



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
August 7, 2012

Council District 7

Zoning Commission Recommendation:

Approval by a vote of 9-0

Opposition: several residential owners

| | | |
|-------------------|------------------------------|----------------------------------------|
| Continued | Yes <input type="checkbox"/> | No <input checked="" 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: SMRP Real Estate, LTD.

Site Location: 6200 block W. Bailey Boswell Rd. Mapsco: 32L

Proposed Use: Commercial

Request: From: "A-5" One-Family
To: "E" Neighborhood Commercial

Land Use Compatibility: Requested change is compatible.

Comprehensive Plan Consistency: Requested change is not consistent.

Background:

The proposed site is located on Bailey Boswell Road near the corner of Boat Club Road. The request to change the zoning from "A-5" One-Family to "E" Neighborhood Commercial will allow for the development of commercial tracts to compliment the newly proposed grocery store located directly to the west.

The proposed site is currently preliminarily platted as part of the adjacent existing Boswell Ranch subdivision. A residential road is stubbed into the property, indicating the previous intention to extend the road for additional residential development. This road will be permanently dead-ended and will not provide access into the commercial properties. The rezoning would remove a block of the subdivision that was planned for single-family and rezone it to commercial. This will provide an additional buffer for the proposed large retail to the west and provide commercial frontage along Bailey Boswell Road.

The zoning ordinance requires that a screening fence and landscaped buffer be provided adjacent to the residential properties. The developer has agreed to provide an 8 ft. masonry wall.

Site Information:

Owner: SMRP Real Estate, LTD
5354 Airport Freeway
Haltom City TX, Texas 76117

Agent: Mark Donohue, PE
Acreage: 4.2 acres
Comprehensive Plan Sector: Far Northwest

Surrounding Zoning and Land Uses:

North City of Saginaw / vacant
 East "A-5" One-Family / single-family
 South "A-5" One-Family / vacant
 West "PD 906" PD/E with no maximum building size and care wash, site plan included / vacant

Recent Relevant Zoning and Platting History:

Zoning History: PD 906, PD/E with no maximum building size plus car wash, approved September 2012 (just west of the subject site)

Platting History: None

Transportation/Access

| Street/Thoroughfare | Existing | Proposed | In Capital Improvements Plan (CIP) |
|---------------------|-------------|----------------|------------------------------------|
| Bailey Boswell Road | County Road | Major Arterial | No |

Public Notification:

The following Neighborhood Associations were notified:
 PID 6 Keller ISD
 North Fort Worth Alliance

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zone change from "A-5" One-Family to "E" Neighborhood Commercial. Surrounding land uses are primarily vacant with a single-family subdivision located just east of the proposed site and planned commercial to the west.

The proposed new commercial is compatible with the single-family subdivision near the proposed site and will provide an additional buffer to the recently approved large retail. Additionally, the site is located on Bailey Boswell Road, which is currently a four lane road and planned as a major arterial.

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 single-family. While the proposed commercial development is not consistent with the single-family designation, the property is located on a future major arterial, which is a proper location for a neighborhood commercial use. The policies below apply to this development:

- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods. (pg. 38)
- 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.

Due to the single-family designation, the zoning change request **is not 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
- Minutes of the Zoning Commission meeting

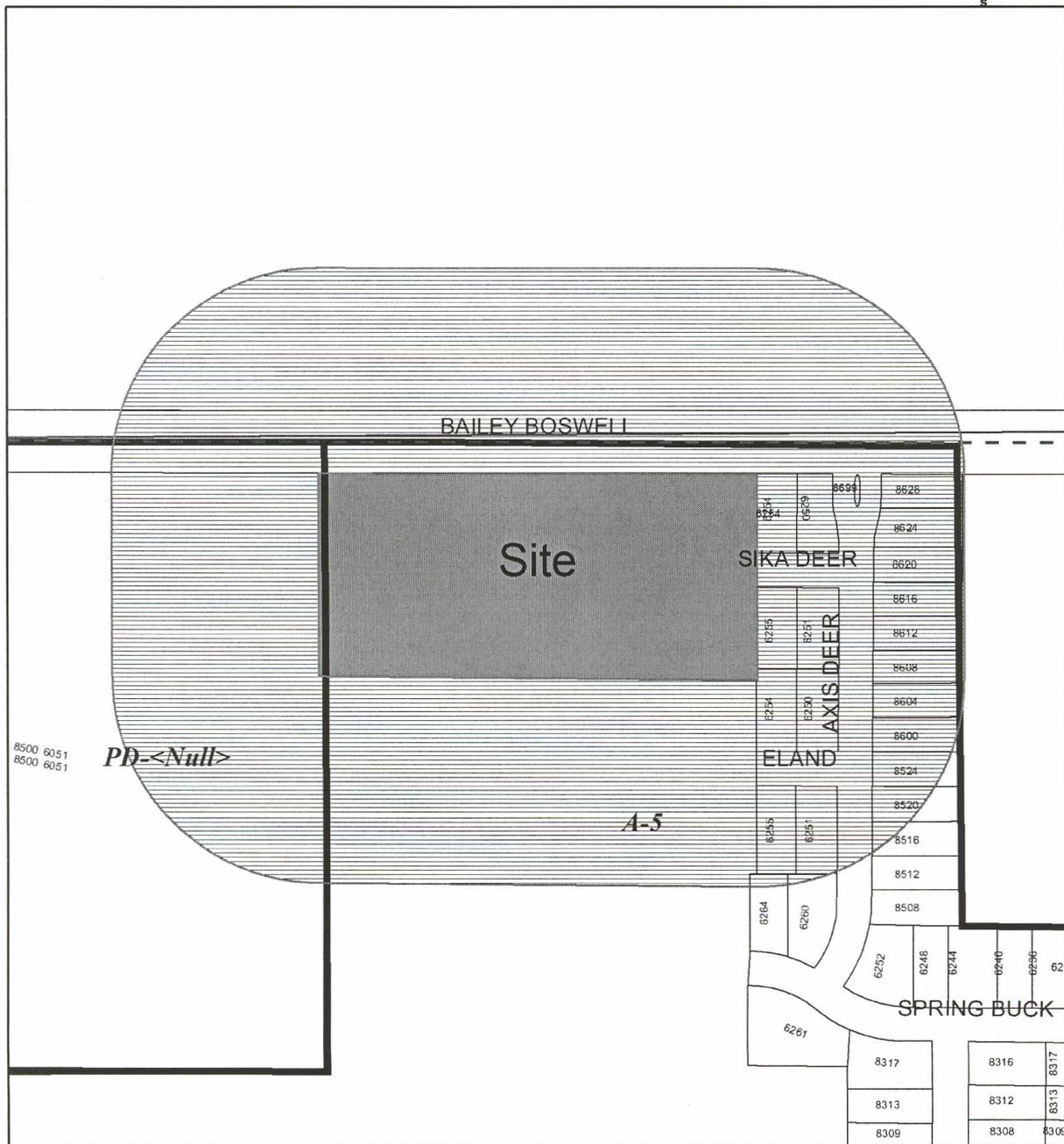


ZC-12-053

Area Zoning Map

Applicant: SMRP Real Estate LTD
 Address: 6200 block W. Bailey Boswell Road
 Zoning From: A-5
 Zoning To: E
 Acres: 4.34148304
 Mapsco: 32L
 Sector/District: Far Northwest
 Commission Date: 06/13/2012
 Contact: 817-392-8043

 300 Ft. Notification Buffer



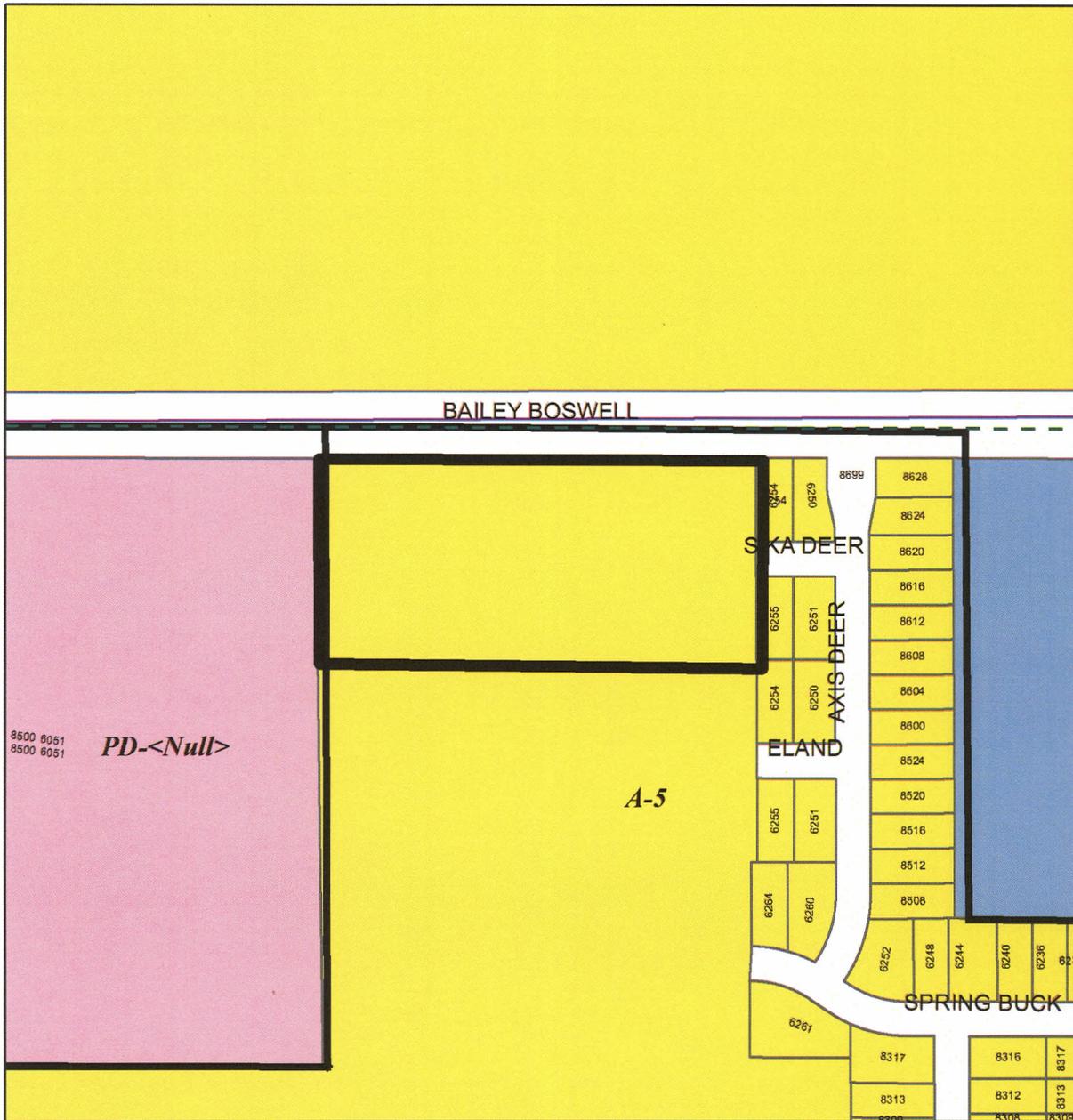
200 100 0 200 Feet



6200 block W. Bailey Boswell Road

Future Land Use

ZC-12-053



- 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

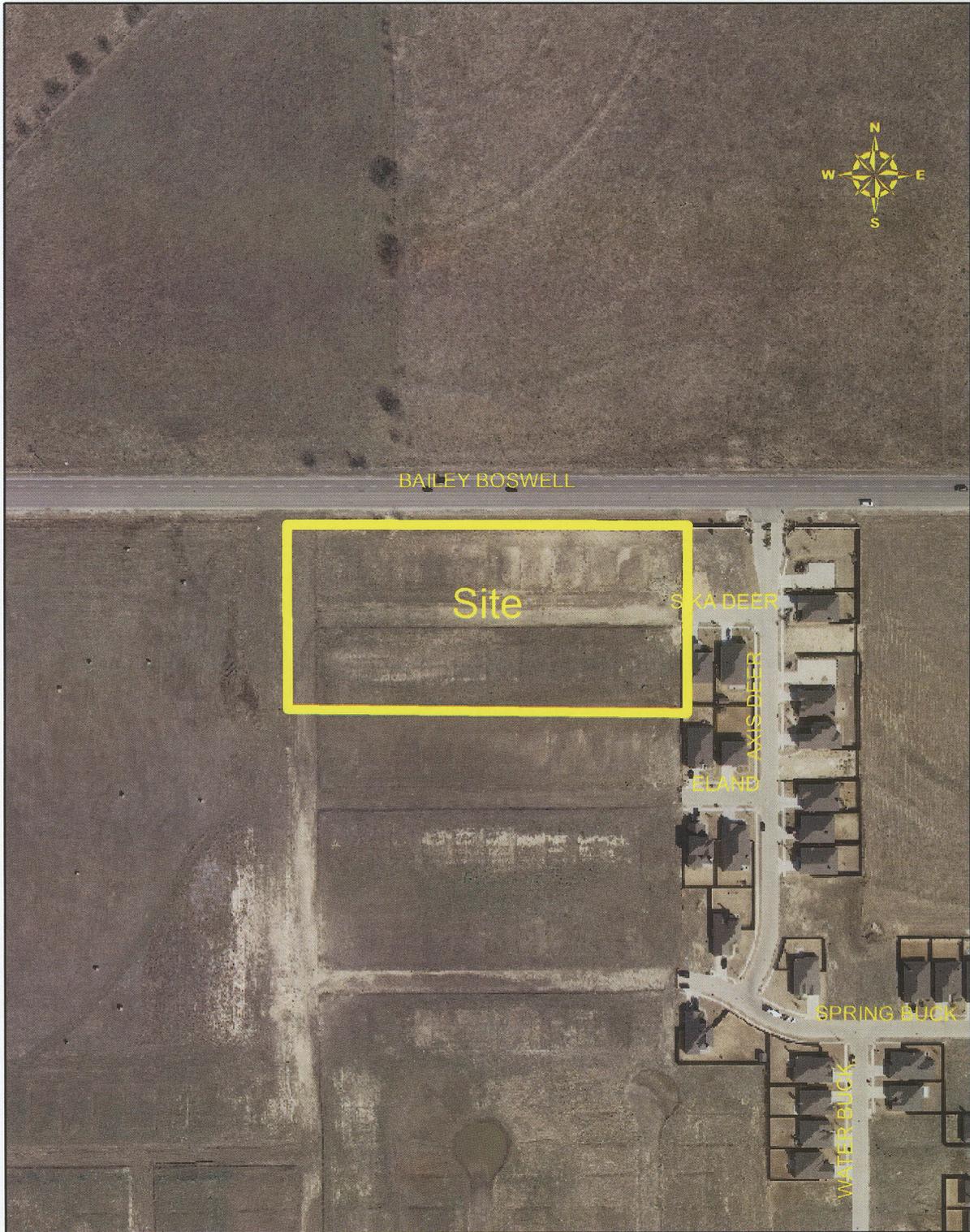
- CFWGIS.SDE.TRN_RAILROADS
- CFWGIS.SDE.CAD_addresses
- Freeways/Toll Roads
- Proposed Freeway/Toll Road
- Principal Arterial
- Proposed Principal Arterial
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- Flood Plain



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



City of Fort Worth, Texas
Zoning Commission
July 11, 2012 – Meeting Minutes

Present:

Neftali Ortiz, Chair, District 2
Ann Zadeh, Vice- Chair, District 1
Robert West, District 3
Charles Edmonds, Jr. District 4
Hugh Ferrell, District 5
Stephanie Spann, District 6
Nick Genua, District 7
Wanda Conlin, District 8
Gaye Reed, District 9

Staff Members Present:

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

Absent:

none

I. Public Hearing – 10:04 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 9-0, voted to approve the Zoning Commission minutes of the June 13, 2012 meeting.

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

http://fortworthgov.granicus.com/ViewPublisher.php?view_id=2

III. Continued Cases

1. ZC-12-053 SMRP Real Estate Ltd (CD 7)- 6200 Block of W. Bailey Boswell Road (R. Whitley Survey, Abstract 1672, 4.27 Acres): from: “A-5” One-Family to: “E” Neighborhood Commercial

Jim Schell 901 Fort Worth Club Building, Fort Worth, Texas is representing Mr. Moore. The request is to rezone property located between the existing single family homes to the east and a proposed HEB store to the west to “E” Neighborhood Commercial. Mr. Schell mentioned the case was continued in order for the applicant to get together with the neighborhood. His client is proposing at least three separate lots possibly four, for commercial development. Pictures were displayed of the surrounding roads adjacent to this site as well as some prospective uses. The development of this area especially around this intersection should be commercial not single-family. Mr. Schell mentioned the two letters of support in which his client addressed their concerns.

Mr. Genua asked staff to display the zoning map. Mr. Genua asked what his client intends to do with the stubout on Sika Deer. Mr. Schell said it will remain closed.

Mr. Ortiz asked about the two homes on Sika Deer that adjoin this property and the property values. Mr. Schell stated in any zoning case you can argue property values up or down and that everyone has an opinion. He did mention that as part of the zoning requirement for commercial adjacent to residential there is a bufferyard setback and screening wall requirement. His client has agreed to put in an 8ft. masonry screening wall. There were talks about restricting certain uses adjacent to these properties such as a fast food restaurant.

Janice Congress 6255 Sika Deer Run, Fort Worth, Texas spoke in opposition. Ms. Congress mentioned a meeting that was held with the applicant June 20, which was an impromptu meeting with the developer, Karen Hamilton, Laura Rice and herself. She mentioned the fence and drainage issues in which he has not fulfilled. In their conversations originally there was going to be a stone wall then it went to an 8 ft masonry fence, and last a retaining wall. She mentioned an email from Mr. Moore that once they fixed the drainage issues he would then erect a fence. She also stated an email from Mr. Donahue saying they would not put up a fence until the commercial development is ready to move forward. Landscaping and sprinkler heads are an issue and have not been addressed.

Mr. Ortiz asked about the majority of opposition and what was the concern. Ms. Congress mentioned the opposition has issues with the commercial development and maintenance issues. On July 25 they will be holding a meeting.

Mr. West asked if there are any houses south of Bailey Boswell. Ms. Congress said yes there are homes on the lots. Mr. West also asked how many property owners in the buffer area are in support of the request. Ms. Congress said Sherrie and Karen next door and behind her house. Mr. West asked if the property owners that back up to Bailey Boswell are still in opposition. She said yes they are. She also mentioned there are eight property owners within the buffer zone that are still in opposition.

Ms. Zadeh asked if the maintenance issues were the reason for the opposition. Ms. Congress said yes they are only in opposition because of the maintenance issues. Ms. Zadeh explained they are requesting straight zoning and could not attach a maintenance request to it.

Mr. Ortiz mentioned that is why she is requesting a continuance. She explained that if he put up a wall she would be happy. Ms. Zadeh stated Zoning can't enforce the type of fence he puts up.

Mr. Schell in rebuttal mentioned the point system and an eight foot masonry wall and believes they can resolve Ms. Congress's concerns. He mentioned a letter that was submitted from Karen Hamilton stating the maintenance issues, wall, etc. Mr. Schell said Mr. Moore would sign that letter agreeing and have it placed in the file for record. Mr. Genua asked about the letter dated July 10, 2012. Mr. Schell said he would sign both letters.

Steve Moore, 1800 Rogers Road, Fort Worth, Texas mentioned he agreed to put the screening wall in only if he knows what zoning he is going to end up with. He is fulfilling his maintenance requirements and working on them at this time.

Mr. West asked about the timing of platting for properties along Eland and Spring Buck. Mr. Moore said the plan is to develop it to single-family depending on the market. He did mention the street is barricaded along Sika Deer.

Mr. Schell reiterated the opposition is mainly for maintenance issues that they are going to address. He also said adding a couple of lots to that section is not going to address any more buffering.

Mr. Genua asked staff about the motion and how to ensure the documents signed are enforced. Ms. Burghdoff said the documents will be part of the record and on file but can't be enforced through the City; it would be a private agreement.

Ms. Zadeh mentioned her concerns about putting the fence up before the development.

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

| <i>Document received for written correspondence</i> | | | | | ZC-12-053 |
|-----------------------------------------------------|----------------------|----------------------------------------------------|-------------------------|-------------------------------|------------------|
| Name | Address | In/Out 200 ft notification area | Position on case | | Summary |
| Karen Hamilton | 6251 Sika Deer Run | In | Support | Opposition | Sent letter in |
| Janice Congress | 6255 Sika Deer Run | In | | Opposition | Spoke at hearing |
| Laura Rice | 6254 Eland Run | In | Support | Opposition | Sent letter in |
| Jordan Willis | 6241 Bush Buck Run | Out | | Opposition/Maintenance issues | Sent letter in |
| Carrul Jefferson | 6254 Sika Deer Run | In | | Opposition/Maintenance issues | Sent letter in |
| Kathryn LeFurgey | 8221 Water Buck Run | Out | | Opposition/Maintenance issues | Sent letter in |
| Fred Weathers | 6232 Spring Buck Run | Out | | Opposition/Maintenance issues | Sent letter in |
| Nancy Long | 8209 Water Buck Run | Out | | Opposition/Maintenance issues | Sent letter in |
| Andrew Whittmark | 8205 Water Buck Run | Out | | Opposition/Maintenance issues | Sent letter in |
| Catalina Mesa | 6261 Spring Buck Run | Out | | Opposition/Maintenance issues | Sent letter in |
| Jorge Cardona | 6250 Sika Deer Run | In | | Opposition/Maintenance issues | Sent letter in |
| Geoffrey Wolf | 8600 Axis Deer Run | In | | Opposition/Maintenance issues | Sent letter in |
| Ashley Szymanski | 8524 Axis Deer Run | In | | Opposition/Maintenance issues | Sent letter in |
| Reyes Espinosa | 6250 Eland Run | In | | Opposition/Maintenance issues | Sent letter in |
| Ineable Aparicio | 8516 Axis Deer Run | In | | Opposition/Maintenance issues | Sent letter in |

2. ZC-12-066 Phillip Gaylen (CD 4)- 1412, 1418 Milam Street, 1425 Nottingham Boulevard and 1401 E. Loop 820 (Ryan South, John C Addition, Block 14, Lots 1-4, 6B, 7B, 8B and 9-16, 7.99 Acres): from "A-5" One-Family and "PD-575" Planned Development/Specific Use for parking lot and car leasing preparation area; site plan required to "PD/E" Planned