



# Zoning Staff Report

Date: December 14, 2021

Case Number: ZC-21-133

Council District: 8

## Zoning Map Amendment

Case Manager: [Beth Knight](#)

Owner / Applicant: James Austin Jr./ Yvette Kent

Site Location: 3220 Mitchell Boulevard

Acreage: 1.08

### Request

Proposed Use: Auto Parts Retail Store

Request: To: Add Conditional Use Permit for Auto Supply Store in “B” Two Family and “E” Neighborhood Commercial

### Recommendation

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

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

Staff Recommendation: **Denial**

Zoning Commission Recommendation: **Approval by a vote of 5-2 with the condition that all waiver requests be removed.**

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## Project Description and Background

The site is located on the northwest corner of Mitchell Boulevard and E. Berry Street, with the Renaissance shopping center located diagonally across the intersection. Highway 287 is about ½ mile east of the site, and Cobb Park is noted less than ¼ mile to the west. The applicant is requesting a zoning change from “B” Two-Family and “E” Neighborhood Commercial to “E” Neighborhood Commercial and adding a Conditional Use Permit in order to develop an auto parts retail store; site plan included.

The applicant has applied for the (CUP) Conditional Use Permit to allow this use within an “E” district for an approximately 7,300 square foot retail building, fronting onto Mitchell Boulevard. Several comparable zoning requests have been submitted since 2014 on this lot, which have all been denied. Another auto parts store has been developed generally 700 feet from Highway 287 and is surrounded by other commercial uses. 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 an auto parts store 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 a restaurant, that is shown to be demolished on the site plan. The nearest residential “A-5” district lies along the northern property line, with additional single family residences to the east and southwest. Because the site is directly adjacent to a single family residential use, a 20 foot supplemental setback is required. While the site plan shows no development waivers, the monument sign is shown too close to the northern driveway and must be moved. The site plan continues to need moderate revisions.

The subject site is designated as Neighborhood Commercial because of the surrounding single family homes and churches, which are lower intensity uses. A medical clinic is located to the southeast of the site. 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.

## Surrounding Zoning and Land Uses

North “A-5” One-Family / single-family  
 East “CF” Community Facilities / church  
 South “A-5” One-Family and “CF” Community Facilities / single-family and church  
 West “A-5” One-Family / single-family

## Recent Zoning History

- ZC-11-061, southeast of subject, from PD 720 for E uses and PD 721, add land to PD 720, approved;
- ZC-11-074, north, east, south, and west of subject, Council initiated to be in conformance with Comprehensive Plan, approved;
- ZC-14-151, ZC-17-073, ZC-18-034, ZC-19-158, subject, from B and E to FR (2014), PD for auto parts store (2017), PD for certain E uses (2018), and E (2019), denied;
- ZC-15-002, east of subject, from PD 720 to add auto parts sales, approved;
- ZC-19-133, east of subject, from A-5 to E, approved.
- Platting History: no preliminary plats within last 10 years.

## Public Notification

300-foot Legal Notifications were mailed on October 22, 2021.  
 The following organizations were notified: (emailed October 22, 2021)

Organizations Notified	
The New Mitchell Boulevard NA*	Streams and Valleys Inc.
Glencrest Civic League NA	Trinity Habitat for Humanity
United Communities Association of South Fort Worth	Fort Worth ISD
East Fort Worth, Inc.	Southeast Fort Worth Inc

\* Located within this registered Neighborhood Association

## Development Impact Analysis

### Land Use Compatibility

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The applicant is requesting to change to zoning of this property from “B” Two-Family and “E” Neighborhood Commercial to “E” Neighborhood Commercial with a Conditional Use Permit an auto parts retail store. Surrounding land uses are single family to the north, south, and west, churches to the east and south, and the Renaissance Square shopping center to the southeast.

The site plan as submitted is not in general compliance with the site plan checklist and the sign regulations.

1. Please differentiate all the landscaped/grassed areas with a different pattern than the pavement. It’s hard to tell how the site has 49% pervious area. The fire lane is the darkest pattern but does not have to be shown on the CUP site plan.
2. The required screening fence is to be shown on the site starting 60 feet west of the southern driveway (staying out of the projected front yard) and extending to the northeast corner.
3. Please remove the label “street frontage landscape area” from the southwestern property line. This area is adjacent to a house, instead of a street.
4. Please correct the spelling of the 20’ building setback & landscape buffer along the northwestern side
5. Please remove any trees that are not within the site, as the applicant has no control over whether these off-site trees are kept or removed.
6. The City Code requires signs to be at least 20 feet from a driveway. Please move the sign the appropriate distance southward.
7. Double check the zoning of the land use to the southwest. Add back the land uses and zonings of the surrounding properties to the east and south. The entire drawing can be moved northwest, as only a portion of the adjacent residential lots needs to be shown.
8. Remove the proposed legal description from the right-hand side of page 1 and add the metes & bounds legal description of the site plan on a second site plan page, instead of a separate document. The legal description should reflect the boundaries as they are today. The following items can be removed to provide more space should the metes & bounds be desired on page 1: plant material schedule, construction notes, flood plain note, and site general notes.
9. Provide the Zoning case number in the lower right-hand corner of the plan, below the title.
10. Provide signature line labeled: “Director of Development Services” with a “Date” line below, at lower right-hand corner of the drawing, above the project title.

The proposed zoning request **is not compatible** with the surrounding land uses being lower intensity single-family, churches, and a medical clinic.

### Comprehensive Plan Consistency – Southeast

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The 2021 Comprehensive Plan currently designates the subject property as “Neighborhood Commercial”, where vehicular uses are generally not allowed. (Significant Deviation).

Below is a portion from Chapter 4 Land Use of the Comprehensive Plan.

## LAND USE AND ZONING CLASSIFICATIONS

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LAND USE	DEFINITION	ZONING
Neighborhood Commercial	Retail, services, offices and mixed uses serving daily needs for a local market area	Multifamily Residential, ER, E, MU-1

The proposed zoning is **not consistent** with the land use designations for this area, nor with the following policies of the Comprehensive Plan:

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

### Economic Development Plan

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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.

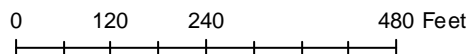


# Area Zoning Map

Applicant: James Austin Jr.  
 Address: 3220 Mitchell Boulevard  
 Zoning From: B, E  
 Zoning To: E plus Conditional Use Permit for auto parts sales  
 Acres: 1.08085756  
 Mapsco: 78S  
 Sector/District: Southeast  
 Commission Date: 11/10/2021  
 Contact: 817-392-8190



 Subject Area  
 300 Foot Notification





**PLANT MATERIAL SCHEDULE**

TREES				
TYPE	QTY.	COMMON NAME	BOTANICAL NAME	REMARKS
LO	3	Live Oak	Quercus virginiana	container, 14' ht., 6' spread, 5' clear straight trunk
CE	2	Cedar Elm	Ulmus crassifolia	B&B, 12' ht., 5' spread, 5' clear trunk
SHRUBS				
TYPE	QTY.	COMMON NAME	BOTANICAL NAME	REMARKS
NPH	92	Needlepoint Holly	Ilex cornuta	container grown, 20" ht., 20" spread
MIS	10	Miscanthus	Miscanthus sinensis 'Adagio'	container grown, 20" ht., full to base
GROUNDCOVERS				
COMMON NAME	BOTANICAL NAME	REMARKS		
'419' Bermudagrass	Cynodon dactylon '419'	Solid Sod refer to notes		

NOTE: Plant list is an aid to bidders only. Contractor shall verify all quantities on plan. All heights and spreads are minimums. All plant material shall meet or exceed remarks as indicated. All trees to have straight trunks and be matching within varieties.

**CONSTRUCTION NOTES:**

- HANDICAPPED PARKING SIGNS MOUNTED 60" ABOVE GRADE
- REMOVE EXISTING POLE SIGN.
- OVERHEAD ELECTRIC SERVICE.
- PRECAST CONCRETE WHEEL STOP WITH ANCHOR ROD AT EACH END
- BICYCLE RACK U-SHAPE POWER COATED METAL FINISH WITH LOCKING DEVICE ON CONCRETE PAVING WITH BICYCLE PARKING SIGN
- MONUMENT SIGN ONLY
- EXISTING WATER METER

**CITY GENERAL NOTES:**

- ALL SIGNS SHALL CONFORM TO THE CITY OF FORT WORTH ARTICLE 4, SIGNS.
- PROJECT WILL COMPLY CITY OF FORT WORTH LIGHTING ORDINANCE. ZERO FOOT CANDLE AT PROPERTY LINE.
- PROJECT WILL COMPLY WITH SECTION 6.301 & 6.302 CITY OF FORT WORTH LANDSCAPING & URBAN FORESTRY ORDINANCE.
- THE PROPOSED BUILDING WILL COMPLY "PD" ARCHITECTURAL STANDARDS.
- THE PROPOSED BUILDING SHALL BE DESIGNED IN COMPLIANCE WITH SOUND ATTENUATION.
- ANY BUILDING AND PARKING LOT LIGHTING SHALL BE DIRECTED AWAY AND DOWNWARD OF ANY RESIDENTIAL DISTRICT.

**PROJECT CONTACT LIST**

<b>ENGINEER</b> TRIANGLE ENGINEERING LLC 1784 W. McDERMOTT DRIVE, SUITE 110 ALLEN, TEXAS 75013 CONTACT: KARTAVYA PATEL, P.E. PHONE: 214-609-9271	<b>OWNER/DEVELOPER</b> JAMES AUSTIN, JR. 2401 SCOTT AVENUE, SUITE 100 FORT WORTH, TEXAS 76103 CONTACT: JAMES AUSTIN, JR. PHONE: 817-923-9305
<b>SURVEYOR</b> BASELINE CORPORATION 1750 SEAMIST DRIVE, SUITE 160 HOUSTON, TEXAS 77008 CONTACT: STEVEN E. WILLIAMS, R.P.L.S. PHONE: 713-869-0155	

**FLOOD PLAIN NOTE**

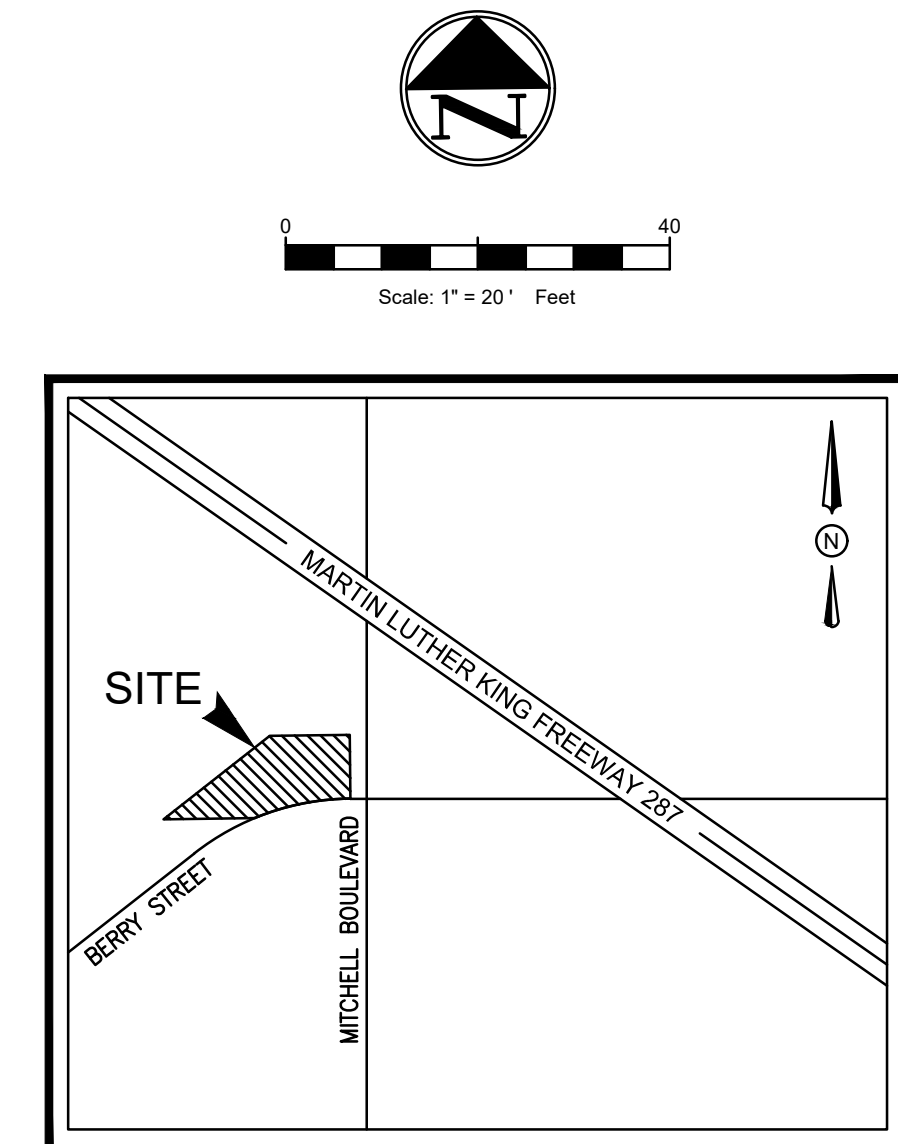
THE SUBJECT PROPERTY LIES WITHIN UNSHADED ZONE "X" (DETERMINED TO BE OUTSIDE THE 0.20% ANNUAL CHANCE FLOODPLAIN) AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD INSURANCE RATE MAP NUMBER 48439C0310K, DATED SEPTEMBER 9, 2009 FOR TARRANT COUNTY, TEXAS AND INCORPORATED AREAS.

**SITE LEGEND**

CONCRETE CURB	
SAW-CUT LINE	
FENCE	
FIRE LANE	
STRIPING	
PARKING SPACES	
WHEEL STOPS	
HANDICAP LOGO	
HANDICAP SIGN	
RAMP	
TRAFFIC ARROW	
DUMPSTER	
SANITARY SEWER MANHOLE	
SANITARY SEWER CLEANOUT	
SANITARY SEWER DOUBLE CLEANOUT	
DOMESTIC WATER METER	
IRRIGATION METER	

**EXISTING LEGEND**

3/8" IR FOUND		CHARLINK FENCE	
1/2" IR FOUND		CONCRETE	
1/2" IP FOUND		COVERED AREA	
5/8" IR FOUND		EASEMENT	
3/4" IP FOUND		FIRE LANE STRIPE	
1" IP FOUND		GRAVEL	
1" IR FOUND		NO PARKING	
60-D NAIL FOUND		OHU - OVERHEAD UTILITY LINE	
PK NAIL SET		PARKING STRIPE	
POINT FOR CORNER		PIPE RAIL FENCE	
X-FOUND		RETAINING WALL	
X-SET		STONE	
A.C. PAD		TILE	
BOLLARD POST		WOOD DECK	
BRICK COLUMN		WOOD FENCE	
CABLE BOX			
CONC. MONUMENT			
ELECTRIC BOX			
FIRE HYDRANT			
GAS MARKER			
GAS METER			
IRRIGATION VALVE			
LIGHT POLE			
SAN. SEW. CO.			
SAN. SEW. MH.			
STONE COLUMN			
STORM DRAIN MH.			
TELE. BOX			
TRANS. BOX			
UTILITY POLE			
WATER METER			
WATER VALVE			



**VICINITY MAP**  
N.T.S.  
MAPSCO ~ 78 S

**SITE GENERAL NOTES**

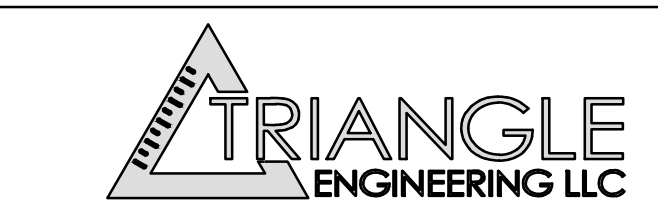
- ALL CONSTRUCTION SHALL BE IN STRICT ACCORDANCE WITH THE CITY OR LOCAL JURISDICTION STANDARDS.
- THE LOCATION OF UNDERGROUND UTILITIES INDICATED ON THE PLANS IS TAKEN FROM AS-BUILTS, UTILITY PLANS OR SURVEY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO MAKE ARRANGEMENTS WITH THE OWNERS OF SUCH UNDERGROUND UTILITIES PRIOR TO WORKING IN THE AREA TO CONFIRM THEIR EXACT LOCATION AND TO DETERMINE WHETHER ANY ADDITIONAL UTILITIES OTHER THAN THOSE SHOWN ON THE PLANS MAY BE PRESENT. THE CONTRACTOR SHALL PRESERVE AND PROTECT ALL UNDERGROUND UTILITIES. IF EXISTING UNDERGROUND UTILITIES ARE DAMAGED, THE CONTRACTOR WILL BE RESPONSIBLE FOR THE COST OF REPAIRING THE UTILITY.
- WHERE EXISTING UTILITIES OR SERVICE LINES ARE CUT, BROKEN OR DAMAGED, THE CONTRACTOR SHALL REPLACE OR REPAIR THE UTILITIES OR SERVICE LINES WITH THE SAME TYPE OF ORIGINAL MATERIAL AND CONSTRUCTION, OR BETTER, UNLESS OTHERWISE SHOWN OR NOTED ON THE PLANS, AT HIS OWN COST AND EXPENSE. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER AT ONCE OF ANY CONFLICTS WITH UTILITIES.
- ALL EXCAVATIONS, TRENCHING AND SHORING OPERATIONS SHALL COMPLY WITH THE REQUIREMENTS OF THE U. S. DEPARTMENT OF LABOR, OSHA, CONSTRUCTION SAFETY AND HEALTH REGULATIONS AND ANY AMENDMENTS THERETO.
- THE CONTRACTOR SHALL RESTORE ALL AREAS DISTURBED BY CONSTRUCTION TO ORIGINAL CONDITION OR BETTER. RESTORED AREAS INCLUDE, BUT ARE NOT LIMITED TO TRENCH BACKFILL, SIDE SLOPES, FENCES, DRAINAGE DITCHES, DRIVEWAYS, PRIVATE YARDS AND ROADWAYS.
- ANY CHANGES NEEDED AFTER CONSTRUCTION PLANS HAVE BEEN RELEASED, SHALL BE APPROVED BY THE CITY ENGINEER. THESE CHANGES MUST BE RECEIVED IN WRITING.
- THE CONTRACTOR SHALL PROVIDE "RED LINED" MARKED PRINTS TO THE ENGINEER PRIOR TO FINAL INSPECTION INDICATING ALL CONSTRUCTION WHICH DEVIATED FROM THE PLANS OR WAS CONSTRUCTED IN ADDITION TO THAT INDICATED ON THE PLANS.
- ALL CURB RADIUS TO BE 10' OR 2' UNLESS OTHERWISE NOTED ON THE SITE PLAN.

**SITE DATA SUMMARY TABLE**

SITE ACREAGE:	1.081 ACRES (47,083 S.F.)
ZONING:	CUP-E-SPECIFIC USE
PROPOSED USE:	AUTOMOTIVE PARTS STORE
BUILDING AREA:	7,330 S.F.
NUMBER OF STORIES:	1
BUILDING HEIGHT:	30'-0"
BUILDING COVERAGE:	15.5%
FLOOR AREA RATIO:	0.15
IMPERVIOUS AREA:	23,619 S.F. (50.2%)
PERVIOUS/LANDSCAPE AREA:	23,464 S.F. (49.8%)
REGULAR PARKING REQUIRED:	29 SPACES
4 SPACES PER 1,000 S.F.	
REGULAR PARKING PROVIDED:	27 SPACES
HANDICAP PARKING REQUIRED:	2 SPACES (1 VAN ACCESSIBLE)
HANDICAP PARKING PROVIDED:	2 SPACES (1 VAN ACCESSIBLE)
TOTAL PARKING PROVIDED:	29 SPACES

**SITE PLAN - OPTION 3**

**O'REILLY AUTO PARTS**  
 3220 MITCHELL BOULEVARD  
 CITY OF FORT WORTH  
 TARRANT COUNTY, TEXAS  
 SOUTHPORT RETAIL ADDITION - LOT 1, BLOCK 1



T: 469.331.8566 | F: 469.213.7145 | E: info@triangle-engr.com  
 W: triangle-engr.com | O: 1784 W. McDermott Drive, Suite 110, Allen, TX 75013

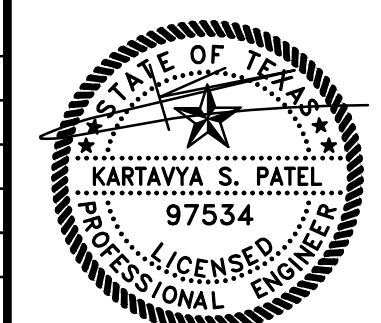
Planning | Civil Engineering | Construction Management

P.E. DES. DATE SCALE PROJECT NO. SHEET NO.

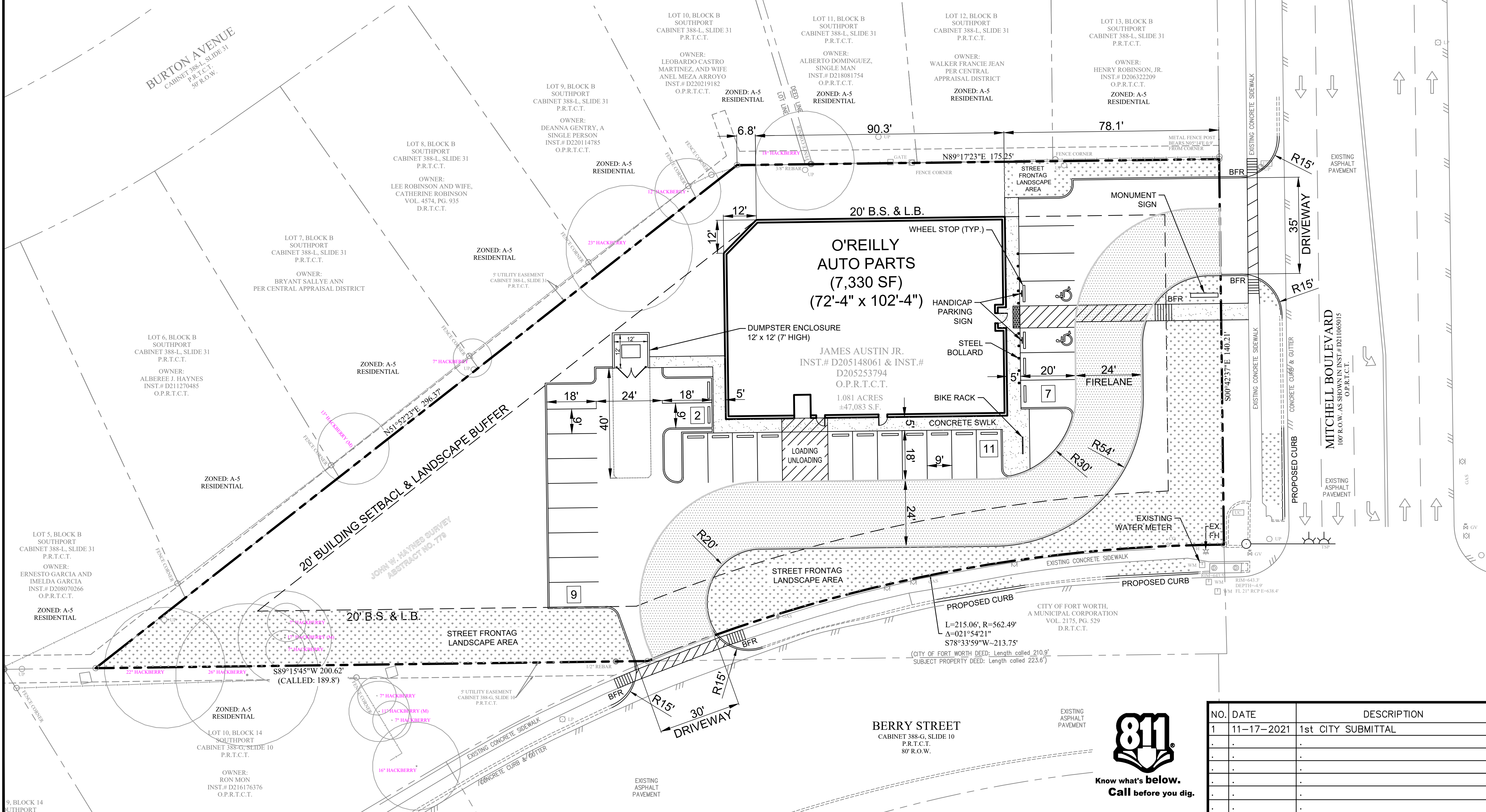
KP MLM 11-17-21 SCALE BAR 142-21

TX. P.E. FIRM #11525

**C-3.0**

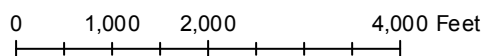
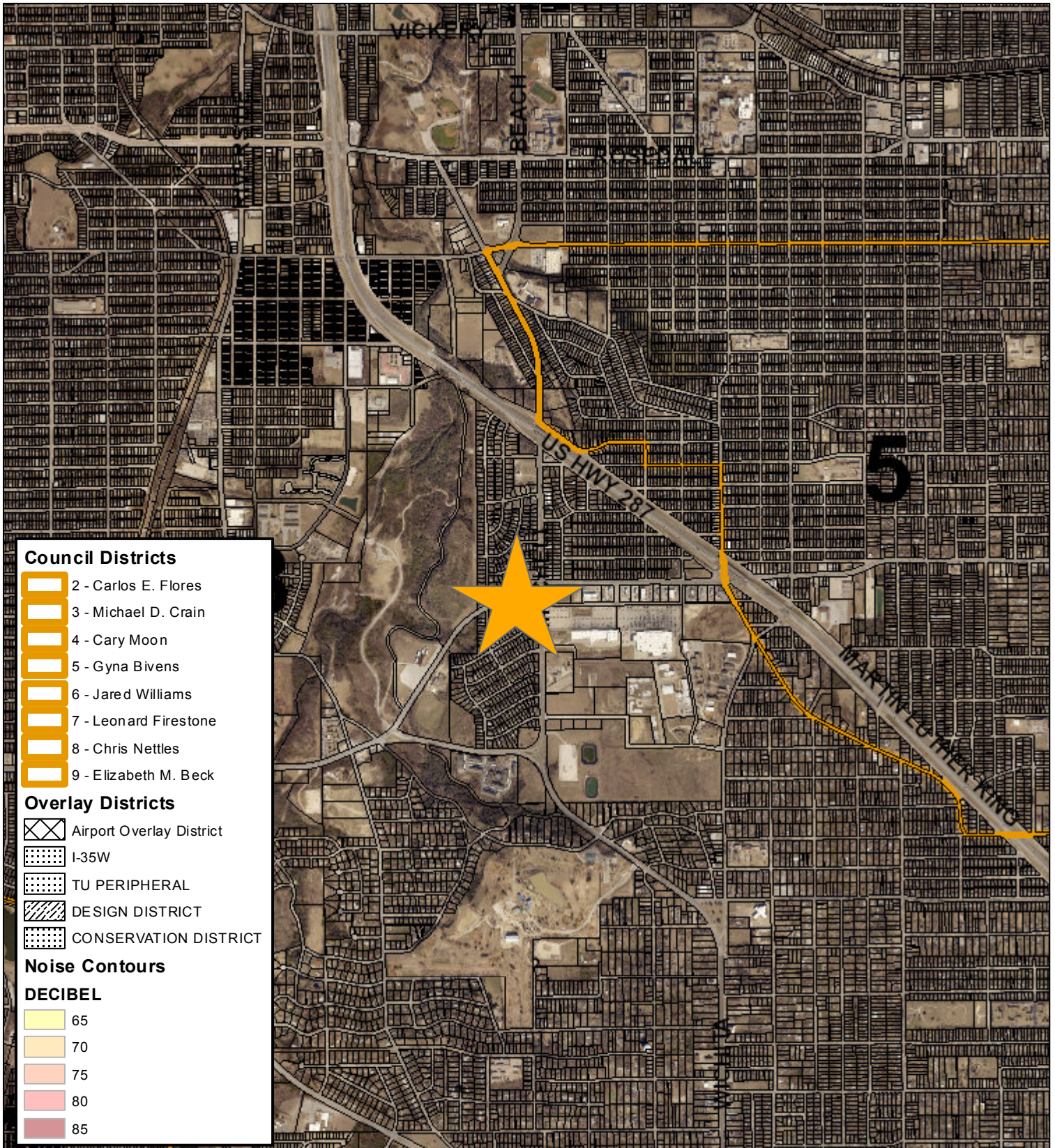


NO.	DATE	DESCRIPTION	BY
1	11-17-2021	1st CITY SUBMITTAL	KP



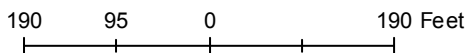
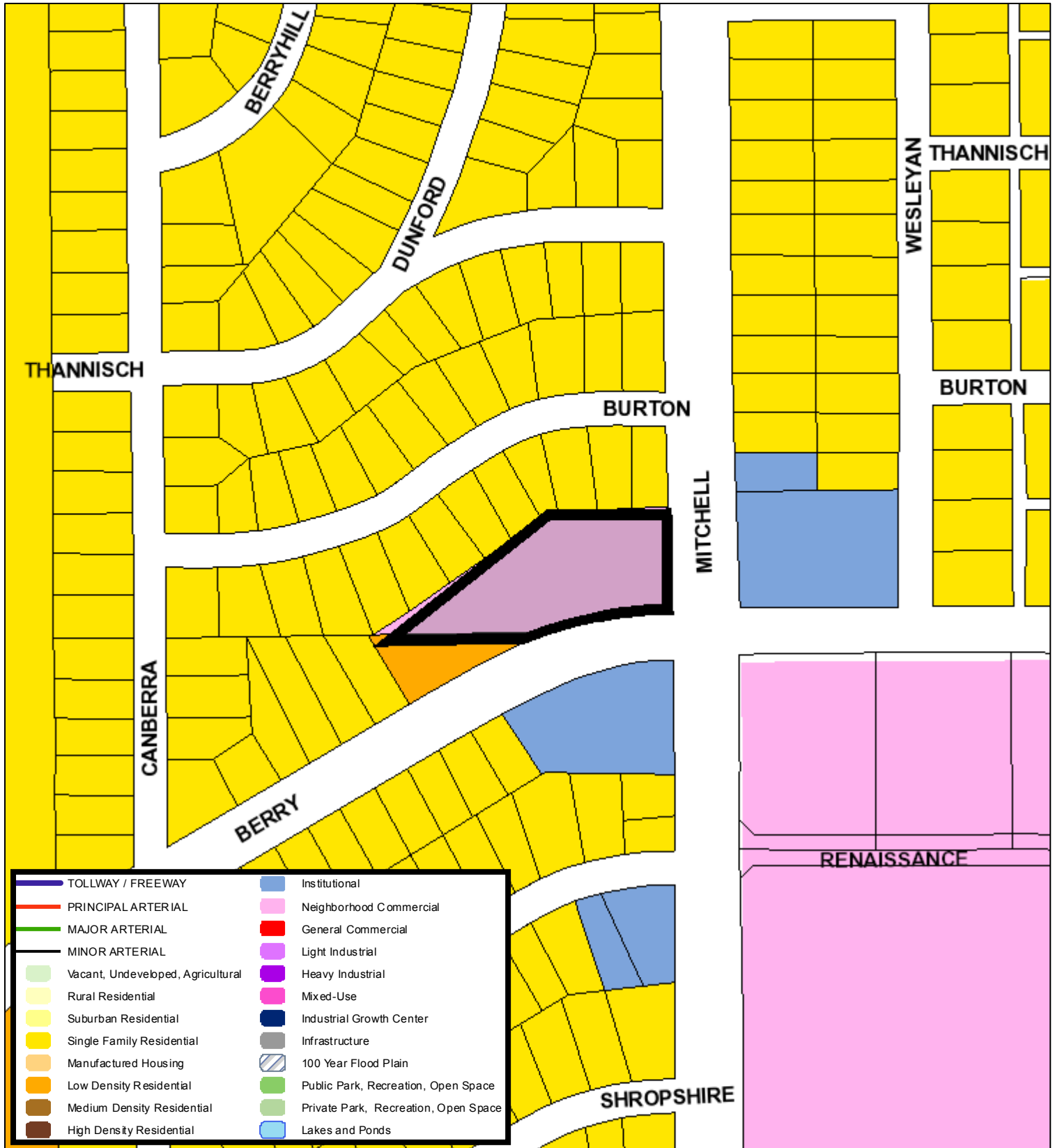


## Area Map





### Future Land Use

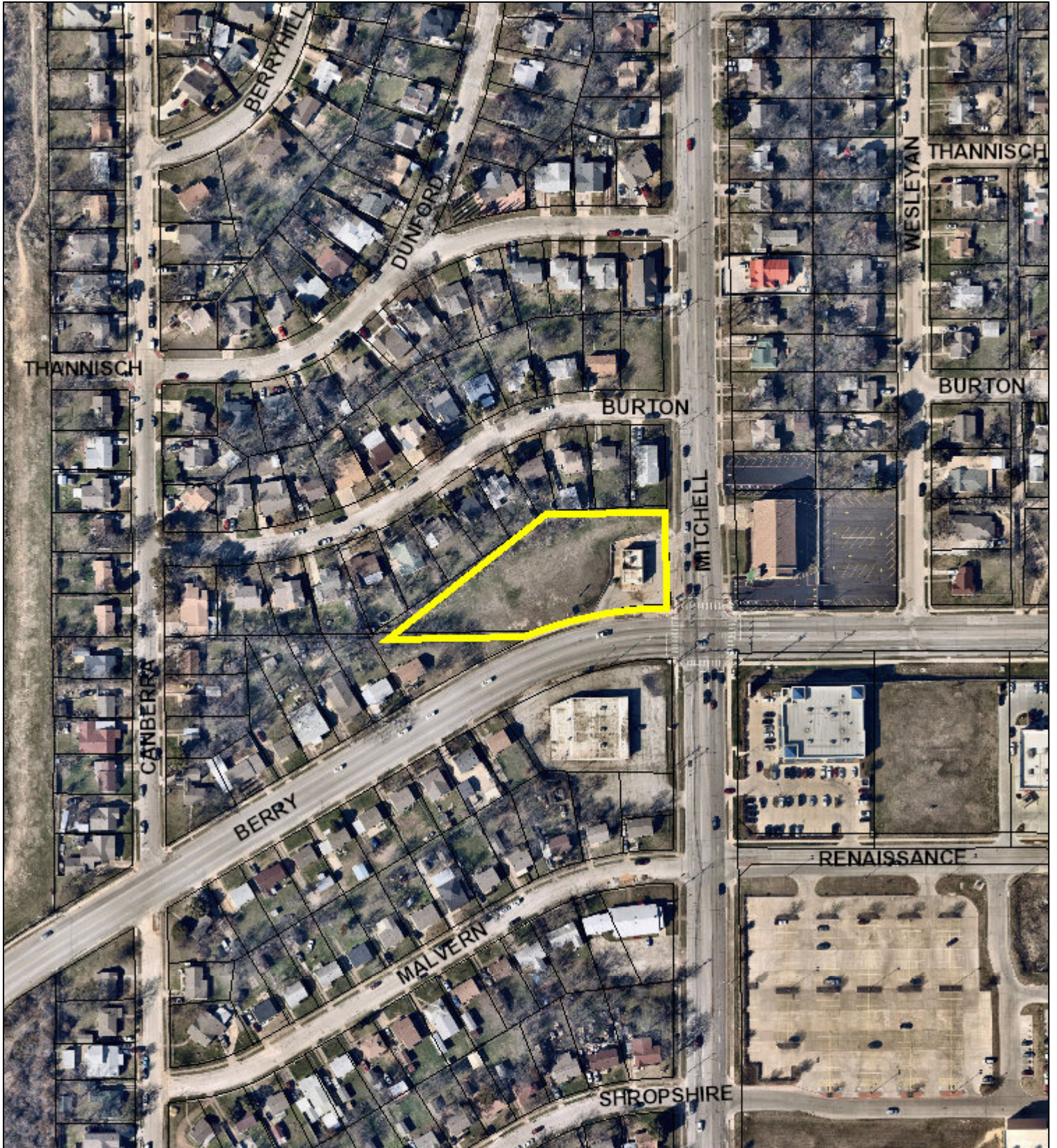


A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 213.005.) Land use designations were approved by City Council on March 6, 2018.





## Aerial Photo Map



0 125 250 500 Feet

