



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
May 11, 2021

Council District 8

Zoning Commission Recommendation:
Approval by a vote of 9-0

Opposition: 1 letter
Support: 2 letters

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

Owner / Applicant: Brown Lewisville RR Family First, LP

Site Location: 9500 block Technology Boulevard Mapsco: 104R,105NS

Proposed Use: Concrete / asphalt crushing and recycling

Request: From: "K" Heavy Industrial

To: Add Conditional Use Permit to allow concrete/asphalt crushing and recycling

Land Use Compatibility: Requested change is compatible.

Comprehensive Plan Consistency: Requested change is consistent.

Staff Recommendation: Approval

Background:

The site is vacant land approximately 1,000 feet north of Risinger Road and ½ mile west of I-35W (South Freeway). Current or developing industrial uses on industrial zoning, including an asphalt plant predating 2001, surround the subject except the vacant land found to the northwest. Residential zoning with a preliminary plat is noted approximately ¼ mile southwest of the site on the opposite side of Risinger Road. The applicant is requesting to add a Conditional Use Permit to allow concrete/asphalt crushing & recycling, which is only permitted through the CUP process.

The applicant has indicated the site would have outdoor storage of recyclable, as well as processed, concrete & asphalt with small office of less than 400 square feet. The processed material is moved from the crushing area to the stockpiles via conveyor belts. TCEQ classifies asphalt as asphaltic concrete similar to cement concrete that can be recycled together and stockpiled together. The site plan shows only a truck scale and scale house within the first 150 feet from Technology Boulevard that dead-ends at the site. The office, stockpiles, and crushing operations lie beyond the 500 feet. Consequently, the site contains significantly more than the 4% minimum landscaped or undisturbed area required for industrial sites. The northern 50 feet of the proposed site is shown undisturbed, which provides a buffer to other industrial uses further north. No waivers are requested for the project.

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.

Through Ordinance 23609 effective March 29, 2019, the Conditional Use Permit allows for an unlimited 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:

- 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.

Site Information:

Owner: Brown Lewisville RR Family First, LP
PO Box 29816
Dallas, TX 75229

Acreage: 15.72 ac
Comprehensive Plan Sector: Sycamore

Surrounding Zoning and Land Uses:

North "I" Light Industrial with CUP 23 for truck parking and "K" Heavy Industrial / warehouse, gas well gathering facility, and vacant land
East "K" Heavy Industrial / vacant land
South "K" Heavy Industrial / asphalt plant, lumber yard, and vacant land
West "J" Medium Industrial and "PD 854" for K uses plus concrete crushing and recycling / concrete crushing facility and vacant land

Recent Relevant Zoning and Platting History:

Zoning History: ZC-06-024, north of site, from I to K, approved;
ZC-09-072, west of site, from J to PD for K uses plus concrete recycling, approved;
ZC-12-071, east of site, from I, J, K to PD for K uses plus auto recycling, denied;
ZC-18-065, south of site, A-5, J to J, approved as PD 1194 for J uses with development standards;
ZC-20-096, north of site, add CUP to I for truck/trailer parking, approved; and
ZC-21-012, south of site, from A-5, C, E to A-5, C, E, approved.

Platting History: FS-11-180, southwest of subject, Southwest Addition.
PP16-081 with final plats, north of subject, Southland Business Park Addition.

PP-18-084, southwest of subject, Deer Creek Meadow.
 FS-20-228, east of subject, FW Logistics Hub.
 PP-20-001 with final plats, southeast of subject, Risinger South Addition.
 PP-20-060, west of subject, Southland Business Park Addition.

Site Plan Comments:

The site plan as submitted is not in general compliance with the Zoning Ordinance regulations.

1. Exhibit needed that shows zoning within ¼ mile of site.
2. No dumpsters are shown on the site plan. Will dumpsters be used on site? Please label or note.
3. Note the current legal description on site plan or on another sheet.

Platting site plan comments - none

Transportation/Public Works (TPW) site plan comments – none.

Fire comments - none.

Park & Recreation site plan comments - none

Water site plan comments - There is a 12" water main that can serve this lot. No sanitary sewer available and will need to extended.

(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 conditions.)

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Risinger Road	System Link	System Link	Yes
Technology Boulevard	Local Road	Local Road	No

Public Notification:

300 foot Legal Notifications were mailed on March 15, 2021.

The following organizations were notified: (emailed March 25, 2021)

Organizations Notified	
Lincolnshire NA*	Everman ISD
Southbrook Park NA	Streams And Valleys Inc
District 6 Alliance	Trinity Habitat for Humanity
Trinity Habitat for Humanity	Crowley ISD

*Located closest to this registered neighborhood organization

Development Impact Analysis:

1. **Land Use Compatibility**

The applicant is proposing a zoning change to add a CUP to allow existing outdoor storage with accessory buildings in a “K” zoning district. The site is currently vacant land surrounded by other industrial uses or industrially zoned vacant land. The closest residential zoning is approximately ¼ mile to the south, with the closest residential land uses being approximately ½ mile to the north, south, and northwest.

The proposed zoning request **is compatible** with surrounding land uses.

2. **Comprehensive Plan Consistency**

The 2021 Comprehensive Plan designates the site as Light Industrial. Lesser intensive industrial uses are appropriate in this classification. The proposed zoning is not consistent with the following Comprehensive Plan policies:

- Locate large industrial uses along freight rail lines, highways, or airports within industrial growth centers and other appropriate locations.
- 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.

The Future Land Use map shows heavy industrial and the surrounding uses are industrial or vacant land. The proposed use **is consistent** with the Comprehensive Plan.

Attachments:

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



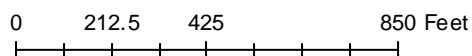
ZC-21-039

Area Zoning Map

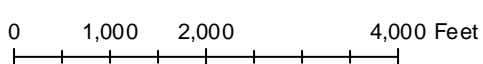
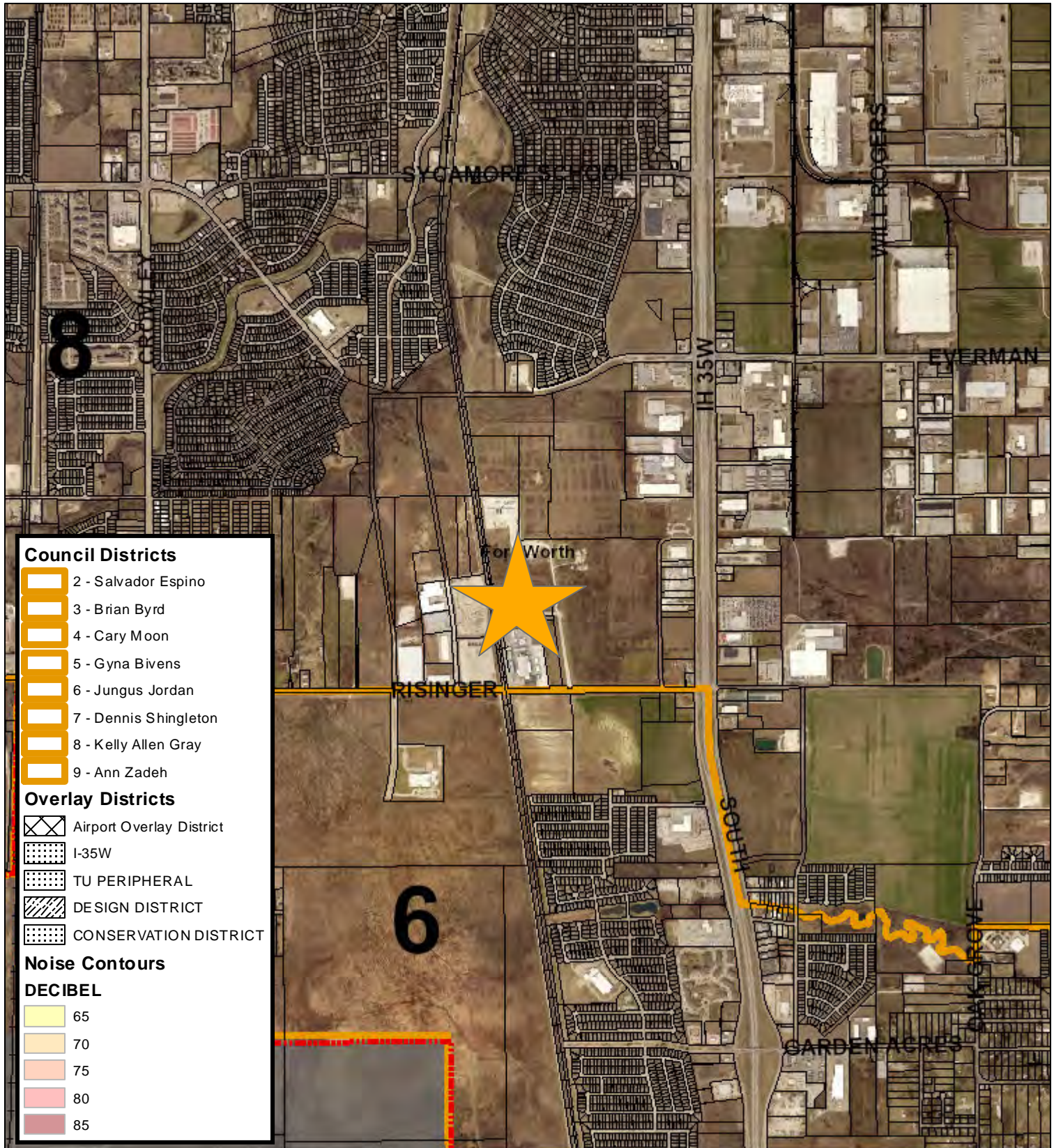
Applicant: Brown Lewisville RR Family First, LP
Address: 9500 block Technology Boulevard
Zoning From: K
Zoning To: Add Conditional Use Permit for concrete/asphalt crushing & recycling
Acres: 15.71980758
Mapsc0: 104R,105NS
Sector/District: Sycamore
Commission Date: 4/14/2021
Contact: 817-392-8190



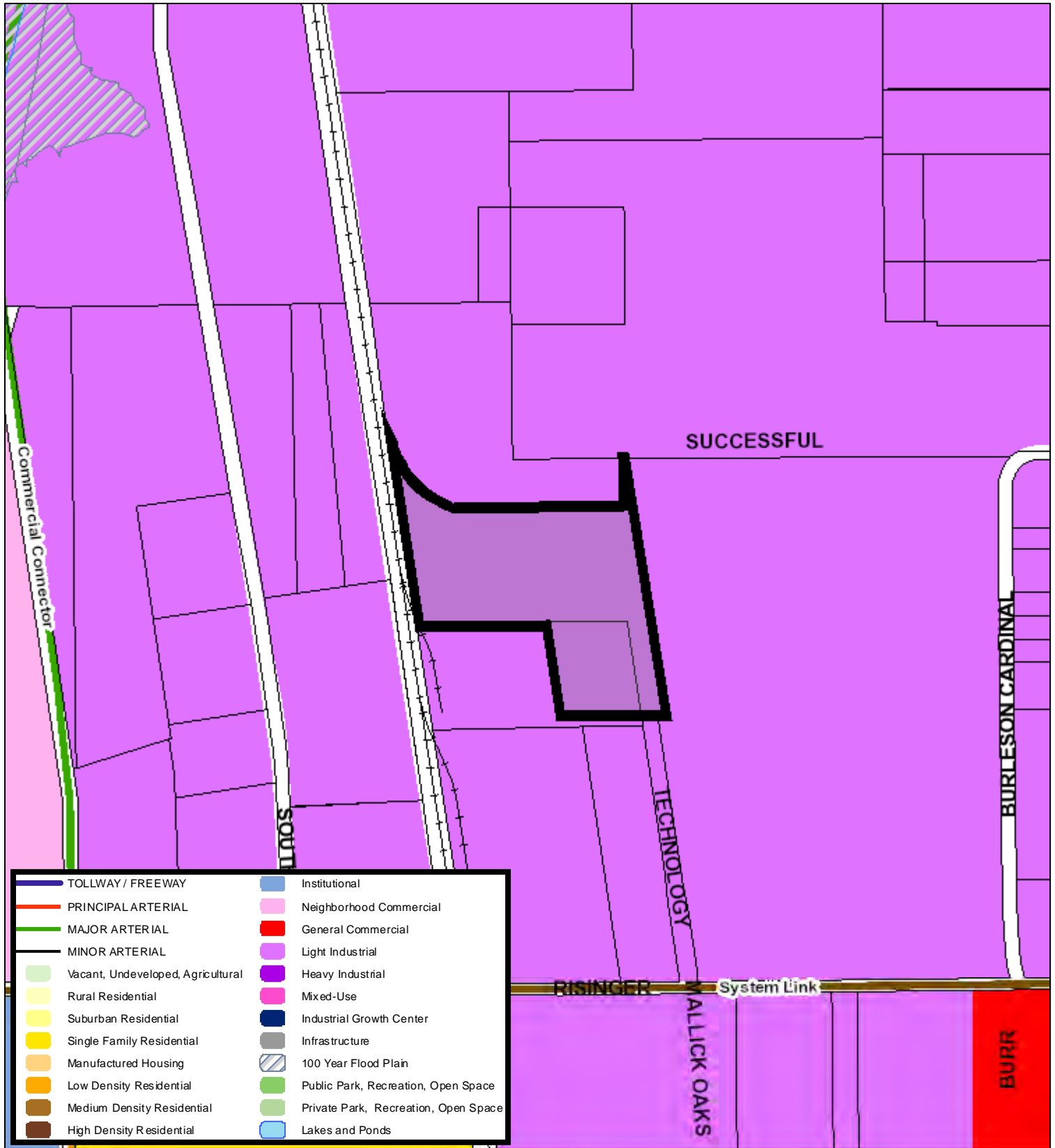
	Subject Area
	300 Foot Notification



Area Map



Future Land Use



560 280 0 560 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



0 350 700 1,400 Feet

