

#### MEETING AGENDA

COMMERCIAL BOARD OF ADJUSTMENT

Wednesday, November 20, 2024

Public Hearing 10:00 a.m.

In Person

City Council Chamber 2<sup>nd</sup> Floor, 200 Texas Street /Fort Worth, Texas 76102

#### **VIDEOCONFERENCE:**

https://fortworthtexas.webex.com/weblink/register/r257c74865ce73d319cfcf79cd71f1746

Meeting/ Access Code: 2556 440 6737 (Registration Required) Teleconference: (817) 392-1111 or 1-469-210-7159

Viewing Only

Television: Charter 190; One Source 7; Verizon 5; AT&T Uverse 99 City of Fort Worth Website Homepage: <u>http://fortworthtexas.gov/fwtv</u>

For more information on attending or speaking at this meeting either through Videoconference or Teleconference, please visit the City's website: <u>http://fortworthtexas.gov/boards/</u>

To view this meeting's docket, visit: https://www.fortworthtexas.gov/calendar/boards-commission

The location identified on this agenda is the location at which the presiding officer will be physically present and presiding over the meeting. Members of the Commercial Board of Adjustment may be attending remotely in compliance with the Texas Open Meetings Act.

\*\*Any member of the public who wishes to address the Board using videoconference or teleconference regarding an item on the listed agenda <u>must sign up to speak no later than</u> <u>5:00PM on November 18, 2024</u>. To sign up, either register through WebEx per the directions on the City's website above or contact Karen Moreno at Karen.Moreno@fortworthtexas.gov or 817-392-8026. Please note the City of Fort Worth is using a third party vendor to assist with City meetings. If there are service interruptions, including call-in number changes, we will provide alternative call-in numbers on our website whenever possible.

#### **BOARD MEMBERS**:

Josh Lindsay	Jarrett Wilson	
Tony Perez	Darin Hoppe	
Deborah Freed, Chair	Kay Duffy	
Bob Riley, Vice-Chair	Andrea Payne Shields	
James Hook	Virginia Murillo	
Kelicia Stevenson		

#### I. PUBLIC HEARING

- A. Election of Chair and Vice-Chair
- B. Approval of Minutes of the October 16, 2024 Hearing

#### C. ANY CASES NOT HEARD WILL BE MOVED TO DECEMBER 18, 2024

#### D. New Commercial Cases

1. BAC-24-031	Address: 2201 - 2211 (odds) 8th Avenue
	Owner: Rainbow Insurance Agency Inc by Raymond Arriaga
	Zoning: "E" Neighborhood Commercial District

#### **a.** Variance: Permit fewer parking spaces for a multi-tenant building than required.

Minimum number of parking spaces: 58 spaces Requested number of parking spaces: 31 spaces

2. BAC-24-032 Address: 1600 Circle Park Boulevard Owner: Northside Inter-Community Agency Inc Zoning: "CF" Community Facilities

**a. Variance:** Permit an existing dumpster screening fence in a projected front yard where none are allowed.

## **3. BAC-24-033** Address: 2700 Airport Freeway & 2705 - 2751 Rouse Street Owner: Resource Recovery Center by Cadre Architecture

Zoning: "ER" Neighborhood Commercial Restricted and "E" Neighborhood Commercial Districts

- **a. Special Exception:** Allow construction of a new single tenant building of 9,441 square feet where 5,000 square feet is the maximum tenant area allowed.
- **b.** Variance: Allow fewer parking spaces for a new office building than required.

<u>Required number of parking spaces</u>: 46 parking spaces <u>Requested number of parking spaces</u>: 33 parking spaces

4. BAC-24-034 Address: 1000 block of Eagle Parkway Owner: Northwest ISD by Perkins&Wills Zoning: "E" Neighborhood Commercial District a. Variance: Allow the eastern football stands to be taller than allowed.

Maximum height allowed:37 feetRequested height:40 feet

b. **Variance**: Allow stadium lights to be taller than allowed.

<u>Maximum height allowed</u>: 67 feet <u>Requested height</u>: 120 feet

#### III. ADJOURNMENT:

#### ASSISTANCE AT THE PUBLIC MEETINGS:

Fort Worth City Hall is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need accommodations, auxiliary aids, or services such as interpreters, readers, or large print are requested to contact the City's ADA Coordinator at (817) 392-8552 or e-mail ADA@FortWorthTexas.gov at least 48 hours prior to the meeting so that appropriate arrangements can be made. Even if the City does not receive notification at least 48 hours prior to the meeting, the City will still make a reasonable attempt to provide the necessary accommodations.

El Edificio Municipal de la Ciudad de Fort Worth, o City Hall, tiene acceso para silla de ruedas. Se solicita a las personas que planean asistir a esta reunión y que necesitan ayudas auxiliares o servicios de intérpretes, lectores o impresiones con letra grande, que se comuniquen con el Coordinador de la Asociación Americana de Discapacitados (ADA) de la Ciudad llamando al teléfono (817) 392-8552; o por correo electrónico a ADA@FortWorthTexas.gov por lo menos 48 horas antes de la reunion para que se puedan hacer los arreglos adecuados. Si la Municipalidad no recibe una notificación por lo menos 48 horas antes de la reunión, ésta hará un intento razonable para proporcionar los servicios auxiliaries necesarios.

#### **Executive Session:**

A closed Executive Session may be held with respect to any posted agenda item to enable the Board of Adjustment to receive advice from legal counsel, pursuant to Texas Government Code, Section 551.071.

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the City of Fort Worth official bulletin board, places convenient and readily accessible to the general

public at all times and said Notice was posted on the following date and time Friday, November 15, 2024 at 10:15 p.m. and remained so posted continuously for at least 72 hours preceding

anner S. Heredell

the scheduled time of said meeting.



BAC-24-031 Address: 2201 8th Avenue

Owner: Rainbow Insurance Agency Inc by Raymond Arriaga Zoning: "E" Neighborhood Commercial District

**a. Variance:** Permit fewer parking spaces for a multi-tenant building than required. <u>Required number of parking spaces</u>: 58 parking spaces
 <u>Requested number of parking spaces</u>: 31 parking spaces

#### **GENERAL INFORMATION**

#### **REGULATION:** 3.403 Board of Adjustment Action

In taking action on an application for a variance, the board of adjustment shall grant the application only when the board determines that:

- Literal enforcement of the regulations in this zoning ordinance will create an unnecessary hardship or practical difficulty in the development of the affected property;
- B. The situation causing the hardship or difficulty is unique to the affected property;
- C. The situation or hardship is not self- imposed;
- D. The relief sought will not injure the existing or permitted use of adjacent conforming property; and
- E. The granting of a variance will be in harmony with the spirit and purposes of this zoning ordinance.

#### 6.201 Off-Street Parking Requirements B. Required Off-Street Parking

1. Minimum Parking Requirements: The following table establishes the minimum parking requirements for uses located in residential zoned property or within two hundred fifty feet (250') of One or Two-Family zoned property.

Commercial business, retail 4 spaces per 1,000 square feet sales and service

Office, professional building 2.5 spaces per 1,000 square feet of gross floor area

## **LOT HISTORY:** Development Services Department change of use Certificate of Occupancy PO24-00956 for insurance office, approved 6/18/2024, but not issued due to lack of registered contractor.

Development Services Department change of use Certificate of Occupancy PO24-00958 for fitness center, submitted 3/19/2024, on hold for revisions 9/11/2024.

Development Services Department change of use Certificate of Occupancy PO24-00959 for hair/nail salon, approved 9/13/2024, but not issued due to fees unpaid.

#### COMPREHENSIVE PLAN DESIGNATION:

Neighborhood Commercial



REGISTERED NEIGHBORHOOD NOTIFICATION:	The following registered associations were sent early notification: Fort Worth ISD, Paschal NA, Fairmount NA, Berkeley Place NA, Mistletoe Heights NA, Ryan Place Improvement Assn, Near Southside, Inc., Trinity Habitat for Humanity and Streams & Valleys, Inc.
EXISTING	
CONDITIONS:	The subject property had been a single business through 2022, but has been vacant since that time. The commercial building was constructed in 1972 and is located in a narrow commercial corridor along 8 <sup>th</sup> Avenue in an established neighborhood. Single family residences are immediately behind the subject building to the east. The other

required parking space count shown in the chart below.

side of 8<sup>th</sup> Avenue has a railroad and train yard, with another single family neighborhood further to the east. The site has been developed with the commercial building and surface parking spaces, before landscaping requirements were adopted. Due to the adjacent "B" Two-Family zoning, on-site parking for all uses is required. The applicant is proposing to convert the building from a single tenant to a multi-tenant building leased to an office, beauty salon, and fitness center. The last lease space does not have a specific tenant, so is counted as an office space to determine a minimum number of parking spaces required. Commercial uses are parked at a higher ratio than office spaces, due to the higher numbers of customers and employees. The building is proposed to have a mix of both commercial and office uses, resulting in each tenant's

	Square Footage	Parking Requirement	Parking Spaces
Office	3,713 sf	2.5 / 1,000 sf	10
Fitness center	7,277 sf	4 / 1,000 sf	30
Insurance office	2,460 sf	2.5 / 1,000 sf	7
Beauty salon	2,588 sf	4 / 1,000 sf	11
Total			58

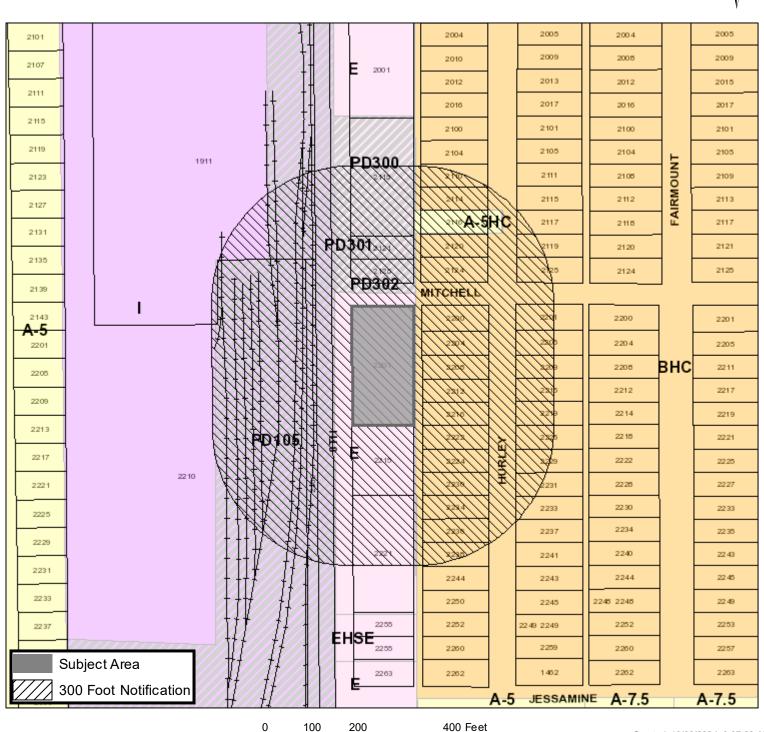
The site currently has 31 parking spaces on the northern portion of the lot. An 11-foot wide space is vacant on the northeast side of the building abutting the alley that could hold 4 parallel parking spaces. However, the Transportation/Public Works Department did not approve this area for parallel parking spaces. The space can be utilized instead for roll-off trash carts, since the site does not have an enclosed dumpster.

The site would not have enough parking spaces if used solely for general office uses with the low parking requirement, as 41 spaces would be required for the 16,038 square foot building. The applicant is requesting a parking variance for 27 spaces, where 58 spaces are required for the mixed commercial and office uses. Based on current parking requirements, the site as originally developed was slightly deficient by having 31 parking spaces currently.



## BAC-24-031

# Applicant:Rainbow Insurance Agency Inc by Raymond ArriagaMapsco:76QCommission Date:11/20/2024



100 200 400 Feet



## BAC-24-031

## **Aerial Photo Map**



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300 Feet

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## BAC-24-031 2201 8th Avenue



## APPLICATION TO THE ZONING BOARD OF ADJUSTMENT CITY OF FORT WORTH, TEXAS



Planning and Development

7711

Marque con una "X" si necesita que la Ciudad le proporcione un INTERPRETE durante la Audiencia Publica.

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	PLEASE	PROVIDE	A	DETAILED	SITE	PLAN	
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Address of Premises affected: 2201 8th Ave. Ste 2207 2209
Lot/Tract: Block/Abstract: 28, Lot Size: 33.500 Sq.14.
Legal Description: Addition/Survey: FairMount Addition
Owner's Name: Rainbow Insurance Agency Inc - Susan Hedary Address: 1449 Finney Dr.
City: Weathertord State: TX Zip: 76085
Tele: 1817 881-3418 E-Mail rainbowins & hot mail. com
Applicant's Name:       Raymond       Arriaga         Address:       3520       Clinton       Ave         City:       Ft. Worth       State:       Tx       Zip:       76106         Tele:       (817 721-1150       E-Mail       Parria 2016 @ gmail- com
Provide a description of the existing/proposed project, with structure type/use, dimensions, height, and materials:
Appling for a Parking Variance
TPW did not approve parking in the Alley
Additional documentation may be ournalised to ourner type and the base are sumplied where a label as the interve

dditional documentation may be supplied to support your case If photos are supplied, please label each picture.

Status of Project: Status of Property:	Existing Owner Occupied		er Construction nt Land		Proposed
<b>Previous</b> Board of Date	Adjustment Case filed on t Case Number(s)	this property:	Yes	🕅 No	

Is the purpose of this request to provide reasonable accommodation for a person(s) with disabilities?

If Yes, the application will be directed to the Planning and Development Director or Zoning administrator for review pursuant to Ordinance No. 22098-03-2016, "Reasonable Accommodation or Modification for Residential Uses." Applications under a Reasonable Accommodation Ordinance review will not be heard by the Board of Adjustment. Please see Ordinance No. 22098-03-2016 (Chapter 17, Division V) for more information.

NOTE TO STAFF: If Yes, send a copy of this application and any attachments to the Zoning Administrator.

Have you informed your Home Owners Association 💢 YES 🗆 NO or Neighbors 💢 YES 🗔 NO of the request?

To watch the Hearings: http://www.fortworthtexas.gov/, click on "Watch online Now" & "Board of Adjustment video".

STAFF USE ONLY: Zonin	•	ly Homes) for Section			
Special Exception for	Section			ě.	
Variance for: Pav	King				
☐ Interpretation of the Regulation \$400					
DATE RECEIVED:	FEE AMOUNT PAID :	# OF REQUESTS:	RECEIVED BY:	CASE NO.	
10/21/24	\$843.75	1	MP.	BAC-24-031	

<u>Variance Request Proposal Only</u> Please explain in your own words, how the request meets each of the hardship criterion listed below.
1. The variance is not a self-created hardship. <u>Existing building</u> . No changes to structure's square tootage or to parking lot square footage
to structure's square tootage or to parking
lot square footage
2. The property where the variance is being sought has unique circumstances existing on the property, such as area, shape, or slope; that the unique circumstances were not created by the property owner; that the request is not merely financial or for convenience; and that the circumstance is not due to the general conditions of the zoning district of the
property. Owner did not create the existing parking
area
3. The variance would be in harmony with the intent and purpose of the comprehensive plan and the specific chapter of the zoning ordinance.
4. The variance will not adversely affect the health, safety, or welfare of the public.
5. The variance will not substantially or permanently injure the appropriate use of adjacent property in the same district.

#### Acknowledgement

I certify that the information provided is true and correct to the best of my knowledge and belief, and that I, or my authorized representative, will present this case in a public hearing before the Zoning Board of Adjustment, unless I withdraw the request prior to the public notice. Should I initiate withdrawal after public notice is given, the filing fee will be non-refundable. Also, no new application may be filed for hearing within 24 months of a Board denial, unless the denial is without prejudice or substantial changes have occurred which warrant a Board waiver of the 24-month mandatory re-application delay period. ANY REQUIRED PERMITS MUST BE OBTAINED WITHIN 180 DAYS.

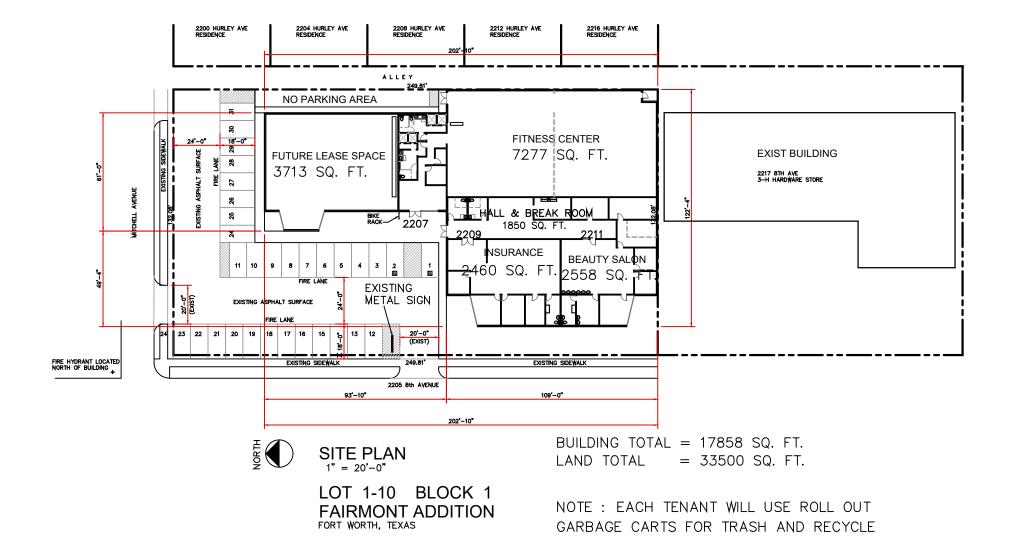
(All applications submitted via email must be signed using a digital ID or certificate.)

Signed by the Owner) Applicant or Agent

Antedas Signature

(Circle appropriate entity)

Date 10-17



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# View from NW corner



 BAC-24-032
 Address:
 1600 Circle Park Blvd

 Owner:
 David Nance on behalf of Northside Inter-Community Agency Inc.

 Zoning:
 "CF" Community Facilities District

**a. Variance: P**ermit an existing dumpster screening fence in a projected front yard where none are allowed.

#### **GENERAL INFORMATION**

#### **REGULATION:**

#### 3.403 Board of Adjustment Action

In taking action on an application for a variance, the board of adjustment shall grant the application only when the board determines that:

- (a) Literal enforcement of the regulations in this zoning ordinance will create an unnecessary hardship or practical difficulty in the development of the affected property;
- (b) The situation causing the hardship or difficulty is unique to the affected property;
- (c) The situation or hardship is not self- imposed;
- (d) The relief sought will not injure the existing or permitted use of adjacent conforming property; and
- (e) The granting of a variance will be in harmony with the spirit and purposes of this zoning ordinance.

#### 5.305 Fences.

b. Height and front yard regulations.

(1) No fence or wall shall be erected within the minimum required front yard, platted front yard, or projected front yard except as provided in subsection (b)(2) below for one-family and two-family residential dwellings, subsection (b)(3) below for multifamily developments, subsection (b)(4) below, for utility facilities, subsection (b)(5) below for automobile repair and body shops and 6.101(e) for through lots.

**LOT HISTORY:** BA-95-233, Variances to permit a nonresidential use adjacent to a residential district:

without providing the minimum required 6-foot screen fence,

without providing the minimum required 5-foot landscaped bufferyard, and permit parking in the front yard; approved 11/22/1995.

Development Services Department zoning case ZC-95-124, from "B" to "CF", approved.

Code Compliance case 18-492407, An accumulation of trash was also observed on southeast side of property (behind building). Donation boxes and dumpster were placed on property after the year 2000. Contact P&D prior to constructing/providing a screened dumpster enclosure, as there are specific requirements; 8/21/2018.

Transportation and Public Works Department, permit number ST21-00328 for a street cut permit 03/26/2021.



#### COMPREHENSIVE PLAN DESIGNATION:

**DN:** Institutional

REGISTERED	Inter-District	t 2 Allianc	e, North	Side	Neighborh	ood Assoc	iation, Historic
NEIGHBORHOOD	Northside	Business	Associati	on, F	ort Wort	h Stockya	ards Business
NOTIFCATION:	Associations Worth ISD.	s, Streams	and Valle	eys Inc	s., Trinity H	labitat for	Humanity, Fort

EXISTINGThe subject property is located on a corner lot, in an established<br/>neighborhood and is flat. The subject property is approximately 19,888<br/>square feet in area and was platted with alley access along the northeastern<br/>property line. However, the alley is unimproved. The "CF" Community<br/>Facilities zoned property is surrounded by single family houses with "A-5"<br/>One-family residential zoning. A projected front yard along the southeastern<br/>side of the property is due to the residential houses located to the northeast.

A dumpster location variance was not included in the variances approved in 1995, while the projected front yard standards were adopted in 1992. Per Ordinance 5.300, a dumpster on a non-residential lot is defined as an accessory use. Additionally, in Ordinance 5.302(b)(3) it is stated that "refuse dumpsters and recycling collection containers shall be installed on concrete pads and be screened on all sides from view of a public street or residential area."

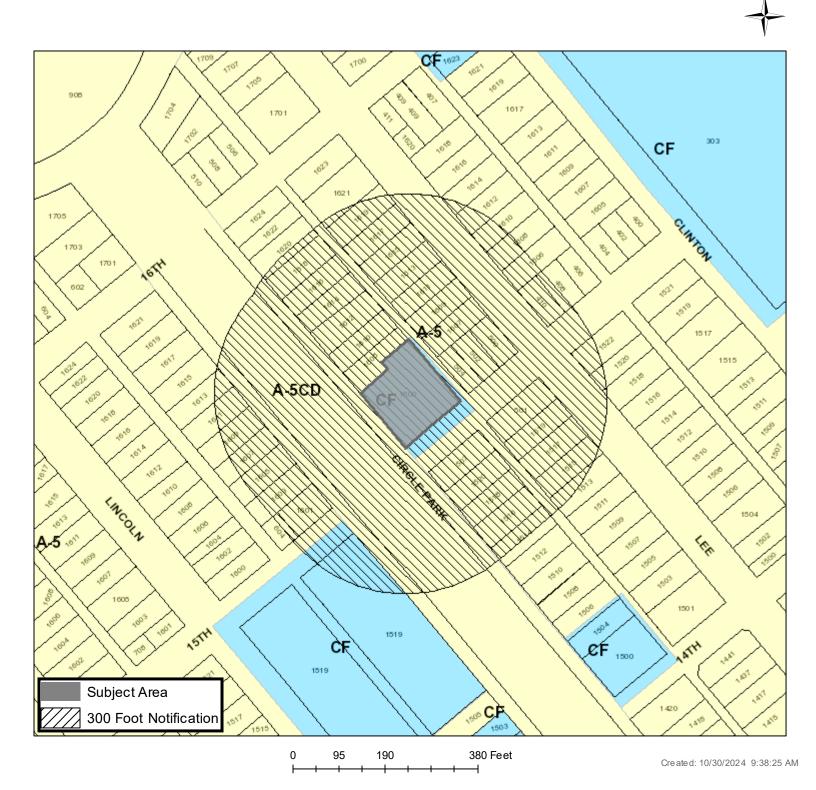
The applicant is requesting a variance to allow a screening fence for a dumpster to be remain in the southeastern projected front yard. Google Street Views show the dumpster in the same location since 2007 with both a solid wood screening fence and chain link and contains a screening material to create an opaque screening fence. The existing fence has an approximate height of 10 feet. In 2021, a curb cut was permitted and completed in order to allow the waste removal trucks easier access to the dumpster. Due to the rectangular building shape with no insets, a dumpster could only be placed in front of the building, either on the southeastern or southwestern sides.

Per ordinance 5.305(c)(1), "Screening fences shall be constructed of wood, brick, stone, or reinforced concrete products. The development services director or his or her designee may approve other materials provided the material is expressly designed for fence installation and is resistant to sunlight and moisture." The fence material was administratively approved by a Development Services Assistant Director on 9/13/2024.



## BAC-24-032

Applicant:Northside Inter-Community Agency IncMapsco:62PCommission Date:11/20/2024





## BAC-24-032

## Aerial Photo Map



## BAC-24-032 1600 Circle Park Boulevard



#### APPLICATION TO THE ZONING BOARD OF ADJUSTMENT CITY OF FORT WORTH, TEXAS



**Development Services Department** 

Marque con una "X" si necesita que la Ciudad le proporcione un INTERPRETE durante la Audiencia Publica.				
PLEASE PROVIDE A DETAILED SITE PLAN         Address of Premises affected:       1600       C/RCLEPARK BLUD, FTW, TX       N164         Lot/Tract:       Block/Abstract:       Lot Size:				
Provide a description of the existing/proposed project, with structure type/use, dimensions, height, and materials:         Image: A construction         Image: A construc				
Status of Property:       Owner Occupied       Vacant Land       Non-owner Occupied         Previous Board of Adjustment Case filed on this property:       Yes       Yes         Date				
STAFF USE ONLY: Zoning <u>CF</u> Owner Occupied Variance (One and Two Family Homes) for Section Special Exception for Section Variance for: <u>5.365(b)(I)</u> for <u>6</u> fen( <u>10(0.1ed</u> <u>n projected front yard</u> Interpretation of the Regulation \$400 DATE RECEIVED: <u>FEE AMOUNT PAID</u> : # OF REQUESTS: RECEIVED BY: CASE NO.				
10/18/2024 \$843.75 1 MP. BAC-24-032				

Revised 08/29/2024

<u>Variance Request Proposal Only</u> Please explain in your own words, how the request meets each of the hardship criterion listed below.
1. The variance is not a self-created hardship.
NO IT HE DUG TO THE NEIGHBORHOOD
2. The property where the variance is being sought has unique circumstances existing on the property, such as area, shape, or slope; that the unique circumstances were not created by the property owner; that the request is not merely financial or for convenience; and that the circumstance is not due to the general conditions of the zoning district of the property. WE HAVE REPARED TO ONE REGULAR FROM CODE COMPLIANCE TO CHANGE THE CURB CUTP TO ALLOW THE TRUCK TO ACCELLTHE DUMMETAWTING ENTERING 3. The variance would be in harmony with the intent and purpose of the comprehensive plan and the specific chapter of the zoning ordinance.
Y EN
4. The variance will not adversely affect the health, safety, or welfare of the public.
IN PACT, IT WILL PREVENTRASPREA BING ON THE STREET
5. The variance will not substantially or permanently injure the appropriate use of adjacent property in the same district.

#### **Acknowledgement**

I certify that the information provided is true and correct to the best of my knowledge and belief, and that I, or my authorized representative, will present this case in a public hearing before the Zoning Board of Adjustment, unless I withdraw the request prior to the public notice. Should I initiate withdrawal after public notice is given, the filing fee will be non-refundable. Also, no new application may be filed for hearing within 24 months of a Board denial, unless the denial is without prejudice or substantial changes have occurred which warrant a Board waiver of the 24-month mandatory re-application delay period. ANY REQUIRED PERMITS MUST BE OBTAINED WITHIN 180 DAYS.

(Circle appropriate entity)

(All applications submitted via email must be signed using a digital ID or certificate.)

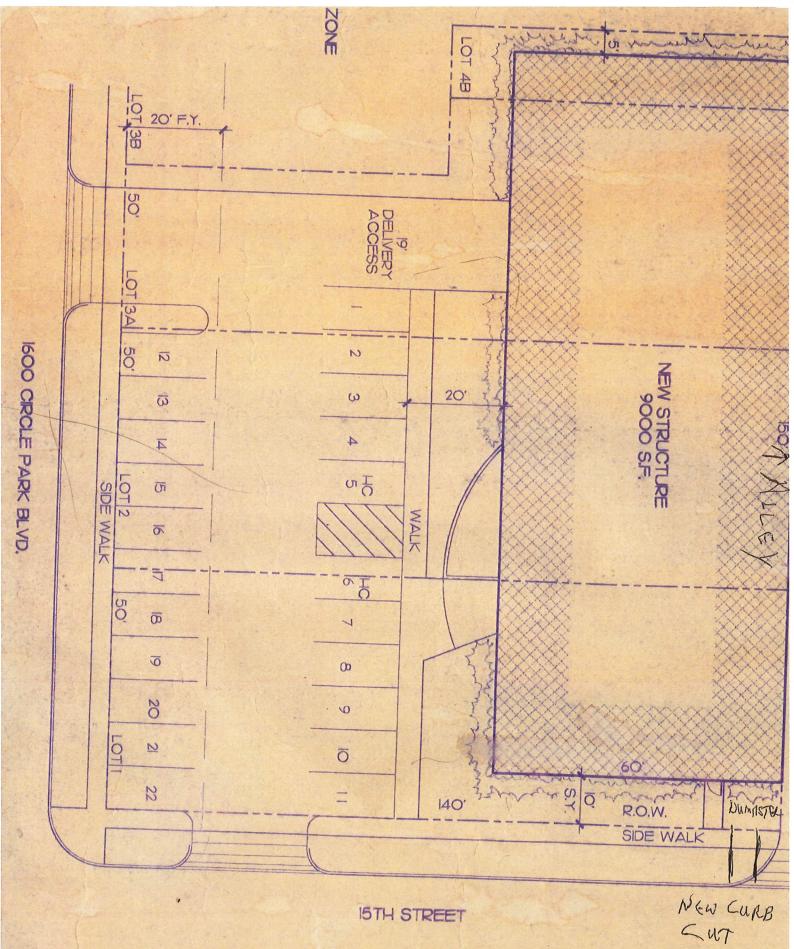
Signed by the Owner / Applicant or Agent

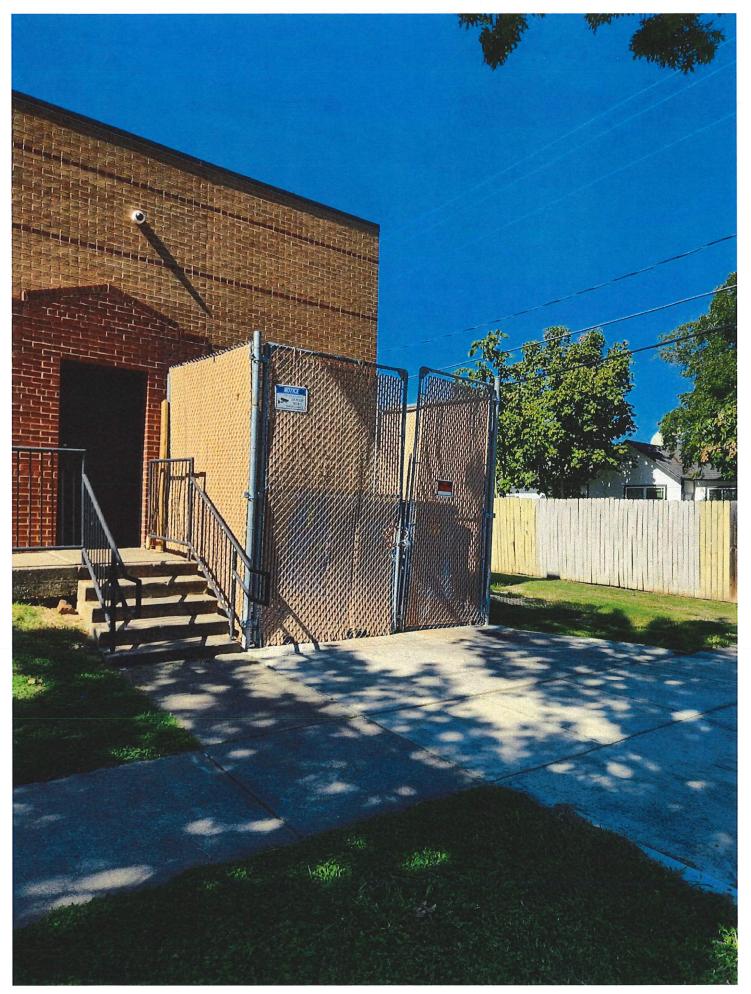
Signature: San hun

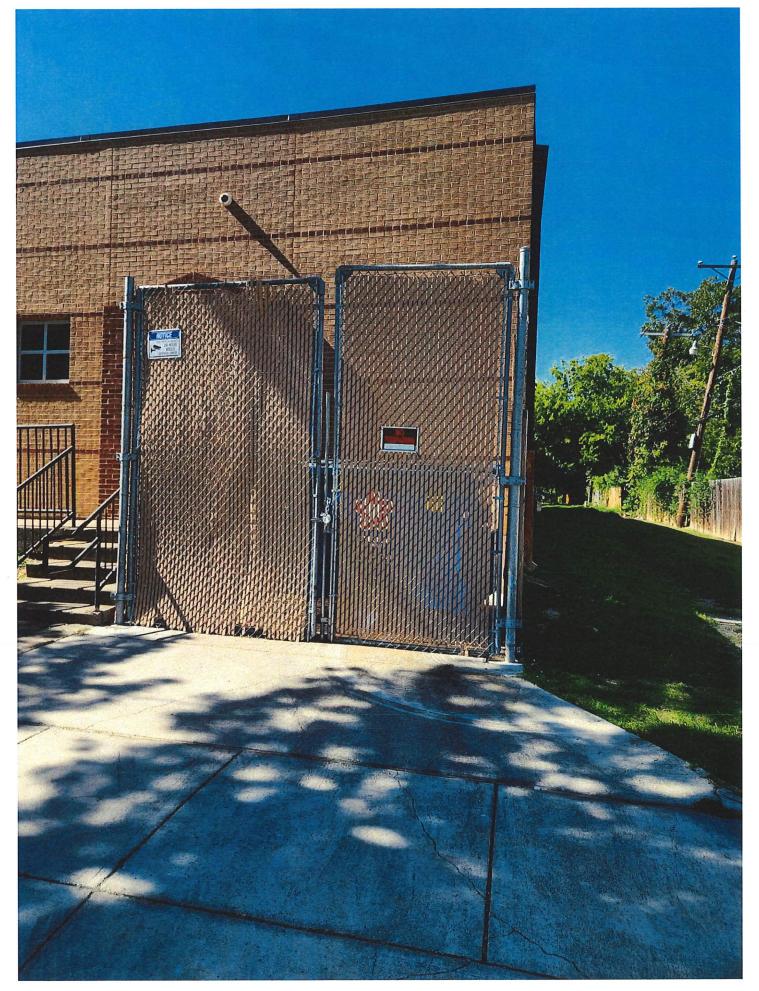
Date 9/16/24

evised 08/29/2024

6







#### **Tolliver Jones, Ashlie D**

From:	Stringfellow, LaShondra H
Sent:	Friday, September 13, 2024 1:46 PM
То:	Tolliver Jones, Ashlie D; Wells, Mary
Subject:	RE: DELICATE: David Cooke's neighbor

Ashlie, thank you for locating that part regarding the materials. I authorize administrative approval of the fence material. Since that alley is not being utilized, I am okay to not consider a visibility triangle issue. So now, we are just at fence location and fence height. Can someone communicate that to him? Then, I will let D.J. know where we are.

From: Tolliver Jones, Ashlie D <Ashlie.TolliverJones@fortworthtexas.gov>
Sent: Friday, September 13, 2024 11:30 AM
To: Wells, Mary <Mary.Wells@fortworthtexas.gov>; Stringfellow, LaShondra H
<LaShondra.Stringfellow@fortworthtexas.gov>
Subject: RE: DELICATE: David Cooke's neighbor

Good morning Ladies,

To clarify before LaShondra provides an update to D.J., Mary got some details from a different inquiry mixed in with Mr. Nance's situation. The same week that we began researching options for Mr. Nance, we had another inquiry for a shelter, and that use is an issue for that situation.

The property at 1600 Circle Park Blvd is zoned CF and the current use is a food bank. The issue is the fence (see photo) that screens the dumpster.



The subject property is zoned CF and therefore the use is permitted by right, but the adjacent property to the east is zoned A-5 as well as the property to the west and south. All adjacent districts are separated by right-of-way or an alley.

It is my understanding that the property to the east (502 NW 15<sup>th</sup> St) does create a projected front yard for the subject property, based on the below ordinance 6.101(f):

#### (1) Corner lot.

a. Where a corner lot abuts on the side of a lot facing the other intersecting street, there shall be a side yard on the corner lot equal to the front yard required on the lot adjacent to the rear of the corner lot or separated only by an alley.

b. Where a corner lot abuts the rear of a lot with a greater side yard setback, there shall be a side yard on the corner lot equal to the side yard required on the lot that abuts to the rear of the corner lot or separated only by an alley.

#### There are a few items I believe would require a variance:

- 1. Fence location encroaching into projected front yard
- 2. Fence height due to location in projected front yard
- 3. Visibility triangle due to the alley proximity (without a site plan I am not completely certain)
- Dumpster location considered an accessory structure in the front yard (could this be relocated? I don't believe so based on site research, again when was the site plan approved prior to 1999?)

I do not believe that there is a variance required for the fence material because of the below ordinance language in 5.305(c)(1) and 5.305(d)(1):

(1) Screening fences shall be constructed of wood, brick, stone or reinforced concrete products. The development services director or his or her designee may approve other materials provided the material is expressly designed for fence installation and is resistant to sunlight and moisture.

Without a site plan it will be difficult to determine the exact variances needed.

Thank you,

Ashlie Tolliver, AICP Planner II Development Services 100 Fort Worth Trl Fort Worth, Texas 76102 817-392-2397 ashlie.tolliverjones@fortworthtexas.gov

The Development Services Department has moved to the new City Hall located at 100 Fort Worth Trail, Fort Worth, Texas 76102.

El Departamento de Servicios de Desarrollo **se ha trasladado** al nuevo Edificio del Ayuntamiento situado en **100 Fort Worth Trail**, Fort Worth, Texas 76102)

City of Fort Worth — Working together to build a strong community

How am I doing? Please contact my manager at: mary.wells@fortworthtexas.gov



BAC-24-033 Address: 2

- Address: 2700 Airport Freeway & 2705 2751 Rouse Street
  - Owner: Resource Recovery Center by Cadre Architecture
  - Zoning: "ER" Neighborhood Commercial Restricted and "E" Neighborhood Commercial Districts
- **a. Special Exception:** Allow construction of a new single tenant building of 9,441 square feet where 5,000 square feet is the maximum tenant area allowed.
- **b. Variance:** Allow fewer parking spaces for a new office building than required. <u>Required number of parking spaces</u>: 46 parking spaces
   <u>Requested number of parking spaces</u>: 26 parking spaces

#### **GENERAL INFORMATION**

#### **REGULATION:**

#### 3.303 BOARD OF ADJUSTMENT ACTION.

- A. In taking action on an application for special exception, the board of adjustment shall grant the application only when the board determines that:
  - (1) The use is specifically permitted under this ordinance;
  - (2) The location of proposed activities and improvements is clearly defined on the site plan by the applicant; and
  - (3) The exception will be wholly compatible with the existing use and permitted development of adjacent properties either as filed, or subject to such requirements as the board finds necessary to protect and maintain the stability of adjacent properties.
- B. The burden of proof regarding all conditions is on the applicant. Any site or floor plan will become part of the approval of the special exception.

#### 3.403 Board of Adjustment Action

In taking action on an application for a variance, the board of adjustment shall grant the application only when the board determines that:

- A. Literal enforcement of the regulations in this zoning ordinance will create an unnecessary hardship or practical difficulty in the development of the affected property;
- B. The situation causing the hardship or difficulty is unique to the affected property;
- C. The situation or hardship is not self- imposed;
- D. The relief sought will not injure the existing or permitted use of adjacent conforming property; and
- E. The granting of a variance will be in harmony with the spirit and purposes of this zoning ordinance.

#### 5.100 General Conditions

**B.** Additional Conditions: Nothing in this Article shall prevent the City from imposing additional conditions during either the special exception or planned unit development review process.

#### 4.900 "ER" Neighborhood Commercial Restricted District C. Property Development Standards

Business/tenant size: 5,000 square feet maximum gross floor area per tenant; exterior entrances are required for each tenant; special exception required for each business in excess of 5,000 square feet.



#### 6.201 Off-Street Parking Requirements B. Required Off-Street Parking

1. Minimum Parking Requirements: The following table establishes the minimum parking requirements for uses located in residential zoned property or within two hundred fifty feet (250') of One or Two-Family zoned property.

Medical clinic, health1 space per doctor plus 1 space per 4 employees plusservices facility, assisted4 spaces per 1,000 square feet of gross floor arealiving facility1

**LOT HISTORY:** BA-03-261, Special Exception for an auxiliary parking lot in "B" zoning at 2705 Rouse Street, approved 12/12/2003.

Planning & Development Services Department, PV14-00211 demolition permit for a single family house at 2751 Rouse Street, approved 5/55/2014.

Planning & Development Services Department zoning change ZC-19-057, Councilinitiated for the United Riverside NA, from "B" Two-Family to "ER" Neighborhood Commercial Restricted for Rouse Street properties, approved 6/6/2019.

#### <u>COMPREHENSIVE</u> <u>PLAN DESIGNATION:</u> Single Family and Neighborhood Commercial

#### <u>REGISTERED</u> <u>NEIGHBORHOOD</u> <u>NOTIFICATION:</u>

The following registered associations were sent early notification: Fort Worth ISD, United Riverside NA, Carter Riverside NA, Friends of Riverside Park, Vintage Riverside NA, Riverside Alliance, Tarrant Regional Water District, East Fort Worth, Inc., East Fort Worth Business Association, Oakhurst Alliance of Neighbors, Oakhurst Scenic Drive Inc., Riverside Business Alliance, United Riverside Rebuilding Corporation, Inc., Trinity Habitat for Humanity and Streams & Valleys, Inc.

#### EXISTING

**CONDITIONS:** 

The subject property is part of block between Airport Freeway and Rouse Street, as well as one additional lot to the east on Rouse Street in an established neighborhood. Commercial uses line the SH 121 Freeway frontage road and Sylvania Avenue one block to the west. A single family neighborhood lies behind these commercial uses. The northern portion of the block had been used by the Resource Recovery Center since 2015 with a one-story building flanked by approximately 34 parking spaces. The Texas Department of Transportation purchased the majority of this site for expansion of SH 121 in April 2024, according to the deed records, leaving an irregular shaped area north of the alley. The lots south of the alley owned by the Resource Recovery Center approved on the southern lots facing Rouse Street, the parking lot was never built.

Due to freeway expansion, the applicant's existing 12,000 square foot building facing SH 121 will be demolished. The block is anticipated to be replatted into two lots, with the former 10-foot wide alley being converted into a 15-foot sewer easement. The sewer easement splits the applicant's generally flat land into an approximate 21,000 square foot rectangle south of the easement and an irregular 11,000 square foot area north of the easement. The site's zoning is also split along the sewer easement with



the more intensive "E" Neighborhood Commercial zoning north of the former alley and "ER "ER" Neighborhood Commercial Restricted south of the alley.

A smaller building in the 2700 block of Rouse Street with parking to the north of the easement and east of Blandin Street on the separate lot is proposed. The applicant is requesting a Special Exception to rebuild the Resource Recovery Center as a 9,441 square foot building in "ER" Neighborhood Commercial Restricted portion, where a maximum of 5,000 square feet per tenant is allowed. "ER" zoning is intended to provide limited neighborhood services, such as office and institutional uses, that are compatible with the activity hours and intensity of residential uses. The less intensive "ER" zoning is appropriate for the lots on Rouse Street, as an intermediate zoning district buffering the residential uses from the more intensive zoning to the north and the freeway. A zoning change to "E" Neighborhood Commercial zoning that would allow the building size by right is not recommended due to the significant increase in activity intensity, hours of operation, and alcohol sales. The office building larger than 5,000 square feet is compatible with surrounding land uses due to the minimal non-residential impact on the residential neighborhood, as well as keeping the building size less than the 10,000 square foot maximum allowed in "ER.

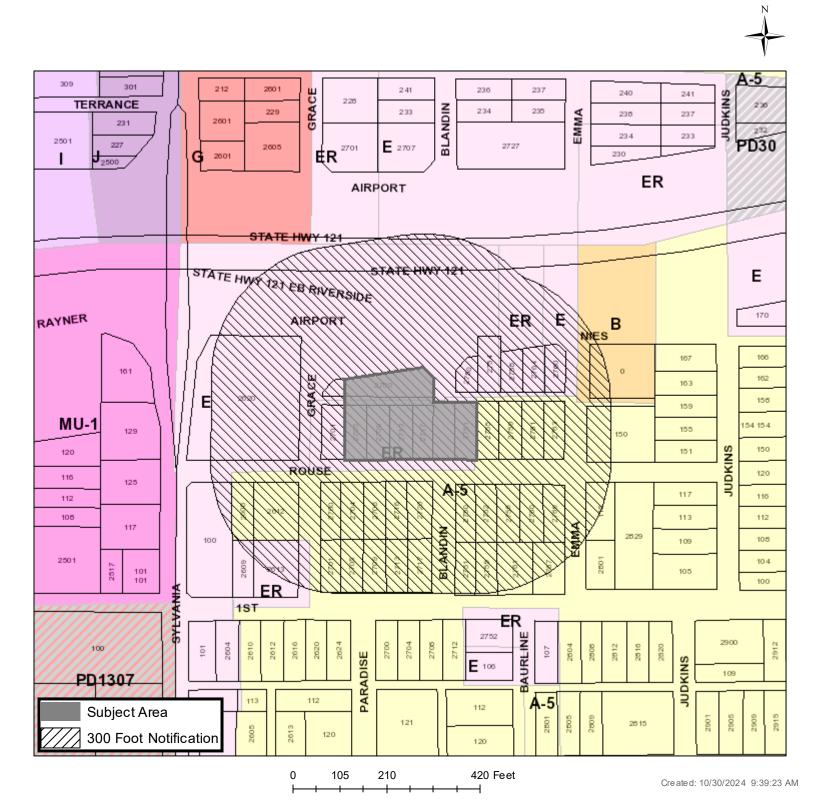
Due to the "A-5" One-Family zoning in the vicinity, on-site parking for all uses is required. The building's parking is based on the classification of a medical office with the parking space count breakdown shown in the chart below.

		Parking Requirement	Parking Spaces
Doctors on-site	6	1 / doctor	6
Other staff	5	1 / 4 employees	2
Building size	9,441 sf	4 / 1,000 sf	38
Total			46

The site plan submitted by the applicant shows 17 parking spaces on the north of the building and sewer easement. The angle of the new property line limits parking on the northwestern 44 feet, as there is not enough depth for the parking spaces and the required back-up aisle. Parallel parking spaces have been placed in the remainder area, closest to SH 121. Approximately 8 additional parking spaces could be built if the parking area is moved southward on top of the sewer easement. More parking spaces are shown on the eastern most lot that had been a residence. Due to the residential front yard setback and lot width, 9 spaces are shown, for a total of 26 parking spaces. The application packet states the majority of clients interactions take place off-site and that most staff work remotely. The applicant is requesting a variance to allow 26 parking spaces, where 46 spaces are required.



Applicant:Resource Recovery Center by Cadre ArchitectureMapsco:63UCommission Date:11/20/2024





## BAC-24-033

## **Aerial Photo Map**



N A

## APPLICATION TO THE ZONING BOARD OF ADJUSTMENT CITY OF FORT WORTH, TEXAS



Margue con una "X" si necesita que la Ciudad le proporcione un INTERPRETE durante la Audiencia Publica. PLEASE PROVIDE A DETAILED SITE PLAN Address of Premises affected:\_\_\_\_\_ Lot/Tract: \_\_\_\_ Lot Size: \_\_\_\_\_ Legal Description: Addition/Survey: Owner's Name: Address: \_\_\_\_\_ \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Tele: ( ) \_\_\_\_\_ E-Mail \_\_\_\_ Applicant's Name: Tele: ( ) E-Mail Provide a description of the existing/proposed project, with structure type/use, dimensions, height, and materials: Additional documentation may be supplied to support your case if photos are supplied, please label each picture. **Proposed** Non-owner Occupied Previous Board of Adjustment Case filed on this property: 🗌 Yes □ No Date \_\_\_\_\_ Case Number(s) \_\_\_\_\_ Is the purpose of this request to provide reasonable accommodation for a person(s) with disabilities?  $\Box$  YES  $\Box$  NO If Yes, the application will be directed to the Planning and Development Director or Zoning administrator for review pursuant to Ordinance No. 22098-03-2016, "Reasonable Accommodation or Modification for Residential Uses." Applications under a Reasonable Accommodation Ordinance review will not be heard by the Board of Adjustment. Please see Ordinance No. 22098-03-2016 (Chapter 17, Division V) for more information. NOTE TO STAFF: If Yes, send a copy of this application and any attachments to the Zoning Administrator. Have you informed your Home Owners Association YES NO or Neighbors YES NO of the request? To watch the Hearings: http://www.fortworthtexas.gov/, click on "Watch online Now" & "Board of Adjustment video".

STAFF USE ONLY: Zo	ning						
Owner Occupied Variance (One and Two Family Homes) for Section							
Special Exception for Section							
□ Variance for:							
☐ Interpretation of the Regulation \$400							
DATE RECEIVED:	FEE AMOUNT PAID :	# OF REQUESTS:	RECEIVED BY:	CASE NO.			

#### <u>Variance Request Proposal Only</u> Please explain in your own words, how the request meets each of the hardship criterion listed below.

1. The variance is not a self-created hardship. \_

Please see the following attached pages for full responses.

2. The property where the variance is being sought has unique circumstances existing on the property, such as area, shape, or slope; that the unique circumstances were not created by the property owner; that the request is not merely financial or for convenience; and that the circumstance is not due to the general conditions of the zoning district of the property.

Please see the following attached pages for full responses.

3. The variance would be in harmony with the intent and purpose of the comprehensive plan and the specific chapter of the zoning ordinance.

Please see the following attached pages for full responses.

4. The variance will not adversely affect the health, safety, or welfare of the public.

Please see the following attached pages for full responses.

5. The variance will not substantially or permanently injure the appropriate use of adjacent property in the same district. Please see the following attached pages for full responses.

#### Acknowledgement

I certify that the information provided is true and correct to the best of my knowledge and belief, and that I, or my authorized representative, will present this case in a public hearing before the Zoning Board of Adjustment, unless I withdraw the request prior to the public notice. Should I initiate withdrawal after public notice is given, the filing fee will be non-refundable. Also, no new application may be filed for hearing within 24 months of a Board denial, unless the denial is without prejudice or substantial changes have occurred which warrant a Board waiver of the 24-month mandatory re-application delay period. ANY REQUIRED PERMITS MUST BE OBTAINED WITHIN 180 DAYS.

(All applications submitted via email must be signed using a digital ID or certificate.)

**Signed** by the Owner Applicant or Agent (Circle appropriate entity)

Signature:

10/21/2024 Date

Application to the Zoning Board of Adjustment City of Fort Worth, Texas Variance Request Proposal Criterion 10/21/2024

1. The variance is not a self-created hardship.

Recovery Resource Council is forced to vacate their existing facility due to an eminent domain land acquisition by TxDOT for an expansion of Airport Fwy. The acquisition encompasses their two current buildings, which will be demolished, but leaves a portion of their property to the South of their current main building. RRC is proposing a new building on the remaining portion of their property, however, the space left by the acquisition is oddly shaped and too small for a building that matches the size of their current facilities and parking area. The City also requires a new sanitary sewer line with a 15ft wide easement which bisects the property even further. The line will run where an alley previously existed. As you can see in the site plan, overhead communication lines currently run through that alley as well and connect to neighboring properties. These service lines require coordination with service providers but will likely remain in place with slight modifications to the pole placements. These utility locations as well as the need for storm water detention on site preclude parking anywhere south of the easements. To maximize parking given these hardships, we are proposing 17 parking spaces and an underground detention basin north of the easement and an additional 9 parking spaces in an auxiliary parking lot West of the building across Blandin.

2. The property where the variance is being sought has unique circumstances existing on the property, such as area, shape, or slope; that the unique circumstances were not created by the property owner; that the request is not merely financial or for convenience; and that the circumstance is not due to the general conditions of the zoning district of the property.

• The area left by the TxDOT acquisition is oddly shaped due to the path of the highway. The shape and size of the remaining site, even after re-platting and vacating an alley has made it difficult to meet all site requirements. Though the existing alley is vacated, utility placement restrict parking and building placements across it. RRC is proposing a building size that is allowed by-right per the 30% maximum coverage requirement for their remaining land. The proposed amount of parking exceeds the requirements of an office building use but does not meet the requirements of medical office. The proposed square footage for a single tenant is less than the square footage currently occupied solely by Recovery Resource in their current facility just North of the proposed new building.

3. The variance would be in harmony with the intent and purpose of the comprehensive plan and the specific chapter of the zoning ordinance.

- This building size and parking count exceeds the zoning requirements of professional office buildings in this district. RRC understands that the city classifies their business as medical office because therapists are employed and clients will visit the facility, however, RRC believes that professional office classification appropriately suits the indented use of this facility. Although RRC employs therapists, the majority of patient therapy sessions and services provided to clients takes place off-site. As you can see from the letter provided by RRC staff, this office will have on a regular basis 3 Licensed Chemical Dependency Counselors in the office Monday through Friday providing service to walk in clients. They will also have three Licensed Therapists in office two days per week as well as two front desk receptionists, one in office IT Coordinator, two Information and Referral Specialist. So, in total on a regular daily basis there are less than 15 staff in the office daily. Per RRC, it should be noted that Seventy-Five percent of our staff work remotely and are rarely in the office.
- 4. The variance will not adversely affect the health, safety, or welfare of the public.
  - Recovery Resource Council currently operates just North of the proposed site of the new building. Their business is currently a part of the existing neighborhood fabric and has a longstanding good relationship with the neighbors. RRC does not intend to change it's operations in any way. This new facility will decrease their overall footprint and provide a new efficient and well-designed building to the neighborhood. The site plan meets or exceeds all setbacks and landscaping standards. It will also allow Recovery Resource Council to continue their work in serving the mental health needs of the public. RRC currently contracts directly with the City of Fort Worth to serve high risk children and youth with preventative care services.

5. The variance will not substantially or permanently injure the appropriate use of adjacent property in the same district.

• The proposed use and size of the facility is allowed by-right in the district and the proposed parking meets the district required ratio for professional office building. RRC currently operates in two facilities just North of the proposed site with a total combined floor area of approximately 15,000 SF and 32 parking spaces for a single user. This equates to 1 space per 468.75 SF. The proposed new facility is 9,440 SF total with 26 parking spaces or 1 space per 363 SF. Per their current and planned future use of the facility and projected parking needs, RRC does not believe that the reduction in parking or tenant size adjustments will impact the surrounding properties in any way.

Sincerely,

DocuSigned by: Wite 1F3EB090DB647D...

Eric Niedermayer

CEO, Recovery Resource Council



#### OUR MISSION

To promote wellness and recovery from disorders relating to alcohol, substance use, trauma, and mental health.

#### **BOARD OF DIRECTORS**

Paul Boyd, Board Chair Rosa Berdeja, Vice Chair Sarah Caldwell, Finance Chair Chris Ammann Butch Clemons Bryce Dahm Chip Emms Jesse Galvan Brenda Matamoros-Beveridge Melissa Matthews Michael McMillan Terri Mossige Stephanie Rabey Marshall Ryan Tanisia Castillo-Queppet Eric Spomer Lance Sumpter Stephen Taylor Kenn Webb

CHIEF EXECUTIVE OFFICER Eric Niedermayer

WEST CAMPUS 2700 Airport Freeway Fort Worth, TX 76111

EAST CAMPUS 1822 Cadiz St Dallas, TX 75201

NORTH CAMPUS 306 North Loop 288 Denton, TX 76209







recoverycouncil.org 817-332-6329 development@recoverycouncil.org October 18. 2024

Re: Recovery Resource Council 2700 Airport Freeway Fort Worth, TX 76111

We have on a regular basis 3 Licensed Chemical Dependency Counselors in the office Monday through Friday providing service to walk in clients. We have three Licensed Therapist in office two days per week. We have two front desk receptionists, one in office IT Coordinator, two Information and Referral Specialist. So, in total on a regular daily basis there are less than 15 staff in the office daily.

It should be noted that Seventy-Five percent of our staff work remotely and are rarely in the office.

Respectfully,

Margie Hatcher

Chief HR and Facility Officer



## NOTES:

1. UTILITY EASEMENTS

#### VICINITY MAP NOT TO SCALE

ANY PUBLIC UTILITY, INCLUDING THE CITY OF FORT WORTH, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCE, TREE, SHRUB, OTHER GROWTH OR IMPROVEMENT WHICH IN ANY WAY ENDANGERS OR INTERFERES WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THE PLAT; AND THEY SHALL HAVE THE RIGHT AT ALL TIMES TO INGRESS AND EGRESS UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING, AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE.

#### 2. SITE DRAINAGE STUDY

A SITE DRAINAGE STUDY, SHOWING CONFORMANCE WITH THE APPROVED ROADWAY DRAINAGE PLAN, MAY BE REQUIRED BEFORE ANY BUILDING PERMIT WILL BE ISSUED ON THIS SITE (A GRADING PLAN IN SOME INSTANCES MAY BE ADEQUATE.) IF THE SITE DOES NOT CONFORM, THEN A DRAINAGE STUDY MAY BE REQUIRED ALONG WITH A CFA FOR ANY REQUIRED DRAINAGE IMPROVEMENTS AND THE CURRENT OWNER SHALL SUBMIT A LETTER TO THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS STATING AWARENESS THAT A SITE DRAINAGE STUDY WILL BE REQUIRED BEFORE ANY PERMIT IS ISSUED. THE CURRENT OWNER WILL INFORM EACH BUYER OF THE SAME.

#### 3. BUILDING PERMITS

NO BUILDINGS PERMITS SHALL BE ISSUED FOR ANY LOT IN THIS SUBDIVISION UNTIL AN APPROPRIATE CFA OR OTHER ACCEPTABLE PROVISIONS ARE MADE FOR THE CONSTRUCTION OF ANY APPLICABLE WATER, SEWER, STORM DRAIN, STREET LIGHTS, SIDEWALKS, OR PAVING IMPROVEMENTS, AND APPROVAL IS FIRST OBTAINED FROM THE CITY OF FORT WORTH.

#### 4. WATER/WASTEWATER IMPACT FEES

THE CITY OF FORT WORTH HAS AN ORDINANCE IMPLEMENTING THE ASSESSMENT AND COLLECTION OF WATER AND WASTEWATER IMPACT FEES. THE TOTAL AMOUNT ASSESSED IS ESTABLISHED ON THE RECORDATION DATE OF THIS PLAT APPLICATION, BASED UPON SCHEDULE I OF THE IMPACT FEE ORDINANCE. THE AMOUNT TO BE COLLECTED IS DETERMINED UNDER SCHEDULE II THEN IN EFFECT ON THE DATE A BUILDING PERMIT IS ISSUED, OR THE CONNECTION DATE TO THE MUNICIPAL WATER AND/OR WASTEWATER SYSTEM.

#### 5. TRANSPORTATION IMPACT FEES

THE CITY OF FORT WORTH HAS AN ORDINANCE IMPLEMENTING THE ASSESSMENT AND COLLECTION OF TRANSPORTATION IMPACT FEES. THE TOTAL AMOUNT ASSESSED IS ESTABLISHED ON THE APPROVAL DATE OF THIS PLAT APPLICATION, BASED UPON SCHEDULE I OF THE IMPACT FEE ORDINANCE IN EFFECT AS OF THE DATE OF THE PLAT. THE AMOUNT TO BE COLLECTED IS DETERMINED UNDER SCHEDULE II OF SAID ORDINANCE, AND IS DUE ON THE DATE A BUILDING PERMIT IS ISSUED.

#### 6. CONSTRUCTION PROHIBITED OVER EASEMENTS

NO PERMANENT BUILDINGS OR STRUCTURES SHALL BE CONSTRUCTED OVER ANY EXISTING OR PLATTED WATER, SANITARY SEWER, DRAINAGE, GAS, ELECTRIC, CABLE OR OTHER UTILITY EASEMENT OF ANY TYPE. 7. PARKWAY PERMIT

PARKWAY IMPROVEMENTS SUCH AS CURB & GUTTER, PAVEMENT TIE-IN, DRIVE APPROACHES, SIDEWALKS AND DRAINAGE INLETS MAY BE REQUIRED AT TIME OF BUILDING PERMIT ISSUANCE VIA A PARKWAY PERMIT.

#### 8. SIDEWALK NOTE

SIDEWALKS AND STREET LIGHTS ARE REQUIRED FOR ALL PUBLIC AND PRIVATE STREETS AND PUBLIC ACCESS EASEMENTS AS PER CITY OF FORT WORTH STANDARDS.

## 9. DRAINAGE EASEMENT NOTE

ALL DRAINAGE EASEMENTS SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, FOUNDATIONS, PLANTINGS AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF THE DRAINAGE FACILITY.

#### 10. PRIVATE MAINTENANCE NOTE

THE CITY OF FORT WORTH SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF PRIVATE STREETS, DRIVES, EMERGENCY ACCESS EASEMENTS, PUBLIC ACCESS EASEMENTS, PUBLIC PEDESTRIAN ACCESS EASEMENTS, RECREATION AREAS, OPEN SPACES AND DRAINAGE FACILITIES, AND SAID OWNERS AGREE TO INDEMNIFY AND SAVE HARMLESS THE CITY OF FORT WORTH, TEXAS, FROM CLAIMS, DAMAGES AND LOSSES ARISING OUT OF OR FROM PERFORMANCE OF THE OBLIGATIONS OF SAID OWNERS SET FORTH IN THIS PARAGRAPH. 11. PUBLIC OPEN SPACE EASEMENT

#### NO STRUCTURE, OBJECT OR PLANT OF ANY TYPE MAY OBSTRUCT VISION FROM A HEIGHT OF 24-INCHES TO A HEIGHT OF 11-FEET ABOVE THE TOP OF THE CURB, INCLUDING,

BUT NOT LIMITED TO BUILDINGS. FENCES, WALKS, SIGNS, TREES, SHRUBS, CARS, TRUCK, ETC., IN THE PUBLIC OPEN SPACE EASEMENT AS SHOWN ON THIS PLAT. 12. PRIVATE P.R.V.s WILL BE REQUIRED; WATER PRESSURE EXCEEDS 80 P.S.I..

13. COVENANTS OR RESTRICTIONS ARE UNALTERED. THIS REPLAT DOES NOT VACATE THE

PREVIOUS "PLAT OF RECORD" GOVERNING THE REMAINDER OF THE SUBDIVISION, NOR DOES IT AMEND OR REMOVE ANY DEED COVENANTS OR RESTRICTIONS.

THIS PLAT RECORDED IN DOCUMENT NO.

#### DATE:

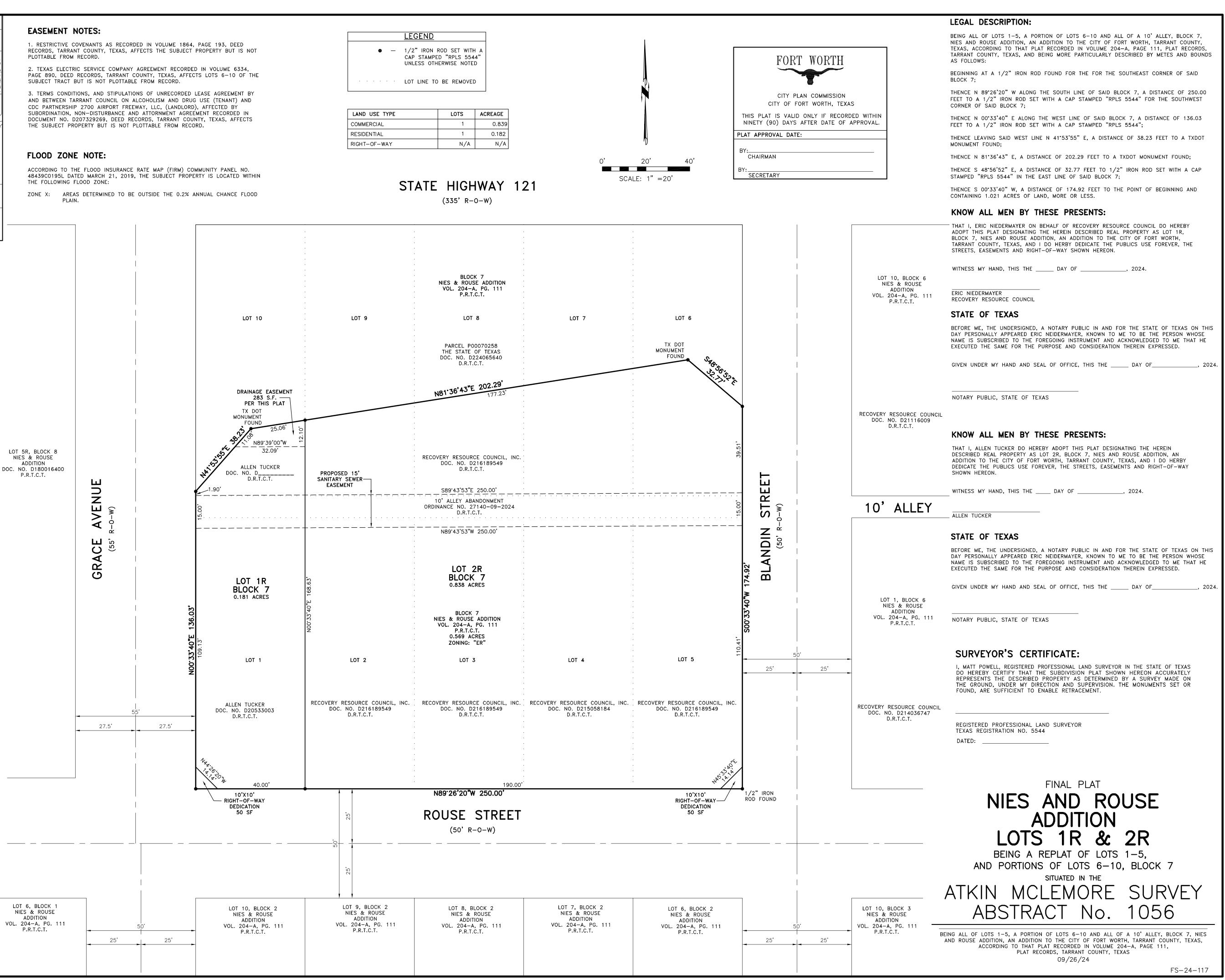
#### OWNER/DEVELOPER RECOVERY RESOURCE COUNCIL 2700 AIRPORT FREEWAY,

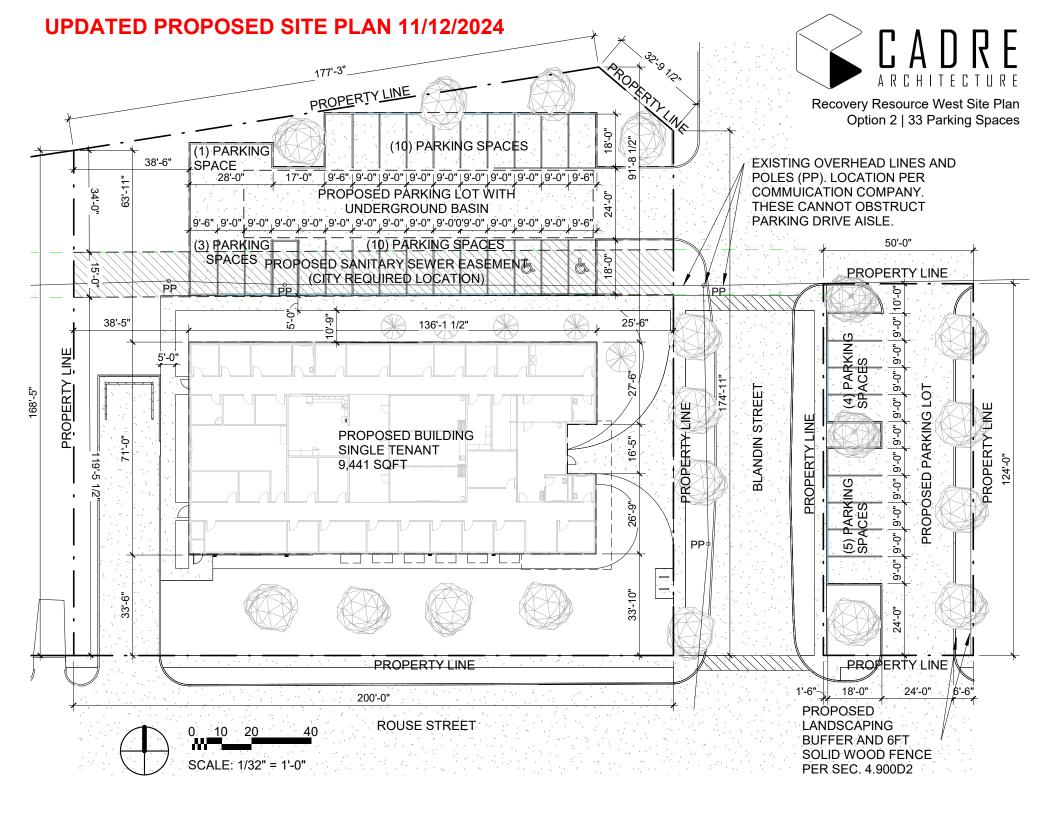
FORT WORTH, TX, 76111 MARGIE L. HATCHER 817-332-6329



THE FOLLOWING FLOOD ZONE:

PLAIN.







# BOARD OF ADJUSTMENT – COMMERCIAL, 11/20/2024 INFORMATION REPORT

BAC-24-034

Address:1000 block of Eagle ParkwayOwner:Northwest ISD by Perkins&WillsZoning:"E" Neighborhood Commercial District

a. Variance: Allow football seating taller than allowed.

Maximum height allowed: 37 feet Requested height: 40 feet

b. Variance: Allow stadium lights taller than allowed.

Maximum height allowed: 67 feet Requested height: 120 feet

# **GENERAL INFORMATION**

#### **REGULATION:**

# 3.403 Board of Adjustment Action

In taking action on an application for a variance, the board of adjustment shall grant the application only when the board determines that:

- A. Literal enforcement of the regulations in this zoning ordinance will create an unnecessary hardship or practical difficulty in the development of the affected property;
- B. The situation causing the hardship or difficulty is unique to the affected property;
- C. The situation or hardship is not self- imposed;
- D. The relief sought will not injure the existing or permitted use of adjacent conforming property; and
- E. The granting of a variance will be in harmony with the spirit and purposes of this zoning ordinance.

# 4.901 Neighborhood Commercial ("E") District

C. Property Development Standards

Height: 3 stories or 45 feet maximum.

# 6.100 Height

A. Except for multifamily developments subject to the unified residential development provisions of § <u>6.506</u>, the height of a building in the "A" through "F" districts may be increased when the front, side and rear yard dimensions are each increased above the minimum requirements by one foot for each foot such building exceeds the height limit of the district in which it is located.

**LOT HISTORY:** Planning & Development Services Department building permit PB14-09559, new football bleacher & grandstand, finaled 8/20/2015.

# PLAN DESIGNATION: Institutional

COMPREHENSIVE

REGISTERED	The following registered associations were sent early notification: Trinity
NEIGHBORHOOD	Habitat for Humanity, Streams and Valleys, Inc., Northwest ISD, The Parks at
NOTIFICATION:	Willow Ridge HOA, and Van Zandt Farms HOA.



# BOARD OF ADJUSTMENT – COMMERCIAL, 11/20/2024 INFORMATION REPORT

# EXISTING CONDITIONS:

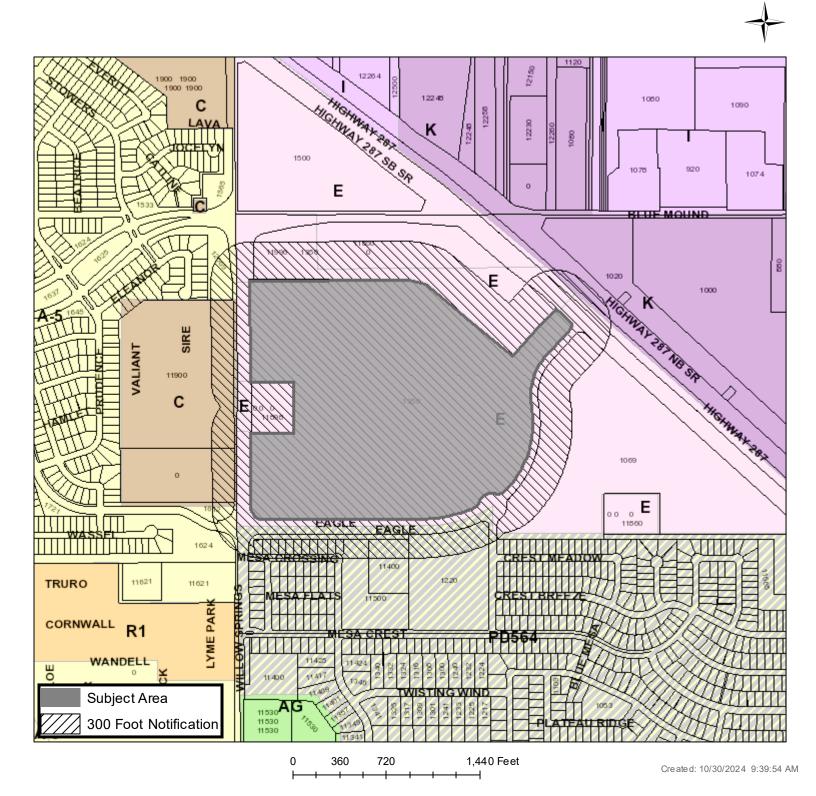
The subject property is a high school campus with a football stadium and other athletic fields in the midst of a mostly developed neighborhood. The football stadium is on the eastern side of the campus on Eagle Boulevard, between US Highway 287 and Willow Springs Road. The site is irregularly-shaped, generally flat, and without noted floodplains or significant tree canopy. While the school and residential neighborhoods surrounding the school are developed, vacant commercially zoned land is noted to the north and west of the school. The high school campus is nearly completely built-out, except for vacant strips on the edges of the lot.

In 2014, the current football stadium and lighting was approved and constructed at least 150 feet away from Eagle Boulevard. The applicants are proposing to reconstruct the football stadium into a larger venue, replacing all the structures and lighting slightly to the southeast. The site plan shows the proposed western pressbox and lighting to be approximately 500 feet from the closest property lines. The zoning ordinance allows the 71-foot pressbox and 110-foot lights on the western side by right, as they are more than 110 feet from all property lines. Variance requests have submitted to increase the eastern stadium seating and light heights from the 45 feet allowed by right to 40 feet and 120 feet, respectively. The distance from the eastern seating and the property line is approximately 37 feet, while the light poles on either end of the seating are 67 feet and 85 feet from the closest property line, due to the curve of Eagle Boulevard.



BAC-24-034

Applicant:Northwest ISD by Perkins& WillsMapsco:19GCommission Date:11/20/2024





# BAC-24-034

# **Aerial Photo Map**



# BAC-24-034 1000 block of Eagle Parkway



# APPLICATION TO THE ZONING BOARD OF ADJUSTMENT CITY OF FORT WORTH, TEXAS



Marque con una "X" si necesita que la Ciudad le proporcione un INTERPRETE durante la Audiencia Publica.							
PLEASE PROVIDE A DETAILED SITE PLAN							
Address of Premises aff Lot/Tract: Legal Description: Addit	ected:Block/Ab Block/Ab ion/Survey:	ostract:	Lot Size:				
Address: City:	Sta	ate:	Zip:				
Applicant's Name:							
City: Tele: (	Sta	ate: -Mail	Zip:				
<b>Provide a description of the existing/proposed project, with structure type/use, dimensions, height, and materials:</b> The proposed project scope of work includes a new 7,500 seat football/track stadium. The structures include a field house for athletes/coaches, concourse buildings (concessions, restrooms, ticketing, and storage), film deck, bleacher seating for home/visitor sides, field lighting and a press box. The tallest structure is the field lighting poles with the tallest at 120' on the visitor side along Eagle Blvd. The building materials include brick masonry, aluminum composite metal (ACM) panels, and glass curtain wall.							
Additional documentation	on may be supplied to sup	oport your case If phot	os are supplied, please	e label each picture.			
Status of Project: Status of Property:	Existing Owner Occupied	Under Constru	iction I Pro	oposed on-owner Occupied			
Previous Board of Adjustment Case filed on this property:       Yes       No         Date       Case Number(s)							
Is the purpose of this re	Is the purpose of this request to provide reasonable accommodation for a person(s) with disabilities?						
If Yes, the application will be directed to the Planning and Development Director or Zoning administrator for review pursuant to Ordinance No. 22098-03-2016, "Reasonable Accommodation or Modification for Residential Uses." Applications under a Reasonable Accommodation Ordinance review will not be heard by the Board of Adjustment. Please see Ordinance No. 22098-03-2016 (Chapter 17, Division V) for more information.							
	nd a copy of this applicatior <sup>-</sup> Home Owners Associat						
Have you informed your Home Owners Association YES NO or Neighbors YES NO of the request? To watch the Hearings: <u>http://www.fortworthtexas.gov/</u> , click on "Watch online Now" & "Board of Adjustment video".							
STAFF USE ONLY: Zoning         Owner Occupied Variance (One and Two Family Homes) for Section         Special Exception for Section							
DATE RECEIVED:	FEE AMOUNT PAID :	# OF REQUESTS:	RECEIVED BY:	CASE NO.			

# <u>Variance Request Proposal Only</u> Please explain in your own words, how the request meets each of the hardship criterion listed below.

1. The variance is not a self-created hardship.

The current track and football field is inadequate to meet the needs of V.R. Eaton High School. The construction of a new stadium at V.R. Eaton High School is necessary to meet the district's athletic needs in an effort to provide equity between all the high school students in Northwest ISD. The new stadium press box structure and lighting poles exceeds the 45' maximum height allowable for Zoning District E Neighborhood Commercial.

2. The property where the variance is being sought has unique circumstances existing on the property, such as area, shape, or slope; that the unique circumstances were not created by the property owner; that the request is not merely financial or for convenience; and that the circumstance is not due to the general conditions of the zoning district of the property.

The new stadium structures are located in the most viable location on the existing V.R. Eaton High School site constrained by existing buildings, roadways, and setbacks. Regardless of the stadium location/orientation, the press box structure and field lighting pole heights above grade would be consistent. The height of the press box structure and field lighting poles is driven by the required seating capacity, sight lines, and minimum illumination levels.

3. The variance would be in harmony with the intent and purpose of the comprehensive plan and the specific chapter of the zoning ordinance.

The new stadium will be a replacement for the existing track and football field with grandstand seating. It will meet all of the requirements for maximum number of stories, setbacks, and minimum parking requirements.

4. The variance will not adversely affect the health, safety, or welfare of the public.

The height of the press box structure at 70'-6" tall and field lighting poles at 120' tall would not adversely affect the health, safety, or welfare public. The structure design and program functions will meet all applicable codes and ADA requirements.

5. The variance will not substantially or permanently injure the appropriate use of adjacent property in the same district.

Since the new stadium location will overlap the existing track/field footprint and will continue to be adjacent to V.R. Eaton High School and across from Leo Adams Middle School with identical zoning and use, there is no adverse impact on these properties.

# Acknowledgement

I certify that the information provided is true and correct to the best of my knowledge and belief, and that I, or my authorized representative, will present this case in a public hearing before the Zoning Board of Adjustment, unless I withdraw the request prior to the public notice. Should I initiate withdrawal after public notice is given, the filing fee will be non-refundable. Also, no new application may be filed for hearing within 24 months of a Board denial, unless the denial is without prejudice or substantial changes have occurred which warrant a Board waiver of the 24-month mandatory re-application delay period. **ANY REQUIRED PERMITS MUST BE OBTAINED WITHIN 180 DAYS**.

(All applications submitted via email must be signed using a digital ID or certificate.)

**Signed** by the Owner / Applicant or Agent (Circle appropriate entity)

Signature:

Justin Dowhower Digitally signed by Justin Dowhower Div: C=US, E=justin.dowhower@perkinswill.com, O=Perkins&Will, C=Justin Dowhower Date: 2024.10.22 02:39:05-05'00'

Date \_\_\_\_

# <u>Variance Request Proposal Only</u> Please explain in your own words, how the request meets each of the hardship criterion listed below.

1. The variance is not a self-created hardship.

The current track and football field is inadequate to meet the needs of V.R. Eaton High School. The construction of a new stadium at V.R. Eaton High School is necessary to meet the district's athletic needs in an effort to provide equity between all the high school students in Northwest ISD. The new stadium press box structure and lighting poles exceeds the 45' maximum height allowable for Zoning District E Neighborhood Commercial.

2. The property where the variance is being sought has unique circumstances existing on the property, such as area, shape, or slope; that the unique circumstances were not created by the property owner; that the request is not merely financial or for convenience; and that the circumstance is not due to the general conditions of the zoning district of the property.

The new stadium structures are located in the most viable location on the existing V.R. Eaton High School site constrained by existing buildings, roadways, and setbacks. Regardless of the stadium location/orientation, the press box structure and field lighting pole heights above grade would be consistent. The height of the press box structure and field lighting poles is driven by the required seating capacity, sight lines, and minimum illumination levels.

3. The variance would be in harmony with the intent and purpose of the comprehensive plan and the specific chapter of the zoning ordinance.

The new stadium will be a replacement for the existing track and football field with grandstand seating. It will meet all of the requirements for maximum number of stories, setbacks, and minimum parking requirements.

4. The variance will not adversely affect the health, safety, or welfare of the public.

The height of the press box structure at 70'-6" tall and field lighting poles at 120' tall would not adversely affect the health, safety, or welfare public. The structure design and program functions will meet all applicable codes and ADA requirements.

5. The variance will not substantially or permanently injure the appropriate use of adjacent property in the same district.

Since the new stadium location will overlap the existing track/field footprint and will continue to be adjacent to V.R. Eaton High School and across from Leo Adams Middle School with identical zoning and use, there is no adverse impact on these properties.

# Acknowledgement

I certify that the information provided is true and correct to the best of my knowledge and belief, and that I, or my authorized representative, will present this case in a public hearing before the Zoning Board of Adjustment, unless I withdraw the request prior to the public notice. Should I initiate withdrawal after public notice is given, the filing fee will be non-refundable. Also, no new application may be filed for hearing within 24 months of a Board denial, unless the denial is without prejudice or substantial changes have occurred which warrant a Board waiver of the 24-month mandatory re-application delay period. **ANY REQUIRED PERMITS MUST BE OBTAINED WITHIN 180 DAYS**.

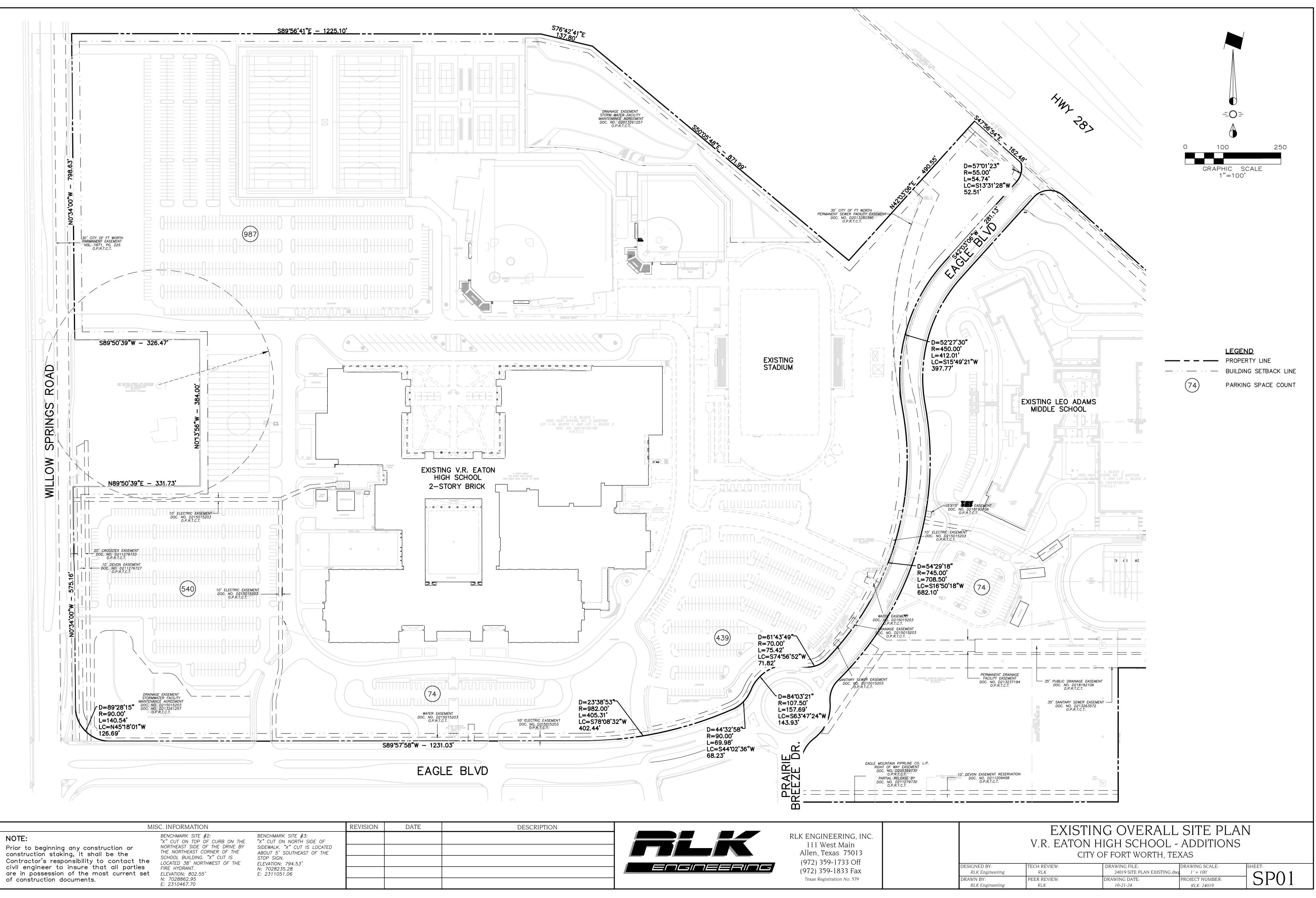
(All applications submitted via email must be signed using a digital ID or certificate.)

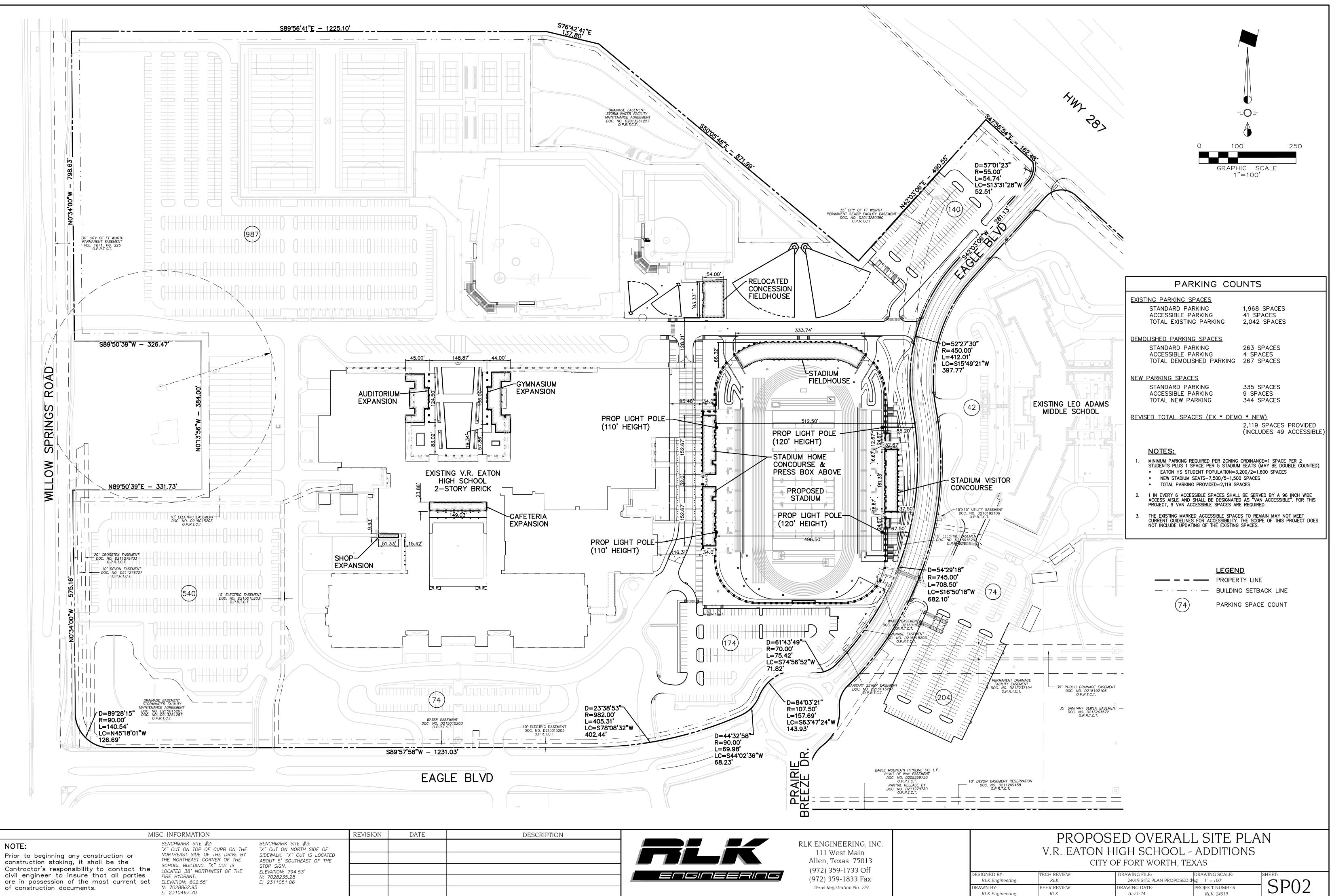
**Signed** by the Owner / Applicant or Agent (Circle appropriate entity)

Signature:

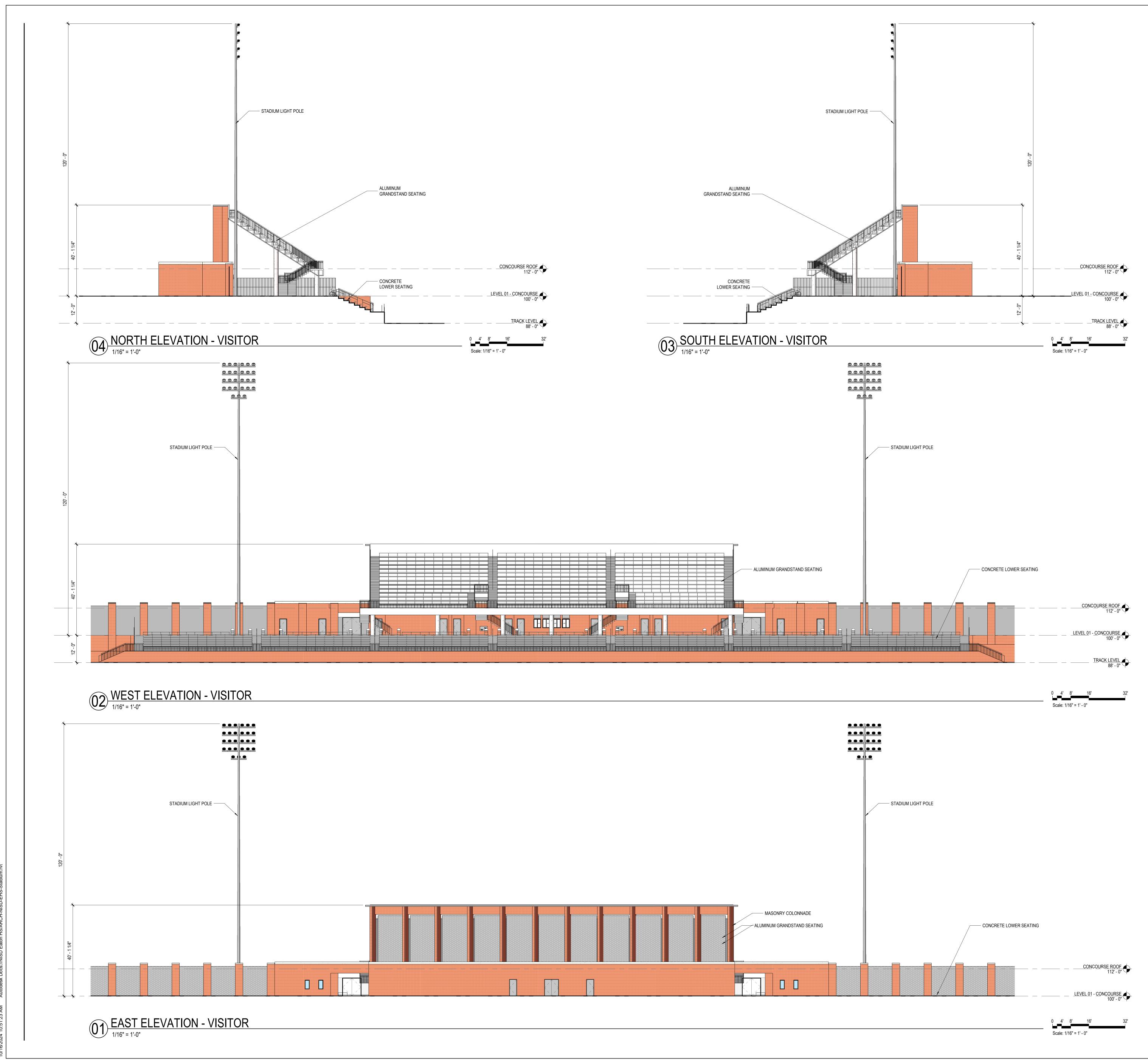
Justin Dowhower Digitally signed by Justin Dowhower Div: C=US, E=justin.dowhower@perkinswill.com, O=Perkins&Will, C=Justin Dowhower Date: 2024.10.22 02:39:05-05'00'

Date \_\_\_\_

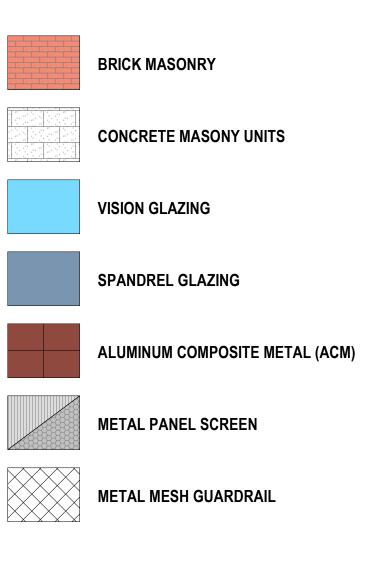


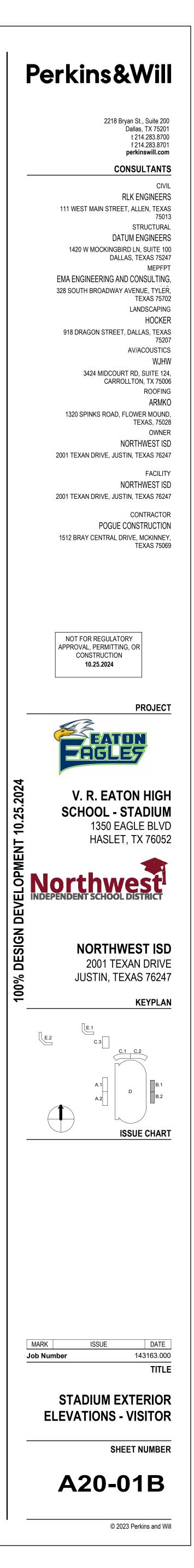


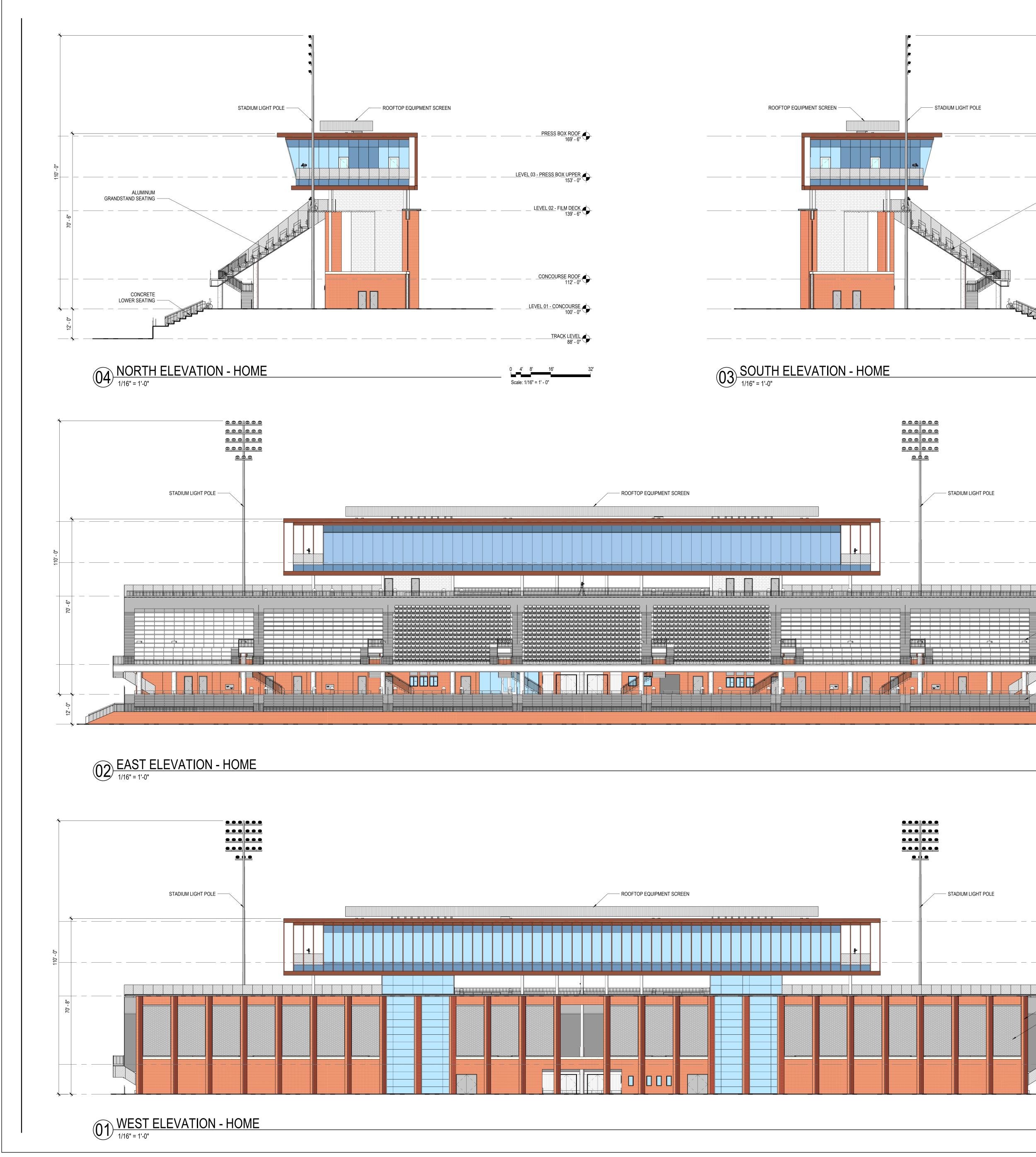
are in possession of the most current set of construction documents.



# **EXTERIOR MATERIALS**







0	4'	8'	16'	
S	Scale: 1	/16" = '	1' - 0"	

32'

LEVEL 01 - CONCOURSE 100' - 0"

PRES<u>S</u>BO<u>X ROOF</u> 169' - 6"

CONCOURSE ROOF 112' - 0"

METAL SCREEN INFILL

- MASONRY COLONNADE

\_\_\_\_\_ STADIUM LIGHT POLE

\_ \_\_\_\_ \_ \_ \_\_\_ \_ \_ \_\_\_

- ALUMINUM GRANDSTAND SEATING

0 4' 8' Scale: 1/16" = 1' - 0"

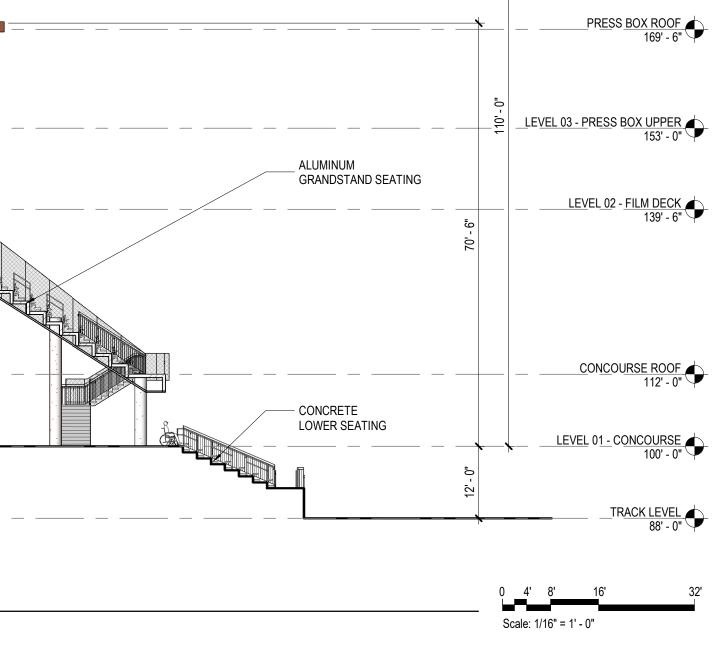
\_ T<u>RACK LEVEL</u> 88' - 0"

LEVEL 01 - CONCOURSE 100' - 0"

CONCOURSE ROOF 112' - 0"

\_\_\_\_ L<u>EVEL 03 - PRESS BOX UPPER</u> 153' - 0" LEVEL 02 - FILM DECK 139' - 6"

PRES<u>S</u>BOX ROOF 169' - 6"



# **BRICK MASONRY** CONCRETE MASONY UNITS **VISION GLAZING** SPANDREL GLAZING METAL PANEL SCREEN METAL MESH GUARDRAIL

# **EXTERIOR MATERIALS**

ALUMINUM COMPOSITE METAL (ACM)

TR<u>ACK LEVEL</u> 88' - 0"

