



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
August 4, 2015

Council District 2

Zoning Commission Recommendation:
Approval as Amended to "ER" by a vote of 7-0

Opposition: None submitted
Support: None submitted

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

Owner / Applicant: **Ema Garcia**

Site Location: 106 W. Long Avenue Mapsco: 48X

Proposed Use: **Commercial**

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

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

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

Background:

The proposed site is located on the corner of Long Avenue and Ellis Street. The applicant is requesting a zoning change from "A-5" One-Family to "E" Neighborhood Commercial to allow for commercial uses. Long Avenue is considered a major arterial with a large strip center directly to the east. However, the majority of Ellis Street contains residential uses along the block face. The Zoning Commission recommended "ER" which will accommodate the existing uses and is acceptable to the property owner.

The applicant applied for a building permit in July 2010 for a shell building with beauty salon when the property was zoned E. On August 3, 2010 City Council approved the rezoning of various properties and, since the property was vacant, it was rezoned to A-5. On August 12, 2010 the applicant applied for several variances to the supplemental setback and projected front yard setback, approved by the Board of Adjustment September 1, 2010. There are currently two retail businesses, a beauty shop and seasonal tax business, operating in the building with five parking spaces. One Certificate of Occupancy has been issued for the property, for a beauty salon.

The table below depicts uses permitted in both districts:

Uses	ER	E
Day care center (child or adult), kindergarten, School, elementary or secondary (public or private)	P	P
Government office facility, museum or fine art center	P	P

Ambulance dispatch station, care facility, health services facility; including doctor's office or medical clinic, hospice, hospital, community center (recreation or welfare), country club (public/private)	P	P
Place of worship and auxiliary use	P, SE for auxiliary use	P, SE for auxiliary use
Electric power substation, gas line and gas lift compressor station, stealth telecommunications tower, telecommunication tower, utility transmission or distribution line	SE, P for telecommunications antenna, gas lift compressor	SE, P for stealth and telecommunications antenna, gas lift compressor
Drive-in restaurant or business, restaurant, café, cafeteria	SE	P
Health or recreation club, museum cultural facility,	P	P
Bed and breakfast inn, bank, financial institution, offices	P, SE for bank drive-thru	P
Antique shop, appliances, sales, supply or repair, barber or beauty shop, book stationary stores or newsstand, burglar alarm sales and service, caterer or wedding service, clothing/wearing apparel sales (new/used), copy store or commercial print without offset printing, dressmaking, custom, millinery shop, duplicating services, greenhouse or plant nursery	P, SE for greenhouse or plant nursery	P
Home improvement store, interior decorating, laundry or dry cleaning collection office, leather goods shop, locksmith, medical supplies/equipment sales or rental, optician, pharmacy (drug store), photograph, portrait/camera shop or photo finishing, shoe shine shop, studio, art or photography, tailor, clothing or apparel shop	P	P
Parking area or garage, storage commercial or auxiliary	P	P
Liquor or package store, convenience store		P
There are several more intense uses permitted in "E" Neighborhood Commercial but not "ER"		

Site Information:

Owner: Ema Garcia
1513 NE 37th St.
Fort Worth, TX 76106

Acreage: 0.15 ac

Comprehensive Plan Sector: Northside

Surrounding Zoning and Land Uses:

- North "A-5" One-Family / single-family
- East "FR" General Commercial Restricted / strip shopping center
- 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 Council-initiated rezoning of various parcels to various zoning districts, approved by City Council 08-03-10.

Platting History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Long Ave	Major Arterial	Major Arterial	No
Ellis St.	Residential	Residential	No

Public Notification:

The following organizations were notified:

Organizations Notified	
Far Greater Northside Historical*	Streams And Valleys Inc
Diamond Hill-Jarvis NA	Trinity Habitat for Humanity
Inter District 2 Alliance	Fort Worth ISD

*Located within the Far Greater Northside Historical**

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zoning change to “E” Neighborhood Commercial for commercial uses. Surrounding land uses are predominantly single-family to the south, north and west with commercial strip center to the east. The proposed site is located on the corner of Long Avenue, which is a major arterial; May Street primarily contains single-family uses.

The lot has an existing shell building with two tenants, built to the setbacks approved by the Board of Adjustment

As a result, the proposed commercial building fronting on to Long Avenue **is compatible** with surrounding land uses.

2. Comprehensive Plan Consistency

The 2015 Comprehensive Plan designates the subject property as Single-Family. The requested zoning change is not consistent with the following Comprehensive Plan policies.

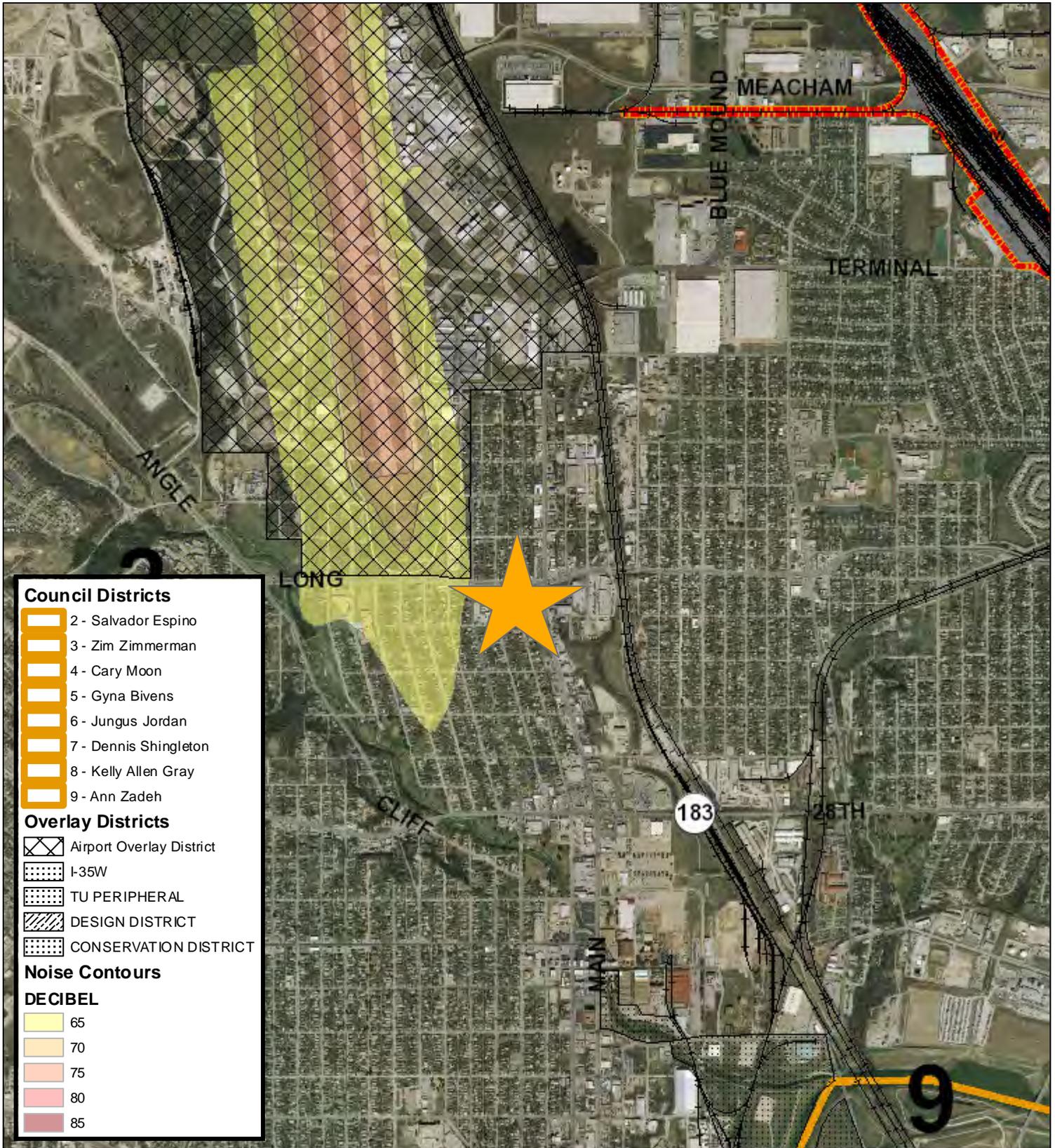
- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods. (pg. 39)
- Protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, speculation, demolition, neglect, and other negative forces. (pg. 39)

Based on the lack conformance with the future land use map and the policies stated above; the proposed zoning **is not consistent (Significant Deviation)** with the Comprehensive Plan. However, due to its location on Long Ave., a Major Arterial, the Neighborhood Commercial future land use would serve as a buffer between the street and residential uses.

Attachments:

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

Area Map





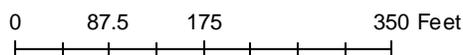
ZC-15-081

Area Zoning Map

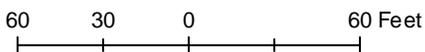
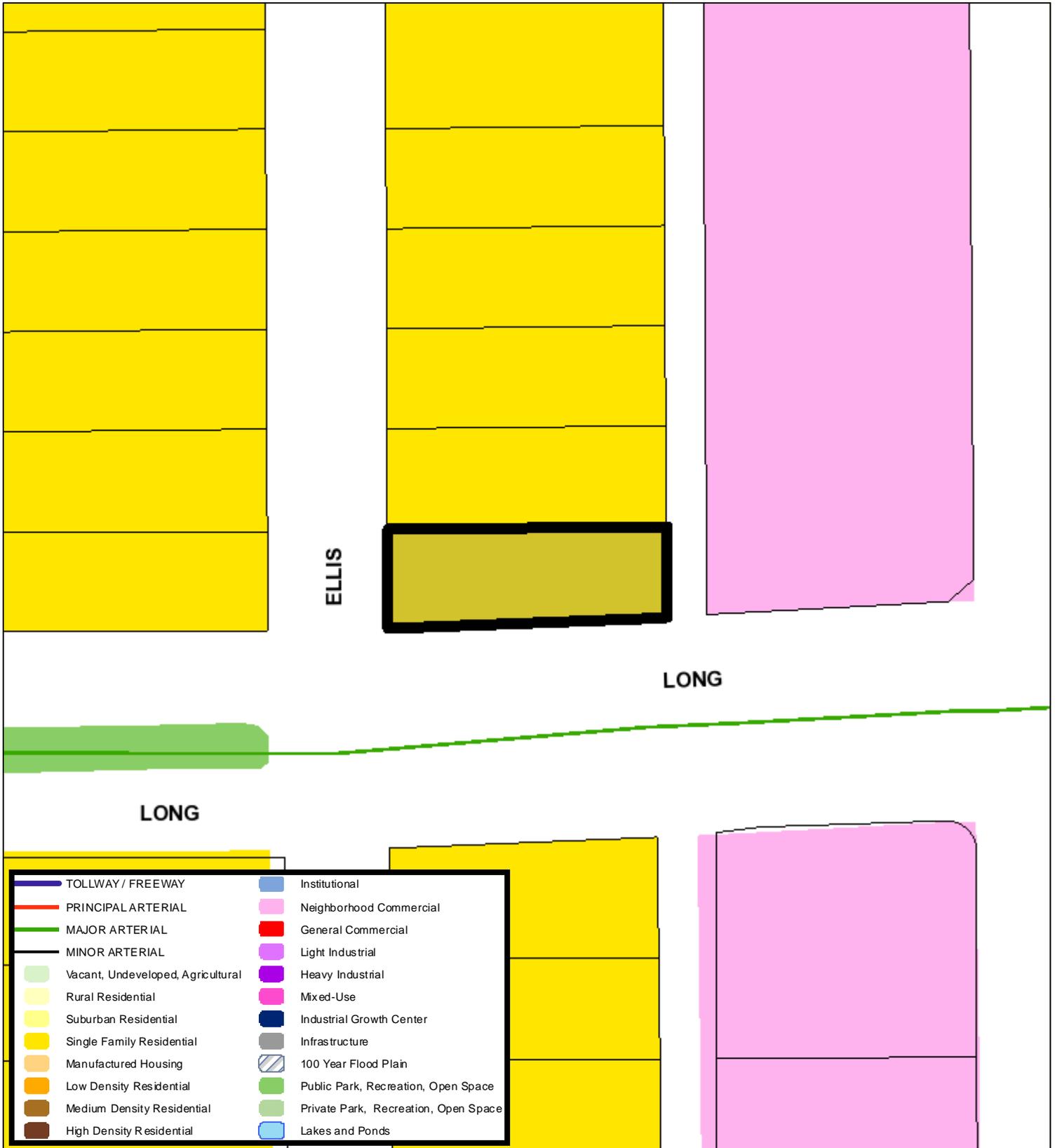
Applicant: Ema Garcia
 Address: 106 W. Long Avenue
 Zoning From: A-5
 Zoning To: E
 Acres: 0.15207657
 Mapsco: 48X
 Sector/District: Northside
 Commission Date: 7/8/2015
 Contact: 817-392-2495



 Subject Area
 300 Foot Notification



Future Land Use



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 213.005.) Land use designations were approved by City Council on March 17, 2015.



Aerial Photo Map



0 40 80 160 Feet



Mr. Genua asked if there had been discussions with the property owner about shared access. Mr. Schell said they agreed to provide shared access.

Mr. Flores asked about discussions with staff and correcting the deficiencies with the way the site plan was presented at the last meeting, to be more specific, the fence. Mr. Schell said the site plan is still the same. Mr. Flores asked was there anything that needed to be revised on the site plan.

Ms. Burghdoff the correction is not with the site plan it is the zoning classification.

Ms. Moore said there were issues in labeling the fence. Mr. Schell said the site plan has been modified to label the fence.

Motion: Following brief discussion, Ms. Moore recommended a 30 day Continuance of the request, seconded by Mr. Northern. The motion carried 6-0 with Mr. Reeves recusing.

III. New Cases

5. ZC-15-081 Ema Garcia (CD 2) 106 W. Long Avenue (MG Ellis Addition, Block 105, Lot 24, 0.15 Acres): from “A-5” One-Family to “ER” Neighborhood Commercial Restricted

Roy Salinas, Planning & Development Department translated for Ms. Garcia.

Ema Garcia, 106 W. Long Avenue, Fort Worth, Texas property owner explained to the Commissioners she has a beauty shop in one of the suites and would like to have an income tax office in the other suite.

Mr. Flores asked how many parking spaces are available and could she show them on the overhead. Ms. Garcia said she has seven spaces. Mr. Flores asked if she had contacted any of the neighborhood organizations. Ms. Garcia said she has talked with the tenant next door to her but not the owner. Mr. Flores mentioned the letter received from Inter District 2 Alliance who also represents Northside NAC, Far Greater North Historical NA and Diamond Hill NA in opposition to the “E” zoning request and perhaps “ER” would be more appropriate. Ms. Garcia said that would be acceptable.

Motion: Following brief discussion, Mr. Flores recommended Approval of the request as Amended and to “ER”, seconded by Ms. Reed. The motion carried unanimously 7-0.

<i>Document received for written correspondence</i>				ZC-15-081	
Name	Address	In/Out 300 ft notification area	Position on case		Summary
Ron Shearer/Inter District 2 Alliance	NA	Out	Opposition		Sent letter in