



Zoning Staff Report

Date: February 8, 2022

Case Number: ZC-21-205

Council District: 2

Zoning Map Amendment

Case Manager: [Sarah Bergman](#)

Owner / Applicant: Martha C. Munoz / Jessica Baez

Site Location: 1600 & 1602 NW 21st Street

Acreage: 0.17 acres

Request

Proposed Use: Food Truck

Request: To: Add Conditional Use Permit for mobile food vendor in "E" Neighborhood Commercial District with specific development standards for parking, setbacks, and distance requirements for mobile food vendors on property adjacent to residential districts; site plan included

Recommendation

Land Use Compatibility:

Requested change **is compatible.**

Comprehensive Plan Consistency:

Requested change **is consistent.**

Staff Recommendation:

Approval (with consideration of a two-year initial time limit)

Zoning Commission Recommendation:

Approval with 2-year time limit by a vote of 9-0

Table of Contents

- [1. Project Description and Background](#)
- [2. Surrounding Zoning and Land Uses](#)
- [3. Recent Zoning History](#)
- [4. Public Notification](#)
- [5. Development Impact Analysis](#)
 - [a. Land Use Compatibility](#)
 - [b. Comprehensive Plan Consistency](#)
 - [c. Site Plan Comments](#)
6. Area Zoning Map with 300 ft. Notification Area
7. Site Plan
8. Area Map
9. Future Land Use Map
10. Aerial Photograph

Project Description and Background

The subject property is located at the northwest corner of NW 21st Street and Prairie Avenue. The site is currently developed with a restaurant and is zoned “E” Neighborhood Commercial. The applicant would like to park a food truck on site in the evenings, after the restaurant has closed (according to the applicant the restaurant closes at 3:00pm each day). Mobile food vendors are not allowed by right in the “E” Neighborhood Commercial District and therefore the applicant is requesting a Conditional Use Permit (CUP) for this use. The attached site plan depicts the existing restaurant building as well as the proposed location for the food truck.

Surrounding properties to the east and west, along the NW 21st Street corridor, are developed for commercial use. However, there are “A-5” One-Family lots immediately north of this property that are developed with single-family homes. Supplemental standards for mobile food vendors are found in Section 5.406 of the Zoning Ordinance, including specific distance requirements for food trucks near residential districts. Below are some of the requirements that apply to mobile food vendors:

- Food vendors must obtain a permit from the health department to operate as a mobile vending unit.
- No mobile vending unit shall operate at any time between the hours of 2:00 a.m. and 7:00 a.m.
- No amplified music is allowed after 10:00 p.m.
- No portable chairs and tables are allowed after 10:00 p.m.
- Merchandise and food vendors shall remove the mobile vending unit daily from the property.
- No mobile vending unit may operate within 50 feet from a single-family or multi-family residential use.
- All mobile vending units between 50 feet and 100 feet from a single-family or multifamily residential use must obtain the unanimous consent of all the owners of the single-family or multifamily residential property within a 100-foot radius around the mobile vending unit.

As part of this CUP application, the applicant is requesting waivers from the last two items regarding distance to residential properties. However, the applicant has conducted outreach to the surrounding property owners and has provided a letter of support from several nearby residents, including the owner of the property immediately north of this site who would be most directly impacted. In addition, all property owners within 300 feet of the subject property were sent written notification of the CUP request.

The existing restaurant building on this property occupies nearly all of the available site area and on-site parking is extremely limited. As proposed, the food truck will occupy three of the five on-site parking spaces. However, the Zoning Ordinance allows for off-site auxiliary parking to be provided within 500 feet when sufficient parking is not available on-site. The subject property owner also owns the two lots immediately west of this site, which are also zoned commercial and are used to provide additional parking. Because the food truck will not be operating at the same time as the restaurant, and will need to be removed from the site each evening, staff finds that this use can be adequately served by the parking area located just west of the site.

Below is a table which lists standard requirements for development in the “E” Neighborhood Commercial District, as well as the waivers that are required for this CUP request:

Requirement	“R2” Standards	Proposed “PD/R2” Standards
Height	3 stories or 45 feet maximum	Complies
Minimum Parking Requirements	None required for food truck use. Restaurant use requires 1 space per 100 square feet of gross floor area	Food truck complies, restaurant use does not <i>Waiver Required</i>
Required Yards	<u>Front Yard</u> : 20-ft minimum, none required when fronting an arterial <u>Rear Yard</u> : 15-ft minimum when adjacent to residential district <u>Interior Side Yard</u> : 5’ minimum <u>Corner Lot Side Yard</u> : none required unless through lot, then 10-ft min	<u>Front Yard</u> : Food truck complies, existing restaurant building does not. <u>Rear Yard</u> : Food truck and existing restaurant building do not comply <u>Interior Side Yard</u> : Complies <u>Corner Lot Side Yard</u> : Complies <i>Waiver Required</i>
Bufferyard and Supplemental Setbacks	20-foot supplemental building setback and 5-foot landscaped bufferyard required for non-residential development adjacent to one-family district	Not required for food truck, but existing restaurant site is not compliant. <i>Waiver Required</i>
Mobile Food Vendor Requirements	Mobile food vendors are required to comply with all supplemental standards found in Section 5.406 of the Zoning Ordinance.	Applicant is requesting waivers from Section 5.4069(d)(1) to allow a mobile food vendor within 50-feet of a residential use and Section 5.4069(d)(2) to waive requirement to obtain unanimous consent of all residential property owners within a 100-foot radius. <i>Waiver Required</i>

Surrounding Zoning and Land Uses

North “A-5” One-Family / single-family dwelling
 East “E” Neighborhood Commercial / automotive repair
 South “A-5” One-Family / single-family dwelling
 West “E” Neighborhood Commercial / parking area for restaurant

Recent Zoning History

- None

Public Notification

300-foot Legal Notifications were mailed on November 24, 2021.
 The following organizations were notified: (emailed November 22, 2021)

Organizations Notified	
Inter-District 2 Alliance	North Side NA*
Streams and Valleys, Inc	Trinity Habitat for Humanity
Fort Worth ISD	Lake Worth ISD
Castleberry ISD	

* Located within this registered Neighborhood Association

Development Impact Analysis

Land Use Compatibility

The applicant is requesting to add a Conditional Use Permit (CUP) to allow a food truck to operate on an existing restaurant site that is zoned “E” Neighborhood Commercial. Surrounding properties to the north and south are zoned “A-5” One-Family and are developed with single-family residences. Properties to the east and west and zoned “E” Neighborhood Commercial.

This properties with frontage on NW 21st Street immediately surrounding the subject property are zoned and developed for commercial use. This site is already developed with a restaurant building, which shares many features of the food truck use that may cause concern in close proximity to residential properties including noise, odor, and lighting. The applicant has obtained a written letter of support from the owner of the only residential property that is immediately adjacent to this site, as well as from several other property owners in close proximity. In addition, staff recommends approval of this request subject to a time limit, so that if any neighborhood or code compliance concerns arise they can be evaluated before the CUP is extended for a longer period of time.

The proposed zoning is **compatible** with surrounding land uses.

Comprehensive Plan Consistency – Northside

The 2021 Comprehensive Plan currently designates the subject property as “Neighborhood Commercial” on the Future Land Use Map, which is in alignment with the current zoning. The proposed food truck use meets the intent of “providing retail and services serving daily needs for a local market area.”


COMMERCIAL		
Neighborhood Commercial	Retail, services, offices and mixed uses serving daily needs for a local market area	Multifamily Residential, ER, E, MU-1
General Commercial	Retail, services, offices and mixed uses serving occasional needs for a larger market area	Multifamily Residential, ER, E, MU-1, MU-2
Mixed-Use/ Mixed-Use Growth Center	Retail, services, offices, entertainment, mixed uses, and multifamily residential; Community Growth Centers are less intensive, and Regional Growth Centers are more intensive	AR, B, R1, R2, CR, C, D, UR, all Commercial, MU-1, MU-2, Form-Based Codes

Therefore, the proposed zoning is **consistent** with the Comprehensive Plan.

Site Plan Comments

The site plan is in general compliance with Zoning Ordinance requirements with the exception of the waiver requests listed above.

(Comments made by Platting (Subdivision Ordinance), Transportation/Public Works, Fire, Park & Recreation, 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 conditions.)



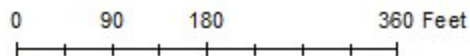


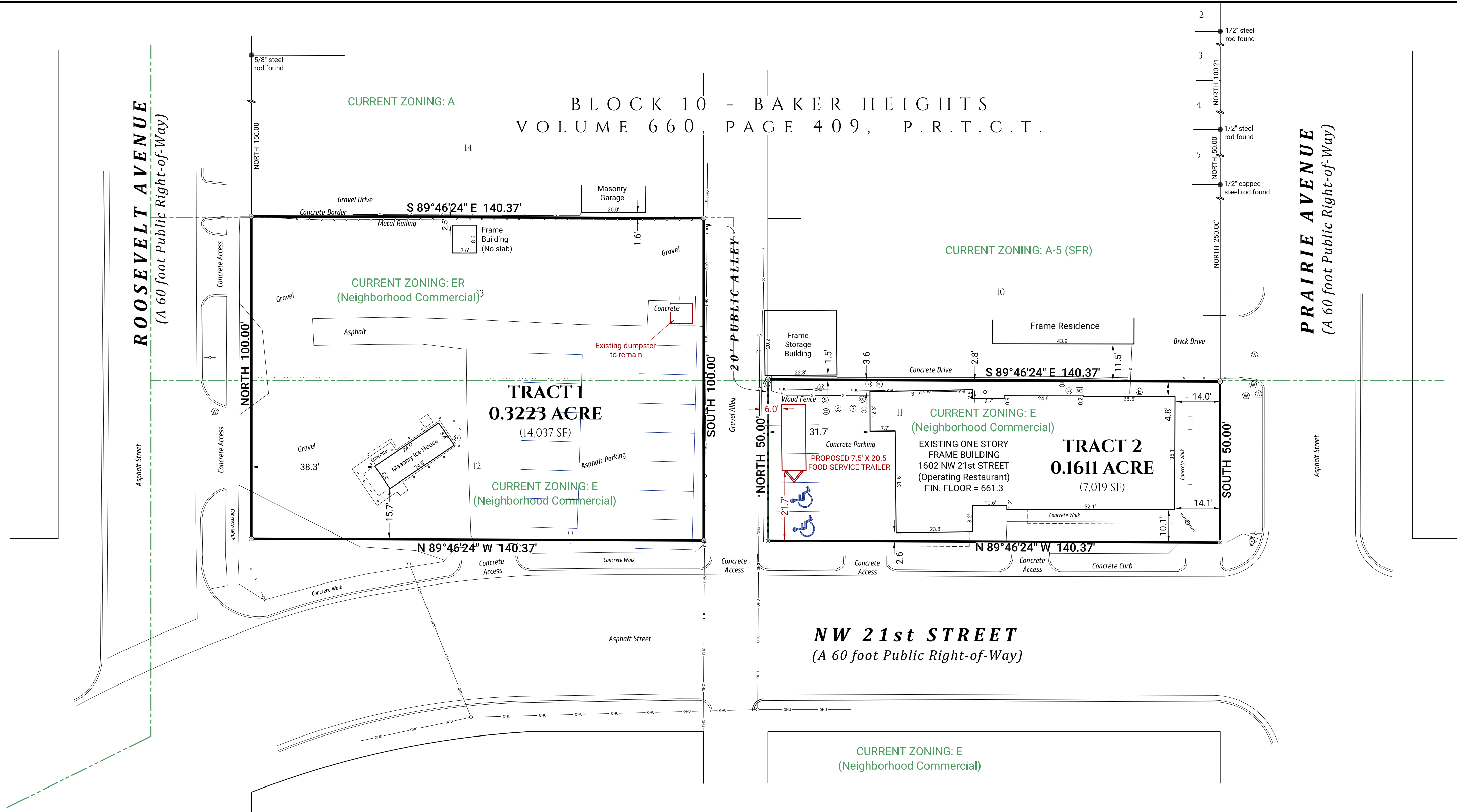
Area Zoning Map

Applicant: Martha Munoz
 Address: 1600 & 1602 NW 21st Street
 Zoning From: E
 Zoning To: F
 Acres: 0.16899104
 Mapsco: 62J
 Sector/District: Northside
 Commission Date: 12/8/2021
 Contact: 817-392-2495



Subject Area
 300 Foot Notification





LEGAL DESCRIPTION OF SURVEYED TRACT:

Tract 1: All of Lot 12 and Lot 13, Block 10, Baker Heights, an Addition to the City of Fort Worth, Tarrant County, Texas according to the plat thereof recorded in Volume 660, Page 409 of the Plat Records of Tarrant County, Texas.

Tract 2: All of Lot 11, Block 10, Baker Heights, an Addition to the City of Fort Worth, Tarrant County, Texas according to the plat thereof recorded in Volume 660, Page 409 of the Plat Records of Tarrant County, Texas.

FLOOD STATEMENT: Based on scaling the surveyed lot shown hereon onto the FEMA Flood Insurance Rate Map No. 48439C0190L (Rev. 3-21-19), the Surveyed Tract lies within FEMA Zone X and does not lie within the FEMA designated 100-year flood plain. Miller Surveying, Inc. makes no statement as to the likelihood of the actual flooding of the Surveyed Tract.

ACCESS STATEMENT: The surveyed tract adjoins and has physical access to NW 21st Street, Roosevelt Avenue and Prairie Avenue.

BENCHMARK SOURCE: City of Fort Worth Monument No. 5624 as published (Elevation 545.00)

SURVEYOR'S CERTIFICATION:

I, Jason B. Rawlings, Registered Professional Land Surveyor No. 5665 of the State of Texas, by placing my seal hereon, certify to the above parties that: a) This document serves as my graphic representation of a land survey of the 0.3223 acre tract and the 0.1611 acre tract shown and described hereon (collectively the "Surveyed Tract"); b) Said survey being performed on the ground, under my supervision, on March 29, 2021; c) The boundary lines and dimensions indicated hereon are based on said survey and are true and correct; d) As of the Date of Certification, the corner monuments shown hereon were in place as indicated; e) The location of all buildings and improvements shown hereon are as depicted and are set back from the tract boundaries by the dimensions shown; f) There are no visible encroachments, protrusions, boundary line conflicts, visible easements, or easements of record as furnished to me, affecting the surveyed tract, except as shown or noted otherwise; g) The surveyed tract adjoins and has physical access to a private street;

Date of Certification: September 28, 2021

- Development Notes per City of Fort Worth:**
- All lighting shall conform to the lighting code.
 - All signage shall conform to Article 4, Signs.
 - Project shall comply with Sec. 6.301, Landscaping
 - Project shall comply with Sec. 6.302, Urban Forestry

City of Fort Worth Zoning Case ZC-21-205
Approved on the ____ day of _____, 2022

Director of Development Services

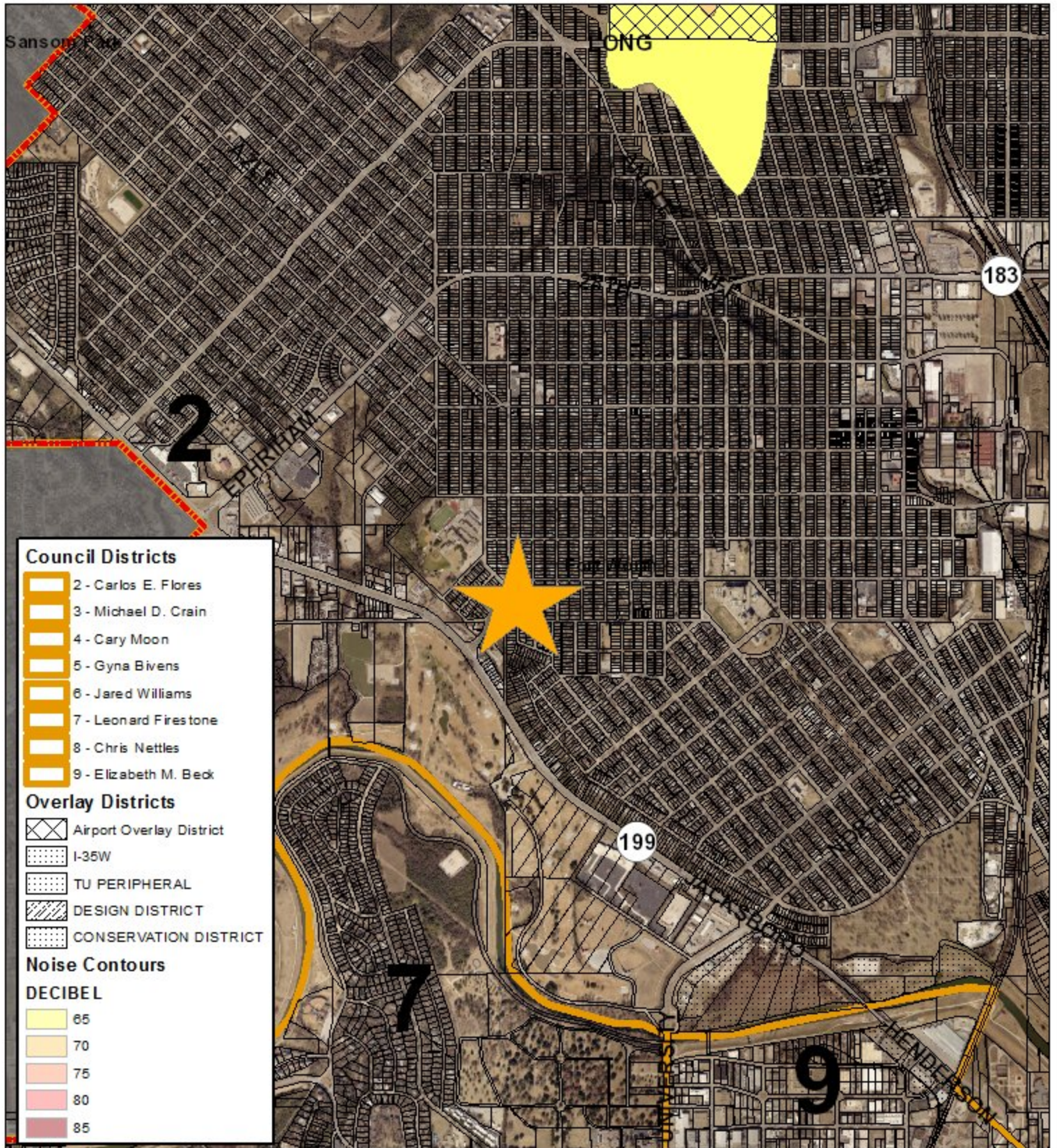


**SITE PLAN
1602 NW 21st STREET**

MILLER
SURVEYING, INC.
Professional Precision.
8504 Precinct Line Rd. Ste. 180
Colleyville TX 76034 • 817-577-1052
millersurveying.net
TxDLSF No. 10100400



Area Map



Council Districts

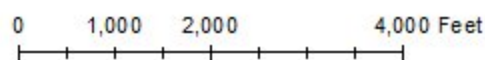
- 2 - Carlos E. Flores
- 3 - Michael D. Crain
- 4 - Cary Moon
- 5 - Gyna Bivens
- 6 - Jared Williams
- 7 - Leonard Firestone
- 8 - Chris Nettles
- 9 - Elizabeth M. Beck

Overlay Districts

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

Noise Contours

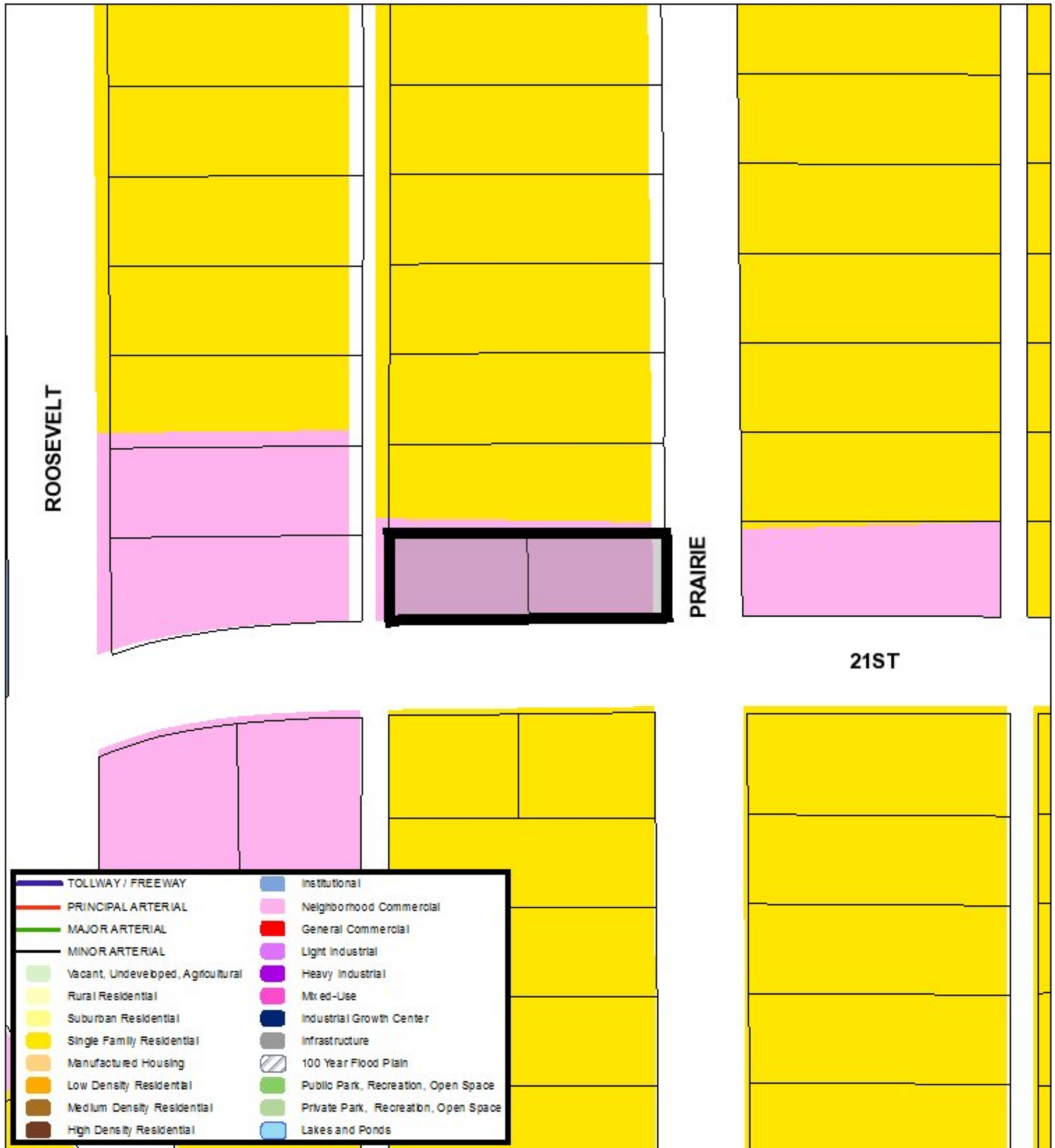
- DECIBEL**
- 65
 - 70
 - 75
 - 80
 - 85



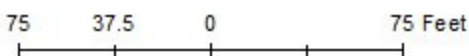


ZC-21-205

Future Land Use



	TOLLWAY / FREEWAY		Institutional
	PRINCIPAL ARTERIAL		Neighborhood Commercial
	MAJOR ARTERIAL		General Commercial
	MINOR ARTERIAL		Light Industrial
	Vacant, Undeveloped, Agricultural		Heavy Industrial
	Rural Residential		Mixed-Use
	Suburban Residential		Industrial Growth Center
	Single Family Residential		Infrastructure
	Manufactured Housing		100 Year Flood Plain
	Low Density Residential		Public Park, Recreation, Open Space
	Medium Density Residential		Private Park, Recreation, Open Space
	High Density Residential		Lakes and Ponds



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 6, 2018.



Aerial Photo Map



0 45 90 180 Feet

