

FILE NUMBER: Z189-343(AU)

DATE FILED: August 29, 2019

LOCATION: North side of Manana Drive, east of Spangler Road

COUNCIL DISTRICT: 6

MAPSCO: 22 P

SIZE OF REQUEST: +/- 6.76 Acres

CENSUS TRACT: 99.00

REPRESENTATIVE/

APPLICANT: Steven M. Free

OWNER: Steven M. Free, LP

REQUEST: An application for the renewal of Specific Use Permit No. 1653 for a potentially incompatible industrial (outside) use limited to wood or lumber processing on property zoned an IM Industrial Manufacturing District with existing deed restrictions [Z056-308].

SUMMARY: The purpose of the request is to continue the operation of an existing wood or lumber processing use. The existing deed restrictions on the property include limiting the permitted uses, and more specifically, restricting potentially incompatible industrial (outside) uses to only allow wood or lumber processing by Specific Use Permit.

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

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

BACKGROUND INFORMATION:

- The request site is currently being used for an outside wood processing facility as allowed by SUP No. 1653 and is surrounded by undeveloped land and industrial uses.
- On February 14, 2007, the City accepted deed restrictions on the property to limit the uses to those in the IR Industrial Research District, allow all industrial (outside) not potentially incompatible uses, and allow the potentially incompatible industrial (outside) use limited to wood or lumber processing by Specific Use Permit. SUP No. 1653 for a potentially incompatible industrial (outside) use, limited to a wood or lumber processing use was first approved by City Council on February 14, 2007, for a two-year period.
- SUP No. 1653 was amended to clarify parking requirements and renewed for a three-year period on January 28, 2009 and February 8, 2012 respectively. Subsequently, the SUP was renewed for a two-year period on January 14, 2015, and for a three-year period on January 2017. The SUP will expire on January 11, 2020. The applicant submitted the request for renewal on August 29, 2019.
- A Certificate of Occupancy for the industrial (outside) potentially incompatible use was issued on November 4, 2019.

Zoning History

There have been three zoning requests in the area within the last five years.

- 1. Z134-338:** On January 14, 2015, the City Council approved the renewal of Specific Use Permit No. 1653 for a potentially incompatible industrial (outside) use limited to wood or lumber processing on property zoned an IM Industrial Manufacturing, located on the north side of Mañana Drive, west of Newkirk Street (subject site).
- 2. Z156-188:** On May 25, 2016, an automatic renewal of Specific Use Permit No. 1446 for an alcoholic beverage establishment limited to a bar, lounge, or tavern was approved, on property zoned an IR Industrial Research District, located on the west line of Spangler Road and Manana Drive.
- 3. Z156-331:** On January 11, 2017, the City Council approved the renewal of Specific Use Permit No. 1653 for a potentially incompatible industrial (outside) use limited to wood or lumber processing on property zoned an IM Industrial Manufacturing, located on the north side of Mañana Drive, west of Newkirk Street.

Thoroughfares/Streets

Thoroughfare/Street	Type	Existing / Proposed ROW
Mañana Drive	Minor Arterial	30 feet

Traffic

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed request and determined that the request will not have a negative impact on the existing street 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 applicant's request is consistent with the following goals and policies of the Comprehensive Plan.

LAND USE ELEMENT**GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

Policy 1.1.1 Implement the Trinity River Corridor Plan.

Area Plans:

The subject site is located within the Elm Fork planning district of the Trinity River Corridor Land Use Plan adopted in March 2005 and revised in December 2009.

The Preferred Land Use Plan for the corridor serves as the long-range land use and development plan for the Corridor. In this capacity, the comprehensive land use plan is the policy reference for City staff, the City Plan Commission, and the Dallas City Council when they consider decisions affecting land use in the corridor. The future land use plan recommends this area for heavy industrial uses module. Within this module, the primary land use recommended is industrial - manufacturing, the secondary land uses are recommended to be a combination of industrial-flex office, industrial-distribution, and civic uses. The plan also includes optional land uses, as parks and open spaces and retail-neighborhood uses.

The Trinity River Corridor Land Use Plan also recognizes certain areas within the Trinity River Corridor play particularly valuable roles in achieving the 2050 Vision. The

development visions for these areas are part of the framework for land use planning of the entire corridor. The request site is located within the Elm Fork Employment Center. The Trinity River Corridor Land Use Plan's recommendations for this area include: primary land use is multi-use, proposed development pattern is light and heavy industrial with limited opportunities for commercial, open space allows for golf, environmental protection, flood control, and active recreation uses.

The corridor is divided into seven Planning Districts in order to communicate the appropriate land use plan and design policies for each part of the corridor. The area plan also includes Land Use Opportunity Plans that reflect specific opportunities that can be expected in the Trinity River Corridor based upon a market response to the capital improvements in the Trinity River Corridor Project. The maps also express the land uses desired for the corridor by stakeholders who participated in the study.

The Preferred Land Use Plan for the Elm Fork District affirms its role as a location for industrial activities and businesses in Dallas. North of Northwest Highway and west of IH-35, areas are planned for Heavy Industrial and Light Industrial uses.

The request is consistent with the recommendation of the Area Plan.

Surrounding Land Uses:

	Zoning	Land Use
Site	IM with Deed Restrictions [Z056-308] and SUP No. 1653	Industrial (outside) potentially incompatible use limited to wood or lumber processing
North	IM	Industrial railroad, undeveloped wooded area, athletic complex
East	IR	Creek, undeveloped
South	IM with SUP No. 563 IM with SUP No. 817	Creek, salvage yard, concrete batch plant
West	IR	Warehouse, distribution

Land Use Compatibility:

The 6.76-acre request site is currently being used for an outside wood processing facility that includes a 5,000 square-foot manufacturing area and four outside storage areas totaling an approximately 56,225 square feet.

On February 14, 2007, the City accepted deed restrictions on the property to limit the uses to those in the IR Industrial Research District, allow all industrial (outside) not potentially incompatible uses, and allow the potentially incompatible industrial (outside) use limited to wood or lumber processing by Specific Use Permit.

SUP No. 1653 for a potentially incompatible industrial (outside) use, limited to a wood or lumber processing use was first approved by City Council on February 14, 2007 respectively. Subsequently, the SUP was renewed for a two-year period on January 14, 2015, and for a three-year period on January 2017. The SUP will expire on January 11, 2020. The applicant submitted the request for renewal on August 29, 2019.

The request site is generally located within a larger industrial and commercial service area. The site is surrounded by industrial uses, warehouses, and undeveloped land. There are two Specific Use Permits for a concrete batching plant (SUP No. 817) and a salvage yard (SUP No. 563) located to the south of the subject site. The Elm Fork soccer complex is located north of the site and is buffered by a heavily wooded undeveloped area.

An outside wood processing facility is defined as an industrial (outside) potentially incompatible use per the Dallas Development Code. This use is allowed by SUP only in the IM District.

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 existing wood and lumber processing use is compatible with the surrounding industrial uses in the area. The SUP conditions help limit any detrimental aspects of the use by limiting the hours of operation to provide relief for surrounding uses on nights and weekends. The conditions also limit the height of the stacking areas to prevent visual intrusion to the surrounding area. The subject site is screened along Mañana Drive by fencing and trees and is surrounded by a heavily wooded area to the north and east.

In general, the applicant's request for a Specific Use Permit for the industrial (outside) potentially incompatible use is consistent with the general provisions for a Specific Use Permit and with the surrounding zoning that is intended to be maintained as an industrial area.

Staff supports the applicant's request of an increase in the time period from three years to five years, however staff does not support the request for eligibility for automatic renewal for additional five-year periods because of the potential for change in the area due to the new soccer park to the north of the site.

Parking:

Pursuant to the Dallas Development Code, off-street parking is required at a ratio of one space per every 600 square feet of floor area, plus one space per 600 square feet of outside manufacturing area.

There are no buildings on site and the outside manufacturing area is 5,000 square feet in area as indicated on the site plan. Eight parking spaces are provided in the covered parking area included on the site plan.

Landscaping:

No changes to the existing site are proposed with this SUP renewal. Landscape is required per Article X of the Dallas Development Code.

CPC Action
January 9, 2020

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1653 for a potentially incompatible industrial (outside) use limited to wood or lumber processing for a five-year period, subject to conditions on property zoned an IM Industrial Manufacturing District with existing deed restrictions [Z056-308], on the north side of Manana Drive, east of Spangler Road.

Maker: MacGregor
Second: Murphy
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Johnson, Shidid,
Carpenter, Brinson, Blair, Jung, Housewright,
Schultz, Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 3

Notices: Area: 400 Mailed: 6
Replies: For: 0 Against: 0

Speakers: For: None
For (Did not speak): Steven Free, 2101 Manana Rd., Irving, TX, 75220
Tami Free, 2101 Manana Rd., Irving, TX, 75220
Against: None

**CITY PLAN COMMISSION RECOMMENDED
AMENDING SUP CONDITIONS
SUP NO. 1653**

1. USE: The only use authorized by this specific use permit is a potentially incompatible industrial (outside) use limited to wood or lumber processing.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

City Plan Commission recommendation:

3. TIME LIMIT: This specific use permit expires on January 11, 2020 (five-year period from passage of this ordinance).

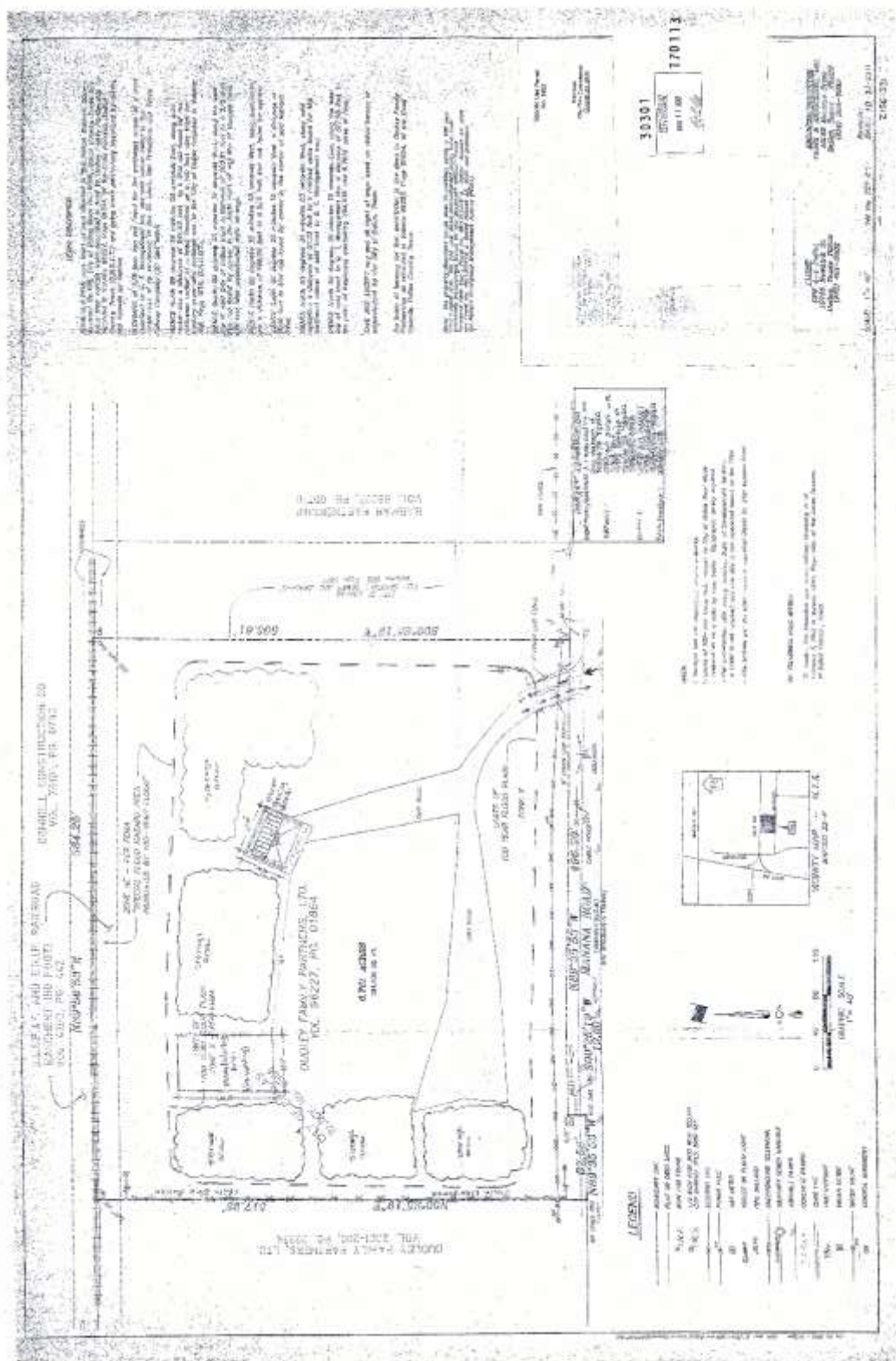
Applicant's request:

3. TIME LIMIT: This specific use permit expires on January 11, 2020 (five-year period from passage of this ordinance) but is eligible for automatic renewals for additional five-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 applications for automatic renewal is strictly enforced).
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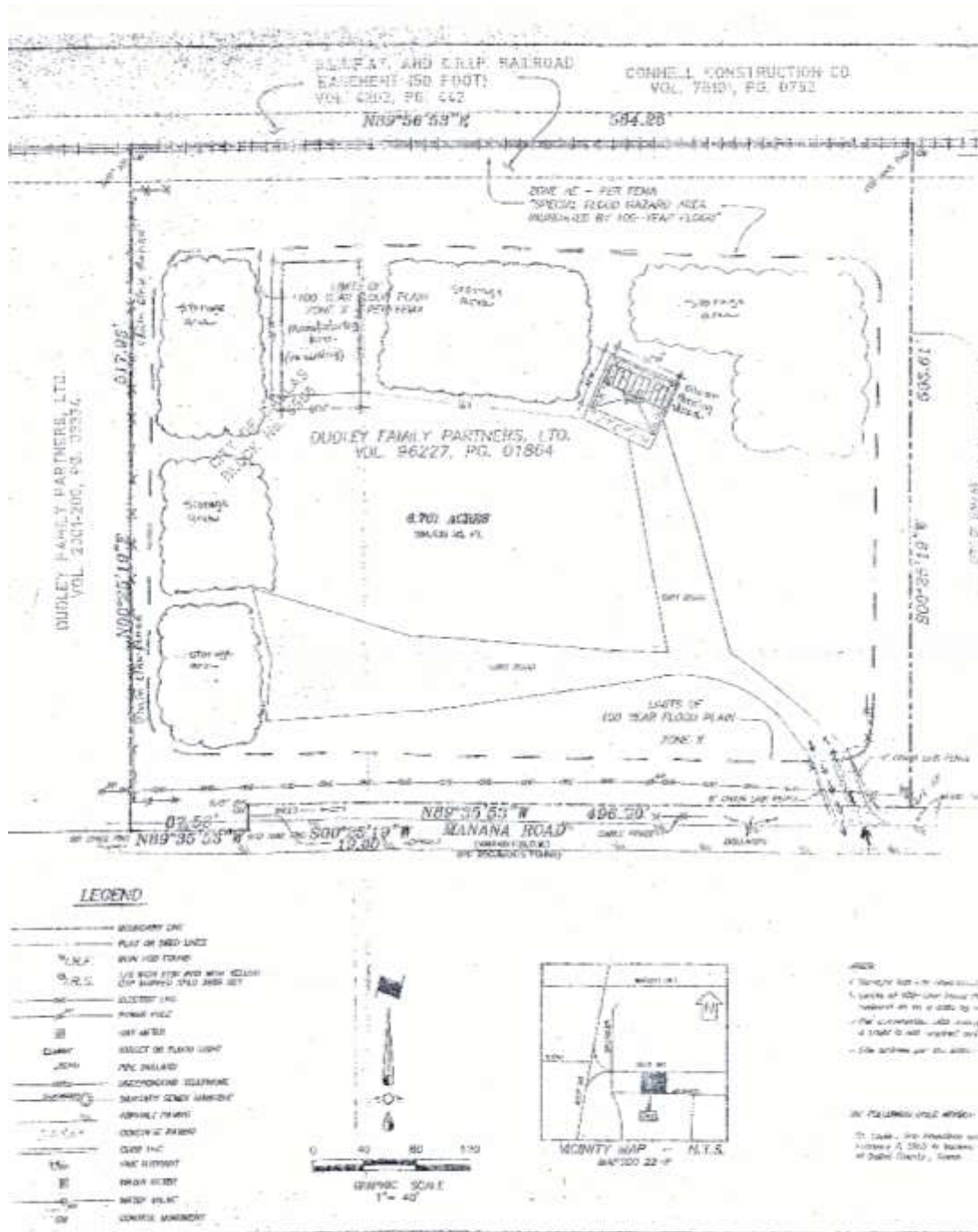
4. PARKING: A minimum of eight parking spaces must be provided in the location shown on the attached site plan. All parking, driveways that connect to a street or alley, and vehicle maneuvering areas must comply with Division 51A-4.300, "Off-Street Parking and Loading Regulations," of the Dallas Development Code, as amended.
5. INGRESS/EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
6. HOURS OF OPERATION: The wood or lumber processing use may only operate between 6:00 a.m. and 5:00 p.m., Monday through Friday, and between 6:00 a.m. and 12:00 p.m., Saturday.

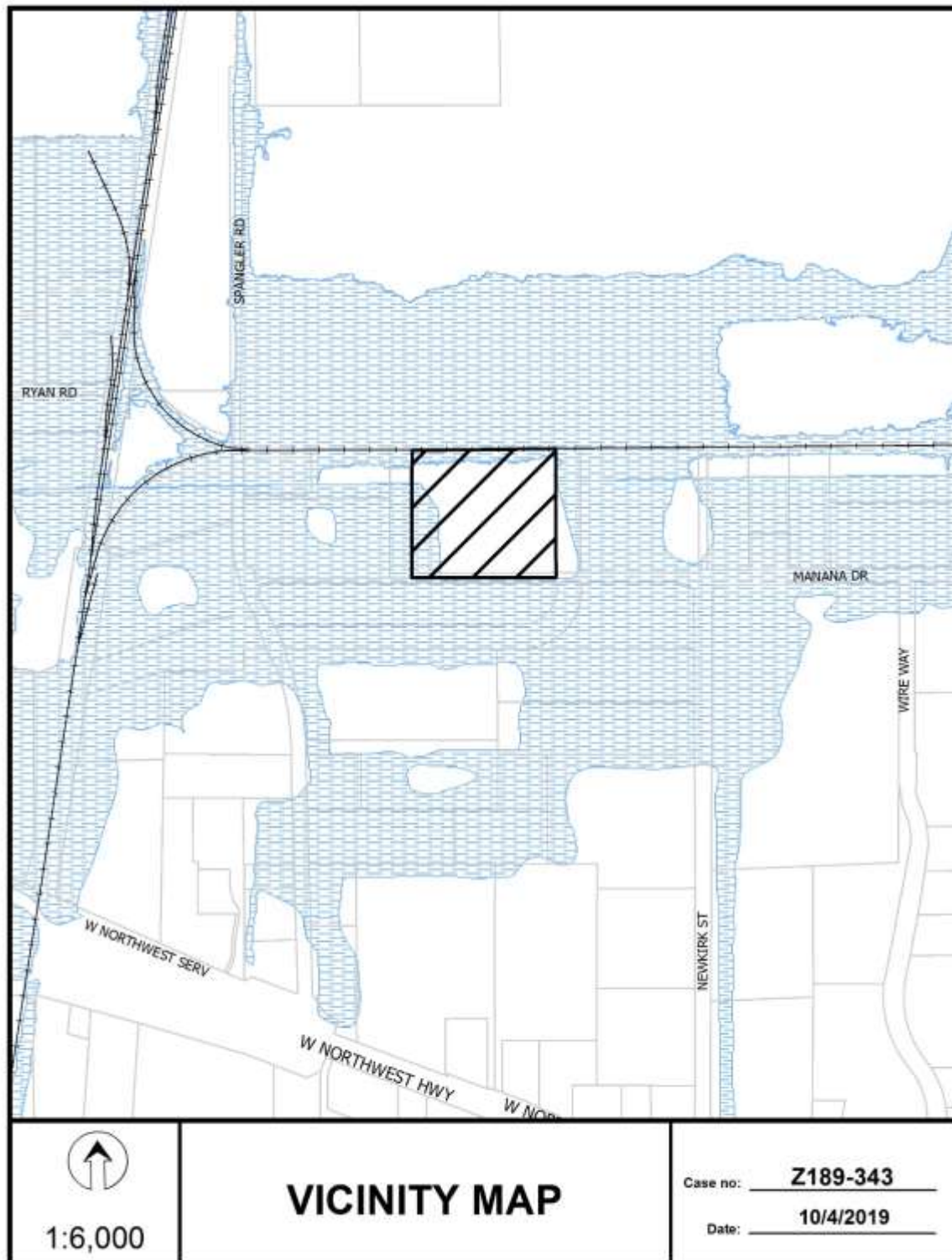
7. STACKING: The maximum stacking height of materials stored outside is 18 feet in the locations shown on the attached site plan.
8. MANUFACTURING AREA: The maximum area for wood or lumber processing is 5,000 square feet in the location shown on the attached site plan as "Manufacturing Area."
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
10. 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)

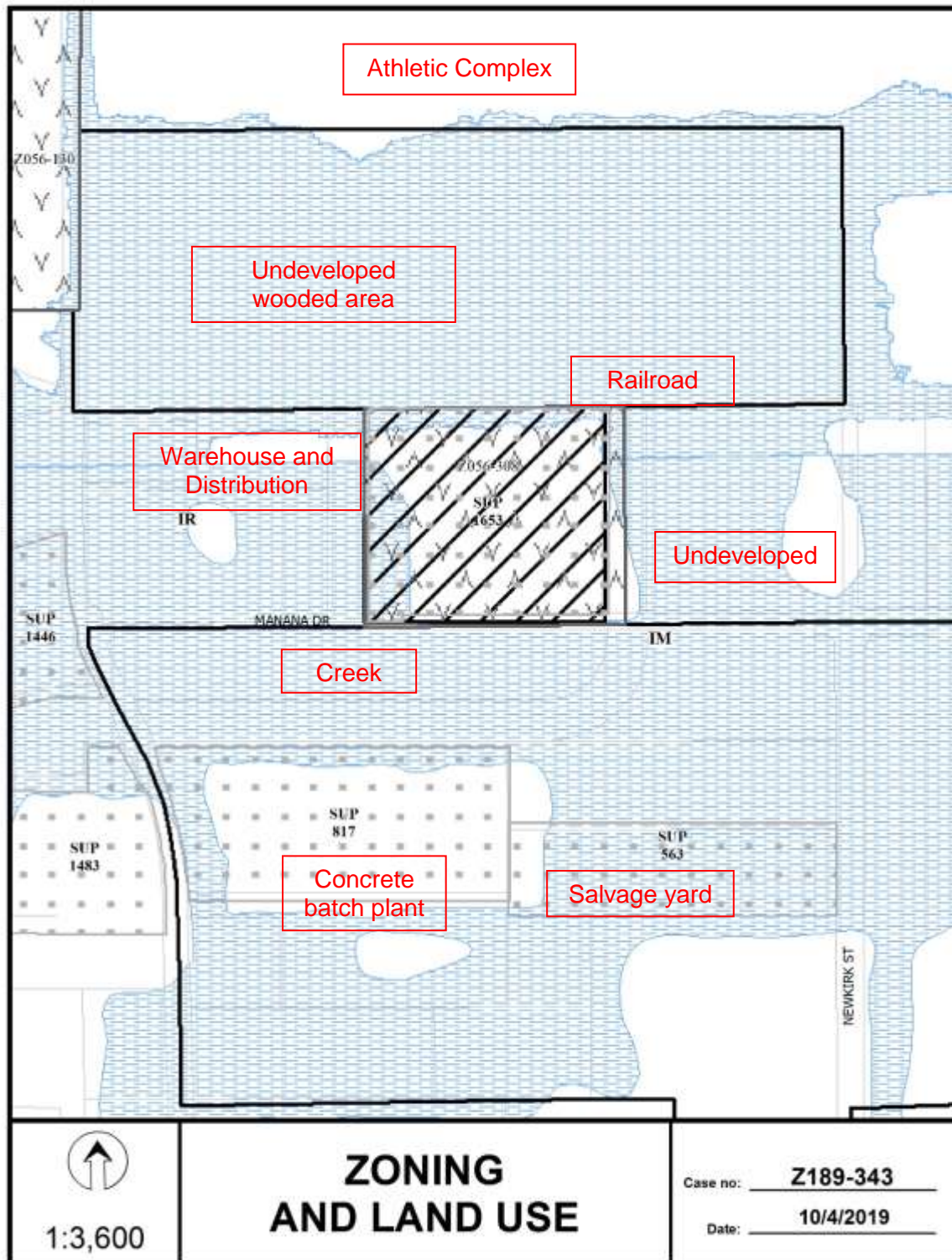


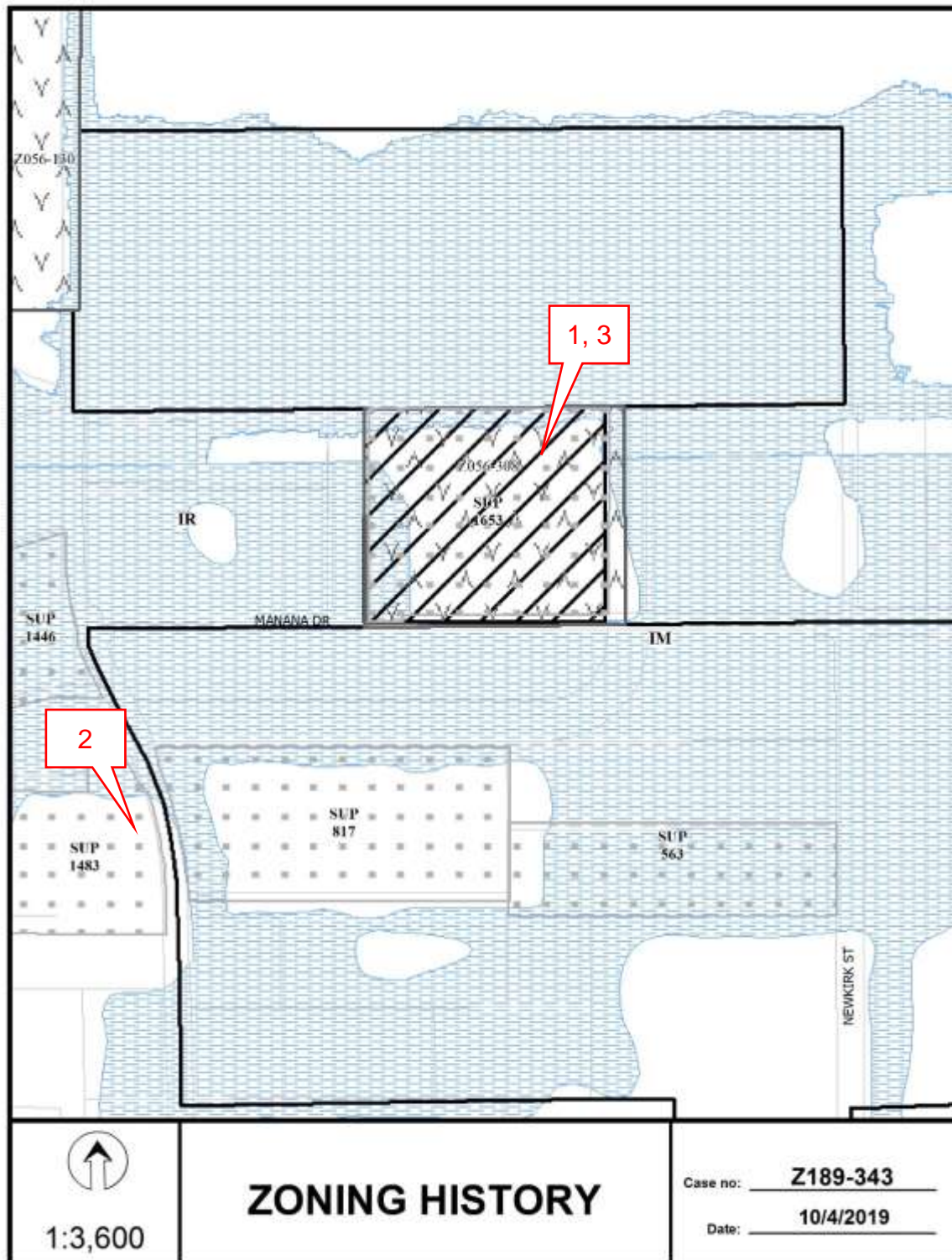
EXISTING SITE PLAN (ENLARGED)
(no changes)



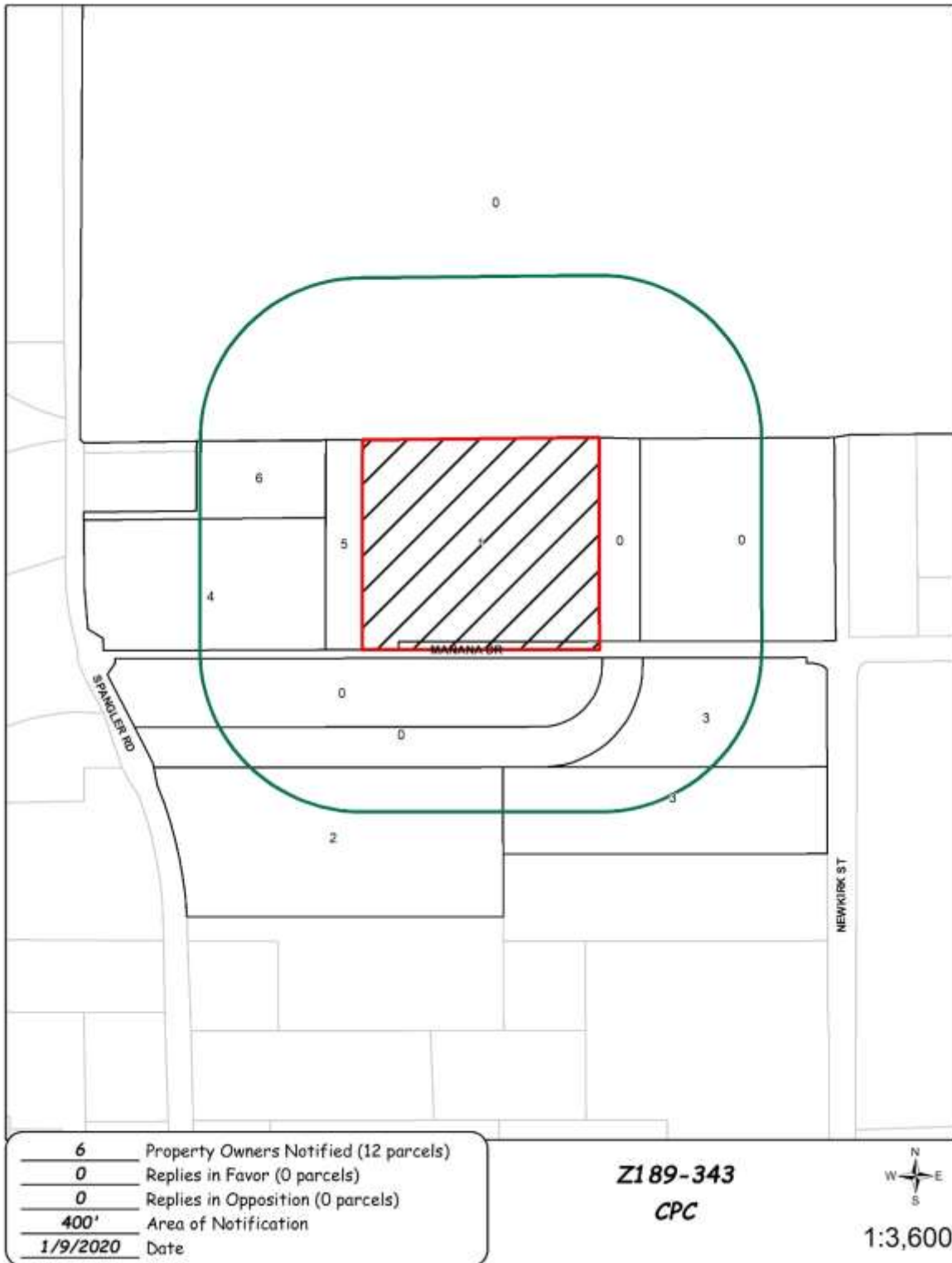








CPC RESPONSES



Z189-343(AU)

01/08/2020

Reply List of Property Owners

Z189-343

6 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	2101 MANANA RD	STEVEN M FREE LIMITED PARTNERSHIP
	2	10610 SPANGLER RD	TXI OPERATIONS LP
	3	10733 NEWKIRK ST	BARKER & BRATTON STEEL
	4	2001 MANANA DR	GT MGMT INC
	5	2001 MANANA DR	STEVEN M FREE FAMILY LTD PS
	6	2001 MANANA DR	SANCHEZ FOOD & CO INC