



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
November 10, 2020

Council District 2

Zoning Commission Recommendation:
Approval by a vote of 7-0

Opposition: one letter
Support: letter Northside NA

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

Owner / Applicant: Gould Avenue, LLC

Site Location: 1300, 1302, 1304, 1306 Gould Avenue Acreage: .70

Proposed Use: Commercial

Request: From: "CF" Community Facilities
To: Add Conditional use permit (CUP) for restaurant with alcohol sales; site plan included

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

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

Staff Recommendation: Approval

Background:

The property is located at the intersection of Gould Avenue & Northside Drive. The applicant is requesting a zoning change to add a Conditional Use Permit (CUP) for a restaurant with alcohol sales; site plan included. The subject property was rezoned to Community Facilities "CF" for the church use back in 2011, the property has sold. According to historic aerials the church appears to have been built prior to 1950 and may have been constructed prior to the Zoning Ordinance.

The applicant has stated they will keep the existing structure and remodel it for a take-out restaurant facility with alcohol sales. The remainder of the lots 19 and 20 will be used as green space as indicated on the site plan with the exception of the dumpster location and will act as a buffer to the single family uses in the block.

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 a restaurant is not permitted in the "CF" zoning district by right, allowing it by CUP with a site plan may help mitigate any neighborhood concerns.

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.

Site Information:

Surrounding Zoning and Land Uses:

North "A-5" One-Family / single family
East "A-5" One-Family / single family
South "A-5" One-Family / single family
West "A-5" One-Family / single family

Zoning History: ZC-11-016 Council-initiated rezoning for multiple properties to various zoning districts, approved and effective 3/18/11

Site Plan Comments:

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

1. The existing building encroaches into established setbacks along Gould Avenue (20 ft.) and Northside Drive (20 ft.) **(requires development regulation standard)**
 - **(analysis: Based on the existing building configuration, year constructed) Staff supports the encroachment into established setbacks.**
2. A 5 ft. bufferyard is required along all property lines please indicate on the site plan. If the existing building and any parking spaces encroach. **(requires development regulation standard)**
 - **(analysis: Based on the existing building configuration, year constructed) Staff supports the encroachment into the 5 ft. bufferyard.**
3. Parking is prohibited in the front yard for CF zoning. **(requires development regulation standard)**
 - **(analysis: Approximately 3 parking spaces encroach into the projected setback. Based on the past aerials the parking has always been in place) Staff supports the encroachment of 3 parking spaces in the projected front yard.**

The Zoning Commission recommended Approval to the 3 development regulations standards noted above.

The site plan comments noted above shall be addressed on the site plan per the CUP Ordinance.

(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 conditions.)

Public Notification:

300 foot Legal Notifications were mailed on September 24, 2020.

The following organizations were notified: (emailed September 21, 2020)

Organizations Notified	
Inter-District 2 Alliance	Streams and Valleys Inc
Northside NA*	Trinity Habitat for Humanity
Tarrant Regional water District	Fort Worth ISD

Located within a registered Neighborhood Association*

Development Impact Analysis:

1. Land Use Compatibility

The applicant is requesting a zoning change for a Conditional Use Permit (CUP) for a restaurant with alcohol sales. Surrounding land uses are predominantly single family.

The proposed zoning for a CUP **is compatible** at this location.

2. Comprehensive Plan Consistency – Northside

The 2020 Comprehensive Plan designates the subject property as Institutional. The requested zoning classification is not appropriate for the land use designation. The requested CUP zoning is not consistent with the following Comprehensive Plan policies:

- Encourage new development in character with the existing neighborhood scale, architecture, and platting pattern, while working to improve pedestrian, bicycle, and transit access between adjacent neighborhoods and nearby destinations.
- Encourage infill development of compatible, single-family homes in existing neighborhoods to preserve and protect residential neighborhoods.

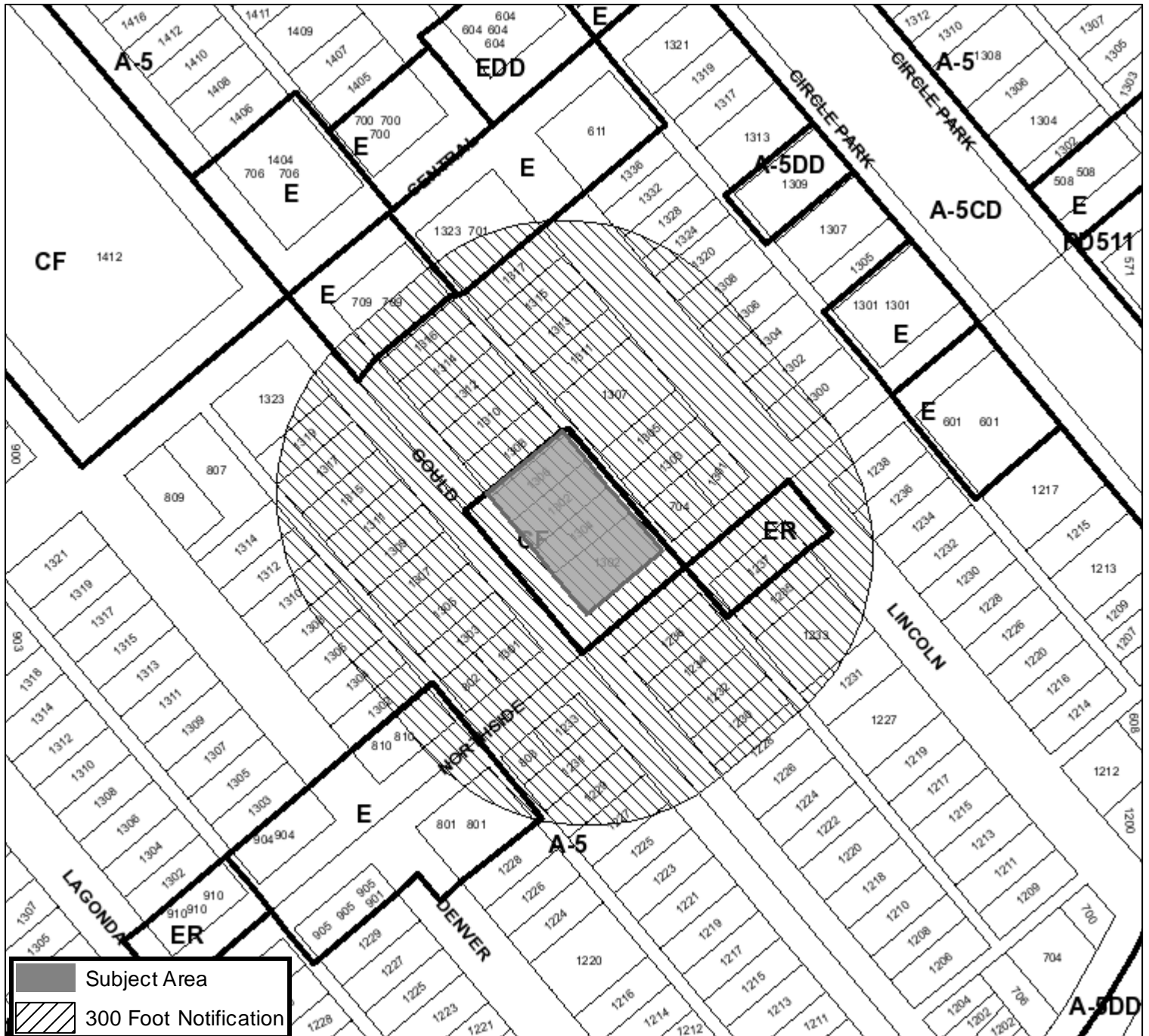
Based on lack of conformance with the future land use, and policies stated above, the proposed zoning **is not consistent (Significant Deviation)** with the Comprehensive Plan.



Attachments:

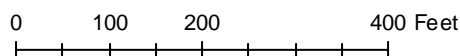
- Area Zoning Map with 300 ft. Notification Area
- Site Plan
- Area Map
- Future Land Use Map
- Aerial Photograph

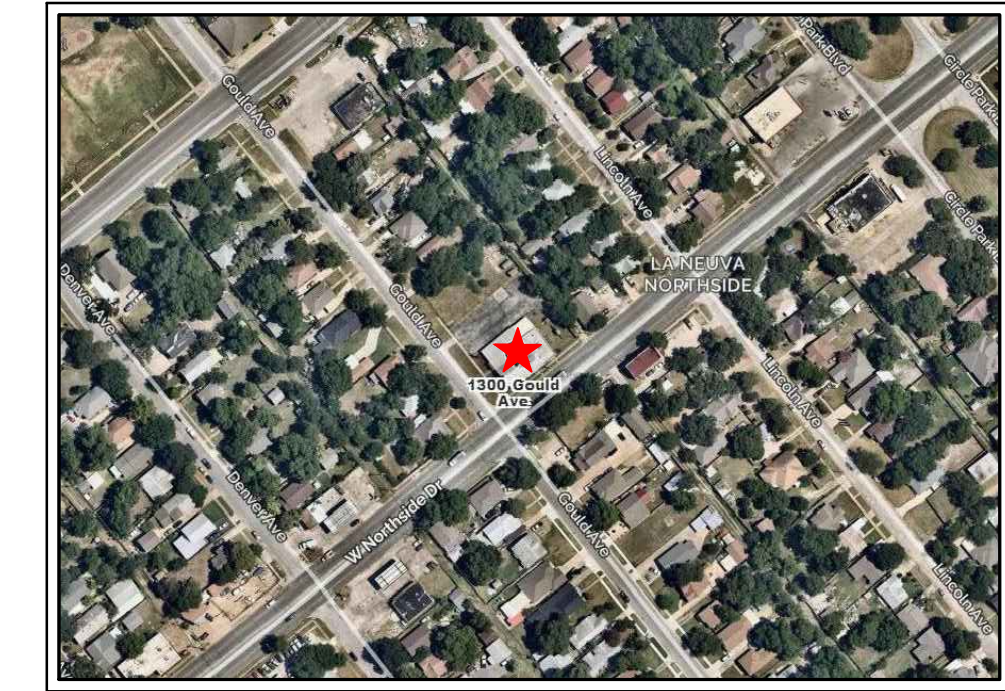
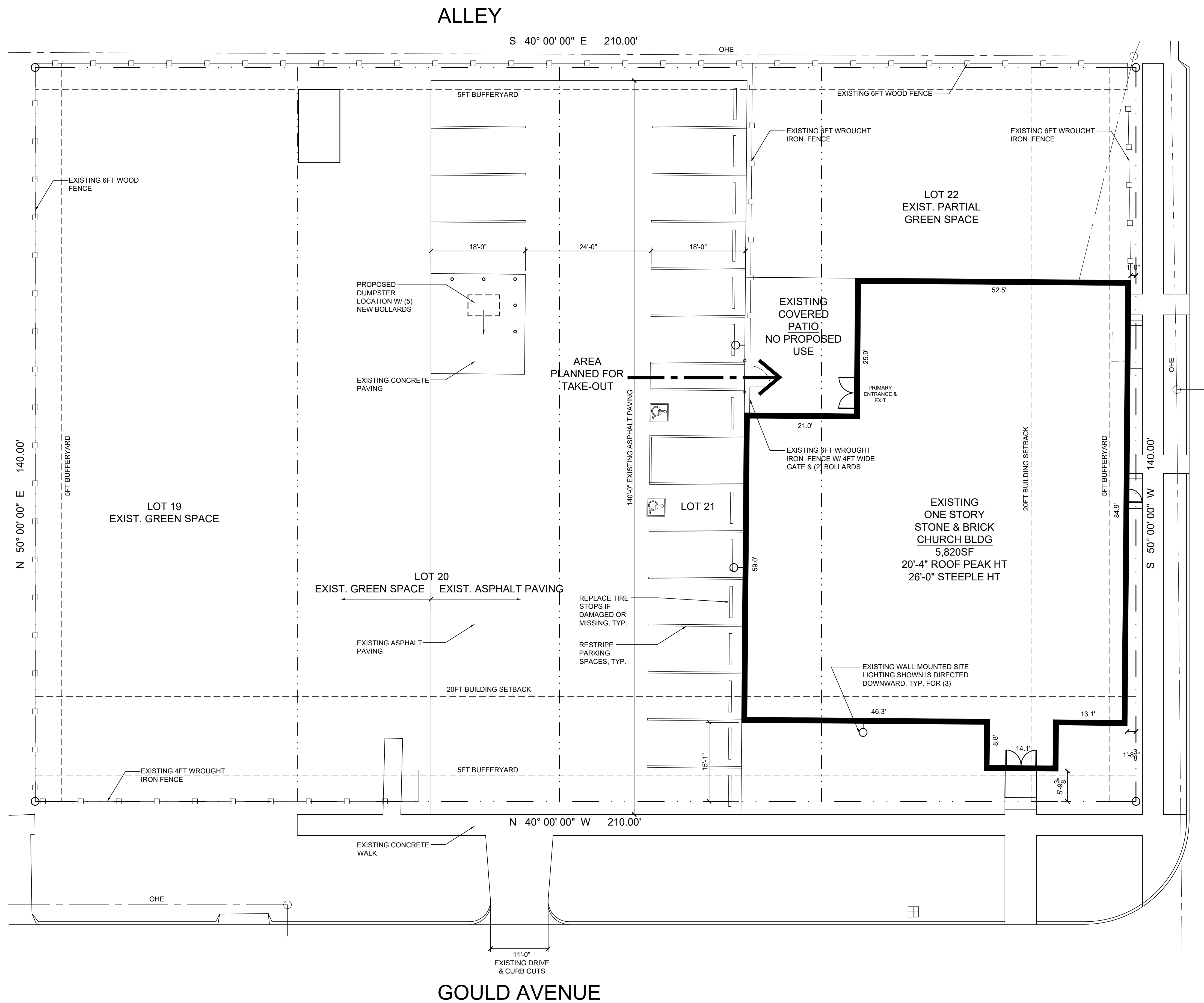
Area Zoning Map

Applicant: Gould Ave, LLC
 Address: 1300 - 1306 (evens) Gould Avenue
 Zoning From: CF
 Zoning To: Add Conditional Use Permit for restaurant with alcohol sales
 Acres: 0.70521057
 Mapsco: 62P
 Sector/District: Northside
 Commission Date: 10/14/2020
 Contact: 817-392-2495



	Subject Area
	300 Foot Notification





VICINITY MAP

NORTHSIDE DRIVE

- SITE GENERAL NOTES**
1. SITE PLAN WILL COMPLY WITH URBAN FORESTRY.
 2. SITE PLAN WILL COMPLY WITH LANDSCAPING.
 3. SITE PLAN WILL COMPLY WITH SIGNAGE.
 4. ANY BUILDING OR PARKING LOT LIGHTING SHALL BE SHIELDED, DIRECTED AWAY AND DOWNWARD FROM ANY RESIDENTIAL DISTRICT.
 5. THERE IS NO DETACHED SIGNAGE PROPOSED ON THE SITE PLAN.
 6. ALL FENCE SHOWN ON PLAN IS OWNED BY THIS CURRENT PROPERTY OWNER.
 7. THERE ARE NO PLANS TO EXTEND THE WROUGHT IRON FENCE ALONG GOULD AVENUE.
 8. RE-STRIPE EXISTING PARKING.
 9. REPLACE CONCRETE TIRE STOPS ALONG BUILDING IF DAMAGED OR MISSING.

AREA & OCCUPANCY LEGEND

FLOOR	AREA	% OF AREA	OCCUPANCY
PICK-UP AREA	322 SF	6 %	OCC = 1/100SF = 3
KITCHEN	948 SF	16 %	OCC = 1/200SF = 5
WALK-IN REFRIGERATORS	943 SF	16 %	OCC = 1/200SF = 5
DRY STORAGE	2,593 SF	45 %	OCC = 1/200SF = 13
OFFICE	162 SF	3 %	OCC = 1/100SF = 2
RESTROOMS	211 SF	4 %	-
HVAC	74 SF	1 %	-
JANITOR	15 SF	<1 %	-
ELEC ROOM	19 SF	<1 %	-
ADJ. FOR NET	855 SF	9 %	-
TOTAL	5,820 SF	100%	- TOTAL OCCUPANTS = 28

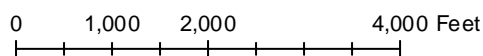
SIGNATURE BLOCK

 DIRECTOR OF DEVELOPMENT SERVICES DATE

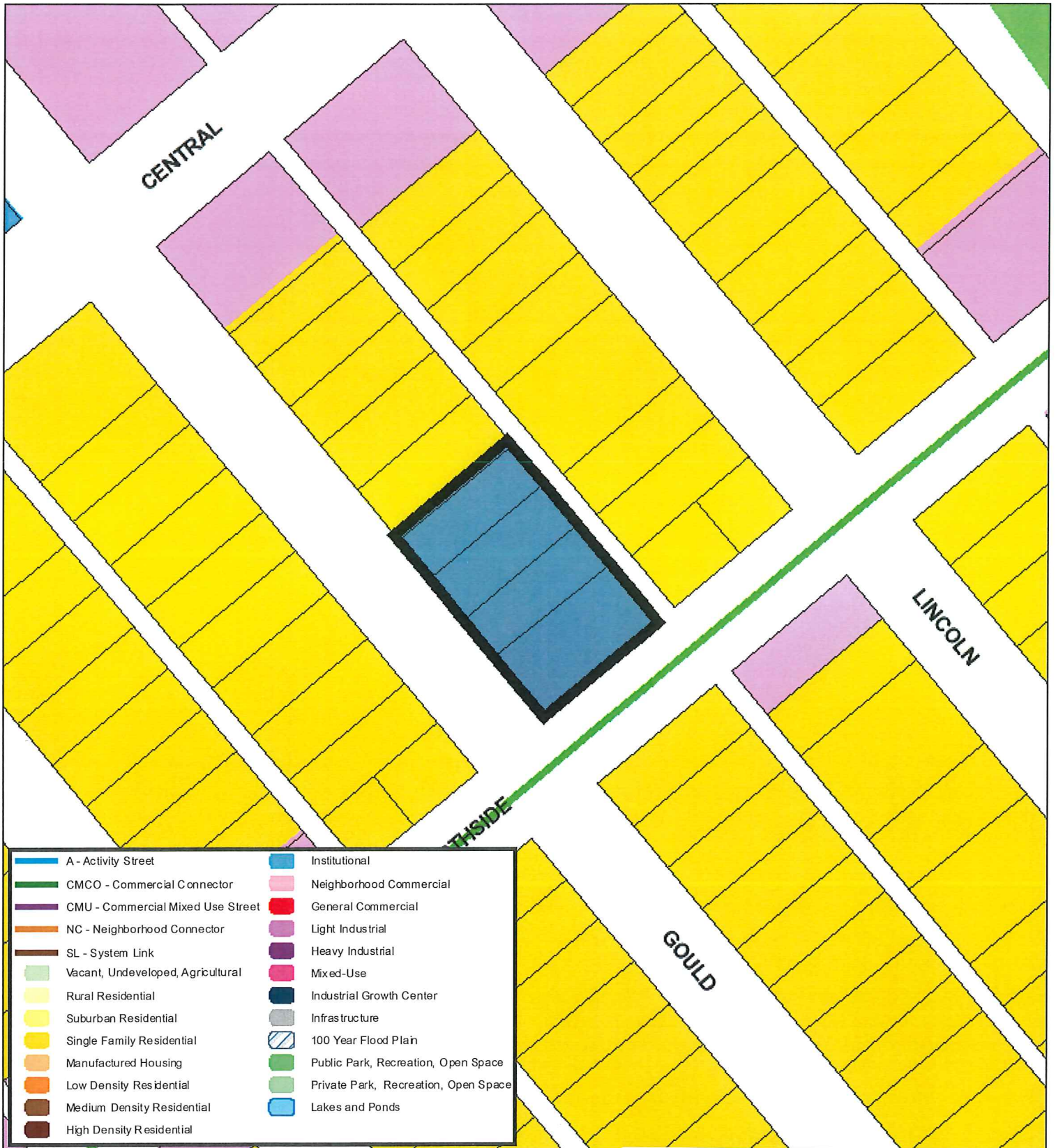


1 SITE PLAN
 SP1.0 1" = 10'-0"


Area Map



Future Land Use



120 60 0 120 Feet



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 3, 2020



Aerial Photo Map



0 75 150 300 Feet

