

ORDINANCE 931-2018-46

AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARIES OF THE ZONING DISTRICT MAP OF THE CITY OF WEATHERFORD, TEXAS, CONCERNING CERTAIN PARCELS OR TRACTS OF LAND IDENTIFIED IN AS BEING A 14 638 ACRE TRACT OF LAND IN THE I.C. SPENCE SURVEY, ABSTRACT 1193, AND LOCATED AT 3306 OLD BROCK ROAD, WITHIN THE CORPORATE LIMITS OF THE CITY OF WEATHERFORD, TEXAS, HERETOFORE ZONED AG AGRICULTURE SHALL HENCEFORTH BE ZONED I INDUSTRIAL WITH A CONDITIONAL USE PERMIT, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND PROVIDING A SAVINGS CLAUSE:

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WHEREAS, the governing body of the City of Weatherford, Texas, after thorough study, has determined that the Zoning District Map of said City and the Zoning District Boundaries shown thereon should be changed and amended in certain particulars, and

WHEREAS, all reviews and public hearings and all notices incident thereto have been in full compliance with the provisions applicable thereto as contained in the zoning ordinance as set forth in the laws of the State of Texas, and

WHEREAS, the City Council now desires to record said authorized changes in the Zoning District Map by passage of this ordinance amending said map and directing the Department of Development and Neighborhood Services to make appropriate changes in the one (1) copy of the original Zoning District Map on file in the office of the City Secretary and all other copies of maps purporting to be copies of the current Zoning District Map of the City of Weatherford, Texas, as provided for in Title XII, Chapter 1, Section 12-1-2, of the City Code of Weatherford, Texas

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEATHERFORD, TEXAS:

SECTION 1: That the Zoning District Map of the City of Weatherford, Texas, is hereby amended by changing the zoning district boundaries as herein indicated on the hereinafter described tracts of parcels of land within the corporate limits of the City of Weatherford, Texas:

PREVIOUS ZONING  
DISTRICT DESIGNATION

**AG Agriculture**

AMENDED ZONING  
DISTRICT DESIGNATION

**I Industrial with a  
Conditional Use Permit (CUP)**

For the area more particularly described in **Exhibit 'A' Property Description**

Additional standards and site plan(s) for the CUP Conditional Use Permit are included in **Exhibit 'B' Development Plan**.

SECTION 2: The City Council, after thorough investigation and review finds that all prerequisites as to study, review, notice, public hearings, and all other legal requirements have

been met and fully complied with concerning the changes set forth in Section 1 of this ordinance prior to the passage hereof, and that the changes indicated therein will be to the benefit of the particular neighborhood concerned and to the City as a whole.

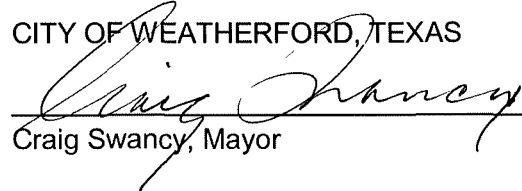
SECTION 3: The Department of Development and Neighborhood Services is hereby instructed to change the one (1) copy of the Zoning District Map on file in the office of the City Secretary and all other copies of maps purporting to be copies of the current Zoning District Map of the City of Weatherford, Texas, to show the changes set forth herein

SECTION 4: All ordinances and parts of ordinances in conflict with this ordinance shall and the same are hereby repealed to the extent of said conflict only

SECTION 5: If any section, subsection, paragraph, sentence, clause, phrase or word of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such holding shall not affect the validity of the remaining portion of this ordinance, and the City Council hereby declares that it would have passed such remaining portions despite such invalidity or unconstitutionality.

The foregoing ordinance was introduced, read, approved, passed and adopted by a vote of 5 ayes and 0 nays by the City Council of the City of Weatherford, Texas, at its meeting on the 11th day of December 2018.

CITY OF WEATHERFORD, TEXAS

  
Craig Swancy, Mayor

ATTEST.

  
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Malinda Nowell, City Secretary

APPROVED AS TO FORM:

  
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Ed Zellers, City Attorney

## Exhibit 'A' Property Description

BEING A 14.638 ACRE TRACT OF LAND IN THE I.C. SPENCE SURVEY, ABSTRACT 1193, PARKER COUNTY, TEXAS AND BEING ALL OF PROPERTY NUMBER 1 AND PROPERTY NUMBER 2 (HEREINAFTER REFERRED TO AS THE WC PROPERTY NUMBER 1 TRACT AND THE WC PROPERTY NUMBER 2 TRACT) AS DESCRIBED IN DEED TO IESI TX CORPORATION AND RECORDED IN BOOK 2404, PAGE 1235 OF THE PUBLIC RECORDS, PARKER COUNTY TEXAS AND BEING ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO IESI TX LANDFILL, LP (HEREINAFTER REFERRED TO AS THE WC PROPERTY NUMBER 3 TRACT) RECORDED IN SAID COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 3/8" IRON ROD FOUND AT THE SOUTHWEST CORNER OF THE SAID WC PROPERTY NUMBER 2 TRACT IN THE NORTH LINE OF OLD BROCK ROAD SAID IRON ROD ALSO BEING THE SOUTHEAST CORNER OF THAT CERTAIN TRACT OF LAND DEEDED TO BILL E PAT CLARK AND ALICIA J. CLARK AND RECORDED IN BOOK 2457, PAGE 1894, OFFICIAL RECORDS OF PARKER COUNTY, TEXAS;

THENCE N 00° 51' 14" E, 854.74 FEET ALONG THE COMMON LINE OF THE SAID WC PROPERTY NUMBER 2 TRACT AND THE SAID CLARK TRACT TO AN AXLE FOUND AT THE NORTHWEST CORNER OF THE SAID WC PROPERTY NUMBER 2 TRACT. SAID AXLE ALSO BEING THE NORTHEAST CORNER OF THE SAID CLARK TRACT AND BEING IN THE SOUTH LINE OF THAT CERTAIN TRACT OF LAND DEEDED TO THE EDWARDS FAMILY TRUST AS RECORDED IN VOLUME 1644, PAGE 119 OF THE OFFICIAL RECORDS OF PARKER COUNTY, TEXAS;

THENCE N 88° 10' 41" E, 271.12 FEET ALONG THE COMMON LINE OF THE WC PROPERTY NUMBER 2 TRACT AND THE SAID EDWARDS TRACT TO A 3/4" IRON ROD FOUND AT THE NORTHEAST CORNER OF THE SAID WC PROPERTY NUMBER 2 TRACT, SAID IRON ROD ALSO BEING THE NORTHWEST CORNER OF THE AFOREMENTIONED WC PROPERTY NUMBER 1 TRACT;

THENCE N 89° 03' 18" E, 307.38 FEET, CONTINUING ALONG THE COMMON LINE OF THE SAID WC PROPERTY NUMBER 1 TRACT AND THE SAID EDWARDS TRACT TO A 3/4" IRON ROD FOUND AT THE NORTHEAST CORNER OF THE WC PROPERTY NUMBER 1 TRACT, SAID IRON ROD ALSO BEING THE NORTHWEST CORNER OF THE AFOREMENTIONED WC PROPERTY NUMBER 3 TRACT;

THENCE N 89° 05' 09" E, 358.50 FEET CONTINUING ALONG THE COMMON LINE OF THE SAID WC PROPERTY NUMBER 3 TRACT AND THE SAID EDWARDS TRACT TO A 3/8" IRON ROD FOUND AT THE NORTHEAST CORNER OF THE SAID WC PROPERTY NUMBER 3 TRACT, SAID IRON ROD ALSO BEING THE NORTHWEST CORNER OF THAT CERTAIN TRACT OF LAND DEEDED TO LEITA FAYE COLLINS AS RECORDED IN VOLUME 1060, PAGE 362 OF THE OFFICIAL RECORDS OF PARKER COUNTY, TEXAS;

THENCE S 00° 59' 01" W, 480.62 FEET ALONG THE COMMON LINE OF THE WC PROPERTY NUMBER 3 TRACT AND THE SAID COLLINS TRACT TO A RAILROAD TIE FOUND AT THE SOUTHEAST CORNER OF THE SAID WC PROPERTY NUMBER 3 TRACT, SAID RAILROAD TIE ALSO BEING THE SOUTHWEST CORNER OF THE SAID COLLINS TRACT AND BEING IN THE NORTH LINE OF OLD BROCK ROAD;

THENCE THE FOLLOWING COURSES AND DISTANCES ALONG THE COMMON LINE OF THE SAID WC PROPERTY NUMBER 3 TRACT AND THE NORTH LINE OF OLD BROCK ROAD;

S 52° 15' 56" W, 65.79 FEET;

S 63° 58' 39" W, 117.22 FEET;

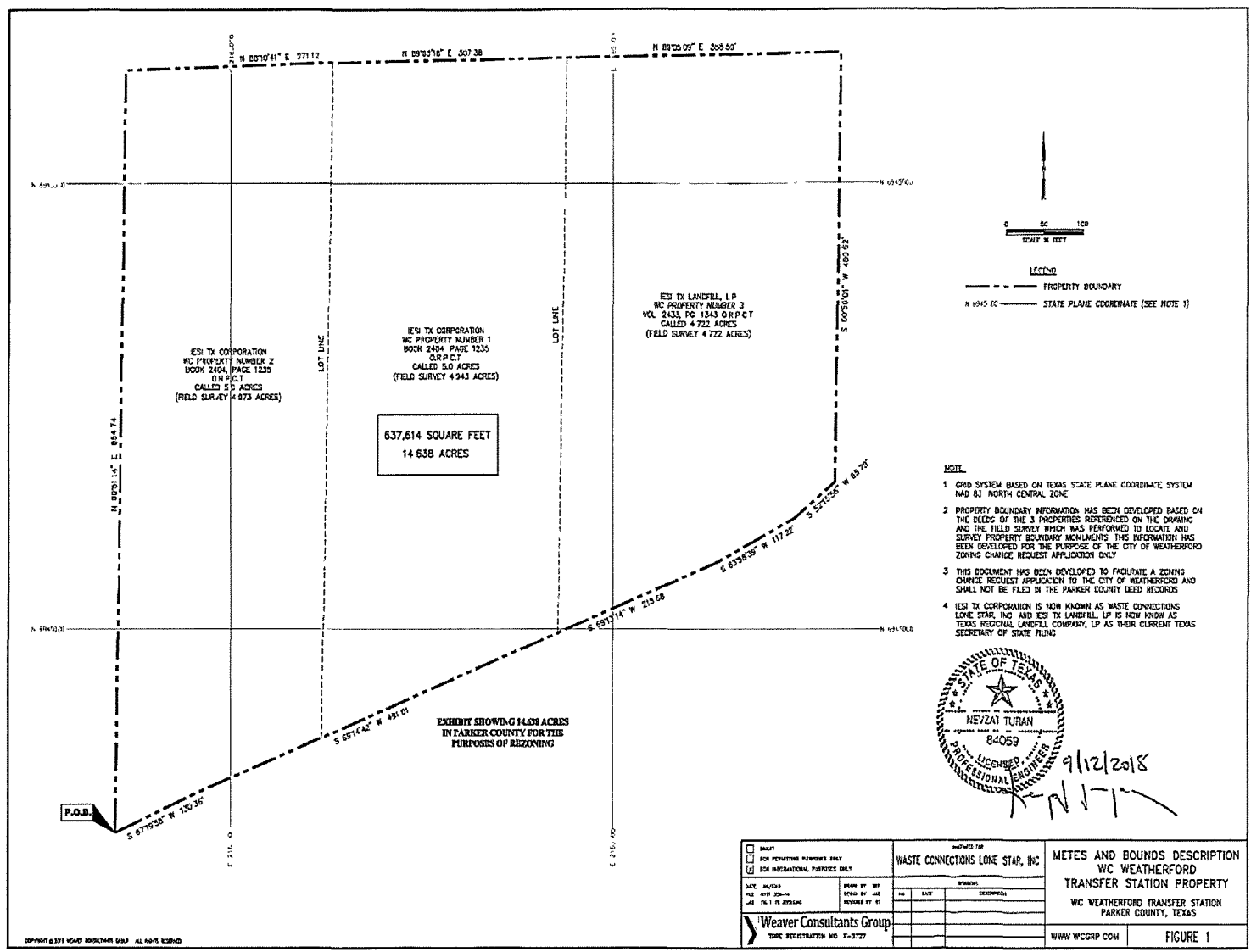
### Exhibit 'A' Property Description (Con't)

THENCE S 69° 13' 14" W, 218.68 FEET CONTINUING ALONG THE COMMON LINE OF THE SAID WC PROPERTY NUMBER 3 TRACT AND THE NORTH LINE OF OLD BROCK ROAD TO A ½" IRON ROD FOUND AT THE SOUTHWEST CORNER OF THE WC PROPERTY NUMBER 3 TRACT, SAID IRON ROD ALSO BEING THE SOUTHEAST CORNER OF THE AFOREMENTIONED WC PROPERTY NUMBER 1 TRACT,

THENCE THE FOLLOWING COURSES AND DISTANCES CONTINUING ALONG THE COMMON LINE OF THE SAID WC PROPERTY NUMBER 1 TRACT AND THE AFOREMENTIONED WC PROPERTY NUMBER 2 TRACT AND THE NORTH LINE OF OLD BROCK ROAD;

S 69° 14' 42" W, 491.01 FEET;

S 67° 19' 58" W, 130.36 FEET TO THE POINT OF BEGINNING AND CONTAINING 637,614 SQUARE FEET OR 14.638 ACRES OF LAND.



## **Exhibit 'B' Development Plan**

### **Project Summary**

**WC Weatherford Transfer Station  
Waste Connections Lone Star, Inc.  
3306 Old Brock Road, Weatherford, Texas**

#### **Introduction**

Weaver Consultants Group, LLC (Weaver) is in the process of preparing a Texas Commission on Environmental Quality (TCEQ) Type V municipal solid waste (MSW) transfer station application, on behalf of Waste Connections Lone Star, Inc. (WCLS) (f/k/a IESI TX Corporation and Progressive Waste Solutions of TX, Inc.), an affiliated subsidiary of Waste Connections, Inc. (WCI), for the proposed WC Weatherford Transfer Station (TS) located at 3306 Old Brock Road, Weatherford, Texas. The function of the proposed TS is to transfer municipal solid waste and other permissible waste streams and materials (collectively, MSW) from short-haul collection vehicles onto long-haul transportation vehicles and to convey such MSW outside the City of Weatherford to one or more distant landfills.

The proposed TS is necessary to ensure that efficient and cost-effective waste disposal services remain available to the City of Weatherford, its residents, businesses and surrounding rural areas, consistent with Section 4.4.1 of the May 30, 2003 "LANDFILL PURCHASE, ROYALTY AND DISPOSAL AGREEMENT" between IESI and the City of Weatherford which provides, "[i]f the disposal capacity of the [Landfill] Facility (including expansions) is exhausted prior to the expiration of the Landfill Disposal Agreement [in 2053], Buyer [IESI and/or assigns] shall construct and operate a municipal solid waste transfer station at the [Landfill] Facility or at another location acceptable to Seller [City of Weatherford]". The IESI Weatherford Landfill located at 3131 Old Brock Road, Weatherford, Texas, has limited permitted disposal airspace remaining, and if it is operated at current daily waste acceptance and disposal rates, without obtaining a permit expansion or diverting waste streams, it would be expected to run out of disposal capacity by approximately 2020.

TCEQ's applicable procedures for administrative and technical review of the application, formal public notice and comment, and final approval of the Type V MSW transfer station application reasonably require WCLS to obtain from the City of Weatherford a municipal zoning change for industrial use and a conditional-use permit for the property during the fourth quarter of 2018. WCLS would reasonably expect to receive a TCEQ approval and commence construction of the TS during 2019. Operation of the TS is expected to commence in 2020 as the available disposal capacity of the IESI Weatherford Landfill is progressively consumed.

WCLS is seeking TCEQ approval for the TS to receive, process, load and transfer approximately 1,000 tons/day (tpd) of MSW from the City of Weatherford, its residents, businesses and surrounding rural areas and to transport such MSW to the Turkey Creek Landfill (Johnson County), the Buffalo Creek Landfill (Wichita County), the Jacksboro Landfill (Jack County), or other distant landfills properly permitted by TCEQ. The TS application will undergo a thorough administrative and technical review and public participation process at the TCEQ before WCLS obtains authorization for the facility.

The proposed TS building will consist of a 120-foot by 170-foot tipping floor where incoming MSW will be temporarily deposited for immediate loading and a vehicle staging area where transfer trailers will park as they are being loaded with MSW from the tipping floor. The proposed TS has an estimated MSW transfer capacity of approximately 1,000 tpd. This summary provides an overview of the proposed TS. The following subsections detail information regarding the owner and operator of the site, general site information, and a summary of the proposed site design.

### **Owner/Operator Information**

The WC Weatherford TS (TS) will be owned and operated by Waste Connections Lone Star, Inc. (WCLS), an affiliated subsidiary of Waste Connections, Inc. (WCI). WCI is an integrated solid waste services company that acquires, operates, and provides non-hazardous waste collection, transfer, recycling, and disposal services to residential, municipal, and commercial customers across the continental United States and southern Canada.

### **Site Information**

The following drawings are attached to this summary.

- Site Location Map (Figure 1). This figure shows the site location on a standard Texas Department of Transportation Parker County highway map.
- General Topographic Map (Figure 2). This figure shows the site location on a United States Geological Survey (USGS) map.
- Aerial Photograph (Figure 3). This figure shows the existing conditions of the site location on an aerial photograph.
- Site Plan (Figure 4). This figure shows the proposed site plan for the transfer station.

The TS will be located at 3306 Old Brock Road in southwest Weatherford, Parker County, Texas. The TS site is approximately 0.9 miles southeast of the intersection of Interstate-20 and Dennis Road. The expected service area will include the City of Weatherford and its residents, businesses and surrounding rural areas.

## Design Summary

The following information presents a summary of the design and operations for the WC Weatherford Transfer Station.

- The TS building will consist of a steel-framed structure with a metal roof, be enclosed on two sides, and have a drive-through configuration. The TS will have the capacity to transfer approximately 1,000 tpd of MSW. Incoming short-haul collection vehicles (i.e., standard-sized garbage trucks) will be directed into the TS building and to the transfer area for MSW transfer operations. The transfer area will consist of a well-lit tipping floor (via natural and overhead lighting) where MSW will be transferred to long-haul transportation trailers. MSW deposited on the tipping floor within the TS building will typically be pushed by front-end loaders to a grapple loader (or similar materials-handling equipment), which will load the MSW into the transfer trailers. The grapple loader may also be used to compact and more evenly distribute the waste within the transfer trailers. The transfer trailers will then haul the transferred MSW to a properly permitted landfill located outside the City of Weatherford. The MSW will be transported to the Turkey Creek Landfill (Johnson County), Buffalo Creek Landfill (Wichita County), the Jacksboro Landfill (Jack County), or other distant landfills permitted by the TCEQ.
- Consistent with TCEQ regulations governing MSW transfer stations, the TS will accept and transfer waste resulting from residential, municipal, community, commercial, institutional and recreational activities, construction and demolition wastes, wood waste, green waste, and permissible special wastes and non-hazardous industrial solid wastes.
- The TS will be operated in accordance with a TCEQ-approved site operating plan. This plan includes procedures that govern day-to-day operations of the facility as well as routine inspections, maintenance and housekeeping to ensure compliance with the TCEQ regulations. As part of the operations, litter, dust, and odor control measures and procedures will be implemented in accordance with the facility's TCEQ authorization and approved Site Operating Plan.
- Access to the TS will be provided via the site access road located on the north side of Old Brock Road. Vehicles bound for the TS will be directed to access the site using the Dennis Road to Old Brock Road transportation route. From Dennis Road, vehicles will travel east on Old Brock Road for less than one mile to the site entrance. Similarly, loaded transfer trailers will exit the TS and proceed west along Old Brock Road to Dennis Road and Interstate 20. As shown on Figure 2, the existing roads are capable of handling the projected traffic load associated with the TS. Dean Road and Old Brock Road east of the site are expected to be used only by short-haul MSW collection vehicles already servicing residents in those areas.



- A detailed Site Operating Plan will be included in the transfer station application to TCEQ. The plan will provide details on the required equipment, personnel, and safety procedures necessary to operate the site in accordance with TCEQ regulations. Properly trained personnel will operate the TS, and WCLS will efficiently staff the facility based on the personnel needed to effectively serve the community and comply with the TCEQ authorization and approved Site Operating Plan. The WC Weatherford Transfer Station will be inspected by the TCEQ to ensure the site is in compliance with state regulations.

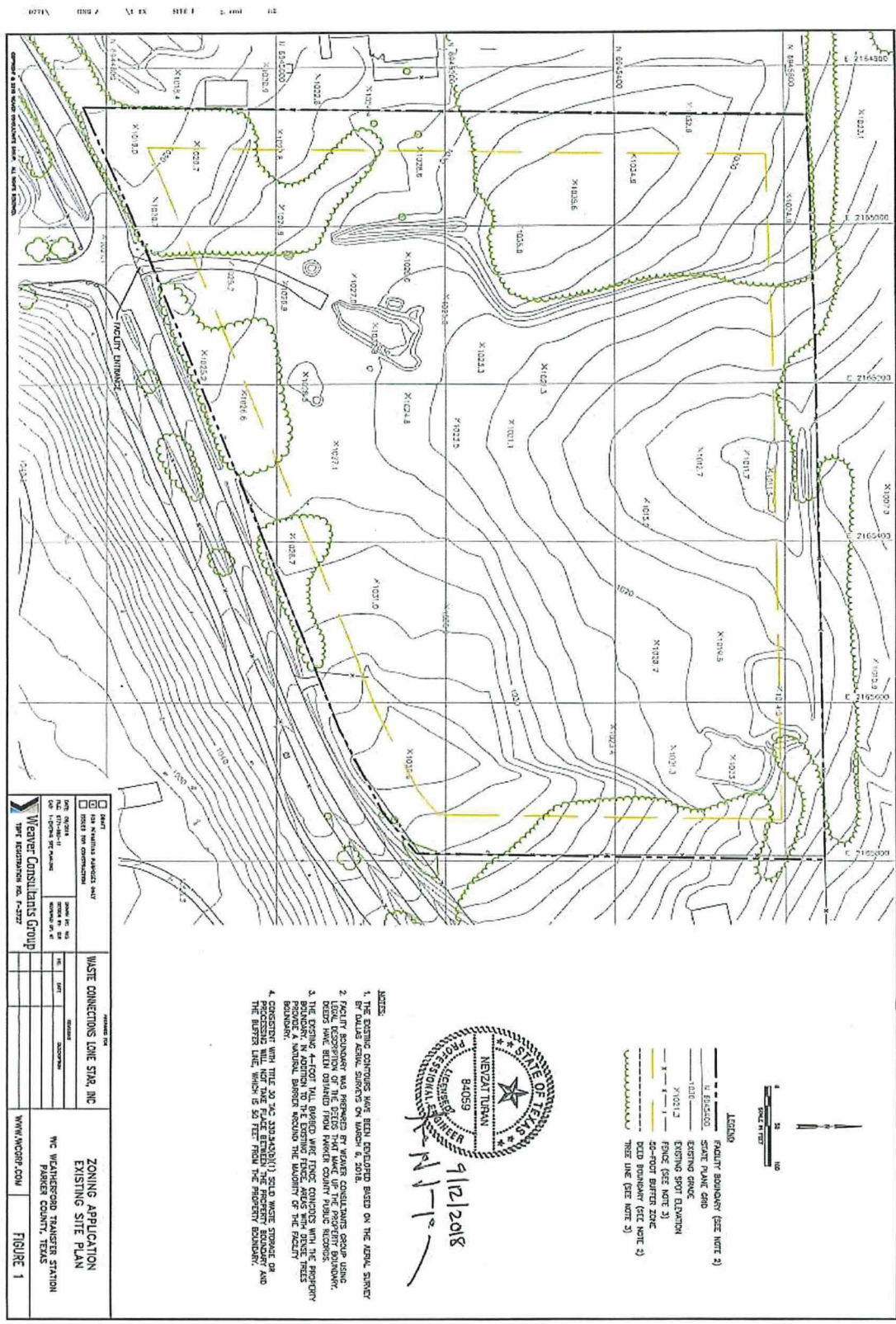
**Current and Future Uses  
WC Weatherford Transfer Station  
Waste Connections Lone Star, Inc.  
3306 Old Brock Road, Weatherford, Texas**

The subject property consists of approximately 14.638 acres and is located at 3306 Old Brock Road, Weatherford, Texas. The property is currently undeveloped, but it has been utilized for commercial/industrial purposes including soil borrow activities.

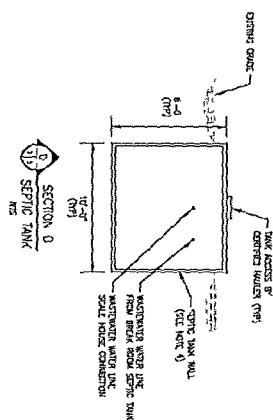
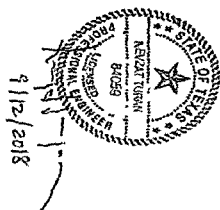
The proposed WC Weatherford Transfer Station (TS) facilities will include an access road; security fencing; transfer station office and scalehouse; transfer station building; container storage area; truck parking areas; citizen's convenience area; stormwater control facilities; contaminated water control facilities; septic tank and irrigation field; and other associated improvements.

No disposal will occur on the property, and the function of the proposed TS is to transfer municipal solid waste and other permissible waste streams and materials (collectively, MSW) from short-haul collection vehicles onto long-haul transportation vehicles and convey such MSW outside the City of Weatherford to one or more distant landfills. The proposed TS operations will include the following:

- Solid Waste Weighing, Tipping, Temporary Storage, Loading, Transfer and Transportation.
- Green Waste Collection, Temporary Storage, Loading, Transfer and Transportation.
- Wood Waste Collection, Temporary Storage, Loading, Transfer and Transportation.
- Earthmoving, Construction, Storm Water Management and Detention.
- Vehicle and Equipment Operations, Fueling, Parking, Storage and Maintenance.
- Other ancillary activities consistent with Solid Waste Operations as well as developments associated with the business may be located within the property.





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## **Exhibit 'B' Development Plan**

3306 Old Brock Road

### **Conditional Use Permit Conditions**

Staff recommends approval of the rezoning to Industrial with a CUP for a Transfer Station subject to the following conditions

- a Screening to effectively restrict 75 percent of the view to adjoining property and public roads to a height of not less than eight (8) feet consisting of a Wall, Fence, Earth berm, or Densely planted evergreens
- b All vehicle parking lots, drive areas equipment and material storage shall be paved with concrete or asphalt surfaces
- c A 10' by 20' fence on each corner of the building running east and west that matches the building façade
- d Install odor control misting system
- e No trash on floor at night or on premises after closing hours on weekend (Saturday & Sunday)
- f Landscaping along roadways and on berms sufficient to screen from all property owners Landscaping must also be along northern property line
- g Landscaping along the drive way leading up to the facility shall substantially block vehicle lights to neighboring residential property
- h Facility will construct a litter/security fence at the edge of paved areas as provided in the facilities site plan The fence will contain privacy screening to minimize any visual impacts of blowing litter and minimize visibility to activities within the building The facility will monitor and collect litter on the property on a daily basis as needed to prevent litter from migrating off the property
- i The exterior construction and design requirements of the transfer station and scale house must adhere to section 12-5-2 of the Development Standards of the City of Weatherford Code of Ordinances and to the final approval of the City of Weatherford