CITY OF HALTOM CITY

MINUTES
PLANNING & ZONING COMMISSION
May 24, 2016

CALL TO ORDER
Vice Chair Chapman called the meeting to order at 7:30 p.m.

DETERMINATION OF QUORUM AND EXCUSED ABSENCES
Previous absences were excused.

PRESENT MEMBERS: Arsement, Chapman, Logan, Teague
PRESENT ALTERNATES: Hilliard
PRESENT COUNCIL LIAISON: Watkins

MEMBERS ABSENT: Adam, Bowman, Tidwell
ALTERNATES ABSENT: Taylor

ADMINISTRATIVE STAFF PRESENT:
Justin French, Director of Planning & Community Development

APPROVAL OF MINUTES
May 10, 2016 minutes were approved with changes.

PUBLIC HEARINGS AND ACTION ITEMS

Regular Agenda Items

Item No. 1 Rezone (Z-005-16) – 3272 Aurora Street
Application of Lorenzo Garza for a Zoning Change request from "SF-2" Single Family Residential District to "C-2" Commercial District located on Lot 2, Block 4 of the North Eastridge Addition, being approximately 0.166 acres located south of Broadway Avenue and east of Aurora Street, locally known as 3272 Aurora Street; and action on an amendment to O-2010-011-15, amending the Future Land Use Plan within the 2010 Comprehensive Land Use Plan.

The legal notice regarding the public hearing was published in the May 6, 2016, Fort Worth Star Telegram. Notification was mailed to all property owners within 200 feet on May 6, 2016, and nineteen (19) property owners were notified. City staff received none (0) in favor, three (3) opposed, and one (1) returned to sender.

Staff presented and clarified the request.

Vice Chair Chapman asked the applicant to come to the podium.
Nicolaus Camacho residing at 9112 Westwood Shores Drive in Fort Worth stated he is representing the applicant, Lorenzo Garza, who was in attendance. Mr. Camacho presented a proposed site plan to the Commission, and stated that he and Mr. Garza met

with opposing neighbors yesterday and heard their concerns that the proposed commercial building will be built too close to adjacent residential. Mr. Camacho explained that the proposed building will have a 25-foot setback from the adjacent residential property and the proposal includes a green area and a fence to screen along Aurora Street. He stated that the main rezoning request is to allow for about eight additional parking spaces for the proposal so there is no overflow parking on the City streets.

Commissioner Teague asked for an explanation of the type of building.

Mr. Camacho stated that the building will be a metal building kit with a masonry exterior complying with City standards.

Commissioner Teague asked for the proposed use of the building.

Mr. Camacho stated that the building will be used for a grocer and meat market.

Commissioner Teague asked for the hours of operation.

Mr. Camacho stated that the hours of operation will be 8:00am to 10:00pm every day.

Commissioner Teague stated that the late hours of operation may be of concern to the neighbors and asked for more understanding of the type of groceries to be sold.

Mr. Camacho stated the groceries will be Mexican groceries, meat sales, and cooked foods to go. He stated that no onsite dining in proposed. He also stated that the neighbors' concerns with existing commercial are from older developments and that their new construction will have to follow City codes, such as, having a dumpster screening enclosure.

Commissioner Teague asked what kind of lighting will be at the development.

Mr. Camacho stated that LED will be in front with other lighting that will be necessary to comply with City requirements.

Commissioner Chapman asked how meat delivery will access the property.

Mr. Camacho stated that all deliveries will be from Broadway Avenue and no traffic on Aurora Street.

Commissioner Chapman asked where the dumpster will be located and how will it be accessed.

Mr. Camacho stated that the dumpster is currently shown on the west side of the building but that they intend to relocate it to the east side of the building and accessed from Broadway Avenue.

Commissioner Logan noted that there are two existing drive approaches to Aurora Street.

Mr. French stated that the City staff has not reviewed the presented site plan and that it is good for the Commissioners to get an idea of what could be developed but unlike a rezoning request to the "PD" Planned Development District, it is not binding to the developer requesting a straight rezoning request.

Commissioner Chapman asked why the applicant has not requested a rezoning to the "PD" Planned Development District if the site plan has been prepared. He stated that the City staff would then have an opportunity to review the proposed site plan. He also stated that he has concerns with approving the rezoning request and then the property being sold for some other development, while a rezoning request to the "PD" District would assure the Commission of what will be developed.

Mr. Camacho stated that the application was submitted for the rezone and once discovery of the opposition there was short notice to prepare anything. He also stated he would be happen to submit plans for the City to review.

Commissioner Teague asked how submitting the plans to the City staff will impact the applicant going forward.

Mr. French stated that the public hearing must still be conducted for the straight rezoning request and after the public hearing the Commission can take action to approve, deny, continue to the next meeting, or continue indefinitely so the applicant can revise the request to the "PD" Planned Development District and the City staff can review the revised request with the site plan.

Commissioner Teague asked if the zoning was approved, how soon the applicant wants to start construction.

Mr. Camacho stated the applicant would like to start construction in three months. He also addressed Mr. Logan's concerns in regards to the existing drive approaches on Aurora Street and stated that the applicant is willing the remove them.

Mr. French noted that the applicant will have to go through at least an amending plat process to combine the two lots and make one lot for the development site.

Mr. Camacho stated that the replat has started but will be placed on hold, pending the outcome of the rezoning.

Ms. Hilliard asked Mr. French to restate the applicant's options and if additional fees will be incurred by the applicant.

Mr. French stated that historically the City has not charged any additional fees for re-notification or reapplication if the motion by the Commission or Council were to continue and if the motion was to deny then the applicant would start the process over and pay a new application fee, which covers the new legal notifications.

Ms. Hilliard asked if the Commission continued the public hearing to allow the applicant time to have a site plan reviewed by City staff then the site plan would not be binding if the request stays as a straight rezoning request.

Mr. French acknowledged that Ms. Hilliard's statement was correct.

Mr. Camacho asked if the plat combining the properties is required before preparing the site plan.

Mr. French stated that the platting is not a prerequisite to preparing a site plan if the applicant revised his request to a rezoning to the "PD" Planned Development District with the understanding that the replat will come afterward if the request was approved and before building permits are issued.

No further questions for the applicant.

Vice Chair Chapman opened the Public Hearing to those present to speak in support.
No one was present to speak in support of the requests.

Vice Chair Chapman opened the Public Hearing to those present to speak in opposition.
Mr. Riley Barlow residing at 3264 Aurora Street stated he and his neighbors have traffic concerns and that a fresh meat market has fresh meat trash, which attracts pests and stray animals regardless of fences. He stated his concerns that the commercial development will continue to push further down his residential block. He stated he has no problem with the meat market being developed on the corner lot that is already zoned commercial. He also stated that if the property is rezoned the property owner could change his mind and sell to another developer that could develop something else.

Mr. Barlow said he feels he will lose money if he tries to sell his house after the requested rezoning is approved. He stated that the new commercial development will bring trash pick-up trucks to the area at 3:00 am, wake up dogs, and disturb residence like the printing shop behind them already does with their trash pick-up. He also stated he would only support the commercial development if Aurora Street was changed to a cul de sac and not connected to Broadway Avenue.

Commissioner Teague asked what Mr. Barlow would like to see developed on the property.

Mr. Barlow replied that he would like to see a single family residence on the lot.

Commissioner Teague asked how the commercial development could be a win-win for the residents and the developer.

Mr. Barlow stated the only way the commercial development will not impact the neighborhood would be for Aurora Street was changed to a cul de sac and fenced to Broadway Avenue by a wall that blocks sound and commercial traffic.

Mr. Logan stated a lot of the subject site will be taken up by a buffer with trees and a 6-foot tall screening fence. He stated that the "C-2" District on Broadway cannot be left vacant forever, and the City needs to try to make everyone happy.

Ms. Esther Lee also residing at 3264 Aurora Street stated the neighbors enjoyed the area because it was quiet and the noise has gotten worse. She stated that a year and a half ago she was one of the motorists that were T-boned, and she noted that there are obstructed views with vehicles coming in and out of the tire shop. She stated she goes around-a-bout way to avoid the Aurora Street and Broadway Avenue intersection. She also stated that there is no amount of trees and no six-foot wall will block out the noise.

Mr. Roy Robert Martinez residing at 3265 Aurora Street noted that the exhibit submitted to the Commission by the applicant was not binding to any decision by the Commission and that the request is just for a straight rezoning. He stated that the neighbors do not mind a house being built on the subject site and a commercial development being built at the corner property which is already zoned commercial. He also stated his concerns that the present developer could change his mind and sell to another developer with a different plan.

Ms. Lori Holter stated that she has resided at 3261 Aurora Street for 20 years and that her parents have lived there for 48 years. She stated that the proposed fence will be going along the side of the neighboring house. She stated the deliveries will not block Broadway Avenue, so the deliveries will come down Aurora Street and there's no place to pull the truck in to deliver meat. She also stated that she does not know where the developers other meat market is located and if it is in a residential area. Ms. Holter stated that the developer's property has always been a vacant lot.

Commissioner Teague stated that the City does not want it to stay empty forever.

Ms. Holter agreed and stated that a house development would be better and approving this rezoning will push the commercial development too far down Aurora Street. She stated there are two residences across Aurora Street front the developer's site and those residents are going to open there door and have their morning coffee while seeing a parking lot and a dumpster.

Commissioner Teague stated she got from the developer that they wanted to add to the neighborhood and not take from the neighborhood.

Ms. Holter stated that a tire shop at the corner of Aurora Street and Broadway Avenue have cars with flat tires parked on the grass with flat tires that haven't been moved in years.

Commissioner noted that Ms. Holter suggests the developer be penalized for something a different property owner is doing in violation with City code.

Mr. Kenneth Parrish residing at 3229 Aurora Street stated there are two illegal businesses operating on Aurora Street, one does furniture and the other is a lumber yard. He stated truck traffic occurs day and night already. He also said there a seven vacant lots on Broadway with for sale signs and he thinks it is a waste. He also stated there is also 300 acres of vacant land on 820 and that he does not understand why this commercial development needs to encroach into the residential area.

Vice Chair Chapman asked the applicant to come back to the podium for a brief rebuttal.

Mr. Camacho stated trash pick-ups can be scheduled so trucks are not visiting the site in the middle of the night and that he does not know why the existing business in the area does not schedule the trash pick-up at a better time. He stated that Mr. Garza never intends to build a residence on the subject site. He also stated that he did not think 25 feet will make a significant difference in regards to noise and Mr. Garza's existing meat market is addressed at 5144 E. Belknap Street.

Vice Chair Chapman closed the Public Hearing.

Mr. Chapman stated he believes denying the application for rezoning and directing the applicant to come back with a planned development after staff has had an opportunity to review the development plan is best because the Commission will then have the applicant's intended plans.

Mr. Logan asked if the Commission has to deny if the Commission wants to have the applicant come back with a planned development.

Mr. French stated that if the Commission's motion is to deny or approve the Commission's recommendation goes to City Council on June 13th for public hearing and consideration. He stated that if the Commission's recommendation is to deny then the City Council must approve by a super majority (3/4) vote of the present Councilmembers in order for the rezoning to be approved rather than by a simple majority as required following the Commission's recommendation for approval. The Commissioner's motion is to continue tonight's public hearing indefinitely then the City staff will have to re-notice the request for a future public hearing date, where notice is given in the Star Telegram, the City's website, bulletins in City Hall, and each property owner within 200 feet will received a mailed notice.

ACTION BY THE COMMISSION

Commissioner Hilliard made the motion, seconded by Commissioner Logan, to approve Z-005-16 with the statement that the City has need for economic development, existing businesses are already around the residences on Aurora Street, and noise will be no greater than that which is already present. Motion to approve passed by a vote of 4-1-0.

Item No. 2 Rezone (Z-006-16) – 4101 E. Belknap Street
Application of Billy Nguyen for a Zoning Change request from "C-3" Commercial District to "D" Duplex District located on a portion of Lot 8, Block 13 of the G. W. Burkitt's Subdivision, being approximately 1.122 acres located south of Carnation Street and east of N. Beach Street, locally known as 4101 E. Belknap Street; and action on an amendment to O-2010-011-15, amending the Future Land Use Plan within the 2010 Comprehensive Land Use Plan.

The legal notice regarding the public hearing was published in the May 6, 2016, Fort Worth Star Telegram. Notification was mailed to all property owners within 200 feet on May 9, 2016, and thirty-seven (37) property owners were notified. City staff received none (0) in favor, none (0) opposed, and none (0) returned to sender.

Staff presented and clarified the request.

Vice Chair Chapman asked the applicant to come to the podium and opened the public hearing.
Joseph Nguyen with JBN Architects residing at 5718 Marietta Drive, Arlington, TX stated he is representing the owner of the Vietnam Plaza and subject site, Vinh Luong, who has owned the property for the past 15 years. Mr. Nguyen stated he knew the previous property owner who had the subject site 15 years prior to Mr. Luong and that the subject site has been vacant for the past 30 years. Mr. Nguyen stated that Mr. Luong believes the highest and best use is for residential.

Mr. Chapman asked Mr. Nguyen how deep the subject site is off Carnation Street.

Billy Nguyen with JBN Architects residing at 4307 S. Bowen Road, Arlington, TX stated he does have a survey but it is difficult to get the exact measurements from it.

Ms. Teague asked if the applicant has a site plan for the property.

Mr. Billy Nguyen stated the applicant does not have a conceptual site plan and is awaiting the outcome of the rezoning request before replatting and preparing a conceptual site plan.

Ms. Hilliard is the subject site to include property all the way to E. Belknap Street.

Mr. Joseph Nguyen replied in the negative.

Ms. Hilliard asked if the applicant wants to develop three duplexes on the subject site.

Mr. Joseph Nguyen replied in the affirmative.

Ms. Teague asked where people will park.

Mr. French stated the applicant cannot present to the Commission where people are going to park and stated that the request before the Commission is whether the Commission will

amend the Comprehensive Land Use Plan and approve a straight rezoning request to the "D" Duplex District. He also stated that if the Commission wants specifics in regards to how lots, buildings and parking will be laid out then the Commission is looking to giving the applicant direction to come back with a request to rezone to the "PD" Planned Development District, so everything regarding a site plan can be reviewed by City staff and then the Commission.

Ms. Teague stated if the Commission votes for the applicant's request then the City is telling the applicant he is able to construct three duplexes.

Mr. French corrected Ms. Teague's statement and stated that the Commission could approve the rezoning request and the applicant may find that he cannot plat three residential lots for duplexes. He stated that approval of the rezoning simple means that all allowed in the "D" Duplex District is then allowed at the subject site. He stated that the designing of the property in accordance with the "D" Duplex standards for lot width, lot depth, lot size, and adequate public facility requirements would then occur at time of replatting unless the request becomes a planned development in which all would occur at time of rezoning.

Mr. Chapman stated that the Commission in their judgement to recommend to the City Council must visualize whether the request will be benefiting the City overall. He stated that the Commission wants to work with the property owner so it does not sit idle; however, the configuration being asked for with the rezoning request is his concern. He also stated that if the owner backs out of his plans because only two duplex lots are allowed rather than three, then the City is left with having amended the Comprehensive Land Use Plan.

Mr. French noted that the Commission is not tied to what the applicant's intentions are rather than the big picture request for rezoning. He stated that the Commission could see a replat with four or five duplex lots because neither the applicant nor City staff have looked into how the subject site could be subdivided into any number of lots more than two lots fronting Carnation Street.

Ms. Teague asked if the property is rezoned to "D" Duplex District can anything other than duplex be developed on the property.

Mr. French stated that if the rezoning is approved then single family residential is also an allowed use.

Mrs. Arsement noted that the zoning existing across Carnation Street and on Carnation Street is already "D" Duplex, which is what the applicant requests.

Mr. Joseph Nguyen noted that he is pretty sure three existing lots on Carnation Street can fit with the Carnation Street frontage of the subject site. He stated that Mr. Luong's commercial tenants in the back of the Vietnam Plaza turnover regularly because they are so far from E. Belknap Street, so Mr. Luong is not looking to expand Vietnam Plaza further off E. Belknap Street. He also stated Mr. Luong has had several inquiries as to whether a house can be built on the subject site.

Mr. Logan stated that the Vietnam Plaza needs more parking per his lunch time visit and the subject site can provide the additional parking.

Mr. Luong stated parking for the back building is unused because several tenant spaces in the back building are vacant and the overcrowding of parking is because everyone wants to parking directly in front of the restaurants rather than walk a little. He also stated that he is not expanding business that will generate need for more parking.

Mr. French stated that another option for the applicant and the Commission is to just rezone the first 120 feet off of Carnation Street (which is the minimum lot depth required in the "D" Duplex District) and leave the remainder with the current zoning and land use designation in the CLUP.

Mrs. Arsement asked for clarification as to whether there is extra parking in the back of the Vietnam Plaza shopping center.

Mr. Luong stated that there is extra parking because there are vacant tenant spaces in the back.

Mr. Chapman stated he shares some of the other Commissioners concerns and noted that he found a very large plywood trash container behind the existing back building and overgrown vegetation along the back of the subject site. He stated that he wants to see development at the site but has concerns that the proposed development will not be maintained.

Mr. Luong stated he had a tenant that collected paper and has being trying to have the former tenant take the trash bin away.

Mr. Chapman stated that the responsibility lies with the property owner.

Mr. Luong agreed and stated he can have it hauled away and will bill the previous tenant.

Ms. Hilliard noted that the Commission needs to look at this request as a development and economic development perspective. She stated she has visited Carnation Street several times and has look into assisting one of her grandchildren find a place to rent. She stated a lot of the residences are not in good condition. She also stated that the Commission should approve the requested zoning and let the number of duplexes be addressed when the property is replatted. Ms. Hilliard noted that though the requested rezoning does not comply with the current land use designation in the CLUP the requested rezoning is consistent with the surrounding land uses.

Vice Chair Chapman closed the Public Hearing.

ACTION BY THE COMMISSION
Commissioner Hilliard made the motion, seconded by Commissioner Arsement, to approve Z-006-16. Motion to approve failed by a vote of 2-3-0.

Mr. Logan asked for clarification of what motion was made and what could be made.

Mr. French stated that the motion made was to approve and it failed for lack of a majority vote, so the Commission can now make a new motion to: approve a smaller area (such as the first 120 feet off Carnation Street), or deny, or table to the next P&Z meeting so perhaps there are more Commissioners present to vote, or continue indefinitely so the applicant can come back with a planned development, or some other motion. He also stated that the Commission can engage the applicant and ask what they prefer now that their first choice has failed with the Commission.

Ms. Hilliard noted that the applicant's request has failed with the Commission but has not necessarily failed with the City Council.

Commissioner Logan made the motion, seconded by Commissioner Teague, to deny Z-006-16. Motion to deny passed by a vote of 3-2-0.

FURTHER DISCUSSION
None

UPDATE ON RECENT COUNCIL ACTION
Mr. French provided an update to Council's recent actions.

ADJOURN
Vice Chair Chapman adjourned the meeting at 9:02 p.m.

Respectfully submitted,

Justin French

Justin French, AICP, Director of Planning and Community Development

Steve Chapman, Vice Chair of the Planning & Zoning Commission