ZONING MAP CHANGE
STAFF REPORT

City Council Meeting Date: June 25, 2019

Case Manager: Lynn Jordan

Surplus: Yes ___ No _X_

Council Initiated: Yes ___ No _X_

Owner / Applicant: BEW Development LLC

Site Location: 8650 South Freeway Mapsco: 105J

Proposed Use: Carwash

Request: From: "F" General Commercial
          To: Add Conditional Use Permit to allow a carwash facility; site plan included

Land Use Compatibility: Requested change is compatible.

Comprehensive Plan Consistency: Requested change is consistent.

Staff Recommendation: Approval

Background:
The proposed site is located west of I-35 South Freeway just north of Everman Road. The applicant is requesting to add a Conditional Use Permit to allow a carwash facility; site plan included.

Carwashes are only permitted within commercial zoning districts through the CUP process. The applicant has applied for the (CUP) Conditional Use Permit to allow this use within the "F" district. The applicant has indicated the drive-thru carwash facility is approximately 4,978 sq. ft. building.

Conditional uses are those uses which are generally compatible with the permitted land uses in a given zoning district, but which require individual review of their proposed location, design and configuration, and the imposition of conditions in order to ensure the appropriateness of the use at a particular location.

While a carwash is not permitted in the "F" zoning district by right, allowing it by CUP with a site plan may help mitigate any neighborhood concerns. Although the site is not directly adjacent to a residential district, the location of any proposed vacuums, especially existing the carwash will most likely not have a negative impact to the neighborhood further to the west.

Through Ordinance 23609 effective March 29, 2019, the Conditional Use Permit allows for an unlimited time period for the operation of a use unless otherwise approved by the City Council. If a time limit is established for a Conditional Use Permit, the renewal of the CUP shall be considered through the public hearing process and approved by the City Council. A CUP shall expire if no permitting action is taken.
within six months of approval or cease of the use for six months. A CUP may be revoked through the public hearing process if necessary after convictions of one or more code violations. Per Section 4.407 (a), the following general rules apply to all conditional uses:

a) Conditional use permits in residential districts shall be limited to those uses designated “CUP” in the Residential District Use Table in Chapter 4, Article 6, Section 4.603.
b) Approval of a conditional use permit shall authorize only the particular use or category of related uses for which the conditional use permit is issued.
c) A conditional use shall not be enlarged, extended or otherwise modified unless approved by the City Council or approved administratively as applicable.
d) The use of property for the purposes described in a conditional use permit shall not commence until a certificate of occupancy has been issued. A certificate of occupancy shall not be issued until all or approvals which may be required by the Codes and Ordinances of the City, including, but not limited to, a Building Permit, a Certificate Of Occupancy and subdivision approval have been satisfied.

Section (d) provides the following Conditional Use Permit factors in consideration of appropriateness of a request:

a) The proposed use is consistent with the Comprehensive Plan;
b) The proposed use is compatible with the existing and adjacent uses.
c) The proposed use meets all supplemental use standards specifically applicable to the use as set forth in Chapter 5;
d) The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods;
e) The proposed use is not materially detrimental to the public health, safety, and welfare, or results in material damage or prejudice to other property in the vicinity.

**Site Information:**

Owner: BEW Development
238 County Road
Durango, CO 81301
Agent: Robert Petrie
Acreage: 1.69 ac
Comprehensive Plan Sector: Sycamore

Surrounding Zoning and Land Uses:
North PD 1115 Planned Development for I uses with development standards / industrial warehouse
East “F” General Commercial and “G” Intensive Commercial / I-35 S Freeway
South “F” General Commercial / convenience store
West PD 1115 Planned Development for I uses with development standards / industrial warehouse

**Recent Relevant Zoning and Platting History:**

Zoning History: PD 1115 Planned Development for all uses in “I” Light Industrial excluding certain uses with development standards, eff. 12/01/16 subject property to the west
Platting History: FP-17-061 Everman Trade Center, Block 1, Lot 1

**Site Plan Comments:**
The site plan as submitted is not in general compliance with the Zoning Ordinance regulations.

1. Add the following to the site plan:
   a. The digital message board is not permitted by right, requires a Board of Adjustment approval (FYI)
   b. The total square footage of the sign area would include the digital community board for sign calculations (FYI)
   c. Non-advertised message area. A minimum of 25% of the sign face, excluding the base, shall contain non-advertised message area (see definition). The non-advertised message area shall be of construction materials similar to the building and shall be non-illuminated. The non-advertised
message area shall also be clearly distinct from the sign face and provide a vertical framing element to the sign.

2. (FYI) Any lights used to illuminate the area shall be directed away and downward so as to not trespass onto adjacent properties.

3. Provide a note on the site plan indicating the development will comply with the following development standards of Chapter 6 unless otherwise provided on the site plan:
   a. Lighting, including shielding and ambient light level not to exceed one (1) foot candle when adjacent to one-or two-family residential zoning districts or uses

The site plan comments noted above shall be addressed on the site plan per the CUP Ordinance.

Platting site plan comments
1. A final plat for the property must be submitted, reviewed by the City and recorded in the Courthouse prior to the issuance of a building permit.

Transportation/Public Works (TPW) site plan comments
TPW (Mirian Spencer, 817-392-8702, Mirian.Spencer@fortworthtexas.gov)
No comment at this time.

Fire Comments:
No comments at this time

Park & Recreation site plan comments
No comments at this time

Water site plan comments
Approved for construction (AFC) lines cannot be connected to until they have been inspected, tested and accepted by the City

(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>
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</thead>
<tbody>
<tr>
<td>Everman Pkwy</td>
<td>Neighborhood Connector</td>
<td>Neighborhood Connector</td>
<td>No</td>
</tr>
<tr>
<td>I-35 South Frwy</td>
<td>Freeway</td>
<td>Freeway</td>
<td>No</td>
</tr>
</tbody>
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Public Notification:
300 foot Legal Notifications were mailed on May 21, 2019.
The following organizations were notified: (email May 20, 2019)

<table>
<thead>
<tr>
<th>Organizations Notified</th>
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<tbody>
<tr>
<td>Southbrook Park NA*</td>
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<tr>
<td>Hallmark Camelot Highland Terrace Assn</td>
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<tr>
<td>Streams and Valleys Inc</td>
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<td>Trinity Habitat for Humanity</td>
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<tr>
<td>Fort Worth ISD</td>
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<tr>
<td>Everman ISD</td>
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</tbody>
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Located within this registered neighborhood organization*

Development Impact Analysis:
1. **Land Use Compatibility**
The applicant is proposing a zoning change to add a CUP to allow a carwash facility in the “F” zoning district. Surrounding land uses consist of vacant land to the north, I-35W to the east, commercial to the south and industrial warehouse to the west.

The proposed zoning request is compatible with surrounding land uses.

2. **Comprehensive Plan Consistency**
The 2019 Comprehensive Plan designates the site as being General Commercial. The proposed zoning is consistent with the following Comprehensive Plan policies:
• Locate large commercial and institutional uses adjacent to arterial streets, preferably at the intersections of other arterials and highways.
• Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods.

Based on conformance with the future land use map and policy as stated above, the proposed zoning is consistent with the Comprehensive Plan.

Attachments:
• Location Map
• Area Zoning Map with 300 ft. Notification Area
• Future Land Use Map
• Aerial Photograph
• Site plan
Applicant: BEW Development LLC
Address: 8650 South Freeway
Zoning From: F
Zoning To: Add Conditional Use Permit for car wash
Acres: 1.69611562
Mapsco: 105J
Sector/District: Sycamore
Commission Date: 6/12/2019
Contact: 817-392-2495
Area Map

CONSserve DISTRICT

Overlay Districts
- Airport Overlay District
- I-35W
- TU PErIPHERAL
- DESIGN DISTRICT
- CONSERVATION DISTRICT

Noise Contours
DECIBEL
- 65
- 70
- 75
- 80
- 85

Council Districts
- 2 - Carlos E. Flores
- 3 - Brian Byrd
- 4 - Cary Moon
- 5 - Gyna Bivens
- 6 - Jungus Jordan
- 7 - Dennis Singleton
- 8 - Kelly Allen Gray
- 9 - Ann Zadeh

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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.