



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
December 17, 2013

Council District **2**

Zoning Commission Recommendation:
Approval as Amended to PD/ER plus restaurant with front yard parking by a vote of 9-0

Opposition: none

Continued Yes X No
Case Manager Lynn Jordan
Surplus Yes No X
Council Initiated Yes No X

Owner / Applicant: **Anthony Williams & Jehad Mesh Mesh**

Site Location: 3024 Refugio Avenue Mapsco: 62B

Proposed Use: **Restaurant**

Request: From: "A-5" One-Family

 To: "PD/ER" Planned Development for all uses in "ER" Neighborhood Commercial Restricted plus restaurant with front yard parking; site plan waiver recommended

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

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

Background:
The proposed site is located south of NW 31st Street and east of Refugio. The applicant's original request was to change the zoning district from "A-5" One-Family to "E" Neighborhood Commercial for a restaurant. The Zoning Commission recommended "ER" to retain the alcohol restriction and allow the restaurant use.

There is an existing 1,350 square foot building on the property. A Council-initiated zoning in 2010 changed the zoning for the property from "ER" Neighborhood Commercial Restricted to "A-5" One-Family to match the Comprehensive Plan. No business was operating in the building at the time of rezoning.

The applicant has indicated the subject property was a club and restaurant at one time and would like to re-open it to sell barbecue. The last Certificate of Occupancy on file is from 1994. The building appears to have been vacant for some time. Reopening the building will require that the building be brought up to Fire and Health Codes.

At the Zoning Commission, the applicant indicated he has no intention to sell alcohol. After discussion, the Zoning Commission determined that the preferred zoning was "ER" and added the restaurant and front yard parking to accommodate the existing building layout.

Site Information:
Owner: Anthony Williams & Jehad Mesh Mesh
 5000 Diaz
 Fort Worth, TX 76107

Acreage: 0.14 acres
 Comprehensive Plan Sector: Far North
 Surrounding Zoning and Land Uses:
 North "A-5" One-Family / vacant
 East "A-5" One-Family / single-family
 South "A-5" One-Family / single-family
 West "A-5" One-Family / single-family

Recent Relevant Zoning and Platting History:

Zoning History: ZC-10-116 various addresses approved by City Council 07-14-10 for A-5 single-family
Platting History: None
BOA History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Refugio Ave	Residential	Residential	No
NW 31 st St	Residential	Residential	No

Public Notification:

The following Organizations were notified:

Organizations Notified	
Far Greater Northside Historical*	Fort Worth ISD
Streams & Valleys, Inc. (Marine Creek)	

*closest registered neighborhood association

Development Impact Analysis:

1. Land Use Compatibility

The applicant's original request was a change to "E" Neighborhood Commercial for restaurant use. Surrounding land uses are predominantly single-family. An electric substation is located to the south. The site is located at the corner of Refugio and NW 31st Street, which is considered a residential street with no plans of expansion on the Master Thoroughfare Plan. The operating characteristics of a restaurant, depending on the hours of operation, traffic generated and noise, could impact the neighborhood.

The proposed zoning **is not compatible** with surrounding land uses.

2. Comprehensive Plan Consistency

The 2013 Comprehensive Plan designates the subject property as single-family. The requested zoning change is not consistent with the following Comprehensive Plan policies

- Encourage development type and intensity appropriate to existing or planned street infrastructure (pg 38)
- Protect residential land uses from incompatible land uses, disinvestments, encroachment, speculation, demolition, neglect, and other negative forces (pg 39)

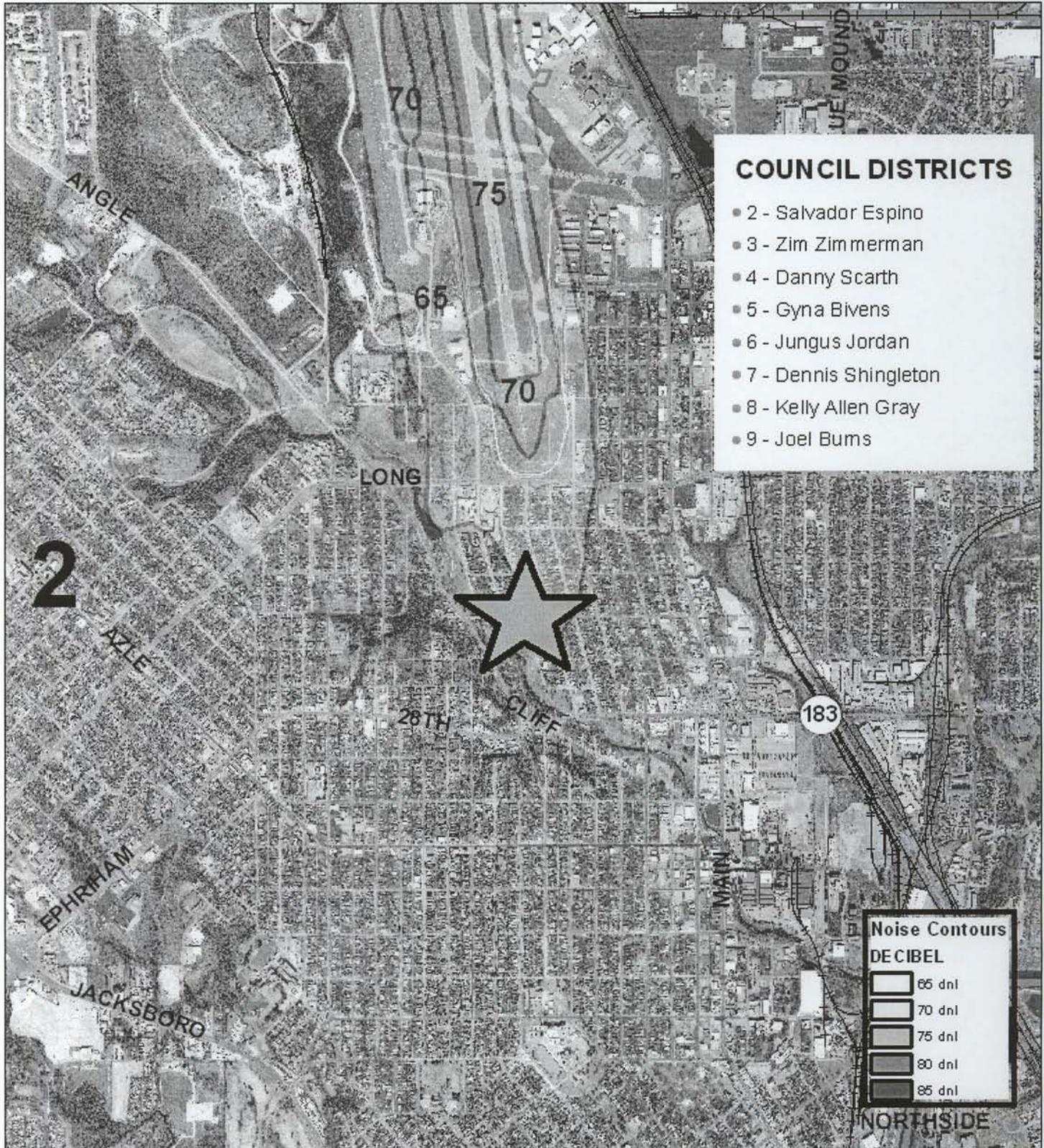
Based on nonconformance with the future land use map and the policies stated above, the proposed zoning **is not consistent (Significant Deviation)**

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 from the City Council meeting
- Minutes from the Zoning Commission meeting

Location Map



COUNCIL DISTRICTS

- 2 - Salvador Espino
- 3 - Zim Zim merman
- 4 - Danny Scarth
- 5 - Gyna Bivens
- 6 - Jungus Jordan
- 7 - Dennis Shingleton
- 8 - Kelly Allen Gray
- 9 - Joel Bums

Noise Contours DECIBEL

- 65 dnl
- 70 dnl
- 75 dnl
- 80 dnl
- 85 dnl

2,000 1,000 0 2,000 Feet

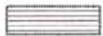




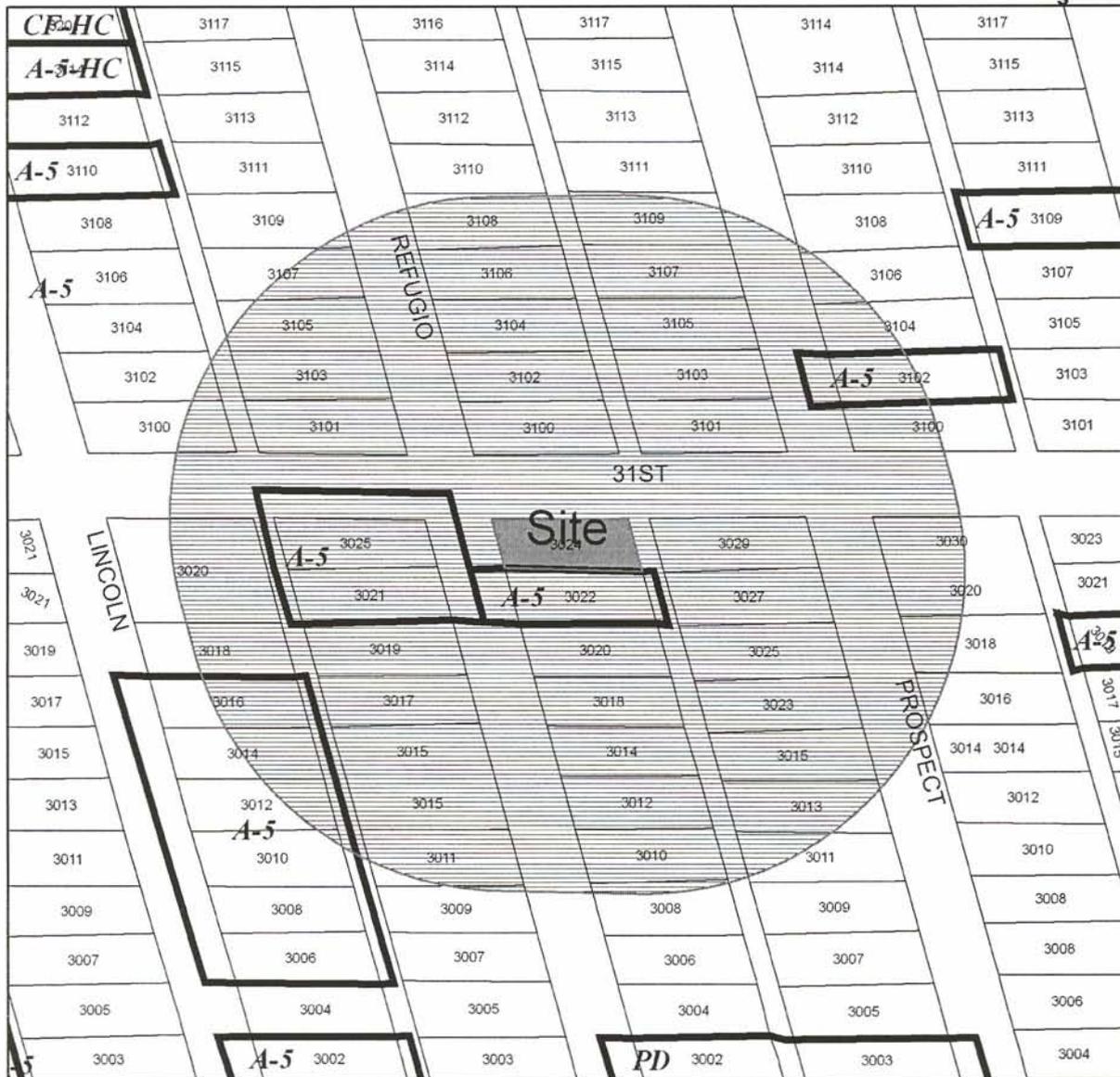
ZC-13-161

Area Zoning Map

Applicant: Anthony Williams and Jehad Mesh Mesh
 Address: 3024 Refugio Avenue
 Zoning From: A-5
 Zoning To: E
 Acres: 0.13951726
 Mapsco: 62B
 Sector/District: Northside
 Commission Date: 11/13/2013
 Contact: 817-392-2495



300 Ft. Buffer

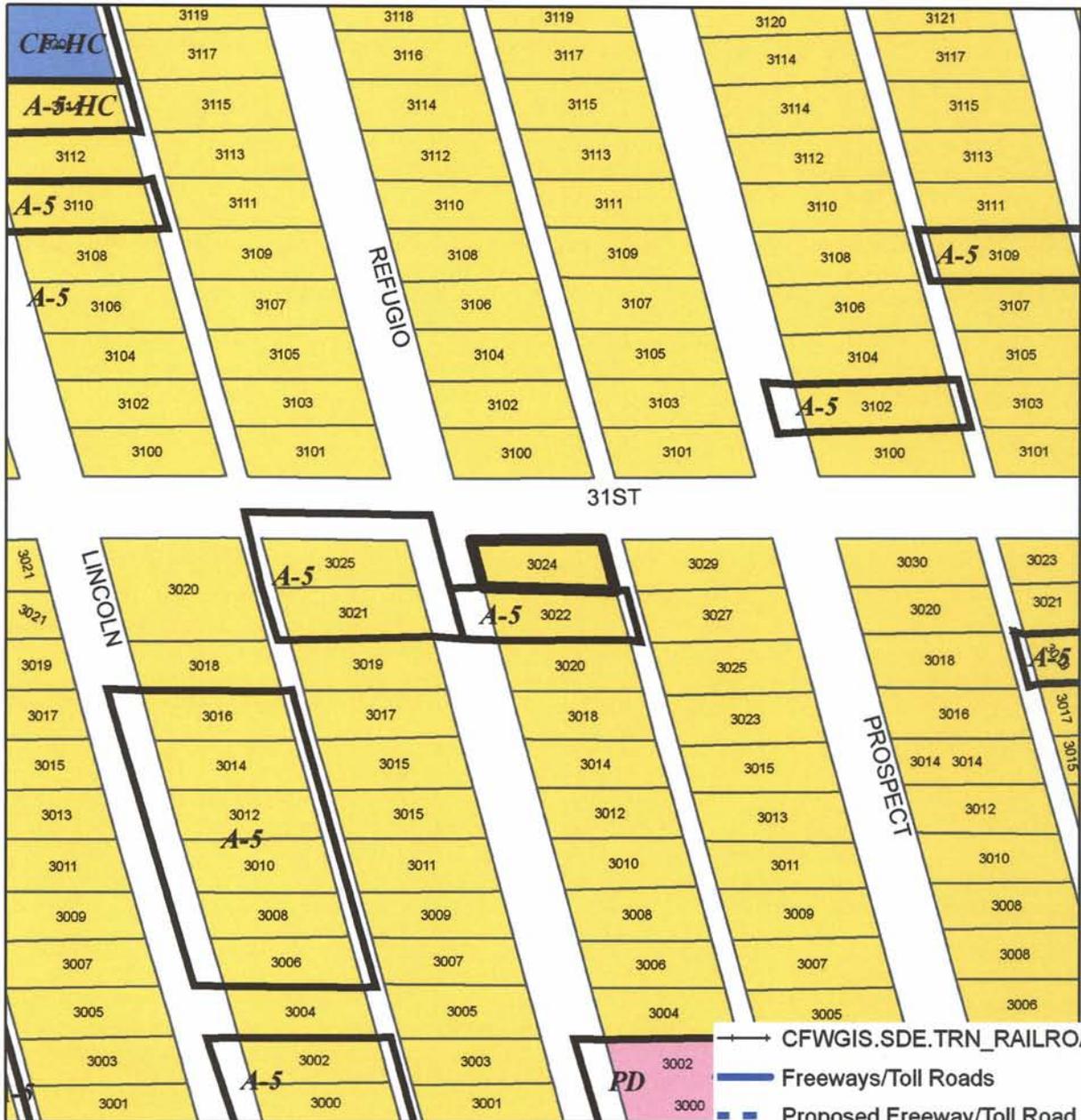




3024 Refugio Avenue

Future Land Use

ZC-13-161



- 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



5. ZC-13-157 - (CD 7) - Ray & Linda Snider, 9508 Park Drive; from: "AG" Agricultural to: "A-2.5" One-Family (Recommended for Approval by the Zoning Commission)

Motion: Council Member Shingleton made a motion, seconded by Council Member Jordan, that Zoning Docket ZC-13-157 be continued to the March 4, 2014, Council meeting. The motion carried unanimously 6 ayes to 0 nays with Council Members Espino, Scarth and Burns absent.

6. ZC-13-158 - (CD 2) - Rita & Blas Rodriguez, 2421 Pearl Avenue; from: "A-5" One-Family to: "PD/A-5" Planned Development for all uses in "A-5" One-Family plus inside storage of roofing materials only; site plan included. (Recommended for Denial by the Zoning Commission)

Motion: On behalf of Council Member Espino, Mayor Pro tem Zimmerman made a motion, seconded by Council Member Shingleton, that Zoning Docket ZC-13-158 be continued to the December 17, 2013, Council meeting. The motion carried unanimously 6 ayes to 0 nays with Council Members Espino, Scarth and Burns absent.

7. ZC-13-160 - (CD 2) - Mario Santiesteban/MSCTLS Properties, LLC, 2723 Pearl Avenue; from: "A-5" One-Family to: "E" Neighborhood Commercial (Recommended for Approval by the Zoning Commission)

Mr. Yadira Garcia, 4153 Longmeadow Way, completed a speaker card in support of Zoning Docket ZC-13-160 but did not wish to address Council.

Motion: On behalf of Council Member Espino, Mayor Pro tem Zimmerman made a motion, seconded by Council Member Jordan, that Zoning Docket ZC-13-160 be continued to the December 17, 2013, Council meeting. The motion carried unanimously 6 ayes to 0 nays with Council Members Espino, Scarth and Burns absent.

8. ZC-13-161 - (CD 2) - Anthony Williams & Jehad Mesh Mesh, 3024 Refugio; from: "A-5" One-Family to: "PD/ER" Planned Development for all uses in "ER" Neighborhood Commercial Restricted plus restaurant with front yard parking; site plan waiver recommended. (Recommended for Approval as Amended to PD/ER plus restaurant and front yard parking)

Motion: On behalf of Council Member Espino, Mayor Pro tem Zimmerman made a motion, seconded by Council Member Shingleton, that Zoning Docket ZC-13-161 be continued to the December 17, 2013, Council meeting. The motion carried unanimously 6 ayes to 0 nays with Council Members Espino, Scarth and Burns absent.

6. ZC-13-161 Anthony Williams and Jehad Mesh Mesh (CD 2) – 3024 Refugio (MG Ellis Addition, Block 76, Lot 13, 0.14 Acres): from “A-5” One-Family to “E” Neighborhood Commercial

Anthony Williams, 5000 Diaz, Fort Worth, Texas property owner explained to the Commissioners they purchased the property about three months ago not realizing it was not zoned for commercial use. They are proposing a BBQ place with no alcohol sales. Mr. Williams said it has been used as a restaurant or another use that may not have been done legally.

He also asked about current uses and it being vacant now. Mr. Williams said he put the boards on the building but the building has been occupied for various uses that may not have been legal. Mr. Flores also asked if the realtor they purchased the property from informed them the property was zoned for single-family. Mr. Williams said no. Mr. Flores wanted to confirm he is using the property for a restaurant/bbq use with no alcohol sales. Mr. Williams said there will be no alcohol sales. Mr. Flores asked who he has spoken to in the community. Mr. Williams answered he has communicated with the neighborhood association and surrounding property owners. Mr. Williams explained it won't be a full fledged BBQ restaurant. He explained there is a wood bbq pit in the building but he had no plans for vent-a-hoods.

Mr. Hollis asked about the enhancements to the property and that the best use for the neighborhood would be single-family. Mr. Williams mentioned they will redo the parking, roofing, and fencing and clean it up.

Mr. Flores asked about the condition of the building. Mr. Williams said it has deteriorated some and they have budgeted for repairs.

Burl Hampton, 2902 LuLu Street, Fort Worth, Texas representing Far Greater Northside spoke in support. He did mention there were some uses going on there in which they had to call police out. He said they wanted to clean up the area and did not want anymore night clubs in the area. He also noted they wanted a good bbq place to go in there and Mr. Williams is bringing some good East Texas BBQ to the site.

Motion: Following brief discussion, Mr. Flores recommended a 90 day continuance, seconded by Ms. McDougall. On a substitute motion Mr. Flores recommended approval of the request as amended to PD/ER plus restaurant with front yard parking, seconded by Ms. Conlin. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>				ZC-13-161	
Name	Address	In/Out 300 notification area	ft	Position on case	Summary
Burl Hampton/ Far Greater Northside	2902 LuLu St	Out		Support	Spoke at hearing

7. ZC-13-162 N. Lucille Gilkey (CD 5) – 4023 East Berry Street (San Roe Addition 4th Filing, Block 5, Lot 12, 0.16 Acres): from “ER” Neighborhood Commercial Restricted to