



Case Number **ZC-21-019**

**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
April 13, 2021

Council District 6

Zoning Commission Recommendation:

Approval with a 3 year limit by a vote of 9-0

Opposition: None submitted

Support: None submitted

Continued	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Case Manager	<u>Arty Wheaton-</u>	
<u>Rodriguez</u>		
Surplus	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Council Initiated	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Owner / Applicant: **Hulen Pointe Retail LLC**

Site Location: 6260 Hulen Bend Blvd Acreage: .5

Proposed Use: **Gambling Facility/Poker Room**

Request: From: "G" Intensive Commercial

To: Add Conditional Use Permit (CUP) to a gambling facility; site plan included

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

Comprehensive Plan Consistency: Requested change **is consistent.**

Staff Recommendation: **Approval with consideration of a 3-5 year limit**

Background:

The proposed site is located on the west side of S Hulen St in a large commercial development complex situated between Hulen Bend Blvd and Oakmont Blvd. The applicant is requesting a Conditional Use Permit (CUP) to allow them to open a poker room, which is classified as a Gambling Facility within the Zoning Ordinance. The Ordinance does not contain supplemental standards for Gambling Facilities, only that they are required a CUP.

The operation of a poker room is regulated by state and federal laws associated with gambling and in this case we are determining the appropriateness of the location of the use.

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.

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.

Surrounding Zoning and Land Uses:

This site is centrally located in a large commercial complex all zoned “G” intensive commercial. There is existing multifamily to the east and west and both complexes are near 600 feet from the location. Other uses within the commercial complex are restaurants, retail, movie theater, pharmacy, etc.

Recent Relevant Zoning History

Zoning History: none

Site Plan Comments:

The site plan as submitted is in general compliance with the Zoning Ordinance regulations.

1. The site plan expands on the current assembly occupancy associated with a previous E-sports gaming facility. The owner is not increasing intensity of use and therefore the existing parking and other development standards have been met.

Public Notification:

300 foot Legal Notifications were mailed on February 23, 2021.

The following organizations were notified: (emailed February 18, 2021)

Organizations Notified	
Overton South NA	Wedgwood Square NA
Wedgwood NA	Hulen Bend Estates HA
District 6 Alliance	Streams And Valleys Inc
Trinity Habitat for Humanity	Fort Worth ISD
Crowley ISD	

Not located within a registered neighborhood organization

Development Impact Analysis:

1. **Land Use Compatibility**

Section (d) of the CUP ordinance provides the following factors in consideration of appropriateness of a request:

- a) The proposed use is consistent with the Comprehensive Plan. *The Future Land Use Designation is Neighborhood Commercial with the current zoning is identified as “G” Intensive Commercial.*
- b) The proposed use is compatible with the existing and adjacent uses. *The use is compatible with intensive commercial uses, which include indoor amusement, bowling alley, bar, and other retail and auto related uses.*
- c) The proposed use meets all supplemental use standards specifically applicable to the use as set forth in Chapter 5. *No supplemental use standards exist for Gambling Facility.*
- d) The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods. *The use is not adjacent to a one- or two-family district, with the closest neighborhood being nearly 1,700 feet from the proposed facility. There are two multifamily developments beyond 700 feet from the proposed facility.*

- 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. *The applicant can explain their operational methods. The use similar to those allowed in "G" Intensive Commercial so staff finds not detrimental impacts.*

The applicant is proposing a zoning change to add a CUP to allow a Gambling Facility/Poker Room in the "G" zoning district. Surrounding land uses consist of intensive commercial uses.

The proposed zoning request **is compatible** with surrounding land uses.

2. **Comprehensive Plan Consistency-Wedgewood**

The 2020 Comprehensive Plan designates the site as being Neighborhood Commercial. Within the Comprehensive Plan the major differences between a Neighborhood Commercial designation and a General Commercial is the frequency of use, ie. daily vs occasional use and the size of the market area. The proposed zoning is consistent with the following Comprehensive Plan policies:

- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods.

Based on conformance with the future land use map and policy as stated above, the proposed zoning **is consistent** with the Comprehensive Plan.

Attachments:

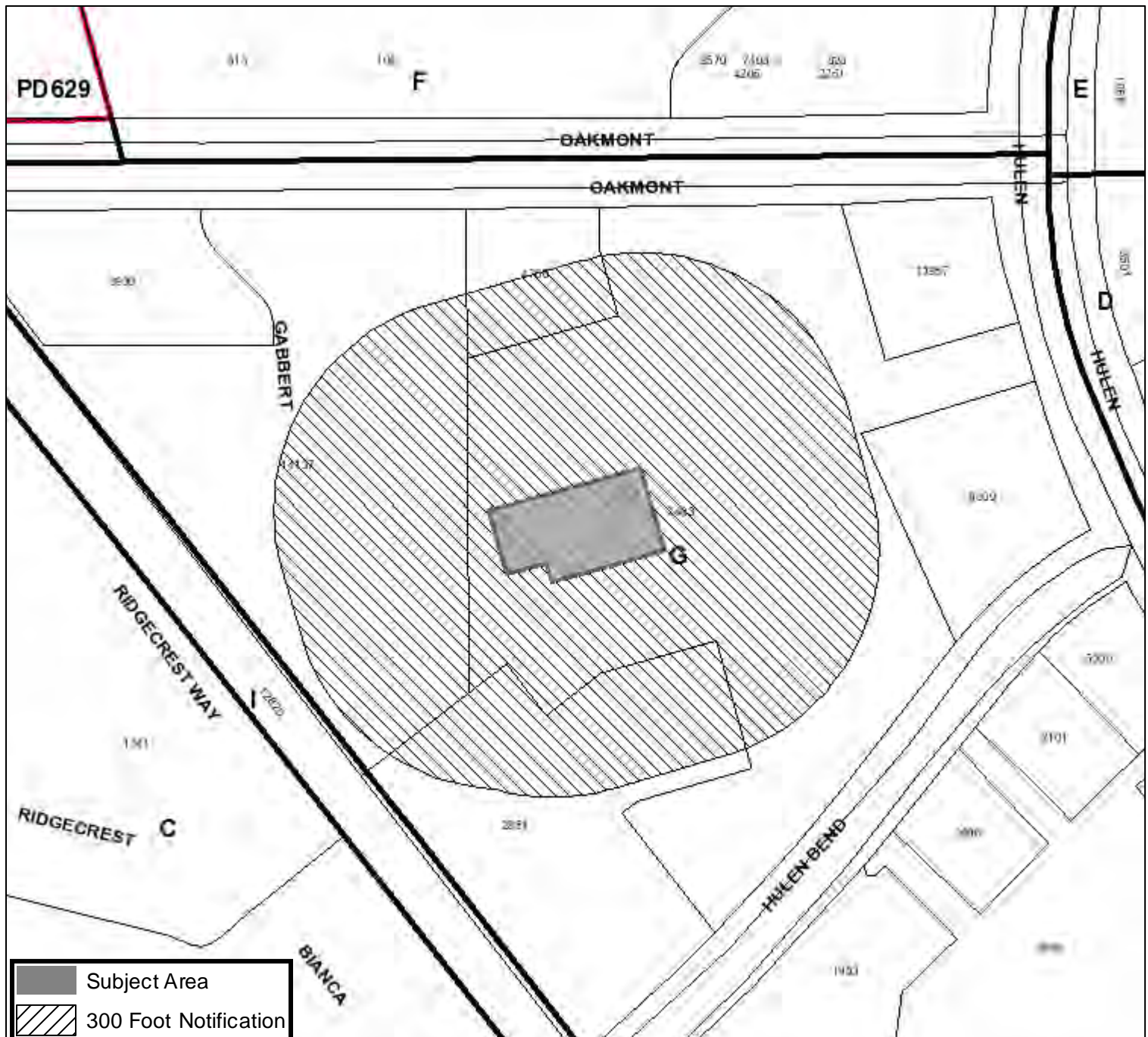
- Area Zoning Map with 300 ft. Notification Area
- Site Plan
- Area Map
- Future Land Use Map
- Aerial Photograph



ZC-21-019

Area Zoning Map

Applicant: Hulen Pointe Retail LLC
Address: 6260 Hulen Bend Boulevard
Zoning From: G
Zoning To: Add Conditional Use Permit for poker room
Acres: 0.57028806
Mapsc0: 89S
Sector/District: Wedgwood
Commission Date: 3/10/2021
Contact: 817-392-6226



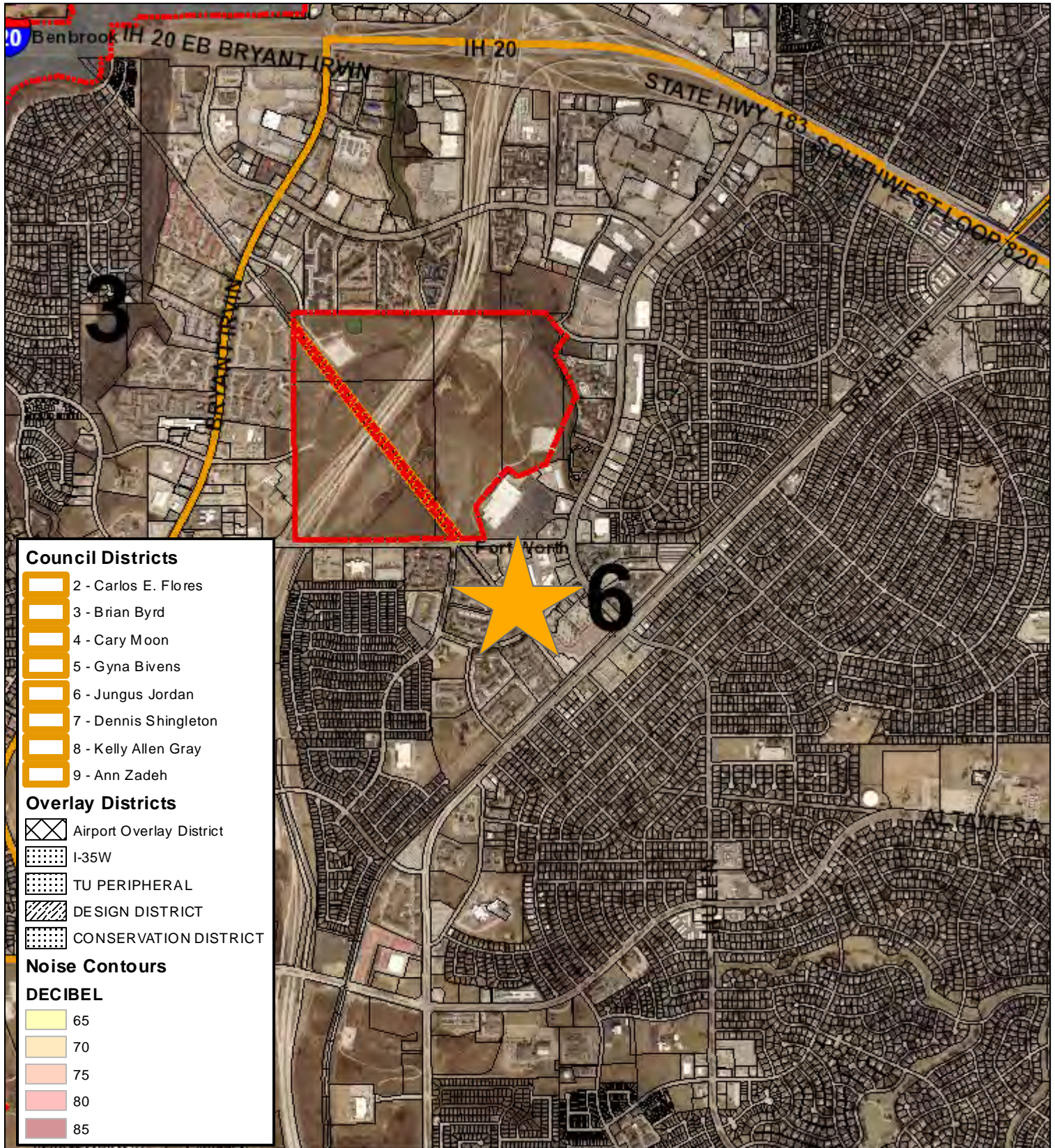
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Area Map

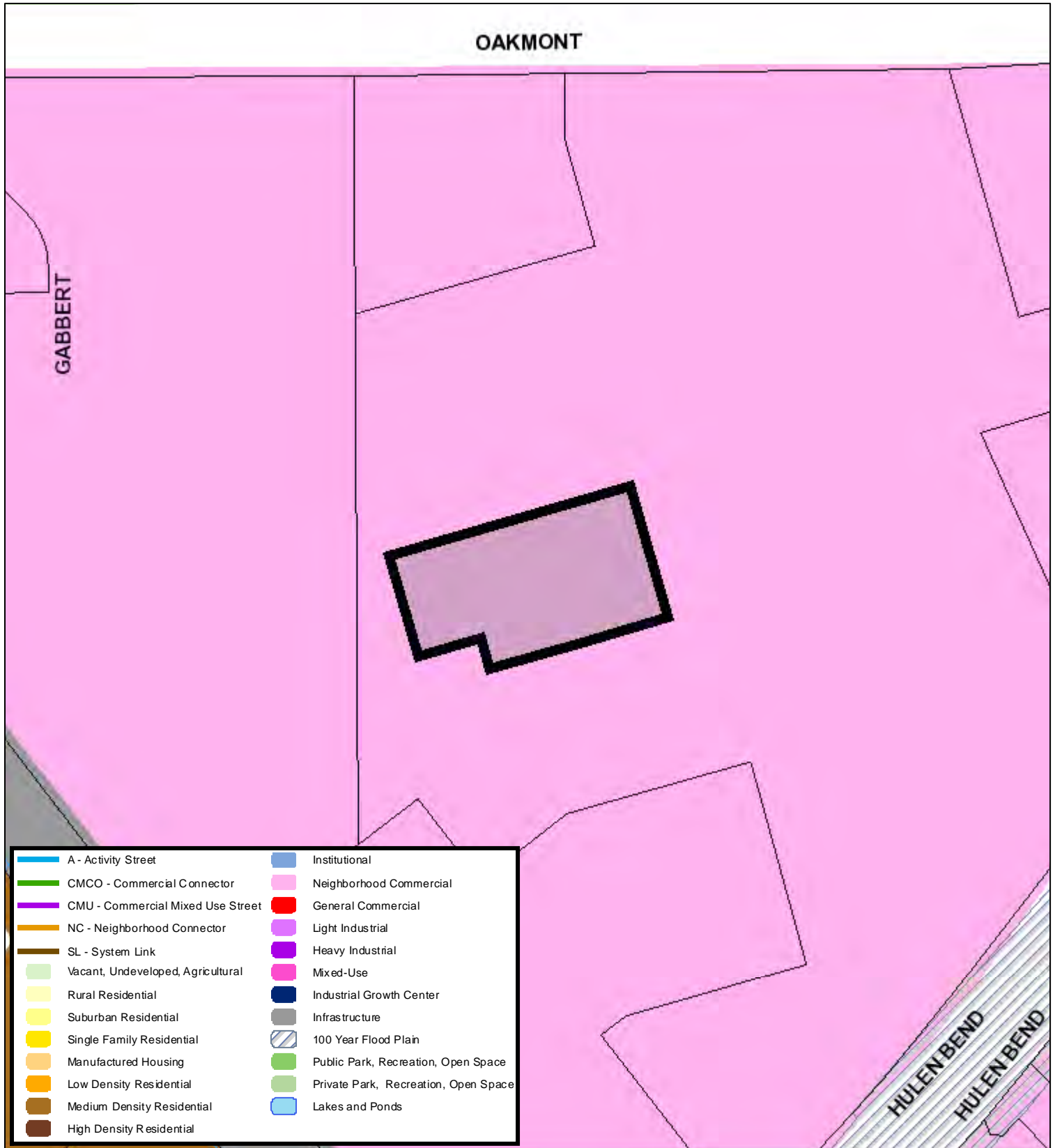


0 1,000 2,000 4,000 Feet



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Future Land Use



110 55 0 110 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 6, 2018.



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Aerial Photo Map



0 70 140 280 Feet

