



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
August 6, 2013

Council District ALL

Zoning Commission Recommendation:

Denial without Prejudice by a vote of 5-3-1

Opposition: Mallard Cove, Historic Randol Mill Valley Alliance and a few property owners; gas industry representatives

Continued	Yes <u>X</u>	No <u> </u>
Case Manager	<u>Jocelyn Murphy</u>	
Surplus	Yes <u> </u>	No <u>X</u>
Council Initiated	Yes <u> </u>	No <u>X</u>

Owner / Applicant: City of Fort Worth Planning and Development Department

Site Location: Citywide Mapsco: N/A

Proposed Use: An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as amended, codified as Appendix "A" of the Code of The City of Fort Worth (1986), to amend:

- Chapter 5 "Supplemental Use Standards" to amend Section 5.140 "Natural Gas Compressor Stations" to reflect the revisions in the Gas Ordinance; and
- Sections 4.800 "Nonresidential District Use Table" and 4.1200 "Form Based Districts Use Table" to clarify that line compressors are permitted by right in certain districts and by Special Exception in all other zoning districts

To review the proposed amendments:
<http://fortworthtexas.gov/planninganddevelopment/zoningcommission.aspx>

Request: TEXT AMENDMENT: GAS COMPRESSORS IN "AG" AGRICULTURAL DISTRICTS

Background

The original ordinance which created regulations for gas compressor stations, Ordinance 16995 in June 19, 2006, provided that gas line compressor stations would be permitted by right in "AG" Agricultural, "I" Light Industrial, "J" Medium Industrial, and "K" Heavy Industrial zoning districts and by Special Exception in all other zoning districts. Distance and other regulations were also established in this ordinance. Gas facilities are regulated in Chapter 15 of the City Code.

After concerns from neighborhoods and residents in proximity to AG zoned properties, staff was asked to reconsider the compressor by right in AG. The proposed amendment will require a Special Exception for gas compressors proposed in the AG zoning district.

Multiple meetings were held with the neighborhoods and the gas industry. The case was continued from the May 7 meeting to allow more time to work through the proposals with the neighborhoods. A briefing/update was provided to the City Council on July 23. An open house was held on July 25 with the neighborhoods. Staff has not received any responses on the offer to meet with smaller groups.

Attachments: Proposed Ordinance
Minutes from the City Council and Zoning Commission meeting

GAS COMPRESSORS IN AGRICULTURAL DISTRICTS

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX “A” OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING CHAPTER 5 “SUPPLEMENTAL USE STANDARDS” TO AMEND SECTION 5.140 “NATURAL GAS COMPRESSOR STATIONS” TO REFLECT THE REVISIONS IN THE GAS ORDINANCE; AMEND SECTIONS 4.800 “NONRESIDENTIAL DISTRICT USE TABLE” AND 4.1200 “FORM BASED DISTRICTS USE TABLE” TO CLARIFY THAT LINE COMPRESSORS ARE PERMITTED BY RIGHT IN CERTAIN DISTRICTS AND BY SPECIAL EXCEPTION IN ALL OTHER ZONING DISTRICTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on _____, 2013, the City Council amended Chapter 15 “Gas” to remove “AG” Agricultural zoning district as a district where a line compressor would be allowed by right and allow only in “AG” zoning district by special exception; and

WHEREAS, it is advisable to adopt revision to the zoning ordinance to reflect the revisions of the newly adopted gas drilling ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

Chapter 5, Article 1, “Supplemental Use Standards, Standards for Selected Uses” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 5.140, “Utility Transmission Line or Distribution Line; Natural Gas Compressor Stations” is hereby amended to amend subsections: 2. “Natural Gas Compressor Stations” C1. “Line Compressors” to revise which zoning districts allow a line compressor station by right, to read as follows:

2. Natural Gas Compressor Stations

C. Line Compressors

1. Line Compressors shall be permitted only in ~~“AG” Agricultural District,~~ “I” Light Industrial, “J” Medium Industrial and “K” Heavy Industrial zoning districts.

SECTION 2.

Chapter 5, Article 1, “Supplemental Use Standards, Standards for Selected Uses” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 5.140, “Utility Transmission Line or Distribution Line; Natural Gas Compressor Stations” is hereby amended to amend subsection 2. “Natural Gas Compressor Stations”, C2. “Line Compressors” to revise when the Zoning Board of Adjustment shall grant an application, to read as follows:

2. Natural Gas Compressor Stations

C. Line Compressors

2. Line Compressors shall be permitted in all other zoning districts only by a special exception granted by the Zoning Board of Adjustment. In order for the Zoning Board of Adjustment to grant a special exception, the Line Compressor must meet the minimum standards of “I” Light Industrial District as provided in Article II of Chapter 15 “Gas” of the Gas Code and a site plan must be submitted and approved by the Board. The Zoning Board of Adjustment shall grant the application ~~only~~ when the Board determines that: ~~the location of the compressor is clearly defined on the site plan by the applicant; and~~

- a. ~~the exception use~~ will be compatible with the existing uses and the development of adjacent properties either as filed; or
- b. will be compatible subject to such requirements as the Board finds necessary to protect and maintain the stability of adjacent properties.

SECTION 3.

Chapter 4, Article 8, of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 4602, “Non-Residential District Use Table” is hereby amended to amend section “Utilities”, use “Gas Line Compressor Stations” to delete “P” under “AG” non-residential districts and replace with “SE”.

SECTION 4.

Chapter 4, Article 12, of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 4.1202, "Form-Based District Use Table" is hereby amended to amend section "Utilities", use "Gas Line Compressor Stations" to delete "P" under "AG" non-residential districts and replace with "SE".

SECTION 5.

This ordinance shall be cumulative of all other ordinances of the Code of the City of Fort Worth, Texas (1986), as amended, affecting zoning and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinance are in direct conflict with the provisions of this ordinance.

SECTION 6.

That all rights or remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of Ordinance Nos. 3011, 13896, or any amendments thereto that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been

enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 8.

That any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 9.

That the City Secretary of the City of Fort Worth, Texas is hereby directed to publish this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.

SECTION 10.

This ordinance shall take effect after adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

By: _____

Assistant City Attorney

Adopted: _____

Effective: _____

4. ZC-12-134 - (CD 5) - Broderick D. Steele, 3327 Fite Street; from: "AG" Agricultural to: "PD/A-5" Planned Development for all uses in "A-5" One-Family plus moving company with outside storage; site plan waiver recommended. (Recommended for Approval by the Zoning Commission)

Motion: Council Member Moss made a motion, seconded by Mayor Pro tem Zimmerman, that Zoning Docket No. ZC-12-134 be approved. The motion carried unanimously 9 ayes to 0 nays.

5. ZC-13-033 - (CD-ALL) - City of Fort Worth Planning & Development; Text Amendment Revise Process of Historic Designation (HC, HSE, DD) Removal; An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as amended, codified as Appendix "A" of the Code of The City of Fort Worth (1986), to amend: Chapter 4 "Zoning Districts" to amend Article 4 "Overlay Districts", Sections 4.401.H. "Designation as Highly Significant Endangered" ("HSE"); Section 4.401.I. "Designation as Historic and Cultural Overlay Landmark" ("HC"); Section 4.401.J. "Designation as Demolition Delay" ("DD") to clarify the process for removal of the Historic Designation. (Recommended for Approval by the Zoning Commission)

Motion: Council Member Burns made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-13-033 be approved and Ordinance No. 20735-05-2013 be adopted. The motion carried unanimously 9 ayes to 0 nays.

6. ZC-13-034 - (CD-ALL) - City of Fort Worth Planning & Development; Text Amendment: Gas Compressors in "AG" Districts; An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as amended, codified as Appendix "A" of the Code of the City of Fort Worth (1986), to amend: Chapter 5 "Supplemental Use Standards" to amend Section 5.140 "Natural Gas Compressor Station" to reflect the revisions in the Gas Ordinance; and Sections 4.800 "Nonresidential District Use Table" and 4.1200 "Form Based Districts Use Table" to clarify that line compressors are permitted by right in certain districts and by Special Exception in all other zoning districts. (Recommended for Denial without Prejudice by the Zoning Commission)

Mr. Mike Dean, 124 Cooks Lane, completed an undecided speaker card and appeared before Council pertaining to Zoning Docket ZC-13-034.

Ms. Dana Burghdoff, Deputy Director, Planning and Development Department, clarified that staff had requested Zoning Docket ZC-13-034 be continued until the August 6, 2013, Council

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REGULAR CITY COUNCIL MEETING
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meeting in accordance with the moratorium, to be considered by Mayor and Council Communication G-17883.

The following individuals appeared before Council in support of Zoning Docket ZC-13-034:

Ms. Martha Boykin, 7261 Specklebelly Lane
Ms. Mary Kelleher, 7901 Randol Mill Road
Ms. Libby Willis, 2300 Primrose Avenue
Ms. Melissa McDougall, 2971 Seguin Trail
Mr. Bob Horton, 9104 Autumn Falls Drive

Ms. Jackie Barnd, 7249 Specklebelly Lane, completed a speaker card in opposition to Zoning Docket ZC-13-034 but did not address the Council.

The following individuals completed comment cards in support of Zoning Docket ZC-13-034:

Ms. Deborah Fields, 129 Goldeneye Lane
Ms. Katie Newman, 428 Shadow Grass Avenue
Mr. Seymore Shaw, 428 Shadow Grass Avenue
Mr. Melvin Graves, 345 Shadow Grass Avenue
Ms. Mei Chu, 7252 Specklebelly Lane
Mr. Chun Yip, 7252 Specklebelly Lane
Mr. Joseph Mercado, 7273 Decoy Lane

The following individuals completed comment cards in opposition of Zoning Docket ZC-13-034:

Ms. Barbara Ross, 441 Shadow Grass Avenue
Ms. Regina Anderson, 7225 Specklebelly Lane
Mr. Bob Manthei, 810 Houston Street

Council Member Scarth clarified that the item that was being considered was a land use issue and that under state law the Council was not allowed to consider health and safety in a land use or zoning issue.

Ms. Sarah Fullenwider, City Attorney, stated that the focus of the gas drilling ordinance was on the impacts of the protected uses rather than a health and safety risk. She further stated the safety risk was under the Texas Railroad Commission and that the whole focus of the gas drilling

ordinance since its adoption in 2001 was to identify certain protected uses and the impacts of gas drilling.

Council Member Moss stated that it was important to have citizen input regarding the solution to the ordinance for compressor stations in agricultural areas.

Motion: Council Member Moss made a motion, seconded by Council Member Shingleton, that Zoning Docket No. ZC-13-034 be continued to the August 6, 2013, Council meeting. The motion carried unanimously 9 ayes to 0 nays.

7. ZC-13-035 - (CD 5) - Bell Helicopter Textron, Inc., 400 - 800 blocks SH 10, 9600 - 10700 blocks Trinity Boulevard; from: "AG" Agricultural, "A-5" One-Family, "MU-1" Low Intensity Mixed-Use, "K" Heavy Industrial, "O-1" Floodplain District and "PD 588" Planned Development/Specific Use for the following uses: day care center; government office facility; health services facility including doctor's office or medical clinic; electric power substation (SE); telecommunications antenna (SE); telecommunications tower (SE); utility transmission or distribution line; health or recreation club; restaurant, cafe or cafeteria; offices; convenience store; parking area or garage, commercial or auxiliary; assembly of pre-manufactured parts for helicopters; machine shops; manufacture of aluminum or metals; outdoor storage; paint mixing or spraying; sheet metal shop; warehouse or bulk storage; welding shop; galvanizing, sheet or structural shapes; manufacture of helicopters; manufacture of dies, cores, die-casting molds; metal stamping, dyeing, shearing or punching; helistop landing area; executive offices and supporting operations for a corporate office; U.S. government personnel (customer); integrated systems installation; electrical wire assembly; helicopter modification & assembly; metal rotor blade manufacturing; painting operations; engineering research & development; unmanned vehicle assembly; government helicopter delivery; composite parts/blade manufacturing; material storage; tooling manufacturing; engineering process labs; flight simulators; satellite antenna (dish); residence for security purposes; site plan waived to: Amending "PD-588" Planned Development to include mining and excavation; site plan waiver recommended (Recommended for Approval as Amended by the Zoning Commission to Continue Tracts 2 & 3)

Ms. Mary Kelleher, 7901 Randol Mill Road, appeared before Council in opposition of Zoning Docket ZC-13-035.

Mr. Brian Chase, 600 East Hurst Boulevard, appeared before Council in support of Zoning Docket ZC-13-035.

Ms. Hillary Vonarisen, 308 Santa Fe Trail, Irving, Texas, 75063, completed a speaker card in support of Zoning Docket ZC-13-035, but did not wish to address the Council.

City of Fort Worth, Texas
Zoning Commission
April 13, 2013 – Meeting Minutes

Present:

Ann Zadeh, Chair, District 1
Carlos Flores, District 2
Robert West, District 3
Charles Edmonds, Jr., District 4
Hugh Ferrell, District 5
Namon Hollis, District 6
Nick Genua, District 7
Wanda Conlin, District 8
Gaye Reed, District 9

Staff Members Present:

Dana Burghdoff, Deputy Director
Jocelyn Murphy, Planning Manager
Lynn Jordan, Planner
Stephen Murray, Planner
Stephen Murray, Planner
Beth Knight, Senior Planner
Melinda Ramos, Sr. Assistant City Attorney

Absent:

None

I. Public Hearing – 10:02 A. M.

Ms. Murphy explained the procedure to be followed for the Zoning Commission meeting.

II. Minutes

The Commission, on a motion by Mr. Edmonds, seconded by Ms. Conlin, on a vote of 9-0, voted to continue the Zoning Commission minutes of the March 13, 2013 meeting.

Video on individual cases can be viewed at the following website.

http://fortworthgov.granicus.com/ViewPublisher.php?view_id=2

III. Continued Cases

1. ZC-13-034 City of Fort Worth Planning & Development Text Amendment Gas Compressors in Agricultural Districts (CD All) – An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as amended, codified as Appendix “A” of the Code of The City of Fort Worth (1986), to amend:

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Dana Burghdoff, Deputy Director, City of Fort Worth explained the Commissioners that City Council remanded this to the Zoning Commission at the March meeting. Ms, Burghdoff noted several changes such as requiring setbacks rather than a Special Exception within the

Agricultural zoning district, and creating setbacks in other districts. The new setback requirements would be reflected in the Gas Drilling Ordinance rather than in the Zoning Ordinance. Staff is requesting that the zoning text amendment as proposed be withdrawn.

Mike Dean, 124 Cooks Lane, Fort Worth, Texas spoke in opposition. Mr. Dean said they have been fighting this for two years. They wanted added protection for AG zoned land. Mr. Dean said this type of activity should be allowed in industrial districts. He also noted about the safety pop off valve that are on these stations operate 24/7 and should not be in residential zoning. Setbacks should be determined on the size of the property and how many compressors could be on the site.

Jackie Barnd, 7249 Specklebelly Lane, Fort Worth, Texas representing Mallard Cove spoke in opposition.

Mary Kelleher, 7901 Randol Mill Road, Fort Worth, Texas spoke in opposition.

Robert Horton, 9104 Autumn Falls, Fort Worth, Texas President of the Historic Randol Mill Valley Alliance spoke in opposition. Mr. Horton explained his power point presentation. He mentioned there are about 7,500 neighbors in this Alliance. On his map there were areas depicted that would be more suitable to this type of industry. They are concerned that there have been no public meetings and the language going into the ordinance had no representation from the neighborhood, parks, water, or air quality control.

Olabisi Olajide, 229 Shadow Grass, Fort Worth, Texas spoke in opposition.

Motion: Following brief discussion Mr. Edmonds recommended a denial without prejudice of the request, seconded by Ms. Conlin. The motion carried 5-3-1 with Mr. Flores, Mr. Genua and Ms. Reed against and Mr. West abstaining.

<i>Document received for written correspondence</i>				<i>ZC-13-034</i>	
Name	Address	In/Out 300 notification area	ft	Position on case	Summary
Mike Dean	124 Cooks Ln	Out		Opposition	Spoke at hearing
Jackie Barnd	7249 Specklebelly	Out		Opposition	Spoke at hearing
Mary Kelleher	7901 Randol Mill	Out		Opposition	Spoke at hearing
Olabisi Olajide	229 Shadow Grass	Out		Opposition	Spoke at hearing
Robert Horton	9104 Autumn Falls	Out		Opposition	Spoke at hearing
Ross Dorman	7650 Randol Mill	Out		Opposition	Sent letter in
Chun Yip	7252 Specklebelly	Out		Opposition	Sent letter in
Brian Fontenot	141 Flyaway Ln	Out		Opposition	Sent letter in
Kenzo Tran	116 Cooks Ln	Out		Opposition	Sent letter in