



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
October 13, 2015

Council District 4

Zoning Commission Recommendation:
Denial by a vote of 8-0

Opposition: Bonnie Brae & Carter Riverside NA
Support: None submitted

Continued Yes ___ No X
Case Manager Stephen Murray
Surplus Yes ___ No X
Council Initiated Yes ___ No X

Owner / Applicant: **Nicki Nguyen**

Site Location: 3121 NE 28th Street Mapsco: 63H

Proposed Use: **Auto Sales and Repair**

Request: From: "B" Two-Family; "E" Neighborhood Commercial
To: "PD/E" Planned Development for all uses in "E" Neighborhood Commercial plus automotive sales and repair, site plan waiver requested.

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

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

Background:

The proposed site is located on 28th Street near the corner of Bonnie Brae. The applicant is proposing to change the zoning from "B" Two-Family and "E" Neighborhood Commercial to "PD/E" Planned Development for all uses in "E" Neighborhood Commercial plus automotive sales and repair, site plan waiver requested.

The same request was submitted as case ZC-15-022 for "FR" zoning and denied without prejudice by the City Council on June 15, 2015 due to neighborhood opposition.

The applicant is requesting a waiver of the site plan because they do not plan on expanding the current site. However, if approved, additions to the site are allowed by right if they meet "E" development standards.

The site abuts a residential neighborhood and the Zoning Ordinance typically prohibits automotive repair adjacent to an "A" One Family or "B" district. If approved, the proposed auto repair would be allowed despite this regulation. The site would also be required to have a minimum 20 ft. setback, a 5 ft. bufferyard, and screening fence adjacent to the residential district. Variances from the Board of Adjustment will be necessary if any regulation cannot be met.

Site Information:

Owner: Nicki Nguyen
3212 NE 28th St

Fort Worth, TX 76111
 Agent: Dave Cener
 Acreage: 0.69 acres
 Comprehensive Plan Sector: Northeast

Surrounding Zoning and Land Uses:

North "B" Two-Family / duplex
 East "B" Two-Family "E" Neighborhood Commercial / retail, single-family
 South "E" Neighborhood Commercial; "FR" General Commercial Restricted / auto sales, commercial
 West "B" Two-Family "E" Neighborhood Commercial / commercial

Recent Relevant Zoning and Platting History:

Zoning History: ZC-15-022, from "B" and "E" to "FR"; denied without prejudice June 2015

Platting History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
NE 28 th Street	Major Arterial	Major Arterial	No

Public Notification:

The following organizations were notified:

Organizations Notified	
Riverside Alliance	Trinity Habitat for Humanity
Bonnie Brae NA*	Streams & Valleys, Inc
Eastside Sector Alliance	Fort Worth ISD

*Located within this Neighborhood Association

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zoning change to "PD/E" Planned Development for all uses in "E" Neighborhood Commercial plus automotive sales and repair, site plan waiver requested. Surrounding land uses vary with commercial to the south, east, and west and duplex to the north. Major arterials generally allow for heavier commercial uses, and there are several automotive uses currently active along 28th street near this location. Neighborhood Commercial uses are appropriate buffers to residential uses and the proposed zoning may bring more intense uses to the site in the future if the zoning is changed.

As a result, the proposed zoning **is not compatible** with surrounding land uses.

2. Comprehensive Plan Consistency

The 2015 Comprehensive Plan designates the subject property as Neighborhood Commercial. The proposed "PD/E" plus auto sales and repair is inconsistent with the following Comprehensive Plan policy:

- 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)

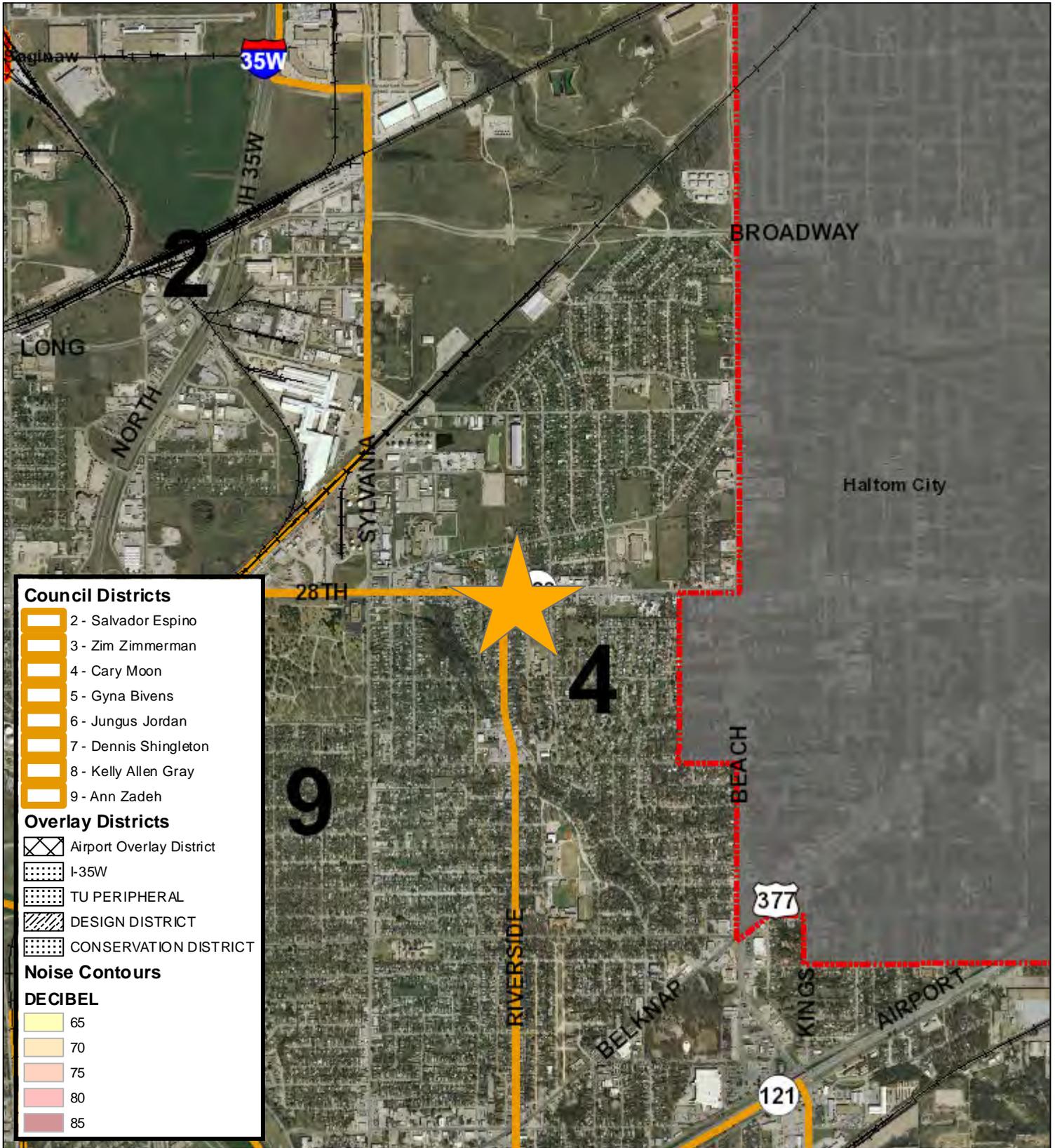
Due to the intensity of the proposed use, the zoning **is not consistent (Significant Deviation)** with the Comprehensive Plan.

Attachments:

- Location Map

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

Area Map



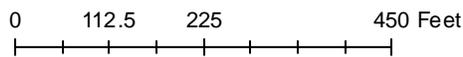


Area Zoning Map

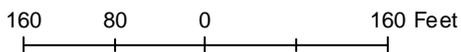
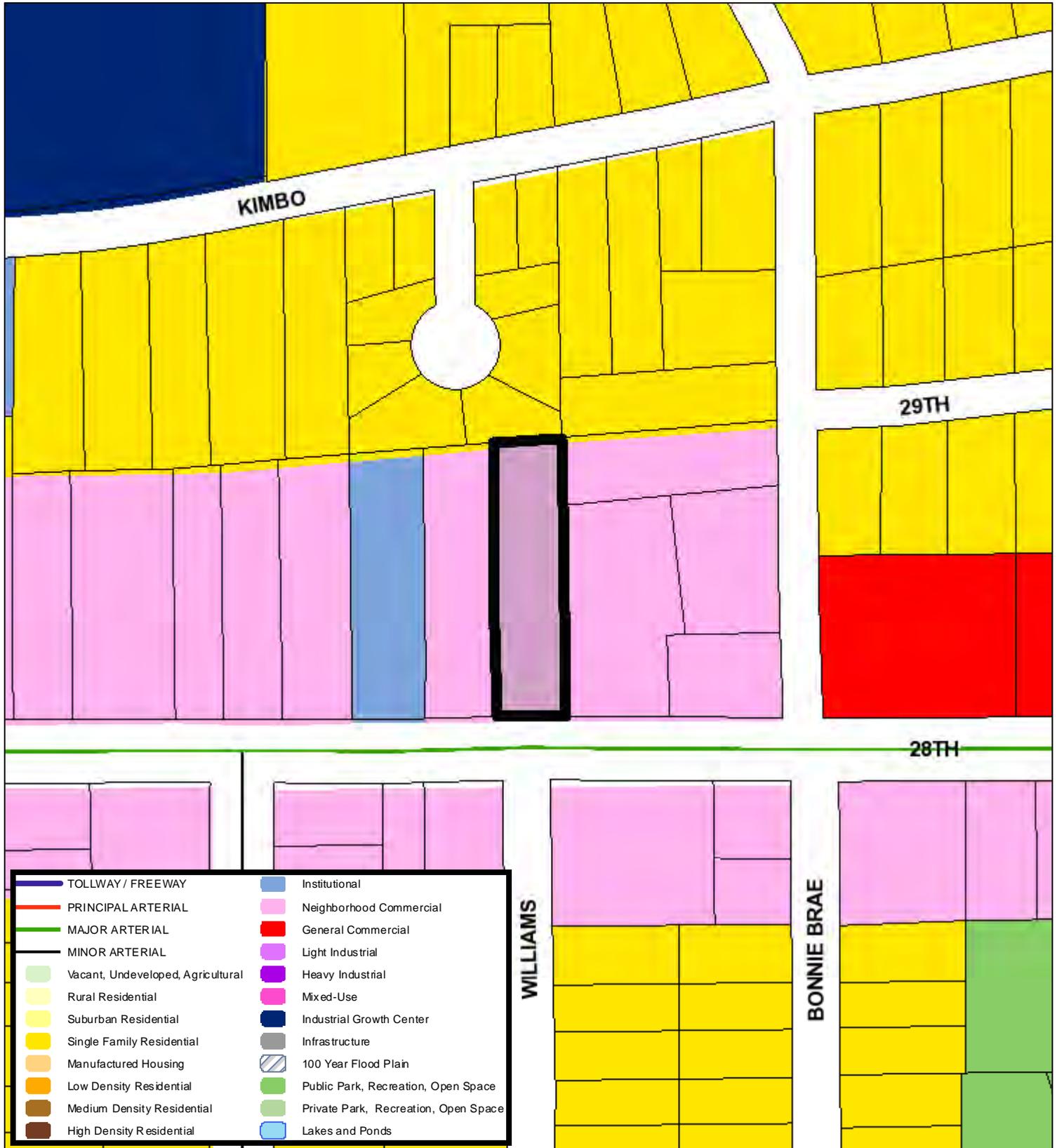
Applicant: Nicki Nguyen
 Address: 3121 NE 28th Street
 Zoning From: B, E
 Zoning To: PD for auto repair and auto sales
 Acres: 0.69335375
 Mapsco: 63H
 Sector/District: Northeast
 Commission Date: 9/9/2015
 Contact: 817-392-8043



 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



0 105 210 420 Feet



Robert Snoke, 3826 6th Avenue, Fort Worth, Texas representing Rosemont NA spoke in opposition.

Genna Banta, 3209 Greene Avenue and Paul Billman, 3037 Alton Road, Fort Worth, Texas both spoke in opposition.

In rebuttal, Mr. Taylor acknowledged the concerns and said they have no intentions on selling the property.

Ms. McDougall asked why build a duplex. Mr. Taylor said they have done very well with duplexes and it helps on costs.

Motion: Following brief discussion, Ms. Reed recommended Denial of the request, seconded by Ms. McDougall. The motion carried unanimously 8-0.

<i>Document received for written correspondence</i>					ZC-15-119
Name	Address	In/Out 300 ft notification area	Position on case		Summary
Alonzo Aquilar/ Neighbors Working Together	3725 Stuart	Out	Opposition		Spoke at hearing
Robert Snoke/ Rosemont NA	3826 6 th Ave	Out	Opposition		Spoke at hearing
Genna Banta	3209 Greene Ave	Out	Opposition		Spoke at hearing
Paul Billman	3037 Alton Rd	Out	Opposition		Spoke at hearing
Joeseeph Watson	3549 Mission	In	Opposition		Sent letter in
Mary Ruth	2949 South Hills	In	Opposition		Sent letter in

6. SP-15-010 All Storage, Granbury Station (CD 6) 7000 Granbury Road (Granbury Station Addition, Block 3, Lot 2R2-3, 4.95 Acres): from PD951 Planned Development for all uses “F” General Commercial plus mini-warehouses to amend PD951 to add storage buildings

John Morris, 1903 Peco Drive, Arlington, Texas representing All Storage Granbury Station explained to the Commissioners they are adding three buildings within the existing property line.

Motion: Following brief discussion, Mr. Cockrell recommended Approval of the request, seconded by Ms. Conlin. The motion carried unanimously 8-0.

7. ZC-15-120 Nicki Nguyen (CD 4) 3121 NE 28th Street (McDonnell Subdivision, Lot 4, 0.69 Acres): from “B” Two-Family and “E” Neighborhood Commercial to “PD/E” Planned Development for all uses in “E” Neighborhood Commercial plus auto sales and repair; site plan waiver requested

Dave Cener, 3916 Buckhorn Place, Fort Worth, Texas representing Nicki Nguyen explained to the Commissioners they would like to rezone PD/E for auto repair and sales.

Mr. Flores asked if he was aware of the opposition from the neighborhood. Mr. Cener said yes he is aware.

Mr. Edmonds said the neighborhood is still opposed and that they do not want more auto repair stations in this area. Mr. Cener said they did talk to the neighborhood who provided support. Mr. Edmonds explained why the zoning was changed.

Motion: Following brief discussion, Mr. Edmonds recommended Denial of the request, seconded by Ms. Conlin. The motion carried unanimously 8-0.

<i>Document received for written correspondence</i>					<i>ZC-15-120</i>
Name	Address	In/Out 300 ft notification area	Position on case		Summary
George Felan/ Bonnie Brae NA	NA	Out	Opposition		Sent letter in
Glenda Gibson/ Carter Riverside NA	NA	Out	Opposition		Sent letter in

8. ZC-15-121 Po-Chu Lu (CD 9) 2900 8th Avenue (John C. Ryan South Addition, Block 19, Lot 1, 0.17 Acres): from “B” Two-Family to “PD/ER” Planned Development for all uses in ER” Neighborhood Commercial Restricted for medical clinic; site plan included

Paul Dennehy, 3464 Bluebonnet Circle, Suite A, Fort Worth, Texas representing Po-Chu Lu explained to the Commissioners they acknowledge the letter from Ryan Place and agree to limit the use to an acupuncture clinic.

Ms. Burghdoff asked if he was amending his request to PD/ER for clinic only. Mr. Dennehy said yes.

Ms. Reed asked about the alley being paved as indicated on the site plan. Mr. Dennehy said if permitted the owner would be willing to pave the alley for better circulation.

Terri West, 2530 5th Avenue, Fort Worth, Texas speaking on behalf of Ryan Place Improvement Association spoke in opposition. She mentioned they wanted the zoning to be site specific in case that business went away.

Ms. Reed said an acupuncture office is too specific and asked if she would be ok with office uses. Ms. West said that would be ok.