

**CITY PLAN COMMISSION**

**THURSDAY, DECEMBER 5, 2024**

**Planner: LeQuan Clinton**

**FILE NUMBER:** Z234-305(LC) **DATE FILED:** September 7, 2024

**LOCATION:** North side of Elam Road, between Southgate Lane and Sunburst Drive

**COUNCIL DISTRICT:** 7

**SIZE OF REQUEST:** 10,000 square feet **CENSUS TRACT:** 48113011802

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**REPRESENTATIVE:** Kevin Schutte, Otteson Shapiro LLP

**OWNER:** Bobby's Corporation

**APPLICANT:** SBA 2012 TC Assets, LLC

**REQUEST:** An application for an amendment to Specific Use Permit No. 1554 for a cellular communication tower/antenna on property zoned CR Community Retail District with a D Liquor Control Overlay.

**SUMMARY:** The purpose of the request is to allow for continued operation of a cellular communication tower/antenna facility on the site.

**STAFF RECOMMENDATION:** **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to amended conditions.

**BACKGROUND INFORMATION:**

- The area of request is currently zoned CR Community Retail District with existing SUP No. 1554 and developed with a cellular communication tower/antenna facility.
- SUP 1554 was originally approved in 2004.
- This lot sits behind a convenience store and gas station lot, so it does not have frontage.
- Applicant is requesting a five-year period, with auto renewal for the time period.

**Zoning History:**

There have been two zoning case in the area in the last five years.

1. **Z212-169:** On Wednesday, August 10, 2022, the City Council approved an application for a NS(A) Neighborhood Service District with volunteered deed restrictions on property zoned R-7.5(A) Single Family District, located on the south line of Elam Road, west of Buttercup Lane.
2. **Z223-213:** March, 2024 an automatic renewal of Specific Use Permit No. 1859 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR Community Retail District with a D-1 Liquor Control Overlay, located along the north line of Elam Road east of Southgate Lane.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing/Proposed ROW
Elam Road	Local Street	-
Southgate Lane	Local Street	-
Sunburst Drive	Local Street	-

**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.

Although the Plan does not specifically address telecommunication coverage, the Plan contains goals and policies for stabilization and strengthening of neighborhoods. Staff recognizes that telecommunication is a part of overall access to services and utilities that service the immediate area. Therefore, an increase in telecommunication coverage may help achieve the general goals of the Plan, while extending the radius and reach of the utility service.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	CR Community Retail w/ SUP No. 1554 & D Overlay	Cellular communication tower/antenna facility
<b>North</b>	R-7.5(A)	Single Family
<b>South</b>	PD. No. 59, Institutional	Pleasant Grove Medical
<b>East</b>	CR Community Retail w/ D Overlay, R-7.5(A) & NS(A)	Commercial Retail, Single Family
<b>West</b>	CR Community Retail w/ DR Z867-114	Commercial Retail

**Land Use Compatibility:**

The area of request is currently developed with a cellular communication tower/antenna facility (approx. 10,000 square feet in total size), zoned a CR Community Retail District with existing SUP No. 1554.

To the north and east of the site are single family residential uses with some commercial retail, to the south is PD. No. 59 the Pleasant Grove Medical Center and to the west of the property are commercial retail uses. Seeing that the utility has been existing in this location with previous SUPs in good standing, staff is in support of the proposed request.

Staff believes it to be appropriate next to the mentioned surrounding uses. Therefore, staff finds the applicant's requested SUP to allow a for a cellular communication tower/antenna and facility on the property to be compatible with the area. Staff does support the applicant's request.

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 supports the request because the use is foreseen to be a positively impactful benefit to the surrounding uses and properties.

**Landscaping:**

Landscaping must be provided in accordance with the landscaping requirements in Article X, as amended.

**Parking:**

The parking regulations, pursuant to Section 51A-4.112(g) of Dallas code, for the proposed cellular communication tower/antenna facility use under a CR Community Retail District are as follows; one space if the cellular communication tower/antenna has an auxiliary building housing electronic and communication equipment ("auxiliary building") greater than 120 square feet. Physically separate auxiliary buildings will not be aggregated to determine the area of an auxiliary building for the purpose of determining required off-street parking requirements.

At permitting, the applicant would be required to comply with the standard parking ratios for the specified requested use, as well as any other uses permitted under the proposed and approved zoning district.

**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 target intervention strategies more precisely 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 currently in a “H” MVA area. There is an “H” MVA area to the north, south, east, and west of the subject site.

## **List of Officers**

### **Bobby's Corporation**

Bharat Gajera, Director  
Kishor D. Gajera, Director

### **SBA 2012 TC ASSETS, LLC**

SOLE EQUITY MEMBER:  
SBA GUARANTOR LLC

#### **DIRECTORS:**

JIM PERKINS  
MARK CIARFELLA  
MICHAEL REINHOLD  
JOSHUA KOENIG  
BRENDAN CAVANAGH

#### **OFFICERS:**

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BRIAN ALLEN, SENIOR VICE PRESIDENT  
BRENDAN CAVANAGH, CHIEF EXECUTIVE

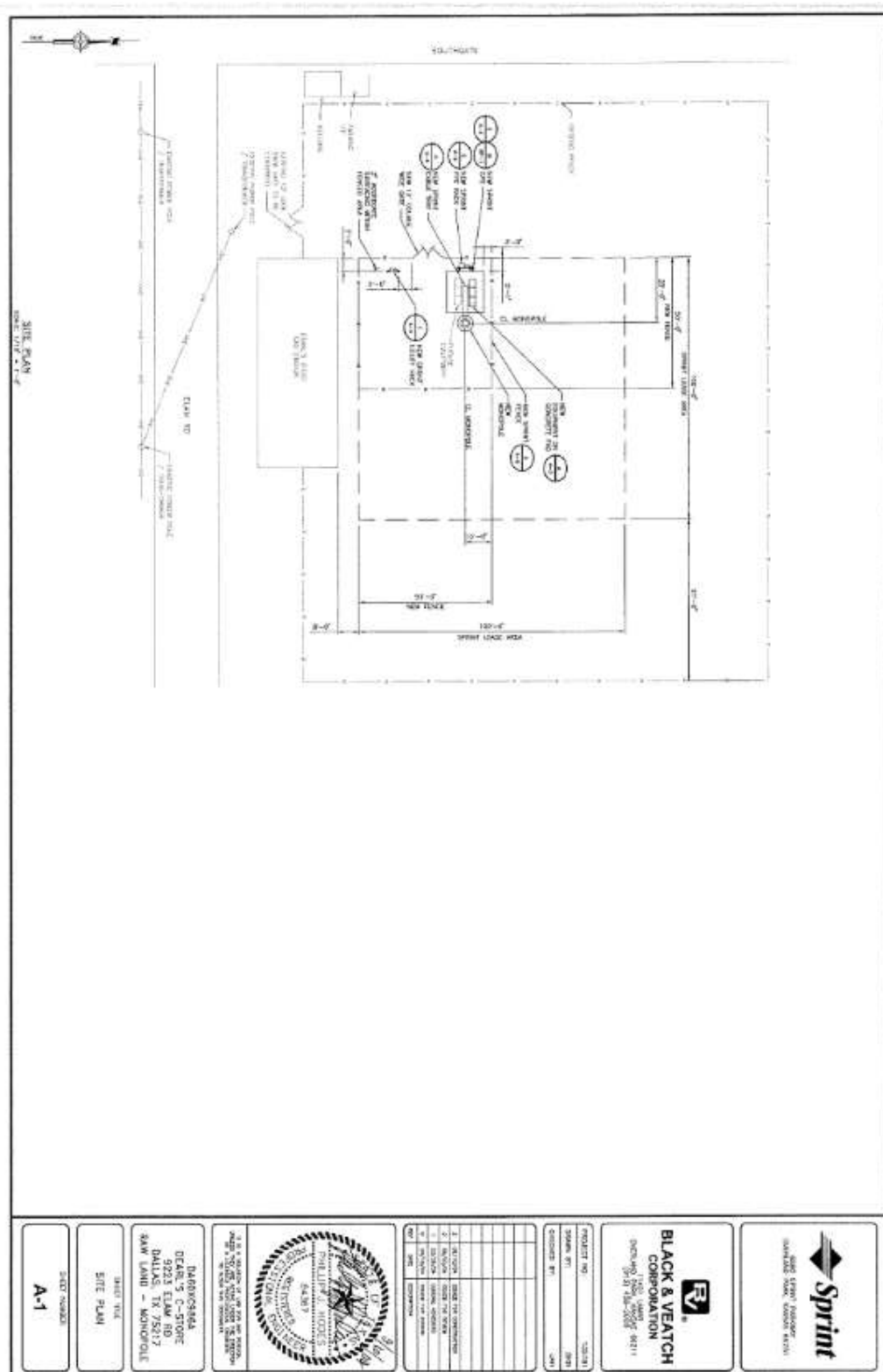
#### **OFFICER/PRESIDENT/ASSISTANT SECRETARY/ASSISTANT TREASURER**

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FERNANDO CINCI, VICE PRESIDENT/ASSISTANT  
SECRETARY/ASSISTANT TREASURER  
SANJAY DHAWAN, VICE PRESIDENT  
PATHMAL GUNAWARDANA, VICE PRESIDENT  
LAWRENCE HARRIS, SENIOR VICE PRESIDENT  
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JOSHUA M. KOENIG, EXECUTIVE VICE PRESIDENT/CHIEF  
ADMINISTRATIVE OFFICER/GENERAL  
COUNSEL/SECRETARY/ASSISTANT TREASURER  
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ACCOUNTING OFFICER  
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JASON SILBERSTEIN, EXECUTIVE VICE PRESIDENT  
ASHLEY MASUDA, ZONING & COMPLIANCE SUPERVISOR, SBA COMMUNICATIONS

**PROPOSED SUP CONDITIONS  
(NO CHANGES ASIDE FROM TIME PERIOD)**

1. USE: The only use authorized by this specific use permit is a cellular communication tower/antenna.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit is approved for a **five year period** that expires on \_\_\_ day of \_\_\_\_\_, 20\_\_ and 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. In order 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 180<sup>th</sup> but before the 120<sup>th</sup> 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 application for automatic renewal is strictly enforced).
4. LANDSCAPING: Landscaping must be provided and maintained in accordance with Article X of the Dallas Development Code, as amended.
5. CELL TOWERS:
  - a. The use authorized by this specific use permit may not exceed 80 feet in height.
  - b. The tower/antenna for cellular communication must be located as shown on the attached site plan.
  - c. No signs may be attached to the tower/antenna for cellular communication.
  - d. The tower/antenna for cellular communication may not be illuminated, except as required by the Federal Aviation Administration.
6. SHARED USE WITH OTHER CARRIERS: Any tower/antenna support structure authorized by this specific use permit that exceeds 65ft in height must be constructed to support the antenna arrays for at least two other wireless communications carriers. The tower/antenna support structure must be made available to other wireless communication carriers upon reasonable terms.
7. MAINTENANCE: The entire Property must be properly maintained in a state of good repair and neat appearance.
8. 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.

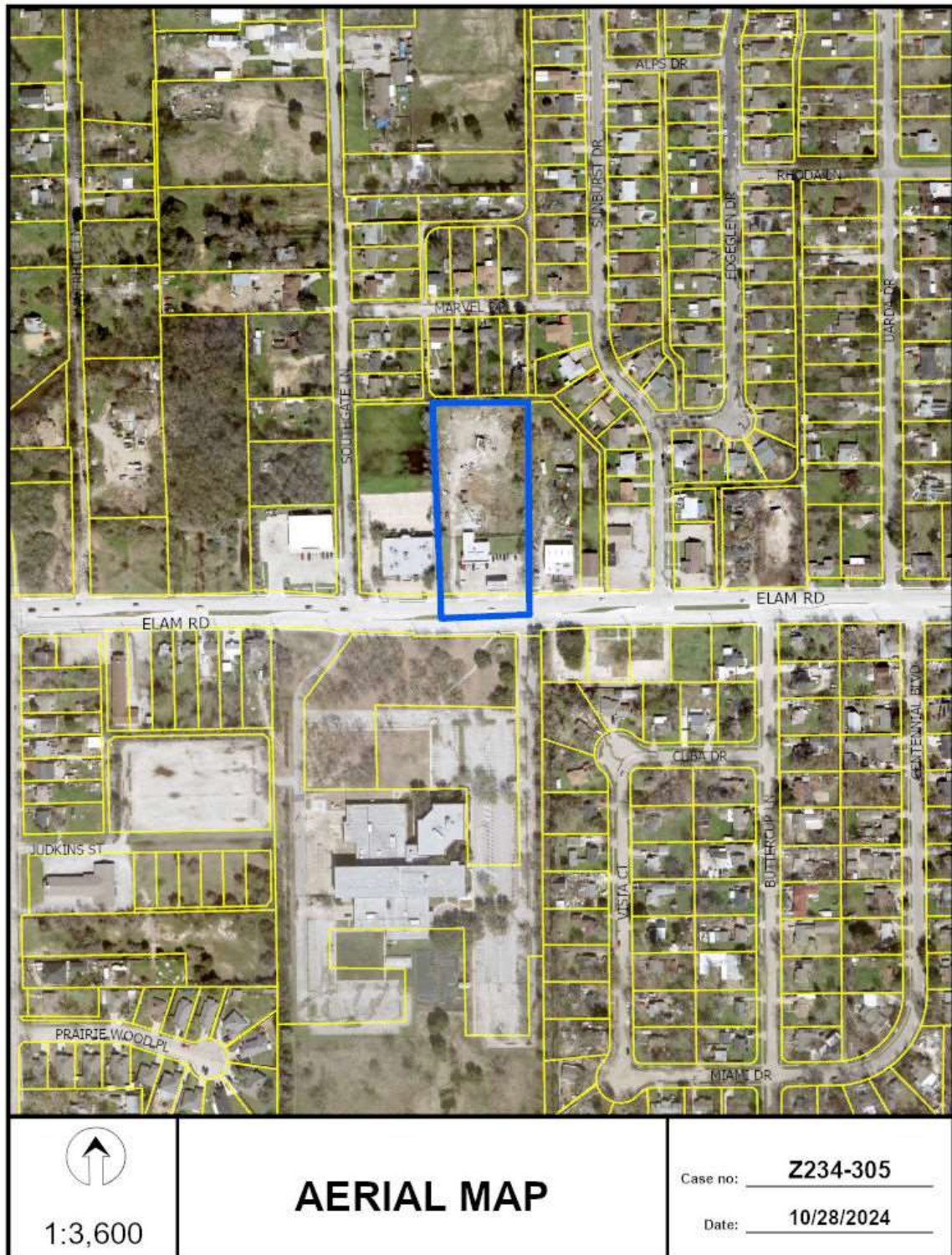
## EXISTING SITE PLAN (NO CHANGES)



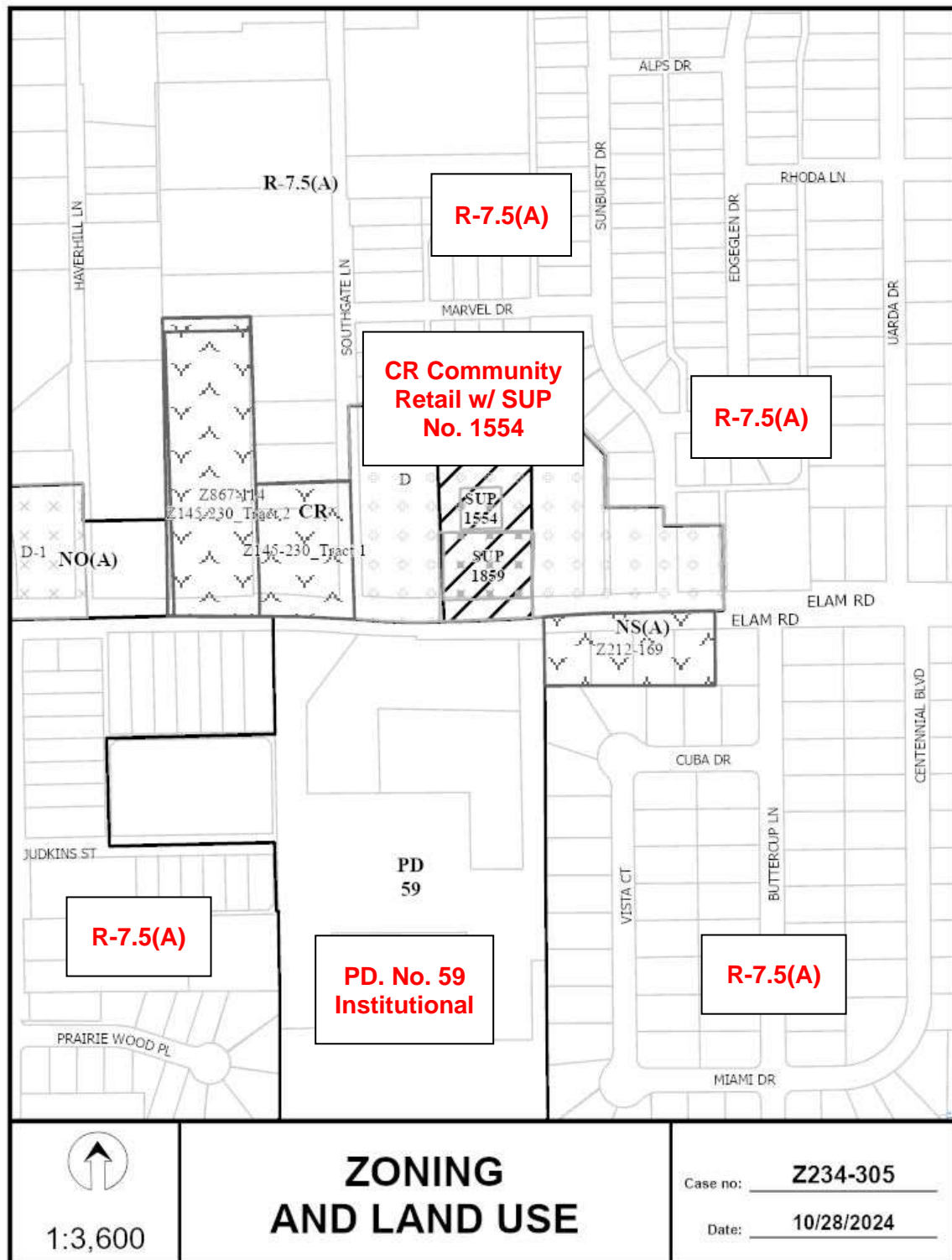


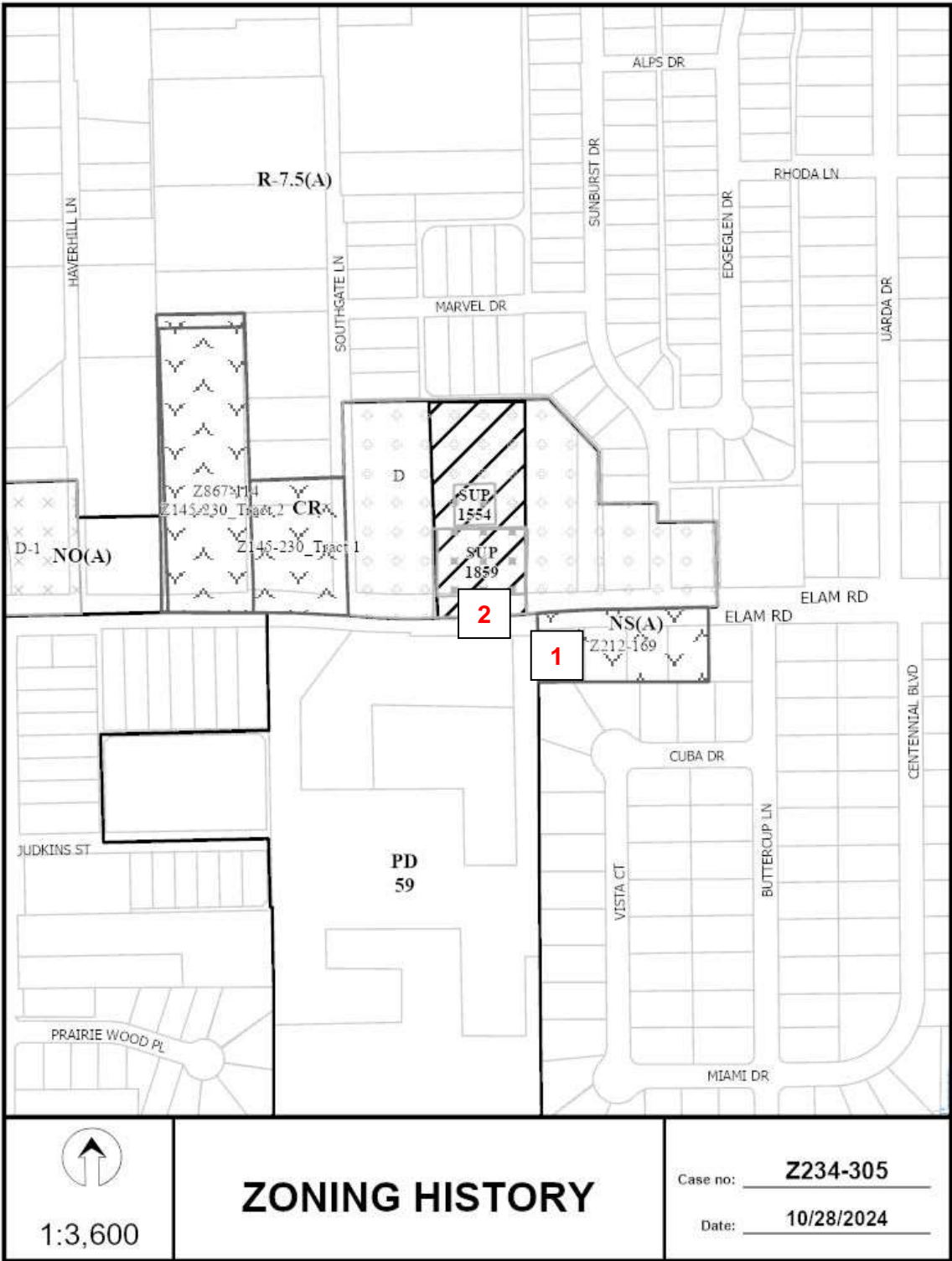


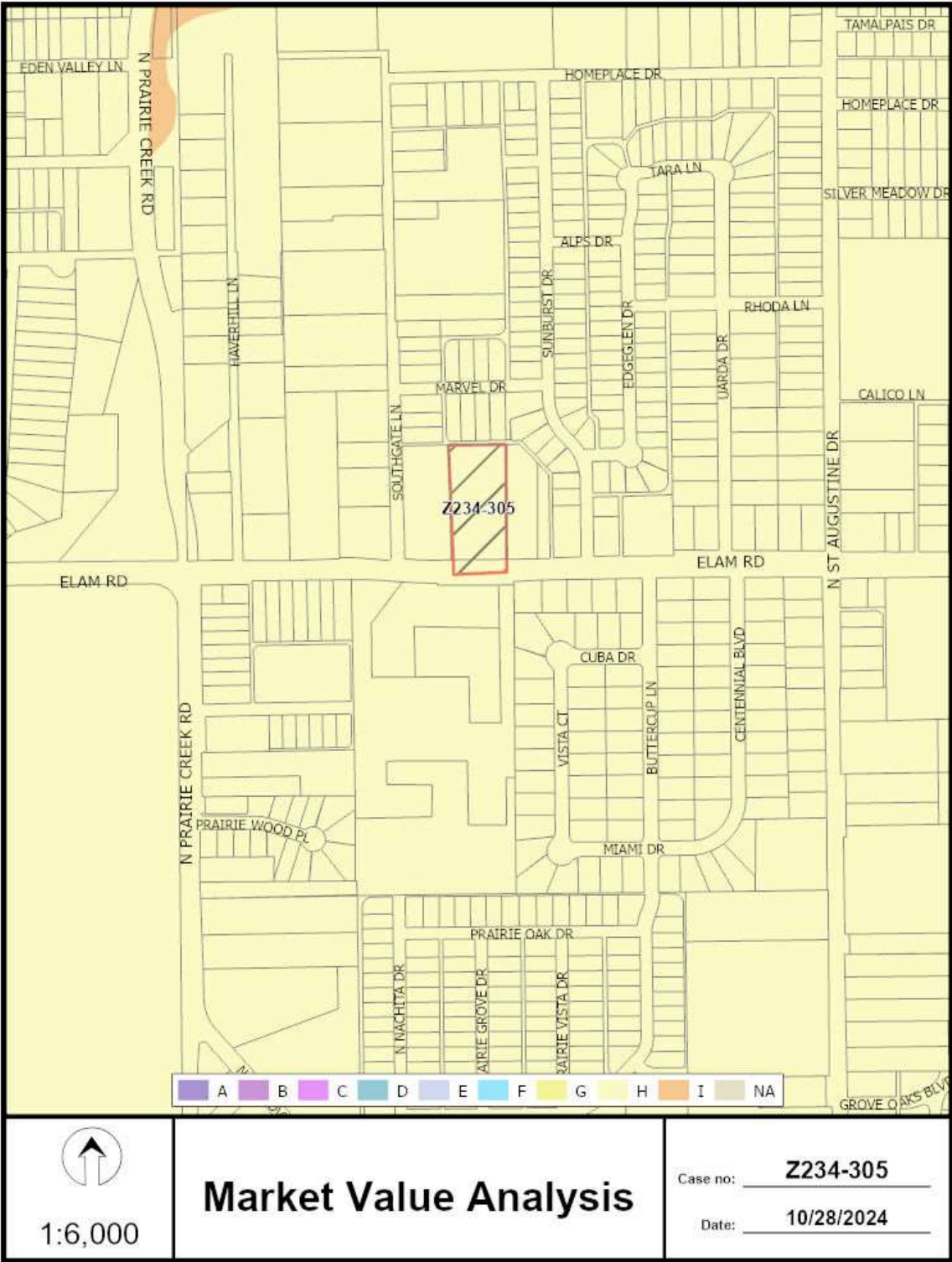


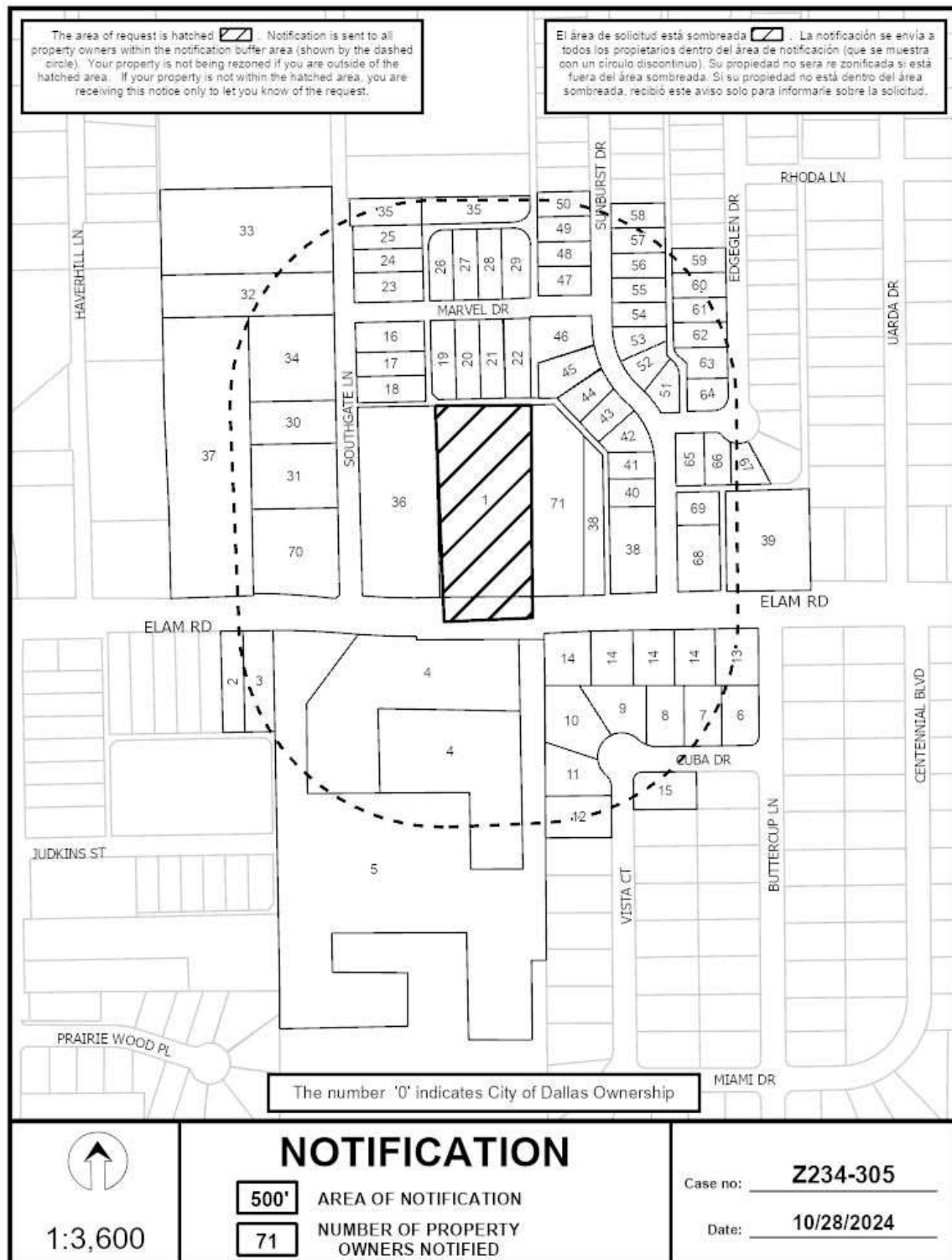












10/28/2024

***Notification List of Property Owners******Z234-305******71 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	9217 ELAM RD	BOBBYS CORPORATION
2	9122 ELAM RD	SCHMIDT TERRANCE & MERCY
3	9126 ELAM RD	PATLAN ROCIO GUADALUPE
4	9202 ELAM RD	DALLAS COUNTY HOSPITAL DISTRICT
5	9202 ELAM RD	DALLAS COUNTY HOSPITAL DISTRICT
6	9329 CUBA DR	HOUSE DEARL D
7	9321 CUBA DR	MOLINA JAZMINA LIZETT
8	9315 CUBA DR	MATHEW CHRISTEN &
9	9307 CUBA DR	JARAMILLO OLEGARIO
10	373 VISTA CT	CARROLL PAUL S
11	365 VISTA CT	TEJADA RAFAEL &
12	355 VISTA CT	WALKER RACHEL
13	437 BUTTERCUP LN	GARCIA AGUSTIN & ALICIA
14	9330 ELAM RD	PADSALA BHARAT
15	354 VISTA CT	BRIGHTMON PHYLLIS
16	614 SOUTHGATE LN	HOUSE DEARL
17	608 SOUTHGATE LN	CORONADO CRISANTO
18	602 SOUTHGATE LN	SAUCEDO LINDOLFO A
19	9216 MARVEL DR	VILLANUEVA MARIA
20	9222 MARVEL DR	LARA JAVIEL
21	9226 MARVEL DR	ARRIAGA AURELIO
22	9232 MARVEL DR	GONZALEZ JOSE SANTOS
23	622 SOUTHGATE LN	CANADA KERRY D
24	626 SOUTHGATE LN	DELUNA RAYMOND
25	630 SOUTHGATE LN	MARTINEZ STEVE JESSE
26	9217 MARVEL DR	TAPIA JESUS JAVIER



10/28/2024

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	9223 MARVEL DR	GUTIERREZ SANTOS DIONICIO Z &
28	9227 MARVEL DR	GILBERT PATRICIA GALE &
29	9233 MARVEL DR	ZAMORA J CARMEN SUAREZ
30	539 SOUTHGATE LN	GUERRA FIDEL JR &
31	531 SOUTHGATE LN	CASA REALIDAD LP
32	621 SOUTHGATE LN	RAMIREZ JAMES ZACHARY
33	629 SOUTHGATE LN	RENEAU STEPHEN JOE
34	611 SOUTHGATE LN	GUERRA FIDEL & MARIA
35	634 SOUTHGATE LN	ROMERO REGINO
36	9209 ELAM RD	DALLAS COUNTY MENTAL HEALTH & MENTAL
37	9129 ELAM RD	TSOU SHENGYUNG
38	9315 ELAM RD	GODS WORD MISSIONARY
39	9339 ELAM RD	AGUILAR EDUARDO
40	523 SUNBURST DR	MACK MARK
41	529 SUNBURST DR	Taxpayer at
42	537 SUNBURST DR	SONBURST TRUST
43	543 SUNBURST DR	LIVBEL LLC
44	547 SUNBURST DR	TORRES JUAN GABRIEL &
45	551 SUNBURST DR	SANCHEZ RAMON
46	555 SUNBURST DR	Taxpayer at
47	611 SUNBURST DR	AGUILAR MARIA PILAR &
48	615 SUNBURST DR	GODINA DORA
49	621 SUNBURST DR	HARTFIELD CODY EARL &
50	625 SUNBURST DR	PATTERSON VON SCHILLINGS
51	538 SUNBURST DR	WASHINGTON ROSEMARY
52	546 SUNBURST DR	SILBA JERARDO M &
53	552 SUNBURST DR	LUCIO MARIA ANABEL &
54	556 SUNBURST DR	CRUZ GONZALO DELA
55	606 SUNBURST DR	AMADOR MARIEL &
56	612 SUNBURST DR	MARES EZEQUIEL CAMARILLO &
57	616 SUNBURST DR	AMEZCUA JENNIE E &

Z234-305(LC)

10/28/2024

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	622 SUNBURST DR	REED BETHANY NOEL
59	667 EDGEGLLEN DR	FKF INVESTMENTS GROUP INC
60	661 EDGEGLLEN DR	CROUCH VINITA LAVON
61	655 EDGEGLLEN DR	AGUILAR JAIME
62	649 EDGEGLLEN DR	GONZALEZ MARCO &
63	643 EDGEGLLEN DR	MORGAN ROBERT LYNN &
64	637 EDGEGLLEN DR	SWEATS WILLIAM L II
65	606 EDGEGLLEN DR	BAILON RUBEN A &
66	612 EDGEGLLEN DR	BLACK LAKESHA S
67	618 EDGEGLLEN DR	GRANT CYNTHIA ANN
68	9353 ELAM RD	AVM MEDICAL SERVICES LLC
69	518 SUNBURST DR	Taxpayer at
70	9165 ELAM RD	BRODY BEVERLY ANN TRUST THE
71	9309 ELAM RD	VILLANUEVA RODRIGO