



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
February 7, 2012

Council District 2

Zoning Commission Recommendation:
Approved as Amended by a vote of 9-0 for an 8' solid concrete screening wall around 3703 N. Commerce St.

Opposition: Two spoke

Continued Yes No
Case Manager Beth Knight
Surplus Yes No
Council Initiated Yes No

Owner / Applicant: Millenium Recycling, LLP

Site Location: 3750 N. Main Street, 3713 and 3715 N. Commerce Street Mapsco: 48Y

Proposed Use: Expansion of Metal Recycling

Request: From: "K" Heavy Industrial and "PD-787" Planned Development for all uses in "K" Heavy Industrial plus metal recycling; site plan included

To: Amend "PD-787" Planned Development for all uses in "K" Heavy Industrial plus metal recycling for expansion; site plan included.

Land Use Compatibility: Requested change is compatible.

Comprehensive Plan Consistency: Requested change is consistent.

Background:

The applicant is requesting to expand existing Planned Development 787 for all uses in K plus metal recycling by adding two additional residential lots. Recycling is permitted in the PD district only. The existing site became a legal, conforming use through its PD approval in 2007, with site plan attached.

The applicant has provided modifications to the existing site that have mitigated some of the traffic backing up into the public rights-of-way for customers dropping off scrap materials. Some operational changes appear to have taken place from the initial site plan approval, such as additional outdoor storage, parking areas utilized for non-vehicular use, addition of fuel storage, and migration of the dumpsters' locations.

Site Information:

Owner: Millenium Recycling, LLP
3800 N. Commerce Street
Fort Worth, TX 76106
Agent: Jim Schell

Acreage: 3.34 acres
Comprehensive Plan Sector: Northside

Surrounding Zoning and Land Uses:

- North K / Convenience store and recycling facilities
- East K and PD 764 Planned Development / one house, metal recycling, and machine shop
- South J and K / Motel and outdoor storage
- West FR / Commercial uses and vacant land

Recent Relevant Zoning and Platting History:

Zoning History: ZC-07-026, east of site, from K to PD for K uses plus metal recycling, approved; ZC-07-103, subject site, from K to PD for K uses plus recycling, approved; and ZC-10-116, west of site, Council-initiated, from various districts to be in conformance with the Comprehensive Plan, approved.

Platting History: FS-010-008, Fostepco Heights Lot 5R, northeast of site; and FS-011-153, Fostepco Heights Addition, Block 23, Lot 1RA, subject site.

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
N. Main Street	4 lane, major arterial	Major arterial	No
NE 36 th Street	2 lane, residential street	Residential street	No
NE 37 th Street	2 lane, residential street	Residential street	No
N. Commerce Street	2 way, residential street	Residential street	No

Site Plan Comments:

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

Public Notification:

The following Neighborhood Associations were notified:

Far Greater Northside Historical
Diamond Hill-Jarvis

Near Northside Partners Council
Fort Worth ISD

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing to amend PD 787 to add two residential-sized lots currently zoned "K" Heavy Industrial. The existing Planned Development is for all uses in "K" Heavy Industrial plus metal recycling. Surrounding land uses are recycling facilities or industrial uses along N. Commerce Street, while commercial uses front N. Main Street. An existing residential dwelling remains on the southeast side of the block, surrounded by the applicant's site.

The current site plan of the property reflects the apparent operational shifting of storage areas, dumpster locations, and designated parking areas becoming container storage areas. The new tanks and canopy area would benefit from additional notes and updates to the drawing to clarify screening fencing, lighting, and driveway locations. The proposed zoning for this site is **compatible** at this location, however, these items must be addressed through the site plan amendment or adjustment of the facilities back to the approved site plan.

2. Comprehensive Plan Consistency

The 2011 Comprehensive Plan future land use map designates the subject property as Heavy Industrial. Recycling facilities are appropriate in this land use designation. The requested zoning change is **consistent** with the following Comprehensive Plan policies.

- Encourage new development adjacent to developed or platted areas to encourage existing infrastructure and services (p. 37).

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
- Minutes of the Zoning Commission meeting

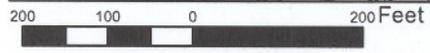
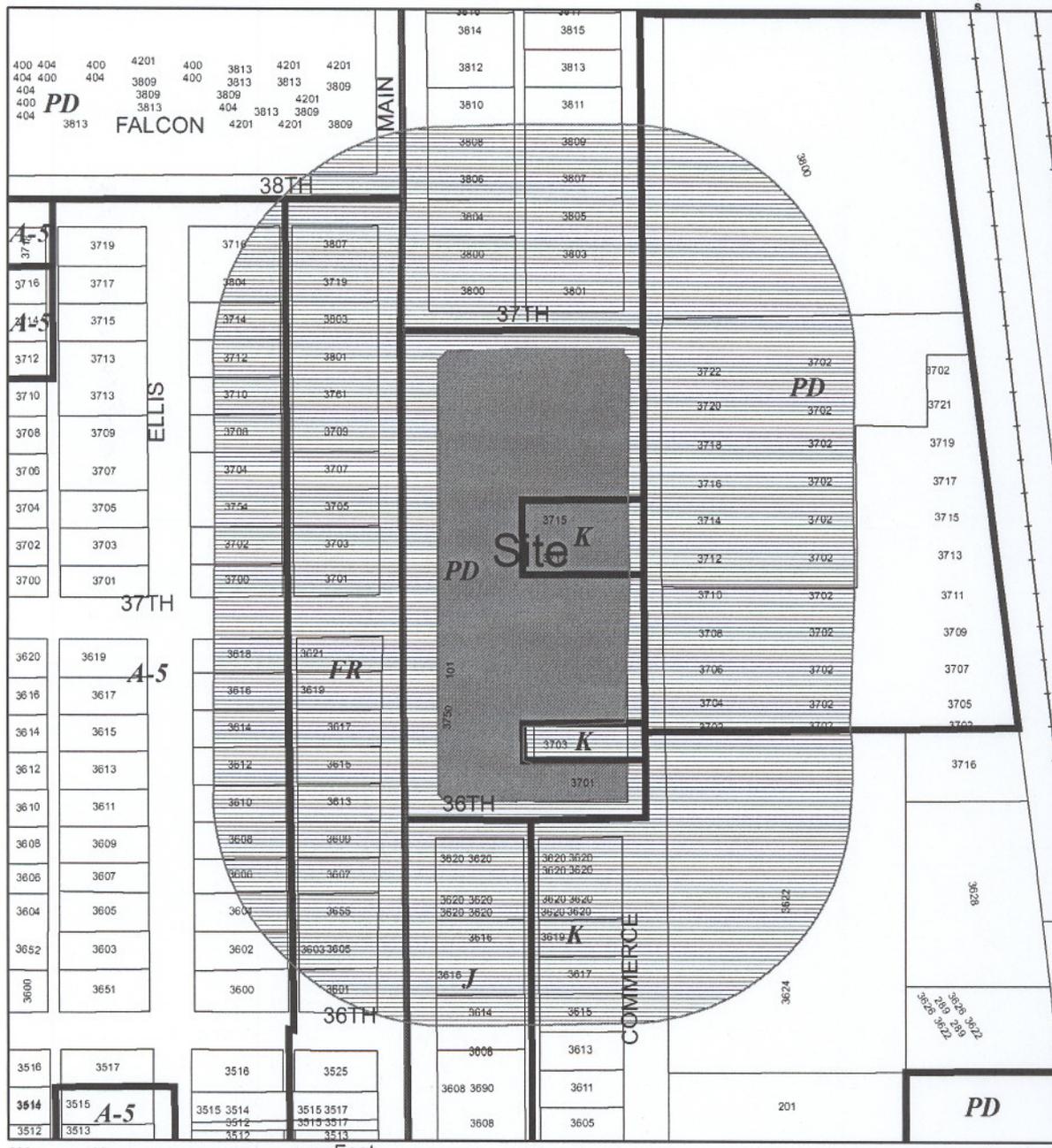


ZC-11-121

Area Zoning Map

Applicant: Millennium Recycling
 Address: 3750 N. Main Street and 3713 & 3715 N. Commerce Street
 Zoning From: K, PD 787
 Zoning To: PD 787
 Acres: 3.3389315
 Mapsco: 48Y
 Sector/District: Northside
 Commission Date: 12/14/2011
 Contact: 817-392-8190

 300 Ft. Buffer



SITE DATA

SITE ACREAGE	±3.0 AC
EXISTING ZONING	"K" & "PD"
EXISTING LAND USE	METAL RECYCLING
PROPOSED ZONING	PD5U-K
PROPOSED LAND USE	METAL RECYCLING (NO CHANGE)
PARKING REQUIRED	1 SPACE / 4 EMPLOYEES (35 EMPLOYEES/4=9 SPACES)
PARKING PROVIDED	21
HOURS OF OPERATION	8AM-5PM

LANDSCAPING DATA

	* STREET TREE	* STREET SHRUB	GROUND COVERING
NUMBER	9	19	N/A
SPECIE	CREPE MYRTLE	DWARF BURFORD HOLLY	CREeping LIRIOPE
SIZE	4 GAL	5 GAL	

BUILDING DATA

BUILDING	MAIN OFFICE	METAL EXTERIOR BUILDING
SQUARE FOOTAGE	4,300	7,525
HEIGHT	18.5'	16.75'
SOFT OFFICE	430	1,882
SOFT WAREHOUSE	3,870	
SOFT METAL CANOPY		9,000 (47' HEIGHT AT EAVESTRUT)
SOFT MACHINERY		5,643

LARGE TRUCK (SEMI TRUCK & TRAILER)

1. ENTER SITE FROM NORTH MAIN STREET
2. DRIVE ONTO SCALE AND WEIGH LOADED
3. STOP
4. BACK UP
5. BACK TO LOADING DOCK AND UNLOAD
6. PULL TO SCALE IN FRONT OF MAIN OFFICE PARK, AND COLLECT PAYMENT FOR TONNET
7. EXIT ONTO N. MAIN STREET

SMALL TRUCKS (FERROUS)

1. ENTER SITE FROM 36TH STREET
2. DRIVE DOWN ALLEY TO SCALE AND STOP
3. WEIGH LOADED
4. GET TONNET AND PULL TO STOCK PILE AND UNLOAD
5. DRIVE TO SCALE AND WEIGH EMPTY, COLLECT PAYMENT FOR TONNET
6. EXIT ONTO N. MAIN STREET

SMALL TRUCKS (NON-FERROUS)

1. ENTER SITE FROM N. MAIN AND 37TH STREET
2. STAGING AREA
3. UNLOAD, WEIGH, COLLECT PAYMENT
4. EXIT

THE SUBJECT SITE IS CURRENTLY A METAL RECYCLING FACILITY. NO CHANGES IN EXISTING SIGN, AREA, SITE LIGHTING, OR LANDSCAPING WILL BE MODIFIED AS A FUNCTION OF INTERIOR THIS SITE PLAN.

THE SUBJECT SITE IS ENTIRELY CONCRETE PAVED FOR METAL RECYCLING. NO ADDITIONAL TREES CAN BE ADDED TO THE INTERIOR OF THE SITE (DUE TO HIGH RISK OF DAMAGE). RELIEF IS REQUESTED FROM THE LANDSCAPING AND FORESTRY ORDINANCES, IN AN EFFORT TO PROVIDE TREE COVER, A MINIMUM OF 9 CREPE MYRTLES, 19 DWARF BURFORD HOLLIES, AND GROUNDCOVER WILL BE LOCATED ON THE EXTERIOR TO THE SITE ALONG MAIN STREET (TREES SHOWN ARE FOR ILLUSTRATIVE PURPOSES ONLY).

KNOX BOX SHALL BE PROVIDED ON ALL EMERGENCY ACCESS GATES INTO THE PROPERTY TO ALLOW RAPID ENTRY OF FIRE DEPARTMENT AND OTHER EMERGENCY RESPONSE PERSONNEL.

THE PROPOSED CANOPY IS OPEN ON THE SIDES. THE EQUIPMENT UNDERNEATH IS USED TO SORT FINELY SHREDDED METAL MATERIALS. NO LIQUID STORAGE IN THESE TANKS.

1. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OVER AN EXISTING WATER, SANITARY SEWER OR UTILITY EASEMENT AS PER THE WATER AND WASTE WATER INSTALLATION POLICY.
2. IMPROVEMENTS IN MAIN STREET ARE SUBJECT TO TDDOT APPROVAL.
3. PARKWAY IMPROVEMENTS SUCH AS CURB & GUTTER, PAVEMENT TIE-IN, DRIVE APPROACHES, SIDEWALKS AND DRAINAGE INLETS MAY BE REQUIRED AT THE TIME OF BUILDING PERMIT ISSUANCE VIA A PARKWAY PERMIT.
4. THE SITE WILL COMPLY WITH URBAN FORESTRY ORDINANCE.

AT THE REQUEST AND APPROVAL OF COUNCIL MEMBER ESPINO, THE WALL IS BEING PAINTED MEDIUM GRAY WITH BLACK METAL WORK ABOVE.

LEGEND

STOCKPILES/STORAGE

BUILDINGS

ZONING CLASSIFICATION

EXISTING STREET SHRUB

EXISTING STREET TREE

EXISTING SECURITY LIGHTING

EXISTING BAY DOORWAYS

EXISTING DIRECTIONAL SIGN

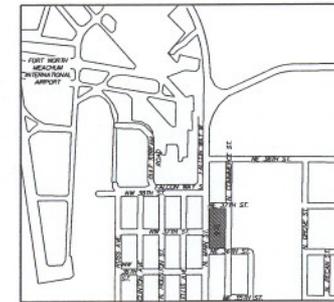
"ALL PEDESTAL TRAFFIC"

NOTES

1. LANDSCAPING ALONG N. MAIN STREET WILL BE IRRIGATED.
2. LOTS 13 & 14A BLOCK 23 POSTEPCO HEIGHTS ARE CURRENTLY OWNED BY AMERICAN RECYCLING.
3. THIS SCHEMATIC IS SHOWN FOR ZONING PURPOSES & IS NOT INTENDED FOR CONSTRUCTION.
4. PROPERTY IS PRESENTLY ZONED "PD-K" & "K".
5. ALL LIGHTING WILL COMPLY WITH CITY OF FORT WORTH LIGHTING ORDINANCES.
6. ALL LANDSCAPED AREAS WILL BE IRRIGATED.



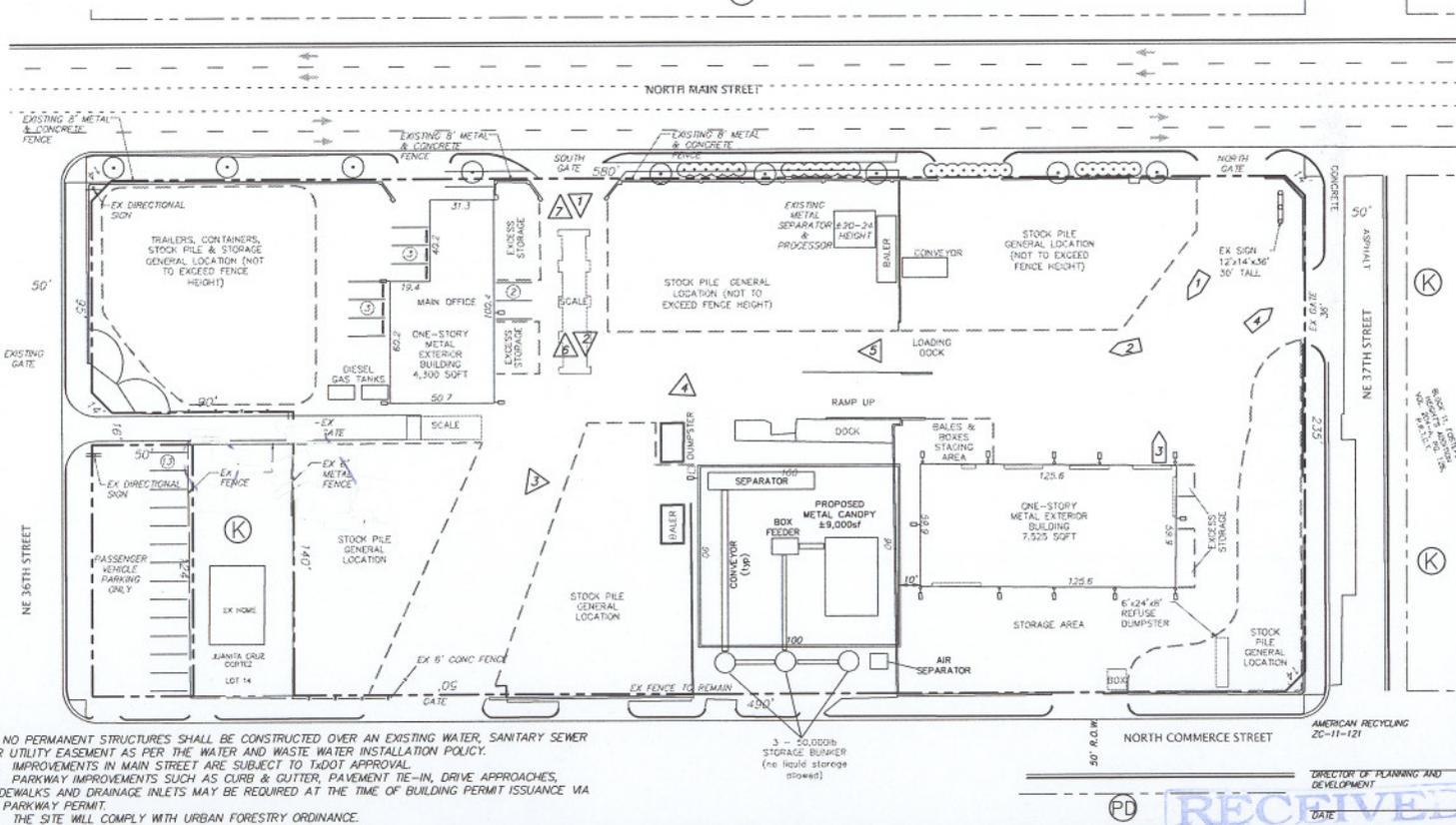
SCREENING FENCE DETAILS



NEIGHBORHOOD MAP



FR



NO.	DATE	DESCRIPTION

SITE PLAN

DUNAWAY
 400 GARDNER BLVD., SUITE 400, FORT WORTH, TEXAS 76102
 TEL: 817.741.1111 FAX: 817.741.2227
 TOLL FREE: 1-877-471-1114

AMERICAN RECYCLING
 3750 N. MAIN
 LOTS 1R, 1R, 20 & 13, BLOCK 23, Fortepoco Heights

JOB NO.	800048
DESIGNED BY	#
DRAWN BY	#
CHECKED BY	####
DATE	Nov 11, 2011
SHEET	C1 of 1

RECEIVED
 DEC 06 2011
 PV

FORT WORTH



Main Street and 3713 & 3715 N. Commerce Street

Future Land Use

ZC-11-121



- 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



(ZC-11-120 Continued)

growth center. He advised that the recycling yard would be relocated to the quarry site along with Commercial Metals and added that he felt the quarry site was a better location for this use rather than along North Main Street.

Motion: Council Member Espino made a motion, seconded by Council Member Shingleton that Zoning Docket No. ZC-11-120 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

8. ZC-11-121 - Millenium Recycling, LLP, 3750 N. Main Street, 3713 and 3715 N. Commerce Street; from: "K" Heavy Industrial and "PD-787" Planned Development for all uses in "K" Heavy Industrial plus metal recycling; site plan included to: Amend "PD-787" Planned Development for K uses plus metal recycling for expansion; site plan included. (Recommended for Approval as Amended for an eight foot solid concrete screening wall around 3703 N. Commerce Street)

Motion: Council Member Espino made a motion, seconded by Council Member Moss that Zoning Docket No. ZC-11-121 be continued until the January 24, 2012, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

9. SP-11-007 - City of Fort Worth, 1050 Missouri Avenue; Site plan for proposed 7-11 convenience store and gas station. (Recommended for Approval)

Motion: Council Member Hicks made a motion, seconded by Council Member Burns that Zoning Docket No. SP-11-007 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

10. ZC-11-122 - Edwards Zubizarreta Partnership, 6001 Tension Drive, 6033 & 6051 Dallas Avenue; from: "FR" General Commercial Restricted and "K" Heavy Industrial to: Tract 1: "PD/K" Planned Development for all uses in "K" Heavy Industrial plus indoor metal recycling facility, and Tract 2: "PD/FR" Planned Development for all uses in "FR" General Commercial Restricted plus truck scale and auxiliary parking, site plan included. (Recommended for Approval)

Motion: Council Member Moss made a motion, seconded by Council Member Espino that Zoning Docket No. ZC-11-122 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

for the following uses per Section 4.305(D) of the Comprehensive Zoning Ordinance: recycling center, waste tire facility; facilities handling, processing, and loading of municipal solid waste and recyclable materials for transportation at transfer stations, storage, processing, bailing or reclamation of paper, glass, wood, metals, plastics rags, junk, concrete, asphalt and other materials and materials recovery facilities and recycling centers; composting for yard and wood wastes, municipal solid waste, and/or sludge at composting facilities; and processing and storage of scrap tires at waste tire facilities. Site plan waiver recommended for all other uses.

The following uses are prohibited: gambling facilities, circus, adult entertainment, sexually oriented businesses, night clubs, massage parlors, hazardous waste disposal including household hazardous waste, halfway house, horse, dog, or automotive racing, shooting or weapons firing range, disposal, dumping or reducing of offal or dead animals, packing plant, poultry killing or dressing, cotton gin, cotton oil mill, bailing or compress, paper or pulp manufacture, municipal waste landfill

Tom Blanton, 777 Main, Suite 3100, Fort Worth, Texas representing Keystone Equity Partners explained to the Commissioners when they came through with the original request back in October they did not own this parcel but would now like to incorporate this into that area. He noted this parcel will be included in the original 22 acre site for CMC and is mostly in the flood plain, which will be used for flow diversion of storm water control. The trees along Old Decatur Road will mostly be left intact to provide a buffer area.

Mr. Ortiz asked if this will be utility services only. Mr. Blanton said yes and there will be no storage on this parcel.

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

6. ZC-11-121 Millenium Recycling (CD 2)- 3750 N. Main Street and 3713 & 3715 N. Commerce Street (Fostepco Heights Addition, Block 23, Lots 19 & 20, 3.34 Acres): from "K" Heavy Industrial to include into "PD-787" Planned Development for all uses in "K" Heavy Industrial plus metal recycling, site plan included.

Jim Schell, 901 Fort Worth Club Building, Fort Worth, Texas representing Millenium Recycling explained to the Commissioners the request to incorporate the two lots into the original PD zoning. By including these two lots there are able to move some things around and provide more parking. A chopper/shredder/seperator will be placed in this area. The machine will take cables and separate them. The current practice is they bundle them up ship to China for them to separate then sell it back to the states. This new machine will allow them to keep the separating process here for future sales. Mr. Schell mentioned there will be no increase in traffic. He did acknowledge the two letters of opposition from property owners.

Mr. Edmonds asked about the new machinery and possible noise issues. Mr. Schell mentioned he has a pamphlet on it and doesn't think it will increase the noise since it is at the back of the

property and will be operated during daylight hours only. Residential homes are to the west across Main Street.

Mr. Ortiz mentioned he wanted to commend the recycling company for getting the site plan in place and being good citizens. He asked if the property across from the lot on Commerce with the separator is industrial. Mr. Schell indicated the surrounding uses are primarily industrial and that the business to the east is another recycling facility. Mr. Schell did note the diesel tanks indicated on the site plan are not permitted and will not be placed on the property until they are permitted.

Mr. Romero asked about the comment made on the site plan about an existing fence on the east side of the property north and south and it being in disrepair. Mr. Schell commented if there is a fence that is in disrepair that it would be fixed.

Yolanda Chavez, 3719 N. Main Street, Fort Worth, Texas spoke in opposition. She has owned this property since 2001; she runs a warehouse out of the garage. She stated as long as she has been at this property she has brought attention to Councilman Espino about the problems they have had in which he helped get some of them addressed. She is speaking in opposition to the expansion and that it is not consistent with the aviation related uses for Meacham Airport and the surrounding residential neighborhoods as well as the vision for the Main Street corridor. She understands the Quarry site would be a more desirable site for recycling.

Mr. Ortiz asked about the report she mentioned. Ms. Burghdoff mentioned the report was a joint effort done by the City of Fort Worth, lead by Councilman Espino and the Fort Worth Hispanic Chamber of Commerce.

Mr. West asked where her property is in relation to the recycling facility and what type of business she has. Ms. Chavez stated she sells laboratory medical safety supplies. She may have five percent inventory kept on-site.

R. C. Cortez, 3703 N. Commerce, Fort Worth, Texas also spoke in opposition. He is speaking on behalf of his mother who owns the remaining residential property on the block, surrounded by the recycling business. Their father purchased this property in 1959 and raised their family there. He stated since the recycler has been at this location they have gradually expanded and have not been good neighbors. The location of their property is separated by cement blocks that you would find on the freeway. He stated the volume of the piles over time has pushed down the six foot chain link fence. He would like to see a solid fence like the one along North Main to be installed around their property. Some photos were displayed to the Commissioners addressing some of the concerns. He addressed the house being in disrepair and noted it was because of the debris that falls from the piles of scrap even though no one lives there.

Irene Cortez, 3703 N. Commerce also spoke on behalf of her mother's property. She explained the pictures presented to the Commissioners. It was indicated how tall the piles are and how close they are to their property.

Mr. Ortiz asked about picture number six and if a fence was there before the cement blocks were put in place. Ms. Cortez mentioned there was a five foot cyclone fence around the property. Mr. Cortez mentioned that pictures number nine and eleven indicate debris has hit the house as well as coming close to the gas meter.

In rebuttal, Mr. Schell responded by saying what they have described is unfortunate and needs to be addressed by his client. He also noted the house is in a K Heavy Industrial district. He mentioned they will be happy to work out something with the opposition.

Mr. Ortiz was inclined to continuing the case for 30 days to look at the proposal for North Main. Mr. Schell mentioned the Quarry is a great location but they can't ask people to move at their expense. He does not want to continue for 30 days unless the City is willing to help them relocate.

Ms. Zadeh mentioned they are looking at the property that is surrounded by heavy industrial and is alarmed at the pictures shown today. She recommended the applicant to protect the Cortez property.

Motion: Following brief discussion, Mr. Genua recommended approval as amended of the request for an eight foot solid concrete fence around the Cortez property, seconded by Mr. Edmonds. The motion carried 8-1 with Mr. Ortiz being against.

Document received for written correspondence				ZC-11-121	
Name	Address	In/Out 200 notification area ft	Position on case		Summary
R. C. & Irene Cortez	3703 N. Commerce	Yes		Opposition	Spoke at hearing
Yolanda Chavez	3719 N. Main	Yes		Opposition	Spoke at hearing

7. SP-11-007 City of Fort Worth (CD 8)- 1050 Missouri Avenue (W J Boaz Subdivision, Block 3, Lot 17R-1, 1.65 Acres): site plan for PD-863

Gary Fullington, 10755 Sandhill Street, Dallas, Texas with Prudent Developers mentioned to the Commissioners they have a contract on the property to develop a 7-11 convenience store. They have been working with Housing and Economic Development staff and Councilwoman Hicks to develop this property. It will be a 3,000 square foot convenience store. He indicated they have three signs proposed a pylon sign, gateway sign and another proposed at Missouri and Rosedale for a monument sign. The signs will not be located in the setback areas. He is asking the additional sign be part of the site plan proposed.

Mr. Ortiz asked what the typical footprint for their store is. Mr. Fullington mentioned it typically is a lot smaller.