



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
August 6, 2019

Council District 4

Zoning Commission Recommendation:
Approve by a vote of 9-0

Opposition: Bonnie Brae NA, Oakhurst Alliance of Neighbors, Carter Riverside NA

Support: One letter submitted

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

Owner / Applicant: Maricela Clemente, Clemente Auto Sales

Site Location: 3510 - 3616 NE 28th Street Mapsco: 64E

Proposed Use: Auto Sales

Request: From: "B" Two-Family and "E" Neighborhood Commercial
To: PD/E Planned Development for all uses in "E" Neighborhood Commercial plus auto sales; site plan included, with waivers to residential adjacency, rear and side yard setbacks and signage

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

Comprehensive Plan Consistency: Requested change is **not consistent (Technical Inconsistency)**.

Staff Recommendation: **Approval**

Background:

The proposed site is located on the south side of 28th Street a commercial connector and north of Selk Street, a residential street on the city's Thoroughfare Plan. The applicant is proposing to rezone from "B" Two-Family and "E" Neighborhood Commercial to PD/E Planned Development for "E" uses plus auto sales. Auto uses are first allowed in the "FR" General Commercial Restricted district by right.

According to historic aerials from 1979, the building at 3616 NE 28th Street serves as the primary building on the lot. However, additions through the years for both the buildings and parking/storage area has encroached into the "B" zoning district to the south. The building at the southern end of the property in the "B" district appears to have been added between 2006 and 2007 but no permits were found. Staff has found CO's for the smaller building at 3510 NE 28th Street as far back as 1990.

The applicant first submitted an application for "FR" zoning in which staff indicated it would most likely not be supported based on the intent of the council initiated rezoning. After several conversations with the applicant, they submitted a PD/E with site plan to address several waivers in order to not open the property to other uses allowed in FR.

Staff has indicated to the applicant that additional screening with trees on the south side of the property on the site plan above the minimum required to screen the view of any bay doors from the adjacent “B” zoning district. The applicant has stated the new building will be used for auto cleaning and make ready detailing of used autos to be sold on-site. Three bay doors face the B zoning district to the east.

The case was continued from the February 13th Zoning Commission meeting to allow more time for the applicant to meet with the neighborhood again and provide a legible site plan. Several waivers are being requested.

A meeting was held with the Carter Riverside NA in which they chose to not take a stance on the zoning case. Staff has received opposition from the Bonnie Brae NA.

Staff has received letters requesting a 30 day continuance from the neighborhood; the application will reach the six month time frame in May for expiration.

The applicant has submitted a letter to staff indicating there will be no auto repair other than make ready associated with the auto sales business. The auto repair use was part of the staff report based on the application submitted by the applicant. If the zoning case is approved the certificate of occupancy will indicate auto sales.

The case was continued again at the April 10th Zoning Commission meeting to allow more time for the applicant to reach out to the neighborhood.

The applicant submitted a revised site plan after dockets had been sent out. The revised site plan indicates two existing structures approximately 2802 square feet to be removed as well as an existing carport. The new office building and new metal warehouse building with bay doors total approximately 5,000 square feet. The site plan also indicates a new landscape screening area along 28th Street. Should the zoning be approved the applicant will be required to comply with Urban Forestry for any existing and new tree plantings.

Staff has received opposition from Bonnie Brae NA.

The case was continued from the June City Council meeting to allow more time for the applicant to address Councilman Moon’s questions. At the time of this report no additional information has been received.

Requirement	E District	Proposed PD/E
Front Yard	0 ft. when fronting an arterial/20. ft. residential street/projected	Approx. 45 ft. (complies)
Side Yard	5 ft. min.	0-3 ft. (Waiver Recommended)
Rear Yard	20 ft. supplemental with 5' bufferyard	7.25 ft. (Waiver Recommended)
Height	3 stories or 45 ft. max.	One story, 30'6" needs to be indicated (complies)
Parking	2.5 spaces/1,000 sq. ft. for office; 2 spaces per bay door (minimum parking ratio required)	3,000 sq. ft. office – 6 spaces 2 bay doors – 4 spaces (complies)

Signage	Monument sign 8 x 16- 96 sq. ft.	Two One existing pole sign (Waiver Recommended)
Fencing	Adjacent to residential solid screening fence (wood, masonry, brick, stone)	Solid 6' metal screening fence along southern property line where adjacent to residential zoning (Waiver Recommended for a metal fence)
Buffering to One or Two-Family	5 ft. landscaped bufferyard with trees every 25 ft.	Needs to provide additional plantings in order to comply; otherwise a waiver is required
Metal Buildings	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.	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. (Waiver Recommended) No more than 50% storage is allowed in the E district, new proposed building does not indicate storage % (Waiver Recommended)

Site Information:

Owner: Maricela Clemente, Clemente Auto Sales
3616 NE 28th Street
Fort Worth, TX 76111

Agent: Texas Surveying/Joshua Anderson

Acreage: 1.71 acres

Comprehensive Plan Sector: Northeast

Surrounding Zoning and Land Uses:

North "E" Neighborhood Commercial, "I" Light industrial / auto sales, FWISD Admin. building
East "E" Neighborhood Commercial / auto sales
South "B" Two-Family / single-family
West PD 741 PD/SU plus car wash-auto lube / undeveloped

Recent Relevant Zoning and Platting History:

Zoning History: ZC-06-242 from B and E to PD/E plus car wash and lube center, effective 2/06/07(subject property to the west)

Platting History: FS-18-102 Clemente Auto Addition under review

Site Plan Comments:

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

1. The site plan indicates a new metal warehouse building. Solid metal buildings are not permitted in the E zoning district, nor there more than 50% storage in the building. **(waiver recommended)**
2. There is an existing pole sign which is no longer permitted. **(waiver recommended)**

3. There is a 20 ft. supplemental setback along the rear property line in which one structure encroaches. **(waiver recommended)**
4. An existing 6' solid metal fence is being used for screening to the residential district. **(waiver recommended)**

Zoning Commission recommended waivers to the items noted above.

TPW/Transportation and Public Works: No comments have been made at this time.

Platting Comments: No comments have been submitted at this time.

Fire Comments: No comments have been submitted at this time.

Water Department: No comment has been made at this time.

(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)
NE 28 th Street	Commercial Connector	Commercial Connector	No
Selk Street	Two-Way Residential	Two-Way Residential	No

Public Notification:

300 foot Legal Notifications were mailed on November 26, 2018

The following organizations were notified: (emailed November 26, 2018)

Organizations Notified	
Riverside Alliance	Sylvan Heights NA
Bonnie Brae NA	Carter Riverside NA*
Streams and Valleys Inc.	Trinity Habitat for Humanity
Eastside Sector Alliance	Oakhurst Alliance of Neighbors
Birdville ISD	Fort Worth ISD

* Located within a registered neighborhood association.*

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zoning change to allow for the expansion of an existing auto sales and repair center. The PD request will add the auto uses to the "E" Neighborhood Commercial district; site plan included.

Surrounding land uses consist of single-family zoning to the south, auto sales to the north, just west and east, and parking to the west partially paved and being used for auto inventory.

As a local service use, the adjacency to other existing auto sales, and with the additional buffering to the two-family zoning district to the south, the proposed zoning **is compatible** at this location.

2. Comprehensive Plan Consistency

The 2018 Comprehensive Plan designates the site as Neighborhood Commercial in which auto related uses are not permitted. The proposed PD/E zoning is not consistent with the following Comprehensive Plan policies.

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

- Separate incompatible land uses with buffers or transitional uses. Some land uses have attributes such as height, proportion, scale, operational characteristics, traffic generated, or appearance that may not be compatible with the attributes of other uses.

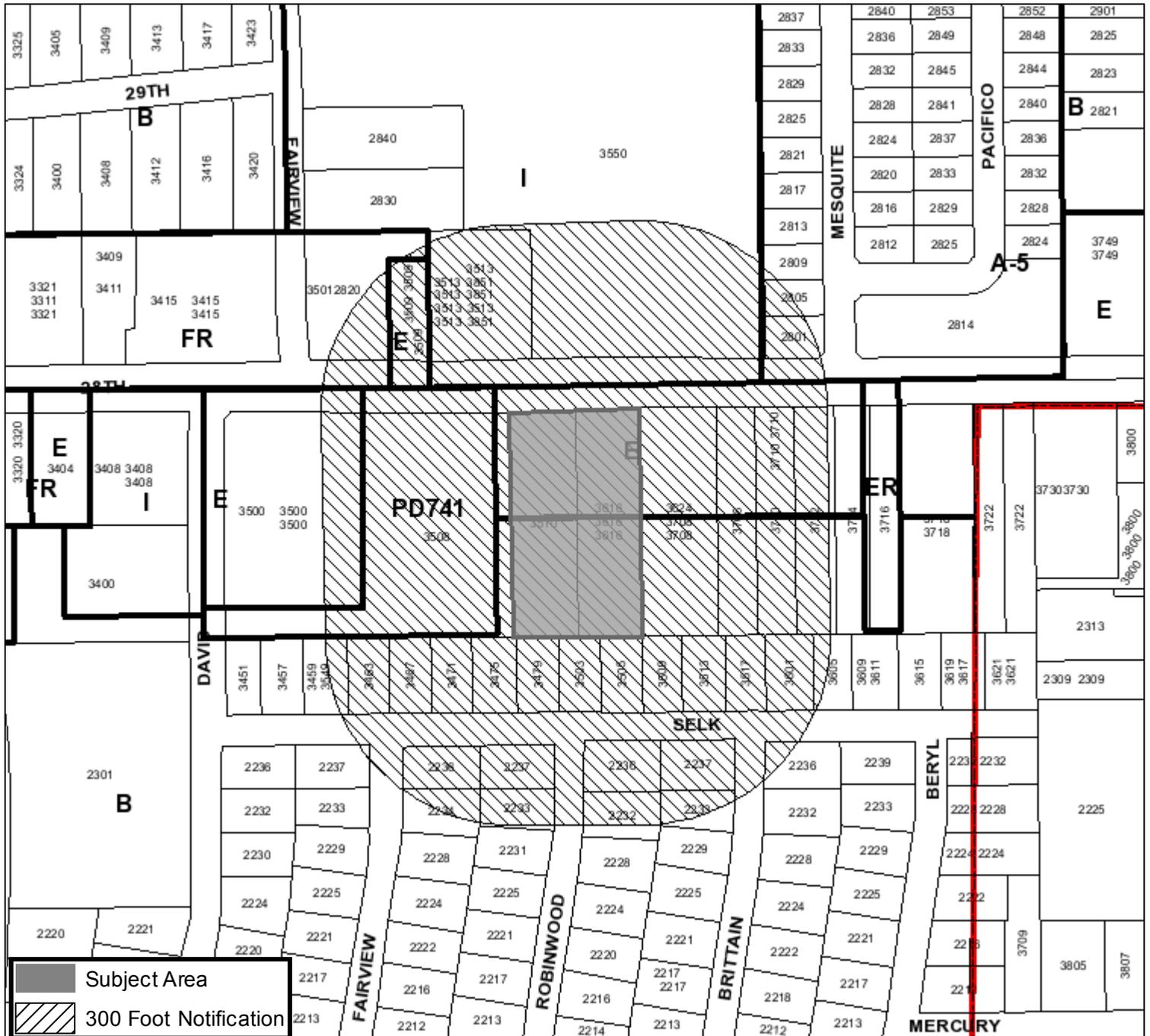
While an auto based use is not typically appropriate in neighborhood commercial land use, the auto sales and repair will provide service to the surrounding neighborhood and the submittal of a site plan provides details and additional screening that may help to mitigate any concerns. Therefore, the proposed zoning **is not consistent (Technical Inconsistency)** with the Comprehensive Plan.

Attachments:

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

Area Zoning Map

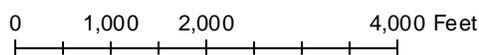
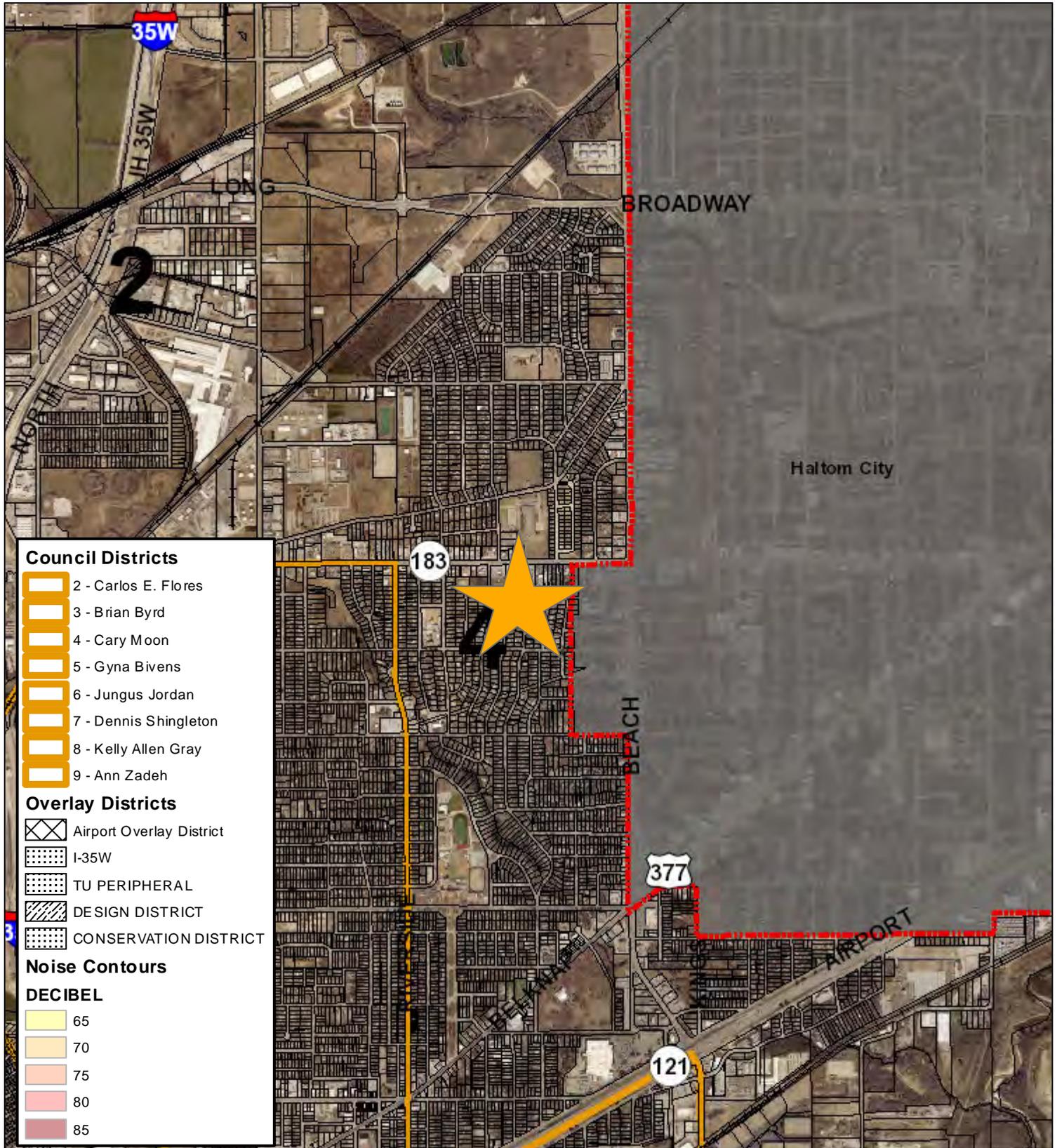
Applicant: Maricela Clemente, Clemente Auto Sales
 Address: 3510, 3616 NE 28th St.
 Zoning From: B, E
 Zoning To: PD/E plus auto sales and repair with waivers
 Acres: 1.71393313
 Mapsco: 64E
 Sector/District: Northeast
 Commission Date: 12/12/2018
 Contact: 817-392-2495



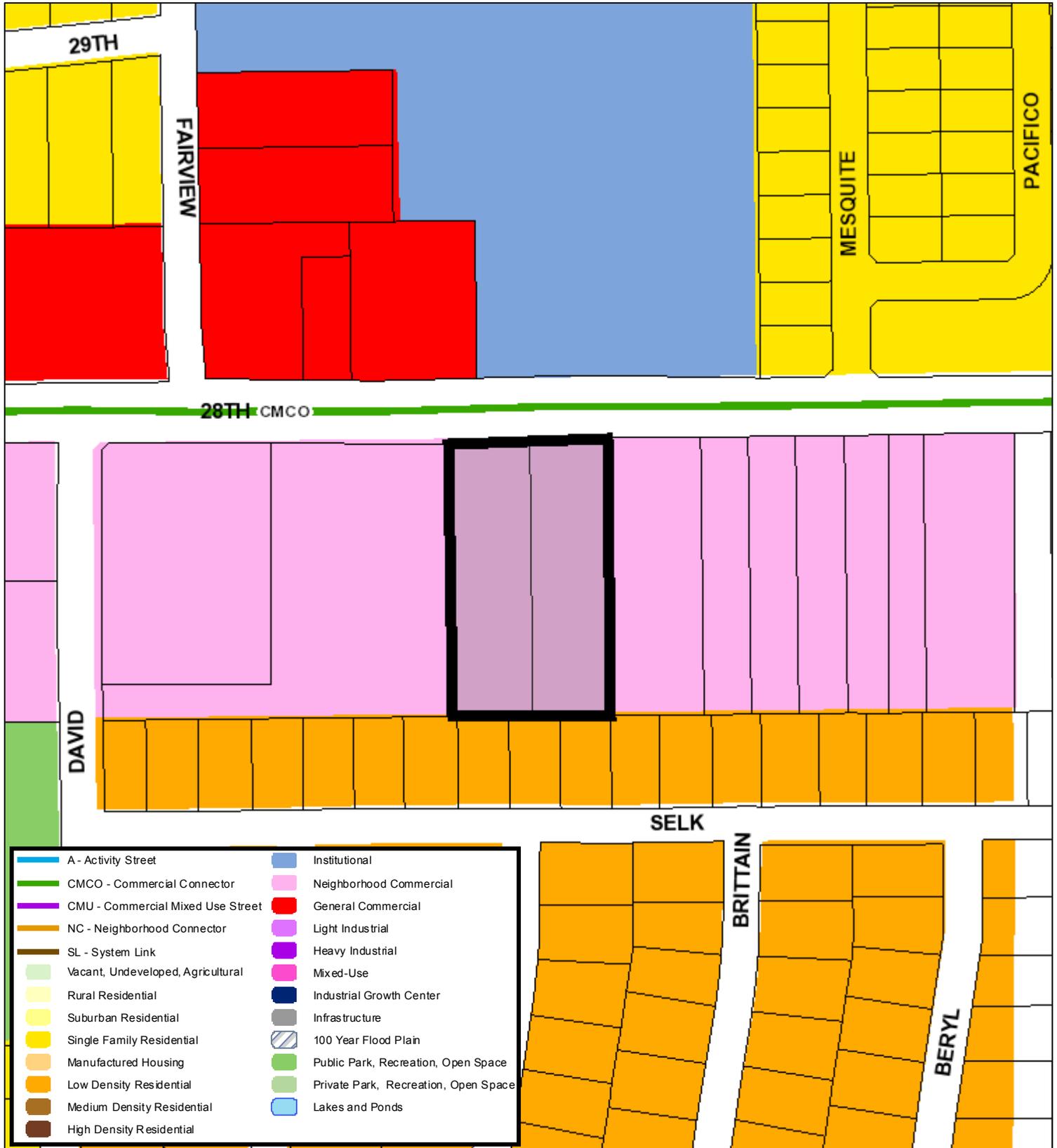
 Subject Area
 300 Foot Notification

0 115 230 460 Feet

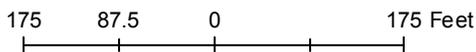
Area Map



Future Land Use



	A - Activity Street		Institutional
	CMCO - Commercial Connector		Neighborhood Commercial
	CMU - Commercial Mixed Use Street		General Commercial
	NC - Neighborhood Connector		Light Industrial
	SL - System Link		Heavy Industrial
	Vacant, Undeveloped, Agricultural		Mixed-Use
	Rural Residential		Industrial Growth Center
	Suburban Residential		Infrastructure
	Single Family Residential		100 Year Flood Plain
	Manufactured Housing		Public Park, Recreation, Open Space
	Low Density Residential		Private Park, Recreation, Open Space
	Medium Density Residential		Lakes and Ponds
	High Density Residential		



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 6, 2018.



Aerial Photo Map



0 110 220 440 Feet



DRAFT
City of Fort Worth, Texas
Zoning Commission
May 8, 2019 – Meeting Minutes

Present:

Will Northern, Chair, District 1
Wanda Conlin, Vice Chair, District 8
Jennifer Trevino, District 2
Beth Welch, District 3
Jesse Gober, District 4
Rafael McDonnell, District 5
Sandra Runnels, District 6
John Aughinbaugh, District 7
Kimberly Miller, District 9

Staff Members Present:

Dana Burghdoff, Assistant Director
Arty Wheaton-Rodriguez, Planning Manager
Lynn Jordan, Planner
Laura Evans, Planner
Melinda Ramos, Sr. Assistant City Attorney
Mirian Spencer, Senior Planner

Absent:

None

Public Hearing – 1:00 P. M.

Ms. Murphy explained the procedure to be followed for the Zoning Commission meeting.

I. Minutes

The Commission, on a motion by Ms. Trevino, seconded by Mr. McDonnell, with a vote of 8-0-1 with Mr. Aughinbaugh abstaining, approved the Zoning Commission minutes of the April 10, 2019 meeting.

Video on individual cases can be viewed at the following website.

http://fortworthgov.granicus.com/ViewPublisher.php?view_id=2

II. Continued Cases

1. ZC-18-181 Maricela Clemente, Clemente Auto Sales (CD 4) – 3510 and 3616 NE 28th St. (Jno B York Survey Abstract No. 1754 1, 1.71 ac.) From: “B” Two-Family and “E” Neighborhood Commercial To: PD/E Planned Development for all uses in “E” Neighborhood Commercial plus auto repair and sales; site plan included, with waivers to residential adjacency, rear and side yard setbacks and signage

Joshua Anderson, representing the applicant, stated he has been coordinating with the Neighborhood Association and stated he had a letter of support from the Carter Riverside Neighborhood Association. He wants to build a new office. They had filed a plat and it is currently on hold until the zoning is fixed. He wants the property to have consistent zoning.

Motion: Following brief discussion, Mr. Gober recommended Approval of the request, seconded by Ms. Runnels. The motion passed unanimously 9-0.

<i>Document received for written correspondence</i>				ZC-18-181
Name	Address	In/Out 300 ft.	Position on case	Summary

		notification area		
Joshua Anderson			Support	Representing the applicant
Janice Michel			Support	Sent letter

2. ZC-19-023 Schwob Building Company, Ltd (CD 7) – 15500 block FM 156 (W. Sample Survey Abstract No. 1207 and the W Zeckular Survey Abstract No. 1454, 12.41 ac.) From: Unzoned To: “K/AO” Heavy Industrial/Alliance Airport Overlay

Travis Clegg, representing the applicant, stated the property was annexed on April 9th. It is located within the Alliance Industrial Growth Center and surrounded by AG and K zoning.

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

<i>Document received for written correspondence</i>				ZC-19-023
Name	Address	In/Out 300 ft. notification area	Position on case	Summary
Travis Clegg	4020 Volk Ct		Support	Representing the applicant

3. ZC-19-040 Robert E. Larance, B. Larance Grocery (CD 7) – 2300 Merrick, 5201 and 5209 Collinwood (Chamberlain Arlington Heights Addition Lots 1-6 Block 60, 0.48 ac.) From: PD/SU Planned Development/Specific Use for grocery store only with “E” Neighborhood Commercial development standards and to allow alcohol sales for on premise consumption in existing grocery store; site plan included with waivers to setback, parking, supplemental buffers and landscaping To: Amend PD to add office as an allowed use

This case was withdrawn.

4. ZC-19-050 Victory At Heritage LLC (CD 7) – 9835 Chloe Creek Drive (Victory at Heritage Addition Lot 6 Block 1, 2.82 ac.) From: “G” Intensive Commercial / I-35 Overlay To: PD/G Planned Development for all uses in “G” Intensive Commercial plus hotel / I-35W Overlay; site plan included

Patrick Filson, representing the applicant, gave a brief presentation over the development. The development is a 30 acre development for a hotel. He showed an exhibit of the overall development of the area. He stated they met with the adjacent HOA and CM Shingleton. He stated they pushed the hotel farther away from the A-5 zoning so there is about a 90 foot setback, and the only windows that face the A-5 are corridor windows. They also added a fifth story and additional landscaping to screen the hotel.

Chelsea Reeves, representing Tehama Ridge HOA, spoke in opposition. She stated they are still negotiating with the applicant. They received the updated site plan the night before and have not had time to review it. Their Board of Directors would like a 30-day continuance.

Jocelyn Murphy from Planning & Development discussed the changes that were made to the amendment since the last hearing regarding uses, renewals, and timelines for unplatted properties.

Misty Ventura, stated she is generally in support, but had some concerns regarding making certain PDs legal nonconforming. She suggested the language be amended to ensure that existing PDs would be considered legal uses once this was passed.

Motion: Following brief discussion, Mr. Aughinbaugh recommended Approval of the request, as amended to include allowance for uses approved as PD's before the adoption of the amendment to be considered legal uses and an addition to the non residential land use chart to identify indoor recycling allowed in I, J and K districts, seconded by Ms. Trevino. The motion passed 8-1 with Ms. Conlin voting against.

<i>Document received for written correspondence</i>					ZC-18-177
Name	Address	In/Out 300 ft. notification area	Position on case		Summary
Misty Ventura	500 Main St		Support		Spoke at hearing

4. ZC-18-181 Maricela Clemente, Clemente Auto Sales (CD 4) – 3510 and 3616 NE 28th St. (Jno B York Survey Abstract No. 1754 1, 1.71 ac.) From: “B” Two-Family and “E” Neighborhood Commercial To: PD/E Planned Development for all uses in “E” Neighborhood Commercial plus auto repair and sales; site plan included, with waivers to residential adjacency, rear and side yard setbacks and signage

Joshua Anderson, representing the applicant, requested a 60-day continuance.

Motion: Following brief discussion, Mr. Gober recommended a 60-day continuance of the request, seconded by Ms. Trevino. The motion passed unanimously 9-0.

<i>Document received for written correspondence</i>					ZC-18-181
Name	Address	In/Out 300 ft. notification area	Position on case		Summary
Joshua Anderson	104 Walnut St, Weatherford, TX		Support		Representing applicant

5. ZC-18-203 Centergy River II LP (CD 9) – 601 Harrold St. (K.M. Van Zandt’s Addition Lot 3R1 Block 11, 3.38 ac.) From: “MU-2” High Intensity Mixed Use To: Planned Development for all uses “MU-2” High Intensity Mixed Use, plus 10 stories for a single use office and/or hotel building; site plan waiver requested

This case was withdrawn by the applicant.

XIII. RESOLUTIONS

1. Authorization to Initiate Zoning Change for Creation of Stop Six Design Overlay District and Standards for Single-Family Development

Motion: Council Member Bivens made a motion, seconded by Council Member Moon, that Resolution No. 5095-06-2019 be adopted. Motion passed 8-0, Mayor Price absent.

XIV. ZONING HEARING

The Notice of Special Hearing set today as the date for the hearing in connection with recommended changes and amendments to Zoning Ordinance No. 21653-02-2015 hearing had been given by publication in the *Fort Worth Star-Telegram*, the official newspaper of the City of Fort Worth, on May 17, 2019.

Mayor Pro tem Shingleton opened the public hearing.

1. **ZC-18-181 - (CD 4) - Maricela Clemente, Clemente Auto Sales, 3510 - 3616 NE 28th Street; From: "B" two-Family and "E" Neighborhood Commercial To: PD/E Planned Development for all uses in "E" Neighborhood Commercial plus auto sales; site plan included with waivers to residential adjacency, rear and side yard setbacks and signage 1.71 acres (Recommended for Approval by the Zoning Commission)**

Mr. Joshua Anderson, 104 South Walnut Street, Weatherford, Texas, appeared before Council in support of Zoning Docket ZC-18-181.

Motion: Council Member Moon made a motion, seconded by Council Member Bivens, that Zoning Docket ZC-18-181 be continued to the August 6, 2019, Council meeting. Motion passed 8-0, Mayor Price absent.

The City Council, at its meeting of May 7, 2019, continued Zoning Docket ZC-19-018:

2. **ZC-19-018 - (CD 6) - Jerry Savelle Ministries, Inc., 1450, 10301, 10601 W. Cleburne Crowley Road, 10700 Old Cleburne Crowley Road; From: "AG" Agricultural To: "A-5" One-Family 45.55 acres (Recommended for Denial W/O Prejudice by the Zoning Commission) (Continued from a Previous Meeting)**

Mr. Travis Clegg, 4020 Volk Court, appeared before Council in support of Zoning Docket ZC-19-018.

The following individuals completed comment cards in support of Zoning Docket ZC-19-057:

Ms. Sarah Walker, 2767 East 1st Street
Mr. Clarence Williams, 2761 East 1st Street

The following individuals appeared before Council in opposition to Zoning Docket ZC-19-057:

Mr. James A. Ward III, 1740 Martel Avenue
Mr. Christopher Bonilla, 3800 Byers Avenue

Motion: Council Member Allen Gray made a motion, seconded by Council Member Byrd, that Zoning Docket ZC-19-057 be approved as amended for 2800 Nies Street "B"; 2400 and 2500 East 4th Street, 309, 311, and 313 Rayner "F"; 3000 Airport Freeway "G" and 1720 Riverside to "PD/I" to allow outdoor sales and storage to require painting in front of the building and plant red tip photinias in front of eastern fence. Motion passed 8-0, Mayor Price absent.

7. **ZC-19-063 - (CD 2) - Northwest Bible Church, Inc. 5029, 5033 Jacksboro Highway; From: "A-5" One-Family To: "E" Neighborhood Commercial 1.30 acres (Recommended for Approval by the Zoning Commission)**

Mr. J.R. Olmstead, 2315 Westbrook Avenue, appeared before Council in support of Zoning Docket ZC-19-063.

Ms. Jenna Young, 5104 Circle Ridge Drive West, appeared before Council in opposition to Zoning Docket ZC-19-093 and provided handouts.

Motion: Council Member Flores made a motion, seconded by Council Member Zadeh, that Zoning Docket ZC-19-063 be continued to the August 6, 2019, Council meeting. Motion passed 8-0, Mayor Price absent.

8. **ZC-19-064 - (CD 9) - 2925 Race, LLC 2919, 2929, 3005, 3007, 3009 Race Street; 3000, 3004, 3008 McLemore Avenue; From: "MU-1" Low Intensity Mixed-Use and PD 1181 "PD/MU-1" Planned Development for all uses in "MU-1" Low Intensity Mixed-Use plus bar/tavern; site plan waived To: Amend PD 1181 "PD/MU-1" Planned Development for all uses in "MU-1" Low Intensity Mixed-Use plus bar/tavern to add additional property; site plan waiver recommended 1.41 acres (Recommended for Approval by the Zoning Commission)**

The following individuals completed speaker cards in support of Zoning Docket ZC-19-064 and were recognized by Mayor Pro tem Shingleton but did not wish to address Council:

Mr. Chad Colley, 601 Blandin Street, Dallas, Texas
Mr. Pretlow Riddick, 2925 Race Street

Motion: Council Member Zadeh made a motion, seconded by Council Member Flores, that Zoning Docket ZC-19-064 be approved. Motion passed 8-0, Mayor Price absent.