



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
May 1, 2012

Council District 2

Zoning Commission Recommendation:

Approval by a vote of 9-0

Opposition: none

Continued	Yes ___	No <u>X</u>
Case Manager	<u>Stephen Murray</u>	
Surplus	Yes ___	No <u>X</u>
Council Initiated	Yes ___	No <u>X</u>

Owner / Applicant: **Richard G. Fagin Trust Et al**

Site Location: 8501 Denton Hwy. Mapsco: 36H

Proposed Use: **Shopping Center**

Request: From: "E" Neighborhood Commercial

To: "PD/E" Planned Development for all uses in "E" Neighborhood Commercial with building greater than 60,000 square feet with car wash and fuel sales; site plan included

Land Use Compatibility: Requested change is **compatible**.

Comprehensive Plan Consistency: Requested change is **consistent**.

Background:

The proposed site is located at the corners of N. Tarrant Parkway, Quail Valley Drive, and Denton Hwy. The applicant is proposing a zoning change from "E" Neighborhood Commercial to "PD/E" Planned Development for all uses in "E" Neighborhood Commercial with building greater than 60,000 square feet with car wash and fuel sales; site plan included. The applicant would like to construct a grocery store with a car wash, fuel station, and smaller pad sites with retail tenants.

The proposed site is located on two arterials, with US 377 to the east, which will support large scale retail development. Neighbors have expressed concern about the turning movements onto Tarrant Pkwy. TPW has reviewed the site plan and will give consideration to the area traffic when the access is engineered.

The proposed development will be required to meet the standards of Section 5.134 for a Large Retail Store including fencing, building materials and color, landscaping, architectural features, signs and setbacks. The applicant indicates that LED lights will be shielded and cut off at least 25 ft. from the residential property line.

Single-family residential zoning is located directly north of the site. The table below describes the Large Retail Standard and the waivers being requested. A 12ft. masonry wall will be constructed behind the structure adjacent the proposed building. The western portion of the site behind the single-family residential will be used for detention. No structures are permitted nor proposed within the planned 60 foot buffer, which will only be used for landscaping, driveway access, and delivery. In addition, a 20 ft landscape buffer is required adjacent public streets. Parking areas will contain landscape islands and trees, as required.

Standard	Waiver Request
Overall 100 ft buffer required adjacent One-Family District; 3 ft setback required for every 1 ft in height would result in a 75 ft setback	Minimum 60' buffer from residential. A 12 ft. concrete fence with landscaping and creating a green wall is planned
Trash compaction may not occur within 100 ft of residential property	Trash compaction may occur within 60 ft of residential property
No mechanical equipment may be located within 100 feet of residential property	Mechanical equipment may be located within 60 ft of residential property
Pick-up/delivery loading and unloading may not occur within 100 ft of residential	Pick-up/delivery loading and unloading may occur within 60 ft of residential property
60,000 sf maximum building size	150,000 sf maximum building size
Car wash uses are not permitted within zoning district	Car wash uses are permitted within zoning district
Merchandise may be displayed and carts may be stored anywhere in front of the building between the south face of the building and the north curb of the main drive in from the building	The permanent storage, display and sales area shall be enclosed by a minimum eight foot wall of like appearance to the building or base of like appearance to the building topped by wrought iron or tubular steel fencing, with a minimum total height of eight feet. No merchandise other than trees shall be visible above the wall or fence. Seasonal sales are limited to 10% of the footprint of the building not to exceed 12,000 sf. Bulk merchandise must be stored behind the building

At the Zoning Commission, the applicant explained that the area HOAs are still regulated by the developers, so they searched for and found representatives of the advisory committee. No written opposition was received from any neighborhoods or adjacent property owners.

Site Information:

Owner: Richard G. Fagin, Trust Et al
4849 Greenville Ave #1690
Dallas, Texas 75206

Agent: John Rose
Acreage: 24.42 acres
Comprehensive Plan Sector: Far North

Surrounding Zoning and Land Uses:
North "R-1" Zero Lot Line/Cluster / single-family
East City of Keller Commercial / rail ROW, commercial
South "I" Light Industrial / movie theatre
West "E" Neighborhood Commercial / vacant

Site Plan Comments:

The site plan as submitted is not in general compliance with the various Large Retail zoning regulations. As a result, waivers are requested for the following items:

- a. 100 ft buffer required adjacent One-Family District
- b. Trash compaction may not occur within 100 ft of residential property
- c. No mechanical equipment may be located within 100 feet of residential property
- d. Pick-up/delivery loading and unloading may not occur within 100 ft of residential
- e. 150,000 sf building
- f. Car wash uses are permitted

- g. Merchandise may be displayed and carts may be stored anywhere in front of the building between the south face of the building and the north curb of the main drive in from the building

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

Transportation/Public Works (TPW) site plan comments:

1. Submit a Traffic Impact Analysis (TIA) for TPW approval
2. Sidewalks shall be required for all streets as per City of Fort Worth Standards.
3. Median openings will be reviewed by TPW at construction plans submittal. Median openings must be coordinated with surrounding developments.
4. Driveway location must not interfere with intersection function.

Comments made by TPW staff cannot be waived through the Zoning Commission. Approval of the site plan does not constitute TPW acceptance of conditions; traffic code will be applied to the project.

Recent Relevant Zoning and Platting History:

Zoning History: None
Platting History: Not filed

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
North Tarrant Parkway	Major Arterial	Principal Arterial	No
Quail Valley Drive	Residential	Residential	No
Denton Highway	Principal Arterial	Principal Arterial	No

Public Notification:

The following Neighborhood Associations were notified:

PID 6
 North Fort Worth Alliance

Keller ISD

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zone change from "E" Neighborhood Commercial to "PD/E" Planned Development for all uses in "E" with no maximum building size, site plan included. Surrounding land uses vary, with residential to the north, commercial to the south and east, and vacant land directly to the west. Neighborhood Commercial is compatible with the single-family subdivision near the proposed site. While the building will be a greater size than what is permitted in an "E" district, the commercial uses in the district will service the neighborhoods.

Additionally, the proposed site is located on the corner of two significant roadways. As a result, the proposed zoning is **compatible** with surrounding land uses.

2. Comprehensive Plan Consistency

The 2012 Comprehensive Plan designates the subject property as neighborhood commercial. The proposed "PD/E" zoning is consistent with the following Comprehensive Plan policies, despite the primary anchor tenant exceeding the maximum square footage.

- Locate large commercial and institutional uses adjacent to arterial streets, preferably at the intersections of other arterials and highways (pg. 37)
- Encourage development type and intensity appropriate to existing or planned street infrastructure. (pg. 38)

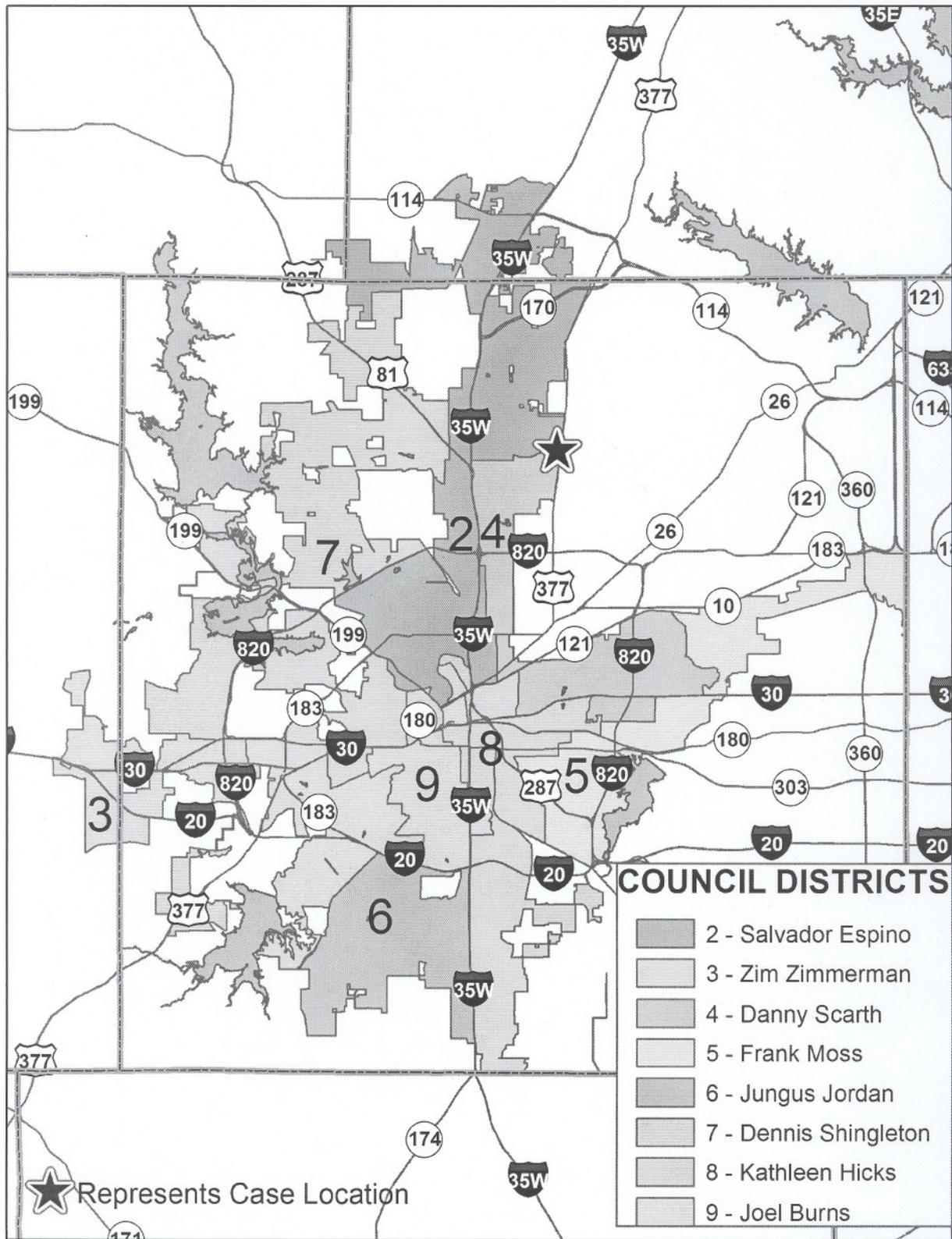
Based on the conformance with the future land use map and policies stated above, the proposed zoning **is consistent** with the Comprehensive Plan.

To view the Comprehensive Plan: <http://www.fortworthgov.org/planninganddevelopment/misc.aspx?id=81678>

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

Location Map



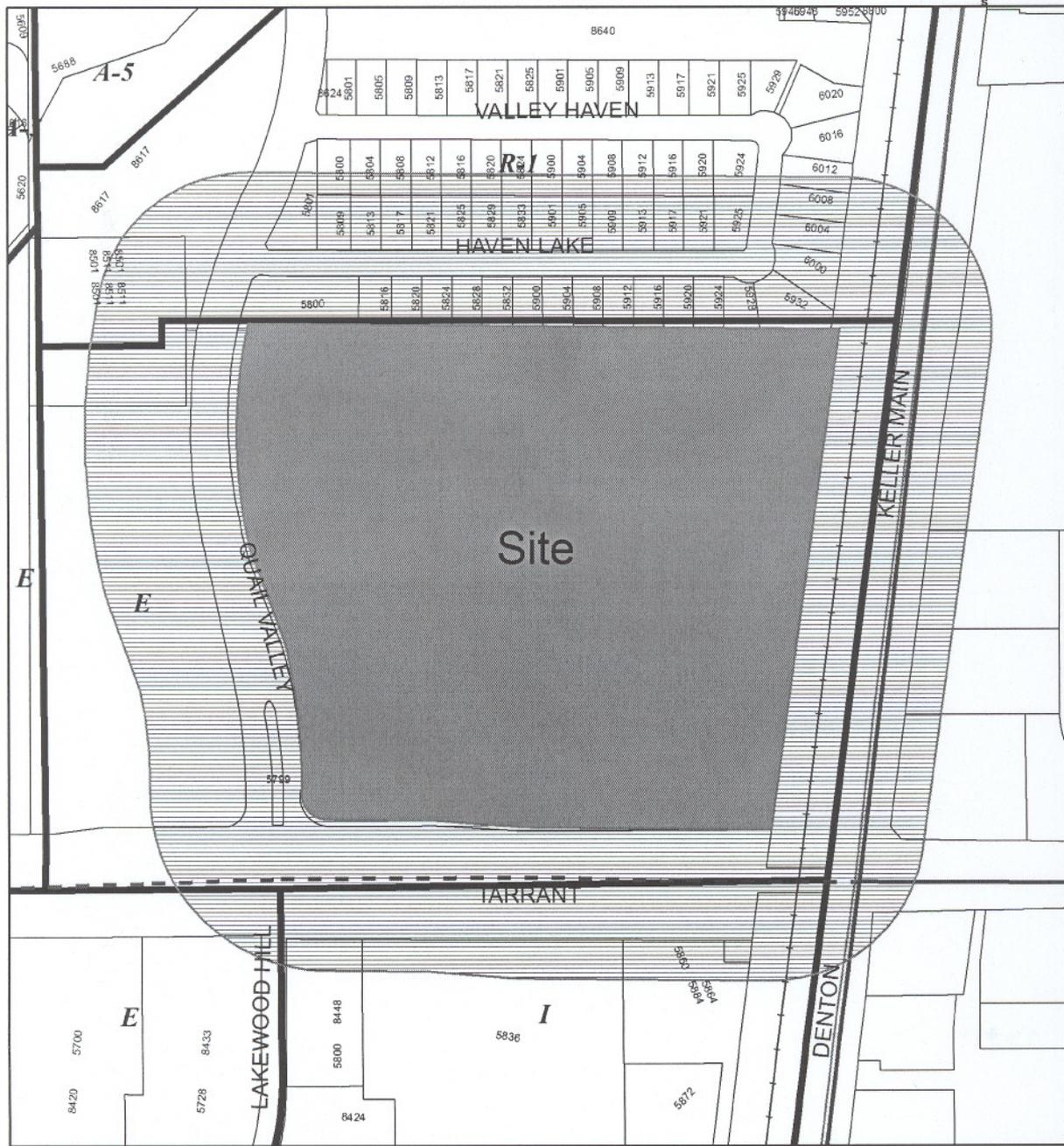


ZC-12-034

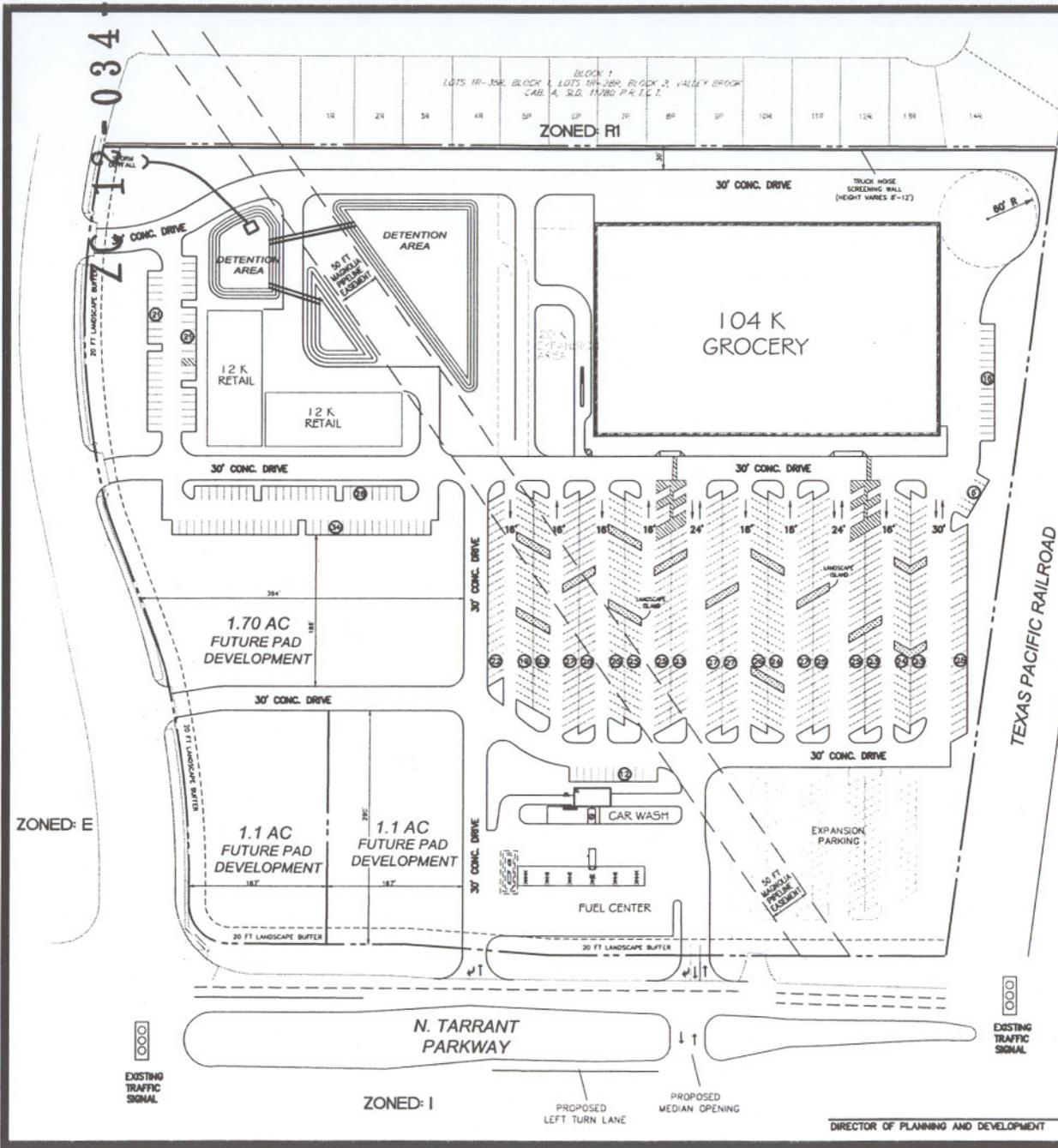
Area Zoning Map

Applicant: Richard Fagin Trust, et al
 Address: 8501 Denton Highway
 Zoning From: E
 Zoning To: PD for E uses plus building over 60,000sf
 Acres: 24.22408769
 Mapsco: 36H
 Sector/District: Far North
 Commission Date: 04/11/2012
 Contact: 817-392-8043

 300 Ft. Buffer



200 100 0 200 Feet



MAR 27 2012

RECOMMENDED FOR APPROVAL

SITE DATA SUMMARY

EXISTING ZONING	E (NEIGHBORHOOD COMMERCIAL)
PROPOSED ZONING	PLANNED DEVELOPMENT
PROPOSED USE	GROCERY STORE
LOT AREA	34.42 AC (1,483,838 SF)
BUILDING AREA	128,000
PARKING REQUIRED GROCERY (1 SP / 200 SF)	618 SPACES
PARKING PROVIDED GROCERY	821 SPACES
PARKING REQUIRED RETAIL (1 SP / 300 SF)	166 SPACES
PARKING PROVIDED RETAIL	139 SPACES

PD SITE PLAN NOTES

1. PROJECT SIGNAGE WILL CONFORM TO ARTICLE 4, SIGNS.
2. PROJECT LANDSCAPING WILL COMPLY WITH SECTION 6.301, LANDSCAPING.
3. THE PROJECT WILL COMPLY WITH URBAN FORESTRY REQUIREMENTS.
4. SITE LIGHTING WILL WITH CITY OF FORT WORTH SITE LIGHTING STANDARDS. LIGHTS WILL BE DIRECTED DOWN AND AWAY FROM RESIDENTIAL USES.
5. LANDSCAPE BUFFER AND IRRIGATION WILL COMPLY WITH ARTICLE 5.134A.4
6. A 6 FT MASONRY SCREENING WILL BE PROVIDED FOR DUMPSTERS
7. THE PROJECT WILL COMPLY WITH MAX PARKING STANDARDS BY PROVIDING ONE TREE FOR EVERY 10 PARKING SPACES OVER 125% OF THE PARKING REQUIREMENT.
8. THE DEVELOPMENT WILL COMPLY WITH OVERALL SECTION 5.134 STANDARDS UNLESS WAIVED THROUGH THE SITE PLAN

WAIVERS REQUESTED

1. 100 FT BUFFER REQUIRED ADJACENT ONE-FAMILY DISTRICT/ APPROVE TO A MINIMUM OF 60' FROM RESIDENTIAL.
2. TRASH COMPACTION MAY NOT OCCUR WITHIN 100' OF RESIDENTIAL PROPERTY/ APPROVE TO A MINIMUM OF 60' FROM RESIDENTIAL.
3. NO MECHANICAL EQUIPMENT MAY BE LOCATED WITHIN 100 FT OF RESIDENTIAL/ APPROVE TO A MINIMUM OF 60' OF RESIDENTIAL PROPERTY.
4. PICKUP/DELIVERY LOADING AND UNLOADING MAY OCCUR WITHIN 100 FT OF RESIDENTIAL . APPROVE TO A MINIMUM OF 60' OF RESIDENTIAL PROPERTY.
5. A MINIMUM OF ONE PARKING SPACE PER 250 SQUARE FEET OF GROSS FLOOR AREA. A MAXIMUM OF ONE SPACE PER 200 SQUARE FEET OF GROSS FLOOR AREA / APPROVE TO MAXIMUM PARKING RATIOS OF 1:175 SF
6. 150,000 SF BUILDING MAY BE PERMITTED.
7. CARWASH USES ARE PERMITTED.
8. MERCHANDISE MAY BE DISPLAYED AND CARTS MAY BE STORED ANYWHERE IN FRONT OF THE BUILDING BETWEEN THE SOUTH FACE OF THE BUILDING AND THE NORTH CURB OF THE MAIN DRIVE IN FROM OF THE BUILDING.

PD SITE PLAN
VALLEY BROOK CENTER
LOT - BLOCK -

JOHN EDMONDS SURVEY, ABSTRACT NO. 457
CITY OF FORT WORTH, TARRANT COUNTY, TEXAS

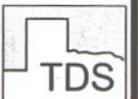
ZONING CASE NO: ZC 12-034

DCMS, Inc. OWNER/DEVELOPER
4215 Walnut Hill
Dallas, Texas 75229 (214) 680-7800

TEXAS DEVELOPMENT SERVICES ENGINEER
4300 Sigma Rd, Suite 100
Dallas, Texas 75244 (214) 988-9018

N. TARRANT / 377
FORT WORTH, TEXAS
DALLAS-FORT WORTH METRO AREA

PD SITE PLAN
VALLEY BROOK CENTER



TEXAS DEVELOPMENT SERVICES
4300 SIGMA RD
SUITE 100
DALLAS, TEXAS 75244
PHONE 214.988.9018
FAX 972.250.0201

MAR 27, 2012

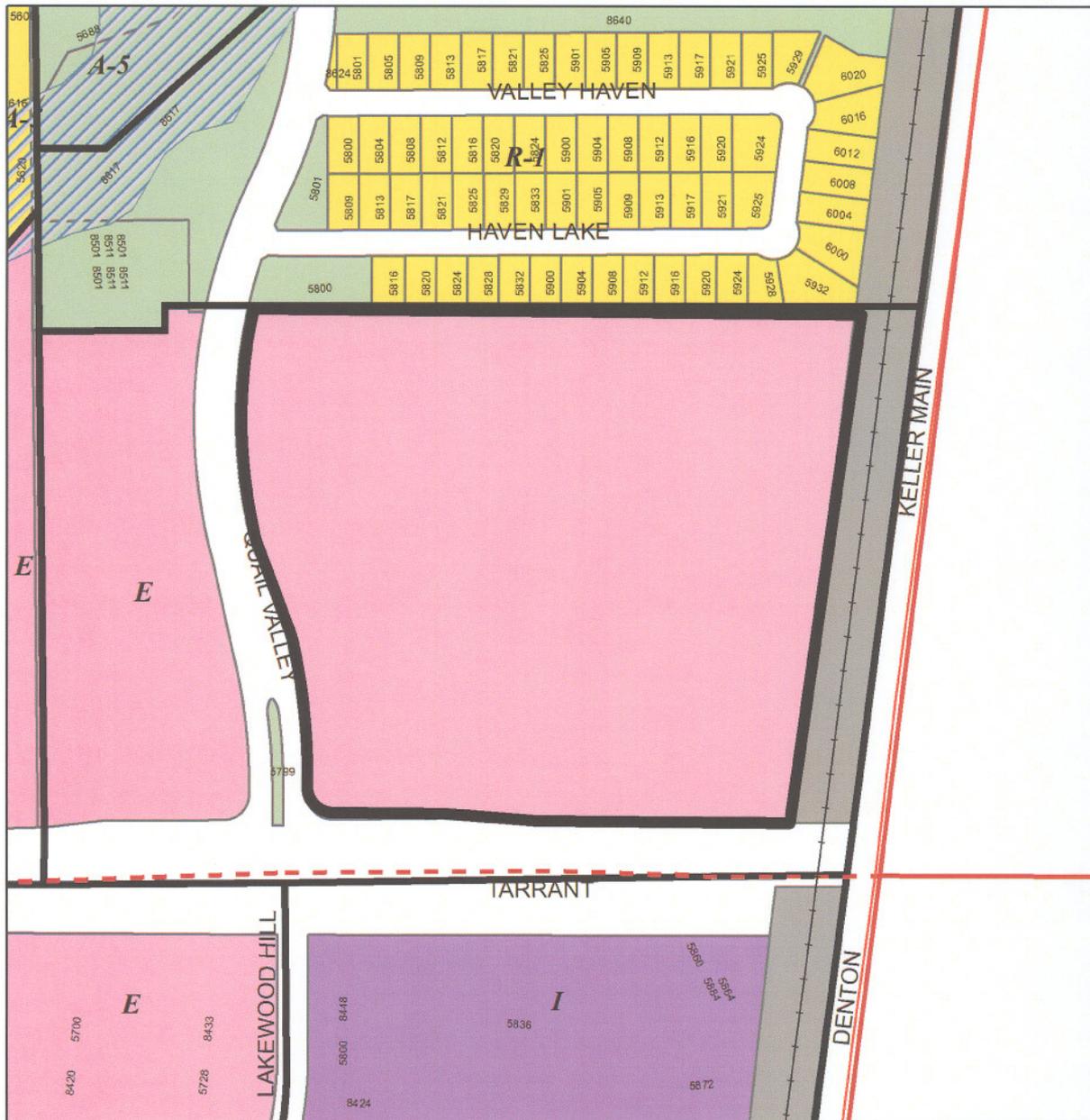
DIRECTOR OF PLANNING AND DEVELOPMENT DATE



8501 Denton Highway

Future Land Use

ZC-12-034



- 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 March 06, 2012



Aerial Photo Map



opposed to it. Mr. Labovitz said in general they are opposed to it and asked that they deny the case. He said they would discuss it with the applicant if it is continued.

Mr. Edmonds asked staff for clarification on the intensity of the use. Ms. Burghdoff explained typically warehouse use has less of a traffic impact than retail, entertainment, restaurant uses. Mr. Edmonds said comments made about DUI's would be more associated with someone selling alcohol directly.

In rebuttal, Mr. Nelson responded he did make the call to the Playhouse Academy and spoke with the daughter of one of the owners and needed to talk with the other owners. He mentioned he contacted him again and a man named Harry said they were against the wine storage, which was the last conversation he had with him.

Mr. Ortiz asked if wine could be stored in a mini-warehouse. Mr. Nelson said yes, you can. They have a very niche product where the temperature has to be at 50 to 55 degrees.

Michael Berkowitz, 3740 Country Club Circle, Fort Worth, Texas spoke in support of the request. He mentioned this is a specialized store which has very little traffic.

Motion: Following brief discussion Mr. West recommended a 60 day continuance of the request, seconded by Mr. Genua. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>					ZC-12-033
Name	Address	In/Out 200 notification area	ft	Position on case	Summary
Michael Berkowitz	3740 Country Club			Support	Spoke at hearing
Playhouse Academy (tenant)/ Eric Labovitz	2925 Riverglen	In		Opposition	Spoke at hearing/Sent letter in

6. ZC-12-034 Richard G. Fagin Trust Et. Al. (CD 2) 8501 Denton Highway (John Edmonds Survey, Abstract 457, 24.22 Acres): from "E" Neighborhood Commercial to "PD/E" Planned Development for all uses in "E" Neighborhood Commercial with building greater than 60,000 square feet with car wash and fuel sales; site plan included

John Rose, 4215 Walnut Hill, Dallas, Texas representing Richard G. Fagin Trust explained to the Commissioners they are requesting to rezone to PD/E to allow for a large grocery store in excess of 60,000 square feet, somewhere around 120,000 square feet of retail plus two pad sites. Mr. Rose mentioned it is typical in grocery stores now that several uses will be within one building. He said they have had meetings with North Fort Worth Alliance and the president of the Homeowners Advisory Committee. There were primarily four areas of concern, one of them being traffic. They have hired a traffic engineer in hopes of getting a right turn lane on N. Tarrant Parkway and also on Quail Valley. Another concern was lighting; they are proposing an LED light with cut-off fixture. It will be located 20 to 25 feet from the property line to eliminate spillover into the neighborhood.

A landscape plan was submitted for the Commissioners. Mr. Rose mentioned they are providing as many fast growing trees as possible for screening. The next issue was noise, for which they will be complying with the City of Fort Worth's noise ordinance. The 12 ft. fence being proposed will be constructed of concrete with slats in which plantings of greenery will grow making it a green wall.

Mr. Ortiz asked about merchandise being stored outside. Mr. Rose mentioned it would be comparable with other grocery stores and what is stored outside.

Mr. West asked if they have had contact with the neighborhoods. Mr. Rose said yes they did and addressed some of their concerns.

Motion: Following brief discussion, Mr. Genua recommended approval of the request, seconded by Ms. Zadeh. The motion carried unanimously 9-0.

7. ZC-12-035 Hillwood Alliance Residential, L. P. (CD 2)- 4300 Block of Heritage Trace Parkway and 9700 North Beach Street (Samuel P. Williams Survey, Abstract 1690, 24.00 Acres): from "A-5" One-Family to "PD/A-5" Planned Development for all uses in "A-5" One-Family with maximum lot coverage of 56%; site plan waiver recommended

Gena Terrell, 5751 Kroger Drive, Suite 185, Keller, Texas representing Hillwood Alliance Residential explained to the Commissioners they are requesting to rezone to PD/A-5 to allow for more than 50% lot coverage. She mentioned Heritage has been out here since 1999 and is pretty much built out. She explained that the predominant demand for single-family has been two stories but they are now seeing a lot of demand for quality one story homes. Ms. Terrell mentioned this particular neighborhood is isolated, surrounded by a park on three sides with proposed retail on the north side. One model is under construction and they did go before the Board of Adjustment for a variance on the lot coverage for the model home and 29 additional lots which were approved. She noted the variance is only good for six months and wanted to have the flexibility over the entire site.

Mr. West asked about the lot size. Ms. Terrell mentioned typically they are 50 x 110, around 5500 square feet. Mr. West asked about the price range. Ms. Terrell said the one story will go between \$230,000 and \$250,000 and the two stories will go between \$240,000 to \$270,000.

Motion: Following brief discussion, Mr. Genua recommended approval of the request, seconded by Mr. West. The motion carried 9-0.

<i>Document received for written correspondence</i>					ZC-12-035
Name	Address	In/Out 200 notification area	ft	Position on case	Summary
Tom Woliver/Hillwood Communities	5430 LBJ Freeway	Out		Support	Present at hearing
Larry Jackson/David	3001 I-35 E	Out		Support	Present at hearing