



**ZONING MAP CHANGE  
STAFF REPORT**

**City Council Commission Meeting Date:**  
September 10, 2019

**Council District** 2

**Zoning Commission Recommendation:**  
Denial by a vote of 9-0  
  
**Opposition:** None  
**Support:** None submitted

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

**Owner / Applicant:** Natalie & Leonel Zamarripa

**Site Location:** 3211 NW 33<sup>rd</sup> Street

**Proposed Use:** Daycare Facility

**Request:** From: "A-5" One Family

To: Add Conditional Use Permit to allow a detached daycare facility for 60 children with waiver to the size of the outdoor play area; site plan included

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

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

**Staff Recommendation:** **Denial based on size of the building and amount of children**

**Background:**

The proposed site is located west of Rock Island and east of McCandless on the south side of 33<sup>rd</sup> Street. The applicant is requesting to add a Conditional Use Permit to allow an independent daycare facility with approximately 60 children; site plan included.

Daycare 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 "A-5" zoning district. The applicant has indicated the daycare will have two separate play areas with a cafeteria, restrooms and reception area with a combined area of 3500 square feet. For the outdoor play area, the Zoning Ordinance calls for 100 square feet per child for a total of 6,000 sq. ft. The site plan indicates 1200 sq. ft. A waiver will be required for the outdoor play area.

Conditional uses are those uses which are generally compatible with the permitted land uses in a given zoning district, 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 proposed building is too large for a residential neighborhood and should be considered a commercial structure.

While a daycare is not permitted in the "A-5" 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.

<b>Development Standards</b>	<b>A-5 zoning district</b>	<b>Proposed CUP</b>
Outdoor play area	100 sq. ft. per child	1200 sq. ft./ 60 children would be 6000 sq. ft. <b>(Waiver required)</b>
Fencing for play area	Fencing or screening required	6 ft. solid wood fence with shading <b>(Complies)</b>
Fencing	Metal fences not permitted	6 ft. existing metal fence <b>(Waiver required)</b>

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: Natalie Zamarripa  
3211 NW 33<sup>rd</sup> Street  
Fort Worth, TX 76106

Acreage: 0.52 ac

Comprehensive Plan Sector: Northside

**Surrounding Zoning and Land Uses:**

North "A-5" One Family / single family  
East "A-5" One Family, "CR" Low Density Multifamily / stable, arena, multifamily  
South "A-5" One Family / single family  
West "A-5" One 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. The outdoor play area indicates 1,200 sq. ft., the ordinance calls for 100 sq. ft. per child, for 60 children you need 6,000 sq. ft. **(waiver required)**
2. Metal fences are not permitted in residential districts. **(waiver required for existing)**
3. Indicate the width of the new drive approach including radius. TPW may not approve the approach too close to existing drive to the south.
4. Provide a vicinity map on the site plan.

**Compliance with the items noted above shall be reflected on the site plan or waivers are required.**

**Platting site plan comments:** No comment at this time.

**Transportation/Public Works (TPW) site plan comments:** No comment at this time.

**Fire Comments:** No comment at this time.

**Park & Recreation site plan comments:** No comment at this time.

**Water site plan comments:** No comment 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 33rd	Residential	Residential	No
Rock Island	Residential	Residential	No
McCandless	Residential	Residential	No

**Public Notification:**

300 foot Legal Notifications were mailed on July 17, 2019.

The following organizations were notified: (emailed July 17, 2019)

Organizations Notified	
Far Greater Northside Historical*	
Lake Worth ISD	Streams And Valleys Inc
Trinity Habitat for Humanity	Fort Worth ISD

*\*Located in 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 "A-5" zoning district. Surrounding land uses consist of single family with a multifamily structure, stables and arena to the east.

The proposed zoning request **is not compatible** with surrounding land uses.

2. **Comprehensive Plan Consistency**

The 2019 Comprehensive Plan designates the site as being Single Family. A range of educational, institutional, community service uses, along with single family uses, are appropriate in this zoning. 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.
- Encourage infill development of compatible, single-family homes in existing neighborhoods to preserve and protect residential neighborhoods.

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



***Attachments:***

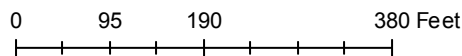
- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Site plan
- Minutes from the Zoning Commission meeting

### Area Zoning Map

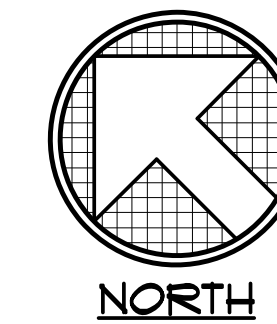
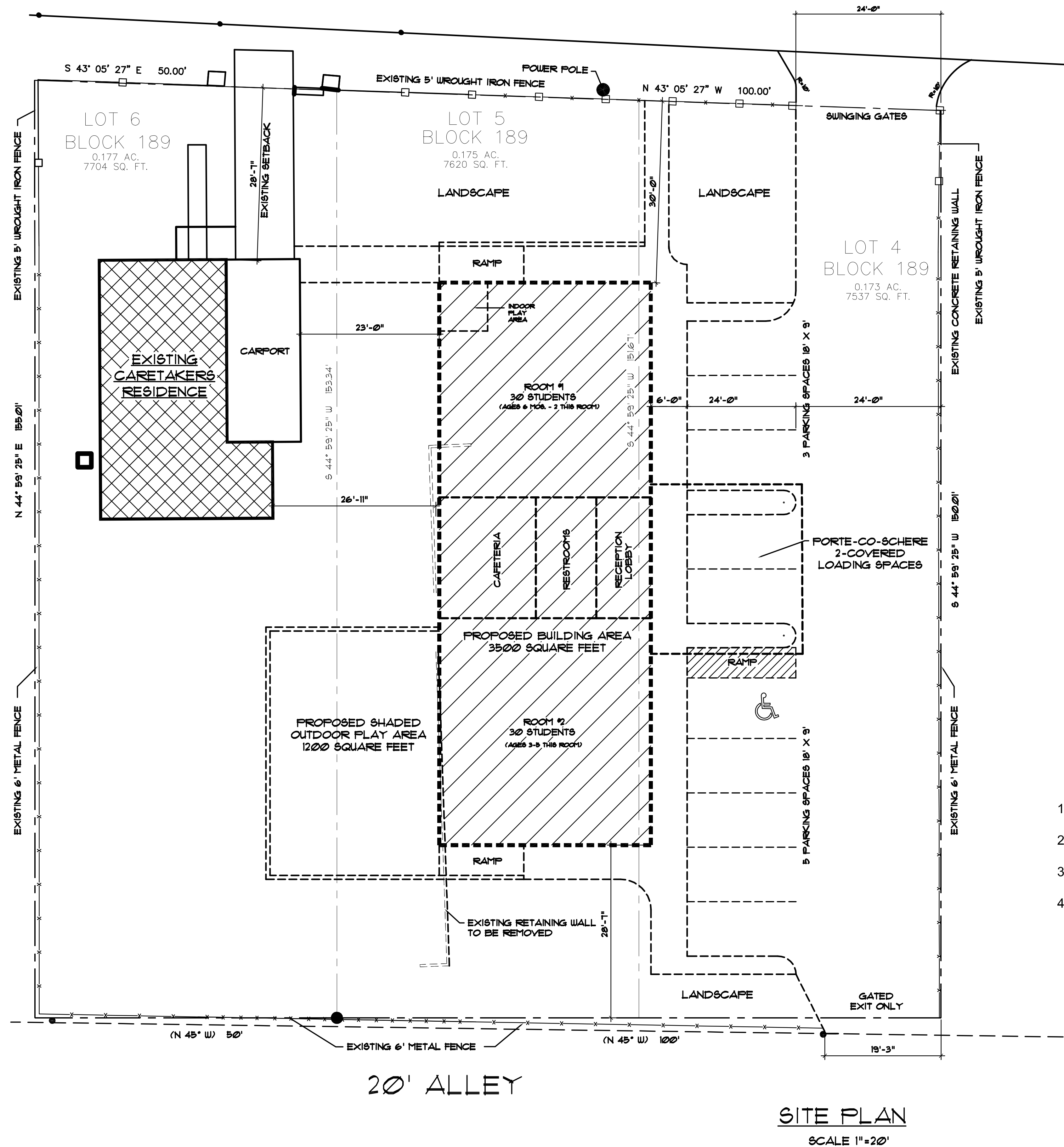
Applicant: Natali & Leonel Zamarripa  
 Address: 3211 NW 33rd Street  
 Zoning From: A-5  
 Zoning To: Add CUP for daycare for 60 children with waiver to outdoor play area  
 Acres: 0.50123927  
 Mapsco: 47Y  
 Sector/District: Northside  
 Commission Date: 8/14/2019  
 Contact: 817-392-2495



	Subject Area
	300 Foot Notification



# NORTH WEST 33RD STREET (60' R.O.W.)



### PROPOSED PARKING:

- 60 STUDENTS AT 1/10 = 6 PARKING SPACES REQUIRED
- 4 FACULTY MEMBERS = 4 PARKING SPACES REQUIRED
- 10 PARKING SPACES REQUIRED
- 10 PARKING SPACES PROVIDED

### EXTERIOR FINISHES:

1. ROOFING TO BE SHINGLE ROOFING TO MATCH EXISTING RESIDENCES.
2. EXTERIOR WALLS TO BE HARDY SIDING PAINTED TO MATCH RESIDENCES.

### CUP PROJECT NOTES:

1. THE REQUESTED EXPIRATION DATE FOR THIS CUP IS TEN YEARS FROM THE DATE OF APPROVAL.
2. THIS PROJECT WILL COMPLY WITH SECTION 6.301 AS SHOWN ON THE LANDSCAPE PLAN.
3. THIS PROJECT WILL COMPLY WITH SECTION 6.302 URBAN FORESTRY.
4. THIS PROJECT WILL COMPLY WITH SECTION 6 REGARDING SIGNAGE.

DIRECTOR OF PLANNING AND DEVELOPMENT      DATE

**MUNCHKINS, INC.**  
ZONING CASE #

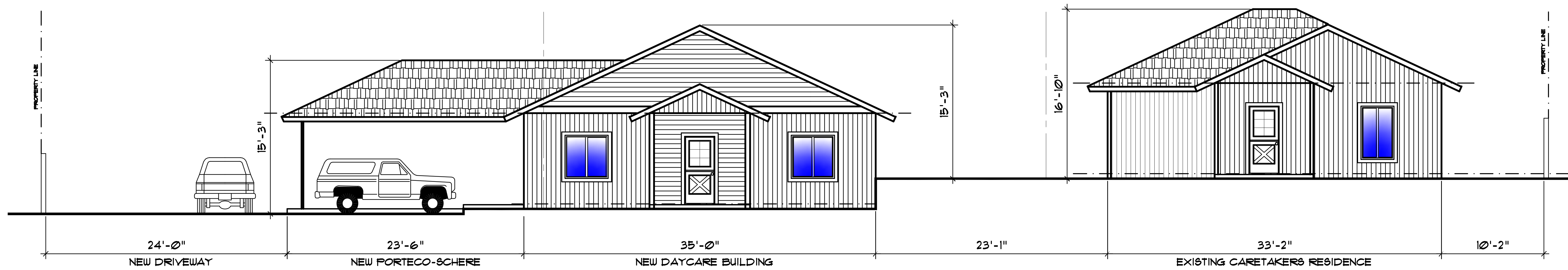
REVISIONS



CONDITIONAL USE PERMIT  
FOR  
**MUNCHKINS, INC.**  
3211 NORTHWEST 33RD STREET, FT. WORTH, TX 76106

DATE	7/2019
SCALE	1"=20'
DRAWN	STAFF
JOB#	19-4591
SHEET#	C-1
OF SHEETS	





FRONT ELEVATION PROFILE

REVISIONS

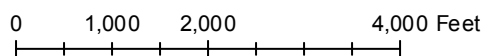
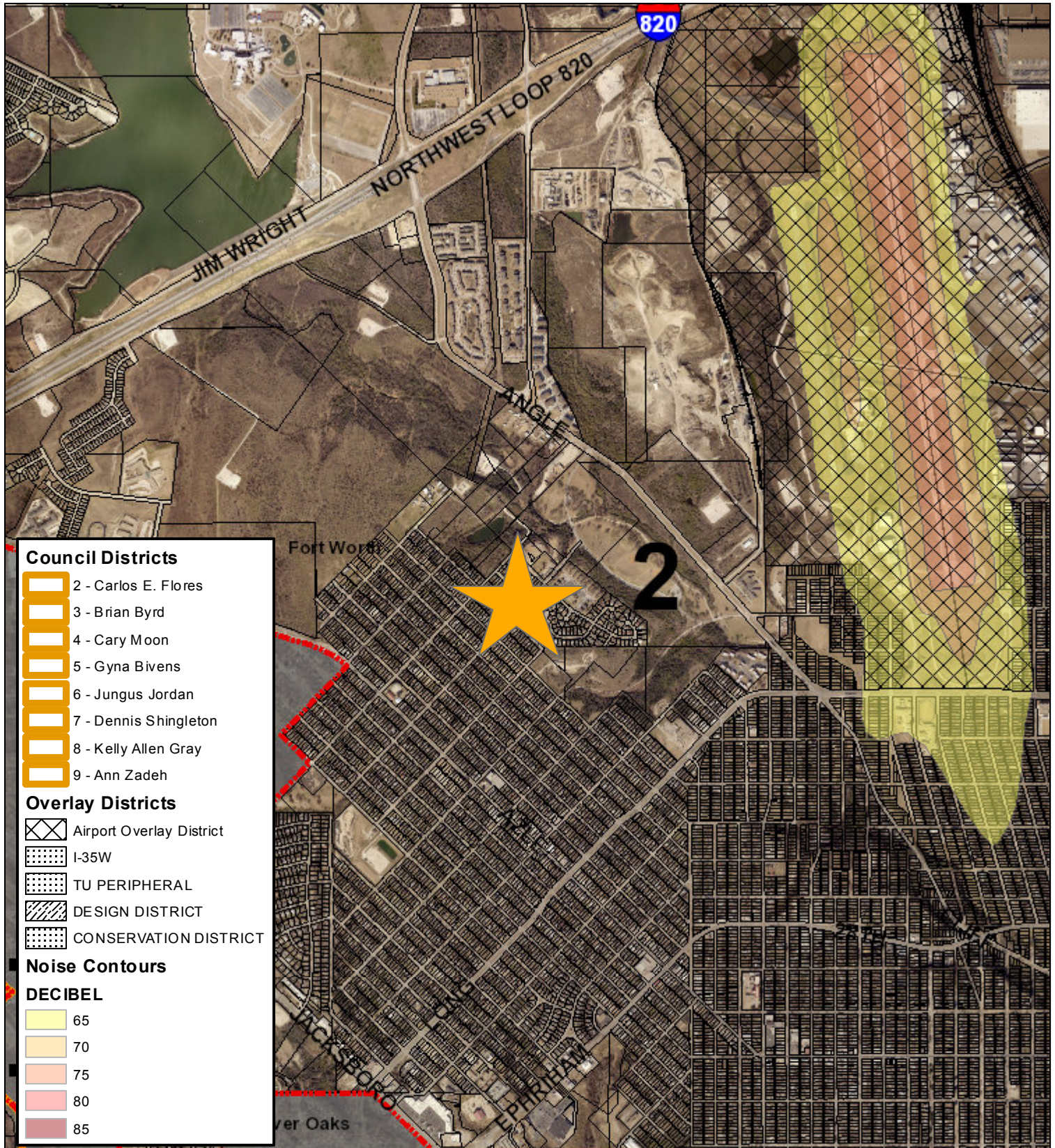


CONDITIONAL USE PERMIT  
 FOR  
**MUNCHKINS, INC.**  
 3211 NORTHWEST 33RD STREET, FT. WORTH, TX 76106

DATE	6/2019
SCALE	1"=20'
DRAWN	STAFF
JOB#	19-4591
SHEET#	<b>C-2</b>
OF SHEETS	

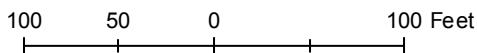
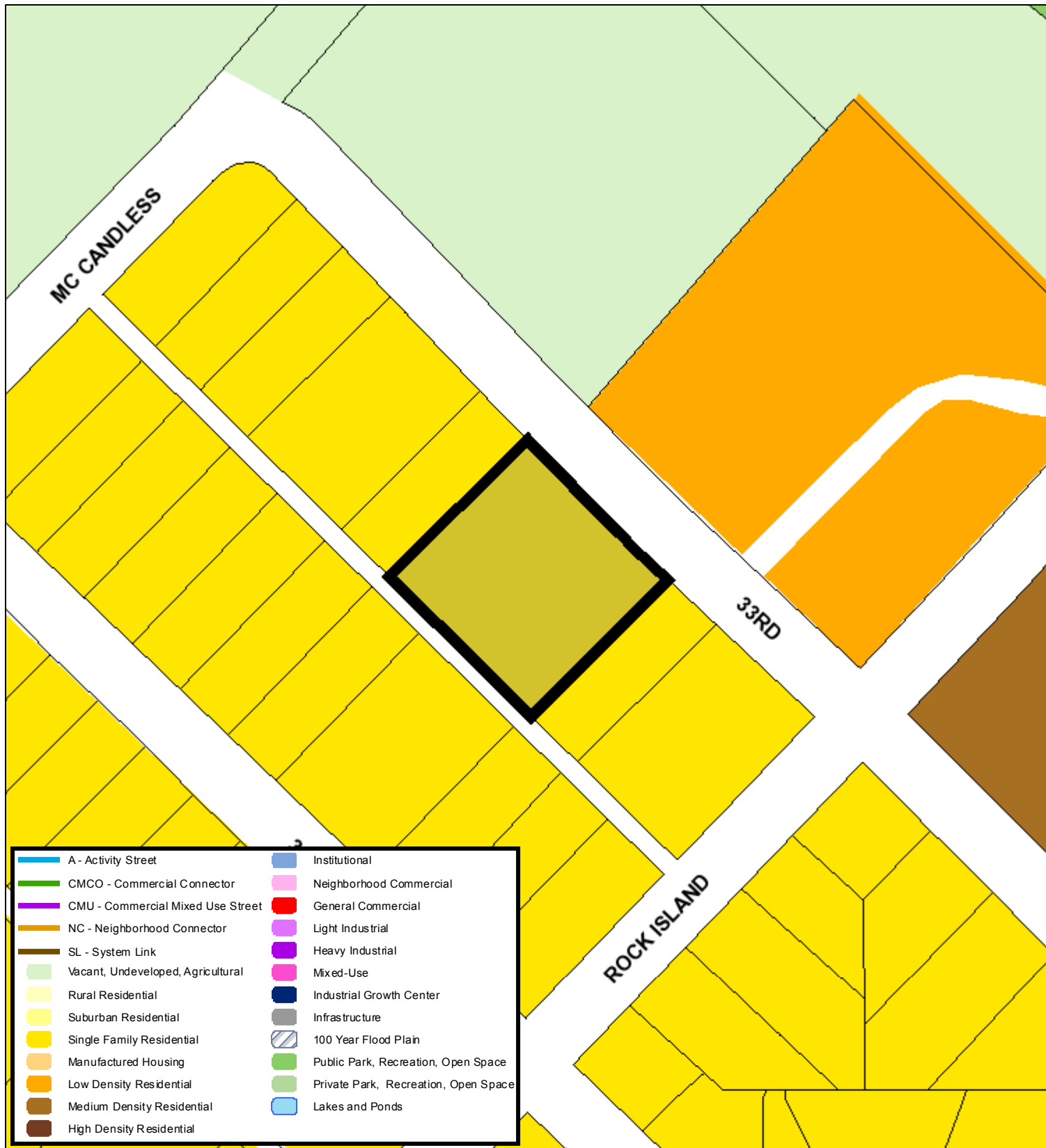


### Area Map





### 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 5, 2019.





**Aerial Photo Map**



0 62.5 125 250 Feet

