

**FILE NUMBER:** Z212-296(MP)**DATE FILED:** July 8, 2022**LOCATION:** Northeast line of Barry Avenue, between Upshur Street and East Grand Avenue**COUNCIL DISTRICT:** 2**SIZE OF REQUEST:** 5.992 acres**CENSUS TRACT:** 25.00**APPLICANT:** Texas Recycling & Surplus Inc**REPRESENTATIVE:** Prabha Cinclair**OWNER:** City Warehouse LP**REQUEST:** An application for an amendment to and a renewal of Specific Use Permit No. 2189 for a recycling buyback center on property zoned an IM Industrial Manufacturing District.**SUMMARY:** The purpose of the request is to renew the SUP for an existing recycling buy-back center for the collection of household and industrial metals in order to allow the continued operation of the existing facility on this site.**STAFF RECOMMENDATION:** Approval for a two-year period, subject to conditions.**CPC RECOMMENDATION:** Approval for a two-year period, subject to conditions.

**BACKGROUND INFORMATION:**

- The area of request is currently developed with a recycling buyback center with an associated warehousing building.
- The applicant is proposing to renew the existing Specific Use Permit No. 2189 with minor amendments to the conditions, reflecting conditions as they exist today.
- The existing facility consists of a 2,000 square foot recycling building, an office, and a roughly 119,000 square foot sorting warehouse. The applicant is not proposing changes to the facility or site plan.
- The proposed use is allowable in the IM District subject to a specific use permit only.
- The original SUP No. 2189 was approved on April 26, 2016 for a period of one year. On February 1, 2017, the SUP was renewed for a period of two years. On November 28, 2018, the SUP was renewed for a period of two years. On November 25, 2020, the SUP was renewed for a period of two years. The previous approval expires on December 9, 2022.
- **Zoning History:**

There have two been zoning cases in the area in the past five years.

1. **Z190-304:** On December 9, 2020, the City Council approved 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 located on the northeast line of South Barry Avenue, north of South Haskell Avenue [Subject site]
2. **Z190-168:** On May 27, 2020, the City Council accepted an application for an amendment to volunteered deed restrictions [Z978-150] on property zoned a CS Commercial Service District, located on the northeast side of South Fitzhugh Avenue, north of South Haskell Avenue.

**Thoroughfares/Streets:**

| Thoroughfare/Street | Type           | Existing/Proposed ROW |
|---------------------|----------------|-----------------------|
| South Barry Avenue  | Minor Arterial | 100' / 100' 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:

**ECONOMIC ELEMENT**

**GOAL 2.1 PROMOTE BALANCED GROWTH**

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

**ENVIRONMENT ELEMENT**

**GOAL 6.6 Increase Recycling and Conservation of Renewable Resources**

**Policy 6.6.1** Increase recycling and composting.

**Land Use:**

|                  | <b>Zoning</b>                                      | <b>Land Use</b>                      |
|------------------|--|--------------------------------------|
| <b>Site</b>      | IM Industrial Manufacturing with SUP No. 2189      | Warehouse, recycling buy-back center |
| <b>Northeast</b> | IM Industrial Manufacturing                        | Industrial (Inside), warehouse       |
| <b>Southeast</b> | CS Commercial Service, IM Industrial Manufacturing | Industrial (Inside), warehouse       |
| <b>Southwest</b> | MF-2(A) Multifamily                                | Multifamily, Single family           |
| <b>Northwest</b> | IM Industrial Manufacturing                        | Industrial (Inside), warehouse       |

**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 recycling 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 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 proposed use is consistent with the character of the surrounding area and is not foreseen to be detrimental to adjacent properties. The proposed SUP would not significantly alter the manner in which the subject site interacts with its environment.

The use is compatible with the surrounding industrial uses and is separated from nearby residential uses by a major roadway. The approval of the use under an SUP adds additional oversight and limits that would not exist under a by-right use, which could otherwise take place on site if the recycling business did not operate. The continued short time period allows staff to monitor the effect that this use has in the surrounding area. The applicant has agreed to include additional conditions not included in the original approvals, including limits on lighting and limits on the number of loading docks. These provisions reflect the state of the property at this time, and are included as an assurance of continued operation in the current state. Furthermore, the requirement of compliance with the license issued by the Dallas Police Department will assist in review of the impact of the use.

**Development Standards:**

| <b><u>DISTRICT</u></b>      | <b>SETBACKS</b>      |                  | <b>Height</b>       | <b>FAR</b>              | <b>Lot Coverage</b> | <b>Primary Uses</b>  |
|-----------------------------|----------------------|------------------|---------------------|-------------------------|---------------------|--|
|                             | <b>Front</b>         | <b>Side/Rear</b> |                     |                         |                     |  |
| IM Industrial Manufacturing | 15' adj thoroughfare | 0' adj non res   | 110' subject to RPS | 2.0 for industrial uses | 80%                 | Industrial (Inside) Manufacturing Warehousing With SUP, Recycling Buyback Center |

The applicant does not propose changes to the yard, lot, and space standards, as the proposed use will continue to occupy the existing building.

**Landscaping:**

Any new development on the site will require landscaping per Article X, as amended.

**Parking:**

Pursuant to the Dallas Development Code, the off-street parking requirement for a recycling buy-back center is one space per 500 square feet of floor area. The recycling buy-back center exists as a 2,000 square foot structure. This portion of the use requires four spaces. Warehouse uses require one space per 1,000 square feet of floor area up to 20,000 square feet, and one space per 4,000 square feet of floor area over 20,000 square feet. The 119,000 square foot existing warehouse requires 45 spaces, and the total required would be 50 spaces. The existing site plan includes 175 spaces.

**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

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strongest markets (A through C) to orange, representing the weakest markets (G through I). The area of request and surrounding properties are within the “H” MVA cluster.

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**LIST OF OFFICERS**

Texas Recycling /Surplus, Inc.

Joel Litman  
Craig Litman

**CPC Action**  
**December 15, 2022**

**Motion:** It was moved to recommend **approval** of an amendment to and a renewal of Specific Use Permit No. 2189 for a recycling buyback center for a two-year period, subject to conditions on property zoned an IM Industrial Manufacturing District, on the northeast line of Barry Avenue, between Upshur Street and East Grand Avenue.

Maker: Housewright  
Second: Rubin  
Result: Carried: 13 to 0

For: 13 - Popken, Hampton, Shidid, Carpenter, Wheeler-Reagan, Blair, Jung, Housewright, Treadway, Haqq, Stanard, Kingston, Rubin

Against: 0  
Absent: 1 - Gracey  
Vacancy: 1 - District 4

|                 |           |            |
|-----------------|-----------|------------|
| <b>Notices:</b> | Area: 400 | Mailed: 52 |
| <b>Replies:</b> | For: 0    | Against: 0 |

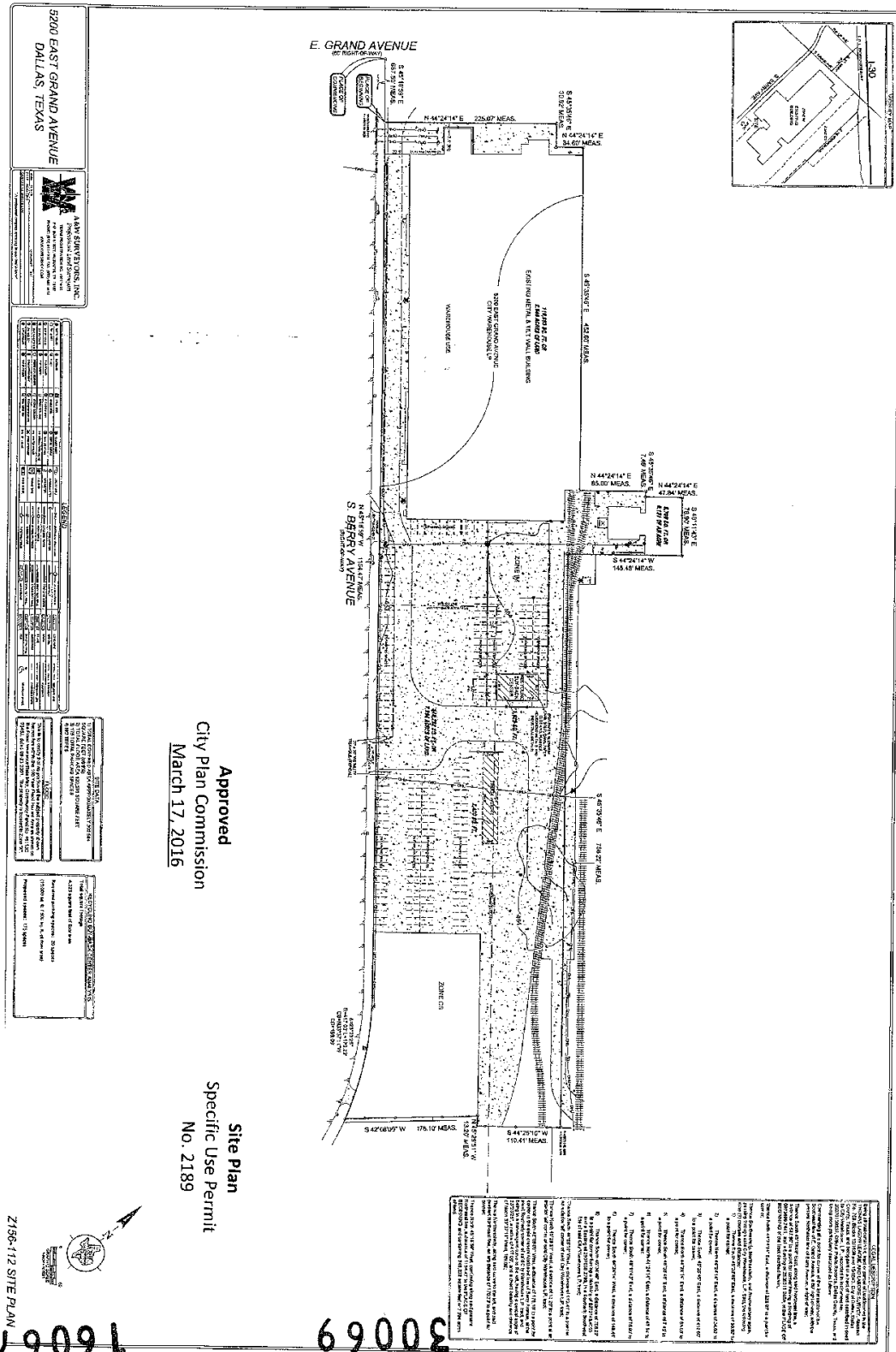
**Speakers:** None

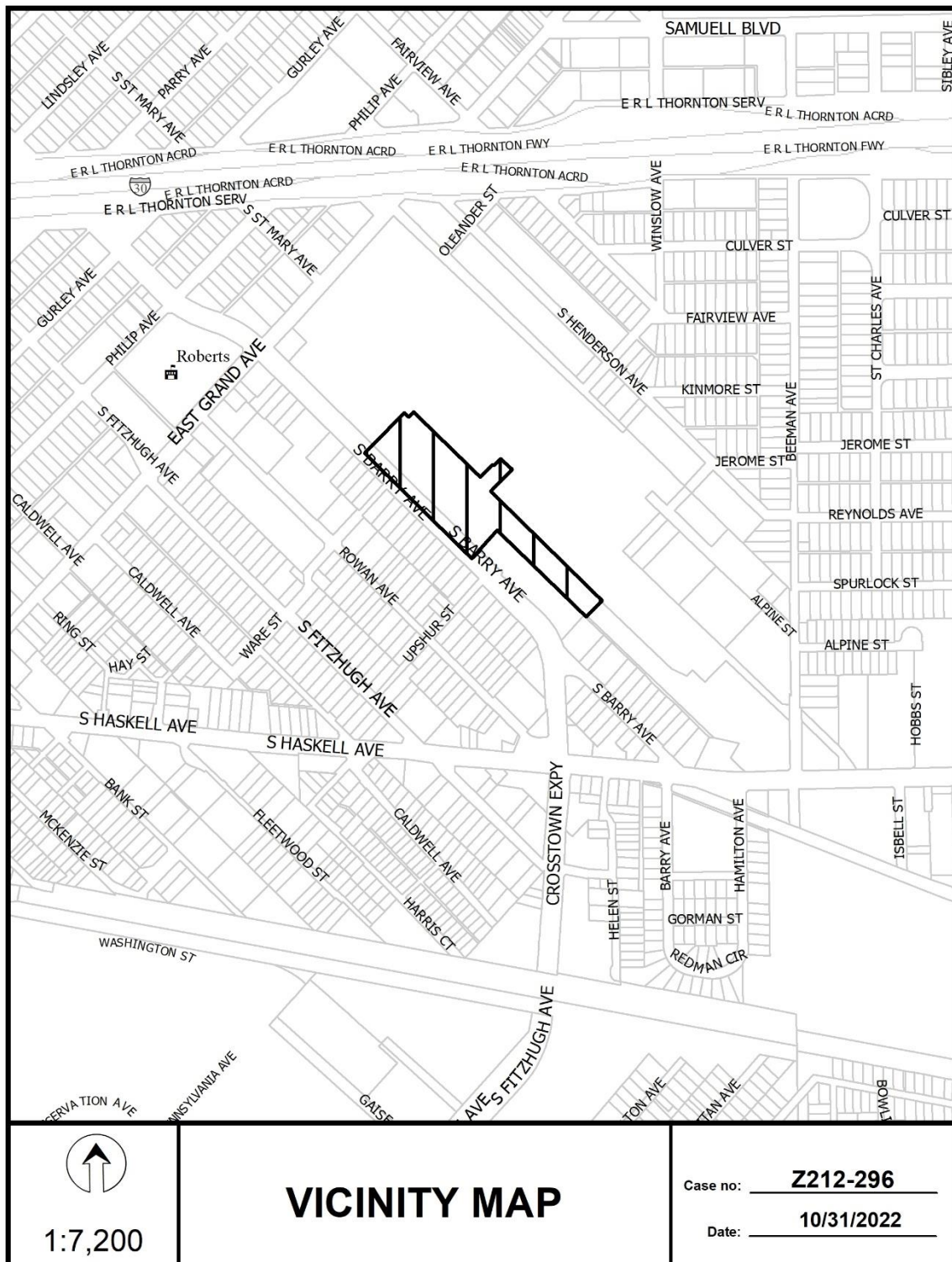


**PROPOSED SUP No. 2189 CONDITIONS**

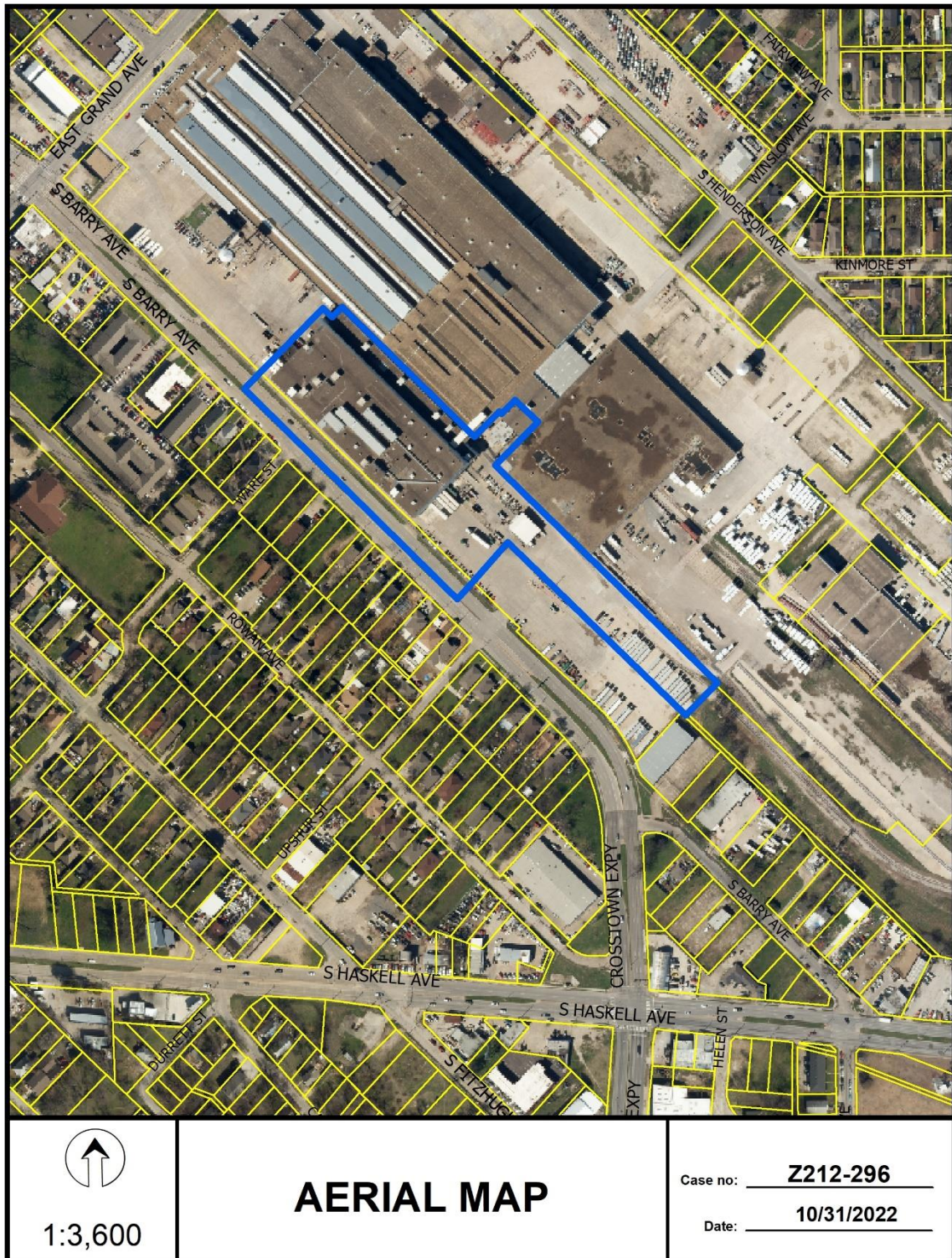
1. USE: The only use authorized by this specific use permit is a recycling buy-back center for the collection of household metals and industrial metals.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (two years from the passage of this ordinance).
4. FLOOR AREA: The maximum floor area is 2,000 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION: The recycling buy-back center for the collection of household metals and industrial metals may only operate between 7:00 a.m. and 7:30 p.m., Monday through Friday, and between 7:00 a.m. and 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. LIGHTING: Exterior lighting must be directed away from adjoining residential properties.
10. LOADING DOCKS: The property may have no more than 12 loading docks as shown on the site plan.
11. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
12. 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 SUP No. 2189 Site Plan (No changes)

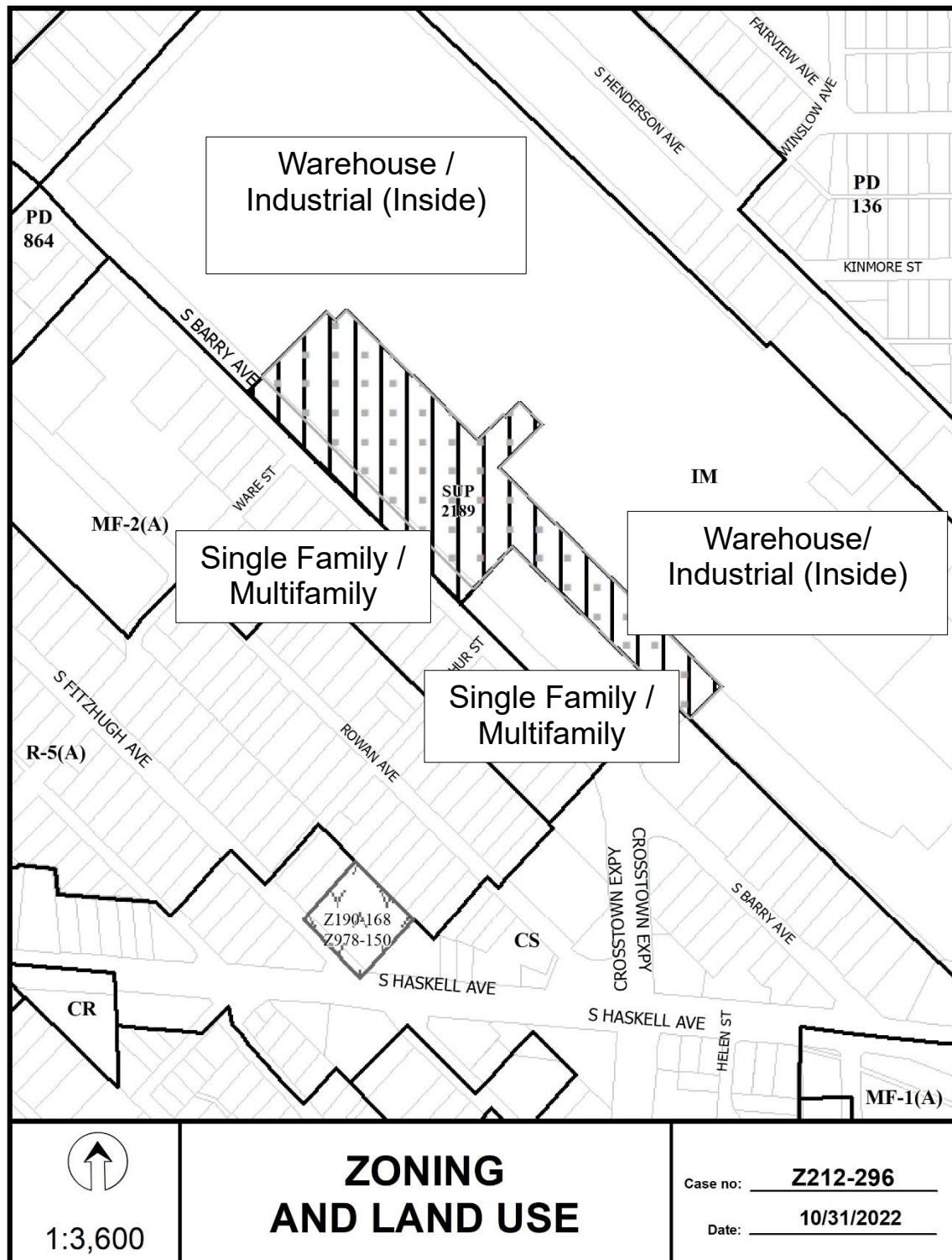


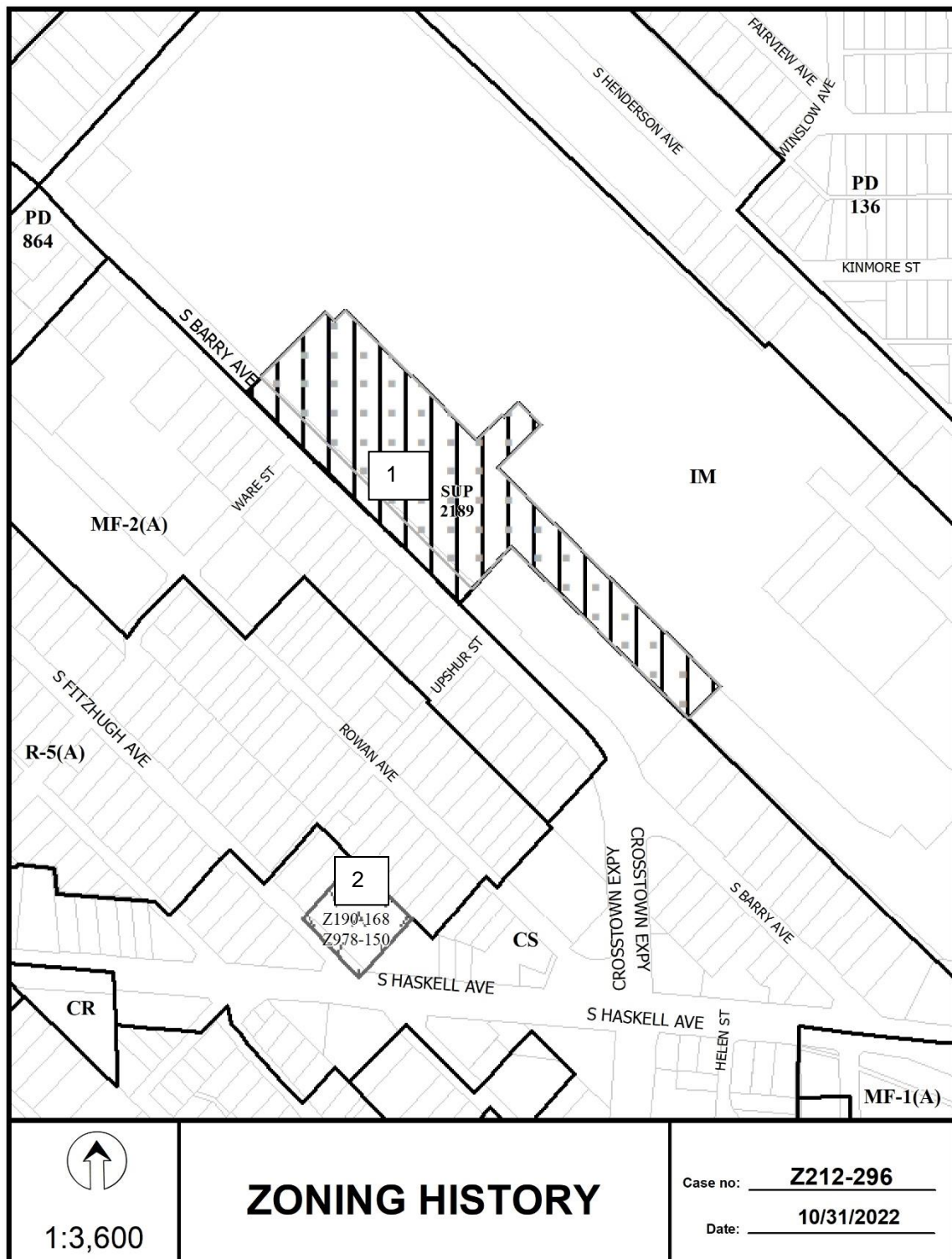














Market Value Analysis



1:7,200

# Market Value Analysis

Printed Date: 11/23/2022







12/14/2022

***Reply List of Property Owners******Z212-296******52 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>         |
|---------------------|-----------------------|-----------------------|-----------------------------|
| 1                   | 1616                  | S BARRY AVE           | CITY WAREHOUSE LP           |
| 2                   | 1628                  | BARRY AVE             | WESTSIDE CONTRACTING GROUP  |
| 3                   | 1512                  | ROWAN AVE             | PECAS PROPERTIES LLC        |
| 4                   | 1510                  | ROWAN AVE             | REYES MARIA GUADALUPE       |
| 5                   | 4910                  | UPSHUR ST             | REIGER ASSOC 90 I LTD       |
| 6                   | 1504                  | ROWAN AVE             | REYES MARIA G               |
| 7                   | 1629                  | BARRY AVE             | EJAZ INVESTMENT GROUP INC   |
| 8                   | 1623                  | BARRY AVE             | NELSON DEENNA ASHLY         |
| 9                   | 1527                  | BARRY AVE             | VARELA JOSE                 |
| 10                  | 1521                  | BARRY AVE             | Taxpayer at                 |
| 11                  | 1519                  | BARRY AVE             | COLLAZO ROBERTO M &         |
| 12                  | 1531                  | BARRY AVE             | JOHNSON CLARENCE JR         |
| 13                  | 1501                  | BARRY AVE             | PACKER DETROIT MICHIGAN SR  |
| 14                  | 1507                  | BARRY AVE             | GIPSON CHARLES & BARBARA    |
| 15                  | 1511                  | BARRY AVE             | CHAMBLEE ETHEL E            |
| 16                  | 1515                  | BARRY AVE             | JUAREZ OLEGARIO             |
| 17                  | 1422                  | ROWAN AVE             | LINCHON SIE                 |
| 18                  | 1424                  | ROWAN AVE             | COLON NOEL &                |
| 19                  | 1426                  | ROWAN AVE             | COLON ALMA                  |
| 20                  | 1432                  | ROWAN AVE             | GSI PORTFOLIO LLC           |
| 21                  | 1416                  | ROWAN AVE             | PIZANA JUAN ALEJANDRO &     |
| 22                  | 1434                  | ROWAN AVE             | VILLA JOSE &                |
| 23                  | 1444                  | ROWAN AVE             | GARCIA ANTONIO              |
| 24                  | 1448                  | ROWAN AVE             | PADRON CRUZ M & MARIA ELENA |
| 25                  | 1440                  | ROWAN AVE             | VILLA JOSE LUIS &           |
| 26                  | 4913                  | UPSHUR ST             | MARTINEZ ROSA MARIA RANGEL  |

12/14/2022

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i>              |
|--------------|----------------|----------------|---------------------------|
| 27           | 4911           | UPSHUR ST      | REED FRANKIE J            |
| 28           | 1437           | BARRY AVE      | MARTINEZ MARIA FAUSTINA   |
| 29           | 1449           | BARRY AVE      | FLORES MARTIN & YOLANDA   |
| 30           | 1443           | BARRY AVE      | MARTINEZ MARCIAL & BENITA |
| 31           | 1447           | BARRY AVE      | VALLES JAVIER H           |
| 32           | 1427           | BARRY AVE      | SEATON ANGELA &           |
| 33           | 1431           | BARRY AVE      | SEATON RALPH DEWAYNE &    |
| 34           | 1419           | BARRY AVE      | GARCIA JUAN ANTONIO       |
| 35           | 1423           | BARRY AVE      | ARRONA VIRGINIA           |
| 36           | 1435           | BARRY AVE      | GOMEZ ANTONIO & ELVIRA    |
| 37           | 1411           | BARRY AVE      | SOLID COOL PROPERTIES LLC |
| 38           | 1401           | BARRY AVE      | OLIVARES MARYBEL PEREZ    |
| 39           | 1415           | BARRY AVE      | DE LA GARZA UVALSO        |
| 40           | 1407           | BARRY AVE      | OLIVARES MARIANO &        |
| 41           | 1343           | BARRY AVE      | JOBE ALINE                |
| 42           | 1341           | BARRY AVE      | KAGNEW FASIL              |
| 43           | 1337           | BARRY AVE      | ALMEIDA JULISSA           |
| 44           | 1353           | BARRY AVE      | HOLLAND GARY              |
| 45           | 1323           | S BARRY AVE    | SNOOTY PARROT LLC         |
| 46           | 1305           | N BARRY AVE    | MARSON INVESTMENTS LLC    |
| 47           | 1216           | ROWAN AVE      | ANDREWS VIRGINIA &        |
| 48           | 1315           | S BARRY AVE    | CASA GRANDE VILLAS LLC    |
| 49           | 4640           | CROSTOWN EXPY  | CIRCOLO LLC               |
| 50           | 1408           | ROWAN AVE      | UGWUMBA INC               |
| 51           | 1402           | ROWAN AVE      | RED OX LLC                |
| 52           | 4901           | WARE ST        | SKELDALE PROPERTIES INC   |