



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
September 13, 2011

Council District 9

Zoning Commission Recommendation:

Denial by a vote of 7-0

Opposition: three people spoke

Continued Yes X No
Case Manager Lynn Jordan
Surplus Yes No X
Council Initiated Yes No X

Owner / Applicant: Cockrell Realty

Site Location: 3105 Cockrell Avenue Mapsco: 76/X

Proposed Use: Parking Lot

Request: From: "A-5" One-Family
To: "PD/SU" Planned Development/Specific Use for parking lot, site plan included

Land Use Compatibility: Requested change is not compatible.

Comprehensive Plan Consistency: Requested change is not consistent.

Background:

The applicant is requesting a zoning change to "PD/SU" to add parking for an existing restaurant. The parking lot was constructed in 2010 and has not been legal to use since the denial of a zoning case in August 2010.

The property currently consists of one lot (replatted in January 2010) divided into two zoning districts, including the restaurant and parking lot in "MU-1" and the subject area in "A-5".

On the south property line, the site plan provides a five foot buffer, a six foot, double sided green fence, and seven angled parking spaces. The double sided green fence is proposed to be removed once vegetation fills in. The projected 20' setback along Cockrell will consist of green area with sculptures.

This same request was heard by the Zoning Commission on July 14, 2010, and City Council August 3, 2010, when the case was denied without prejudice.

Development Standards	A-5	Proposed PD/SU
Front Yard	20 ft	20 ft (projected setback)
Rear Yard	5 ft	0 ft
Side Yard	5 ft	0 ft
Building Height	35 ft maximum	n/a
Parking	Two spaces located behind front building line	23 parking spaces

Site Information:

Owner: Cockrell Realty Inc./Clark Barcus
3113 S. University Dr.
Suite 440
Fort Worth, TX 75109

Acreage: 0.27 ac
Comprehensive Plan Sector: TCU/Westcliff

Surrounding Zoning and Land Uses:
North "MU-1" Low Intensity Mixed Use / restaurant
East "A-5" One-Family / single family
South "A-5" One-Family / single family
West "A-5" One-Family / single family

Site Plan Comments:

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

- 1. Four parking spaces do not meet the required 9x18 parking space due to the proposed box planter.
- 2. Provide the 20 foot front setback.

Compliance with the items noted above shall be reflected on the site plan or a waiver is required.

Public Notification:

The following Neighborhood Associations were notified:

Frisco Heights	United Neighborhood Alliance
Bluebonnet Hills	Berry Street Initiative
Bluebonnet Place	Fort Worth ISD

Recent Relevant Zoning and Platting History:

Zoning History: ZC-10-108 Request for PD/SU for parking lot denied without prejudice 8-03-10 by City Council. ZC-06-179 Rezoned from B to A-5 approved by City Council 9/05/2006 subject property.

Platting History: FS-09-159 Forest Park Addition, Block 5, Lot 5R2 recorded 1/08/2010

Development Impact Analysis:

1. **Land Use Compatibility**

The applicant is requesting a zoning change to PD/SU for a parking lot. The subject property is part of a larger split zoned lot. The proposed parking lot encroaches into the single family residential neighborhood and could create more traffic down Cockrell Avenue.

Surrounding land uses are predominantly single family with some commercial businesses to the north in the MU-1 district.

The proposed zoning **is not compatible** with surrounding land uses and zoning.

2. **Comprehensive Plan Consistency**

The 2011 Comprehensive Plan designates the site as single family. The proposed zoning is not consistent with the following Comprehensive Plan policy:

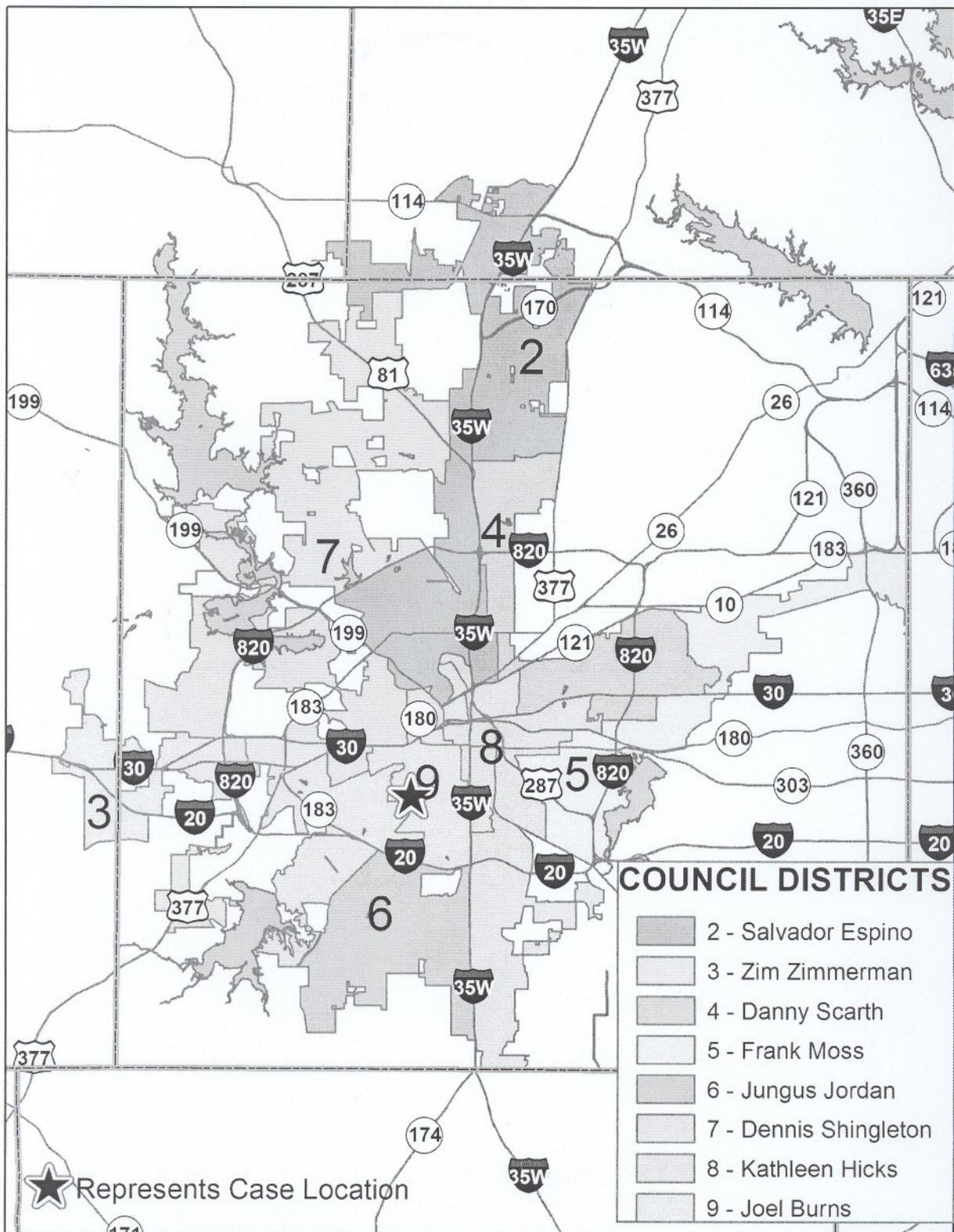
- Preserve and protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, speculation, demolition, neglect, and other negative forces. (pg. 37)

Based on the lack of conformance with the future land use map, and policy stated above, the proposed zoning **is not consistent** with the Comprehensive Plan.

Attachments:

- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Site Plan
- Minutes from the August 2, 2011 City Council meeting
- Minutes from the July 13, 2011 Zoning Commission meeting
- Minutes from the July 14, 2010 Zoning Commission meeting and November 9, 2010 City Council meeting.

Location Map



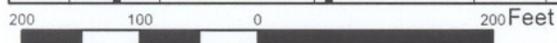
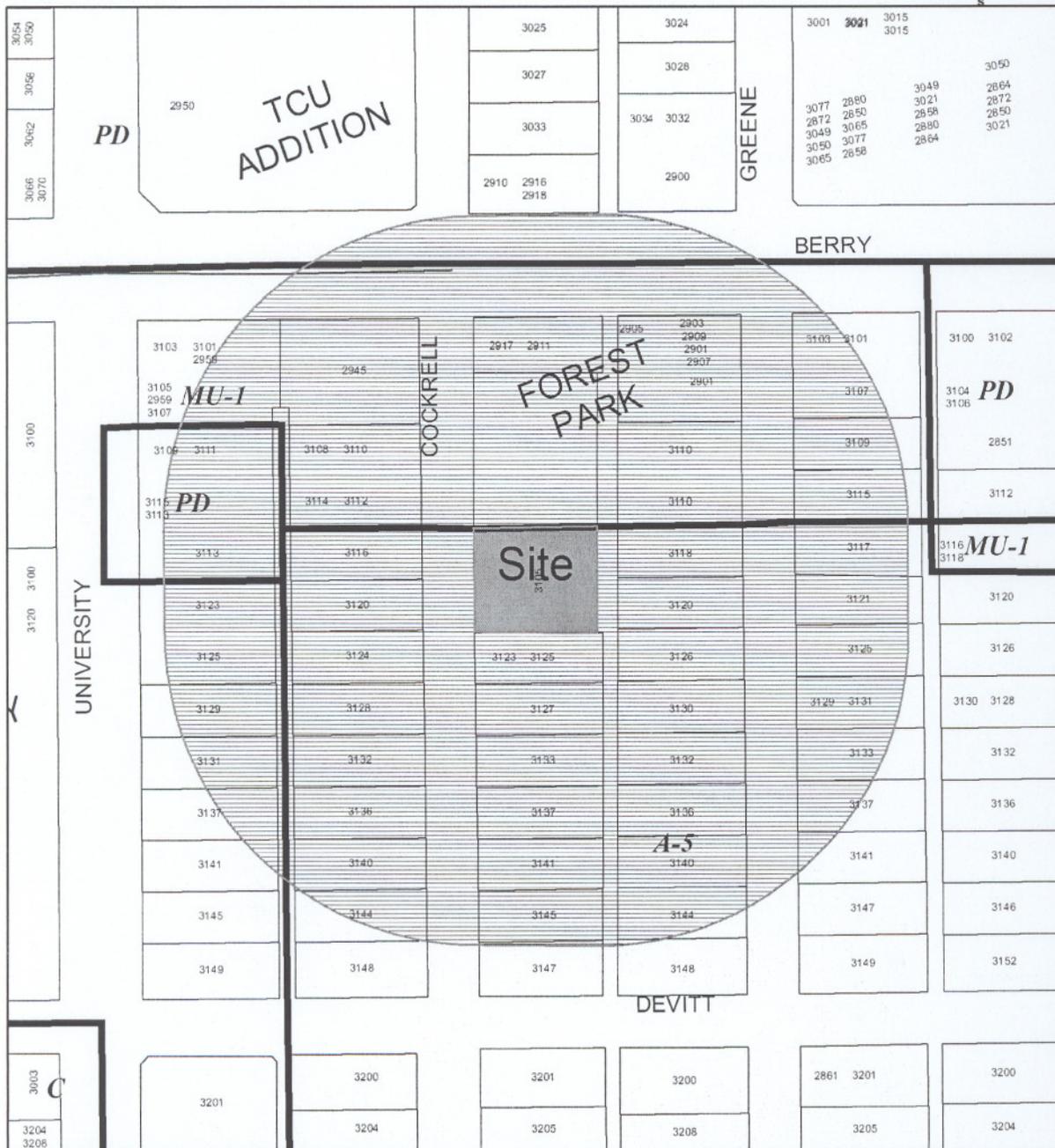


ZC-11-054

Area Zoning Map

Applicant: Cockrell Realty
 Address: 3105 Cockrell Avenue
 Zoning From: A-5
 Zoning To: PD/SU for parking lot, site plan attached
 Acres: 0.28
 Mapsco: 76X
 Sector/District: TCU/Westcliff
 Commission Date: 07/13/2011
 Contact: 817-392-2495

 300 Ft. Buffer

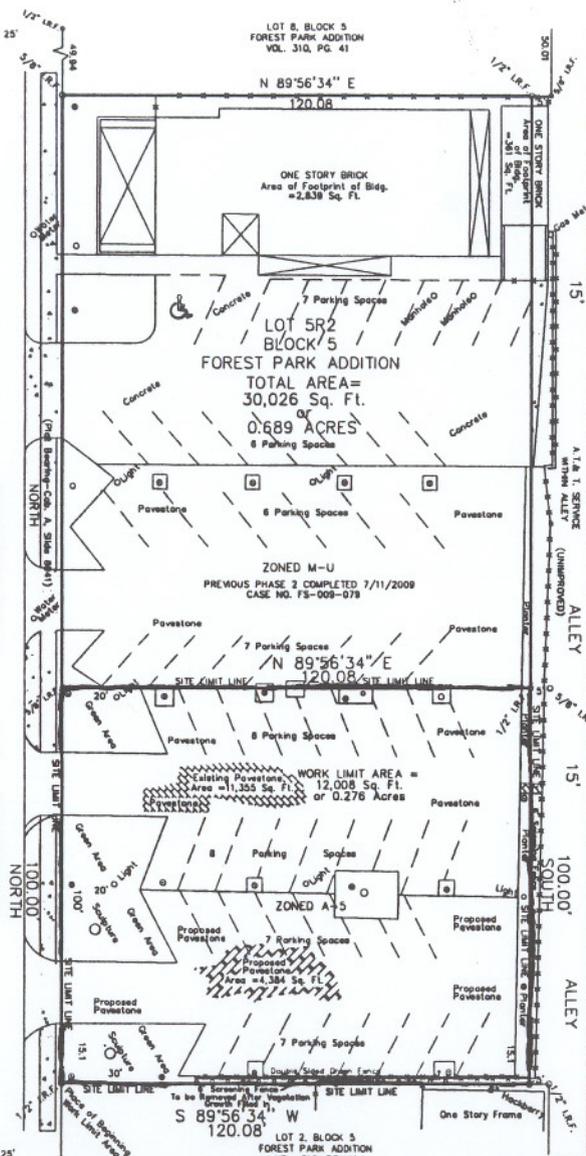


RECOMMENDED FOR DENIAL

Area of Proposed Parking Lot

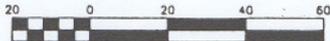


COCKRELL AVENUE NORTH



Base of Bearings: East line of Cockrell Avenue as NORTH, per plat Cab. A, Slide 8041

ZONING CASE NO



Scale 1" = 20'

Developer: Cockrell Realty, LLC
 Clarke Barcus
 25 Highland Park Village Suite 201
 Dallas, Texas 75205
 Phone: 214-762-6198

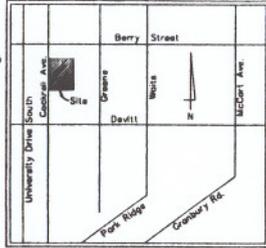
DESCRIPTION OF SITE

BEING part of Lot 5R2, Block 5 of LOT 5R2 in BLOCK 5 of FOREST PARK ADDITION, an addition to the City of Fort Worth, Tarrant County, Texas, according to the plat thereof recorded in Instrument No. 210004676 of the Plat Records of Tarrant County, Texas, and being more particularly described as follows:
 BEGINNING at a point in the East line of Cockrell Avenue, (a 50' R.O.W.), said point being the Southwest corner of said Lot 5R2, same being the Northeast corner of Lot 2, Block 5 of Forest Park Addition, an addition to the City of Fort Worth, Texas, according to the plat thereof recorded in Volume 310, Page 41, Plat Records Tarrant County, Texas, a 1/2" iron rod found for corner;
 THENCE: North, with the said East line of Cockrell Avenue, a distance of 100.00 feet, a 5/8" iron rod found for corner;
 THENCE: North 89 deg. 56 min. 34 sec. East, a distance of 120.08 feet to a point in the West line of a 15' alley, a 1/2" iron rod found for corner;
 THENCE: South, with the West line of said 15' alley, a distance of 100.00 feet to the Southeast corner of said Lot 5R2, a 1/2" iron rod found for corner;
 THENCE: South 89 deg. 56 min. 34 sec. West, with the common line of Lot 5R2 and Lot 2, a distance of 120.08 feet to the PLACE OF BEGINNING and CONTAINING 12,008 square feet or 0.276 acres of land.

Ben D. Rychnik, R.P.L.S. No. 1630



SITE MAP
(Not to Scale)



SITE PLAN

OLD RIP'S TEX-MEX
PROPOSED ZONING CHANGE FROM EXISTING "A-5" TO PD-SU
PART OF LOT 5R2, BLOCK 5 FOREST PARK ADDITION

SITE AREA = 12,008 Sq. Ft. or 0.276 Acres

NOTES:
 Landscaping Will Comply with Section 6.301 Requirements
 Site will Comply with Urban Forestry Requirements
 All Parking Spaces to be 9'x18'

LIGHTING NOTES:
 Lights will be 20' Tall, 277 Volt GE, Multi Vapor, Aiming Inwards and Downwards Toward Parking Area. No more than 5 Foot Candles.

LEGEND	
—	IRON ROD FOUND
—	IRON ROD SET
—	FENCE
—	CONCRETE
—	EXISTING PAVESTONE
—	PROPOSED PAVESTONE

an addition to the City of Fort Worth, Tarrant County, FOREST PARK ADDITION, an addition to the City of Fort Worth, as said Block 5 appears upon the Plat thereof recorded in Inst. 210004676 of the Plat Records of Tarrant County, Texas.

J.C. BATES SURVEY ABSTRACT NO. 226
 Address: 3115 Cockrell Avenue, Fort Worth, Tx.
 OCTOBER 14, 2009
 REVISED: AUGUST 5, 2010

Director of Planning and Development

Date:

ZONING CASE NO. :

SURVEYING ASSOCIATES

1018 S. BECKLEY AVE.

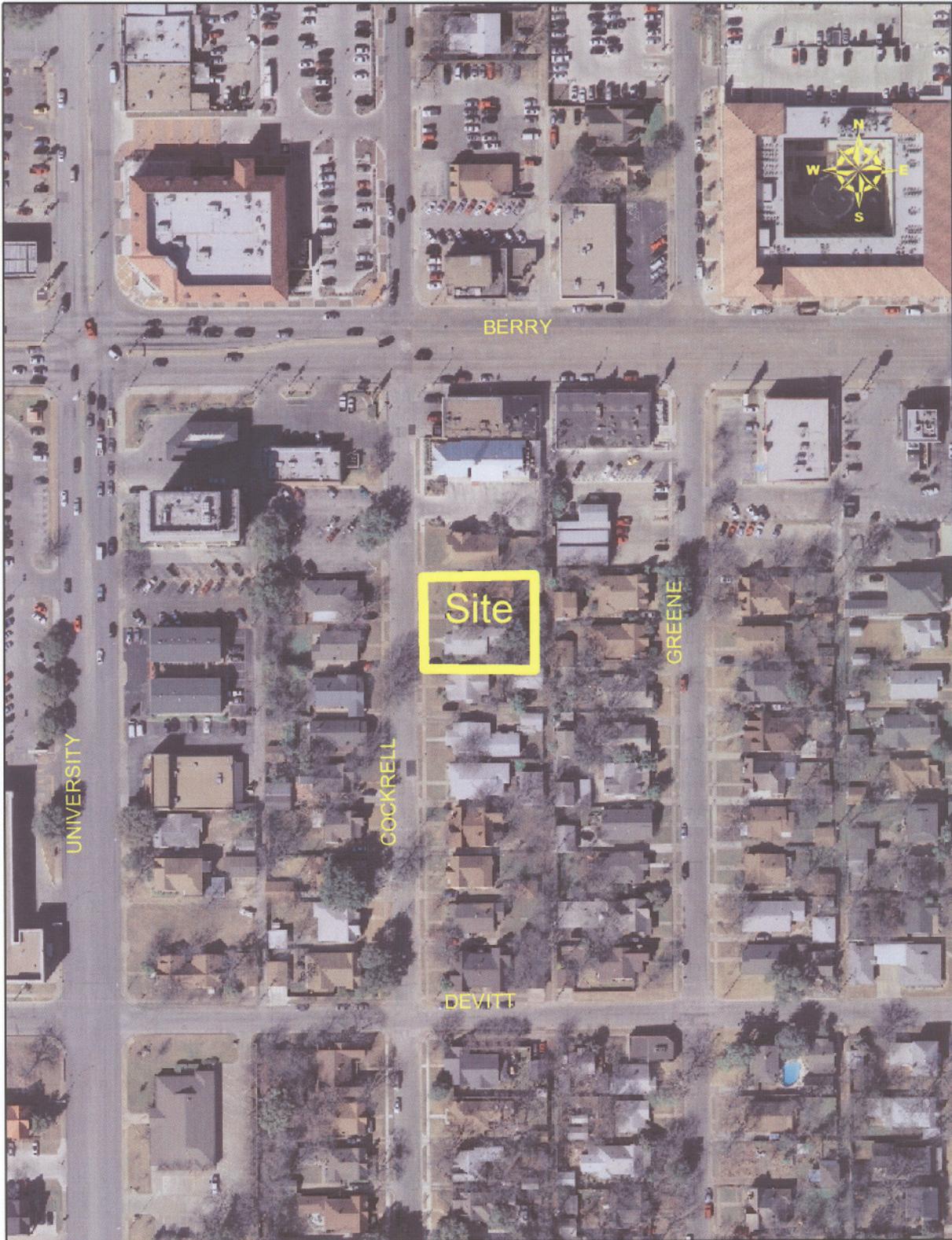
DALLAS, TEXAS 75203

PHONE: (214)948-3324
 FAX: (214)946-7540
 Job No. 09-363-CP(2)

ZC-11-054



Aerial Photo Map



11. Zoning Docket No. ZC-11-053 - City of Fort Worth Police Department, 1591 Greenbelt Road; from: "AG" Agricultural & "O-1" Floodplain to: "PD/SU" Planned Development/Specific Use for wastewater treatment and Police weapons firing range; site plan waiver recommended. (Recommended for Approval)

Motion: Council Member Moss made a motion, seconded by Council Member Burns, that Zoning Docket No. ZC-11-053 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

12. Zoning Docket No. ZC-11-054 - Cockrell Realty, 3105 Cockrell Avenue; from: "A-5" One-Family to: "PD/SU" Planned Development/Specific Use for parking lot; site plan included. (Recommended for Denial)

Council Member Burns reiterated that he would make a motion to continue Zoning Docket No. ZC-11-054 to the September 13, 2011, Council meeting. He stated that those citizens present at the meeting would be allowed to speak on the item. He also stated that he would be tentatively scheduling a meeting for August 13, 2011, with the neighborhood associations, property owners and Old Rip's to see if a compromise could be achieved prior to the September 13, 2011, Council meeting.

The following individuals appeared before Council in support of Zoning Docket No. ZC-11-054 and stated that they welcomed the opportunity to discuss a compromise with the neighborhood association and the adjacent property owners. They also advised that many of the individuals in opposition to this item had never attended any of the meetings that were held to discuss this item. They stated that the opposition had reported numerous noisy tent parties when the venue had only hosted one (1) tent party in two (2) years and had since sold the tent and would not be hosting anymore tent parties. They also stated that the parking lots would be safer than the street parking and would deter crime and vandalism. They stated that the meeting suggested by Council Member Burns would be a welcomed opportunity to visit with everyone and possibly work out a compromise.

Mr. Clarke Barcus, 3113 South University Drive, Suite 440
Mr. Zachary Brown, 6615 Sabrosa Court East

The following individuals completed speaker cards in support of Zoning Docket No. ZC-11-054 and were recognized by Mayor Price but were not present in the Council Chamber.

Mr. Charles Mencke, 612 Sunrise Court
Mr. Thomas Torlincasi, 1020 Duane Street

The following individuals appeared before Council in opposition of Zoning Docket No. ZC-11-054 and stated the Bluebonnet Place and Bluebonnet Hills Neighborhood Associations strongly opposed to this item. They also stated that misinformation was provided to individuals in opposition stating a

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
AUGUST 2, 2011
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(ZC-11-054 Continued)

compromise had been reached when no such compromise had occurred. They pointed out that identical zoning cases had been denied in the past. They stated that commercial interests should not encroach into the residential area and the zoning was not consistent with the Comprehensive Plan. They added that the additional parking lots would have a negative impact and would bring crime and other nuisances to the area. They stated that the business was originally a flower shop and fit in with the neighborhood and advised that a bar did not fit in with a residential area. They requested the Council not delay this item any further and vote to deny the item.

Mr. Michael Banta, 3209 Greene Avenue
Mr. John Davis, 3216 Rogers Avenue
Mr. Charles Dreyfus, 2416 Park

Motion: Council Member Burns made a motion, seconded by Council Member Jordan, that Zoning Docket No. ZC-11-054 be continued until the September 13, 2011, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

13. Zoning Docket No. ZC-11-055 - City of Fort Worth Planning & Development/Petition, 4700 block of Pershing Avenue, from: "B" Two-Family to: "A-5" One-Family. (Recommended for Approval)

Ms. Lisa Bashore, 4728 Pershing Avenue, completed a speaker card in support of Zoning Docket No. ZC-11-055, but did not wish to address the City Council.

Motion: Council Member Shingleton made a motion, seconded by Mayor Pro tem Zimmerman, that Zoning Docket No. ZC-11-055 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

14. Zoning Docket No. SP-11-004 - Fort Worth Midtown Village, 2222 W. Rosedale Street, Site plan amendment to PD-558 to include drive through lanes between the building and the street, not meet the 40% fenestration requirement for Lots 1 & 5, not provide screening of driveway for Lot 1. (Recommended for Approval as Amended to waive screening of driveway Lot 1, location of drive through for Lot 1, fenestration requirement for Lots 1 & 5, masonry requirement for Lot 5)

Mr. Paul Paine, 1606 Mistletoe Boulevard, completed a speaker card in support of Zoning Docket No. SP-11-004, but did not wish to address the City Council.

Motion: Council Member Burns made a motion, seconded by Mayor Pro tem Zimmerman, that Zoning Docket No. SP-11-004 be approved as amended with the fenestration requirement for Lots 1 and 5 and masonry requirement for Lot 5. The motion carried unanimously nine (9) ayes to zero (0) nays.

site for the sniper range. Through the presentation, he explained the distances from the closest residential use and the berms and signage that will be placed. He mentioned they did some testing at the site in mid June with blank ammunition along with the City of Arlington Police Department to make sure there were no noise complaints.

Motion: Following brief discussion, Dr. Barnes recommended approval of the request, seconded by Ms. Reed. The motion carried unanimously 7-0.

9. ZC-11-054 Cockrell Realty (CD 9)- 3105 Cockrell Avenue (Portion in the Forest Park Addition, Block 5, Lot 5R2, 0.27 Acres): from "A-5" One-Family to "PD/SU" Planned Development/Specific Use for parking lot; site plan included

No one was present to represent the case.

Michael Banta, 3256 Greene Avenue, Fort Worth, Texas representing the Bluebonnet Place neighborhood spoke in opposition. Mr. Banta mentioned he was not aware of this zoning case until recently. He was out of town and mail from the City did not forward to his summer address. Mr. Banta met with Mr. Barcus about a month ago. They discussed the drainage issue and the only compromise from Mr. Barcus was that he would construct a masonry wall to direct the drainage in exchange for Mr. Banta agreeing on the parking lot. He also explained that the site plan proposed was not what had been discussed with Mr. Barcus when they met. The neighborhood is concerned about the encroachment of the parking as well as possible uses especially the tent parties that have been going on. He did mention a letter from the Fort Worth League of Neighborhoods and their concerns.

Mr. Edmonds asked for clarification on the existing parking.

Ms. Reed asked if they kept the soil/undeveloped lot and added a masonry fence would there be a compromise. Mr. Banta mentioned no, not at this point. He has been digging a trench to solve his drainage issue.

John Davis, 3216 Rogers Avenue, Fort Worth, Texas representing the Bluebonnet Hills neighborhood also spoke in opposition. He mentioned to the Commissioners that according to their residents there is no compromise.

Rita Vinson, 6216 Dovenshire Terrace, Fort Worth, Texas also spoke in opposition. Ms. Vinson is with the Brentwood-Oak Hills neighborhood and doesn't want to see this set a precedent for neighborhoods.

Document received for written correspondence				ZC-11-054	
Name	Address	In/Out 200 ft notification area	Position on case		Summary
Michael Banta	3123 Cockrell Ave*	In	Opposition		Signed petition

David Hibbard	3148 Green Ave	In	Opposition		Signed petition
John Davis	3216 Rogers Ave	Out	Opposition		Spoke at hearing

There were several other signatures outside the 200 ft notification area.

Motion: Following brief discussion, Ms. Reed recommended to table the request to the end of the meeting, seconded by Mr. Romero. The motion carried unanimously 7-0.

Motion: Following brief discussion, Ms. Reed recommended a denial of the request to the request, seconded by Mr. Romero. The motion carried unanimously 7-0.

10. ZC-11-055 City of Fort Worth Planning & Development (CD 7)- 4700 Block of Pershing Avenue (see addresses in case file, 3.52 Acres): from "B" Two-Family to "A-5" One-Family

Beth Knight, Senior Planner, City of Fort Worth mentioned the neighborhood representatives were present to speak on the case.

Lisa Bashore, 4728 Pershing Avenue, Fort Worth, Texas explained to the Commissioners the block consists of 16 property owners, of which 12 owners signed the petition for A-5 single-family.

Motion: Following brief discussion, Mr. Genua recommended approval of the request, seconded by Mr. Edmonds. The motion carried unanimously 7-0.

11. ZC-11-056 City of Fort Worth Planning & Development Alta Mere addition Area (CD 3) Generally bounded by Calmont Avenue, Alta Mere Drive, Garza Avenue, and Reagan Drive (see addresses in case file, 55.60 Acres): from "A-5" One-Family, "CF" Community Facilities, "C" Medium Density Multifamily, "E" Neighborhood Commercial, "FR" General Commercial Restricted, "IP" Industrial Park, and "PD-654" Planned Development to "CF" Community Facilities and "I" Light Industrial

Beth Knight, Senior Planner, City of Fort Worth explained to the Commissioners of Councilman Zimmerman's request to rezone certain properties within the Accident Potential Zone of the NASJRB.

Rachel Wiggins, 1510 Chennault Avenue spoke in support for the Naval Air Station Joint Reserve Base. Ms. Wiggins mentioned portions of this area are located within the Accident Potential Zones of the base and it is the long term goal to remove single-family zoning in this area. This is representative of a move to a greater compatibility use for the Naval Air Station.

George W. McDowell, 3133 Marquita Drive spoke in opposition. He said he was also representing the property owners present at 3112 Joyce, 3126 Joyce, 3137 Marquita and 3137 Ramona. Mr. McDowell mentioned he has lived in this neighborhood since 1945 and feels privileged to be in the neighborhood. He mentioned they tried to change this area in 1980.