



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
May 14, 2013

Council District 2

Zoning Commission Recommendation:
Approval by a vote of 5-2

Opposition: Several property owners

Continued Yes X No ___
Case Manager Stephen Murray
Surplus Yes ___ No X
Council Initiated Yes ___ No X

Owner / Applicant: **Electro-Tech Services, Inc.**

Site Location: 5116 Northeast Parkway Mapsco: 49K

Proposed Use: **Halfway House**

Request: From: "K" Heavy Industrial
To: "PD/K" Planned Development for all uses in "K" Heavy Industrial plus halfway house; site plan included

Land Use Compatibility: Requested change **is compatible.**

Comprehensive Plan Consistency: Requested change **is consistent.**

Background:

The case was continued from the April 2, 2013 Council meeting in order for the applicant to meet with various property owners.

The proposed site is located on Northeast Parkway in the southwest quadrant of IH 35W and Loop 820. The applicant is requesting a zoning change from "K" Heavy Industrial to "PD/K" Planned Development for K uses plus halfway house. The request is the result of an existing site being acquired for the Trinity River Vision project.

According to information provided by the applicant, halfway houses function as a method of reintegration for offenders. Rather than sending an inmate on the street, a halfway house provides a transition. The transfer to a halfway house provides the opportunity for the offender to become employed and save some money prior to release. It also allows for a more gradual return to freedom and assists in reducing recidivism. The site is not located on a bus or transportation line; the facility will provide a shuttle service to the Northside bus transfer station for access to employment locations.

The applicant contracts with the Texas Department of Criminal Justice (TDCJ) to house, feed and provide other specified services to offenders, most if not all of whom are returning to Tarrant County from the prison system. TDCJ prefers to send offenders eligible for a halfway house to the closest halfway house to the County the offender is ultimately returning to. Tarrant County offenders are sent to the Avalon Fort Worth facility. These offenders are assisted with obtaining employment and saving money for their eventual release.

A smaller, secondary population is Sex Offender Civil Commitments. These are individuals who have served their criminal convictions but who are determined to be unfit for unsupervised release. These

offenders are monitored and confined to the facility and are not eligible for work release. The applicant does not currently provide Therapeutic Community substance abuse services at the Fort Worth facility, but these services may be needed in the future by TDCJ. These offenders would receive treatment services while in the facility.

The applicant, through a wholly owned Texas subsidiary, currently provides halfway house services in Fort Worth at a leased facility at 600 N. Henderson (acquired in 2009). This facility will eventually be taken by eminent domain as a part of the Trinity River Vision Project. One year remains on the lease.

Correctional staff will continually monitor the residents while they are in the facility. Head counts are performed at periodic intervals resulting in physical confirmation of residents' locations 10-11 times per day. Any resident leaving the facility must have an approved itinerary. Failure to follow the approved itinerary results in sanctions including the possibility of returning to higher security. Job checks are performed on a periodic but random basis to ensure working offenders are on the job. All persons returning to the facility are given a breathalyzer test. Drug testing is also done both on suspicion as well as at random. Entry into the facility subjects the person to a pat down search as well as passage through a metal detector. Cameras will be in place to monitor all activities inside and outside the facility. Recreation areas will be surrounded by a privacy fence. Male and female areas will be kept separate both inside the facility and in the recreation areas.

The planned facility will employ approximately 45 people. On staff will be an administrator, an assistant administrator, operations supervisor(s), client monitors, case managers, maintenance personnel, employment specialists and other necessary employees.

The site is immediately adjacent to the Greenbay Jail facility, which is one of four (4) Tarrant County Jail sites. According to the Tarrant County Website, the Confinement Bureau books in approximately 32,000 inmates a year. All inmates are centrally received at the Corrections Center where they are booked, photographed and enrolled. After the inmates are booked, they are processed in to the jail system and housed in one of the four facilities.

Prior to filing the application, the general counsel and another vice president of the applicant attempted to contact neighboring businesses within a quarter mile. According to the applicant, none of the neighbors expressed concern or opposition to the proposed use. Additionally, all known parks, schools, daycares or other places children and youth gather are more than a mile away from the location.

Due to the nature of the proposed use, more stringent reporting and noticing are required. Section 4.305B of the Zoning Ordinance requires an area plan showing zoning classifications and land uses of all property within ¼ mile of the site of the proposed halfway house. In addition, the area plan must specifically identify all uses related to children, such as schools, places of worship, parks, playgrounds, day care centers, public and private youth centers, public swimming pools and video arcade facilities. An inset area map on the PD site plan provides that the site is not within ¼ mile proximity to any of these uses.

Also, notification of the requested zoning change was sent to the owners of all property within 1,000 feet, in accordance with the procedure set out in the Zoning Ordinance. There were no registered neighborhoods within 1,000 feet of the proposed site. (The ¼ mile courtesy notification was sent only to the Eagle Mountain-Saginaw ISD.) Finally, as required, notice of the time and place of the hearing before the City Council will be published in an official newspaper or a newspaper of general circulation at least 15 days before the hearing as required by state law and shall be at least 5" by 8".

This case was continued from the February meeting in order to address neighborhood and Commissioners concerns. The applicant met with the neighboring property owners for 2 hours on February 28th. According to the applicant, the meeting with the neighboring property owners was not productive and a meaningful compromise was not reached.

Site Information:

Owner: Electro-Tech Services, Inc.
19481 San Jose Ave
City of Industry, California 91748

Agent: Avalon Parkway Properties, LLC/Jim Schell
 Acreage: 2.38 acres
 Comprehensive Plan Sector: Far North
 Surrounding Zoning and Land Uses:
 North "K" Heavy Industrial / industrial; Greenbay Tarrant County Jail Facility
 East "K" Heavy Industrial / industrial
 South "K" Heavy Industrial / vacant
 West "K" Heavy Industrial / industrial

Site Plan Comments:

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

Transportation/Public Works (TPW) site plan comments

No comments have been submitted at this time.

Recent Relevant Zoning and Platting History:

Zoning History: None

Platting History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Northeast Pkwy	Major Arterial	Major Arterial	No

Public Notification:

The following organizations were notified:

Eagle Mt. Saginaw ISD	
-----------------------	--

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zoning change to "PD/K" Planned Development for K uses plus halfway house. Surrounding land uses are primarily industrial with the Greenbay Tarrant County Jail Facility directly north of the proposed site. The site is located along a major arterial and will have similar operational characteristics of the surrounding uses.

As a result, the proposed zoning for this site **is compatible** at this location.

2. Comprehensive Plan Consistency

The 2013 Comprehensive Plan designates the subject property as Industrial Growth Center. A halfway house is considered a use that may not be compatible in residential areas, therefore an industrial area such as the proposed site provides a significant distance buffer from other uses. The requested zoning change is consistent with the following Comprehensive Plan policies.

- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods (pg 38)
- Discourage the location of industrial uses adjacent to residential districts. (pg 38)
- 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 be evaluated on a case by case basis before approval (pg. 38)

Based on conformance with the future land use map and the policies stated above; the proposed zoning **is consistent** with the Comprehensive Plan.

Attachments:

- Location Map

- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Site plan
- General Information from the applicant
- Minutes of the City Council meeting
- Minutes from the Zoning Commission meeting