



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
December 15, 2020

Council District 2

Zoning Commission Recommendation:
Approval by a vote of 9-0, for ten years

Opposition: none submitted
Support: 1 letter

Continued Yes ___ No X
Case Manager Beth Knight
Surplus Yes ___ No X
Council Initiated Yes ___ No X

Owner / Applicant: DFW K&H Real Estate, LLC

Site Location: 2500 - 2700 blocks Decatur Avenue Acreage: 16.00

Proposed Use: Vehicle Junkyard (auto salvage yard) for 10 years

Request: From: "K" Heavy Industrial

To: Add Conditional Use Permit (CUP) to allow for vehicle junkyard with waivers to screening fence material and landscaping for 10 years; site plan included

Land Use Compatibility: Requested change is compatible.

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

Staff Recommendation: Approval

Background:

The proposed site is located along Decatur Avenue, identified as a collector street on the City's MTP Master Thoroughfare Plan, just south of NE 28th Street and east of the Stockyards. The applicant is requesting to add a Conditional Use Permit to allow a vehicle junkyard with waivers; site plan included.

Vehicle junkyards are permitted within more intensive "J" and "K" zoning districts only through the Conditional Use Permit (CUP) process. The applicant has applied for the CUP to allow the vehicle junkyard within the "K" district. Several waivers are being requested from Section 5.305C, Screening Fence Specifications and Sec. 6.301 Landscaping for industrial uses in the Fort Worth Zoning Ordinance. The waivers consist of an 8-foot metal panel fence surrounding the entire site and no landscaping.

Conditional uses are those uses which are generally compatible with the permitted land uses in a given zoning district, but which require individual review of their proposed location, design and configuration, and the imposition of conditions in order to ensure the appropriateness of the use at a particular location.

While a vehicle junkyard is not permitted in the "K" zoning district by right, allowing one by CUP with a site plan and a time limit may help mitigate any neighborhood concerns, as well as give options for the CUP to be revoked in the event of code violation convictions. The applicant is requesting to continue the existing vehicle junkyard that was approved for only 5 years by the Board of Adjustment. At that time, though, the user was required to move their facility to this location because of the ongoing Trinity River

Vision and the special exception expires in December. These uses are now provided via the CUP process.

Through Ordinance 23609 effective March 29, 2019, the Conditional Use Permit for vehicle junkyards allows for a 10-year time period for the operation of a use unless otherwise approved by the City Council. If a time limit is established for a Conditional Use Permit, the renewal of the CUP shall be considered through the public hearing process and approved by the City Council. A CUP shall expire if no permitting action is taken within six months of approval or cease of the use for six months. A CUP may be revoked through the public hearing process if necessary after convictions of one or more code violations.

Per Section 4.407 (a), the following general rules apply to all conditional uses:

- a) Conditional use permits in residential districts shall be limited to those uses designated "CUP" in the Residential District Use Table in Chapter 4, Article 6, Section 4.603.
- b) Approval of a conditional use permit shall authorize only the particular use or category of related uses for which the conditional use permit is issued.
- c) A conditional use shall not be enlarged, extended or otherwise modified unless approved by the City Council or approved administratively as applicable.
- d) The use of property for the purposes described in a conditional use permit shall not commence until a certificate of occupancy has been issued. A certificate of occupancy shall not be issued until all or approvals which may be required by the Codes and Ordinances of the City, including, but not limited to, a Building Permit, a Certificate Of Occupancy and subdivision approval have been satisfied.

Section (d) provides the following Conditional Use Permit factors in consideration of appropriateness of a request:

- a) The proposed use is consistent with the Comprehensive Plan;
- b) The proposed use is compatible with the existing and adjacent uses.
- c) The proposed use meets all supplemental use standards specifically applicable to the use as set forth in Chapter 5;
- d) The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods;
- e) The proposed use is not materially detrimental to the public health, safety, and welfare, or results in material damage or prejudice to other property in the vicinity.

Surrounding Zoning and Land Uses:

- | | |
|-------|---|
| North | "K" Heavy Industrial / commercial building and train station |
| East | "B" Two-Family and "J" Medium Industrial / residential, small industrial uses, and park |
| South | "I" Light Industrial, "K" Heavy Industrial, "PD 775" Planned Development / vacant land, auto repair, and recycling facility |
| West | "K" Heavy Industrial / railroads and industrial uses |

Recent Relevant Zoning and Platting History:

- Zoning History: ZC-06-274, Council-initiated rezoning for neighborhood northeast of the subject from various districts to A-5, effective 1/7/2006
ZC-06-285, south of subject area, from K to PD 775 for K uses plus recycling facility, effective 8/21/2007
ZC-17-045, west of subject area, Council Initiated from various districts to Stockyards form-based districts, effective 5/5/2017
ZC-19-141, southeast of subject, add CUP to J for outdoor storage, approved 12/18/2019
ZC-20-030, north of subject, from K to MU-1, withdrawn.

Site Plan Comments:

The site plan as submitted does not meet the Planning and Development requirements of the CUP Ordinance.

1. Screening fences shall be constructed of wood, brick, stone or reinforced concrete products, instead of metal panels. **(waiver required)**

2. Site to meet the landscaping requirements. (**waiver required**)
3. All stored items and fencing must be removed from the access easement along the north property line.

(Comments made by Platting (Subdivision Ordinance), Transportation/Public Works, Fire, Parks, and Water Department staff cannot be waived through the Zoning Commission and City Council. Approval of the zoning site plan does not constitute the acceptance of comments.)

Public Notification:

300 foot Legal Notifications were mailed on October 28, 2020.

The following organizations were notified: (emailed October 19, 2020)

Organizations Notified	
Diamond Hill Jarvis NAC*	Streams and Valleys Inc.
Inter-District 2 Alliance	Trinity Habitat for Humanity
Fort Worth Downtown Neighborhood Alliance	Tarrant Regional Water District
North Fort Worth Historical Society	Fort Worth ISD

Closest registered neighborhood organization*

Development Impact Analysis:

1. **Land Use Compatibility**

The applicant is proposing a zoning change to add a CUP to allow for a vehicle junkyard in the “K” zoning district. Surrounding land uses consist of single-family to the east (zoned “J” Medium Industrial), heavy industrial uses (auto part salvage) to the south, and industrial uses and the Stockyards to the west of the existing railroad tracks. Decatur Road, the adjacent roadway, is classified as a collector, instead of an arterial roadway capable of handling the more intensive traffic generated by a large junkyard. Several blocks of single family uses face the junkyard with a public park behind them. The site does not use or access the freight rail lines to the west.

The proposed zoning request **is compatible** with surrounding land uses, due to the overall continued need to provide auto salvage, even though residential uses face the junkyard and low-intensity classification of Decatur Avenue. The waivers associated with the CUP are existing conditions.

2. **Comprehensive Plan Consistency-Southeast**

The Northside Economic Development Strategy that covers this area indicates less intensive uses are appropriate adjacent to the Stockyards Mixed Use Growth Center to the west and approximately ½ mile from the Stockyards TEX Rail Station. The 2020 Comprehensive Plan designates the site as being Light Industrial. The proposed zoning 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.
- Locate large industrial uses along freight rail lines, highways, or airports within industrial growth centers and other appropriate locations.
- Encourage development type and intensity appropriate to existing or planned street infrastructure by coordinating future land use map changes with the Master Thoroughfare Plan and an adopted Complete Streets policy.

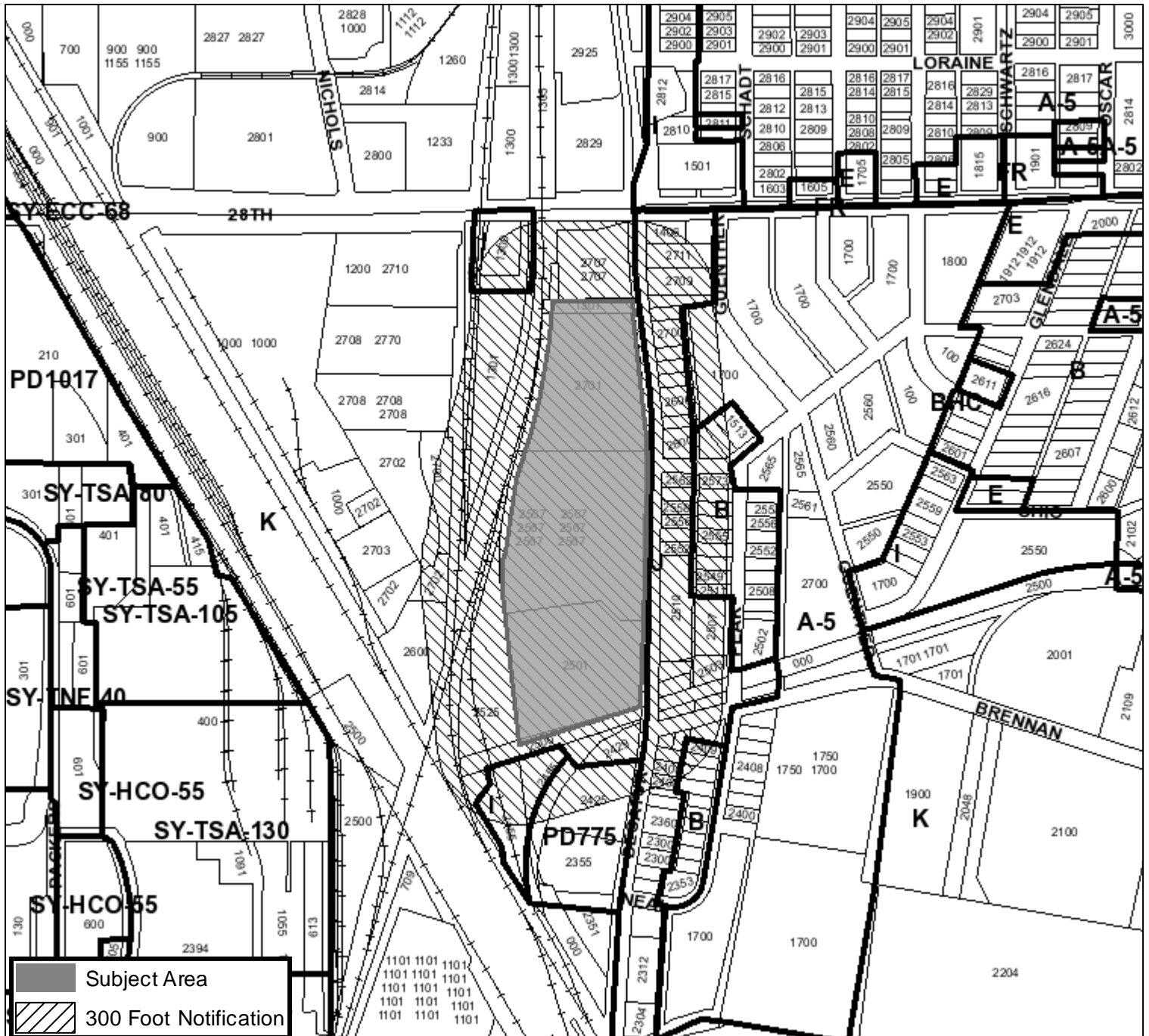
Based on lack of conformance with the future land use map and policies as stated above, the proposed zoning **is not consistent (Significant Deviation)** with the Comprehensive Plan.

Attachments:

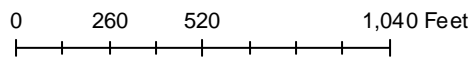
- Area Zoning Map with 300 ft. Notification Area
- Site Plan
- Area Map
- Future Land Use Map
- Aerial Photograph

Area Zoning Map

Applicant: DFW K&H Real Estate, LLC
 Address: 2500 - 2700 blocks Decatur Avenue
 Zoning From: K
 Zoning To: Add Conditional Use Permit for auto salvage yard
 Acres: 16.00332403
 Mapsco: 62H
 Sector/District: Northside
 Commission Date: 11/11/2020
 Contact: 817-392-8190

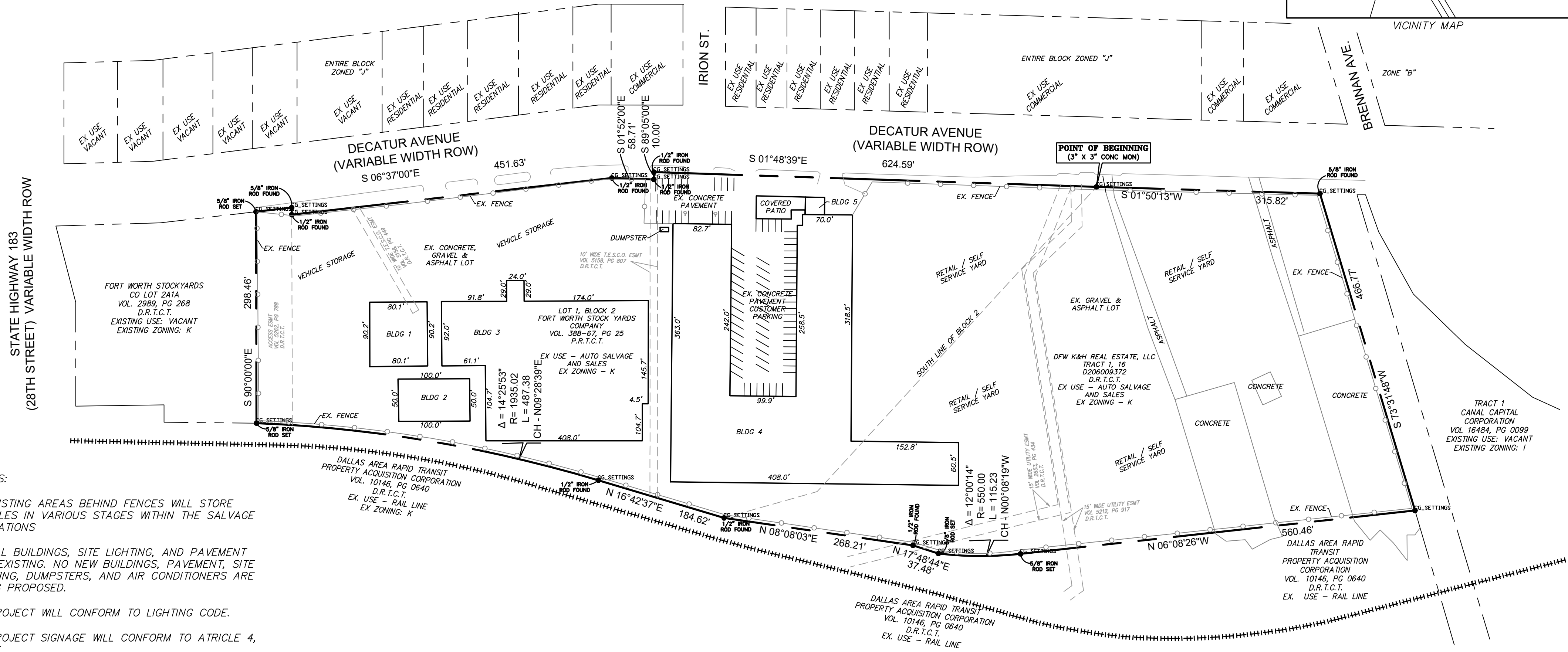
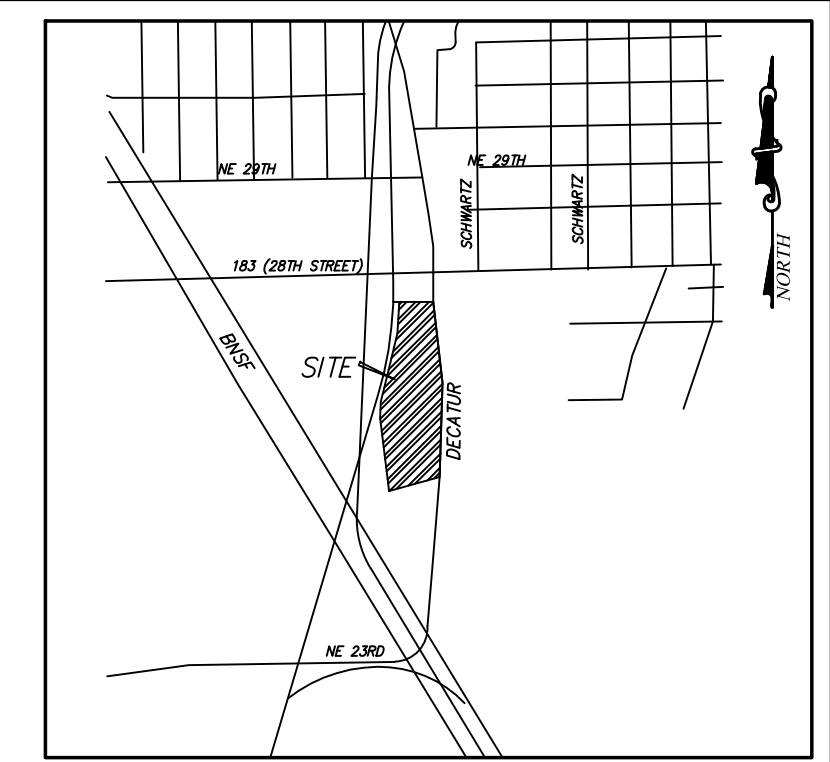
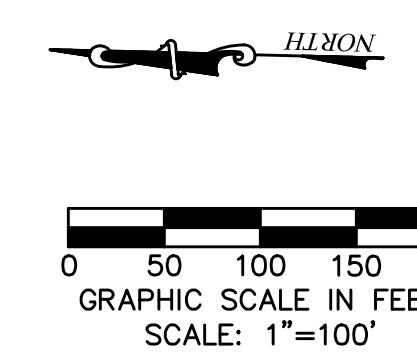


Subject Area
 300 Foot Notification



ALL AMERICAN SALVAGE AND DOS GRINGOS
BUILDING CHART

BUILDING NUMBER	BLDG SIZE (SF)	BLDG MATERIAL	BLDG HEIGHT (FT)	BLDG USE
1	7,350	METAL	35	VEHICLE PARTING / PARTS
2	5,000	METAL	35	VEHICLE PARTING / PARTS
3	51,000	METAL	35	VEHICLE PARTING / PARTS
4	80,000	METAL	35	OFFICE / WAREHOUSE / PARTS / SALES
5	764	MASONRY	12	OFFICE



- NOTES:
- EXISTING AREAS BEHIND FENCES WILL STORE VEHICLES IN VARIOUS STAGES WITHIN THE SALVAGE OPERATIONS
 - ALL BUILDINGS, SITE LIGHTING, AND PAVEMENT ARE EXISTING. NO NEW BUILDINGS, PAVEMENT, SITE LIGHTING, DUMPSTERS, AND AIR CONDITIONERS ARE BEING PROPOSED.
 - PROJECT WILL CONFORM TO LIGHTING CODE.
 - PROJECT SIGNAGE WILL CONFORM TO ATRICLE 4, SIGNS
 - PROJECT WILL REQUESTING A VARIANCE FROM SECTION 6.301, LANDSCAPING
 - PROJECT WILL COMPLY WITH SECTION 6.302, URBAN FORESTRY
 - EXISTING SOLID 8' TALL METAL PANEL FENCE WILL REMAIN
 - PLEASE SEE ATTACHED AERIAL EXHIBIT TO SEE INTERNAL DRIVE CIRCULATION. PLEASE NOTE PATHS ARE SUBJECT CHANGE DEPENDING UPON INVENTORY AND NEEDS.
 - ALL EXISTING BUILDINGS ARE 1 STORY. HEIGHTS VARY FROM 12 TO APPROXIMATELY 30' TALL
 - BUILDING SETBACKS - FRONT YARD = 0 FEET
 - THE SITE DOES NOT CONTAIN SUPPLEMENTAL SURFACES INSIDE FENCED AREA AS ENTIRE AREA IS SET UP TO HANDLE VEHICULAR TRAFFIC.

- NOTES FROM PREVIOUS BOARD OF ADJUSTMENT APPROVAL BAC-15-070
- NO STACKING OF VEHICLES ABOVE THE FENCE
 - EMPLOYEE PARKING SHALL BE LOCATED BEHIND THE FENCE.
 - NO PARKING ON DECATUR AVENUE
 - SUNDAY HOURS OF OPERATION 10 AM TO 6 PM
 - EVEN THOUGH SCREENING FENCE WAS WAIVED IN 2005. APPLICANT BUILD METAL PANEL FENCE TO SCREEN FACILITY.
- NOTE FROM BOARD OF ADJUSTMENT APPROVAL BAC-05-360
- NO SCREENING FENCE IS REQUIRED.

SITE HAS APPROXIMATELY 87 PARKING SPACES INCLUDING 3 HANDICAP SPACES.

ENGINEER:
DCG ENGINEERING
DCG ENGINEERING, INC.
DAVID GREGORY, P.E.
1668 Keller Parkway, Suite 100
Keller, TX 76248
Phone: (817) 874-2941
Engineering Firm Registration Number F-21947

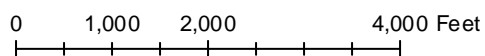
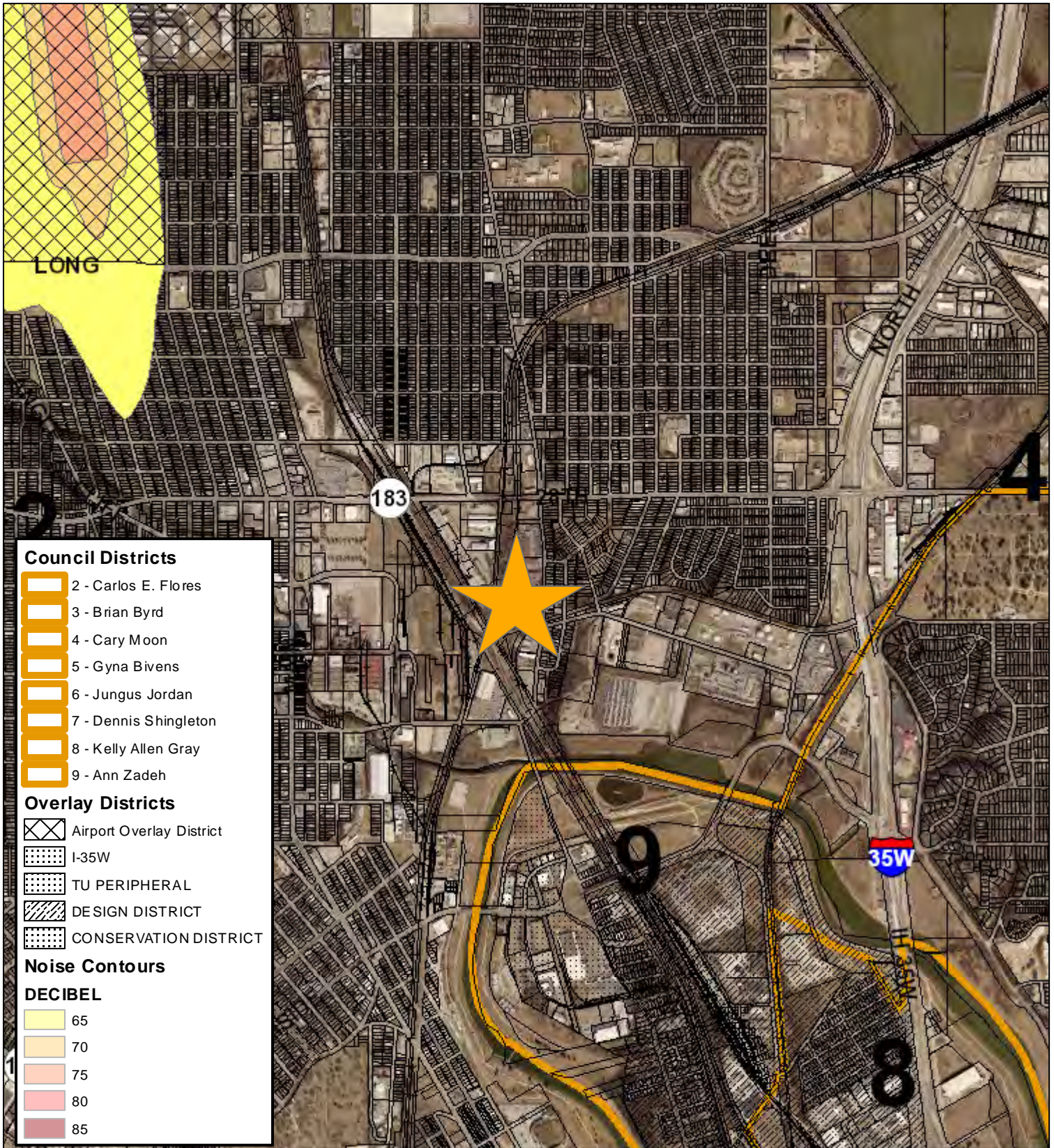
OWNER / DEVELOPER:
MR. BARRY RUBIN
DFW K AND H REAL ESTATE LLC
2567 DECATUR AVENUE
FORT WORTH, TEXAS 76109
PHONE: 817-800-8684
BARRY@AMERICANAUTOSALVAGE.COM



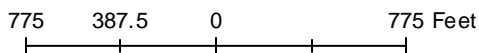
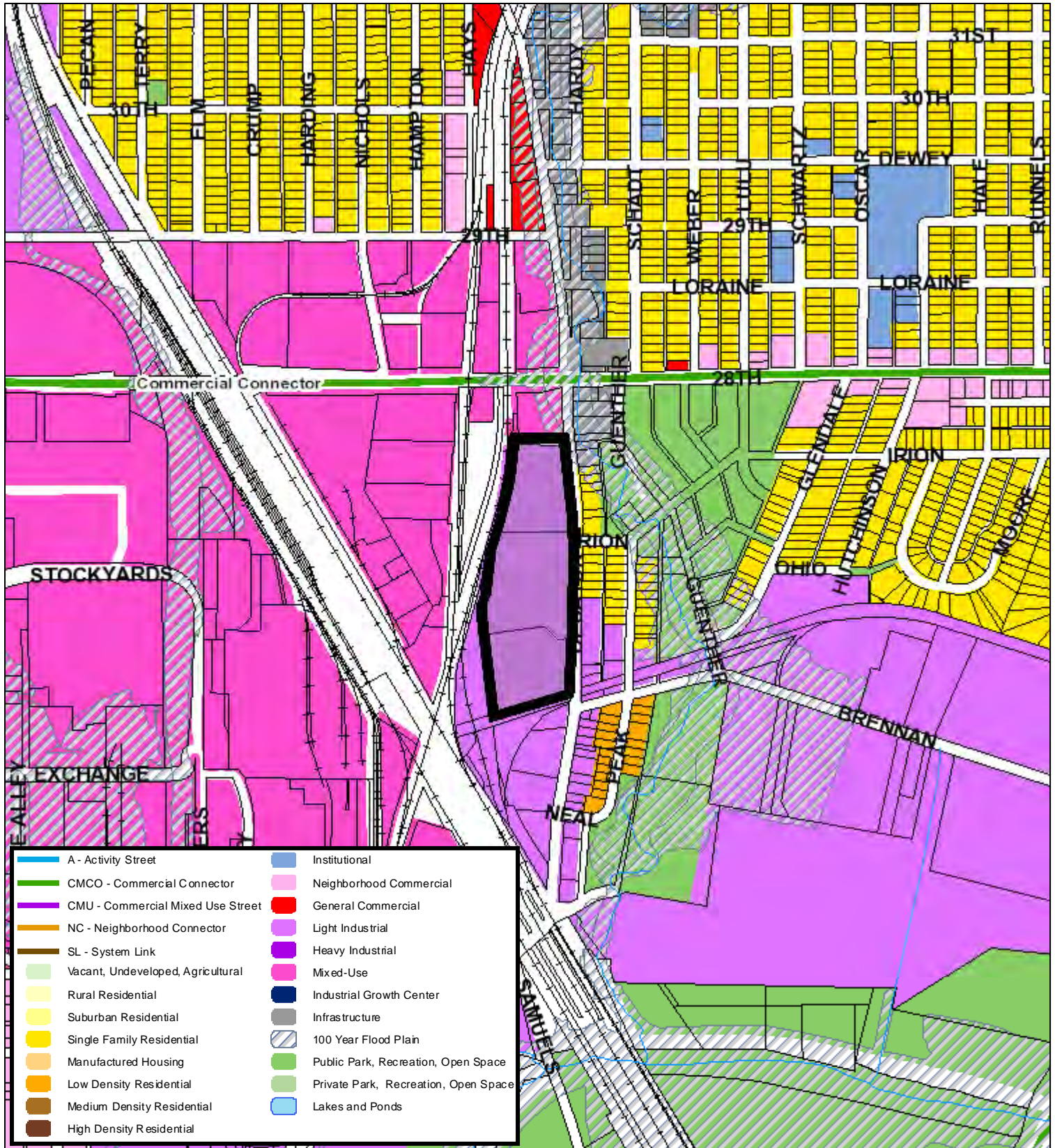
Director of Planning and Development _____ Date _____

**ZONING CHANGE EXHIBIT
K TO CUP/K
for
AMERICAN AUTO SALVAGE
& DOS AMIGOS**
2567 DECATUR AVENUE
CITY OF FORT WORTH
TARRANT COUNTY, TEXAS

Area Map



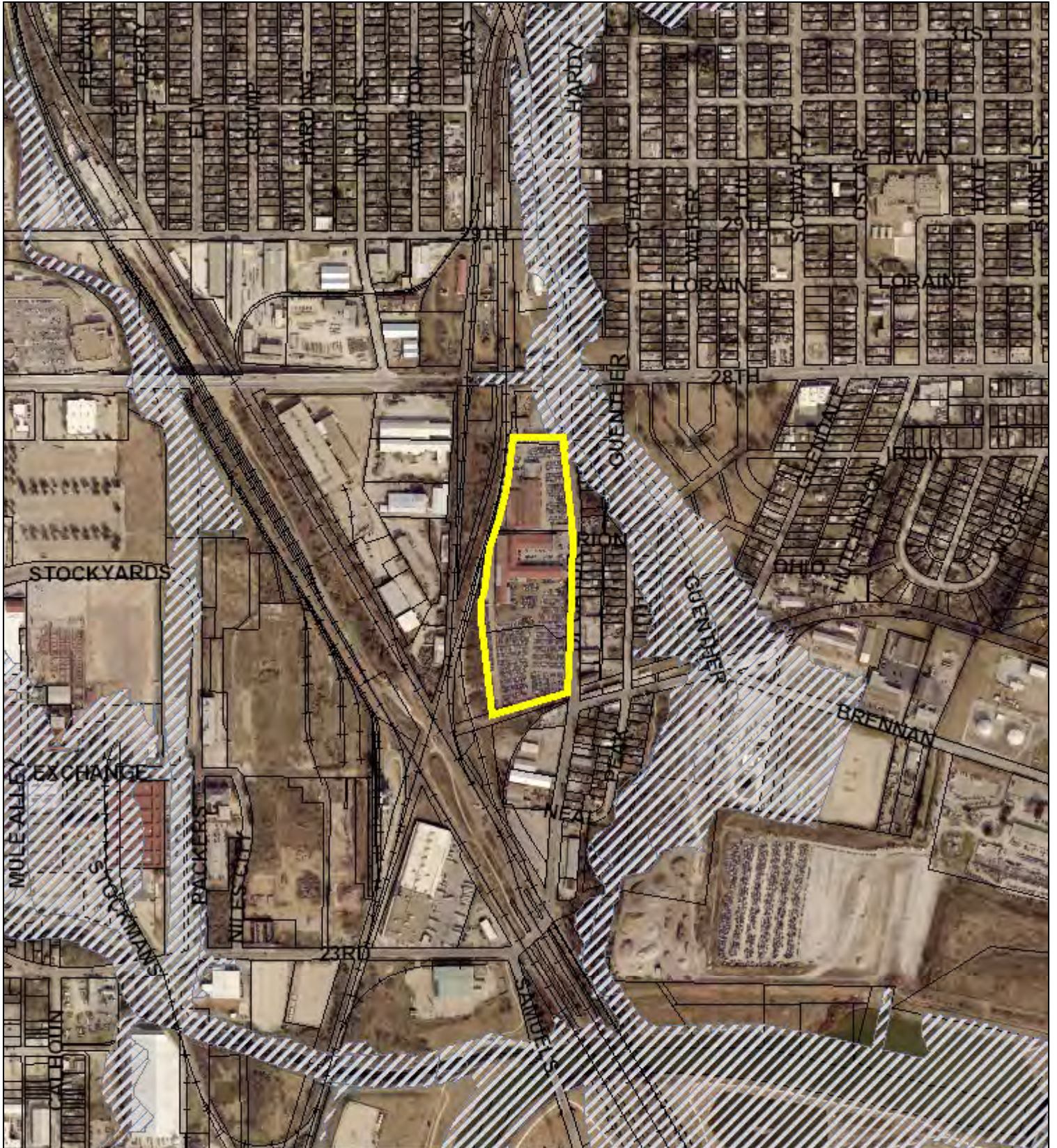
Future Land Use



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 6, 2018.



Aerial Photo Map



0 487.5 975 1,950 Feet

