

FILE NUMBER: Z201-257(RM) **DATE FILED:** May 14, 2021
LOCATION: North line of West Commerce Street, west of Sylvan Avenue
COUNCIL DISTRICT: 6 **MAPSCO:** 44 P
SIZE OF REQUEST: Approx. 1.27 acres **CENSUS TRACT:** 43.00

REPRESENTATIVE: Ramon Aranda

OWNER/APPLICANT: Dionicio Martinez

REQUEST: An application for a Specific Use Permit for an industrial (outside) use limited to a concrete batch plant on property zoned an IR Industrial/Research District.

SUMMARY: The purpose of the request is to operate a concrete batch plant on the property.

CPC RECOMMENDATION: **Denial.**

STAFF RECOMMENDATION: **Denial.**

BACKGROUND INFORMATION:

- The area of request is currently developed with an industrial (outside) not potentially incompatible use limited to a concrete batch plant.
- On December 9, 2009, City Council approved Specific Use Permit No. 1752 for a five-year period. On December 10, 2014, City Council renewed the SUP for an additional five-year period. At this time, the conditions specified that landscaping must be installed per the approved site and landscape plan by June 10, 2015, but the improvements were not made by the deadline.
- On November 13, 2019, City Council renewed the SUP for an additional 18-month period set to expire on May 13, 2021.
- Staff received an application for the renewal of SUP 1752 on May 14, 2021. Because the applicant filed their application to renew the SUP after it had expired, the applicant is required to request a new SUP to continue the use of the site as a concrete batch plant.
- The applicant has worked with staff to make the required improvements to their site as shown on the existing site and landscape plan. These improvements include striping the parking spaces and fire lane shown around the one-story brick building. The City Arborist has also inspected the site and confirmed that the existing landscaping conforms to the site and landscape plan as approved by the previous SUP.

Zoning History:

There have been six zoning cases on four sites in the area in the past five years.

1. **Z167-389:** On December 21, 2017, Specific Use Permit No. 2168 for an animal shelter of clinic with outside runs was automatically renewed for an additional one-year period on property zoned an IR Industrial/Research District on the north side of West Commerce Street, west of Sylvan Avenue.

Z178-372: On January 31, 2019, City Council approved a renewal of Specific Use Permit No. 2168 for an additional five-year period.

2. **Z178-159:** On August 22, 2018, City Council approved a renewal of Specific Use Permit No. 1992 for an industrial (outside) not potentially incompatible use limited to a concrete batch plant for an additional one-year period on property zoned an IR Industrial/Research District on the north side of West Commerce Street, west of Sylvan Avenue.

Z189-189: On June 26, 2019, City Council approved a renewal of Specific Use Permit No. 1992 for a period to expire on December 10, 2019.

3. **Z189-301:** On November 13, 2019, City Council approved a renewal of Specific Use Permit No. 1752 for an industrial (outside) not potentially incompatible use limited to a concrete batch plant for an 18-month period on property zoned an IR Industrial/Research District on the north side of West Commerce Street, west of Sylvan Avenue. [Subject Site]
4. **Z190-279:** On April 8, 2021, City Plan Commission recommended approval of a Planned Development District for TH-3(A) Townhouse District uses on property zoned an IR Industrial/Research District and a TH-3(A) Townhouse District south of Muncie Avenue, between Conklin Street and Borger Street. The request is pending approval by City Council.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
West Commerce Street	Community Collector	60 feet

Traffic:

According to the applicant, the business operates eight trucks that hold approximately ten cubic yards of concrete, each with an approximated weight of 20.25 tons, plus approximately 12 tons for the truck. The maximum capacity of the batch plant is 60 cubic yards per hour with a realistic capacity of 30 to 40 cubic yards per hour. The batch plant generates between two and four truck loads on average per hour. The concrete batch plant generates a total of 30 to 40 trips per day during their ten-hour daily operations.

While the adjacent road provides enough capacity for these traffic volumes, including consideration of vehicle sizes, the volume of concrete trucks on nearby roads considerably damages asphalt pavement and creates debris on the road and dust clouds while operating on unimproved surfaces. Field observations show concrete trucks are generally parked on unimproved surfaces on both sides of West Commerce Street.

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.

The request may not be considered consistent with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.4 COORDINATE PLANNING ACTIVITIES TO BALANCE TRANSPORTATION, LAND USE, INFRASTRUCTURE AND THE ENVIRONMENT

Policy 1.4.1 Coordinate development and planning activities.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

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

URBAN DESIGN ELEMENT

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY, AND WALKABILITY

Policy 5.1.1 Promote pedestrian friendly streetscapes.

Due to changes that have occurred in the surrounding area since approval of the original SUP in 2009, the applicant's request is no longer compatible with surrounding land uses. Additionally, the large concrete trucks associated with the proposed use rapidly degrade the public infrastructure within West Commerce Street. The applicant's request may not be considered consistent with the coordination of land use, transportation, and infrastructure activities in this area.

Continuing to allow a use that is no longer compatible with the surrounding uses may not be considered consistent with the goal of ensuring that zoning is flexible enough to respond to the changing economic conditions of an area that is in a strategic location for major redevelopment efforts near downtown and along the Trinity River Corridor. Lastly, the potential for the continued degradation of West Commerce Street may not be considered consistent with the promotion of pedestrian friendly streetscapes.

Area Plan:

West Dallas Comprehensive Land Use Study

In May 1999, City Council approved the West Dallas Comprehensive Land Use Study, with the mission to inventory all existing West Dallas land uses and identify zoning issues and strategic options that will influence the positive redevelopment and stability of the area.

The plan includes the following future land use policy recommendations:

- Discourage the encroachment of “heavy” commercial and industrial uses (i.e., auto salvage yards, cement batching plants, etc.) when adjacent to residential areas.
- In industrial zoned areas, require landscape and architectural buffers to minimize visual impacts along major corridors. Strengthen buffer and setback requirements to shield existing residential neighborhoods from more intensive adjacent land uses.
- Encourage adequate buffering between single family and multifamily; commercial, industrial, and residential; and between industrial and commercial uses.
- Encourage the transition of an area along West Commerce Street between Sylvan Avenue and Hampton Road to light manufacturing (i.e., warehouse uses).

The applicant’s request is not consistent with the goals and policies of the West Dallas Comprehensive Land Use Study. It does not discourage the encroachment of a heavy industrial use into an increasingly residential area, nor does it encourage adequate buffering between residential and industrial uses. Additionally, the request does not encourage the transition of this section of West Commerce Street to light manufacturing uses.

Trinity River Corridor Comprehensive Land Use Study

The Trinity River Corridor Comprehensive Land Use Study was adopted by City Council in March 2005 and later revised in December 2009.

The Trinity River Corridor is a unified collection of diverse neighborhoods and business centers at the heart of a unified and thriving Dallas, connected by a ribbon of blue water and green spaces that is the Trinity River. Additionally, The Trinity River Corridor is the City’s model for economic growth without physical, social, or economic barriers, which attracts residents and visitors to live, learn, work, shop, and play within a cosmopolitan urban core, and alongside the river’s meandering environment.

Five objectives for future development in the Trinity Corridor add detail to the 2050 Vision Statement. They provide guidance that shapes this plan’s recommendations for each part of this very large corridor. The five objectives are:

- Reconnect North and South Dallas
- Establish the role of economic development along the Trinity River
- Create a vibrant central city
- Establish the Trinity River floodplain as the front yard of the City
- Enhance the City’s urban form to increase the appeal of urban life

The request site is located within the West villages (Multi-use, Transit Oriented Villages) and within a Residential Urban and Transit Center land use module. The Plan recommends a mix of 50 percent residential, retail, office and 50 percent industrial manufacturing as primary land use for the Residential Urban Module; and 40 percent of

mix of uses in a dense vertical arrangement of four- to six-story buildings, to contain pedestrian-oriented commercial uses located on the ground floor with direct street access, and a mix of residential, office, retail, entertainment and civic uses as secondary uses, and a mix of high rise and lower rise vertical arrangement, residential, parks and open space as optional uses for the Transit Center Module. The subject site is also located within the West Dallas Planning District and specifies that south of Singleton Boulevard, areas are planned to remain in Light Industrial use.

Although the request is for an industrial use, staff considers the operation and associated impact on the existing neighborhood and city infrastructure places this use outside of the light industrial type of uses. Therefore, the proposed request is not consistent with the goals and policies of the Trinity River Corridor Comprehensive Land Use Study.

The 360 Plan

The 360 Plan was adopted by City Council in April 2011 and updated in 2015, 2016, and 2017. The plan includes recommendations for West Dallas and emphasizes connections between Downtown and West Dallas, recommending strategies for improved pedestrian and bike connections to the Trinity River, as well as multimodal improvements to District Connectors such as Singleton, Commerce, Sylvan, and Beckley, and recognizes that new development should be sensitive to West Dallas history, preserving culturally rich areas like La Bajada and supporting long-term residents through the preservation and enhancement of historic, diverse neighborhoods.

Considering the industrial nature and the type of traffic generated by this use, the proposed request is not consistent with the vision and recommendations of The 360 Plan.

Land Use:

	Zoning	Land Use
Site	IR Industrial/Research District	Industrial (outside) not potentially incompatible use limited to a concrete batch plant
North	IR Industrial/Research District, TH-3(A) Townhome District	Single family
East	IR Industrial/Research District	Industrial (inside)
South	CS Commercial Service District	Outside storage, office showroom/warehouse
West	IR Industrial Research District	Industrial (outside) not potentially incompatible use limited to a concrete batch plant (SUP expired)

Land Use Compatibility:

The area of request is currently developed with a concrete batch plant. North of the request area is a single-family subdivision. To the immediate east, south, and west are similar commercial service and industrial uses. Further south is another residential area.

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.

The applicant has worked with staff to bring the site into compliance with the previously approved site and landscape plan. They are now requesting a new SUP for a three-year period to continue the use of the site as a concrete batch plant. However, staff

recommends denial of the request due to changes that have occurred in the surrounding area since approval of the original SUP in 2009.

Because residential uses to the south have expanded closer to the site, it is now an inappropriate location for an industrial (outside) use. Although the properties along West Commerce Street have historically been industrial, the site is also in a strategic location for major redevelopment efforts near downtown and along the Trinity River Corridor. Lastly, the large concrete trucks used by this and other operators in the area rapidly degrade the public infrastructure within West Commerce Street. Therefore, staff recommends denial of the applicant's request.

Landscaping:

Landscaping is proposed to be provided and maintained in accordance with the previously approved site and landscape plan.

Parking:

Although this request is for a new SUP, no changes are proposed to the previously approved site and landscape plan. Parking for the use is one space per 600 square feet of floor area, plus one space per 600 square feet of manufacturing area. The total floor area is 7,034 square feet, and the total manufacturing area is 5,170 square feet. The site is required to provide 20 parking spaces. The site provides 20 parking spaces per the site and landscape plan.

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 in an MVA cluster. To the north is an "E" MVA cluster, and to the south is an "H" MVA cluster.

List of Partners/Principals/Officers

Latino's Ready Mix

Director: Dionicio Martinez, Sr.

Director: Dionicio Martinez, Jr.

Officer: Daniel Martinez

Officer: Yanet Martinez

Officer: Josue Martinez

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**CPC ACTION
SEPTEMBER 23, 2021**

Z201-257(RM)

Motion: It was moved to recommend **denial** of a Specific Use Permit for an industrial (outside) use limited to a concrete batch plant on property zoned an IR Industrial/Research District, on the north line of West Commerce Street, west of Sylvan Avenue.

Maker: Carpenter
Second: MacGregor
Result: Carried: 9 to 4

For: 9 - MacGregor, Hampton, Stinson, Carpenter,
Jackson, Blair, Jung, Schwope, Rubin

Against: 4 - Shidid, Suhler, Murphy, Garcia,
Absent: 0
Vacancy: 2 - District 4, District 10

Notices: Area: 300 Mailed: 35
Replies: For: 0 Against: 4

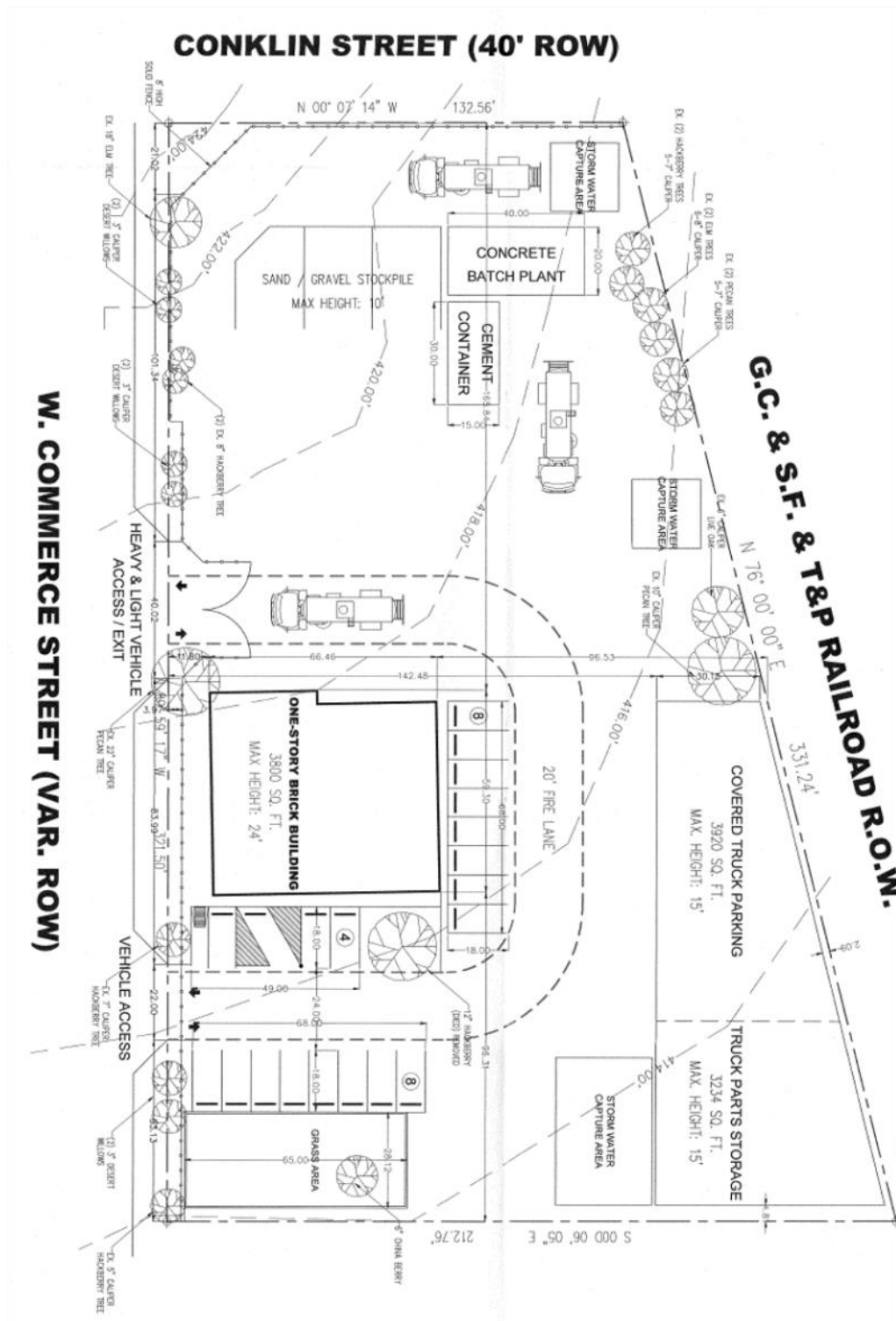
Speakers: For: Ramon Aranda, 2946 S. Sunbeck Cir., Farmers Branch, TX, 75234
Jose Galvez, 2661 Danny Ln., Farmers Branch, TX, 75234
Dionicio Martinez, 246 S. Seagoville Rd., Dallas, TX, 75217
Yanet Alvarez, 1704 Riverway Dr., Dallas, TX, 75217
Jaime Martinez, 168 S. Seagoville Rd., Dallas, TX, 75217
Against: None

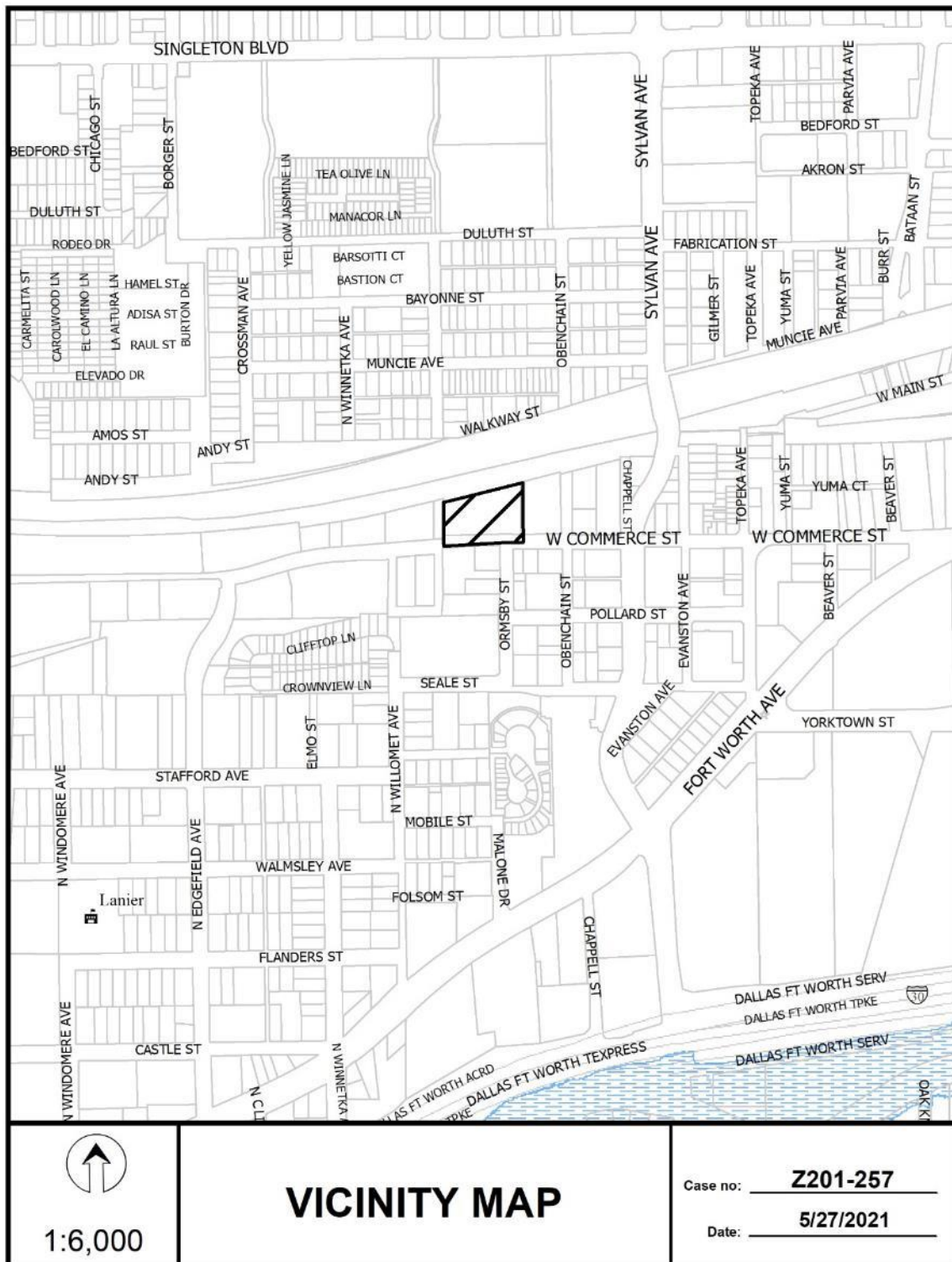
APPLICANT'S PROPOSED SUP CONDITIONS

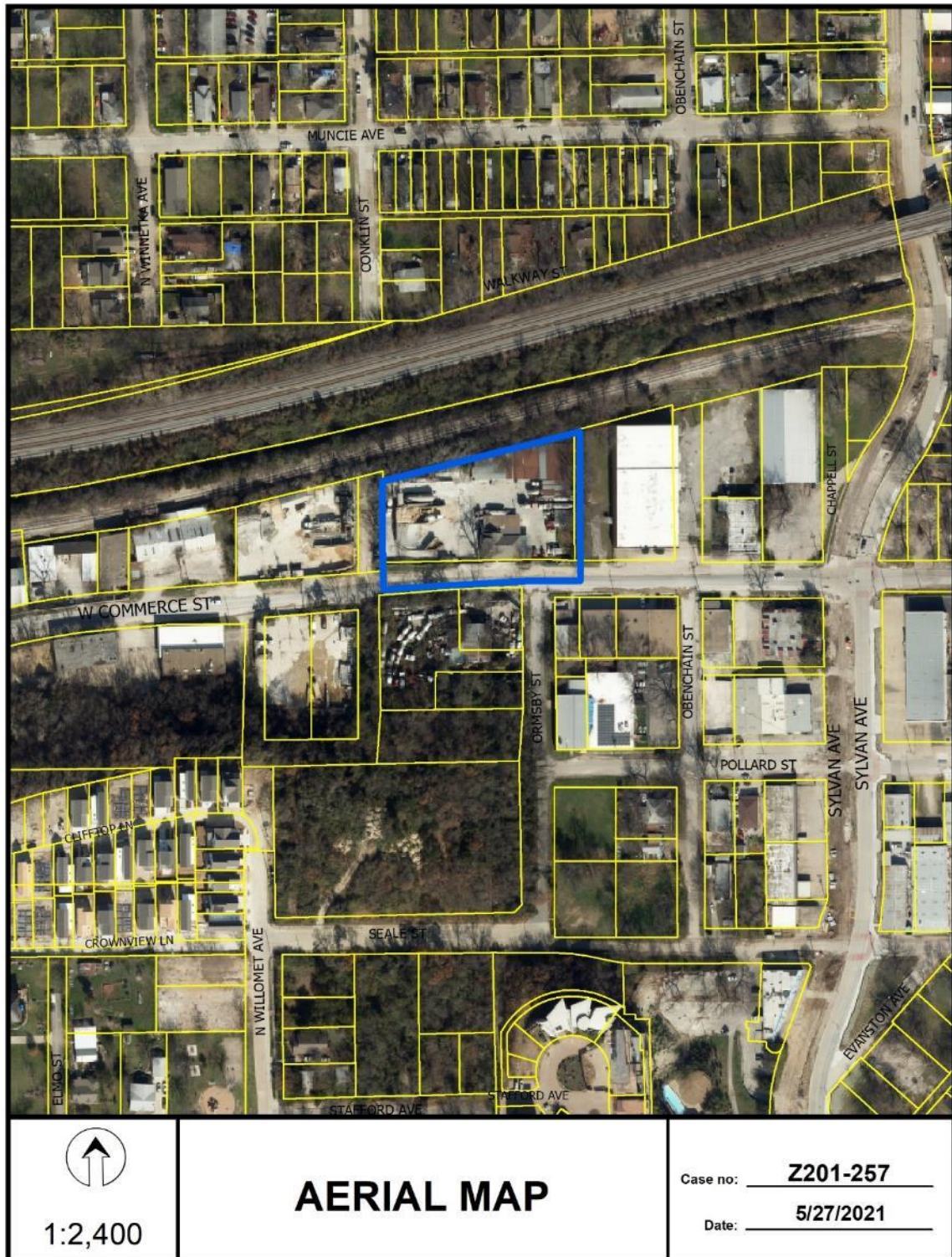
1. USE: The only use authorized by this specific use permit is an industrial (outside) use limited to a concrete batch plant.
2. SITE AND LANDSCAPE PLAN:
 - a. Use and development of the Property must comply with the attached site and landscape plan.
 - b. Landscaping must be provided and maintained in accordance with the attached site and landscape plan.
3. TIME LIMIT: This specific use permit expires on (three years from the passage of this ordinance).
4. DUST CONTROL:
 - a. The following conditions must be met on an ongoing basis:
 - (1) To prevent dust emissions from batch drop to trucks or central mixers, one of the following methods must be used:
 - A. suction shroud with exhaust air to central fabric filter;
 - B. flexible discharge spouts with water fog ring; or
 - C. other types of abatement devices approved by the Texas Commission on Environmental Quality.
 - (2) All permanent roads inside the plant must be paved, watered, and swept to eliminate visible dust emissions.
 - (3) The area between the sand/aggregate stockpiles and conveyor charge hopper used for vehicle traffic must be paved, watered, and swept as necessary to achieve maximum control of dust emissions. Other areas used for vehicle traffic must be watered as necessary to eliminate dust emissions.
 - (4) During operations, all stockpiles must be sprinkled with water or chemicals as necessary to eliminate visible dust emissions.

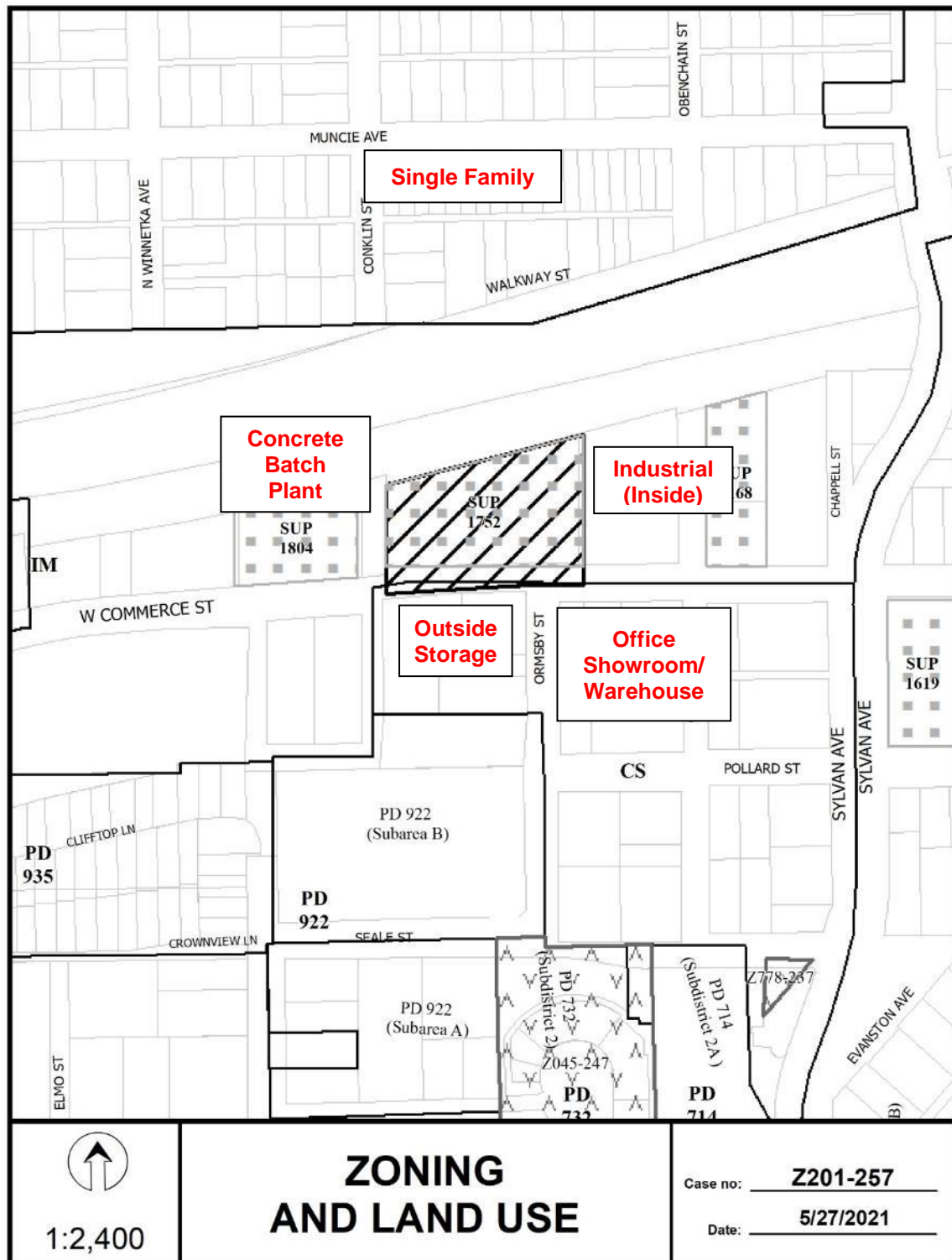
- (5) The cement storage silos, cement weigh hopper, and batch point must be vented to a fabric filter to eliminate visible dust emissions.
 - (6) During operations, the conveyor charge hopper must have a water spray sufficient to eliminate visible dust emissions.
 - (7) To avoid overloading, a mechanism must be installed on each cement storage silo to warn operators that the silo is full.
 - (8) Spillage of cement must be cleaned up and contained or dampened within 30 minutes so that emissions from wind erosion and vehicle traffic are minimized.
 - b. A ground and dust control plan showing the locations of the existing and proposed infrastructure required in Paragraph (a) must be provided to the director of environmental and health services and the director of sustainable development and construction by February 7, 2010.
- 5. FLOOR AREA: The maximum floor area is 7,034 square feet in the location shown on the attached site and landscape plan.
 - 6. INGRESS-EGRESS: Ingress and egress must be provided in the location shown on the attached site and landscape plan. No other ingress or egress is permitted.
 - 7. PARKING: A minimum of 20 off-street parking spaces must be provided in the location as shown on the attached site and landscape plan.
 - 8. STOCKPILE HEIGHT: The maximum sand/gravel stockpile height is ten feet.
 - 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.

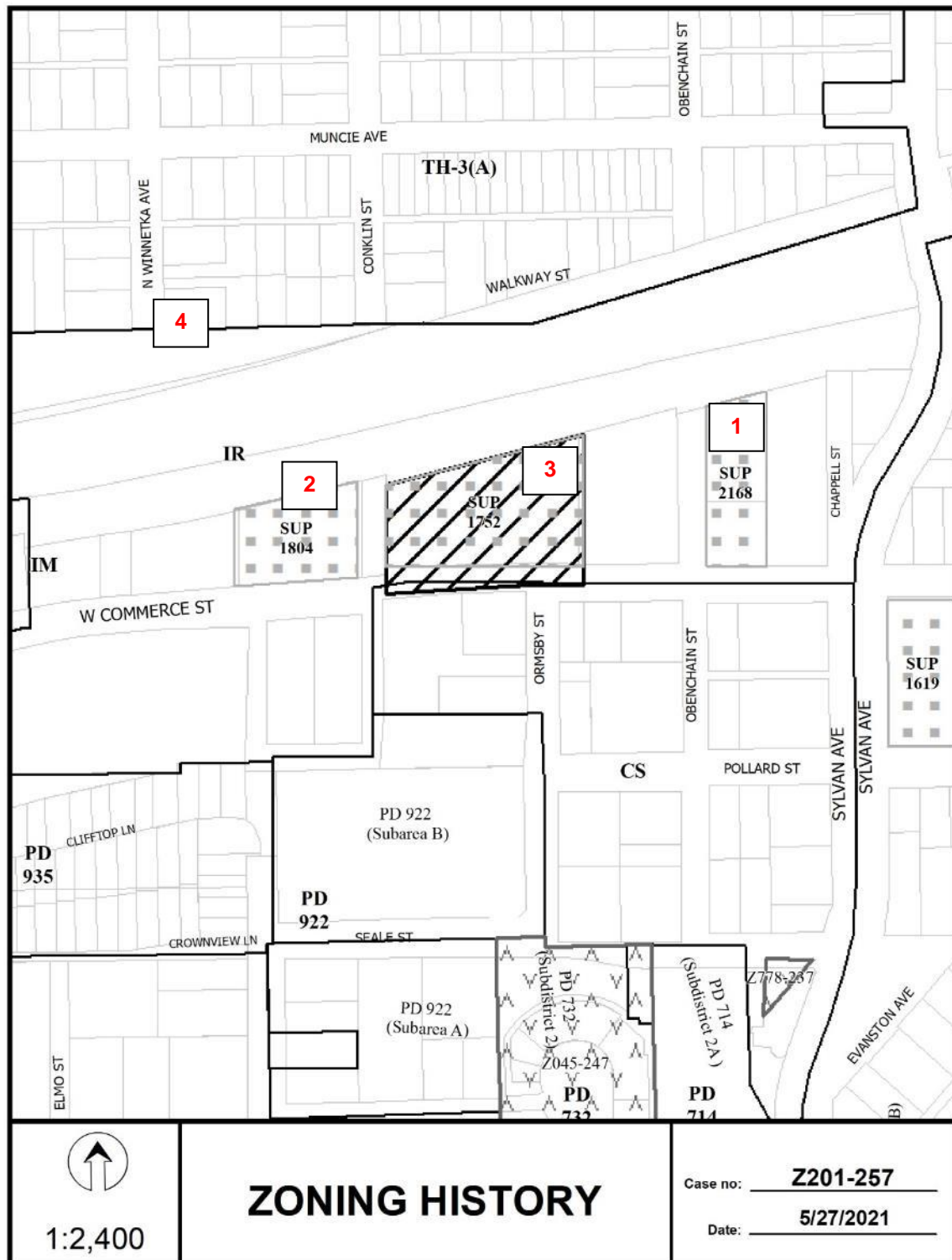
APPLICANT'S PROPOSED SUP SITE PLAN
(No changes from the previously approved site plan)

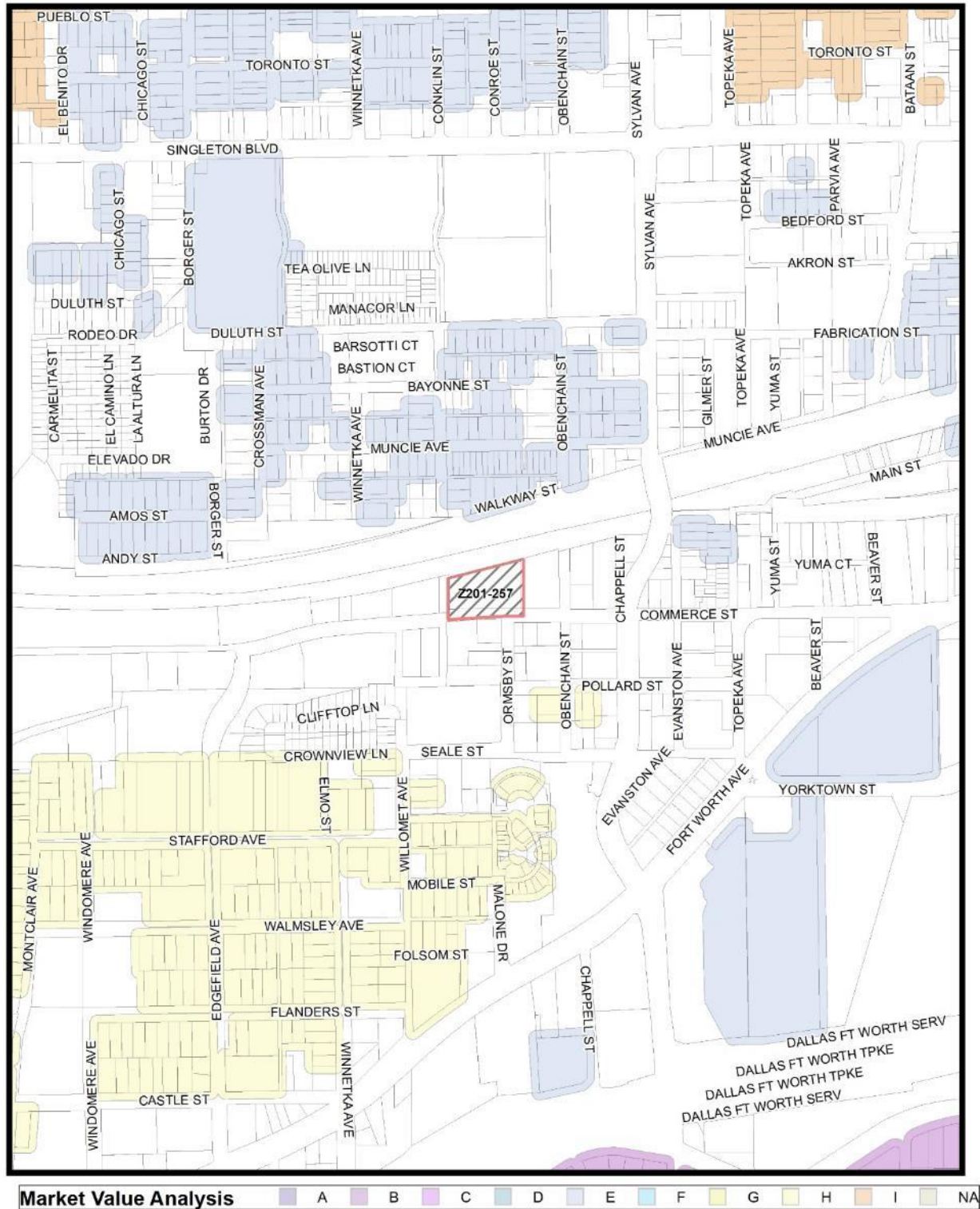


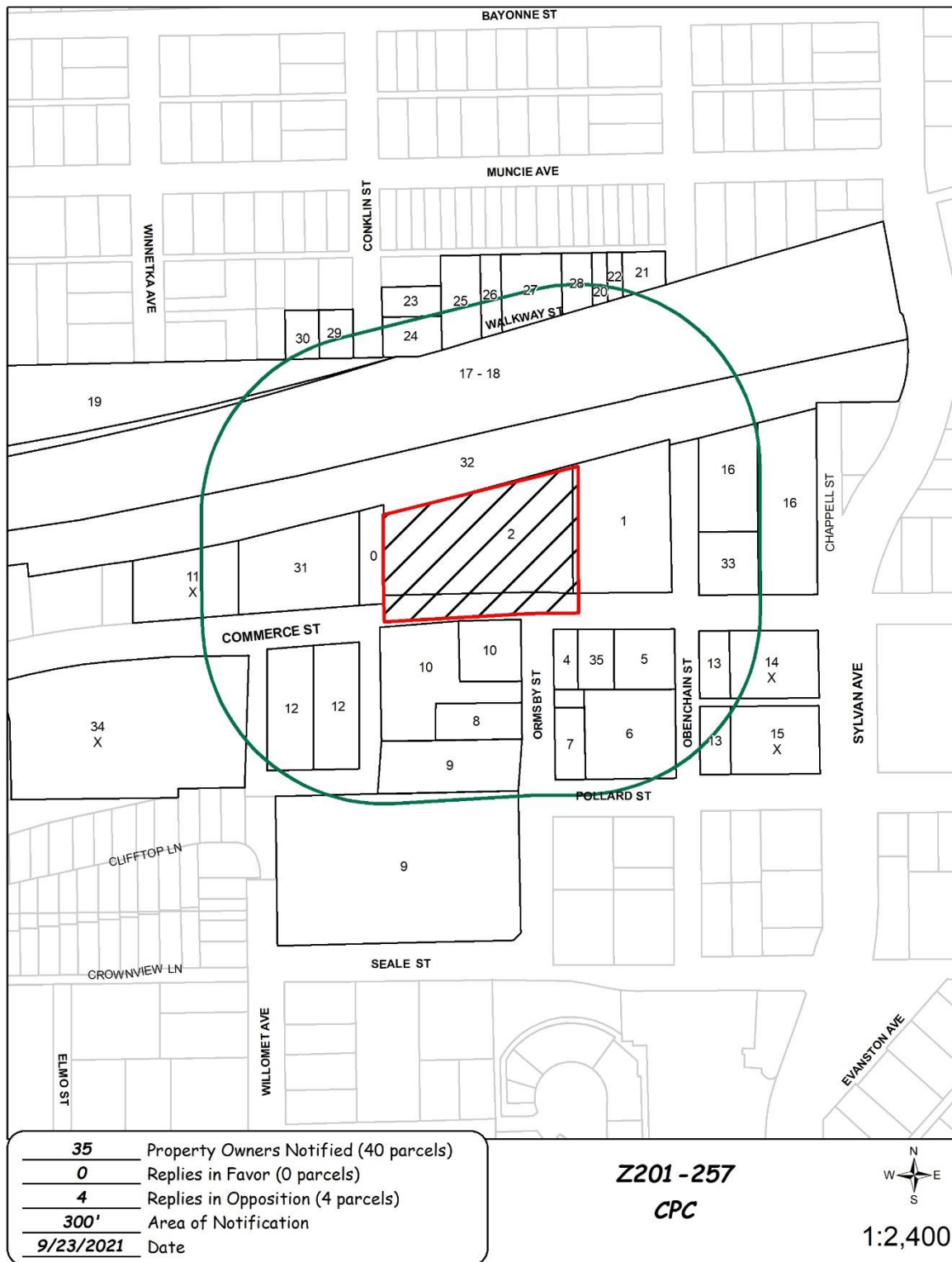












09/22/2021

Reply List of Property Owners***Z201-257******35 Property Owners Notified******0 Property Owners in Favor******4 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	921 W COMMERCE ST	921 WEST COMMERCE STREET DAL
	2	1001 W COMMERCE ST	MARTINEZ DIONICIO JR
	3	2210 ORMSBY ST	JLK IRREVOCABLE TRUST &
	4	934 W COMMERCE ST	Taxpayer at
	5	920 W COMMERCE ST	Taxpayer at
	6	2203 OBENCHAIN ST	ARRINGTON ROFFING COMPANY INC
	7	935 POLLARD ST	RES #1 TRUST
	8	2207 ORMSBY ST	WADE TRANSMISSION & GEAR
	9	2203 ORMSBY ST	CLAY ARTHUR DEVELOPMENT GROUP THE &
	10	1002 W COMMERCE ST	MARTINEZ JAIME
X	11	1107 W COMMERCE ST	HJ3 VENTURES
	12	1032 W COMMERCE ST	HUERTA AGUSTO
	13	914 W COMMERCE ST	SAUCEDO ABEL JR
X	14	902 W COMMERCE ST	GUERRERO ROXANE M
X	15	907 POLLARD ST	WADE FAMILY LIVING TRUST THE
	16	901 W COMMERCE ST	DABOUB REALTY LTD
	17	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO
	18	9999 NO NAME ST	UNION PACIFIC RR CO
	19	2404 BORGER ST	Taxpayer at
	20	909 WALKWAY ST	GANTZ & SCODELLER LLC
	21	2403 OBENCHAIN ST	BRADFIELD MINNIE B
	22	907 WALKWAY ST	CHOYCE MYZELLA
	23	2406 CONKLIN ST	PULLAM ALBERTA EST OF
	24	2402 CONKLIN ST	BREEDLOVE SADIE
	25	925 WALKWAY ST	COLEMAN BEVERLY
	26	923 WALKWAY ST	BALLARD MARY &

Z201-257(RM)

09/22/2021

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	917 WALKWAY ST	ANDERSON CHINA
	28	913 WALKWAY ST	RYAN MATTHEW RICHARD
	29	2403 CONKLIN ST	GRBK FRISCO LLC
	30	2405 CONKLIN ST	GRBK FRISCO LLC
	31	1025 W COMMERCE ST	LISTOCON GROUP LLC
	32	2300 AL LIPSCOMB WAY	BNSF RAILWAY
	33	911 W COMMERCE ST	Taxpayer at
X	34	1212 W COMMERCE ST	Taxpayer at
	35	930 W COMMERCE ST	Taxpayer at