



Case Number **ZC-19-082**

**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
June 25, 2019

Council District 6

Zoning Commission Recommendation:

Approval for a five year period by a vote of 8-0

Opposition: One letter

Support: None Submitted

Continued	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Case Manager	<u>Laura Evans</u>	
Surplus	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Council Initiated	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Owner / Applicant: **Nicole Gilbert & Benjamin Howell**

Site Location: 3813 Wedgway Dr Mapsco: 89V

Proposed Use: **Daycare Facility**

Request: From: "A-5" One Family

To: Add Conditional Use Permit to allow a daycare facility for 12 children

Land Use Compatibility: Requested change **is compatible.**

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

Staff Recommendation: **Approval with 5 year renewal**

Background:

The proposed site is located east of Woodway Drive on the south side of Wedgway Drive. The applicant is requesting to add a Conditional Use Permit to allow a daycare facility for 12 children; site plan included.

Daycares facilities are only permitted within residential zoning districts through the CUP process. The applicant has applied for the (CUP) Conditional Use Permit to allow this use within the "A-5" zoning district. The applicant has indicated the daycare classrooms will be located in the living room, dining area, and breakfast nook with a combined area of 850 square feet. The outdoor play area is 10,000 square feet, which exceeds the required outdoor area. The applicant is requesting a waiver to the location of the third required parking space be located in the driveway. Required spaces in residential districts are required to be behind the front building wall.

Conditional uses are those uses which are generally compatible with the permitted land uses in a given zoning district, but which require individual review of their proposed location, design and configuration, and the imposition of conditions in order to ensure the appropriateness of the use at a particular location.

While a daycare is not permitted in the "A-5" zoning district by right, allowing it by CUP with a site plan and a time limit may help mitigate any neighborhood concerns, as well as give options for the CUP to be revoked in the event of code violation convictions.

Through Ordinance 23609 effective March 29, 2019, the Conditional Use Permit allows for an unlimited time period for the operation of a use unless otherwise approved by the City Council. If a time limit is

established for a Conditional Use Permit, the renewal of the CUP shall be considered through the public hearing process and approved by the City Council. A CUP shall expire if no permitting action is taken within six months of approval or cease of the use for six months. A CUP may be revoked through the public hearing process if necessary after convictions of one or more code violations.

Per Section 4.407 (a), the following general rules apply to all conditional uses:

- a) Conditional use permits in residential districts shall be limited to those uses designated "CUP" in the Residential District Use Table in Chapter 4, Article 6, Section 4.603.
- b) Approval of a conditional use permit shall authorize only the particular use or category of related uses for which the conditional use permit is issued.
- c) A conditional use shall not be enlarged, extended or otherwise modified unless approved by the City Council or approved administratively as applicable.
- d) The use of property for the purposes described in a conditional use permit shall not commence until a certificate of occupancy has been issued. A certificate of occupancy shall not be issued until all or approvals which may be required by the Codes and Ordinances of the City, including, but not limited to, a Building Permit, a Certificate Of Occupancy and subdivision approval have been satisfied.

Section (d) provides the following Conditional Use Permit factors in consideration of appropriateness of a request:

- a) The proposed use is consistent with the Comprehensive Plan;
- b) The proposed use is compatible with the existing and adjacent uses.
- c) The proposed use meets all supplemental use standards specifically applicable to the use as set forth in Chapter 5;
- d) The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods;
- e) The proposed use is not materially detrimental to the public health, safety, and welfare, or results in material damage or prejudice to other property in the vicinity.

Site Information:

Owner:	Nicole Gilbert & Benjamin Howell 3813 Wedgway Dr Fort Worth, TX 76133
Acreage:	0.41 ac
Comprehensive Plan Sector:	Wedgwood

Surrounding Zoning and Land Uses:

North	"A-5" One Family / single family
East	"A-5" One Family / single family
South	"A-5" One Family / single family
West	"A-5" One Family / single family

Recent Relevant Zoning and Platting History:

Zoning History: None

Platting History: None

Site Plan Comments:

The site plan as submitted is not in general compliance with the Zoning Ordinance regulations.

1. Parking required behind the front building wall. The applicant has indicated that one space will be located in the driveway in front of the front building wall. **(waiver required)**

Platting site plan comments

Transportation/Public Works (TPW) site plan comments

Fire Comments:

Park & Recreation site plan comments

Water site plan comments

(Comments made by Platting (Subdivision Ordinance), Transportation/Public Works, Fire, Parks and Water Department staff cannot be waived through the Zoning Commission and City Council. Approval of the zoning site plan does not constitute the acceptance of conditions.)

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Wedgway Dr	Residential	Residential	No
Woodway Dr	Collector	Collector	No

Public Notification:

300 foot Legal Notifications were mailed on May 22, 2019.

The following organizations were notified: (emailed May 20, 2019)

Organizations Notified	
Wedgwood East NA*	South Hills NA
District 6 Alliance	Streams And Valleys Inc
Trinity Habitat for Humanity	Fort Worth ISD

**Located in this registered neighborhood organization*

Development Impact Analysis:

1. **Land Use Compatibility**

The applicant is proposing a zoning change to add a CUP to allow a carwash facility in the "G" zoning district. Surrounding land uses consist of single family with a church to the northwest.

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

2. **Comprehensive Plan Consistency**

The 2019 Comprehensive Plan designates the site as being Single Family. A range of educational, institutional, community service uses, along with single family uses, are appropriate in this zoning. The proposed zoning is consistent with the following Comprehensive Plan policies:

- Support the provision of quality, affordable child care and early education opportunities.
- Locate elementary schools, parks, and neighborhood commercial uses within walking distance of most homes to maximize walkable, bikeable, and transit connectivity with all surrounding residential areas.
- Encourage infill development of compatible, single-family homes in existing neighborhoods to preserve and protect residential neighborhoods.

Based on the lack of conformance with the future land use map and policy as 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
- Site plan



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Area Zoning Map

Applicant: Nicole Gilbert & Benjamin Howell
Address: 3813 Wedgway Drive
Zoning From: A-5
Zoning To: Add Conditional Use Permit for in-home daycare
Acres: 0.40616385
Mapsc0: 89V
Sector/District: Wedgwood
Commission Date: 6/12/2019
Contact: 817-392-2495



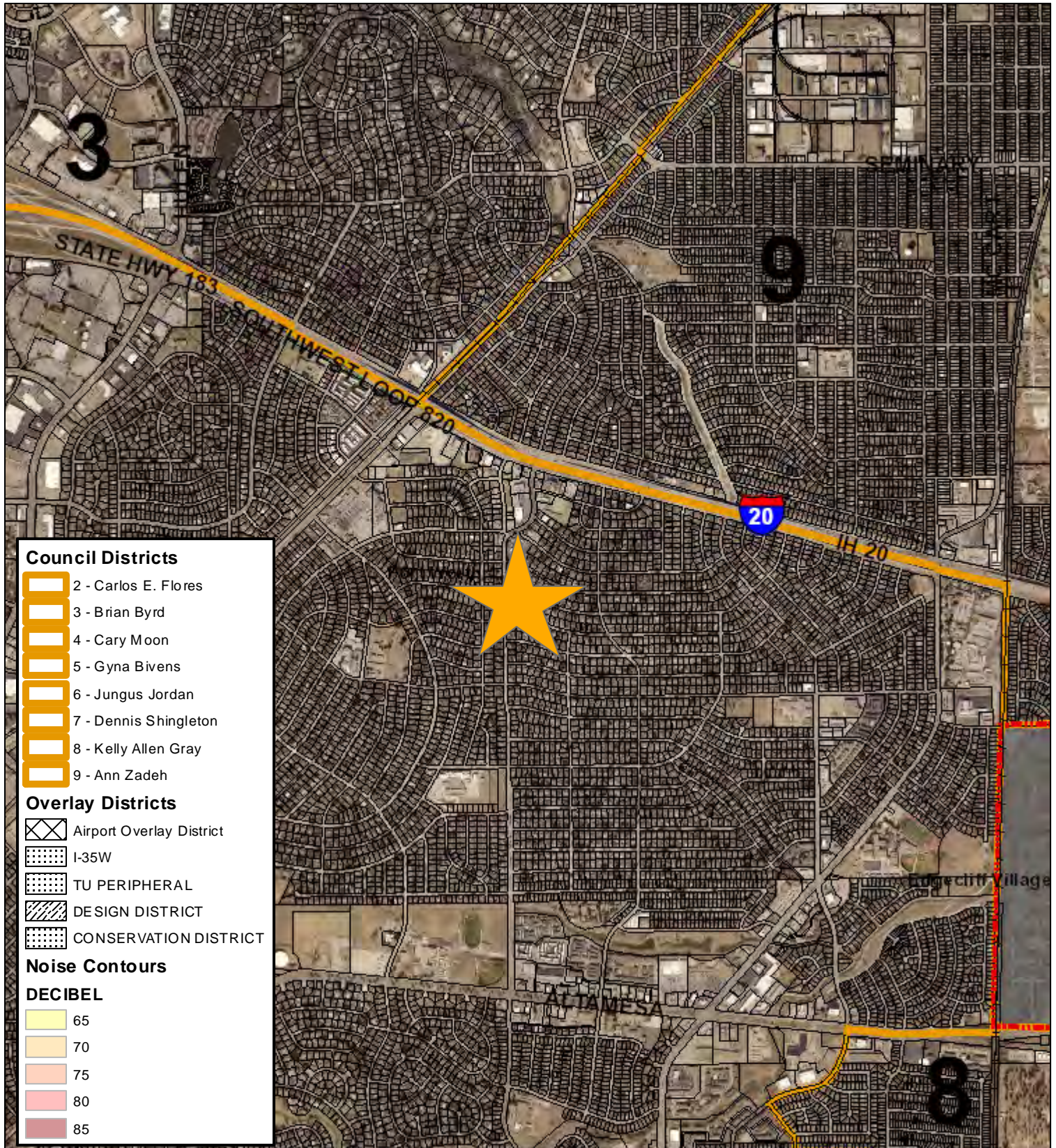
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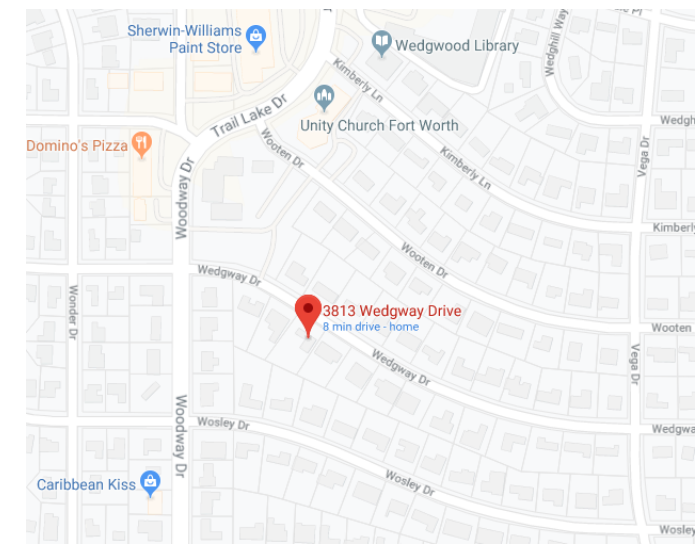
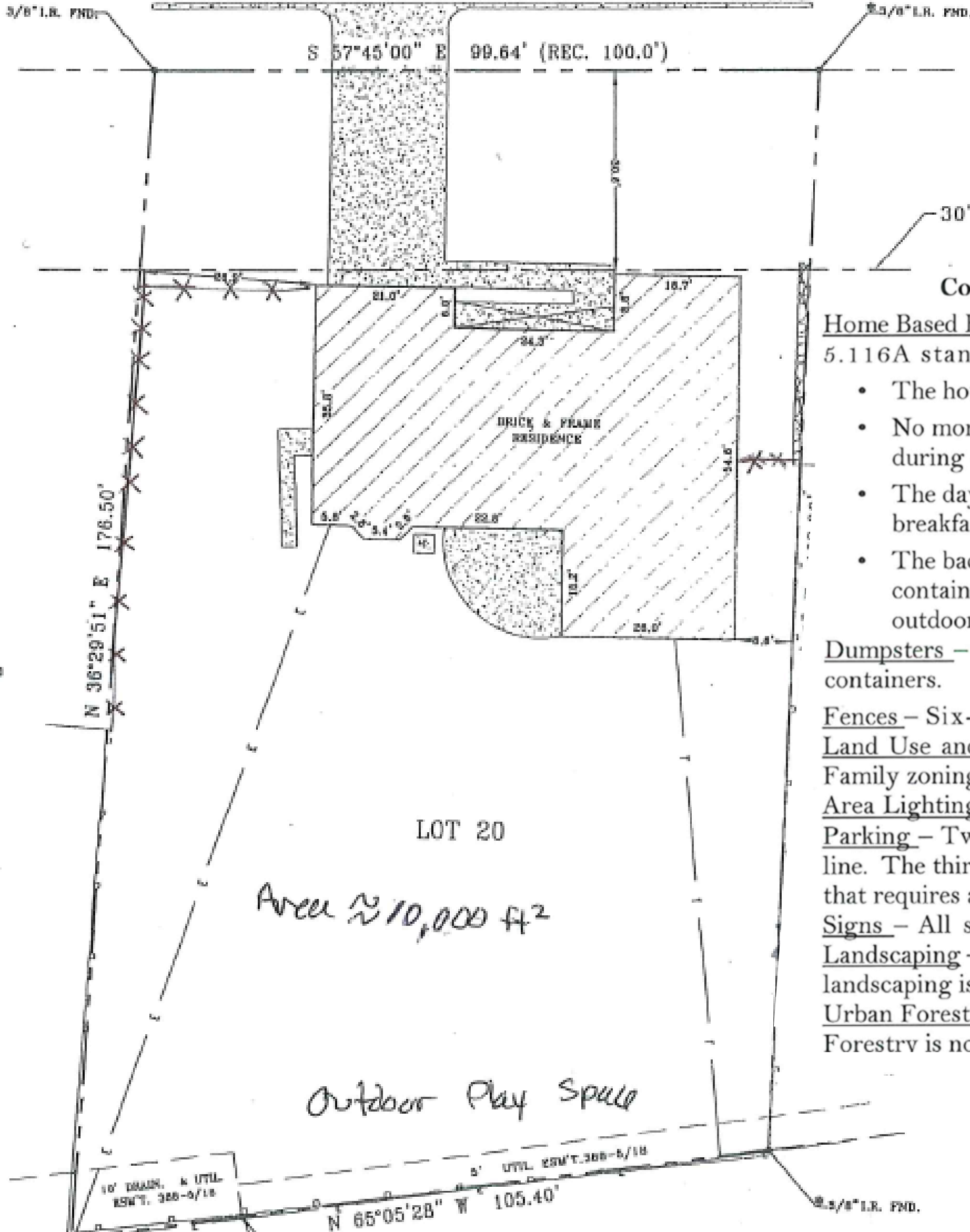
Area Map



0 1,000 2,000 4,000 Feet

3813 WEDGWAY DRIVE

(50' RIGHT-OF-WAY)



Conditional Use Permit (Cup) Supplemental Standards:

Home Based Business – The daycare in the residence will conform to Sec. 5.116A standards for Home Occupations.

- The hours of operation will be between 6am and 8pm.
- No more than 12 children will be provided care on-site at any one time, either during the day or after school.
- The daycare classrooms will take place in the living room, dining area, and breakfast nook with a combined 850 square feet approximately.
- The back and side yards will be used for play space and outdoor classroom that contains approximately 10,000 square feet, which exceeds the 100 square feet of outdoor play area per child.

Dumpsters – The daycare in the residence will continue to use residential-style trash containers.

Fences – Six-foot wooden screening fence around backyard play area.

Land Use and Zoning – The site is surrounded by single family uses in "A-5" One-Family zoning.

Area Lighting – All lighting will conform to the Lighting Code.

Parking – Two parking spaces will be provided in the garage, behind the front building line. The third space is requested to be in the driveway, with a waiver to Sec. 6.201B2 that requires all spaces to be behind the front building line.

Signs – All signage will conform to Article 4, Signs.

Landscaping – As the main use will be a single family residence, no additional landscaping is required.

Urban Forestry – Because the single family residence is less than 1 acre, Urban Forestry is not required.

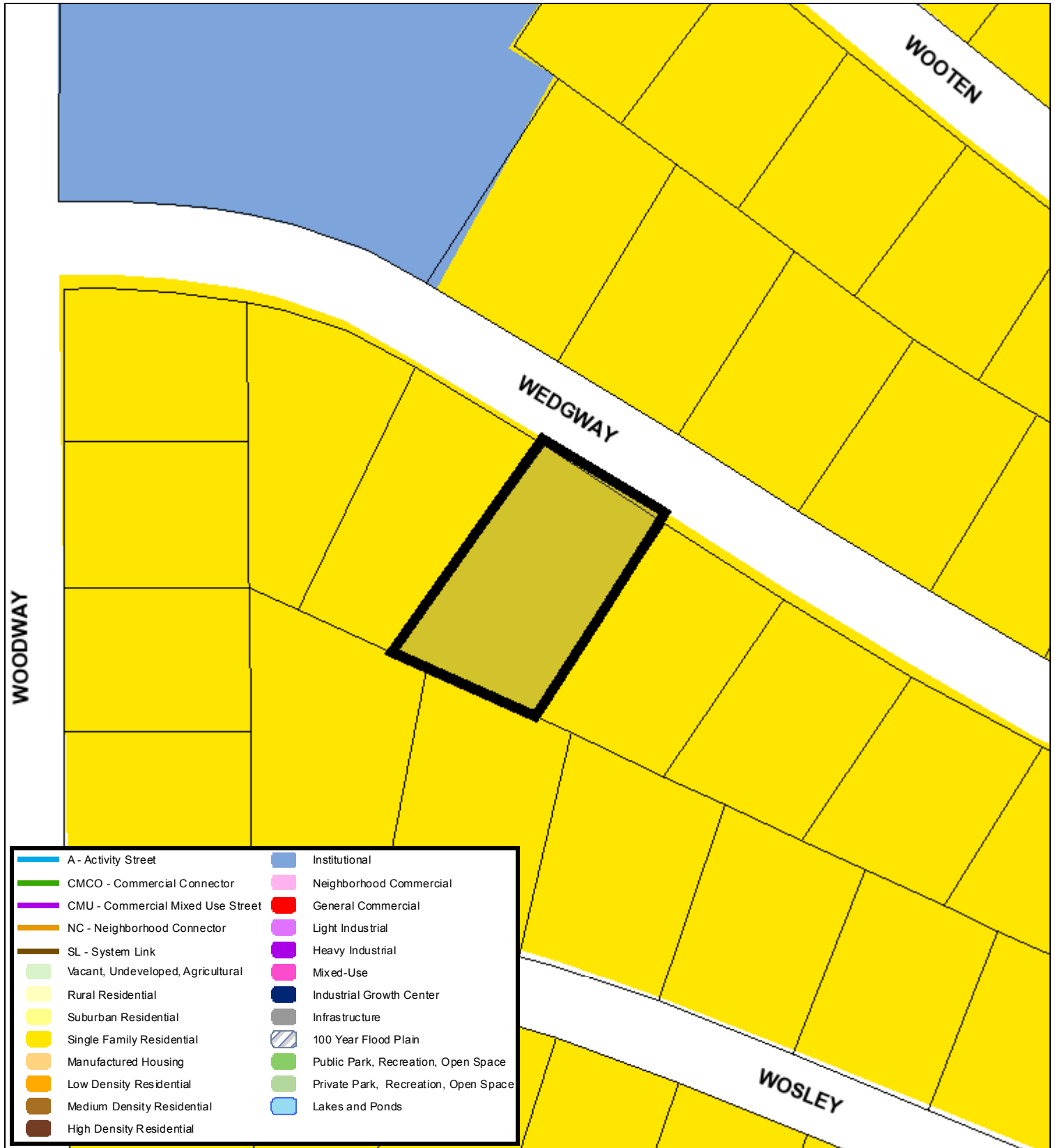
DIRECTOR OF PLANNING AND DEVELOPMENT

DATE



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Future Land Use



90 45 0 90 Feet

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 5, 2019.

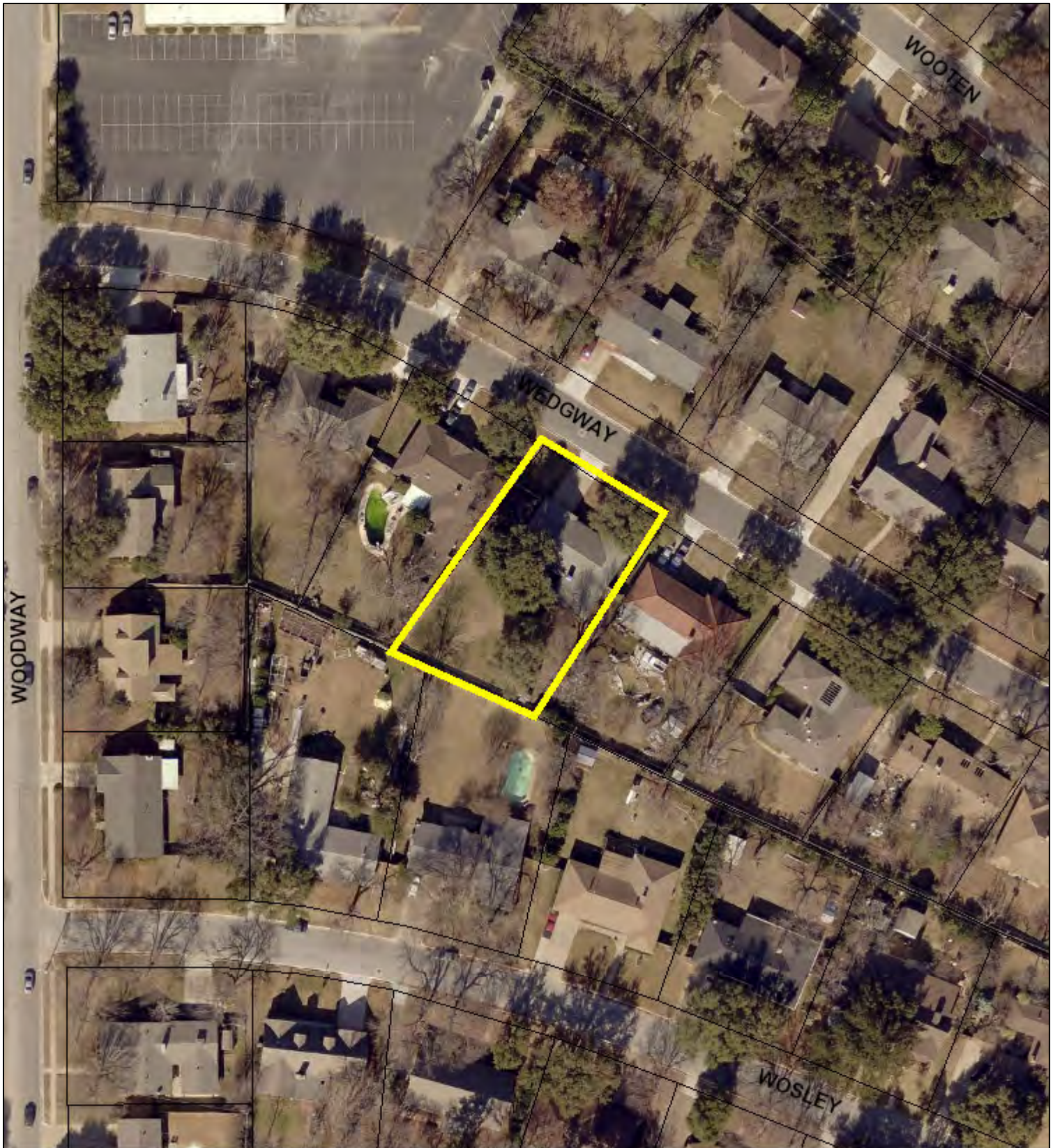


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Aerial Photo Map



0 55 110 220 Feet

