



Zoning Staff Report

Date: December 10, 2024

Case Number: ZC-24-129

Council District: 2

Zoning Map Amendment

Case Manager: [Sandy Michel](#)

Owner / Applicant: Robert Petrie

Site Location: 3900 Ohio Garden Road

Acreage: 0.35 acre

Request

Proposed Use: Commercial

Request: From: "B" Two Family
To: "ER" Neighborhood Commercial Restricted

Recommendation

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

Comprehensive Plan Map Consistency: Requested change is **consistent**

Comprehensive Plan Policy Consistency: Requested change is **consistent**

Staff Recommendation: **Denial**

Zoning Commission Recommendation: **Denial by a vote of 8-2**

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Project Description and Background

The subject property, covering approximately 0.35 acres, is located off the Jacksboro Highway. Currently, the property features a single-family residence, but the surrounding area includes a diverse mix of zoning districts, ranging from residential to industrial uses. Nearby parcels are zoned as follows: “B” Two-Family Residential, “MH” Manufactured Housing, "E" Neighborhood Commercial, and “I” Light Industrial.

The applicant intends to develop a parking lot on the property to serve as additional support for an auto shop planned on parcels immediately to the north, as specified in the zoning application and the zoning exhibit site plan (**Figure 1**). A preliminary site plan has been submitted, detailing the proposed re-platting and layout of the parking facility (**Figure 2**). Although this preliminary site plan provides an overview of the proposed development, it should be noted that a site plan submission is not required for the rezoning application in this case.

The applicant has provided a detailed project description to understand the reason for the request. The applicant has written, “*Proposed zoning change from existing B Zoning to E-R (Neighborhood Commercial Restrict). We are requesting a re-zoning so that the property can accommodate an auto shop per the owners request. Property Adjacent to the North is zoned I (Light Industrial).*”

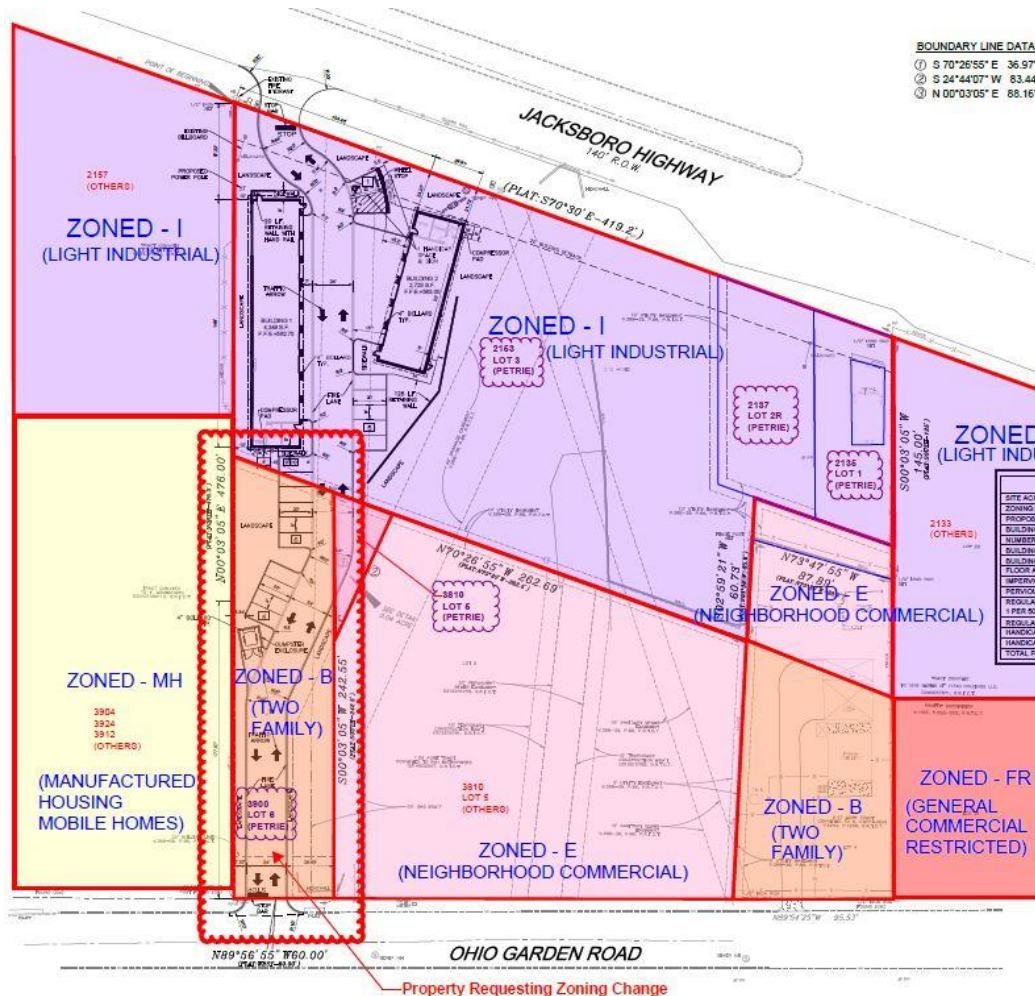


Figure 1: Zoning Exhibit Site Plan Exhibit A

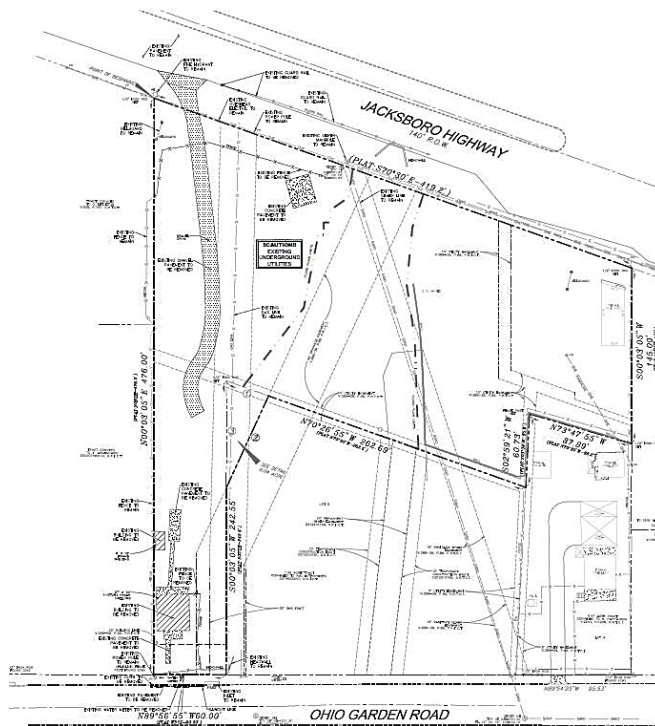


Figure 2: Proposed Platting Exhibit B



Figure 2: Site Photos

Surrounding Zoning and Land Uses

North	"I" Light Industrial / Commercial
East	"E" Neighborhood Commercial/ Commercial
South	"B" Two- Family / Residential
West	"MH" Manufactured Housing/ Residential

Recent Zoning History

- N/A

Public Notification

300-foot Legal Notifications were mailed on November 1, 2024.

The following organizations were notified: (emailed November 1, 2024)

Organizations Notified

Trinity Habitat for Humanity

Streams and Valleys Inc

** Located within a registered Neighborhood Organization*

Development Impact Analysis

Land Use Compatibility

The surrounding area consists of a varied mix of land uses, including commercial establishments, auto-related businesses, and residential properties. The applicant seeks to rezone the subject parcel to support the development of an auto shop on the adjacent northern parcel. Specifically, the applicant proposes using the subject property as a parking lot, which aligns with the permitted uses under the “ER” (Neighborhood Commercial Restricted) zoning designation, allowing for ‘Parking area or garage, storage commercial or auxiliary’ facilities.

While the proposed use as a parking lot is technically permitted within the “ER” zoning district, there are concerns regarding its impact on neighboring residential properties. Although the auto shop itself will not be situated on the subject parcel, staff is concerned that the proposed use may not adhere to certain protective standards typically applied to automotive repair facilities near residential, as outlined in Section 5.104, Automotive Repair; Paint and Body Shop. These standards are specifically designed to safeguard the character and quality of adjacent residential properties by mitigating potential negative impacts, such as noise, traffic, and visual intrusions.

However, by using the subject parcel solely as a parking lot, some of these protective measures may not be fully enforced, potentially exposing nearby residential areas to effects that these standards aim to minimize. Notable protective standards meant to shield residential properties from the impacts of nearby commercial and automotive uses include:

- ***All repairs must be conducted within an enclosed building.***
- ***Vehicle storage requirements for automotive repair; paint and body shops near one or two-family residential use.***

(1) Screening.

a. Automotive repair; paint and body shops located on property adjacent to a one- or two-family residential use must screen all vehicles that have been accepted for repairs from view from such residential use by parking/storing the vehicles within a building or by providing a six-foot solid screening fence or six-foot solid screen evergreen hedge along the property line adjacent to, or across an alley from, the one or two-family residential use. The solid screen evergreen hedge shall planted be in accordance with the zoning ordinance landscaping and buffer requirements.

b. All other automotive repair; paint and body shops within 200 feet from any one or two-family residential use must screen all vehicles that have been accepted for repairs from view from such residential use by parking/storing the vehicles within a building or by providing a six-foot solid screening fence or six-foot solid screen evergreen hedge on all property lines facing the residential use. The measurement of the distance between the automotive repair or paint and body shop and the one or two-family residential use shall be along the nearest property line of the one- or two-family residential use to the nearest property line of the

automotive repair or paint and body shop, along street lines and in a direct line across intersections. The solid screen evergreen hedge shall planted be in accordance with the zoning ordinance landscaping and buffer requirements.

(2) Overnight vehicle storage requirements.

a. No more than two vehicles per bay or repair/inspection station that have been accepted for repairs by the repair, paint or body shop may be stored/parked outside after regular business hours unless the vehicles in excess of two per bay or repair/inspection station are completely enclosed:

1. Behind a minimum six-foot solid screening fence in accordance with this section;
2. Behind a minimum six-foot solid screen evergreen hedge; or
3. Within a building.

Using the subject parcel exclusively as a parking lot may limit the enforcement of certain protective standards, potentially leaving nearby residential areas exposed to impacts—such as noise, increased traffic, and visual disturbances—that these measures are intended to mitigate. While the rezoning request aligns with the general land use patterns of the surrounding area, the suitability of the proposed use for this location remains uncertain. There are lingering concerns regarding the appropriateness of the parking lot’s potential effects on adjacent residential properties, which may not fully benefit from the protections that typically apply to more intensive automotive uses.

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

Comprehensive Plan Consistency- FLU Map and Policies

The adopted Comprehensive Plan currently designates the subject property as a Neighborhood Commercial on the Future Land Use Map.

COMMERCIAL		
Neighborhood Commercial	Retail, services, offices and mixed uses serving daily needs for a local market area	ER, E, MU-1, Applicable Form-Based Codes
General Commercial	Retail, services, offices and mixed uses serving occasional needs for a larger market area	All Commercial, MU-1, MU-2, Applicable Form-Based Codes

The proposed property’s designation is consistent with the Neighborhood Commercial category as outlined in the Future Land Use (FLU) Map. While the rezoning request to “ER” (Neighborhood Commercial Restricted) aligns with the FLU designation, the specific use proposed—a parking lot supporting a neighboring auto shop—may or may not fully align with the broader goals of the FLU.

The Comprehensive Plan promotes the development of vibrant, mixed-use communities that effectively integrate residential and commercial activities. Preserving the Neighborhood Commercial zoning is essential to maintaining this vision and supporting the area’s character and quality of life. Key policies guiding this vision include:

- Encourage infill development of compatible, single-family homes in existing neighborhoods to preserve and protect residential neighborhoods.
- 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.

The surrounding area exhibits a blend of zoning types, with manufactured homes to the south and commercial properties in adjacent parcels. Although the Neighborhood Commercial designation can accommodate a variety

of uses, the proposed parking lot, intended to serve the auto shop on the northern parcel, may not fully reflect the mixed-use, community-focused intent outlined in the Comprehensive Plan. The proposal warrants careful consideration to ensure alignment with the area's long-term vision and community character.

Based on conformance with the policies stated above, the proposed zoning is technically **consistent** with the Comprehensive Plan FLU Map and Policies.

Site Plan Comments

Zoning and Land Use

Since this rezoning application does not necessitate a site plan at this stage, the site plan approval will occur during the permitting process. Upon submission for permits, a plans examiner will conduct a thorough review of your site plan.

Given that there are existing structures on the property, it is essential to clearly identify and label all existing and proposed features on the site plan. This includes marking any structures, landscaping, or infrastructure that will remain as well as any new additions or modifications. Providing this detailed information upfront will facilitate a smoother review process and help the permitting team efficiently assess compliance with zoning and building requirements.

(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.)



Supplemental Information

Site Photos

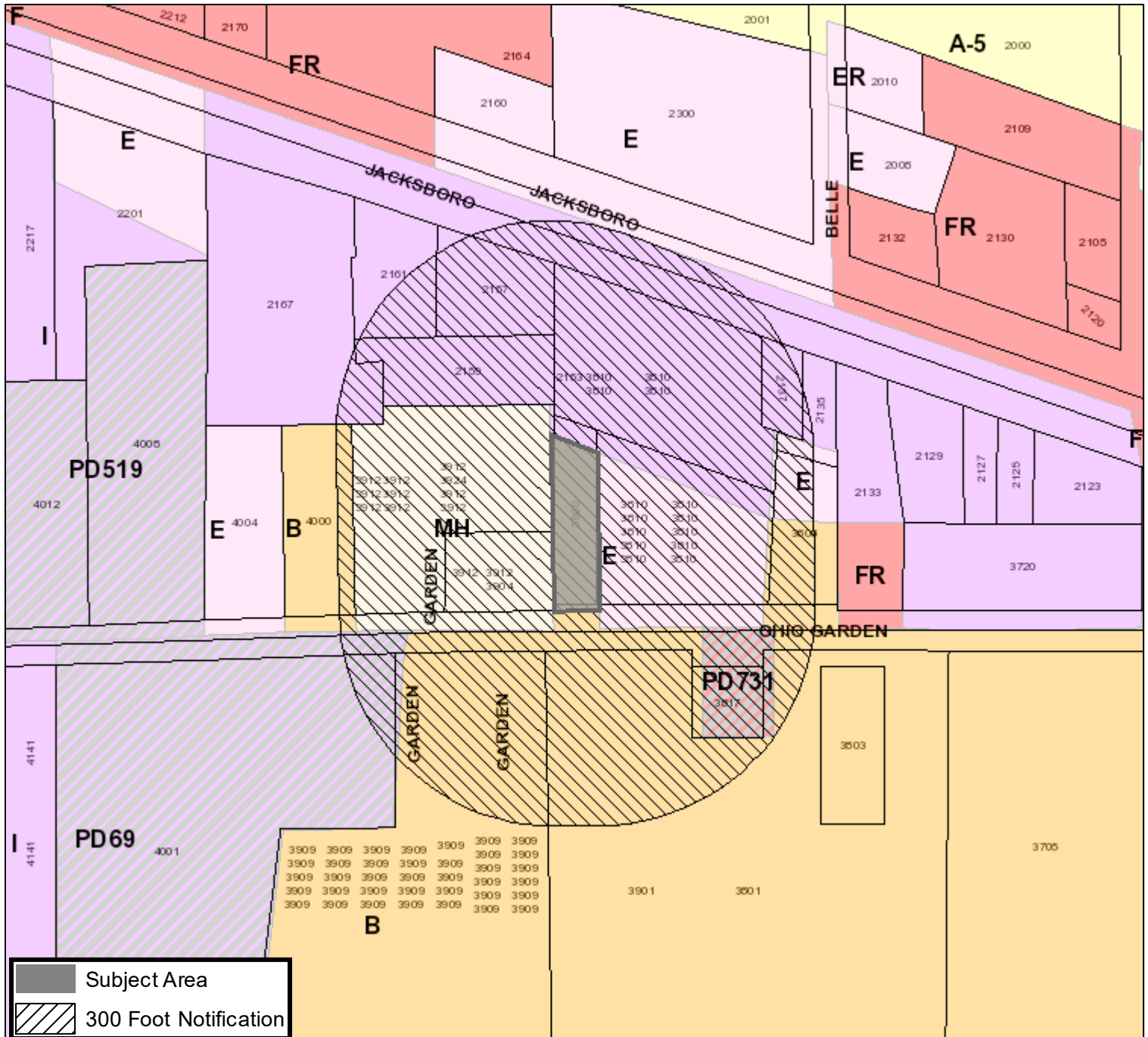




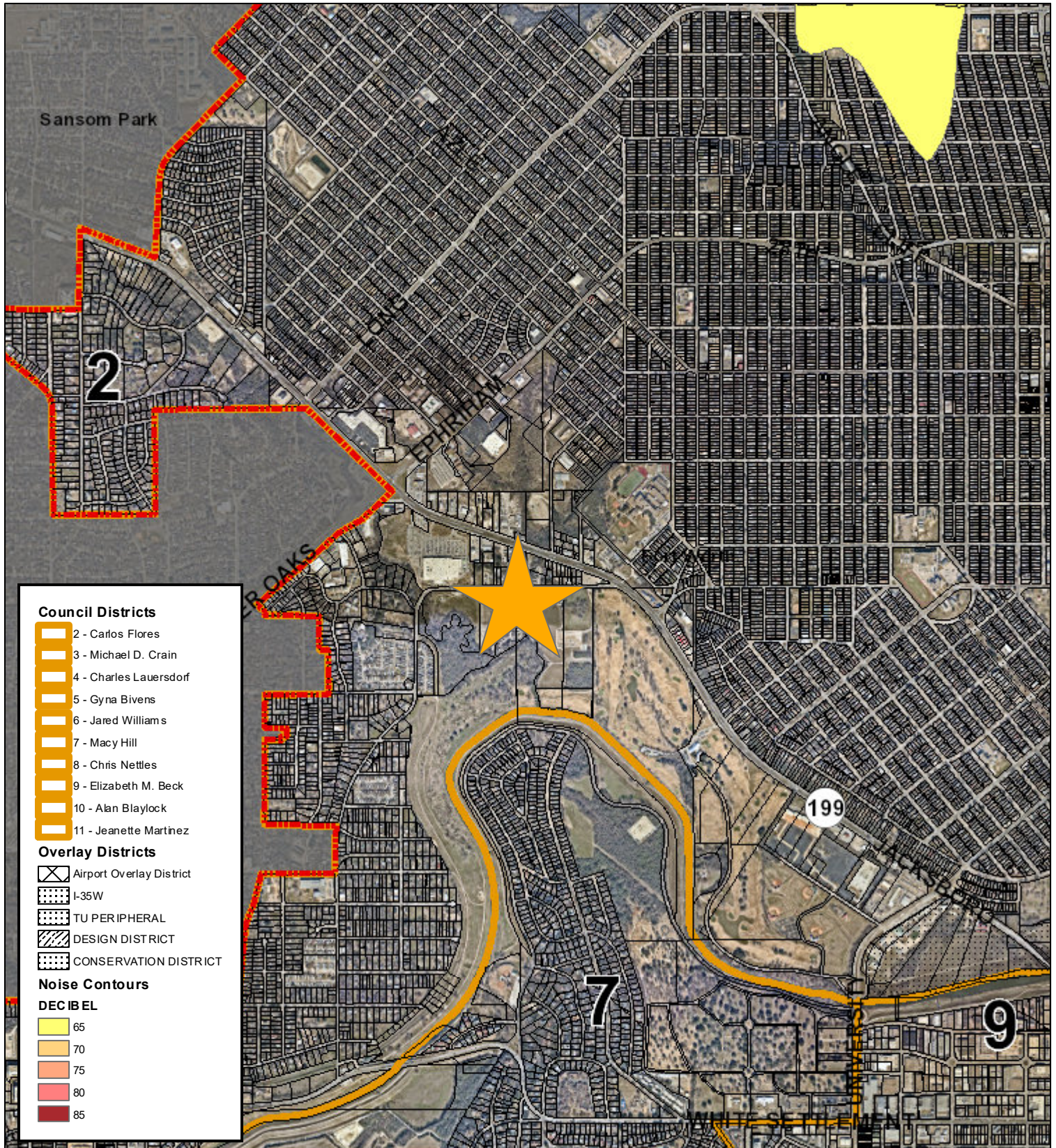
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Area Zoning Map

Applicant: Robert Petrie
Address: 3900 OHIO GARDEN RD
Zoning From: null
Zoning To: null
Acres: 0.34830885
Mapsc0: Text
Sector/District: Northside
Commission Date: 11/13/2024
Contact: 817-392-2806



Area Map

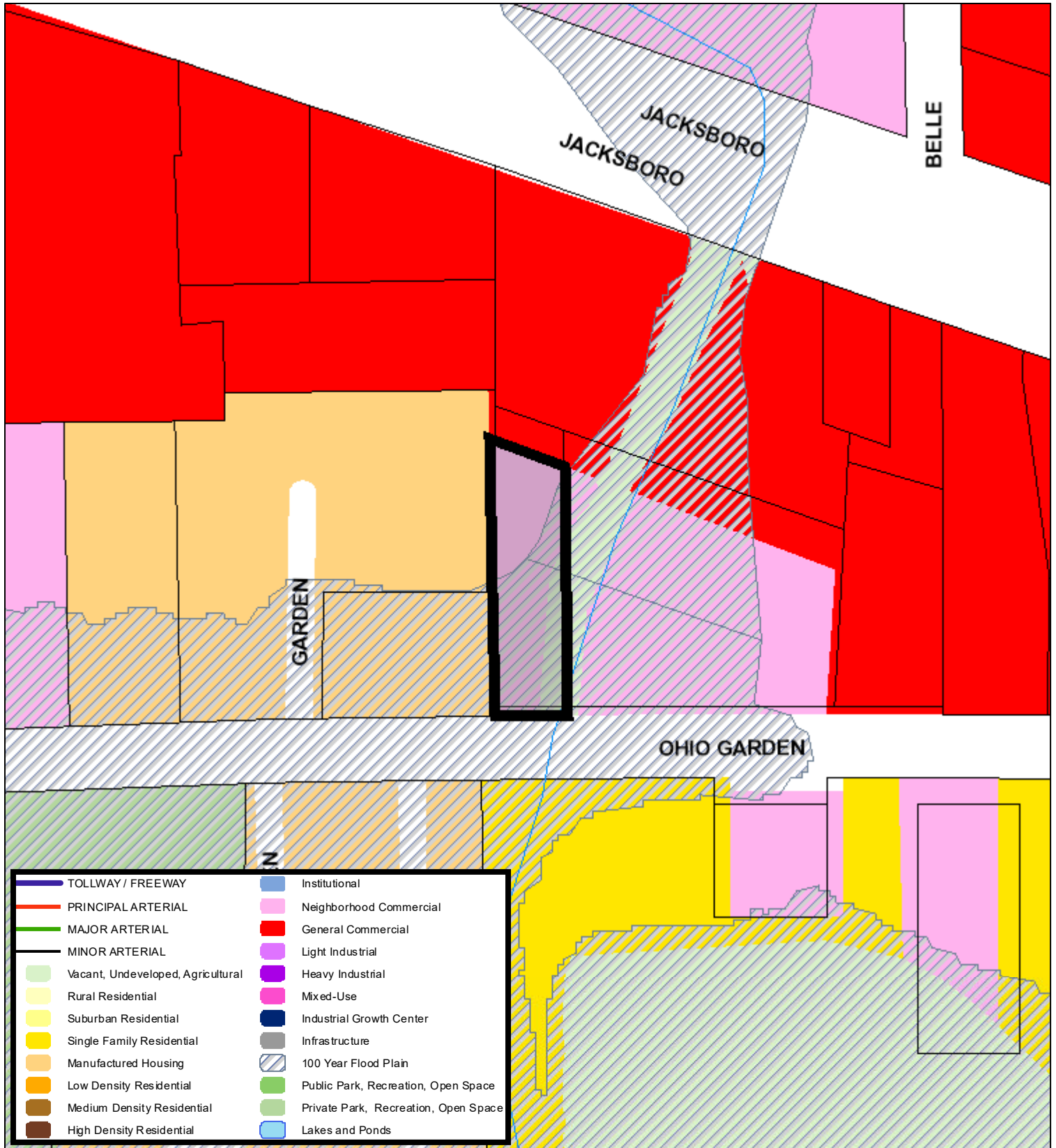


0 1,000 2,000 4,000 Feet



ZC-24-129

Future Land Use



110 55 0 110 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 6, 2018.



Aerial Photo Map

