

# Zoning Staff Report

Date: May 10, 2022 Case Number: ZC-22-025 Council District: 4

## **Conditional Use Permit**

Case Manager: Beth Knight

Owner / Applicant: 5 B Corporation / Kiew Kam

Site Location: 1025 W. Beach Street Acreage: 2.03 acres

Request

**Proposed Use:** Car Wash

**Request:** To: Add Conditional Use Permit (CUP) to allow an automated carwash facility in "E"

Neighborhood Commercial; site plan included with waivers for setbacks, fencing

location, and landscaping buffer

Land Use Compatibility: Requested change is compatible.

Comprehensive Plan Consistency: Requested change is not consistent (Technical Inconsistency).

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 located at the north end of the 2-block long West Beach Street, where the street joins N. Beach Street, approximately one block south of Belknap Street. The applicant is requesting to add a Conditional Use Permit to allow an automated carwash facility; site plan included.

Carwashes are only permitted within commercial zoning districts through the CUP process. The applicant has applied for the (CUP) Conditional Use Permit to allow this use within the "E" district for a drive-thru carwash facility in an approximately 3,600 sq. ft. building. Self-service vacuum spaces are shown in two rows south of the carwash building. 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 carwash is not permitted in the "E" 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 vacant land with a creek and its associated floodway dividing the property in two. The nearest residential "A-5" district lies along the western property line, with additional single family uses to the east. Although the site is directly adjacent to a residential district, the land is used for the Sylvania public park.

The lot's floodway easement in the middle of the property does not leave enough space to orient the car wash tunnel and dryer in a north/south direction to face other commercial uses. The car wash dryer faces other commercial uses to the east. The closest residential building is more than 300 feet away in a residential neighborhood to the east, separated by the intervening commercial building. Because sound volume decreases noticeably after 300 feet to approximately 60 decibels, the location of the car wash equipment and 17 vacuums are unlikely to have a detrimental impact on the neighborhood.

The floodway constrains the larger buildable area on the south side of the lot. While the vacuums meet the 25-foot setback, the car wash building is approximately 35 feet inside the 100-foot setback required. The required solid screening fence along the same property line conflicts with the floodway, where stormwater should flow freely. However, the same floodway creates a naturally landscaped area that is approximately 50% of the site's area.

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 E regulation and the proposed CUP:

Requirement	E Standards	Proposed CUP
		Car wash is approximately 65 feet
Car wash	100-foot setbacks are required from	from the residential zoning
setback	any residential zoning.	(requires Development Regulation
		Waiver)
	6-ft minimum solid screening fence	Screening fence is shown adjacent to
Solid screening	is required along the entire western	carwash and will not be allowed in
fence	property line, which abuts a	the floodway easement (requires
	residential district	Development Regulation Waiver)

#### Surrounding Zoning and Land Uses

North "E" Neighborhood Commercial / Commercial use

East "E" Neighborhood Commercial, "F" General Commercial, and "PD 761" Planned Development for "E" uses plus automobile parts sales / Automobile repair and commercial uses

South "F" General Commercial / Mini-warehouses

West "A-5" One-Family / Public park

#### Recent Zoning History

ZC-16-170, east of subject, from CR, D to A-5, approved 4/21/2016.

#### **Public Notification**

ZC-18-043, east of subject, from E to PD for D uses, approved 11/14/2018.

ZC-18-190, east of subject, from E to D, approved 1/16/2019.

ZC-20-023, east of subject, from D to PD for D uses with waivers, approved 4/9/2020.

ZC-21-010, north of subject, from A-5 to E, denied 4/14/2021.

300-foot Legal Notifications were mailed on February 25, 2022.

The following organizations were notified: (emailed February 25, 2022)

Organizations Notified		
Riverside Alliance	Oakhurst Alliance of Neighbors	
East Fort Worth, Inc.	East Fort Worth Business Association	
United Riverside Rebuilding Corp., Inc.	Fort Worth ISD	
Carter Riverside NA*	Tarrant Regional Water District	
Streams and Valleys Inc	Trinity Habitat for Humanity	

<sup>\*</sup> This Neighborhood Association is located closest to the subject property.

### **Development Impact Analysis**

#### Land Use Compatibility

The applicant is proposing a zoning change to add a CUP to allow a carwash facility in the "E" zoning district. Surrounding land uses consist of a public park in residential zoning to the west with other commercial uses in all other directions. The closest residential uses are more than 300 feet from the car wash dryer to the east. The significant floodplain running through the property creates a small buildable area on the north property line and a larger buildable area on the southern property line. The existing floodway easement both constrains development options and allows a notable portion of the property to remain in its undeveloped state.

Based on the surrounding non-residential uses and distance to the closest residential use, the proposed zoning (conditional use permit for automated car wash) is compatible with surrounding land uses.

#### Comprehensive Plan Consistency – Arlington Heights

The 2021 Comprehensive Plan currently designates the subject property as neighborhood commercial, where vehicular uses are generally not allowed. The proposed zoning is inconsistent with the land use designations for this area, but complies 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.
- Separate incompatible land uses with buffers or transitional uses. Some land uses have attributes such as height, proportion, scale, operational characteristics, traffic generated, or appearance that may not be compatible with the attributes of other uses.

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

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 and is not a targeted high-growth industry. While the auto-oriented use does not contribute to walkable corridors, the large amount of street frontage left undeveloped in the floodway easement does contribute to walkable corridors.

#### Site Plan Comments

#### **Zoning and Land Use**

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

- 1. The car wash building setback is required to be 100 feet, as per Sec. 5.108, instead of the approximately 65 feet shown. This item is requesting a development waiver.
- 2. A 6-ft minimum solid screening fence is required along the western property line, which abuts a residential district, as required in Sec. 5.108. Since the western property also contains a floodway easement, the solid fence cannot be in this easement. **This item is requesting a development waiver**. The fence along the western property line will need a utility easement encroachment agreement.
- 3. The access easement and drainage easement overlap in the northeast corner. Generally, the surface material of these two easements is not the same.
- 4. Note the land use and zoning of the surrounding properties to the east.

#### **TPW Stormwater**

- FYI: an accepted drainage study is required prior to platting, infrastructure review, grading permit issuance, and building permit issuance.
- FSR Acceptance required and FDP issuance required prior to grading and building permit issuance.

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



Applicant: 5 B Corporation

Address: 1025 W. Beach Street

Zoning From: E

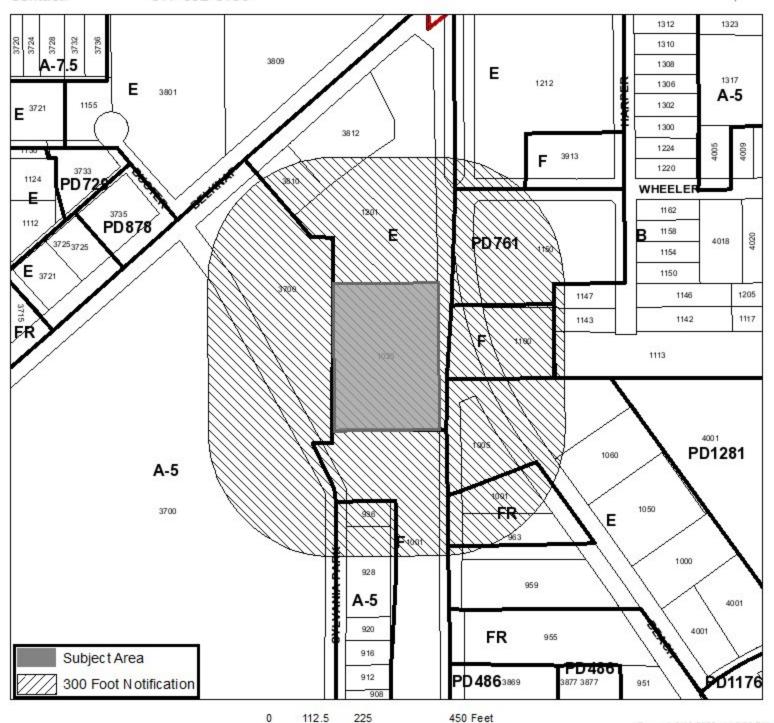
Zoning To: Add Conditional Use Permit for automatic car wash

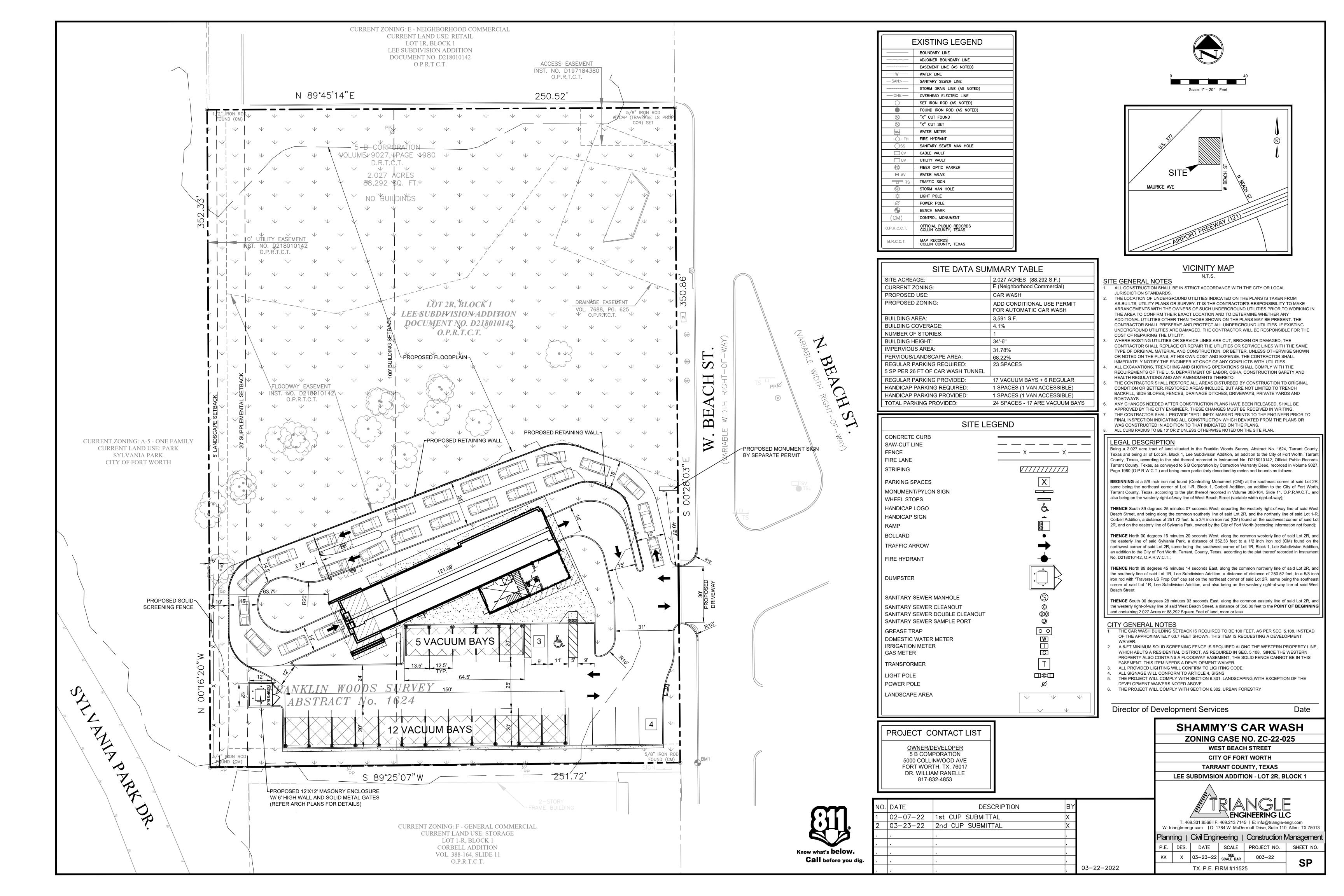
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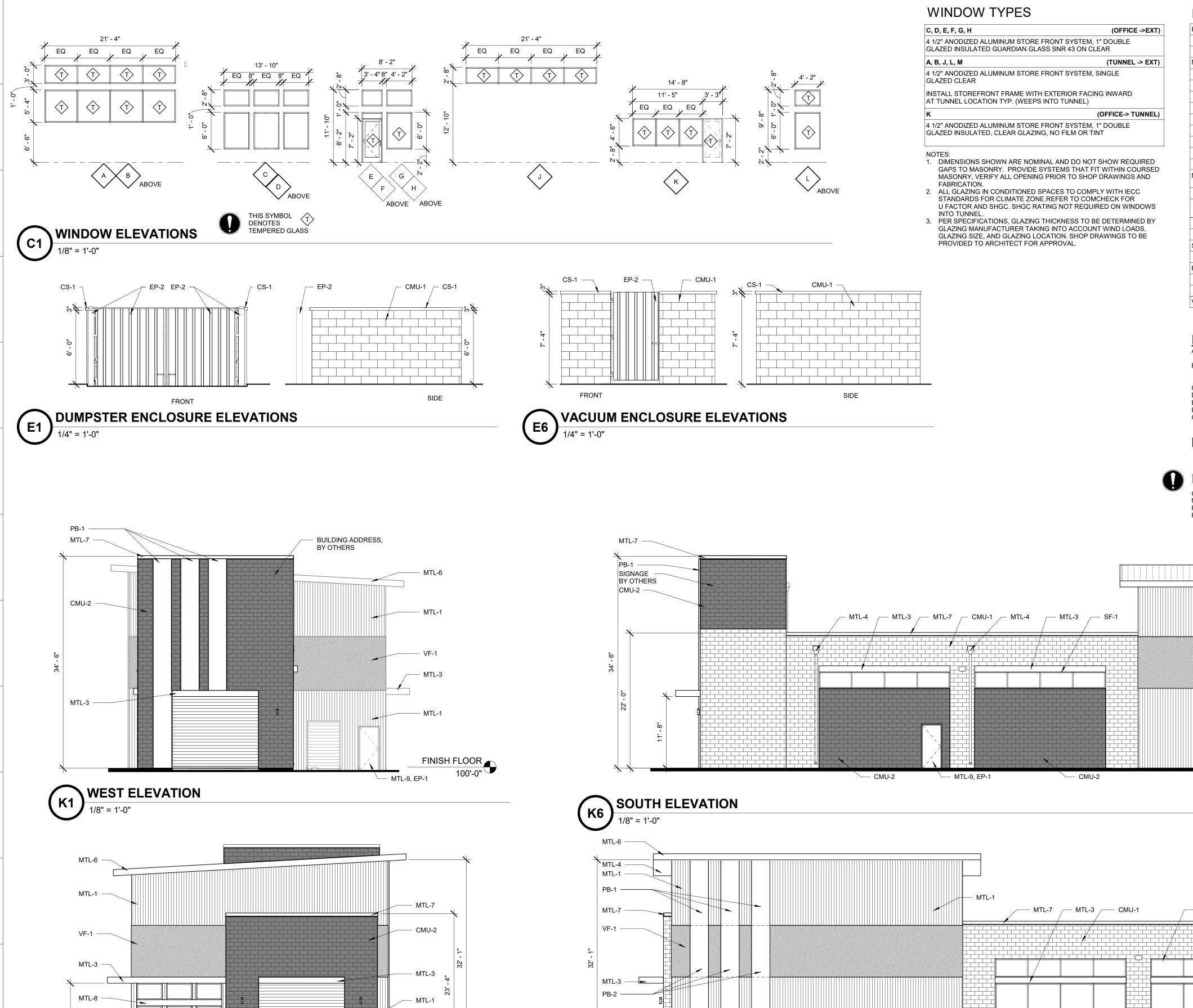
Mapsco: 64N

Sector/District: Northeast Commission Date: 3/9/2022 Contact: 817-392-8190









FINISH FLOOR

EAST ELEVATION



## **EXTERIOR FINISH SELECTIONS NOTES:**

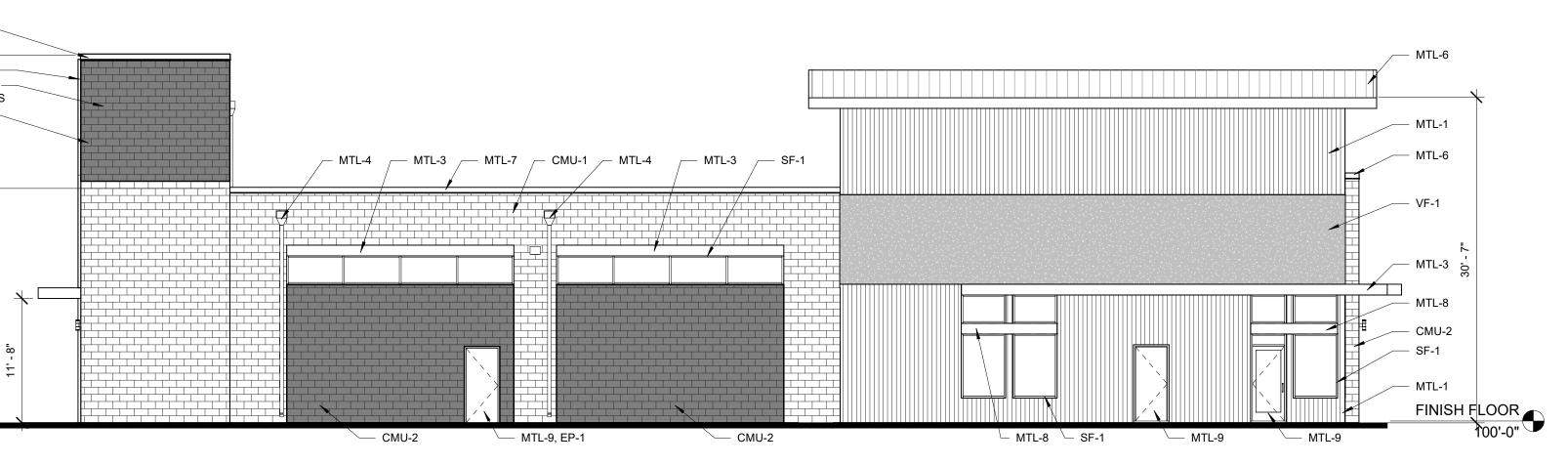
- A. ALL EXTERIOR FINISHES, MATERIALS, AND SYSTEMS ARE TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS.
- B. ALL ARCHITECTURAL CMU BLOCK TO BE INTEGRALLY COLORED, PRE-SEALED AT THE FACTORY, UTILIZE MATCHING SMOOTH FACE PRE-COLORED CMU WHERE SHOWN AND WHERE
- COMPONENTS, FLASHING, COPINGS WILL ATTACH, TYPICAL.
- C. ALL STANDARD CMU (NON-INTEGRALLY COLORED) TO BE COMPLETELY COVERED. D. PROVIDE L&M AQUAPEL ON ALL CMU SURFACES PRIOR TO FINAL PAINT OR COVERING.
- E. PAINT ALL EXPOSED STEEL STRUCTURE AS SCHEDULED.
- F. ALL EXPOSED METAL FLASHING/TRIM PIECES ARE TO BE PRE-FINISHED METAL. G. ALL CONNECTIONS, FASTENERS AND TRIMS FOR GALVANIZED ITEMS MUST BE GALVANIZED OR

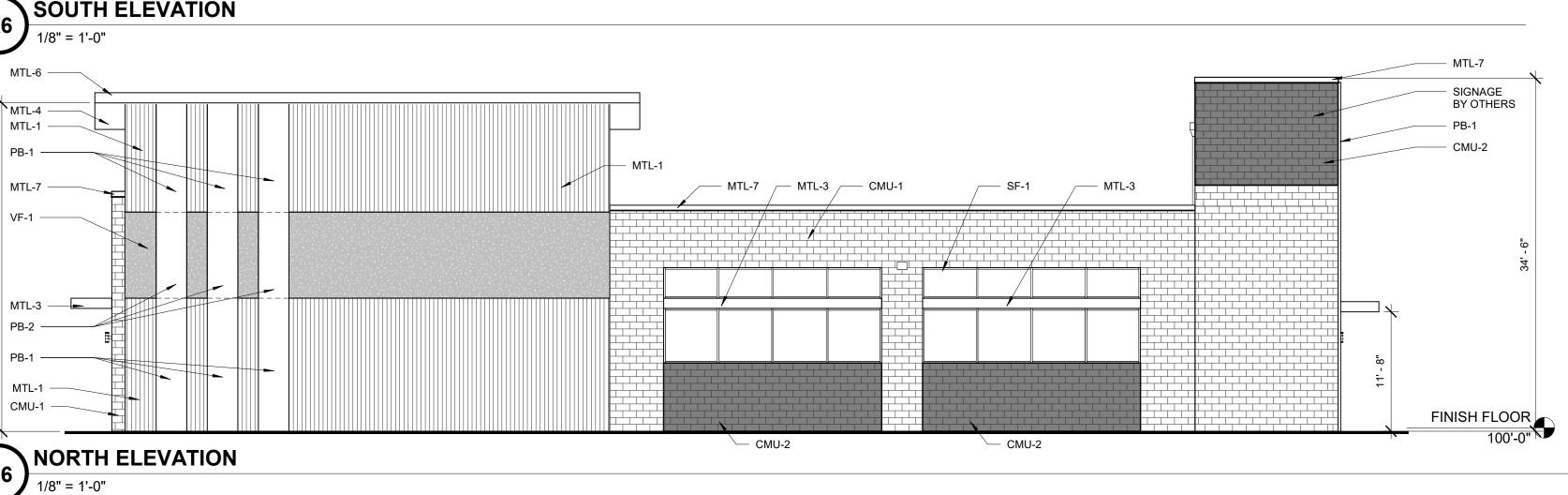
## EXPOSED EXTERIOR CONCRETE NOTE

1 ALL EXPOSED EXTERIOR CONCRETE ABOVE GRADE IS TO HAVE SMOOTH RUBBED FINISH.

## **EXTERIOR MOCKUP WALL NOTES**

CONTRACTOR TO PROVIDE AN EXTERIOR FINISH MOCK-UP WALL, 4' WIDE BY 6' HIGH MINIMUM, FOR OWNER AND/OR ARCHITECT APPROVAL PRIOR TO ANY EXTERIOR FINISH CONSTRUCTION. MOCK-UP WALL TO HAVE ALL EXTERIOR COMPONENTS REPRESENTED INCLUDING GROUT, SEALANTS, FLASHING, ETC..





EXTERIOR ELEVATIONS

GROUP

**INTERIORS** 

972-724-4440

972-691-7731 FAX

APDG.US

**NOT FOR** 

THESE DRAWINGS ARE

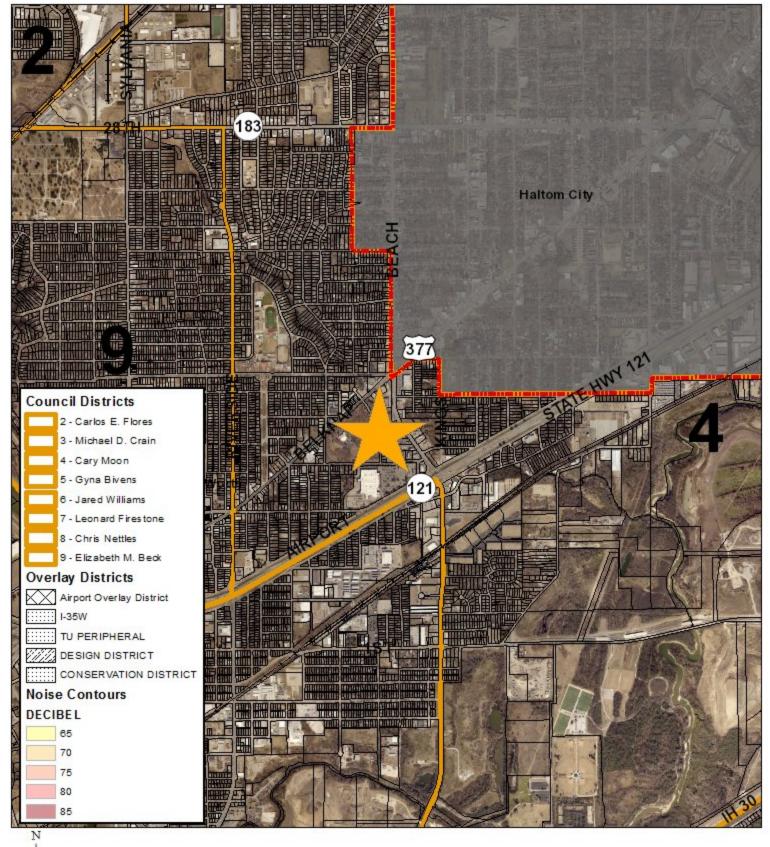
USED FOR REGULATORY APPROVAL, PERMIT, OR CONSTRUCTION.

W BEACH ST, FORT WORTH, <sup>-</sup>

REVISIONS No. DATE NOTE

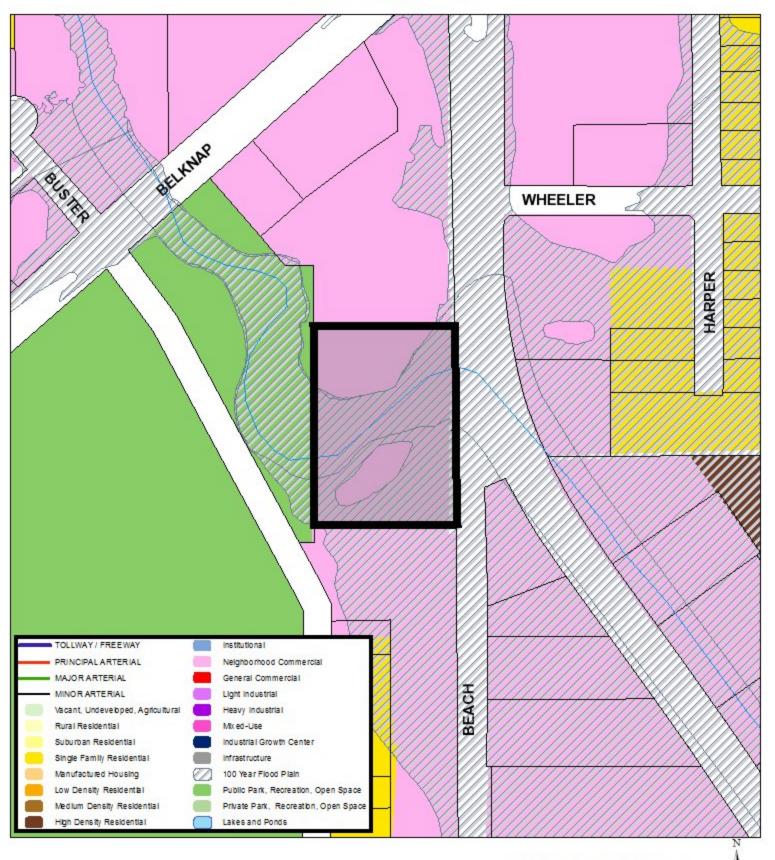
Project No. 21-0720 02-28-22







## **Future Land Use**





# **Aerial Photo Map**

