



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
June 21, 2015

Council District 4

| | | | |
|--|-------------------|--------------------|-------------|
| Zoning Commission Recommendation: Denial by a vote of 8-0 Opposition: 4 people spoke, one letter submitted Support: None submitted | 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: Elliott Reeder LLC

Site Location: 6012 & 6016 Elliott Reeder Rd., 5900 blks Chaney St. and 5901-5921 (odds) Etsie St. Mapsco: 65JN

Proposed Use: Outside Storage of Salvage Vehicles

Request: From: "AG" Agricultural & "I" Light Industrial
To: "K" Heavy 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 south of Elliott Reeder a proposed collector, just east of Sanders a residential street. The applicant is proposing a zoning change from "AG" Agricultural and "I" Light Industrial to "K" Heavy Industrial for continued use of outside storage of salvage vehicles. The applicant's representative has explained that the business has used this site for 15 years and it was recently purchased in 2014 at auction.

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.

The applicant has been using the property for storage of dismantled vehicles awaiting the crushing process. Aerial photography shows that the back areas of the lot were used from at least 2001 to 2009, with the property fronting Elliott Reeder and the Chaney St. right-of-way since 2009. It is reported that the vehicles on the right-of-way have been removed.

No primary use is located on this property; the offices are located on property directly to the west of this storage yard. The vehicles come from other auto salvage operations in the area. No dismantling occurs on the subject property. According to the applicant, it is typical for vehicles to remain on the subject property for up to six months and then a mobile crusher is brought in to reduce the volume and transport to an offsite metal recycling facility. A screening fence surrounds all the lots from the public right-of-way.

There are no set hours of operation for the existing storage yard however there are no nighttime operations.

The applicant is aware that a Special Exception would be required if approved for the storage salvage yard.

This is part of multiple code violations for various properties. Some of the violations have to do with clearing vehicles from Chaney St., not having a land use certificate of occupancy for the property and high grass and weeds.

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.

At the June 8th Zoning Commission meeting, representatives from the Garden of Eden neighborhood spoke in opposition about heavy industrial uses continuing to encroach into their neighborhood and the excessive truck traffic and dusk. The agent offered to continue the zoning case to work out an appropriate zoning category for the use.

Site Information:

Owner: Elliott Reeder LLC
P O Box 202384
Arlington, TX 76006
Acreage: 3.39 acres
Comprehensive Plan Sector: Eastside
Agent: Bob Riley

Surrounding Zoning and Land Uses:

North "AG" Agricultural, A-5" One-Family / single-family and vacant
East "K" Heavy Industrial / Republic Service
South "AG" Agricultural / single-family, vacant, outside storage
West "AG" Agricultural, "K" Heavy Industrial / single-family, vacant, industrial

Recent Relevant Zoning and Platting History:

Zoning History: ZC-15-029 and ZC-14-051 AG to K for junkyard to the south; denied twice
Platting History: None

Transportation/Access

| Street/Thoroughfare | Existing | Proposed | In Capital Improvements Plan (CIP) |
|---------------------|-----------------------|-------------|------------------------------------|
| Elliott Reeder | Residential | Collector | No |
| Sanders St. | Residential | Residential | No |
| Chaney St | Partially constructed | Residential | No |
| Etsie St | Residential | Residential | No |

Public Notification:

The following organizations were notified:

| Organizations Notified | |
|--------------------------------------|------------------------------|
| Garden of Eden NA* | Streams and Valleys Inc. |
| Eastside Sector Alliance | Trinity Habitat for Humanity |
| East Fort Worth Business Association | Birdville ISD |
| | Fort Worth ISD |

*Located within this neighborhood organization

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zoning change from “AG” Agricultural and “I” Light Industrial to “K” Heavy Industrial. Uses surrounding the proposed site consist of single-family, vacant, industrial waste hauling truck yard and outside storage of automobiles.

The proposed zoning **is not compatible** with surrounding land uses.

2. Comprehensive Plan Consistency

The 2016 Comprehensive Plan designates the subject property as Single-Family. The proposed “K” Heavy Industrial is not consistent with the following Comprehensive Plan policies:

- Protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, speculation, demolition, neglect, and other negative forces. (pg. 39)
- 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)

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:

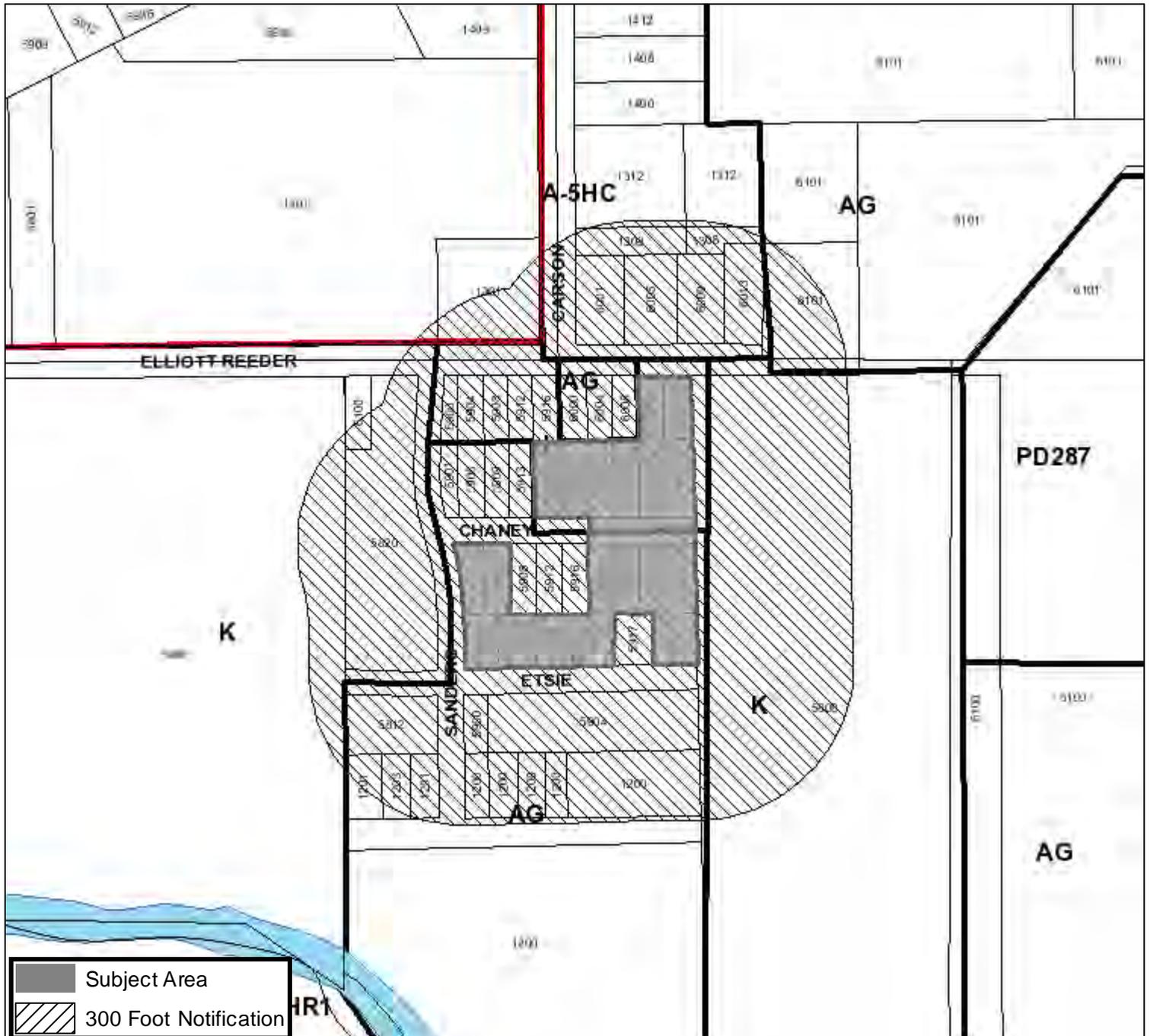
- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Minutes from the Zoning Commission meeting



ZC-16-114

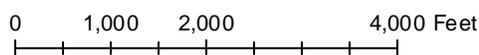
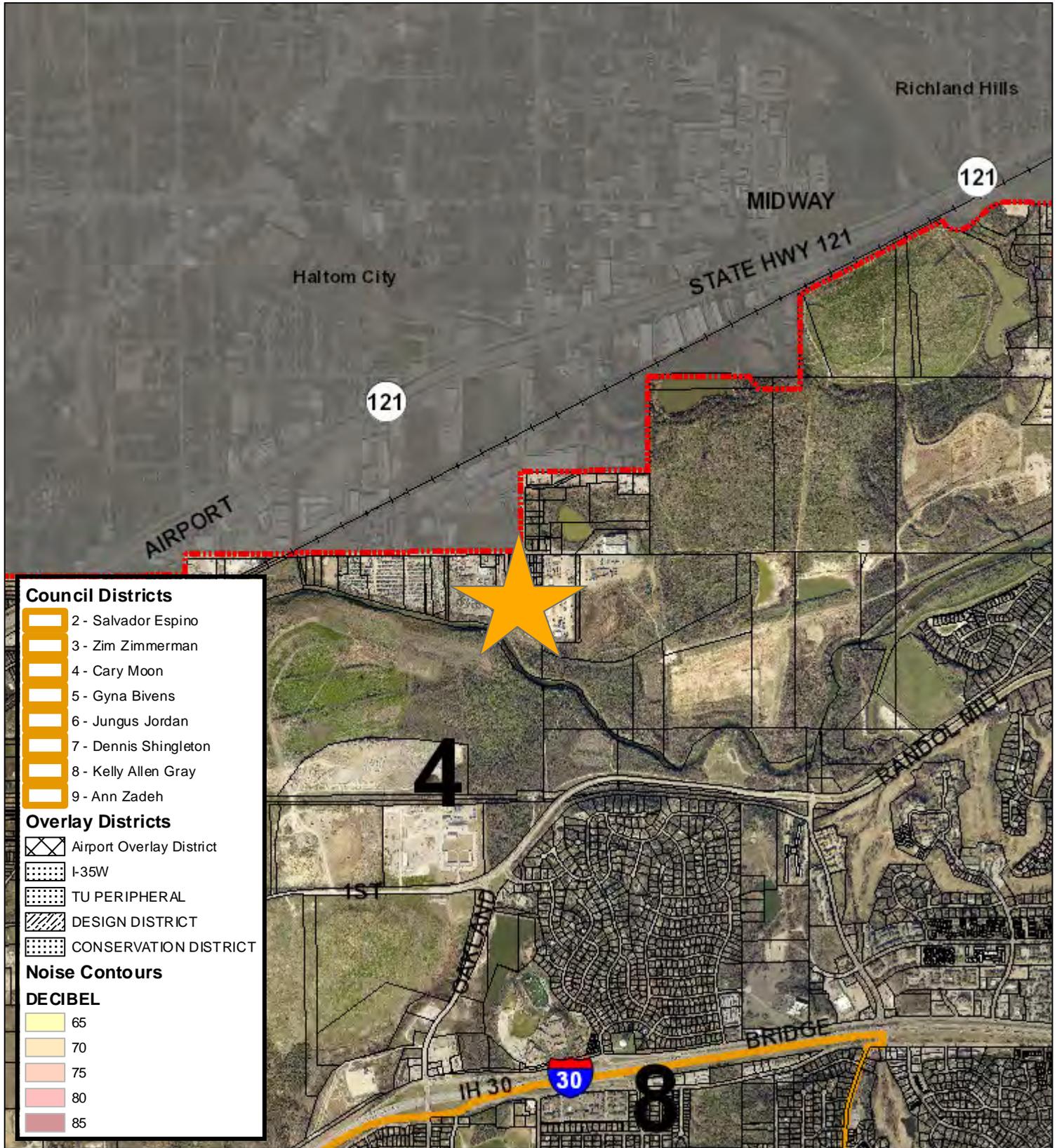
Area Zoning Map

Applicant: Elliott Reeder, LLC
 Address: 6012 & 6016 Elliott Reeder Rd, 5900 blks Chaney St. & 5901-5921 (odds) Etsie St
 Zoning From: AG, I
 Zoning To: K
 Acres: 3.39803499
 Mapsco: 65JN
 Sector/District: Eastside
 Commission Date: 6/8/2016
 Contact: 817-392-2495

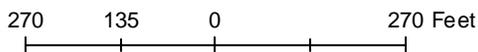
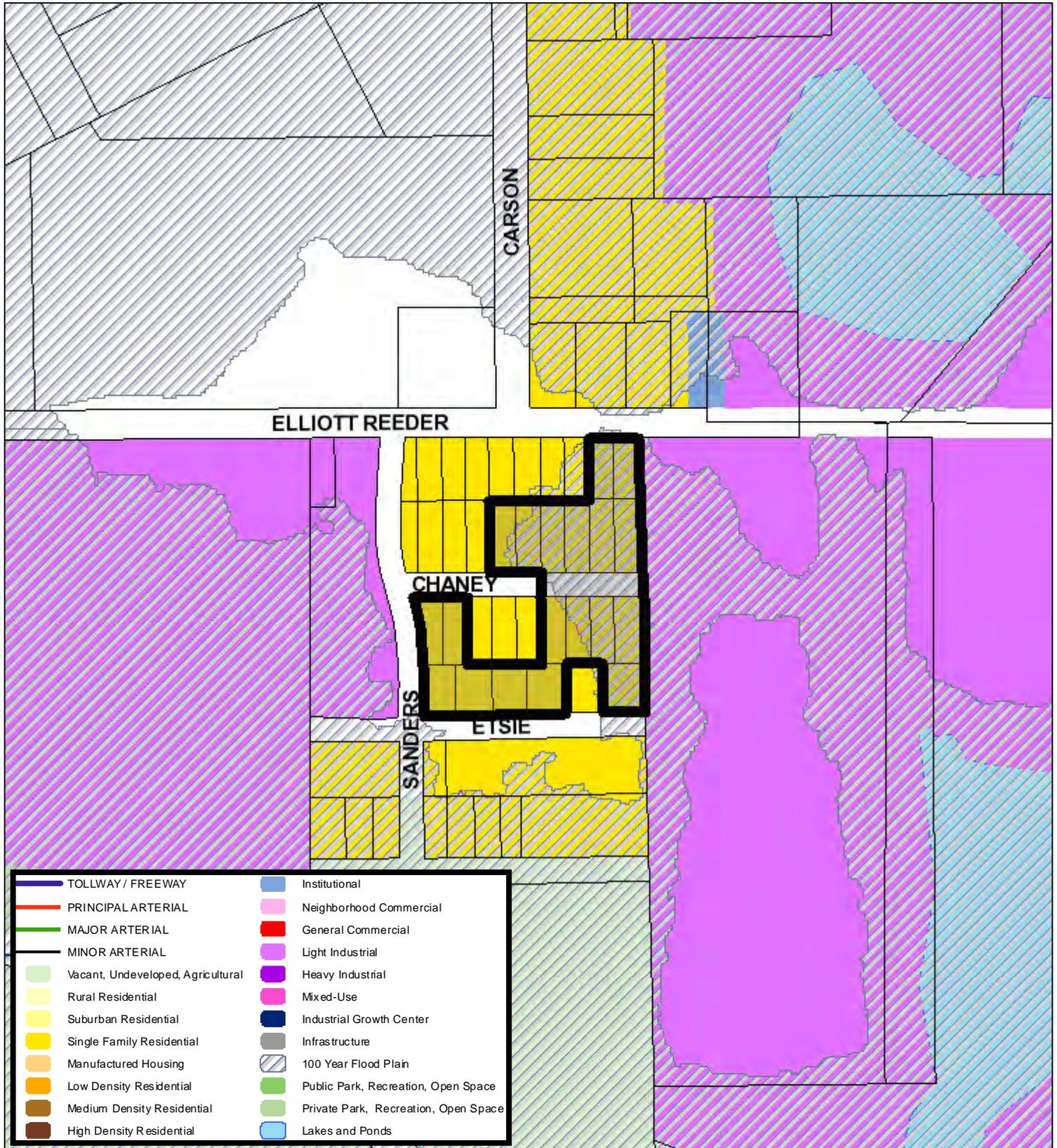


0 137.5 275 550 Feet

Area Map



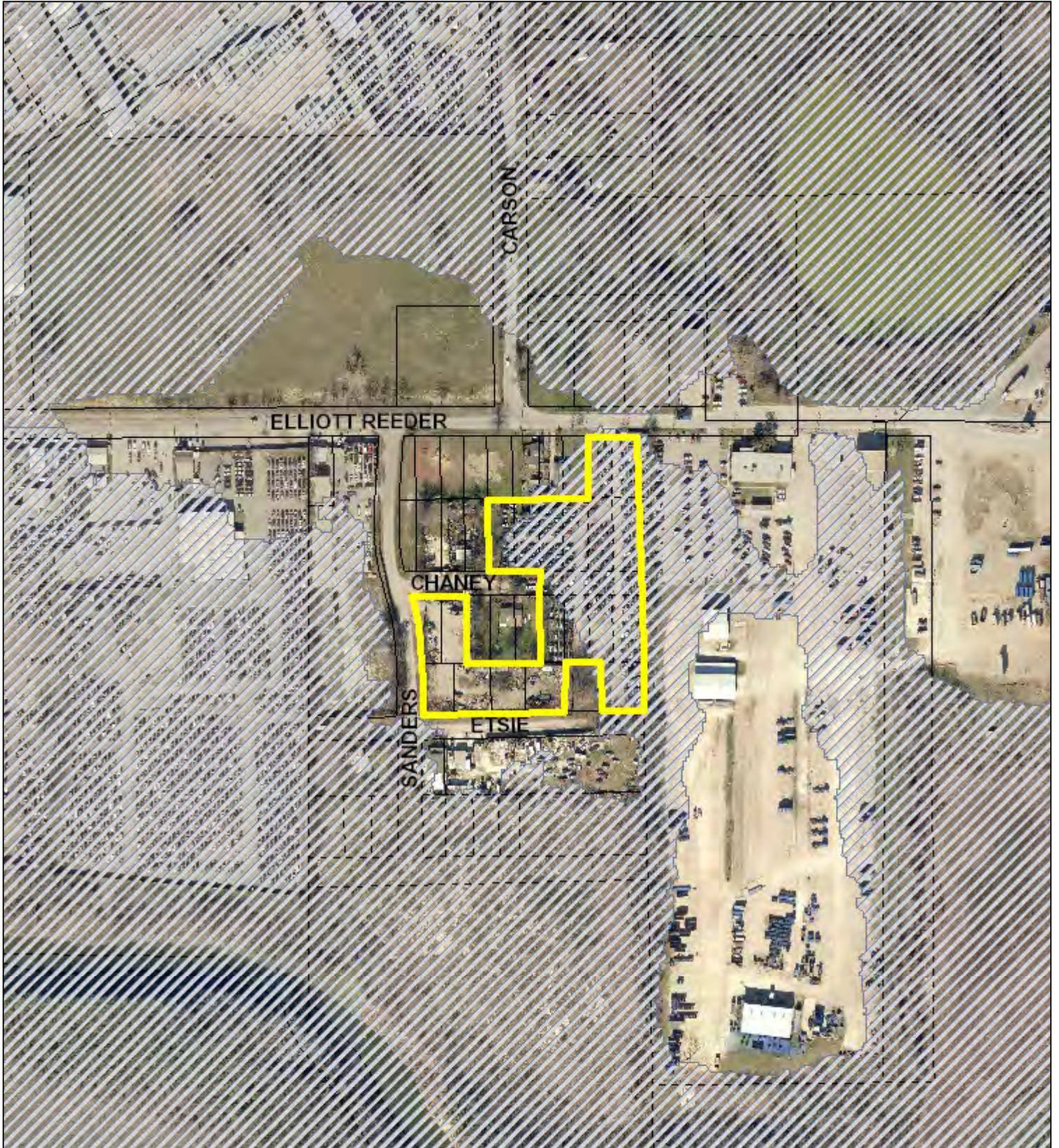
Future Land Use



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 29, 2016.



Aerial Photo Map



0 170 340 680 Feet



Ms. Dunn asked if the person building the property does not own the property to the west and Mr. Massock said Mr. Conint answered that is correct. Ms. Dunn commented on the proposed entrance to the property being off of Windsor St. to the west of the railroad track and Mr. Massock responded correct. Ms. Dunn asked if anyone would be living near there and Mr. Massock responded no.

Mr. Northern asked if the structure would be climate controlled and Mr. Massock responded yes.

Ms. McDougall asked where the office would be located and Mr. Conint responded the office will be in the south east corner of the building. Ms. McDougall asked about the lighting surrounding the property and Mr. Conint explained the lighting fixture characteristics and provided a picture for illustrational use.

Ms. Dunn asked the Commissioners if she needed to include a specific list of add-ons to her motion. Ms. Murphy said to include the revisions as handed out at the Zoning Commission. Ms. Dunn asked if she could reference the Banner Development submission in her motion. Ms. Murphy responded yes.

Mr. Genua explained the cover letter is from Brown & Gay but will be viewed as an entire document.

Motion: Following brief discussion, Ms. Dunn recommended approval with attached revisions of the request, seconded by Mr. Northern. The motion carried 8-0. Mr. Edmonds was not present for voting.

12. ZC-16-114 Elliott Reeder LLC (CD 4) – 6012-6016 Elliott Reeder Rd., 5900 blks Chaney St., 5901-5921 (odds) Etsie St. (Joe Louis Addition, Block 1, Lots 9-10 & 15-20, Block 2, Lots 1-2, 6-10 & 12-15, 3.39 Acres): from “AG” Agricultural and “I” Light Industrial to “K” Heavy Industrial

Bob Riley, 4117 Walnut Creek, Fort Worth, Texas representing Elliott Reeder LLC explained to the Commissioners he is following up with a code compliance issue with zoning a property to the south of the development site. Mr. Riley proposed a solution to the issue, including a zoning change with special exception and a possible re-plat. Mr. Riley’s intent is to change the zoning to allow for a continued use of the property for an outside storage of inoperable automobiles awaiting final disposal.

Mr. Riley commented the land to the north west of Elliott Reeder Road is the City of Haltom City and the property to the east of the development is zoned “K” Heavy Industrial.

Mr. Riley commented he has meet with Ms. Sanders-Wise with the Garden of Eden Neighborhood Association. Mr. Riley commented he understands there was a letter of opposition submitted by Valley Baptist church, however he believes this was a misunderstanding between the church and the development, as the church thought their tract of land would be rezoned. Mr. Riley clarified the church property would not be rezoned.

Brenda Sanders-Wise, Member of Garden of Eden Neighborhood Association spoke in opposition. Her concerns include environmental health impact, increased traffic, litter, destruction of property, and crime on the community. Ms. Sander-Wise commented that her talks with Mr. Riley did not specify that the property would be zoned “K” Heavy Industrial. Ms. Sanders-Wise discussed a waiver with Mr. Riley for vehicle storage use only, not heavy industrial use. Ms. Sanders-Wise commented she has not seen any quality of life projects planned for her neighborhood community.

Ms. McDougall asked Ms. Sanders-Wise to point out the plots on the property that could not be included in the zoning change. Ms. Sanders-Wise mentioned plots 5900, 5904, 5901, 5905, 5913 and others highlighted could not be included in the zoning change. Ms. McDougall asked Ms. Sanders-Wise if she came to an agreement with Mr. Riley on having only vehicle storage on the property and Ms. Sanders-Wise said the property has always been used for vehicle storage. Ms. McDougall asked if the zoning change “K” surprised Ms. Sanders-Wise. Ms. Sanders-Wise responded yes.

Delbert Sanders, 1400 Carson Street, Fort Worth, Texas spoke in opposition. His concerns include junk yard sites encroaching on the neighborhood community and increase in traffic.

Dennis Wise, 1412 Carson Street, Fort Worth, Texas spoke in opposition. Mr. Wise questioned why the property would be zoned for heavy industrial if it’s used only for storage. His concerns include heavy industrial properties encroaching on the Garden of Eden neighborhood and health environmental impacts on the community.

Trina Sanders, 1408 Carson Street, Fort Worth, Texas spoke in opposition. Her concerns include heavy industrial properties encroaching on the Garden of Eden neighborhood.

In rebuttal Mr. Riley commented he visited with Ms. Sanders-Wise and clarified they would continue the same use for the property and nothing more intense. Mr. Wise mentioned salvage yards are a special exception and can only be zoned in “J” Medium Industrial or “K” Heavy Industrial under the zoning ordinance. Mr. Riley requested for a 60 day Continuance so he may continue to work with the surrounding neighborhood and city staff to determine a zoning change.

Ms. McDougall asked Mr. Riley to clarify that the current business on the property has been in existence for fifteen years. Mr. Riley confirmed. Ms. McDougall asked Mr. Riley if his client knew the property was not in compliance when he purchased the property in 2014 intending to use it as a salvage yard. Mr. Riley responded no.

Motion: Following a brief discussion, Ms. Conlin recommended a Denial of the request, seconded by Ms. McDougall. The motion carried unanimously 8-0.

| <i>Document received for written correspondence</i> | | | | | ZC-16-114 |
|---|-------------|---------------------------------------|------------------------|--|------------------|
| Name | Address | In/Out 300 notification area | ft Position on case | | Summary |
| Brenda Sanders-Wise/Garden of Eden NA | 1412 Carson | Out | Opposition | | Spoke at hearing |

| | | | | | |
|-----------------------------------|-------------|------------|------------|--|------------------|
| Delbert Sanders | 1400 Carson | Out | Opposition | | Spoke at hearing |
| Dennis Wise | 1412 Caron | Out | Opposition | | Spoke at hearing |
| Trina Sanders | 1408 Carson | Out | Opposition | | Spoke at hearing |
| Kelvin Hart/Valley Baptist Church | 6013 Reeder | Elliott In | Opposition | | Sent letter in |

13. ZC-16-115 Walsh Ranches Limited PT. (CD 3) – Generally bounded by Walsh Ranch Pkwy, Marys Creek, Markum Ranch Rd, Aledo Iona Rd. (see legal description in case file, 5331.47 acres): from PD522 Planned Development for “PD/LDR” Low Density Residential, for all single-family uses in “A-43” One-Family through “R2” Townhouse/Cluster districts listed in the Walsh Planned Development Residential Use Table. A maximum of 14,785 dwelling units is permitted. Development standards shall be in accordance with each applicable single-family district as recorded in Ordinance #13896; site plan waived To Amend PD522 Planned Development for “PD/LDR” Low Density Residential, for all single-family uses in “A-43” One-Family through “R2” Townhouse/Cluster districts listed in the Walsh Planned Development Residential Use Table. A maximum of 14,785 dwelling units is permitted. Amended development standards for front, side, and rear setbacks for single-family residential development; site plan waiver requested

Melissa Lindelow, 500 Main Street, Suite 800, Fort Worth, Texas explained to the Commissioners they are requesting to amend the development standards for reduced setbacks and allow certain accessory structures to encroach into the setbacks.

Motion: Following brief discussion, Mr. Cockrell recommended Approval of the request, seconded by Ms. Conlin. The motion carried unanimously 8-0.

14. ZC-16-116 Watson Family LP and The Estate of Alvie Childress (CD 7) – 4800-4900 Blocks of Golden Triangle Blvd. (Jesse Billingsley Survey, Abstract #70, 39.62 Acres): from “AG” Agricultural to “A-5” One-Family “R1” Zero Lot Line/Cluster and “E” Neighborhood Commercial

Melissa Lindelow, 500 Main Street, Suite 800, Fort Worth, Texas representing CCP Operating Company LLC explained to the Commissioners the development site. Ms. Lindelow explained they contacted three neighborhood associations but only heard back from one. The neighborhood association was concerned about traffic and an existing stub out.

Mr. Flores commented there is a letter of opposition in possession of the Zoning Commission.

Motion: Following brief discussion, Mr. Northern recommended Approval of the request, seconded by Mr. Cockrell. The motion carried unanimously 8-0.