



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
March 17, 2015

Council District 8

Zoning Commission Recommendation: Denial by a vote of 7-1 Opposition: Two people spoke Support: None submitted	Continued	Yes <u>X</u> No <u> </u>
	Case Manager	<u>Lynn Jordan</u>
	Surplus	Yes <u> </u> No <u>X</u>
	Council Initiated	Yes <u> </u> No <u>X</u>

Owner / Applicant: James Austin, Jr.

Site Location: 3220 Mitchell Boulevard Mapsco: 78S

Proposed Use: Auto Parts

Request: From: "B" Two-Family and "E" Neighborhood Commercial

To: "FR" General Commercial Restricted

Land Use Compatibility: Requested change is not compatible.

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

Background:

The applicant is requesting a zoning change from B Two-Family and E Neighborhood Commercial to FR General Commercial Restricted for an auto parts store. The property is west of Mitchell Boulevard, a proposed major arterial, and north of Berry Street, a minor to major arterial at this intersection. The property will have to be platted as one lot and block if approved.

They are proposing approximately a 7100 square foot building, fronting onto Mitchell Boulevard. The property may have site constraints in meeting the zoning standards, depending on how the building is placed. There is a 25 ft. supplemental setback adjacent to A-5 zoning (rear yard) and projected front yard setback on Berry St. (20 ft.) Variances from the Board of Adjustment could be necessary.

Staff has discussed with the applicant that the uses that FR would allow are more than what would be desired at this intersection. The City and developer of the new Renaissance Square have invested a significant amount of money for the regrowth of the area and auto related uses are not consistent with this plan. As such staff has recommended that the request be amended to PD/E plus auto parts sales with a site plan. The case would need to be continued to circulate the site plan through other departments. Staff also recommends that the architecture of the building be improved to also be consistent with the intended quality and investment in the area.

The case was continued at the February 3rd Council meeting in order for the applicant to meet with the neighborhood.

A letter was sent to the President of the Mitchell Boulevard NA back in October from O'Reilly Auto Parts. At the Zoning Commission meeting a representative for the Mitchell Boulevard Neighborhood Association presented a petition of those in opposition.

Site Information:

Owner: James Austin, Jr.
 2401 Scott Avenue, Suite 100
 Fort Worth, Texas 76103

Agent: O'Reilly Auto Enterprises/D. Fraley

Acreage: 1.14 acres

Comprehensive Plan Sector: Southeast

Surrounding Zoning and Land Uses:
 North "A-5" One-Family / single-family
 East "CF" Community Facilities / church
 South "A-5" One-Family and "CF" Community Facilities across Berry / single-family and church
 West "A-5" One-Family / single-family

Recent Relevant Zoning and Platting History:

Zoning History: ZC-11-074 Council-initiated rezoning, City Council approved 10/18/11, subject area to the north;
 ZC-11-061 Renaissance Square, City Council approved 09/13/11 for Planned Developments, subject area to the southeast.

Platting History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Berry St	Minor Arterial	Minor Arterial	No
Mitchell Blvd	Minor Arterial	Major Arterial	No

Public Notification:

The following organizations were notified:

Organizations Notified	
Mitchell Boulevard	Streams & Valleys Inc
United Communities Association	Trinity Habitat for Humanity
Southeast Fort Worth, Inc	Fort Worth ISD

Within this neighborhood organization*

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zoning change to "FR" General Commercial Restricted for an auto parts store. Surrounding land uses are single family to the north and west, churches to the east and south, and the Renaissance Square shopping center east of Mitchell Boulevard. With the surrounding zoning being predominantly single-family, the proposed zoning for this site **is not compatible** at this location.

2. Comprehensive Plan Consistency

The 2014 Comprehensive Plan designates the subject property as Low Density Residential and Neighborhood Commercial. The requested zoning change is not consistent with the following Comprehensive Plan policies:

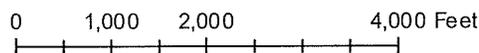
- Preserve and protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, speculation, demolition, neglect, and or other negative forces. (pg. 37)
- Separate incompatible land uses with buffers or transitional uses. Some land uses have attributes such as height, proportion, 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.

Attachments:

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

Area Map



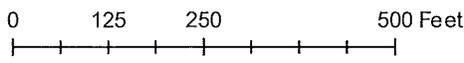


Area Zoning Map

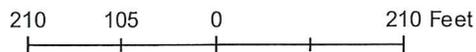
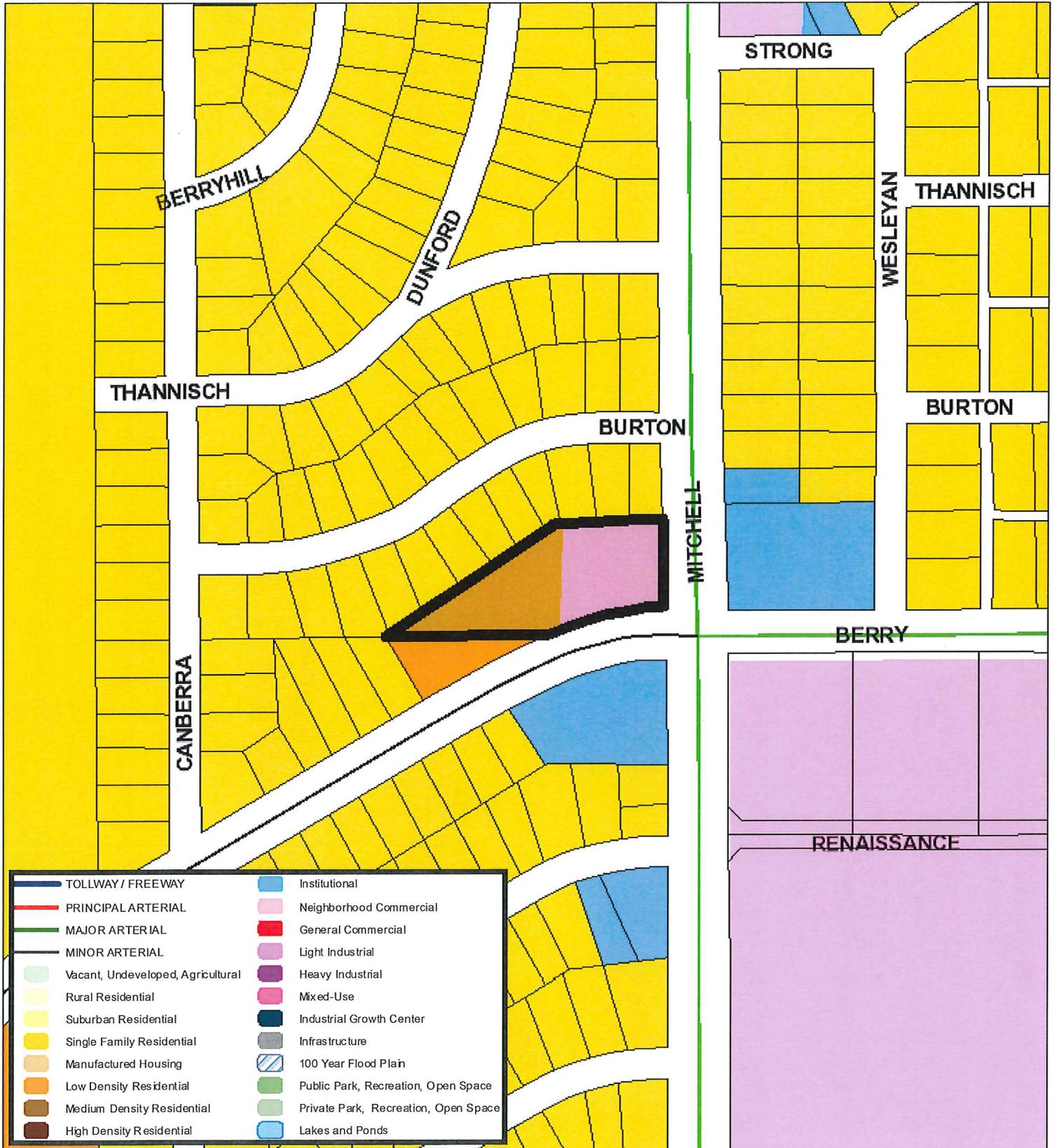
Applicant: James Austin, Jr.
 Address: 3220 Mitchell Boulevard
 Zoning From: B, E
 Zoning To: FR
 Acres: 1.14891464
 Mapsco: 78S
 Sector/District: Southeast
 Commission Date: 1/14/2015
 Contact: 817-392-2495



Subject Area
 300 Foot Notification



Future Land Use



Aerial Photo Map



0 135 270 540 Feet



Mr. Kenneth Newell, 5101 Cliffrose Lane, appeared before Council in opposition to Zoning Docket ZC-14-103.

Mr. Dennis Hopkins, 2131 North Collins Street, Apt 637, completed a speaker card in opposition to Zoning Docket ZC-14-103 and was recognized by Mayor Pro tem Espino but did not wish to address Council.

The following individuals completed comment cards in support of Zoning Docket ZC-14-103:

Ms. Eva Bonilla, 3700 West 6th Street, Apt B
Mr. Gordon Appleman, 3855 Bellaire Circle
Ms. Louise Appleman, 6855 Bellaire Circle

Mr. Haydn Cutler, 3825 Camp Bowie Boulevard, completed a comment card in opposition to Zoning Docket ZC-14-103.

Motion: Council Member Zimmerman made a motion, seconded by Council Member Scarth, that Zoning Docket ZC-14-103 be continued to the March 3, 2015, Council meeting. The motion carried unanimously 8 ayes to 0 nays, with Mayor Price absent.

The Notice of Special Hearing set today as the date for the hearing in connection with recommended changes and amendments to Zoning Ordinance No. 13896 and that notice of the hearing had been given by publication in the Fort Worth Star-Telegram, the official newspaper of the City of Fort Worth, on January 19, 2015.

3. ZC-14-151 - (CD 8) - James Austin, Jr., 3220 Mitchell Boulevard; from: "B" Two-Family and "E" Neighborhood Commercial to: "FR" General Commercial Restricted (Recommended for Denial by the Zoning Commission)

The following individuals appeared before Council in support of Zoning Docket ZC-14-151:

Mr. James Austin Jr., 2017 Teakwood Trace (provided handouts)
Mr. Calvin Williams, 1035 East Annie

Mr. Monnie Gilliam, 1100 Vicki Lane, appeared before Council in opposition to Zoning Docket ZC-14-151.

Motion: Council Member Allen Gray made a motion, seconded by Council Member Zimmerman, that Zoning Docket ZC-14-151 be continued to the March 17, 2015, Council meeting. The motion carried unanimously 8 ayes to 0 nays, with Mayor Price absent.

Ms. Burghdoff asked if he needed a waiver for the additional parking spaces. Mr. Quine said they will provide the additional tree required.

Motion: Following brief discussion, Mr. Northern made a motion to Approve the request, seconded by Ms. Reed. The motion carried unanimously 8-0.

<i>Document received for written correspondence</i>				ZC-14-145	
Name	Address	In/Out 300 ft notification area	Position on case		Summary
Kevin Jones	648 E Bonds Ranch	In		Support	Sent letter in

2. ZC-14-159 R/P LPC II LTD. (CD 3) – 2500 River Park Drive (Edward Wilburn Survey, Abstract No. 1635, 6.54 Acres): from “G” Intensive Commercial to “PD/R1” Planned Development for all uses in “R1” Zero Lot Line/Cluster with the following waivers: less than minimum lot size of 3,300 sq. ft.; less than 5 ft. side yard setbacks, and less than 33 ft. lot width at the building line; site plan included

Robert West, 7012 Allen Place Drive, Fort Worth, Texas representing R/P LPC II LTD, explained to the Commissioners they are requesting a 30 day continuance in order to submit a preliminary plat and get comments back as well as submit a site plan.

Motion: Following brief discussion, Mr. Reeves recommended a 30 day Continuance of the request, seconded by Ms. Reed. The motion carried unanimously 8-0.

IV. New Cases

3. ZC-14-151 James Austin Jr. (CD 8) – 3220 Mitchell Boulevard (J W Haynes Survey, Abstract No. 779, 1.15 Acres): from “B” Two-Family and “E” Neighborhood Commercial to “FR” General Commercial Restricted

Mike Chapman, 1425 Holly Ridge Drive, Keller, Texas representing James Austin Jr., explained to the Commissioners the request is to rezone for an O’Reillys auto parts store. Mr. Chapman did mention after speaking with staff, that PD/E plus auto parts might be a better zoning district for the neighborhood. Pollard Rogers with O’Reilly was present at the meeting. Mr. Chapman said they did reach out to the neighborhood in October but have not heard back from them.

Everette Carpenter, 7332 Normandy Road, Fort Worth, Texas spoke in support. Mr. Carpenter is Pastor for the Church located across the street from this location and feels this will benefit the economic growth they are experiencing.

Tim Williams, 2401 Scott Avenue, Fort Worth, Texas spoke in support. He did mention Mr. Hank Robertson; a resident behind the property could not be here but is in support.

Mary Bailey-Williams, 2533 Malvern Trail, Fort Worth, Texas spoke in opposition. Ms. Williams said she is the incoming President for the Mitchell Boulevard NA. They took a vote at their Monday night meeting to not approve the request. She presented a petition with 14 names in opposition. Ms. Bailey mentioned there are about five auto parts stores within a 20 mile radius.

Monnie Gilliam, 1100 Vicki Lane, Fort Worth, Texas spoke in opposition. He is concerned about uses in FR that could take place on that lot should the applicant go away. Mr. Genua asked how he felt about them going to a PD. Mr. Gilliam said there is not enough staffing to monitor any violations that may occur.

In rebuttal, Mr. Chapman said they want to be in this area and there is plenty of parking for the store. They are willing to go through the PD process.

Mr. Genua asked staff what use is in the SW corner. Ms. Murphy said it is a church.

Motion: Following brief discussion, Ms. Conlin recommended Denial of the request, seconded by Ms. McDougall. The motion carried unanimously 7-1 with Mr. Northern against.

<i>Document received for written correspondence</i>					<i>ZC-14-151</i>
Name	Address	In/Out 300 notification area	Position on case		Summary
Everette Carpenter	3300 Mitchell Blvd	In		Support	Spoke at hearing
Tim Williams	2401 Scott Ave	Out		Support	Spoke at hearing
Mary Bailey-Williams/Mitchell Blvd NA	3220 Mitchell Blvd	In	Opposition		Spoke at hearing
Monnie Gilliam	1100 Vicki Ln	Out	Opposition		Spoke at hearing
Roscoe Dixon	2532 Berry	In	Opposition		Petition
Barbara Smith	2508 Malvern Trl	Out	Opposition		Petition
Charles Griffin	2800 Strong	Out	Opposition		Petition
Mary & Donald Williams	2533 Malvern Trl	In	Opposition		Petition
Doris Tucker	2513 Shropshire	Out	Opposition		Petition
Alzinia Hearne	2712 Thannisch	Out	Opposition		Petition
Barbara & Lloyd Salter	3313 Canberra	Out	Opposition		Petition
Betty Hatton	2620 Burton	Out	Opposition		Petition
Eliza Thomas	2409 Lawriemore	Out	Opposition		Petition
Neil Randolph	2667 Burton	Out	Opposition		Petition
Robert & Sheron Jordan	2521 Malvern Trl	Out	Opposition		Petition

Patricia Smith	2537 Malvern Trl	In	Opposition		Petition
Lonnie Jackson	2537 Berry St	In	Opposition		Petition

4. ZC-14-160 Speedclean Car Wash LLC (CD 6) – 6201 McCart Avenue (McCart East Addition, Block 1, Lot 4, 0.64 Acres): from “E” Neighborhood Commercial to “PD/E” Planned Development for all uses in “E” Neighborhood Commercial plus car wash; site plan included

Peter Odossi, 5036 Cedar Brush Drive, Fort Worth, Texas property owner explained to the Commissioners they have owned the business for about nine years and the car wash has been there more than 20 years. They want to bring the car wash up to code in order to conserve and recycle water. They will be installing reclaimed equipment to recycle.

Rosalynn Adossi, 5036 Cedar Brush Drive, Fort Worth, Texas spoke in support.

Motion: Following brief discussion, Ms. Moore recommended Approval of the request, seconded by Ms. McDougall. The motion carried unanimously 8-0.

<i>Document received for written correspondence</i>					ZC-14-160
Name	Address	In/Out 300 ft notification area	Position on case		Summary
Ivanna Wiesepape/ District 6 Alliance	NA	Out		Support	Sent letter in
Wayne Williams	6350 McCart Ave	In		Support	Sent letter in
Oscar Lazorky	6301 McCart Ave	In		Support	Sent letter in
Jim Veloz	6248 West creek	In		Support	Sent letter in
Ginny Smith	3232 Indio	In		Support	Sent letter in
Michael Zimmerman	6201 McCart Ave	In		Support	Sent letter in

5. ZC-14-167 Northwest Bible Church Inc. (CD 2) – 5025 Jacksboro Highway (Albright Arthur, Lots G, H, I, J, 3.28 Acres): from “A-5” One-Family to “E” Neighborhood Commercial

J. R. Olmstead, 2315 Westbrook Avenue, Fort Worth, Texas representing Northwest Bible Church explained to the Commissioners the request to rezone to E is to allow for funeral services in a portion of the building. The offices will be located in about 2,000 sq. ft. of the existing church building. There will be no new construction, no storage of equipment or unused vehicles in the parking lot, and there will be no embalming or cremation at this facility. Mr. Olmstead said they sent letters to adjoining property owners and the North Beverly Hills NA and have received no correspondence.