

**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
April 2, 2013

Council District 8

Zoning Commission Recommendation:
Approval by a vote of 5-2

Opposition: none

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

Owner / Applicant: Saleh El-Hamad

Site Location: 2300 Evans Avenue Mapsco: 77P

Proposed Use: Grocery store and Grill

Request: From: "A-5" One-Family Residential
To: "E" Neighborhood Commercial

Land Use Compatibility: Requested change is not compatible.

Comprehensive Plan Consistency: Requested change is not consistent. (Significant Deviation)

Background:

The proposed rezoning site is located at the intersection of E. Harvey and Evans Avenues. The applicant is proposing to open a grocery store and grill. The site was rezoned as part of Hillside Morningside Neighborhood which surrounds and includes the subject. The case was approved October 13, 2008. The subject site was previously zoned "E" Neighborhood Commercial and is now "A-5" One-Family residential. The land use identified on the site at the time of rezoning was a vacant building.

A single family neighborhood occupies the remainder of the block, with the closest occupied commercial building being at least 200 feet away. The land uses immediately surrounding the zoning subject are divided between residential uses, vacant land, and institutional uses. The existing building covers almost the entire lot, which excludes area for landscaping, transitional buffers, and sufficient on-site parking. If the zoning is approved and a commercial activity intended, it is expected that multiple variances will be necessary to use the property.

Site Information:

Owner: Saleh El-Hamad
828 Foxridge Drive
Arlington, TX 76017
Acreage: 0.19 acres
Comprehensive Plan Sector: Southside

Surrounding Zoning and Land Uses:

North "A-5" One-Family, "E" Neighborhood Commercial / Single family homes, restaurant, and vacant land
 East "CF" Community Facilities / Single family homes and church
 South "A-5" One-Family / Single family homes and vacant land
 West "A-5" One Family / Single family homes and vacant land

Recent Relevant Zoning and Platting History:

Zoning History: ZC-06-150, ZC-08-014, surplus properties south and east of site, from B to A-5, approved;
 ZC-07-086, ZC-08-151, surrounding and including site, Council-initiated from various districts to be in conformance to the Comprehensive Plan, approved;
 ZC-08-019, south of site, surplus property, south of site, from B to ER, approved, and
 ZC-10-0136, south of site, Council-initiated to expand institutional uses, from A-5 to CF, approved.
Platting History: FS-010-045, Hyde Park Addition for institutional uses.

Transportation/Access

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

Public Notification:

The following Neighborhood Associations were notified:
 Hillside Morningside NA Southeast Fort Worth Inc.
 Morningside NA Southside Preservation Association
 West Morningside NA Morningside/Hillside Crime Watch
 United Communities Association Fort Worth ISD

Development Impact Analysis:

1. **Land Use Compatibility**

The applicant proposes to open a grocery store and grill under the "E" Neighborhood Commercial district. Significant commercial uses are first allowed by right in the "E" Neighborhood Commercial district, accommodating the intensity of uses, hours of use, and influx of traffic. The subject property contains three on-site parking spaces on the northern side of the building and a 5,038 square foot building that has been vacant since 2007.

The immediate neighborhood is predominantly residential with a significant number of vacant commercial sites and buildings. The few operating businesses appear to be serving a limited customer base. In 2008, "A-5" One-Family Residential zoning was approved to support stabilization of the existing neighborhood, in accordance with the Comprehensive Plan.

The building currently covers almost the entire lot, with minimal parking and no additional landscaping. The building's square footage would require 27 on-site parking spaces, if divided between a grocery store of 3,800 square feet and a grill of 1,238 square feet. Section 6.202(D)3 does not allow parallel parking to be substituted for on-site parking, such as along Evans Avenue.

As the building is situated on a residential block, additional development standards of bufferyards, supplemental building setbacks, projected residential setbacks are required. Twenty-foot building setbacks with five-foot landscaped buffer yards are required adjacent to the residential districts on the south and west. The lot south of the rezoning case is addressed on Evans Avenue, causing a 20-foot projected residential front yard setback on the subject property. The projected frontyard setback and the required bufferyard leave space for three additional parking spaces on the north of the building.

Based on the impact of significant commercial uses in a residential area, lack of transitions or buffers with the adjacent residential properties, and lack of compliance with the minimum parking requirements, the proposed E zoning for commercial uses **is not compatible** with the neighborhood. "ER" Neighborhood Commercial Restricted zoning is more appropriate as a

transitional district between residential uses and commercial areas for limited commercial, institutional and office uses serving the immediate neighborhood and where alcoholic beverage sales are prohibited.

2. **Comprehensive Plan Consistency**

The 2012 Comprehensive Plan designates the site as single family. Residential uses are appropriate within this designation, and the site was rezoned to match the future land use. The site is outside the focus of the Evans Avenue redevelopment area.

The proposed E zoning is not consistent with the following Comprehensive Plan policies.

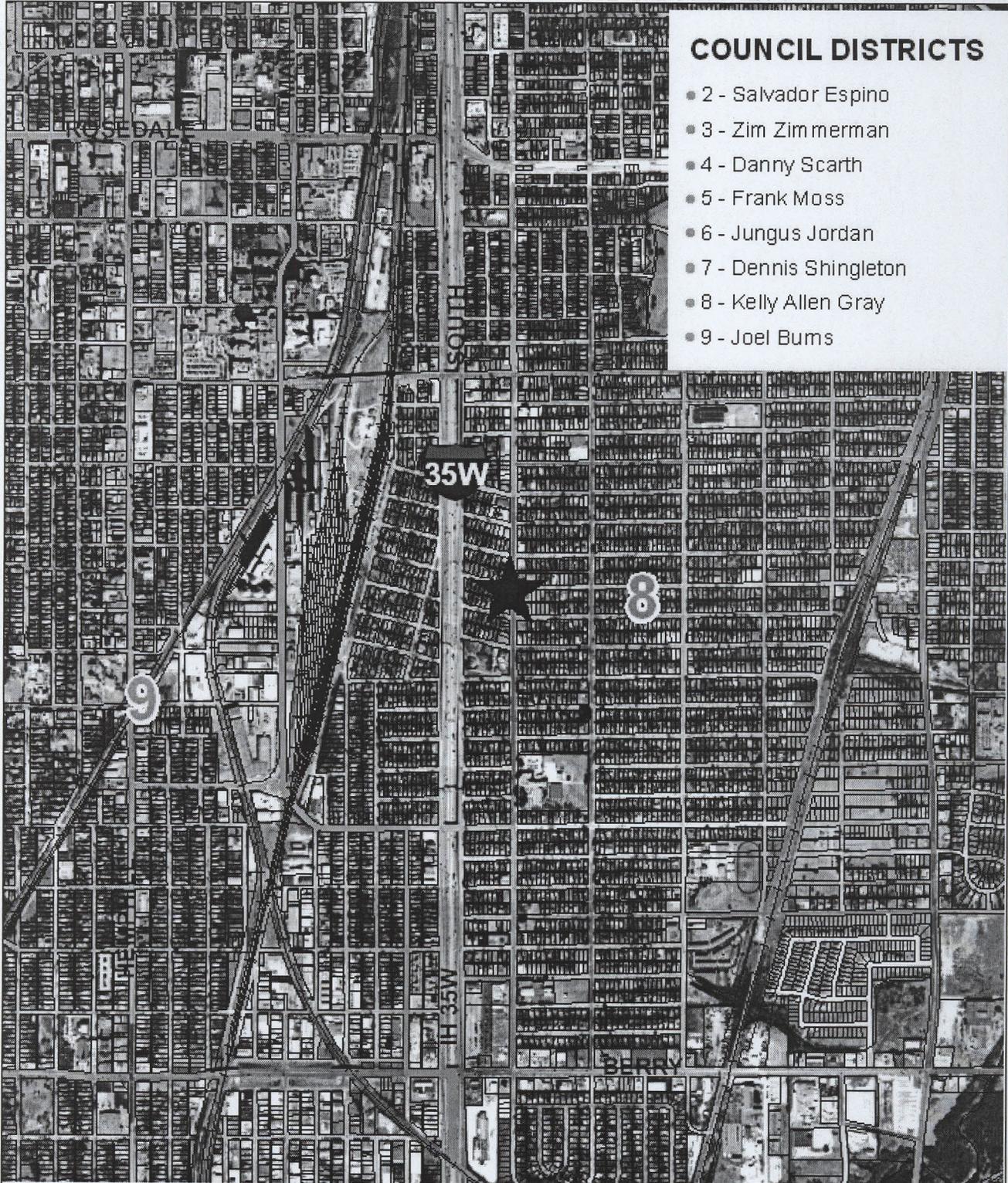
- Preserve and protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, demolition, neglect, and other negative forces. (pg. 37)
- Separate incompatible land uses with buffers or transitional uses. Some land uses have attributes such as height, proportion, scale, operational characteristics, traffic generated, or appearance that may not be compatible with the attributes of other uses. (pg. 38)

Based on the lack of conformance with the future land use map and policies stated above, the proposed zoning **is not consistent (Significant Deviation)** with the Comprehensive Plan.

Attachments:

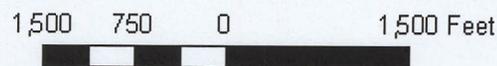
- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Minutes of the Zoning Commission meeting

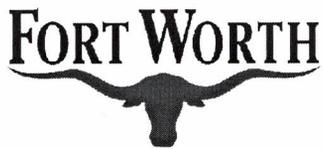
Location Map



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





ZC-13-038

Area Zoning Map

Applicant: Saleh El-Hamad
 Address: 2300 Evans Avenue
 Zoning From: A-5
 Zoning To: E
 Acres: 0.19
 Mapsco: 77P
 Sector/District: Southside
 Commission Date: 03/13/2013
 Contact: 817-392-8190



300 Ft. Notification Buffer





Future Land Use

ZC-13-038



- | | |
|-----------------------------------|--------------------------|
| Vacant, Undeveloped, Agricultural | Neighborhood Commercial |
| Rural Residential | General Commercial |
| Suburban Residential | Light Industrial |
| Single Family Residential | Heavy Industrial |
| Manufactured Housing | Mixed-Use Growth Center |
| Low Density Residential | Industrial Growth Center |
| Medium Density Residential | Infrastructure |
| High Density Residential | Lakes and Ponds |
| Institutional | 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, Sect. 219.005) Land use designations were approved by the City Council on March 5, 2013.



Aerial Photo Map



200 100 0 200 Feet

Industrial a few years ago and they have a prospective buyer who is requesting it be rezoned to K Heavy Industrial.

Gary Havener, 1715 Western Avenue, Fort Worth, Texas mentioned the property is under contract and the prospective tenant is requesting K zoning because they have a horsepower in excess of 60 -70 decibals. He mentioned they have K zoning on both sides of the property.

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

8. ZC-13-037 Tarrant County Holdings (CD 3)- 3408, 3416 Pelham Road (Ridglea Hills Addition, Block 11, Lots 2R & 3, 0.75 Acres): from "A-5" One-Family, "F" General Commercial and "CB/GC" Camp Bowie General Corridor Mixed Use to "CB/TR" Camp Bowie Transition

Tim Dudley, 9005 Cedar Bluff Drive, North Richland Hills, Texas representing Tarrant County Holdings explained to the Commissioners they are requesting the zoning in order to build townhouses. There will be three to four units per building and will comply with the camp Bowie Transition guidelines. The units will be from 2400 to 2600 square feet

Mr. West said there are two lots and what is on the property now. Mr. Dudley said there is nothing on the lots now. Mr. West asked if there used to be houses on the lots. Mr. Dudley said he wasn't for sure what used to be on the lot. Mr. West how many units did he think he could get on the lot. Mr. Dudley said probably three per building, two stories with rear garages and open parking for guests. Mr. West also asked if he has had any communication with the neighborhood. Mr. Dudley said he hasn't but the property owner has and they did support it.

Ms. Reed asked about the meeting with the Urban Design Commission on March 7th. Ms. Murphy said it was heard by the Urban Design Commission and recommended for approval.

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

9. ZC-13-038 Saleh El-Hamad (CD 8)- 2300 Evans Avenue (Hyde Park Addition, Block 13, Lot 369, 0.19 Acres): from "A-5" One-Family to "E" Neighborhood Commercial

Saleh El-Hamad, 2300 Evans Avenue, Fort Worth, Texas owner of the property explained to the Commissioners he has owned this site since 1984 and was a retail store up until 2007. He closed the store in 2008 and was overseas when it was rezoned to A-5 in 2008. It is a brick building and has had interest in it for commercial use.

Ms. Conlin asked where he plans to park his customers. Mr. El-Hamad said there is parking in the front along the street. He said they are a neighborhood store and most of his customers walk to the store.

Mr. Flores asked how long the store had been vacant and how long has he owned the property. Mr. El-Hamad said he has owned the property since 1984 and has been vacant since 2007. Mr.

Flores asked if he had any conversations with the neighborhood. Mr. El-Hamad said he talk to about three or four of the neighbors and they were in support.

Mr. West asked if there was a grocery store there previously. Mr. El-Hamad said yes he owned the store and had managers running it. He said it is set up for a grocery store use.

Ms. Conlin asked if he sold alcohol when the store was open. Mr. El-Hamad said yes he did and still plans to sell alcohol. Ms. Conlin asked if he had talked with any other neighbors. He said yes but most are Spanish speaking.

Beth Knight, Senior Planner explained to the Commissioners the uses surrounding the property.

Ms. Conlin made a motion to deny the request with no second.

Motion: Following brief discussion, Mr. West recommended approval of the request, seconded by Mr. Genua. The motion carried 5-2 with Mr. Edmonds and Ms. Conlin against.

<i>Document received for written correspondence</i>				ZC-13-038	
Name	Address	In/Out 200 notification area	ft	Position on case	Summary
Freddy Dobbins	2318 Evans Ave	In		Support	Sent letter in

10. ZC-13-039 All Storage Camp Bowie Associates, LP (CD 7)- 5603/5529 Locke Avenue (Chamberlain Arlington Heights, Block 144, Lot 32R2, 1.97 Acres): from “CB/RG Camp Bowie/Ridglea Gateway to “PD/CB/RG” Planned Development for all uses in “CB/RG” Camp Bowie Ridglea Gateway plus mini-storage; site plan included

Coy Quine, 301 S. Sherman, Suite 100, Richardson, Texas representing All Storage Camp Bowie Associates explained to the Commissioners the zoning was changed after they built the facility and is legal non-conforming. Mr. Quine said he did meet with the Urban Design Commission as well as the Como neighborhood that were in support.

Mr. West asked about the current zoning because of the overlay and if something happened to the building what would be the procedure for rebuilding. Ms. Murphy noted because it is not a permitted use if approved he would have to comply with the Camp Bowie District and adhere to the site plan. Mr. West asked about the lighting on the property. Mr. Quine said it is down lighting on the building and wall packs that down light the area. Mr. West asked what type facility is it. Mr. Quine said is an enclosed climate control facility excluding the drive thru area with different size storage rooms.

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

<i>Document received for written correspondence</i>				ZC-13-039	
Name	Address	In/Out 200 notification	ft	Position on case	Summary