



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
March 1, 2016

Council District 7

Zoning Commission Recommendation:
Approval as Amended to reduce the patio area by 800 sq. ft. to meet parking requirement by a vote of 6-3

Opposition: None submitted
Support: Four people spoke, One Arlington Heights NA

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

Owner / Applicant: Jeffrey Treadwell

Site Location: 1812-1814 Montgomery St, 3604 Lafayette St. and 3605 Harley St.
Mapsc0: 75H

Proposed Use: Restaurant/Bar

Request: From: "E" Neighborhood Commercial
To: PD/E Planned Development for all "E" Neighborhood Commercial plus bar in a separate building only as an accessory to a restaurant; site plan included

Land Use Compatibility: Requested change is not compatible.

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

Background:

The site is located on the corner of Lafayette Avenue and Montgomery Street. The applicant would like to rezone the site from "E" Neighborhood Commercial to "PD/E" Planned Development for all "E" Neighborhood Commercial plus bar only as an accessory to a restaurant.

The applicant includes two buildings. One was formerly a restaurant and the last CO for the southern building was for retail. The applicant intends to use both buildings with an open patio area in between. In the larger building, the applicant intends to operate the restaurant, while the smaller building will be used solely for a bar/cantina. The space in-between the two buildings will be used for restaurant seating and music.

The applicant is considering the entire property as the restaurant. However, the buildings are on the same lot and have separate addresses, and therefore the city must issue the Certificate of Occupancy for the intended use. CO's are required for each building (1812 Montgomery is for the restaurant, 1814 Montgomery is proposed for the bar). The applicant represented that the work on the second building was under the restaurant building permit, however, it was issued for a retail use. Construction has begun on a bar in the building. The correct permit for the bar use is on hold. The two separate buildings would need to be structurally combined in order issue one CO for a restaurant. Therefore, they were instructed to submit a zoning case for a PD and site plan.

Parking is required due to the proximity/adjacency to single family residential uses. The site has limited on-site parking with 14 spaces currently and has added 16 more on the site plan with the lot to the north. The original permit for the restaurant does not consider the patio area and the permit will not be finalized and the CO issued until this is included. Any planned new parking would have to be paved and striped. The applicant also has an agreement with a business to the south to use their parking lot on nights and weekends which would provide an estimated 18 spaces, however this parking cannot be counted toward their requirement since parking cannot be double counted. The business is also located across Montgomery from the Will Rogers complex and proposed arena, so some customers may attend events and park. There is a cost to park on the Will Rogers property.

Building	Size (sf)	Required Parking 1 space/100 sf	Provided Parking
Restaurant 1812 (north)	979	10	10
Patio Area	1479	15	16
Bar/Cantina 1814 (south)	513	5	4
	Total Parking	30	30

The wording of the proposed PD is intended to allow the bar use only if it is part of the restaurant, essentially in the proposed configuration only. Any future tenant would be able to use this layout, however the building at 1814 would be considered an accessory use only and would not be permitted to be a stand-alone bar at any time in the future. It could be converted to another use permitted in E zoning in the future.

As a restaurant, the facility would be required for no more than 50% of the sales to be from alcohol in the E Neighborhood Commercial district. Staff is authorized to request receipts to prove that the sales from alcohol do not exceed 50%. If the facility is permitted as a restaurant per TABC, they may also request that the primary use remains a restaurant.

The adjacent Arlington Heights neighborhood has been active on this issue and the applicant has met with adjacent neighbors and neighborhood association representatives on numerous occasions. The Arlington Heights Neighborhood Association (AHNA) supports the proposal as long as it meets the minimum required parking count (30 spaces).

At the Zoning Commission meeting, the applicant agreed to reduce the amount of outdoor seating by 800 sf. as requested by the AHNA and provide the minimum parking requirement for the overall site with no waiver. Outdoor music was also discussed. The applicant intends to have streamed music through speakers or acoustic live music and has agreed to notify neighborhood of any planned amplified live music events.

The applicant is requesting several waivers due to the proximity to residential uses. These waivers include not providing the required landscaping and buffer yard to the residential zoning to the west, as well as placement of the dumpster in the projected setback on Lafayette and the fence in the projected setback on Harley. While it is shown on the site plan, Staff has recommended that the applicant request the waiver for the chaining/locking of the parking lot.

Urban Forestry requirements apply to the parking lot and were approved for the planting of two trees..

Requirement	Provided	Waiver required
20 ft. projected setback along Harley and Lafayette (structures and parking prohibited)	3 parking spaces located within the projected setback Screen fencing extends within the projected setback	Yes

20 ft projected setback along Lafayette (structures and parking prohibited)	Dumpster located within setback (Existing fence in projected setback)	Yes
5 ft. bufferyard required on west side of the property adjacent screening fence	Not provided	Yes
Parking lot required to be chained and locked at night	Provided	No
30 parking spaces required	30 provided	No

Site Information:

Owner: Jeffrey Treadwell
1812 Montgomery St.
Fort Worth, TX 76107

Applicant: Jacob Watson, Taco Heads

Acreage: 0.13 acres

Comprehensive Plan Sector: Arlington Heights

Surrounding Zoning and Land Uses:

North "E" Neighborhood Commercial / commercial

East "E" Neighborhood Commercial; PD 896 "PD/I" and "PD/I/DD" Planned Development for all uses in "I" Light Industrial including certain uses and excluding the following; blood bank, sexually oriented business, pawn shop, car wash, manufactured housing sales, vehicle junkyard, assembly of pre-manufacture / parking lot for Will Rogers and museums

South "E" Neighborhood Commercial / commercial

West "B" Two-Family / vacant, single-family

Site Plan Comments:

The site plan as submitted is not in general compliance with the zoning regulations.

1. Projected setback along Harley and Lafayette
 - o Parking prohibited within this setback (**waiver required for roughly 3 spaces**)
 - o Dumpster prohibited within the projected setback (**waiver requested**)
 - o 6 ft. solid fencing prohibited within the projected setback (**waiver requested**)
2. 5 ft. landscaped bufferyard required on the west side (**waiver requested**)

Compliance with the items noted above shall be reflected on the site plan or waiver are required.

TPW/Transportation and Public Works site plan comments:

No comments have been made at this time.

Platting Comments

No comments at this time.

Comments made by Platting and TPW staff cannot be waived through the zoning process.

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Montgomery Street	Major Arterial	Major Arterial	No
Lafayette Ave	Residential	Residential	No
Harley St.	Residential	Residential	No

Public Notification:

The following organizations were notified:

Organizations Notified	
Westside Alliance	Trinity Habitat for Humanity
Arlington Heights*	Streams And Valleys Inc

**Located within this Neighborhood this Neighborhood Association*

Recent Relevant Zoning and Platting History:

Zoning History: NA

Platting History: NA

Development Impact Analysis:

1. **Land Use Compatibility**

The applicant is proposing a zoning change to “PD/E” Planned Development for all “E” Neighborhood Commercial plus bar only as an accessory to a restaurant. Surrounding land uses vary with commercial to the north and south, residential to the west, and the Will Rogers complex east of the subject property. The applicant intends to occupy the existing site that was formerly a restaurant and contains two separate buildings. In the larger building, the applicant intends to open a restaurant, while the smaller building will be used solely for a bar. The space in-between the two buildings will be used for seating and live music for the restaurant and bar.

The site is required to rezone because it has two separate structures with two different uses. The site would be in conformance with restaurant uses if the buildings were structurally combined. A CO could be issued solely for a restaurant use, which is allowed by right in E zoning but not for a bar use.

As a result, the proposed zoning **is not compatible** at this location.

2. **Comprehensive Plan Consistency**

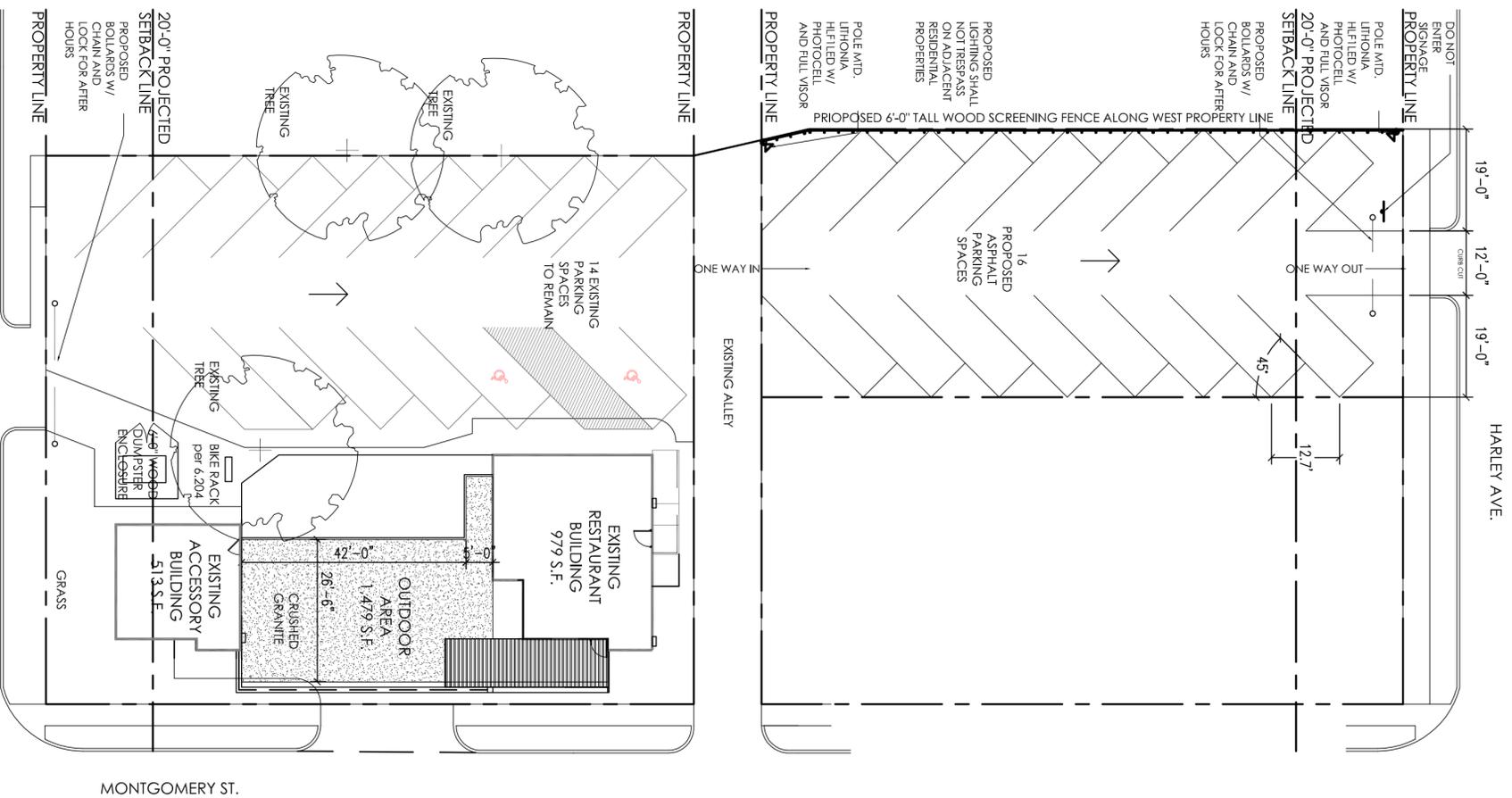
The 2015 Comprehensive Plan designates the site as Neighborhood Commercial. The applicant intends to have a restaurant with a separate building for a bar. Bar uses are not consistent with Neighborhood Commercial future land use designations. The proposed zoning is also inconsistent with the following Comprehensive Plan policies.

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

As a result, the proposed zoning **is not consistent (Significant Deviation)** with the Comprehensive Plan.

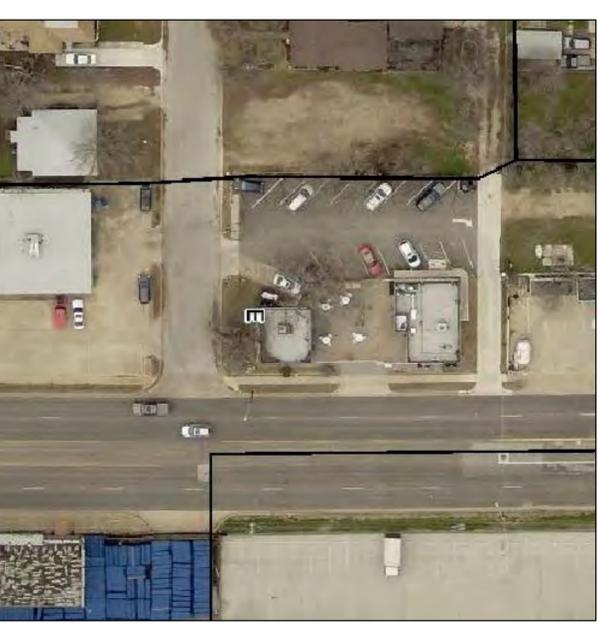
Attachments:

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



SITE PLAN -
SCALE: 1"=20'

- BUILDINGS AND STRUCTURES
- LAND / OCCUPANCY USE CURRENT - E
- LAND / OCCUPANCY USE PROPOSED - PD
- GROSS FLOOR AREA - 1,492 SQUARE FEET
- NUMBER OF STORIES - 1 EXISTING
- LAND DENSITY - 14,300 SQUARE FEET ON .32 ACRE LOT
- BUILDING HEIGHT - 12 FEET
- EXTERIOR CONSTRUCTION MATERIALS - EXISTING FIBER CEMENT PANEL, STUCCO, AND GLAZING
- STREETS, PARKING AND DRIVES
- ON-SITE PARKING CURRENT - 14 SPACES W/ 1 ACCESSIBLE
- PARKING REQUIRED - 30 SPACES
- EXISTING RESTAURANT - 979 S.F. • 1 PER 100 = 9.79 SPACES
- ACCESSORY BUILDING AREA - 513 S.F. • 1 PER 100 = 5.13
- OUTDOOR SEATING AREA - 1,479 S.F. • 1 PER 100 = 14.79
- TOTAL = 30 SPACES
- PARKING PROPOSED - 30 SPACES W/ 2 ACCESSIBLE
- SIGNAGE
- ALL SIGNAGE WILL CONFORM TO ARTICLE 4, SIGNS, OF THE CITY OF FORT WORTH DEVELOPMENT CODE
- LANDSCAPING
- ALL LANDSCAPING WILL COMPLY WITH SECTION 6.301, LANDSCAPING, OF THE CITY OF FORT WORTH DEVELOPMENT CODE



LAND USE AND ZONING / LOCATION MAP

DIRECTOR OF PLANNING AND DEVELOPMENT _____ DATE _____

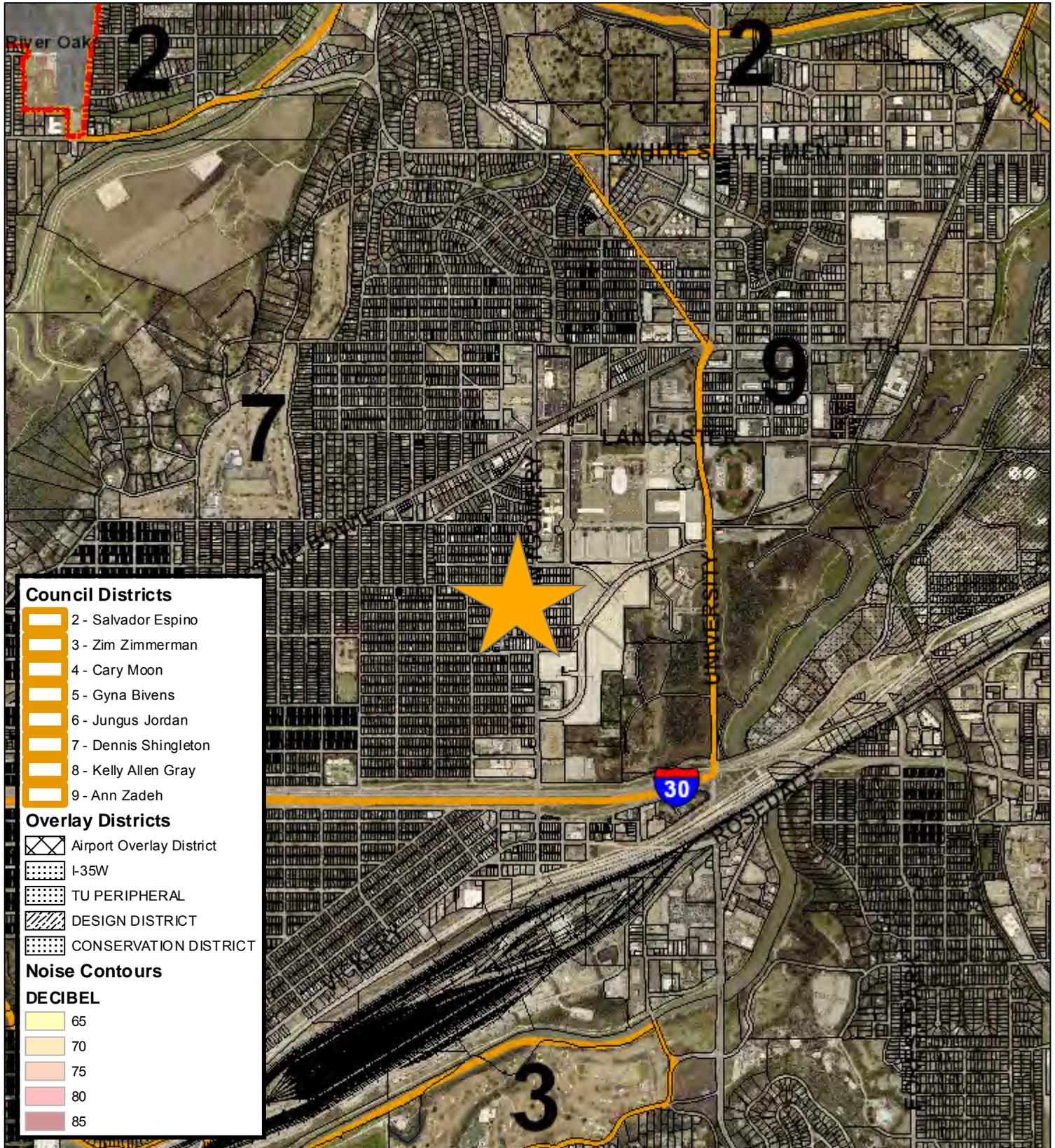
TACO HEADS RESTAURANT

LEGAL DESCRIPTION - QUEENSBOROUGH HEIGHTS ADDITION BLK 7
LOT 24
1812 MONTGOMERY ST.
FORT WORTH, TX 76104

ZONING CASE NUMBER -

PREPARED BY 97w, LLC ON January 28, 2016
TEXAS REGISTRATION # 23759
P.O. BOX 1771
FORT WORTH, TX 76101

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

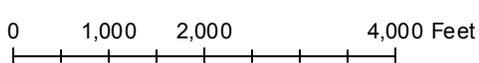
Overlay Districts

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

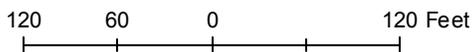
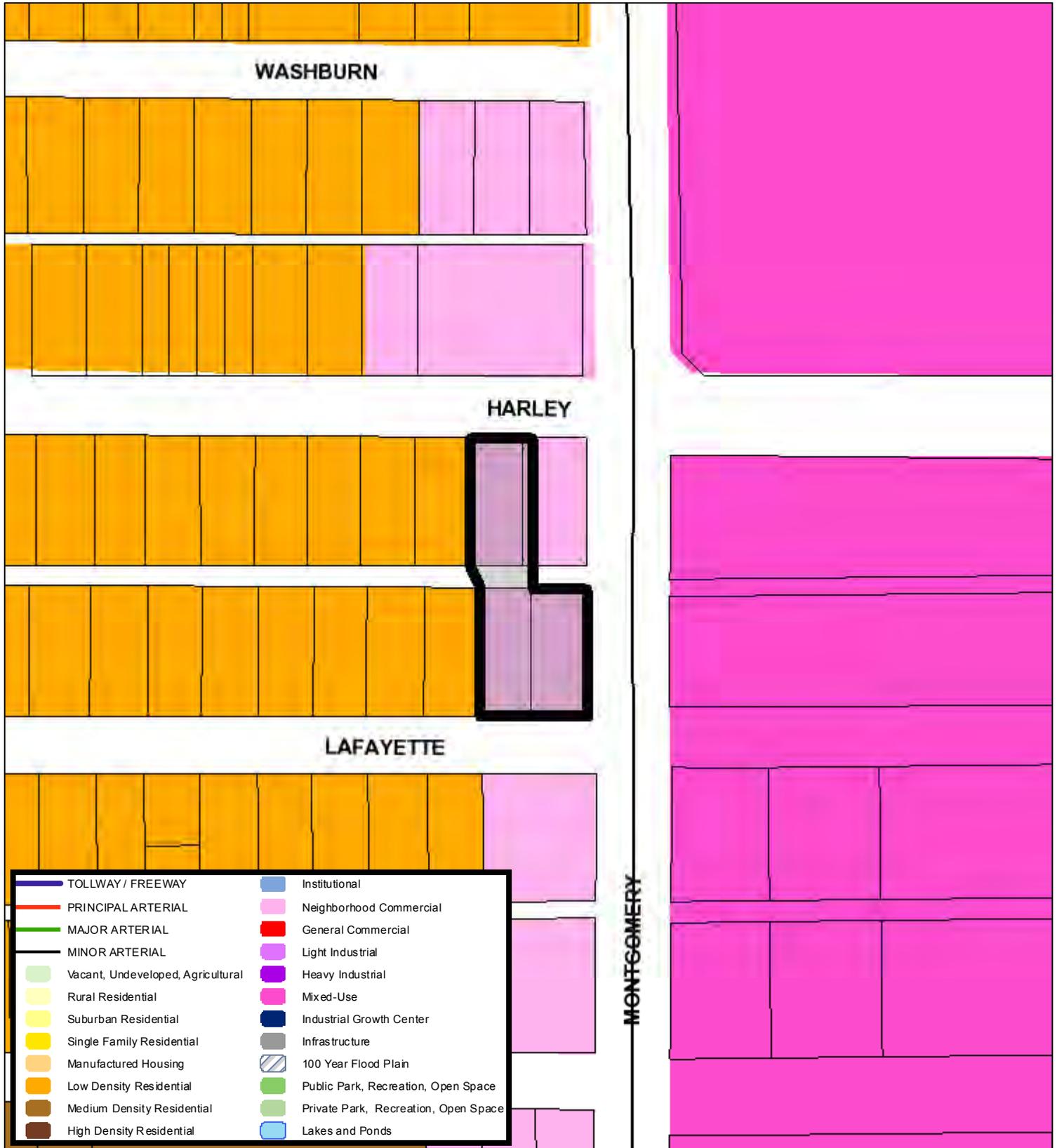
Noise Contours

DECIBEL

-  65
-  70
-  75
-  80
-  85



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.



Aerial Photo Map



0 75 150 300 Feet



2. ZC-15-170 Jeffrey Treadwell (CD 7) – 1812-1814 Montgomery Street, 3604 Lafayette Street and 3605 Harley Street (Queensborough Heights Addition, Block 7, Lots 2, 23 & 24, 0.43 Acres): from “E” Neighborhood Commercial to PD/E Planned Development for all uses in “E” Neighborhood Commercial plus bar in a separate building only as accessory to a restaurant; site plan included

Jacob Watson, 1812 Montgomery Street, Fort Worth, Texas representing Taco Heads explained to the Commissioners the request. Mr. Watson said they have been in the restaurant business for about seven and a half years. He explained they have obtained a nearby lot to allow for 16 additional parking spaces, about eight spaces short of the requirement. They have two agreements: one with the Fix It Shop and the other is with IPM. He said they also partnered with Bike Share to advocate biking and walking. There are two speakers located outside with low noise and will monitor the bar side so as to not have loud patrons.

Sarah Castillo, 1812 Montgomery Street, Fort Worth, Texas partner with Taco Heads spoke in support.

Mr. Flores asked Mr. Watson about the music played in the patio area and the details of the parking agreements. Mr. Watson said there will be no live music unless it is discussed with the neighborhood association. The parking is a lease agreement and has the same option agreement of five years plus an additional five years, which is the same agreement as the restaurant space.

In response to Ms. Dunn’s question, Mr. Watson explained that the building to the south it is an appliance store and they have the same type of parking agreement with them. He said there is no light or crosswalk at the intersection.

Mr. Northern asked how much seating will there be in each structure and to address the neighborhood meetings. Ms. Castillo said they have had three or four meetings with the neighborhood and officially there have been two neighborhood meetings at the restaurant. Their concern was about parking. Mr. Northern said the parking requirement is for 38 spaces and they were providing 30, how many additional parking spaces were they providing with the two parking agreements. Mr. Watson said about 18 parking spaces, and their goal is not to have people parking in the neighborhood.

In response to Ms. McDougall’s questions, Mr. Watson said hours are Sunday through Wednesday 7 am to 10 pm, and Thursday through Sunday is 7 am to 12 am. He confirmed the restaurant will be open during all operating hours. Project Architect Steve Halliday said the occupant load for the restaurant is 34 and the other building is 25. The parking demand is based on 2,000 square feet and the overall square footage with the outdoor patio area its right at 2,333 sq. ft., there is a potential to reduce 800 sq. ft. if needed to get to the 30 parking space requirement. They calculated the occupant load at 1 per 15 sq. ft. of building. The patio area will be for standing only. Mr. Watson said they will be placing a 10 place bike rack out in front of the building. For the record Mr. Halliday provided his address.

Mr. Flores wanted to clarify the total number of parking spaces being provided. Mr. Watson said 38 spaces.

David & LaFarris Albee, 3612 Lafayette, Fort Worth, Texas spoke in support. Ms. Albee said they live next door to Taco Heads and they have been good neighbors. Mr. Albee read into the record their support letter. Mr. Flores mentioned improvements that have been made to the parking and does it concern them being short on parking spaces. Mr. & Mrs. Albee said no it doesn't and that they haven't needed to use the additional parking yet. Ms. McDougall mentioned to them even though they have parking agreements, if the property was to be sold then those agreements may not remain.

Ms. McDougall also asked since they opened has there been any loud music played. Mr. Albee said no there has not.

Sergio Yanes, 4422 Pershing Avenue, Fort Worth, Texas on behalf of Arlington Heights NA spoke in support as long as they can meet the minimum parking requirement and no waiver to the setback. Mr. Yanes said there has always been a parking problem around this area. He was asked to head up the parking task force to come up with a solution that is acceptable to the residents for on-street parking. Kimley Horn is working on this to come up with several options. He is concerned about parking agreements only be temporary and can go away, as well as the setback waiver.

Mr. Northern said without the variances they would have less parking.

Mr. Edmonds asked if he was representing the Arlington Heights NA and did they vote for him to represent the neighborhood. Mr. Yanes said yes. Ms. Murphy said the parking is permanent and will have to be paved in accordance to their site plan. He also mentioned if they want to have amplified live music they will have to come back to the neighborhood.

Mr. Flores asked staff about a live music event and would it be considered a public event. Ms. Burghdoff said a permit would not be required and it is not considered a public event.

David Berning, 3612 Washburn, Fort Worth, Texas spoke in support as long as no waivers were granted. He has concerns with the parking, live music, setbacks, valet parking, street signs, parking limit signs, lighting, tents and occupancy with these items to be more defined on the site plan.

Mr. Flores asked staff about how the parking agreements would be tied in to the PD. Ms. Murphy explained the additional parking is not tied to this PD site plan or a CO. What the Zoning Commission is ruling on is the three lots in their proposal with 38 parking spaces.

Mr. Genua asked if they only considered 30 parking spaces what would be the reduction in square footage. Ms. Murphy said parking is based on 1 space per 100 square foot, so about 800 sq.ft. Mr. Northern said they could reduce the patio area.

During rebuttal, Mr. Northern asked if they would consider reducing some of the square footage in order to meet 30 parking spaces. Mr. Watson said yes they would reduce 800 sq. ft., and would change the site plan. No one would be able to drink in this area per TABC requirements.

Motion: Following brief discussion, Mr. Northern recommended Approval as Amended of the request to reduce the patio area by 800 sq. ft., seconded by Ms. Dunn. The motion carried 6-3 with Ms. McDougall, Ms. Conlin and Mr. Flores against.

<i>Document received for written correspondence</i>					ZC-15-170
Name	Address	In/Out 300 notification area	Position on case		Summary
Sarah Castillo	1812 Montgomery	Out		Support	Spoke at hearing
David & LaFarris Albee	3612 Lafayette	In		Support	Spoke at hearing
Sergio Yanes/ Arlington Heights NA	4422 Pershing	Out		Support as long as they meet min. parking and no setback waiver	Spoke at hearing
David Berning	3612 Washburn	Out		Support as long as no waivers are granted	Spoke at hearing
Charles Team	1608 Virginia Pl	Out		Support	Sent letter in
Cliff Ellis	1900 Sutter	Out		Support	Sent letter in

3. ZC-16-003 Andrew Blake (CD 7) 3300 W. 4th Street (William J. Bailey Addition, Block 17, Lot 20, 0.14 Acres): from PD733 “PD/SU” Planned Development/Specific Use for residence with office for both units; site plan approved to Amend PD733 to add parking lot; site plan included

Lynnette Payne, 1547 N Highway 77, Italy, Texas representing Andrew Blake explained to the Commissioners they are requesting to withdraw the case at this time to address concerns raised by a neighbor and to meet with the neighborhood organizations.

Courtney Holt, 3509 Hamilton Avenue, Fort Worth, Texas spoke in opposition and said as a representative of the Monticello NA they have not had a meeting and look forward to working with them.

Motion: Following brief discussion, Mr. Northern recommended a Denial without Prejudice of the request, seconded by Ms. Runnels. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>					ZC-16-003
Name	Address	In/Out 300 notification area	Position on case		Summary
Courtney Holt	3509 Hamilton Ave	Out	Opposition		Spoke at hearing