

## **Community Report on GAF PD Application**

October 2022

### **Recommendation:**

Recommendation for this application is denial on the following basis:

- Application is based on an incorrect land use designation in its Certificate of Occupancy. The property has a CO for “Industrial (Inside)”, when it should be “Asphalt Batching and Asphalt Shingle Manufacturing and Production”
- Does not align with the forward Dallas Comprehensive Land Use Plan
- Does not align with the Trinity River Corridor Plan
- Does not align with the Comprehensive Environment and Climate Action Plan
- Does not align with the Economic Development Policy
- Does not align with the Comprehensive Housing Policy
- Does not align with the Racial Equity Plan
- Does not align with City Code regarding “eliminating” non-conforming land uses.

### **Background Information:**

- The request site is currently occupied by a non-conforming asphalt shingle factory that produces and manufactures raw asphalt materials for shingles. The site is currently zoned IR Industrial Research and has been non-conforming since 1987.
- The applicant is not intending to develop the site after the zoning change. The applicant is seeking to change the zoning to PD with MU-3 Mixed Use Zoning District base and “sunset” the industrial (Inside) non-conforming use by December 31, 2029. However, because the existing use is non-conforming industrial, this sunset provision does not affect the non-conforming use status and continuation of industry as such.
- This zoning change request is due to the adjacent community’s advocacy efforts to remove the non-conforming use via amortization because of the adverse impact caused by the continued operation of the factory. The factory is the largest source of air pollution in West Dallas and has continued to cause nuisance conditions for the residents, negatively impacting their health, safety and general welfare.
- There is no certainty regarding the future development of the site, as the applicant has not indicated whether they plan to deed the land to the City of Dallas, a non profit or sell the land at market value to future rezoning and redevelopment.
- The continued operation of the factory presents a clear danger to the health and safety of the community. The applicant is requesting an additional 7 years to continue industrial operations at the site, and does not have an articulated plan for the redevelopment of the site, or any legally binding enforcement mechanisms for the community to ensure closure after 7 years.
- The neighborhood where this site is located produced a neighborhood-led land use plan, the Singleton Corridor Neighborhood-Led Plan, in 2021. The plan articulates the vision for the future land use of the site and goals for the community. The continued operation of the factory does not align with the goals of the neighborhood.

**Zoning History:**

There have not been any zoning case requested in the area since the site was rezoned in 1987 by the City of Dallas, making the site a non-conforming land use. However, there have been multiple requests by the community for the City to initiate the Authorized Hearing process for their community to correct the status of their homes as non-conforming industrial to residential zoning.

**Thoroughfares/Streets:**

Singleton Boulevard

**Comprehensive Plan:**

The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The ForwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. **The request is not consistent with the Plan recommendations.**

**LAND USE ELEMENT**

**Policy 1.1.1 DOES NOT Implement the Trinity River Corridor Plan.**

1.1.1.1 Develop a phased strategy to implement the recommendations in the Trinity River Corridor Comprehensive Land Use Plan. Prioritize implementation areas to leverage and maximize public investment.

1.1.1.3 Develop tools to address land use and design issues in order to maximize and safeguard the public investment in and assets of the Trinity River Corridor

**Policy 1.1.2 DOES NOT Focus on Southern Sector development opportunities.**

1.1.2.6 Partner with community development organizations and other similar groups to ensure that current residents will not be displaced as prosperity increases land values and spurs redevelopment.

**Policy 1.1.5 DOES NOT Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.**

1.1.5.1 Recognize adopted area/neighborhood plans in guiding development and zoning decisions.

1.1.5.3 Encourage neighborhood-serving office, retail, or other non-residential uses to be located in residential community areas, primarily on significant roadways or at key intersections.

1.1.5.4 Provide appropriate transitions between non-residential uses and neighborhoods to protect stability and quality of life.

1.1.5.5 Continue to facilitate neighborhood initiatives to stabilize and revitalize residential areas using historic districts, conservation districts and neighborhood overlays.

1.1.5.7 Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries and schools. Encourage the development of these facilities in priority Area Plans.

**GOAL 1.2 DOES NOT Promote desired development**

**Policy 1.2.2. DOES NOT Establish clear and objective standards for land use planning**

1.2.2.2 **DOES NOT** incorporate findings that demonstrate consistency with the Policy Plan's goals and policies into land use planning decisions. Findings should guide private development toward zoning that:

- Maintains a healthy balance of jobs and households;
- Protects and stabilizes existing neighborhoods;
- Establishes healthy neighborhoods;
- Emphasizes mixed-use development, especially around transit stations;
- Maintains an adequate transportation and circulation system;
- Provides land use consistent with the established growth targets;
- Protects existing industrial and employment centers;
- Promotes appropriate growth in the Trinity River Corridor and protects the public investment there; and
- Enables development consistent with Vision Building Blocks.

**GOAL 1.3 DOES NOT Provide equitable opportunities for Dallas residents Policy**

**1.3.1 DOES NOT Create housing opportunities throughout Dallas**

1.3.1.1 **DOES NOT** Encourage creation of diverse housing types by establishing ways to foster such development and find ways to foster homeownership.

**Policy 1.4.3 DOES NOT Embrace environmental sustainability.**

1.4.3.1 Establish areas of conservation and establish criteria for evaluating those areas, which should include floodplains, wetlands, stream corridors, steep slopes and the escarpment.

**GOAL 1.5 DOES NOT Develop and maintain a monitoring program Policy**

**1.5.1 DOES NOT Monitor key benchmarks based on the Core Values and Guiding Principles. These benchmarks will be the basis for judging success of planning efforts.**

1.5.1.1 **DOES NOT** Maintain a way to periodically gauge the success of the Policy Plan. The system should track changes in land use, specifically jobs, housing, and levels of investment at a small geographic scale, and the city's zoning capacity— how much growth can be accommodated in the future.

**Trinity River Corridor Plan:**

The Trinity River Corridor Plan was adopted by City Council in 2005 and is included in the forward Dallas! Comprehensive Land Use Plan. The vision for the Trinity River Corridor found in this plan offers an exciting image of neighborhoods, open spaces and business areas that appeal to people who live in Dallas now and who will choose to live here in the future.

Study Area 18: Westmoreland Heights/Lake West within the Trinity River Corridor Plan includes the area where the applicant is located. It is one of the largest areas in the study and includes approximately 1,500 acres of land. **The applicant's request is not consistent with the Plan recommendations.**

- The Land Use Opportunity Plan for this area retains the existing single family neighborhoods by designating them for Residential – Neighborhood Infill use.
- The areas controlled by DHA reflect the Residential – Planned Village and Residential – Multi-Family character of the Lake West community.
- Retail – Community uses along Singleton Boulevard should provide desired shopping and services for area residents.
- If a new DART line is located here, the area at Manila would develop with a mix of more intense residential and commercial uses; without a DART Station, the plan designates particular areas for Residential – Multi-Family and Retail – Commercial uses.
- New and revitalized commercial uses are also appropriate along Westmoreland Road.
- **The continued operation of the non-conforming industrial use is not consistent with the adopted land use policy for this area.**

**Comprehensive Climate and Environmental Action Plan (CECAP):**

The city of Dallas recently developed their first ever climate change adaptation plan, the Comprehensive Environmental and Climate Action Plan (CECAP), which was adopted on April 22, 2020. CECAP is a plan to guide future city decision making and goal setting that was developed in partnership with city leaders, businesses, environmental advocates, and public health sectors to address a variety of climate related concerns. **This application is not consistent with the Plan.**

- In CECAP, the city pledges action to prevent exposure to contaminated communities as a climate adaptation, since heat and hazardous weather events related to climate change will only heighten these effects.
- Under the Air Quality rubric, CECAP identified action types to address concerns of air quality, including ensuring that new industries are an appropriate distance away from neighborhoods.

**Comprehensive Housing Policy:**

The City of Dallas adopted a Comprehensive Housing Policy in 2018 with three main goals:

1. To create and maintain available and affordable housing throughout Dallas,
2. Promote greater fair housing choices, and
3. Overcome patterns of segregation and concentrations of poverty through incentives and requirements.

**This application is not consistent with the Policy.**

- The section the applicant is included in is defined in the policy as a “Stabilization Area”. This means it is a market that is “at risk of displacement based on known market conditions including upcoming redevelopment projects. These areas are also where Incentive Zoning and Accessory Dwelling Units should be focused to allow for increased density.”
- West Dallas is also identified as an area with concentrations of poverty and racial segregation. Protections to maintain affordability and prevent displacement need to be in place to align with the goals of the policy and the applicant is not ensuring this.

**Economic Development Policy:**

The City of Dallas adopted an Economic Development Policy in 2021 that outlines several goals and strategies to address economic equity in Southern Dallas. **The application is not consistent with this policy.**

- Specifically, one of the stated goals of the policy is to “proactively correct for the past impacts of public and private sector policies and activities on Southern Dallas communities in how it allocates and deploys resources and measures success.” One of the policies to attain that goal is to “Identify & remove all discriminatory zoning and land use policies which historically limited economic mobility and economic growth in Dallas”, with the primary vehicle for implementation being via Comprehensive Plan update.
- Another goal of the Economic Development Policy for Dallas is to “invest in physical and programmatic infrastructure of its communities to create inclusive, safe, and dynamic neighborhoods.” As part of this goal, the specific policy is to “protect neighborhoods from pollution through environmental remediation and zoning and permitting reconsideration”, and specifically for the Planning and Urban Design Department to “reconsider zoning and permitting regulations to limit industrial uses in high-need neighborhoods.” This goal and policy align with the residents’ desires to address heavy industrial zoning mismatches in their community.

**Racial Equity Plan:**

The Racial Equity Plan was adopted by the City Council in August 2022. **This application is not consistent with the goals of the racial equity plan.**

**Action Target 2.3:** Improve air and water quality in historically disadvantaged communities to promote equitable environmental and public health outcomes using data to assess trends and areas of concern (e.g., nature-based solutions, neighborhood air quality monitoring program by deploying non-regulatory air monitors in historically disadvantaged communities)

**Action Target 2.15:** Develop and implement an Environmental Equity checklist for use on City projects to prevent inappropriate batch plan locations in or near critical receptors, particularly on City-construction efforts.

**Action Target 3.2:** Deploy anti displacement strategies in transitioning (e.g. gentrification) to address long standing inequities by ensuring zoning is inclusive of historically disadvantaged communities to encourage sustainability and thriving opportunities.

**Surrounding Land Uses:**

<b>North</b>	Fishtrap Lake Park, Dallas Housing Authority Kingbridge Crossing Apartments, Community commercial “Lake West Plaza”, Church
<b>South</b>	Union Pacific RailRoad, Industrial Uses
<b>East</b>	Library, Community Center, Residential, Community Commercial (Barber Shops, Day Care)
<b>West</b>	Residential, School, Church

**Land Use Compatibility:**

The continued operation of the non-conforming industrial use through 2029 is not compatible with the existing land uses.