

**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
February 5, 2013

Council District **9**

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

Opposition: Numerous Neighborhood Organizations and citizens in opposition; petitions received

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

Owner / Applicant: **Serjio Martinez**

Site Location: 3808 McCart Ave. Mapsco: 77W

Proposed Use: **Auto sales and vehicle repair**

Request: From: "E" Neighborhood Commercial

To: "PD/E" Planned Development for all uses in "E" Neighborhood Commercial plus auto sales and repair; site plan waiver requested

Land Use Compatibility: Requested change **is compatible.**

Comprehensive Plan Consistency: Requested change **is consistent.**

Background:

The proposed site is located on McCart Avenue near the corner of Waggoman Street. The applicant is proposing a zoning change from "E" Neighborhood Commercial to "PD/E" Planned Development for all uses in "E" Neighborhood Commercial plus auto sales and repair; site plan waiver requested. The property was rezoned from "B" Two-Family to "E" Neighborhood Commercial in 1955 and has not changed since.

The applicant was cited by code for operating an automotive sales business without the proper Certificate of Occupancy in an "E" district. Automotive uses including sales and repair are first allowed by right in the "FR" General Commercial. The applicant decided against requesting the "FR" due to the more intense uses allowed within the FR district and to obtain a favorable response from the neighborhood. Despite the PD/E request, neighborhood opposition is still expected for this case.

Site Information:

Owner: Serjio Martinez
 2509 W. Waggoman
 Fort Worth TX, Texas 76110

Agent: Marios Urdanzto (dba Marios Auto Sales)

Acreage: 0.15 acres

Comprehensive Plan Sector: Southside

Surrounding Zoning and Land Uses:
North "E" Neighborhood Commercial / restaurant

East "CF" Community Facilities / church, vacant lot
 South "E" Neighborhood Commercial / auto tinting business
 West "I" Light Industrial / auto repair, industrial

Recent Relevant Zoning and Platting History:

Zoning History: None

Platting History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
McCart Avenue	Major Arterial	Major Arterial	No

Public Notification:

The following organizations were notified:

Organizations Notified	
Rosemont NA	FWISD
Neighbors Working Together	

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zoning change to PD/E" Planned Development for all uses in "E" Neighborhood Commercial plus auto sales and repair; site plan waiver requested. Surrounding land uses vary with a restaurant to the north, church to the east, and automotive uses both south and west. The majority of western half of McCart Ave. contains industrial uses from the intersection of Benbrook Rd (roughly a half mile to the north) south to Pafford Street (just south of the site). The eastern half of McCart has mix of uses facing McCart Avenue but transitions into single-family. The proposed use, although often not desirable, is compatible due to the industrial nature of the western side of McCart Avenue and adjacent automotive and industrial uses west of the site.

As a result, the proposed zoning **is compatible** with surrounding land uses.

2. Comprehensive Plan Consistency

The 2012 Comprehensive Plan designates the subject property as heavy industrial. The proposed "PD/E" zoning is 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)

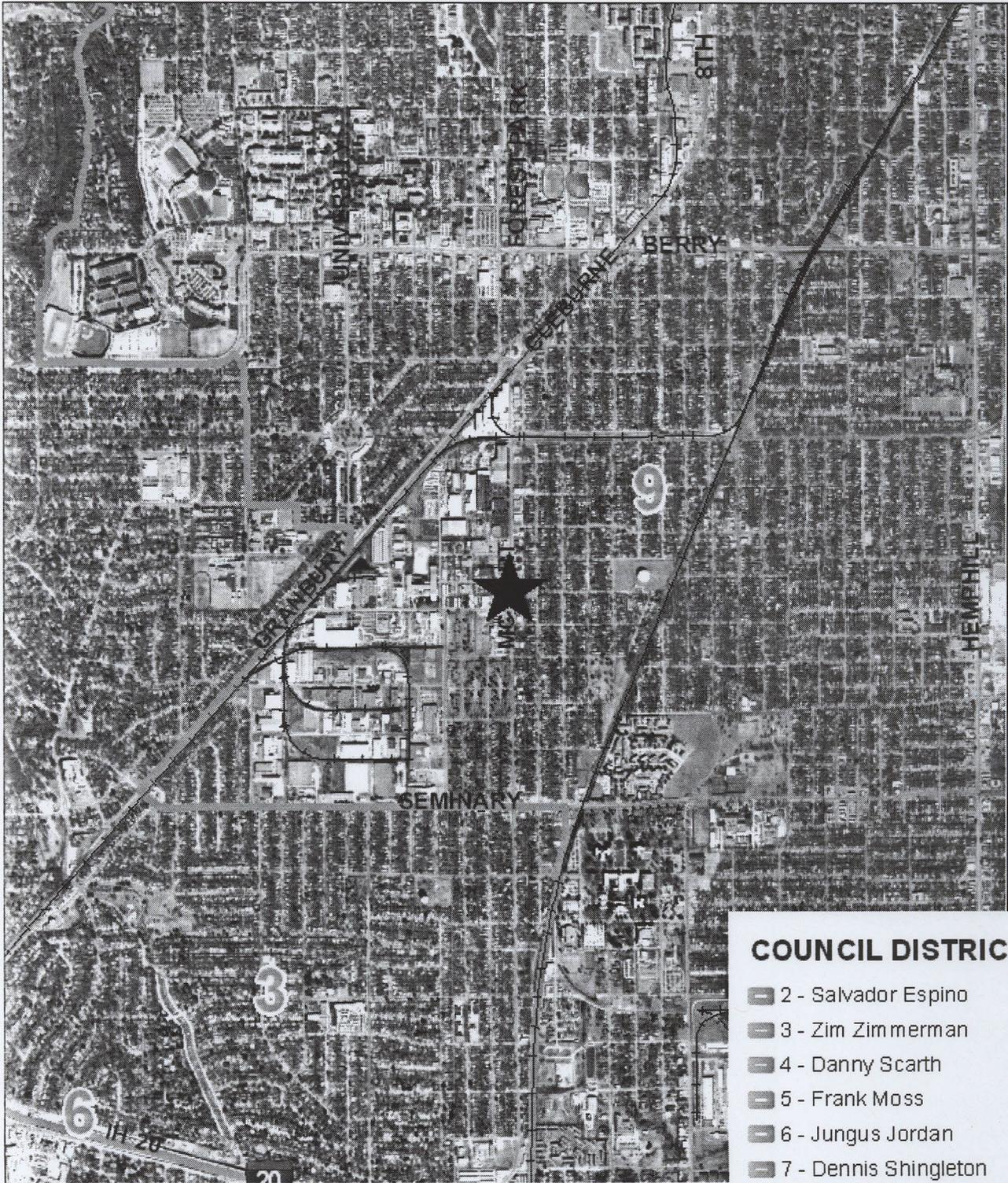
Based on the conformance with the future land use map and policies stated above, the proposed zoning **is consistent** with the Comprehensive Plan. Despite being consistent with plan, neighborhood leaders would like to review the plan for possible changes during the next iteration and review.

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

Location Map



COUNCIL DISTRICTS

- 2 - Salvador Espino
- 3 - Zim Zimmerman
- 4 - Danny Scarth
- 5 - Frank Moss
- 6 - Jungus Jordan
- 7 - Dennis Shingleton
- 8 - Kelly Allen Gray
- 9 - Joel Bums



2000 1000 0 2000 Feet





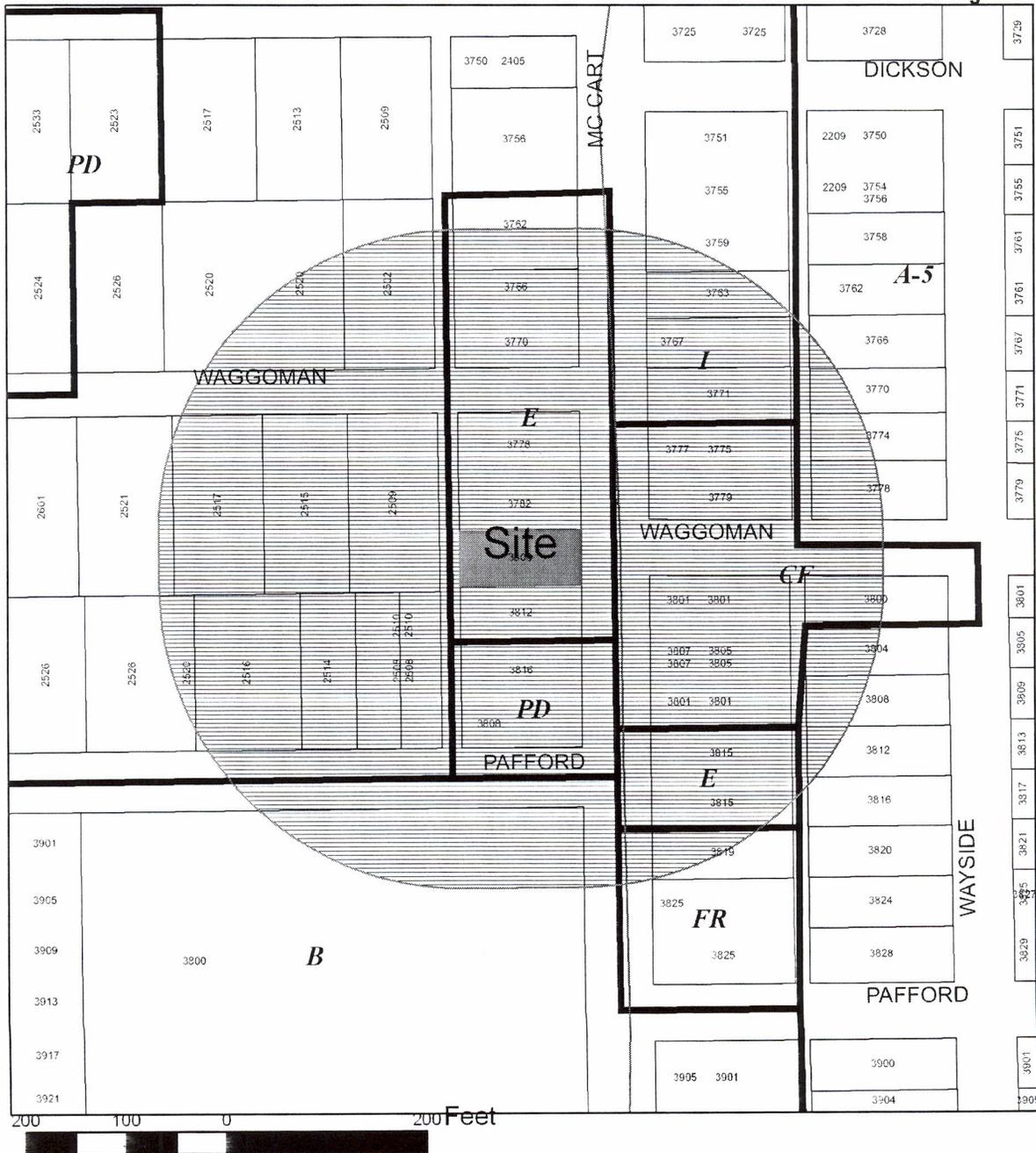
ZC-12-139

Area Zoning Map

Applicant: Serjio Martinez
 Address: 3808 McCart Avenue
 Zoning From: E
 Zoning To: PD for E uses plus auto sales and repair
 Acres: 0.15
 Mapsco: 90F
 Sector/District: Southside
 Commission Date: 01/09/2013
 Contact: 817-392-8043

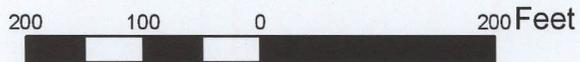


300 Ft. Notification Buffer



200 100 0 200 Feet

Aerial Photo Map



		notification area			
Fred Slabach/Texas Wesleyan	1221 Elizabeth Blvd	Yes	Support		Spoke at hearing
Michael Bennett	2429 Rogers Ave	No	Support		Spoke at hearing
John Maddox	2120 Ridgmar	No	Support		Spoke at hearing
John Roberts	1110 Penn St	No		Opposition	Spoke at hearing
Libby Willis	2300 Primrose	No		Opposition	Spoke at hearing
Douglas Henderson/EFBA	2624 Brighton	No	Support		Spoke at hearing
Daphne Stigliano/Boys and Girls Club	NA	No	Support		Sent letter in
Don Boren/EFBA	PO Box 8861	No	Support		Sent letter in

8. ZC-12-139 Sergio Martinez (CD 9)- 3808 McCart Avenue (Carroll Stone Addition, Block 5, Lot 3, 0.15 Acres): from “E” Neighborhood Commercial to “PD/E” Planned Development for all uses in “E” Neighborhood Commercial plus auto sales and repair; site plan waiver requested

Mario Urdanzto, 3808 Mc Cart Avenue, Fort Worth, Texas representing Sergio Martinez explained to the Commissioners he has been in this area for seven years and wants to stay there. He sells car, stereos and is trying to make money to support his family. Mr. Urdanzto mentioned he also does taxes and car title transfers.

Robert Snoke 3826 6th Avenue, Fort Worth, Texas representing Rosemont NA spoke in opposition. He handed in additional signatures of property owners in opposition. Mr. Snoke had several photographs of the property and said they are trying to revitalize their neighborhood. He said they do not want to see any more used car lots, mechanic shops, bars, etc., because they are disruptive to neighborhoods. A picture was displayed of a rusted out eighteen wheeler behind the business. Mr. Snoke said they have had several discussions with the property owner about car sales.

Alonzo Aguilar, President of Neighbors Working Together spoke in opposition. He mentioned there are many homes in their neighborhood being converted to businesses. The applicant converted a home into a business without permission.

In rebuttal Mr. Urdanzto said he had support and signatures of the business owners around him. Mr. Flores asked if the list handed in was signatures of business owners. Mr. Urdanzto said yes. Mr. Flores also asked if he had received any citations for Code infractions on that property in the past six months. He said he never had any problems with the City or received any citations. Roy Salinas, Senior Plan Examiner, City of Fort Worth, interpreted for the applicant.

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

<i>Document received for written correspondence</i>					ZC-12-139
Name	Address	In/Out 200 notification area	ft	Position on case	Summary
Robert Snoke/Rosemont NA	3826 6 th Ave	No		Opposition	Spoke at hearing
Alonza Aguilar/Neighbors Working Together	3725 Stuart Dr	No		Opposition	Spoke at hearing
Jimmy Hanelan	1305 W Gambrell	No		Opposition	Present but did not speak
Lee Frampton/Brentmoor NA	NA	No		Opposition	Sent letter in
Jerry Sorrell/Rosemont West NA	3708 Gordon Ave	No		Opposition	Sent letter in
Calvin Huezos/South Hills NA	4925 Lubbock Ave	No		Opposition	Sent letter in
Annette Kellum	4017 Ryan Ave	No		Opposition	Sent letter in
Johnny Hamlin/Hubbard Heights	1420 W. Boyce	No		Opposition	Sent letter in
David Vela/Seminary Hills NA	5000 James Ave	No		Opposition	Sent letter in
Aleida & Guadalupe Flores	3800 6 th Ave	No		Opposition	Sent letter in
Betsy Morris	923 W. Fogg	No		Opposition	Sent letter in
Carroll Wayne Pruitt	3816 Willing Ave	No		Opposition	Sent letter in

9. ZC-13-001 Donald & Fantasy Reynolds and Michael & Elizabeth Lattimore (CD 3)-4110 Ridgehaven Court and 4124 Ridgehaven Road (Ridglea, Block 49, Lots 11R & 28, 3.60 Acres): from “A-2.5” One-Family to “A-43” One-Family

Gerry Curtis, 3301 Hamilton, Fort Worth, Texas representing the property owners explained to the Commissioners the present zoning was acted on by a past Council person. He said he believes it was done so townhouse developers would not buy the large lots and further subdivide. Mr. Curtis said there are only three lots that are more than 2 ½ acres. The lot sizes are 1.5 and 1.7 acres now. The re-plat would make the lots a little over 1.5 acres and it doesn't comply with 2 ½ acres as zoned.

Mr. West asked him to comment on the realignment of the lot lines. Mr. Curtis explained the property owner wants to have the additional property for a circular drive.

Motion: Following brief discussion, Mr. West recommended approval of the request, seconded by Mr. Hollis. The motion carried unanimously 9-0.