



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
August 2, 2011

Council District 2

Zoning Commission Recommendation:

Majority of the Council initiated zoning approved by a vote of 9-0; this site approved for "UR"

Opposition: None

Continued	Yes <u>X</u>	No ___
Case Manager	Beth Knight	
Surplus	Yes ___	No <u>X</u>
Council Initiated	Yes <u>X</u>	No ___

Owner / Applicant: City of Fort Worth Planning & Development Department, Northside Neighborhood, Phase 3

Site Location: 2423 Clinton Avenue Mapsco: 62F

Proposed Use: Drive-Through Convenience Store

Request: From: "F" General Commercial
To: "E" Neighborhood Commercial

Land Use Compatibility: Requested change is not compatible.

Comprehensive Plan Consistency: Requested change is not consistent.

Background:

The subject property was part of a council-initiated zoning change request to align the zoning with existing and future land uses. The majority of the zoning case was approved by the City Council on February 8, 2011. The property at 2423 Clinton Avenue has been continued for several months for renotification as "E" Neighborhood Commercial, further consideration of the intentions for the property, and discussions with the neighborhood association.

The site at 2423 Clinton Avenue has been vacant for at least a decade, as shown on aerials dating from early 2001. On December 1, 2010, a building permit was submitted for a two-story 10,000 square-foot building containing multiple uses, including offices and a drive-through convenience store/beer barn, on this 7,600 square-foot lot. The site plans most recently submitted to staff now reflect a 2,375 square foot building. A parking variance may be required, as the parking space calculations appear to be rounded down. The first zoning district allowing drive-through businesses or alcohol sales is "E" Neighborhood Commercial. A drive-through facility is required to have all stacking spaces on-site, instead of cars waiting in the street. Due to site plan and building code issues, this building permit is currently on hold.

Site Information:

Owner's Agent / Consultant: City of Fort Worth Planning & Development Dept.
1000 Throckmorton Street
Fort Worth, TX 76102

Acreage: 0.17 ac.
Comprehensive Plan Sector: Northside

Surrounding Zoning and Land Uses:

North E / Commercial uses and vacant land
East MU-1 / Stockyards entertainment district
South UR / Single family and multifamily
West A-5 and UR / Single family and vacant land

Public Notification:

The following Neighborhood Associations were notified:

Northside NA	Near Northside Partners Council
Diamond Hill-Jarvis NA	North Fort Worth Historical Society
Far Greater Northside Historical NA	Streams & Valleys, Inc.
La Nueva Northside NA	Fort Worth ISD
Marine Park NA	

Recent Relevant Zoning and Platting History:

Zoning History: ZC-04-096, north of rezoning area, from F to A-5, approved;
ZC-08-100, north of rezoning area, from I to A-5, approved;
ZC-08-130, north of rezoning area, surplus property, from I to A-5, approved;
ZC-11-006, surrounding rezoning area, Council-initiated from various districts to be in conformance with the Comprehensive Plan, approved.

Platting History: None.

Development Impact Analysis:

1. **Land Use Compatibility**

While commercial uses are found north and east of this site, the land uses on the block surrounding the subject site are single family. The west side of the 2400 block Clinton Avenue has six single family homes, one duplex, and a 16-unit apartment complex. This side of the block is designated as single family for future land uses, and the eastern side is part of the Stockyards Mixed-Use Growth Center. As part of the Northside Council-initiated rezoning effort, this site and the remainder of its block face was proposed for "UR" Urban Residential.

In a review of the site as a potential commercial use, "ER" Neighborhood Commercial Restricted zoning is designed to provide a transition zone between residential neighborhoods and higher density commercial areas. "E" Neighborhood Commercial districts allow 24-hour uses, large buildings, and drive-through facilities.

Based on the intrusion into an existing residential area, small amount of buildable area, and potential access from a residential street; the uses allowed in "E" Neighborhood Commercial zoning appear to be too intensive for the area. If a commercial use is preferable for this location, "ER" Neighborhood Commercial Restricted is a more appropriate zoning district, since it was designed to be a transitional district between more intensive commercial uses and less intensive residential uses. E zoning **is not compatible** with the neighborhood.

2. **Comprehensive Plan Consistency**

The 2011 Comprehensive Plan designates the subject property as single family. The proposed E zoning is not consistent with the following Comprehensive Plan policies:

- Preserve and protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, speculation, demolition, neglect, and other negative forces. (pg. 37)
- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods. (pg. 38)
- Separate incompatible land uses with buffers or transitional uses. Some land uses have attributes such as height, proportion, scale, operational characteristics, traffic generated, or appearance that may not be compatible with the attributes of other uses. (pg. 38)
- Encourage new development in character with the surrounding neighborhood scale, architecture, and platting pattern of the surrounding neighborhood. (pg. 39)

Based on the conformance with the future land use map and policies stated above, the proposed zoning **is not consistent** with the Comprehensive Plan.

Attachments:

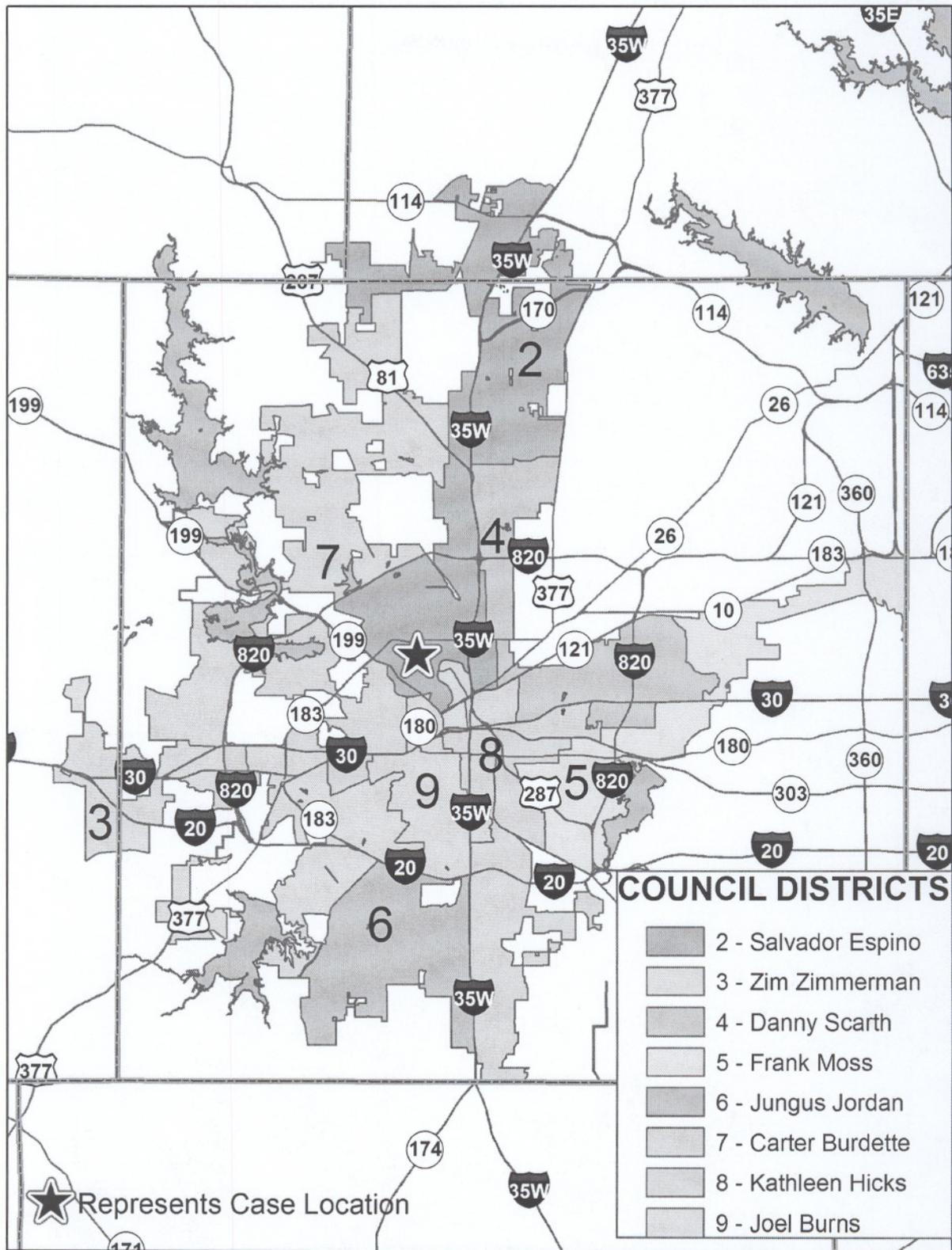
- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Map of Proposed Zoning Districts
- Future Land Use Map
- Aerial Photograph
- Minutes of the January 12, 2011, Zoning Commission meeting
- Minutes from the April 5, May 10, & June 7, 2011 Council meetings

FORT WORTH

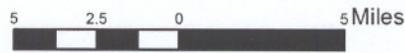


ZC-11-006A

Location Map



★ Represents Case Location





Area Zoning Map

Applicant: City of Fort Worth Planning and Development Northside Phase 3 A
 Address: 2423 Clinton Ave.
 Zoning From: F
 Zoning To: E
 Acres: 0.16
 Mapsco: 62FGKL
 Commission Date: 03/09/2011

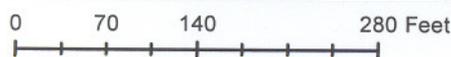
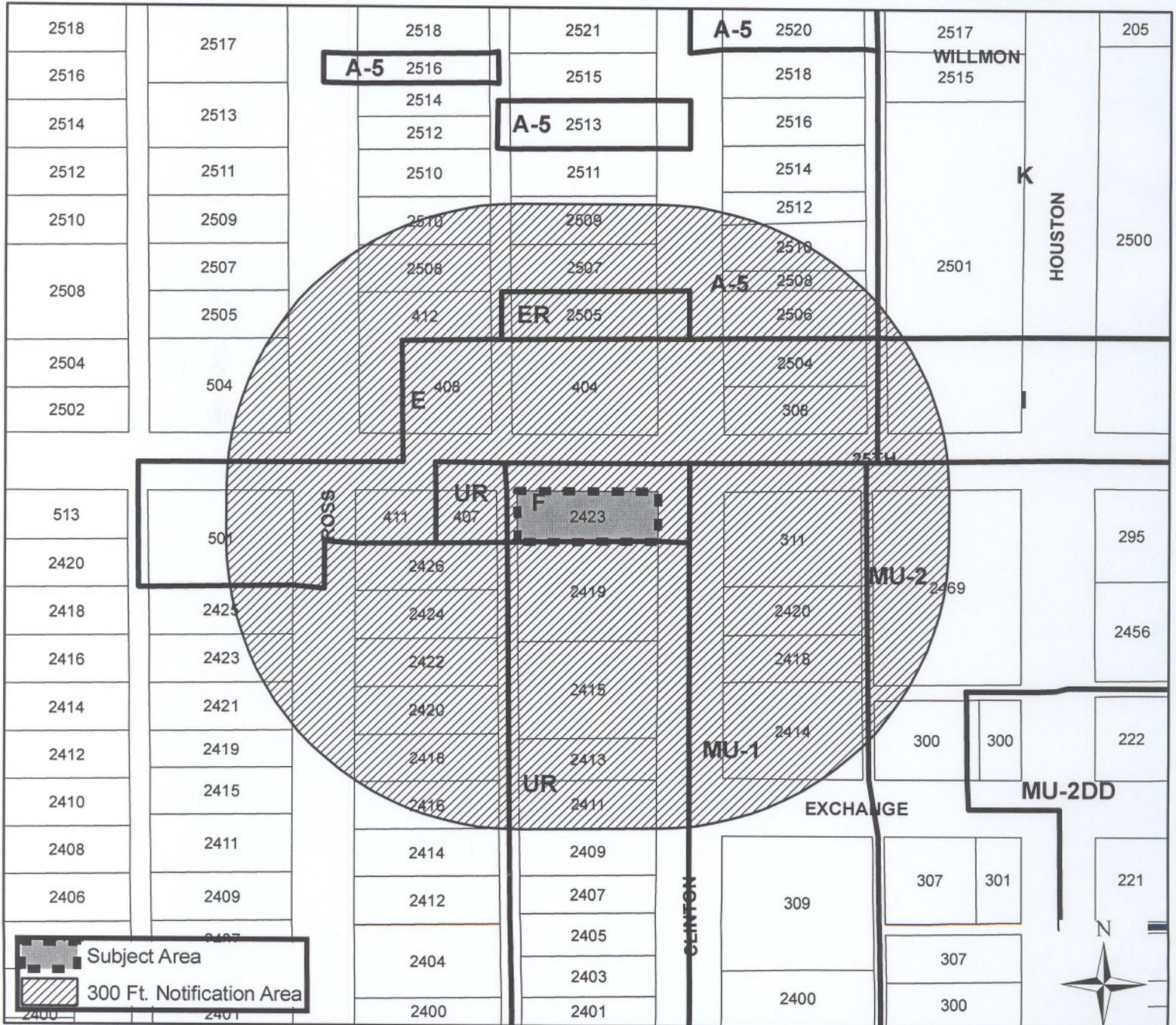
Sector/District: Northside
 Contact: 817-392-8190

You may find a list of included properties at:

<http://www.fortworthgov.org/planninganddevelopment/zoningcommission.aspx>

Click on "Property List" under the case name.

A map of proposed zoning districts is attached.



Future Land Use



- | | | |
|--|--|---|
| <ul style="list-style-type: none"> — TOLLWAY / FREEWAY — PRINCIPAL ARTERIAL — MAJOR ARTERIAL — MINOR ARTERIAL | <p>Future Land Use Category</p> <ul style="list-style-type: none"> ■ Vacant, Undeveloped, Agricultural ■ Lakes and Ponds ■ Rural Residential ■ Suburban Residential ■ Single Family Residential ■ Manufactured Housing ■ Low Density Residential ■ Medium Density Residential ■ High Density Residential ■ Institutional | <ul style="list-style-type: none"> ■ Neighborhood Commercial ■ General Commercial ■ Light Industrial ■ Heavy Industrial ■ Mixed-Use Growth Center ■ Industrial Growth Center ■ Infrastructure ■ 100 Year Flood Plain ■ Public Park, Recreation, Open Space ■ Private Park, Recreation, Open Space |
|--|--|---|



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 219.005.) Land use designations were approved by City Council on February 23, 2011.



Aerial Photo



110 55 0 110 Feet



XVI. ORDINANCE

1. An Ordinance Amending Ordinance No. 19692-05-2011, Ordering a Run-off Election by the Qualified Voters of the City of Fort Worth, Texas, on Saturday, the 18th Day of June, 2011, for the Purpose of Electing the Mayor and a Council Member for City Council District 7 to Add an Election Day Polling Location.

Interim City Manager Tom Higgins read the following revision to the second paragraph of the Election Ordinance into the record:

Whereas, no candidate received a majority of the total number of votes in the Mayor and Council District 7 contests, necessitating a run-off election for each of these races.

Motion: Council Member Hicks made a motion, seconded by Council Member Zimmerman, that Ordinance No. 19724-06-2011 be adopted as amended. The motion carried unanimously nine (9) ayes to zero (0) nays.

XVII. ZONING HEARING

Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

1. Zoning Docket No. ZC-11-006A - City of Fort Worth Planning & Development, Northside Neighborhood Phase 3, 2423 Clinton Avenue; from: "F" General Commercial to: "E" Neighborhood Commercial. (Recommended for Approval) (Continued from a Previous Meeting)

This item was continued from the May 10, 2011, Council meeting.

Motion: Council Member Espino made a motion, seconded by Mayor Pro tem Scarth, that Zoning Docket No. ZC-11-006A be continued until the July 12, 2011, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

2. Zoning Docket No. SP-10-008 - Champions Auto Sales Co. 2004-2024 Jacksboro Highway; Site plan amendment to PD-821 to add additional parking for vehicle sales. (Recommended for Denial) (Continued from a Previous Meeting)

This item was continued from the May 10, 2011, Council meeting.

Motion: Council Member Espino made a motion, seconded by Mayor Pro tem Scarth, that Zoning Docket No. SP-10-008 be continued until the July 12, 2011, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

It appeared to the City Council that the Notice of Special Hearing set today as the date for the hearing in connection with recommended changes and amendments to Zoning Ordinance No. 13896 and that notice of the hearing had been given by publication in the Fort Worth Star-Telegram, the official newspaper of the City of Fort Worth, on May 16, 2011.

2. Zoning Docket No. ZC-10-177A - James T. Dorsey, 2837 Lubbock Avenue; from: "C" Medium Density Multifamily to: "PD/UR" Planned Development for all uses in "UR" Urban Residential with development standards; site plan waiver recommended. (Recommended for Approval)

Council Member Burns expressed appreciation to the Frisco Heights and University Place Neighborhoods for their hard work on this project. He stated the neighborhoods had worked for three (3) years with the developers to come to an agreement that would make everyone happy.

Motion: Council Member Burns made a motion, seconded by Mayor Pro tem Scarth, that Zoning Docket No. ZC-10-1775A be approved with appreciation to the Frisco Heights and University Place Neighborhood Associations. The motion carried unanimously nine (9) ayes to zero (0) nays.

3. Zoning Docket No. ZC-11-006A - City of Fort Worth Planning & Development, Northside Neighborhood Phase 3, 2423 Clinton Avenue; from: "F" General Commercial to: "E" Neighborhood Commercial. (Recommended for Approval) (Continued from a Previous Meeting)

It appeared that the City Council at its meeting of March 8, 2011, Continued Zoning Docket ZC-11-006A, City of Fort Worth Planning & Development, 2423 Clinton Avenue; From "F" General Commercial to "UR" Urban Residential.

Motion: Council Member Espino made a motion, seconded by Council Member Hicks, that Zoning Docket No. ZC-11-006A be continued until the May 10, 2011, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

4. Zoning Docket No. ZC-11-006B - City of Fort Worth Planning & Development, Northside Neighborhood Phase 3, Generally bounded by N. Main Street, NW 26th Street, Lincoln Avenue, and NW 20th Street; from: "B" Two-Family, "CF" Community Facilities, "CF/DD" Community Facilities/Demolition Delay, "K" Heavy Industrial, and "PD" Planned Developments 217 and 589 to: "UR" Urban Residential, "CF" Community Facilities, "CF/DD" Community Facilities/Demolition Delay, "MU-1" Low Intensity Mixed Use, and "MU-2" High Intensity Mixed Use. (Recommended for Approval)

Council Member Espino stated this was part of the continued efforts to rezone the Northside neighborhoods and pointed out that this was collaboration between the Northside Neighborhood Association and the businesses in the area.

Motion: Council Member Espino made a motion, seconded by Council Member Hicks, that Zoning Docket No. ZC-11-006B be approved with appreciation to the Northside Neighborhood Association and business entities. The motion carried unanimously nine (9) ayes to zero (0) nays.

3. Zoning Docket No. ZC-11-006A - City of Fort Worth Planning & Development, 2423 Clinton Avenue; from: "F" General Commercial to: "UR" Urban Residential (Recommended for Approval) (Continued from a Previous Meeting)

It appeared that the City Council at its meeting of February 8, 2011, Continued Zoning Docket ZC-11-006A, City of Fort Worth Planning & Development, 2423 Clinton Avenue; From "F" General Commercial to "UR" Urban Residential.

Motion: Council Member Espino made a motion, seconded by Council Member Hicks that Zoning Docket No. ZC-11-006 be continued until the April 5, 2011, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

4. Zoning Docket No. SP-11-001 - Miguel Murillo, 7724 Norman Avenue; Amend PD-649 to increase the size of the rear cabinet shop. (Recommended for Approval)

Mr. Christopher Bonilla, representing the applicant, 8540 Charleston Avenue, completed a speaker card in support of Zoning Docket No. SP-11-001, but did not wish to address the City Council.

Motion: Council Member Zimmerman made a motion, seconded by Council Member Hicks that Zoning Docket No. SP-11-001 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

5. Zoning Docket No. ZC-11-012 - Metroport Cities Fellowship and Transcontinental Realty Investors, Inc., 1101 Old Denton Road & 11501 N. Riverside Drive; from: "C" Medium Density Multifamily and "G" Intensive Commercial to: "PD/D" Planned Development for all uses in "D" High Density Multifamily plus assisted living, with dementia care; site plan included. (Recommended for Approval)

Mr. David Speicher, Applicant, 920 South Main Street, Suite 170, Grapevine, Texas 76051, completed a speaker card in support of Zoning Docket No. ZC-11-012, but did not wish to address the City Council.

Motion: Council Member Espino made a motion, seconded by Council Member Hicks that Zoning Docket No. ZC-11-012 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

6. Zoning Docket No. ZC-11-013 - Hillwood Alliance Residential, 4300 Heritage Trace Parkway and 9700 N. Beach Street; from: "R2" Townhouse/Cluster and "E" Neighborhood Commercial to: "A-5" One-Family. (Recommended for Approval)

Motion: Council Member Espino made a motion, seconded by Council Member Burdette that Zoning Docket No. ZC-11-013 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.