



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
November 1, 2016

Council District 9

Zoning Commission Recommendation: Approval by a vote of 7-2 Opposition: None submitted Support: 7 letters; South Hills NA; South Hills South NA; Seminary Hills NA; Rosemont NA;	Continued	Yes ___	No <u>X</u>
	Case Manager	<u>Stephen Murray</u>	
	Surplus	Yes ___	No <u>X</u>
	Council Initiated	Yes ___	No <u>X</u>

Owner / Applicant: Jose Gomez

Site Location: 5001 Mc Cart Avenue Mapsco: 90P

Proposed Use: Office

Request: From: "B" Two-Family
To: "ER" Neighborhood Commercial Restricted

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 the corner of McCart Ave and Yates St. The applicant originally requested "E" zoning, after discussions with staff it has been requested to change the zoning to "ER" for commercial office.

The site located along a major arterial, however the entire block face still consists of single-family homes. The proposed commercial office would encroach into this established single-family neighborhood. If approved, the site will have to adhere to several development standards at the time of permitting or request variances. The table below describes several of the development standards below.

Development Standards	"ER" Neighborhood Commercial Restricted
Along Yates and McCart	20 ft. minimum setback/no parking, or structures permitted; entire front yard shall be maintained as open or landscape green space; open fence maximum 4 ft. high
Landscaping and buffers adjacent to A or B Districts (located west and north of the site)	20 ft. supplemental setback, screening fence, 5 ft. bufferyard, point system; no dumpster in the supplemental setback
Parking	Parking is not permitted along Yates and McCart due to projected setback, 2.5 spaces per 1000 sf (office uses)

Site Information:

Owner: Jose Gomez
5001 McCart
Fort Worth, Texas 76115
Acreage: 0.13 acres
Comprehensive Plan Sector: TCU/Westcliff

Surrounding Zoning and Land Uses:
North "B" Two-Family / single-family
East "A-5" One-Family / rail ROW
South "B" Two-Family / single-family
West "B" Two-Family / single-family

Recent Relevant Zoning and Platting History:

Zoning History: None
Platting History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed
McCart Ave	Major Arterial	Neighborhood Connector
Yates St	Residential	Residential

Public Notification:

The following organizations were notified:

Organizations Notified	
Neighbors Working Together	Trinity Habitat for Humanity
South Hills NA*	Streams And Valleys Inc.
Seminary Hill NA	Fort Worth ISD

*Site is located within the confines of a registered NA

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zoning change to "ER" Neighborhood Commercial Restricted for offices. Surrounding land uses consist of single-family to the north, south, and west, with a church railroad ROW to the east.

Despite being located on McCart Ave. and backing to a railroad, the majority of the block face contains single-family homes. Changing the site from residential would result in commercial encroachment. In addition, the site is adjacent A-5 zoning, which would result in several commercial requirements that would constrain the overall development of the site.

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

2. Comprehensive Plan Consistency

The 2016 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)
- Encourage new development adjacent and connected to previously developed or platted areas in order to utilize existing utility and road infrastructure and services, thereby optimizing public and private investments and discouraging sprawl development. (pg. 39)
- Protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, speculation, demolition, neglect, and other negative forces. (pg. 39)

Based on the lack of conformance with the future land use map and the policies stated above; the proposed zoning **is not consistent** with the Comprehensive Plan. (**Significant Deviation**)

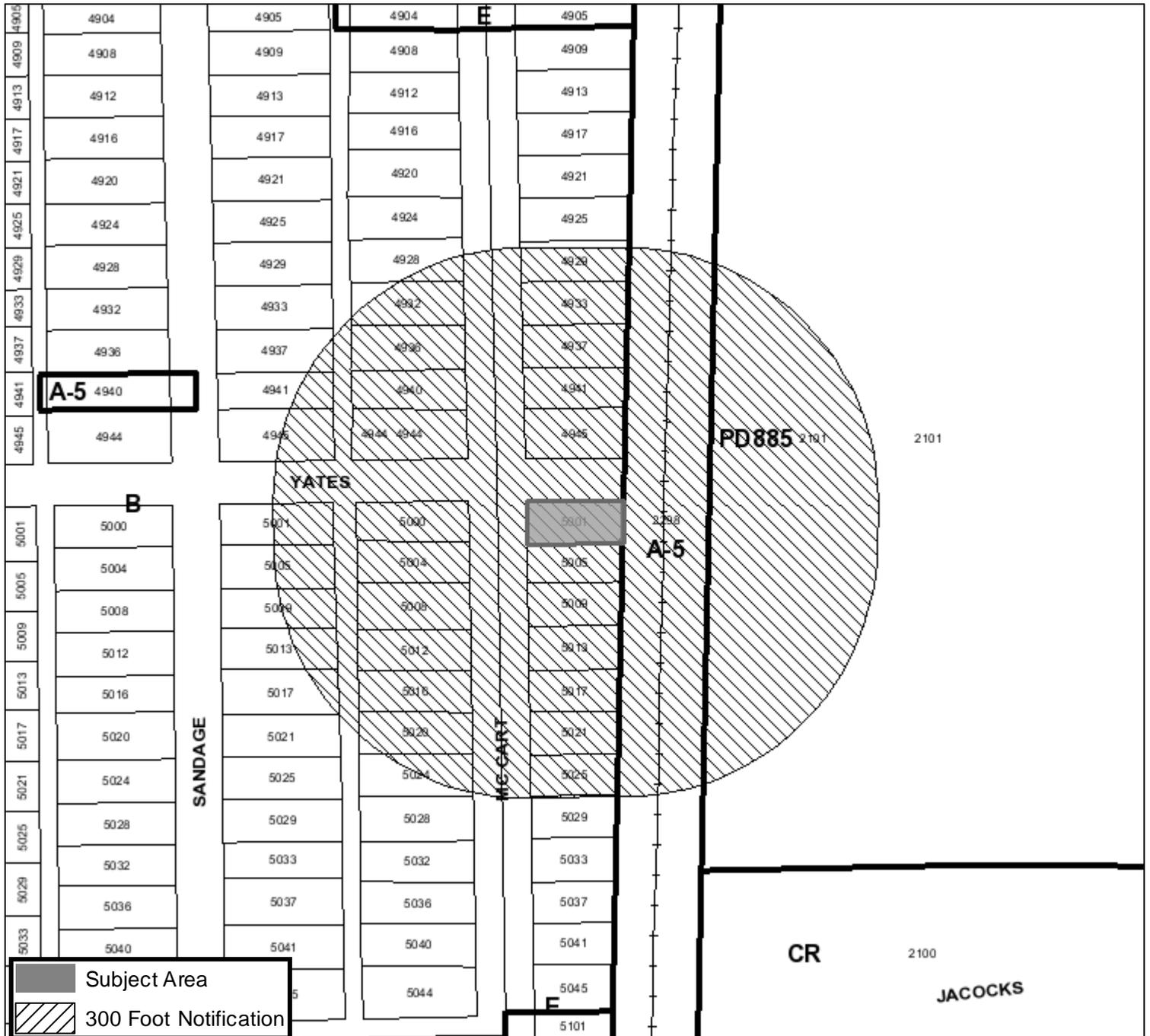
Attachments:

- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph

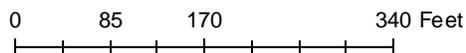


Area Zoning Map

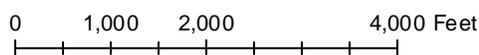
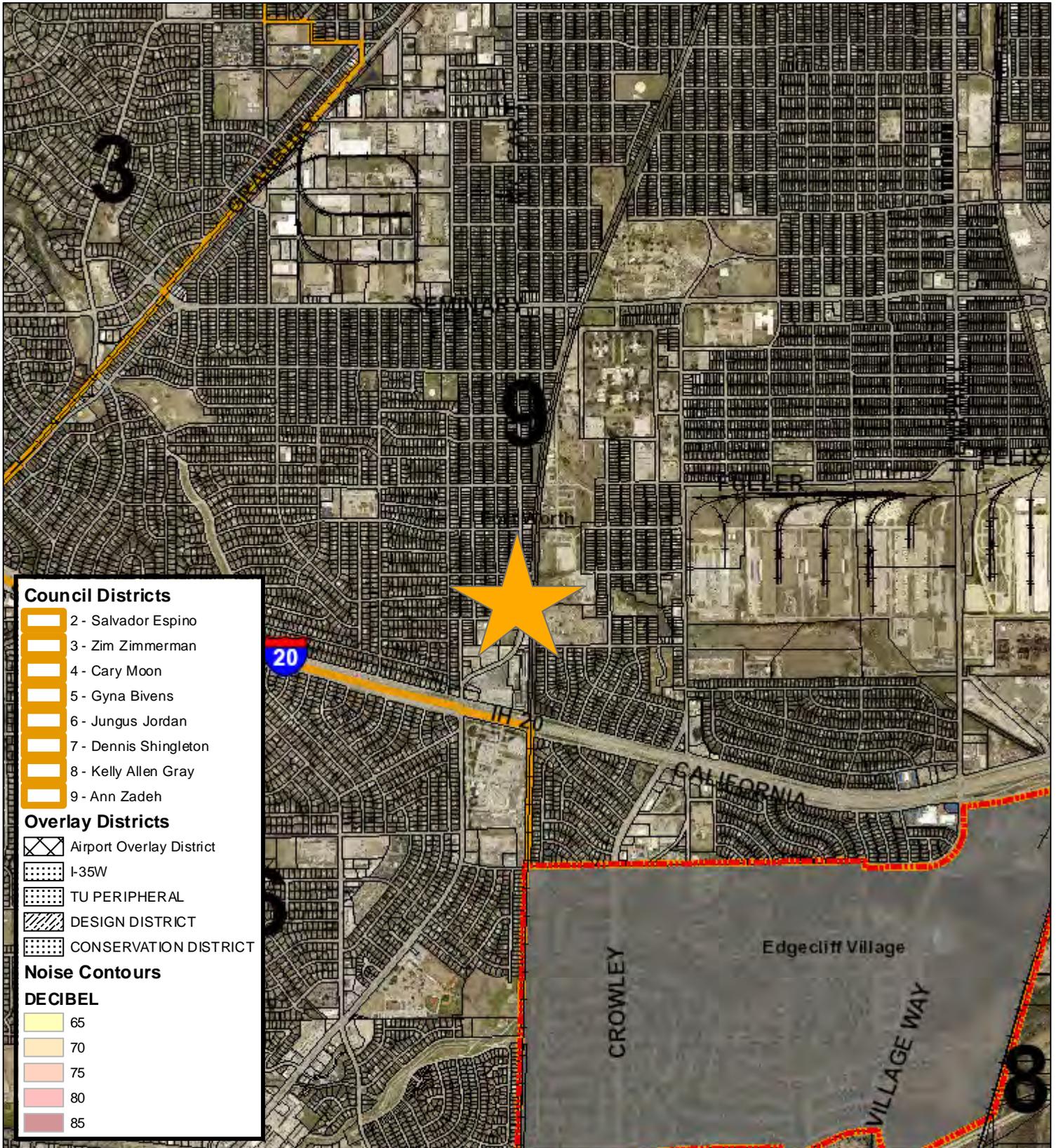
Applicant: Jose Gomez
 Address: 5001 Mc Cart Avenue
 Zoning From: B
 Zoning To: E
 Acres: 0.13088649
 Mapsco: 90P
 Sector/District: TCU/W.cliff
 Commission Date: 10/12/2016
 Contact: 817-392-8043



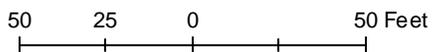
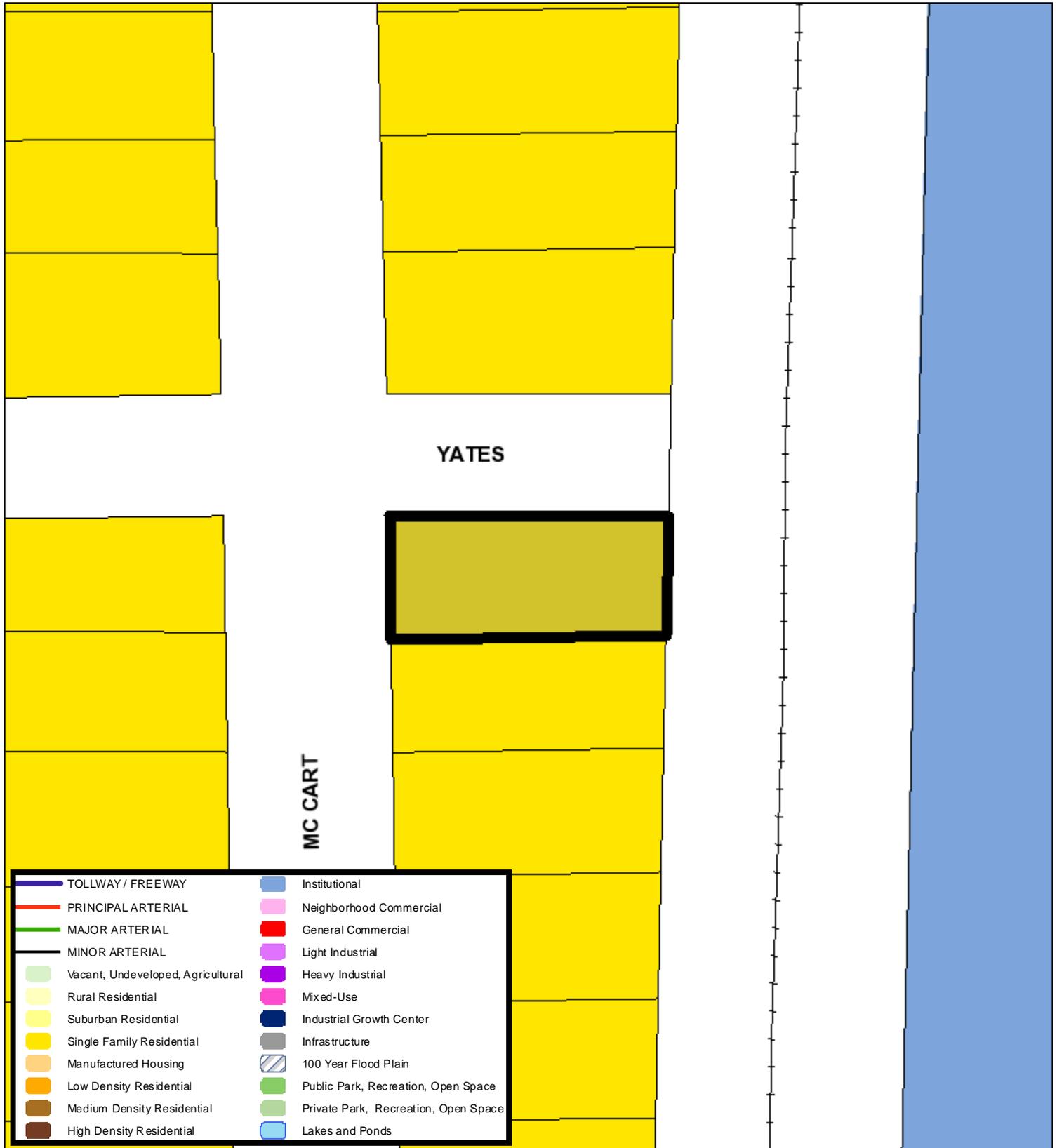
 Subject Area
 300 Foot Notification



Area Map



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 29, 2016.



Aerial Photo Map



0 30 60 120 Feet



Hunter Lane, 940 Patrick Lane, Fort Worth, Texas answered Ms. McDougall by stating the hours are 6 am to 7 pm. Ms. McDougall asked if the trucks had back-up beepers on them and to identify the two entrances. Mr. Lane said yes they do, they currently enter and exit from Tarrant Main and Euless. If the zoning is approved they would like to go from lot to lot with same entrances. The largest vehicles they operate are two dump trucks and 25 pick-up trucks with 80-100 employees, they will add additional lighting for security. Ms. McDougall asked if they had contacted the neighborhood surrounding the property. Mr. Lane said they did reach out to those directly affected but he did not talk to anyone. Mr. Fowler said he reached out to Eastside Sector, East Fort Worth and DFW. He will be providing a 6 ft. metal or panel style or chain link fence with screening.

Motion: Following brief discussion, Ms. McDougall recommended a 30 day Continuance of the request, seconded by Ms. Dunn. The motion carried unanimously 9-0. Ms. McDougall asked the applicant to reach out to those who responded in opposition.

<i>Document received for written correspondence</i>					ZC-16-173
Name	Address	In/Out 300 notification area	ft Position on case		Summary
Bradley Bradshaw	3701 Elm	In	Opposition		Sent letter in
Karen Herman	3713 Elm	In	Opposition		Sent letter in
Mary Hendrix	3721 Elm	In	Opposition		Sent letter in
David/Brie Sizemore	3724 Elm	Out	Opposition		Sent letter in
Steve/Mary Squire	3732 Elm	Out	Opposition		Sent letter in
Arsenio Vega	3712 Oak	In	Opposition		Sent letter in
Hector Parra	3708 Oak	In	Opposition		Sent letter in
Robert Carlson	3700 Oak	In	Opposition		Sent letter in
Jeanne Dotson	3704 Oak	In	Opposition		Sent letter in
Isamary Torres	3716 Oak	In	Opposition		Sent letter in
Arthur Sahstein	3728 Oak	Out	Opposition		Sent letter in
Jose Vega	13312 Euless	In	Opposition		Sent letter in
John Wright	13355 Euless	In	Opposition		Sent letter in

2. ZC-16-174 Jose Gomez (CD 9) – 5001 McCart Avenue (Seminary Hill Addition, Block 1, Lot 50, 0.13 Acres): from “B” Two-Family to “ER” Neighborhood Commercial Restricted

Jose Gomez, 5001 McCart Avenue, Fort Worth, Texas property owner explained to the Commissioners he is an accountant and would like to use the property for his office. Mr. Gomez explained the surrounding land uses and why it wasn’t conducive for residential living. He did reach out to the neighborhood organizations and received favorable support.

Ms. McDougall asked Mr. Gomez the type of business proposed and how many appointments will he have for this property. He stated it would be a tax preparation office, possibly two clients per hour. The traffic is so fast on McCart, no one will park there, and he will use Yates for his customer parking.

Robert Snoke, President, Rosemont NA spoke in support. He explained the pictures displayed on the overhead.

Renny Rosas spoke in support.

David Vela, President, Seminary Hill Neighborhood Association spoke in support.

Alonzo Aguilar, President, Neighbors Working Together spoke in opposition, he wants the area to stay single-family.

In rebuttal Mr. Gomez stated there are two different scenarios Mr. Aguilar mentioned that happened along Hemphill.

Ms. McDougall asked if he had reached out to the surrounding neighbors and if anyone present in support was from the neighborhood. Mr. Gomez said yes he provided signatures and there are some present the remainder are the neighborhood organization leaders.

Mr. Aughinbaugh asked Mr. Aguilar how far away is the incident on Hemphill. Mr. Aguilar said about a mile.

Mr. Edmonds stated three problems he sees, compatibility, consistency and land use. Mr. Gomez said time has changed how the future land use is depicted and the land needs to be looked at.

Ms. Runnels asked how close they are to Interstate 20. Mr. Gomez said about a quarter mile.

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

<i>Document received for written correspondence</i>					ZC-16-174
Name	Address	In/Out 300 notification area	Position on case		Summary
Robert Snoke/Rosemont NA	3826 6th	Out		Support	Spoke at hearing
Renny Rosas	3821 Bryan	Out		Support	Spoke at hearing
David Vela/Seminary Hill NA	5013 Gordan	Out		Support	Spoke at hearing
James West/South Hills –South NA	5216 Cockrell	Out		Support	Present did not speak
Alonzo Aguilar	3725 Stuart	Out	Opposition		Spoke at hearing

Loretta/Calvin Huezo	4925 Lubbock	Out		Support	Sent letter in
Stan Johnson/South Hills NA	4908 Rector	Out		Support	Sent letter in
Bruce Chadwick/Illusion Warehouse	3917 McCart	Out		Support	Sent letter in
Jeng Won/South Hills NA	2816 Covert	Out		Support	Sent letter in
Peggy Thomas	NA	Out		Support	Sent letter in
Harold Rich	NA	Out		Support	Sent letter in
Henry/Margarita Rangel	4944 McCart	In		Support	Signed petition
Oscar Gomez	4944 McCart	In		Support	Signed petition
David Olivar	2825 Lowriemore	Out		Support	Signed petition
A complete list of the signatures in support can be found in the case file.					

3. ZC-16-177 MG Lawn and Landscape LLC (CD 9) – 1525 W. Ripy Avenue (Shaw Heights Addition, Block 5, Lots 22, 23, 24, 0.44 Acre): from “E” Neighborhood Commercial to “PD/E” Planned Development for all uses in “E” Neighborhood Commercial plus landscape and fence company with welding, warehouse and outside storage with development standards to façade requirement, fence height and material, and not to require landscape and buffer requirement, excluding alcohol sales; site plan waiver requested

Mary Nell Poole, 2918 Wingate, Fort Worth, Texas representing MG Lawn and Landscape explained to the Commissioners her client purchased the property about two years ago, the building was built in 1981. Ms. Poole did mention the last use for the property was a dog/kennel boarding facility. The owner of the property has a certificate of occupancy for office/warehouse. They construct on site gates, fences and projects associated with the landscape business. Ms. Poole also mentioned they original filed for “T” zoning and after talking with the neighborhood groups and staff they changed it to “PD/E” and to allow for the existing uses with development standards. They are proposing an 8 ft. wood fence along the east property line and all other fencing surrounding the property will consist of 8 ft. corrugated metal or other fencing material for security. Her client will be asphaltting the entire area and striping the required parking spaces.

Ms. Dunn asked Ms. Poole about alcohol sales for off-premise consumption being permitted. Ms. Poole stated they would be ok removing the use.

Robert Snoke, President Rosemont NA spoke in support.

Renny Rosas spoke in support.

Motion: Following brief discussion, Ms. Dunn recommended Approval of the request as Amended excluding alcohol sales, seconded by Mr. Northern. The motion carried 8-1 with Ms. Conlin against.