ZONING MAP CHANGE
STAFF REPORT

City Council Meeting Date:     Council District 2
June 25, 2019

**Zoning Commission Recommendation:**
Denial by a vote of 5-3

**Opposition:** None submitted

**Support:** None Submitted

**Owner / Applicant:** H. S. Churchill Trust, Gary Sibley

**Site Location:** 806 & 816 Churchill Road  Mapsco: 61P

**Proposed Use:** Multifamily

**Request:**
From: PD 1023 Planned Development for all uses in “C” Medium Density Multifamily; site plan approved

To: Amend PD 1023 Planned Development to increase height to three stories and increase unit count to 45 units; site plan included

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

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

**Staff recommendation:** Denial

**Background:**
The proposed site is located east of the City of River Oaks on Churchill Road, a collector, and north of White Oak a residential street. The applicant is requesting to amend the existing PD to increase the height to 3 stories and increase the unit count to 45 units. The applicant intends on removing the mobile home structures for redevelopment of multifamily structures.

There is an existing mobile home park established in 1942 making it a legal non-conforming use today. A zoning change was requested for PD/SU for a mobile home park in December 2013 (ZC-13-174) which was denied without prejudice by City Council on April 1, 2014 after being withdrawn by the applicant.

The table below refers to the previously approved and proposed development standards. Waivers will be necessary for development standard that cannot be met.

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>C Medium Density</th>
<th>PD 1023</th>
<th>Amended PD 1023</th>
</tr>
</thead>
</table>

**ZONING COMMISSION RECOMMENDATION:**
Continued: Yes ___ No _X_
Case Manager: Lynn Jordan
Surplus: Yes ___ No _X_
Council Initiated: Yes ___ No _X_

**Opposition:** None submitted

**Support:** None Submitted

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<table>
<thead>
<tr>
<th></th>
<th>Density</th>
<th>34 units approved at 18 units per acre</th>
<th>45 units proposed 46 units allowed at 24 per acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard Setbacks</td>
<td>20 ft. minimum</td>
<td>20 ft. along Churchill Rd (Waiver approved for signage)</td>
<td>20 ft. along Churchill Rd, no permanent structures <em>(Waiver required for proposed illuminated monument sign in setback)</em></td>
</tr>
<tr>
<td>Open Space</td>
<td>45% minimum</td>
<td>45%</td>
<td>45% Complies</td>
</tr>
<tr>
<td>Height</td>
<td>36 ft. maximum</td>
<td>2 stories</td>
<td>3 stories <em>(Complies)</em></td>
</tr>
<tr>
<td>Building Orientation</td>
<td>Buildings located on public streets must face the street with the longest length of the building placed parallel/adjacent to the street</td>
<td>50 ft. end to end</td>
<td>Building one does not comply with new MFD standards <em>(Waiver required)</em></td>
</tr>
<tr>
<td>Façade Variation</td>
<td>Each new building façade oriented to a publicly accessible street or open space shall incorporate each of the following scaling elements as depicted in Ord. # 23495, eff. 12-23-18</td>
<td>Not applicable</td>
<td>Will Comply</td>
</tr>
<tr>
<td>Enhanced Landscape System</td>
<td>Enhanced landscaping system is required along all public right-of-ways and shall earn a minimum set of points as depicted in Ord. 23495, eff. 12-23-18</td>
<td>Not applicable</td>
<td>Will Comply</td>
</tr>
<tr>
<td>Signage</td>
<td>A sign shall have a maximum allowable area of exposure on each dedicated street of not more than one square foot of sign area for each ten linear feet; signs may be illuminated, but the source of light shall not be visible or intermittent and not more than 50% of the total allowable sign area may be required in the required yard space along a dedicated street</td>
<td>Illuminated monument sign approved</td>
<td>Illuminated monument sign proposed <em>(Waiver required)</em></td>
</tr>
<tr>
<td>Parking Count</td>
<td>Ratio: 1 space per bedroom plus 1 additional space for each 250 sq. ft. of office or recreation area</td>
<td>1 space per bedroom Total of 52 spaces approved</td>
<td>Provided: 1 space per bedroom 70 spaces provided <em>(Waiver required for 5 parking spaces)</em></td>
</tr>
</tbody>
</table>
| Setback adjacent to one- or two-family district | Three feet for every one foot (3:1) as measured from slab to top of sill plate, or two feet for every one foot (2:1) in overall height when measured from lowest finished grade to the peak of the roof, whichever is greater; 30 feet minimum | Not indicated on approved site plan | Buildings 4-5 – setback from property line needs to be identified on the site plan for back two buildings
Buildings 1-2 verify setback (Waiver required) |
| Bufferyard and screening adjacent to A and B zoning | A five-foot bufferyard and minimum six-foot screen fence shall be placed on the property line and should be landscaped per point system | Complied | 5’ bufferyard provided Six-foot screen fence (Complies) |

At the Zoning Commission meeting the applicant expressed why the original PD language would not be feasible. He did mention there is a 6 ft. screening fence around the property. Mr. Aughinbaugh asked if he could address the assessed value of the property.

After the public hearing a continuance letter was received from the applicant to postpone the case at the City Council meeting till August 6th, 2019.

**Site Information:**

Owner: HS Churchill Trust
P. O. Box 121811
Arlington, TX 76012

Agent: Dennis Hopkins

Acreage: 1.92 ac

Comprehensive Plan Sector: Northside

Surrounding Zoning and Land Uses:
- North "B" Two-Family / single-family
- East "B" Two-Family / single-family
- South "B" Two-Family and "E" Neighborhood Commercial / single-family
- West City of River Oaks / single-family

**Recent Relevant Zoning and Platting History:**
- Zoning History: ZC-14-127 Planned Development for C with site plan, eff. 12/24/14;
- ZC-13-174 denied without prejudice by City Council 04/01/14
- Platting History: FS-15-011, Churchill Addition, Block A, Lot 1

**Site Plan Comments:**

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

1. There is a 20 ft. setback along Churchill Road, no permanent structures permitted, sign is encroaching. *(Waiver required)*
2. Open space requirement is 45% minimum, site plan indicates 43%. *(Waiver required)*
3. Building one does not comply with new MFD standards for building street frontage. *(Waiver required)*
4. A total of 75 parking spaces required, site plan indicates 71 space. *(Waiver required)*
5. Buildings 4 and 5 appear to encroach into the 3 to 1 ratio required for the building setback. Please provide the setback ratio on the site plan. *(Waiver required)*

**Platting site plan comment:**

1. FYI--The property is platted as Lot 1, Block A, Churchill Addition. If the Fire Department requests a name for the internal emergency access easement, then the property must be replatted to formally dedicate this named emergency access easement.

**Transportation/Public Works (TPW) site plan comments**

No comments at this time.

**Fire Comments:**

No comments at this time.

**Park & Recreation site plan comments**

No comments at this time.

**Water site plan comments**

No comment.

*(Comments made by Platting (Subdivision Ordinance), Transportation/Public Works, Fire, Parks 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**

<table>
<thead>
<tr>
<th>Street/Thoroughfare</th>
<th>Existing</th>
<th>Proposed</th>
<th>In Capital Improvements Plan (CIP)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Churchill Rd</td>
<td>Two-way collector</td>
<td>Two-way collector</td>
<td>No</td>
</tr>
</tbody>
</table>

**Public Notification:**

300 foot Legal Notifications were mailed on May 21, 2019.

The following organizations were notified: (emailled May 20, 2019)

<table>
<thead>
<tr>
<th>Organizations Notified</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Inter-District 2 Alliance</td>
<td>Crestwood NA*</td>
</tr>
<tr>
<td>Tarrant Regional Water District</td>
<td>Trinity Habitat for Humanity</td>
</tr>
<tr>
<td>Streams &amp; Valleys, Inc.</td>
<td>Castleberry ISD</td>
</tr>
<tr>
<td>Fort Worth ISD</td>
<td></td>
</tr>
</tbody>
</table>

Closest neighborhood association*

**Development Impact Analysis:**

1. **Land Use Compatibility**

Surrounding land uses are primarily single-family. The traffic generated from this multifamily development, the increased height and density of residents is not consistent with that of a single family neighborhood. The proposed zoning is *not compatible* at this location.

2. **Comprehensive Plan Consistency**

The 2019 Comprehensive Plan designates the subject property as Single-Family. The requested zoning change is not consistent with the following Comprehensive Plan policies:

- Preserve and protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, speculation, demolition, neglect, and other negative forces. (pg. 37)

Based on the lack of conformance with the future land use map and policy stated above, the proposed zoning is *not consistent (Significant Deviation)* with the Comprehensive Plan. The Comprehensive Plan should have reflected Low Density Multifamily in 2014 when the zoning changed.
Attachments:
- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Site Plan
ZC-19-061

Area Zoning Map

Applicant: H.S. Churchill Trust
Address: 806 & 816 Churchill Road
Zoning From: PD 1023 PD/C for all uses in C, site plan approved
Zoning To: Amend PD 1023 from 2 story to 3 story and increase unit count, site plan included
Acres: 1.93235048
Mapsco: 61P
Sector/District: Northside
Commission Date: 6/12/2019
Contact: 817-392-2495

Subject Area
300 Foot Notification
SITE PLAN

CHURCHILL PARK

ESTATES

GENERAL SITE NOTES AND REQUESTED WAIVERS:
1. Site Plan will comply with Urban Forestry, Landscaping and Sign Ordinance
2. Requesting waiver to allow monument sign within Front Yard Setback
3. Requesting waiver to allow a 5' side yard and back yard building setback
4. Requesting waiver to allow parking within buffer yard
5. Requesting waiver to allow building is sloped setback
6. Requesting waiver on MFD building street frontage
7. Requesting waiver on required parking for recreation center
8. Requesting waiver on building 2:1 setback

SITE DATA

EXISTING UTILITIES AND UNDERGROUND FACILITIES INDICATED ON THESE PLANS ARE BASED ON REFERENCE INFORMATION SUPPLIED BY VARIOUS OWNERS OF THE FACILITIES. THE ENGINEER DOES NOT ACCEPT THE RESPONSIBILITY FOR THE GRAPHICAL REPRESENTATION OF THE UTILITIES SHOWN, IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE ALL EXISTING UTILITIES AND UNDERGROUND FACILITIES, BOTH HORIZONTALLY AND VERTICALLY, PRIOR TO CONSTRUCTION, TO TAKE NECESSARY PRECAUTIONS IN ORDER TO PROTECT ALL FACILITIES ENCOUNTERED, AND TO NOTIFY THE ENGINEER PROMPTLY OF ALL CONFLICTS OF THE WORK WITH EXISTING FACILITIES. THE CONTRACTOR SHALL PRESERVE AND PROTECT ALL EXISTING UTILITIES FROM DAMAGE DURING CONSTRUCTION. ANY DAMAGE BY THE CONTRACTOR TO EXISTING UTILITIES SHALL BE REPAIRED BY THE CONTRACTOR AT HIS EXPENSE.

GENERAL NOTES:
1. ALL COORDINATES ARE TO THE BACK OF CURB, UNLESS NOTED OTHERWISE.
2. DIMENSIONS SHOWN ARE TO THE BACK OF CURB, UNLESS NOTED OTHERWISE.
3. ALL PROPOSED CURB RASPS ARE 2'-6" 3/8". WITHIN PARKING LOT, UNLESS NOTED OTHERWISE.
4. ALL CONCRETE PAVEMENT SHALL HAVE 6" CURBS UNLESS OTHERWISE NOTED.

CAUTION

EDWARD S. ELIES SURVEY
ABSTRACT No. 465

ZC-19-061
SITE PLAN

CHURCHILL PARK

ESTATES
Future Land Use

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 5, 2019.

Future Land Use

- 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
- Industrial Growth Center
- Infrastructure
- 100 Year Flood Plain
- Public Park, Recreation, Open Space
- Private Park, Recreation, Open Space
- Lakes and Ponds

ZC-19-061