



Zoning Staff Report

Date: May 9, 2023

Case Number: ZC-23-027

District: (old/new): 9/9

Zoning Map Amendment

Case Manager: [Shad Rhoten](#)

Owner / Applicant: Gina McLean – Nationwide Construction / Tommy Hicks

Site Location: 3005 & 3011 Stanley Ave

Acreage: 0.43 acres

Request

Proposed Use: Restaurant – Wing Stop

Request: From: “A-5” One-Family

To: “E” Neighborhood Commercial

Recommendation

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

Comprehensive Plan Consistency: Requested change **is not consistent (Minor Adjustment)**

Staff Recommendation: **Approval**

Zoning Commission Recommendation: **Denial by a vote of 4-3**

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Project Description and Background

This item was continued per request by the applicant during the March 22, 2023 Special Called Zoning Commission Meeting.

The applicant is intending to construct a new Wingstop restaurant on this undeveloped brownfield tract. The site is composed three (3) existing lots (intended to be re-platted) with the northernmost lot already being zoned “E” Neighborhood Commercial. The southern two (2) lots are being requested for rezoning from “A-5” One Family to “E” Neighborhood Commercial so that the entire building site is zoned uniformly to accommodate a restaurant in “E” Neighborhood Commercial.

City Staff recommend **approval** of this application in November, 2021. The report from this hearing can be viewed at the below link.

This request was recommended for **denial** in November, 2021 by the Zoning Commission with a 7-0 vote ([ZC-21-144](#)). Zoning Commission voiced concerns over traffic safety and intrusion into the residential neighborhood with a commercial use.

The City Council also **denied this request without prejudice** on December 14, 2021 to allow the applicant to work with the adjoining neighborhood and modify the site plan to alleviate neighboring property owner concerns.

The applicant has since modified the site plan to reflect a single access point onto Stanley Ave (Bowie Ave access has been removed). Additional landscape buffers have been added along the property frontage (Stanley Ave) and the parking has been pushed back more to the interior of the site. Please refer to attached site plan for reference.

Surrounding Zoning and Land Uses

North “E” Neighborhood Commercial / Vacant
East “A-5” One-Family / single family residential
South “A-5” One-Family / single family residential
West “BU-CX-4” Berry University Commercial Mixed-Use / Vacant

Recent Zoning History

- The subject property was rezoned in 2014 under the TCU Residential Overlay District. The purpose of the TCU residential overlay district is to facilitate preservation of existing single-family residential neighborhoods by establishing limitations and special requirements on property uses within the area that are inconsistent with the underlying zoning and original construction thereof by providing a mechanism for making such inconsistent uses compatible.
- In November 2021, this request was recommended for denial by the Zoning Commission with a 7-0 vote ([ZC-21-144](#)). Zoning Commission voiced concerns over traffic safety and intrusion into the residential neighborhood with a commercial use.

- On December 14, 2021, the City Council **denied this request without prejudice** ([ZC-21-144](#)) to allow the applicant to work with the adjoining neighborhood and modify the site plan to alleviate neighboring property owner concerns.

Public Notification

300-foot Legal Notifications were mailed on March 30, 2023.
The following organizations were emailed on March 30, 2023:

Organizations Notified	
Ryan Place Improvement Assoc*	Shaw Clarke NA
Paschal NA	Streams and Valleys Inc
Las Familias de Rosemont NA	Trinity Habitat for Humanity
Frisco Heights NA	Berry Street Initiative
South Hemphill Heights NA	Fort Worth ISD

**Located within this registered Neighborhood Association*

Development Impact Analysis

Land Use Compatibility

Surrounding properties to the north and west are zoned for commercial purposes. Properties to the south and east are zoned “A-5” and developed with single-family homes. City staff is comfortable with the overall compatibility of this development, in conjunction with the screening measures mandated by the Zoning Ordinance for new commercial construction. A combination of fencing and landscaping must equal 25 points from the enhanced landscape table found in Section 6.300.c.3.g of the City of Fort Worth Zoning Ordinance. Applicants are encouraged to exceed the minimum 25 point requirement when possible. In addition, there is a required minimum 5’ buffer yard composed of landscaped area off of the southern and eastern property lines. A supplemental building setback of 20’ prohibits any buildings and structures within 20’ of the southern and eastern property lines. Parking can be in this area, exclusive of the 5’ landscaped buffer yard.

Because any new commercial construction would be subject to the current supplemental buffer yards and setbacks, the lots face other commercial uses on two sides, and the encroachment into the neighborhood is not as far as on similarly situated blocks along the Cleburne Rd. corridor, the proposed zoning **is compatible** with surrounding land uses.

Comprehensive Plan Consistency – Southside

The Comprehensive Plan currently designates the subject property with two designations. The northern 1/3 of the site is indicated as future Neighborhood Commercial. The southern 2/3 of the site is indicated as future single family residential. The rezoning request only pertains to the southern 2/3 of the site, as the northern 1/3 is already zoned appropriately for the proposed use.

The Comprehensive Plan designations reflect the history of the three (3) lots proposed for development. The northernmost lot previously held a small commercial building, and the two (2) southern lots each had one (1) single family residence each. All three (3) buildings were all demolished between 1990 and 2000, leaving the site in its current undeveloped brownfield state.

The proposed zoning is not consistent with the land use designations for this area, but aligns with the following policies of the Comprehensive Plan for the Southside:

13. Stimulate the redevelopment of the Hemphill Street, Berry Street, Evans Avenue, 8th Avenue/Cleburne Road/McCart Avenue, Pennsylvania Avenue, Magnolia Avenue, Rosedale Street, Seminary Drive, and South Riverside Drive commercial districts.

The area requested to be rezoned to “E” Neighborhood Commercial is envisioned as future single family residential, however since the area borders an existing tract of future neighborhood commercial, it is reasonable to envision the boundary being extended to the south by 100’ to accommodate the entirety of the proposed restaurant site. Technically, the proposed zoning **is not consistent (minor boundary adjustment)** with the Comprehensive Plan. If the rezoning request is approved, City staff recommends that the Future Land Use Map component of the Comprehensive Plan be updated to reflect this change.

Economic Development Plan

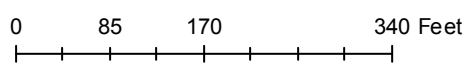
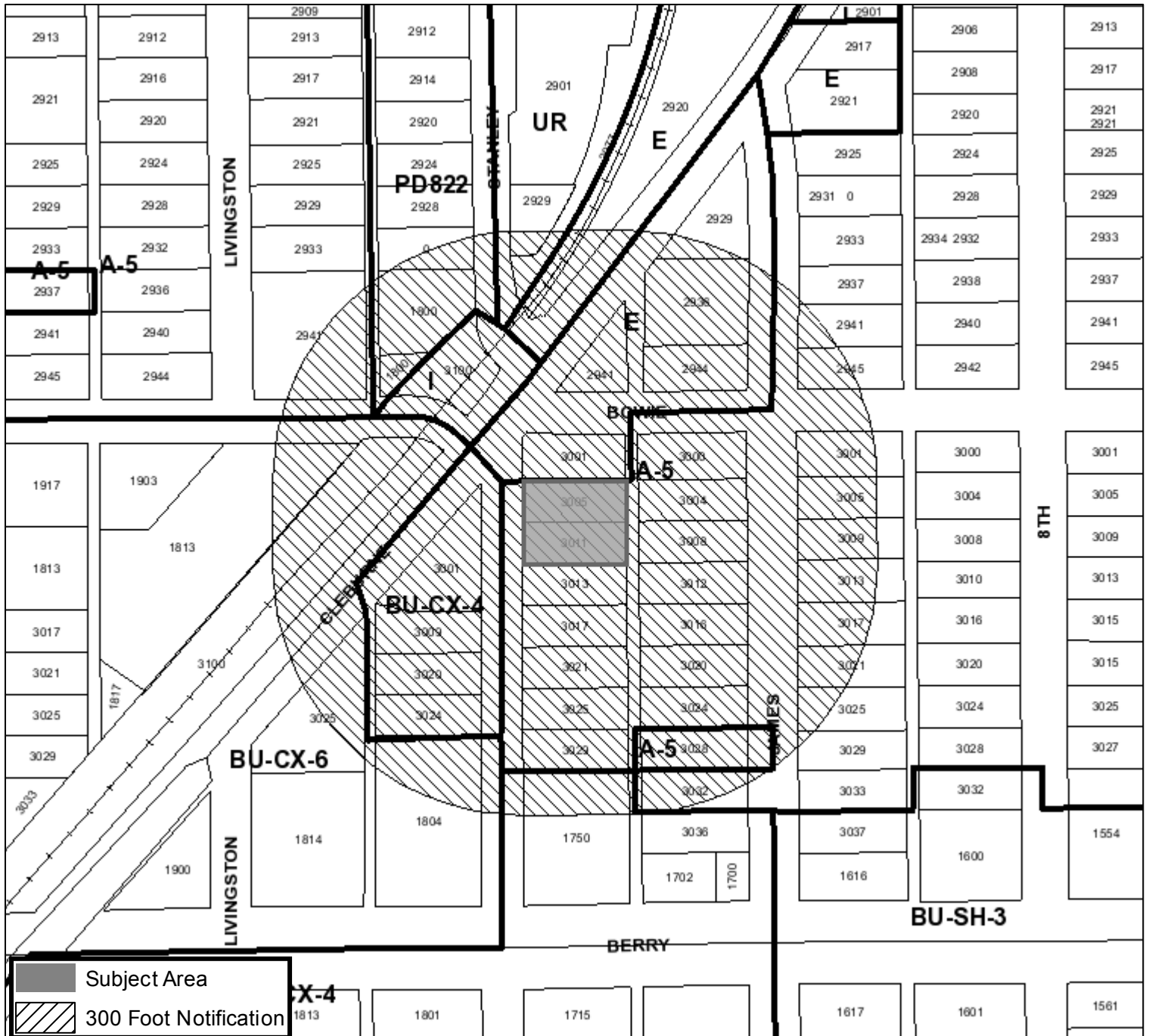
The 2017 Economic Development Strategic Plan identified a vision, goals, and strategies to facilitate the success and growth of the City of Fort Worth. The site is not within any of the six target areas that were studied in depth for their redevelopment potential.



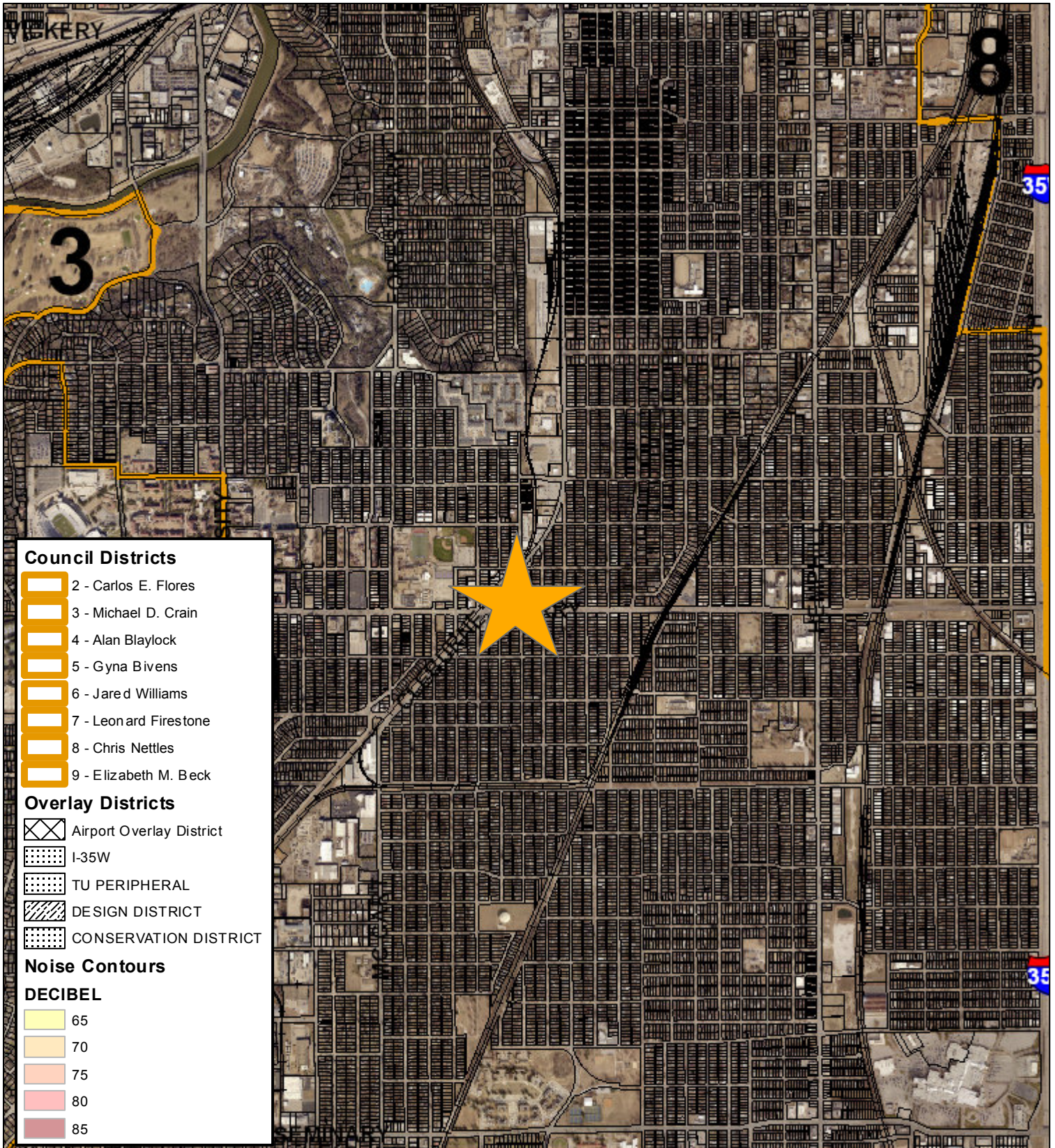
ZC-23-027

Area Zoning Map

Applicant: Tom Hicks
 Address: 3005 & 3011 Stanley
 Zoning From: A-5
 Zoning To: E
 Acres: 12254.03776211
 Mapsco: Text
 Sector/District: Southside
 Commission Date: 3/22/2023
 Contact: 817-392-2025








Area Map



Council Districts






-  2 - Carlos E. Flores
-  3 - Michael D. Crain
-  4 - Alan Blaylock
-  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

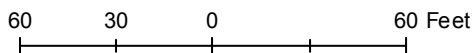
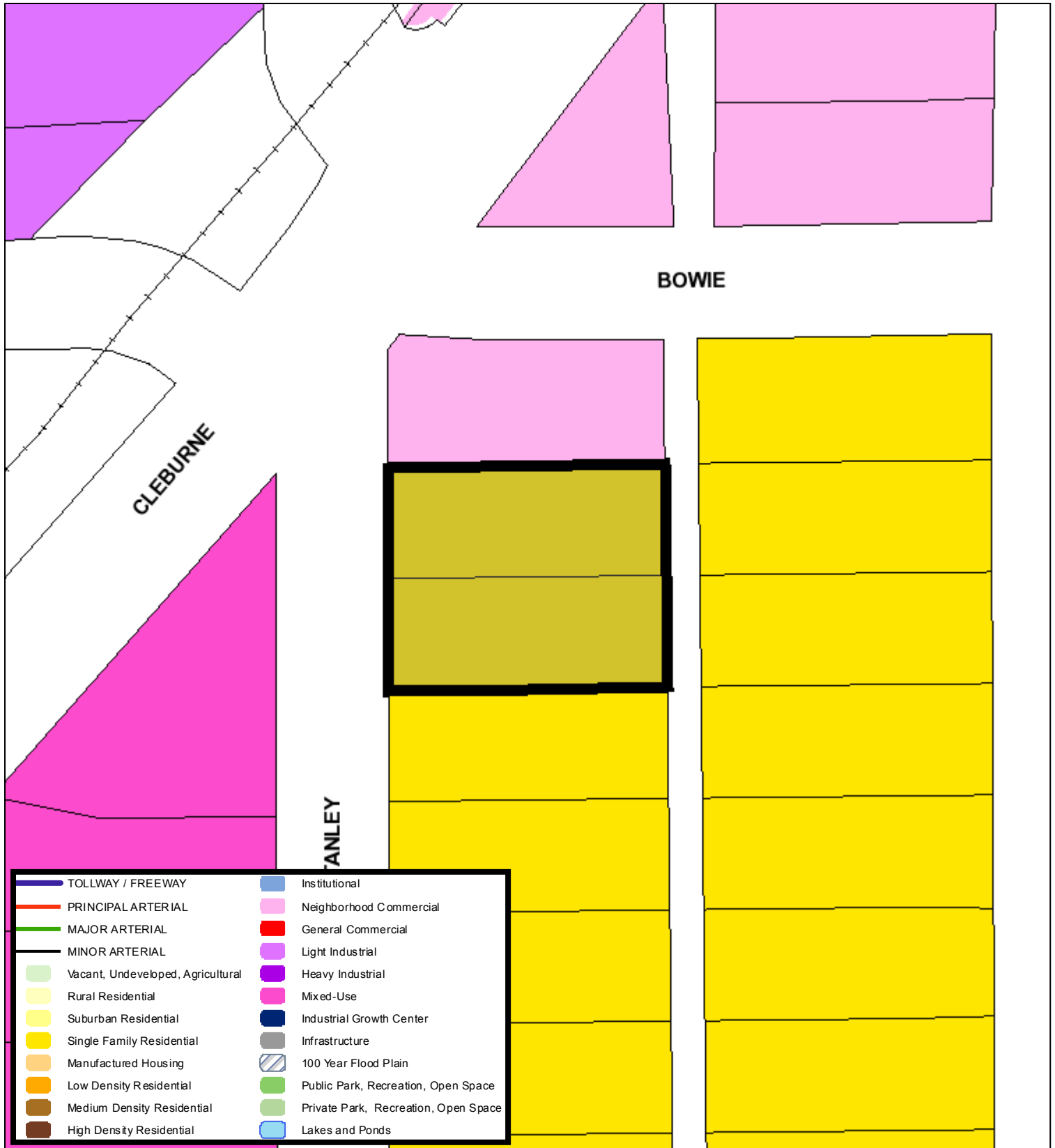
DECIBEL

-  65
-  70
-  75
-  80
-  85



0 1,000 2,000 4,000 Feet

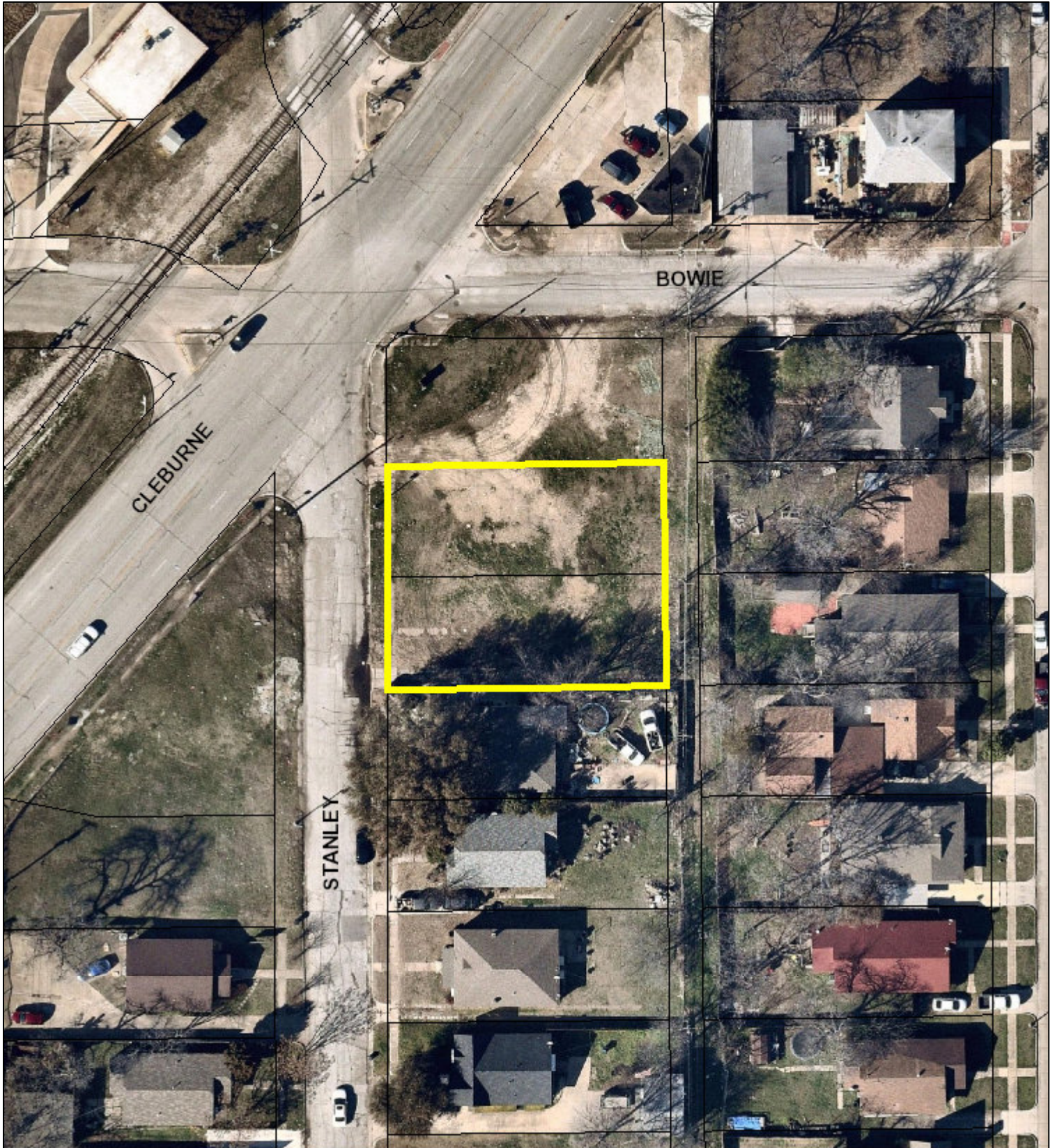
Future Land Use



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

