



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
April 3, 2012

Council District 2

Zoning Commission Recommendation:

Approved by a vote of 9-0

Opposition: One received

Continued	Yes <u>X</u>	No <u> </u>
Case Manager	<u>Stephen Murray</u>	
Surplus	Yes <u> </u>	No <u>X</u>
Council Initiated	Yes <u> </u>	No <u>X</u>

Owner / Applicant: Victor Lopez

Site Location: 3602 North Grove Street Mapsco: 48Y

Proposed Use: Glass Recycling

Request: From: "K" Heavy Industrial

To: "PD/K" Planned Development for all uses in "K" Heavy Industrial plus glass recycling; site plan included.

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

Comprehensive Plan Consistency: Requested change is **not consistent**.

Background:

The applicant is requesting a zoning change from "K" Heavy Industrial to "PD/K" to allow glass recycling. Recycling is permitted in the PD district only. The proposed site plan contains two lots, which contain three containers for separating glass, two large containers, two trucks, and one forklift. The case was continued from the December 6 City Council meeting to provide additional time for the applicant to meet with the neighborhood.

The applicant's operation is relatively small-scale and is limited due to the size of the lots. The owner recovers large amounts of used glass from different clients, brings the glass back to the site for separation, then delivers the final product off-site for end process recycling. The applicant has explained that he does not allow customers to drop off glass.

The applicant has operated the recycling business for years and was required to obtain a CO in order to continue to operate it under as Legal Nonconforming. However, the applicant failed to do so in the proper timeframe and lost the legal nonconforming status. As a result, the change to PD is required.

The surrounding area is heavy industrial on both sides of North Grove Road. However, the next block over contains single-family residential uses.

Site Information:

Owner:	Victor Lopez 3421 N. Pecan Street Fort Worth, Texas 76106
Agent	Luis Zapata

Acreage: 0.28 acres
 Comprehensive Plan Sector: Northeast
 Surrounding Zoning and Land Uses:
 North "K" Heavy Industrial / outdoor storage, industrial
 East "K" Heavy Industrial / outdoor storage, industrial
 South "I" Light Industrial / industrial
 West "B" Two-Family / vacant, single-family

Recent Relevant Zoning and Platting History:

Zoning History: None

Platting History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
North Grove Avenue	2 way, Collector	Collector	No
NE 35 th Street	2 way, Residential	Residential	No

Site Plan Comments:

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

Public Notification:

The following Neighborhood Associations were notified:

Diamond Hill-Jarvis
 Near Northside Partners Council

North Fort Worth Alliance
 Fort Worth ISD

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zoning change to "PD/K" Planned Development for K uses plus glass recycling. Recycling is first permitted by right only through the PD process with a site plan to address the design and development of the facility. Surrounding land uses are predominantly industrial with a couple of vacant parcels directly east. Single-family residential uses are located to the east on the next block over and are separated by an alley. However, heavy industrial uses are predominant directly facing N Grove Ave.

Based on the intensity of surrounding land uses, and the scale of the proposed operation; the proposed zoning **is compatible** at this location.

2. Comprehensive Plan Consistency

The 2011 Comprehensive Plan designates the subject property as light industrial. Typically, the proposed recycling use is more intensive and has more outdoor activity than light industrial uses. It is important to note that although the property to the east is zoned "B" Two-Family, the future land used is also light industrial.

Based on the lack of conformance with the future land use map; the proposed zoning **is not consistent** with the Comprehensive Plan.

To view the Comprehensive Plan: <http://www.fortworthgov.org/planninganddevelopment/misc.aspx?id=81678>

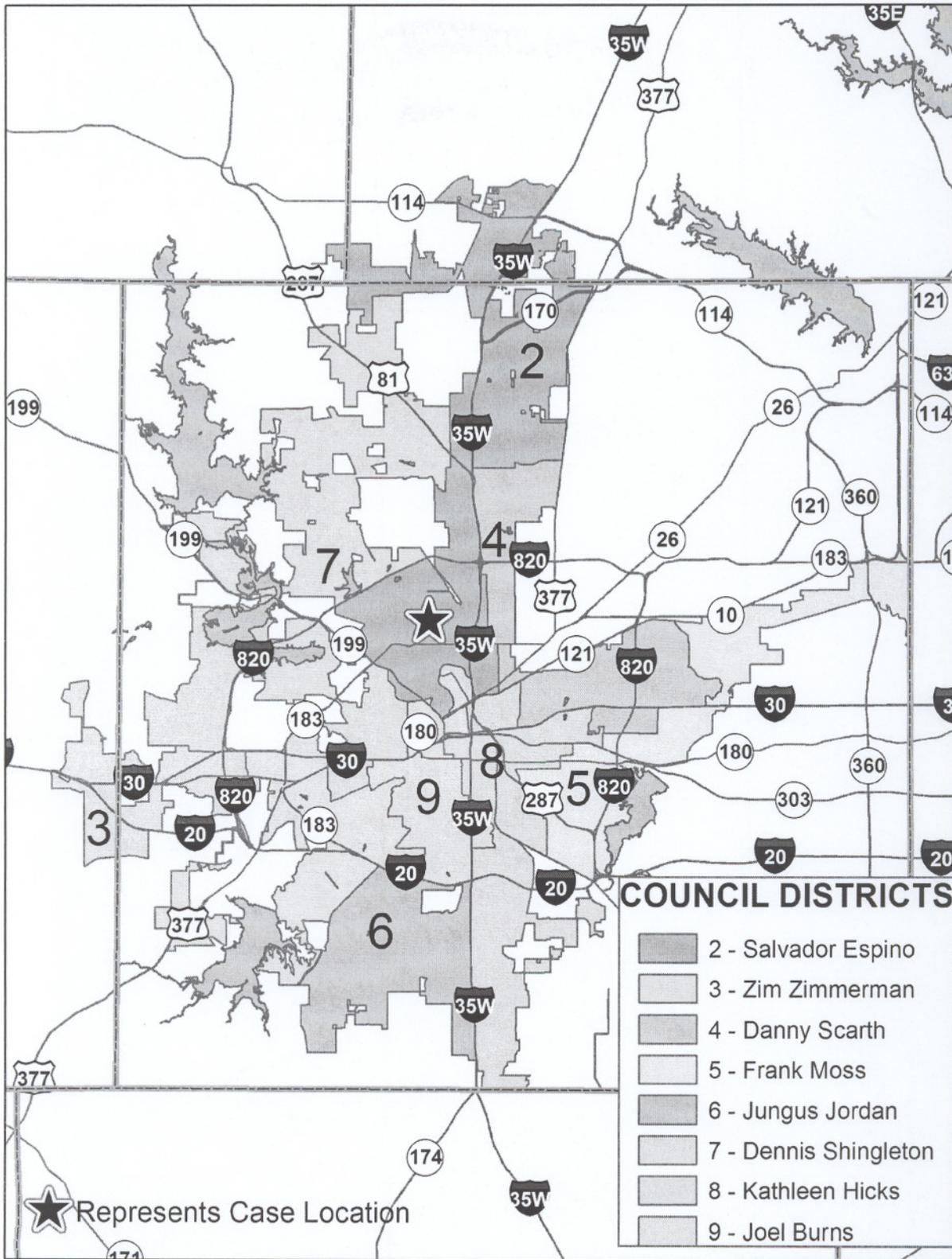
Attachments:

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

FORT WORTH

ZC-11-101

Location Map



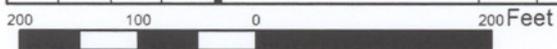
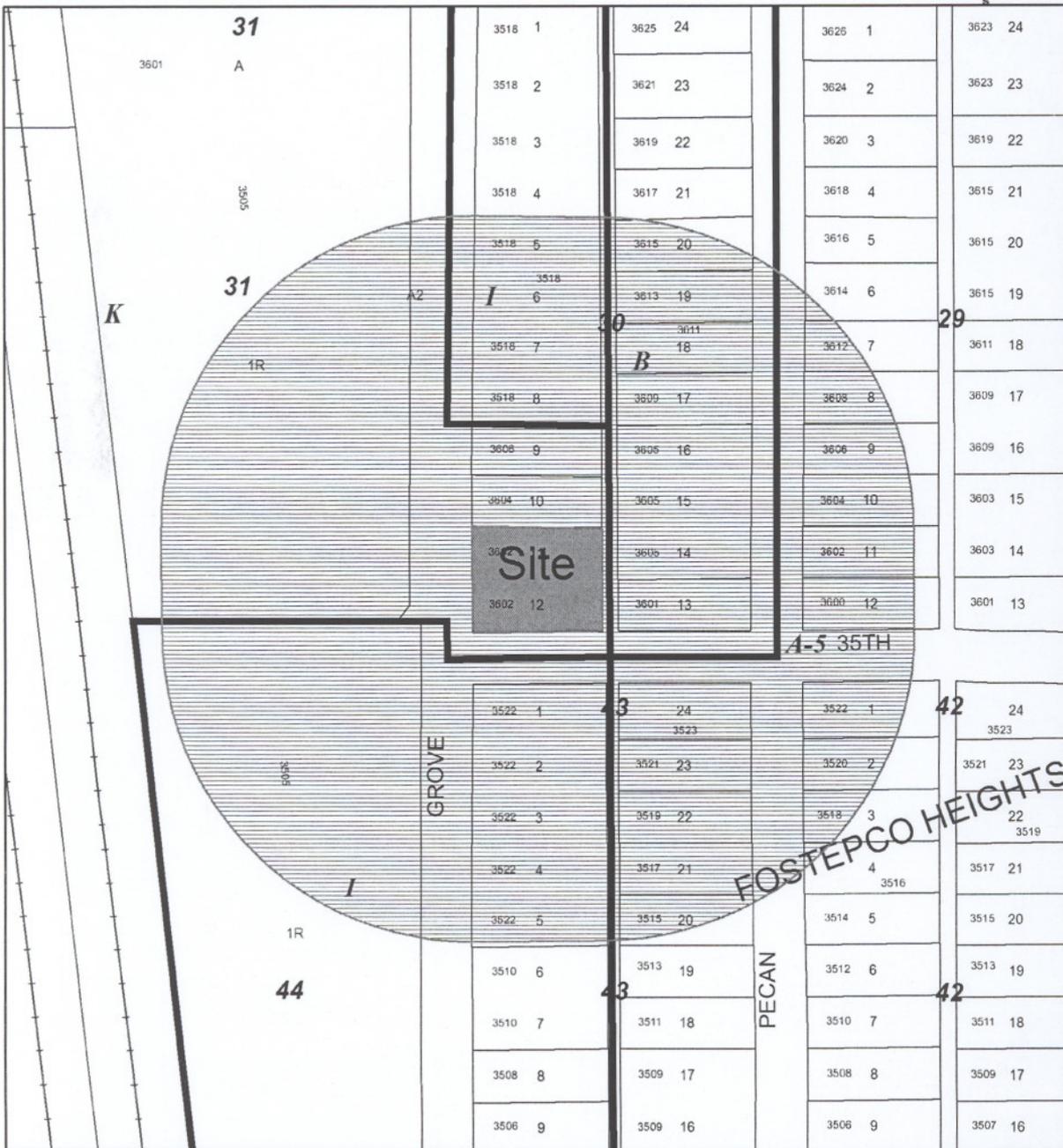


ZC-11-101

Area Zoning Map

Applicant: Victor Lopez
 Address: 3602 North Grove Street
 Zoning From: K
 Zoning To: PD for K uses plus glass recycling
 Acres: 0.2891713
 Mapsco: 48Y
 Sector/District: Northeast
 Commission Date: 10/12/2011
 Contact: 817-392-8043

 300 Ft. Buffer

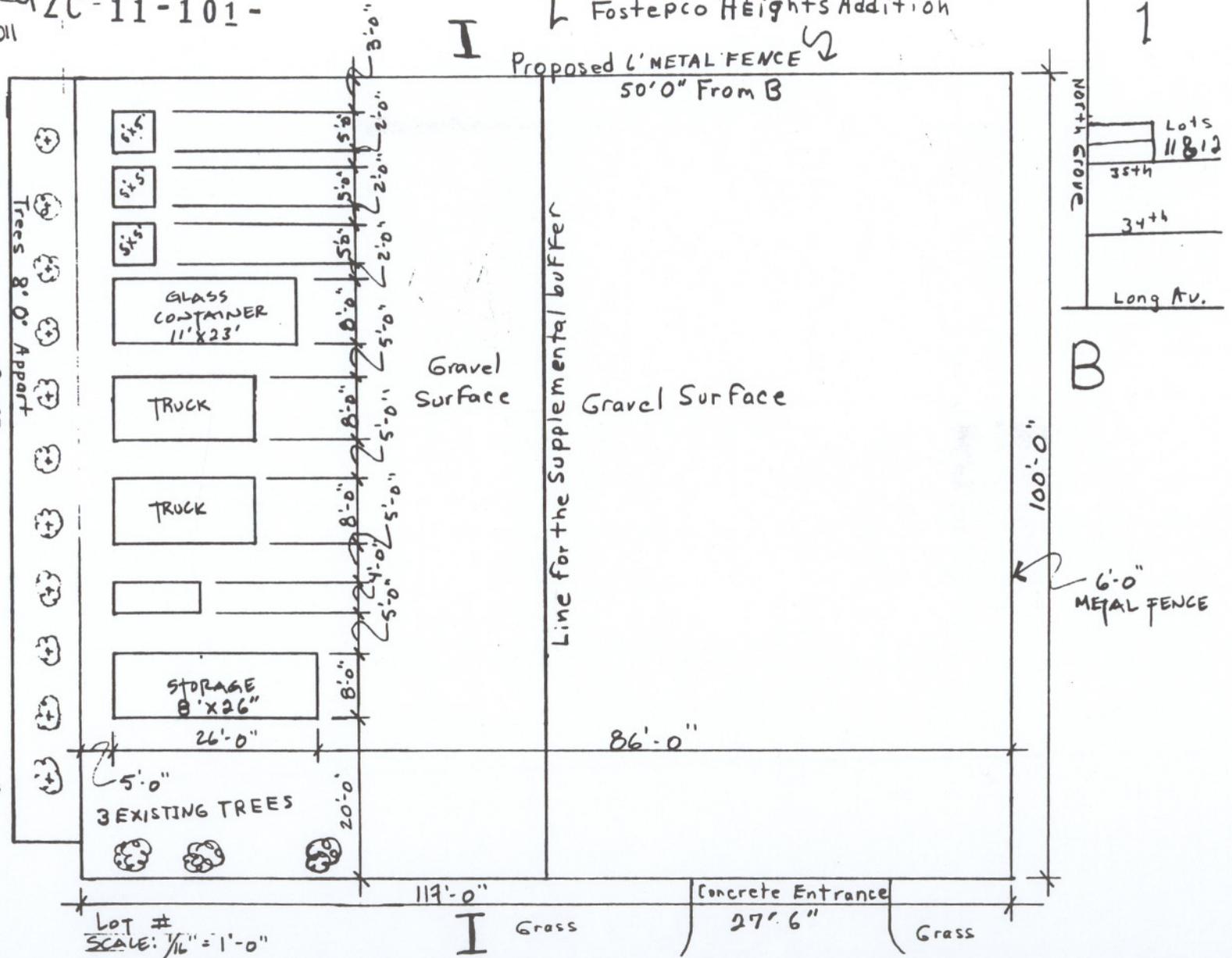


Received ZC-11-101-
Sept 23 2011

36021 N Grove Ft. Worth TX 76106
Lots 11 and 12, Block 30
Fostepco Heights Addition

Proposed 6" METAL FENCE
50'0" From B

RECOMMENDED
FOR APPROVAL



- Notes:
1. Space of 50'0-0" From B clear space no Dumpster containers.
 2. Existing: Metal fence on East, South and West of Property.
 3. Grass on South and West.
 4. Map Scale: 1/8"=1'-0"
 5. No equipment or dumpsters allowed within 50ft supplemental buffer
 6. Will comply with Sign Ordinance
 7. Will comply with landscaping and forestry ordinance.

Director of planning and Development:

LOT #
SCALE: 1/16" = 1'-0"

FORT WORTH



3602 North Grove Street

Future Land Use

ZC-11-101



- 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 Growth Center
- Industrial Growth Center
- Infrastructure
- Lakes and Ponds
- Public Park, Open Space
- Private Park, Open Space

- CFWGIS.SDE.TRN_RAILROADS
- CFWGIS.SDE.CAD_addresses
- Freeways/Toll Roads
- Proposed Freeway/Toll Road
- Principal Arterial
- Proposed Principal Arterial
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- Flood Plain



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 01, 2011



Aerial Photo Map



Mayor Price opened the public hearing and asked if there was anyone present desiring to be heard.

1. ZC-10-189A - City of Fort Worth Planning & Development, 1100 Van Cliburn Way; from: "PD-897" Planned Development for all uses in "CF" Community Facilities plus alcohol sales; site plan waived to: Add "DD" Demolition Delay Overlay. (Recommended for Approval)

Motion: Council Member Shingleton made a motion, seconded by Council Member Jordan that Zoning Docket No. ZC-10-189A be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

2. ZC-11-075A - City of Fort Worth Planning & Development, Camp Bowie Corridor Form Based Code District: Ridglea Urban Village Core South; Generally bounded by the 6100 - 6400 blocks of Camp Bowie Boulevard, southside; from: "MU-1" Low Intensity Mixed-Use, "MU-1/HSE" Low Intensity Mixed-Use/Highly Significant Endangered "F" General Commercial, "G" Intensive Commercial, "MU-2" High Intensity Mixed-Use, and "PD" Planned Developments Nos. 400, 633, and 882 to: Camp Bowie Form-Based district: Ridglea Urban Village Core South Subdistrict. (Recommended for Approval) (Continued from a Previous Meeting)

It appeared that the City Council at its regular meeting on October 18, 2011, continued Zoning Docket No. ZC-11-075A.

The following individuals completed speaker cards in support of Zoning Docket No. ZC-11-075A and were recognized by Mayor Price, but were not present in the Council chamber.

Ms. Jerre Tracy, 1110 Penn Street
Mr. Steven Berry, 4404 Angus Drive

Motion: Mayor Pro tem Zimmerman made a motion, seconded by Council Member Burns that Zoning Docket No. ZC-11-075A be continued until the March 6, 2012, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

3. ZC-11-101 - Victor Lopez, 3602 North Grove Street; from: "K" Heavy Industrial to: "PD/K" Planned Development for all uses in "K" Heavy Industrial plus glass recycling, site plan included. (Recommended for Approval) (Continued from a Previous Meeting)

It appeared that the City Council at its regular meeting on December 13, 2011, continued Zoning Docket No. ZC-11-101.

(ZC-11-101 Continued)

Motion: Council Member Espino made a motion, seconded by Council Member Hicks that Zoning Docket No. ZC-11-101 be continued until the January 24, 2012, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

4. ZC-11-114 - Carolina Serra, 2501 - 2503 Lincoln Avenue; from: "A-5" One-Family to: "FR" General Commercial Restricted. (Recommended for Denial)

Council Member Espino stated that this item was recommended for denial by the Zoning Commission but he had learned there were unique circumstances to the case. He further stated that the applicant had bought the property when the area was in the process of being rezoned and that the property owner had not received the deed from the seller and did not receive notice about the rezoning of the property. He advised that he had worked with the property owners in the area so that they could continue with the proposed use and that he would overturn the Zoning Commission's recommendation for denial and recommend Zoning Docket No. ZC-11-114 for approval.

Motion: Council Member Espino made a motion, seconded by Council Member Shingleton that Zoning Docket No. ZC-11-114 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

5. ZC-11-118 - 287/156 Partners LP, 9100 block of Blue Mound Road; from: "IP" Industrial Park to: "A-5" One-Family. (Recommended for Approval)

Motion: Council Member Shingleton made a motion, seconded by Council Member Scarth that Zoning Docket No. ZC-11-118 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

6. ZC-11-119 - Hillwood Alliance Residential LP, 8500 Ray White Road and 5351 North Tarrant Parkway; from: "E" Neighborhood Commercial and "C" Medium Density Multifamily to: "C" Medium Density Multifamily and "E" Neighborhood Commercial. (Recommended for Approval)

Motion: Council Member Espino made a motion, seconded by Mayor Pro tem Zimmerman that Zoning Docket No. ZC-11-119 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

(ZC-11-098 Continued)

Motion: Council Member Scarth made a motion, seconded by Council Member Hicks that Zoning Docket No. ZC-11-098 be denied with prejudice. The motion carried unanimously seven (7) ayes to zero (0) nays, with Mayor Price and Council Member Moss absent.

(Council Member Espino left his place at the dais.)

In the absence of Council Member Espino, Mayor Pro tem Zimmerman requested that the Council move down the agenda to consider Zoning Docket No. ZC-11-102.

5. ZC-11-102 - Worthington National Bank, 13451 Trinity Boulevard; from: "C" Medium Density Multifamily to: "I" Light Industrial. (Recommended for Approval as Amended) (Continued from a Previous Meeting)

It appeared that the City Council at its regular meeting on November 1, 2011, continued Zoning Docket No. ZC-11-102.

Ms. Dana Burghdoff, Deputy Director, Planning & Development Department, clarified the following amendment: "PD/E" Planned Development for "E" Neighborhood Commercial uses plus warehouse, inside and outside storage of materials and equipment as related to the pavement services business, including fuel storage.

The following individuals completed speaker cards in support of Zoning Docket No. ZC-11-102, but did not wish to address the City Council.

Ms. Nadine Givens, 4000 Tarrant Main Street, Euless, Texas 76040
Mr. Gregory McLane, 5950 Berkshire Lane, Suite 700, Dallas, Texas 75225

Motion: On behalf of Council Member Moss, Council Member Shingleton made a motion, seconded by Council Member Jordan that Zoning Docket No. ZC-11-102 be approved as amended. The motion carried unanimously seven (7) ayes to zero (0) nays, with Mayor Price and Council Member Moss absent.

(Council Member Espino returned to his place at the dais.)

(Council moved back up the agenda to consider Zoning Docket No. ZC-11-101 and continued with the regular order of the agenda.)

4. ZC-11-101 - Victor Lopez, 3602 North Grove Street; from: "K" Heavy Industrial to: "PD/K" Planned Development for all uses in "K" Heavy Industrial plus glass recycling, site plan included. (Recommended for Approval)

(ZC-11-101 Continued)

Motion: Council Member Espino made a motion, seconded by Council Member Jordan that Zoning Docket No. ZC-11-101 be continued until the December 13, 2011, Council meeting. The motion carried unanimously seven (7) ayes to zero (0) nays, with Mayor Price and Council Member Moss absent.

6. ZC-11-113 - Mary Tran Quach, 4121 Mansfield Highway; from: "E" Neighborhood Commercial to: "FR" General Commercial Restricted. (Recommended for Denial)

Motion: Council Member Scarth made a motion, seconded by Council Member Hicks that Zoning Docket No. ZC-11-113 be denied. The motion carried unanimously seven (7) ayes to zero (0) nays, with Mayor Price and Council Member Moss absent..

7. ZC-11-115 - House Anderson Properties, Ltd., 3528, 3532 and 3536 House Anderson Road; from: "AG" Agricultural and "K" Heavy Industrial to: "PD/SU" Planned Development for metal casting only to be developed to "K" Heavy Industrial development standards, site plan waiver recommended. (Recommended for Approval as Amended to PD/SU for metal casting only developed to K standards.)

Mr. James Hornsby, 2500 House Anderson Road, completed a speaker card in support of Zoning Docket No. ZC-11-115, but did not wish to address the Council.

Motion: Council Member Scarth made a motion, seconded by Council Member Burns that Zoning Docket No. ZC-11-115 be approved as amended. The motion carried unanimously seven (7) ayes to zero (0) nays, with Mayor Price and Council Member Moss absent.

Assistant City Secretary Gonzales advised that Zoning Docket No. ZC-11-116 would be considered by Council after Mayor and Council Communication Nos. C-25332 and PZ-2962, respectively.

9. ZC-11-117 - Fat Tiger Investments, LLC., 656 Mav Street; from: "NS-T4N/DD" Near Southside T4 Neighborhood District/Demolition Delay to: "NS-T4N/HC" Near Southside T4 Neighborhood District/Historic & Cultural Overlay. (Recommended for Approval)

Motion: Council Member Hicks made a motion, seconded by Council Member Burns that Zoning Docket No. ZC-11-117 be approved. The motion carried unanimously seven (7) ayes to zero (0) nays, with Mayor Price and Council Member Moss absent.

Richard McCain	112 Flyaway		X
Jose Angel Munoz	7252 Retriever Ln		X
Kim Stergio	127 Goldeneye		X
Jason Christian	7241 Retriever Ln		X
Leland & Sonia Kee	132 Goldeneye		X
Bryan Bradford	104 Goldeneye Ln		X
Karen and Steve Kline	1012 Foxriver Ln		X
Dorothy J. Bryan	1013 Foxriver Ln		X
Jack and Barbara Miller	7605 Fox River Ct.		X
Ayman Aljauni	308 Goldeneye Ln		X
Somphet Peter Suphawawnd	726- Specklebelly		X
Chun Yeung Yip	7260 Specklebelly		X
Victoria Rodarte	125 Goldeneye		X
Travis Nash	9012 Riverfalls Dr		X
Shelby Godwin	9232 Retriever Ln		X
Gail Gray	9059 Rushing River		X
Garrett Gatlin	8508 Lake Springs Trl		X

Other petitions have been received and are on file in the Planning and Development Department.

3. ZC-11-101 Victor Lopez (CD 2)- 3602 North Grove Street (Fostepco Heights Addition, Block 30, Lots 11 & 12, 0.28 Acres): from "K" Heavy Industrial to "PD/K" Planned Development for "K" Heavy Industrial uses plus glass recycling, site plan included.

Louis Zapata, 2007 North Houston, Fort Worth, Texas representing Mr. Zapata apologized for missing the last meeting explained to the Commissioners the reason for the request. He did mention the owner received his certificate from the State. Mr. Zapata mentioned he did contact all the neighbors in the 200 foot boundary and understands there is one person in opposition. It was also mentioned he processes about 20,000 bottles a week for recycling; some of this is removed from the landfills. A petition of support was submitted.

Mr. Ortiz asked what is across from Grove Street. Mr. Zapata mentioned industrial uses.

Motion: Following brief discussion Mr. Genua recommended approval of the request, seconded by Ms. Spann. The motion carried unanimously.

<i>Document received for written correspondence</i>				ZC-11-101
Name	Address	In/Out 200 ft notification area	Position on case	Summary
Catarina Moralas	na		Opposition	Letter of opposition

IV. New Cases