



Zoning Staff Report

Date: March 19, 2024

Case Number: ZC-23-193

Council District: 4

Zoning Map Amendment & Site Plan

Case Manager: [Stephen Murray](#)

Owner / Applicant: M & I Venture, LLC / Mohammed Valiani

Site Location: 3409 Tarrant Pkwy

Acreage: 0.95 acres

Request

Proposed Use: Smoke Shop

Request: To: Add Conditional Use Permit (CUP) in “E” Neighborhood Commercial for a retail smoke shop; site plan included.

Recommendation

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

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

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

Staff Recommendation: **Denial**

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

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Project Description and Background

The site contains an existing roughly 7,700 square foot multi-tenant building. The property is situated near the northwest corner of the intersection of North Riverside Drive and North Tarrant Pkwy. The applicant is requesting to add a Conditional Use Permit (CUP) to allow a smoke shop within one of the existing tenant spaces. A site plan has been submitted as required with an application for a CUP; however, new construction is not proposed under this application.

Smoke shops are not permitted in the “E” Neighborhood Commercial zoning district as a by right use. They may be permitted within “E” zoning districts through the CUP process. 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.

The information below was provided by the applicant:

Our request for a Change in zoning to a planned development in order to operate a smoke shop. The current district does not allow the land use of smoke shop. we want to keep all the existing land uses, and only adding smoke shop land use.

Surrounding Zoning and Land Uses

North “AG” Agricultural / undeveloped

East “E” Neighborhood Commercial / convenience store

South “E” Neighborhood Commercial / convenience store, office uses

West PD 985 "PD/E" Planned Development for all uses in "E" Neighborhood Commercial plus minor auto repair, oil change, and emissions testing, no outside storage; site plan approved and attached as Exhibit "C" / automotive use

Recent Zoning History

- None

Public Notification

300-foot Legal Notifications were mailed on January 31, 2024.

The following organizations were notified: (emailed January 31, 2024)

Organizations Notified	
North Fort Worth Alliance	Pine Meadows HOA
Arcadia Park Estates HOA	Manor Hill at Alliance HOA
Summerfields NA	Streams and Valley’s Inc.
Trinity Habitat for Humanity	Northwest ISD
Keller ISD	

Development Impact Analysis

Land Use Compatibility

The applicant is proposing a zoning change to add a CUP to allow a smoke shop in the “E” zoning district. Surrounding land uses consist of lower intensity commercial uses along North Tarrant Parkway, automotive use to the west and undeveloped land to north. The site functions as a commercial node to the surrounding residential uses, providing retail and services.

The proposed zoning request for the smoke shop **is not compatible** with surrounding land uses.

Comprehensive Plan Consistency – Far North

The adopted Comprehensive Plan currently designates the subject property as Neighborhood Commercial. This land use designation is intended to offer a mix of retail, services, offices and mixed uses serving daily needs for a local market area. A smoke shop is only permitted by right in the “F” through “K” districts. The proposed use is more aligned with the General Land Use designation as opposed to the current designation of Neighborhood Commercial. Refer to table below from the Comprehensive Plan:

FUTURE LAND USE AND ZONING CLASSIFICATIONS

FUTURE LAND USE	DEFINITION	ZONING
COMMERCIAL		
Neighborhood Commercial*	Retail, services, offices and mixed uses serving daily needs for a local market area	ER, E, MU-1
General Commercial*	Retail, services, offices and mixed uses serving occasional needs for a larger market area	All Commercial, 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

Based on a lack of conformance with the future land use map, the proposed zoning **is not consistent** with the FLU component of the Comprehensive Plan. The request does not adhere to the following Comprehensive Plan policy:

- Promote appropriate infill of old commercial centers (greyfields), and contaminated sites (brownfields) within developed areas, particularly in the central city


Site Plan Comments

Zoning and Land Use

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

1. Add the telephone number for the property owner.
2. Add the zoning case number in the lower right corner
3. Include a vicinity map.
4. Include signature line
5. Label the land use and zoning classifications of the immediately adjacent properties abutting the site.

(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.)

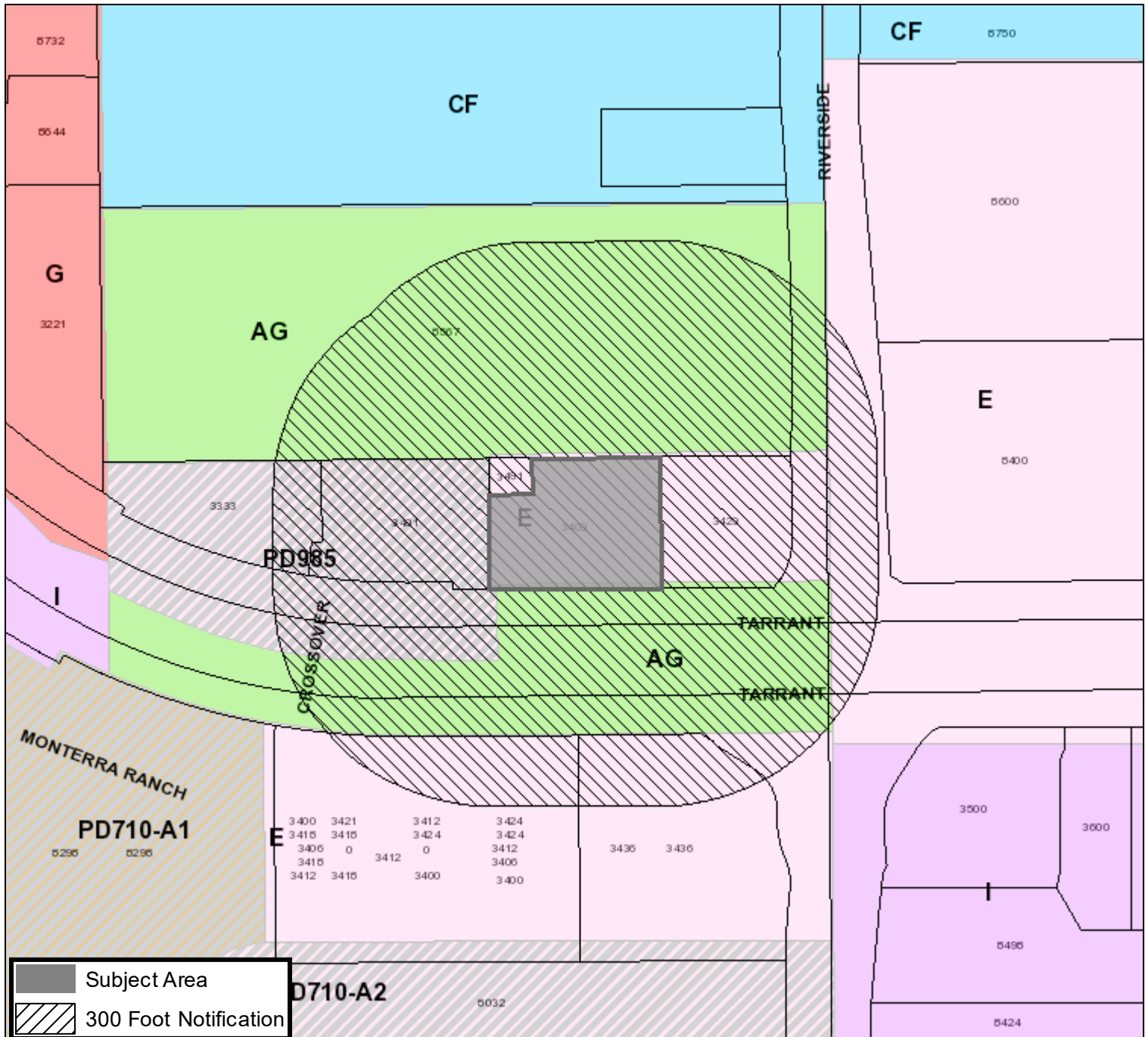




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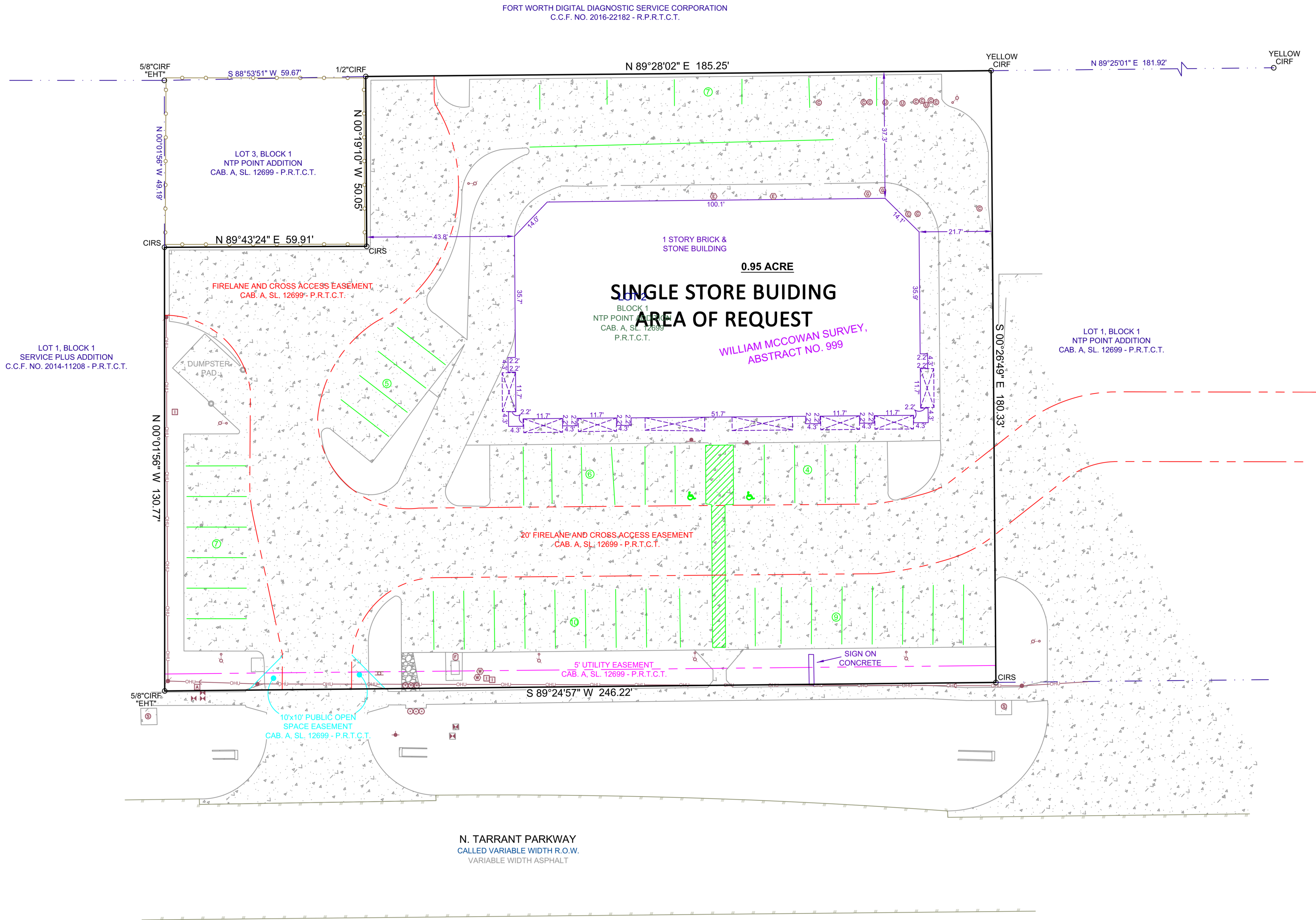
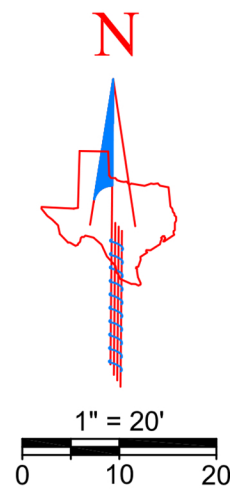
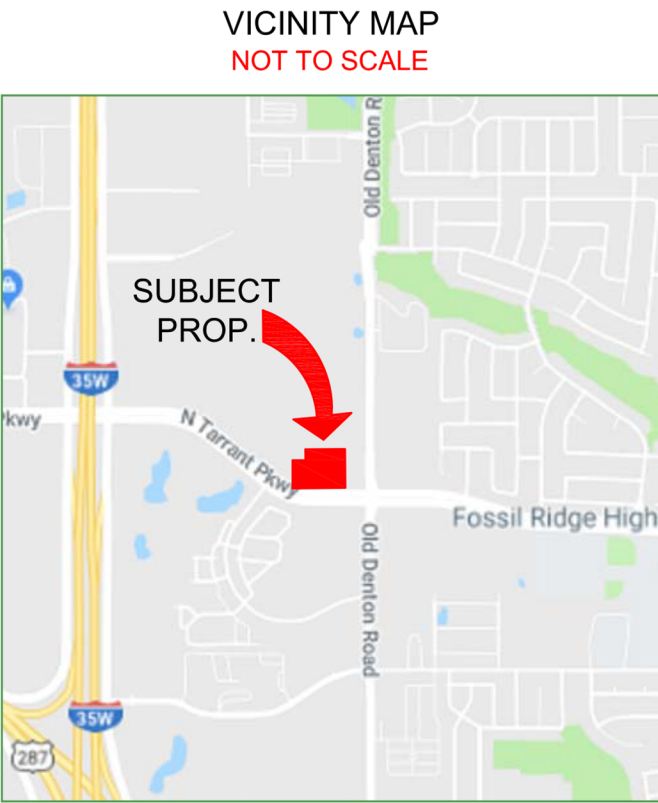
Area Zoning Map

Applicant: M&I Ventures LLC
Address: 3409 N. Tarrant Parkway
Zoning From: E
Zoning To: PD E plus smoke shop
Acres: 0.9192193
Mapsc0: Text
Sector/District: Far_North
Commission Date: 2/14/2024
Contact: 817-392-7869



0 100 200 400 Feet

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ALTA / NSPS LAND TITLE SURVEY

Being 0.95 of an Acre of land out of the William
McCowan Survey, Abstract Number 999 in the City of
Fort Worth, Tarrant County, Texas

LEGEND

⊙ INTERCEPT MANHOLE	⊠ IRRIGATION CONTROL VALVE
⊙ FIRE DEPT. CONNECTION	⊙ CLEANOUT
⊙ ELECTRIC METER BOX	⊠ ATT VAULT
⊙ GAS METER	⊠ SIGN
⊠ WATER VALVE	⊠ HANDICAP SIGN
⊙ SAN. SEWER MANHOLE	⊠ GUY WIRE
⊙ 6" PVC PIPE	⊠ IRF = IRON ROD FOUND
⊠ FIRE HYDRANT	⊠ CIRF = CAPPED IRON ROD FOUND
⊠ LIGHT POLE	⊠ CIRS = CAPPED IRON ROD SET
⊠ WATER METER	⊠ CHAINLINK FENCE
⊠ POWER POLE	⊠ ASPHALT
	⊠ OVERHEAD UTILITY

LEGAL DESCRIPTION

This document represents an accurate on the ground survey of 3409 N. Tarrant Parkway in the City of Fort Worth, Tarrant County, Texas, on May 21, 2018.

Tract 1:

Being Lot 2, Block 1, of NTP Point Addition, an Addition to the City of Fort Worth, Tarrant County, Texas, according to the Plat thereof recorded in Cabinet A, Slide 12699, Plat Records, Tarrant County, Texas.

Tract 2:

Nonexclusive Easement Estate created by Reciprocal Easement Agreement between 7-Eleven, Inc. and NTP Point LLC, dated July 11, 2008, Filed July 15 2008, recorded under County Clerk's File Number D208274025, Real Property Records, Tarrant County, Texas.

FLOOD NOTE

This property is located in **Non-Shaded Zone "X"** as scaled from the F.E.M.A. Flood Insurance Rate Map dated September 25, 2009 and is located in Community Number 480596 as shown on Map Number 48439C0070K. The location of the Flood Zone is approximate, no vertical datum was collected at the time of the survey. For the exact Flood Zone designation, please contact 1-(877) FEMA MAP.

SCHEDULE B EXCEPTIONS OF COVERAGE

Subject to the easements as shown on Schedule "B" of the title commitment provided by **Chicago Title Insurance Company** with **G.F. No. CTBW43-8021431800310-ED** as listed below:

10. (f) The following as shown on plat recorded in Cabinet A, Slide 12699, Plat Records, Tarrant County, Texas:

-20 foot firelane and cross access easement (**Affects as shown**)

-Firelane and cross access easement (**Affects as shown**)

-5 foot utility easement (**Affects as shown**)

-10 foot by 10 foot public open space easement (**Affects as shown**)

10. (g) Easements and building lines as shown on plat recorded in Cabinet A, Slide 12699, Plat Records, Tarrant County, Texas. **Affects as shown.**

10. (h) Lease for coal, lignite, oil, gas or other minerals between L.W. Lobb and his wife, Norene Lobb and G.W. Mosley, filed for record on July 27, 1951 as recorded in Volume 2337, Page 189, Official Records, Tarrant County, Texas. **Not a survey matter.**

10. (i) Unrecorded Lease between Southwestern Bell Wireless, Inc. and Gene Askey, filed for record on April 3, 2001, as recorded in Volume 14806, Page 34, Real Property Records, Tarrant County, Texas. **Not a survey matter.**

10. (j) Reciprocal Easement Agreement between 7-Eleven, Inc. and NTP Point LLC, filed for record on July 11, 2008, as recorded under County Clerk's File Number D208274026, Real Property Records, Tarrant County, Texas. **Does Affect.**

10. (k) Unrecorded Lease between 7-Eleven, Inc. and NTP Point LLC, filed for record on July 15, 2008, as recorded under County Clerk's File Number D208274026, Real Property Records, Tarrant County, Texas. **Not a survey matter.**

10. (l) Easement Encroachment Agreement between The City of Fort Worth and NTP Point LLC, filed for record on January 10, 2012, as recorded under County Clerk's File Number D212014807, Real Property Records, Tarrant County, Texas. **Does Affect.**

GENERAL NOTES

1. Eagle Surveying, LLC did not abstract the subject property. This survey was based off of a Legal description provided by **Chicago Title Insurance Company** with **G.F. No. CTBW43-8021431800310-ED** an effective date of April 25th, 2018 and issued on May 8, 2018 at 8:00 a.m. This survey is only valid for **G.F. No. CTBW43-8021431800310-ED**. Eagle Surveying, LLC does not intend to express an opinion regarding ownership or title of the subject property.

2. This survey is being provided by Eagle Surveying, LLC solely for the use of the parties to whom the survey is certified and no license has been created, express or implied to copy the survey except as necessary in conjunction with this transaction.

3. The underground utility locations shown hereon are approximate and are based on above-ground evidence and utility markings. The surveyor makes no representation that the underground utility locations are in the exact location indicated, but does certify that they are located as accurately as is reasonably practicable from the information provided.

4. There was no visible evidence of recent earth moving work, building construction, or building additions observed in the process of conducting the fieldwork.

5. There were 48 Parking Spaces, and 2 ADA Spaces, observed while conducting the fieldwork.

6. There was no visible evidence the site has been used as a cemetery in the process of conducting the fieldwork.

7. Eagle Surveying, LLC has not been provided any documentation regarding proposed changes in street right of way lines, furthermore there was no visible evidence of recent street or sidewalk construction or repairs observed in the process of conducting the fieldwork.

8. There are no visible encroachments or overlapping of improvements except as shown on this survey.

9. No substantial features were observed in the process of conducting the fieldwork except as shown hereon.

10. No field delineation of wetlands was conducted at the time the survey was performed.

11. Eagle Surveying, LLC has not been provided a zoning report or letter at the time the map or plat was prepared.

12. The bearings shown on this survey were derived from Western Data Systems RTK Network and are referenced to the Texas Coordinate System of 1983, North Central Zone (4202) and are based on the American Datum of 1983, 2011 Adjustment.

14. Elevations are based on NAVD88, referenced to NAD83, 2011 adjustment and were derived from Western Data Systems RTK Network.

SURVEYORS CERTIFICATION

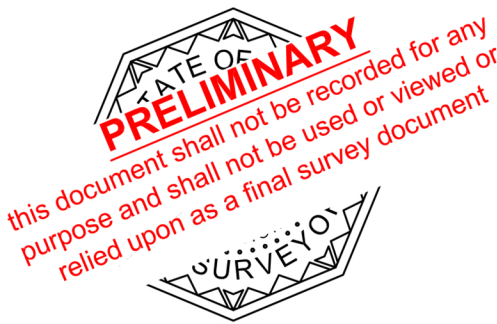
This survey is certified to Chicago Title Insurance Company; M & I Ventures LLC and/or assigns; and NTP Building, LP, a Texas limited partnership; and is only valid for **G.F. No. CTBW43-8021431800310-ED** with an effective date of April 25th, 2018 and issued on May 8th, 2018at 8:00 a.m.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 3, 6(a) & (b), 7(a), 8, 11, 13, 17, 18 & 19 of Table A thereof. The fieldwork was completed on May 21st, 2018.

This map or plat was prepared on _____.

PRELIMINARY

this document shall not be recorded for any
purpose and shall not be used or viewed or
relied upon as a final survey document



JOB #: 18-05-15

DATE: 5/23/2018

REV: -

DRAFTER: RZM



EAGLE SURVEYING, LLC
210 SOUTH ELM STREET
SUITE: 104
DENTON, TX 76201
940.222.3009
www.eaglesurveying.com

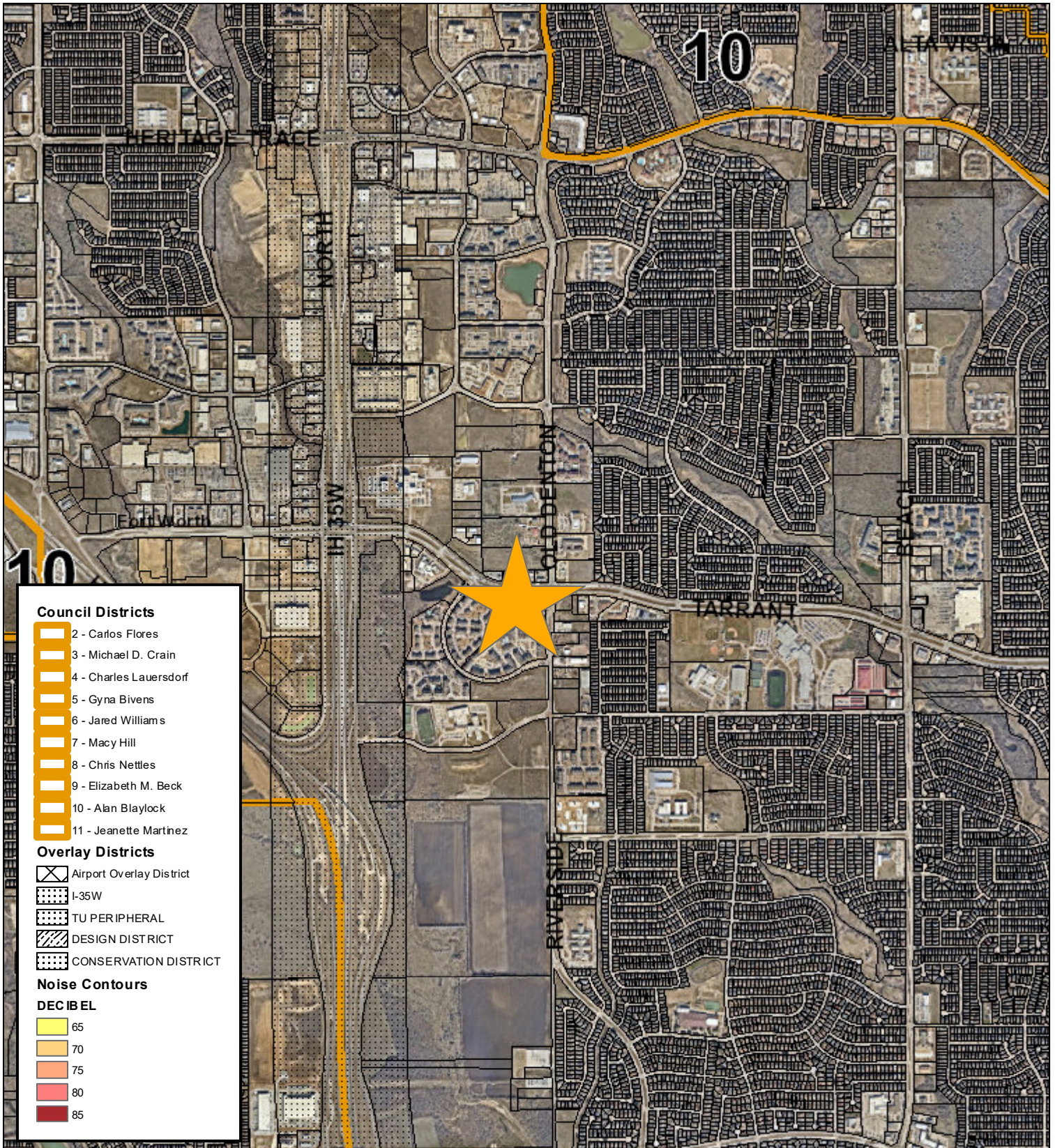
PROPERTY ADDRESS

3409 N. TARRANT PARKWAY
FORT WORTH, TX



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Area Map

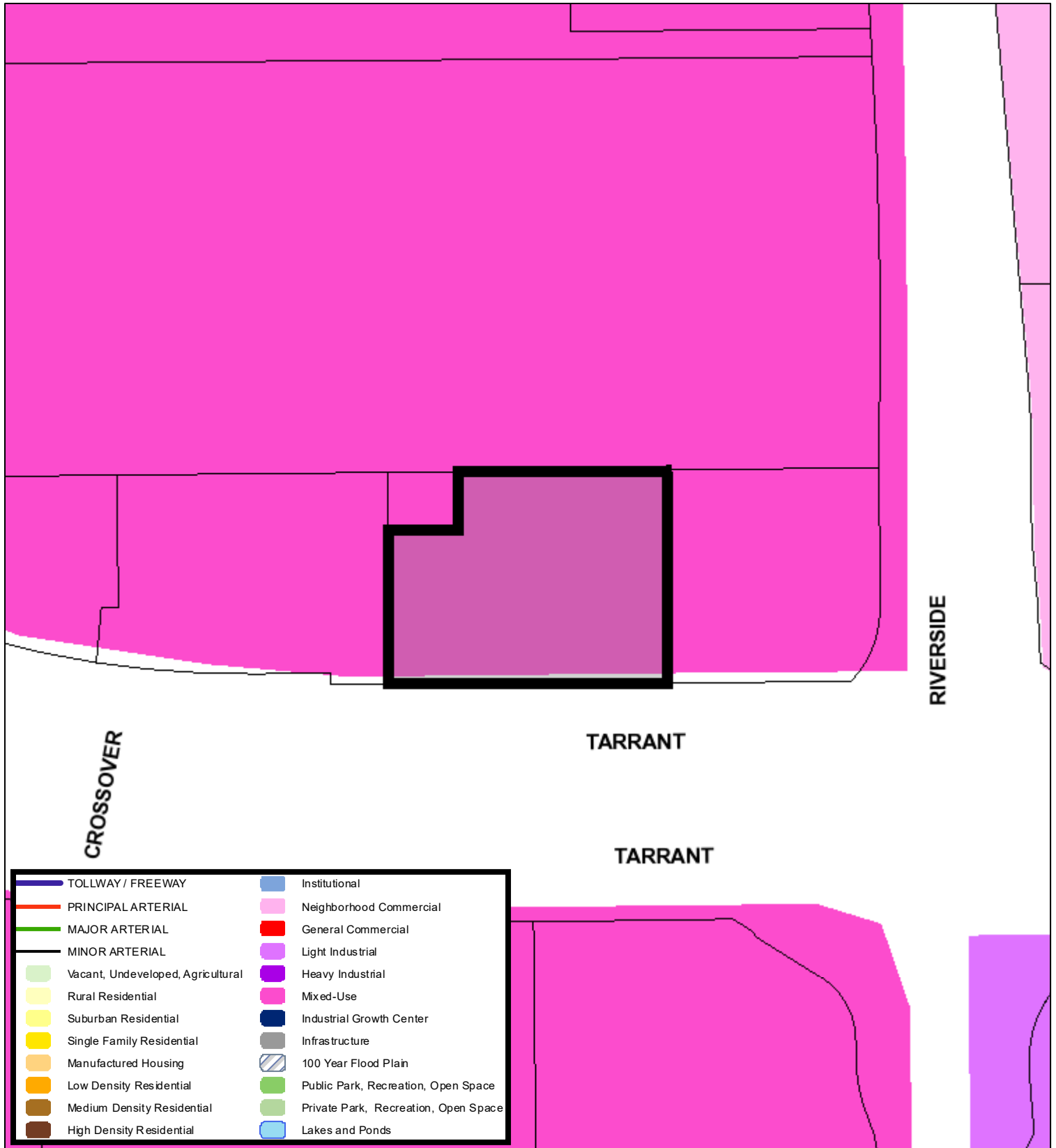


0 1,000 2,000 4,000 Feet



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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.



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Aerial Photo Map



0 70 140 280 Feet

