



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
May 7, 2013

Council District 2

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

Opposition: One person spoke

Continued Yes ___ No X
Case Manager Beth Knight
Surplus Yes ___ No X
Council Initiated Yes ___ No X

Owner / Applicant: Maria Standerfer

Site Location: 2908 Plumwood Street Mapsco: 63Q

Proposed Use: Auto repair and Auto Sales

Request: From: "MU-1" Low Intensity Mixed-Use
To: "PD-806" Planned Development for "MU-1" Low Density Mixed Use plus auto sales and repair; site plan included

Land Use Compatibility: Requested change is not compatible.

Comprehensive Plan Consistency: Requested change is not consistent. (Significant Deviation)

Background:

The rezoning site is located in the Six Points Urban Village between Race and Belknap Streets. The applicant is proposing to continue auto sales and repair. The site was rezoned as part of Six Points Urban Village, which surrounds and includes the subject. The case was approved May 20, 2008. The lot was previously zoned "PD 447" Planned Development for Neighborhood Commercial uses plus food processing in 2002 and is now "MU-1" Low Intensity Mixed-Use. The land use identified on the site at the time of the Council-initiated rezoning was a parking lot.

The applicant is proposing to obtain appropriate zoning for auto repair and sales, whose uses are not in compliance with existing zoning regulations. These types of auto-oriented uses are first allowed in general commercial districts, instead of in "MU-1" Low Intensity Mixed-Use zoning which is based on "E" Neighborhood Commercial. The existing building covers the majority of the lot, which excludes area for landscaping, transitional buffers, and sufficient on-site parking.

On October 30, 2012, the property owner was notified that the building was occupied without an appropriate Certificate of Occupancy (CO). As the entire site appears to have been constructed without any building permits, obtaining a CO will be difficult. Appropriate reviews for new buildings cover life/safety issues, transportation impacts, urban forestry, water/waste water connections, and environmental protections from chemicals used in auto repair. These reviews should have taken place before the business began operation. Building Inspections and Code Compliance have issued multiple citations for this site over the last several months.

Site Information:

Owner: Maria Standerfer
3804 Mt. Vernon
Fort Worth, TX 76103

Acreage: 0.25 acres
Comprehensive Plan Sector: Northeast

Surrounding Zoning and Land Uses:

North "MU-1" Low Intensity Mixed-Use / Office and vacant land
East "PD 806" Planned Development / Auto sales
South "PD 806" Planned Development / Auto sales and vacant land
West "MU-1" Low Intensity Mixed-Use / Vacant land

Recent Relevant Zoning and Platting History:

Zoning History: ZC-02-068, subject site, from E to PD for E uses plus food processing, approved;
ZC-08-007, surrounding and including site, Council-initiated from various districts to be in conformance to the Comprehensive Plan, approved.

Site Plan Comments:

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

1. Show all buildings setbacks, dimensions, height, and exterior materials.
2. Label the site's ground materials outside the building.
3. Dumpsters, lighting, and signage need to be shown.
4. The landscaping materials need to be labeled with species types and sizes.
5. The parking spaces need to be dimensioned, as well as providing an analysis of required standards versus provided parking. 23 parking spaces is the maximum required by the buildings square footage.
6. Landscaping standard notes, irrigation, and analysis of required versus provided landscaping to be added.
7. Mixed-use standards including setbacks, bicycle parking, required parking, enhanced landscaping, and façade design need to be addressed.
8. Remove notes 3 and 4, as off-site uses and intentions are not applicable to the rezoning site.
9. The Water Department notes property owner was obligated to extend water/sewer service to the site as a condition of the plat. No extension of utilities has been submitted.

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. Show the dimensions of all existing or recorded streets, alleys, easements, railroad ROW, or other public ROW within or adjacent to the subdivision boundaries. The distance from the centerline of the existing roadway of the boundary street to the proposed property line shall be shown.
3. ROW Dedication: Partial - Dedicate ½ of 110' ROW for Belknap.
4. Driveway Locations - Driveway location must not interfere with intersection function. Show dimension and distance to nearest drives and show driveways cross street.
5. CFA - Community Facilities Agreement required for streets (to include border streets, alleys and access easements), lights, signs, sidewalks, and drainage improvements.
6. Provide dimensions for parking spaces and the distance and how the cars are moving in and out.
7. 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.
8. Dumpster pickup must be located internal to the site.
9. Final Stormwater master permit required.

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)
Plumwood Street	Residential	Residential	No

Public Notification:

The following Neighborhood Associations were notified:

Scenic Bluff NA	Riverside Alliance
Carter Riverside NA	Fort Worth ISD

Southeast Fort Worth Inc.

Development Impact Analysis:

1. **Land Use Compatibility**

The site currently contains office uses, as well as auto sales and repair. Commercial uses and vacant land surround the site. According to the aerial photographs, the site was vacant land until approximately 2005. Between 2005 and 2007, the site was paved and used for vehicle storage. The Tarrant Appraisal District notes the large metal building to have been constructed in 2010. While the site was platted in 2004, the City's permitting system contains no records of any building permits submitted for this site. Basic life/safety issues, connections to utilities, transportation impacts, and urban forestry permits have yet to be addressed.

In 2008, mixed-use zoning was adopted to support the implementation of the Six Points Urban Village Master Plan, in accordance with the Comprehensive Plan. As the site is currently zoned "MU-1" Low Intensity Mixed-Use, additional development standards are required. These standards include public orientation to the street, bicycle parking, enhanced landscaping, and façade design. The building construction and proposed site plan ignored these considerations.

The building currently covers almost the entire lot, with minimal parking and no additional landscaping. The proposed site plan adds minimal landscaping along Plumwood Street to mitigate the impacts of the large metal building. The buildings' square footage would require 23 on-site parking spaces; however, seven spaces are provided. Noteworthy is the proposed site access only through the adjacent lot to the south, past a large rolling gate. The deficiencies to the site plan requirements are significant.

Automotive sales and repair are first allowed by right in the "FR" General Commercial Restricted district, reflecting the intensity of uses and influx of traffic. The site is platted to have access from a residential street. The current access point is from the adjacent lot to the south, which fronts on E. Belknap Street. Additionally, Section 5.104(3) prohibits auto repairs adjacent to any residential district. Because the current and surrounding mixed-use zoning allows residential uses by right, this section of the Zoning Ordinance is applicable.

Based on the impact of unpermitted buildings, lack of compliance to the mixed-use design guidelines, and lack of compliance with the site plan requirements, the proposed PD/MU-1 zoning for MU-1 uses plus auto sales and repair is **not compatible** with the neighborhood.

2. **Comprehensive Plan Consistency**

The 2013 Comprehensive Plan designates the site as Mixed Use. Residential, neighborhood commercial, or a mix of residential and commercial uses are appropriate within this designation, instead of the more intensive auto repair and sales uses. The site is located within Six Points Urban Village core and covered by the Six Points Urban Village Master Plan, adopted by the City Council in 2007. The Plan recommends the area south of Race Street, which includes Plumwood Street, as the core of a mixed-use development and as a village public plaza.

The Six Points Urban Village Master Plan recommends creating a proactive environment and neighborhood-driven process to monitor and review new infill lots and rehabilitation of existing

properties to conform in scale and design. Regarding safety, the Plan states that residents feel unsafe when the physical environment is not properly cared for and not maintained, encourages safety and community-building through proper design of the physical environment, and sustains safety and community-building through the long-term commitment to proper care of the physical environment.

An auto repair and sales use is an inappropriate use within a mixed-use development and is incompatible with the values and principles stated in the Six Points Urban Village Master Plan.

The proposed PD zoning is not consistent with the following Comprehensive Plan policies.

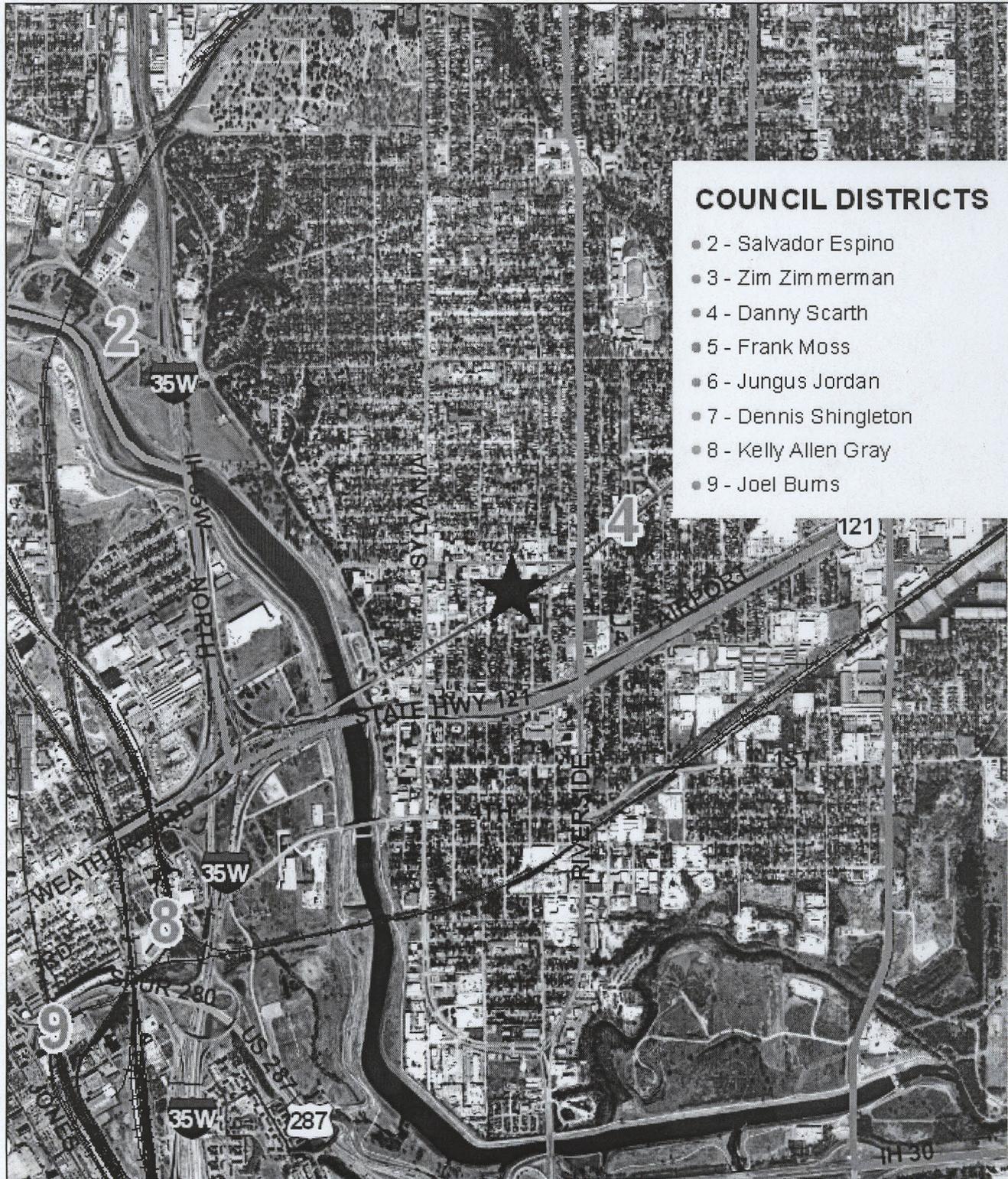
- Preserve and protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, demolition, neglect, and other negative forces. (pg. 37)
- Encourage mixed-use projects in mixed-use growth centers, transit-oriented developments, and urban villages. (pg. 37)
- Promote appropriate infill development of vacant lots and contaminated sites within developed areas, particularly in the central city. (pg. 38)
- Encourage new development in character with the neighborhood scale, architecture, and platting pattern of the surrounding neighborhood. (pg. 39)
- 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)

Based on the lack of conformance with the future land use map and policies stated above, the proposed zoning **is not consistent (Significant Deviation)** with the Comprehensive Plan and the Six Points Urban Village Master 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

Location Map



2,000 1,000 0 2,000 Feet

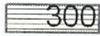


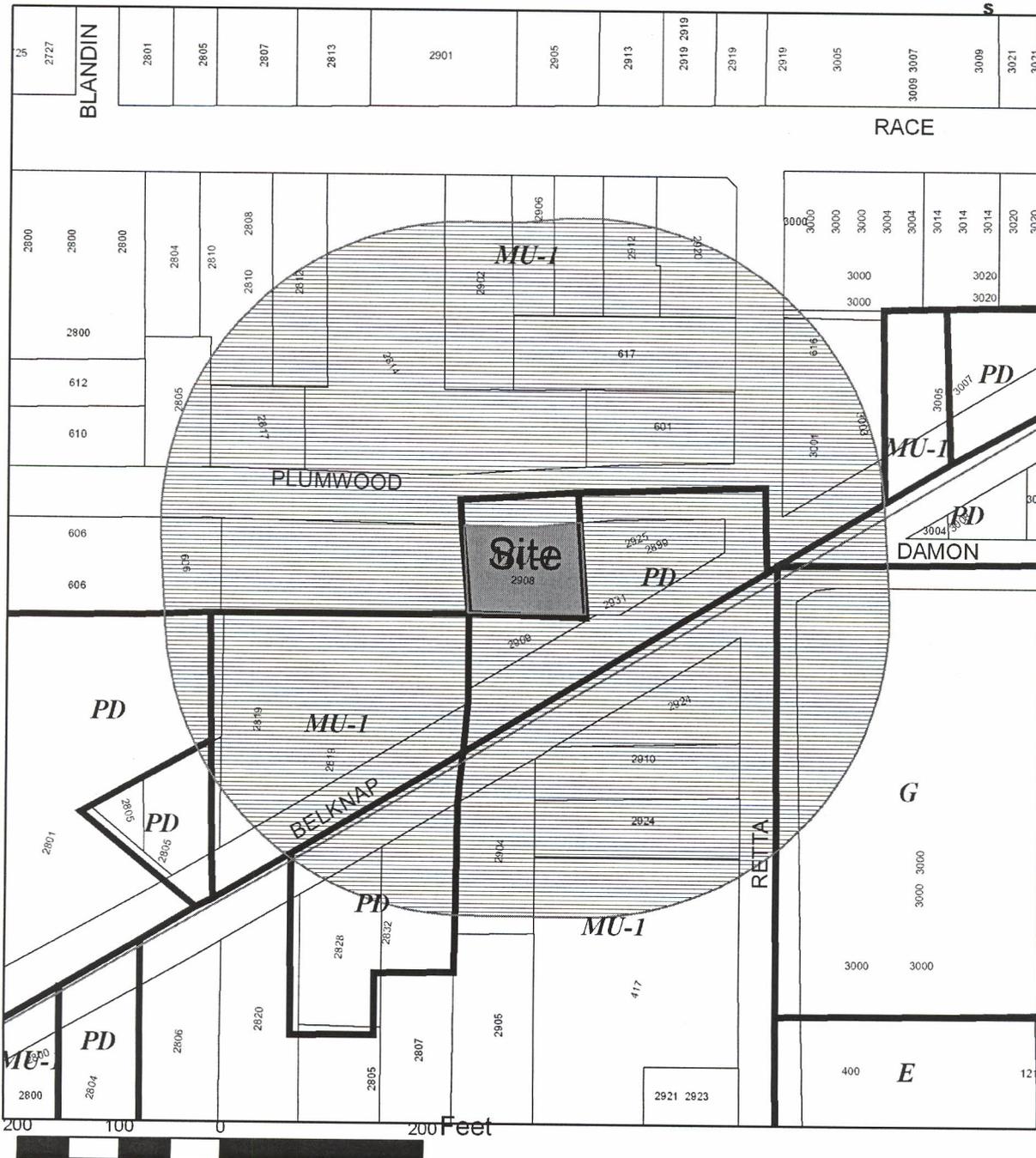
ZC-13-057

Area Zoning Map

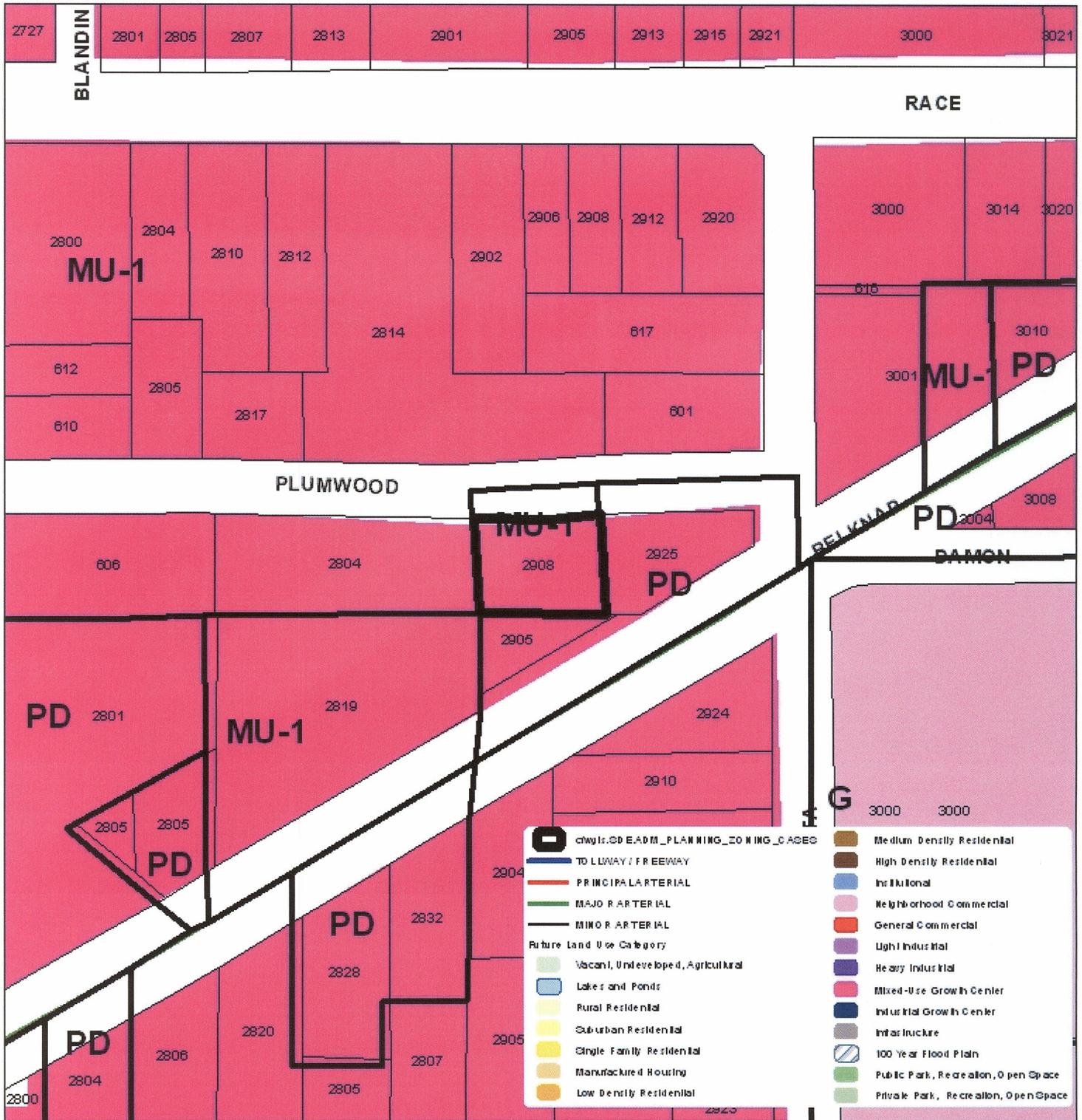
Applicant: Maria Standerfer
 Address: 2908 Plumwood Street
 Zoning From: MU-1
 Zoning To: PD806 for MU-1 uses plus auto sales and repair
 Acres: 0.24
 Mapsco: 63Q
 Sector/District: Northeast
 Commission Date: 04/10/2013
 Contact: 817-392-8190



 300 Ft. Notification Buffer



Future Land Use

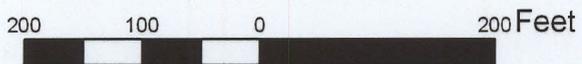
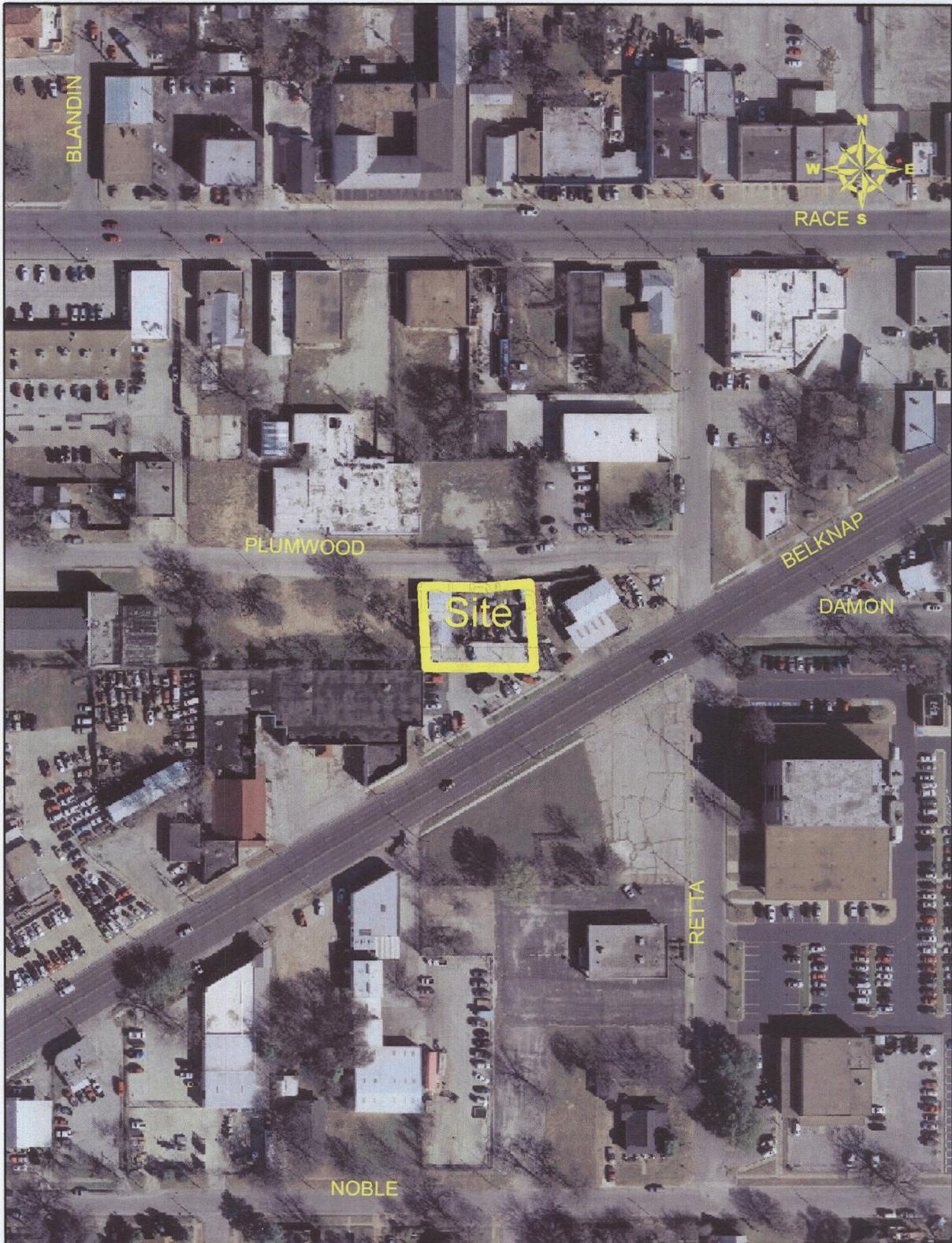


110 55 0 110 Feet

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 5, 2013.



Aerial Photo Map



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

<i>Document received for written correspondence</i>				ZC-13-056
Name	Address	In/Out 300 notification area ft	Position on case	Summary
Judy Lacker	1744 Quail Springs	In	Opposition	Sent letter in
Gilbert Guerra	1929 Quail Grove	Out	Support	Sent letter in

12. ZC-13-057 Maria Standerfer (CD 2)- 2908 Plumwood (Ruiz Addition, Block 1, Lot 2, 0.24 Acres): from “MU-1” Low Intensity Mixed Use to “PD-806” Planned Development for “MU-1” Low Intensity Mixed Use plus auto sales and repair; site plan included

Chris Bonilla, 8540 Charleston Avenue, Fort Worth, Texas representing Maria Standerfer explained to the Commissioners this case is extremely challenging. Mr. Bonilla noted the applicant approached him hoping he could help with some questionable choices made on the property, including conducting uses on the site that are not permitted in the MU-1 zoning, the construction of a structure without City review or permits and not meeting design guidelines within an Urban Village. Mr. Bonilla said the staff report has many issues that need to be dealt with and is requesting a 60 day continuance. They would like to have an open dialogue with interested parties before a decision is made. Mr. Bonilla explained there are several sites within the area that have the same zoning they are requesting.

Mr. Hollis asked about the other land uses within the area who have done the zoning the right way. Mr. Bonilla said he agrees and that he was trying to help the applicant and did not know of the issues at that time. He understands the vision of the Urban Village and this development has gone against it.

Mr. Flores said there is a lot wrong with this project and asked why he didn’t consult with anyone from the City or the neighborhood. Mr. Bonilla said Mr. Ruiz owns the property that fronts onto Belknap as well. He had the two properties platted into one lot. The intent was to use the lot for his automotive repairs and sales business. The property fronting on to Belknap has one of those zonings for PD/MU-1 plus vehicles sales and repair. He hired a contractor to construct his building and did not know until after about two years that a permit was not pulled for the building. Mr. Flores asked about the stakeholders when the building was being built. Mr. Bonilla said he was not aware of that. Mr. Flores asked about access from Plumwood. Mr. Bonilla said the only access will be off of Belknap. Mr. Flores asked what type of business it is. Mr. Bonilla said it is only automotive repair and sales. Mr. Flores asked if the structure is an open structure. Mr. Bonilla said it has four walls and is a closed structure with door openings for the vehicles to enter. Mr. Flores asked about the deficiencies in plumbing. Mr. Bonilla said there is no plumbing in the building.

Mr. Flores asked if they have had direct contact with the neighborhood. Mr. Bonilla said he has had contact with Suzanne Huff but not sure what neighborhood she is representing. She did bring a copy of the Urban Village Master Plan and what mentioned what the expectations are. He did

sent out by email to the neighborhood organizations what their thoughts were and what they were going to do to try and mitigate this.

Richard Linnartz, 1400 Robinwood Drive, Fort Worth, Texas representing Carter Riverside NA spoke in opposition. The neighborhood did a rezoning several years ago and the property owner built this building without permits. This is not in line with the Urban Village Master Plan.

Flora Brewer, 6708 Ashbrook Drive, Fort Worth, Texas spoke in opposition. Ms. Brewer owns property directly to the west and north of this site. They acquired this property in late 2006 and early 2007 and part of the rezoning process for this area. Ms. Brewer mentioned they have rehabilitated four of the older buildings on Race Street and making progress to vitalize the area. She went on to mention this lot was not rezoned to allow for auto repair and sales as is the lot that fronts on Belknap.

In rebuttal Mr. Bonilla said this is not an enjoyable case to work with, but he believes he can bring this site into some sort of compliance with the Urban Village Master Plan.

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

<i>Document received for written correspondence</i>					<i>ZC-13-057</i>
Name	Address	In/Out 300 notification area	Position on case		Summary
Richard Linnartz	1400 Robinwood Dr	Out	Opposition		Spoke at hearing
Flora Brewer	6708 Ashbrook	In	Opposition		Spoke at hearing
Belinda Norris/Scenic Bluff NA	NA	Out	Opposition		Sent letter in
Mike & Terri McIlraith	NA	Out	Opposition		Sent letter in

13. ZC-13-058 Crossing at Marine Creek, et al (CD 7) – 3206 NW Loop 820 (S A Hatcher Survey, Abstract 1953, 4.98 Acres): from “F” General Commercial and G” Intensive Commercial to “PD/G” Planned Development for all uses in “G” Intensive Commercial plus mini-warehouse; site plan included

Jim Schell, 500 W. 7th Street, Suite 600, Fort Worth, Texas representing Crossing at Marine Creek is requesting the case be denied without prejudice.

Motion: Following brief discussion, Mr. Genua recommended denial without prejudice of the request, seconded by Mr. Flores. The motion carried unanimously 9-0.

14. ZC-13-059 Merida Avenue LLC, CDAT Investments LLC (CD 9) –2716-2724 Lubbock Avenue (Frisco Heights Addition, Block 11, Lots 5, 6, 7, 0.42 Acres): from “C” Medium Density Multifamily to “PD/UR” Planned Development for Urban Residential; site plan included