

**FILE NUMBER:** Z189-347(AU)

**DATE FILED:** September 9, 2019

**LOCATION:** South line of California Crossing Road, east of Wildwood Drive

**COUNCIL DISTRICT:** 6

**MAPSCO:** 22 X

**SIZE OF REQUEST:** +/- 10.957 Acres

**CENSUS TRACT:** 99.00

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**REPRESENTATIVE:** Kevin D. Yard - BCEE

**APPLICANT/OWNER:** Gregory A. Roemer – sole officer – Tong Development LLC

**REQUEST:** An application for an amendment to Planned Development District No. 444

**SUMMARY:** The purpose of the request is to develop the site with a commercial motor vehicle parking and an outside storage uses to be utilized in conjunction with a refuse transfer station use [Community Waste Disposal] located on an adjacent parcel to the east. The applicant requests to allow by right the additional uses and the approval of a development plan.

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

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

**BACKGROUND INFORMATION:**

- The 10.957-acre request site is operated in conjunction with a refuse transfer station [Community Waste Disposal] located to the northeast of the subject site. The request site is currently being used as outside storage, employee and company trucks parking, and compressed natural gas station, lines and related fueling station for refuse hauling trucks for the refuse transfer station.
- The refuse transfer station [not a part of the area of request] has been operating on the adjacent property by Specific Use Permit No. 1464 since 2002. SUP No. 1464 will expire in 2028 but is eligible for automatic renewal for additional ten-year periods.
- Planned Development District No. 444 was approved by City Council on August 1996 for certain IR Industrial Research District uses and an outside salvage or reclamation use by Specific Use Permit. A conceptual plan was approved with the establishment of PD No. 444 with a development plan required for all permitted uses. Specific Use Permit No. 1294 for an outside salvage and reclamation use was approved for the area of request but expired on August 2002.
- The use regulations in PD No. 444 do not allow commercial vehicle parking and outside storage uses. The purpose of the request is to amend the PD District to allow commercial vehicle parking and outside storage uses. The request also includes a development plan for the expansion of the existing parking lot and outside storage area.
- A portion of the request site is located within the 100-year floodplain.
- Some areas of the request site are built on a former city landfill. The land owner has the obligation to maintain an undisturbed clay cap to protect the former landfill portion and submit annual reports to the Texas Commission of Environmental Quality (TCEQ) and City departments.

**Zoning History**

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

- 1. Z189-296:** On October 23, 2019, City Council approved Specific Use Permit No. 2350 for an industrial (outside) not potentially compatible use limited to a concrete batch plant on property zoned an IR Industrial Research District, located on the south line of California Crossing Road and Allred Street.

- 2. Z178-229:** On August 22, 2018, the City Council approved the renewal of Specific Use Permit No. 1464 for a refuse transfer station for a ten-year period with eligibility for automatic renewal for additional ten-year periods, on property zoned an IM Industrial Manufacturing, located on the south line of California Crossing Road.

### **Thoroughfares/Streets**

Thoroughfare/Street	Type	Existing / Proposed ROW
California Crossing Road	Collector	50 feet / 60 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 following goals and policies apply to the request site.

## **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 Plan**

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 Trinity River Corridor is a unified collection of diverse neighborhoods and business centers at the heart of a unified and thriving Dallas, connected by a ribbon of blue water and green spaces that is the Trinity River. Additionally, The Trinity River Corridor is the City's model for economic growth without physical, social or economic barriers, which

attracts residents and visitors to live, learn, work, shop and play within a cosmopolitan urban core, and alongside the river's meandering environment.

The subject site is located within the Elm Fork district which is recommended for industrial and business uses. The Preferred Land Use Plan for the Elm Fork District affirms its role as a location for industrial activities and business in Dallas and recognizes the area west of IH-35 as a new location for office uses identified adjacent to the Trinity River.

Considering the fact that office and commercial and business service uses, per the Plan's recommendation, are allowable uses by PD No. 444 and the request is for adding uses that would enable a better operation of an existing regulated use, staff considers that the request is not detrimental to the Plan and is neither consistent nor inconsistent with the Plan's recommendations.

### **Surrounding Land Uses**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PD No. 444	Parking and outside storage
<b>North</b>	IR	Warehouse, distribution
<b>Northeast</b>	IR with SUP No. 1464	Refuse transfer station
<b>East</b>	IR with SUP No. 2350	Concrete batch plant
<b>South</b>	IR	LB Houston Nature Area Daniels Creek
<b>West</b>	IR	LB Houston Nature Area Daniels Creek
<b>Northwest</b>	IR	Concrete batch plant

### **Land Use Compatibility**

The 10.957-acre request site is zoned Planned Development District No. 444 and is operated in conjunction with an existing refuse transfer station [Community Waste Disposal] located on the adjacent property to the northeast. The request site is currently being used as outside storage, employee and company trucks parking, and compressed natural gas station, lines and related fueling station for refuse hauling trucks for the refuse transfer station.

The request area is surrounded by industrial uses to the north, northwest and east, and by the LB Houston Nature area along Elm Fork Trinity River to the south and west. The site is partially located within the 100-year floodplain of the Elm Fork Trinity River basin.

At the time of building permit, the applicant will need the approval of the Floodplain Management Department before starting any work on the property.

Planned Development District No. 444 was approved by City Council on August 1996 for certain IR Industrial Research District uses and an outside salvage or reclamation use by Specific Use Permit. Specific Use Permit No. 1294 for an outside salvage and reclamation use was approved for the area of request but expired on August 2002

The use regulations in PD No. 444 do not allow commercial vehicle parking and outside storage uses. The purpose of the request is to amend the PD District to allow commercial vehicle parking and outside storage uses. The request also includes a development plan for the expansion of the existing parking lot and outside storage area.

The request site is a flag lot with direct access from California Crossing Road and has unrestricted access from the adjacent property to the northeast where the refuse transfer station is located, thus functioning as a unified campus. The entire campus is fenced and secured and has restricted access.

The proposed development plan includes an additional parking lot for employees, with 143 parking spaces, a truck parking lot with 121 spaces, and an 8,253-square foot open storage area. The open storage will be used for the storage of empty and clean containers used for garbage collection. All of the proposed improvement and operation is proposed outside of the 100-year floodplain portion of the site.

Considering the fact that the request site is surrounded IR Industrial Research District and by light industrial uses, it is staff's opinion that the requested amendment will not have a negative impact in the surrounding area or land uses. Furthermore, staff considers that the additional requested uses will provide for a better operation of the existing refuse transfer station on the adjacent property. Staff is in support of the request for the PD amendment subject to a development plan and conditions.

### **Parking**

PD No. 444 defaults to the Dallas Development Code for parking requirements for all uses other than outside salvage or reclamation use. For an outside storage use, the Code requires one parking space for each 5,000 square feet of site area, exclusive of parking area, up to a maximum of five required spaces, with a minimum of one space required.

The 8,253-square-foot open storage area is required to provide two parking spaces. The property will be also developed with a parking lot containing 143 standard parking spaces and 121 truck parking spaces, therefore providing also the required parking for the outside store use.

### **Landscaping**

All landscaping provided must comply with provisions of Article X of Dallas Development Code.

### **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 to orange, representing the weakest markets. Site is not within nor in proximity of an identifiable MVA Category.

Z189-347(AU)

**CPC Action**  
**January 9, 2020**

**Z189-347(AU)**

**Motion:** It was moved to recommend **approval** of an amendment to Planned Development District No. 444, subject to a development plan and conditions on the south line of California Crossing Road, east of Wildwood Drive.

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: 500 Mailed: 14  
**Replies:** For: 2 Against: 0

**Speakers:** For: None  
For (Did not speak): Kevin Yard, 1901 Central Dr., Bedford, TX, 76021  
Against: None

**CPC RECOMMENDED  
PD CONDITIONS**

**SEC. 51P-444.101.                    LEGISLATIVE HISTORY.**

PD 444 was established by Ordinance No. 22853, passed by the Dallas City Council on August 28, 1996. Ordinance No. 22853 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. (Ord. Nos. 19455; 22853; 26042)

**SEC. 51P-444.102.                    PROPERTY LOCATION AND SIZE.**

PD 444 is established on property generally located along the south line of California Crossing Road, east of the east line of Wildwood Drive. The size of PD 444 is approximately 10.957 acres. (Ord. Nos. 22853; 26042)

**SEC. 51P-444.103.                    DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a nonresidential zoning district. (Ord. Nos. 22853; 26042)

**SEC. 51P-444.104.                    CONCEPTUAL PLAN.**

For all permitted uses exclusive of an outside salvage or reclamation use, development and use of the Property must comply with the conceptual plan (Exhibit 444A). In the event of a conflict between the provisions of this article and the conceptual plan, the provisions of this article control. (Ord. Nos. 22853; 26042)

**SEC. 51P-444.105.                    DEVELOPMENT PLAN.**

(a) For all permitted uses other than an outside salvage or reclamation use, a development plan must be approved by the city plan commission prior to the issuance of any building permit. Development and use of the Property must comply with the approved development plan. The development plan and any amendments must comply with the conceptual plan and this article.



(b) For an outside salvage or reclamation use, Subsection 51A-4.702(c)(2) through (i), regarding submission of or an amendment to a site plan, development plan, or landscape plan, do not apply. (Ord. Nos. 22853; 26042)

**SEC. 51P-444.106.**

**MAIN USES PERMITTED.**

(a) Agricultural uses.

-- Crop production.

(b) Commercial and business service uses.

- Building repair and maintenance shop. *[RAR]*
- Bus or rail transit vehicle maintenance or storage facility. *[RAR]*
- Commercial cleaning or laundry plant. *[RAR]*
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Machine or welding shop. *[RAR]*
- Machinery, heavy equipment, or truck sales and services. *[RAR]*
- Tool or equipment rental.
- Vehicle or engine repair or maintenance.

(c) Industrial uses.

- Industrial (inside) light manufacturing.
- Inside industrial. *[RAR]*
- Organic compost recycling facility. *[SUP]*
- Outside industrial. *[SUP]*
- Outside salvage or reclamation. *[SUP. Subparagraph (e)(i) of Section 51A- 4.203(b)(5) does not apply to an outside salvage or reclamation use in this district.]*
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(d) Institutional and community service uses.

-- None permitted.

(e) Lodging uses.

-- None permitted.

(f) Miscellaneous uses.

-- Temporary construction or sales office.

(g) Office uses.

- Office.
- (h) Recreation uses.
  - None permitted.
- (i) Residential uses.
  - None permitted.
- (j) Retail and personal service uses.
  - Auto service center. [RAR]
  - Commercial motor vehicle parking lot or garage. [As allowed per 51A-4.210(8.1)]
  - Commercial parking lot or garage. [RAR]
  - Home improvement center, lumber, brick, or building materials sales yard. [RAR]
  - Household equipment and appliance repair.
- (k) Transportation uses.
  - None permitted.
- (l) Utility and public service uses.
  - Commercial radio or television transmitting station.
  - Electrical substation.
  - Local utilities.
  - Radio, television, or microwave tower. [RAR]
  - Tower/antenna for cellular communication. [RAR if RAR is required in the IR Industrial Research District under Section 51A-4.212(10.1).]
  - Utility or government installation other than listed. [SUP]
  - Water treatment plant. [SUP]
- (m) Wholesale, distribution, and storage uses.
  - Freight terminal. [RAR]
  - Manufactured building sales lot. [RAR]
  - Outside storage. [RAR]
  - Recycling buy-back center. [RAR or SUP if RAR or an SUP is required in the IR Industrial Research District under Section 51A-4.213(11).]
  - Recycling collection center. [RAR or SUP if RAR or an SUP is required in the IR Industrial Research District under Section 51A-4.213(11.1).]
  - Recycling drop-off container. [SUP if an SUP is required in the IR Industrial Research District under Section 51A-4.213(11.2).]
  - Warehouse. [RAR]

(Ord. Nos. 22853; 26042)

**SEC. 51P-444.107. ACCESSORY USES.**

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(b) The following accessory uses are not permitted in this district:

- Accessory community center (private).
- Accessory pathological waste incinerator.
- Home occupation.
- Private stable. (Ord. Nos. 22853; 26042)

**SEC. 51P-444.108. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of conflict between this section and Division 51A-4.400, this section controls.)

(a) Front yard. Minimum front yard is 15 feet.

(b) Side and rear yard. Minimum side and rear yard is:

(1) 30 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(2) no minimum in all other cases.

(c) Density. No maximum dwelling unit density.

(d) Floor area ratio. For all permitted uses, excluding an outside salvage or reclamation use, maximum floor area ratio is:

(1) 0.5 for retail and personal service uses;

(2) 0.75 for any combination of lodging, office, and retail and personal service uses;

and

(3) 2.0 for all uses combined.

(e) Height.

(1) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. (See Section 51A-4.412.) Exception: Structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less.

(2) Maximum height. Unless further restricted under Paragraph (1), maximum structure height is 200 feet.

(f) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(g) Lot size. No minimum lot size.

(h) Stories. Maximum number of stories above grade is 15. Parking garages are exempt from this requirement, but must comply with the height regulations of Subsection (e). (Ord. Nos. 22853; 26042)

**SEC. 51P-444.109. OFF-STREET PARKING AND LOADING.**

A minimum of five off-street parking spaces must be provided for an outside salvage or reclamation use.

(a) For all other permitted uses, consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq) for information regarding off-street parking and loading generally. (Ord. Nos. 22853; 26042)

**SEC. 51P-444.110. ENVIRONMENTAL PERFORMANCE STANDARDS.**

For all permitted uses excluding an outside salvage or reclamation use, consult Article VI. (Ord. Nos. 22853; 26042)

**SEC. 51P-444.111. LANDSCAPING.**

For all permitted uses other than an outside salvage or reclamation use, landscaping must be provided in accordance with Article X. For an outside salvage or reclamation use, landscaping must be provided which is reasonably consistent with the standards and purposes of Article X. (Ord. Nos. 22853; 26042)

**SEC. 51P-444.112. SIGNS.**

Signs must comply with the provisions for business zoning districts contained in Article VII. (Ord. Nos. 22853; 26042)

**SEC. 51P-444.113. ADDITIONAL PROVISIONS.**

(a) The entire Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. Nos. 22853; 26042)

**SEC. 51P-444.114. PAVING.**

All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation. (Ord. Nos. 22853; 26042)

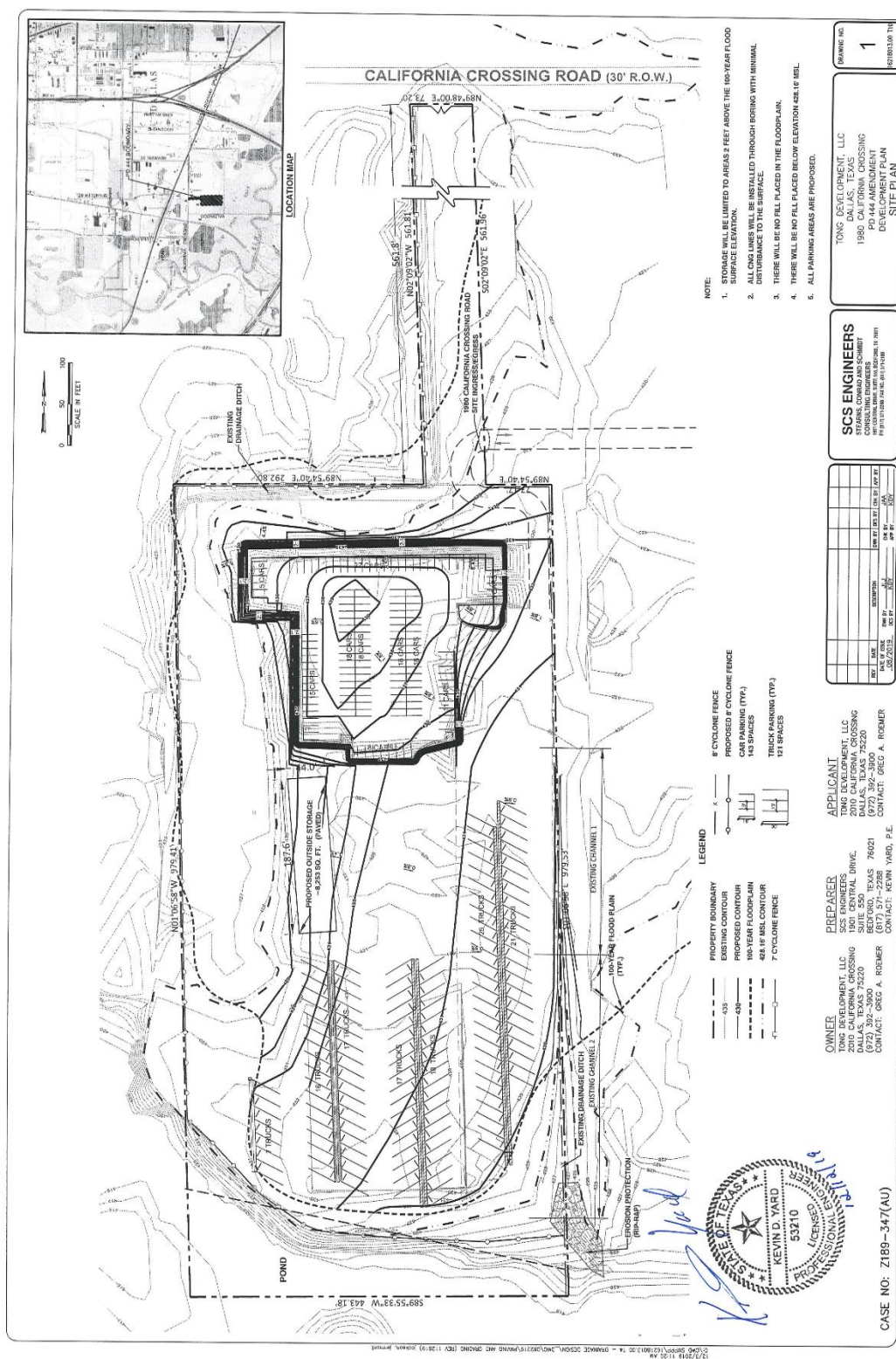
**SEC. 51P-444.115. COMPLIANCE WITH CONDITIONS.**

The building official shall not issue a building permit or certificate of occupancy for a use in this PD until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 22853; 26042)

**SEC. 51P-444.116. ZONING MAP.**

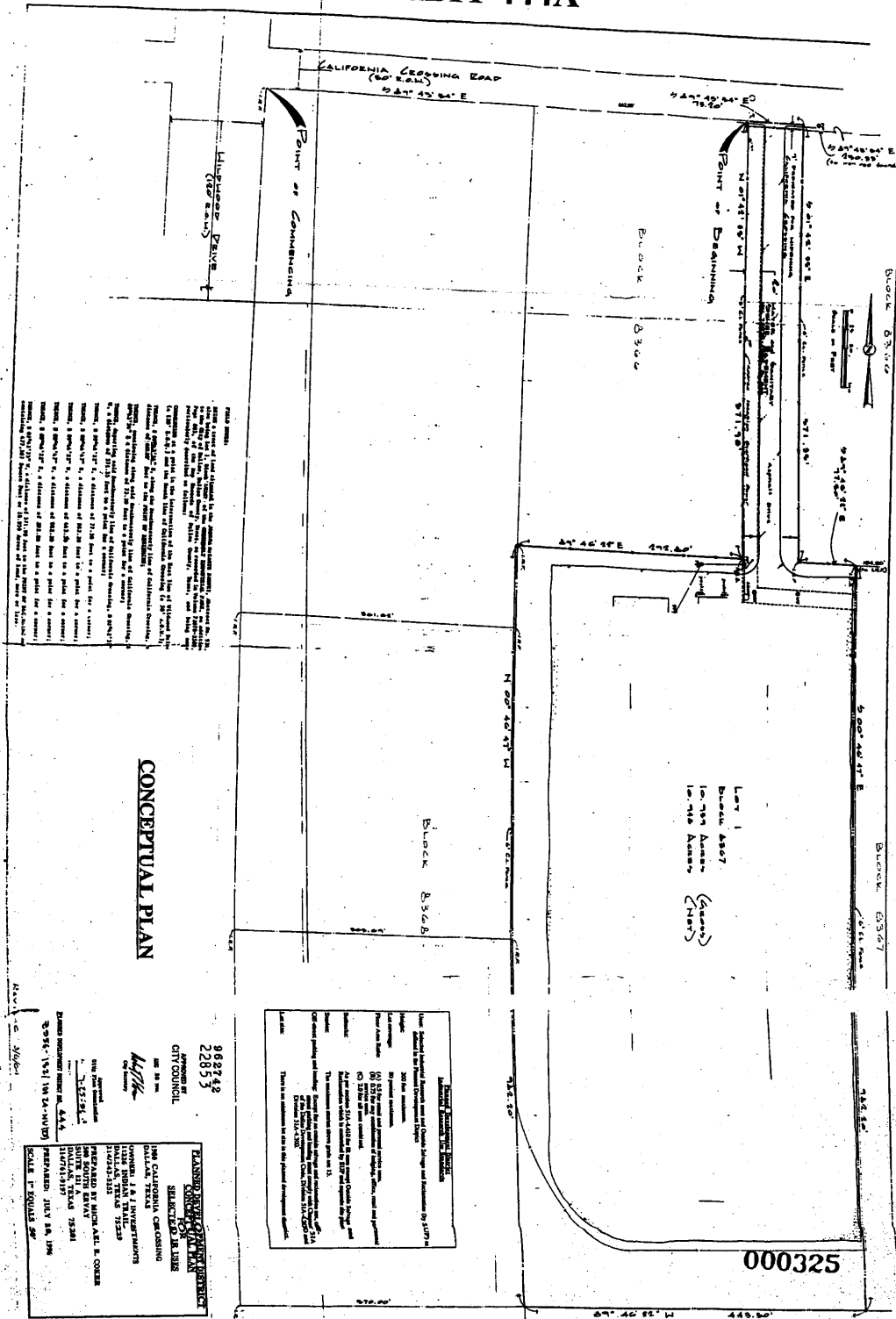
PD 444 is located on Zoning Map Nos. F-4 and G-4. (Ord. Nos. 22853; 26042)

## CPC RECOMMENDED DEVELOPMENT PLAN

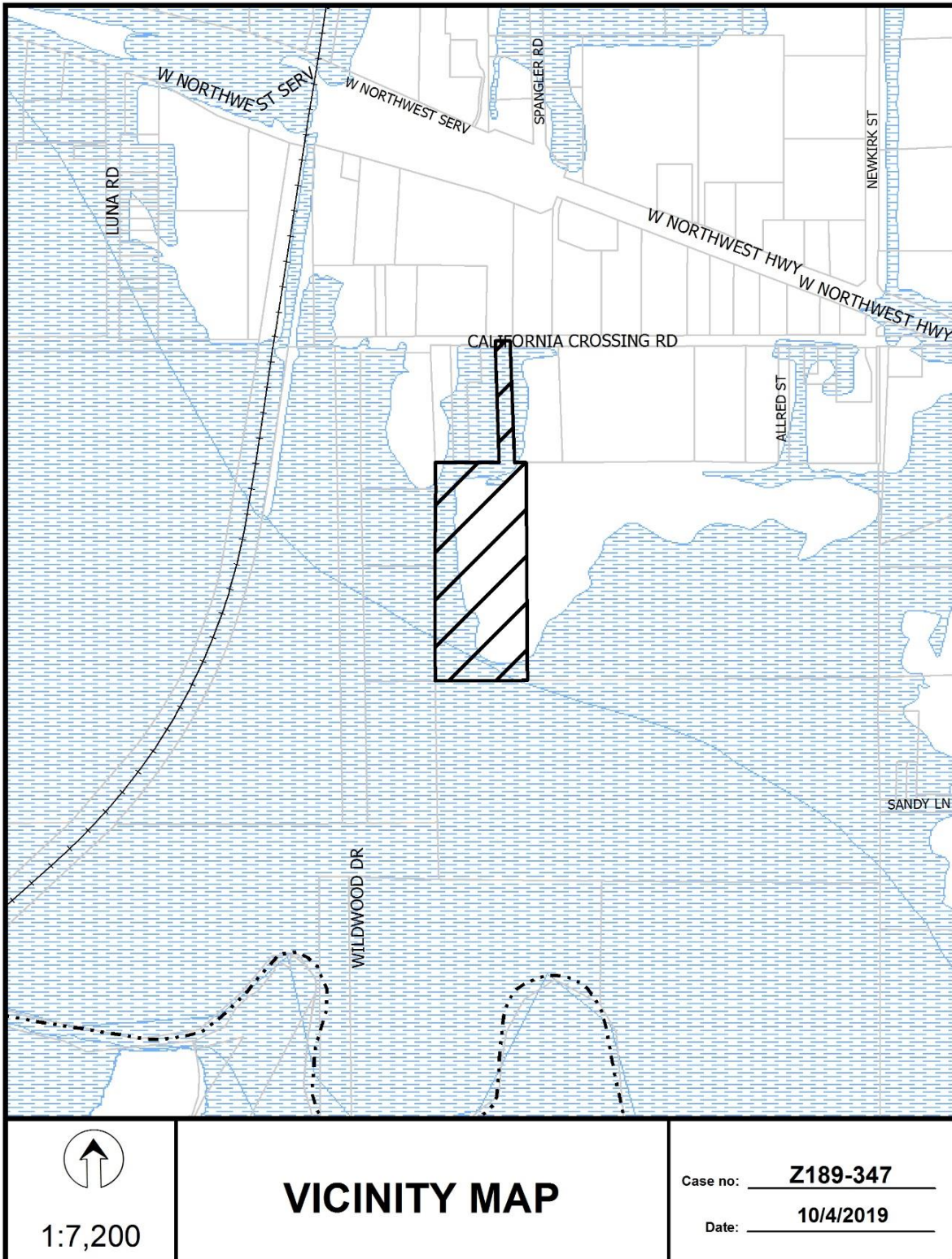


EXISTING CONCEPTUAL PLAN  
(no changes)

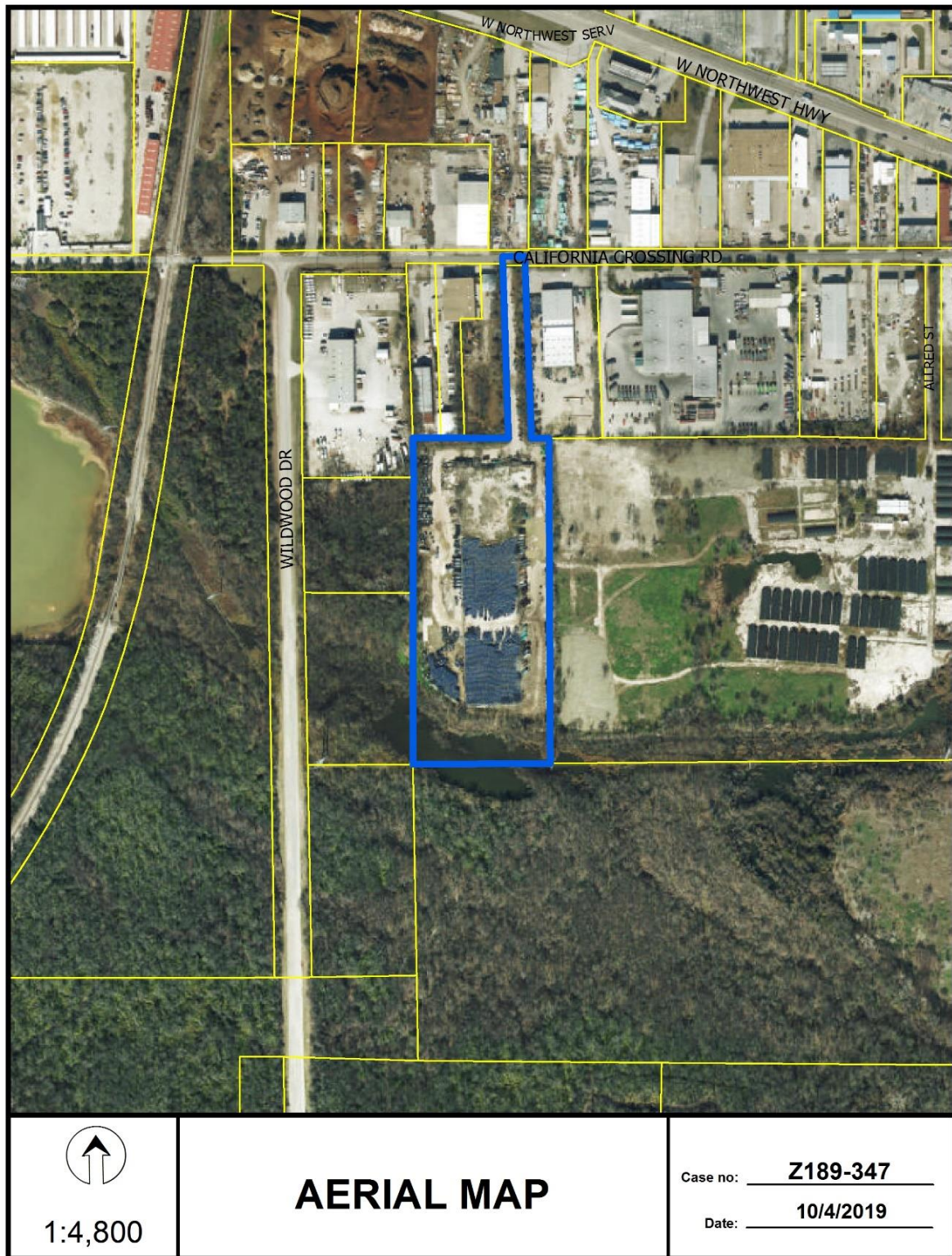
26042  
EXHIBIT 444A



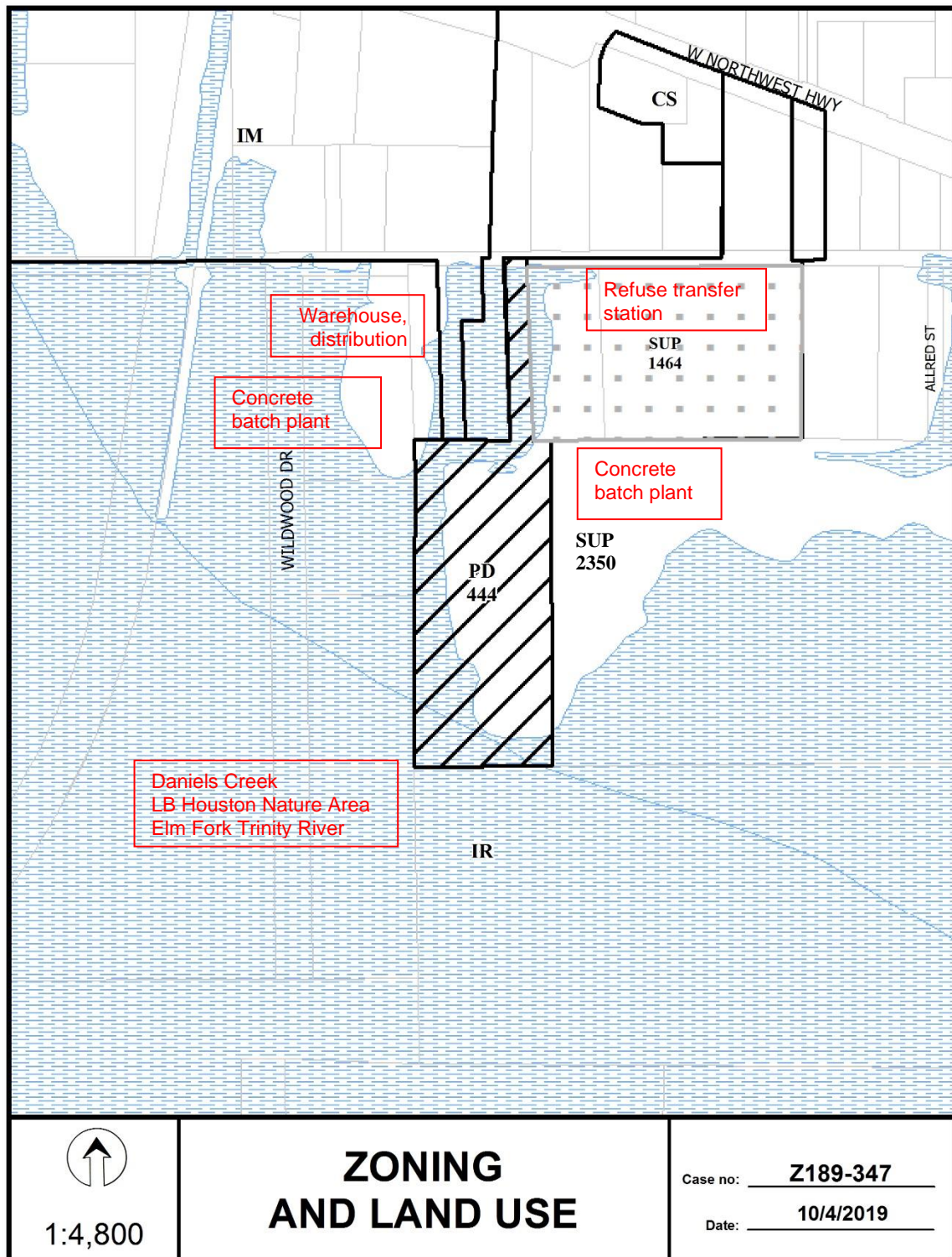


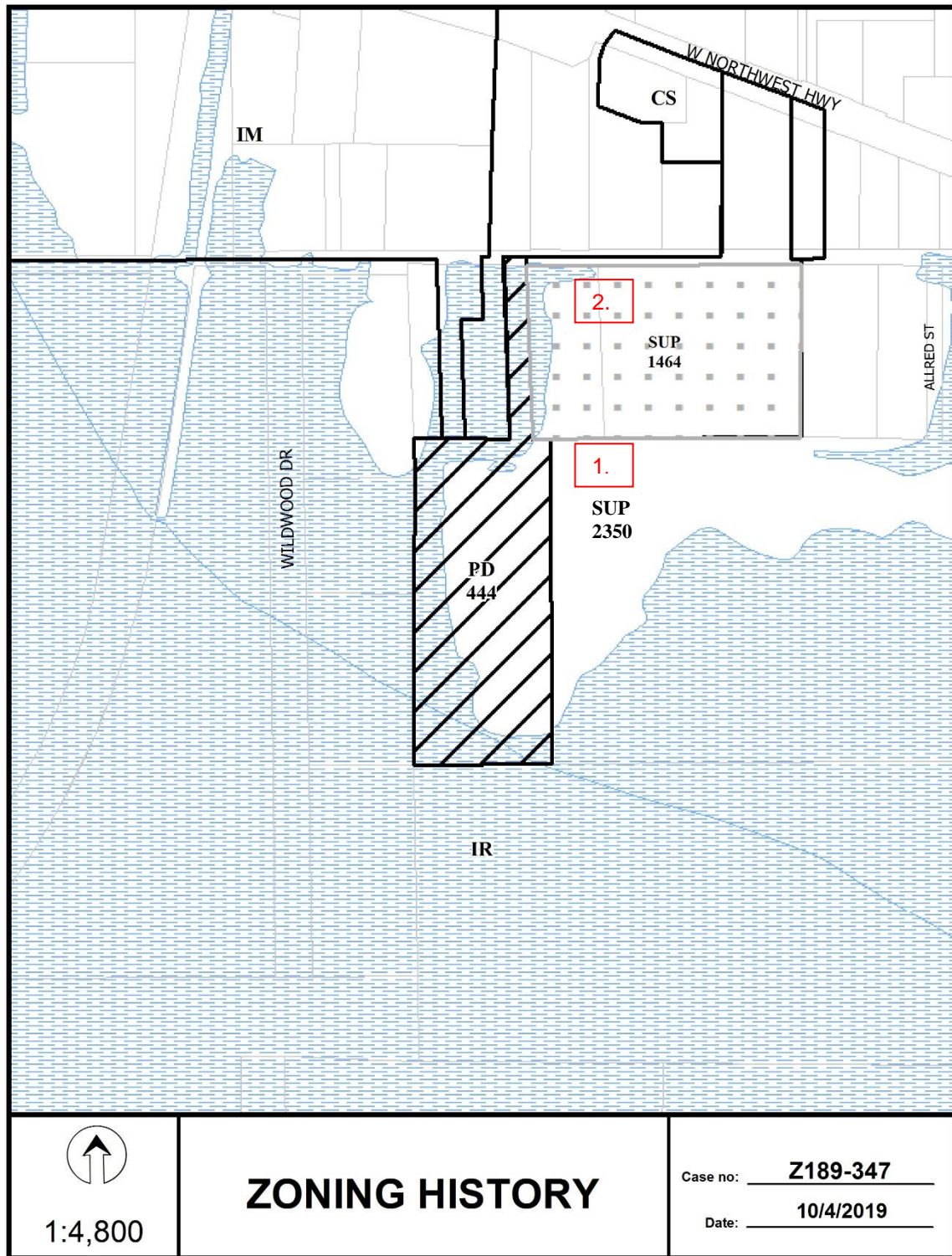




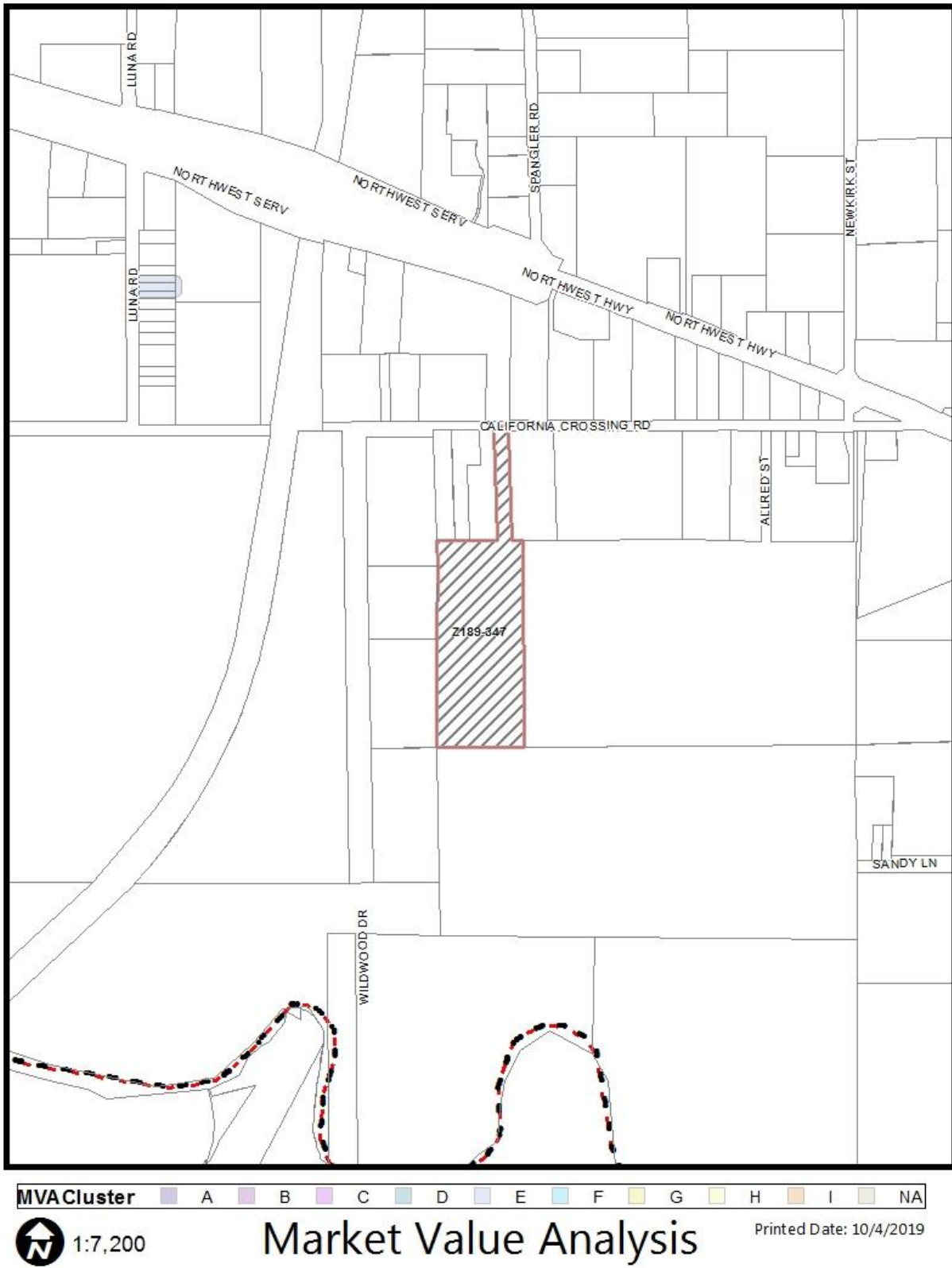






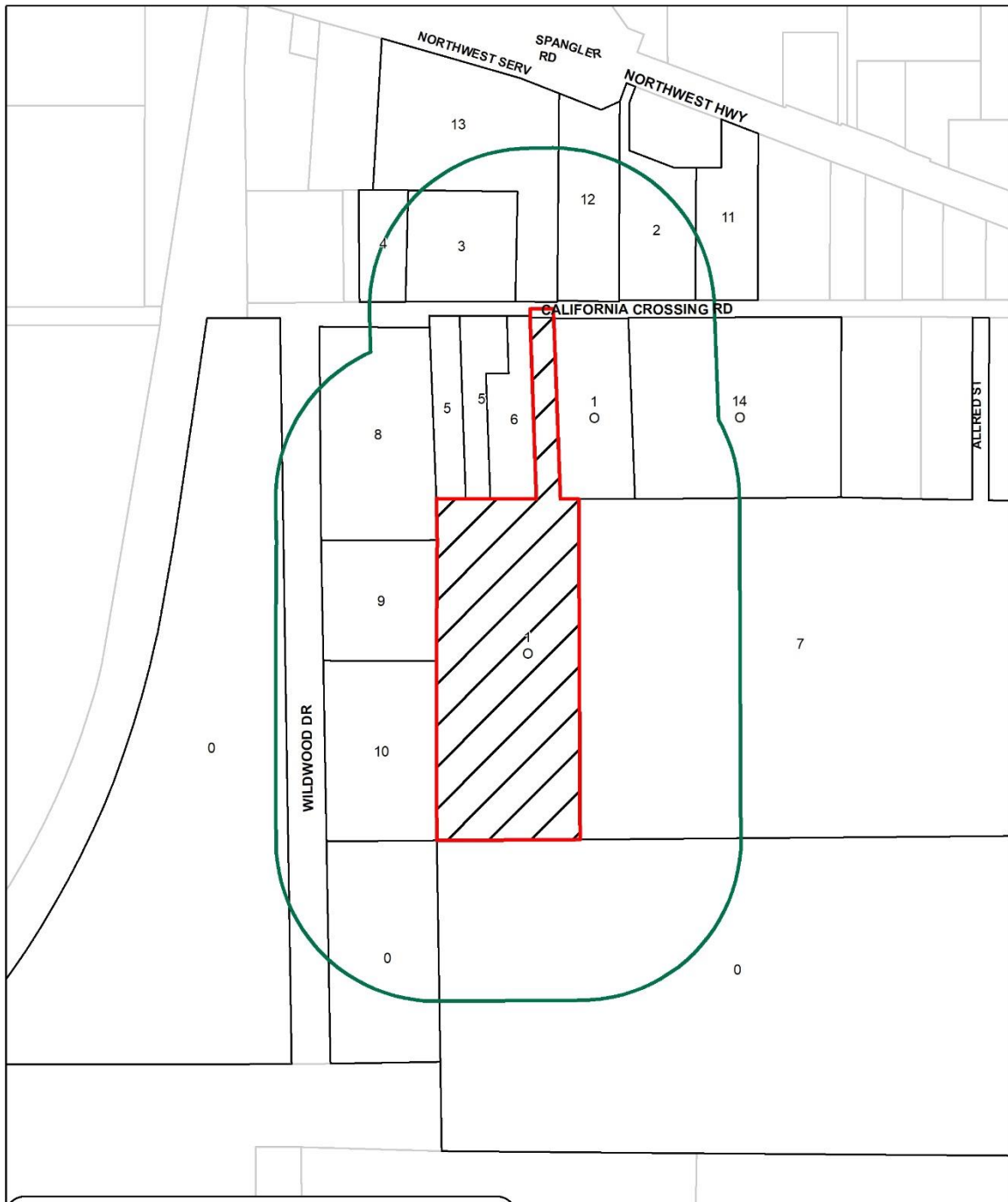


Z189-347(AU)





# CPC RESPONSES



<u>14</u>	Property Owners Notified (19 parcels)
<u>2</u>	Replies in Favor (3 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>500'</u>	Area of Notification
<u>1/9/2020</u>	Date

**Z189-347**  
**CPC**



1:4,800

01/08/2020

***Reply List of Property Owners******Z189-347******14 Property Owners Notified    2 Property Owners in Favor    0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
O	1	1990 CALIFORNIA CROSSING RD	TONG DEVELOPMENT LLC
	2	2011 CALIFORNIA CROSSING RD	FIRE PROTECTION &
	3	1975 CALIFORNIA CROSSING RD	VOGT JOHN ET AL
	4	1951 CALIFORNIA CROSSING RD	BBK PROPERTIES
	5	1964 CALIFORNIA CROSSING RD	INTERNATIONAL SUPPLY
	6	1976 CALIFORNIA CROSSING RD	STOCKWEATHER E J &
	7	2118 CALIFORNIA CROSSING RD	ANANI LLC
	8	1946 CALIFORNIA CROSSING RD	SOUTHERN STAR CONCRETE IN
	9	10402 WILDWOOD DR	F & F INVESTMENT CO
	10	10400 WILDWOOD DR	CAMPBELL JOHN G
	11	1940 NORTHWEST HWY	BERRIDGE MANUFACTURING COMPANY
	12	1888 W NORTHWEST HWY	MARTECO RENTAL CO INC
	13	1864 W NORTHWEST HWY	BBK PROPERTIES
O	14	2010 CALIFORNIA CROSSING RD	H R DEVELOPMENT INC