



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
June 3, 2014

Council District 5

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

Opposition: Stop Six Sunrise Addition NA
Support: None submitted

Continued Yes ___ No X
Case Manager Lynn Jordan
Surplus Yes ___ No X
Council Initiated Yes ___ No X

Owner / Applicant: Segundo Ruiz

Site Location: 5429 and 5431 Pinson Street Mapsco: 79U

Proposed Use: Single-Family

Request: From: "E/HC" Neighborhood Commercial/Historic & Cultural Overlay
To: "A-7.5" One-Family/Historic & Cultural Overlay

Land Use Compatibility: Requested change is compatible.

Comprehensive Plan Consistency: Requested change is not consistent (Minor Boundary Adjustment).

Background:

The property is located one block west of Stalcup and north of Pinson. The applicant is requesting a zoning change to A-7.5 to reconstruct a single-family structure. Much of the area was rezoned through a Council initiated rezoning in 2005 and the Historic and Cultural Overlay was placed in 2007.

Residential structures were permitted in all zoning districts until the 1980's, so the home was legally constructed in "E". The now legal nonconforming residential structure was undergoing repairs and was unintentionally completely demolished which caused it to lose its legal nonconforming status and requires a rezoning for reconstruction.

The subject property falls within the Stop Six Sunrise Addition. Stop Six Sunrise Addition has adopted design guidelines for the Historic District. The Historic & Cultural Landmarks Commission approved the Certificate of Appropriateness April 14, 2014.

New construction within a historic district shall not emulate a historic building, but it should reflect the contributing elements and patterns found within the neighborhood. Construction of new housing within the Stop Six Sunrise Addition should not recreate the vernacular cottage form of the historic housing but should creatively incorporate the spirit of the neighborhood's history to produce larger, quality built design and construction with an eye towards a sustainable and lasting neighborhood. Variation in architectural design is required. New construction should improve on existing structures and provide "curb appeal" that is ecstatically pleasing. The Landmarks Commission will use the guidelines as the standard against which

applications for Certificate of Appropriateness are judged, and will require compliance with the guidelines for all new construction and where improvements and alterations are visible from the public right-of-way.

Site Information:

Owner: Segundo Ruiz
3902 Mt. Vernon
Fort Worth, TX 76103

Acreage: 0.81 ac
Comprehensive Plan Sector: Southeast

Surrounding Zoning and Land Uses:

North "A-7.5/HC" One-Family/Historic & Cultural / single-family
East "E/HC" Neighborhood Commercial/Historic & Cultural / vacant structure
South "E/HC" Neighborhood Commercial/Historic & Cultural / single-family
West "A-7.5/HC" One-Family/Historic & Cultural / single-family

Recent Relevant Zoning and Platting History:

Zoning History: ZC-06-293 approved by City Council 06/18/07 adoption of Stop Six Sunrise Addition Historic District guidelines; subject area; ZC-05-129 Council-initiated various properties to various zoning districts approved by City Council 08/23/05 subject area to the west.

Platting History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Stalcup	Two-way local	Collector	No
Pinson	Two-way local	Two-way local	No

Public Notification:

The following Organizations were notified:

Organizations Notified	
Stop Six Sunrise Addition*	East Fort Worth Neighborhood Coalition
Southeast Fort Worth Inc	Fort Worth ISD

*Within this neighborhood organization

Development Impact Analysis:

1. **Land Use Compatibility**

Surrounding land uses vary with single-family to the north, south and west, and a vacant structure to the east. The applicant wants to reconstruct a single-family residence. As a result the proposed zoning is **compatible** at this location.

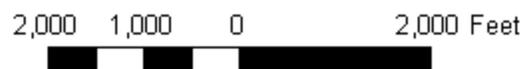
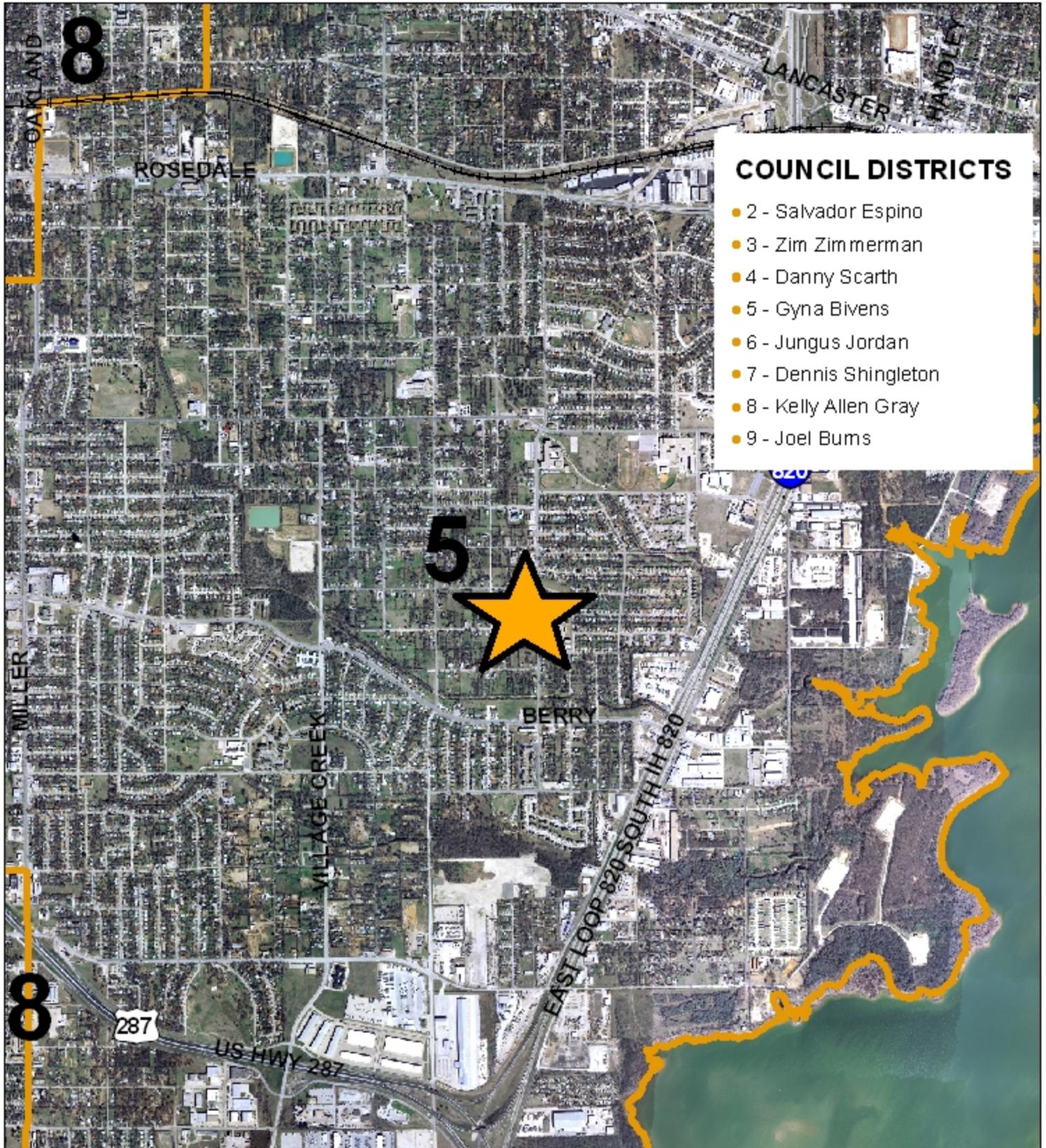
2. **Comprehensive Plan Consistency**

The 2014 Comprehensive Plan designates the subject property as Neighborhood Commercial. Based on the lack of conformance with the future land use map, the proposed zoning is **not consistent (Minor Boundary Adjustment)** with the Comprehensive Plan.

Attachments:

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

Location Map





Area Zoning Map

Applicant: Segundo Ruiz
 Address: 5429 & 5431 Pinson Street
 Zoning From: E/HC
 Zoning To: A-7.5/HC
 Acres: 0.81182488
 Mapsco: 79U
 Sector/District: Southeast
 Commission Date: 4/9/2014
 Contact: 817-392-2495



300 Ft. Buffer

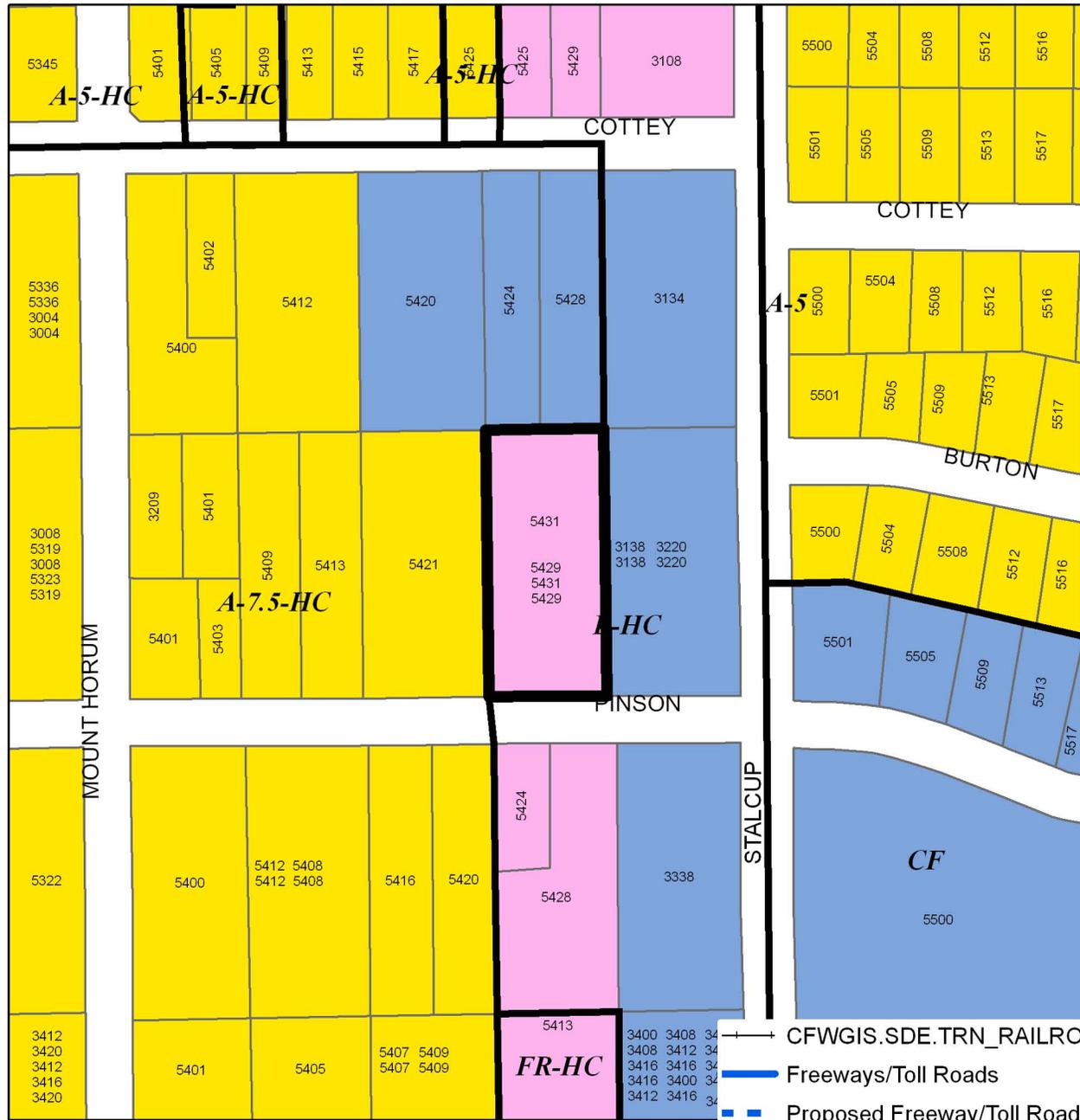




5429 & 5431 Pinson Street

Future Land Use

ZC-14-032



- 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

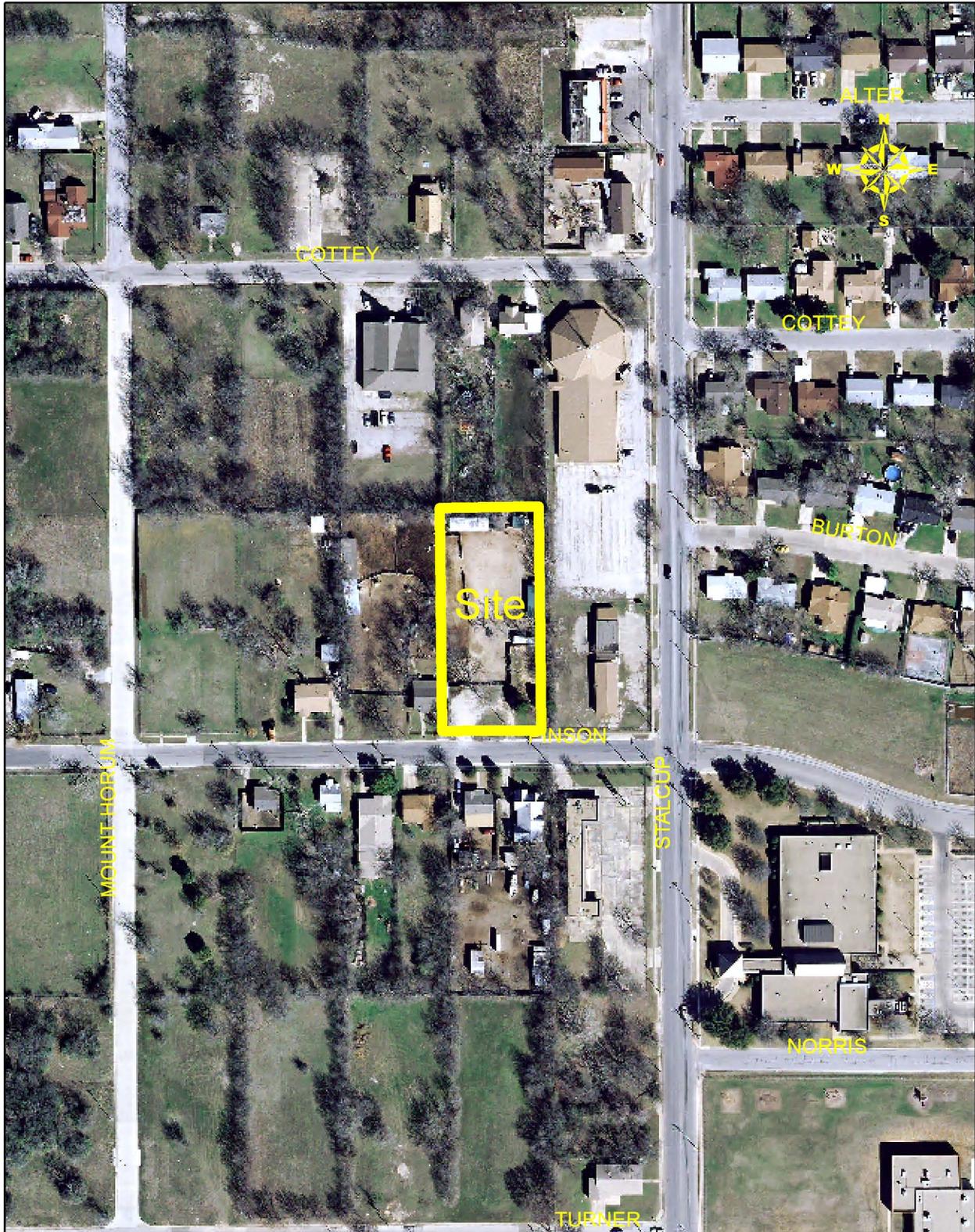
- CFWGIS.SDE.TRN_RAILROADS
- Freeways/Toll Roads
- Proposed Freeway/Toll Road
- Principal Arterial
- Proposed Principal Arterial
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- FLD_ZONE**
- Floodplain



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 18, 2014.



Aerial Photo Map



client is seeking a mini warehouse facility. Mr. Schell stated that this area in particular has a great demand for storage and a mini warehouse facility. Mr. Schell mentioned the previous opposition and explained that his client did meet with the neighborhood alliance after the last meeting and has diligently attempted to meet throughout the process but has gotten no response from the neighborhood.

Chris Ludwig, 9004 Belshire Drive, North Richland Hills, Texas applicant to the request spoke to speaking to the alliance briefly and showed the commission the site to be constructed. Mr. Ludwig showed pictures of adjacent properties in the area and showed his site to resemble a retail style of development.

Mr. West asked if the property to the east of the facility was owned by the applicant. Mr. Ludwig said that it was owned by the same owner. Mr. West asked if the applicant would control what uses would be developed there and mentioned that it would also be a light industrial zone. Mr. Ludwig stated that there were multiple inquiries to the property but that he did not have any plans for it at this time.

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

<i>Document received for written correspondence</i>				<i>ZC-14-047</i>	
Name	Address	In/Out 300 notification area	ft	Position on case	Summary
Charles Ludwig	9004 Belshire Dr.	Out		Support	Spoke at hearing

IV. New Cases

4. ZC-14-032 Segundo Ruiz (CD 5) – 5429 and 5431 Pinson Street (Sunrise Addition, Block 5, Lot 9, 0.81 Acres): from “E/HC” Neighborhood Commercial/Historic & Cultural Overlay to “A-7.5/HC” One-Family/Historic & Cultural Overlay

Juan Ruiz, 2513 N. Hughes Street, Fort Worth, Texas explained to the Commissioners his request to take this location back bto a single family use.

Ms. McDougall asked if the applicant was aware of this request being in a historical district. Mr. Ruiz confirmed that he did realize it was in a historical area. Ms. McDougall asked if this was part of a code compliance related issue. Mr. Ruiz confirmed that there had been a previous issue but that it was taken care of and they are seeking to build single family residential. Ms. McDougall asked for clarification as to what the plans were for building and Mr. Ruiz stated that the plan is to build from the ground up and keep it historical. Ms. McDougall asked if the neighborhood has been contacted and Mr. Ruiz said that he had not spoken to the associations but was not aware of any issues from the neighborhood.

Mr. Flores asked if there had been any discussion with the Stop 6 Sunrise Neighborhood Association in regards to the stables. Mr. Ruiz stated that he had spoken to them and was not aware of any issues.

Liz Casso, Historic Preservation Officer for City of Fort Worth spoke to the background of the property and the applicant’s approval of certificate of appropriateness. She also spoke to the code compliance violation of the illegal demolition and stated the applicant was issued a demolition permit after the structure was demolished. Ms. McDougall asked for clarification on the restoration of the structure after the demolition took place. Ms. Casso stated that they had received the approval of the demolition after the fact and were also approved to reconstruct what was had been there. Ms. Casso stated that they are not required to reconstruct the residential structure since it had been approved for demolition.

Regina Blair, P.O Box 50695, Fort Worth, Texas president of the Stop Six Sunrise Edition Neighborhood Association spoke in opposition. Ms. Blair stated that the zone change request is not consistent with the Comprehensive Plan for the City of Fort Worth and is also not consistent with their neighborhood plan and the vision the residents set in 2006 when rezoning the neighborhood and in 2007 when planning commercial along Stalcup Road to support the Berry Stalcup Urban Village. Ms. Blair went on to mention the applicants’ illegal structures and uses for the property since the Certificate Of Appropriateness was granted and does not support the change to zoning.

In rebuttal, Mr. Ruiz stated that the horses have been removed for about six months to date and are no longer on site. He stated that he would make every effort to maintain a cleaner and a better kept property.

Motion: Following brief discussion, Ms. McDougall recommended a Denial of the request, seconded by Ms. Conlin. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>				ZC-14-032	
Name	Address	In/Out 300 notification area	Position on case		Summary
Regina Blair/ Stop 6 Sunrise NA	P.O. Box 50695	Out	Opposition		Spoke at hearing

5. ZC-14-050 Allen Fulsom (CD 2) – 2605 Cantrell Sansom (James Rogers Addition, Block 1, Lot 1, 0.59 Acres): from “A-5” One-Family to “E” Neighborhood Commercial

Allen Fulsom, 2505 Gobi Drive, Fort Worth, Texas property owner explained to the Commissioners his proposal for a shaved ice facility. Mr. Fulsom stated that he lives about 4 blocks to the east of this property and went on to say that he has spoken to the adjacent property owners and believes to be supported by the neighborhood.

Mr. Flores asked for a background of the property and asked when the structure was placed on the property. Mr. Fulsom stated that he had placed the structure on the property about 9 months