



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
July 15, 2014

Council District 5

Zoning Commission Recommendation: Approval by a vote of 8-0-1 Opposition: None submitted Support: Bell Helicopter, Lakes of River Trails, City of Hurst, HEB School District, (one within 200 ft)	Continued	Yes ___	No <u>X</u>
	Case Manager	<u>Lynn Jordan</u>	
	Surplus	Yes ___	No <u>X</u>
	Council Initiated	Yes ___	No <u>X</u>

Owner / Applicant: Tarrant Acquisitions, LTD/Kenneth Newell

Site Location: 9501 Trammel Davis Road Mapsco: 67D

Proposed Use: Permanent Concrete Batch Plant

Request: From: "O-1" Floodplain
To: "PD/SU" Planned Development/Specific Use for permanent concrete batch plant; 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 south of Trinity Boulevard and north of Trammel Davis Road. The area within the Trinity River floodplain has been heavily mined for several decades and continues to be mined as a legal nonconforming use.

The applicant is proposing a permanent concrete batch plant to utilize the materials being mined on site for construction of the Trinity Lakes development currently under construction by the applicant. Concrete products will also be available for sale in the market. Trammel Davis Road is an unimproved dirt road and the site is heavily wooded. The site is relatively isolated and is buffered from any adjacent uses.

Site Information:

Owner:	Kenneth Newell/Tarrant Acquisitions P O Box 185104 Fort Worth, Texas 76180
Agent:	Dennis Hopkins
Acreage:	3.67
Comprehensive Plan Sector:	Eastside

Surrounding Zoning and Land Uses:
 North "A-43" One-Family / vacant
 East "O-1" Floodplain / vacant

South "O-1" Floodplain / vacant
 West "O-1" Floodplain / vacant

Recent Relevant Zoning and Platting History:

Zoning History: ZC-08-124 approved by City Council 09/02/2008 to A-43, subject property to the north.
Platting History: NA

Site Plan Comments:

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

TPW/Transportation and Public Works site plan comments:

No comments have been submitted at the time of report.

Comments made by TPW staff must be addressed through TPW, Zoning Commission can't waive the requirements.

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
NA			

Public Notification:

The following Organizations were notified:

Organizations Notified	
Historic Randol's Mill Valley Alliance	Eastside Sector Alliance*
Hurst-Euless-Bedford ISD	

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zoning change from "O-1" Floodplain to "PD/SU" Planned Development/Specific Use for permanent concrete batch plant. Surrounding land uses are primarily vacant with mining uses in the vicinity.

The proposed zoning for this site **is compatible** at this location.

2. Comprehensive Plan Consistency

The 2014 Comprehensive Plan designates the subject property as Private Open Space. The requested zoning change 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. (pg. 38)

Based on the lack of conformance with the future land use maps 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
- Site Plan
- Minutes from the Zoning Commission meeting

Location Map

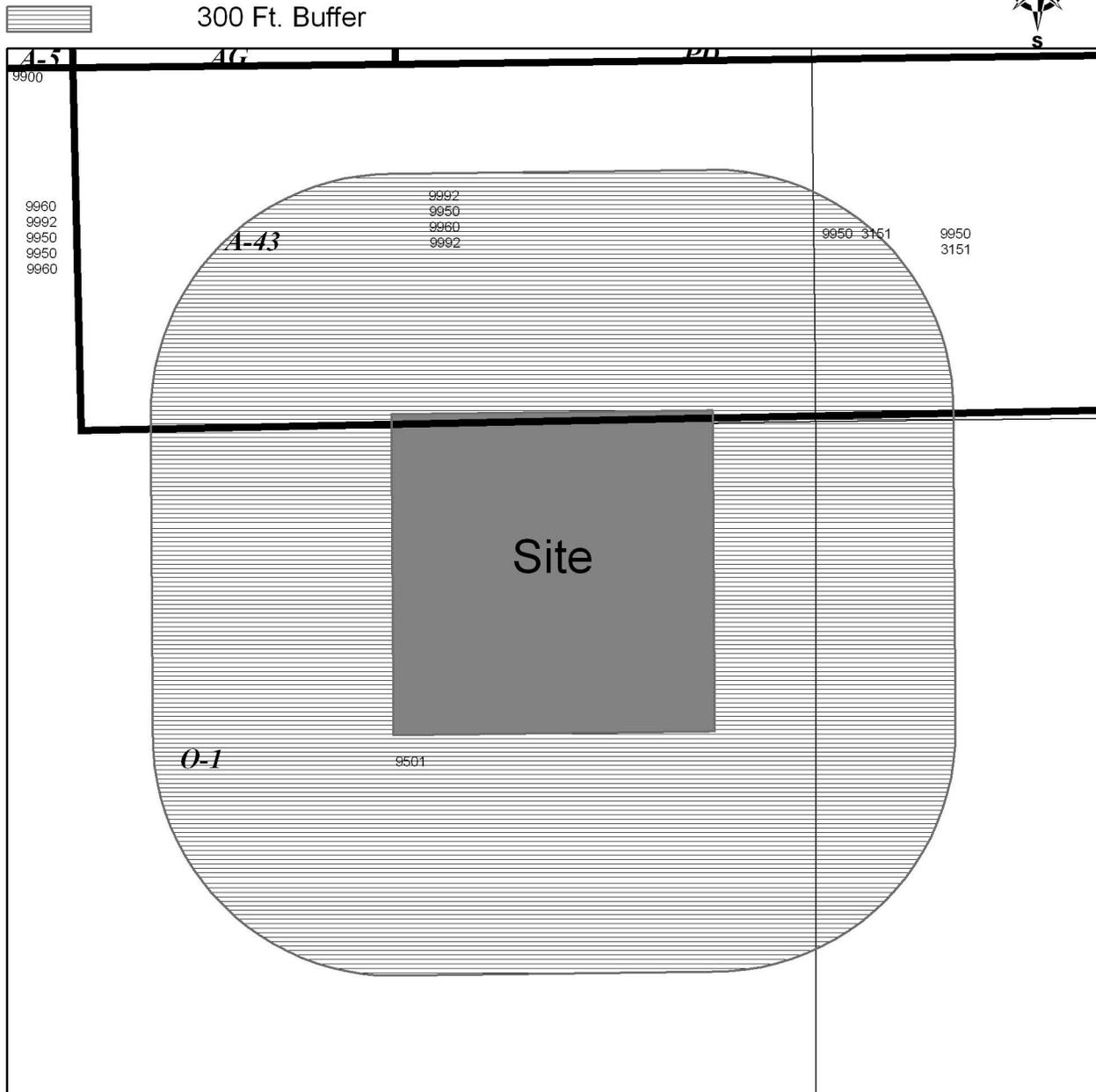
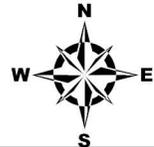


2,000 1,000 0 2,000 Feet



Area Zoning Map

Applicant: Tarrant Acquisitions, LTD
Address: 9501 Trammel Davis Road
Zoning From: O-1
Zoning To: PD/SU for permanent concrete batch plant
Acres: 3.67300341
Mapsc0: 67D
Sector/District: Eastside
Commission Date: 6/11/2014
Contact: 817-392-2495

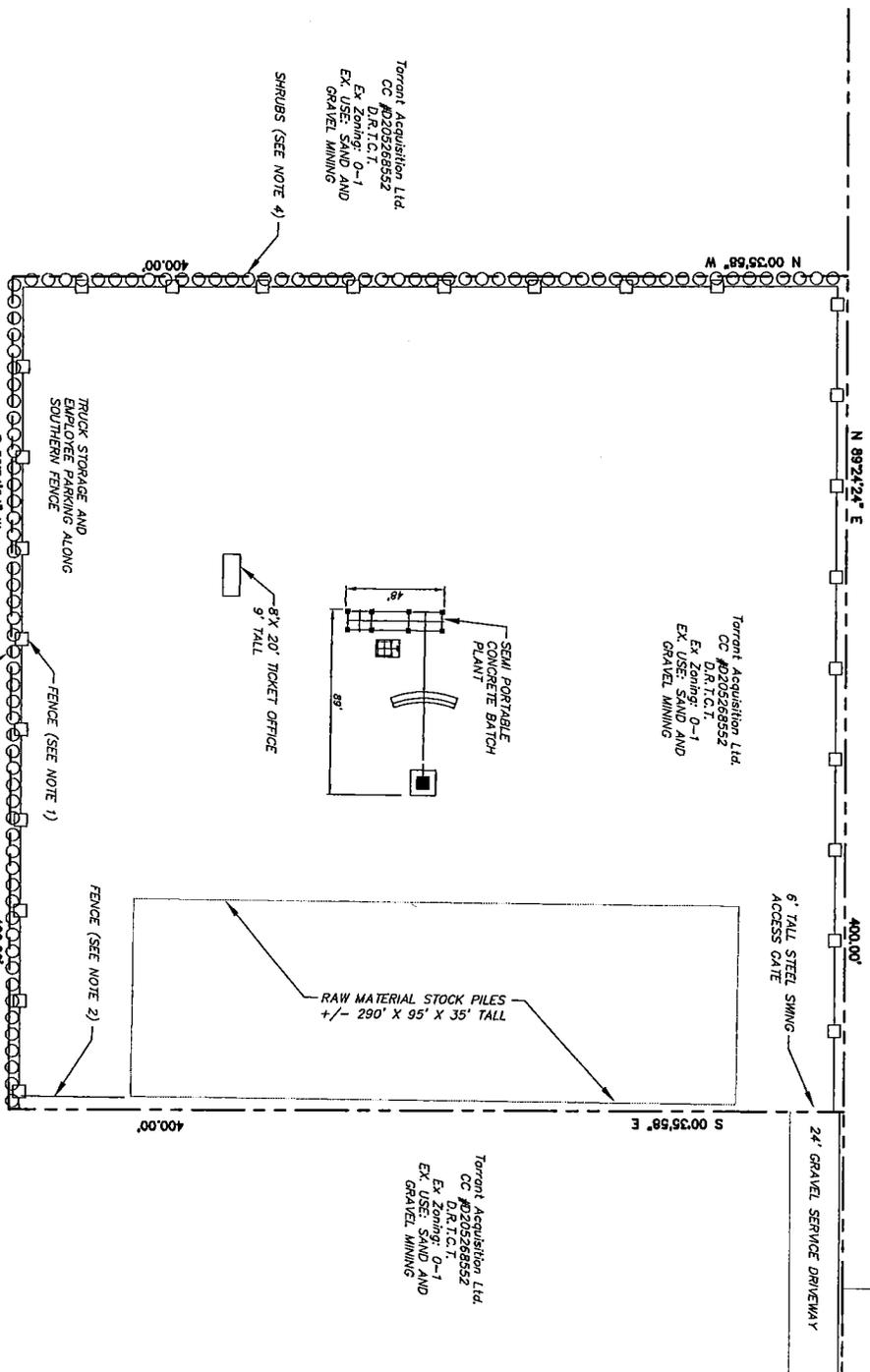


2-14-064

First Tract
City of Hurst
V.2894, P.70
D.R.T.C.T.
EX. USE: A-43
EX. USE: VACANT

Tarrant Acquisition Ltd.
CC #0205269552
D.R.T.C.T.
Ex. Zoning: O-1
EX. USE: SAND AND GRAVEL MINING

Tarrant Acquisition Ltd.
CC #0205269552
D.R.T.C.T.
Ex. Zoning: O-1
EX. USE: SAND AND GRAVEL MINING



- NOTES:
- 1) FENCE ON NORTH, WEST, AND SOUTH SIDE WILL BE 6' CYCLOPE FENCE WITH SECURITY WIRE MOUNTED ON TOP.
 - 2) FENCE ON SOUTHWEST CORNER WILL BE A CONCRETE BLOCK BARRIER.
 - 3) THERE ARE NO REQUIRED EASEMENTS ON THE SUBJECT PROPERTY.
 - 4) PROPOSED SIGNAGE WILL BE 18" X 8" STRONG PLASTIC ON 8' FOOT CENTERS. SHRUBS WILL ACHIEVE A MATURING SIZE OF 8 FEET DIAMETER AND UP TO 15 FEET TALL. (39 SHRUBS)
 - 5) NO BRACKEN PROPOSED.
 - 6) LIGHTS - SECURITY AND SAFETY LIGHTS WILL BE LOCATED ON THE CONCRETE PLANT.
 - 7) ENTIRE SITE 3.6 ACRES WILL BE COVERED IN GRAVEL.
 - 8) THE SITE PLAN WILL COMPLY WITH THE URBAN FORESTRY AND LANDSCAPE PLAN REGULATIONS AND ORDINANCES.

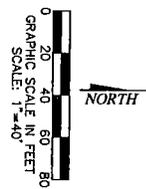
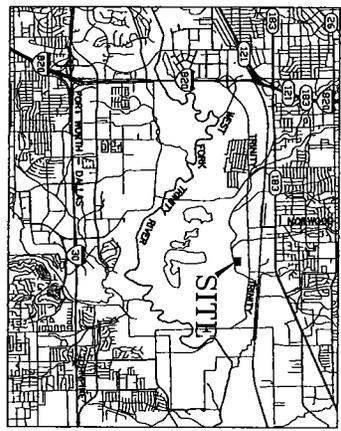
Tarrant Acquisition Ltd.
CC #0205269552
D.R.T.C.T.
Ex. Zoning: O-1
EX. USE: SAND AND GRAVEL MINING

SUPERVISOR:
HERBERT BEASLEY SURVEYORS
PO BOX 873
FORT WORTH, TEXAS 76124
(817) 429-0194
(817) 446-5488 FAX

APPLICANT OWNER:
TARRANT ACQUISITION LTD.
3550 SOUTH PENDING LINE ROAD
FORT WORTH, TEXAS 76181
(817) 389-9100
(817) 384-4100 FAX



ENGINEER:
Van Consulting Engineers, Inc.
2840 W. Camp Street
Santitake, Texas 75092
PHONE: (817) 552-6210
FAX: (817) 778-4845
CONTACT: David C. Gregory, P.E.
ENRN F-5007



LEGAL DESCRIPTION
 Being 3.673 acres of land located in the William P. Burns Survey, Attached No. 27, Tarrant County, Texas, being a portion of the tract of land described in the deed to Tarrant Acquisition, LTD., recorded in County Clerk's Office, Deed Records, Tarrant County, Texas, Book 15973, pages 1 and 2, and being fully and lawfully described as follows:

Beginning at a point lying a north line of said Tarrant Acquisition tract, corner of said Tarrant Acquisition tract bears N89°24'24"E, 1400.00 feet, south 1/2 section 35, Township 33S, Range 12E, Deed Record, Tarrant County, Texas, Volume 2894, Page 70, Deed Records, Tarrant County, Texas; thence S00°35'58"E, a distance of 400.00 feet to a point; thence S89°24'24"W, a distance of 400.00 feet to a point, from which an 1/2" iron rod found at the southwest corner of said Tarrant Acquisition tract bears S89°24'24"W, 2.97325 feet; thence N00°35'58"W, a distance of 400.00 feet to a point lying in said north line; thence N89°24'24"E, along said north line, a distance of 400.00 feet to the point of beginning, containing 3.673 acres of land. The bearings recited herein are oriented to NAD83 (2011) Epoch (2010.0) North Central Zone.

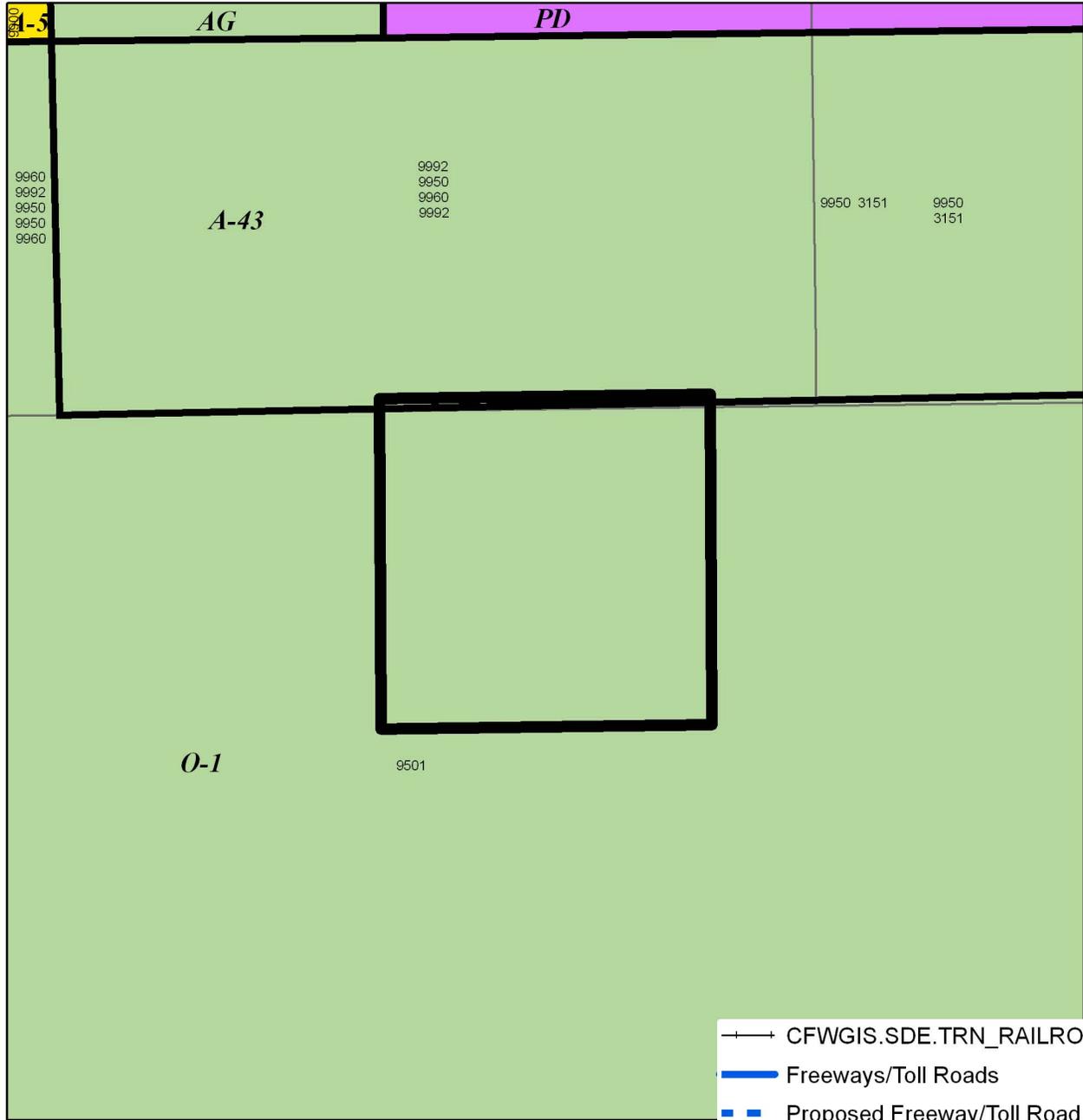
Director of Planning and Development Date
 WILLIAM P. BURNS SURVEY
 FOR
 TARRANT ACQUISITION
 CONCRETE BATCH PLANT
 3.6 ACRES
 LOCATED IN THE
 CITY OF FORT WORTH
 TARRANT COUNTY, TEXAS
 Prepared: May 8, 2014
 Revised: June 5, 2014



9501 Trammel Davis Road

Future Land Use

ZC-14-064



- 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

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

FLD_ZONE

- Floodplain

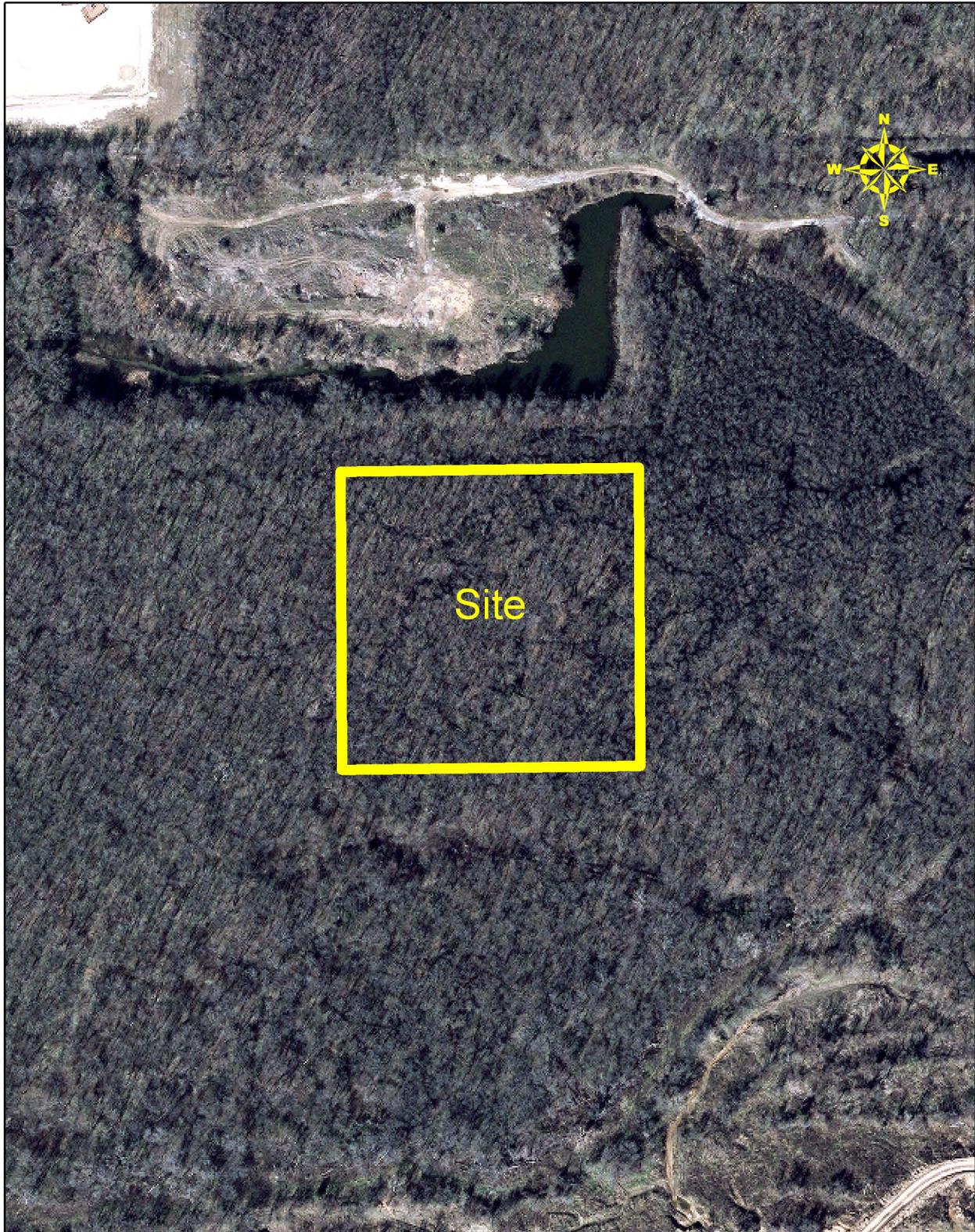


A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government code, Section 219.005) Land use designations were approved by City Council on March 18, 2014.





Aerial Photo Map



and highlighted the property on the overhead map. They asked for FR zoning to be consistent with the overall property.

Ms. Reed asked about the site plan. Mr. Courter said it was submitted with the application. It displays what currently exists and the new addition. Ms. Reed said they did receive a letter in opposition. (*A site plan is not required for a straight zoning request.*)

Motion: Following brief discussion, Ms. Reed recommended Denial of the request, seconded by Ms. McDougall. The motion carried 5-3 with Mr. Northern, Mr. West and Ms. Conlin against.

<i>Document received for written correspondence</i>				ZC-14-063	
Name	Address	In/Out 300 notification area	Position on case		Summary
Amy Everett	3920 Locke Ave	In	Opposition		Sent letter in
Frank Ruiz	3925 Locke Ave	In		Support	Sent letter in
Kathy Raffel	3916 Locke Ave	In		Support	Sent letter in
Scott Raffel	3917 Locke Ave	In		Support	Sent letter in
Carmen Cortez	3929 Locke Ave	In		Support	Sent letter in
Refugio Quintero	3933 Locke Ave	In		Support	Sent letter in
Jose Gallegos	3924 Locke Ave	In		Support	Sent letter in
Anna Aguero	3921 Locke Ave	In		Support	Sent letter in
Sonia Dutton	3913 Locke Ave	In		Support	Sent letter in

4. ZC-14-064 Tarrant Acquisitions LTD./Kenneth Newell (CD 5) – 9501 Trammel Davis Road (William P. Burns Survey, Abstract No. 121, 3.67 Acres): from “O-1” Floodplain District to “PD/SU” Planned Development/Specific Use for permanent concrete batch plant; site plan included

Dennis Hopkins, P. O. Box 637, Arlington, Texas explained to the Commissioners the history behind this area as being used for mining. Mr. Hopkins said the reason for the request is to establish a permanent concrete batch plant in addition to the current mining that is going on. The proposal is for a dry batch concrete facility that consists of sand, gravel and concrete which will be stored at this site. Mr. Hopkins said all mixing will take place in the truck as it drives to its destination. The concrete batch plant will be essential to the development of Trinity Boulevard and other related infrastructure in the area. Mr. Hopkins did submit letters of support.

Mr. Flores mentioned to Mr. Hopkins the letter received from TPW concerning the floodplain. The letter stated that an analysis will be required which may take up to 60 days. Mr. Flores asked if that would be enough time for the applicant to address TPW’s concern.

Ken Newell, 6000 Lantana Lane, Fort Worth, Texas explained to Mr. Flores zoning is his first step and his engineers are working on the analysis. Studies have been turned into the City of Fort Worth. Mr. Flores asked if he knew when the engineering report would be completed. Mr. Newell said it should be done within the next sixty days.

Motion: Following brief discussion, Ms. McDougall recommended Approval of the request, seconded by Ms. Conlin. The motion carried 7-0-1 with Mr. West recussing.

<i>Document received for written correspondence</i>					<i>ZC-14-064</i>
Name	Address	In/Out 300 notification area	Position on case		Summary
Bell Helicopter	3225 Bell Helicopter Blvd	Out		Support	Sent letter in
City of Hurst	1505 Precinct Line	In		Support	Sent letter in
HEB Independent School Dist.	NA	Out		Support	Sent letter in
Lakes of River Trails HOA	NA	Out		Support	Sent letter in

5. ZC-14-065 Gustavo Castaneda (CD 2) – 201 NW 23rd Street (North Fort Worth Addition, Block 164, Lot 23-R, 0.31 Acres): from “A-5” One-Family to “ER” Neighborhood Commercial Restricted

Melissa Spurrier, 1021 Aspen Drive, Azle, Texas representing Gustavo Castaneda explained to the Commissioners that the applicant purchased the property and replatted it when it was zoned ER with the intent to build four units for office or retail use. Ms. Spurrier said there are commercial and office type uses to the north and east of the property and that there are five houses remaining on the block.

Mr. Florez asked Ms. Spurrier when her client purchased the property, the intended use for the property and have they met with the neighborhood association. Ms. Spurrier said it was bought around 2003. Mr. Castaneda had requested their surveying company to replat the property into one lot. She also responded he plans to build an office center with approximately four to eight units and that he did meet with a neighborhood group and sent out a petition which she turned in.

Mr. Flores explained that during the Council-initiated rezoning for this area in 2010, they had neighborhood meetings and there was a lot of outreach from the community to let property owners know why this was being done and what they could do if they chose to protest or retain their current zoning. Mr. Flores asked her why he didn’t make his intentions known at that time. Ms. Spurrier said she could not answer that. Mr. Florez asked staff if they received any communication from the neighborhood organization or any other interested party. Ms. Murphy said they did not receive anything. Mr. Florez said the only information he has is there was a meeting with the Northside NA and he is not sure if anything was submitted. Mr. Florez said he would like to see a more detailed site plan.