

FILE NUMBER: Z234-305(LC) **DATE FILED:** September 7, 2024
LOCATION: North side of Elam Road, between Southgate Lane and Sunburst Drive
COUNCIL DISTRICT: 7
SIZE OF REQUEST: 10,000 square feet **CENSUS TRACT:** 48113011802

REPRESENTATIVE: Kevin Schutte, Otteson Shapiro LLP

OWNER: Bobby's Corporation

APPLICANT: SBA 2012 TC Assets, LLC

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

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

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

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

BACKGROUND INFORMATION:

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

Zoning History:

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

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

Thoroughfares/Streets:

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

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system. Staff will continue review of engineering plans at permitting to comply with city standards.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006 and outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request.

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

Land Use:

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

Land Use Compatibility:

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

To the north and east of the site are single family residential uses with some commercial retail, to the south is PD. No. 59 the Pleasant Grove Medical Center and to the west of the property are commercial retail uses. Seeing that the utility has been existing in this location with previous SUPs in good standing, staff is in support of the proposed request. Staff believes it to be appropriate next to the mentioned surrounding uses. Therefore, staff finds the applicant’s requested SUP to allow a for a cellular communication

tower/antenna and facility on the property to be compatible with the area. Staff does support the applicant's request.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

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

Landscaping:

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

Parking:

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

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

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to target intervention strategies more precisely in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). The area of request is currently in a “H” MVA area. There is an “H” MVA area to the north, south, east, and west of the subject site.

List of Officers

Bobby's Corporation

Bharat Gajera, Director
Kishor D. Gajera, Director

SBA 2012 TC ASSETS, LLC

SOLE EQUITY MEMBER:
SBA GUARANTOR LLC

DIRECTORS:

JIM PERKINS
MARK CIARFELLA
MICHAEL REINHOLD
JOSHUA KOENIG
BRENDAN CAVANAGH

OFFICERS:

MARTIN ALJOVIN, VICE PRESIDENT
BRIAN ALLEN, SENIOR VICE PRESIDENT
BRENDAN CAVANAGH, CHIEF EXECUTIVE

OFFICER/PRESIDENT/ASSISTANT SECRETARY/ASSISTANT TREASURER

MARK CIARFELLA, EXECUTIVE VICE PRESIDENT
FERNANDO CINCI, VICE PRESIDENT/ASSISTANT
SECRETARY/ASSISTANT TREASURER
SANJAY DHAWAN, VICE PRESIDENT
PATHMAL GUNAWARDANA, VICE PRESIDENT
LAWRENCE HARRIS, SENIOR VICE PRESIDENT
ALYSSA HOULIHAN, VICE PRESIDENT
JOSHUA M. KOENIG, EXECUTIVE VICE PRESIDENT/CHIEF
ADMINISTRATIVE OFFICER/GENERAL
COUNSEL/SECRETARY/ASSISTANT TREASURER
BRIAN LAZARUS, SENIOR VICE PRESIDENT/CHIEF
ACCOUNTING OFFICER
VITOR LOBAO, VICE PRESIDENT
MARC MONTAGNER, EXECUTIVE VICE PRESIDENT/CHIEF
FINANCIAL OFFICER/ASSISTANT SECRETARY/TREASURER
PAT O'DONNELL, VICE PRESIDENT
JILL PATTERSON, VICE PRESIDENT
ED ROACH, VICE PRESIDENT
RAFAEL ROSILLO, ASSISTANT SECRETARY
DAVID SAMS, VICE PRESIDENT
SHARON SCHWARTZ, VICE PRESIDENT
NEIL SEIDMAN, SENIOR VICE PRESIDENT
JASON SILBERSTEIN, EXECUTIVE VICE PRESIDENT
ASHLEY MASUDA, ZONING & COMPLIANCE SUPERVISOR, SBA COMMUNICATIONS

CPC Action

December 5, 2024

Motion: It was moved to recommend **approval** of an application for an amendment to Specific Use Permit No. 1554 for a cellular communication tower/antenna for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to amended conditions, on property zoned CR Community Retail District with a D Liquor Control Overlay, on the north side of Elam Road, between Southgate Lane and Sunburst Drive.

Maker: Chernock
Second: Housewright
Result: Carried: 14 to 0

For: 14 - Chernock, Hampton, Herbert, Forsyth, Shidid, Carpenter, Wheeler-Reagan, Blair, Sleeper, Housewright, Haqq, Hall, Kingston, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 11

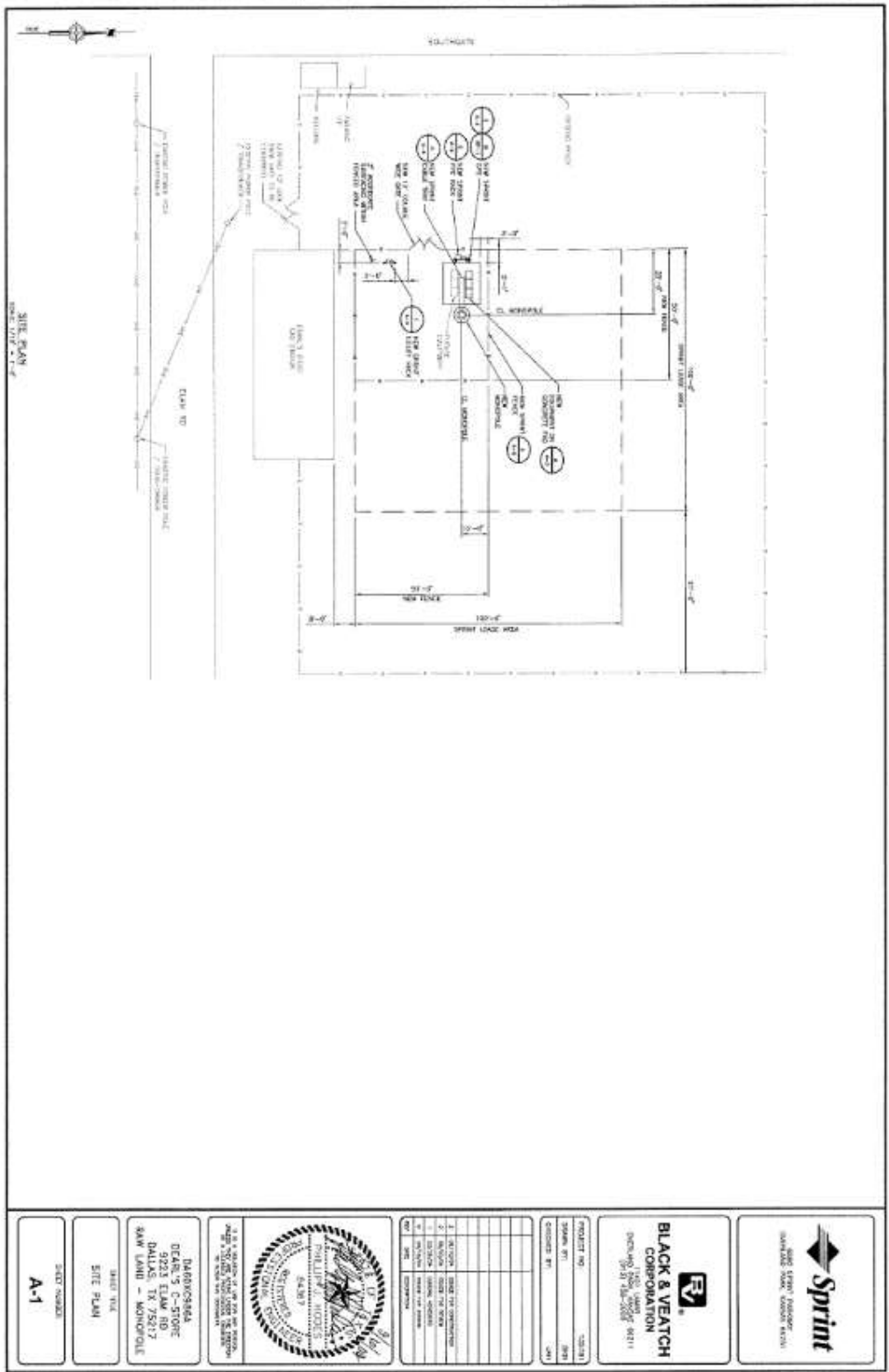
Notices: Area: 200 Mailed: 10
Replies: For: 2 Against: 0

Speakers: None

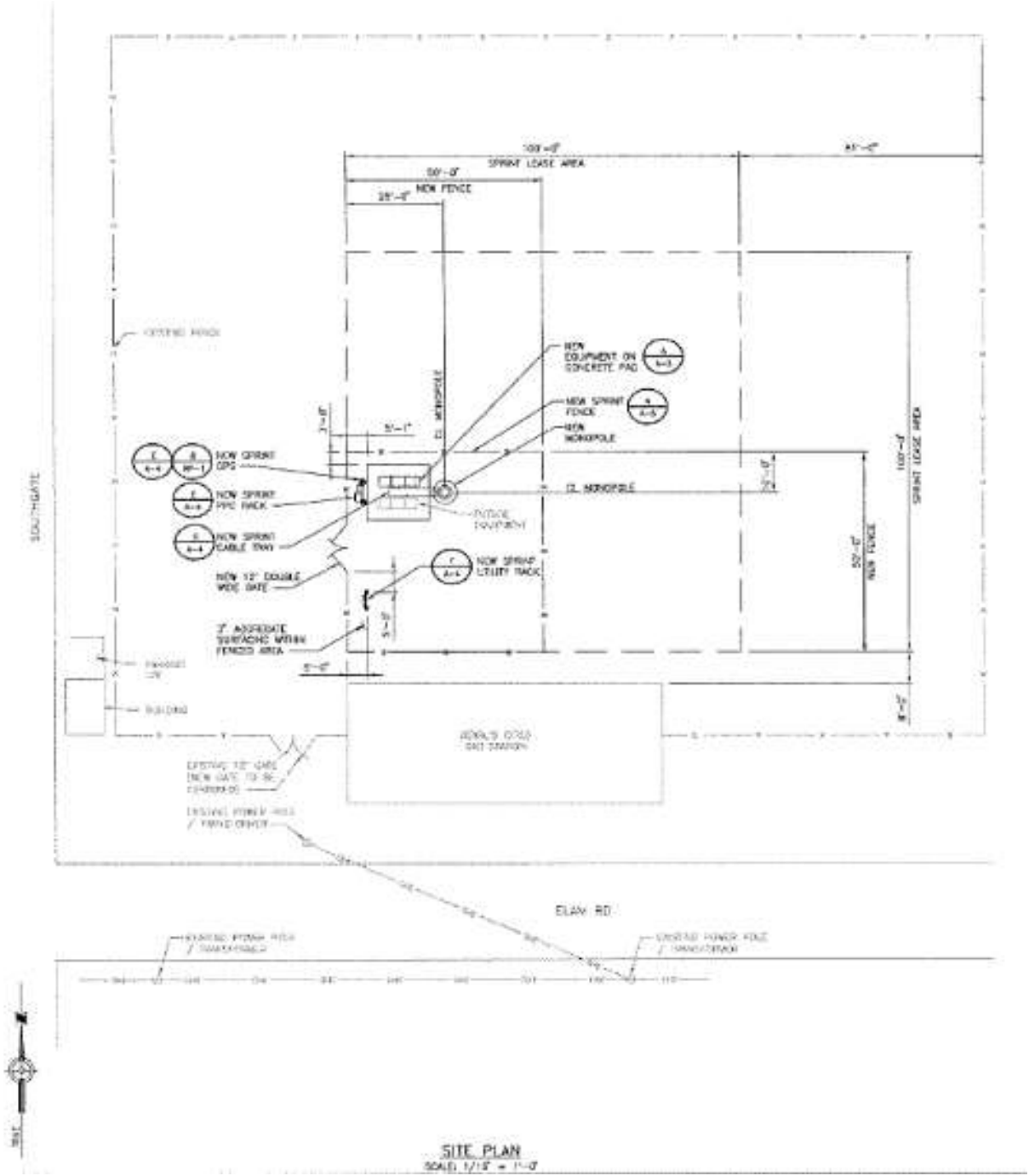
CPC RECOMMENDED CONDITIONS

1. USE: The only use authorized by this specific use permit is a cellular communication tower/antenna.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit is approved for (five years from the passage of this ordinance) and is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of CHAPTER 51A of the Dallas City Code, as amended. In order for automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 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. LANDSCAPING: Landscaping must be provided and maintained in accordance with Article X of the Dallas Development Code, as amended.
5. CELL TOWERS:
 - a. The use authorized by this specific use permit may not exceed 80 feet in height.
 - b. The tower/antenna for cellular communication must be located as shown on the attached site plan.
 - c. No signs may be attached to the tower/antenna for cellular communication.
 - d. The tower/antenna for cellular communication may not be illuminated, except as required by the Federal Aviation Administration.
6. SHARED USE WITH OTHER CARRIERS: Any tower/antenna support structure authorized by this specific use permit that exceeds 65ft in height must be constructed to support the antenna arrays for at least two other wireless communications carriers. The tower/antenna support structure must be made available to other wireless communication carriers upon reasonable terms.
7. MAINTENANCE: The entire Property must be properly maintained in a state of good repair and neat appearance.
8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

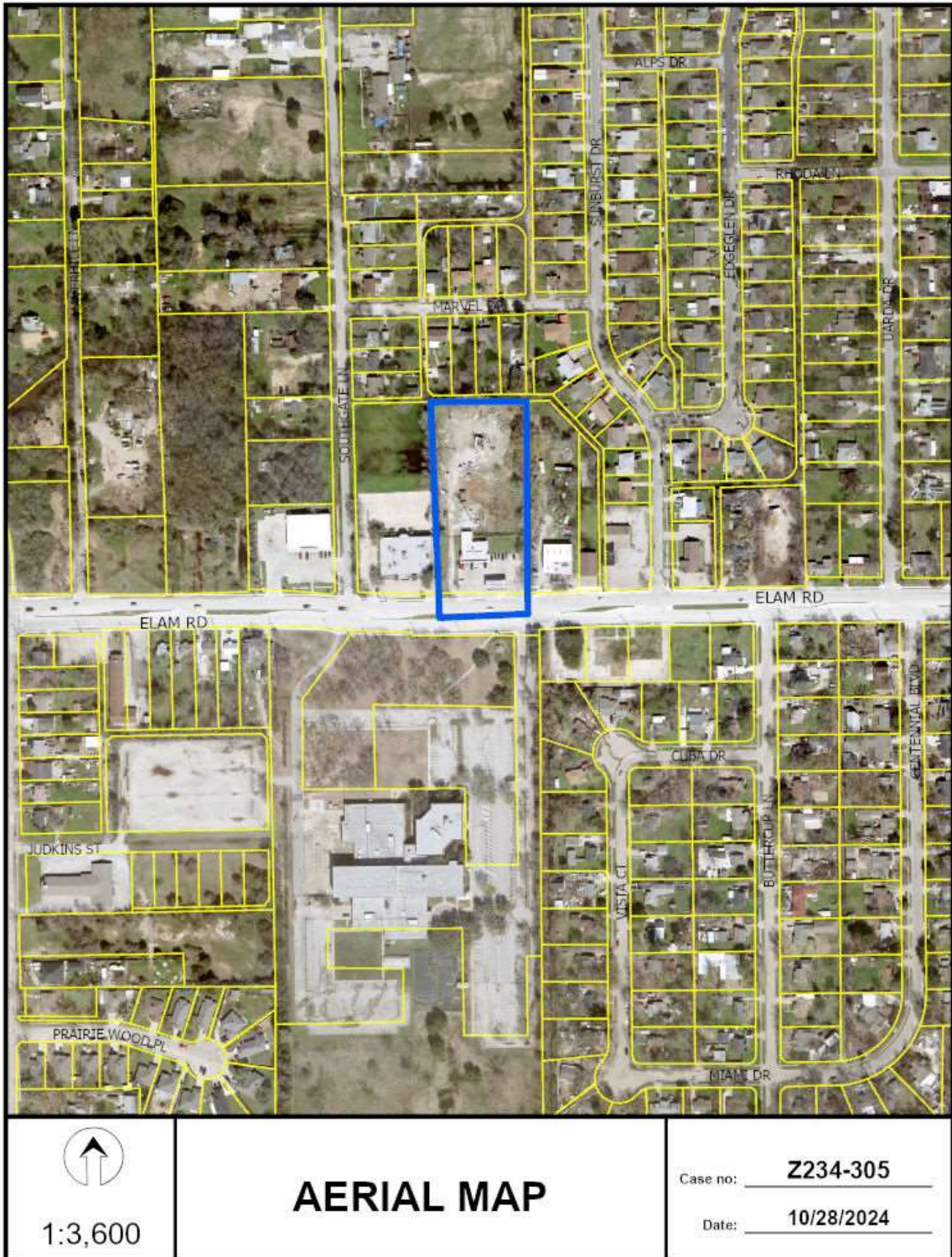
EXISTING SITE PLAN (NO CHANGES)

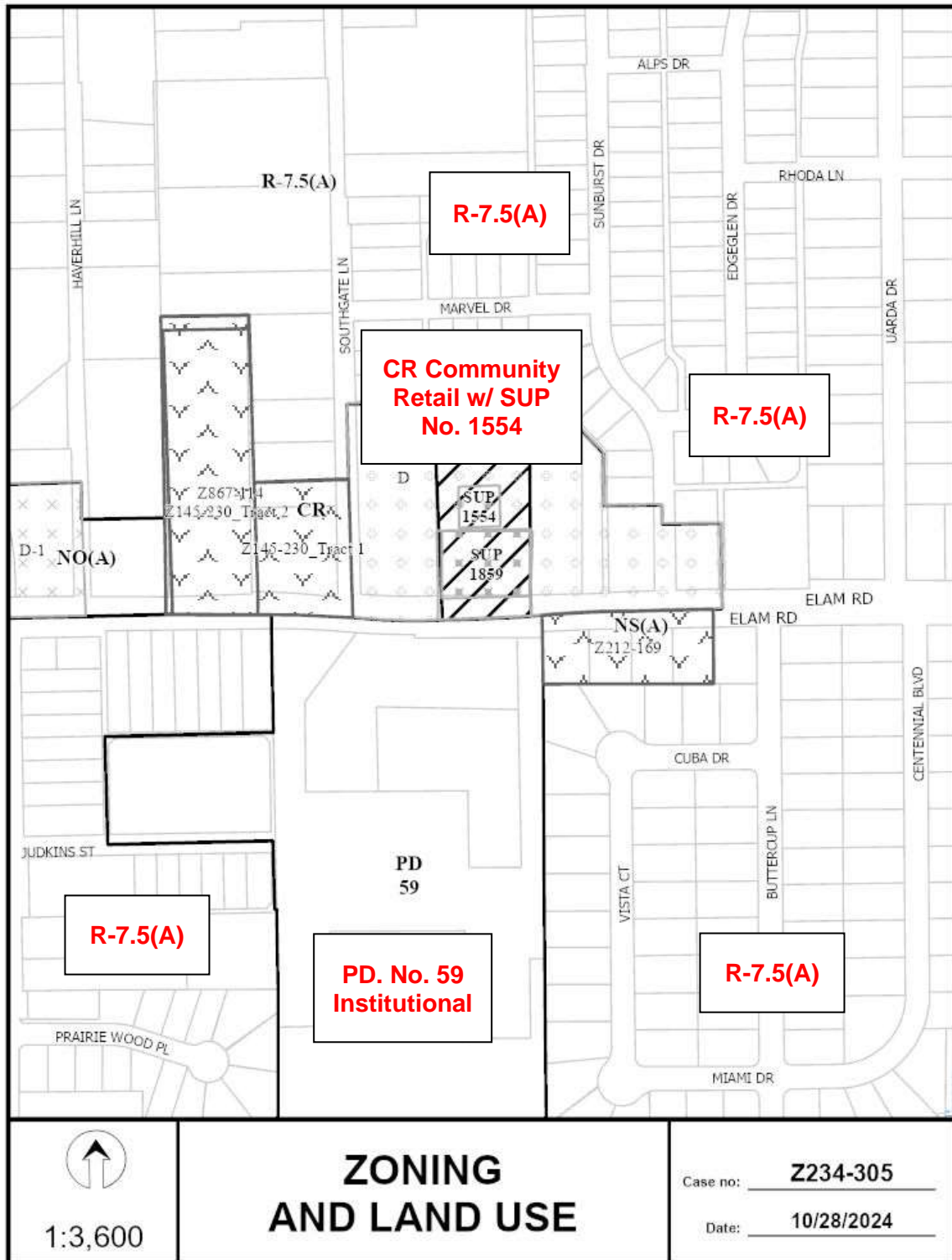


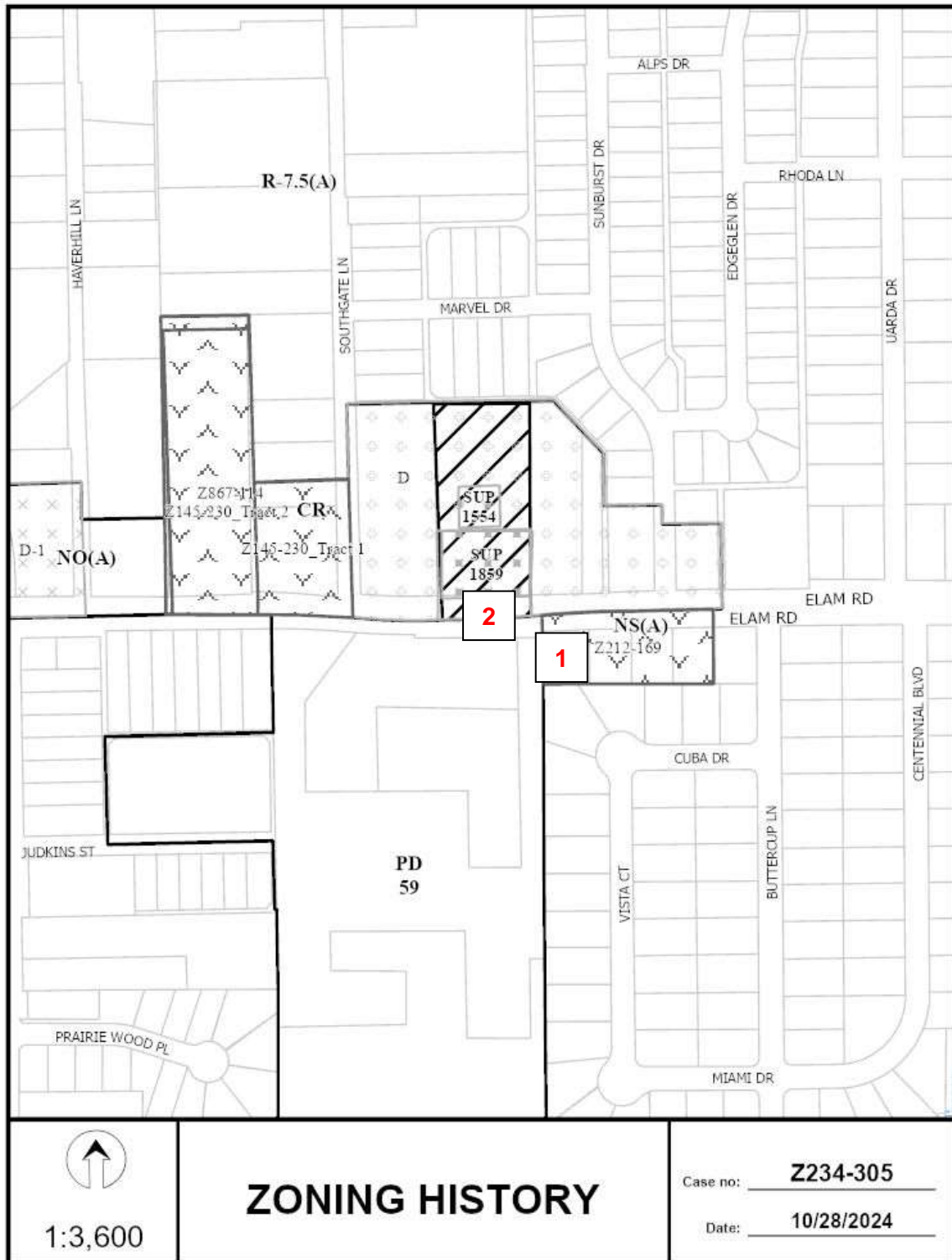
EXISTING SITE PLAN ENLARGEMENT

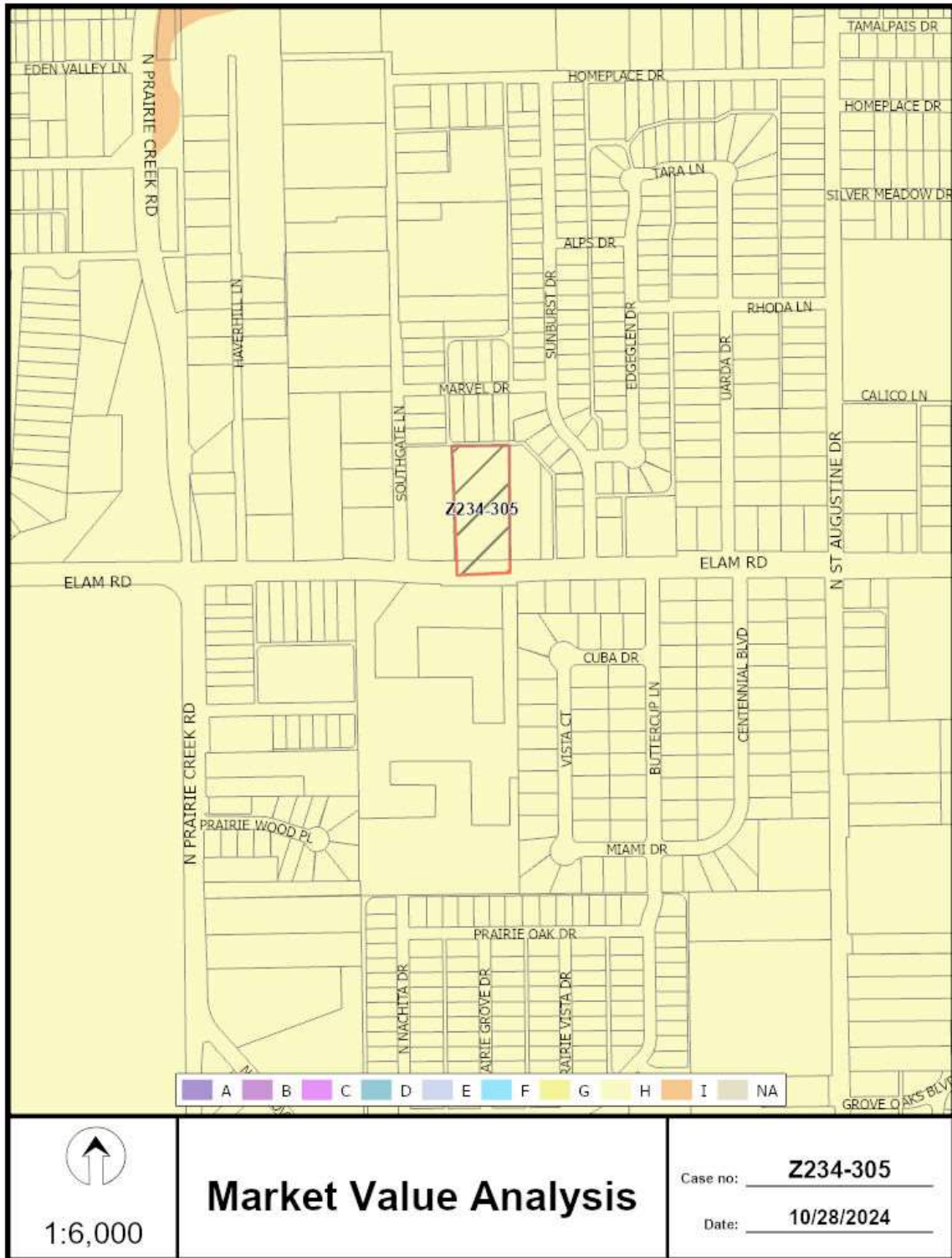














<u>72</u>	Property Owners Notified (77 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>500'</u>	Area of Notification
<u>12/5/2024</u>	Date

Z234-305
CPC



1:2,400

12/04/2024

Reply List of Property Owners***Z234-305******71 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed***

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

12/04/2024

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

12/04/2024

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