

FILE NUMBER: Z201-198(OA) **DATE FILED:** March 3, 2021

LOCATION: Southwest line of Botham Jean Boulevard, between Martin Luther King Jr. Boulevard and Lenway Street

COUNCIL DISTRICT: 7 **MAPSCO:** 46 W

SIZE OF REQUEST: Approx. 3.1887 acres **CENSUS TRACT:** 34.00

APPLICANT: Gold Auto Parts Recyclers

OWNER: Recycling Properties L.P.

REPRESENTATIVE: Miklos Cinclair, PLLC

REQUEST: An application for the renewal of Specific Use Permit No. 2155 for a recycling buy-back center for the collection of household and industrial metals on property zoned an IM Industrial Manufacturing District.

SUMMARY: The purpose of this request is to continue the operation of the recycling buy-back center of household metals and industrial metals [Gold Auto Parts Recycling Center].

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

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

BACKGROUND INFORMATION:

- The existing SUP for a recycling buy-back center for the collection of household metals and industrial metals was approved on September 9, 2015, for a two-year period. On December 13, 2017, and April 24, 2019 the City Council approved renewal of the SUP.
- The applicant is seeking renewal, with no proposed changes to the existing conditions or the site plan of the SUP.
- The Dallas Police Department finds the facility in compliance with Chapter 40B for operation of a recycling buy-back center.
- The Dallas Development Code states the time period for an SUP for a recycling buy back center for the collection of household metals and industrial metals may not exceed a two-year period.

Zoning History:

There have not four zoning cases in the area over the past five years.

1. **Z190-367:** On Thursday, April 22, 2021, the City Plan Commission recommended approval of the application for an amendment to and expansion of Planned Development District No. 597 in an area generally bound by both sides of Peabody Avenue, Julius Schepps Freeway, Panama Place, and Holmes Street. [Pending Council action on June 9, 2021]
2. **Z190-192:** On Wednesday, August 12, 2020, the City Council approved an application for an alcoholic beverage establishment limited to a bar, lounge, or tavern, and a commercial amusement (inside) use limited to a dance hall on property zoned an FWMU-3 Form Walkable Mixed-Use Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, with an SH Shopfront Overlay, located at the northeast corner of Botham Jean Boulevard and South Boulevard.
3. **Z178-361:** On April 24, 2019, the City Council approved an application to renew Specific Use Permit No. 2155 for a recycling buy-back center for the collection of household and industrial metals use for a two-year period. [subject site]
4. **Z167-292:** On December 13, 2017, the City Council approved an application to renew Specific Use Permit No. 2155 for a recycling buy-back center for the collection of household and industrial metals use for a one-year period. [subject site]

Traffic:

The Engineering Division of Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Botham Jean Boulevard	Principal Arterial	100 feet	100 feet

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.

ENVIRONMENT ELEMENT**GOAL 6.6** Increase Recycling and Conservation of Renewable Resources

Policy 6.6.1 Increase recycling and composting

Surrounding Land Uses:

	Zoning	Land Use
Site	IM Industrial Manufacturing, SUP No. 2155	Industrial, warehouse, and recycling buy-back center
North	PD 595 (FWMU-3)	Undeveloped/Single family
East	PD 595	Restaurant with drive-in /Multifamily
South	IM Industrial Manufacturing,	Industrial uses
West	IM Industrial Manufacturing,	Industrial uses

Land Use Compatibility:

The Development Code requires a Specific Use Permit for a recycling buy-back center for the collection of household and industrial metals; but does not require a Specific Use Permit for recyclable materials such as clothing, aluminum cans, steel cans, glass, paper, and plastic products in the IM District. In addition, the code limits a recycle buy-back center to a maximum of 10,000 square feet of floor area and does not allow other recycling facilities within 1,000 feet. The Code also limits the time period to no more than two years.

The request site is located within an industrial area and is adjacent to several industrial uses. Properties that are generally located southwest of Botham Jean Boulevard, are located within heavily industrial and commercial zoning districts. This area has been zoned for industrial and light commercial uses since the 1970s. The properties to the northeast of Botham Jean Boulevard are undeveloped, multi-family, and single family uses. The existing use is located in an industrial area and is located on a property that has had industrial uses for over 20 years.

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 purchasing, collecting, or soliciting of metals is regulated under Chapter 40B of the Dallas City Code, secondary metal recyclers. Chapter 40B requires a secondary metal recycler's license and specifies operations for secondary metal recyclers. The purpose of the regulations in Chapter 40B is to promote the recovery of stolen property, particularly property composed of certain metals.

The use is compatible with the surrounding industrial uses and is separated from nearby residential uses by a major roadway. The use provides a service throughout the area as a place to bring materials that may otherwise not be recycled. The continued short time period allows staff to monitor the effect that this use has in the surrounding area. Furthermore, the requirement of compliance the license issued by the Dallas Police Department will assist in helping to ensure the use is not detrimental to the area.

Parking:

The parking regulations require one space per 500 square feet of floor area for a recycling buy-back center. The use is located in a 2,000 square-foot building. The applicant is providing 20 off-street parking spaces for the use, exceeding the amount of required parking.

Landscaping:

The request does not trigger any additional landscape requirements.

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. While the subject site is not located within an identified market type category, it is closest to Category "I" to the east and Category "E" to the southeast of Botham Jean Boulevard.

List of Partners, Principals, or Officers
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Gold Auto Parts Recycling Center

Jerome Amman – Managing Partner on Site

Neil Goldberg – Partner

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**CPC ACTION
MAY 6, 2021**

Z201-198(AO)

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2155 for a recycling buy-back center for the collection of household and industrial metals for a two-year period, subject to a site plan and conditions on property zoned an IM Industrial Manufacturing District, on the southwest line of South Lamar Street, between Martin Luther King Jr. Boulevard and Lenway Street.

Maker: Jackson
Second: Suhler
Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Stinson, Johnson,
Shidid, Carpenter, Jackson, Blair, Jung, Suhler,
Schwope, Murphy, Rubin

Against: 0
Absent: 1 - Garcia
Vacancy: 1 - District 10

Notices: Area: 300 Mailed: 36
Replies: For: 0 Against: 0

Speakers: For: None

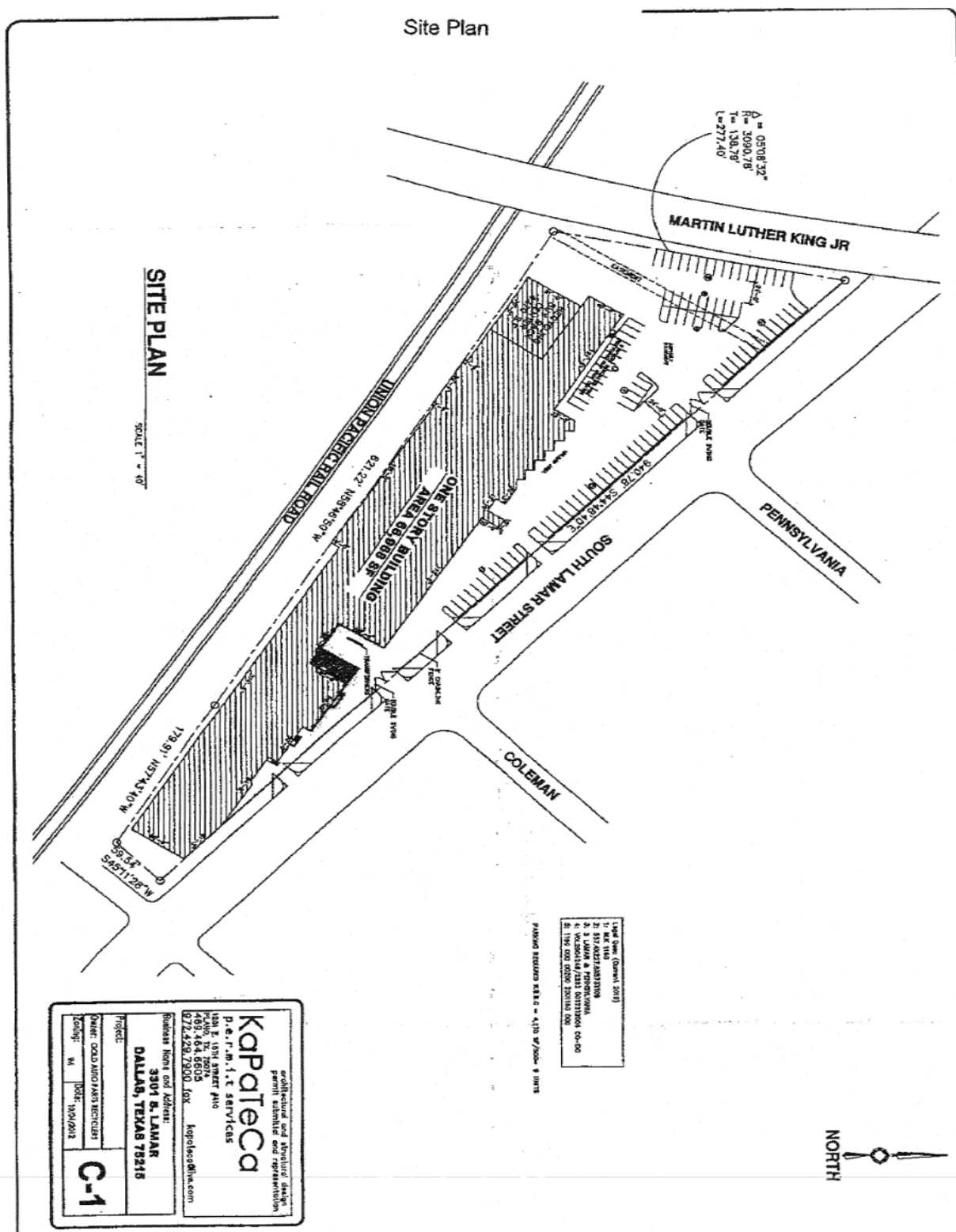
For (Did not speak): Prabha Cinclair, 1800 Valley View Ln., Farmers Branch, TX, 75234
Jerry Amman, 3301 Botham Jean Blvd., Dallas, TX, 75215

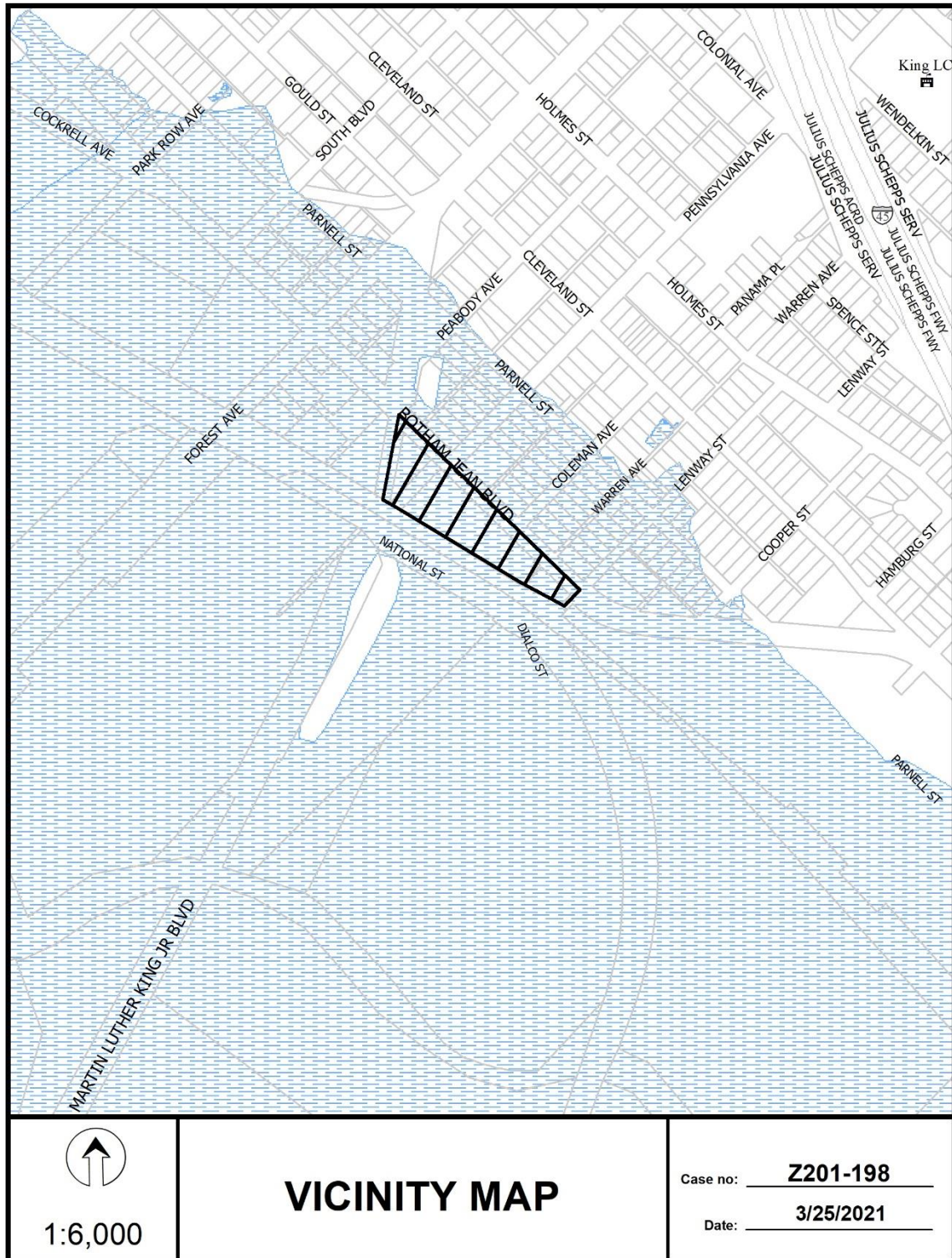
Against: None

CPC Recommended SUP Conditions

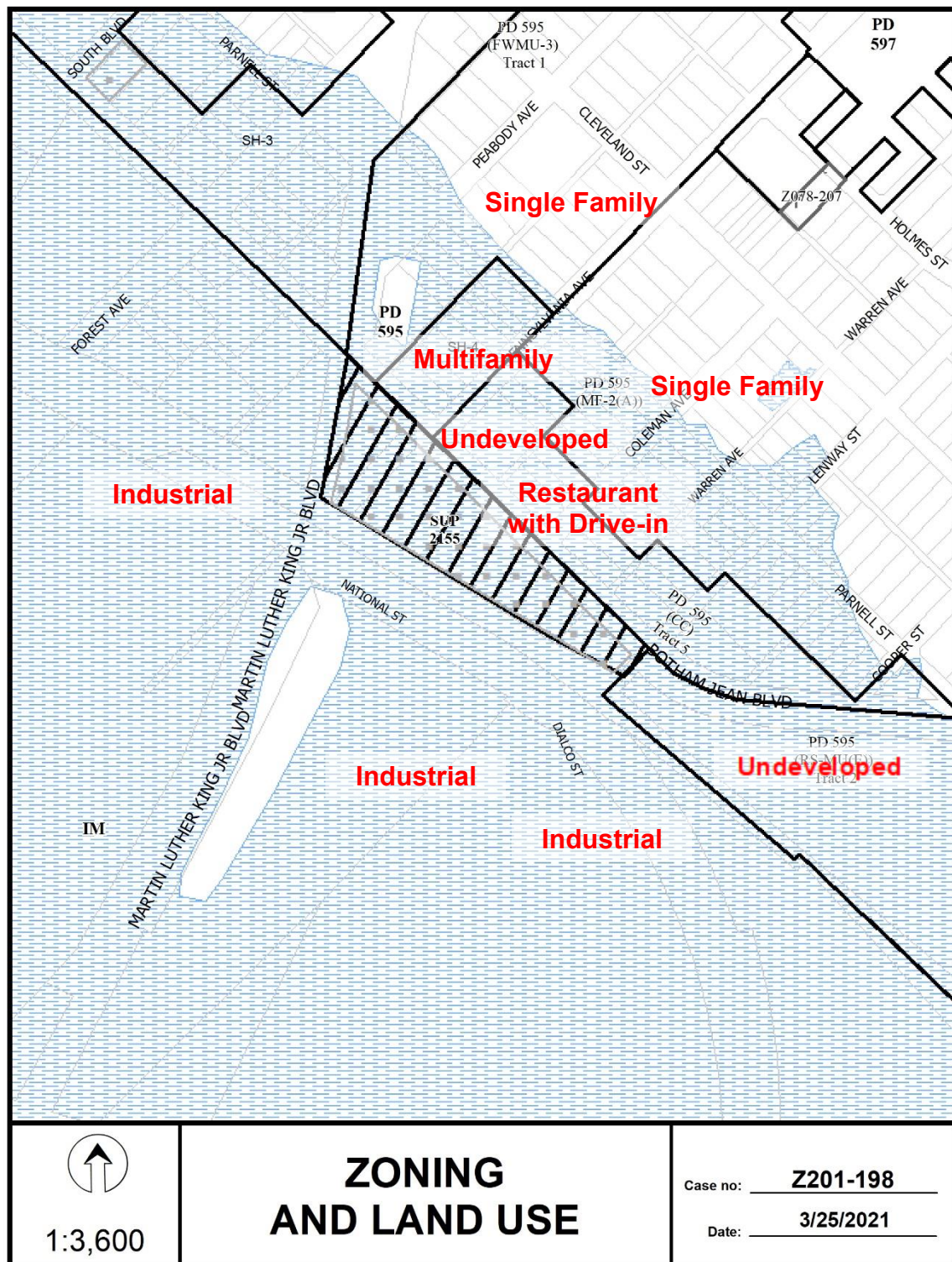
1. USE: The use authorized by this specific use permit is a recycling buy-back center for the collection of household and industrial metals.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on [~~April 24, 2021~~] (two years from the passage of this ordinance).
4. FLOOR AREA: A maximum of 4,270 square feet.
5. GATE: Both double swing gates abutting to Botham Jean Boulevard and shown on the attached site plan must remain open during hours of operation.
6. HOURS OF OPERATION: The recycling buy-back center for the collection of household and industrial metals may only operate between 7:00 a.m. and 7:00 p.m., Monday through Sunday.
7. INGRESS/ EGRESS: Ingress and egress must be provided in the location on the attached site plan. No other ingress or egress is permitted.
8. LICENSE: The operator must obtain a secondary metal recyclers license in accordance with Chapter 40B of the Dallas City Code.
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.

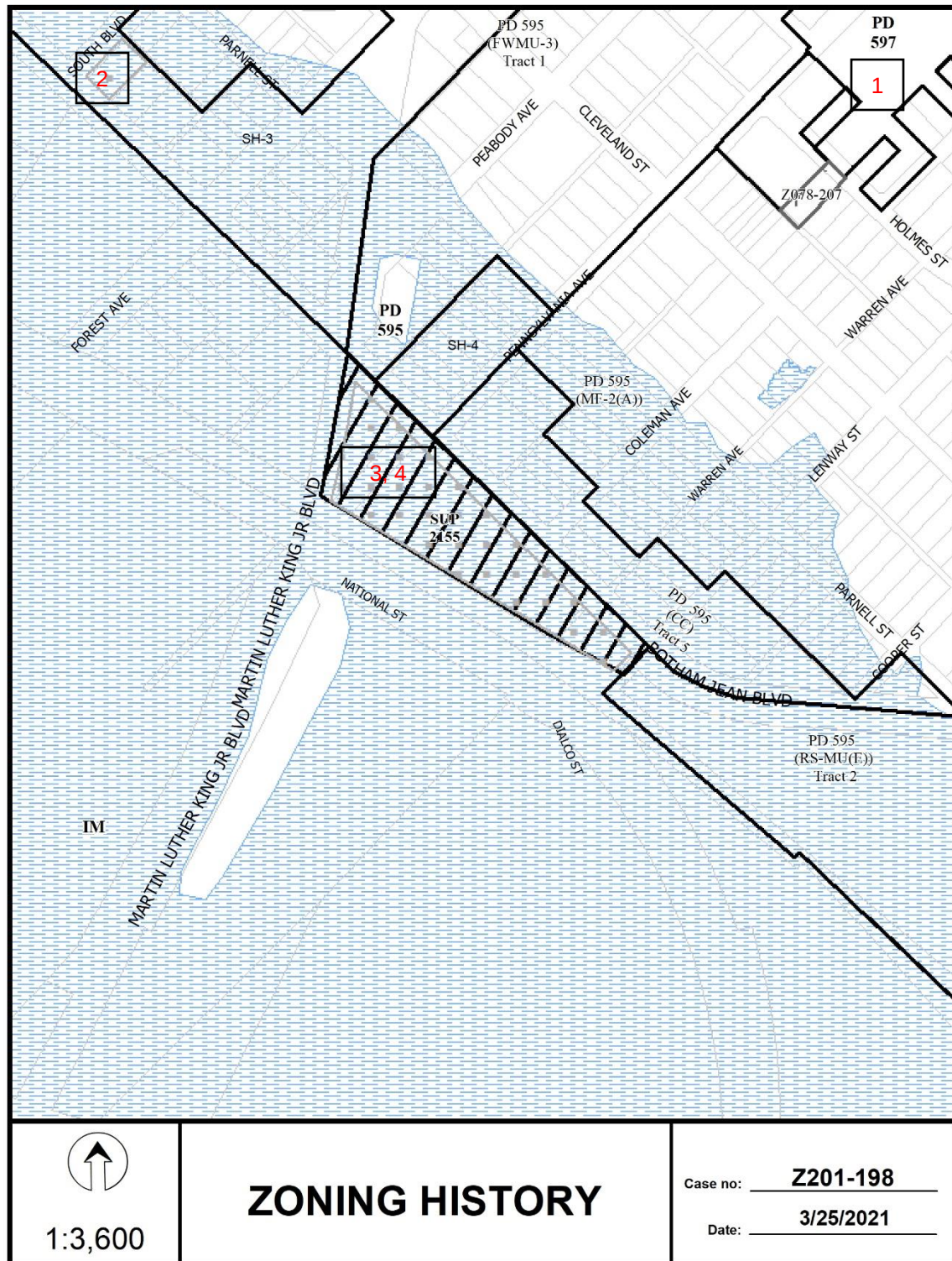
EXISTING SITE PLAN (No Changes)

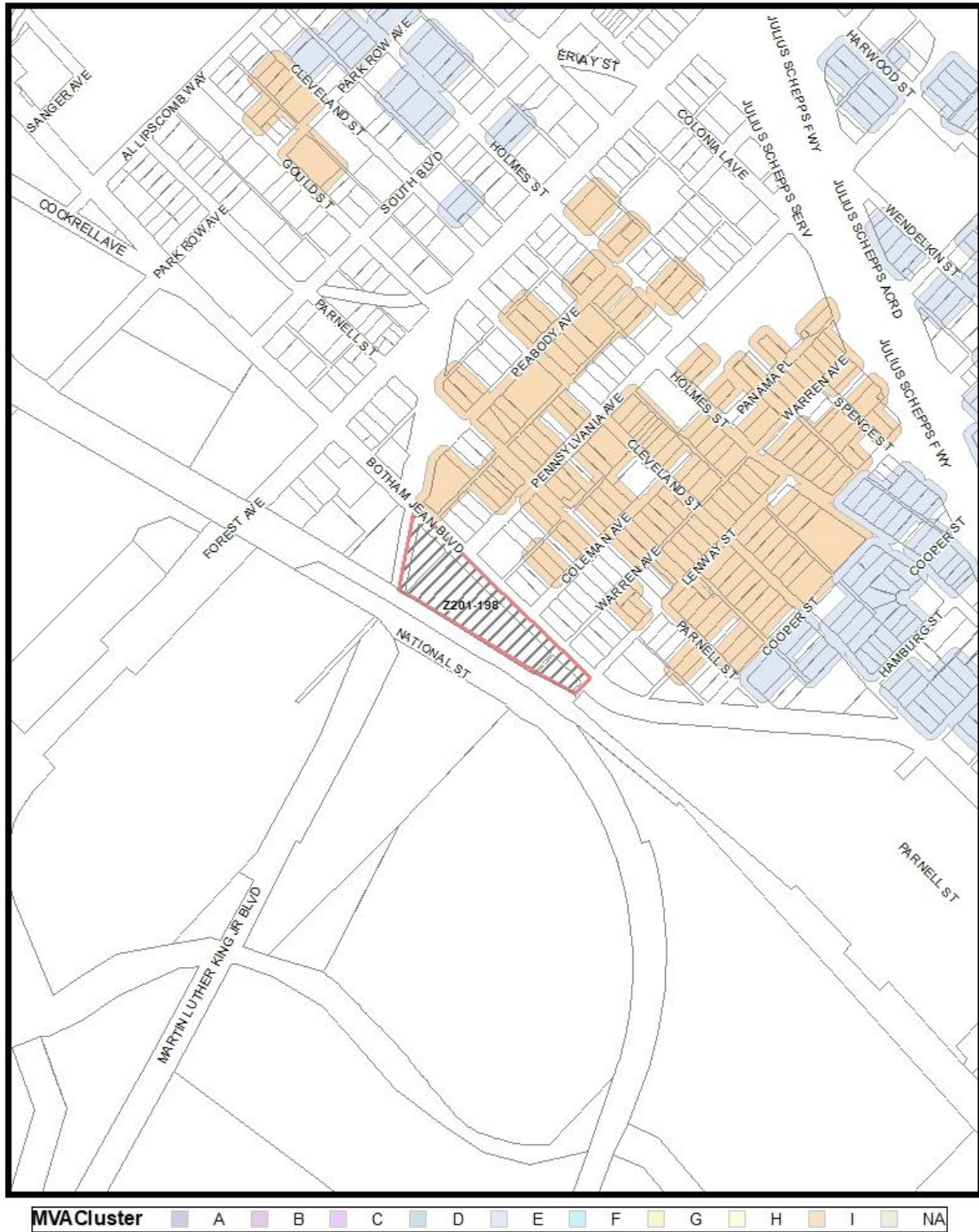












MVACluster A B C D E F G H I NA

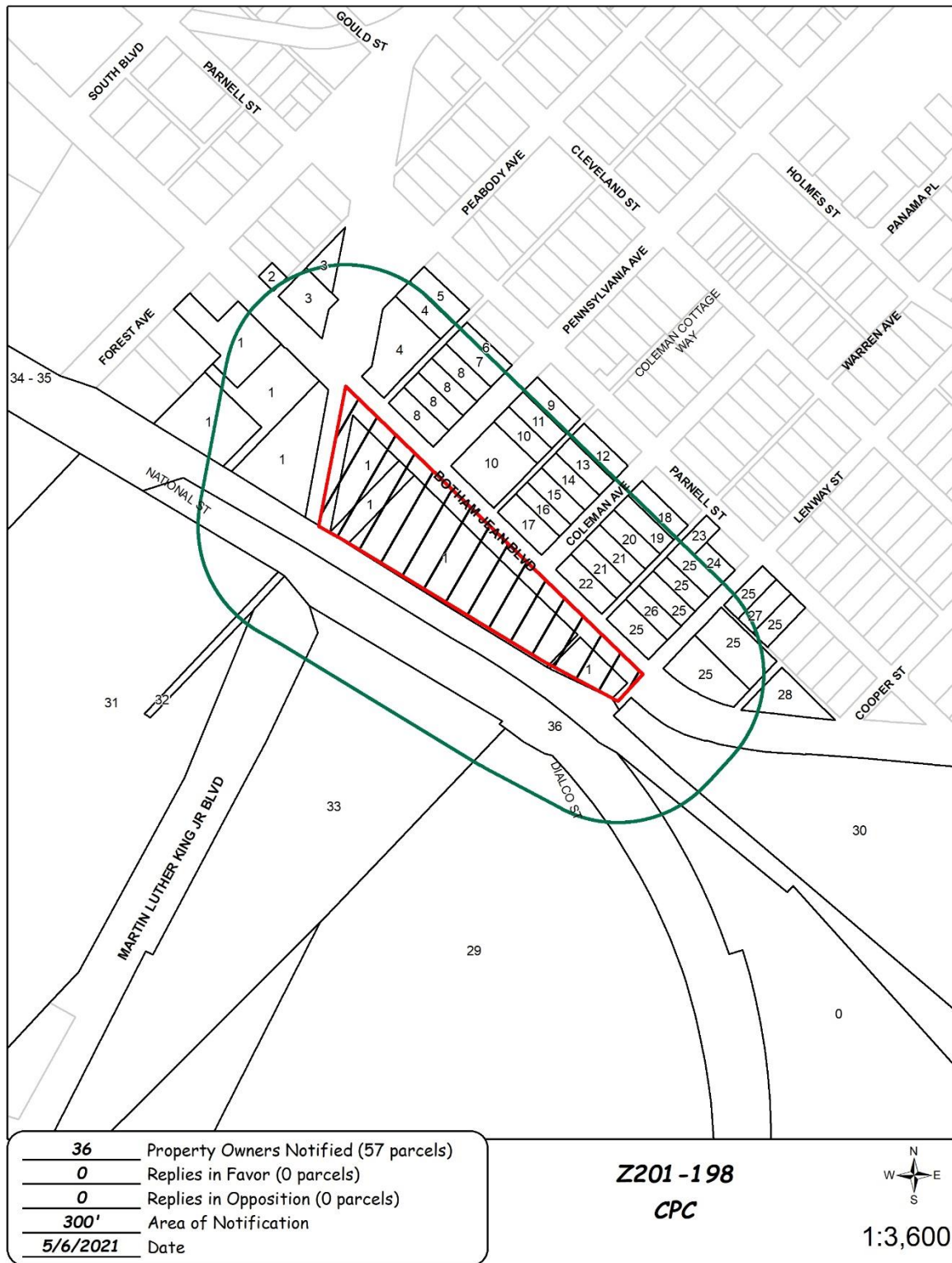


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Market Value Analysis

Printed Date: 4/23/2021

CPC RESPONSES



05/05/2021

Reply List of Property Owners***Z201-198******36 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	3113	S LAMAR ST	RECYCLING PROP LP
2	3008	S LAMAR ST	Taxpayer at
3	3020	S LAMAR ST	Taxpayer at
4	3100	S LAMAR ST	FITZHUGH DEVELOPMENT GROUP LLC
5	1216	PEABODY AVE	DELGADO ORLANDO
6	1219	PENNSYLVANIA AVE	SCOTT B A RODGERS REECE
7	1217	PENNSYLVANIA AVE	COLE ERNESTINE &
8	1211	PENNSYLVANIA AVE	AMERICAN TRANSPORT XPRESS
9	1222	PENNSYLVANIA AVE	FOXX BETTY ESTATE OF
10	1214	PENNSYLVANIA AVE	BROWN DAVID A
11	1216	PENNSYLVANIA AVE	BROWN DAVID A
12	1221	COLEMAN AVE	NOMAD SYNDICATE LLC
13	1217	COLEMAN AVE	NOMAD CAPITAL TRUST LLC
14	1213	COLEMAN AVE	PORTILLO JOSE JAIME
15	1209	COLEMAN AVE	SHAH GIRISH V
16	1207	COLEMAN AVE	1600 PENNSYLVANIA INC
17	3216	S LAMAR ST	FRANK HERBERT A JR
18	1226	COLEMAN AVE	CARMEN GRINSTEIN INC
19	1220	COLEMAN AVE	MCMILLIAM ETHEL MAE
20	1216	COLEMAN AVE	DALLAS FINEST HOME INVESTMENTS
21	1212	COLEMAN AVE	GRINSTEIN CARMEN
22	1206	COLEMAN AVE	WARREN WARD & G WILLIAMS
23	3303	PARNELL ST	LOVE RODERICK
24	1227	LENWAY ST	GRIFFIN LOIS K
25	1223	LENWAY ST	G & A CORPORATION
26	1209	LENWAY ST	G & A CORPORATION

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05/05/2021

Reply	Label #	Address	Owner
27	3505	PARNELL ST	Taxpayer at
28	3520	S LAMAR ST	ACTION METALS INC
29	1100	LENWAY ST	OCCIDENTAL CHEMICAL CORP
30	3701	S LAMAR ST	Dallas ISD
31	1000	FOREST AVE	FAUBION LEO
32	1000	FOREST LN	FAUBION ASSOCIATES INC
33	3301	NATIONAL ST	BEALL CONCRETE INC
34	4401	LINFIELD RD	ST LOUIS S W RAILWAY CO
35	9999	NO NAME ST	UNION PACIFIC RR CO
36	2300	AL LIPSCOMB WAY	BNSF RAILWAY