

**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
July 10, 2012

Council District 9

Zoning Commission Recommendation:

Denial by a vote of 9-0

Opposition: Neighborhood representatives

Continued	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Case Manager	Beth Knight	
Surplus	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Council Initiated	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Owner / Applicant: **Treasure Wholesale**

Site Location: 600 & 604 W. Berry Street Mapsc0: 76Z

Proposed Use: **Wholesale Warehouse for Convenience Store Supplies**

Request: From: "MU-1" Low Intensity Mixed-Use

To: "PD/MU-1" Planned Development for all uses in "MU-1" Low Intensity Mixed-Use plus wholesale warehouse; site plan included.

Land Use Compatibility: Requested change **is not compatible.**

Comprehensive Plan Consistency: Requested change **is not consistent.**

Background:

The proposed rezoning site is located on the northeast corner of W. Berry and Hemphill Streets. The applicant is proposing to obtain appropriate zoning for a wholesale warehouse, whose use is not in compliance with zoning regulations. Wholesale warehouses are first allowed in industrial districts. The Hemphill/Berry Urban Village, which includes and surrounds the subject site, had its MU-1 zoning approved November 19, 2002. The subject site was previously zoned "F" General Commercial, which did not allow wholesale operations.

Certificates of Occupancy (CO) have been issued to Treasure Wholesale for retail uses. While investigating a complaint for outdoor pallet storage, Code Enforcement found Treasure Wholesale engaging in wholesale, instead of retail, uses. The tenant appears have given inaccurate building use information to the Development Department since 1991. Consequently, the owner has been cited by both Code Enforcement and Building Inspections in January 2012.

The site plan comments have been provided to the applicant, who submitted a site plan that addressed some of the deficiencies. The applicant's representative indicated that they had attempted to contact the neighborhood groups but no meeting has been held. No additional revisions have been received subsequent to the continuance granted by the Zoning Commission on April 11, 2012.

Site Information:

Owner:	Treasure Wholesale 600 W. Berry Street Fort Worth, TX 76110
Agent:	Keith Cheang
Acreage:	0.37acres

Comprehensive Plan Sector: Southside

Surrounding Zoning and Land Uses:

- North MU-1 / vacant restaurant and movie theater
- East B, MU-1 / single-family, parkland, and insurance company
- South MU-1 / retail uses
- West MU-1 / Travis Avenue Baptist Church

Site Plan Comments:

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

1. Required and provided parking calculations based on building use to be detailed.
2. Dumpster enclosure needs required screening gate, instead of chain link.
3. Minimum required landscaping to be shown.
4. Note the site will conform to Section 4.902E Enhanced Landscaping.
5. Note the site will conform to Section 6.302 Urban Forestry.
6. Building appears not meet front, side, or rear setbacks.
7. Parking is located between building front and street.
8. Building does not meet minimum requirement of 18 feet.
9. Supplemental building setback not shown.
10. Main building entrance is not to be accessed from a parking lot.
11. Land use and zoning for rezoning site and adjacent properties to be noted.
12. Pole signs are not permitted in MU-1 zoning. Dimension area of existing signs on roof and gasoline canopy.
13. Change date below Director of Planning and Development from date revisions were made to a "Date" line below, in lower right hand corner.

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. Sidewalks shall be required for all streets as per City of Fort Worth Standards
2. Driveway location must not interfere with intersection function
3. Parkway improvements such as curb & gutter, pavement tie-in, drive approaches, sidewalks and drainage inlets may be required at time of building permit issuance via a parkway permit

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: ZC-02-280, subject site and surrounding area, Council-initiated to create Hemphill/Berry Urban Village, from various districts to MU-1, approved;
ZC-07-161, ZC-07-235, and ZC-08-196, north, south, and west of site, Council-initiated from various districts to be in conformance to the Comprehensive Plan, approved;
ZC-12-005, southwest of site, from MU-1 to PD for MU-1 uses with development standard waivers, approved; and
ZC-12-007, southwest of site, from A-5 to A-5/HC, approved.

Platting History: None.

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Hemphill Street	Major Arterial	Major Arterial	No
W. Berry Street	Major Arterial	Major Arterial	No

Public Notification:

The following Neighborhood Associations were notified:

Jennings-May St. Louis NA

South Hemphill Heights NA

Development Impact Analysis:

1. **Land Use Compatibility**

Mixed-use zoning was adopted to support redevelopment by applying urban development standards and by allowing a mixture of compatible residential and non-residential uses. The "MU-1" Low Intensity Mixed-Use District is intended to create neighborhood-serving urban villages, which includes the Hemphill/Berry Urban Village. This wholesale trade use is not open to the public nor serves the local neighborhood. Therefore, this wholesale warehouse does not constitute a compatible use within the MU-1 district.

The building was originally constructed in 1972, according to the Tarrant Appraisal District, as a convenience store with gasoline sales. The site currently contains no landscaping. The building windows have been covered with solid screening materials and metal folding gates. The proposed site plan does not add any landscaping or façade improvements to mitigate the impacts of an industrial use. The deficiencies to the site plan requirements are significant.

Commercial and large institutional uses are found in all other directions from the proposed rezoning site. The historic Berry Theater is directly to the north. Residential uses are found only 15 feet away from subject site, across the alley to the east. This alley has been fenced, and the paved alley is now being used as an additional parking space. No record permitting the alley closure has been found. Parking is limited on the site, with customers often parking on adjacent properties.

Based on the lack of transitions or buffers with the adjacent MU-1 neighborhood-serving commercial uses or the surrounding residential properties, the lack of landscaping or façade improvements, and lack of compliance with the site plan requirements, the proposed PD/MU-1 zoning **is not compatible** with the neighborhood.

2. **Comprehensive Plan Consistency**

The 2012 Comprehensive Plan designates the site as neighborhood commercial. Retail uses to serve the neighboring areas are appropriate, instead of wholesale trade which serves the broader community and is appropriate in an industrial/warehouse area.

The proposed PD/MU-1 site is not consistent with the following Comprehensive Plan policies.

- Preserve and protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, demolition, neglect, and other negative forces. (pg. 37)
- Separate incompatible land uses with buffers or transitional uses. Some land uses have attributes such as height, proportion, scale, operational characteristics, traffic generated, or appearance that may not be compatible with the attributes of other uses. (pg. 38)
- Discourage the location of industrial uses adjacent to residential districts. (pg. 38)
- Encourage redevelopment of the southside sector urban villages consistent with their urban village plans. (pg. C-25)

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

Attachments:

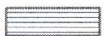
- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Site Plan
- Minutes of the Zoning Commission meeting

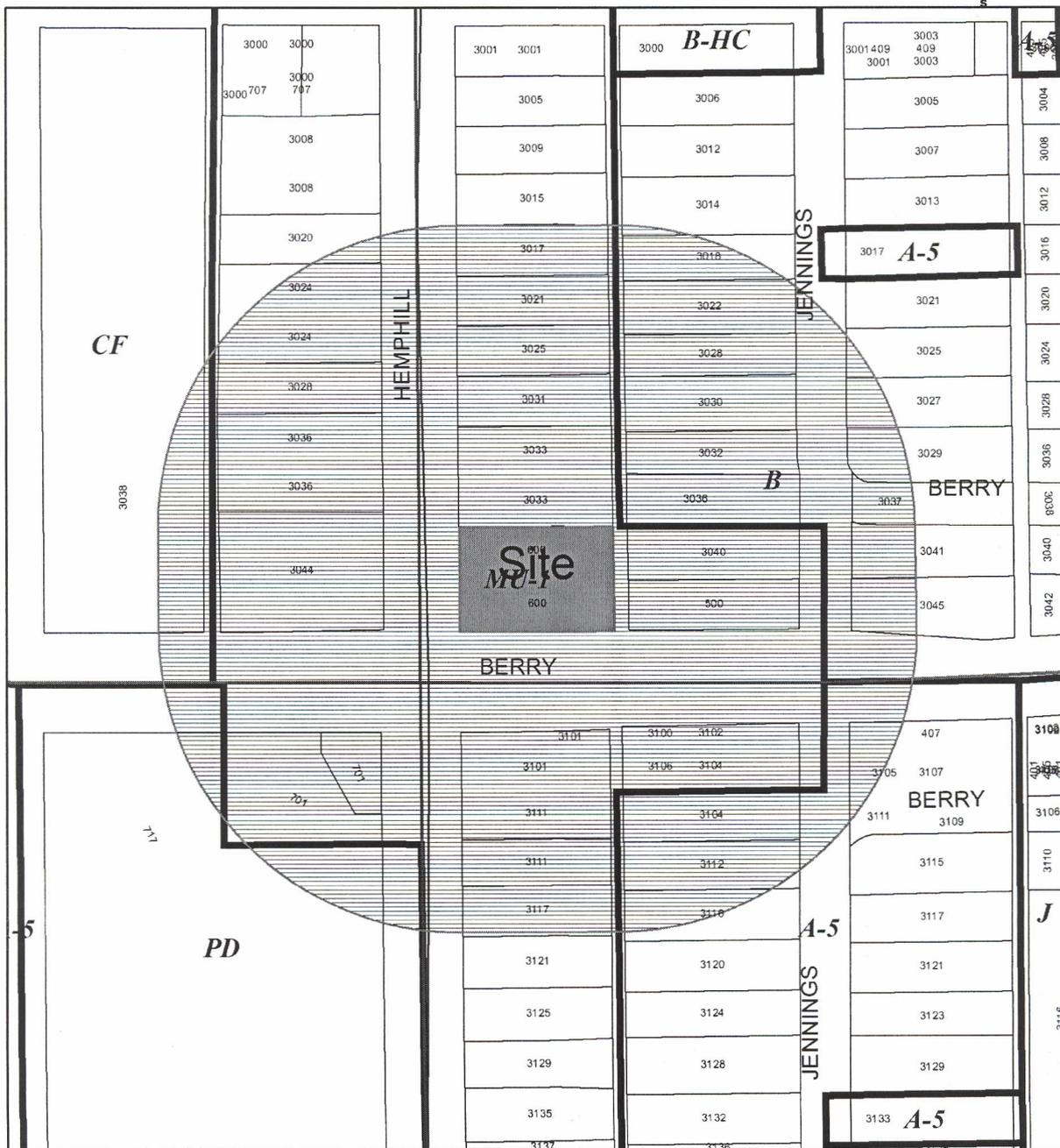


ZC-12-032

Area Zoning Map

Applicant: Treasure Wholesale
 Address: 600 & 604 W. Berry Street
 Zoning From: MU-1
 Zoning To: PD for MU-1 uses plus wholesale warehouse
 Acres: 0.372777
 Mapsco: 76Z
 Sector/District: Southside
 Commission Date: 04/11/2012
 Contact: 817-392-8190

 300 Ft. Buffer

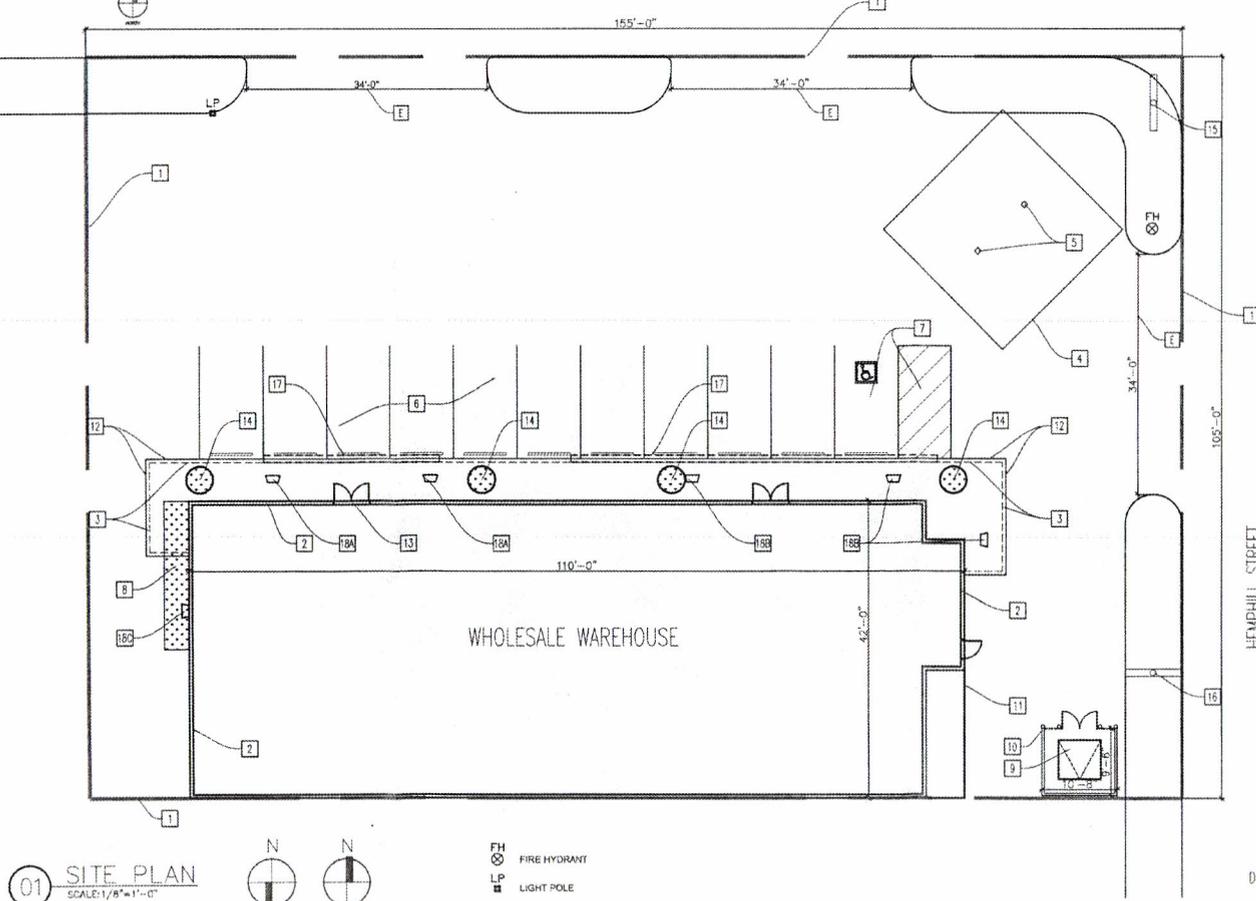


200 100 0 200 Feet



**RECOMMENDED
FOR DENIAL**

VICINITY MAP



GENERAL NOTES:

- A Person preparing plan: Keith Cheung
Address: 604 W. Berry Street, Fort Worth, TX 76110
Contact: Phone: 817 923 7200
- B Owner: Mai Ton
Address: 2002 Waterway Ct, Arlington, TX 76012
Phone: 817 718 2813
- C BUILDING ELEVATION HEIGHT IS: 13'-0"
NUMBER OF STORIES: 1
BUILDING MATERIAL: BRICK
BUILDING SQUARE FOOTAGE IS: 4,502 SQFT.
BUILDING USAGE: WHOLESALE WAREHOUSE
- D FINISH MATERIAL IS CONCRETE.
- E ALL THE DRIVEWAY ARE 34'-0" WIDE.
- F TREASURE WHOLESALE WOULD REQUEST THE CITY TO WAIVE THE REQUIREMENTS OF SECTION 4.002 ENHANCED LANDSCAPING AND SECTION 6.037 URBAN FORESTRY OF THE CITY ORDINANCE AS IT APPLIES TO ITS REQUEST FOR A ZONING CHANGE FOR THE PROPERTY LOCATED AT 604 WEST BERRY STREET.

KEYED NOTES:

- 1 LINE OF PROPERTY LINE.
- 2 LINE OF EXISTING BUILDING.
- 3 LINE OF EXISTING CANOPY ABOVE BUILDING.
- 4 LINE OF EXISTING GASOLINE CANOPY ABOVE.
- 5 LINE OF EXISTING GASOLINE CANOPY POLE.
- 6 EXISTING PARKING SPACES.
- 7 HANDICAP PARKING AND THE LANDING AREA.
- 8 LANDSCAPING AREA.
- 9 EXISTING DUMPSTER.
- 10 NEW MASONRY WALLS FOR DUMPSTER ENCLOSURE CHAIN LINK FOR THE GATE.
- 11 METAL CASE.
- 12 LINE OF EXISTING CURB OF BUILDING.
- 13 FRONT ENTRY OF THE BUILDING.
- 14 NEW PLANTING POTS AS LANDSCAPES.
- 15 EXISTING POLE SIGN TO BE MODIFIED.
- 16 EXISTING POLE SIGN TO REMAIN.
- 17 EXISTING BUILDING SIGN TO REMAIN.
- 18 EXISTING BUILDING SECURITY LIGHTS ARE FLOOD LIGHTS.
18A - LIGHTS HAVE POLE WHICH ARE 7'-0" LONG ABOVE ROOF.
18B - LIGHTS HAVE POLE WHICH ARE 3'-0" LONG ABOVE ROOF.
18C - LIGHT WHICH ATTACHED TO THE BUILDING 9'-0" ABOVE GROUND.

REVISION INFORMATION	
1	CITY COMMENTS 3-30-12

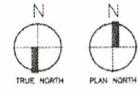
Project Name:
TREASURE WHOLESALE INC.

Project Address:
600 and 604 West Berry Street Fort Worth, TX

Zoning Case Number:
ZC-12-032

Drawing:
SITE PLAN

01 SITE PLAN
SCALE: 1/8"=1'-0"



FH FIRE HYDRANT
LP LIGHT POLE

Director of Planning and Development: _____
March 28, 2012





600 & 604 W. Berry Street

Future Land Use

ZC-12-032



- | | | |
|-----------------------------------|--------------------------|-----------------------------|
| Vacant, Undeveloped, Agricultural | Neighborhood Commercial | CFWGIS.SDE.TRN_RAILROADS |
| Rural Residential | General Commercial | CFWGIS.SDE.CAD_addresses |
| Suburban Residential | Light Industrial | Freeways/Toll Roads |
| Single Family Residential | Heavy Industrial | Proposed Freeway/Toll Road |
| Manufactured Housing | Mixed-Use Growth Center | Principal Arterial |
| Low Density Residential | Industrial Growth Center | Proposed Principal Arterial |
| Medium Density Residential | Infrastructure | Major Arterial |
| High Density Residential | Lakes and Ponds | Proposed Major Arterial |
| Institutional | Public Park, Open Space | Minor Arterial |
| | Private Park, Open Space | 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



conforming when it was rezoned from F to E. He also stated the use is what they should be looking at, general commercial along Lancaster.

Deidra Norris, 1421 Oakland Boulevard, Fort Worth, Texas representing West Meadowbrook Neighborhood spoke in opposition. She turned in forms of three other members who chose not to speak. The neighborhood voted on May 29, 2012 to oppose the zoning case. She mentioned the neighborhoods have been working hard to clean up East Lancaster.

Mr. Ortiz asked about growth in the area. Ms. Norris said she has lived in this area her entire life and this area is one of the areas they would like to revitalize, not to mention ABC has outgrown their space.

In rebuttal, Mr. Bonilla addressed the issue Mr. Romero mentioned earlier and that the business can still continue to operate. He said the temporary staging area will not work without the storage area.

Motion: Following brief discussion, Ms. Conlin recommended denial of the request, seconded by Mr. Edmonds. The motion carried 8-1 with Mr. Genua against.

<i>Document received for written correspondence</i>					<i>SP-12-001</i>
Name	Address	In/Out 200 notification area	Position on case		Summary
James Bews/Central Meadowbrook NA	1709 Watson St	Out	Opposition		Spoke at hearing
Ramon Romero	421 Conner Ave	Out	Opposition		Spoke at hearing
Deidra Norris/West Meadowbrook	1421 Oakland Blvd	Out	Opposition		Spoke at hearing
Michael Phipps	4451 Normandy	Out	Opposition		Turned speaker form in
Edward Sakorke	4451 Normandy	Out	Opposition		Turned speaker form in
Donr.ette Moseley	1801 Ederville Rd S	Out	Opposition		Turned speaker form in
Douglas Henderson/East Fort Worth Business Assoc.	na	Out		Support	Sent letter in
Major Attaway/FT. Worth Metropolitan Black Chamber of Commerce	na	Out		Support	Sent letter in

2. ZC-12-032 Treasure Wholesale Inc., (CD 9)- 600 and 604 W. Berry Street (South Hemphill Heights Addition, Block 32, Lots 11 & 12, 0.37 Acres): from "MU-1" Low Intensity Mixed Use to "PD/MU-1" Planned Development for all uses in "MU-1" Low Intensity Mixed Use plus wholesale warehouse; site plan included.

Sean Linch, 1601 College Avenue, Fort Worth, Texas representing Treasure Wholesale explained to the Commissioners the case was continued from the April meeting in order to work with the neighborhoods and prepare a site plan. Mr. Linch said they have met with the neighborhood and nothing has changed since they are still in opposition. He is asking the Commission to approve the zoning change since they have been in business for more than 10 years.

Sandra Dennehy, 3124 College Avenue, Fort Worth, Texas representing Berry Street Initiative spoke in opposition. Ms. Dennehy stated this is a prominent corner at the intersection of Berry and Hemphill within the Urban Village and wholesale operations are not appropriate in this area.

Fernando Florez, 2740 Hemphill Street, Fort Worth, Texas with the Hemphill Corridor Task Force spoke in opposition. He said the tenants are very nice people and at their last meeting it was discussed if they could continue to operate until the end of the year to give them enough time to find another location.

Mr. Edmonds asked Mr. Florez who he is representing. Mr. Florez said he represents the Hemphill Corridor Task Force.

Juanita Jimenez, 3006 S. Jennings, Fort Worth, Texas, president of the Jennings May St. Louis neighborhood and a member of the Hemphill Corridor Task Force, also spoke in opposition. Ms. Jimenez mentioned they are not in compliance with the zoning nor do they have a certificate of occupancy for the wholesale operation. They are requesting the application be denied.

Jimmy Hodges, 2940 S. Jennings, Fort Worth, Texas, a member of the Jennings May neighborhood, spoke in opposition.

Paul Millender, 3121 Lipscomb Street, Fort Worth, Texas, representing and President of the South Hemphill Heights neighborhood, spoke in opposition mentioning the illegal operation of the wholesale business. Mr. Millender said they have had adequate time to try and find another location.

Motion: Following brief discussion, Ms. Reed 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-12-032	
Name	Address	In/Out 200 notification area	ft	Position on case	Summary
Sandra Dennehy/Berry Street Initiative	3024 College Ave	Out		Opposition	Spoke at hearing
Fernando Florez/Hemphill Corridor Task Force	2740 Hemphill	Out		Opposition	Spoke at hearing
Juanita Jimenez/Jennings May St. Louis	3006 S Jennings	Out		Opposition	Spoke at hearing

Jim Hodges	2940 S Jennings	Out	Opposition		Spoke at hearing
Paul Millender/South Hemphill Heights	3121 Lipscomb St	Out	Opposition		Spoke at hearing

3. ZC-12-033 John M Kelley, Jr/BSFC LLC (CD 3)- 2915 Riverglen Drive (Stonegate Addition, Block 1, Lot 4J2A, 0.60 Acres): from “F” General Commercial to “PD/F” Planned Development for all uses in “F” General Commercial plus wine storage; site plan waiver requested

Terry Perkins, 314 Crossing Court, Keller, Texas owner of Classic Wine Storage, explained to the Commissioners the case was continued from the April meeting in order for the applicant to meet with the person in opposition. Mr. Perkins said they did meet and explained the operation of the business and the minimal traffic generation at this site and he was ok with the request.

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

IV. New Cases

4. ZC-12-048 Tomas Aguirre (CD 8)- 1128 McPherson (Hiram Little Survey, Abstract 930, Tracts 9A04 & 9A04B, 5.36 Acres): from “ER” Neighborhood Commercial Restricted and “E” Neighborhood Commercial to “A-43” One-Family

Tomas Aguirre, 1128 McPherson, Fort Worth, Texas, property owner explained the request to the Commissioners with Roy Salinas, City of Fort Worth Zoning Plans Examiner interpreting. Mr. Salinas mentioned he would like to rezone his property to A-43 for single-family.

Ms. Murphy, Planning Manager, City of Fort Worth explained that staff met with Mr. Aguirre to ensure that he understood about the right of way dedication that will be required at the time of platting.

James Harrison, 1116 McPherson, Fort Worth, Texas wanted to request that the existing 65 year old barn be torn down before a house is built on the property. He said the barn is substandard and a safety concern.

Ms. Conlin explained he needed to call Code Compliance for substandard buildings.

Mr. Harrison asked staff if it would be permitted for them to have livestock on the property. Ms. Burghdoff explained the property owner would have to live on the property in order to have large animals.

Mr. West mention there was a letter of opposition in their packet from Wesley and Diana Holzhey concerned about families being too close to a gas well.

IV. New Cases

4. ZC-12-032 Treasure Wholesale Inc., (CD 9)- 600 and 604 W. Berry Street (South Hemphill Heights Addition, Block 32, Lots 11 & 12, 0.37 Acres): from “MU-1” Low Intensity Mixed Use to “PD/MU-1” Planned Development for all uses in “MU-1” Low Intensity Mixed Use plus wholesale warehouse; site plan included.

Sean Linch, 164 College Avenue, Fort Worth, Texas representing Treasure Wholesale explained to the Commissioners they are requesting a 30 day continuance. They need more time to work with the local neighborhood associations.

Ms. Reed asked if 30 days would be enough time. Mr. Linch said 60 days would be better since there is a lot on the table to discuss.

Sandra Dennehy, 3024 College Avenue, Fort Worth, Texas representing Berry Street Initiative spoke in opposition. Ms. Dennehy mentioned it is her understanding the applicant has been operating illegally from the beginning therefore they cannot be considered legal non-conforming. She said she was in opposition to any rezoning whether it is a PD or MU-2 because wholesale operations, which is an industrial use, is not what they want to see on the corner of the entrance to the Berry Street Corridor. She did mention they met with the owners and preferred they relocate somewhere else. They discussed other options and she mentioned time is needed to discuss this between all neighborhood associations involved. Her preference would be a denial without prejudice and not to continue for 60 days.

Mr. Ortiz asked if they would consider a mixed use project with wholesale on the bottom and residential on the top. Ms. Dennehy said wholesale warehouse is not what they want to see in this Urban Village. She noted MU-2 would add uses they do not want here. Mr. Ortiz asked if they were still keeping the vision and intent of MU after what happened with Wal-Mart across the street. Ms. Dennehy said what they tried to accomplish with Wal-Mart was to maintain the street frontage and preserve the hard corner at Berry & Hemphill. She explained that Travis Avenue Baptist Church is showing full commitment with the Urban Village concept as indicated in their master plan for three story buildings with mixed uses. They want to be very vigilant in seeing this through.

In rebuttal, Mr. Linch mentioned what happened with Wal-Mart is still fresh in the minds of the neighborhood. He mentioned his client is reaching out to the neighbors and listening to their suggestions about the future plans for this area. He said discussions have been going on for about a week and a half and 60 days would help possibly to meet somewhere in the middle. Mr. Ortiz asked if they would put something else in that fits into MU-1. Mr. Linch said he hasn't discussed this with his client but MU-2 would work for them.

Mr. West mentioned there is existing zoning out there now, MU-1. It does not allow for wholesale and his client has gone outside the boundaries of what is permitted in MU-1. He hopes there is a middle ground to work with, it will be tough. He did mention there is a lot of support for mixed use at this key intersection. He asked if for some reason Council doesn't wish to change the zoning, can the applicant adapt his business to fit within MU-1 standards. Mr. Linch

said Treasure Wholesale is a wholesale company that specializes and deals with small convenience stores. He doesn't know if they can; it is not their clientele. He mentioned wholesale has been there for at least 15 years.

Motion: Following brief discussion, Ms. Reed 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-12-032	
Name	Address	In/Out 200 notification area	ft	Position on case	Summary
Sandra Dennehy/Berry Street Initiative	3024 College Ave	Out		Opposition	Spoke at hearing
Paul Millender/South Hemphill Heights	2804 Lipscomb	Out		Opposition	Sent letter in
Vicki Bargas/Worth Heights NA	na	Out		Opposition	Sent letter in
Fernando Florez/Hemphill Corridor Task Force	2744 Hemphill	Out		Opposition	Sent letter in

5. ZC-12-033 John M Kelley, Jr (CD 3)- 2915 Riverglen Drive (Stonegate Addition, Block 1, Lot 4J2A, 0.60 Acres): from "F" General Commercial to "PD/F" Planned Development for all uses in "F" General Commercial plus wine storage; site plan waiver requested

Terry Perkins, 525 S. Nolen Street, Suite 200, Southlake, Texas representing Classic Wine Storage, explained to the Commissioners the request is to rezone the property to PD/F plus wine storage. Mr. Perkins mentioned they would like to put in a wine storage facility for private clientele. They are asking to allow more storage area than is permitted in the district. Their clients have valuable wine that needs to be stored and chilled between 50 and 55 degrees. The maximum size of building they can put on the site is about 16,000 sq. ft. in which they need about 85% of that to be storage.

Mr. West asked about their business concept. Mr. Perkins explained it would be people coming in with their friends. The other option would be to bring in other wineries for wine tasting for their clients. Mr. West asked if they do that at the other locations. Mr. Perkins yes they do about once a month. Mr. West asked about the hours of operation. Mr. Perkins said usually from 8 am to 10 pm; most of the wine tasting is done in the evenings or on the weekends. Mr. West mentioned the opposition and asked if he had any contact with them. Mr. Perkins mentioned they did try to contact the neighbor next door to the south who is in opposition and heard nothing until they filed the zoning application. He also mentioned they rent out the child care facility in the evenings for weddings, etc., at which alcohol is provided. He also added they will not have a lot of traffic since they do not sell the product for retail.