

FILE NUMBER: Z212-336(MP) **DATE FILED:** September 2, 2022

LOCATION: West line of Conner Drive, between Bruton Road and Stonehurst Street

COUNCIL DISTRICT: 5

SIZE OF REQUEST: ±2 acres **CENSUS TRACT:** 48113009204

REPRESENTATIVE: Alan Scivally

APPLICANT: Verizon Wireless

OWNER: Mueller Properties Ltd

REQUEST: An application for a Specific Use Permit for a tower/antenna for cellular communication on property zoned Subarea 2 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of this request is to allow for a new tower/antenna for cellular communication, which requires an SUP in this zoning district.

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

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

BACKGROUND INFORMATION:

- The property is currently undeveloped and is zoned Subarea 2 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District. Per the PD, the additional regulations of [Sec.51A-4.212\(10.1\)](#) also apply.
- The applicant is proposing a 65-foot monopole tower with an additional five-foot lightning rod.
- Within Subarea 2 of the PD, the use requires a specific use permit.
- The Dallas Development Code stipulates that a cellular tower is exempt from residential proximity slope height restrictions if an SUP is required for the cellular use and the impact of the tower height on an adjacent residential district is considered in the SUP process. However, the location of the tower on the site is the furthest feasible distance from an RPS point of origination.
- The applicant requests an SUP for a tower/antenna for cellular communication for a ten-year period, with eligibility for automatic renewal for additional ten-year periods.

Zoning History:

There have been four zoning cases in the area in the past five years.

1. **Z201-242** – On September 1, 2022, the City Plan Commission recommended denial without prejudice of an application for 1) an amendment to and expansion of Planned Development District No. 366, the Buckner Boulevard Special Purpose District; and 2) a D-1 Liquor Control Overlay on property zoned Subarea 2 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D Liquor Control Overlay and an R-7.5(A) Single Family District at the southwest corner of South Buckner Boulevard and Bruton Road.
2. **Z201-290** – On May 10, 2022, the City Council approved an ordinance granting the renewal of Specific Use Permit No. 2312 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned Subdistrict 2 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay at the southwest corner of Bruton Road and South Buckner Boulevard.
3. **Z201-284** - On January 26, 2022, the City Council approved Specific Use Permit No. 2441 for a restaurant without drive-in or drive-through service for a three-year period on property zoned an NO(A) Neighborhood Office

District with a D-1 Liquor Control Overlay on the south line of Bruton Road between Pleasant Drive and Greendale Drive.

4. **Z189-103** – On December 18, 2018, staff approved an automatic renewal of Specific Use Permit No. 1469 for an open-enrollment charter school for a five-year period on property zoned an R-7.5(A) Single Family District on the north line of Bruton Road between Pleasant Drive and Scammel Drive.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Proposed ROW
Conner Drive	Local	50 feet

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 ANALYSIS:

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.

While 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. Therefore, an increase in telecommunication coverage may help achieve the general goals of the Plan.

Land Use:

	Zoning	Land Use
Site	Planned Development District No. 366, Subarea 2	Undeveloped
North	Planned Development District No. 366, Subarea 2	Auto service center
East	R-7.5(A) Single Family District	Single family
South	R-7.5(A) Single Family District	Single family
West	Planned Development District No. 366, Subarea 2	Vehicle display, sales, and service

Land Use Compatibility:

The area of request is currently undeveloped. Properties west of the subject site are used as vehicle display, sales, and service. The property to the north of the site is developed as an auto service center. Across Conner Drive to the east are single family homes. Properties south of the subject site are also built out as single family homes.

The property is located within Subarea 2 of Planned Development District No. 366, which allows a mix of commercial uses, generally similar to a CS Commercial Service district.

The site plan indicates the monopole cellular tower enclosure is 40-feet by 40-feet, or 1,600 square feet. The area contains a generator, carrier lease area for equipment, a meter bank and box, and the pad for the monopole tower. The entire area is surrounded by a chain link fence. Access to the site is from Conner Drive. The perimeter of the property facing residential is currently lined with a roughly six-foot masonry wall and the portion of the perimeter facing the commercial properties is lined with a chain link fence. The elevation indicates a 65-foot tower with a five-foot lightning rod.

The proposed use can only be installed with the SUP requested, per the PD.

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 it is not foreseen to be detrimental to any development pattern or safety on nearby properties. The request will also provide additional telecommunication coverage. There is not an established development pattern on this portion of the block due to the large nature of the subject property. The tower/antenna is located in the rearmost portion of the site which has the effect of both allowing future development of the subject site and distancing the tower from area homes as much as is feasible.

Although the SUP approval can exempt a tower/antenna from Residential Proximity Slope, the code directs an assessment of nearby residential uses to ensure compatibility of height as necessary. The base height maximum within Subarea 2 of PD No. 366 is 45 feet, which is further limited by RPS. Proximity slope is generated by the residential properties to the south and east. Located about 178.5 feet from the closest site of origination from the residential property to the east, proximity slope would conflict with the tower at a height of 59.5 feet. As such, the 70-foot proposed height of the tower would only exceed RPS by approximately ten feet. Being located approximately 250 feet from the southern property line, the tower height would not exceed RPS from the south. Staff supports the request as located on the site plan, because the location of the tower balances the needs of future use of the site under its commercial zoning, distancing from the nearest residential property, and preservation of existing trees.

Landscaping:

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

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a tower/antenna for cellular communication is one space if the communication tower/antenna has an auxiliary building housing electronic and communication equipment greater than 120 square feet. No auxiliary building is existing/proposed; therefore, no additional parking is triggered by the proposed use.

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 located within a “G” MVA cluster.

LIST OF PARTNERS/PRINCIPALS/OFFICERS

Mueller Properties, Ltd.
George A. Mueller

Z212-336(MP)

CPC Minutes, February 16, 2023

8. [23-506](#) Z212-336(MP)

Note: The Commission considered this item individually.

Motion: It was moved to recommend **approval** of a Specific Use Permit for a tower/antenna for cellular communication for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site/elevation plan and conditions on property zoned Subarea 2 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay on the west line of Conner Drive, between Bruton Road and Stonehurst Street.

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

For: 13 - Popken, Hampton, Anderson, Shidid,
Carpenter, Wheeler-Reagan, Blair,
Housewright, Treadway, Haqq, Stanard,
Kingston, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 3
Conflict: 1 - Jung**

**out of the room when vote taken

Notices: Area: 500 Mailed: 56
Replies: For: 3 Against: 2

Speakers: For: None

For (Did not speak): Alan Scivally, 4 Country Place Cir., Arlington, TX, 76020

Against: None

CPC RECOMMENDED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is a tower/antenna for cellular communication.

2. SITE/ELEVATION PLAN: Use and development of the Property must comply with the attached site/elevation plan.

3. TIME LIMIT: This specific use permit expires on (ten years from the passage of the ordinance), but is eligible for automatic renewal for additional 10-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.)

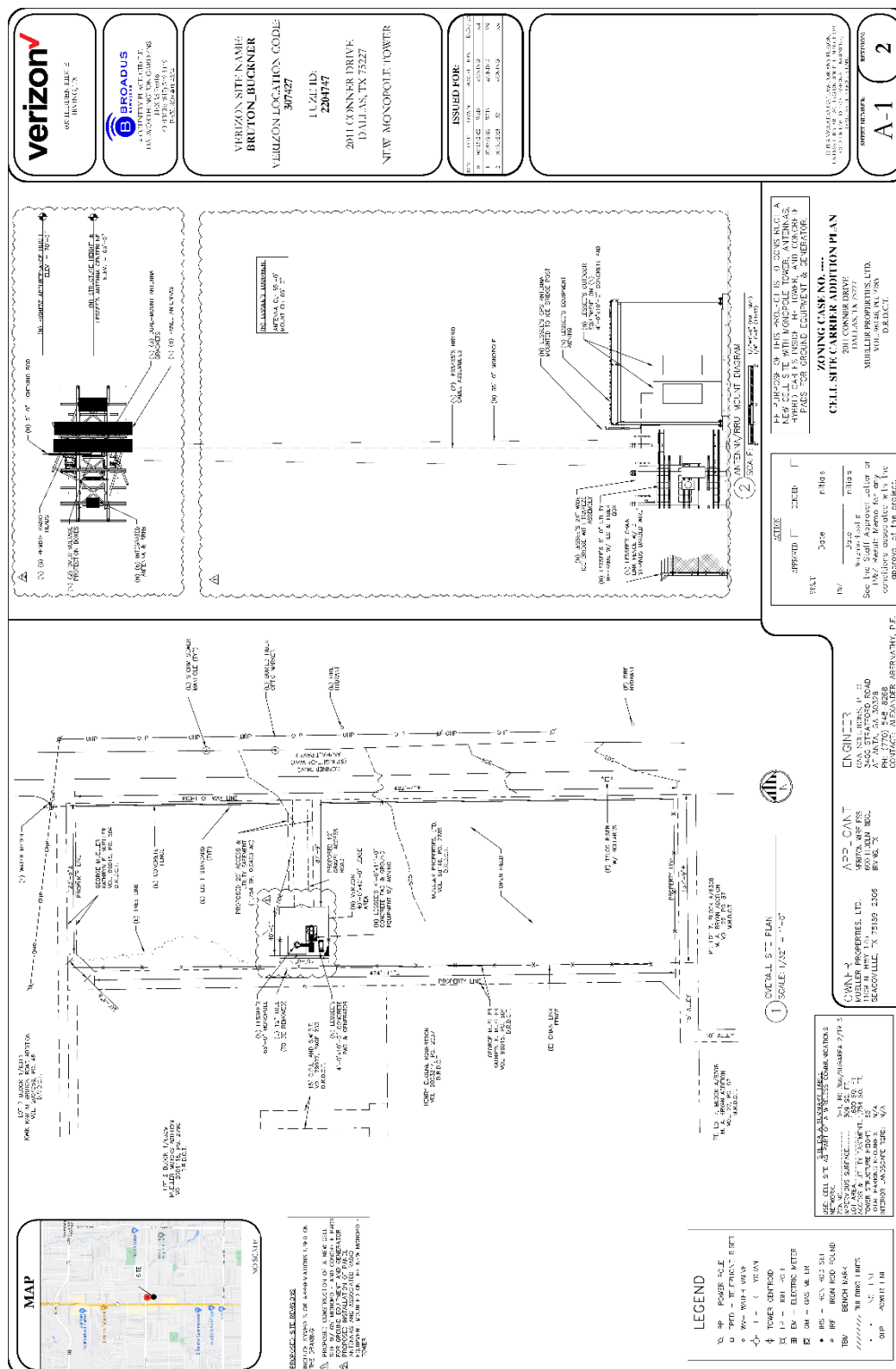
4. COLLOCATION: Any tower/antenna for cellular communication must be constructed to support the antenna arrays for at least two other wireless communications carriers and the tower/antenna for cellular communication must be made available to other communication carriers upon reasonable terms.

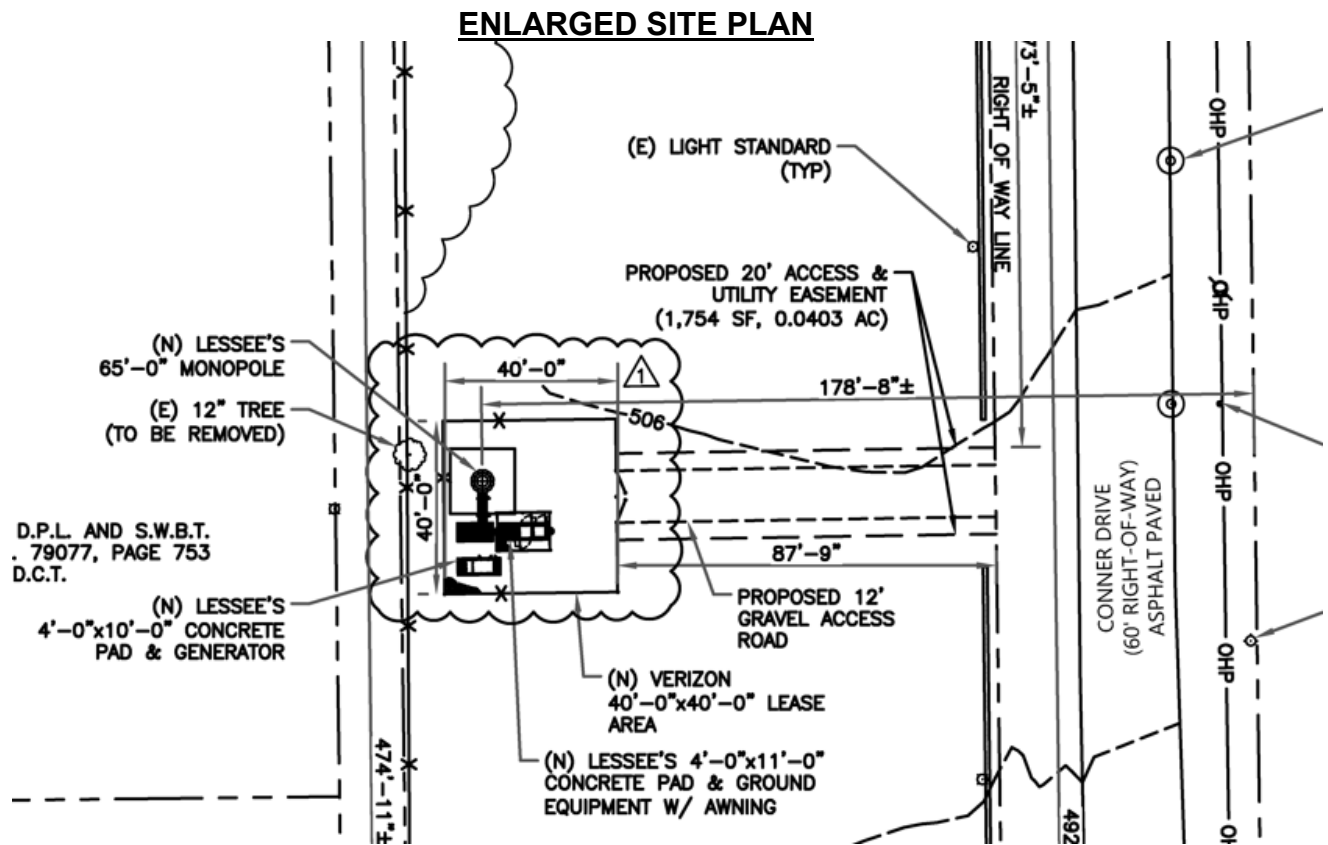
5. HEIGHT: The maximum height of a tower/antenna for cellular communication is 70 feet.

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

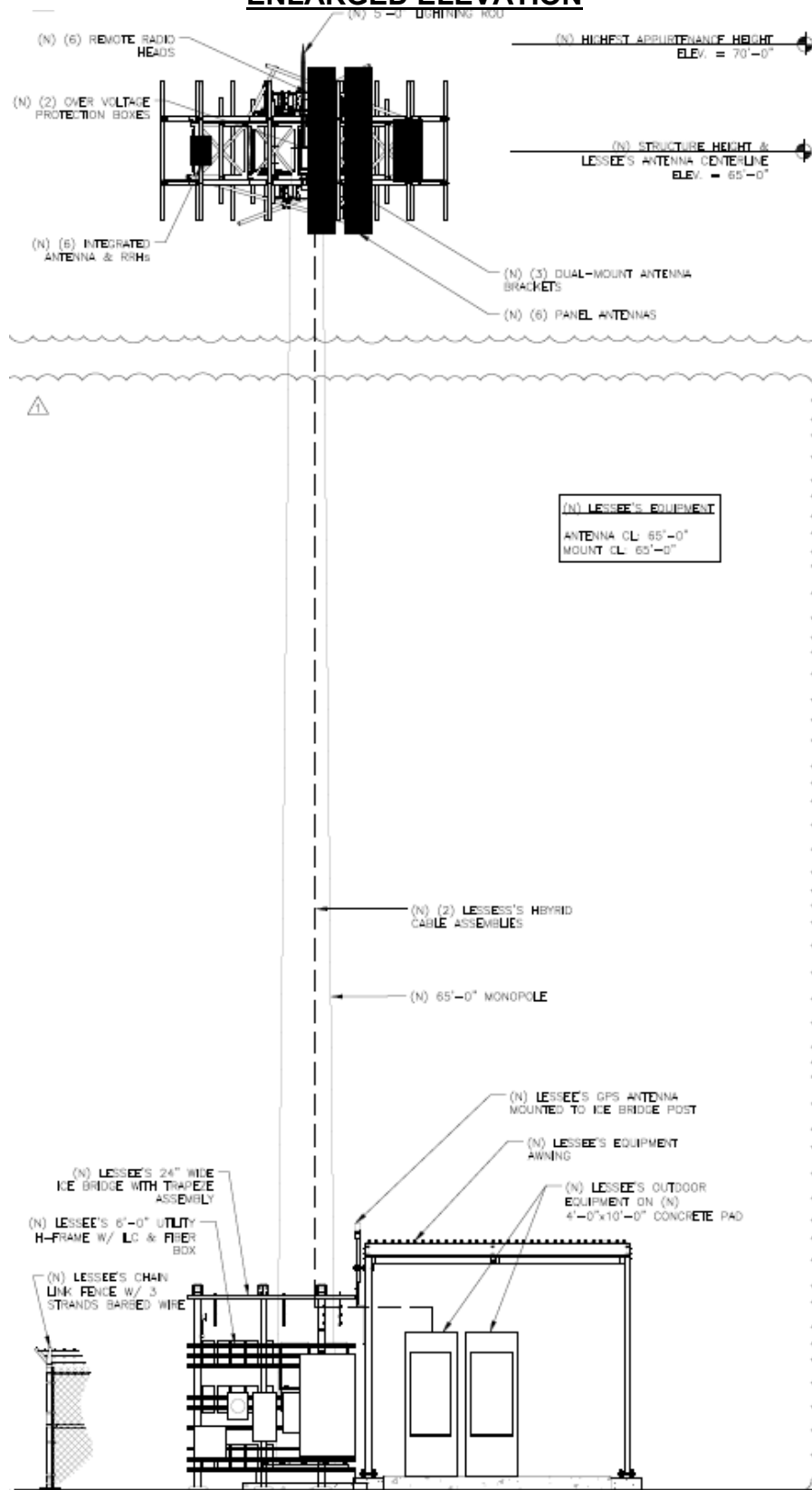
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

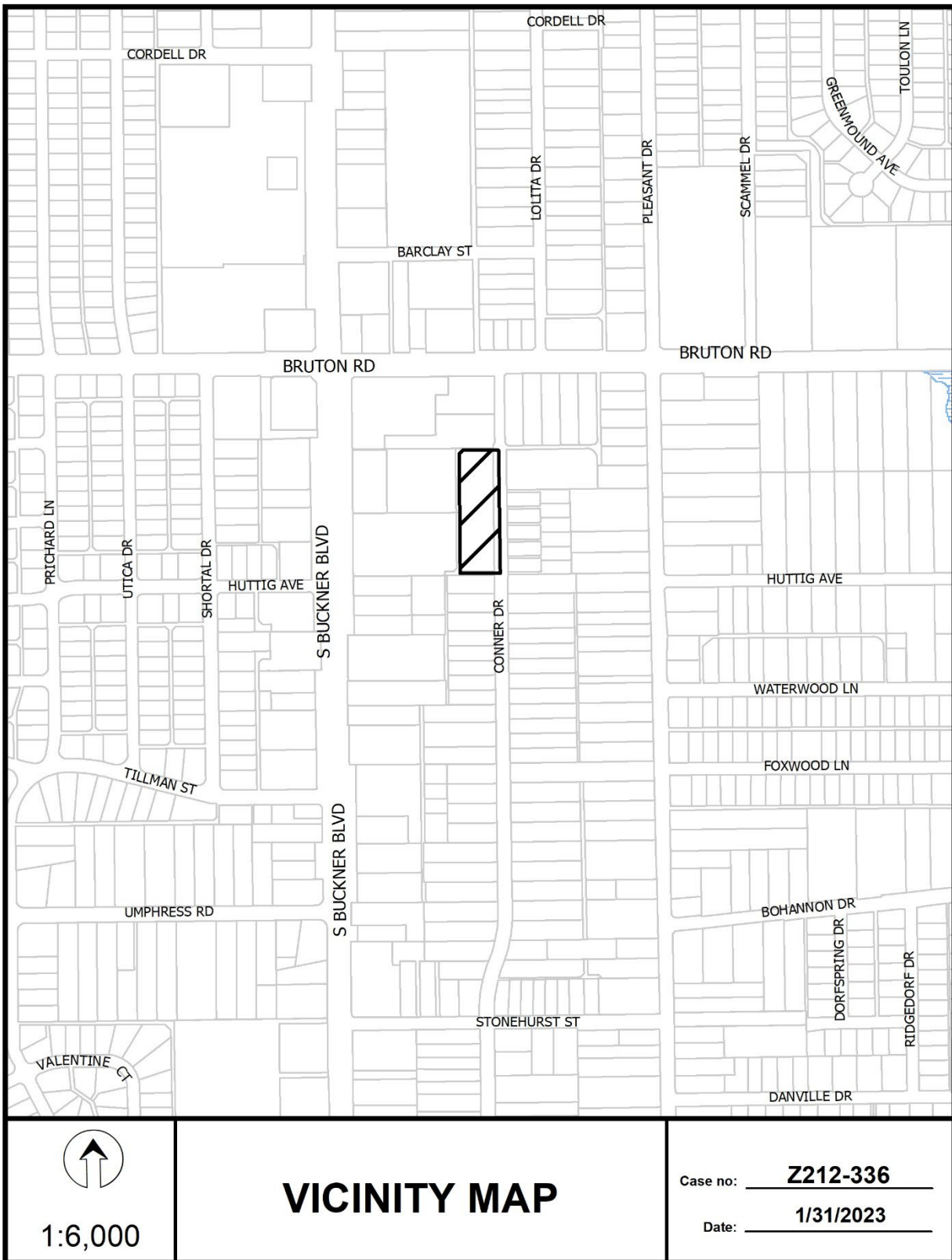
CPC RECOMMENDED SITE/ELEVATION PLAN

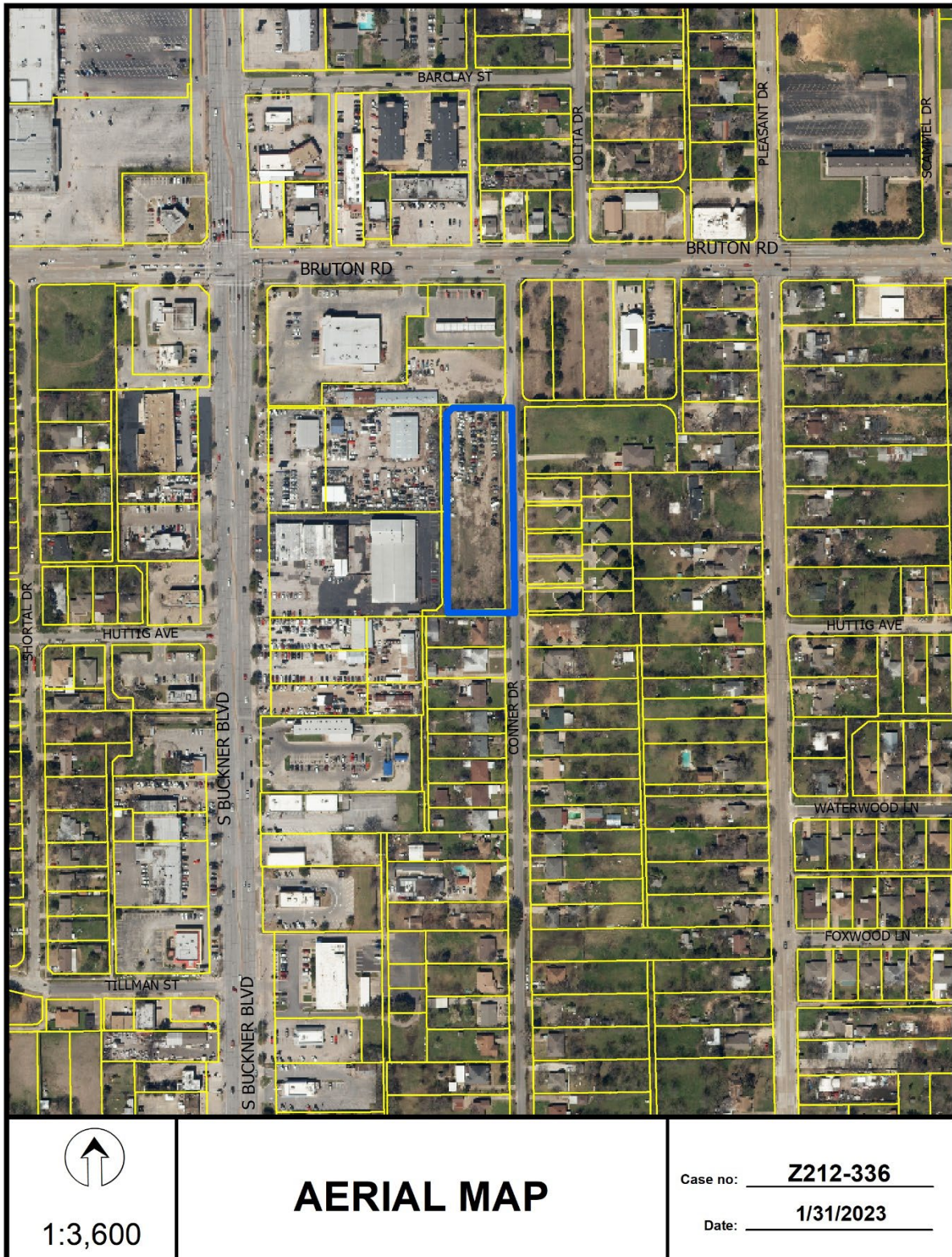


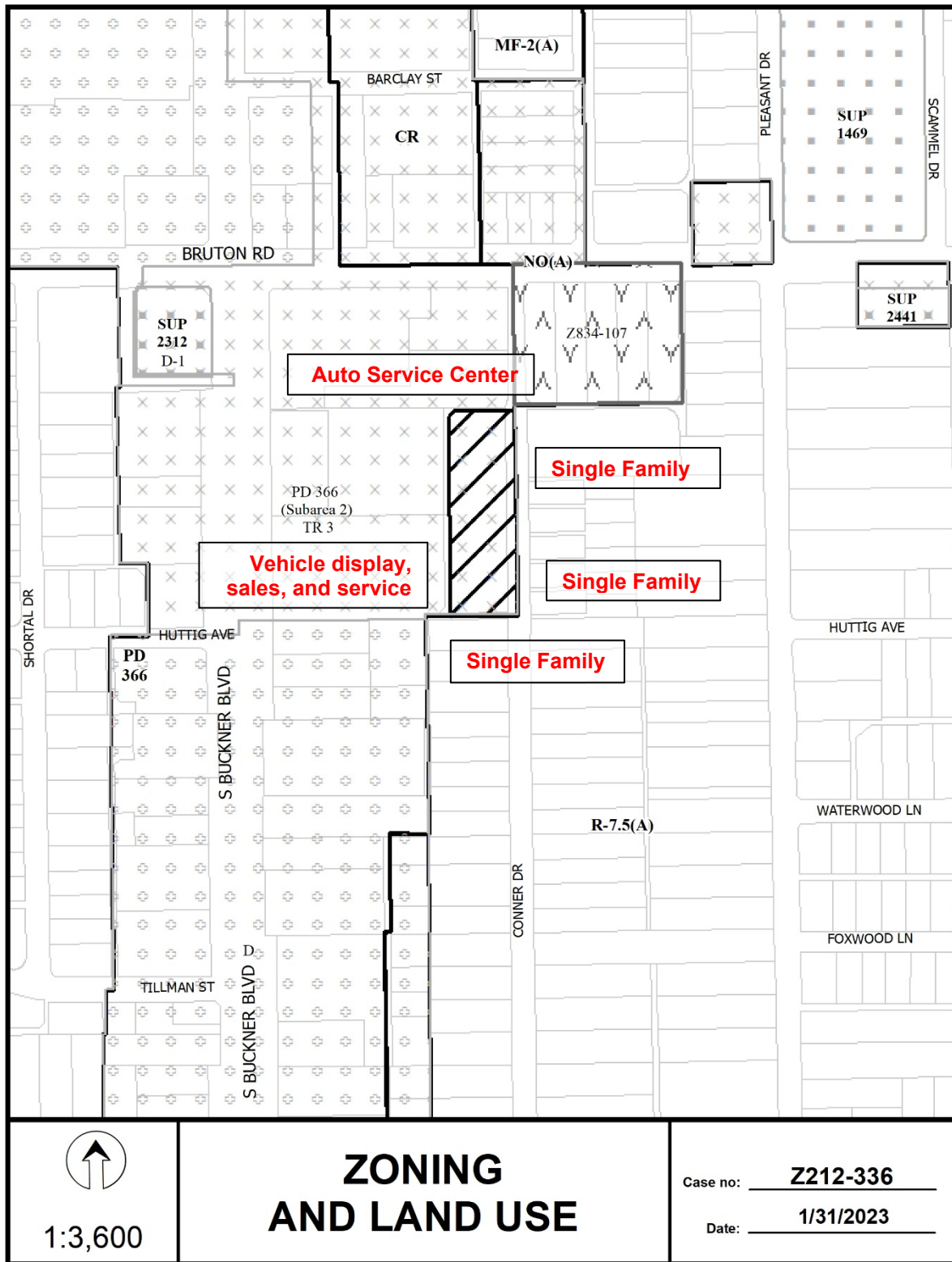


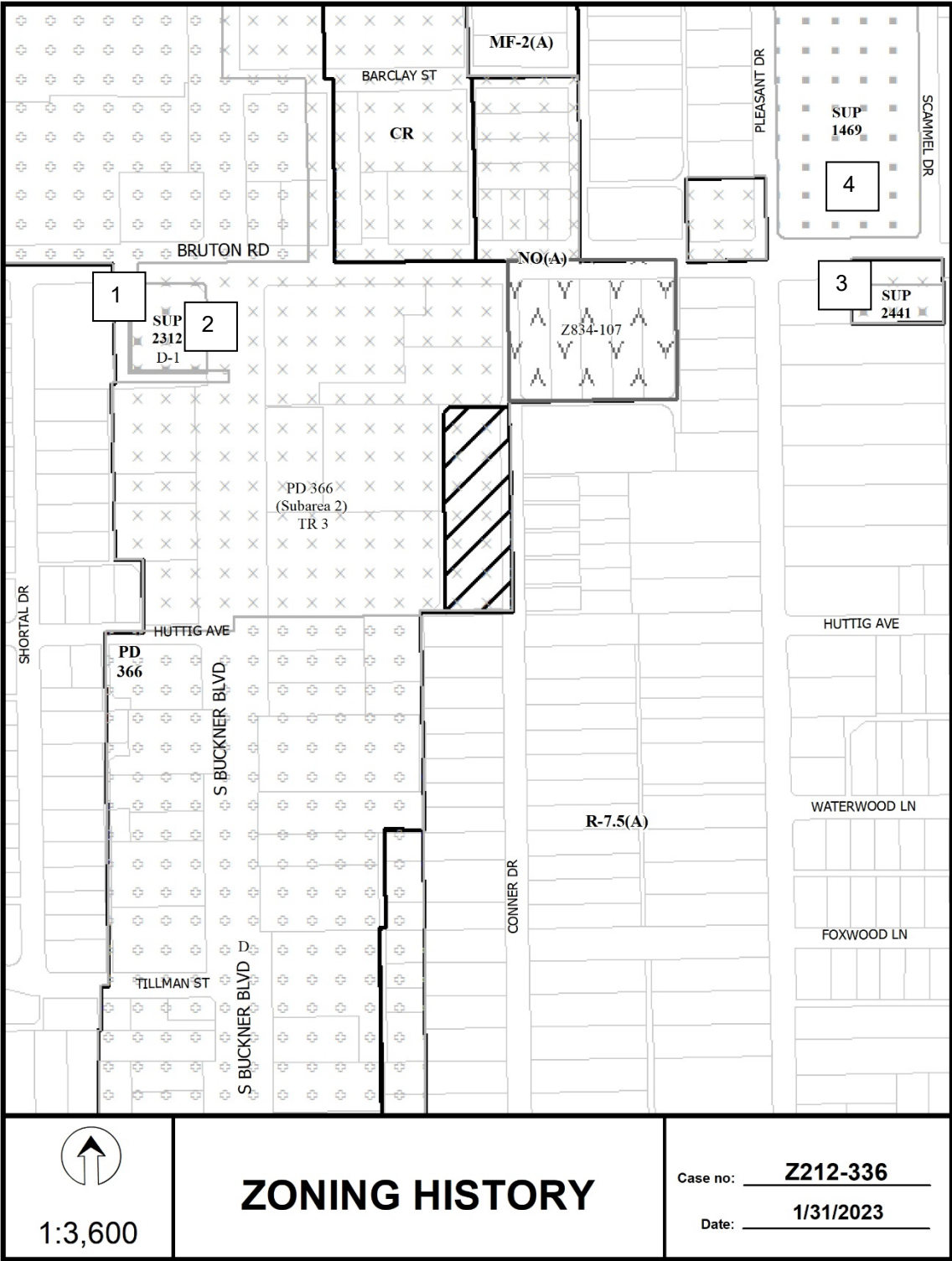
ENLARGED ELEVATION

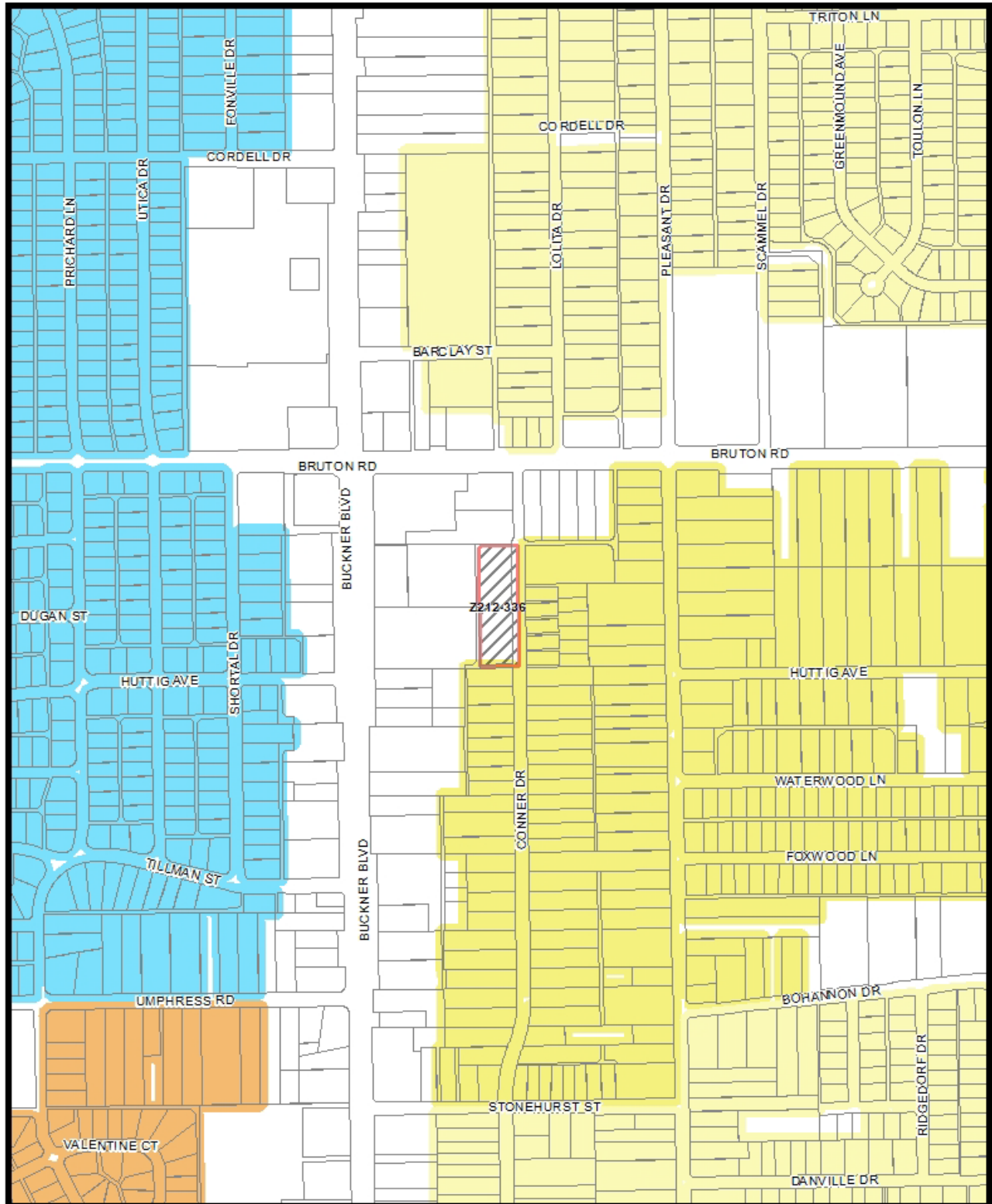












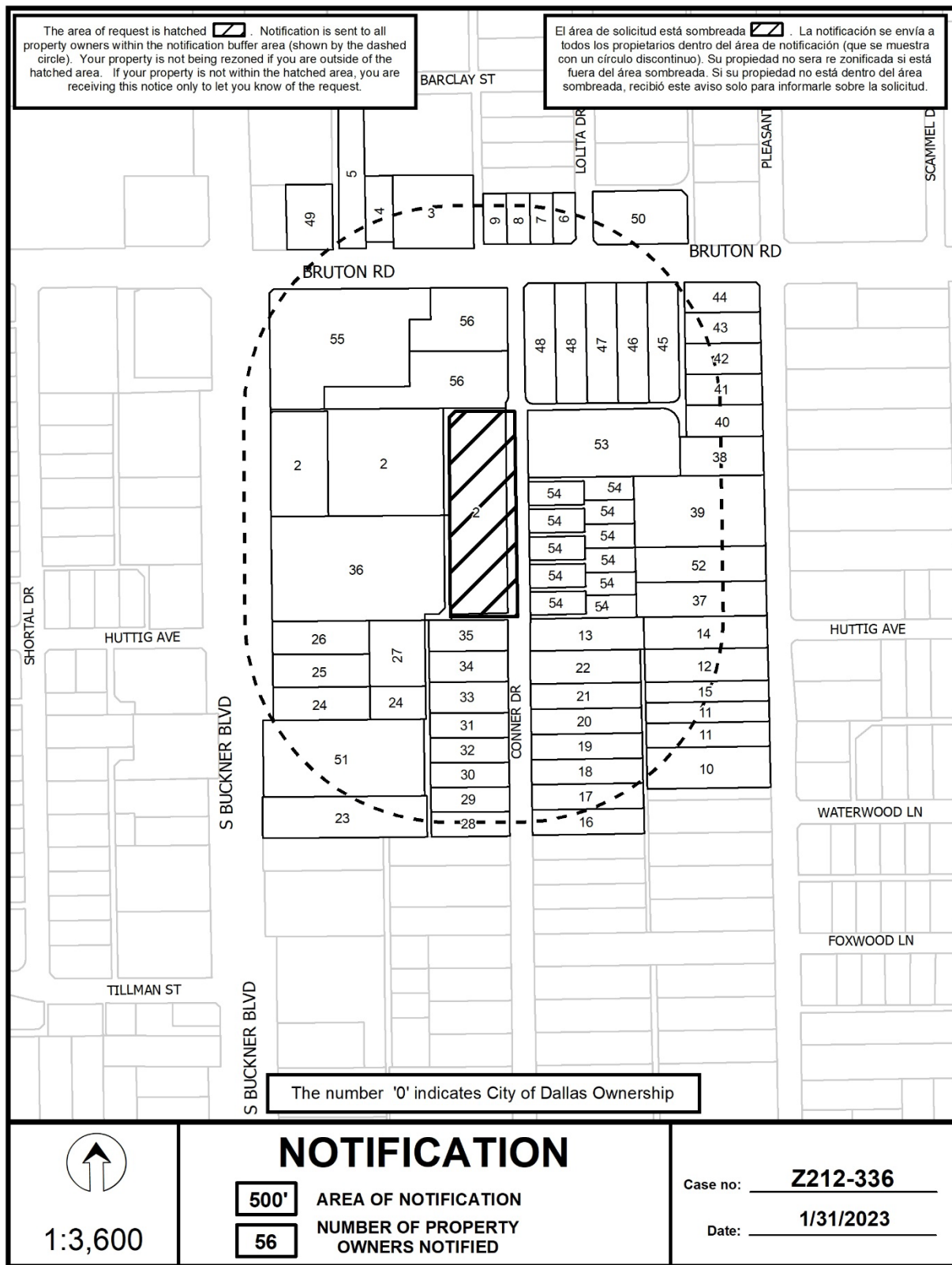
Market Value Analysis A B C D E F G H I NA



1:6,000

Market Value Analysis

Printed Date: 1/31/2023



02/15/2023

Reply List of Property Owners***Z212-336******56 Property Owners Notified 3 Property Owners in Favor 2 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2010 S BUCKNER BLVD	Taxpayer at
	2	2011 CONNER DR	MUELLER PROPERTIES LTD
	3	8131 BRUTON RD	LEAL MARTA CASTILLO
	4	8127 BRUTON RD	DIAZ JESUS JR
	5	8121 BRUTON RD	HANDMADE FOODS INC M
	6	8163 BRUTON RD	BRUTON
	7	8159 BRUTON RD	MATN PARTNERS 1
	8	8153 BRUTON RD	ALTAMIRANO MANUEL ALBERTO
	9	8149 BRUTON RD	AVILA AGUSTIN
O	10	1921 PLEASANT DR	BLAIR CHARLES B EST OF
	11	1939 PLEASANT DR	BLAIR CHARLES B
	12	1945 PLEASANT DR	RODRIGUEZ RAYMUNDO &
	13	1960 CONNER DR	RAMIREZ EFRIAN & SELIA
	14	1951 PLEASANT DR	HAWKINS BARBARA
	15	1941 PLEASANT DR	ACUNA ESTHER
	16	1924 CONNER DR	MARTINEZ RAUL &
	17	1928 CONNER DR	CASH E JR
	18	1932 CONNER DR	CAMACHO JOSE
	19	1936 CONNER DR	ZAVALA FILIBERTO &
	20	1940 CONNER DR	MARTINEZ JACQUELINE GONZALEZ
	21	1944 CONNER DR	MENDEZ MARGARITA C
	22	1952 CONNER DR	VELAZQUEZ LUCIOS &
	23	1922 S BUCKNER BLVD	KECHEJIAN CAPITAL L P
	24	1942 S BUCKNER BLVD	ELLIS DANNY
	25	1948 S BUCKNER BLVD	CHILDRESS DORIS FAMILY LP
	26	1952 S BUCKNER BLVD	DORKARI MARK

02/15/2023

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	1948 S BUCKNER BLVD	SALAZAR MARCIAL
	28	1925 CONNER DR	PONCE JESUS PALACIOS &
	29	1929 CONNER DR	AGUILAR JESUS G &
X	30	1933 CONNER DR	WATERS ROY EDMOND
	31	1943 CONNER DR	GUTIERREZ JUAN M & M JUANA ORDUNA
	32	1937 CONNER DR	GANTES JAVIER
	33	1949 CONNER DR	MEJIA DANIEL OSVALDO MENCHACA
	34	1955 CONNER DR	MARTINEZ OMAR
	35	1961 CONNER DR	RAMSEY FRANK A JR
	36	2010 S BUCKNER BLVD	2010 BUCKNER LLC
	37	2001 PLEASANT DR	LOPEZ MARINA
O	38	2033 PLEASANT DR	DIAZ COSME A & MORENA G
X	39	2021 PLEASANT DR	RAMIREZ JOSE G &
	40	2039 PLEASANT DR	SALCEDO FRANCISCO
	41	2045 PLEASANT DR	NORIEGA OLIVIA &
	42	2051 PLEASANT DR	AGUIRRE JEANETTE M &
	43	2057 PLEASANT DR	SALAZAR ISMAEL &
	44	2063 PLEASANT DR	MIRANDA ANTONIO GODINEZ
	45	8228 BRUTON RD	COMAR PROPERTIES INC
	46	8222 BRUTON RD	COMAR PROPERTIES INC
	47	8216 BRUTON RD	MEHDI REZAEIZDEH
	48	8210 BRUTON RD	ONCOR ELECRC DELIVERY COMPANY
O	49	8115 BRUTON RD	BRUTON FAMILY LLC
	50	8211 BRUTON RD	NAZARETH MISSIONARY
	51	1932 S BUCKNER BLVD	BOING US HOLDCO INC
	52	2015 PLEASANT DR	GUEVARA OVIDIO G & ELSI N
	53	2048 CONNER DR	SANTOYO JESUS & GAUDENSIA
	54	2008 CONNER DR	DALLAS HOUSING AUTHORITY
	55	2060 S BUCKNER BLVD	EXCHANGERIGHT NET LEASED PORTFOLIO 40
	56	8140 BRUTON RD	MARQUEZ DANIEL & LAURA