



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
April 7, 2015

Council District 2

Zoning Commission Recommendation: Approved as Amended to PD/A-5 plus funeral home, site plan waiver by a vote of 9-0 Opposition: One letter submitted Support: None submitted	Continued	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	Case Manager	<u>Stephen Murray</u>
	Surplus	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Council Initiated	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Owner / Applicant: Northwest Bible Church, Inc. (Texas)

Site Location: 5025 Jacksboro Hwy Mapsco: 61F

Proposed Use: Church and Commercial Funeral Home

Request: From: "A-5" One-Family
To: "E" Neighborhood Commercial

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

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

Background:

The proposed site is located on Jacksboro Hwy near the corner of Beverly Hills Dr. The site is currently being used as a church. Due to financial constraints, the applicant would like to lease a portion of the existing building to a commercial funeral home business. The proposal will include offices for funeral planning and the utilization of the sanctuary for services. Cremation and embalming will not occur at this facility. The proposed site will use the existing church parking and variances to parking are not anticipated at this time.

The subject site is located on Jacksboro Hwy, which is a principal arterial and appropriate for commercial uses. Surrounding land uses are primarily vacant with single-family to the south. A large creek and foliage provide a natural buffer to the existing church and proposed funeral home. The 2015 Future Land Use map was recently approved for neighborhood commercial in this area.

The applicant requested "E" zoning for the proposed site, which would allow for commercial signage and uses. The North Beverly Hills NA submitted opposition to commercial uses along Jacksboro Hwy.; however "E" zoning exists along Jacksboro adjacent to the neighborhood. The Zoning Commission recommended amending the zoning request to PD/A-5 plus funeral home, site plan waiver recommended in order to maintain the current base zoning category and allow the proposed use. At the March 3 City Council meeting, the applicant presented the facts of the location on Jacksboro Highway, the future land use change, and other location considerations and requested that the originally requested "E" zoning be approved. The newspaper notification was published for this "E" zoning so that it may be legally granted.

A Certificate of Occupancy was issued for the funeral home business because it was not considered a change of use per the Building Code. However, it is a change of use through zoning which is necessitating this zoning change.

Site Information:

Owner: Northwest Bible Church, Inc.
 5025 Jacksboro Hwy
 Fort Worth, Texas 76114

Acreage: 3.28 acres

Comprehensive Plan Sector: Northside

Surrounding Zoning and Land Uses:

North City of Sansom Park / commercial
 East "A-5" One-Family / vacant
 South "A-5" One-Family / single-family
 West "A-5" One-Family / vacant

Recent Relevant Zoning and Platting History:

Zoning History: None
 Platting History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Jacksboro Hwy	Principal Arterial	Principal Arterial	No

Public Notification:

The following organizations were notified:

Organizations Notified	
North Beverly Hills	Streams & Valleys, Inc
Inter-District 2 Alliance	Castleberry ISD
Trinity Habitat for Humanity	

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zoning change to "PD/E" Planned Development for all uses in "E" Neighborhood Commercial plus funeral home; site plan waiver recommended, in order to lease a portion of an existing church for a funeral home business. Surrounding land uses vary with commercial to the north, vacant land both east and west, and single-family to the south. The proposed site is located on the Jacksboro Hwy, which is a principal arterial and appropriate for commercial uses. The proposed funeral home will use a small portion of the existing church building, and the church will continue to operate.

As a result, the proposed zoning for this site **is compatible** at this location.

2. Comprehensive Plan Consistency

The 2014 Comprehensive Plan designates the subject property as Institutional which reflects the church use. The requested zoning change is not consistent with the Comprehensive Plan. However, the future land uses for the area were changed in the 2015 Comprehensive Plan to Neighborhood Commercial. As a result, changing the Comprehensive Plan to Neighborhood Commercial for this tract would be appropriate for this site.

Based on nonconformance with the future land use map; the proposed zoning **is not consistent** with the Comprehensive Plan. **(Technical Inconsistency)**

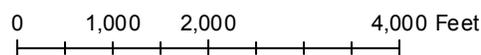
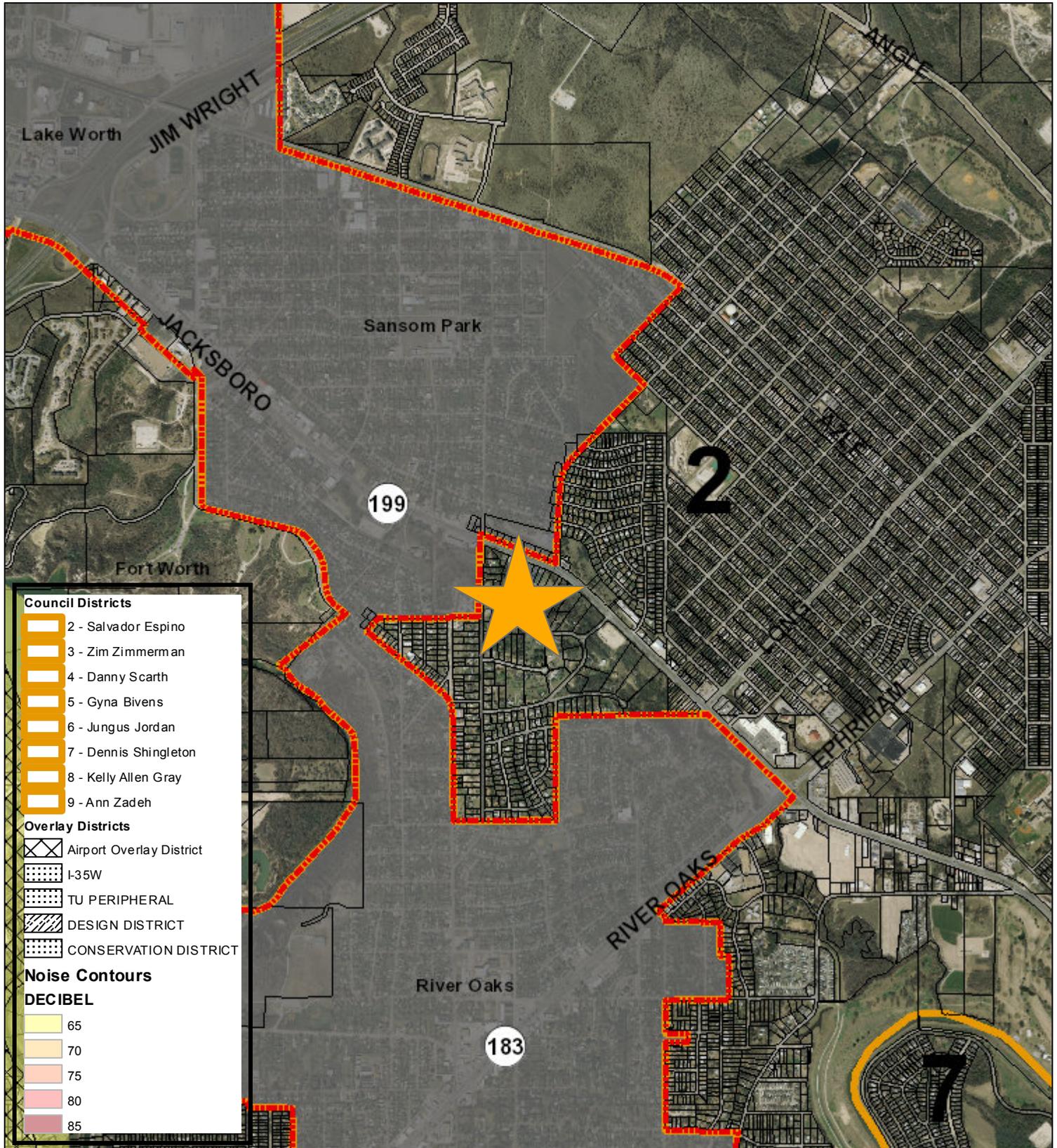
Attachments:

- 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

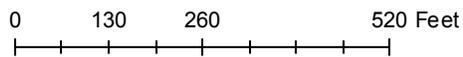


Area Zoning Map

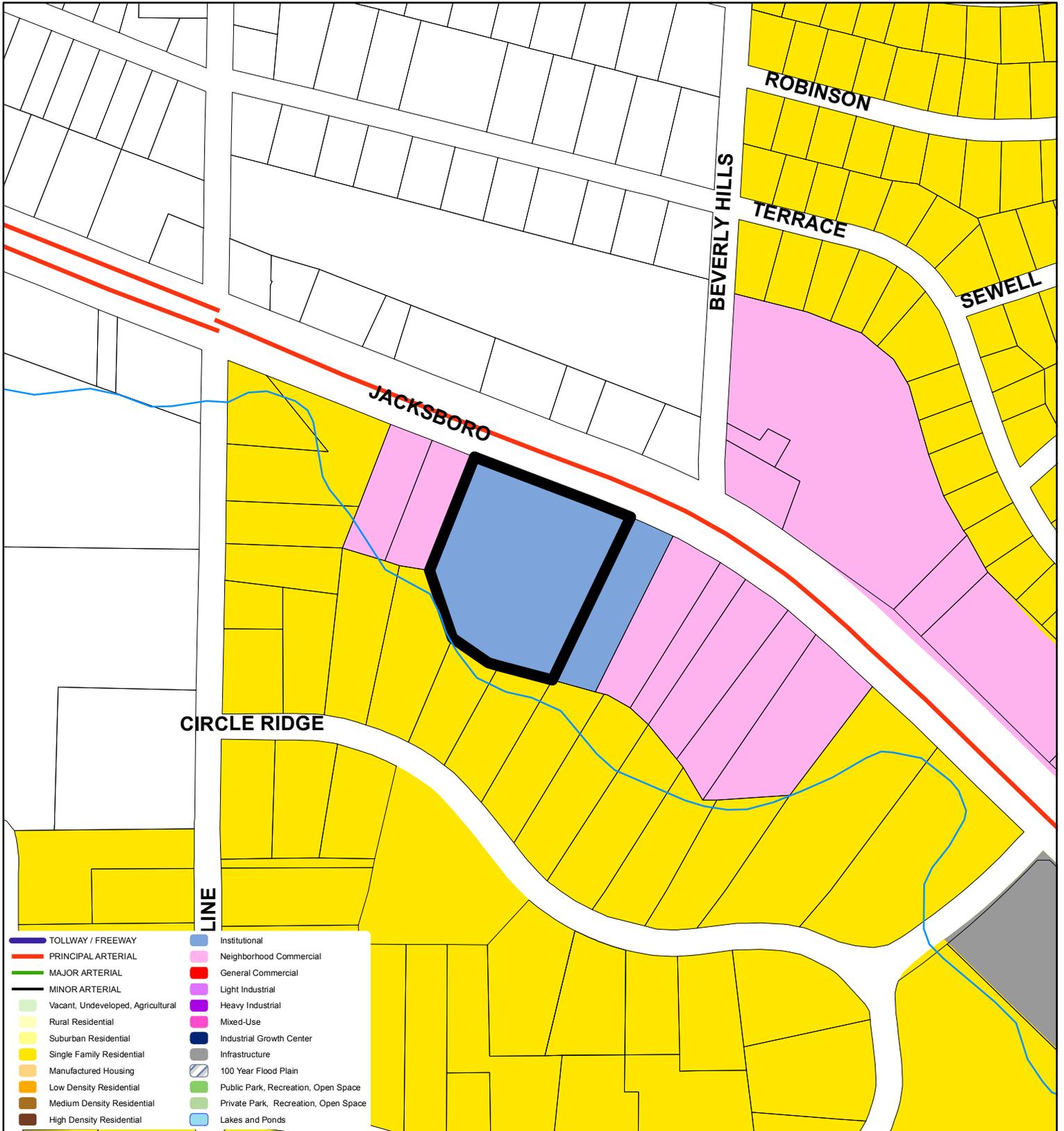
Applicant: Northwest Bible Church
 Address: 5025 Jacksboro Highway
 Zoning From: A-5
 Zoning To: E
 Acres: 3.28140564
 Mapsco: 61F
 Sector/District: Northside
 Commission Date: 1/14/2015
 Contact: 817-392-8190



	Subject Area
	300 Foot Notification



Future Land Use



- | | |
|-----------------------------------|--------------------------------------|
| TOLLWAY / FREEWAY | Institutional |
| PRINCIPAL ARTERIAL | Neighborhood Commercial |
| MAJOR ARTERIAL | General Commercial |
| MINOR ARTERIAL | Light Industrial |
| Vacant, Undeveloped, Agricultural | Heavy Industrial |
| Rural Residential | Mixed-Use |
| Suburban Residential | Industrial Growth Center |
| Single Family Residential | Infrastructure |
| Manufactured Housing | 100 Year Flood Plain |
| Low Density Residential | Public Park, Recreation, Open Space |
| Medium Density Residential | Private Park, Recreation, Open Space |
| High Density Residential | Lakes and Ponds |



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 17, 2015.



Aerial Photo Map



0 155 310 620 Feet



5. **ZC-14-167 - (CD 2) - Northwest Bible Church, Inc. (Texas), 5025 Jacksboro Highway, from: "A-5" One-Family to: "PD/A-5" Planned Development for all uses in "A-5" One-Family plus funeral home; site plan waiver recommended. (Recommended for Approval as Amended by the Zoning Commission for PD/A-5 plus funeral home)**

Mr. James Richard (JR) Olmstead, 2315 Westbrook Avenue, appeared before Council in support of Zoning Docket ZC-14-167.

Motion: Mayor Pro tem Espino made a motion, seconded by Council Member Shingleton, that Zoning Docket ZC-14-167 be continued to the April 7, 2015, Council meeting. The motion carried unanimously 9 ayes to 0 nays.

The City Council, at its meeting of February 3, 2015, continued Zoning Docket ZC-14-169:

6. **ZC-14-169 - (CD 5) - Prosper Bank, 15239 FAA Boulevard; from: "J" Medium Industrial to: "PD/J" Planned Development for all uses in "J" Medium Industrial plus game room; site plan included. (Recommended for Approval by the Zoning Commission) (Continued from a Previous Meeting)**

Motion: Council Member Bivens made a motion, seconded by Council Member Scarth, that Zoning Docket ZC-14-169 be approved. The motion carried 8 ayes to 1 nay, with Council Member Jordan casting the dissenting vote.

7. **ZC-14-171 - (CD 5) - Cooks/Tarrant 11.7 JV, 7901 Ederville Road; from: "G" Intensive Commercial to: "PD/G" Planned Development for all uses in "G" Intensive Commercial plus hotel; site plan included. (Recommended for Denial by the Zoning Commission)**

The following individuals appeared before Council in opposition to Zoning Docket ZC-14-171:

Ms. Jackie Barnd, 7249 Specklebelly Lane
Mr. Scott Willingham, 737 Newport Road
Ms. Judy Taylor, 2604 Stark Street

The following individuals completed comment cards in opposition to Zoning Docket ZC-14-171:

Ms. Lottie Fowler, 817 Sylvan Drive
Ms. Laura Adams, 1024 Fox River Lane
Mr. Byron Masters, 845 Hunters Glen Trail
Ms. Vanessa Carpenter, 850 Hunters Glen Trail
Mr. Jim McCombs, 9015 Hunters Glen Trail

2. 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 case was continued from the last meeting in order for them to meet with the neighborhood. He said they sent out letters to surrounding property owners and an email was sent out to North Beverly Hills NA and they received no comments at that time. Mr. Olmstead said he did receive an email from Mr. Martinez stating their concerns about commercial uses being undesirable to the neighborhood. He also mentioned there is E zoning within the North Beverly Hills boundary along Jacksboro Highway.

Mr. Flores mentioned the correspondence received, asked if he was present at the neighborhood meeting and did they voice their concerns. Mr. Olmstead said they made a presentation at the meeting. After he left, a member who stayed said there was no discussion about the presentation. Mr. Flores read an excerpt from an email received stating there appears to be a continued decline of members at the church which raises concerns that if the church were to close its doors, they would be left with a commercially zoned property. He also mentioned there are a number of uses permitted in E such as alcohol that could cause a concern and asked if there any other options discussed with the neighborhood. Mr. Olmstead said the only question asked was if they were planning on moving. They are asking for this zoning to keep them financially viable.

It was mentioned that the 2015 Comprehensive Plan is proposed to change all their property to commercial. Mr. Flores said that is a recommendation and has not been approved. Ms. Murphy mentioned the approval of the Comp Plan is scheduled for March 3, 2015.

Ms. McDougall mentioned the concerns she has on changing the zoning and the concerns of the neighborhood has if the church were to go away.

Motion: Following brief discussion, Mr. Flores recommended Approval of the request as Amended to PD/A-5 plus funeral home; with site plan waived, seconded by Ms. McDougall. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>				<i>ZC-14-167</i>	
Name	Address	In/Out 300 ft notification area	Position on case		Summary
Tony Martinez/ North Beverly Hills NA	NA	Out	Opposition		Sent letter in

3. ZC-14-171 Cooks/Tarrant 11.7 Joint Venture (CD 5) 7901 Ederville Road (T K Hamby Survey, Abstract 815, 1.33 Acres): from “G” Intensive Commercial to “PD/G” Planned Development for all uses in “G” Intensive Commercial plus hotel; site plan included

Hugo Monsanto, 200 South Rogers Street, Waxahachie, Texas representing Cooks/Tarrant 11.7 Joint Venture and the applicant explained to the Commissioners the case was continued from the

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>					<i>ZC-14-160</i>
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.

Ms. Reed asked when the letter was sent out to the neighborhood association. Mr. Olmstead said approximately three weeks ago.

Mr. Genua asked about the funeral service and wanted to be embalming is not occurring on the site. Mr. Olmstead said the funeral service and cemetery are located in Azle and would like to branch out in this area. At the church property, the funeral service would include viewing and a dinner for the occasion, with no embalming or cremation. The church would still be the main use of the building.

Mr. Genua mentioned a letter received from the North Beverly Hills NA asking for a continuance. Mr. Olmstead they have a substantial greenbelt behind their property. He also mentioned the 2015 Comprehensive Plan possibly changing this area to commercial.

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

<i>Document received for written correspondence</i>				<i>ZC-14-167</i>	
Name	Address	In/Out 300 notification area	ft Position on case		Summary
Tony Martinez/North Beverly Hills NA	NA	Out	Opposition		Sent letter in

6. ZC-14-169 Prosper Bank (CD 5) – 15239 FAA Boulevard (Centerport Addition, Block 313C, Lot 1R, 1.49 Acres): from “J” Medium Industrial to “PD/J” Planned Development for all uses in “J” Medium Industrial plus game room; site plan included

Mohammad Shaha’k, 5874 Midnight Moon, Frisco, Texas representing Prosper Bank explained to the Commissioners the request to rezone to operate a game room facility. The store has been there since 2011.

Ms. McDougall asked about the transparent glass that is required. Mr. Shaha’k said they do have the glass on the front of the store.

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

7. ZC-14-170 Terry & Sarah Alexander (CD 3) – 9617 Santa Monica Drive (F. D. Beasley Survey, Abstract No. 135 and L. J. Edwards Survey, Abstract No. 464, 0.28 Acres): from “A-5” One-Family to “PD/A-5” Planned Development for all uses in “A-5” One-Family plus group home 1; site plan waiver requested

Sarah Alexander, 9617 Santa Monica Drive, Fort Worth, Texas property owner explained to the Commissioners the request to rezone their single-family home to a PD plus group home in order