

CITY PLAN COMMISSION

THURSDAY, FEBRUARY 6, 2025

Planner: Michael Pepe

FILE NUMBER: Z212-131(MP) **DATE FILED:** November 10, 2021

LOCATION: On the southwest line of Kleberg Road between US 175 Frontage Road and Jordan Valley Road.

COUNCIL DISTRICT: 8

SIZE OF REQUEST: 51 acres **CENSUS TRACT:** 48113017102

REPRESENTATIVE: Weaver Consultants Group, LLC

OWNER/APPLICANT: Mesquite Landfill TX, LP

REQUEST: An application for an amendment to Specific Use Permit No. 798 for a Mining of Sand and Gravel use on property zoned an A(A) Agricultural District.

SUMMARY: The purpose of the request is to maintain the status of the site as a detention lake by amending the existing SUP conditions requiring continual backfill of the site.

STAFF RECOMMENDATION: Approval, subject to an amended site plan and conditions.

BACKGROUND INFORMATION:

- The property currently has permanent Specific Use Permit 798.
- SUP 798 was originally approved on October 22, 1980 with Ordinance 16728 with no time limit.
- The property is currently used as a detention lake, previously used as a sand and gravel mine for the adjacent landfill, the Trinity Oaks Landfill. The landfill closed to waste in 2002 under TCEQ Permit MSW Permit 556.
- The code definition of Mining under which the use is currently authorized by SUP is as follows:
 - Mining. (A) Definition: The extraction, removal, or stockpiling of earth materials, including soil, sand, gravel, oil, or other materials found in the earth. The excavation of earth materials for ponds or lakes, including excavations for fish farming ponds and recreational lakes, are considered mining unless otherwise expressly authorized by another provision of this code. The following are not considered mining:
 - (i) The extraction, removal, or stockpiling of earth materials incidental to an approved plat or excavation permit, incidental to construction with a building permit, or for governmental or utility construction projects such as streets, alleys, drainage, gas, electrical, water, and telephone facilities and similar projects.
 - (ii) The extraction, removal, or stockpiling of earth materials incidental to construction of landscaping, retaining walls, fences, and similar activities consistent with the land use allowed at the site of removal.
- The use is permitted in the district only with an SUP.
- As part of an atypical review for zoning approvals, the case was reviewed by Office of Environmental Quality and Sustainability, Dallas Water Utilities – Floodplain Management, Code Compliance, and Paving/Drainage Engineering. These agencies found no objection to allowing the detention area to remain as is.
- Amendment of the SUP conditions is necessary to maintain the site as is. Termination of the SUP would require that the site is brought back to a graded state in accordance with the conditions.
- The existing lake also exists within the neighboring SUP 799. SUP 799 is not a part of this application, as it also includes a property under different ownership over a half mile to the south.

Zoning History:

There has been one zoning case in the area in the past five years.

1. **Z212-115:** On September 7, 2023, the City Plan Commission recommended Denial of an application for a Specific Use Permit within for Commercial Motor Vehicle Parking on property zoned Commercial Service District located on the north line of Silverado Drive between CF Hawn Freeway and Kleberg Road.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Proposed ROW
Kleberg Road	Minor Arterial	44' Pavement, 60' ROW

Traffic:

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. The request complies with the following land use goals and policies of the Comprehensive Plan:

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

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

ECONOMIC ELEMENT**GOAL 2.1** PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

AREA PLAN:**West Kleberg Community Plan (2007)**

The West Kleberg community is located in the far southeastern section of the City of Dallas, bordering the cities of Seagoville, Balch Springs, and unincorporated areas of Dallas County. It is generally located south of Interstate 20, and bounded on the east by Stark Road and Dallas city limit; on the south by Seagoville city limit and the Dallas County; and on the west by St. Augustine and Haymarket Roads.

The vision for the West Kleberg Community Plan is to reflect “Old Kleberg's” historical heritage by promoting a strong rural atmosphere while still allowing for future growth to occur that is sensitive to this context. The future vision map of the plan designates the request area as appropriate for low density residential development.

Staff finds that the applicant’s proposal complies with the West Kleberg Community Plan, particularly the following goals, actions, and policy statements.

LAND USE AND ZONING

POLICY 1.2 Retain the rural character of the area by minimizing potential adverse impact of growth and maximize opportunities to enhance the community’s quality of life.

PARKS AND OPEN SPACE

GOAL 1 Protect the “rural/open space” character of the area and identify recreational amenity needs.

The area plan also expresses interest in the eventual reuse of the adjacent Trinity Oak Landfill site as a potential park, considering there are no neighborhood parks located within the study area on the southside of US-175.

Land Use:

	Zoning	Land Use
Site	A(A) Agricultural	Detention Lake / Mining use
North	A(A) Agricultural	Landfill, Agricultural use
East	A(A) Agricultural with SUP 799 for Mining use	Detention Lake / Mining use
South	A(A) Agricultural with SUP 799 for Mining use, A(A) Agricultural, PD No. 797	Detention Lake / Mining use, Agricultural use
West	A(A) Agricultural, PD No. 797	Landfill

Land Use Compatibility:

The area of request currently exists as a detention lake, having previously been used as the mining use for gravel for the adjacent landfill. Property to the east of the site is the remaining half of the detention lake, under SUP 798. Property north, west, and south of the site are other portions of the landfill operations, as well as agricultural uses.

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.

In conjunction with partner agencies, staff recommends approval of the requested amendment to the SUP to allow the detention area to remain. The existing land use should have less potential impacts on neighboring properties than would active sand and

gravel mining, the change to the SUP incentivizes the owner to maintain the property as is.

The key condition that ties the present state of the property with the SUP is as follows:

“H. If mining operations are not taking place on the Property, backfilling of the Property is not required as long as the Property is in its current condition, based on the approved site plan dated 2025.”

Special Consideration for Environmental Review:

The proposed amendment has been reviewed by the Office of Environmental Quality & Sustainability.

Based on documentation reviewed, the landfill does not appear to have chemicals leaching in groundwater near the referenced pond located east/southeast of the landfill. Reports submitted to TCEQ do not indicate any releases from the adjacent landfill upgradient of the pond and the constructed liner is meant to limit any potential chemicals from migrating out of the landfill. The annual groundwater monitoring completed by an environmental consultant and reported to TCEQ for review annually would identify any chemicals of concern with a potential to impact the pond on the adjoining property.

It is most probable that the pond water consists of surface water and rain water, which would not have been impacted by the landfill because it has a clay cap to keep any potential contaminants in the landfill; any surface water flowing from off the landfill would not be carrying potential landfill contaminants. Furthermore, any potential migration of chemicals out of the landfill would be in the downgradient direction and the pond is located upgradient/cross gradient from the landfill; it is unlikely that the pond would be affected in the future. Additionally, the existence of the pond and established wetland environment likely provides a positive effect, acting as a retention area and offering beneficial contributions to the environment and flood mitigation efforts.

It should be noted that removing the pond at this point may be problematic, as an established wetland has formed. In addition, dewatering would be needed, and a large volume of soil would need imported which would need tested to ensure no contaminants are being brought to the property. Further investigation and environmental consulting may be needed if the decision is made to remove the pond.

Landscaping:

Any new development on the site will require landscaping per Article X. No development is proposed.

Parking:

According to the Dallas Development Code, no parking is required for the use.

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 (A through C) to orange, representing the weakest markets (G through I). The area of request is within the MVA Category "H".

List of Partners/Principals/Officers

Republic Services, a Delaware corporation

General Partner of Mesquite Landfill TX, LP, a Delaware limited partnership

Officers:

<u>Name</u>	<u>Title</u>
Donald W. Slager	Chief Executive Officer
Joe Vander Ark	President
Tim Stuart	Chief Operating Officer
Brian Balus	EVP, Chief Development Officer
Brian Del Ghiaccio	EVP, Chief Financial Officer
Catharine Ellingsen	EVP, Chief Legal Officer, Chief Ethics and Compliance Officer
Amanda Hodges	EVP, Chief Marketing Officer
Jeff Hughes	EVP, Chief Administrative Officer

PROPOSED SUP CONDITIONS
(Changes highlighted)

1. USE: The only use authorized by the specific use permit is mining limited to sand and gravel mining.
2. SITE PLAN: Use and d[D]evelopment of the Property must comply with the attached [within this Specific Use Permit shall be in accordance with the [S]ite p[P]lan [attached to and made a part of this ordinance].
- 3[2]. TIME LIMIT: This specific use permit has no expiration date.
4. HOURS OF OPERATION: Mining operations may only occur between 6:00 a.m. and 6:00 p.m., Monday through Sunday. [Moved]
5. MINING OPERATIONS:
 - A. Trucks hauling rocks, sand, gravel, or earth from the property may only use Jordan Valley Road and U.S. Highway 175 to enter and exit the property.
 - B[3]. The operator [Grantees or their successors or assigns] shall maintain [keep] all roads on the P[p]roperty in a manner that [treated with oil so as to] prevents unnecessary dust. Road maintenance for dust suppression may not result in excessive runoff, runoff with an oil sheen, or negatively impact water quality. Used oil shall not be used as dust suppression.
 - C[4]. The operator [Grantees or their successors or assigns] shall make reasonable repairs of holes in Jordan Valley Road that [which] may be caused by trucks engaged in the excavation operations. The repairs shall be accomplished at direction of the City of Dallas.
 - ~~5.~~ As each section of the excavation operation is completed, the grantees or their successors or assigned shall back fill and level the section to its original grade and the leveling must be accomplished within 60 days after termination of the operations on such section with reasonable delays allowed if the weather prevents such filling. For the purpose of this paragraph, a section is defined as 25 percent of the total site area to be mined.
 - D[5]. Within 50 feet of any outside boundary line of the P[p]roperty, no excavation may be made to cause a slope in excess of a three to one ratio.
 - E[6]. Excavations must have sufficient slope to provide proper drainage on the P[p]roperty and so as to leave no water pockets or pools.
 - ~~7.~~ No mining operations may be conducted on the property after 6:00 p.m. or prior to 6:00 a.m. on any day. [Moved]

E[8]. The City of Dallas disclaims any liability relating to the mining operations.

G. Prior to any future development, including any additional excavation for soil to be used offsite, full engineering plans, including a hydraulic and hydrologic report must be developed based on the engineering guidelines of Development Services by the operator. The plans and report must be reviewed and approved by the Development Services Paving and Drainage Engineering Division.

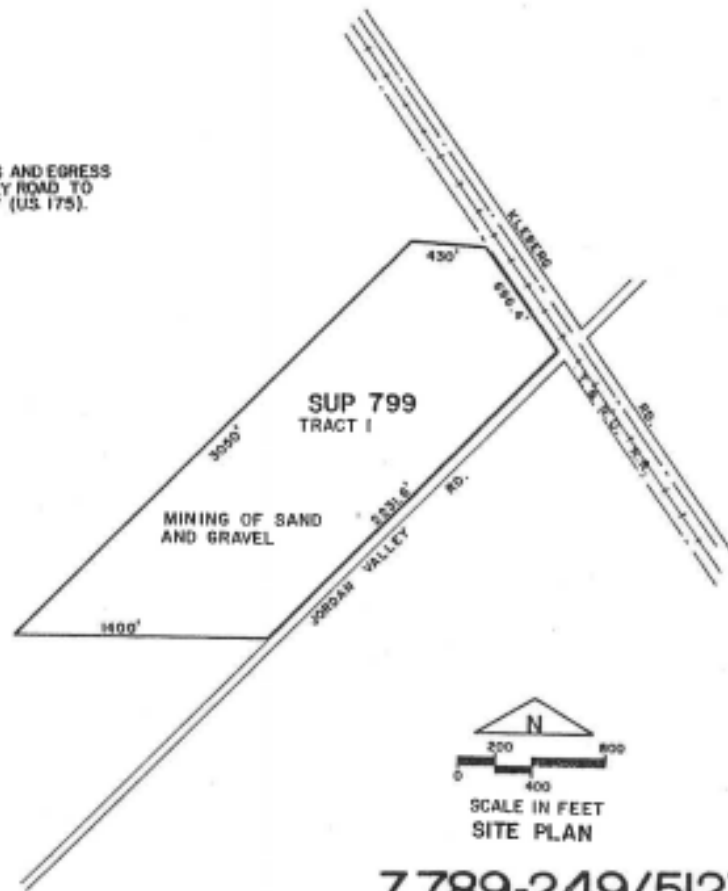
H. If mining operations are not taking place on the Property, backfilling of the Property is not required as long as the Property is in its current condition, based on the approved site plan dated 2025.

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.

EXISTING SITE PLAN

NOTE: INGRESS AND EGRESS
JORDAN VALLEY ROAD TO
HAWN FREEWAY (US 175).

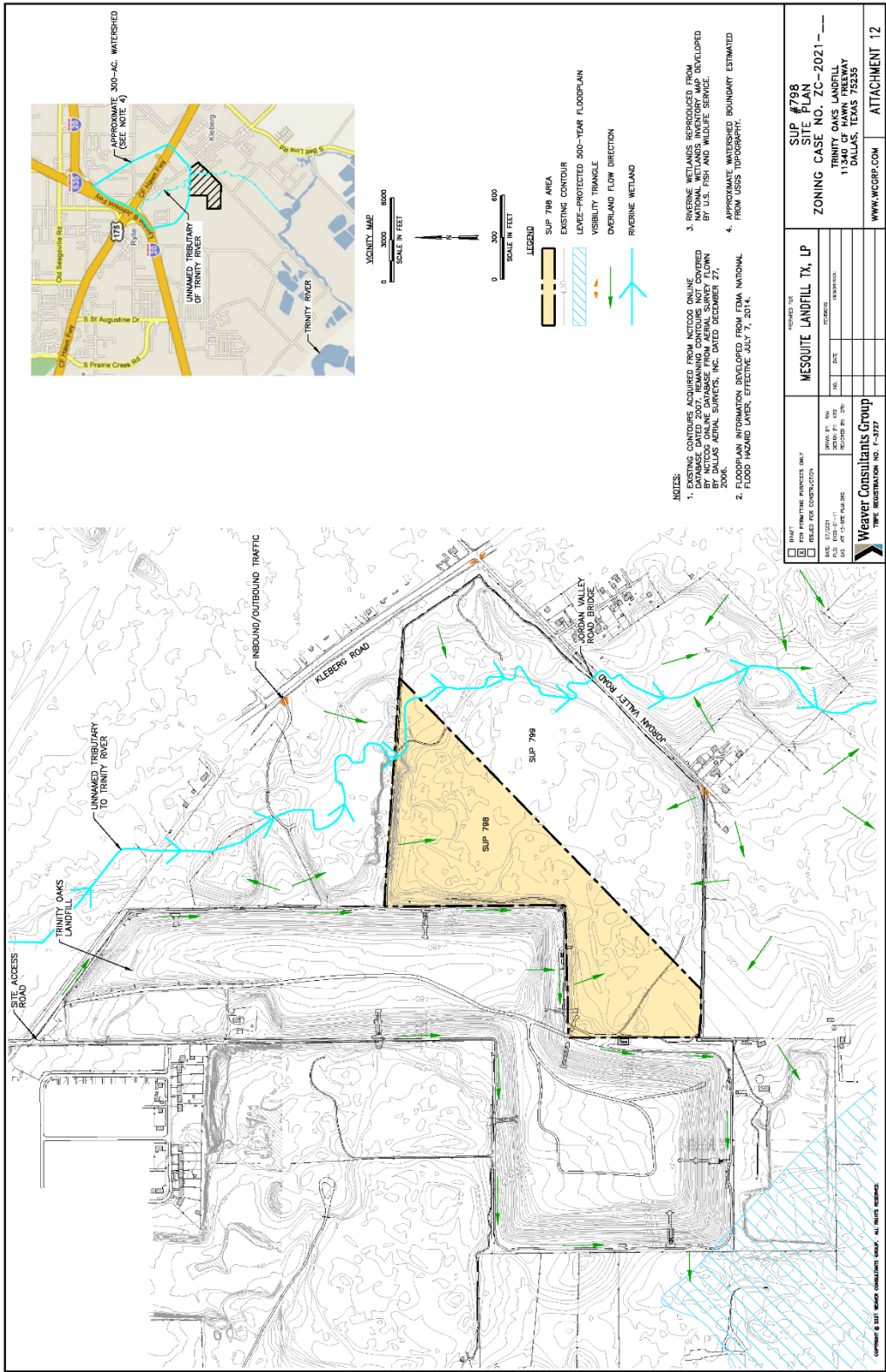


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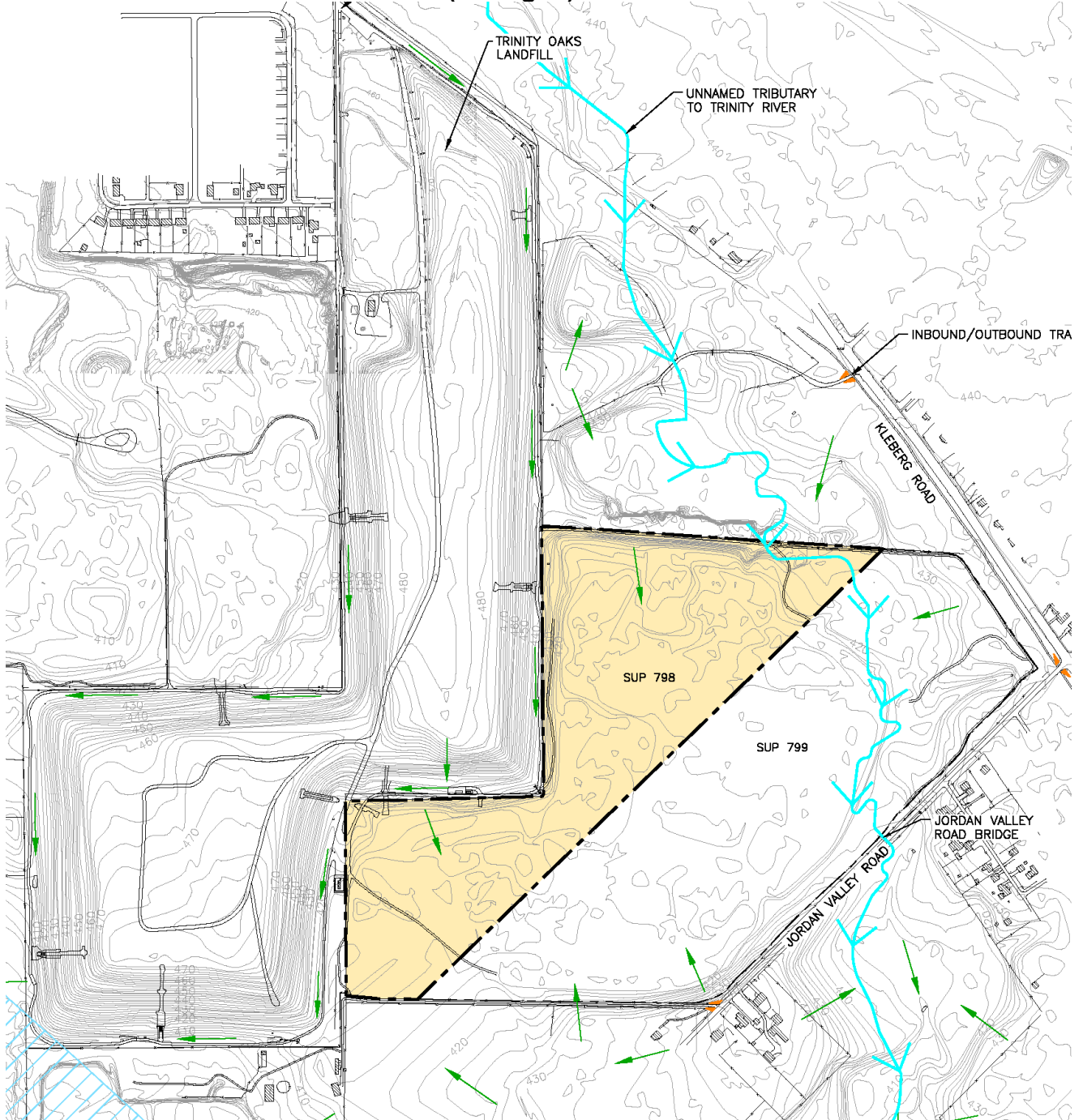
PREPARED BY DEPT. OF URBAN PLANNING

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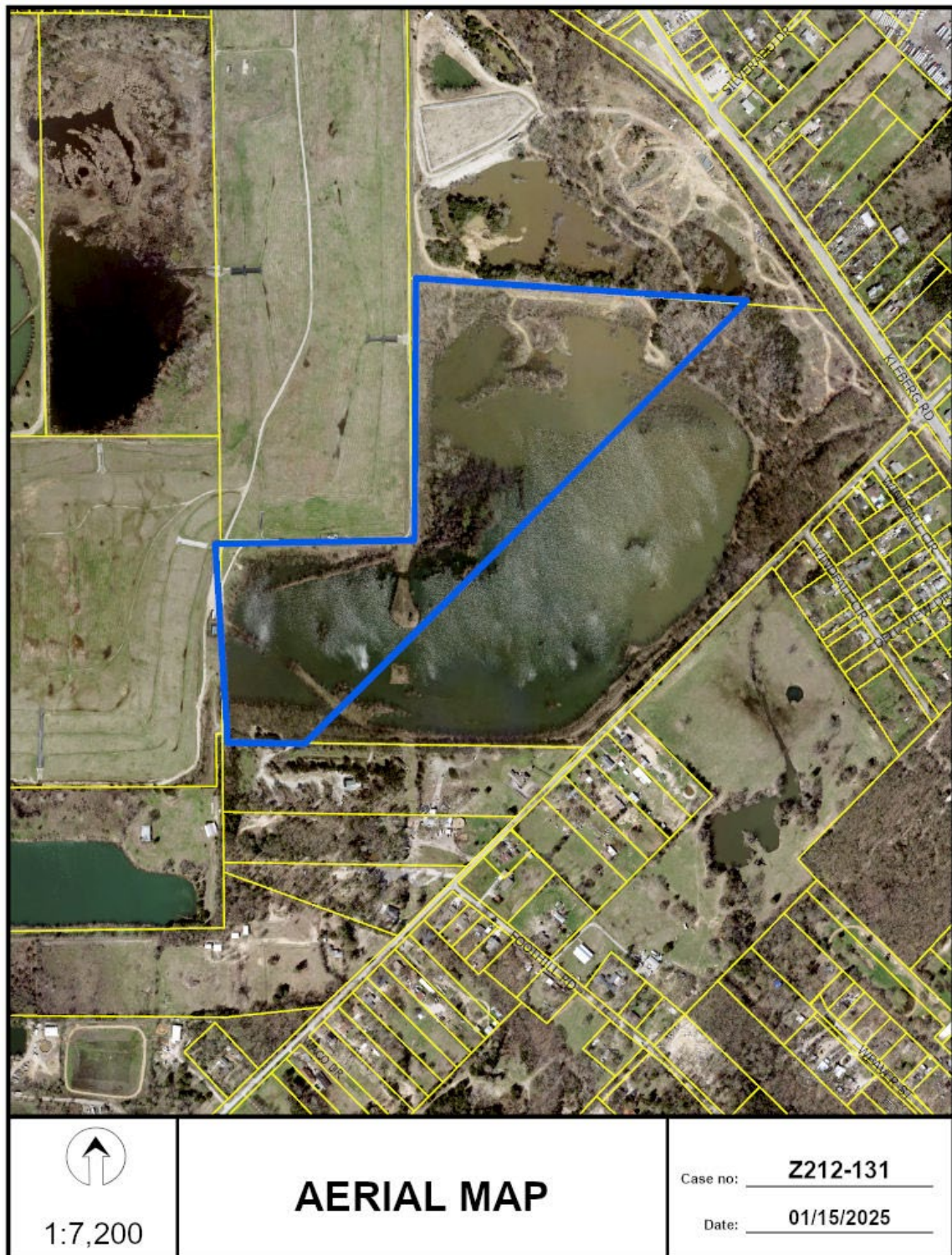
PROPOSED SITE PLAN

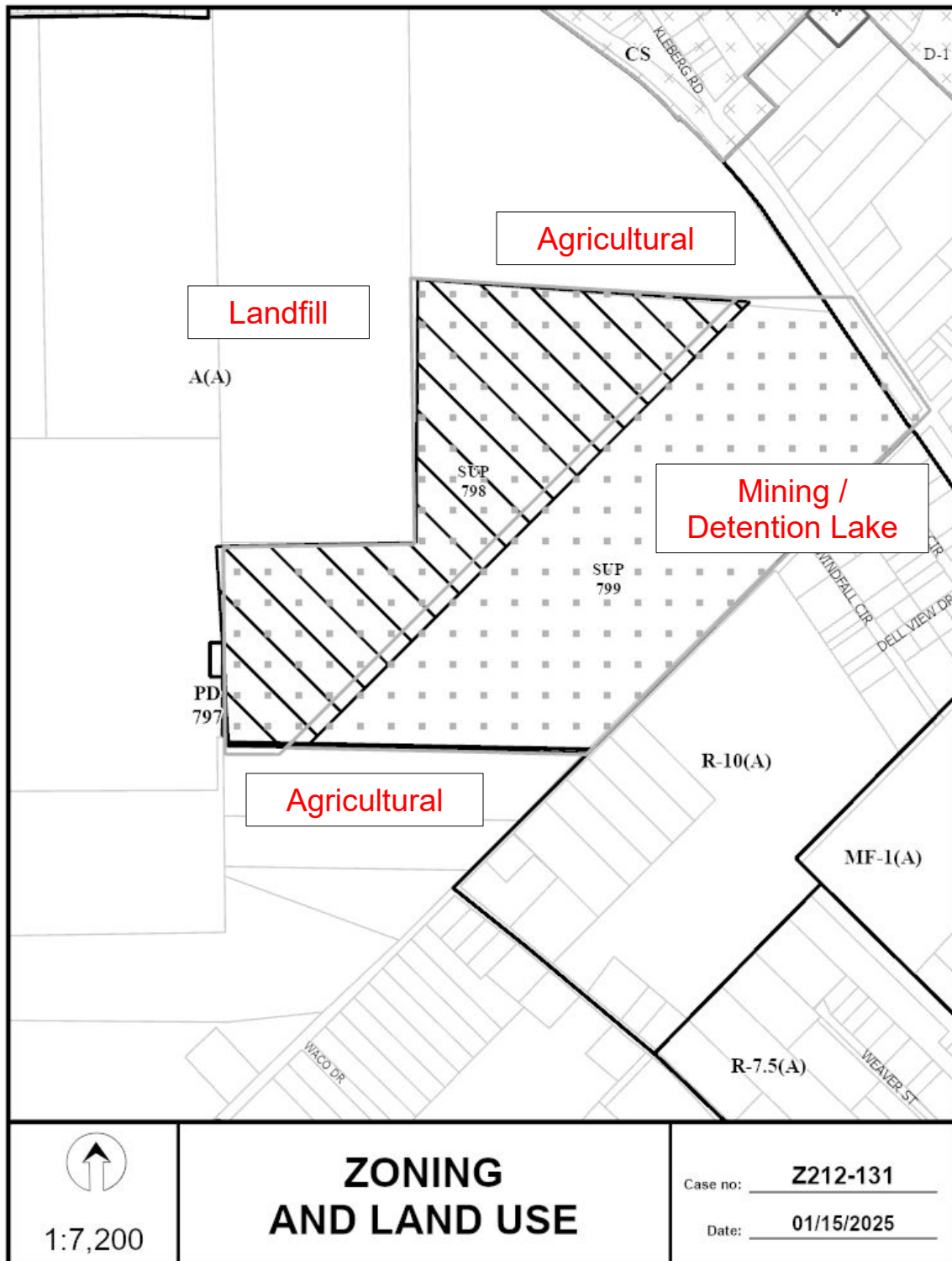


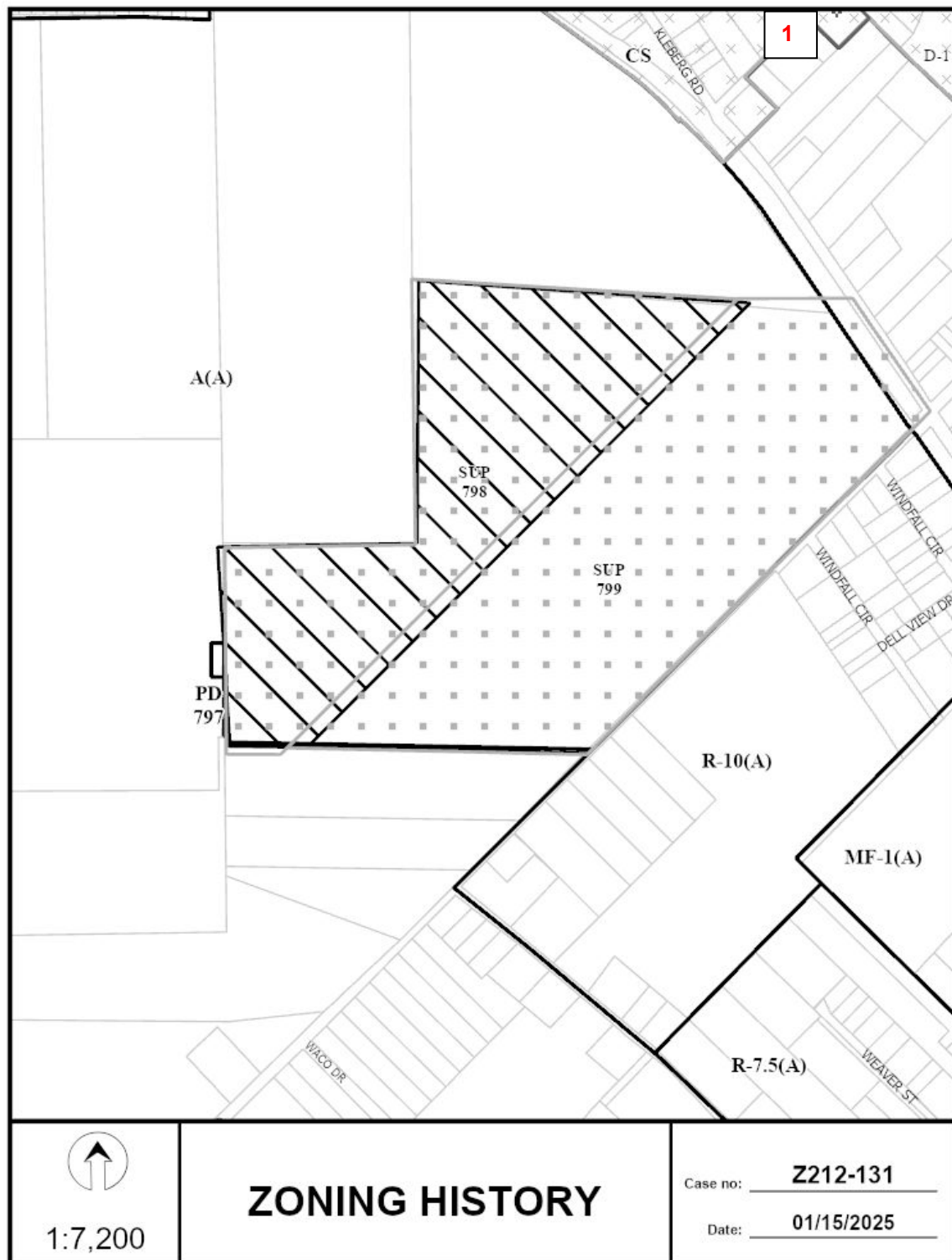
**PROPOSED SITE PLAN
(Enlarged)**

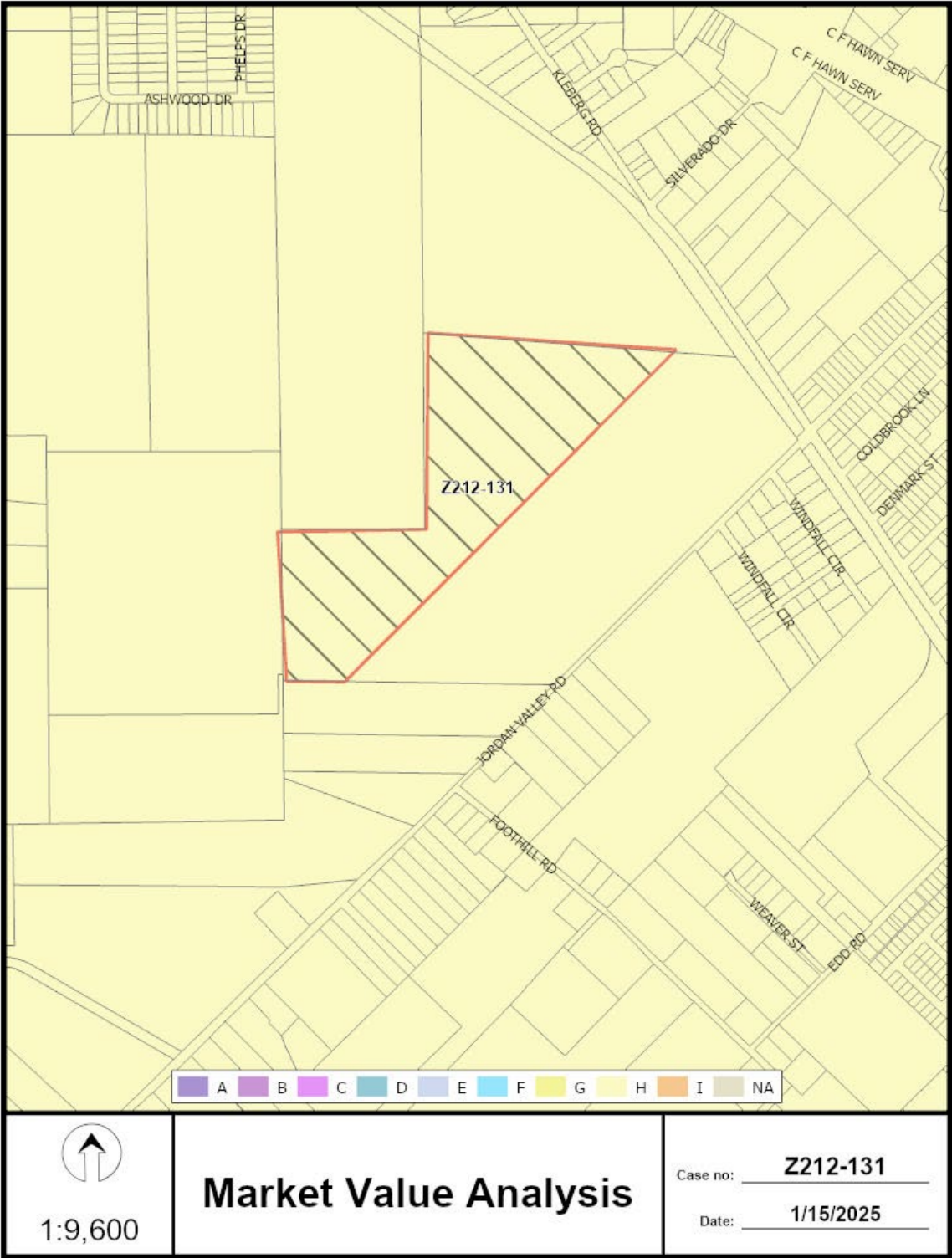


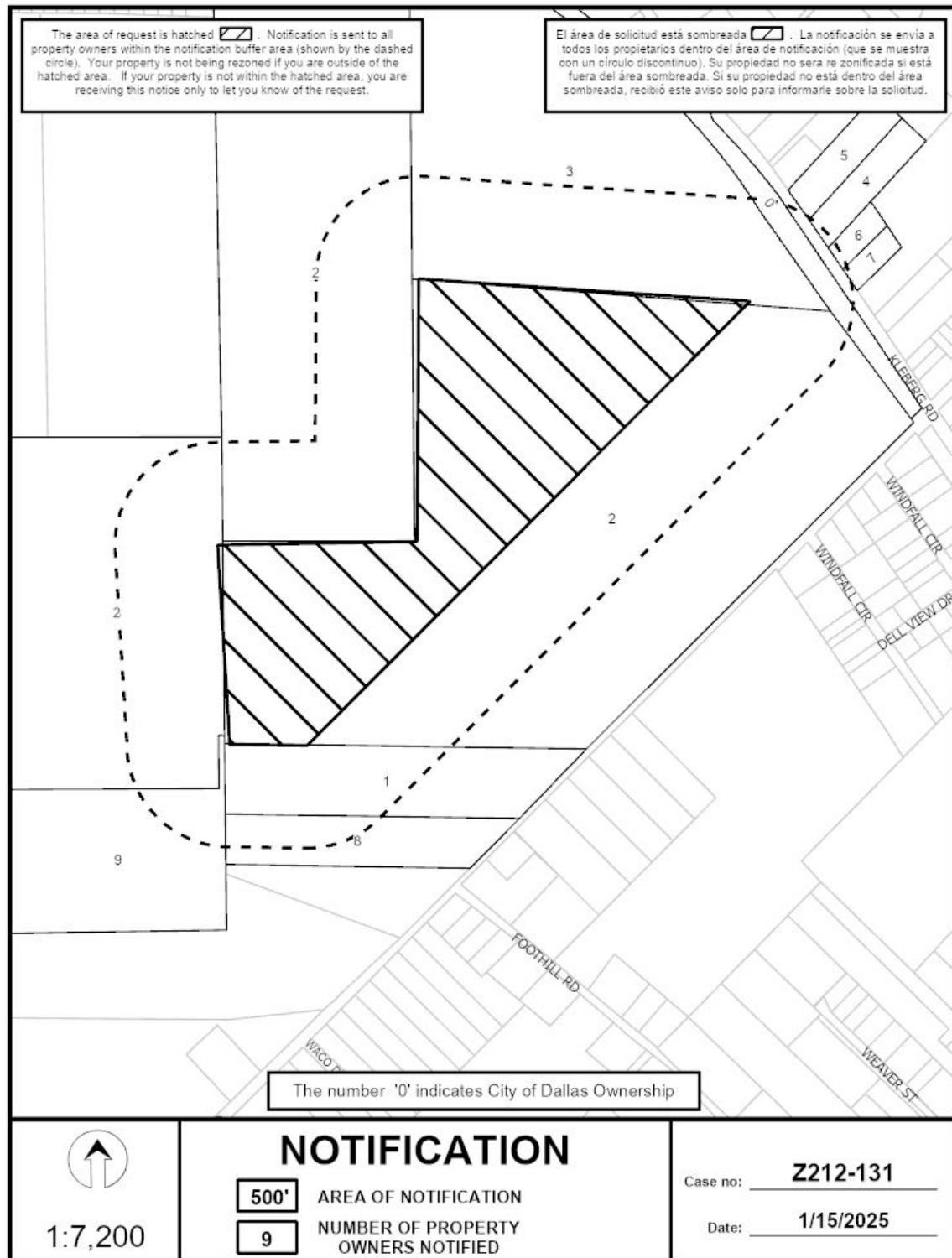












01/15/2025

Notification List of Property Owners

Z212-131

9 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2900 JORDAN VALLEY RD	HERNANDEZ OSCAR & ROMANA
2	2430 JORDAN VALLEY RD	MESQUITE LANDFILL TX LP
3	11900 KLEBERG RD	DALLAS AGGREGATE DIRT
4	12031 KLEBERG RD	COGAN LORISA LEE
5	12025 KLEBERG RD	SWEENEY VALLRIE ANN
6	12037 KLEBERG RD	LAIRD STEPHANIE D
7	12109 KLEBERG RD	ENGLISH MARY L
8	2831 JORDAN VALLEY RD	RAMOS ELOY &
9	2755 JORDAN VALLEY RD	PORTER BURKE LINDSEY TRUST