

**FILE NUMBER:** Z189-341(OTH)

**DATE FILED:** August 15, 2019

**LOCATION:** An area generally bounded by River Oaks Road to the north, Union Pacific Railroad to the east, McCommas Bluff Road to the south, and Julius Schepps Freeway to the west.

**COUNCIL DISTRICT:** 8

**SIZE OF REQUEST:** ± 522.18 acres

**CENSUS TRACT:** 202.00

**REQUEST:** A City Plan Commission authorized hearing to determine the appropriate zoning for the area to include but not limited to uses, development standards, and other appropriate regulations in an area generally bounded by River Oaks Road to the north, Union Pacific Railroad to the east, McCommas Bluff Road to the south, and Julius Schepps Freeway to the west, and containing approximately 522.18 acres.

**SUMMARY:** The purpose of this authorized hearing is to: provide for appropriate land uses for the area; protect existing residences from the impacts of industrial uses; reduce the intensity of industrial uses in the area; protect the health and welfare of area residents and the City of Dallas as a whole; and protect the environment and natural characteristics of the area including the Trinity River and the Five Mile Creek.

The properties are currently zoned an A(A) Agricultural District, a CS Commercial Service District with deed restrictions, an IR Industrial Research District, an IM Industrial Manufacturing District, an IM Industrial Manufacturing District with Specific Use Permit No. 773, an IM Industrial Manufacturing with Deed Restrictions, and Planned Development District No. 778. Consideration is to be given to appropriate zoning for the area to include but not limited to uses, development standards, and other appropriate regulations.

**STAFF RECOMMENDATION:** Approval of an A(A) Agricultural District; a CR Community Retail District; an LI Light Industrial District; an R-1/2 ac(A) Single Family District; an R-1 ac(A) Single Family District; an amendment to Planned Development District No. 778; an amendment to Specific Use Permit No. 773 for a metal processing facility for a permanent time period, to provide an expiration date that is five years from the date the zoning is approved; and termination of deed restrictions (D.R. Z067-152).

## **BACKGROUND INFORMATION:**

- In response to the concerns raised by the community residents about incompatible uses and the negative impacts of such uses permitted in the existing zoning districts, the City Plan Commission authorized a hearing on August 15, 2019, to determine proper zoning with the intent of reducing negative impacts on the health and welfare of community and to protect the natural environment and characteristics of the area.
- On September 12, 2022, the Planning and Urban Design Department hosted an initial community meeting at the Singing Hills Recreation Center to provide an overview of the existing zoning and land uses within the area of request, engage and educate the community about the process and the considerations that go into making recommendations for zoning changes. Items included but were not limited to past planning efforts in the area, recommendations from existing residents, history of land use incompatibilities, floodplain and other environmental considerations, and existing infrastructure.
- On January 17, 2023, the Planning and Urban Design hosted a second community meeting at the Singing Hills Recreation Center where staff presented information on existing zoning, development standards, and current land uses in the area. Staff provided an overview of the existing area plan (Trinity River Corridor Comprehensive Land Use Plan) and provided an update on ForwardDallas. Meeting attendees participated in a workshop where they discussed desired land uses and zoning for the area. They also expressed their desire to rezone properties with residential units to residential districts, create a network of trails for walking and biking, maintain industrial zoning on properties with industrial uses, expand commercial zoning to attract more businesses, and protect existing residences from industrial pollution.
- On April 11, 2023, Planning and Urban Design held a third community meeting at Eco Park, where staff presented a summary of the issues and concerns expressed by the community and other stakeholders and a draft of the zoning proposal.
- On September 12, 2023, staff held a fourth community meeting at Eco Park where staff presented the final zoning recommendation and received feedback from the meeting the participants.
- The authorized hearing area consists of a mix of single family residential uses, industrial uses, commercial uses, vacant structures, and undeveloped land. The predominant zoning district surrounding the area of request is Industrial Research with some specific use permits and a couple of PDs for industrial uses.
- Most single-family residences in the authorized hearing area were constructed between the 1920's and the early 1950's. Upon annexation of the area of request in 1956, the land was temporary classified as an A(A) Agricultural District. Over time, some of those properties have been rezoned to different districts such as Planned

Development District No. 778, IM Industrial Manufacturing District of which one property has deed restrictions, and CS Commercial Service District.

- Most properties within the authorized hearing became nonconforming in the 1980's, when the City of Dallas transitioned from Chapter 51 to Chapter 51A of the Dallas Development Code.
- The purpose of this authorized hearing is to amend the zoning in the area to address land use incompatibilities, such as heavy industrial zoning abutting residential uses. The goal is to transition areas that are zoned IR Industrial Research and IM Industrial Manufacturing Districts to lighter industrial uses that have lesser impact on surrounding uses and the environment in general. Also, to provide protection to the existing single-family uses that are dispersed throughout the area.
- Currently, some uses in the authorized hearing area may be considered nonconforming, while others do not have valid certificates of occupancy and are considered illegal land uses. There are also properties with structures that appear to have been constructed without obtaining proper permits.
- Nonconforming uses are granted provisions to allow remodeling, expansion, and the right to rebuild, if destroyed by natural disaster or other unintentional act; however, the right to operate a nonconforming use ceases if the nonconforming use is discontinued for at least six months or more. The Board of Adjustment may grant a special exception to this provision only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.
- Planned Development District No. 778 was established on March 26, 2005. It is based on IR Industrial Research and IM Industrial Manufacturing District standards and allows many uses by right; however, it does not allow for potentially incompatible industrial uses. On March 25, 2021, the City Plan Commission denied with prejudice Case Z201-157, which was an application requesting an SUP for placement of fill material. Since then, there have been attempts to make improvements on PD 778 property although the owners have not obtained proper permits to make those improvements. City staff from the Development Services and Planning and Urban Design Departments have met with the property owners to discuss what is required to make use of the property.
- The property with SUP No.773 is located in the southeast corner of the area of request and it is zoned an IM Industrial Manufacturing District. The SUP for a metal processing facility was approved on August 30, 1978, for a permanent time-period. The property is currently used for a salvage and reclamation facility, which is considered an equivalent use under the current development code.
- The City Council approved an IM Industrial Manufacturing District with deed restrictions volunteered by the applicant on property also located in the southeast

Z189-341(OTH)

corner of the area of request, on South Central Expressway. The deed restrictions limit the industrial (outside) potentially incompatible use to wood processing, by SUP.

**Zoning History:**

There have been no zoning applications in the vicinity in the past five years.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
Interstate 45	Freeway	NA
S Central Expressway	PA - Principal Arterial	107 feet ROW
Simpson Stuart Road	PA - Principal Arterial	100 feet ROW

**Traffic:**

The Transportation Development Services Division of the Transportation Department anticipates that the traffic impact will be determined for each property as it develops and during the permitting process. The proposed zoning does not seem to generate a major influx of traffic in comparison to the already existing. However, traffic impact will be determined on a case-to-case basis depending on the uses proposed in the future.

**STAFF ANALYSIS**

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan 2006* was adopted by the City Council in June 2006 and outlines several goals and policies which can serve as a framework for evaluating this authorized hearing.

The staff zoning recommendations for this rezoning case comply with the following goals and policies of the *forwardDallas! Comprehensive Plan*:

**Land Use Element**

**GOAL 1.1**      Align land use and strategies with economic development priorities.

**GOAL 1.3**      Provide equitable opportunities for Dallas residents.

## **Economic Element**

### **Goal 2.1** Promote Balanced Growth

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

**Policy 2.1.2** Ensure that Area Plans include an economic development component to address the economic factors of the areas in the context of the City as a whole.

**Goal 2.4** Create and maintain an environment friendly to business and entrepreneurs.

## **Transportation Element**

**Goal 4.1** Provide a fundamental land use/transportation linkage.

**Policy 4.2.4** Promote the safe and efficient movement of goods.

## **Environment Element**

**Goal 6.1** Protect Dallas water quality and watershed.

**Goal 6.2** Preserve and increase tree canopy.

**Goal 6.4** Identify, protect and restore open space.

**Policy 6.4.1** Identify and prioritize ecologically sensitive areas.

**Policy 6.4.2** Protect open space.

**Policy 6.4.4** Restore and manage sensitive areas.

## **The Five Mile Creek Urban Greenbelt Masterplan**

The Five Mile Creek Urban Greenbelt Masterplan was approved in January 2019 by the Dallas Park Board. The plan is a community-oriented master plan for a network of parks, trails, and preservation areas along the Five Mile Creek greenbelt. The plan identifies priorities for land conservation, health, as well as opportunities to increase tree canopy cover, grassland cover, and areas with potential for greenspace.

The plan includes conservation priorities along the Five Mile Creek Greenbelt to be targeted for conservation; identifies trail alignments, connectivity among the parks, trails and other open spaces, access to nature, parks and other amenities along the Five Mile Creek Corridor. The area of request is identified as high priority on the Masterplan.

The plan vision focuses on three main elements: The Urban Greenbelt Vision, The Park Sites Vision, and The Trail Vision.

*The Urban Greenbelt Vision* focuses on the development of a vibrant, green corridor banking on the topography and ecology that the Five Mile Creek Watershed offers in Dallas.

*The Park Sites Vision* is to take advantage of the park creation opportunities that follow blending wilderness experiences with social, community and recreation amenities while addressing the challenges such as safety.

*The Trail Vision* focuses on providing a less restrictive trail connection to create a greater sense of community while allowing residents to better enjoy the open spaces all over the city. Its goal is to leverage underutilized vacant land and open spaces in different neighborhoods to provide access to every resident within ten minutes of a walk to a park or a trail.

### **Dallas Comprehensive Environmental and Climate Action Plan (CECAP)**

CECAP was approved by the Dallas City Council in January 2019. The Plan is a comprehensive roadmap for the city to improve quality of life, reduce greenhouse gas emissions, prepare for the impacts of climate change, and create a healthier and more prosperous community. It builds on existing planning efforts to reduce greenhouse gas emissions, help the community adapt to a climatically different future, and comprehensively enhance environmental quality across Dallas.

The following are the goals and action steps that are relevant to staff's recommendations to rezone properties with residential uses to residential districts, undeveloped land to A(A) Agricultural District, and heavy industrial districts to LI Light Industrial District.

#### **GOAL 6: DALLAS PROTECTS AND ENHANCES ITS ECOSYSTEMS, TREES, AND GREENSPACES THAT IN TURN IMPROVE PUBLIC HEALTH.**

Action steps:

EG3: Increase tree canopy in both private and public realm to complete implementation of recommendations from the Urban Forest Master Plan.

EG3 Develop reforestation prioritization strategy through land use analysis.

#### **GOAL 8: ALL DALLAS' COMMUNITIES BREATHE CLEAN AIR.**

Action steps:

AQ4: Ensure new industries are an appropriate distance away from neighborhoods.

AQ4 Through *forwardDallas!*, understand, characterize, and propose proactive city strategies to address situations with inequitable industrial proximity to residential uses.

AQ4 Update Development Code to address Batch Plant and other Industrial Site uses in/near neighborhoods.

One of the many initiated implementation recommendations CECAP has made, it includes reducing environmental impacts of stormwater runoff, flooding and the heat island effect by limiting impervious surfaces and incentivizing green infrastructure and other environmental design strategies. The Planning and Urban Design Department is in the process of completing the impervious coverage code amendment that will significantly contribute towards this goal. DCA212-008 Impervious Coverage code amendment has not been scheduled for City Plan Commission or City Council at the time of this report.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	A(A), IR, IM, CS, CS with DR, PD No. 778	Single-family; auto repair, auto parts/salvage, surface parking, outside storage, truck parking, truck service and sales; heavy equipment storage; metal salvage facilities, places of worship, SF residential, undeveloped, plant nursery, recycling,
<b>North</b>	IR	Outside tuck and container storage
<b>East</b>	IM, IR, PD 540 and SUP 1382 for a processing use, IM with SUP 705 for a Sanitary Landfill Operation	McCommas Sanitary Landfill Operation, Lawn and garden products, undeveloped, nursery.
<b>South</b>	A(A), CS, IM, IR, SUP 2335 for a commercial motor vehicle parking.	Undeveloped, outside salvage and reclamation, auto service center, motor vehicle parking.
<b>West</b>	Julius Schepps, A(A)	Freeway and access road; open space (Trinity Forest).

**Land Use Compatibility:**

The authorized hearing area is currently developed with a mix of uses including but not limited to residential, industrial, commercial (business services, retail and personal services), undeveloped property, and vacant land. Some of the residential uses are stand-alone single family residences while some are in combination with others uses such as outside storage, machine or welding shops, or vehicle and engine repair or maintenance. The non-residential uses include storage of heavy machinery equipment; truck sales and service; auto salvage and reclamation; metal salvage facilities; retail and personal services; commercial amusement (inside); nursery, garden shop, or plant sales; vehicle display sales and service; and wholesale and distribution services such as outside storage, recycling, and vehicle storage lots.

**Parking:**

Consult the use regulations in Division 51A-4.200 for the specific off-street parking and roading requirements for each use.

Parking for property located in Planned Development District must be provided in accordance with Sec. 51P-778.111 Off-Street Parking and Loading requirements.

**Landscaping:**

Any new development or new use will require to provide landscaping in accordance with Article X of the Dallas Development Code. Article X minimum requirements include a mandatory 10-foot landscape buffer along the portion of the perimeter of a lot where residential adjacency exists.

For property located within Planned Development District No. 778 landscaping must be provided in accordance with Sec. 51P-778.113 Landscaping.

**Market Value Analysis:**

[Market Value Analysis \(MVA\)](#), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to target intervention strategies more precisely in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. In the 2023 City of Dallas MVA, the area of request is located within the “H” MVA category.



**STAFF RECOMMENDATION:**

Based on research, study, and analysis of the existing zoning and uses in the area, staff is recommending an A(A) Agricultural District; an R-1/2ac(A) Single Family District; an R-1ac(A) Single Family District; a CR Community Retail District; an LI Light Industrial District; amending PD No. 778; terminating existing deed restrictions on property zoned an IM Industrial Manufacturing District; and amending specific use permit No. 773 for a metal salvage facility on property zoned an IM Industrial Manufacturing to provide an expiration date.

The existing zoning districts in the authorized hearing area are an Agricultural District A(A); a CS Commercial Service District; an IR Industrial Research District; and an IM Industrial Manufacturing District with deed restrictions on one property and SUP No. 773 on another property; and PD No. 778.

The authorized hearing area is currently developed with a mix of uses, including but not limited to single family residential alone or in combination with some others uses such as outside storage; commercial uses like machine or welding shop, vehicle or engine repair or maintenance, machine heavy equipment or truck sales and service; industrial uses such as outside salvage and reclamation, metal salvage facilities; retail and personal services such as commercial amusement inside, nursery garden shop or plant sales, and vehicle display sales or services; wholesale and distribution services such as outside storage, recycling, vehicle storage lots; and vacant and undeveloped land.

Currently, some existing uses in the area are nonconforming while others are operating illegally due to lack of valid certificates of occupancy. There are also some structures that appear to have been constructed without proper permits. Also, some property owners are currently dealing with the City Attorney's Office and the Code Compliance Department for altering land without the proper permits.

While this zoning change may make some existing uses nonconforming, any business that has a valid certificate of occupancy, will still be allowed to operate as a nonconforming use. However, the right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more or when the structure housing the use is destroyed by intentional act of the owner or owner's agent.

Most uses in the authorized hearing area do not have proper parking surfaces, landscaping and/or screening on the site. The constant heavy truck movement on the industrial properties causes significant dust and noise in the area. New development or a change of use that requires additional parking must comply with all applicable codes including parking surface, screening, and landscaping requirements. A number of properties in the area may be nonconforming as to these requirements.

The authorized hearing area is mostly in the floodplain, and a part of it is traversed by the Five Mile Creek. The area is less than a mile from the Joppa Preserve and a little over a mile from the Trinity River. Thus, staff is recommending an A(A) Agricultural District in parts

of the area west of South Central Expressway to help preserve these environmentally sensitive features.

Staff is not recommending any additional residential development in the area but establishing residential zoning for most of the properties that already have residences will provide protection from new nonresidential development. Also, the proposed LI Light Industrial District is intended to help lessen environmental impacts and protect the health of residents.

Staff is recommending minor amendments to Planned Development District No. 778 to ensure the uses in the PD are compatible with the surrounding uses and that adjacent residential uses are protected from new development. Staff is proposing an increase of the required side and rear yards from 20 feet to 30 feet to provide an additional buffer between new development and adjacent residential uses. Staff is recommending residential adjacency review (RAR), development impact review (DIR), or specific use permit (SUP) requirements for certain uses within the PD and conditions to require screening for outside storage and to limit outside storage to 40 feet in height.

Rezoning land with residential uses to residential districts will trigger residential adjacency requirements for new development within 330 feet of an R(A) residential district which will afford protection that does not currently exist.

There have been attempts to make improvements on property within PD 778 without proper permits. Staff from the Development Services and Planning and Urban Design Departments have met several times with the property owners to discuss what is required to make use of the property. At the time of this report, the applicant has not applied for any permits.

Except for the property zoned PD No. 778, staff recommends that most of the land west of South Central Expressway be rezoned to an A(A) Agricultural District. This recommendation is based on the need to protect the natural environment in the area, including native vegetation along the Five Mile Creek.

The property with SUP 773, located in the southeast corner of the area of request, is currently zoned an IM Industrial Manufacturing District. The SUP for a metal processing facility was approved on August 30, 1978, for a permanent time period. While the use is not allowed in the LI Light Industrial District, the use will still be permitted to legally operate as provided for by the SUP. Staff recommends that the time period of the SUP be amended to provide an expiration date that is five years from the date this zoning change is approved. This will allow for the use be gradually phased out or relocated.

The property with deed restrictions, located on the southwest corner of the area of request, is currently zoned an IM Industrial Manufacturing District. The deed restrictions allow for most uses in the IM District and limits the industrial (inside) potentially incompatible uses to wood processing, allowed only by SUP. Staff is recommending termination of the deed restrictions as the property is proposed to be rezoned to an A(A) Agricultural District.

Z189-341(OTH)

Therefore, the deed restrictions will become unnecessary. The property is currently vacant and is owned by the City of Dallas.

**Development Standards:**

**Existing and proposed development standards**

	EXISTING					PROPOSED				
	A(A)	CS	IR	IM	PD 778	R-1ac(A)	R-1/2 ac(A)	CR	LI	PD 778
<b>Front Yard</b>	50'	15'	15'	15' 0' on minor	15'; Urban Form Setback Additional 20' for structures over 45' in height	40'	40'	15'	15'	
<b>Side Yard/ Rear Yard</b>	50' for SF/10' other	20' Adj. to residential OTHER: No min.	30' adjacent to residential OTHER no min.	30' adjacent to residential OTHER no min.	20' adjacent to residential Other: no min.	10' SF 20' other	10' for SF 20' other	20' Adj. to residential OTHER: No min.	30' Adj. to residential OTHER: No min	30' adjacent to residential Other: no min.
<b>Density</b>	No max					No max	No max			
<b>Floor Area Ratio</b>	No max	0.5 any combination of Lodging, office, & retail & personal service 0.75 all uses combined	20. FAR overall 0.75 office/retail 0.5 retail	20. FAR overall 0.75 office/retail 0.5 retail	0.5 office uses 1.5 all other uses	No max	No max	0.75 overall 0.5 office	1.0 overall 0.75 office/retail 0.5 retail	
<b>Height</b>	24'	45'	200'	110'	70'	36'	36'	54'	70'	
<b>Max Stories</b>	No max	3 stories	15 stories	8 stories	5 stories	No max		4 stories	5 stories	
<b>Lot Coverage</b>	10% Residential 25% non-residential	80%	80%	80%	45%	40% residential 25% Non-residential	40% residential 25% non-residential	60%	80%	
<b>Lot Size</b>	3 acres per SF units	None	None	None	None	1 acre for residential	½ acre	None	None	
<b>RPS</b>	Yes	Yes	Yes	Yes	Yes			Yes	Yes	
<b>Additional provisions</b>	DIR, Visual Intrusion	Visual Intrusion	Visual Intrusion	Visual Intrusion	Visual Intrusion			DIR, Visual Intrusion	Visual Intrusion	

**Residential Proximity Slope (RPS):** If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

**Development Impact Review (DIR):** The general objectives of this division are to promote and protect the health, safety, and general welfare of the public through the establishment of an administrative review procedure for certain proposed development considered likely to significantly impact surrounding land uses and infrastructure needs and demands. Development impact review should occur before the developer has completed a full set of working drawings for submission as part of an application for a building permit.

**PROPOSED CONDITIONS PD No. 778**

**SEC. 51P-778.101. LEGISLATIVE HISTORY.**

PD 778 was established by Ordinance No. 27141 passed by the Dallas City Council on March 26, 2008. (Ord. 27141)

**SEC. 51P-778.102. PROPERTY LOCATION AND SIZE.**

PD 778 is established on property generally located east of Interstate Highway 45 and north of Simpson Stuart Road. The size of PD 778 is approximately 101.23 acres. (Ord. 27141)

**SEC. 51P-778.103. PURPOSE.**

The standards in this article are to enable the transition from an under-used area to a retail and commercial services area in compliance with the Trinity River Comprehensive Land Use Plan and forwardDallas! while accommodating the existing land uses during the transition period. (Ord. 27141)

**SEC. 51P-778.104. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a nonresidential zoning district. (Ord. 27141)

**SEC. 51P-778.105. EXHIBIT.**

The following exhibit is incorporated into this article: Exhibit 778A: conceptual plan. (Ord. 27141)

**SEC. 51P-778.106. CONCEPTUAL PLAN.**

(a) Development and use of the Property must comply with the conceptual plan (Exhibit 778A), except that the access points shown on the conceptual plan are approximate

locations only. The permanent locations of the access points must be shown on the development plan.

(b) This district is divided into two subareas as shown on the conceptual plan: Subarea A is the area within 500 feet of Interstate 45 and Subarea B is the remainder of the Property. (Ord. 27141)

**SEC. 51P-778.107. DEVELOPMENT PLAN.**

A development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district. The development plan must comply with the conceptual plan and the text of this ordinance. If there is a conflict between the text of this article and the development plan, the text of this article controls. (Ord. 27141)

**SEC. 51P-778.108. MAIN USES PERMITTED.**

(a) Subarea A. The following uses are the only main uses permitted:

(1) Agricultural uses.

-- Crop production.

(2) Commercial and business service uses.

None permitted.

(3) Industrial uses.

-- Temporary concrete or asphalt batching plant. *[By SUP special authorization of the building official.]*

(4) Institutional and community service uses.

-- Adult day care facility.

-- Child-care facility.

-- Church.

-- College, university, or seminary.

-- Community service center. *[SUP]*

-- Convent or monastery.

-- Convalescent and nursing homes, hospice care, and related institutions.

-- Hospital. *[SUP]*

-- Library, art gallery, or museum.

-- Public or private school. *[SUP]*

(5) Lodging uses.

- Extended stay hotel or motel. *[SUP]*
- Hotel or motel. *[SUP]*

(6) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*
- Temporary construction or sales office.

(7) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. *[RAR]*
- Medical clinic or ambulatory surgical center. *[RAR]*
- Office.

(8) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.

(9) Residential uses.

None permitted.

(10) Retail and personal service uses.

- Alcoholic beverage establishments. *[SUP]*
- Ambulance service. *[RAR]*
- Animal shelter or clinic with outside run. *[SUP]*
- Animal shelter or clinic without outside run.
- Auto service center. *[RAR]*
- Business school.
- Commercial amusement (inside). *[SUP]*
- Commercial amusement (outside). *[SUP]*
- Dry cleaning or laundry store. *[RAR]*
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- General merchandise or food store greater than 100,000 square feet. *[SUP]*
- Home improvement center, lumber, brick, or building materials sales yard. *[SUP]*

- Household equipment or appliance repair.
- Mortuary, funeral home, or commercial wedding chapel. [\[RAR\]](#)
- Motor vehicle fueling station. [\[RAR\]](#)
- Nursery, garden shop, or plant sales.
- Outside sales. [\[SUP\]](#)
- Personal service uses.
- Restaurant without drive-in or drive-through service. [\[RAR\]](#)
- Restaurant with drive-in or drive-through service. [\[DIR\]](#)
- Surface parking. [\[DIR\]](#)
- Temporary retail use.
- Theater.
- Vehicle display, sales, and service. [\[SUP\]](#)

(11) Transportation uses.

- Heliport. [\[SUP\]](#)
- Helistop. [\[SUP\]](#)
- Private street or alley. [\[SUP\]](#)
- Transit passenger shelter. [\[RAR\]](#)
- Transit passenger station or transfer center. [\[SUP\]](#)

(12) Utility and public service uses.

- Commercial radio or television transmitting station.
- Electrical substation.
- Local utilities. [See Sec. 51A-4.212\(4\)](#)
- Police or fire station.
- Post office.
- Radio, television, or microwave tower. [\[SUP\]](#)
- Tower/antenna for cellular communication. *[Treat as if in an RR Regional Retail District. See Section 51A-4.212(10.1).]*
- Utility or government installation other than listed. [\[SUP\]](#)

(13) Wholesale, distribution, and storage uses.

- Mini-warehouse. [\[SUP\]](#)
- Office showroom/warehouse. [\[SUP\]](#)

(b) Subarea B. The following uses are the only main uses permitted:

(1) Agricultural uses.

- Commercial stable.
- Crop production.

(2) Commercial and business service uses.



- Building repair and maintenance shop. [\[RAR\]](#)
- Catering service.
- Commercial cleaning or laundry plant. [\[RAR\]](#)
- Custom business services.
- Electronics service center.
- Job or lithographic printing. [\[RAR\]](#)
- Machinery, heavy equipment, or truck sales and services. [\[SUP\]](#)
- Medical or scientific laboratory.
- Technical school.
- Tool and equipment rental. [\[RAR\]](#)

(3) Industrial uses.

- Industrial (inside) not potentially incompatible. [\[RAR\]](#)
- Industrial (inside) for light manufacturing. [\[RAR\]](#)
- Temporary concrete or asphalt batching plant. [\[SUP\]](#) *By special authorization of the building official.*

(4) Institutional and community service uses.

- Adult day care facility.
- Cemetery or mausoleum. [\[SUP\]](#)
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center. [\[SUP\]](#)
- Convent or monastery.
- Convalescent and nursing homes, hospice care, and related institutions.
- Hospital. [\[SUP\]](#)
- Library, art gallery, or museum.
- Public or private school. [\[SUP\]](#)

(5) Lodging uses.

- Extended stay hotel or motel. [\[SUP\]](#)
- Hotel or motel. [\[SUP\]](#)

(6) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of building official.]*
- Temporary construction or sales office.

(7) Office uses.

- Financial institution without drive-in window.

- Financial institution with drive-in window. [\[RAR\]](#)
- Medical clinic or ambulatory surgical center. [\[RAR\]](#)
- Office.

(8) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.

(9) Residential uses.

None permitted.

(10) Retail and personal service uses.

- Alcoholic beverage establishments. [\[SUP\]](#)
- Ambulance service. [\[RAR\]](#)
- Animal shelter or clinic with outside run. [\[SUP\]](#)
- Animal shelter or clinic without outside run.
- Auto service center. [\[RAR\]](#)
- Business school.
- Commercial amusement (inside). [\[SUP\]](#)
- Commercial amusement (outside). [\[SUP\]](#)
- Commercial motor vehicle parking lot. [\[SUP\]](#)
- Commercial parking lot or garage. [\[SUP\]](#)
- Dry cleaning or laundry store. [\[RAR\]](#)
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- General merchandise or food store greater than 100,000 square feet. [\[SUP\]](#)
- Home improvement center, lumber, brick, or building materials sales yard. [\[SUP\]](#)
- Household equipment or appliance repair.
- Mortuary, funeral home, or commercial wedding chapel. [\[RAR\]](#)
- Motor vehicle fueling station. [\[RAR\]](#)
- Nursery, garden shop, or plant sales. [\[RAR\]](#)
- Outside sales. [\[SUP\]](#)
- Personal service uses.
- Restaurant without drive-in or drive-through service. [\[RAR\]](#)
- Restaurant with drive-in or drive-through service. [\[DIR\]](#)
- Surface parking. [\[DIR\]](#)
- Temporary retail use.
- Theater.
- Vehicle display, sales, and service. [\[SUP\]](#)

(11) Transportation uses.

- Heliport. [SUP]
- Helistop. [SUP]
- Private street or alley. [SUP]
- Transit passenger shelter. [RAR]
- Transit passenger station or transfer center. [SUP]

(12) Utility and public service uses.

- Commercial radio or television transmitting station.
- Electrical substation.
- Local utilities. [See Sec. 51A-4.212\(4\)](#)
- Police or fire station.
- Post office.
- Radio, television, or microwave tower. [SUP]
- Tower/antenna for cellular communication. *[Treat as if in an RR Regional Retail District.-See Section 51A-4.212(10.1).]*
- Utility or government installation other than listed. [SUP]

(13) Wholesale, distribution, and storage uses.

- Auto auction. [SUP]
- Contractors maintenance yard. [SUP]
- Manufactured building sales lot. [SUP]
- Mini-warehouse. [SUP]
- Office showroom/warehouse. [DIR]
- Outside storage ~~(with visual screening)~~ [SUP. Limited to the locations shown on the conceptual plan] *[Treat as if in LI Light Industrial District for screening requirements. See Section 51A-4.213(9)(F)(i).] Maximum height for outside storage is 40 feet.*
- ~~Outside storage (without visual screening). [SUP]~~
- Recycling buy-back center. *[Treat as if in RR Regional Retail District. See Section 51A-4.213(11).]*
- Recycling collection center. *[Treat as if in RR Regional Retail District. SUP or RAR may be required See Section 51A-4.213(11.1).]*
- Recycling drop-off container. *[required if the requirements of Section 51A-4.213(11.2)(E) are not satisfied].*
- Recycling drop-off for special occasion collection. *[required if the requirements of Section 51A-4.213(11.3)(E) are not satisfied].*
- Trade center.
- Warehouse. [RAR]

(Ord. 27141)

**SEC. 51P-778.109. ACCESSORY USES.**

- (a) As a general rule, an accessory use is permitted in any district in which the main

use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(b) The following accessory uses are not permitted:

- Accessory community center (private).
- Accessory pathological waste incinerator.
- Home occupation.
- Private stable.

(c) The following accessory uses are permitted by SUP only:

- Accessory helistop.
- Accessory medical/infectious waste incinerator.

Ord. 27141)

### **SEC. 51P-778.110. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the RR Regional Retail District.

(b) Side and rear yard. 30 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and no minimum in all other cases.

(c) Height.

(1) Except as provided in this paragraph, maximum structure height is 70 feet. Outside storage may not exceed 26 feet in height or three stacked containers, whichever is the greater.

(2) If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(d) Lot coverage. Maximum lot coverage is 45 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground structures are not. (Ord. 27141)

Z189-341(OTH)

**SEC. 51P-778.111. OFF-STREET PARKING AND LOADING.**

(a) Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) No off-street parking is required for electrical substation, outside storage, and contractor's maintenance yard uses. (Ord. 27141)

**SEC. 51P-778.112. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI. (Ord. 27141)

**SEC. 51P-778.113. LANDSCAPING.**

(a) Except as provided in this section, Landscaping must be provided in accordance with Article X.

(b) The following additional provisions apply in Subarea A:

(1) A tree preservation zone must be provided along the western property line abutting Interstate 45 in the location shown on the conceptual plan. No trees may be removed from the tree preservation zone.

(2) A minimum of 15 evergreen trees with a caliper of at least four inches each at the time of planting must be provided in the locations shown on the conceptual plan.

(3) The irrigation requirements in Section 51A-10.106 do not apply to the tree preservation zone in Paragraph (1) or the required evergreen trees in Paragraph (2).

(c) Plant materials must be maintained in a healthy, growing condition. (Ord. 27141)

**SEC. 51P-778.114. SIGNS.**

(a) Signs must comply with the provisions for business zoning districts in Article VII.

(b) The existing detached non-premise sign shown on the conceptual plan is considered a legal use. (Ord. 27141)

**SEC. 51P-778.115. ADDITIONAL PROVISIONS.**

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

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(c) Outside storage is prohibited within 500 feet of the west property line abutting Interstate Highway 45. (Ord. 27141)

**SEC. 51P-778.116. COMPLIANCE WITH CONDITIONS.**

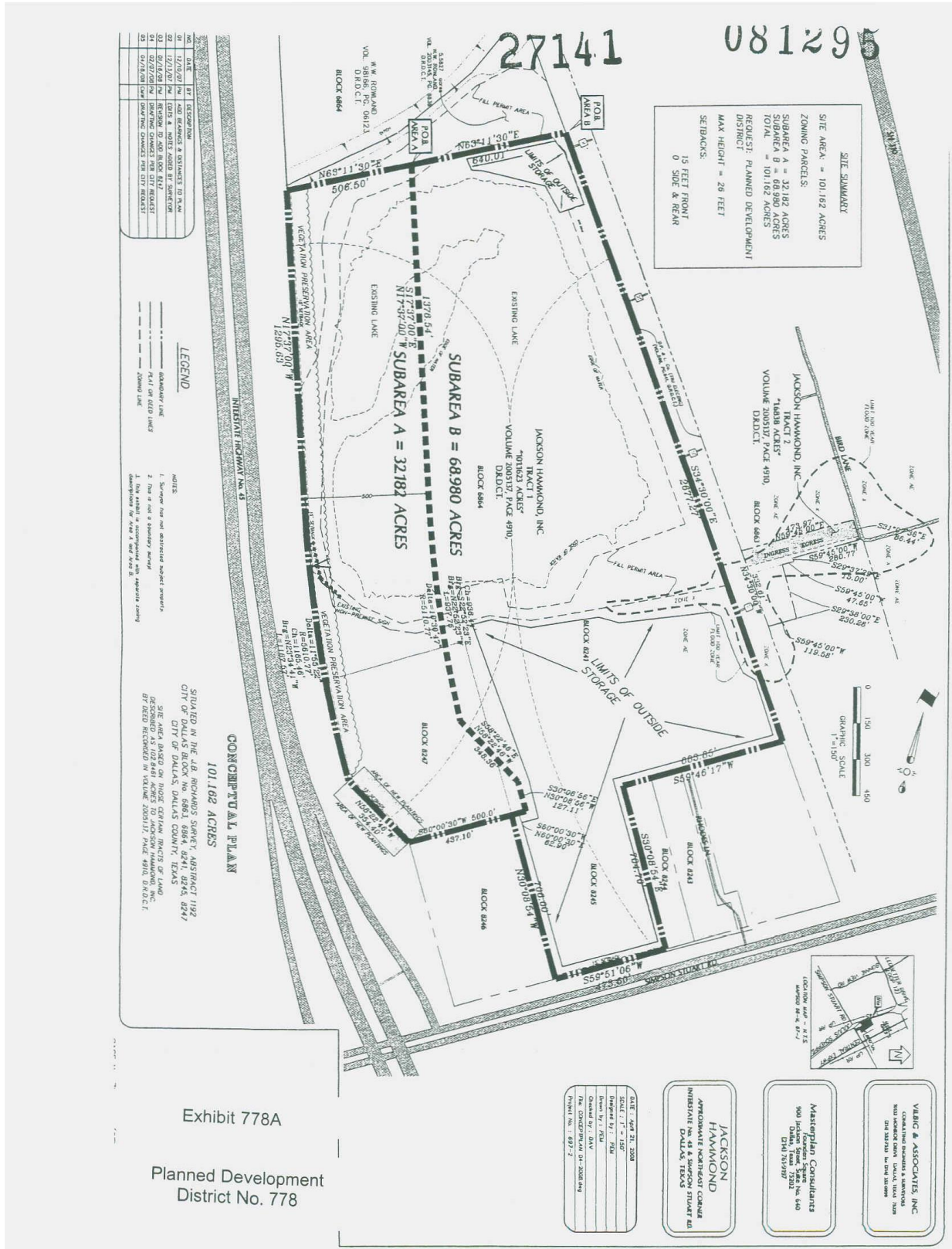
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. 27141)

**SEC. 51P-778.117. ~~ZONING MAP.~~**

~~PD 778 is located on Zoning Map Nos. N 8, N 9, O 8, and O 9. (Ord. 27141)~~

# EXISTING CONCEPTUAL PLAN



**PROPOSED AMENDMENT TO SUP No. 773**

5. TIME LIMIT: This Specific Use permit ~~shall remain in effect for a permanent time expires on \_\_\_\_\_ (five years from period after the date of the passage of this ordinance.~~



**EXISTING SPECIFIC USE PERMIT No. 773 PROPOSED AMENDMENT**

782431

ORDINANCE NO. 15929

An Ordinance amending CHAPTER 51, "COMPREHENSIVE GENERAL ZONING ORDINANCE," of the Dallas City Code, as amended, by permitting the following described property, which is presently zoned a Flood Plain (Industrial-2) to-wit:

Being part of City Block 8006 fronting 338.2 feet on the northeast line of South Central Expressway, beginning at a point approximately 1,304 feet from the center line of Simpson Stuart Road, having a maximum depth of 579.4 feet and containing 4.832 acres of land.

to be used under Specific Use Permit No. <sup>773 gen</sup>734 for a Metal Processing Facility; That Specific Use Permit No. <sup>773 gen</sup>734 shall be granted for a Metal Processing Facility with reference to the herein described property, subject, however, to the special conditions hereinafter more fully expressed; Providing for a severability clause; Providing a penalty not to exceed \$200; and Providing an effective date.

WHEREAS, the City Plan Commission of the City of Dallas and the Governing Body of the City of Dallas in compliance with the Charter of the City of Dallas and the State Law with reference to the granting of specific use permits under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise and after holding due hearings and affording a full and fair hearing to all the property owners, generally, and to the persons interested situated in the affected area and in the vicinity thereof regarding the rezoning, proposed use or improvement of the property herein described, the Governing Body of the City of Dallas is of the opinion that said specific use permit should be granted, subject to the conditions set out herein;

Now, Therefore,

CHECKED BY

AKN

1

CHECKED BY

JCR

15929

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That CHAPTER 51, "COMPREHENSIVE GENERAL ZONING ORDINANCE," of the Dallas City Code, as amended, is amended insofar as it applies to the property hereinafter described, which is presently zoned a Flood Plain (Industrial-2), and which shall be used under Specific Use Permit No. <sup>773 802</sup> 734 for a Metal Processing Facility to-wit:

Being part of City Block 8006 and being more particularly described as follows:

BEGINNING at a point in the Northeast line of South Central Expressway (U. S. Hwy. 75) that is 1304.0 feet Southeasterly from the centerline of Simpson Stuart Road;

THENCE North 59° 47' 20" East, 589.4 feet to a point in the Southwest line of the T. & N. O. Railroad;

THENCE South 26° 42' 00" East, along said Railroad, 405.70 feet to the Northeast corner of Lot 1 in City Block 8006;

THENCE South 66° 38' 10" West, 554.76 feet to the Northwest corner of said Lot 1, a point in said Northeast line of South Central Expressway;

THENCE North 30° 50' 40" West, along said South Central Expressway, 338.82 feet to the point of beginning and containing 4.832 acres of land.

SECTION 2. That this Specific Use Permit No. <sup>773 802</sup> 734 for a Metal Processing Facility with reference to the hereinabove described property, authorized by Article X, CHAPTER 51, of the Dallas City Code, is approved and granted upon the following express conditions, and adopted as part of Article XXXIV, CHAPTER 51, of the Dallas City Code:

- 1. SITE PLAN: Utilization of the property shall be in accordance with the City Plan Commission approved site plan, which is attached to and made a part of the ordinance.

1 15929

2. PARKING: Parking shall be provided as indicated on the approved site plan.
3. PAVING: All required paving shall be in accordance with the requirements established in Section 20-812, Chapter 51, Dallas City Code.
4. SCREENING: A visual screen shall be maintained that must be at least nine feet in height and which consists of solid masonry, concrete, corrugated sheet steel, or chain link fence with metal strips through all links.
5. TIME LIMIT: This Specific Use Permit shall remain in effect for a permanent time period after the date of the passage of this ordinance.
6. MAINTENANCE: The entire premises shall be properly maintained in a state of good repair and neat appearance at all times.
7. SIGNS: All signs shall comply with the requirements of Chapter 41, "Sign Standards", of the Dallas City Code.
8. GENERAL REQUIREMENTS: Utilization of the property shall be in compliance with all other applicable codes and regulations of the City of Dallas.
9. FLOOD PLAIN: Prior to the issuance of a building permit for any new construction, the property upon which the new construction is to occur is to be filled to the minimum elevation as established and approved by the City of Dallas Public Works Department in Fill Application #7804. In addition, the finished floor elevation of said construction shall conform to the minimum floor elevation standards as established by the Public Works Department.

SECTION 3. That all paved areas, permanent drives, streets, and drainage structures, if any, shall be constructed in accordance with standard City of Dallas specifications adopted for such purpose, and the same shall be done to the satisfaction of the Director of Public Works.

SECTION 4. No Certificate of Occupancy shall be issued by the Building Official until there has been a full compliance with

15929

Subsections 1 through 9 of Section 2, in accordance with the requirements of the building for which the Certificate is issued, together with all other provisions of this Ordinance and any applicable provisions of the Comprehensive General Zoning Ordinance and the Dallas Building Code.

SECTION 5. That a person who violates a provision of this Ordinance, upon conviction, is punishable by a fine not to exceed \$200.

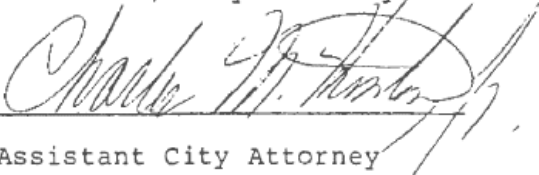
SECTION 6. That the terms and provisions of this Ordinance are severable and are governed by Sections 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 7. That CHAPTER 51 of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

SECTION 8. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so ordained.

APPROVED AS TO FORM:

LEE E. HOLT, City Attorney

By  Assistant City Attorney

Passed and correctly enrolled           AUG 30 1978          

Zoning File No. 2778-199/4308-S

1969B/jn

**EXISTING DEED RESTRICTIONS TO BE TERMINATED**

071803

**COUNCIL CHAMBER**

June 13, 2007

**WHEREAS**, the deed restrictions in the attached instrument have been volunteered in connection with property located in City Block 8010 near the intersection of Central Expressway and Choate Street, which is the subject of zoning case No. Z067-152(JH); and

**WHEREAS**, the City Council desires to accept the deed restrictions in the attached instrument; Now, Therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**Section 1.** That the deed restrictions in the attached instrument are accepted by the City Council of the City of Dallas to be used in conjunction with the development of property that is the subject of Zoning Case No. Z067-152(JH).

**Section 2.** That these deed restrictions must be filed in the Deed Records of Dallas County, Texas.

**Section 3.** That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By *Cathy Bunsen*  
Assistant City Attorney

APPROVED *Dail Com...* APPROVED \_\_\_\_\_ APPROVED \_\_\_\_\_  
HEAD OF DEPARTMENT DIRECTOR OF FINANCE CITY MANAGER

DEED RESTRICTIONS

THE STATE OF TEXAS    )  
                                  )     KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF DALLAS     )

I.

The undersigned, Comet Auto Salvage, Inc., a Texas Corporation, ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the Levi Dixon Survey, Abstract No. 380, City Block No. 8010, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by Warner Washington, III and wife Susan D. Washington, and Warner B. Washington and wife Geraldine Washington, by deed dated August 28, 2002 , and recorded in Volume, 180 Page 02530, in the Deed Records of Dallas County, Texas, and being described in Exhibit A.

II.

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

The only main uses permitted on the Property are:

- (A) Agricultural uses.
  - Crop production.
- (B) Commercial and business service uses.
  - Building repair and maintenance shop. [RAR]
  - Bus or rail transit vehicle maintenance or storage facility. [RAR]
  - Catering service.
  - Commercial cleaning or laundry plant. [RAR]
  - Custom business services.
  - Custom woodworking, furniture construction, or repair.
  - Electronics service center.
  - Job or lithographic printing. [RAR]
  - Labor hall. [SUP may be required. See Section 51A-4.202 (8.1).]
  - Machine or welding shop. [RAR]
  - Machinery, heavy equipment, or truck sales and services. [RAR]
  - Medical or scientific laboratory.
  - Technical school.
  - Tool or equipment rental.
  - Vehicle or engine repair or maintenance. [RAR]
- (C) Industrial uses.
  - Industrial (inside). [Limited to those uses that are not potentially incompatible, with RAR]
  - Industrial (inside) for light manufacturing.

- Industrial (outside). Not potentially incompatible. [RAR]
- Industrial (outside). Potentially incompatible. [Limited to wood processing, by SUP]
- Medical/infectious waste incinerator. [SUP]
- Municipal waste incinerator. [SUP]
- Pathological waste incinerator. [SUP]
- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]
- (D) Institutional and community service uses.
  - Adult day care facility.
  - Cemetery or mausoleum. [SUP]
  - Child-care facility.
  - Church.
  - College, university, or seminary.
  - Hospital. [SUP]
  - Public or private school. [SUP]
- (E) Lodging uses.
  - Extended stay hotel or motel. [SUP]
  - Hotel or motel. [RAR or SUP See Section 51A-4.205(1)]
  - Lodging or boarding house. [SUP]
- (F) Miscellaneous uses.
  - Attached non-premise sign. [SUP]
  - Carnival or circus (temporary). [By special authorization of the building official.]
  - Hazardous waste management facility. [Except when operated as a hazardous waste incinerator.]
  - Temporary construction or sales office.
- (G) Office uses.
  - Financial institution without drive-in window.
  - Financial institution with drive-in window. [RAR]
  - Medical clinic or ambulatory surgical center.
  - Office.
- (H) Recreation uses.
  - Country club with private membership.
  - Private recreation center, club, or area.
  - Public park, playground, or golf course.
- (I) Residential uses.
  - None permitted.
- (J) Retail and personal service uses.
  - Alcoholic beverage establishments. [See Section 51A-4.210 (b)(4).]
  - Animal shelter or clinic without outside runs.
  - Animal shelter or clinic with outside runs. [SUP may be required. See Section 51A-4.210(b)(2).]
  - Auto service center. [RAR]
  - Car wash. [RAR]
  - Commercial amusement (inside). [SUP may be required. See Section 51A-4.210 (b)(7)(B).]
  - Commercial motor vehicle parking. [By SUP only if within 500 feet of a residential district.]

- Commercial parking lot or garage. [RAR]
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- Home improvement center, lumber, brick or building materials sales yard. [RAR]
- Household equipment and appliance repair.
- Motor vehicle fueling station.
- Pawn shop.
- Personal service uses.
- Restaurant without drive-in or drive-through service. [RAR]
- Restaurant with drive-in or drive-through service. [DIR]
- Temporary retail use.
- Theater.
- Truck stop. [SUP]
- Vehicle display, sales, and service. [RAR]
- (K) Transportation uses.
  - Airport or landing field. [SUP].
  - Commercial bus station and terminal. [RAR].
  - Heliport. [RAR]
  - Helistop. [RAR]
  - Railroad passenger station. [SUP]
  - STOL (short take off or landing) port. [SUP]
  - Transit passenger shelter.
  - Transit passenger station or transfer center. [By SUP or city council resolution.

See Section 51A-4.211(10).]

- (L) Utility and public service uses.
  - Commercial radio or television transmitting station.
  - Electrical substation.
  - Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
  - Police or fire station.
  - Post office.
  - Radio, television, or microwave tower. [RAR]
  - Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
  - Utility or government installation other than listed. [SUP]
- (M) Wholesale, distribution, and storage uses.
  - Freight terminal. [RAR]
  - Manufactured building sales lot. [RAR]
  - Mini-warehouse.
  - Office showroom/warehouse.
  - Outside storage (with visual screening). [RAR]
  - Recycling buy-back center [See Section 51A-4.213 (11).]
  - Recycling collection center. [See Section 51A-4.213 (11.1).]
  - Recycling drop-off container. [See Section 51A-4.213 (11.2).]
  - Recycling drop-off for special occasion collection. [See Section 51A-4.213

(11.3).]

- Trade center.
- Warehouse. [RAR]



## III.

These restrictions shall continue in full force and effect for a period of twenty (20) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless amended or terminated in the manner specified in this document.

## IV.

These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.

## V.

These restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned. /

## VI.

The Owner agrees that these restrictions inure to the benefit of the City. The Owner hereby grants the City the right to enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. If the City substantially prevails in a legal proceeding to enforce these restrictions, the Owner agrees that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs. For further remedy, the Owner agrees that the City may withhold any certificate of occupancy or final inspection necessary for the lawful use of the Property until these restrictions are complied with. The right of the City to enforce these restrictions shall not be waived, expressly or otherwise.

## VII.

The Owner agrees to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with the provisions of this document.

## VIII.

The provisions of this document are hereby declared covenants running with the land and are fully binding on all successors, heirs, and assigns of the Owner who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.

IX.

Unless stated otherwise in this document, the definitions and provisions of CHAPTER 51A of the Dallas City Code, as amended, apply and are incorporated into this document as if recited in this document.

X.

The Owner understands and agrees that this document shall be governed by the laws of the State of Texas.

XI.

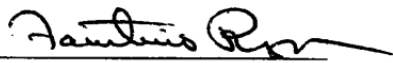
The Owner certifies and represents that there are no mortgages or liens, other than liens for ad valorem taxes, against the Property if there are no signatures of mortgagees or lienholders subscribed below.

XII.

The invalidation of any provision in this document by any court shall in no way affect any other provision, which shall remain in full force and effect, and to this end the provisions are declared to be severable.

EXECUTED this the 23 day of April, 2007.

Owner: Comet Auto Salvage, Inc.

By:   
Frank Reyes, President

APPROVED AS TO FORM:  
THOMAS P. PERKINS, JR., City Attorney

By:   
Assistant City Attorney

[ATTACH THE APPROPRIATE ACKNOWLEDGMENT FOR EACH SIGNER]

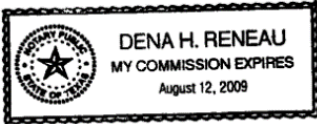
State of Texas

County of Dallas

This instrument was acknowledged before me on 4-23-2007 (date of acknowledgment) by Faustino Reyes (name of person who signed the deed restrictions), as President (title of officer-usually president, or secretary), of Comet Auto Salvage, Inc. (name of corporation), a Texas (state of incorporation) corporation, on behalf of said corporation.

(Notary's stamp here)

Dena H. Reneau (Notary's signature)  
Notary Public in and for  
the State of Texas



**"EXHIBIT A"  
DESCRIPTION OF 4.1814 ACRES  
TO BE REZONED**

**BEING** a 4.1814 acre tract of land situated in the Levi Dixon Survey, Abstract No. 380, in Dallas County, Texas, and being part of the Official City Block No. 8010 of the Official Map of the City of Dallas, Texas, and being part of that certain tract of land conveyed to Comet Auto Salvage, Inc., by Deed recorded in Volume 2002180, Page 2530, Deed Records, Dallas County, Texas, and being more particularly described as follows:

**BEGINNING** at a 1/2 inch iron rod found in the southwest line of South Central Expressway (U.S. Highway No. 75), at the east corner of said Comet Auto Salvage Tract, same being located South 30 degrees 08 minutes 09 seconds East, a distance of 666.92 feet from the intersection of said southwest line with the southeast line of Choate Street, and being the common easterly corner of said Block 8010 and City of Dallas Block No. 8009;

**THENCE** South 60 degrees 39 minutes 38 seconds West along the southeast line of said Comet Auto Salvage Tract and the common line of said Blocks 8010 and 8009, a distance of 579.47 feet to a 1/2 inch iron rod with yellow plastic cap marked "SHIELDS & LEE" set in the northeast line of Dallas Power and Light Company 100 foot right-of-way;

**THENCE** North 34 degrees 22 minutes 45 seconds West along the common line of said Comet Auto Salvage Tract and said Dallas Power and Light Company right-of-way, a distance of 238.33 feet to a 1/2 inch iron rod with yellow plastic cap marked "SHIELDS & LEE" set for corner;

**THENCE** passing through said Comet Auto Salvage Tract the following:

North 47 degrees 19 minutes 34 seconds East, a distance of 135.80 feet to a "60D" nail set for corner;

North 35 degrees 51 minutes 10 seconds East, a distance of 104.64 feet to a fence post found for corner;

North 45 degrees 18 minutes 42 seconds East, a distance of 60.09 feet to a fence post found for corner;

North 70 degrees 35 minutes 23 seconds East, a distance of 20.75 feet to a fence post found for corner;

North 56 degrees 17 minutes 00 seconds East, a distance of 290.93 feet to a 1/2 inch iron rod with yellow plastic cap marked "SHIELDS & LEE" set in the northeast line of Comet Auto Salvage Tract, same being in the southwest line of South Central Expressway;

**THENCE** South 30 degrees 08 minutes 09 seconds East along the southwest line of South Central Expressway, a distance of 347.20 feet to the **PLACE OF BEGINNING** and containing 182,143 square feet or 4.1814 acres of land, more or less.

*W. R. Lee*  
1-26-07

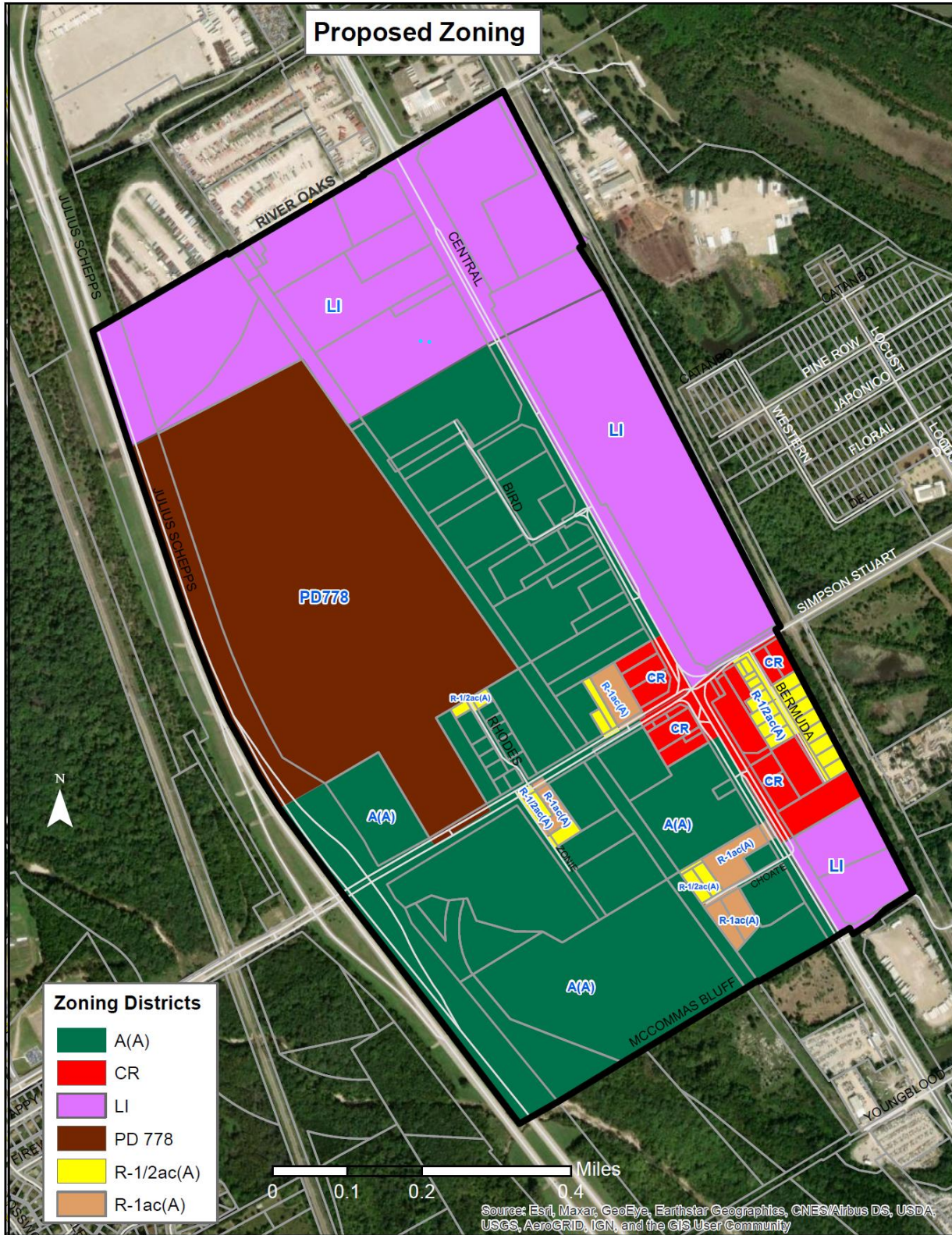
Z067-152(JH) - Exhibit A - Page 1 of 1



Sheet 1 of 3

*Z067-152*









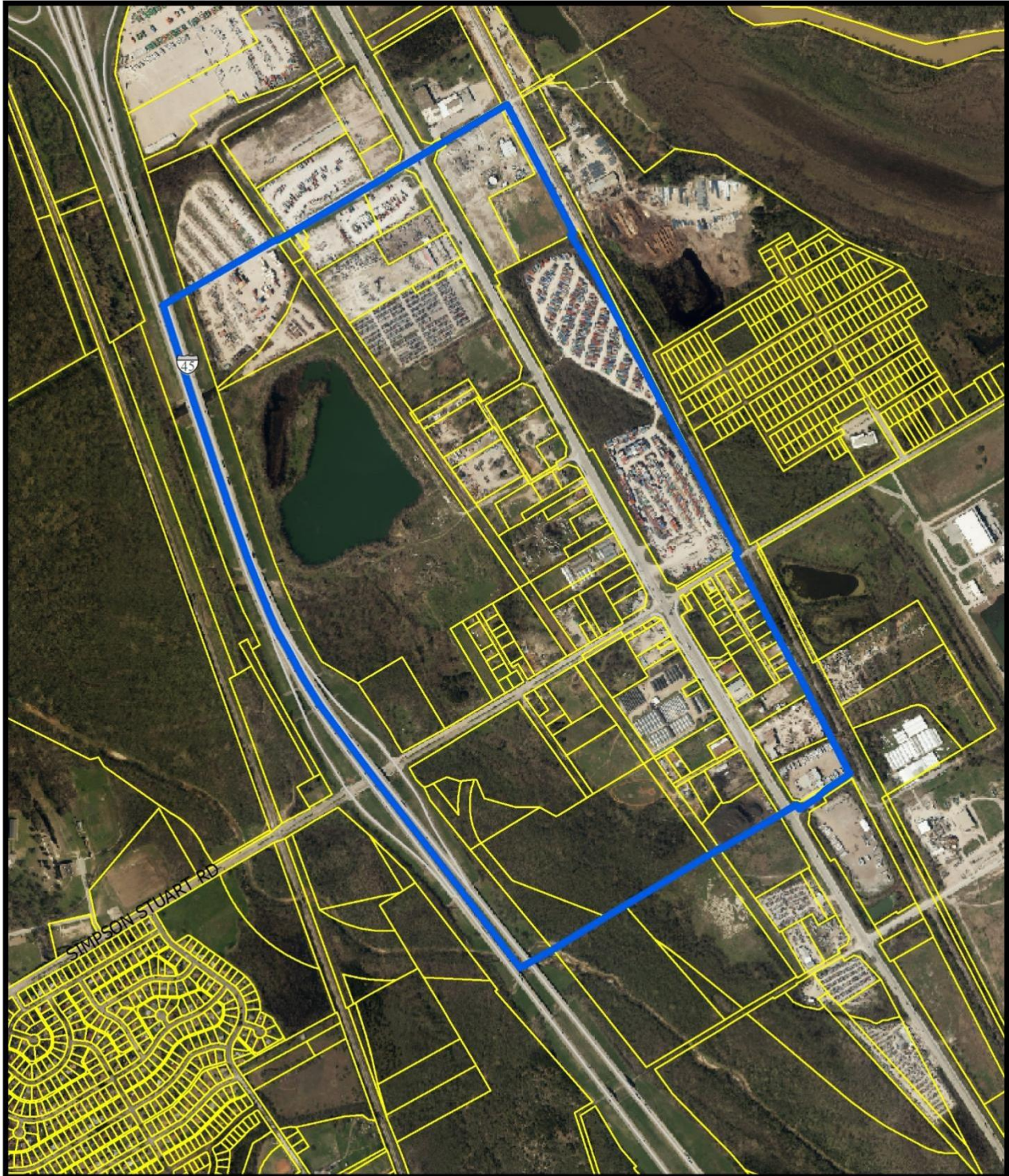
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# VICINITY MAP

Case no:     **Z189-341**    

Date:     **1/18/2024**





1:13,200

# AERIAL MAP

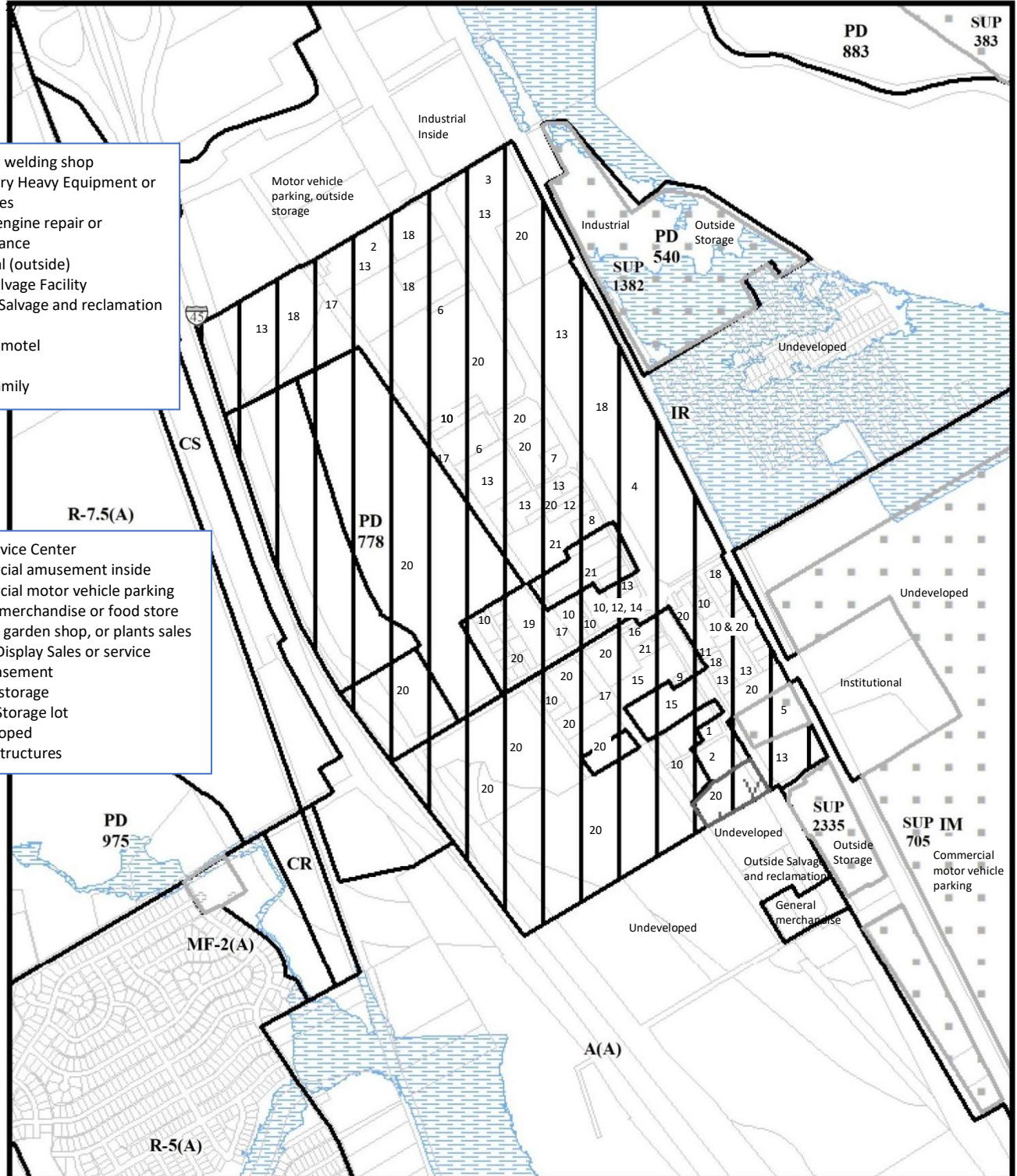
Case no:     Z189-341    

Date:     1/18/2024



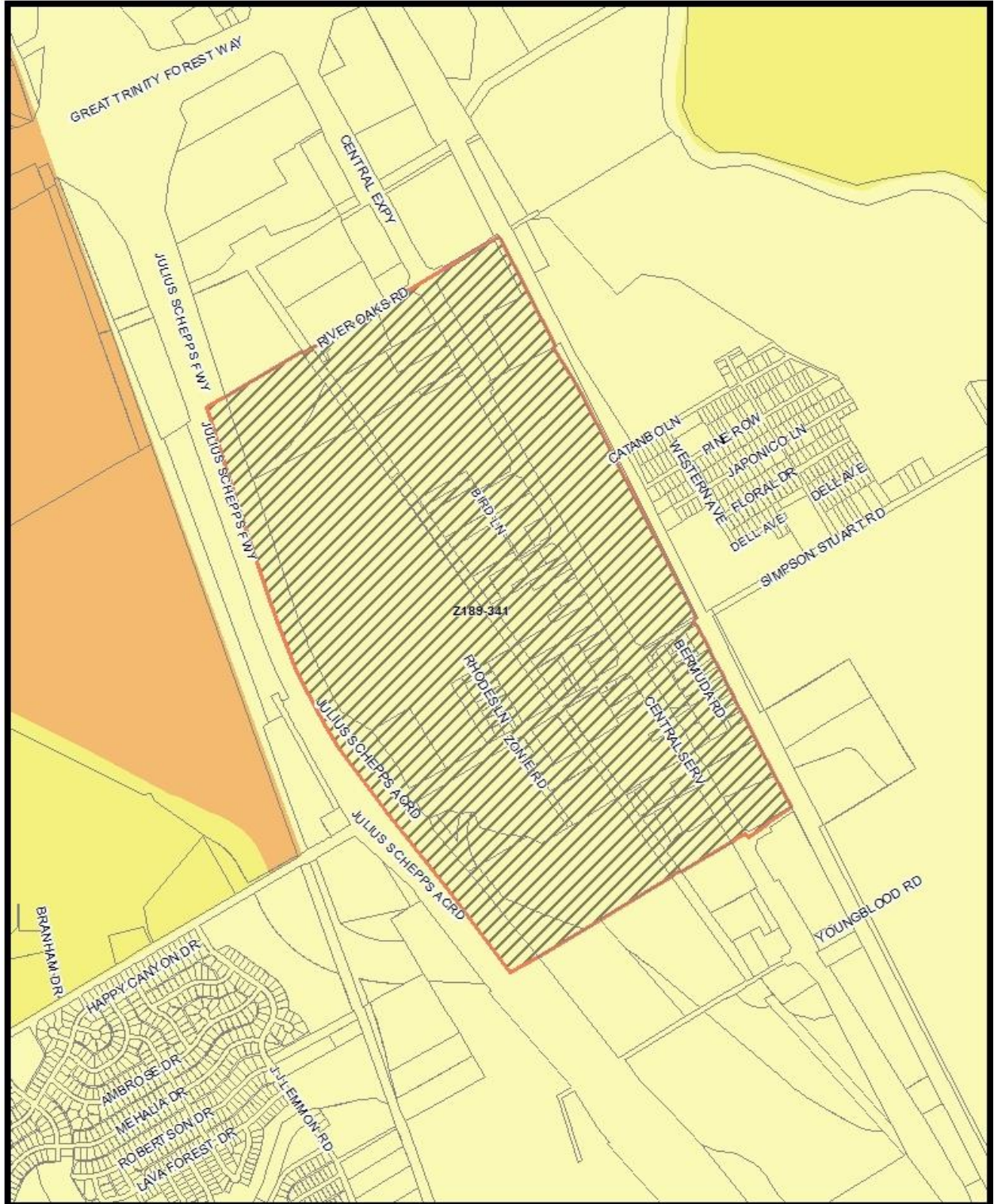
- 1 Machine welding shop
- 2 Machinery Heavy Equipment or truck sales
- 3 Vehicle engine repair or maintenance
- 4 Industrial (outside)
- 5 Metal Salvage Facility
- 6 Outside Salvage and reclamation
- 7 Church
- 8 Hotel or motel
- 9 Office
- 10 Single Family

- 11 Auto Service Center
- 12 Commercial amusement inside
- 13 Commercial motor vehicle parking
- 14 General merchandise or food store
- 15 Nursery, garden shop, or plants sales
- 16 Vehicle Display Sales or service
- 17 Utility easement
- 18 Outside storage
- 19 Vehicle Storage lot
- 20 Undeveloped
- 21 Vacant Structures



 1:14,400	<h2 style="margin: 0;">ZONING AND LAND USE</h2>	Case no: <u>          Z189-341          </u> Date: <u>          2/8/2024          </u>
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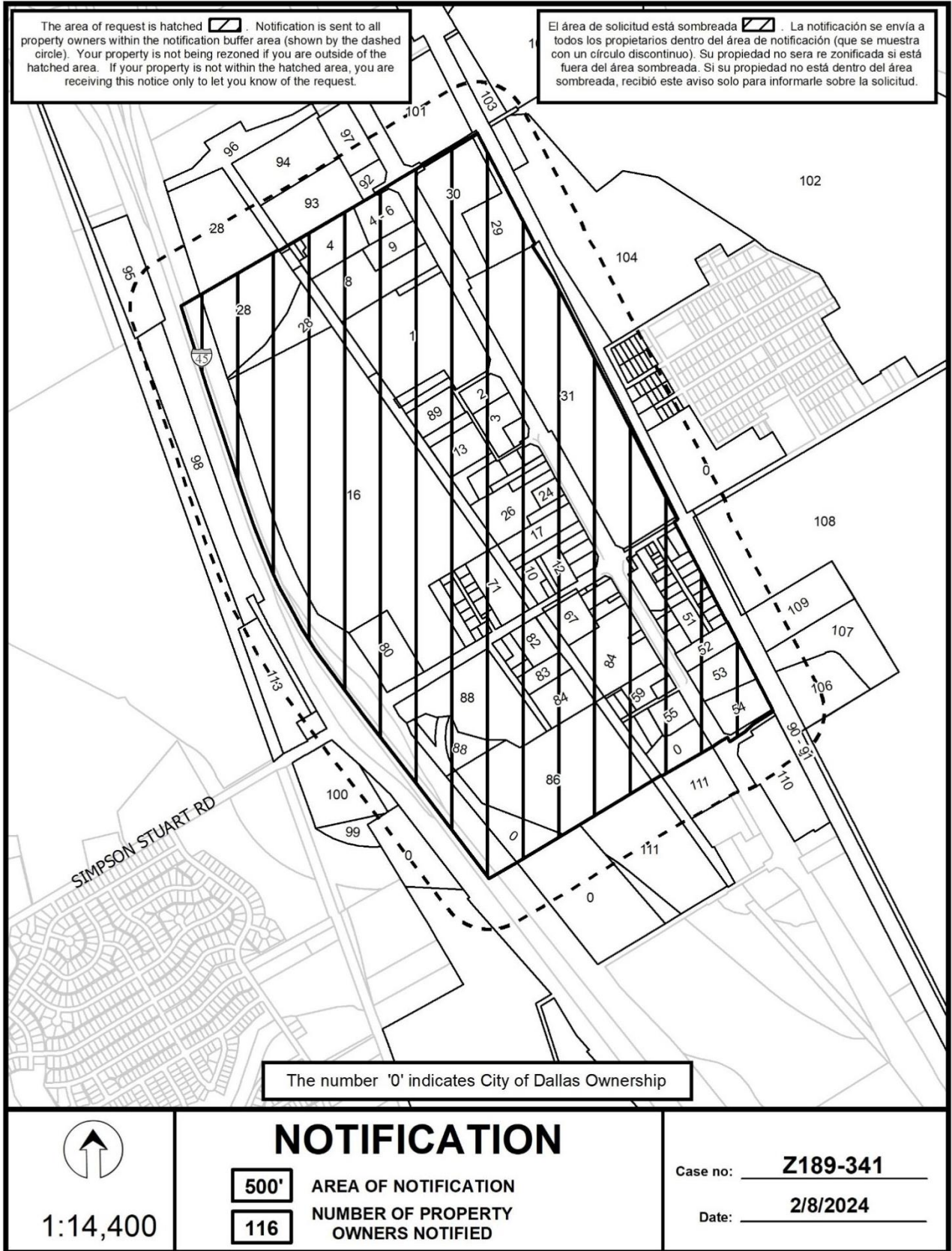


Market Value Analysis A B C D E F G H I NA

1:14,400

# Market Value Analysis

Printed Date: 1/18/2024





02/08/2024

**Notification List of Property Owners****Z189-341****116 Property Owners Notified**

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
1	9035 S CENTRAL EXPY	ATOMIC AUTO CRUSHERS &
2	9021 S CENTRAL EXPY	JEFFERSON JOHNNIE ESTATE OF
3	9049 S CENTRAL EXPY	HATLEY JAMES JR
4	8815 S CENTRAL EXPY	W W ROWLAND INVESTMENT CO
5	8815 S CENTRAL EXPY	MR. ROWLAND
6	8815 S CENTRAL EXPY	EMPIRE TRUCK LINES
7	9049 S CENTRAL EXPY	HATLEY JAMES JR &
8	8835 S CENTRAL EXPY	ATOMIC AUTO CRUSHER
9	8825 S CENTRAL EXPY	GUMPERT BILL W
10	4917 SIMPSON STUART RD	FUSION RECYCLING LLC
11	4919 SIMPSON STUART RD	SANCHEZ JESUS MANUEL FLORES &
12	4927 SIMPSON STUART RD	BANKS WILFRED JR
13	9041 BIRD LN	FLEMING CHARLES &
14	9041 BIRD LN	BERAKI ESTEFANOS
15	9071 BIRD LN	ESTRADA FRANCISCO
16	9061 BIRD LN	NORTH TEXAS NATURAL SELECT MATERIALS LLC
17	9235 S CENTRAL EXPY	SOUTHWEST PERENNIALS INC
18	8967 BIRD LN	SANCHEZ HIRAM DAVID ROJAS &
19	8973 BIRD LN	ROJAS IRAM D & SANJUANA L RODRIGUEZ
20	4923 SIMPSON STUART RD	PEREZ TERESA
21	9255 S CENTRAL EXPY	SHANAN CALVIN H
22	9245 S CENTRAL EXPY	SHAHAN CALVIN H
23	9001 BIRD LN	ROSALES JUVENTINO DBA
24	9165 S CENTRAL EXPY	BRITAN LLC
25	9131 S CENTRAL EXPY	DALLAS ROCKY TOP ENTP INC
26	9157 S CENTRAL EXPY	GUERRERO DAVID &

Z189-341(OTH)

02/08/2024

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4400 RIVER OAKS RD	ONCOR ELECRTCIC DELIVERY COMPANY
28	8500 S JULIUS SCHEPPS FWY AMZA	JULIUS SCHEPPS LLC
29	8800 S CENTRAL EXPY	OCCIDENTAL CHEMICAL CORP
30	8800 S CENTRAL EXPY	ROSS CAPITAL VENTURES LLC
31	9000 S CENTRAL EXPY	UTSI FINANCE INC
32	8900 S CENTRAL EXPY	SOUTHERN PACIFIC TRANS CO
33	5026 SIMPSON STUART RD	AVILA MARTIN RAMIRO
34	9319 BERMUDA RD	ACEITUNOFUENTES OMAR &
35	9313 BERMUDA RD	MELENDEZ SONIA MARILU GARCIA
36	5038 SIMPSON STUART RD	VALDEZ JOSE H & MARIA DELCARMEN
37	5018 SIMPSON STUART RD	VALDEZ JOSE H &
38	5044 SIMPSON STUART RD	JLH REMOVAL LLC
39	9324 BERMUDA RD	SAMPAYO ANASTACIO &
40	9332 BERMUDA RD	CAR REY INC
41	9340 BERMUDA RD	VINIEGRA HELIODORO &
42	9350 BERMUDA RD	RICO ELIGIO ORTIZ &
43	9414 BERMUDA RD	ANDRADE LEONARDO
44	9430 BERMUDA RD	RODEA CAMILO
45	9343 BERMUDA RD	VINIEGRA GENARO
46	9331 BERMUDA RD	HERNANDEZ JACOBO &
47	9325 BERMUDA RD	COULSTON MARY LOU LF EST
48	5012 SIMPSON STUART RD	LOPEZ MARGARITO HERNANDEZ
49	9352 S CENTRAL EXPY	MUHAMED MULAT AHMED
50	9404 S CENTRAL EXPY	YOUNT ROBERT G & TAMRIA L
51	9404 S CENTRAL EXPY	GAYTAN PROPERTIES LTD
52	9440 S CENTRAL EXPY	METROPOLITAN SERVICES LLC
53	9506 S CENTRAL EXPY	ROSBERG JERRY PROPERTIES LLC
54	9550 S CENTRAL EXPY	ALVARADO DOUGLAS &
55	9505 S CENTRAL EXPY	ALMIRA INDUSTRIAL & TRADING CORP
56	4908 CHOATE ST	MARTINEZ ELIZABETH
57	4920 CHOATE ST	JACKSON MARSHA L

Z189-341(OTH)

02/08/2024

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	9449 S CENTRAL EXPY	ROSENZWEIG XYLIA
59	9433 S CENTRAL EXPY	YANEZ FRANCISCO JAVIER JR &
60	4907 CHOATE ST	MARTINEZ ELIZABETH &
61	9405 S CENTRAL EXPY	RUIBAL FARMS LP
62	4915 CHOATE ST	MARTINEZ ELIZABETH &
63	9323 S CENTRAL EXPY	HUFFHINES PROPANE LLC
64	9315 S CENTRAL EXPY	US REALTY HOLDINGS LTD
65	9305 S CENTRAL EXPY	TURNER TOMMY
66	4940 SIMPSON STUART RD	TURNER TOMMY
67	4814 SIMPSON STUART RD	LISTOCON GROUP INC
68	5440 RHODES LN	JO J HOMES INVESTMENTS CO
69	5426 RHODES LN	OSORIA JUAN
70	4803 SIMPSON STUART RD	SANCHEZ CARLOS
71	4811 SIMPSON STUART RD	MAK TOWING SERVICES CORP
72	5404 RHODES LN	STILWELL JEFFERSON M
73	5436 RHODES LN	MESHACK RAOUL T ET AL
74	5420 RHODES LN	LOPEZ JESUS
75	5437 RHODES LN	SMITH JACKIE L
76	4753 SIMPSON STUART RD	KEE JERAMIE
77	5439 RHODES LN	LISTOCON INC
78	5431 RHODES LN	QUEST IRA INC
79	4737 SIMPSON STUART RD	JERAMIE KEE
80	4621 SIMPSON STUART RD	SINGH SAJVIR & JAGWINDER &
81	4806 SIMPSON STUART RD	ALIANO EDDIE &
82	4870 SIMPSON STUART RD	EISENBERG JAY & ALAN
83	5612 ZONIE RD	ESTRADA CONCRETE CO LLC
84	5712 ZONIE RD	RUIBAL FARMS LP
85	4816 SIMPSON STUART RD	PHILLPOTT J R EST OF
86	5700 ZONIE RD	CARRANZA JUAN
87	9351 JULIUS SCHEPPS FWY	BEAUDRY G WARD TRUSTEE
88	9350 JULIUS SCHEPPS FWY	BRYANT JUDY GRACE & ETAL

Z189-341(OTH)

02/08/2024

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	9009 BIRD LN	ROSALES JUVENTINO DBA
90	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO
91	9999 NO NAME ST	UNION PACIFIC RR CO
92	8763 S CENTRAL EXPY	C A & R MANAGEMENT COMPANY
93	4400 RIVER OAKS RD	BARBER DANA GUMPERT &
94	8711 S CENTRAL EXPY	REYES FAUSTINO
95	8601 S JULIUS SCHEPPS FWY	ACKELS HENRY J
96	8689 S CENTRAL EXPY	ONCOR ELECRTIC DELIVERY COMPANY
97	8733 S CENTRAL EXPY	C A & R MANAGEMENT CO
98	8901 S JULIUS SCHEPPS FWY	ACKELS HENRY J
99	4400 SIMPSON STUART RD	TEXAS CENTRAL RAILROAD &
100	4400 SIMPSON STUART RD	HAMDAN AMER
101	8770 S CENTRAL EXPY	PALLET ADVISOR HOLDINGS LLC
102	4911 RIVER OAKS RD	County of Dallas
103	4911 RIVER OAKS RD	VILLAGRAN FILEMON
104	4930 RIVER OAKS RD	OLDCASTLE LAWN & GARDEN INC
105	4912 RIVER OAKS RD	MITCHELL RALPH POSEY
106	5543 MCCOMMAS BLUFF RDCASA	FLORA INC
107	5453 MCCOMMAS BLUFF RD	ENVIRONMENTAL INVESTMENTS
108	5200 SIMPSON STUART RD	FCC S A
109	5555 MCCOMMAS BLUFF RD	BARAHONA JOSE
110	9500 S CENTRAL EXPY	Taxpayer at
111	9601 S CENTRAL EXPY	BROWN FAMILY LEWISVILLE RR FAMILY 1ST LP
112	4605 SIMPSON STUART RD	ACKELS HENRY J
113	4405 SIMPSON STUART RD	ACKELS HENRY J
114	9601 JULIUS SCHEPPS FWY	GARDNER FREDDIE D &
115	9300 JULIUS SCHEPPS FWY	ISAMINGER JACK S JR TR
116	2300 AL LIPSCOMB WAY	BNSF RAILWAY