



**ZONING MAP CHANGE  
STAFF REPORT**

**City Council Meeting Date:**  
February 4, 2014

**Council District** 7

**Zoning Commission Recommendation:**  
Approval 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:** A-S 104 Timberland Town Center

**Site Location:** 12570 N. Beach Street Mapsco: 22B

**Proposed Use:** Auto Parts Store

**Request:** From: "PD-855" Planned Development for all uses in "E" Neighborhood Commercial with no maximum building size; site plan waived

To: Amend PD-855 to add an auto parts store; site plan included for the auto parts store only

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

**Comprehensive Plan Consistency:** Requested change **is not consistent.**  
**(Technical Inconsistency)**

**Background:**

The proposed site is located north of Timberland Boulevard. The applicant is proposing to change the zoning to add a retail auto parts store. The applicant intends to construct a 7,147 square foot retail auto parts building. A site plan is included to control the size and location of the building and set the expectation of what will be built.

**Site Information:**

Owner: A-S 104 Timberland Town Center  
8827 W. Sam Houston Parkway N.  
Houston, Texas 77040

Applicant: Jim Schell  
Acreage: 1.09 acres  
Comprehensive Plan Sector: Far North

**Surrounding Zoning and Land Uses:**

- North "PD-855" Planned Development / Kroger grocery store
- East "A-5" / single-family
- South "E" Neighborhood Commercial / vacant
- West "PD-855" Planned Development / vacant and fast food restaurant

**Recent Relevant Zoning and Platting History:**

Zoning History: ZC-09-084 PD-855 Planned Development for E uses with no maximum building size, approved by City Council 09/08/09 subject area  
Platting History: PP-08-038 Shops at Timberland Crossing approved by City Plan Commission 11/21/08

**Site Plan Comments:**

The site plan as submitted is in general compliance with the zoning regulations.

**Transportation/Access**

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Timberland Blvd	Major Arterial	Major Arterial	No
N. Beach St	Major Arterial	Principal Arterial	Yes

**Public Notification:**

The following organizations were notified:

Organizations Notified	
Villages of Woodland Springs	McPherson Ranch*
North Fort Worth Alliance	Keller ISD
Northwest ISD	

\*Closest neighborhood organization

**Development Impact Analysis:**

**1. Land Use Compatibility**

The applicant is proposing a zoning change to “PD/E” for all uses in “E” Neighborhood Commercial plus auto parts store. Surrounding land uses consist of large grocery store to the north, single-family to the east and south, vacant with a fast food drive-thru to the west.

Based on surrounding land uses, the proposed zoning for this site **is compatible** at this location.

**2. Comprehensive Plan Consistency**

The 2013 Comprehensive Plan designates the subject property as Neighborhood Commercial. Auto parts supply and retail are first permitted by right in the FR thru K zoning districts. The requested zoning change is not consistent with the following Comprehensive Plan policies:

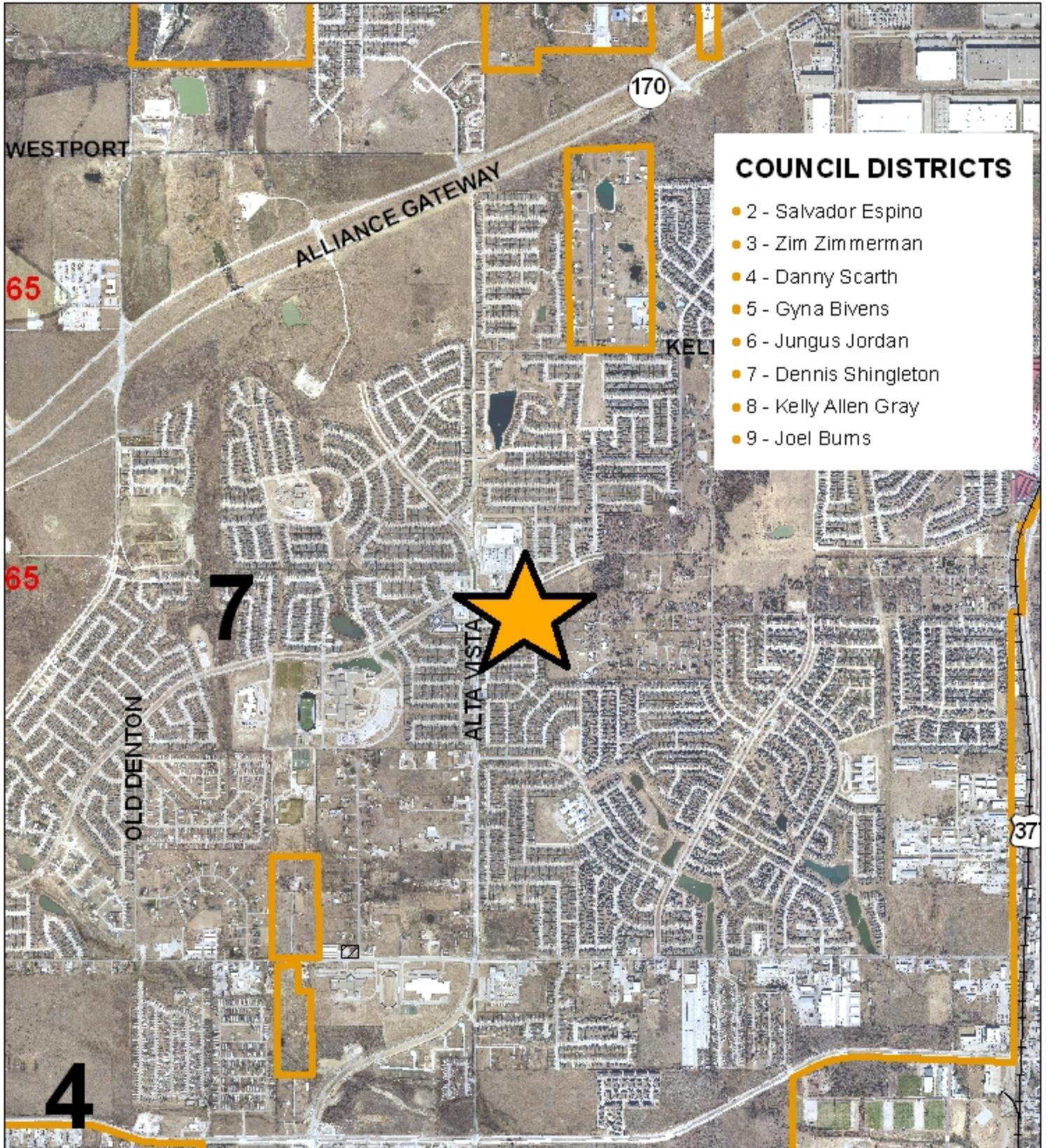
- Separate incompatible land uses with buffers and transitional uses. Some land uses have attributes such as height, proportion, scale, operational characteristics, traffic generated, or appearance that may not be compatible with the attributes of other uses. (pg. 38)

Based on nonconformance with the future land use map and the policies stated above; the proposed zoning **is not consistent** with the Comprehensive Plan. **(Technical Inconsistency)** However, the area is a commercial center with an existing large retail store with truck deliveries. As there is no repair or other auto uses included, the retail use of the auto parts store is not expected to change the retail activity intended in the commercial area.

**Attachments:**

- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Site plan
- Minutes

## Location Map



2,000 1,000 0 2,000 Feet

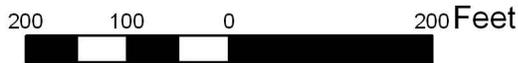
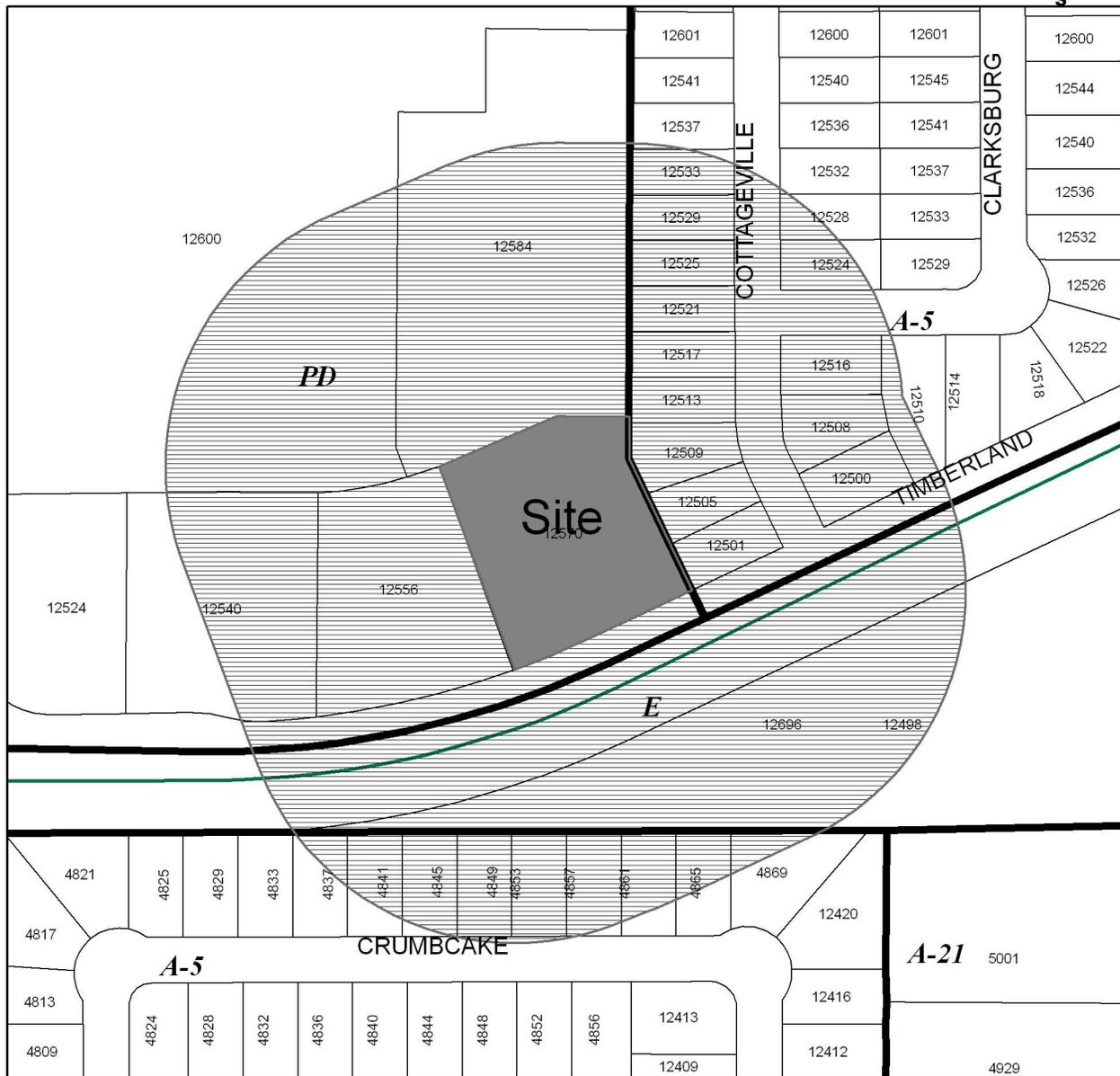


## Area Zoning Map

Applicant: A-S 104 Timberland Town Center  
 Address: 12570 N. Beach Street  
 Zoning From: PD 855  
 Zoning To: PD for all E uses plus auto parts sales  
 Acres: 1.09950955  
 Mapsco: 22B  
 Sector/District: Far North  
 Commission Date: 1/8/2014  
 Contact: 817-392-2495



300 Ft. Buffer



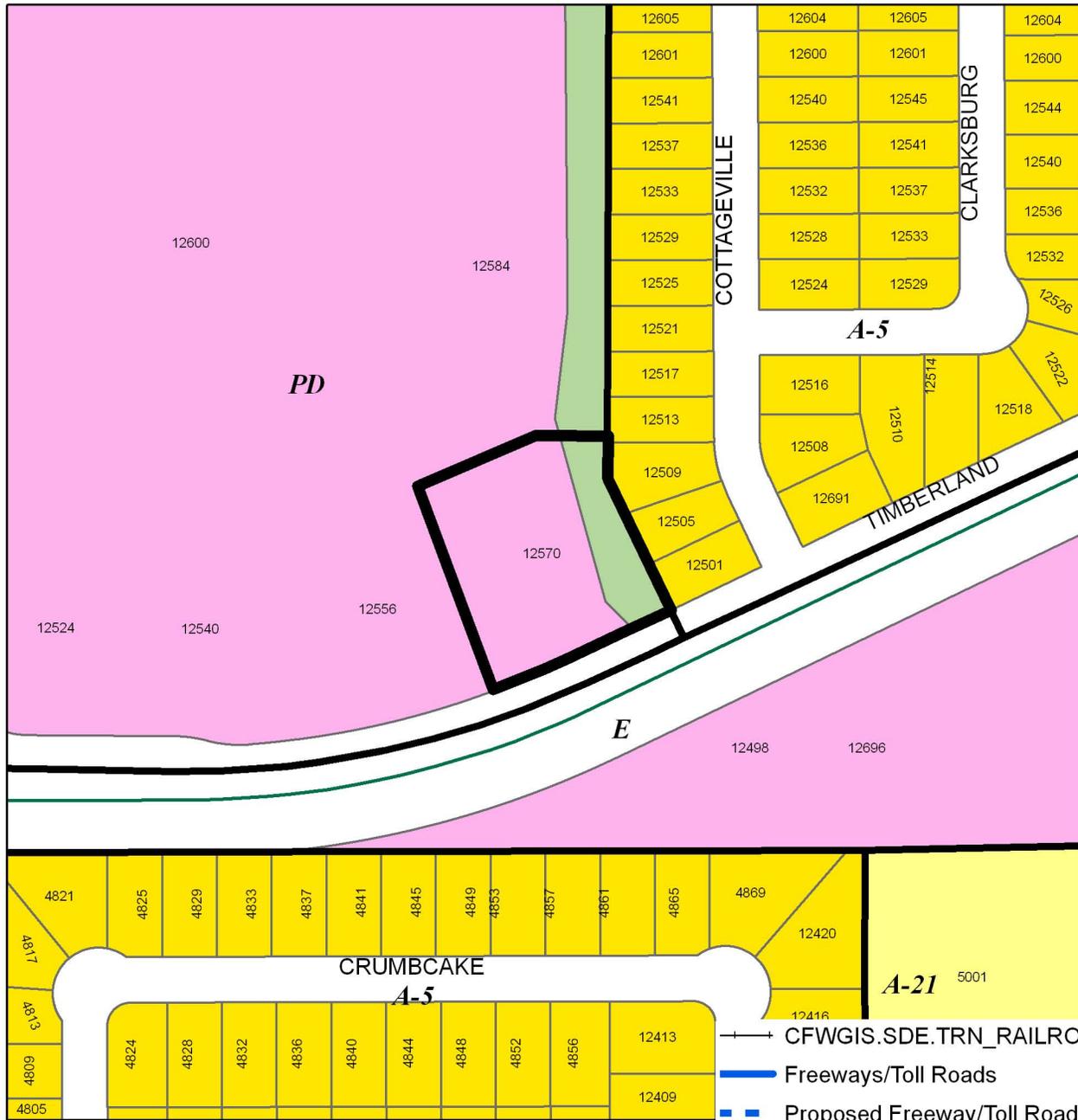




12570 N. Beach Street

# Future Land Use

ZC-14-007



- 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
- Industrial Growth Center
- Infrastructure
- Lakes and Ponds
- Public Park, Open Space
- Private Park, Open Space

- CFWGIS.SDE.TRN\_RAILROADS
- Freeways/Toll Roads
- Proposed Freeway/Toll Road

- Principal Arterial
- Proposed Principal Arterial
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial

- FLD\_ZONE**
- Floodplain



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 5, 2013.



## Aerial Photo Map



continuance of 30 days so that he may make an informed decision. He also explained that he had met with staff regarding the history of the alley vacation and is still waiting to receive information from his open records request. He expressed concerns with the site plan and with the area to the south not being included. Ms. Murphy explained that the reason it was not included was that it would be used for parking and did not need to be rezoned. Mr. Alummuttil expressed his concerns with the alley vacation and went on to ask for more time so that he may review all areas of the request relating to his property.

In rebuttal, Robert Baldwin, 3904 Elm Street, Suite B, Dallas, Texas explained the reasons for not asking for the “UR” zoning for entire site. Mr. Baldwin also asked that this request not be continued. Mr. Hollis commented that the potential opposition has a pending open records request. Mr. Baldwin expressed that the opposition is with platting and not with the zoning aspect of the request.

Motion: Following brief discussion, Ms. Reed recommended Approval of the request, seconded by Mr. Northern. The motion carried 8-1 with Ms. Conlin against.

<i>Document received for written correspondence</i>					<i>ZC-14-005</i>
<b>Name</b>	<b>Address</b>	<b>In/Out 300 notification area</b>	<b>Position on case</b>		<b>Summary</b>
Saji Alummuttil	2919 W 5 <sup>th</sup> Street	In		Opposition	Spoke at hearing
Eva Bonilla/Linwood NA	NA	Out	Support		Sent letter in
Phillip Poole/Cultural District Alliance	NA	Out	Support		Sent letter in
Jeff Masure/Fort Worth Camera	2900 W. 6th	In	Support		Sent letter in
Jim Claunch	2912 W. 6 <sup>th</sup>	In	Support		Sent letter in

**12. ZC-14-007 A S 104 Timberland Town Center (CD 7) – 12570 N. Beach Street (Shops at Timberland Crossing, Block 1, Lot 3, 1.09 Acres): from “PD-855” Planned Development for all uses in “E” Neighborhood Commercial with no maximum building size; site plan waived to Amend “PD-855” to add an auto parts store; site plan included for the auto parts store only**

Jim Schell, 500 W. 7<sup>th</sup> Street, Suite 600, Fort Worth, Texas representing A-S 104 Timberland Town Center explained to the Commissioners the request to amend the existing planned development will add the specific use of auto parts store with a site plan included. Mr. Schell explained that he has reached out to the 4 houses that are backed up to this site and found that two are property owners and the other two are owned by investors. Mr. Schell mentioned the two letters of opposition and felt that those owners would not be affected by this request. Mr. Schell also mentioned the 30-40 foot drainage easement buffer on the site plan that would stand between the residential and the auto parts store and that no deliveries will be able to occur in the rear of the store.

Mr. Genua asked what was directly to the north of the property. Mr. Schell explained that there is a Kroger grocery store. Ms. Reed asked what type of fence is between the Kroger and the drainage way. Mr. Schell responded that he was not sure. Mr. Flores asked for clarification of the residents in opposition and Mr. Schell indicated where they were located.

Motion: Following brief discussion, Mr. Northern recommended Approval of the request, seconded by Mr. Hollis. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>					<i>ZC-14-007</i>
<b>Name</b>	<b>Address</b>	<b>In/Out 300 notification area</b>	<b>Position on case</b>		<b>Summary</b>
Margaret Jefferson	12521 Cottageville Ln	In		Opposition	Sent letter in
Randal Duke Sr.	12517 Cottageville Ln	In		Opposition	Sent letter in

**13. ZC-14-008 NU-Way Industries Inc. (CD 8) – 3200-3252 Evans Avenue (Morningside Park Addition, Block 1, Lots 1-17, 2.55 Acres): from “A-5” One-Family to “I” Light Industrial**

Edward Justice, 800 East Berry Street, Fort Worth, Texas representing Nu-Way Industries Inc. explained to the Commissioners the request for “I” Light Industrial is to build a parking lot for his trailers. He explained that the existing entrance to the business is about 150 feet south of Evans Avenue. Mr. Justice gave a brief history of the leasing of the property. He explained that they are proposing a rock, asphalt or cement surface for parking on the subject property being rezoned. Mr. Justice mentioned that he had met with the neighborhood and expressed their concerns for dust and fencing. Mr. Justice explained that paving would eliminate dust and that there is already an existing fence.

Ms. McDougall asked if this was a 24/7 operation and if this operation was paid by the truckload. Mr. Justice clarified that it was and mentioned that this was a full load business and that no hazardous materials will be stored on site.

Howard Fitzpatrick, 3221 Evans Avenue, Fort Wort, Texas spoke in opposition. He explained that he is not in opposition but that he has questions on the request.

Cheryl Moore, 3205 Evans Avenue, Fort Worth, Texas spoke in opposition. She feels that the site is an eyesore and expressed concerns of noise and dust. She also feels that it is unsafe to have the trailers parked in that area.

Billy Sowels, 3225 Evans Avenue, Fort Worth, Texas spoke in opposition. She expressed her concerns and does not approve of the trailers being in that location.

Jose Garcia, 3249 Evans Avenue, Fort Worth, Texas spoke in opposition. He expressed his conerns with the request and would not like the trailers to be viewable from his home.