



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
June 3, 2014

Council District 2

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

Opposition: 1 spoke; 2 letters submitted; within 200 ft
Support: None submitted

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

Owner / Applicant: Sonephet & PR Rajphoumy

Site Location: 6820 Bowman Roberts Road Mapsco: 32Y

Proposed Use: Restaurant

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

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

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

Background:

The applicant is requesting a zoning change from "A-5" One-Family to "E" Neighborhood Commercial for a restaurant with alcohol sales. The property is south of Brahma St. and east of Bowman Roberts, both two-way residential roads.

This area was annexed into the City of Fort Worth in early 2000 (AX-00-018). The last known use for the property was a convenience store. The restaurant use would trigger a change of use occupancy permit therefore having to comply with the requirements for zoning and building code. If the zoning was approved the applicant would possibly need to go before the Board of Adjustment for parking and supplemental setbacks.

Opposition to the case included concern of gambling and associated activity on the site and nearby property. Police records indicate a complaint has been made on this address. The case was continued at Council so the applicant can speak with the neighbors in opposition.

Site Information:

Owner: Sonephet & PR Rajphoumy
1034 Yunnan Street
Venus, TX 76084

Acreage: 0.66 acres
Comprehensive Plan Sector: Far Northwest

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 "AG" Agricultural and "PD-670" Planned Development / Eagle Mountain Water Treatment Plant and Mobile Home Manufacturing Facility

Recent Relevant Zoning and Platting History:

Zoning History: ZC-05-233 "PD-670" Planned Development/Specific Use for Mobile Home Manufacturing Facility; site plan waived, approved by Council 12/13/05, subject area to the west

Platting History: NA

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Bowman Roberts Rd	Two-Way County	Two-Way County	No
Brahma	Two-Way Local	Two-Way Local	No

Public Notification:

The following organizations were notified:

Organizations Notified	
Eagle Mt-Saginaw ISD	

Development Impact Analysis:

1. **Land Use Compatibility**

The applicant is proposing a zoning change to "E" Neighborhood Commercial for a restaurant with alcohol sales. Surrounding land uses vacant to the north, single-family to the east and south, water treatment plant and mobile home manufacturing facility to the west

Because it is located across the street from industrial uses and serves as a commercial corner and buffer to the neighborhood, the proposed zoning for this site **is compatible** at this location.

2. **Comprehensive Plan Consistency**

The 2014 Comprehensive Plan designates the subject property as Single-Family. The requested zoning change is not consistent with the Future Land Use map.

The requested zoning change is not consistent with the following Comprehensive Plan policies:

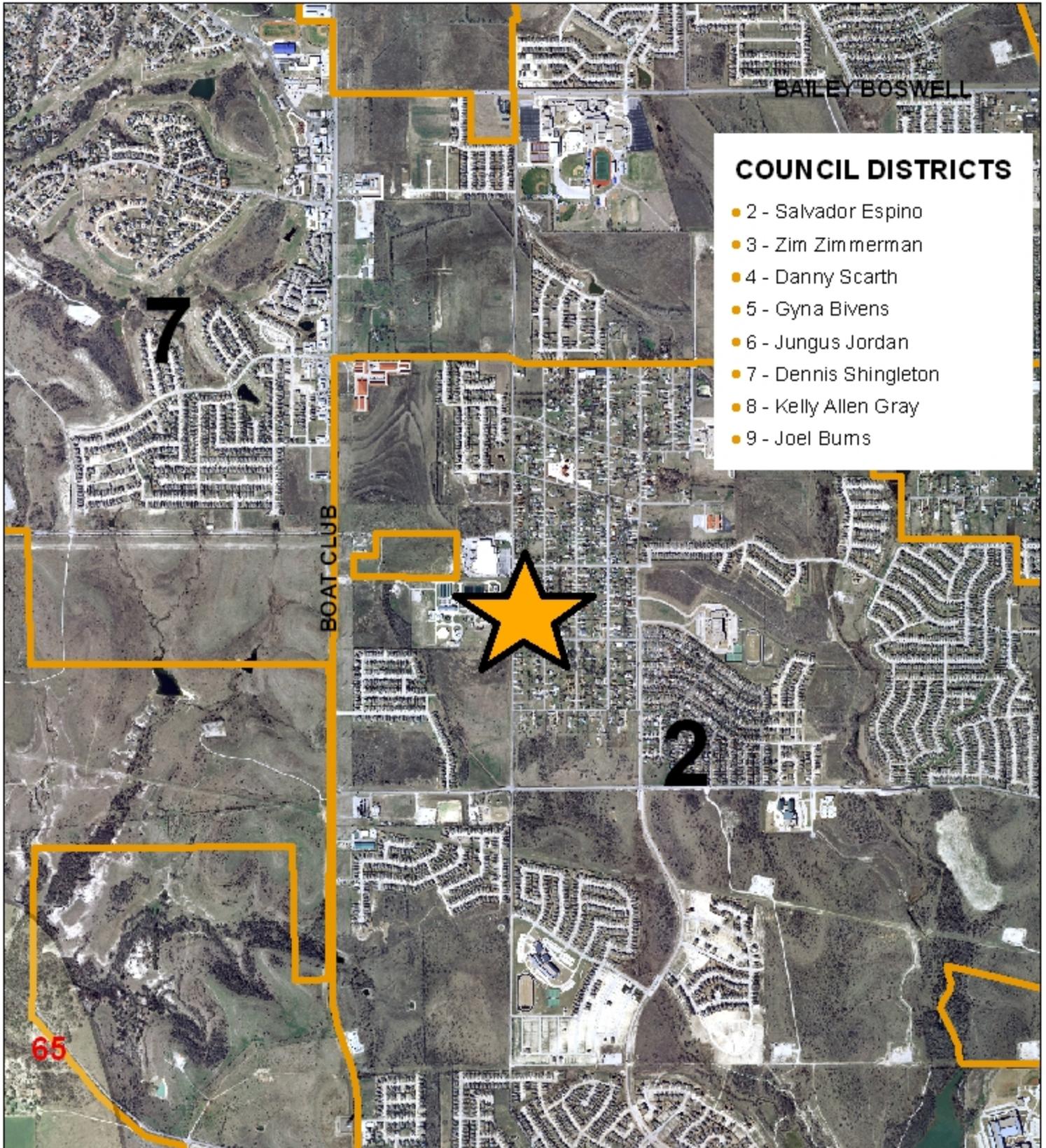
- Locate commercial and institutional uses adjacent to arterials streets, preferably at the intersections of other arterials and highways (pg. 37).
- Separate incompatible land uses with buffers or transitional uses. Some land uses have attributes such as height, proportion, scale, operational characteristics, traffic generated, or appearance that may not be compatible with the attributes of other uses (pg. 38).

Based on 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 from the Zoning Commission

Location Map

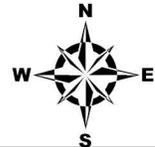




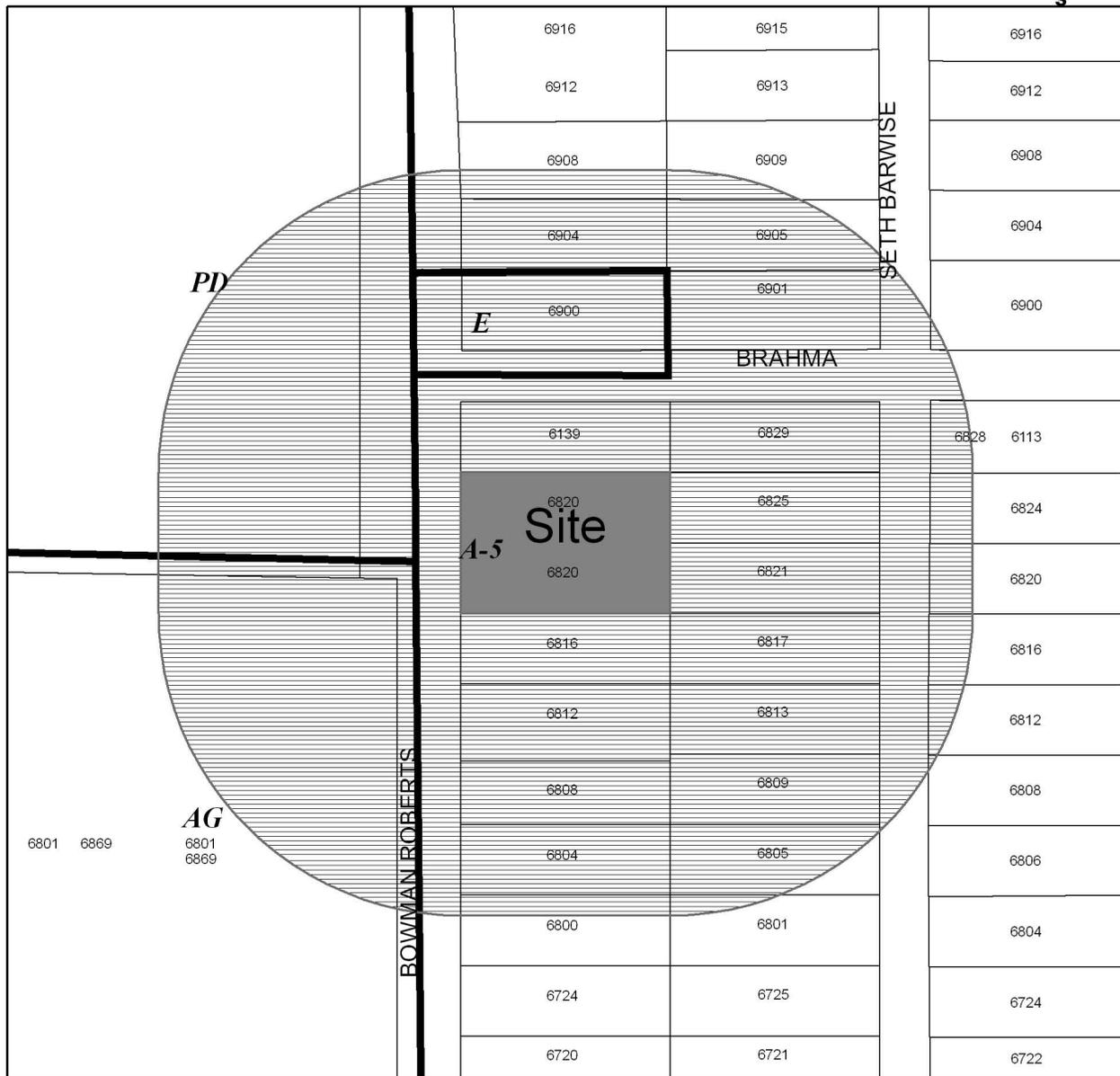
ZC-14-040

Area Zoning Map

Applicant: Sanephet & PR Rajphoumy
 Address: 6820 Bowman Roberts Road
 Zoning From: A-5
 Zoning To: E
 Acres: 0.66850891
 Mapsco: 32Y
 Sector/District: Far Northwest
 Commission Date: 4/9/2014
 Contact: 817-392-2495



300 Ft. Buffer

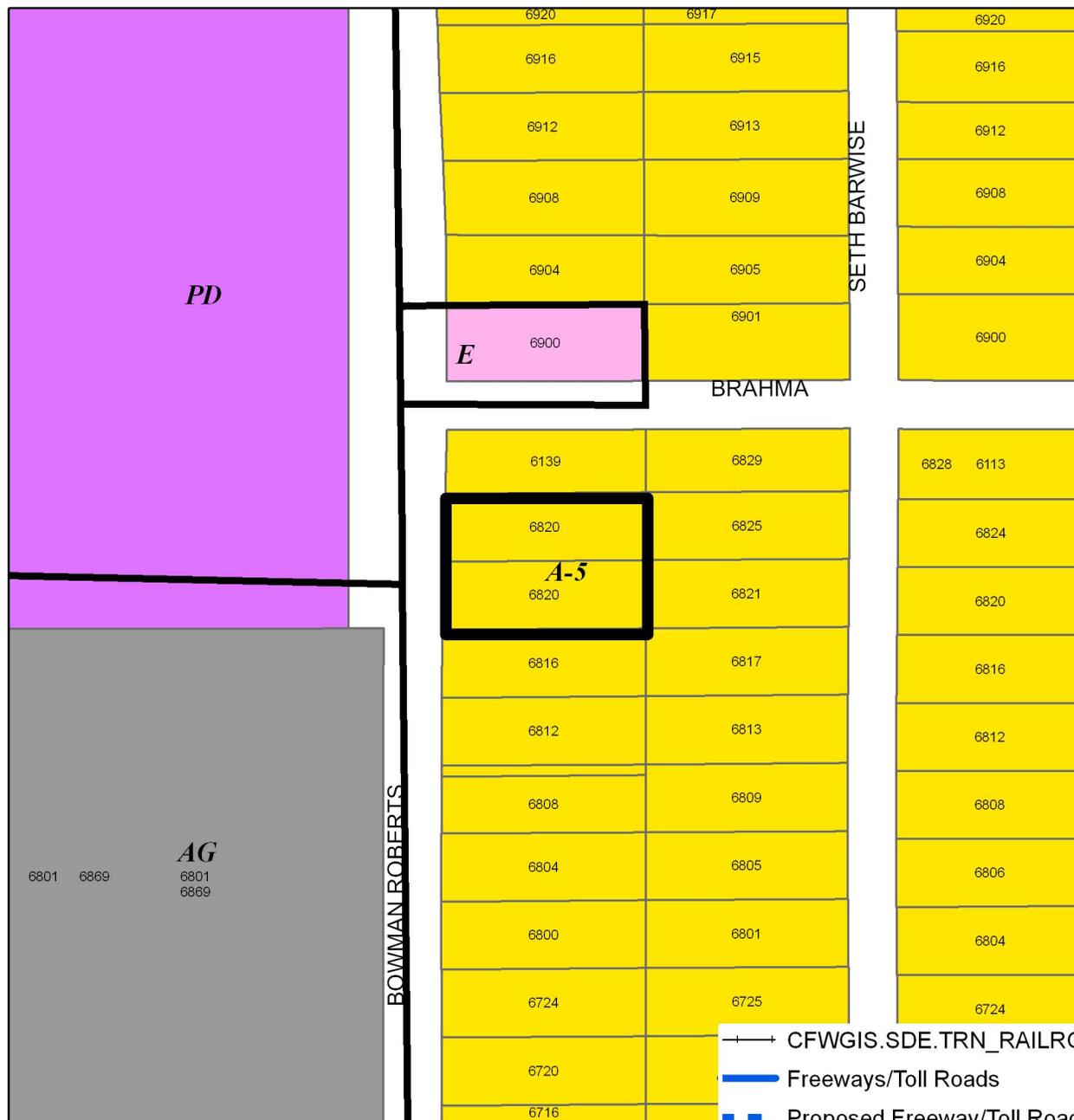




6820 Bowman Roberts Road

Future Land Use

ZC-14-040



- 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

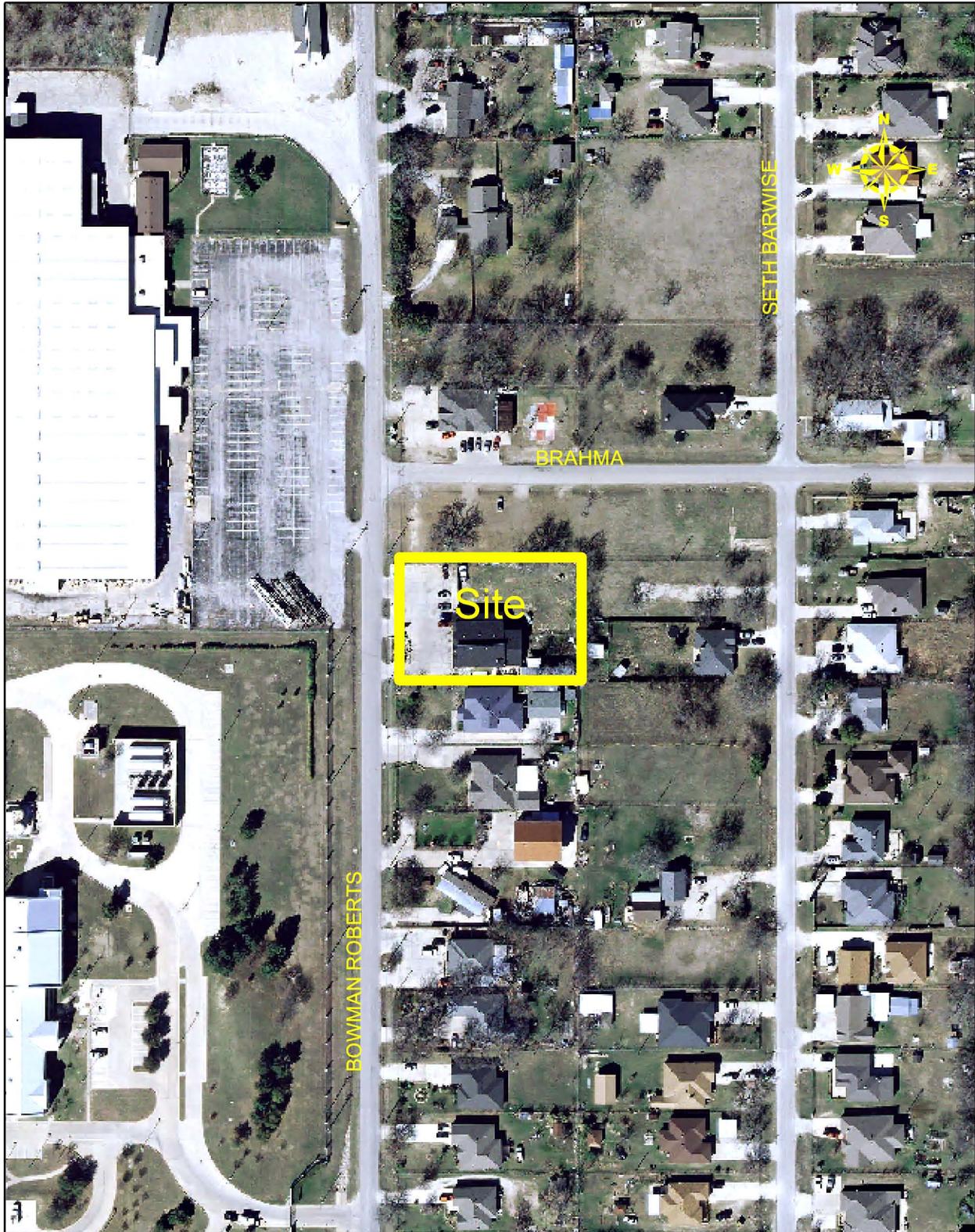
- CFWGIS.SDE.TRN_RAILROADS
- Freeways/Toll Roads
- Proposed Freeway/Toll Road
- Principal Arterial
- Proposed Principal Arterial
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- FLD_ZONE**
- Floodplain



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 18, 2014.



Aerial Photo Map



Salinas said Mr. Guzman would like to purchase the property to sell snow cones and non-alcoholic beverages.

Mr. Flores asked Mr. Guzman if there will be food items in addition to the beverages and snow cones. Mr. Salinas for Mr. Guzman said fruits, strawberries and cream. Mr. Flores mentioned they have a letter from the Northside neighborhood association and for the record he is a member of the Northside neighborhood association. He said he recused himself from those discussions and referred Mr. Guzman to the Northside neighborhood membership to speak with them at the meeting. Mr. Flores asked him to tell the commissioners what type of feedback he received from the Northside neighborhood. Mr. Guzman through Mr. Salinas said an email was sent to zoning staff. Mr. Flores asked if there were any concerns from the neighborhood association about what he is proposing to do. Mr. Guzman said everyone was in accordance.

Mr. Flores asked if he has spoke with the property owner. Mr. Guzman said yes. Mr. Flores asked about the nature of that discussion and is the property still available for purchase. Mr. Guzman said it is pending based on the results of the zoning. Mr. Flores asked if he has spoke to any of the surrounding property owners. Mr. Guzman said he has talked to the surrounding businesses nearby and they were ok with it. Mr. Flores asked if he has tried to talk to the neighbors of the home on the side that are occupied. Mr. Guzman said only the homes occupied. Mr. Flores also asked how many homes next to the proposed property are vacant. Mr. Guzman responded with three.

Motion: Following brief discussion, Mr. Flores recommended Approval of the request, seconded by Ms. McDougall. The motion carried 5-4 with Mr. Edmonds, Ms. Conlin, Mr. Northern and Mr. Hollis against.

<i>Document received for written correspondence</i>				<i>ZC-14-039</i>	
Name	Address	In/Out 300 notification area	ft	Position on case	
Teresa Hilburn/ Northside NA	NA	Out		Support	Sent letter in

7. ZC-14-040 Sonephet and PR Rajphoumy (CD 2) – 6820 Bowman Roberts Road (Lake Crest Estates #1 & 2 Addition, Block T, Lots 2 & 3, 0.67 Acres): from “A-5” One-Family to “E” Neighborhood Commercial

Sonephet Rajphoumy, 6820 Bowman Roberts Road, Fort Worth, Texas property owner explained to the Commissioners he would like to open up a restaurant.

Mr. Flores explained to Mr. Rajphoumy staff received letters from seven property owners opposing the proposal. Mr. Flores asked him if he wanted to set up a restaurant at this current property that operates as a grocery store and if he wanted alcohol sales. Mr. Rajphoumy said yes.

Mr. Flores asked if there were similar uses in the area. Mr. Rajphoumy said yes at Eagle Place; they sell alcohol to take off the property. Mr. Flores asked if he wanted the alcohol for on-premise sales. Mr. Rajphoumy said yes. Mr. Flores mentioned another business (grocery store)

located to the north with some type of general entertainment script on the signage. Mr. Rajphoumy said it is a restaurant. Mr. Flores asked him if he knew what kind of entertainment they have there. Mr. Rajphoumy said they used to but not anymore and that it is a restaurant.

Mr. Flores asked him if he has spoken to anyone in the area about his proposal. Mr. Rajphoumy said he has not spoken to anyone; he does not understand how it works. Mr. Flores said there is a check box on the zoning paperwork when you ask to speak that asks if you spoke with the neighborhood. Mr. Rajphoumy said he thought he would come here first to see what is going on. Mr. Flores asked if he knew there is a school down the road, Eagle Mountain ISD. Mr. Rajphoumy said he is aware of the school. Mr. Flores asked how long he has owned the property. Mr. Rajphoumy said two years.

Carlos Rodriquez, 6808 Bowman Roberts Road, Fort Worth, Texas property owner spoke in opposition and explained to the commission that the area is residential and his deep concern that the property is being used for illegal activity and drugs. He also mentioned that he did not want that kind of activity around his family and children.

Mr. Flores asked for clarification where the opposed owner lived in relation to the subject property. He also asked if the opposed had spoken to the owner applying for zoning change. Mr. Rodriguez stated that he had not spoken to the present owner but that he had many problems with the previous owner.

Ms. McDougall asked Mr. Rodriguez to clarify the gaming and illegal uses being conducted at the site for zoning change. Mr. Rodriguez confirmed and stated that he would be opposed to the use of restaurant without alcohol sales due to the constant illegal activity conducted at that site.

Sanephet Rajphoumy, 6820 Bowman Roberts Road, Fort Worth, Texas spoke that he had no control of the illegal activity going on at that site.

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

<i>Document received for written correspondence</i>					<i>ZC-14-040</i>
Name	Address	In/Out 300 notification area	ft	Position on case	Summary
Carlos Rodriguez	6808 Bowman Roberts	In		Opposition	Spoke at hearing
Eddie Franklin	6912 Bowman Roberts	Out		Opposition	Sent letter in
Pheng Sisoukraj	6816 Bowman Roberts	In		Opposition	Sent letter in
Khoueng Souvoravong	6812 Bowman Roberts	In		Opposition	Sent letter in

8. ZC-14-041 State of Texas/The Texas General Land Office (CD 7) – 11401 Timberland (Part of Tract 2, Permanent School Fund, Tract C, TGLO/Synergy Tracts, 11.16 Acres): from “I” Light Industrial to “G” Intensive Commercial