



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
November 1, 2016

Council District 9

Zoning Commission Recommendation:
Approval as Amended to exclude alcohol sales by a vote of 8-1

Opposition: None submitted
Support: Rosemont NA, Seminary Hills NA, Hubbard Heights, petition submitted

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

Owner / Applicant: **MG Lawn & Landscape, LLC**

Site Location: 1525 W. Ripy Street Mapsco: 90C

Proposed Use: **Office/Warehouse/Outdoor Storage**

Request: From: "E" Neighborhood Commercial
To: "PD/E" Planned Development for all uses in "E" Neighborhood Commercial plus fence and landscape business with welding, warehouse with outdoor storage of equipment and materials, excluding alcohol sales with the following development standards:

- To allow 100% metal façade;
- Minimum 5' side yard setback;
- To allow for a front yard fence up to eight feet in the front yard
- Fencing along the eastern border will be wood; all other perimeter fencing may be corrugated metal or other fencing material;
- Site will not be subject to section 6.200 landscaping and buffer requirement;
- Site plan waiver recommended

Land Use Compatibility: Requested change is **not compatible.**

Comprehensive Plan Consistency: Requested change is **consistent.**

Background:

The site is located south of Ripy Street and adjacent to the Topeka and Santa Fe Railroad. The applicant is requesting to rezone to "PD/E" plus fence and landscaping business with welding, warehouse and outdoor storage of equipment and landscaping materials with development standards.

The property is located at the end of a dead end street and has been in the current configuration for many years. The fencing company has been at this location for approximately 2 years; they recently began to install a fence along the eastern property line when a concerned neighbor called Code Compliance. The 100% metal building is approximately 5,000 sq. ft. The business is primarily a fencing business, but other activities include construction of metal fencing and other metal work.

Primary access to the property is from Ripy St. on the north side of the property. Some delivery trucks access the property from 8th Streets on the south. Both of the streets are partially dirt streets and not improved. The surface type on the property is current dirt; the applicant has been informed that any required parking areas would need to be striped and therefore paved, and any yard and storage area must be covered with dust free compacted gravel base, at a minimum. The current use of the public street right of way as gated parking will need to be removed or will require an encroachment agreement to continue.

The site is part of a Code Compliance case for the outdoor storage of materials and lack of a CO for the use.

Development Standards	“E” Neighborhood Commercial	“PD/E”
Front Yard setback	20 ft. minimum setback/no parking, or structures permitted; entire front yard shall be maintained as open or landscape green space; open fence maximum 4 ft. high	Allow for solid screening front yard fence (north side) 8 ft. high (waiver required)
Landscaping and buffers adjacent to A or B Districts (located east and north of the site)	20 ft. supplemental setback, screening fence, 5 ft. bufferyard, point system; no building in the supplemental setback	Allow existing building to encroach into supplemental setback; not require landscaping and buffer yard (waiver required)
Exterior Façade requirement	The exterior metal walls of the front and any sides of a building facing a public street that will be constructed with metal cladding as the primary siding material shall not be constructed with exposed fasteners on more than 50 percent of the building. All buildings with metal siding shall have at least two exterior architectural features for articulation, such as front porches, gables, awnings, or other exterior siding materials. Exterior metal siding shall not be considered an architectural feature.	Allow 100% metal façade for existing building (waiver required)
Parking	2.5 spaces per 1,000 sq. ft. for office use, 1 space per 4 employees, 4 minimum for warehouse use (minimum <u>4</u>)	5 employees/4 parking spaces/surface asphalt paving

In 2007, the Comprehensive Plan was changed from Neighborhood Commercial to Light Industrial for the general area from Butler to W. Ripy adjacent to the railroad tracks.

Site Information:

Owner: MG Lawn & Landscape, LLC
6080 S. Hulen
Suite 360 Box 197
Fort Worth, TX 76132

Agent: Mary Nell Poole

Acreage: 0.44 acres

Comprehensive Plan Sector: Southside

Surrounding Zoning and Land Uses:
North “B” Two-Family / single-family

East "B" Two-Family / single-family
 South "E" Neighborhood Commercial / vacant and outside storage
 West "A" One-Family / vacant and AT&SF RR

Recent Relevant Zoning and Platting History:

Zoning History: ZC-93-077 PD158, Effective 12/14/93 for PD/SU" for a contractor's office/warehouse with outside storage; property just to the south and west of 8th site plan waived;
 ZC-06-110 PD706 Effective 08/08/06 for "PD/SU" for contractor's office/warehouse and outside storage with screening fence, south side; site plan required
 SP-06-016; approximately three lots to the south for industrial uses

Platting History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
W. Ripy	Two-Way Residential	Two-Way Residential	No
8 th Ave	Two-Way Residential	Two-Way Residential	No

Public Notification:

Organizations Notified	
Neighbors Working Together	Shaw Clarke NA
Rosemont NA*	Streams and Valleys Inc.
Trinity Habitat for Humanity	Fort Worth ISD

Within Rosemont Neighborhood Association*

Development Impact Analysis:

1. **Land Use Compatibility**

The applicant is proposing a zoning change to "PD/E" Planned Development for all uses in "E" Neighborhood Commercial plus fence and landscape business with welding, warehouse outside storage of equipment and materials with development standards. Surrounding land uses are single-family to the north and east with industrial outside storage and parking to the south and the railroad tracks to the west.

Primary access to the site is from Ripy Street a two-way residential street which dead ends into the railroad tracks. A small secondary access point is used off of 8th St. Equipment trucks making deliveries and or leaving for a job site early in the morning would not be compatible for the eastside where the primary residential structures are located. The industrial building is located on the property line with no buffering or landscaping to mitigate the adjacency. Waivers are requested for these items and a fence will be installed, however the impact of the building on the residential properties will remain.

Based on surrounding land uses, the proposed zoning **is not compatible** at this location.

2. **Comprehensive Plan Consistency**

The 2016 Comprehensive Plan designates the subject property as Light Industrial. The requested zoning change is consistent with the following Comprehensive Plan policies.

- Locate large industrial uses along rail lines, highways, or airports within industrial growth centers and other appropriate locations. (pg. 40)

Based on the lack of conformance with the future land use map and the policies stated above; the proposed zoning **is consistent** with the Comprehensive Plan.

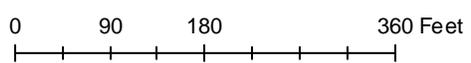
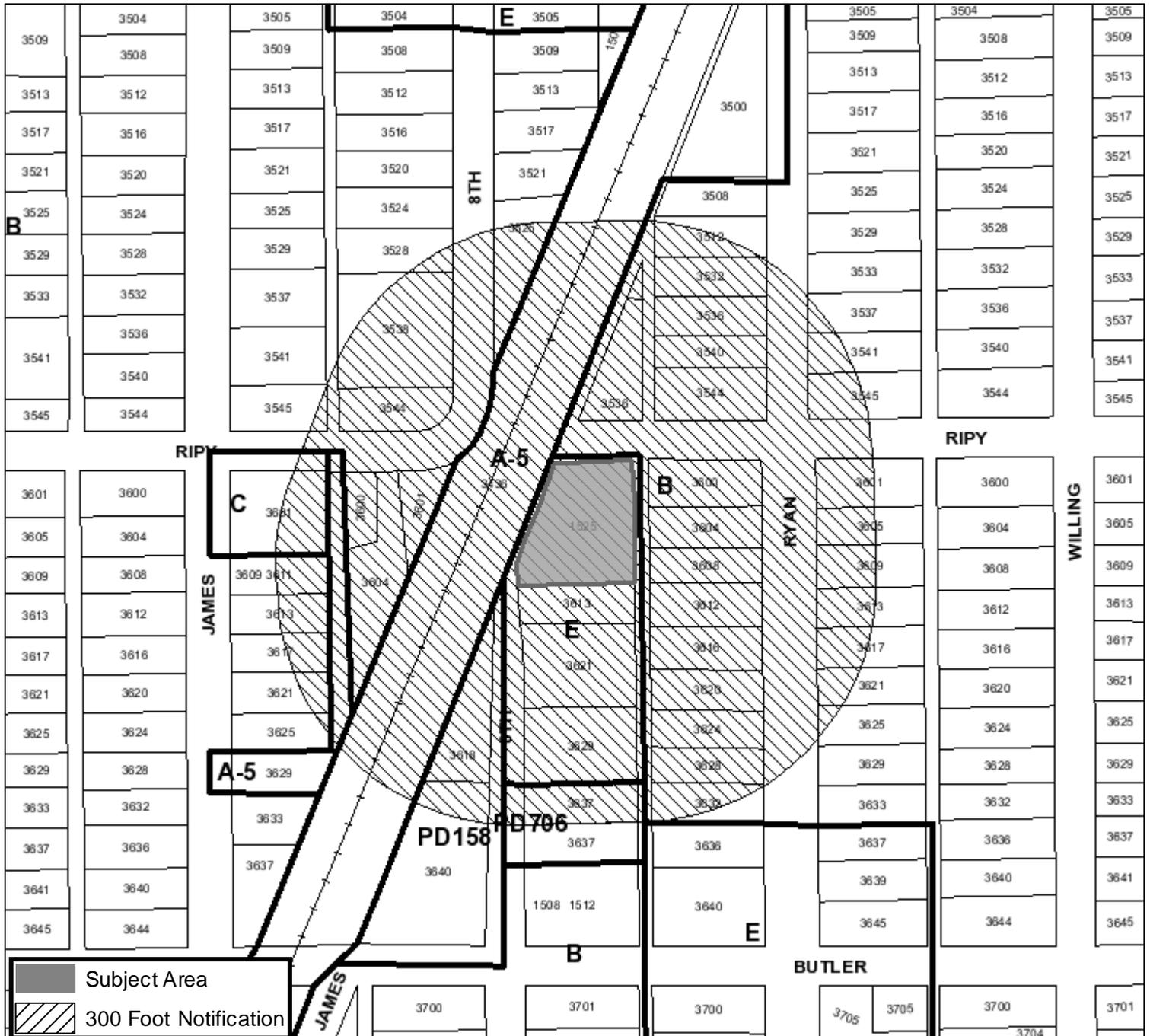
Attachments:

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

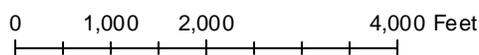
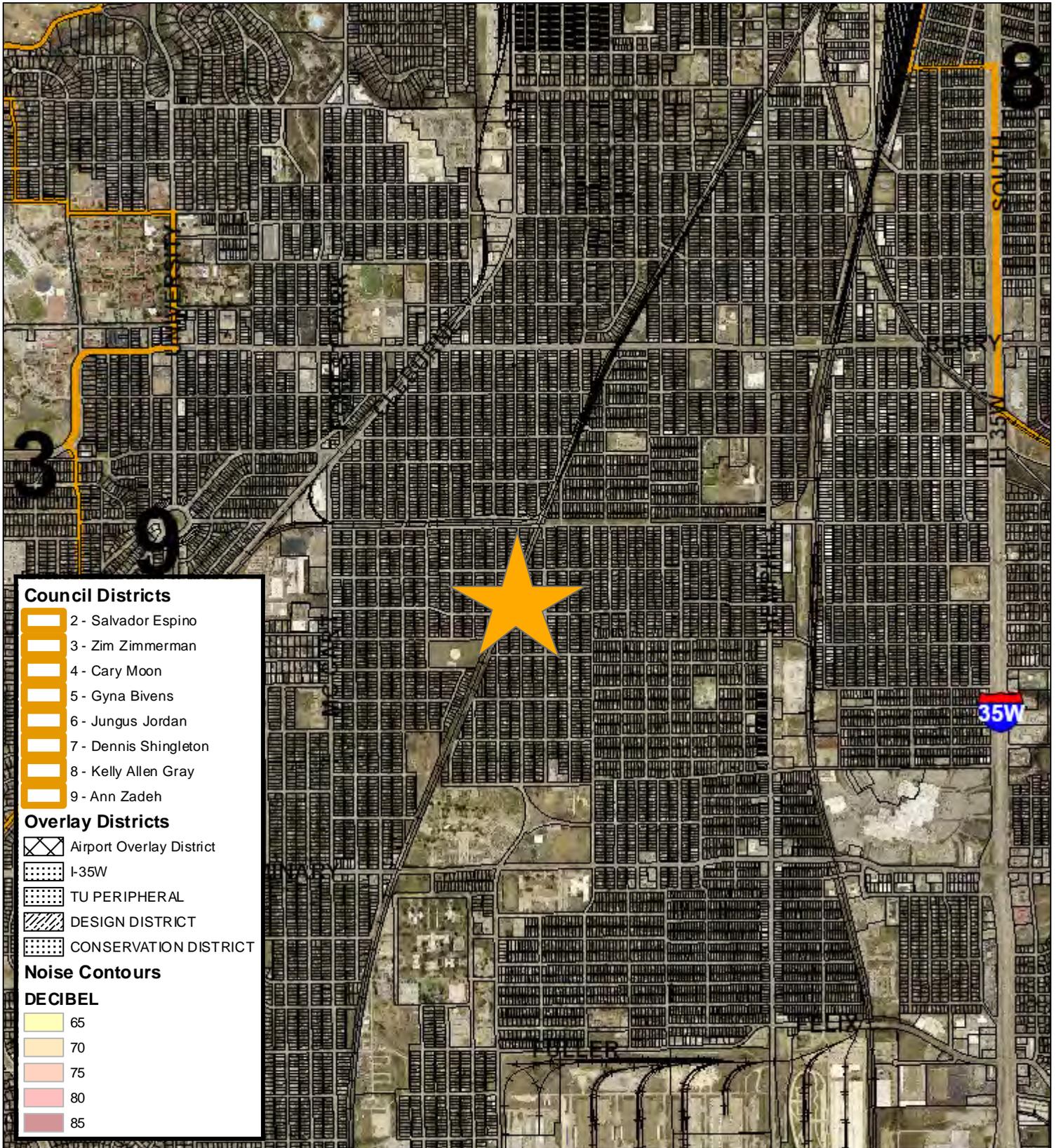


Area Zoning Map

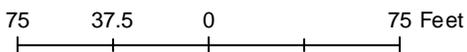
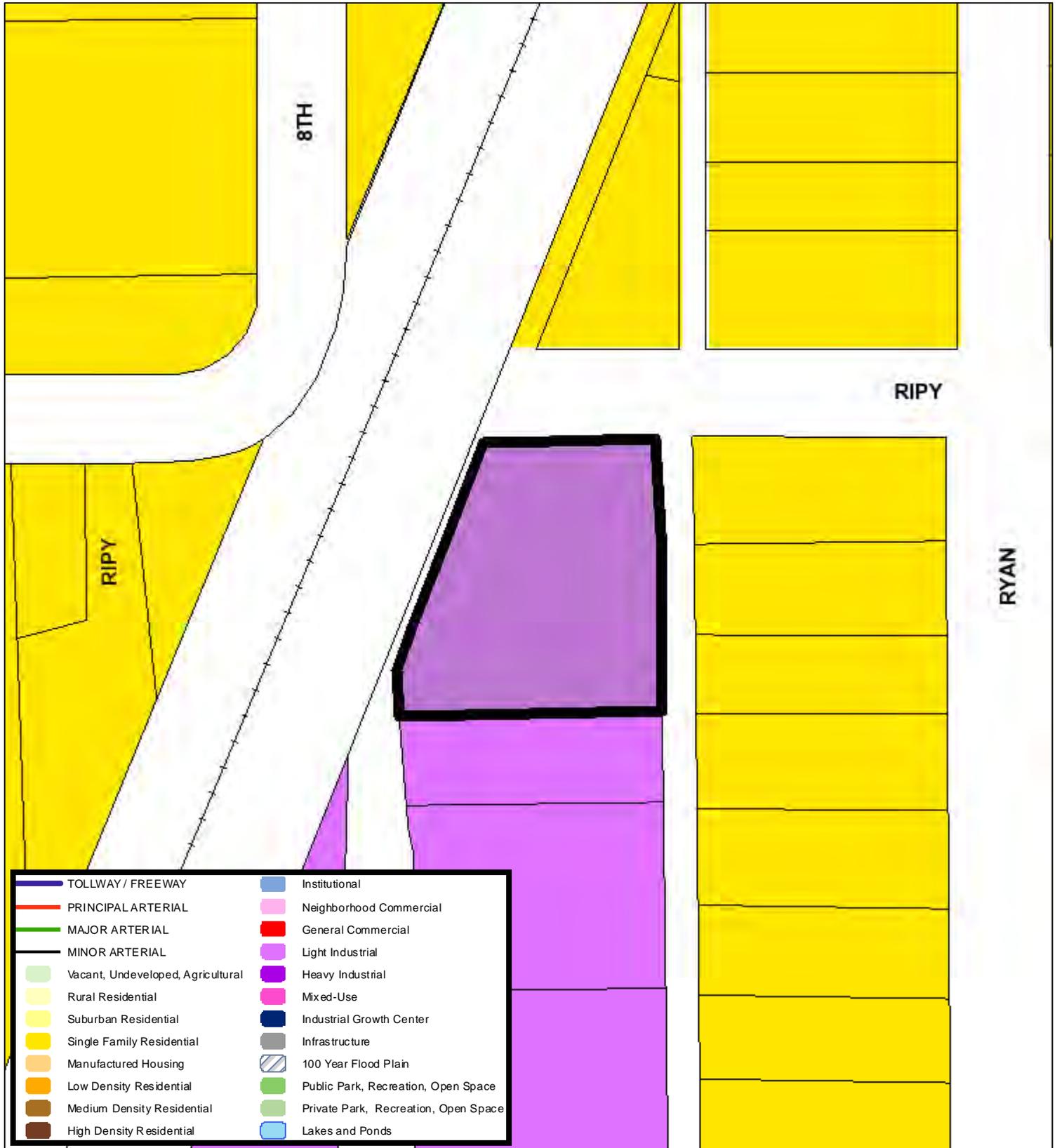
Applicant: MG Lawn & Landscape, LLC
 Address: 1525 W. Ripy Street
 Zoning From: E
 Zoning To: I
 Acres: 0.4445337
 Mapsco: 90C
 Sector/District: Southside
 Commission Date: 10/12/2016
 Contact: 817-392-2495



Area Map



Future Land Use



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 213.005.) Land use designations were approved by City Council on March 29, 2016.



Aerial Photo Map



0 45 90 180 Feet



Loretta/Calvin Huezo	4925 Lubbock	Out		Support	Sent letter in
Stan Johnson/South Hills NA	4908 Rector	Out		Support	Sent letter in
Bruce Chadwick/Illusion Warehouse	3917 McCart	Out		Support	Sent letter in
Jeng Won/South Hills NA	2816 Covert	Out		Support	Sent letter in
Peggy Thomas	NA	Out		Support	Sent letter in
Harold Rich	NA	Out		Support	Sent letter in
Henry/Margarita Rangel	4944 McCart	In		Support	Signed petition
Oscar Gomez	4944 McCart	In		Support	Signed petition
David Olivar	2825 Lowriemore	Out		Support	Signed petition
A complete list of the signatures in support can be found in the case file.					

3. ZC-16-177 MG Lawn and Landscape LLC (CD 9) – 1525 W. Ripy Avenue (Shaw Heights Addition, Block 5, Lots 22, 23, 24, 0.44 Acre): from “E” Neighborhood Commercial to “PD/E” Planned Development for all uses in “E” Neighborhood Commercial plus landscape and fence company with welding, warehouse and outside storage with development standards to façade requirement, fence height and material, and not to require landscape and buffer requirement, excluding alcohol sales; site plan waiver requested

Mary Nell Poole, 2918 Wingate, Fort Worth, Texas representing MG Lawn and Landscape explained to the Commissioners her client purchased the property about two years ago, the building was built in 1981. Ms. Poole did mention the last use for the property was a dog/kennel boarding facility. The owner of the property has a certificate of occupancy for office/warehouse. They construct on site gates, fences and projects associated with the landscape business. Ms. Poole also mentioned they original filed for “T” zoning and after talking with the neighborhood groups and staff they changed it to “PD/E” and to allow for the existing uses with development standards. They are proposing an 8 ft. wood fence along the east property line and all other fencing surrounding the property will consist of 8 ft. corrugated metal or other fencing material for security. Her client will be asphaltting the entire area and striping the required parking spaces.

Ms. Dunn asked Ms. Poole about alcohol sales for off-premise consumption being permitted. Ms. Poole stated they would be ok removing the use.

Robert Snoke, President Rosemont NA spoke in support.

Renny Rosas spoke in support.

Motion: Following brief discussion, Ms. Dunn recommended Approval of the request as Amended excluding alcohol sales, seconded by Mr. Northern. The motion carried 8-1 with Ms. Conlin against.

Document received for written correspondence					ZC-16-177
Name	Address	In/Out 300 notification area	Position on case		Summary
Robert Snoke/Rosemont NA	3826 6 th Ave	Out		Support	Spoke at hearing
Renny Rosas	3821 Bryan	Out		Support	Spoke at hearing
Annette Kellum	4017 Ryan	Out		Support	Sent letter in
Joe McGarrey	NA	Out		Support	Sent letter in
David Olivaries	NA	Out		Support	Sent letter in
David Vela/Seminary Hills NA	5013 Gordon	Out		Support	Present did not speak
EP Plascencia	3821 Willing	Out		Support	Sent letter in
Johnny Hamlin/Hubbard Heights NA	1420 W Boyce	Out		Support	Sent letter in
Bo Nava/Calvin Huezo	3825 Willing	Out		Support	Sent letter in
Carroll Pruitt Sr.	3816 Willing	Out		Support	Sent letter in
A complete list of the signatures in support can be found in the case file.					

4. ZC-16-178 Academy Partners LET, Westpark Partners LTD, and Texas Amigos LLC (CD 3) – 9550, 9600, and 9800 W. Freeway, 9601, 9801 and 10101 Old Weatherford Road (BBB and CRR Company Survey, Abstract No. 219 and H. Covington Survey, Abstract No. 256, 199.90 Acre): from “C” Medium Density Multifamily, “E” Neighborhood Commercial, “F” General Commercial and “G” Intensive Commercial to “A-5” One-Family

John Kroehler, 4704 Waterford Drive, Fort Worth, Texas representing the property owners explained to the Commissioners they are proposing “A-5” for single-family development.

Mr. Aughinbaugh asked if there are any concerns about noise and traffic against the west freeway. Mr. Kroehler said he didn’t think so, they do have buffering with the frontage road.

Mr. Cockrell asked about any commercial development with this project. Mr. Kroehler said not at this time.

Mark Allen, 6751 North Freeway, Fort Worth, Texas with D. R. Horton spoke in support and is present to answer any questions.

Mr. Aughinbaugh asked how the noise from the freeway will affect the marketability and do they have a plan of how this is laid out. Mr. Allen said there will be a detention pond and private park buffering the single-family from the freeway as well as the frontage road. Mr. Allen said he did not bring or have any plans for this meeting and the plan is to set the houses further back from the freeway.