



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
May 5, 2015

Council District 3

Zoning Commission Recommendation: Denial by a vote of 8-0 Opposition: 3 people spoke, several present; Petition submitted Support: None submitted	Continued	Yes ___	No <u>X</u>
	Case Manager	<u>Stephen Murray</u>	
	Surplus	Yes ___	No <u>X</u>
	Council Initiated	Yes ___	No <u>X</u>

Owner / Applicant: Terry and Sarah Alexander

Site Location: 9617 Santa Monica Drive Mapsco: 72Q

Proposed Use: Group Home I

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

To: "PD/A-5" Planned Development for all uses in "A-5" One-Family plus group home I; 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 Santa Monica Dr. just east of San Jacinto Dr. The applicant is proposing a zoning change from "A-5" One-Family to "PD/A-5" Planned Development for all uses in "A-5" One-Family plus Group Home I. A site plan waiver is requested because the structure is existing. The applicant has explained that the structure was built as a group home. Tarrant Appraisal district shows the structure was built in 2002. Group homes are allowed by right in multifamily districts, mixed-use districts, and the "CF" Community Facility district.

The requested rezoning to a group home would allow a maximum of 18 residents living in the home on a 24 hour basis. The applicant has indicated the intent to house no more than ten residents, not including resident supervisors.

GROUP HOME I: A family based facility which contains not more than 15 residents and three supervisory personnel and which provides 24-hour care in a protected living arrangement for the mentally and/or physically impaired, developmentally disabled, or victims of abuse or neglect. This classification includes congregate living facilities for the elderly, maternity homes, emergency shelters during crisis intervention for victims of crime, abuse or neglect, and residential services licensed by the Texas Commission on Alcohol and Drug Abuse, but not primarily for criminal rehabilitation.

The definition of "family" per the Zoning Ordinance includes no more than five unrelated persons living and cooking as a single housekeeping unit or home, expressly excluding lodging, boarding or fraternity houses. An alternative to the request could be to allow a maximum of five residents in the group home,

which is more consistent with a typical “family” structure and more compatible with the surrounding single family neighborhood. The maximum of five persons would include a resident supervisor. A non-resident supervisor would be allowed and would not be included in the determination of who resides in the group home.

The group home would also be required to obtain a Certificate of Occupancy from the City and register as a multifamily structure with Code Compliance.

This case was heard by the City Council and Denied Without Prejudice on February 3, 2015. The applicant has chosen to submit the same request for consideration.

At the Zoning Commission meeting, the applicant indicated that they had been at the property for approximately one year. Upon verification with Code Compliance, the property has been used as the group home during this time, including after the February 2015 denial. Code Compliance currently has an open case for the operation of the group home.

Extensive opposition has been received from surrounding neighbors. Approximately ___% of the property owners within 200 ft. have submitted opposition in writing, requiring a supermajority vote of the Council for approval.

Site Information:

Owner: Terry & Sarah Alexander
 9617 Santa Monica Dr.
 Fort Worth, TX 76116

Acreage: 0.28 acres

Comprehensive Plan Sector: Far West

Surrounding Zoning and Land Uses:

North “A-5” One-Family; “CF” Community Facilities / single-family, church
 East “A-5” One-Family / vacant
 South “A-5” One-Family / single-family
 West “A-5” One-Family / single-family

Recent Relevant Zoning and Platting History:

Zoning History: ZC-14-170, A-5 to PD/A-5 plus group home I, denied without prejudice 2/3/15 (subject site).
Platting History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Santa Monica Dr.	Residential	Residential	No

Public Notification:

The following organizations were notified:

Organizations Notified	
Chapin & Alemeda*	Streams & Valleys Inc
Trinity Habitat for Humanity	Fort Worth ISD

*closest neighborhood organization

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zoning change from “A-5” One-Family to “PD/A-5” Planned Development for all uses in “A-5” plus group home I, site plan waiver requested. Uses surrounding the proposed site are primarily single-family with a church northwest of the site. The proposed group home would exceed the number of residents allowed by right as a “family” for this single family zoning district.

As a result, the proposed zoning **is not compatible** with surrounding land uses.

2. Comprehensive Plan Consistency

The 2015 Comprehensive Plan designates the subject property as single-family. The proposed "PD/A-5" plus group home zoning is not consistent with the following Comprehensive Plan policies:

- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods. (pg. 39)
- Preserve the character of rural and suburban residential neighborhoods. (pg. 39)
- Protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, speculation, demolition, neglect, and other negative forces. (pg. 39)

Based on the 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
- Minutes from the Zoning Commission meeting



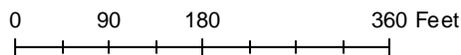
ZC-15-037

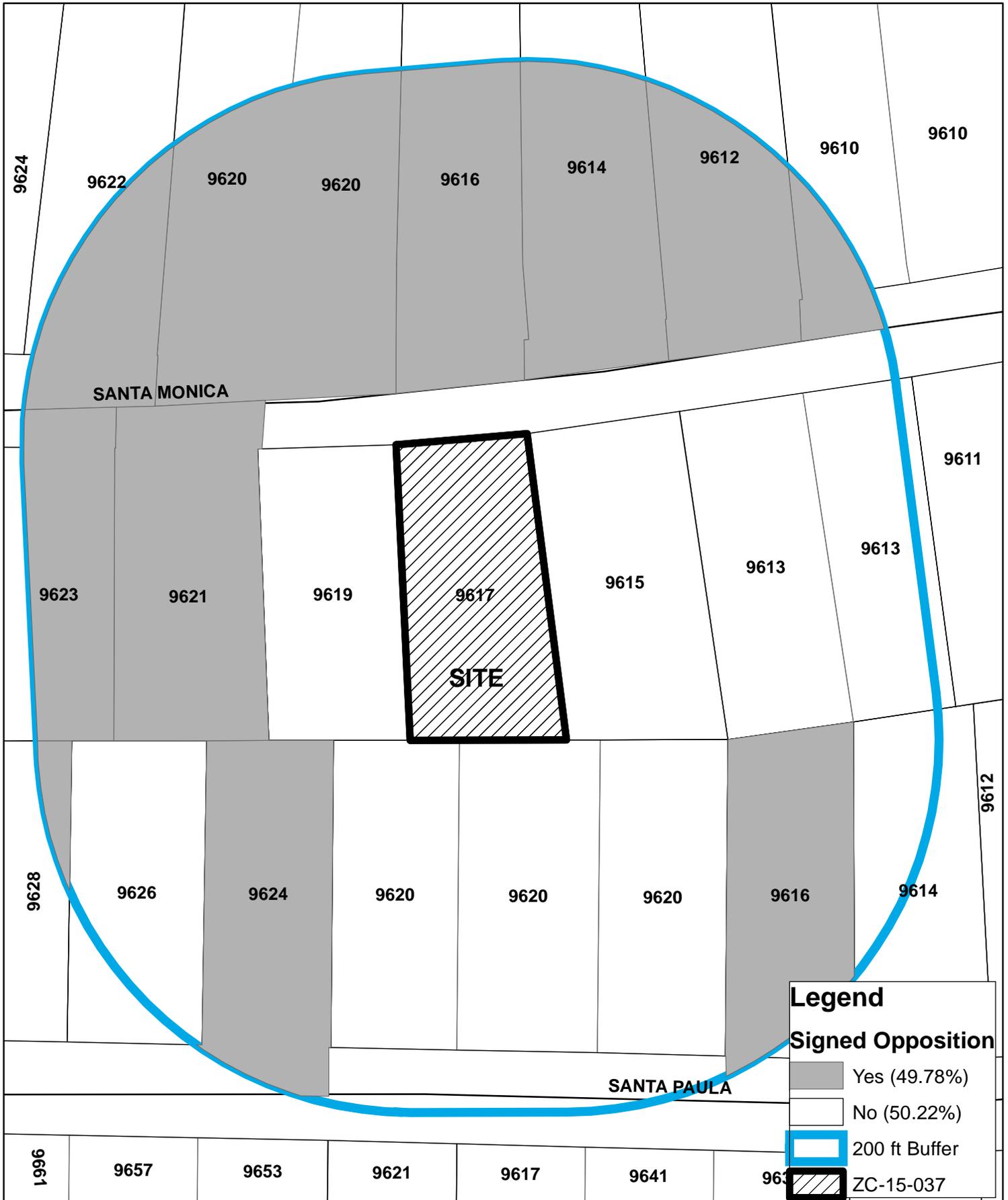
Area Zoning Map

Applicant: Terry & Sarah Alexander
 Address: 9617 Santa Monica Drive
 Zoning From: A-5
 Zoning To: PD for all A-5 uses plus group home I
 Acres: 0.28743128
 Mapsco: 72Q
 Sector/District: Far West
 Commission Date: 4/8/2015
 Contact: 817-392-8043

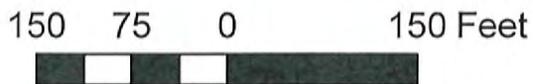
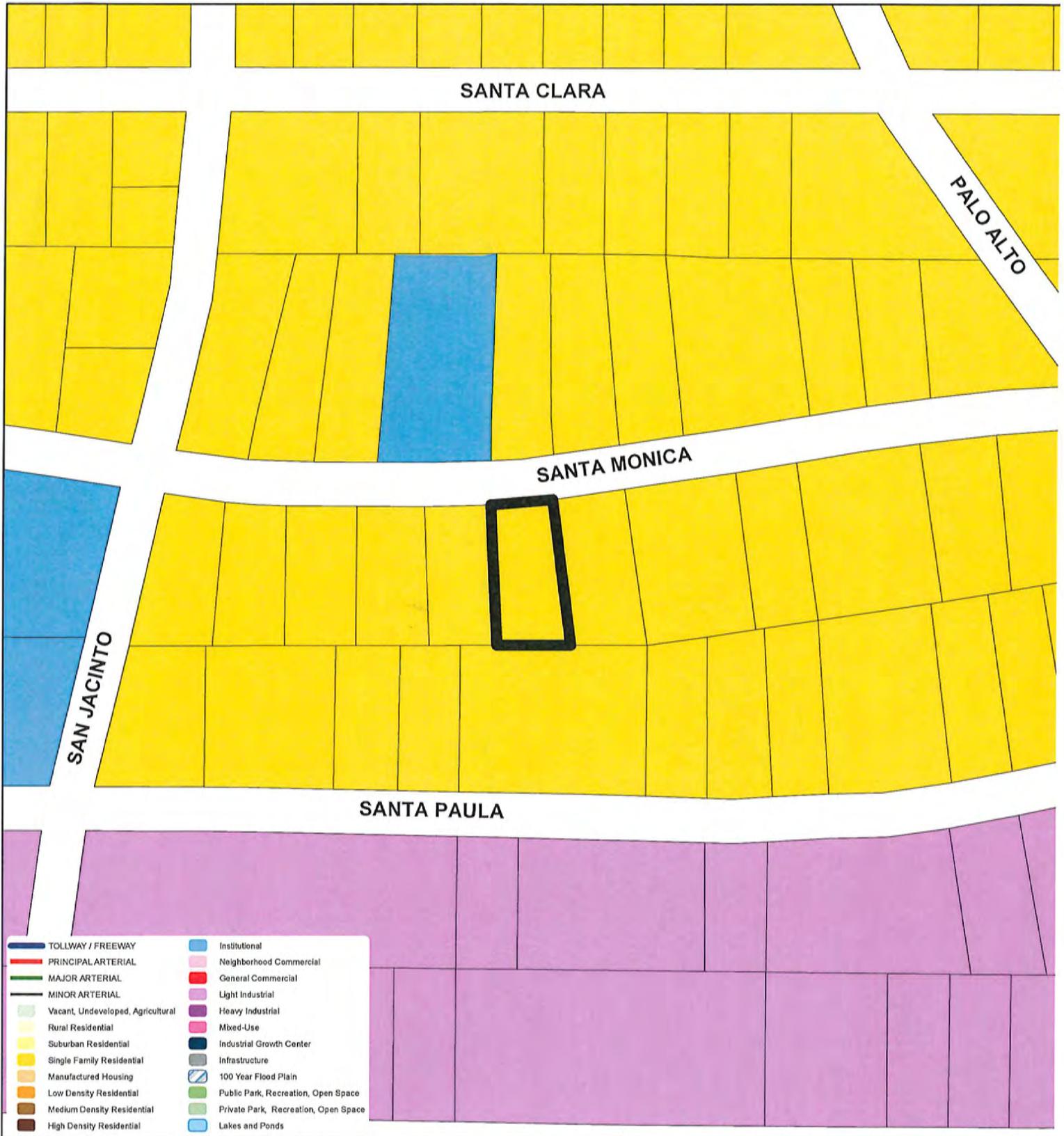


 Subject Area
 300 Foot Notification





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.



Mr. Flores asked Ms. Lynam about the specs in the packet and which one would they be using, the 30 horsepower unit and will the vacuums be centralized, is there a wall or fence between them and the residents. Ms. Lynam said the one with the silencer and all the vacuums will have individual hoses that lead into the equipment room. The equipment room will be constructed of 12 ft. solid masonry walls. There is an existing wood fence and they will add an additional fence for buffering. Mr. Flores asked her specifically how loud the car wash unit will be.

Tony Mitchell, 1120 Blue Sky, Haslet, Texas explained to Mr. Flores the equipment shouldn't be loud at all only the blower units. Mr. Flores mentioned typically car washes run at 120 decibels and did he have any information on it. Mr. Mitchell said the equipment itself the blower and vacuums would be the loudest components of a car wash. He does not have any information on the level of noise.

Mr. Flores asked about the hours of operation. Ms. Lynam said dawn to dusk, seven days a week, depending on need. Mr. Flores mentioned for the record there was no opposition received for this case.

Mr. Genua asked if they had considered flipping the car wash and vacuum area. Ms. Lynam said no, they chose this layout because they wanted the loudest equipment the furthest away from the residence.

Motion: Following brief discussion, Mr. Flores recommended Denial of the request, seconded by Mr. Edmonds. The motion carried 6-2 with Ms. Reed and Mr. Northern being against.

8. ZC-15-037 Terry & Sarah Alexander (CD 3) – 9617 Santa Monica (Linda Vista Estates Addition, Block 8, Lot 6, 0.28 Acres): from “A-5” One-Family to “PD/A-5” Planned Development for all uses in “A-5” One-Family plus Group Home I; site plan waiver requested

Terry Alexander, 9617 Santa Monica Drive, Fort Worth, Texas property owner explained to the Commissioners they have been there for about a year and have had no problems they want to have a group home for about 10 people. He said this is a discipleship home not a halfway house. He said about 45 to 50 people signed saying they don't have a problem with it. Mr. Alexander read a scripture pertaining to his work to the Commissioners.

Ms. Moore asked Mr. Alexander if anything has changed since the last time he was before them. Mr. Alexander said the number of residents changed.

Mr. Flores asked if the address has been used for group home activities prior to the zoning change request. Mr. Alexander said no the person he purchased the house from said it was built for that type of use.

Larry North, 9622 Santa Monica Drive, Fort Worth, Texas spoke in opposition. Mr. North said he has lived in the neighborhood for about 60 years. He said about 95% of the property owners within 300 ft. are opposed to the request. He would like to see the case denied with prejudice.

Gary Carpenter, 9610 Santa Monica Drive, Fort Worth, Texas spoke in opposition. They want to keep the area single-family.

Arnold Morse, 9608 Santa Paula Drive, Fort Worth, Texas spoke in opposition. He said he took pictures last night and there were six vehicles on the property. He wants it to stay single-family.

Ms. Conlin asked Mr. Morse what they are using the home for. Mr. Morse said they have continued to use it as a group home.

In rebuttal Mr. Alexander stated they have bible studies five days a week that is why the extra cars are in the drive.

Motion: Following brief discussion, Mr. Reeves recommended Denial of the request, seconded by Ms. Conlin. The motion carried unanimously 8-0.

<i>Document received for written correspondence</i>					<i>ZC-15-037</i>
Name	Address	In/Out 300 ft notification area	Position on case		Summary
Larry North	9622 Santa Monica	In	Opposition		Spoke at hearing
Gary Carpenter	9610 Santa Monica	In	Opposition		Spoke at hearing
Arnold Morse	9608 Santa Paula	In	Opposition		Spoke at hearing
Harry Gonzales	9612 Santa Monica	In	Opposition		Sent letter in
Alexa Cortez	9412 Santa Paula	Out	Opposition		Sent letter in
Agustina Flores	9625 Santa Monica	In	Opposition		Sent letter in
Gary Carpenter	9610 Santa Monica	In	Opposition		Sent letter in
Vicky Morse	9608 Santa Paula	In	Opposition		Sent letter in
Doris Williams	9614 Santa Monica	In	Opposition		Sent letter in
Graiel Rodriguez	9624 Santa Paula	In	Opposition		Sent letter in
James Tillery	9623 & 9624 Santa Monica	In	Opposition		Sent letter in
George Rutledge	3301 San Jacinto	Out	Opposition		Sent letter in
Truth Assurance Ministries	9620 Santa Monica	In	Opposition		Sent letter in
Larry & Carol North	9611 Santa Clara	In	Opposition		Sent letter in
Jack Davis	3113 San Jacinto	Out	Opposition		Sent letter in

Guy Wood	9617 Santa Paula	In	Opposition		Sent letter in
Keith Kidwill	9616 Santa Monica	In	Opposition		Sent letter in
Victoria Reyes	9621 Santa Paula	In	Opposition		Sent letter in
Guy Wood	9613 Santa Paula	In	Opposition		Sent letter in
Joseph Hankins	9607 Santa Clara	In	Opposition		Sent letter in
Jimmie Lane	9611 Santa Monica	In	Opposition		Sent letter in
Carol Allen	9616 Santa Paula	In	Opposition		Sent letter in
Larry North	9622 Santa Monica	In	Opposition		Sent letter in
Lawrence Closner	9628 Santa Paula	In	Opposition		Sent letter in
Elaine Emerson	9621 Santa Monica	In	Opposition		Sent letter in
Carol Jones	9609 Santa Monica	In	Opposition		Sent letter in
A petition was submitted with more than 75 signatures in opposition in the case file.					

9. ZC-15-038 Power Acquisitions, LLC (CD 9) – 2636 Wiesenberger Street and 2637 Whitmore Street (Wiesenberger Addition, Block 8, Lots 1 & 11, 0.31 Acres): from “J” Medium Industrial to “PD/UR” Planned Development for all uses in “UR” Urban Residential with maximum 4 stories in height; site plan waiver requested

Phillip Poole, 2918 Wingate, Fort Worth, Texas representing Power Acquisitions, LLC explained to the Commissioners they are requesting to rezone two lots to PD/UR for traditional row houses with a maximum height of 4 stories. Mr. Poole said he has meet with the Linwood neighborhood and are supportive of the request as well as the Cultural District Alliance. He did mention Carol Street is going through design considerations to narrow the street. The reason to request 4 stories is for the view from the third and fourth floors will have of the downtown area. There will be approximately 10 units with rear entry garages.

Ms. Reed asked Mr. Poole if the fourth floor is the deck or patio area. Mr. Poole said it would be the pilot house with the first floor being the garage and entry area.

Mr. Genua asked Mr. Poole the difference between a row house and a townhouse. Mr. Poole said architects call it attached residential.

Mr. Edmonds asked Mr. Poole the square footage of the units. Mr. Poole said about 3,000 square feet with the upper floor not having much living space.

Motion: Following brief discussion, Ms. Reed recommended Approval of the request, seconded by Mr. Northern. The motion carried unanimously 8-0.