



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
June 3, 2014

Council District 9

Zoning Commission Recommendation:
Denial by a vote of 9-0

Opposition: Neighboring owners and NH organizations
Support: None submitted

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

Owner / Applicant: Jose Moreno

Site Location: 2915 Hemphill St. & 2916 Jennings St. Mapsco: 90H

Proposed Use: Massage Parlor, Residence, and Parking Lot

Request: From: "A-5" One-Family and "B" Two-Family
To: "PD/A-5" Planned Development for all uses in "A-5" One Family plus massage parlor with residence and "PD/B" Planned Development for all uses in "B" Two-Family plus parking lot; 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 rezoning site is located on Hemphill Street near Lowden Street. The applicant is proposing a zoning change from "A-5" One-Family and "B" Two-Family to "PD/A-5" Planned Development to continue the massage parlor and add a residence in the existing structure on Hemphill and to "PD/B" Planned Development to establish a parking lot on the Jennings property for his customers. The applicant currently lives in the property while running the massage business. He was cited by Code Compliance for using the Jennings St. lot as parking without approval or required improvements to the lot.

The applicant's property on Hemphill Street was inspected and received a Certificate of Occupancy (CO) in 2005 for a massage parlor. The entire structure should have been required to meet commercial Building code as a change of use at that time. The lot was rezoned from "F" General Commercial to "A-5" One-Family in 2008 as part of the Hemphill Street phased rezoning. The CO does not provide for both a residence and massage parlor. The applicant chose to request a zoning change in order to continue to work and live at the Hemphill Street site, and provide parking for his customers and personal vehicles on a lot he owns on Jennings St.

The existing massage parlor has one masseuse, the owner, and one assistant. The applicant indicated he would like to expand to three in the future, but staff is unclear if he wants to expand the number of masseuses or assistants. The gross living area is 1829 sq. ft. with roughly 900 sq. ft. for business purposes. Typically, the applicant sees between 5-10 customers per day. During the 2005 CO review,

the applicant was required to have 4 parking spaces for customers. The applicant does not know where his current customers park.

Approximately 7 parking spaces are necessary for the property, including the residential and commercial uses. The backyard of the Hemphill St. property measures approximately 50 feet wide and 40 feet between the house and rear property line and can only be accessed through a covered attached carport. A standard parking space is 9 x 18 and requires 24 feet of maneuvering space; four spaces would fit within the backyard space. The rear alley behind the structure and between the two lots appears to have been improved approximately 5 lots from the south. This improvement to city standards does not appear to have extended to the subject lots. Regardless, commercial activity cannot be accessed primarily via a public alley.

The business cannot be considered a home occupation due to the number of employees and that approximately 50% of the home is used for business purposes. The amount of parking necessary and the customer activity would not be consistent with the nature of a single family residential area.

If approved, the applicant will have to meet any screening, parking, bufferyard, setback, and landscaping requirements that were not met in 2005 or request variances. In addition, auxiliary parking in A or B districts requires lights to be facing down and away from residential and must be chained and locked at night. If the property were to be zoned to the PD to allow parking on this lot, the same requirements apply. The applicant will also need approval from TPW for customers to utilize the alley as the primary access between the massage parlor and the parking area.

Site Information:

Owner: Jose Ernesto Moreno
 2915 Hemphill Street
 Fort Worth, TX 76110

Acreage: 0.36 acres

Comprehensive Plan Sector: Southside

Surrounding Zoning and Land Uses:
 North "A-5" One-Family / single-family
 East "B" Two-Family / single-family
 South "A-5" One-Family / single-family
 West "E" Neighborhood Commercial / grocery store

Recent Relevant Zoning and Platting History:

Zoning History: ZC-08-196, Hemphill Corridor, Phase 2, from "F" General Commercial to "A-5" One-Family, approved by City Council 1/09

Platting History: NA

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Hemphill Street	Major Arterial	Major Arterial	No

Public Notification:

The following organizations were notified:

Organizations Notified	
Worth Heights	Neighbors Working Together
West Morningside	Berry Street Initiative
South Hemphill Heights	Hemphill Corridor Task Force
Jennings-May St.Louis*	FWISD

*within this neighborhood organization

Development Impact Analysis:

1. **Land Use Compatibility**

The applicant is proposing a zoning change to "PD/A-5" Planned Development to make legal the existing massage parlor and add a residence on the Hemphill Property. The zoning change to

PD/B is to allow a parking lot on the Jennings St. property. Surrounding land uses are primarily single-family to the north, south and a grocery store across Hemphill Street to the west.

The applicant would like to live at the site and continue to operate a massage parlor. Massage parlors are first allowed by right in the "F" General Commercial district and the use is legal nonconforming. The operator found a need to provide additional parking and purchased a lot in the middle of the blockface on an adjacent street. Hemphill Street is a major arterial but the entire block is single family residential. The proposed parking lot use will encroach into an established single-family neighborhood.

Based on surrounding land uses, the proposed zoning for this site **is not compatible** at this location.

2. **Comprehensive Plan Consistency**

The 2014 Comprehensive Plan designates the site as Neighborhood Commercial and Single-Family. Massage parlors are first allowed by right in "F" General Commercial, which is considered a General Commercial Future Land Use designation.

The requested zoning change is not consistent with the following Comprehensive Plan policies:

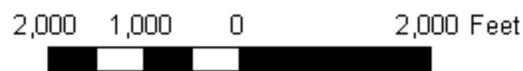
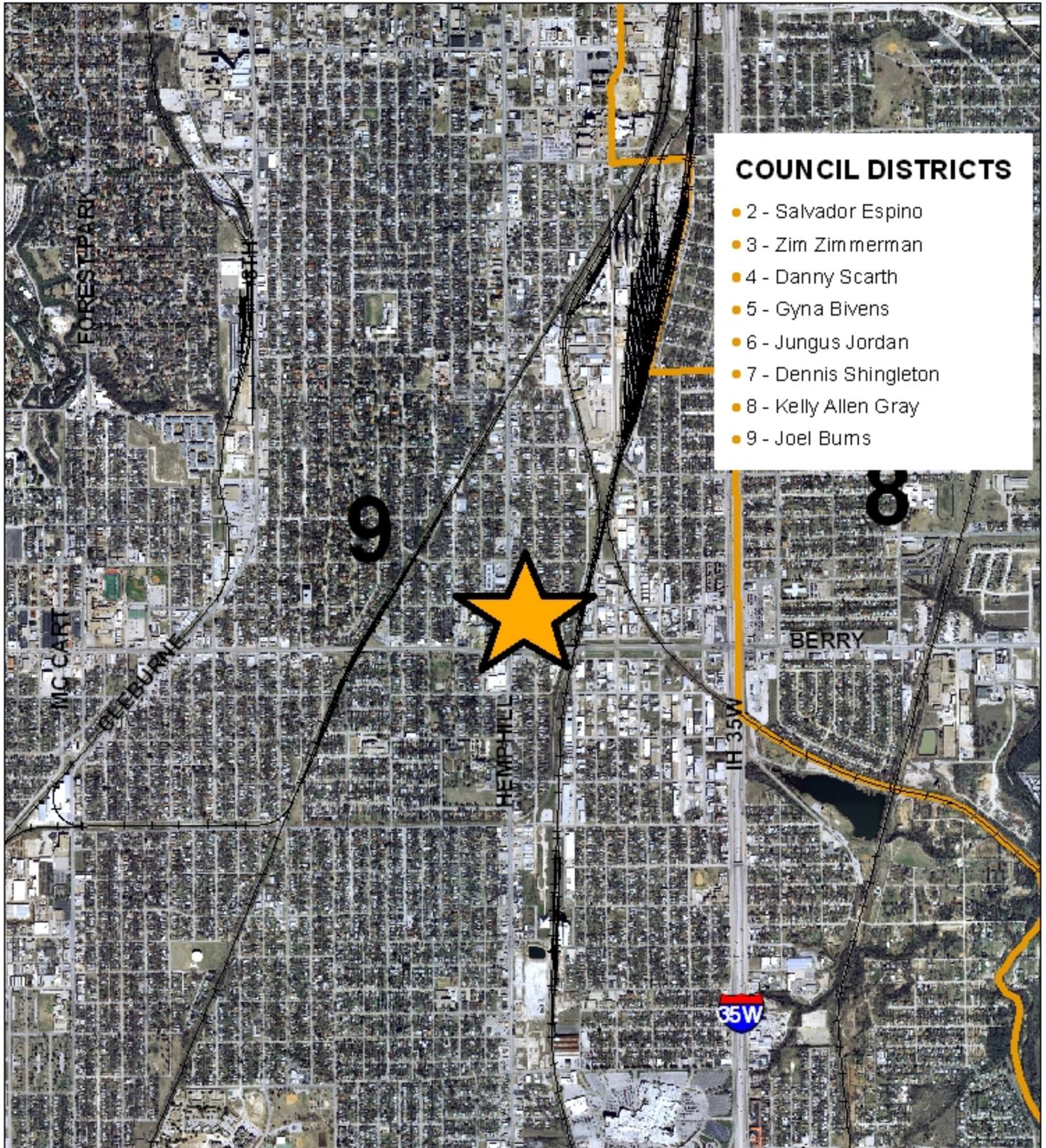
- Protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, demolition, neglect, and other negative forces. (pg. 39)
- Separate incompatible land uses with buffers or transitional uses. Some land uses have attributes such as height, proportion, scale, operational characteristics, traffic generated, or appearance that may not be compatible with the attributes of other uses. (pg. 40)

Based on nonconformance 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
- Minutes of the Zoning Commission

Location Map

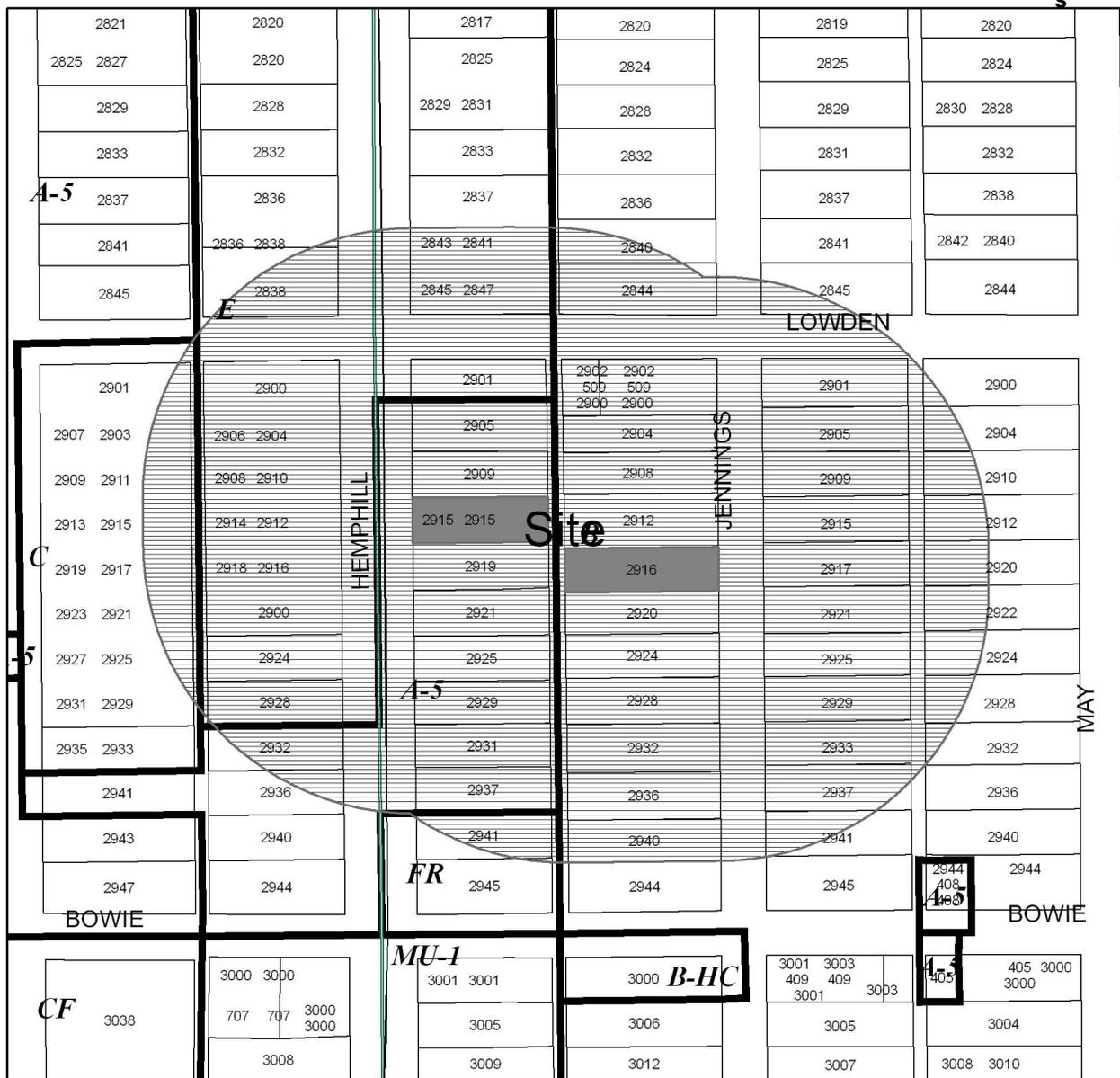


Area Zoning Map

Applicant: Jose Moreno
 Address: 2915 Hemphill Street & 2916 Jennings Street
 Zoning From: A-5, B
 Zoning To: PD for massage parlor /w residence and parking lot
 Acres: 0.36831235
 Mapsco: 77W
 Sector/District: Southside
 Commission Date: 5/14/2014
 Contact: 817-392-8043



300 Ft. Buffer

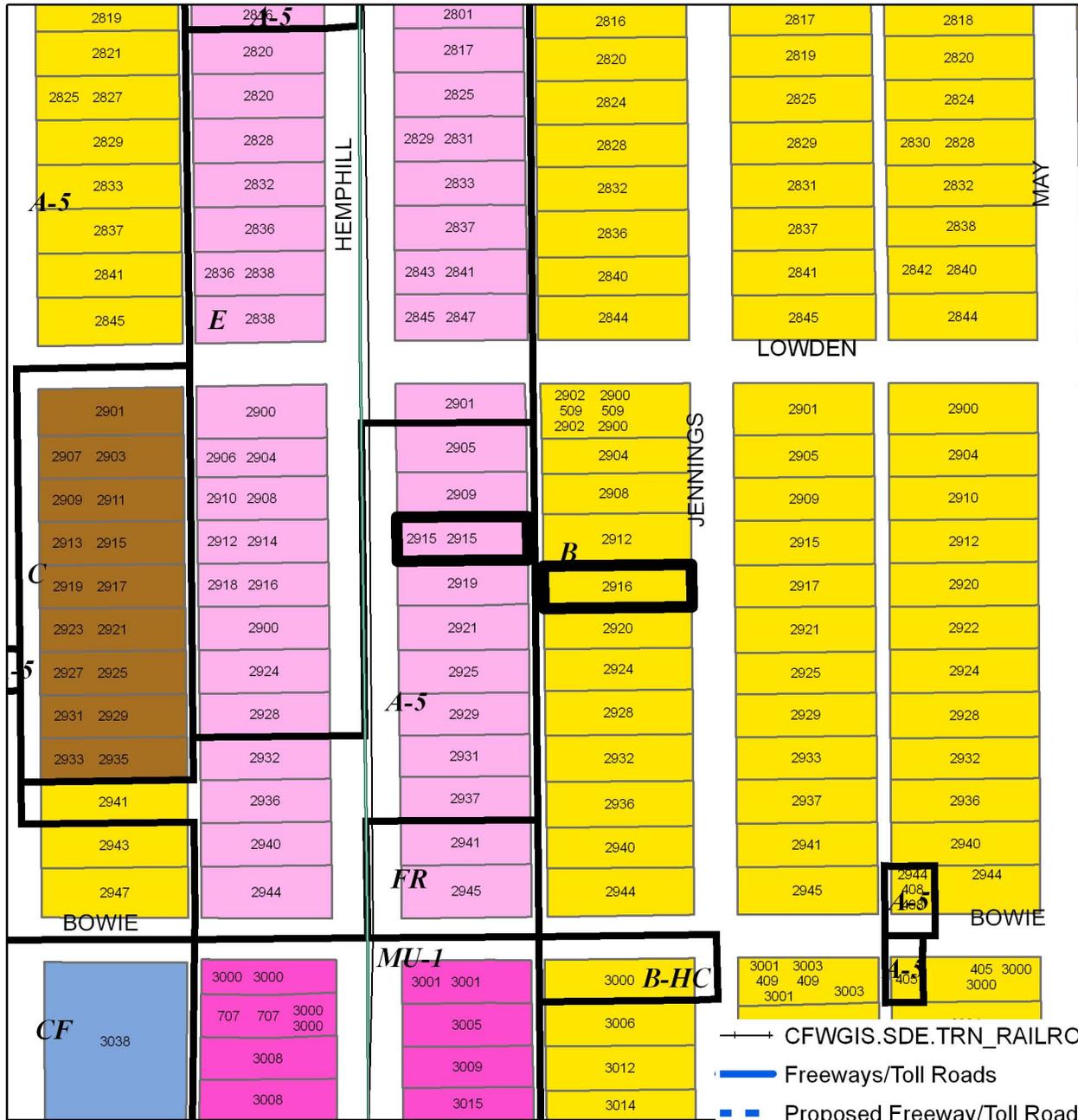




15 Hemphill Street & 2916 Jennings Street

Future Land Use

ZC-14-056

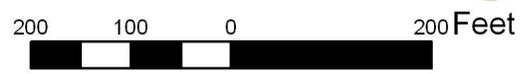


- Vacant, Undeveloped, Agricultural
- Rural Residential
- Suburban Residential
- Single Family Residential
- Manufactured Housing
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Institutional

- 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

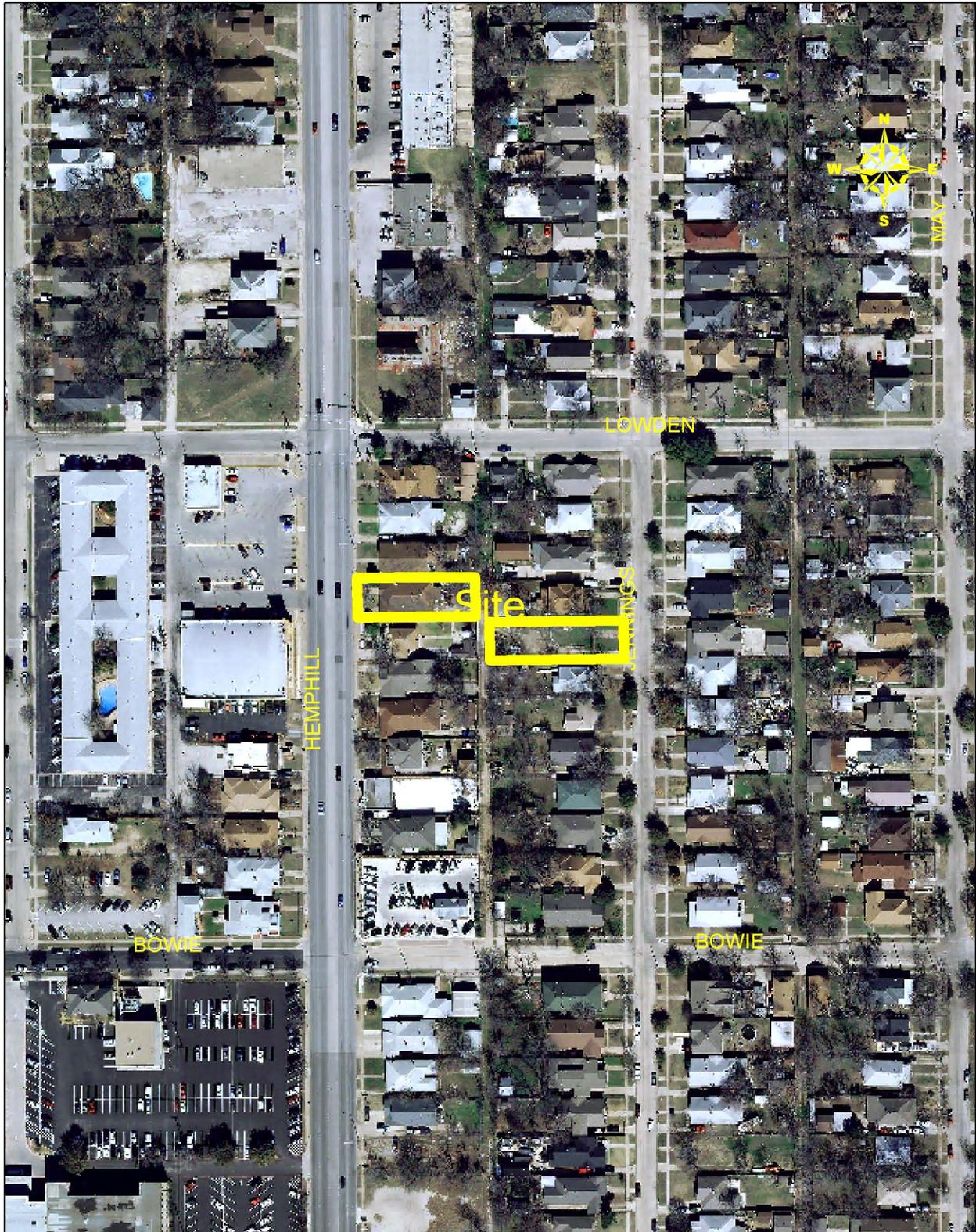


A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government code, Section 219.005) Land use designations were approved by City Council on March 18, 2014.





Aerial Photo Map



stated that his proposed request to reduce the multifamily may help with that issue. Mr. Davis made reference to the freeway being congested overall.

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

<i>Document received for written correspondence</i>					ZC-14-055
Name	Address	In/Out 300 notification area	Position on case		Summary
Thorlrdson Family, Inc	NA	Out	Opposition		Sent letter in
Heritage Inn of Wichita	NA	Out	Opposition		Sent letter in
Club Vista Properties	NA	Out	Opposition		Sent letter in
Heritage Inn of Bear Creek	NA	Out	Opposition		Sent letter in
Gary Tharaldson	4255 Dean Martin Drive	Out	Opposition		Sent letter in

13. ZC-14-056 Jose Moreno (CD 9) – 2915 Hemphill Street and 2916 Jennings Street (South Hemphill Heights Addition, Block 21, Lot 4 and Lot 20, 0.37 Acres): from “A-5” One-Family and “B” Two-Family to “PD/A-5” Planned Development for all uses in “A-5” One-Family plus massage parlor with residence and “PD/B” Planned Development for all uses in “B” Two-Family plus parking lot; site plan waiver requested

Jose Moreno, 2915 Hemphill Street, Fort Worth, Texas explained to the commissioners his request to for a proposed massage parlor. He stated that he was cited by Code Compliance for parking of his vehicles on a vacant lot that he had used for his business. Mr. Moreno now would like to seek a zone change to accommodate his massage parlor business with residence as well as a parking lot for his clients. Roy Salinas, City of Fort Worth interpreted for the property owner.

Mr. Flores asked for clarification on Mr. Moreno’s intension of expanding the business according to the staff report. Mr. Moreno stated that at this point there would be no expansions due to financial reasons.

Juanita Jimenez, 3006 S Jennings, Fort Worth, Texas president of Jennings May St. Louis NA the spoke in opposition. Ms. Jimenez stated that she was opposed to rezoning a residential lot in the middle of a neighborhood to accommodate Mr. Moreno’s parking needs. She stated that his customers would have to access his business via the alley and she does not support that. She also stated the negative impact it would have on their property values. She also stated that she did not want this business to encroach into the neighborhood and asked for this request to be denied.

Dr. Jim Hodges, 2940 S. Jennings Street, Fort Worth, Texas spoke in opposition. He stated that supports Mr. Moreno operating his business as is, but would not support the rezoning for the parking lot into the neighborhood. Mr. West asked Dr. Hodges for clarification as to the parking

across Hemphill Street being available for Mr. Moreno. Dr. Hodges stated he was not sure if there was an agreement for parking between the two properties.

Alonzo Aguilar, 3725 Stuart Drive, Fort Worth, Texas spoke in opposition. Mr. Aguilar stated that he does not want a commercial parking lot encroaching into the neighborhoods. Mr. Aguilar is uneasy as to what the details of the business activities are and has not been contacted to discuss.

In rebuttal, Mr. Moreno stated that he does have parking across the street on Hemphill Street and that he does have an agreement with that business to share parking. Mr. Moreno stated that he personally prefers to have parking for his clients closer to his business which would reduce the parking on Hemphill Street. He mentioned the support from his neighbors directly next to him along with a highlighted picture representing support from his neighborhood. Mr. Moreno also made reference to some statistics that he found online indicating the car to household ratio in that area.

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

Document received for written correspondence					ZC-14-056
Name	Address	In/Out 300 notification area	ft	Position on case	Summary
Juanita Jimenez/ Jennings May St Louis NA	3006 S Jennings	Out		Opposition	Spoke at hearing
Dr. Jim Hodges	2940 S Jennings	In		Opposition	Spoke at hearing
Alonzo Aguilar	3725 Stuart Dr	Out		Opposition	Spoke at hearing
David Crouch/Hemphill Corridor/Task Force	NA	Out		Opposition	Sent letter in
Paul Millender/South Hemphill Heights NA	NA	Out		Opposition	Sent letter in
Joe Ralph Martinez	2844 May Street	Out		Opposition	Sent letter in
S. Ray DeRusse for Bill Cutler	2912 Jennings St	In		Opposition	Sent letter in
Nathen Fisch	2709 S Jennings Avenue	In		Support	Sent letter in
Martina Munoz	2936 Jennings	Out		Support	Sent letter in
Rodolpho Chavez	2925 s Jennings	Out		Support	Sent letter in
Johnny Canales	2904 Jennings	Out		Support	Sent letter in
Leslie Stapp	2909 Hemphill Street	Out		Support	Sent letter in
Krisina Kisner	2905 Hemphill Street	Out		Support	Sent letter in

Sapopa Soria	2919 Street	Hemphill	Out		Support	Sent letter in
Amy Aranger	2919 Street	Hemphill	Out		Support	Sent letter in
Jose B Flores	2925 Street	Hemphill	Out		Support	Sent letter in
Nathan Fisch	2709 S Jennings		Out		Support	Sent letter in
Jose Barrios	2734 May Street		Out		Support	Sent letter in
Marco Martinez	2700 Avenue	Jennings	Out		Support	Sent letter in
Jose Ontiveros	2704 S Avenue	Jennings	Out		Support	Sent letter in
Luis Urias	2708 Avenue	Jennings	Out		Support	Sent letter in
Nakera Thomas	2744 S Avenue	Jennings	Out		Support	Sent letter in
Venirrcro Lopez	2715 S Avenue	Jennings	Out		Support	Sent letter in
Rafael Bthi	2730 Avenue	Jennings	Out		Support	Sent letter in
Andrew D	2717 May Street		Out		Support	Sent letter in
Pete Renteria	2801 S Avenue	Jennings	Out		Support	Sent letter in
Felipa Emedondo	2808 May Street		Out		Support	Sent letter in
Maria M Mileo	283 S Avenue	Jennings	Out		Support	Sent letter in
Rosalba Rodriguez	2825 Avenue	Jennings	Out		Support	Sent letter in
Felipe Moncivaiz	2904 May Street		Out		Support	Sent letter in

14. ZC-14-057 Texas Christian University (CD 3) – 3059 Wabash Avenue (Forest Park Addition, Block 9, Lot 4 and Pt 3, 0.15 Acres): from “C” Medium Density Multifamily to "PD-497" Planned Development/Specific Use for all uses in "MU-1" High Intensity Mixed Use District except: ambulance dispatch station; blood bank; electric power substation; probation or parole office; auto repair; paint & body shop; boat rental or sales; cold storage or ice plant; gunsmithing, repair or sales; mini-warehouses; newspaper distribution center; assembly of pre-manufactured parts except for vehicles, trailers, airplanes, mobile homes; bottling works, milk or soft drinks; manufacture of artificial flowers, ornaments, awnings, tents, bags; cleaning or polishing preparations; small boats, novelties and clothing; monument or marble works, finishing or carving only; monument works, stone; paper box manufacture; rubber stamp manufacture; sheet metal shop; warehouse or bulk storage; welding shop, custom work (not structural). Site plan waiver requested.

Jesse Rangel representing Texas Christian University explained to the commissioners his request to incorporate the property in question to accommodate the zoning already in place for the neighboring properties.