



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
October 18, 2011

Council District 8

Zoning Commission Recommendation:
Approval by a vote of 9-0

Opposition: None

Continued Yes ___ No X
Case Manager Lynn Jordan
Surplus Yes ___ No X
Council Initiated Yes ___ No X

Owner / Applicant: Cobalt Industrial REIT II/DM Properties Ltd.

Site Location: 1301 & 1401 Forum Way South Mapsco: 105Q

Proposed Use: Auto recycling facility

Request: From: "I" Light Industrial

To: "PD/K" Planned Development for all uses in "K" Heavy Industrial plus auto recycling facility, excluding the following uses: correctional facility, blood bank, tattoo parlor, wastewater (sewage) treatment facility; water supply, treatment or storage facility; sexually oriented business, stable, commercial riding, boarding or rodeo arena; mini-warehouse, assaying, chicken battery or brooder, animal by-products processing, batch plant, concrete or asphalt (permanent); brewery, distillery or winery; brick, clay, glass, shale, tile, or terra cotta products manufacture; cement products plant, cotton gin, cotton oil mill, bailing or compress; egg cracking or processing; furnace, blast, forge plant, boiler works manufacture, galvanizing, sheet or structural shapes, glue manufacture, grain elevator, magnesium casting, machining or fabricating; manufacture of acetylene or oxygen gas, alcohol computers and related electronic products, airplanes, automobiles, trucks and tractors (including assembly plants), ball or roller bearings, steel tanks, candles and celluloid, cash registers, cutlery, disinfectants, dextrin, dyestuff, electrical machinery, farm tools, type writers and vinegar; manufacture of basket material, bicycles, boots, boxes other than paper, caskets, shoes; manufacture of dyes, cores, die-casting molds; metal casting, metal foundry plant or fabrication plant, metal stamping, dyeing, shearing or punching; planing mill or woodworking shop, poultry killing or dressing, soap manufacture, soda or compound manufacture, stoneyard, building stone, cutting, sawing or storage; tar distillation/manufacturing, tobacco (chewing) manufacture or treatment; site plan included

Land Use Compatibility: Requested change is not compatible.

Comprehensive Plan Consistency: Requested change is consistent.

Background:

The applicant is requesting a zoning change from "I" Light Industrial to "PD/K" Planned Development for all uses in K plus auto recycling facility, with exclusions. Recycling, including auto recycling, is permitted

in the PD district only. The proposed operator is LKQ who has other locations in Texas including a major site in Hutchins south of Dallas, two in Houston and in New Braunfels.

LKQ's operations include receiving vehicles with the purpose of recycling all parts of the car, including removal of fluids, usable parts for resale, and recycling of metals and plastics. The parts may be shipped for sale at other locations but likely will also be sold at this location as a retail component. Most of the activity is expected to occur indoors, but since additional parts may be removed after the vehicle is placed outside, the activity would be considered a junkyard, which is only permitted in the "J" and "K" districts and by Special Exception from the Board of Adjustment.

A mobile crusher will be utilized at different locations on-site to crush the vehicles which will remain outside for later pickup. The site plan indicates a 15' front end rack which will not be permanently installed for storage of parts. This crushing activity is considered the recycling activity. An 8 ft. metal fence will be installed to screen the storage and crushing activities from public view.

Development Standards	I	Proposed PD/K
Front, Side & Rear Yard	n/a	n/a
Junkyard	Not permitted	Special Exception/10 yrs
Building Height	45 ft maximum	120 ft maximum
Screened Fencing	None required	8' metal fence with 2 strands of electric wire above
Maximum horsepower	Not to exceed 50 horsepower	No maximum

Site Information:

Owners: Cobalt Industrial REIT II
5605 MacArthur Boulevard
Irving, Texas 75038

DM Properties Ltd.
4074 W. Clarendon
Phoenix, AZ 85019

Agent: Michelle Annett
Acreage: 31.56 acres
Comprehensive Plan Sector: Sycamore

Surrounding Zoning and Land Uses:
North "I" Light Industrial / light industrial
East "I" Light Industrial / vacant
South "I" Light Industrial / gas well, industrial
West "I" Light Industrial / industrial

Recent Relevant Zoning and Platting History:

Zoning History: None

Platting History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Forum Way S.	two-way residential	none	no
Oak Grove Rd.	Major Arterial	Principle Arterial	not in this section

Considerations: The site's primary access is off of Oak Grove Road a major arterial then on Forum Way South a two-way industrial type street. The applicant indicates that no traffic will be traveling toward the east into the non industrial areas.

Site Plan Comments:

The revised site plan as submitted is in general compliance with the Zoning Ordinance regulations.

Public Notification:

The following Neighborhood Associations were notified:

Hamlet NA

Everman ISD

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zoning change to "PD/K" Planned Development for K uses plus auto recycling with exclusions. Recycling is first permitted by right only through the PD process with a site plan to address the design and development of the facility. A Special Exception would be required for the junkyard aspect of the project.

Surrounding land uses are predominantly light industrial type uses with a couple of vacant parcels. Halliburton about 650 feet to the northwest of the subject property has outside storage of oil rig equipment which can be seen from Everman Road. The property located at 8950 Forum Way a block over to the west has outside storage of large trucks and containers.

Based on surrounding land uses, the proposed zoning for this site **is not compatible** at this location.

2. Comprehensive Plan Consistency

The 2011 Comprehensive Plan designates the subject property as being in the Carter Park Industrial Growth Center. The Industrial Growth Center designation is considered an appropriate location for all commercial and industrial activity.

While the auto recycling use is more intensive and has more outdoor activity than the surrounding industrial uses, the requested zoning change **is consistent** with the following Comprehensive Plan policy:

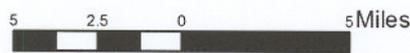
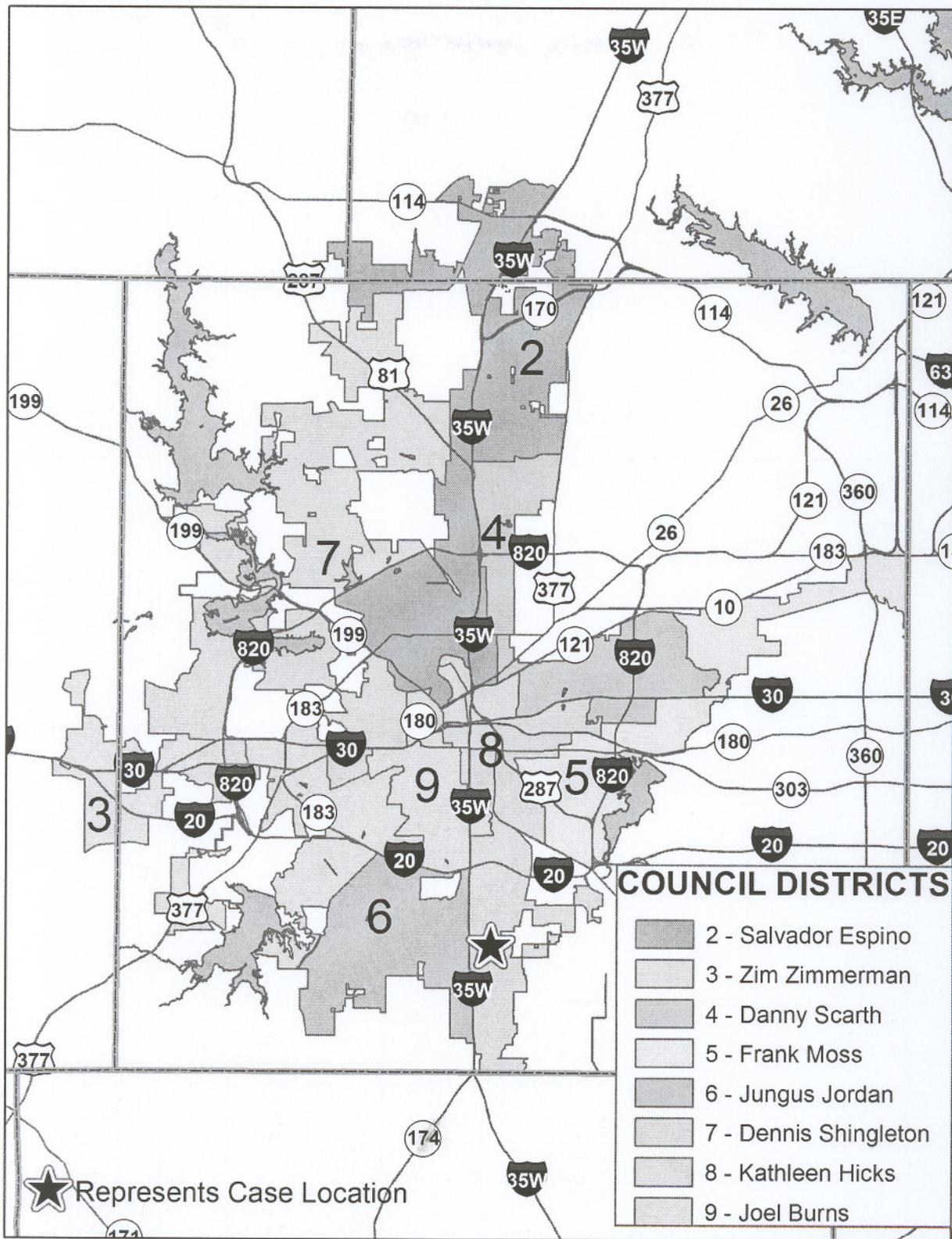
- Locate large industrial uses along rail lines, highways, or airports within industrial growth centers and other appropriate locations.

To view the Comprehensive Plan: <http://www.fortworthgov.org/planninganddevelopment/misc.aspx?id=81678>

Attachments:

- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Site Plan
- Zoning Commission minutes

Location Map





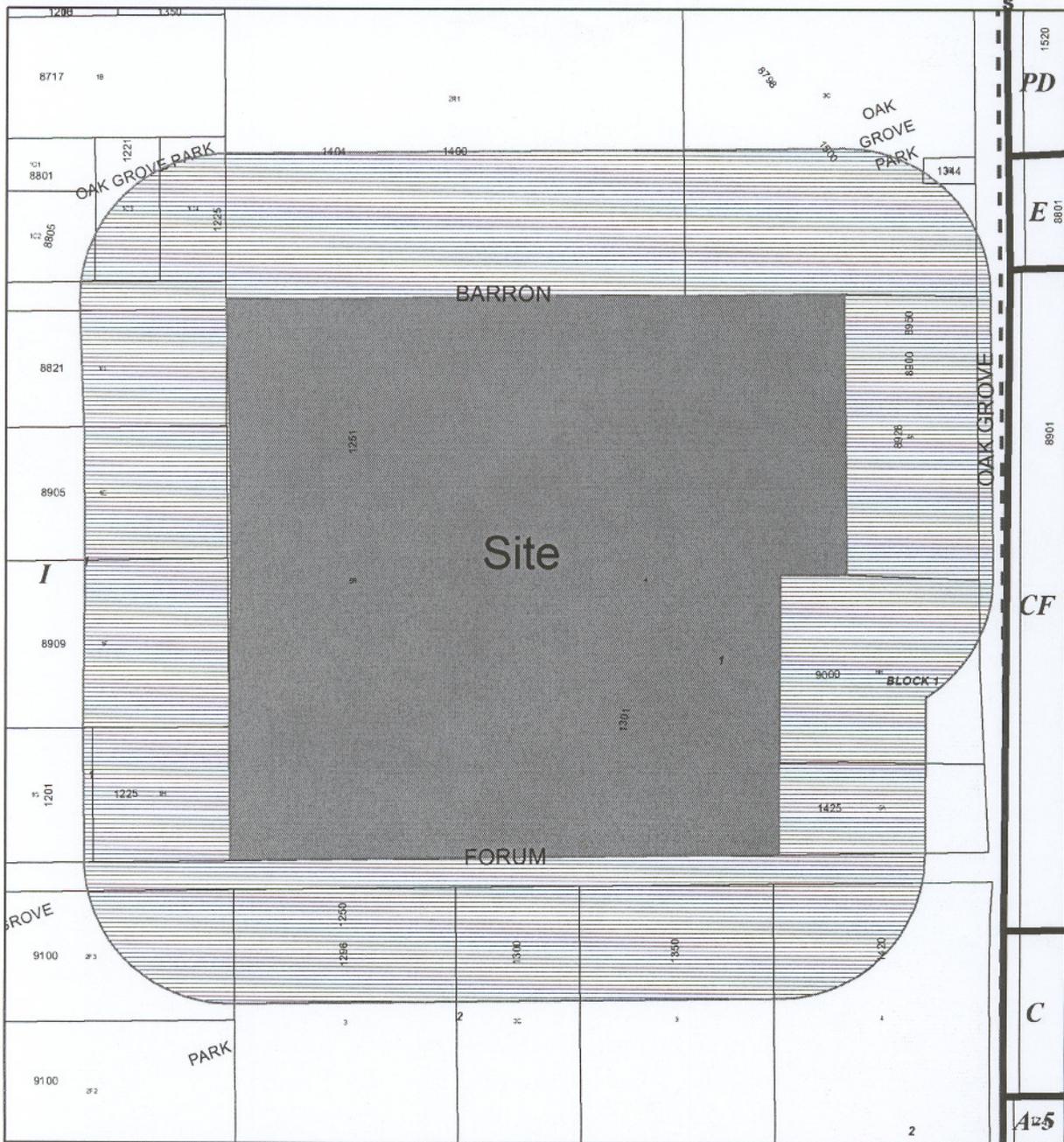
ZC-11-059

Area Zoning Map

Applicant: Cobalt Industrial REIT II
 Address: 1301 & 1401 Forum Way South
 Zoning From: I
 Zoning To: PD/K plus auto recycling, site plan included
 Acres: 31.56
 Mapsco: 105Q
 Sector/District: Sycamore Contact: 817-392-2495
 Commission Date: 09/14/2011

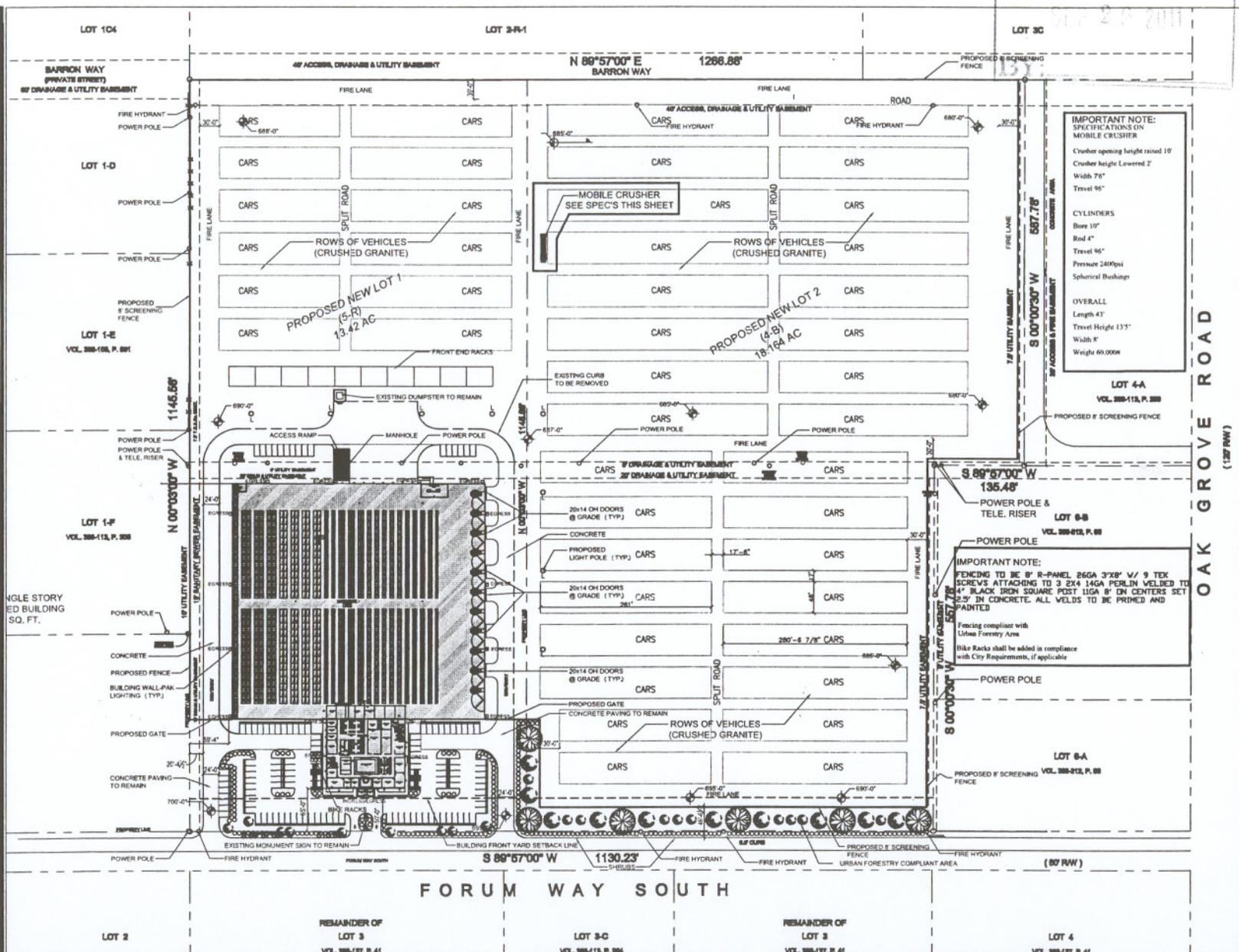


 300 Ft. Buffer



200 100 0 200 Feet

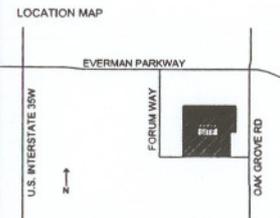
SEP 29 2011



IMPORTANT NOTE:
 SPECIFICATIONS ON
 MOBILE CRUSHER
 Crusher opening height raised 10'
 Crusher height Lowered 2'
 Width 7'0"
 Travel 90'
 CYLINDERS
 Base 10"
 Rod 4"
 Travel 90"
 Pressure 2400psi
 Spherical Bushings
 OVERALL
 Length 43'
 Travel Height 135'
 Width 8'
 Weight 60,000lb

OMNIPLAN

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 www.omniplan.com
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1301 & 1401 FORUM WAY

1301 FORUM WAY OWNER:
 COBAL INDUSTRIES REIT II
 5605 N. MCARTHUR BLVD., SUITE 350
 IRVING, TX 75038
 972.893.7000

1401 FORUM WAY OWNER:
 DM PROPERTIES LTD
 1301 FORUM WAY
 FORT WORTH, TX 76140
 817.271.5391

ENGINEER, SURVEYOR,
 PLANNER:
 GRANT ENGINEERING
 3244 HEMPHILL STREET
 FORT WORTH, TX 76110
 817.923.3131

No.	Date	Description
1	SEP 29 2011	RY.

RECEIVED
 SITE PLAN

- GENERAL NOTES:**
- 1) ALL LANDSCAPE TO COMPLY WITH CITY OF FORT WORTH ZONING ORDINANCE DEVELOPMENT STANDARDS SECTION 6.301, LANDSCAPING.
 - 2) PROPERTY OWNER AND USER SHALL COMPLY WITH CITY OF FORT WORTH ZONING ORDINANCE URBAN FORESTRY STANDARDS AND SIGN ORDINANCE - ARTICLE 4, SIGNS.
 - 3) ZONING FOR SITE:
 FROM "T" LIGHT INDUSTRIAL - TO "PDK" PLANNED DEVELOPMENT FOR ALL USES IN "K" HEAVY INDUSTRIAL PLUS AUTO RECYCLING.
 - 4) SITE LIGHTING TO COMPLY WITH CITY OF FORT WORTH ZONING ORDINANCE.
 - 5) PROPOSED SCREENING FENCE TO BE 8' MIN. AND COMPLY WITH CITY OF FORT WORTH ZONING ORDINANCE.
 - 6) ALL IMMEDIATELY ADJACENT PROPERTIES ABUTTING THE SITE ARE CURRENTLY ZONED "T" LIGHT INDUSTRIAL.

LEGAL DESCRIPTION:

LOT 5-R BLOCK 1, OAK GROVE PARK, SECOND FILING, AN ADDITION TO THE CITY OF FORT WORTH, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN CABINET A, SLIDE 8954, PLOT RECORDS, TARRANT COUNTY, TEXAS. STREET ADDRESS: 1301 FORUM WAY SOUTH, FORT WORTH, TEXAS 76140

LOT 4-B BLOCK 1, OAK GROVE PARK, SECOND FILING, AN ADDITION TO THE CITY OF FORT WORTH, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN CABINET A, SLIDE 8954, PLOT RECORDS, TARRANT COUNTY, TEXAS. STREET ADDRESS: 1401 FORUM WAY SOUTH, FORT WORTH, TEXAS 76140

NO PART OF THE SUBJECT PROPERTY LIES WITHIN THE 100-YEAR FLOOD PLAIN ACCORDING TO THE FEMA MAP WITH THE FOLLOWING DESIGNATION:
 ZONE X COMMUNITY 48056 #0535-11 EFF. DATE 08-02-95

1 SITE PLAN 1

Scale: 1:100

DIRECTOR OF PLANNING AND DEVELOPMENT

DATE

1301 & 1401 FORUM WAY

ZONING CASE #: ZC-11-059

September 26 2011

A-100

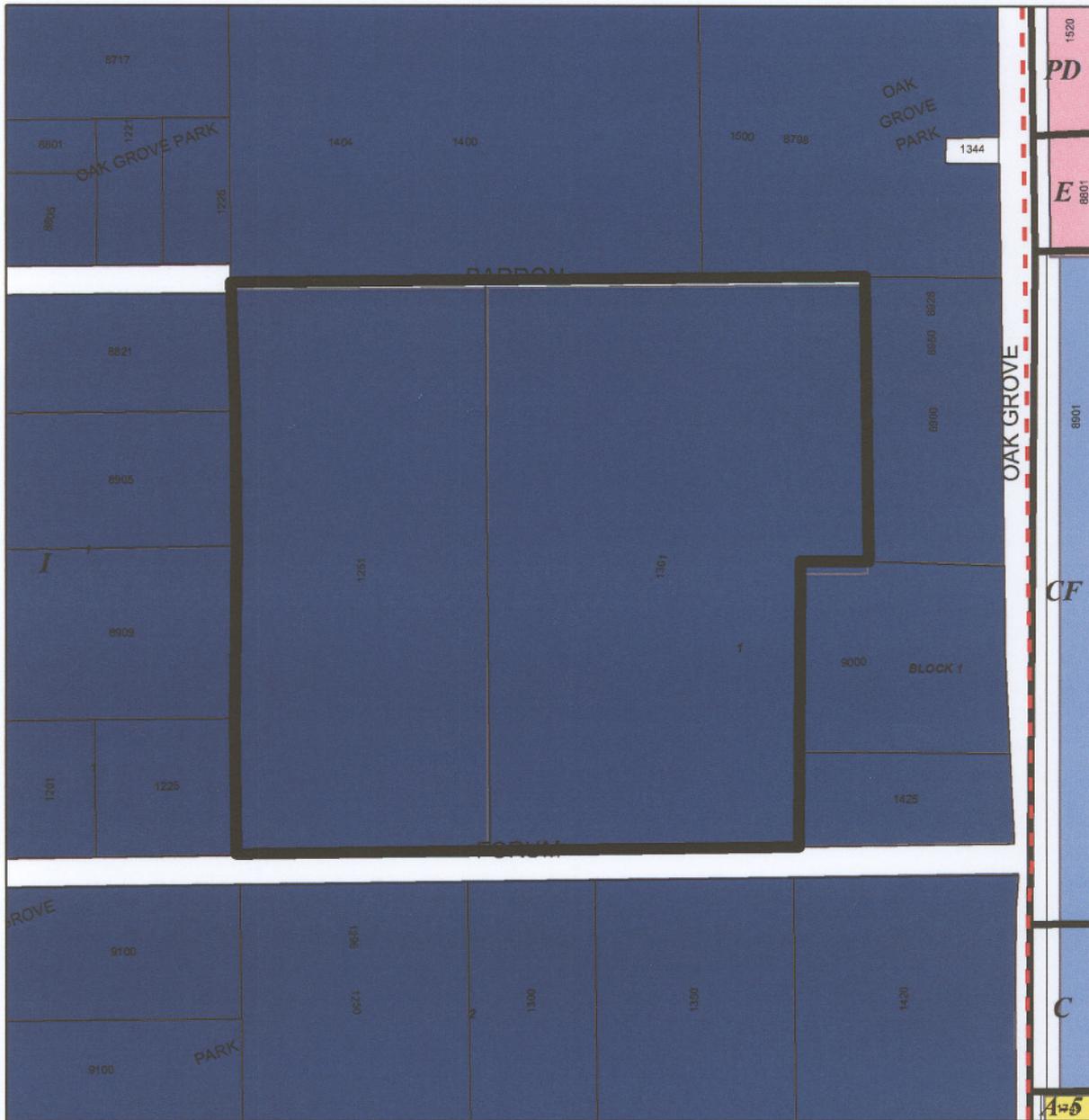
File Name: Fortworth, Tx - 1301 Forum Way Site Plan 3
 Plot Date: Monday September 26th 2011; Plotted By: Rick Wilkoffsky



1301 Forum Way South
1401

Future Land Use

ZC-11-059



- Vacant, Undeveloped, Agricultural
- Rural Residential
- Suburban Residential
- Single Family Residential
- Manufactured Housing
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Institutional

- Neighborhood Commercial
- General Commercial
- Light Industrial
- Heavy Industrial
- Mixed-Use Growth Center
- Industrial Growth Center
- Infrastructure
- Lakes and Ponds
- Public Park, Open Space
- Private Park, Open Space

- CFWGIS.SDE.TRN_RAILROADS
- CFWGIS.SDE.CAD_addresses
- Freeways/Toll Roads
- Proposed Freeway/Toll Road
- Principal Arterial
- Proposed Principal Arterial
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- Flood Plain



A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government code, Section 219.005) Land use designations were approved by City Council on March 01, 2011



Aerial Photo Map



Artemio Garcia	3108 Joyce Drive	In	Opposition		petition
Mark & Rachel Barritt	3245 Marquita Drive	In	Opposition		petition
Donald Watson	3240 Reagan	In	Opposition		Spoke at hearing/petition
Mayra San Juan	3240 Bonnie	In	Opposition		petition
Ronald Miller Jr.	3208 Bonnie Drive	In	Opposition		petition
Nancy McDowell	3237 Reagan	In	Opposition		petition
Nancy McDowell	3241 Reagan Drive	In	Opposition		petition
Ralph Trevino	3241 Ramona	In	Opposition		petition
Jose Rodriquez	3228 Ramona	In	Opposition		petition
Amos Stowe	3244 Joyce	In	Opposition		petition
Gary Allison	3129 Marquita	In	Opposition		petition
Ana Ordnez	3212 Bonnie	In	Opposition		petition
Amando Sanchez	3137 Bonnie	In	Opposition		petition
Jasso Guadalupe	3125 Bonnie	In	Opposition		petition
Alejandro Bautista	3244 Bonnie	In	Opposition		petition
Mirtala Medina	3245 Reagan	In	Opposition		petition
Nestor Ramirez	3240 Joyce	In	Opposition		petition
Valerie Taylor	3216 Marquita	In	Opposition		petition
Reba Thomas	3236 Joyce	In	Opposition		petition

Motion: Following brief discussion, Mr. Wilson recommended approval of the request, seconded by Mr. Genua. The motion carried unanimously 9-0.

3. ZC-11-059 Cobalt Industrial REIT II (CD 8)- 1301 & 1401 Forum Way South (Oak Grove Park, Block 1, Lots 4B & 5R, 31.56 Acres): from "I" Light Industrial to "PD/K" Planned Development for all uses in "K" Heavy Industrial plus auto recycling, excluding the following: correctional facility, blood bank, tattoo parlor, wastewater (sewage) treatment facility, water supply, treatment or storage facility, sexually oriented business,

stable , commercial riding, boarding or rodeo arena, mini-warehouse, assaying, chicken battery or brooder, animal by-products processing, batch plant, concrete or asphalt (permanent), brewery, distillery or winery, brick, clay, glass, shale, tile, or terra cotta products manufacture, cement products plant, cotton, gin, cotton oil mill, bailing or compress, egg cracking or processing, furnace blast, forge plant, boiler works manufacture, galvanizing, sheet or structural shapes, glue manufacture, grain elevator, magnesium casting, machining or fabricating, manufacture of acetylene or oxygen gas, alcohol computers and related electronic products, airplanes, automobiles, trucks and tractors (including assembly plants), ball or roller bearings, steel tanks, candles and celluloid, cash registers, cutlery, disinfectants, dextrin, dyestuff, electrical machinery, farm tools, type writers and vinegar, manufacture of basket material, bicycles, boots, boxes other than paper, caskets, shoes, manufacture of dyes, cores, die-casting molds, metal casting, metal foundry plant or fabricating plant, metal stamping, dying, shearing or punching, planning mill or woodworking shop, poultry killing or dressing, soap manufacture, soda or compound manufacture, stoneyard, building stone, cutting, sawing or storage, tar distillation/manufacturing, tobacco (chewing) manufacture or treatment; site plan included.

Mark Becker, 2101 Cedar Springs, Suite 900, Dallas, Texas, representing LKQ Corporation explained to the Commissioners the request to rezone to PD/K plus auto recycling. There is an existing 150,000 square foot building on the site with a lease purchase for the adjacent property for the outside auto storage. Ingress and Egress will be from South Forum Way. Mr. Becker also mentioned there will be storage racks about 14 to 16 feet tall, movable will not be seen from the ROW. They are proposing an eight foot tall solid fence with two strands of barbed wire above. Local deliveries consist of about five per day. A noise test was done on the mobile crusher located on site and was no louder than an electric drill. Mr. Becker noted this is a consolidation of two existing facilities and within a year they hope to have 10 positions available.

Mr. Wilson asked about the retail operation. Terry Neel, I-45 Hutchins, Texas responded and mentioned walk-in clients are limited, no one is allowed in the yards. It was also mentioned they deliver to businesses and have sales representatives on site. The cars typically sit in the yard no more than 200 days before being crushed. Everything is cleaned/recycled and inventoried.

Mr. Romero asked where the cars come from. Mr. Neel responded from insurance companies, tow yards, and auctions. Mr. Romero also asked if they had locations in industrial parks. He mentioned the site on the power point is south of the Bush-InterContinental Airport which is an industrial area. It was also asked if they had looked at other locations. Mr. Neel explained this was a prime location because of the existing 150,000 square foot building and the adjacent property. Mr. Becker also explained that this was a consolidation of two existing facilities and if they were going to build new they would just keep the facilities. He mentioned since the building exists, slight modifications can be made.

Mr. Genua asked where the 43 employees will be re-located from. Mr. Becker mentioned Haltom City and Kennedale. Mr. Genua also mentioned he has seen a lot of pick and pull businesses but is impressed by their proposal and supports it.

Ms. Zadeh asked about the items not being in compliance. Ms. Murphy mentioned items two and three have been addressed. Ms. Zadeh asked if they are providing an eight foot fence to indicate it on the site plan. She also asked if they could landscape above and beyond what's required.

Bryan Morland, 5605 N. MacArthur Boulevard, Irving, Texas, representing Cobalt Capital Partners mentioned the purchase agreement under contract and wanted to address the good stewardship for LKQ and being green in nature as to recycling and raising everything and raising the bar for future recyclers.

Motion: Following brief discussion, Mr. Romero recommended approval of the request, seconded by Mr. Genua. The motion carried unanimously 9-0.

IV. New Cases

4. ZC-11-067 Cassco Land Company/Edwards Geren LTD (CD 3)- 5200 Block of Arborlawn Drive and 3940 International Plaza (L. J. Edwards Survey, Abstract 464, BBB & C. R. R. Co Survey, Abstract 217, 26.82 Acres): from "A-5" One-Family & "G" Intensive Commercial to "A-5" One-Family

Barry Hudson, 550 Bailey Avenue, Suite 400, Fort Worth, Texas representing Cassco Land Company explained to the Commissioners this property is next to Chisholm Trail, the proposed 121 Tollway. They are proposing 59 single-family lots, averaging 10,000 square feet with the smaller lots to the south about 7, 133 square feet with rear access from the alley. Mr. Hudson mentioned the topography grade change from the 121 Tollway and the single-family; they would be saving a majority of the trees for buffering along that side.

Motion: Following brief discussion, Mr. Wilson recommended approval of the request, seconded by Ms. Zadeh. The motion carried unanimously 9-0.

5. ZC-11-068 Patriot Bank (CD 7)- 6000 Cromwell Marine Creek (A. S. Roberts Survey, Abstract 1262, 26.71 Acres): from "A-5" One-Family to "E" Neighborhood Commercial

Jonathan Ragsdale, 5751 Kroger Drive, Keller, Texas, representing Patriot Bank explained to the Commissioners they are requesting to rezone to E for neighborhood commercial uses.

John Moe, 6351 Twilight Circle, spoke in opposition. He mentioned they tried to change this site several years ago.

Mr. Wilson asked what type of street is Cromwell Marine Creek. Mr. Moe mentioned it is a two lane road in need of repair.

Ellen Rainville, 6355 Twilight Circle also spoke in opposition. She mentioned Cromwell Marine Creek is heavily traveled and would create more traffic if it goes to commercial.

Ms. Zadeh asked about the Comprehensive Plan and how far east does the commercial go. Mr. Ragsdale mentioned it extends a little bit further to the east. She also asked how the City of Fort