



Zoning Staff Report

Date: August 13, 2024

Case Number: ZC-24-046

Council District: 7

Zoning Map Amendment & Site Plan

Case Manager: [Alondra Salas-Beltre](#)

Owner / Applicant: Mirly, LLC/Henrietta Joy Harvison

Site Location: 2409 Neville Street

Acreage: 1.4 acres

Request

Proposed Use: Alcohol Sales

Request: To: Add Conditional Use Permit (CUP) to allow bar use in “E” Neighborhood Commercial

Recommendation

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

Comprehensive Plan Map Consistency: N/A

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

Staff Recommendation: **Approval subject to a two-year expiration date**

Zoning Commission Recommendation: **Approval w/ 2 year expiration date by a vote of 7-0**

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Project Description and Background

The property is an existing art gallery located near the corner of Camp Bowie West and Neville Ave. in the Arlington Heights Neighborhood. The owner is seeking a conditional use permit to sell alcohol during art showings and other events.

The property is currently zoned "E" Neighborhood Commercial, which typically allows for alcohol sales for off-premises consumption or in restaurants, as long as gross receipts for alcoholic beverages do not exceed 50% of the total gross receipts. Selling alcohol in the existing art gallery would be a deviation from this norm, as it would introduce a bar use. Therefore, the owner is requesting a Conditional Use Permit to allow for this change. This is a proactive measure to address potential concerns from the surrounding neighborhood and allows for the option to revoke the permit in the event of any code violations.

Conditional uses are generally compatible with the permitted land uses in a given zoning district but require individual review of their proposed location, design, and configuration, as well as the imposition of conditions to ensure their appropriateness at a particular location.

Per Section 4.407 (a), the following general rules apply to all conditional uses:

- a) 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.

Surrounding Zoning and Land Uses

North "F" General Commercial / Retail uses
East "E" Neighborhood Commercial - Restricted/ residential use
South "C" Medium-density residential / Multifamily uses
West "F" General Commercial / Vacant

Recent Zoning History

- None

Public Notification

300-foot Legal Notifications were mailed on, 6/28/2024

The following organizations were notified: (emailed, 6/28/2024)

Organizations Notified	
West Side Alliance	Crestline Area NA
Sunset Heights NA	West Byers NA
Como NAC	Arlington Heights NA*
Northcrest NA	Streams and Valleys Inc
Trinity Habitat for Humanity	Camp Bowie District, Inc
Fort Worth ISD	

Development Impact Analysis

Land Use Compatibility

This section of the Arlington Heights neighborhood serves as a transition area between the more heavily commercial zoning to the north and west, the small-lot residential development to the south, and the single-family uses and zoning to the east of Penticost Street.

Considering the current combination of duplex/zero-lot line residential and low-intensity commercial uses along this section of Pershing Avenue, the transitional land uses on the blocks neighboring Camp Bowie seem appropriate. However, there is a school located across Camp Bowie Boulevard on El Campo Avenue, within a distance of less than 200 feet. If the proposed zoning change is approved, the applicant will need to seek an alcohol distance variance through the Boards of Adjustment.

The intended use is generally **compatible** with the neighboring land uses.

Comprehensive Plan Consistency – Arlington Heights

The Comprehensive Plan describes where general land use categories would be appropriate. However, it does not typically specify individual land uses. The CUP process allows the city to consider the appropriateness of an individual use in a particular location. The adopted Comprehensive Plan currently designates the subject property as “Neighborhood Commercial” on the Future Land Use Map. The proposed operation is considered more intense than that of Neighborhood Commercial.

Site Plan Comments

Zoning and Land Use

The site plan as submitted is in general compliance with the Zoning Ordinance regulations.

Stormwater

- Contact: sds@fortworthtexas.gov

Site has shallow potential high water.

No FEMA or CFRA on site.

Fire

- FWFD - (Lt. Donna York, donna.york@fortworthtexas.gov or fireplating@fortworthtexas.gov)
FYI comment: The large existing building is existing non-compliant for hydrant/building hose lay within 500'. The hose lay shortfall is approximately 100'. Fire supports the zoning change as it is an existing condition. Any new building permits may require upgrades to meet fire code.
Sections 507.5.1 (2) and (3)

No other concerns noted at this time.

General information:

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 2021 International Fire Code as its current fire code at the time of this review. The City of Fort Worth has also adopted Amendments #25388-03-2022.

<https://www.fortworthtexas.gov/departments/fire/services/bureau>

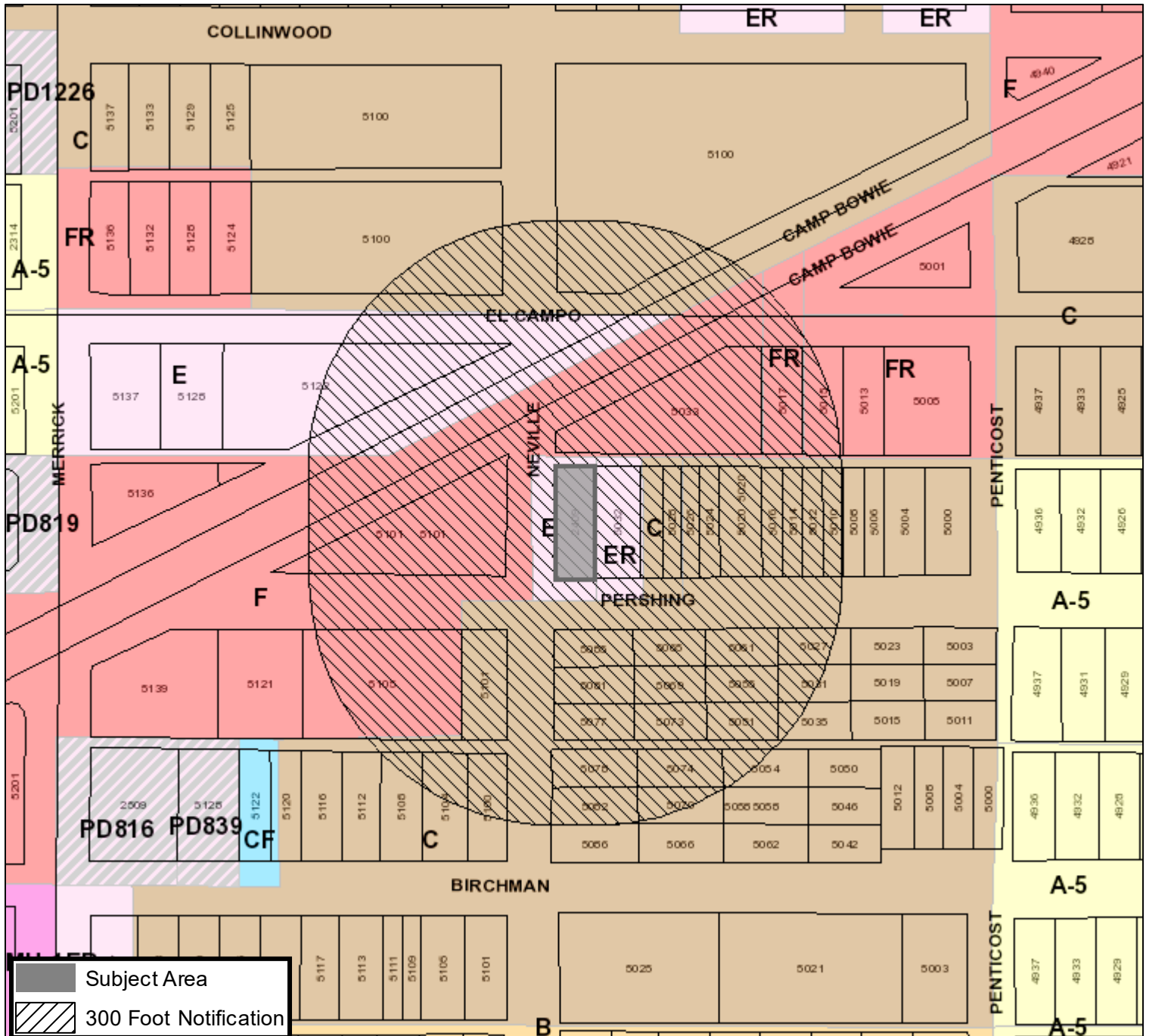
Water

No comments

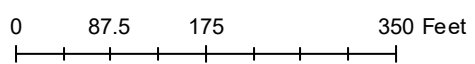


Area Zoning Map

Applicant: Mirly LLC/Henrietta Joy Harvison
 Address: 2409 Neville Street
 Zoning From: E
 Zoning To: Add a CUP for Alcohol Sales
 Acres: 0.15502353
 Mapsco: Text
 Sector/District: Arlington_Heights
 Commission Date: 7/10/2024
 Contact: 817-392-2495



Subject Area
 300 Foot Notification



Legal Description

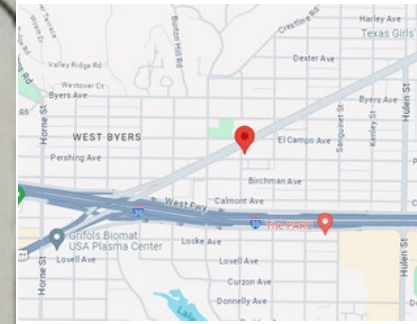
and 22, Block 74, CHAMBERLIN ARLINGTON HEIGHTS
ING ADDITION, an Addition to the City of Fort Worth,
County, Texas, according to plat recorded in Volume
21, Deed Records of Tarrant County, Texas.

Street Address

2409 Neville Street
5036 Pershing Avenue
Fort Worth, Texas 76107

Monuments:

rod at SW corner of Lot 25, Block 74
rod at SE corner of Lot 40, Block 73



CAMP BOWIE BOULEVARD



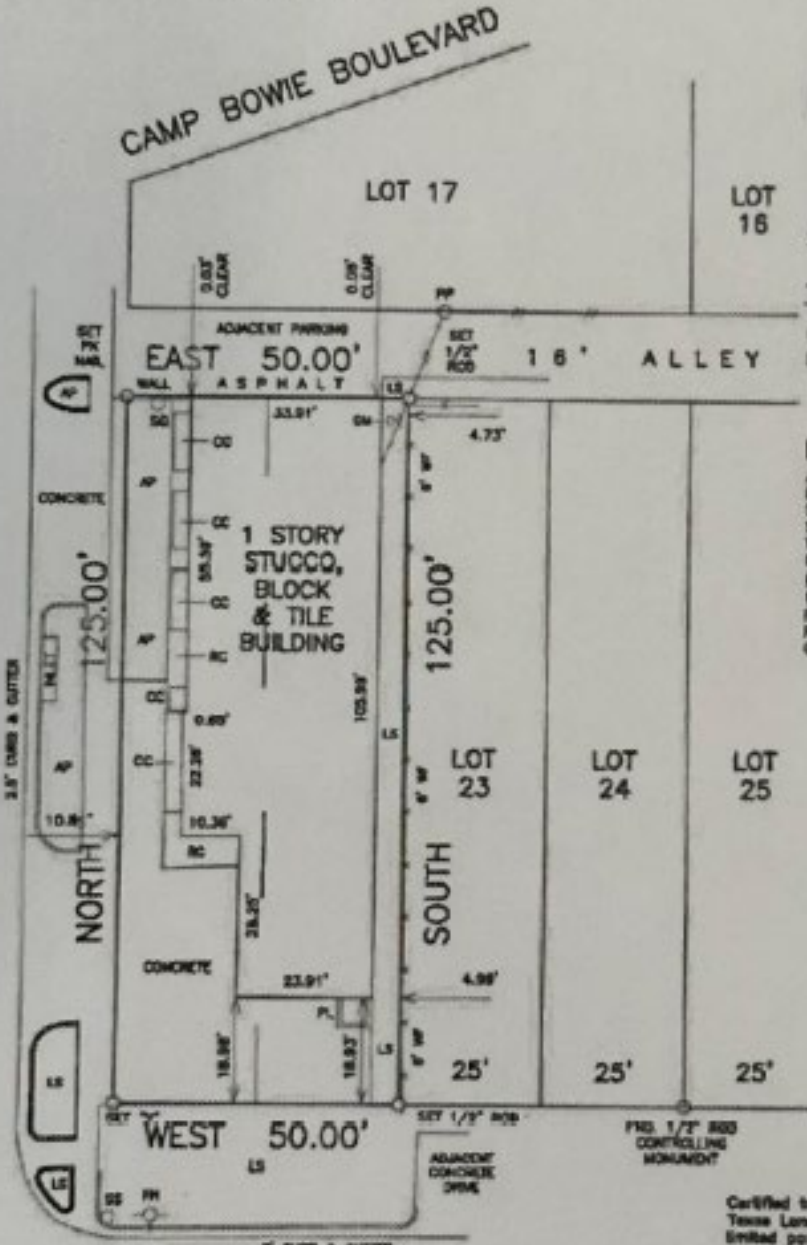
SCALE: 1" = 30'

TRACT AREA

6,250 Square Feet
0.1435 Acres

LEGEND:

- AP = ASPHALT AREA
- LS = LANDSCAPE AREA
- SG = SIGN POLE
- SS = STOP SIGN
- WF = WOOD FENCE
- CC = COVERED CONCRETE
- PL = 0.65' PLANTER
- RC = RAISED CONCRETE
- PP = POWER POLE
- PH = FIRE HYDRANT
- GM = GAS METER



PERSHING AVENUE

(80' R/W)

Certified to:
Texas Land & Investment, Ltd., a Texas
limited partnership
Alliant National Title Insurance Company, Inc.
Reitika Title Company

rings is an assumed bearing of Due North along the east right-of-way line of Neville Street.
is subject property lies within the 100 year flood plain.

X Community 480596 Panel 0285-L Eff. Date 3-21-19
ify that this sketch of survey of the above described property is the result of an on-the-ground
red under my direct supervision, and that there are no intrusions or protrusions, except as noted.

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lo. 20-0242

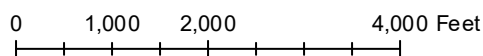
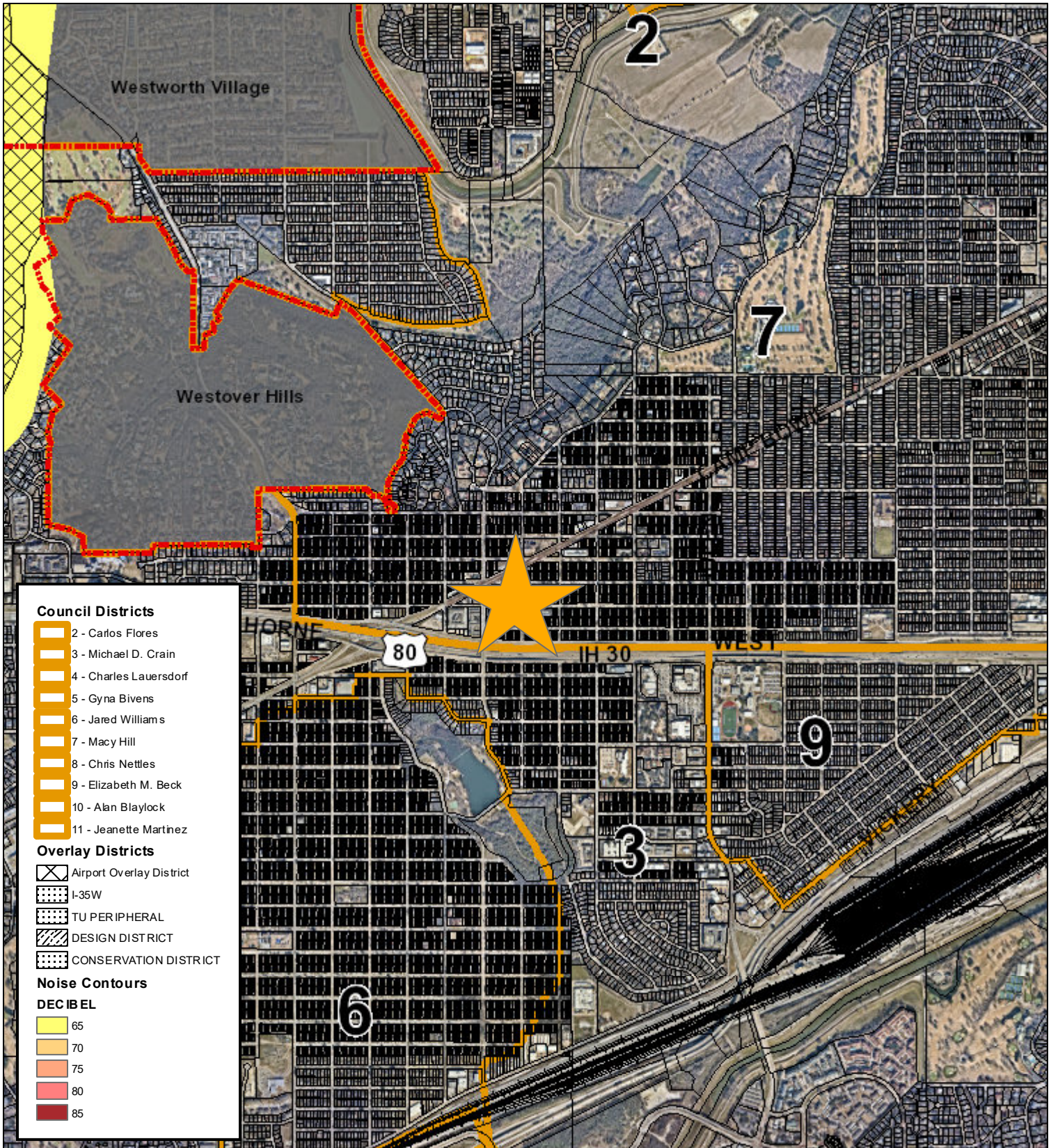


John A. Grant III

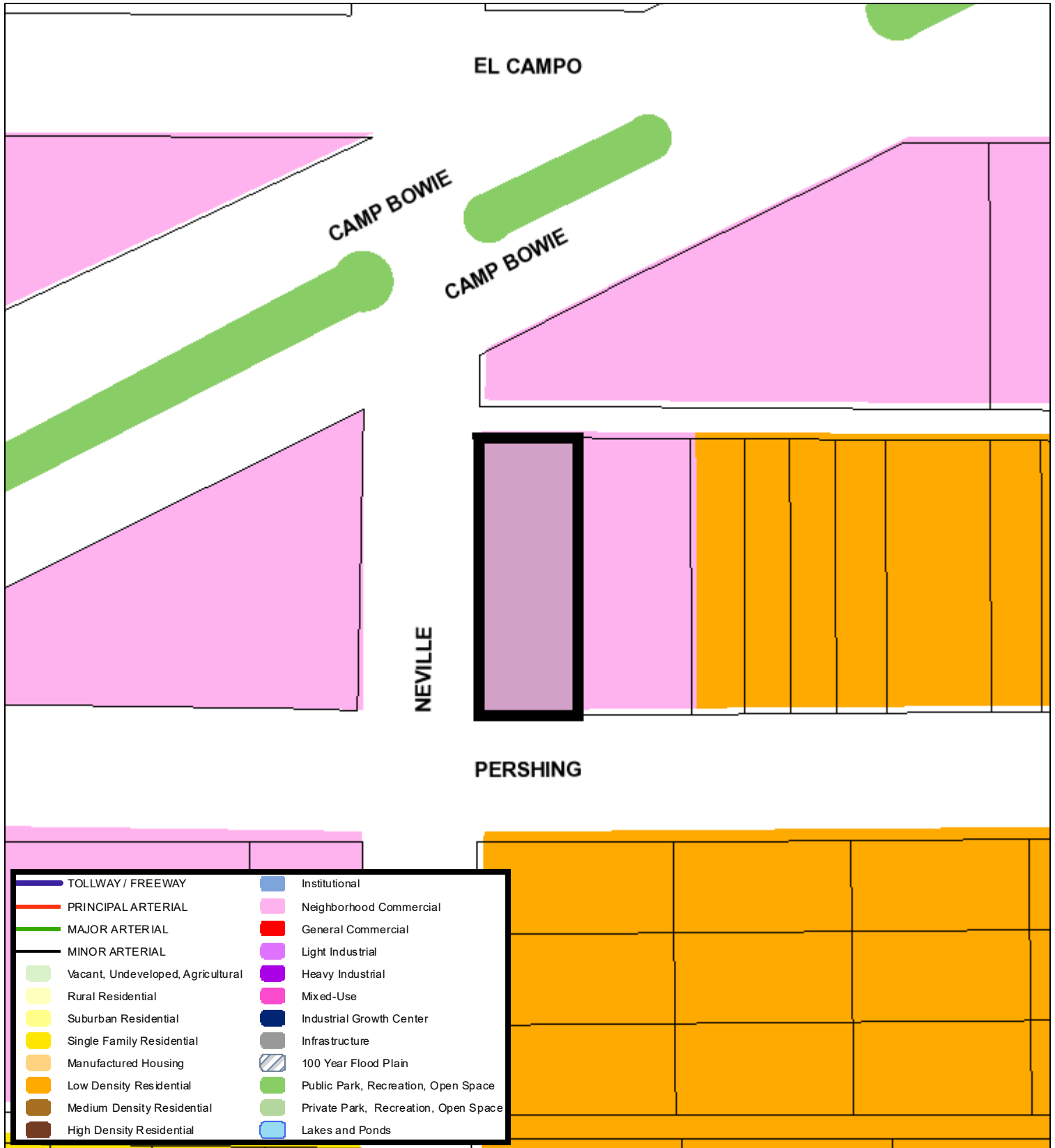
JOHN A. GRANT, III
Registered Professional Land Surveyor 4151

Development Services Director/Date
Zoning Case # ZC-24-046

Area Map



Future Land Use



60 30 0 60 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



0 40 80 160 Feet

