



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
August 5, 2014

Council District 4

Zoning Commission Recommendation:
Denial by a vote of 8-0

Opposition: One person spoke; Glen Garden NA
Support: Two people spoke

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

Owner / Applicant: Lawrence Duckett, Sr.

Site Location: 5904 - 5916 (evens) Etsie Street Mapsco: 65N

Proposed Use: Storage Yard / Junk Yard

Request: From: "AG" Agricultural
To: "K" Heavy Industrial

Land Use Compatibility: Requested change is not compatible.

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

Background:

The proposed site is located near the corner of Etsie Street and Sanders Street. The applicant would like to amend the zoning from "AG" Agricultural to "K" Heavy Industrial for a salvage yard. If the zoning is approved, the applicant is required to go before the Board of Adjustment (BOA) for Special Exception, in order to begin using the site for outdoor storage or a salvage yard.

In the past, the applicant operated a legal nonconforming salvage yard and had a Certificate of Occupancy for this use. However, the site ceased to operate for more than two years and the applicant did not renew the Special Exception. As a result, the site lost its legal nonconforming status and must obtain the correct zoning and proceed to the BOA to operate.

Multiple salvage and parts yard exist in this area along Elliott Reeder in the eastern part of the city. It could likely be described as the highest concentration of these types of businesses in the city. Most of the businesses are pick and pull yards and are open to the public.

This case was continued from the previous meeting in order for the applicant to meet with the surrounding neighborhood organization. The applicant has not provided an update regarding this meeting. Also, during the previous meeting, discussion was brought up concerning the auto storage directly north of the subject site, which is zoned both AG and I. Code Compliance investigated the site and found that a Certificate of Occupancy for the use was issued 08/26/1995. Code did not respond concerning the apparently use of the alley. As a result, this site is most likely legal nonconforming.

Site Information:

Owner: Lawrence Duckett, Sr.
 1940 Delga Street
 Fort Worth, TX 76102
 Acreage: 1.06 acres
 Comprehensive Plan Sector: Eastside

Surrounding Zoning and Land Uses:

North "AG" Agricultural / outdoor storage, salvage yard
 East "K" Heavy Industrial / waste hauling truck and storage yard
 South "AG" Agricultural / vacant; recently cleared
 West "AG" Agricultural / single-family; auto salvage yards

Recent Relevant Zoning and Platting History:

Zoning History: None
 Platting History: None

Transportation/Access

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

Public Notification:

The following organizations were notified:

Organizations Notified	
Garden of Eden	Eastside Sector Alliance
Streams & Valleys, Inc (West Fork Trinity River)	Fort Worth ISD
East Fort Worth Business Assn	Birdville ISD

Development Impact Analysis:

1. **Land Use Compatibility**

The applicant is requesting to rezone the site from "AG" Agricultural to "K" Heavy Industrial in order to seek a Special Exception for an auto salvage yard. Surrounding land uses are primarily outdoor auto storage for surrounding auto auction yards and salvage/storage yards, with a single-family home directly west of the site.

A significant portion of the area is located within the floodplain. The area also contains numerous salvage yard uses. As a result, the proposed rezoning **is compatible** with the neighborhood.

2. **Comprehensive Plan Consistency**

The 2014 Comprehensive Plan designates the site as single-family. The proposed "K" Heavy Industrial is not consistent with the Comprehensive Plan. However, a review of the Comprehensive Plan is needed for this area in FY 2015. Several salvage yards operate in close proximity to the proposed site and a large portion of the area is located within the floodplain, which would be difficult for construction of new single-family development.

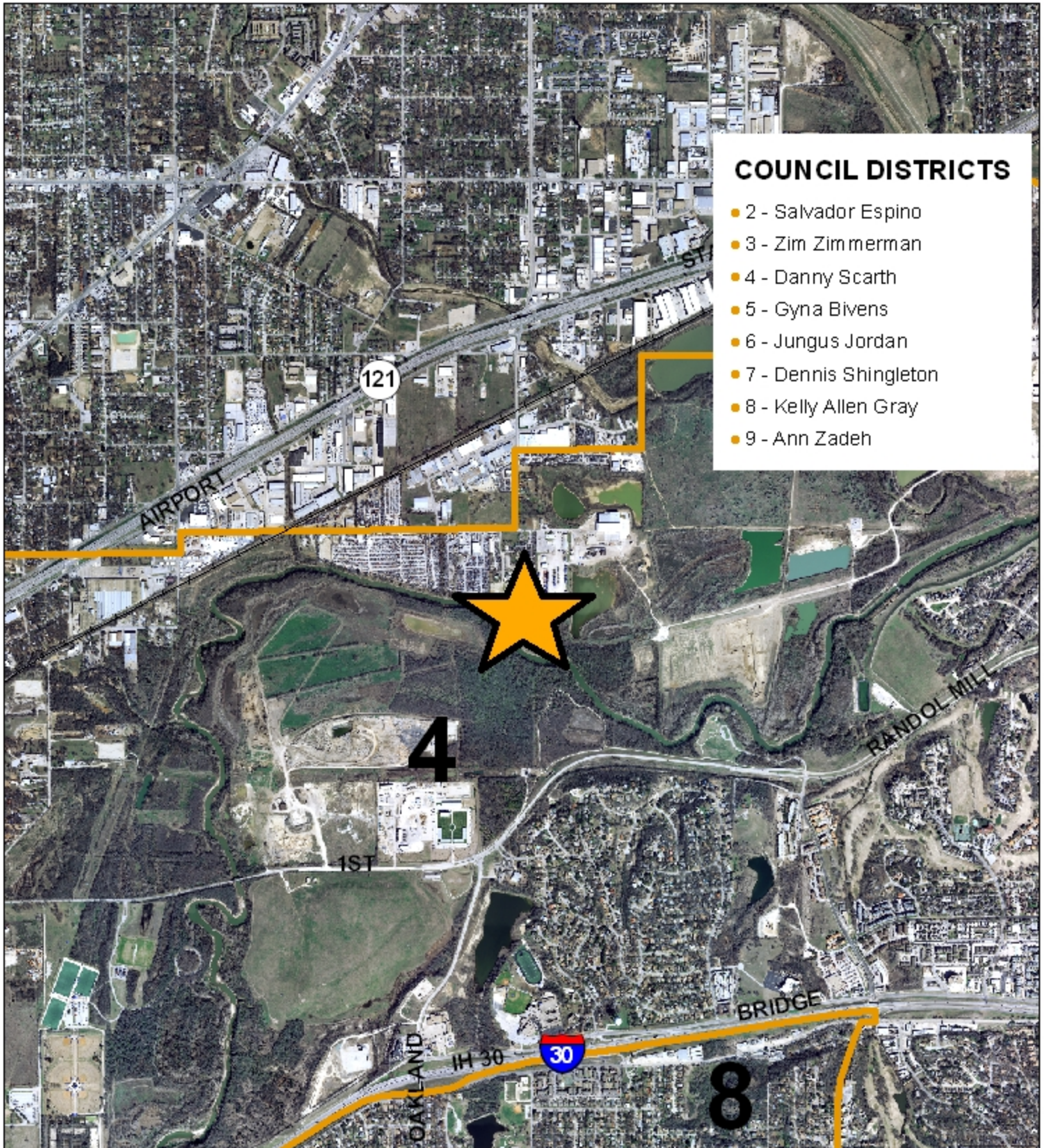
- Locate large industrial uses along freight rail lines, highways, or airports within industrial growth centers and other appropriate locations. (Pg. 40)
- Separate incompatible land uses with buffers or transitional uses. Some land uses have attributes such as height, proportion, scale, operational characteristics, traffic generated, or appearance that may not be compatible with the attributes of other uses. (Pg. 40)
- 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. 40)

Based on the lack of conformance with the future land use map and policies stated above, the proposed zoning **is not consistent (Significant Deviation)** with the Comprehensive Plan.

Attachments:

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

Location Map

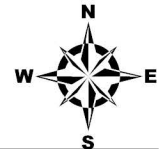


2,000 1,000 0 2,000 Feet



Area Zoning Map

Applicant: Lawrence Duckett, Sr.
 Address: 5904 - 5916 (evens) Etsie Street
 Zoning From: AG
 Zoning To: K
 Acres: 1.06740715
 Mapsco: 65N
 Sector/District: Eastside
 Commission Date: 5/14/2014
 Contact:



300 Ft. Buffer

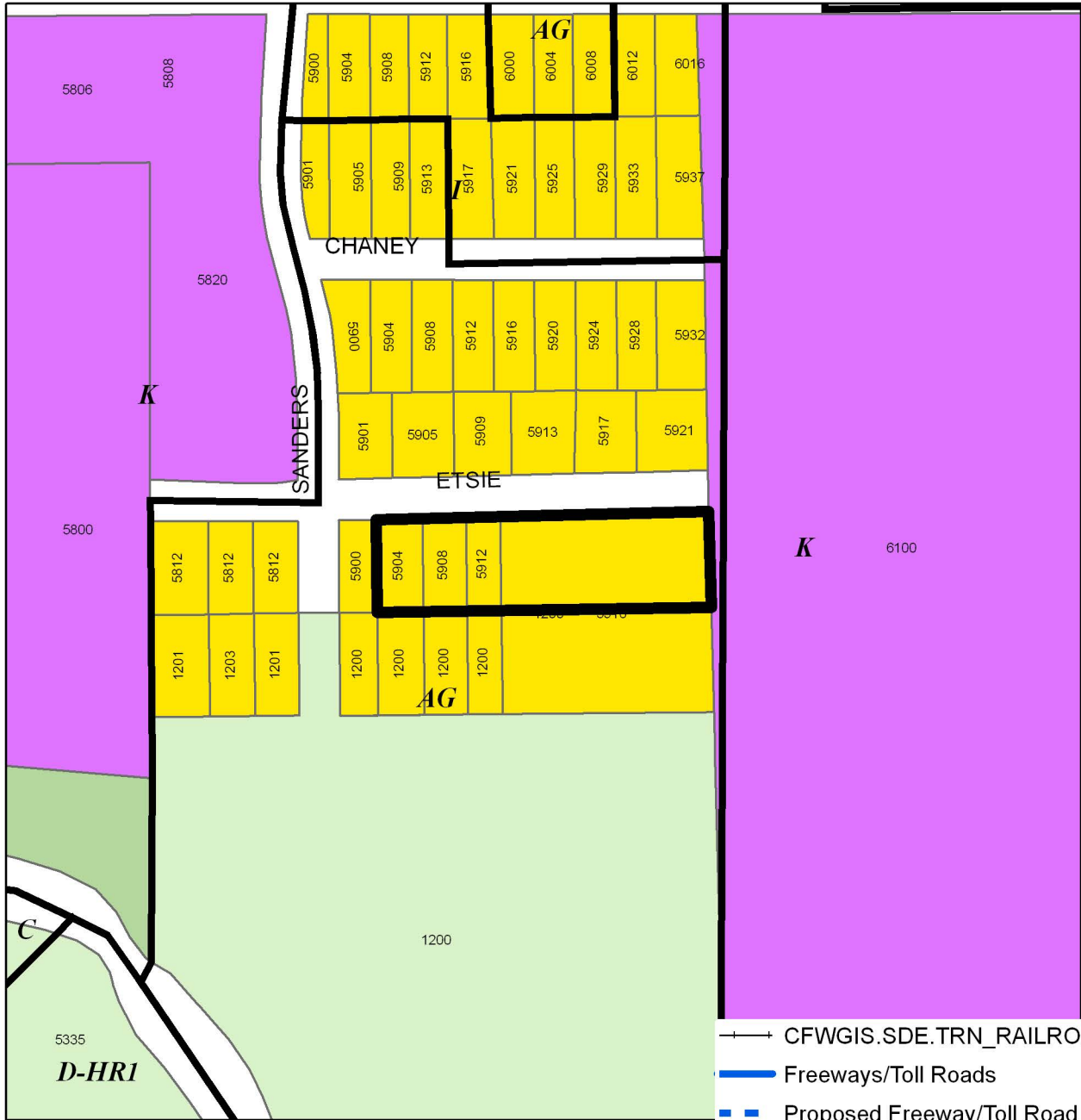




5904 - 5916 (evens) Etsie Street

Future Land Use

ZC-14-051



- 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



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

		area			
Paul Delaney	409 Carson St	Out		Support	Spoke at hearing
Jennifer Knittel	5800 Elliott Reeder	Out		Support	Spoke at hearing
Trina Sanders/ Garden of Eden NA	1412 Carson St	In	Opposition		Spoke at hearing

3. SP-14-004 August Stanislawski III/TX Industrial Scrap (CD 2) – 3800 N. Commerce Street (Fostepco Heights Addition, Block 10, Lot 5R, 6.19 Acres): to Amend PD-764 site plan to add permanent shredder

Jeff Taylor, Dunaway Associates, 550 Bailey Ave, Suite 400, Fort Worth, Texas representing August Stanislawski explained to the Commissioners they are amending the PD site plan for a permanent office.

Mr. Flores asked Mr. Taylor if their client met with the business owner that was in opposition at the May hearing. Mr. Taylor said they have had correspondence via email. Mr. Flores asked if he could summarize the correspondence. He said Susan Smith the owner of the shredder said there was an understanding that the fluff for the insulation would be kept down by erecting a 15 ft high fence already existing, a screen barrier, and the dust to be cleaned up as the piles occur. Mr. Flores also asked if they have met with any of the community stake holders. Mr. Taylor said he believes so, but did not have the contact in his notes. Mr. Flores urged him to have his client communicate with the property owner in order to keep code compliance issues down.

Ms. Burghdoff mentioned the shredder appears to be about 250 ft from the north property and could Mr. Taylor confirm that. Mr. Taylor said the foundation is all that you see on the site plan; the shredder armature (wing span) is outside the foundation on a larger foot print. She said the existing wall needs to be indicated on the site plan; it says future on the site plan.

Motion: Following brief discussion, Mr. Flores recommended Approval as Amended of the request to update the site plan for the existing wall and include the armature area of the shredder, seconded by Mr. Edmonds. The motion carried unanimously 8-0.

4. SP-14-0005 Albortz LLC (CD 3) – 10013 Southview Road (Chapel Creek Plaza, Block 1, Lot 4, 3.22 Acres): to Amend PD-965 site plan to increase the height of the office and storage units

Mason Sahihi, 880 S. Carroll Avenue, Southlake, Texas and the property owner explained to the Commissioners they are requesting an amendment to the site plan for the height of the metal building and a two-story office building. He mentioned at the last meeting there was opposition from a neighbor and the Tiffany Gardens developer. They did meet with them and explained their project and resolved their issues. Mr. Sahihi handed in copies of support letters from them.

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