

6-14-11

ORDINANCE NO. 28254

An ordinance amending Ordinance No. 26254, passed by the Dallas City Council on February 8, 2006, as amended by Ordinance No. 26716, passed by the Dallas City Council on April 11, 2007 and Ordinance No. 27590, passed by the Dallas City Council on June 24, 2009, which amended the zoning ordinances of the City of Dallas, and granted Specific Use Permit No. 1609 for a potentially incompatible industrial (outside) use limited to concrete and asphalt crushing; amending the conditions in Section 2 of that ordinance; providing a revised site plan; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to Specific Use Permit No. 1609; and

WHEREAS, the city council finds that it is in the public interest to amend Specific Use Permit No. 1609; Now, Therefore,

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

SECTION 1. That the conditions in Section 2 of Ordinance No. 26254, as amended, are amended to read as follows:

- “1. USE: The only use authorized by this specific use permit is a potentially incompatible industrial (outside) use, limited to concrete and asphalt crushing.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit automatically terminates [expires] on June 22, 2012. [24, 2011, but is eligible for automatic renewal for one additional one-year period, pursuant to Section 51A.4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)]
4. BOND: The following conditions are based on the terms of the settlement agreement entered in *City of Dallas v. Weir Brothers*, Cause No. 05-06517-J:
 - (a) By June 24, 2011 [2009], the operator, Weir Brothers, must give the City of Dallas an executed performance bond or irrevocable letter of credit for \$200,000 in a form acceptable to the City of Dallas.
 - (b) The performance bond or irrevocable letter of credit must list the operator as the principal, be payable to the City of Dallas, and allow the City of Dallas to draw against it to recover any court costs, fines, or penalties assessed by the court against the operator.
 - (c) The performance bond or irrevocable letter of credit must remain in effect for at least six months after this specific use permit expires.
5. FENCING: The Property must be fenced and gated along Spangler Road as shown on the attached site plan.
6. GROUND AND DUST CONTROL: The Property, including any stockpiles, must be sprinkled with water or chemicals as necessary to achieve maximum control of dust emissions.
7. INGRESS/EGRESS: Ingress and egress may only be provided in the one location shown on the attached site plan.
8. MATERIALS: [The following conditions are based on the terms of the settlement agreement entered in *City of Dallas v. Weir Brothers*, Cause No. 05-06517-J:]
 - (a) The maximum total amount of raw fill material, uncrushed and crushed concrete, or asphalt permitted on the Property at any one time is 150,000 tons.

- (b) New fill material, concrete, or asphalt may not be brought onto on the Property after March 22, 2012 [~~24, 2011~~].
 - (c) Concrete and asphalt crushing must cease by April 22, 2012 [~~24, 2011~~].
 - (d) All crushing equipment must be removed from the Property by May 22, 2012 [~~24, 2011~~].
 - (e) All equipment, fill material, asphalt, and concrete must be removed from the Property by June 22, 2012 [~~24, 2011~~].
9. OFF-STREET PARKING: All parking and vehicle maneuvering areas must comply with the conditions of the variance granted by the Board of Adjustment in Case No. BDA 056-061 on January 17, 2006 [~~Division 51A-4.300, "Off Street Parking and Loading Regulations," of the Dallas City Code, as amended~~].
10. ROAD REPAIR: The operator, or its successors or assigns, is responsible for repairing holes or other surface damages on Spangler Road caused by operation of the concrete crushing facility. The road repairs must conform to City of Dallas standards as approved by the director of public works and transportation.
11. STOCKPILE HEIGHT: The maximum stockpile stacking height is 60 feet.
12. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
13. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas."

SECTION 2. That the site plan attached to Ordinance No. 27590 is replaced by the site plan attached to this ordinance.

SECTION 3. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 4. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

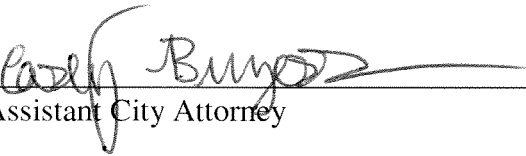
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SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

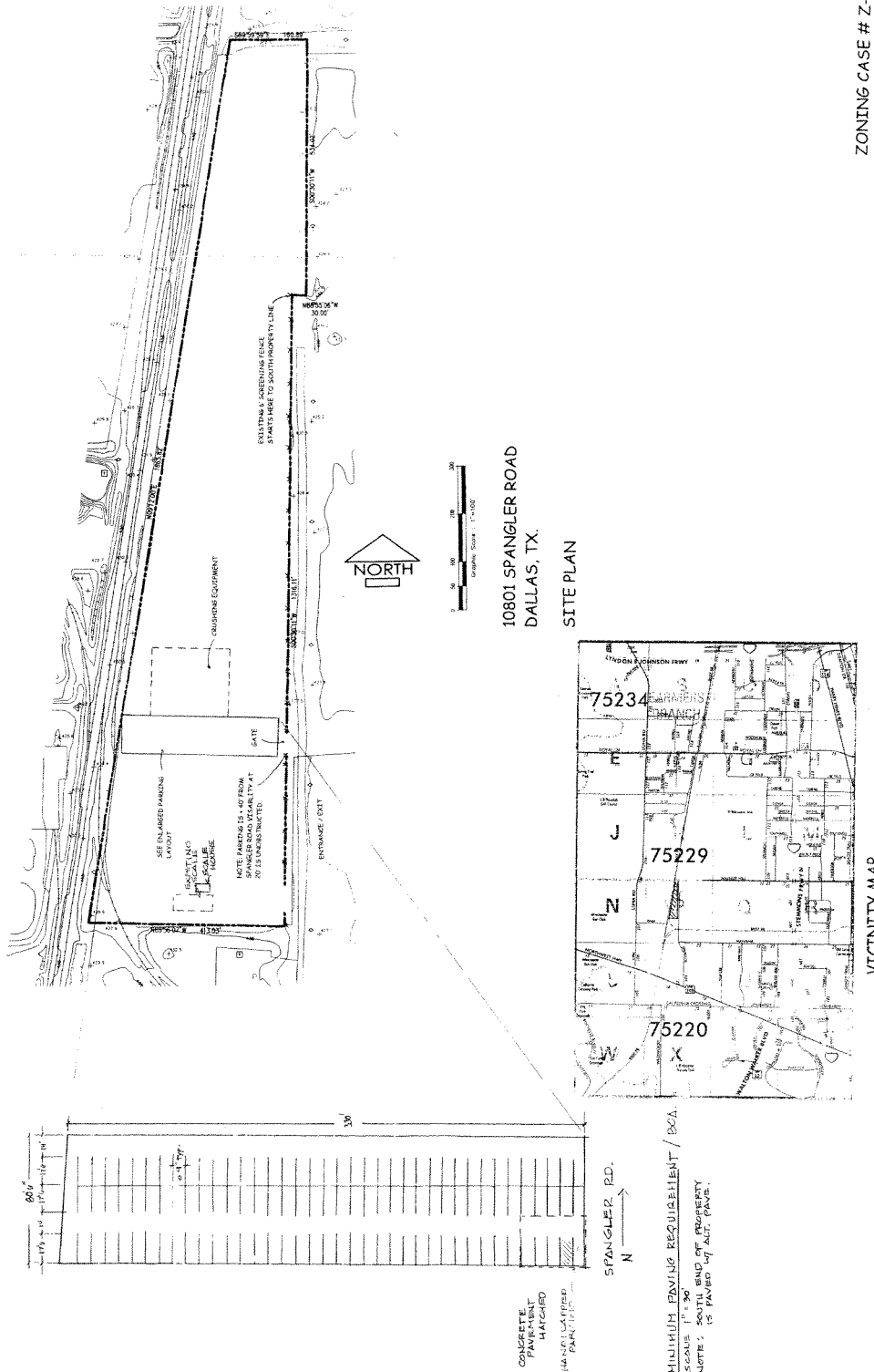
THOMAS P. PERKINS, JR., City Attorney

By 
Assistant City Attorney

Passed JUN 22 2011

28254

ZONING CASE # Z-101-183(OTH)



Specific Use Permit
No. 1609

Approved
City Plan Commission
May 19, 2011

28254

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CS

SUP
Z056-300

IR

RYAN RD

IM

Z056-308

SUP
M653

SUP
1446

SPANGLER RD



1:4,800

ZONING AND LAND USE

Map no: **F-4**

Case no: **Z101-183**

DATE: May 02, 2011

NOTICE



THIS FILE INCLUDES ONE OR MORE 35MM APERTURE CARDS