



Zoning Staff Report

Date: January 11, 2022

Case Number: ZC-21-111

Council District: 8

Zoning Map Amendment

Case Manager: [Brett Mangum](#)

Owner / Applicant: Susan Martinez, N&A Properties, Inc. / Jim Dewey Jr., JDJR Engineers & Consultants

Site Location: 1400 & 1410 East Berry St.

Acreage: 4.00 acres

Request

Proposed Use: Gas Station w/ Car Wash & Convenience Store w/ drive thru restaurant

Request: From: “MU-1” Low Intensity Mixed Use

To: “E” Neighborhood Commercial

Recommendation

Land Use Compatibility: Requested change **is compatible**

Comprehensive Plan Consistency: Requested change **is not consistent**

Staff Recommendation: **Denial**

Zoning Commission Recommendation: **Denial by a vote of 8-0**

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Project Description and Background

The applicant is proposing to build a new gas station on this site, which is currently undeveloped. The property is situated in NEZ Area Six, as well as being a part of the Berry Riverside Urban Village. Urban Villages are small geographic areas (usually around a square mile) zoned for dense, mixed-use development that is both transit and pedestrian-friendly. The City of Fort Worth is working with developers, business groups, and neighborhood associations to revitalize older commercial districts using capital improvements, mixed-use zoning, and economic incentives to help urban village development throughout the central City.

Accessory uses to the gas station that are included in the plans are: a car wash situated to the rear of the property, a 4,100 square foot convenience store, and a 1,900 square foot drive-thru restaurant.

Case History:

First hearing: **August 11th** Zoning Commission - Applicant requested a 60-day continuance at that time in order to work on providing renderings & landscaping plans. No renderings or landscape plans were supplied to the City in this timeframe.

Second hearing: **October 13th** Zoning Commission - Applicant requested a 30-day continuance at that time for unspecified reasons.

Third hearing: **November 10th** Zoning Commission - Applicant requesting additional time for architectural renderings. The Commissioners emphasized that additional continuances would be unlikely and that the applicant needed to bring something new forward for the Commission to review in December, but granted the request for a 30-day continuance.

Fourth hearing: **December 8th** Zoning Commission – Applicant provided renderings showing a proposed gas station/restaurant/car wash with Art Deco architectural treatments. Zoning Commission voted to recommend Denial on this rezoning request based on it not being in alignment with the Future Land Use designation.

Surrounding Zoning and Land Uses

North “MU-1” Low Intensity Mixed Use / bail bonds, retail center
East “MU-1” Low Intensity Mixed Use / Sierra Vista Transit Plaza (bus station)
South “I” Light Industrial / warehouse
West “I” Light Industrial / auto repair

Recent Zoning History

- None

Public Notification

300-foot Legal Notifications were mailed on July 23, 2021.

The following organizations were emailed July 26, 2021:

Organizations Notified	
Fort Worth ISD	Southeast Fort Worth Inc
Trinity Habitat for Humanity	Streams and Valleys Inc
Morningside NA*	Vicki Ln.-Bowie St. Homeowners & Tenants Assoc.
Glencrest Civic League NAS	United Communities Assoc. of Fort Worth

* Located within this registered Neighborhood Association

Land Use Compatibility

A new gas station with accessory uses (car wash, drive thru restaurant, and convenience store) would be the first such combination in this immediate vicinity. There are three (3) gas stations less than 1 mile to the west at the I-35 and Berry intersection (Racetrac, Chevron, and Stop & Go) and four (4) more gas stations (Murphy Express, 7-Eleven, Valero, Exxon) at Renaissance Square at 287 & East Berry St. Both existing clusters of gas stations are located on freeways, while the current proposal is roughly one (1) mile east of a freeway.

The surrounding properties are currently largely commercial and industrial and would not be heavily impacted by the operation of a gas station on this site. While there are already several gas stations in this area, overall the proposed zoning **is compatible** with existing surrounding land uses.

Comprehensive Plan Consistency – Southside

While the Land Use Compatibility review accounts for the current land uses of the site, the Comprehensive Plan Consistency review looks at the future of the surrounding areas as City Council envisions it. The 2021 Comprehensive Plan currently designates the subject property as future Mixed-Use.

The site is located within the perimeter of the Berry Riverside Urban Village. Quality retail development and mixed income housing are the primary targets for growth within this boundary, which is located near the intersection of two (2) major roads, Riverside Drive and East Berry Street. It is discretionary on the part of the Zoning Commission and the City Council to determine whether or not the proposed development meets the standard of “quality retail development” envisioned by the Berry Riverside Urban Village.

Generally, the urban villages are urbanized places with concentrations of jobs, housing, commercial uses, public spaces, public transportation, and pedestrian activity. The site is currently zoned to house a mixed use development. The current zoning is also in alignment with the adopted future land use plan contained within the adopted Comprehensive Plan. Changing the zoning to “E” would allow the proposed use but would eliminate a large opportunity tract that is currently zoned to accommodate an active, mixed-use development. The site is also immediately adjacent to the Sierra Vista Transit Plaza, which serves 4 major transit lines (Trinity Metro routes 3, 5, 8, and 24). The proximity to transit would be an ideal place to incorporate a mixed-use development with a workforce or affordable housing component.

As the proposed development is solely commercial, and not a mix of commercial and residential components true to the mixed use zoning and future land use designations, the proposed zoning **is not consistent** with the Comprehensive Plan for this area. It may be worthwhile to consider retaining the existing mixed-use zoning on this site as there are relatively few areas zoned mixed-use throughout the City (*less than 3%* of the City limits, per the latest Comprehensive Plan). Also take into consideration the Urban Village designation and what the vision for the area in the future is.

Additionally, the Comprehensive Plan promotes housing in areas adjacent to existing transit connections, those policies are included below:

CHAPTER 4

LAND USE

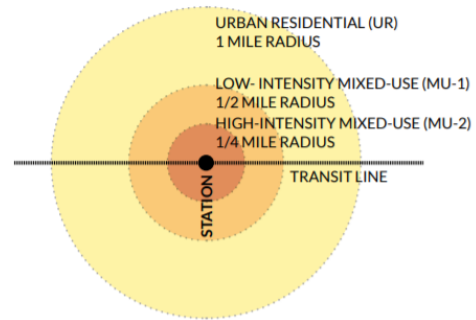
Land use refers to how land is currently used and how it should be used in the future. Population and economic trends help predict future needs for various land uses. The City of Fort Worth guides land use to ensure that land resources appropriately encourage economic development, promote a variety of housing choices, preserve natural and historic resources, and accommodate transportation routes and public facilities, in order to protect and improve Fort Worth's quality of life.

POLICIES & STRATEGIES

STRATEGIES

- Plan for, facilitate, and aggressively pursue appropriate transit-oriented development (TOD) at existing and future transit station locations. A TOD encourages compact urban development adjacent to transit stations. Mixed uses in a single building, minimal setbacks, and taller structures help achieve the higher densities necessary to support transit. Retail businesses and services for commuters should be located adjacent to transit stops, between the rail platform and parking facilities.

SUGGESTED ZONING AROUND PUBLIC TRANSIT



CHAPTER 5 HOUSING

Provision of adequate and appropriate housing for all residents is essential to building strong neighborhoods. The City of Fort Worth's key housing goals are increasing the supply of quality affordable accessible housing; expanding homeownership opportunities; revitalizing neighborhoods; creating mixed-income communities; and better aligning housing choice options with multimodal transportation opportunities, as typically occurs in Transit-Oriented Development.

Below are the City's key housing goals and objectives, which are intended to help guide allocation of City resources to address housing needs in the City of Fort Worth.

- 6** Continue to promote specific public incentives to encourage housing development in City designated target areas, i.e., Central Business District, Central City, Designated Investment Zones, Transit-Oriented Development, Urban Villages, etc.
 - Support affordable housing in mixed-use development projects in accordance with the City's tax abatement and Neighborhood Empowerment Zone policy.

Economic Development Plan

The 2018 Economic Development Strategic Plan identified a vision, goals, and strategies to facilitate the success and growth of the City of Fort Worth.

One goal listed in the Executive Summary is that the City should do all it can to help ensure quality development in specific corridors and at existing business nodes. One strategy to help reach this goal is for the City to prevent “...the proliferation of land uses and activities that might diminish the economic potential of a target area, such as large public sector or nonprofit developments, and land-intensive, auto-centric development (e.g. **gas stations**, automotive repair shops, car washes, storage unit complexes).”

INITIATIVE: NEIGHBORHOOD ALIGNMENT

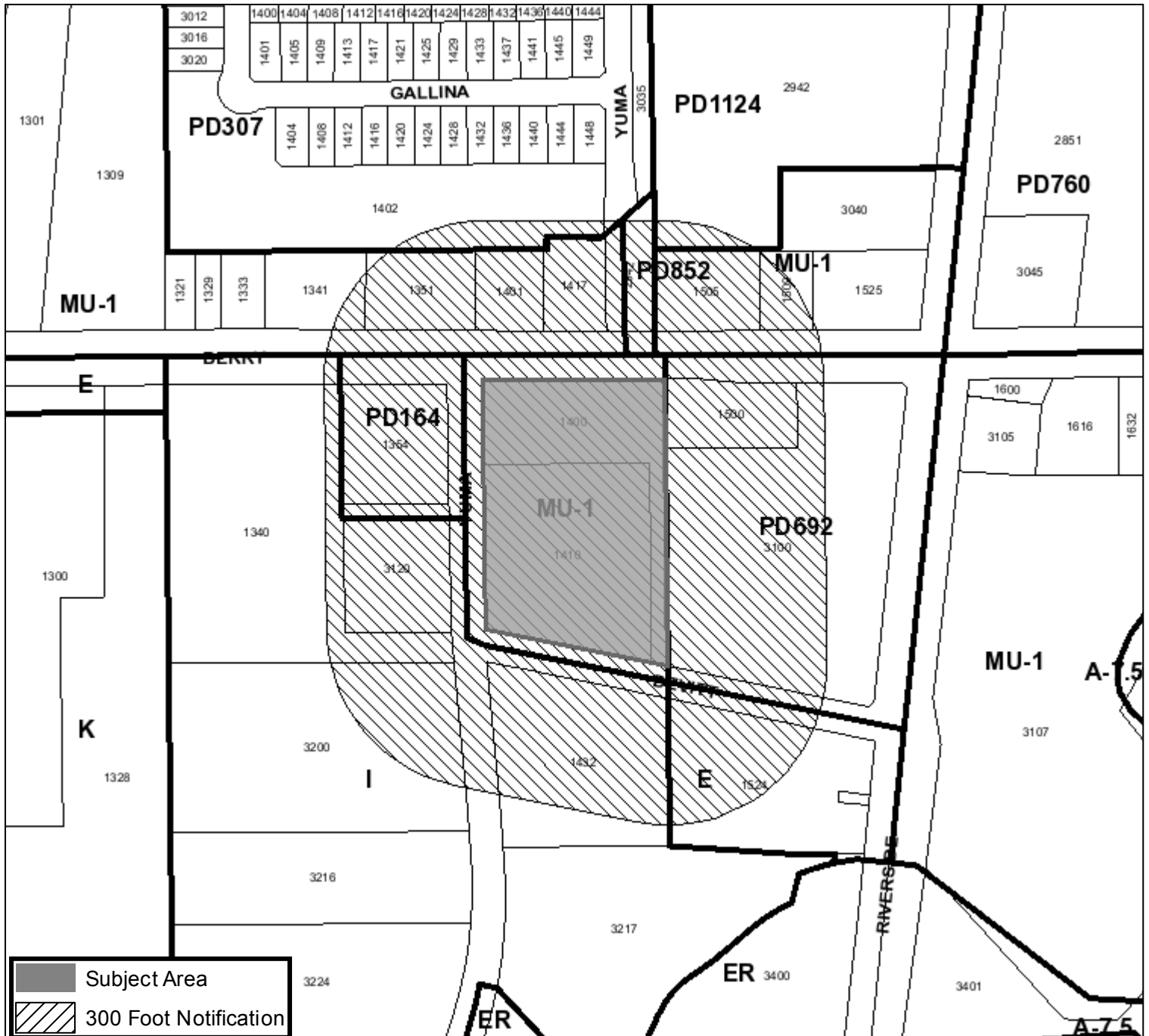
PRIORITY STRATEGY: Focus City investments along specific corridors and at nodes of existing business activity.



Challenge	<i>Economic development does not guarantee prosperity for all. Even in the nation’s most successful and diversified metropolitan economies, specific geographies and segments of the population are often left behind. Fort Worth is no exception. Segments of the city’s population in specific neighborhoods and corridors have struggled to achieve prosperity, even while the city as a whole has experienced widespread growth. The City can and should play a lead role in catalyzing development in under-served neighborhoods and for under-served residents.</i>
Response	<i>Public investments in economic development must be made only when they can reasonably be expected to generate economic benefits. The City must play a lead role as a strategic investor to catalyze development in neighborhoods and corridors targeted for urban revitalization. Just as important, the City is responsible for preventing the proliferation of land uses and activities that might diminish the economic potential of a target area, such as large public sector or nonprofit developments (e.g., community centers, churches, homeless services centers) and land-intensive, auto-centric development (e.g., gas stations, automotive repair shops, car washes, storage unit complexes).</i>
Results	<i>Outcomes for challenged neighborhoods receiving targeted investments include ancillary development, tax base growth, and job creation.</i>

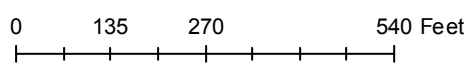


Area Zoning Map

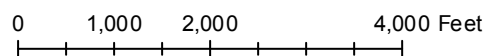
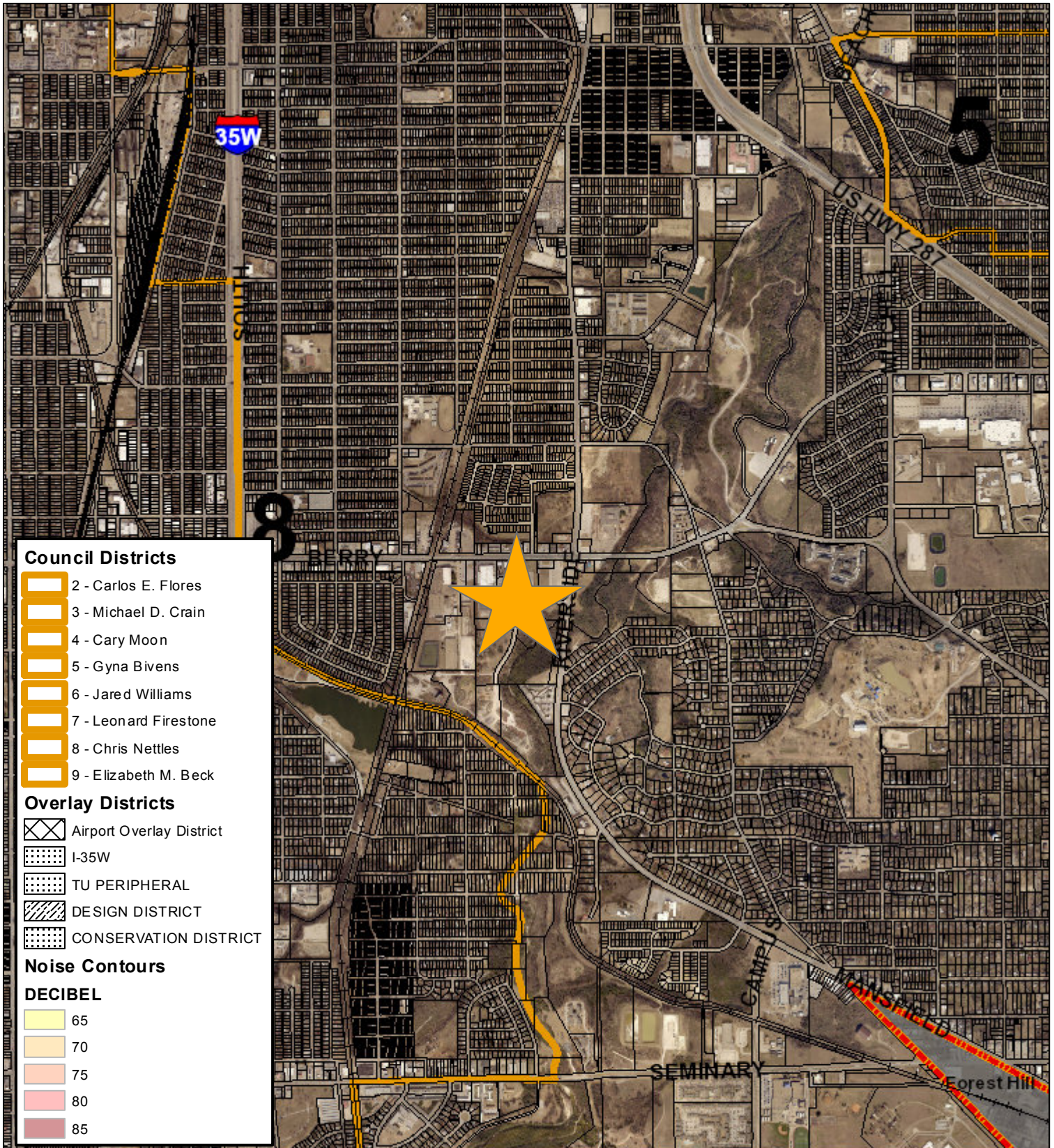
Applicant: N&A Properties
 Address: 1400 & 1410 E. Berry Street
 Zoning From: MU-1
 Zoning To: E
 Acres: 3.99881266
 Mapsco: 77Y
 Sector/District: Southside
 Commission Date: 8/11/2021
 Contact: 817-392-2806



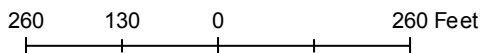
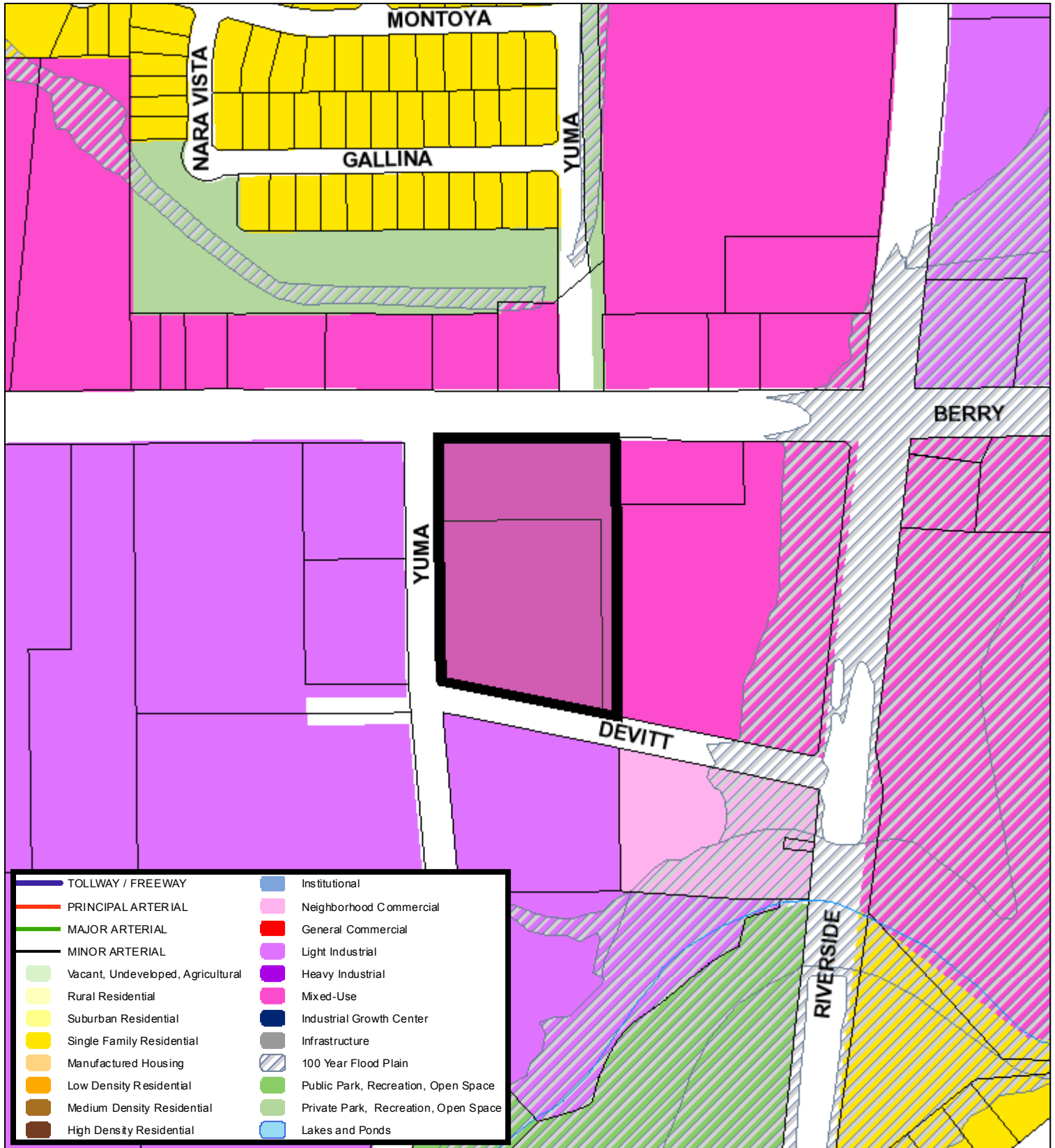
 Subject Area
 300 Foot Notification



Area Map



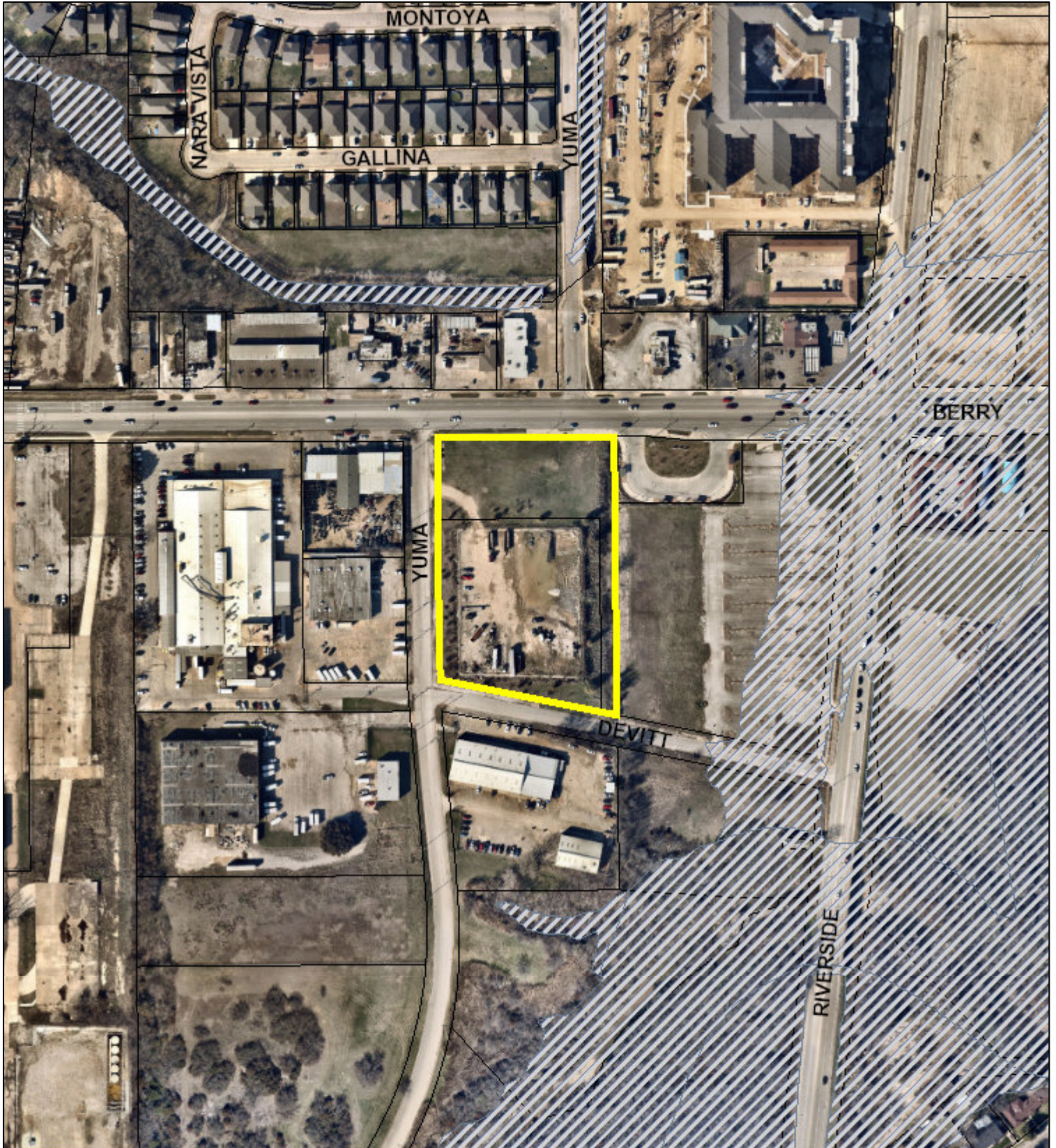
Future Land Use



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 6, 2018.



Aerial Photo Map



0 165 330 660 Feet

