



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
January 24, 2017

Council District 6

Zoning Commission Recommendation:
Approval by a vote of 6-3 as amended for office uses only with "ER" development standards

Opposition: 44.3% opposition within 200 ft. requiring a supermajority for approval; petition submitted; several letters submitted including letters rescinding signatures from support;

Support: Former South Hills South board members, Seminary Hills NA, petition submitted – several names rescinded

| | | |
|-------------------|--------------------|-------------|
| Continued | Yes ___ | No <u>X</u> |
| Case Manager | <u>Lynn Jordan</u> | |
| Surplus | Yes ___ | No <u>X</u> |
| Council Initiated | Yes ___ | No <u>X</u> |

Owner / Applicant: **Marcus Gielow**

Site Location: 5525 Lubbock Avenue Mapsco: 90T

Proposed Use: **Insurance Office**

Request: From: "A-5" One-Family

To: "PD/ER" Planned Development for all uses in "ER" Neighborhood Commercial Restricted for insurance office building; site plan included (applicant request); "PD/SU" Planned Development/Specific Use for insurance office uses with "ER" development standards; site plan included (Zoning Commission recommendation)

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

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

Background:

The subject property is located north of Walton Avenue, a collector, and west of McCart Avenue, a neighborhood connector. The applicant is proposing a zoning change from "A-5" One-Family to "PD/ER" Planned Development for all uses in "ER" for an insurance office building; site plan included. The applicant is proposing to convert the existing single-family structure into an insurance office.

A site plan is provided because the applicant is requesting several waivers due to the size of the lot and projected, established or platted building line setbacks. The table below depicts the waivers requested.

| Development Standards | ER | PD/ER | |
|-----------------------|--|------------------|--|
| Business/Tenant size | 5,000 max. gross floor area per tenant | sq. ft. Complies | |

| | | | |
|------------------------------------|--|--|--|
| Building Lot Coverage | 30% maximum | Complies | |
| Front yard along McCart Ave. | 20 ft. minimum, no parking | 6 parking spaces in front yard | Waiver required |
| Projected front yard along Lubbock | Established 25 ft., no parking | 2 parking spaces in projected front yard setback | Waiver required |
| Supplemental setback side yard | 20 ft. minimum, no required parking | 11.4 ft. provided | Waiver required |
| Height | 35 ft. maximum | Less than 35 ft. Complies | |
| Signage in front yard setback | 20 ft. minimum, no permanent structures | Proposed monument sign | Special Exception required for monument sign |
| Signage | No freestanding or roof signs, non-illuminated | Proposed monument sign/digital | Special Exception by BOA only |

Several neighbors have indicated to staff that they did not realize that they were signing a petition of support and have provided documentation of processes that occurred. A petition of opposition was submitted that rescinded some of the names from the support petition. Other letters were submitted to revoke their names from the support petition and indicate opposition. As a result, 44.3% of property owners within 200 feet submitted opposition, requiring a supermajority vote (75%) of Council for approval.

Site Information:

Owner: Marcus Gielow
5525 Lubbock Avenue
Fort Worth, TX 76133

Applicant: Eddie Bermea

Acreage: 0.27 acres

Comprehensive Plan Sector: Wedgwood

Surrounding Zoning and Land Uses:
North "A-5" One-Family / single-family
East "E" Neighborhood Commercial / commercial strip center
South "E" Neighborhood Commercial / convenience store
West "A-5" One-Family / single-family

Recent Relevant Zoning and Platting History:

Zoning History: ZC-16-141 from "A-5" to "PD/E" for Quiktrip, subject property further to the north at intersection, approved by City Council on 9/13/16.

Platting History: None

Site Plan Comments:

- The site plan as submitted is not in general compliance with the zoning regulations.
1. There is a minimum 20 ft. setback along McCart Avenue in which no permanent structures or required parking are permitted, site plan indicates six parking spaces within the setback. **(waiver required)**
 2. There is a 20 ft. projected front yard setback on Lubbock Avenue, no parking permitted. **(waiver required)**
 3. There is a 20 ft. supplemental setback along the north property line in which no permanent structures or required parking is permitted. **(waiver required)**
 4. Indicate on the site plan the square footage of the building to determine the number of parking spaces required.
 5. Need to identify what scale the site plan is drawn to.
 6. Provide a signature block with date line at the lower left corner.
 7. Provide a vicinity map and N arrow on the site plan.

8. Provide the distance from the intersection from where the curb cut starts to determine if it would be permitted along Walton.
9. Indicate on the site plan the type of fence provided.
10. The proposed digital monument sign is not permitted in this zoning district. A Special Exception through the Board of Adjustment would be required.

Items noted above shall be reflected on the site plan or waivers are required.

Zoning Commission recommended Approval of the waivers noted above.

TPW comments:

1. Master Thoroughfare Plan (MTP) (Ch. 31-106.C): The project is adjacent to or includes an arterial identified on the MTP. The MTP update was adopted May 3, 2016. The new classification(s) for {McCart} is {NCO (E)} which means it is a Neighborhood Connector with existing conditions. No additional right-of-way is necessary to be dedicated.

2. Sidewalks - Sidewalks and ADA/TAS ramps are required for all public and private streets and public access easements as per City of Fort Worth Standards. Sidewalks of a minimum of 5ft. are required along all street frontages. The site plan provided did not show any sidewalk improvements. Sidewalks will have to be constructed with development construction

Platting Comments:

1. The property is an existing platted lot.

Water Comments:

**8" water line in Lubbock

**8" sewer line L-5730* along E PL

**No permanent structures over, under, encroaching lines and their easements

**Impact Fees for 2017 Fiscal Year are currently being assessed

**Cut and plug unused existing services

**Cut and plug existing services prior to demolition

**No private plumbing crossing lot lines

**Pressure guaranteed at ground elevation

(Comments made by Platting (Subdivision Ordinance), Transportation/Public Works, Fire, and Water Department staff cannot be waived through the Zoning Commission and City Council. Approval of the zoning site plan does not constitute the acceptance of conditions.)

Transportation/Access

| Street/Thoroughfare | Existing | Proposed | In Capital Improvements Plan (CIP) |
|---------------------|------------------------|------------------------|------------------------------------|
| McCart Ave | Neighborhood Connector | Neighborhood Connector | No |
| Walton | Collector | Collector | No |
| Lubbock | Residential | Residential | No |

Public Notification:

300 foot Legal Notifications were mailed on November 28, 2016.

The following organizations were notified: (emailed November 21, 2016)

| Organizations Notified | |
|------------------------|-----------------------|
| South Hills South NA* | Streams & Valleys Inc |
| District 6 Alliance | Fort Worth ISD |
| Westcreek Central NA | |

*Site located within this registered neighborhood association.

Development Impact Analysis:

1. **Land Use Compatibility**

The applicant is proposing a zoning change to "PD/ER" Planned Development for "ER" Neighborhood Commercial Restricted for insurance office facility. Surrounding land uses consist of single-family to the north and west, convenience store to the south and strip center to the east.

The commercial uses are across the street, not within the block face. The proposed zoning request **is not compatible** at this location.

2. **Comprehensive Plan Consistency**

The 2016 Comprehensive Plan designates the subject property as Single-Family Residential. The requested zoning change is not consistent with the following Comprehensive Plan policies.

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

Based on the lack conformance with the future land use map and the policies stated above; the proposed zoning **is not consistent (Significant Deviation)** with the Comprehensive Plan.

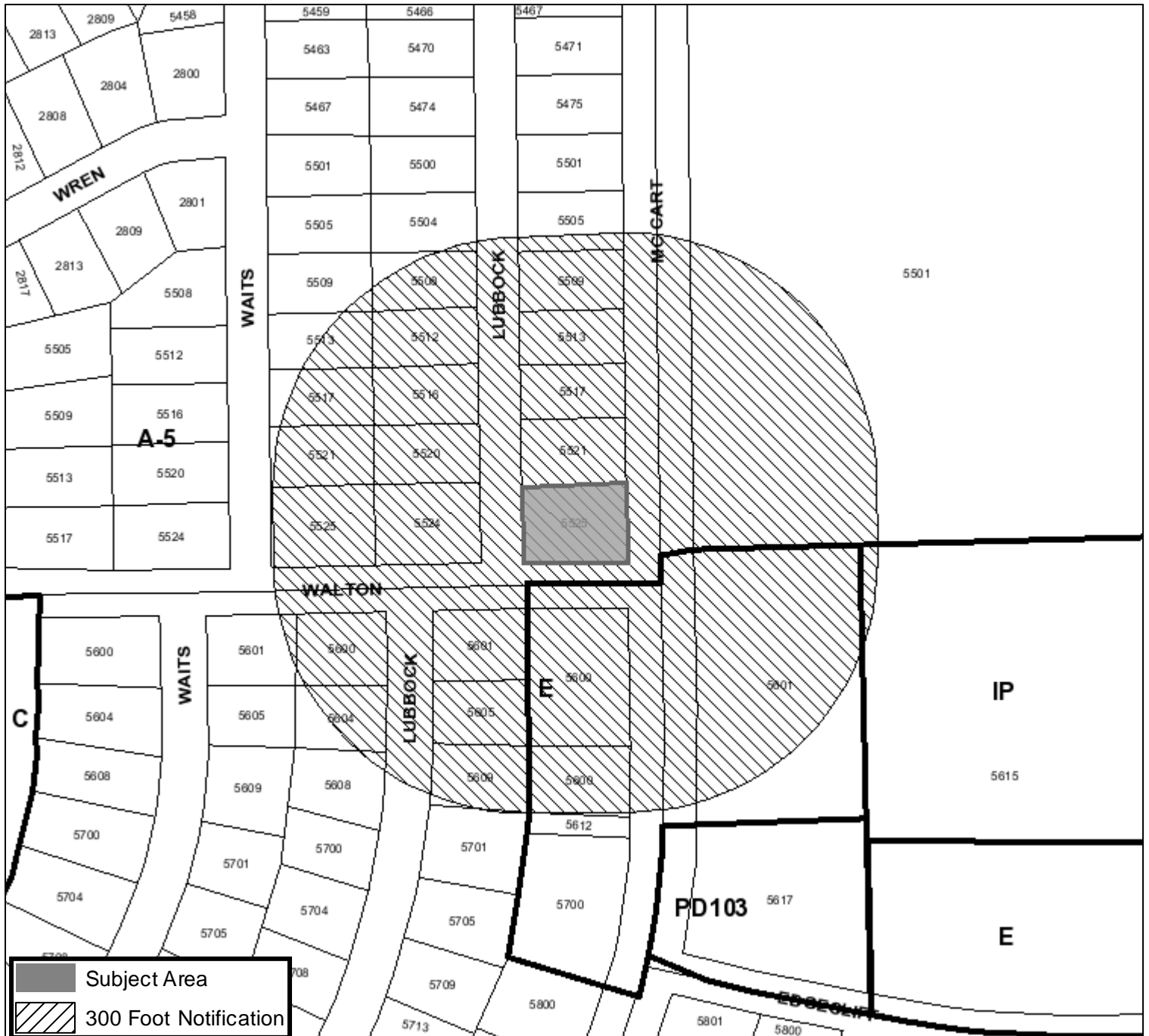
Attachments:



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

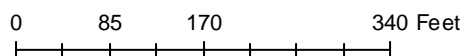


Area Zoning Map

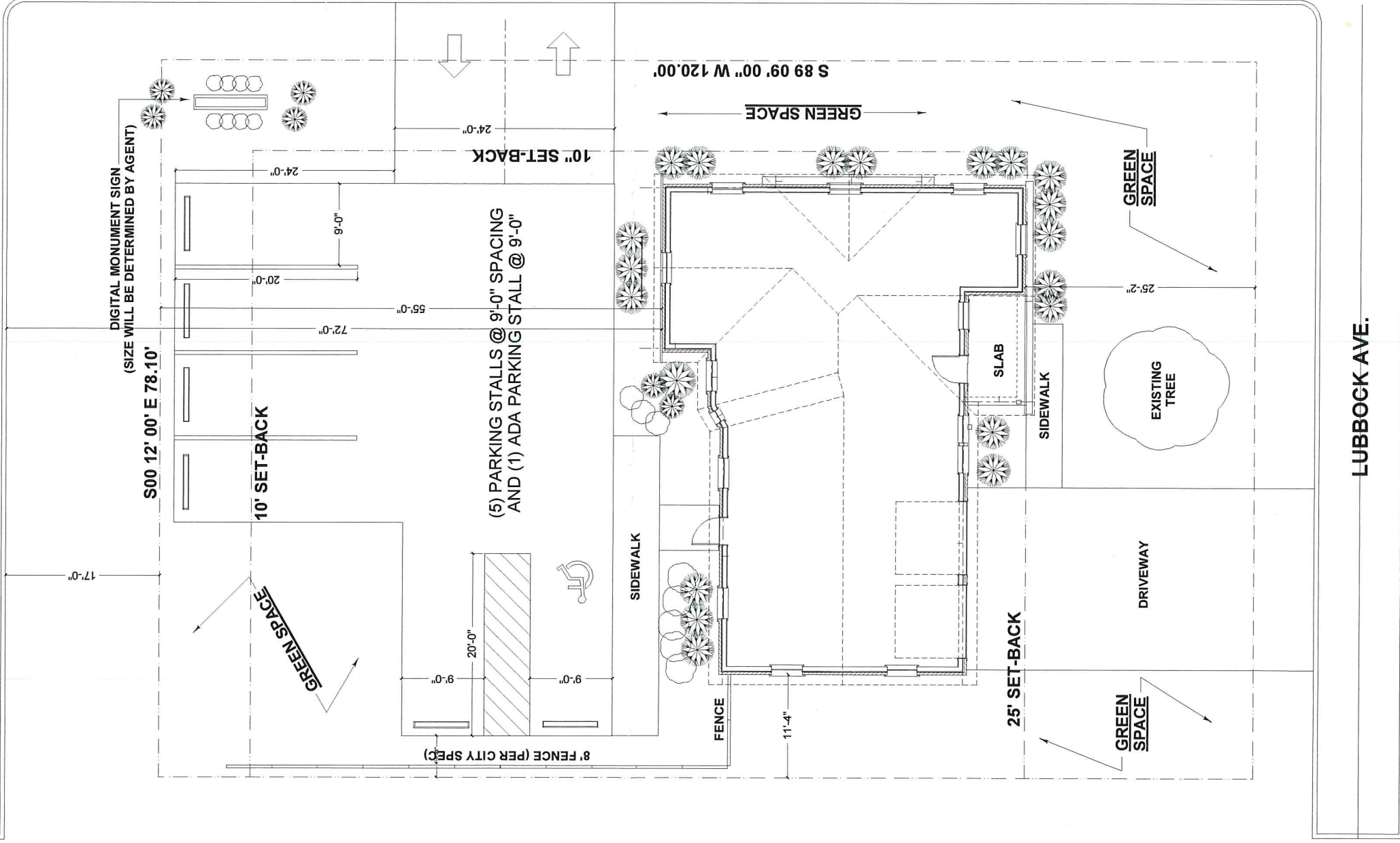
Applicant: Marcus Gielow
 Address: 5525 Lubbock Avenue
 Zoning From: A-5
 Zoning To: PD/ER for insurance office
 Acres: 0.27037631
 Mapsco: 90T
 Sector/District: Wedgwood
 Commission Date: 12/14/2016
 Contact: 817-392-2495



 Subject Area
 300 Foot Notification



McCART STREET



- PROPERTY ELEVATIONS HIGHEST POINT IS LESS THAN 12 INCHES FROM THE HEIGHT OF THE STREET.

- I WILL COMPLY WITH ALL CITY ORDINANCE REGARDING ALL SIGNAGE, LANDSCAPING AND URBAN FORESTRY.

AGENT: Eddie Bernea
PROJECT: 3915
CITY/STATE: Fort Worth, TX
OPTION: 2
DESIGNER: Kent Tyson
DATE: 1/17/2016

SITE PLAN LEGEND

- PROPERTY LINE
- - - SET BACKS

NOTE:
GENERAL CONTRACTOR IS TO VERIFY ALL DIMENSIONS BEFORE SUBMITTING A PROPOSAL FOR THIS WORK. ANY DISCREPANCIES SHALL BE BROUGHT TO THE IMMEDIATE ATTENTION OF THE OWNER/CLIENT.

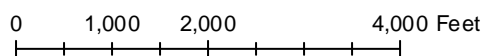
CONCEPTUAL SITE PLAN

NO SCALE

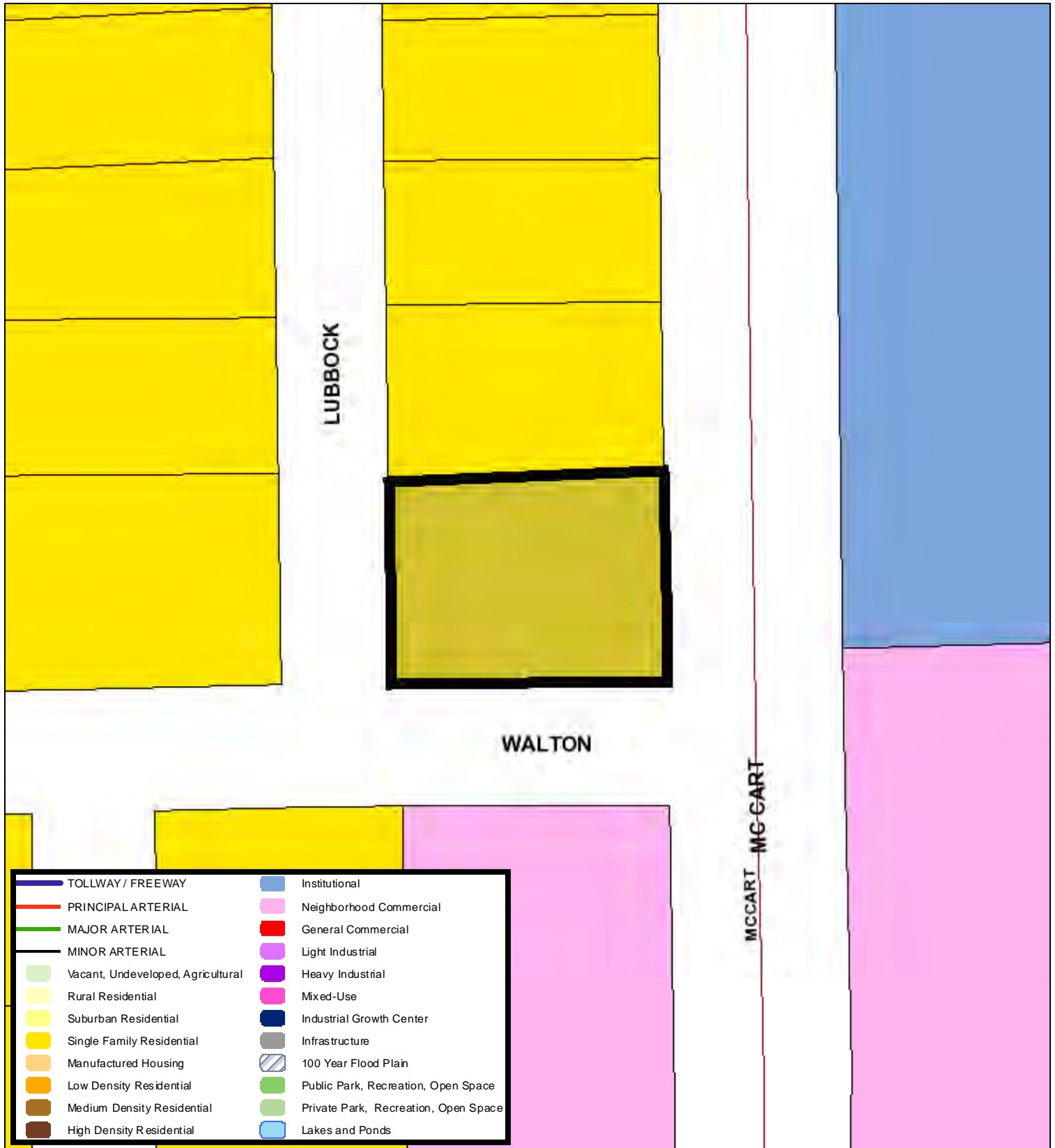
RECEIVED
NOV 15 2016
BY:

7C-16-210-

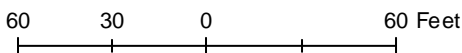
Area Map



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 213.005.) Land use designations were approved by City Council on March 29, 2016.



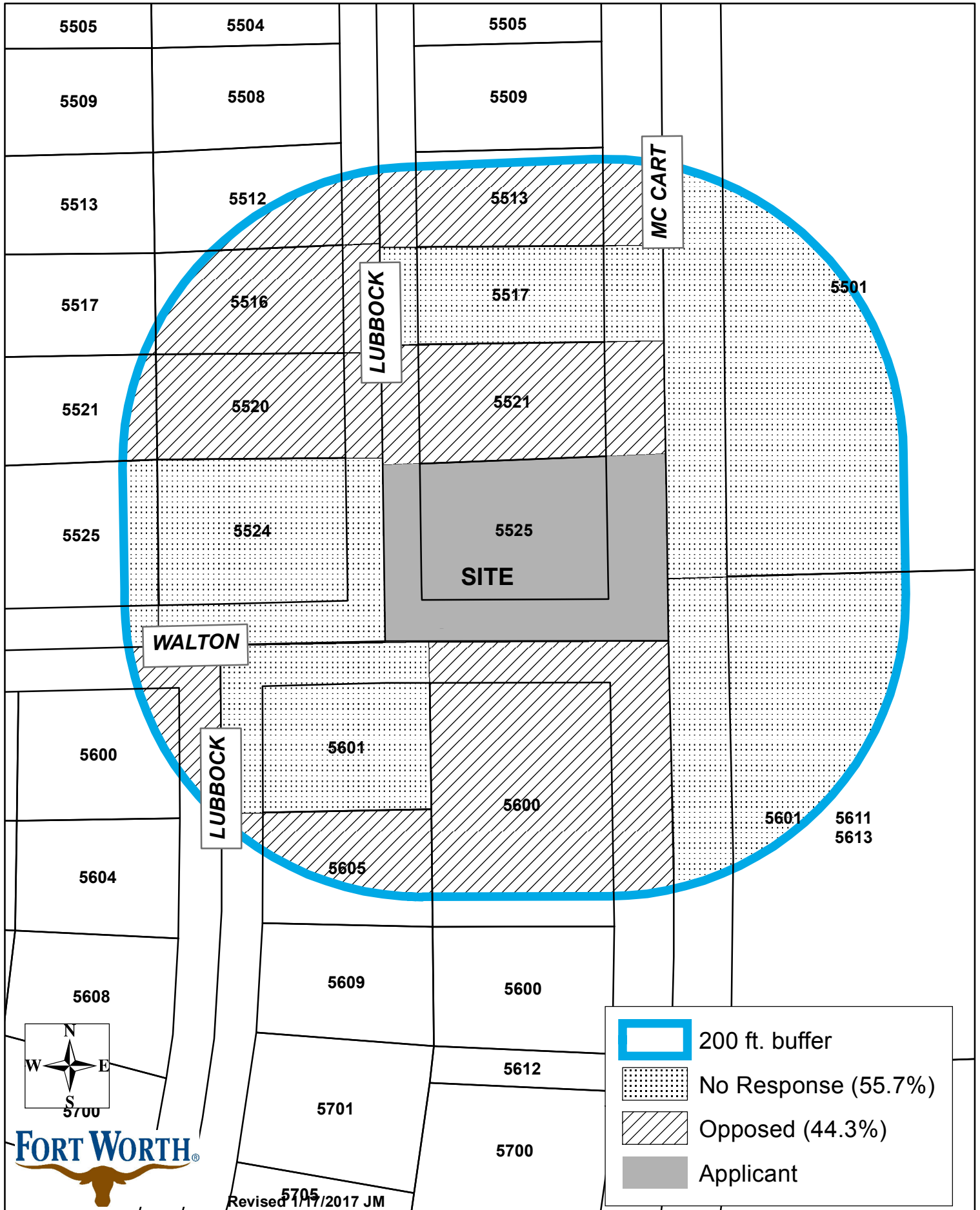
Aerial Photo Map



0 37.5 75 150 Feet



Opposition Calculation ZC-16-210



| | | | | | |
|---------------|------------------------|-----|------------|--|----------------|
| | 3407 W 6 th | In | Opposition | | Sent letter in |
| Ted Lewis | 3333 W 6 th | In | Opposition | | Sent letter in |
| Ahmet Gumuser | 3420 W 6 th | In | Opposition | | Sent letter in |
| Anne Abshire | 3316 W 6 th | Out | Opposition | | Sent letter in |

5. ZC-16-210 Marcus Gielow (CD 6) – 5525 Lubbock Avenue (South Hills Addition, Block 71, Lot 19, 0.27 Acre): from “A-5” One-Family to “PD/ER” Planned Development for all uses in “ER” Neighborhood Commercial Restricted for insurance office building; site plan included

Eddie Bermea, 13808 Springway Drive, Haslet, Texas property owner explained to the Commissioners the request to rezone to relocate his insurance business which is currently located at 6252 McCart Avenue. Mr. Bermea presented some pictures of traffic in the area. He mentioned most insurance businesses are done on-line with very little walk-in traffic. Mr. Bermea mentioned he did reach out to the South Hills South President and has a letter of support and also has additional letters of support and a petition. He read into the record a letter of support from the next door neighbor.

Ramey Rossa spoke in support of the request.

James West requested not to state his position on the case at this time and handed in his presentation.

Cathey Rodgers spoke in opposition. She wants the area to stay residential.

Scott O’Toole current President of South Hills South NA spoke in opposition. He mentioned the traffic study prepared when the QuikTrip submitted their application. He is not aware of any petition that was submitted.

Nelda Wilkerson spoke in opposition.

Louisa Masters spoke in opposition. She lives next door to commercial and doesn’t want to see this happen in this area. Mr. Edmonds asked if she was approached and asked to sign a petition. Ms. Masters said no she was not asked to sign anything.

Mary Harper spoke in opposition.

In rebuttal Mr. Bermea said he was pointed to Mr. West to reach out to for the neighborhood. He has a petition of 91 signatures for support. He does not operate after hours and has less traffic than QT.

Ms. Runnels asked staff about limiting the uses. Ms. Burghdoff explained through the site plan they would have to follow the same footprint.

Mr. Aughinbaugh asked for clarification. Ms. Burghdoff asked if the request is for all uses in “ER”. Ms. Murphy explained it was written for all uses and can be changed.

Mr. Edmonds needed further clarification.

Motion: Following brief discussion, Ms. Runnels recommended Approval of the request as Amended to PD/SU for insurance office with “ER” development standards, including waivers 1-3, seconded by Mr. Edmonds. The motion carried 6-3 with Ms. Conlin, Mr. Cockrell and Ms. McDougall against.

| Document received for written correspondence | | | | | ZC-16-210 |
|---|-----------------|---|-----------|-------------------------|------------------|
| Name | Address | In/Out 300 notification area | ft | Position on case | Summary |
| Ramey Rossa | 3821 Bryan | Out | | Support | Spoke at hearing |
| James West | 5216 Cockrell | Out | | Undecided | Spoke at hearing |
| Cathy Rodgers | 5521 Lubbock | In | | Opposition | Spoke at hearing |
| Scott O’Toole | 5409 Lubbock | Out | | Opposition | Spoke at hearing |
| Nelda Wilkerson | 2832 Larkin | Out | | Opposition | Spoke at hearing |
| Louisa Masters | 6148 Springleaf | Out | | Opposition | Spoke at hearing |
| Mary Harper | 5512 Diane | Out | | Opposition | Spoke at hearing |
| Edward/Vickie Bourassa | 5512 Lubbock | In | | Opposition | Sent letter in |
| Nellie Cicotle | 2712 Larkin | Out | | Opposition | Sent letter in |
| Calvin Huevo | NA | Out | | Support | Sent letter in |
| Mary Richards | 5608 Lubbock | In | | Opposition | Sent letter in |
| Mark/JoAnne Gabel | 5909 Waits | Out | | Opposition | Sent letter in |
| Lillian Clark | 5713 Lubbock | Out | | Opposition | Sent letter in |
| J D Franklin | 5401 Rutland | Out | | Opposition | Sent letter in |
| Hopie Franklin | 5451 Rutland | Out | | Opposition | Sent letter in |
| Barbara Fifie | 2704 Larkin | Out | | Opposition | Sent letter in |
| Paula Thomas | 5417 Westcreek | Out | | Support | Sent letter in |
| Welton Martin | 5504 Odessa | Out | | Support | Sent letter in |
| Marianna Alfaro | 5216 Cockrell | Out | | Support | Sent letter in |
| Antonio Lopez | 5525 Cockrell | Out | | Support | Sent letter in |
| David Vella/Seminary Hills NA | 5013 Gordon | Out | | Support | Sent letter in |

| | | | | | |
|---|-------------|-----|--|---------|----------------|
| Ulysses Nava | 4732 Merida | Out | | Support | Sent letter in |
| A petition was submitted with more than 90 signatures in support and can be found in the case file. | | | | | |

6. SP-16-018 287 Willow Springs Self Storage LP (CD 7) – 12460 Willow Springs Road (Willow Springs addition, Block 1, Lot 2, 8.29 Acre): to Amend Site Plan for PD 1009 “PD/I” Planned Development for all uses in “I” Light Industrial plus mini-warehouses to reconfigure buildings and driveways

Chris Ludwig, 9004 Belshire Drive, N. Richland Hills, Texas representing 287 Willow Springs Self Storage explained to the Commissioners they have completed phase one and phase two is being reconfigured to make them into one large climate controlled building. Mr. Ludwig provided some illustrations of what the new building would look like. He did reach out to Sendera Ranch HOA in which they had no concerns.

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

7. ZC-16-211 Frederick Charles Olsen, IV (CD 4) – 417-433 (odds) Haltom Road (Tim Sullivan Place, Block 1, Lot 1, 4.99 Acre): from “B” Two-Family and “I” Light Industrial to “K” Heavy Industrial

Philip Cornett, 2770 Main Street, Frisco, Texas representing Frederick Charles Olsen, IV explained to the Commissioners the request to rezone to “K” for his storage of equipment for a trucking company. He did reach out to surrounding property owners and handed in support letters.

Mr. Edmonds mentioned the zoning to the north and talked about the residential zoning to the west and south. Mr. Cornett said Haltom Road is approximately 25 feet. Mr. Edmonds talked about industrial zoning uses. Ms. Murphy explained the use is for a truck terminal and would require a variance through the BOA if rezoned to “I” because of the residential adjacency.

Frederick Olsen, IV, 429 Haltom Road, Fort Worth, Texas explained there is a security residence on the property and explained the uses out there now. He explained he asked for “K” because it is mostly surrounded with that zoning district but would be ok with “I” zoning.

Ms. McDougall asked about the street where the residents are. She wanted to verify signatures on the petition.

Mr. Edmonds asked how long the trucks have been stored. Mr. Olson said they have been stored on the property at least 10 years since he has been there.

Mr. Flores asked if they have a certificate of occupancy. Mr. Olsen said he was not aware.

Ms. Burghdoff asked to clarify the uses. Mr. Olsen said there is a terminal, an office, carports, security residence and a barn.