



**ZONING MAP CHANGE  
STAFF REPORT**

**City Council Meeting Date:**  
December 03, 2019

**Council District** 2

<b>Zoning Commission Recommendation:</b> Denial by a vote of 5-3  <b>Opposition:</b> None submitted <b>Support:</b> None Submitted	Continued	Yes <u>X</u> No ___
	Case Manager	<u>Lynn Jordan</u>
	Surplus	Yes ___ No <u>X</u>
	Council Initiated	Yes ___ No <u>X</u>

**Owner / Applicant:** H. S. Churchill Trust, Gary Sibley

**Site Location:** 806 & 816 Churchill Road Mapsco: 61P

**Proposed Use:** Multifamily

**Request:** From: PD 1023 Planned Development for all uses in "C" Medium Density Multifamily; site plan approved

To: Amend PD 1023 Planned Development to increase height to three stories and increase unit count to 45 units; site plan included

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

**Comprehensive Plan Consistency:** Requested change is not consistent. (Significant Deviation)

**Staff recommendation:** Denial

**Background:**

The proposed site is located east of the City of River Oaks on Churchill Road, a collector, and north of White Oak a residential street. The applicant is requesting to amend the existing PD to increase the height to 3 stories and increase the unit count to 45 units. The applicant intends on removing the mobile home structures for redevelopment of multifamily structures

There is an existing mobile home park established in 1942 making it a legal non-conforming use today. A zoning change was requested for PD/SU for a mobile home park in December 2013 (ZC-13-174) which was denied without prejudice by City Council on April 1, 2014 after being withdrawn by the applicant.

The table below refers to the previously approved and proposed development standards. Waivers will be necessary for development standard that cannot be met.

Development Standard	C Medium Density	PD 1023	Amended PD 1023
Density	24 units/acre	34 units approved at 18 units per acre	45 units proposed 46 units allowed at 24 per acre
Front Yard Setbacks	20 ft. minimum	20 ft. along Churchill Rd <i>(Waiver approved for signage)</i>	20 ft. along Churchill Rd, no permanent structures <b><i>(Waiver required for proposed illuminated monument sign in setback)</i></b>
Open Space	45% minimum	45%	45% Complies
Height	36 ft. maximum	2 stories	3 stories (Complies)
Building Orientation	Buildings located on public streets must face the street with the longest length of the building placed parallel/adjacent to the street	50 ft. end to end	Building one does not comply with new MFD standards <b><i>(Waiver required)</i></b>
Façade Variation	Each new building façade oriented to a publicly accessible street or open space shall incorporate each of the following scaling elements as depicted in Ord. # 23495, eff. 12-23-18	Not applicable	Will Comply
Enhanced Landscape System	Enhanced landscaping system is required along all public right-of-ways and shall earn a minimum set of points as depicted in Ord. 23495, eff. 12-23-18	Not applicable	Will Comply
Signage	A sign shall have a maximum allowable area of exposure on each dedicated street of not more than one square foot of sign area for each ten linear feet; signs may be illuminated, but the source of light shall not be visible or intermittent and not more than 50% of the total allowable sign area may be required in the required yard space along a dedicated street	Illuminated monument sign approved	Illuminated monument sign proposed <b><i>(Waiver required)</i></b>
Parking Count	Ratio: 1 space per bedroom plus 1 additional space for each 250 sq. ft. of office or recreation area	1 space per bedroom	Provided: 1 space per bedroom  70 spaces provided <b><i>Waiver required for 5</i></b>

	Required: 66 bedrooms + 2,100 sf of office and recreation space = 75 required spaces	Total of 52 spaces approved	<b>parking spaces</b>
Setback adjacent to one- or two-family district	Three feet for every one foot (3: 1) as measured from slab to top of sill plate, or two feet for every one foot (2: 1) in overall height when measured from lowest finished grade to the peak of the roof, whichever is greater; 30 feet minimum	Not indicated on approved site plan	Buildings 4-5 – setback from property line needs to be identified on the site plan for back two buildings  Buildings 1-2 verify setback <b>(Waiver required)</b>
Bufferyard and screening adjacent to A and B zoning	A five-foot bufferyard and minimum six-foot screen fence shall be placed on the property line and should be landscaped per point system	Complied	5' bufferyard provided Six-foot screen fence (Complies)

At the August 6<sup>th</sup>, 2019 Council meeting the applicant requested another continuance to October 15, 2019. No additional information has been received at this time.

**Site Information:**

Owner: HS Churchill Trust  
P. O. Box 121811  
Arlington, TX 76012  
Agent: Dennis Hopkins  
Acreage: 1.92 ac  
Comprehensive Plan Sector: Northside

Surrounding Zoning and Land Uses:

North "B" Two-Family / single-family  
East "B" Two-Family / single-family  
South "B" Two-Family and "E" Neighborhood Commercial / single-family  
West City of River Oaks / single-family

**Recent Relevant Zoning and Platting History:**

Zoning History: ZC-14-127 Planned Development for C with site plan, eff. 12/24/14;  
ZC-13-174 denied without prejudice by City Council 04/01/14  
Platting History: FS-15-011, Churchill Addition, Block A, Lot 1

**Site Plan Comments:**

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

1. There is a 20 ft. setback along Churchill Road, no permanent structures permitted, sign is encroaching. **(Waiver required)**
2. Open space requirement is 45% minimum, site plan indicates 43%. **(Waiver required)**
3. Building one does not comply with new MFD standards for building street frontage. **(Waiver required)**
4. A total of 75 parking spaces required, site plan indicates 71 space. **(Waiver required)**
5. Buildings 4 and 5 appear to encroach into the 3 to 1 ratio required for the building setback. Please provide the setback ratio on the site plan. **(Waiver required)**

**(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)
Churchill Rd	Two-way collector	Two-way collector	No

**Public Notification:**

300 foot Legal Notifications were mailed on May 21, 2019.

The following organizations were notified: (emailed May 20, 2019)

Organizations Notified	
Inter-District 2 Alliance	Crestwood NA*
Tarrant Regional Water District	Trinity Habitat for Humanity
Streams & Valleys, Inc.	Castleberry ISD
Fort Worth ISD	

Closest neighborhood association\*

**Development Impact Analysis:**

**1. Land Use Compatibility**

Surrounding land uses are primarily single-family. The traffic generated from this multifamily development, the increased height and density of residents is not consistent with that of a single family neighborhood. The proposed zoning **is not compatible** at this location.

**2. Comprehensive Plan Consistency**

The 2019 Comprehensive Plan designates the subject property as Single-Family. The requested zoning change is not consistent with the following Comprehensive Plan policies.

- Preserve and protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, speculation, demolition, neglect, and other negative forces. (pg. 37)

Based on the lack of conformance with the future land use map and policy stated above, the proposed zoning **is not consistent (Significant Deviation)** with the Comprehensive Plan. The Comprehensive Plan should have reflected Low Density Multifamily in 2014 when the zoning changed.

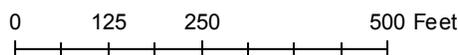
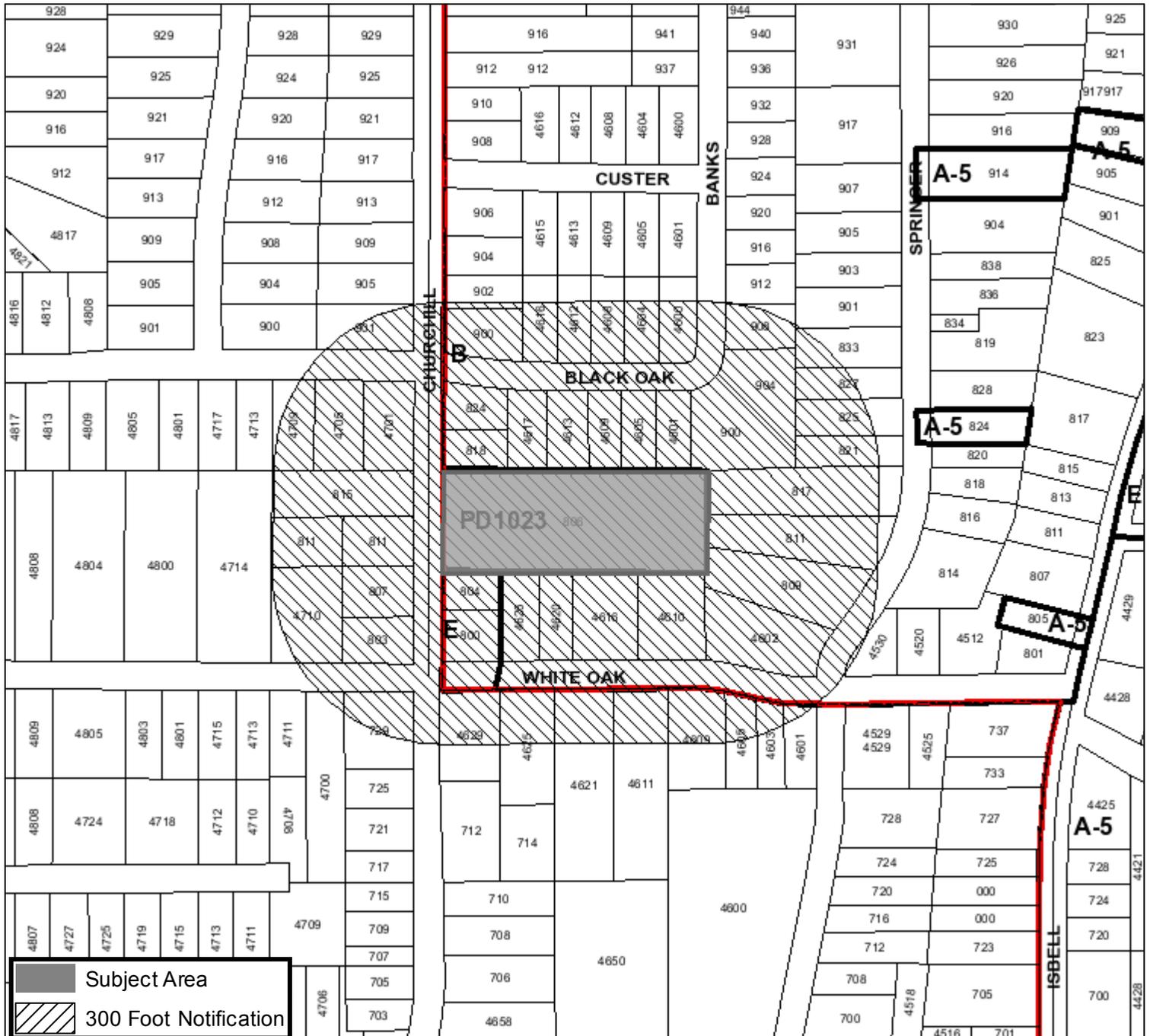
**Attachments:**

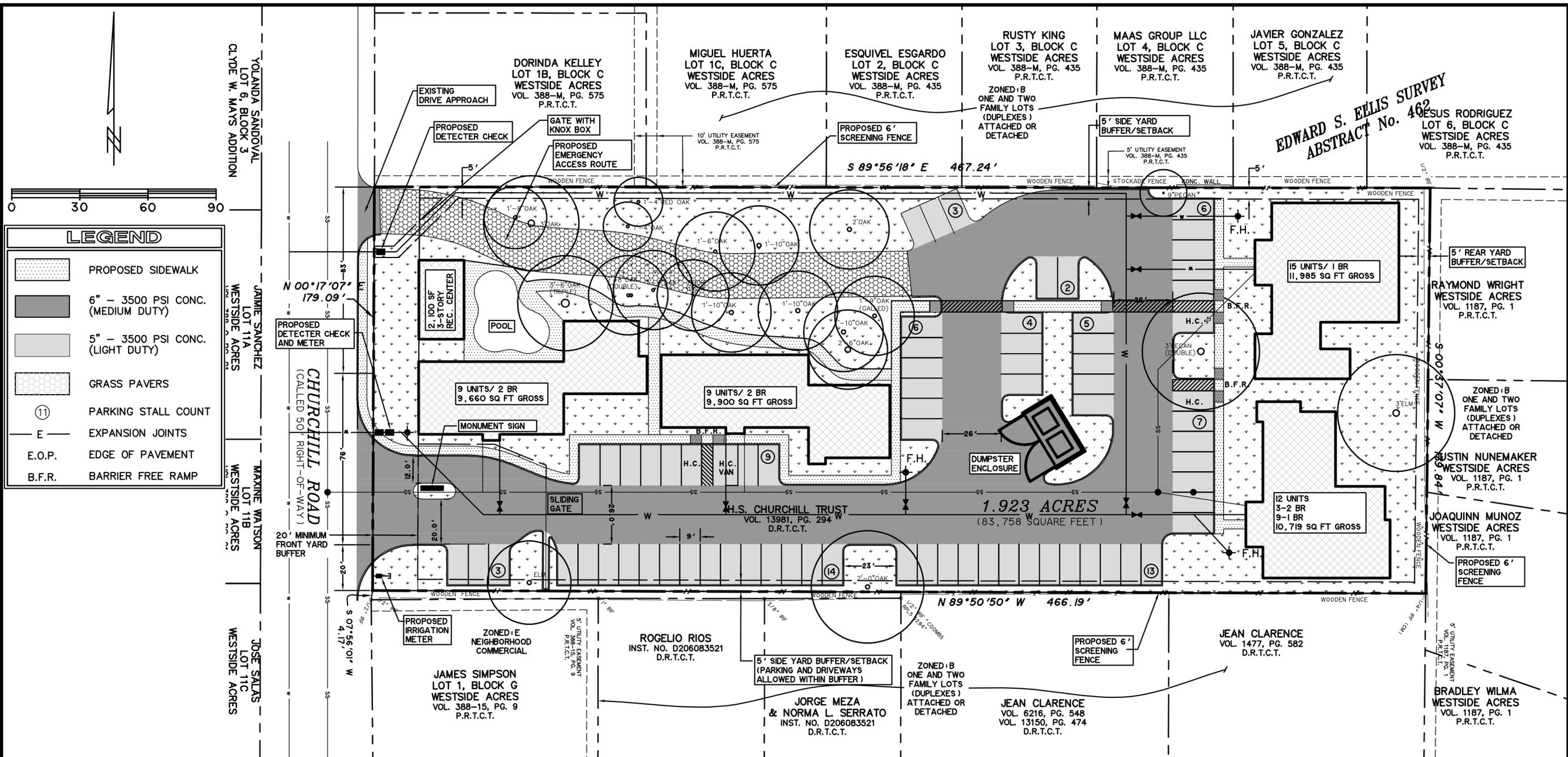
- Area Zoning Map with 300 ft. Notification Area
- Site Plan
- Future Land Use Map
- Aerial Photograph
- Minutes from the City Council meeting



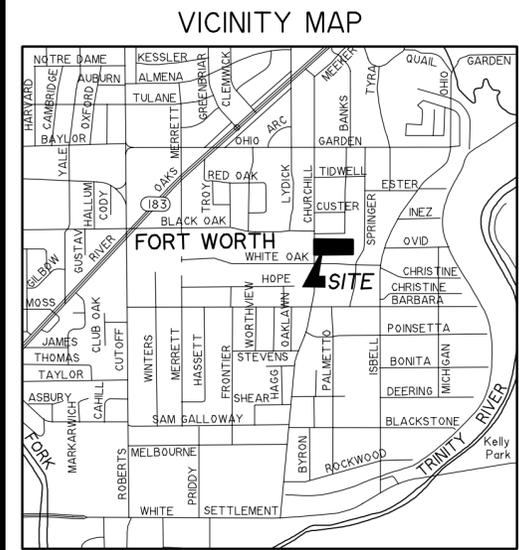
# Area Zoning Map

Applicant: H.S. Churchill Trust  
 Address: 806 & 816 Churchill Road  
 Zoning From: PD 1023 PD/C for all uses in C, site plan approved  
 Zoning To: Amend PD 1023 from 2 story to 3 story and increase unit count, site plan included  
 Acres: 1.93235048  
 Mapsco: 61P  
 Sector/District: Northside  
 Commission Date: 6/12/2019  
 Contact: 817-392-2495





LEGEND	
	PROPOSED SIDEWALK
	6" - 3500 PSI CONC. (MEDIUM DUTY)
	5" - 3500 PSI CONC. (LIGHT DUTY)
	GRASS PAVERS
	PARKING STALL COUNT
	EXPANSION JOINTS
	E.O.P. EDGE OF PAVEMENT
	B.F.R. BARRIER FREE RAMP



SITE DATA	
ZONING	PLANNED DEVELOPMENT (PD)
PROPOSED USE	MULTI-FAMILY APARTMENT
LOT AREA	1.923 AC (83,758 S.F.)
NUMBER OF UNITS	45
UNITS PER ACRE	23.4
PARKING REQ'D. (No. OF BEDROOMS: 66)	1 SPACE PER BEDROOM 66 STALLS REQ'D
HANDICAP-ACCESSIBLE PROVIDED	4
TOTAL PARKING PROVIDED	72
% CANOPY MAINTAINED	85%
BUILDING/PAVEMENT AREA	46,114
OPEN SPACE (83,758-46,114)/83,758	45%
BUILDING HEIGHT	3 STORIES

**CAUTION !!!  
UNDERGROUND UTILITIES**

EXISTING UTILITIES AND UNDERGROUND FACILITIES INDICATED ON THESE PLANS ARE BASED ON REFERENCE INFORMATION SUPPLIED BY VARIOUS OWNERS OF THE FACILITIES. THE ENGINEER DOES NOT ACCEPT THE RESPONSIBILITY FOR THE GRAPHICAL REPRESENTATION OF THE UTILITIES SHOWN, IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE ALL EXISTING UTILITIES AND UNDERGROUND FACILITIES, BOTH HORIZONTALLY AND VERTICALLY, PRIOR TO CONSTRUCTION, TO TAKE NECESSARY PRECAUTIONS IN ORDER TO PROTECT ALL FACILITIES ENCOUNTERED, AND TO NOTIFY THE ENGINEER PROMPTLY OF ALL CONFLICTS OF THE WORK WITH EXISTING FACILITIES. THE CONTRACTOR SHALL PRESERVE AND PROTECT ALL EXISTING UTILITIES FROM DAMAGE DURING CONSTRUCTION. ANY DAMAGE BY THE CONTRACTOR TO EXISTING UTILITIES SHALL BE REPAIRED BY THE CONTRACTOR AT HIS EXPENSE.

- GENERAL NOTES:**
- ALL COORDINATES ARE TO THE BACK OF CURB, UNLESS NOTED OTHERWISE.
  - DIMENSIONS SHOWN ARE TO THE BACK OF CURB, UNLESS NOTED OTHERWISE.
  - ALL PROPOSED CURB RADIUS ARE 2.5' B/C, WITHIN PARKING LOT, UNLESS NOTED OTHERWISE.
  - ALL CONCRETE PAVEMENT SHALL HAVE 6" CURBS UNLESS OTHERWISE NOTED.

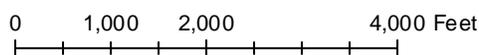
- GENERAL SITE NOTES AND REQUESTED WAIVERS:**
- Site Plan will comply with Urban Forestry, Landscaping and Sign Ordinance
  - Requesting waiver to allow monument sign within Front Yard Setback
  - Requesting waiver to allow a 5' side yard and back yard building setback
  - Requesting waiver to allow parking within buffer yard
  - Requesting waiver to allow building is sloped setback
  - Requesting waiver on MFD building street frontage
  - Requesting waiver on required parking for recreation center
  - Requesting waiver on building 3:1 setback

**ZC-19-061  
SITE PLAN  
CHURCHILL PARK  
ESTATES**

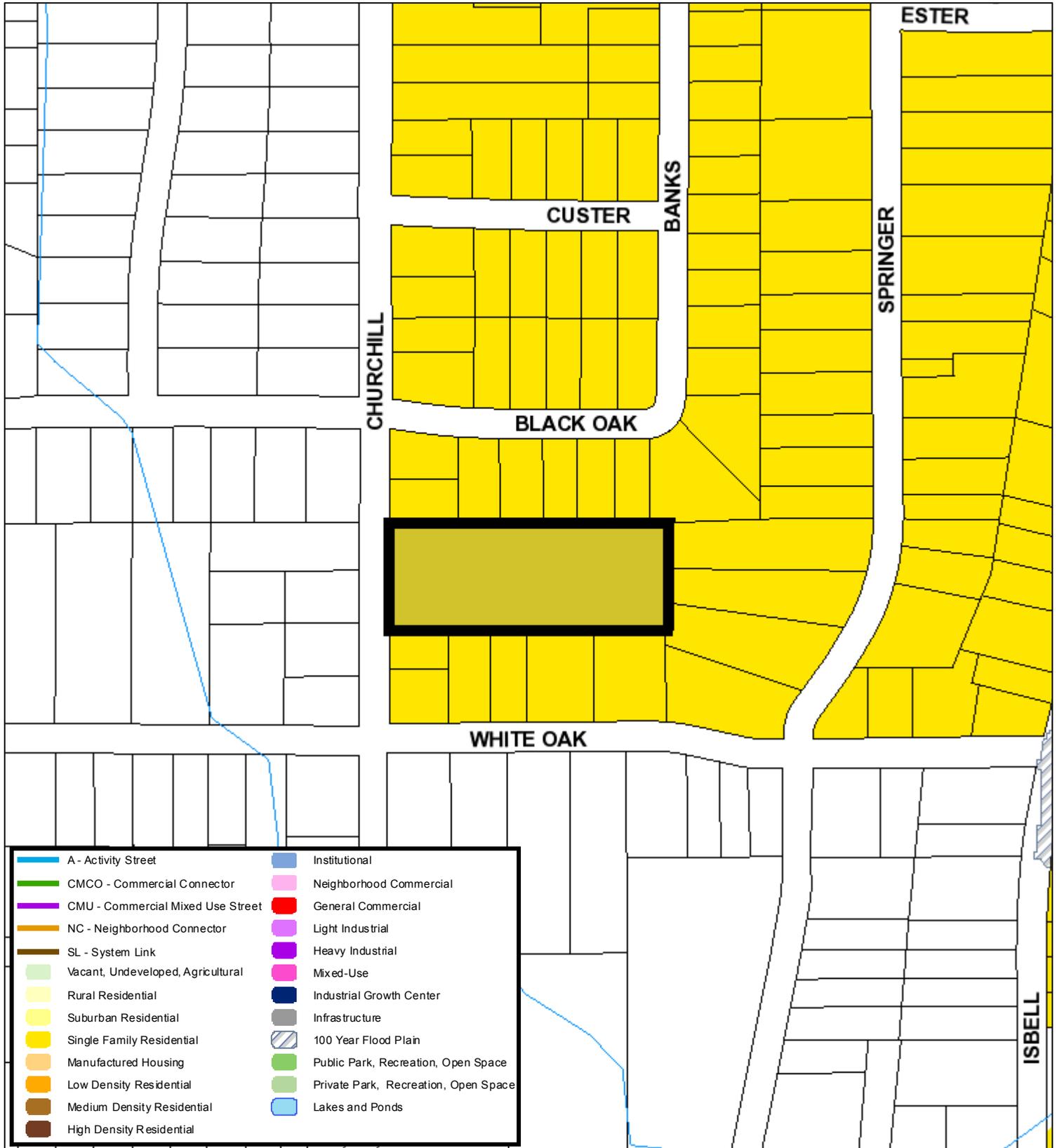
PREPARED BY:  
**WIER & ASSOCIATES, INC.**  
**ENGINEERS SURVEYORS LAND PLANNERS**  
 2201 E. LAMAR BLVD., SUITE 200E ARLINGTON, TEXAS 76006 METRO (817)467-7700  
 Texas Firm Registration No. F-2776 www.WierAssociates.com

NOT TO SCALE

## Area Map



### Future Land Use

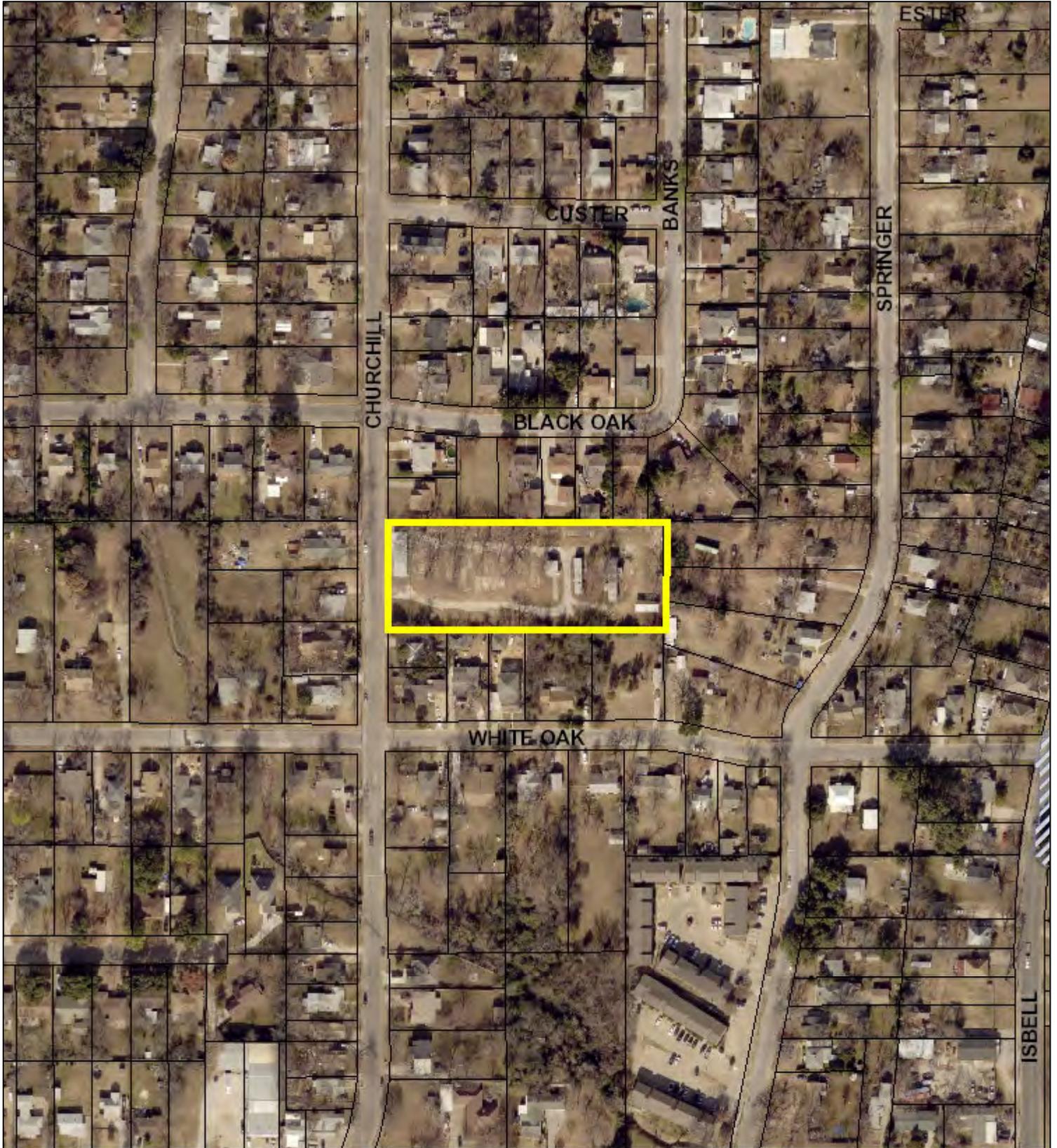


225 112.5 0 225 Feet

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**



0 140 280 560 Feet



3. M&C L-16204 Adopt Ordinance for the Owner-Initiated Annexation of Approximately 115.026 Acres of Land and 35.589 Acres of Right-of-Way in Denton County, Located North of Intermodal Parkway and South of Highway 114 off of FM 156, in the Far North Planning Sector, AX-19-001 (FUTURE COUNCIL DISTRICT 7) (Continued from a Previous Week)

Motion: Approved. Ordinance No. 23735-08-2019

4. ZC-19-039 (CD7) M. T. Cole Family Partnership #2, NP-OV Fort Worth Project 1, 14500 - 15300 FM Road 156; From: Unzoned To: "K" Heavy Industrial , 115.02 acres (Recommended for Approval by the Zoning Commission)(Continued from a Previous Meeting)

Mr. Barry Hudson, Dunaway Associates, 550 Bailey Avenue, Suite 400, completed a speaker card in support of Mayor and Council Communications L-16203, L-16204, and Zoning Docket ZC-19-039 and was recognized by Mayor Price but did not wish to address Council.

Motion: Mayor Pro tem Shingleton made a motion, seconded by Council Member Jordan, that Mayor and Council Communications L-16203 and L-16204 be approved and Ordinance No. 23735-08-2019 be adopted, and ZC-19-039 be approved as amended to reduce the acreage from 115.026 acres to 74.773 acres for the parcels that are owner-initiated as indicated in the amended municipal services agreement, annexation ordinance and map. Motion passed 9-0.

5. ZC-19-044 (CD9) Speed Racer, LLC, 3111 Race Street, 3020 Murphy Street; From: "MU-1/DD" Low Intensity Mixed Use and "CF/DD" Community Facilities with Demolition Delay To: PD/MU-1 Planned Development for all uses in "MU-1" Low Intensity Mixed Use, retaining Demolition Delay, site plan required, 2.88 acres (Recommended for Approval by the Zoning Commission)(Continued from a Previous Meeting)

Motion: Council Member Zadeh made a motion, seconded by Council Member Byrd, that Mayor and Council Communication ZC-19-044 be continued to the August 27, 2019, Council meeting. Motion passed 9-0.

6. ZC-19-061 (CD2) H. S. Churchill Trust, Gary Sibley, 806 & 816 Churchill Road; From: PD 1023 Planned Development for all uses in "C" Medium Density Multifamily; site plan approved To: Amend PD 1023 Planned Development to increase height to three stories and increase unit count to 45 units; site plan included, 1.92 acres (Recommended for Denial by the Zoning Commission)(Continued from a Previous Meeting)

Mr. Dennis Hopkins, 2131 North Collins #637, Arlington, Texas, completed a speaker card in support of Zoning Docket ZC-19-061 and was recognized by Mayor Price but was not present in the Council Chamber.

Motion: Council Member Flores made a motion, seconded by Council Member Bivens, that Mayor and Council Communication ZC-19-061 be continued to the October 15, 2019, Council meeting. Motion passed 9-0.

7. ZC-19-063 (CD2) Northwest Bible Church, Inc., 5029, 5033 Jacksboro Highway; From: "A-5" One-Family To: "E" Neighborhood Commercial 1.30 acres, (Recommended for Approval by the Zoning Commission)(Continued from a Previous Meeting)

Mr. James Olmstead, 2315 Westbrook Avenue, appeared before Council in support of Zoning Docket ZC-19-063.

Ms. Jenna Young, 5104 Circle Ridge Drive West, completed a comment card in opposition to Zoning Docket ZC-19-063.

Motion: Council Member Flores made a motion, seconded by Council Member Byrd, that Mayor and Council Communication ZC-19-063 be approved. Motion passed 9-0.

8. ZC-19-074 (CD6) Denton Texas Venture LTD, 6001 & 6093 Columbus Trail; From: "C" Medium Density Multifamily, "E" Neighborhood Commercial, and "G" Intensive Commercial To: "A-5" One Family, "D" High Density Multifamily, "E" Neighborhood Commercial and PD/D Planned Development for all uses in "D" High Density Multifamily with Development Standards plus cottage community; site plan required with waivers to Multifamily Design Standards site plan submission and certain standards for cottage community only, 119.53 acres (Recommended for Approval by the Zoning Commission)(Continued from a Previous Meeting)

Mr. Jerry Sylo, 2121 Midway Road, Suite 300, Carrollton, Texas, completed a speaker card in support of Zoning Docket ZC-19-074 and was recognized by Mayor Price but did not wish to address Council.

Mr. Jim Wills, 6022 Club Oaks Place, Dallas, Texas, appeared before Council in support of Zoning Docket ZC-19-074.

Mr. Michael Gilmore, 8328 Blue Periwinkle Lane, appeared before Council in opposition to Zoning Docket ZC-19-074.