



**ZONING MAP CHANGE  
STAFF REPORT**

**City Council Meeting Date:**  
February 4, 2014

**Council District** 8

**Zoning Commission Recommendation:**  
Denial by a vote of 9-0

**Opposition:** West Meadowbrook Neighborhood Assoc.

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

**Owner / Applicant:** Richard Hoang

**Site Location:** 1105 S. Ayers Mapsco: 78L

**Proposed Use:** Building Materials Store

**Request:** From: "FR" General Commercial Restricted  
To: "I" Light Industrial

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

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

**Background:**

The proposed site is located east of S. Ayers Avenue and west of Wallace Street. The applicant is proposing to rezone from "FR" General Commercial Restricted to "I" Light Industrial for a building materials retail store. Building materials would consist of shingles, lumber, windows, etc. The majority of the building will be warehouse storage with about 30% office use. A retail business cannot have more than 50% of the building used for inventory storage. The purpose for the zoning case is to allow more of the building to be used for storage and to have outside storage in the future for overflow building materials.

At the Zoning Commission, it was discussed that the business is already operating at the site and the storage of materials in the parking lot is what generated the Code Compliance visit. The applicant explained that the building is in use and the roofing materials were being held for his father only. He explained it is not open to the public at this time. No CO has been issued for the building for this use.

He also explained that he has 11 parking spaces on the site, and that the deliveries and loading would take place within this same parking area. In order to determine the number required spaces, the amount of retail and storage square footage needs to be known.

The area was rezoned in 2010 through the Council initiated process to reduce the intensity in the area and prepare it for redevelopment. The City has begun the reconstruction of the Ayers/Rosedale intersection one block to the south, and several projects are occurring in the area of Texas Wesleyan University.

**Site Information:**

Owner: Richard Hoang  
 1200 S. Ayers Avenue  
 Fort Worth, Texas 76105

Applicant: Bryan Garcia

Acres: 0.86 acres

Comprehensive Plan Sector: Southeast

Surrounding Zoning and Land Uses:

North "FR" General Commercial Restricted / auto repair and outside storage of vehicles  
 East "FR" General Commercial Restricted / vacant  
 South "FR" General Commercial Restricted / auto repair and outside storage of vehicles  
 West "E" Neighborhood Commercial / outside storage

**Recent Relevant Zoning and Platting History:**

Zoning History: ZC-10-118 approved by City Council 09-14-10 various zoning districts, Council initiated subject area

Platting History: NA

**Transportation/Access**

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Ayers Ave	Two-way	Two-way	No
Vickery Blvd	Two-way	Two-way	No

**Public Notification:**

The following organizations were notified:

Organizations Notified	
Poly Historic	West Meadowbrook*
Eastside Sector Alliance	Southeast Fort Worth Inc
East Fort Worth Business Assoc	Fort Worth ISD

\*closest neighborhood organization

**Development Impact Analysis:**

**1. Land Use Compatibility**

The applicant is proposing a zoning change to "I" Light Industrial. Surrounding land uses consist of primarily auto repair/outdoor storage to the north and south sides, vacant land to the east, and outdoor storage to the west. A 2004 CO shows the prior use of the building was auto repair and storage.

Based on surrounding land uses, the proposed zoning for this site **is compatible** at this location.

**2. Comprehensive Plan Consistency**

The 2013 Comprehensive Plan designates the subject property as Neighborhood Commercial. The requested zoning change is not consistent with the following Comprehensive Plan policies:

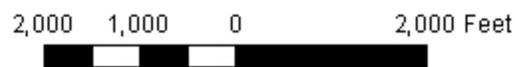
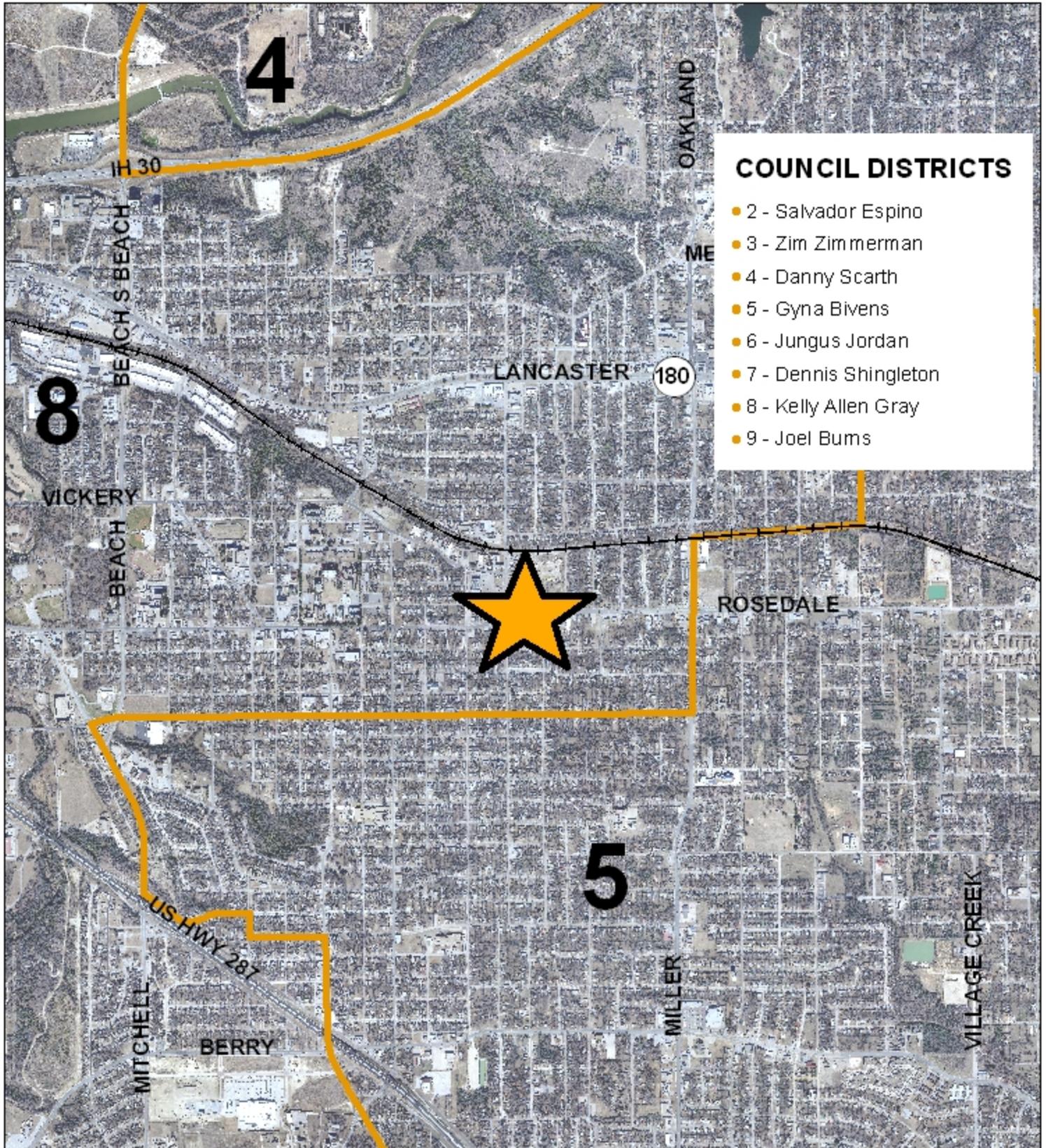
- Separate incompatible land uses with buffers or transitional uses. Some land uses have attributes such as height, proportion, scale, operational characteristics, traffic generated, or appearance that may not be compatible with the attributes of other uses. (pg. 38)

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

**Attachments:**

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

## Location Map



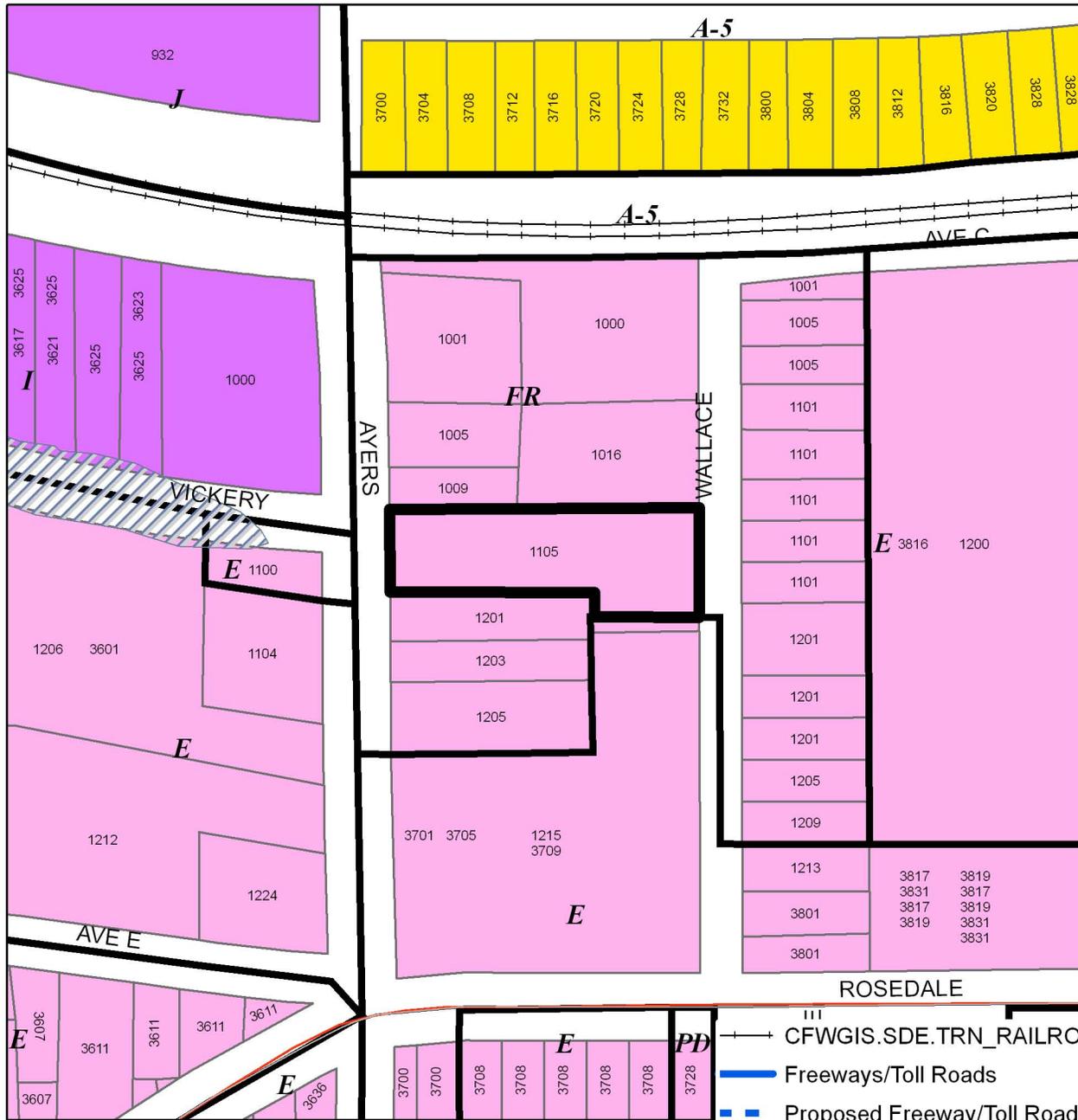




1105 S. Ayers Avenue

# Future Land Use

ZC-13-182



- 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



**IV. New Cases**

**6. ZC-13-182 Richard Hoang (CD 8) – 1105 S. Ayers Avenue (Joe Booth Subdivision, Lot 1R, 0.90 Acres): from “FR” General Commercial Restricted to “I” Light Industrial**

Bryan Garcia, 5701 Heitt Court, Fort Worth, Texas representing Richard Hoang explained to the Commissioners the request is to rezone to sell materials like sheetrock, wood, lumber, etc. Mr. Garcia explained that there are about 11 parking spots with asphalt. He said he had spoken with the adjacent property owners and they were not opposed to his request. Ms. Conlin asked how long they have been in business. Mr. Garcia replied that they are just starting out and they purchased the property about two months ago. He also mentioned that the use before was a garage and that the property had to be rezoned before a certificate of occupancy could be obtained.

Ms. Conlin asked how the trucks accessed the site. Mr. Garcia it would be accessed off of Ayers Avenue. Mr. Genua asked if there was a business operating out of the site as of now. Mr. Garcia replied yes that there is material on site but that no retail activity is occurring as of now and that the intention is to obtain a certificate of occupancy to run the business. Ms. Conlin asked if the building materials were new or used. Mr. Garcia explained they are new materials. Mr. Flores asked about the neighbors in support and any documentation of support. Mr. Garcia said that he does not have the documentation. Mr. Flores noted that there is a letter of opposition from the East Fort Worth Business Association.

Mr. West mentioned that Ayers Street is blocked at Rosedale for a roundabout in this area and if Mr. Garcia was aware of this happening. Mr. Garcia replied that he was not aware of this. Mr. Edmonds mentioned the zoning change sign being on another street and that property owners may not be aware of a zoning change. Also mentioned was the unpaved side of Wallace street and that it may not be accessible from Ayers. Ms. Conlin mentioned that the neighborhood association for West Meadowbrook are present and that she is no longer on the board of the neighborhood association.

Darin Hoppe, 3200 Mount Vernon, president of the West Meadowbrook NA spoke in opposition. He explained his desire to see the redevelopment of the area take place before any industrial uses come in. He would like the request to be denied with prejudice to allow that to happen. He felt that the use does not fit in with the area at this time. He also noted the good things the City is doing for the area.

In rebuttle, Mr. Garcia mentioned his business could help with the growth of the east side and that his business would be a positive to the area. Ms. Conlin asked if the applicant received the same notification as staff sends out for courtesy notification. Ms. Murphy replied that the applicant does not receive the same notice unless it is requested.

Motion: Following brief discussion, Ms. Conlin recommended a Denial With Prejudice, seconded by Mr. Edmonds. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>				<b>ZC-13-182</b>
<b>Name</b>	<b>Address</b>	<b>In/Out 300 ft notification</b>	<b>Position on case</b>	<b>Summary</b>

		<b>area</b>			
Darin Hoppe	3200 Mt. Vernon	Out		Opposition	Spoke at hearing
East Fort Worth Business Assoc	NA	Out		Opposition	Sent letter in

**7. ZC-14-001 PCI Grand Avenue LLC (CD 2) – 1203 Lee Avenue and 502 Grand Avenue (North Fort Worth, Block 62, Lots 1 & 2R, 0.45 Acres): from “A-5” One-Family to “ER” Neighborhood Commercial Restricted**

Mark Presswood, 131 E. Exchange Avenue, Suite 134, Fort Worth, Texas representing PCI Grand Avenue LLC explained to the Commissioners that he has met with the neighborhood as well as Councilmember Espino and had their support for this request. He explained his proposal for the site and that he would like to open a real estate office along with other suites for office space. Mr. Presswood mentioned that he would like to maintain the green space and leave some space for parking. Mr. Flores noted that he did meet with Mr. Presswood but did not participate in the decision making process and directed Mr. Presswood to the neighborhood association. Mr. Flores asked for clarification on what construction will be taking place. Mr. Presswood said that there would be 3 offices with common areas and 3 employees.

Mr. Flores asked for details of any discussion with the neighborhood. Mr. Presswood said that he did visit the house in front of him and no one answered. Mrs. Flores noted the opposition on file and also the surrounding uses. Mr. Edmonds asked about the demoltion crew as well as the picture on display. Mr. Presswood commented that the building is structurally sound and made reference to the clean up of the property. Mr. West noted that the Trinity River vision project is not within this requested change. Ms. Reed asked about the existing storage building on site. Mr. Presswood said that it is a loading dock but that they do not have any plans for it at this time. Mr. Flores asked if there was access from Lee street. Mr. Presswood clarified that there was.

Motion: Following brief discussion, Mr. Flores recommended Approval of the request, seconded by Ms. McDougall. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>				<b>ZC-14-001</b>	
<b>Name</b>	<b>Address</b>	<b>In/Out 300 ft notification area</b>	<b>Position on case</b>		<b>Summary</b>
Deborah Gallardo	1209 Lee	In		Opposition	Sent letter in

**8. ZC-14-002 Estate of Beverly Flint, James Smith, Jr., Donald Frisbee, Estate of Ortha V. Williams, Gwendolyn Williams, Doris Robinson, John Delin III, B. H. Thompson, and John & Lynn Farley (CD 8) –1409-1511 Illinois Avenue (Elston Addition, Lots 20 thru 27, 1.34 Acres): from “A-5” One-Family to “PD/SU” Planned Development/Specific Use for a friary; site plan included**

Glen Hahn, 930 W. First Street, Suite 201, Fort Worth, Texas representing the property owners explained to the Commissioners that they met with the neighborhoods as well as Councilmember Gray and felt that all parties where in agreement with the request. Mr. Hahn gave a brief history