



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
January 14, 2020

Council District 8

Zoning Commission Recommendation:
Denial due to a failed substitute motion by a vote of 4-4

Opposition: New Mitchell Boulevard NA
Support: Two persons spoke

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

Owner / Applicant: James Austin Jr.

Site Location: 3220 Mitchell Blvd. Acreage: 1.08

Proposed Use: Parking lot for restaurant

Request: From: "B" Two-Family, "E" Neighborhood Commercial
To: "E" Neighborhood Commercial

Land Use Compatibility: Requested change is compatible.

Comprehensive Plan Consistency: Requested change is consistent.

Staff Recommendation: Approval

Background:

The property is located at the intersection of Berry and Mitchell both neighborhood collectors. The applicant is requesting a zoning change from "B" Two-Family and "E" Neighborhood Commercial to "E" Neighborhood Commercial for a parking lot for an existing restaurant.

Past efforts to rezone this property for neighborhood commercial have not been successful. Should the property be approved, there are several requirements that go along with a parking lot adjacent to residential, such as down lighting, screening, chaining and locking at night.

The case was continued at the November Zoning Commission meeting to allow more time for the applicant to reach out to the neighborhood and clarify proposed uses for the property. The proposed use was indicated in the zoning change request application and thus noticed to the public as a parking lot for restaurant. At the November hearing the applicant and owner suggested that the use could be for a restaurant expansion and/or event center. The request is to change the existing zoning of "B" Two-Family and "E" Neighborhood Commercial to allow the full lot to be zoned "E" Neighborhood Commercial. "E" Neighborhood Commercial would allow beauty/barber shops, bookstores, drug stores, studios, offices, public and civic uses, health care, retail sales, banks, restaurants, gasoline sales, bakeries, event center or rental hall, and alcohol sales for off premise consumption and as part of food service.

At the December Zoning Commission meeting a representative for the New Mitchell Boulevard neighborhood association spoke in opposition. They do not want to see the lot change to commercial.

Five motions were made by the Commissioners ending in motions failing with a tie vote. The last motion that was seconded is the motion for Denial moving it forward to City Council.

Site Information:

Surrounding Zoning and Land Uses:

- North "A-5" One-Family / single-family
- East "CF" Community Facilities / church
- South "A-5" One-Family and "CF" Community Facilities across Berry / single-family and church
- West "A-5" One-Family / single-family

Recent Relevant Zoning and Platting History:

Zoning History: ZC-18-034 "PD/E" with limited uses; site plan included request Denied by City Council 04/03/18
 ZC-17-073 "PD/E" plus auto parts store Denied without Prejudice by City Council
 ZC-14-151 "FR" request Denied by City Council 03/17/15
 ZC-11-074, City Council approved 10/18/11, subject area to the north for residential
 ZC-11-061 Renaissance Square, City Council approved 09/13/11 for Planned Developments, subject area to the southeast.

Public Notification:

300 foot Legal Notifications were mailed on October 23, 2019.
 The following organizations were notified: (emailed October 22, 2019)

Organizations Notified	
New Mitchell Boulevard NA*	Streams & Valleys Inc
Glencrest Civic League NA	East Fort Worth, Inc.
Southeast Fort Worth, Inc	Trinity Habitat for Humanity
United Communities Association of South Fort Worth	Fort Worth ISD

Located within this registered neighborhood organization*

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zoning change to "E" Neighborhood Commercial. The "B" Two-Family portion of this lot has less than 20' of frontage on Berry Street making access difficult without utilizing the existing and adjacent "E" Neighborhood Commercial lot for access. The understood uses, after hearing information given by the applicant and owner at the November hearing, would be a restaurant expansion and/or an event center. Because this site is adjacent to a residential district, it would be required to follow appropriate setbacks and consider projected front yard for placement of parking stalls and buildings.

Surrounding land uses are single family to the north and west, churches to the east and south, and the Renaissance Square shopping center east of Mitchell Boulevard. Neighborhood serving uses at this corner are appropriate as a buffer to the residential uses. At the location of two collector/arterial streets and in proximity to the Renaissance shopping center, the proposed zoning for this site **is compatible** at this location.

2. Comprehensive Plan Consistency - Southeast

The 2019 Comprehensive Plan designates the subject property as Neighborhood Commercial. The requested zoning change is consistent with the following Comprehensive Plan policies:

- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods.
- Promote appropriate infill development of vacant lots, old commercial centers (greyfields), and contaminated sites (brownfields) within developed areas, particularly in the central city.
- Promote a balance of residential, commercial, and industrial uses in the Southeast sector.

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

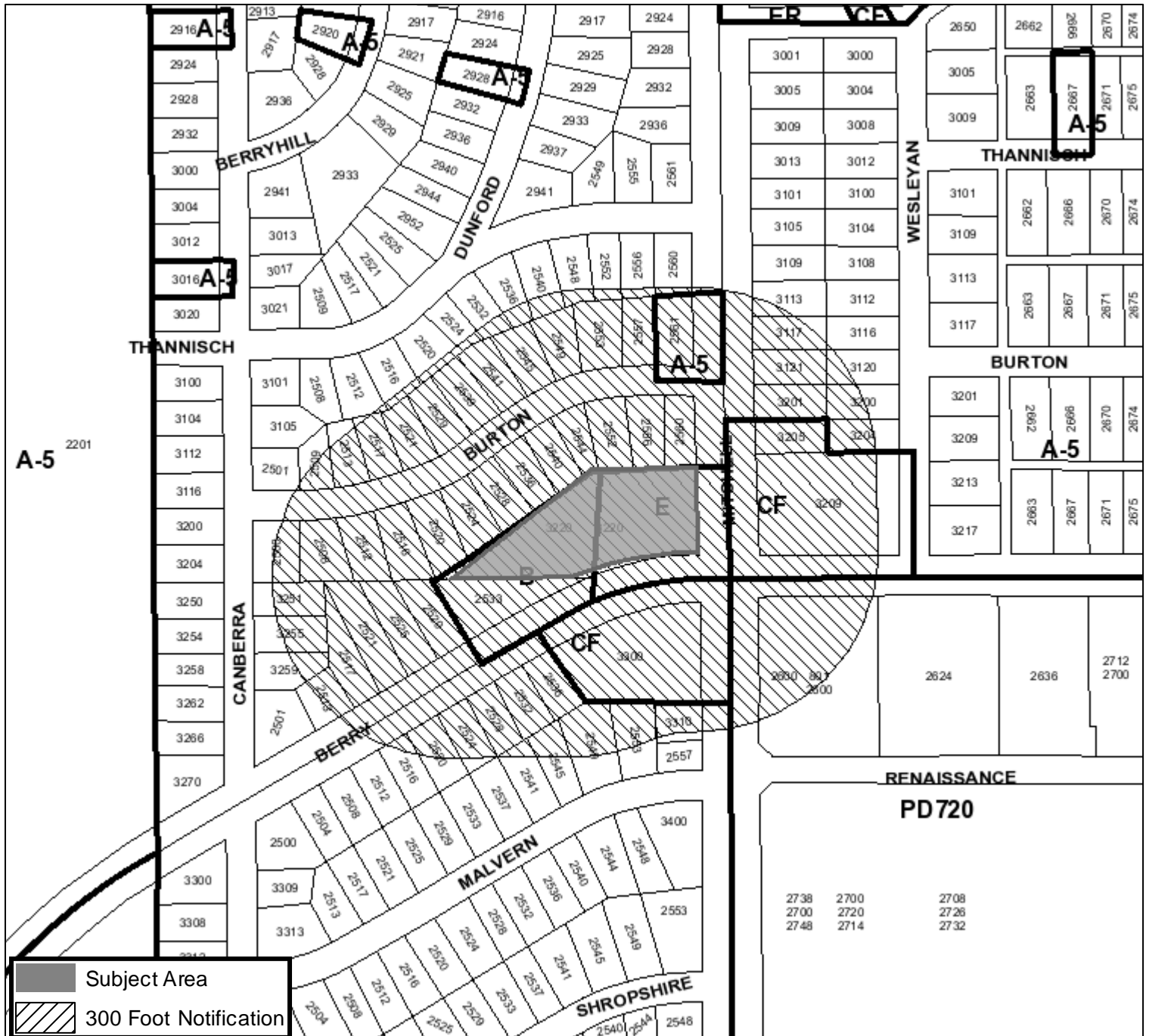
Attachments:



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

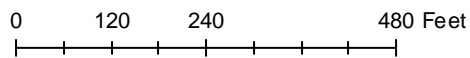


Area Zoning Map

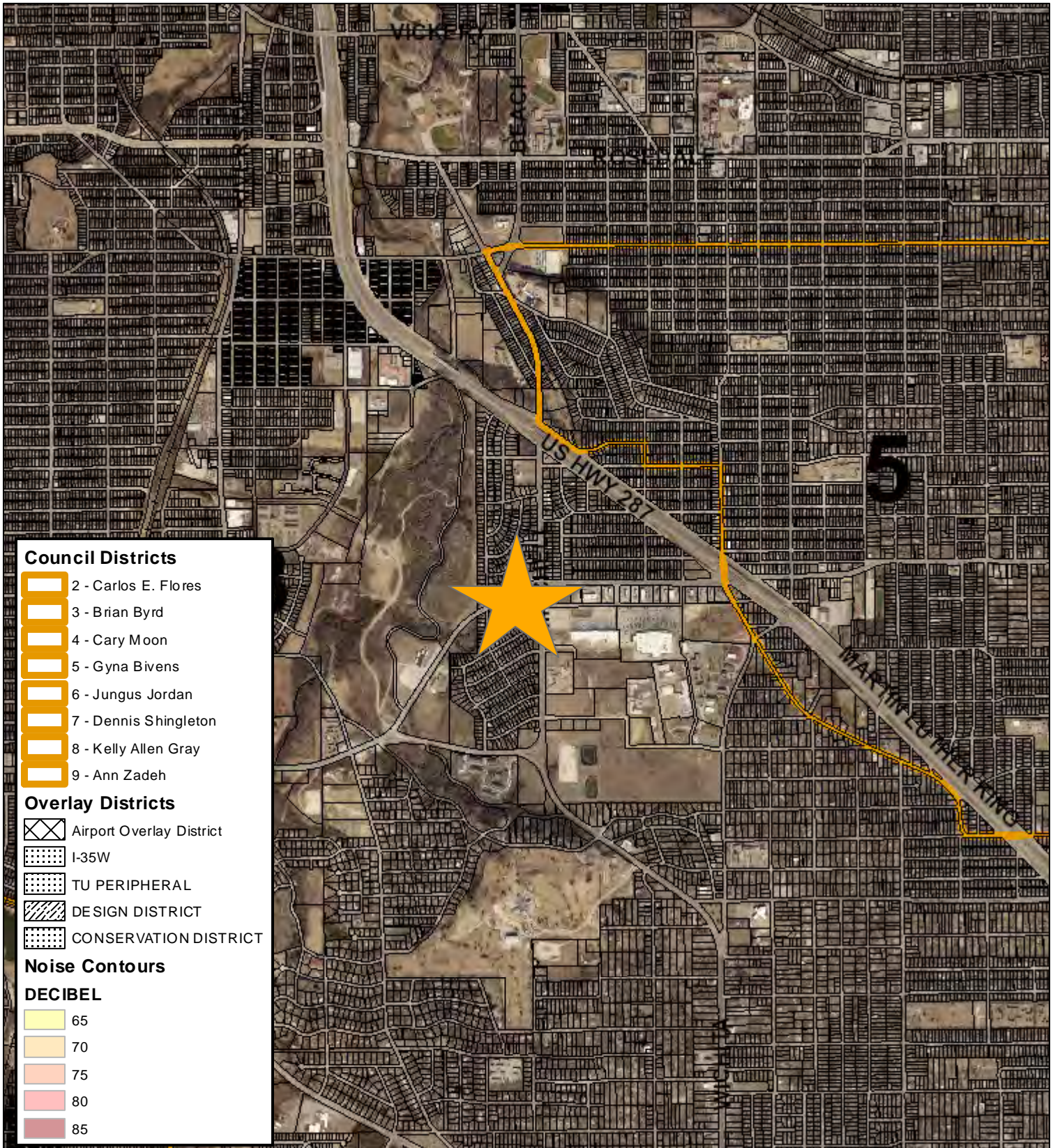
Applicant: James Austin Jr.
 Address: 3220 Mitchell Boulevard
 Zoning From: B, E
 Zoning To: E
 Acres: 1.08222968
 Mapsco: 78S
 Sector/District: Southeast
 Commission Date: 11/13/2019
 Contact: 817-392-2495



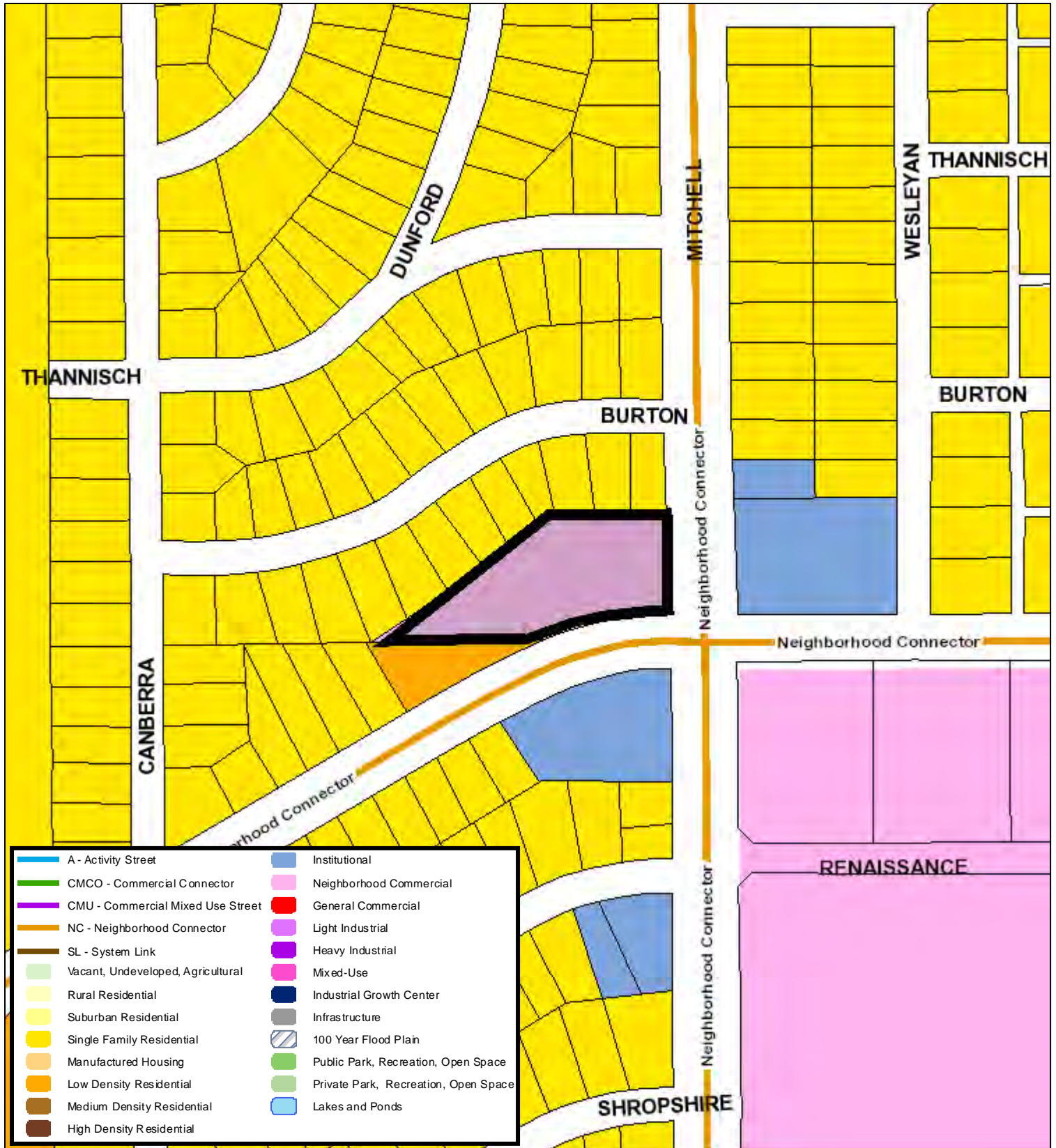
 Subject Area
 300 Foot Notification



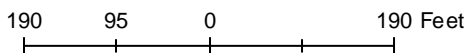
Area Map



Future Land Use



	A - Activity Street		Institutional
	CMCO - Commercial Connector		Neighborhood Commercial
	CMU - Commercial Mixed Use Street		General Commercial
	NC - Neighborhood Connector		Light Industrial
	SL - System Link		Heavy Industrial
	Vacant, Undeveloped, Agricultural		Mixed-Use
	Rural Residential		Industrial Growth Center
	Suburban Residential		Infrastructure
	Single Family Residential		100 Year Flood Plain
	Manufactured Housing		Public Park, Recreation, Open Space
	Low Density Residential		Private Park, Recreation, Open Space
	Medium Density Residential		Lakes and Ponds
	High Density Residential		



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 5, 2019.



Aerial Photo Map



0 125 250 500 Feet



DRAFT
City of Fort Worth, Texas
Zoning Commission
December 11, 2019 – Meeting Minutes

Present:

Will Northern, Chair, District 1
Jennifer Trevino, District 2
Jesse Gober, District 4
Rafael McDonnell, District 5
Sandra Runnels, District 6
John Aughinbaugh, District 7
Wanda Conlin, Vice Chair, District 8
Kimberly Miller, District 9

Staff Members Present:

Randy Hutcheson, Interim Assistant Director
Arty Wheaton-Rodriguez, Planning Manager
Lynn Jordan, Planner
Laura Evans, Senior Planner
Melinda Ramos, Sr. Assistant City Attorney Chf
Tyler Wallach, Sr. Assistant City Attorney
Mirian Spencer, Senior Planner

Absent:

Beth Welch, District 3

Public Hearing – 1:00 P. M.

Mr. Wheaton-Rodriguez explained the procedure to be followed for the Zoning Commission meeting.

I. CALL TO ORDER

With a quorum of the Zoning Commission Members present, Chair Northern called the regular session of the Fort Worth Zoning Commission to order at 1:00 p.m. on Wednesday, December 11, 2019, in the Council Chambers of the Fort Worth City Hall, 200 Texas Street, Fort Worth, Texas.

III. CONSIDERATION OF MINUTES OF THE ZONING COMMISSION REGULAR MEETING OF SEPTEMBER 11, 2019.

Motion: Commissioner Aughinbaugh made a motion, seconded by Commissioner Conlin, that The minutes of the Zoning Commission meeting of November 13, 2019, be approved, as amended. Motion passed 8-0.

Video on individual cases can be viewed at the following website.

http://fortworthgov.granicus.com/ViewPublisher.php?view_id=2

II. NEW CASES

Chair Northern opened the public hearing.

1. ZC-19-158 James Austin (CD 8) – 3220 Mitchell Blvd. (1.08 ac.) From: “B” Two-Family, “E” Neighborhood Commercial To: “E” Neighborhood Commercial

Sonya Bell, 4033 Hunter Hill Dr, appeared before the Commission in support of ZC-19-158.

The following individuals appeared in support of ZC-19-158:

James Austin, 2017 Teakwood Trail
Rosa Ramirez, 4820 El Rancho

The following individuals appeared in opposition of ZC-19-158:
Barbara Smith, representing The New Mitchell Blvd, 2508 Malvern

1st Motion: Commissioner Conlin made a motion, seconded by Commissioner Runnels, that ZC-19-158 be Denied with Prejudice. Motion failed 4-4.

2nd Motion: Commissioner Aughinbaugh made a motion, seconded by Commissioner Miller that ZC-19-158 be Denied without Prejudice. Motion failed 3-5.

3rd Motion: Commissioner Gober made a motion that ZC-19-158 be Approved for “E”. Motion failed to get a second.

4th Motion: Commissioner McDonnell made a motion, seconded by Commissioner Aughinbaugh, that ZC-19-158 be continued for 60 days. Motion failed 2-6.

Final Motion: Commissioner Trevino made a motion, seconded by Commissioner Gober, that ZC-19-158 be Approved as amended for “ER”. Failed motion to approve 4-4, case moves forward as denial of “ER”.

2. ZC-19-161 Sevanne Steiner/Charlotte Hogan (CD 9) – 914 N. Sylvania Ave. (0.21 ac.) From: “E” Neighborhood Commercial To: “MU-1” Low Intensity Mixed-Use

Sevanne Steiner, 6412 Shasta Trail, appeared before the Commission in support of ZC-19-158.

The following correspondence was submitted in support of ZC-19-161:
Riverside Business Alliance

The following correspondence was submitted in opposition of ZC-19-161:
2 letters

Motion: Commissioner Miller made a motion, seconded by Commissioner Aughinbaugh, that ZC-19-161 be Approved. Motion passed 8-0.

3. ZC-19-166 Coraldane Hamrick (CD 8) – 2008, 2020 Sycamore School Rd. (1 ac.) To: Add Conditional Use Permit (CUP) for automatic car wash facility in “E” Neighborhood Commercial; site plan included

Samuel Rhea, 4532 Cloudview Rd, appeared before the Commission in support of ZC-19-166.

The following individuals appeared in support of ZC-19-166:
Stephanie Kaiser, 111 Congress Ave, Austin, TX

Barry Hudson, 3012 Gunnison Trail, appeared before the Commission in support of ZC-19-154.

Motion: Commissioner Runnels made a motion, seconded by Commissioner McDonnell, that ZC-19-154 be Approved. Motion passed 9-0.

2. ZC-19-158 James Austin (CD 8) – 3220 Mitchell Blvd. (1.08 ac.) From: “B” Two-Family, “E” Neighborhood Commercial To: “E” Neighborhood Commercial

Sonya Bell, 4033 Hunter Hill Dr, appeared before the Commission in support of ZC-19-158.

The following individuals appeared in support of ZC-19-158:

James Austin
Rosa Ramirez

The following individuals appeared in opposition of ZC-19-158:

Barbara Smith, representing The New Mitchell Blvd, 2508 Malvern

The following correspondence was submitted in opposition of ZC-19-158:

Glencrest Civic League
The New Mitchell Blvd NA

Motion: Commissioner Conlin made a motion, seconded by Commissioner Aughinbaugh, that ZC-19-158 be continued for 30 days. Motion passed 9-0.

3. ~~ZC-19-161 Sevanne Steiner/Charlotte Hogan (CD 9) – 914 N. Sylvania Ave. (0.21 ac.) From: “E” Neighborhood Commercial To: “MU-1” Low Intensity Mixed-Use~~

~~Sevanne Steiner, 6412 Shasta Trail, appeared before the Commission in support of ZC-19-158.~~

~~The following individuals appeared in support of ZC-19-161:~~

~~Chad Colley, representing River East Assoc., 2900 Race St~~

~~The following correspondence was submitted in support of ZC-19-161:~~

~~Riverside Business Alliance
1 letter~~

~~The following correspondence was submitted in opposition of ZC-19-161:~~

~~Vintage Riverside NA (requests continuance)
6 letters~~

~~Motion: Commissioner Miller made a motion, seconded by Commissioner Trevino, that ZC-19-161 be continued for 30 days. Motion passed 9-0.~~