



# Zoning Staff Report

Date: December 14, 2021

Case Number: ZC-21-156

Council District: 2

## Zoning Map Amendment

Case Manager: [Sarah Bergman](#)

Owner / Applicant: Francisco Maldonado

Site Location: 918 NW 21<sup>st</sup> Street

Acreage: 0.14 acres

### Request

**Proposed Use:** Convenience store with walk-up food service

**Request:** Add Conditional Use Permit (CUP) for convenience store with walk-up food service in “ER” Neighborhood Commercial Restricted with waivers to setbacks and parking.

### Recommendation

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

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

**Staff Recommendation:** **Approval subject to the following conditions:**

- That the site plan be updated to address all Zoning & Land Use comments included on Page 5 of this staff report.
- A solid privacy fence be installed along the northern property line, adjacent to residential zoning.
- A grass area with five ornamental shrubs be installed within the projected front yard area along Gould Avenue.

**Zoning Commission:** **Approval as Amended** to include conditions recommended by staff.

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## Project Description and Background

The subject property is located at the northeast corner of Northwest 21<sup>st</sup> Street and Gould Avenue. There is an existing commercial building on this site that is currently vacant. The applicant is proposing to renovate this structure for use as a convenience store / snack bar with walk-up food service. The current zoning of the site is “ER” Neighborhood Commercial Restricted and the proposed use is not allowed by right. Therefore, the applicant is requesting approval of a Conditional Use Permit (CUP) in accordance with the attached site plan.

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. Allowing a use by CUP with a site plan may help mitigate any neighborhood concerns as well as give options for the CUP to be revoked in the event of code violation convictions.

Through Ordinance 23609 effective March 29, 2019, a CUP 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 CUP, 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.

Ordinance Section 4.407(d) provides the following factors for consideration of appropriateness of a CUP 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 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.

This site has several limitations for new development, including the relatively small lot size (0.14 acres) and the location of the existing building. Below is a table illustrating the differences between typical development requirements for “ER” Neighborhood Commercial Restricted and the standards proposed with this CUP request:

Requirement	Existing “ER” Standards	Proposed CUP Standards (per attached site plan)
Building/Tenant Size	10,000 square feet maximum gross floor area, 5,000 square feet per tenant	Complies
Height	35-feet maximum; for any part of a building that exceeds 20 feet in height and a residential supplemental setback applies per §6.300, the setback must equal the height of the building	Complies
Bufferyard and Supplemental Setbacks	20-foot building setback and 5-foot landscaped bufferyard required along all property lines adjacent to a one or two-family district.	Project is exempt from bufferyard requirement under Section 6.300(a) for additions to primary structures that are less than 30% and under 3,000 sqft

Required Yards	<p><u>Front Yard:</u> 20 feet minimum, projected front yard applies.</p> <p><u>Rear Yard:</u> 20-foot supplemental building setback required</p> <p><u>Interior Side Yard:</u> None required – if provided must be minimum of 3-feet</p> <p><u>Corner Lot Side Yard:</u> None required, but projected front yard applies.</p>	<p><u>Front Yard:</u> Does not comply, existing structure is located less than 20 feet from front property line. <i>(Waiver Required)</i></p> <p><u>Rear Yard:</u> Does not comply <i>(Waiver Required)</i></p> <p><u>Interior Side Yard:</u> Complies</p> <p><u>Corner Lot Side Yard:</u> Complies. Projected front yard applies along Gould Avenue frontage. Parking is not allowed within this area.</p>
Minimum Parking Requirements	<p>4 spaces per 1,000 square feet of building area for walk-up business.</p> <p>Parking is limited to passenger vehicles only.</p>	<p>Total Spaces Required: 5 Total Space Provided: 4</p> <p><i>(Waiver Required)</i></p>
Landscaping	Generally, 10% of net site area	Project is exempt under Section 6.301(g) for additions to primary structures that are less than 30% and under 3,000 sqft.

Staff is supportive of the requested waivers to setback and parking requirements, as this is an existing developed site and the applicant is not proposing expansion of the current structure. While this project is exempt from standard landscaping and bufferyard requirements due to the limited scope of the site changes, staff does recommend two additional site improvements be added as conditions for approval of this request:

- 1) A solid privacy fence be installed along the northern property line, adjacent to residential zoning.
- 2) A grass area with five ornamental shrubs be installed within the projected front yard area along Gould Avenue.

## Surrounding Zoning and Land Uses

North “A-5” One-Family / Single-Family Dwelling  
 East “ER” Neighborhood Commercial Restricted / Commercial Building  
 South “A-5” One-Family / Single-Family Dwelling  
 West “A-5” One-Family / Single-Family Dwelling

## Recent Zoning History

- ZC-10-188: Rezoned the subject property from “E” Neighborhood Commercial to “ER” Neighborhood Commercial Restricted as part of a larger City-initiated rezoning.

## Public Notification

300-foot Legal Notifications were mailed on October 22, 2021.  
The following organizations were notified: (emailed October 25, 2021)

Organizations Notified	
Inter-District 2 Alliance	Steams and Valleys Inc
North Side NA*	Trinity Habitat for Humanity
North Fort Worth Historical Society	Fort Worth 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 the existing “ER” Neighborhood Commercial Restricted zoning for this site in order to allow for a convenience store with walk-up food service. Surrounding properties to the north, west, and south are developed with single-family residences. There is a commercial building located immediately east of the subject property along NW 21<sup>st</sup> Street which is also zoned “ER” Neighborhood Commercial Restricted.

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 intended to provide retail and services 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

The proposed zoning is consistent with the land use designations for this area, and aligns with the following policy of the Comprehensive Plan:

- Use appropriate incentives to promote development of vacant land and redevelopment or reuse of deteriorated properties within designated commercial districts.

Based on conformance with the policies stated above, the proposed zoning is **consistent** with the Comprehensive Plan.

### **Zoning and Land Use**

- Please label or add the following on the site plan:
  - Dimensions and square footage of the existing building and any proposed structures, including dumpster location.
  - Pavement type for proposed parking areas.
  - Supplemental surfaces including grass and sidewalks.
  - Height and materials of existing and proposed fencing.
  - The title of the project in bold letters in the lower right-hand corner of the plan.
  - Date of preparation.
  - Name, address, and telephone number of engineer, architect, surveyor, and/or developer/owner.
  - Location sketch map.
  - The zoning case number: ZC-21-156.
  - A signature line labeled “Director of Development Services” with a “Date” line below at the lower right hand corner of the plan.
- Please add the following notes to the site plan:
  - All site lighting will conform to the Lighting Code.
  - All signage will conform to Article 4, Signs.
  - Project will comply with Section 6.301, Landscaping.
  - Project will comply with Section 6.302, Urban Forestry.

### **Transportation**

- Note: Damage to sidewalks during construction requires repair or replacement.
- Existing drive approaches are legal non-conforming.

### **Fort Worth Fire Department**

- FYI - Failure to recognize violations of the fire code by the fire code official does not waive the requirement of meeting minimum requirements of the fire code in the future. It is the applicant's and the owner's responsibility to meet all minimum fire code requirements at all times.
- The City of Fort Worth has adopted the 2015 International Fire Code as its current fire code at the time of this review. The City of Fort Worth has also adopted amendments (January 1, 2017 version) to this code.

### **TPW Stormwater**

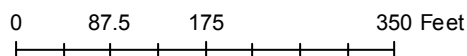
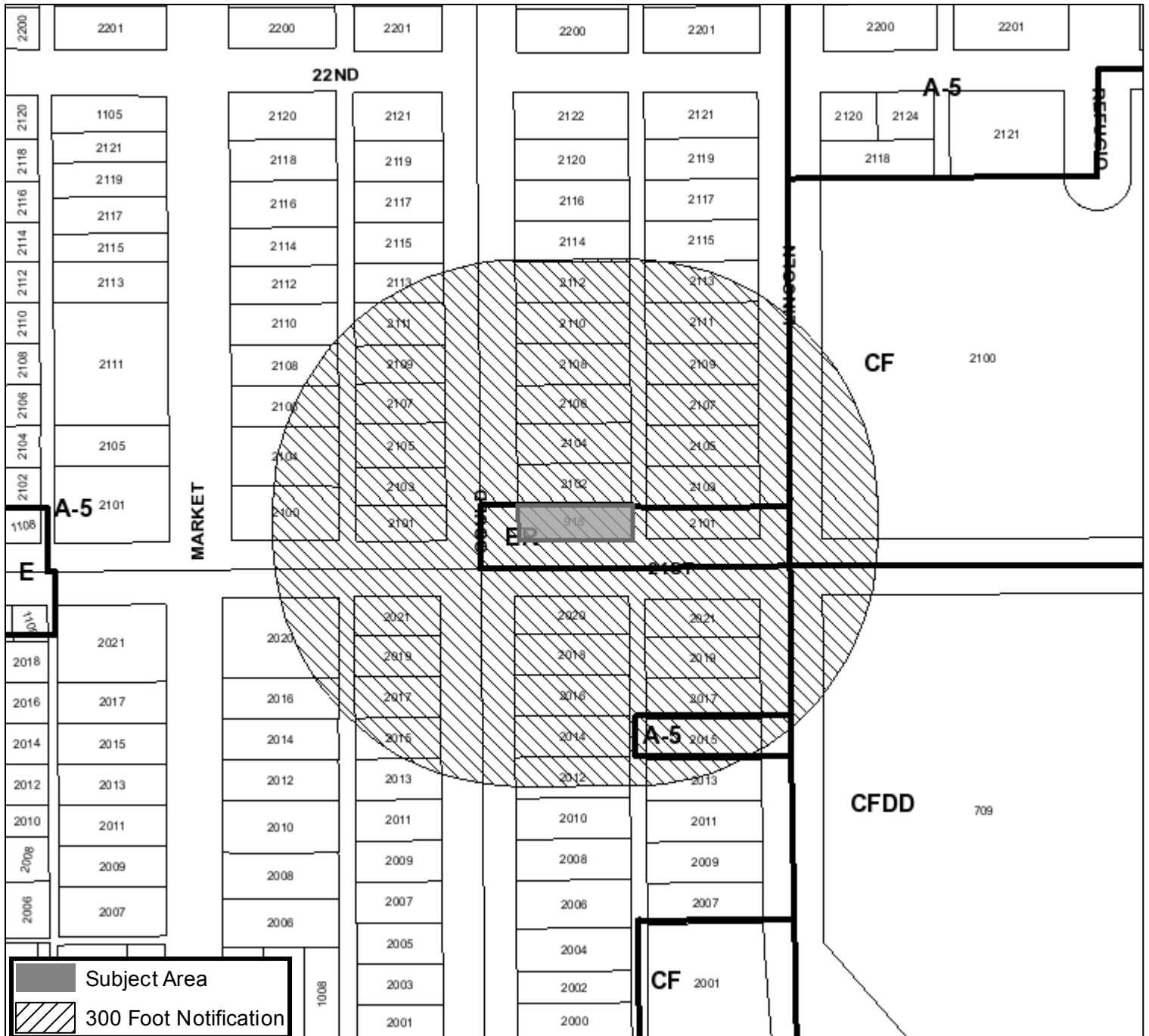
- SWDS Acceptance required prior to platting, grading, and building permit issuance.

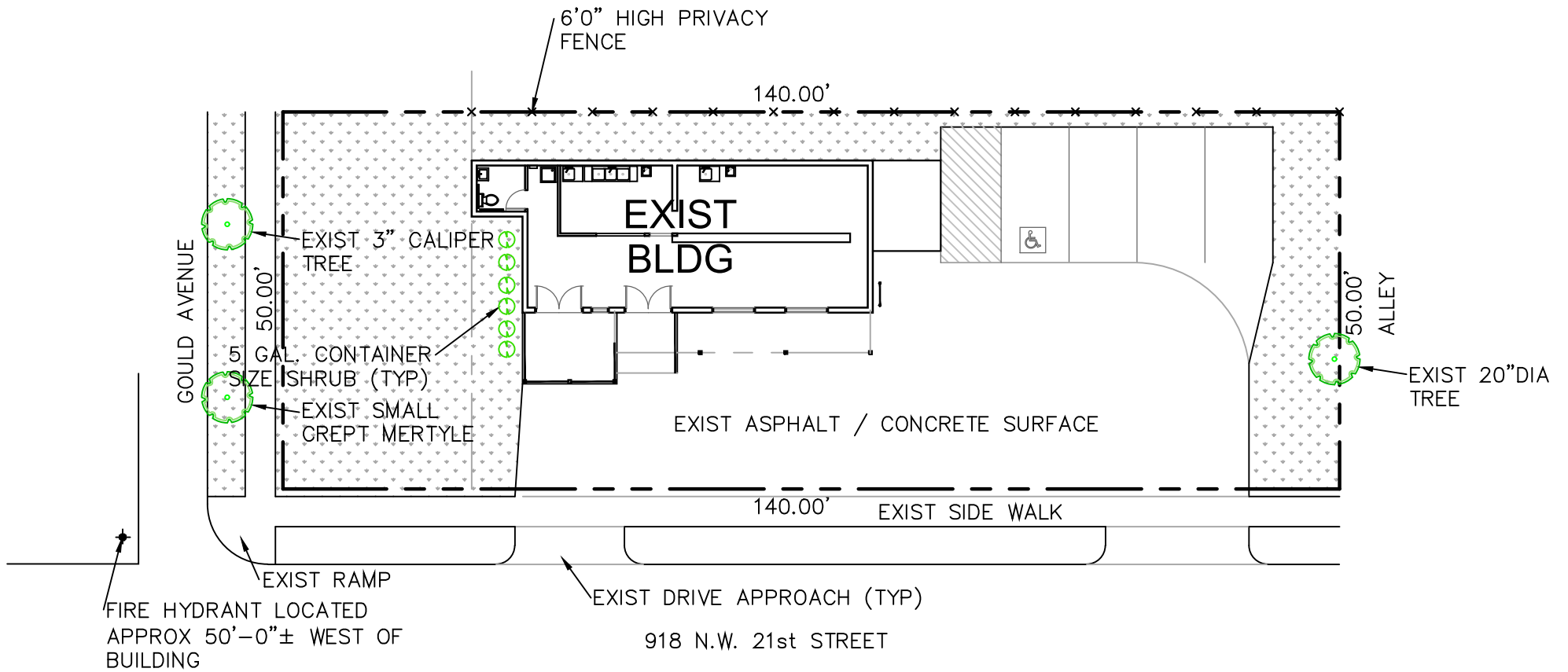
*(Comments made by Platting (Subdivision Ordinance), Transportation/Public Works, Fire, Park & Recreation, and Water Department staff cannot be waived through the Zoning Commission and City Council. Approval of the zoning site plan does not constitute the acceptance of conditions.)*



# Area Zoning Map

Applicant: Francisco Maldonado  
 Address: 918 NW 21st Street  
 Zoning From: ER  
 Zoning To: Add Conditional Use Permit for convenience store with walk-up food service  
 Acres: 0.13823253  
 Mapsco: 62K  
 Sector/District: Northside  
 Commission Date: 11/10/2021  
 Contact: 817-392-2495



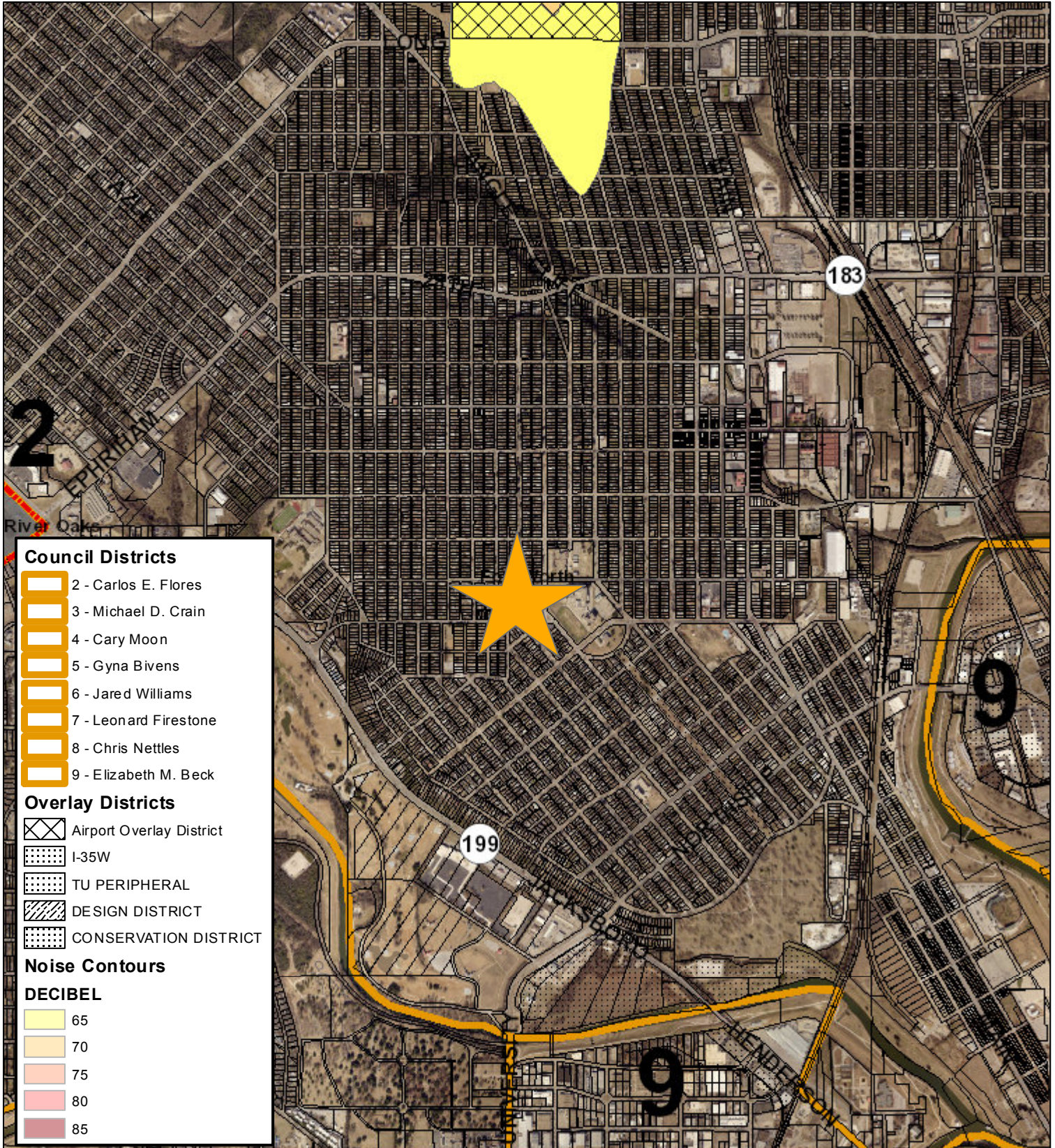


### SITE PLAN - LANDSCAPE

1" = 20'-0"

LOT 22    BLOCK 154  
 NORTH FORT WORTH ADDITION  
 FORT WORTH, TEXAS

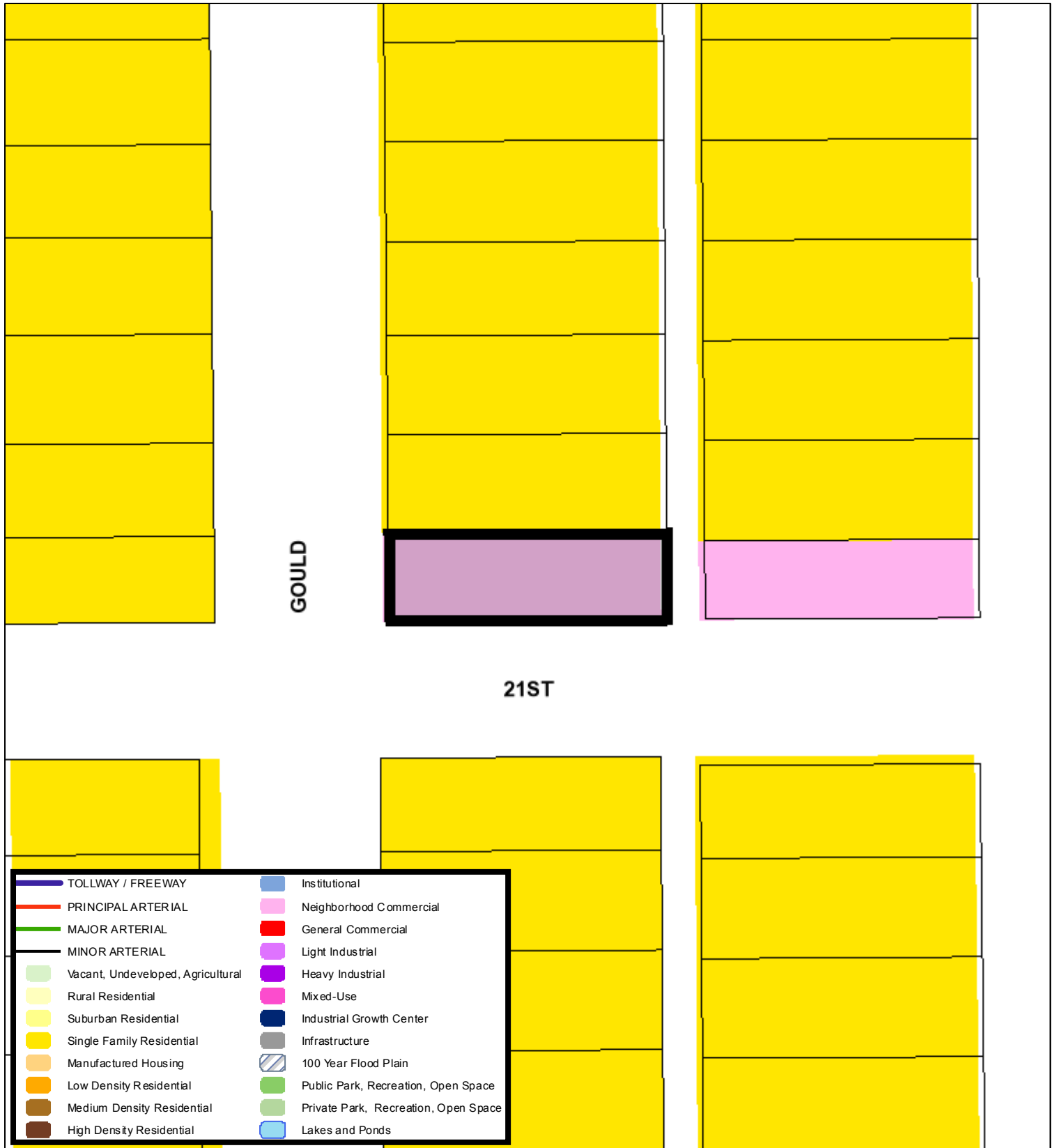
### Area Map



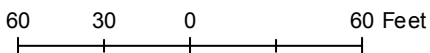
0 1,000 2,000 4,000 Feet



### Future Land Use



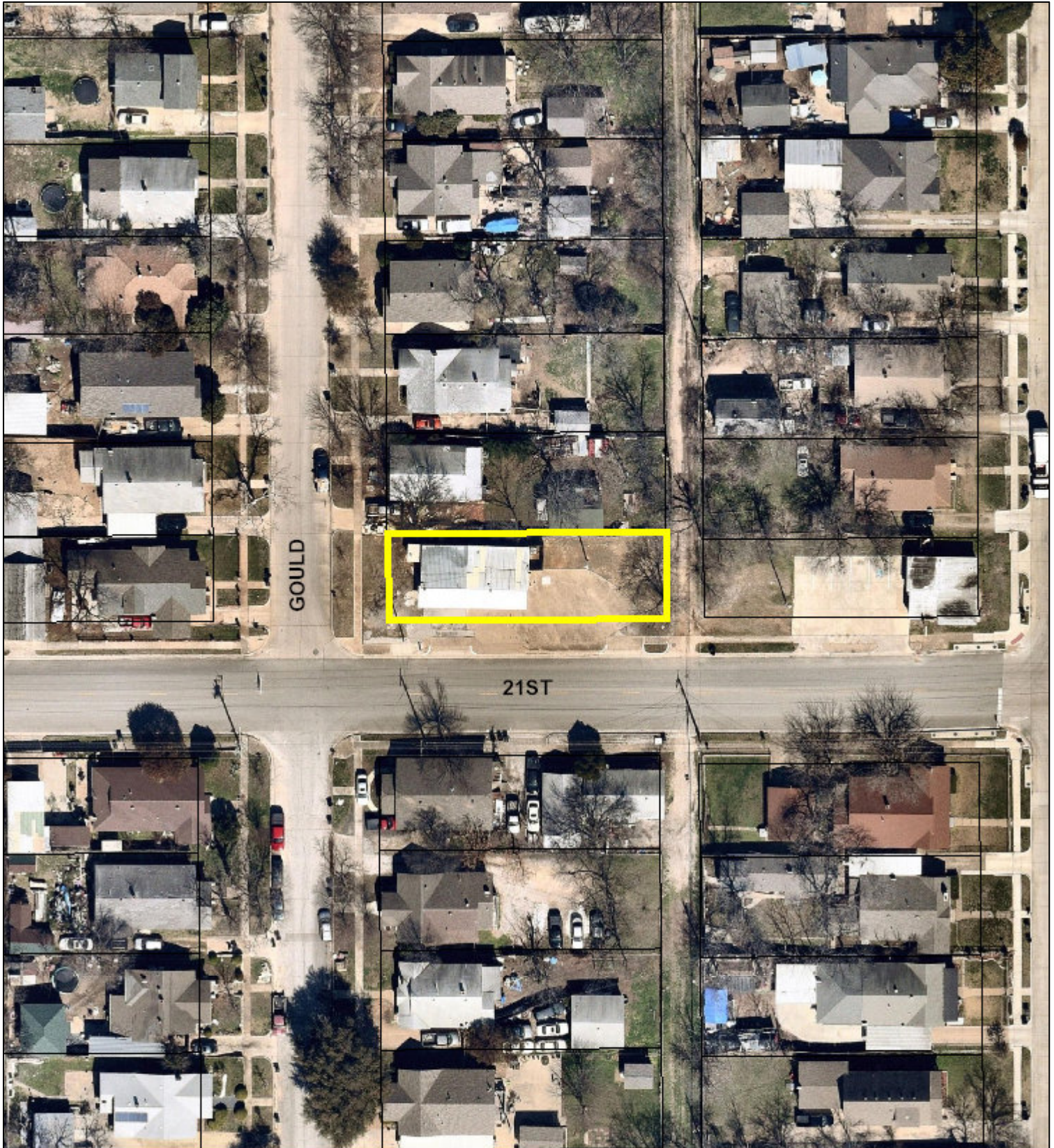
TOLLWAY / FREEWAY	Institutional
PRINCIPAL ARTERIAL	Neighborhood Commercial
MAJOR ARTERIAL	General Commercial
MINOR ARTERIAL	Light Industrial
Vacant, Undeveloped, Agricultural	Heavy Industrial
Rural Residential	Mixed-Use
Suburban Residential	Industrial Growth Center
Single Family Residential	Infrastructure
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 40 80 160 Feet

