



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
April 3, 2018

Council District 7

Zoning Commission Recommendation:
Denial by a vote of 7-0

Opposition: One person spoke, Fort Worth Nature Center & Refuge submitted letter

Support: None submitted

Continued Yes ___ No X
Case Manager Lynn Jordan
Surplus Yes ___ No X
Council Initiated Yes ___ No X

Owner / Applicant: 10001 Jacksboro Highway TX 199, Inc.

Site Location: 9904, 10001, 10002 Jacksboro Highway, 10000 Nine Mile Bridge
Mapsco: 44GHLM

Proposed Use: Auto Salvage Yard

Request: From: "AG" Agricultural and "I" Light Industrial
To: "J" Medium 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 east of Jacksboro Highway and west of the Fort Worth Nature Center. The applicant would like to amend the zoning from "AG" Agricultural and "I" Light Industrial to "J" Medium Industrial for an auto salvage yard. If the zoning is approved, the applicant is required to go before the Board of Adjustment (BOA) to receive a Special Exception in order to begin using the site for the auto storage/junkyard use.

The property was annexed in 1973. According to the Tarrant Appraisal District, the office and use at 9904 Jacksboro Highway began in 1975 and the structure at 10002 Jacksboro Highway was built in 1950. A review of historic aerial photos indicate that the use was on site around the time of annexation. The applicant operates a legal nonconforming salvage yard for the property at 9904 Jacksboro Highway, fronting the road. The business has been expanded the business to the east along Nine Mile Bridge.

Aerial photo images between 2001 and 2015 show 9904 and 10002 Jacksboro Highway were used as the auto salvage facility. The expansion into the rear tract recently occurred between 2015 and 2017, with aerials flown in February 2017 showing extensive auto storage on the property known as 10000 Nine Mile Bridge, adjacent to the Fort Worth Nature Center. This expansion of the use is not legal.

Multiple salvage and auto parts yards exist in this area along Jacksboro Highway, in place before annexation. It could likely be described as a high concentration of these types of businesses within and outside the city limits. Most of the businesses are pick and pull yards and are open to the public.

Any storage of autos, for the public or privately owned, must be maintained and drivable at all times. If not, the use would again be considered a junkyard. Operation of a junkyard would be considered a zoning violation. At no time can any vehicle being stored 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 City Park and Recreation Department has expressed opposition to this zoning change due to the proximity and potential influence of the auto use to the Nature Center.

At the Zoning Commission meeting the applicant explained the history of the auto salvage business and that 1200-1500 car are stored on site at this time. An adjacent property owner spoke in opposition and explained they don't need any more salvage yards along Jacksboro Highway and complained of fence quality, mowing of grass, and cars being stored on the roadside.

Site Information:

Owner: 10001 Jacksboro Highway TX 199, Inc.
P O Box 50518
Fort Worth, TX 76105

Acreage: 5.89 acres

Comprehensive Plan Sector: Far West

Surrounding Zoning and Land Uses:

- North "AG" Agricultural and "I" Light Industrial / outdoor storage, Nature Center
- East "AG" Agricultural / Nature Center
- South "I" Light Industrial / mobile home sales
- West ETJ / Jacksboro Hwy and auto salvage yard

Recent Relevant Zoning and Platting History:

Zoning History: None
Platting History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Nine Mile Bridge Rd.	Two-Way County	Two-Way County	No
Jacksboro Highway	Freeway	Freeway	Some parts under construction

Public Notification:

300 foot Legal Notifications were mailed on February 20, 2018.
The following organizations were notified: (emailed February 27, 2018)

Organizations Notified	
Fort Worth League of Neighborhood Assoc.	Trinity Habitat for Humanity

Streams & Valleys, Inc.	Fort Worth ISD
Azle ISD	

Not within a registered neighborhood association

Development Impact Analysis:

1. **Land Use Compatibility**

The applicant is requesting to rezone the site from “AG” Agricultural and “I” Light Industrial to “J” Medium Industrial to expand an auto salvage yard, after receiving approval of a Special Exception for the use. Surrounding land uses are the Nature Center to the east and north with some outside storage, mobile home sales to the south and auto salvage yard to the west across Jacksboro Highway.

There are a few salvage yards in the general vicinity, some as legal nonconforming in the city limits and some outside the city. However the site is next door to the Nature Center. As a result, the proposed rezoning **is not compatible** with surrounding land uses.

2. **Comprehensive Plan Consistency**

The 2018 Comprehensive Plan designates the site as General Commercial. The proposed “J” Medium Industrial is not consistent with the Comprehensive Plan.

- 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:

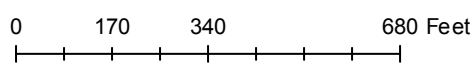
- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Minutes from the Zoning Commission meeting

Area Zoning Map

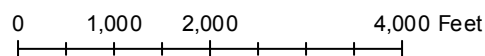
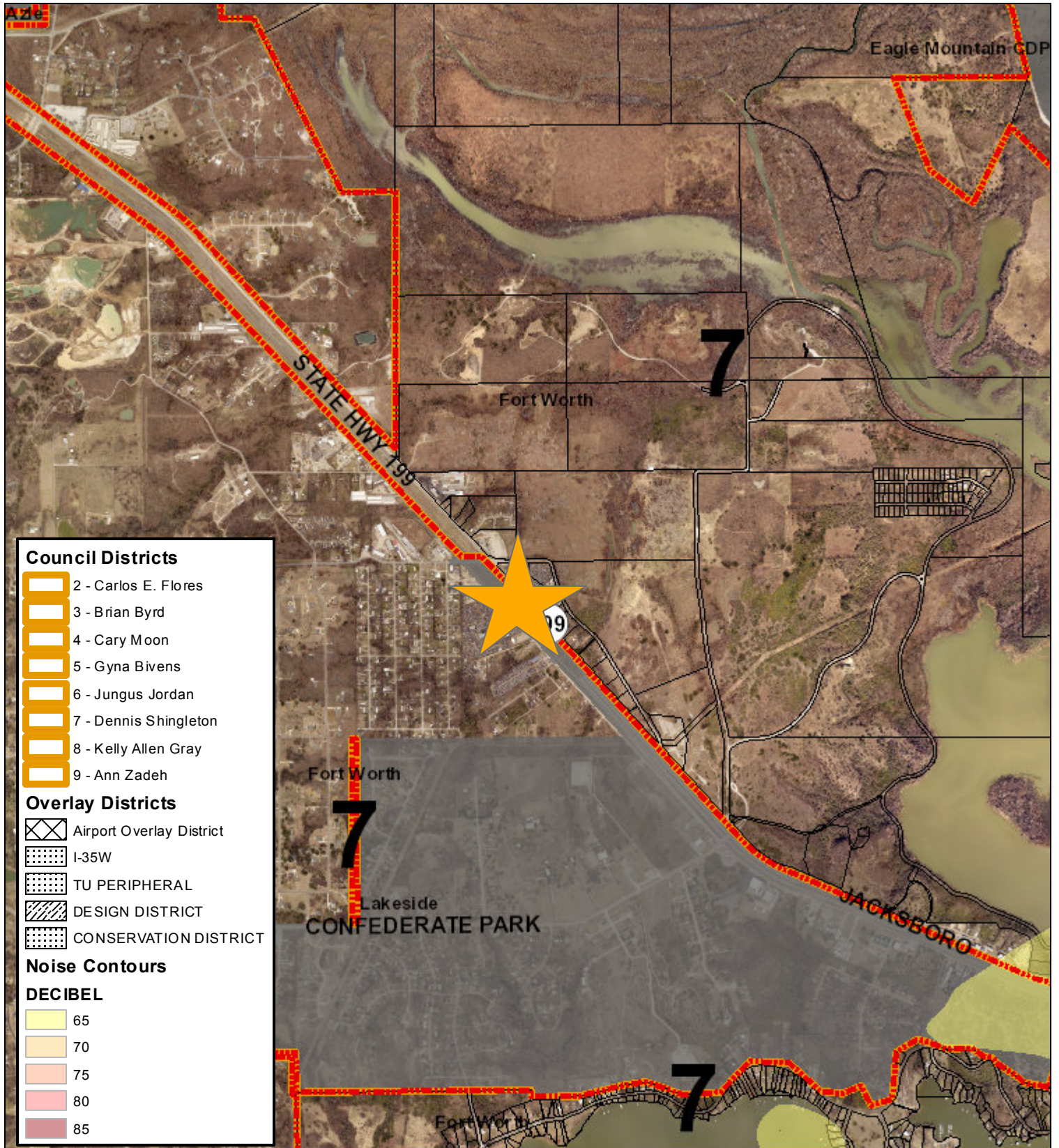
Applicant: 10001 Jacksboro Highway TX 199, Inc.
 Address: 9904, 10001, 10002, 10024 Jacksboro Highway; 10000 Nine Mile Bridge Road
 Zoning From: AG, I
 Zoning To: J
 Acres: 5.89230452
 Mapsco: 44GHLM
 Sector/District: Far West
 Commission Date: 3/14/2018
 Contact: 817-392-2495



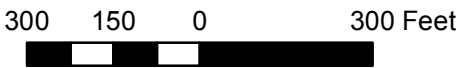
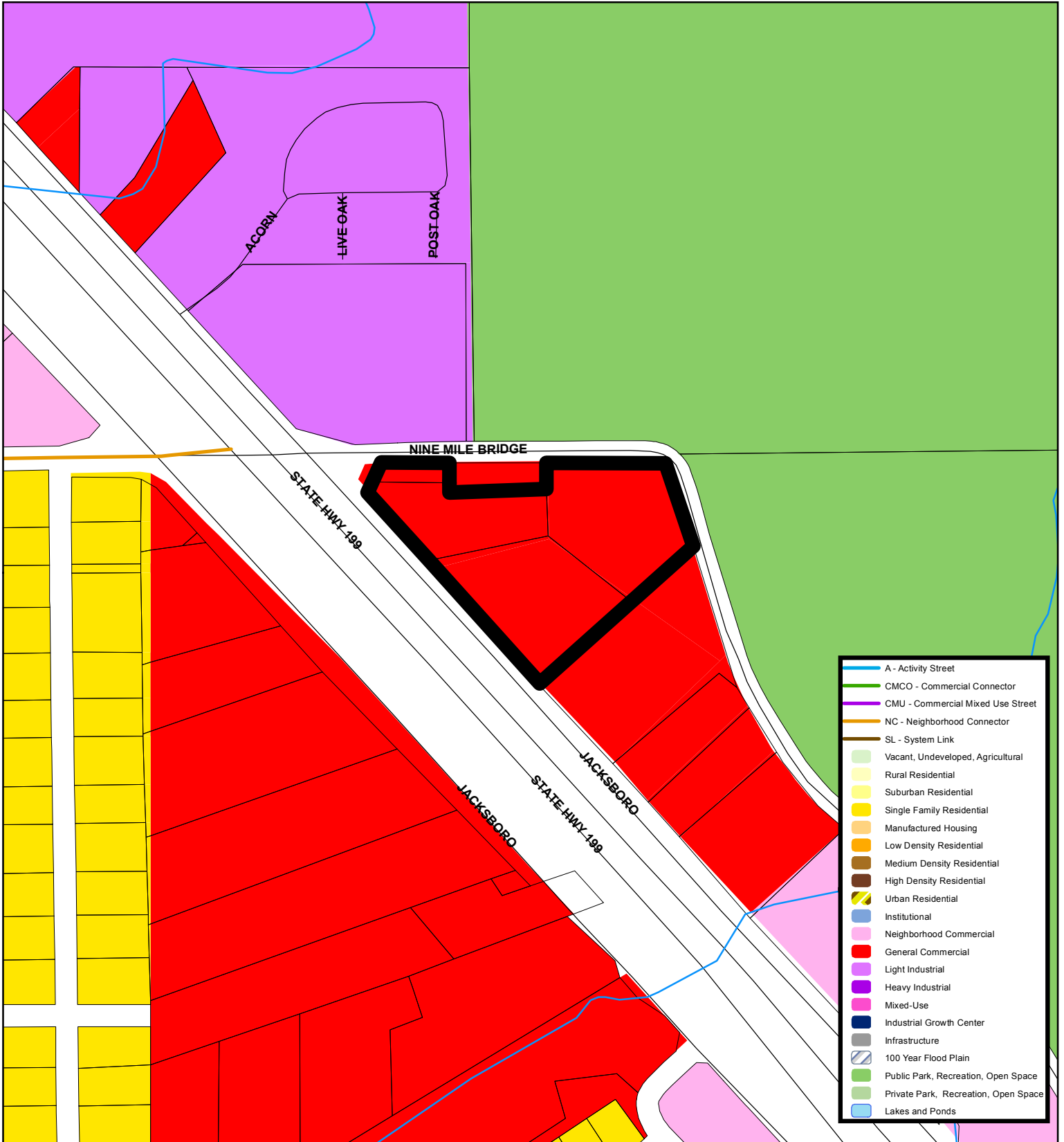
Subject Area
 300 Foot Notification



Area Map



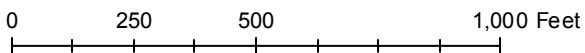
Future Land Use



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 6, 2018.



Aerial Photo Map



<i>Document received for written correspondence</i>					ZC-18-021
Name	Address	In/Out 300 ft. notification area	Position on case		Summary
Mary Nell Poole	2918 Wingate		Support		Representing applicant
Debbie K Schneider	3609 Watonga	In		Opposition	Spoke at hearing, sent letter
Patricia Ward	3611 Watonga	In		Opposition	Spoke at hearing, sent letter
Brenda Helmer	4900 Birchman			Opposition	Spoke at hearing, Representing AHNA
David Mathews	3610 Washburn	In		Opposition	Sent letter
Lynda Lankford	3624 Washburn	In		Opposition	Sent letter
Joel & Stephanie Voyles	3618 Crestline	In		Opposition	Sent letter
Layne & Susan McConnell	3614 Crestline	In		Opposition	Sent letter
Various	Various	Various		Opposition	Collection of 17 notices turned in collectively
Various	Various	Various	Support		Petition with 17 signatures

4. ZC-18-025 RAED KHADER (CD 8) – 3009 & 3013 Mansfield Hwy (Vickery Acres Addition Block 3 Lots 6-7, 1.22 ac.) From: “E” Neighborhood Commercial To: PD/E Planned Development for “E” Neighborhood Commercial plus auto repair, sales, and wash detail; site plan included

Yvette Kent, representing the applicant, gave a brief history over the site and the previous meeting. She stated they are asking for waivers, but will adjust the site plan accordingly. The new building will have a storefront façade and the parking will be hard surface.

Motion: Following brief discussion, Ms. Conlin recommended Approval of the request with waivers to adjacency to residential and 20 ft. setback on Alcamon, seconded by Ms. Runnels. The motion passed unanimously 7-0.

<i>Document received for written correspondence</i>					ZC-18-025
Name	Address	In/Out 300 ft. notification area	Position on case		Summary
Yvette J. Kent	5424 Wellesley Ave		Support		Representing Owner
Glencrest Civic League			Support		Sent Notice

IV. New Cases

5. ZC-17-199 10001 JACKSBORO HIGHWAY TX 199, INC. (CD 7) – 9904, 10001, 10002 Jacksboro Highway; 10000 Nine Mile Bridge Road (Porter Estates Lots 1E2, 2E2, 1E1A,

10E, 5.89 ac.) From: “AG” Agricultural and “I” Light Industrial To: “J” Medium Industrial

Dennis Hopkins, representing the applicant gave a brief history over the property. He stated it was split zoned when it was annexed into the city around 1973. He said the property has always been used as a salvage facility since the 1960’s. He stated that the property expanded as the market demanded it. He also stated that since it’s been there for so long, it is not a new view or use for people in the area.

Robert Petrie spoke in opposition. He stated the area in use was much smaller when it was annexed. The owner also owns the junk yard across the street. He owns property northwest of the site and said they have not been good neighbors. He is not opposed to commercial uses.

Motion: Following brief discussion, Ms. Conlin recommended Denial of the request, seconded by Ms. Runnels. The motion passed unanimously 7-0.

<i>Document received for written correspondence</i>					ZC-17-199
Name	Address	In/Out 300 ft. notification area	Position on case		Summary
Dennis Hopkins	2131 N Collins St, Suite 433-637, Arlington, TX		Support		Representing applicant
Robert Petrie	1214 Terrace Ave			Opposition	Spoke at hearing
Fort Worth Nature Center & Refuge				Opposition	

6. ZC-18-030 KELLER BEACH LLC (CD 7) – 11508 Alta Vista Rd (William Huff Survey Abstract No. 649, 12.83 ac.) From: “E”- Neighborhood Commercial To: “PD/C” Planned Development for all uses in “C” Medium Density Multifamily with waiver to allow a minimum of 266 parking spaces; site plan included

Kylie Rahl, representing the applicant, gave a brief presentation over the project. She stated the property has been on the market for 15 years so there is obviously not a market for commercial uses at this intersection. Because multifamily is less intensive than commercial, it is similar to downzoning the property.

Lacey Lineweaver, representing the developer went over some of the amenities that will be offered. She also stated that this complex will have an affordability component to it that most age restricted communities do not have.

Motion: Following brief discussion, Ms. Conlin recommended Approval of the request, seconded by Mr. Buchanan. The motion passed unanimously 7-0.

<i>Document received for written correspondence</i>					ZC-18-030
Name	Address	In/Out 300 ft. notification area	Position on case		Summary