



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
September 9, 2014

Council District 5

Zoning Commission Recommendation: Denial by a vote of 7-1 Opposition: None submitted Support: one letter submitted	Continued	Yes <u>X</u>	No <u> </u>
	Case Manager	<u>Stephen Murray</u>	
	Surplus	Yes <u> </u>	No <u>X</u>
	Council Initiated	Yes <u> </u>	No <u>X</u>

Owner / Applicant: David Matoke

Site Location: 11601 Mosier Valley Road Mapsco: 54Z

Proposed Use: Vehicular Outdoor Storage

Request: From: "PD-534" Planned Development/Specific Use for a vehicle exchange facility with no more than 20 parking spaces and no outside storage; site plan required.

To: Amend to "PD/I" Planned Development for all uses in "I" Light Industrial plus outdoor storage without a primary use; site plan included.

Land Use Compatibility: Requested change is compatible.

Comprehensive Plan Consistency: Requested change is not consistent.
(Significant Deviation)

Background:

The proposed site is located near the corner of Rodolphus Street and Mosier Valley Road. The applicant would like to rezone the property from "PD/SU" Planned Development/Specific Use for a vehicle exchange facility with no more than 20 parking spaces and no outside storage; site plan required to "PD/I" Planned Development for all uses in "I" Light Industrial plus outdoor storage without a primary use; site plan required.

The applicant intends to open a tow yard with phased construction. The first phase will be outdoor storage of vehicles, including 54 spaces for vehicles. Phase 2 is planned to be an office and service facility and phase 3 will be a metal building service facility. The applicant intends to construct fencing and the masonry wall during phase 1 of the development; a note is provided on the site plan.

At no time can any of the vehicles on the property become parted, maintain expired tags or otherwise become undrivable. Code Compliance would process the case as a zoning violation if such activity occurs.

MOTOR VEHICLE JUNK YARD OR STORAGE YARD: Any business and any place of storage or deposit which displays, or in or upon which there are displayed, to view from a public right-of-way, two or more registered or unregistered motor vehicles which are unfit for reconditioning for use on the public highways, or used parts of motor vehicles, or old iron, metal, glass, paper, cordage, or other waste, or discarded or secondhand material which has been a part or intended to be a part of any motor vehicle, the sum of which

parts or material shall be equal in bulk to two or more motor vehicles, but excluding vehicles in operable condition specially adapted or constructed for racing or operation on privately owned drag strips or raceways, vehicles retained by the owner for antique collection purposes rather than for salvage or for transportation, and vehicles stored as the property of a member of the armed forces of the United States who is on active duty assignment outside the continental and territorial limits of the United States.

DISMANTLED VEHICLE: A vehicle that has, intentionally or unintentionally, one or more significant parts removed. A significant part is any part that is need to safely operate the vehicle, including but not limited to, a wheel or tire, windshield, door, side quarter panel, trunk, hood, roof, steering wheel or transmission. A vehicle can be considered dismantled under this definition whether or not it is in an operative condition.

The Comprehensive Plan for this area was changed to single family several years ago to support the residential growth of the Mosier Valley community. Single-family residential is located to the northwest of the subject property.

Site Information:

Owner: David Matoke
 113 W. Eules Blvd.
 Eules, TX 76040
 Agent: H. Dennis Hopkins
 Acreage: 2.53 ac
 Comprehensive Plan Sector: Eastside

Surrounding Zoning and Land Uses:

North "PD/SU" Planned Development/Specific Use for a vehicle exchange facility with no more than 20 parking spaces and no outside storage. Site plan required / vacant
 East "PD/SU" Planned Development/Specific Use for all uses in "J" Light Industrial plus various uses with development standards / gas well
 South ""PD/SU" Planned Development/Specific Use for a concrete crushing facility subject to various additional regulations / concrete crushing
 West "AG" Agricultural; "A-10" One-Family / vacant, single-family

Recent Relevant Zoning and Platting History:

Zoning History: ZC-03-275 PD-534 Planned Development for vehicle exchange facility with no more than 20 parking spaces and no outside storage, approved by City Council 01/13/04 (Subject Property).
Platting History: None

Site Plan Comments:

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

TPW/Transportation and Public Works site plan comments:

1. Rodolphus and Mosier Valley are not shown as dedicated streets. Currently shown as apparent prescriptive right-of-way. The proposed lots shall have access to dedicated and improved city streets.
2. Local industrial streets require 100' ROW.
3. Dedicate ½ of {100}' ROW for {Rodolphus and Mosier Valley Rd.}
4. Gated entrances into secured areas must be designed in accordance with TPW's "Traffic Engineering Design Standards and Policy Guidelines". Gate access must provide vehicle stacking for three vehicles of the largest size used on site off city right-of-way. The proposed gate is located too close to right-of-way and is required to be relocated to comply with TPW standards.
5. A subdivision plat of record is required.}
6. A wall maintenance easement is required for walls adjacent to right-of-way.

Comments made by TPW staff cannot be waived through the Zoning process.

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)

Rodolphus Street	County Road	County Road	No
Mosier Valley Rd	County Road	County Road	No

Public Notification:

The following organizations were notified:

Organizations Notified	
Eastside Sector Alliance	HEB ISD

Development Impact Analysis:

1. **Land Use Compatibility**

The applicant is proposing a zoning change from to “PD/SU” Planned Development/Specific Use for outdoor storage. Predominant land uses surrounding the proposed site are vacant; with industrial uses to the south. Single-family homes are located northwest of the proposed site.

Due to the existing industrial uses and gas well pad site, the proposed zoning **is compatible** with surrounding land uses.

2. **Comprehensive Plan Consistency**

The 2014 Comprehensive Plan designates the site as single-family. The plan was changed from light industrial to single-family by Councilmember Moss in 2011. The proposed zoning is not consistent with the following Comprehensive Plan policies:

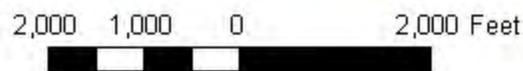
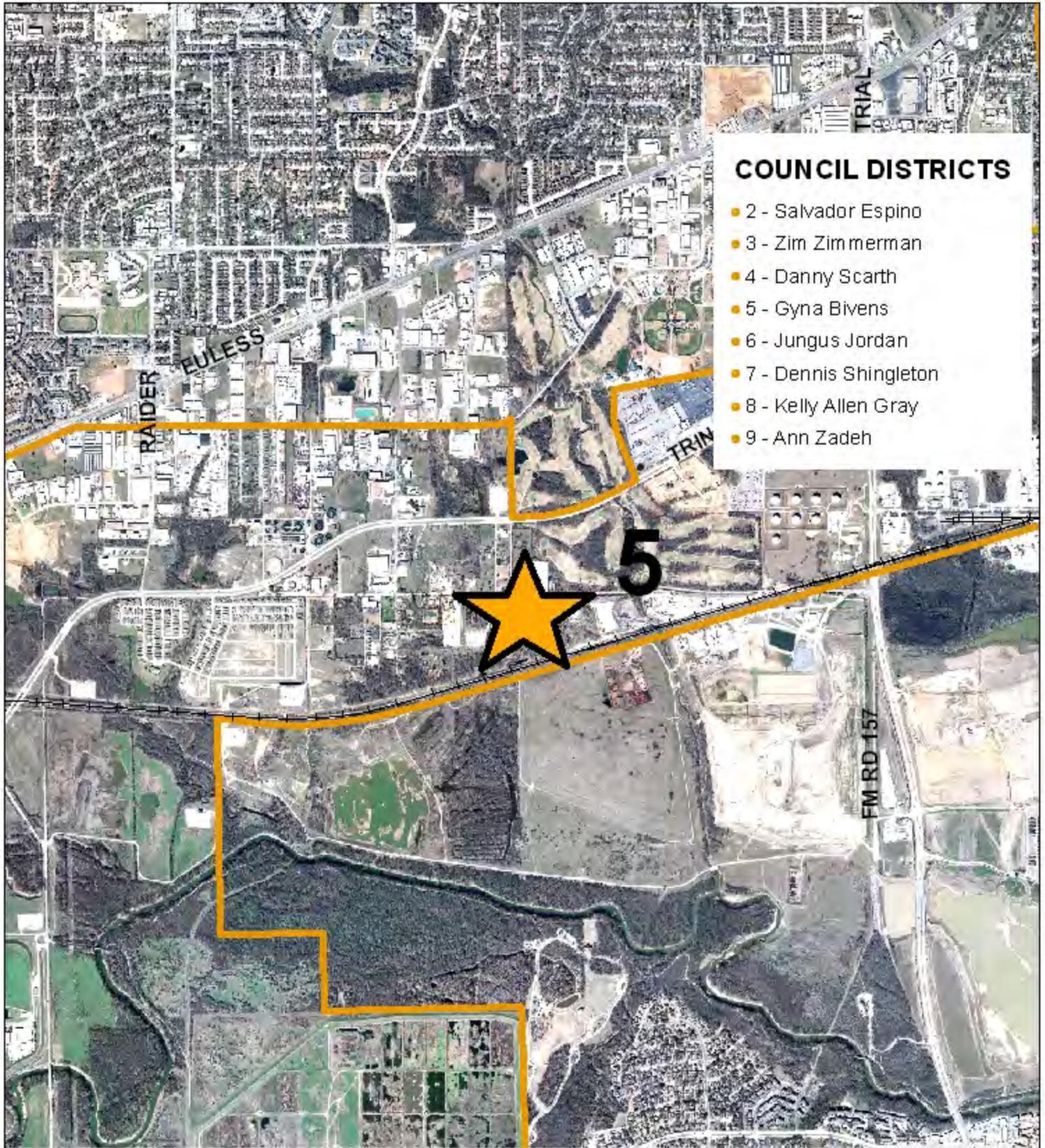
- Separate incompatible land uses with buffers or transitional uses. Some land uses have attributes such as height, proportion, scale, operational characteristics, traffic generated, or appearance that may not be compatible with the attributes of other uses.

Based on lack of conformance with the future land use map and policy as stated above, the proposed zoning **is not consistent** with the Comprehensive Plan. The primary use of the site is outside storage, which would be considered a **Significant Deviation**.

Attachments:

- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Site Plan
- Minutes from the City Council meeting
- Minutes from the Zoning Commission meeting

Location Map





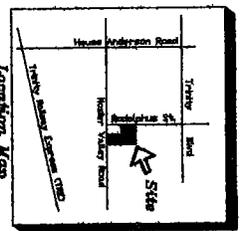
Bonilla Group
 Land Development Operations
 131 W Euless Blvd
 Euless, TX 76040
 (817) 585-1155

Owner / Developer

David Matoke
 131 W Euless Blvd.
 Euless, TX 76040

LEGEND

- ⊙ Number of Parking Spaces
- Security Lighting
- Phase Line
- 8' Masonry Wall
- 8' Metal Fence



- General Notes**
1. Signage will comply with Article 4, Signs;
 2. Site will comply with Section 6.301, Landscaping;
 3. Site will comply with Section 6.302, Urban Forestry;
 4. Right-of-Way dedication for Mosier Valley Road and Rodolphus Road will be accomplished at time of platting.
 5. The 8 foot masonry wall and 8 foot metal fence will be installed in the Phase I Improvements

**"PD/I" Planned Development for
 all uses in "I" Light Industrial
 plus Outdoor Storage
 without a primary use**

11601 Mosier Valley Road
 Fort Worth, Texas

Tract 1A, Abstract 786

J W Haynes Survey

110,642 Square Feet

2.54 Acres

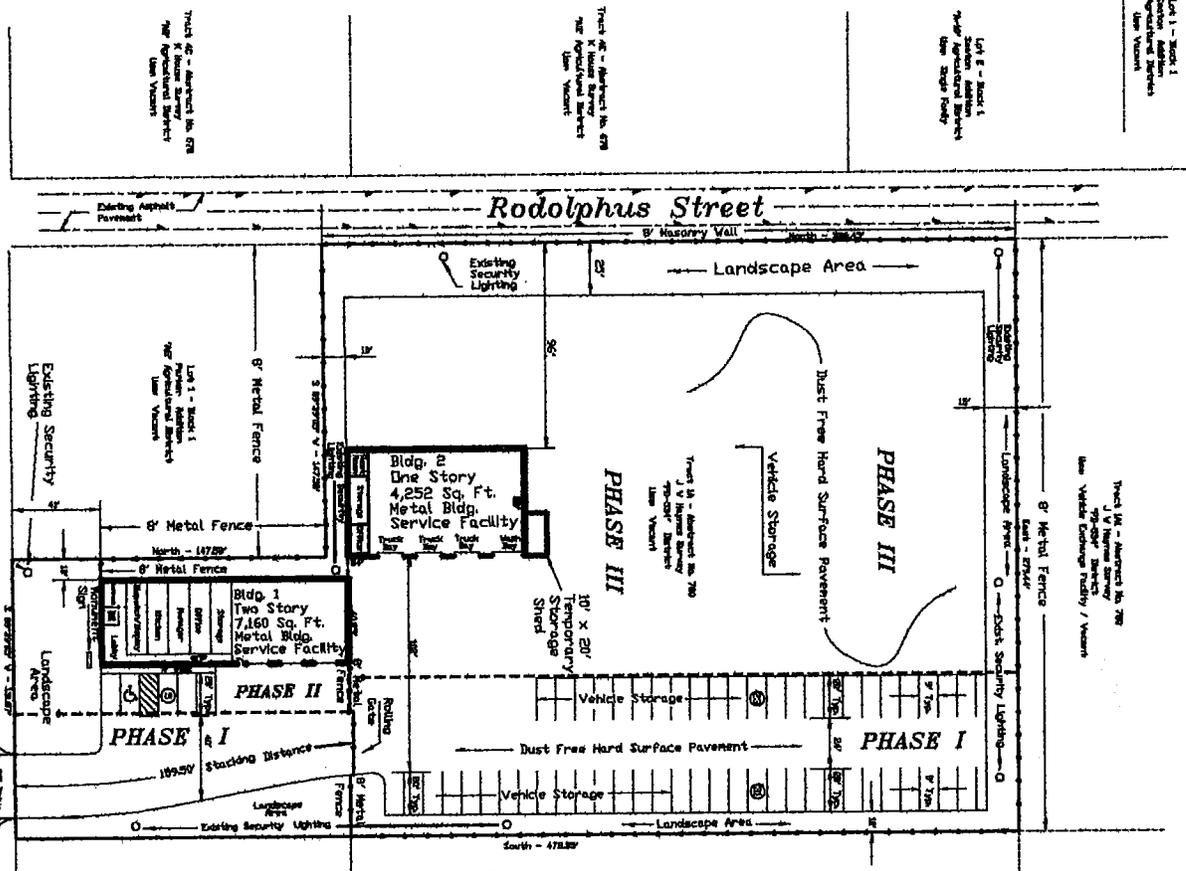
RECEIVED
 JUN 26 2014
 BY: _____

Mosier Valley Rd

ZC-14-038

ZC-14-038

June 25, 2014



Lot 1 - Block 1
 J W Haynes Survey
 Abstract 786
 Mosier Valley Road

Tract 10 - Abstract No. 786
 J W Haynes Survey
 Abstract 786
 Mosier Valley Road

Tract 11 - Abstract No. 786
 J W Haynes Survey
 Abstract 786
 Mosier Valley Road

Tract 12 - Abstract No. 786
 J W Haynes Survey
 Abstract 786
 Mosier Valley Road

Tract 13 - Abstract No. 786
 J W Haynes Survey
 Abstract 786
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Tract 14 - Abstract No. 786
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 Mosier Valley Road

Tract 15 - Abstract No. 786
 J W Haynes Survey
 Abstract 786
 Mosier Valley Road

Tract 16 - Abstract No. 786
 J W Haynes Survey
 Abstract 786
 Mosier Valley Road

Lot 1
 J W Haynes Survey
 Abstract 786
 Mosier Valley Road

Lot 2
 J W Haynes Survey
 Abstract 786
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Lot 3
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 Abstract 786
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Lot 4
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Lot 5
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Lot 6
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Lot 7
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 Abstract 786
 Mosier Valley Road

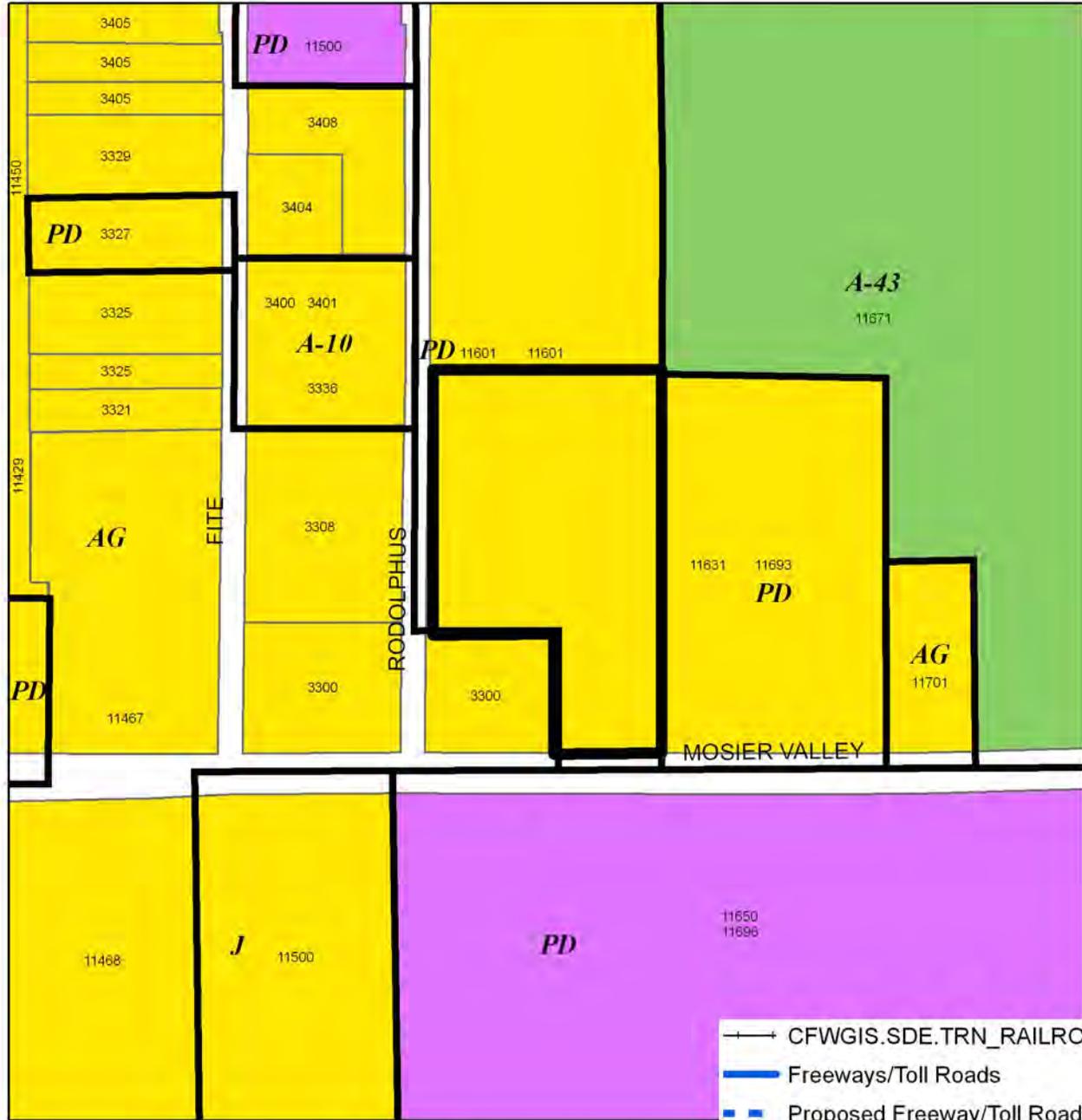
Lot 8
 J W Haynes Survey
 Abstract 786
 Mosier Valley Road



11601 Mosier Valley Road

Future Land Use

ZC-14-038

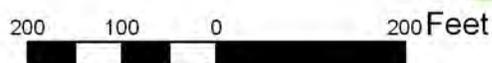


- Vacant, Undeveloped, Agricultural
- Rural Residential
- Suburban Residential
- Single Family Residential
- Manufactured Housing
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Institutional

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

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

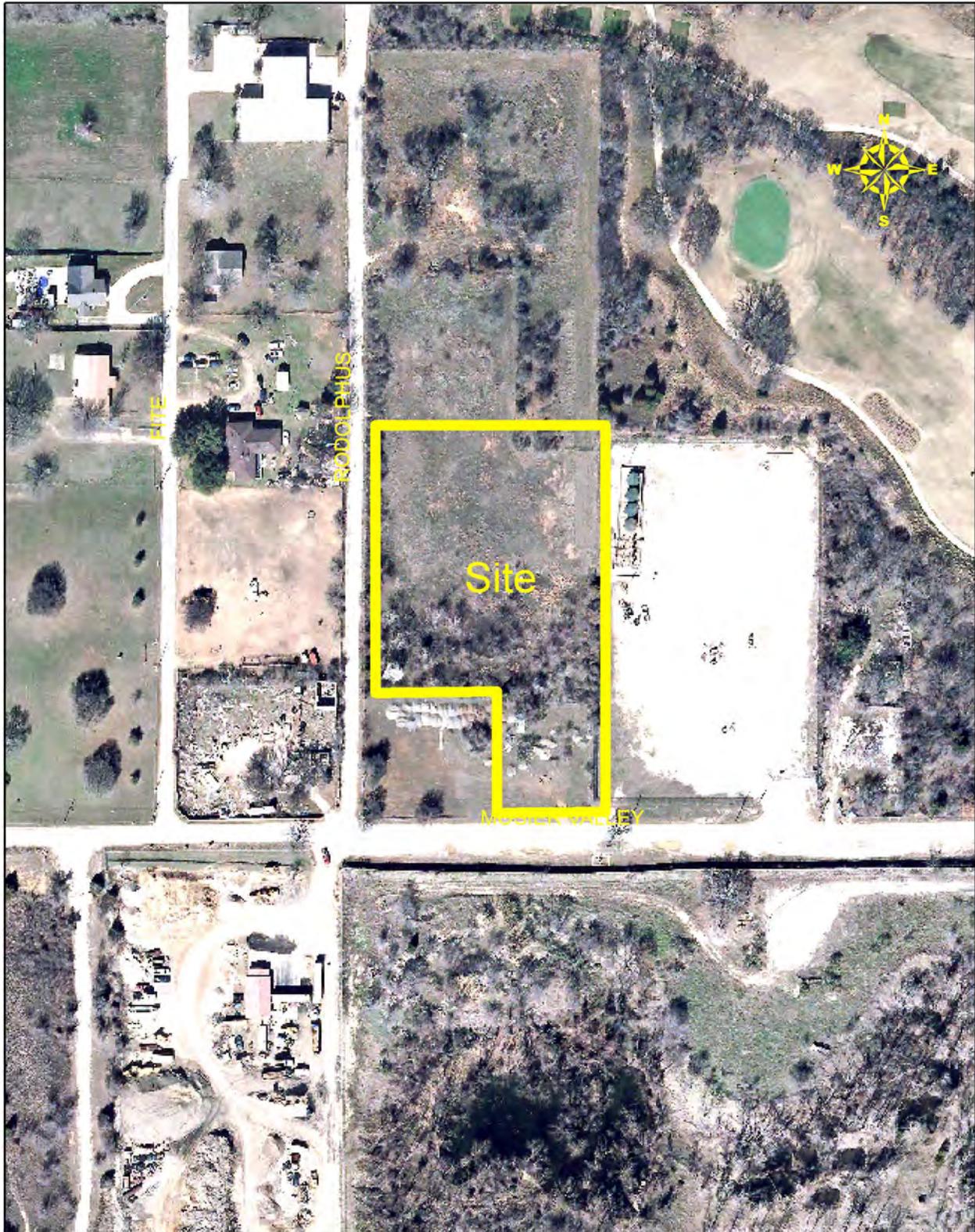
FLD_ZONE
 Floodplain



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 18, 2014.



Aerial Photo Map



Motion: Mayor Pro tem Zimmerman made a motion, seconded by Council Member Bivens, that Resolution Nos. 4336-08-2014, 4337-08-2014, 4338-08-2014 and 4339-08-2014 be adopted. The motion carried unanimously 9 ayes to 0 nays.

7. A Resolution Appointing Merianne Roth to the Board of Directors of Tax Increment Reinvestment Zone Number Nine, City of Fort Worth, Texas and Acknowledging the Appointment of the Other Current Members of the Board (Trinity River TIF)

It was recommended that the City Council adopt a resolution appointing Merianne Roth to the Board of Directors of Tax Increment Reinvestment Zone No. 9, City of Fort Worth, Texas, effective August 5, 2014, and with a term expiring December 31, 2015, and acknowledging the appointment of the other current members of the Board (Trinity River TIF).

Motion: Council Member Espino made a motion, seconded by Council Member Shingleton, that Resolution No. 4340-08-2014 be adopted. The motion carried unanimously 9 ayes to 0 nays.

XIV. ZONING HEARING

The Notice of Special Hearing set today as the date for the hearing in connection with recommended changes and amendments to Zoning Ordinance No. 13896 and that notice of the hearing had been given by publication in the *Fort Worth Star-Telegram*, the official newspaper of the City of Fort Worth, on July 19, 2014.

1. ZC-14-038 - (CD 5) - David Matoke, 11601 Mosier Valley Road; from: "PD-534" Planned Development/Specific Use for a vehicle exchange facility with no more than 20 parking spaces and no outside storage; site plan required to: "PD/I" Planned Development for all uses in "I" Light Industrial plus outdoor storage without a primary use; site plan included. (Recommended for Denial by the Zoning Commission)

Mr. Dennis Hopkins, 2131 North Collins Street, Suite 433, P.O. Box 637, Arlington, Texas, appeared before Council in support of Zoning Docket ZC-14-038.

Motion: Council Member Bivens made a motion, seconded by Council Member Scarth, that Zoning Docket ZC-14-038 be continued to the September 9, 2014, Council meeting. The motion carried unanimously 9 ayes to 0 nays.

2. ZC-14-051 - (CD 4) - Lawrence Duckett, Sr., 5904-5916 Etsie Street; from: "AG" Agricultural to: "K" Heavy Industrial (Recommended for Denial by the Zoning Commission)

Mr. Lawrence Duckett, Sr., applicant, appeared before Council in support of Zoning Docket ZC-14-038.

City of Fort Worth, Texas
Zoning Commission
July 9, 2014 – Meeting Minutes

Present:

Nick Genua, Chair, District 7
Will Northern, District 1
Carlos Flores, District 2
Robert West, District 3
Charles Edmonds, Jr., Vice Chair, District 4
Namon Hollis, District 6
Wanda Conlin, District 8
Gaye Reed, District 9

Staff Members Present:

Dana Burghdoff, Deputy Director
Jocelyn Murphy, Planning Manager
Lynn Jordan, Planner
Stephen Murray, Planner
Melinda Ramos, Sr. Assistant City Attorney

Absent:

Melissa McDougall, District 5

I. Public Hearing – 10:04 A. M.

Ms. Murphy explained the procedure to be followed for the Zoning Commission meeting.

II. Minutes

The Commission, on a motion by Mr. Edmonds, seconded by Ms. Reed, on a vote of 8-0, voted to approve the Zoning Commission minutes of the June 11, 2014 meeting.

Video on individual cases can be viewed at the following website.

http://fortworthgov.granicus.com/ViewPublisher.php?view_id=2

A motion was made by Mr. Edmonds, seconded by Ms. Reed to move case ZC-14-088 to the front of the agenda. The motion carried unanimously 8-0

III. Continued Cases

1. ZC-14-038 David Matoke (CD 5) – 11601 Mosier Valley Road (J W Haynes Survey, Abstract No. 786, Tract 1A & A, 2.54 Acres): from “PD-534” Planned Development/Specific Use for a vehicle exchange facility with no more than 20 parking spaces and no outside storage; site plan required to Amend to “PD/I” Planned Development for all uses in “I” Light Industrial plus outdoor storage without a primary use; site plan included

Dennis Hopkins, P. O. Box 637, Arlington, Texas representing David Matoke explained to the Commissioners the history of the property owned by the applicant and the desired plan of use for the property. He explained that his client is the owner of Cardinal Towing Company located in the city of Euless. Mr. Hopkins said the property is currently vacant and the owner would like to use the property for a vehicle storage facility. He noted this is a three phase project. The first phase is for the automobile storage, second for an ancillary building and third to add an office facility. Mr. Hopkins said the site plan and first phase will consist of 54 designated parking

spaces for the towed vehicles which will all be operational. The second phase will consist of a 4250 sq. ft., one story, metal type building. In phase 3, the building will consist of a 7160 sq. ft., two-story, metal building used for offices, dispatch and services. There is an eight foot masonry fence surrounding most of the property including approximately 100 ft. along Mosier Valley Road. Mr. Hopkins mentioned to the Commissioners that some of the surrounding land uses consist of mining operations, rock crushing facility, a recycling facility, City of Arlington landfill and 16 natural gas wells. Two letters of support were submitted by Mr. Hopkins including one submitted for last month's hearing.

Motion: Following brief discussion, Ms. Conlin recommended Denial of the request, seconded by Mr. Edmonds. The motion carried 7-1 with Mr. Hollis against.

<i>Document received for written correspondence</i>				ZC-14-038
Name	Address	In/Out 300 ft notification area	Position on case	Summary
Ron Graves	NA	Out	Support	Sent letter in

2. ZC-14-051 Lawrence Duckett Sr. (CD 4) – 5904-5916 Etsie Street (Joe Louis Addition, Block 3, Lots 2, 3, 4, & N pt 5, 1.06 Acres): from “AG” Agricultural to “K” Heavy Industrial

Lawrence Duckett, 1940 Delga Street, Fort Worth, Texas property owner explained to the Commissioners his request to take his site to “K” Heavy Industrial to accommodate his business for a wrecking yard. He said he is surrounded by industrial uses.

Ms. Reed asked Mr. Duckett if he met with the Garden of Eden neighborhood. Mr. Duckett said he hasn't attended any of their meetings but he has talked to them. He said they grew up together and he knows them well. Mr. Edmonds mentioned the property behind him backs up to the river. He discussed the concerns voiced from the neighborhood from the last meeting about drainage, run-off and vehicles being stored. Mr. Duckett said his property is about ½ mile from the river. Mr. Edmonds mentioned the time limit in K zoning for a junkyard. Ms. Burghdoff clarified that the time limit is tied to the Special Exception from the Board of Adjustment.

Mr. Hollis asked where the closest residential property is to his site excluding the one directly adjacent. Mr. Duckett said the house next door to him and one to the north a block over. Mr. Hollis asked staff how far north the AG zoning extends. Ms. Murphy said about one block to the north there is a residential area, Elliott Reeder Road and Haltom City. Ms. Burghdoff mentioned the historic district is just north of Elliott Reeder Road.

Motion: Following brief discussion, Mr. Edmonds recommended Denial of the request, seconded by Ms. Conlin. The motion carried unanimously 8-0.

<i>Document received for written correspondence</i>				ZC-14-051
Name	Address	In/Out 300 ft notification	Position on case	Summary