



Zoning Staff Report

Date: April 11, 2023

Case Number: ZC-23-028

District (old/new): 7 / 7

Conditional Use Permit

Case Manager: [Beth Knight](#)

Owner / Applicant: 3301 Hamilton Avenue Partners/Lynette Payne

Site Location: 3320 W. 4th Street

Acreage: 0.14 acres

Request

Proposed Use: Auxiliary parking lot

Request: From: "B" Two-Family

To: Add Conditional Use Permit (CUP) to allow an auxiliary parking lot in "B" Two-Family; site plan included with development waivers to auxiliary parking lot standards for chaining and locking the site over-night, as well as adding a book kiosk to the front yard.

Recommendation

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

Comprehensive Plan Consistency: Requested change **is not consistent**

Staff Recommendation: **Denial**

Zoning Commission Recommendation: **Approval by a vote of 6-0, for a maximum of 5 years**

Table of Contents

1. [Project Description and Background](#)
2. [Surrounding Zoning and Land Uses](#)
3. [Recent Zoning History](#)
4. [Public Notification](#)
5. [Development Impact Analysis](#)
 - a. [Land Use Compatibility](#)
 - b. [Comprehensive Plan Consistency](#)
 - c. [Economic Development Plan](#)
 - d. Site Plan Comments
6. Zoning Map with 300 ft. Notification Area
7. Site Plan
8. Area Map
9. Future Land Use Map
10. Aerial Photograph

Project Description and Background

The proposed site is located in a midblock location of W. 4th Street, between Arch Adams and Boland Streets. The applicant is requesting to add a Conditional Use Permit to allow an auxiliary parking lot; site plan included.

Auxiliary parking lot 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 “B” district for an auxiliary parking lot on an approximately 6,000 sq. ft. lot. Parking spaces are shown on the eastern side of the lot, with a driveway running the length of the lot from north to south. 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 subject site and the general area surrounding area are designated as Low Density Residential, except to the northeast where office uses begin. The area does have bus service in the vicinity, but is not located in a scenic corridor. East of the subject site are commercial uses one lot deep that front Arch Adams Street, with residential uses areas behind the commercial and continuing to the west. W. 4th Street is classified as a residential street, instead of a more intensive commercial roadway.

While an auxiliary parking lot is not permitted in the “B” 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. The site is currently used as an auxiliary parking lot, approved as a Special Exception by the Board of Adjustment in 2018 for a 5-year period. The ordinance was changed in 2019 for this land use to be approved via a CUP with Council approval, instead of a Special Exception with BOA approval.

The site is surrounded by residential uses or zoning. Because the site is adjacent to residential zoning, the screening fence or additional landscaping is required. The site plan shows 10 parking spaces and a driveway flanked by landscaping and wooden fencing behind of the front building line. The BOA approval was tied to the site plan submitted depicting extensive landscaping in the front and side yards. The revised site plan appears to fully implement the required landscaping requirements. A small book kiosk has been installed in the front yard and is shown on the site plan.

Additional landscaping and a screening fence are required on the northern rear property line because the site is across the alley from a residential lot. These items have been added to the revised site plan. The application packet notes the lot is left open during non-business hours for the use of the residential neighbors. The Zoning Ordinance requires the lot to be chained and locked over-night instead.

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.

Below is a chart that illustrates the differences between the base regulations and the proposed CUP:

Requirement		Proposed CUP
Auxiliary parking lot standards	Auxiliary parking lot to be chained and locked overnight.	Auxiliary lot to remain open during non-business hours <i>(requires Development Regulation Waiver)</i>

Surrounding Zoning and Land Uses

- North “A-5” One-Family and “E” Neighborhood Commercial / Single family uses and office building
- East “B” Two-Family / Single family uses
- South “B” Two-Family and “PD 987” Planned Development for C uses plus art gallery / Duplexes and art installations
- West “B” Two-Family / Single family uses

Recent Zoning History

- ZC-16-003, east of site, from “PD 733” Planned Development SU for residence with office to amend “PD 733” to add parking lot, denied without prejudice 3/2/2016.
- ZC-17-009, east of site, from “PD 733” Planned Development SU for residence with office to amend “PD 733” to allow parking lot only, approved 2/9/2017.
- ZC-18-206, southeast of site, from “C” Medium Density Multifamily to “ER” Neighborhood Commercial Restricted, approved as “PD 1230” for “ER” uses with restrictions to parking and landscaping 3/6/2019.
- ZC-22-078, subject site and surround area, Council-initiated rezoning from various districts to be in conformance with the Comprehensive Plan, approved 6/14/2022.

Public Notification

300-foot Legal Notifications were mailed on March 10, 2023.
The following organizations were notified: (emailed March 10, 2023)

Organizations Notified	
Monticello NA *	West Side Alliance
Crestwood NA	West 7th Neighborhood Alliance
Linwood NA	Streams and Valleys Inc
North Hi Mount NA	Trinity Habitat for Humanity
Sixth & Arch Adams HA	Fort Worth ISD
Cultural District Alliance	Camp Bowie District, Inc

* *This Neighborhood Association covers the subject property.*

Development Impact Analysis

Land Use Compatibility

The applicant is proposing a zoning change to add a CUP to allow an auxiliary parking lot in the “B” zoning district. Surrounding land uses consist of lower intensity residential uses, with the exception of an office building lying across the alley to the northeast. The site is surrounded by residential uses, which triggers bufferyards on the north, east, and western sides. The revised site plan appears to meet the required standards for bufferyards. The applicant’s site plan proposes to leave the lot open to the public during non-business hours.

The proposed zoning request for commercial uses **is not compatible** with surrounding residential land uses due the intrusion of a commercial use in a mid-block location, as well as creating a security risk to the surrounding neighbors by remaining open during non-business hours.

Comprehensive Plan Consistency – Arlington Heights

The 2022 Comprehensive Plan currently designates the subject property as low density residential, where commercial and vehicular uses are not encouraged. The proposed zoning is not consistent with the land use designations for this area, nor with the following policies of the Comprehensive Plan:

- Promote appropriate infill development of vacant lots, old commercial centers (greyfields), and contaminated sites (brownfields) within developed areas, particularly in the central city.
- Coordinate future land uses and development types and intensity with the Complete Streets policy, Master Thoroughfare Plan, Active Transportation Plan, and Transit-Oriented Development (TOD) Plans.
- Preserve the character of rural and suburban residential neighborhoods.

Based on a lack of conformance with the future land use map and the policies stated above, the proposed zoning **is not consistent** with the Comprehensive Plan.

Economic Development Plan

The 2021 Economic Development Strategic Plan identified four different results to facilitate the success and growth of Fort Worth:

1. High-wage job growth.
2. A more sustainable tax base, driven less by residential property valuation and more by commercial and industrial investment.
3. An economy that capitalizes on high-growth businesses and the creative individuals who fuel them, targeting specific industry classifications.
4. A commitment to “quality of place” throughout the community, including rising home values, new business startups, reduction of blighted areas, and the emergence of walkable corridors with a mixture of residential and commercial developments and related amenities.

This zoning request does not assist in high-wage job growth, is not a targeted high-growth industry, and does not contribute to the quality of place.

Site Plan Comments

Zoning and Land Use

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

1. The latest Google Streetviews show significant differences between the landscaping actually existing on the lot versus what is shown on the site plan. A large number of shrubs, landscaping, and the crepe myrtles need to be planted back.
2. Auxiliary parking lots are required to be chained and locked over-night. **This item is requesting a development waiver.**
3. Label the land use and zoning classifications of the immediately adjacent properties across the street to the south.

Fire

1. There are no Fire Code requirements since the lot is already platted and as long as no structures are proposed.

(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.)





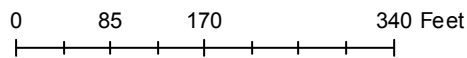
ZC-23-028

Area Zoning Map

Applicant: 3301 Hamilton Avenue Partners/Lynette Payne
 Address: 3320 W. 4th Street
 Zoning From: B
 Zoning To: Add Conditional Use Permit for Auxiliary Parking
 Acres: 0.12761204
 Mapsco: Text
 Sector/District: Arlington Heights
 Commission Date: 3/8/2023
 Contact: 817-392-8190

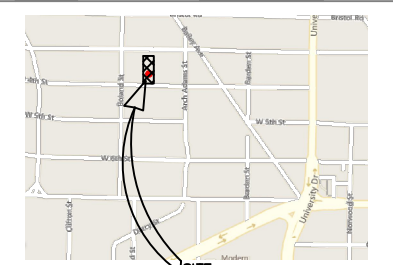


 Subject Area
 300 Foot Notification

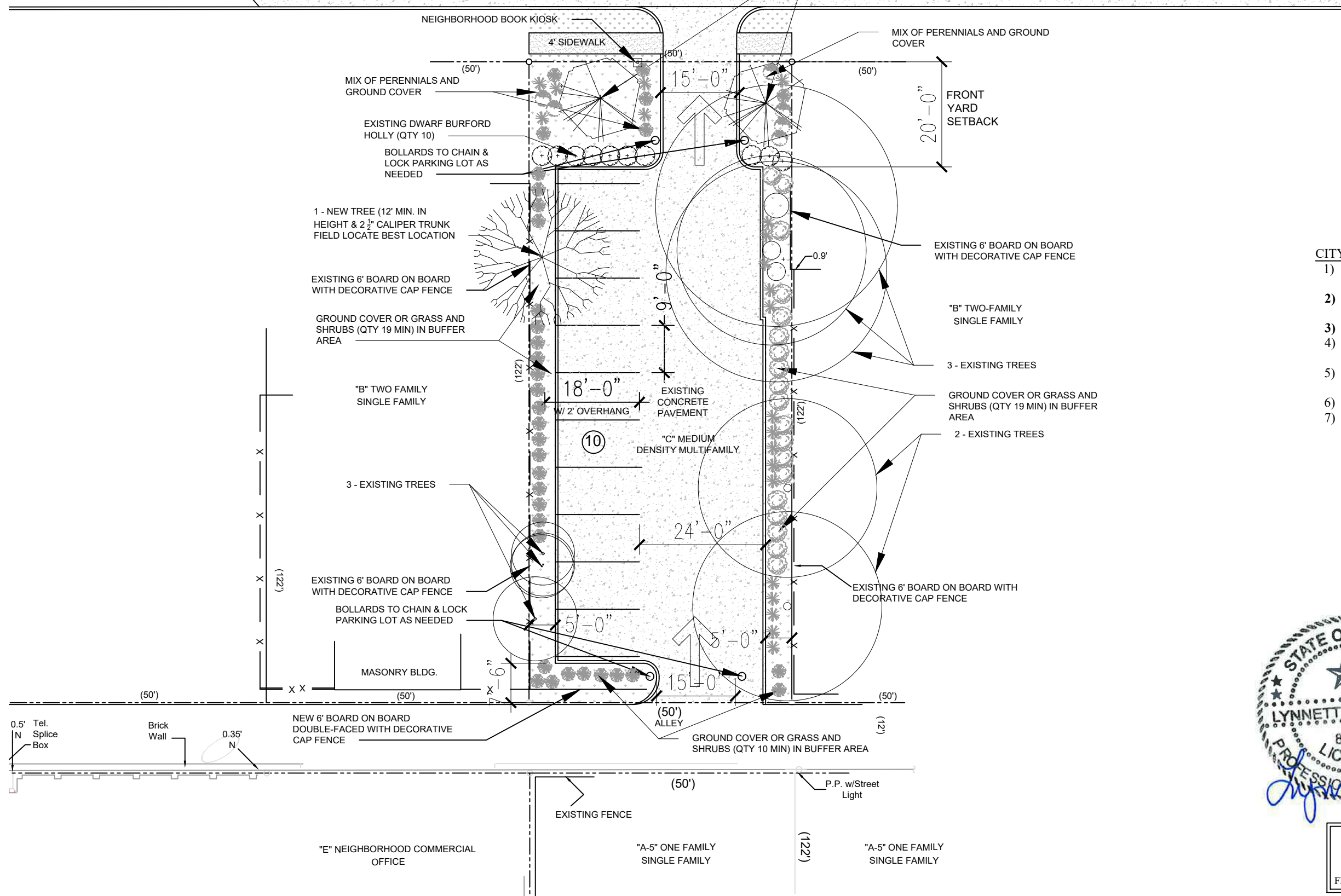


W. 4TH STREET

50' R.O.W. - ASPHALT PV'MT. w/CONC. CURBS



VICINITY MAP
SCALE: N.T.S.



LEGEND

- EXISTING HARD-SURFACE PAVING (CONCRETE OR ASPHALT)
- EXISTING LANDSCAPE AREA - GRASS/MULCH
- PROPERTY LINE

CITY NOTES:

- 1) REQUEST A CUP FOR AN AUXILIARY PARKING LOT IN A "B" TWO-FAMILY ZONING.
- 2) **REQUESTING DEVELOPMENT WAIVER TO ALLOW LOT TO BE UNCHAINED OVER-NIGHT.**
- 3) **REQUESTING WAIVER FOR BOOK KIOSK FRONT YARD.**
- 4) THIS PROJECT WILL COMPLY WITH SECTION 6.301, LANDSCAPING.
- 5) THIS PROJECT WILL COMPLY WITH SECTION 6.302, URBAN FORESTRY.
- 6) ALL SIGNAGE WILL CONFORM WITH ARTICLE 4, SIGNS.
- 7) LIGHTING PROVIDED IN TREES WEST SIDE. ALL PROVIDED LIGHTING WILL CONFORM TO THE LIGHTING CODE.

PROPERTY OWNER:
3301 HAMILTON AVENUE PARTNERS, LLC
777 TAYLOR STREET, SUITE 1126
FORT WORTH, TX 76102
817-332-7597

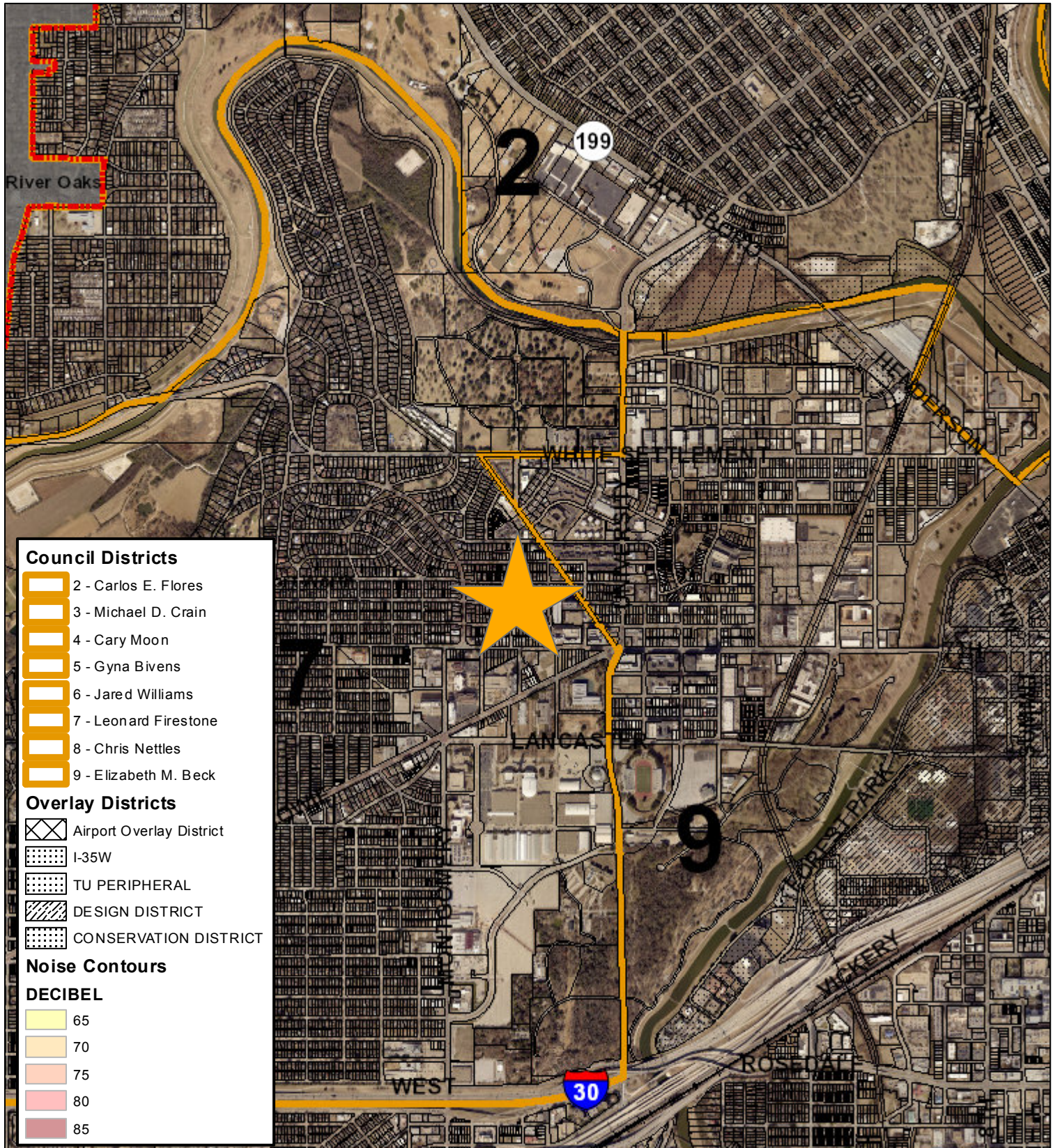
PROPERTY DESCRIPTION:
WILLIAM J. BAILEY ADDITION
BLOCK 17; LOT 15
0.14 ACRES/6,098 SF
D214262326



LYNNETTE M. PAYNE, P.E.
5400 COUNTY ROAD 316
ALVARADO, TX 76009
(972) 365-0393 - OFFICE
FIRM REGISTRATION#: F-5078

Director of Development Services	
Date _____	
4TH STREET PARKING LOT	
ZONING CASE #: ZC-23-028	
3320 W. 4TH ST., FORT WORTH, TX 76107	
MLP PROJECT NO.	DRAWING NO.
INITIAL DATE	SCALE
REV DATE	REV NO.
02-05-23	03-20-23
0	1" = 20'
LMP	LMP
SITE PLAN	
C1.0	






Area Map



Council Districts






-  2 - Carlos E. Flores
-  3 - Michael D. Crain
-  4 - Cary Moon
-  5 - Gyna Bivens
-  6 - Jared Williams
-  7 - Leonard Firestone
-  8 - Chris Nettles
-  9 - Elizabeth M. Beck

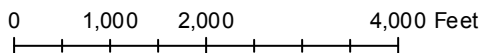
Overlay Districts

-  Airport Overlay District
-  I-35W
-  TU PERIPHERAL
-  DESIGN DISTRICT
-  CONSERVATION DISTRICT

Noise Contours

DECIBEL

-  65
-  70
-  75
-  80
-  85

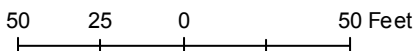


Future Land Use

HAMILTON

4TH

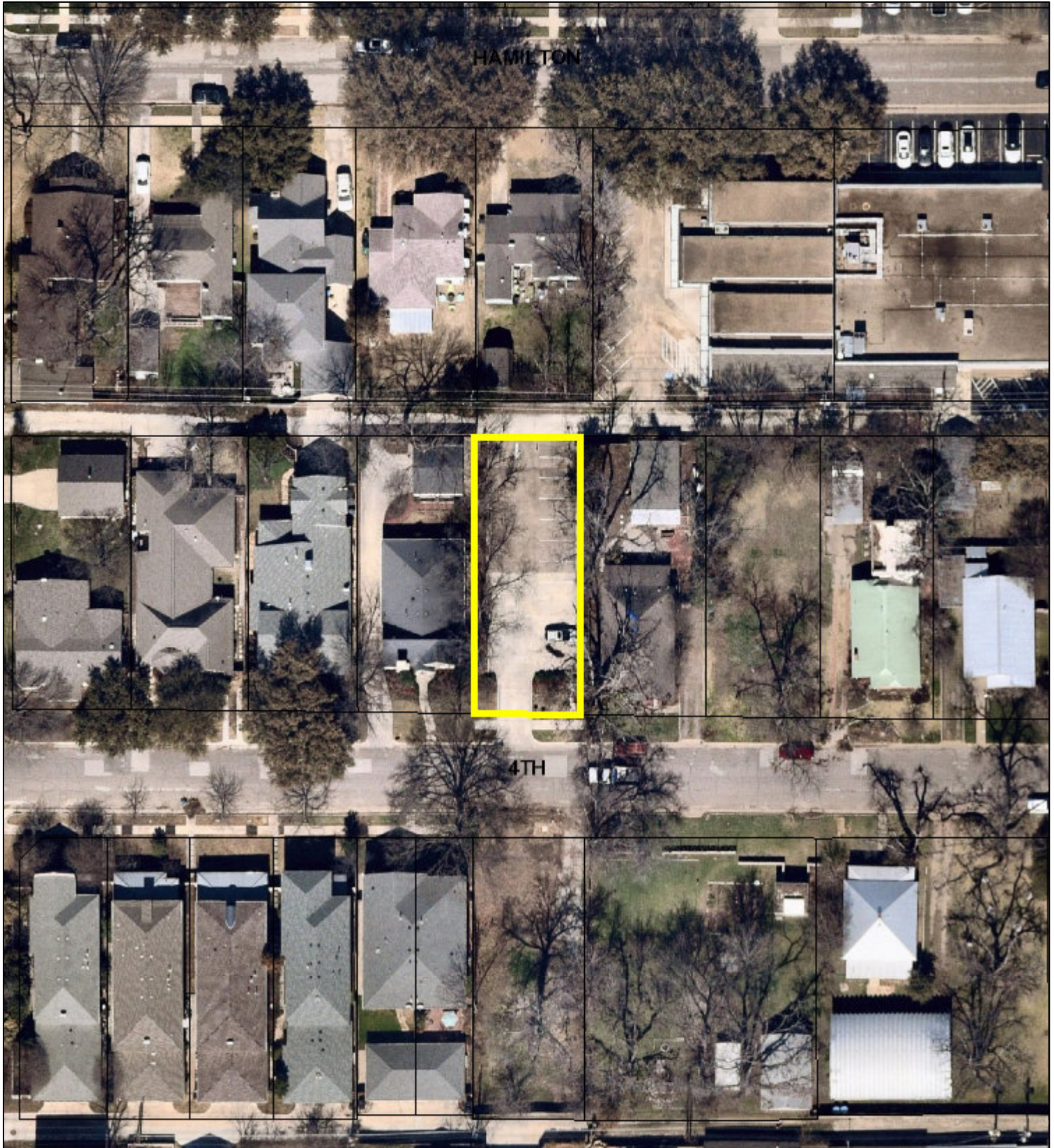
	TOLLWAY / FREEWAY		Institutional
	PRINCIPAL ARTERIAL		Neighborhood Commercial
	MAJOR ARTERIAL		General Commercial
	MINOR ARTERIAL		Light Industrial
	Vacant, Undeveloped, Agricultural		Heavy Industrial
	Rural Residential		Mixed-Use
	Suburban Residential		Industrial Growth Center
	Single Family Residential		Infrastructure
	Manufactured Housing		100 Year Flood Plain
	Low Density Residential		Public Park, Recreation, Open Space
	Medium Density Residential		Private Park, Recreation, Open Space
	High Density Residential		Lakes and Ponds



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 35 70 140 Feet

