



**ZONING MAP CHANGE  
STAFF REPORT**

**City Council Meeting Date:**  
February 5, 2013

**Council District** 8

**Zoning Commission Recommendation:**  
Approved by a vote of 6-3  
  
**Opposition:** one person spoke

Continued Yes \_\_\_ No X  
Case Manager Lynn Jordan  
Surplus Yes \_\_\_ No X  
Council Initiated Yes \_\_\_ No X

**Owner / Applicant:** Texas Wesleyan University

**Site Location:** 3216 E. Rosedale Mapsco: 78K

**Proposed Use:** Removal of HC Designation

**Request:** From: "MU-1/HC" Low Intensity Mixed Use/Historic and Cultural  
To: "MU-1" Low Intensity Mixed Use

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

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

**Background:**

The Historic and Cultural Landmark designation is a zoning overlay. Therefore action is required in the form of a recommendation by the Zoning Commission and a decision by the City Council in order to remove the overlay. Further information may be found in the attached Historic and Cultural Landmark Commission (HCLC) report. Below is an excerpt of the Findings/Recommendation beginning on page 5 of the report:

The applicant is requesting to demolish the structure at 3216 E. Rosedale Street. Should the commission approve the request, there would no longer be any historic structure left on the site. Therefore, the applicant is also requesting to remove the current designation of Historic and Cultural Landmark (HC).

3216 E. Rosedale, also known as the S.S. Dillow House, was constructed in 1912 for S.S. Dillow, who purchased the property in 1908. Dillow owned Polytechnic's first business, a grocery store (3200 E. Rosedale; structure has been demolished), and was the president of the First State Bank of Polytechnic College. He was also president of the Polytechnic School Board. Dillow lived in the house until his death in 1931. His daughter, Audrey, lived in the house until her death in 1982. Audrey donated the house to Texas Wesleyan University in 1979. The University renovated the structure in 1982 and used it as the headquarters of the Polytechnic Heights Main Street program for several years. It was vacated in 2007 due to its deteriorated condition. It has suffered two fires.

The structure is a two-story, brick, Prairie Style residence. It consists of a wrap-around porch, wide overhanging boxed eaves with carved brackets, and a hipped roof with a large hipped roof dormer. This structure was listed in the Tarrant County Survey and may be eligible for the listing on the National Register.

The following motions and recommendations were made by the HCLC for the Dillow House; it was a three part request:

- **Motion for Item A; demolition based on loss of significance:** Deny based on the evidence provided which indicates that the structure continues to contribute to the historic fabric of Fort Worth and has not lost any of its historic significance.
- **Motion for Item B; demolition based on economic hardship:** Deny the request because the applicant failed to prove with a preponderance of evidence that they would suffer an unreasonable economic hardship if the request was not approved.
- There was **no motion for Item C**, the request to remove designation, because both items A and B were denied. However, the requirements to remove designation are the same as those for demolition. The applicant has to prove loss of significance or economic hardship in order for a request to remove designation to be approved. The applicant was unable to prove either one in this case – therefore the outcome of this case is being interpreted as a recommendation to deny removal of designation for failing to prove loss of significance and/or economic hardship.

**Site Information:**

Owner: Texas Wesleyan University  
1201 Wesleyan St.  
Fort Worth TX, Texas 76105

Agent: Fred Slabach  
Acreage: 0.27 acres  
Comprehensive Plan Sector: Southeast

Surrounding Zoning and Land Uses:

North “MU-1” Low Intensity Mixed Use / Texas Wesleyan University campus  
East “MU-1” Low Intensity Mixed Use / vacant lot  
South “MU-1” Low Intensity Mixed Use / single family  
West “MU-1” Low Intensity Mixed Use / vacant lot

**Recent Relevant Zoning and Platting History:**

Zoning History:

Platting History: None

**Transportation/Access**

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
McCart Street	Major Arterial	Major Arterial	No

**Public Notification:**

The following organizations were notified:

Organizations Notified	
Poly Historic NA	Southeast Fort Worth Inc.
El Poly Pyramid	FWISD
East Fort Worth Business Association	

**Development Impact Analysis:**

1. **Land Use Compatibility**

The proposed site is located across the street from the Texas Wesleyan University campus. The university owns all the properties on the block face. The university has a master plan for the properties that they own.

The requested removal of the "HC" zoning overlay will not change the base zoning; as a result, there will be no effect on compatibility.

**2. Comprehensive Plan Consistency**

The 2012 Comprehensive Plan designates the subject property as mixed use. However, the removal of the overlay district will not affect the underlying zoning district and future land use.

As a result, the proposed zoning **is consistent** with the 2012 Comprehensive Plan

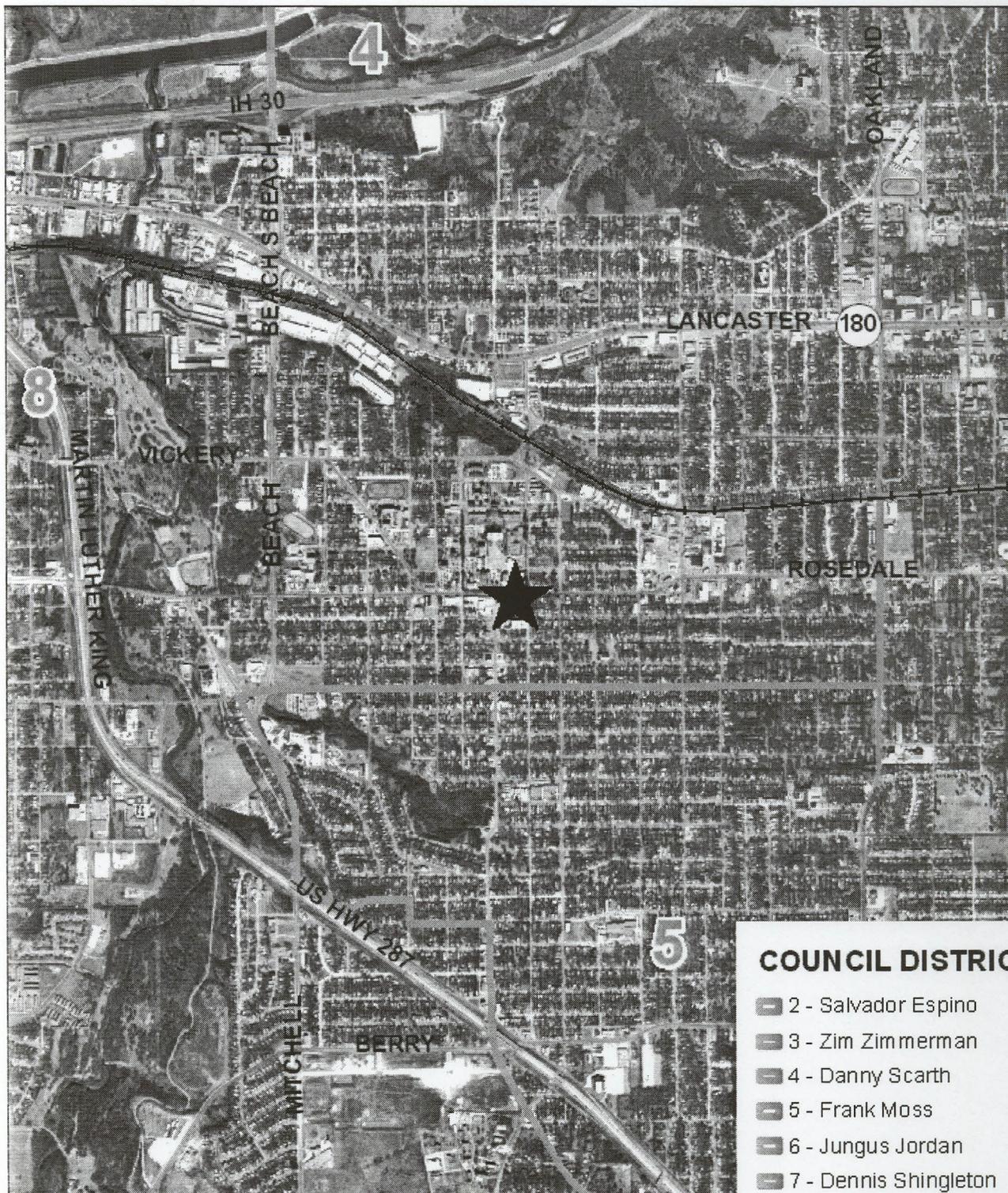
To view the Comprehensive Plan:

<http://www.fortworthgov.org/planninganddevelopment/misc.aspx?id=81678>

***Attachments:***

- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- HCLC report
- Minutes of the Zoning Commission meeting

## Location Map



### COUNCIL DISTRICTS

- 2 - Salvador Espino
- 3 - Zim Zimmerman
- 4 - Danny Scarth
- 5 - Frank Moss
- 6 - Jungus Jordan
- 7 - Dennis Shingleton
- 8 - Kelly Allen Gray
- 9 - Joel Burns



2000 1000 0 2000 Feet

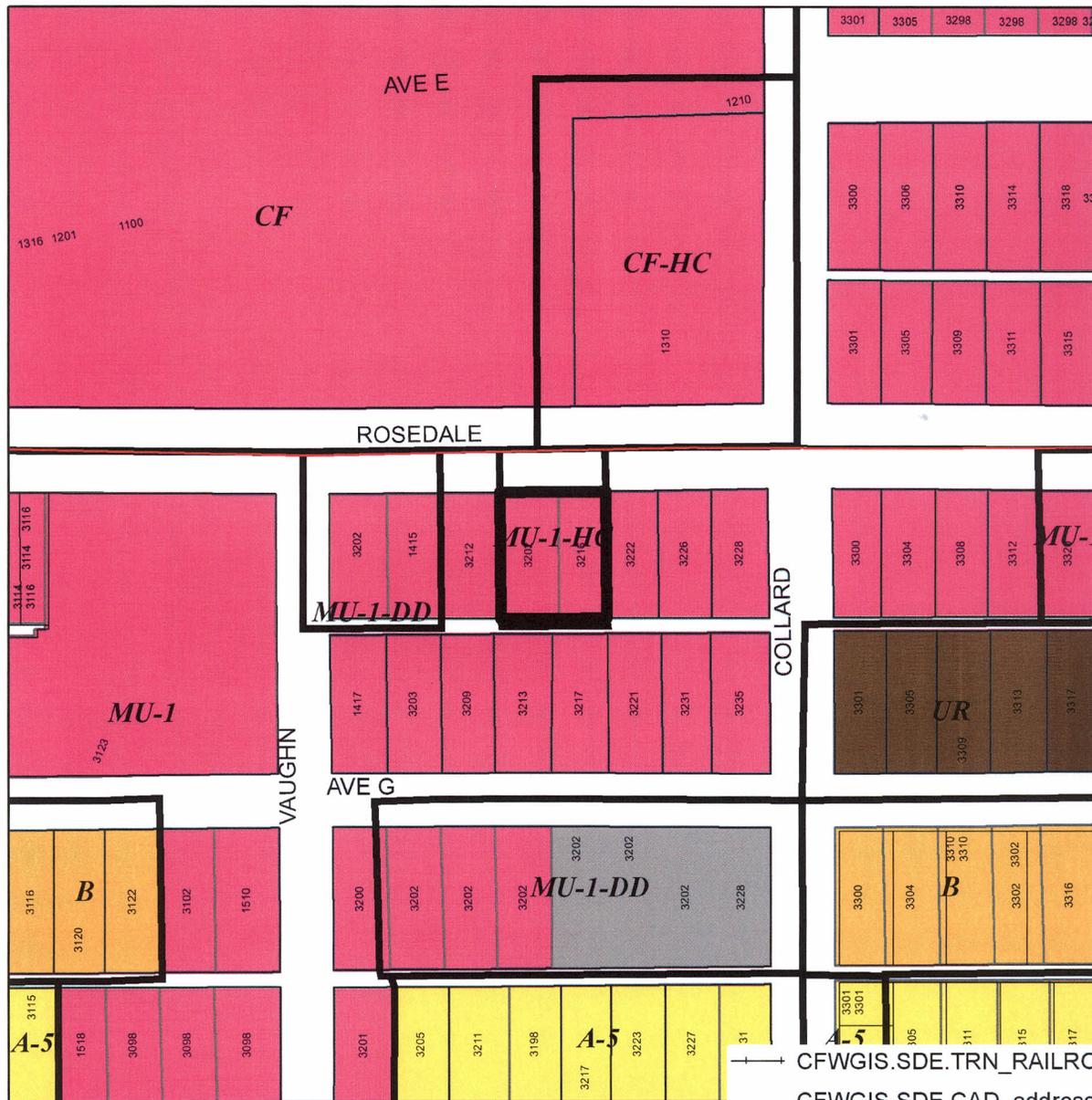






# Future Land Use

ZC-12-138



CFWGIS.SDE.TRN\_RAILROADS  
CFWGIS.SDE.CAD\_addresses

- Vacant, Undeveloped, Agricultural
- Rural Residential
- Suburban Residential
- Single Family Residential
- Manufactured Housing
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Institutional

- Neighborhood Commercial
- General Commercial
- Light Industrial
- Heavy Industrial
- Mixed-Use Growth Center
- Industrial Growth Center
- Infrastructure
- Lakes and Ponds
- Public Park, Open Space
- Private Park, Open Space

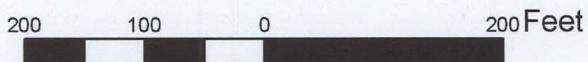
- Freeways/Toll Roads
- Proposed Freeway/Toll Road
- Principal Arterial
- Proposed Principal Arterial
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- ▨ Flood Plain



A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Sect. 219.005) Land use designations were approved by the City Council on March 6, 2012.



## Aerial Photo Map



Motion: Following brief discussion, Ms. Reed recommended approval of the request for the revised site plan, seconded by Mr. Hollis. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>					ZC-12-123
Name	Address	In/Out 200 notification area	ft	Position on case	Summary
Robert Dunlap/property owner	2301 Hemphill St	Yes		Support	Present did not speak
Hemphill Corridor Task Force	NA	No		Support	Sent letter in

**6. ZC-12-137 Northwest ISD (CD 7) 11870 Willow Springs Road (James Righley Survey, Abstract No. 1268, 127.51 Acres): from “A-5” One-Family to “E” Neighborhood Commercial**

Mickey Thomas, 3978 W. Vickery, Suite 103 Fort Worth, Texas with MJ Thomas Engineering representing Northwest ISD explained to the Commissioners they are requesting to rezone the property to neighborhood commercial in order to allow for a larger sign for the proposed Middle and High School.

Motion: Following brief discussion Mr. Genua recommended approval of the request, seconded by Mr. West. The motion carried unanimously 9-0.

**7. ZC-12-138 Texas Wesleyan University (CD 8) 3216 E. Rosedale Street (Polytechnic Heights, Block 27, Lots 4 & 5, 0.26 Acres): from “MU-1/HC” Low Intensity Mixed Use/Historic & Cultural to “MU-1” Low Intensity Mixed Use**

Fred Slabach, 1221 Elizabeth Boulevard, Fort Worth, Texas representing Texas Wesleyan explained to the Commissioners they have been and will continue to be good stewards in regards to historic structures on their campus. He also wanted to note that Texas Wesleyan partners with the City of Fort Worth for the Poly Wesleyan Urban Village and East Rosedale Street improvements and revitalization project. The campus itself is a testament of the value the University places on its historic buildings when it is economically feasible to do so. Mr. Slabach pointed out on the overhead several existing historic structures that are on campus. Some of the structures date back as far as 1809. The Poly Cemetery that is not on the map dates back more than 150 years.

He explained that Texas Wesleyan’s presence is a central factor in revitalizing East Fort Worth. They have been the anchor in the community for 123 years. He went on to mention they relocated their book store off campus into one of the historic storefronts on Rosedale. They’re grateful for the support from the community as well as local government on their success. He also mentioned Texas Wesleyan is engaged in a multimillion dollar capital campaign to partner with the City of Fort Worth, North Texas Council of Governments and Tarrant County for the streetscape sustainable development project. They will be building a new multimillion dollar vertical structure on Rosedale Street. They have entered into an agreement with the Central

Texas Conference of the United Methodist Church which currently resides on Bailey Avenue. In order to accomplish this they are seeking to remove the historic overlay.

Michael Bennett, 2429 Rogers Avenue, Fort Worth, Texas architect for the project spoke in support of the request. Mr. Bennett mentioned they greatly support the historic renovation and revitalization of the area. They have tried to think of several ways they could save the Dillow house but it would be an expensive undertaking to try and keep.

Ms. Conlin asked if there were more people in the audience in support if they could stand. Five people stood up in support.

John Maddox, 2120 Ridgmar Boulevard, Fort Worth, Texas mentioned there are several planning mechanisms that need to come together. Mr. Maddox mentioned the City's Comprehensive Plan, Wesleyan's Master Plan, and the Thoroughfare Plan for Rosedale helps to make this piece work. Low intensity mixed use is a high density zoning; the HC overlay requires a low density single use.

John Roberts, 1110 Penn Street, Fort Worth Texas representing Historic Fort Worth spoke in opposition. Mr. Roberts explained to the Commissioners Historic Fort Worth is a 501 (c) (3) preservation organization with over 70,000 constituents. Each month the organization's Public Affairs Committee reviews the Landmarks Commission agenda and supports positive outcomes for Fort Worth's irreplaceable architectural heritage.

Mr. Roberts mentioned on August 13, 2012 the Landmarks Commission heard representatives of Texas Wesleyan present their case to demolish the 1912 Dillow House. On August 13<sup>th</sup>, the demolition request was divided into three parts, and parts A and B were heard individually and were denied. He mentioned request C, to remove the designation, was not heard because the applicant's request excluded C unless A or B had been approved. Mr. Roberts went on to mention that the two considerations for demolition never required the Landmarks Commission to consider C to remove the designation of HC. Historic Fort Worth would like to know why option C is before the Zoning Commission today. If the City believes the designation should be considered, the process should start with the Landmarks Commission, not zoning. We feel that you would agree that it would be a shame for TWU's unprecedented request to undermine both the designation ordinance and the Landmarks Commission.

Mr. Hollis asked Mr. Roberts if he felt the Dillow House was economically viable as a restoration project. Mr. Roberts said yes. Mr. Hollis asked what his conclusion is based on. Mr. Roberts said they have looked at the structure and feel this is an important structure for the Poly area. Mr. Hollis agreed it is an important structure but is the liability of restoring the structure to that type of use feasible. Mr. Roberts said he feels the HC removal should go before the Landmarks Commission first. Mr. Hollis asked if he preferred leaving the Dillow House as it sits, boarded up or would he rather see it revitalized and replaced with another structure and use. Mr. Roberts said he would like for them to find a way to restore it.

Ms. Conlin asked if his only concern was that it did not go before the Landmarks Commission for the removal of the HC designation. Mr. Roberts said yes.

Mr. Edmonds asked staff for clarification on the recommendation they make and the Landmarks Commission making a recommendation.

Melinda Ramos, Sr. Assistant City Attorney, City of Fort Worth said that is correct and explained to the Commissioners there is not a formal requirement in the Preservation Ordinance that says the Historic Landmarks Commission makes a recommendation for removal of a designation. However, the requirement that is supposed to be looked at for the removal of a designation of HC is either loss of significance or an economic hardship. With the demolition case they looked at both of those items which is why it moved forward as a zoning case as mentioned in the work session. Given those two decisions, the recommendation from the Commission would be a denial of the overlay.

Ms. Burghdoff, Deputy Director said based on advice from the Law Department, the Landmarks Commission findings would support the denial of the removal of the overlay and that is their recommendation to the City Council.

Mr. Edmonds asked if it was appropriate for them to hear the case and make their recommendation to City Council. Ms. Burghdoff said yes.

Ms. Conlin asked if the City of Fort Worth has ever put together a committee for setting out guidelines for Historic Preservation.. Ms. Burghdoff said Secretary of Interior Standards guidelines apply and we are obligated to follow them as well. Ms. Conlin asked if there was a committee that looks at this to make the guidelines stricter. Ms. Burghdoff said yes they do so in the case of Historic Districts. She said she would have to refer to the Historic Preservation staff to see if there are specific guidelines set aside for individual structures.

Liz Casso, Historic Preservation Officer, City of Fort Worth explained typically individual structures fall up under the Secretary of Interior Standards; they have the ability to have their own. To her knowledge there are no individual designated structures in the City that have done this.

Libby Willis, 2300 Primrose Avenue, Fort Worth, Texas spoke in opposition. She mentioned the work that Texas Wesleyan is doing is exciting and that if they had chosen not to stay in East Fort Worth there is no telling what might have happened in that area. Ms. Willis said structures like this are looked at as opportunities for enriching the communities, and you do this by working with structures not tearing them down. She mentioned MU zoning comes close to neighborhoods in other areas of the city and asked how will they deal with these types of structures when they want to do mixed use. If you choose to remove the designation you're setting a precedent for the Landmark program.

Mr. Edmonds asked Ms. Willis if it was reasonable to put the burden of restoring the structure on anyone or group to spend the type of money needed to keep the house as a historic building. Ms. Willis said over the 30 years of working with preservation she has heard this a lot; she believes where there is a will there is a way. She said the most creative architects can figure this out and make it work.

Mr. Hollis mentioned they are dealing with a university who has demonstrated they are capable of taking these structures and utilizing them. In this particular aspect, it was found not to be

economically viable. Ms. Willis said the problem is it has a Landmark designation in which they have to take an extra step. She said this rises to another level; you're talking about removing a designation which will make it easier to do it the next time. This is not good for the City.

Mr. Flores said the discussion has touched on the subject of it being economically viable to rehabilitate the structure. But they are only looking at item C since items A & B were already covered by the HC Landmark Commission. Ms. Zadeh said their comments were a recommendation and you can look at that recommendation as a recommendation to us to send it to City Council as a denial. Melinda Ramos said if there is any additional information that the Zoning Commission needs to make its recommendation you can seek that information from the applicant, opposition or whomever.

Mr. Flores asked Mr. Roberts if he had an evaluation by any expert regarding the rehabilitation of the Dillow House. Mr. Roberts said no they do not it was an informal exploration just by looking at the exterior.

In rebuttal, Mr. Slabach wanted to point out the estimate in their packet was made before the two fires they had in the structure which would exceed that estimate. They have looked at this very closely and it is much more economically feasible to rehabilitate City Hall, the Fire Station, etc. than it would be to rehabilitate the Dillow House.

Mr. West asked about the timing of this project. They hope to begin work on the project simultaneously with the work the city is doing on the East Rosedale project. His understanding is that will be taking place sometime this summer. Mr. West asked for clarification about the presentation presented to the Landmarks Commission. Mr. Slabach said his understanding is there were only two items for the Landmarks Commission to consider, whether it has lost its historic significance and whether there is economic hardship. They presented information on the two items they were charged to determine.

Ms. Conlin asked if the case was denied what happens to the house. Mr. Slabach said it was not economically feasible to renovate the Dillow house. They will do everything they can to make sure it is not a nuisance; it will continue to be boarded up and they will do their best to keep vandals out and keep it from further deteriorating. A donor could come forward and put in the significant amount of funding that it would take to rehabilitate this facility.

Ms. Reed asked him to point out where the Dillow house is in reference to the other historic structures.

Douglas Henderson, 3624 Brighton Drive, Flower Mound, Texas representing East Fort Worth Business Association spoke in support. He mentioned the estimate was done about three years ago and prices have only gone up.

Motion: Following brief discussion, Ms. Conlin recommended approval of the request, seconded by Mr. Genua. The motion carried 6-3 with Ms. Reed, Ms. Zadeh, and Mr. Flores Against.

<i>Document received for written correspondence</i>				ZC-12-138
Name	Address	In/Out 200 ft	Position on case	Summary

		notification area			
Fred Slabach/Texas Wesleyan	1221 Elizabeth Blvd	Yes	Support		Spoke at hearing
Michael Bennett	2429 Rogers Ave	No	Support		Spoke at hearing
John Maddox	2120 Ridgmar	No	Support		Spoke at hearing
John Roberts	1110 Penn St	No		Opposition	Spoke at hearing
Libby Willis	2300 Primrose	No		Opposition	Spoke at hearing
Douglas Henderson/EFBA	2624 Brighton	No	Support		Spoke at hearing
Daphne Stigliano/Boys and Girls Club	NA	No	Support		Sent letter in
Don Boren/EFBA	PO Box 8861	No	Support		Sent letter in

**8. ZC-12-139 Sergio Martinez (CD 9)- 3808 McCart Avenue (Carroll Stone Addition, Block 5, Lot 3, 0.15 Acres): from “E” Neighborhood Commercial to “PD/E” Planned Development for all uses in “E” Neighborhood Commercial plus auto sales and repair; site plan waiver requested**

Mario Urdanzto, 3808 Mc Cart Avenue, Fort Worth, Texas representing Sergio Martinez explained to the Commissioners he has been in this area for seven years and wants to stay there. He sells car, stereos and is trying to make money to support his family. Mr. Urdanzto mentioned he also does taxes and car title transfers.

Robert Snoke 3826 6<sup>th</sup> Avenue, Fort Worth, Texas representing Rosemont NA spoke in opposition. He handed in additional signatures of property owners in opposition. Mr. Snoke had several photographs of the property and said they are trying to revitalize their neighborhood. He said they do not want to see any more used car lots, mechanic shops, bars, etc., because they are disruptive to neighborhoods. A picture was displayed of a rusted out eighteen wheeler behind the business. Mr. Snoke said they have had several discussions with the property owner about car sales.

Alonzo Aguilar, President of Neighbors Working Together spoke in opposition. He mentioned there are many homes in their neighborhood being converted to businesses. The applicant converted a home into a business without permission.

In rebuttal Mr. Urdanzto said he had support and signatures of the business owners around him. Mr. Flores asked if the list handed in was signatures of business owners. Mr. Urdanzto said yes. Mr. Flores also asked if he had received any citations for Code infractions on that property in the past six months. He said he never had any problems with the City or received any citations. Roy Salinas, Senior Plan Examiner, City of Fort Worth, interpreted for the applicant.

Motion: Following brief discussion, Ms. Reed recommended denial with prejudice of the request, seconded by Ms. Conlin. The motion carried unanimously 9-0.