

CITY COUNCIL AGENDA ITEM

MEETING DATE	<u>April 19, 2005</u>	Item Number
INITIATING DEPT.	<u>Administration</u>	Work Session _____
REPRESENTATIVE	<u>Lyle H. Dresher, City Manager</u>	Consent _____
		Old Business _____
		New Business <u>2</u>
		Executive Session _____
		Other _____

ITEM DESCRIPTION (exact wording to appear on agenda):

PUBLIC HEARING: Consider an ordinance approving a zoning change for Northwood Church from MF (Multi-Family) to R (Retail), for 33.314 acres, being a portion of a 45.423-acre lot, located on the north side of North Tarrant Parkway approximately 800 feet west of Rufe Snow Drive, at 1870 Rufe Snow Drive, being Lot 1, Block 1, A Church of the Communities. Northwood Church, owner/applicant. (Z-05-0003)

STAFF RECOMMENDATION:

Staff forwards this zoning change request for Council's consideration. Please refer to the attachments.

*Approved
Ord. #1258
5-0 J. Stephens
4-19-05*

BOARD/COMMITTEE RECOMMENDATION:

The Planning and Zoning Commission held a public hearing and considered this zoning change request during their meeting on March 28, 2005 and recommended unanimous approval by a vote of 5 to 0 as submitted. (Absent Cox and Baron)

FISCAL IMPACT:

Fund _____

Original Estimate/Budget _____

Current Estimate _____

Amount under or (over) _____

PURCHASING IMPACT:

- ☐ Awarded to Low Bidder
- ☐ Awarded to Sole Source or Non-Low Bidder (analysis attached)



**DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT**

April 11, 2005

TO: Lyle Dresher, City Manager
FROM: Nika Z. Reinecke, Director of Community Development
SUBJECT: PUBLIC HEARING – Northwood Church Zoning Change

Property Location: On the north side of North Tarrant Parkway approximately 800 feet west of Rufe Snow Drive.

Property Owners: Northwood Church

Applicant/Developer: Northwood Church

Current Zoning: MF (Multi-Family)

Requested Zoning: R (Retail)

Future Land Use Plan: The Future Land Use Plan designates this site to be developed as single-family high density residential uses

Existing Roadway Access: North Tarrant Parkway, a 2-lane arterial road

Proposed Roadway Access: North Tarrant Parkway, a 2-lane arterial road

Thoroughfare Plan Classification: North Tarrant Parkway, a 6-lane arterial road

Surrounding Zoning and Land Uses: North: Chase Oaks subdivision zoned SF-8.4 (Single Family Residential-8,400 square foot lots).
East: Northwood Church property zoned R.
South: Lowe's Home Improvement store zoned PD-R and a vacant parcel zoned MF.
West: Single-family residences and multiple church properties zoned SF-LD (Single Family Residential-Low Density-36,000 square foot lots).

ANALYSIS:

The applicant is requesting a zoning change for 33.314 acres of land zoned MF (Multi-Family) to R (Retail). The remaining 12.109 acres located on the eastern portion of this property is currently zoned R (Retail). Existing church buildings are located on the boundary between the current MF and R zoning districts. The undeveloped portions of this property will be developed as church-related facilities in the future.

RECOMMENDATION:

The Planning and Zoning Commission considered this zoning change request on March 28, 2005 and recommended unanimous (5-0, Cox and Baron absent) approval as submitted.

Staff forwards this zoning change request for your consideration.

E. New Business (continued)

Mr. Larry Cole, developer, made a presentation regarding the proposal and was available to answer questions. Chairman Roberts opened the public hearing. The following people had questions regarding access to the property to the east, drainage issues, and fencing: Richard Davidovid, 604 E. 4th St., Suite 201, Ft. Worth; Colleen Page, 200 Windcrest Drive, Keller; and Tom Edens, 129 Gloria Street, Keller. Mr. Brown motioned to close the public hearing. Mr. Cole addressed issues raised during the public hearing. Mr. Welch seconded and the motion carried unanimously (5-0). Mr. Welch motioned to recommend approval of the zoning change request (Z-05-0001) for Silver Lake as submitted. Mr. Thomas seconded and the motion carried unanimously (5-0).

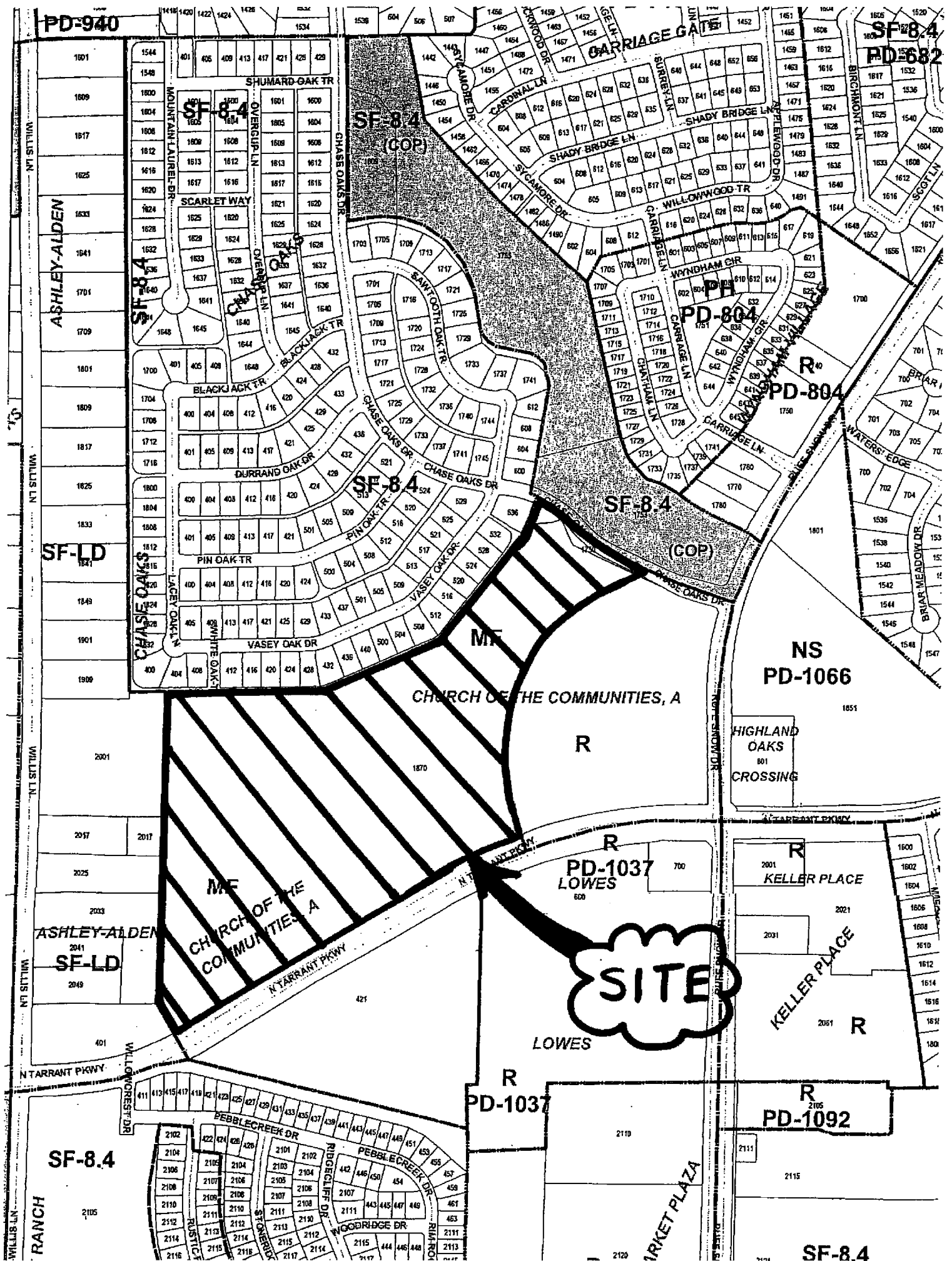
5. Public Hearing: Consider a recommendation of a zoning change from MF (Multi-Family) to R (Retail) for 33.314 acres, being a portion of a 45.423-acre tract of land legally described as Lot 1, Block 1, A Church for the Communities, located on the north side of North Tarrant Parkway, approximately 800 feet west of Rufe Snow Drive, at 1870 Rufe Snow Drive. Northwood Church, owner/applicant. (Case #Z-05-0003)

Mr. Mark Kimmel, Northwood Church, made a presentation regarding the proposal and was available to answer questions. Chairman Roberts opened the public hearing. No public comment was received. Mr. Welch motioned to close the public hearing. Mr. Thomas seconded and the motion carried unanimously (5-0). Mr. Norville motioned to recommend approval of the zoning change request (Z-05-0003) as submitted. Mr. Welch seconded and the motion carried unanimously (5-0).

6. Public Hearing: Consider a recommendation of a Specific Use Permit for a 4,408 square-foot accessory building to be used as a barn to be constructed, located on a 16.876-acre tract of land at the western terminus of Timber Ridge Lane approximately 800 feet west of Pearson Lane, at 1655 Timber Ridge Lane, being four tracts of land out of the G. B. Hendricks Survey, Abstract #680 and five tracts of land out of the Jesse Gibson Survey, Abstract #592, and zoned SF-LD (Single-Family Residential-Low Density-36,000 square-foot lots). Kenny and Becky Rogers, owners. Castlegate Homes, applicant. (Case #SUP-05-0007)

Mr. Paul Kramer, Castlegate Homes, applicant, made a presentation regarding the proposal and was available to answer questions. Chairman Roberts opened the public hearing. No public comment was received. Mr. Thomas motioned to close the public hearing. Mr. Welch seconded and the motion carried unanimously (5-0). Mr. Brown motioned to recommend approval of the Specific Use Permit (SUP-05-0007) with the following conditions:

1. The applicant shall obtain a building permit within six (6) months of the approval of the Specific Use Permit.
2. The average height of 23 feet shall be allowed.



**NorthWood Church
Zoning Change Proposal**

NorthWood Church is making application with the City of Keller for a zoning change on our property. One third of our land is currently zoned Retail and two thirds of our land is zoned Multi-Family. For the purposes of convenience, NorthWood Church is requesting that our zoning be changed to Retail. The church intends to use all of our property for future church related facilities. We appreciate the City of Keller taking this into consideration.

EXHIBIT "A"

RECEIVED

MAR 01 2005

March 28, 2005

Mr. Demetrius T. Waycoff
Planner I
City of Keller
Community Development
PO Box 770
Keller, Texas 76244
SENT VIA Fax: 817-743-4195

RE: Case #Z-05-0003

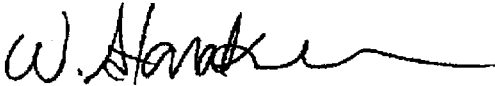
Dear Mr. Waycoff and Planning and Zoning Commissioners:

This letter is sent to provide a response to the request for a zoning change from MF to R for 30 acres located on the NWC of Rufe Snow and N. Tarrant Blvd. by Northwood Church. It is my understanding that Northwood wishes to have the zoning changed to retail. Obviously, a church use does not require a change in zoning. And Northwood claims that they intend to use the land for future church purposes.

The immediate area around N. Tarrant and Rufe Snow is experiencing a soft market at the present. The Kroger center on the SEC has seen some new vacancy and a building permit has been issued for a center east of the CVS Pharmacy located on the NEC of N. Tarrant and Rufe Snow. A request for a variance from the PD around the CVS to allow more retail is under planning at this time. It is my understanding that the pads in front of Lowe's are being considered for retail use also. In summary, there is a lot of potential new retail space being constructed, planned and considered at this intersection.

I urge the staff and Commissioners to think carefully about Northwood's request. The very fact that Northwood plainly states that they do not intend to use the land for purposes other than church related makes me believe that this request should be turned down. I appreciate your caution in this matter until the real reason for the request is disclosed.

Sincerely,



William E. Stonaker, CCIM, SEC
Manager

WILSON & STONAKER, L.L.C.
PO BOX 93898 SOUTHLAKE, TEXAS 76092
817-329-2929; Fax: 817-329-2986
WES@Wilson-Stonaker.com

RECEIVED

MAR 28 2005

ORDINANCE NO. 1258

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF KELLER, TEXAS, BY AMENDING THE ZONING MAP AND CHANGING THE ZONING FOR NORTHWOOD CHURCH FROM MF (MULTI-FAMILY) TO R (RETAIL), FOR 33.314 ACRES, BEING A PORTION OF A 45.423-ACRE LOT, LOCATED ON THE NORTH SIDE OF NORTH TARRANT PARKWAY APPROXIMATELY 800 FEET WEST OF RUFE SNOW DRIVE, AT 1870 RUFE SNOW DRIVE, BEING LOT 1, BLOCK 1, A CHURCH OF THE COMMUNITIES, IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Northwood Church, owner/applicant, has submitted a zoning change request (Z-05-0003), which has been reviewed by the City Staff; and

WHEREAS, notice of a public hearing before the Planning and Zoning Commission was sent to real property owners within two hundred feet (200') of the property herein described at least ten (10) days before such hearing; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Keller at least fifteen (15) days before such hearing; and

WHEREAS, public hearings to change the zoning on the property herein described were held before the Planning and Zoning Commission and the City Council, and the Planning and Zoning Commission has heretofore made a recommendation to approve the zoning change request as submitted; and

WHEREAS, the City Council is of the opinion that the zoning change herein effectuated furthers the purpose of zoning as set forth in the Unified Development Code and is in the best interest of the citizens of the City of Keller.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS:

1 Section 1: THAT, the above findings are hereby found to
2 be true and correct and are incorporated
3 herein in their entirety.

4 Section 2: THAT, the Unified Development Code of the
5 City of Keller, Texas and the accompanying
6 Zoning Map, are hereby amended by changing
7 the zoning for Northwood Church from MF
8 (Multi-Family) to R (Retail), for 33.314
9 acres, being a portion of a 45.423-acre lot,
10 located on the north side of North Tarrant
11 Parkway approximately 800 feet west of Rufe
12 Snow Drive, at 1870 Rufe Snow Drive, being
13 Lot 1, Block 1, A Church of the Communities,
14 in the City of Keller, Tarrant County, Texas,
15 is hereby approved, with the proposal
16 attached hereto as Exhibit "A", and
17 incorporated herein, as if fully set forth,
18 as submitted.

19 Section 3: THAT, any person, firm or corporation
20 violating any of the provisions of this
21 Ordinance, as read together with the Unified
22 Development Code and accompanying map
23 thereto, shall be guilty of a misdemeanor and
24 upon final conviction therefore shall be
25 fined in a sum not to exceed Two Thousand
26 Dollars (\$2,000.00). Each and every day such
27 violation continues shall constitute a
28 separate offense and shall be punishable as
such hereunder.

Section 4: THAT, the City Secretary is hereby authorized
and directed to cause publication of the
descriptive caption and penalty clause hereof
as an alternative method of publication
provided by law.

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AND IT IS SO ORDAINED.

Passed and approved by a vote of 5 to 0 on this the 19th day of April, 2005.

CITY OF KELLER, TEXAS

BY: Julie A. Tandy
Julie A. Tandy, Mayor

ATTEST:

Sheila Stephens
Sheila Stephens, City Secretary

Approved as to Form and Legality:

Stanton Lowry
Stanton Lowry, City Attorney