

FILE NUMBER: Z234-301(MB) **DATE FILED:** August 6, 2024
LOCATION: South line of West Kiest Boulevard, east of Mountain Creek Parkway
COUNCIL DISTRICT: 3
SIZE OF REQUEST: Approx. 2,500 sqft **CENSUS TRACT:** 48113016521

REPRESENTATIVE: Ralph Wyngarden, Faulk & Foster

OWNER: Dallas Baptist University

APPLICANT: Hemphill, LLC

REQUEST: An application for a Specific Use Permit for a tower/antenna for cellular communication limited to a monopole cellular tower on property zoned an A(A) Agricultural District.

SUMMARY: The purpose of the request is to allow construction and operation of a tower/antenna for cellular communication limited to a monopole cellular tower.

STAFF RECOMMENDATION: Approval for a ten-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 currently zoned an A(A) Agricultural District and is undeveloped.
- The applicant wishes to construct a monopole cellular tower.
- As such, the applicant requests a Specific Use Permit for a tower/antenna for cellular communication, limited to a monopole cellular tower.

Zoning History:

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

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Kiest Boulevard	Principal Arterial	100 feet
Merrifield Road	Minor Arterial	107 feet

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 complies 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.

Land Use:

	Zoning	Land Use
Site	A(A) Agricultural	Undeveloped
North	A(A) Agricultural	College or university
East	A(A) Agricultural, PD 585	Church
South	PD 655	Single family
West	A(A) Agricultural	Utility or governmental installation

Land Use Compatibility:

The area of request is currently undeveloped and zoned an A(A) Agricultural District. The surrounding land uses are a mix of large undeveloped A(A) lots, a college or university to the north, a church to the east / northeast, and single family housing to the south. To the west is a government installation and Mountain Creek Lake.

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 finds that the request for a tower/antenna for cellular communication limited to a monopole cellular tower complies with the above requirements. A cellular tower is unlikely to have a negative effect on adjacent property or community welfare, particularly as it is situated within a large undeveloped lot away from residential uses. The tower arguably contributes to the welfare of the area of request by providing telecommunication service in an area that continues to develop.

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As such, staff supports the requested use.

Landscaping:

Landscaping must be provided in accordance with Article X.

Parking:

Parking must be provided in accordance with the Dallas Development Code, which requires one parking space if the site has an auxiliary building greater than 120 square feet. As the site will not have auxiliary buildings, no off-street parking is required.

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 (A through C) to orange, representing the weakest markets (G through I). The area of request is located within an "E" MVA area.

List of Officers

Applicant: Hemphill, LLC

- Bennett, Kristen B. – Vice President/Chief Operating Officer/Assistant Secretary
- Hemphill, Audrey V. – Secretary/Treasurer
- Hemphill, John R. – Member, Manager/President
- Hemphill, Scott P. - Vice President/Chief Technical Officer
- The Kristen B. Bennett Irrevocable Trust dated as of January 3, 2023 – Member
- The Scott P. Hemphill Irrevocable Trust dated as of the January 3, 2023 – Member
- Matt Dickson, Director of Tower Site Development

Owner: Dallas Baptist University

Trustees:

- Alexander, Art
- Ammons, Greg
- Andres, Joyce
- Bailey, Bertrain
- Byun, James
- Campbell, Denise
- Contreras, Raquel
- Cook, Gary R.
- Dean, Robert
- Delkus, Pete
- Denison, James
- Dowd, Denny
- Epps, Oscar D.
- Grace, Kevin
- Gunn, Robert
- Hahn, Rob
- Holm, Sam
- Jespersen, Ryan
- Jones, Anita
- Ku, Charles T.
- Lopez, Miguel
- Lunsford, Kaye Dawn
- Martin, Hubert
- Nation, Jim
- Pedersen, Herbert
- Phillips, Stephen J.
- Ramirez, Andrea
- Singleton, Gary

- Skaggs, Ronald L.
- Smith, Patsy R.
- Stephens, Jarrett
- Stevenson, Wayne
- Stuart, Mary
- Taylor, Ronald Brent
- Turner, Scott
- Vineyard, Paul
- Williams, Cherry
- Wong, Chirs
- Yip, Bianca

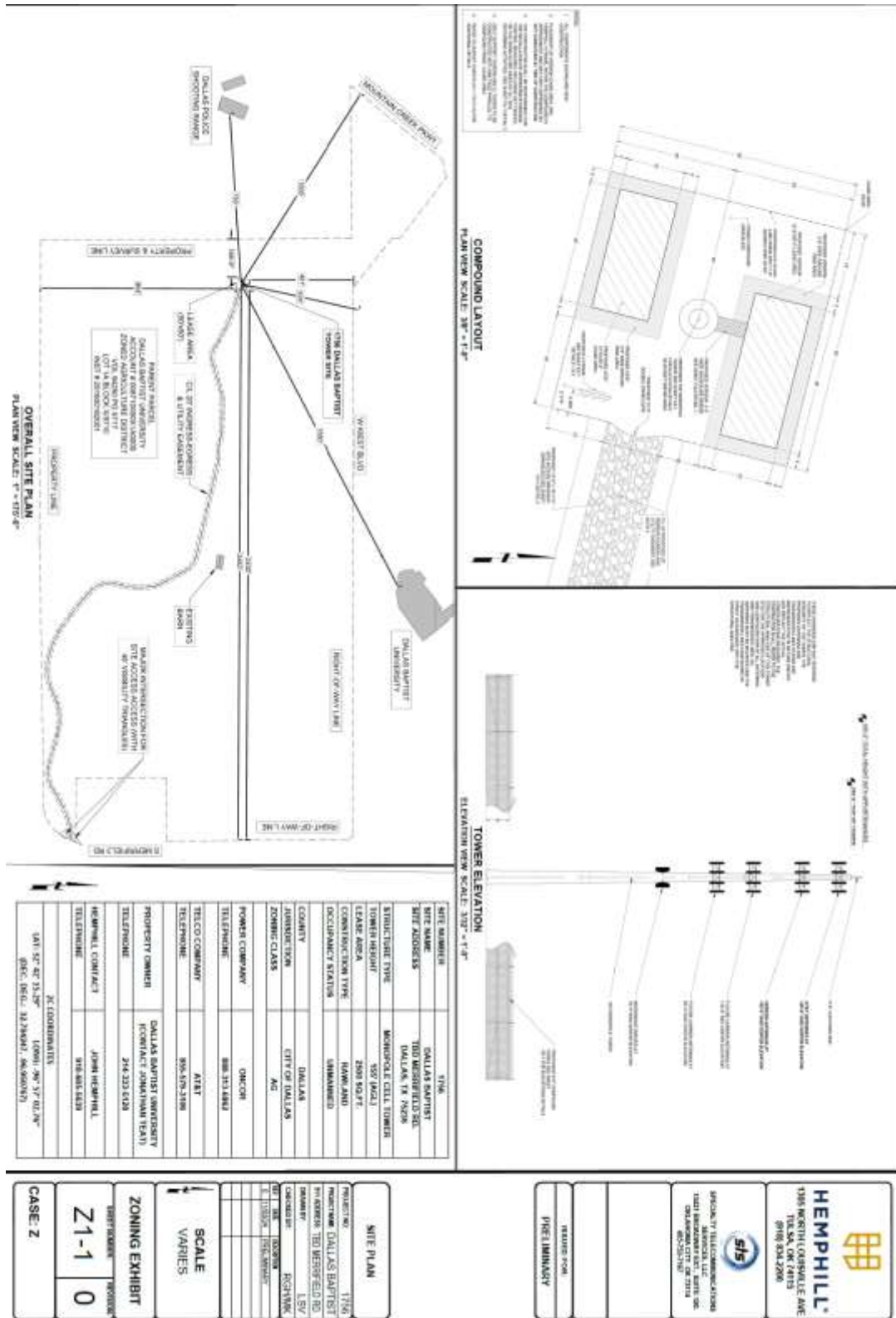
Officers:

- Byers, Randall D. – VP for International Affairs
- Cook, Gary R. – Chancellor
- Gibson, Daniel – VP for Graduate Affairs
- Harley, James R. – VP for Student Affairs
- Hedin, Norma S. – VP and Provost
- Hefton, Ryan M. – VP for Advancement
- Killingsworth, V. Blake – VP for Communications
- Murrah, Matthew T. – VP for Financial Affairs
- Van Der Merwe – Christa G. – General Counsel
- Teat, Jonathon S. – VP for Admin & Enrollment Affairs
- Winn, Matthew R. – VP for Information Technology
- Wright, Adam C. - President

PROPOSED CONDITIONS

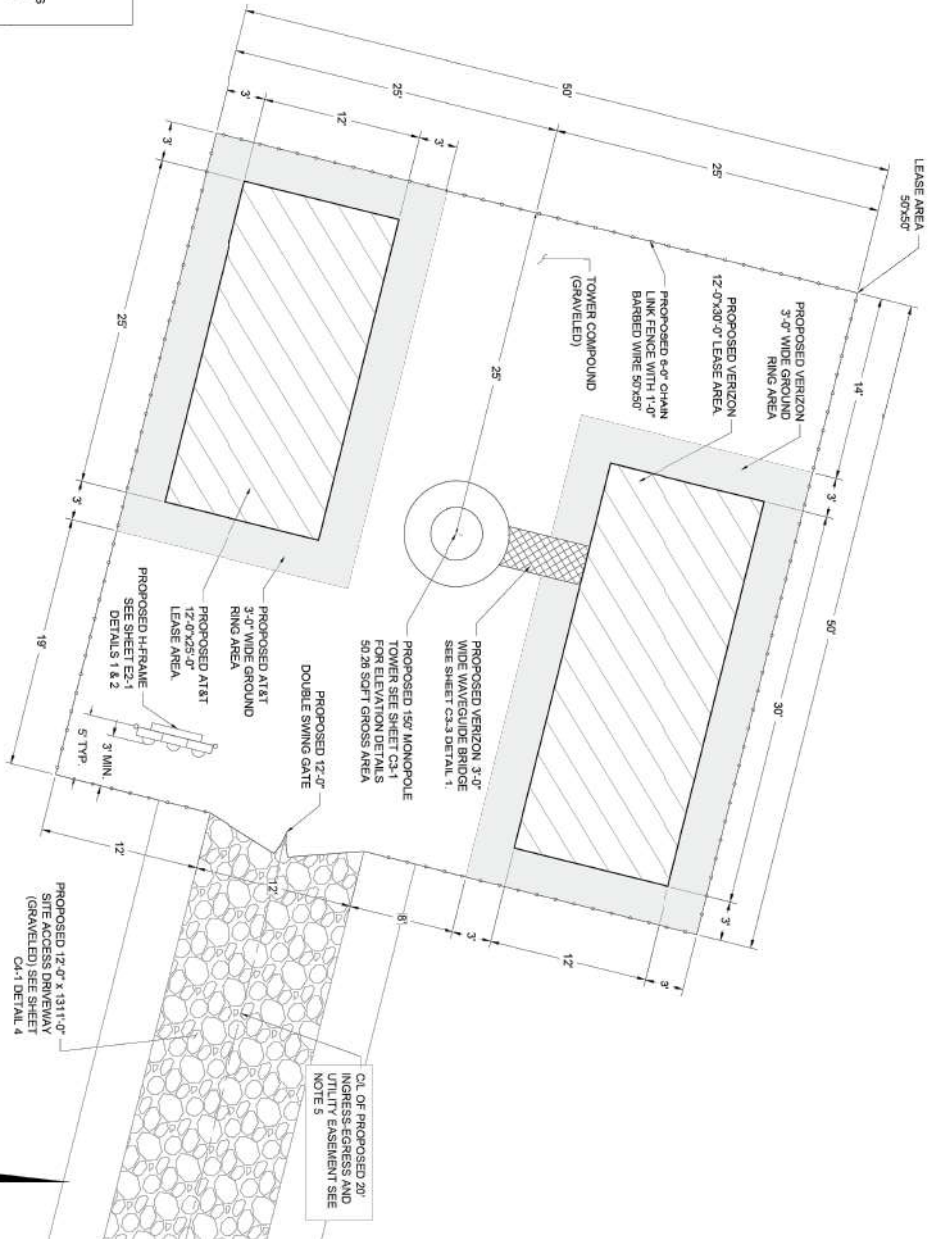
1. USE: The only use authorized by this specific use permit is a tower/antenna for cellular communication limited to a monopole cellular tower.
2. SITE PLAN: Use and development of the property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (10 years from the passage of this ordinance), but is eligible for automatic renewal for additional 10-year periods pursuant to 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 time 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. HEIGHT: The tower/antenna for cellular communication limited to a monopole cellular tower may not exceed 150 feet in height, not including lightning rod.
5. SHARED USE WITH OTHER CARRIERS: The tower/antenna for cellular communication limited to a monopole cellular tower must be constructed to support the tower/antenna arrays for at least four wireless communications carriers, and the tower/antenna for cellular communication limited to a monopole cellular tower must be made available to other carriers upon reasonable terms.
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



PROPOSED SITE PLAN (DETAIL, COMPOUND LAYOUT)

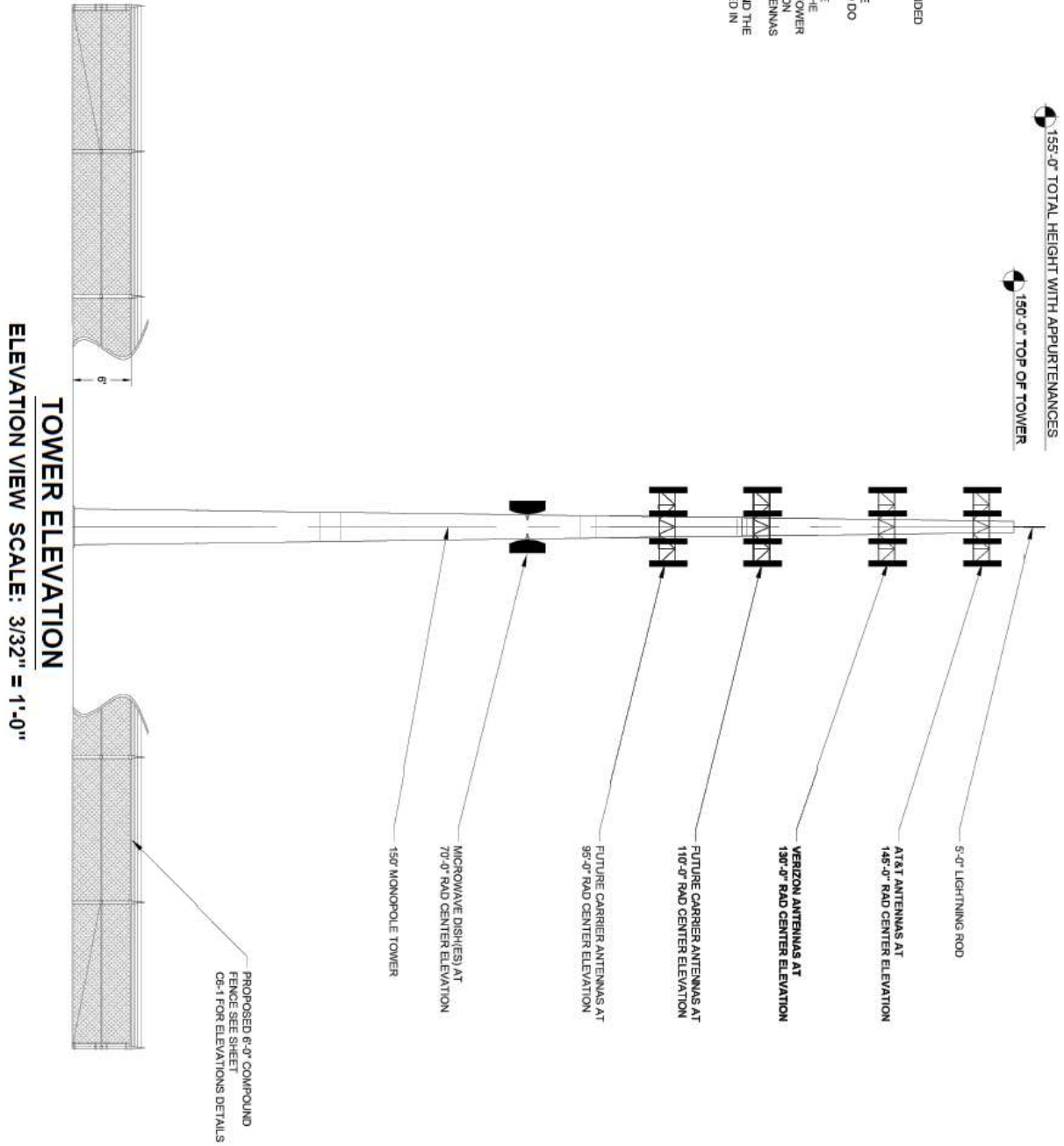
- NOTES:
1. ALL COMPONENTS SHOWN ARE NEW CONSTRUCTION
 2. PLACEMENT OF VERZON LEASE AREA AND HEIRPHILL H-FRAME WITHIN THE COMPOUND IS APPROXIMATE AND MAY VARY DEPENDING ON SITE CONDITIONS AT TIME OF CONSTRUCTION
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION OF APPROPRIATE EROSION CONTROL MEASURES, INCLUDING SILT FENCES, ON THE DOWN SLOPE SIDES OF ALL SOIL DISTURBING ACTIVITIES. SEE SHEET C4-1 DETAIL 3
 4. (SELF-SUPPORT TOWERS ONLY) TOWER TO BE CONSTRUCTED WITH ONE FACE PARALLEL TO COMPOUND FENCE / LEASE AREA
 5. REFER TO SURVEY SHEETS (C-1.1 TO C-1.3) FOR ADDITIONAL DETAILS



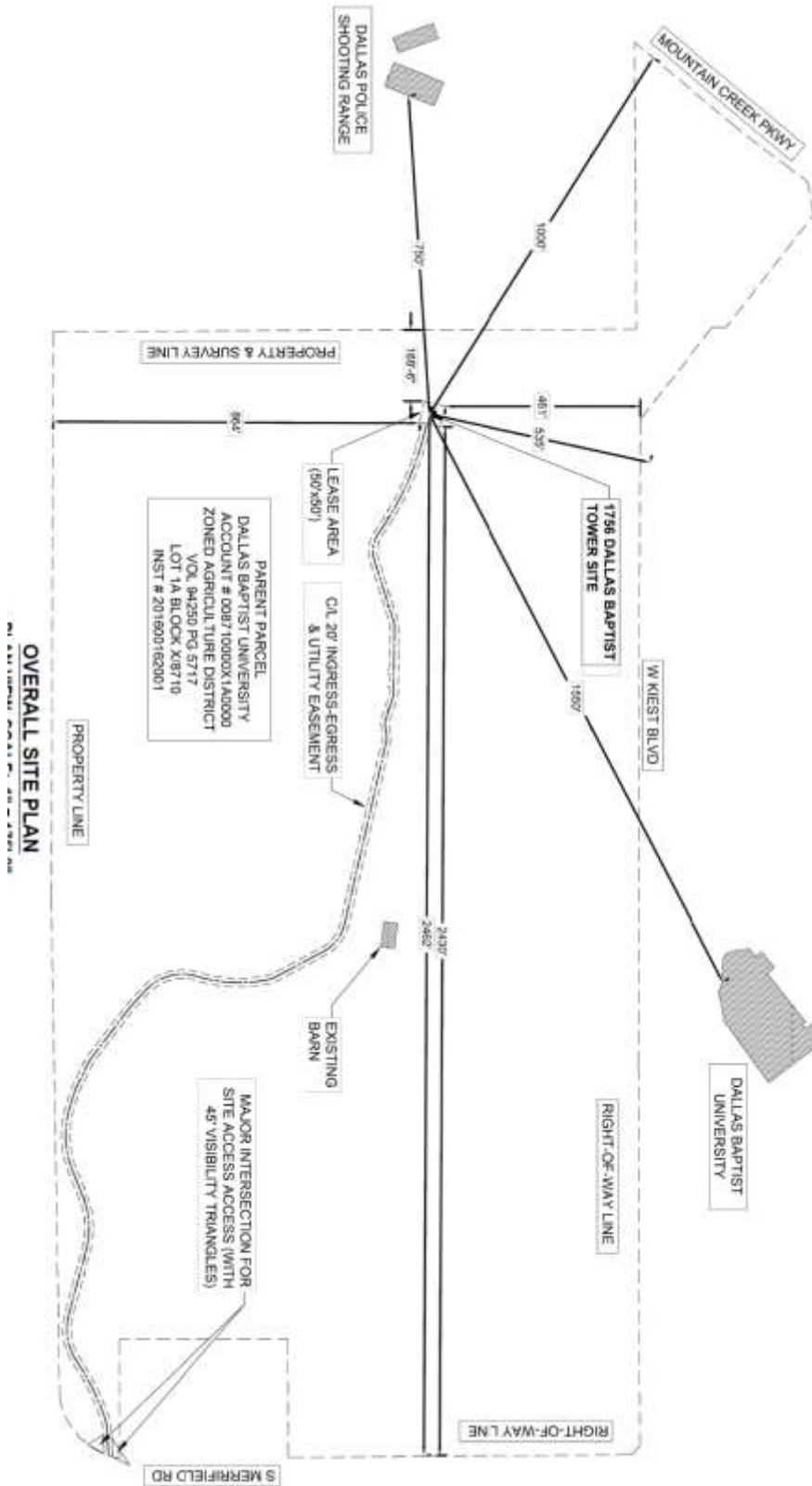
COMPOUND LAYOUT
PLAN VIEW SCALE: 3/8" = 1'-0"

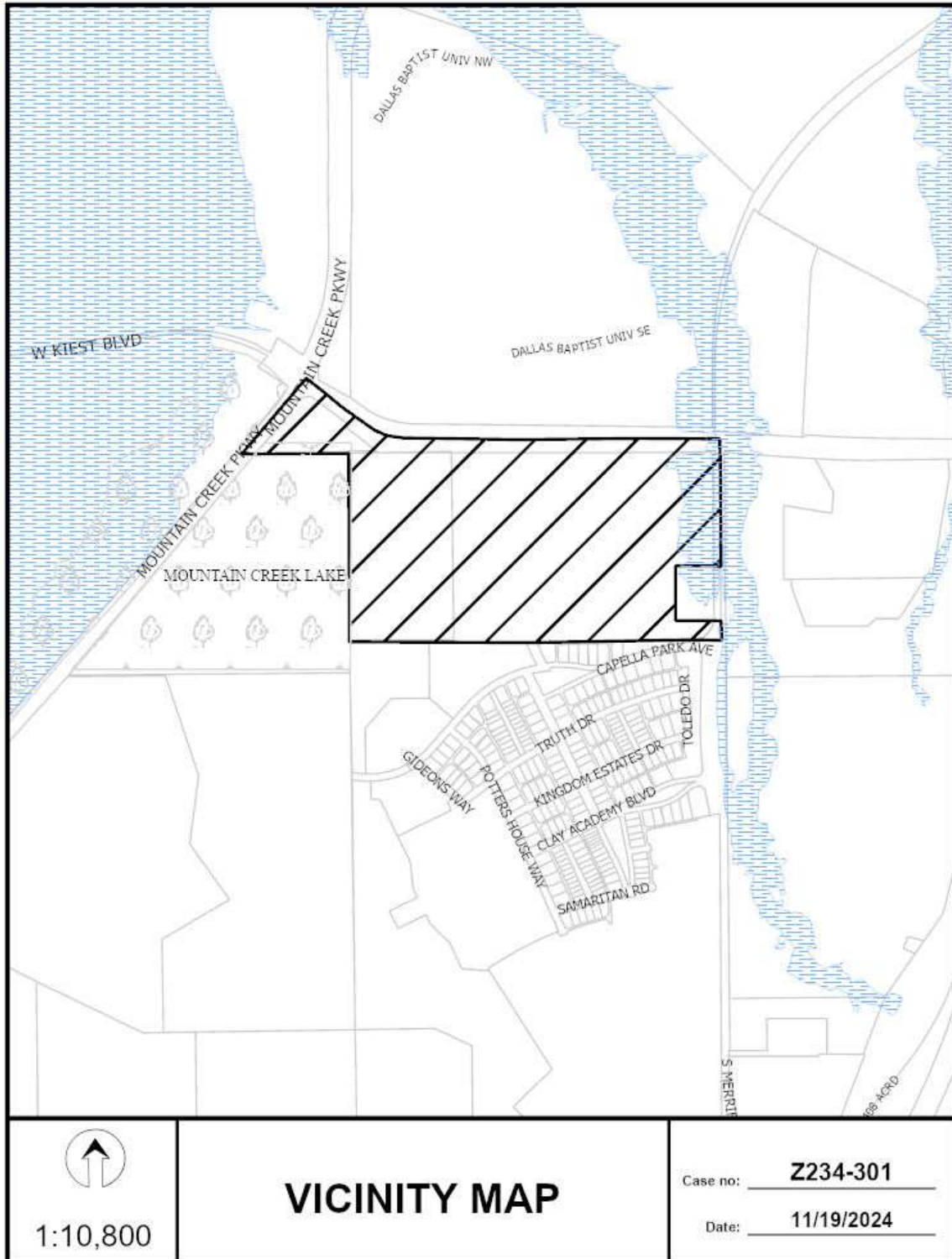
PROPOSED SITE PLAN (DETAIL, TOWER ELEVATION)

THESE DRAWINGS ARE NOT INTENDED TO REFLECT THE STRUCTURAL INTEGRITY OF THE TOWER. THE PROPOSED ANTENNAS AND TRANSMISSION LINES SHOWN ARE REPRESENTATIVE IN NATURE AND DO NOT REFLECT THE ACTUAL CONFIGURATIONS REQUIRED. THE CONTRACTOR SHALL REFER TO THE STRUCTURAL ANALYSIS OF THIS TOWER SITE FOR THE APPROVED LOCATION AND CONFIGURATION OF ALL ANTENNAS AND TRANSMISSION LINES. ALL ANTENNAS MUST BE MOUNTED AND THE TRANSMISSION LINES CONFIGURED IN STRICT ACCORDANCE WITH THE STRUCTURAL ANALYSIS.



PROPOSED SITE PLAN (DETAIL, OVERALL SITE)





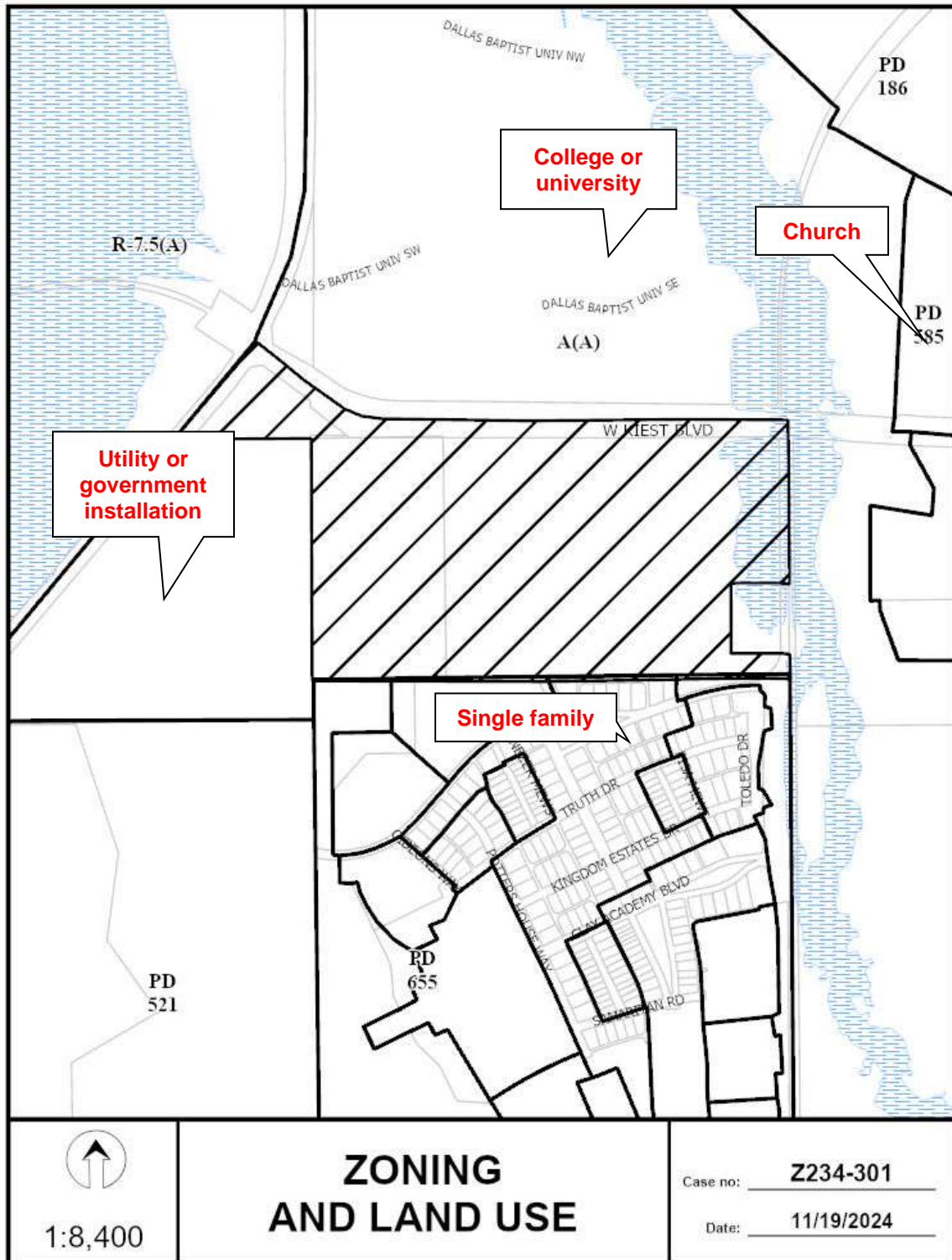


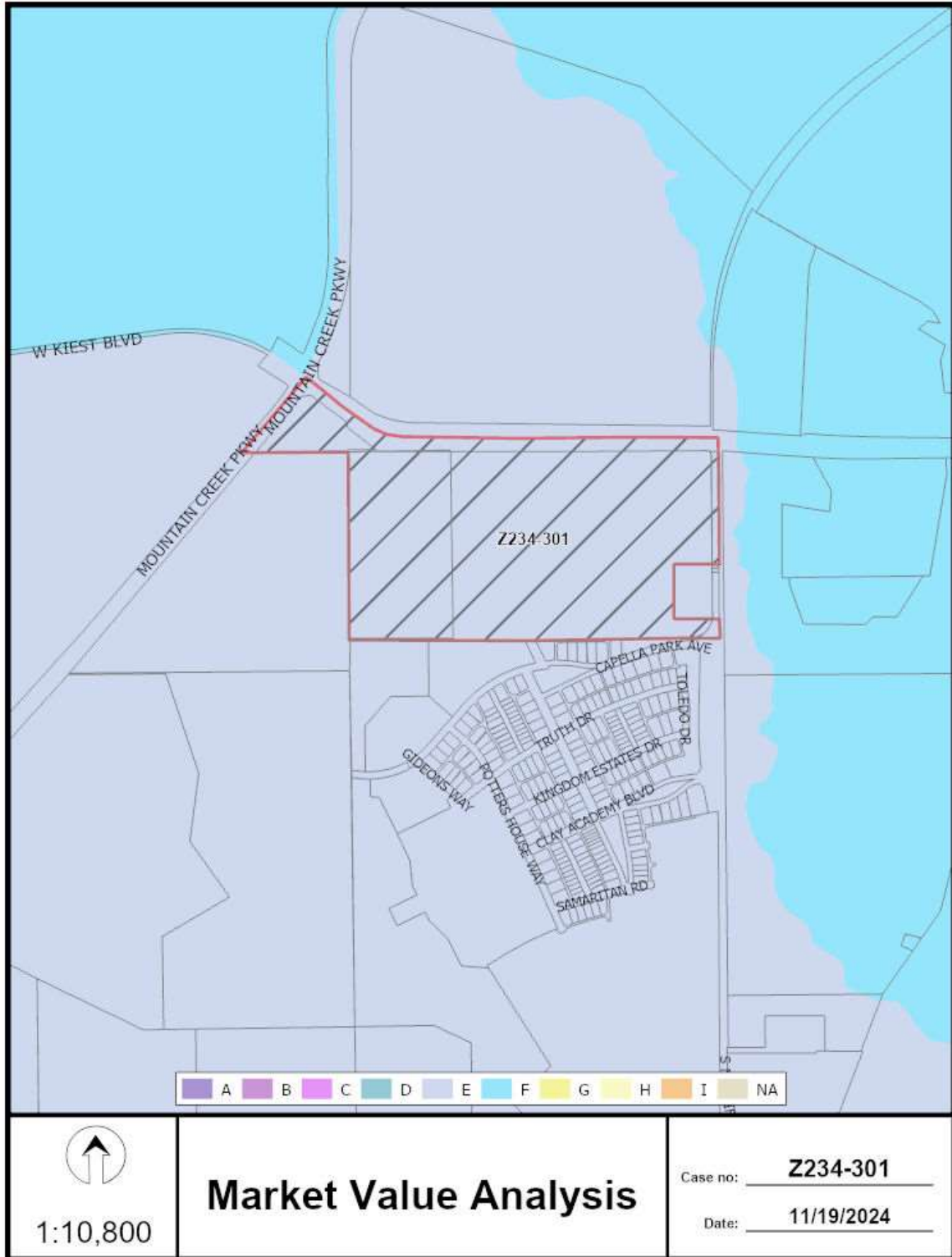
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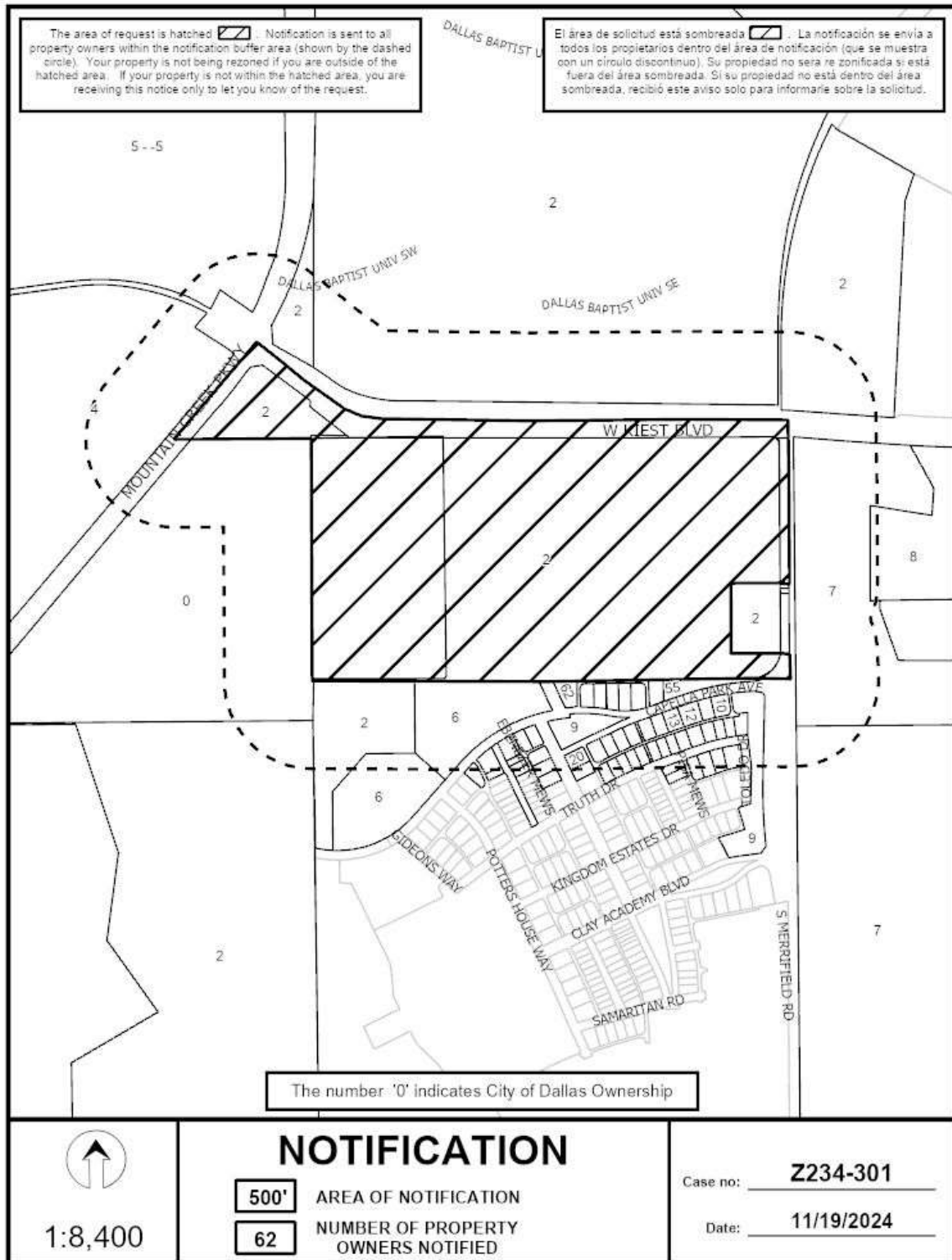
AERIAL MAP

Case no: Z234-301

Date: 11/19/2024







11/19/2024

Notification List of Property Owners***Z234-301******62 Property Owners Notified***

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	100 MOUNTAIN SHORES RD	County of Dallas
2	7000 W KIEST BLVD	DALLAS BAPTIST UNIVERSITY
3	18 MOUNTAIN SHORES RD	TERRELL EUGENE M
4	2600 MOUNTAIN CREEK PKWY	EXTEX LAPORTE L P
5	2600 MOUNTAIN CREEK PKWY	EXTEX LAPORTE L P
6	6900 W KIEST BLVD	CAPELLA PARK DEVELOPMENT I LLC
7	3701 SPUR 408	MERRIFIELD FAMILY INVESTMENTS LTD
8	6710 W KIEST BLVD	MERRIFIELD PROPERTIES LLC
9	1 CAPELLA PARK AVE	CAPELLA PARK HOMEOWNERS
10	6912 CAPELLA PARK AVE	BALDWIN ROY WYNN & PATSY JEAN
11	6918 CAPELLA PARK AVE	PARDO CARLOS A &
12	6924 CAPELLA PARK AVE	STERNES JAIME
13	6934 CAPELLA PARK AVE	PILLOW BRYAN & KRYSTAL
14	6942 CAPELLA PARK AVE	WARD RONALD WAYNE & EDITH FAYE
15	6948 CAPELLA PARK AVE	VICENCIO JAVIER & CLAUDIA RAMIREZ
16	6956 S CAPELLA PARK AVE	NGUYEN HUNG &
17	6962 S CAPELLA PARK AVE	YOUNG LINDA
18	6968 S CAPELLA PARK AVE	TAYLOR PAUL & MARILYN
19	6974 S CAPELLA PARK AVE	MADDOX DAVID J & SHAWN BAKER
20	3514 PATIENCE BLVD	FUNK MATT & CHRISTINE M
21	3520 PATIENCE BLVD	GRACEY ZARIN DAVID & ERIN Y
22	6967 TRUTH DR	KAPPES JOHN CARL &
23	6963 TRUTH DR	GONZALEZ REVOCABLE TRUST
24	6959 TRUTH DR	BARRON HECTOR & ALONDRA M
25	6955 TRUTH DR	GUERRERO VALENTE JR &
26	6951 TRUTH DR	LORENZO JASPER &

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	6947 TRUTH DR	CANELO JORGE LUIS & FATIMA I
28	6943 TRUTH DR	HERNANDEZ JENARO JR & FELICIA A
29	6939 TRUTH DR	RUIZ JOSE & JERONIMA
30	6933 TRUTH DR	SANDERS HARRIE LYNN
31	6923 TRUTH DR	MADRID ELMER L
32	6915 TRUTH DR	HAOJIE CHRISTOPHER &
33	6911 TRUTH DR	MILLER TONY A & TOINETTE A
34	6907 TRUTH DR	WILSON DANIEL E &
35	6903 TRUTH DR	LOWE AUDRA &
36	6908 TRUTH DR	VO TRANG
37	6914 TRUTH DR	DEJESUS BRIAN DANIEL &
38	6922 TRUTH DR	SALZWEDEL JEREMIAH A &
39	6928 TRUTH DR	PEREZ JOEL RODRIGUEZ &
40	3605 PISA MEWS	DICKERSON EMILY & RODRICK JR
41	3603 PISA MEWS	LOPEZ CARLOS W & ANA R AGUILAR DE
42	1 CAPELLA PARK AVE	ARCADIA LAND PTNRS 20 LTD
43	3515 PATIENCE BLVD	GODINEZ SIMON
44	3509 PATIENCE BLVD	BEARD MICHAEL & TERESA
45	3503 PATIENCE BLVD	BROWN MARCUS M
46	7002 CAPELLA PARK AVE	JOHNSON JENNIFER JONELLE
47	7006 CAPELLA PARK AVE	SANDOVAL NORA R
48	7012 CAPELLA PARK AVE	KNIGHT STEVEN E
49	3503 EBENEZER MEWS	PORTER BRANDON & JESSICA
50	3505 EBENEZER MEWS	PIERNICK SEAN NICHOLAS &
51	3507 EBENEZER MEWS	SEASE STEPHEN &
52	3504 PETERBOROUGH MEWS	WEHSENER CHARLES A &
53	7018 CAPELLA PARK AVE	HUANG MING FEND & LI YING
54	7030 CAPELLA PARK AVE	CLARK SHERRY
55	1 CAPELLA PARK AVE	WEEKLEY HOMES LP
56	6943 CAPELLA PARK AVE	QUINTBOUZID MARJORIE ALTHEO
57	6949 CAPELLA PARK AVE	ROCKWELL KENDRIX R & MISTY M

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	6955 CAPELLA PARK AVE	GOMEZ ENRIQUE & MELBA N
59	6961 CAPELLA PARK AVE	MAYS GLYNIECE YVONNE &
60	6967 CAPELLA PARK AVE	LAWSON JASON D
61	6973 CAPELLA PARK AVE	LANE DYNELL
62	6979 CAPELLA PARK AVE	BLOOD CYNTHIA & PAUL