

**ZONING MAP CHANGE
STAFF REPORT**

City Commission Meeting Date:
May 12, 2015

Council District 9

<p>Zoning Commission Recommendation: Approve as Amended with waivers to projected setback on the north side of Houghton only and signage along Houghton and Diaz; no parking along the western boundary and relocate dumpster off property line; by a vote of 8-0</p> <p>Opposition: 2 people spoke; 4 letters submitted Support: Alamo Heights NA, Lake Como NAC; 1 letter submitted</p>
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Continued	Yes <u>X</u>	No <u> </u>
Case Manager	<u>Stephen Murray</u>	
Surplus	Yes <u> </u>	No <u>X</u>
Council Initiated	Yes <u> </u>	No <u>X</u>

Owner / Applicant: **3400 Hulen Partnership et al**

Site Location: 4609-4617 Diaz Ave., 4604-4616 and 4617-4621 Houghton Ave. and 3400 and 3450 S. Hulen St. Mapsco: 75P

Proposed Use: **QuikTrip Gas Station**

Request: From: "B" Two-Family; "C" Medium Density Multifamily; "ER" Neighborhood Commercial Restricted and "E" Neighborhood Commercial

To: "PD/E" Planned Development for all uses in "E" Neighborhood Commercial, site plan included.

Land Use Compatibility: Requested change **is not compatible.**

Comprehensive Plan Consistency: Requested change **is not consistent (Minor Boundary Adjustment)**

Background:

The proposed site is located on Hulen Street and the corner of Diaz Ave and Houghton Ave. The applicant is requesting a zoning change to "PD/E" Planned Development for all uses in "E" Neighborhood Commercial, site plan required. The applicant is requesting the PD in order to construct a 5,858 s.f. 24 hour QuikTrip gas station and convenience store with 16 gasoline pumps.

Small commercial uses, with single family behind the businesses, line Hulen Street to the northeast, east and south, with more intensive commercial uses to the north. The current rezoning request would require demolition of several residential structures to construct the new gas station. The proposed building site would occupy nearly fifty percent of this residential block, which is consistent with recent commercial projects to the north.

The applicant is requesting several waivers that were designed to safeguard residential development including projected setbacks, parking, fencing, and sign locations. The table below describes the differences between "E" requirements and the proposed "PD":

Standards	E	PD/E
Setback	20 ft. projected setback due to "B" Two-Family within the blockface	Signs, fencing, and parking are within the this setback
Supplemental setback and buffer	20 ft supplemental setback with 5 ft. bufferyard required adjacent a "B" Two-Family residential district	Dumpster was located within 20 ft. supplemental setback but has been removed per Zoning Commission
Parking	37 required	46 provided
Sign	125 sf (based on linear footage along Hulen Street because the signs are oriented along this street)	164 total for both signs
Height	45 ft.	22 ft.

The applicant is also requesting a parking lot across the street from the primary QuikTrip site. This lot, currently zoned C is not anticipated to be used for QuikTrip Corporation and will be used by the owners of the business on the southwest corner of Houghton and Hulen Street (3500 Hulen St) to supplement their parking. Currently, this business uses a parking lot on the proposed QuikTrip site that will be removed. If the zoning is approved, then this business will use the proposed new parking site on Houghton, adjacent to their site.

Several residents spoke in opposition to the proposed convenience store and gas station use due to noise, 24 hour operation, increased traffic, and existing street size. The proposed case is similar to one presented in 2007 with the property just north of the subject property. QuikTrip proposed a similar operation but was denied with prejudice due to similar neighborhood concerns.

This case was continued from last week's meeting in order to review signatures in support and opposition for the case. At the meeting the applicant provided letters of support for the proposal and one property owner signed both in support and opposition of the case.

Site Information:

Owners:

3400 Hulen Partnership
4613 Diaz Ave
Fort Worth, Texas

Cameron Dobson
4621 Houghton Ave
Fort Worth, Texas

Meis Enterprise, LLC
4617 Diaz Avenue
Fort Worth, Texas

Billie S. Stoker
3450 Hulen Street and 4604 Houghton
Fort Worth, Texas

Melody Becerra
4612 Houghton Avenue
Fort Worth, Texas

Bipin N Doshi
3400 Hulen St
Fort Worth, Texas

Sean Faubion and Tamera Freeman
4616 Houghton Ave
Fort Worth, Texas

Sham Bhatia
4608 Houghton Ave
Fort Worth, Texas

Gregory Jackson
4617 Houghton Avenue
Fort Worth, Texas

Applicant: Quik Trip Corporation
1120 N. Industrial Blvd.
Eules, TX 76039
Acreage: 2.01 ac
Comprehensive Plan Sector: Arlington Heights

Surrounding Zoning and Land Uses:

- North "PD 805" PD/E, save and except certain uses, site plan required / McDonalds, commercial
- East "ER" Neighborhood Commercial Restricted; "E" Neighborhood Commercial / office, commercial
- South "C" Medium Density Multifamily; "ER" Neighborhood Commercial Restricted / multifamily, office
- West "B" Two-Family and C" Medium Density Multifamily / single-family

Site Plan Comments:

The site plan as submitted is not in general compliance with the Zoning Ordinance regulations. The key deficiencies are:

1. 20 ft. projected setbacks along Houghton Avenue and Diaz Avenue (waiver requested)
 - a. Parking prohibited and structures prohibited
 - b. Fence prohibited within 20 ft. projected setback
2. Signs are located within the projected setback (waiver requested)
3. Provide fencing, setback, and bufferyard information for auxiliary parking lot along Houghton

Zoning Commission recommended waivers to item #1 for projected setbacks along Houghton Avenue and Diaz Avenue and #2 projected setbacks for signs.

Transportation/Public Works

1. Driveway location must not interfere with intersection function. Align proposed driveways with the existing driveways on Houghton Avenue and Diaz Avenue to improve traffic circulation and to minimize conflict points between vehicles.
2. Dead end alleys are prohibited; provide a connection to a public ROW. Show the existing alley on the site plan.
3. Dumpster pickup must be located internal to the site. The dumpster location impedes the access to the site from Diaz. Recommend relocation away from residential homes due to noise of dumpster pickup.
4. Sidewalks and street lights are required for all public and private streets and public access easements as per City of Fort Worth Standards

TPW comments cannot be waived through the zoning process.

Recent Relevant Zoning and Platting History:

Zoning History: ZC-07-080, from "B" to "PD/E" site plan required for a QuikTrip gas station, Denied without prejudice; property to the north
 "PD 805" PD/E, save and except certain uses, site plan required, effective 5/6/2008; property to the north.

Platting History: none

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Hulen Street	Major Arterial	Major Arterial	No
Houghton Ave	Residential	Residential	No
Diaz Ave	Residential	Residential	No

Public Notification:

The following organizations were notified:

Organizations Notified	
Sunset Heights South NA	Streams And Valleys Inc
Alamo Heights NA	FWISD

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, site plan required. Surrounding land uses consist of commercial to the north and east, office to the south and east, office and multifamily to the south, and single-family to the west.

Gasoline sales and convenience store operations would result in additional traffic within residential neighborhoods, lighting and traffic concerns. In addition, the applicant is seeking several waivers that are designed to protect neighborhoods.

Based on the encroachment of commercial into a residential neighborhood and the expected increase of land use intensity, the proposed zone change **is not compatible** with existing land uses.

2. Comprehensive Plan Consistency

The 2015 Comprehensive Plan designates the subject property as single-family and neighborhood commercial. The requested zoning change **is not consistent (Minor Boundary Adjustment)** with the Comprehensive Plan.

Several lots fronting Hulen Street already contain the neighborhood commercial future land use designation and Hulen Street is considered a major arterial. However, the future land use changes to single-family roughly two or three lots west of Hulen Street. As a result, the proposed zoning change begins to encroach on an established residential neighborhood and the neighborhood commercial zoning would cause

The overall proposal is inconsistent with the following Comprehensive Plan and the policies below:

- Encourage 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 appropriate development and redevelopment within central city commercial districts and neighborhoods. (pg. 39)
- 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. 40)

Attachments:

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



Planned Development Request- Commercial (E)

Purpose: The purpose of this submittal is to allow for the development of a 1.7362 acre tract of land for the purpose of constructing a 5,858 SF 24hr convenience store with retail gasoline sales. The provisions of the Commercial (E) District and all other applicable regulations as stated in the City of Fort Worth's Zoning Ordinance shall govern this tract of land.

Proposed Conditional Use:

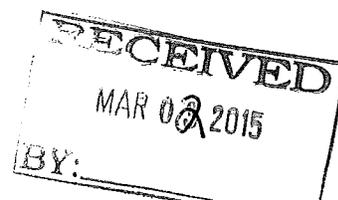
QuikTrip is proposing to construct and operate a 5,858 SF 24 hour Convenience Store with Beer and Wine Sales for off-premise consumption only and retail motor fuel sales. The proposed QuikTrip can comply with all ordinances and requirements within the Commercial (E) District, except as follows;

List Variances:

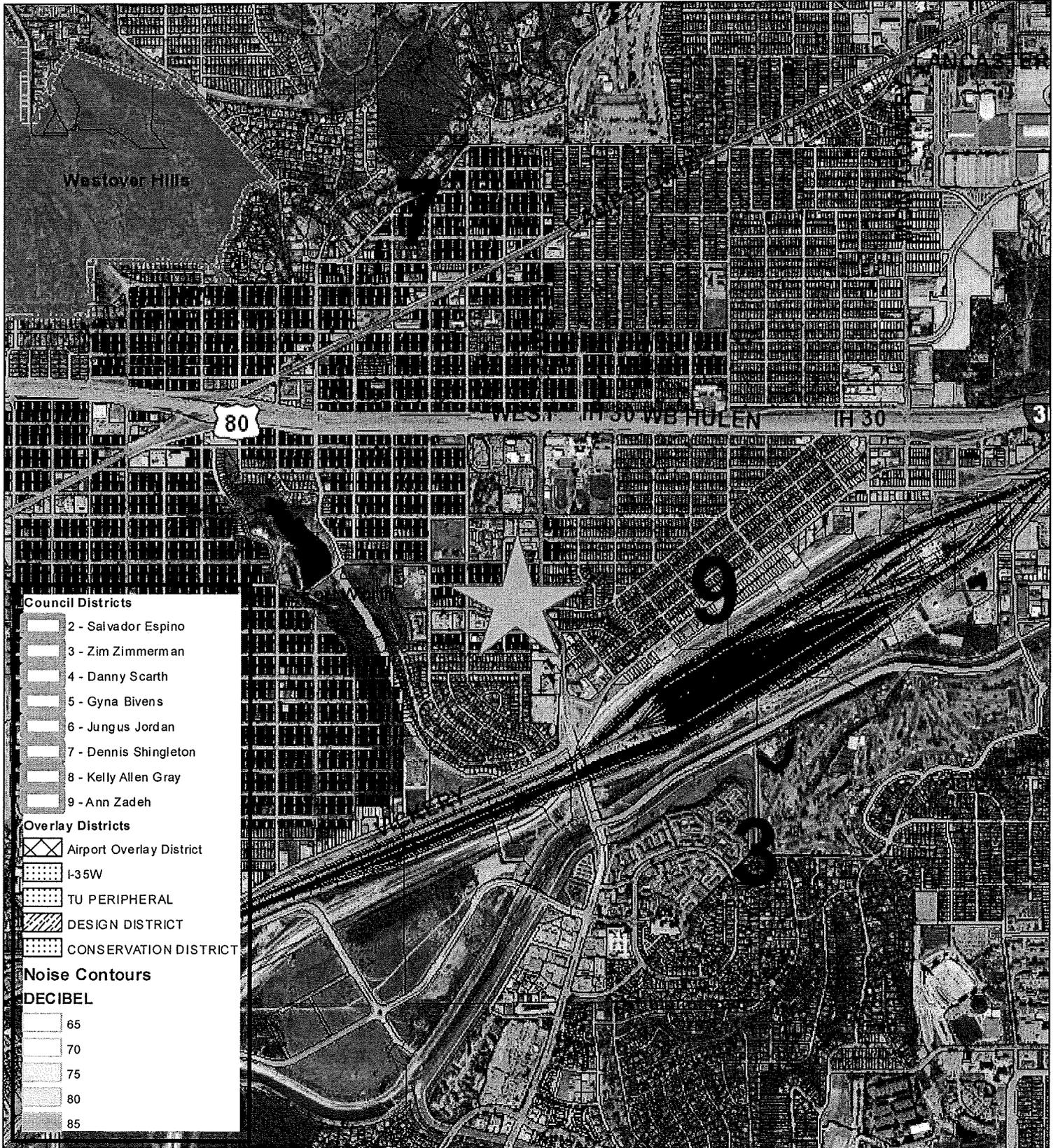
- Landscaping:
 - QuikTrip is requesting a reduction in the number of required frontage trees to 0. We are proposing to keep the 9 large existing Live Oaks along Hulen in exchange. We would also like to landscape the ROW to make it more pedestrian friendly as shown on the attached landscape plan.
 - QuikTrip is requesting to reduce a portion of the rear residential buffer to 7.33'.
- Signage:
 - QuikTrip is requesting 2 – 7'-11" tall @ 53.57 SF monument signs along Hulen, setback 0' from the property line. Both signs are critical as we are saving the large trees along Hulen, which block our visibility.

We believe that our development will provide a family oriented, clean and modern facility for the citizens of Fort Worth. We provide many of the items you will find in your larger grocery stores, with very similar pricing. We are also making great strides in the food industry and currently have a commissary in Coppell that caters to all 114 DFW locations. We will have fresh foods delivered daily such as pastries, wraps, salads, sandwiches, flat bread sandwiches, pizza, pretzels, kolaches and desserts.

ZC-15-035



Area Map



Council Districts

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

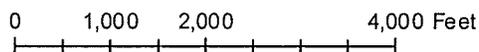
Overlay Districts

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

Noise Contours

DECIBEL

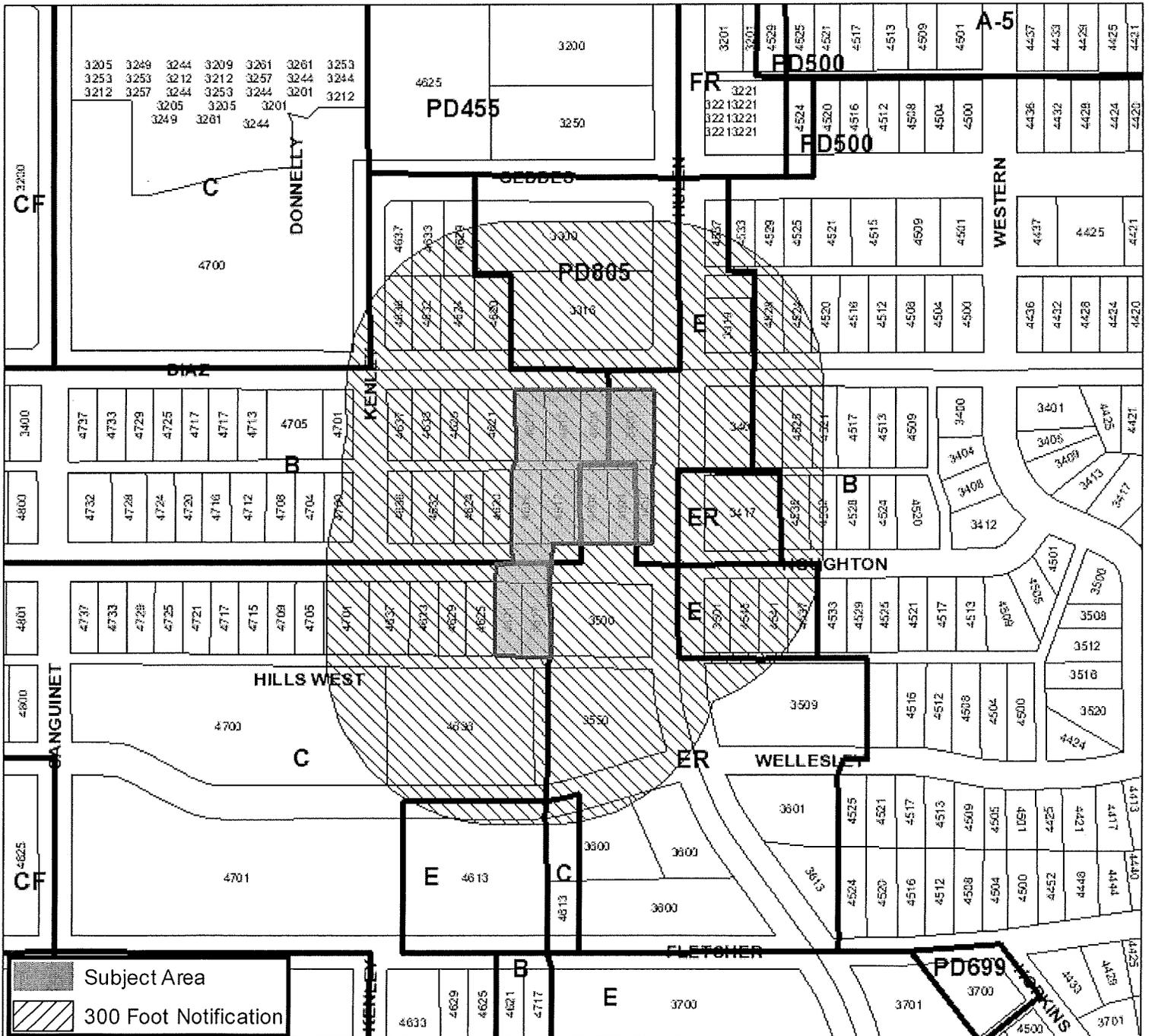
- 65
- 70
- 75
- 80
- 85



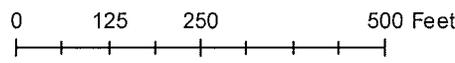


Area Zoning Map

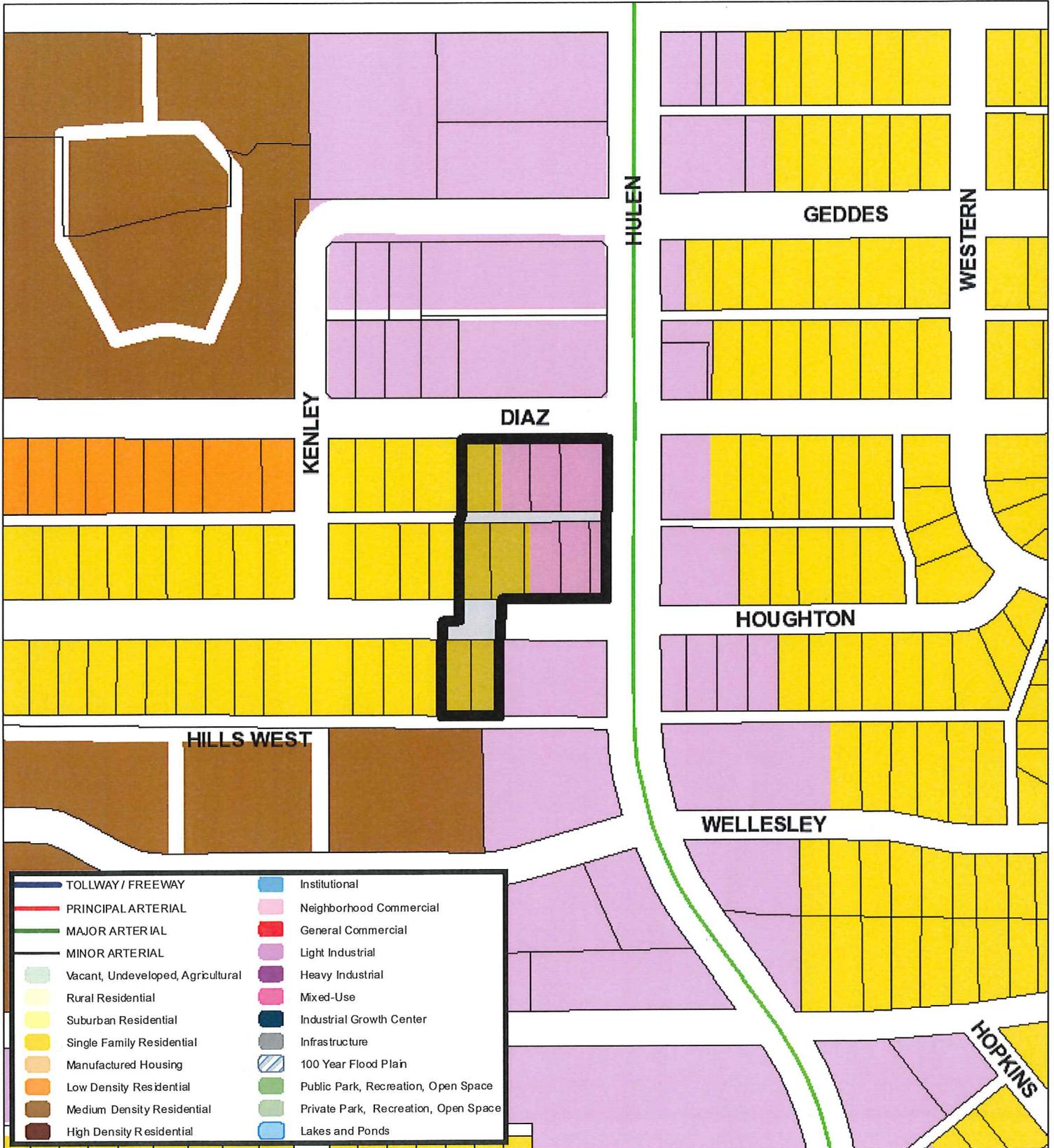
Applicant: 3400 Hulen Partnership etal.
 Address: 4600 blocks Diaz Ave & Houghton Ave, 3400 & 3450 S. Hulen St
 Zoning From: B, C, ER, E
 Zoning To: PD for E uses with waivers to development standards
 Acres: 2.01698401
 Mapsco: 75P
 Sector/District: Arlington Heights
 Commission Date: 4/8/2015
 Contact: 817-392-8043



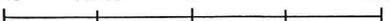
Subject Area
 300 Foot Notification



Future Land Use



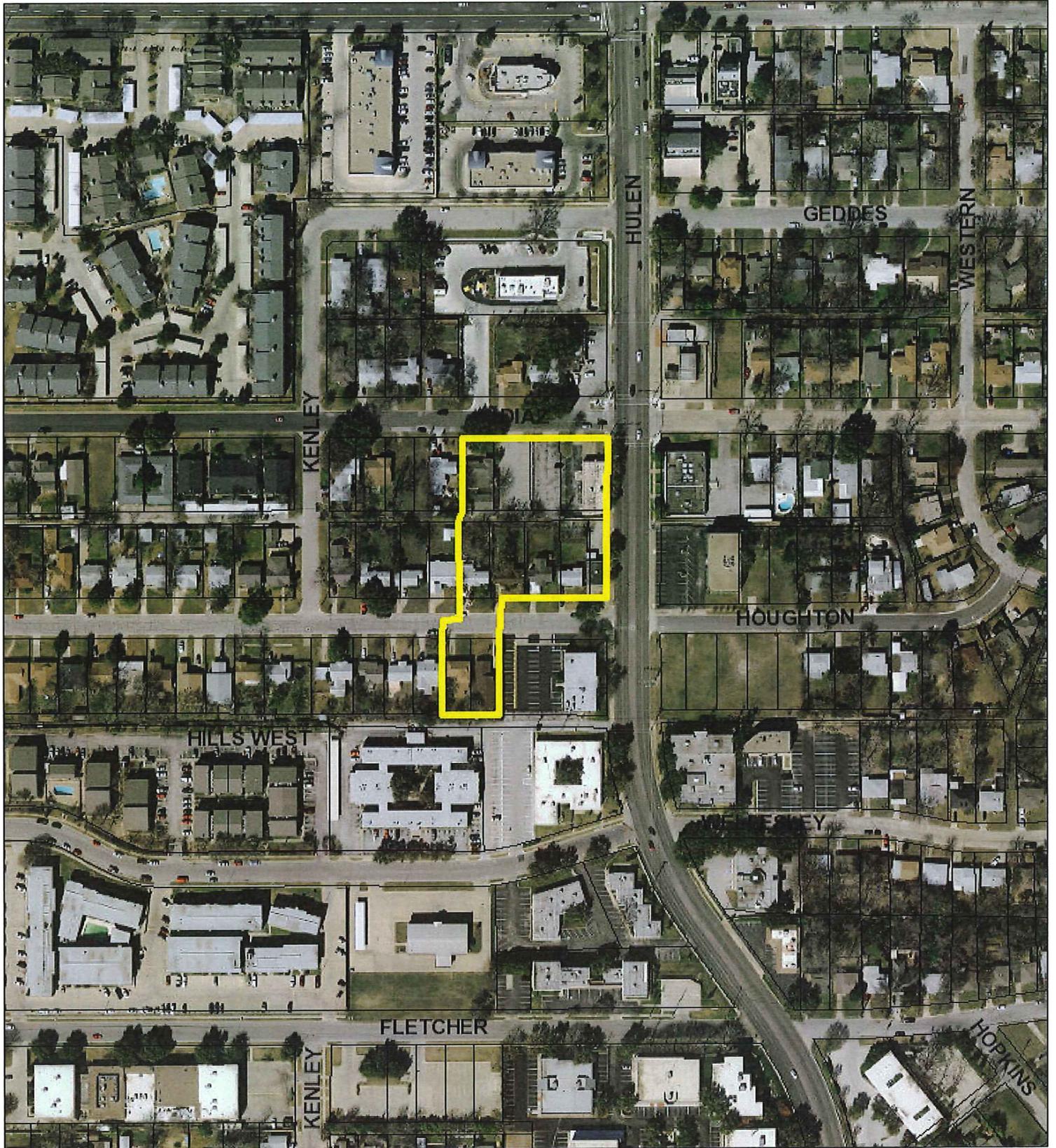
225 112.5 0 225 Feet



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



0 145 290 580 Feet



Ron Shearer/Inter-District 2 Alliance	NA	Out		Support	Sent letter in
Mike Constanza Sr.	Exhibits Building	In		Support	Sent letter in

IV. New Cases

6. ZC-15-035 3400 Hulen Partnership ET. AL (CD 9) – 4609-4617 Diaz Avenue, 4604- 4616 and 4617-4621 Houghton Avenue, 3400 and 3450 S. Hulen Street (Chamberlain Arlington Heights 2nd Addition, Block 16, Lots 2, 5, 7, 10, 30, 33, 35, 37, 39; Block 23, Lots 9 & 11, 2.01 Acres): from “B” Two-Family, “C” Medium Density Multifamily, “ER” Neighborhood Commercial Restricted and “E” Neighborhood Commercial to “PD/E” Planned Development for all uses in “E” Neighborhood Commercial; site plan included

Jim Schell, 500 W. 7th Street, Suite 600, Fort Worth, Texas representing QuikTrip explained to the Commissioners they are requesting a zoning change to PD/E for a QuikTrip convenience store. Mr. Schell provided some renderings of what the store would look like. The store is about 5,860 sq. ft., and the proposed parking lot is for the property owners of the Law Firm on Houghton Avenue. Mr. Schell said to the north of this property there is a lot of commercial development along Hulen and there is only one gas station within 5 miles at Hulen and Bellaire Drive. Mr. Schell said the site is not within any neighborhood organizations, his client did meet with Alamo Heights, Lake Como NAC and Sunset Heights. He submitted a letter of support from Alamo Heights and Lake Como NAC. Mr. Schell did mention the concerns raised by opposition in Sunset Heights NA about traffic and that they were far enough away that it wouldn't affect them.

Ms. Reed asked Mr. Schell about the requested waivers. Mr. Schell responded by saying there is an eight foot fence with retaining wall along the rear property line where the dumpster is located, they can relocate it interior.

Mr. Genua asked why they need all the parking spaces at the back and could they extend the green space. Mr. Schell said the parking is for the employees and if it was an issue they would be willing to extend the green space the area is heavily landscaped as to create a buffer from the residential.

Jason Acord, 1120 North Industrial Boulevard, Euless, Texas explained to the Commissioners the back driveway is used for vendors so they don't mingle with the customers.

Mr. Flores asked about the sign waiver. Mr. Schell said they had requested a waiver to the signs in the projected setback and wants to preserve the existing live oaks.

Ms. Reed asked if they were asking for a larger sign than permitted and site visibility. Mr. Dudley with QuikTrip explained they are requesting for 2 signs in the projected setback which meet the sign code. There are no site visibility issues along Hulen, Houghton or Diaz.

Mr. Genua wanted to clarify if you are pulling out onto Hulen will the sign block their view. Mr. Dudley responded by saying no. Mr. Acord said he has had several conversations with the

neighbor behind where the dumpster is located and would like to continue those conversations in order to keep it there. Ms. Reed said the dumpster has to be moved.

Ms. Burghdoff asked about the auxiliary parking lot, the fencing requirement and the projected setback along Houghton. Mr. Acord said they will comply with the fencing and setback requirement.

Mr. Genua asked about on-site eating. Mr. Acord said they are installing tables and chairs outside for patrons.

Michael Dimitri, 4105 Eldridge Street, Fort Worth, Texas spoke in opposition. Mr. Dimitri mentioned back in 2007 QuikTrip had requested a rezoning in the same area but much smaller footprint. He mentioned Sunset Heights and Alamo Heights are still against the rezoning and very concerned about the increased traffic coming through the neighborhood and light pollution from a 24 hour store. He did mention there are thirteen gas stations within 3 miles.

Ruben Jiminez, 4636 Bonnell, Fort Worth, Texas spoke in opposition. He also mentioned the case from 2007 in which they were in opposition.

In rebuttal Mr. Acord said he attended all of the neighborhood meetings and they were excited about coming to this location. The concerns they had were traffic actually on Hulen and flooding. The other gas stations mentioned there were none along Hulen Street and there is no loitering allowed.

Mr. Reeves asked the applicant for clarification on the square footage of the signage. Mr. Schell said there will be 2 signs, 54 sq. ft. each, a total of 108 sq. ft.

Motion: Following brief discussion, Ms. Reed recommended Approval as Amended of the request with waivers to projected setback, northside only and signage along Houghton and Diaz, no parking along western property line, continuation of landscape and relocate dumpster, seconded by Ms. Conlin. The motion carried unanimously 8-0.

<i>Document received for written correspondence</i>					<i>ZC-15-035</i>
Name	Address	In/Out 300 ft notification area	Position on case		Summary
Michael Dimitri	4105 Eldridge St	Out	Opposition		Spoke at hearing
G. Garoon	3303/3315 Hulen St	In		Support	Sent letter in
Ruben & Stella Jiminez	4632 & 4636 Bonnell	Out	Opposition		Spoke at hearing
South Cole/Alamo Heights NA	NA	Out		Support	Sent letter in
Larry Crockett/Lake Como NAC	NA	Out		Support	Sent letter in
Cecilio Carrisalez	4629 Bonnell	Out	Opposition		Petition

Taunya Stevens	4032 Eldridge	Out	Opposition		Sent letter in
Kerry Wallace	3909 Eldridge	Out	Opposition		Sent letter in
Greg Jackson	4617 Houghton	In		Support	Sent letter in
Sue Roberts	4616 Bonnell	Out	Opposition		Petition
Jason Switzer	4613 Bonnell	Out	Opposition		Petition
Andrew Whittle	4617 Bonnell	Out	Opposition		Petition
Eric Olive	4625 Bonnell	Out	Opposition		Petition
Carolina Valdez	4712 Bonnell	Out	Opposition		Petition
Steve Jensen	4722 Bonnell	Out	Opposition		Petition
Peggy Tinius	4737 Bonnell	Out	Opposition		Petition
Melissa Mahan	4700 Bonnell	Out	Opposition		Petition
Sergio Quintero	4704 Bonnell	Out	Opposition		Petition
Sharon Jessamine	4709 Bonnell	Out	Opposition		Petition
Tresa Dominguez	4725 Bonnell	Out	Opposition		Petition
Jovita Trujillo	4800 Bonnell	Out	Opposition		Petition
Frank Howarth	4624 Houghton	In	Opposition		Petition
Wayde Downing	4624 Diaz	In	Opposition		Petition
Bill Clark	9612 Diaz	Out	Opposition		Petition
Several people signed petition in opposition see case file.					

7. ZC-15-036 Blue Center, LTD (CD 2) – 6800 Blue Mound Road (Josiah Walker Survey, Abstract No. 1602, 0.81 Acres): from “E” Neighborhood Commercial to “PD/E” Planned Development for all uses in “E” Neighborhood Commercial plus car wash; site plan included

Janet Lynam, 8620 Bryson Lane, Fort Worth, Texas representing Blue Center, LTD and owners of Texas Star Car Wash explained to the Commissioners the request to rezone to PD/E for an automatic car-wash. Ms. Lyman explained the surrounding land uses and stated the car wash will be open from dawn to dusk. Ms. Lynam said they did send a letter to the Sante Fe HOA and to property owners on Overland Drive, Cedar Tree and Canyon Ridge and received no opposition. She gave a brief description of the car wash operation and building materials proposed. It was also mentioned the sound waves from the tunnel will go out towards the south property line away from the residents. A packet was provided to the Commissioners explaining the decibel levels of the car wash and the vacuum equipment. They are requesting a waiver to the parking requirement.