FORT WORTH

Case Number **ZC-12-097**

ZONING MAP CHANGE
STAFF REPORT

City Council Meeting Date: November 12, 2012

Council District 8

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

Opposition: none

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

Owner / Applicant: **The Elton M. Hyder, Jr. Charitable & Education Fund**

Site Location: 501 Old Highway 1187 Mapsco: 119L

Proposed Use: **Assisted Living**

Request: From: "CR" Low Density Multifamily

To: "CF" Community Facilities

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

Comprehensive Plan Consistency: Requested change **is consistent.**

Background:
The proposed site is located The applicant is requesting a zoning change from "CR" Low Density Residential to "CF" Community Facilities for an assisted living facility. The proposed site is located within close proximity to a medical office and approximately one-half mile east of Huguley Hospital and will serve as a complimentary use for these facilities.

The applicant attended a Predevelopment Conference in August and staff research found that the zoning boundaries were incorrectly drawn. The "CF" rezoning that had been shown on their site did not match the legal description; it was actually the site directly east. As a result, the zoning change process from "CR" to "CF" had to be completed.

Site Information:

Owner:	The Elton M. Hyder, Jr. Charitable & Educational Fund 6040 Camp Bowie Blvd. Suite 1 Fort Worth, Texas 76116
Agent:	Baird, Hampton & Brown, Inc.
Acreage:	10.13 acres
Comprehensive Plan Sector:	Far South

Surrounding Zoning and Land Uses:

North "CR" Low Density Residential / vacant
East "CF" Community Facilities / medical office
South "E" Neighborhood Commercial / vacant
West "AG" Agricultural / vacant

Recent Relevant Zoning and Platting History:

Zoning History: ZC-01-1072 from "CR" to "CF", approved 2001 (located directly east of the proposed site).
BOA History: None
Platting History: PP-12-016 Heritage Place Addition to be heard by the City Plan Commission 09-26-12

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Old Hwy 1187	2 way, Residential	Residential	No

Public Notification:

The following Neighborhood Associations were notified:

Garden Acres NA
Burleson ISD

Development Impact Analysis:

1. **Land Use Compatibility**
   The applicant is proposing a zoning change to "CF" Community Facilities for an assisted living facility. Surrounding land uses are primarily vacant with a medical office just east of the proposed site.

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

2. **Comprehensive Plan Consistency**
   The 2012 Comprehensive Plan designates the subject property as general commercial. The proposed zoning is not in conformance with the future land use map, however, certain commercial medical uses are permitted in "CF" and the proposed use is permitted in all commercial and industrial zoning districts, therefore the proposed "CF" **is consistent** with the general commercial future land use designation.

To view the Comprehensive Plan: http://www.fortworthgov.org/planninganddevelopment/

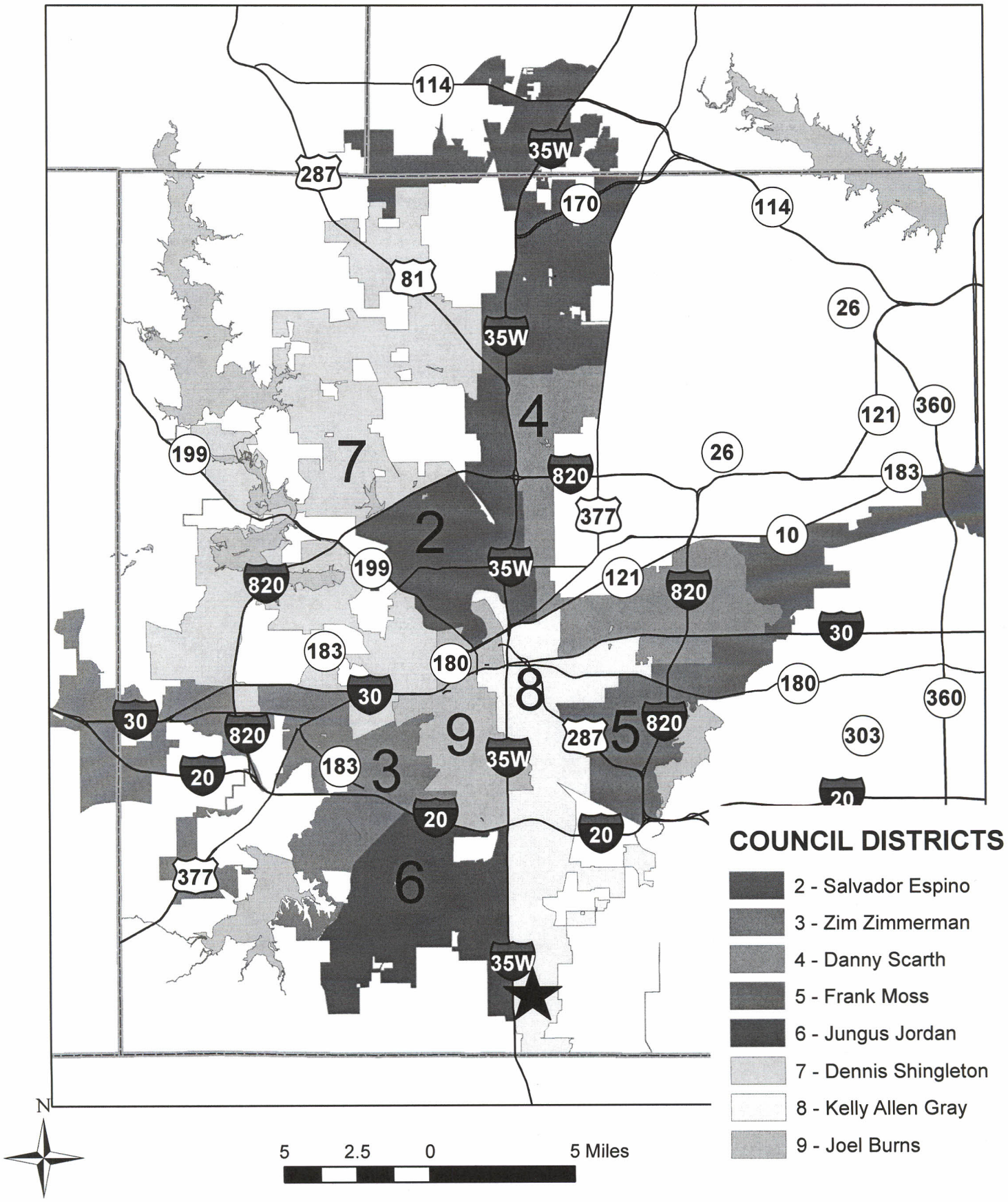
Attachments:

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

FORT WORTH ©

ZC-12-097

Location Map



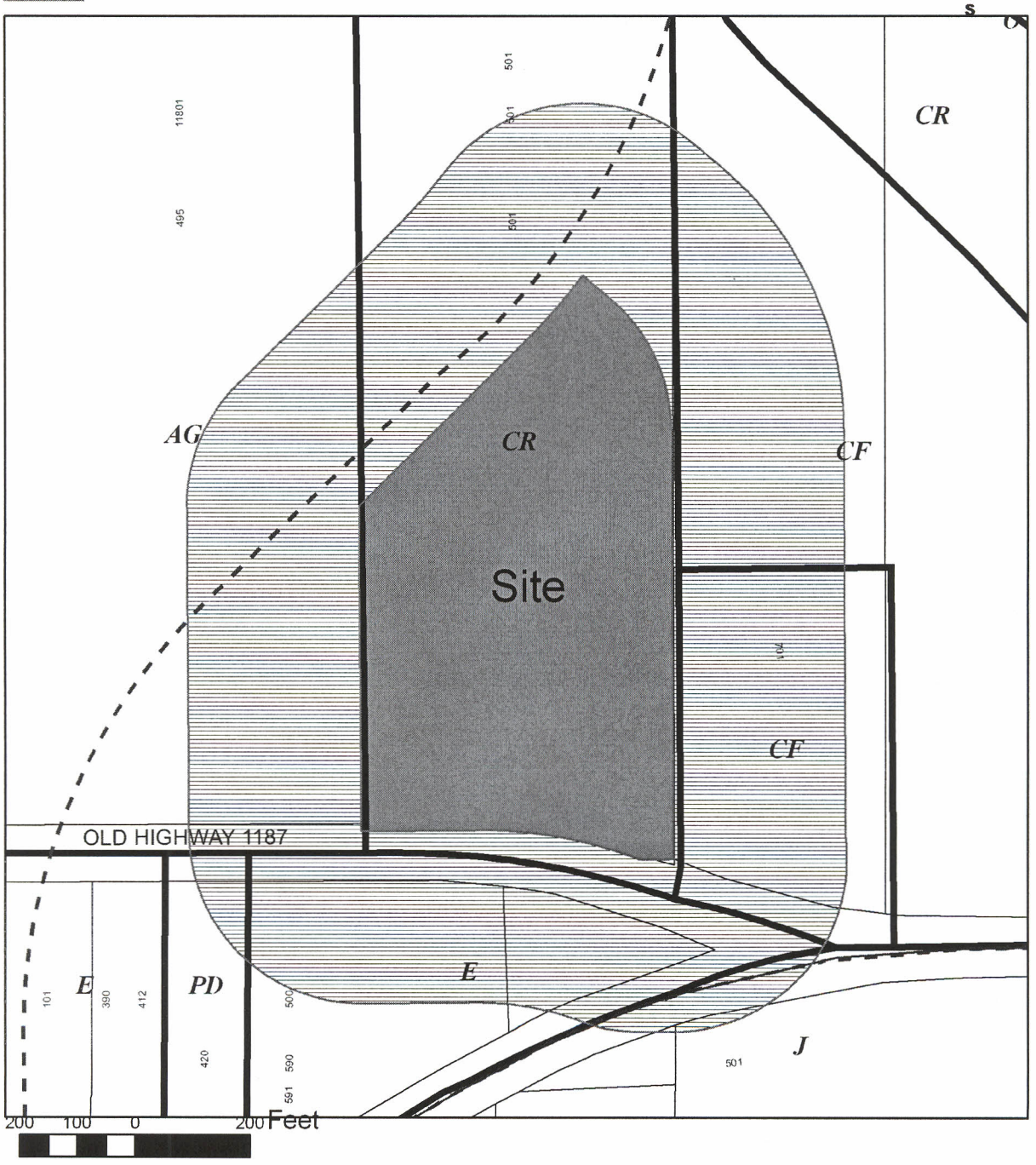
FORT WORTH

ZC-12-097

Area Zoning Map

Applicant: Elton Hyder, Jr. Charitable Fund
Address: 501 Old Hwy 1187
Zoning From: CR
Zoning To: CF
Acres: 10.13667795
Mapsco: 119l
Sector/District: Far South
Commission Date: 9/12/2012
Contact: 817-392-8043

300 Ft. Notification Buffer



FORT WORTH

501 Old Hwy 1187

Future Land Use

ZC-12-097

- 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 Growth Center
- Industrial Growth Center
- Infrastructure
- Lakes and Ponds
- Public Park, Open Space
- Private Park, Open Space
- CFWGIS.SDE.TRN_RAILROADS
- CFWGIS.SDE.CAD_addresses
- Freeways/Toll Roads
- Proposed Freeway/Toll Road
- Principal Arterial
- Proposed Principal Arterial
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- Flood Plain

200 100 0 200 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 6, 2012.

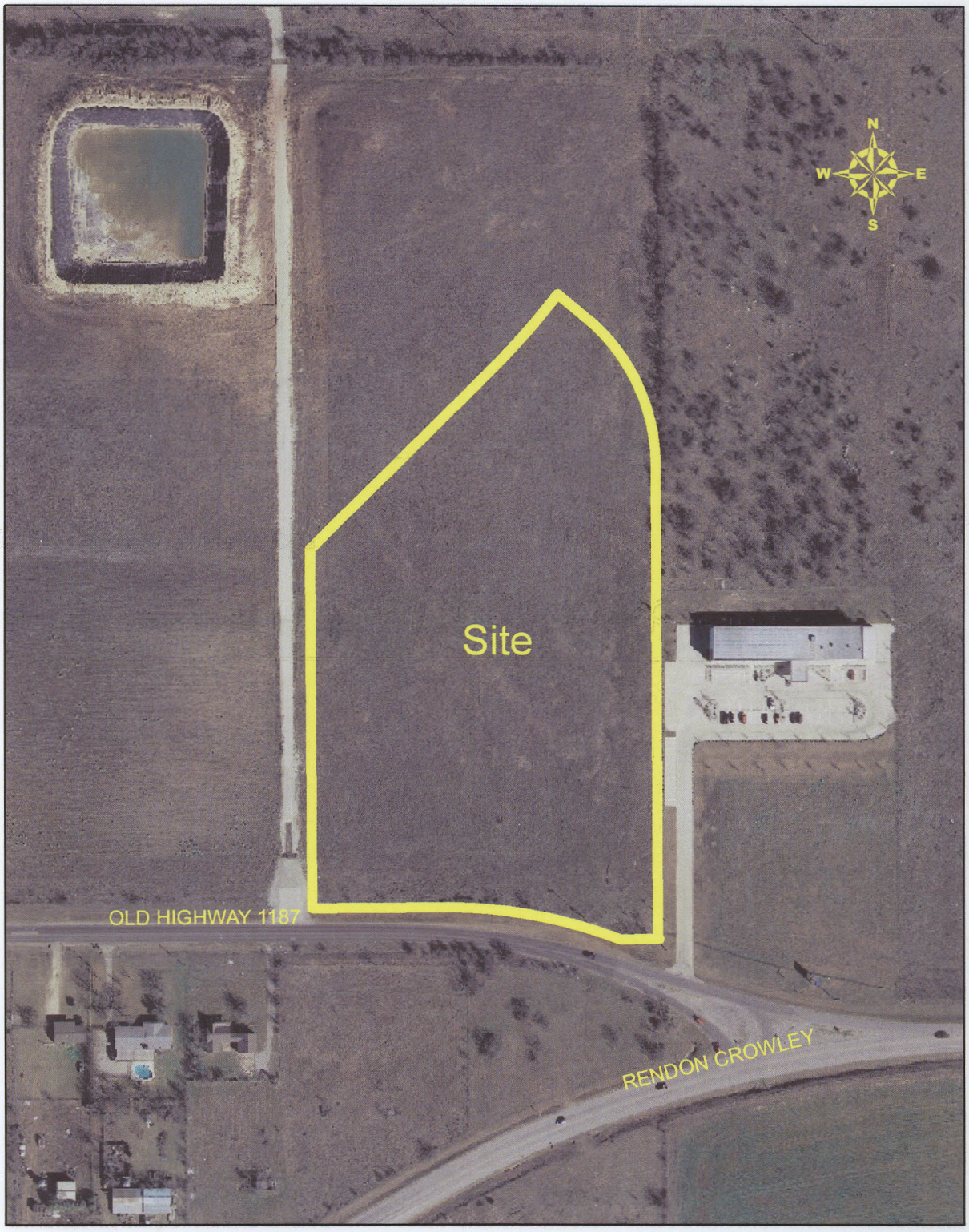
N W E S

FORT WORTH

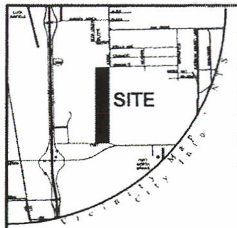
501 E. Rendon Crowley Road

ZC-12-097

Aerial Photo Map



200 100 0 200 Feet



Number	Delta	Radius	Arc Length	Chord Bearing	Chord Length
C1	24°20'05"	1123.75	477.28	N 33°34'30" E	473.70
C2	20°49'21"	766.25	278.47	N 79°48'11" W	276.94
C3	50°02'10"	250.00	218.32	S 25°25'57" E	211.45
C4	20°19'05"	251.52	89.19	S 09°44'40" W	88.73
C5	50°02'10"	300.00	261.99	S 25°25'57" E	253.74
C6	15°50'25"	1123.75	310.68	N 29°19'40" E	309.69
C7	18°32'41"	766.25	248.01	N 80°56'31" W	246.93

Number	Bearing	Distance
L1	S 89°49'08" W	61.70'
L2	N 19°57'57" E	70.99'

200' 100' 0 200' 400'
DRAWING SCALE: 1" = 200'

WATER/WASTEWATER IMPACT FEES
The City of Fort Worth has an ordinance implementing the assessment and collection of water and wastewater impact fees. The total amount assessed is established on the filing date of this plat application, based upon Schedule I of the current impact fee ordinance in effect as of the date of this plat. The amount to be collected is determined under Schedule II of said ordinance and becomes effective on the date a building permit is issued, or the connection date to the municipal water and/or wastewater system.

BUILDING PERMITS
No building permits shall be issued for any lot in this Subdivision until an appropriate CFA or other acceptable provisions are made for the construction of any applicable water, sewer, storm drain, street lights, sidewalks, or paving improvements, and approval is first obtained from the City of Fort Worth.

SIDEWALKS
Sidewalks are required adjacent to both sides of all public and private streets, in conformance with the Sidewalk Policy per "City Development Design Standards".

UTILITY EASEMENTS
Any public utility, including the City of Fort Worth, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements which in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on the plat and any public utility including the City of Fort Worth, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

CONSTRUCTION PROHIBITED OVER EASEMENTS
No permanent buildings or structures shall be constructed over any existing or platted water, sanitary sewer, drainage, gas, electric, cable or other utility easement of any type.

PRIVATE MAINTENANCE
The City of Fort Worth shall not be responsible for maintenance of private streets, drives, emergency access easements, recreation areas, open spaces, and drainage facilities, and said owners agree to indemnify and save harmless the City of Fort Worth, Texas, from claims, damages and losses arising out of or from performance of the obligations of said owners set forth in this paragraph.

SITE DRAINAGE STUDY
A site drainage study which will show conformance with the approved roadway drainage plan may be required before any building permit will be issued on this site (a site grading plan in some cases may be adequate to show conformance). If the site does not conform, then a drainage study may be required along with a CFA for any required drainage improvements.

Unless otherwise noted, this plat does not alter or remove any existing easements, if any, on this property.

FEMA/FLOODPLAIN
A portion of the subject property lies within SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD
Zone AE - Base flood elevations determined per FIRM Flood Insurance Rate Map, Community Panel Number 48439C0435K, Map Revised September 25, 2009. The location as shown is per scaling. This does not represent a drainage study floodplain limits.

A. A portion of the subject property lies within FLOODWAY AREAS IN ZONE AE - The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights per FIRM Flood Insurance Rate Map, Community Panel Number 48439C0436A, Map Revised September 25, 2009. The location as shown is per scaling. This does not represent a drainage study floodplain limits.

B. A portion of the subject property lies within OTHER FLOOD AREAS - Zone X - Areas of 0.2% annual chance flood, areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood per FIRM Flood Insurance Rate Map, Community Panel Number 48439C0435K, Map Revised September 25, 2009. The location as shown is per scaling. This does not represent a drainage study floodplain limits.

C. The remainder of the subject property lies within Zone X - Areas determined to be outside the 0.2% annual chance floodplain per FIRM Flood Insurance Rate Map, Community Panel Number 48439C0435K, Map Revised September 25, 2009.

PUBLIC OPEN SPACE RESTRICTION
No structure, object, or plat of any type may obstruct vision from a height of 24-inches to a height of 11-feet above the top of the curb, including but not limited to buildings, fences, walks, signs, trees, shrubs, cars, trucks, etc. in the public open space easement as shown on this plat. These open space easements will remain in effect until vacated by ordinance adopted by the City Council of Fort Worth and the property re-platted.

TRANSPORTATION IMPACT FEES
The City of Fort Worth has an ordinance implementing the assessment and collection of transportation impact fees. The total amount assessed is established on the approval date of this plat application, based upon Schedule 1 of the impact fee ordinance in effect as of the date of the plat. The amount to be collected is determined under Schedule 2 of said ordinance, and is due on the date a building permit is issued.

COVENANTS OR RESTRICTIONS ARE UN-ALTERED
This Replat does not vacate the previous "Plat of Record" governing the remainder of the subdivision nor does it amend or remove any deed covenants or restrictions.

Parkway improvements such as curb and gutter, pavement tie in, drive approaches, sidewalks and drainage inlets may be required at time of building permit issuance via a parkway permit.

Compliance with the City of Fort Worth Ordinance #18615-05-2009 regarding Urban Forestry is required.

Install Private Pressure Reducing Valves on each water service at the time of building construction. The valve has to be a City approved appurtenance.

NOTES:

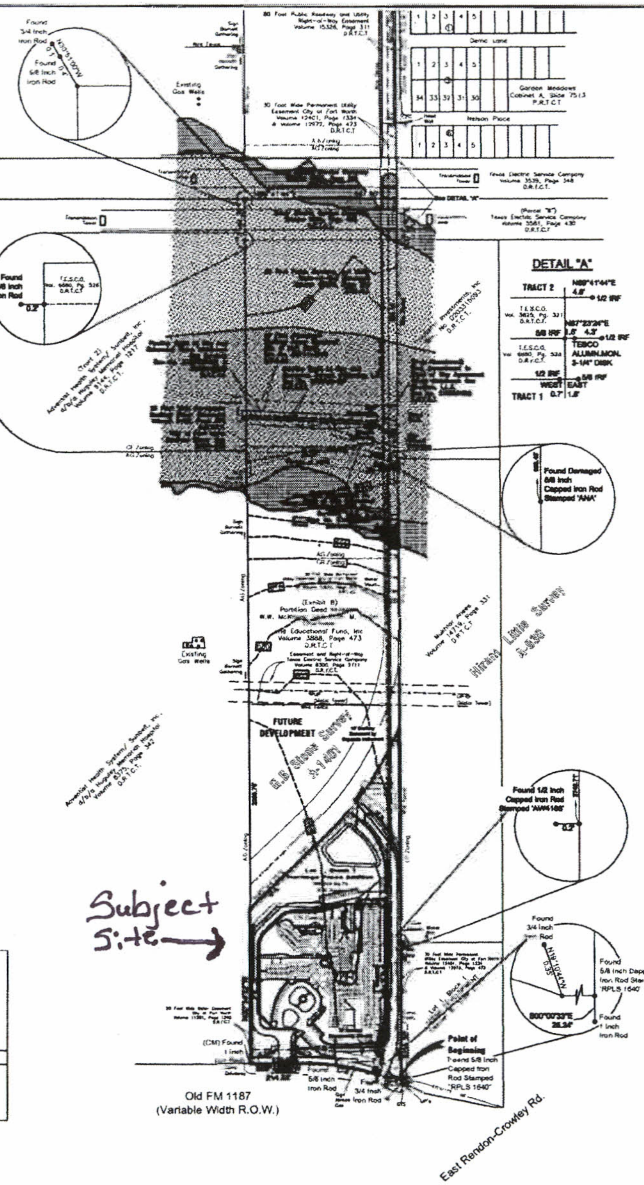
1. Basis of bearing being State Plane Grid - Texas North Central Zone (4202) NAD83 as established using GPS Technology in conjunction with the RTK Cooperative Network.

2. All property corner set are 5/8 inch capped iron rod stamped "BHB INC" unless otherwise noted.

3. All distances shown are at ground.

LEGEND

(CM)....Controlling Monument
CS......Cotton Spindle
WV......Water Valve
WM......Water Meter
FH......Fire Hydrant
MB......Mail Box
GM......Gas Meter
GV......Gas Valve
GTS......Gas Test Station
GY......Guy Anchor
GR......Guard Rail
UP......Utility Pole
UL......Utility Line
TR......Telephone Riser
GL......Ground Light
LP......Light Pole
IRF......Iron Rod Found
SSMH..Sanitary Sewer Manhole



Subject Site →

STATE OF TEXAS
COUNTY OF TARRANT

WHEREAS The Covenant Group being the owner of a tract land situated in the City Fort Worth, Tarrant County, Texas to wit

Being a tract of land located within the G. B. Stone Survey, Abstract No. 1401 in the City of Fort Worth, Tarrant County, Texas, said tract of land being a portion of Exhibit "B" of a Partition Deed between W.W. McKeever and Elton M. Hyder, Charitable and Educational Fund, Inc. as recorded in Volume 3888, Page 473 of the Deed Records of Tarrant County, Texas, said tract of land being more particularly described as follows:

BEGINNING at a found 5/8 inch capped iron rod stamped "RPLS 1640" by deed call being the Southeast corner of said G. B. Stone Survey and also being on the north right of way line of F.M. 1187 (East Rendon-Crowley Road, a variable width R.O.W.) and from said found 5/8 inch capped iron rod stamped "RPLS 1640" a found 1 inch iron rod being the southwest corner of an area dedicated for street right of way as shown on the plat of Lot 1, Block 1, Seena Development as recorded in Cabinet B, Slide 2777 of the Plat Records of Tarrant County, Texas bears South 00 degrees 00 minutes 33 seconds East, a distance of 25.34 feet;

THENCE South 89 degrees 49 minutes 08 seconds West, along said north right of way line, a distance of 61.70 feet to the beginning of a curve to the left along said north right of way line whose chord bears North 79 degrees 48 minutes 11 seconds West, a distance of 276.94 feet and having a radius of 766.25 feet;

THENCE Northwesterly along said curve to the left and along said northerly right of way line through a central angle of 20 degrees 49 minutes 21 seconds, an arc length of 278.47 feet to a found 5/8 inch iron rod for the end of said curve to the left;

THENCE South 89 degrees 45 minutes 08 seconds West, continuing along said north right of way line, a distance of 214.33 feet to a found 1 inch iron rod for the southwest corner of said tract hereon described, said found 1 inch iron rod also being the southeast corner of a tract deeded to Adventist Health System/Sunbelt, Inc. d/b/a Huguley Memorial Hospital as recorded in Volume 8375, Page 342 of said Deed Records;

THENCE North 00 degrees 34 minutes 52 seconds West, along the common line of said Exhibit "B" tract and said tract deeded to Adventist Health System/Sunbelt, Inc. d/b/a Huguley Memorial Hospital as recorded in Volume 8375, Page 342, passing the southeast corner of Tract 2 as deeded to Adventist Health System/Sunbelt, Inc. d/b/a Huguley Memorial Hospital recorded in Volume 9144, Page 1217 of said Deed Records at a distance of 2259.16 feet and continuing now along the common line of said Exhibit "B" tract and said tract deeded Adventist Health System/Sunbelt, Inc. d/b/a Huguley Memorial Hospital as recorded in Volume 9144, Page 1217 for a total distance of 3184.26 feet to the northwest corner of said tract hereon described and being on the south line of a tract deeded to Texas Electric Service Company as recorded in Volume 3625, Page 321 of said Deed Records, from said northwest corner a found 3/4 inch iron rod bears North 30 degrees 51 minutes 00 seconds West, a distance of 0.5 feet also from said northwest corner a found 5/8 inch iron rod bears North 30 degrees 51 minutes 00 seconds West, a distance of 0.4 feet;

THENCE North 89 degrees 41 minutes 44 seconds East, along said south line of a tract deeded to Texas Electric Service Company, a distance of 557.50 feet to found 5/8 inch iron rod, from said found 5/8 inch iron rod a found 1/2 inch iron rod bears North 87 degrees 23 minutes 24 seconds East, a distance of 5.8 feet also from said found 5/8 inch iron rod a found Tesco 3-1/4 inch aluminum disk monument bears North 87 degrees 23 minutes 24 seconds East, a distance of 1.5 feet;

THENCE South 00 degrees 24 minutes 52 seconds East, leaving said south line and along the East line of said Exhibit "B" tract passing a found damaged 5/8 inch capped iron rod stamped "ANA" at 958.43 feet, continuing and passing a found 1/2 inch iron rod stamped "AW4186" being offset 0.2 feet right at 2,741.71 feet and continuing for a total distance of 3,235.30 feet to the POINT OF BEGINNING and containing 1,768,311 Square Feet or 40.59 acres of land.

NOW THEREFORE KNOW ALL PERSONS BY THIS PRESENT

THAT The Covenant Group, owner do hereby adopt this final plat designating the above describe property as LOT 1 & LOT 2, BLOCK 1 Heritage Place Addition, an addition to the City of Fort Worth, Tarrant County, Texas and do hereby dedicate to the public's use the easements as shown.

WITNESS UNDER MY HAND THIS the ________ day of ____________ 2012

____
By Authorized Agent
The Covenant Group

STATE OF TEXAS

Before me, the undersigned, a Notary Public for the State of Texas, appeared Scott Spiker known to be the person whose name is subscribed hereto

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ________ day of ____________ 2012

____
Notary Public

SURVEYOR'S CERTIFICATION

I, Daniel H. Joslin, do hereby declare that I prepared this plat from an actual on the ground survey of the land and that the corner monuments shown hereon were properly placed under my direct supervision in accordance with the platting rules and regulations of the City of Fort Worth, Texas.

____
Daniel H. Joslin
RPLS No. 4749
August 22, 2012

PP-012-016

FORT WORTH
CITY PLAN COMMISSION
CITY OF FORT WORTH, TEXAS
This plat is valid only if recorded within ninety (90) days after date of approval

Plat Approval Date:

By: ______________ Chairman

By: ______________ Secretary

FS-012-093
Revised Date: July 13, 2012

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE
Purpose of Document: Review
Surveyor: Daniel H. Joslin
Registered Professional Land Surveyor No.: 4749
Release Date: July 13, 2012

PRELIMINARY PLAT
HERITAGE PLACE ADDITION
BEING A PORTION OF A TRACT OF LAND AS DESCRIBED BY PARTITION DEED BETWEEN WW. MCKEEVER AND ELTON M. HYDER CHARITABLE AND EDUCATIONAL FUND, INC. AS RECORDED IN VOLUME 3888, PAGE 473 DEED RECORDS, TARRANT COUNTY, TEXAS AND BEING SITUATED IN THE G.B. STONE SURVEY, ABSTRACT NO. 1401 CITY OF FORT WORTH, TARRANT COUNTY, TEXAS
AUGUST 2012

This plat filed in County Clerks Document No. ____________________ Date ______

Owner:
The Covenant Group
1200 Summit, Suite 444
Fort Worth, TX 76102
Att: Donny Edwards

Land Surveyor:
Baird, Hampton & Brown, Inc.
Engineering & Surveying

Drawing: E:\Server\12\100\016\Dwg\Heritage Preliminary Plat.DWG
Saved By: Dave Saw Time: 8/24/2012 2:00 PM Plotted by: Dave Horsburgh Plot Date: 8/24/2012 2:30 PM

Motion: Council Member Burns made a motion, seconded by Council Member Shingleton, that Zoning Docket No. ZC-12-096 be approved. The motion carried unanimously 8 ayes to 0 nays, with Council Member Espino absent.

8. ZC-12-097 - (CD 8) - Elton M. Hyder, Jr. Charitable & Education Fund, 501 Old Highway 1187; from: "CR" Low Density Multifamily to: "CF" Community Facilities (Recommended for Approval by the Zoning Commission)

Motion: Council Member Allen Gray made a motion, seconded by Mayor Pro tem Zimmerman, that Zoning Docket No. ZC-12-097 be continued until the November 12, 2012, Council meeting. The motion carried unanimously 8 ayes to 0 nays, with Council Member Espino absent.

9. SP-12-007 - (CD 7) - Fun On the Run Inc., 2651 Roberts Cut-Off Road; Site Plan amendment for PD-296 for retail and storage (Recommended for Approval by the Zoning Commission)

Mr. Christopher Bonilla, 8540 Charleston Avenue, completed a speaker card in support of Zoning Docket No. SP-12-007, but did not wish to address the Council.

Motion: Council Member Shingleton made a motion, seconded by Council Member Scarth, that Zoning Docket No. SP-12-007 be approved. The motion carried unanimously 8 ayes to 0 nays, with Council Member Espino absent.

10. ZC-12-099 - (CD 2) - Saeed Iqbal, 1513 Homan Avenue; from: "ER" Neighborhood Commercial Restricted to "E" Neighborhood Commercial (Recommended for Approval as Amended by the Zoning Commission to "PD/ER" Planned Development for ER uses plus general retail store, site plan waiver)

Motion: On behalf of Council Member Espino, Mayor Pro tem Zimmerman made a motion, seconded by Council Member Shingleton, that Zoning Docket No. ZC-12-099 be approved as amended for PD for all uses in ER plus Furniture Sales, General Merchandise Store, Dance Studio, and Bakery. The motion carried unanimously 8 ayes to 0 nays, with Council Member Espino absent.

11. ZC-12-100 - (CD 6) - All Storage G. B., LP, 6900 & 7000 Granbury Road; from: "F" General Commercial to: "PD/F" Planned Development for all uses in "F" General Commercial plus mini-warehouse; site plan included. (Recommended for Approval by the Zoning Commission)

Zachery Garsek/BGL,LLC	3815 Lisbon	In		Opposition	Spoke at hearing
Fort Worth ISD	3813 Valentine	In		Opposition	Sent letter in
Lynn Ross/RM Real Estate	3650 Lovell	In	Support		Spoke at hearing
Mike Stansberry	1105 Alameda	Out	Support		Turned speaker form in

8. ZC-12-097 The Elton M. Hyder Jr. Charitable and Educational Fund (CD 8)- 501 Old Highway 1187 (G. B. Stone Survey, Abstract No. 1401, 10.18 Acres): from "CR" Low Density Multifamily to "CF" Community Facilities

Daniel Voslin, 1300 Ridglea Drive, Fort Worth, Texas explained to the Commissioners the request to rezone to CF for an assisted living facility.

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

9. SP-12-007 Fun on the Run Inc. (CD 7)- 2651 Roberts Cut-Off Road (Creamer Addition, Block 1, Lot 1, 43.15 Acres): Amend Site Plan for PD-296 Planned Development for all uses in "FR" plus outdoor paintball game field with signage limited to one 150 s.f. sign with a maximum height of 25 ft. (no illumination after 10 pm) and one 4 ft. by 6 ft. monument sign; to add an office and storage, site plan included.

Chris Bonilla, 8540 Charleston Avenue, Fort Worth, Texas representing Fun on the Run, Inc., explained to the Commissioners this is a 43 acre site that was rezoned in 1998 to PD/FR uses plus outdoor paintball game fields. The request before them does not change the existing zoning. Mr. Bonilla explained the site plan is an amendment to add a 2,400 sq. ft. masonry building to be used for retail activities and a storage facility. They will be adding eight additional parking spaces and an 8 ft. by 16 ft. monument sign that encroaches into the 20 ft. front yard setback. Mr. Bonilla mentioned the original proposal included a 25 ft. pole sign and a 4 ft. by 6 ft. illuminated sign to be located adjacent to Roberts Cut-Off Road which have been removed from the proposed site plan. He stated they have had discussions with Pat Hyer, President of the East Lake Worth Neighborhood Association.

Mr. Ortiz asked if they were keeping the existing parking spaces to the north. Mr. Bonilla said yes.

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

10. ZC-12-098 Williams-Pyro, Inc. (CD 9)- 2711 and 2717 Whitmore Street, 2716 Weisenberger (Weisenberger Addition, Block 7, Lots 6, 7 & 16, 0.49 Acres): from: "A-5" One-Family and "B" Two-Family to: "MU-1" Low Intensity Mixed Use and "J" Medium Industrial