



**ZONING MAP CHANGE  
STAFF REPORT**

**Zoning Commission Meeting Date:**  
September 11, 2012

**Council District** 9

**Zoning Commission Recommendation:**  
Approved by a vote of 9-0  
  
**Opposition:** none

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

**Owner / Applicant:** Seminary Hemphill Investments

**Site Location:** 551 & 559 W. Seminary Drive Mapsco: 91E

**Proposed Use:** Tire Sales/Service/Automotive Repair

**Request:** From: "E" Neighborhood Commercial

To: "PD/E" Planned Development for all uses in "E" Neighborhood Commercial plus tire sales/service and automotive repair with development standards; site plan included

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

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

**Background:**

The proposed site is located in the southeast corner of Hemphill and Seminary Drive. The applicant is proposing to rezone to PD/E plus tire sales service and automotive repair in order to expand the existing business. Code Compliance has had a case on the property for several months to remove the trailers currently used on the site for tire storage.

The auto use on the corner has been legal non-conforming since 1989 according to Board of Adjustment records. Several variances have been granted for the construction of the existing structure including expanding the building and encroaching into setbacks.

The site plan provides some site development controls to the site plan requested by the neighborhoods, including no tire service shall be provided to semi trailers, signage is limited to the company name on the west side of the building, and that paint and body shops are prohibited.

The site plan provides a 7 ft. x 12 ft. monument sign for the corner site similar to that installed by CVS. (The CVS sign is an 8 ft. by 16 ft. monument sign with an approval for a special exception for an electronic message board.) The applicant indicated that part of the sign will be dedicated to the identification of the Rosemont and Worth Heights neighborhoods, similar to that of CVS. A Board of Adjustment Special Exception will be required for an electronic copy sign.

Development Standards	E	PD/E
Front Yard setback	20 ft setback/no permanent structures	Waiver required for encroachment into setback for sign, carport, new building, dumpster
Supplemental Setback	20 ft. setback adjacent to A or B zoning/no permanent structures	Waiver required for encroachment of new building 5 ft. into setback
Auto Repair	Not permitted	Waiver required for residential adjacency
Parking required adjacent to A-5 zoning	22 parking spaces maximum	Waiver required only providing 10 parking spaces
Signage	Monument sign 8x16, 96 sq. ft. message area	Waiver required for encroachment of 7x12 monument sign into 20 ft. front setback, (electronic changeable copy, SE from BOA required);

**Site Information:**

Owner: Seminary Hemphill Investments  
559 W. Seminary  
Fort Worth, Tx 76115

Acreage: 0.67 acres

Comprehensive Plan Sector: Southside

Surrounding Zoning and Land Uses:

North "E" Neighborhood Commercial / commercial

East "E" Neighborhood Commercial / vacant

South "B" Two-Family and "E" Neighborhood Commercial / single-family and commercial

West "PD-113" Planned Development for E uses plus automatic car wash / convenience store

**Recent Relevant Zoning and Platting History:**

Zoning History: ZC-11-003, PD-901 Planned Development for E uses with exclusions; approved by City Council February 2011, subject property in the NWC; ZC-90-124, PD-113 Planned Development for E uses plus auto car wash; approved by City Council December 1990

Platting History: None

BOA History: BA-89-073 expand legal non-conforming building in E tire shop  
BA-94-060 expand legal non-conforming building in E tire sales and service encroaching into setbacks and bufferyards

**Site Plan Comments:**

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

1. No repairs shall be conducted on any premises that adjoin any residential district. A waiver to 5.104.2.d. Automotive Repair; Paint and Body Shop Standards is necessary.
2. No permanent structures permitted in the required, projected, or supplemental building setback. (carport, new building, dumpster, monument sign). A waiver to 6.101A Yards and to 6.300.B Landscaping and Buffers is necessary.
3. Use is adjacent to a One or Two-Family district. Maximum parking required is 22 spaces; site plan indicates 10 parking spaces. A waiver to 6.201.B Off Street Parking Requirements is necessary.

**Zoning Commission recommended waivers for items 1, 2, and 3 noted above.**

Transportation/Public Works (TPW) site plan comments

1. Sidewalks - Sidewalks shall be required for all streets as per City of Fort Worth Standards.
2. ROW Dedication: Partial - Dedicate ½ of {20} ' ROW for {ALLEY}

3. CFA - Community Facilities Agreement required for streets (to include border streets, alleys and access easements), lights, signs, sidewalks, and drainage improvements.
4. Parkway Permit - "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.*

**Transportation/Access**

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

**Public Notification:**

The following Neighborhood Associations were notified:

Worth Heights  
 Hubbard Heights NA  
 Rosemont NA  
 Hemphill Corridor Task Force

Neighbors Working Together  
 Fort Worth ISD

**Development Impact Analysis:**

**1. Land Use Compatibility**

The applicant is proposing a zoning change from E Neighborhood Commercial to PD/E for E uses plus tire sales, service and auto repair to construct a new building. An existing brick building is currently being used for tire sales and service.

Surrounding land uses are primarily commercial with single-family directly to the south.

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. Automotive repair is considered a general commercial use. The policies below apply to this development.

- 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)

The proposed zoning change request **is not consistent** with the Comprehensive Plan and the policy stated above.

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

**Attachments:**

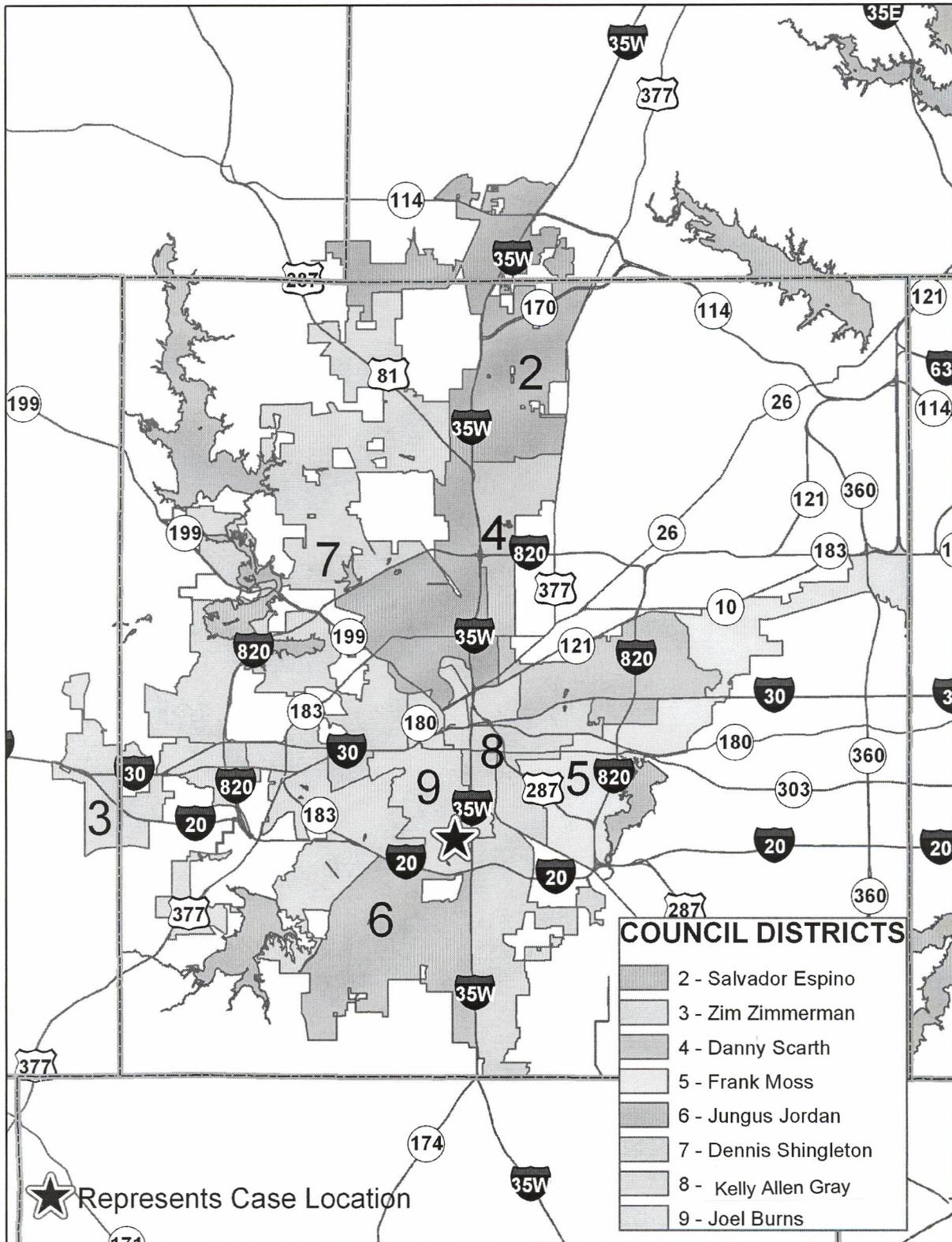
- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Revised Site plan
- Minutes of the Zoning Commission meeting

# FORT WORTH

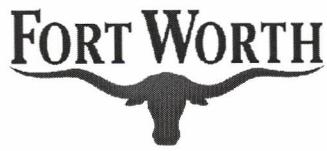


ZC-12-070

## Location Map



5 2.5 0 5 Miles



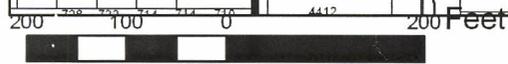
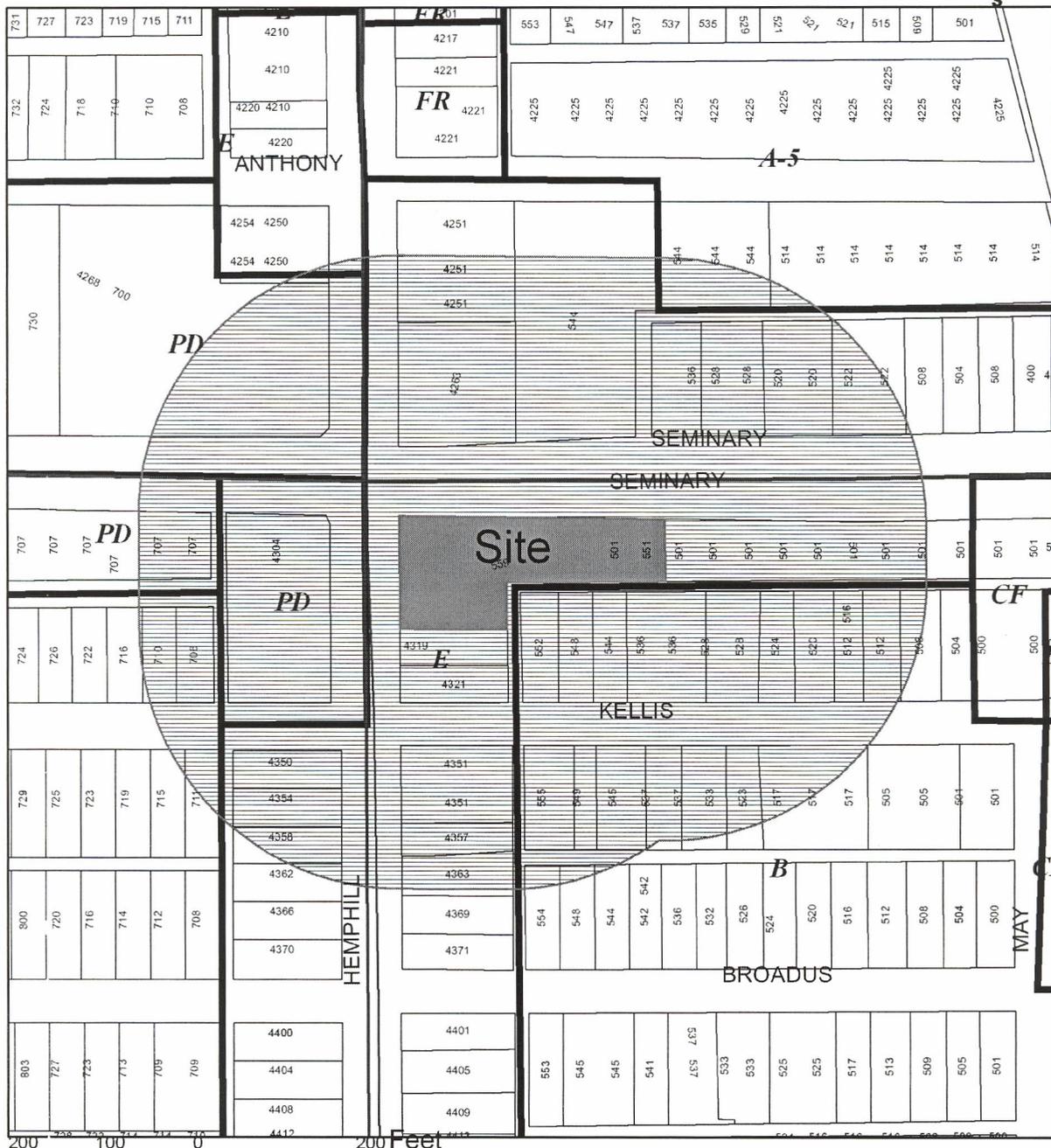
ZC-12-070

# Area Zoning Map

Applicant: Seminary Hemphill Investments  
 Address: 551 & 559 W. Seminary Drive  
 Zoning From: E  
 Zoning To: PD for E uses plus automotive repair, tire sales & service  
 Acres: 0.67393272  
 Mapsco: 91J  
 Sector/District: Southside  
 Commission Date: 7/11/2012  
 Contact: 817-392-2495



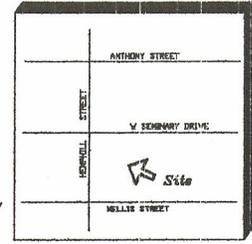
 300 Ft. Notification Buffer





Site Development Controls

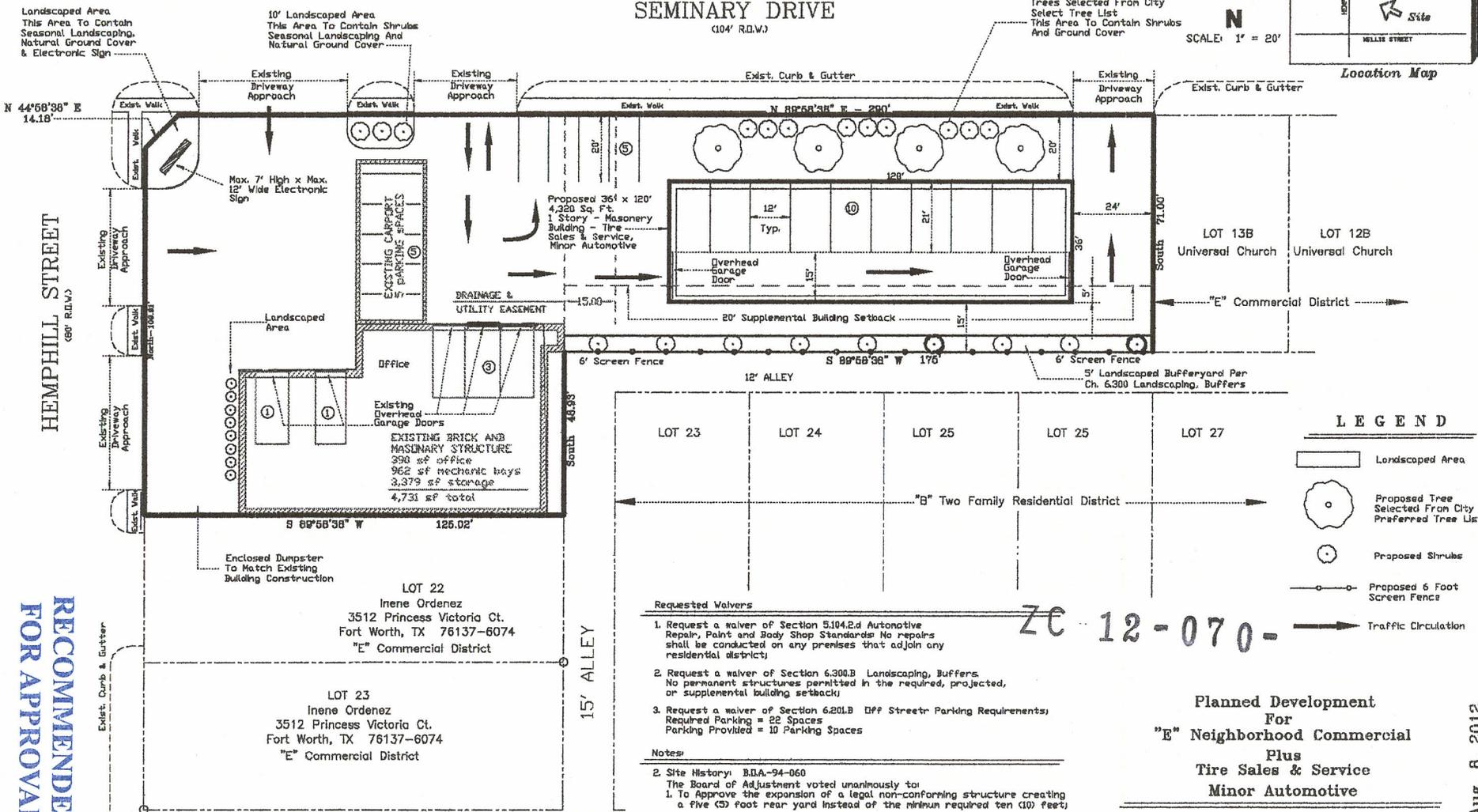
1. Parking prohibited on the west end of site between existing building and Hemphill Street)
2. Outdoor storage prohibited;
3. Outdoor display of inventory prohibited;
4. All repairs and automotive services to be conducted within an enclosed building;
5. Site to be maintained free of litter;
6. Tire service to trailers prohibited;
7. On site signage limited to company name on west building and to electronic sign at north-west corner of site;
8. Paint and Body Shop services prohibited;



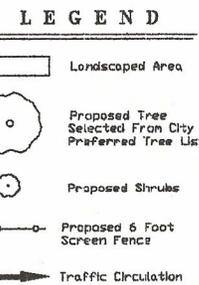
SEMINARY DRIVE  
(104' R.O.W.)

20' Landscaped Area  
Trees Selected From City  
Select Tree List  
This Area To Contain Shrubs  
And Ground Cover

SCALE: 1" = 20'



RECOMMENDED FOR APPROVAL



Requested Valuers

1. Request a waiver of Section 5.104.E.d Automotive Repair, Paint and Body Shop Standards. No repairs shall be conducted on any premises that adjoin any residential district;
2. Request a waiver of Section 6.300.B Landscaping, Buffers. No permanent structures permitted in the required, projected, or supplemental building setback;
3. Request a waiver of Section 6.201.B DPF Street Parking Requirements; Required Parking = 22 Spaces; Parking Provided = 10 Parking Spaces

Notes:

2. Site History: BIA-94-060  
The Board of Adjustment voted unanimously to:
  1. To Approve the expansion of a legal non-conforming structure creating a five (5) foot rear yard instead of the minimum required ten (10) feet;
  2. To Approve the expansion of a legal non-conforming structure adjacent to a residential district without providing the minimum required twenty (20) foot supplemental building setback;
  3. To Approve the expansion of a legal non-conforming structure without providing the minimum required six (6) foot screening fence;
  4. To Approve the expansion of a legal non-conforming structure without providing the minimum required five (5) foot landscaped buffer yard;

Notes:

1. Lighting to consist of wall mounted lighting on existing and proposed buildings;

ZC 12-070-

**Planned Development For "E" Neighborhood Commercial Plus Tire Sales & Service Minor Automotive**

559 W Seminary  
Fort Worth, Texas  
Lots 16R, 14B & 15B, Block 9  
South Side Addition

Director of Planning & Development

Date

Revised Aug. 8, 2012

KELLIS STREET  
(50' R.O.W.)

AUG 06 2012



Owner / Applicant  
Seminary Hemphill Investments  
307 W 7th Street  
Fort Worth, TX. 76102-5100

Revised Aug. 8, 2012

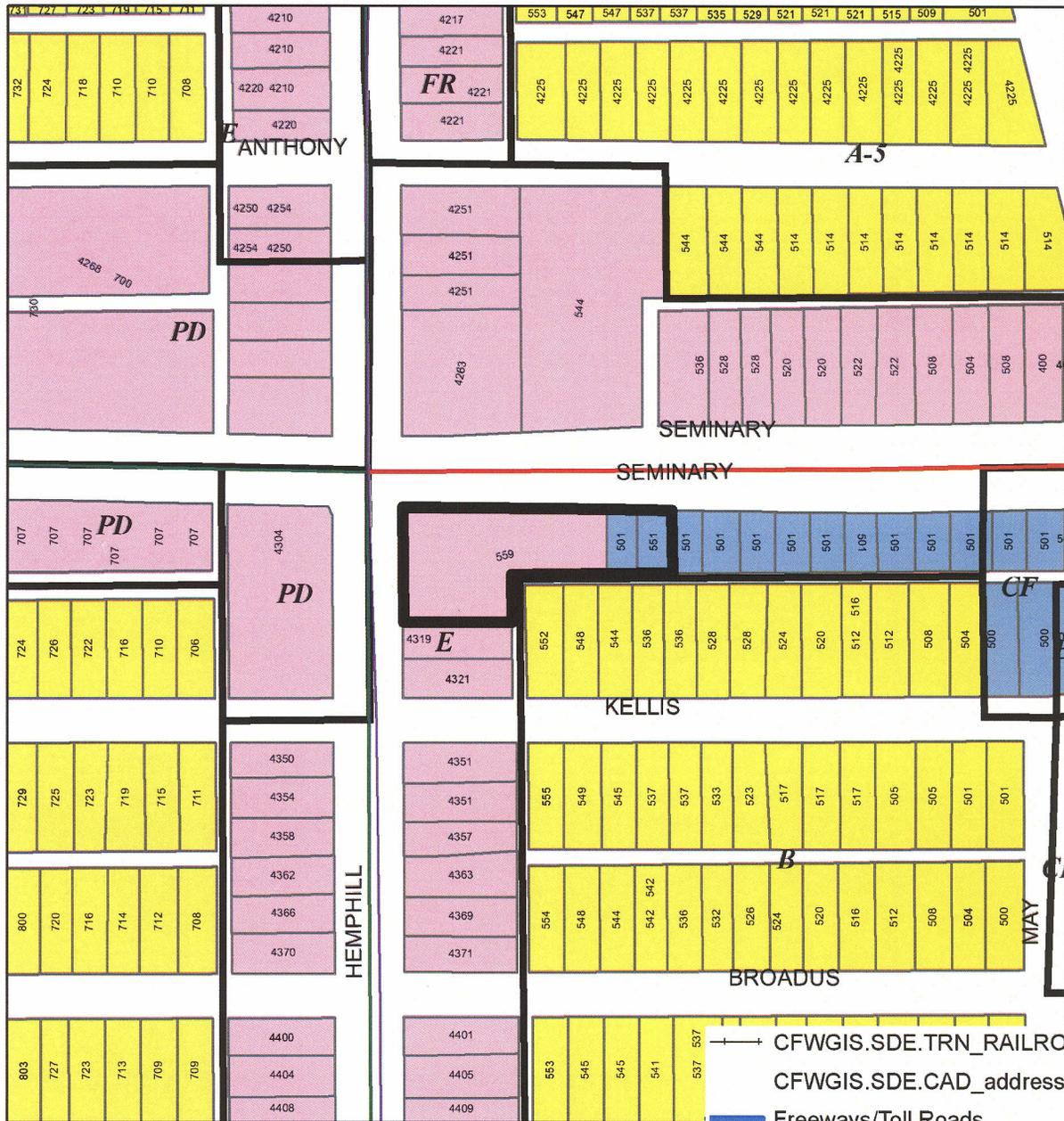
Banilla Group Job #12055 - The City - Revised August 8, 2012



551 & 559 W. Seminary Drive

# Future Land Use

ZC-12-070



- 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**  
**August 8, 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  
Melinda Ramos, Sr. Assistant City Attorney

**Absent:**

none

**I. Public Hearing** – 10:00 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. Conlin, on a vote of 9-0, voted to approve the Zoning Commission minutes of the July 11, 2012 meeting.

Video on individual cases can be viewed at the following website.  
[http://fortworthgov.granicus.com/ViewPublisher.php?view\\_id=2](http://fortworthgov.granicus.com/ViewPublisher.php?view_id=2)

**III. Continued Cases**

**1. ZC-12-70 Seminary Hemphill Investments (CD 9)- 551 & 559 W. Seminary Drive (Southside Addition, Block 9, Lots 14B, 15B. & 16R, 0.67 Acres): from “E” Neighborhood Commercial to “PD/E” Planned Development for all uses in “E” Neighborhood Commercial plus tire sales/service and automotive repair with development standards; site plan included.**

Chris Bonilla, 8540 Charleston Avenue, Fort Worth, Texas representing Seminary Hemphill Investments, explained at the last month’s meeting he was requested to submit a revised site plan which shows landscaping on the west end of the building. There are eight site development controls including prohibition of parking on the west end of the site between the building and Hemphill Street, prohibition of outdoor storage and display of inventory, all repairs and automotive service to be conducted within an enclosed building, site to be maintained free of litter, tire service to trailers prohibited, on-site signage limited to company name and an electronic sign at the NWC of the site, paint & body shops prohibited. Mr. Bonilla explained the original request of the sign was to be 8x16 for a total of 128 sq. ft. On the revised an electronic changeable copy sign is proposed to be 7x12 for a total of 82 sq. ft. a 34% reduction from the original request.

Mr. Ortiz asked about any outdoor storage of vehicles. Mr. Bonilla said there would be no outdoor storage of vehicles after hours. Mr. Ortiz also asked if the signage proposed is supposed to be patterned after the CVS sign across the street. Mr. Bonilla said that 20% will be dedicated to electronic changeable copy and the remainder will be for the tire store name and include the Rosemont & Worth Heights neighborhood.

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

**2. ZC-12-71 Steve Siddons/FW 140 (CD 6)- 430 W. Risinger Road (George Hamilton Survey, Abstract No. 751, 62.17 Acres): from "I" Light Industrial, "J" Medium Industrial, and "K" Heavy Industrial to "PD/K" Planned Development for all uses in "K" Heavy Industrial plus auto recycling facility; site plan included.**

Jim Schell, 901 Fort Worth Club Building, Fort Worth, Texas representing LKQ, with the land developer and owners present in case there are questions he can't answer. They did have a meeting on July 18th with the surrounding property owners. Mr. Schell mentioned they were invited at LKQ's expense to go and visit their prototype site in Houston, Texas. Mr. Schell noted that Mr. Tom Purvis called him and said he is no longer in opposition. LKQ is a publicly traded company and their business plan is to buy smaller facilities, merge them and build a site like the one in Houston. Mr. Schell displayed on the overhead the property and mentioned it is located in the middle of a large Industrial Growth Center which has been designated by the City of Fort Worth in the Comprehensive Plan. It is intended for intense industrial uses that are close and compatible and well integrated into the transportation system. There are eight that have been designated. Mr. Schell displayed and explained the surrounding land uses as you exit from I-35. Some of the uses are an Unclaimed Freight Company, outside storage of various types of buildings, boat dealership, some vacant land, another storage facility, and automotive repair. Technology Boulevard is 48 ft wide from the front of curb there is a lumber yard, cement plant, large gas compressor site, and concrete crushing facility. The height of the concrete crushing facility can be seen from the street. Mr. Schell stated this is a 15 million dollar project they are bringing to Fort Worth.

Ms. Spann asked who directed them to this area and he said he did not know for sure but they have talked with staff and Economic Development. The proposed use is going to be better than what is out there now.

Cynthia Benton, 8005 Belladonna Drive, Fort Worth, Texas her business is located at 9440 S. Freeway spoke in opposition. She stated they sell RV generators as well as do field service generator work. Ms. Benton noted there are several businesses in the area that are not property owners that have concerns. She read Mr. Pool's letter into the public record.

Doug Woodson, 6777 Camp Bowie Boulevard, Fort Worth, Texas representing Hickman Family Limited Partnership also spoke in opposition and is concerned about the K zoning. He is concerned about the zoning and everything associated with a wrecking yard. He noted this is predominantly a light industrial area. Mr. Woodson said they did hold a meeting at one of their offices, it was a nice presentation but it did not address some of the concerns they had, such as the negative impact of the recycling yard and decreased property values. He did indicated the site