Case Number **ZC-16-024**

ZONING MAP CHANGE
STAFF REPORT

City Council Meeting Date: March 22, 2016

Council District 2

Zoning Commission Recommendation:
Approval as Amended to "ER" by a vote of 8-1

Opposition: Property owner requested: "E" district
Support: None submitted

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

Owner / Applicant: **Atallah Zitoon**

Site Location: 2923 N. Houston Street Mapsco: 62B

Proposed Use: **Commercial/Convenience Store**

Request: From: "A-5" One-Family

To: "E" Neighborhood Commercial (applicant request)
"ER" Neighborhood Commercial Restricted (Zoning Commission recommendation)

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

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

Background:
The proposed site is located south of NW 30th and west of N Houston, both considered residential streets. The applicant is requesting a zoning change from "A-5" One-Family to "E" Neighborhood Commercial. The site is currently a vacant structure that was once a neighborhood grocery store. The applicant has owned it since the mid 1980's.

In 2010 a Council-initiated rezoning changed this property from "E" to "A-5". It has been vacant for longer than 24 months, causing it to lose any legal nonconforming status. A zoning change to take it back to an "E" zoning district if approved would require several variances from the Board of Adjustment for setbacks, parking, etc.

At the Zoning Commission hearing there was discussion with the applicant on neighborhood contact, how long the building had been vacant and surrounding single-family uses. The Zoning Commission recommended ER Neighborhood Commercial due to the location of the property in the middle of residential zoning. Staff provided the applicant a nonresidential use table identifying "ER" permitted uses. The property has minimal parking spaces, so parking as well as other variances may be necessary to utilize the building.

The case was continued from the March 1 City Council meeting because the applicant was in objection to the Zoning Commission's recommendation of "ER". The councilmember intended to meet with the applicant during this time to understand the request.

Site Information:

Owner: Atallah Zitoon
4632 Moss Ross Dr.
Ft. Worth, TX 76137

Acreage: 0.138 ac

Comprehensive Plan Sector: Northside

Surrounding Zoning and Land Uses:

North "A-5" One-Family / single-family
East "A-5" One-Family / single-family
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 for various properties, various zoning districts to align with the Comprehensive Plan; effective 8-13-10, subject area.

Platting History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
N. Houston	Residential	Residential	No
NW 30th	Residential	Residential	Np

Public Notification:

The following organizations were notified:

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

*Site located within a registered Neighborhood Association

Development Impact Analysis:

1. **Land Use Compatibility**

   The applicant is proposing a zoning change to "E" Neighborhood Commercial for neighborhood convenience store or other commercial use. Surrounding land uses are predominantly single-family.

   As a result, the proposed zoning **is not compatible** at this site.

2. **Comprehensive Plan Consistency**

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

   - Protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, speculation, demolition, neglect, and other negative forces. (pg. 39).

   Based on lack of conformance with the future land use map and the policy 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 meeting

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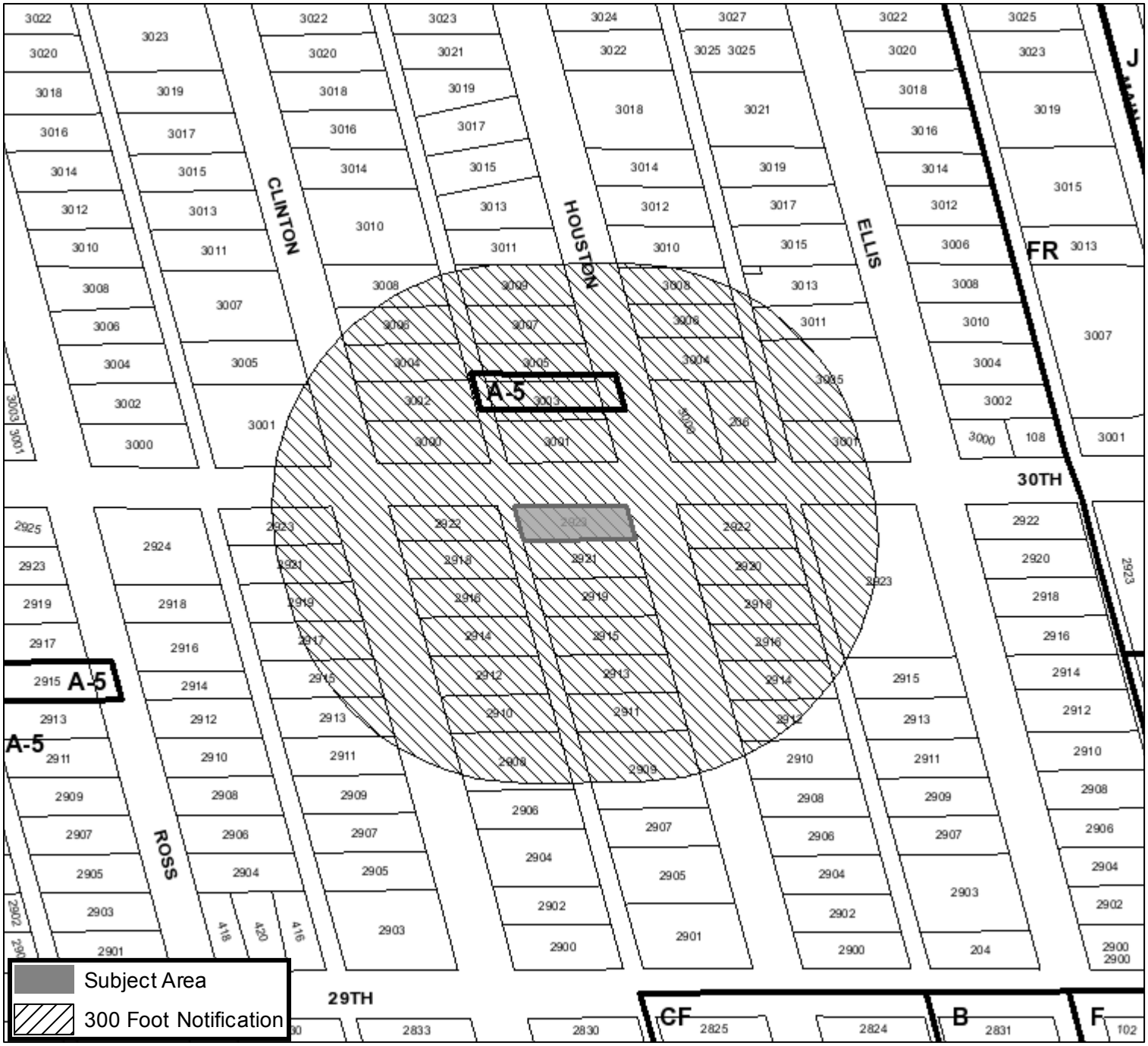
Area Zoning Map

Applicant:	Atallah Zitoon
Address:	2923 N. Houston Street
Zoning From:	A-5
Zoning To:	E
Acres:	0.13898755
Mapsco:	62B
Sector/District:	Northside
Commission Date:	2/10/2016
Contact:	817-392-2495



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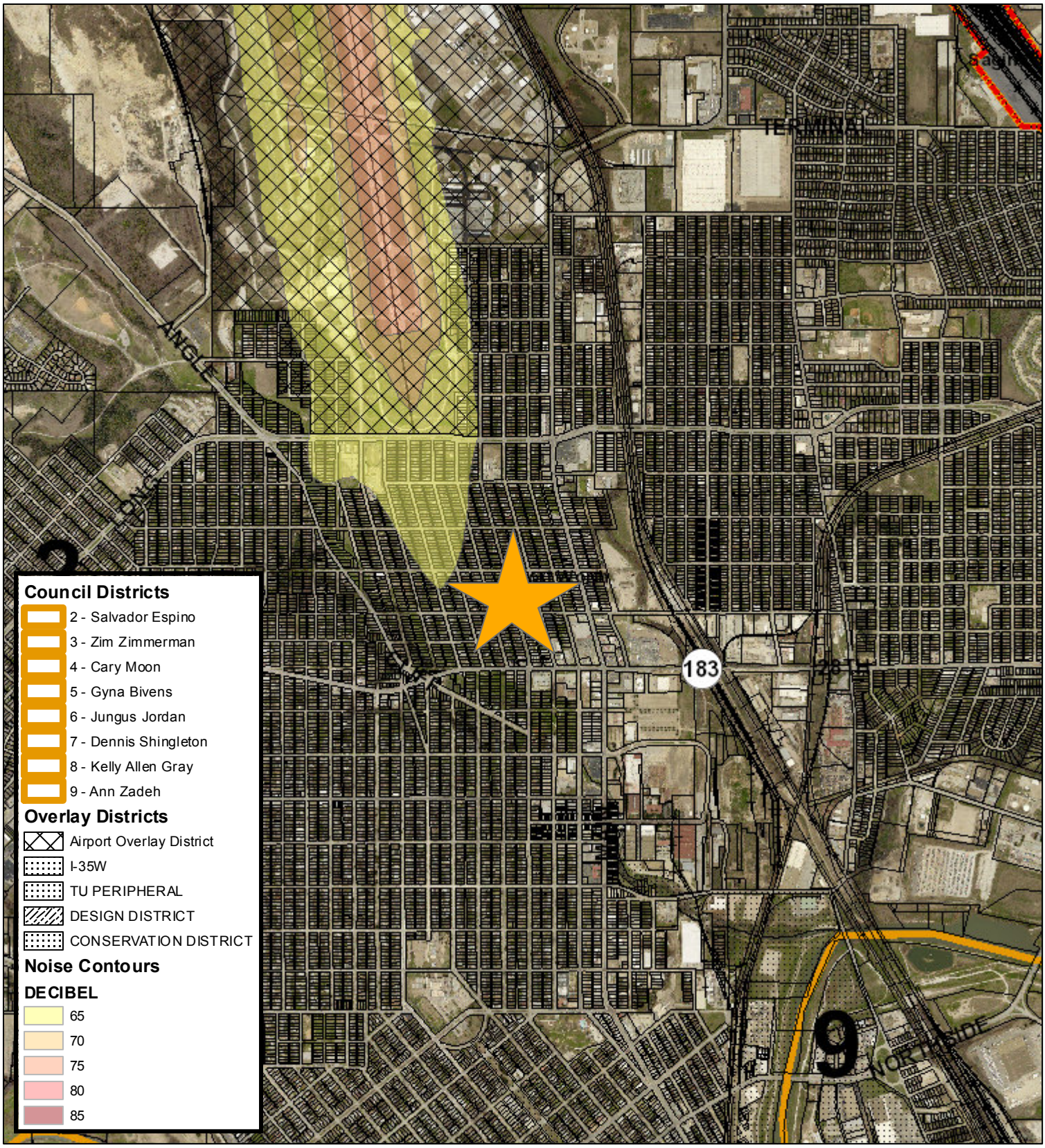
Area Map



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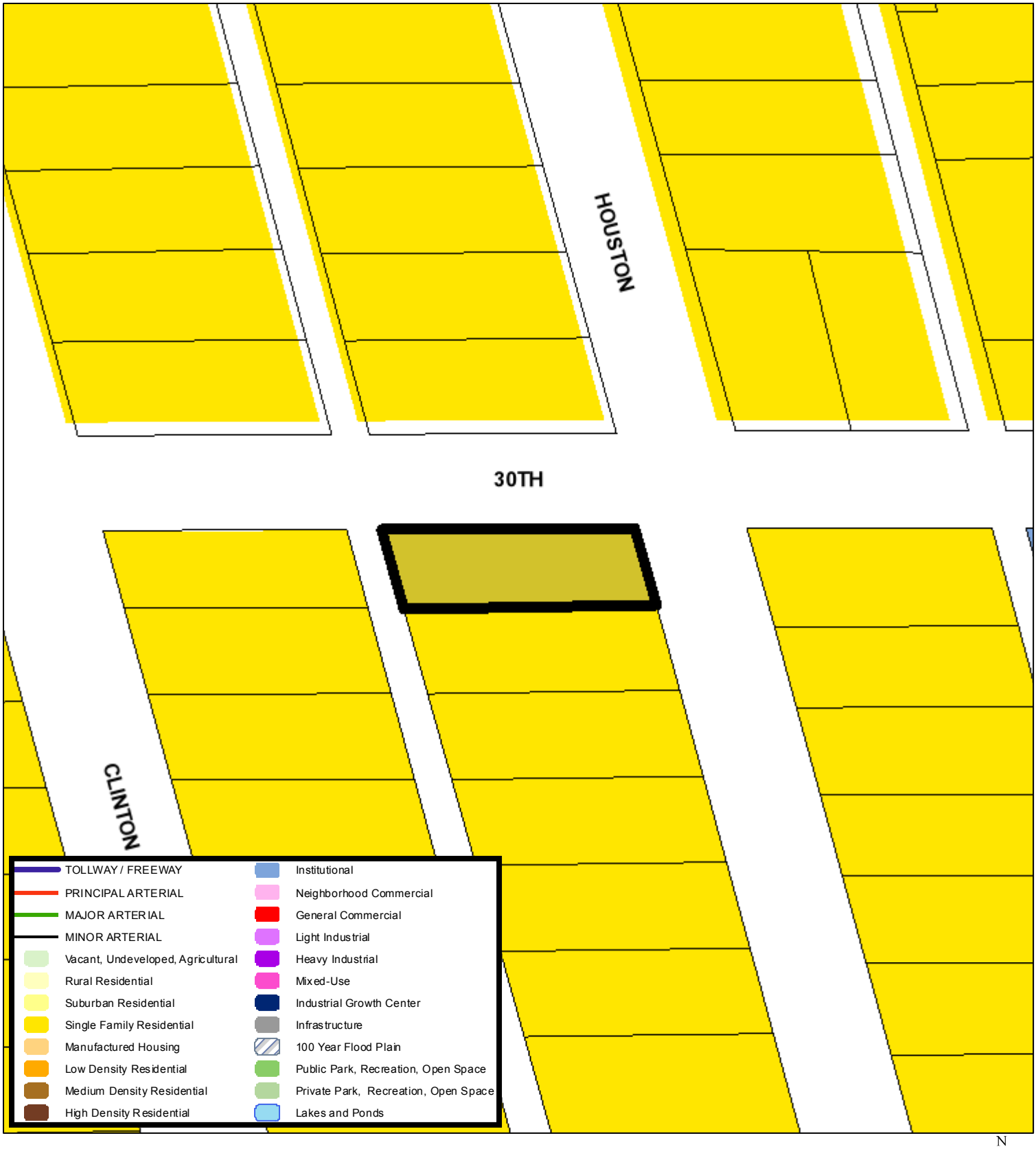
Future Land Use



75 37.5 0 75 Feet

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.

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Aerial Photo Map

0 45 90 180 Feet

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Sarina Paape & Robby Mossop, P.O. Box 494, Sherman, Texas representing Ahmed Alkatheri explained to the Commissioners they are requesting to rezone to allow for auto parts sales and inspections station.

Ms. McDougall asked if they were going to relocate, what type of auto sales is proposed and are they familiar with what is being proposed for this area. Ms. Paape said new auto parts sales plus inspection station. Ms. McDougall said there seems to be an abundance of automobile related uses and their request is neither compatible nor consistent for the plans in this area.

Sharon Armstrong with Stop 6 Poly NA spoke in support. She mentioned the building has been vacant for at least two years and is an eye sore. She said they need something in that building and that is why they agreed with an auto parts store.

Jimel Charoon, 1501 Choca Drive, Arlington, Texas spoke in support. He works for the owner/investor for the property. Mr. Charoon mentioned he has hauled a lot of trash from inside the building. He felt this is a nice area and that they would remodel to have someone there. He has seen their site in Sherman and looks really nice.

Ms. McDougal said they are looking for something more appropriate from a land use designation. Ms. McDougall mentioned when they go before Council, they should have a site plan and show them what the building is going to look like.

Mr. Edmonds asked if the building has bay doors. Mr. Charon said they can add them and modify it for two bays.

Mr. Northern said it would also help if they had letters of support.

Motion: Following brief discussion, Ms. McDougall recommended Denial of the request, seconded by Ms. Conlin. The motion carried 7-2 with Mr. Cockrell and Ms. Runnels against.

Document received for written correspondence					***ZC-16-022***
Name	**Address**	**In/Out 300 ft notification area**	**Position on case**		**Summary**
Sharon Armstrong/Stop 6 Poly NA	NA	Out		Support	Spoke at hearing
Jimel Charoon	1501 Choca Dr	Out		Support	Spoke at hearing

8. ZC-16-024 Atallah Zitoon (CD 2) – 2923 N. Houston Street (M. G. Ellis Addition, Block 69, Lot 12, 0.14 Acres): from "A-5" One-Family to "E" Neighborhood Commercial

Melany & Atallah Zitoon, 4632 Moss Ross Drive, Fort Worth, Texas property owner explained to the Commissioners they have owned the property since the mid 1980's. The business closed in the late 90's and has been vacant since. They would like to rezone it back to commercial.

Mr. Flores asked Ms. Zitoon about ownership, mail and if she was aware of the neighborhood meeting that was held to change the zoning. Ms. Zitoon said they had problems receiving their mail. They were aware of the neighborhood meetings but felt none were specific to this property. They do own other residential properties in the area. Mr. Flores asked why not change to "ER" zoning. Ms. Zitoon said she is not concerned with the zoning category but wants to be able to sell the property for commercial use because it is not suitable for a single-family residence. Ms. Murphy explained "ER" is the lightest commercial district and includes mainly professional services, light retail, and no alcohol sales. Restaurants would be permitted by special exception. It is a neighborhood compatible district.

Mr. Zitoon said he wants to keep the zoning to what it was before which was "E". If they limit the uses it will detract their ability for potential buyers. Mr. Flores said as a compromise he was looking at "ER" zoning since the building has been vacant for some time.

Ms. McDougall said she understands but this is a residential neighborhood and they have to protect the neighborhood.

Mr. Flores asked if they reached out to the neighborhood organizations. Mr. Zitoon said no but they did reach out to the neighbors.

Motion: Following brief discussion, Mr. Northern recommended Approval of the request as Amended to "ER", seconded by Ms. Runnels. The motion carried 8-1 with Ms. Conlin against.

9. ZC-16-025 Weber Ridge LP (CD 7) – 9190 Tehama Ridge Parkway (William McCowen Survey, Abstract No. 199, 4.30 Acres): from "G" Intensive Commercial/I-35 Overlay to "PD/G/I-35 Overlay" Planned Development for all uses in "G" Intensive Commercial/I-35 Overlay plus hotel; site plan included

Clay Christy, 1903 Central Drive, Suite 406, Bedford, Texas representing Weber Ridge LP explained to the Commissioners they are proposing a hotel use.

Motion: Following brief discussion, Mr. Northern recommended Approval of the request, seconded by Ms. Dunn. The motion carried 8-0-1 (Mr. Flores stepped away from the Dias).

10. ZC-16-026 Patriot Bank/Green Bank N. A. (CD 7) 6000 Block Cromwell Marine Creek Road (A. S. Roberts Survey, Abstract 1262, 26.71 Acres): from "E" Neighborhood Commercial to "A-5" One-Family

Mark Wood, 6617 Precinct Line Road, Suite 200, N. Richland Hills, Texas explained to the Commissioners they are requesting to rezone from "E" to "A-5". They have an adjoining property to the north already zoned "A-5" for single-family residential development. He explained deed restrictions from 1990 restricted the use for single-family only.