



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
February 18, 2014

Council District 2

Zoning Commission Recommendation:
Denied by a vote of 9-0

Opposition: none

Continued Yes No
Case Manager Stephen Murray
Surplus Yes No
Council Initiated Yes No

Owner / Applicant: Rita & Blas Rodriguez

Site Location: 2421 Pearl Avenue Mapsco: 62E

Proposed Use: Single-family plus storage of roofing material in a building

Request: From: "A-5" One-Family
To: "PD/A-5" Planned Development for all uses in "A-5" One-Family plus inside storage of roofing materials only; site plan included

Land Use Compatibility: Requested change is not compatible.

Comprehensive Plan Consistency: Requested change is not consistent.
(Significant Deviation)

Background:

The proposed site is located on Pearl Avenue near the corner of 25th Street. The applicant would like to change the zoning from "A-5" One-Family to "PD/A-5" Planned Development for all uses in "A-5" One-Family plus storage of roofing materials, site plan included.

The applicant purchased the property in mid 2013 with the intention to use the 1,475 s.f. existing home and approximately 1,475 s.f. workshop constructed in the rear yard to store roofing material for his business. The workshop appears to have been constructed without permits and likely is in excess of the maximum allowed 50% yard coverage. The applicant intends to maintain the single-family home as a one family use, likely a rental property not associated with the business. The workshop will be used for the separate commercial roofing business.

Customers do not come to the site and the majority of the property is screened by an existing 6 ft. wood fence. The building has 12' x 10' overhead doors on the interior and alley sides. With the internal door, the building could be accessed through the residential lot or the alley; the applicant has expressed his intention to access only through the alley. The approximately 12 ft. rear alley is not improved but is currently used as access for other residential properties. The alley would have to be improved to his lot to city standards before it could be used for access.

The industrial activity of storage of roofing materials is likely to cause noise from delivery vehicles and other ancillary uses that are not consistent with a single family residential neighborhood. The applicant indicates that the lot will not be used for the outdoor storage of materials or vehicles. The proposed site is adjacent to single-family residential to the south and east.

Site Information:

Owner: Rita & Blas Rodriguez
2306 Gould Ave.
Fort Worth, Texas 76164

Agent: Noel Reyes
Acreage: 0.16 acres
Comprehensive Plan Sector: Northside

Surrounding Zoning and Land Uses:

North "FR" General Commercial Restricted / auto repair
East "E" Neighborhood Commercial / single-family, commercial
South "A-5" Single-family / single-family
West "FR" General Commercial Restricted / vacant, commercial

Recent Relevant Zoning and Platting History:

Zoning History: ZC-10-188, from "F" General Commercial to "A-5" One-Family, approved 1/21/11.
Platting History: None

Site Plan Comments:

The site plan as submitted is not in general compliance with the zoning regulations. The key deficiencies are:

1. Provide information on truck access to the site
2. Show parking for picking up roofing materials.
3. 5 ft setback required on the southern side of the property
4. Label ground surface types
5. Provide locations for all screening fences or access to the site through a fence
6. Provide surrounding zoning districts
7. Provide note that the site will comply with landscaping, signage, and urban forestry
8. Provide name, address, and telephone number of engineer, architect, surveyor
9. Provide legal description
10. Provide a location sketch map
11. Provide a signature line labeled: Director of Planning and Development" with a "Date" line below, at lower right hand corner of the drawing, above the project title.

Compliance with the items noted above shall be reflected on the site plan or waivers are required for each item

Transportation/Public Works (TPW) site plan comments

No comments have been submitted at this time.

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Pearl Street	Residential	Residential	No
25 th Street	Collector	Collector	No

Public Notification:

The following organizations were notified:

Organizations Notified	
Northside NA*	FWISD

*Within this neighborhood association

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zone change to "PD/A-5" Planned Development for all uses in "A-5" One-Family plus storage of roofing materials inside the existing building only, site plan included.

Surrounding land uses are comprised of automotive uses, commercial and single-family to the east, single-family to the south and vacant land and a church to the west.

A workshop located in the backyard of the single-family residence is intended to store roofing materials. No permit has been found for this structure. The applicant intends to maintain the single-family home as a one family use which will likely be a rental residence not associated to the business.

Expected noise from the vehicles and movement of material is typically found in industrial areas. Additionally, access to the site would be through a residential neighborhood and/or alley.

The applicant is requesting several waivers of setbacks which are intended to serve as buffers and safeguards meant to protect residential uses.

As a result, the proposed zoning **is not compatible** with surrounding land uses

2. **Comprehensive Plan Consistency**

The 2013 Comprehensive Plan designates the subject property as Neighborhood Commercial. The requested zoning change is not consistent with the following Comprehensive Plan policies

- Encourage development type and intensity appropriate to existing or planned street infrastructure (pg 38)
- Protect residential land uses from incompatible land uses, disinvestments, encroachment, speculation, demolition, neglect, and other negative forces (pg 39)
- Locate single-family homes adjacent to local or collector streets (pg 39)

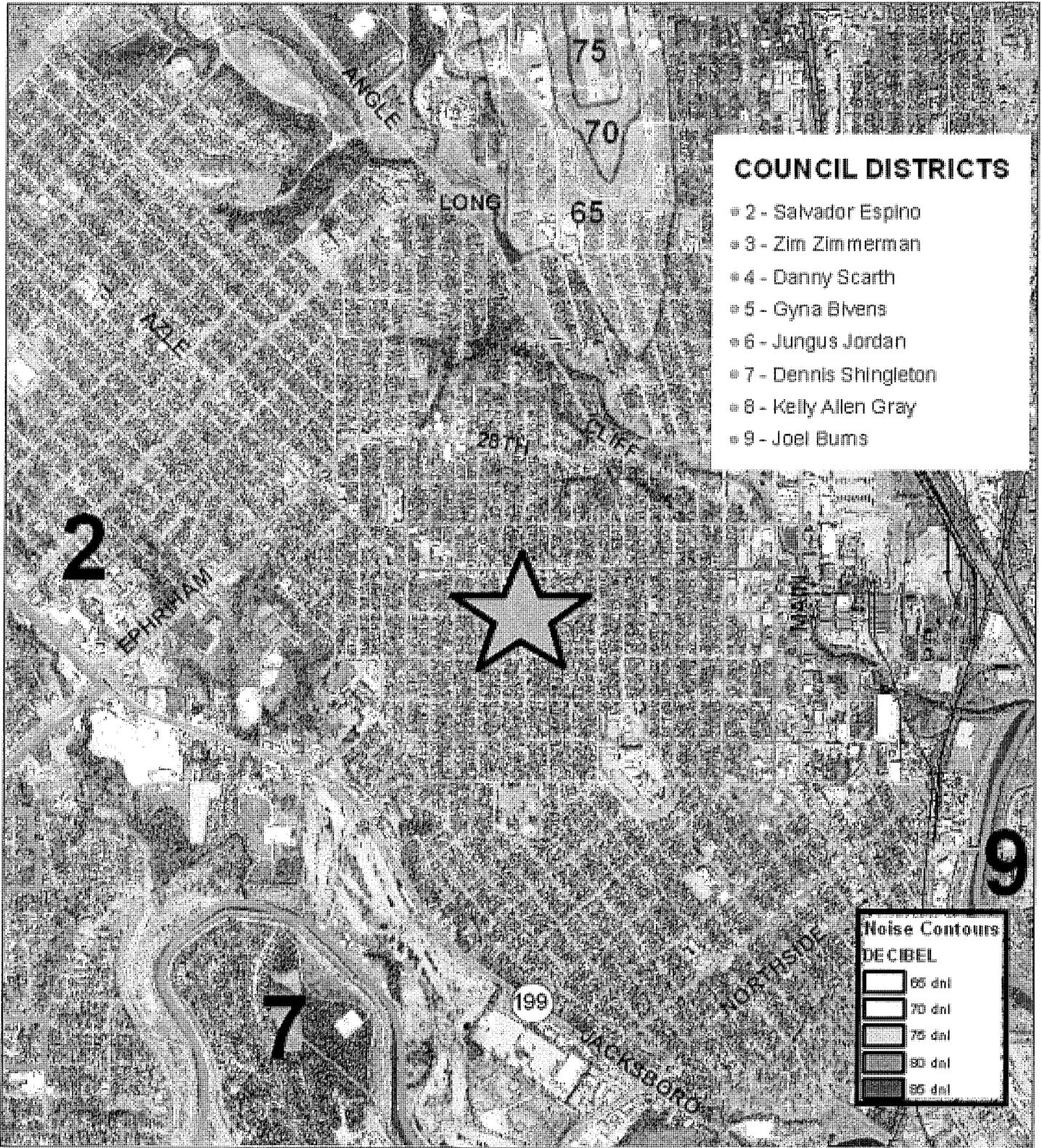
Based on nonconformance with the future land use map and the policies stated above, the proposed zoning **is not consistent (Significant Deviation)**

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
- Site Plan
- Minutes from the City Council meeting
- Minutes from the Zoning Commission meeting

Location Map



2,000 1,000 0 2,000 Feet





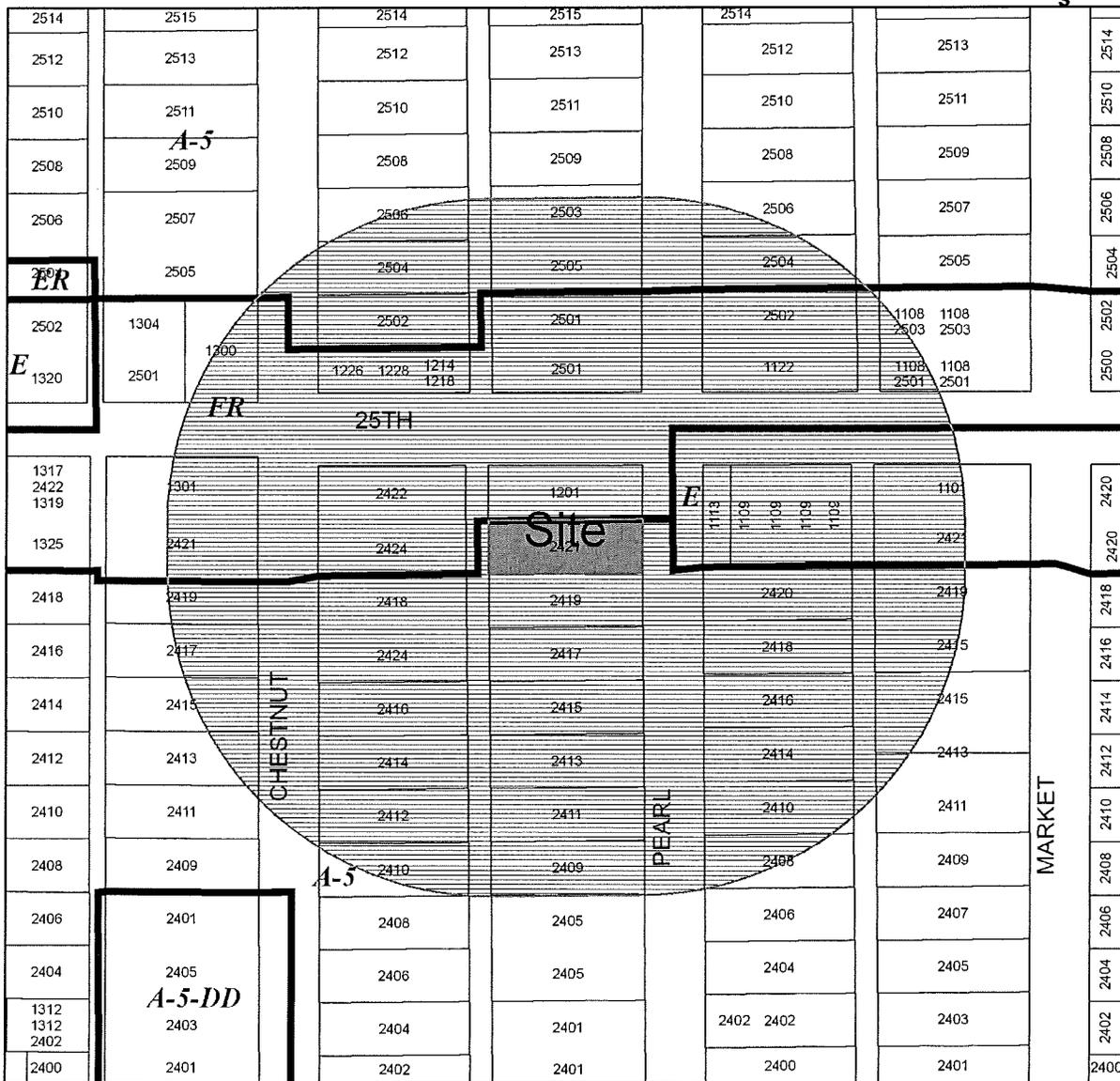
ZC-13-158

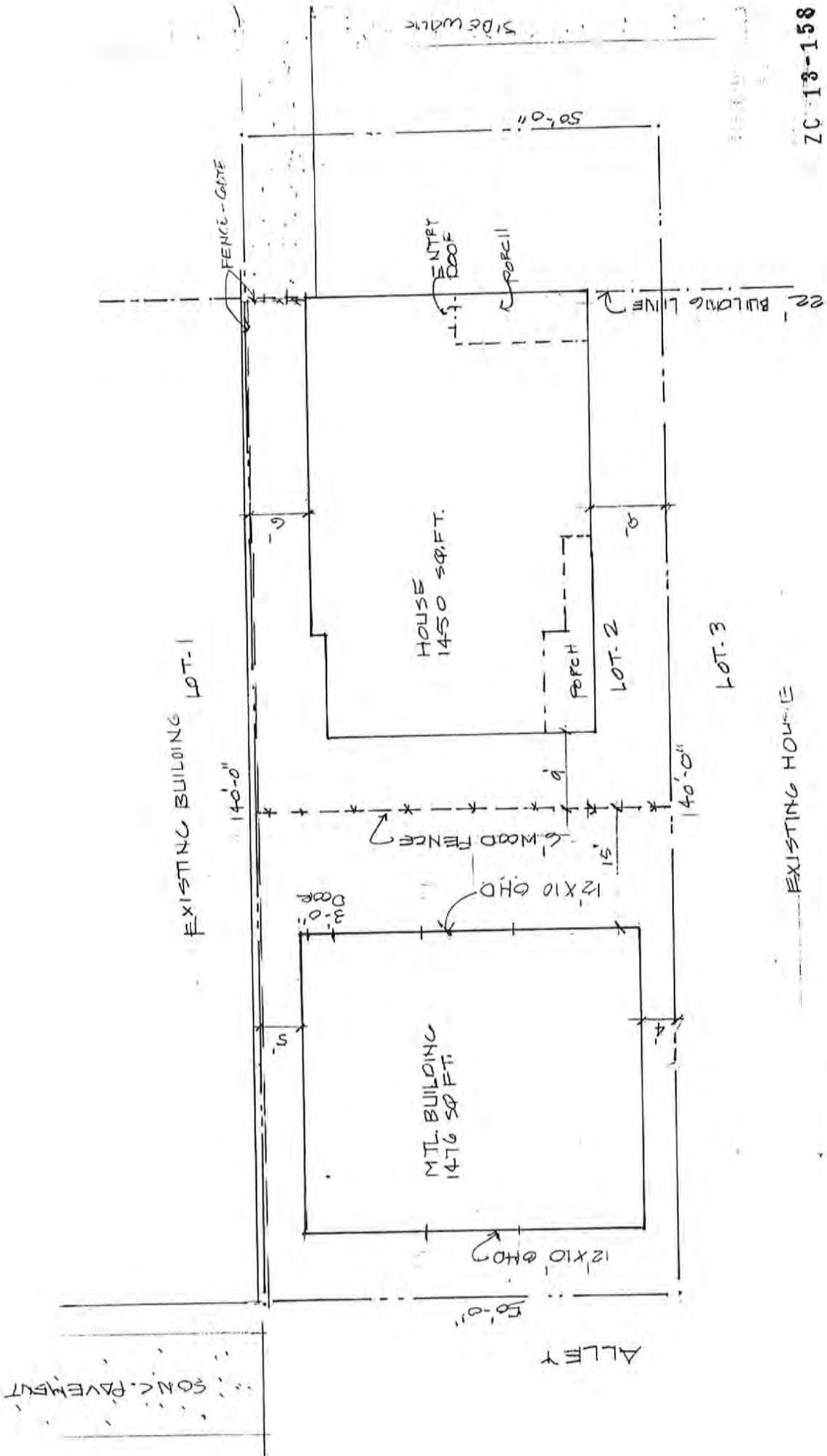
Area Zoning Map

Applicant: Blas and Rita Rodriguez
 Address: 2421 Pearl Ave.
 Zoning From: A-5
 Zoning To: PD for A-5 uses plus storage of roofing materials
 Acres: 0.16451891
 Mapsco: 62E
 Sector/District: Northside
 Commission Date: 11/13/2013
 Contact: 817-392-8043



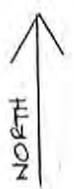
300 Ft. Buffer





ZC 13-158

RECOMMENDED FOR DENIAL



SITE PLAN
SCALE: 3/32"=1'-0"

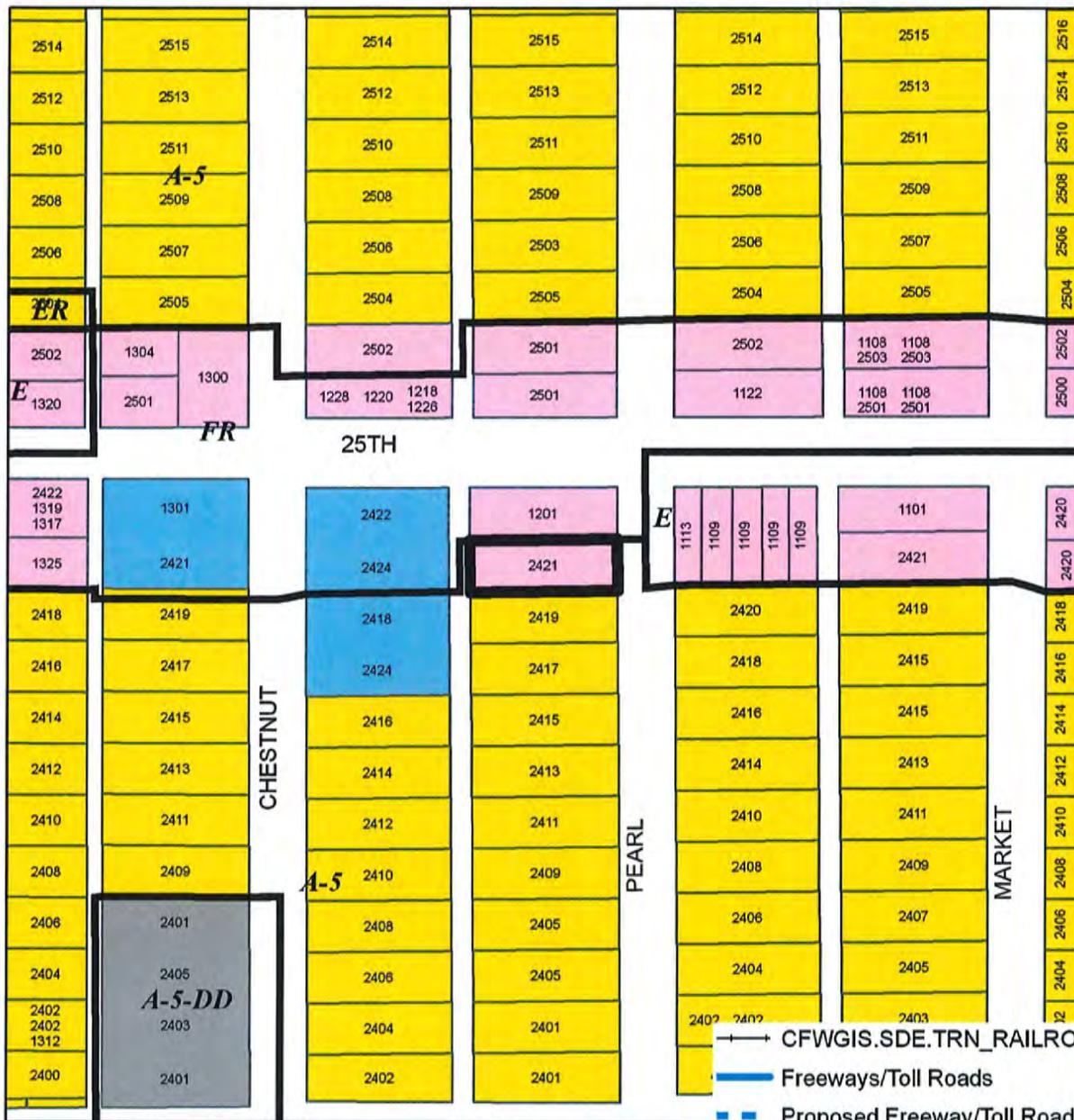
FORT WORTH



2421 Pearl Street

Future Land Use

ZC-13-158



- 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
- Industrial Growth Center
- Infrastructure
- Lakes and Ponds
- Public Park, Open Space
- Private Park, Open Space

- CFWGIS.SDE.TRN_RAILROADS
- Freeways/Toll Roads
- Proposed Freeway/Toll Road
- Principal Arterial
- Proposed Principal Arterial
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial

- FLD_ZONE**
- Floodplain

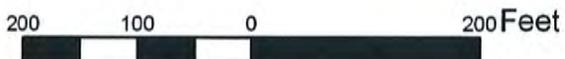
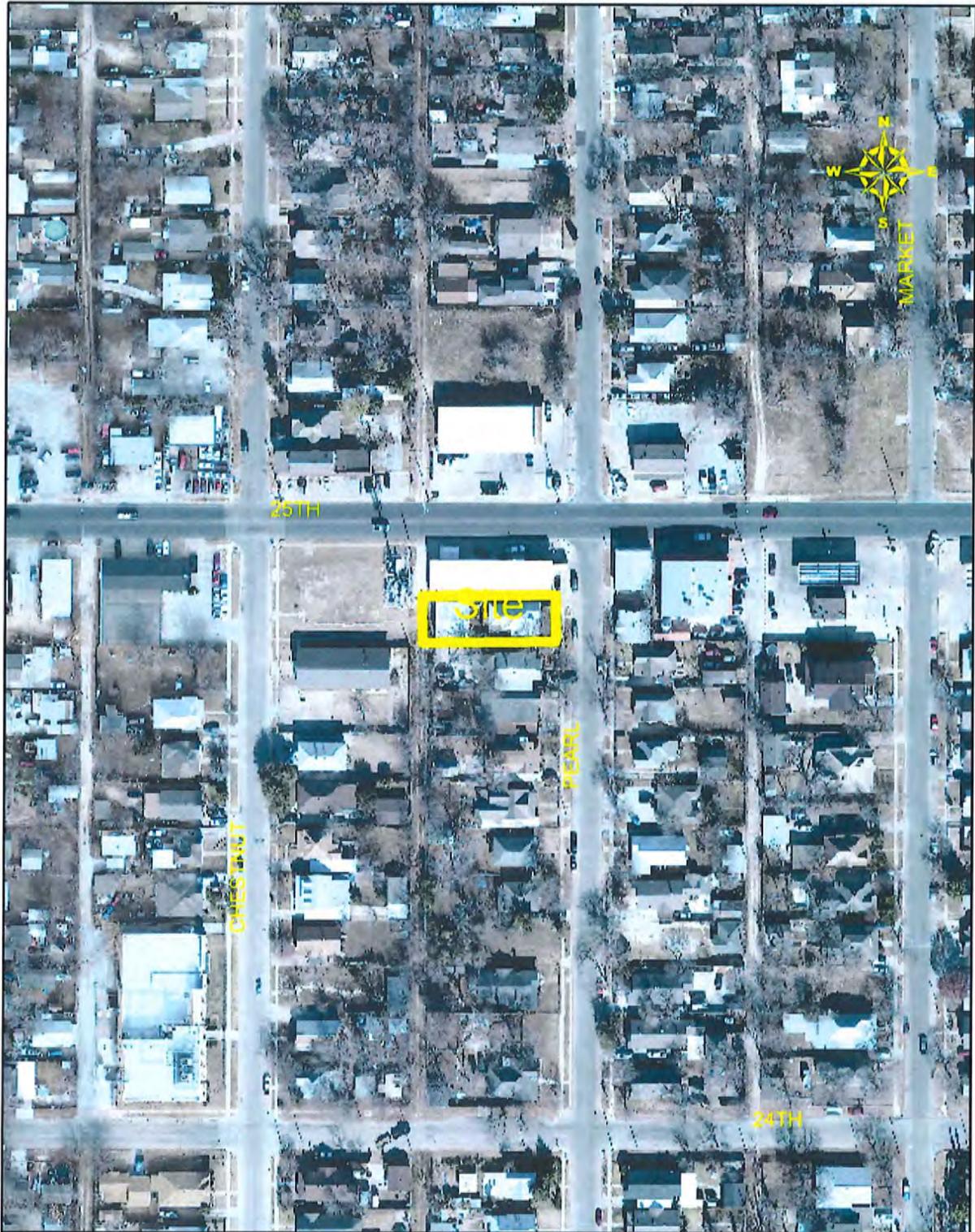


A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government code, Section 219.005) Land use designations were approved by City Council on March 5, 2013.





Aerial Photo Map



It was recommended that the City Council authorize execution of a contract with S.J. Louis Construction of TX, Ltd., in the amount of \$1,048,899.50 for Water Relocation on State Highway 114, Part 2, from Championship Parkway to F.M. 156 and provide for project costs and contingencies for a project total in the amount of \$1,111,399.50.

Motion: Council Member Shingleton made a motion, seconded by Council Member Espino, that Mayor and Council Communication C-26645 be approved. The motion carried unanimously 9 ayes to 0 nays.

XV. ZONING HEARING

The City Council, at its meeting of December 10, 2013, continued Zoning Docket ZC-13-143.

- 2. ZC-13-143 - (CD 3) - Lockheed Martin Recreation Association Inc., Etal. 5750 & 5780 Bellaire Drive South and 3400 Bryant Irvin Road; from: "A-5" One-Family, "C" Medium Density Multifamily, "E" Neighborhood Commercial, "G" Intensive Commercial, and "OM" Office Midrise to: "G" Intensive Commercial and "PD/MU-2" Planned Development for all uses in "MU-2" High Intensity Mixed-Use with a waiver for minimum height and to exclude uses; site plan waiver recommended. (Recommended for Approval by the Zoning Commission) (Continued from a Previous Meeting)**

Ms. Flora Brewer, 6708 Ashbrook Drive, appeared before Council in support of Zoning Docket ZC-13-143.

The following individuals appeared before Council in opposition of Zoning Docket ZC-13-143:

Mr. Malcolm Street, 2812 River Forest Drive
Mr. R.J. Grogan, Jr., 2808 Fairmont, Dallas

Mr. Jefferson Edwards, 3241 Rosemeade Drive, completed an undecided speaker card relative to Zoning Docket ZC-13-143.

Motion: Mayor Pro tem Zimmerman made a motion, seconded by Council Member Jordan, that Zoning Docket ZC-13-143 be continued to the February 4, 2014, Council meeting. The motion carried unanimously 9 ayes to 0 nays.

The City Council, at its meeting of December 17, 2013, continued Zoning Docket ZC-13-158.

- 3. ZC-13-158 - (CD 2) - Rita & Blas Rodriguez, 2421 Pearl Avenue; from: "A-5" One-Family to: "PD/A-5" Planned Development for all uses in "A-5" One-Family plus inside storage of roofing materials only; site plan included. (Recommended for Denial by the Zoning Commission) (Continued from a Previous Meeting)**

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Motion: Council Member Espino made a motion, seconded by Council Member Shingleton, that Zoning Docket ZC-13-158 be continued to the February 4, 2014, Council meeting. The motion carried unanimously 9 ayes to 0 nays.

The Notice of Special Hearing set today as the date for the hearing in connection with recommended changes and amendments to Zoning Ordinance No. 13896 and that notice of the hearing had been given by publication in the *Fort Worth Star-Telegram*, the official newspaper of the City of Fort Worth, on December 30, 2013.

4. ZC-14-005 - (CD 9) - Fort Worth Midtown RV Park, 2906 W. 6th Street; from: "E" Neighborhood Commercial to: "UR" Urban Residential (Recommended for Approval by Zoning Commission)

Mr. Robert Baldwin, 3904 Elm #B, completed a speaker card in support of Zoning Docket ZC-14-005 and was recognized by Mayor Price but did not wish to address Council.

Motion: Council Member Burns made a motion, seconded by Council Member Shingleton, that Zoning Docket ZC-14-005 be approved. The motion carried unanimously 9 ayes to 0 nays.

There being no one else present desiring to be heard in connection with the recommended changes and amendments pertaining to Zoning Ordinance No. 13896 for the above listed cases, Council Member Burns made a motion, seconded by Council Member Shingleton, that the hearing be closed and that Ordinance No. 21102-01-2014 be adopted. The motion carried unanimously 9 ayes to 0 nays.

XVI. CITIZEN PRESENTATIONS

Ms. Michelle Lowry, 9925 Westridge Road, completed a Citizen Presentation card relative to police assistance regarding criminal activity and was recognized by Mayor Price but was not present in the Council Chamber.

Mr. Roy Walker, 800 Chase Circle, appeared before Council relative to the National Association of Men United.

Ms. Dianna Wilson, 5816 Village Course Circle #326, appeared before Council relative to clean-up efforts on Mansfield Highway.

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

<i>Document received for written correspondence</i>					ZC-13-142
Name	Address	In/Out 300 notification area	ft	Position on case	Summary
Lance Griggs/ Summerfields NA	NA			Support	Sent letter in
Pam Speed	7576 Juliet Ln	In		Support	Sent letter in

IV. New Cases

3. ZC-13-157 Ray and Linda Snider (CD 7) – 9508 Park Drive (Benjamin Thomas Survey, Abstract 1497, 2.50 Acres): from “AG” Agricultural to “A-2.5” One-Family

No one was present when the case was called. On a motion by Mr. Flores, seconded by Ms. Reed the case was moved to the end of the agenda. The motion carried unanimously.

The case was called at the end of the agenda. John Grant, 3244 Hemphill Street, Fort Worth, Texas representing Ray & Linda Snider explained to the Commissioners they are proposing single-family development.

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

4. ZC-13-158 Rita and Blas Rodriquez (CD 2) 2421 Pearl Avenue (Rosen Heights Addition, Block 11, Lot 2, 0.16 Acres): from “A-5” One-Family to “PD/A-5” Planned Development for all uses in “A-5” One-Family plus inside storage of roofing materials only; site plan included

Noel Reyes, 120 Kings Road, Arlington, Texas, representing Rita & Blas Rodriquez explained to the Commissioners the property owner owns JV Roofing and was cited by Code Compliance for storing roofing materials under his carport at his personal home. He currently owns the subject property and has a large storage building of about 1475 sq. ft. in the rear yard. He said there is access to the alley for the storage building. He explained there will be no set business hours, minimal noise, and no office, only storage of materials. Mr. Reyes also said the only access to the storage building would be from NW 25th Street through the alley. They will not be using the neighborhood street.

Mr. Flores asked when his client purchased the property. Mr. Reyes said a few months ago. Mr. Flores also asked what his intentions were for the property. Mr. Reyes said to store materials. Mr. Flores asked about the comment made there being no employees and no specified hours. Mr. Flores also asked about the delivery of materials, the alley being unimproved and what type of vehicles will be delivering materials. Mr. Reyes said the owner has put asphalt down for that

section of the alley being used. Mr. Flores noted that NW 25th Street does have commercial uses however there is a neighborhood to the south.

Mr. Edmonds asked about materials being stored and would they be flammable. Mr. Reyes said it is asphalt and felt paper materials and they might be flammable. Mr. Edmonds asked how wide the alley was. Mr. Reyes said about 20 ft.

Ms. Reed asked how they exit the alley. Mr. Reyes said you can turn around on the power substation property. He said it is only 50 ft. to 25th Street.

Mr. Flores asked where the materials are being stored now. Mr. Reyes said he stored them at his residence and on another rental property.

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

5. ZC-13-160 Mario Santiesteban/MSCTLS Properties LLC (CD 2) – 2723 Pearl Avenue (Rosen Heights Addition, Block 64, Lot 1, 0.16 Acres): from “A-5” One-Family to “E” Neighborhood Commercial

Yadina Garcia, 4153 Long Meadow Way, Fort Worth, Texas representing Mario Santiesteban explained to the Commissioners they have been operating a restaurant since 1997 and purchased this property in 2007 for additional parking. She did mention she talked with the closest property owners and they support the request.

Mr. Flores asked how many parking spaces are on the lot. Ms. Garcia said there are 10 spaces. Mr. Flores asked if the property owner built the existing wood privacy fence. Ms. Garcia said yes he did.

Burl Hampton, 2902 LuLu Street, Fort Worth, Texas representing Far Greater Northside spoke in support. He did mention there is a small frame structure on the lot that they will use for storage; no one will be living there.

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

<i>Document received for written correspondence</i>				<i>ZC-13-160</i>	
Name	Address	In/Out 300 notification area	ft Position on case		Summary
Burl Hampton/ Far Greater Northside	2902 LuLu St.	Out		Support	Spoke at hearing
Patricia Ramirez	2800 Pearl Ave	In		Support	Sent letter in
Gerardo Zavala	2801 Pearl Ave	In		Support	Sent letter in