

FILE NUMBER: Z234-168(MB) **DATE FILED:** February 8, 2024

LOCATION: South line of South Sherman Street, east of T I Boulevard

COUNCIL DISTRICT: 10

SIZE OF REQUEST: Approx. 6.04 acres **CENSUS TRACT:** 48113019040

OWNER: Araamsbil Trust

APPLICANT: Subhi Gharbiel [Iron Gate RE Holdings, LLC]

REQUEST: An application for a Specific Use Permit for a cemetery on property zoned an IR Industrial Research District

SUMMARY: The purpose of the request is to develop a cemetery.

CPC RECOMMENDATION: Approval, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The area of request is currently zoned an IR Industrial Research District. The site is undeveloped and is approximately 6.04 acres in size.
- Chapter 11 of the Dallas City Code governs the operation of cemeteries within the city. Chapter 11 Sec. 1 prohibits the establishment of new cemeteries.
- H.B. No. 783, signed into law by the governor on June 12, 2023, allows an individual, corporation, partnership, firm, trust, or association to file a written application with the governing body of a municipality to establish or use a cemetery located inside the limits of the municipality.
- As such, Chapter 11 Sec. 1 is no longer operative, and individuals or other persons may petition a municipality to be allowed to establish a cemetery inside the limits of the municipality.
- The applicant wishes to develop the site with a cemetery. As such, the applicant is requesting a Specific Use Permit for a cemetery which is permitted in the IR District only with an SUP.

Zoning History:

There have been no zoning cases in the area in the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
South Sherman Street	Local Street	-

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request and determined that it will not have a significant impact on traffic.

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. 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	IR Industrial Research	Undeveloped
North	IR	Office
South	IR	Office
West	IR	Office showroom / warehouse; auto service center
East	City of Richardson	Cemetery

Land Use Compatibility:

The request site is currently undeveloped. The surrounding area is zoned as IR Industrial Research, a lower-intensity industrial district typically used for offices, light industrial uses, and supporting commercial uses. A majority of the nearby uses are offices, office showroom/warehouses, and auto service centers. Additionally, the area to the east of the request site is a cemetery within the city limits of the City of Richardson.

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 finds that a cemetery would be compatible with the surrounding land uses. There would not be a conflict with existing uses due to the low intensity of both the nearby uses and the proposed cemetery use. The proposed use would also contribute to the welfare of the area by developing a vacant lot into a site of repose and remembrance. Additionally, city and state regulations regarding cemeteries and interment protect the public health and safety.

Landscaping:

Landscaping and tree preservation must be provided per Article X, as amended.

Parking:

Parking must be provided in accordance with the Dallas Development Code. Chapter 51A-4.200 requires two parking spaces be provided for a cemetery. The proposed site plan shows two standard parking spaces and an ADA accessible space.

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 within an MVA area; however, the nearest MVA areas are an "I" to the northwest and a "G" to the south.

Z234-168(MB)

List of Officers

Araamsbil Trust

Taskeen Fatehdin

Iron Gate RE Holdings, LLC

Subhi Gharbiel

CPC Action
May 16, 2024

Motion: It was moved to recommend **approval** of a Specific Use Permit for a cemetery, subject to a site plan and conditions with the following changes: 1) add a continuous minimum 6' tall open fence around the entire property with a gate across the access drive at Sherman Street and 2) increase the width of the interior drive from 30' to 36' to allow for parallel parking on property zoned an IR Industrial Research District, on the south line of South Sherman Street, east of T I Boulevard.

Maker: Housewright
Second: Carpenter
Result: Carried: 10 to 0

For: 10 - Chernock, Herbert, Forsyth, Shidid, Carpenter,
Wheeler-Reagan, Housewright, Hall, Kingston,
Rubin

Against: 0
Absent: 5 - Hampton, Blair, Sleeper, Eppler, Haqq
Vacancy: 0

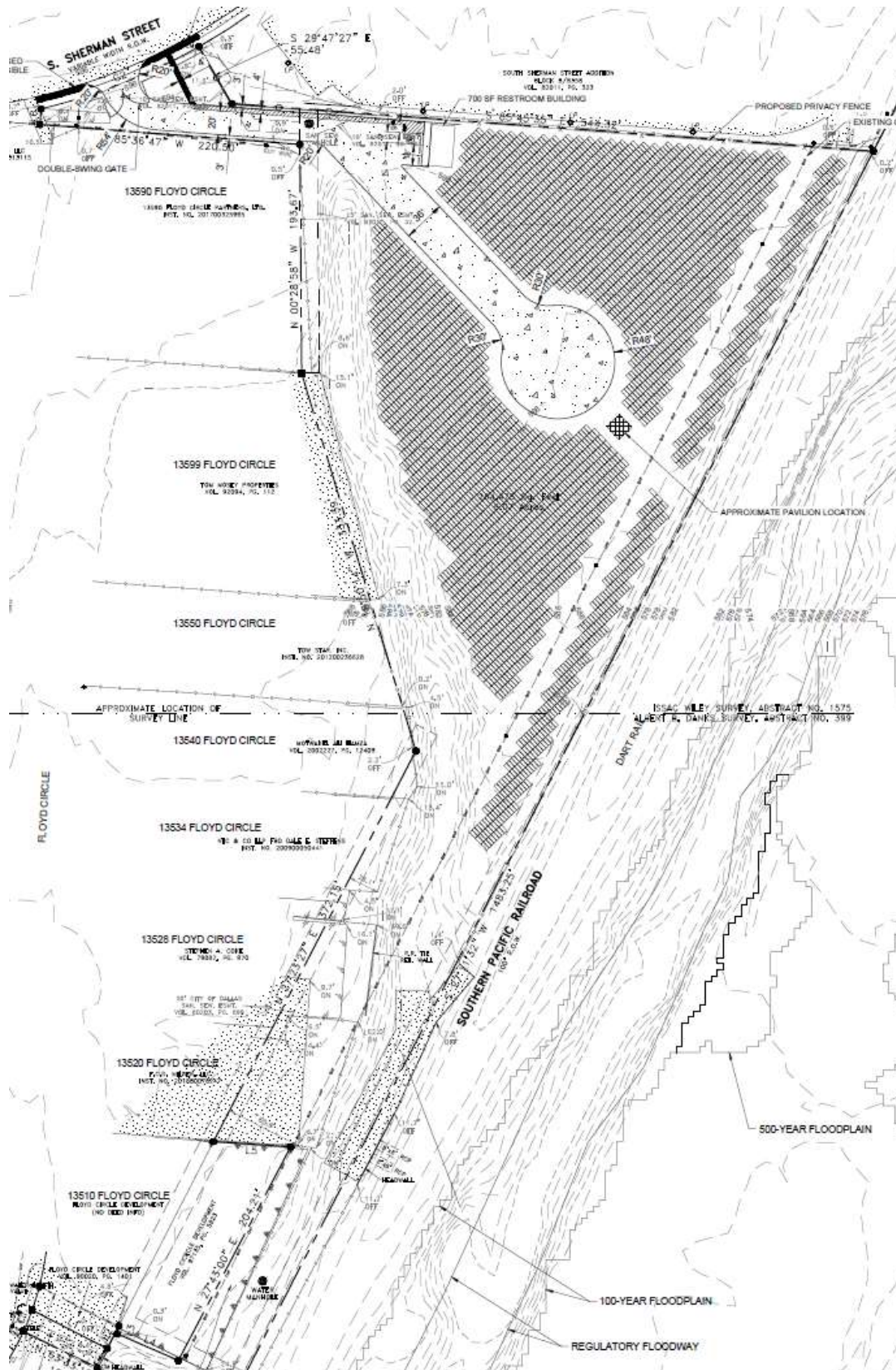
Notices: Area: 400 Mailed: 44
Replies: For: 1 Against: 4

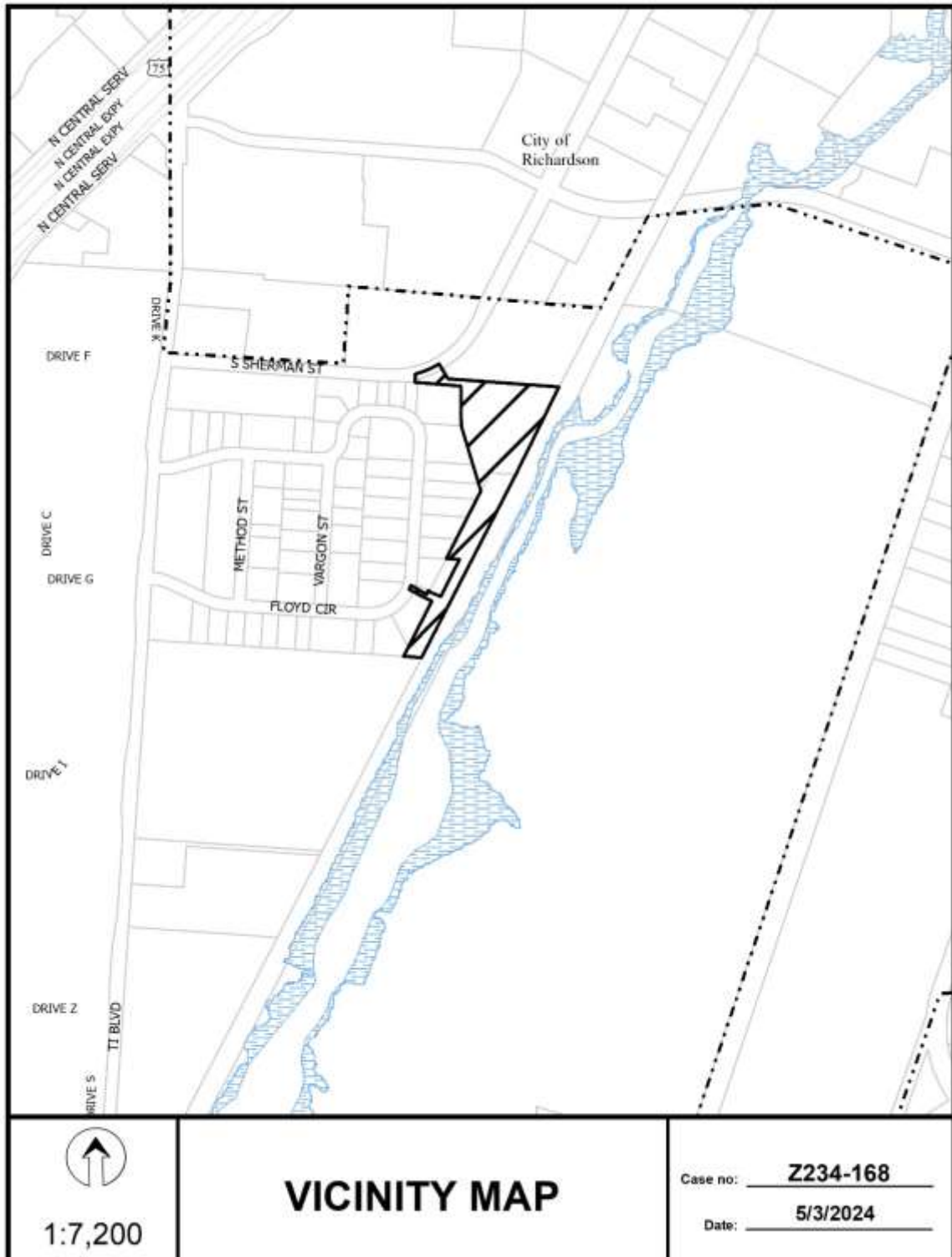
Speakers: For: Subhi Gharbiel, 508 Centennial Blvd., Richardson, TX, 75081
For(Did not speak): Mary Alice Ayers, 2018 Mayflower Dr., Dallas, TX, 75208
Reneta Wells, 2111 Barberry Dr., Dallas, TX, 75211
Alice Zaccarello, 2243 Lawndale Dr., Dallas, TX, 75211
Dylan Hedrick, 3803 Parkwood Blvd., Ste. 800, Frisco, TX, 75034
Carole Somers-Clark, 1131 N. Plymouth Rd., Dallas, TX, 75208
Against: Sabeel Fatehdin, Address not clear
Against (Did not speak): Sammar Fatehdin, Address not given

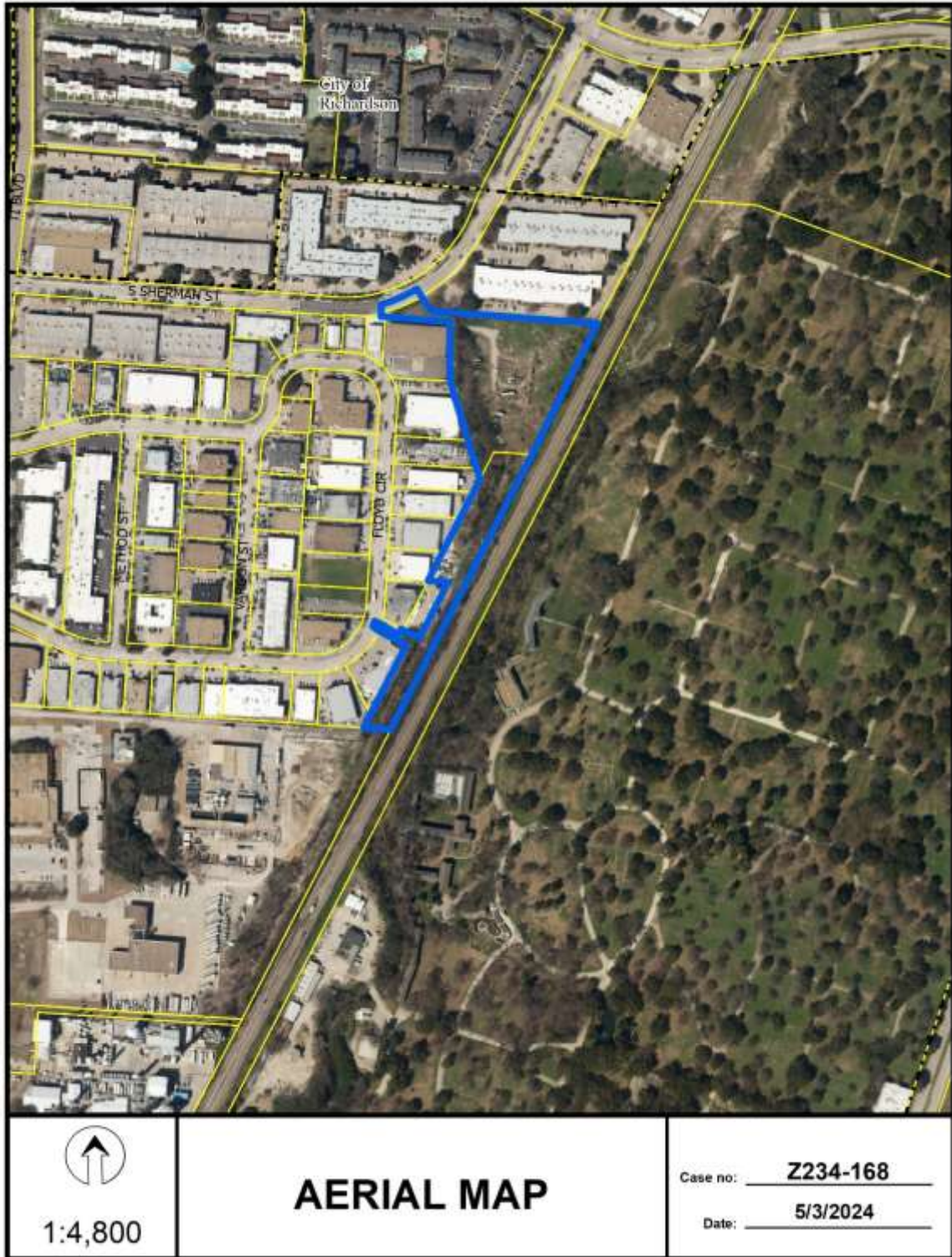
CPC RECOMMENDED SUP CONDITIONS

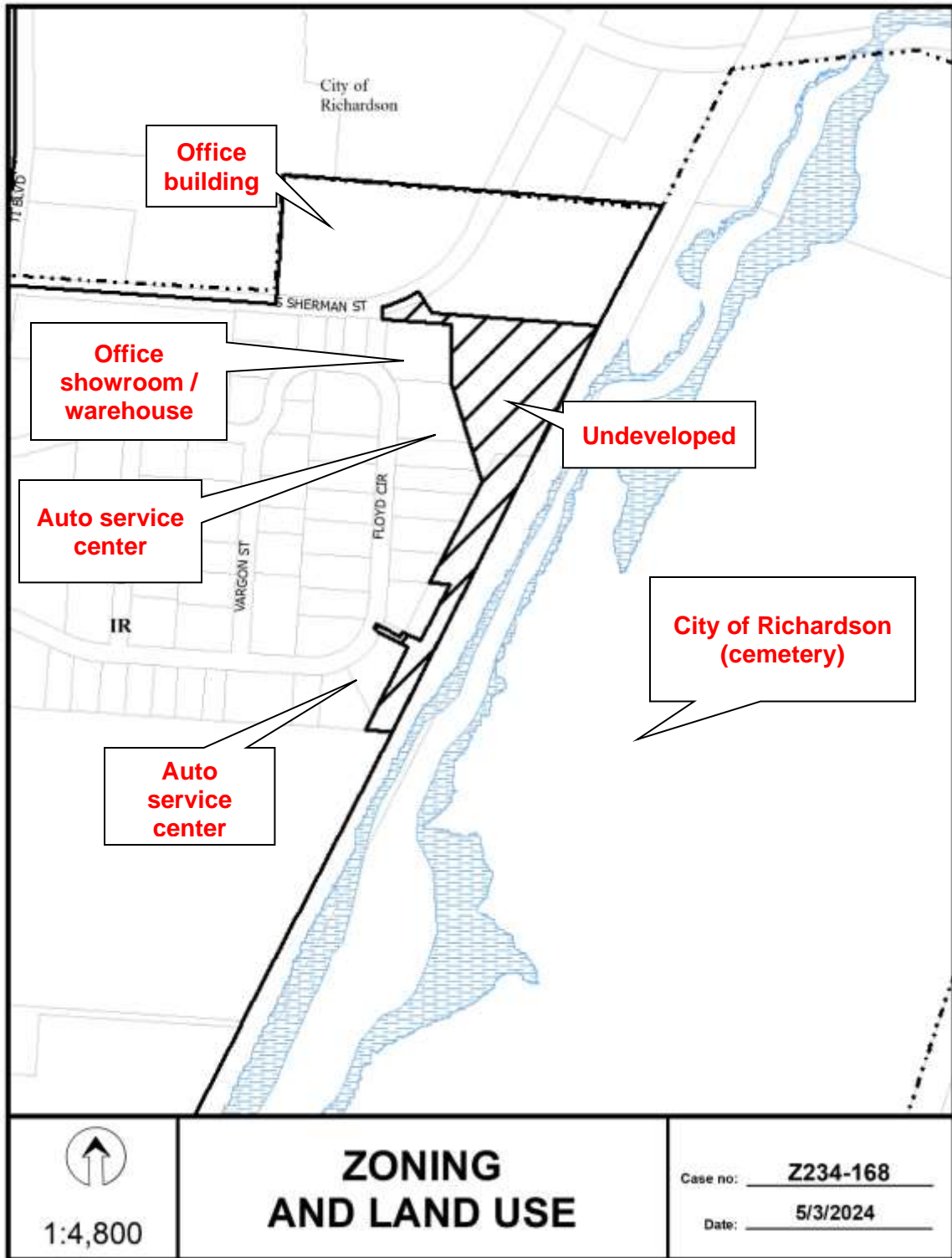
1. USE: The only use authorized under this specific use permit is a cemetery.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit has no expiration date.
4. FENCING: A minimum 6-foot-high open fence, with a gate across the access drive at Sherman Street, must be maintained along the boundary of the property.
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
6. 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.

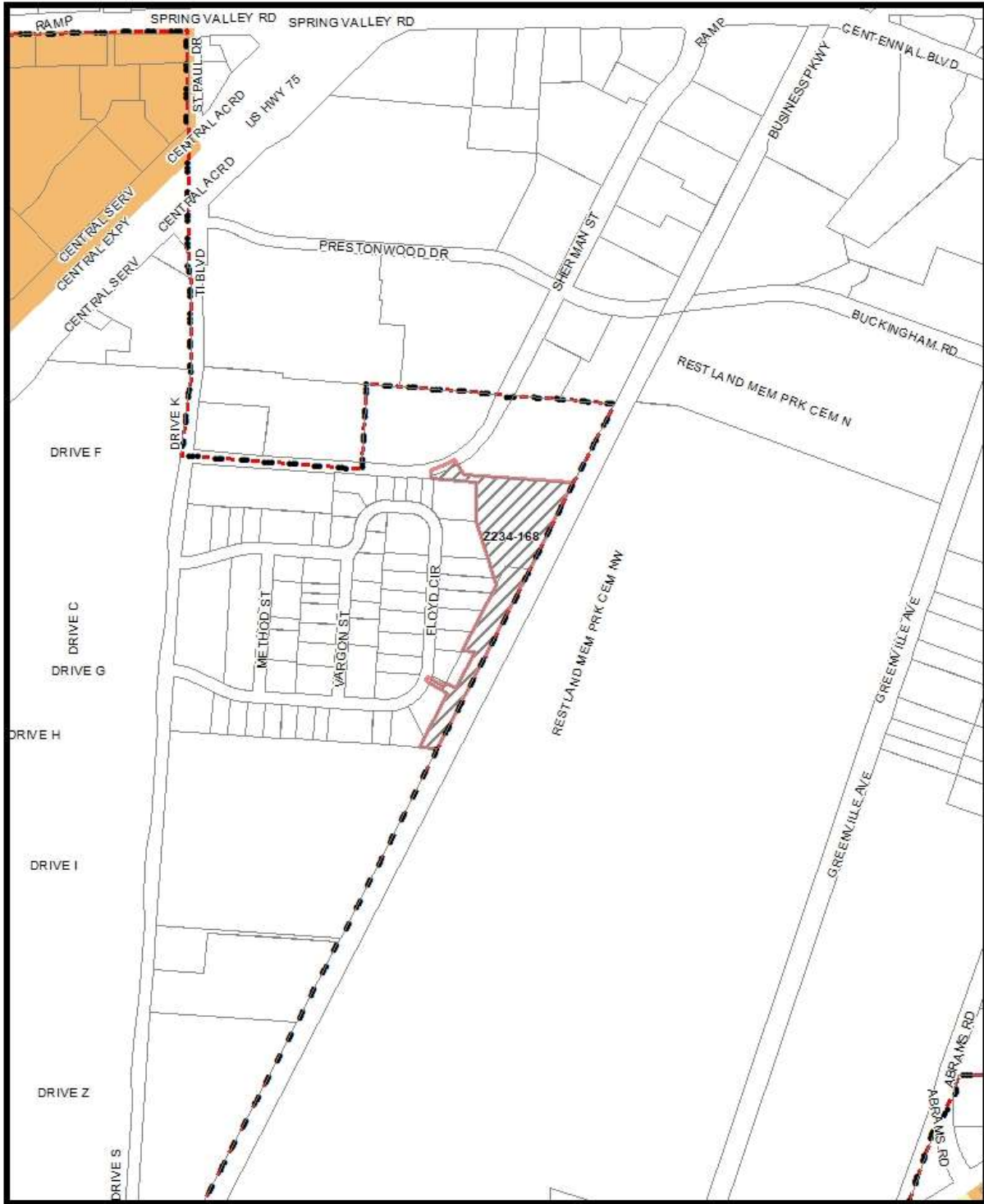
CPC RECOMMENDED SITE PLAN (DETAIL)











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

1:7,200

Market Value Analysis

Printed Date: 5/3/2024



05/15/2024

Reply List of Property Owners***Z234-168******44 Property Owners Notified 1 Property Owners in Favor 4 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
X	1	13436 FLOYD CIR	FLOYD CIR DEVELOPMENT
	2	13438 FLOYD CIR	ARAAMSBIL TRUST
	3	1301 S SHERMAN ST	FATEHDIN TASKEEN ARAA TR
	4	13506 FLOYD CIR	ARAAMSBIL TRUST
	5	13445 FLOYD CIR	OLIVER BOBBY J JR
	6	13500 VARGON ST	PARADOX PPTIES LP
	7	13522 VARGON ST	LUXEL LLC
X	8	13534 VARGON ST	STEFFENS INVESTMENTS LLC
	9	13631 FLOYD CIR	DEVENPORT JAMES DENNIS &
	10	13635 FLOYD CIR	PCCAT LLC
	11	13595 FLOYD CIR	RUCKER REVOCABLE LIVING TRUST
	12	13551 FLOYD CIR	MAI TAI HOLDINGS LLC
	13	13541 FLOYD CIR	LOUBEA ENTERPRISES INC
	14	13535 FLOYD CIR	13535 FLOYD CIR PARTNERS
	15	13529 FLOYD CIR	FLORES TECHNICAL SERVICES INC
	16	13531 FLOYD CIR	MOCO INVESTMENTS LLC
	17	13527 FLOYD CIR	FLORES TECHNICAL SERVICES
	18	13434 FLOYD CIR	HHO UNITED GROUP INC
	19	13438 FLOYD CIR	13438 FLOYD CIRCLE
O	20	13444 FLOYD CIR	KOEBEL JAMES N & LAURA M
	21	13502 FLOYD CIR	RUSH PROPERTY MANAGEMENT
	22	13606 FLOYD CIR	FREDERICK INV II LP
	23	13602 FLOYD CIR	ZIMCO HOLDINGS LLC
	24	13610 FLOYD CIR	Taxpayer at
	25	13622 FLOYD CIR	Taxpayer at
	26	13623 FLOYD CIR	13624 FLOYD CIRCLE LLP

05/15/2024

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	13630 FLOYD CIR	WILSON JOSEPH E JR
	28	13590 FLOYD CIR	13590 FLOYD CIRCLE PARTNERS LTD
	29	13566 FLOYD CIR	MOSEY TOM PROPERTIES
	30	13544 FLOYD CIR	HAMZA MOTWAKEL ALI
	31	13550 FLOYD CIR	TOW STAR INC
	32	13534 FLOYD CIR	NTC & CO LLP
	33	13528 FLOYD CIR	COKE STEPHEN A
	34	13518 FLOYD CIR	FCD MILNER LLC
X	35	13510 FLOYD CIR	FLOYD CIR DEV
	36	13350 T I BLVD	TEXAS INSTRUMENTS INC
X	37	13500 FLOYD CIR	FLOYD CIRCLE DEV
	38	1200 S SHERMAN ST	ARAPAHOE GRANDE INVESTMENT LLC
	39	1201 S SHERMAN ST	SHERMAN HM RICHARDSON LLC
	40	333 PRESTONWOOD DR	EPC C3 PRESTONWOOD LLC
	41	1400 S SHERMAN ST	DALLAS NORTH INDUSTRIAL LLC
	42	99999 NO NAME ST	DART
	43	9001 RESTLAND RD	NORTHSTAR CEMETERY SERVICES OF
	44	9001 RESTLAND RD	NORTHSTAR FUNERAL SERVICES OF TEXAS LLC