



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
March 4, 2014

Council District 2

Zoning Commission Recommendation:
Denial by a vote of 7-0

Opposition: none

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

Owner / Applicant: Eduardo, Isidro and Virginia Maldonado

Site Location: 2700, 2704, 2706 Market Avenue Mapsco: 62E

Proposed Use: Pallet company

Request: From: "A-5" One-Family
To: "PD/SU" Planned Development/Specific Use for pallet storage, repair, and resale; site plan waiver requested

Land Use Compatibility: Requested change is not compatible.

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

Background:

The rezoning site is located in the Northside Economic Development Strategy area between 25th and 28th Streets. The applicant is proposing to continue using the site for a pallet company and expand northward onto a lot currently containing a single family residence. The site was rezoned as part of Northside NA, Phase 2, which surrounds and includes the subject. The case was approved January 4, 2011. The lot was previously zoned "I" Light Industrial and is now "A-5" One-Family. The land use identified on the site at the time of the Council-initiated rezoning was a vacant lot.

The applicant is proposing to obtain appropriate zoning for a pallet reconstruction company, whose uses are not in compliance with existing zoning regulations. These types of intensive uses are first allowed in industrial districts. The existing pallet company covers 2700 and 2704 Market Avenue, which excludes area for landscaping, transitional buffers, and sufficient on-site parking.

Beginning February 2012, the property owner was notified that the buildings at 2700 Market Avenue were occupied without an appropriate Certificate of Occupancy (CO), as the CO issued in 2009 was a land use CO only, which does not allow buildings to be constructed. Earlier, in May 2002, the property at 2704 Market Avenue was cited for having no certificate of occupancy or [building permit for a] permanent building on a vacant lot. As the entire site appears to have been constructed without any building permits, obtaining a CO will be difficult. Appropriate reviews for new buildings cover life/safety issues, transportation impacts, urban forestry, water/waste water connections, and fire safety regarding stacking of flammable materials. These reviews should have taken place before the business began operation. Code Compliance has issued multiple citations for the site over the last several years.

Site Information:

Owner: Eduardo, Isidro and Virginia Maldonado
3104 Roosevelt Ave
Fort Worth, TX 76106

Acreage: 0.63 acres
Comprehensive Plan Sector: Northside

Surrounding Zoning and Land Uses:

- North "E" Neighborhood Commercial / Restaurant and billboard
- East "FR" General Commercial Restricted / Auto repair
- South "A-5" One-Family / Pallet company and single family dwellings
- West "A-5" One-Family / Single family dwellings and vacant land

Recent Relevant Zoning and Platting History:

Zoning History: ZC-10-188, surrounding and including site, Council-initiated from various districts to be in conformance to the Comprehensive Plan, approved.

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Market Avenue	Residential	Residential	No

Public Notification:

The following Neighborhood Associations were notified:
Northside NA* Inter-District 2 Alliance
Far Greater Northside Historical NA Fort Worth ISD
Streams & Valleys, Inc. (Marine Creek)

Development Impact Analysis:

1. **Land Use Compatibility**

The site currently contains a pallet reconstruction company with outdoor storage, as well as a single family house. The pallet company currently covers almost the entire area, with parking in the un-vacated alley south of 2700 Market Avenue and no additional landscaping. Commercial, instead of industrial, uses surround the site to the north and east, with predominantly single family dwellings to the south and west.

According city records, 2700 Market Avenue has received a land use CO for a pallet company and building permits for one building in 2002. 2704 Market Avenue has no records of an issued CO or building permits, and 2706 Market Avenue received a residential inspection in 2012. Aerial photographs from 2001 to 2013 indicate a pattern of continued building construction, both on-site and within City rights-of-way. Also, the aerial photographs show pallets stacked as high as 20 feet, with no fire lanes observed. While a building permit has been for a single building at 2700 Market Avenue, the City's permitting system contains no records of any building permits for the additional six buildings on this site. Basic fire safety issues, connections to utilities, transportation impacts, and urban forestry permits have yet to be addressed.

Manufacture of boxes, as well as outdoor storage, is first allowed by right in the "J" Medium Industrial district, reflecting the flammability of the materials and influx of traffic. The site has access from a residential street, instead of an arterial street.

Based on the impact of unpermitted buildings, lack of compliance to the fire codes for flammable materials, and lack of compliance with the zoning ordinance requirements for on-site parking and landscaping, the proposed PD zoning for pallet storage, repair, and resale **is not compatible** with the neighborhood.

2. **Comprehensive Plan Consistency**

The 2013 Comprehensive Plan designates the site as single family. Residential uses are appropriate within this designation, instead of more intensive industrial uses. The site is covered by the Northside Economic Development Strategy plan, adopted by the City Council in 2011. The Plan recommends industrial uses be relocated to an area west of Meacham Airport. The site lies outside any designated industrial area in the Northside Economic Development Strategy plan.

The proposed PD site is not consistent with the following Comprehensive Plan policies or with the Northside Economic Development Strategy plan.

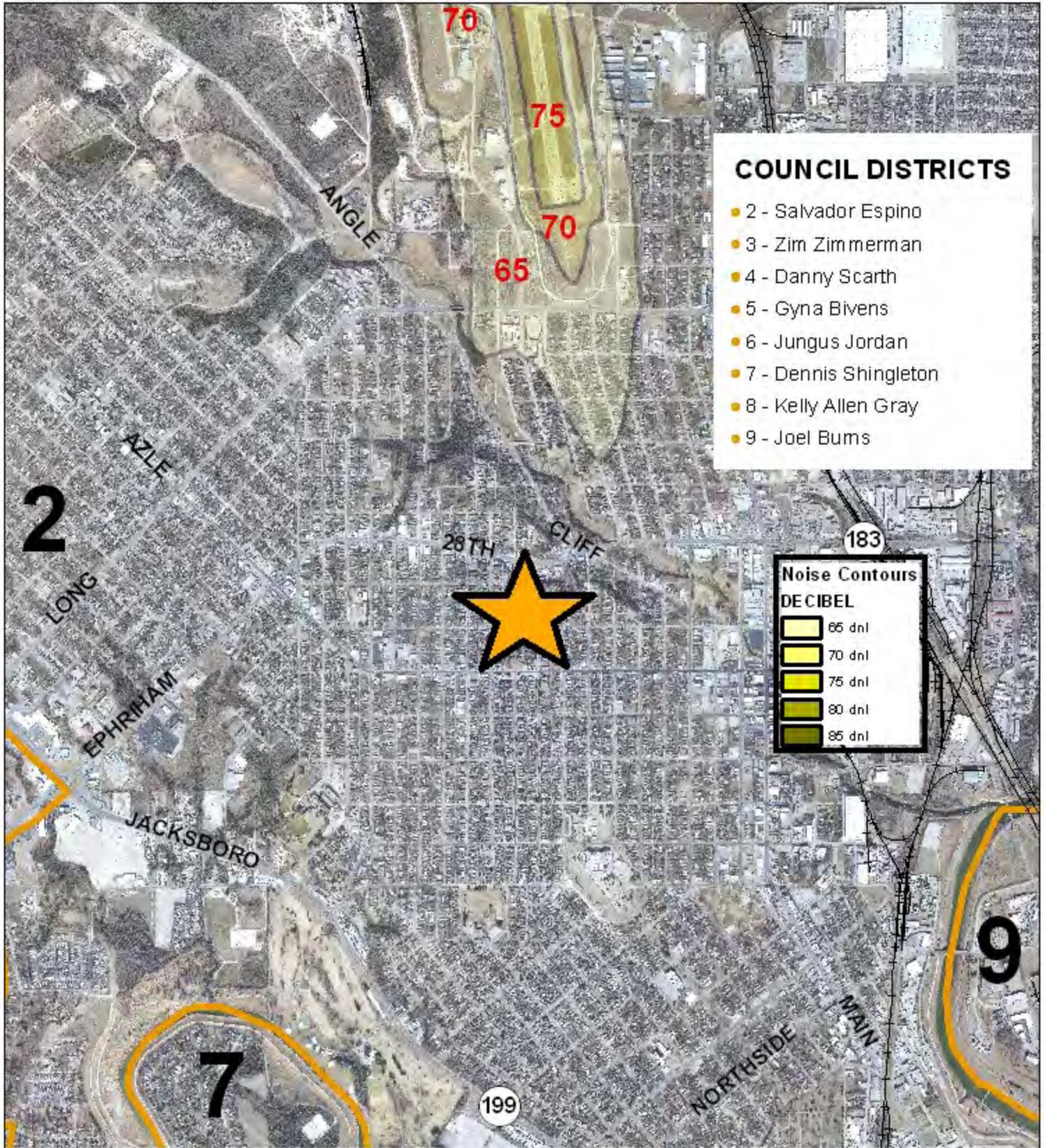
- Encourage development type and intensity appropriate to existing or planned street infrastructure by coordinating future land use map changes with the Master Thoroughfare Plan and an adopted Complete Streets policy. (pg. 38)
- Preserve and protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, demolition, neglect, and other negative forces. (pg. 39)
- 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. 40)
- Encourage screening, reduction, and/or redirection of objectionable characteristics of commercial uses adjacent to residential areas. These attributes may be noise, glare, signs, parking areas, loading docks, and refuse collection. (pg. 40)
- Promote industrial development within the Meacham industrial growth center.

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 and the Northside Economic Development Strategy plan.

Attachments:

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

Location Map

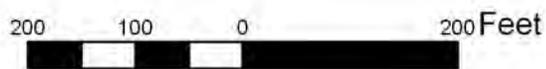
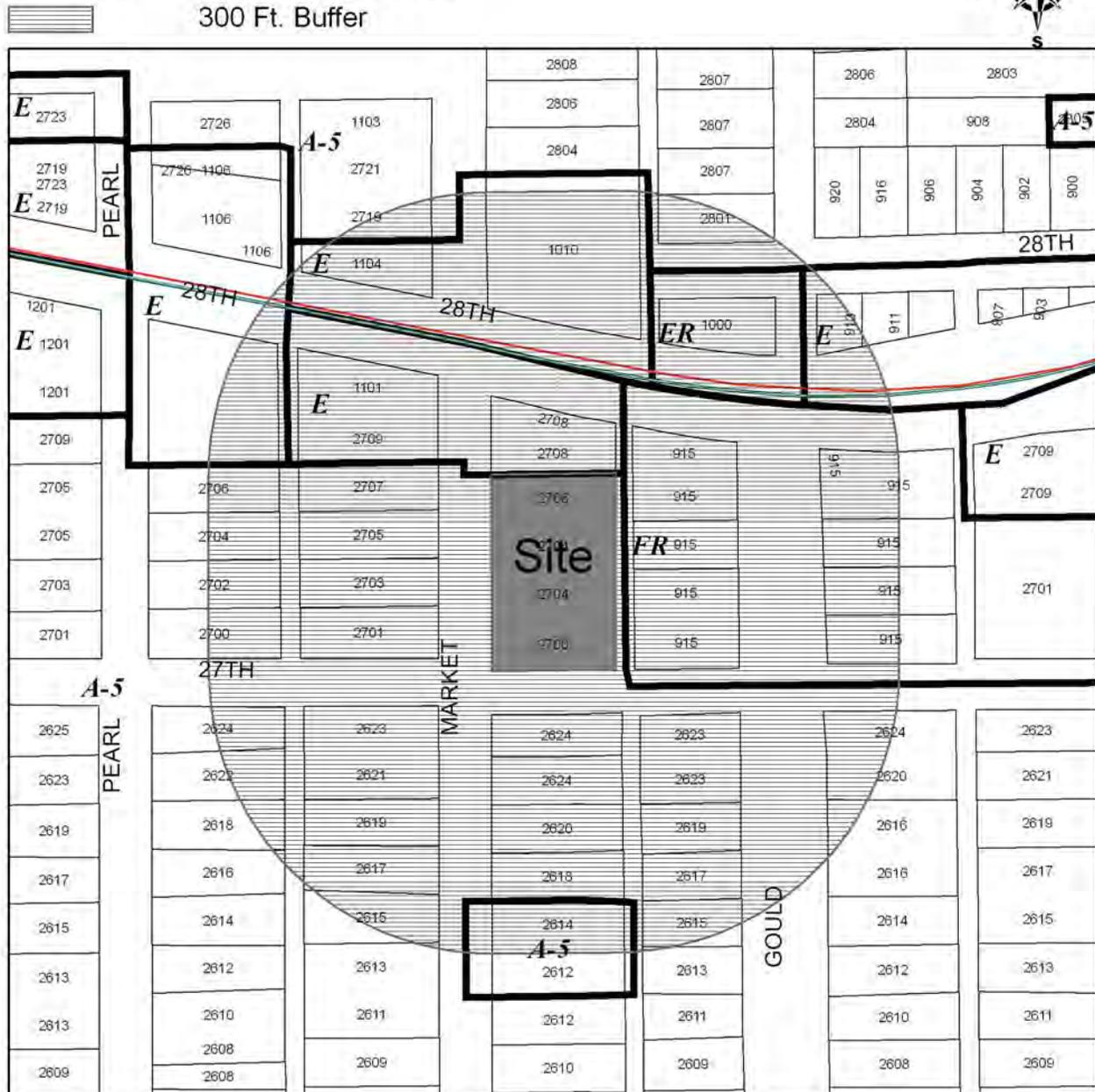


2,000 1,000 0 2,000 Feet



Area Zoning Map

Applicant: Eduardo, Isidro and Virginia Maldonado
 Address: 2700, 2704, 2706 Market Avenue
 Zoning From: A-5
 Zoning To: PD for pallet storage, repair and resale
 Acres: 0.63372772
 Mapsco: 62E
 Sector/District: Northside
 Commission Date: 2/12/2014
 Contact: 817-392-8190

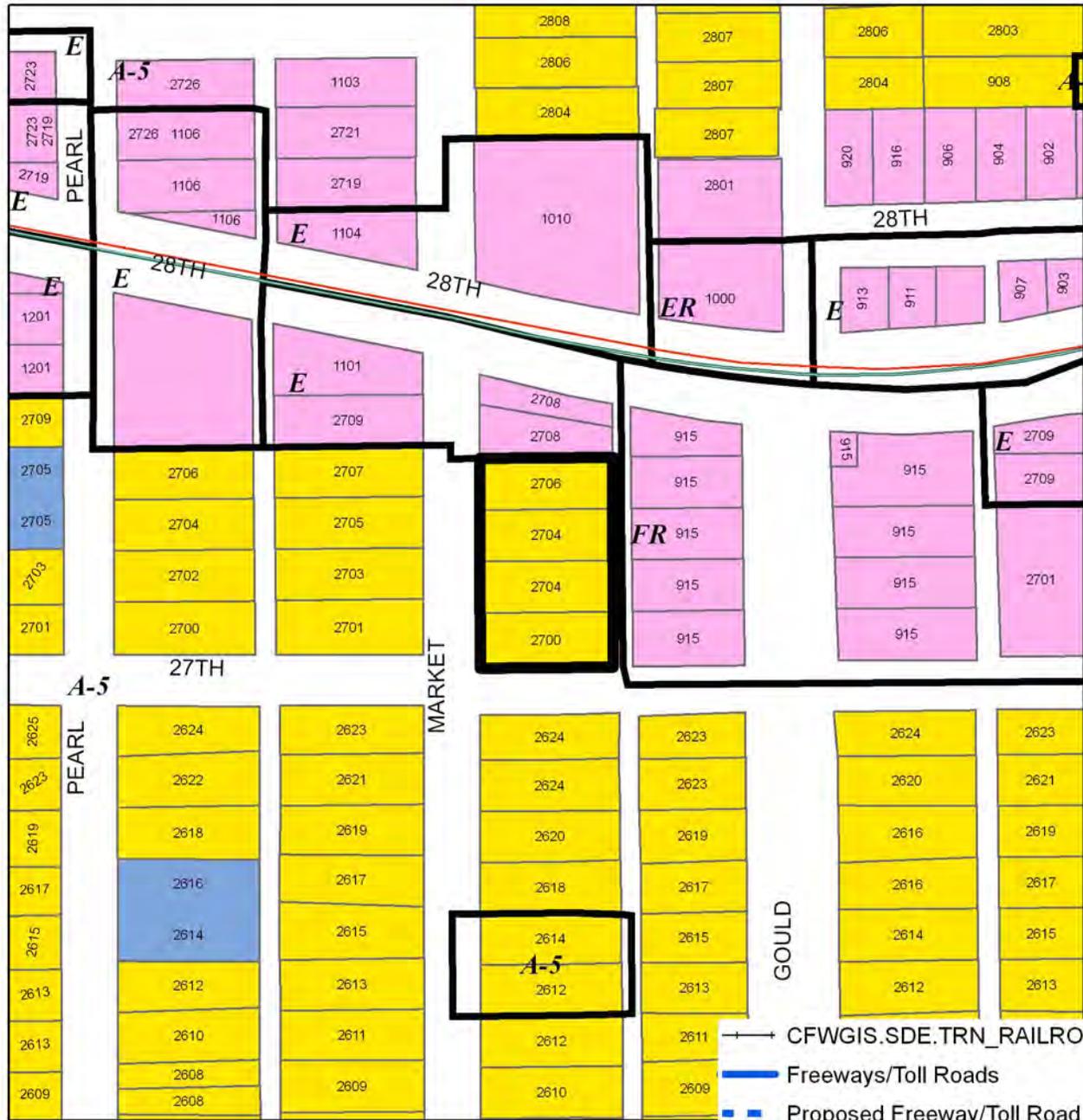




2700, 2704, 2706 Market Avenue

Future Land Use

ZC-14-014

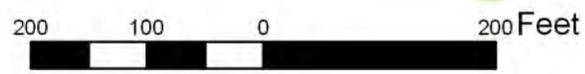


- Vacant, Undeveloped, Agricultural
- Rural Residential
- Suburban Residential
- Single Family Residential
- Manufactured Housing
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Institutional

- 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 brief discussion, Ms. Reed recommended Approval of the request, seconded by Mr. West. The motion carried 6-1 with Mr. Flores being against. Mr. Edmonds was absent for the remainder of the meeting.

<i>Document received for written correspondence</i>				ZC-14-013
Name	Address	In/Out 300 notification area ft	Position on case	Summary
Glen Brooks	2900 Cullen	In	Support	Sent letter in
Joseph Gearheart	3001 Cullen	In	Support	Sent letter in
Tom Ramsey	2908 Cullen	In	Support	Sent letter in
Jim McKinney	2901 Shamrock	In	Support	Sent letter in
Valerie Carrillo/ Fort Worth ISD	100 N. University Dr	In		Sent letter in; Reserved ability to comment pending board meeting

8. ZC-14-014 Eduardo, Isidro and Virginia Maldonado (CD 2) – 2700, 2704, and 2706 Market Avenue (Rosen Heights First Filing, Block 70, Lots 5-8, 0.63 Acres): from “A-5” One-Family to “PD/SU” Planned Development/Specific Use for pallet repair, storage, and resale; site plan waiver requested

Eduardo Maldonada, 3104 Roosevelt Avenue, Fort Worth, Texas property owner explained to the Commissioners he is aware of the issues they have had in the past regarding permits, etc. He said he did talk to his neighbors and they were ok with the use.

Mr. Flores asked Mr. Maldonado when his father stopped running the business. Mr. Maldonado said he didn’t stop but that he has taken over to try to do the right thing. Mr. Flores asked why his father was not more responsive when Code Compliance got involved. He said they never got together to fix the problem. Mr. Flores asked about the neighbors in support. Mr. Maldonado said they are on Market Avenue and he indicated on the screen. He did not have any letters from them. Mr. Flores also asked about the expansion of structures without a permit. Mr. Maldonando said they only sell to businesses and there are three employees. Mr. Flores mentioned some of the pallets are stored up to 20 ft. high. Mr. Maldonando said the fire department measured them at 40 ft. and that they were ok with it. The business hours are 9-6 Monday thru Friday, sometimes on Saturdays if needed.

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

<i>Document received for written correspondence</i>				ZC-14-014
Name	Address	In/Out 300 notification area ft	Position on case	Summary
Ron Shearer/ District 2 Alliance	NA		Opposition	Sent letter in