



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
April 3, 2012

Council District 8

Zoning Commission Recommendation: Denial by a vote of 9-0	Continued	Yes ___	No <u>X</u>
	Case Manager	<u>Stephen Murray</u>	
Opposition: two people spoke	Surplus	Yes ___	No <u>X</u>
	Council Initiated	Yes ___	No <u>X</u>

Owner / Applicant: Raymundo Garcia

Site Location: 1900 – 1912 Evans Avenue Mapsco: 77P

Proposed Use: Auto Repair

Request: From: "E" Neighborhood Commercial

To: "PD/E" Planned Development for all "E" Neighborhood Commercial uses plus auto repair with bay doors facing a One or Two-Family residential district; site plan waiver requested.

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 "PD/E" Planned Development for all "E" Neighborhood Commercial uses plus auto repair with bay doors facing a one or two-family residential district; site plan waiver requested.

The applicant is requesting a "PD" due to residential adjacency and to minimize the potential uses allowed within the zoning district. The proposed automotive use is located on property adjoining a residential district, which is prohibited according to the automotive standards in Section 5.104. Additionally, the existing building is oriented toward residential uses, and bay doors are not permitted facing a one or two-family district. This could result in noise and other negative impacts. The future land use is designated as neighborhood commercial, which is not consistent with auto oriented uses.

The applicant intends to utilize an existing strip retail building and would like to waive the site plan. The existing building does not have the required 20 ft. bufferyard, but a 20 ft. alley provides some separation. Additionally the site is constrained by a 20 ft. front yard along Evans Avenue and a projected front yard on Jefferson Avenue. The following chart describes the development standards for the site:

Development Standards Location	Automotive Repair Development Standards
Adjacent to "A-5" zoning to the west	6 ft. Screening fence
	20 ft Bufferyard (<i>applicant intends to use existing building already within the bufferyard</i>)
	Structures prohibited (<i>applicant intends to use existing building already within the bufferyard</i>)
	Bay Doors prohibited facing "A-5" District (<i>Applicant has requested a waiver through the PD</i>)
	Auto repair prohibited adjoining "A-5" District (<i>use would be allowed per PD approval</i>)
Corner along Jefferson Street	20 ft. projected setback (<i>parking and auto storage prohibited</i>)
Facing Evans Avenue	20 ft. front yard setback (<i>Structures prohibited, auto storage prohibited</i>)
	Bay doors prohibited facing "A-5" District (<i>Applicant has requested a waiver through the PD</i>)

Site Information:

Owner: Raymundo Garcia
928 E. Powell Avenue
Fort Worth, TX 76104

Acreage: 0.55 ac

Comprehensive Plan Sector: Southside

Surrounding Zoning and Land Uses:

North "A-5" One-Family / single-family
East "A-5" One-Family; "E" Neighborhood Commercial / salon, single-family
South "E" Neighborhood Commercial / vacant, vacant building, office
West "A-5" One-Family / single-family

Public Notification:

The following Neighborhood Associations were notified:

West Morningside NA	Southside Preservation Assoc.
Hillside Morningside NA	Southeast Fort Worth, Inc.
Fort Worth South, Inc.	United Communities Association
NUP-Neighborhood Unification Project	Fort Worth ISD
Morningside/Hillside Crime Watch COPS	

Recent Relevant Zoning and Platting History:

Zoning History: NA
Platting History: None

Transportation/Access

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

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zone change from "E" Neighborhood Commercial to "PD/E" Planned Development for all uses in "E", plus automotive repair; site plan waiver requested. A vacant retail strip center is located on the site and would be renovated for the auto use. Surrounding land uses vary, with single-family to the north, west, and east with neighborhood commercial to the south and east.

Automotive repair is prohibited on any premise adjoining a residential district boundary in order to protect neighborhoods from noise and other potential negative impacts. As a result, the proposed zoning **is not compatible** at this location.

2. Comprehensive Plan Consistency

The 2011 Comprehensive Plan designates the subject property as neighborhood commercial. The proposed "PD/E" zoning for auto uses 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 lack of 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

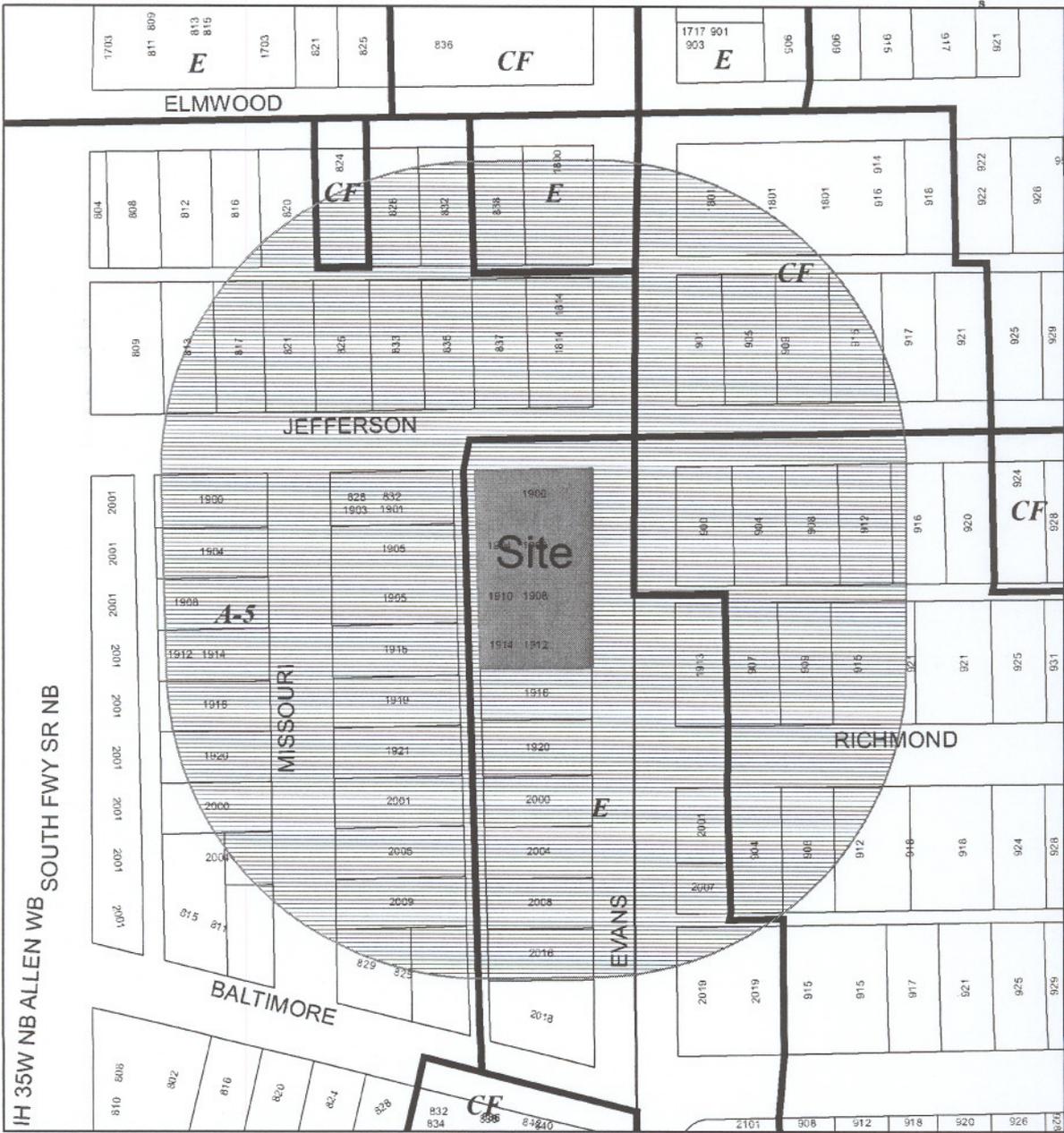


ZC-12-023

Area Zoning Map

Applicant: Raymundo Garcia
 Address: 1900, 1904, 1908, 1912 Evans Avenue
 Zoning From: E
 Zoning To: PD for E uses plus auto repair
 Acres: 0.488
 Mapsco: 77P
 Sector/District: Southside
 Commission Date: 03/14/2012
 Contact: 817-392-8043

 300 Ft. Buffer



200 100 0 200 Feet



1900 Evans Avenue

Future Land Use

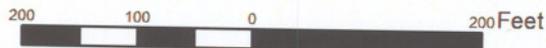
ZC-12-023



- 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



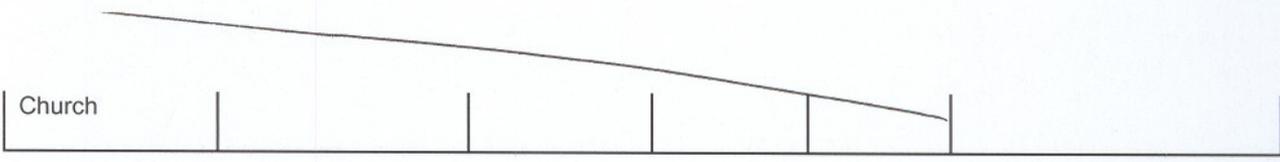


1900 Evans Avenue

ZC-12-023

Aerial Photo Map





Church

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.

Mr. Edmonds asked about the cars that get repaired and not being paid for the service. He recalled a similar incident on Lancaster where they had to enclose an area for the storage of the cars. He asked staff if there was something in the Ordinance that refers to that. Ms. Burghdoff referred to Ms. Murphy and she mentioned that vehicles that are being held for repair have to be screened if they are stored in the front yard. She also noted no car can stay for more than 60 days.

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

Document received for written correspondence				ZC-12-023	
Name	Address	In/Out 200 notification area	ft	Position on case	Summary
Monnie Gilliam/ United Community Assoc.	1100 Vickie Lane	Yes		Opposition	Spoke at hearing
Johnny Lewis	953 E. Terrell Ave.	No		Opposition	Spoke at hearing
Mary Blakemore	1306 Illinois Ave.	No		Opposition	Did not speak at hearing
Linda Cameron	2004 Missouri Ave.	Yes		Opposition	Sent letter in

7. ZC-12-024 Salvador and Deborah Gallardo (CD 2)- 2621 NW 29th Street (Rosen Heights Second Filing, Block 72, Lot 11, 0.16 Acres): from "A-5" One-Family to "ER" Neighborhood Commercial Restricted

Deborah Gallardo, 2619 NW 29th Street, Fort Worth, Texas explained to the Commissioners she is requesting to rezone the property to ER for office use only. Ms. Gallardo mentioned they are providing a civic service to the community. Her business is a notary and tax office which provides a service to over 300 community members. They help notarize paperwork for the schools in the area. The tax office is open year round. They also provide a title service, assisting with registrations for business owners. Ms. Gallardo said they need this type of service in the neighborhood and are open from 9 a.m. to 7 p.m. She also noted they own and live on the property next door. The property was in poor condition when they purchased it. She said they did meet with the Far Greater Northside Neighborhood Association who was in support of this.

Mr. West asked how long they have been at this location. Ms. Gallardo said they purchased the house about four years ago. When they purchased it, it was used as an efficiency and their son lived there. She noted they decided to turn it into an office. Mr. West asked if she ran her business from another location. Ms. Gallardo said she ran the tax office from next door where she lives now.

Ms. Reed asked about the fence and when was it installed. Ms. Gallardo mentioned the fence was built about two years ago and they did not pull a permit to put it in the front yard.