



**ZONING MAP CHANGE  
STAFF REPORT**

**City Council Meeting Date:**  
February 4, 2014

**Council District** 8

**Zoning Commission Recommendation:**  
Denied by a vote of 9-0

**Opposition:** four neighbors and Vickie Lane neighborhood association

Continued Yes \_\_\_ No X  
Case Manager Stephen Murray  
Surplus Yes \_\_\_ No X  
Council Initiated Yes \_\_\_ No X

**Owner / Applicant:** Nu-Way Industries

**Site Location:** 3200-3252 Evans Mapsco: 77X

**Proposed Use:** Storage of trailers

**Request:** From: "A-5" One-Family  
To: "I" Light 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 on Evans Avenue south of E Berry Street. The applicant is proposing a zoning change from "A-5" One-Family to "I" Light Industrial to store trailers for their industrial business located directly west of the proposed zoning site and would like to amend the zoning to match all of the land they own.

The proposed site is currently platted into single-family lots. The applicant will most likely have to replat the property into one lot in order to store materials outside or obtain a special exception through the Board of Adjustment for outdoor storage without a primary use. A 20 ft projected setback for the screening fence will be required along Evans Avenue due to A-5 zoning within the blockface. A 50 ft supplemental buffer for the storage or a structure is also required due to the A-5 zoning directly south.

The existing industrial site to the west is located along the South Freeway access road. They have two primary entrances, one located along Berry Street and the other on Evans Street near a commercial business. After the proposed zoning is approved, it is not recommended that additional access is obtained from Evans Avenue, which is considered a residential street. Large trucks staging, entering and exiting midblock on Evans will create additional undue noise and traffic issues and this activity should remain at the other access points.

**Site Information:**

Owner: Nu-Way Industries, Inc.  
PO Box 661238

Arcadia, CA 91066

Acreage: 2.55 acres

Comprehensive Plan Sector: Southside

Surrounding Zoning and Land Uses:

North "E" Neighborhood Commercial / convenience store

East "A-5" One-Family / single-family

South "A-5" One-Family / single-family, Echo Lake Park

West "I" Light Industrial / industrial

**Recent Relevant Zoning and Platting History:**

Zoning History: None

Platting History: None

**Transportation/Access**

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Evans Avenue	Residential	Residential	No

**Public Notification:**

The following organizations were notified:

Organizations Notified	
Worth Heights	United Communities Association
West Morningside	Neighbors Working Together
Vicki Lane-Bowie Street	Berry Street Initiative
Morningside Park	Southeast Fort Worth Inc
Morningside	FWISD
Brentmoor	

**Development Impact Analysis:**

**1. Land Use Compatibility**

The applicant is proposing a zoning change to "I" Light Industrial. Surrounding land uses are single-family to the south and east with commercial to the north, and industrial immediately west. The proposed site is platted into single-family lots, and has been vacant for some time.

Evans Avenue is considered a residential street. New industrial activity and large trucks staging, entering and exiting midblock will create additional undue noise and traffic issues for the existing residential neighborhood. As a result, the proposed zoning **is not compatible** with surrounding land uses.

**2. Comprehensive Plan Consistency**

The 2013 Comprehensive Plan designates the subject property as Single-Family and Neighborhood Commercial. The proposed "I" zoning is not consistent with the following Comprehensive Plan policies:

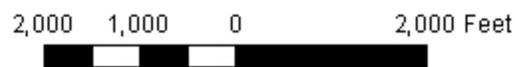
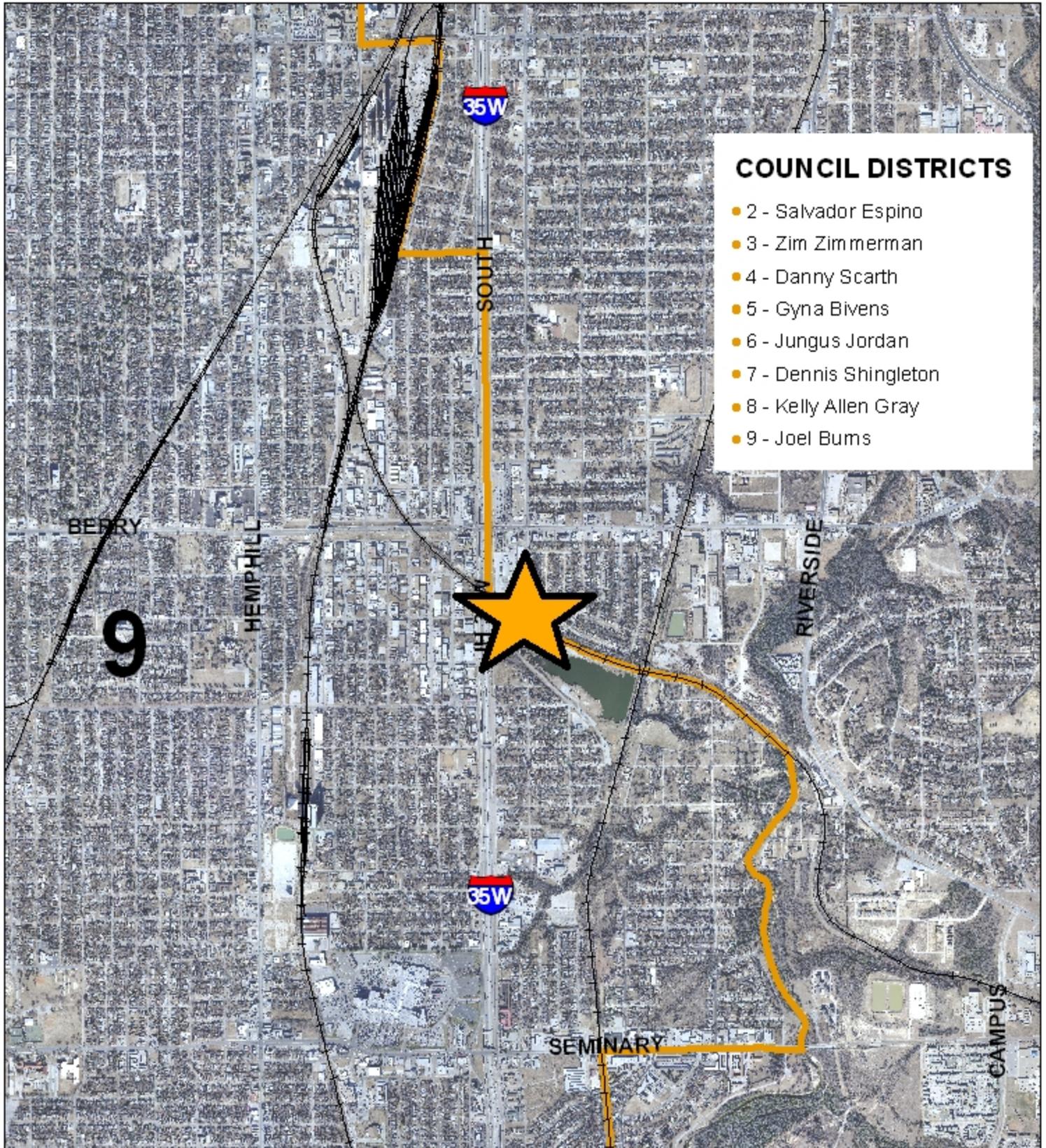
- Encourage development type and intensity appropriate to existing or planned street infrastructure. (pg. 38)

Based on the lack of conformance with the future land use map and policies stated above, the proposed zoning **is not consistent** with the Comprehensive Plan. (**Significant Deviation**) However the expansion of the existing industrial could be acceptable with the proper buffering and screening.

**Attachments:**

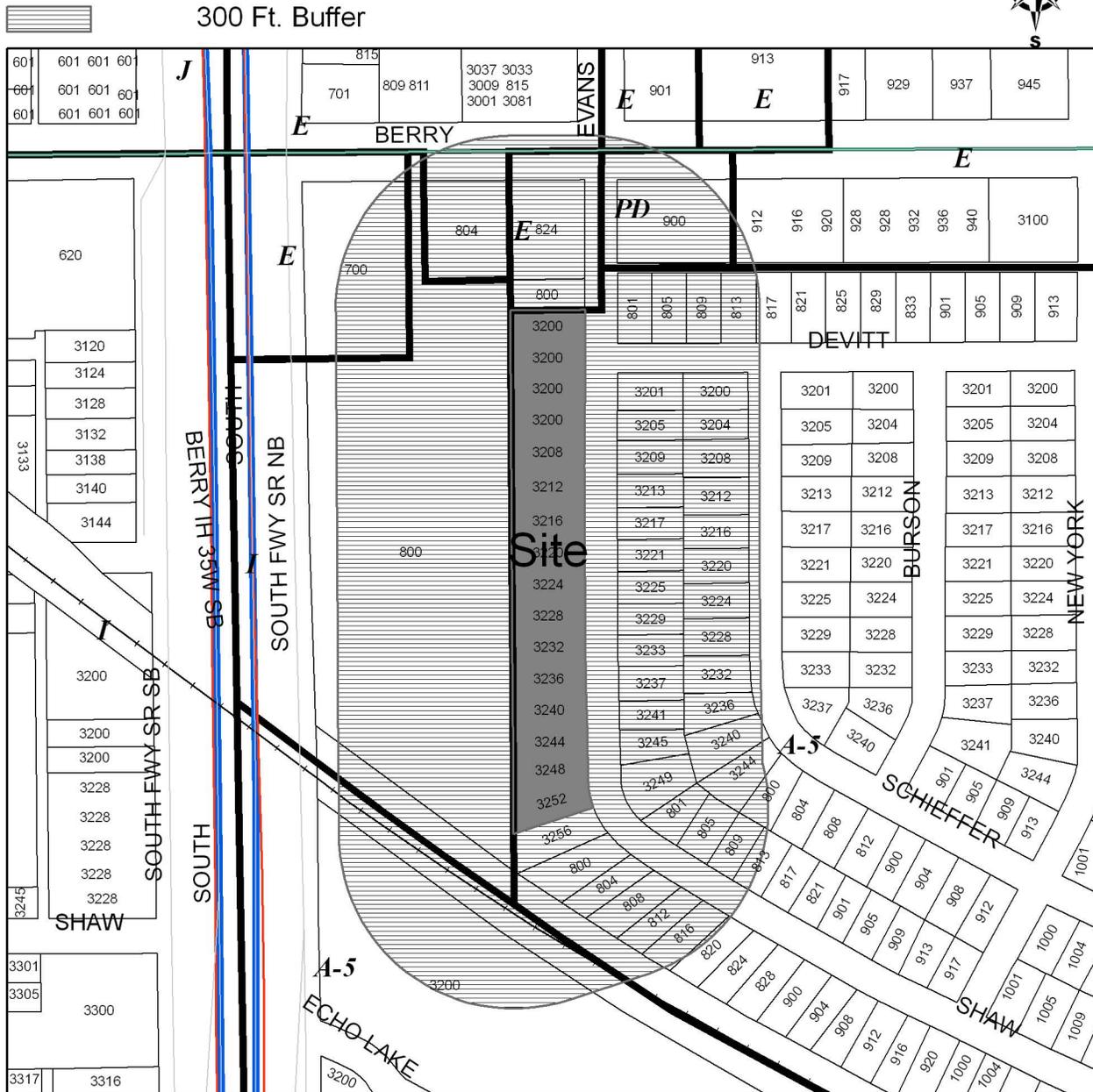
- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Minutes

## Location Map



## Area Zoning Map

Applicant: Nu-Way Industries  
 Address: 3200 - 3252 (evens) Evans Avenue  
 Zoning From: A-5  
 Zoning To: I  
 Acres: 2.55907226  
 Mapsco: 77X  
 Sector/District: Southside  
 Commission Date: 1/8/2014  
 Contact: 817-392-8043

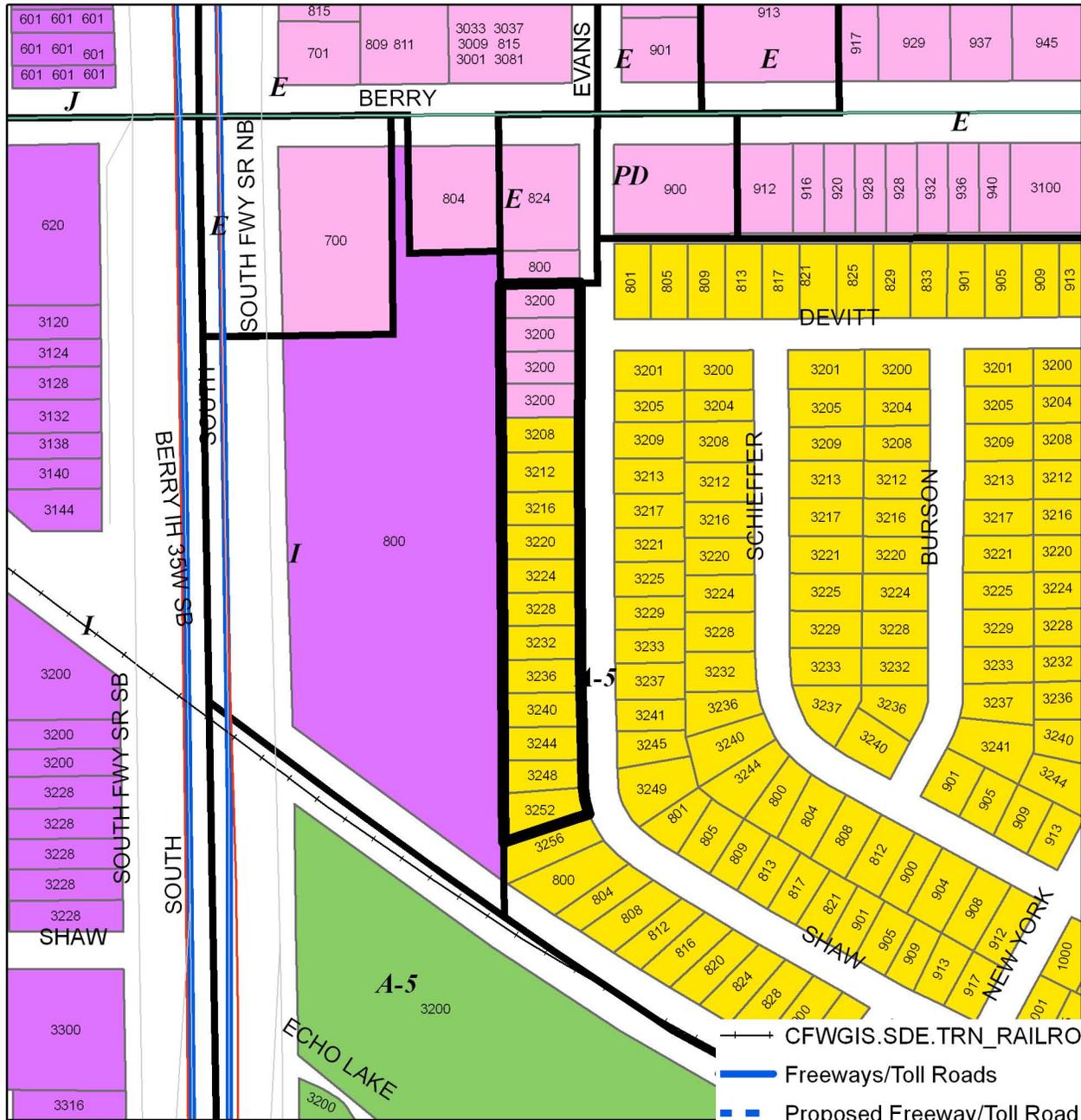




3200 - 3252 (evens) Evans Avenue

# Future Land Use

ZC-14-008



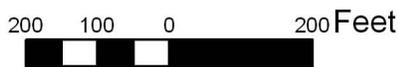
- CFWGIS.SDE.TRN\_RAILROADS
- Freeways/Toll Roads
- Proposed Freeway/Toll Road

- 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

- 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 5, 2013.





Mr. Genua asked what was directly to the north of the property. Mr. Schell explained that there is a Kroger grocery store. Ms. Reed asked what type of fence is between the Kroger and the drainage way. Mr. Schell responded that he was not sure. Mr. Flores asked for clarification of the residents in opposition and Mr. Schell indicated where they were located.

Motion: Following brief discussion, Mr. Northern recommended Approval of the request, seconded by Mr. Hollis. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>					<i>ZC-14-007</i>
<b>Name</b>	<b>Address</b>	<b>In/Out 300 notification area</b>	<b>Position on case</b>		<b>Summary</b>
Margaret Jefferson	12521 Cottageville Ln	In		Opposition	Sent letter in
Randal Duke Sr.	12517 Cottageville Ln	In		Opposition	Sent letter in

**13. ZC-14-008 NU-Way Industries Inc. (CD 8) – 3200-3252 Evans Avenue (Morningside Park Addition, Block 1, Lots 1-17, 2.55 Acres): from “A-5” One-Family to “I” Light Industrial**

Edward Justice, 800 East Berry Street, Fort Worth, Texas representing Nu-Way Industries Inc. explained to the Commissioners the request for “I” Light Industrial is to build a parking lot for his trailers. He explained that the existing entrance to the business is about 150 feet south of Evans Avenue. Mr. Justice gave a brief history of the leasing of the property. He explained that they are proposing a rock, asphalt or cement surface for parking on the subject property being rezoned. Mr. Justice mentioned that he had met with the neighborhood and expressed their concerns for dust and fencing. Mr. Justice explained that paving would eliminate dust and that there is already an existing fence.

Ms. McDougall asked if this was a 24/7 operation and if this operation was paid by the truckload. Mr. Justice clarified that it was and mentioned that this was a full load business and that no hazardous materials will be stored on site.

Howard Fitzpatrick, 3221 Evans Avenue, Fort Wort, Texas spoke in opposition. He explained that he is not in opposition but that he has questions on the request.

Cheryl Moore, 3205 Evans Avenue, Fort Worth, Texas spoke in opposition. She feels that the site is an eyesore and expressed concerns of noise and dust. She also feels that it is unsafe to have the trailers parked in that area.

Billy Sowels, 3225 Evans Avenue, Fort Worth, Texas spoke in opposition. She expressed her concerns and does not approve of the trailers being in that location.

Jose Garcia, 3249 Evans Avenue, Fort Worth, Texas spoke in opposition. He expressed his conerns with the request and would not like the trailers to be viewable from his home.

Bettye Richardson, 3245 Evans Avenue, Fort Worth, Texas spoke in opposition. She expressed her concerns with the request and would not like the trailers to be viewable and would like a wall to be put up to block the view from her home.

Monnie Gilliam, 1100 Vicki Lane, Fort Worth, Texas president of the Vicki Lane-Bowie Street Association spoke in opposition. He expressed his concerns with the request and does not approve of the rezoning for industrial or for trailers.

In rebuttal, Edward Justice, 800 East Berry Street, Fort Worth, Texas representing Nu-Way industries expressed his understanding for the neighbors' concerns. Mr. West noted that if the request is not approved that Mr. Justice would have to move the trailers to a location zoned for that use and not the residential area. Mr. Justice noted that he would comply with any buffers or fencing that would need to take place. Ms. Conlin asked for clarification on the fence and materials that will be used.

Motion: Following brief discussion, Ms. Conlin recommended Denial With Prejudice of the request, seconded by Ms. McDougall. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>					<i>ZC-14-008</i>
<b>Name</b>	<b>Address</b>	<b>In/Out 300 notification area</b>	<b>ft</b>	<b>Position on case</b>	<b>Summary</b>
Howard Fitzpatrick	3221 Evans Ave	In		Opposition	Spoke at hearing
Cheryl Moore	3205 Evans Ave	In		Opposition	Spoke at hearing
Billy Sowels	3225 Evans Ave	In		Opposition	Spoke at hearing
Jose Garcia	3249 Evans Ave	In		Opposition	Spoke at hearing
Bettye Richardson	3245 Evans Ave	In		Opposition	Spoke at hearing
Monnie Gilliam	1100 Vicki Lane	In		Opposition	Spoke at hearing

**Meeting adjourned: 1:38 p.m.  
01/08/14**

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

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Nick Genua, Chair