



Zoning Staff Report

Date: October 17, 2023

Case Number: ZC-23-128

Council District: 7

Conditional Use Permit

Case Manager: [Beth Knight](#)

Owner / Applicant: Jakayla Boyd

Site Location: 4921 Parkview Hills Lane

Acreage: 0.15 acres

Request

Proposed Use: Daycare inside a private residence

Request: From: “A-5” One-Family Residential

To: Add Conditional Use Permit (CUP) to allow a daycare in a private residence in “A-5” One-Family Residential for a maximum of 5 years; site plan included.

Recommendation

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

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

Staff Recommendation: **Approval**

Zoning Commission Recommendation: **Approval by a vote of 8-0**

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Project Description and Background

The proposed site is in a mid-block location, approximately ½ mile from the northwest corner of Old Decatur and Cromwell Marine Creek Roads, deep in the center of a residential neighborhood. The rezoning area is a single lot that contains a private residence. The proposed use is to add a Conditional Use Permit for an in-home daycare; site plan included. No development waivers are requested.

Daycare in a single family home is 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” district. 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. The zoning ordinance allows an in-home daycare CUP to be approved for maximum of 5 years.

The subject site and the general area are part of a large multi-block residential area between Boat Club Road and Saginaw. Very few commercial uses are noted close to Saginaw. While in-home daycare is not permitted in the “A-5” zoning district by right, allowing one by CUP with a site plan may help mitigate any neighborhood concerns, as well as give options for the CUP to be revoked in the event of code violation convictions.

While the applicant had anticipated caring for 12 children, the site plan shows a backyard that meets the ordinance requirements for a 10-child playground and a fence enclosing the backyard on all sides. The two required parking space for the daycare could be accommodated in the attached garage or front driveway. The street in front of the proposed daycare appears to function as a neighborhood collector that starts in Saginaw and connects several sections of the neighborhood together, which already sees more traffic than the adjacent residential streets. A City park lies approximately 500 feet to the west, that would provide additional play area, if desired. The dumpsters should be moved from the rear yard to a side yard so that children cannot access the dumpsters.

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.

Surrounding Zoning and Land Uses

North “A-5” One-Family / Single family uses
 East “A-5” One-Family / Single family uses
 South “A-5” One-Family / Single family uses
 West “A-5” One-Family / Single family uses

Recent Zoning History

None.

Public Notification

300-foot Legal Notifications were mailed on August 26, 2023.
 The following organizations were notified: (emailed August 24, 2023)

Organizations Notified	
Worth Heights NA*	Fort Worth ISD
Berry Street Initiative	Hemphill Corridor Task Force
Las Familias de Rosemont NA	Morningside NA
Shaw Clarke NA	South Hemphill Heights NA
Southeast Fort Worth Inc	United Communities Assoc. of S. Fort Worth
Streams and Valleys Inc	Trinity Habitat for Humanity

**Located within this registered Neighborhood Association*

Development Impact Analysis

Land Use Compatibility

The applicant is proposing to add a CUP to allow in-home daycare on a site with an existing residence in the “A-5” zoning district for a maximum of 5 years. Surrounding land uses consist entirely of other residential uses in residential zoning. The rear yard of approximately 1,000 square feet could accommodate playground space for 10 children. State law allows for a daycare with up to 6 children in private residences by right. Space is available in the garage or driveway to meet the two required parking spaces. Due to the extensive amount of residential

uses, few commercial options for commercial daycares sites are available. Having daycares integrated into neighborhoods allows for child care near the child's home. The proposed zoning request **is compatible** with surrounding land uses due to the relatively low number of children in the daycare and the availability of a public park, as well as meeting all the required and supplemental standards.

Comprehensive Plan Consistency– Far Northwest Sector

The 2023 Comprehensive Plan currently designates the subject property as “Single Family” on the Future Land Use Map, where community facilities that support residential uses are encouraged. The proposed zoning is consistent with the land use designations for this area, and with the following policies of the Comprehensive Plan:

- Encourage new development adjacent and connected to previously developed or platted areas in order to utilize existing utility and road infrastructure and services, thereby optimizing public and private investments and discouraging sprawl development.
- Preserve the character of rural and suburban residential neighborhoods.

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

Site Plan Comments

Zoning and Land Use

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

1. Please add the date you submitted the application.
2. Include your name, address, and telephone number. It might be helpful to white-out the Purchaser lines, and address/GF No. lines below that to have space.
3. Add a vicinity map.
4. Add the zoning case number of ZC-23-128 in the lower righthand corner of the plan, below the title.
5. Add a note the daycare uses will be in the front rooms of the home.
6. Label where the 2 required parking spaces will be (in the garage or in the driveway).
7. Please move the dumpsters from the back yard to a side yard to keep them away from the children.
8. Draw in the new patio cover on the back of the house. This structure will need a building permit.
9. Add a note that the backyard has approximately 1,000 square feet and that a maximum of 10 children can be cared for in the home.
10. Add a note that the CUP can only be approved for a maximum of 5 years.
11. Label the height and materials of the backyard fence.
12. Label the land use and zoning classifications of both the site area and the immediately adjacent properties abutting the site. See the separate sheet for adjacent lots lines.

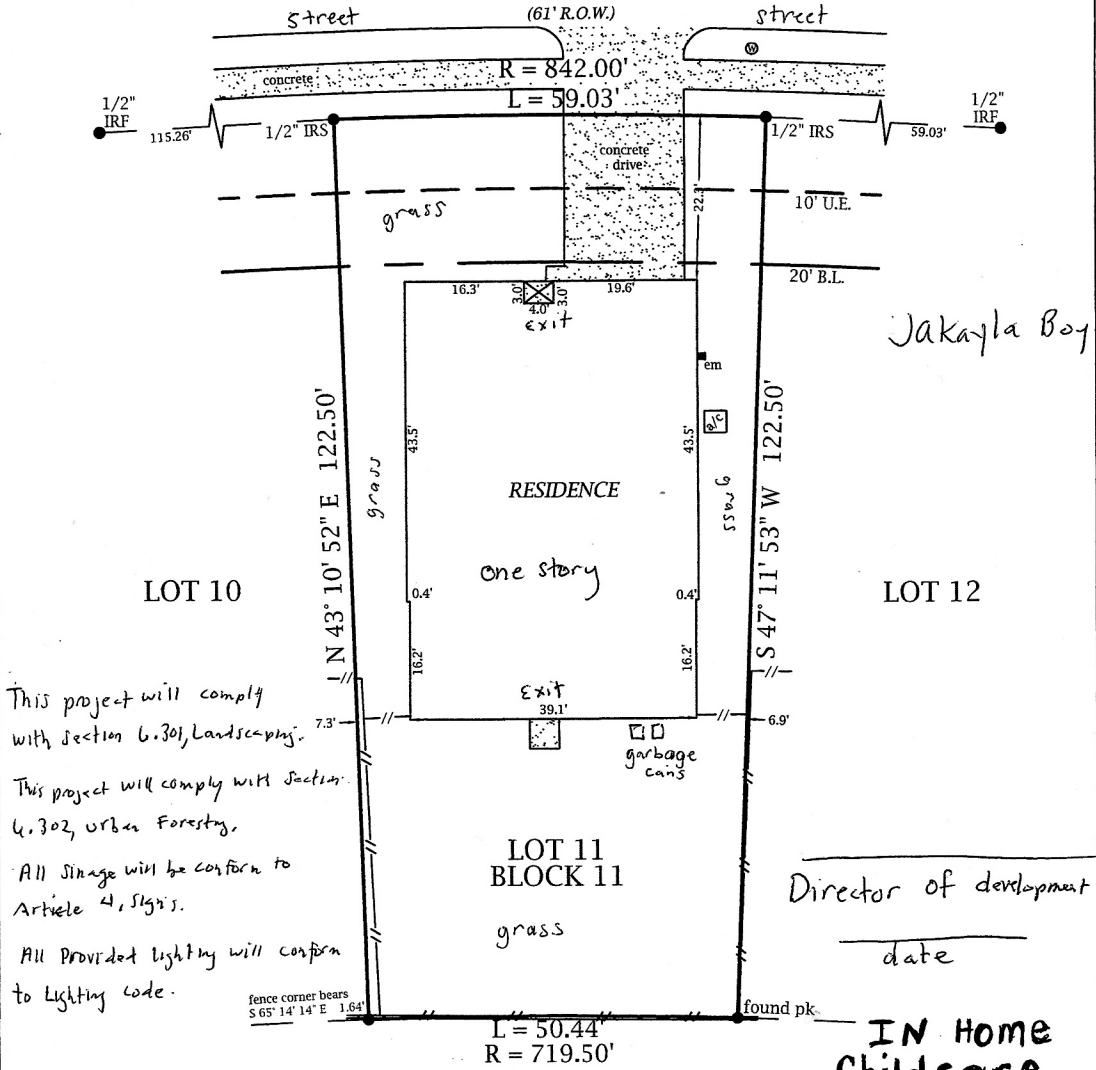
(Comments made by Platting (Subdivision Ordinance), Transportation/Public Works, Fire, Park & Recreation, and Water Department staff cannot be waived through the Zoning Commission and City Council. Approval of the zoning site plan does not constitute the acceptance of conditions.)

LEGEND

B.L. = BUILDING LINE M.E. = MAINTENANCE EASEMENT D.E. = DRAINAGE EASEMENT D.U.E. = DRAINAGE & UTILITY EASEMENT S.S.E. = SANITARY SEWER EASEMENT S.E. = SEWER EASEMENT U.E. = UTILITY EASEMENT P.O.S.E. = PUBLIC OPEN SPACE EASEMENT P.A.E. = PUBLIC ACCESS EASEMENT	CM = CONTROL MONUMENT R.O.W. = RIGHT OF WAY IPF = IRON PIPE FOUND IRF = IRON ROD FOUND IRS = IRON ROD SET WOOD FENCE = // CHAIN LINK FENCE = ○ WROUGHT IRON FENCE = □ BARBWIRE FENCE = X	FP = FENCE POST () = REFERENCE BEARING BASIS R.W. = RETAINING WALL O.H.E. = OVER HEAD ELECTRIC LINE GM = GAS METER ET = ELECTRIC TRANSFORMER A/C = AIR CONDITIONER EM = ELECTRIC METER WM = WATER METER FH = FIRE HYDRANT LP = LIGHT POLE PP = POWER POLE ST = STONE BR = BRICK CO = CONCRETE WD = WOOD TP = TELEPHONE PEDESTAL EP = ELECTRIC PEDESTAL
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Residence

4921 PARKVIEW HILLS LANE



This project will comply with section 6.301, Landscaping.

This project will comply with section 6.302, Urban Forestry.

All Signage will be conform to Article 4, Signs.

All Provided lighting will conform to Lighting Code.

Jakayla Boy

Director of development Services

date

**IN Home
Childcare
Zone A5**

PURCHASER _____
 PURCHASER _____

ADDRESS: 4921 PARKVIEW HILLS LANE
 G.F. NO: 5153013214A
 DATE: 11-25-2019

I, Wayne Johnson, Registered Professional Land Surveyor No. 5424, do hereby declare that the map shown hereon accurately represents the property as determined by an on-the-ground survey made under my direct supervision and correctly shows the boundary lines and dimensions of the property, as found on the date of the survey, indicated hereon. There are no visible conflicts, or protrusions, except as shown and said property has access to a public roadway. All easements and right-of-ways that the surveyor has knowledge of or has been advised of and those shown on the referenced plat of record are shown or noted hereon. This survey is for the exclusive use of title company, the mortgage company and the hereon named purchaser.

Wayne Johnson
 WAYNE JOHNSON
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 5424
 SURVEYED ON THE 11th DAY OF NOVEMBER 25, 2019
 LIDSUPERIOR LLC
 4101 W. GREEN OAKS BLVD.
 ARLINGTON, TEXAS 76016

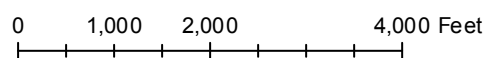
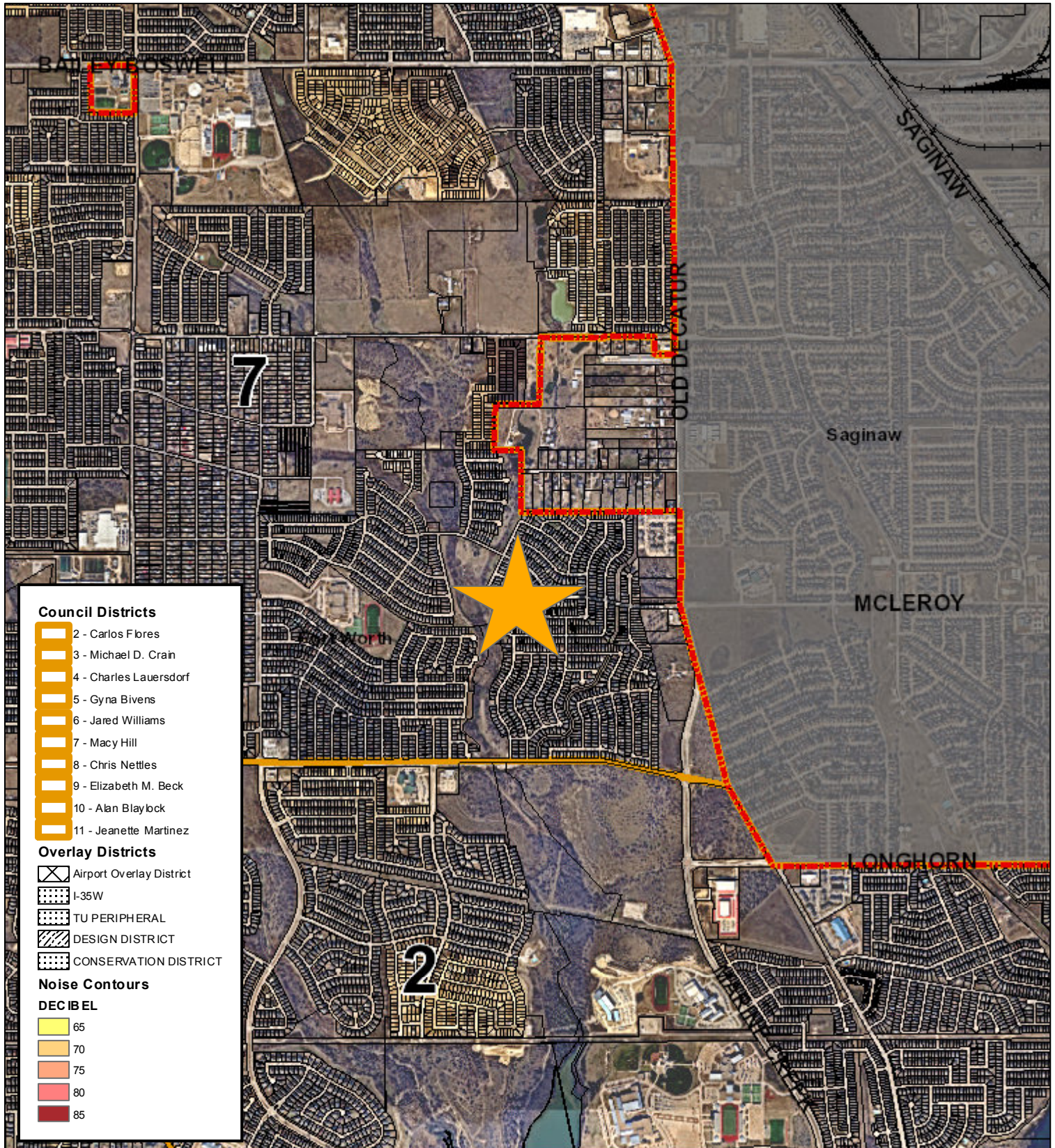


FIELD CREW:	DB
DRAFTER:	LDS
SCALE:	1" = 20'

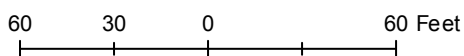
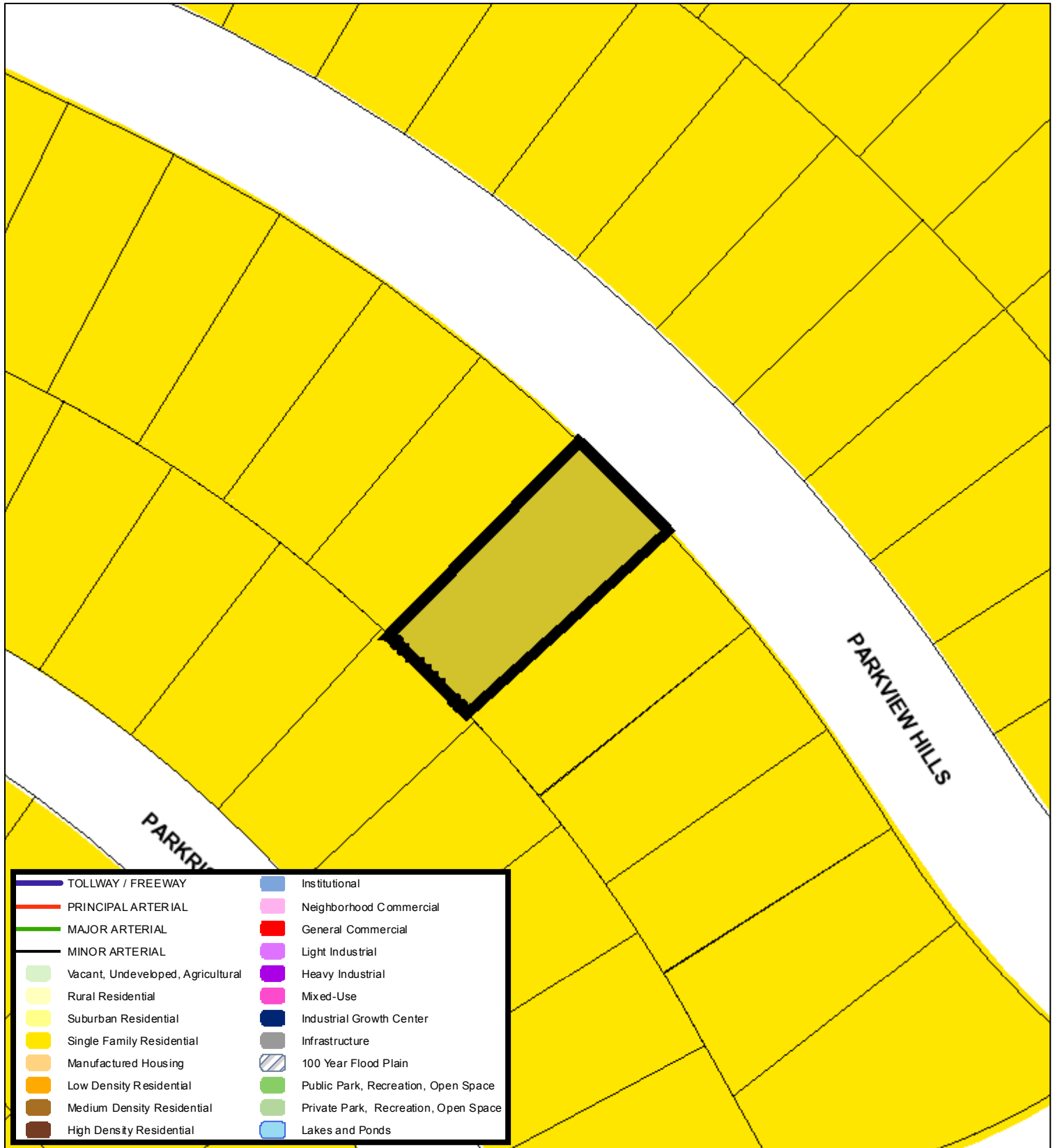


LEGAL DESCRIPTION
 Lot 11, Block 11, PARKVIEW HILLS PHASE II, an Addition to the City of Fort Worth, Tarrant County, Texas, according to corrected Plat and Dedication recorded in Cabinet A, Slide 9278, Map/Plat Records, Tarrant County, Texas.

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 6, 2018.



Aerial Photo Map



0 37.5 75 150 Feet

