



**ZONING MAP CHANGE  
STAFF REPORT**

**City Council Meeting Date:**  
January 12, 2016

**Council District** 9

<b>Zoning Commission Recommendation:</b> Denial Without Prejudice by a vote of 8-0  <b>Opposition:</b> Worth Heights NA <b>Support:</b> None submitted	Continued	Yes ___	No <u>X</u>
	Case Manager	<u>Stephen Murray</u>	
	Surplus	Yes ___	No <u>X</u>
	Council Initiated	Yes ___	No <u>X</u>

**Owner / Applicant:** Clear Link Telephone Corp., David Shanks

**Site Location:** 3840 & 3850 South Freeway (I-35W) Mapsco: 91F

**Proposed Use:** Auto Sales

**Request:** From: "E" Neighborhood Commercial; PD 137 "PD-SU" for all uses in "E" plus furniture refinishing, upholstery, and car upholstery and fabric tops

To: "FR" General Commercial Restricted

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

**Comprehensive Plan Consistency:** Requested change is not consistent (Significant Deviation).

**Background:**

The subject area includes two properties located on the north and south corners of Pafford Street and the South Freeway/I-35 access road. The applicant is proposing to change the zoning from "E" Neighborhood Commercial and PD 137 to "FR" General Commercial Restricted for auto sales on both lots.

The sites front the South Freeway access road and quickly transition into a single-family neighborhood. An existing office building is located on the southern property. The northern lot is vacant and currently used for parking, likely for the office building.

Neighborhood Commercial uses are appropriate buffers to the single-family residents and the proposed FR zoning may bring more intense uses to the site in the future if the zoning is changed.

In the "FR" General Commercial Restricted district, the site would be required to have:

- Roughly 30 ft. projected setback along Pafford Street (no structures or parking)
  - The existing office building is not considered legal nonconforming for the auto sales use; variances would be necessary to use the building
  - Any new construction or parking would be required to adhere to current standards
- 25 ft supplemental setback adjacent to an "A-5" or "B" District
  - Variances necessary to use the existing building
  - 5 ft. bufferyard

- Screening fence
- Meet the point system

**Site Information:**

Owner: David Shanks  
 PO Box 6450  
 Fort Worth, TX 76115

Agent: Mandolin Mendenhall

Acreage: 0.85 acres

Comprehensive Plan Sector: Southside

**Surrounding Zoning and Land Uses:**

North "E" Neighborhood Commercial / vacant, off-premise sign  
 East "I" Light Industrial / I-35 South Freeway  
 South "FR" General Commercial Restricted / barber shop, commercial  
 West "A-5" One-Family / single-family

**Recent Relevant Zoning and Platting History:**

Zoning History: None  
Platting History: None

**Transportation/Access**

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
South Fwy	Interstate Access Rd	Interstate Access Rd	No
Pafford Street.	Residential	Residential	No

**Public Notification:**

The following organizations were notified:

Organizations Notified	
United Communities Association of South Fort Worth	Southeast Fort Worth Inc
Neighbors Working Together	Trinity Habitat for Humanity
Worth Heights NA*	Streams & Valleys, Inc
Brentmoor NA	Fort Worth ISD

\*Site located within the confines of the Worth Heights NA

**Development Impact Analysis:**

**1. Land Use Compatibility**

The applicant is proposing a zoning change to "FR" General Commercial Restricted for auto sales. Surrounding land uses vary with commercial to the south, vacant land and an off-premise sign to the north, single-family just west and the South Freeway to the east. Freeways generally allow for heavier commercial uses, however, this site quickly transitions to residential. Neighborhood commercial uses are a more appropriate buffer to the freeway and surrounding commercial development.

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

**2. Comprehensive Plan Consistency**

The 2015 Comprehensive Plan designates the subject property as Neighborhood Commercial. The proposed "E" zoning is inconsistent with the following Comprehensive Plan policy:

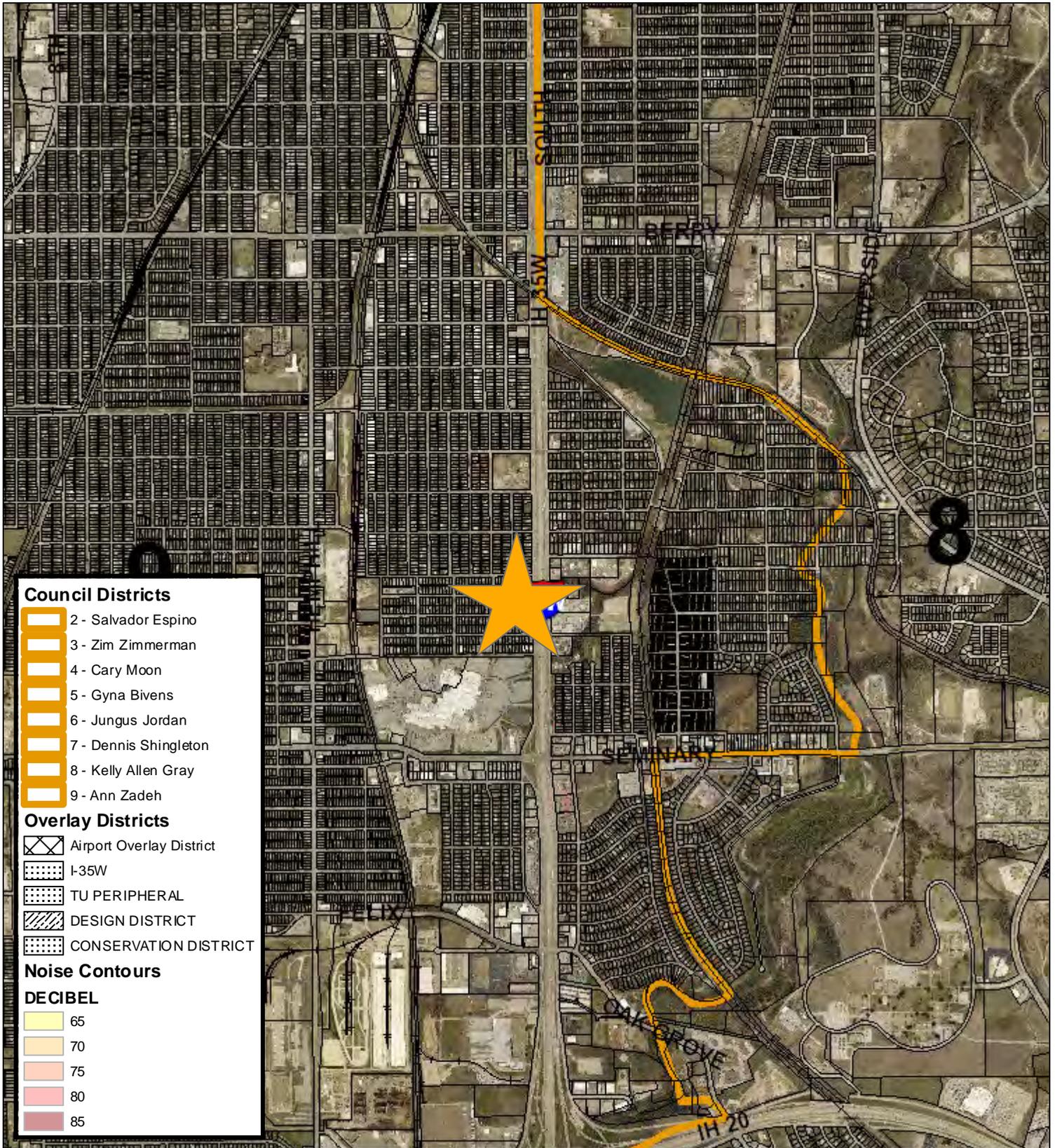
- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods. (pg 39)
- Protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, speculation, demolition, neglect, and other negative forces. (pg. 39)

Based on the lack of conformance with the future land use map and policy stated above, the proposed zoning **is not consistent (Significant Deviation)** 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

### Area Map



**Council Districts**

-  2 - Salvador Espino
-  3 - Zim Zimmerman
-  4 - Cary Moon
-  5 - Gyna Bivens
-  6 - Jungus Jordan
-  7 - Dennis Shingleton
-  8 - Kelly Allen Gray
-  9 - Ann Zadeh

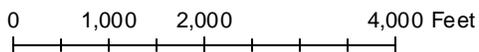
**Overlay Districts**

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

**Noise Contours**

**DECIBEL**

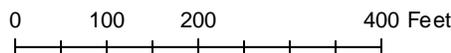
-  65
-  70
-  75
-  80
-  85



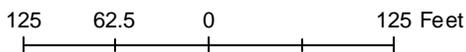
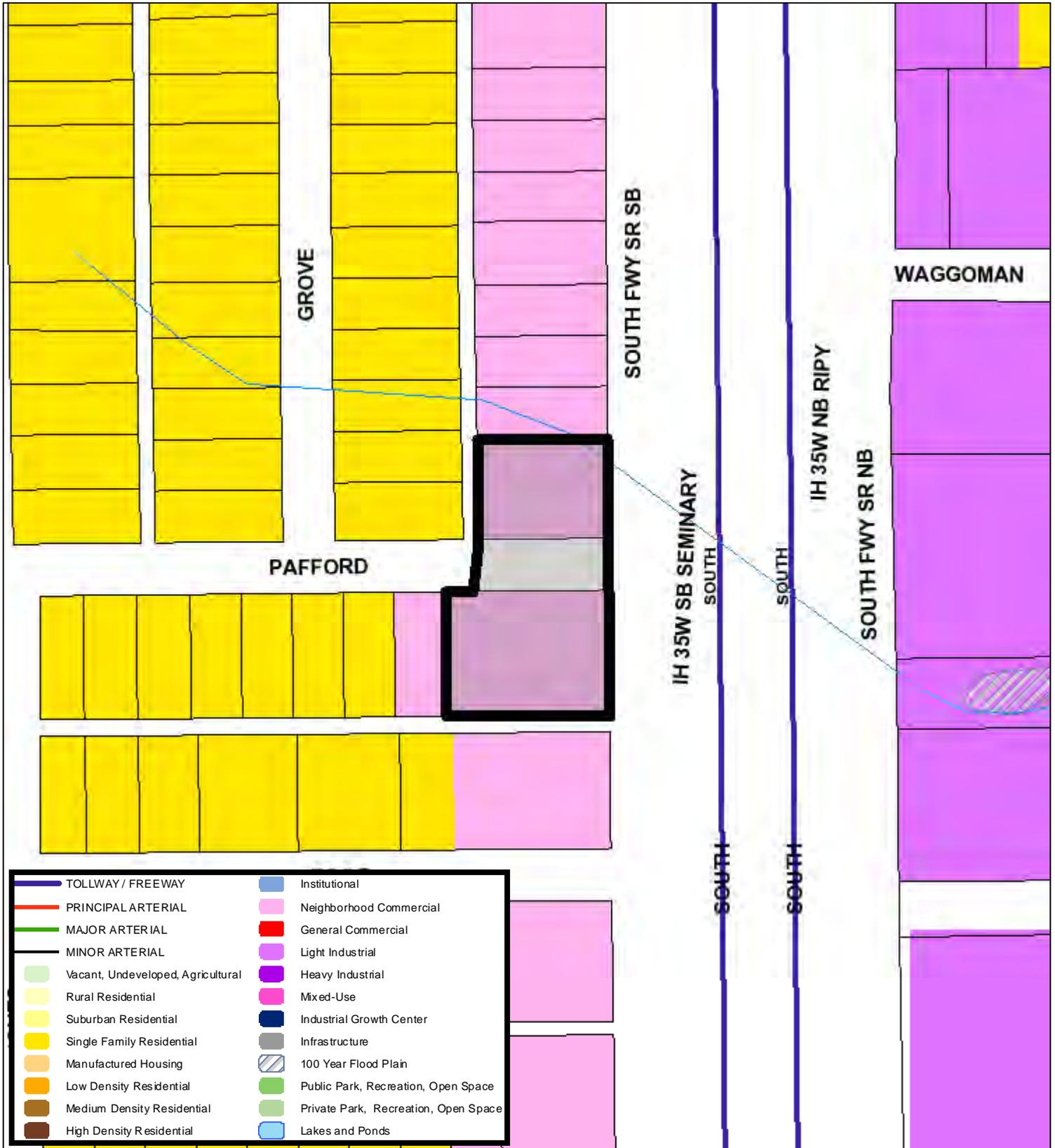


# Area Zoning Map

Applicant: Clear Link Telephone Corp., David Shanks  
 Address: 3840 & 3850 South Freeway (I-35W)  
 Zoning From: E, PD 137  
 Zoning To: FR  
 Acres: 0.85422285  
 Mapsco: 91F  
 Sector/District: Southside  
 Commission Date: 12/9/2015  
 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 213.005.) Land use designations were approved by City Council on March 17, 2015.





ZC-15-153

# Aerial Photo Map



0 80 160 320 Feet



**5. ZC-15-153 Clear Link Telephone Corporation & David Shanks (CD 9) – 3840 & 3850 South Freeway (J R Smith Addition, Block 4, Lot 9R and Block 28, Lots 13 & 14, 0.85 Acres): from “E” Neighborhood Commercial & PD137 Planned Development/Specific Use for “E” Uses plus furniture, refinishing, car upholstery and fabric tops to “FR” General Commercial Restricted**

Leonard Zack, 11624 Southview Drive, Aledo, Texas representing Clear Link Telephone Corporation and David Shanks explained to the Commissioners they are requesting “FR” zoning.

Mr. Flores asked Mr. Zack if there were any other auto related uses proposed. Mr. Zack said auto sales only and he mentioned they did reach out to the neighborhood groups.

Motion: Following brief discussion, Ms. Dunn recommended Denial without Prejudice of the request, seconded by Ms. Conlin. The motion carried unanimously 8-0.

<i>Document received for written correspondence</i>				<i>ZC-15-154</i>	
Name	Address	In/Out 300 ft notification area	Position on case		Summary
Vicky Bargas/ Worth Heights NA	NA	Out	Opposition		Sent letter in

**6. ZC-15-154 Jose Santos (CD 5) 3201 Avenue N (Polytechnic Addition, Block 122, Lot 9, 0.16 Acres): from “ER” Neighborhood Commercial Restricted to “A-5” One-Family**

No one was present for the case.

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

**7. ZC-15-155 Christopher Chappell (CD 3) 4601 Benbrook Highway (Isaac Shrum Survey, Abstract #1397 & McKinney & Williams Survey, Abstract #1118, 0.85 Acres): from “F” General Commercial/AO and PD547/AO Planned Development/Specific Use for all uses in “E” Neighborhood Commercial plus a small animal facility with outdoor exercise area; site plan required/Airport Overlay to Expand PD/547/AO Planned Development for “E” Neighborhood Commercial uses plus canine care facility with exercise area; site plan waiver requested/Airport Overlay**

Dennis Hopkins, P O Box 657, Arlington, Texas representing Christopher Chappell explained to the Commissioners the location, and that the building is approximately 4,500 sq. ft., one story. At the time of the original application the owner only occupied 1,538 sq. ft. of the building. They are wanting to expand the dog day care facility and continue to utilize the 2,000 sq. ft. outside exercise area. The operating hours are 6:30 am to 6:30 pm, Monday thru Saturday.