



# Zoning Staff Report

Date: March 8, 2022

Case Number: ZC-21-118

Council District: 6

## Zoning Map Amendment & Site Plan

Case Manager: [Brett Mangum](#)

Owner / Applicant: Mohamad Alwan

Site Location: 5653 Westcreek Drive

Acreage: 0.478 acres

### Request

**Proposed Use:** Expansion of existing auto repair shop

**Request:** From: "E" Neighborhood Commercial

To: "PD" Planned Development with a base of "E" Neighborhood Commercial for Auto Repair & Outside Storage (Automobiles), with specific development standards for projected front yard setback, supplemental side building setbacks, supplemental buffer yard, buffer yard landscaping requirements, screening fence requirements, dumpster screening requirements; site plan included

### Recommendation

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

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

**Staff Recommendation:** **Denial**

**Zoning Commission Recommendation:** **Denial by a vote of 7-0**

### Table of Contents

1. Project Description and Background
2. Surrounding Zoning and Land Uses
3. Recent Zoning History
4. Public Notification
5. Development Impact Analysis
  - a. [Land Use Compatibility](#)
  - b. [Comprehensive Plan Consistency](#)
  - c. [Economic Development Plan](#)
  - d. [Site Plan Comments](#)
6. Zoning Map with 300 ft. Notification Area
7. Area Map
8. Future Land Use Map
9. Aerial Photograph
10. Site Plan
11. Aerial Images (2003-2021)

## Project Description and Background

The property is located in the South Hills South neighborhood, across Westcreek Drive from the Wedgwood East neighborhood, and generally southwest of the intersection of Loop 820 and McCart Avenue. The site is currently zoned “E” Neighborhood Commercial and is just under half an acre in size.

The proposed rezoning is intended to accommodate expansion of the existing auto repair business. The two (2) uses being added to qualify as a “PD” Planned Development are Auto Repair & Outside Storage, which are not permitted in base “E” Neighborhood Commercial zoning districts. Auto Repair has been taking place on this site for many years, and the land use is considered legal non-conforming. However, since the applicant is requesting to add additional buildings to the site, the zoning must be brought into compliance based on the increased intensity of the land use on the site.

Based on changes in aerial imagery over the past 20 years, staff has noticed that the following gradual changes have occurred which contribute to the site being in its current state:

- (2003).....Appears to be vacant/not in use
- (2005).....Fence facing Walton Avenue erected, cars started being stored outside (behind fence)
- (2010-13).....Inoperable cars being stored behind fence, some not moving for periods between one and three years
- (2014).....Current owner takes over property
- (2017).....Stacks of tires appear to be stored on the site outdoors; up to five cars being stored on Walton Avenue side outside of fence (previously only one to two cars were seen outside the fence)
- (2019).....Illegal addition of canopy & kennel; up to seven cars being stored on Walton Avenue side outside of fence
- (2021-).....Code enforcement involvement; up to ten cars being stored on Walton Avenue side outside of fence

The proposed zoning change would create a Planned Development with waivers to the standard(s) listed below:

- Projected front yard setback (6.101.f.2) *Ordinance requires 35’, applicant requesting 5’*
- Supplemental side building setbacks (6.300.c.1) *Ordinance requires 20’, applicant requesting 17’*
- Supplemental buffer yard (6.300.c.1) *Ordinance requires 5’, applicant requesting 0’*
- Buffer yard landscaping requirements (6.300.g) *Ordinance requires 15 points worth of plantings from landscape table, applicant requesting no plantings/0 points.*
- Screening fence requirements (6.300.d) *Ordinance requires 6’ minimum solid wood or masonry fence, applicant requests to continue using existing non-compliant R-panel metal fence.*
- Dumpster screening requirements (6.300.d) *Ordinance requires 6’ screening fence around dumpsters, applicant is not proposing any screening fence around the proposed dumpster.*
- Prohibited signs (6.405 e & h) *Ordinance does not allow portable signage or signage within public rights of way, applicant has two (2) portable signs in the right of way (technically off-site and within City right of way) per Google Street View dated November 2021 (Westcreek Drive) and December 2021 (Walton Drive).*

If there are any significant changes to the Site Plan in the future, the applicant will need to go through the entire zoning process again from start to finish.

The applicant supplied a support ‘petition’ alongside the application. After staff review only six (6) of the respondents could be successfully verified, and four (4) were not verifiable. Additionally, no dates were identified in the petition or on the signatures. The description in the petition is also misleading. The petition states the applicants desire “To expand and add a couple more bays to the side of the building as alignment and muffler work” while the Site Plan depicts a “proposed free standing metal canopy”.

The following additional comments were provided by other reviewing City departments:

**Fire:** 7/27/2021

Comments:

FWFD - (Lt. Donna York, donna.york@fortworthtexas.gov)

FYI Comments:

Failure to recognize violations of the fire code by the fire code official does not waive the requirement of meeting minimum requirements of the fire code in the future. It is the applicant's and the owner's responsibility to meet all minimum fire code requirements at all times.

The City of Fort Worth has adopted the 2015 International Fire Code as its current fire code at the time of this review. The City of Fort Worth also has adopted amendments (January 1, 2017 version) to this code. The Fort Worth Fire Code Amendments can be found online at [www.fortworthtexas.gov/Fire/](http://www.fortworthtexas.gov/Fire/) (click on Bureau of Fire Prevention)

## Surrounding Zoning and Land Uses

North “A-5” One-Family / residential

East “A-5” One-Family / residential

South “E” Neighborhood Commercial / school

West “E” Neighborhood Commercial / mini-mall commercial center

## Recent Zoning History

- None

## Public Notification

300-foot Legal Notifications were mailed on January 28, 2022.

The following organizations were emailed on January 26, 2022:

Organizations Notified	
South Hills South NA*	South Hills NA
Wedgwood East NA	District 6 Alliance
Streams And Valleys Inc	Fort Worth ISD
Trinity Habitat for Humanity	

\* Located within this registered Neighborhood Association

## Development Impact Analysis

### Land Use Compatibility

Nearby land uses range from a small strip mall to the west, a school to the south, and single-family residential neighborhoods directly adjacent to the north and east.

The site is in the middle of an established residential neighborhood. It appears that when the neighborhood was built, the site was to be a neighborhood commercial-type node, with the intent of serving the local neighborhood with small amounts of retail and office space. The current building appears to be what was originally constructed on the site at some time between 1963 and 1968.

The proposed zoning **is not compatible** with surrounding land uses. The Zoning Ordinance suggests that auto-related uses require more intensive zoning classifications than “E” Neighborhood Commercial. Outdoor storage requires industrial zoning at minimum. Neither of these types of zones are best placed directly adjacent to existing single-family residential zones, especially without the proper buffering, which the applicant is not intending to provide.

### Comprehensive Plan Consistency – Wedgwood

The 2021 Comprehensive Plan currently designates the subject property as Neighborhood Commercial, which envisions future development aligned with “E” Neighborhood Commercial zoning. The intent is to have small retail shops/services/offices in close proximity to residential zones for convenience.

The current proposal for a “PD/E” Planned Development with a base of Neighborhood Commercial is not supported by the adopted Comprehensive Plan designation, as automobile related uses such as car repair are not allowed by right in “E” zones as they are quasi-industrial. Typically auto repair would require a zoning of “FR” or above, which is more in line with the “General Commercial” designation in the adopted Comprehensive Plan.

### LAND USE AND ZONING CLASSIFICATIONS

LAND USE	DEFINITION	ZONING
<b>COMMERCIAL</b>		
Neighborhood Commercial	Retail, services, offices and mixed uses serving daily needs for a local market area	Multifamily Residential, ER, E, MU-1
General Commercial	Retail, services, offices and mixed uses serving occasional needs for a larger market area	Multifamily Residential, ER, E, MU-1, MU-2
Mixed-Use/ Mixed-Use Growth Center	Retail, services, offices, entertainment, mixed uses, and multifamily residential; Community Growth Centers are less intensive, and Regional Growth Centers are more intensive	AR, B, R1, R2, CR, C, D, UR, all Commercial, MU-1, MU-2, Form-Based Codes

The proposed zoning **is not consistent** with the Comprehensive Plan based on the proposed land uses, which would be more appropriate in areas designated General Commercial or Industrial on the future land use map. Additionally, the proposed rezoning does not support any of the policies tailored towards future growth and development specific to the Wedgwood sector of the City.

## Economic Development Plan

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The Wedgwood sector of the City is not directly addressed in the 2017 Economic Development Plan, which focuses on development strategies for established interior neighborhoods rather than the periphery of the City.

## Site Plan Comments

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### Zoning and Land Use

The applicant submitted a revised Site Plan on January 12<sup>th</sup>, 2022. The Site Plan has no further corrections required as this is what the applicant has chosen to present, but staff will provide a detailed notation below listing all the deficiencies with this Site Plan in relation to standard “E” zoning.

- Front yard setback is based on a projected front yard. The projected front yard is 35 foot based on the setback of the residence next door at 5649 Westcreek Drive. The intent of the projected front yard is for the overall massing of the buildings in a block to be aligned and not have one sticking out in relation to another. No parking or structures can be placed in a projected front yard. The applicant is proposing parking in the front yard, as well as the existing legal non-conforming structure to remain in place.
- Supplemental side building setback is 20 foot based on the site directly adjoining single family “A-5” zoning. The existing “free standing metal canopy” is constructed 17 feet off the property line. The applicant wants to add a second “free standing metal canopy” aligned with the existing canopy, which would be encroaching 3 feet into the required 20 foot supplemental side yard. The intent of the supplemental side yard is to provide adequate separation between occupied residences and commercial businesses.
- Supplemental 5 foot buffer yard requirement runs concurrently with the 20 foot supplemental side building setback. The Zoning Ordinance requires that a 5 foot strip remain unencumbered and should be appropriately landscaped with specific tree and/or shrub plantings to serve as a noise/sight barrier between occupied residences and commercial businesses and to improve the aesthetics of the site. While the Site Plan shows ‘green area’ on the eastern side, this is disingenuous as no irrigation plans are proposed, no planting schedule has been provided, and there is no guarantee that the ‘green area’ would remain free and clear of cars and other debris that has accumulated in this side yard since 2014. No buffer yard or plantings are proposed to the north either, which is proposed to have parking stalls as well as storage of automobiles outside.
- For areas where commercial zones directly abut one or two family residential zones, the Zoning Ordinance requires a 6 foot solid screening fence that can be made of either wood or masonry. The intent is to provide a visual barrier between occupied residences and commercial businesses. The applicant is proposing to retain the existing non-compliant R-panel metal fence. No upgrades or improvements to the fencing have been proposed by the applicant.
- The Zoning Ordinance requires dumpsters and refuse facilities to be screened on three sides by an 8 foot fence if visible from residential zoned properties. The intent is to screen dumpsters and trash from view and to help control odors and prevent any unauthorized parties from accessing the trash. The latest Site Plan shows a 7 foot by 8 foot dumpster directly in the front yard of the property along Westcreek Drive. No screening information was provided, so staff is under the assumption that the applicant is proposing placing a dumpster

in the 35 foot front yard setback and within the 5 foot buffer yard setback with no type of screening or dumpster corral.

- No signage is depicted on the Site Plan, however staff has discovered at least two (2) illegal portable signs that appear on the property in differing locations (the signs are being moved around).

2011 Aerial photo.....On site  
2012 Aerial photo.....On site  
2013 Google Street View.....On site  
2014 Google Street View.....Off site (in City street right of way)  
2015 Google Street View.....Off site (in City street right of way)  
2017 Aerial photo.....Off site (in City street right of way)  
2018 Google Street View.....On Site  
2019 Aerial photo.....On site  
2021 Aerial photo.....On site  
2021 Google Street View.....On Site



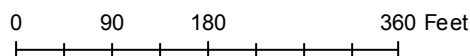


# Area Zoning Map

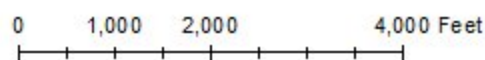
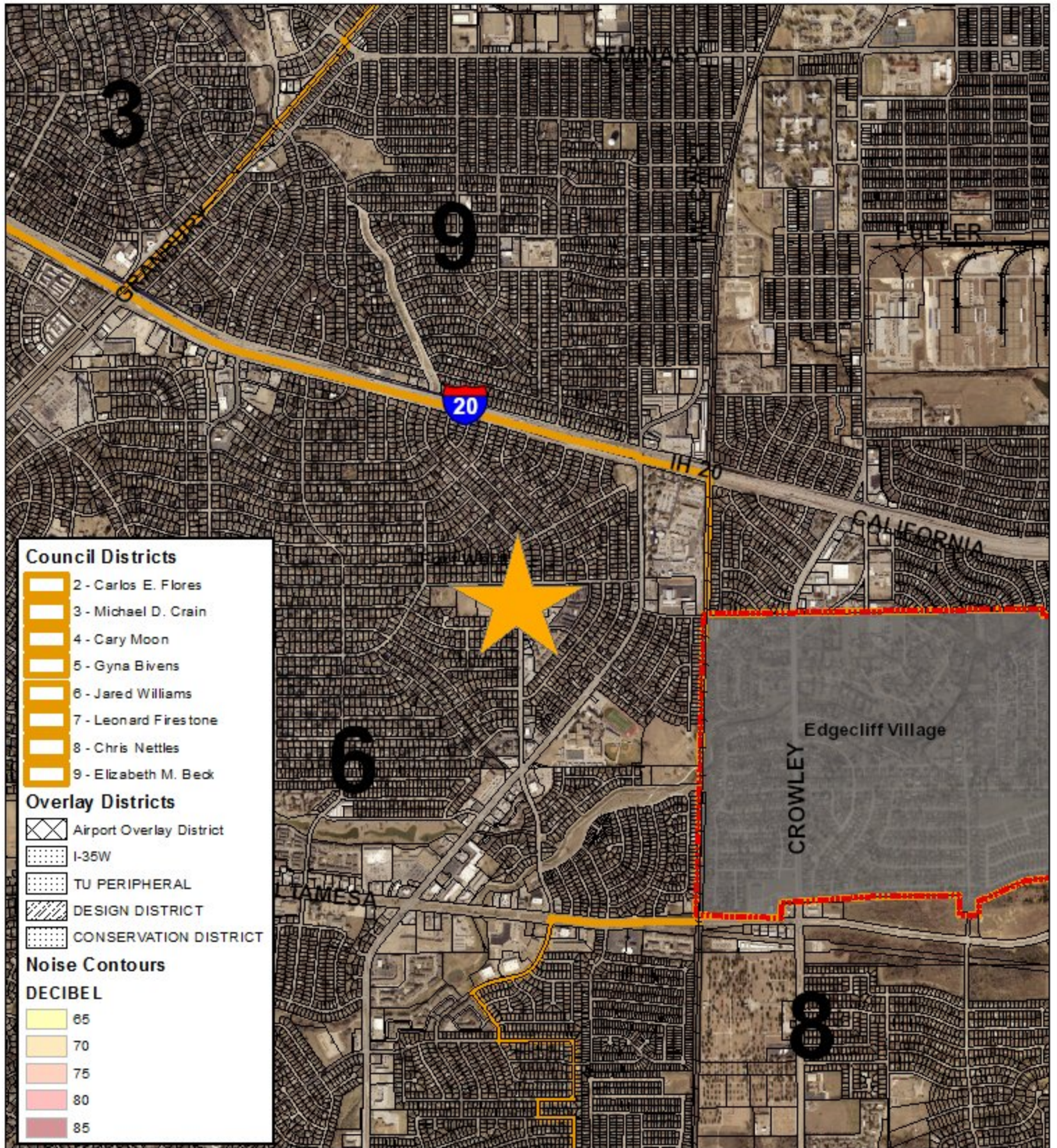
Applicant: Mohamad Alwan  
 Address: 5653 Westcreek Drive  
 Zoning From: E  
 Zoning To: PD for Auto Repair & Outside Storage to allow expansion of existing business  
 Acres: 0.4780591  
 Mapsco: 90S  
 Sector/District: Wedgwood  
 Commission Date: 1/12/2022  
 Contact: 817-392-8043



	Subject Area
	300 Foot Notification



## Area Map

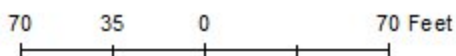
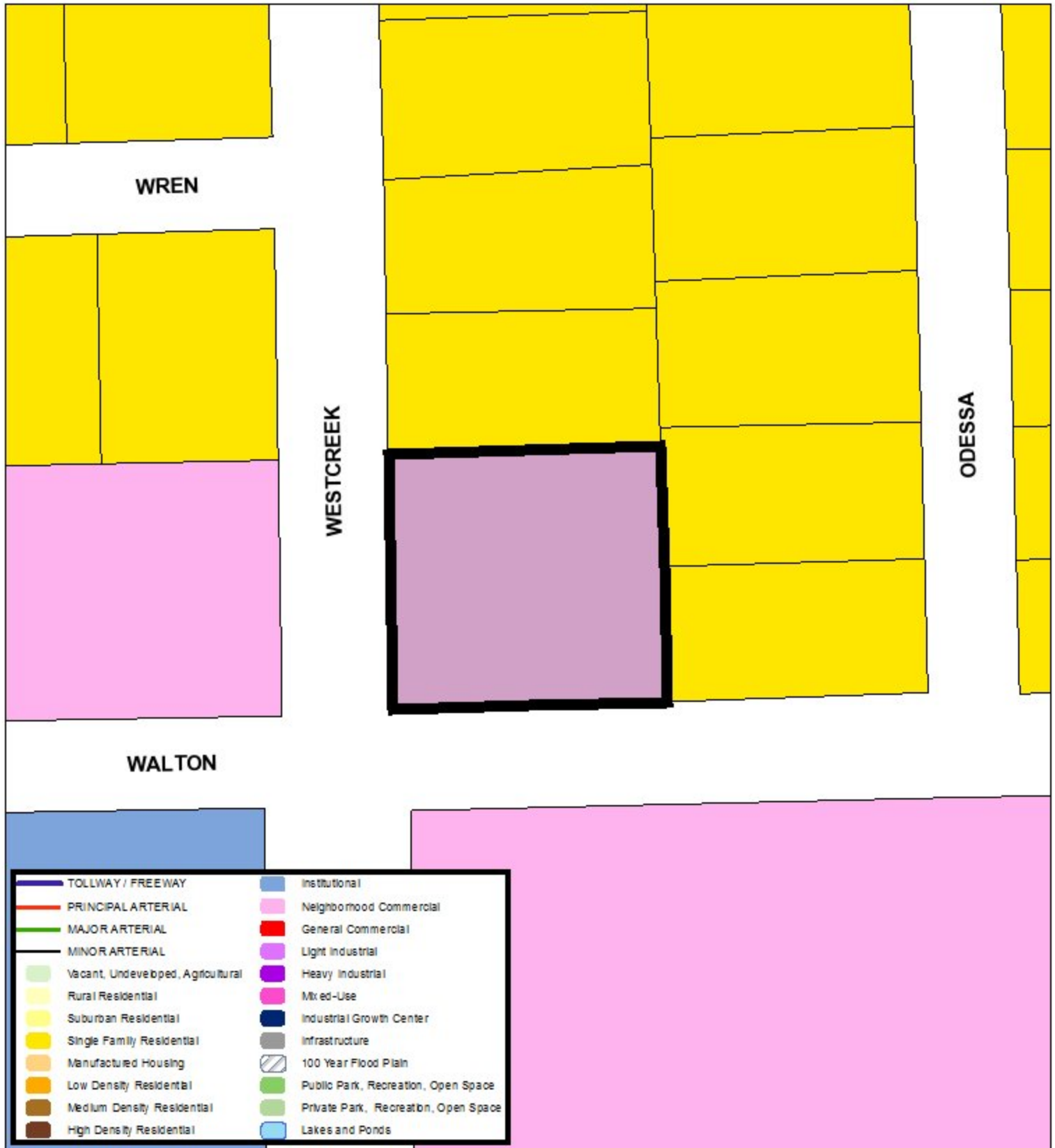






ZC-21-118

### 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

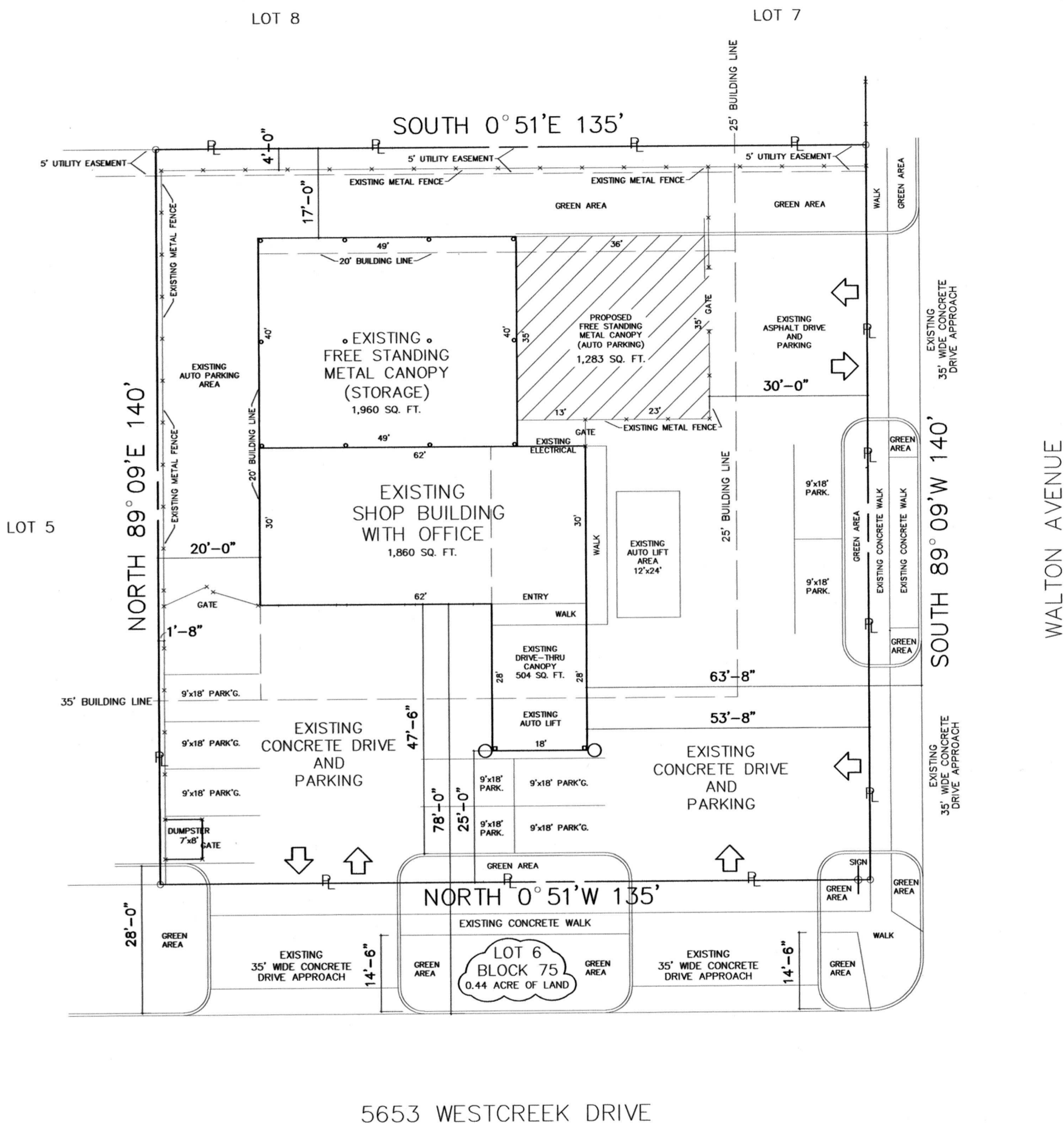
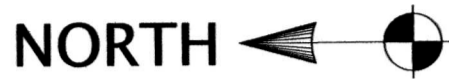


0 45 90 180 Feet



REVISIONS	BY

PLANNED DEVELOPMENT "PD" MEETING ALL "E" DISTRICT STANDARDS WITH ALLOWANCES FOR AUTOMOTIVE REPAIR; PAINT AND BODY SHOP & OUTDOOR STORAGE (INCLUDING AUTOMOBILES).



### "REVISED" SITE PLAN

SCALE: 1" = 20'-0"

**LEGAL DESCRIPTION:**

LOT 6, BLOCK 75, SOUTH HILLS, BEING A SUBDIVISION OF THE JOHN JENNINGS SURVEY IN THE CITY OF FORT WORTH, TARRANT COUNTY, TEXAS.

ZONING COMMISSION DATA:  
JANUARY 12 @ 1:00 PM, CITY HALL ON SECOND FLOOR.

OWNERS RESPONSIBILITY:  
LETTERS OF SUPPORT FROM NEIGHBORS.  
IF THERE ARE ANY NEIGHBORHOOD ASSOCIATIONS,  
MEET WITH THEM TO GET THEIR SUPPORT.



**LARRY D. WEATHERLEY AND ASSOCIATES**  
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COMMERCIAL - RESIDENTIAL  
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larry.weatherley.design@gmail.com

SOCIETY OF PROFESSIONAL BUILDING DESIGNERS



CERTIFIED PROFESSIONAL DESIGNER #TX-101

*Larry D. Weatherley*  
01.04.22

DRAWN: LDW
CHECKED: LDW
DATE: 01-04-2022
SCALE: 1"=20'-0"
JOB NO.: 75721MA SHEET
<b>A1</b>
1 OF 1 SHEETS

Filter Layers...



Filter

Zoning Fill



Zoning Outline



+  WaterSewer\_PnDViewer



-  Aerials

Orthos\_2021



Orthos\_2020



Orthos\_2019



Orthos\_2017



Orthos\_2015



Orthos\_2014



Orthos\_2013



Orthos\_2012



Orthos\_2011



Orthos\_2010



Orthos\_2009



Orthos\_2007



Orthos\_2005



Orthos\_2003



Orthos\_2001



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Zoning Outline



+  WaterSewer\_PnDViewer



-  Aerials

Orthos\_2021



Orthos\_2020



Orthos\_2019



Orthos\_2017



Orthos\_2015



Orthos\_2014



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Zoning Outline



+  WaterSewer\_PnDViewer



-  Aerials

Orthos\_2021



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Zoning Outline



+  WaterSewer\_PnDViewer



-  Aerials

Orthos\_2021



Orthos\_2020



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Zoning Outline



+  WaterSewer\_PnDViewer



-  Aerials

Orthos\_2021



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Orthos\_2001



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Zoning Outline



+  WaterSewer\_PnDViewer



-  Aerials

Orthos\_2021



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Orthos\_2001



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Zoning Outline

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-  Aerials

Orthos\_2021

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Orthos\_2019

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Filter Layers...



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