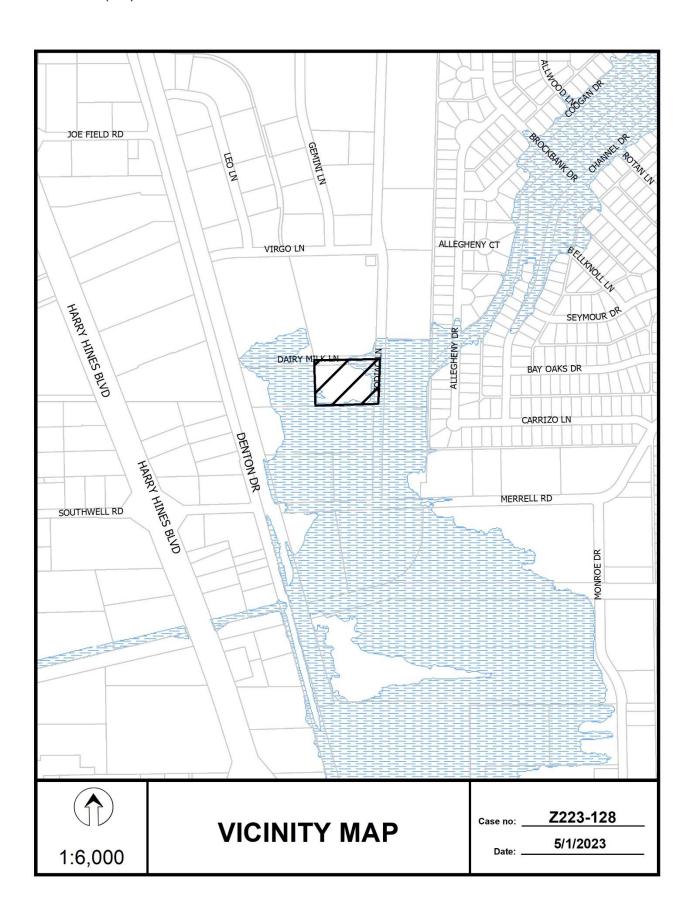
Proposed Landscape Plan NOTES. 1) A PERMANENT AUTOMATIC IRRIGATION SYSTEM IS TO BE PROVIDEDINISTALLED AS REQUIRED BY CITY OF DALLAS ARTICLE X SEC. 514-10.106. LANDSCAPE PLAN DAIRY MILK LANE SEE PC XX Properly Owner, U.C. lept. No. 201400082838 DP-RESCE. 15 FRONT APD SE BACK ZODIAC LANE PARKING LOT POINTS 20 POINTS MINHAM REQUIRED OPTION 9: LARGE LEGACY TREE - PROVIDE A LARGE LÉGACY TREE IN A MINHAM 500 50. PT. DEDICATED OPEN SOIL ÁREA. TWO POINTS PER TREE FOR A MAXIMAM OF 20 POINTS. 14,265 S.F. TREE MITIGATION SHRUBS SUMMITTY STYROL COMMON NAME SCRENTIFIC NAME BY STRONG NAME STRONG NAME BY STRONG NAME BY STRONG NAME STRONG NA MITIGATION INCHES REQUIRED MITIGATION INCHES PROVIDED (97 - 9" TREES OR 97 x 9 = III) DALLAS LANDSCAPE TABULATIONS TREES PROVIDED LANSCAPE AREA REQUIRED (500 S.F. X 14 =) LANSCAPE AREA PROVIDED CAPE BEDS SHALL BE EXCAVATED 2" IN DEPTH AND SOIL RENOVED. THEN FILLED TRACTESSIONAL BEDDING SOIL" FROM LIVING EARTH TECHNOLOGY AND TILLED TO OF 4.5. GROUNDCOVER / MISCELLANEOUS + COMMON NAME SCIENTIFIC NAME LARGE TREES ₹ \$ \$ \$ \$ \$ 8° caliper, 12' Hz/ 5'-6' spread, B&B, straight trunk 5" callper, 12" Ht./ 5"-6" spread, BEB, straight trunk 14 TREES 1,000 S.F. 22,000 S.F. SIZE & CONDITION

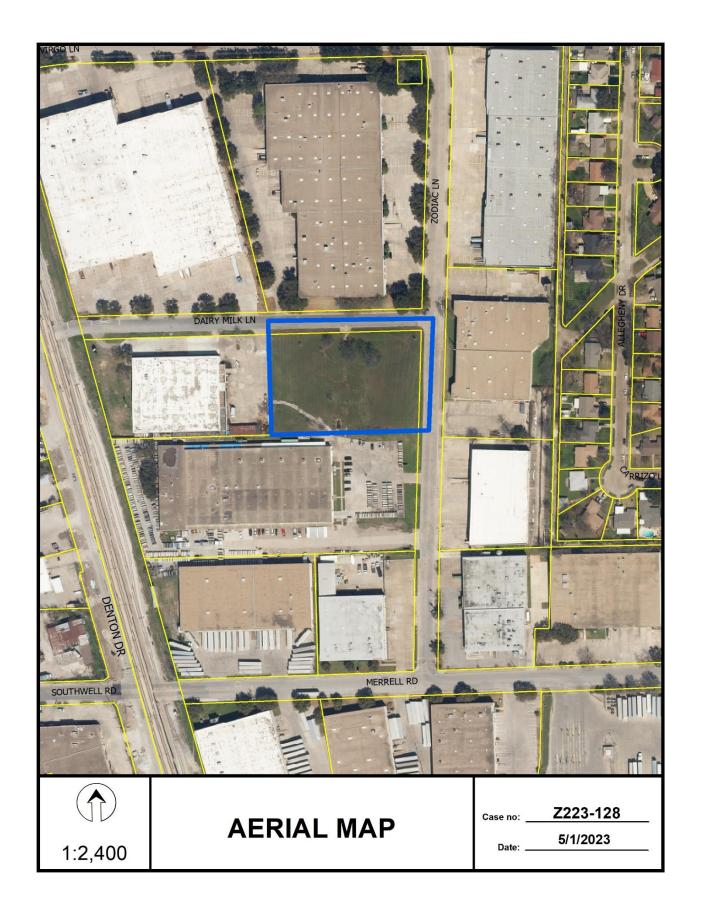
Existing Landscape Plan M201-043

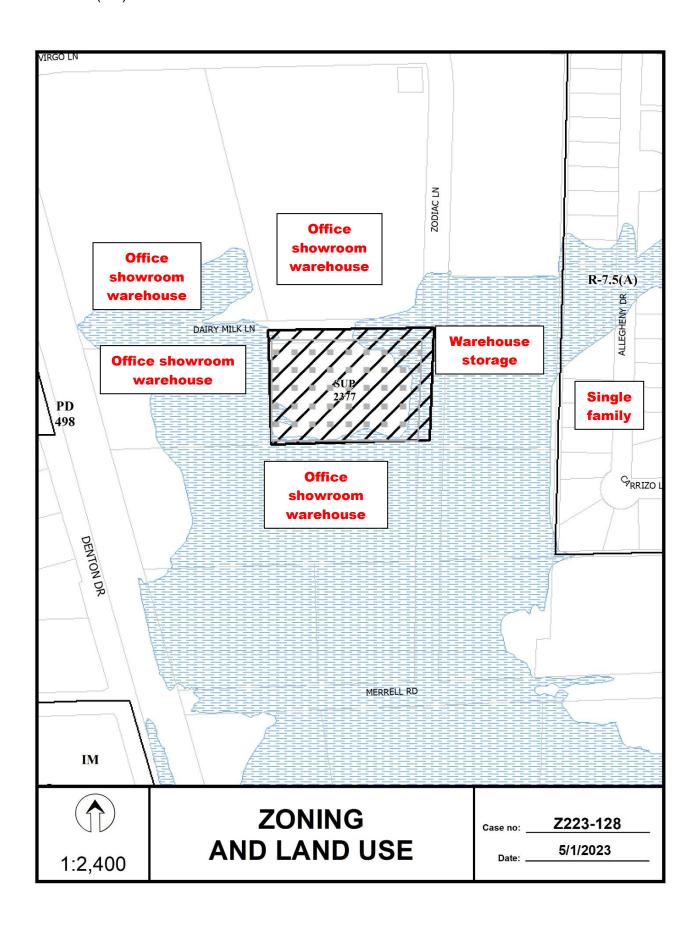


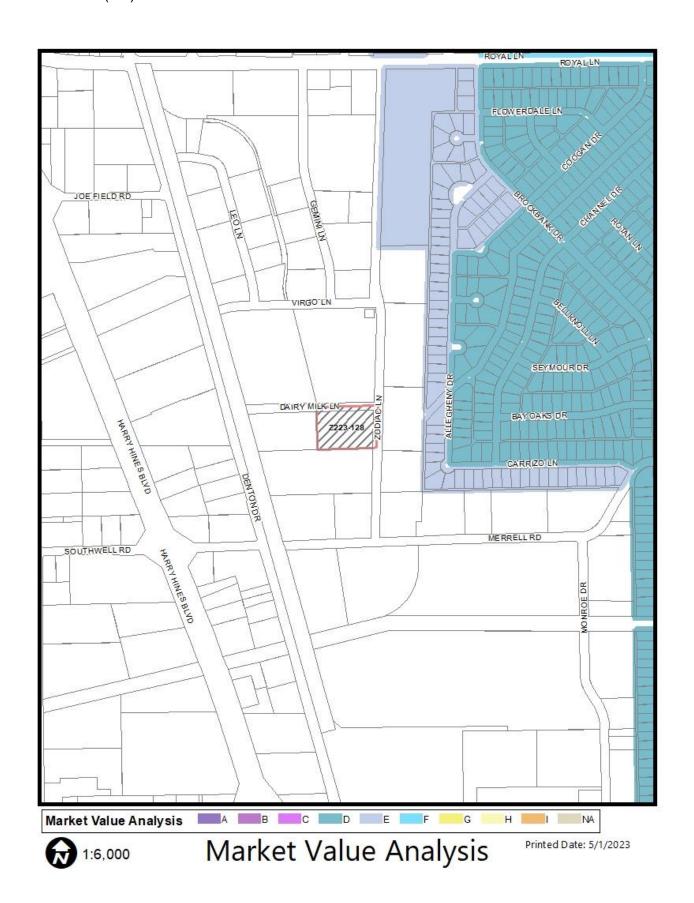
Original Landscape Plan











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CPC RESPONSES



05/17/2023

Reply List of Property Owners Z223-128

10 Property Owners Notified 0 Property Owners in Favor

0 Property Owners Opposed

Reply	Label #	Address		Owner
	1	2850	DAIRY MILK LN	CKS PACKAGING INC
	2	10310	ZODIAC LN	Taxpayer at
	3	2829	MERRELL RD	Taxpayer at
	4	2839	MERRELL RD	WBATLAS HOLDINGS LLC
	5	11125	ZODIAC LN	BRE IPC TX PROPERTY OWNER LLC
	6	11129	ZODIAC LN	MNS PPTIES INC
	7	11180	DENTON DR	AUTO GLASS INTL INC
	8	11120	ZODIAC LN	GONE CAMPING LLC
	9	2802	VIRGO LN	BRE IPC TX PROPERTY OWNER LLC
	10	11150	ZODIAC LN	FUTERFAS FAMILY LP