HONORABLE MAYOR & CITY COUNCIL WEDNESDAY, SEPTEMBER 13, 2023

| AMC: | Majed | AI-G | hafry |
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| FILE NUMBER: | Z223-14 | 45(LG) | DATE FILED: | November 22, 2022 | |
|-------------------|--|--|---|--|--|
| LOCATION: | Northea | st corner of Zodia | c Lane and Virg | o Lane | |
| COUNCIL DISTRICT: | 6 | | | | |
| SIZE OF REQUEST: | Approx. | 2.7209 acres | CENSUS TRAC | CT: 48113009701 | |
| REPRESENTATIVE: | Trento | on Robertson, Mas | sterplan | | |
| OWNER/APPLICANT: | Zodia | c Resources, LLC | | | |
| REQUEST: | with d Specif incom prope | eed restrictions vo fic Use Permit for patible use limited | olunteered by the or an industria I to the refining of Industrial Rese | Manufacturing District e applicant; and (2) a l (inside) potentially of precious metals on earch District on the go Lane. | |
| SUMMARY: | The purpose of the request is to utilize the existing structure for the refining of precious metals. | | | | |
| CPC RECOMMENDATIO | ON: | subject to deed applicant at the Specific Use Perr incompatible use | d restrictions hearing; and mit for an industr limited to the | Manufacturing District, volunteered by the (2) <u>approval</u> of the ial (inside) potentially refining of precious ject to a site plan and | |
| STAFF RECOMMENDA | TION: | subject to deed applicant; and (2 for an industrial | d restrictions () <u>approval</u> of a (inside) potentia hing of precious | Manufacturing District volunteered by the Specific Use Permit ally incompatible use metals for a two-year 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.

- 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 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]
- 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 | Туре | 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

| District | Setback | | Density | Height | Lot | Special | Primary |
|-----------------|---|--|--|-----------------------|-------|--|--|
| District | Front | Side/Rear | Density | Teigin | Cvrg. | Standards | Uses |
| 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 |

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

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 |

| UseIRIMGas drilling and productionSSGas pipeline compressor stationSIndustrial (inside)*S,R,*Industrial (inside) for light manufacturing*S,R,*Industrial (inside) for light manufacturing*S,R,*Industrial (outside)*S,R,*Medical/infectious waste incineratorSSMetal salvage facilitySSMunicipal waste incineratorSSOrganic compost recycling facilitySROutside salvage or reclamationSSPathological waste incineratorSSTemporary concrete or asphalt batching plant**INSTITUTIONAL AND COMMUNITY SERVICESSCemetery or mausoleumSSChild-care facility••Community service center••Convent or monastery••Foster homeIIHalfway houseIIHalfway houseIIPublic school other than an open-enrollment charterSSSIDublic school other than an open-enrollment charterSPublic or private schoolSSLooging or boarding house•SOuten or motelRRRichard and stay hotel or motelRSLibrary, at gallery, or musellSSLibrary, at gallery or musellSSPublic or private schoolS | | Existing | Proposed |
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| UseIRIMCarnival or circus (temporary)★★Hazardous waste management facility★•Temporary construction or sales office••OFFICE USES•Alternative financial establishmentSSFinancial institution without drive-in window••Financial institution with drive-in windowRRMedical 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•RETAIL AND PERSONAL SERVICE USES•Alcoholic beverage establishments.★Animal shelter or clinic without outside runs•Animal shelter or clinic without side runs•Animal shelter or clinic without outside runs•Animal shelt | | Existing | Proposed |
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| Hazardous waste management facility ★ • Temporary construction or sales office • • OFFICE USES - - Alternative financial establishment S S Financial institution with drive-in window • • Financial institution with drive-in window R R Medical clinic or ambulatory surgical center • • Office • • • Country club with private membership • • • Private recreation center, club, or area • • • Public park, playground, or golf course • • • 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 • • • • < | Use | IR | IM |
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| OFFICE USESSAlternative financial establishmentSSFinancial institution without drive-in windowRRMedical 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•subvivision, or campground•Multifamily•RETAIL AND PERSONAL SERVICE USES•Animal shelter or clinic without outside runs•Animal shelter or clinic without outside runs•Commercial amusement (inside)\$,*Commercial amusement (outside)•Commercial amusement (outside)•Commercial parking lot or garageRRRConvenience store with drive-throughS | Hazardous waste management facility | * | • |
| 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 • • • • Manufactured home park, manufactured home subdivision, or campground • • • • Multifamily • | Temporary construction or sales office | • | • |
| 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 • • • Maufactured home park, manufactured home subdivision, or campground • • • Multifamily • • • • • Retirement housing • • • • • • • Single family • • • • • • • • • • <td< td=""><td>OFFICE USES</td><td></td><td></td></td<> | OFFICE USES | | |
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| Commercial parking lot or garageRConvenience store with drive-throughS | | S | S |
| 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 | ІМ |
| 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:

<u>Market Value Analysis (MVA)</u>, 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: Second: Result: | Blair | | | | | |
|--------------------|------------------------------|---------------------------|-------------------------------------|---------------------|---------|--------------------------|------------------|
| | For | : | | • | Jung, | , Anderson, Treadway, | Shidid, Haqq, |
| | Abs | ainst: sent: cancy: | 0 1 - Housewri 1 - District 7 | ght | | | |
| Notices Replies | : Area : For: | 300 1 | - | /lailed: gainst: | 34 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

<u>USE</u>: 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.

<u>SITE PLAN</u>: 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).

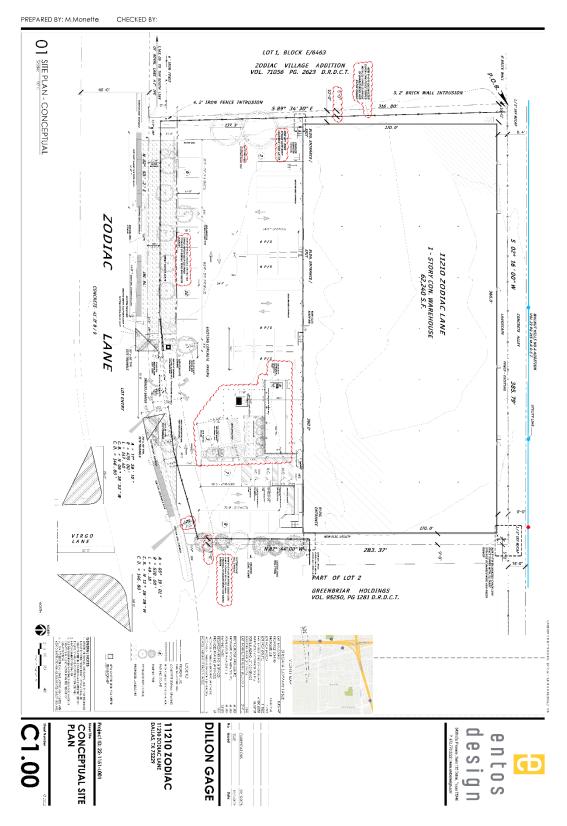
Applicant Request:

<u>TIME LIMIT</u>: This specific use permit <u>expires on (five-years from passage of the ordinance)</u>, 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.)

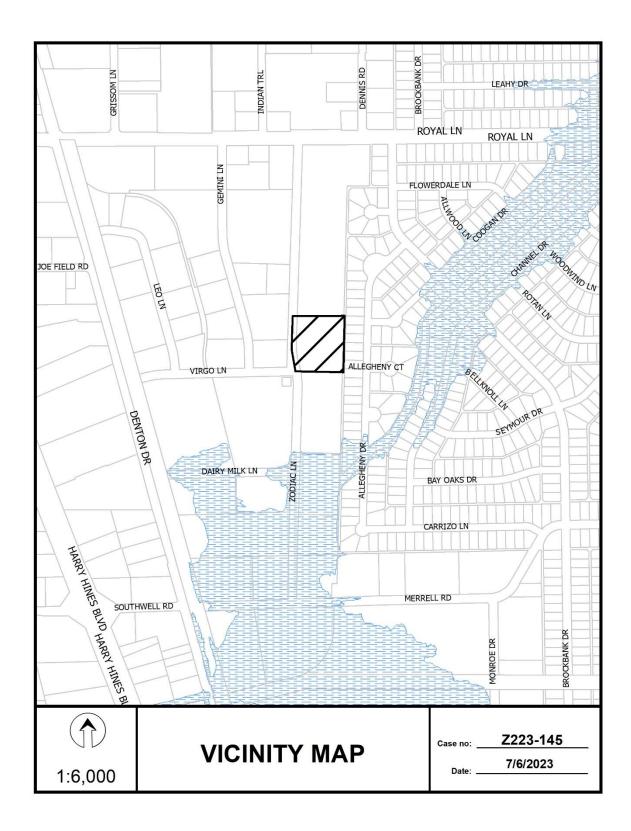
OUTSIDE STORAGE: Outside storage is prohibited.

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

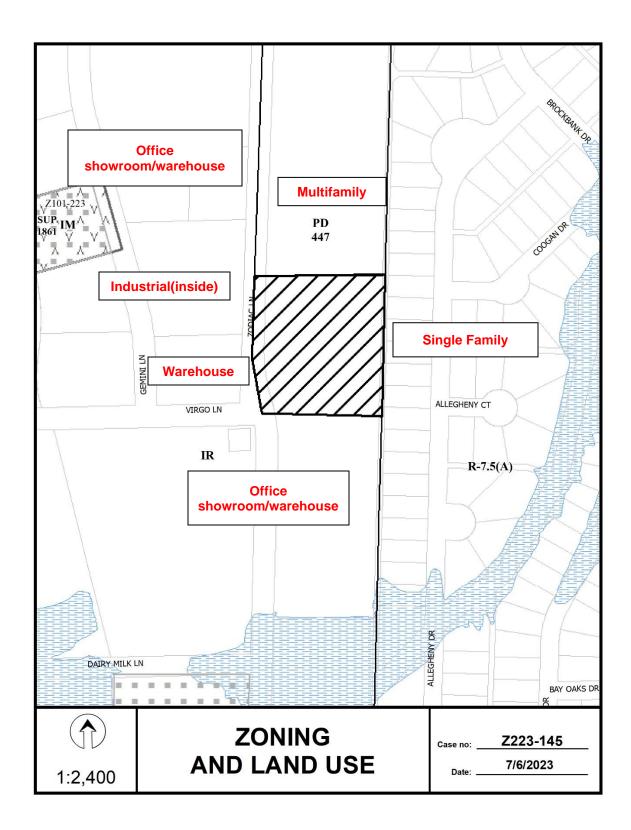
<u>GENERAL REQUIREMENTS:</u> Use of the property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

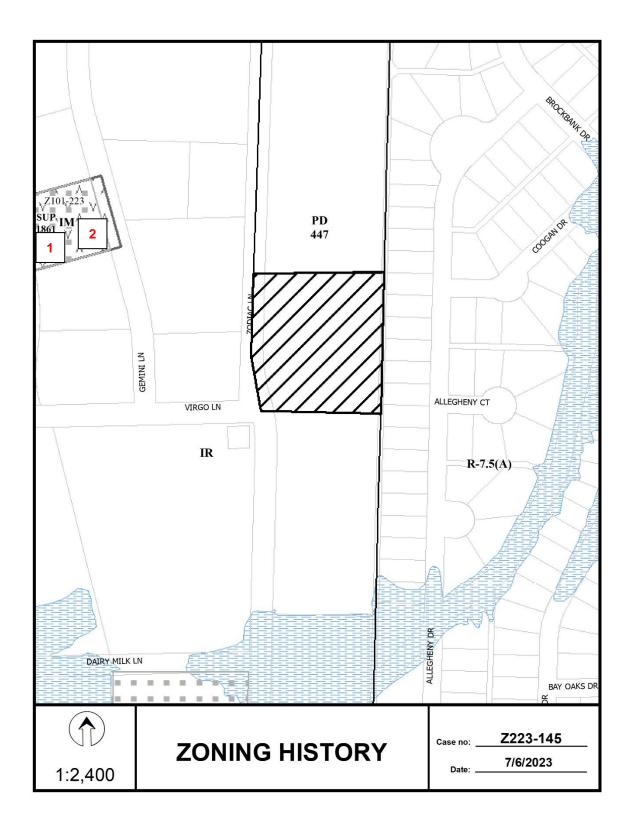


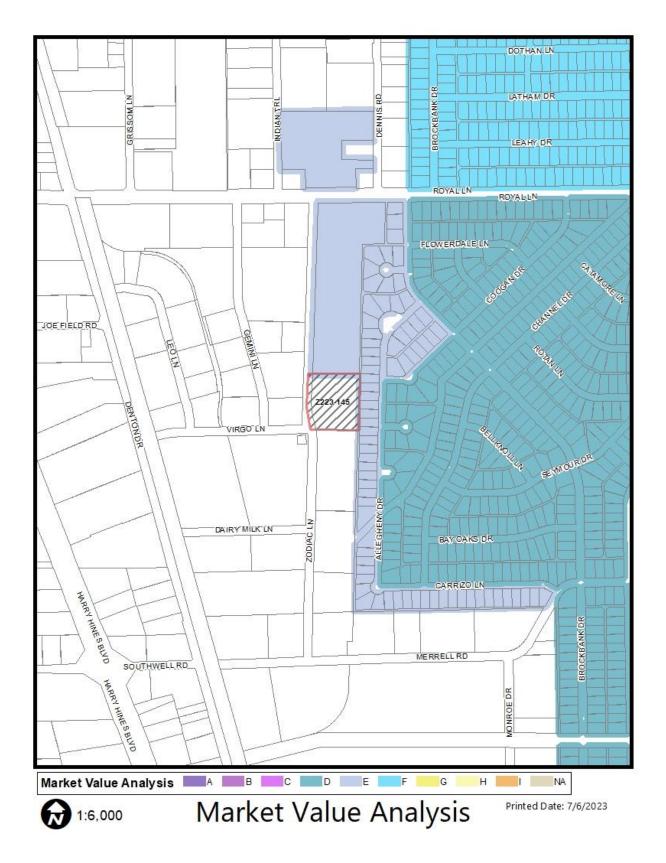
CPC RECOMMENDED SUP SITE PLAN

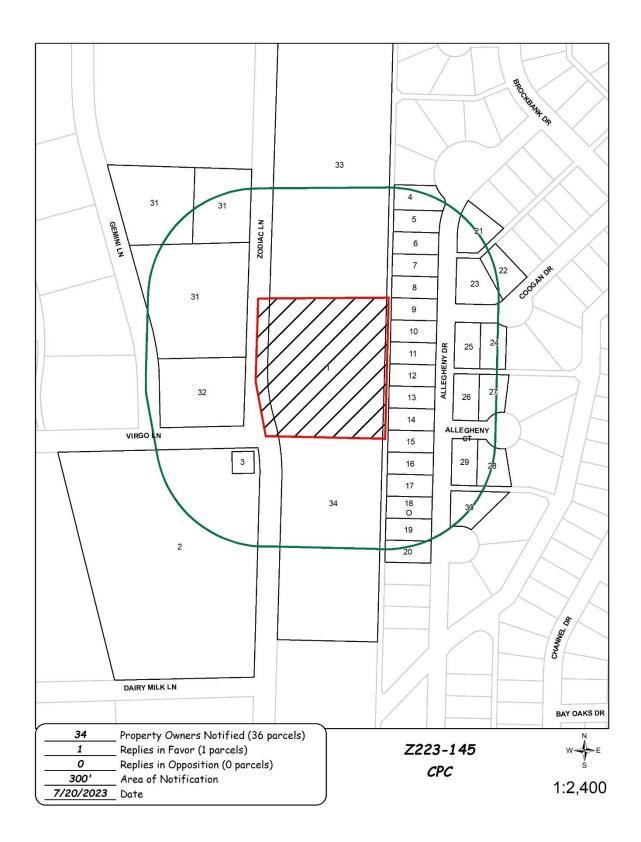












07/19/2023

Reply List of Property Owners

Z223-145

34 Property Owners Notified 1 Property Owners in Favor **0** Property Owners Opposed Reply Label # Address **Owner** 1 11210 ZODIAC LN ZODIAC RESOURCES LLC 2 11125 ZODIAC LN BRE IPC TX PROPERTY OWNER LLC 3 2800 VIRGO LN CEMETERY 10721 ALLEGHENY DR MARTINEZ JUAN 4 5 10717 ALLEGHENY DR CHAFFIN SHIRLEY A M & 6 10711 ALLEGHENY DR FUNETES ROSSIM & JULIO SIBRIAN 10707 ALLEGHENY DR DIAZ JOSE A & 7 8 10703 ALLEGHENY DR FELIPE BLAS & 9 10621 ALLEGHENY DR SANCHEZ RICARDO PUGA & 10 10617 ALLEGHENY DR MARTINEZ JOSE PEREZ & 10611 ALLEGHENY DR BALTUCH MITCHELL & 11 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 Ο 10503 ALLEGHENY DR WATSON GEORGE C & 18 19 10461 ALLEGHENY DR SALAZAR JUAN & OFELIA 20 10455 ALLEGHENY DR AYALA MICHAEL & 10718 ALLEGHENY DR ARREOLA EDDIE E & ADELA G 21 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 & 10530 ALLEGHENY CT PROBST ROBERT 26

07/19/2023

| Reply | Label # | Address | Owner |
|-------|---------|--------------------|-----------------------|
| | 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 |