



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
October 22, 2013

Council District 2

Zoning Commission Recommendation:
Denial Without Prejudice by a vote of 8-0

Opposition: none

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

Owner / Applicant: North Side Stockyard Property

Site Location: 107 NW 28th Street Mapsco: 62G

Proposed Use: Restaurant, Car Wash, Auto Lube

Request: From: "MU-2" High Intensity Mixed-Use
To: "PD/MU-2" Planned Development for all uses in "MU-2" High Intensity Mixed-Use plus car wash and auto lube; site plan included

Land Use Compatibility: Requested change is not compatible.

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

Background:

The proposed site is located on the corner of 28th Street and Ellis Avenue near Main Street. It is approximately one block west of the Stockyards area and is part of the Stockyards Mixed Use Growth Center. The applicant intends to construct a new restaurant, car wash and auto lube center on the vacant property. The property was zoned to MU-2 in February 2011. The applicant is requesting the zoning change to "PD/MU-2" in order to add the car wash use and to request waivers to various MU standards. The restaurant and auto lube uses are permitted in MU-2.

The overall development does not conform to the principals of high intensity mixed use zoning that include a pedestrian-oriented urban form that incorporates walkable development with urban design principles. The proposed site is developed similar to a suburban, auto oriented shopping center and does not have the density or minimum two story height. The buildings do have the minimum required 18 foot tall first floor.

In addition, mixed used districts have maximum setback of 20 feet for building facades and are required to cover a minimum of 70 percent of the primary street frontage of the lot. The current rendering has roughly 32% of the building facades constituting the primary street frontage. The intent of requiring building street frontage is to encourage more interaction with the businesses and the street and to promote a pedestrian friendly environment while reducing the visual dominance of large surface parking lots. Finally, parking must be screened from the public ROW with landscaping, berms, fences or walls 36 to 42 inches in height to minimize the impact of the lots to the pedestrian

The table below describes the contrasts the MU-2 standards and proposed PD standards.

Regulation	MU-2	Proposed Development
Required Street Frontage	Minimum of 70 percent of the primary street frontage of the lot	Roughly 32 percent (Car wash provides no access from the frontage)
Minimum Height	Two stories consisting of consisting of a minimum of 18 ft.	One story at 18 ft.
Maximum Parking	75 to 100 percent of calculations	Providing 90 spaces, which is 13 spaces over the allowed maximum of 77 (17% over the allowed 100 percent maximum)
Landscaping and Parking in Driveway Areas	Landscape islands, linear landing strips, bio-swales, or rain gardens in parking lots with 12 or parking spaces	Must show the location of islands on site plan or provide a note stating they will comply
Landscaping and Parking in Driveway Areas	Parking must be screened from the public ROW with landscaping, berms, fences or walls 36 to 42 inches in height	Must show on site plan or provide a note stating they will comply

Discussion was held by the Zoning Commission concerning comments from the neighborhood traffic about turning movements from and onto NW 28th St. The street is maintained by TxDOT and the driveways are existing from the current truck use. However, the discussion involved the traffic from the drive through at the restaurant and potential options for re-routing this traffic.

The applicant held discussions with CM Espino concerning the uses and traffic. It was agreed to remove the auto uses and move forward with the restaurant use only at this time. The auto uses in the MU area were the reason for the recommendation for denial by the Zoning Commission. The case is expected to be continued again to allow time to prepare a basic traffic study and amend the PD site plan to include only the restaurant lot.

Site Information:

Owner: Ricardo Camarena
1305 E Main Street
Grand Prairie, TX 75050-5925

Agent: Chris Bonilla, Bonilla Group

Acreage: 1.92 ac

Comprehensive Plan Sector: Northside

Surrounding Zoning and Land Uses:

- North "FR" General Commercial Restricted / grocery store and gas station
- East "MU-2" High Intensity Mixed-Use / retail
- South "MU-2/HC" High Intensity Mixed-Use Historic and Cultural / restaurant
- West "MU-2" High Intensity Mixed-Use; "CF" Community Facilities / commercial, park

Recent Relevant Zoning and Platting History:

Zoning History: ZC-11-006 (subject property) from "J" to "MU-2"; approved 2/28/2011.

Platting History: None

Site Plan Comments:

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

1. Site is over parked by 13 spaces (Maximum 100%)
2. Provide note stating will comply with overall MU-2 standards

3. Building facades shall be located within the area between the property line and the maximum setback for a minimum of 70 percent of the primary street frontage of the lot (currently the site is at 32%)
4. Parking lots shall be screened from the public ROW with landscaping, berms, fences or walls 36 to 42 inches in height
5. Minimum 2 story 18' height. *A waiver is required to provide only one story structures.*

Compliance with the item noted above shall be reflected on the site plan or a waiver is required.

TPW Comments:

1. TXDOT permit is required for work in and along State ROW. Street connections to TXDOT ROW contingent upon TXDOT approval.
2. Driveway location must not interfere with intersection function. DRIVEWAY DISTANCES FROM INTERSECTIONS AND WIDTHS ARE NOT ACCEPTABLE
3. Partial - Dedicate ½ of {110} ' ROW for {NW 28TH}
4. "Parkway improvements such as curb & gutter, pavement tie-in, drive approaches, sidewalks and drainage inlets may be required at time of building permit issuance via a parkway permit."

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)
Ellis Avenue	Residential	Residential	No
28 th Street	Major Arterial	Major Arterial	No

Public Notification:

The following Organizations were notified:

Organizations Notified	
North Side*	Near Northside Partners Council
Far Greater Northside Historical	North Fort Worth Historical Society
Diamond Hill-Jarvis	FWISD
Streams & Valleys (Marine Creek)	

** Within registered neighborhood association*

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zone change to "PD/MU-2" Planned Development for all uses in "MU-2" High Intensity Mixed-Use plus car wash and auto lube; site plan included Surrounding land uses are primarily commercial with a park to the west. The overall development does not conform to the principals of high intensity mixed use zoning

As a result, the proposed zoning **is not compatible** at this location.

2. Comprehensive Plan Consistency

The 2013 Comprehensive Plan designates the subject property as mixed-use and is part of the Stockyards Mixed Use Growth Center. The proposed "PD/MU-2" zoning for car wash and auto lube is not consistent with the following Comprehensive Plan policies.

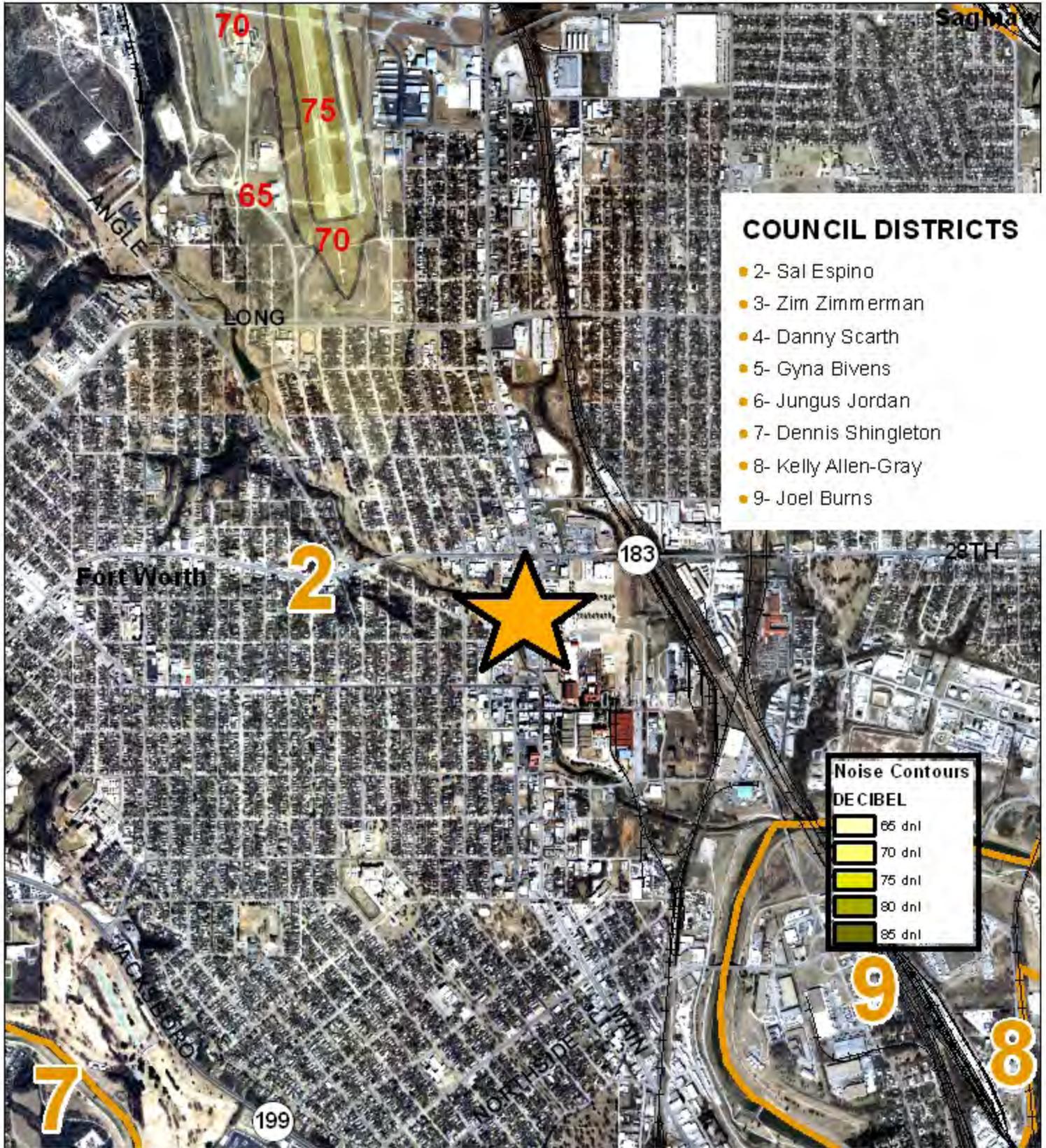
- Accommodate higher density residential and mixed uses in areas designated as a mixed-use growth center on the City's future land use maps (pg. 38)
- Encourage mixed-use projects in mixed-use growth centers, transit-oriented developments, and urban villages (pg. 38)
- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods. (pg. 39)

Based on the lack of conformance with the future land use map and 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 City Council meeting
- Minutes of the Zoning Commission meeting

Location Map

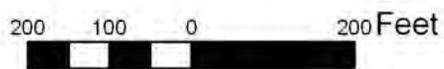
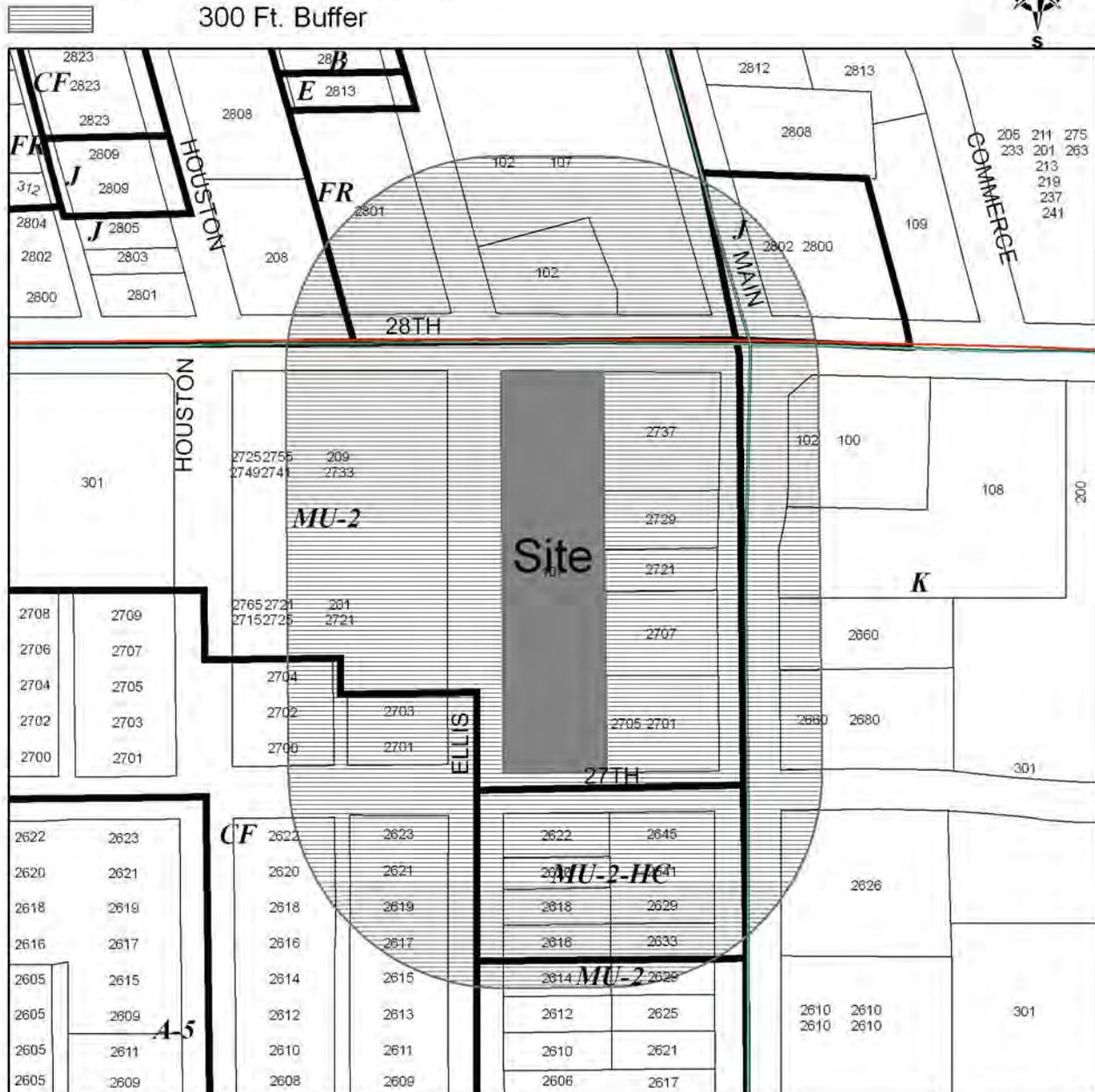




ZC-13-112

Area Zoning Map

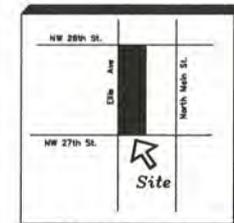
Applicant: North Side Stockyard Property
 Address: 107 NW 28th Street
 Zoning From: MU-2
 Zoning To: PD for MU-2 uses plus car wash w/ a waiver to only one story bldgs
 Acres: 1.84156573
 Mapsco: 62G
 Sector/District: Northside
 Commission Date: 8/14/2013
 Contact: 817-392-8043



RECOMMENDED FOR DENIAL



SCALE: 1" = 40'



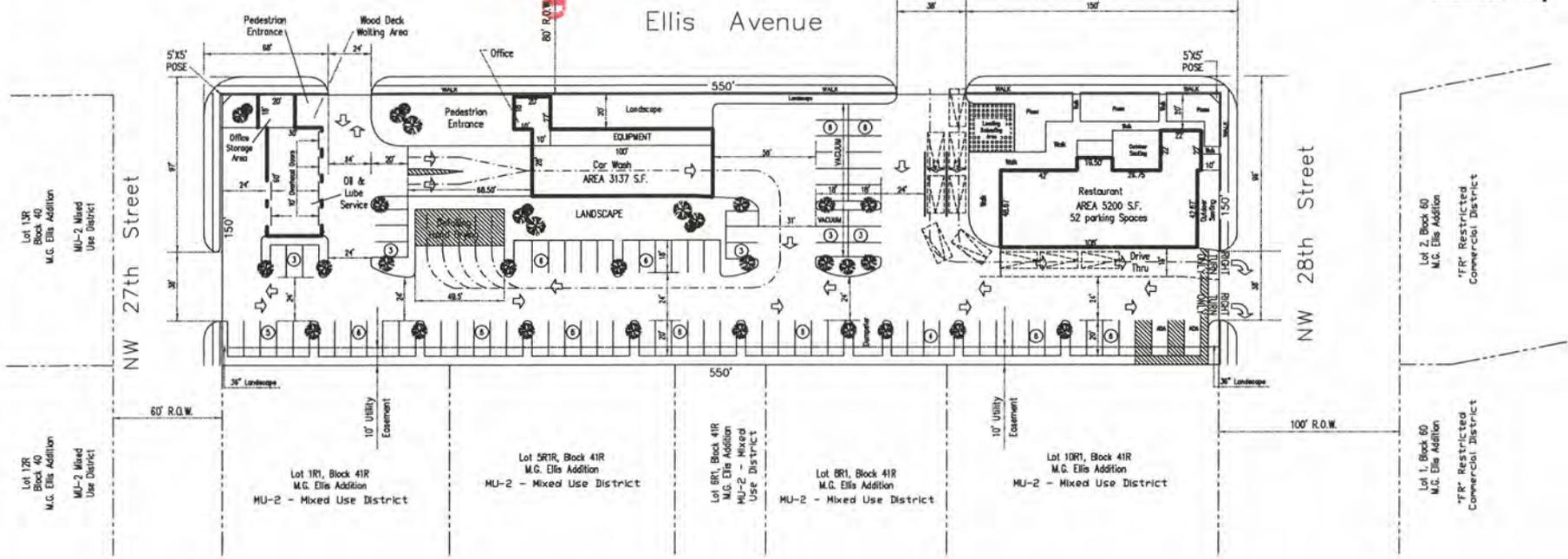
Location Map

Lot 12
Block 39
M.G. Ellis Addition
"C" - Community
Facilities District

Lot 1
Block 42
M.G. Ellis Addition
"C" - Community
Facilities District

Lot 2
Block 42
M.G. Ellis Addition
"C" - Community
Facilities District

Lot 3-R, Block 42
M.G. Ellis Addition
MU-2 - Mixed Use District



Lot 1R
Block 40
M.G. Ellis Addition
MU-2 Mixed
Use District

Lot 1R
Block 40
M.G. Ellis Addition
MU-2 Mixed
Use District

Lot 1R1, Block 41R
M.G. Ellis Addition
MU-2 - Mixed Use District

Lot 5R1R, Block 41R
M.G. Ellis Addition
MU-2 - Mixed Use District

Lot 6R1, Block 41R
M.G. Ellis Addition
MU-2 - Mixed
Use District

Lot 6R1, Block 41R
M.G. Ellis Addition
MU-2 - Mixed Use District

Lot 10R1, Block 41R
M.G. Ellis Addition
MU-2 - Mixed Use District

Lot 2, Block 60
M.G. Ellis Addition
"FR" Restricted
Commercial District

Lot 1, Block 60
M.G. Ellis Addition
"FR" Restricted
Commercial District

PARKING CHART

POLLO REGIO RESTAURANT
TOTAL AREA 5,200 sq ft, 1,100 = 52 SPACES REQUIRED.

MAX CLEAN CAR WASH
TOTAL AREA 4,060 S.F., 41,000 = 16 SPACES REQUIRED

MAX OIL & LUBE SERVICES
AREA 1800 S.F. SHOP =
TOTAL AREA 2,160 sq ft, 41,000 = 9 SPACES REQUIRED

TOTAL PARKING SPACES REQUIRED = 77
TOTAL PARKING SPACES PROVIDED = 90

General Notes

1. Site will comply with fenestration and articulation requirements;
2. Signage will comply with Article 4, Signs;
3. Site will comply with Section 6.301, Landscaping;
4. Site will comply with Section 6.302, Urban Forestry

Requested Varfers

1. Waiver for required 2nd story on three structures;
2. Waiver for required minimum 70% of building facade of the primary street frontage;
3. Waiver for maximum parking spaces allowed:
- maximum spaces allowed = 77
- spaces provided = 90
- number of spaces over maximum allowed = 13

Legend

- Medium Tree from city preferred tree list;

**PD "MU-2" Mixed Use
Plus
Carwash**

107 NW 28th street
Fort Worth, Texas
Lots 24R, Block 41R
M.G. Ellis Addition
84,000 Square Feet
1.9283 Acres

Director of Planning and Development

Date Revised July 24, 2013



Owner / Developer

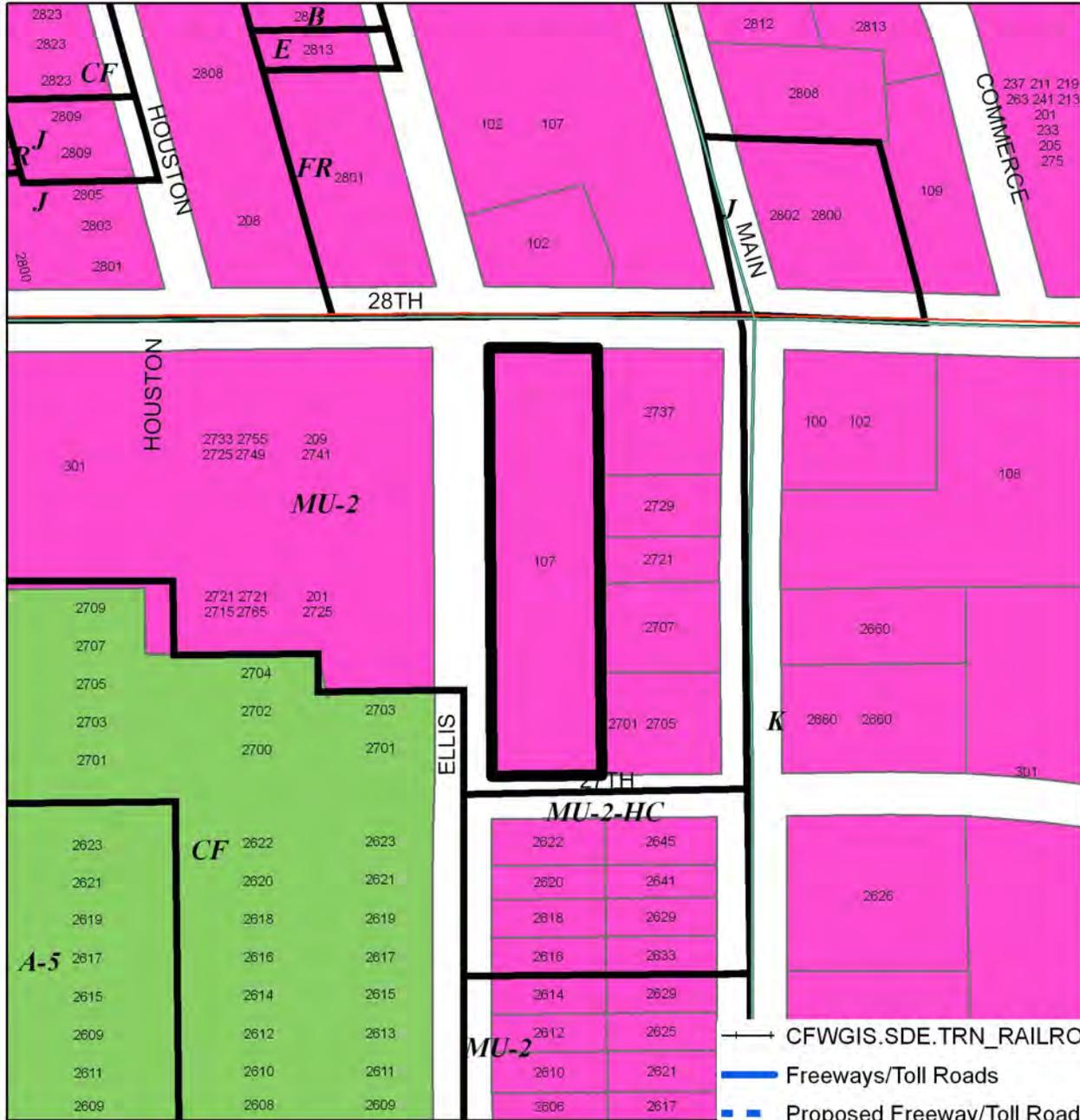
Ricardo Camarena
El Pollo Regio Group LLC
2815 Ladybird Lane
Dallas, Texas 75220



107 NW 28th Street

Future Land Use

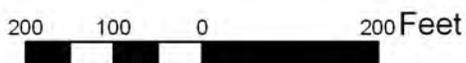
ZC-13-112



- 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
- Lakes and Ponds
- Public Park, Open Space
- Private Park, Open Space

- CFWGIS.SDE.TRN_RAILROADS
- Freeways/Toll Roads
- Proposed Freeway/Toll Road
- Principal Arterial
- Proposed Principal Arterial
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- FLD_ZONE**
- Floodplain



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.



Aerial Photograph



150 75 0 150 Feet

Aerial Photography Date February 2011



Motion: Council Member Shingleton made a motion, seconded by Council Member Burns, that Mayor and Council Communication C-26484 be approved and Appropriation Ordinance Nos. 20976-09-2013 and 20977-09-2013 be adopted. The motion carried unanimously 9 ayes to 0 nays.

8. M&C C-26485 - Authorize Execution of a Contract with William J. Schultz, Inc. d/b/a Circle "C" Construction Company, in the Amount of \$1,046,981.50 for Sanitary Sewer Rehabilitation Contract 75, Part 3 on Belford Avenue, Stratford Court, Stratford Drive and Meadowbrook Drive, Provide for Project Costs and Contingencies for a Project Total Cost in the Amount of \$1,123,382.00 and Adopt Appropriation Ordinances (COUNCIL DISTRICT 8)

It was recommended that the City Council authorize the transfer of \$1,123,382.00 from the Water and Sewer Operating Fund to the Sewer Capital Projects Fund, in the amount of \$255,405.00, and the Water Capital Projects Fund, in the amount of \$867,977.00; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Sewer Capital Projects Fund, in the amount of \$255,405.00, from available funds, for the purpose of executing a contract with William J. Schultz, Inc. d/b/a Circle "C" Construction Company for Sanitary sewer Rehabilitation Contract 75 Part 3; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Water Capital Projects Fund, in the amount of \$867,977.00, from available funds, for the same purpose as reflected above; and authorize the execution of a contract with William J. Schultz, Inc. d/b/a Circle "C" Construction Company, in the amount of \$1,046,981.50.

Motion: Council Member Allen Gray made a motion, seconded by Mayor Pro tem Zimmerman, that Mayor and Council Communication C-26485 be approved and Appropriation Ordinance Nos. 20978-09-2013 and 20979-09-2013 be adopted. The motion carried unanimously 9 ayes to 0 nays.

XVI. ZONING HEARING

The City Council, at its meeting of September 10, 2013, continued Zoning Docket ZC-13-092.

1. ZC-13-112 - (CD 2) - North Side Stockyard Property, 107 NW 28th Street; from: "MU-2" High Intensity Mixed Use to: "PD/MU-2" Planned Development for all uses in "MU-2" High Intensity Mixed Use plus car wash and auto lube; site plan included. (Recommended for Denial without Prejudice by the Zoning Commission) (Continued from a Previous Meeting)

Motion: Council Member Espino made a motion, seconded by Council Member Shingleton, that Zoning Docket ZC-13-112 be continued to the October 15, 2013, City Council meeting. The motion carried unanimously 9 ayes to 0 nays.

- 9. ZC-13-111 - (CD 4) - AIL Investment LP and Hillwood Multifamily LP, 9900 Block Old Denton Road; from: "PD-961" "PD/D" Planned Development for all uses in "D" High Density Multifamily, a minimum of 35% open space, average of 24 units per acre, maximum height 45', slab to top plate, 60' building setback from Old Denton and North Riverside, no fence required if adjacent to single-family district, on-street parking to count towards minimum parking requirement, and with Development Standards; site plan waived to: "G" Intensive Commercial (Recommended for Approval by the Zoning Commission)**

Motion: Council Member Scarth made a motion, seconded by Council Member Espino, that Zoning Docket ZC-13-111 be approved. The motion carried unanimously 8 ayes to 0 nays with Council Member Allen Gray absent.

- 10. ZC-13-112 - (CD 2) - North Side Stockyard Property, 107 NW 28th Street; from: "MU-2" High Intensity Mixed Use to: "PD/MU-2" Planned Development for all uses in "MU-2" High Intensity Mixed Use plus car wash and auto lube; site plan included. (Recommended for Denial without Prejudice by the Zoning Commission)**

Mr. Christopher R. Bonilla, 8540 Charleston Avenue, completed a speaker card in support of Zoning Docket ZC-13-112 and was recognized by Mayor Price, but declined to appear before Council.

Motion: Council Member Espino made a motion, seconded by Council Member Scarth, that Zoning Docket ZC-13-112 be continued to the September 24, 2013, Council meeting. The motion carried unanimously 8 ayes to 0 nays with Council Member Allen Gray absent.

- 11. ZC-13-114 - (CD 7) - City of Fort Worth/Riverbend Trinity Trails Neighborhood, Generally bounded by White Settlement, Roberts Cut-Off, Deavers & Trinity River; from: "B" Two-Family, "E" Neighborhood Commercial, and "I" Light Industrial to: "A-5" One-Family and "FR" General Commercial Restricted (Recommended for Approval by the Zoning Commission)**

Ms. Margaret Johnson, 121 McGee Drive, appeared before Council in support of Zoning Docket ZC-13-114 and presented handouts for the Council.

Motion: Council Member Shingleton made a motion, seconded by Council Member Espino, that Zoning Docket ZC-13-114 be approved. The motion carried unanimously 8 ayes to 0 nays with Council Member Allen Gray absent.

8. ZC-13-112 Northside Stockyard Property (CD 2) – 107 NW 28th Street (MG Ellis Addition, Block 41R, Lot 24R, 1.93 Acres): from “MU-2” High Intensity Mixed Use to “PD/MU-2” Planned Development for all uses in “MU-2” High Intensity Mixed Use plus car wash; site plan included

Chris Bonilla, 8540 Charleston, Fort Worth, Texas representing Northside Stockyard Property explained to the Commissioners the site is located at the northeast corner of 28th Street and Ellis Avenue and are requesting to change the zoning to PD/MU-2 plus carwash. The site will also have a restaurant and auto lube use. Mr. Bonilla said their project will incorporate a pedestrian friendly and walkable environment and will design high quality structures that will front onto public spaces. He noted the preliminary development will cost around 1.5 million. He displayed an overall concept of the development on the overhead. The rendering of the restaurant was displayed and Mr. Bonilla noted it will have a dining room, outdoor patio seating with a drive-thru. He also noted the building does not have the required second story but the facade exceeds the minimum required 18 ft. minimum height.

Mr. Bonilla also displayed a rendering of the auto lube which will consist of a 2,800 sq. ft. building with minor automotive repair tasks including state inspections and oil changes. A rendering of the car wash displays a 4,600 sq. ft. automated drive-thru facility. Mr. Bonilla mentioned access for the restaurant will be from Ellis Avenue and then exit to 28th Street with right hand turn only to flow with traffic. He said he is aware of the opposition and that their concern was the possible congestion that will occur when vehicles exit onto 28th Street.

Mr. Flores asked Mr. Bonilla about the pedestrian walkway provisions. Mr. Bonilla said along Ellis Avenue and 28th Street they are proposing sidewalks that will have access to the plazas as shown on the site plan. Landscaped areas will be adjacent to the outdoor patio area.

Ms. Zadeh asked about the access going into the plaza. Mr. Bonilla said there will be access points.

Mr. Carlos asked about the drive-thru layout. Mr. Bonilla said there will be two lanes of traffic for stacking for the drive-thru along Ellis Avenue. Mr. Bonilla said he did speak with traffic engineers about exiting onto 28th Street. Mr. Flores asked if the traffic engineers were with the City of Fort Worth. Mr. Bonilla said the discussions were with City staff. He said his understanding of what would trigger a traffic study would be if they generated anywhere from 500 to 1,000 cars in a given period of time, any no studies have been done. Mr. Flores asked about the structure for the sign on the car wash and how tall will it be. Mr. Bonilla said it will be 60 ft. Mr. Flores also asked about the architectural designs and why they differed between the restaurant and auto lube according to the renderings displayed. Mr. Bonilla said the restaurant is a franchise and they all have the same look. He said there are about 10 of them in the DFW area. Mr. Flores asked how many bays are proposed for the auto lube, and how many vacuum stations for the car wash. Mr. Bonilla said there will be four bays and 10 vacuum stations.

Mr. West asked if his client owns the property and if he knew this is zoned mixed use. Mr. Bonilla said he has owned it for about a year. Mr. West said a car wash does not fit in a mixed use development, combined commercial and residential is preferred with a walkable environment.

Ms. Burghdoff, Deputy Director wanted to clarify the property is zoned MU-2 for high density mixed use. Auto related uses with some light industrial uses would be permitted by right but car washes would not. Ms Zadeh noted the zoning change occurred on February 28, 2011.

Mr. West asked if other uses have been looked at for this site. Mr. Bonilla said no they have not and it is not out of the question.

Mr. Flores had some follow up questions. He asked about correspondence from the stakeholders, specifically from Ron Shearer and Diamond Hill NA. He explained they were concerned about the traffic and, given the size of the property, the amount of business that may be generated the property. Mr. Bonilla said he has only met with the Northside neighborhood and they did bring up the issue of traffic from the drive-thru and the potential congestion at 28th Street as traffic exits. He also said that was the only issue that Ron Shearer had per an email he received. Mr. Bonilla said he has discussed with his client the possible orientation for the restaurant for the drive-thru traffic to exit onto Ellis and out to 27th Street. He said if they were to change this it would be a conflict with the MU-2 design guidelines.

Ms. Burghdoff indicated comments made by TPW staff and had their comments been addressed. Mr. Bonilla said they did meet with TPW staff.

Motion: Following brief discussion, Mr. Flores recommended a denial without prejudice of the request, seconded by Mr. Genua. The motion carried unanimously 8-0.

<i>Document received for written correspondence</i>					ZC-13-112
Name	Address	In/Out 300 notification area	Position on case		Summary
Ricardo Camasca	4001 Memorica Ct	Out		Support	Present did not speak
Ron Shearer/ Northside Alliance	NA	Out	Opposition		Sent letter in

9. ZC-13-113 Eastchase Enterprises LP (CD 5) – 8650 and 8700 Randol Mill Road (G. W. Clark Survey, Abstract No. 1812 and E. Andes Survey, Abstract No. 66, 4.42 Acres): from “E” Neighborhood Commercial to “C” Medium Density Multifamily

Jim Schell, 500 W. 7th Street, Suite 600, Fort Worth, Texas representing Eastchase Enterprises LP explained to the Commissioners this is a narrow strip of E zoning with multifamily zoning above and below it. He mentioned it would be hard to develop this site for commercial based on minimum street frontage. Atlantic Housing Foundation is the proposed purchaser of the site and owns the contiguous property to the south of this. He said he spoke with De De Smith of the John T White NA and sent her information about the proposal.

Mr. Edmonds read an email received early that morning requesting a 30 day continuance from the John T. White NA based on a large number of apartments already in the neighborhood. Mr. Edmonds asked if a 30 day continuance would be something his client would entertain to talk with the neighborhood. Mr. Schell mentioned there is a large area of commercial zoning between