



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
October 14, 2014

Council District 8

Zoning Commission Recommendation:
Approval by a vote of 8-0

Opposition: None submitted
Support: East Fort Worth Business Assoc.

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

Owner / Applicant: **Ruben Villagomez**

Site Location: 2317 Oakland Boulevard Mapsco: 78H

Proposed Use: **Restaurant with Alcohol Sales**

Request: From: "ER/HC" Neighborhood Commercial Restricted/Historic & Cultural Overlay
To: "E/HC" Neighborhood Commercial/Historic & Cultural Overlay

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

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

Background:

The proposed site is located east of Oakland Boulevard and south of Meadowbrook. The applicant is proposing a zoning change from "ER/HC" Neighborhood Commercial Restricted/Historic & Cultural overlay to "E/HC" Neighborhood Commercial/Historic & Cultural Overlay to allow for an existing restaurant to sell alcoholic beverages.

A Council-initiated zoning change was initiated in this area in 2009. The property was rezoned from A-5 to ER. A Special Exception from the Board of Adjustment was granted in May 2010 for the restaurant use. A variance was also received to allow parking in the required front yard and provide 21 parking spaces.

The site is adjacent to Meadowbrook Elementary School, which requires a variance from the City Council action for not meeting the minimum required distances for alcohol sales.

Site Information:

Owner: Ruben Villagomez
5016 Glen Park
Fort Worth, TX 76119

Acreage: 0.31 acres
Comprehensive Plan Sector: Eastside

Surrounding Zoning and Land Uses:

- North "ER" Neighborhood Commercial Restricted / single-family and commercial
- East "CF" Community Facilities / Meadowbrook elementary
- South "CF" Community Facilities / vacant, tax office

West "ER" Neighborhood Commercial Restricted / commercial

Recent Relevant Zoning and Platting History:

Zoning History: ZC-09-115 approved by City Council 11/03/2009 to various zoning districts, subject area to the west; ZC-14-141 approved by City Council 01/12/2010 to various zoning districts with overlay, subject area

Platting History: None

BOA History: BAC-10-040 Special Exception approved for a restaurant with variances for front yard parking and parking spaces by the Board of Adjustment 05/14/2010

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Oakland Blvd	Minor Arterial	Minor Arterial	No

Public Notification:

The following organizations were notified:

Organizations Notified	
West Meadowbrook*	Southeast Fort Worth, Inc
East Fort Worth Business Assn	Neighborhoods of East Fort Worth
Eastside Sector Alliance	Fort Worth ISD

*within this neighborhood organization

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zoning change to "E/HC" Neighborhood Commercial with Historic Overlay for an existing restaurant to sell alcoholic beverages. Surrounding land uses are single-family to the north, elementary school to the east, church to the south and commercial uses to the west.

As a result, the proposed zoning **is not compatible** with surrounding land uses.

2. Comprehensive Plan Consistency

The 2014 Comprehensive Plan designates the subject property as Neighborhood Commercial. The proposed zoning is consistent with the following Comprehensive Plan policies:

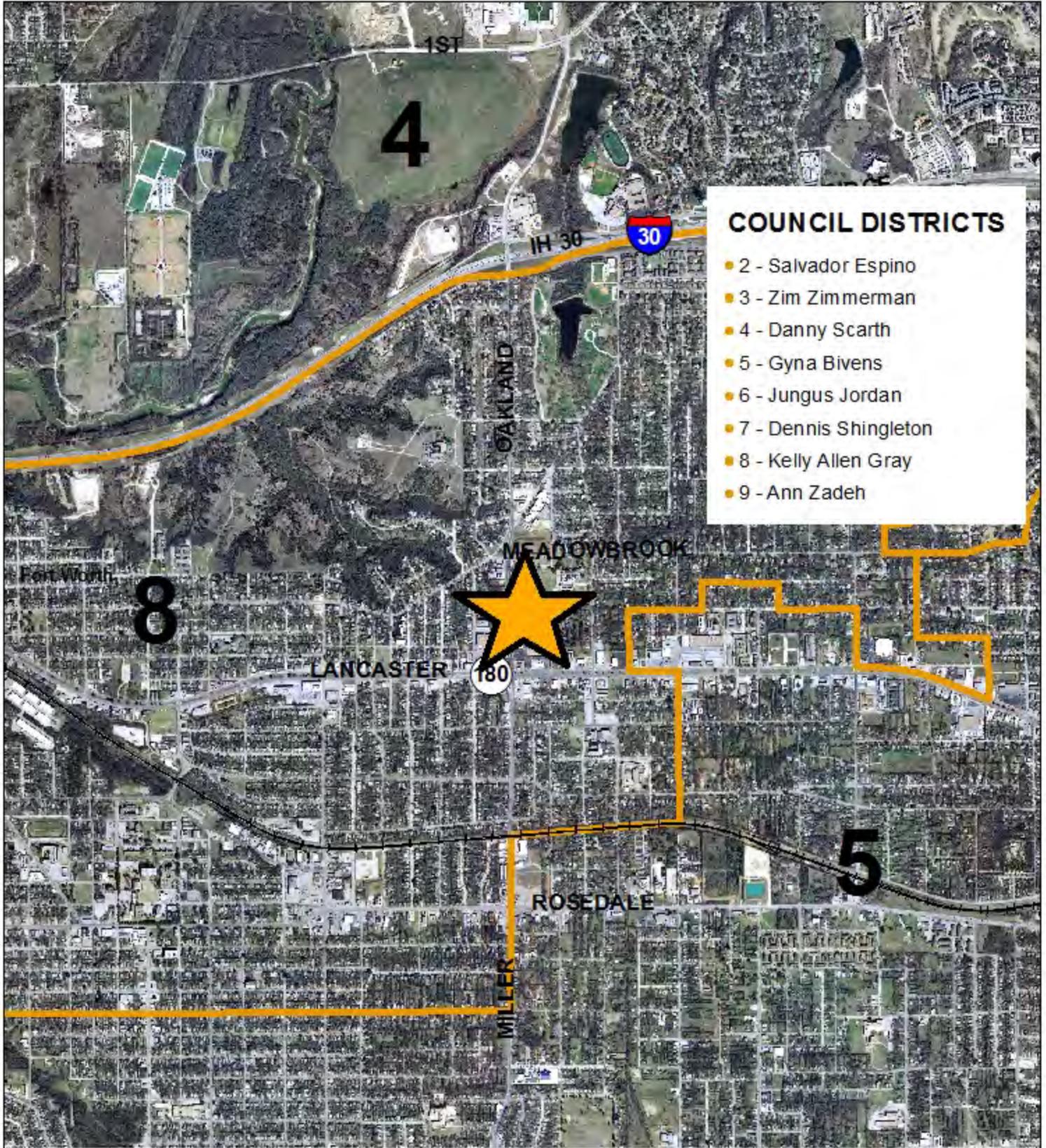
- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods. (pg. 39)

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

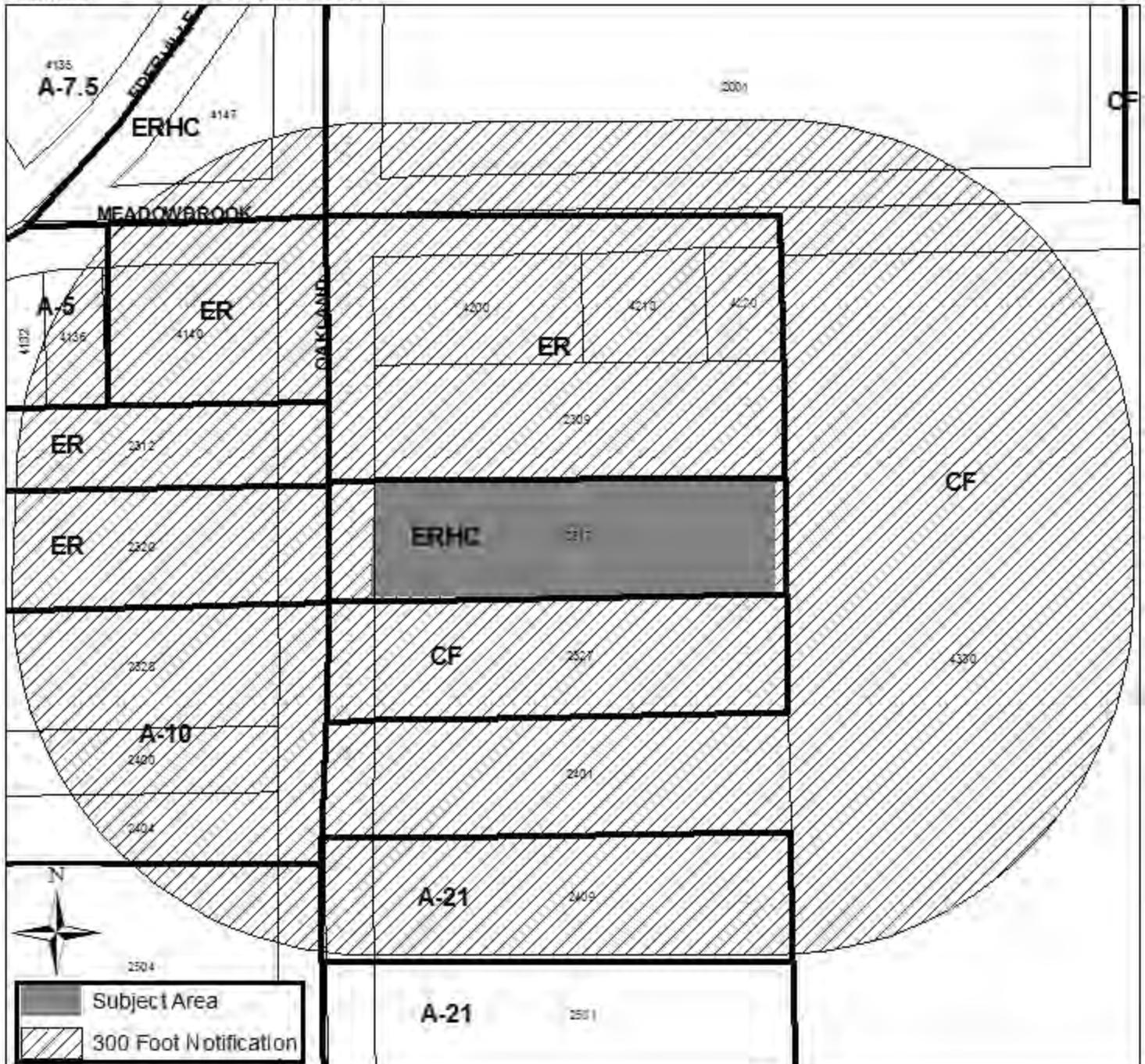
Location Map





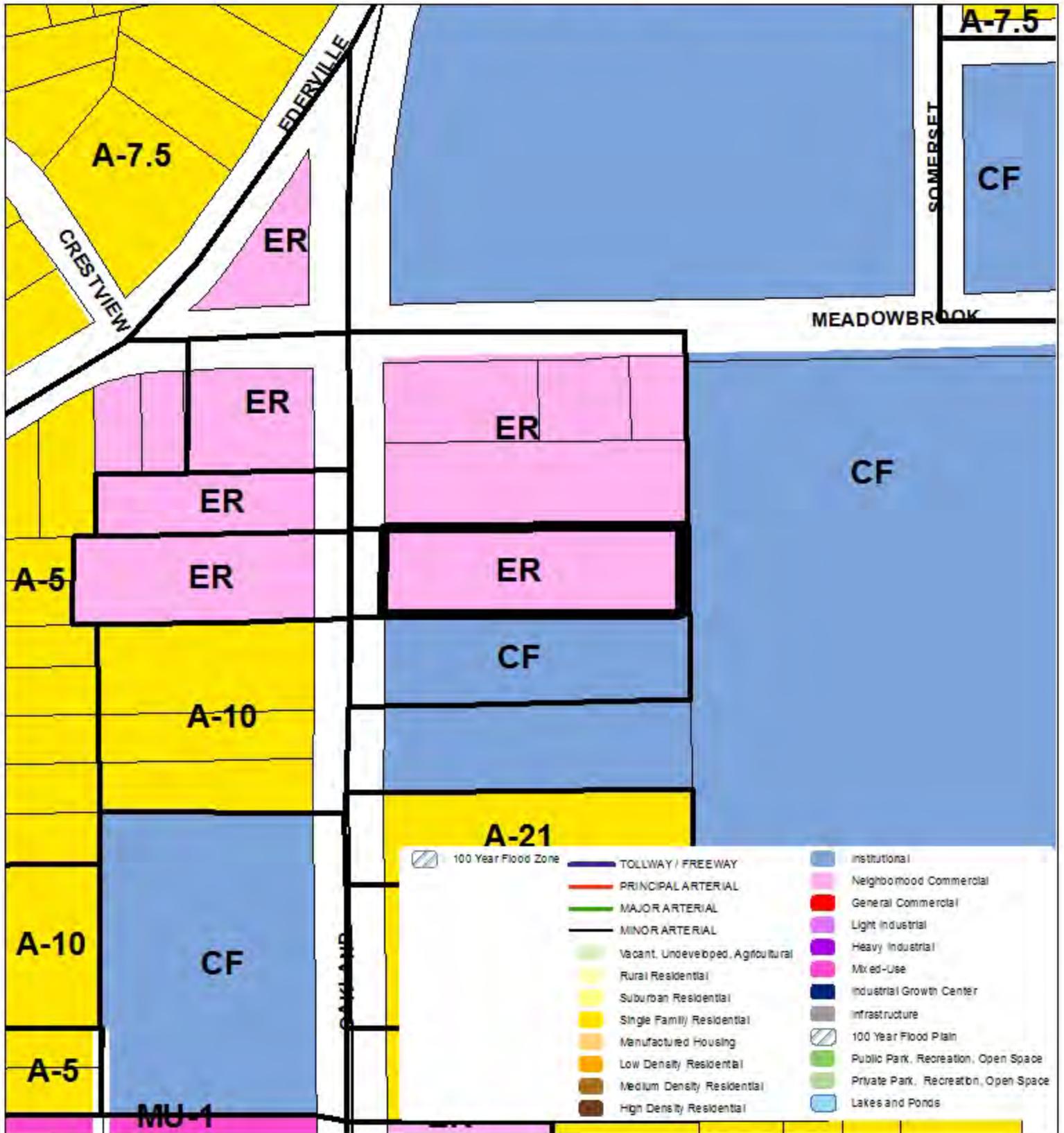
Area Zoning Map

Applicant: Ruben Villagomez
Address: 2317 Oakland Boulevard
Zoning From: ER/HC
Zoning To: E/HC
Acres: 0.767566
Mapsc0: 78H
Sector/District: Eastside
Commission Date: 09/10/2014
Contact: 817-392-2495





Future Land Use

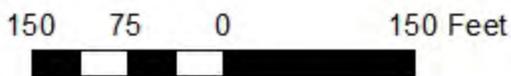
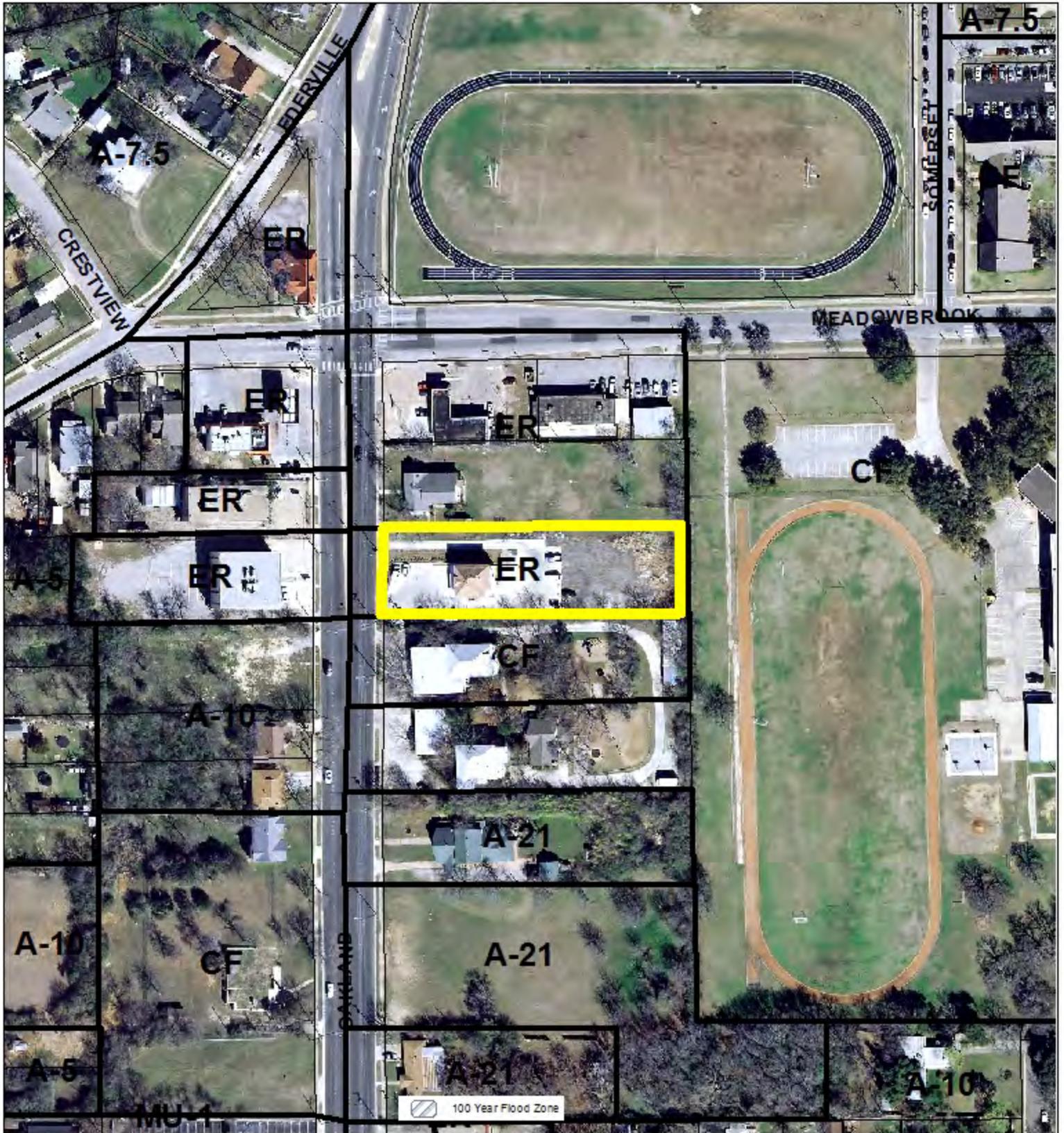


150 75 0 150 Feet

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



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 219.002.) Land use designations were approved by City Council on March 18, 2014.



file storage. Mr. Claunch said he believes Mr. Proffit has met with neighborhood and he said that the NEZ application was withdrawn. Mr. Flores also mentioned the letter of opposition they received from Ms. Woods. Mr. Claunch said the parking lot has been in existence for quite some time.

Ms. McDougall asked if the parking area would be lighted. Mr. Claunch said that there would be minimal lighting under the carport.

Motion: Following brief discussion, Mr. Flores recommended Approval of the request, seconded by Mr. Northern. The motion carried unanimously 8-0.

<i>Document received for written correspondence</i>				ZC-14-098	
Name	Address	In/Out 300 notification area	ft	Position on case	Summary
Gloria Woods	1328 Pegasus	Out		Opposition	Sent letter in

IV. New Cases

4. ZC-14-093 Ruben Villagomez (CD 8) –2317 Oakland Boulevard (Fostepco Heights Addition, Block 53, Lot 10, 0.76 Acres): from “A-5” One-Family to “E” Neighborhood Commercial

Javier Villagomez, 5016 Glen Park, Fort Worth, Texas, the property owner, explained the zoning change to request to sale beer and wine at his restaurant.

Ms. Conlin asked for a brief history on the operation of the restaurant and mentioned she offices across the street. Mr. Villagomez stated that he had been in operation for almost three years and is not going anywhere. He also stated his need for the alcohol sales for his customers and that he is losing business to other facilities that can offer alcohol. Mr. Villagomez stated that he has no opposition to his request.

Mr. Northern asked about the hours of operation. Mr. Villagomez stated that they are open at 7:30 a.m. and close at 9 p.m.

Mr. Flores asked for clarification on speaking to the church and if there is a church in the vicinity. Ms. Conlin said that there is a church in the vicinity but not directly adjacent.

Motion: Following brief discussion, Ms. Conlin recommended Approval of the request, seconded by Ms. Reed. The motion carried unanimously 8-0.

<i>Document received for written correspondence</i>				ZC-14-093	
Name	Address	In/Out 300 notification area	ft	Position on case	Summary

East Fort Worth Business Assoc	NA	Out	Opposition	Support	Sent letter in
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5. ZC-14-105 Gary and Deborra Baker (CD 7) – 7000 block Eagle Ranch Boulevard (D. C. Pace Survey, Abstract No. 1245, 2.33 Acres): from “A-5” One Family and “E” Neighborhood Commercial to “A-5” One Family

Bryan Holland, 1203 S. White Chapel Blvd, Suite 250, Southlake, Texas representing Gary & Deborra Baker explained to the commissioners the request to take the subject property to residential to accommodate the residential development that already exists. He stated that the site would be better suited for an amenity center for the residential development.

Motion: Following brief discussion, Mr. Edmonds recommended Approval of the request, seconded by Mr. Flores. The motion carried unanimously 8-0.

6. ZC-14-106 John Glenn Jr. and River Ranch Building Corporation (CD 3) – 4429 Bellaire Drive South (Tanglewood Addition, Block D, Lot 1, 0.94 Acres): from “FR” General Commercial Restricted to “F” General Commercial

Jeff Permann, 4429 Bellaire Drive South, Fort Worth, Texas representing River Ranch Building Corporation explained to the commissioners his request to rezone the subject property to “F” General Commercial to allow the sale of alcohol at the existing convenience store.

Mr. Reeves asked for the identification of surrounding businesses that presently sale alcohol. Mr. Permann stated that there was a Tom Thumb food store as well as two other establishments down the street from the site which included a Spec’s Liquor store.

Mr. Flores asked for clarification on the distance of a school in the vicinity. Ms. Burghdoff explained that the school was approximately 500 feet away from the site and was beyond the 300 feet required for alcohol sales.

Motion: Following brief discussion, Mr. Reeves recommended Approval of the request, seconded by Mr. Flores. The motion carried unanimously 8-0.

<i>Document received for written correspondence</i>				ZC-14-106	
Name	Address	In/Out 300 notification area	Position on case		Summary
Brackett & Ellis/ FWISD	NA	Out	Opposition		Sent letter in
Harold & Marcia Maloesky	4500 Overton Terr	In	Opposition		Sent letter in
D S Billingsley	4403 Bellaire Dr	In	Opposition		Sent letter in
Jim & Linda Westbrook	4320 Bellaire Dr	In	Opposition		Sent letter in
Mary Lou Lyerla	4349 Bellaire Dr	In	Opposition		Sent letter in