



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
September 10, 2013

Council District 8

Zoning Commission Recommendation:

Denial by a vote of 8-0

Opposition: Multiple letters in opposition

Continued	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Case Manager	<u>Stephen Murray</u>	
Surplus	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Council Initiated	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Owner / Applicant: **Raymundo Garcia**

Site Location: 1900 Evans Avenue Mapsco: 77P

Proposed Use: **Auto Repair**

Request: From: "E" Neighborhood Commercial

To: "PD/E" Planned Development for all "E" Neighborhood Commercial including auto repair and excluding ambulance dispatch station, massage therapy and spa, stealth communication tower, indoor amusement, used apparel sales, feed store, firewood sales, liquor or package store, or veterinary clinic with indoor runs; site plan included

Land Use Compatibility: Requested change **is not compatible.**

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

Background:

The proposed site is located on the corner of Evans Avenue and Jefferson Avenue. The applicant intends to utilize an existing strip retail building and has provided a site plan in order to specify the location of a 10 ft wide bay door, lease spaces and additional landscaping. The existing building does not have the required 20 ft. bufferyard to residential zoning, but a 20 ft. alley provides some separation. A gate is shown on the site plan to utilize the alley for access. A dedication is required and the alley must be improved to city standards for access. Additionally the site is constrained by a 20 ft. front yard along Evans Avenue and a projected front yard on Jefferson Avenue.

The applicant is requesting a "PD" due to multiple waivers necessary due to the residential adjacency and to minimize the potential uses allowed within the zoning district. The applicant has provided five site development controls that appear to be above and beyond our current ordinance. However, three of these controls are already required. The table below provides a description of the requested controls and the ordinance information that governs them.

Applicant's Requested Site Development Controls	Currently Required by our Ordinance
All repairs will be conducted within an enclosed building	All repairs will be conducted within an enclosed building (5.104.1)

Automotive repair located adjacent to single-family residential use must screen all vehicles that have been accepted for repairs from view of residential use by parking/storing the within a building or by providing a six foot screening fence or six foot solid screen evergreen hedge along the property line adjacent to residential use	Automotive Repair; Paint and Body Shops located on property adjacent to a one-or-two family residential use must screen all vehicles that have been accepted for repairs from view from such residential use by parking/storing the vehicles within a building or by providing a six foot solid screening fence or six foot solid screen evergreen hedge along the property line adjacent to residential use (5.104.2.1)
No vehicles that have been accepted for repair may be stored more than 180 days	No vehicle retained for repairs may be stored for more than sixty (60) days from the date the vehicle is accepted for repair. The sixty-day time limit may be extended to a total one hundred eighty (180) days from the date the vehicle is accepted for repair if the automotive repair or paint and body shop has begun the process to obtain a lien on the vehicle pursuant to state law (5.104.C.5)
No vehicles may be stored/parked outside after regular business hours	Not required by our ordinance
Overnight storage of vehicles that have been accepted for repair must be stored in an enclosed building	Not required by our ordinance

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.

Landscaping and trees are shown on the submitted site plan. The auto repair is considered a change of use and therefore the ordinances apply. After the Zoning Commission hearing, Staff requested that the applicant provide calculations to determine if the landscaping and tree plantings exceeded the counts that would be required under the regulations. It was determined that the counts met but did not exceed what would be required by the Landscaping and Urban Forestry ordinances. The minimum requirements of both ordinances including planting placement must be met.

Site Information:

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

Agent: Chris Bonilla, Bonilla Group
Acreage: 0.48 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

Recent Relevant Zoning and Platting History:

Zoning History: ZC-12-023 (subject property) from E to PD/E plus auto repair with bay doors facing a One or Two-Family residential district; site plan waiver requested; denied April 3, 2012.
Platting History: None

Site Plan Comments:

The site plan as submitted is not in general compliance with the zoning regulations. The key deficiency is:

1. 20 ft Bufferyard required when adjacent to single-family.
2. Structures are prohibited within the 20 ft. projected setback along Jefferson Avenue.
3. Bay Door is facing an "A-5" District to the east.
4. Auto repair prohibited adjoining an "A-5" District.
5. Parking and automotive storage is prohibited within the 20 ft. projected setback.
6. Site is deficient 15 parking spaces.
7. Must have correct alley width to utilize for business (TPW).
8. Parking cannot be counted in front of the bay door.
9. A corner public open space easement (POSE) is required along E Jefferson and Evans.
10. Provide note that the development will comply with Landscaping and Urban Forestry requirements.

Compliance with the item noted above shall be reflected on the site plan or a waiver is required.

TPW Comments:

- 0119 - Sidewalks - Sidewalks shall be required for all streets as per City of Fort Worth Standards.
- 0279 - Driveway Locations - Driveway location must not interfere with intersection function.
Driveways need to be 50' from intersection and close all unused driveways
- 0305 - ROW Dedication - {have to dedicate for 20' alley}
- 0501 - CFA - Community Facilities Agreement required for streets (to include border streets, alleys and access easements), lights, signs, sidewalks, and drainage improvements
- 0505 - Special Needs Note - {alley has to be paved to city standards and no parking allowed in alley, contact Rick Harding @ 817-392-6526}
- 0509 - Parkway Permit - "Parkway improvements such as curb & gutter, pavement tie-in, drive approaches, sidewalks and drainage inlets may be required at time of building permit issuance via a parkway permit."
- 0559 - Dumpster Pickup - Dumpster pickup must be located internal to the site.

Comments made by TPW staff cannot be waived through the Zoning Commission. Approval of the site plan does not constitute TPW acceptance of conditions; traffic code will be applied to the project.

Transportation/Access

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

Public Notification:

The following Organizations were notified: * denotes closest registered neighborhood association

Organizations Notified	
* West Morningside	Southeast Fort Worth, Inc.
* Hillside Morningside	NUP-Neighborhood Unification Project
United Communities Association	Morningside/Hillside Crime Watch COPS
Fort Worth South, Inc.	FWISD
Southside Preservation Association	

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 included. 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 2013 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 (Significant Deviation)** 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
- Site Plan
- Minutes from the Zoning Commission meeting

Location Map



COUNCIL DISTRICTS

- 2- Sal Espino
- 3- Zim Zimmerman
- 4- Danny Scarth
- 5- Gyna Bivens
- 6- Jungus Jordan
- 7- Dennis Shingleton
- 8- Kelly Allen-Gray
- 9- Joel Burns



2,000 1,000 0 2,000 Feet



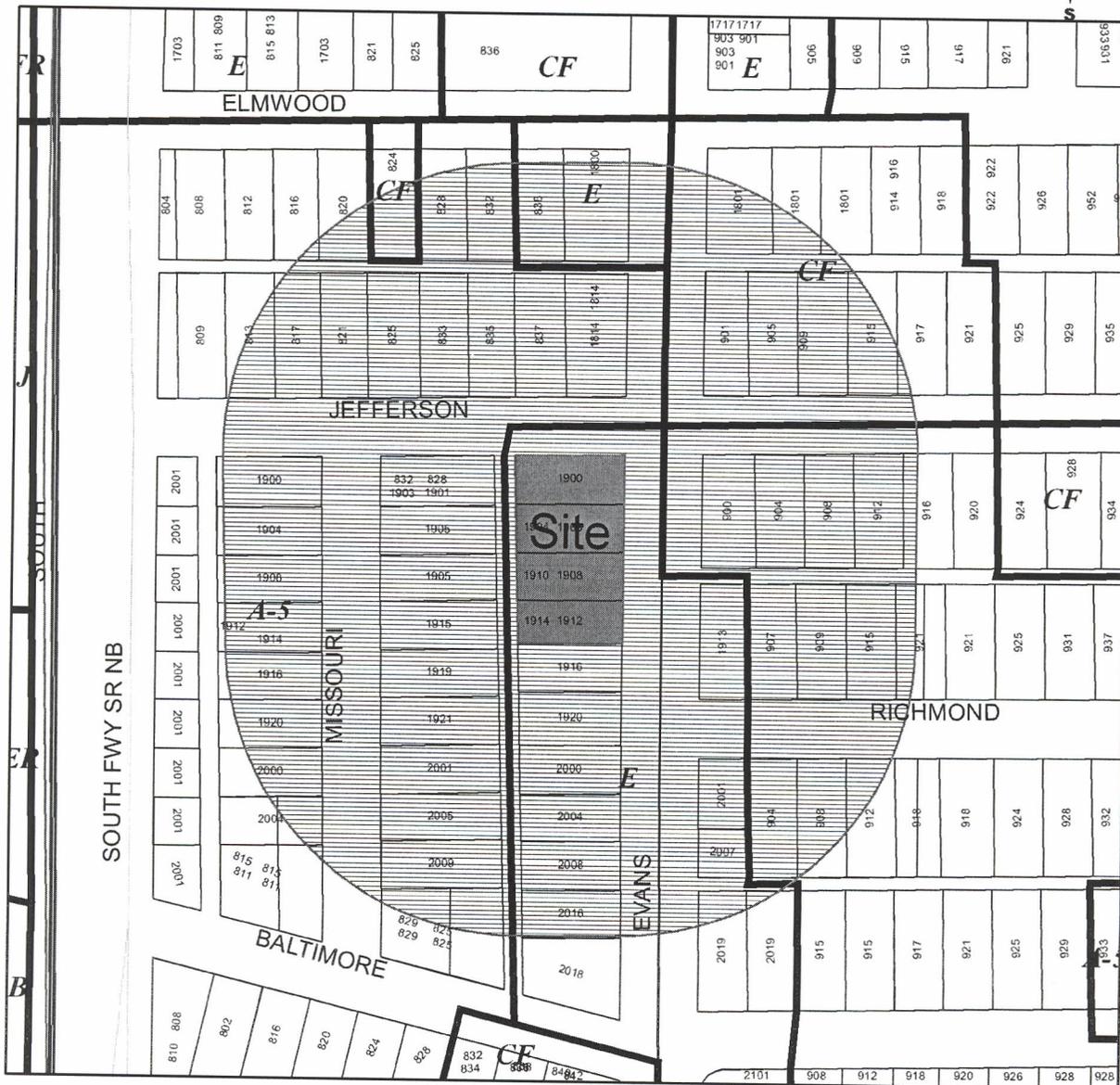


Area Zoning Map

Applicant: Raymundo Garcia
Address: 1900 Evans Avenue
Zoning From: E
Zoning To: PD for E uses plus auto repair
Acres: 0.48834483
MapSCO: 77P
Sector/District: Southside
Commission Date: 7/10/2013
Contact: 817-392-8043



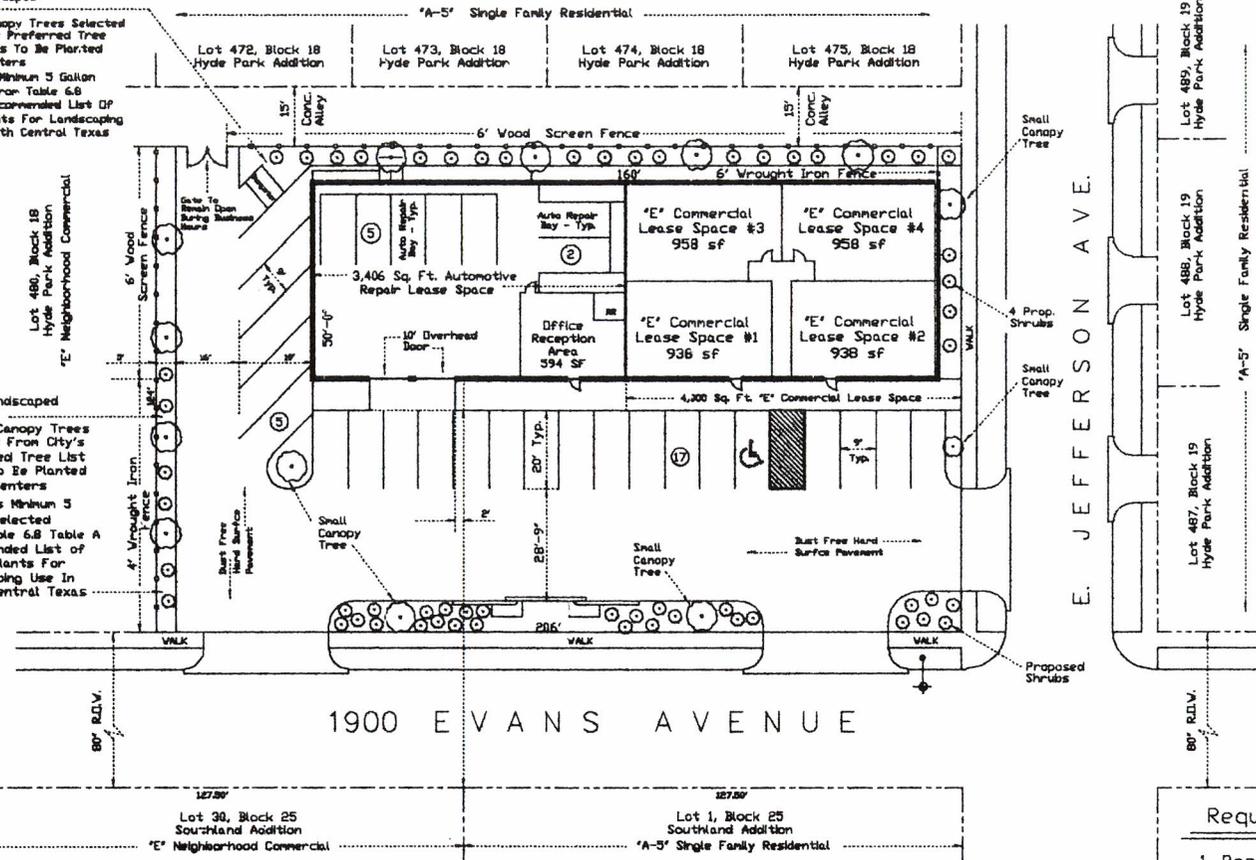
300 Ft. Buffer



5' Wide Landscaped Bufferyard
 - 4 Small Canopy Trees Selected From City's Preferred Tree List. Trees To Be Planted At 20' Centers
 - 19 Shrubs Minimum 3 Gallon Selected From Table 6.8 Table A Recommended List Of Native Plants For Landscaping Use In North Central Texas

Lot 480, Block 18 Hyde Park Addition
 "E" Neighborhood Commercial

5' Wide Landscaped Bufferyard
 - 4 Small Canopy Trees Selected From City's Preferred Tree List
 - 6 Shrubs Minimum 3 Gallon, Selected From Table 6.8 Table A Recommended List of Native Plants For Landscaping Use In North Central Texas



Owner / Developer
Raymundo Garcia
 928 E Powell Avenue
 Fort Worth, TX 76104

13-091

Site Development Controls

1. All repairs must be conducted within an enclosed building;
2. Automotive repair located adjacent to Single Family Residential Use must screen all vehicles that have been accepted for repairs from view of residential use by parking / storing the within a building or by providing a six foot solid screening fence or six foot solid screen evergreen hedge along the property line adjacent to Residential Use.
3. No vehicles may be stored / parked outside after regular business hours;
4. Overnite storage of vehicles that have been accepted for repair must be stored in an enclosed building;
5. No vehicles that have been accepted for repair may be stored for more than 180 days;

Prohibited Uses

1. Ambulance Dispatch Station
2. Massage Therapy and Spa
3. Gas Lift Compressor Station
4. Stealth Telecommunications Tower
5. Telecommunications Antenna (on structure)
6. Amusement, Indoor
7. Clothing / Wearing Apparel Sales, Used
8. Feed Store, No Processing / Milling
9. Firewood Sales
10. Liquor or Package Store
11. Veterinary Clinic With Indoor Kennels

Requested Walvers

1. Required Parking = 32 Spaces
 Provided Parking = 17 Spaces
 Required Parking Deficient By 15 Spaces
2. Walver to allow automotive repair adjacent to 'A-5' Single Family Residential District

PD "E" Neighborhood Commercial
 Plus
 Automotive Repair

1900 Evans
 Fort Worth, Texas
 Lots 476 thru 479, Block 18
 Hyde Park Addition
 0.55 Acres

June 10, 2013

RECOMMENDED FOR DENIAL



1900 Evans Avenue

Future Land Use

ZC-13-091



- 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
- Industrial Growth Center
- Infrastructure
- Lakes and Ponds
- Public Park, Open Space
- Private Park, Open Space

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

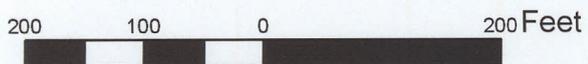
- FLD_ZONE**
- Floodplain



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 5, 2013.



Aerial Photo Map



Motion: Following a brief discussion, Mr. Genua recommended approval of the request, seconded by Ms. Reed. The motion carried unanimously 8-0.

<i>Document received for written correspondence</i>					ZC-13-088
Name	Address	In/Out 300 notification area	ft	Position on case	Summary
Lawrence Jamison	4025 Alderbrook Ln	In		Support	Spoke at hearing

3. ZC-13-091 Raymundo Garcia (CD 8) 1900 Evans (Hyde Park Addition, Block 18, Lots 476 - 479, 0.48 Acres): from “E” Neighborhood Commercial to “PD/E” Planned Development for all uses in “E” Neighborhood Commercial including auto repair and excluding ambulance dispatch station, massage therapy and spa, stealth telecommunication tower, indoor amusement, apparel sales, used, feed store, firewood sales, liquor package store, or veterinary clinic with indoor runs; site plan included

Chris Bonilla, 8540 Charleston Avenue, Fort Worth, Texas representing Raymundo Garcia explained to the Commissioners they are proposing a quality and well designed project that will be attractive and durable. Mr. Bonilla displayed a rendering of what they are proposing. The existing structure will be transformed so as to make an architectural statement and make use of pedestrian oriented streetscapes. Mr. Bonilla mentioned there will be four 1,000 square foot lease spaces available for coffee and sandwich shops, office space for doctors, dentists or pharmacy and retail spaces, the other half will be used for automotive repair. He said there will be site development controls including: all repairs to be conducted within an enclosed building, no vehicles will be stored or parked outside after business hours, overnight storage of vehicles must be within an enclosed building and a six foot solid screening fence with landscaping adjacent to the residential properties. There are several excluded uses such as liquor or package store, massage therapy and spa, and amusement indoor. He displayed an artist’s rendering of the project. Mr. Bonilla had some letters of support from the Historic Southside NA, Fort Worth Metropolitan Black Chamber of Commerce and the Director of Economic Development FWMBC as well as a petition of support signatures within the area.

Mr. Genua asked Mr. Bonilla to display the map indicating those in support. He was curious as to why there were no signatures on Jefferson and Evans Avenue. Mr. Bonilla said the entire block over to the freeway is group homes and didn’t think it was appropriate to ask them to sign. The lots just to the south on Evans are commercial businesses and he did not approach them. He stated some of the lots directly behind them are vacant with a few single-family. Mr. Bonilla said they weren’t able to catch some residents at home based on the time of day they went in the neighborhood.

Monte Gilliam, 1100 Vicki Lane, Fort Worth, Texas, President of the Vicki Lane/Bowie Street NA spoke in opposition. Mr. Gilliam mentioned this is the third time they’ve had to address this issue. He said there is an existing auto repair just three blocks down at 2201 Evans Avenue with outside storage of vehicles, an outside lift and a screening fence that does not meet standards. Mr. Gilliam said this is the same business owner who is requesting the zoning change at 1900 Evans Avenue.

Mr. Gilliam asked if the applicant could display the letter from the Metropolitan Black Chamber of Commerce. Mr. Gilliam mentioned he spoke with Mr. Jennings and said there was not a specific approval for this and that it was for economic development along Evans. He also said this is an encroachment into the neighborhood. Mr. Flores asked Mr. Gilliam about the conversation he had with Mr. Jennings concerning the letter of support Mr. Bonilla turned in. Mr. Gilliam said he was stating what he was told.

Mr. Hollis asked if there had been any direct meetings with the applicant. Mr. Gilliam said there are four immediate neighborhood associations in the area. With this application there were a couple of neighborhoods that met. Mr. Hollis asked if there has there been any communication with the applicant. Mr. Gilliam said there has been conversation with the agent but not with the applicant.

Mr. West asked if he was opposed to economic development in this area. Mr. Gilliam said he is not; his opposition is related to this zoning change at 1900 Evans Avenue and mainly the auto repair.

Linda Cameron, 2004 Missouri Avenue, Fort Worth, Texas spoke in opposition. She mentioned the applicant has not spoken to her and there are nine houses that are occupied on Missouri. She handed in a petition of signatures in opposition. Ms. Cameron said she also spoke to Mr. Jennings on July 12 and he said he did not write a letter of support but did recall talking to him.

Mr. Flores asked her about the conversation she had with Mr. Jennings and asked if she had seen the letter submitted which is dated July 31.

Johnny Lewis, 953 E. Terrell, Fort Worth, Texas representing Historic Southside NA spoke in opposition. He noted the letter Mr. Piper sent to Mr. Bonilla was sent as a member of the neighborhood and that he is the Treasurer. He said he has seen a lot of drawings over time and this zoning change does not conform to the work that has been done along Evans. He asked if another auto shop goes in who is going to enforce the things that are supposed to be on the inside. They have been working for three years to get where they are now.

In rebuttal, Mr. Bonilla said they do have a large base of neighborhood support. He said the auto shop business down the street is not the same owner as his client. He said they can't be held accountable for the property owner at 2200 Evans. Mr. Bonilla also mentioned they have not violated an ordinance and they are going through the proper procedures. He said he had requested through an email to meet with Mr. Gilliam and Mr. Lewis and received no response from both parties.

Mr. West asked about the owner of this property and if there is a connection with the property owner at 2200 Evans Avenue. Mr. Bonilla said there is not. Mr. West asked if he had an auto shop business somewhere else. Mr. Bonilla said not to his knowledge.

Ms. Zadeh asked about the site plan comments. Mr. Bonilla said they consist of setbacks and it is an existing building. Ms. Zadeh said he is proposing a more intense use which calls for more buffers adjacent to residential. Mr. Bonilla said they are proposing a screening fence along the residential line, shrubs and trees of the City's preferred list, as well as the five site development controls.

Ms. Burghdoff, Deputy Director, City of Fort Worth wanted to clarify Ms. Colin's question as to if the property remained neighborhood commercial and a new tenant or tenants went into the building that didn't trigger a zoning change then landscaping would not be required. Ms. Burghdoff asked staff to clarify. Ms. Murphy, Planning Manager, City of Fort Worth said the building was built as a retail store and the change to auto uses is triggering the buffer yard requirement.

Mr. Edmonds asked Mr. Gilliam if they approved the site plan and the neighborhood and the City enforced the site plan could they consider this an asset to the neighborhood. Mr. Gilliam said it would not be acceptable for the auto repair to go in there. The biggest problem is the rules they put in place and controlling them. If they would have attempted to contact the neighborhood they may have received some good suggestions.

Mr. Hollis asked Mr. Bonilla what mitigating actions the applicant has planned to change this to an automotive use. Mr. Bonilla said they are putting up a solid screen fence and the shrubs and trees will act as a buffer from the residential. They are making a substantial investment in the property. In response to a question if any of the items in the site plan comments could be addressed, Mr. Bonilla mentioned they can do nothing pertaining to the setbacks. The bay doors facing the east are actually facing commercial uses not residential.

Ms. Reed asked about the previous request in which the same use was denied. Mr. Bonilla said a similar application for the same property came to them a year ago and he was not representing them at that time. The applicant retained their services and the difference is they are providing a site plan and canvassed the neighborhood along with site development controls.

Motion: Following brief discussion, Ms. Conlin recommended a denial of the request, seconded by Mr. Genua. The motion carried unanimously 8-0.

<i>Document received for written correspondence</i>				<i>ZC-13-091</i>		
Name	Address	In/Out 300 notification area	ft	Position on case		
Summary						
Monnie Gillam/ Vicki Lane Bowie St NA	1100 Vicki Ln	Out		Opposition		Spoke at hearing
Johnny Lewis/ Historic Southside NA	953 Terrell Ave	Out		Opposition		Spoke at hearing
Linda Cameron	2004 Missouri	In		Opposition		Spoke at hearing
Evelyn Collins	800 Baltimore	Out		Opposition		Signed petition
Jesse Clay	800 Baltimore	Out		Opposition		Signed petition
Harvey Jones	1900 Missouri Ave	In		Opposition		Signed petition
Paulette Byers	1920 Evans Ave	In		Opposition		Signed petition
Jamie Stewart	817 E Jefferson	Out		Opposition		Signed petition

Several people signed petition in opposition