



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
June 9, 2015

Council District 4

Zoning Commission Recommendation:
Denial by a vote of 6-1

Opposition: Garden of Eden
Support: 4 letters submitted, one for multiple properties

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

Owner / Applicant: Lawrence Duckett, Sr.

Site Location: 5904 - 5916 (evens) Etsie Street Mapsco: 65N

Proposed Use: Storage Yard

Request: From: "AG" Agricultural
To: "I" Light Industrial

Land Use Compatibility: Requested change is compatible.

Comprehensive Plan Consistency: Requested change is not consistent. (Significant Deviation)

Background:

The proposed site is located near the corner of Etsie Street and Sanders Street. The applicant would like to amend the zoning from "AG" Agricultural to "I" Light Industrial for a storage yard. The applicant at the Zoning Commission hearing said he is storing his own personal vehicles, some are running and some are not. If the zoning is approved, the applicant is required to go before the Board of Adjustment (BOA) for a Special Exception to begin using the site for outdoor storage without a primary use if he chooses to store on the property as previously mentioned.

In the past, the applicant operated a legal nonconforming salvage yard and had a Certificate of Occupancy for this use. However, the site ceased to operate for more than two years and the applicant did not renew the Special Exception. The property owner completed a zoning case in 2014 requesting "K" Heavy Industrial zoning in order to get a Special Exception and restart the junkyard. That case was denied citing concerns about development/redevelopment of the neighborhood and proximity to the Trinity River, with the councilmember giving the owner direction to work with staff to find a zoning that would allow him to operate his needed use.

Multiple salvage and parts yard exist in this area along Elliott Reeder in the eastern part of the city. It could likely be described as the highest concentration of these types of businesses in the city. 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.

No response was received from the Garden of Eden Neighborhood Association.

The case was continued from the June 2 Council meeting to consider the applicant’s proposal of PD/E Planned Development for the E Neighborhood Commercial zoning district plus outside storage. The future land use of the property is single family and the property is not located on a major street, therefore commercial may not be the appropriate zoning. A PD/SU zoning for the outdoor storage may be more appropriate, if the use is determined to be acceptable.

Site Information:

Owner: Lawrence Duckett, Sr.
 1940 Delga Street
 Fort Worth, TX 76102

Acreage: 1.06 acres

Comprehensive Plan Sector: Eastside

Surrounding Zoning and Land Uses:

- North “AG” Agricultural / outdoor storage, salvage yard
- East “K” Heavy Industrial / waste hauling truck and storage yard
- South “AG” Agricultural / vacant; recently cleared
- West “AG” Agricultural / single-family; auto salvage yards

Recent Relevant Zoning and Platting History:

Zoning History: ZC-14-051 Denied without Prejudice by City Council 08/05/14 for K Heavy Industrial

Platting History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Etsie Street	Residential	Residential	No
Sanders Street	Residential	Residential	No

Public Notification:

The following organizations were notified:

Organizations Notified	
Garden of Eden*	Eastside Sector Alliance
Streams & Valleys, Inc (West Fork Trinity River)	Fort Worth ISD
East Fort Worth Business Assn	Birdville ISD

*Within this neighborhood association

Development Impact Analysis:

1. **Land Use Compatibility**

The applicant is requesting to rezone the site from "AG" Agricultural to "I" Light Industrial for storage of personal vehicles. Surrounding land uses are primarily outdoor auto storage for surrounding auto auction yards and salvage/storage yards, with a single-family home directly west of the site.

A significant portion of the area is located within the floodplain. The area also contains numerous salvage yard uses. As a result, the proposed rezoning **is compatible** with surrounding land uses.

2. **Comprehensive Plan Consistency**

The 2015 Comprehensive Plan designates the site as Single-Family. The proposed "I" Light Industrial is not consistent with the Comprehensive Plan. Several salvage yards operate in close proximity to the proposed site and a large portion of the area is located within the floodplain, which would be difficult for construction of new single-family development.

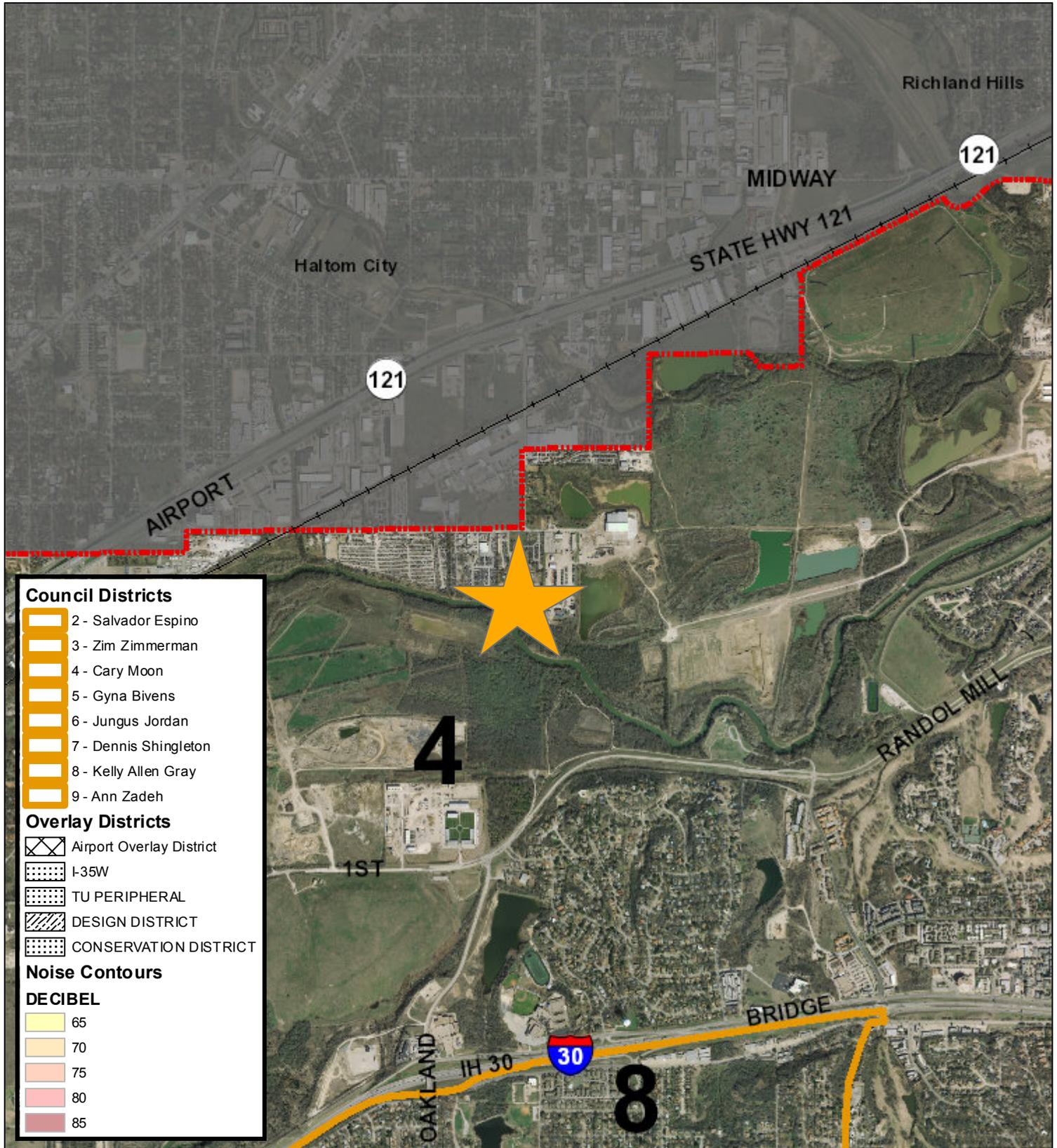
- Locate large industrial uses along freight rail lines, highways, or airports within industrial growth centers and other appropriate locations. (Pg. 40)
- Separate incompatible land uses with buffers or transitional uses. Some land uses have attributes such as height, proportion, scale, operational 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 City Council meeting
- Minutes from the Zoning Commission meeting

Area Map



Council Districts

- 2 - Salvador Espino
- 3 - Zim Zimmerman
- 4 - Cary Moon
- 5 - Gyna Bivens
- 6 - Jungus Jordan
- 7 - Dennis Shingleton
- 8 - Kelly Allen Gray
- 9 - Ann Zadeh

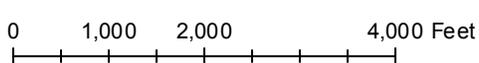
Overlay Districts

- Airport Overlay District
- I-35W
- TU PERIPHERAL
- DESIGN DISTRICT
- CONSERVATION DISTRICT

Noise Contours

DECIBEL

- 65
- 70
- 75
- 80
- 85

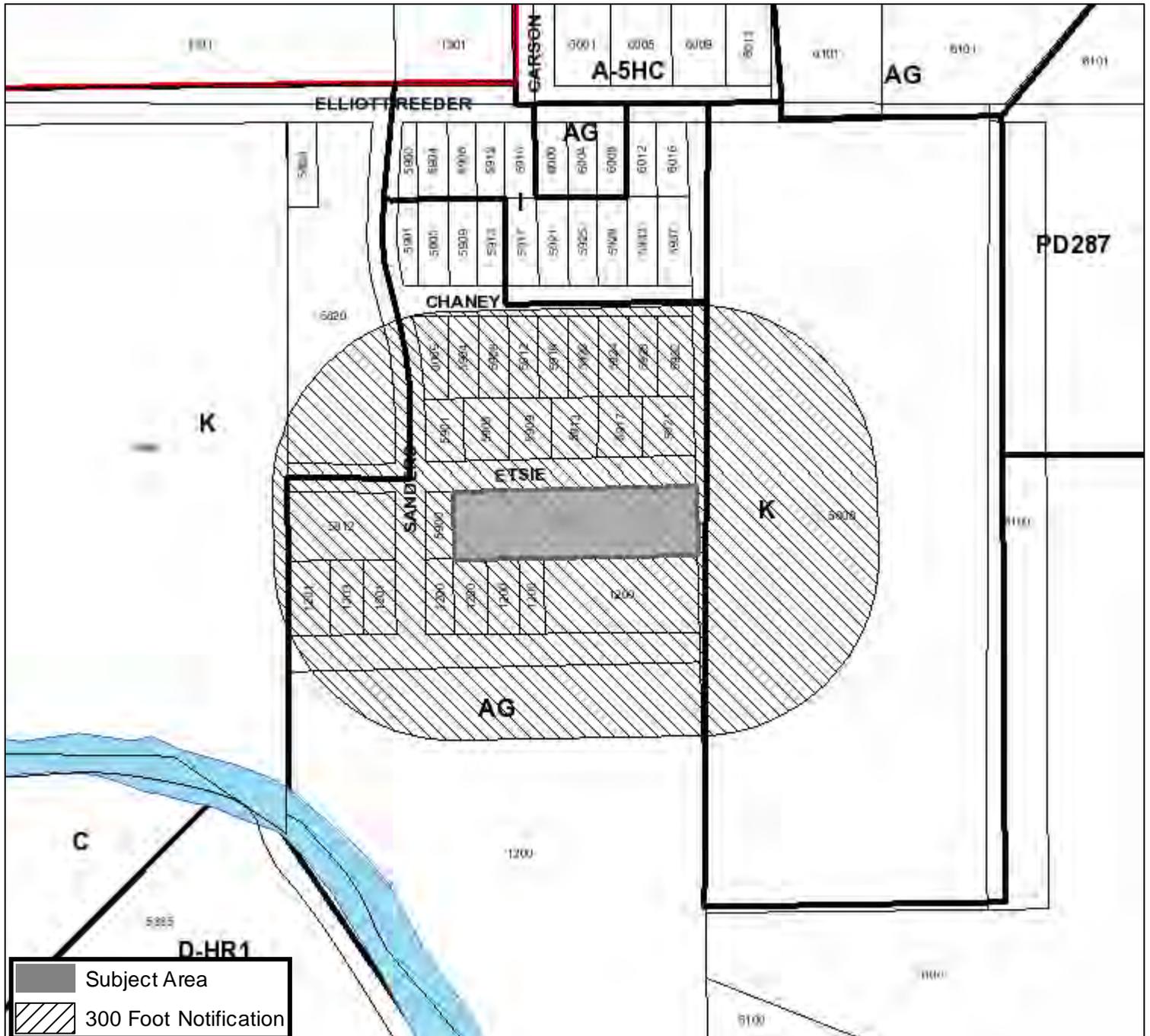




ZC-15-029

Area Zoning Map

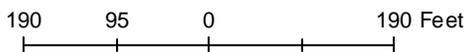
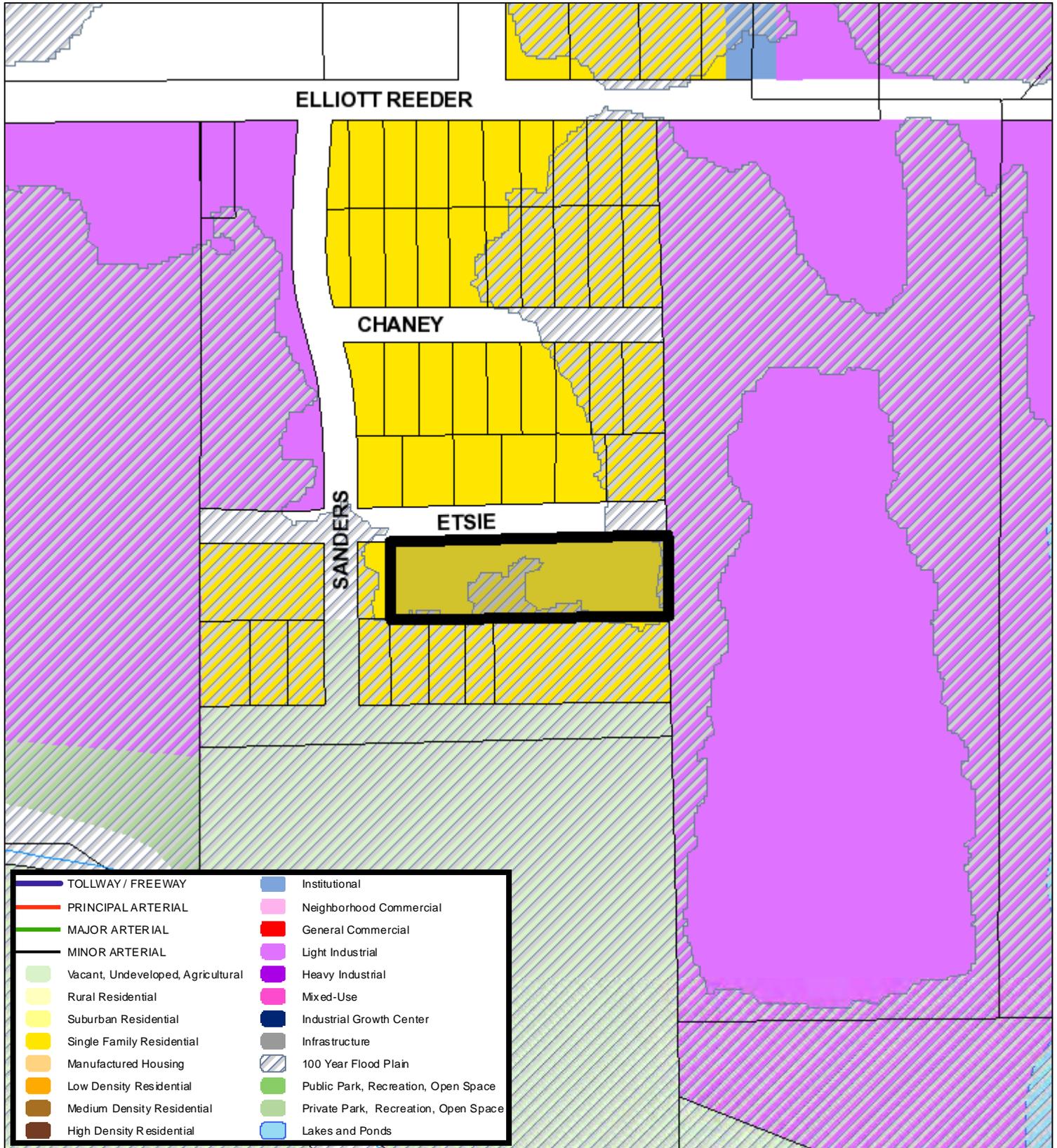
Applicant: Lawrence Duckett, Sr.
 Address: 5904 - 5916 (evens) Etsie Street
 Zoning From: AG
 Zoning To: I
 Acres: 1.06740716
 Mapsco: 65N
 Sector/District: Eastside
 Commission Date: 3/11/2015
 Contact: 817-392-2495



 Subject Area
 300 Foot Notification

0 120 240 480 Feet

Future Land Use



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 213.005.) Land use designations were approved by City Council on March 17, 2015.



Aerial Photo Map



0 120 240 480 Feet



**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
MAY 5, 2015
Page 12 of 19**

Mr. George Felan, 3313 Hedrick Street, completed a comment card in opposition to Zoning Docket ZC-15-022.

Motion: Council Member Scarth made a motion, seconded by Council Member Allen Gray, that Zoning Docket ZC-15-022 be continued to the June 2, 2015, Council meeting. The motion carried unanimously 8 ayes to 0 nays, with Council Member Shingleton absent.

The City Council, at its meeting of April 7, 2015, continued Zoning Docket ZC-15-029:

5. ZC-15-029 - (CD 4) - Lawrence Duckett, Sr., 5904-5916 Etsie Street; from: "AG" Agricultural to: "I" Light Industrial (Recommended for Denial by the Zoning Commission) (Continued from a Previous Meeting)

Motion: Council Member Scarth made a motion, seconded by Council Member Allen Gray, that Zoning Docket ZC-15-029 be continued to the June 2, 2015, Council meeting. The motion carried unanimously 8 ayes to 0 nays, with Council Member Shingleton absent.

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

6. SP-15-001 - (CD 6) - Summer Sycamore I, LTD, 7500 Summer Creek Drive and 7424, 7426 Granbury Road; to: Site plan for PD-823 for multifamily, townhouse and commercial uses (Recommended for Approval by the Zoning Commission)

Motion: Council Member Jordan made a motion, seconded by Council Member Bivens, that Site Plan SP-15-001 be continued to the June 16, 2015, Council meeting. The motion carried unanimously 7 ayes to 0 nays, with Council Members Scarth and Shingleton absent.

7. ZC-15-035 - (CD 9) - 3400 Hulen Partnership et, al., 4609-4617 Diaz Avenue, 4604-4616 and 4617-4621 Houghton Avenue; from: "B" Two-Family, "C" Medium Density Multifamily, "ER" Neighborhood Commercial Restricted and "E" Neighborhood Commercial to: "PD/E" Planned Development for all uses in "E" Neighborhood Commercial; site plan included (Recommended for Approval as Amended by the Zoning Commission with waivers to projected setback, northside only, and signage along Houghton and Diaz, no parking along western boundary, relocate dumpster off property line)

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

- 13. ZC-15-028 - (CD 7) - McKelvey-Cole, LP, 14400-16000 Blocks of State Highway 114; from: "AG/AO" Agricultural/Airport Overlay, "A-5" One-Family and "D" High Density Multifamily to: "D" High Density Multifamily, "G" Intensive Commercial and "PD/I/AO" Planned Development for all uses in "I" Light Industrial with maximum height of 50 feet; site plan waiver recommended/Airport Overlay (Recommended for Approval by the Zoning Commission)**

Ms. Marcella Olson, 500 Main Street, Suite 800, completed a speaker card in support of Zoning Docket ZC-15-028 and was recognized by Mayor Price but did not wish to address Council.

Motion: Council Member Shingleton made a motion, seconded by Council Member Jordan, that Zoning Docket ZC-15-028 be approved. The motion carried unanimously 9 ayes to 0 nays.

- 14. ZC-15-029 - (CD 4) - Lawrence Duckett, Sr., 5904-5916 Etsie Street; from: "AG" Agricultural to: "I" Light Industrial (Recommended for Denial by the Zoning Commission)**

At the request of Council Member Scarth, Mr. Lawrence Duckett, Sr., 5904-5916 Etsie Street, appeared before Council in support of Zoning Docket ZC-15-029.

Motion: Council Member Scarth made a motion, seconded by Council Member Zimmerman, that Zoning Docket ZC-15-029 be continued to the May 5, 2015, Council meeting. The motion carried unanimously 9 ayes to 0 nays.

The City Council, at its meeting of March 17, 2015, continued Zoning Docket ZC-15-030:

- 15. ZC-15-030 - (CD 2) - Kensington Realty, Inc., 2305 Franklin Drive; from: "K" Heavy Industrial to: "PD/K" Planned Development for all uses in "K" Heavy Industrial plus glass and electronic recycling; site plan included. (Recommended for Approval by the Zoning Commission) (Continued from a Previous Meeting)**

Ms. Marlene Beckman, 3116 West 6th Street, Suite 200, appeared before Council in support of Zoning Docket ZC-15-030 and provided handouts.

Motion: Mayor Pro tem Espino made a motion, seconded by Council Member Jordan, that Zoning Docket ZC-15-030 be approved. The motion carried unanimously 9 ayes to 0 nays.

		area			
Wendy Vann Roach/Charleston HOA	1240 Kiepie Ct	In	Opposition		Spoke at hearing
Robert Shelton	1000 Brae Ct	In	Opposition		Spoke at hearing
Kathryn Omarchall/Oakhurst NA	2055 W Lotus	In	Opposition		Spoke at hearing
Flora Brewer	6708 Ashbrook	Out		Support	Spoke at hearing
Naomi Dillard	3501 Primrose	Out		Support	Spoke at hearing
Debby Stein	2417 Stadium	Out		Support	Spoke at hearing
Janice Michel/Oakhurst Alliance Neighbors of	2115 Primrose	Out		Support	Spoke at hearing
LuAnn Hoppe/CRNA	812 Hudgins	Out		Support	Spoke at hearing

11. ZC-15-028 McKelvey-Cole LP (CD 7) 14400 – 16000 Blocks of Highway SH 114 (Charles Tyding Survey, Abstract No. 1276, 288.30 Acres): from “AG/AO” Agricultural/Airport Overlay, “A-5” One-Family and “D” High Density Multifamily to “D” High Density Multifamily, “G” Intensive Commercial, and “PD/I/AO” Planned Development for all uses in “I” Light Industrial with 50 foot maximum height and no maximum horsepower; site plan waiver recommended/Airport Overlay

Marcella Olson, 500 Main Street, Suite 800, Fort Worth, Texas representing McKelvey-Cole LP explained to the Commissioners the request to rezone the property from AG to PD/I with a 50 ft. height limit so as to open up to several type of industrial investors in which 50 ft. is there typical prototype for industrial/warehouse uses. Ms. Olson said after talking with some of the neighborhood groups who were concerned about horsepower and what it meant, they will withdraw the request for no maximum horsepower.

Motion: Following brief discussion, Mr. Northern recommended Approval of the request, seconded by Mr. Flores. The motion carried unanimously 7-0.

12. ZC-15-029 Lawrence Duckett, Sr. (CD 4) 5904-5916 Etsie Street (Joe Louis Addition, Block 3, Lots 2-4, 1.06 Acres): from “AG” Agricultural to “I” Light Industrial

Lawrence Duckett, 1940 Delga Street, Fort Worth, Texas property owner explained to the Commissioners the request to rezone to I Light Industrial for storage of his personal vehicles.

Mr. Genua asked Mr. Duckett if all the vehicles can be started. Mr. Duckett said no some of them are still being worked on. Mr. Duckett said he has had the vehicles for a long time.

Mr. Edmonds said it is a large site for just a couple of vehicles and are they all cars. Mr. Duckett said he has about 20 cars, different types that belong to his kids and grandkids.

Ms. McDougall asked if he has 20 cars being stored there now. Mr. Duckett said yes and not all are running.

Doris Davis, 336 Heirloom Drive, Fort Worth, Texas spoke in support.

Brenda Sanders-Wise, 1412 Carson Street, Fort Worth, Texas with the Garden of Eden neighborhood spoke in opposition. Ms. Wise is opposed to I zoning and said perhaps FR as mentioned in her letter she submitted to the Commissioners would be more appropriate. Mr. Edmonds asked if she was in favor of the I zoning. Ms. Wise said no.

Ms. Burghdoff explained the first zoning category that allows outdoor storage is I Light Industrial which also allows other light industrial and or commercial uses.

In rebuttal Mr. Duckett said Ms. Sanders is ok with the business. Mr. Edmonds said Ms. Wise is ok with the business he is doing but is not ok with the requested I zoning.

Mr. Edmonds gave some brief history of this property trying to rezone to J several months ago. Mr. Duckett said he does not want a business just a place to work on and restore his vehicles.

Mr. Flores asked Mr. Duckett if all his cars are under some type of cover. Mr. Duckett said most of them are.

Motion: Following brief discussion, Mr. Edmonds recommended Denial of the request, seconded by Ms. Conlin. The motion carried 6-1 with Mr. Northern being against.

<i>Document received for written correspondence</i>					ZC-15-029
Name	Address	In/Out 300 ft notification area	Position on case		Summary
Brenda Sanders-Wise/Garden of Eden NA	1412 Carson	In	Opposition to I zoning		Spoke at hearing

13. ZC-15-030 Kensington Realty, Inc. (CD 2) 2305 Franklin Drive (Robertson Henry Survey, Abstract # 1269, 4.32 Acres): from “K” Heavy Industrial to “PD/K” Planned Development for all uses in “K” Heavy Industrial plus glass & electronic recycling; site plan included

Marlene Beckman, 3116 W. 6th Street, Suite 200, Fort Worth, Texas property owner explained to the Commissioners the request to rezone to PD/K as required by the ordinance to have Universal Recycling Technologies as a tenant for glass and electronic recycling. She explained their business philosophy and submitted all certifications as required. Ms. Beckman mentioned a letter of support that was submitted from the property owner across the street. They will occupy approximately 44,000 square feet out of the 93,000 square foot building.