



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
April 3, 2012

Council District 5

Zoning Commission Recommendation:
Denial by a vote of 9-0

Opposition: one person spoke

Continued Yes No
Case Manager Stephen Murray
Surplus Yes No
Council Initiated Yes No

Owner / Applicant: Ignacio Garcia

Site Location: 4900 Miller Avenue, 4108 Moberly Mapsco: 92H

Proposed Use: Auto Repair and Sales

Request: From: "E" Neighborhood Commercial
To: "FR" General Commercial Restricted

Land Use Compatibility: Requested change is not compatible.

Comprehensive Plan Consistency: Requested change is not consistent.

Background:

The applicant is proposing a zone change to "FR" General Commercial Restricted on two undeveloped lots. The applicant would like to construct a building for auto repair and sales. The site has numerous constraints due to the location of the lot and proximity to single-family residential. At the time of development the site must include a screening fence, 25 ft bufferyard, and 20 ft front yard setback. Additionally, variances through the Board of Adjustment will be needed, for the following requirements:

- No automotive repairs shall be conducted on any premises that adjoin any residential district
- No automotive repair or service facility shall be permitted to have bay doors facing a one-or two family district

Miller Avenue is considered a minor arterial which supports more intense commercial uses. However, the future land use is designated as single-family, which promotes neighborhood commercial without auto oriented uses.

The applicant has met with the Echo Heights Neighborhood Association. No written correspondence has been received by staff, but the neighborhood association has indicated to the Councilmember's staff that they and some surrounding property owners are not supportive of the auto repair use, but are accepting of the auto sales use currently (but illegally) in operation.

The sole use of the site for auto sales would also require basic commercial development standards. The following chart describes the development standards for the site:

Development Standards Location	Automotive Repair Development Standards	Automotive Sales Development Standards
To Adjacent "A-5" Zoning to the west	Screening fence	Screening fence
	25 ft Bufferyard (<i>Structures prohibited</i>)	25 ft Bufferyard (<i>Structures prohibited</i>)
	Bay Doors prohibited facing "A-5" District (<i>variance required</i>)	
	Auto repair prohibited adjoining "A-5" District (<i>variance required</i>)	
Corner along Moberly Street	20 ft projected setback (<i>parking and auto storage prohibited</i>)	20 ft projected setback (<i>Parking prohibited, auto inventory parking prohibited</i>)
Facing Miller Avenue	20 ft front yard setback (<i>Structures prohibited, auto storage prohibited</i>)	20 ft front yard setback (<i>Structures prohibited, auto inventory and parking permitted</i>)

Site Information:

Owner: Ignacio Garcia
5421 Sun Valley Dr.
Fort Worth, TX 76119

Acreage: 0.34 ac
Comprehensive Plan Sector: Southeast

Surrounding Zoning and Land Uses:

- North "E" Neighborhood Commercial / single-family
- East "PD 178" for all uses in "E" Neighborhood Commercial plus inside contractor storage and a fellowship hall associated with a place of worship. / auto repair
- South "E" Neighborhood Commercial / church
- West "A-5" One-Family / single-family

Public Notification:

The following Neighborhood Associations were notified:
Echo Heights Fort Worth ISD
Southeast Fort Worth, Inc East

Recent Relevant Zoning and Platting History:

Zoning History: NA
Platting History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Moberly Street	Residential	Residential	No
Miller Avenue	Minor arterial	Minor Arterial	No

Development Impact Analysis:

1. **Land Use Compatibility**

The applicant is proposing a zoning change to "FR" General Commercial Restricted for auto sales and repair. Surrounding land uses vary with single-family to the north and west, automotive repair to the east, and church to the south.

Automotive repair is prohibited adjacent to single-family. Supplemental standards are in place to protect residential uses from the effects of auto uses and would include increased buffering, screening, and landscaping. The proposed "FR" **is not compatible** at this location.

2. Comprehensive Plan Consistency

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

- Encourage development type and intensity appropriate to existing or planned street infrastructure. (pg. 38)
- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods. (pg. 38)

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

To view the Comprehensive Plan: <http://www.fortworthgov.org/planninganddevelopment/misc.aspx?id=81678>

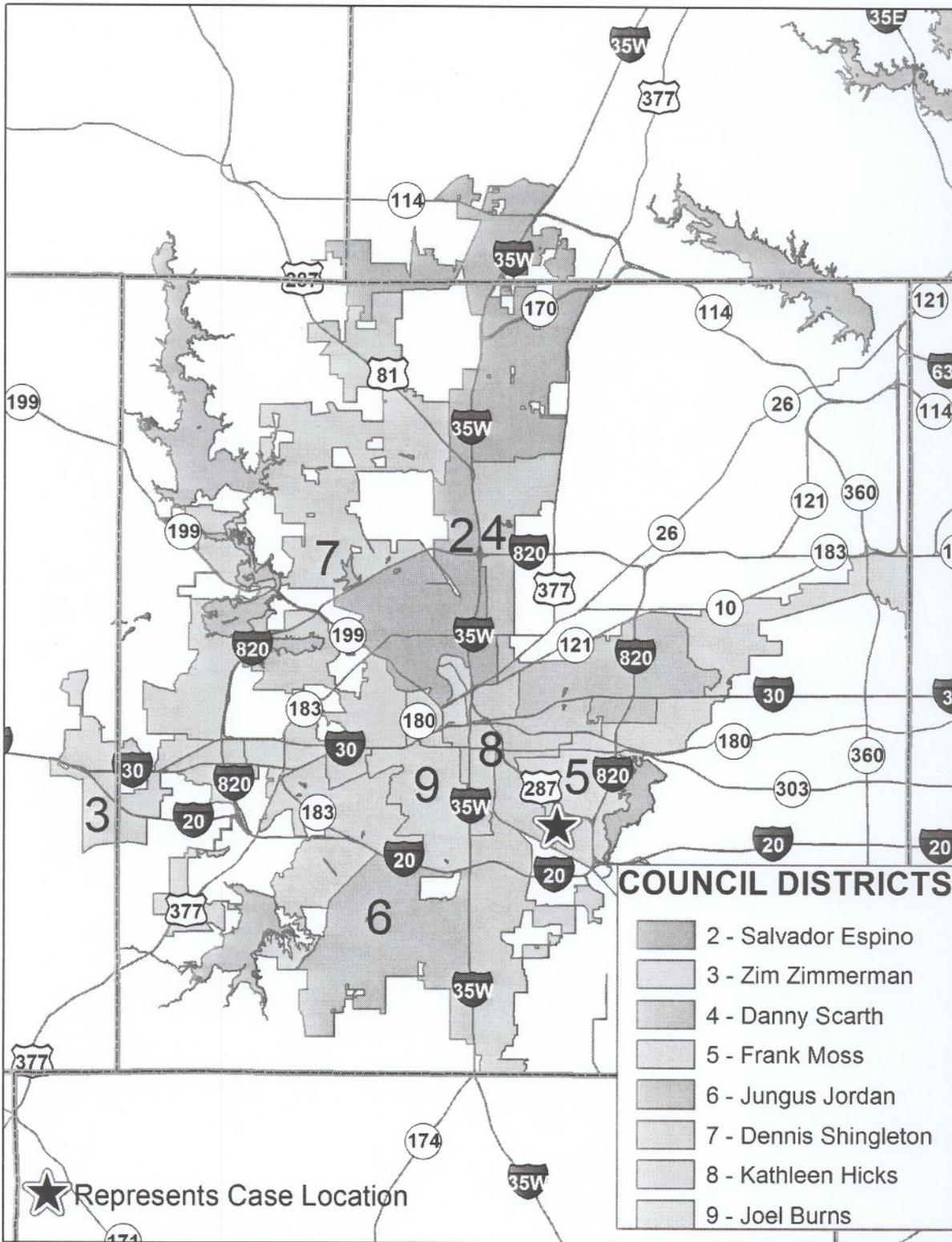
Attachments:

- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Minutes of the Zoning Commission meeting

FORT WORTH

ZC-12-017

Location Map



★ Represents Case Location



5 2.5 0 5 Miles

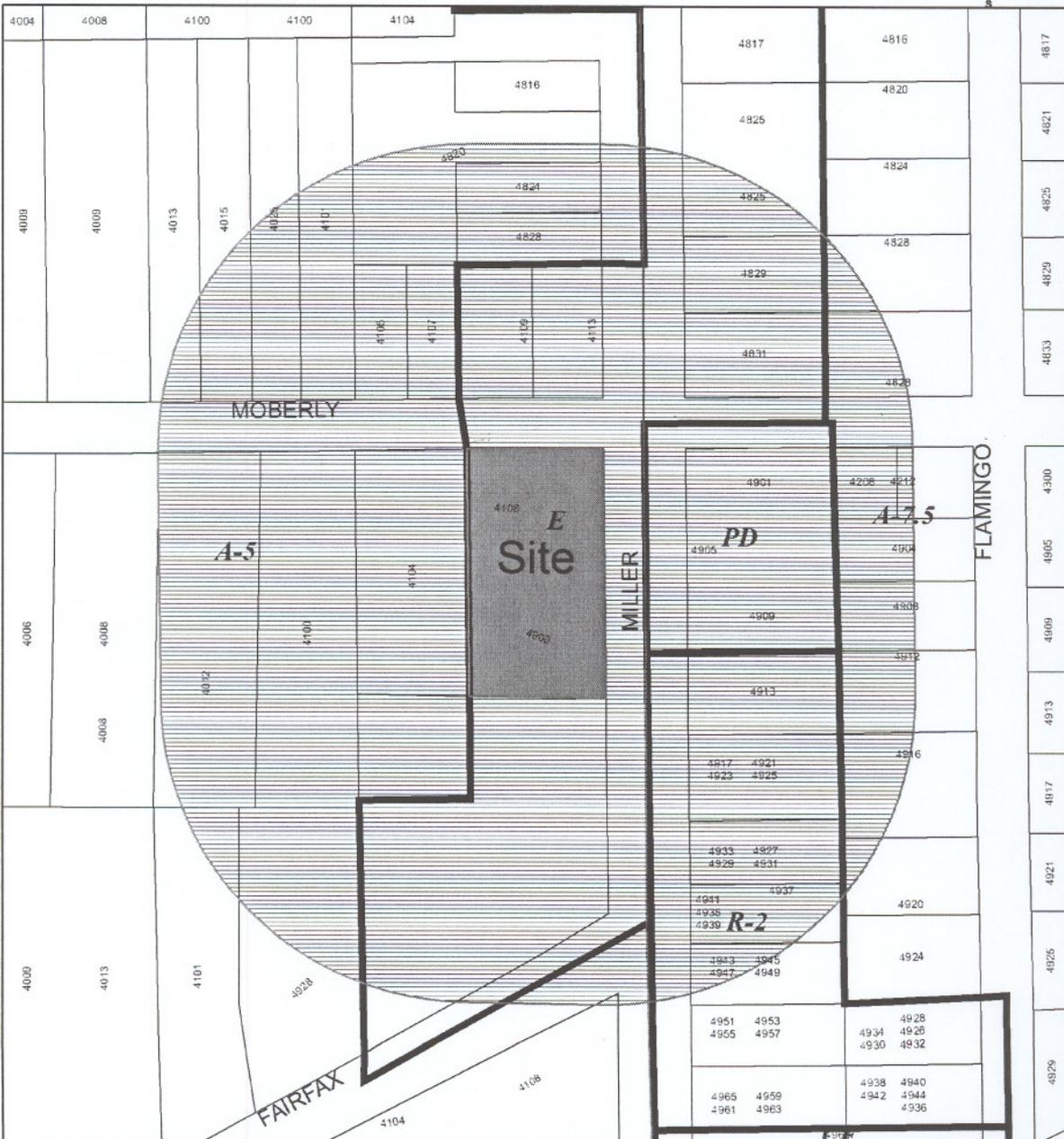


ZC-12-017

Area Zoning Map

Applicant: Ignacio Garcia
 Address: 4900 Miller Avenue, 4108 Moberly Sreet
 Zoning From: E
 Zoning To: FR
 Acres: 0.74876305
 Mapsco: 92H
 Sector/District: Southeast
 Commission Date: 03/14/2012
 Contact: 817-392-8043

 300 Ft. Buffer

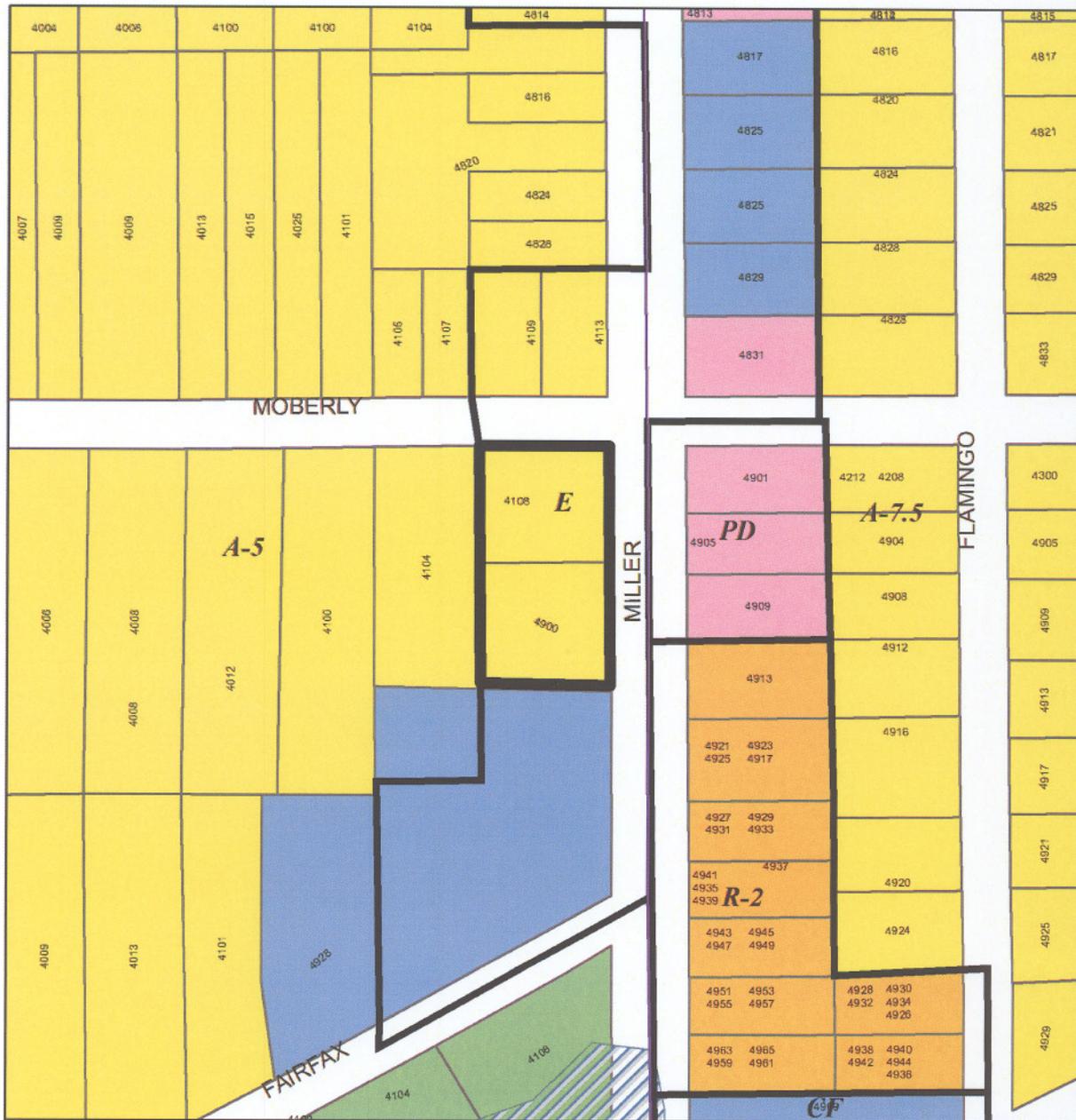




4900 Miller Avenue, 4108 Moberly Sreet

Future Land Use

ZC-12-017



- 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 01, 2011



Aerial Photo Map



IV. New Cases

5. ZC-12-017 Ignacio Almaguer Garcia, (CD 5)- 4900 Miller Road & 4108 Moberly Street (Trentman City Addition, Block 3 N134', Lot 15, and Block 3, Lot 15A, 0.34 Acres): from "E" Neighborhood Commercial to "FR" General Commercial Restricted

Arthur Garcia, 4900 Miller Avenue, Fort Worth, Texas representing the applicant explained to the Commissioners they are requesting to rezone to FR in order to allow for auto sales.

Mr. Ortiz asked if they had another location they were moving from. Mr. Garcia said no. Mr. Ortiz also asked where the closest car sales lot is. Mr. Garcia said there were probably five within the block.

Mr. West asked if he knew where the New Light Church is in the vicinity. Mr. Garcia said he did not know; he is the contractor for the applicant. Mr. West stated a letter was received this morning from them expressing concern and in opposition of the request. Mr. Garcia did mention when they purchased the property it was in disrepair and they have cleaned the lot up and want to build a new building.

Mr. Ferrell explained the Church is to the south of their property and residents to the west and north of his property. He also mentioned it is not consistent with the Comprehensive Plan. Mr. Garcia said they are going to build the building for the auto sales office and repair area for cars for sale on the lot closest to the street intersection.

Mr. Genua asked staff for clarification on whether they would have to go before the BOA for auto repair adjacent to residential. Mr. Garcia clarified they were only asking for auto sales of used cars. The repair area is only for the cars on the lot not the public. Ms. Burghdoff explained that if they were to do a PD then waivers could be addressed. Mr. Genua noted he was not seeking a PD but they would need to go before the Board of Adjustment with straight zoning.

Theophus Miller, 4827 Miller Avenue, Fort Worth, Texas spoke in opposition. Mr. Miller is representing New Light Church and does not want to see any more traffic in the area. He also noted auto sales are not conducive to the neighborhood.

In rebuttal, Mr. Miller mentioned he did know there was a lot of traffic that is why they wanted to put it there. He mentioned they were going to leave the lot next to the church vacant.

Motion: Following brief discussion, Mr. Ferrell recommended a denial of the request, seconded by Ms. Conlin. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>				ZC-12-017
Name	Address	In/Out 200 notification area ft	Position on case	Summary
Theophus Miller/ New Light	4827 Miller Ave.	Yes	Opposition	Spoke at hearing

6. ZC-12-023 Raymond Garcia (CD 8)- 1900, 1904, 1908, 19012 Evans Avenue (Hagan Heirs Subdivision, Block 7, Lots 1-4, 6, and 7A, 13.50 Acres): from "E" Neighborhood Commercial to "PD/E" Planned Development for all uses in "E" Neighborhood Commercial plus auto repair with bay doors facing one or two family district and adjoining residential; site plan waiver requested

Yadina Garcia, 4153 Longmeadow, Fort Worth, Texas representing Raymond Garcia., explained to the Commissioners the request is to rezone the property to PD/E plus auto repair. Ms. Garcia mentioned her client has been doing business in the area for the past three years. She also stated she did get an opportunity to talk to some of the listed organizations and there was no opposition.

Ms. Zadeh asked if he was working out of this building. Ms. Garcia said no he wasn't; he has another location.

Mr. Ortiz asked if he was going to relocate. Ms. Garcia said the other location is around 1500 Evans.

Mr. West mentioned there were letters of opposition received this morning from the United Community Association of South Fort Worth and Linda Cameron and if she aware of them. Ms. Garcia responded that Ms. Cameron's letter mentioned other uses that don't apply to their business.

Monnie Gilliam, 1100 Vickie Lane, Fort Worth, Texas representing Vickie Lynn Bowie Street NA spoke in opposition. He spoke on behalf of the United Community Association. Mr. Gilliam mentioned they do not need any more car lots in this area. He displayed some photos of the applicant's current property to the Commissioners. He was also concerned about the amount of area in the front that could be used for cars waiting and or being repaired.

Johnny Lewis, 953 E. Terrell Avenue, Fort Worth, Texas spoke in opposition. He stated the people who live in Meadowbrook and on East Lancaster have been overwhelmed with auto repair shops and used car lots and have been trying to get rid of them for some time. Mr. Lewis also mentioned the concern for parking of vehicles waiting to be repaired or for sale. The building does not have an exit at the back of the property; cars will have to come in and out through the front. The building is an old grocery store that has been vacant for some time. Mr. Lewis also mentioned this type of use would be an eye sore to the community. They are trying to create a stable community.

Mr. Edmonds wanted to thank the community for coming down to voice their concerns.

In rebuttal, Ms. Garcia said they need car repair shops in the City and the neighborhood. She also mentioned the hours of operation are from 8 a.m. to 7 p.m. and all repairs will be done inside the building.