

FILE NUMBER: Z201-344(KC) **DATE FILED:** September 14, 2021

LOCATION: South of Telephone Road and west of Travis Trail

COUNCIL DISTRICT: 8 **MAPSCO:** 76 L

SIZE OF REQUEST: Approx. 2.67 acres **CENSUS TRACT:** 0167.03

REPRESENTATIVE: Land Use Planning & Zoning Services (Elsie Thurman)

APPLICANT/OWNER: Franklin National Transportation (Jamesha Jones)

REQUEST: An application for (1) a CS Commercial Service District with deed restrictions volunteered by the applicant; and (2) a Specific Use Permit for a commercial motor vehicle parking use on property zoned A(A) Agricultural District.

SUMMARY: The purpose of the request is to allow for a commercial motor vehicle parking use on the site.

CPC RECOMMENDATION: **Denial** of the CS Commercial Service District with deed restrictions volunteered by the applicant; and **denial** of a Specific Use Permit for a commercial motor vehicle parking use.

STAFF RECOMMENDATION: **Approval** of the CS Commercial Service District, subject to deed restrictions volunteered by the applicant; and **approval** of a Specific Use Permit for a two-year period, subject to a site plan and staff's recommended conditions.

BACKGROUND INFORMATION:

- The site is currently undeveloped.
- The proposal is to allow for commercial motor vehicle parking on the site.
- The commercial motor vehicle parking use is allowed by right in the CS Commercial Services district except by SUP only if located within 500 feet of a residential district.
- The A(A) Agricultural district that abuts this site is classified as a residential district in the Dallas Development Code.
- A commercial motor vehicle parking is defined by the Dallas Development Code as 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 applicant has volunteered deed restrictions to limit the more intense uses that are permitted within the proposed CS Commercial Services district.
- During the November 18 meeting, the City Planning Commission recommended denial of the request due to the proximity to the residential uses and the shared access of the unimproved roadway with the residential properties.

Zoning History:

There has been one zoning case in the vicinity in the past five years.

1. **Z201-345:** An application for 1) a CS Commercial Service District with deed restrictions volunteered by the applicant and 2) a Specific Use Permit for commercial motor vehicle parking use on property zoned A(A) Agricultural District., located south of Telephone Road and west of Bonnie View Road. [Awaiting CPC Hearing on November 18, 2021].

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Telephone Road	Principle Arterial	80'
Travis Trail	Local Street	56'

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

Site observations demonstrated that the right of way for Travis Trail has been closed off by a gate at the northern boundary of the property north of the request site. This road is a public roadway and all properties along the roadway should have access to the street without any gates. Travis Trail is currently paved only halfway leading up the site.

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:

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

URBAN DESIGN

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.4 Enhance retail, industrial and business operations.

Land Use:

	Zoning	Land Use
Site	A(A) Agricultural District	Undeveloped
North	A(A) Agricultural District	Residential
East	CS Commercial Service	Commercial motor vehicle parking,

South	PD No. 761 (LI)	Warehouse
West	A(A) Agricultural District	Undeveloped, residential, heavy equipment sales

Land Use Compatibility:

The request site is currently undeveloped. The west of this site includes a single-family home and a heavy equipment sales use along with some vacant, undeveloped land. North of the site is occupied by single-family homes. To the east includes commercial motor vehicle parking, warehouse, office, and outside storage. South of the site includes a warehouse.

The CS district requires an SUP for a commercial motor vehicle parking use when it is within 500 feet from a residential use. This site abuts A(A) district which is considered residential district per the Dallas Development Code.

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 has observed during the site visit that the lots to the north are currently being used by the applicant as commercial motor vehicle, although they are under A(A) zoning category and is not a permitted use under that zoning category. Staff also observed that the right of way for Travis Trail has been closed off by a gate at the northern boundary of the property being used for this use.

This site currently shares access to Travis Trail with three residential homes. All vehicular traffic that operates out of this use will be required to pass by the three homes leading up to the site. The site does not abut any homes directly and is required to have a 10'

landscape buffer on the sides that abut the residential districts per Article X of the Dallas Development Code, as shown on the site plan. The applicant has included conditions on the SUP to require a six foot wood screening fence surrounding the property and to limit the hours of operation to be between 7:00 am and 7:00 pm to avoid disturbance to the residential uses on Travis Trail.

Although this site shares a roadway with residential uses, the majority of the uses in the surrounding area are industrial in nature. Staff believes the use may be compatible if it is limited with an SUP that requires screening fencing, landscape buffers, and limited hours of operation. The applicant has also volunteered deed restrictions that would prohibit more intense uses that are allowed within the CS Commercial Services district as main uses or accessory uses. Considering the small amount of permitted uses on the site due to the deed restrictions, staff recommends approval of the general zoning change and the SUP for a two-year period in order to evaluate how the use has performed in regards to the compatibility with the residential uses in the area.

Development Standards:

The proposed CS Commercial Services District allows for a mix of uses and would deviate from the existing district by having decreased setbacks and increased lot coverage requirements. The proposed district would have a Floor to Area Ratio (FAR) of 0.75 as opposed to no FAR in the existing district. The height in the proposed district is limited to 45 feet compared to no maximum in the existing district. The current district's standards require a minimum lot size of three acres and the proposed district has no minimum.

District	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
A(A)	50'	Side: 50' Rear: 20' adjacent to residential, 10'	No FAR	No max.	10% residential 25% non residential	Min lot area for residential: 3 acres	Residential, agricultural
CS	15' adjacent to expy Other: No Min	20' adjacent to residential OTHER: No Min	0.75 FAR	45' 3 story max	80%	No min lot size	Office, retail & personal service, lodging, residential

Land Use Comparison Chart

Following is a comparison table showing differences in the permitted uses between the existing and proposed zoning districts.

LEGEND

	Use prohibited
•	Use permitted by right
S	Use permitted by Specific Use Permit
D	Use permitted subject to Development Impact Review
R	Use permitted subject to Residential Adjacency Review
★	Consult the use regulations in Section 51A-4.200
	Restricted by deed restrictions volunteered by the applicant

	Existing	Proposed	Deed Restrictions
Use			
AGRICULTURAL USES			
Animal production	•		
Commercial stable	•		
Crop production	•	•	
Private stable	•		
COMMERCIAL AND BUSINESS SERVICE USES			
Building repair and maintenance shop		R	
Bus or rail transit vehicle maintenance or storage facility		R	
Catering service		•	
Commercial cleaning or laundry plant		D, S	
Custom business services		•	
Custom woodworking, furniture construction, or repair		•	
Electronics service center		•	
Job or lithographic printing		R	
Labor hall		S	
Machine or welding shop		R	
Machinery, heavy equipment, or truck sales and services		R	
Medical or scientific laboratory		•	
Technical school		•	
Tool or equipment rental		•	
Vehicle or engine repair or maintenance		R	R
INDUSTRIAL USES			
Alcoholic beverage manufacturing			

	Existing	Proposed	Deed Restrictions
Use			
Gas drilling and production	S	S	S
Gas pipeline compressor station			
Industrial (inside)		•	
Industrial (inside) for light manufacturing		•	
Industrial (outside)			
Medical/infectious waste incinerator			
Metal salvage facility			
Mining	S		
Municipal waste incinerator			
Organic compost recycling facility	S		
Outside salvage or reclamation			
Pathological waste incinerator			
Temporary concrete or asphalt batching plant	•	★	
INSTITUTIONAL AND COMMUNITY SERVICE USES			
Adult day care facility	S	•	
Cemetery or mausoleum	S	S	
Child-care facility	S	•	
Church	•	•	
College, university, or seminary	•	•	
Community service center	S	S	
Convalescent and nursing homes, hospice care, and related institutions	S		
Convent or monastery	•	•	
Foster home	S		
Halfway house		S	
Hospital	S	R	
Library, art gallery, or museum	S		
Public or private school	R	R	
LODGING USES			
Extended stay hotel or motel		S	S
Hotel or motel		R, S	
Lodging or boarding house		•	
Overnight general purpose shelter		★	
MISCELLANEOUS USES			
Carnival or circus (temporary)	★	★	
Hazardous waste management facility			
Placement of fill material			
Temporary construction or sales office	•	•	•
OFFICE USES			

	Existing	Proposed	Deed Restrictions
Use			
Alternative financial establishment		S	S
Financial institution without drive-in window		•	
Financial institution with drive-in window		R	
Medical clinic or ambulatory surgical center		•	
Office		•	•
RECREATION USES			
Country club with private membership	S	•	
Private recreation center, club, or area	S	•	
Public park, playground, or golf course	•	•	
RESIDENTIAL USES			
College dormitory, fraternity, or sorority house	•	•	•
Duplex			
Group residential facility			
Handicapped group dwelling unit	•		
Manufactured home park, manufactured home subdivision, or campground			
Multifamily			
Residential hotel			
Retirement housing			
Single family	•		
RETAIL AND PERSONAL SERVICE USES			
Ambulance service		R	
Animal shelter or clinic without outside runs	•	R	
Animal shelter or clinic with outside runs	S	S	
Auto service center		R	
Business school		•	
Car wash		R	
Commercial amusement (inside)		S	
Commercial amusement (outside)	S	D	
Commercial motor vehicle parking		•, S	•, S
Commercial parking lot or garage		R	R
Convenience store with drive-through		S	S
Dry cleaning or laundry store		•	
Furniture store		•	
General merchandise or food store 3,500 square feet or less		•	
General merchandise or food store greater than 3,500 square feet		•	
Home improvement center, lumber, brick or building materials sales yard		R	

	Existing	Proposed	Deed Restrictions
Use			
Household equipment and appliance repair		•	•
Liquefied natural gas fueling station		S	S
Motor vehicle fueling station		•	
Nursery, garden shop, or plant sales	•	•	•
Outside sales		S	
Paraphernalia shop		S	S
Pawn shop		•	
Personal service use		•	
Restaurant without drive-in or drive-through service		R	
Restaurant with drive-in or drive-through service		D	
Surface parking			
Swap or buy shop		S	
Taxidermist		•	
Temporary retail use		•	•
Theater		•	
Truck stop		S	S
Vehicle display, sales, and service		R	
TRANSPORTATION USES			
Airport or landing field			
Commercial bus station and terminal		D	
Heliport		S	
Helistop	S	S	
Private street or alley			
Railroad passenger station		S	
Railroad yard, roundhouse, or shops			
STOL (short take-off or landing port)			
Transit passenger shelter	•	•	
Transit passenger station or transfer center	S	★	
UTILITY AND PUBLIC SERVICE USES			
Commercial radio or television transmitting station	S	•	
Electrical generating plant			
Electrical substation	S	•	
Local utilities	S, R	S, R	
Police or fire station	S	•	
Post office		•	
Radio, television, or microwave tower	S	R	
Refuse transfer station	S		
Sanitary landfill	S		
Sewage treatment plant	S		

	Existing	Proposed	Deed Restrictions
Use			
Tower/antenna for cellular communication	★	★	
Utility or government installation other than listed	S	S	
Water treatment plant	S		
WHOLESALE, DISTRIBUTION, AND STORAGE USES			
Auto auction		S	
Building mover's temporary storage yard		S	S
Contractor's maintenance yard		R	R
Freight terminal		R	
Livestock auction pens or sheds	S		
Manufactured building sales lot		R	
Mini-warehouse		•	•
Office showroom/warehouse		•	
Outside storage		R	R
Petroleum product storage and wholesale		S	
Recycling buy-back center		★	
Recycling collection center		★	
Recycling drop-off container	★	★	
Recycling drop-off for special occasion collection	★	★	
Sand, gravel, or earth sales and storage	S	S	S
Trade center		•	
Vehicle storage lot		S	S
Warehouse		R	R

Although the proposed CS Commercial Services district permit more intense uses including commercial and business service uses, industrial uses, lodging uses, office uses, retail and personal service uses, transportation uses, and wholesale, distribution, and storage uses, the volunteered deed restrictions are prohibiting the vast majority of those allowed within the CS district as shown on the table above. The uses that would be permitted on this site are compatible with the existing industrial uses in the surrounding area. The permitted uses are mostly vehicle related uses, warehouse, storage, or temporary uses.

Landscaping:

Landscaping will be provided by Article X of the Dallas Development code, as amended.

Parking:

Parking will be provided by the Dallas Development code, as amended. There is no parking required for commercial motor vehicle parking. All parking will be provided per the SUP site plan.

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 not in an MVA cluster. Some properties north and west of the site is an “F” MVA cluster.

Z201-344(KC)

List of Partners/Principals/Officers

Officer/Owner

Jamesha Jones

Franklin National Transportation LLC

CPC ACTION
NOVEMBER 18, 2021

Motion: It was moved to recommend 1) **denial** of a CS Commercial Service District with deed restrictions volunteered by the applicant; and 2) **denial** of a Specific Use Permit for a commercial motor vehicle parking use on property zoned A(A) Agricultural District, south of Telephone Road and west of Travis Trail.

Maker: Blair
Second: Jung
Result: Carried: 12 to 0

For: 12 - Hampton, Anderson, Shidid, Carpenter,
Jackson, Blair, Jung, Suhler, Haqq, Stanard,
Kingston, Rubin

Against: 0
Absent: 0
Vacancy: 3 - District 1, District 3, District 10

Notices: Area: 300 Mailed: 7
Replies: For: 1 Against: 2

Speakers: For: Elsie Thurman, 9406 Biscayne Blvd., Dallas, TX, 75218
For (Did not speak): Jamesha Jones, 9927 Travis Trl., Dallas, TX, 75241
Against: H. E. Davis, 4101 W. Green Oaks Blvd., Arlington, TX, 76016
Staff: David Nevarez, Sr. Traffic Engineer, Development Services

Applicant's Proposed Deed Restrictions

1. The following main uses are prohibited:

a. Agricultural uses.

- Crop production.

b. Commercial and business service uses.

- Building repair and maintenance shop.
- Bus or rail transit vehicle maintenance or storage facility.
- Catering service.
- Commercial cleaning or laundry plant.
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing.
- Labor hall.
- Machine or welding shop.
- Machinery, heavy equipment, or truck sales and service.
- Medical or scientific laboratory.
- Technical school.
- Tool or equipment rental.

c. Industrial uses.

- Industrial (inside) for light manufacturing.
- Temporary concrete or asphalt batching plant.

d. Institutional and community service uses.

- Adult day care facility.
- Cemetery or mausoleum.
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center.
- Convent or monastery.
- Halfway house.
- Hospital.
- Public or private school.

e. Lodging uses.

- Hotel or motel.
- Lodging or boarding house.
- Overnight general-purpose shelter.

f. Miscellaneous uses.

- Carnival or circus (temporary).

g. Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window.
- Medical clinic or ambulatory surgical center.

h. Recreation uses.

- Country club with private membership.
- Private recreation center, club or area.
- Public park, playground, or golf course.

i. Retail and personal service uses.

- Ambulance service.
- Animal shelter or clinic without outside runs.
- Animal shelter or clinic with outside runs.
- Auto service center.
- Alcoholic beverage establishments
- Business school.
- Car wash.
- Commercial amusement (inside).
- Commercial amusement (outside).
- Drive-in theater.
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Home improvement center, lumber, brick, or building materials sales yard.
- Liquor store.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Outside sales.

- Pawn shop.
- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Restaurant with drive-in or drive-through service.
- Swap or buy shop.
- Taxidermist
- Theater.
- Vehicle display, sales, and service.

j. Transportation uses.

- Commercial bus station and terminal.
- Heliport.
- Helistop.
- Railroad passenger station.
- Transit passenger shelter.
- Transit passenger station or transfer center.

k. Utility and public service uses.

- Commercial radio or television transmitting station.
- Electrical substation.
- Local utilities.
- Police or fire station.
- Post office.
- Radio, television, or microwave tower.
- Tower/antenna for cellular communication.
- Utility or government installation other than listed.

l. Wholesale, distribution, and storage uses.

- Auto auction.
- Freight terminal.
- Manufactured building sales lot.
- Office showroom/warehouse.
- Petroleum product storage and wholesale.
- Recycling buy-back center.
- Recycling collection center.
- Recycling drop-off container.
- Recycling drop-off for special occasion collection.
- Trade center.

2. The following accessory uses are prohibited:

Accessory uses.

- Accessory game court (private).
- Accessory helistop.
- Accessory medical/infectious waste incinerator.
- Accessory outside sales.
- Accessory pathological waste incinerator.
- Day home.
- General waste incinerator
- Home occupation.
- Occasional sales (garage sales).
- Swimming pool (private).
- Pedestrian skybridges.

Applicant's Proposed SUP Conditions

1. USE: The only use authorized by this specific use permit is a commercial motor vehicle parking.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

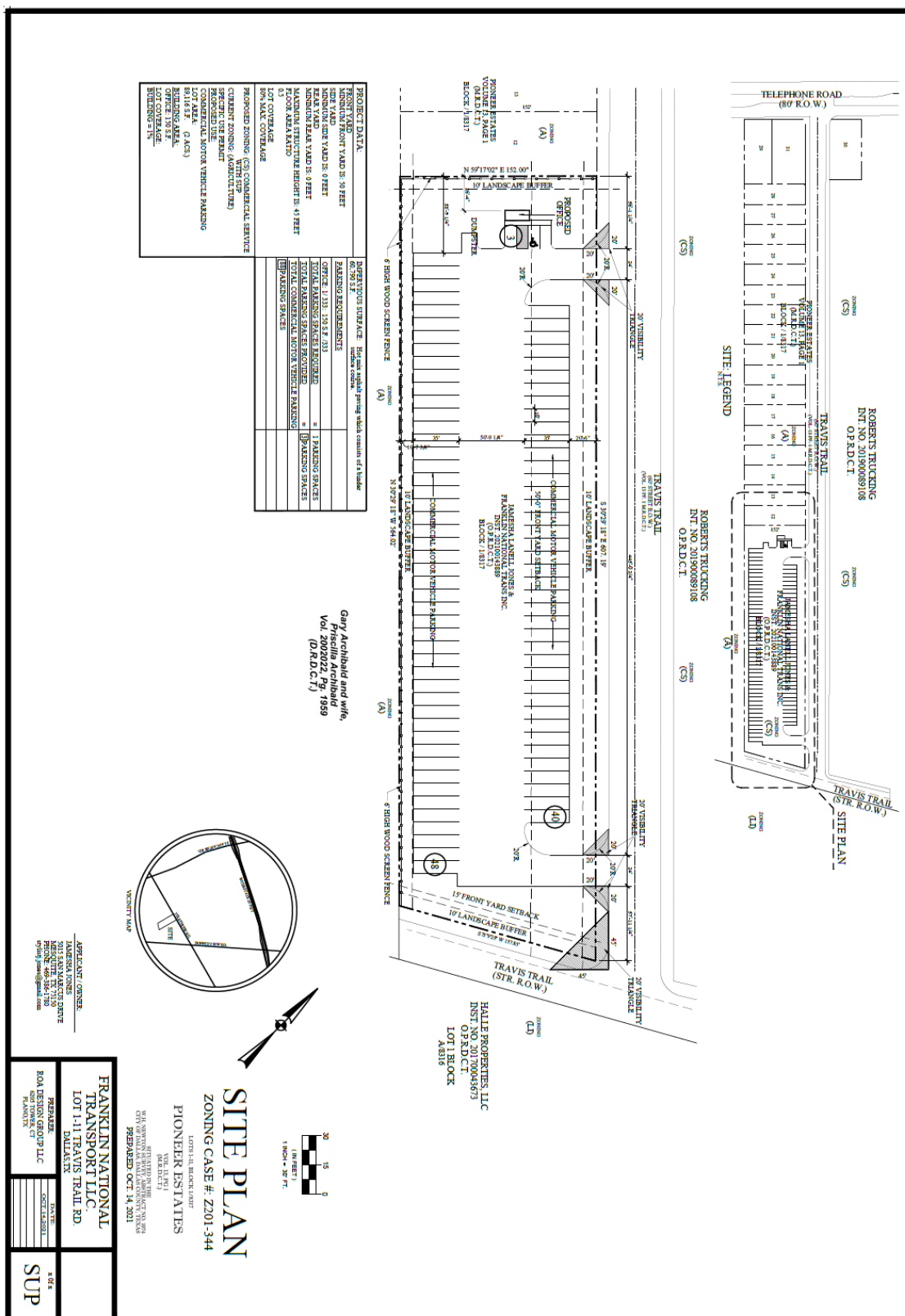
Staff Recommendation:

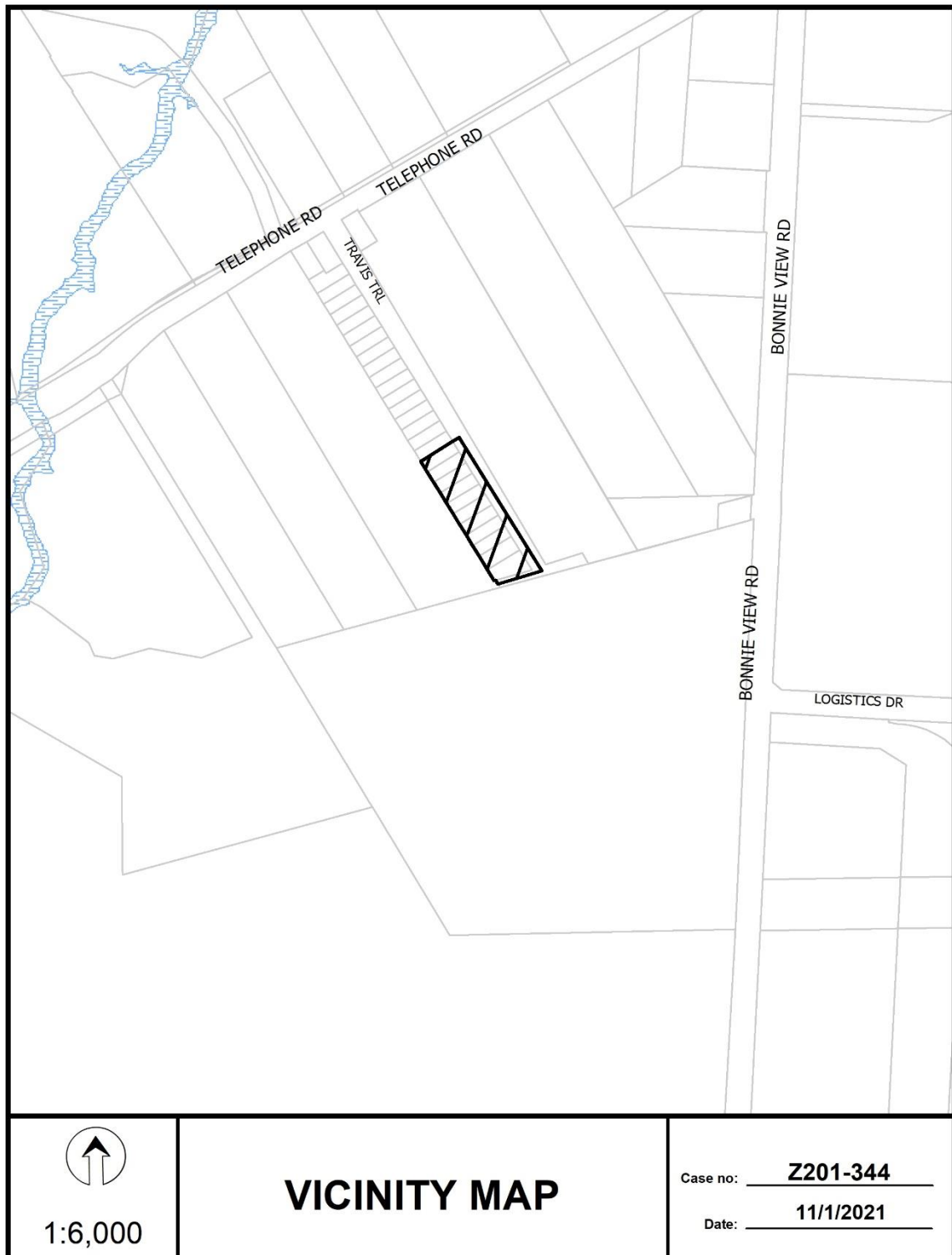
3. TIME LIMIT: This specific use permit expires on (two years from the passage of this ordinance).

Applicant's Request:

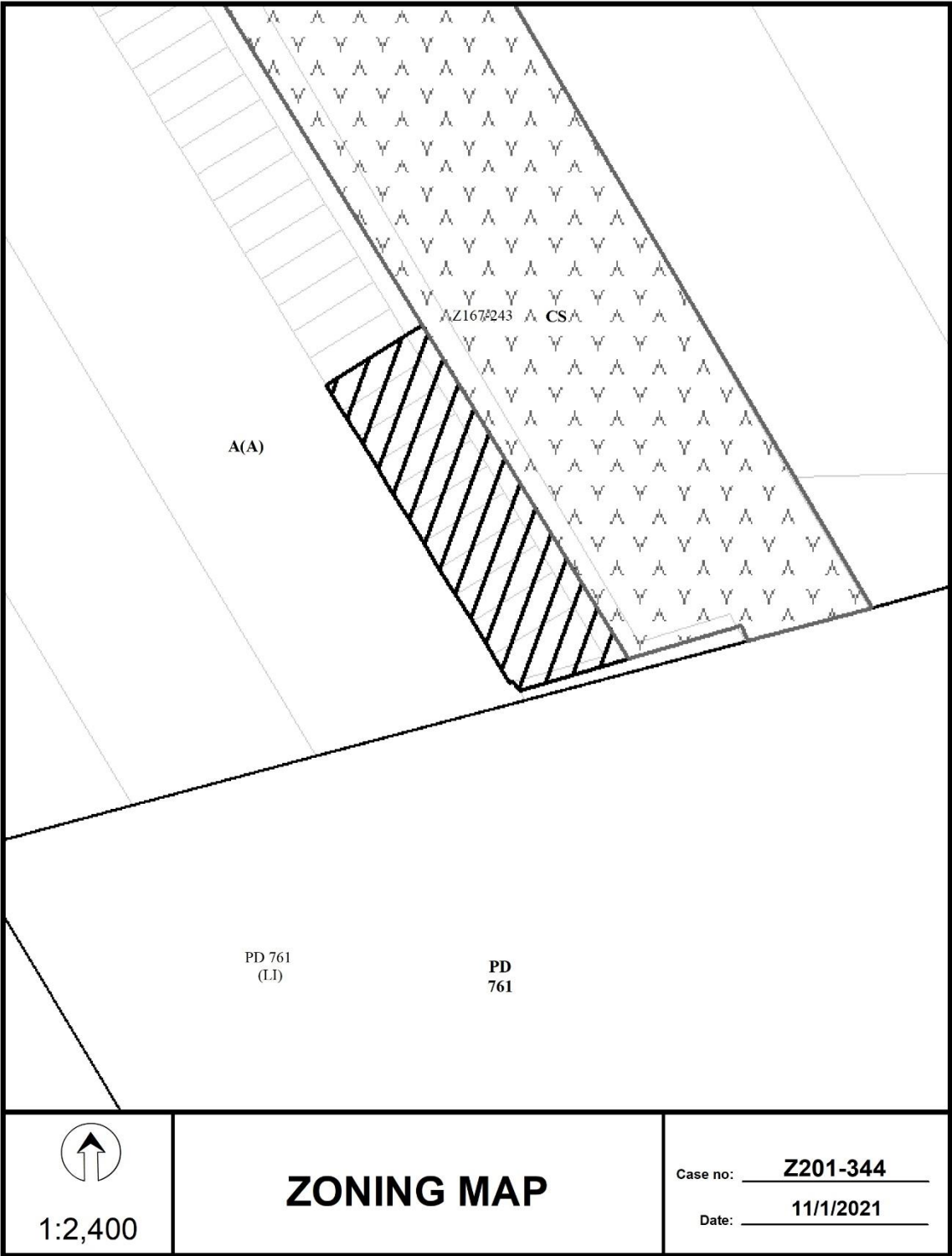
3. TIME LIMIT: This specific use permit expires on (three years from the passage of this ordinance).
4. FENCING: Fencing must be provided along the perimeter of the Property as shown on the attached site plan.
 5. HOURS OF OPERATION: The commercial motor vehicle parking may only operate between 7:00 a.m. and 7:00 p.m., seven days a week.
 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.

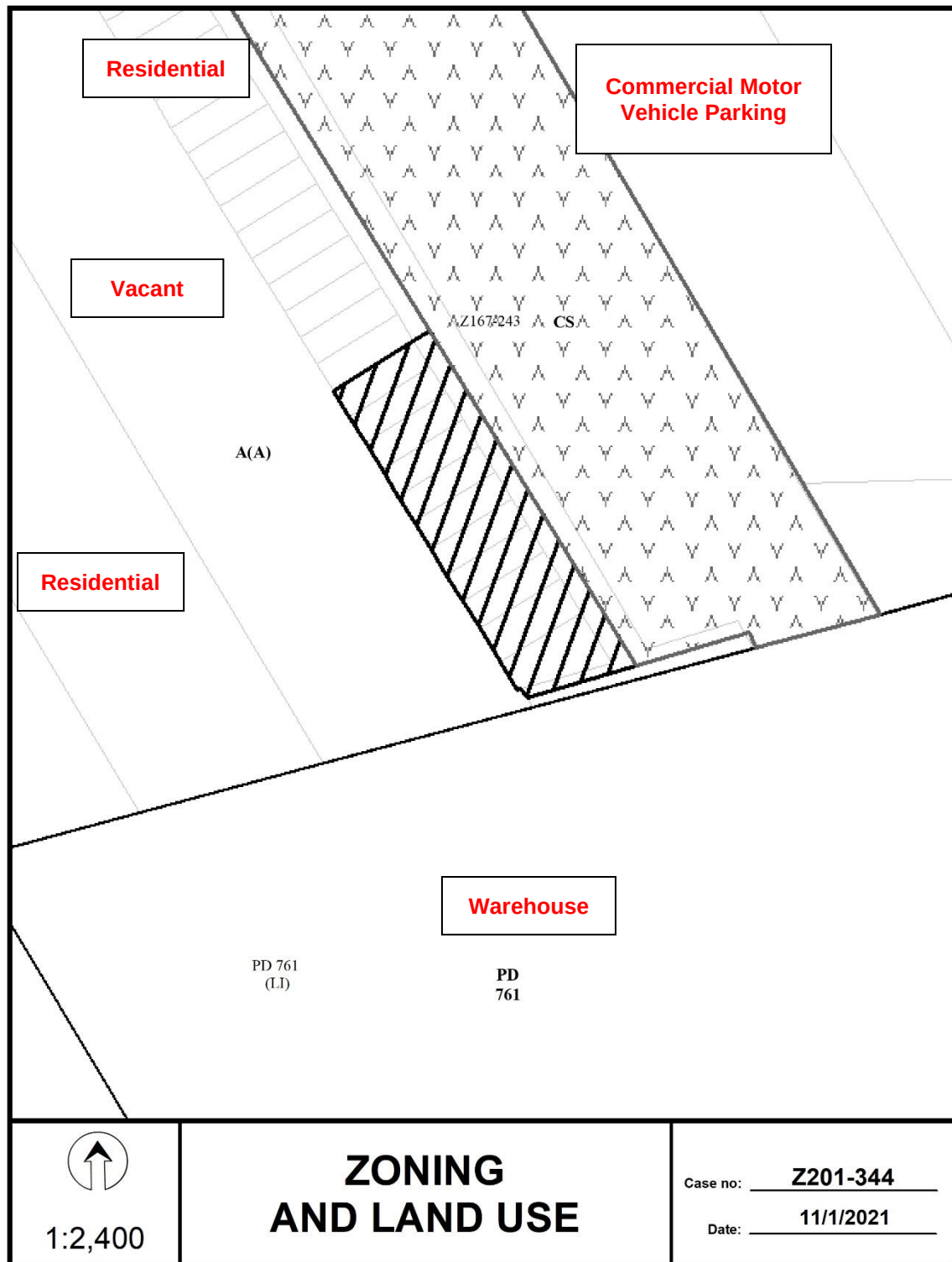
Applicant's Proposed Site Plan

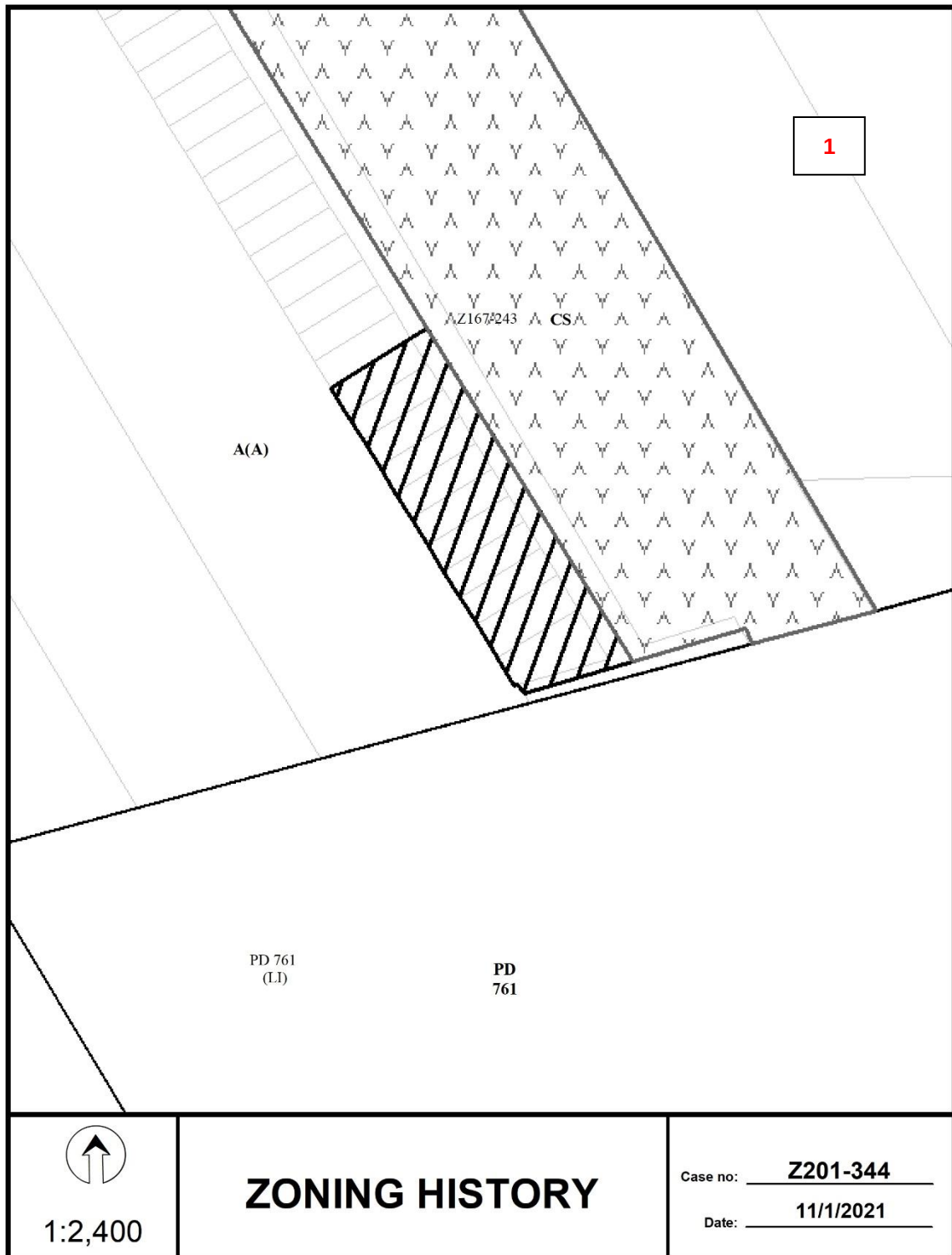








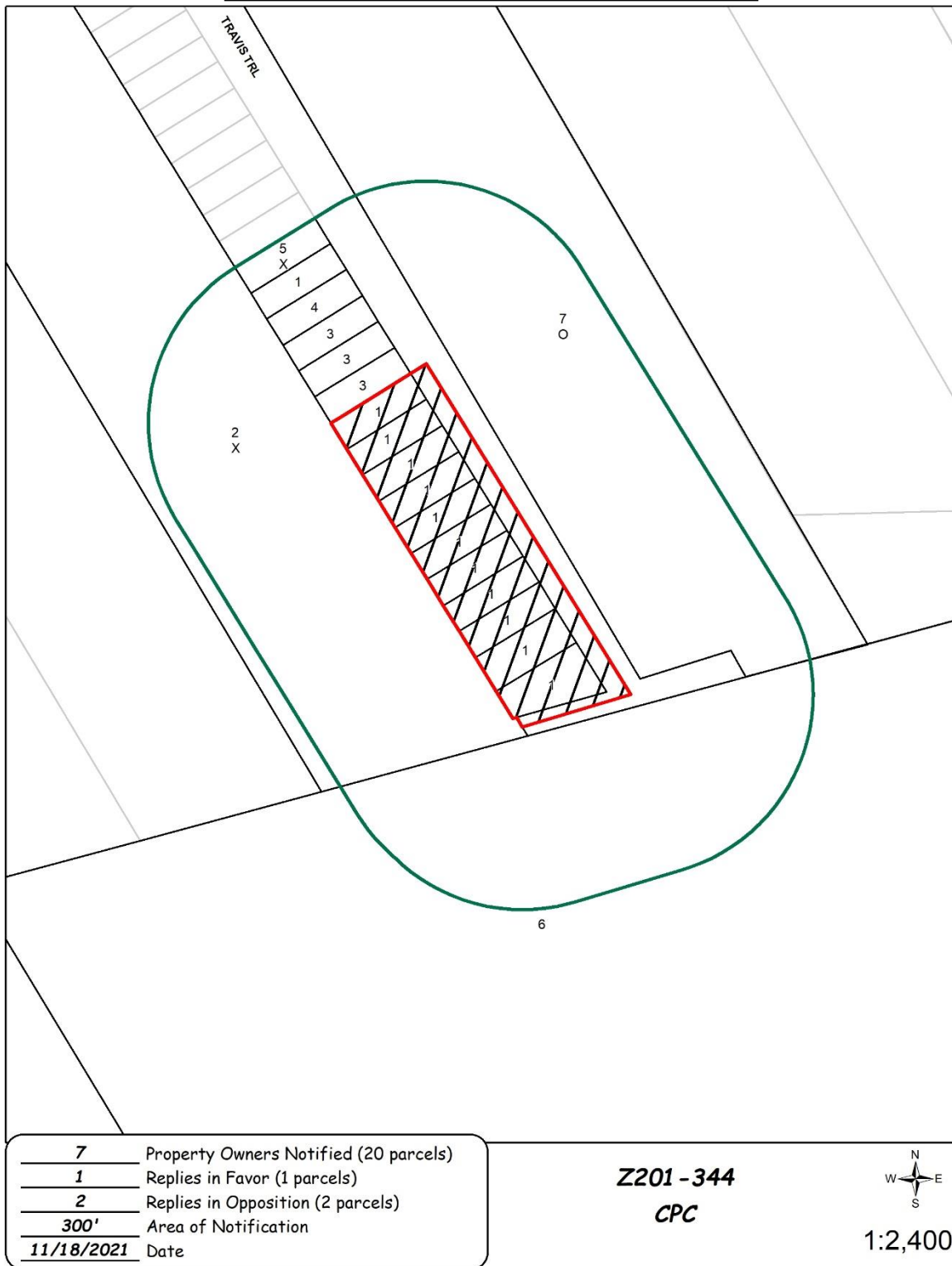




Z201-344(KC)



CPC RESPONSES



Z201-344(KC)

11/17/2021

Reply List of Property Owners

Z201-344

7 Property Owners Notified

1 Property Owners in Favor

2 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	9927 TRAVIS TRL	JONES JAMESHA LANELL &
X	2	3800 TELEPHONE RD	ARCHIBALD GARY &
	3	9811 TRAVIS TRL	JOHNSON DON JR
	4	9731 TRAVIS TRL	RAI INVESTMENTS INC
X	5	9723 TRAVIS TRL	DAVIS H E
	6	10101 BONNIE VIEW RD	HALLE PROPERTIES LLC
O	7	3918 TELEPHONE RD	TELEPHONE ROAD LAND DEVELOPMENT LLC