



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
March 1, 2016

Council District 2

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

Opposition: None submitted
Support: None submitted

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

Owner / Applicant: Patriot Bank/Green Bank N.A.

Site Location: 6000 Block Cromwell Marine Creek Mapsco: 46C & D

Proposed Use: Residential

Request: From: "E" Neighborhood Commercial

To: "A-5" One-Family

Land Use Compatibility: Requested change is compatible.

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

Background:

The applicant is requesting a zoning change from "E" Neighborhood Commercial to "A-5" One-Family. The property is north of Cromwell Marine Creek, a proposed major arterial and east of Bowman Roberts. The applicant is proposing to construct approximately 127 single-family lots. No preliminary plat has been submitted.

This site was rezoned to E Neighborhood Commercial in 2011. However, a 1993 deed restriction limits the use to single-family only. As a result, the applicant is requesting that the site be changed back to A-5.

Site Information:

Owner: Green Bank, NA
2900 North Loop West
Houston, Texas 77092
Agent: HW Properties, LLC (Mark Howe)
Acreage: 26.7 acres
Comprehensive Plan Sector: Far Northwest

Surrounding Zoning and Land Uses:

North "A-5" One-Family / single-family
East "R1" Zero Lot Line Cluster; "E" Neighborhood Commercial / vacant, single-family
South "C" Medium Density Multifamily and "E" Neighborhood Commercial / vacant
West "AG" Agricultural / vacant

Recent Relevant Zoning and Platting History:

Zoning History: ZC-11-068 from "A-5" to "E", effective 10/31/11 (subject property)

Platting History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Cromwell Marine Creek	County Two-way	Major Arterial	Intersection improvement under construction
Bowman Roberts Rd	Collector	Collector	No

Public Notification:

The following organizations were notified:

Organizations Notified	
Marine Creek Community Assoc	Trinity Habitat for Humanity
Marine Creek Ranch HOA	Streams And Valleys Inc.
Marine Creek Hills NA	Eagle Mountain-Saginaw ISD

*Site not locate within the confines of a registered NA

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zoning change to "A-5" One-Family. Surrounding land uses are single-family to the north and east and vacant land to the south and west.

The proposed zoning for this site **is compatible** at this location.

2. Comprehensive Plan Consistency

The 2015 Comprehensive Plan designates the subject property as Neighborhood Commercial. The requested change **is not consistent (Technical Inconsistency)** with the Comprehensive Plan future land use designation.

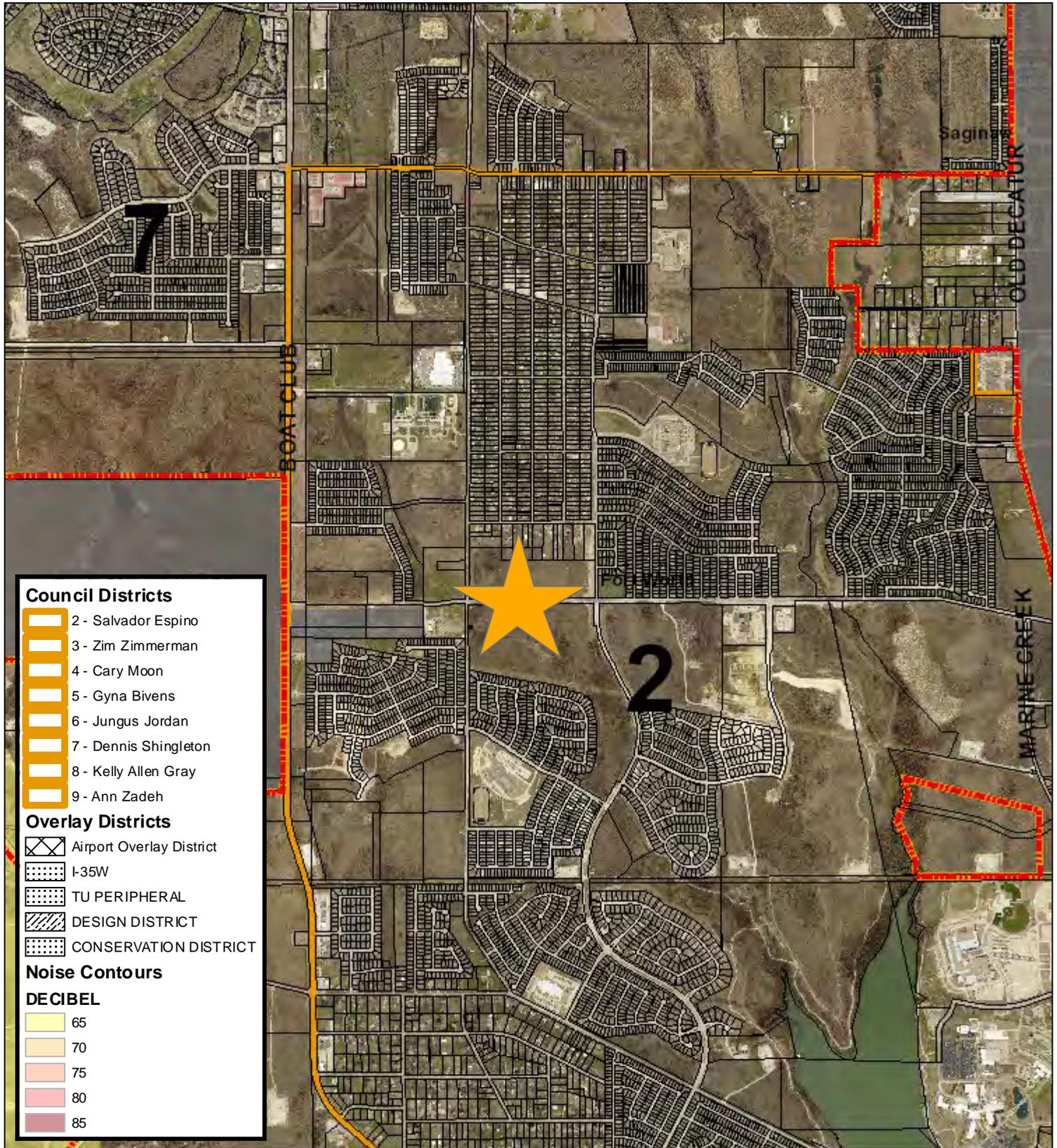
The site was previously designated single-family on the future land use map but was changed due to a rezoning in 2011. The requested zoning change is consistent with the following Comprehensive Plan policies:

- Encourage new development type and intensity appropriate to existing or planned street infrastructure by coordinating future land use map changes with the Master Thoroughfare Plan and an adopted Complete Streets policy (pg. 38).
- Encourage new development in character with the existing neighborhood scale, architecture and platting pattern (pg. 39).

Attachments:

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

Area Map



Council Districts

-  2 - Salvador Espino
-  3 - Zim Zimmerman
-  4 - Cary Moon
-  5 - Gyna Bivens
-  6 - Jungus Jordan
-  7 - Dennis Shingleton
-  8 - Kelly Allen Gray
-  9 - Ann Zadeh

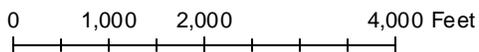
Overlay Districts

-  Airport Overlay District
-  I-35W
-  TU PERIPHERAL
-  DESIGN DISTRICT
-  CONSERVATION DISTRICT

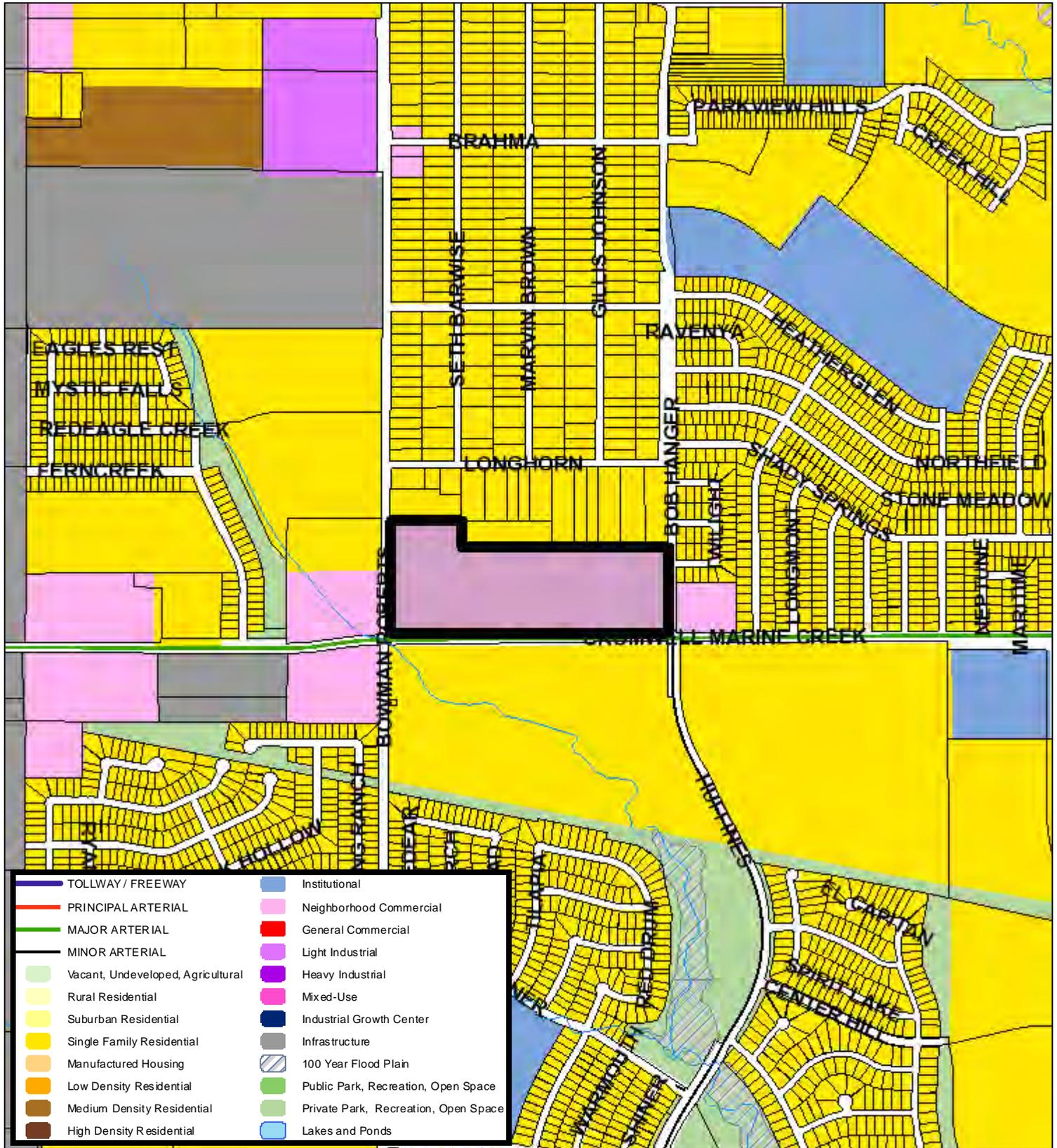
Noise Contours

DECIBEL

-  65
-  70
-  75
-  80
-  85



Future Land Use

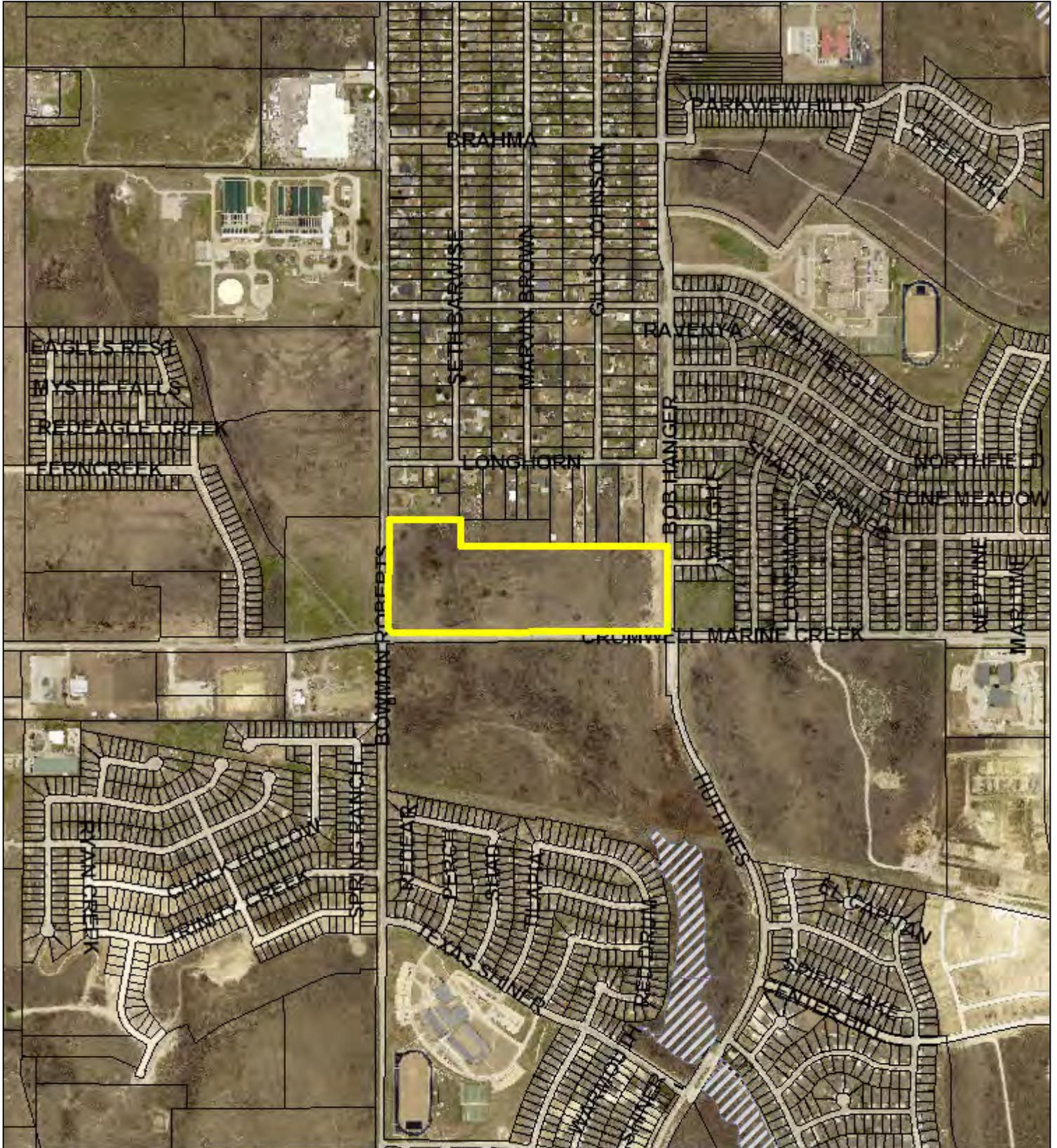


900 450 0 900 Feet

A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 213.005.) Land use designations were approved by City Council on March 17, 2015.



Aerial Photo Map



0 550 1,100 2,200 Feet



Mr. Flores asked Ms. Zitoon about ownership, mail and if she was aware of the neighborhood meeting that were held to change the zoning. Mr. Flores asked why not change to “ER” zoning. Ms. Zitoon said they had problems receiving their mail. They were aware of the neighborhood meetings but felt none were specific to this property. They do own other residential properties in the area. Ms. Zitoon said she is not concerned with the zoning category but wants to be able to sell the property for commercial use because it is not suitable for a single-family residence. Ms. Murphy explained “ER” is the lightest commercial district and includes mainly professional services, light retail, and no alcohol sales. Restaurants would be permitted by special exception. It is a neighborhood compatible district.

Mr. Zitoon said he wants to keep the zoning to what it was before which was “E”. If they limit the uses it will detract their ability for potential buyers. Mr. Flores said as a compromise he was looking at “ER” zoning since the building has been vacant for some time.

Ms. McDougall said she understands but this is a residential neighborhood and they have to protect the neighborhood.

Mr. Flores asked if they reached out to the neighborhood organizations. Mr. Zitoon said no but they did reach out to the neighbors.

Motion: Following brief discussion, Mr. Northern recommended Approval of the request as Amended to “ER”, seconded by Ms. Runnels. The motion carried 8-1 with Ms. Conlin against.

9. ZC-16-025 Weber Ridge LP (CD 7) – 9190 Tehama Ridge Parkway (William McCowen Survey, Abstract No. 199, 4.30 Acres): from “G” Intensive Commercial/I-35 Overlay to “PD/G/I-35 Overlay” Planned Development for all uses in “G” Intensive Commercial/I-35 Overlay plus hotel; site plan included

Clay Christy, 1903 Central Drive, Suite 406, Bedford, Texas representing Weber Ridge LP explained to the Commissioners they are proposing a hotel use.

Motion: Following brief discussion, Mr. Northern recommended Approval of the request, seconded by Ms. Dunn. The motion carried 8-0.

10. ZC-16-026 Patriot Bank/Green Bank N. A. (CD 7) 6000 Block Cromwell Marine Creek Road (A. S. Roberts Survey, Abstract 1262, 26.71 Acres): from “E” Neighborhood Commercial to “A-5” One-Family

Mark Wood, 6617 Precinct Line Road, Suite 200, N. Richland Hills, Texas explained to the Commissioners they are requesting to rezone from “E” to “A-5”. They have an adjoining property to the north already zoned “A-5” for single-family residential development. He explained deed restrictions from 1990 restricted the use for single-family only.

Mr. Flores stated for the record a letter of support was received from Eagle Mountain-Saginaw ISD.

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

<i>Document received for written correspondence</i>					ZC-16-026
Name	Address	In/Out 300 ft notification area	Position on case		Summary
Clete Welch/ Eagle Mountain- Saginaw ISD	NA	Out		Withdrew opposition	Sent letter in

11. ZC-16-027 Randol Mill Partners II LTD (CD 5) 650 John T. White Road N. (E. Andes Survey, Abstract No. 66, 20.77 Acres): from “C” Medium Density Multifamily and “ER” Neighborhood Commercial Restricted to “A-5” One-Family

The applicant was not present for the meeting.

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

12. ZC-16-028 Robert M. Ramos (CD 2) 2221 N. Houston Street (North Fort Worth, Block, 10, Lot 163, 0.16 Acres): from “B” Two-Family to “PD/B” Planned Development for all uses in “B” Two-Family plus fourplex; site plan waiver requested

Patti Saenz, 119 Corona Court, Fort Worth, Texas representing Robert Ramos explained to the Commissioners they are requesting to rezone to make the fourplex legal. Ms. Saenz explained Mr. Ramos met with Code Compliance and had a formal agreement to upgrade the property. When they tried to pull a building permit he was informed it was no longer zoned for a fourplex. He did receive information from Planning & Development to reach out to neighborhood groups which he did, but no one has responded.

Mr. Flores asked several question of the applicant, meeting with Code, discovery of the structure being non-conforming, neighborhood outreach and history of the fourplex. Ms. Saenz said there was a meeting with Code and that staff directed him to the neighborhoods. She said they tried to reach out by phone, email and sent letters out. A handout was provided indicating which neighborhood organizations they reached out to. They did not get any correspondence back from Mr. Shearer. Ms. Saenz said the fourplex has been in existence since he obtained the property in 1998 and her understanding is it has always been a fourplex.

Mr. Flores asked staff about legal nonconforming and the house being built in 1920’s. Ms. Murphy explained the process for obtaining legal conforming status and what is needed to prove the structure was built as a fourplex since 1940 when the first Zoning Ordinance was adopted.