FORT WORTH

Case Number **ZC-13-054**

ZONING MAP CHANGE
STAFF REPORT

City Council Meeting Date:
May 7, 2013

Council District 8

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

Opposition: two people spoke

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

Owner / Applicant: **Octapharma Plasma, Inc.**

Site Location: 2549 Newark Avenue, 2552 Sargent Street Mapsco: 78H

Proposed Use: **Parking for plasma center**

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

To: "PD/MU-1" Planned Development for all uses in "MU-1" Low Intensity Mixed-Use plus parking lot; site plan included

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

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

Background:
The proposed site is located along Sargent Street near the intersection of Lancaster Avenue. The applicant recently purchased this property and would like to construct a parking lot for their business to the south across Mt. Vernon St. An apartment complex was removed from the site in the past with the parking lot remaining.

The projected front yard setback from the adjacent residential properties along Sargent applies to the property. The setback is identified on the site plan. A driveway and part of one (1) parking space is located within the projected setback and a waiver is required if the site plan is approved as submitted.

The applicant has two options for this situation. They could maintain their existing A-5 zoning and ask for a Special Exception through the Board of Adjustment for auxiliary parking which would include requirements such as fencing and lighting, or they can change the zoning to a commercial district that allows auxiliary parking. The applicant decided to amend the zoning in order to bring all property under common ownership into the same MU-1 zoning category, and elected to request a PD with site plan for review.

In the site plan comments one parking space and the six foot screening fence is located within the 20' projected front yard setback, a waiver would be required.

The Zoning Commission heard concerns from an adjacent property owner concerning privacy and security issues. The owner requested that the fence or wall be 8 feet tall, minimal lighting of the parking lot be provided at all times, and that the lot will be maintained and free of trash and loitering.

Site Information:

Owner: Octopharma Plasma, Inc.
3525 Whitehall Park Drive
Charlotte, NC 28723

Agent: James A. Lichty, Architect

Acreage: 0.40 acres

Comprehensive Plan Sector: Eastside

Surrounding Zoning and Land Uses:

North "A-5" One-Family / single-family
East "MU-1" Low Intensity Mixed-Use / retail
South "MU-1" Low Intensity Mixed-Use / plasma center, parking
West "A-5" One-Family / single-family

Recent Relevant Zoning and Platting History:

Zoning History: ZC-09-115 (Council Initiated), from "C" Medium Density Multifamily to "A-5" One-Family, approved 11/20/09 (subject site)

Platting History: None

Site Plan Comments:

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

1. A projected front yard setback along Sargent applies to the property.
   a. One (1) parking space is located within the projected setback (*A waiver is required*)
   b. The screening fence cannot project in the front yard setback

Zoning Commission recommended the approval with the waivers.

Transportation/Public Works (TPW) site plan comments

1. Local residential streets require 50' ROW.
2. Sidewalks shall be required for all streets as per City of Fort Worth Standards.

Comments made by TPW staff cannot be waived through the Zoning Commission. Approval of the site plan does not constitute TPW acceptance of conditions; traffic code will be applied to the project

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Sargent Street	Residential	Residential	No
Mt. Vernon Ave.	Residential	Residential	No
Newark Ave	Residential	Residential	No

Public Notification:

The following Organizations were notified:

Organizations Notified	
West Meadowbrook	Southeast Fort Worth, Inc.
Neighborhoods of East Fort Worth	Eastside Sector Redevelopment Org
East Fort Worth Business Assoc.	FWISD

Development Impact Analysis:

1. **Land Use Compatibility**

   The applicant is proposing a zoning change to "PD/MU-1" plus parking. Surrounding land uses vary with single-family to the north and west and commercial to the south and east. The proposed

zoning will consolidate the parking use into the same base zoning category for the plasma center to the south.

A Council Initiated zoning was approved in 2009, amending the zoning from "C" to "A-5". A case could be made to move the MU-1 boundary lines north and east due to the existing street and lot configuration. The proposed lots face Mt. Vernon, extend out and do not lend themselves to single-family uses. A large commercial center is directly across the street to the east. The existing drive to this facility faces the proposed lots. During high traffic periods, noise and lighting could be problematic.

Based on surrounding land uses including large commercial development and proximity to the existing MU-1 zoning, the proposed zoning for this site **is compatible** at this location.

2. **Comprehensive Plan Consistency**

The 2013 Comprehensive Plan designates the subject property as single-family. While the proposed development is not consistent with this designation, the property is located at the corner of three residential streets and is across the street from a large shopping center with Mixed Use zoning. However, the proposed site encroaches into the single-family neighborhood and is across the street from the main business.

Due to the single family designation, the zoning change request **is not consistent** *(Significant Deviation)* with the Comprehensive Plan.

To view the Comprehensive Plan: http://www.fortworthgov.org/planninganddevelopment/misc.aspx?id=81678

Attachments:

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

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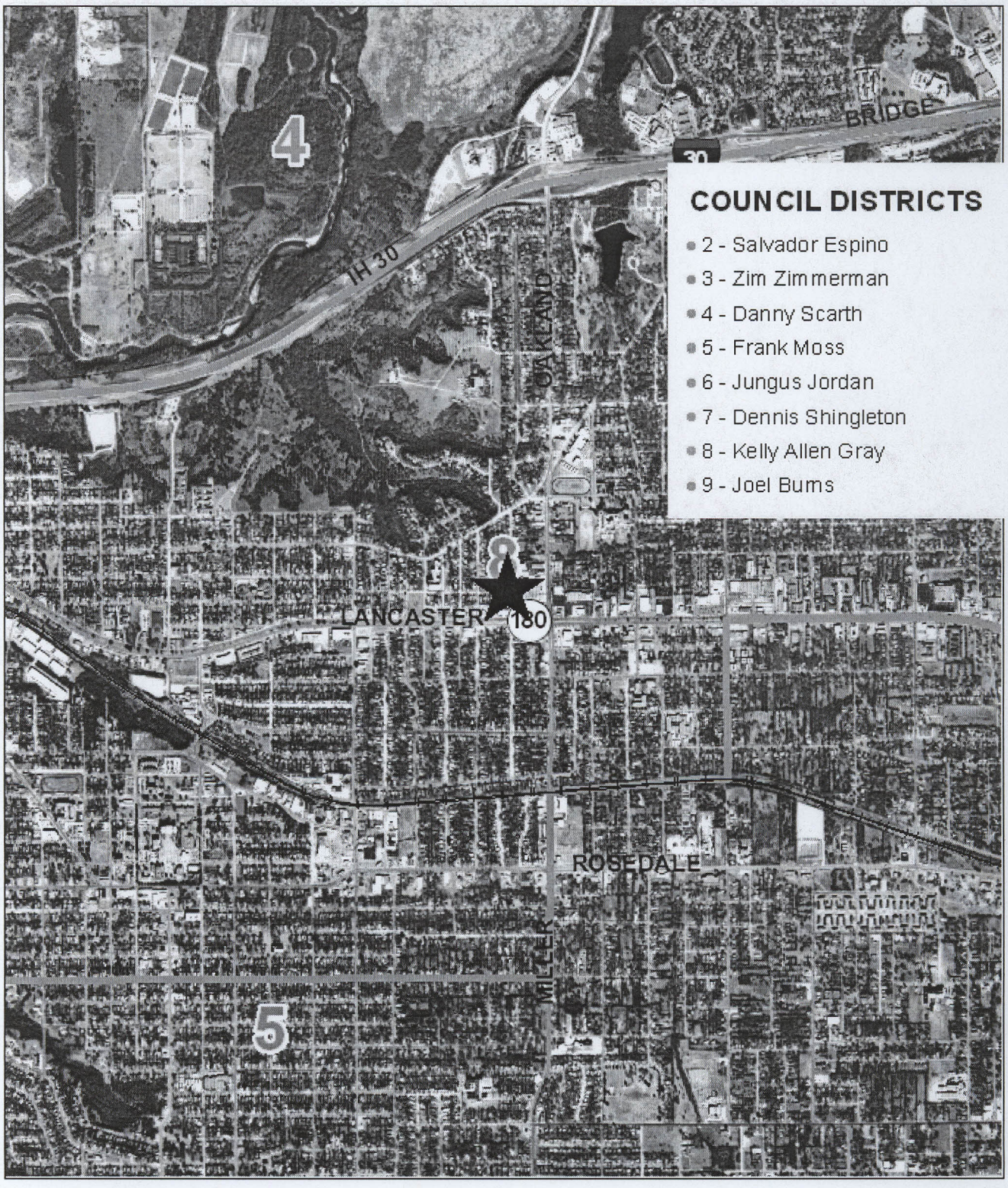
Location Map



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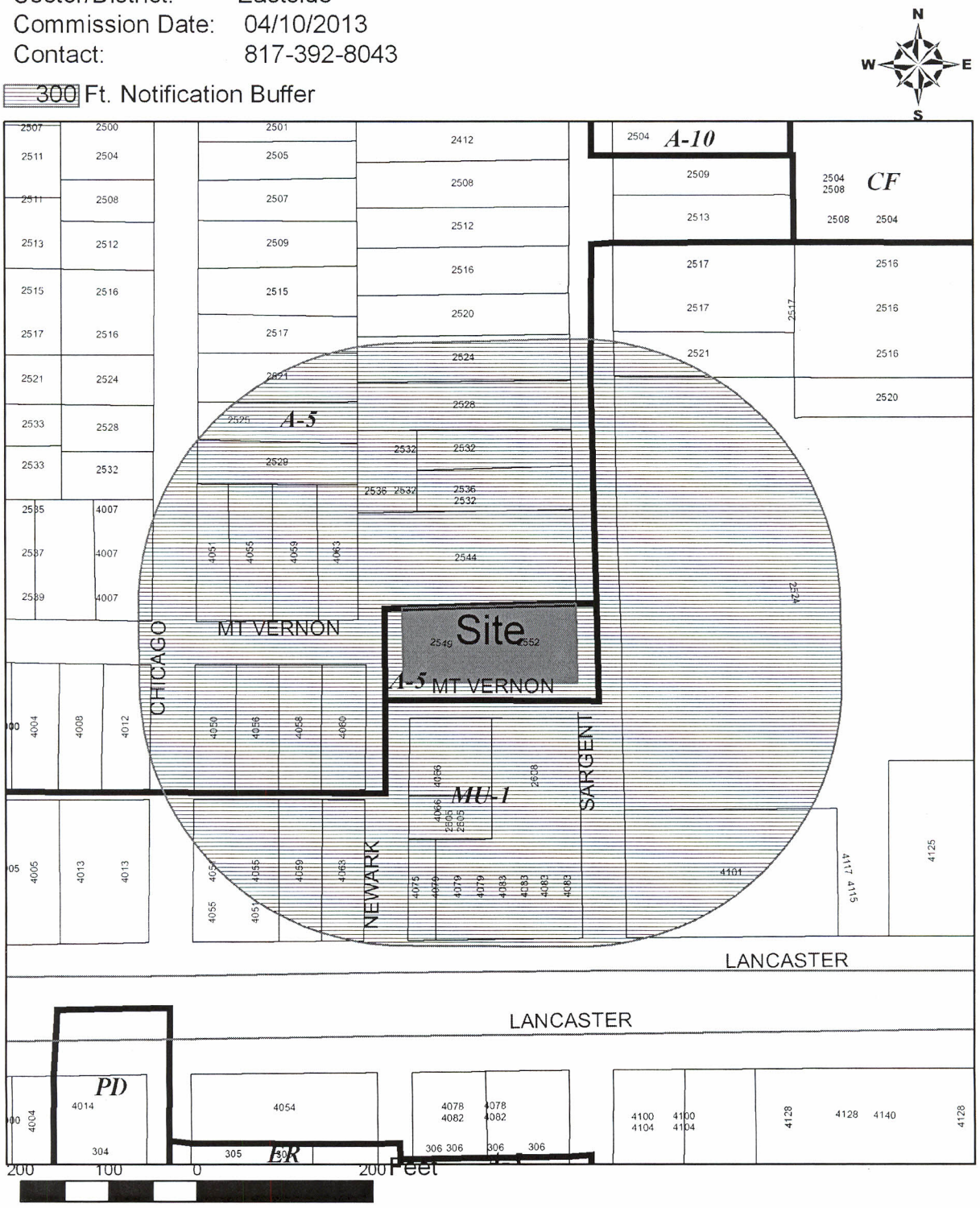
Area Zoning Map

Applicant:	Octapharma Plasma, Inc.
Address:	2549 Newark Avenue, 2552 Sargent Street
Zoning From:	A-5
Zoning To:	PD for MU-1 uses plus parking lot
Acres:	0.4
Mapsco:	78H
Sector/District:	Eastside
Commission Date:	04/10/2013
Contact:	817-392-8043

300 Ft. Notification Buffer



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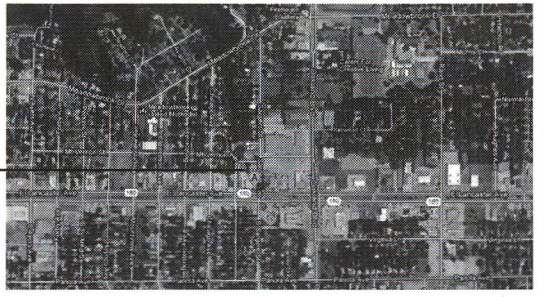
RECOMMENDED FOR APPROVAL

SITE PLAN LEGEND

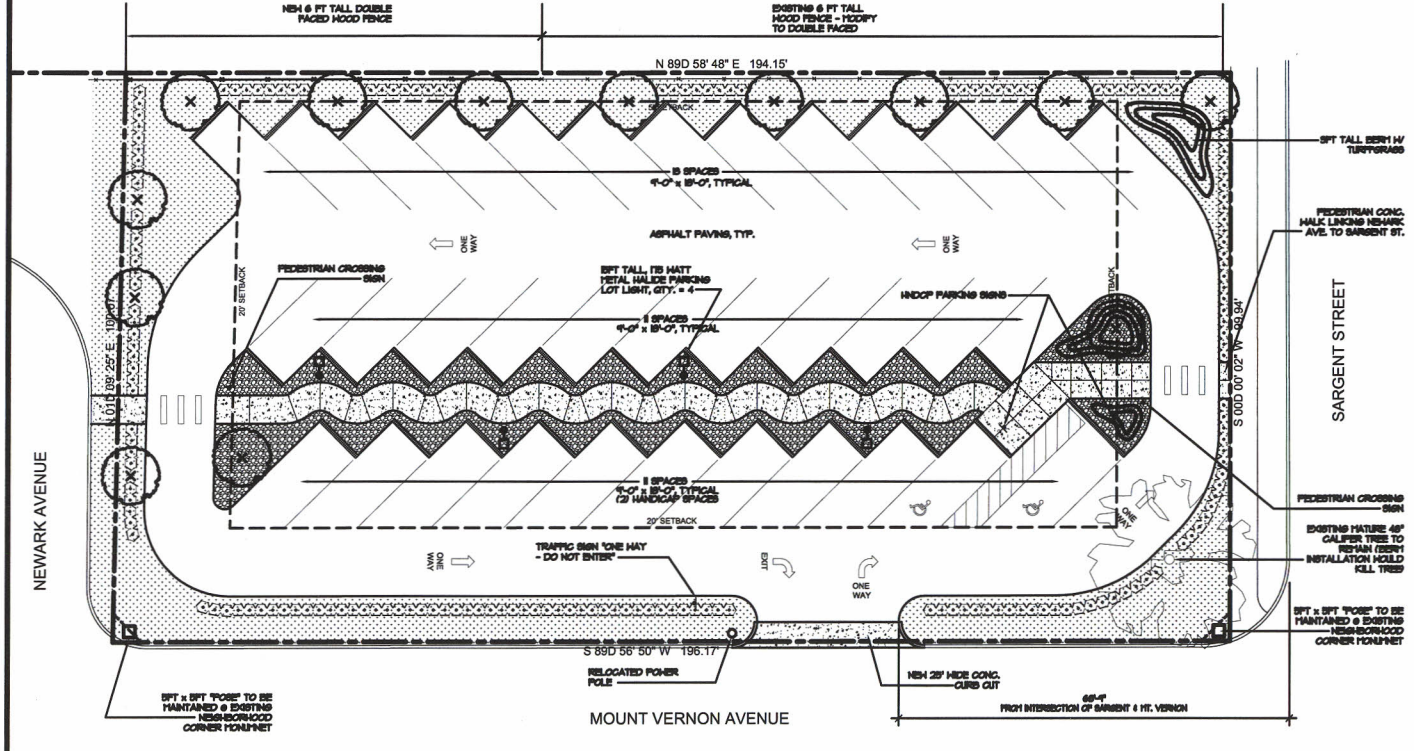
- 12"- GRANULAR ROCK OVER FERTIBASE VEGETATION BARRIER
- CONCRETE PAVING
- NEW TURFGRASS ON TOPSOIL
- CAST-IN-PLACE CONCRETE BEAM CURB/HEADSTOP
- 15 FT TALL, (1) MATT PARKING AREA LIGHT FIXTURE, EQ. TO LITHONIA LIGHTING #GPM 1 1SH R3 208 SPD4 LPI
- 12 FT TALL, 2-1/2" CALIPER REDBUD TREE (CERCIS CANADENSIS)
- CONTINUOUS AMERICAN BOXWOOD HEDGE @ 36" o/c, (BUXUS SEMPERVIRENS)

Lots K & L Weaver's Subdivision, Oakland Addition
Address/Location: 2552 S. Sargent St. & 2549 S. Newark Ave.
Zoning: A-5 (Proposed Change to MU-1)
Use: Vacant (Proposed Additional Parking for Lots C-I)

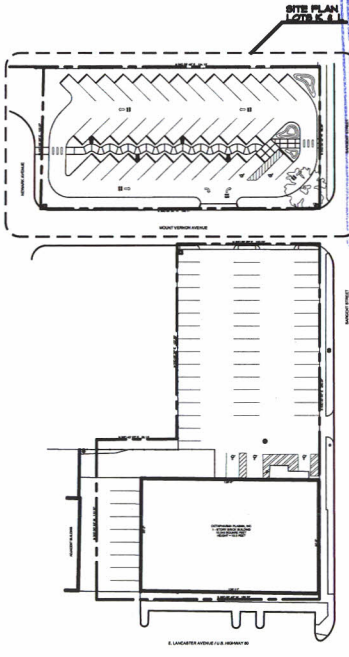
Item	Description	Requirements	Proposed	Zoning Regulation	Notes
Property Size	19,514 sf	None	No Change	Ch. 4 Art. 13 4.1300 C.1	
Building Area	NA	None	No Change	Ch. 4 Art. 13 4.1300 C.8	No Building Proposed
Building Height	NA	18ft Min. 45ft Max.	No Change	Ch. 4 Art. 13 4.1300 C.6	No Building Proposed
Building Height	NA	3 stories	No Change	Ch. 4 Art. 13 4.1300 C.7a	No Building Proposed
Set Backs					
Front (South)	NA	20 ft	No Change	Ch. 4 Art. 13 4.1300 C.3	No Building Proposed
Front (East)	NA	20 ft	No Change	Ch. 4 Art. 13 4.1300 C.3	No Building Proposed
Front (West)	NA	20 ft	No Change	Ch. 4 Art. 13 4.1300 C.3	No Building Proposed
Side	NA	0 ft	No Change	Ch. 4 Art. 13 4.1300 C.5	No Building Proposed
Rear (North)	NA	5 ft	No Change	Ch. 4 Art. 13 4.1300 C.4	No Building Proposed
Parking Spaces	45 degree, one-way traffic	Between 75% & 100% 1/doctor/patient + 1/4 employees = 95	35 (2) Hdcp	Ch. 6 Art. 2 6.201 B.2 & Ch. 4 Art. 13 4.1300 D.1	(3) physicians, 86 patrons, 24 empolyees. Combined with parking for Lots C-I = 91% of Max Allowed.
Paved Area	Asphalt & Concrete	None	14,019 sf		
Landscape Area	Grass, Plantings, & Granular Rock	Ch. 6 Art. 3 6.301	1,343 sf	Ch. 6 Art. 3 6.301	
Buffers	Double Sided Fencing & Plantings	25 Points	6ft double sided fence = 10 5 shrubs for ea. 25ft = 15	Ch. 6 Art. 3 6.300 C	New Buffer Features to Comply with point system for 25 Total Points



VICINITY MAP
NO SCALE



2 SITE PLAN - LOTS K & L
SCALE: 1" = 10'-0"



1 KEY SITE PLAN
SCALE: 1" = 40'-0"

N 89D 58' 50" E 100.00'

ZONING APPROVAL

RECEIVED
MAR 29 2013

REVISIONS
STAFF REVIEW COMM.

CONFIDENTIAL

Archetype
8010 State Line, Suite 150
Leawood, KS 66208
913.341.2356 p
913.642.2847 f
www.adgiaia.com

OCTAPHARMA PLASMA, INC.
MU-1 PARKING PLAN DEVELOPMENT
4085 EAST LANCASTER AVENUE
FORT WORTH, TEXAS 76103

DATE 28 MARCH 2013
SCALE AS NOTED
JOB NO. 13-071
SHEET C1.1
SITE PLAN

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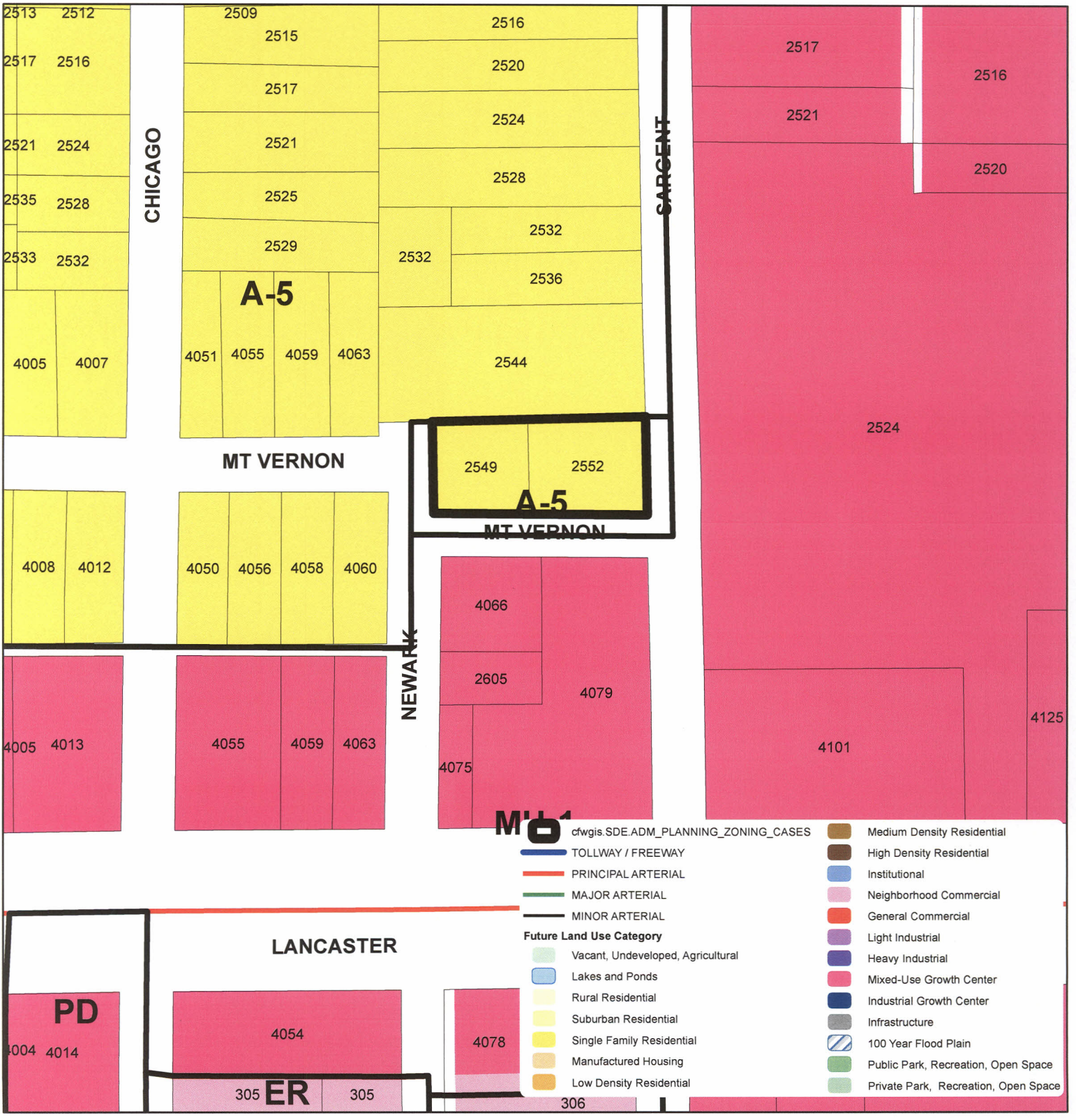
Future Land Use



110 55 0 110 Feet

A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 219.005.) Land use designations were approved by City Council on March 5, 2013.

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Aerial Photo Map

200 100 0 200 Feet

Motion: Following a brief discussion, Mr. Conlin recommended a 30 day continuance of the request, seconded by Mr. Edmonds. The motion carried unanimously 9-0.

Document received for written correspondence					*ZC-13-051*
Name	**Address**	**In/Out 300 ft notification area**	**Position on case**		**Summary**
James Bews/Central Meadowbrook NA	1709 Watson St.	Out	Opposition		Spoke at hearing
Janet Kennedy	5024 Norma St.		Opposition		Present but did not speak
Dale Brock	5520 Jewell Ave.	In		Support	Sent letter in

8. ZC-13-053 LTT Investment Corp (CD 4)- 3820 Marigold (D W Dixon Addition, Block, Lot 2, 0.12 Acres): from "A-7.5" One-Family to "ER" Neighborhood Commercial Restricted

Trinh Le, 1504 N. Riverside, Fort Worth, Texas with LTT Investment Corporation explained to the Commissioners he is requesting ER to turn the house into an investment office. He did mention he met with the Carter Riverside NA and they were in support.

Mr. West wanted to note for the record a letter of opposition was submitted.

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

Document received for written correspondence					*ZC-13-053*
Name	**Address**	**In/Out 300 ft notification area**	**Position on case**		**Summary**
Terri McIlraith/Carter Riverside	1801 Bolton St.	Out		Support	Sent letter in
SR Davidson FLP	3817 Marigold	In	Opposition		Sent letter in

9. ZC-13-054 Octapharma Plasma Inc. (CD 8)- 2549 Newark Avenue and 2552 Sargent Street (Weavers Subdivision, Block, Lots L & K, 0.40 Acres): from "A-5" One-Family to "PD/MU-1" Planned Development for Low Intensity Mixed Use plus parking lot; site plan included

Jim Lichty, 4064 W 79th Street, Prairie Village, Kansas and the owner of the property explained to the Commissioners they have worked with the neighborhood and sent them revisions of their proposal. Mr. Lichty said he has had several conversations with the neighborhood association and that he met with them in person last night for their support. He said they asked for a two sided fence. A modification to the plan will include a two sided fence on the entire north side. Mr. Lichty said the other request was to leave all the pedestrian lights on after dark on a photocell as opposed to turning them off at midnight. He said they were ok with that. He did say

he reached out to Bertha Brena and Martin Romero when he found out they were in opposition. He said there was a bit of a language barrier but he did walk the property with Mr. Romero and his concern was only the fence.

Bertha Brena, 2544 Sargent Street, Fort Worth, Texas spoke in opposition. Roy Salinas, Senior Plans Examiner, City of Fort Worth translated for Ms. Brena. Mr. Salinas explained to the Commissioners she is the neighbor to the north and has some concerns about the project which include safety, privacy, cleanliness and hours for the adjacent neighbors. She explained her family will be exposed to all sorts of damage from the individual parking lot which would be adjacaent into her property. They would be affected by noise, car noises, horns and or alarms going off. Ms. Brena handed in a letter from Code Compliance and submitted some pictures concerning trash accumulating in her yard. A picture was displayed of a person sleeping on the side walk. Ms. Brena said she is not opposed to the parking lot but she is concerned about the safety, noise, etc. Another concern she said she has is the drop off from her back yard to the parking lot. They would prefer a taller masonry fence of at least eight feet to block the view.

Mr. Flores asked if the trash was coming from the center or from another business. Ms. Brena said it is an accumulation of the businesses but they have found cotton swabs and gauze. Mr. Flores said similar to someone that gives blood. Ms. Brena said yes.

Ms. Conlin mentioned most of the trash blows from the McDonalds.

Mr. Edmonds said adjacent and east of this site is a strip center with a lot of retail businesses in it and some of the trash could be coming from their as well. Mr. Edmonds said if a fence was built then it would contain the trash from blowing into her yard. Ms. Brena said she understands and that it will minimize the trash.

Victor Lopez, 4066 Mt.Vernon, Fort Worth, Texas spoke in opposition. Mr. Lopez said he does accumulate trash in his yard as well and understands it could be from other businesses that might put some trash cans out. He did mention they would prefer a masonry fence. One time a car came through the fence into his yard.

In rebuttal Mr. Lichty said the overall design improves the area tremendously. He explained they did have some issues with their prior maintenance contractor and that has been resolved. He asked his staff to join him today so they understand what needs to happen to the property. They understand the needs of the neighborhood and Code Compliance and want to be a good neighbor. He said the masonry fence would be out of character in the area. He has agreed to a new fence but not all the way to the street.

Mr. Hollis asked the applicant who is going to be responsible for picking up the trash once the parking lot is built. Mr. Lichty said his staff would be. He noted they are very strict in how they dispose of plasma and sterile waste because it is critical to the whole process. The waste is controlled in a bio-waste container which is picked up inside the facility on a regular basis. Most clients go out with a bandage on the arm from the plasma donation site. Mr. Hollis mentioned he would like to see trash receptacles on the property. Mr. Lichty said they are planning on having the employees park on the new parking lot and will incorporate trash receptacles into the plan.

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

Document received for written correspondence					*ZC-13-054*
Name	**Address**	**In/Out 300 ft notification area**	**Position on case**		**Summary**
Bertha Brena	2544 Sargent St.	In	Opposition		Spoke at hearing
Victor Lopez	4066 Mt. Vernon	In	Opposition		Spoke at hearing
Martin Romero	2532 Sargent St	In	Opposition		Sent letter in

10. ZC-13-055 Centurion Acquisitions, LP (CD 2)- 14151 Willow Springs Road (Matthew Ashton Survey, Abstract No. 8, 17.70 Acres): from "E" Neighborhood Commercial to "A-5" One-Family

Travis Clegg, 5751 Kroger Drive, Keller, Texas representing Centurion Acquisitions, LP explained to the Commissioners they are requesting A-5 zoning for single-family. Mr. Clegg mentioned he did have a letter of support from Sendera Ranch HOA.

Mr. Flores asked if he spoke with any other organizations in the area. Mr. Clegg said no.

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

Document received for written correspondence					*ZC-13-055*
Name	**Address**	**In/Out 300 ft notification area**	**Position on case**		**Summary**
Terrie Simms-Ramirez/Sendera HOA	1036 Diamondback Ln	Out		Support	Sent letter in

11. ZC-13-056 HV Harmon Road L. P. (CD 7)- 8741 Harmon Road (Josiah Walker Survey, Abstract 1600, 0.35 Acres): from "A-5" One-Family and "PD-556" Planned Development/Specific for "E" Neighborhood Commercial uses with 20 ft. landscape buffer along the southern property line, adjacent to the proposed ROW; site plan waived to "FR" General Commercial Restricted

Bill Boomer, 6610 Bryant Irvin Road, Fort Worth, Texas representing HV Harmon Road, explained to the Commissioners they are cleaning up the zoning for future development.

Mr. West mentioned the letter of opposition and clarified that it is only a strip of land; the majority of the property is already zoned FR.