

ACM: Majed Al-Ghafry

FILE NUMBER: Z212-203(OA)

DATE FILED: February 23, 2022

LOCATION: Northwest corner of Clark Road and Mountain Creek Pkwy

COUNCIL DISTRICT: 3

SIZE OF REQUEST: ±5.818 acres

CENSUS TRACT: 165.10

APPLICANT/

REPRESENTATIVE: David Bolour

OWNER: 1027 Wilshire Associates, LLC

REQUEST: An application for a Specific Use Permit for a mini-warehouse use on property zoned a CR Community Retail District.

SUMMARY: The applicant is proposing to continue the operation of an existing mini-warehouse use.

CPC RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions

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

BACKGROUND INFORMATION:

- On August 26, 2011, the City Council approved Specific Use Permit No. 1768 for a mini-warehouse use for a period of two years with eligibility for automatic renewals for additional three-year periods.
- On November 12, 2016, the City Council approved the renewal of Specific Use Permit No. 1768 for an additional two-year period with eligibility for automatic renewal for one additional three-year period, subject to a site plan and conditions.
- On November 1, 2017, Specific Use Permit No. 1768 for a mini-warehouse use, was automatically renewed for an additional three-year period and the renewed expired in 2021.
- The applicant missed submitting the application for the renewal before the SUP expired, making the existing use noncompliant with the code. A new SUP is required to continue operation of the mini-warehouse use.
- The mini-warehouse use contains 80,000 square feet of storage area according to the submitted site plan and is part of a retail shopping mall.

Zoning History: There have been two zoning requests in the surrounding area in the past five years.

1. **Z178-301:** On November 1, 2017, Specific Use Permit No. 1768 for a mini-warehouse, was automatically renewed for an additional three-year period, pursuant to Section 51A-4.219 of Chapter 51A Part II of the Dallas Development Code, of the Dallas City Code [subject site].
2. **Z190-353:** On May 12, 2022, City Council denied an application for a Planned Development District for MF-2(A) Multifamily District uses on property zoned a CR Community Retail District located at West corner of Mountain Creek Parkway and Sorcey Road.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Clark Road	Principal Arterial	120 feet
Mountain Creek Parkway	Principal Arterial	100 feet

Traffic:

The Transportation Development Services Division of the Transportation 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, outlining several goals and policies which 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:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.2 Focus on Sothern Sector Development Opportunities.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

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

Policy 2.2.4 Focus on Logistics-related jobs for the expansion of employment opportunities, particularly in the Southern Sector.

STAFF ANALYSIS:

Land Use:

	Zoning	Land Use
Site	CR	Mini-warehouse, retail, office
North	CR; TH-2	Retail; single family
East	City of Duncanville	Undeveloped, office, retail
South	CR;	Car wash, drive-in restaurant; retail; undeveloped
West	TH-2	Single Family

Land Use Compatibility:

The subject site is ±5.818-acre; and it is currently developed with a building. The site is surrounded by retail and single family to the north; undeveloped property, office, and retail to the east; a carwash, drive-in restaurant; retail and undeveloped property to the south and retail and single family to the west. The applicant proposes to continue the use of the property as a mini warehouse.

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 a SUP for 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.

Based on staff's analysis of the site, the existing built environment, and the specific detail of the operation in the locations noted on the site and landscape plan, staff has determined the SUP is consistent with the character of the neighborhood and conforms with all respects to all applicable zoning regulations and standards. Therefore, staff recommends approval of the SUP for a mini warehouse for a five-year period with eligibility for automatic renewal for additional five-year periods subject to a site plan and conditions.

Parking:

Pursuant to §51A-4.213(7)(C), a mini-warehouse use requires a minimum of 6 spaces and two parking spaces for off-street loading. The submitted site plan provides 188 parking spaces fronting the mini-warehouse use thereby meeting the required parking spaces.

Landscaping:

There are no landscaping requirements with the renewal of this SUP.

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 strengths or weaknesses. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request is not located within an MVA cluster.

Z212-203(OA)

List of Partners/Principals/Officers

1027 Wilshire Associates LLC
Mehdi Bolour, Sole Partner

Z212-203(OA)

**CPC Action
August 18, 2022**

1. Suspension of CPC Rules of Procedure Section 4(c)(2) to allow reconsideration of Z212-203(OA).

Motion: It was moved to **approve** suspension of the CPC Rules of Procedure Section 4(c)(2) to allow reconsideration of Z212-203(OA).

Maker: Blair
Second: Jung
Result: Carried: 9 to 0

For: 9 - Popken, Hampton, Anderson, Shidid, Blair,
Jung, Housewright, Haqq, Rubin

Against: 0
Absent: 4 - Carpenter, Vann, Stanard, Kingston
Vacancy: 2 - District 3, District 11

If #1 is approved then consideration of #2.

2. Reconsideration of action taken on July 7, 2022, which was to recommend **approval** of a Specific Use Permit for a mini-warehouse use for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned a CR Community Retail District, on the northwest corner of Clark Road and Mountain Creek Parkway.

Motion: It was moved to **approve** reconsideration of the action of action taken on July 7, 2022, which was to recommend **approval** of Z212-203(OA).

Maker: Blair
Second: Rubin
Result: Carried: 9 to 0

For: 9 - Popken, Hampton, Anderson, Shidid, Blair,
Jung, Housewright, Haqq, Rubin

Against: 0
Absent: 4 - Carpenter, Vann, Stanard, Kingston
Vacancy: 2 - District 3, District 11

If #2 is approved then consideration of #3.

3. **Z212-203(OA)**
Oscar Aguilera
(CC District 3)
An application for a Specific Use Permit for a mini-warehouse use on property zoned a CR Community Retail District, on the northwest corner of Clark Road and Mountain Creek Parkway.
Staff Recommendation: **Approval** for a five-year period with

eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

Applicant/Representative: David Bolour

Motion: It was moved to recommend **approval** of a Specific Use Permit for a mini-warehouse use for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned a CR Community Retail District, on the northwest corner of Clark Road and Mountain Creek Parkway.

Maker: Blair
Second: Jung
Result: Carried: 9 to 0

For: 9 - Popken, Hampton, Anderson, Shidid, Blair,
Jung, Housewright, Haqq, Rubin

Against: 0
Absent: 4 - Carpenter, Vann, Stanard, Kingston
Vacancy: 2 - District 3, District 11

Notices: Area: 200 Mailed: 48
Replies: For: 1 Against: 0

Speakers: None

CPC Action
July 7, 2022

Motion: It was moved to recommend **approval** of a Specific Use Permit for a mini-warehouse use for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned a CR Community Retail District, on the northwest corner of Clark Road and Mountain Creek Parkway.

Maker: Rubin
Second: Housewright
Result: Carried: 13 to 0

For: 13 - Popken, Hampton, Shidid, Carpenter, Vann*,
Blair, Jung, Housewright, Gibson, Haqq,
Stanard, Kingston, Rubin

Against: 0
Absent: 1 - Anderson
Vacancy: 1 - District 3

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 48
Replies: For: 1 Against: 0

Speakers: For: None
FOR (Did not speak): David Bolour, 2720 S. La Cienega Blvd., Los Angeles, CA, 90034
Against: None

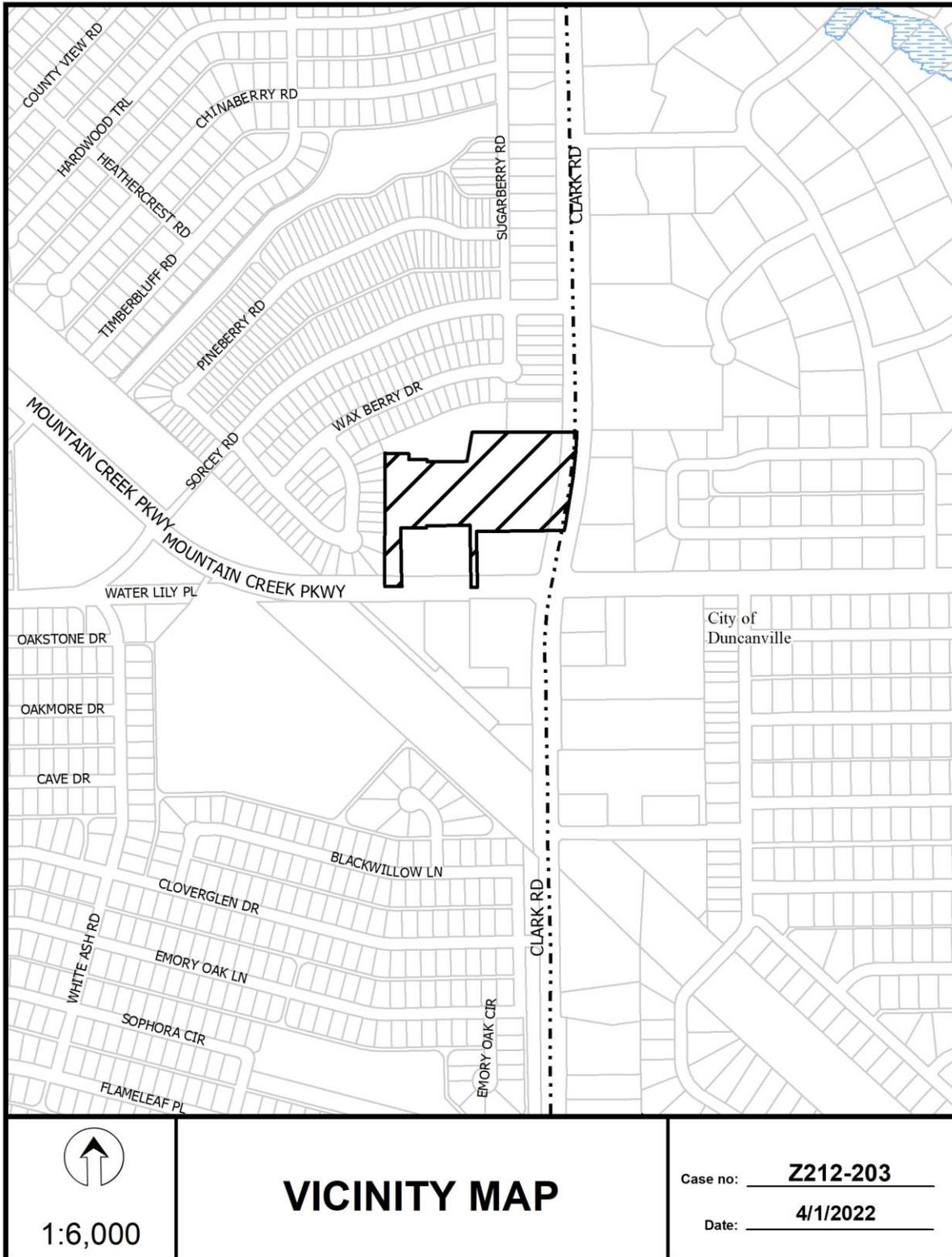
**CPC RECOMMENDED
SUP CONDITIONS**

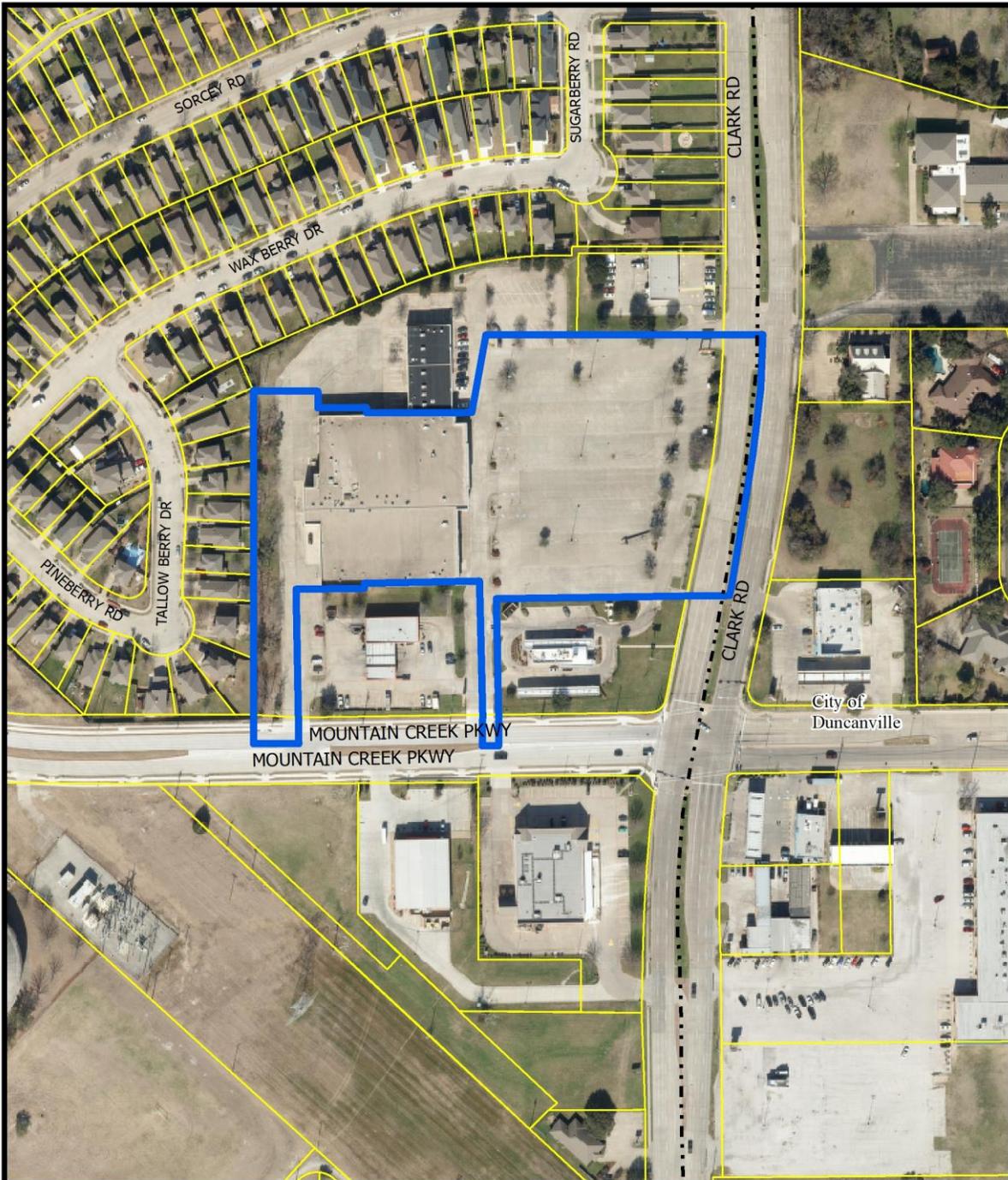
This Specific Use Permit is granted upon the following conditions:

1. USE: The only use authorized by this specific use permit is a mini-warehouse.
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 (five-year period) but is eligible for automatic renewal for 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 application for automatic renewal is strictly enforced.)
4. FLOOR AREA:
 - A. The maximum floor area for inside storage is 80,000 square feet as shown on the attached site plan.
 - B. The maximum floor area for a caretaker's quarters/office is 800 square feet as shown on the attached site plan.
 - C. The minimum floor area for retail and personal service uses is 15,000 square feet as shown on the attached site plan.
5. PARKING: Parking must be located as shown on the attached site plan.
6. STORAGE: Outside storage of vehicles, equipment, and other materials is prohibited.
7. HOURS OF OPERATION: The mini-warehouse use may only operate between 6:00 am and 8:00 p.m. Monday through Sunday. Customers may not access storage units outside the hours of operation.
8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

Z212-203(OA)

9. 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.



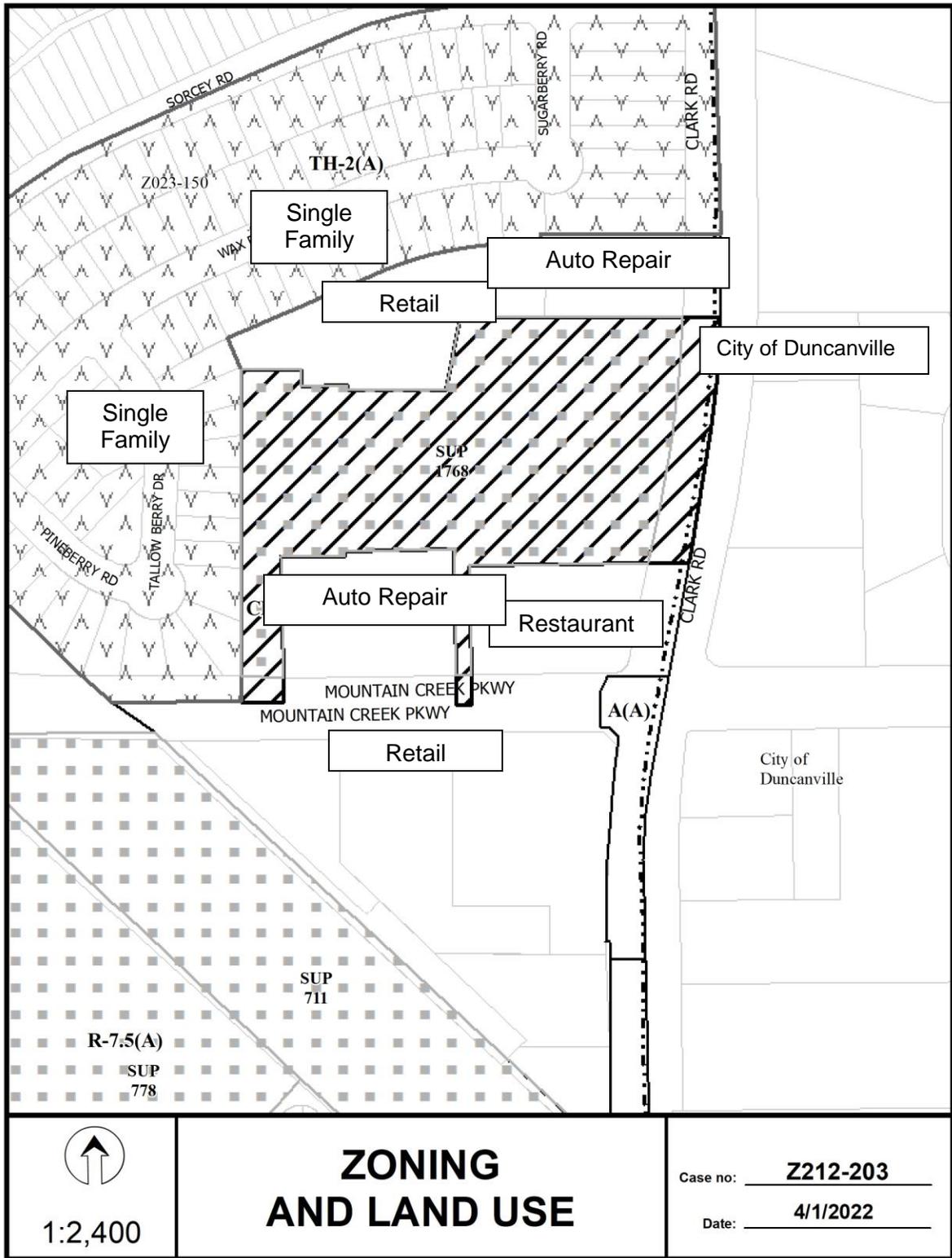


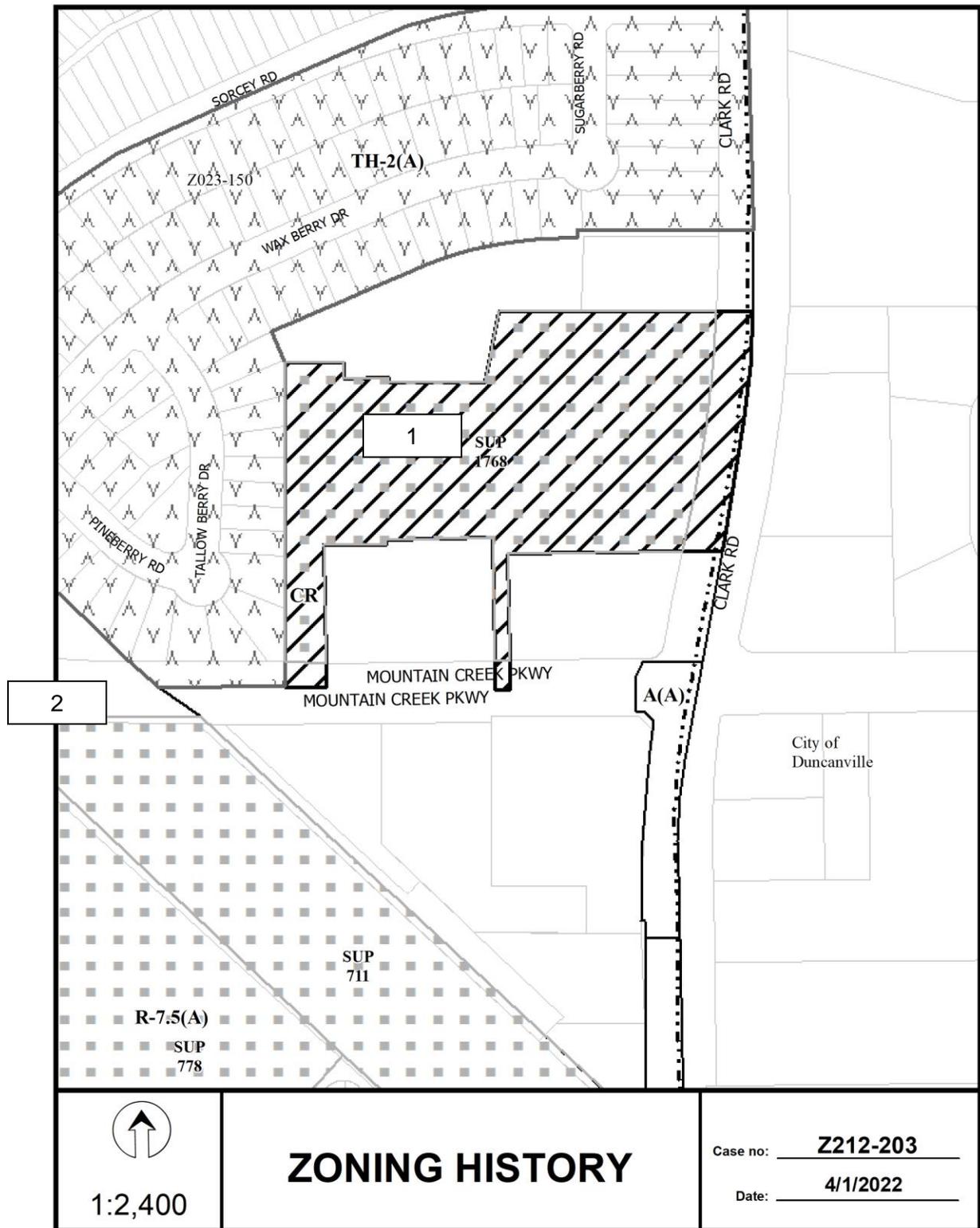
1:2,400

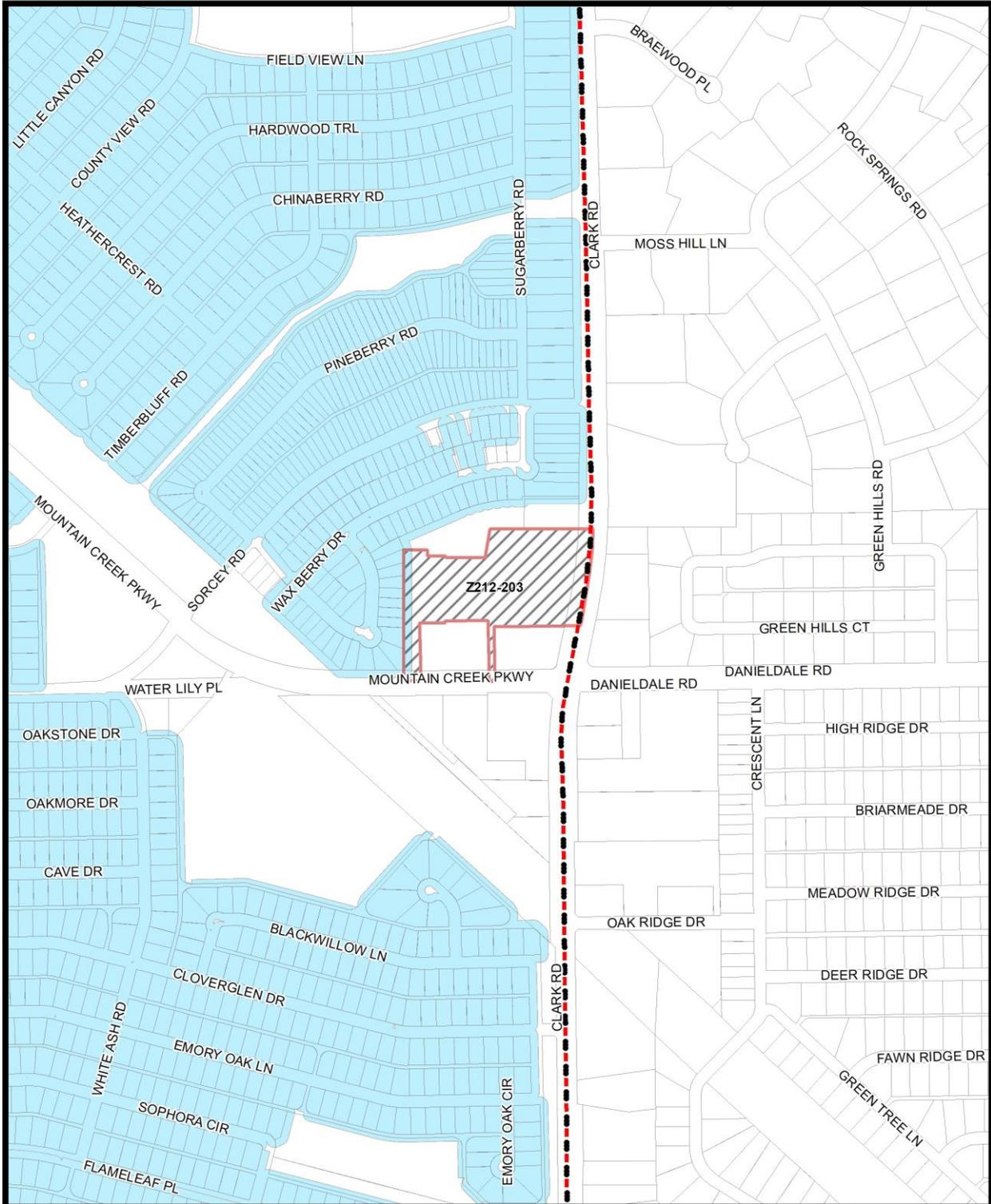
AERIAL MAP

Case no: Z212-203

Date: 4/1/2022





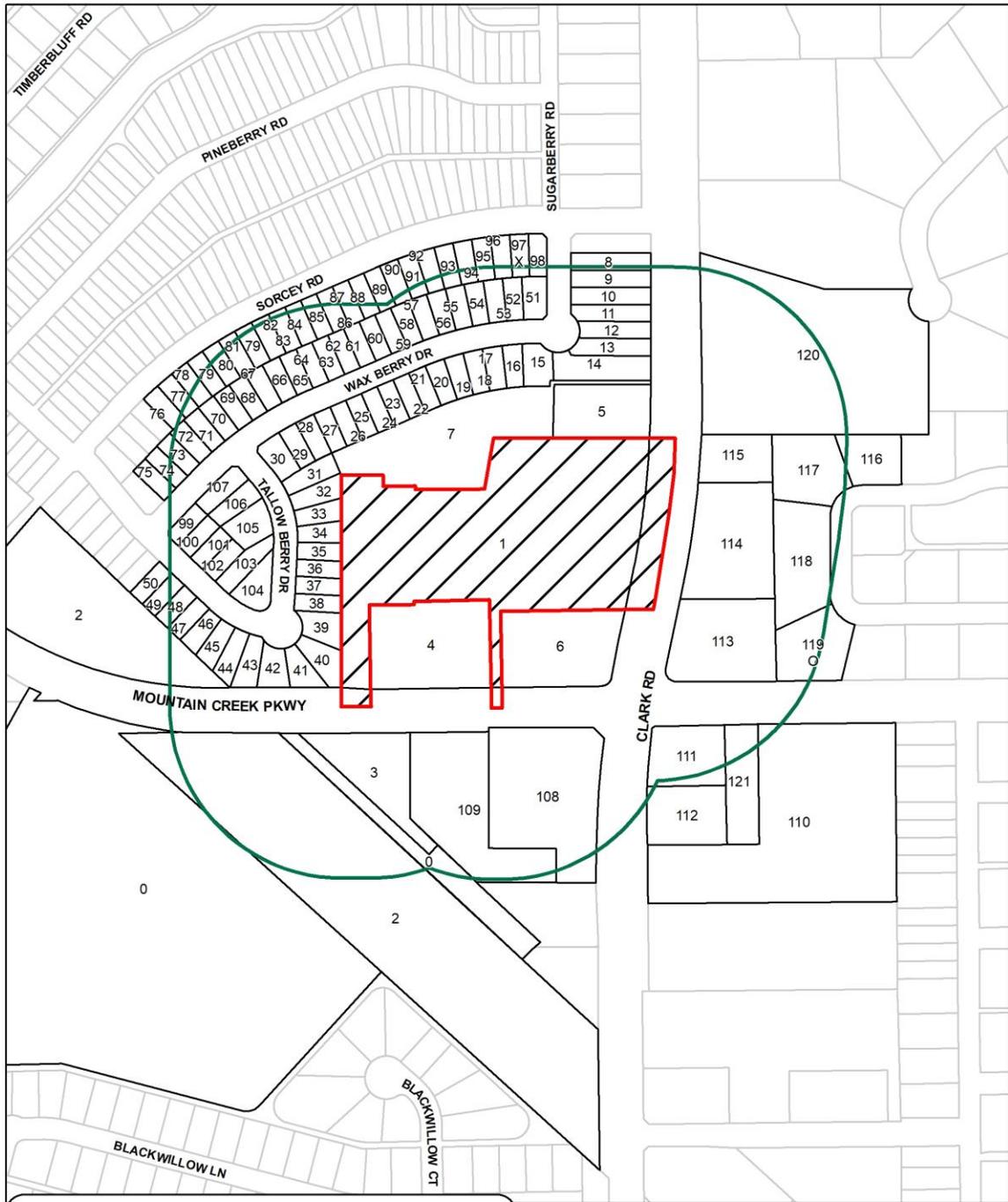


Market Value Analysis A B C D E F G H I NA

1:6,000

Market Value Analysis

Printed Date: 6/23/2022



121	Property Owners Notified (125 parcels)
1	Replies in Favor (1 parcels)
1	Replies in Opposition (1 parcels)
400'	Area of Notification
8/18/2022	Date

Z212-203
CPC



1:3,600

08/17/2022

Reply List of Property Owners***Z212-203******121 Property Owners Notified 1 Property Owners in Favor 1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	9609 CLARK RD	1027 WILSHIRE ASSO LLC
	2	6520 MOUNTAIN CREEK PKWY	ONCOR ELECRTCIC DELIVERY COMPANY
	3	7594 MOUNTAIN CREEK PKWY	Taxpayer at
	4	7539 MOUNTAIN CREEK PKWY	Z ONE GROUP
	5	9511 CLARK RD	ARM GROUP INC
	6	9613 CLARK RD	SRI REAL ESTATE PROPERTIES
	7	9605 CLARK RD	QNL LLC
	8	9506 SUGARBERRY RD	VEGA OSCAR RICARDO &
	9	9510 SUGARBERRY RD	CHUAH BOON HUN
	10	9514 SUGARBERRY RD	Taxpayer at
	11	9518 SUGARBERRY RD	ANDRADE ANNETTE S
	12	9522 SUGARBERRY RD	URAPO ANALI
	13	9526 SUGARBERRY RD	Taxpayer at
	14	9530 SUGARBERRY RD	GARDNER ALISHA
	15	7002 WAX BERRY DR	H&N FAMILY TRUST
	16	7006 WAX BERRY DR	MORGAN DANDRE & BREANA STEELE
	17	7010 WAX BERRY DR	LEE CATHERINE RUTH
	18	7014 WAX BERRY DR	KAYES IMRUL
	19	7018 WAX BERRY DR	SKILLERN BERNICE EST OF
	20	7022 WAX BERRY DR	YANG CHUN K
	21	7026 WAX BERRY DR	JAIRALA JORGE A
	22	7030 WAX BERRY DR	DIAZ DAVID RICARDO
	23	7034 WAX BERRY DR	SUN JI D
	24	7038 WAX BERRY DR	SUN YAMEI
	25	7042 WAX BERRY DR	WU JASON DE &
	26	7046 WAX BERRY DR	PHUNG HA LAY

08/17/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	7050 WAX BERRY DR	Taxpayer at
	28	7054 WAX BERRY DR	LAU LILY
	29	7058 WAX BERRY DR	CRUZ MARIA ESPIRICUETA
	30	7062 WAX BERRY DR	DOMINGUEZ LUIS &
	31	9510 TALLOW BERRY DR	CHEN LU HUI
	32	9514 TALLOW BERRY DR	CHUAH BOON H
	33	9518 TALLOW BERRY DR	THIRD VERSE LLC
	34	9522 TALLOW BERRY DR	SEALS EULANDA N
	35	9526 TALLOW BERRY DR	ROY JENNIFER A
	36	9530 TALLOW BERRY DR	SFR ASSETS OWNER LLC
	37	9534 TALLOW BERRY DR	SMITH TAMMYE
	38	9538 TALLOW BERRY DR	SFR JV1 20191 BORROWER LLC
	39	9542 TALLOW BERRY DR	FLOWERS MYNEEK R
	40	9546 TALLOW BERRY DR	ESPINOZA MAYRA G GUERRERO &
	41	7467 PINEBERRY RD	NF CAPITAL LLC
	42	7463 PINEBERRY RD	TAYLOR TORROLYN
	43	7459 PINEBERRY RD	ESPINOSA CLAUDIA CECILIA
	44	7455 PINEBERRY RD	LIM PHANG K & SOK K CHEN
	45	7451 PINEBERRY RD	MESTER ANGELA A
	46	7447 PINEBERRY RD	MORGAN JACQUELINE
	47	7443 PINEBERRY RD	OLOWOBOYE ADEROPO M
	48	7439 PINEBERRY RD	FORD CARLA
	49	7435 PINEBERRY RD	STREAT DJUANA
	50	7431 PINEBERRY RD	PINA MUNOZ EDUARDO &
	51	7001 WAX BERRY DR	FLORES FLORES VICTOR HUGO
	52	7005 WAX BERRY DR	GIRON OSCAR A RAMOS &
	53	7009 WAX BERRY DR	MATUTE NELSON MEJIA
	54	7013 WAX BERRY DR	CARCAMO MARIA &
	55	7017 WAX BERRY DR	BOSWELL LEAH D
	56	7021 WAX BERRY DR	ESTRADA AZTHLAN
	57	7025 WAX BERRY DR	THOMAS JEANINE C

08/17/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	7029 WAX BERRY DR	WILLIAMS MARILYN
	59	7033 WAX BERRY DR	STEELE MALIKA A
	60	7037 WAX BERRY DR	COLLINS SUZANNE
	61	7041 WAX BERRY DR	MARIN FRANCIA H
	62	7045 WAX BERRY DR	CHILMAKURU SWAPNA
	63	7049 WAX BERRY DR	DE-PENA GRICELDA ROBLEDO
	64	7053 WAX BERRY DR	CHUAH BOON H
	65	7057 WAX BERRY DR	PUIH RUK & PHAN RMAH
	66	7061 WAX BERRY DR	AMH 2014 1 BORROWER LLC
	67	7065 WAX BERRY DR	JOSHI RASLINA
	68	7069 WAX BERRY DR	JAISWAL BHAVIN S
	69	7073 WAX BERRY DR	GRANT DEBORAH
	70	7077 WAX BERRY DR	VU MINH & MYLINH
	71	7081 WAX BERRY DR	LIEU DANNY & IVY BAO
	72	7085 WAX BERRY DR	WATSON ROMONICA T
	73	7089 WAX BERRY DR	LE DUC & THIEN THI MY DANG
	74	7093 WAX BERRY DR	OGBOH FRANCIS
	75	7097 WAX BERRY DR	GUTHRIE EVETTE
	76	7130 SORCEY RD	WANG HUEIFEN
	77	7126 SORCEY RD	YOUNG BERNARD
	78	7122 SORCEY RD	WATSON LEON D
	79	7118 SORCEY RD	COWAN RENTALS I LLC
	80	7114 SORCEY RD	LACAYO PABLO M AYALA
	81	7110 SORCEY RD	MIDDLETON AUBOENY
	82	7102 SORCEY RD	WHEATLEY BESSIE
	83	7064 SORCEY RD	DUONG KIEN CHI
	84	7060 SORCEY RD	TARBERT LLC
	85	7056 SORCEY RD	SAFARI TWO ASSET COMPANY LLC
	86	7052 SORCEY RD	MATHEWS MARCEY D
	87	7048 SORCEY RD	GIBBS DALE A JR
	88	7044 SORCEY RD	VILLA ROY &

08/17/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	7040 SORCEY RD	REYES JULIAN M & AMALIA &
	90	7036 SORCEY RD	CONTRERAS CARLOS ANDRES M
	91	7032 SORCEY RD	ALCALA JAHAZIEL I OLGUIN &
	92	7028 SORCEY RD	ALVAREZ JUAN CARLOS
	93	7024 SORCEY RD	HOLLAND CURTIS E
	94	7020 SORCEY RD	COOPERZADEH LLC
	95	7016 SORCEY RD	SRP SUB LLC
	96	7012 SORCEY RD	LU MING XING
X	97	7008 SORCEY RD	HAWKINS NEPFRINTINA
	98	7004 SORCEY RD	RESENDIZ SERGIO CRUZ &
	99	7430 PINEBERRY RD	LOPEZ MANUEL JR
	100	7434 PINEBERRY RD	THAI ROBERT KHOI
	101	7438 PINEBERRY RD	HPA US1 LLC
	102	7442 PINEBERRY RD	WHITE HOUSE HOLDINGS LLC
	103	7446 PINEBERRY RD	Taxpayer at
	104	7450 PINEBERRY RD	GONZALEZ FELIPE LIMON &
	105	9511 TALLOW BERRY DR	OJEDA ALBERTO
	106	9507 TALLOW BERRY DR	HERNANDEZ TAMMY
	107	9503 TALLOW BERRY DR	CHUAH BOON
	108	7586 MOUNTAIN CREEK PKWY	MOUNTAIN CREEK ACE HARDWARE LLC
	109	7570 MOUNTAIN CREEK PKWY	TANNOUS DAVID EMILE &
	110	1546 S CLARK RD	Taxpayer at
	111	1502 S CLARK RD	SKIPPER BEVERAGE COMPANY INC
	112	1506 S CLARK RD	SHIRWANI DELDAR
	113	1422 S CLARK RD	FLASH MART GROUP INC
	114	1410 S CLARK RD	Taxpayer at
	115	1402 S CLARK RD	Taxpayer at
	116	1345 GREEN HILLS CT	CHRIETZBERG MICHAEL J &
	117	1341 GREEN HILLS CT	AZA INVESTMENTS LLC
	118	1337 GREEN HILLS CT	MEDINA FRANCISCO S ET AL
O	119	1329 GREEN HILLS CT	HALE CHARLES R & JUDY

Z212-203(OA)

08/17/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120	1302 S CLARK RD	TRINITY UNITED METHODIST
	121	1438 W DANIELDALE RD	CORNWELL GREGORY TR