

ZONING BOARD OF ADJUSTMENT, PANEL C  
THURSDAY, FEBRUARY 22, 2018  
AGENDA

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BRIEFING	5ES 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
PUBLIC HEARING	COUNCIL CHAMBERS 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

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**Neva Dean, Assistant Director**  
**Steve Long, Board Administrator/ Chief Planner**

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**MISCELLANEOUS ITEM**

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Approval of the December 11, 2017 Board of Adjustment Panel C Public Hearing Minutes M1

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**UNCONTESTED CASES**

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<b>BDA178-019(SL)</b>	5539 Falls Road <b>REQUEST:</b> Application of Robert Baldwin of Baldwin and Associates for a special exception to the fence standards regulations	1
<b>BDA178-021(SL)</b>	9823 Preston Road <b>REQUEST:</b> Application of Karl A. Crawley of Masterplan for special exceptions to the fence standards regulations	2

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**REGULAR CASE**

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<b>BDA178-024(SL)</b>	1801 Lone Star Drive <b>REQUEST:</b> Application of Jackson Walker L.L.P Jonathan G. Vinson for a variance to the height regulations	3
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## EXECUTIVE SESSION NOTICE

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex. Govt. Code §551.089]

**FILE NUMBER:** BDA178-019(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Robert Baldwin of Baldwin and Associates for a special exception to the fence standards at 5539 Falls Road. This property is more fully described as Lot 12, Block 5/5606, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a 10 foot high fence in a required front yard, which will require a 6 foot special exception to the fence standards.

**LOCATION:** 5539 Falls Road

**APPLICANT:** Robert Baldwin of Baldwin and Associates

**REQUEST:**

A request for a special exception to the fence standards related to height regulations of 6' is made on a site being developed with a single family home to construct and maintain the following:

- a 7' 3" high open wrought iron fence with 8' stone columns and a 10' high open wrought iron entry gate flanked by 9' high stone columns parallel to the street;
- a 7' 3" high open wrought iron fence perpendicular to the street on the west side of the site in the front yard setback; and
- a 5' 9" high open wrought iron fence perpendicular to the street on the east side of the site in the front yard setback.

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:**

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence standards when, in the opinion of the board, the special exception will not adversely affect neighboring property.

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to the fence standards since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring property.

## **BACKGROUND INFORMATION:**

### **Zoning:**

<u>Site:</u>	R-1ac(A) (Single family residential 1 acre)
<u>North:</u>	R-1ac(A) (Single family residential 1 acre)
<u>South:</u>	R-1ac(A) (Single family residential 1 acre)
<u>East:</u>	R-1ac(A) (Single family residential 1 acre)
<u>West:</u>	R-1ac(A) (Single family residential 1 acre)

### **Land Use:**

The subject site is being developed with a single family use. The areas to the north, east, south, and west are developed with single family uses.

### **Zoning/BDA History:**

1. BDA145-029, Property at 5522 Falls Road (two lots southwest of the subject site)

On March 17, 2015, the Board of Adjustment Panel A granted requests for a special exception to the fence standards regulations of 7' 1" for a fence in the front yard setback and 3' 6" for a fence in the side yard setback, and imposed the following condition: Compliance with submitted revised site plan/elevation is required.

The case report stated the requests were made to construct and maintain in the front yard setback parallel to the street an approximately 90' long, 5' high open wrought iron fence with two entry features that include 8' high open wrought iron gates flanked by 6' – 7' high masonry walls and caps; perpendicular to the street on the east side: an approximately 38' long, 5' high open wrought iron fence, with 6'- 7' high masonry columns, and perpendicular to the street on the west side: an approximately 23' long, 5' high open wrought iron fence, and an approximately 15' long, 10' 7" high fence (8' wood fence atop a 2' 7" high retaining wall) with 11' 1" high masonry columns; and in the side yard setback on the east side of the site an approximately 70' long, 12' 6" high masonry fence with 12' 6" high columns on a site being developed that was being with a single family home.

2. BDA178-017, Property at 5530 Falls Road (the lot southwest of the subject site)

On February 20, 2018, the Board of Adjustment Panel A will consider a request for a special exception to the fence standards regulations related to fence height of 2' 6" made to construct and maintain a 6' high open wrought iron fence and gate with 6' 6" high brick columns in the front yard setback; and special exceptions to the visual obstruction regulations made to locate and maintain portions of the aforementioned 6' high open wrought iron fence/gate and 6' 6" high brick columns located in one of two or both, 20' visibility triangles on both sides of the driveway into the site from this street.

#### **GENERAL FACTS/STAFF ANALYSIS:**

- The request for a special exception to the fence standards related to height focuses on constructing and maintaining a 7' 3" high open wrought iron fence with 8' stone columns and a 10' high open wrought iron entry gate flanked by 9' high stone columns parallel to the street; a 7' 3" high open wrought iron fence perpendicular to the street on the west side of the site in the front yard setback; and a 5' 9" high open wrought iron fence perpendicular to the street on the east side of the site in the front yard setback on a site being developed with a single family home.
- Section 51A-4.602(a)(2) of the Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The property is located in an R-1ac(A) zoning district which requires a minimum front yard setback of 40 feet.
- The submitted site plan/elevation indicates that the proposal would reach a maximum height of 10' to account for height of the entry gate.
- The submitted site plan denotes the following:
  - The proposal in the front yard setback is represented as being approximately 100' in length parallel to this street and approximately 37' in length perpendicular to the street on the east and west sides of the site in the front yard setback.
  - The proposal is represented as being located approximately 3' from the front property line, and approximately 20' from the pavement line.

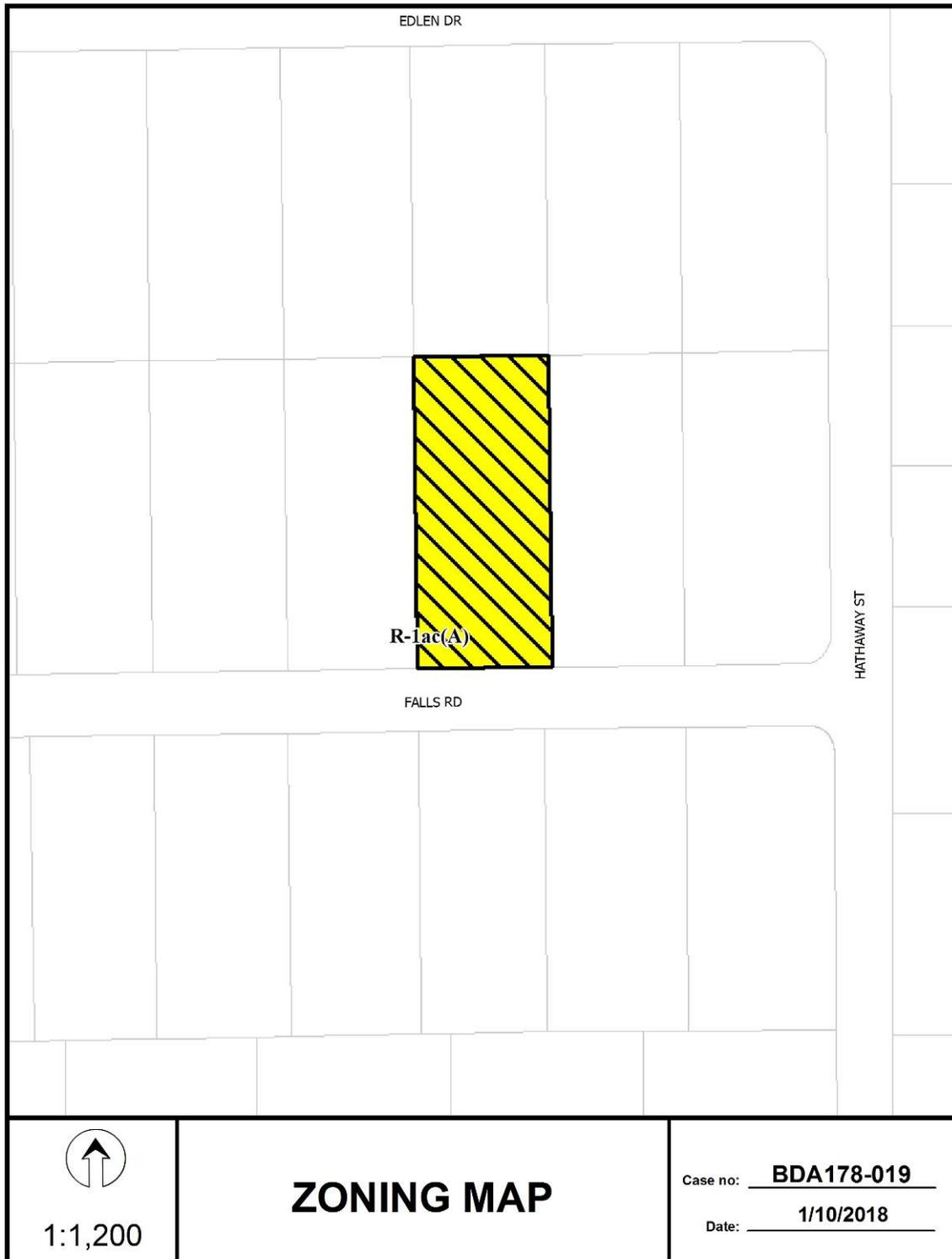
- A single family lot fronts the proposal on the subject site. While this lot has a fence in its front yard setback, it appears to be 4' or less in height.
- The Board Administrator conducted a field visit of the site and surrounding area on the street from Hollow Way Drive to Hathaway Street and noted one other fence that appeared to be over 4' in height and in a front yard setback. This fence (a 5' high open wrought iron fence with two entry features that include 8' high open wrought iron gates flanked by 6' – 7' high masonry walls and caps) is located two lots southwest of the subject site and appears to be a result of special exceptions to the fence standards granted by the Board in 2015 (see the "Zoning/BDA History" section of this case report for additional details).
- As of February 9, 2018, no letters had been submitted in support of the request, and no letters had been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence standards related to fence height of 6' will not adversely affect neighboring property.
- Granting this special exception with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 4' in height to be located in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on these documents.

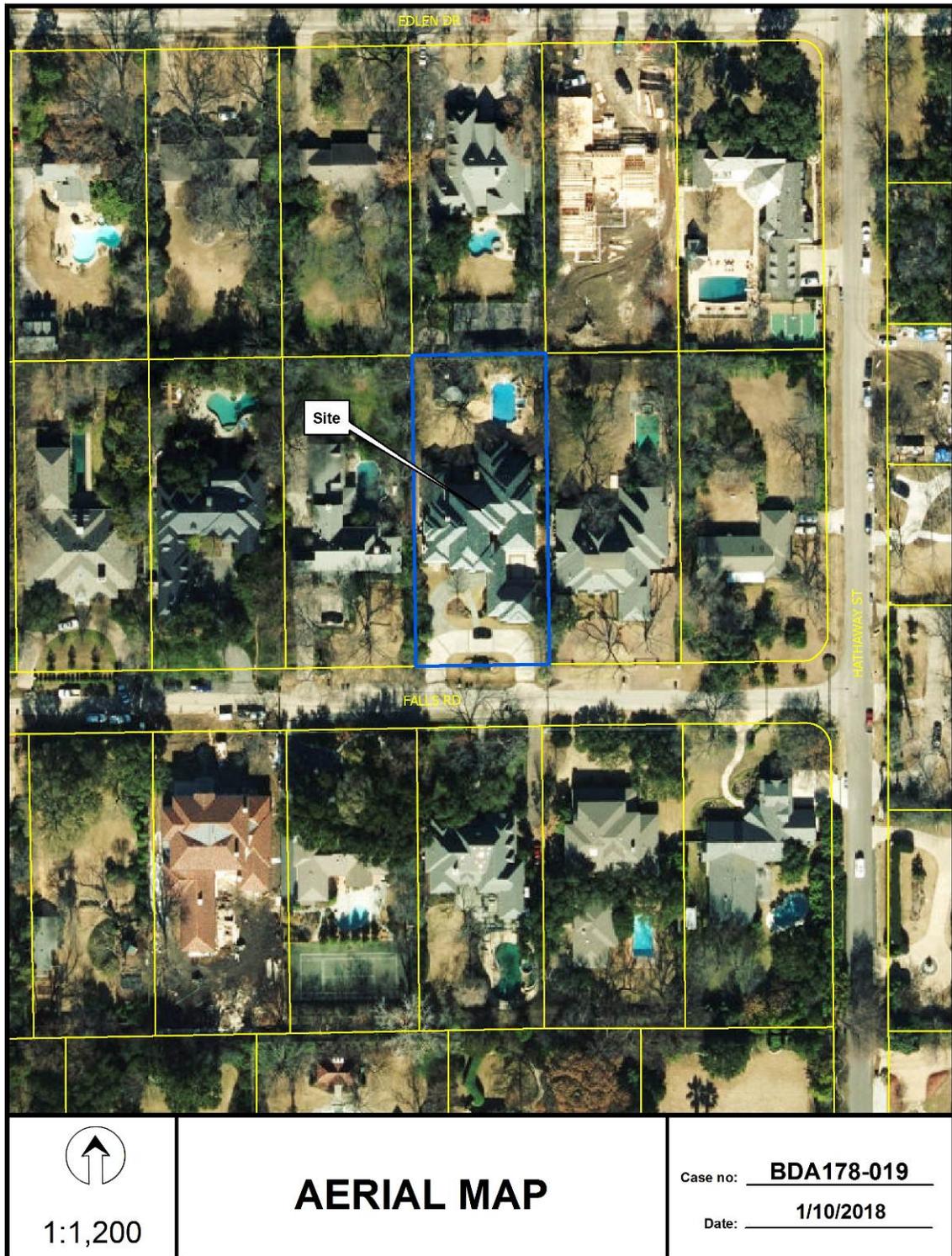
**Timeline:**

- December 7, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- January 5, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- January 5, 2018: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the January 31<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the February 9<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

February 6, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February hearings. Review team members in attendance included: the Assistant Director of Sustainable Development and Construction, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Development Code Amendment Chief Planner, the Sustainable Development and Construction Department Senior Planners, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

No review comment sheets were submitted in conjunction with this application.







C

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-019

Data Relative to Subject Property:

Date: December 7, 2017

Location address: 5539 Falls Rd Zoning District: R-1ac(A)

Lot No.: 12 Block No.: 5/5606 Acreage: 0.62 acres Census Tract: 206.00

Street Frontage (in Feet): 1) 108 ft 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Ronald Johnsey and Candace Farrar Johnsey

Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of six feet fence height to allow a fence in a front yard setback greater than four feet

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
The proposed fence, columns, and vehicular gate will complement and enhance the single family home and not negatively impact surrounding properties.

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Robert Baldwin (Affiant/Applicant's name printed)

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: [Signature] (Affiant/Applicant's signature)

Subscribed and sworn to before me this 7 day of December, 2017



Notary Public in and for Dallas County, Texas

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

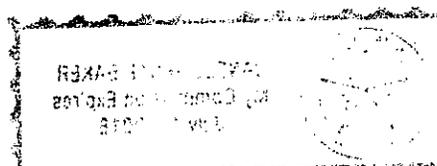
**Building Official's Report**

I hereby certify that Robert Baldwin  
did submit a request for a special exception to the fence height regulations  
at 5539 Falls Road

BDA178-019. Application of Robert Baldwin for a special exception to the fence height regulations at 5539 Falls Road. This property is more fully described as Lot 12, Block 5/5606, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 10 foot high fence in a required front yard, which will require a 6 foot special exception to the fence regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





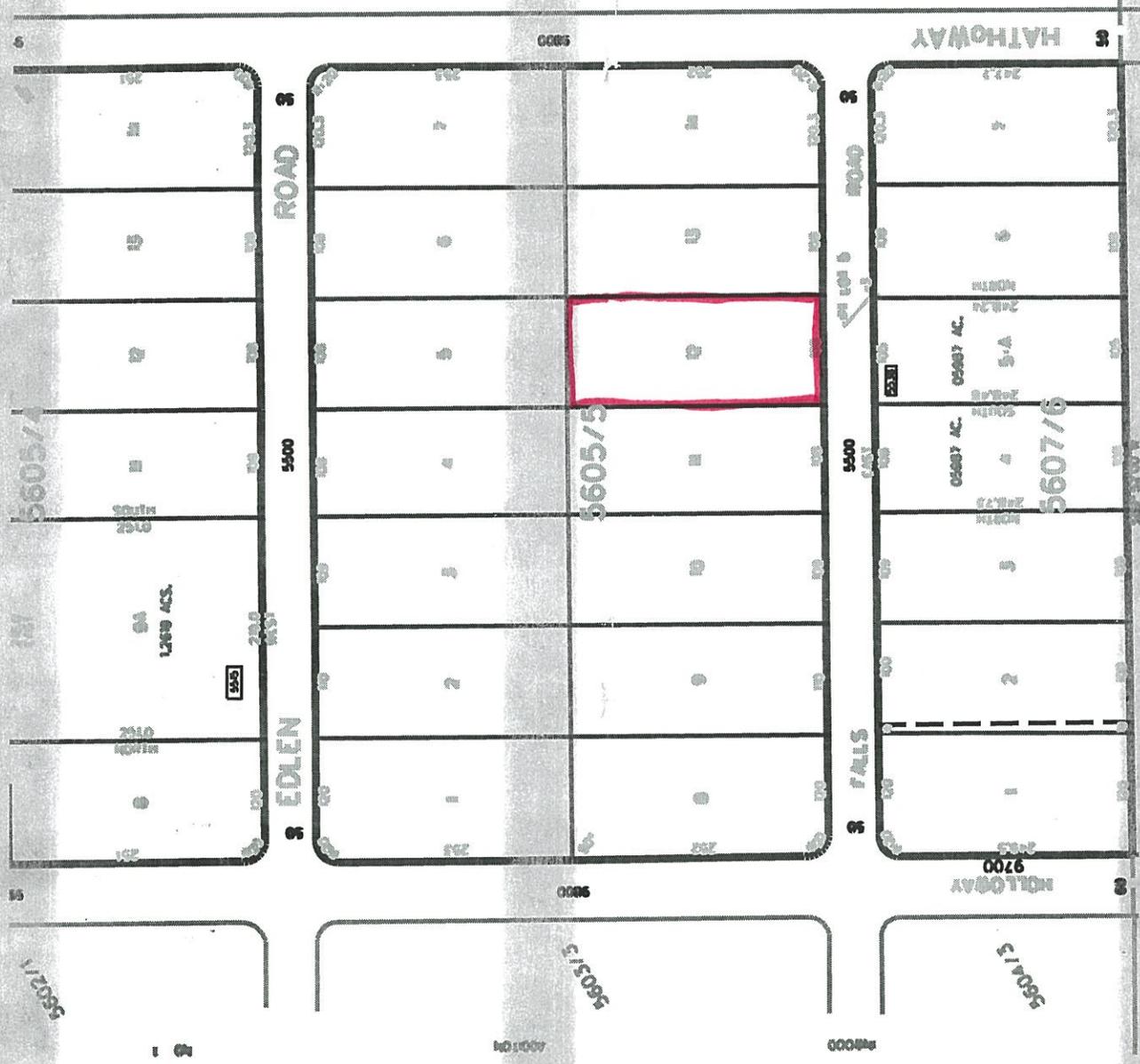
Printed: 12/1/2017

### Legend

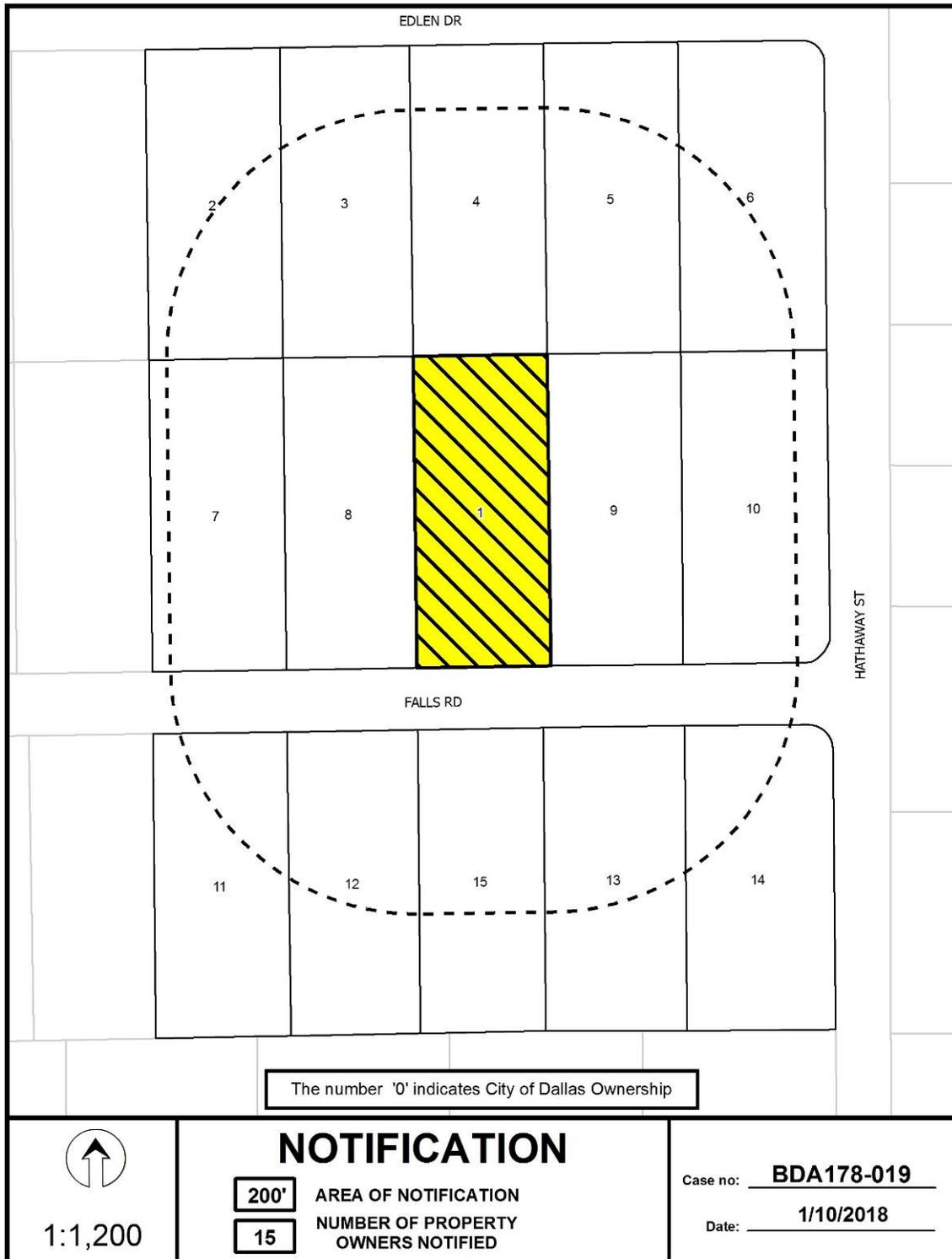
- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSP Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | BDA 178-09-SUP                 | Historic Overlay      | Front Overlay              |
|                      |                                | Height Map Overlay    |                            |

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)









## *Notification List of Property Owners*

### *BDA178-019*

#### *15 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5539 FALLS RD	JOHNSEY RONALD &
2	5524 EDLEN DR	THORNTON W KEITH
3	5534 EDLEN DR	HERNDON MADELYN H
4	5542 EDLEN DR	ARMES JOSEPH B & KELLY E
5	5550 EDLEN DR	EDLEN PROPERTY TRUST
6	5558 EDLEN DR	KERRIGAN KIRSTEN J &
7	5525 FALLS RD	ZALE MARK S & LISA G
8	5531 FALLS RD	CLARK HARRIS &
9	5549 FALLS RD	GOH KIAT TZE & JANET HO
10	5557 FALLS RD	SQUIBB SAMUEL E
11	5522 FALLS RD	SHORES MARK M & MARY M
12	5530 FALLS RD	WHITLEY FAMILY PROPERTIES LLC
13	5548 FALLS RD	MCDEARMAN JOHN R
14	5556 FALLS RD	BHATIA ANITA
15	5538 FALLS RD	WYATT MICHAEL S &

**FILE NUMBER:** BDA178-021(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Karl A. Crawley of Masterplan for special exceptions to the fence standards at 9823 Preston Road. This property is more fully described as Lot 4, Block 2/5515, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet, and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct and maintain a 10 foot high fence in a required front yard, which will require a 6 foot special exception to the fence standards, and to construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards.

**LOCATION:** 9823 Preston Road

**APPLICANT:** Karl A. Crawley of Masterplan

**REQUESTS:**

The following requests have been made on a site that is currently developed with a single family home structure:

1. A special exception to the fence standards related to fence height of 4' is made to:
  - In part, maintain an existing, approximately 250' long, 6.5' high stone fence with 7' high columns that, according to the applicant, has been on the property since the 1940's, and adding to this existing fence and columns approximately 1.5' high wall/column caps in the front yard setback;
  - In part, extend the existing, approximately 220' long stone fence that is proposed to be raised in height to 7' 6" with 8' high columns approximately 30' northward in the front yard setback;
  - In part, construct and maintain new 6' and 7' 6" high iron fences to be located perpendicular to the street in the front yard setback behind the existing fence that runs parallel to the street in the front yard setback.
2. A special exception to the fence standards related to fence panel materials/location from the front lot line is made to:
  - In part, maintain and construct/maintain a fence with panels with surface areas that are less than 50 percent open (the aforementioned fences) located in the site's front yard setback and as close as on the front lot line (or less than 5' from the front lot line).

Note that the applicant's submitted of a revised site plan/elevation eliminated the part of the original proposal made to replace an existing entry gate and entry fence walls with a 7' 6" high iron entry gates flanked by 10' high entry gate columns and a 7' 6" high entry walls with 8' high columns. While this application was advertised and noticed for a special exception to the fence standards regulations of 6', the applicant is now seeking a special exception to the fence standards regulations of 4' to account for a proposal with a maximum height of 8' with the submittal of a revised site plan/elevation.

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:**

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the fence standards when, in the opinion of the board, the special exception will not adversely affect neighboring property.

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to the fence standards since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring property.

**Zoning:**

Site: R-10(A) (Single family district 10,000 square feet)  
North: R-10(A) (Single family district 10,000 square feet)  
South: R-10(A) (Single family district 10,000 square feet)  
East: R-10(A) (Single family district 10,000 square feet)  
West: R-10(A) (Single family district 10,000 square feet)

**Land Use:**

The subject site is developed with a single family home. The areas to the north, south, east, and west are developed with single family uses.

**Zoning/BDA History:**

1. BDA167-062, Property located at 9823 Preston Road (the subject site) On May 15, 2017, the Board of Adjustment Panel C granted a request for a special exception to the single family use development standard regulations made to construct and maintain a 2-story recreation addition structure /additional "dwelling unit" structure on a site developed with a 2-story main single family home/dwelling unit structure.

## **GENERAL FACTS/STAFF ANALYSIS:**

- The requests for special exceptions to the fence standards related to height and fence panel materials/location from a front lot line focus on:
  - 1) maintaining an existing, approximately 250' long, 6.5' high stone fence with 7' high columns that, according to the applicant, has been on the property since the 1940's, and adding to this existing fence and columns approximately 1.5' high wall/column caps in the front yard setback on columns that, according to the applicant, has been on the property since the 1940's,
  - 2) extending the existing, approximately 250' long stone fence that is proposed to be raised in height to 7' 6" with 8' high columns approximately 30' northward in the front yard setback;
  - 3) constructing and maintaining new 6' and 7' 6" high iron fences to be located perpendicular to the street in the front yard setback behind the existing fence that runs parallel to the street in the front yard setback; and
  - 4) maintaining and constructing/maintaining a fence with panels with surface areas that are less than 50 percent open (the aforementioned fences described earlier) located in the site's front yard setback and as close as on the front lot line (or less than 5' from the front lot line).
- The property is located in an R-10(A) zoning district which requires a minimum front yard setback of 30 feet.
- Section 51A-4.602(a)(2) of the Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The Dallas Development Code states that in single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than 5' from the front lot line.
- The originally submitted site plan/elevation that had denoted a portion of the proposal that reached 10' in height for two stone entry gate columns was replaced by a revised site plan/elevation that represents the highest component of the proposal to be 8' in height for columns (see Attachment A).
- The submitted revised site plan/elevation eliminates part of the original proposal that involved replacing the existing entry gate and entry fence walls with a 7' 6" high iron entry gates flanked by 10' high entry gate columns and a 7' 6" high entry walls with 8' high columns.
- The revised site plan/elevation denotes that the existing fence and the proposed extension located on the front lot line and approximately 11' from the pavement line.
- The proposal is located across from single family lots neither with fences in a front yard setback.
- The Board Administrator conducted a field visit of the site and surrounding area along Preston Road approximately 500' north and south of the subject site and noted one other fence that appeared to be above 4' in height and in a front yard setback: an approximately 5' – 7' high stucco fence immediately north of the subject site with no recorded BDA history.
- As of February 9, 2018, no letters have been submitted in support of or in opposition to these requests.

- The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to height over 4' in the front yard setback and materials/height of the proposed fence from the front lot line will not adversely affect neighboring property.
- Granting one and/or both of these special exceptions with a condition imposed that the applicant complies with the submitted revised site plan/elevation would require the proposal exceeding 4' in height in the front yard setback and with fence panels with surface areas less than 50 percent open located less than 5' from the front lot line to be constructed and maintained in the location and of the heights and materials as shown on this document – fence/gate/columns in the site's front yard setback over 4' in height and with fence panels less than 50 percent open located on the front lot line.

**Timeline:**

December 13, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

January 5, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C. Even though Board of Adjustment Panel C granted a special exception to the single family use regulations on this property in May of 2017, the assignment of this application for fence standard special exceptions did not conflict with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case” – a fence standard special exception request is not the same request as a single family use regulations special exception request.

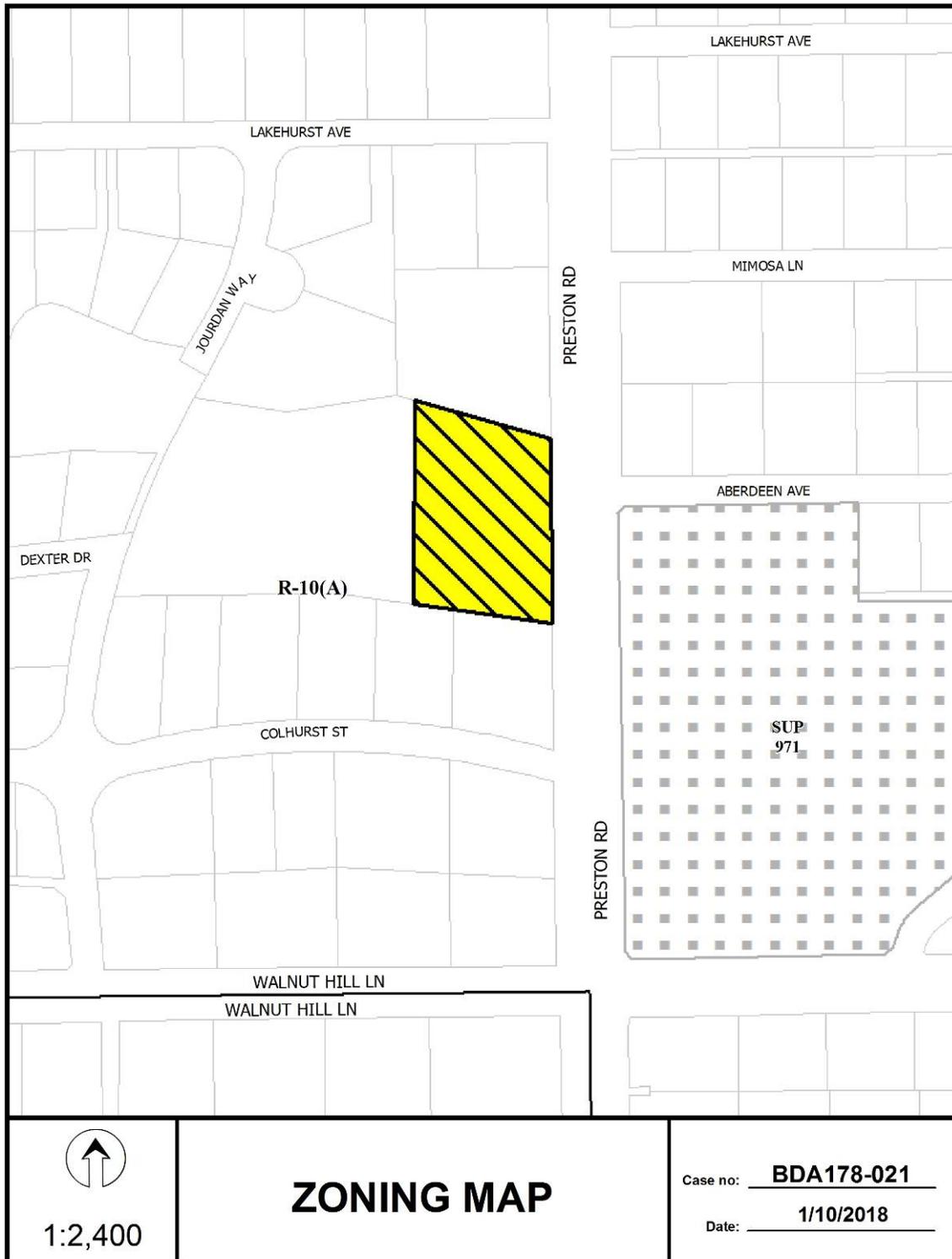
January 5, 2018: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the January 31<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the February 9<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

February 6, 2018: The applicant submitted additional documentation on this appeal to the Board Administrator beyond what was submitted with the original application (see Attachment A).

February 6, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February hearings. Review team members in attendance included: the Assistant Director of Sustainable Development and Construction, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Development Code Amendment Chief Planner, the Sustainable Development and Construction Department Senior Planners, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

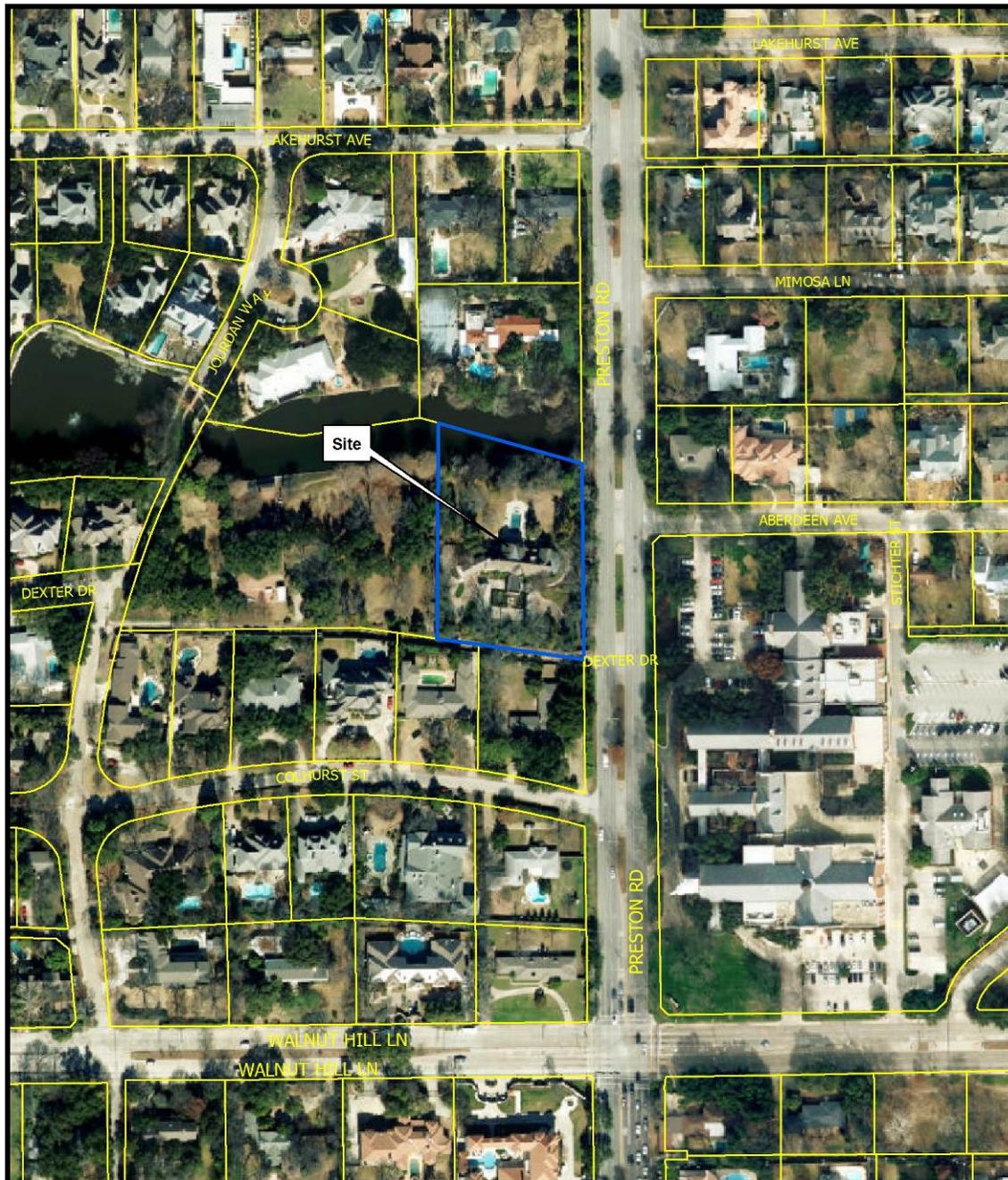
No review comment sheets were submitted in conjunction with this application.



1:2,400

# ZONING MAP

Case no: BDA178-021  
 Date: 1/10/2018



1:2,400

# AERIAL MAP

Case no: BDA178-021

Date: 1/10/2018

BDA178-021

Attach A

PG 1



**Masterplan**

Land Use Consultants

Charles

BDA 178-021

Here are copies of a revised Site Plan with elevations. The change is to the driveway and walls surrounding. The walls are existing and will remain with a new cap like the remaining wall (special Exception). The driveway is being redesigned because of discussions with David Nevarez. Let me know if you need anything else. I talked with Steve L. and he knows of the change.

Kul





City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-021

Date: 12-13-17

Data Relative to Subject Property:

Location address: 9823 Preston Road Zoning District: R-10(A)

Lot No.: 4 Block No.: 2/5515 Acreage: 1.63 Census Tract: 76.05

Street Frontage (in Feet): 1 302' 2 \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment:

Owner of Property/or Principal James A Watt and Virginia M Watt

Applicant: Karl A Crawley, MASTERPLAN Telephone: 214 761 9197

Mailing Address 900 Jackson St. Ste 640 Dallas TX Zip Code: 75202

Represented by: Same as applicant Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Affirm that a request has been made for a Variance \_\_, or Special Exception X, of 6 feet for two columns and 4 feet for a fence in the required front yard and a special exception to the fence panel 50% open surface area requirement to the front yard

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: The existing fence does not adversely impact the surrounding property. The additional height will allow the repair and improvement of the existing fence and the addition of a new gate

Note to Applicant: If the relief requested in this application is granted by the Board of Adjustment, said permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Respectfully submitted: Karl A Crawley Applicant's name printed [Signature] Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Karl A Crawley who on (his/her) oath certifies that the above statements are true and correct to his best knowledge and that he is the owner/or principal/or authorized representative of the subject property.

[Signature]  
Affiant (Applicant's signature)

Subscribed and sworn to before me this 12<sup>th</sup> day of December, 2017



[Signature]  
Notary Public in and for Dallas County, Texas

(Rev. 08-20-09)

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

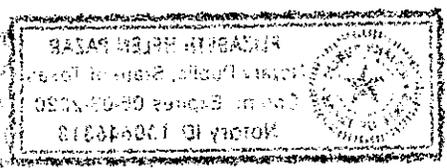
Building Official's Report

I hereby certify that Karl A. Crawley

did submit a request for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 9823 Preston Road

BDA178-021. Application of Karl A. Crawley for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 9823 Preston Rd. This property is more fully described as Lot 4, Block 2/5515, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct a 10 foot high fence in a required front yard, which will require a 6 foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations.

Sincerely,  
*Philip Sikes*  
Philip Sikes, Building Official





# City of Dallas

## Internal Development Research Site

### Legend

### Locate Property

Search by:

GIS Account #

Locate

OR

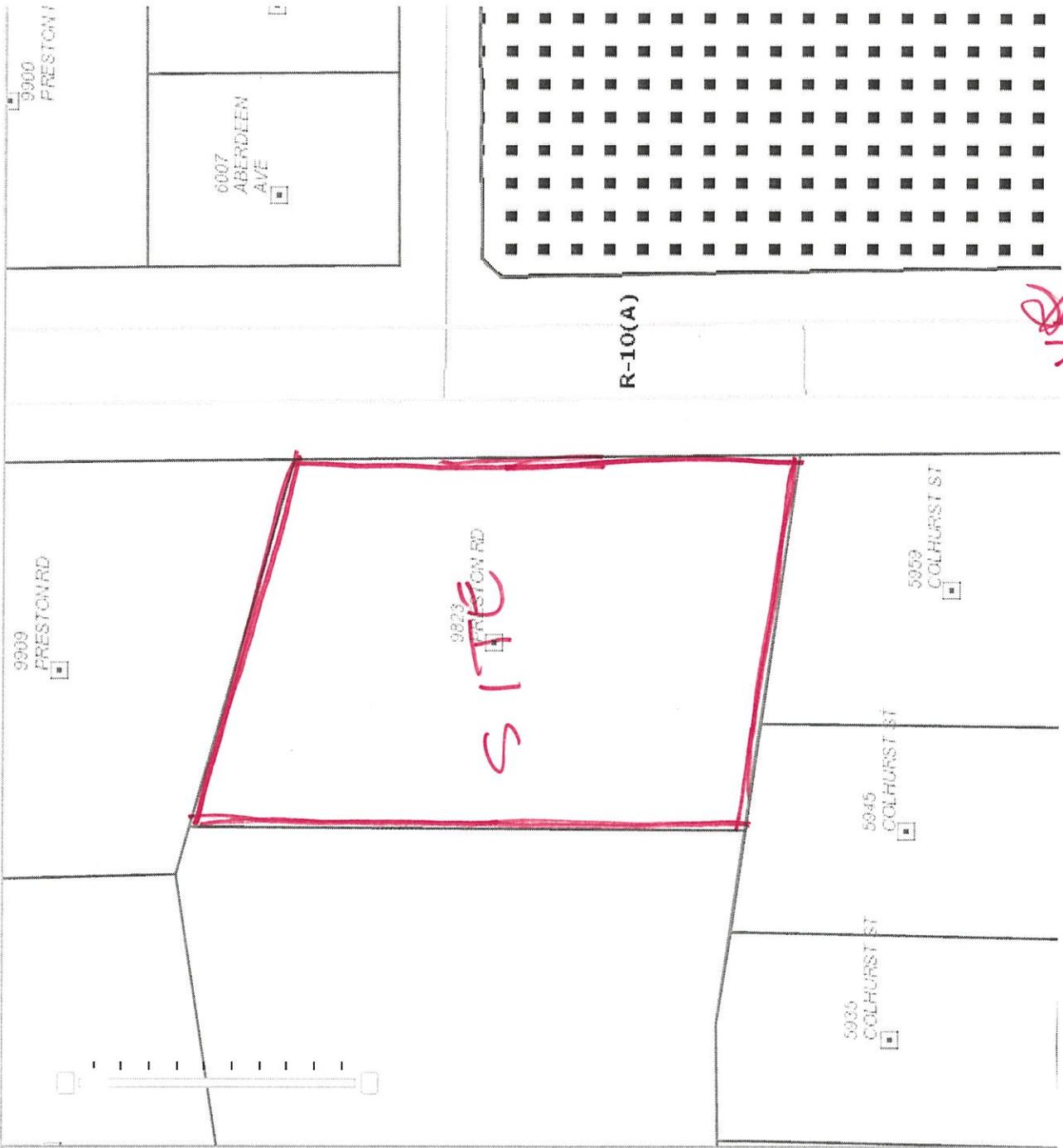
Street address.

Locate

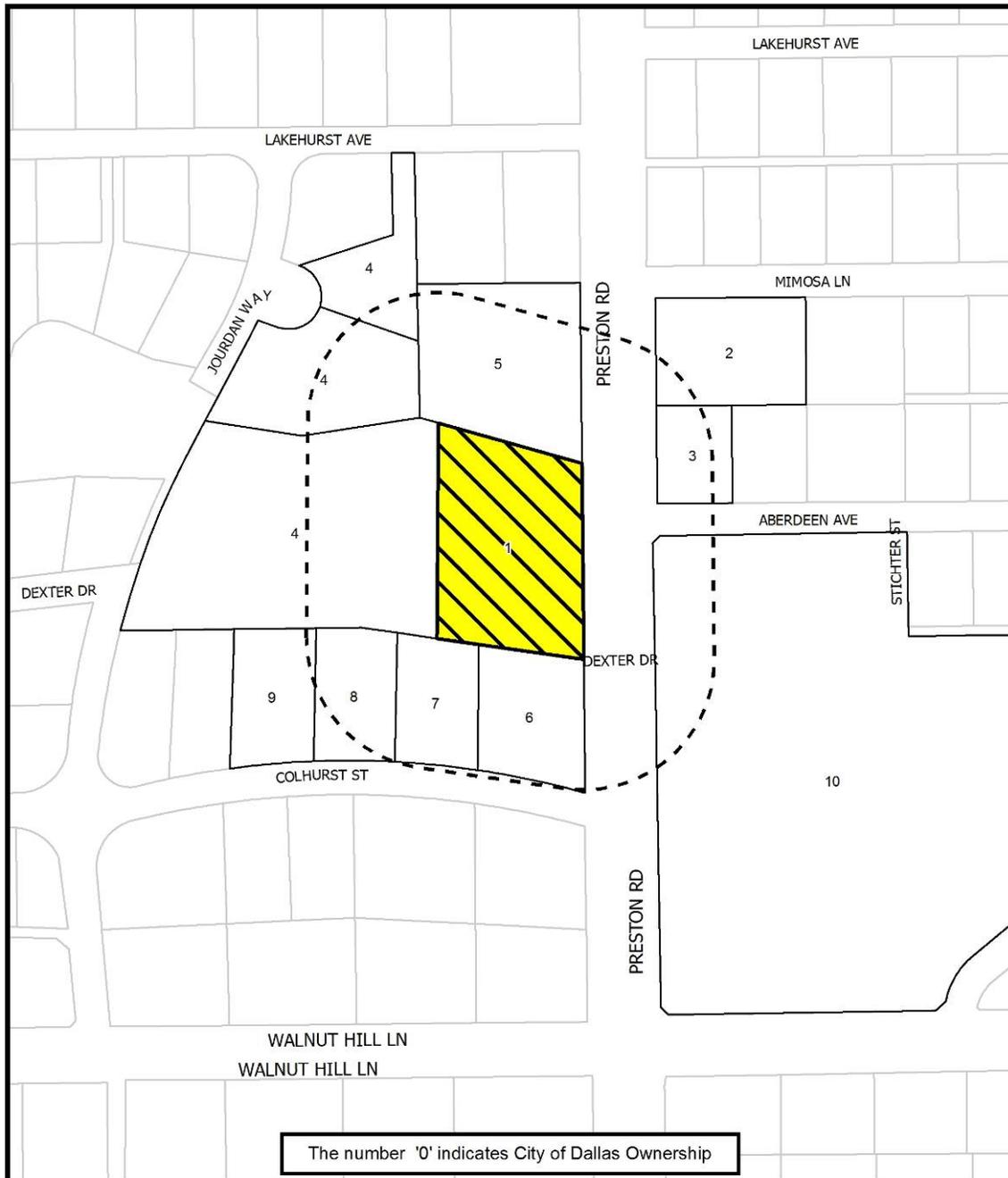
OR

Parcel address.  
Use street type for better re

Locate







 1:2,400	<b>NOTIFICATION</b>	Case no: <b>BDA178-021</b>			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">10</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	10	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
10	NUMBER OF PROPERTY OWNERS NOTIFIED				

## *Notification List of Property Owners*

### *BDA178-021*

#### *10 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9823 PRESTON RD	WATT JAMES A & VIRGINIA M
2	9900 PRESTON RD	WEISBROD LES
3	6007 ABERDEEN AVE	DUKE ELIZABETH B
4	9912 JOURDAN WAY	BYRD D HAROLD JR
5	9909 PRESTON RD	DORFMAN LOUIS
6	5959 COLHURST ST	EDD FAMILY INC
7	5945 COLHURST ST	VICHYASTIT KITTIKHAJ &
8	5935 COLHURST ST	WAGNER SHERWOOD N
9	5925 COLHURST ST	MOORE SEAN &
10	9800 PRESTON RD	PRESTON HOLLOW

**FILE NUMBER:** BDA178-024(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Jackson Walker L.L.P./Jonathan G. Vinson for a variance to the height regulations at 1801 Lone Star Drive. This property is more fully described as Tract 2, Block 6158, and is zoned IM, which limits the maximum building height to 110 feet. The applicant proposes to construct and maintain a structure with a building height of 170 feet, which will require a 60 foot variance to the height regulations.

**LOCATION:** 1801 Lone Star Drive

**APPLICANT:** Jackson Walker L.L.P./Jonathan G. Vinson

**REQUEST:**

A request for a variance to the height regulations of 60' is made to construct and maintain structures that, according to the application, total 170' in height "in certain specific locations" (or exceed the 110' maximum structure height) on a site that is developed with an "industrial (outside) not potentially incompatible" use (Buzzi Unicem USA).

**STANDARD FOR A VARIANCE:**

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

- (A) not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

**STAFF RECOMMENDATION:**

Denial

Rationale:

- While staff recognized that the 12.5 acre subject site was irregular in shape, and with a city drainage easement on the west side of the site that is described by the applicant as “almost one acre in size and is up to 60 to 70 feet wide in places”, staff concluded based on what had been submitted at the time of the February 6<sup>th</sup> staff review team meeting that the applicant had not substantiated how these or any other feature of the site precludes him from developing it in a manner commensurate with the development upon other parcels of land with the same IM zoning - the site is currently developed with an “industrial (outside) not potentially incompatible” use that complies with all aspects of the Dallas Development Code.
- While the applicant has stated that the purpose of the proposed project (i.e. structures requiring height variance) is to provide a more efficient cement distribution system (whereby the added silo would provide a more continuous cement supply to its customers), staff concluded based on what had been submitted at the time of the February 6<sup>th</sup> staff review team meeting that the applicant had not substantiated how if the Board were to grant this request for height variance it would not be to relieve a self-created or personal hardship, nor for financial reasons only.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: IM (Industrial/manufacturing)  
North: IR (Industrial/research)  
South: IR (Industrial/research)  
East: IM (Industrial/manufacturing)  
West: IR (Industrial/research)

**Land Use:**

The subject site is developed an “industrial (outside) not potentially incompatible” use (Buzzi Unicem USA). The areas to the north, south, east, and west are developed with industrial/warehouse uses.

**Zoning/BDA History:**

There has not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

## **GENERAL FACTS/STAFF ANALYSIS:**

- The request for a variance to the maximum structure height of 60' focuses on what is described in a letter submitted by the applicant, two improvements to the existing facility - an "industrial (outside) not potentially incompatible" use (Buzzi Unicem USA): "a higher capacity storage tank approximately 135' in height, and a more efficient and improved bucket elevator structure approximately 152' in height. The structures supporting this equipment may be higher, but would be within the 60' in additional height being requested". The application, however, states that a variance of 60' is made, "in certain specific locations (total of 170 feet), to the otherwise allowable 110 feet under IM zoning, subject to a site plan".
- The site is zoned IM (Industrial/manufacturing).
- The maximum structure height on properties zoned IM (Industrial/manufacturing) is 110' unless further restricted by the residential proximity slope which this site is not.
- Section 51A-2.102(47) of the Dallas Development Code provides the following definition for "height": "Height means the vertical distance measured from grade to: (A) for a structure with a gable, hip, or gambrel roof, the midpoint of the vertical dimension between the lowest eaves and the highest ridge of the structure; (B) for a structure with a dome, the midpoint of the vertical dimension of the dome; and (C) for any other structure, the highest point of the structure".
- Section 51A-2.102(45) of the Dallas Development Code provides the following definition for "grade": "Grade means the average of the finished ground surface elevations measured at the highest and lowest exterior corners of a structure. For purposes of this definition, finished ground surface elevation means the ground surface elevation of a building site before any construction or ground surface elevation as altered in accordance with grading plans approved by the building official. Finished ground surface elevation does not include: (A) fill material not necessary to make the site developable; (B) berms; or (C) landscape features".
- Section 51A-2.102(135) of the Dallas Development Code provides the following definition for "structure": "Structure means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner".
- On February 5, 2018, the applicant emailed the following response to Board Administrator's request as to whether a site plan and elevation/section had been submitted that represents the structures that are requiring variance to height regulations:

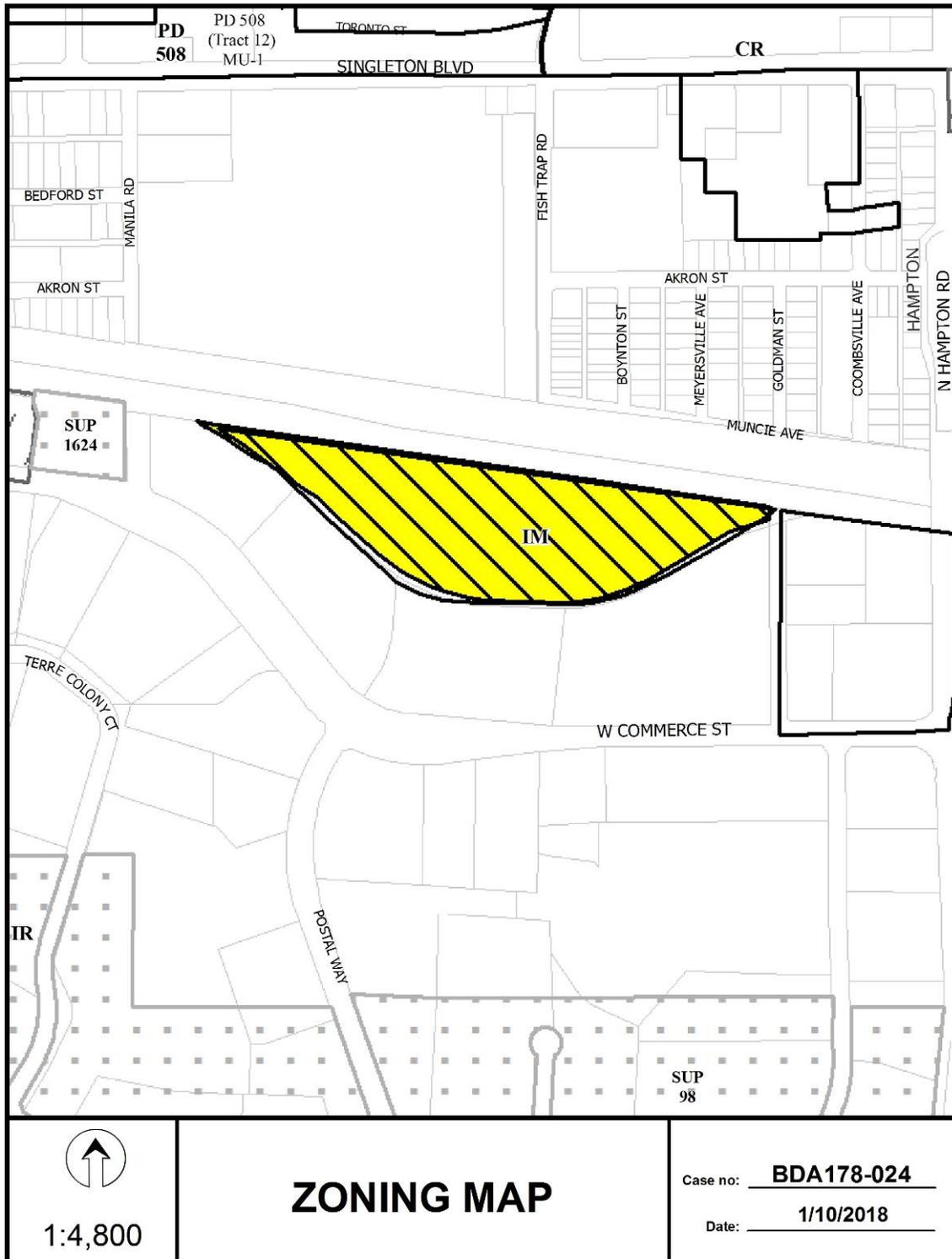
- “Please see pages 23, 25, and 27 of the attached “Attach A” pdf. Oversized, dimensioned copies of these three items (without the annotations in red on pp. 23, 25, and 27, or the green highlighting on p. 23, of the “Attach A” pdf) were submitted with our application, see pp. 5,6, and 7 of the “Application Materials” pdf. These are the exact same drawings. I have explained to the Applicant that by submitting the site plan and elevations attached as pp. 5, 6, and 7 of the “Application Materials” pdf the Board will likely elect to condition us to those drawings in the event that the request is approved”. (Note that one of the elevations noted represents an approximately 152’ high structure; the other elevation notes a 135’ high structure”.
- According to DCAD records, the “improvements” at 1801 Lone Star Drive are: a 5,896 square foot “storage warehouse” built in 1908; a 9,576 square foot “storage warehouse” built in 1947; a 1,260 square foot “storage warehouse” built in 1995; and a 1,680 square foot “office building” built in 1995.
- The subject site is flat, irregular in shape, and according to the submitted application is 12.59 acres in area. The site is zoned IM (Industrial/manufacturing).
- The applicant has submitted a document that notes, among other things, a city drainage easement on the west side of the site that is described by the applicant has “almost one acre in size and is up to 60 to 70 feet wide in places”.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the height regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same IM (Industrial/manufacturing) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same (Industrial/manufacturing) zoning classification.
- If the Board were to grant the height variance request of 60’, and impose the submitted site plan and elevations identified by the applicant as a condition, the building footprint and height of the structure on the site would be limited to what is shown on these documents.

**Timeline:**

December 14, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

January 5, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

- January 5, 2018: The Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official's report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the January 31<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the February 9<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."
- January 31, 2018 The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- February 6, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February hearings. Review team members in attendance included: the Assistant Director of Sustainable Development and Construction, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Development Code Amendment Chief Planner, the Sustainable Development and Construction Department Senior Planners, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.
- No review comment sheets were submitted in conjunction with this application.
- February 9, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment B). (Note that this information was not factored into the staff recommendation since it was submitted after the February 6<sup>th</sup> staff review team meeting).





1:4,800

# AERIAL MAP

Case no: BDA178-024

Date: 1/10/2018

BDA 178-024  
Attach A  
Pg 1



Jonathan G. Vinson  
(214) 953-5941 (Direct Dial)  
(214) 661-6809 (Direct Fax)  
jvinson@jw.com

January 31, 2018

Via Scan/Email

Mr. David Cossum, Director, and City Staff  
Department of Sustainable Development and Construction  
City of Dallas  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

Re: BDA 178-024; 1801 Lone Star Drive.

Dear Members of the City Staff:

We are sending you this letter to explain the rationale for our request for a variance of 60 feet to the height regulations of the IM zoning classification and the *Dallas Development Code*, to allow for the installation of certain new equipment (not occupiable space) at the current Lone Star Industries Inc. d/b/a Buzzi Unicem USA facility at 1801 Lone Star Drive; how we meet the required variance standards; and to respectfully ask for your recommendation to the Board of Adjustment of *approval* of our variance request.

**I. The Site; Existing Conditions.** The request site consists of 12.59 acres of land addressed as 1801 Lone Star Drive, an irregularly-shaped tract of land situated between a wide railroad right-of-way and multiple railroad tracks on the north, and large warehouse and industrial buildings to the south, beyond which lies West Commerce Street. The site is accessible only at the dead end of Lone Star Drive, other than which there is no street frontage at all.

Accompanying this letter are a zoning map excerpt (*Attachment A*) and two aerial photographs (*Attachments B and C*) to orient you to the Property. The Property is zoned IM Industrial Manufacturing. A series of photographs of the Property in its current condition are attached (*Attachment D*). You will note that, for reasons unknown, the Property came out of the 1989 zoning transition zoned as IM, which allows 110 feet in maximum structure height, while almost all of the surrounding property, even up to Singleton Boulevard, is zoned IR, which allows a 200 foot maximum structure height. Most of the surrounding uses, including many of the smaller ones to the north, are either industrial in nature, such as the large GAF plant north of the railroad tracks, or are warehouse uses.

**II. The Proposed Project.** We are asking for a variance of 60 feet to the otherwise-allowable 110 feet maximum structure height under IM zoning. This is to accommodate two improvements to the existing facility – a higher capacity storage tank approximately 135 feet in

Mr. David Cossum  
January 31, 2018  
Page 2

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height, and a more efficient and improved bucket elevator structure approximately 152 feet in height. The structures supporting this equipment may be higher, but would be within the 60 feet in additional height being requested. These proposed improvements are simply mechanical equipment, not occupiable space or any additional density, and would be located exactly where and as shown on our submitted site plan and elevations (*Attachments E, F, and G*).

It is very important to understand that this facility engages in cement *distribution only*. The purpose of our proposed project is to provide a more efficient cement distribution system that reduces railcar handling and, with the added silo, provides a more continuous cement supply to the customers all of which will actually alleviate some of the truck traffic near the terminal during peak shipping periods.

In consideration of the property's physical constraints, the developed design includes two rail car unloading stations, a 3,500 ton storage silo, material handling equipment, two truck loadout stations with scales, a new electrical room, a pneumatic line connecting the existing storage silos to the new silo and new railroad tracks that serve the new rail car unloading stations and which will replace part of the existing obsolete system.

The cement reaches the facility through a railroad system and will be mainly unloaded using two screw conveyors located in the north rail car unloading station. From there, through a bucket elevator and an air gravity conveyor, the cement reaches the new 3,500 ton silo. The silo is also interconnected with the existing silos through a new pneumatic line. The cement is then sent to the customer's trucks that are located at the two loadout scales stations. From there, the trucks exit the facility and go to their destinations. So, again, our operation entails *transfer and distribution* of the cement only.

I would refer you also to the attached brochure published by Buzzi Unicem USA describing their operations (*Attachment H*). These are clean, closed, quiet systems, with virtually no emissions of any kind and with redundant safety systems to ensure safe and clean operations. In fact, the new equipment will be significantly more efficient and will actually reduce energy consumption by the facility.

### **III. Height Variance Request.**

Therefore, we are asking for a variance to the applicable height regulations to allow a variance of a maximum of 60 feet as necessary for this purpose, again as detailed on our submitted site plan and elevations. There are several property hardship conditions which support the granting of our requested variance. These are the following:

**A. Irregular Shape.** As you can see, the Property is very irregularly shaped, and in particular is long and relatively narrow, at least for this type of facility.

**B. Existing Configuration.** The property has been in this general configuration for many years, certainly long before Buzzi Unicem USA acquired it. Therefore much of the

Mr. David Cossum  
January 31, 2018  
Page 3

infrastructure and equipment is already in place, most notably the railroad spur running through the property which serves the unloading and storage equipment. The new equipment has to go in the proposed locations to be able to be served by the existing railroad spur and to most reasonably and efficiently accommodate truck traffic.

**C. City Drainage Easement.** There is a very irregularly-configured Drainage Easement in favor of the City of Dallas on the western portion of the property, which is almost one acre in size and is up to 60 to 70 feet wide in places. This Drainage Easement (*Attachment I*) crosses the Property and cannot be moved, at least not without considerable engineering work and expense, further restricting development on the property.

This request also meets the other standards for the granting of a variance, that is, it is necessary for development commensurate with other development in the zoning classification, given that other IM-zoned parcels do not have this same set of multiple constraints; further, this situation was not self-created by the owner, nor is it personal to the owner, nor is the variance requested for financial reasons only.

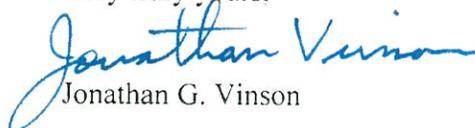
**IV. The Public Interest.** Finally, the granting of this variance would not in any way be contrary to the public interest; in fact, our request *supports* the public interest. Allowing these improvements to be made to the facility will have absolutely no adverse impact on anyone else anywhere in the neighborhood. The Property is bounded on all sides, and screened by, large industrial/warehouse structures and wide railroad tracks on a berm, and the new equipment will be located in the center of the site, further minimizing any perceived visual impact of the taller structures.

In addition, the new equipment will allow the facility to operate much more efficiently and to better serve the public: it will reduce energy consumption; it will add to the *ad valorem* tax value of the property; and it will continue to provide good-paying jobs for the residents of the City of Dallas and beyond.

Further, the proposed development is entirely consistent with nearby development. In fact, approval of this variance will be in the public interest by allowing construction on the basis of this design, which is respectful of adjacent properties and is very much in context with the character of the area, which is industrial in nature, and which contains even taller structures.

**V. Conclusion.** Thank you very much for your consideration of our points. We respectfully ask, on the basis of all of our foregoing points, that the City Staff make a recommendation of *approval* of our height variance request to Panel C of the Board of Adjustment. Thank you very much.

Very truly yours,

  
Jonathan G. Vinson

BDA 178-024  
Attach A  
p 4

Mr. David Cossum  
January 31, 2018  
Page 4

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cc: Patrick Lydon  
John White  
Daniel Nugent  
Luca Valoti  
Wallace Snodgrass  
Susan Mead

**BDA 178-024  
1801 Lone Star Drive**

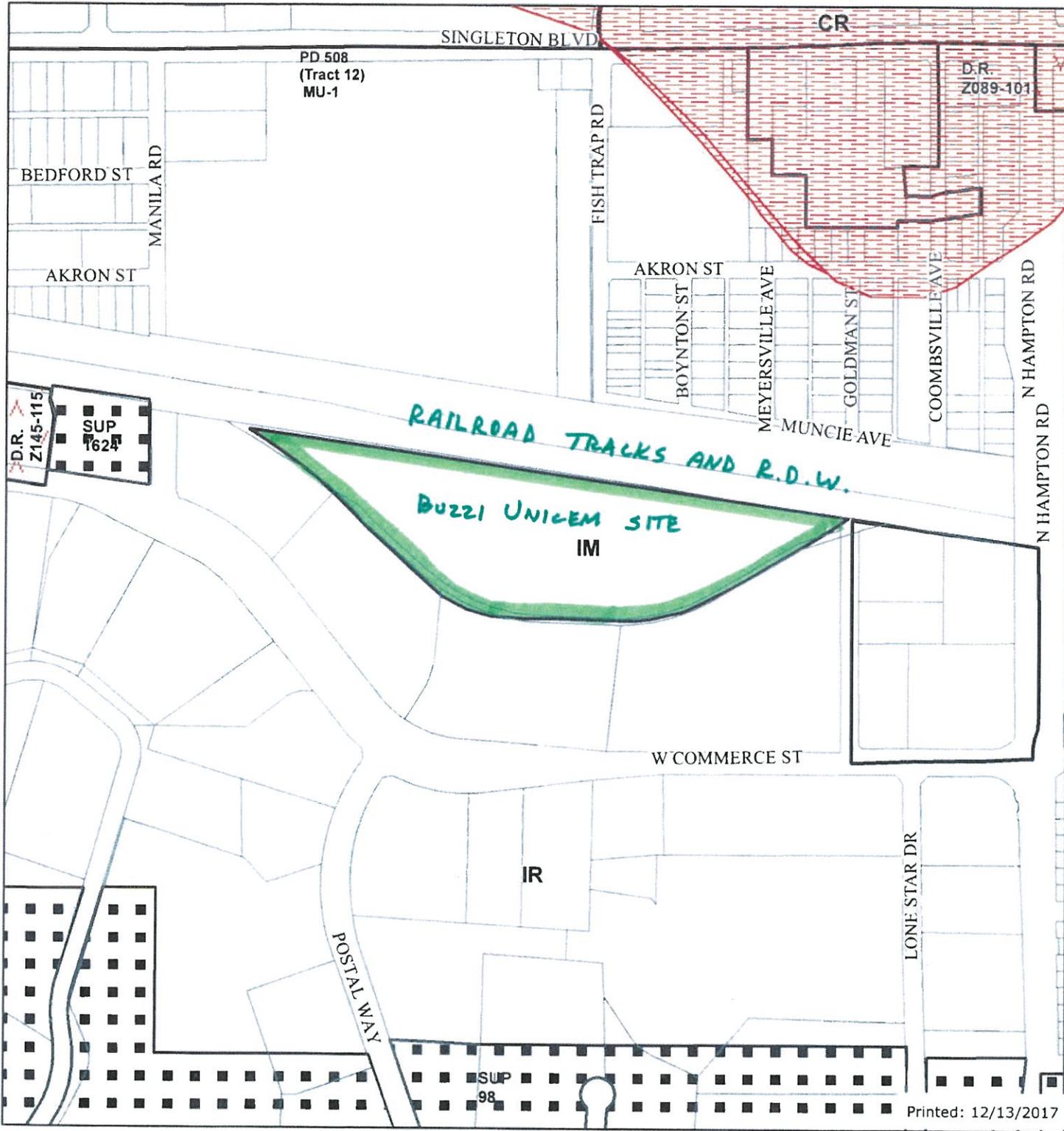
**List of Attachments**

- A. Zoning Map showing site (IM surrounded by IR)**
- B. Aerial photo of site and area**
- C. Aerial photo of site and area (closer view)**
- D. Photos of site and area**
- E. Site plans (last sheet shows specific location of bucket elevator and storage tank, highlighted in green)**
- F. New bucket elevator elevation (dimensions in red approximate)**
- G. New storage tank elevation (dimensions in red approximate)**
- H. Buzzi Unicem USA descriptive brochure**
- I. 2014 0.930 Acre Drainage Easement in favor of City of Dallas**

BDA 178-024  
Attachment A  
P. 6

## **Attachment A**

**Zoning Map showing site (IM surrounded by IR)**



Printed: 12/13/2017

### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSD Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | Shop Front Overlay 3-14    |
|                      |                                | Height Map Overlay    |                            |

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)



BDA 178-024  
Attach A  
PSB

## **Attachment B**

**Aerial photo of site and area**



BDA 178-024  
Attach A  
P. 10

## **Attachment C**

**Aerial photo of site and area (closer view)**

BDA 178-024  
A-Horn A  
PS11

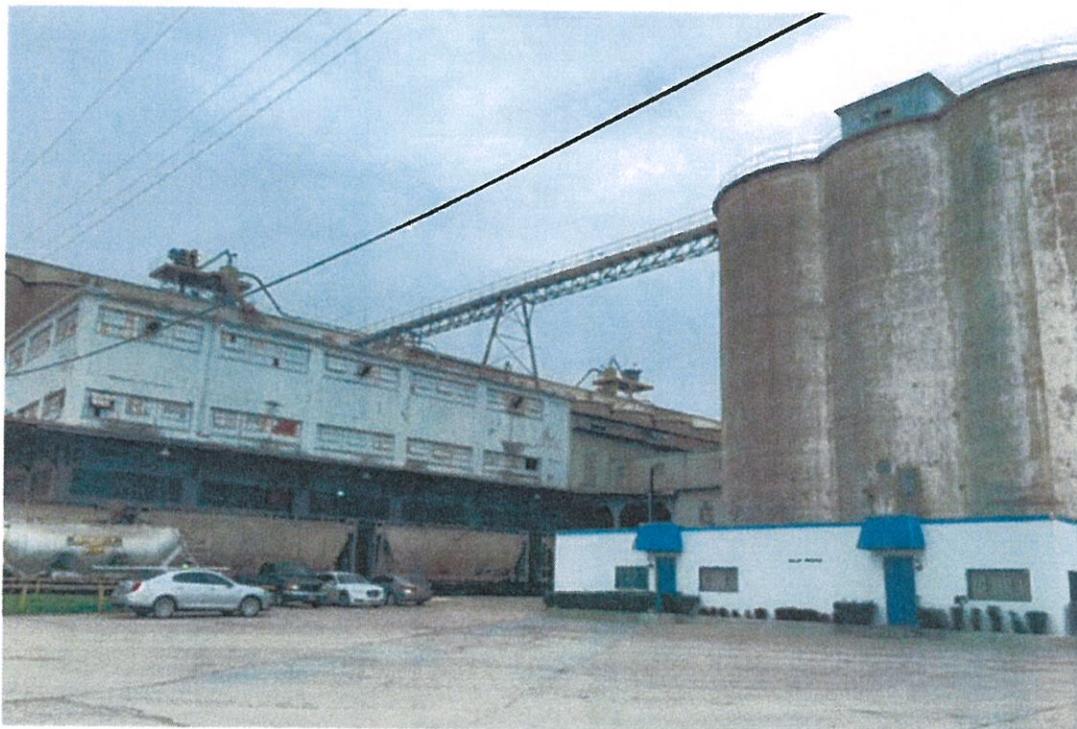


## **Attachment D**

**Photos of site and area**



**Interior view of existing facility  
(tall stack on left not on our site)**

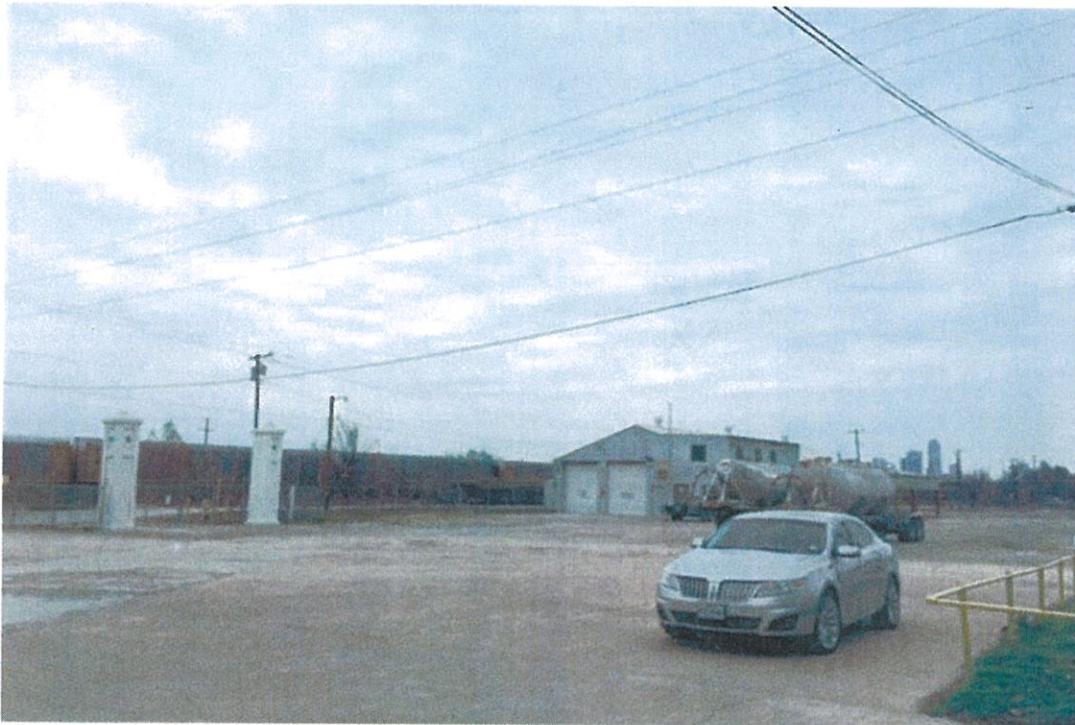


**Interior view of existing facility  
(railroad spur in center)**

BDA 178-024  
Attch A  
Pg 14



**Interior view of existing facility**



**View from facility towards access drive**

BDA 178-024  
Attn: A  
PS 15



**View towards railroad tracks**



**Interior view of existing facility**

BDA178-024  
A Hen A  
PS 16



**View from West Commerce Street  
towards site**



**View from West Commerce Street  
towards site**

BDA 178 024  
Attachment A  
PS 17

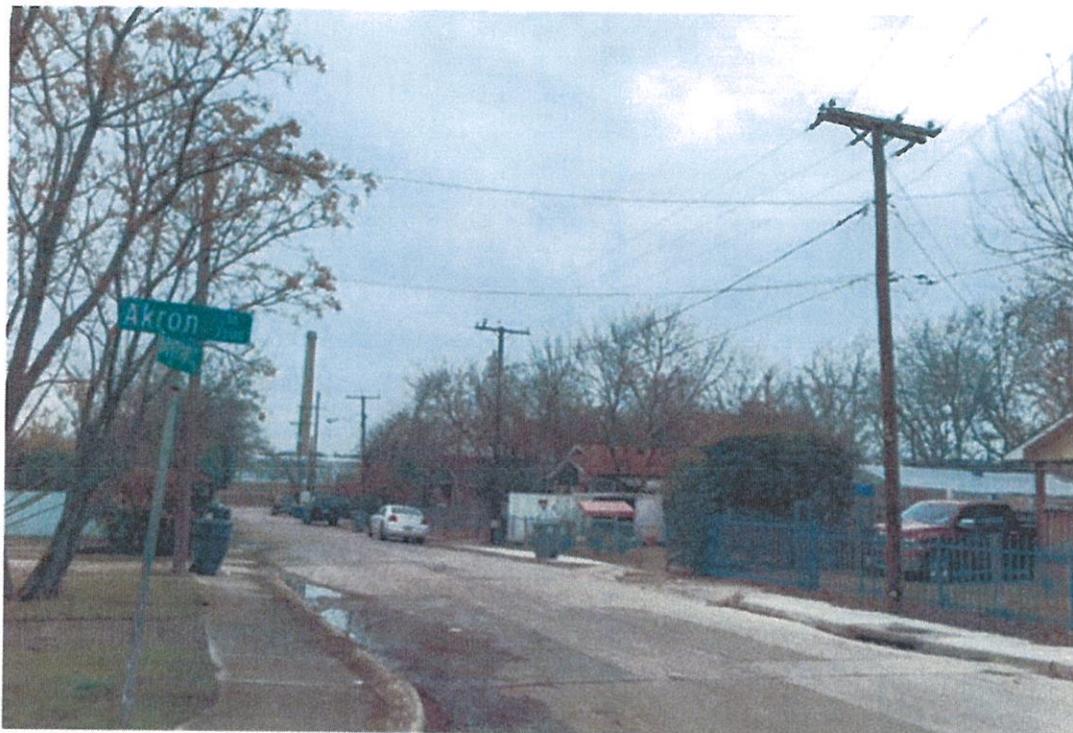


**View from Muncie Avenue towards site**



**View from Muncie Avenue towards site**

BDA 178-024  
Attach A  
PS 18



**View from Akron Street at Boynton Street towards site**



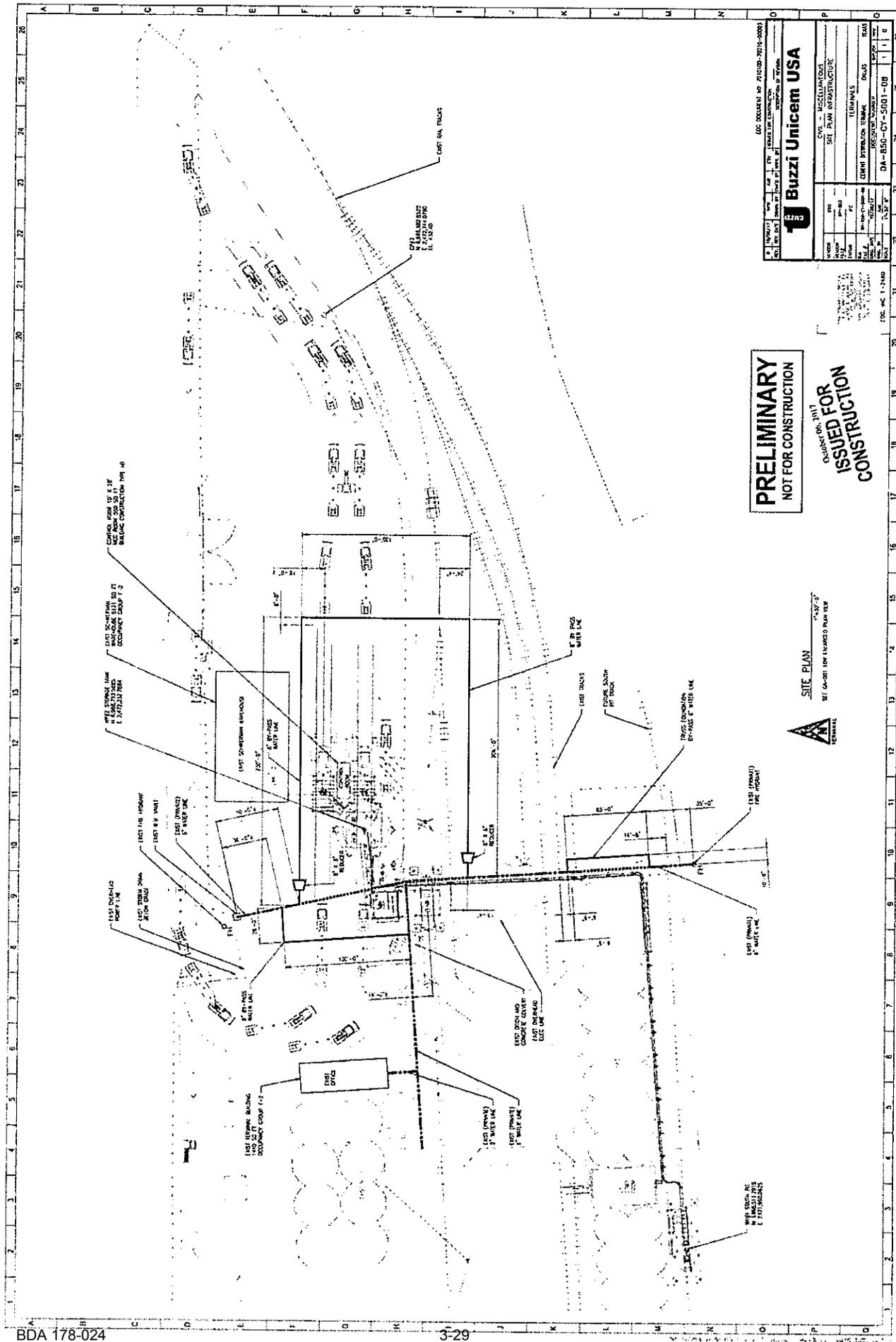
**View from West Dallas Multipurpose Center towards site**

## **Attachment E**

**Site plans (last sheet shows specific location of bucket elevator and storage tank, highlighted in green)**





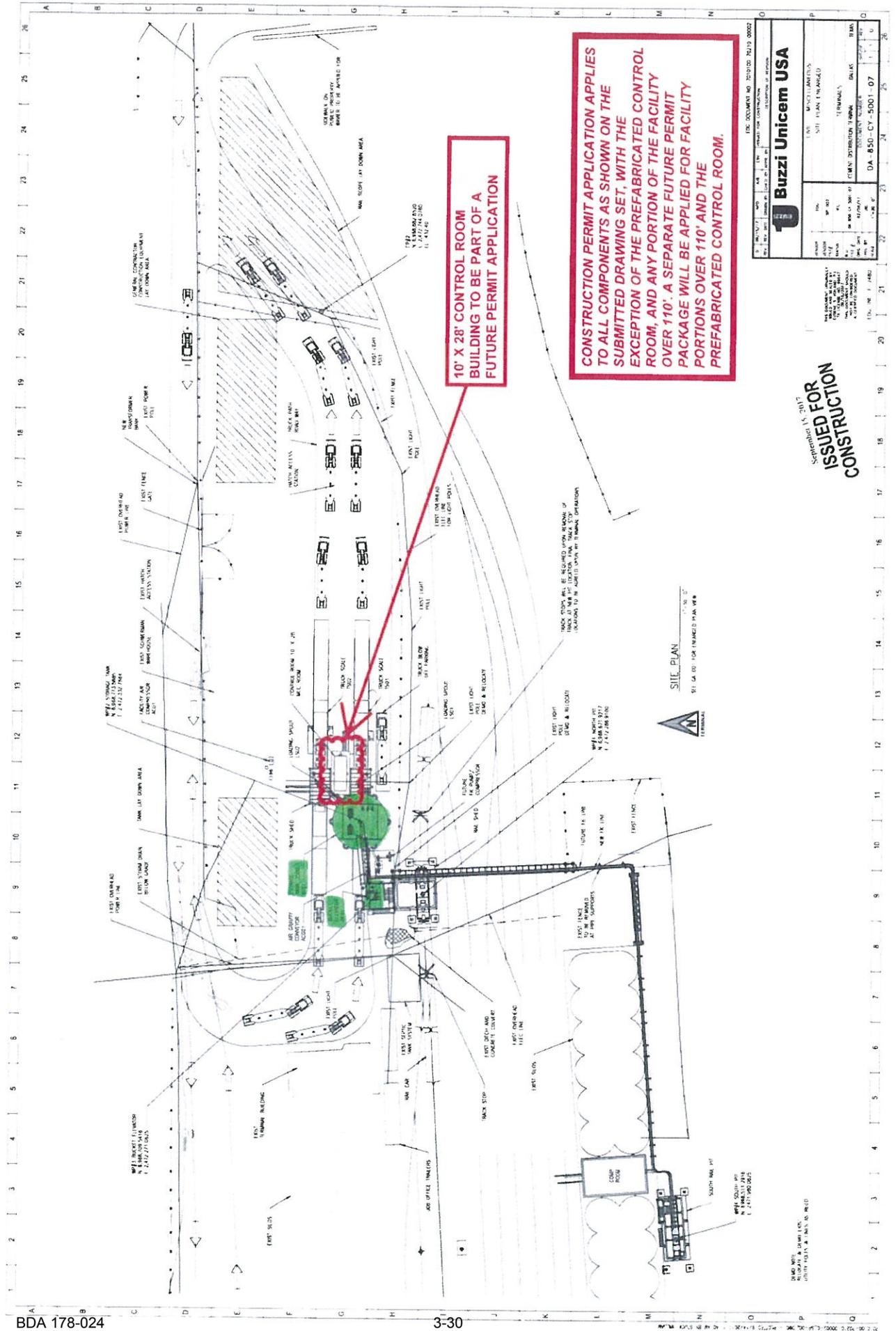


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SHEET NO. 21000-2010-0000 OF 21000-2010-0000	DATE 21000-2010-0000
PROJECT TITLE 21000-2010-0000	CLIENT 21000-2010-0000
DESIGNER 21000-2010-0000	CHECKER 21000-2010-0000
DATE 21000-2010-0000	SCALE 21000-2010-0000
DRAWN BY 21000-2010-0000	PROJECT NO. 21000-2010-0000
CHECKED BY 21000-2010-0000	SHEET NO. 21000-2010-0000
DATE 21000-2010-0000	OF 21000-2010-0000

**PRELIMINARY**  
NOT FOR CONSTRUCTION

ISSUED FOR  
**CONSTRUCTION**

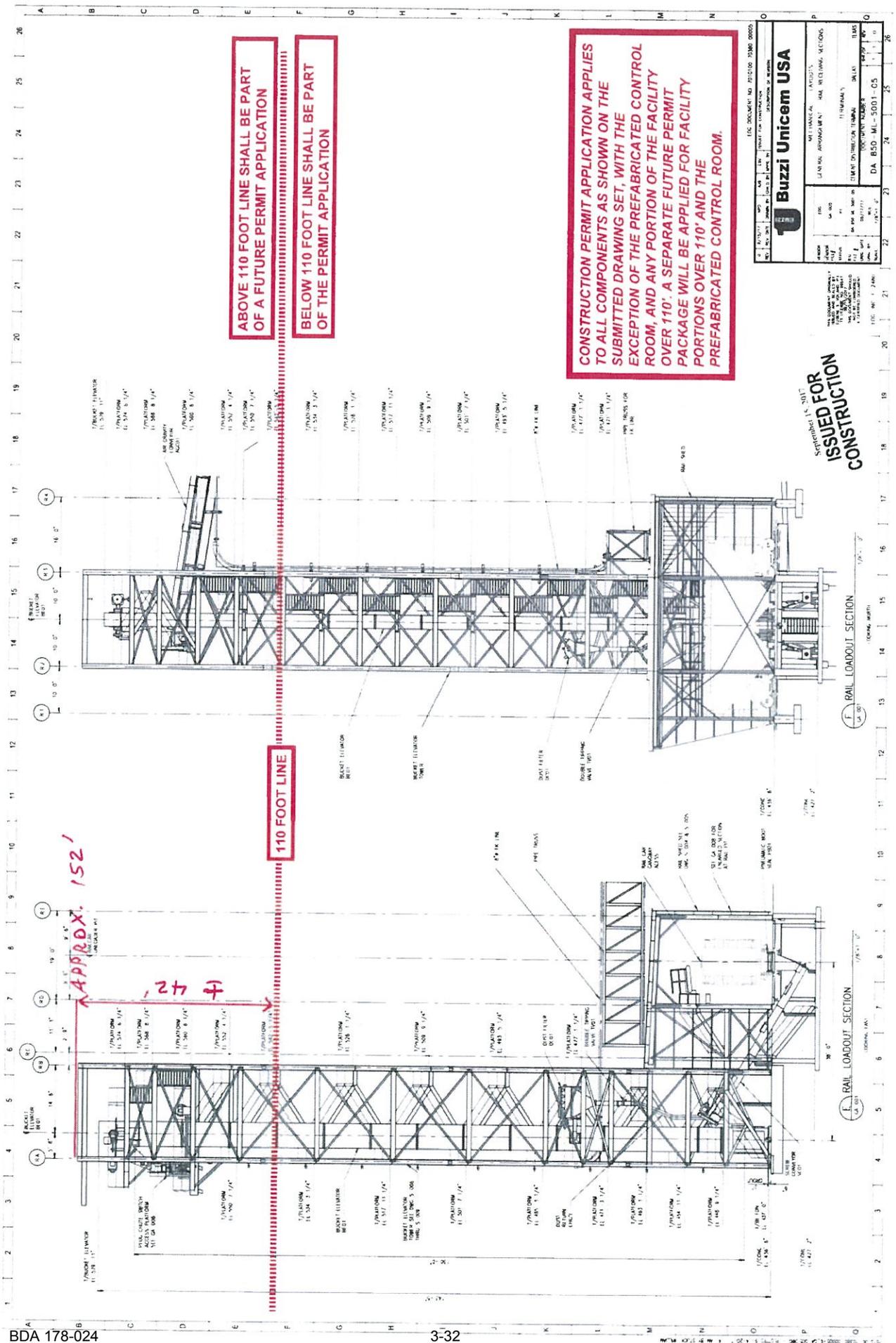




September 11, 2017  
ISSUED FOR  
CONSTRUCTION

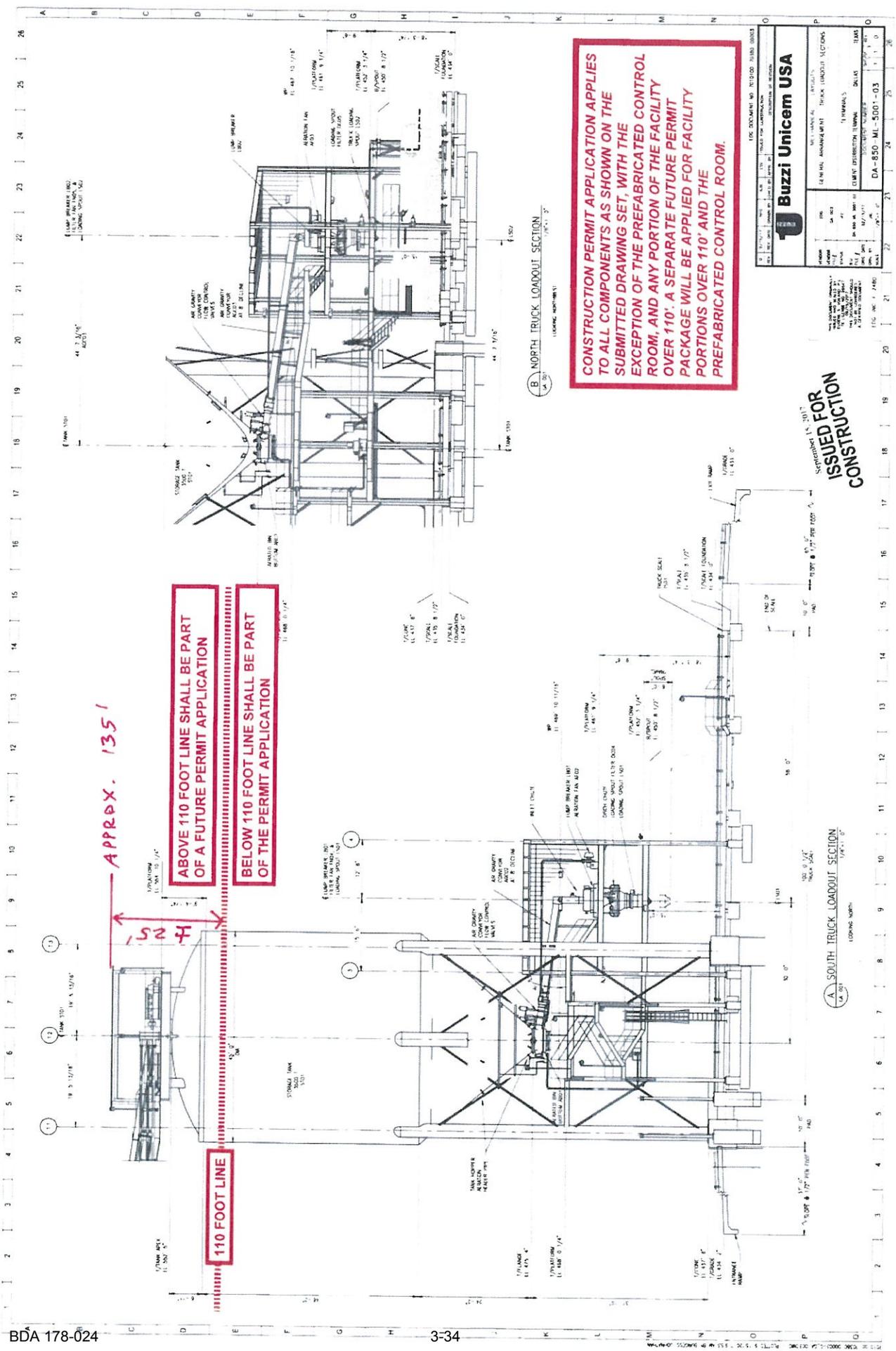
## **Attachment F**

**New bucket elevator elevation (dimensions in red approximate)**



## **Attachment G**

**New storage tank elevation (dimensions in red approximate)**



BUZZI UNICEM USA

1801 W. WILSON AVENUE  
DALLAS, TEXAS 75243

TEL: 972.382.1000  
FAX: 972.382.1001  
WWW.BUZZIUNICEM.COM

PROJECT: 1801 WILSON AVENUE  
CLIENT: BUNGE NORTH AMERICA  
DATE: 08/27/11  
SCALE: 1/8" = 1'-0"

FIG. NO.: 1480  
REV.: 0

DA-850-ME-5001-03

September 14, 2017  
ISSUED FOR  
CONSTRUCTION

## **Attachment H**

**Buzzi Unicem USA descriptive brochure**



Cincinnati Ohio

### Permits and Licenses

Depending on the local and state agencies, we are required to have a number of permits and licenses. Listed below are permits and licenses that may or may not be required.

- Air Operating Permit – Control of fugitive dust.
- Storm Water Pollution Prevention Plan (SWPPP) – Ensuring ground water is not contaminated.
- Business License – Required by many municipalities
- Public Weighers License – Truck Loaders license
- Scale Certification – State scale inspections to ensure accuracy
- Occupancy Permit – Usually a one-time permit after construction

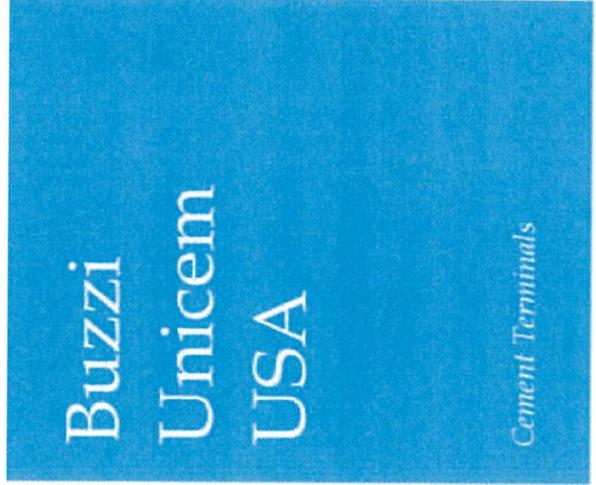
## Buzzi Unicem USA Logistics

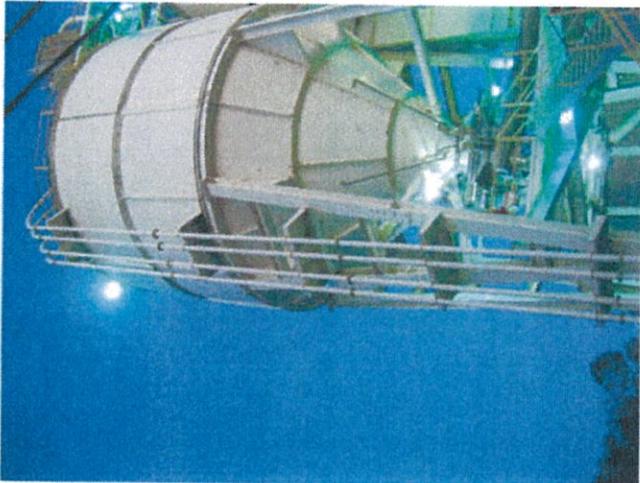
### About Us

The Logistics Team of Buzzi Unicem USA is located in Indianapolis, Indiana. All terminal operations and cement distribution is coordinated through the Logistics Team.

### Contact Us

Buzzi Unicem USA  
 10401 North Meridian Street, Suite 400  
 Indianapolis, Indiana 46290  
 Debbie Grady  
 Phone: (317) 706-3370  
 Email: Debra.Grady@buzziunicemusa.com





## Buzzi Unicem USA Terminals

### What we do ...

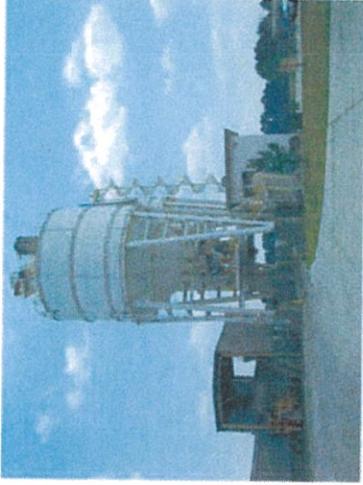
Buzzi Unicem USA manufactures and sells cement to concrete and masonry producers in most of the United States. We reach many of these markets with a network of distribution terminals. Our terminals receive cement from our manufacturing plants in three different modes, truck, rail and barge, depending on the location. The cement is sent to concrete and masonry producers from the terminals in bulk tank trucks and trailers where it is mixed with aggregates and water to create concrete.

### Unloading Operations

The Buzzi Unicem USA terminals all receive cement in vessels that are solely for the purpose of transporting cement. Whether they are trucks, rail cars or barges they are specifically designed to connect directly to the terminal. The unloading operation of the each of our terminals is accomplished through a completely closed system. The cement is never in direct contact with the atmosphere during the unloading operations. Cement is conveyed through the system pneumatically using air to move the cement through the unloading pipes. The blowers that we use to produce the air for the unloading operation are designed to operate quietly. So quietly, in fact, that you can have a normal conversation standing next to an operating blower. We use redundant safeguards to ensure that we never over pressure or over fill our silos.

### Truck Loading Operations

The same care and diligence is used in our truck loading operation that we use in our unloading operations. We load bulk delivery trucks through a loading spout that is designed to fit into the top hatch of a bulk trailer. We use a gravity fed system to load trucks and employ dust collectors to make certain that cement dust does not escape from the loading operation. We use paved driveways and parking areas to eliminate fugitive dust from truck and car traffic in our facilities. Our trained and certified, where applicable, weigh-masters load all trucks to meet Local, State and Federal DOT regulations.



Atlanta, GA

### Clean and Friendly

Our goal is to operate clean and community friendly facilities. We operate 30 cement terminals 15 different States. We strive to construct and maintain aesthetically pleasing facilities with landscaping, painting and yard maintenance. We pride ourselves on our relationships with our neighbors whether they are heavy manufacturing, light commercial or residential. We are leaders in our industry with regard to terminal operations. Noise and dust control are a top priority in our terminals.

*We pride ourselves on our relationships with our neighbors!*

BDA 178-024

Attachment A

PS 30

## **Attachment I**

**2014 0.930 Acre Drainage Easement in favor of City of Dallas**



201400323470

EASEMENT 1/10

### DRAINAGE EASEMENT

THE STATE OF TEXAS

§  
§  
§

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF DALLAS

That Lone Star Industries, Inc., a Delaware corporation, F/K/A Lone Star Cement Corporation, D/B/A Buzzi Unicem USA (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Northampton, Commonwealth of Pennsylvania, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) to the undersigned in hand paid by the City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, and the further benefits to be derived by the remaining property as a result of projected public improvements, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, an easement for the purpose of constructing, maintaining and using storm water drainage facilities in, under, over, through, across and along all that certain lot, tract or parcel of land described in Exhibit A, attached hereto and made a part hereof by reference for all purposes.

The City is acquiring this property for the purpose of constructing, maintaining and using storm water drainage improvements including the right to make the improvements on such grade and according to such plans and specifications as will, in its opinion, best serve the public purpose. The payment of the purchase price for the property herein conveyed shall be considered full compensation for same and for any diminution in value that may result to remaining property by virtue of project proximity thereto, grade alignment, utility installation, or the alteration of drainage patterns and facilities.

Should one or more of the Grantor(s) herein be natural persons and not joined by their respective spouse, it is conclusively presumed that the land herein conveyed is not the residence or business homestead of such Grantor(s). Should one or more of the Grantors herein be a legal entity other than a natural person, it shall be conclusively presumed that the person signing on behalf of such a party has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation.

The City shall have the right to remove and keep removed from the permanent easement herein granted any and all structures, fences, trees, shrubs, growths or other obstructions which may endanger or interfere with the construction, reconstruction, maintenance or proper function of said stormwater drainage facilities.

Nothing in this easement shall be construed as a waiver by the City of any connection charge or charges imposed by ordinance or Charter of the City of Dallas.

SPECIAL PROVISIONS: "NONE".

TO HAVE AND TO HOLD the above described easement, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and

Forever Defend all and singular the said easement unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this 4<sup>th</sup> day of December 2014.

LONE STAR INDUSTRIES, INC.  
D/B/A BUZZI UNICEM USA

Approved As To Form:  
WARREN M. S. ERNST,  
City Attorney

By: \_\_\_\_\_  
Assistant City Attorney

BY: Nancy L. Krial

Name: Nancy L. Krial  
Title: Senior Vice President and  
Chief Financial Officer

\* \* \* \* \*

COMMONWEALTH OF PENNSYLVANIA §  
COUNTY OF NORTHAMPTON §

This instrument was acknowledged before me on December 4 2014 by Nancy L. Krial, Senior Vice President and Chief Financial Officer of Lone Star Industries, Inc., a Delaware corporation D/B/A Buzzi Unicem USA, on behalf of said corporation.

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
Sharon DiSipio, Notary Public  
Hanover Twp., Northampton County  
My Commission Expires June 29, 2018  
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

Sharon DiSipio  
Notary Public, Commonwealth of Pennsylvania

\* \* \* \* \*

After recording return to:  
City of Dallas  
Trinity Watershed Management  
Real Estate Division  
1500 Marilla Street, 6B South  
Dallas, Texas 75201  
attn: Ann Carraway Bruce

Drainage Easement Log No. TWM 445

EXHIBIT A

**DRAINAGE EASEMENT**  
**A 40,515 square foot (0.930 Acres)**  
**tract of land in City Block 6158,**  
**L. G. Coombs Survey, Abstract No. 289**  
**City of Dallas, Dallas County, Texas,**  
**from Lone Star Industries, Inc.**

BEING a 40,515 square foot (0.930 acres) tract of land out of the L.G. Coombs Survey, Abstract No. 289, in the City of Dallas, Dallas County, Texas and being a part of City of Dallas Block 6158, and also being out of that certain 12.59 acre tract of land described in (and excepted from) a Warranty Deed styled Lone Star Cement Corporation (now known as Lone Star Industries, Inc.) to New York Trap Rock Corporation recorded thereof in Volume 71074, Page 501, Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod found at the intersection of the easterly right-of-way line of Manila Road (a 70-foot right-of-way) and the southerly right-of-way line of A.T. & S.F. Railroad (a 75-foot right-of-way), said point also being the northwesterly corner of Block A/6158, Lone Star Park, an addition to the City of Dallas, according to the plat thereof recorded in Volume 73157, Page 1793, D.R.D.C.T., said point also being the northwesterly corner of a tract of land conveyed to Clemtex Holding, Inc., according to the special warranty deed thereof recorded in Instrument No. 201200054404, Official Public Records of Dallas County, Texas (O.P.R.D.C.T.);

THENCE South 81 degrees 30 minutes 16 seconds East, departing the easterly right-of-way line of said Manila Road, and along the southerly right-of-way line of said A.T. & S.F. Railroad, the same being the northerly line of said Block A/6158, the same also being the northerly line of said Clemtex Holding, Inc. tract, a distance of 145.69 feet to a 1/2-inch iron rod found in the most westerly corner of said Lone Star Industries, Inc. tract;

THENCE South 60 degrees 14 minutes 40 seconds East, departing the southerly line of said A.T. & S.F. Railroad, and continuing along the northerly line of said Block A/6158, same being the common line of Clemtex Holding, Inc. and Lone Star Industries, Inc. tract, a distance of 111.96 feet to a point for corner;

THENCE South 56 degrees 00 minutes 44 seconds East, continuing along the northerly line of said Block A/6158, same being the common line of said Clemtex Holding, Inc. and Lone Star Industries, Inc. tract, a distance of 49.36 feet to the point of curvature of a circular curve to the left having a radius of 628.83 feet and whose chord bears South 59 degrees 19 minutes 14 seconds East, a distance of 72.58 feet;

THENCE Southeasterly, continuing along the northerly line of said Block A/6158, same being the common line of said Clemtex Holding, Inc. and Lone Star Industries, Inc. tract, and along said circular curve to the left, through a central angle of 06 degrees 37 minutes 00 seconds, an arc distance of 72.62 feet to a point at the end of said curve;

FIELD NOTES APPROVED.  
nlc 9/10/14



## EXHIBIT A

THENCE South 62 degrees 35 minutes 42 seconds East, continuing along the northerly line of said Block A/6158, same being the common line of said Clemtex Holding, Inc. and Lone Star Industries, Inc. tract, a distance of 41.51 feet to the point of curvature of a circular curve to the right having a radius of 402.11 feet and whose chord bears South 57 degrees 42 minutes 20 seconds East, a distance of 69.02 feet;

THENCE Southeasterly, continuing along the northerly line of said Block A/6158, same being the common line of said Clemtex Holding, Inc. and Industries, Inc. tract, and along said circular curve to the right, through a central angle of 09 degrees 50 minutes 49 seconds, an arc distance of 69.11 feet to a ½-inch iron rod found at the end of said curve, said point also being the point of curvature of a circular curve to the right having a radius of 692.42 feet and whose chord bears South 51 degrees 05 minutes 09 seconds East, a distance of 40.99 feet;

THENCE Southeasterly, continuing along the northerly line of said Block A/6158, same being the common line of said Clemtex Holding, Inc. and Lone Star Industries, Inc. tract, and along said circular curve to the right, through a central angle of 03 degrees 23 minutes 31 seconds, an arc distance of 40.99 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" (hereinafter referred to as "with cap") for the POINT OF BEGINNING, said point also being the northwesterly corner of an existing 20-foot drainage easement as dedicated and shown in said plat of Lone Star Park;

THENCE North 41 degrees 34 minutes 05 seconds East, departing the northerly line of said Block A/6158, same being the common line of said Clemtex Holding, Inc. and Lone Star Industries, Inc. tract, a distance of 42.68 feet to a ½-inch iron rod set with cap for corner;

THENCE North 47 degrees 52 minutes 56 seconds West, a distance of 21.09 feet to a ½-inch iron rod set with cap for corner;

THENCE North 42 degrees 07 minutes 03 seconds East, a distance of 10.90 feet to a ½-inch iron rod set with cap for the point of curvature of a circular curve to the right having a radius of 185.00 feet and whose chord bears North 65 degrees 41 minutes 18 seconds East, a distance of 147.96 feet;

THENCE Northeasterly, along said circular curve to the right, through a central angle of 47 degrees 08 minutes 30 seconds, an arc distance of 152.21 feet to a ½-inch iron rod set with cap in the end of said curve;

THENCE North 89 degrees 15 minutes 32 seconds East, a distance of 69.43 feet to a ½-inch iron rod set with cap in the northerly line of said Lone Star Industries, Inc. tract for corner, said point also being in the southerly right-of-way line of said A.T. & S.F. Railroad;

THENCE South 81 degrees 08 minutes 52 seconds East, along the southerly right-of-way line of said A.T. & S.F. Railroad and the northerly line of said Lone Star Industries, Inc. tract, a distance of 156.71 feet to a ½-inch iron rod set with cap for corner;

## EXHIBIT A

THENCE South 10 degrees 05 minutes 48 seconds West, departing the southerly right-of-way line of said A.T. & S.F. Railroad and the northerly line of said Lone Star Industries, Inc. tract, a distance of 146.85 feet to a ½-inch iron rod set with cap for the point of curvature of a circular curve to the left having a radius of 56.99 feet and whose chord bears South 04 degrees 00 minutes 27 seconds West, a distance of 20.31 feet;

THENCE Southerly, along said circular curve to the left, through a central angle of 20 degrees 31 minutes 34 seconds, an arc distance of 20.42 feet to a ½-inch iron rod set with cap for corner;

THENCE South 06 degrees 15 minutes 20 seconds East, a distance of 44.50 feet to a ½-inch iron rod set with cap for corner;

THENCE South 85 degrees 28 minutes 26 seconds West, a distance of 22.00 feet to a ½-inch iron rod set with cap for corner;

THENCE South 06 degrees 01 minute 32 seconds East, a distance of 116.81 feet to a ½-inch iron rod set with cap for the point of curvature of a circular curve to the right having a radius of 221.86 feet and whose chord bears South 00 degrees 26 minutes 34 seconds East, a distance of 43.17 feet;

THENCE Southerly, along said circular curve to the right, through a central angle of 11 degrees 09 minutes 57 seconds, an arc distance of 43.24 feet to a ½-inch iron rod set with cap for corner;

THENCE South 05 degrees 08 minutes 25 seconds West, a distance of 31.67 feet to a ½-inch iron rod set with cap in the northerly line of said Block A/6158 and the southerly line of said Lone Star Industries, Inc. tract for corner, said point also being in the northerly line of a tract of land conveyed to LSP Realty Development Corporation, according to the deed thereof recorded in Volume 73127, Page 235, D.R.D.C.T., said point also being the northeasterly corner of an existing 20-foot drainage easement as dedicated and shown in said plat of Lone Star Park, said point also being on a non-tangent circular curve to the right having a radius of 592.80 feet and whose chord bears North 57 degrees 12 minutes 00 seconds West, a distance of 22.58 feet;

THENCE Northwesterly, along the northerly line of said Block A/6158 and the common line of said Lone Star Industries, Inc. and LSP Realty Development Corporation tract, along said circular curve to the right, through a central angle of 02 degrees 10 minutes 57 seconds, an arc distance of 22.58 feet to a ½-inch iron rod set with cap for corner, said point also being the northwesterly corner of said existing 20-foot drainage easement, said point also being in the northerly line of a tract of land conveyed to Amigos Real Property Investments 1, L.P., according to the special warranty deed thereof recorded in Instrument No. 201200273499, O.P.R.D.C.T.;

THENCE North 05 degrees 08 minutes 26 seconds East, departing the northerly line of said Block A/6158, same being the common line of said Lone Star Industries, Inc. and Amigos Real Property Investments 1, L.P. tract, a distance of 13.74 feet to a ½-inch iron rod set with cap for the point of curvature of a circular curve to the left having a radius of 200.00 feet and whose chord bears North 00 degrees 37 minutes 16 seconds West, a distance of 40.15 feet;

## EXHIBIT A

THENCE Northerly, along said circular curve to the left, through a central angle of 11 degrees 31 minutes 21 seconds, an arc distance of 40.22 feet to a ½-inch iron rod set with cap for corner;

THENCE North 06 degrees 22 minutes 56 seconds West, a distance of 122.06 feet to a ½-inch iron rod set with cap for corner;

THENCE South 84 degrees 12 minutes 53 seconds West, a distance of 15.97 feet to a ½-inch iron rod set with cap for corner;

THENCE North 06 degrees 46 minutes 47 seconds West, a distance of 42.37 feet to a ½-inch iron rod set with cap for the point of curvature of a circular curve to the right having a radius of 147.47 feet and whose chord bears North 02 degrees 09 minutes 29 seconds East, a distance of 39.08 feet;

THENCE Northerly, along said circular curve to the right, through a central angle of 15 degrees 13 minutes 48 seconds, an arc distance of 39.20 feet to a ½-inch iron rod set with cap for corner;

THENCE North 09 degrees 46 minutes 23 seconds East, a distance of 81.13 feet to a ½-inch iron rod set with cap for corner;

THENCE South 89 degrees 15 minutes 32 seconds West, a distance of 151.36 feet to a ½-inch iron rod set with cap for the point of curvature of a circular curve to the left having a radius of 105.00 feet and whose chord bears South 65 degrees 41 minutes 18 seconds West, a distance of 83.98 feet;

THENCE Westerly, along said circular curve to the left, through a central angle of 47 degrees 08 minutes 30 seconds, an arc distance of 86.39 feet to a ½-inch iron rod set with cap for corner;

THENCE South 42 degrees 07 minutes 01 second West, a distance of 11.13 feet to a ½-inch iron rod set with cap for corner;

THENCE North 47 degrees 52 minutes 57 seconds West, a distance of 38.91 feet to a ½-inch iron rod set with cap for corner;

THENCE South 41 degrees 34 minutes 04 seconds West, a distance of 42.23 feet to a ½-inch iron rod set with cap for corner in the northerly line of said Block A/6158, same being the common line of said Lone Star Industries, Inc, and Amigos Real Property Investments 1, L.P. tract, said point also being the northeasterly corner of said existing 20-foot drainage easement, said point also being on a non-tangent circular curve to the left having a radius of 692.41 feet and whose chord bears North 48 degrees 31 minutes 35 seconds West, a distance of 20.00 feet;

EXHIBIT A

THENCE Northwesterly, along the northerly line of said Block A/6158, same being the common line of said Lone Star Industries, Inc, and Amigos Real Property Investments 1, L.P. tract, along said non-tangent circular curve to the right, through a central angle of 01 degree 39 minutes 18 seconds, an arc distance of 20.00 feet to the POINT OF BEGINNING AND CONTAINING 40,515 square feet or 0.930 acres of land, more or less.

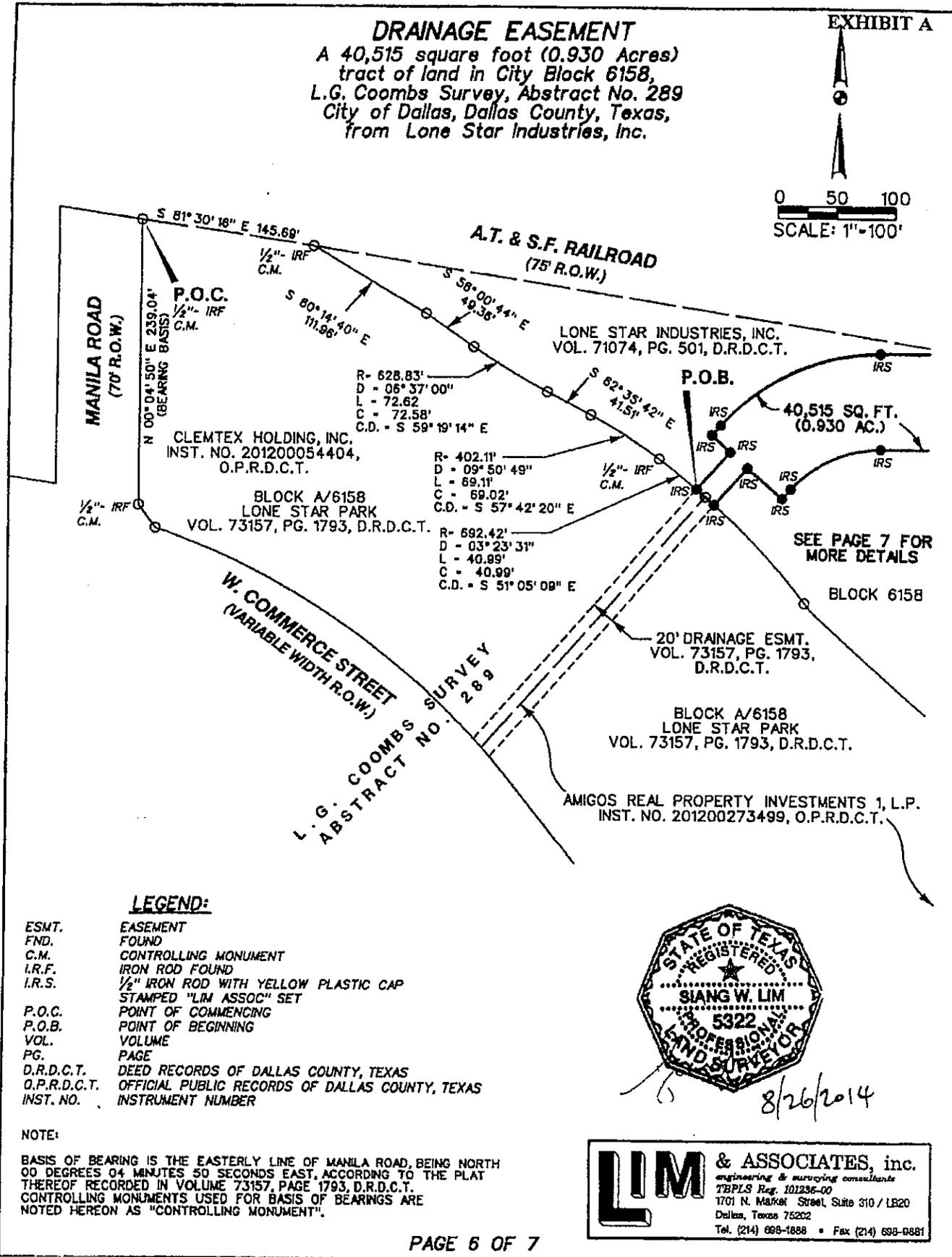
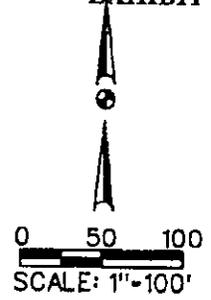
BASIS OF BEARING is the easterly line of Manila Road, being North 00 degrees 04 minutes 50 seconds East, according to the plat thereof recorded in Volume 73157, Page 1793, D.R.D.C.T. Controlling Monuments used for basis of bearings are noted hereon as "controlling monument".



### DRAINAGE EASEMENT

A 40,515 square foot (0.930 Acres) tract of land in City Block 6158, L.G. Coombs Survey, Abstract No. 289 City of Dallas, Dallas County, Texas, from Lone Star Industries, Inc.

EXHIBIT A

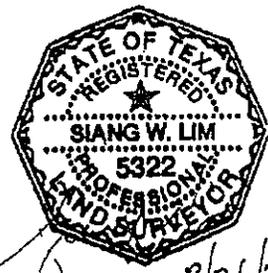


#### LEGEND:

- ESMT. EASEMENT
- FND. FOUND
- C.M. CONTROLLING MONUMENT
- I.R.F. IRON ROD FOUND
- I.R.S. 1/2" IRON ROD WITH YELLOW PLASTIC CAP
- P.O.C. STAMPED "LIM ASSOC" SET
- P.O.B. POINT OF COMMENCING
- VOL. POINT OF BEGINNING
- PG. VOLUME
- D.R.D.C.T. PAGE
- O.P.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
- INST. NO. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- INST. NO. INSTRUMENT NUMBER

#### NOTE:

BASIS OF BEARING IS THE EASTERLY LINE OF MANILA ROAD, BEING NORTH 00 DEGREES 04 MINUTES 50 SECONDS EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 73157, PAGE 1793, D.R.D.C.T. CONTROLLING MONUMENTS USED FOR BASIS OF BEARINGS ARE NOTED HEREON AS "CONTROLLING MONUMENT".



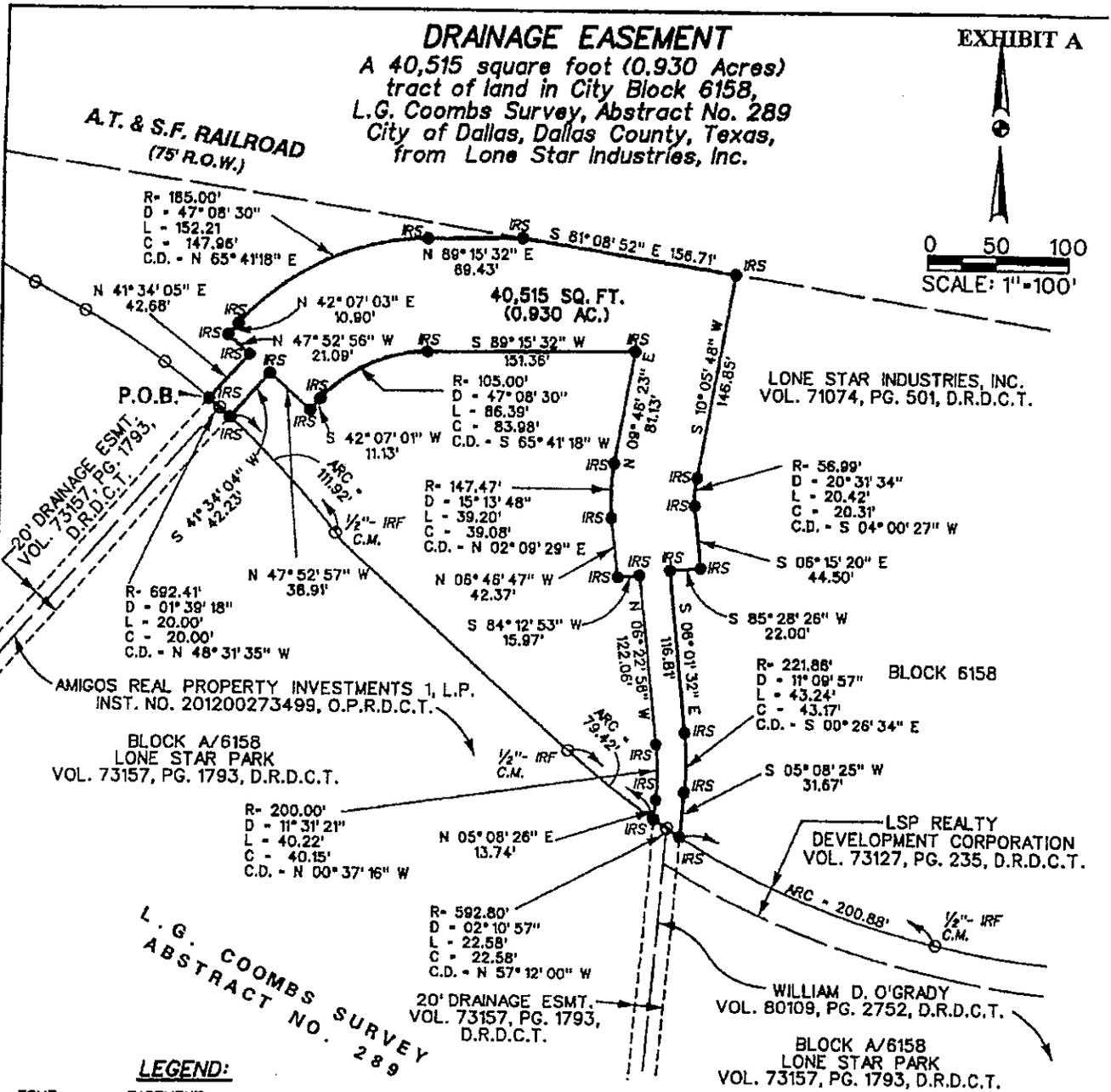
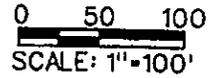
8/26/2014

**LIM & ASSOCIATES, inc.**  
 engineering & surveying consultants  
 TEPPLS Reg. 101236-00  
 1701 N. Market Street, Suite 310 / LB20  
 Dallas, Texas 75202  
 Tel. (214) 698-1888 • Fax (214) 698-9881

NLK

EXHIBIT A

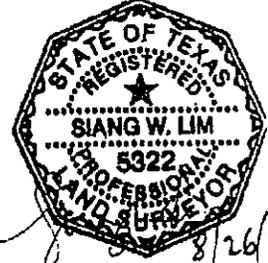
**DRAINAGE EASEMENT**  
 A 40,515 square foot (0.930 Acres)  
 tract of land in City Block 6158,  
 L.G. Coombs Survey, Abstract No. 289,  
 City of Dallas, Dallas County, Texas,  
 from Lone Star Industries, Inc.



**LEGEND:**

- |              |   |
|--------------|---|
| ESMT.        | EASEMENT  |
| FND.         | FOUND   |
| C.M.         | CONTROLLING MONUMENT                            |
| I.R.F.       | IRON ROD FOUND                                  |
| I.R.S.       | 1/2" IRON ROD WITH YELLOW PLASTIC CAP           |
|              | STAMPED "LIM ASSOC" SET                         |
| P.O.C.       | POINT OF COMMENCING                             |
| P.O.B.       | POINT OF BEGINNING                              |
| VOL.         | VOLUME  |
| PG.          | PAGE  |
| D.R.D.C.T.   | DEED RECORDS OF DALLAS COUNTY, TEXAS            |
| O.P.R.D.C.T. | OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS |
| INST. NO.    | INSTRUMENT NUMBER                               |

NOTE:  
 BASIS OF BEARING IS THE EASTERLY LINE OF MANILA ROAD, BEING NORTH 00 DEGREES 04 MINUTES 50 SECONDS EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 73157, PAGE 1793, D.R.D.C.T. CONTROLLING MONUMENTS USED FOR BASIS OF BEARINGS ARE NOTED HEREON AS "CONTROLLING MONUMENT".



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 Dallas, Texas 75202  
 Tel. (214) 698-1888 • Fax (214) 698-9881

BDA178-024

Action A  
Pg 41

Filed and Recorded  
Official Public Records  
John F. Warren, County Clerk  
Dallas County, TEXAS  
12/22/2014 11:01:19 AM  
\$58 00



A handwritten signature in black ink, appearing to be "JFW".

201400323470

BDA 178-024  
ATTACH B  
P. 1



Jonathan G. Vinson  
(214) 953-5941 (Direct Dial)  
(214) 661-6809 (Direct Fax)  
jvinson@jw.com

February 9, 2018

Via Scan/Email

Hon. Chair and members, Board of Adjustment Panel C  
c/o Mr. David Cossum, Director, and City Staff  
Department of Sustainable Development and Construction  
City of Dallas  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

Re: BDA 178-024; 1801 Lone Star Drive.

Dear Members of Panel C:

We are sending this letter through the City Staff for inclusion in your Board packet to explain the rationale for our request for a variance of 60 feet to the height regulations of the IM zoning classification and the *Dallas Development Code*, to allow for the installation of certain new equipment (not occupiable space) at the current Lone Star Industries Inc. d/b/a Buzzi Unicem USA facility at 1801 Lone Star Drive; how we meet the required variance standards; and to respectfully ask for your recommendation to the Board of Adjustment of *approval* of our variance request.

We have provided detailed information to the City Staff, with a number of attachments, by letter dated January 31, 2018. That letter and the attachments should be included in your Board packet for your review, and I would ask that you review those materials for detailed information on the site and on our use, the reason for the proposed project, and how we meet all of the required standards for the granting of our requested variance. However, I also want to summarize briefly in this letter the high points for you.

**I. The Site; Existing Conditions.** The request site is an irregularly-shaped tract of land situated between a wide railroad right-of-way and multiple railroad tracks on the north, and large warehouse and industrial buildings to the south, beyond which lies West Commerce Street. The site is accessible only at the dead end of Lone Star Drive, other than which there is no street frontage at all.

The Property came out of the 1989 zoning transition zoned as IM, which allows 110 feet in maximum structure height, while almost all of the surrounding property is zoned IR, which allows a 200 foot maximum structure height. Most of the surrounding uses, including many of the smaller ones to the north, are either industrial in nature, such as the large GAF plant north of the railroad tracks, or are warehouse uses.

**II. Our Request.** We are asking for a variance of 60 feet to the otherwise-allowable 110 feet maximum structure height under IM zoning. This is to accommodate two improvements to the existing facility, a higher capacity storage tank and a more efficient and improved bucket

elevator structure. These proposed improvements are simply mechanical equipment, not occupiable space or any additional density, and would be located exactly where and as shown on our submitted site plan and elevations (*Attachments E, F, and G in the submitted packet*).

**III. Our Operations.** It is very important to understand that this facility engages in cement *distribution only*. The purpose of our proposed project is to provide a more efficient cement distribution system that reduces railcar handling and, with the added silo, provides a more continuous cement supply to the customers all of which will actually alleviate some of the truck traffic near the terminal during peak shipping periods. Our operation entails *transfer and distribution* of the cement only. Buzzi Unicem USA has all of their required permits from relevant regulatory agencies.

I also would like to refer you also to the Buzzi Unicem USA information (*Attachment H in the submitted packet*) describing their operations. These are clean, closed, quiet systems, with virtually no emissions of any kind and with redundant safety systems to ensure safe and clean operations. In fact, the new equipment will be significantly more efficient and will actually reduce energy consumption by the facility.

**IV. Variance Standards Met.** There are several property hardship conditions which support the granting of our requested variance. These are the following:

**A. Irregular Shape.** As you can see, the Property is very irregularly shaped, and in particular is long and relatively narrow, at least for this type of facility.

**B. Existing Configuration.** The property has been in this general configuration for many years, certainly long before Buzzi Unicem USA acquired it. Therefore much of the infrastructure and equipment is already in place, most notably the railroad spur running through the property which serves the unloading and storage equipment. The new equipment has to go in the proposed locations to be able to be served by the existing railroad spur and to most reasonably and efficiently accommodate truck traffic.

**C. City Drainage Easement.** There is a very irregularly-configured Drainage Easement in favor of the City of Dallas on the western portion of the property, which is almost one acre in size and is up to 60 to 70 feet wide in places. This Drainage Easement (*Attachment I to the submitted packet*) crosses the Property and cannot be moved, at least not without considerable engineering work and expense, further restricting development on the property.

This request also meets the other standards for the granting of a variance, that is, it is necessary for development commensurate with other development in the zoning classification, given that other IM-zoned parcels do not have this same set of multiple constraints; further, this situation was not self-created by the owner, nor is it personal to the owner, nor is the variance requested for financial reasons only.

**V. The Public Interest.** Finally, the granting of this variance would not in any way be contrary to the public interest; in fact, our request *supports* the public interest. Allowing these improvements to be made to the facility will have absolutely no adverse impact on anyone else anywhere in the neighborhood. The Property is bounded on all sides, and screened by, large

BDA 178-024  
Attach B  
ps 3

industrial/warehouse structures and wide railroad tracks on a berm, and the new equipment will be located in the center of the site, further minimizing any perceived visual impact of the taller structures.

In addition, the new equipment will allow the facility to operate much more efficiently and to better serve the public; it will reduce energy consumption; it will add to the *ad valorem* tax value of the property; and it will continue to provide good-paying jobs for the residents of the City of Dallas and beyond.

Further, the proposed development is entirely consistent with nearby development. In fact, approval of this variance will be in the public interest by allowing construction on the basis of this design, which is respectful of adjacent properties and is very much in context with the character of the area, which is industrial in nature, and which contains even taller structures.

I have attached to this letter three images which are scaled to show how the new equipment would appear from Singleton Boulevard. As you can see, it is relatively unobtrusive. We also met on February 1 at the site with a number of members of the West Dallas community and had a very good discussion. We are continuing those conversations and will update the Staff as those continue.

V. **Conclusion.** Thank you very much for your consideration of our points. We will respectfully be asking at our February 22 public hearing that you approve our height variance request. Thank you very much.

Very truly yours,

  
Jonathan G. Vinson

cc: Patrick Lydon  
John White  
Daniel Nugent  
Luca Valoti  
Wallace Snodgrass  
Susan Mead







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City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-024

Data Relative to Subject Property:

Date: 12-14-17

Location address: 1801 Lone Star Drive Zoning District: IM

Lot No.: (Tract 2) Block No.: 6158 Acreage: 12.59 acres Census Tract: 0205.00

Street Frontage (in Feet): 1) 0 FT 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Lone Star Industries, Inc.

Applicant: Jackson Walker L.L.P. / Jonathan G. Vinson Telephone: 214-953-5941

Mailing Address: 2323 Ross Avenue, Suite 600 Zip Code: 75201

E-mail Address: jvinson@jw.com

Represented by: Jackson Walker L.L.P. / Jonathan G. Vinson Telephone: 214-953-5941

Mailing Address: 2323 Ross Avenue, Suite 600 Zip Code: 75201

Affirm that an appeal has been made for a Variance X, or Special Exception   ,   ,     
To the height regulations stipulated in Sec. 51A-4.123(d)(4)(E) for a variance of 60 feet, in certain specific locations (total of 170 feet), to the otherwise-allowable 110 feet under IM zoning, subject to a site plan.

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason:

There are several existing property hardship conditions, such as irregular shape and the presence of railroad tracks and a City drainage easement; further the variance is not contrary to the public interest and owing to special conditions, literal enforcement would result in unnecessary hardship, and the variance is necessary to permit development of this specific parcel of land.

Note to Applicant: If the relief requested in this application is granted by the Board of Adjustment, said permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Respectfully submitted: By: Jonathan G. Vinson  
Applicant's name printed

Jonathan G. Vinson  
Applicant's signature

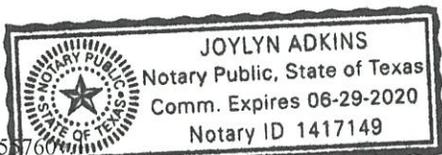
Affidavit

Before me the undersigned on this day personally appeared Jonathan G. Vinson who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

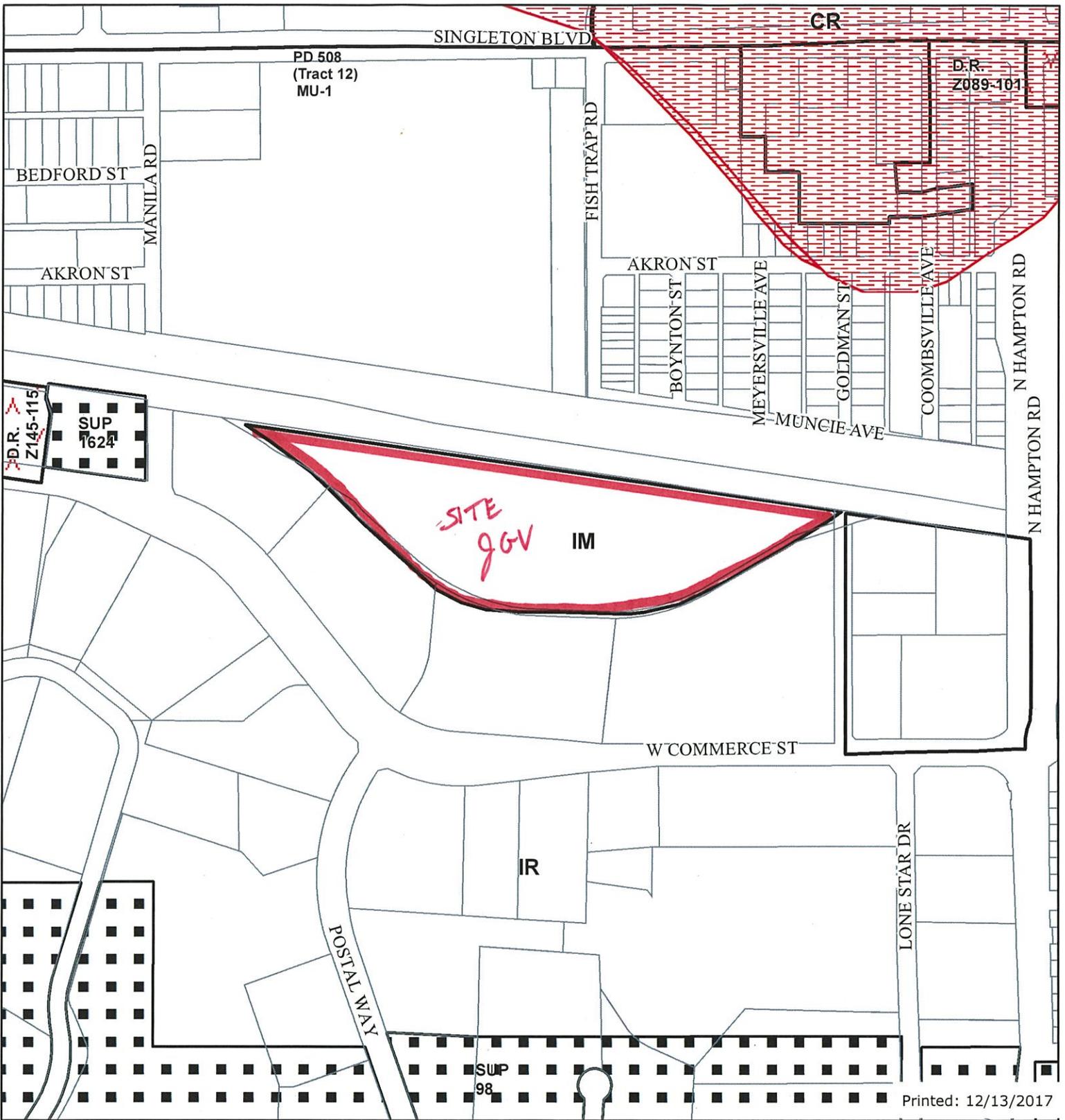
Jonathan G. Vinson  
Affiant (Applicant's signature)

Subscribed and sworn to before me this 14th day of December, 2017

Joylyn Adkins  
Notary Public in and for Dallas County, Texas







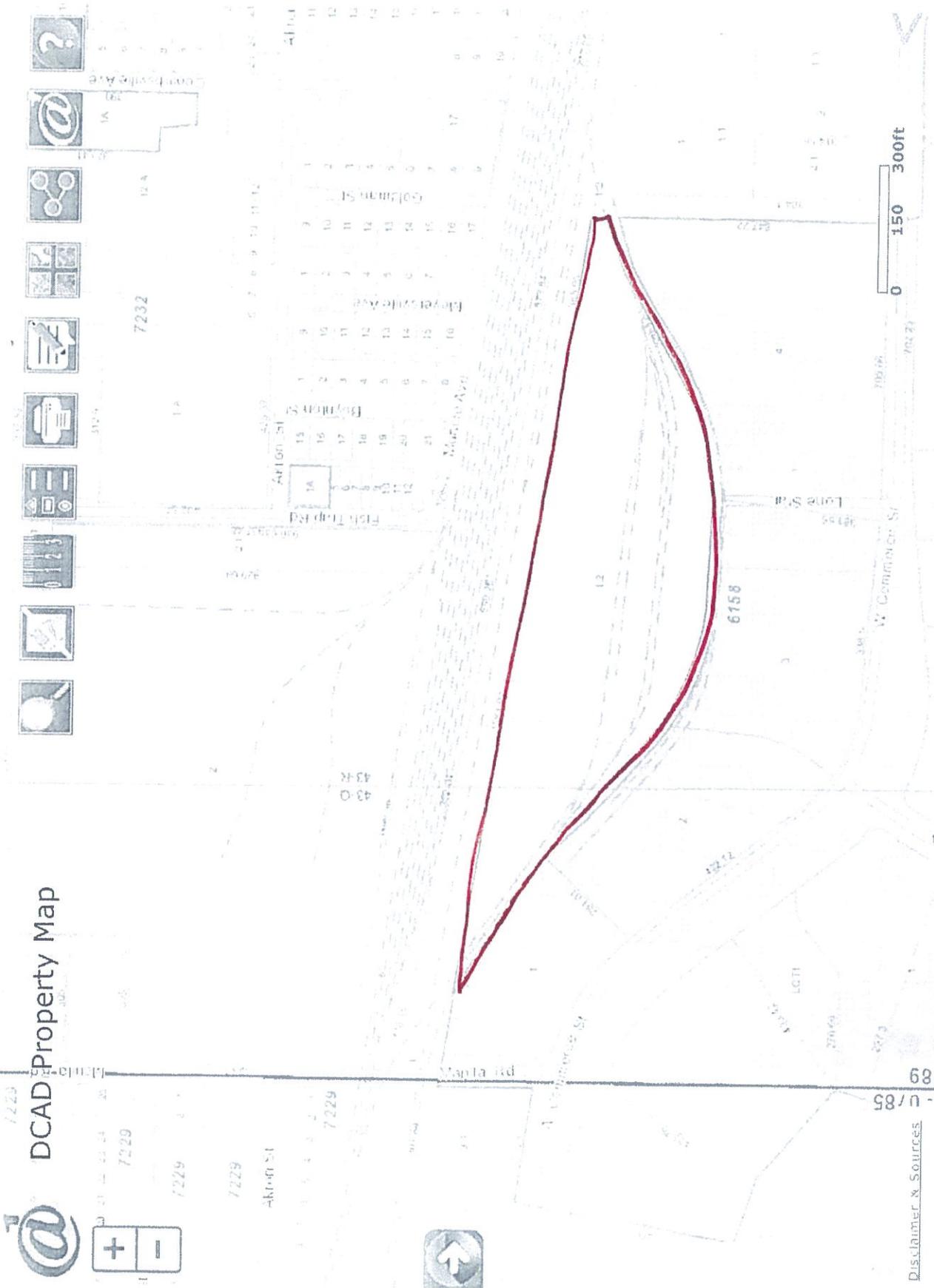
Printed: 12/13/2017

### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO Overlay                |
| Peak's Branch        | SPSD Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | BDA 178-024 SUP                | Historic Overlay      | 3-57 Shop Front Overlay    |
|                      |                                | Height Map Overlay    |                            |

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)













December 14, 2017

*Via Hand Delivery*

Mr. Todd Duerksen, Senior Planner  
Building Inspection Division  
Department of Sustainable Development and Construction  
City of Dallas  
320 East Jefferson Boulevard, Room 105  
Dallas, Texas 75203

Re: *Application for Height Variance; 1801 Lone Star Drive.*

Dear Mr. Duerksen:

In connection with the application of Lone Star Industries, Inc. to the Board of Adjustment for a variance to the height regulations of the IM zoning classification set forth in Sec. 51A-4.123(d)(4)(E), enclosed with this letter please find the following items:

1. Two originally executed and notarized Appeal Forms;
2. Two executed and notarized originals of the Owner's Affidavit;
3. Original and one copy of certified Deed to the property;
4. Current Tax Certificate for the property;
5. Current City of Dallas no-lien letter for the property;
6. Three copies of the Zoning Map showing the property;
7. Three copies of the Block Map of Block 6158 showing the property;
8. Four scaled, oversize copies, and one reduction, of each of an Overall Site Plan, enlarged Site Plan, WP#2 storage tank elevation, and WP#3 bucket elevator elevation;
9. Metes and bounds legal description of the area of request for the variance request; and
10. Filing fee check in the amount of \$1,200.00, payable to the City of Dallas.

If you need anything else in connection with this application, please don't hesitate to let us know, and we will supply it to you. Thank you very much for your assistance with this.

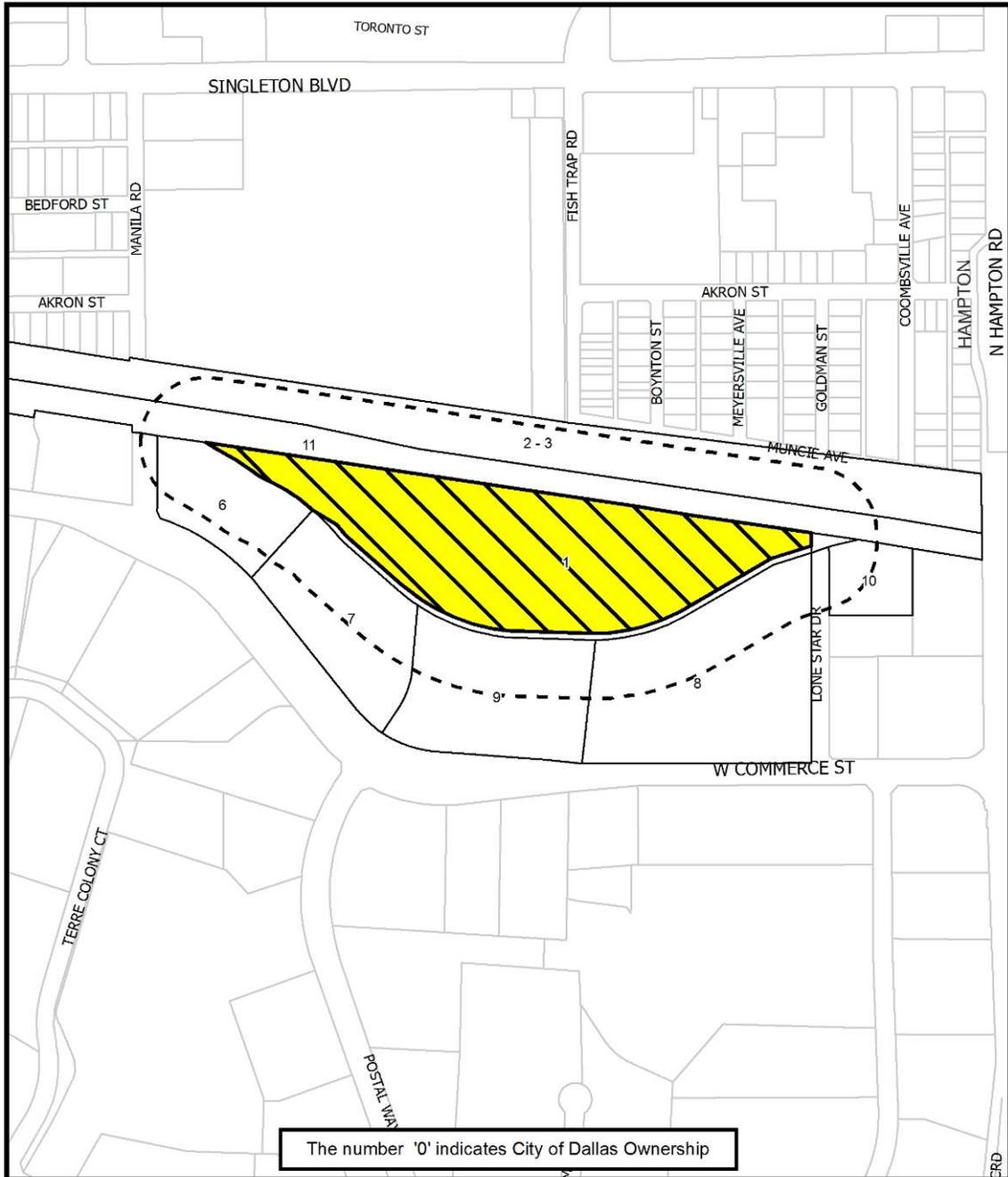
Very truly yours,

  
Jonathan G. Vinson

Enclosures

cc: Patrick Lydon  
Luca Valoti  
Susan Mead

19555835v.1



 1:4,800	<b>NOTIFICATION</b>		Case no: <b>BDA178-024</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">11</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>1/10/2018</b>	

## *Notification List of Property Owners*

***BDA178-024***

### ***11 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	1801 LONE STAR DR	LONE STAR IND INC
2	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO
3	9999 NO NAME ST	UNION PACIFIC RR CO
4	1900 LONE STAR DR	LONE STAR PPTIES INC
5	1900 LONE STAR DR	LSP REALTY DEV CO
6	2565 W COMMERCE ST	SSB LAND COMPANY LLC
7	2525 W COMMERCE ST	AMIGOS REAL PROPERTY INVESTMENTS I LP
8	2301 W COMMERCE ST	ICON OWNER POOL 6 EL PASO LLC
9	2401 W COMMERCE ST	2401 COMMERCIAL BUILDING LLC
10	1880 LONE STAR DR	1880 LONESTAR LTD
11	2300 AL LIPSCOMB WAY	BNSF RAILWAY