



**ZONING MAP CHANGE  
STAFF REPORT**

**City Council Meeting Date:**  
October 14, 2014

**Council District**     **4**

**Zoning Commission Recommendation:**  
Approval by a vote of 8-0  
  
**Opposition:** 1 person spoke, 3 letters received  
**Support:** Carson Street Garden of Eden

Continued            Yes \_\_\_ No X  
Case Manager        Lynn Jordan  
Surplus              Yes \_\_\_ No X  
Council Initiated    Yes \_\_\_ No X

**Owner / Applicant:**       **KB Newell, KD & G Consolidated, Tarrant Acquisitions**

**Site Location:**            7090 Enterprise Avenue            Mapsco:        65LMPQ

**Proposed Use:**            **Mining/Excavation, Valley Storage, Gas Wells and Compressors, Tree Farms and other uses**

**Request:**            From: "AG" Agricultural, "G" Intensive Commercial and "PD-359" Planned Development for "J" Medium Industrial uses with no outside storage of manufacturing supplies, materials or by-products, site plan waived  
  
                              To: "PD/SU" Planned Development/Specific Use for valley storage, mining/excavation and associated uses, gas wells, gas compressors and associated uses, tree farms with "I" Light Industrial development standards; site plan included

**Land Use Compatibility:**        Requested change **is not compatible.**

**Comprehensive Plan Consistency:** Requested change **is consistent (Northeast section)**  
  Requested change **is not consistent (Southwest section)**

**Background:**

The proposed site is located north of Randol Mill Road with the primary access from Austin St. The majority of the site is proposed for mining and excavating with valley storage. There is an existing gas compressor facility with five compressors in the southeast quadrant indicated by PD-359 which is based on "J" Medium Industrial. Gas Compressors are permitted by right in I, J and K zoning districts with supplemental standards.

The site plan provides the existing and proposed uses, existing gas compressor station and gas wells, scale house, wash plant for preparation of sand and gravel, signage, and requested notes. The property is accessed from Austin Street in the northeast corner of the subject area through an industrial area. This is preferred due to the expected large amount of truck traffic for the mining activity. The applicant proposed to pave the road leading from Austin St. to the wash plant. A sound wall is planned for the wash plant to control noise, which the agent provided at the Zoning Commission is an estimated 70-80 db.

The proposal includes "I" Light Industrial as a base district only for the purposes of establishing setback, height, and other development standards. Other items such as uses and machinery will be based on the uses listed and approved through the PD.

Urban Forestry requirements will apply to any change in the surface. An Urban Forestry application has been submitted for the southwestern area. This permit proposes to keep trees only along the perimeter near the river to meet the 25% retention requirement.

In Section 4.305.D8 Specific Industrial uses in PD district only refers to mining, quarrying, dredging or excavation of dirt, gravel, sand, or stone for the purpose of removing, screening, crushing, washing and or storage are subject to the certain following requirements. Below is a summary of the information provided by the applicant.

Section 4.305.D8 "PD" requirements	Information submitted by Applicant
Provision of a site plan of all existing conditions, including topography at five-foot intervals, streams, lakes, and other bodies of water, roadways, utility lines, structures and major vegetation, including canopy cover.	Incomplete site plan provided
Identification of any known protected species of plant, fish or animal life, or the presence of areas of historic, cultural or archeological significance. Such property that is found to be protected or of significant public interest shall not be included in any area approved for mining.	None
Delineation of all permits and licenses required for the operation of such a facility	NPDES, Texas Air Control Board, MSMH
Submission of a plan of operation, including scheduling of activities, phasing, traffic generation, employees, and use of explosives or other hazardous or caustic materials or chemicals.	Hours of Operation Excav. & Plant areas 12 hrs/6 days wk Scale 10 hrs/5.5 days wk Phasing/Estimated Traffic Dirt sales from borrow pits 41-75 acre sites Est. truck traffic/day 85 trucks Mining Operations wash plant/75 ac. Site Est. truck loads to plant 75 loads/day Est. truck loads picking up 75 trucks/day Employees Dirt sales Supv & 1-4 equip. operators Mining/Plant operation Supv/Manager, safety officer, 10-12 empl No use of explosives, caustic or hazardous material
Analysis of potential impacts to adjacent properties (especially residential) due to dust, noise, water runoff and diversion, ground water alteration, silting, sedimentation, erosion, traffic, and mitigation measures to control such impacts. Submittal of drainage study if deemed necessary by the Department of Transportation and Public Works.	Subject site adjacent to K uses to west (landfill & landfill transfer station), bordered by manufacturing plant and Trinity River. Trinity River acts as barrier to development on south side. North of Trinity is a 2,500 tree farm site creating a natural buffer. The levee is approx. 30-35 ft. high. Access to site is on the north side Austin Rd., vehicular and truck traffic does not negatively affect neighboring developments. Noise will be minimal with backup horns for safety regulations, back up warning lights may be used for plant. Dust will be carefully monitored, water trucks used consistently. Plant lighting will be planned so as not to interfere with neighboring development. Plant water run-off will be contained within two excavation areas, 90% of the water used is recycled.
Submission of plan for protection of adjacent rights-of-way and streets	No streets or rights-of-way are affected
Approvals from all utility service providers, transmission, electric and pipeline companies	None required

Site plan identifying all proposed structures, operating facilities, loading and wash areas, roadways, stream or water course diversions, holding ponds/tanks, temporary power lines and other site improvements.	Incomplete site plan provided
A reclamation plan, including final topography contours, at five-foot intervals, relocated stream beds, lakes, ponds and other physical features, type and depth of surface material, seeding and replanting plan for restoration of the original canopy cover of the site, including any required cross-section and engineering/construction plans.	Incomplete plan provided
Submission of a performance bond or cash payment for each phase to ensure that all restoration costs in accordance with the reclamation plan of the site are met.	<b>Requesting waiver to this requirement</b>
Provision of a clearly visible sign at the entrance to the mining operation identifying the name, business address and phone number of the facility owner and operator.	Signage location indicated on incomplete site plan
City Council may appoint an oversight committee. The operator and/or owner of a mining operation shall provide in writing for the limited access to the property by said members subject to all safety and operational restrictions required by law to protect on-site public welfare and safety. Such access approval shall be a prerequisite and part of the conditions of approval of the "PD" District.	Applicant will comply and execute any access approval requested

Since the property is fully within the floodplain of the Trinity River, staff requested review by the Floodplain Administrator. Below are his comments. Staff is working to find the details of the Corps/404 permits including the specific activities (e.g. mitigation) that are permitted. (A 404 permit allows discharge into waters of the US – the Trinity River.)

1. Floodplain Development Permit required. It does not appear that work at this site is covered by an existing permit.
2. Work in the southwestern area is covered by an existing USACE/EPA 404 permit – SWF-1991-00300. A February 15, 2001 revision to the permit identifies the 97-acre tract as the "Williams Tract". This permit is current and expires in December 2016. A 1984 permit which covers the northeastern area identified for mining activity expired in 1993 and a new permit will have to be submitted and approved for operation within this area.
3. Per the existing 404 permit, an agreement exists between Trinity Waste Services and Newell stating that any valley storage created on the 97-acre site belongs to Trinity Waste Services (Allied Waste Industries).
4. Valley storage is not available if the area is filled with water; therefore, creating a wet pond negates any storage volume created by the excavation of fill material.
5. Creating large open spaces within heavily-wooded portions of the Trinity River floodplain could have hydraulic impacts due to the reduced roughness values of ponds/open areas vs. trees. These hydraulic impacts must be verified by accepted engineering methods, and reductions in valley storage due to lowered water surface elevations must be quantified. This will be a requirement of the FDP.
6. The proposed sand/gravel mining equipment will be subjected to 10-25 foot flood depths and potentially long periods of submersion while the mine pit is drained. This equipment should be shown to be water-tight or not prone to flood damage, as well as leaks of oil, grease, hydraulic fluid, etc.

Input was also provided from the Assistant Environmental Management Director:

1. Any increase in noise or dust is likely to draw complaints from the adjacent neighborhood, although these issues are addressed in their plan (primarily attenuated by distance and tree buffer).

- Applicant will need to provide proof of storm water industrial permit coverage (NOI) and a copy of their SWP3 to TPW – Environmental.

**Site Information:**

Owner: KB Newell, KD & G Consolidated & Tarrant Acquisitions  
 PO Box 185104  
 Fort Worth, TX 76181

Agent: Texas Land Use/Dennis Hopkins

Acreage: 267.79 acres

Comprehensive Plan Sector: Eastside

Surrounding Zoning and Land Uses:

North "AG" Agricultural & "PD-359" Planned Development / vacant floodplain and lumberyard  
 East "G" Intensive Commercial / vacant & commercial  
 South "AG" Agricultural / West Fork Trinity River  
 West "AG" Agricultural / vacant floodplain

**Recent Relevant Zoning and Platting History:**

Zoning History: ZC-99-040 PD-359 for J uses with no outside storage, etc., approved by City Council 05/09/00; subject area

Platting History: None

**Site Plan Comments:**

The site plan as submitted is not in general compliance with the zoning ordinance regulations.

- Indicate the locations and size of any signage that does not meet I Light Industrial Standards.
- Indicate on the site plan what uses are proposed in the other areas not identified/open spaces.
- Indicate on the site plan any intended future locations for gas compressor stations, if any.
- Add Note: Submission of a performance bond or cash payment for each phase as required under the standard contract for Community Facilities Agreement with the City to ensure that all restoration costs in accordance with the reclamation plan of the site are met. **(A waiver is requested.**

**Zoning Commission recommended a waiver to item #4.**

**Transportation and Public Works**

- Show access to the proposed mining sites to the nearest street.

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

**Transportation/Access**

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Enterprise	Residential	Residential	No

**Public Notification:**

The following organizations were notified:

Organizations Notified	
Garden of Eden *	Riverbend of Fort Worth
White Lake Hills	Woodhaven
Neighborhoods of East Fort Worth	Eastside Sector Alliance
Woodhaven Community Development Inc	East Fort Worth Business Assoc.
Streams & Valleys, Inc (West Fork Trinity)	Birdville ISD
	Fort Worth ISD

\*Within this neighborhood organization

**Development Impact Analysis:**

- Land Use Compatibility

The applicant is proposing a zoning change to "PD/SU" Planned Development/Specific Use for mining, excavation, valley storage, gas wells and gas compressors, tree farms and various associated uses. Surrounding land uses are primarily vacant immediately to the north and west, some commercial just east, and the West Fork Trinity River just south. The entire site is located entirely within the 100 year floodplain.

Mining and valley storage have been historical uses in the Trinity River floodplain area. However, mining is not compatible with maintaining the water quality and aesthetics of the river or the single family uses to the south of the subject property, therefore the proposed zoning **is not compatible** with surrounding land uses.

However, any compressor stations outside of the existing industrial development would not be compatible with area single family residential neighborhoods and city parks.

## **2. Comprehensive Plan Consistency**

The 2014 Comprehensive Plan designates the subject property as divided in half with Private Park, Recreation, Open Space and Industrial Growth Center, all located within the 100 year floodplain.

As such, the industrial-type mining activity is inconsistent with the Private Park, Recreation, Open Space classification on the Southwest section of the property and the following Comprehensive Plan policies:

- Encourage bikes trails, parks, and open space along flood plains and water bodies. (pg. 37)
- Proposed uses that may be detrimental to health, safety, and welfare (such as hazardous materials, airports, mining, landfills, gun ranges, and manufacturing of certain materials) should continue to be evaluated on a case by case basis before approval. (pg. 38)
- Leave floodplains in their natural state (with bike trails encouraged) to improve water quality and minimize flooding. (pg. 39)

Based on the lack of conformance with the Private Park, Recreation, Open Space on the future land use map, the proposed zoning **is not consistent (Significant Deviation)** with the Comprehensive Plan.

The mining activity **is consistent** with the Industrial Growth Center classification on the Northeast section.

### ***Attachments:***

- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Site Plan
- Applicant's summary of historical uses
- Minutes from the Zoning Commission meeting

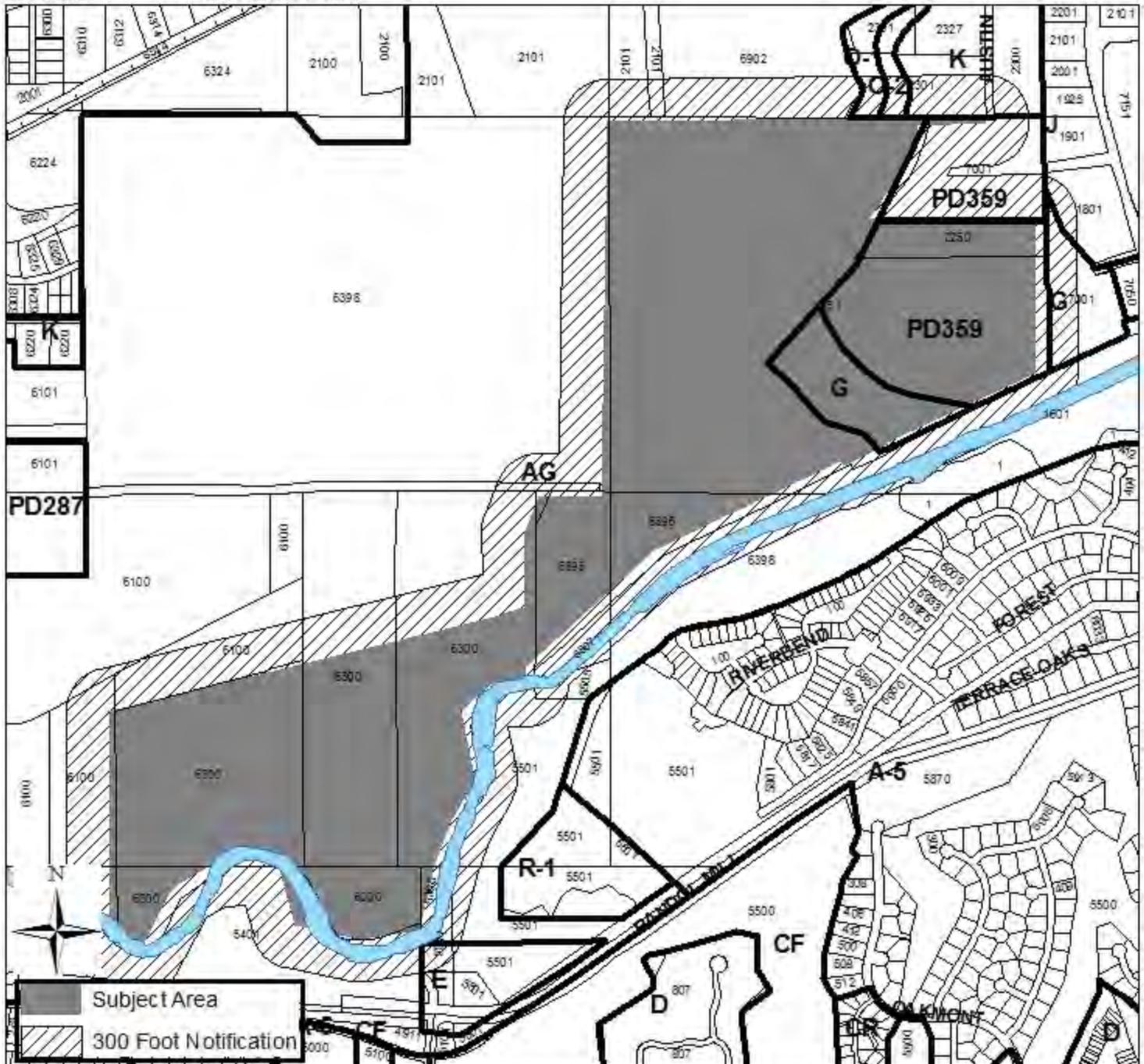
## Location Map



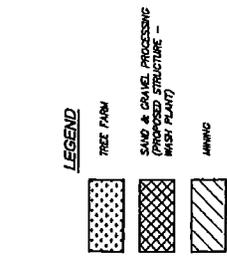
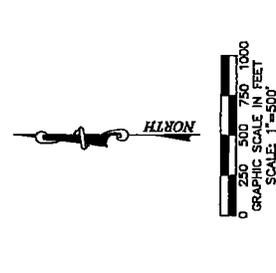
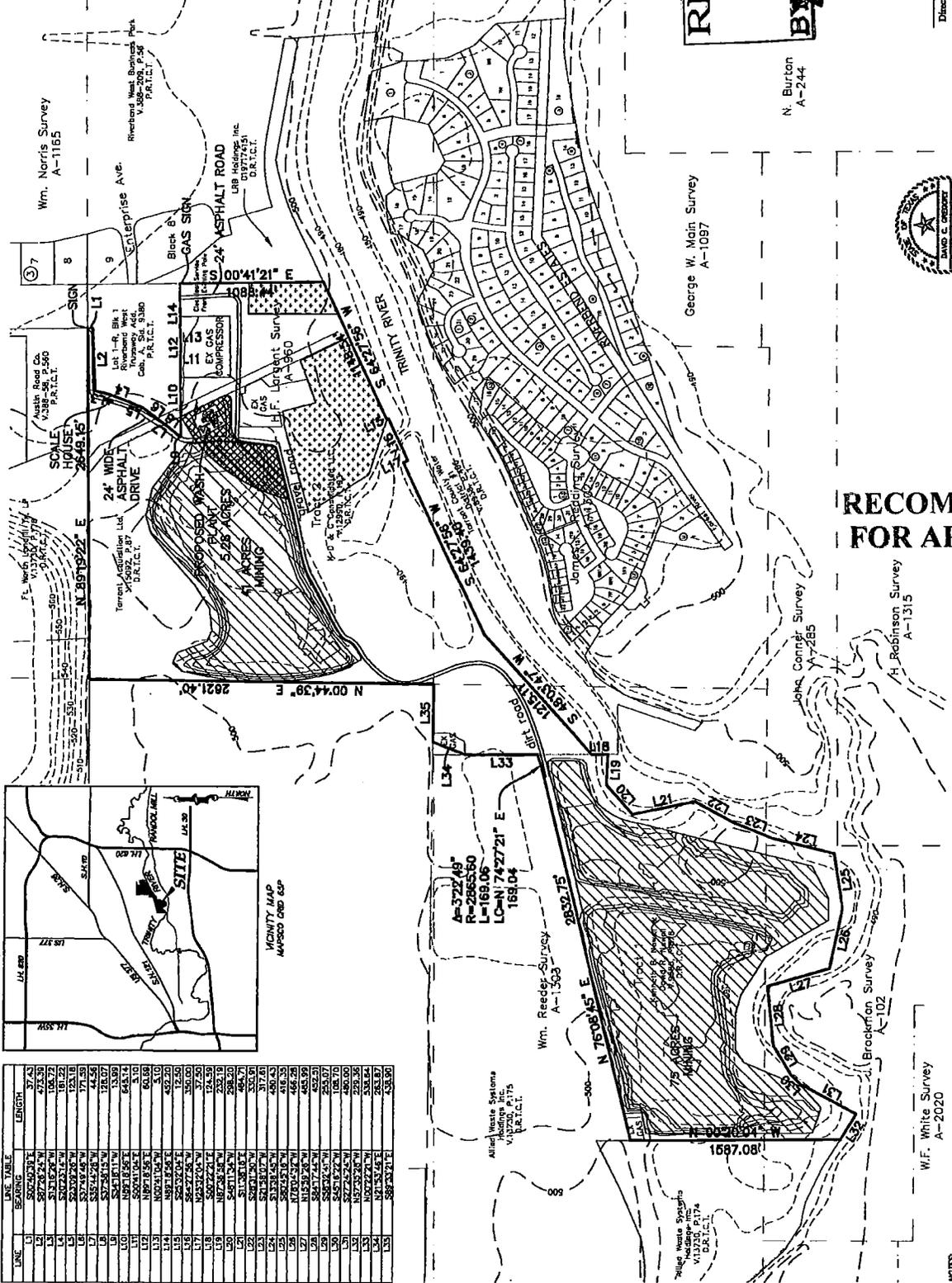
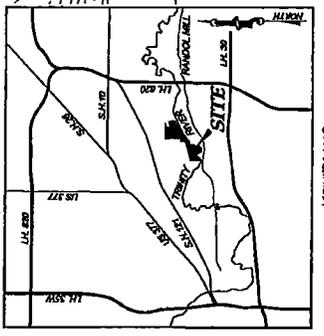


### Area Zoning Map

Applicant: KB Newell, KD&G Consolidated, Tarrant Acquisitions  
Address: 7090 Enterprise Avenue  
Zoning From: AG, G, PD 359  
Zoning To: PD for mining/excavation & assoc. uses, gas wells & assoc. uses, tree farms  
Acres: 267.790645  
Mapsc0: 65LMPQ  
Sector/District: Eastside  
Commission Date: 09/10/2014  
Contact: 817-392-2495



LINE	BEARING	LENGTH	AREA
L1	S 89° 57' 22" E	374.3	13,387.5
L2	S 70° 28' 24" N	474.9	17,910.5
L3	S 31° 15' 24" N	106.72	3,944.5
L4	S 20° 23' 14" N	181.22	6,694.5
L5	S 20° 09' 28" N	172.18	6,294.5
L6	S 83° 24' 28" N	44.58	1,624.5
L7	S 72° 38' 15" N	126.07	4,594.5
L8	S 28° 18' 11" N	135.99	4,944.5
L9	N 09° 18' 14" E	64.51	2,354.5
L10	N 09° 18' 14" E	12.50	454.5
L11	N 87° 38' 38" N	37.50	1,374.5
L12	N 05° 22' 21" E	124.59	4,524.5
L13	N 89° 18' 24" E	432.20	15,734.5
L14	S 26° 32' 04" E	176.50	6,424.5
L15	S 26° 32' 04" E	176.50	6,424.5
L16	N 05° 22' 21" E	124.59	4,524.5
L17	N 05° 22' 21" E	124.59	4,524.5
L18	N 05° 22' 21" E	124.59	4,524.5
L19	N 05° 22' 21" E	124.59	4,524.5
L20	N 05° 22' 21" E	124.59	4,524.5
L21	N 05° 22' 21" E	124.59	4,524.5
L22	N 05° 22' 21" E	124.59	4,524.5
L23	N 05° 22' 21" E	124.59	4,524.5
L24	N 05° 22' 21" E	124.59	4,524.5
L25	N 05° 22' 21" E	124.59	4,524.5
L26	N 05° 22' 21" E	124.59	4,524.5
L27	N 05° 22' 21" E	124.59	4,524.5
L28	N 05° 22' 21" E	124.59	4,524.5
L29	N 05° 22' 21" E	124.59	4,524.5
L30	N 05° 22' 21" E	124.59	4,524.5
L31	N 05° 22' 21" E	124.59	4,524.5
L32	N 05° 22' 21" E	124.59	4,524.5
L33	N 05° 22' 21" E	124.59	4,524.5
L34	N 05° 22' 21" E	124.59	4,524.5
L35	N 05° 22' 21" E	124.59	4,524.5



**RECEIVED**  
**SEP 02 2014**  
**BY C-14-107**

Director of Planning and Development  
 Date  
**ZONING SITE PLAN FOR 257.789 ACRES LOCATED IN THE BROCKMAN SURVEY, J.F. LARGENT SURVEY, JAMES F. REEDER SURVEY & IN THE CITY OF FORT WORTH, TARRANT COUNTY, TEXAS**  
 Prepared: September 2, 2014



**RECOMMENDED FOR APPROVAL**

**PRESENT USE:**  
 MINING VALLEY STORAGE, WASH PLANT, INDUSTRIAL, PAVES BARRIOW PITS

**NEW USE:**  
 MINING VALLEY STORAGE, GAS STORAGE, WASH PLANT, INDUSTRIAL, PAVES BARRIOW PITS

1. ALL PERMANENT STRUCTURES ARE TO BE DEVELOPED TO LIGHT INDUSTRIAL STANDARDS. ANY ITEM NOT OTHERWISE DEFINED WILL FELLOW 1 STANDARDS.
2. SUBMISSION OF A PERFORMANCE BOND OR CASH PAYMENT FOR EACH PHASE AS REQUIRED BY THE CITY TO ENSURE THAT ALL RESTORATION COSTS WILL BE PAID TO THE CITY TO RESTORE THE SITE ARE MET. (WHEN IS REQUIRED)
3. WASH PLANT AND SCALE USE TEMPORARY/PORTABLE STRUCTURES. SEE WASH PLAN EXHIBIT FOR LARGER VIEW OF STRUCTURE.
4. PROPOSED SPOUS LOCATED AT THE ENTRANCE TO THE PROPERTY SHALL CONFORM WITH LIGHT INDUSTRIAL STANDARDS.
5. WASH PLANT WILL OPERATE 2 YEARS OR LESS FROM TIME OF INITIAL SET UP AND OPERATION.
6. WASH PLANT CLEANING AND GRADES SAND & GRAVEL. A SOUND WALL WILL BE CONSTRUCTED. SCALE HOUSE IS APPROXIMATELY 750 SQ. FT.

**ENGINEER:**  
 Iron Consulting Engineers, Inc.  
 2840 W. Southlake Boulevard, Ste 110  
 Southlake, Texas 76092  
 PHONE: (817) 778-8843  
 FAX: (817) 778-8843  
 CONTACT: David C. Grayson, P.E.  
 ENR 9-3007

**APPLICANT / OWNERS:**  
 KENNETH NEWELL  
 FCS CONSOLIDATED, LLC &  
 FCS SOUTH FREIGHT LINE ROAD  
 FORT WORTH, TEXAS 7624  
 PHONE: (817) 452-8104  
 FAX: (817) 465-5888 FAX

**SURVEYOR:**  
 BEASLEY SURVEYORS  
 2500 S. WOODLAND AVE.  
 FORT WORTH, TEXAS 76104  
 PHONE: (817) 465-5888 FAX

**APPLICANT / OWNERS:**  
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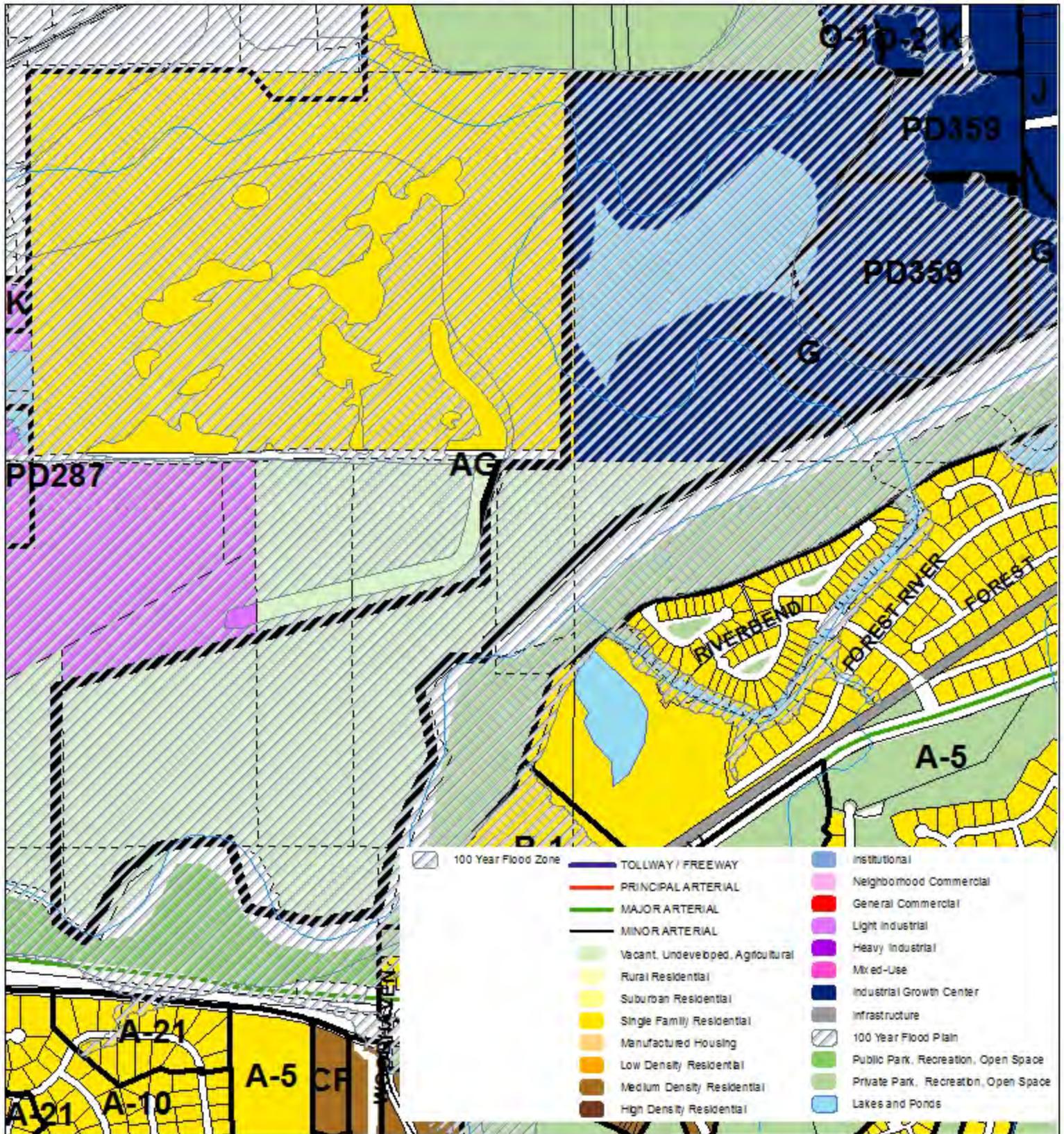
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### Future Land Use



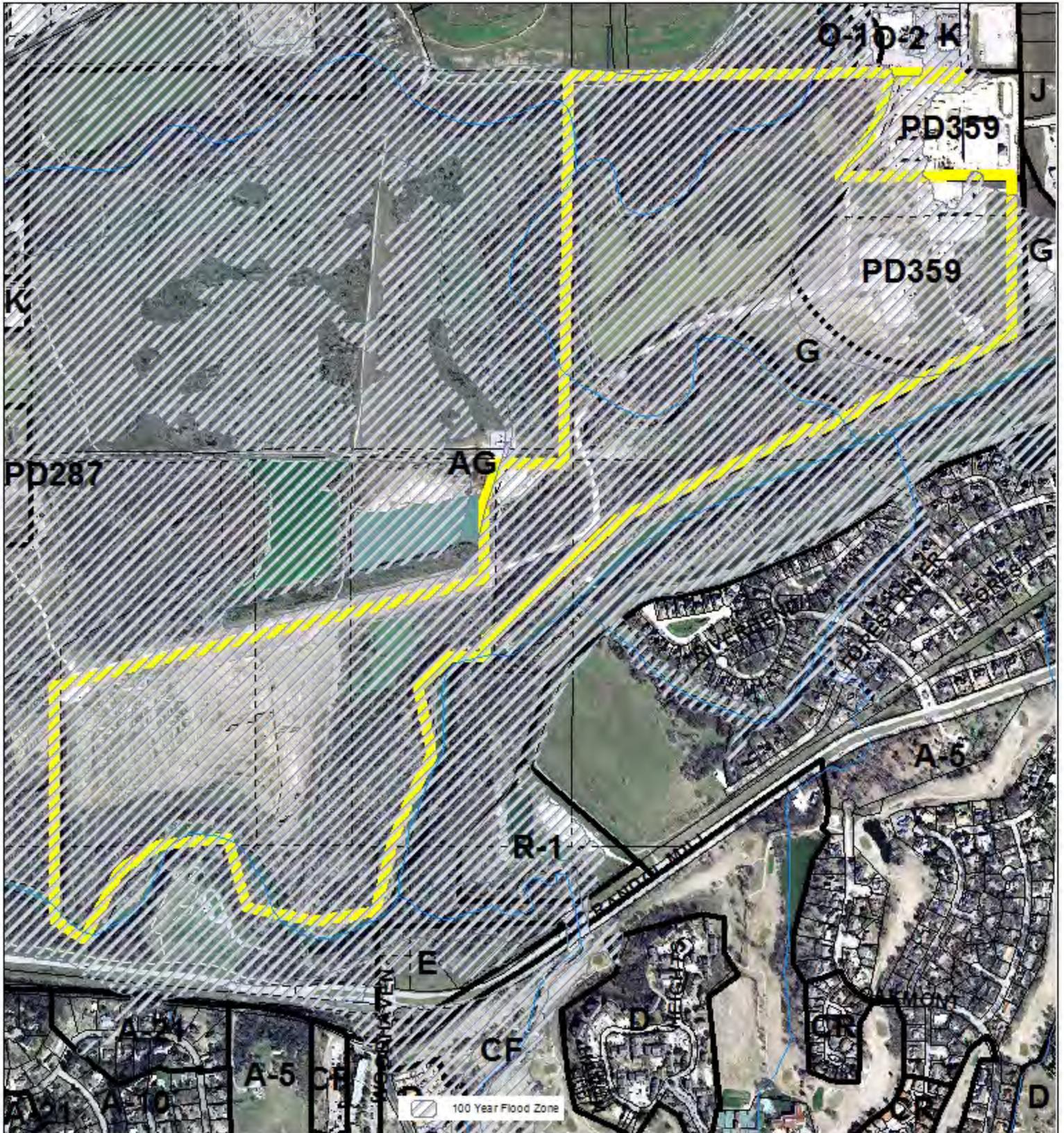
920 460 0 920 Feet



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 219.002.) Land use designations were approved by City Council on March 18, 2014.



## Aerial Photograph



920 460 0 920 Feet

A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 219.002.) Land use designations were approved by City Council on March 18, 2014.



**ZC-07-107**

8. Mining quarrying, dredging or excavation of dirt, gravel, sand, or stone for the purpose of removing, screening, crushing, washing, or storage of ore, clay, stone, gravel or similar materials, subject to the following requirements:

- a. Provision of a site plan of all existing conditions, including topography at five-foot intervals, streams, lakes, and other bodies of water, roadways, utility lines, structures and major vegetation, including canopy cover.

**Attached Exhibit A**

- b. Identification of any known protected species of plant, fish or animal life, or the presence of areas of historic, cultural or archeological significance. Such property that is found to be protected or of significant public interest shall not be included in any area approved for mining.

**None**

- c. Delineation of all permits and licenses (including NPDES and Texas Air Control Board) required for the operation of such a facility, name of contact person, agency address and telephone number of all permitting agencies, and verification of approval of same prior to operation.

**NPDES, Texas Air Control Board, MSHA**

- d. Submission of a plan of operation, including scheduling of activities, phasing, traffic generation, employees, and use of explosives or other hazardous or caustic materials or chemicals.

**Hours of Operation-**

**Normal Operations- 75% Estimate**

**Excavation Areas- 12 Hours/Day/6 Days/Week**

**Plant- 12 Hours/Day/6 Days/Week**

**Scale- 10 Hours/Day/5.5 Days/Week**

**Non-Normal Operations – 25% Estimate**

**Excavation & Plant- 24 Hours/7 Days/Week**

**Scale- 10 Hours/Day/7 Days/Week**

**Phasing & Estimated Traffic-**

**Dirt Sales- From Both Borrow Sites (41 & 75 Acre Sites)**

**Estimated Truck Traffic/Day- 85 Trucks (2,000 cubic yards)**

**Mining Operations to Wash Plant- From 75 Acre Site first**

**Estimated Haul Trucks Loads To Plant/Day-75 Loads/Day**

**Estimated Trucks/Day Picking Up Finished Product-75  
Trucks/Day**

**Employees-**

**Dirt Sales- Supervisor & 1 to 4 Equipment Operators**

**Mining & Plant Operation-**

**Supervisor/Manager, Safety Officer, 10-12 Employees**

## **No Use of Explosives, Caustic or Hazardous Chemicals**

- e. Analysis of potential impacts to adjacent properties (especially residential) due to dust, noise, water runoff and diversion, ground water alteration, silting sedimentation, erosion, traffic, and mitigation measures to control such impacts. Submittal of drainage study if deemed necessary by the Department of Transportation and Public Works. When deemed appropriate, as a mitigation measure of the site perimeter, City Council may require appropriate buffering, berming, screening and landscaping greater than that required under this Zoning Ordinance, which shall be maintained in a proper manner at the expense of the property owner. All mitigation measures must be installed and completed prior to any physical mining of the site.

**The subject site is adjacent to K-uses on the west (landfill and landfill transfer stations) and Austin Road Asphalt Plant on the north. To the east the site is bordered by a 15-acre truss manufacturing plant and J-light industrial buildings. The site is bordered by the Trinity River on the south.**

**The Trinity River and the heavy tree canopy on each side of the river are natural barriers to the development south of the site. Also, on the site north of the Trinity River are 2,500 trees in a tree farm which also create a natural buffer from the residential development to the south. Riverbend Estates is a residential development south of the Trinity River and the subject site. A standard project levee south of the Trinity River between the residential development and the Trinity River also screens the subject site from the residential development. The levee is approximately 30 to 35 feet high. The combination of the distance (average of +1,400 feet) from any operational area and the barriers described above very adequately buffer the site from the closest residential areas.**

**The access to the site is on the north side of the site on Austin Road. This road which terminates at the site is in the City of Fort Worth and intersects with Midway Road in the City of Richland Hills approximately ½ mile from the site. Therefore, the vehicular and truck traffic that will utilize the excavation and mining operations does not negatively affect neighboring developments.**

**Noise from the site will be minimal and will not impact the neighboring development especially the residential development. Safety regulations require the use of back-up warning devices, however management intends to use back-up warning lighting at the plant. This should eliminate any noise from these alarms.**

**Dust from operations will be carefully monitored and water trucks are used consistently in operations.**

**Plant lighting will be carefully planned to not interfere with any neighboring developments. In the event of night-time operations in the excavation areas, lighting will be placed below grade in the cut areas and aimed away from any surrounding development.**

**Any plant water or run-off water will be contained within the two excavation areas. The new plant will not create any sedimentation problems**

and is very low profiled. It is new sand and gravel plant technology and is extremely compact and efficient. The plant recycles the water used in the washing operation and the only additional water needed is what is lost in the created products. Therefore, up to 90% of the water used is recycled. A systematic of the plant is attached as Exhibit C.

*The combination of all of the above provides for an extremely neighborhood friendly and responsible excavation and mining operation. The fact that the site has been used continually from the early 1980's to the present without any community or neighborhood issues underscores the validity of the natural and man-made existing buffers and the management of the operations. In fact most neighboring development do not even know the operations have taken place.*

- f. Submission of plan for protection of adjacent rights-of-way and streets if mining operations are planned within 50 feet of such rights-of-way and streets, and approval of plans required from the Transportation and Public Works Director.

**No streets or rights-of-way are affected.**

- g. Approvals from all utility service providers, transmission, electric and pipeline companies for work around, near or across such utility facility, including approvals for relocation of such utility facility if required.

**None required.**

- h. Site plan identifying all proposed structures, operating facilities, loading and wash areas, roadways, stream or water course divisions, holding ponds/tanks, temporary power lines and other side improvements.

**Attached- Exhibit A**

- i. A reclamation plan, including final topography contours, at five-foot intervals, relocated stream beds, lakes, ponds and other physical features, type and depth of surface material, seeding and replanting plan for restoration of the original canopy cover of the site, including any required cross-section and engineering/construction plans as approved by the City Forester or a soil conversation scientist. It is recommended that plant materials native to the site be used.

**Attached- Exhibit B**

- j. Submission of a performance bond or cash payment for each phase as required under the standard contract for Community Facilities Agreement of the City to ensure that all restorations costs in accordance with the reclamation plan of the site are met.

*Request waiver from this requirement.*

The applicant has been operating excavation and/or mining within the City of Fort Worth for over 40 years. This will be in fact the fifth sand and gravel mine site. These operations have resulted in such developments as the Riverbend Business Park, the Riverbend Estates Residential Development, and the Trinity Lakes Development. These developments contain over 3 million feet of commercial and light industrial buildings and over 1,600 residential homes. The applicant's present investment of over \$100 million dollars in the existing Trinity Lakes Development

**demonstrates the actions of the applicant to fulfill complete any commitments made to the City of Fort Worth including the restoration shown on Exhibit B.**

**The completion/restoration of the site will result in three beautiful lakes and will result in the creation of over 2,000 acre feet of valley storage which can be used to facilitate floodplain development in the City of Fort Worth.**

- k. Provision of a clearly visible sign at the entrance to the mining operation identifying the name, business address and phone number of the facility owner and operator in compliance with the requirements for on-premises signs.

**Signage per above will be provided.**

- l. City Council may appoint an oversight committee of city staff, public representatives and others, as required, to provide assurance of compliance with all federal, state and City regulations, codes and ordinances. The operator and/or owner of a mining operation shall provide in writing for the limited access to the property by said members subject to all safety and operational restrictions required by law to protect on-site public welfare and safety. Such access approval shall be a prerequisite and part of the conditions of approval of the "PD" District.

**Applicant will comply and execute any access approval requested.**

**Respectively Submitted:**

**Kenneth Newell  
8/14/14**

**7. ZC-14-107 Kenneth B Newell, KD & G Consolidated LLC, Tarrant Acquisitions Ltd (CD 4) – 7090 Enterprise Avenue (J. Brockman Survey, Abstract No. 102, HF Largent Survey, Abstract No. 960, James F. Redding Survey, Abstract No. 1302, Wm. Reeder Survey, Abstract No. 1303, 267.78 Acres): from “AG” Agricultural, “G” Intensive Commercial, and “PD-359” Planned Development for “J” Medium Industrial uses with no outside storage of manufacturing supplies, materials or by-products; site plan waived to “PD/SU” Planned Development/Specific Use for valley storage, mining/excavation and associated uses, gas wells, gas compressors and associated uses, tree farms with “I” Light Industrial development standards; site plan included**

H. Dennis Hopkins, 2131 N. Collins Street, Suite 433, Arlington, Texas representing Kenneth B Newell explained to the commissioners the request to continue current uses at the subject property. He explained the current uses which include mining of raw materials, three natural gas well pad sites and a compressor station as well as an 18 acre tree farm. Mr. Hopkins states that he filed a thirty year history of the site at the time of application submittal. Mr. Hopkins showed exhibits of the facility proposed for the purpose of the processing of sand and gravel and explained the hours and operations for the facility as well as access to the property being maintained off of Austin Road. He states that the area is “K” Heavy Industrial and that all truck access will be within the industrial areas only. Mr. Hopkins also makes reference to the exhibit showing the decibel ranges and asks the commissioners to note the decibels for the 70 to 80 ranges and their equivalency as to the chart. Mr. Hopkins states that he has had five neighborhood meetings with various neighborhood associations making reference to the Garden of Eden which supports his request as well as a letter from the Riverbend HOA located to the south.

Mr. Edmonds asked for clarification on the length of the paving of the road and asked if he would be open to mitigating any noise issues that might be imposed on the nearby neighborhood. Mr. Hopkins states that the road would be 1,312 linear feet from the point where Austin Road currently terminates to the site of the proposed facility to mitigate any dust and would be willing to mitigate any noise issues with the neighborhood. Mr. Hopkins states that as reflected on the site plan, the proposal to erect a sound barrier on the south portion of the property. In response to a question from Mr. Edmonds, Mr. Hopkins stated the size of the compressor station site is about a four and a half acre site and the compressors will be restricted to this site only due to the floodplain and the physical conditions of the site. Mr. Edmonds asks if the applicant would be opposed to making a notation to the site plan as to any future compressors added to the site and limited to the four and a half acre area only. Mr. Hopkins states that it will not be a problem for his applicant.

Mr. Flores asks for clarification as to how many mining apparatuses will be on site. Mr. Hopkins states that there will only be one as shown on the site plan.

Trina Sanders, 1408 Carson Street, Fort Worth, Texas president for the Garden of Eden NA spoke in support of the proposed zoning change request. She said that the applicant has reached out to them and she appreciates the efforts made by the applicant to the neighborhoods.

Jim Ashford, 6209 Riverview Circle, Fort Worth, Texas spoke in opposition. Mr. Ashford states that the development does not meet “I” Light Industrial development standards as stated in the

request. Mr. Ashford states that the use is incompatible as it relates to the Comprehensive Plan and to the surrounding uses such as the neighborhood it buffers. Mr. Ashford feels that the applicant should not be rewarded a zoning change for the questionable mining operations. Mr. Ashford states that the sound buffers will not prevent the increase in sound imposed on the neighborhoods.

Mr. Edmonds asked Mr. Ashford for clarification on the count of homes in the Riverbend neighborhood. Mr. Ashford states that there are about 200 homes in the neighborhood. Mr. Edmonds also mentioned the neighborhood has not met on this to make a decision and asked if paving the road would help with some of his concerns. Mr. Ashford said that is correct they have not met and officially made a decision. He said the paved road would help but the trucks will not stay on that road and have to transfer dirt to the machine and will still stir up dust. Mr. Edmonds clarifies the comprehensive plan and its guidelines so that Mr. Ashford understands that it is only a guideline and does not determine the vote of the commission. Mr. Edmonds clarified the request for a Planned Development with a site plan such as the one requested. He also makes reference to the noise and the distance between the neighborhood being in line with the decibel chart and also the distance to the neighborhood. Mr. Ashford mentioned his concerns for the noise level for the gas drilling sites and being able to meet those levels based on the gas ordinance. Mr. Edmonds clarifies that the only way to change something on site other than what is currently on the site plan is to request for a change in the site plan.

Mr. Flores asks for clarification on the Riverbend NA meeting prior to this meeting. Mr. Ashford clarified that some of the members of Riverbend had met with the applicant but was not aware of any other meetings held. Mr. Flores stated that there was a letter on file from the President of Riverbend HOA, Michael S. Perry, stating that the board of directors of the Riverbend HOA is in support of the zoning request. Mr. Ashford stated that he was not aware of the meeting held by the board and that he was concerned about this.

Mr. Edmonds clarified the meetings held within the HOAs and neighborhood standards and said that there should be a meeting held with the neighborhood at a later time.

In rebuttal, Mr. Hopkins states that he does not agree with anything that Mr. Ashford has to say. Mr. Hopkins states that he understands that the Riverbend HOA board is required to give a 72 hour notification where there will be a general meeting at a later time. He said that being that they were not able to meet before the hearing, there will be a follow up in time for the City Council hearing. With that said, the Board of Directors did submit the unanimous vote to support the request as shown on file. Mr. Hopkins makes reference to mitigate the dust issues. He feels that the dust is not coming from his client and is coming from another site. Mr. Hopkins states that the mining operations have been going on for more than thirty years and before the Riverbend neighborhood was established. He goes onto to say that the tree farm is not the buffer for the neighborhoods but a natural tree buffer that lines the Trinity River Corridor that will be in place.

Mr. Edmonds asks if the gas well location is the closest to the Riverbend estate. Mr. Hopkins says he believes that the gas well site is about 1,432 feet to the closest house in the Riverbend neighborhood. Mr. Edmonds asks if there is any limitation that could be put into the site plan that

would accommodate the concerns of Mr. Ashford. Mr. Hopkins states they are limited to gas wells in the area due to floodplain issues.

Kenneth Newell, 5101 Cliffrose Lane, Fort Worth, Texas property owner spoke to clarify that the gas well sites could potentially be enlarged if they desired but they are trying to keep it designated to the site plan so they could only be limited to that specific area. The agreement with Chesapeake is very specific as to where they locate the gas wells.

Ms. McDougall mentioned for the record that she was invited to attend the meeting but did not go. She asked Ms. Sanders her thoughts on taking the tour of the site and why she was in support of the request. Ms. Sanders explained that she was familiar with the site as it has been there for many years. She was in support of the way the applicant has performed their business practices and the way they have been mindful of the neighborhoods in doing things the right way.

Ms. McDougall asked if there was any insight of future development for this site. Mr. Newell stated that the use afterwards would be a stormwater valley storage facility, which he said is very important to the city for future development.

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

<i>Document received for written correspondence</i>					<i>ZC-14-107</i>
<b>Name</b>	<b>Address</b>	<b>In/Out 300 notification area</b>	<b>Position on case</b>		<b>Summary</b>
Trina Sanders/ Garden of Eden NA	1408 Carson	Out		Support	Spoke at hearing
Jim Ashford	6209 Riverbend Cr	Out	Opposition		Spoke at hearing
Michael Perry/ Board member Riverbend HOA	NA	Out		Support	Sent letter in
Rita Vinson/ Neighborhoods of East Fort Worth	6216 Dovenshire Terr	Out	Opposition		Sent letter in
Riverbend Estates	NA	Out	Opposition		Sent letter in
Andy Lowe	401 Forest River Cir	Out	Opposition		Sent letter in

**8. ZC-14-108 James Jacobson (CD 8) – 2735-2737 Purington Avenue (Sycamore Heights Addition, Block 47, Lots 19 & 20, 0.37 Acres): from “B” Two-Family to “PD/B” Planned Development for all uses in “B” Two-Family plus a fourplex; site plan included**

Jim Jacobson, 2653 Blue Mound Road, Haslet, Texas, the property owner, explained to the Commissioners the request is to rezone the property to allow for a PD to allow for four units. Mr. Jacobson said the property is in bad shape and he purchased it as an investment property. While applying for the NEZ he found out the zoning did not allow for two fourplex units. The site plan