

**CITY PLAN COMMISSION**

**THURSDAY, MAY 18, 2023**

**Planner: Andreea Udrea, PhD, AICP**

**FILE NUMBER:** Z223-134(AU) **DATE FILED:** November 16, 2022

**LOCATION:** West line of Pennsylvania Avenue, north of Gaisford Street

**COUNCIL DISTRICT:** 7

**SIZE OF REQUEST:** Approx. 0.026 Acres **CENSUS TRACT:** 48113020300

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**OWNER/APPLICANT:** State Fair of Texas, Inc.

**REPRESENTATIVE:** Doug Henderson

**REQUEST:** An application for a Specific Use Permit for a tower/antenna for cellular communication on property zoned a CS Commercial Service District with an H/33 Fair Park Historic District Overlay.

**SUMMARY:** The purpose of this request is to allow for a new tower/antenna for cellular communication to exceed the residential proximity slope.

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

**CS Commercial Service**

[https://codelibrary.amlegal.com/codes/dallas/latest/dallas\\_tx/0-0-0-77205](https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-77205)

**H/33 Fair Park Historic District Overlay**

[https://dallascityhall.com/departments/sustainabledevelopment/historicpreservation/Pages/fair\\_park.aspx](https://dallascityhall.com/departments/sustainabledevelopment/historicpreservation/Pages/fair_park.aspx)

## **BACKGROUND INFORMATION**

- The site is located within a CS Commercial Service zoning district and within H/33 Fair Park Historic District Overlay. The request site is located within Fair Park property.
- Within a CS zoning district, a monopole cellular tower is allowed by right, but is subject to a Specific Use Permit if the tower height exceeds the residential proximity slope. The proposed height for the monopole tower is 110 feet. The RPS would limit the height of the tower to 90 feet in height.
- The installation of the proposed structure has been approved by the State Fair Historical District Task Force, and a Certificate of Appropriateness has been approved by the Dallas Historical Landmark Commission on October 3, 2022.

### **Zoning History**

There have been three zoning change requests in the surrounding area in the past (5) five years.

1. **Z201-217:** On June 23, 2021, City Council approved Specific Use Permit No. 2218 for a local utility use limited o utility services, on property zoned MF-2 Multifamily District, on the south line of Bank Street, east of Herndon Drive.
2. **Z189-325:** On March 25, 2020, City Council approved Planned Development District No. 1031, on property zoned D(A) Duplex District, on the area generally bounded by Fleetwood Street, Schull Street, and Harris Court.
3. **Z212-343:** On September 15, 2022, staff received an application for a Planned Development District for CR Community Retail District uses on property zoned an MF-2(A) Multifamily District, an NS(A) Neighborhood Service District, and a CR Community Retail District, north of the intersection of South Fitzhugh Avenue and Lagow Street. [Under Review]

### **Transportation**

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:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	CS Commercial Service District with H/33 Fair Park Historic District Overlay	Fair Park
<b>North</b>	MF-2(A) Multifamily District	Undeveloped
<b>East</b>	CS Commercial Service District with H/33 Fair Park Historic District Overlay	Fair Park
<b>South</b>	CS Commercial Service District with H/33 Fair Park Historic District Overlay	Fair Park
<b>West</b>	CS Commercial Service District with H/33 Fair Park Historic District Overlay	Fair Park

**Land Use Compatibility:**

The area of request is a roughly 1,150-square-foot portion of a parking lot owned by State Fair of Texas, at the southwest corner of the abandoned North Pennsylvania Avenue and the abandoned Union Pacific Rail Right-of-Way. No building is planned for this site. The property is surrounded by Fair Park parking lots, auxiliary buildings, and storage.

The proposed 110-foot tower is intended to serve the nearby residential areas. The proposed monopole is located 265 feet from the nearest property line of a residential use. The Section 51A4-4.412 Residential Proximity Slope standard would limit the height of the tower to 90 feet. The additional height is requested to improve communications as well as more stable E-911 emergency service for the surrounding area.

The request site is adjacent to a smaller pole that is inadequate structurally to serve as a platform for the proposed antennas. The area to be served by the tower is bounded generally by Interstate 30 on the north, Malcolm X Boulevard on the southwest and Elsie Faye Higgins Street on the southeast. The area is currently served by an antenna platform on an existing Fair Park Tower located on the south side of the Cotton Bowl. About one mile west of Fair Park, another tower partially serves the Fair Park area and generally serves a larger area farther to the west. Similarly, a tower located about a mile northeast of Fair Park partially serves the Fair Park area, while generally serving a larger area to the east. The attached signal strength maps show the three existing sites with and without the operation of the proposed monopole. The areas shaded green indicate levels of service. The areas shaded gray indicate points where improvement is needed.

The proposed site plan and additional schematics are proposed in compliance with the conditions of the approved Certificate of Appropriateness approved by the Landmark Commission. A grey 110-foot monopole with grey antennas mounted at 105-foot level. The ground equipment 50 feet by 23 feet in area, will contain radio cabinets and will be enclosed with a six-foot high chain link fence. Access to the site would be from Pennsylvania Avenue.

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 increased telecommunication coverage in a dense, centrally located area of the city. Staff also considered the location of the proposed tower, which is at considerable distance from property lines and residential uses. The property is within Fair Park service areas and supportive parking lots, and the general development that is not oriented towards the proposed tower.

Staff supports the applicant's request and recommends a period of ten years with eligibility for automatic renewal for additional ten-year periods to provide reliable telecommunication coverage subject to review of required materials at the time of auto-renewal.

**Landscaping:**

Landscaping must be provided in accordance with the requirements in Article X, as amended. The site plan indicates a landscape screening on the northeastern demarcation of the site, along the side that is oriented towards the residential areas.

**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 policymakers 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 not located within an MVA cluster. Areas further north are located within an "I" MVA cluster.

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*General Manager / Senior  
Vice President*

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*CFO / Senior Vice President /  
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### **PROPOSED SUP CONDITIONS**

1. **USE**: The only use authorized by this SUP is a tower/antenna for cellular communication.
2. **SITE PLAN**: Use and development of the Property must comply with the attached site/elevation plan.
3. **HEIGHT**: Use and development of the Property are limited to a height of 110 feet, measured to top of structure.
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.

#### **Applicant request:**

5. **TIME LIMIT**: This specific use permit expires .... (30 years from the passage of this ordinance).

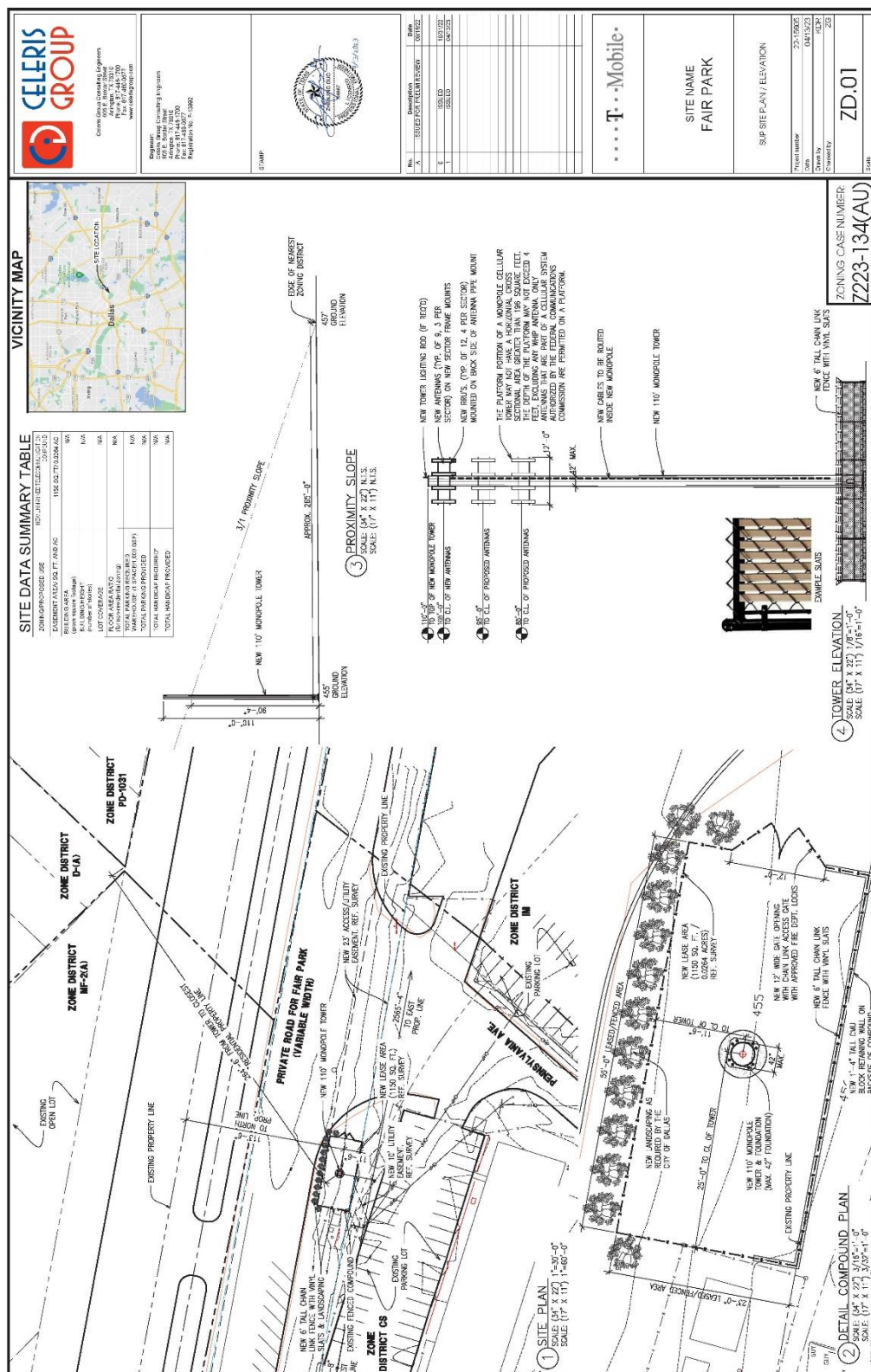
#### **Staff recommendation:**

5. **TIME LIMIT**: This specific use permit expires .... (ten years from the passage of this ordinance) but is eligible for automatic renewal for additional ten-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 application for automatic renewal must be filed after the 18th 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.)

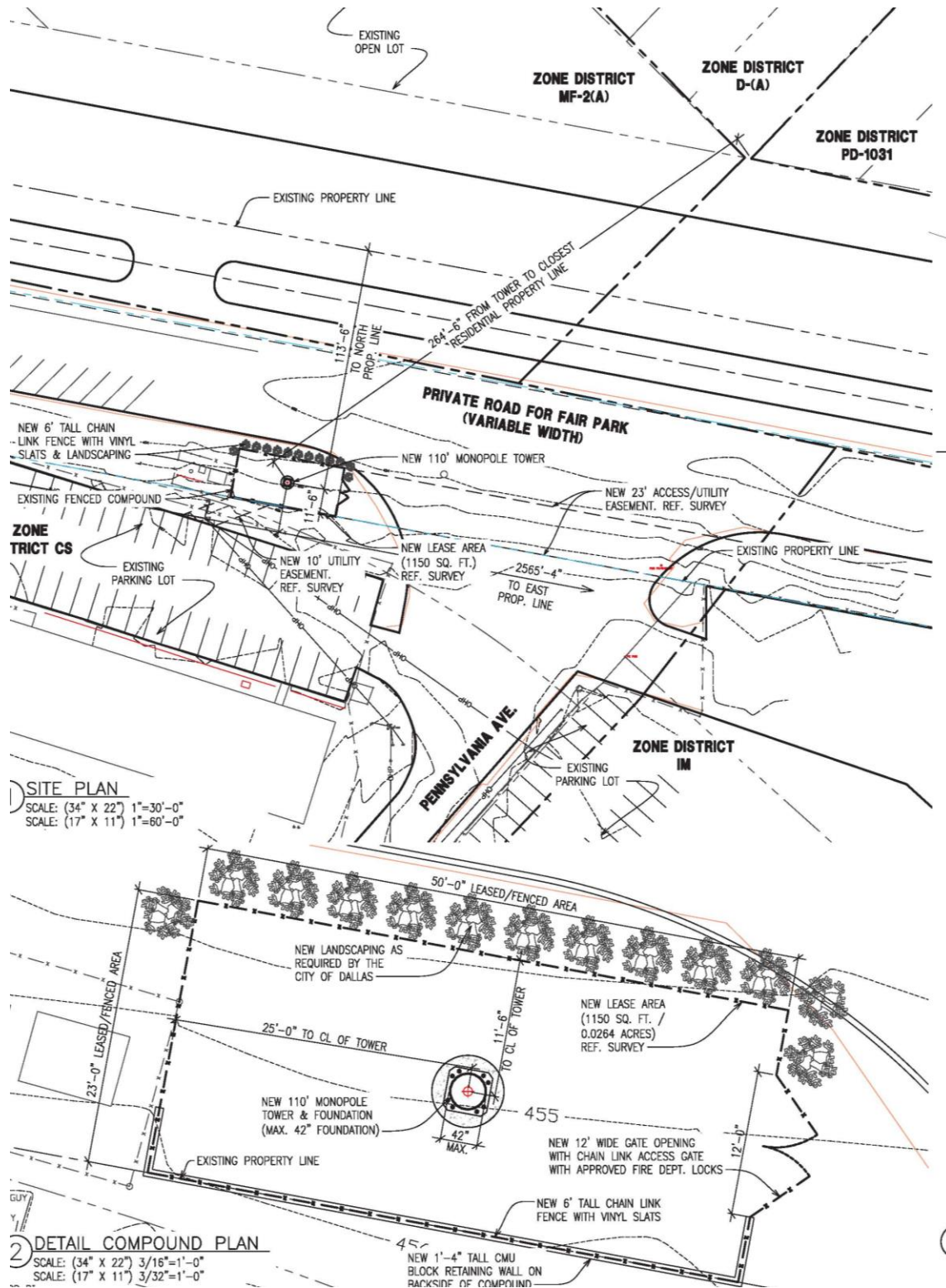
6. **MAINTENANCE**: The Property must be properly maintained in a state of good repair and neat appearance.
7. **GENERAL REQUIREMENTS**: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.



## PROPOSED SUP SITE PLAN / ELEVATION



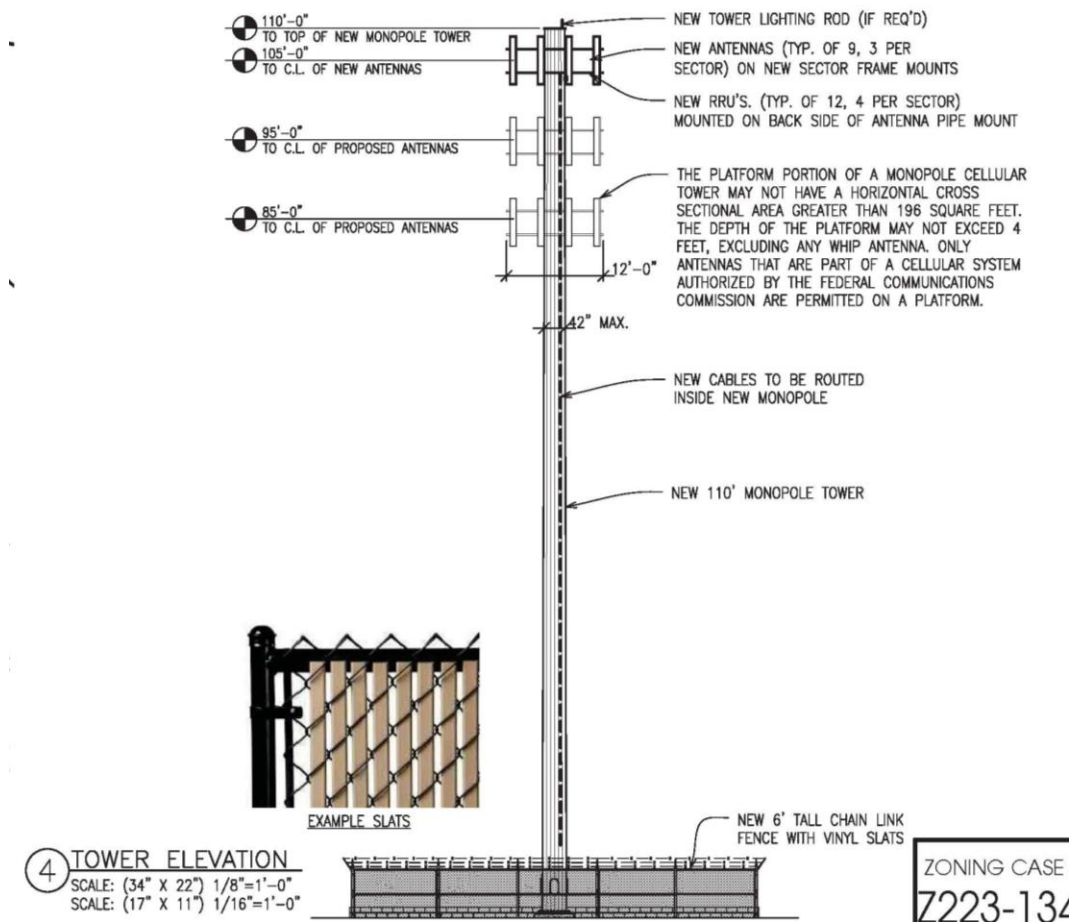
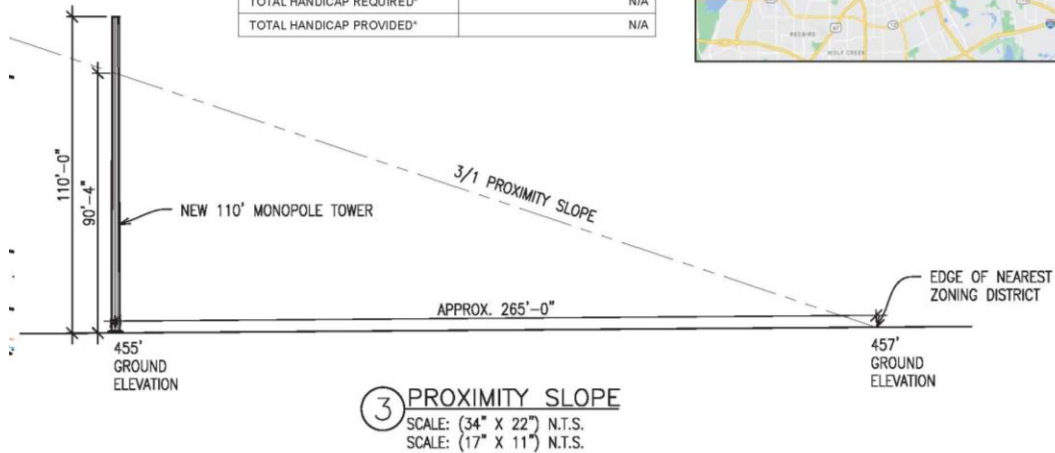
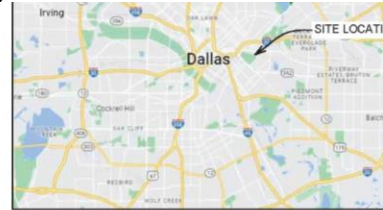
# **PROPOSED SUP SITE PLAN / ELEVATION** (enlarged view)



## PROPOSED SUP SITE PLAN / ELEVATION

**(focus on elevation)**

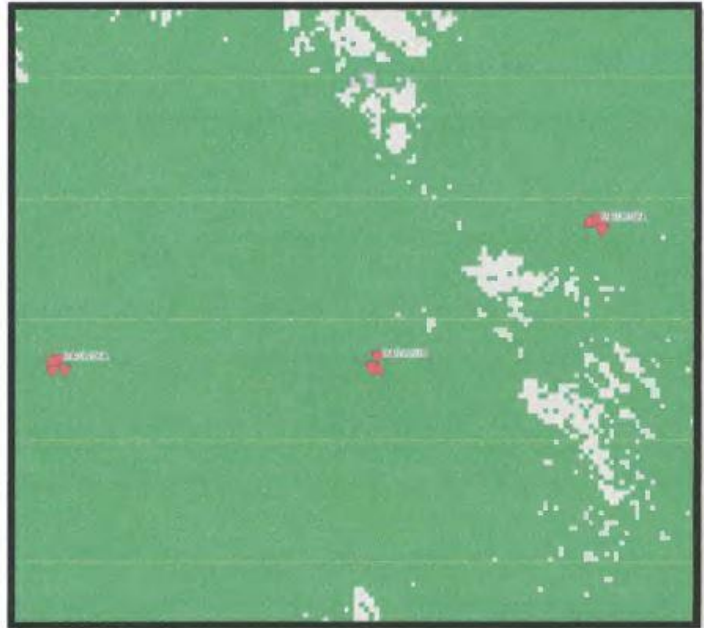
(number of stories)	
LOT COVERAGE	N/A
FLOOR AREA RATIO (for non-residential zoning)	N/A
TOTAL PARKING REQUIRED WAREHOUSE: (1 SPACE/1,000 GSF)	N/A
TOTAL PARKING PROVIDED	N/A
TOTAL HANDICAP REQUIRED*	N/A
TOTAL HANDICAP PROVIDED*	N/A





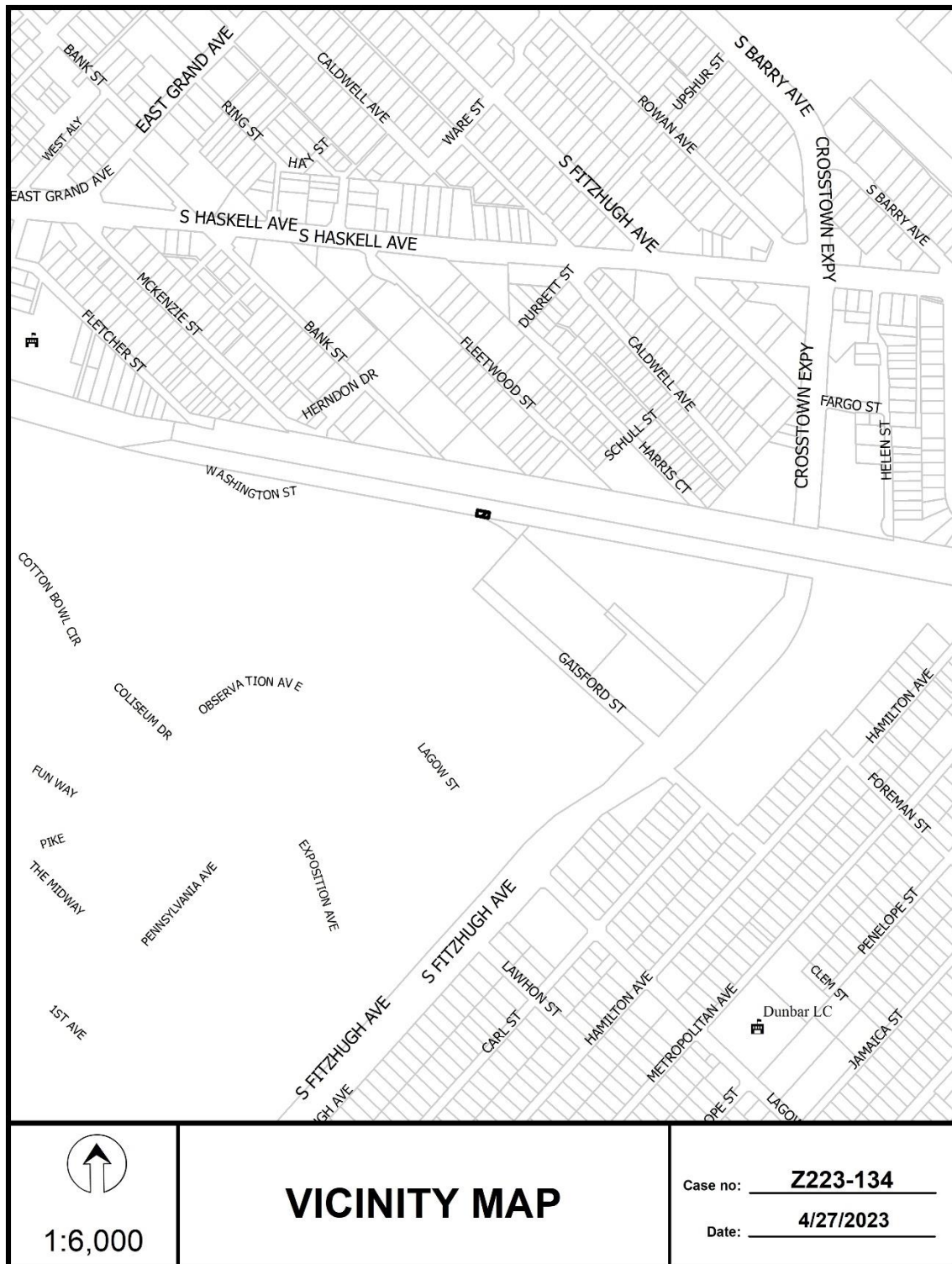
**COVERAGE MAPS  
(FOR INFORMATION PURPOSES ONLY)**

**COVERAGE WITHOUT FITZHUGH**

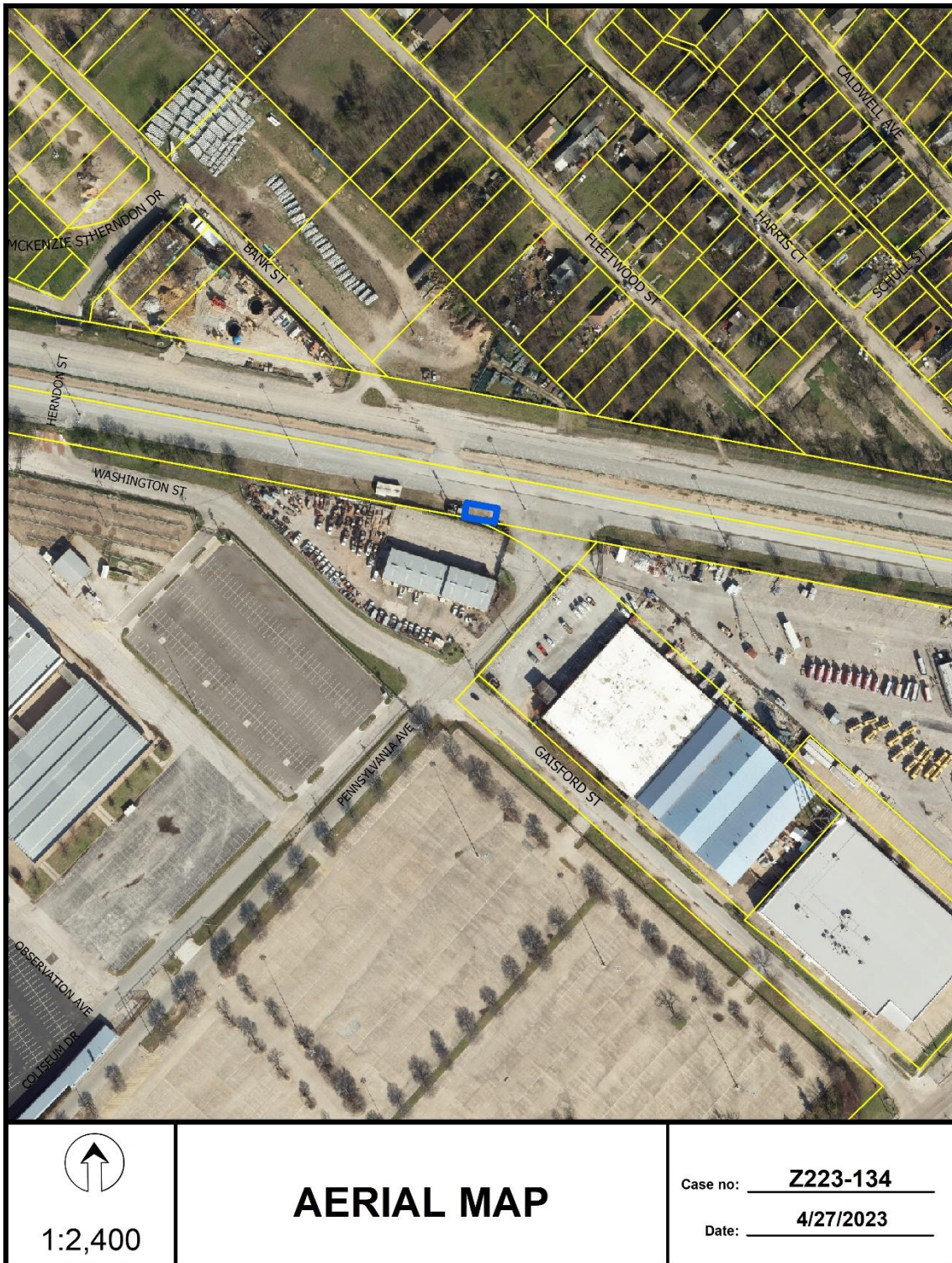


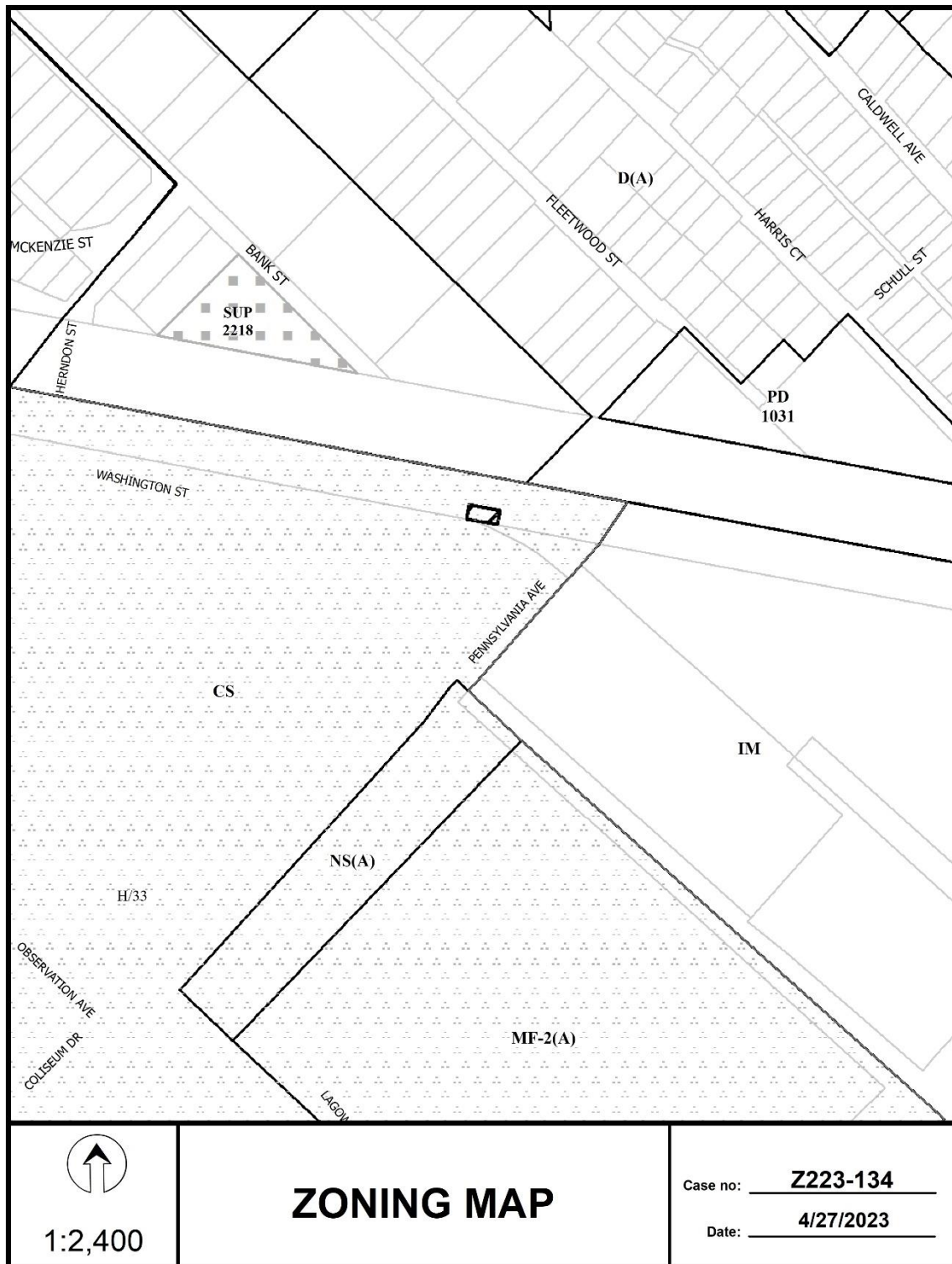
**COVERAGE WITH FITZHUGH**



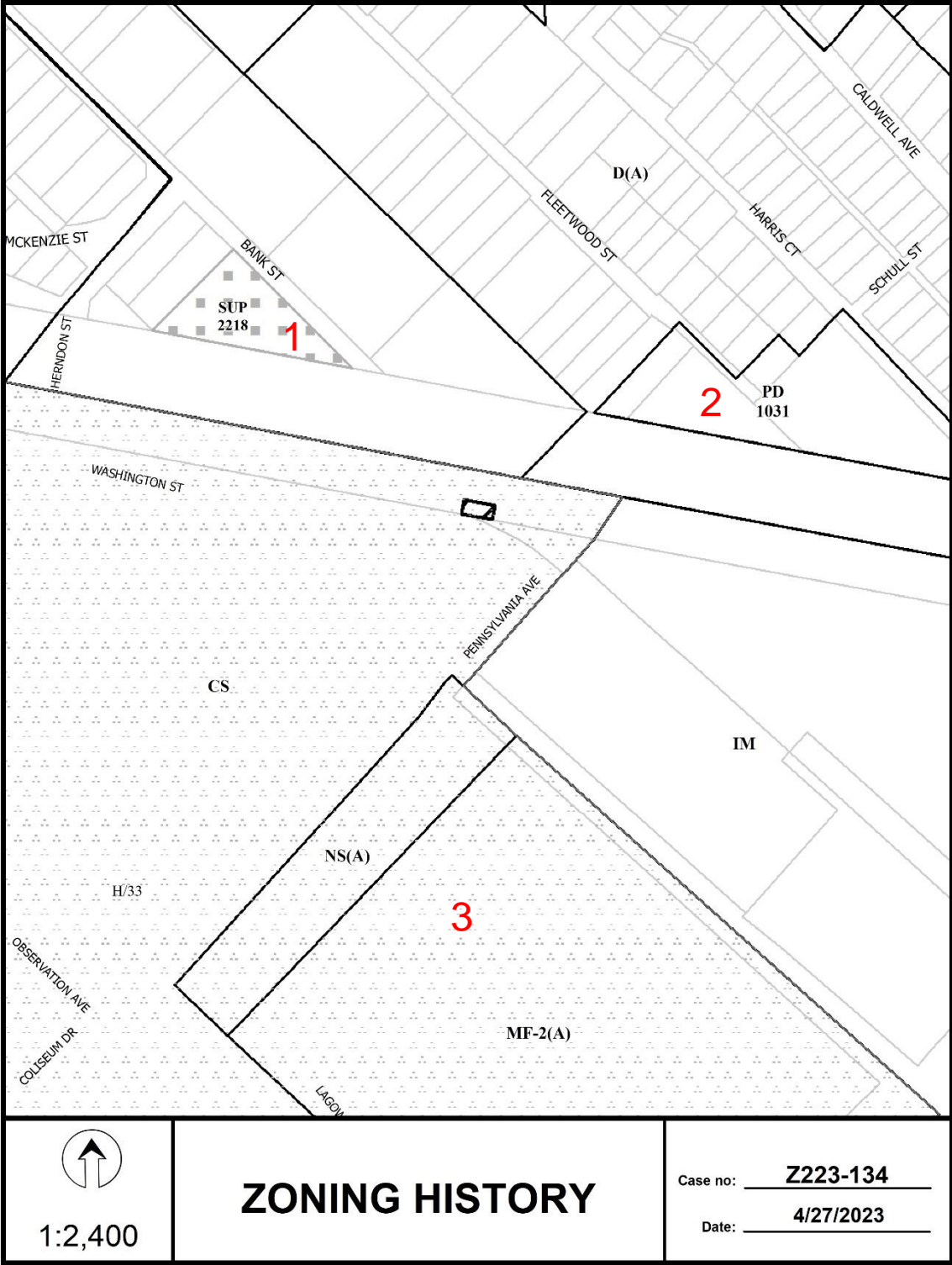




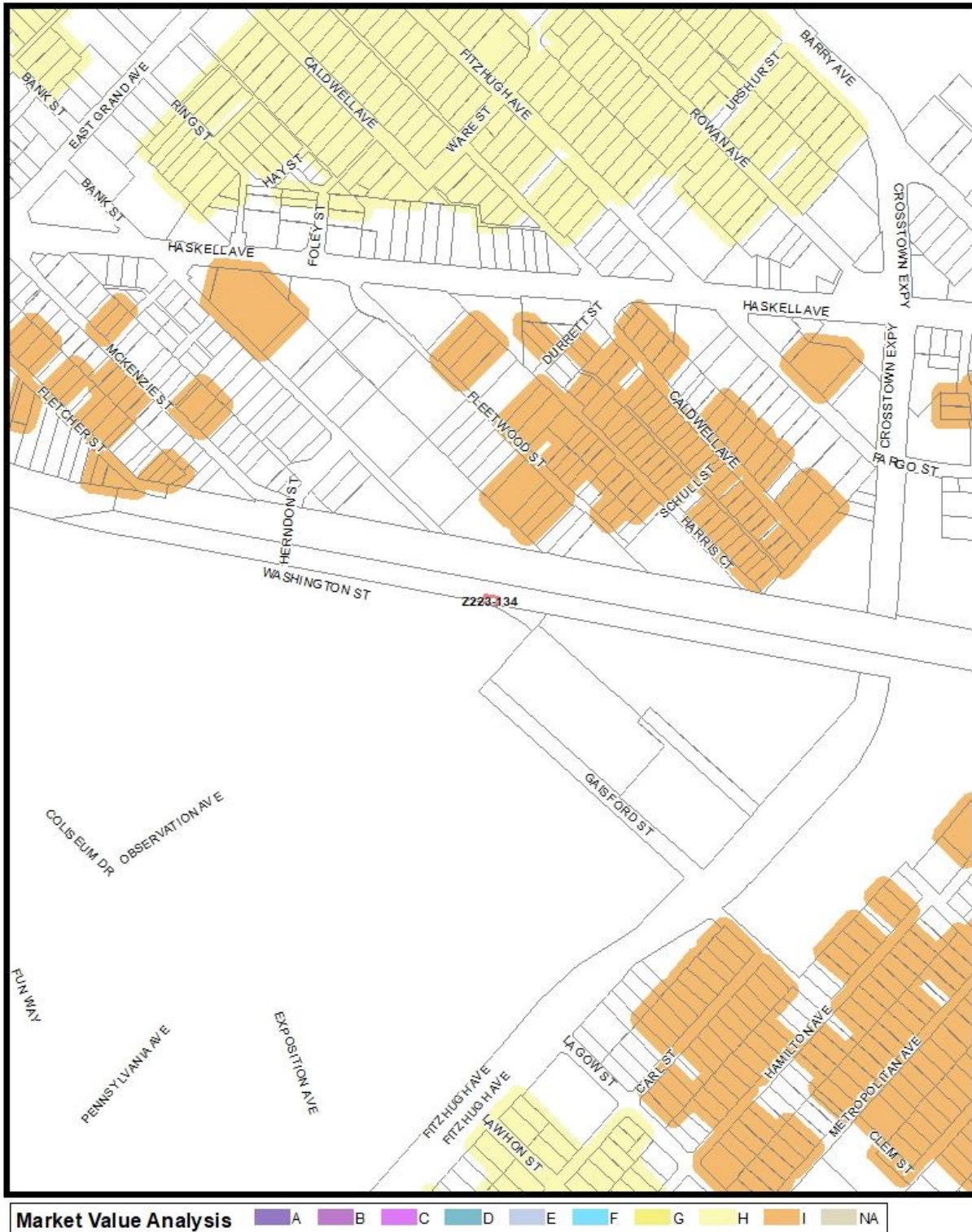








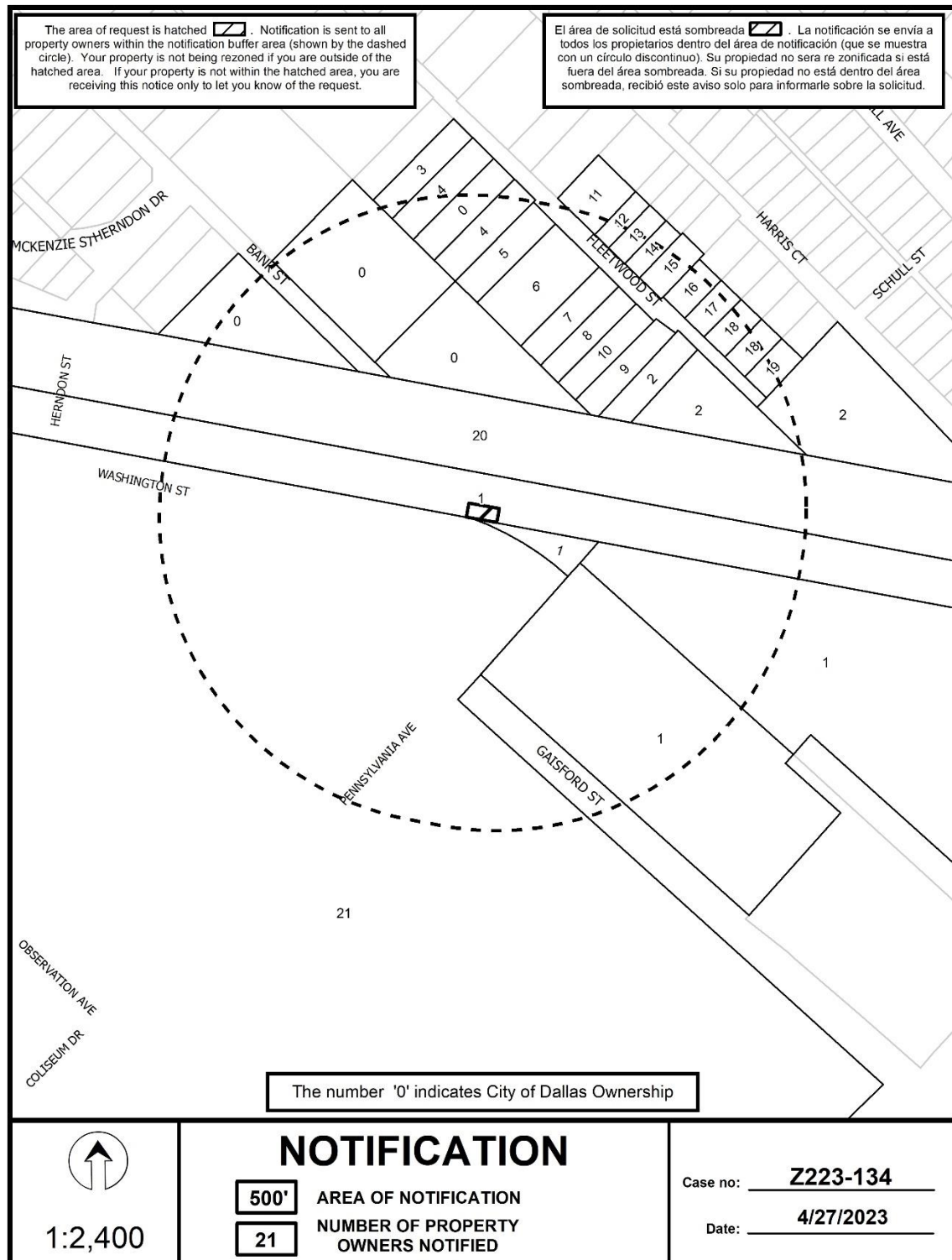




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## Market Value Analysis

Printed Date: 4/27/2023



04/27/2023

***Notification List of Property Owners******Z223-134******21 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4500 PENNSYLVANIA AVE	STATE FAIR OF TEXAS INC
2	1625 FLEETWOOD ST	JUBILEE PARK & COMMUNITY CENTER
3	1527 FLEETWOOD ST	GSI PORTFOLIO LLC
4	1529 FLEETWOOD ST	OLVERA MIRNA ELVIA
5	1601 FLEETWOOD ST	WORKS G W & CO
6	1611 FLEETWOOD ST	HUTCHINSON BARBARA
7	1613 FLEETWOOD ST	REIGER ASSN 90-I LTD
8	1617 FLEETWOOD ST	MUNIZ JOAQUINA
9	1623 FLEETWOOD ST	BROWN BEULAH EST OF
10	1621 FLEETWOOD ST	WALKER DEBRA C
11	1606 FLEETWOOD ST	RENU PROPERTY INVESTMENTS LLC
12	1608 FLEETWOOD ST	MARTINEZ DAVID ALEJANDRO
13	1610 FLEETWOOD ST	HERNANDEZ GUADALUPE LUCIA
14	1612 FLEETWOOD ST	DEMUNIZ JOAQUINA ARIAS
15	1616 FLEETWOOD ST	MURPHY HOMER
16	1620 FLEETWOOD ST	MURPHY JEFFIE
17	1622 FLEETWOOD ST	MOLICE EMMA EST OF
18	1626 FLEETWOOD ST	GONZALEZ ELVIRA
19	1634 FLEETWOOD ST	JUBILEE PARK & COMMUNITY CENTER
20	401 S BUCKNER BLVD	DART
21	3839 S FITZHUGH AVE	MCA PACE AMPHITHEATERS LP