



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
February 3, 2015

Council District 5

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

Opposition: None submitted
Support: One person spoke

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

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 tow yard with short term auto 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 is requesting to rezone the property to "PD/SU" Planned Development/Specific Use for a tow yard with short term auto storage without a primary use. No long term storage or outside storage of other items will be on site.

The site was zoned to the current PD 534 in 2004 to allow for a vehicle exchange facility (indoor storage of new cars) with no more than 20 parking spaces and no outside storage along with the property to the north. The northern property has since been sold to the City of Euless. The subject property was the southern piece that had no permitted use as it was tied to the warehouse building.

In the previous Zoning Commission meeting, the applicant provided clarification of the proposed business. 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 with bay doors to service the business' tow trucks and Phase 3 will be a metal building expanding the service facility. The applicant intends to construct fencing and the masonry wall with the trees and vines during Phase 1 of the development; a note is provided on the site plan.

This case was heard by the Zoning Commission in July 2014 and recommended for denial due to one objection and the future land use plan. The City Council upheld the denial. However, after the decision the property owner requested that staff and the councilmember relook at the property, the area, and the

future land use plan. Most importantly, the applicant provided information that included a 300 ft. buffer from the adjacent gas pad and gas wells. The city Gas Code does not permit any habitable building within 300 feet of a well or compressor. As the facilities are very close to the property line, the applicant's property is almost completely limited due to this buffer. Industrial uses are ideal in these areas.

The Comprehensive Plan for this area was changed to Single Family by the sitting councilmember several years ago to support the residential regrowth of the Mosier Valley community. A new city park was dedicated in 2014 to the west of the property. However, residential uses are not permitted within gas buffer areas. The future land use plan in this location and citywide will have to be adjusted to reflect the prohibition of habitable buildings in these areas.

Within the tow yard, at no time can any of the vehicles on the property become parted, maintain expired tags or otherwise become undrivable unless being held for a limited time due to insurance investigations. 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.

Site Information:

Owner: David Matoke
113 W. Eules Blvd.
Eules, TX 76040

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)
ZC-14-038 PD534 to I; denied by City Council 9/9/14 (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 tow yard and short term outdoor auto storage. Predominant land uses surrounding the proposed site are gas pad site with wells and compressors to the east, vacant to the north, and 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 with the intention of supporting the residential redevelopment of the Mosier Valley community. The proposed zoning is not consistent with the following Comprehensive Plan policies:

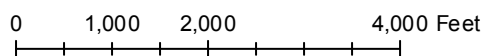
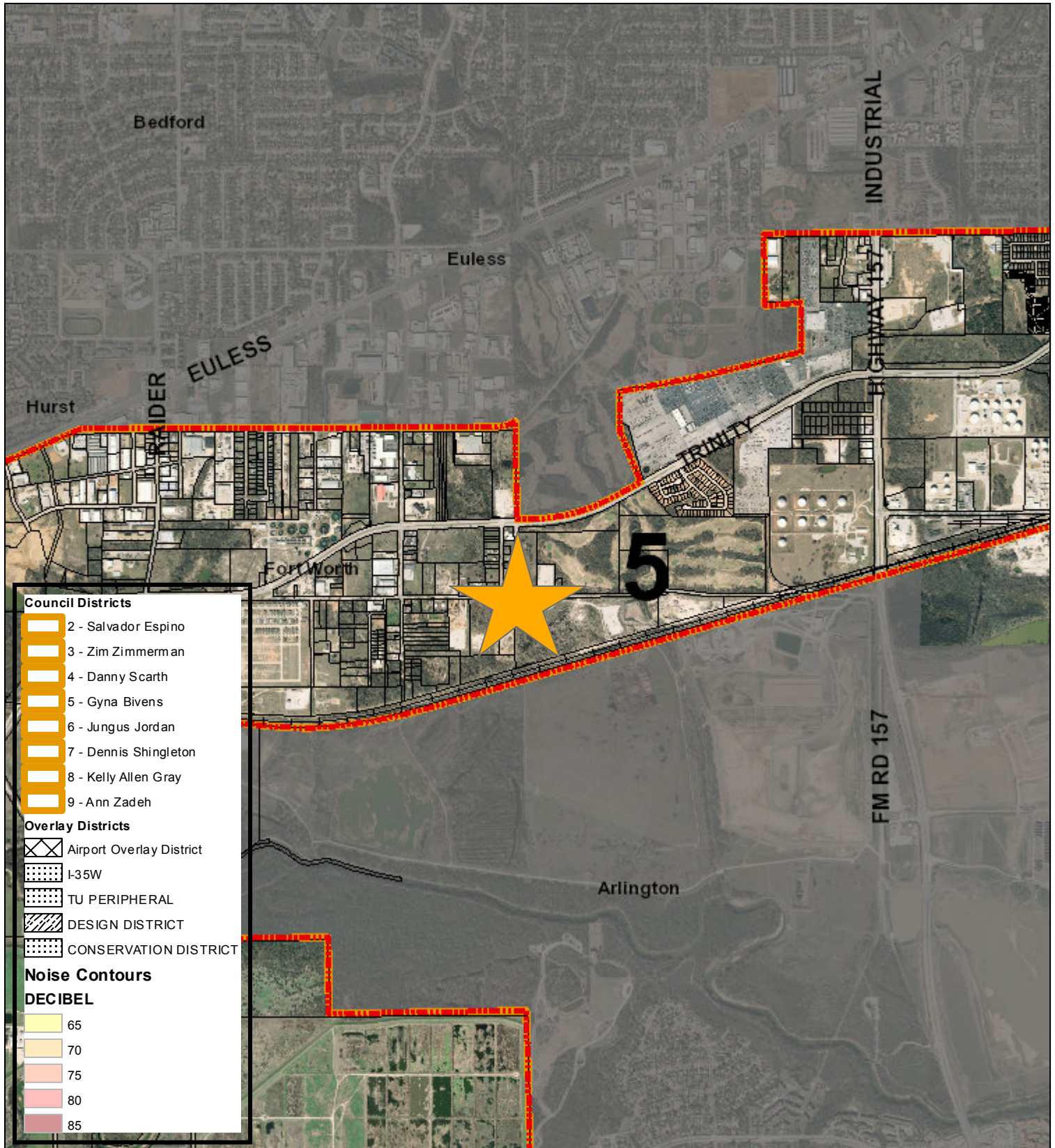
- Separate incompatible land uses with buffers or transitional uses. Some land uses have attributes such as height, proportion, scale, operational characteristics, traffic generated, or appearance that may not be compatible with the attributes of other uses.

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** from a residential use. However, due to the influence of the buffer from the gas facilities, the future land use will need to be reconsidered in this and other areas in the city in proximity to gas facilities.

Attachments:

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

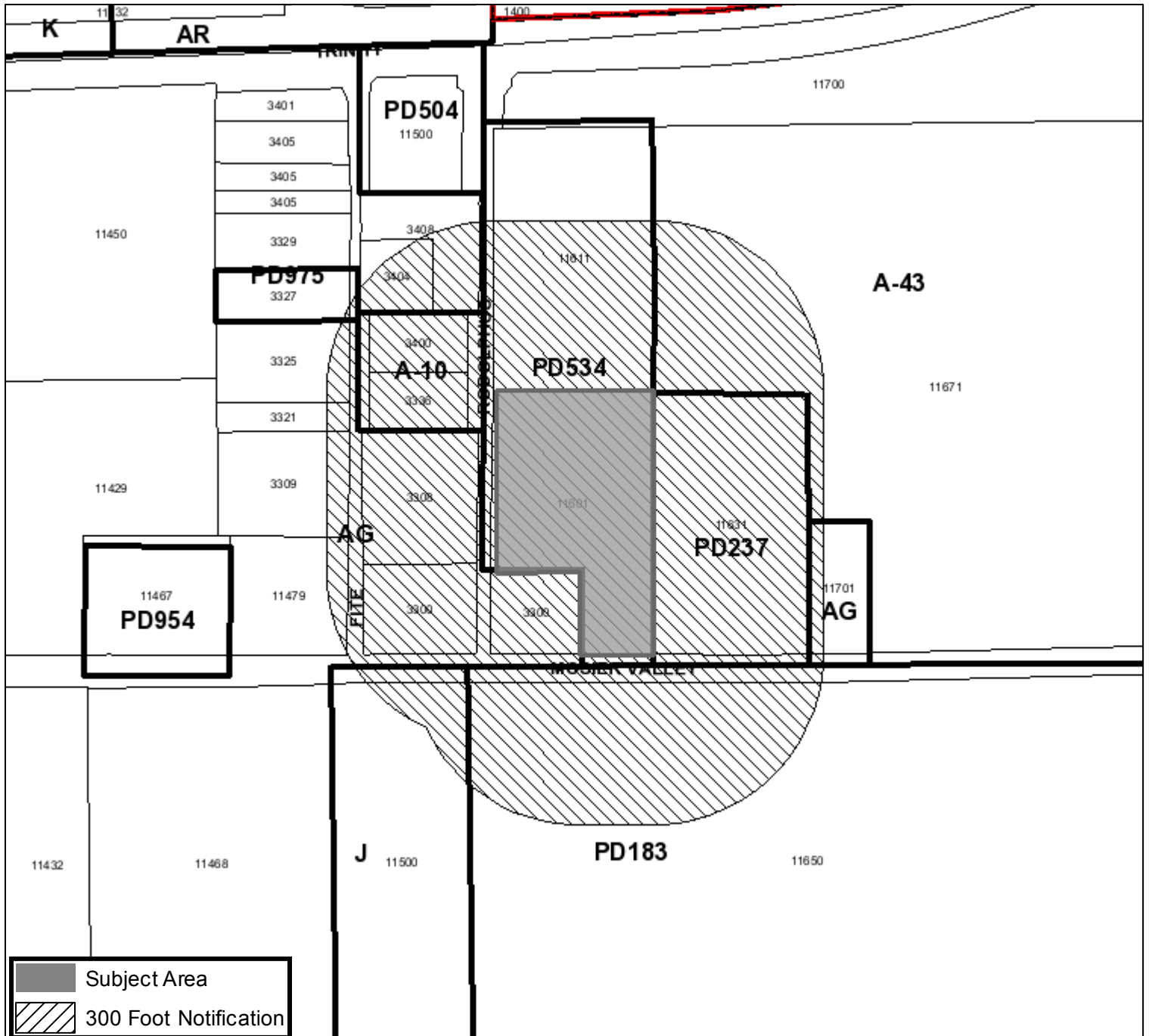
Area Map





Area Zoning Map

Applicant: David Matoke
 Address: 11601 Mosier Valley Road
 Zoning From: PD 534
 Zoning To: PD for I uses incl. outdoor auto storage without a primary use
 Acres: 2.52500233
 Mapsco: 54Z
 Sector/District: Eastside
 Commission Date: 1/14/2015
 Contact: 817-392-6226



0 125 250 500 Feet



Land Development Consultants
 State: 1988
 BonillaGroup@gmail.com (817) 290-9764

Owner / Developer

David Matoké
 131 W Euless Blvd.
 Euless, TX. 76040

Tract 10 - Abstract No. 780
 J V Haynes Survey
 1/4-4/4 Single Family District
 Use: 1/4-4/4 Single Family District

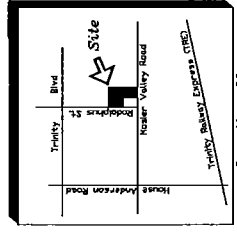
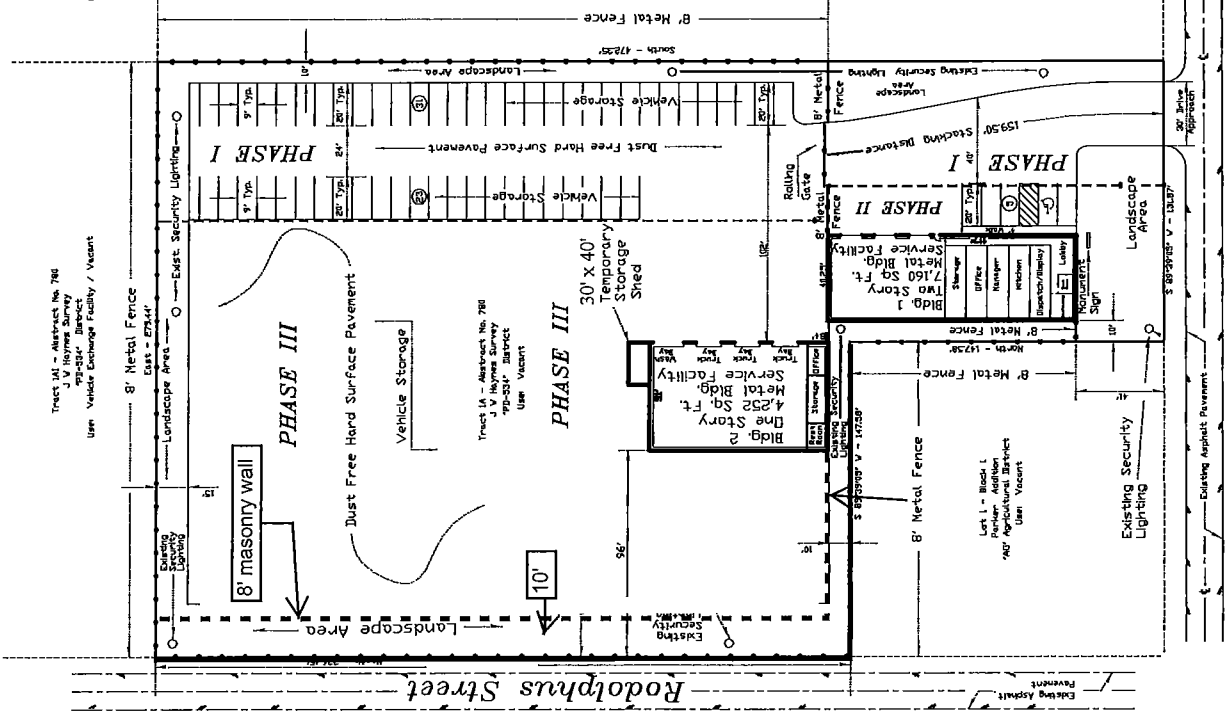
Tract 11 - Abstract No. 780
 J V Haynes Survey
 1/4-4/4 Single Family District
 Use: Vehicle Damage Facility / Vacant

Lot 1 - Block 1
 Section Addition
 1/4-1/4 Agricultural District
 Use: Vacant

Tract 12 - Abstract No. 678
 K House Survey
 1/4-1/4 Agricultural District
 Use: Vacant

Tract 13 - Abstract No. 678
 K House Survey
 1/4-1/4 Agricultural District
 Use: Vacant

Lot 1
 J J Vinograd Addition
 1/4-1/4 District
 Use: Concrete Crushing Facility



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 8.302, 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
6. Landscape area outside the masonry wall along Rodolphus shall consist of medium to large trees spaced at 25 ft. and climbing vines on the masonry wall.

"PD/I" Planned Development for all uses in "I" Light Industrial plus tow yard and auto storage without a primary use

11601 Mosier Valley Road
 Fort Worth, Texas

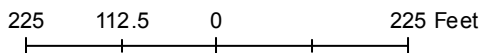
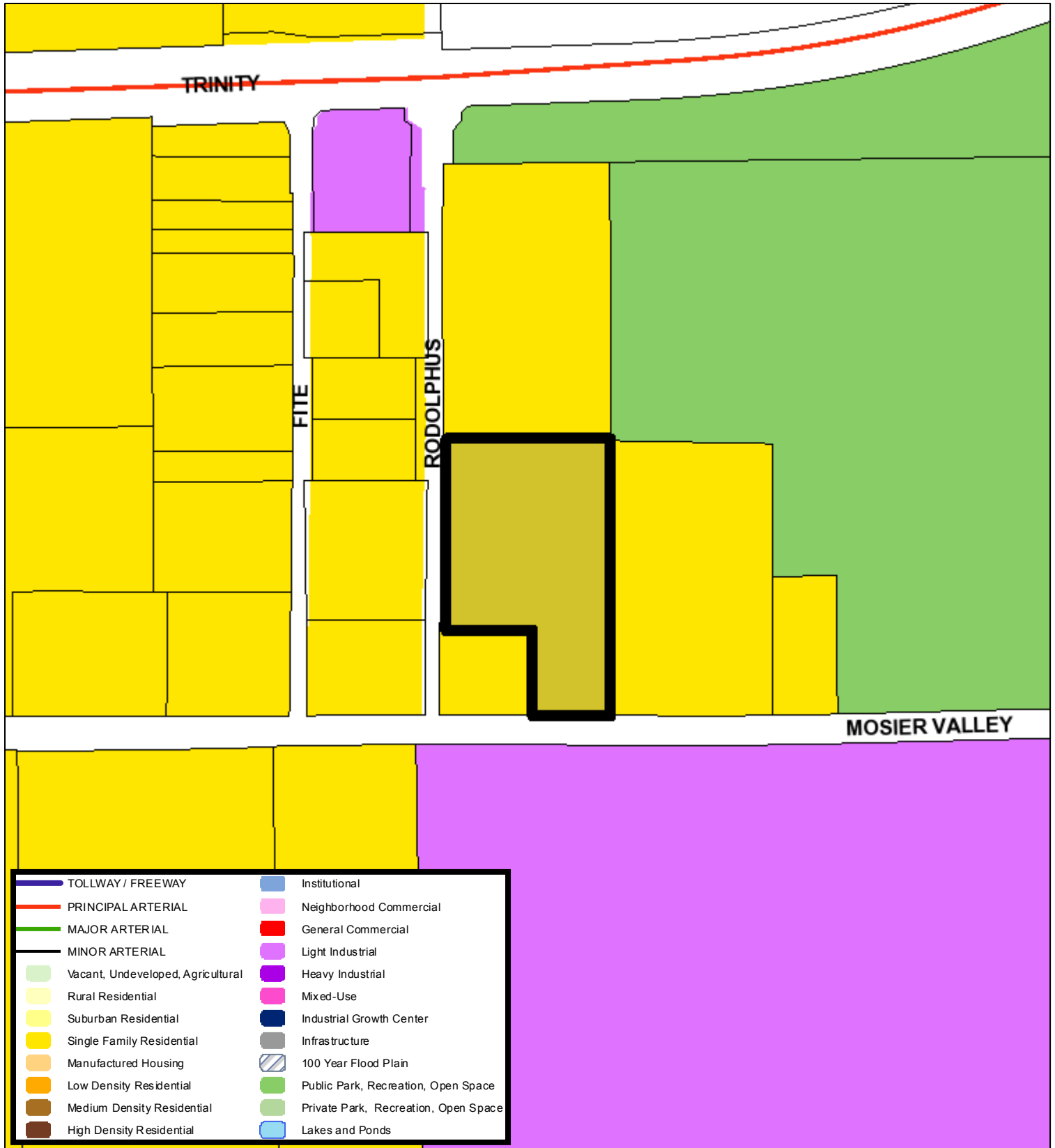
Tract 1A, Abstract 786
 J W Haynes Survey
 110,642 Square Feet
 2.54 Acres

ZC-15-001

December 14, 2014

RECOMMENDED FOR APPROVAL

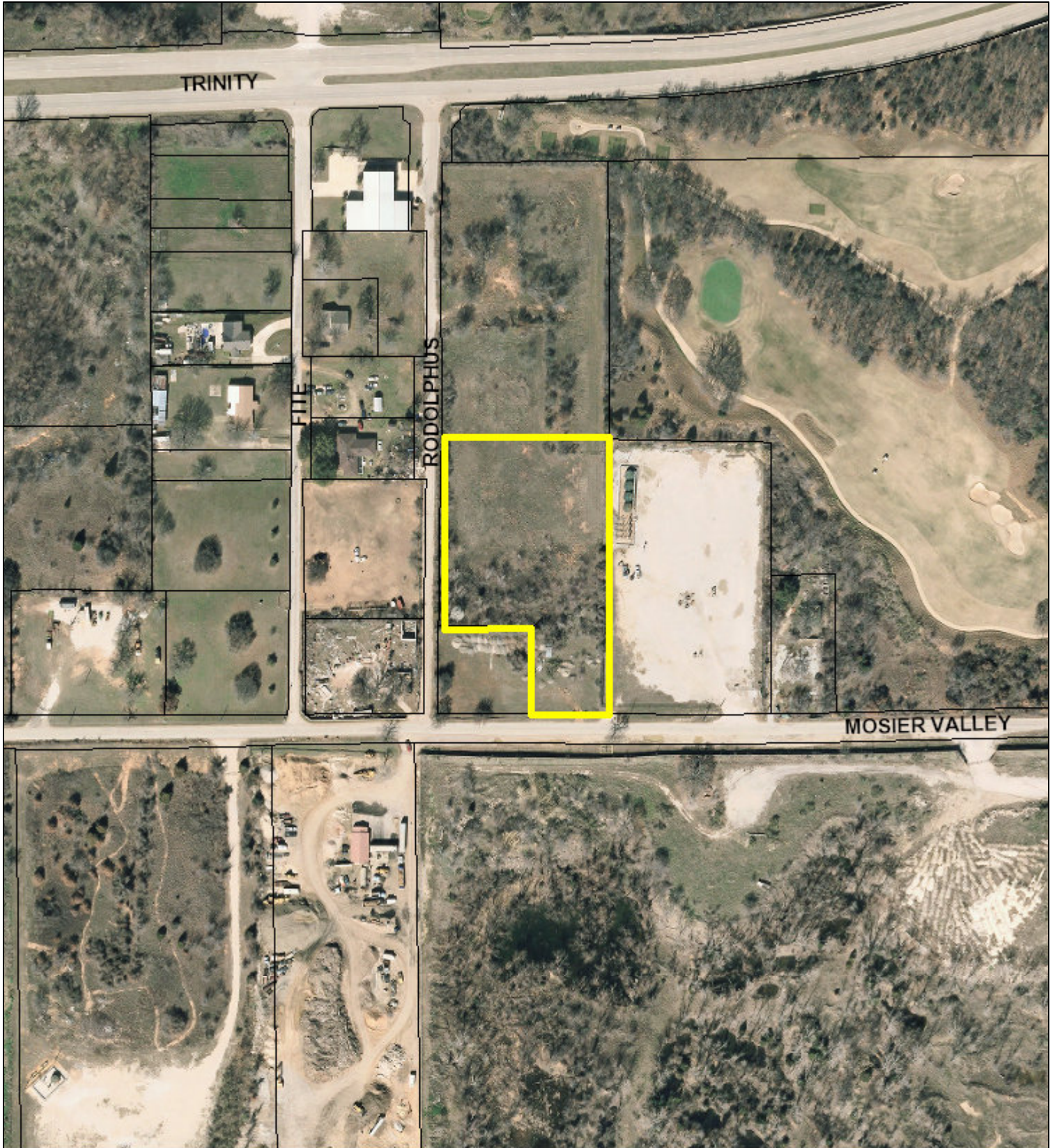
Future Land Use



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



0 140 280 560 Feet



Sandra Wetzell	Belmont Ca	Out		Support	Sent letter in
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17. ZC-14-181 Hunter Crossroads LP (CD 7) 2100 & 2200 Blocks Avondale Haslet Road (BR Lacy Survey, Abstract No. 990, and MEP & PRR Co. Survey, Abstract No. 1131, 75.16 Acres): from “PD-827” Planned Development for “E” Neighborhood Commercial uses, “PD-828” Planned Development for “C” Medium Density Multifamily uses, and “PD-830” Planned Development for “I” Light Industrial uses excluding certain uses and with development standards; site plan waived to Amend the internal zoning boundaries for “PD-827”, “PD-828” and “PD-830” Planned Developments; site plan waiver requested

Mike Wilson 1100 Mason Street, Fort Worth, Texas representing Hunter Crossroad L.P. explained to the Commissioners this was zoned back in 2008 and they are just cleaning up some boundary lines.

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

18. ZC-14-182 City of Fort Worth Planning & Development (CD 8) 116 Hogg Street (Live Oak Addition-Fort Worth, Block , Lot 13 less row, 0.09 Acres): from “J” Medium Industrial to “H” Central Business District

Ms. Murphy called the case.

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

19. ZC-15-001 David Matoke (CD 5) 11601 Mosier Valley Road (J W Haynes Survey, Abstract No. 786, 2.52 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 tow yard with short term auto storage without a primary use; site plan included.

David Matoke, 113 W. Eules Boulevard Eules, Texas property owner explained to the Commissioners the request to rezone to allow for a tow yard with storage. Mr. Matoke said the property lies within 300 ft. of a gas well pad in which no structures can be built for single-family.

Ms. McDougall mentioned a masonry wall with vines as indicated on the site plan.

Danielle Tucker, 11500 Mosier Valley Road, Fort Worth, Texas spoke in support. She mentioned they are the only business along Mosier Valley Road and welcome having another business in the area to help deter code violations from people dumping in the area.

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

<i>Document received for written correspondence</i>					<i>ZC-15-001</i>
Name	Address	In/Out 300 ft notification area	Position on case		Summary
Danielle Tucker	11500 Mosier Valley	In		Support	Spoke at hearing

**Meeting adjourned: 2:17 p.m.
1/14/15**

Dana Burghdoff, Executive Secretary and Deputy Director, Planning and Development Department

Nick Genua, Chair