



**SITE PLAN AMENDMENT  
STAFF REPORT**

**City Council Meeting Date:**  
August 2, 2011

**Council District** 2

**Zoning Commission Recommendation:**

Denied by a vote of 6-1

**Opposition:** 21.6% of persons within 200 ft. triggering a super-majority vote; numerous letters in opposition; one person spoke

Continued	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Case Manager	<u>Stephen Murray</u>	
Surplus	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Council Initiated	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

**Owner / Applicant:** **Champions Auto Sales Co.**

**Site Location:** 2004-2024 Jacksboro Highway Mapsco: 61M

**Proposed Use:** **Additional Parking for Vehicle Sales**

**Companion Cases:** ZC-07-168, PD 821

**Background:**

The site is located on Jacksboro Highway near the corner of Ohio Garden Road. The applicant is requesting to amend the 2008 PD site plan which was approved for auto sales and a banquet hall. The current request is to utilize 59 additional parking spaces constructed in violation of the 2008 site plan for sales inventory.

In October 2010, staff received complaints and applicant was cited by Building officials and Code Compliance for illegally constructing a paved parking lot for auto sales. Numerous trees were removed and trees approved on the site plan were not planted due to the new concrete surface. The applicant has also paved approximately 10 ft. of the TxDOT right-of-way, up to the pavement surface of Jacksboro Hwy. except for an approximately one foot planting strip with less than one inch caliper evergreen trees.

The applicant was required to remove the vehicles on the parking area, and is required to obtain Council approval for the revised site plan. If it is not approved, the entire new concrete parking area must be removed. In addition, penalties are being calculated by Urban Forestry for the removed trees and work under the remaining trees. Though certain shrubs and trees are shown on the site plan, the new site will be required to meet Urban Forestry and Landscaping requirements. The table below provides the square feet of pavement added and proposed to be removed.

Square Feet of Concrete Pavement Added
37,904 (0.93 acres) total sf paved
13,068 (0.30 acres) (roughly 33%) to be removed/reclaimed
24,836 (0.63 acres) (roughly 67%) acres to remain for inventory

The case was continued by the City Council on June 7th to allow time for the neighborhood and staff to review a revised site plan. The revised site plan reduces the number of additional new inventory spaces, eliminates some spaces immediately adjacent to Jacksboro Hwy., and provides three landscape islands in the inventory parking area, including trees.

The table below describes the existing approved site plan and the most recently proposed site plan.

Existing Site Plan - 2008		New Site Plan - 2011	
Total parking spaces	86	Total parking spaces	145
Total for required parking	54	Total for required parking	54
Total for handicapped parking	3	Total for handicapped parking	3
Total for sales inventory	29	Total for sales inventory	88
Open space consisting of a grass field		Removal of grass for addition of 59 new inventory parking spaces; 13,068 sf (33%) of illegally constructed concrete to be removed and backfilled with topsoil. The area will be seeded with grass and trees planted.	
		Addition of 6 ft. new ornamental iron fence south of new parking lot at the property line	
Urban Forestry: Maintain 11 existing trees		Removed 11 trees (penalties being processed) Constructed tree island and paved within dripline of retained trees Addition of six (6) landscape islands with 2.5 to 3 inch caliper trees Addition of five (5) 2.5 to 3 inch caliper trees south of parking area and six (6) 2.5 to 3 inch caliper trees west of parking area Addition of 7 (less than 1 caliper) trees in one foot landscape area between concrete and ornamental iron fence Urban Forestry submission and review will be required for the entire area of new pavement.	
Landscaping: Planting of: 3- new small ornamental trees installed 30' center to center (see previous site plan) 9- Red Yucca or smaller shrub installed at 10' center to center		Addition of 19 5-gallon shrubs north of the parking area	

Over 20% of property owners within 200 ft. of the subject property have submitted written opposition to the case. This triggers the state requirement of a super majority (3/4) vote for approval, which is 7 out of 9 votes. The Northside Neighborhood Association has been working with the property owner's representative. The neighborhood association has indicated they would like to see further open space reclaimed but had not taken an official vote on their position at the time of this report.

**Site Information:**

Owner: Martimiano Aguayo  
1820 Jacksboro Highway  
Fort Worth, TX 76114

Agent: Chris Bonilla  
Acreage: 5.11 ac  
Comprehensive Plan Sector: Northside

**Surrounding Zoning and Land Uses:**

- North "CF/DD" Community Facilities/Demolition Delay / Northside High School
- East "A-5" One-Family / single-family
- South "F" General Commercial; "A-5" One-Family / auto sales, Rockwood Golf Course
- West "FR" General Commercial Restricted; "A-5" One-Family / auto sales, single-family

**Site Plan Comments:**

The site plan as submitted is in general compliance with the Zoning Ordinance regulations.

**Recent Relevant Zoning and Platting History:**

Zoning History: ZC-07-168, "PD/E" for all uses in "E" plus banquet hall and auto sales with site plan, approved September 2008.

Platting History: NA

**Public Notification:**

The following Neighborhood Associations were notified:

Northside NA  
Near Northside Partners Council

Fort Worth ISD

**Attachments:**

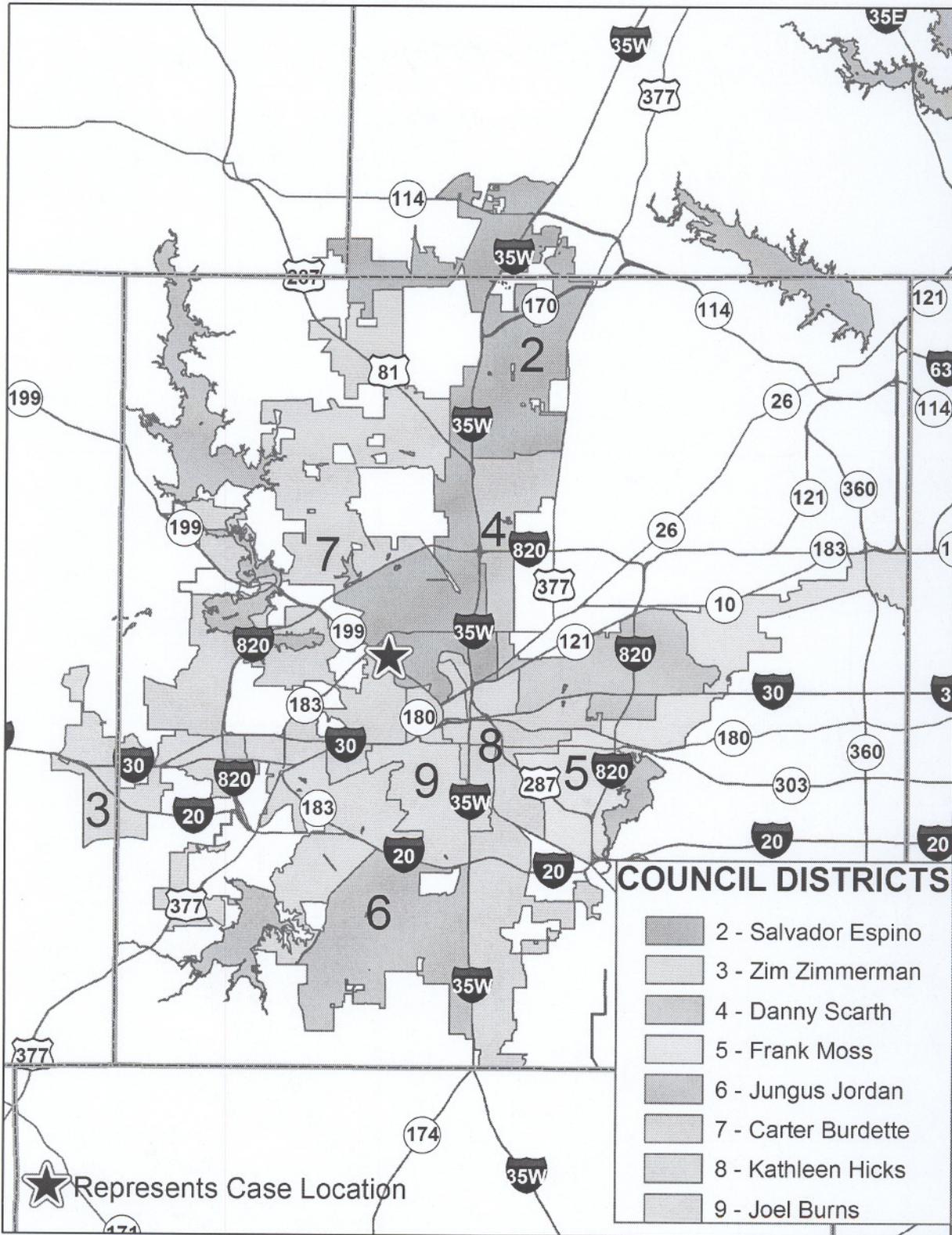
- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Site plan
- Minutes of the Zoning Commission meeting
- Minutes of the City Council meeting

# FORT WORTH



SP-10-008

## Location Map





REVISED PARKING CALCULATIONS FOR SP-10-006 (JUNE 23, 2011)

Approved parking (SP-07-040 - Curbside Pickups)	8
Approved parking (SP-07-040 - Banquet Hall)	48
Approved parking (SP-07-040 - Auto Sales)	41
Approved parking (SP-07-040 - 1 handicapped parking)	1
Total legally added parking (Auto Inventory)	98
Total proposed parking (SP-08-008)	148

**SITE DEVELOPMENT CONTROLS - 'A'**

- Auto Sales - Days of Operation Monday thru Saturday
- Auto Sales - Hours of Operation 9am thru 5pm
- Auto Sales - Advertising Signs / Signage Prohibited
- Banquet Hall - Days of Operation Thursday thru Sunday
- Banquet Hall - Hours of Operation 7am thru 1am
- Curbside Pickups - 84 Hours A Day, Seven Days A Week
- Curbside Pickups - Prohibit Heavy Equipment, Site Clean Up and Load Maintenance, Service As Contact Person Available To Neighbors and General Public

The Following Site Development Controls Were Added On 04/25/11 As Requested By The Northside Neighborhood Association

- Alcohol Allowed For Private Functions
- Further Consumption of Alcohol Prohibited

**SITE DEVELOPMENT CONTROLS - 'D'**

The following site controls address street concrete added by 07,2010

- The "Retained Green Space" will be landscaped per:
  - Article 3. Landscaping, Buffers, and Urban Forestry;
  - Section 4. Landscaping Area Requirements;
  - Paragraph 1. General or Substantial Uses;
  - Subsection 6.8. Landscaping area shall be covered with grass, organic mulch or low maintenance groundcover.
- To prevent loss of ground cover during rain events the grass seed will be held into soil and then watering will be placed over seed bed.
- Newly installed / planted grass and trees will be maintained thru the use of a permanently installed irrigation system and with slow release water bags.
- New trees planted within planting islands will be maintained thru the use of slow release water bags. Slow release water bags to contain a minimum of 20 gallons of water to be filled once a month.
- All proposed trees will be a minimum of 2 1/2" to 3" trunk diameter. All proposed trees will be selected from Table 4.1, TABLE 1 - Preferred Tree List. The size of all proposed trees 1 inch, radius or larger will be based on meeting the required canopy coverage as required by the Urban Forestry Ordinance.
- All concrete with planting islands to be removed and backfilled with topsoil.
- A minimum of 600 square feet of permeable surface must be provided for all new tree plantings.
- All newly planted trees must be replaced within 60 days of the date of project completion or be replaced. The replaced tree must be the same tree 60 year replacement requirement. The requirement to replace the tree shall run with the land.
- Newly planted grass to be maintained thru the use of a permanently installed irrigation system.
- Newly planted grass to be water daily for a minimum of 4 weeks.
- Site to comply with Urban Forestry and Landscaping requirements.

**Location Map**

**SCALE: 1" = 40'**

**PARKING CALCULATION - BUILDING ONE**

- Required Off-Street Parking For Office = 53 Spaces For 1,000 square feet of gross floor space
- Building One = 3,000 sq Ft Office
- 2000 sq Ft office building one = 210 1,000 sq Ft.
- 210 x 0.5 = 105 parking spaces required for building one

**8 PARKING SPACES REQUIRED - BUILDING ONE**

**PARKING CALCULATION - BUILDING TWO - 1ST FLOOR**

- Required Off-Street Parking For Place of Public Assembly = 1 space per 4 seats in main auditorium = plus 3 spaces per 4 employees
- 230 seats main auditorium = 58 parking spaces required 1 space per 4 seats in main auditorium
- 93 PARKING SPACES REQUIRED FOR MAIN AUDITORIUM - BLDG TWO
- 378 sq Ft - auditorium / other uses = 130 x 3 = 390 parking spaces 58 spaces per 1,000 sq Ft of auditorium = 130 x 5 = 650 parking spaces 58 spaces per 1,000 sq Ft.
- 7 PARKING SPACES REQUIRED FOR BALLROOM - BLDG TWO
- 1 PARKING SPACE REQUIRED FOR 4 EMPLOYEES - BLDG TWO
- 41 TOTAL PARKING SPACES REQUIRED FIRST FLOOR - BLDG TWO

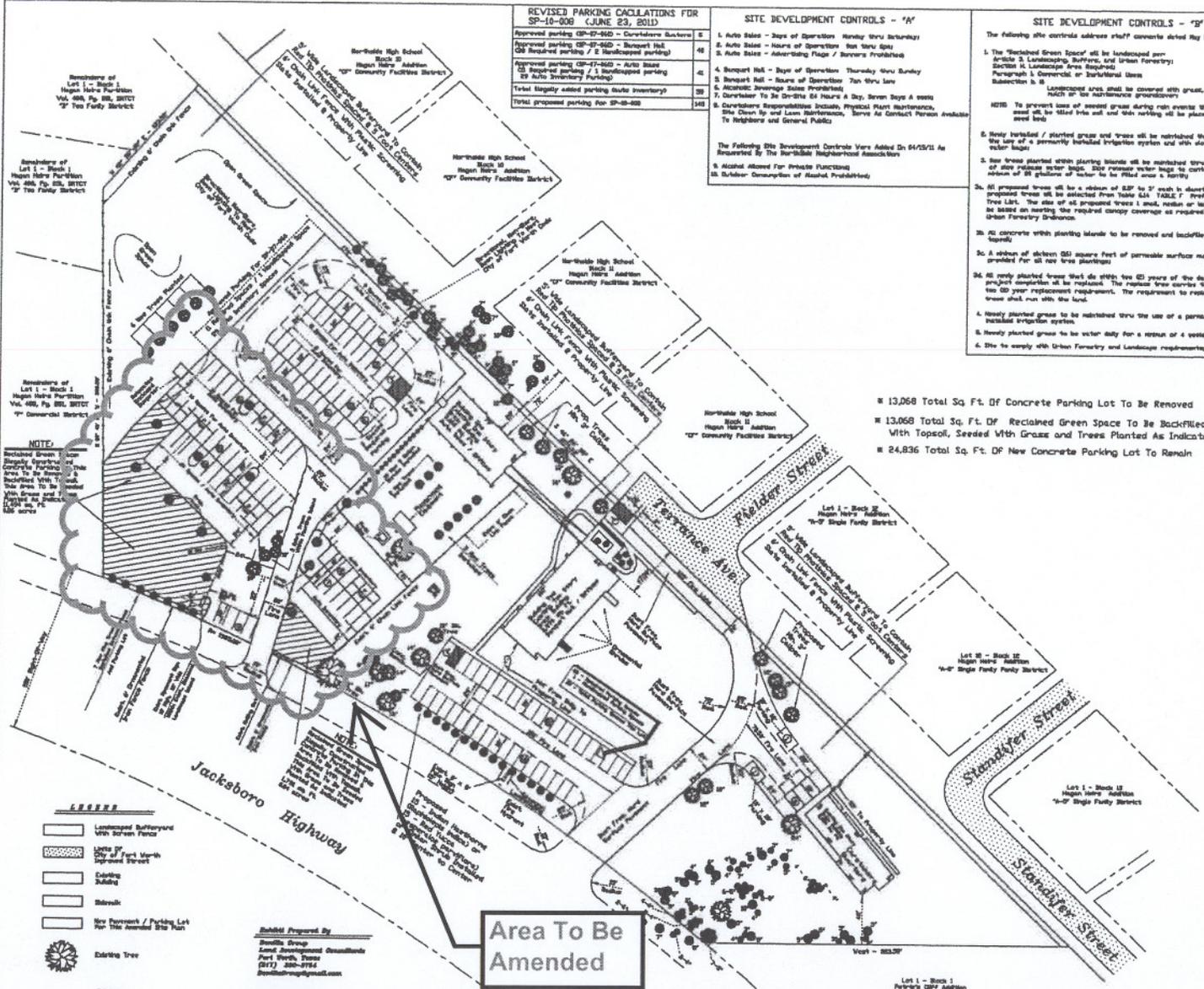
**PARKING CALCULATION - BUILDING TWO - BASEMENT**

- Required Off-Street Parking For Office = 53 Spaces For 1,000 square feet of gross floor space
- Building Two = 2000 sq Ft Office
- 2000 sq Ft office = 210 x 0.5 = 105 parking spaces 58 spaces per 1,000 sq Ft.
- 5 PARKING SPACES REQUIRED - BUILDING TWO / OFFICE - BASEMENT

**54 TOTAL PARKING SPACES REQUIRED FOR BUILDING ONE & TWO**

**84 TOTAL PARKING SPACES PROVIDED**

- 13,068 Total Sq. Ft. Of Concrete Parking Lot To Be Removed
- 13,068 Total Sq. Ft. Of Retained Green Space To Be Back-Filled With Topsoil, Seeded With Grass and Trees Planted As Indicated
- 24,836 Total Sq. Ft. Of New Concrete Parking Lot To Remain



**RECEIVED**

JUN 24 2011

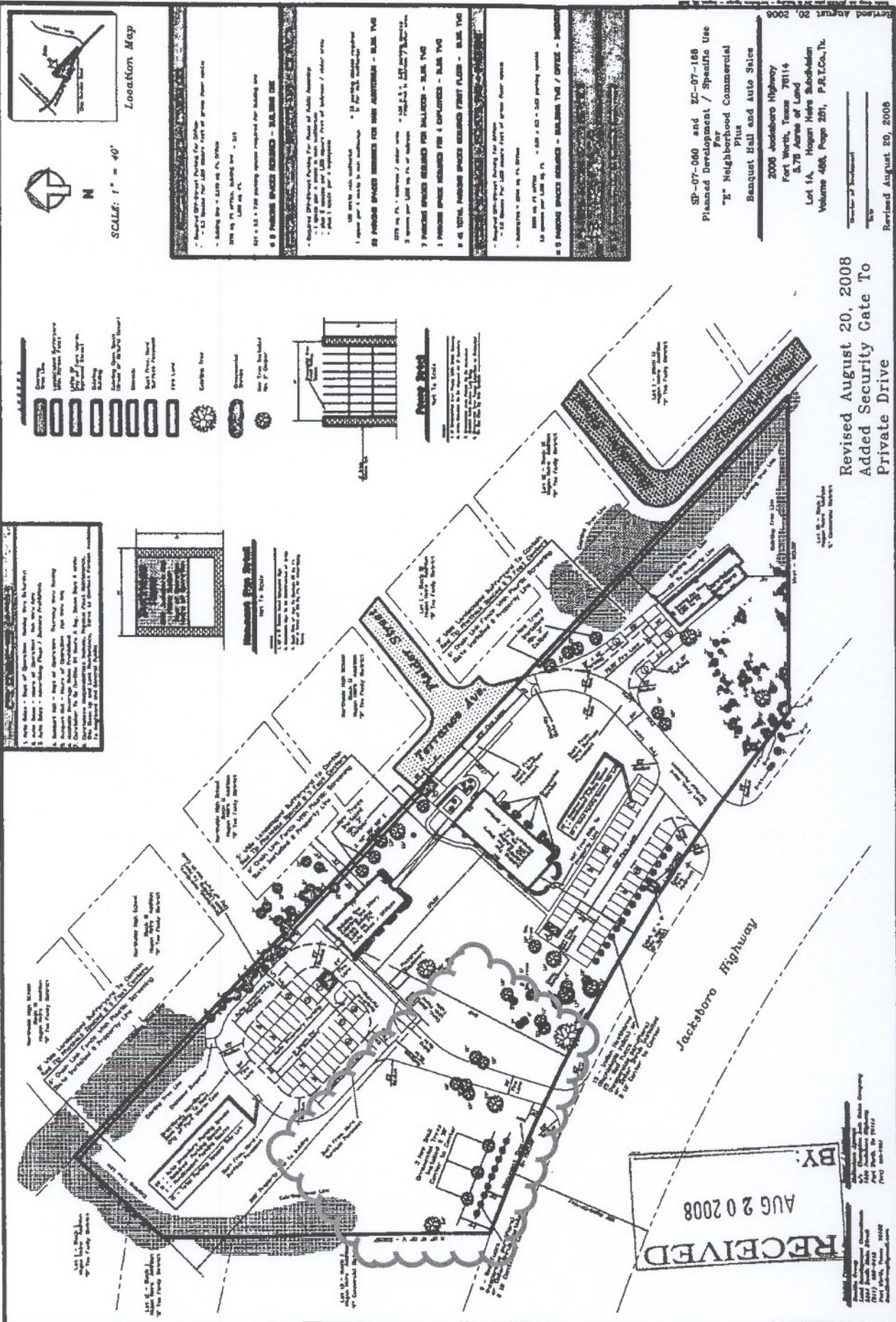
BY: \_\_\_\_\_

SP-10-006  
Amended  
Planned Development / Specific Use  
Site Plan  
For  
"E" Neighborhood Commercial  
Plus  
Banquet Hall and Auto Sales

2008 Jacksboro Highway  
Fort Worth, Texas 76114  
5.78 Acres of Land  
A Portion Of  
Lot 1, Block 1, Hagan Heirs Partition  
Volume 488, Page 251, D.R.T.Co.,Tx.

Director of Planning & Development  
Site  
Amended June 23, 2011

Amended June 23, 2011



1. All utility lines shown on this plan are assumed to be in place and are shown for information only. The applicant is responsible for verifying the location and depth of all utility lines before construction.

2. All utility lines shown on this plan are assumed to be in place and are shown for information only. The applicant is responsible for verifying the location and depth of all utility lines before construction.

3. All utility lines shown on this plan are assumed to be in place and are shown for information only. The applicant is responsible for verifying the location and depth of all utility lines before construction.

- 1. 1" = 40'
- 2. 1" = 40'
- 3. 1" = 40'
- 4. 1" = 40'
- 5. 1" = 40'
- 6. 1" = 40'
- 7. 1" = 40'
- 8. 1" = 40'
- 9. 1" = 40'
- 10. 1" = 40'
- 11. 1" = 40'
- 12. 1" = 40'
- 13. 1" = 40'
- 14. 1" = 40'
- 15. 1" = 40'
- 16. 1" = 40'
- 17. 1" = 40'
- 18. 1" = 40'
- 19. 1" = 40'
- 20. 1" = 40'

**Location Map**

**SCALE: 1" = 40'**

**North Arrow**

**SP-07-060 and ZC-07-188**  
 Planned Development / Specific Use  
 For  
 "T" Neighborhood Commercial  
 Plus  
 Banquet Hall and auto Sales

2006 Jacksboro Highway  
 Fort Worth, Texas 76114  
 5.78 Acres of Land  
 Lot 1A, Hogan Heirs Subdivision  
 Volume 466, Page 291, P.A.T.C.O., Inc.

Revised August 20, 2008  
 Added Security Gate To  
 Private Drive

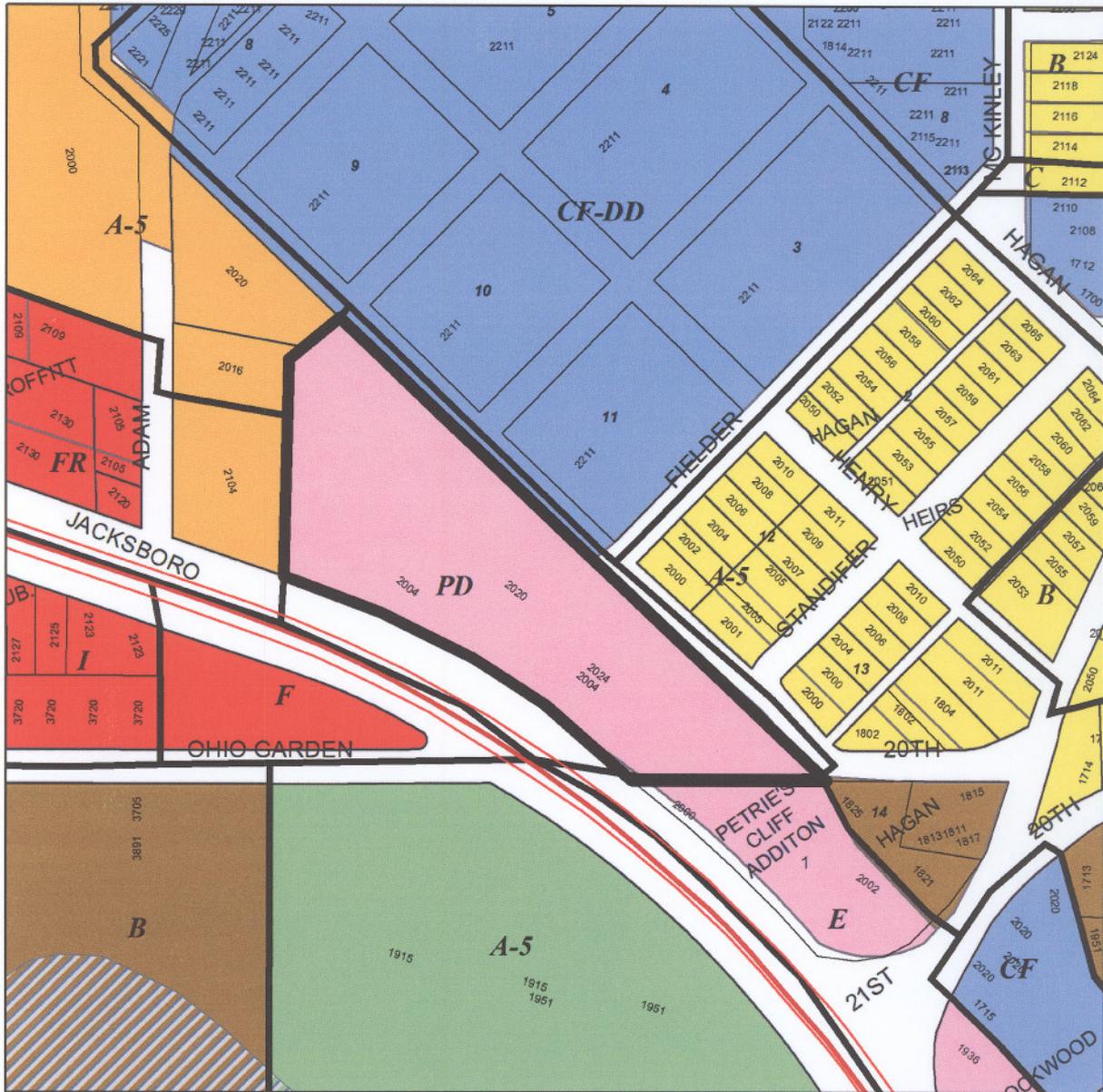
Revised August 20, 2008

**RECEIVED**  
 AUG 20 2008  
 BY: \_\_\_\_\_



# Future Land Use

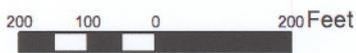
SP-10-008



- Vacant, Undeveloped, Agricultural
- Rural Residential
- Suburban Residential
- Single Family Residential
- Manufactured Housing
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Institutional

- Neighborhood Commercial
- General Commercial
- Light Industrial
- Heavy Industrial
- Mixed-Use Growth Center
- Industrial Growth Center
- Infrastructure
- Lakes and Ponds
- Public Park, Open Space
- Private Park, Open Space

- CFWGIS.SDE.TRN\_RAILROADS
- CFWGIS.SDE.CAD\_addresses
- Freeways/Toll Roads
- Proposed Freeway/Toll Road
- Principal Arterial
- Proposed Principal Arterial
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- Flood Plain



A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government code, Section 219.005) Land use designations were approved by City Council on February 23, 2011



## Aerial Photo Map



**XVI. ORDINANCE**

**1. An Ordinance Amending Ordinance No. 19692-05-2011, Ordering a Run-off Election by the Qualified Voters of the City of Fort Worth, Texas, on Saturday, the 18th Day of June, 2011, for the Purpose of Electing the Mayor and a Council Member for City Council District 7 to Add an Election Day Polling Location.**

Interim City Manager Tom Higgins read the following revision to the second paragraph of the Election Ordinance into the record:

*Whereas, no candidate received a majority of the total number of votes in the Mayor and Council District 7 contests, necessitating a run-off election for each of these races.*

Motion: Council Member Hicks made a motion, seconded by Council Member Zimmerman, that Ordinance No. 19724-06-2011 be adopted as amended. The motion carried unanimously nine (9) ayes to zero (0) nays.

**XVII. ZONING HEARING**

Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

**1. Zoning Docket No. ZC-11-006A - City of Fort Worth Planning & Development, Northside Neighborhood Phase 3, 2423 Clinton Avenue; from: "F" General Commercial to: "E" Neighborhood Commercial. (Recommended for Approval) (Continued from a Previous Meeting)**

This item was continued from the May 10, 2011, Council meeting.

Motion: Council Member Espino made a motion, seconded by Mayor Pro tem Scarth, that Zoning Docket No. ZC-11-006A be continued until the July 12, 2011, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

**2. Zoning Docket No. SP-10-008 - Champions Auto Sales Co. 2004-2024 Jacksboro Highway; Site plan amendment to PD-821 to add additional parking for vehicle sales. (Recommended for Denial) (Continued from a Previous Meeting)**

This item was continued from the May 10, 2011, Council meeting.

Motion: Council Member Espino made a motion, seconded by Mayor Pro tem Scarth, that Zoning Docket No. SP-10-008 be continued until the July 12, 2011, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

It appeared to the City Council that the Notice of Special Hearing set today as the date for the hearing in connection with recommended changes and amendments to Zoning Ordinance No. 13896 and that notice of the hearing had been given by publication in the Fort Worth Star-Telegram, the official newspaper of the City of Fort Worth, on May 16, 2011.

**5. Zoning Docket No. SP-10-008 - Champions Auto Sales Co. 2004-2024 Jacksboro Highway; Site plan amendment to PD-821 to add additional parking for vehicle sales. (Recommended for Denial)**

Motion: Council Member Espino made a motion, seconded by Council Member Hicks, that Zoning Docket No. SP-10-008 be continued until the May 10, 2011, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

**6. Zoning Docket No. ZC-11-027 - Matthew Hicks, 5338 Boat Club Road; from: "A-5" One-Family to: "ER" Neighborhood Commercial Restricted. (Recommended for Approval)**

Council Member Burdette stated some of the residents in the area were concerned about allowing any other uses in the area besides "A-5" One-Family. He stated that Boat Club Road had grown significantly over the years from the small country road that it once was and should not be considered only a single-family residential area. He stated that changes and rezoning would continue in this area and he would support this zoning request.

Mr. Matthew Hicks, Applicant, 4300 Boat Club Road, appeared before Council in support of Zoning Docket No. ZC-11-027 and stated he had spoken with all of the residents in the area and they were in support of his business.

Motion: Council Member Burdette made a motion, seconded by Council Member Hicks, that Zoning Docket No. ZC-11-027 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**7. Zoning Docket No. ZC-11-028 - Triple "T" Farms, LTD, a Texas Limited Partnership, 6051 W. Bailey Boswell Road; from: "E" Neighborhood Commercial to: "PD/E" Planned Development for all uses in "E" Neighborhood Commercial with no maximum building size; site plan included. (Recommended for Approval)**

Council Member Burdette advised that this zoning change allowed for commercial development in the area which included a Kroger Grocery Store and advised the zoning change would be positive for the area.

Mr. Michael Clark, representing the applicant, completed a speaker card in support of Zoning Docket No. ZC-11-028, but did not wish to address the City Council.

Motion: Council Member Burdette made a motion, seconded by Council Member Zimmerman, that Zoning Docket No. ZC-11-028 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**City of Fort Worth, Texas**  
**Zoning Commission**  
**March 09, 2011 – Meeting Minutes**

**DRAFT**

---

**Present:**

Nick Genua, District 7  
Ann Zadeh, Vice Chair, District 1  
Jackson Wilson, District 3  
Ramon Romero, District 8  
Charles Edmonds, Jr., District 4  
Maurice Barnes, District 5  
Stephanie Spann, District 6

**Staff Members Present:**

Dana Burghdoff, Deputy Director  
Jocelyn Murphy, Planning Manager  
Lynn Jordan, Planner  
Stephen Murray, Planner  
Beth Knight, Senior Planner  
Melinda Ramos, Legal

**Absent:**

Neftali Ortiz, District 2  
Gaye Reed, District 9

**I. Public Hearing** – 10:08 A. M.

Ms. Murphy explained the procedure to be followed for the Zoning Commission meeting.

**II. Minutes**

The Commission, on a motion by Mr. Edmonds, seconded by Ms. Spann, on a vote of 7-0, voted to approve the Zoning Commission minutes of the February 23, 2011 meeting.

Video on individual cases can be viewed at the following website.

[http://fortworthgov.granicus.com/ViewPublisher.php?view\\_id=2](http://fortworthgov.granicus.com/ViewPublisher.php?view_id=2)

**III. Continued Cases**

**1. SP-10-008 Champions Auto Sales Co. (CD 2)- 2004-2024 Jacksboro Highway (Hagan Heirs Subdivision, Block, Lot 1A, 5.11 Acres): Amend site plan for PD-821 to add parking spaces to expand auto sales storage lot and amend required landscaping; site plan included.**

Chris Bonilla, 8540 Charleston, Fort Worth, Texas, representing Champions Auto Sales Co., explained to the Commissioners that the original site plan case was approved by Council in 2007. The site plan at that time indicated development controls and included 29 parking spaces for inventory. Mr. Bonilla mentioned the revised site plan as submitted will incorporate all previously approved language for development controls, 29 parking spaces with an additional 101 parking spaces for auto inventory, for a total of 130 spaces. The majority of the added parking spaces are already in place without updating the site plan.

Mr. Bonilla explained how this happened. He mentioned the contractor that was hired ensured them they would pull all necessary permits and update the site plan for approval. The contractor was paid for the construction and walked away from the job without doing this. The Bonilla group was hired to provide an amended site plan. He also added the revised site plan will

incorporate 34 new shrubs and 33 trees. Eleven trees were removed during the construction of the parking lot.

Carlos Flores, 1415 Circle Park Boulevard, a member of the Northside Neighborhood Association was curious as to why the owner deviated from the approved site plan back in 2008. He understands what Mr. Bonilla said about the contractor walking away and they were trying to mitigate some of the parking by adding additional landscape islands. He mentioned as an owner he would have followed up to make sure this additional parking could be done because it was tied to a site plan.

Michael Grooms, 2004 Sandifer Street, mentioned there is no green space area out by the fence as indicated on the site plan it is all concrete.

Mr. Bonilla, in rebuttal explained to the Commissioners this is a hard case to explain as to how they got to this point since the contractor walked away from the site plan. Mr. Bonilla followed up on Mr. Green's comment about there being no green area by the fence line. The revised site plan needs to be revised to indicate the green area as paved surface. Mr. Bonilla submitted a petition of support letters from the neighborhood.

Ms. Spann asked about the paved area where the green is indicated. Mr. Bonilla explained there is a graphic error on the site plan. Ms. Murphy asked and Mr. Bonilla confirmed that the paved area is within the TxDOT right-of-way for Jacksboro Hwy.

Mr. Edmonds asked about the site plan showing plantings along Jacksboro Highway. In response Mr. Bonilla mentioned there are seven trees planted inside of the fence along Jacksboro. There is about 3 ½ feet of paving between fence and trees.

Ms. Zadeh mentioned the case history and if it is the same owner as in 2008 they should have followed the site plan as approved back then. She also asked if the applicant had asked the contractor to pave this area. Mr. Bonilla said yes they did.

Motion: Following brief discussion Mr. Genua recommended denial of the request, seconded by Ms. Spann. The motion carried 6-1 with Mr. Edmonds against.

#### IV. ~~New Cases~~

**2. ZC-10-185 Jack 2199, Inc. (CD 2)- 2000 Jacksboro Highway (Petrie's Cliff Addition, Block 1, Lot 1, 1.50 Acres): from "E" Neighborhood Commercial to "PD/E" Planned Development for all uses in "E" Neighborhood Commercial plus car wash & auto repair; site plan included.**

Jim Schell, 901 Fort Worth Club Building, representing Jack 2199, Inc. explained to the Commissioners the request is to rezone to PD/E plus car wash and auto repair for this site. The owner has met with the Northside Neighborhood and trying to develop a site plan for this property. Mr. Schell mentioned the neighborhood was in support, however; they questioned the