



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
December 2, 2014

Council District 9

Zoning Commission Recommendation:
Denial without Prejudice by a vote of 9-0

Opposition: None submitted
Support: None submitted

Continued Yes ___ No X
Case Manager Lynn Jordan
Surplus Yes ___ No X
Council Initiated Yes ___ No X

Owner / Applicant: JSA Rental Properties, LLC

Site Location: 4432 McCart Avenue Mapsco: 90K

Proposed Use: Four multifamily units

Request: From: "B" Two-Family
To "PD/SU" Planned Development/Specific Use for a fourplex; site plan waiver requested.

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 McCart Avenue and Gambrell Street. The owner recently purchased the property and found when required to do emergency electrical work that the multifamily use was not legal and the seven existing units were not legal nonconforming. An interpretation was requested from the Board of Adjustment (BAR-10-041). The BOA determined that adequate proof was not provided and that seven units could not be considered legal nonconforming. Therefore, the applicant is requesting to keep four units.

The site was constructed in 1921 prior to the Zoning Ordinance. According to zoning records the property has always been zoned "B" Two-Family which only allows for two family units. The structure is larger than the surrounding homes but it is understood from the neighborhood that it had always been a single family home.

The applicant is requesting to withdraw the case. The action would be a Denial Without Prejudice.

Site Information:

Owner: JSA Rental Properties, LLC
P O Box 2069
Red Oak, TX 75154
Agent: Luis Galindo
Acreage: 0.45 ac
Comprehensive Plan Sector: TCU/Westcliff

Surrounding Zoning and Land Uses:
 North "B" Two-Family / single-family
 East "B" Two-Family / single-family
 South "B" Two-Family / duplex
 West "B" Two-Family / single-family

Recent Relevant Zoning and Platting History:

Zoning History: None
 Platting History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Mc Cart Ave	Major Arterial	Major Arterial	No
Gambrell St	Residential	Residential	No

Public Notification:

The following organizations were notified:

Organizations Notified	
South Hills*	Streams & Valleys, Inc.
Rosemont	Neighbors Working together
Trinity Habitat for Humanity	
Seminary Hill	Fort Worth ISD

*Located within this neighborhood organization

Development Impact Analysis:

1. Land Use Compatibility

The applicant is requesting a rezoning to "PD/SU" Planned Development/Specific Use for a fourplex; site plan waiver requested. Surrounding land uses include duplex to the south, with single-family to the north, west, and east.

As the property is surrounded by single family on three sides, the proposed zoning **is not compatible** with surrounding land uses.

2. Comprehensive Plan Consistency

The 2014 Comprehensive Plan designates the subject property as Single-Family. The proposed fourplex is inconsistent with the following Comprehensive Plan policies.

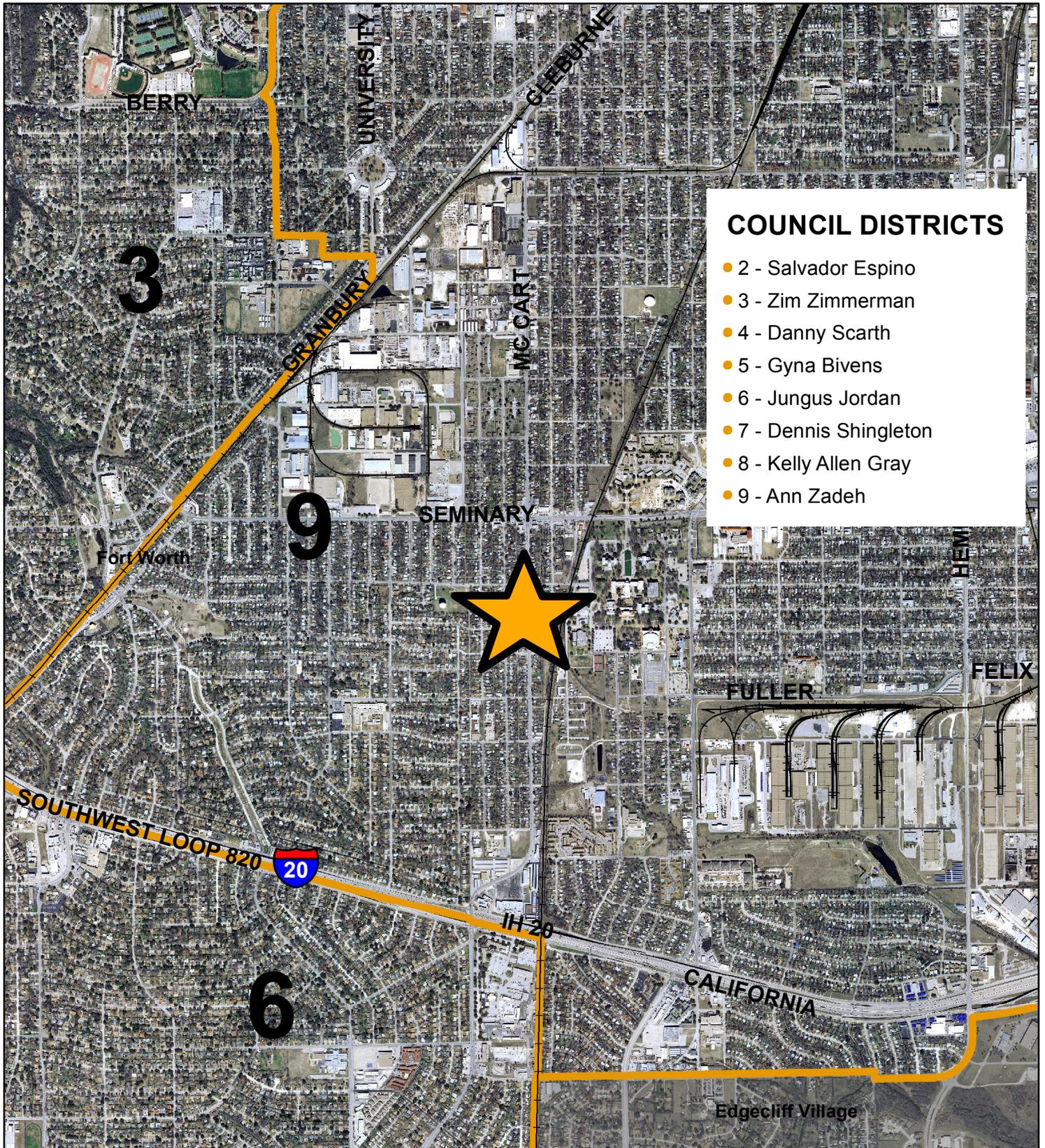
- Protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, speculation, demolition, neglect, and other negative forces. (pg. 39)

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.

Attachments:

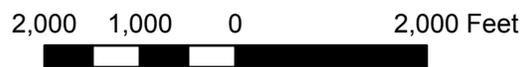
- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Minutes from the Zoning Commission meeting

Location Map



COUNCIL DISTRICTS

- 2 - Salvador Espino
- 3 - Zim Zimmerman
- 4 - Danny Scarth
- 5 - Gyna Bivens
- 6 - Jungus Jordan
- 7 - Dennis Shingleton
- 8 - Kelly Allen Gray
- 9 - Ann Zadeh

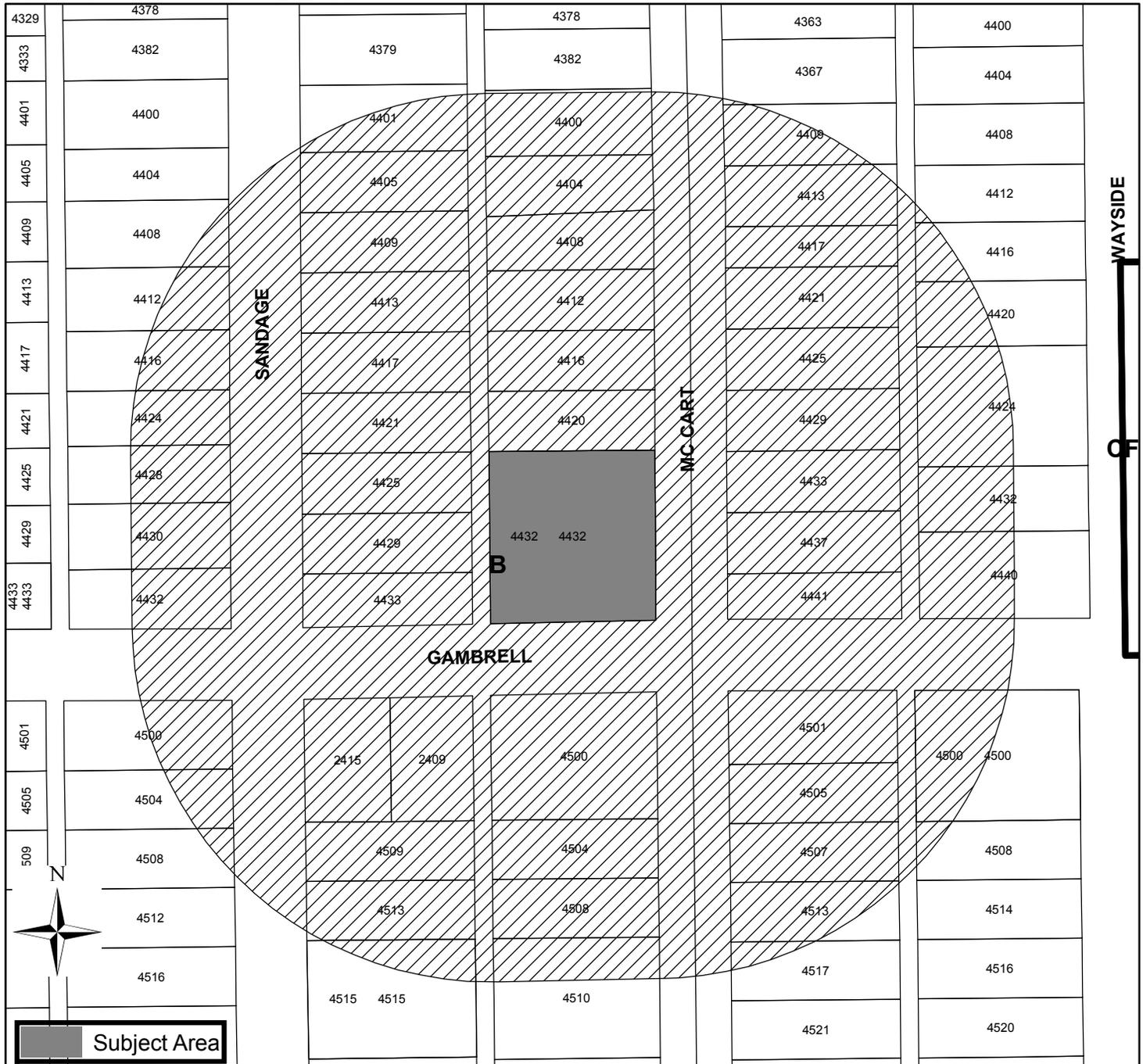




ZC-14-133

Area Zoning Map

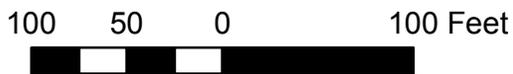
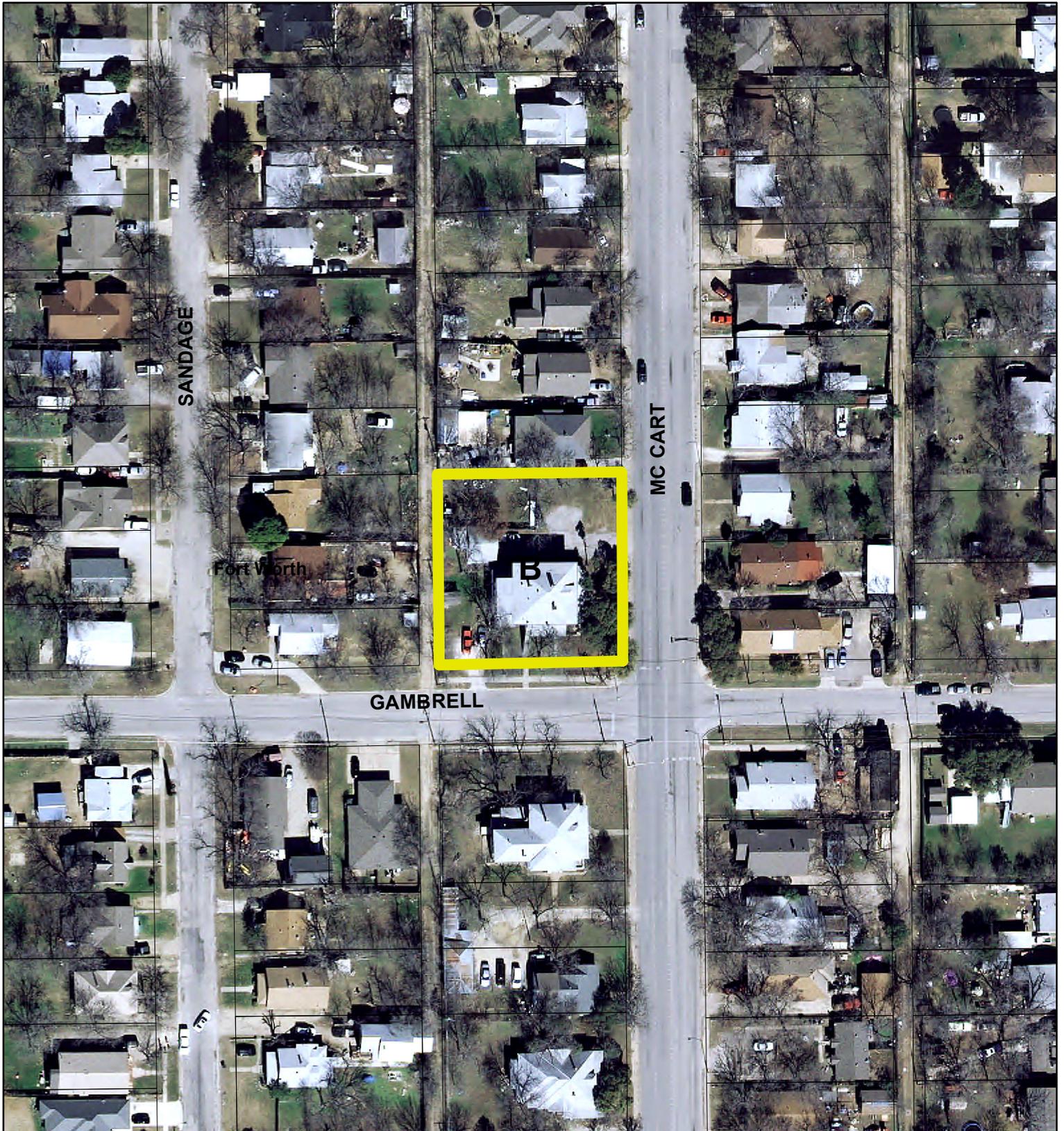
Applicant: JSA Rental Properties, LLC
Address: 4432 McCart Avenue
Zoning From: B
Zoning To: PD for 4 residential units
Acres: 0.456371
Mapsc0: 90K
Sector/District: TCU/Westcliff
Commission Date: 10/08/2014
Contact: 817-392-2495



Future Land Use



Aerial Photograph



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.



Ms. Burghdoff wanted to clarify for the record that there are six site plan comments that need to be addressed: no waiver for the setback along McCart, a waiver for the five foot side yard, provide an informational table, remove parking from the front yard, provide for 9x18 parking spaces, and provide the building height. She added that T/PW has to approve any proposed driveway openings. Mr. Proctor agreed with the information Ms. Burghdoff provided and said that he addressed most of the comments on the site plan.

Paula Traynham, 2624 Lubbock, Fort Worth, Texas with Frisco Heights NA spoke in support of the latest revised site plan.

Motion: Following brief discussion, Ms. Reed recommended Approval as Amended of the request with a revised site plan and waiver to the five foot side yard, seconded by Mr. Northern. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>				ZC-14-129	
Name	Address	In/Out 300 ft notification area	Position on case		Summary
Paula Traynham/ Frisco Heights NA	2624 Lubbock	Out		Support	Spoke at hearing

2. ZC-14-133 JSA Rental Properties, LLC (CD 9) – 4432 McCart Avenue (Charleston Heights Addition, Block 1, Lot 1, 0.45 Acres): from “B” Two-Family to “PD/SU” Planned Development/Specific Use for a fourplex; site plan waiver requested

Ms. Murphy mentioned the applicant has requested to withdraw the case.

Motion: Following brief discussion, Ms. Reed recommended Denial without Prejudice of the request, seconded by Mr. Northern. The motion carried unanimously 9-0.

3. ZC-14-141 Emerging Properties I LTD (CD 4) – 6750 Fossil Bluff (Winston Addition, Block 3, Lot 12 0.16 Acres): from “PD/G” Planned Development for all uses in “G” Intensive Commercial plus hotel; site plan approved to “G” Intensive Commercial

Arlyn Samuelson, 1512 Bray Central Drive, McKinney, Texas representing Emerging Properties explained to the Commissioners the hotel was never constructed and they want to remove the PD zoning for a restaurant.

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

<i>Document received for written correspondence</i>				ZC-14-141	
Name	Address	In/Out 300 ft	Position on case		Summary