



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
March 3, 2020

Council District 8

Zoning Commission Recommendation:
Denial by a vote of 9-0

Opposition: None submitted
Support: None submitted

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

Owner / Applicant: **Alcannon Properties, LLC**

Site Location: 2933 Alcannon Street & 2819 Old Mansfield Road Acreage: 0.932

Proposed Use: **Auto Repair, Auto Sales, Body Shop**

Request: From: "E" Neighborhood Commercial

To: Add Conditional Use Permit (CUP) to allow for auto sales, auto repair and body shop with waivers to front yard and supplemental setbacks, residential proximity, bay doors facing residential; site plan included

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

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

Staff Recommendation: **Denial**

Background:

The proposed site is located at the intersection of Alcannon & Ray Alvin identified as residential streets on the City's MTP Master Thoroughfare Plan, just east of Business 287. The applicant is requesting to add a Conditional Use Permit to allow auto sales, auto repair and auto body shop with several waivers; site plan included.

Automotive uses are only permitted within commercial "FR" through "K" zoning districts or through the CUP process. The applicant has applied for the (CUP) Conditional Use Permit to allow the automotive use within the "E" district. Several waivers are being asked for from Section 5.104, Automotive Repair; Paint and Body Shop of the Fort Worth Zoning Ordinance. The waivers consist of front yard and supplemental setback adjacent to residential, residential proximity and bay doors facing residential.

Conditional uses are those uses which are generally compatible with the permitted land uses in a given zoning district, but which require individual review of their proposed location, design and configuration, and the imposition of conditions in order to ensure the appropriateness of the use at a particular location.

While an auto repair/sales/body shop uses are not permitted in the "E" zoning district by right, allowing one by CUP with a site plan and a time limit may help mitigate any neighborhood concerns, as well as give options for the CUP to be revoked in the event of code violation convictions. The existing building

has a legal non-conforming status for continued auto repair use, however, the applicant is wanting to expand the use to include auto sales, paint and body.

Through Ordinance 23609 effective March 29, 2019, the Conditional Use Permit allows for an unlimited time period for the operation of a use unless otherwise approved by the City Council. If a time limit is established for a Conditional Use Permit, the renewal of the CUP shall be considered through the public hearing process and approved by the City Council. A CUP shall expire if no permitting action is taken within six months of approval or cease of the use for six months. A CUP may be revoked through the public hearing process if necessary after convictions of one or more code violations.

Per Section 4.407 (a), the following general rules apply to all conditional uses:

- a) Conditional use permits in residential districts shall be limited to those uses designated "CUP" in the Residential District Use Table in Chapter 4, Article 6, Section 4.603.
- b) Approval of a conditional use permit shall authorize only the particular use or category of related uses for which the conditional use permit is issued.
- c) A conditional use shall not be enlarged, extended or otherwise modified unless approved by the City Council or approved administratively as applicable.
- d) The use of property for the purposes described in a conditional use permit shall not commence until a certificate of occupancy has been issued. A certificate of occupancy shall not be issued until all or approvals which may be required by the Codes and Ordinances of the City, including, but not limited to, a Building Permit, a Certificate Of Occupancy and subdivision approval have been satisfied.

Section (d) provides the following Conditional Use Permit factors in consideration of appropriateness of a request:

- a) The proposed use is consistent with the Comprehensive Plan;
- b) The proposed use is compatible with the existing and adjacent uses.
- c) The proposed use meets all supplemental use standards specifically applicable to the use as set forth in Chapter 5;
- d) The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods;
- e) The proposed use is not materially detrimental to the public health, safety, and welfare, or results in material damage or prejudice to other property in the vicinity.

Surrounding Zoning and Land Uses:

- North "A-5" One-Family / single-family
- East "A-10" One-Family / Commercial sales use
- South "E" Neighborhood Commercial / convenience store and vacant building
- West "E" Neighborhood Commercial / auto sales

Recent Relevant Zoning and Platting History:

Zoning History: ZC-10-117, Council-initiated rezoning for various parcels within the subject area to various zoning districts, effective 10/01/10

Site Plan Comments:

The site plan as submitted does not meet the Planning and Development requirements of the CUP Ordinance.

1. No repairs shall be conducted on any premises that adjoin any residential district boundary. **(waiver required)**
2. All repairs must be conducted within an enclosed building. **(waiver required)**
3. Automotive repair, paint and body shops located on property adjacent to and or within 200 feet of a one- or two-family residential use must screen all vehicles accepted for repair from view of such residential use by parking/storing the vehicles within a building or providing a six-foot solid screening fence or six-foot solid evergreen hedge along the property line adjacent to or across an alley from a one or two-family residential use. **(waiver required)**
4. A screening fence is required for vehicles that have been accepted for repair and stored overnight. Site plan indicates a 6 ft. chain link fence. **(waiver required)**

5. No more than two vehicles per bay door that have been accepted for repair can be stored outside during regular business hours unless they are stored in a completely enclosed building. **(waiver required)**
6. No automotive repair or service facility shall be permitted to have bay doors facing a one-or two-family district. **(waiver required)**
7. The existing building and 3 parking spaces encroach into the projected 20 ft. front yard setback along Ray Alvin. **(waiver required)**
8. The new building proposed along the rear property line encroaches into the 20 ft. supplemental setback. **(waiver required)**

(Comments made by Platting (Subdivision Ordinance), Transportation/Public Works, Fire, Parks, and Water Department staff cannot be waived through the Zoning Commission and City Council. Approval of the zoning site plan does not constitute the acceptance of comments.)

Public Notification:

300 foot Legal Notifications were mailed on January 23, 2020.

The following organizations were notified: (emailed January 22, 2020)

Organizations Notified	
Glencrest Civic League NA	Streams and valleys Inc.
Glen Park NA	Trinity Habitat for Humanity
United Communities Association of South Fort Worth	Southeast Fort Worth, Inc.
	Fort Worth ISD

Closest registered neighborhood organization*

Development Impact Analysis:

1. **Land Use Compatibility**

The applicant is proposing a zoning change to add a CUP to allow for auto sales, auto repair and paint and body shop facility in the “E” zoning district. Surrounding land uses consist of single-family to the north, commercial sales to the east, and auto sales to the west.

The proposed zoning request **is not compatible** with surrounding land uses.

2. **Comprehensive Plan Consistency-Southeast**

The 2019 Comprehensive Plan designates the site as being Neighborhood Commercial. The proposed zoning is not consistent with the following Comprehensive Plan policies:

- 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.
- Promote appropriate infill development of vacant lots, old commercial centers (greyfields), and contaminated sites (brownfields) within developed areas, particularly in the central city.
- Encourage new development adjacent and connected to previously developed or platted areas in order to utilize existing utility and road infrastructure and services, thereby optimizing public and private investments and discouraging sprawl development.

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

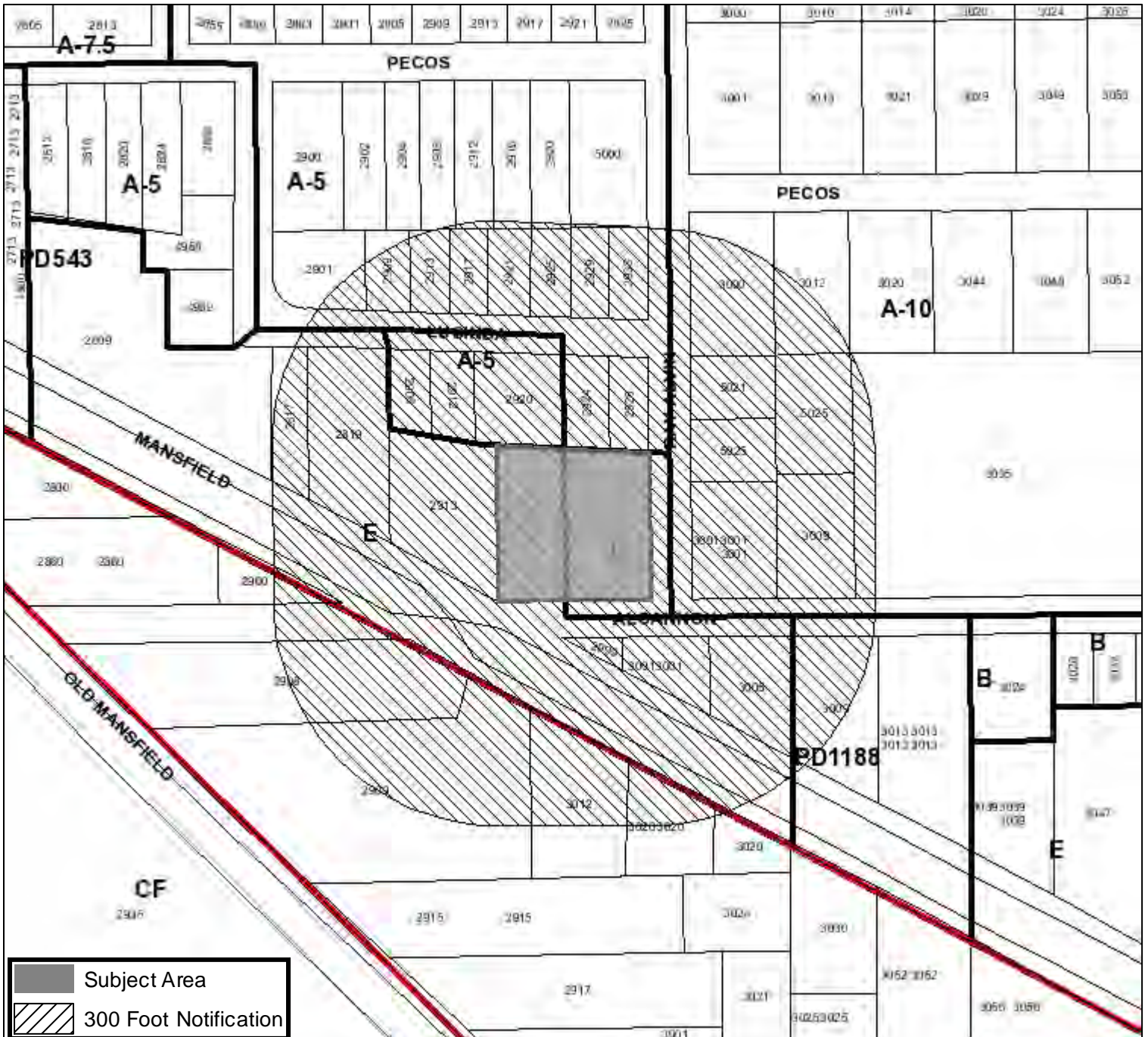
Attachments:



- Area Zoning Map with 300 ft. Notification Area
- Site Plan
- Area Map
- Future Land Use Map
- Aerial Photograph

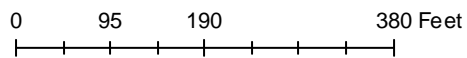


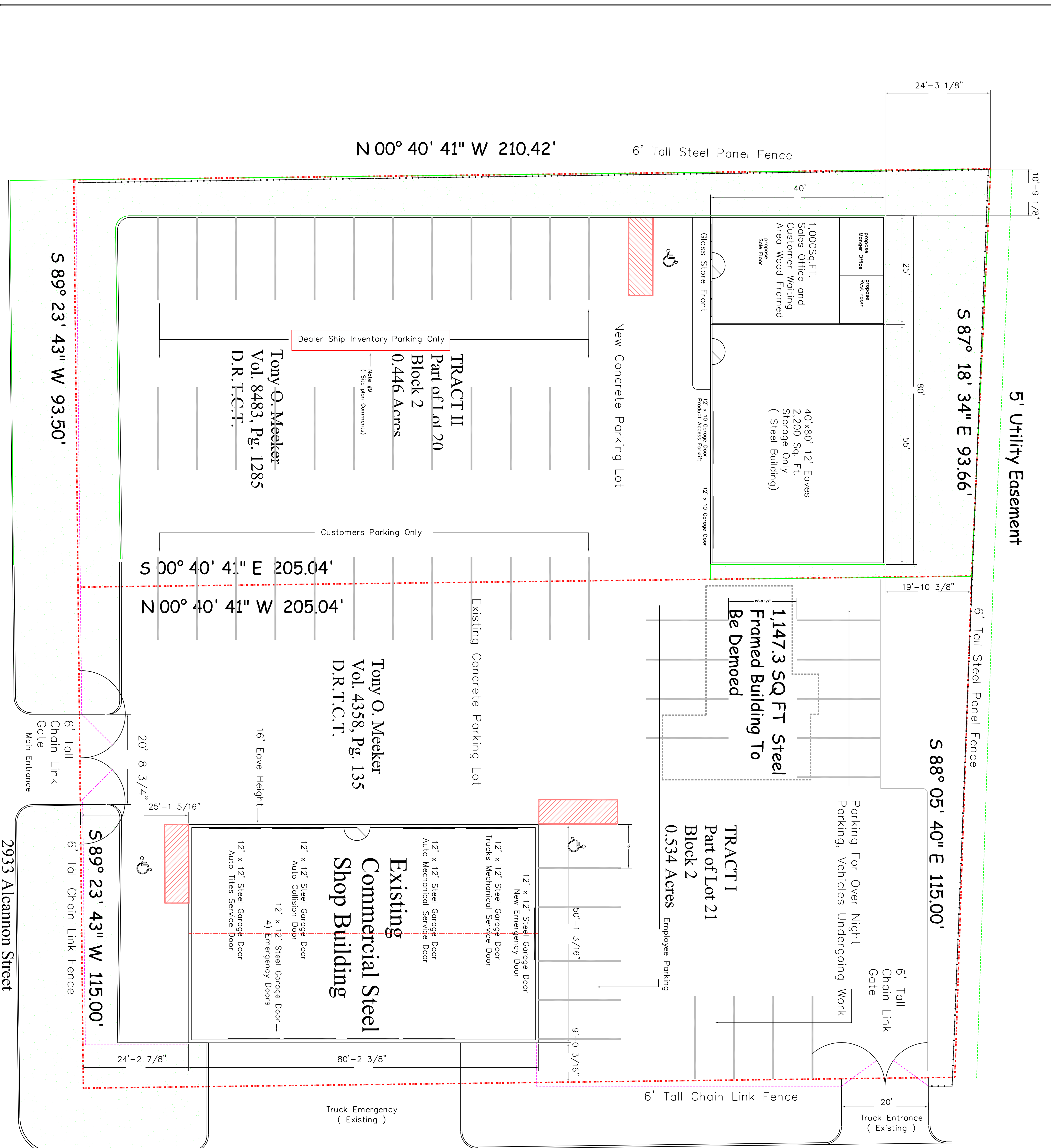
Area Zoning Map

Applicant: Alcannon Properties, LLC
 Address: 2933 Alcannon Street & 2819 Old Mansfield Road
 Zoning From: E
 Zoning To: E plus CUP for body shop, auto repair, & auto sales
 Acres: 0.93221453
 Mapsco: 92E
 Sector/District: Southeast
 Commission Date: 2/12/2020
 Contact: 817-392-2495



 Subject Area
 300 Foot Notification





5' Utility Easement

S 87° 18' 34" E 93.66'

S 88° 05' 40" E 115.00'

S 89° 23' 43" W 93.50'

S 89° 23' 43" W 115.00'

N 00° 40' 41" W 210.42'

S 00° 40' 41" E 205.04'

N 00° 40' 41" W 205.04'

Tony O. Meeker
Vol. 4358, Pg. 135
D.R.T.C.T.

Tony O. Meeker
Vol. 8483, Pg. 1285
D.R.T.C.T.

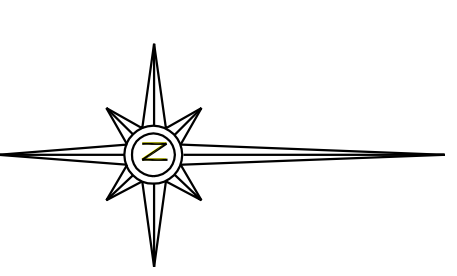
Existing
Commercial Steel
Shop Building

1,147.3 SQ FT Steel
Framed Building To
Be Demanded

TRACT I
Part of Lot 21
Block 2
0.534 Acres

TRACT II
Part of Lot 20
Block 2
0.446 Acres

- 18) Notes:
- Will comply with Landscaping Ordinance
 - Will comply with Urban Forestry Ordinance
 - Will comply with Sign Ordinance.
 - Any parking lot or building lighting will be directed away and downward of any residential district so as not to trespass off property.
 - Provide a signature block with date line in the lower left hand corner.
- Legend:
- Steel Panel Fence
 - Lot Lines
 - Building Line
 - Easement Line
 - Drive/Walk/Patio
 - Chain link Fence
- All Fences Are 6' Tall
- 1" Poly
- Site Plan Comments
- No Repairs Shall Be Conducted on any premises that adjoin any residential district boundary. (Waiver Required)
 - All repairs must be conducted within an enclosed on enclosed building. (Waiver Required)
 - Automotive repair, paint and body shops located on property adjacent to and or within 200 feet of a one- or two-family residential use must screen all vehicles accepted for repair from view of such residential use by parking/storing the vehicles within a building or providing a six-foot solid screening fence or six-foot solid evergreen hedge along the property line adjacent to or across an alley from a one- or two-family residential use. (Waiver Required)
 - If screening wall is provided must be shown on the site plan with height and type of screening. (Waiver Required)
 - No more than two vehicles per boy door that have been accepted for repair can be stored outside during regular business hours unless they are stored in a completely enclosed building. (Waiver Required)
 - No automotive repair or service facility shall be permitted to have boy doors facing a one- or two family district. (Waiver Required)
 - The existing building and 3 parking spaces encroach into the projected 20 Ft. front yard setback along Ray Alvin. (Waiver Required)
 - The new building proposed along the rear property line encroach into the 20 Ft. supplemental setback. (Waiver Required)

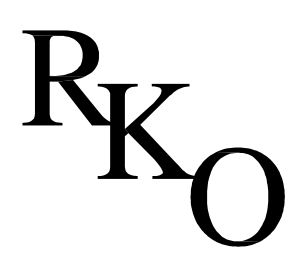


Ray Alvin Street

2933 Alcamannon Street

Site Plan
Richard K. O'Dell 817-291-5926
EWPRKO@AOL.com

A New Store
2933 Alcamannon Street
Fort Worth, Texas 76119



DRAWN BY:	RKO
DATE:	01/04/20
REV:	

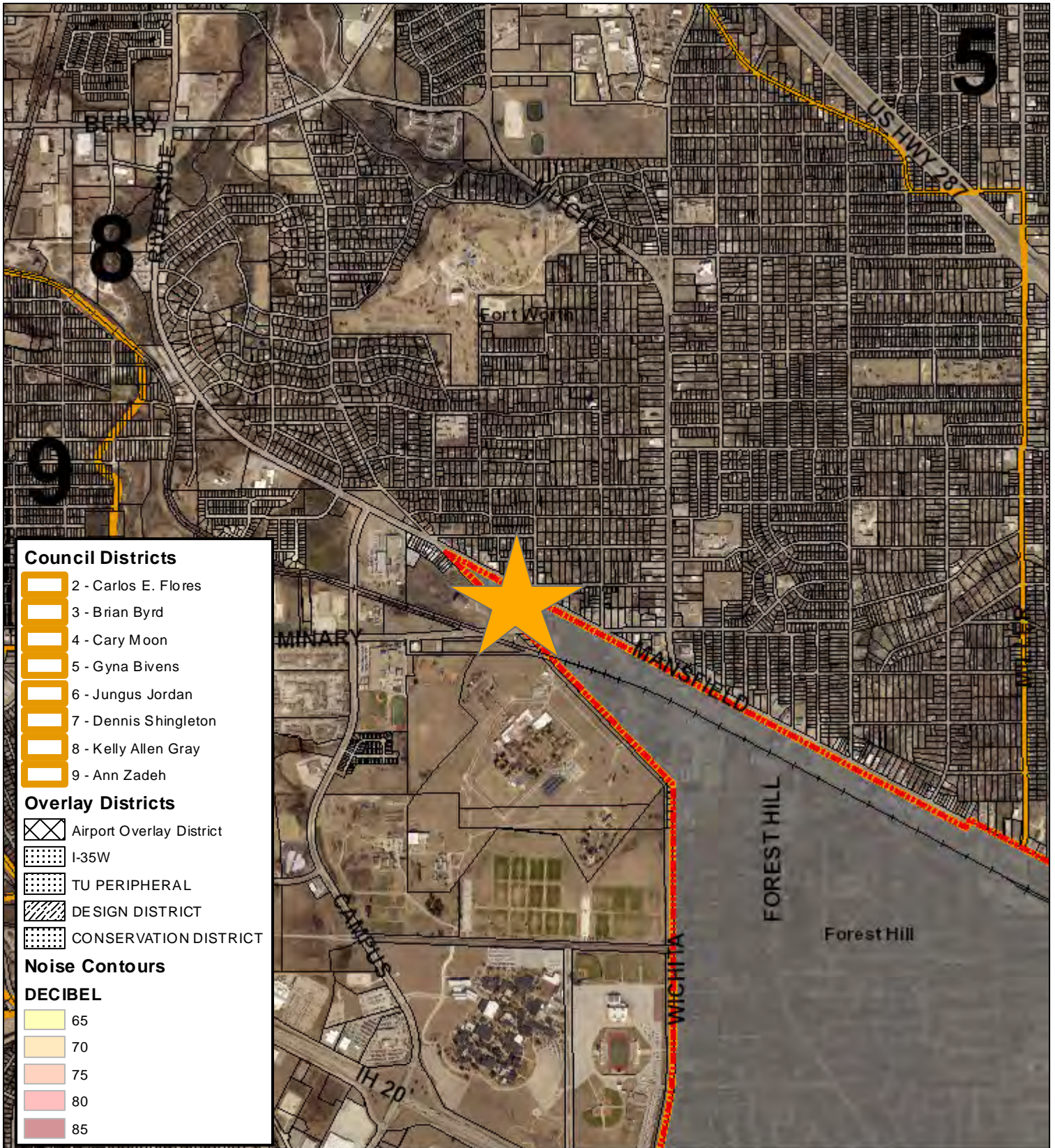
PLAN NUMBER:
103-20

File Number
103-20

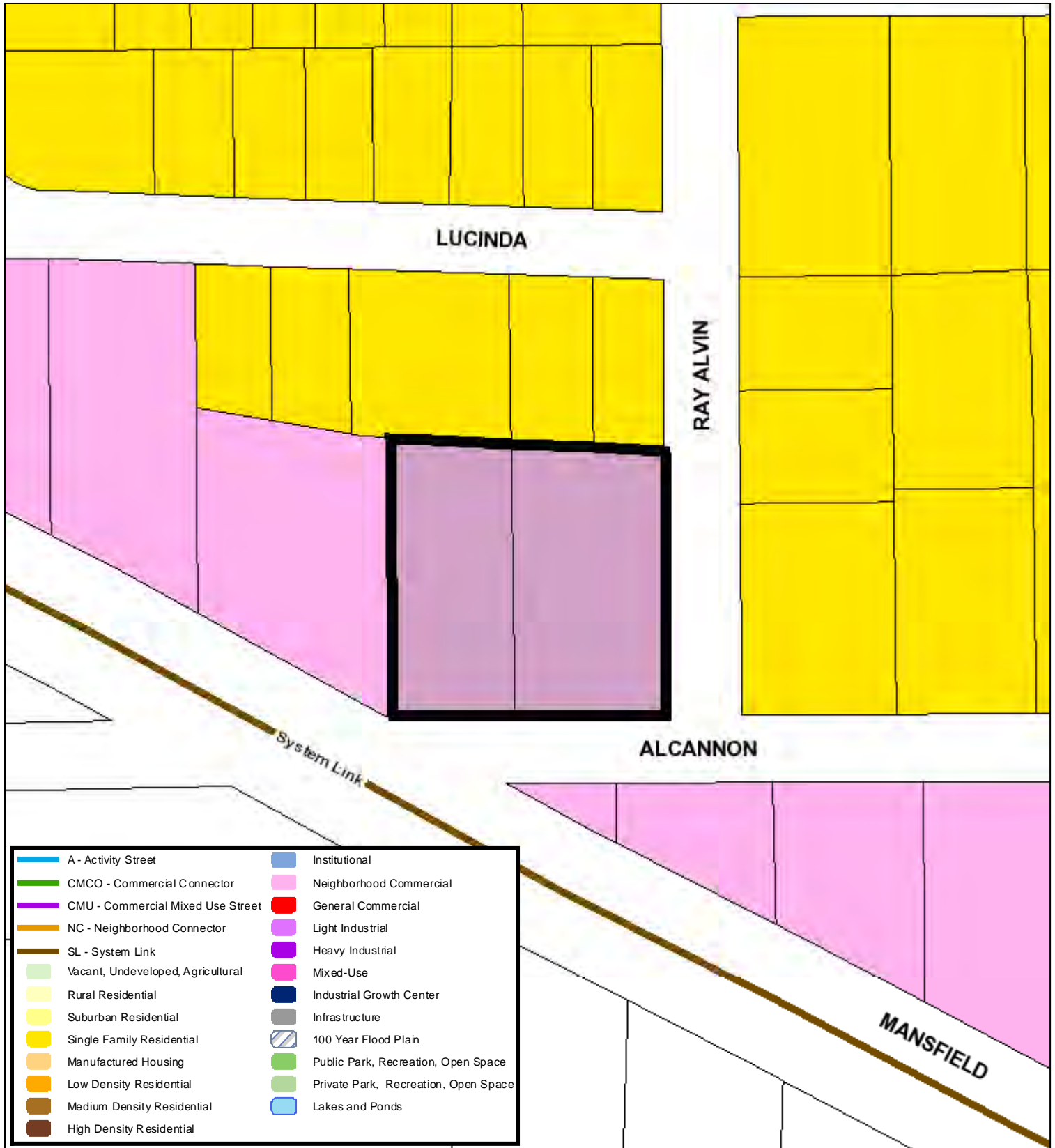
Scale : 3/32" = 1'
Signature _____ Date _____

Site

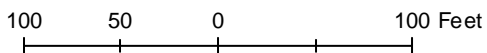
Area Map



Future Land Use



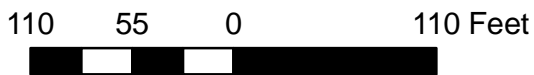
A - Activity Street	Institutional
CMCO - Commercial Connector	Neighborhood Commercial
CMU - Commercial Mixed Use Street	General Commercial
NC - Neighborhood Connector	Light Industrial
SL - System Link	Heavy Industrial
Vacant, Undeveloped, Agricultural	Mixed-Use
Rural Residential	Industrial Growth Center
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 Photograph



Aerial Photography Date February 2019

