



Zoning Staff Report

Date: February 14, 2023

Case Number: ZC-22-220

District (old/new): 5 / 5

Zoning Map Amendment

Case Manager: [Brett Mangum](#)

Owner / Applicant: Constellation Energy / Randle Howard

Site Location: 6201 Lake Arlington Drive (based on application)

Acreage: 6.22 acres

Request

Proposed Use: Concrete Recycling

Request: From: "O-1" Floodplain

To: "K" Heavy Industrial

Recommendation

Land Use Compatibility:

Requested change **is not compatible**

Comprehensive Plan Consistency:

Requested change **is consistent**

Staff Recommendation:

Denial

Zoning Commission Recommendation:

Denial by a vote of 8-0

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Project Description and Background

See excerpt from application, written by applicant:

R D Howard, LLC, and/or assigns, holds a lease on +/-59 acres of the eastern-most portion of the 265.84 acres that makes up the entire Handley Power Plant site (now Constellation Energy). Although part of Tract 1, as shown on Page 2 of 3 of the attached As-Built Survey, the +/-59 acres are a completely separate and, for the most part, unused portion of the Handley Plant and described as CREARY, J A SURVEY Abstract 269 Tract 3B 4A1 & 4B CITY BOUNDARY SPLIT.

This zoning request is for +/- 6.2 acres within, and completely surrounded by, the +/- 59 acre tract.

Major nearby freeway reconstruction work for a five-year project is already underway or will start soon in the south and east portions of Fort Worth surrounding the plant. Part of the process of rebuilding the freeways involves ripping up the existing paving, taking it to a nearby recycling facility, recycling or crushing it into road base, and then re-using that material as road base and fill materials under the new freeway pavement.

If rezoning is approved, the subject property may be used by competent, certified freeway construction contractors as a laydown yard or construction project storage site that will include recycling of the existing pavement, storage of clean dirt excavated from one part of the project for later re-use on another part of the project, parking trucks and equipment, storage of signs and barricades, and other related operations.

The subject +/- 59 acre site is surrounded: on the south and east by Lake Arlington which is un-zoned and owned by the City of Arlington and the Handley Power Plant on the north and west by a natural gas compressor station that is zoned I – Light Industrial and vacant land also zoned I - Light Industrial

Pending approval of a modification to the current lease to R D Howard, LLC by Constellation Energy, batching of ready-mix concrete at the site may also be beneficial for the freeway reconstruction. Therefore, this zoning change request includes a small portion of the site being used for that purpose.

All operations conducted at the site for this once in a lifetime freeway redesign opportunity will be done in strict accordance with all federal, state and local laws. The location of this site with its proximity and direct access to the work area will greatly benefit the Texas Department of Transportation, taxpayers and, most importantly, the citizens of southeast and east Fort Worth, by uniquely providing significantly lower costs for concrete recycling, less traffic disruption for motorists throughout the project time period, and reduced pollution from truck traffic for the duration of the project.

If this zoning change request is granted and the site is contracted to be used for the TxDOT freeway project for concrete crushing, the majority of the profits earned by R D Howard, LLC will be invested to generate a sustained revenue stream to be donated to various non-profit organizations in south and east Fort Worth that directly support the needs and rebuilding of underserved, lower economic minority communities and small disadvantaged business enterprises (DBE). Additionally, innovative youth/educational efforts, like taking groups of 9th – 11th grade students from schools in southeast Fort Worth to Ghana in west Africa for immersive cultural experiences, will be funded 100% by R D Howard, LLC.

The investment dollars will be pledged to an effort to get approval, design, and construct a large (about half the size of a billboard) monument type digital electric “Welcome to Fort Worth” sign for placement as you enter Fort Worth from Irving along Airport Freeway, just south of DFW Airport. The digital electric sign, with rotating messages, has the potential of earning non-profits in southeast Fort Worth annual contributions through subscriptions offered to businesses and organizations. It is projected that the sign structure will provide annual benefits to the community for its 30-year life.

If the digital sign is not approved, a portion of the monthly profits from the contract for concrete crushing over the five (5) year project will be donated directly to non-profits that serve southeast and east Fort Worth residents.

Surrounding Zoning and Land Uses

North “O-1” Floodplain / undeveloped
East unzoned / Lake Arlington
South “O-1” Floodplain / gas wells + pad sites
West unzoned / Lake Arlington

Recent Zoning History

- ZC-17-097, approved by City Council on October 10, 2017 by a vote of 8-0. This Council-initiated rezoning action streamlined the zoning classifications in this two square mile area with the intent to be redeveloped away from under-utilized parcels and low density industrial developments to higher density residential and development that protect Lake Arlington as a recreation and water source.

Public Notification

300-foot Legal Notifications were mailed on December 30, 2022.

The following organizations were emailed on December 30, 2022:

Organizations Notified	
Handley NA*	East Fort Worth, Inc
Neighborhoods of East Fort Worth Alliance	Fort Worth ISD
Streams and Valleys Inc.	Trinity Habitat for Humanity

**Located closest to this registered Neighborhood Association*

Development Impact Analysis

Land Use Compatibility

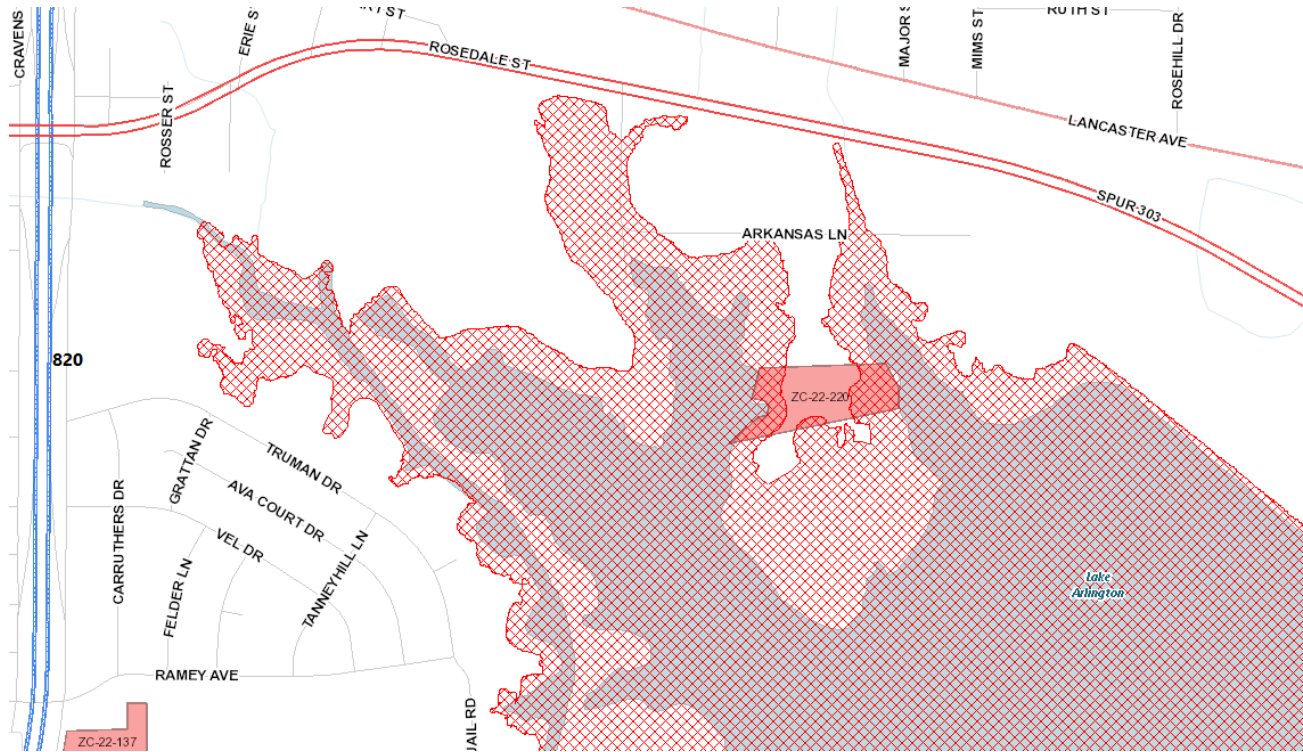
While the area is somewhat inaccessible based on its location on a peninsula on Lake Arlington, there are residential areas within a ½ mile radius of the proposed rezoning area. The Handley community is situated just to the north of the site across East Lancaster Avenue and the Union Pacific railroad corridor. In addition, the closest homes in the Carver Heights East subdivision are less than 2,000 feet away from the westernmost boundary of the 6.22 acre subject site. This relative proximity raises concern with the potential for nuisances to arise based on the adjacency to homes. “K” zoning would grant a by right allowance for all uses permitted in Heavy Industrial, including but not limited to: metal fabrication, asphalt mixing plants, machine shops, manufacturing, permanent batch plants, welding shops, etc.

The subject site is also close to two historic cemeteries located just to the east within 500 feet: Handley Hill Cemetery and Ebenezer Cemetery.

The current zoning on the site is “O-1” Floodplain. An excerpt from Section 4.203 of the Zoning Ordinance is attached showing the purpose and intent of “O-1” zoning. By and large, “O-1” areas are not intended for development, other than agricultural uses, parks, or flood control measures. With approximately half of the 6.22 acre site (see red hatching on map below) being included in FEMA designated floodplains, it does not seem prudent to permit development of areas subject to inundation by allowing a rezoning to occur.

(a) Purpose. It is the intent of this section that district “O-1” shall include, and shall be limited to lands subject to the 50-year flood. The boundaries or limits or lands subject to the 50-year flood shall be determined by the City of Fort Worth public works department and shall be shown on the official map of

the City of Fort Worth. The zoning commission shall recommend to the city council whether or not all or any part of the lands subject to the 50-year flood shall be classified district “O-1.”



The City is in the process of incorporating two new flood risk designations, in addition to the existing FEMA designation. The two new categories are City Flood Risk Area (CFRA) and Potential High Water Area (PHWA). While FEMA maps flood risk along major streams and creeks, most reported flooding in Fort Worth actually occurs outside of the FEMA Floodplain, in what the City refers to as “Non-FEMA Flood Risk Areas”. Areas where the City has evaluated the non-FEMA flood risk in detail are the “City Flood Risk Areas”, and these will be used to regulate development in the future. In contrast, the non-FEMA areas where the City has less detailed mapping are the “Potential High-Water Areas”, and are used to warn about potential flood risks.

The proposed “K” Heavy industrial zoning **is not compatible** with surrounding land uses.

Comprehensive Plan Consistency – Southeast

The 2022 Comprehensive Plan currently designates the subject property as future infrastructure and park land. All zoning classifications (including “K” zoning) are listed as acceptable zoning districts within future infrastructure and park areas.

FUTURE LAND USE	DEFINITION	ZONING
SPECIAL		
Infrastructure	Railroads, airports, utilities	ALL
Parks, Recreation, Open Space	Public or private recreation, or passive land	ALL

Looking at the policies specific to the Southeast sector of Fort Worth, this proposal would be harmful to the City Council's vision for the Lake Arlington area and shoreline, specifically policies 3, 4, and 7. With the unique position on the western shoreline of Lake Arlington, this site would be ideal to preserve as a floodplain, in line with the Lake Arlington Master Plan that was adopted by the City Council in 2011

SOUTHEAST SECTOR FUTURE LAND USE

Sector Land Use Policies

3. In accordance with the Lake Arlington Master Plan, establish a publicly-accessible shoreline on the Fort Worth side of Lake Arlington by acquiring a public access easement for a lakeshore trail.
4. In accordance with the Lake Arlington Master Plan, encourage quality, low-impact residential development near, but not directly on the west shoreline of Lake Arlington, while maximizing public access to the lakeshore.
7. Protect the environmental quality of Lake Arlington and the surrounding area.

The proposed rezoning is **consistent** with the Comprehensive Plan.

Economic Development Plan

The 2017 Economic Development Strategic Plan identified a vision, goals, and strategies to facilitate the success and growth of the City of Fort Worth. The most recent update to this plan was approved by the City Council in January 2022. A Performance Metric regarding the City's tax base is included below for reference:

A more sustainable tax base, driven less by residential property valuation and more by commercial and industrial investment.

Approving the zoning change to "K" would open the possibility for industrial development, which will be of added taxable value compared to the current situation.

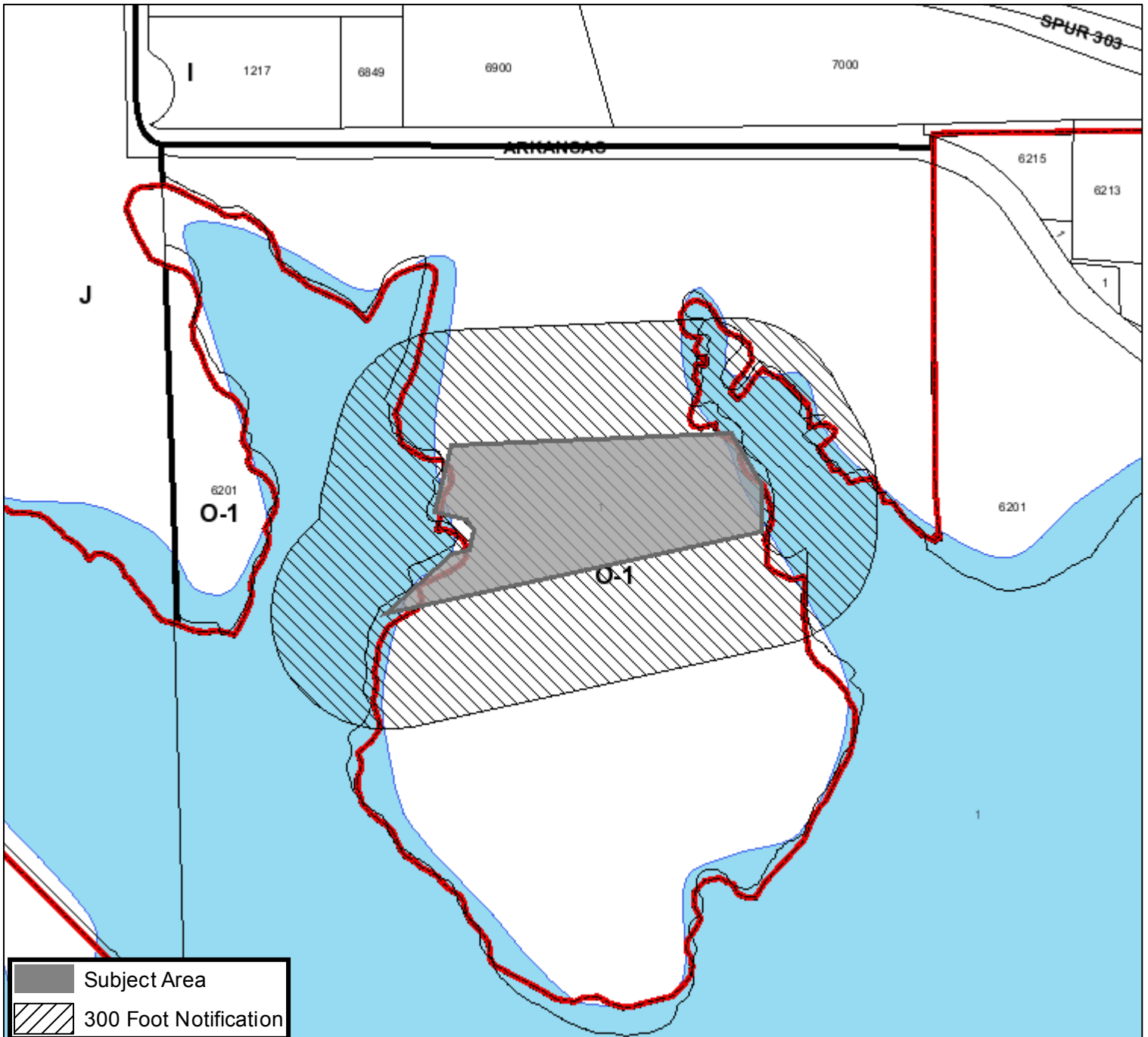




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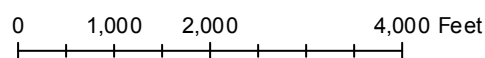
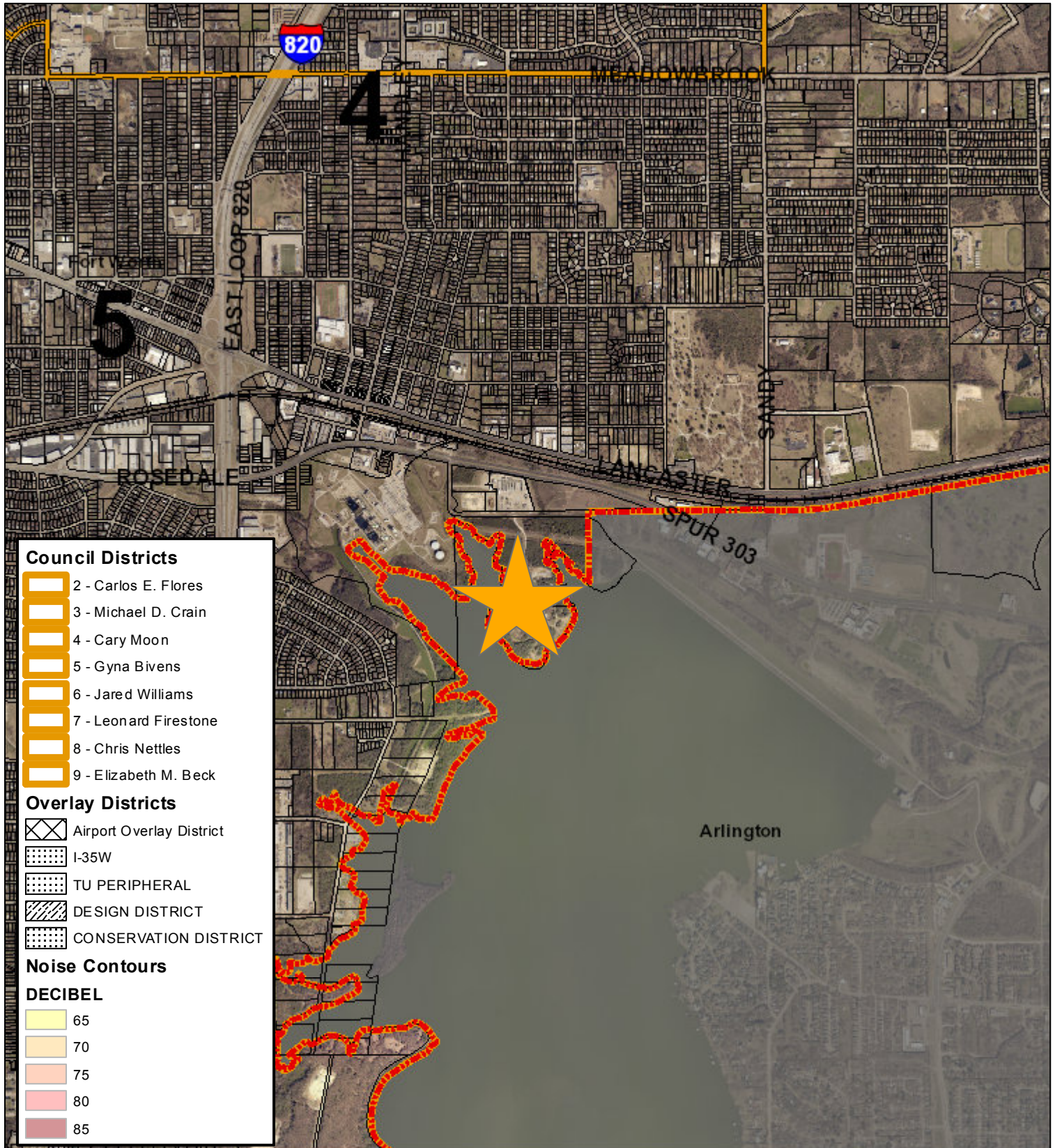
Area Zoning Map

Applicant: Constellation Energy/R.D. Howard LLC
Address: 6201 Lake Arlington Drive
Zoning From: O-1
Zoning To: K
Acres: 6.21608124
Mapsc0: null
Sector/District: Southeast
Commission Date: 1/11/2023
Contact: null

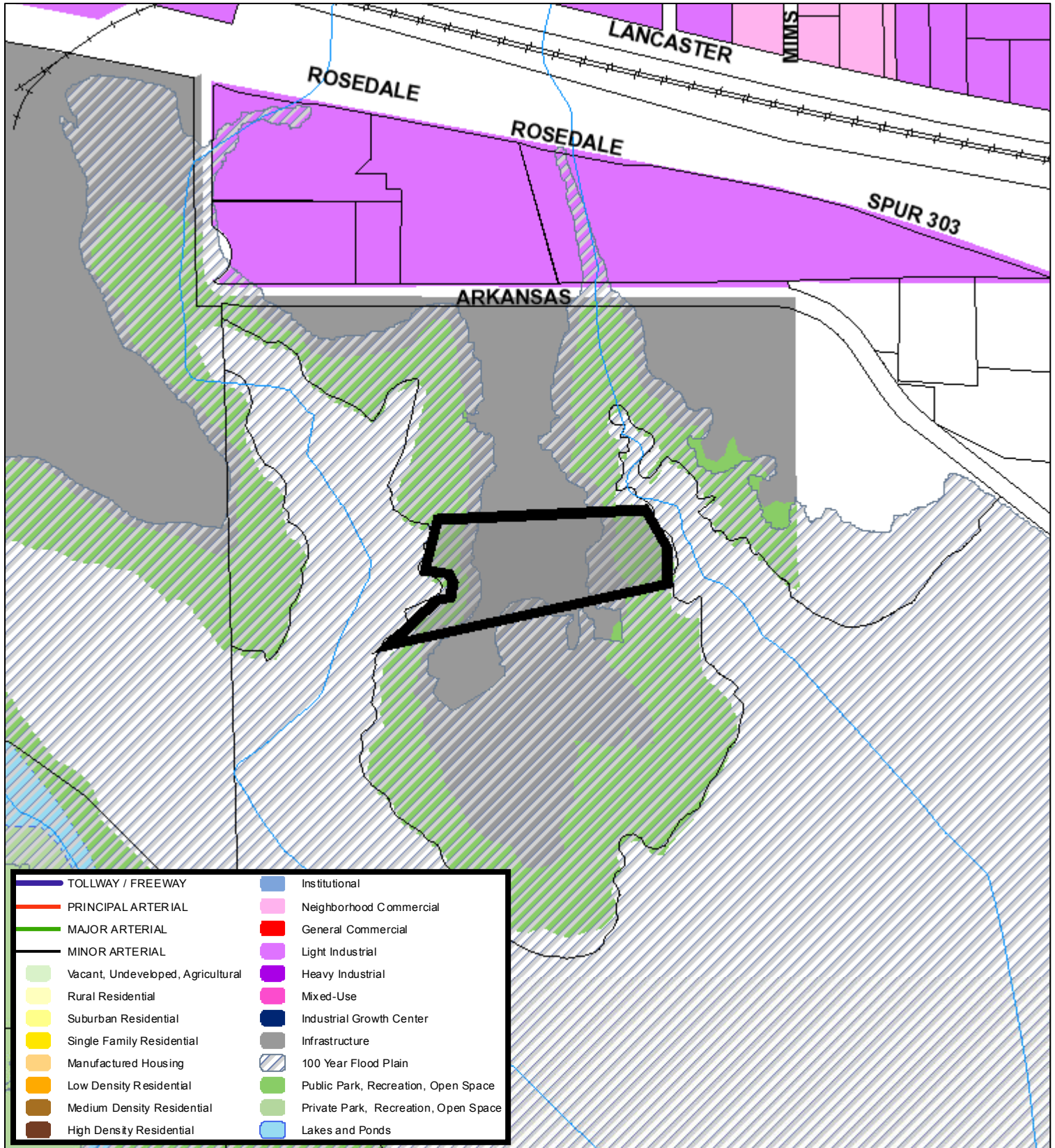


0 187.5 375 750 Feet

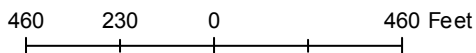
Area Map



Future Land Use



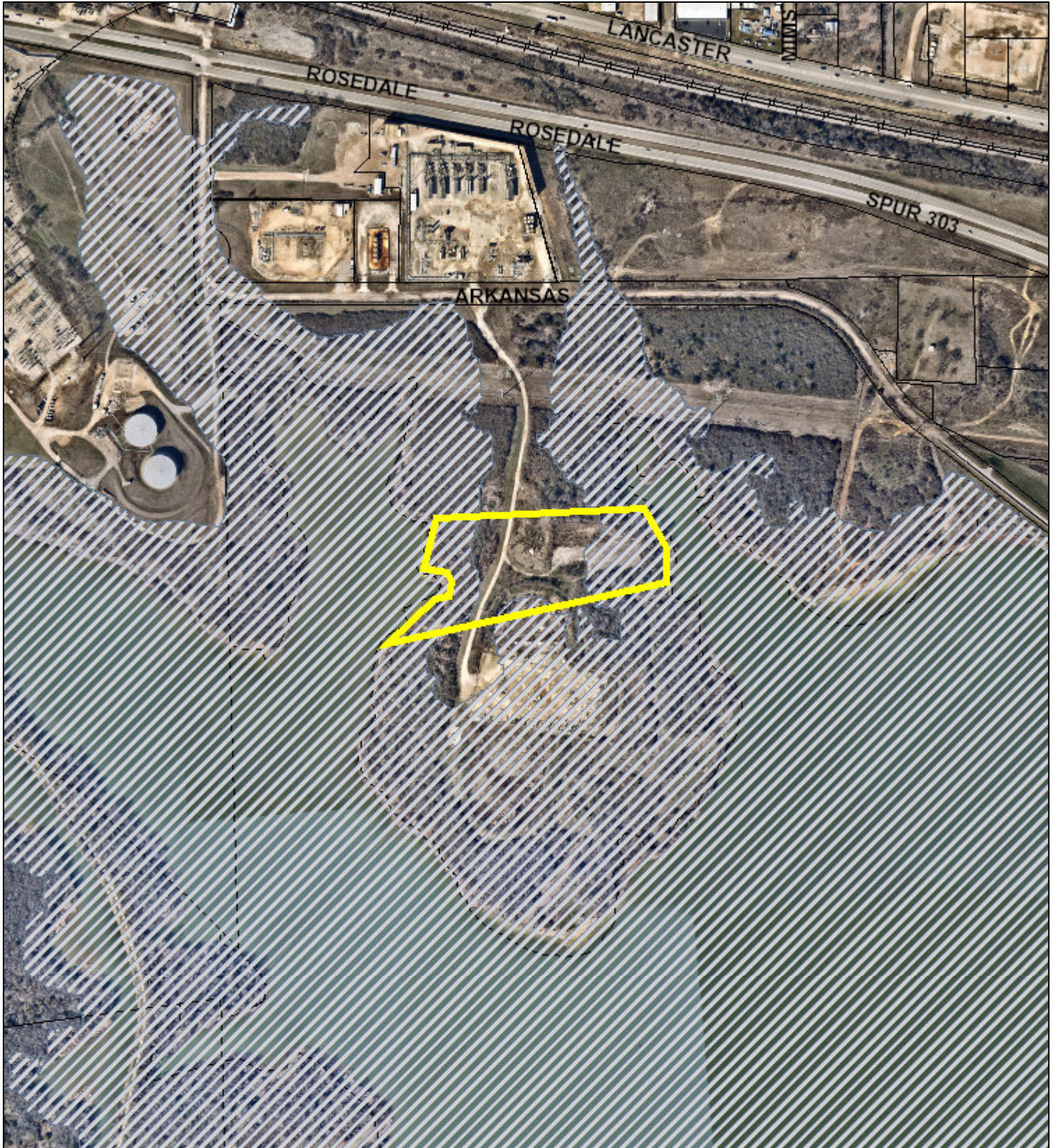
460 230 0 460 Feet



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 6, 2018.



Aerial Photo Map



0 290 580 1,160 Feet

