



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
May 6, 2014

Council District 5

Zoning Commission Recommendation:
Denial by a vote of 7-2

Opposition: 1 spoke; outside 200 ft.; letter from Stop Six Sunrise NA

Support: None submitted

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

Owner / Applicant: Tash Inc.

Site Location: 5721 E. Berry St. Mapsco: 77W

Proposed Use: Auto detail shop

Request: From: "MU-1" Low Intensity Mixed-Use
To: "PD/MU-1" Planned Development for all uses in "MU-1" Low Intensity Mixed-Use plus auto detail shop; site plan waiver requested

Land Use Compatibility: Requested change is compatible.

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

Background:

The proposed site is located near the corner of Berry Street and IH 820. The applicant is proposing a zoning change from "MU-1" Low Intensity Mixed-Use to "PD/MU-1" Planned Development for all uses in "MU-1" Low Intensity Mixed-Use plus auto detail shop; site plan waiver requested. The property was rezoned from "F" to "MU-1" Neighborhood Commercial in 2008 as part of the Berry Stalcup Urban Village Master Plan.

The self-service car wash was initially constructed by right in 1971 according to TAD. However, the site became legal nonconforming when the zoning changed to MU-1. Through review of water consumption records, the site was vacant for more than two years and therefore lost its legal nonconforming status. As the car wash use is not permitted by right in the MU districts, per Section 7.102 C 2 below, the auto detail use could not be opened and essentially are starting new.

However, during this time, a former tenant received building permits (which were never finalized) and enclosed several bays into offices. They received a Certificate of Occupancy (CO) for the car wash, since it was the last CO and legal nonconforming status was unknown, and operated an auto detail business. Code Compliance was called by a concerned neighbor who has observed that the car wash had been closed for some period of time and was aware that the zoning had been changed.

The current lessee entered into a lease to also operate an auto detail business with the understanding that the zoning was correct and also began to make improvements on the property, including adding rock

details to the column, installing doors and windows, and with plans to paint and secure the property. They were visited by inspectors and informed to stop work until the use is made legal. The current lessee explained that he travels with NASCAR to work on their cars and intends to operate this business while he not on the road and hire employees to run the business when he is out. He said he will install security cameras and lighting and is aware of the need to secure the property. He chose this property due to the access to Loop 820.

The proposed site is located in “Zone A” of the Berry/Stalcup Urban Village master plan. Zone A is designated for a highly visible commercial redevelopment project. The site is proposed to feature an attractive greenway along Wildcat Branch Creek, providing an opportunity for outdoor dining with views of the restaurant/commercial facility envisioned for the northwest corner of East Berry Street and the Loop 820 service road. The proposed greenway extends for the full length of the urban village. A walking/hiking/biking trail along the creek will provide pedestrian connectivity, recreational opportunities, and an open space corridor through the village. A significant amount of the site is located within the 100 yr floodplain. The proposed greenway would enable in the master plan would help mitigate flooding issues for the area. To this date, no activity or development has occurred in this area toward the implementation of the urban village.

Site Information:

Owner: Tash Inc.
 6020 E. Berry Street
 Fort Worth TX, Texas 76112

Agent: Larry G. Hoffman

Acreage: 0.6 acres

Comprehensive Plan Sector: Southeast

Surrounding Zoning and Land Uses:

North “I” Light Industrial / truck storage
 East “MU-1” Low Intensity Mixed-Use / vacant
 South “MU-1” Low Intensity Mixed-Use / vacant business, gas station
 West “I” Light Industrial / vacant

Recent Relevant Zoning and Platting History:

Zoning History: ZC-08-206 from “F” General Commercial to “MU-1” Low Intensity Mixed-Use, effective 2/28/09

Platting History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Berry Street	Minor Arterial	Minor Arterial	No

Public Notification:

The following organizations were notified:

Organizations Notified	
Carver Heights East	Southeast Fort Worth Inc
East Fort Worth Neighborhoods Coalition	FWISD

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zoning change to “PD/MU-1” Planned Development for all uses in “MU-1” Low Intensity Mixed-Use plus auto detail shop; site plan waiver requested. Surrounding land uses are vacant to the east and west, trailer storage across a creek to the north, and a gas station and vacant business to the south. It is approximately 200 feet from East Loop 820.

The proposed zoning **is compatible** with surrounding land uses.

2. **Comprehensive Plan Consistency**

The 2014 Comprehensive Plan designates the subject property as mixed-use growth center (Berry/Stalcup Urban Village). The proposed use is not compatible with the Urban Village. The plan calls for a highly pedestrian commercial redevelopment project for this area with minimal auto uses. The plan also proposes an attractive greenway feature along Wildcat Branch Creek, providing an opportunity for outdoor dining with views of the restaurant/commercial facility envisioned for the northwest corner of East Berry Street and the Loop 820 service road. However, no developer has occurred toward this vision to date.

The proposed "PD/MU-1" zoning is not consistent with the following Comprehensive Plan policies:

- Encourage mixed-use projects in mixed-use growth centers, transit-oriented developments, and urban villages. (pg. 38)
- Promote appropriate infill development of vacant lots, old commercial centers (greyfields), and contaminated sites (brownfields) within developed areas, particularly in the central city. (pg. 39)
- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods. (pg. 39)

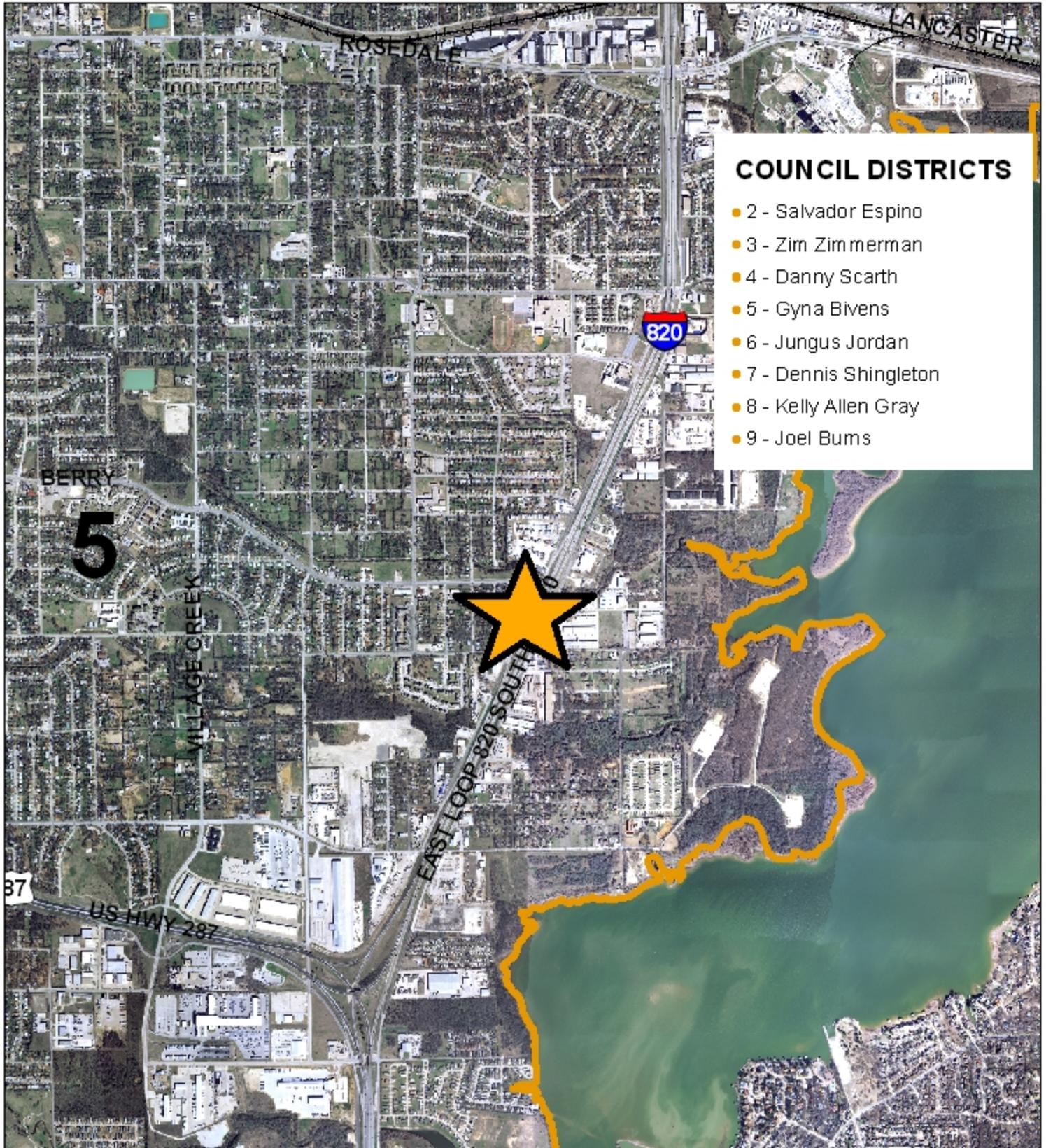
Based on the lack of conformance with the future land use map and policies stated above, the proposed zoning **is not consistent (Significant Deviation)** with the Comprehensive Plan.

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
- Minutes from the Zoning Commission meeting

Location Map

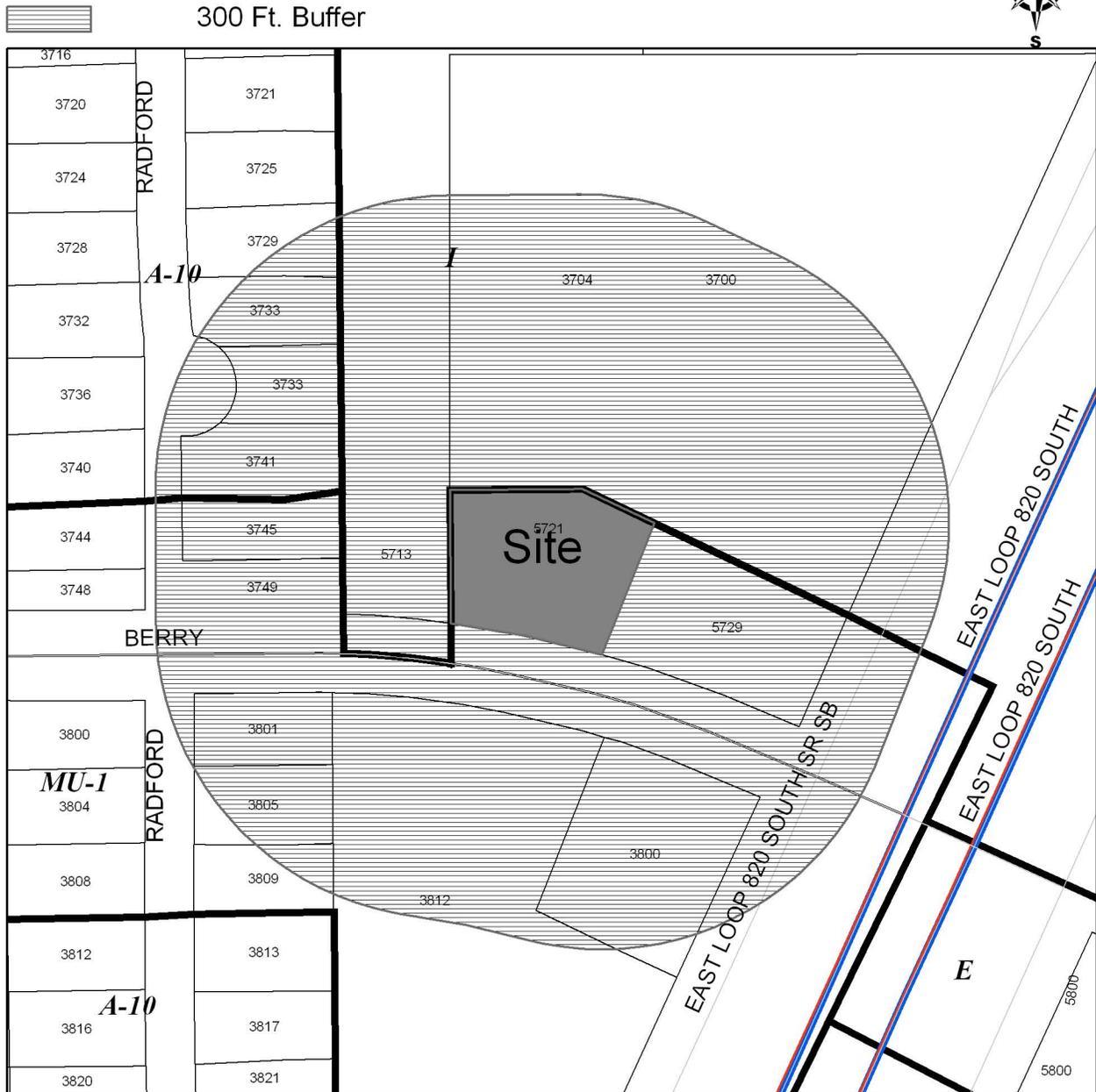


2,000 1,000 0 2,000 Feet



Area Zoning Map

Applicant: Tash Inc.
 Address: 5721 E. Berry St.
 Zoning From: MU-1
 Zoning To: PD for MU-1 uses plus auto detail shop
 Acres: 0.62744021
 Mapsco: 79Y
 Sector/District: Southeast
 Commission Date: 4/9/2014
 Contact: 817-392-6226

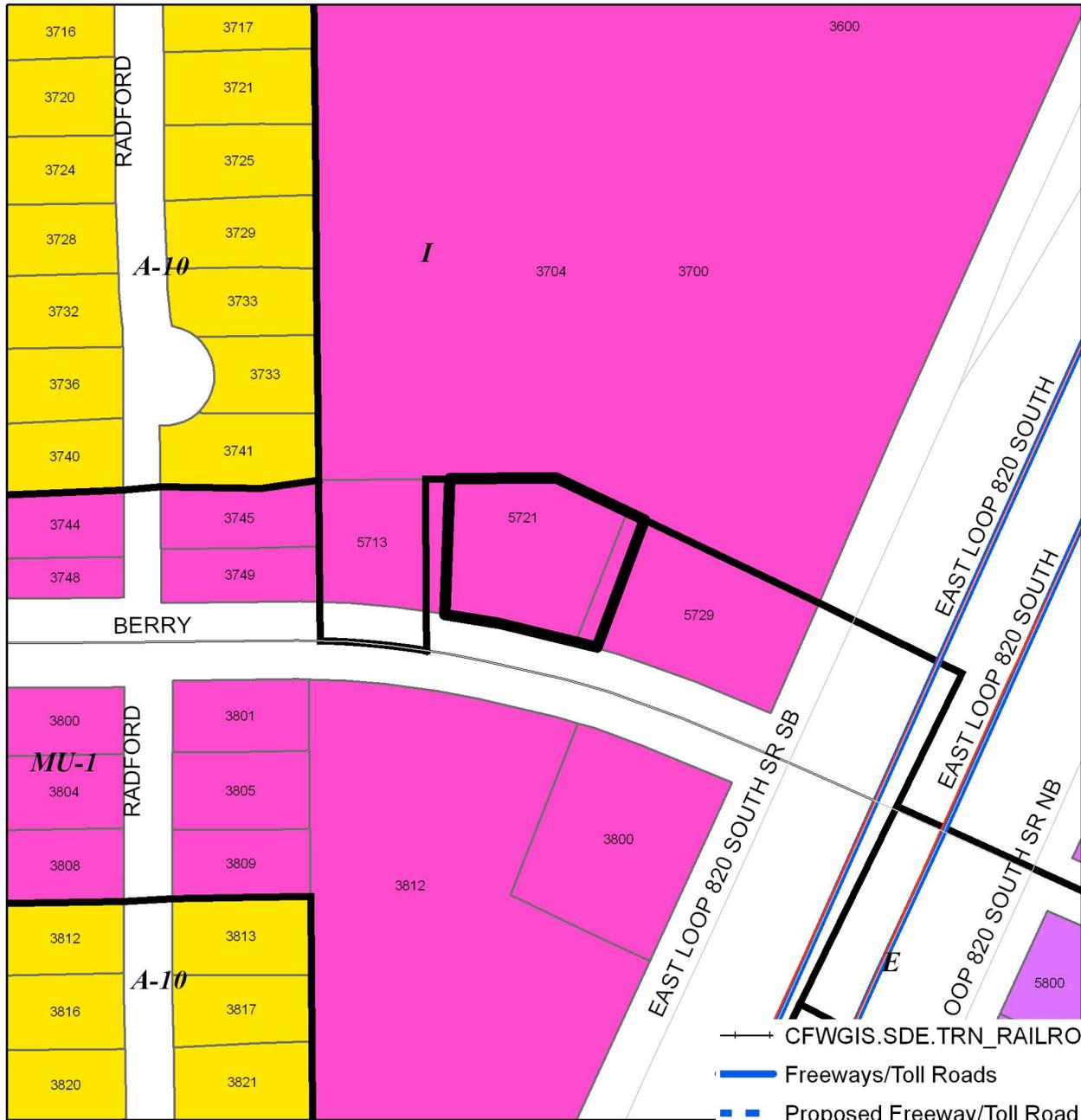




5721 E. Berry St.

Future Land Use

ZC-14-049



- CFWGIS.SDE.TRN_RAILROADS
- Freeways/Toll Roads
- Proposed Freeway/Toll Road

- 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

- 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 18, 2014.



Aerial Photo Map



Patrick Needham	433 Ridgewood Rd	In		Support	Signed petition
Cory Collinge	430 Ridgewood Rd	In		Support	Signed petition
Mark Brown	409 Ridgewood Rd	In		Support	Signed petition
Carol Witcher	401 Ridgewood Rd	In		Support	Signed petition
John Eaton	416 N Bailey Ave	In		Support	Signed petition
Albert Hayer	609 Edgefield Rd	Out		Support	Signed petition
Patti Crabtree	605 Edgefield Rd	Out		Support	Signed petition
	3608 Sherwood Ave	Out		Support	Signed petition
Glee Lane	3809 Wildwood Rd	Out		Support	Signed petition
Jackie Liles	716 Northwood Rd	Out		Support	Signed petition
Cal Campbell	3801 Crestwood Terr	Out		Support	Signed petition
June Morton	728 N Bailey Ave	Out		Support	Signed petition
Mike Karpinski	836 Springbrooke	Out		Support	Signed petition
Judy Sager	320 N Bailey Ave	Out		Support	Signed petition
Lisa Griffith	3700 Sherwood Ave	Out		Support	Signed petition

16. ZC-14-049 Tash Inc. (CD 5) – 5721 E. Berry Street (Southeast Loop Subdivision, Block 1, Lot 2A, 0.63 Acres): from “MU-1” Low Intensity Mixed-Use to “PD/MU-1” Planned Development for all uses in “MU-1” Low Intensity Mixed-Use plus auto detail shop; site plan waiver requested

Larry Hoffman, 1705 Rearview Court, Fort Worth, Texas representing Tash Inc. explained to the Commissioners that Mr. Early Jackson Sr., and Mr. Early Jackson Jr., will be presenting a plan to increase the enhancement of the Urban Village Master Plan and looking at what has transpired to this day. No activity or development has occurred toward the implementation of the urban village in the past nine to eleven years. Mr. Hoffman said Mr. Jackson has the option and attempts to purchase and preserve his substantial investment.

Mr. Early Jackson, Jr., 10273 El Rancho Diego, Crowley, Texas representing Anointed Auto Detail explained to the Commissioners their company has been around since 1999 and currently has 13 employees. Mr. Jackson said some of their clients are GM, their teams can be seen at the Colonial golf tournament, PGA tour, Byron Nelson and most recently at Texas Motor Speedway where they provide mobile detailing. They have some pictures to display how the facility looks today and their plans to improve it. Mr. Jackson said they would like to convert the self serve car wash into an auto detail center. There will be automatic and hand held wash bays with detailing. Mr. Jackson said they would like to make this their home office.

Mr. Early Jackson, Sr., 10273 El Rancho Diego, Crowley, Texas spoke in support. Mr. Jackson mentioned this area is a high crime area and will be putting in an 11 point camera security system. The reason he choose this building is because it already exists and he would like to revamp it into an urban village development and in the process will have a home for their existing company. Mr. Jackson said if they are allowed to bring this car wash back it would be the only one with a mobile unit. He said they have done some cosmetic work on the building and the plan is to run the cars to the back of the building for detailing then run them through the car wash. Mr. Jackson said the question came up about this creating a crime environment. He said they do not participate, allow or engage in that type of illegal activity.

Ms. McDougall asked Mr. Jackson if he reached out to the neighborhood. Mr. Jackson said no he came in to pull a building permit and was told by Ms. Murphy the carwash was not permitted because it had lost its legal non-conforming status. He said it looks like a carwash and thought there wouldn't be a problem. Ms. McDougall asked if he lives in East Fort Worth. Mr. Jackson said no he lives in Crowley. Ms. McDougall said they have received opposition from the neighborhood and noted they have spent countless hours turning this into an urban village plan. She said it was mentioned nothing has happened over the past nine to eleven years; well they have a new leader that will help them move in that direction. She has concerns about bringing a carwash back to this area which was one of the things they specifically wanted to eliminate. Ms. McDougall said she wished he had reached out to some of the neighborhood associations.

Melinda Hamilton, 6255 Truman, Fort Worth, Texas President for East Fort Worth Neighborhood Coalition and Carver Heights East spoke in opposition. Ms. Hamilton said they have had troubles in the past with the owner's stores and carwash. Code Compliance and the Police have been called out to this place several times; they do not want to see this carwash open. Ms. Hamilton mentioned they were not notified in reference to anyone buying this property. She noted they do have a strong leader, Councilwoman Gyna Bivens, who will help them move the process along a little faster. Ms. Hamilton said they are washing cars at this location and are not supposed to be.

Mr. Genua asked Ms. Hamilton if they see any value sitting down with Mr. Jackson and going through their plan. Ms. Hamilton said she doesn't have a problem sitting down with anyone who is coming to the neighborhood to make it beautiful.

Ms. McDougall asked Ms. Hamilton if she still wants to sit down with them after working so hard on the Urban Village. Ms. Hamilton said they have worked very hard for the urban village, if they want to talk to them about bringing something else to the urban village and getting with our councilwoman to see what is best for the area.

Mr. West asked what is allowed in MU-1 and could an office building with buffing of cars on the inside be allowed. Ms. Burghdoff said there are no automobile uses allowed in MU-1. It is based on E Neighborhood Commercial. Mr. West confirmed that office would be allowed but no auto related uses. Ms. Burghdoff said yes.

Mr. Edmonds wanted to follow up on Ms. McDougall's question about the urban village. He asked Ms. Hamilton if she was interested in sitting down with their group to discuss the zoning case before them today. Ms. Hamilton said they are not interested.

In rebuttal Mr. Jackson said their company is not doing any auto detail as stated earlier they put a chain up to keep this from happening. Mr. Jackson mentioned a quote in front of him from Stop Six Sunrise Neighborhood Association "Focus on bright sustainable future for our neighborhood" he thinks this is what their plan is to make sure they increase the value of the neighborhood with the modifications and face lift they want to do to the property. They have the opportunity to create jobs and to have people come by to get their car washed in a safe environment.

Mr. Edmonds said the problem is they are being compared to an open car wash, and it seems if you are going to have offices and a business there, it seems you have interest in it looking good from the curb with landscaping, security, gates, and fences. Mr. Jackson mentioned they are proposing an eleven point security system. Mr. Edmonds said he is talking about the appearance to the neighborhood and possibly continuing this case to come up with a better comprehensive picture of what they plan on doing to be attractive and secure, not a crime factor. Mr. Edmonds asked if they wanted to ask for a continuance and explained how it works to go through the zoning change process to get a more favorable vote.

Mr. Jackson said he would like to ask for a 30 day continuance.

Motion: Following brief discussion, Ms. McDougall recommended Denial of the request, seconded by Ms. Reed. The motion carried 7-2 with Mr. Edmonds and Mr. Northern against.

<i>Document received for written correspondence</i>				ZC-14-049	
Name	Address	In/Out 300 ft notification area	Position on case		Summary
Melinda Hamilton/ East Fort Forth Neighborhood Coalition/Carver Heights East	6255 Truman	Out	Opposition		Spoke at hearing
Regina Blair/ Stop Six Sunrise Addition NA	NA	Out	Opposition		Sent letter in

**Meeting adjourned: 1:40 p.m.
04/09/14**

Dana Burghdoff, Executive Secretary and Deputy Director, Planning and Development Department

Nick Genua, Chair

