

**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
July 10, 2012

Council District **9**

Zoning Commission Recommendation:
Approved by a vote of 9-0 with no waivers to the site plan requirements

Opposition: Neighborhood Representatives

Continued Yes No
Case Manager Stephen Murray
Surplus Yes No
Council Initiated Yes No

Owner / Applicant: **John Chapman (Chapman Motors)**

Site Location: 2931 Hemphill Avenue Mapsc0: 77W

Proposed Use: **Commercial**

Request: From: "A-5" One-Family

 To: "PD/SU" Planned Development/Specific Use for an office with development standards; site plan included

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

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

Background:

The proposed site is located on Hemphill Street north of Bowie Street. The applicant is proposing a zoning change from "A-5" One-Family to "PD/SU" Planned Development Specific Use for an insurance office with development standards; site plan included. Zoning for the site was changed in late 2008 from "F" General Commercial to the current designation.

The proposed site had a unique configuration with a single-family home attached to a commercial structure, which fronts Hemphill Street. The rear residential structure and an accessory structure were razed in August 2011. Concrete paving and a new fence were installed around the property which resulted in a property arranged for a commercial use in one family zoning. The complete paving of the property is in violation of the 50% lot coverage for A-5 zoning.

An application was submitted in mid April for NEZ certification which waived the fees for the project. Councilmember Burns, in association with the Jennings-May-St. Louis Neighborhood Association, Berry Street Initiative and the Hemphill Corridor Task Force, agreed to the NEZ approval with certain requirements on the development. These include:

1. Allow five (5) parking spaces in rear of building for customers and employees. If this building is truly to be used for insurance, there should be no problem with the amount of parking spaces.
2. Add trees, shrubs along north and south fences
3. Add green space between the alley and the rear parking lot (this is to ensure there are absolutely no intentions for storage of used vehicle inventory from Chapman Motors and limits access of alley)
4. No signage above the front of building

5. No more than one light on pole in rear of building. Light should not be a bother to neighbors on either side of lot nor should it reflect onto neighboring properties.
6. No parking in front of building
7. Eliminate rear sliding gate and make solid privacy fence to prevent/eliminate alley access from used vehicle car lot to new business for parking of vehicles; and most importantly
8. No parking and/or storage of vehicle inventory - including weekdays, weekends, and overnight

Additional comments included:

1. Setback requirements
2. Having two driveways to allow for in-and-out access of vehicles visiting site for business purposes. Property has one-car width driveway and is not conducive for in-and-out traffic.

The site plan provides five marked parking spaces with the remainder of the lot labeled as existing concrete paving. The concrete paving is not expected to be used for additional parking or storage of autos from the auto sales lot.

The site plan notes provide that the rear gate is to be removed and access will be eliminated through the alley to ensure vehicles from Chapman Motors are not stored on this site. The site plan also provides three shrubs and three trees along the length of the north and south property lines. No landscaping is proposed for the front of the commercial building. The change of use from residential to commercial typically triggers landscaping requirements. Since the existing building has a minimal front yard which is paved, instead of 75% in the front yard, staff has requested that the applicant provide the required amount of landscaping within the lot. Some landscaping would be preferred in the front.

In addition, Urban Forestry regulations apply to all commercial properties, and since this is officially a one-family property, no urban forestry review was completed when the lot was paved. If this rezoning request for the change of use is approved, an Urban Forestry submittal should be provided and trees planted. Staff has requested that a note be added to the site plan that it will comply with Urban Forestry and Landscaping regulations.

The proposed site is located in-between two single-family homes. If approved, the new zoning would divide the blockface, resulting in one single-family home being located in between two commercial sites. ZC-08-196, the Hemphill Phase 2 rezoning, intentionally separated the commercial and single-family uses.

The applicant owns the auto sales business located to the south of the subject site at 2941 and 2945 Hemphill Street, which were included in ZC-08-196. The owner was allowed to retain the "FR" zoning for the two lots.

Site Information:

Owner:	John Chapman 2945 Hemphill Street Fort Worth TX, Texas 76110
Agent:	Municipal Permit Service/Greg Phillips
Acreage:	0.16 acres
Comprehensive Plan Sector:	Southside
Surrounding Zoning and Land Uses:	
North	"A-5" One-Family / single-family
East	"B" Two-Family / single-family
South	"A-5" One-Family / single-family
West	"A-5" One-Family; "E" Neighborhood Commercial / single-family, commercial

Site Plan Comments:

The site plan as submitted is not in general compliance with the zoning regulations.

1. Show height and type of solid privacy fence to be installed next to the alley
2. Show all setbacks

Compliance with the item 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. CAN NOT HAVE A DRIVEWAY IN THE ALLEY
3. Dedicate ½ of {20}' ROW for {ALLEY}
4. Community Facilities Agreement required for streets (to include border streets, alleys and access easements), lights, signs, sidewalks, and drainage improvements FOR ALLEY
5. 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-08-196 (Council Initiated Rezoning); from “F” General Commercial to “A-5” One-Family; approved 1-19-09 (subject site).

Platting History: None

Transportation/Access

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

Public Notification:

The following Neighborhood Associations were notified:

West Morningside NA

Jennings-May-St. Louis NA

Worth Heights NA

South Hemphill

Berry Street Initiative

Hemphill Corridor Taskforce

Southside Preservation Assoc.

Neighbors Working Together

Fort Worth ISD

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zone change from “A-5” One-Family to “PD/SU” Planned Development Specific Use for an insurance office with development standards; site plan included. Surrounding land uses are primarily single-family with commercial across the street to the west. The site has a unique configuration with a house attached to a commercial structure fronting Hemphill Street. The applicant has demolished the home in the rear, leaving the existing commercial structure for the proposed office use.

The proposed site is located in-between two single-family homes, which would divide the blockface, resulting in one single-family home being located in between two commercial sites. ZC-08-196, Hemphill Phase 2 rezoning, separated the commercial and single-family uses.

As a result, the proposed zoning **is not 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:

- Encourage development type and intensity appropriate to existing or planned street infrastructure. (pg. 38)
- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods. (pg. 38)

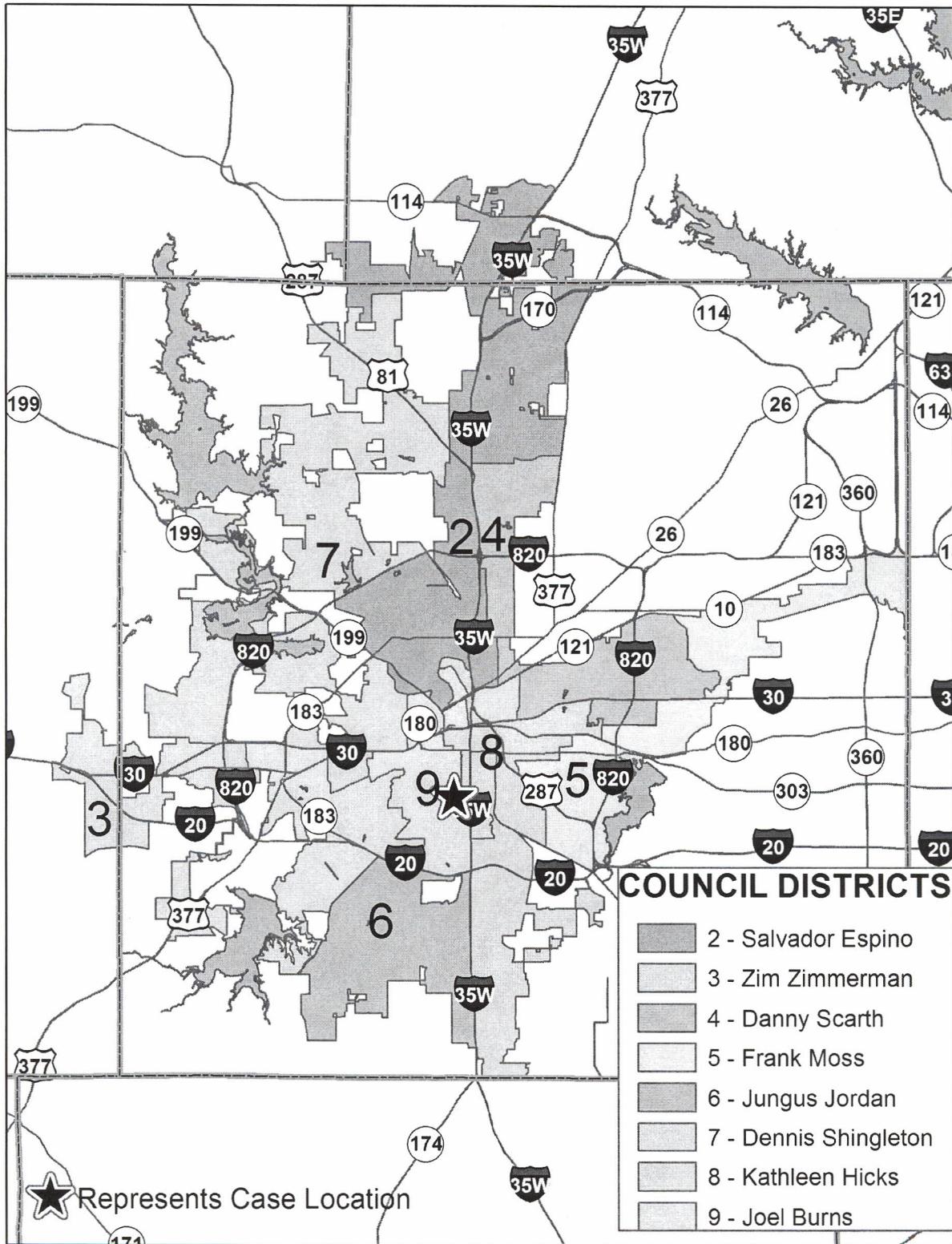
Based on the conformance with the future land use map and policies stated above, the proposed zoning **is consistent** with the Comprehensive Plan.

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

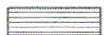


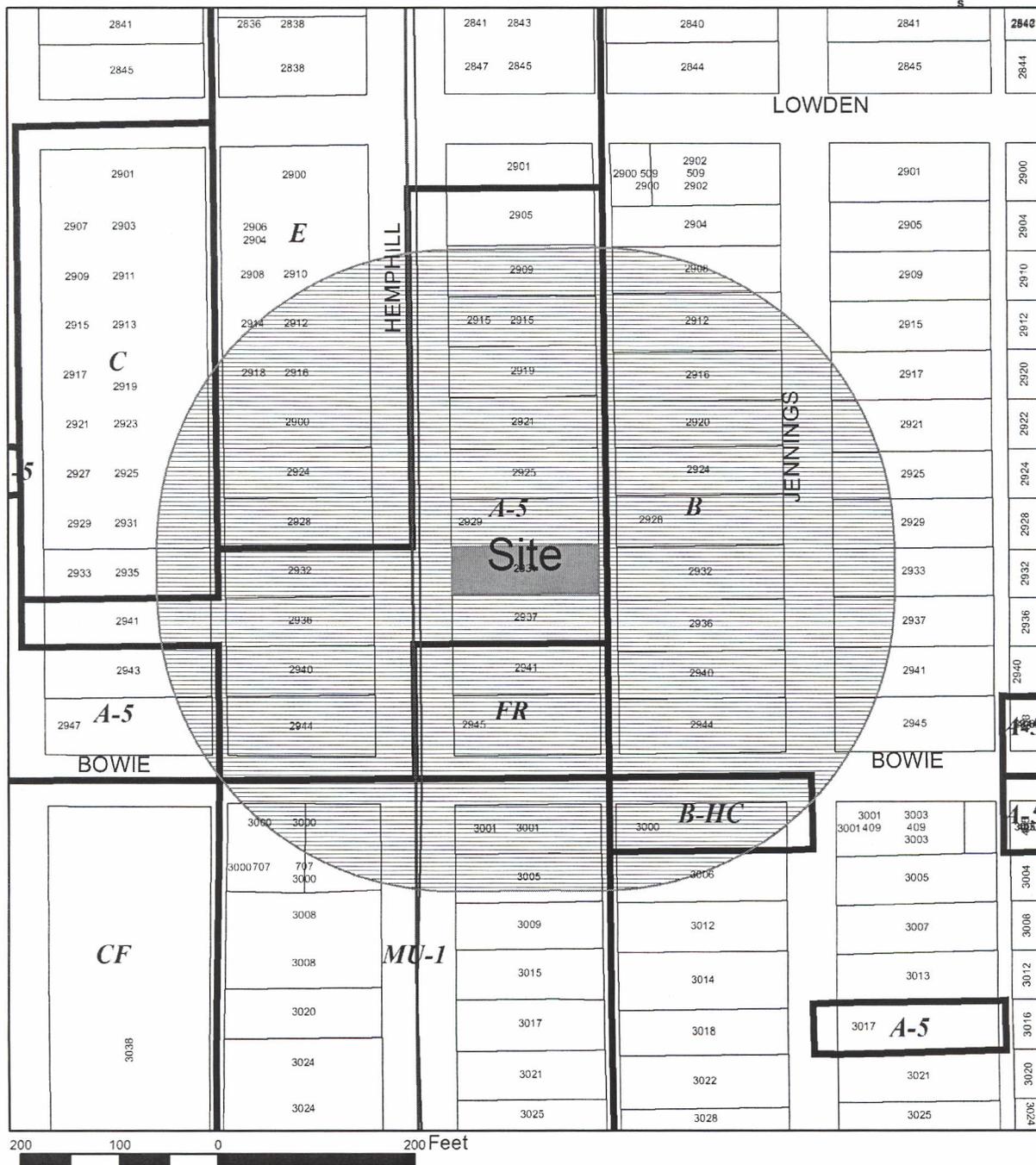


ZC-12-050

Area Zoning Map

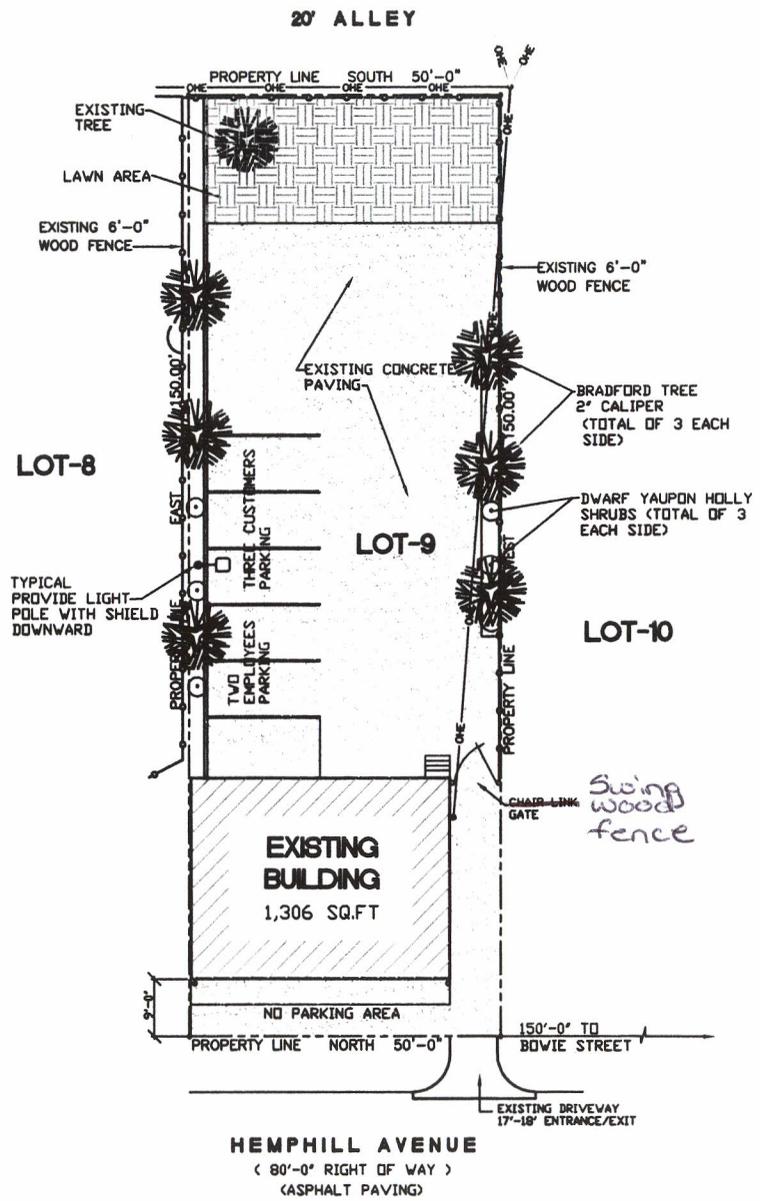
Applicant: John Chapman
 Address: 2931 Hemphill Street
 Zoning From: A-5
 Zoning To: PD/SU for office
 Acres: 0.16617436
 Mapsco: 77W
 Sector/District: Southside
 Commission Date: 06/13/2012
 Contact: 817-392-8043

 300 Ft. Notification Buffer



ZC 12-050-

**RECOMMENDED
FOR APPROVAL**



"PDSU" PLOT PLAN

SCALE: 1" = 10'

GRAPHIC SCALE

10' 5' 0' 10' 20' 30'

DEVELOPMENT STANDARD

- 1 ALLOW ONLY FIVE PARKING SPACES FOR THREE CUSTOMERS AND TWO EMPLOYEES. IN REAR PARKING. (9'x18')
- 2 ADD THREE TREES, SHRUBS ALONG NORTH AND SOUTH FENCES.
- 3 HAVE GREEN SPACE BETWEEN THE ALLEY AND MIDDLE OF LOT.
- 4 NO SIGNAGE ABOVE THE BUILDING IN FRONT OF BUILDING.
- 5 NO MORE THAN ONE LIGHT ON A POLE DIRECTED AWAY AND DOWNWARD.
- 6 NO PARKING IN FRONT OF BUILDING.
- 7 ELIMINATE REAR GATE AND INSTALL A SOLID PRIVACY FENCE.
- 8 NO STORAGE OF VEHICLE INVENTORY.
- 9 LANDSCAPING WILL APPLY 75% NOT REQUIRED IN FRONT YARD.

ZONING

EXISTING ZONING A-5
 PROPOSED ZONING TO *PLANNED DEVELOPMENT SPECIFIC USE FOR OFFICE WITH DEVELOPMENT STANDARDS

BUILDING DATA

EXISTING BUILDING..... 1,306 SQ. FT.

LEGAL

LOT-9
 BLOCK-21
 SOUTH HEMPHILL HEIGHTS
 AN ADDITION TO THE CITY OF FORT WORTH, TARRANT COUNTY, TEXAS
 VOLUME-106, PAGE-132

REVISIONS

DATE	REVISIONS
4/12/12	COMMENTS
6/1/12	COMMENTS

MUNICIPAL PERMIT SERVICES
 (817) 591-2840
 (682) 323-5415 CELL

EXISTING BUILDING FOR
CHAPMAN MOTORS
 2331 HEMPHILL STREET
 FORT WORTH, TEXAS

JOB NO.	2011-22
DRAWN BY	GP
CHECK BY	GP
DATE	1-13-2012

DIRECTOR OF PLANNING & DEVELOPMENT

DATE

SHEET NO.
1
 OF 1



2931 Hemphill Street

Future Land Use

ZC-12-050



- 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



In rebuttal Mr. Aquirre said he would clear up the lot, remove the barn before building a structure and will probably have a couple of horses with some stables.

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

5. ZC-12-49 John and Janet Thornhill (CD 3)- 2800 Alta Mere (Alta Mere Addition, Block 4, Lot 1A-R, 1.92 Acres): from "FR" General Commercial Restricted to "F" General Commercial

Jake Petras, 3529 Lake Hill Lane, Fort Worth, Texas representing Quik Trip explained to the Commissioners they are requesting F zoning in order to allow for alcohol sales. They will be relocating an existing QuikTrip down the road. He did mention they have a new store design that they want to build there. Their new design focuses on more food options than gasoline sales.

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

6. ZC-12-050 John Chapman (CD 9) 2931 Hemphill Avenue (South Hemphill Heights Addition, Block 21, Lot 9, 0.17 Acres): from "A-5" One-Family to "PD/SU" Planned Development/Specific Use for office with development standards; site plan included

Gregory Phillips, 1420 Cloverdale Drive, Fort Worth, Texas, representing Chapman Motors explained to the commissioners they are requesting to rezone to PD/SU for office with development standards. He mentioned Mr. Chapman bought the building and wants to make it into a commercial office for collections on his automobiles and an insurance office. Mr. Phillips explained they met with the HOA and came to an agreement to rezone to PD and to regulate development standards to protect the neighborhood. Mr. Phillips displayed pictures of what the property looked like. He mentioned the revised site plan and they plan on putting some type of pottery landscaping in the front yard. He said that the neighbor between this property and Chapman motors is in support.

Ms. Reed asked about the existing building. Mr. Phillips mentioned they tore down the house portion and left the front building for commercial.

Mr. Edmonds asked about the residential uses on the street. Mr. Phillips responded the building was zoned FR and the zoning changed to A-5 while Mr. Chapman was purchasing the property and did not have the information.

Fernando Florez, 2740 Hemphill Street, Fort Worth, Texas Chairman for the Hemphill Corridor Task Force spoke in support. Mr. Florez mentioned they have concerns about buildings being vacant and want good development in the area.

Mr. Ortiz asked if he knew what the building was going to be used for. Mr. Florez responded with his understanding is it will be an insurance office. Mr. Ortiz asked about the parking in the rear and the building fronting Hemphill. Mr. Florez said yes but they will not have access to the

alley. Mr. Ortiz also asked about encroachment into the residential. Mr. Florez said Hemphill is a commercial corridor. Mr. Florez asked the applicant to address the fence and setback comments.

Henry Chapman, 6504 Genoa Road, Fort Worth, Texas property owner mentioned the house had a lot of problems with people coming and going. He said he spoke with the next door neighbors and they were in support and would send a letter in. His stated his intentions are to make it an insurance office and collections with three employees to collect payments.

Juanita Jimenez, 3006 S. Jennings Street, Fort Worth, Texas President of the Jennings May St. Louis neighborhood spoke in opposition. She mentioned they help two meetings with the applicant, one in November and then March this year and nothing was accomplished. Ms. Jimenez mentioned some problems they've had with the owner. She displayed pictures of cars being parked on the lot from his business as well as cars being stored in the alley. The neighborhood made some comments on the site plan about the gate and access back to the alley, as well as how many lights they were showing.

Mr. West asked about cars being parked in the alley.

Jimmy Hodges, 2940 S. Jennings, Fort Worth, Texas also spoke in opposition. He lives directly behind Chapman Motors now with lights shining in his backyard. Mr. Hodges mentioned the neighborhood does not agree with the zoning change. He said the only commercial buildings along Hemphill are those that belong to Mr. Chapman. He mentioned that they paved the entire back part of the lot.

Sandra Dennehy, 3124 College Avenue, Fort Worth, Texas representing Berry Street Initiative spoke in opposition. Ms. Dennehy said had a meeting with Mr. Phillips showing the original site plan which was misleading. She stated he should not have taken down the residential house. They specifically rezoned this area to not allow any more auto sales or bars.

Ms. Reed asked if she was ok with the revised site plan. Ms. Dennehy said they did make adjustments to the original site plan based on comments from the neighborhoods, however; the comments she made and possibly from other neighborhoods were based on not having all the information in front of them. The site plan presented to her said existing concrete paving and she thought it was already paved when they purchased the property and did not know the house had been torn down.

Paul Millender, 3121 Lipscomb Street, Fort Worth, Texas, representing and president of the South Hemphill Heights neighborhood, spoke in opposition. They do not want any more auto sales in the area.

Mr. Ortiz and Ms. Zadeh discussed the issues the neighborhood has brought up and whether that can be discussed. It was determined they are code violations that should be addressed by Code Compliance.

Mr. Edmonds mentioned a similar case on Hulen where there was encroachment of a commercial business expanding 50 feet at a time for future parking and or building.

In rebuttal, Mr. Phillips mentioned they met with the neighborhoods eight different times. Mr. Phillips stated they applied for an NEZ which had to be supported by the neighborhoods as well as the City Council member. He stated there seems to be issues with past history. The only activity that will occur at 2931 Hemphill will be collections and insurance only.

Mr. Chapman also mentioned his intentions and knows he can't expand his car lot. He wants to make the area beautiful. He mentioned a gate with no access to the alley.

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

<i>Document received for written correspondence</i>				<i>ZC-12-050</i>	
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	Yes		Opposition	Spoke at hearing
Jim Hodges	2940 S Jennings	Yes		Opposition	Spoke at hearing
Paul Millender/South Hemphill Heights	3121 Lipscomb St	Out		Opposition	Spoke at hearing

7. ZC-12-051 Chickasaw Lumber Investments (CD 5)- 4215 Chickasaw Avenue (Homewood Addition, Block 1, Lots 1A thru 4A, 5 & 6B, 2.51 Acres): from “E” Neighborhood Commercial to “PD/SU” Planned Development/Specific Use for lumber yard with outdoor storage and drying kiln; site plan included.

Jason Nichols, 4215 Chickasaw Street, Fort Worth, Texas representing Chickasaw Lumber Investments, a commercial lumber yard and fire retardant lumber treater, explained to the commissioners they want to expand and add an additional building for the drying kiln for the drying of lumber. Mr. Nichols acknowledged the property was under different management when the zoning change took place in 2009 changing it from I to E. He is requesting to take it to PD/SU for lumber yard and drying kiln. Mr. Nichols noted there is a drying kiln on site and they want to add an additional one. The entire property is enclosed with an eight foot metal fence. Pictures were displayed of how the property looks and operates.

Ms. Zadeh asked about the dumpster location and if it was located in public right of way. Mr. Nichols said it is located inside the property.

Mr. Ferrell noted he did visit the site and mentioned it has been taken care of very well.