

FILE NUMBER: Z190-304(CT) **DATE FILED:** July 14, 2020
LOCATION: Northeast line of South Barry Avenue, north of South Haskell Avenue
COUNCIL DISTRICT: 2 **MAPSCO:** 46 M
SIZE OF REQUEST: Approx. 5.992 acres **CENSUS TRACT:** 25.00

APPLICANT: Texas Recycling & Surplus, Inc.

OWNER: City Warehouse, L.P.

REPRESENTATIVE: Prahba Cinclair – Miklos Cinclair PLLC

REQUEST: An application for the renewal of Specific Use Permit No. 2189 for a recycling buy-back center for the collection of household metals 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 within a portion of an existing facility [Texas Recycling & Surplus, Inc.].

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

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

BACKGROUND:

- The existing SUP for a recycling buy-back center for the collection of household metals and industrial metals was approved on April 27, 2016, for a one-year period. On February 22, 2017, the City Council renewed the SUP for a two-year period. An amendment to the SUP and two-year period was approved on December 12, 2018 and the current expiration date of the SUP is December 12, 2020.
- The applicant relocated their operations in August of 2015 to this location. The use is limited to 2,000 square-foot area and is contained inside of a structure. The use operates from 7:00 a.m. to 7:30 p.m., Monday through Friday and 7:00 a.m. to 11:30 a.m., Saturday.
- The applicant is seeking renewal, with no proposed changes to the existing conditions or 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 a 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 been any zoning cases in the area over the past five years.

Traffic:

The Engineering Division of the Department of Sustainable Development and Construction 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 |
|---------------------|----------------|--------------|--------------|
| South Barry Avenue | Minor Arterial | 60 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, SUP No. 2189 | Industrial, warehouse, and recycling buy-back center |
| Northeast | IM | Industrial and warehouse |
| Southeast | CS, IM | Industrial and warehouse |
| Southwest | MF-2(A) | Multifamily, Single family |
| Northwest | IM, MF-2(A) | Industrial, warehouse, multifamily, and single family |

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 warehouse and industrial uses. Properties that are generally located northeast of South Barry Avenue, east of East Grand Avenue 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 southwest of South Barry Avenue are developed with a mix of multifamily and single family uses. The proposed 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 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 short initial time allowed staff to review the use and determined it was in compliance with the conditions and site plan. The continue 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.

Landscaping:

The request does not trigger 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 H along Barry Avenue.

Parking:

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

Police Department:

The Dallas Police Department monitors the facility for compliance with Chapter 40B for operation of a recycling buy-back center. The Dallas Police Department also requires a license for a recycling buy-back center. The applicant's license is current with an expiration date of April 26, 2021.

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LIST OF OFFICERS

Texas Recycling /Surplus, Inc.

Joel Litman – CEO
Craig Litman – CFO

LIST OF OFFICERS

City Warehouse, L.P.

Holt Lunford – President
Doug Lueders – Vice President

CPC ACTION
OCTOBER 15, 2020

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2189 for a recycling buy-back center for the collection of household metals and industrial metals for a two-year period, subject to conditions on property zoned an IM Industrial Manufacturing, on the northeast line of South Barry Avenue, north of South Haskell Avenue.

Maker: Hampton
Second: Carpenter
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Stinson, Johnson,
Shidid, Carpenter, Jackson, Blair, Jung, Myers,
Schwope, Murphy, Garcia, Rubin

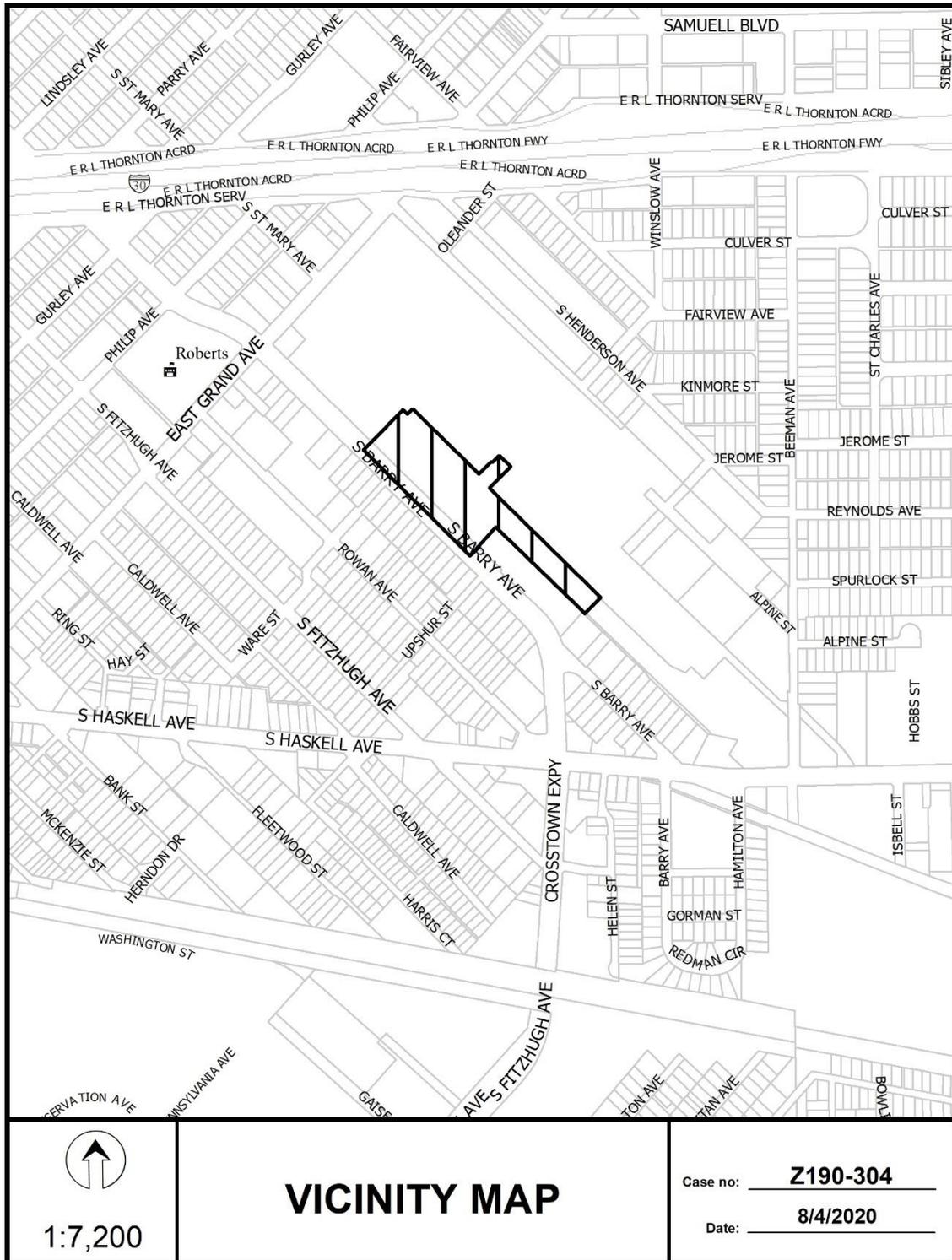
Against: 0
Absent: 0
Vacancy: 1 - District 11

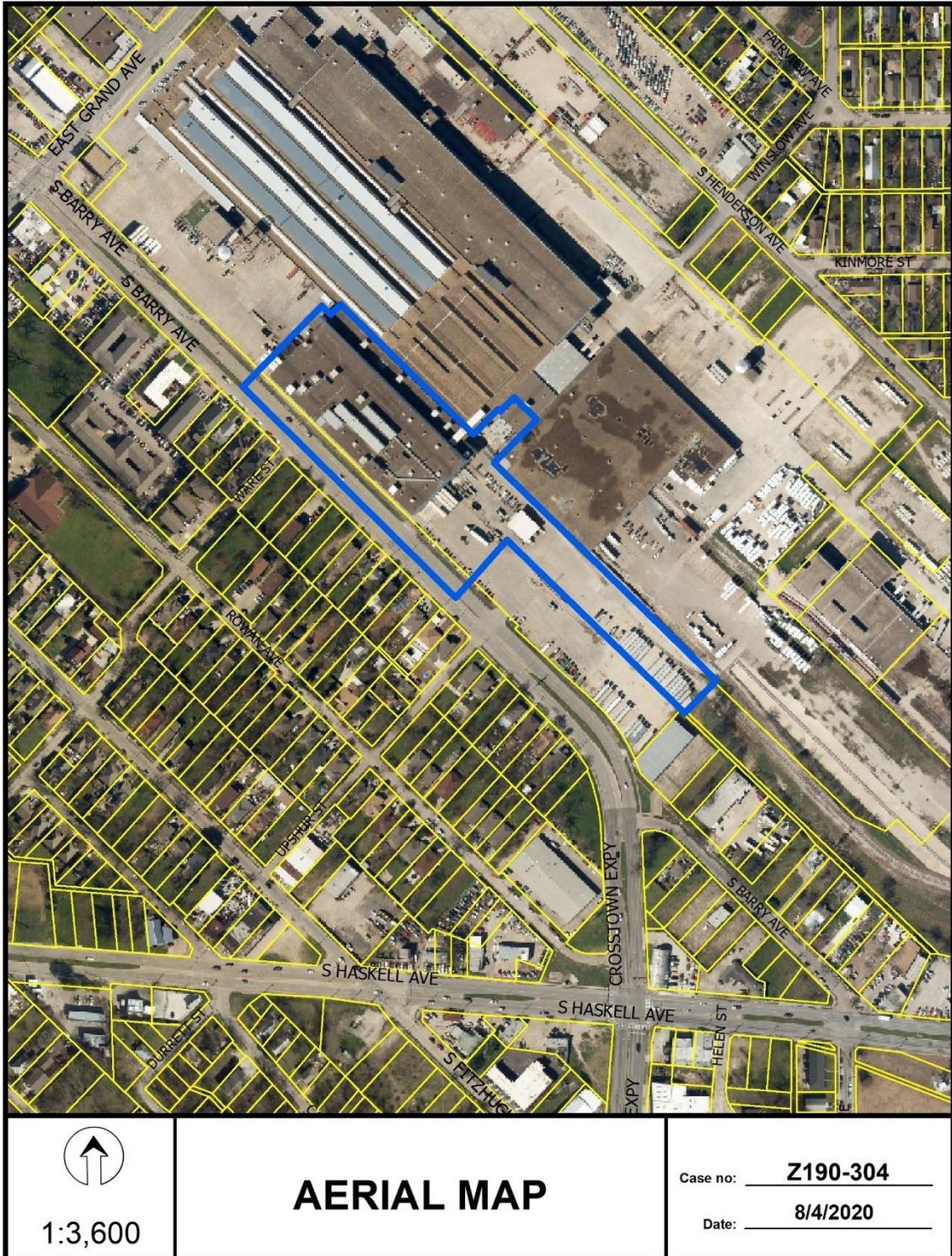
Notices: Area: 400 Mailed: 52
Replies: For: 0 Against: 0

Speakers: For: Prabha Cinclair, 1800 Valley View Ln., Farmers Branch, TX, 75234
For (Did not speak): Joe Litman, 1420 S. Barry Ave., Dallas, TX, 75223
Against: None

CPC Recommended Conditions

1. USE: The only use authorized by this specific use permit is a recycling buy-back center for the collection of household metals 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 (two years from the passage of this ordinance) ~~December 12, 2020~~.
4. FLOOR AREA: A maximum of 2,000 square feet on the location shown in the site plan.
5. HOURS OF OPERATION: The recycling buy-back center may only operate between 7:00 a.m. to 7:30 p.m., Monday through Friday and 7:00 a.m. to 11:30 a.m., Saturday.
6. INGRESS/ EGRESS: Ingress and egress must be provided as shown on the attached site plan. No other ingress or egress is permitted.
7. LICENSE: The Operator must have a secondary metals recyclers license in accordance with Chapter 40B of the Dallas City Code.
8. OUTSIDE STORAGE: Outside storage is prohibited.
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.







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

 1:7,200

Market Value Analysis

Printed Date: 8/4/2020

CPC RESPONSES



| | |
|-------------------|---------------------------------------|
| 52 | Property Owners Notified (62 parcels) |
| 0 | Replies in Favor (0 parcels) |
| 0 | Replies in Opposition (0 parcels) |
| 400' | Area of Notification |
| 10/15/2020 | Date |

Z190-304
CPC



1:3,600

10/14/2020

Reply List of Property Owners

Z190-304

52 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 | 1745 ALPINE ST | CITY WAREHOUSE LP |
| | 2 | 1616 S BARRY AVE | RAMOS JAIME & JUDITH |
| | 3 | 1628 BARRY AVE | BURTON MARSHA |
| | 4 | 1512 ROWAN AVE | TAYLOR WILLIAM JR |
| | 5 | 1510 ROWAN AVE | REYES VICTORIANO GONZALEZ |
| | 6 | 4910 UPSHUR ST | REIGER ASSOC 90 I LTD |
| | 7 | 1504 ROWAN AVE | GONZALES VICTORIANO R & |
| | 8 | 1629 BARRY AVE | EJAZ INVESTMENT GROUP INC |
| | 9 | 1623 BARRY AVE | NELSON KENNETH |
| | 10 | 1527 BARRY AVE | VARELA JOSE |
| | 11 | 1521 BARRY AVE | FAUSTINO ROSANELLY |
| | 12 | 1519 BARRY AVE | COLLAZO ROBERTO M & |
| | 13 | 1531 BARRY AVE | JOHNSON VEOLA & |
| | 14 | 1501 BARRY AVE | PACKER DETROIT MICHIGAN SR |
| | 15 | 1507 BARRY AVE | GIPSON CHARLES & BARBARA |
| | 16 | 1511 BARRY AVE | CHAMBLEE ETHEL E |
| | 17 | 1515 BARRY AVE | JUAREZ OLEGARIO |
| | 18 | 1422 ROWAN AVE | LINCHON SIE |
| | 19 | 1424 ROWAN AVE | COLON NOEL & |
| | 20 | 1426 ROWAN AVE | COLON ALMA |
| | 21 | 1432 ROWAN AVE | GSI PORTFOLIO LLC |
| | 22 | 1416 ROWAN AVE | PIZANA JUAN ALEJANDRO & |
| | 23 | 1434 ROWAN AVE | VILLA JOSE & |
| | 24 | 1444 ROWAN AVE | GARCIA ANTONIO |
| | 25 | 1448 ROWAN AVE | PADRON CRUZ M & MARIA ELENA |
| | 26 | 1440 ROWAN AVE | VILLA JOSE LUIS & |

10/14/2020

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|----------------|---------------------------|
| 27 | 4913 | UPSHUR ST | VILLA GUILLERMO |
| 28 | 4911 | UPSHUR ST | REED FRANKIE J |
| 29 | 1437 | BARRY AVE | LOMAS EUGENIO |
| 30 | 1449 | BARRY AVE | FLORES MARTIN & YOLANDA |
| 31 | 1443 | BARRY AVE | MARTINEZ MARCIAL & BENITA |
| 32 | 1447 | BARRY AVE | VALLES JAVIER H |
| 33 | 1427 | BARRY AVE | SEATON ELLA MAE ESTATE OF |
| 34 | 1431 | BARRY AVE | SEATON ELLA M |
| 35 | 1419 | BARRY AVE | GARCIA JUAN ANTONIO |
| 36 | 1423 | BARRY AVE | ALAMO CARMELO & |
| 37 | 1435 | BARRY AVE | GOMEZ ANTONIO & ELVIRA |
| 38 | 1411 | BARRY AVE | SOLID COOL PROPERTIES LLC |
| 39 | 1401 | BARRY AVE | OLIVARES MARYBEL PEREZ |
| 40 | 1415 | BARRY AVE | DE LA GARZA UVALSO |
| 41 | 1407 | BARRY AVE | OLIVARES MARIANO & |
| 42 | 1343 | BARRY AVE | JOBE ALINE |
| 43 | 1341 | BARRY AVE | KAGNEW FASIL |
| 44 | 1337 | BARRY AVE | ALMEIDA JULISSA |
| 45 | 1353 | BARRY AVE | HOLLAND GARY |
| 46 | 1323 | S BARRY AVE | SNOOTY PARROT LLC |
| 47 | 1305 | N BARRY AVE | ANDREWS VIRGINIA & |
| 48 | 1315 | S BARRY AVE | CASA GRANDE VILLAS LLC |
| 49 | 4640 | CROSTOWN EXPY | DOMINGUEZ VILIULFO & |
| 50 | 1408 | ROWAN AVE | UGWUMBA INC |
| 51 | 1402 | ROWAN AVE | STANTON BRITTA |
| 52 | 4901 | WARE ST | SKELDALE PROPERTIES INC |