

**HONORABLE MAYOR & CITY COUNCIL**

**WEDNESDAY, AUGUST 13, 2025**

**ACM: Robin Bentley**

**FILE NUMBER:** Z245-164(MP)

**DATE FILED:** February 26, 2025

**LOCATION:** East side of Newkirk Street, between Crown Road and Cindy Lane

**COUNCIL DISTRICT:** 6

**SIZE OF REQUEST:** ~13,000 sq. ft.

**CENSUS TRACT:** 48113009900

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**REPRESENTATIVE:** Andrew Ruegg, Masterplan

**OWNER/APPLICANT:** HRT Construction

**REQUEST:** An application for a CS Commercial Service District on property zoned an R-7.5(A) Single Family District

**SUMMARY:** The purpose of the request is to allow commercial uses on site.

**STAFF RECOMMENDATION:** Approval.

**CPC RECOMMENDATION:** Approval, subject to deed restrictions volunteered by the applicant.

**BACKGROUND INFORMATION:**

- The area of request is currently zoned R-7.5(A) Single Family District and is developed with a single family style structure.
- This lot has frontage on Newkirk Street.
- The purpose of the request is to rezone to a CS Commercial Service District to permit a contractors maintenance yard.
- The proposed district is appropriate for the site and surrounding area.
- Applicant has volunteered deed restrictions to the allowed uses within base CS zoning.
- Staff does find necessity for deed restrictions on the subject site and recommends approval without the volunteered deed restrictions.

**Zoning History:**

There have not been any zoning cases in the area of notification in the last five years.

**Thoroughfares/Streets:**

| Thoroughfare/Street | Type  | Existing/Proposed ROW |
|---------------------|-------|-----------------------|
| Newkirk Street      | Local | 50'                   |

**Traffic:**

The Engineering Division of the Planning & Development Department has reviewed the request, had no objection and determined that it will not significantly impact the surrounding roadway system. Currently, the applicant does not propose any new construction. A development impact review will apply should the project expand to trigger platting or engineering plans. Staff will review engineering plans at permitting to comply with city standards.

**Transit Access:**

The following transit services are located within ½ mile of the site:

Northwest Dallas GoLink Zone

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The Forward Dallas Comprehensive Plan (2.0) was adopted by the City Council in September 2024 and, outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The area of request is situated within the Special Purpose Centers, Flex Commercial Placetype. This placetype allows the following primary land uses: Mixed-Use, Commercial and Office; in conjunction with secondary land uses including: Agricultural, Public Open Space, Private Open Space, Multiplex, Apartments, Single Family Detached & Attached, Lodging, Civic/Public Institutional and Utility.

The Flex Commercial placetype are typically located in areas that transition from heavy industrial uses to more compatible and less impactful uses near residential areas and environmental resources. These areas have limited residential, and retail uses nearby to complement employment in the neighborhood. Some key features of this placetype include adaptive reuse, redevelopment and building retrofits.

The applicant's request is consistent with the characteristics of the Flex Commercial placetype. As Flex Commercial would suggest a transition that phases out residential only zoning in the area, the zoning change is consistent with Forward Dallas without deed restrictions.

**Land Use:**

|              | <b>Zoning</b>                   | <b>Land Use</b>                |
|--------------|---------------------------------|--------------------------------|
| <b>Site</b>  | R-7.5(A) Single Family District | Vacant structure               |
| <b>North</b> | R-7.5(A) Single Family District | Industrial / storage uses      |
| <b>South</b> | R-7.5(A) Single Family District | Surface parking / storage uses |
| <b>East</b>  | IR Industrial Research District | Light industrial / Warehouse   |
| <b>West</b>  | IR Industrial Research District | Warehouse                      |

**Land Use Compatibility:**

The area of request is currently a vacant structure. Properties to the north and south contain storage and vehicle parking. To the east there are light industrial uses and warehouse uses. West of the site is a warehouse.

Based on the land use guidance of Forward Dallas, which calls for Flex Commercial, the property is appropriate for a general purpose CS District, rather than the existing residential district.

Removal of this lot from residential zoning would benefit the subject site and the surrounding properties. Three other small lots remain residentially zoned nearby, but are not used accordingly, and the comprehensive plan suggests that these lots should also be moved toward commercial or light industrial zoning.

Arbitrary deed restrictions conflict with the Comprehensive Plan Goal to “Remove Land Use and Zoning Barriers That Hinder Small Business Development” and would further the inequitable system of land use regulation in the City of Dallas. While commercial deed restrictions may fit the needs of one tenant, they will act as a hindrance in the future to otherwise appropriate businesses development, specifically deterring small business without the resource or ability to engage with or amend deed restrictions.

In this case, the proposed district would allow only small list of commercial uses by right. The approval of narrow use entitlements in lieu of general purpose zoning districts does not serve the interest of the City, community, or property owners.

Staff supports the applicant’s requested district. This compatibility is further reflected in the development standards comparison table below.

#### **Development Standards:**

The following is a comparison chart of the development standards for the current R-7.5(A) and the proposed CS Commercial Service District.

| District              | Setback                                                  |                                                | Density                                                        | Height           | Lot Cvrg          | Special Standards                   | Primary Uses                                                                             |
|-----------------------|----------------------------------------------------------|------------------------------------------------|----------------------------------------------------------------|------------------|-------------------|-------------------------------------|------------------------------------------------------------------------------------------|
|                       | Front                                                    | Side/Rear                                      |                                                                |                  |                   |                                     |                                                                                          |
| Existing:<br>R-7.5(A) | 20'                                                      | SF 5'/5'<br>10'/15                             | 1 unit per 7,500<br>sq. ft.                                    | 30'              | Res<br>45%<br>25% |                                     | Single Family                                                                            |
| Proposed:<br>CS       | 15' adj.<br>to an<br>exwy<br>0' in all<br>other<br>cases | 20'<br>adjacent<br>to res<br>OTHER:<br>No min. | 0.75 FAR overall<br>0.5 office/<br>lodging/<br>retail combined | 45'<br>3 stories | 80%               | Proximity Slope<br>Visual Intrusion | Commercial &<br>business service,<br>supporting retail &<br>personal service &<br>office |

## Land Use Comparison

Following is a comparison table showing differences in 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

| Use                                                         | R-7.5(A) | CS    |
|-------------------------------------------------------------|----------|-------|
| <b>AGRICULTURAL USES</b>                                    |          |       |
| Animal production                                           |          |       |
| Commercial stable                                           |          |       |
| Crop production                                             | •        | •     |
| Private stable                                              |          |       |
| <b>COMMERCIAL AND BUSINESS SERVICE USES</b>                 |          |       |
| Building repair and maintenance shop                        |          | R     |
| Bus or rail transit vehicle maintenance or storage facility |          | R     |
| Catering service                                            |          | •     |
| Commercial bus station and terminal                         |          | D,S,★ |
| Commercial cleaning or laundry plant                        |          | R     |
| 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                                            |          | •     |

| Use                                                                    | R-7.5(A) | CS |
|------------------------------------------------------------------------|----------|----|
| Tool or equipment rental                                               |          | •  |
| Vehicle or engine repair or maintenance                                |          | R  |
| <b>INDUSTRIAL USES</b>                                                 |          |    |
| Alcoholic beverage manufacturing                                       |          |    |
| Gas drilling and production                                            | S        | S  |
| Gas pipeline compressor station                                        |          |    |
| Industrial (inside)                                                    |          |    |
| Industrial (inside) for light manufacturing                            |          | •  |
| Industrial (outside)                                                   |          |    |
| Medical/infectious waste incinerator                                   |          |    |
| Metal salvage facility                                                 |          |    |
| Mining                                                                 |          |    |
| Municipal waste incinerator                                            |          |    |
| Organic compost recycling facility                                     |          |    |
| Outside salvage or reclamation                                         |          |    |
| Pathological waste incinerator                                         |          |    |
| Temporary concrete or asphalt batching plant                           | ★        | ★  |
| <b>INSTITUTIONAL AND COMMUNITY SERVICE USES</b>                        |          |    |
| Adult day care facility                                                | S        | •  |
| Cemetery or mausoleum                                                  | S        | S  |
| Child-care facility                                                    | S        | •  |
| Church                                                                 | •        | •  |
| College, university, or seminary                                       | S        | •  |
| Community service center                                               | S        | S  |
| Convalescent and nursing homes, hospice care, and related institutions |          |    |
| Convent or monastery                                                   | S        | •  |
| Foster home                                                            | S        |    |
| Halfway house                                                          |          | S  |
| Hospital                                                               |          | R  |
| Library, art gallery, or museum                                        | S        |    |
| Open-enrollment charter school or private school                       |          | S  |
| Public school other than an open-enrollment charter school             |          | R  |

| Use                                                                  | R-7.5(A) | CS    |
|----------------------------------------------------------------------|----------|-------|
| Public or private school                                             | S        |       |
| <b>LODGING USES</b>                                                  |          |       |
| Extended stay hotel or motel                                         |          | S     |
| Hotel or motel                                                       |          | R,S,★ |
| Lodging or boarding house                                            |          | •     |
| Overnight general purpose shelter                                    |          | ★     |
| <b>MISCELLANEOUS USES</b>                                            |          |       |
| Attached non-premise sign.                                           |          | S     |
| Carnival or circus (temporary)                                       | ★        | ★     |
| Hazardous waste management facility                                  |          |       |
| Temporary construction or sales office                               | •        | •     |
| <b>OFFICE USES</b>                                                   |          |       |
| Alternative financial establishment                                  |          | S     |
| Financial institution without drive-in window                        |          | •     |
| Financial institution with drive-in window                           |          | R     |
| Medical clinic or ambulatory surgical center                         |          | •     |
| Office                                                               |          | •     |
| <b>RECREATION USES</b>                                               |          |       |
| Country club with private membership                                 | S        | •     |
| Private recreation center, club, or area                             | S        | •     |
| Public park, playground, or golf course                              | •        | •     |
| <b>RESIDENTIAL USES</b>                                              |          |       |
| 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                                                        | •        |       |

| Use                                                                     | R-7.5(A) | CS   |
|-------------------------------------------------------------------------|----------|------|
| <b>RETAIL AND PERSONAL SERVICE USES</b>                                 |          |      |
| Alcoholic beverage establishments.                                      |          | ★    |
| Ambulance service                                                       |          | R    |
| Animal shelter or clinic without outside runs                           |          | R    |
| Animal shelter or clinic with outside runs                              |          | S, ★ |
| Auto service center                                                     |          | R    |
| Business school                                                         |          | •    |
| Car wash                                                                |          | R    |
| Commercial amusement (inside)                                           |          | S, ★ |
| Commercial amusement (outside)                                          |          | D    |
| Commercial motor vehicle parking                                        |          | S    |
| Commercial parking lot or garage                                        |          | R    |
| Convenience store with drive-through                                    |          | S    |
| Drive-In theater                                                        |          | 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        |          | •    |
| General merchandise or food store 100,000 square feet or more           |          | S    |
| Home improvement center, lumber, brick or building materials sales yard |          | R    |
| Household equipment and appliance repair                                |          | •    |
| Liquefied natural gas fueling station                                   |          | S    |
| Liquor store                                                            |          | •    |
| Mortuary, funeral home, or commercial wedding chapel                    |          | •    |
| Motor vehicle fueling station                                           |          | •    |
| Nursery, garden shop, or plant sales                                    |          | •    |
| Outside sales                                                           |          | S    |
| Paraphernalia shop                                                      |          | S    |
| Pawn shop                                                               |          | •    |



| Use                                                    | R-7.5(A) | CS      |
|--------------------------------------------------------|----------|---------|
| Personal service use up to 1,000 sq. ft. in floor area |          |         |
| 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       |
| Vehicle display, sales, and service                    |          | R       |
| <b>TRANSPORTATION USES</b>                             |          |         |
| Airport or landing field                               |          |         |
| Commercial bus station and terminal                    |          | D       |
| Heliport                                               |          | S       |
| Helistop                                               |          | S       |
| Private street or alley                                | S        |         |
| 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        | S, ★    |
| <b>UTILITY AND PUBLIC SERVICE USES</b>                 |          |         |
| Commercial radio or television transmitting station    |          | •       |
| 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       |

| Use                                                  | R-7.5(A) | CS |
|------------------------------------------------------|----------|----|
| Refuse transfer station                              |          |    |
| Sanitary landfill                                    |          |    |
| Sewage treatment plant                               |          |    |
| Mounted cellular antenna                             |          |    |
| Tower/antenna for cellular communication             | ★        | ★  |
| Utility or government installation other than listed | S        | S  |
| Water treatment plant                                |          |    |
| <b>WHOLESALE, DISTRIBUTION, AND STORAGE USES</b>     |          |    |
| Auto auction                                         |          | S  |
| Building mover's temporary storage yard              |          | S  |
| Contractor's maintenance yard                        |          | R  |
| Freight terminal                                     |          | R  |
| Livestock auction pens or sheds                      |          |    |
| Manufactured building sales lot                      |          | R  |
| Mini-warehouse                                       |          | •  |
| Office showroom/warehouse                            |          | •  |
| Outside storage                                      |          | 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  |
| Trade center                                         |          | •  |
| Vehicle storage lot                                  |          | S  |
| Warehouse                                            |          | R  |

**Landscaping:**

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

**Parking:**

Pursuant to the Dallas Development Code, as updated May 14, 2025, there is no off-street parking requirement for a contractors maintenance yard.

**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 in an “F” MVA area.

Z245-164(MP)

### **List of Partners**

HRT Construction Inc  
Hector Alarcon

### **CPC Recommended Deed Restrictions**

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

- (1) The following equipment is prohibited, such as, but not limited to, excavators, bulldozers, graders, dump trucks, compactors/rollers, front-end loaders exceeding 2,500 lb. bucket capacity, mobile cranes, concrete mixers, non-electric forklifts, and backhoe-loaders
- (2) Outside storage of piles of unwrapped and uncovered compost, mulch, soil, gravel, and sand are prohibited.
- (3) Retail sales are prohibited.
- (4) The following uses are prohibited:
  - Bus or rail transit vehicle maintenance or storage facility;
  - Commercial bus station and terminal;
  - Commercial cleaning or laundry plant;
  - Labor hall;
  - Machinery, heavy equipment, or truck sales and service;
  - Gas drilling and production;
  - Temporary concrete or asphalt batching plant;
  - Cemetery or mausoleum;
  - Child or adult care facility;
  - Community service center;
  - Halfway house;
  - Hospital;
  - Open-enrollment charter school or private school;
  - Public school other than an open-enrollment charter school;
  - Extended stay hotel or motel;
  - Hotel or motel;
  - Lodging or boarding house;
  - Overnight general purpose shelter;
  - Attached non-premise sign;
  - Carnival or circus (temporary);
  - Temporary construction or sales office;
  - Alternative financial establishment;
  - Financial institution with drive-in window;
  - College dormitory, fraternity, or sorority house;
  - Alcoholic beverage establishments;
  - Ambulance service;
  - Animal shelter or clinic with outside runs;
  - Auto service center;
  - Car wash;
  - Commercial amusement (inside);
  - Commercial amusement (outside);

Commercial motor vehicle parking;  
Convenience store with drive-through;  
Drive-in theater;  
General merchandise or food store 100,000 square feet or more;  
Home improvement center, lumber, brick, or building materials sales yard;  
Liquefied natural gas fueling station;  
Liquor store;  
Mortuary, funeral home, or commercial wedding chapel;  
Motor vehicle fueling station;  
Paraphernalia shop;  
Pawn shop;  
Restaurant with drive-in or drive-through service;  
Taxidermist;  
Theater;  
Truck stop;  
Commercial bus station and terminal;  
Heliport;  
Helistop;  
Railroad passenger station;  
Transit passenger station;  
Transit passenger station or transfer center;  
Commercial radio or television transmitting station;  
Electrical substation;  
Police or fire station;  
Post office;  
Radio, television, or microwave tower;  
Tower/antenna for cellular communication;  
Auto auction;  
Building mover's temporary storage yard;  
Freight terminal;  
Manufactured building sales lot;  
Petroleum product storage and wholesale;  
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;  
Trade center;  
Vehicle storage lot;  
Accessory helistop;  
Accessory medical/infectious waste incinerator.

**Draft CPC Action  
June 12, 2025**

**Note: This item was heard individually**

**Motion:** It was moved to recommend **approval** of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant, on property zoned an R-7.5(A) Single Family District, on the east side of Newkirk Street, between Crown Road and Cindy Lane.

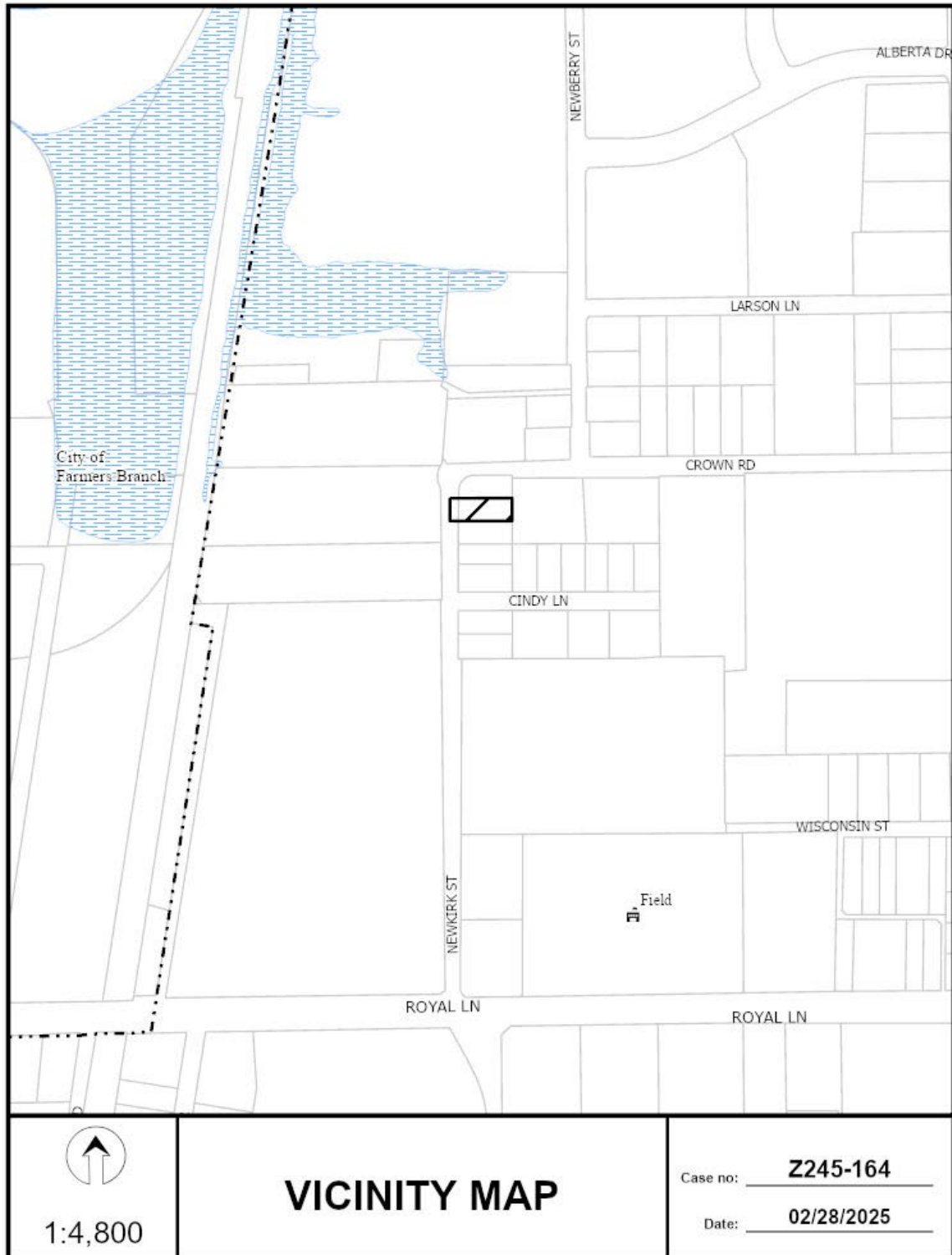
Maker: Carpenter  
Second: Shidid  
Result: Carried: 13 to 0

For: 13 - Drobinski, Herbert, Forsyth, Shidid,  
Carpenter, Wheeler-Reagan, Franklin,  
Sleeper, Sims, Haqq, Hall, Kingston, Rubin

Against: 0  
Absent: 2 - Hampton, Housewright  
Vacancy: 0

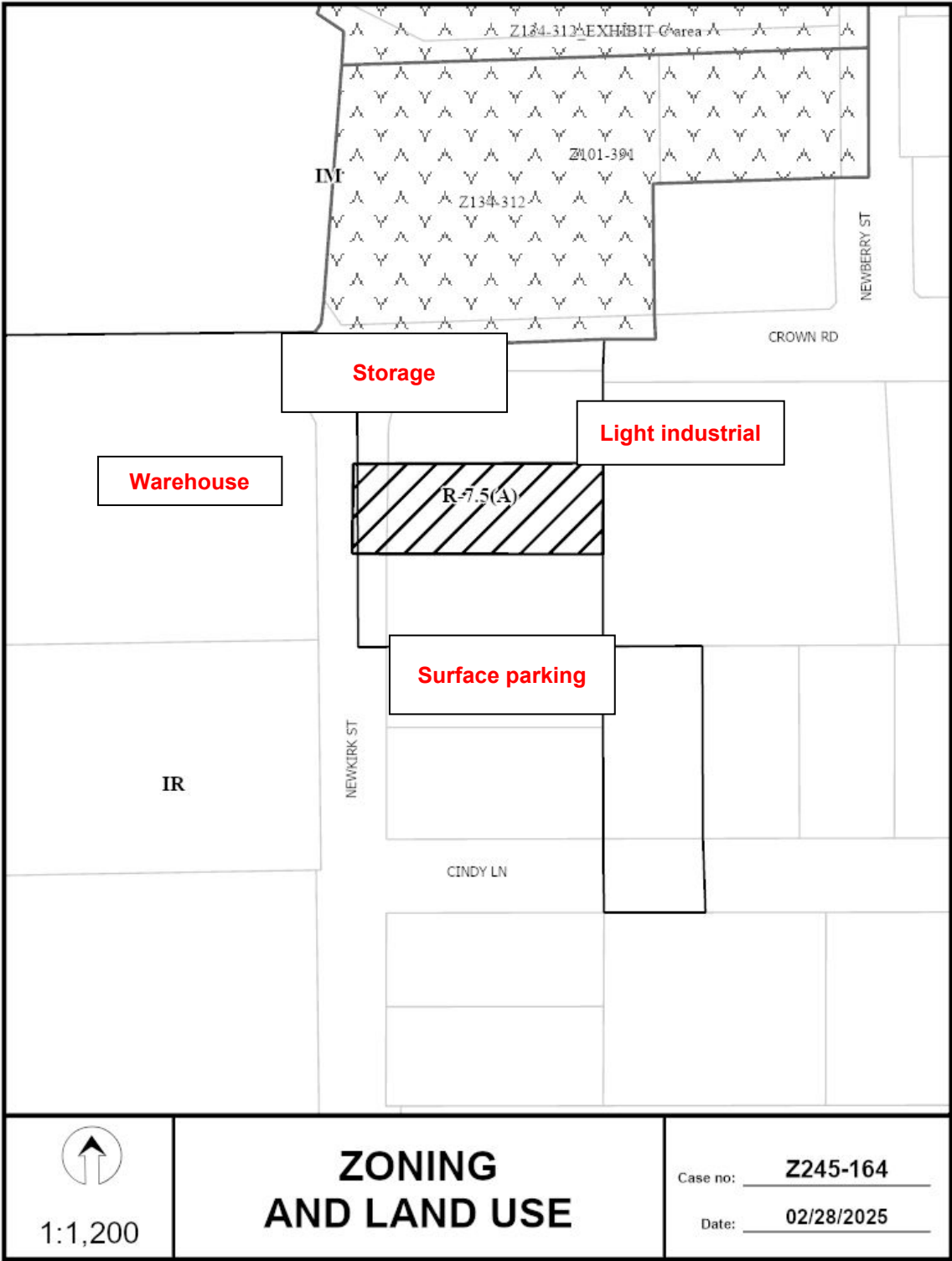
|                 |           |            |
|-----------------|-----------|------------|
| <b>Notices:</b> | Area: 200 | Mailed: 12 |
| <b>Replies:</b> | For: 0    | Against: 0 |

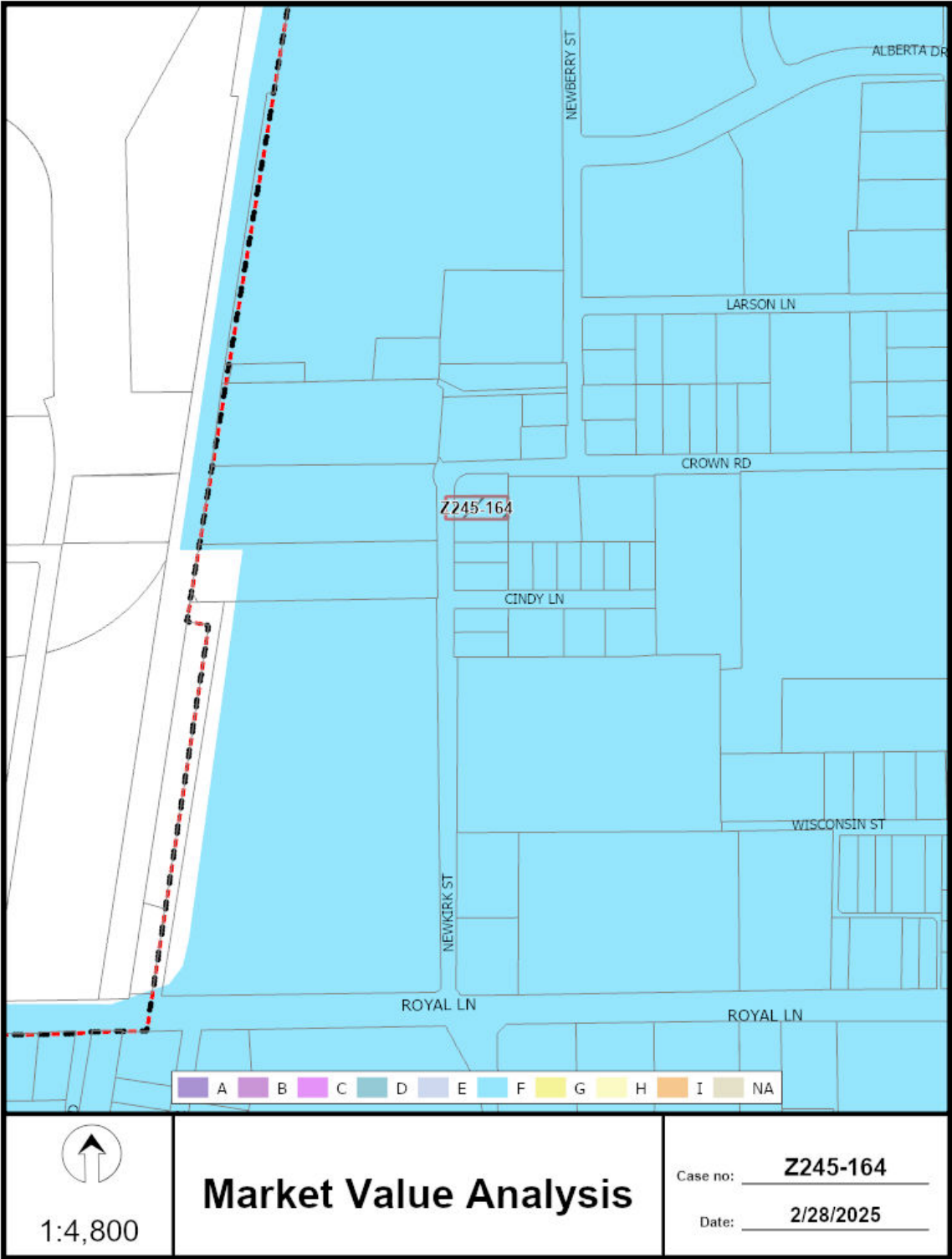
**Speakers:** For: Andrew Ruegg, 3333 Welborn St., Dallas, TX 75219  
Against: None

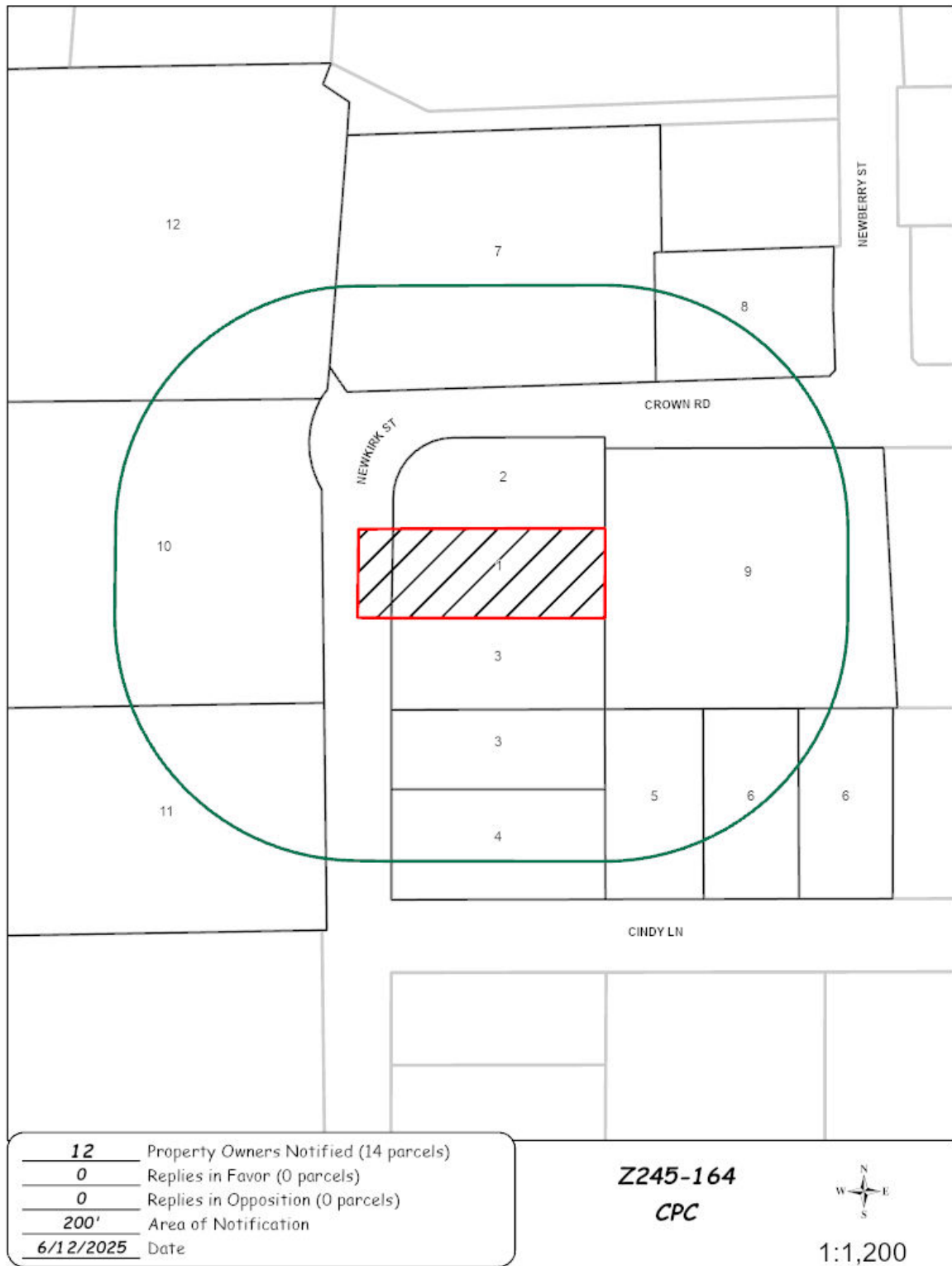












06/11/2025

***Reply List of Property Owners***

***Z245-164***

***12 Property Owners Notified    0 Property Owners in Favor    0 Property Owners Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>     |
|---------------------|-----------------------|-----------------------|-------------------------|
| 1                   | 11462                 | NEWKIRK ST            | HRT CONSTRUCTION INC    |
| 2                   | 2104                  | CROWN RD              | SMITH ROBERT            |
| 3                   | 11460                 | NEWKIRK ST            | JWMM LLC                |
| 4                   | 11454                 | NEWKIRK ST            | ALVAND CONSTRUCTION INC |
| 5                   | 2117                  | CINDY LN              | SMITH ROBERT & MARY     |
| 6                   | 2133                  | CINDY LN              | CAVER FAMILY TRUST      |
| 7                   | 2111                  | CROWN RD              | HNG PROPERTIES LLC      |
| 8                   | 2127                  | CROWN RD              | LANKKENAU KIP & DEBRA   |
| 9                   | 2128                  | CROWN RD              | SPADARO HOLDINGS LLC    |
| 10                  | 11455                 | NEWKIRK ST            | CONCORDNEWKIRK LP       |
| 11                  | 11453                 | NEWKIRK ST            | BCK PROPERTIES JOINT    |
| 12                  | 2101                  | CROWN RD              | BURL AND OAK PROPERTY   |