

**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
October 09, 2012

Council District 9

Zoning Commission Recommendation:
Approved by a vote of 9-0

Opposition: one person spoke

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

Owner / Applicant: RM Real Estate, Ltd.

Site Location: 3716 Lisbon Street Mapsco: 75M

Proposed Use: Parking for Taco Bell

Request: From: "C" Medium Density Multifamily
To: "FR" General Commercial Restricted

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

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

Background:

The proposed site is located on Lisbon Street near the corner of Landers Street just off of IH 30 East. The applicant is requesting a zoning change from to "C" Medium Density Multifamily to "FR" General Commercial Restricted. The applicant would like to develop both the vacant tract directly north, which is zoned "FR", and the proposed site into the restaurant and parking.

The proposed site will most likely be used for parking and staging for a drive-thru lane, while the northern tract will likely contain the restaurant. The applicant intends to replat the property into one lot and chose "FR" zoning to provide consistent zoning and standards for the property.

Opposition was heard at the Zoning Commission hearing from a neighboring landowner of an office building. The concern was primarily about increased traffic in the area. Written opposition was received from the FWISD who operates the Texas Academy of Biomedical Science Preparatory and High School. No reason was provided for their opposition.

Site Information:

Owner: RM Real Estate, LTD
3650 Lovell Ave.
Fort Worth, Texas 76107

Agent: Dunaway Associates, L.P.
Acreage: 0.27 acres
Comprehensive Plan Sector: Southside

Surrounding Zoning and Land Uses:

- North "B" Two-Family; "FR" General Commercial Restricted / school, vacant
- East "FR" General Commercial Restricted / Whataburger restaurant
- South "E" Neighborhood Commercial / office
- West "B" Two-Family / high school

Recent Relevant Zoning and Platting History:

Zoning History: None

BOA History: None

Platting History: None

Transportation/Access

| Street/Thoroughfare | Existing | Proposed | In Capital Improvements Plan (CIP) |
|---------------------|--------------------|-------------|------------------------------------|
| Lisbon Street | 2 way, Residential | Residential | No |

Public Notification:

The following Neighborhood Associations were notified:

- Arlington Heights NA
- Alamo Heights NA
- Cultural District Alliance
- Westside Alliance
- Fort Worth ISD

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zoning change to "FR" General Commercial Restricted. Surrounding land uses vary with a Whataburger restaurant and vacant tract directly north and east, a FWISD preparatory and high school to the west, and an office complex to the south.

Based on surrounding land uses, including the existing restaurant with a drive-through, the proposed zoning **is compatible** at this location.

2. Comprehensive Plan Consistency

The 2012 Comprehensive Plan designates the subject property as neighborhood commercial. The proposed zoning to for general commercial uses is not in conformance with the future land use map, and therefore the proposed zoning **is not consistent** with the Comprehensive Plan.

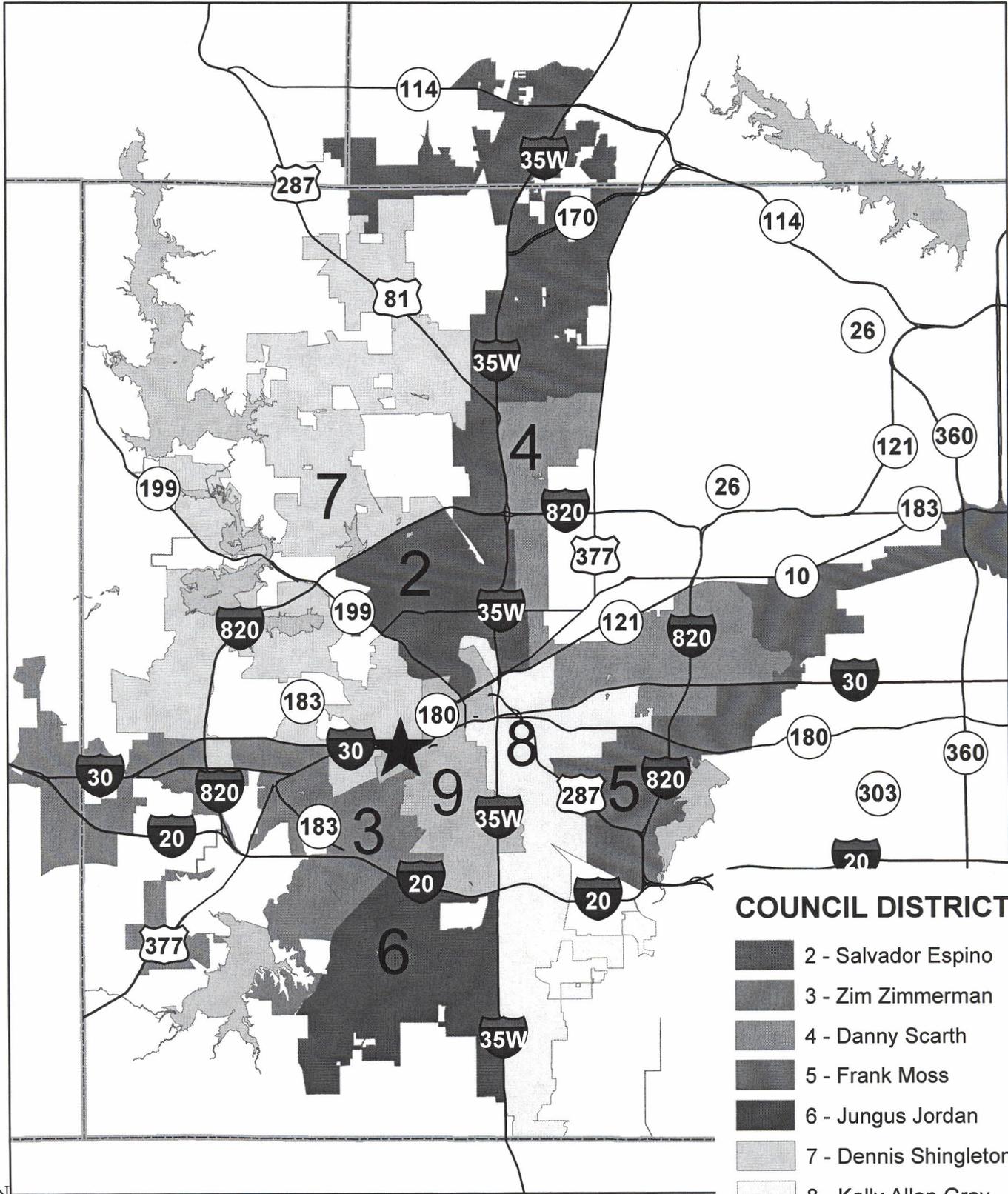
- Encourage development type and intensity appropriate to existing or planned street infrastructure. (pg. 38)
- Separate incompatible land uses with buffers or transitional uses. Some land uses have attributes such as height, proportion, scale, operational characteristics, traffic generated, or appearance that may not be compatible with the attributes of other uses.

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

Attachments:

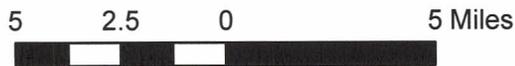
- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Minutes of the Zoning Commission meeting

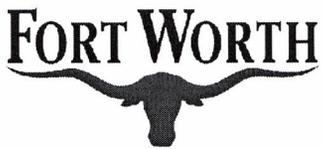
Location Map



COUNCIL DISTRICTS

-  2 - Salvador Espino
-  3 - Zim Zimmerman
-  4 - Danny Scarth
-  5 - Frank Moss
-  6 - Jungus Jordan
-  7 - Dennis Shingleton
-  8 - Kelly Allen Gray
-  9 - Joel Burns





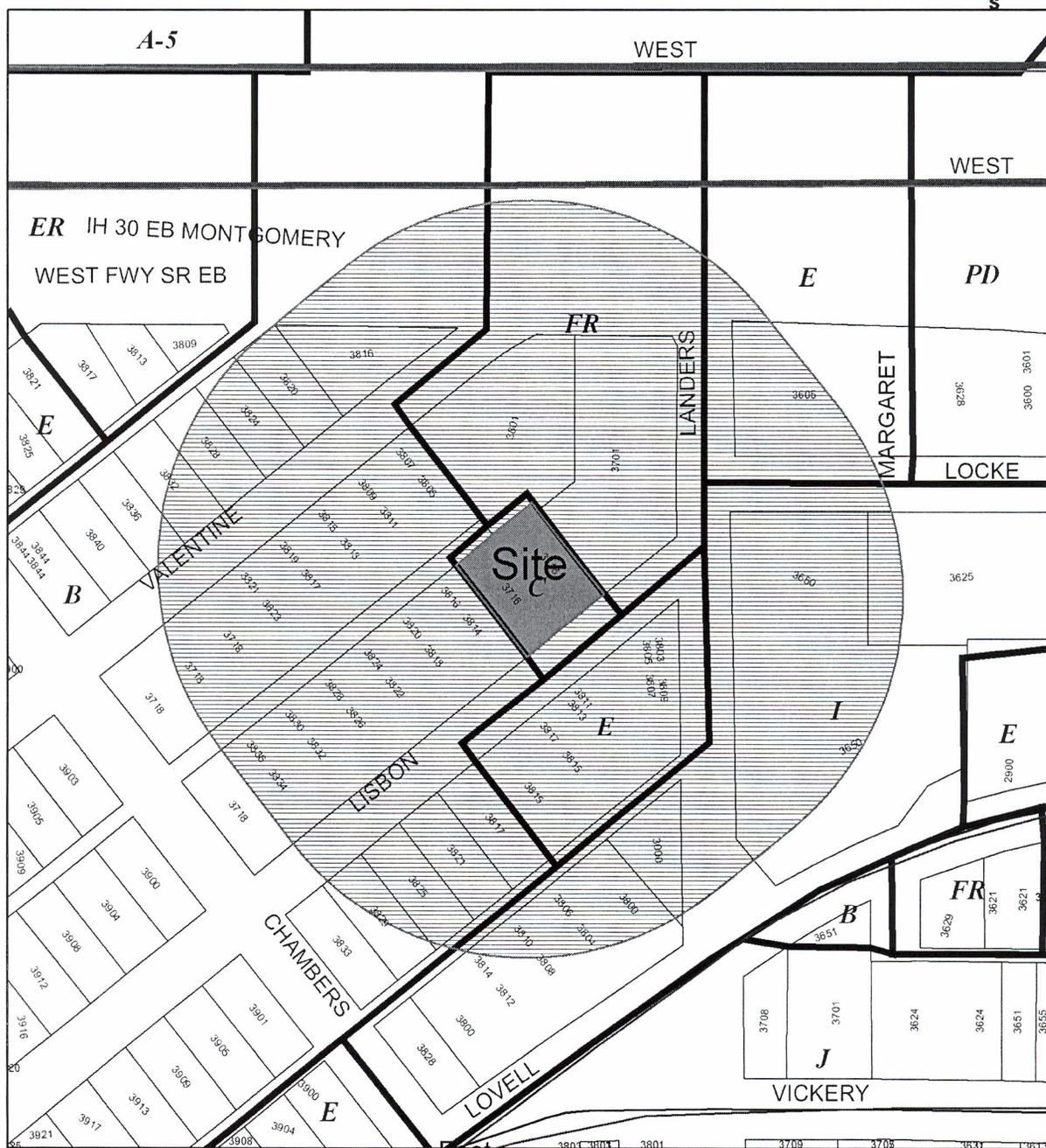
ZC-12-096

Area Zoning Map

Applicant: RM Real Estate, Ltd.
 Address: 3716 Lisbon Street
 Zoning From: C
 Zoning To: FR
 Acres: 0.26383302
 Mapsco: 75M
 Sector/District: Arlington Heights
 Commission Date: 9/12/2012
 Contact: 817-392-8043



 300 Ft. Notification Buffer

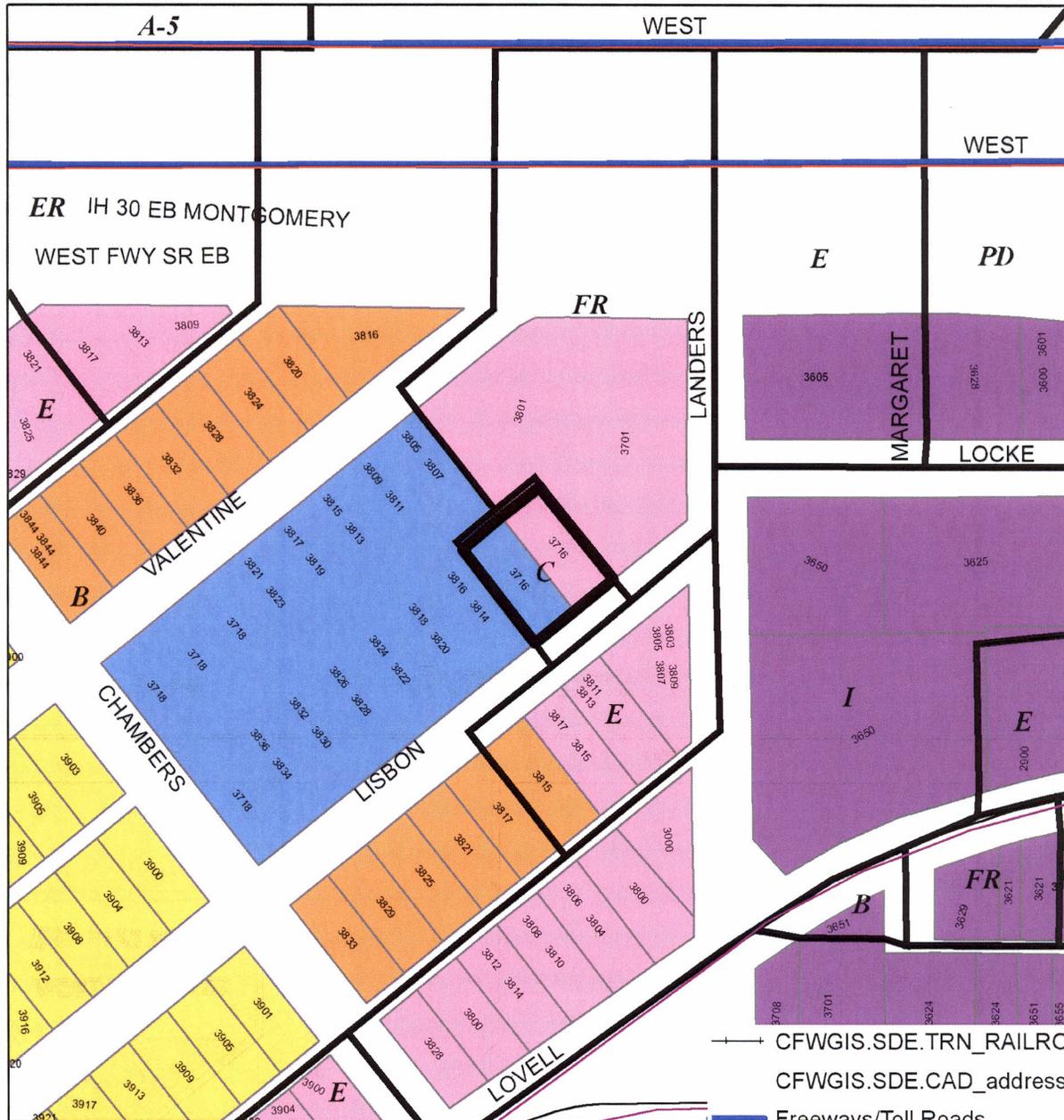




3716 Lisbon Street

Future Land Use

ZC-12-096



- CFWGIS.SDE.TRN_RAILROADS
- CFWGIS.SDE.CAD_addresses
- Freeways/Toll Roads

- 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

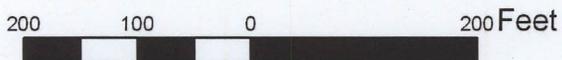
- Proposed Freeway/Toll Road
- Principal Arterial
- Proposed Principal Arterial
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- Flood Plain



A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Sect. 219.005) Land use designations were approved by the City Council on March 6, 2012.



Aerial Photo Map



| | | | | | |
|-------------------|---------------------|-----|--|------------|----------------|
| Christpher Goulet | 5216 Winterberry Ct | Yes | | Opposition | Sent letter in |
| Frederick Acuma | 5201 Winterberry Ct | Yes | | Opposition | Sent letter in |
| Chris Hamilton | 5209 Winterberry Ct | Yes | | Opposition | Sent letter in |
| Lewis Sykalski | 5217 Winterberry Ct | Yes | | Opposition | Sent letter in |
| Ken Orban | 5233 Winterberry Ct | Yes | | Opposition | Sent letter in |

6. ZC-12-095 Steve Lipsett (CD 9)- 1925 Hemphill Street (Emory College Subdivision, Block 13, South 45' Lot 2 & SW portion Lot 23, 0.12 Acres): from "E" Neighborhood Commercial to "A-5" One-Family

David Cantu, 1800 South Henderson, Fort Worth, Texas representing Steve Lipsett explained to the Commissioners the PowerPoint presentation and the reason for the request to A-5 zoning. The property has been vacant for a while and Mr. Lipsett wants to convert it back to a single-family residence since it lost the legal non-conforming status. This site is surrounded by rental properties. Mr. Cantu said they spoke with the Hemphill Corridor Task Force and received a letter of support. They addressed some of the concerns that were brought up in the staff report and noted in the handout.

Ms. Reed asked if this is being used for a single family and what about the garage. Mr. Cantu said it will be for a single family use; the garage will be converted back to a garage use and there is parking in the rear.

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

7. ZC-12-096 RM Real Estate LTD. (CD 9) 3716 Lisbon Street (Factory Place Addition, Block 27, Lots 8 & 9, 0.27 Acres): from "C" Medium Density Multifamily to "FR" General Commercial Restricted

Barry Hudson, 555 Bailey Avenue, Suite 400, Fort Worth, Texas represented Southern Multi Foods and explained to the Commissioners the request to rezone the property to FR for a fast food restaurant. The southern portion of the overall site is zoned C and currently has a paved parking lot on it. They want to make the zoning consistent with the northern property for a Taco Bell Restaurant. The plan is to construct a new Taco Bell restaurant on the east side of the northern lot and the southern portion would be providing more green space, 13 parking spaces and an entry to the drive thru which would allow for a 10 car stacking lane.

The primary access will be from an existing driveway for Whataburger off the I-35 access road which will be a shared access easement. Two driveways off Valentine Street will be closed and a new right-in-right-out driveway will be constructed. A third access point will be off of Lisbon. There are currently two drives now; one will be closed and the other one shifted to the west. He noted the school to the west is a secondary school with 200 students. They will be constructing a wooden fence along the entire western boundary with a five foot buffer.

Mr. West asked what used to be on the vacant lot to the north. Mr. Hudson said many years ago it used to be residential. Mr. West asked who uses the parking lot they are requesting to rezone. Mr. Hudson said it is owned by the seller and the law firm located in the southeast corner uses this parking lot as well. Mr. West asked if he was aware there was some opposition. Mr. Hudson knew there was opposition and he thought there may be some confusion on where access is going to be. He noted they don't anticipate any traffic coming off of Valentine Street.

Ms. Reed asked for clarification on the access point to the drive-thru. Mr. Hudson displayed it on the screen.

Zachery Garsek, 3815 Lisbon, Fort Worth, Texas representing the law firm and its tenants as well as a residential lot owner two lots down from this site to the west, spoke in opposition. He noted there is not a high volume of traffic in this area, but a fast food restaurant would increase the traffic count. Mr. Garsek said you can't access this site from I-30 and that you have to go around the block to get to it. There are many businesses in the law firm building and most of the time there is adequate parking but occasionally it does spill over into the street. The street parking and additional traffic created by the fast food restaurant will create a hazardous condition even for pedestrians.

Mr. Ortiz asked when the peak times are for traffic flow. Mr. Garsek said the client parking spaces are across the street and it is not predictable as to how full the parking lot gets.

Mr. Edmonds asked how wide Lisbon Street is. Mr. Garsek said he did not know.

Ms. Reed asked why he was opposed to the zoning change. Mr. Garsek said he is opposed to the plan they have presented, pushing more traffic along Lisbon Street. He said the space is usable without being rezoned.

Mr. Edmonds asked what the street name prior to this exit off I-30 is. Mr. Garsek said it was Hulen Street.

In rebuttal, Lynn Ross, President of Ross and Matthews and property owner, 3650 Lovell, Fort Worth, Texas spoke in support. Mr. Ross mentioned they had a contract for the property with the law firm in opposition and they were only interested in the southern lot where the parking lot is now. He also mentioned the school had no interest in the property.

Mr. West asked if it is feasible to sell the lots separately. Mr. Ross said in his opinion no, the north side is unusable without the southern portion. Most of the traffic comes around lunch time and after 5 pm. Mr. Ross mentioned he bought the two lots in late 1999 early 2000, they had plans to build a satellite office on the vacant lot but purchased a vacant building to the east.

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> | | | | ZC-12-096 |
|---|---------|---------------------------------------|----|------------------|
| Name | Address | In/Out 200 notification area | ft | Position on case |
| | | | | Summary |

| | | | | | |
|--------------------------|----------------|-----|---------|------------|------------------------|
| Zachery Garsek/BGL,LLC | 3815 Lisbon | In | | Opposition | Spoke at hearing |
| Fort Worth ISD | 3813 Valentine | In | | Opposition | Sent letter in |
| Lynn Ross/RM Real Estate | 3650 Lovell | In | Support | | Spoke at hearing |
| Mike Stansberry | 1105 Alameda | Out | Support | | Turned speaker form in |

8. ZC-12-097 The Elton M. Hyder Jr. Charitable and Educational Fund (CD 8)- 501 Old Highway 1187 (G. B. Stone Survey, Abstract No. 1401, 10.18 Acres): from “CR” Low Density Multifamily to “CF” Community Facilities

Daniel Voslin, 1300 Ridglea Drive, Fort Worth, Texas explained to the Commissioners the request to rezone to CF for an assisted living facility.

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

9. SP-12-007 Fun on the Run Inc. (CD 7)- 2651 Roberts Cut-Off Road (Creamer Addition, Block 1, Lot 1, 43.15 Acres): Amend Site Plan for PD-296 Planned Development for all uses in “FR” plus outdoor paintball game field with signage limited to one 150 s.f. sign with a maximum height of 25 ft. (no illumination after 10 pm) and one 4 ft. by 6 ft. monument sign; to add an office and storage, site plan included.

Chris Bonilla, 8540 Charleston Avenue, Fort Worth, Texas representing Fun on the Run, Inc., explained to the Commissioners this is a 43 acre site that was rezoned in 1998 to PD/FR uses plus outdoor paintball game fields. The request before them does not change the existing zoning. Mr. Bonilla explained the site plan is an amendment to add a 2,400 sq. ft. masonry building to be used for retail activities and a storage facility. They will be adding eight additional parking spaces and an 8 ft. by 16 ft. monument sign that encroaches into the 20 ft. front yard setback. Mr. Bonilla mentioned the original proposal included a 25 ft. pole sign and a 4 ft. by 6 ft. illuminated sign to be located adjacent to Roberts Cut-Off Road which have been removed from the proposed site plan. He stated they have had discussions with Pat Hyer, President of the East Lake Worth Neighborhood Association.

Mr. Ortiz asked if they were keeping the existing parking spaces to the north. Mr. Bonilla said yes.

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

10. ZC-12-098 Williams-Pyro, Inc. (CD 9)- 2711 and 2717 Whitmore Street, 2716 Weisenberger (Weisenberger Addition, Block 7, Lots 6, 7 & 16, 0.49 Acres): from: “A-5” One-Family and “B” Two-Family to: “MU-1” Low Intensity Mixed Use and “J” Medium Industrial