

FILE NUMBER: Z201-282(KC) **DATE FILED:** June 16, 2021

LOCATION: Northwest corner of Chalk Hill Road and Fitchburg Street

COUNCIL DISTRICT: 6 **MAPSCO:** 42 Q

SIZE OF REQUEST: Approx. 0.34 acres **CENSUS TRACT:** 106.02

REPRESENTATIVE: Michael R. Coker

APPLICANT/OWNER: Gamaliel Albarran

REQUEST: An application for the renewal of Specific Use Permit No. 1750 for a commercial motor vehicle parking use on property zoned CS Commercial Service District.

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

CPC RECOMMENDATION: Approval for a three-year period, subject to conditions.

STAFF RECOMMENDATION: Approval for a three-year period, subject to conditions.

BACKGROUND INFORMATION:

- The request site is currently developed with a commercial vehicle parking lot.
- SUP 1750 to allow for a commercial vehicle parking lot was originally approved by City Council on April 22, 2009. Since the initial approval, the SUP was renewed every two years for a total of four renewals. The renewals were approved on August 28, 2013, August 26, 2015, April 26, 2017, and October 23, 2019.
- SUP 1750 was initially approved for four years with the option for auto-renewal every two years. When the renewal was approved in 2013, the option for automatic renewal was removed.
- In 2015, City Council approved the renewal of SUP 1750 for a two-year period, subject to revised conditions. Revisions included limiting the types of vehicles allowed to be stored and adding an automatic security gate.
- In 2017, City Council approved the renewal of SUP 1750 for a two-year period, subject to a revised site plan/landscape plan. While the site was previously approved with an alternative pavement material, a note was added to the plan stating that an alternative pavement material is allowed if approved by the Engineering Division.
- The applicant proposes to continue the existing use.
- 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 commercial motor vehicle parking is allowed by right in the CS Commercial Service district except by SUP only if located within 500 feet of a residential district. This site abuts a residential district to the west.
- The City Plan Commission held this case under advisement during the September 2, 2021, September 23, 2021, and November 4, 2021 meetings. Following the action taken at the last meeting, the applicant has submitted new conditions that include updated hours of operation.

Zoning History:

There have been two zoning cases on this site in the past five years.

1. **Z167-182:** On April 26, 2017, City Council approved the renewal of SUP 1750 to allow for a commercial vehicle parking lot on property zoned CS Commercial Service District at the northwest corner of Chalk Hill Road and Fitchburg Street. [subject site]
2. **Z189-249:** On October 23, 2019, City Council approved the renewal of SUP 1750 to allow for a commercial vehicle parking lot on property zoned CS Commercial Service District at the northwest corner of Chalk Hill Road and Fitchburg Street. [subject site]

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Chalk Hill Rd.	Principal Arterial	100'
Fitchburg St.	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.

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.

Land Use:

	Zoning	Land Use
Site	CS Commercial Service	Commercial Motor Vehicle Parking Lot
North	CS Commercial Service	Single-family, Outside Storage
East	IM Industrial Manufacturing	Auto Shop, Event Venue
South	IM Industrial Manufacturing	Truck Repair Shop
West	R-5(A) Residential	Single-family

Land Use Compatibility:

The area of request is currently developed as a commercial motor vehicle parking lot. The property directly north of the site is an existing single-family residence. The site to the south is a truck repair shop. The property to the east includes an auto repair shop and an event venue. The area to the west of the site is a single-family neighborhood. The area towards to the north includes a commercial vehicle parking lot and a contractor's office.

The CS Commercial Service District permits a commercial motor vehicle use by right, except when the use is located within 500 feet of a residential district; then an SUP is required. Since this site is abutting a single-family district to the west, an SUP is required for this use at this site.

Staff supports this use that serves as a transitional use between the existing single-family neighborhood and the auto repair shops. The SUP has conditions to mitigate any potential negative impacts. These include limiting the types and number of commercial vehicles allowed at the site, restricting the use of outdoor speakers, requiring screening, and an automatic security gate along the ingress/egress on Chalk Hill Road. The ingress/egress point for this site is located on Chalk Hill Rd, which is classified as a principal arterial road. This road classification is appropriate for commercial traffic. In addition, the site includes a landscaping buffer that separates the abutting residential zoning district from the parking spaces.

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 time frame for three years due to their compliance throughout the years. The three-year period will allow for staff to review the request to analyze whether the site is in compliance and determine if any changes are necessary due to changes in surrounding areas following the approval.

The applicant has recently proposed new conditions that include hours of operation. The newly proposed hours of operation are limiting the hours from 6:00 am to 10:00 pm seven days a week but also allow for the customers to directly contact the operator for access to the site to park or remove vehicles during the prohibited hours. Given that this would contribute to noise coming from commercial vehicles through the night, disrupting the adjacent residents, staff is not supporting the proposed language under condition 12) Hours of Operation. Staff recommends limiting the hours from 6:00 am to 10:00 pm seven days a week, prohibiting all access from 10:00 pm to 6:00 am.

Landscaping:

Landscaping must be provided and maintained in accordance with Article X of the Dallas Development Code, as amended.

Parking:

The Dallas Development Code requires no off-street parking spaces for this use. The commercial motor vehicle parking lot consists of 13 commercial motor vehicle parking spaces and three off-street parking spaces being provided as shown on the site plan/landscape 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. To the north and the west are “F” MVA clusters.

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List of Partners/Principals/Officers

Gamaliel Albarran Sr.
2403 Ingersoll Street
Dallas, Texas 75212

**CPC ACTION
DECEMBER 2, 2021**

Motion: It was moved to recommend **approval** renewal of Specific Use Permit No. 1750 for a commercial motor vehicle parking use for a three-year period, subject to staff's recommended conditions on property zoned CS Commercial Service District, at the northwest corner of Chalk Hill Road and Fitchburg Street.

Maker: Carpenter
Second: Hampton
Result: Carried: 12 to 0

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

Against: 0
Absent: 1 - Anderson
Vacancy: 2 - District 3, District 10

Notices:	Area: 200	Mailed: 14
Replies:	For: 2	Against: 0

Speakers: For: Michael Coker, 3111 Canton St., Dallas, TX, 75226
Against: None

**CPC ACTION
NOVEMBER 4, 2021**

Motion: In considering an application for the renewal of Specific Use Permit No. 1750 for a commercial motor vehicle parking use on property zoned CS Commercial Service District, at the northwest corner of Chalk Hill Road and Fitchburg Street, it was moved to **hold** this case under advisement until December 2, 2021.

Maker: Carpenter
Second: Rubin
Result: Carried: 11 to 0

For: 11 - Anderson, Shidid, Carpenter, Jackson, Blair,
Jung, Suhler, Haqq, Stanard, Kingston, Rubin

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

Notices:	Area: 200	Mailed: 14
Replies:	For: 2	Against: 0

Speakers: None

CPC ACTION
SEPTEMBER 23, 2021

Motion: In considering an application for the renewal of Specific Use Permit No. 1750 for a commercial motor vehicle parking use on property zoned CS Commercial Service District, at the northwest corner of Chalk Hill Road and Fitchburg Street, it was moved to **hold** this case under advisement until November 4, 2021.

Maker: Carpenter
Second: MacGregor
Result: Carried: 12 to 0

For: 12 - MacGregor, Hampton, Stinson, Shidid,
Carpenter, Blair, Jung, Suhler, Schwope,
Murphy, Garcia, Rubin

Against: 0
Absent: 1 - Jackson
Vacancy: 2 - District 4, District 10

Notices:	Area: 200	Mailed: 14
Replies:	For: 2	Against: 0

Speakers: None

CPC ACTION
SEPTEMBER 2, 2021

Motion: In considering an application for the renewal of Specific Use Permit No. 1750 for a commercial motor vehicle parking use on property zoned CS Commercial Service District, at the northwest corner of Chalk Hill Road and Fitchburg Street, it was moved to **hold** this case under advisement until September 23, 2001.

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

For: 13 - MacGregor, Hampton, Stinson, Shidid*,
Carpenter, Jackson, Blair, Jung, Suhler,
Schwope, Murphy, Garcia, Rubin*

Against: 0
Absent: 0
Vacancy: 2 - District 4, District 10

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 14
Replies: For: 2 Against: 0

Speakers: For: None
For (Did not speak): Michael Coker, 3111 Canton St., Dallas, TX, 75226
Against: None

CPC RECOMMENDED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is commercial motor vehicle parking.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan/landscape plan.
3. TIME LIMIT: This specific use permit expires on ~~October 23, 2019~~ _____
(three years) from the passage of this ordinance.
4. LANDSCAPING: Landscaping must be provided as shown on the attached site/landscape plan.
5. COMMERCIAL VEHICLES: Trailers, buses, and vehicles longer than 30 feet are prohibited.
6. INGRESS/EGRESS: Ingress and egress must be provided in the location shown on the attached site plan/landscape plan. No other ingress or egress is permitted.
7. OUTDOOR LOUDSPEAKERS: Outdoor loudspeakers are prohibited.
8. PARKING: Parking is only allowed in striped parking stalls as shown on the site/landscape plan.
9. REFRIGERATION UNITS: Trailers with refrigeration units are prohibited.
10. SCREENING: A six-foot-high solid fence must be provided in the location shown on the attached site plan/landscape plan.
11. SECURITY GATE: An automatic security gate must be installed across the Chalk Hill Road ingress and egress location on the attached site plan/landscape plan.

CPC's Recommendation:

- | |
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| <p>12. <u>HOURS OF OPERATION: The hours of operation are generally between 6:00 a.m. and 10:00 p.m. however, between the hours of 10:00 p.m. and 6:00 a.m., customers may directly contact the operator to be given access to the site for parking or removal of vehicles.</u> The use operates seven days a week.</p> |
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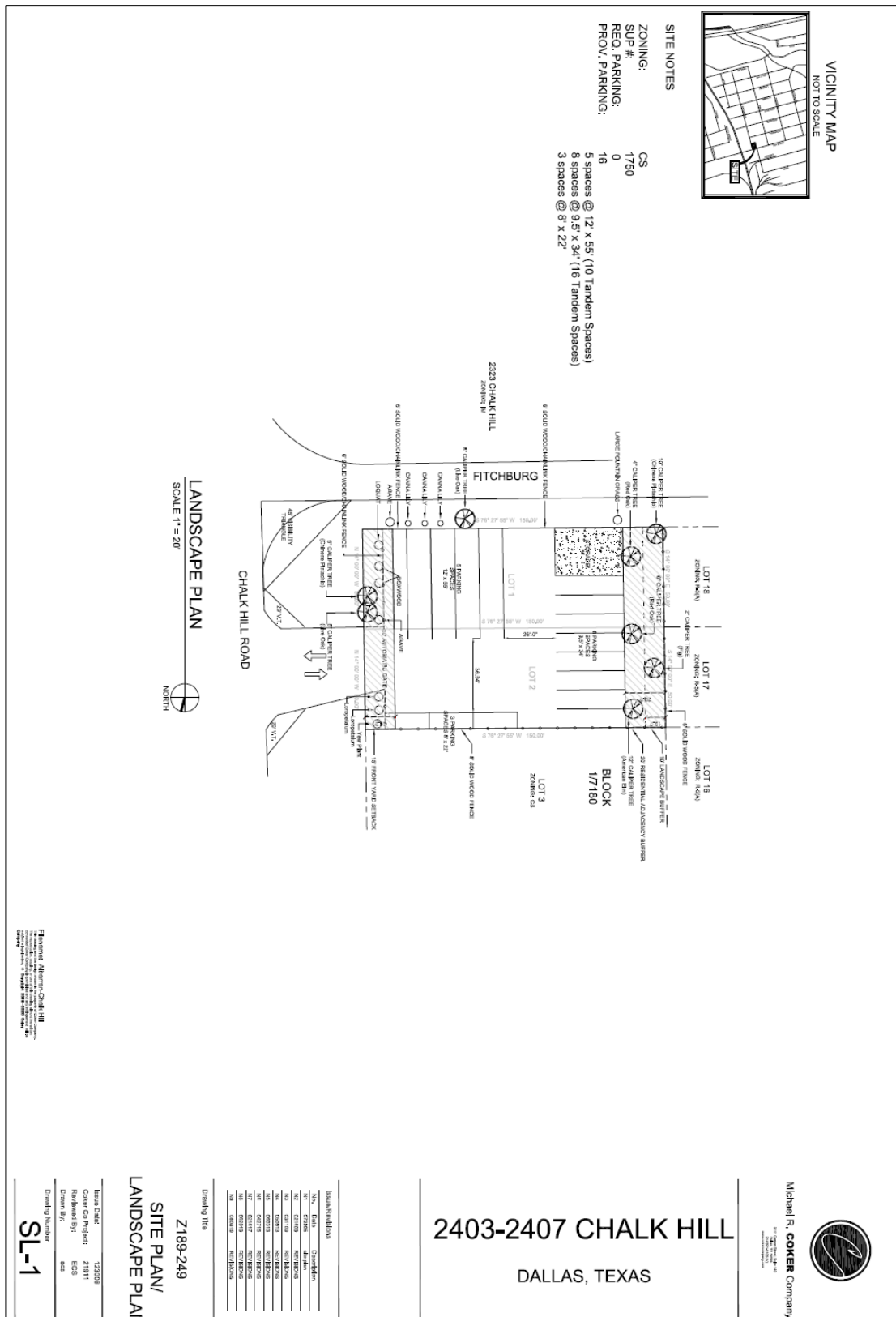
Applicant's Request:

12. HOURS OF OPERATION: The hours of operation are generally between 6:00 a.m. and 10:00 p.m. however, between the hours of 10:00 p.m. and 6:00 a.m. customers may directly contact the operator to be given access to the site for parking or removal of vehicles. The use operates seven days a week.

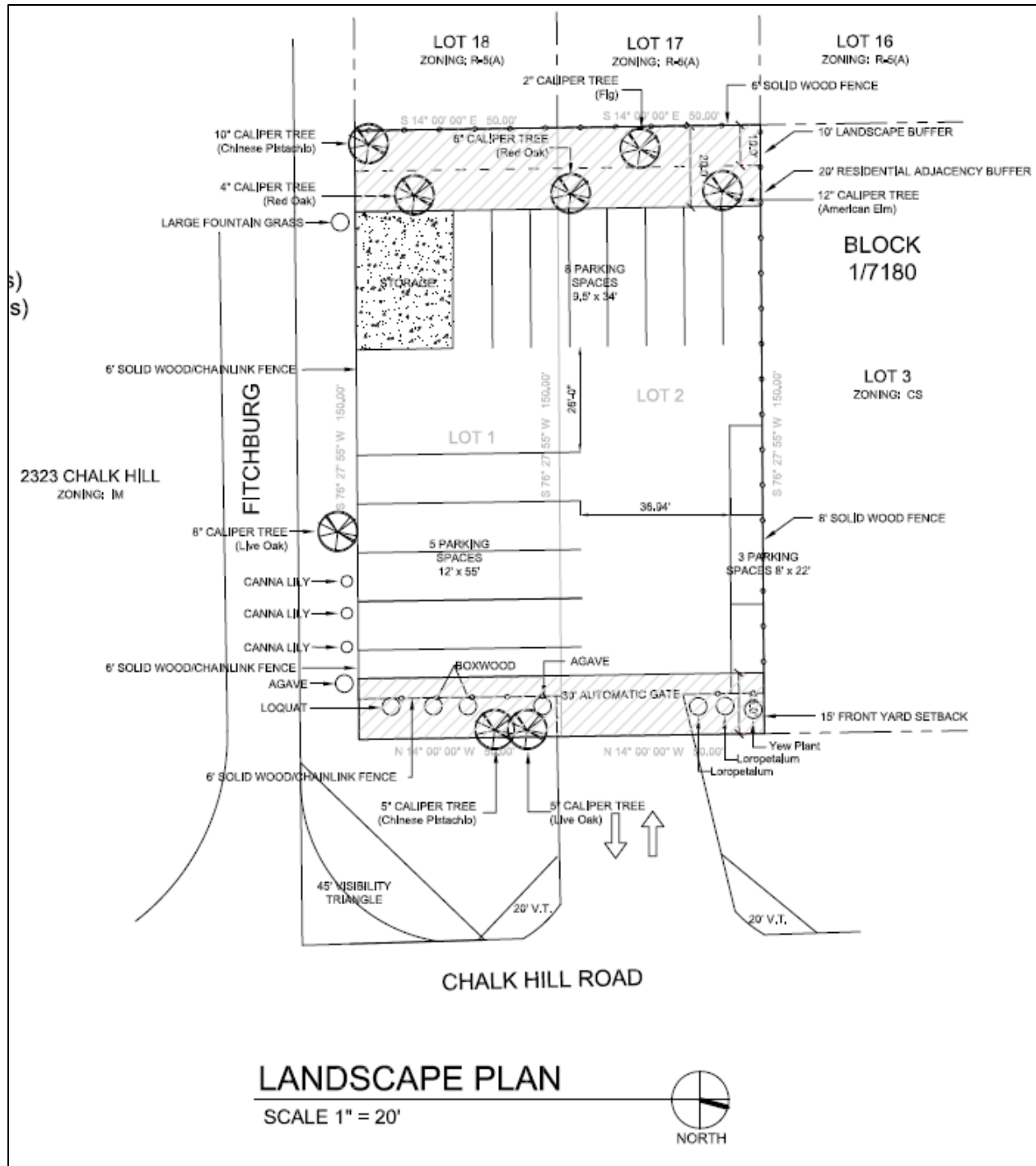
13. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

14. 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.

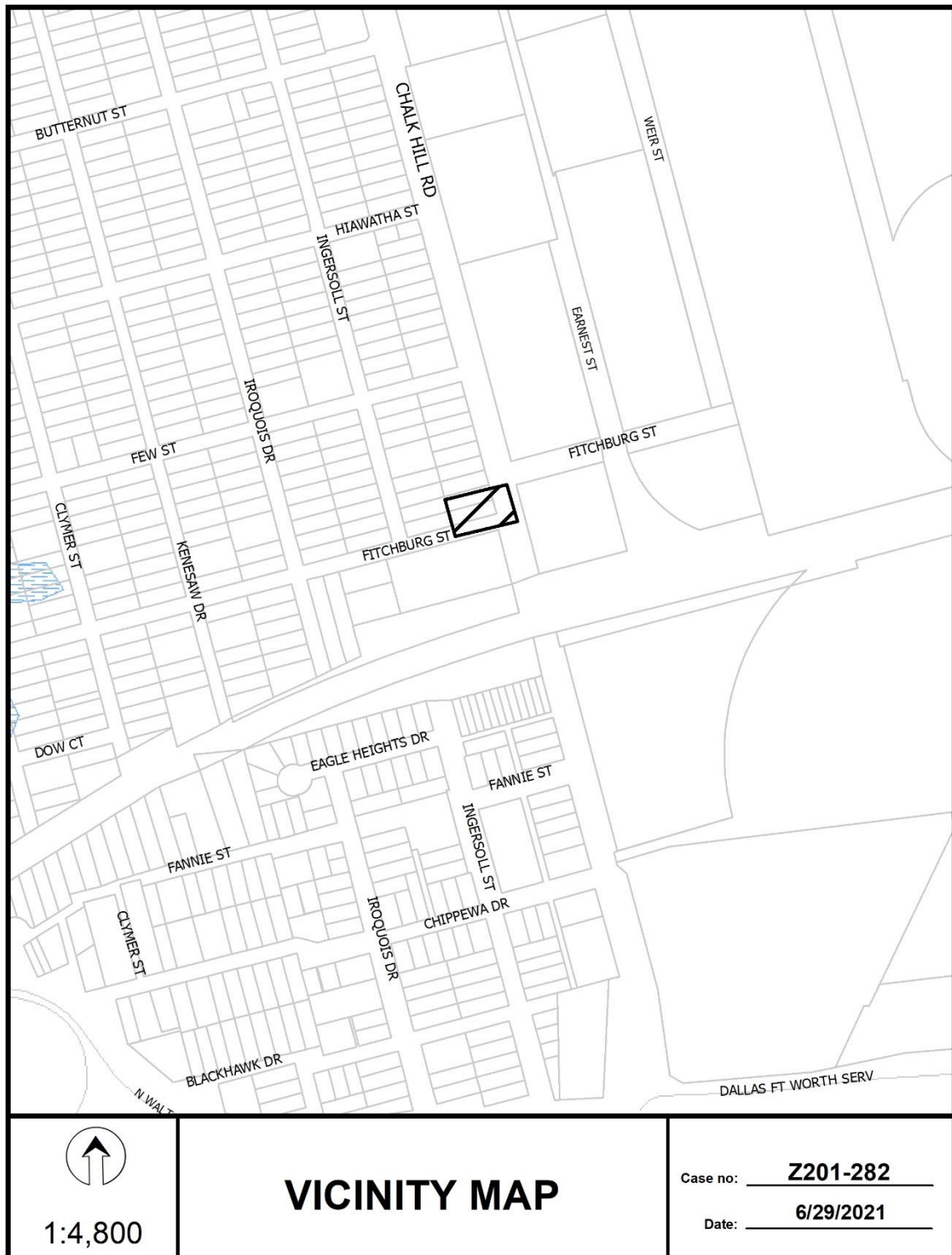
EXISTING SITE PLAN (No Changes)



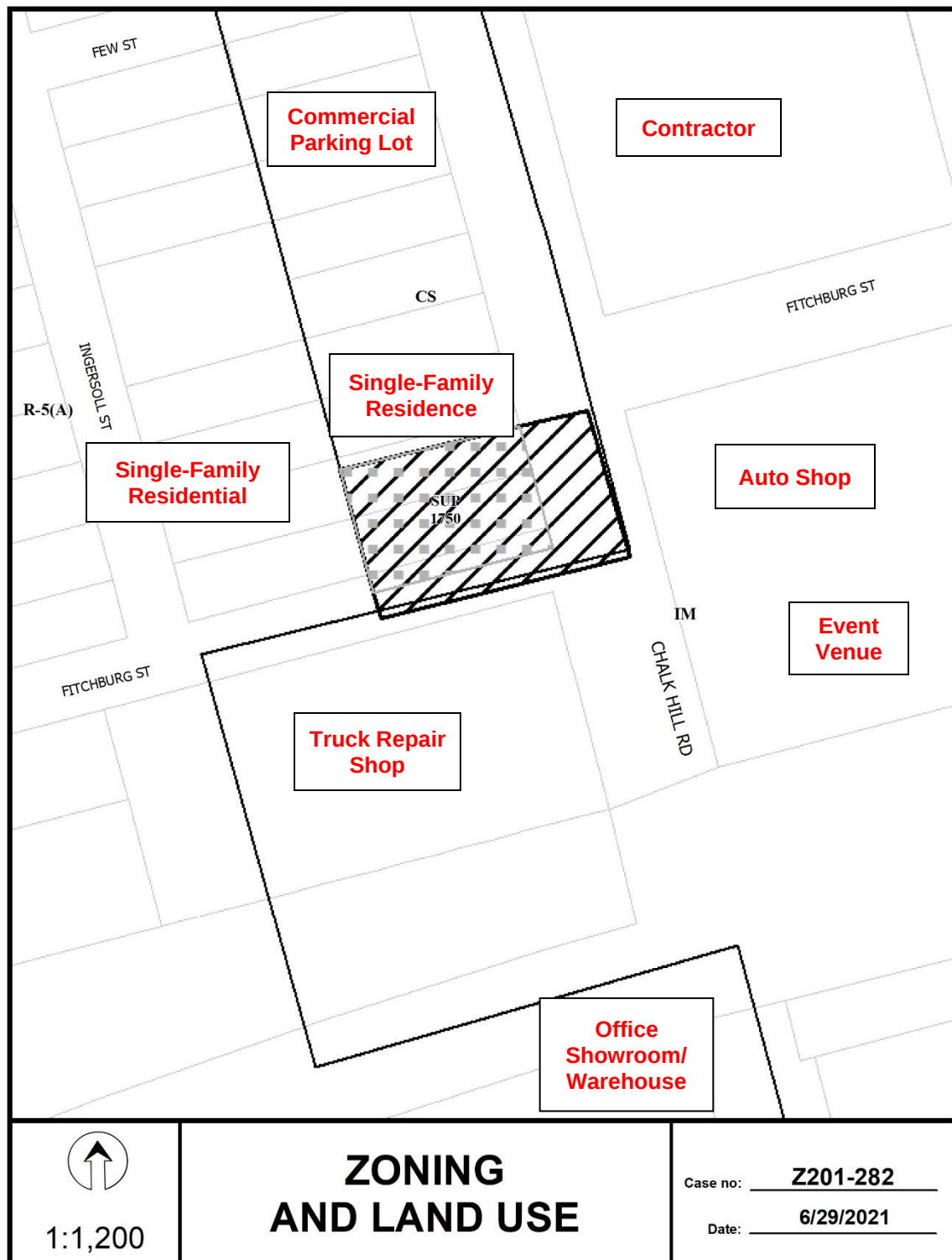
ENLARGED SITE PLAN (Enlarged)



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Z201-282(KC)

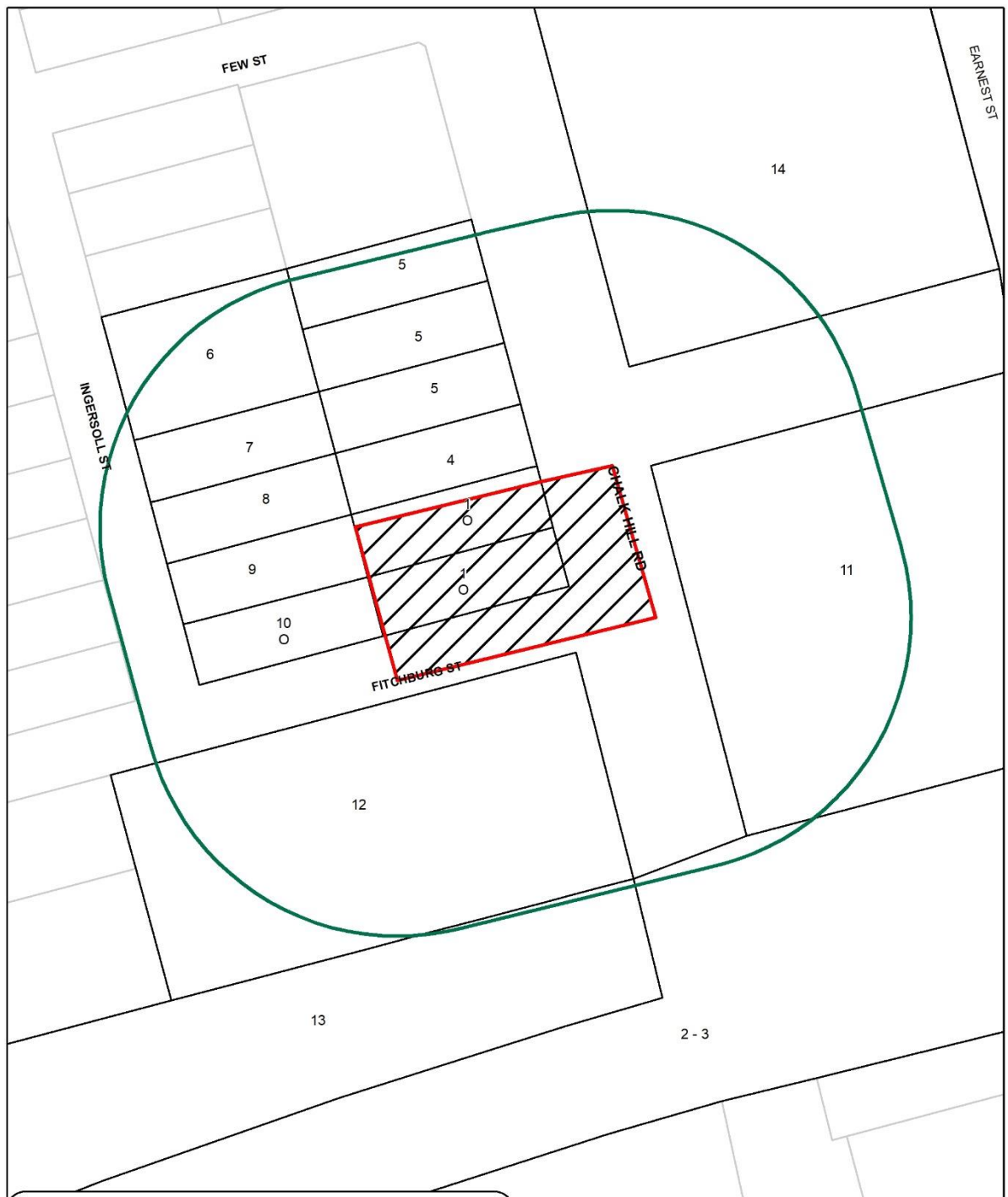


1:4,800

Market Value Analysis

Printed Date: 8/24/2021

CPC RESPONSES



<u>14</u>	Property Owners Notified (16 parcels)
<u>2</u>	Replies in Favor (3 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>12/2/2021</u>	Date

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CPC



1:1,200

12/01/2021

Reply List of Property Owners***Z201-282******14 Property Owners Notified******2 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	2403 CHALK HILL RD	ALBARRAN GAMALIEL SR
	2	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO
	3	9999 NO NAME ST	UNION PACIFIC RR CO
	4	2411 N CHALK HILL DR	Taxpayer at
	5	2415 CHALK HILL RD	GARCIA ROQUE & ROSALBA
	6	2418 INGERSOLL ST	HERNANDEZ ANTONIO JR
	7	2414 INGERSOLL ST	GONZALEZ SALLY B
	8	2410 INGERSOLL ST	LARA ALEJANDRO
	9	2406 INGERSOLL ST	GARFIAS MARIA L & JOSAFAT
O	10	2402 INGERSOLL ST	ALBARRAN CONRADO J
	11	2414 CHALK HILL DR	BENITEZ FREDIS & MARGARITA
	12	2323 CHALK HILL RD	A TRUCK EXPRESS INC
	13	5401 FANNIE ST	MISSOURI PACIFIC RR CO
	14	2518 CHALK HILL DR	FOUR L CAPITAL LTD