



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
November 11, 2014

Council District 2

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

Opposition: Petition submitted by the Diamond Hill NAC
with 24 signatures, 3 letters

Support: None

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

Owner / Applicant: **Mohammed Ali Hussain**

Site Location: 3404 N. Elm Street Mapsco: 48Y

Proposed Use: **Parking lot for existing commercial**

Request: From: "A-5" One-Family
To: "ER" Neighborhood Commercial Restricted

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

Comprehensive Plan Consistency: Requested change **is not consistent (Minor Boundary Adjustment).**

Background:

The case was continued at the October 14, Council meeting in order for the applicant to meet with the neighborhood.

The proposed site is located on Elm Street near the corner of Long Avenue. The applicant is proposing to change the zoning from "A-5" One-Family to "E" Neighborhood Commercial. The applicant would like to construct a parking lot for his existing adjacent business to the south and have the same zoning for both lots. According to the applicant, current tenants include a beauty salon, auto tint, and leather goods.

The applicant's existing commercial business and associated parking is located south of the proposed site. It was constructed in 1970, and is located on a residentially sized lot (roughly 50 by 130). If approved, the proposed site would be required to have a minimum 20 ft. front yard setback (no parking), bufferyard, and screening fence adjacent to residential. Also, additional supplemental setbacks will apply if the applicant expands the existing commercial business. Variances from the Board of Adjustment will be necessary if any standard cannot be met.

Neighbor opposition included concerns with the past use and maintenance of the property. TAD records show that the applicant purchased the property on February 28, 2014.

Site Information:

Owner: Mohammed Ali Hussain
 3402 N Elm
 Fort Worth, TX 76106

Acreage: 0.143 acres

Comprehensive Plan Sector: Northeast

Surrounding Zoning and Land Uses:

North "A-5" One-Family / single-family
 East "B" Two-Family; "A-5" One-Family / multifamily, single-family
 South "E" Neighborhood Commercial / commercial
 West "B" Two-Family; "A-5" One-Family / restaurant, single-family

Recent Relevant Zoning and Platting History:

Zoning History: ZC-06-085, Council initiated rezoning from various zoning districts to A-5, approved 5/05

Platting History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Long Avenue	Major Arterial	Major Arterial	No
Elm Street	Residential	Residential	No

Public Notification:

The following organizations were notified:

Organizations Notified	
Far Greater Northside Historical	Fort Worth ISD
Inter-District 2 Alliance	

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zoning change to "E" Neighborhood Commercial and would like to construct a parking lot for his existing adjacent business to the south and have the same zoning for both lots. Surrounding land uses are primarily single-family with multifamily just east, vacant land and restaurant to the west, and commercial uses to the south.

The proposed zoning **is compatible** with surrounding land uses.

2. Comprehensive Plan Consistency

The 2014 Comprehensive Plan designates the subject property as single-family. The proposed "E" zoning **is not consistent (Minor Boundary Adjustment)** with the Comprehensive Plan.

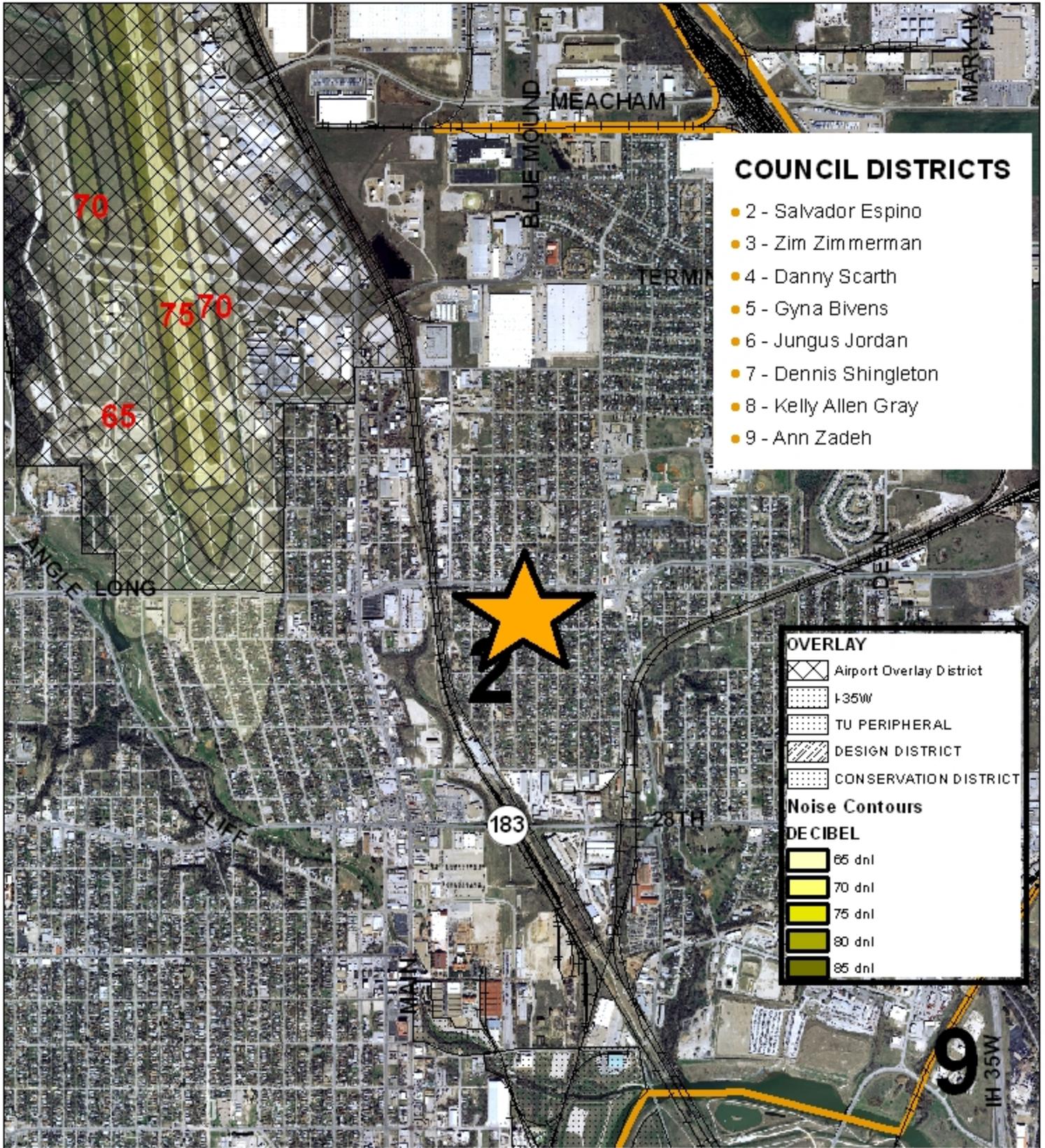
However, a review of the comprehensive plan is warranted. The existing commercial lot to the south is located on a major arterial. The added lot would allow for an increase in parking and or commercial business, which would improve the viability of the property and enable a variety of commercial businesses to operate at the site. Additionally, several buffers, setbacks, and screening are required, which would protect the surrounding residential uses. The proposed "E" is in keeping with the following Comprehensive Plan policies.

- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods. (pg. 39)
- Promote appropriate infill development of vacant lots, old commercial centers (greyfields), and contaminated sites (brownfields) within developed areas, particularly in the central city. (pg. 39)

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



COUNCIL DISTRICTS

- 2 - Salvador Espino
- 3 - Zim Zim merman
- 4 - Danny Scarth
- 5 - Gyna Bivens
- 6 - Jungus Jordan
- 7 - Dennis Shingleton
- 8 - Kelly Allen Gray
- 9 - Ann Zadeh

OVERLAY

- Airport Overlay District
- I-35W
- TU PERIPHERAL
- DESIGN DISTRICT
- CONSERVATION DISTRICT

Noise Contours

DECIBEL

- 65 dnl
- 70 dnl
- 75 dnl
- 80 dnl
- 85 dnl

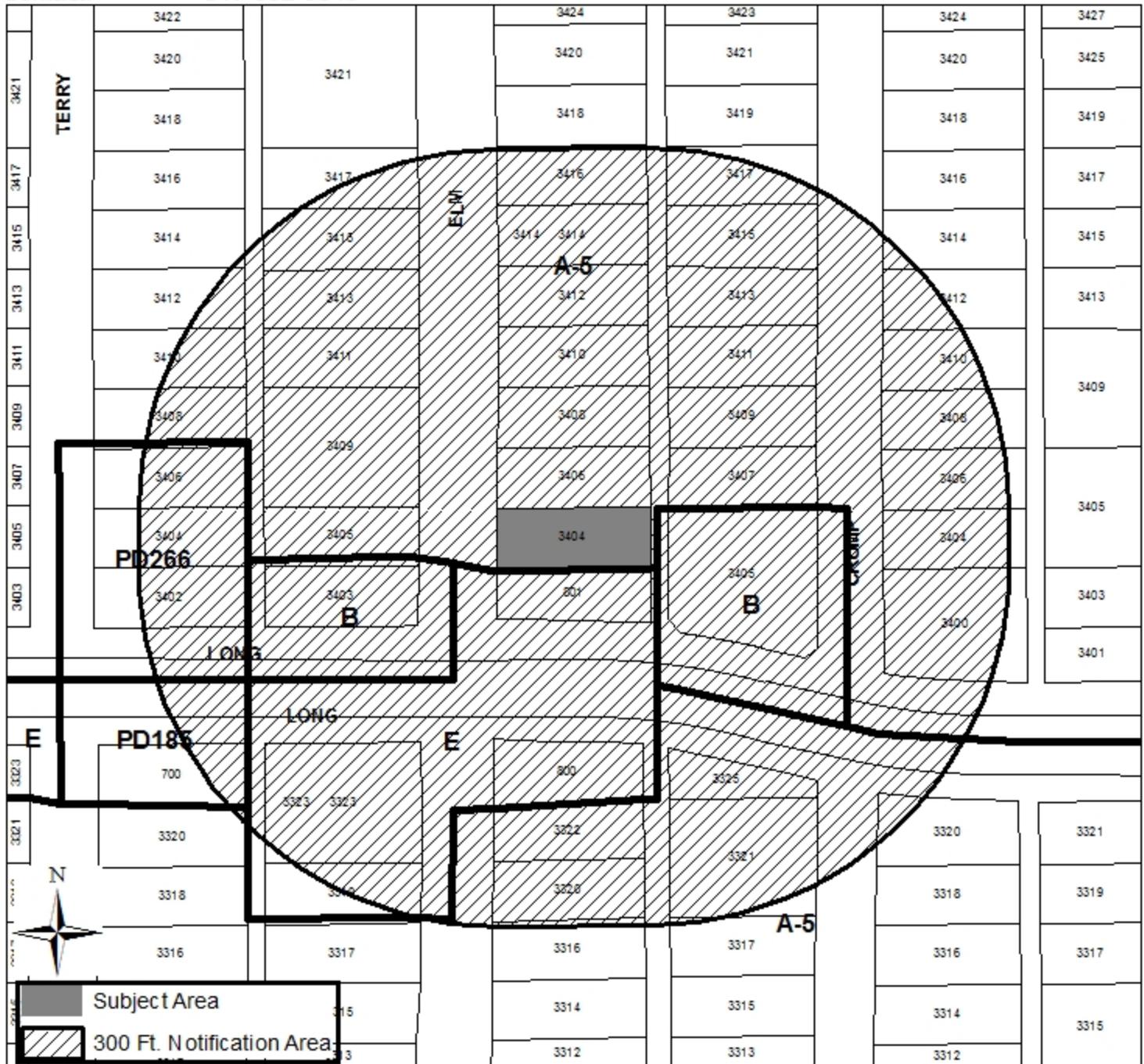




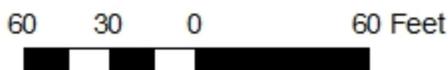
ZC-14-089

Area Zoning Map

Applicant: Mohammed Ali Hussain
Address: 3404 N. Elm Steet
Zoning From: A-5
Zoning To: E
Acres: 0.149158
Mapsc0: 107A
Sector/District: Northeast
Commission Date: 08/13/2014
Contact: 817-392-8043



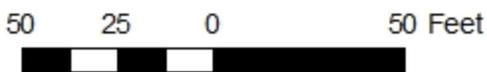
Future Land Use



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 Photograph



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XIV. ZONING HEARING

The Notice of Special Hearing set today as the date for the hearing in connection with recommended changes and amendments to Zoning Ordinance No. 13896 and that notice of the hearing had been given by publication in the *Fort Worth Star-Telegram*, the official newspaper of the City of Fort Worth, on September 21, 2014.

- 1. ZC-14-065 - (CD 2) - Gustavo Castaneda, 201 NW 23rd Street; from: "A-5" One-Family to: "PD/ER" Planned Development for all uses in "ER" Neighborhood Commercial Restricted; site plan included. (Recommended for Approval as Amended by the Zoning Commission with revised site plan)**

Mr. Christopher Bonilla, 3800 Byers Avenue, completed a speaker card in support of Zoning Docket ZC-14-065 and was recognized by Mayor Price but did not wish to address Council.

Motion: Mayor Pro tem Espino made a motion, seconded by Council Member Bivens, that Zoning Docket ZC-14-065 be approved. The motion carried unanimously 9 ayes to 0 nays.

The City Council, at its meeting of August 5, 2014, continued Site Plan SP-14-004:

- 2. SP-14-004 - (CD 2) - August Stanislawski/TX Industrial Scrap, 3800 N. Commerce Street; Amend "PD-764" site plan to add permanent office for shredder. (Recommended for Approval as Amended by the Zoning Commission to update site plan to include armature radius) (Continued from a Previous Meeting)**

Motion: Mayor Pro tem Espino made a motion, seconded by Council Member Shingleton, that Site Plan SP-14-004 be continued to the November 11, 2014, Council meeting. The motion carried unanimously 9 ayes to 0 nays.

The City Council, at its meeting of September 9, 2014, continued Zoning Docket ZC-14-089:

- 3. ZC-14-089 - (CD 2) - Mohammed Ali Hussain, 3404 N. Elm Street; from: "A-5" One-Family to: "ER" Neighborhood Commercial Restricted (Recommended for Approval as Amended by the Zoning Commission to "ER" Neighborhood Commercial Restricted) (Continued from a Previous Meeting)**

Motion: Mayor Pro tem Espino made a motion, seconded by Council Member Shingleton, that Zoning Docket ZC-14-089 be continued to the November 11, 2014, Council meeting. The motion carried unanimously 9 ayes to 0 nays.

IV. New Cases

2. ZC-14-089 Mohammed Ali Hussain (CD 2) –3404 N. Elm Street (Fostepco Heights Addition, Block 53, Lot 10, 0.34 Acres): from “A-5” One-Family to “E” Neighborhood Commercial

Mohammed Hussain, 3404 N Elm, Fort Worth, Texas property owner explained to the Commissioners the request to rezone the lot behind his existing business to provide additional parking.

Mr. Flores asked what his intentions were, how tall the chain link fence is and when he put it up. Mr. Hussain responded that he wants to add additional parking for his existing commercial business, the chain link fence is 4 ft. tall in front and six feet in the back, and that they put it up last month. Mr. Flores asked if he was aware of the petition they received from Diamond Hill NA. Mr. Hussain said he was not aware of that and he did talk to his immediate neighbors on all sides and many signed a support petition. Mr. Flores said some of their neighborhoods concerns are past performance on how he keeps up his lot. Mr. Hussain said he has never received a letter from the neighborhood. Mr. Flores asked if he would be willing to meet with the neighborhood and possibly eliminate some of their concerns. Mr. Hussain said he would meet with them.

Ms. McDougall asked when he purchased the property, what the primary business is across the street and will it be used for in and out overflow traffic with no storage of vehicles. Mr. Hussain said he bought it a couple of months ago, and there is a convenience store is on the south side and a car repair shop on the west side. Mr. Hussain has three small stores on his lot: a salon, tax office and a tint and alarm facility. Mr. Hussain said they are proposing about eight parking spaces and the chain link will be in the back side closest to the house. Ms. Murphy said there will be standards he will have to comply with. Mr. Flores asked staff if ER would be appropriate for a parking lot. Ms. Murphy said yes it would be permitted in that zoning district and the chain link fence would have to be replaced with an appropriate screening fence.

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

<i>Document received for written correspondence</i>				ZC-14-089	
Name	Address	In/Out 300 notification area	Position on case		Summary
Carolyn Brooksray	3405 N Elm	In	Opposition		Present did not speak
Eduardo Garcia	3405 N Crump	In		Support	Signed petition
Jose Gonzalez	3406 N Elm	In		Support	Signed petition
Hugo Dominquez	3408 N Elm	In		Support	Signed petition
Debbie Herrera	703 E Long	Out		Support	Signed petition
Chris Ochoa	3409 N Elm	In		Support	Signed petition

Hazel Pointer/Diamond Hill NAC	1413 Selene	Out	Opposition		Sent letter in
Shawna Shearer	3410 N Elm	In	Opposition		Signed petition
Joe Sanchez	3320 N Elm	In	Opposition		Signed petition
Paul Biffel	3314 N Elm	In	Opposition		Signed petition
Bill & Geneva Crow	3304 N Crump	Out	Opposition		Sent letter in
Erica Ramirez	3312 N Elm	Out	Opposition		Signed petition
Jesus Rodriquez	3315 N Elm	Out	Opposition		Signed petition
Vanessa Gonzalez	3406 N Crump	Out	Opposition		Signed petition
Lucy Esquivel	3408 N Crump	In	Opposition		Signed petition
Serapio Livar	3415 N Crump	In	Opposition		Sent letter in
Teresa Livar	3210 N Nichols	Out	Opposition		Signed petition
Federico Ovalle	3407 N Crump	In	Opposition		Signed petition
Eduardo Garcia	3400 N Crump	In	Opposition		Signed petition
Tommy Perkins	3515 N Crump	Out	Opposition		Signed petition
Daniel Hernandez	3417 N Elm	In	Opposition		Signed petition
Sandra Barboza	3413 N Elm	In	Opposition		Signed petition
Stephen Solito	3416 N Elm	In	Opposition		Signed petition
L Gutierrez	3418 N Elm	Out	Opposition		Signed petition
Victor Ozuma	3505 N Crump	Out	Opposition		Signed petition
Eva Duenez	3309 N Elm	Out	Opposition		Signed petition
Daniel Sanchez	3318 N Calhoun	Out	Opposition		Signed petition
Beth Davis	3323 N Elm	In	Opposition		Signed petition

3. ZC-14-090 TJB Enterprises LLC (CD 8) – 7125-7209 Anglin Drive & 4720 Esco Drive (Esco Industrial Park Addition, Block 2, Lots 1-4 & 6-11, 14.23 Acres): from “J” Medium Industrial to “K” Heavy Industrial

Judith Crowder, 901 N Throckmorton, Fort Worth, Texas representing TJB Enterprises explained to the Commissioners they are requesting K zoning for a foundry. They are the owners of McKinley Iron Works established in 1906 and are being relocated due to the Trinity River Vision project. The building is large enough to house their needs and has a fabricated metal security fence surrounding the property. Ms. Crowder said they did visit with the surrounding