



**ZONING MAP CHANGE  
STAFF REPORT**

**City Council Meeting Date:**  
March 3, 2015

**Council District** 8

**Zoning Commission Recommendation:**  
Denied by a vote of 9-0  
  
**Opposition:** 2 people spoke  
**Support:** One letter submitted

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

**Owner / Applicant:** Elhamad Investments, LP

**Site Location:** 1137 E. Hattie Street Mapsco: 77G

**Proposed Use:** Convenience Store with Alcohol Sales

**Request:** From: "ER/HC" Neighborhood Commercial Restricted/Historic and Cultural  
To: "E/HC" Neighborhood Commercial/Historic and Cultural

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

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

**Background:**

The proposed rezoning site is located on the corner of Hattie Street and Tennessee Ave. The applicant is proposing a zoning change from "ER/HC" Neighborhood Commercial Restricted/ Historic and Cultural to "E/HC" Neighborhood Commercial/Historic and Cultural. The property is in the Historic Terrell Heights neighborhood. The area is currently undergoing redevelopment through a public-private partnership. New homes are being constructed under a rent to own program. Potential home owners rent a home, take homeownership classes, and maintain the home as if it were theirs. After a period of years, if the renters have demonstrated that they are capable of maintaining a home and payments, then the rent paid is converted to equity and the homes are transferred into their names.

The applicant would like to change the zoning to "E" in order to allow for alcohol sales at an existing convenience store. In 2009, the neighborhood was rezoned through the Council Initiated process. The proposed site was rezoned from "F" General Commercial to "ER" in order to exclude alcohol sales from future businesses. The site appears to have been used for automotive repair in the past but has since been renovated to a convenience store.

The site also contains a Historic and Cultural Overlay. The basic idea behind the creation of a historic district is to preserve the character and identity of the building and must be considered during any exterior work. However the use of a building is not affected by the designations. Any future building changes to the site will be required to seek approval from Historic staff.

Two neighborhood leaders spoke at the Public Hearing and are opposed to alcohol sales due to loitering, the condition of building, willingness to be a good neighbor, and other problems at this site.

**Site Information:**

Owner: Elhamad Investments, LP  
 1343 E. Seminary  
 Fort Worth, TX 76115

Acreage: 0.20 acres

Comprehensive Plan Sector: Southside

Surrounding Zoning and Land Uses:

North "ER/HC" Neighborhood Commercial Restricted/Historic and Cultural / nondescript building

East "A-5/HC" One-Family/Historic and Cultural / single-family

South "A-5/HC" One-Family/Historic and Cultural / single-family

West "A-5/HC" One-Family/Historic and Cultural / single-family

**Recent Relevant Zoning and Platting History:**

Zoning History: ZC-09-1133, Council Initiated, from "F/HC" General Commercial/Historic and Cultural to "ER/HC" Neighborhood Commercial Restricted/Historic and Cultural, effective 1/26/10

Platting History: NA

**Transportation/Access**

| Street/Thoroughfare | Existing       | Proposed       | In Capital Improvements Plan (CIP) |
|---------------------|----------------|----------------|------------------------------------|
| Hattie Street       | Major Arterial | Major Arterial | No                                 |
| Tennessee Ave       | Minor Arterial | Minor Arterial | No                                 |

**Public Notification:**

The following organizations were notified:

| Organizations Notified         |                              |
|--------------------------------|------------------------------|
| Historic Southside*            | Southeast Fort Worth Inc     |
| Glenwood Triangle              | Trinity Habitat for Humanity |
| United Communities Association | Streams & Valleys, Inc       |
| East Fort Worth Business Assn  | FWISD                        |

\*within this neighborhood organization

**Development Impact Analysis:**

1. **Land Use Compatibility**

The applicant is proposing a zoning change to "E/HC" Neighborhood Commercial/Historic and Cultural. The current zoning restricts alcohol and applicant would like to sell alcohol at an existing convenience store. Surrounding uses are primarily single-family with a nondescript commercial structure to the north. Neighborhood Commercial is intended to be compatible with single-family uses. However, in 2009, this site was rezoned through the Council Initiated process specifically to exclude alcohol sales from future businesses.

Based on surrounding land uses and Council Initiated Rezoning, the proposed zoning **is not compatible** at this location.

2. **Comprehensive Plan Consistency**

The 2014 Comprehensive Plan designates the site as Neighborhood Commercial. The requested zoning change **is consistent** Comprehensive Plan. However, due to the intentions of the Council Initiated Rezoning the proposal does not meet the following policies:

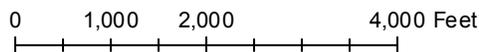
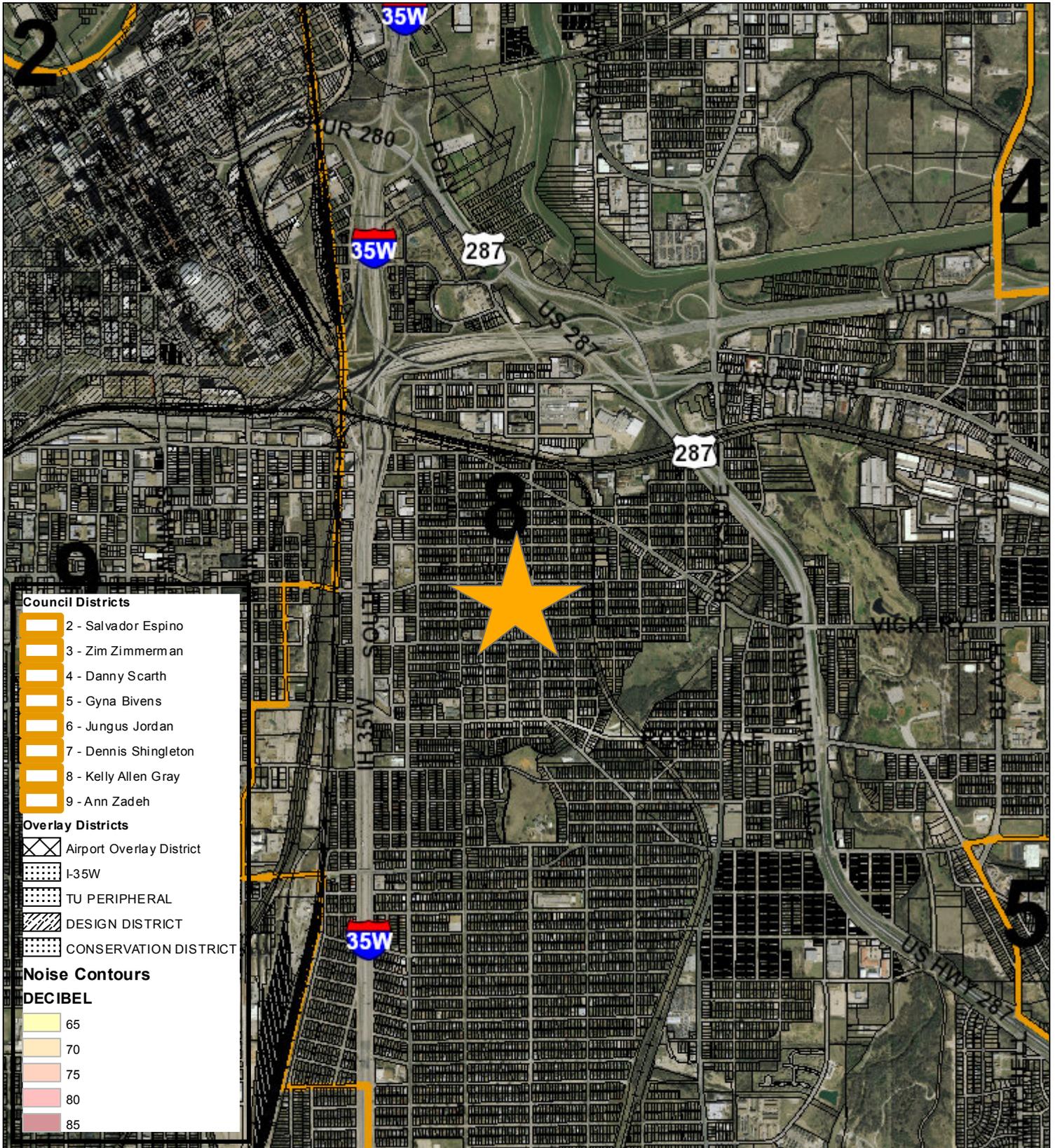
- Protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, demolition, neglect, and other negative forces. (pg. 39)
- Protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, speculation, demolition, neglect, and other negative forces.. (pg. 39)

**Attachments:**

- Location Map

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

## Area Map

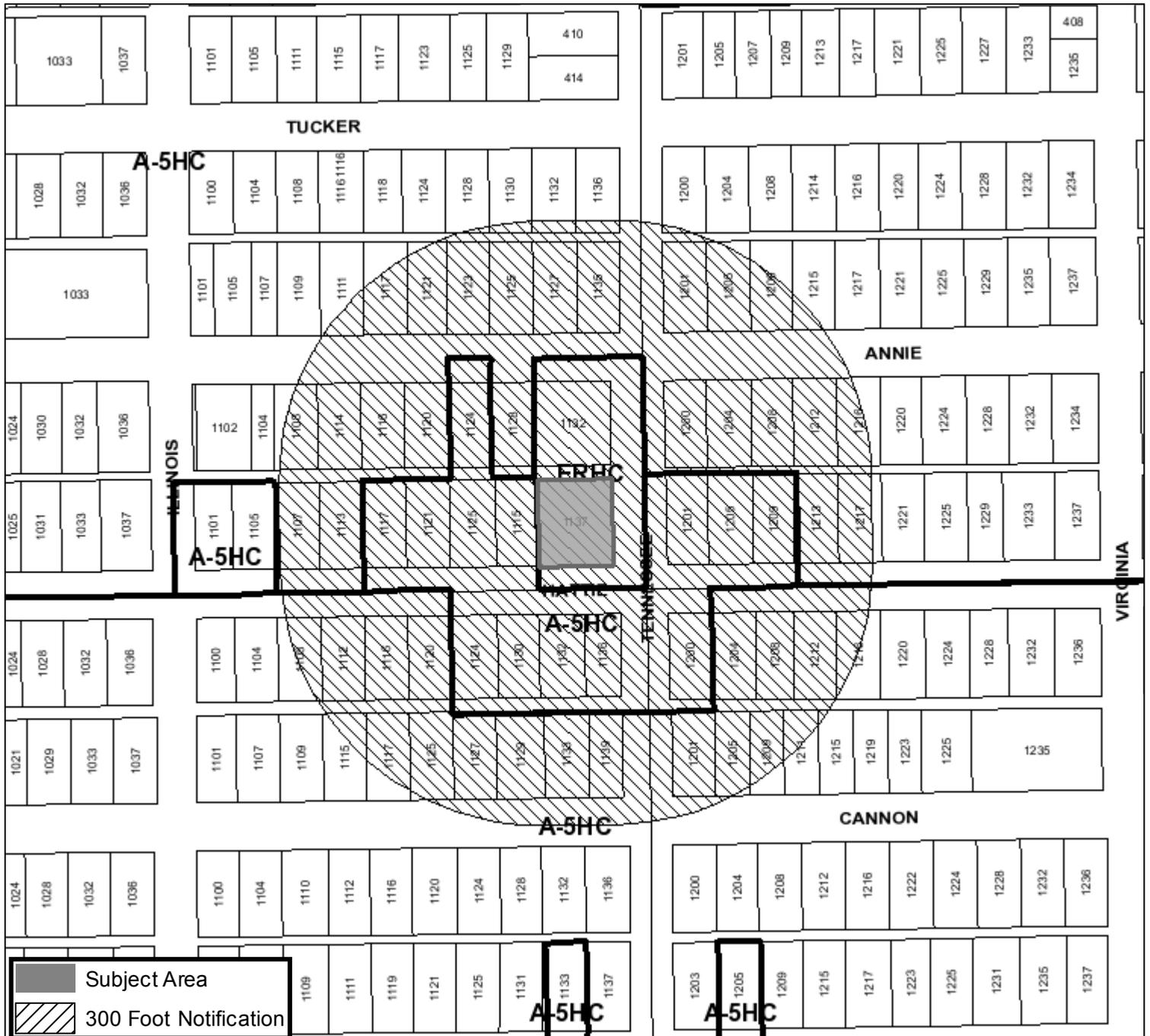




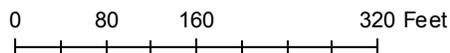
ZC-15-004

# Area Zoning Map

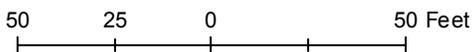
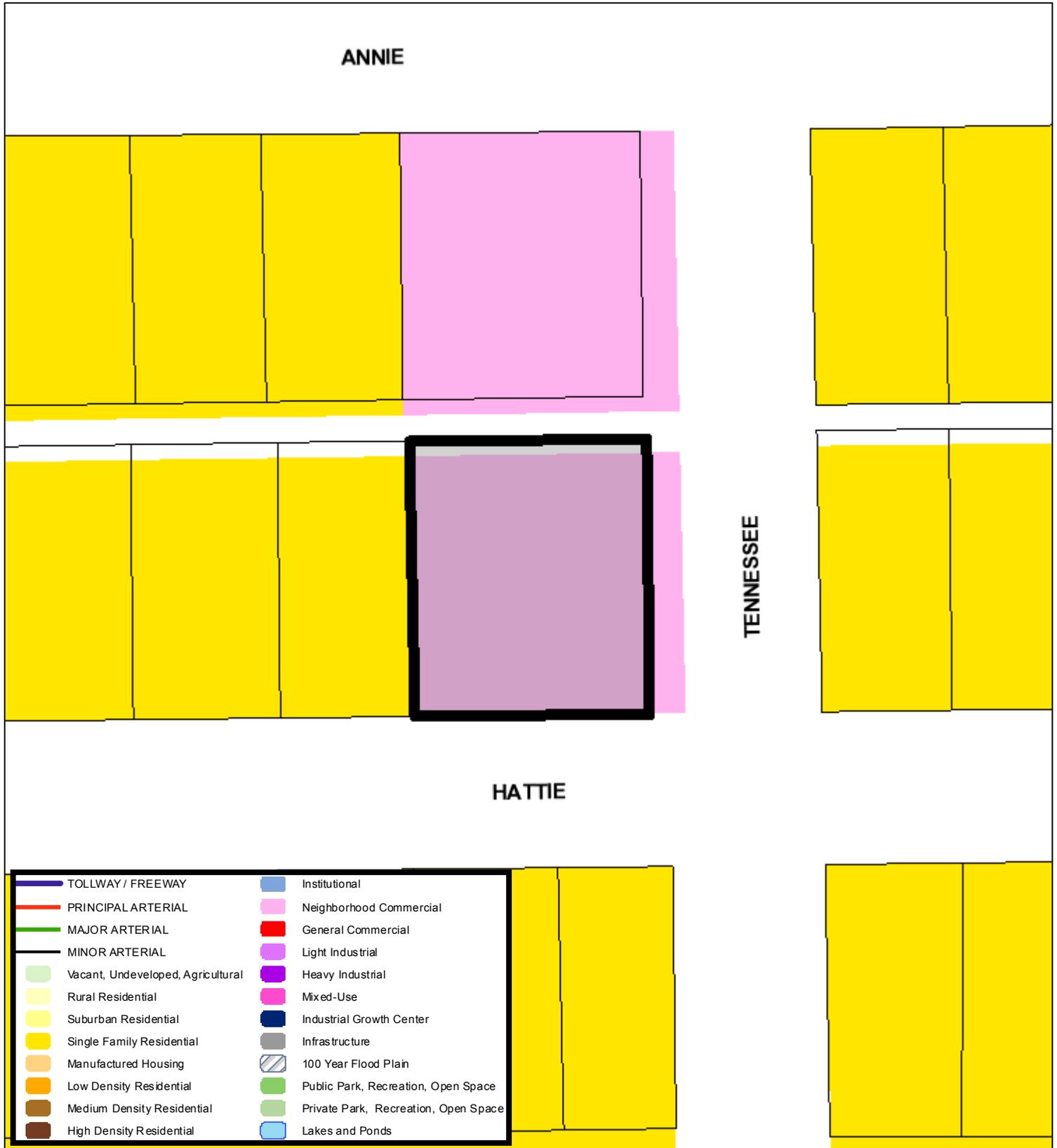
Applicant: Elhamad Investments, LP  
 Address: 1137 E. Hattie Street  
 Zoning From: ER/HC  
 Zoning To: E/HC  
 Acres: 0.20152572  
 Mapsco: 77G  
 Sector/District: Southside  
 Commission Date: 2/11/2015  
 Contact: 817-392-8043



 Subject Area  
 300 Foot Notification



### Future Land Use



**Aerial Photo Map**



0 30 60 120 Feet



| <i>Document received for written correspondence</i> |         |  |   | ZC-15-003      |
|---|---------|--|---|----------------|
| Name  | Address | In/Out<br>300 ft<br>notification<br>area | Position on case                                  | Summary        |
| Shawn Boedecker/<br>Dickey's BBQ                    | NA      | Out                                      | Opposition to<br>adequate<br>restroom<br>facility | Sent letter in |
| Ron McFarland                                       | NA      | Out                                      | Opposition to<br>adequate<br>restroom<br>facility | Sent letter in |

**7. ZC-15-004 Elhamed Investments (CD 8) – 1137 E. Hattie Street (Union Depot Addition, Block 24, Lot 11 & 12, 0.20 Acres): from “ER/HC” Neighborhood Commercial Restricted/Historic & Cultural to “E/HC” Neighborhood Commercial/Historic & Cultural**

Omar Elhamed Jr., 1343 E Seminary Drive, Fort Worth, Texas representing property owner explained to the Commissioners the request to rezone to E/HC to allow alcohol sales.

Ms. Conlin asked if he has spoken with the neighborhood. Mr. Elhamed said he did speak to the President of the neighborhood association and attended their meeting last month. He said they do not want alcohol sales at this location even though half a mile down the street they are allowed to sell alcohol.

Johnny Lewis, 953 E. Terrell, Fort Worth, Texas spoke in opposition. Mr. Lewis said this location has been an issue with the neighborhood. There have been several violations with Code and the Police Department. He did mention they were in opposition when the 7-11 came in. There are several issues they have with the store that need to be addressed and never has been such as the parking and signage. They want to see restaurants and shops in the neighborhood.

Wallace Bridges, 915 E. Cannon Street spoke in opposition. Mr. Bridges does an outreach program for kids in the neighborhood and this store is a popular hangout for them.

Ms. McDougall asked about the school bus stop on the corner. Mr. Bridges said it is across the street from the convenience store and that he may work with the ISD to move it.

In rebuttal Mr. Elhamed said he inherited the store and is trying to makes changes to the property but is hard to rent out because he cannot sell alcohol. He understands the concerns of the neighborhood.

Ms. McDougall asked how long the tenant has leased the building. Mr. Elhamed said about four months and the previous owner had problems making it work as well. She mentioned people hanging out makes it hard to sell goods.

Mr. Reeves asked about the surrounding zoning where the 7-11 is. Mr. Elhamed said it is industrial zoning around that property. Ms. Burghdoff also mentioned the other business that sell alcohol are located on arterials and not on neighborhood streets.

Mr. Flores mentioned signage can be posted that prohibits loitering. Mr. Elhamed said he does have no loitering signs on the property.

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

| <i>Document received for written correspondence</i> |                |  |                         |  | <i>ZC-15-004</i> |
|---|----------------|--|-------------------------|--|------------------|
| <b>Name</b>   | <b>Address</b> | <b>In/Out<br/>300 ft<br/>notification<br/>area</b> | <b>Position on case</b> |  | <b>Summary</b>   |
| Johnny Lewis  | 953 E. Terrell | Out  | Opposition              |  | Spoke at hearing |
| Wallace Bridges                                     | 915 E. cannon  | Out  | Opposition              |  | Spoke at hearing |
| Charles Mendez                                      | NA             | Out  | Opposition              |  | Sent letter in   |

**8. ZC-15-005 Islamic Association of Tarrant County (CD 9) – 4801-4809 Fletcher Avenue (Chamberlain Arlington Heights, Block 31, Lots 1-8, 0.60 Acres): from “B” Two-Family to “E” Neighborhood Commercial**

Zarmira Giotis, 4901 Diaz Avenue, Fort Worth, Texas representing Islamic Association of Tarrant County explained to the Commissioners the request to rezone the property to neighborhood commercial to allow an office use in a vacant mosque building. Ms. Giotis said she has spoken with the nursing home and apartment complex and they have no problem with the change. She did speak with some of the neighbors who were concerned about uses in E and being too close to the neighborhood.

Ms. Reed asked if she had considered ER zoning which would limit certain uses. Ms. Giotis said she is ok with ER as long as they can have the use.

Mr. Genua said ER would limit the building size. Ms. Giotis said they are going to keep the building.

Elaine Khan, 6252 Klamath Road, Fort Worth, Texas spoke in opposition. She owns the adjacent duplexes and would prefer ER zoning.

Ruben Jiminez Jr., 4636 Bonnell Avenue, Fort Worth, Texas with Sunset Heights NA spoke in opposition. He said they have collected a number of signatures and have concerns with E uses if the business sells to someone else.

Ms. Murphy explained the various uses permitted in E and ER which restricts alcohol sales, building size and parking in the front yard.