



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
December 15, 2020

Council District 8

Zoning Commission Recommendation:
Approval by a vote of 9-0, for five years

Opposition: none submitted
Support: New Mitchell Blvd NA

Continued Yes ___ No X
Case Manager Beth Knight
Surplus Yes ___ No X
Council Initiated Yes ___ No X

Owner / Applicant: **New Beth Eden Missionary Baptist Church**

Site Location: 3309 Wilbarger Street, 3312 & 3316 Childress Street Mapsco: 92B

Proposed Use: **Daycare Facility**

Request: From: "B" Two-Family

To: Add Conditional Use Permit to allow a daycare facility for 170 children with waivers to the supplemental setback, landscaping, and fencing

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 Wichita Street on the north side of Wilbarger Street, including two lots on Childress Street. The applicant is requesting to add a Conditional Use Permit to allow a daycare facility for 170 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 "B" zoning district. The applicant has indicated the daycare classrooms will be located in the former church building with approximately 15,000 square feet. The outdoor play area is 17,000 square feet, which meets the required outdoor area. The applicant is requesting a waiver to the solid fencing requirements on the north and west sides of the playground. Required fencing in residential districts is required to a solid screening fence, instead of a 6-foot chain fence. Additional waivers are requested for the existing playground equipment placed in the 20-foot supplemental setback without the required 5-foot landscaping buffer on the playground's northeast side.

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 “B” 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: New Beth Eden Missionary Baptist Church
3208 Wilbarger Street
Fort Worth, TX 76139

Acreage: 2.01 ac

Comprehensive Plan Sector: Southeast

Surrounding Zoning and Land Uses:

North “B” Two-Family / single family and cell tower
East “B” Two-Family / single family
South “B” Two-Family / single family and main church campus
West “B” Two-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. Solid screening fencing of wood, brick, stone or reinforced concrete products required on north and west sides of playground. The applicant has requested fencing to be chain link. **(waiver required)**

2. Structures and any nonresidential activity are not allowed in the 20-foot building setback area. The applicant is requesting existing play yard and playground equipment to remain in 20-foot supplemental setback. **(waiver required)**
3. A 5-foot landscaped bufferyard is required when a vacant lot adjacent to a residential district is converted to a non-residential use. The site does not show any landscaping adjacent residential use on the northeast corner. **(waiver required)**

Platting site plan comments - none

Transportation/Public Works (TPW) site plan comments:

1. Traffic Circulation Study: A traffic circulation study is required to adequately assess the impacts of the school site on the existing and planned transportation systems. The traffic circulation study shall include all vehicular, pedestrian and bicycle movements to and from the proposed school site area. The study shall include the attendance boundary, ultimate number of students, a site plan, the drop off/pick up zones, and the proposed traffic circulation plan. The proximity of the driveways to the intersection pose concerns with drop-off/pick up. Transportation wants to ensure there isn't vehicles stacking through the intersection.

2. Driveway Locations - Driveway location must not interfere with intersection function and are subject to the Fort Worth Access Management Policy. The driveways on Foard are required to be a minimum of 75ft. apart.

Fire comments - none

Park & Recreation site plan comments - none

Water site plan comments - none

(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)
Wilbarger Street	Collector	Collector	No
Foard Street	Residential	Residential	No

Public Notification:

300 foot Legal Notifications were mailed on October 23, 2020.

The following organizations were notified: (emailed October 19, 2020)

Organizations Notified	
Glen Park NA *	Glencrest Civic League NA
United Communities Association of South FW	Streams And Valleys Inc
The New Mitchell Boulevard NA	Southeast Fort Worth Inc
Trinity Habitat for Humanity	Fort Worth ISD

**Located closest to 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 daycare facility in the "B" zoning district. Surrounding land uses consist of single family with a church to the southwest.

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

2. **Comprehensive Plan Consistency**

The 2020 Comprehensive Plan designates the site as being mostly Institutional with a Single Family portion. A range of educational, institutional, community service uses, along with single family uses, are appropriate in this classification. 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.
- Promote appropriate infill development of vacant lots within developed areas, which will efficiently utilize existing infrastructure, particularly in the central city.

Based on conformance with the future land use map and policies stated above, the proposed Conditional Use Permit **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





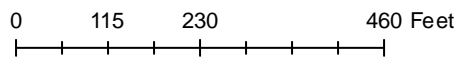
ZC-20-123

Area Zoning Map

Applicant: New Beth Eden Missionary Baptist Church
 Address: 3309 Wilbarger Street, 3312 & 3316 Childress Street
 Zoning From: B
 Zoning To: Add Conditional Use Permit for daycare with waivers
 Acres: 2.0068602
 Mapsco: 92B
 Sector/District: Southeast
 Commission Date: 11/11/2020
 Contact: 817-392-8190



 Subject Area
 300 Foot Notification



ZONING DISTRICT B
SCHOOL

ZONING DISTRICT B
SINGLE FAMILY RESIDENTIAL



DISCLAIMER: THIS PLAN IS PROVIDED WITHOUT WARRANTY OF ANY KIND. MH CAD STUDIO DISCLAIMS ANY WARRANTY INCLUDING, WITHOUT LIMITATION, SATISFACTORY OR ACCURACY OF DIMENSIONS. WE RESERVE THE RIGHT TO USE ALL PLANS AND RENDERINGS FOR MARKETING PURPOSES.

NOTES

BUILDING CONSTRUCTION TYPE: EXTERIOR = BRICK VENEER, ROOF OF ASPHALT SHINGLES; INTERIOR = CONCRETE BLOCK, CEILING OF SHEETROCK

BUILDING SIZE: APPROXIMATELY 15,000 SQUARE FEET EXISTING USE AREA

NO AUTOMATIC SPRINKLER SYSTEM; EACH ROOM HAS SMOKE DETECTORS AND EACH EXIT HAS FIRE EXTINGUISHERS

MONITORED ALARM SYSTEM: YES

DAYCARE CHILD OCCUPANCY MAXIMUM NUMBER: 170

PARKING: ALL PARKING FOR DAYCARE ENROLLEES, WORKERS, AND VISITORS IS PROVIDED BY EXISTING PARKING IN THE FRONT OF THE BUILDING

PLAYGROUND AREA 17000 SF

ALL PROVIDED LIGHTING WILL CONFORM TO LIGHTING CODE.

ALL SIGNAGE WILL CONFORM TO ARTICLE 4, SIGNS.

THE PROJECT WILL COMPLY WITH SECTION 6.301, LANDSCAPING.

THE PROJECT WILL COMPLY WITH SECTION 6.302, URBAN FORESTRY, EXCEPT FOR SUPPLEMENTAL SETBACK AND BUFFER YARD WAIVERS ALONG NORTHEAST SIDE.

ALL THE TRASH WILL BE HANDLE TROUGH THE MAIN CAMPUS LOCATED AT 3208 WILBARGER ST, FORT WORTH, TX 76119

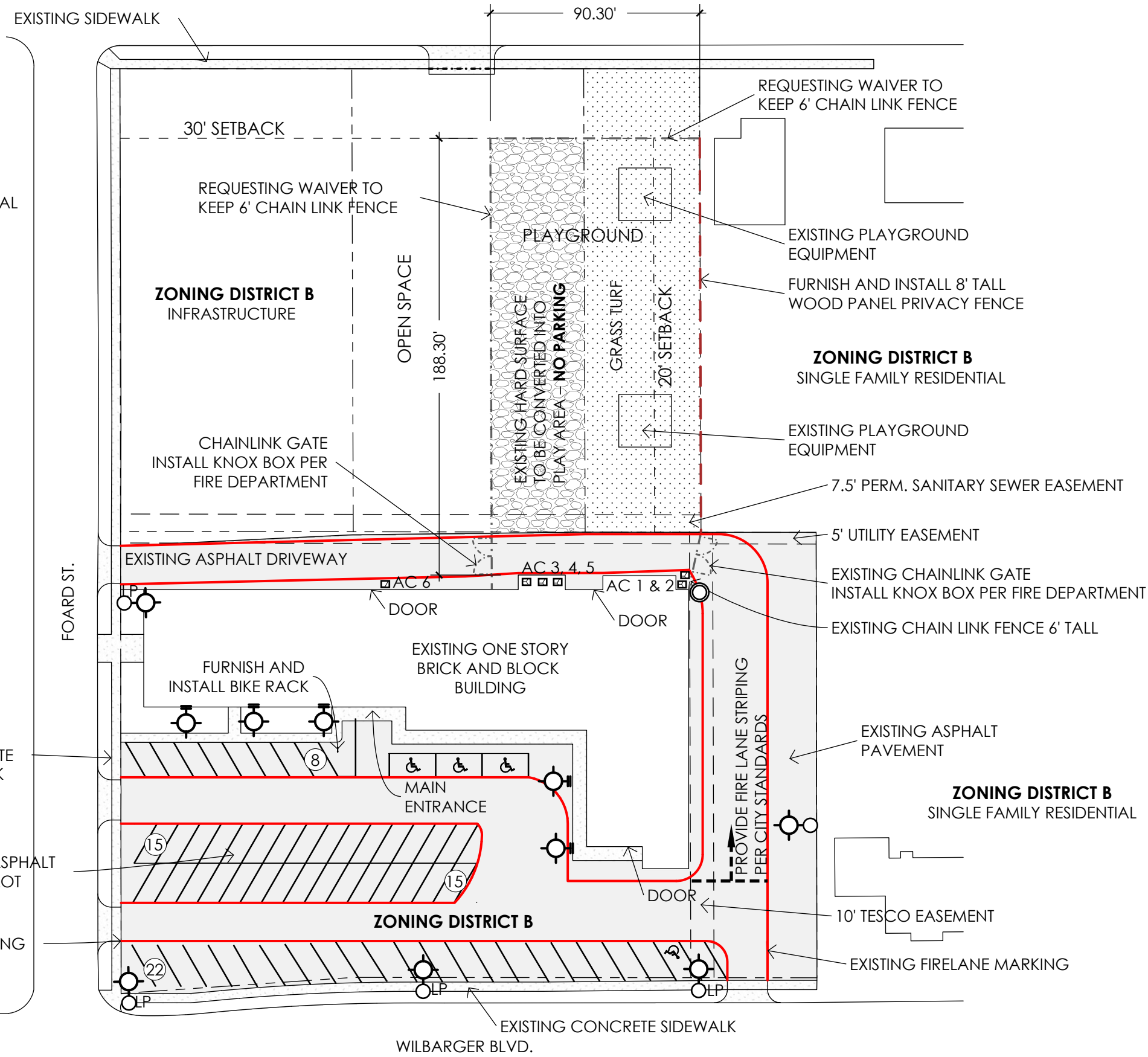
AC#	SIZE (in)	CAGE (in)
1	34x42x36	54x60x36
2	34x42x37	40x100x46
3	34x42x38	
4	34x42x39	62x62x242
5	34x42x40	
6	29x31x32	58x58x62

PARKING SPACES: 59
ADA PARKING: 4
TOTAL PARKING: 63

OPERATING HOURS 6:00AM – 8:00PM

LEGEND

- WALL MOUNTED LED LIGHT FIXTURE
- LIGHT POLE
- UTILITY POLE
- PROPERTY LINE
- SETBACK
- CHAIN LINK FENCE
- WOOD PANEL FENCE

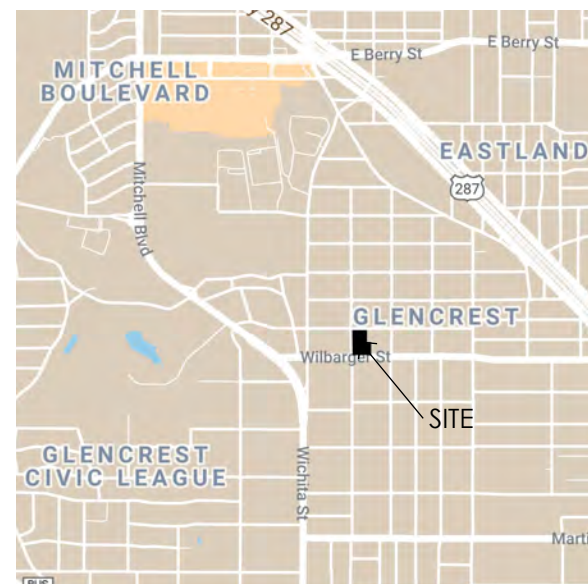


ZONING DISTRICT A-5
CHURCH

ZONING DISTRICT A-5
SINGLE FAMILY RESIDENTIAL

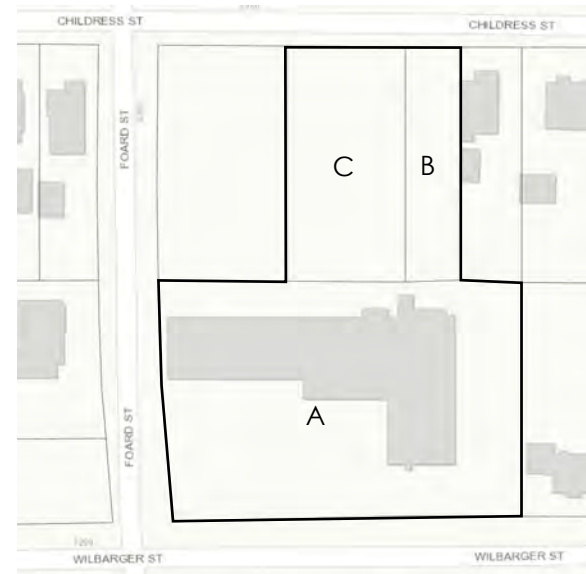
3 SITE PLAN - EXISTING

SCALE :: 1" = 50'



1 VICINITY MAP

SCALE :: NTS



2 KEY MAP

SCALE :: NTS

PROPERTY INFO

OWNER: NEW BETH EDEN MISSIONARY BAPTIST CHURCH

LEGAL DESCRIPTION:

- A. MASONIC HOME #2 ADDITION Block 24 Lot 11 12 10A & 10B
- B. MASONIC HOME #2 ADDITION Block 24 Lot 3 W 1/2 LOT 3
- C. MASONIC HOME #2 ADDITION Block 24 Lot 2

DIRECTOR OF PLANNING AND DEVELOPMENT _____

DATE _____

SOUTHEAST LEARNING ACADEMY
3309 Wilbarger St
Fort Worth, TX 76119
682-255-5377

ZONING CASE # _____

SOUTHEAST LEARNING
ACADEMY

Document Date:
09/09/2020

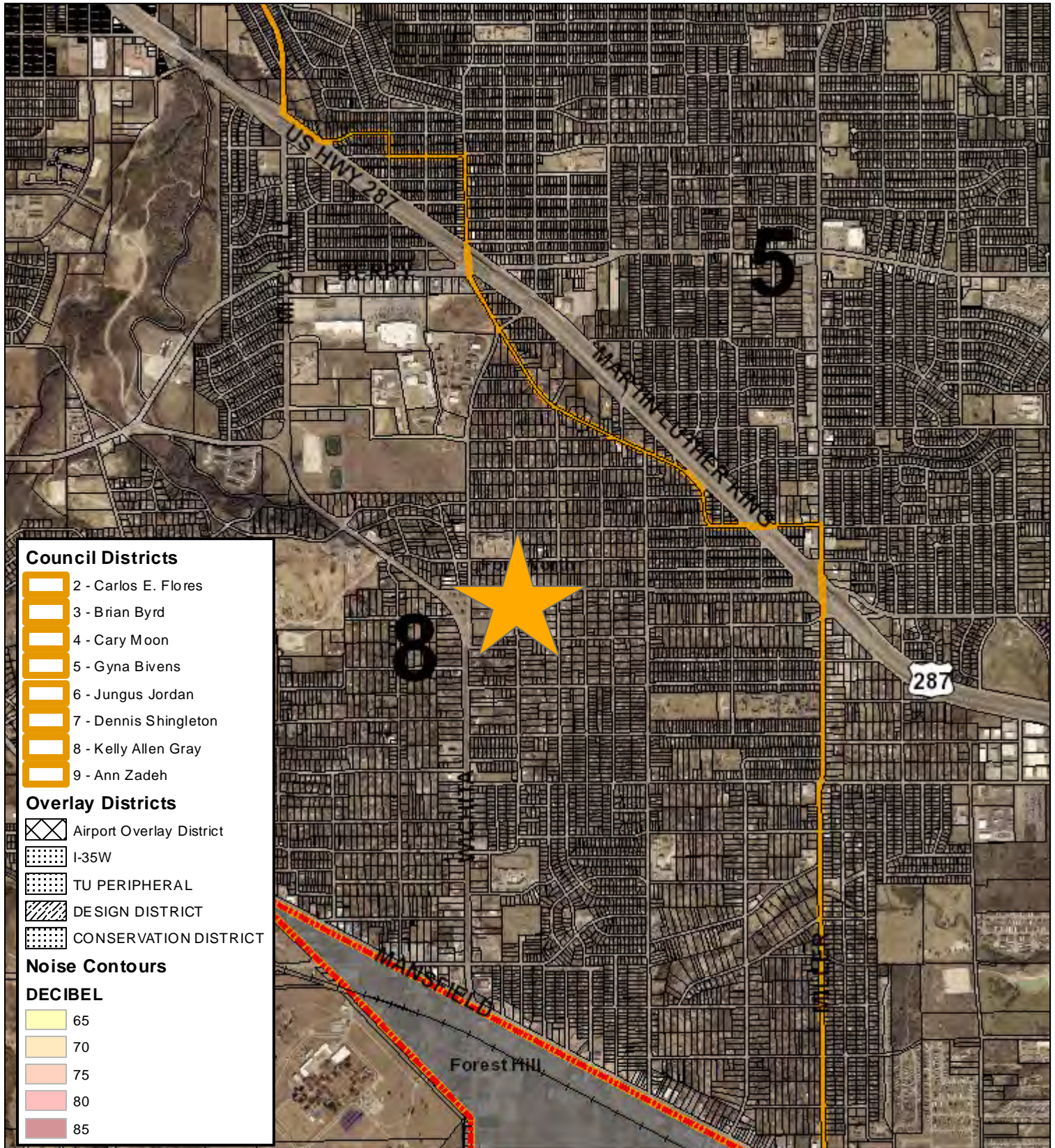
Document Phase:
Schematic Documents

rev.	date	remark
1	10/13/20	Updates
2	10/22/20	Updates

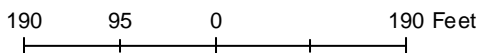
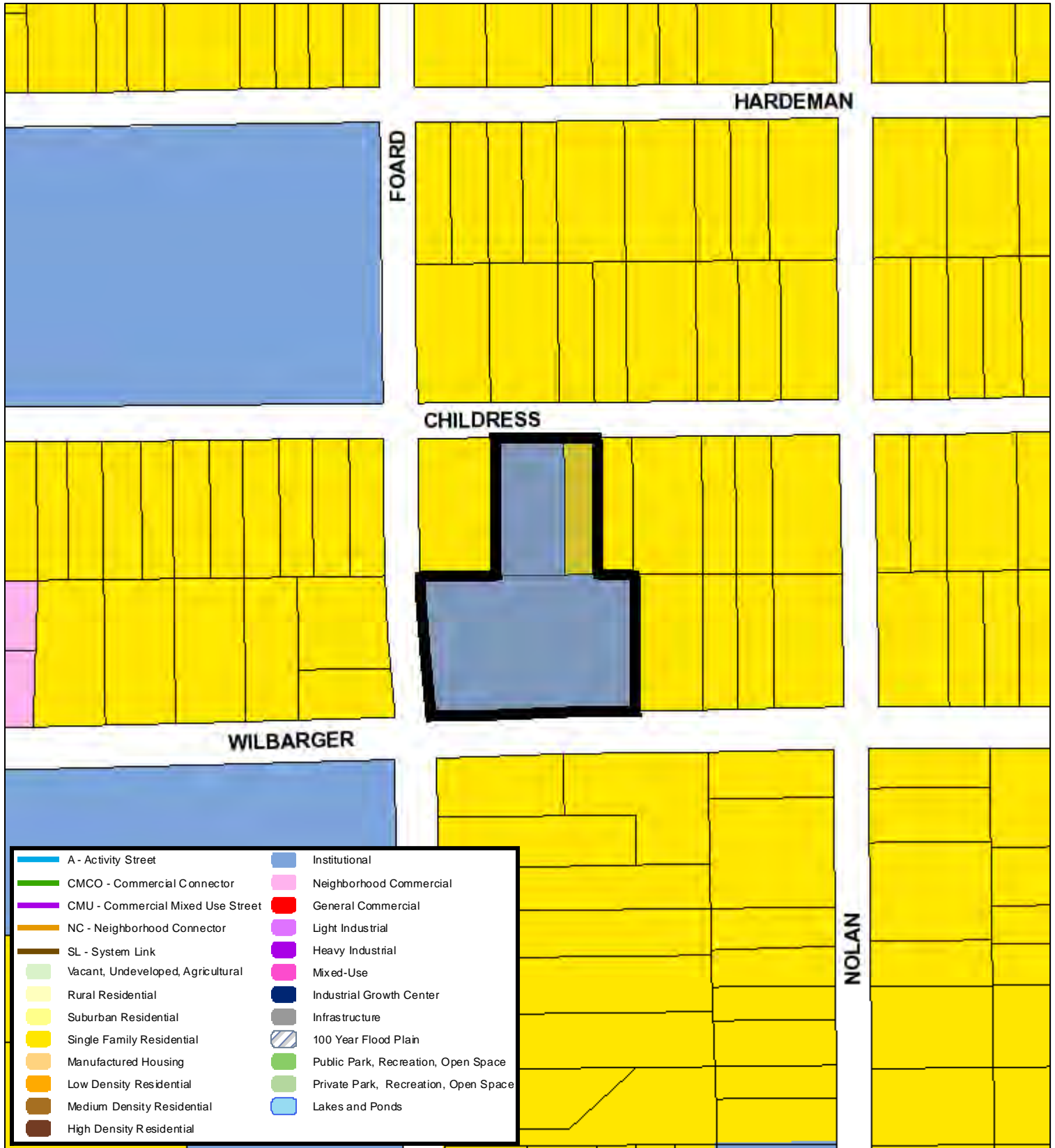
Site Plan

C1.0

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



0 120 240 480 Feet

