



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
September 25, 2012

Council District 7

Zoning Commission Recommendation:
Approved by a vote of 7-0

Opposition: None

Continued Yes X No ___
Case Manager Beth Knight
Surplus Yes ___ No X
Council Initiated Yes ___ No X

Owner / Applicant: M&H Food Mart

Site Location: 2484 Avondale-Haslet Road

Proposed Use: Retail and commercial uses

Request: From: Unzoned
To: "E" Neighborhood Commercial

Mapsc0: 9A

Land Use Compatibility: Requested change is compatible.
Comprehensive Plan Consistency: Requested change is consistent.

Background:

The subject site is on the north side of Avondale-Haslet Road, immediately adjacent to the current City limits. M&H Food Mart recently completed a small strip retail building and requested zoning with their annexation (AX-11-008), rather than leaving it in the default "AG" Agriculture zoning. The AG zoning would make their building a non-conforming structure. At the May 25, 2011 meeting, the City Plan Commission recommended "E" Neighborhood Commercial zoning for this property.

The property owner requested a continuance to the September 25, 2012 City Council meeting to more closely coincide with the work on the WalMart site proposed for the south side of Avondale-Haslet Road.

Site Information:

Owner: M&H Food Mart
13200 Highway 287
Haslet, TX 76052
Agent: Dunaway and Assoc./ Jeff Davis
Acreage: 3.3 ac.
Comprehensive Plan Sector: Far North

Surrounding Zoning and Land Uses:

North None (ETJ) / Large lot single family
East None (ETJ) / Vacant land
South "G" Intensive Commercial / Vacant land proposed for Wal-Mart development
West None (ETJ) / Convenience store and truck stop

Public Notification:

The following Neighborhood Associations were notified:

No associations are within ¼ mile

Northwest ISD

Recent Relevant Zoning and Platting History:

Zoning History: ZC-04-076A, south of subject, from AG to G, approved; and

ZC-08-121, southeast of site, from A-5 and E to C, E, F, and I, approved for PDs of requested districts.

Platting History: CP-06-005, Vista Crossroads; PP-06-053, Vista Crossroads.

Transportation/Access

<u>Street</u>	<u>Existing Size</u>	<u>Thoroughfare Plan classification</u>	<u>Current Plans/CIP</u>
Avondale-Haslet Rd.	2 lanes undivided	residential street equivalent	proposed minor arterial

Other factors to access: US 287, an existing freeway, is approximately 500 feet west of the site.

Development Impact Analysis:

1. **Land Use Compatibility**

The current city limit line includes only properties on the south side of Avondale-Haslet Road. The applicant has submitted an annexation request for a 3.3-acre parcel along the north right-of-way line of Avondale-Haslet Road. Avondale-Haslet Road is designated as a minor arterial in the Master Thoroughfare Plan. This street is proposed for expansion from its current 2-lane undivided configuration in the near future.

The zoning case site at 2484 Avondale-Haslet Road currently contains a recently constructed non-residential building, with tenant spaces for retail and service uses. To the west facing US 287 is a large convenience store/truck stop and fast-food restaurants, and another restaurant chain owns the property to the east. A Wal-Mart Super Center is proposed immediately south of the subject site. Large lot single family residences are noted north of Avondale-Haslet, which have access only from residential streets. The subject site and the adjacent parcel to the east form a limited buffer between the proposed intensive retail to the south and the residential uses.

Based on the proximity to a freeway, the intensive retail proposed immediately south and existing retail to the west, and frontage along a minor arterial, "E" Neighborhood Commercial zoning is **compatible** with the neighborhood.

2. **Comprehensive Plan Consistency**

The 2012 Comprehensive Plan designates the subject property as neighborhood commercial. The proposed E zoning is consistent with the following Comprehensive Plan policies:

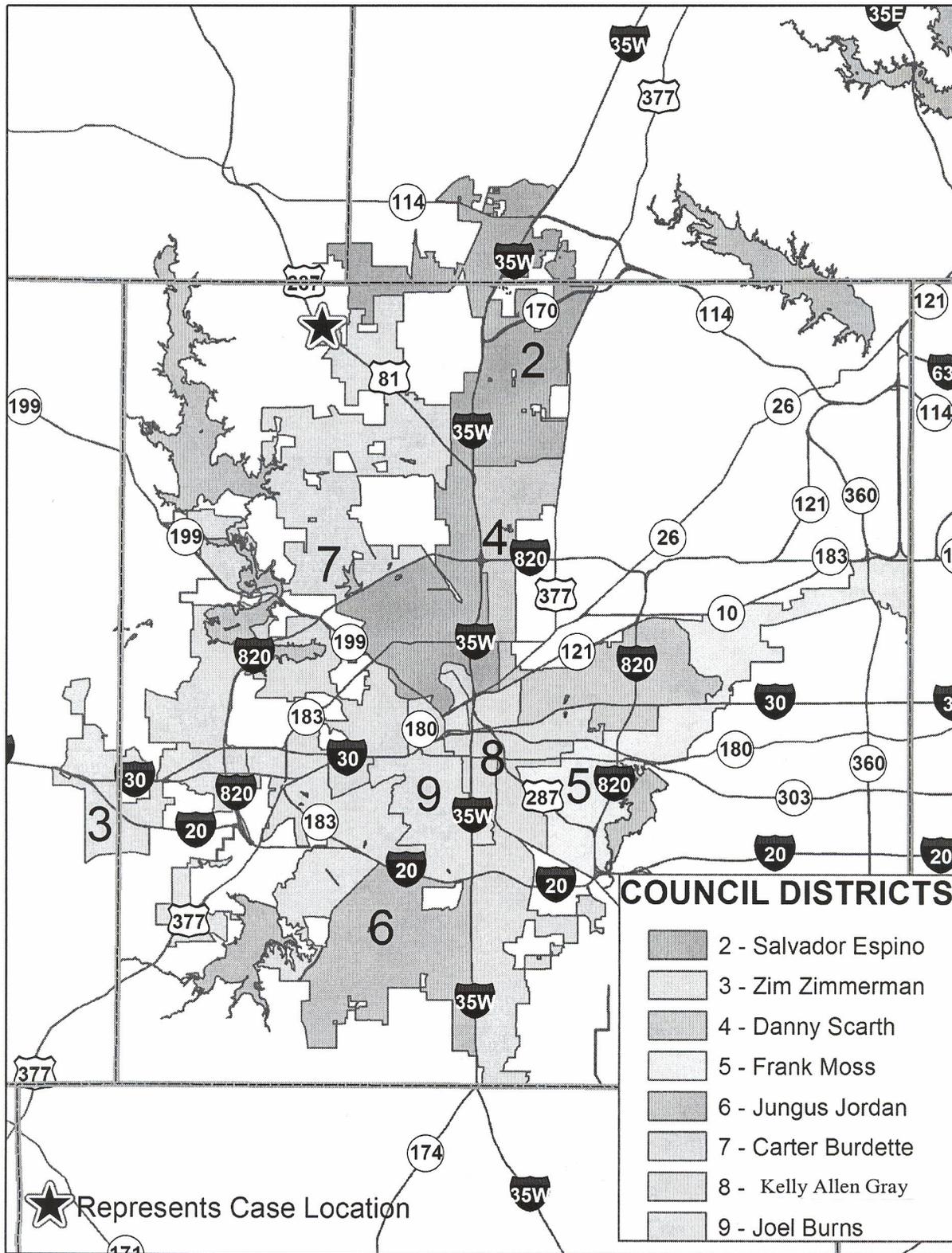
- Encourage new development adjacent to developed or platted area in order to utilize existing infrastructure and services, thereby discouraging leapfrog development. (pg. 37)
- Separate incompatible land uses with buffers or transitional uses. Some land uses have attributes such as height, proportion, scale, operational characteristics, traffic generated, or appearance that may not be compatible with the attributes of other uses. (pg. 38)
- Encourage development type and intensity appropriate to existing or planned street infrastructure. (pg. 39)

Based on the recommendation from the City Plan Commission and on conformance with the future land use map, the proposed zoning is **consistent** with the Comprehensive Plan.

Attachments:

- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Zoning Commission meeting minutes
- City Council meeting minutes

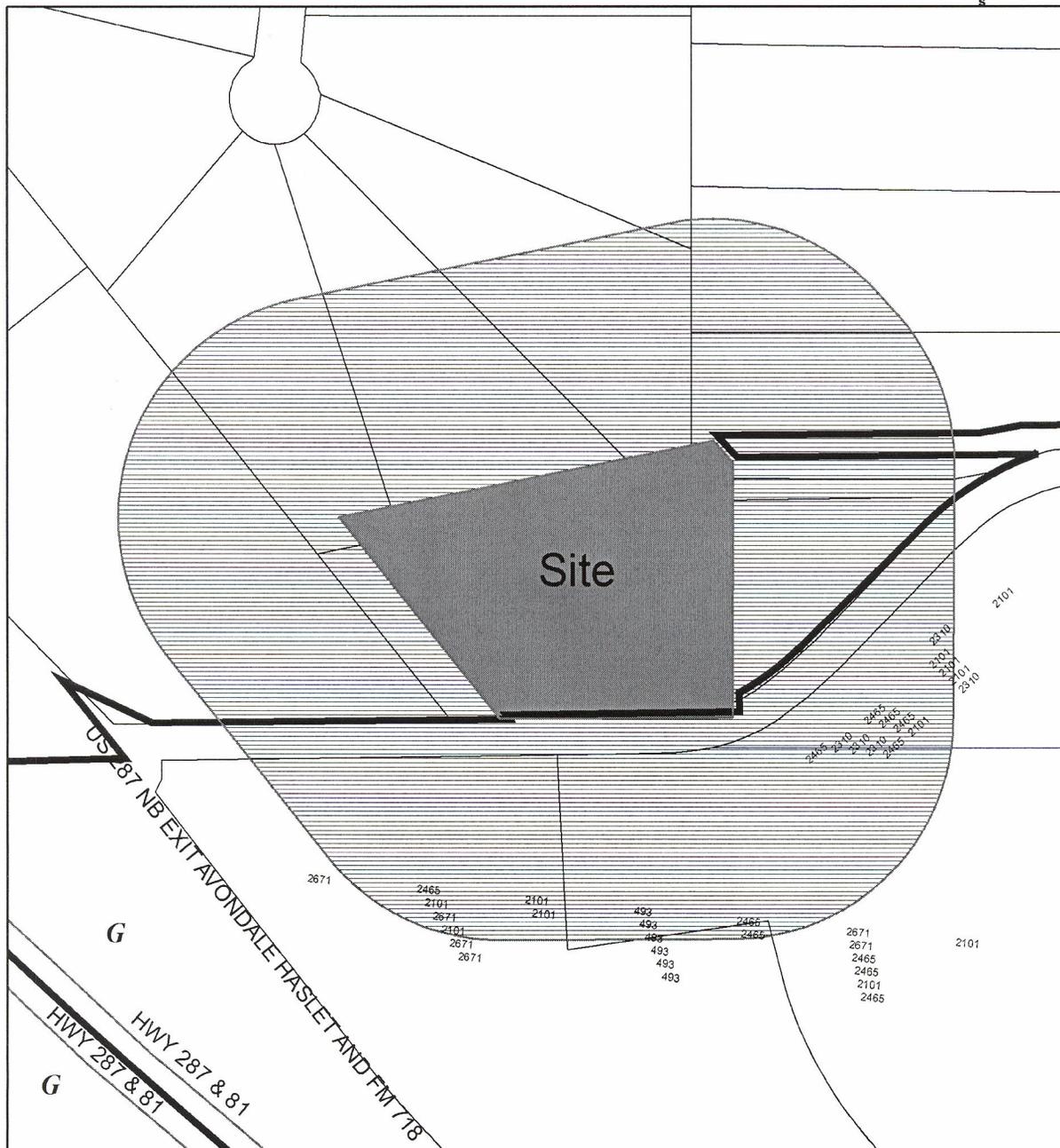
Location Map



Area Zoning Map

Applicant: M&H Food Mart
 Address: 2484 Avondale-Haslet Road
 Zoning From: Unzoned
 Zoning To: E
 Acres: 3.34
 Mapsco: 4V
 Sector/District: Far North
 Commission Date: 06/08/2011
 Contact:

 300 Ft. Buffer



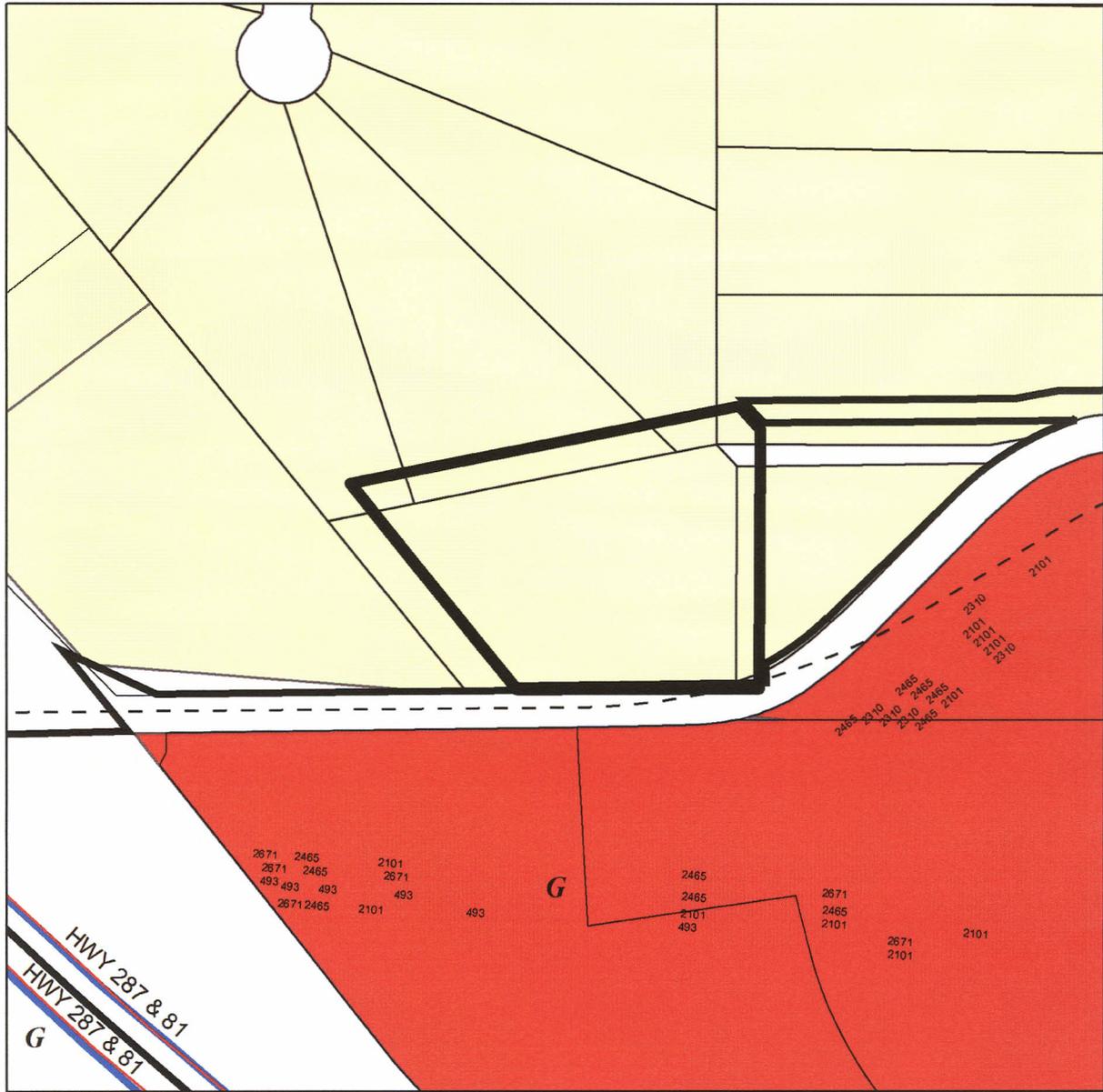
200 100 0 200 Feet





Future Land Use

ZC-11-043



- Vacant, Undeveloped, Agricultural
- Rural Residential
- Suburban Residential
- Single Family Residential
- Manufactured Housing
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Institutional

- Neighborhood Commercial
- General Commercial
- Light Industrial
- Heavy Industrial
- Mixed-Use Growth Center
- Industrial Growth Center
- Infrastructure
- Lakes and Ponds
- Public Park, Open Space
- Private Park, Open Space

- CFWGIS.SDE.TRN_RAILROADS
- CFWGIS.SDE.CAD_addresses
- Freeways/Toll Roads
- Proposed Freeway/Toll Road
- Principal Arterial
- Proposed Principal Arterial
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- Flood Plain



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 March 1, 2011.



Aerial Photo Map



XVI. ZONING HEARING

Mayor Price opened the public hearing.

1. ZC-11-043 - (CD 7) - M & H Food Mart, 2484 Avondale-Haslet Road; from: Unzoned to: "E" Neighborhood Commercial (Recommended for Approval by the Zoning Commission. (Continued from a Previous Meeting)

The City Council at its Regular Meeting on June 12, 2012, continued Zoning Docket No. ZC-11-043.

Motion: Council Member Shingleton made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-11-043 be continued until the September 25, 2012, Council meeting. The motion carried unanimously 9 ayes to 0 nays.

XVII. CITIZEN PRESENTATIONS

Ms. Judi Moore, 11093 Alta Vista, completed a citizen presentation card relative to disability access within the City of Fort Worth and the Rehab Act of 1973, and was recognized by Mayor Price but was not present in the Council Chamber.

Mr. Riley Cantrell, 2300 Sundrop Court, completed a citizen presentation card relative to the Ethics Review Committee, and was recognized by Mayor Price, but did not wish to address the City Council.

Mayor Price announced that the Animal Care and Control meeting scheduled for August 21, 2012, at 6:30 p.m., had been cancelled.

XVIII. EXECUTIVE SESSION (PRE-COUNCIL CHAMBER)

XIX. ADJOURNMENT

There being no further business, Mayor Price adjourned the Regular Meeting at 11:05 a.m., in memory of Mr. Thomas Anabel, who passed away on August 18, 2012.

These minutes approved by the Fort Worth City Council on the 11th day of September, 2012.

Attest:

Approved:

Mary J. Kayser
City Secretary

Betsy Price
Mayor

Mayor Price expressed appreciation to everyone who attended the meeting to voice their concerns and reiterated the importance of citizen participation in the redistricting process.

c. Council Action

Motion: Council Member Hicks made a motion, seconded by Council Member Moss, that the public hearing be continued until the July 10, 2012, Council meeting. The motion carried unanimously 9 ayes to 0 nays.

XV. ZONING HEARING

Mayor Price opened the public hearing.

1. ZC-11-043 - (CD 7) - M & H Food Mart, 2484 Avondale-Haslet Road; from: Unzoned to: "E" Neighborhood Commercial. (Recommended for Approval by the Zoning Commission) (Continued from a Previous Meeting)

The City Council at its regular meeting on January 24, 2012, continued Zoning Docket No. ZC-11-043.

Motion: Council Member Shingleton made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-11-043 be approved.

Ms. Dana Burghdoff, Deputy Director, Planning and Development Department, advised that the companion annexation case, Mayor and Council Communication No. PZ-2957, had been continued to the August 21, 2012, City Council meeting and stated as a result this item would also need to be continued to August 21, 2012.

Motion: Council Member Shingleton made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-11-043 be continued until the August 21, 2012, Council meeting. The motion carried unanimously 9 ayes to 0 nays.

XVI. CITIZEN PRESENTATIONS

Mr. Leonard Baker, 4005 Littlejohn, submitted a speaker card relative to Code Enforcement issues, permits and the grandfather clause, and was recognized by Mayor Price, but was not present in the Council Chamber.

Mr. Joe Waller, representing Lake Worth Alliance, 2533 Castle Circle, appeared before Council relative to Lake Worth.

1. ZC-11-043 - M & H Food Mart, 2484 Avondale-Haslet Road; from: Unzoned to: "E" Neighborhood Commercial. (Recommended for Approval) (Continued from a Previous Meeting)

It appeared that the City Council at its regular meeting on November 15, 2011, continued Zoning Docket No. ZC-11-043.

Motion: Council Member Shingleton made a motion, seconded by Council Member Jordan that Zoning Docket No. ZC-11-043 be continued until the June 12, 2012, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

2. ZC-11-101 - Victor Lopez, 3602 North Grove Street; from: "K" Heavy Industrial to: "PD/K" Planned Development for all uses in "K" Heavy Industrial plus glass recycling, site plan included. (Recommended for Approval) (Continued from a Previous Meeting)

It appeared that the City Council at its regular meeting on December 13, 2011, continued Zoning Docket No. ZC-11-101.

Motion: Council Member Espino made a motion, seconded by Mayor Pro tem Zimmerman that Zoning Docket No. ZC-11-101 be continued until the February 7, 2012, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

3. ZC-11-121 - Millennium Recycling, LLP, 3750 N. Main Street, 3713 and 3715 N. Commerce Street; from: "K" Heavy Industrial and "PD-787" Planned Development for all uses in "K" Heavy Industrial plus metal recycling; site plan included to: Amend "PD-787" Planned Development for K uses plus metal recycling for expansion; site plan included. (Recommended for Approval as Amended for an eight foot solid concrete screening wall around 3703 N. Commerce Street) (Continued from a Previous Meeting)

It appeared that the City Council at its regular meeting on January 10, 2012, continued Zoning Docket No. ZC-11-121.

Mr. R. Cortez, 3703 North Commerce Street, completed a speaker card in opposition to Zoning Docket No. ZC-11-121 and was recognized by Mayor Price, but was not present in the Council chamber.

Motion: Council Member Espino made a motion, seconded by Council Member Shingleton that Zoning Docket No. ZC-11-121 be continued until the February 7, 2012, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

Beth Knight, Senior Planner City of Fort Worth, explained to the Commissioners this site was part of a larger Council-initiated rezoning in Councilman Moss' district. The site was continued from a previous meeting at the property owners' request.

Walter Cheatle, 3301 E. Loop 820 S, representing Mary Haines property owner for 3530 Martin Luther King, 4.6 acres of land, spoke in opposition. Mr. Cheatle mentioned his client is working with Councilman Moss to try to come up with some options for the property that will still allow them to do what they want to do with the property. They are requesting a 30 day continuance.

Mr. Romero asked if they are looking at zoning options other than I. Mr. Cheatle said yes they are. Mr. Romero also asked if they would be able to come up with an option before the July Council meeting. Mr. Cheatle mentioned he could not respond on that at this time.

Motion: Following brief discussion, Mr. Edmonds recommended a 30 day continuance of the request, seconded by Ms. Spann, on a substitute motion Mr. Genua recommended approval of the request, seconded by Mr. Romero he motion carried 6-1 with Mr. Edmonds being against.

IV. New Cases

3. ZC-11-043 M & H Food Mart. (CD 7)- 2484 Avondale Haslet Road (Haslet Heights, Block 6, Lot 22, 3.45 Acres): from Unzoned to "E" Neighborhood Commercial.

Jeff Davis, 550 Bailey Avenue, Fort Worth, Texas representing the property owner, explained to the Commissioners they are requesting to zone the property to E neighborhood Commercial for an existing convenience store. He also mentioned they are in the process of being annexed in order to receive water and sewer.

Motion: Following brief discussion Mr. Genua recommended approval of the request, seconded by Ms. Reed. The motion carried unanimously 7-0.

4. ZC-11-044 Blanca D. Cantu (CD 2)- 1207-1211 Clinton Avenue (North Fort Worth, Block 61, Lots 23 thru 26, 0.62 Acres): from "A-5" One-Family to "ER" Neighborhood Commercial Restricted

Blanca Cantu, 2422 Jacksboro Highway, Fort Worth, Texas explained to the Commissioners they are requesting to rezone the property to ER to allow for a beauty shop. Ms. Cantu mentioned she has been in business for five years and wants to open her own shop. The salon will be open from 10:00 a.m. to 8:00 p.m. Ms. Cantu also mentioned she had signatures for support from surrounding property owners.

Mr. Ortiz asked if she had received anything from the neighborhood association. Ms. Cantu said yes and that she was present to speak. Mr. Ortiz also mentioned the letters of opposition.