

FILE NUMBER: Z223-145(LG) **DATE FILED:** November 22, 2022

LOCATION: Northeast corner of Zodiac Lane and Virgo Lane

COUNCIL DISTRICT: 6

SIZE OF REQUEST: Approx. 2.7209 acres **CENSUS TRACT:** 48113009701

REPRESENTATIVE: Trenton Robertson, Masterplan

OWNER/APPLICANT: Zodiac Resources, LLC

REQUEST: An application for **(1)** an IM Industrial Manufacturing District with deed restrictions volunteered by the applicant; and **(2)** a Specific Use Permit for an industrial (inside) potentially incompatible use limited to the refining of precious metals on property zoned an IR Industrial Research District on the northeast corner of Zodiac Lane and Virgo Lane.

SUMMARY: The purpose of the request is to utilize the existing structure for the refining of precious metals.

CPC RECOMMENDATION: **(1) Approval** of an IM Industrial Manufacturing District, subject to deed restrictions volunteered by the applicant at the hearing; and **(2) approval** of the Specific Use Permit for an industrial (inside) potentially incompatible use limited to the refining of precious metals for a five-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **(1) Approval** for an IM Industrial Manufacturing District subject to deed restrictions volunteered by the applicant; and **(2) approval** of a Specific Use Permit for an industrial (inside) potentially incompatible use limited to the refining of precious metals for a two-year period, subject to a site plan and conditions.

IR and IM zoning districts:

https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-77556

BACKGROUND INFORMATION:

- The area of request is currently developed with a 61,200 square feet vacant structure.
- The applicant proposed to utilize the property for a potentially incompatible industrial use to refine precious metals.
- The proposed use is only permitted in an IM District subject to a Specific Use Permit, thus the portion of the request to consider this zoning district and Specific Use Permit.
- Deed restrictions have been volunteered to prohibit certain uses.

Zoning History:

There has been two zoning cases in the area in the last five years.

1. Z201-188: On April 16, 2021, staff approved an automatic renewal of Specific Use Permit No. 1861 for an industrial (inside) potentially incompatible use limited to the refining of precious metals for a five-year period on property zoned an IM Industrial Manufacturing District on the west line of Gemini Lane, south of Royal Lane. [Subject Site]
2. Z223-144: On November 22, 2022, staff received an application for an IR Industrial Research District; 2) the termination of Specific Use Permit No. 1861 for an industrial (inside) potentially incompatible use limited to the refining of precious metals; and 3) the termination of existing deed restrictions [Z101-223] on property zoned an IM Industrial Manufacturing District on the west line of Gemini Lane, south of Royal Lane. [Scheduled for July 20, 2023 City Plan Commission]

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Zodiac Lane	Local Street	60 ft.
Virgo Lane	Local Street	60 ft.

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.

Land Use:

	Zoning	Land Use
Site	IR Industrial Research District	Vacant
North	Planned Development District No. 447	Multifamily
East	R-7.5(A)	Single Family
South	IR Industrial Research District	Office showroom/warehouse
West	IR Industrial Research District	Warehouse and industrial (inside)

Land Use Compatibility:

The area of request consists of a commercial building with surface parking in the front of the building currently zoned an IR Industrial Research District. The applicant proposes to utilize the existing improvements for precious metal refining. This use (potentially incompatible industrial use) is not permitted under the existing IR District.

The predominant land uses in the immediate area consist of light industrial, office and supporting commercial uses. The surrounding uses include warehouse, office showroom/warehouse and industrial (inside) to the south and west. However, adjacent properties to the east are developed with single family and the property abutting the northern property line is zoned PD No. 447 and is developed with multifamily. The IM District is typically not intended to be located near areas of residential development. However, staff finds the applicant's volunteered deed restrictions and SUP for the proposed use to increase its compatibility with surrounding 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.

Certain uses permitted in the requested IM District have been prohibited per the volunteered deed restrictions in an effort to lessen the impact of any future uses at the requested site would have on the adjacent residential neighborhood. The proposed industrial (inside) potentially incompatible use limited to the refining of precious metals is only permitted in an IM district subject to a Specific Use Permit. This may further mitigate the impact of the proposed development on the adjacent residential neighborhood. Therefore, staff supports the applicant's request for an IM District subject to deed restrictions volunteered by the applicant, and for an SUP for a two-year period, subject to a site plan and conditions.

Development Standards

Following is a comparison of the development standards of the current IM District and the proposed IR District.

District	Setback		Density	Height	Lot Cvrg.	Special Standards	Primary Uses
	Front	Side/Rear					
Proposed: IR	15'	30' adj. to Res. OTHER: No min.	2.0 FAR overall 0.75 lodging, office, retail, & personal service use 0.5 retail & personal service use	200' 15 stories	80%	Proximity Slope, Visual Intrusion	Industrial wholesale distribution & storage, supporting office & retail
Existing: IM	15' adj. to expressway, thoroughfare OTHER: No min.	30' adj. to Res. OTHER: No min.	2.0 FAR overall 0.75 lodging, office, retail, & personal service use 0.5 retail & personal service use	110' 8 stories	80%	Proximity Slope, Visual Intrusion	Industrial wholesale distribution & storage, supporting office & retail

Land Use Comparison

Following is a comparison table showing differences in permitted uses between the existing and proposed zoning districts. Highlighted uses indicate uses to be prohibited, per deed restrictions volunteered by the applicant, that would otherwise be permitted in the proposed IM Industrial Manufacturing District.

LEGEND

	Use prohibited
•	Use permitted by right
S	Use permitted by Specific Use Permit
D	Use permitted subject to Development Impact Review
R	Use permitted subject to Residential Adjacency Review
★	Consult the use regulations in Section 51A-4.200

	Existing	Proposed
Use	IR	IM
AGRICULTURAL USES		
Animal production		
Commercial stable		
Crop production	•	•
Private stable		
COMMERCIAL AND BUSINESS SERVICE USES		
Building repair and maintenance shop	R	R
Bus or rail transit vehicle maintenance or storage facility	R	R
Catering service	•	•
Commercial cleaning or laundry plant	R	R
Custom business services	•	•
Custom woodworking, furniture construction, or repair	•	•
Electronics service center	•	•
Job or lithographic printing	R	R
Labor hall	S, ★	S, ★
Machine or welding shop	R	R
Machinery, heavy equipment, or truck sales and services	R	R
Medical or scientific laboratory	•	•
Technical school	•	•
Tool or equipment rental	•	•
Vehicle or engine repair or maintenance	•	R
INDUSTRIAL USES		
Alcoholic beverage manufacturing	R	R

	Existing	Proposed
Use	IR	IM
Gas drilling and production	S	S
Gas pipeline compressor station		S
Industrial (inside)	★	S,R, ★
Industrial (inside) for light manufacturing	•	•
Industrial (outside)	★	S, R, ★
Medical/infectious waste incinerator	S	S
Metal salvage facility		S
Mining		S
Municipal waste incinerator	S	S
Organic compost recycling facility	S	R
Outside salvage or reclamation		S
Pathological waste incinerator	S	S
Temporary concrete or asphalt batching plant	★	★
INSTITUTIONAL AND COMMUNITY SERVICE USES		
Adult day care facility	•	•
Cemetery or mausoleum	S	S
Child-care facility	•	•
Church	•	•
College, university, or seminary	•	•
Community service center	•	
Convalescent and nursing homes, hospice care, and related institutions		
Convent or monastery		
Foster home		
Halfway house		
Hospital	R	S
Library, art gallery, or museum		
Open-enrollment charter school or private school		
Public school other than an open-enrollment charter school		
Public or private school	S	S
LODGING USES		
Extended stay hotel or motel	S	S
Hotel or motel	R	R
Lodging or boarding house	•	S
Overnight general purpose shelter	★	
MISCELLANEOUS USES		
Attached non-premise sign.	S	S

	Existing	Proposed
Use	IR	IM
Carnival or circus (temporary)	★	★
Hazardous waste management facility	★	•
Temporary construction or sales office	•	•
OFFICE USES		
Alternative financial establishment	S	S
Financial institution without drive-in window	•	•
Financial institution with drive-in window	R	R
Medical clinic or ambulatory surgical center	•	•
Office	•	•
RECREATION USES		
Country club with private membership	•	•
Private recreation center, club, or area	•	•
Public park, playground, or golf course	•	•
RESIDENTIAL USES		
College dormitory, fraternity, or sorority house		
Duplex		
Group residential facility		
Handicapped group dwelling unit		
Manufactured home park, manufactured home subdivision, or campground		
Multifamily		
Residential hotel		
Retirement housing		
Single family		
RETAIL AND PERSONAL SERVICE USES		
Alcoholic beverage establishments.	★	★
Ambulance service		
Animal shelter or clinic without outside runs	•	•
Animal shelter or clinic with outside runs	S, ★	S, ★
Auto service center	R	R
Business school	•	•
Car wash	R	R
Commercial amusement (inside)	S, ★	S, ★
Commercial amusement (outside)		
Commercial motor vehicle parking	S	S
Commercial parking lot or garage	R	R
Convenience store with drive-through	S	S
Drive-In theater		S
Dry cleaning or laundry store	•	•

	Existing	Proposed
Use	IR	IM
Furniture store	•	•
General merchandise or food store 3,500 square feet or less	•	•
General merchandise or food store greater than 3,500 square feet		
General merchandise or food store 100,000 square feet or more		
Home improvement center, lumber, brick or building materials sales yard	R	R
Household equipment and appliance repair	•	•
Liquefied natural gas fueling station	S	S
Liquor store		
Mortuary, funeral home, or commercial wedding chapel		
Motor vehicle fueling station	•	•
Nursery, garden shop, or plant sales		
Outside sales		
Paraphernalia shop	S	S
Pawn shop	•	•
Personal service use	•	•
Restaurant without drive-in or drive-through service	R	R
Restaurant with drive-in or drive-through service	D	D
Surface parking		
Swap or buy shop		
Taxidermist	•	•
Temporary retail use	•	•
Theater	•	•
Truck stop	S	S
Vehicle display, sales, and service	R	R
TRANSPORTATION USES		
Airport or landing field	S	S
Commercial bus station and terminal	R	R
Heliport	R	R
Helistop	R	R
Private street or alley		
Railroad passenger station	S	S
Railroad yard, roundhouse, or shops		S
STOL (short take-off or landing port)		S

	Existing	Proposed
Use	IR	IM
Transit passenger shelter	•	•
Transit passenger station or transfer center	S, ★	S, ★
UTILITY AND PUBLIC SERVICE USES		
Commercial radio or television transmitting station	•	•
Electrical generating plant		S
Electrical substation	•	•
Local utilities	S, R, ★	S, R, ★
Police or fire station	•	•
Post office	•	•
Radio, television, or microwave tower	R	R
Refuse transfer station		S
Sanitary landfill		S
Sewage treatment plant		S
Tower/antenna for cellular communication	★	★
Utility or government installation other than listed	S	S
Water treatment plant	S	R
WHOLESALE, DISTRIBUTION, AND STORAGE USES		
Auto auction		S
Building mover's temporary storage yard		S
Contractor's maintenance yard		R
Freight terminal	R	R
Livestock auction pens or sheds		S
Manufactured building sales lot	R	R
Mini-warehouse	•	•
Office showroom/warehouse	•	•
Outside storage	R	R
Petroleum product storage and wholesale		R
Recycling buy-back center	★	★
Recycling collection center	★	★
Recycling drop-off container	★	★
Recycling drop-off for special occasion collection	★	★
Sand, gravel, or earth sales and storage		R
Trade center	•	•
Vehicle storage lot		•
Warehouse	R	R

Landscaping:

Landscaping will be provided in accordance with the landscaping requirements in Article X, as amended.

Parking:

The applicant will be required to comply with standard parking ratios at permitting pursuant to the 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 (A through C) to orange, representing the weakest markets (G through I). The area of request is not currently within an MVA cluster. To the east is a “E” MVA cluster.

List of Officers

Zodiac Resources, LLC

Stephen Miller, Chairman of the Board and President

Jon Christiansen, Vice President, CFO, Treasure, Secretary

Terence Hanlon, Vice President

Rebecca Browning, Assistant Vice President and Secretary

Ira Fritz, Assistant Vice President

Sid Reichenberger, Assistant Vice President

CPC Action
July 20, 2023

Motion: It was moved to recommend 1) **approval** of an IM Industrial Manufacturing District, subject to deed restrictions volunteered by the applicant, and 2) **approval** of a Specific Use Permit for an industrial (inside) potentially incompatible use limited to the refining of precious metals for a five-year period, subject to a site plan and conditions on property zoned an IR Industrial Research District, on the northeast corner of Zodiac Lane and Virgo Lane.

Maker: Carpenter
Second: Blair
Result: Carried: 13 to 0

For: 13 - Popken, Hampton, Herbert, Anderson, Shidid,
Carpenter, Blair, Jung, Treadway, Haqq,
Stanard, Kingston, Rubin

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 7

Notices:	Area: 300	Mailed: 34
Replies:	For: 1	Against: 0

Speakers: For: Trenton Robertson, 2201 S. Main St., Dallas, TX, 75201
Lee Kleinman, 2201 S. Main St., Dallas, TX, 75201
Karl Crawley, 2201 Main St., Dallas, TX, 75201

Against: None

APPLICANT'S VOLUNTEERED DEED RESTRICTIONS

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

The following uses are prohibited:

Commercial and business.

- Bus or rail transit vehicle maintenance or storage facility.
- Machinery, heavy equipment, or truck sales and service.
- Vehicle or engine repair or maintenance.

Industrial uses.

- Metal salvage facility.
- Organic compost recycling facility.
- Outside salvage or reclamation.
- Industrial (outside).
- Medical/infectious waste incinerator.
- Mining.
- Gas drilling and production.
- Gas pipeline compressor station.
- Municipal waste incinerator.
- Pathological waste incinerator.
- Temporary concrete or asphalt batching plant.

Miscellaneous uses.

- Hazardous waste management facility.

Retail and personal uses.

- Drive-in theater.
- Commercial motor vehicle parking.
- Paraphernalia shop.
- Pawn shop.
- Truck stop.

Transportation uses.

- Railroad yard, roundhouse, or shops.

Utility and public service uses.

- Electrical generating plant.

- Refuse transfer station.
- Sanitary landfill.
- Sewage treatment plant.
- Water treatment plan.

Wholesale, distribution and storage uses.

- Auto auction.
- Building mover's temporary storage yard.
- Contractor's maintenance yard.
- Livestock auction pens or sheds.
- Outside storage (without visual screening).
- Petroleum product storage and wholesale.
- Sand, gravel, or earth sales and storage.
- Vehicle storage lot.
- Freight Terminal.
- Recycling buy-back center.

CPC RECOMMENDED SUP CONDITIONS

USE: The only use allowed by this specific use permit is an industrial (inside) potentially incompatible use limited to the refining of precious metals. For purposes of this specific use permit, “precious metals” means a metal of the gold, silver, platinum, or palladium group.

SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC Recommendation:

TIME LIMIT: This specific use permit expires on (five year from the passage of the ordinance).

Staff Recommendation:

TIME LIMIT: This specific use permit expires on (two year from the passage of the ordinance).

Applicant Request:

TIME LIMIT: This specific use permit expires on (five-years from passage of the ordinance), but is eligible for automatic renewal 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.)

OUTSIDE STORAGE: Outside storage is prohibited.

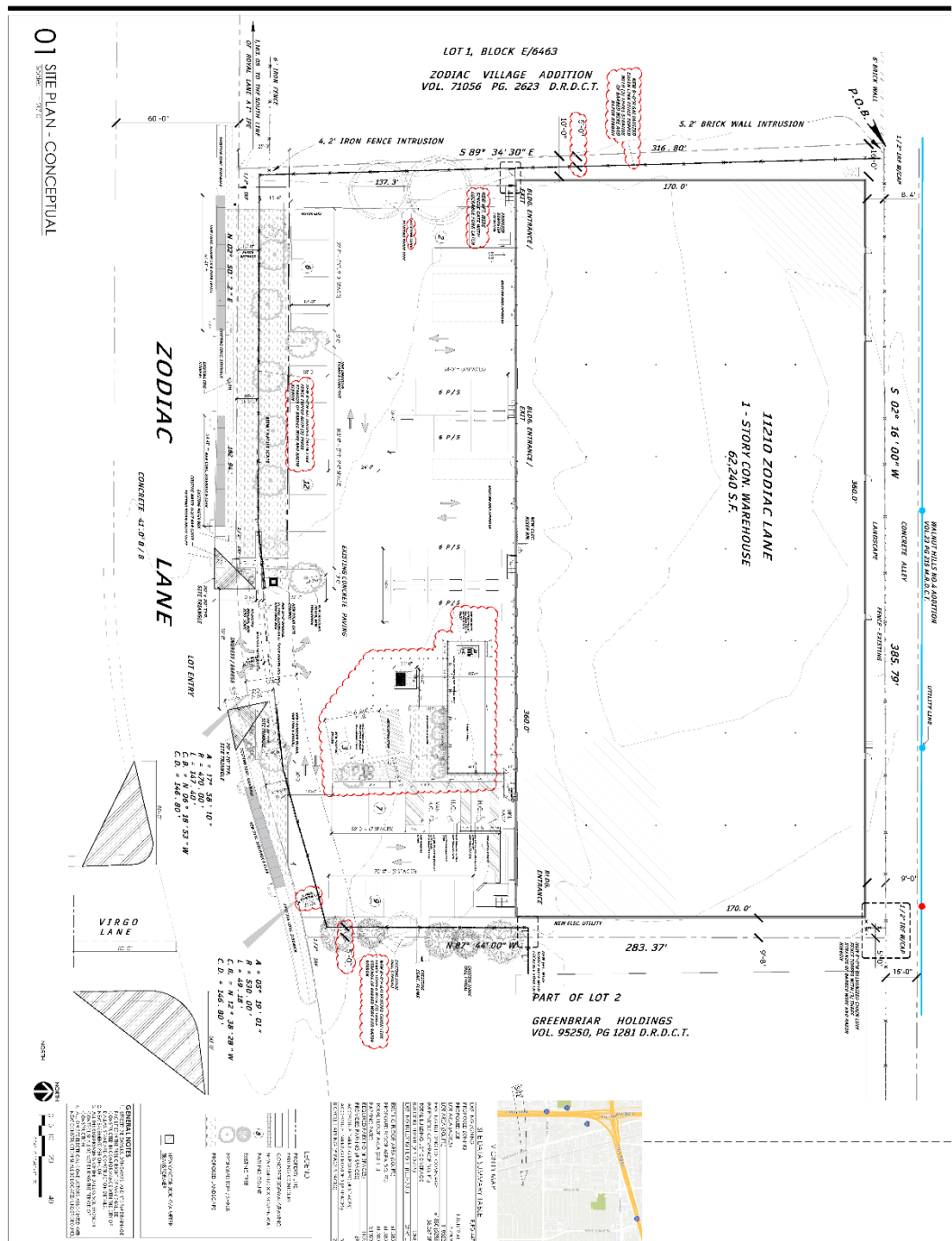
MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

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.

CPC RECOMMENDED SUP SITE PLAN

PREPARED BY: M.Monette

CHECKED BY:



C1.00

CONCEPTUAL SITE PLAN

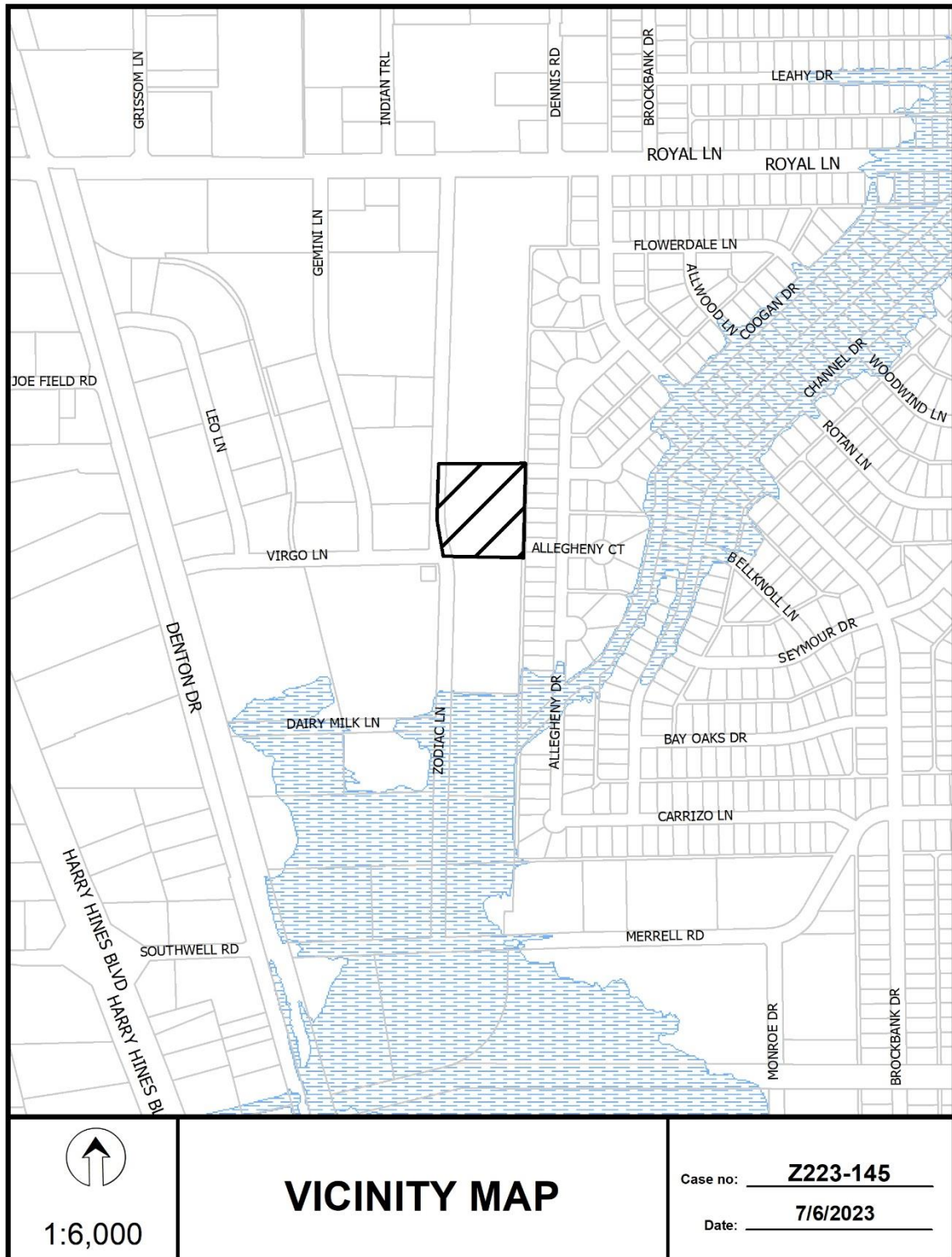
Project ID: 22-1151-1001

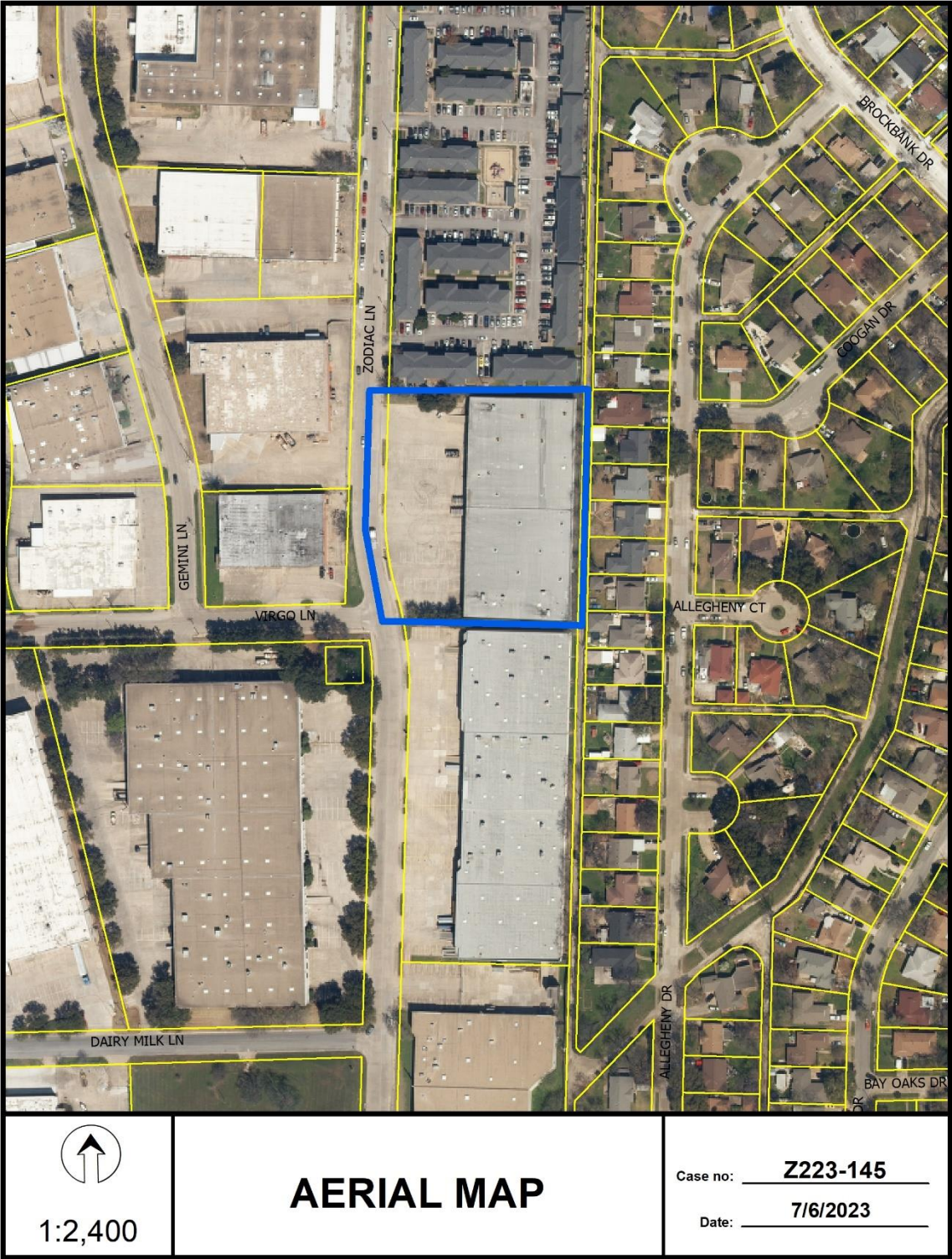
11210 ZODIAC
11210 ZODIAC LANE
DALLAS, TX 75229

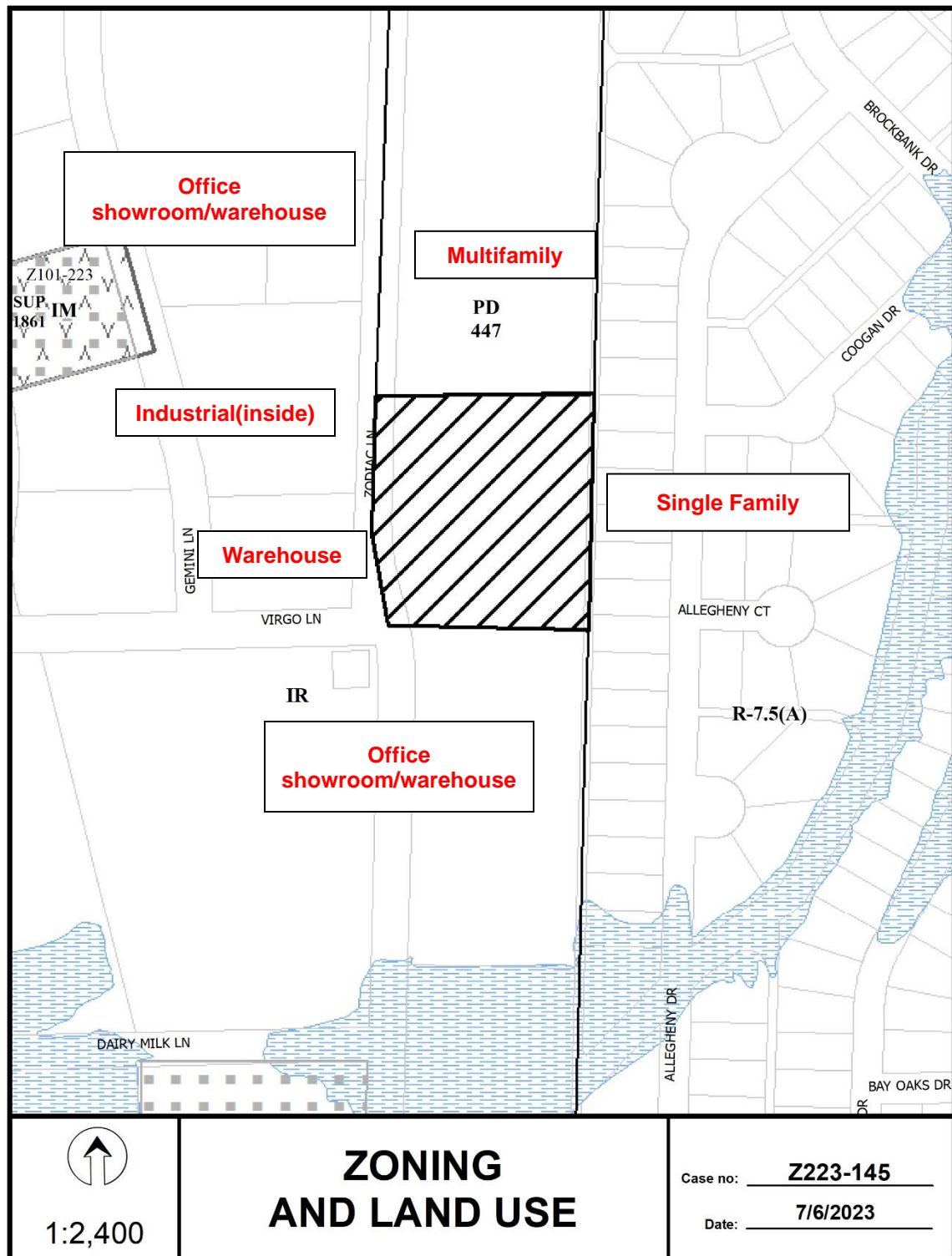
DILLON GAGE

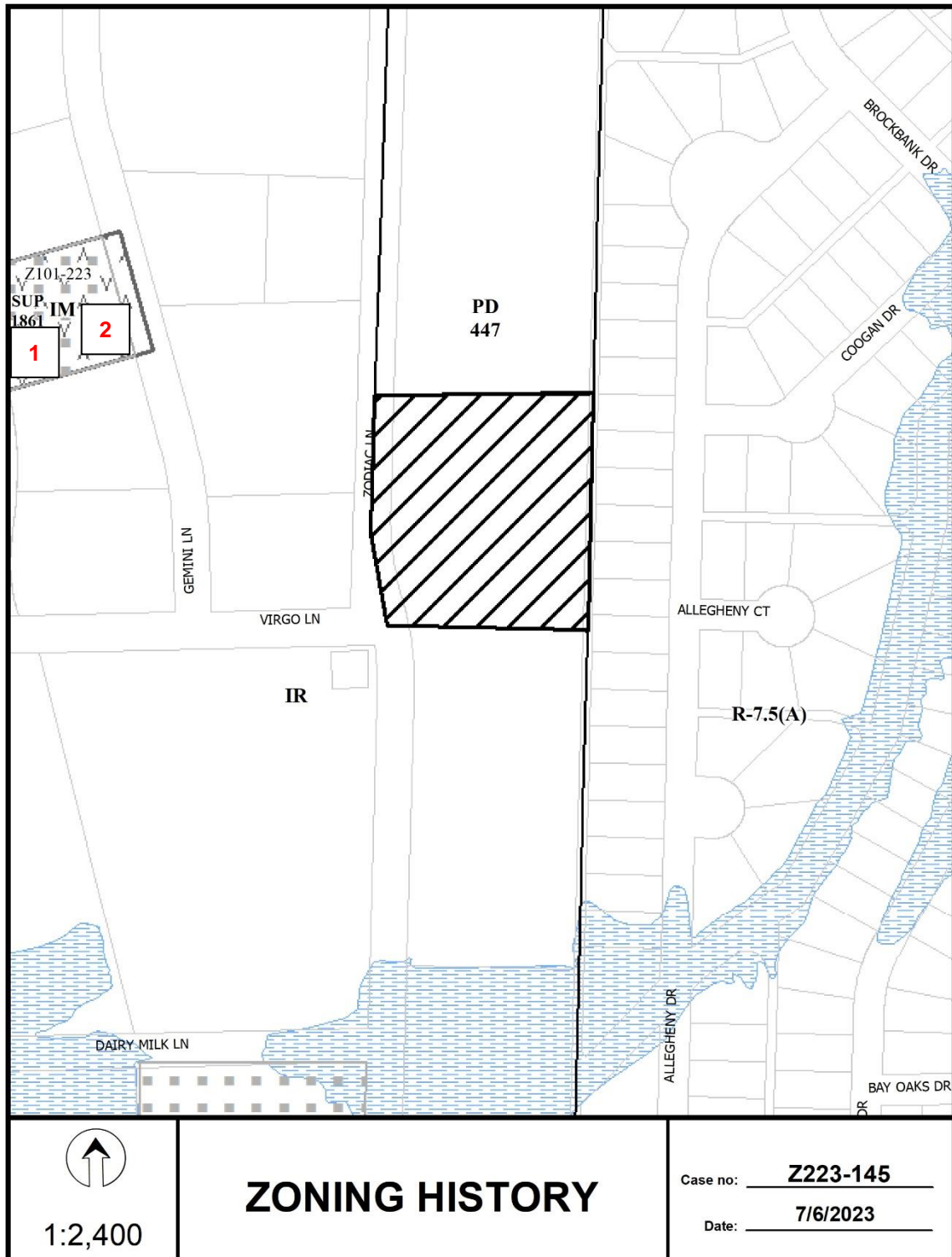
 entos
design

5400 US, Pooms, Suite 125-248r, Texas 75040
P 972.770.2222 | info@entosdesign.com











Market Value Analysis

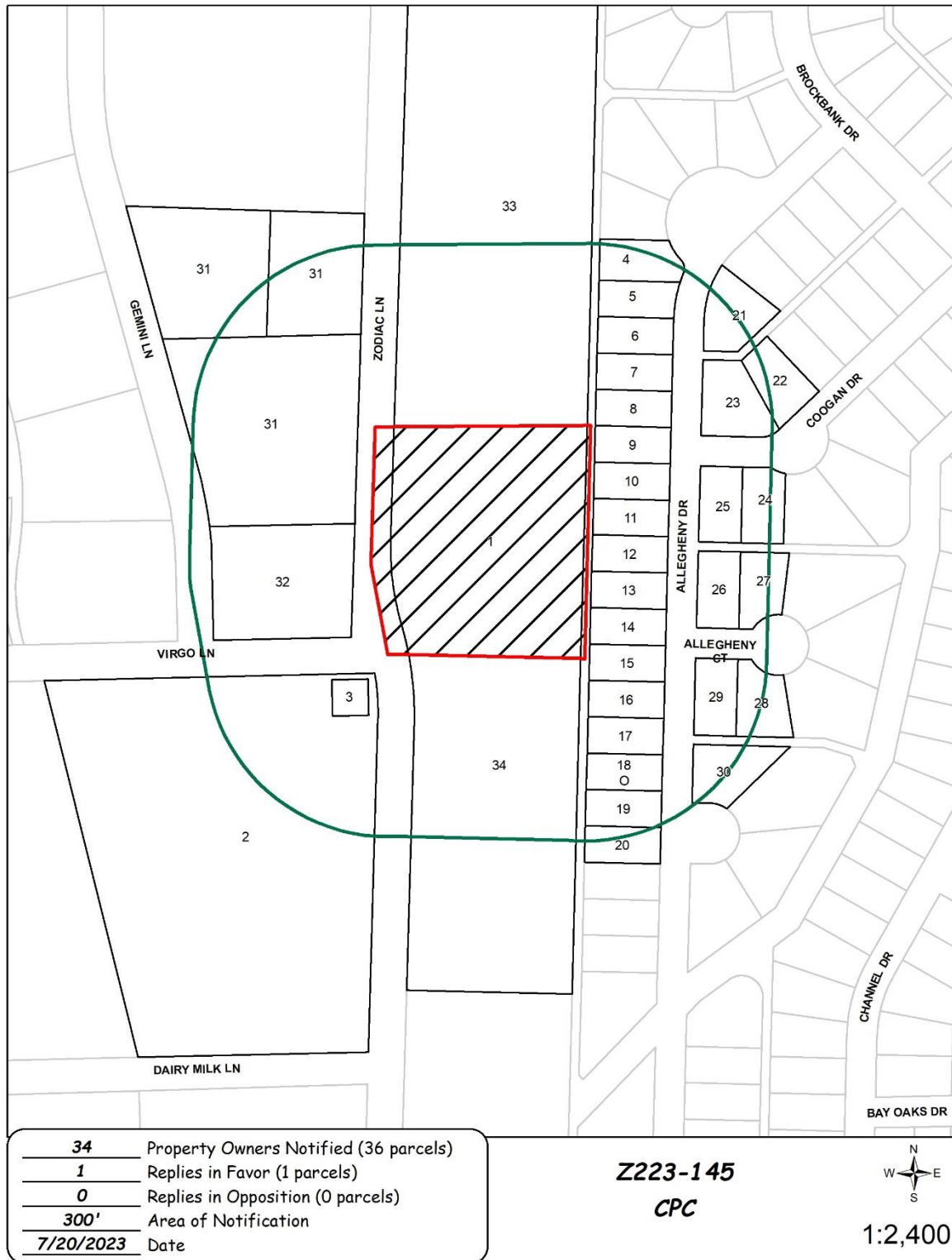
A	B	C	D	E	F	G	H	I	NA
---	---	---	---	---	---	---	---	---	----



1:6,000

Market Value Analysis

Printed Date: 7/6/2023



07/19/2023

Reply List of Property Owners***Z223-145******34 Property Owners Notified******1 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	11210 ZODIAC LN	ZODIAC RESOURCES LLC
	2	11125 ZODIAC LN	BRE IPC TX PROPERTY OWNER LLC
	3	2800 VIRGO LN	CEMETERY
	4	10721 ALLEGHENY DR	MARTINEZ JUAN
	5	10717 ALLEGHENY DR	CHAFFIN SHIRLEY A M &
	6	10711 ALLEGHENY DR	FUNETES ROSSIM & JULIO SIBRIAN
	7	10707 ALLEGHENY DR	DIAZ JOSE A &
	8	10703 ALLEGHENY DR	FELIPE BLAS &
	9	10621 ALLEGHENY DR	SANCHEZ RICARDO PUGA &
	10	10617 ALLEGHENY DR	MARTINEZ JOSE PEREZ &
	11	10611 ALLEGHENY DR	BALTUCH MITCHELL &
	12	10607 ALLEGHENY DR	TIL INVESTMENTS LLC
	13	10603 ALLEGHENY DR	GARZA YOLANDA
	14	10521 ALLEGHENY DR	ESQUEDA NICOLAS
	15	10517 ALLEGHENY DR	AVILA ERICA MORENO
	16	10511 ALLEGHENY DR	SALINAS MARCO ANTONIO MARTINEZ &
	17	10507 ALLEGHENY DR	JOHNSON SILVESTER E
O	18	10503 ALLEGHENY DR	WATSON GEORGE C &
	19	10461 ALLEGHENY DR	SALAZAR JUAN & OFELIA
	20	10455 ALLEGHENY DR	AYALA MICHAEL &
	21	10718 ALLEGHENY DR	ARREOLA EDDIE E & ADELA G
	22	10617 COOGAN DR	FLORES OLGA LIDIA
	23	10611 COOGAN DR	GUTIERREZ JUAN ANTONIO &
	24	10608 COOGAN DR	FOLEY SUSAN
	25	10616 ALLEGHENY DR	SULLIVAN GEORGE P TR &
	26	10530 ALLEGHENY CT	PROBST ROBERT

Z223-145(LG)

07/19/2023

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	10526 ALLEGHENY CT	EBAUTISTA TRUST THE
	28	10508 ALLEGHENY CT	SANDOVAL PATRICIA J &
	29	10504 ALLEGHENY CT	Taxpayer at
	30	10466 ALLEGHENY DR	WILLIAMS CULUS E
	31	11241 ZODIAC LN	DSM INVESTMENTS LLC
	32	11212 GEMINI LN	KOL BRI SS CO
	33	2838 ROYAL LN	ROYAL DEV DALLAS LLC
	34	11150 ZODIAC LN	FUTERFAS FAMILY LP