



CITY OF HALTOM CITY

MINUTES

PLANNING & ZONING COMMISSION

January 12, 2016

CALL TO ORDER

Chair Adam called the meeting to order at 7:30 p.m.

DETERMINATION OF QUORUM AND EXCUSED ABSENCES

Previous absences were excused.

PRESENT MEMBERS: Adam, Arsement, Bowman, Chapman, Jorgenson, Tidwell

PRESENT ALTERNATES: None

PRESENT COUNCIL LIAISON: Watkins

MEMBERS ABSENT: Teague

ALTERNATES ABSENT: Taylor

ADMINISTRATIVE STAFF PRESENT:

Justin French, Director of Planning & Community Development

APPROVAL OF MINUTES

December 8, 2015 minutes were approved with edits.

PUBLIC HEARINGS AND ACTION ITEMS

Regular Agenda Items

Item No. 1 Final Plat (P-003-16) – 3813 Springdale Road

Application of Santiago Avelar for approval of a final plat creating Lot 1, Block 1 of the Avelar Addition from Tract 14D1 of the J. B. York Survey, A-1754, located in the "SF-2" Single Family Residential District, containing approximately 0.473 acres, and locally known as 3813 Springdale Road.

Staff noted that the applicant had not arrived and the Commission decided to move this agenda item back in the agenda order.

Item No. 2 Rezone (Z-001-16) – 2021 Owens Street

Application of Geraldo Sanchez for a Zoning Change request from "C-3" Commercial District to "SF-2" Single Family Residential District located on Lot 8, Block 2 of the Shady Dell Addition, being approximately 0.181 acres located south of E. Belknap Street and west of Owens Street, locally known as 2021 Owens Street; and action on an amendment to O-2010-011-15, amending the Future Land Use Plan within the 2010 Comprehensive Land Use Plan.

The legal notice regarding the public hearing was published in the December 18, 2015, *Fort*

Worth Star Telegram. Notification was mailed to all property owners within 200 feet on December 18, 2015, and eighteen (18) property owners were notified. City staff received none (0) in favor, one (1) opposed, and two (2) returned to sender.

Staff presented and clarified the request.

Commissioner Chapman asked for the address of the lot to be disconnected from the Corridor District if the proposed ordinance were approved.

Chair Adam responded that the address is 2017 Owens Street.

Chair Adam called the applicant to the podium.

Rosa Sanchez and Geraldo Sanchez stated they purchased the property to build a single family residence for their son.

Commissioner Jorgenson asked if the applicant's plans were to remodel the existing structure.

Mrs. Sanchez replied in the affirmative and stated that the residence was a four-plex and that they intend to make it just a single family residence.

Chair Adam closed the Public Hearing.

ACTION BY THE COMMISSION

Commissioner Chapman made the motion, seconded by Commissioner Bowman, to approve Z-001-16 with changes to the Future Land Use Map that designate the subject site and the property to the south at 2017 Owens Street as Transitional District. Motion to approve passed by a vote of 5-0-0.

Item No. 3 Rezone (Z-009-15) – 1301 Carson Street

Application of Paul Delaney, on behalf of Eden Drive Properties, LLC, for approval of a Zoning Change request from "M-1" Industrial District and "M-2" Heavy Industrial District to "PD" Planned Development for all "M-2" uses plus auto salvage yard uses located on Tracts 4C and 4C10 of the John Ackers Survey, Abstract 24, being 11.14 acres of land located north of Elliot Reeder Road and west of Carson Street, locally known as 1301 Carson Street.

The legal notice regarding the public hearing was published in the December 18, 2015, *Fort Worth Star Telegram*. Notification was mailed to all Haltom City property owners within 200 feet on December 18, 2015, and four (4) property owners were notified. City staff received one (1) in favor, none (0) opposed, and none (0) returned to sender.

Staff presented and clarified the request.

Chair Adam called the applicant to the podium.

The applicant's representative, James Pliska, presented to the Commission.

Chair Adam asked where new inventory from the additional salvaged vehicles will be stored if the building at 1409 Carson is at capacity.

Mr. Pliska stated clarified that the applicant has access to additional space in building north of the building at 1409 Carson Street. He also pointed out that as inventory comes in inventory also goes out, and that the City has a big following from car shows and car hobbyist.

Chair Adam asked if the surface will be dust free.

Mr. Pliska stated that the surface will be in compliance with the zoning definition of an all-weather hard surface.

Commissioner Chapman asked for the size of the proposed detention pond.

Mr. Pliska replied in the negative.

Commissioner Chapman noted that he disagrees with Mr. Pliska statement that there will be no impact from the new surface for the auto salvage yard because it will not absorb at the same rate as existing conditions. Commissioner Chapman also noted Mr. Pliska's references to a park-like atmosphere along Elliot Reeder Road and asked Mr. Pliska if he would visit such a park.

Mr. Pliska replied in the affirmative.

Commissioner Chapman noted that the fence must have an approved permit before being installed and that he is not sure he prefers 11 acres of salvaged materials over 11 acres of cattle.

Mr. Pliska stated that he believes the auto salvage yard will have less impact than the existing conditions and that the southeast corner of the site has a lot of fecal matter.

Commissioner Jorgenson asked how many cars are delivered.

The applicant, Paul Delaney, replied that number of cars delivered depends on cars won at auction, which could be zero to ten cars per auction. He stated that car haulers will typically come three times a week with no more than one hauler coming any given day. In addition, he also stated that most days wreckers will bring two cars at a time.

Commissioner Jorgenson asked what happens to the car frame after it is stripped of salvaged parts and how long is it stored.

Mr. Delaney responded that the car frame is eventually crushed by a third party service that

comes to the site every 16 months and then sold as scrap metal. He said cars are stored until there is no more parts to salvage and at the moment he is having to crush in order to make space. He said he has three facilities with approximately 56,000 square feet of warehouse space and roughly three acres of outside space that is too small for the available warehouse space. He also said eventually a crusher may be at the site for a day or two or may be three every month, and no additional southbound traffic will be on the portion of Carson Street that is along the subject site because all trips to the subject site will traverse through the business's existing location at 1409 Carson Street, which is located immediately north of the subject site.

Commissioner Jorgenson asked the applicant to confirm if vehicles more intense than a forklift, such as a crusher, will be at the subject site more than two days a month.

Mr. Delaney replied in the affirmative and stated that it is not unlike what happens now at 1409 Carson Street. He stated that the crusher could be set up as far from the Garden of Eden properties as possible. He also stated that the crusher is perceived to be noisy but that the crusher is no louder than that presently in the area from other properties, such as Commercial Metals.

Commissioner Jorgenson stated that Mr. Delaney's presentation was impressive and that he has no doubt that he is good at his business.

Mr. Delaney stated that building a fence and providing landscape along the perimeter will be something to be proud of. He stated he will continue to work with the Garden of Eden community as he did to remove graffiti off his fence for a planned fun run because he knows what they have across the street is always going to look as good as his side. He also stated that his business started in 2009 with four employees and now he has 24 employees, and excluding himself and his partner the average salary is approximately \$55,805.00. Mr. Delaney stated that his business has generate over four million dollars in taxable revenue over the last six years with over one million being from last year alone. He stated his business paid state sales tax in the amount of \$337,084.00 in those six years and last year Haltom City's cut was \$19,771.00. He also stated the business is growing by 20% a year, which will allow him to give back to the community, and he noted that the subject site is not producing much because of its agriculture exemption, so another \$12,000.00 a year in property taxes would be available if developed for the proposed use.

Commissioner Bowman asked how the fencing will look and how tall and what material will it be.

Mr. Delaney stated that it will be powder-coated fencing that is uniform in height and better than any other fencing found today on Elliot Reeder Road. He stated that trees will be planted in front of the fence and the area in front of the fence will be maintained better than it is today.

Chair Adam opened the Public Hearing.

Delbert Sanders at 1400 Carson Street, Fort Worth, TX, stated he owned property at Elliot Reeder and Carson and also at 1420 Carson Street. He stated the applicants are good people and have done good to protect the cows and the cars but not the people. He stated that he was born in the Garden of Eden area and that dump ground, junk yards, and recycling have been shoved into his community. He said recycling sound better than junk yard and Mr. Delaney cannot keep all the dust and traffic mitigated. He said the trees and fence will not address his dust concerns. He said the project will increase traffic and that he would not let his children visit the site if it were to become a park because of traffic concerns. He said his property line is at the center line of Carson Street, and he has tried unsuccessfully to get Republic Service trucks rerouted to Anderson to bypass his properties. He also said accepting another junk yard or recycling will be too hard on his community.

Dennis Wise at 1412 Carson Street, Fort Worth, TX, stated he believes Mr. Delaney does the best he can with what he has to work with and the soil conditions in the area. He said if there is a way to control the dust then Mr. Delaney will do it and that the conditions in the area are presently bad and cannot get much worse. He said that he believes Mr. Delaney will install the fence and landscaping in his plans. He said the drainage will continue to go the way it is going no matter what Mr. Delaney does because of the slope of the lot. He said that the auto salvage yard is not the worst thing that could happen and that the worst thing that could happen is someone else developing structures and a real junk yard.

Trina Sanders at 1408 Carson Street, Fort Worth, TX, stated the there is a tug of war going on over land with people of her community in the middle. She stated that flooding, noise, traffic, absence of sidewalks, and absence of curbs, and enforcement are concerns for the historical designated district. She stated that her vision is for a granted-funded park and not a fence.

Brenda Sanders-Wise at 1412 Carson Street, Fort Worth, TX, stated that her and other residents of the Garden of Eden neighborhood were not notified individually though they owned land within the 200-foot notification area, and that she only knew of the public hearing because of the City's sign at the property notifying the public of the meeting. She also stated that she spoke with Mr. French and was informed that the City notified the City of Fort Worth of the request. She stated that she did not see anyone that looks like her on the Commission, on a Council, or on a school board and that needs to change. She stated that Carson Street has no curbs and in 2004 was resurfaced but that it has not be re-constructed since 1959 and the new layer has deteriorated. She stated there are flood health, noise, crime, loitering, emergency vehicle access, policing, hours of operation, code enforcement, and environmental concerns. She said there should be a stacking limit of three cars. She said there is a rack visible over the fence at 1409 Carson Street for six cars that she does not want to see. She the surface of the subject site should not be pea gravel. Trucks are tearing up the streets and more. She stated that a nature preserve land use would be more of a positive to the community. She said the fence will look like a prison yard. She said that companies contribute to her home owners association, that she heard some numbers that were staggering to her, and that 20% more would be better. She said that if someone wants to be a part of her neighborhood then they should help the neighborhood in a big way by helping to build a museum or rebuild the house that her family's book is about. She said

her family member was right in that their property line is to the middle of the street. She said perhaps her community should stand in the middle of the road to deter traffic but that she does not know if she would be shot or not. She says her community has a church but that they do not have a park, a school, a library, or a community center. She said she would love to walk to church but she does not because there are no sidewalks. She said she has troubles backing out of her drive way because trucks are on the road and that 99% are not courteous enough to let her out because they think they own the road but they are really the strangers in the neighborhood.

Commissioner Chapman stated that the Commissioners are volunteers and Chris Taylor is an attorney and an African-American man who is on the Commission. He also stated that the City needs volunteers to move the City forward and that the City has room for anyone wishing to serve. He stated that the applicant has expressed interest in helping and any else interested in such opportunities should not be overlooked.

Chair Adam closed the Public Hearing and offered the applicant an opportunity for rebuttal.

Mr. Delaney stated he agrees with just about everything the residents of the Garden of Eden community have said and that in his personal opinion the majority of the trash, noise, and smell comes from Republic Waste. He stated he did not think he could fix it and needs the business to grow in order to continue to contribute to the community and be good neighbors. He clarified that the City will require that the fencing and landscaping be installed before he can use the property for an auto salvage yard. He stated he would also like to see a park across from his house if he can swing it. He said it is not his employees that loiter and drink but he use to work for the business that does. He said he will have to work with City staff to get a floodplain permit.

Chair Adam reopened the Public Hearing.

Mr. Sanders asked if he will be notified.

Chair Adam stated that the City is not required to send notices to residents outside the City of Haltom City even if the property is within a 200-foot buffer.

Chair Adam closed the Public Hearing.

Mr. Delaney stated his hours of operation Monday through Friday, 8am to 5pm.

Commissioner Bowman asked why sidewalks and not proposed and why a magnesium chloride product is not being considered to control dust.

Mr. Delaney stated he is not overly knowledgeable about that and he will work with the City with the sort of emulsions can be used to control dust. He also stated that sidewalks are an issue of cost.

Commissioner Arsement asked about the six car rack that was mentioned as an eyesore.

Mr. Delaney stated that the rack actually stores not cars but parts and that he will take the

rack down under the fence.

Commissioner Arsement asked what Mr. Delaney would do with the property if he was unable to obtain approval of the auto salvage yard use.

Mr. Delaney stated that he does not own the property and that he will then consider a site in the City of Fort Worth on Anderson though it will likely have more crime than at the subject site.

Commissioner Arsement asked how many feet back will be the trees and fence. She noted that a park could be something for the applicant to hone in on.

Mr. Pliska stated that the fence will be set back 10 feet from the right-of-way line, which is approximately 10 feet from the Carson Street pavement. He also stated that the fence will not intrude into the 35'x35' visibility clip at the intersection of Carson Street and Elliot Reeder Road. He stated that the area can be landscaped to prevent parking in the area.

Commissioner Bowman asked if the fence setback is 30 feet per City ordinance.

Mr. Delaney stated that he wants to utilize as much of the land as possible but he does not want the proposed fence setback to prevent approval of the request.

Mr. Pliska stated the setback for a structure is 30 feet on Carson Street and 20 feet on Elliot Reeder Road but a fence can be constructed on the property line.

Mr. French stated that he is available to answer any questions of the Commission or if the Commission desires clarification.

Commissioner Bowman reminded the Commission that a structure could eventually be constructed at the subject site.

Chair Adam called Mr. French to the podium for clarification of the City ordinance.

Mr. French clarified that a privacy or security fence must be setback 30 feet from the Carson Street property line and fence that are allowed within the 30-foot setback are decorative fences that are no taller than four feet and being no more than 50% opaque. Mr. Pliska is correct in that a fence is allowed on the property line; however, the fence allowed on the property line is not the type of fence that the applicant proposes.

Chair Adam asked if a plat application will also be coming before the Commission for this project.

Mr. French stated that proposed request stipulates that platting is not to be required unless a building is proposed and the applicant is not proposing any buildings at this time.

Commissioner Chapman stated that he appreciates the auto salvage yard business but he has concerns, such as the applicant not owning the property. He stated that if the City

approves the requested zoning and the applicant is out bid for the property the approved zoning will go with the land.

Mr. Delaney responded that spending the money to buy property and then not being able to obtain the needed zoning for an auto salvage yard is not something he wants to happen.

Chair Adam asked Mr. Delaney if he intends to purchase the property if the zoning passes.

Mr. Delaney responded in the affirmative.

Commissioner Chapman stated he wished that Haltom City had businesses that residents spoke so highly of as the present residents have spoken of your business. He stated his concerns are that if the applicant does not decide to buy the property.

Mr. Pliska replied that that is why the planned development was created with the definitive exhibits that indicate the shells of the cars will be stored while the parts will be stored inside the buildings. Therefore, someone wanting to do different would have to come back before the Commission and the City Council for approval.

Commissioner Arsement stated that the contract for sale could include an option period that states zoning is to be obtained.

Commissioner Bowman asked if the applicant has a contract on the purchase of the property with or without an option period money down.

Mr. Delaney stated he has a gentleman's agreement with the owner.

Commissioner Chapman stated that this was one of the toughest requests that he has had the opportunity to review on the Commission and if it was not for the adjacent residential concerns he would have no objection to the business.

ACTION BY THE COMMISSION

Commissioner Jorgenson made the motion to not pass Z-009-15 due to the applicant not having the property under contract. Chair Adam offered an amendment to make the motion to deny Z-009-15, which Commissioner Jorgenson accepted. The motion failed for lack of a second. Commissioner Arsement made the motion, seconded by Commissioner to table Z-009-15 to give the applicant time to provide evidence of a contract to buy is presented. Motion to table passed by a vote of 5-0-0.

Item No. 1 Final Plat (P-003-16) – 3813 Springdale Road

Application of Santiago Avelar for approval of a final plat creating Lot 1, Block 1 of the Avelar Addition from Tract 14D1 of the J. B. York Survey, A-1754,

located in the "SF-2" Single Family Residential District, containing approximately 0.473 acres, and locally known as 3813 Springdale Road.

Staff presented and clarified the request.

No further questions for City Staff.

The applicant went to a locked door at City Hall and was unable to enter. The applicant went home and left a voicemail with Mr. French. Mr. French contacted applicant and explained the location of the unlocked entrance at City Hall. The applicant decided to stay home and have the Commission consider his request without his representation.

ACTION BY THE COMMISSION

Commissioner Bowman made the motion, seconded by Commissioner Chapman, to approve P-003-16 as presented. Motion to approve passed by a vote of 5-0-0.

FURTHER DISCUSSION

None

UPDATE ON RECENT COUNCIL ACTION

Mr. French provided update on recent Council Action

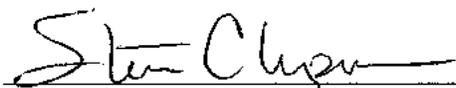
ADJOURN

Chair Adam adjourned the meeting at 9:34 p.m.

Respectfully submitted,



Justin French, AICP, Director of Planning and Community Development



Steve Chapman, Vice Chair of the Planning & Zoning Commission