



Staff Report

Development Services Department
Planning Division – Zoning Section

To: City of Fort Worth City Council

From: Arty Wheaton-Rodriguez
Planning Manager

Date: April 7, 2020

Re: Conditional Use Permit– **ZC-20-024**

Zoning Commission Recommendation:

Approval by a vote of 7-0

Opposition: None submitted

Support: None submitted

Staff Recommendation

Based on the criteria for review in the City of Fort Worth Zoning Code and Comprehensive Plan, staff recommends that the Conditional Use Permit (CUP) for Cabinet Construction be **recommended for approval**. The CUP is compatible with surrounding land uses. The CUP is consistent with the Future Land Use designation of Mixed-Use Growth Center (MUGC), as MU-2 allows the use by right and appropriate in the MUGC designation.

Request for Rezoning

Address	3116 Haynie Street
Area of Property	0.4835 acres
Current Zoning	Mixed-Use 1 (MU-1)
Proposed Zoning	Mixed-Use 1 (MU-1), with Conditional Use Permit (CUP) to add Cabinet Construction, <i>a form of light industrial service</i>
Council District	District 5, Council Member Gyna Bivens
Planning Sector	Eastside
Owner/Representative	Rafael and Claudia Leal/Andy Bearden

Attachments

1. Zoning Application
2. Site Plan
3. Area Zoning Map
4. Future Land Use Map
5. Aerial Photo Map

Staff Report and Summary of Rezoning Request

Applicant Narrative

The current buildings within the three building complex are three concrete buildings, two of which, labeled buildings 1 and 2 on the site plan, have garage bays facing Haynie Street. Current uses include a sign shop, auto repair, and a warehouse. The property owners have issued notice to those current users as they intend to have a luxury cabinet construction company occupy all three structures. Specifically, luxury cabinet construction pertains to the fact that these cabinets are constructed for custom homes. The applicant described the use as needing to be relatively climate controlled as the wood and materials used can react to moisture levels outside. The applicant has stated that they currently have bids to paint the existing structures.

Existing Context, *attachment 5*

The site is located just east of East Loop 820 at the NW corner of E. Lancaster Avenue and Haynie Street.

In general, the area is a transitioning light industrial area with surround auto sales/rental related uses storage. There are existing residential uses to the north of the site and Jean McClung Middle School is about one and a half blocks north of the site.

Existing Zoning, *attachment 3*

Most recent uses of the property include a sign shop, auto repair and warehouse. Those uses are in general non-conforming within the MU-1 district. The buildings are existing today and also in general do not meet MU-1 siting standards. The intent here is to keep the existing structures, as is. Any new construction would have to be in compliance with MU-1 standards.

The site is located within the Historic Handley Urban Village, rezoned MU-1 in 2003 (ZC-03-113).

ZC-14-132—in 2014, a request was made to rezone an adjacent property to the east of this site from MU-1 to FR (General Commercial Restricted). That request was denied

Existing Future Land Use, *attachment 4*

Mixed-Use Growth Center

Lots immediately to the north of the site are zoned E with a future land use designation of Single Family. The site itself is located within a future land use designated Mixed-Use Growth Center and within the Historic Handley Urban Village.

Mixed-Use growth centers are highly urbanized places containing many characteristics of a downtown including a high concentration of jobs and housing, schools, parks, and other public facilities, public transportation hubs, and pedestrian activity. Its predominant land uses are

residential and commercial. Within a small geographic area, different land uses are found side by side or within the same building. These places tend to be bustling and diverse, with a sense of place.

Urban Village Development Program-- The urban village program seeks to revitalize 16 designated urban villages by providing capital improvements, zoning incentives, and development incentives that leverage private investment and enhance pedestrian and transit access in order to implement the 2005 Commercial Corridors Revitalization Strategy. Urban villages are urbanized places that have a concentration of jobs, housing, commercial uses, public spaces, public transportation and pedestrian activity.

Draft 2020 Comprehensive Plan

POLICIES

- Promote appropriate infill of old commercial centers (greyfields), and contaminated sites (brownfields) within developed areas, particularly in the central city.

STRATEGIES

- Encourage new development in character with the existing neighborhood scale, architecture, and platting pattern, while working to improve pedestrian, bicycle, and transit access between adjacent neighborhoods and nearby destinations.

Economic Development Plan Strategies 2018

TARGET AREAS: *East Lancaster* a large linear corridor stretching from southeast of downtown to I-820, along E Lancaster Ave

OVERVIEW

East Lancaster is a primarily residential area dominated by Hispanic or Latino residents who earn just over half of the city median household income. East Lancaster has the most incentive zones that overlap the target area's boundaries. Three NEZ zones are present within the target area: Evans and Rosedale NEZ, Evans and Rosedale NEZ, and Historic Handley NEZ. The target area also includes parts of two Urban Villages: Oakland Corners and Near East Side. It also borders three Tax Increment Financing (TIF) Districts, but does not directly within a TIF district. However, the area faces more challenges than any other target, except for Stop Six. Several challenges to improvement exist for this target. Significant new business investment and employment growth within the area is not likely within the next 5 to 10 years. Additionally, the unique geography of area (long and narrow), encompasses such diverse territory that it could be treated as three distinct zones. A concentration of homeless services in two-thirds of the area also presents a challenge, not only for current businesses, but for the attraction of new business.

LAND USE AND ZONING CLASSIFICATIONS

LAND USE	DEFINITION	ZONING
SPECIAL		
Vacant, Agricultural	Vacant, agriculture	AG
Rivers, Lakes, Streams, 100 Year Flood Plain	Water features, 100-year flood plain	ALL
Infrastructure	Roads, railroads, airports, utilities	ALL
Parks, Recreation, Open Space	Public or private recreation, or passive land	ALL
RESIDENTIAL		
Rural Residential	1+ acre single-family	A-2.5A, A-43
Suburban Residential	1/2+ acre single-family	A-21
Single-Family Residential	3,500+ sq. ft. lot single-family	A-10, A-7.5, A-5, AR
Manufactured Housing	Manufactured home parks and subdivisions	MH
Low Density Residential	2,500+ sq. ft. lot single-family, two-family, patio homes, townhouses, cluster housing	B, R1, R2
Medium Density Residential	Up to 36 units/acre multifamily	CR, C, D
High Density Residential	>36 units/acre multifamily, mixed-use multifamily in growth centers	UR, MU-1
Institutional	Schools, churches, government, human services, utilities, community centers, day cares	Schools and Churches: ALL Others: CF
Urban Residential	Higher density, residential only, pedestrian-oriented development for use between higher and lower intensity uses	UR
COMMERCIAL		
Neighborhood Commercial	Retail, services, offices and mixed uses serving daily needs for a local market area	Multifamily Residential, ER, E, MU-1
General Commercial	Retail, services, offices and mixed uses serving occasional needs for a larger market area	Multifamily Residential, ER, E, MU-1, MU-2
Mixed-Use/ Mixed-Use Growth Center	Retail, services, offices, entertainment, mixed uses, and multifamily residential; Community Growth Centers are less intensive, and Regional Growth Centers are more intensive	AR, B, R1, R2, CR, C, D, UR, all Commercial, all Mixed-use/Form-based Code
INDUSTRIAL		
Light Industrial	Warehousing, transportation, light assemble, outside storage	MU-2, I, All Commercial
Heavy Industrial	Heavy manufacturing, outside storage	All Commercial & Industrial
Industrial Growth Center	Industrial and commercial uses serving a large region	All Commercial & Industrial
OTHER		
Special and Hazardous Uses	Bed & breakfast, aviation, recycling centers, refining, cell towers, concrete batch plants	Special Exception

2020 Fort Worth Comprehensive Plan, Land Use

APPROPRIATE ZONING CLASSIFICATIONS FOR MIXED-USE GROWTH CENTERS

ZONING CLASSIFICATION	USUALLY ACCEPTABLE	MOST DESIRABLE	
		COMMUNITY	REGIONAL
AG	NO	NO	NO
CF, PD	YES	NO	NO
A-5, A-7.5, A-10, A-21, A-43, A-2.5A	NO	NO	NO
AR, B, R1, R2	YES	NO	NO
CR, C, D, UR	YES	YES	YES
ER, E	YES	YES	YES
MU-1	YES	YES	YES
FR, F, G	YES	NO	YES
MU-2	YES	YES	YES
H, NS, PI, CB, BU, TL, SY*	YES	YES	YES
I, J, K	NO	NO	NO

*H, NS, PI, CB, BU, TL, and SY are only allowed in Downtown, Near Southside, Panther Island, Camp Bowie, Berry/University, Trinity Lakes, and the Stockyards, respectively.

2020 Fort Worth Comprehensive Plan, Land Use Chapter

Existing Buildings Form and Scale

The existing surrounding buildings are all one story most of which have a light industrial type use. Existing buildings on the site do not meet all design elements found in MU zoning, but one existing building (labeled building 3) is pulled up to the street and more pedestrian oriented than other uses on the block. In general, though, the area north of East Lancaster does tend to have buildings pulled up towards the roadway, typical of traditional commercial urban form. The site is two blocks west of the Historic Handley store fronts, part of a recent TxDOT grant funded streetscape project creating on-street parking and enhanced crosswalks and the heart of the Historic Handley Urban Village.



Site photos and perspective view of area surrounding site

Proposed Zoning

A Conditional Use Permit (CUP) is a zoning tool that allows an owner to use property in a way not otherwise allowed within the current zoning district, without changing the base zoning district. The CUP tool prevents a change to the overall base zoning while allowing an otherwise non-allowed use, contrary to the older practice of rezoning these types of site to a Planned Development (PD). The CUP also allows time limits to be set to how long the use can be in place. Finally, the CUP does allow for revocation under certain guidelines for poor behavior or operation, inaction, or discontinuance of use.

The use being applied for via this CUP is that of cabinet construction, a form of light industrial service.

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.

Section 4.407 (d) of the Fort Worth Zoning Ordinance provides the following Conditional Use Permit criteria in consideration of appropriateness of a request:

- a) The proposed use is consistent with the Comprehensive Plan (*in this case it is*);
- b) The proposed use is compatible with the existing and adjacent uses (*in this case it is*);
- c) The proposed use meets all supplemental use standards specifically applicable to the use as set forth in Chapter 5 (*in this case it is*);
- d) The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods (*in this case it is*);
- 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 (*in this case it is not materially detrimental*).

Public comments or opposition

None as of the printing of this staff report as part of the Zoning Docket for March 4th, 2020.

Organizations Notified: February 17, 2020

ZC-20-024	
Organizations Notified within a ½ mile radius	
East Fort Worth Neighborhoods Coalition	Neighborhoods of East Fort Worth
Historic Carver Heights NA	Handley NA
East Fort Worth, Inc.	Streams And Valleys Inc
Trinity Habitat for Humanity	Historic Handley Development Corporation
Southeast Fort Worth Inc	East Fort Worth Business Association
Fort Worth ISD	

300 Foot Property Owners Notified February 19, 2020

Staff Evaluation

No change in current buildings are being proposed. In order for the use to remain after demo of the structures they would have to be rebuilt under current MU standards. The use is an allowed use in MU-2, which is also appropriate in Mixed-Use Growth Center, thus an approval for a CUP this use is appropriate. Previous to this proposed development/use, the site was used as a sign shop, auto repair, and warehouse. This use appears to be less intense than those non-conforming uses. Within the same block and to the west of this property there is automotive rental business. Directly east of this site is an appliance repair place in a repurposed gas/service station. The 2018 Economic Development Plan identifies this site as difficult for commercial development in the short term, therefore the use approval via CUP is appropriate.



APPLICATION TO AMEND THE ZONING ORDINANCE/SITE PLAN

City of Fort Worth, Texas.....Planning & Development Department.....Zoning Applications Section

(Must be a complete application for acceptance)

PROPERTY OWNER RAFAEL AND CLAUDIA LEAL
Mailing Address PO BOX 13344 Telephone (817) 680-0341
City ARLINGTON State TX Zip 76014 Email / Fax
APPLICANT / AGENT ANDY BEARDEN
Mailing Address 1803 HUMAN AV Telephone (817) 658-3924 Cell 817 (658) 3924
City FORT WORTH State TX Zip 76164 Email / Fax ANDY@IRN.EMAIL
OTHER CONTACT Name Phone

PURPOSE OF PROPOSAL

[X] Amend the ZONING MAP to change the zoning district boundaries on the following parcel(s):

Table with 4 columns: Lot / Tract No., From, To. Handwritten entry: From CU-1 To CUP.

If a Conditional Use Permit (CUP) Overlay: Name of proposed business:

- [X] Site Plan Included (CUP Site Plan cannot be waived; approval does not waive health & safety standards)
[] Site Plan Required (e.g. a site plan will be submitted through the SP process at a later date)

If a Planned Development District (PD): Name of development:

- [] Site Plan Included (Approval of a site plan does not waive health & safety standards.)
[] Site Plan Required (e.g. a site plan will be submitted through the SP process at a later date)
[] Site Plan Waiver Requested Reason Site Plan not provided:

If providing only a Site Plan or Site Plan amendment, please provide different SP case application.

DEVELOPMENT INFORMATION

[X] Location address or block range: 3116 HAYNIE

Developer of property will be: [X] Present Owner [] Purchaser [] Unknown

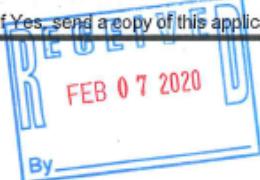
Present use of this property is: sign shop / auto repair / warehouse

Describe proposed new use and purpose for zoning change: LUXURY CABINET CONSTRUCTION

Is the purpose of this request to provide a reasonable accommodation for a person(s) with disabilities? Yes [] No [X]

If Yes, this application will be directed to the Planning and Development Director or Zoning Administrator for review pursuant to Ordinance No. 22098-03-2016, "Reasonable Accommodation or Modification for Residential Uses." Applications under a Reasonable Accommodation Ordinance review will not be heard by the Zoning Commission. Please see Ordinance No. 22098-03-2016 (Chapter 17, Division V) for more information.

NOTE TO STAFF: If Yes, send a copy of this application and any attachments to the Zoning Administrator ASAP.



ZC-20-024-

Is this property part of a current Code Compliance case? Yes No If so, please explain

PROPERTY DESCRIPTION

- Total net land area 4.835 (acres)
- Sketch Drawing of Area to be Re-Zoned, including Location Map (8 1/2" x 11")

Certified Legal Description:

NOT PLATTED: A Registered Texas Surveyor's certified metes and bounds legal description is required with case exhibit drawings of the entire area to be rezoned. The boundary description shall be furnished on 8 1/2" x 11" paper, bearing the surveyor's name, seal and date. The metes and bounds must begin at a corner platted lot or intersect with a street. All metes and bounds must close. If the area to be rezoned is entirely encompassed by a recorded deed, a copy of the deed description is acceptable. An Electronic copy of survey may be emailed within 2 days of application. Send to zoninglanduse@fortworthtexas.gov.

PLATTED: If it is within a recorded subdivision, provide a copy of the plat with the subdivision name and recording information. Any partial or non-surveyed parcel or tract, extracted from a recorded deed, will require a certified legal description as noted above.

Subdivision Name D.S. ROSS ADDITION
Block 4 Lot(s) 3R; Block _____ Lot(s) _____; Block _____ Lots(s) _____

ACKNOWLEDGEMENTS

I certify that the above information is correct and complete to the best of my knowledge and ability and that I am now, or will be, fully prepared to present the above proposal before the Zoning Commission and City Council public hearings. I further certify that I have read and understand the information provided, concerning the policies and procedures regarding consideration of my zoning request.

I understand that all recommendations of the Zoning Commission will be forwarded to the City Council for final determination, normally scheduled for the first Tuesday of the following month. I further understand that any actions of the Zoning Commission are considered recommendations to the City Council and that I may be heard by the City Council at the prescribed Council hearing date where a final decision will be made.

I further understand that if I am not present nor duly represented at the Commission's public hearing, the Zoning Commission may dismiss my request, which constitutes a recommendation that the request be denied. I further understand that if I am not present, or duly represented, at the City Council public hearing, the City Council may deny my request.

I reserve the right to withdraw this proposal at any time, within 14 days of the deadline filing date, upon written request filed with the Executive Secretary of the Commission. Such withdrawal shall immediately stop all proceedings thereon; provided, however, case withdrawal, filed any time after the 14 days following the filing deadline, shall constitute a denial by the Commission and City Council. I understand my filing fee is not refundable upon withdrawal of my case application after public notice, nor following denial by the Commission or Council of my case. I / We respectfully request approval and adoption of the proposed zoning / land use of property, within the City of Fort Worth, as identified in this application.

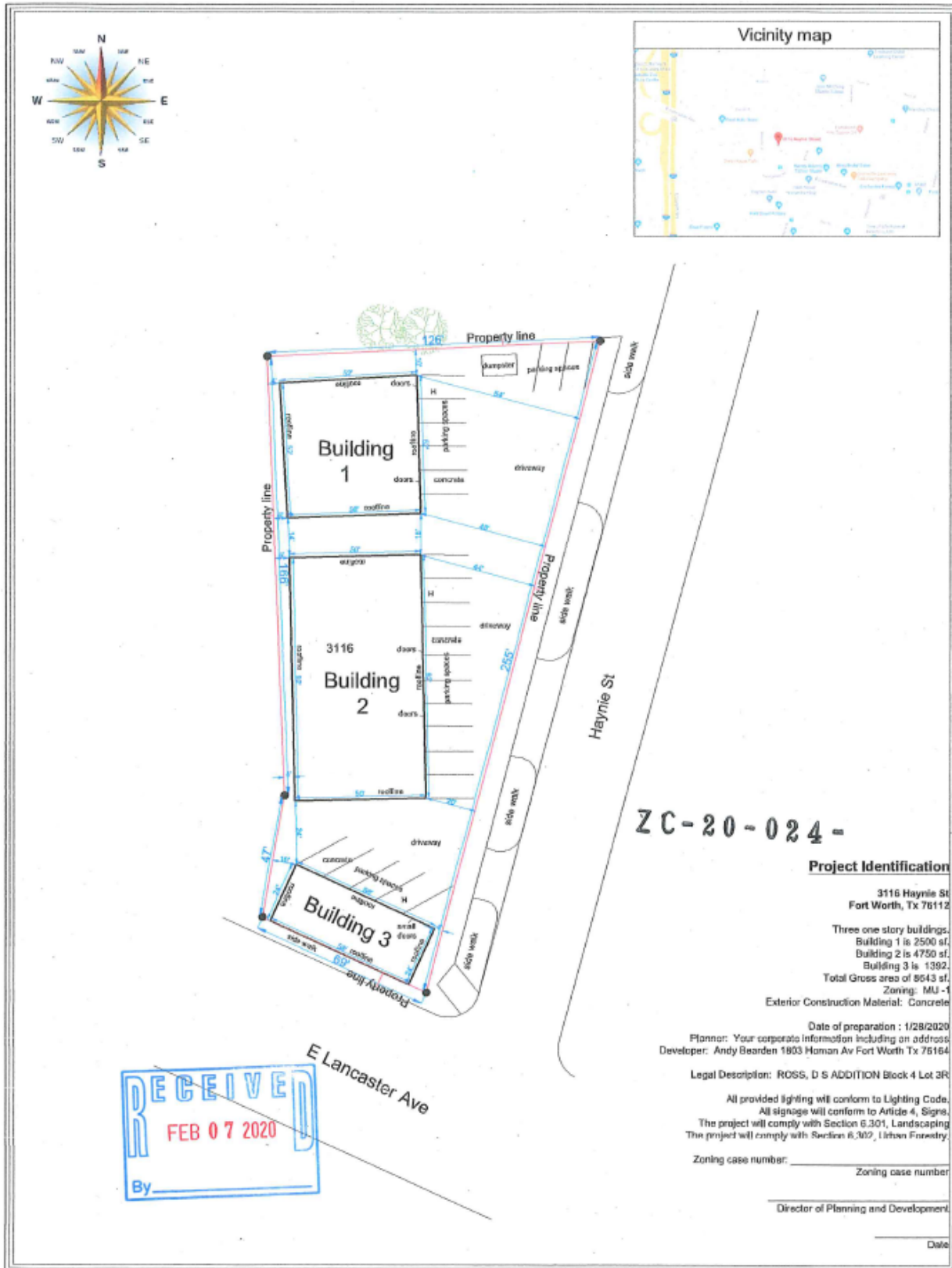
SIGN INSTALLATION AUTHORIZATION

Authority is hereby granted to the City of Fort Worth, or its agent, to install upon the above described property, sign or signs in a conspicuous place, or places, at a point, or points nearest any right-of-way, street, roadway or historic designation, or, special exception or public thoroughfare abutting said property. Such sign or signs indicate that a zoning amendment is proposed and that further information can be acquired by telephoning the number indicated. I shall inform City Staff if the sign is removed, lost, or otherwise ceases to be displayed on my property during the processing of the zoning case.

Signature of Owner/Agent* [Signature] Date 2/5/20
(circle one)
Printed name ANDY BEARDEN Phone No. 817-658-3924

*Note: An Agent must furnish a signed Letter of Authorization from the owner when submitting this application. If qualified for NEZ benefits: I DO / DO NOT decline use of NEZ certification to waive the fees for this application (circle one)

Fee \$	Receipt No.	Application Received By :	Date filed :	Case No. :
\$2050.00		<u>h.t.</u>	<u>2/7/20</u>	<u>zc-20-024</u>

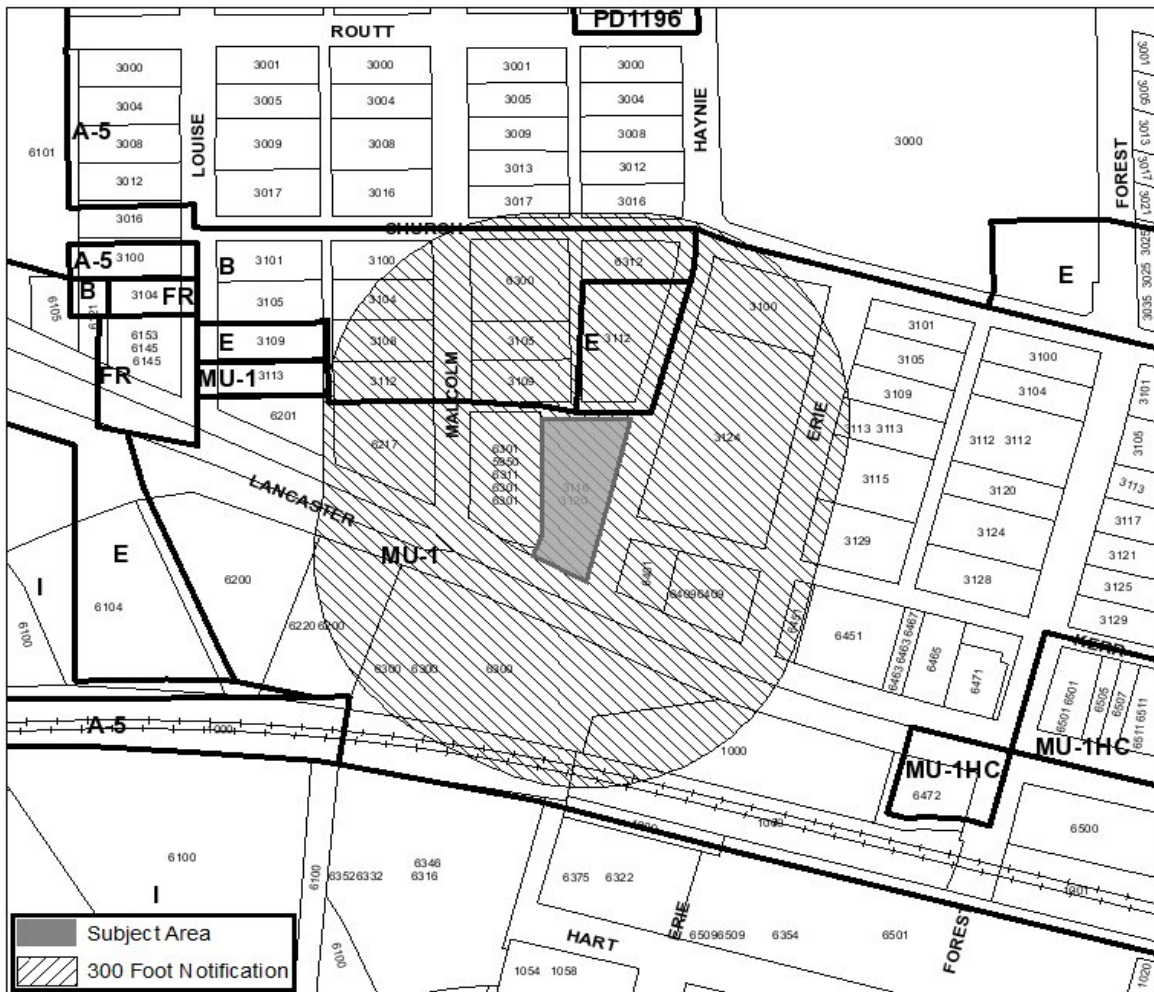




ZC-20-024

Area Zoning Map

Applicant: Rafael & Claudia Leal
Address: 3116 Haynie Street
Zoning From: MU-1
Zoning To: Add Conditional Use Permit for auto repair, sign shop, and warehouse
Acres: 0.48480316
Mapsco: 80J
Sector/District: Eastside
Commission Date: 3/4/2020
Contact: 817-392-6226

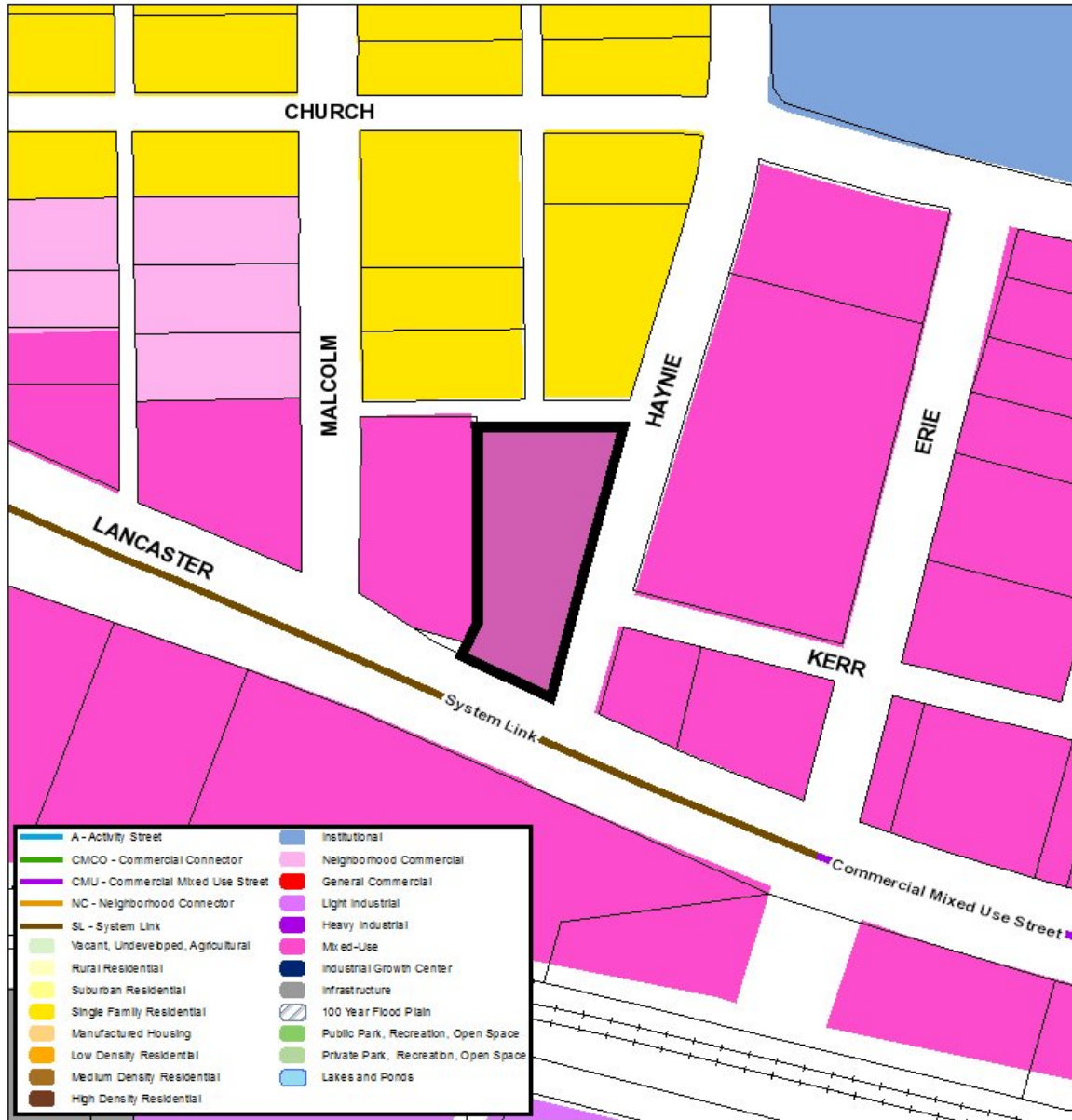


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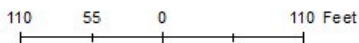


ZC-20-024

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 212.005.) Land use designations were approved by City Council on March 5, 2019.



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ZC-20-024

Aerial Photo Map

