



**ZONING MAP CHANGE  
STAFF REPORT**

**City Council Meeting Date:**  
December 17, 2013

**Council District** 2

**Zoning Commission Recommendation:**  
Approval by a vote of 9-0  
  
**Opposition:** none

Continued Yes X No \_\_\_  
Case Manager Stephen Murray  
Surplus Yes \_\_\_ No X  
Council Initiated Yes \_\_\_ No X

**Owner / Applicant:** Mario Santiesteban/MSCTLS Properties, LLC

**Site Location:** 2723 Pearl Avenue Mapsco: 62E

**Proposed Use:** Restaurant Parking

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

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

**Comprehensive Plan Consistency:** Requested change is consistent

**Background:**

The proposed site is located on Pearl Street just north of 28<sup>th</sup> Street. The applicant would like to change the zoning from "A-5" One-Family to "E" Neighborhood Commercial for additional parking and to bring the zoning into conformance with the existing restaurant located directly south of the site. The proposed parking has already been constructed and the applicant was directed by Code Compliance to make the parking lot use legal. The structure located behind the fence and parking lot will be used for restaurant storage.

Since the parking lot was adjacent to the restaurant and under the same ownership, the property including both lots is considered a premise. As such, the on premise parking must be zoned for the proper use. The applicant needs the lot for the business and to allow flexibility for future expansion.

In reviewing the zoning and lot configuration, it appears that the lot to the north of this property is not a private lot but is a remainder of right-of-way from the rerouting of NW 28<sup>th</sup> Street during the construction of SH 183. Staff reviewed the lot numbering and the lot configuration that occurred for the new right-of-way. This lot, and eight others within the area, have been affected in this way. As such, the lot is not next to the one family residentially zoned lot and the buffering requirements do not apply.

**Site Information:**

Owner: MSCTLS Properties, LLC  
528 W. New Castleton Ln.  
Fort Worth, TX 76115  
Agent: Yadira Garcia  
Acreage: 0.16 acres  
Comprehensive Plan Sector: Northside

Surrounding Zoning and Land Uses:

- North "A-5" One-Family / vacant ROW
- East "A-5" One-Family / commercial
- South "E" Neighborhood Commercial / restaurant
- West "ER" Neighborhood Commercial Restricted / office

**Recent Relevant Zoning and Platting History:**

Zoning History: ZC-10-104 from "FR" to "A-5", approved 7/30/10 (subject property)

Platting History: None

BOA History: None

**Transportation/Access**

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
28 <sup>th</sup> Street	Major Arterial	Major Arterial	No
Pearl Avenue	Residential	Residential	No

**Public Notification:**

The following Organizations were notified:

Organizations Notified	
North Side	Streams & Valleys, Inc (Marine Creek)
Far Greater Northside Historical*	FWISD

\*within neighborhood association

**Development Impact Analysis:**

**1. Land Use Compatibility**

The applicant is proposing a zoning change to "E" Neighborhood Commercial. Surrounding land uses vary with ROW to the north, commercial both east and west, and the applicant's restaurant to the south. The site is located in close proximity to 28<sup>th</sup> Street, which is considered a major arterial and appropriate for neighborhood commercial development. In addition, ROW separates single-family development from commercial to the south.

As a result, the proposed zoning is **compatible** with surrounding land uses.

**2. Comprehensive Plan Consistency**

The 2013 Comprehensive Plan designates the subject property as Neighborhood Commercial. The proposed zoning is consistent with the following Comprehensive Plan policies.

- Encourage development type and intensity appropriate to existing or planned street infrastructure. (pg. 38)
- 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)

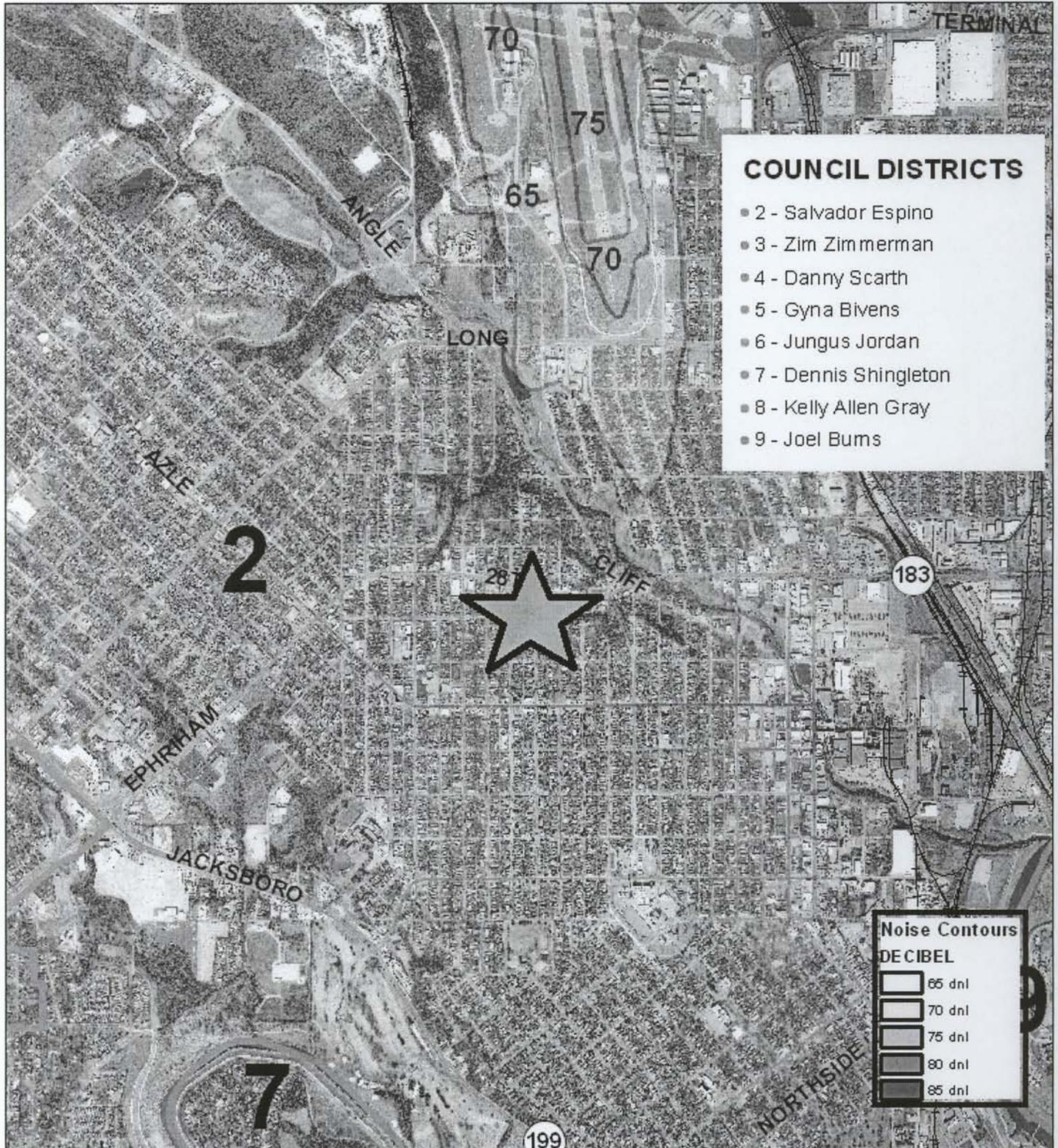
Based on the conformance with the future land use map and policies stated above, the proposed zoning is **consistent** with the Comprehensive Plan.

To view the Comprehensive Plan: <http://www.fortworthgov.org/planninganddevelopment/misc.aspx?id=81678>

**Attachments:**

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

## Location Map



2,000 1,000 0 2,000 Feet





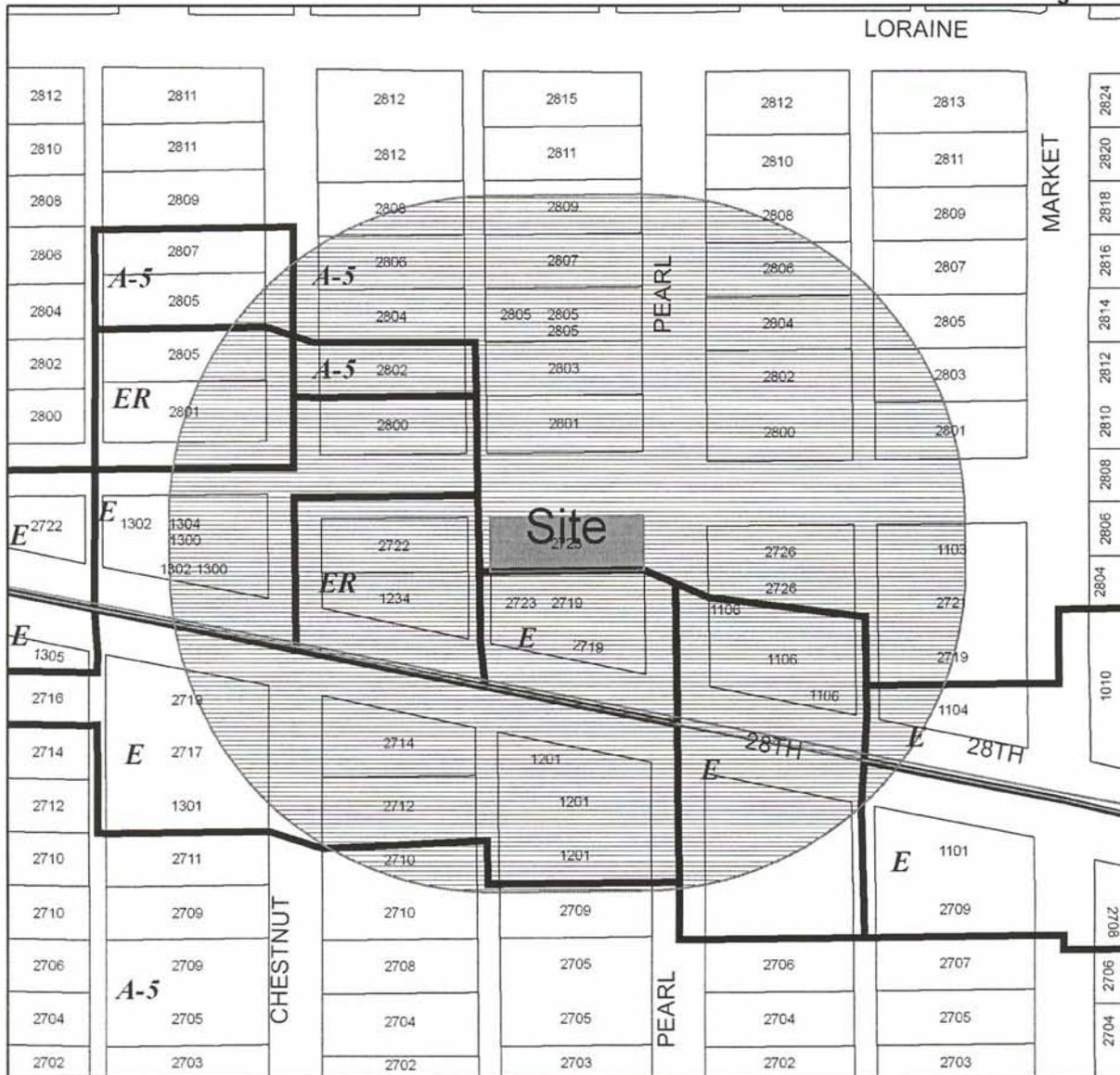
ZC-13-160

# Area Zoning Map

Applicant: Mario Santiesteban/ MSCTLS Properties  
 Address: 2723 Pearl Ave.  
 Zoning From: A-5  
 Zoning To: E  
 Acres: 0.16576106  
 Mapsco: 62E  
 Sector/District: Northside  
 Commission Date: 11/13/2013  
 Contact: 817-392-8043



300 Ft. Buffer





2723 Pearl Street

# Future Land Use

ZC-13-160



- 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

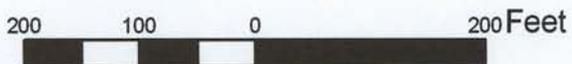
- FLD\_ZONE**
- Floodplain



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 5, 2013.



## Aerial Photo Map



5. ZC-13-157 - (CD 7) - Ray & Linda Snider, 9508 Park Drive; from: "AG" Agricultural to: "A-2.5" One-Family (Recommended for Approval by the Zoning Commission)

Motion: Council Member Shingleton made a motion, seconded by Council Member Jordan, that Zoning Docket ZC-13-157 be continued to the March 4, 2014, Council meeting. The motion carried unanimously 6 ayes to 0 nays with Council Members Espino, Scarth and Burns absent.

6. ZC-13-158 - (CD 2) - Rita & Blas Rodriguez, 2421 Pearl Avenue; from: "A-5" One-Family to: "PD/A-5" Planned Development for all uses in "A-5" One-Family plus inside storage of roofing materials only; site plan included. (Recommended for Denial by the Zoning Commission)

Motion: On behalf of Council Member Espino, Mayor Pro tem Zimmerman made a motion, seconded by Council Member Shingleton, that Zoning Docket ZC-13-158 be continued to the December 17, 2013, Council meeting. The motion carried unanimously 6 ayes to 0 nays with Council Members Espino, Scarth and Burns absent.

7. ZC-13-160 - (CD 2) - Mario Santiesteban/MSCTLS Properties, LLC, 2723 Pearl Avenue; from: "A-5" One-Family to: "E" Neighborhood Commercial (Recommended for Approval by the Zoning Commission)

Mr. Yadira Garcia, 4153 Longmeadow Way, completed a speaker card in support of Zoning Docket ZC-13-160 but did not wish to address Council.

Motion: On behalf of Council Member Espino, Mayor Pro tem Zimmerman made a motion, seconded by Council Member Jordan, that Zoning Docket ZC-13-160 be continued to the December 17, 2013, Council meeting. The motion carried unanimously 6 ayes to 0 nays with Council Members Espino, Scarth and Burns absent.

8. ZC-13-161 - (CD 2) - Anthony Williams & Jehad Mesh Mesh, 3024 Refugio; from: "A-5" One-Family to: "PD/ER" Planned Development for all uses in "ER" Neighborhood Commercial Restricted plus restaurant with front yard parking; site plan waiver recommended. (Recommended for Approval as Amended to PD/ER plus restaurant and front yard parking)

Motion: On behalf of Council Member Espino, Mayor Pro tem Zimmerman made a motion, seconded by Council Member Shingleton, that Zoning Docket ZC-13-161 be continued to the December 17, 2013, Council meeting. The motion carried unanimously 6 ayes to 0 nays with Council Members Espino, Scarth and Burns absent.

section of the alley being used. Mr. Flores noted that NW 25<sup>th</sup> Street does have commercial uses however there is a neighborhood to the south.

Mr. Edmonds asked about materials being stored and would they be flammable. Mr. Reyes said it is asphalt and felt paper materials and they might be flammable. Mr. Edmonds asked how wide the alley was. Mr. Reyes said about 20 ft.

Ms. Reed asked how they exit the alley. Mr. Reyes said you can turn around on the power substation property. He said it is only 50 ft. to 25<sup>th</sup> Street.

Mr. Flores asked where the materials are being stored now. Mr. Flores said he stored them at his residence and on another rental property.

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

**5. ZC-13-160 Mario Santiesteban/MSCTLS Properties LLC (CD 2) – 2723 Pearl Avenue (Rosen Heights Addition, Block 64, Lot 1, 0.16 Acres): from “A-5” One-Family to “E” Neighborhood Commercial**

Yadina Garcia, 4153 Long Meadow Way, Fort Worth, Texas representing Mario Santiesteban explained to the Commissioners they have been operating a restaurant since 1997 and purchased this property in 2007 for additional parking. She did mention she talked with the closest property owners and they support the request.

Mr. Flores asked how many parking spaces are on the lot. Ms. Garcia said there are 10 spaces. Mr. Flores asked if the property owner built the existing wood privacy fence. Ms. Garcia said yes he did.

Burl Hampton, 2902 LuLu Street, Fort Worth, Texas representing Far Greater Northside spoke in support. He did mention there is a small frame structure on the lot that they will use for storage; no one will be living there.

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

<i>Document received for written correspondence</i>				<b>ZC-13-160</b>	
<b>Name</b>	<b>Address</b>	<b>In/Out 300 notification area</b>	<b>ft</b>	<b>Position on case</b>	<b>Summary</b>
Burl Hampton/ Far Greater Northside	2902 LuLu St.	Out		Support	Spoke at hearing
Patricia Ramirez	2800 Pearl Ave	In		Support	Sent letter in
Gerardo Zavala	2801 Pearl Ave	In		Support	Sent letter in