



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
April 5, 2016

Council District 2

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

Opposition: Northside NA, petition submitted
Support: Petition submitted

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

Owner / Applicant: Robert Ramos

Site Location: 2221 N. Houston Street Mapsco: 62K

Proposed Use: Fourplex

Request: From: "B" Two-Family
To: "PD/B" Planned Development for all uses in "B" Two-Family plus fourplex; site plan waiver requested

Land Use Compatibility: Requested change is compatible.

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

Background:

The proposed site is located south of NW 23rd St. and west of N Houston St., both considered residential streets. The applicant is requesting a zoning change from "B" Two-Family to "PD/B" Planned Development for all uses in "B" plus continued use of existing four unit structures. The case was noticed for "C" Medium Density Multifamily and after talking with the applicant changed the request to a PD.

The owner purchased the property in 1998 and the site has been vacant for more than two years. Four units were never considered legal non-conforming in the "B" Two Family district. The Tarrant Appraisal District indicates that the property was built in 1924, before the Zoning Ordinance became effective in 1940. There are several buildings within the block face that appear to be more than two units according to TAD information.

According to the Sanborn maps from 1927, the structure appears to be a two-story single-family home and not built as a duplex or fourplex.

Code Compliance has an open case; 13-304687. The action plan was for the total repairs and zoning change to be complete by February 5, 2016. The structure has been inspected; there are five units with multiple substandard conditions. There has been no case made to Buildings Standards Commission on the property.

At the Zoning Commission meeting, the applicant explained he planned to provide parking in the rear of the property at one space per bedroom. He said that while there are currently five units, with one being an efficiency apartment, his plan was to maintain four one-bedroom units.

On February 16, 2016 a meeting was held with the Northside NA. Neighbors remained in opposition to the request. Concerns from the residents were brought up in the Zoning Commission hearing on March 9, 2016, which included parking, uses and activities inside the structure and tenants.

Site Information:

Owner: Robert Ramos
 5913 Fairwind St.
 Ft. Worth, TX 76135

Acreage: 0.160 ac

Comprehensive Plan Sector: Northside

Surrounding Zoning and Land Uses:

North "B" Two-Family / triplex
 East "A-5" One-Family / single-family
 South "B" Two-Family / single-family
 West "A-5" One-Family / duplex

Recent Relevant Zoning and Platting History:

Zoning History: ZC-11-006, council-initiated rezoning for various properties, various zoning districts to align with the Comprehensive Plan; effective 2-28-11, subject area.

Platting History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
N Houston	Residential	Residential	No
NW 23 rd	Residential	Residential	No

Public Notification:

The following organizations were notified:

Organizations Notified	
Northside NA*	Trinity Habitat for Humanity
Inter-District 2 Alliance	Streams And Valleys Inc
North Fort Worth Historical Society	Fort Worth ISD

*Site located within a registered Neighborhood Association

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zoning change to "PD/B" Planned Development for all uses in "B" Two-Family plus continued use of existing fourplex. Surrounding land uses consist of a triplex to the north, single-family to the east and south, duplex to the west.

As a result, the proposed zoning **is compatible** at this site.

2. Comprehensive Plan Consistency

The 2015 Comprehensive Plan designates the subject property as Low Density Residential. The requested zoning change is not consistent with the Comprehensive Plan.

- Protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, speculation, demolition, neglect, and other negative forces. (pg. 39).

Based on lack of conformance with the future land use map and the policy stated above, the proposed zoning **is not consistent (Significant Deviation)** with the Comprehensive Plan.

However, a zoning change to PD/B for a fourplex would be consistent with Low Density Residential.

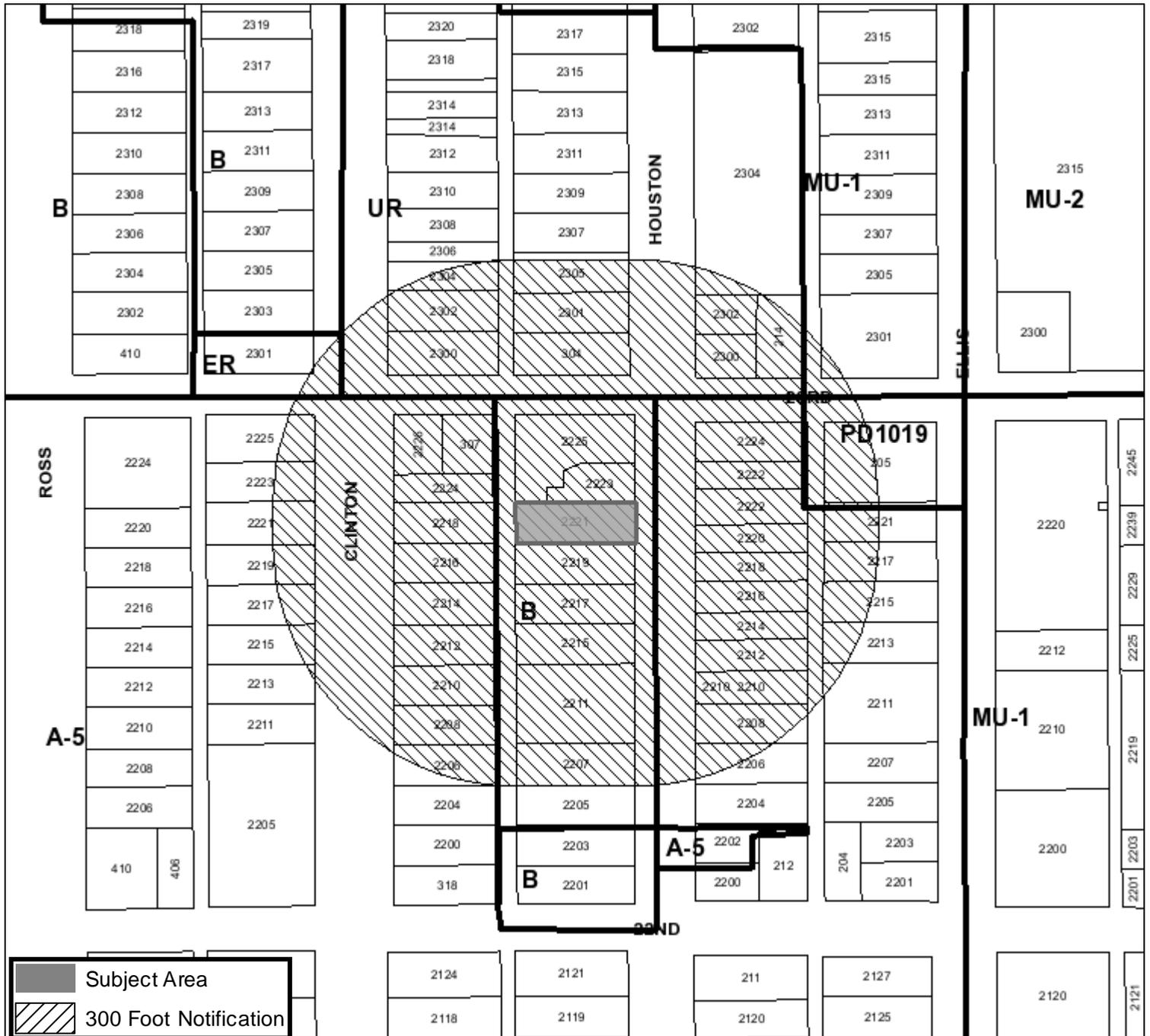
Attachments:

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

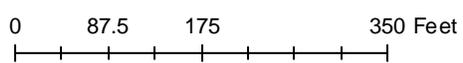


Area Zoning Map

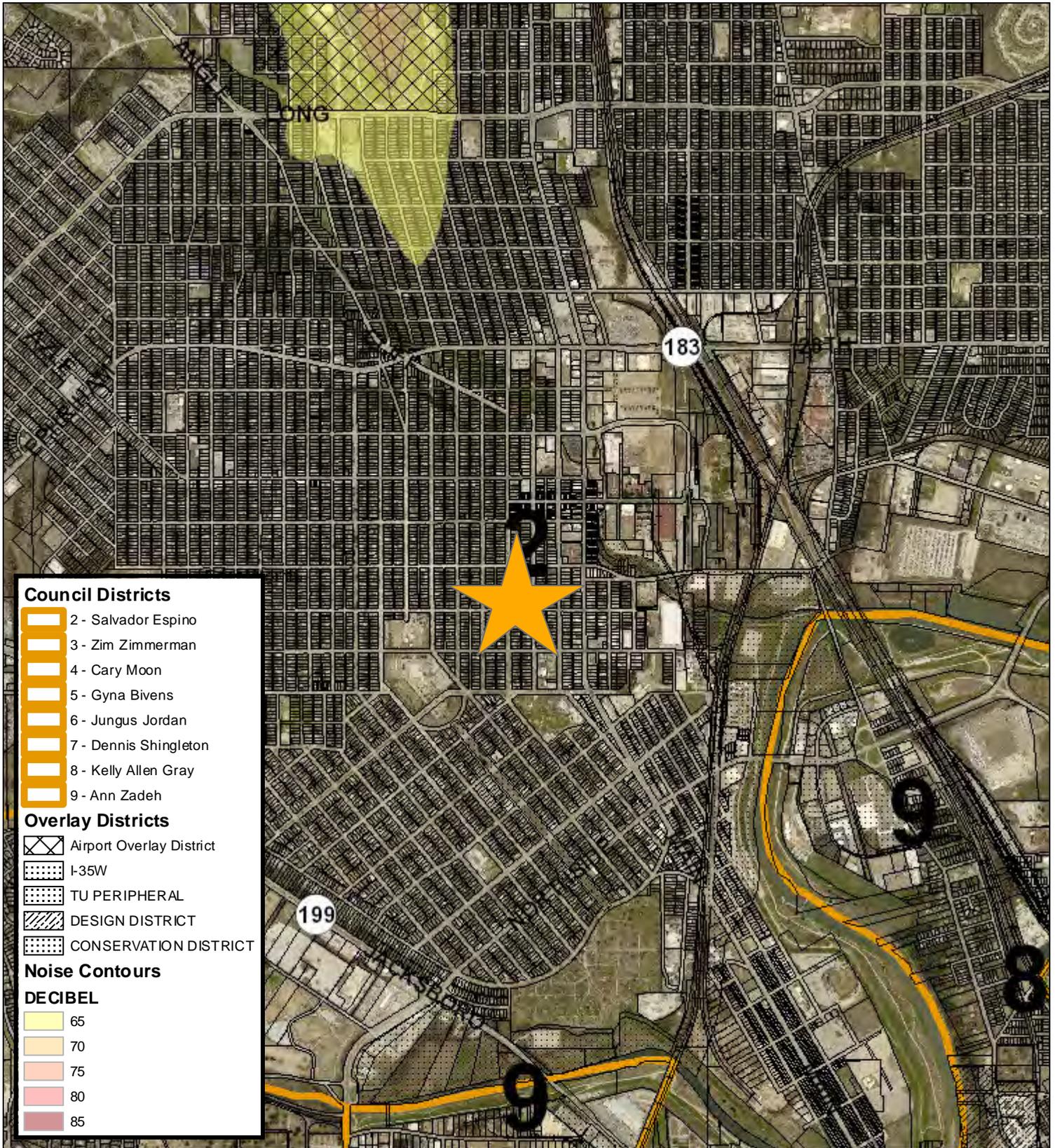
Applicant: Robert Ramos
 Address: 2221 N. Houston Street
 Zoning From: B
 Zoning To: C
 Acres: 0.16861786
 Mapsco: 62K
 Sector/District: Northside
 Commission Date: 2/10/2016
 Contact: 817-392-2495



 Subject Area
 300 Foot Notification



Area Map



Council Districts

-  2 - Salvador Espino
-  3 - Zim Zimmerman
-  4 - Cary Moon
-  5 - Gyna Bivens
-  6 - Jungus Jordan
-  7 - Dennis Shingleton
-  8 - Kelly Allen Gray
-  9 - Ann Zadeh

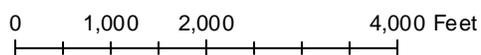
Overlay Districts

-  Airport Overlay District
-  I-35W
-  TU PERIPHERAL
-  DESIGN DISTRICT
-  CONSERVATION DISTRICT

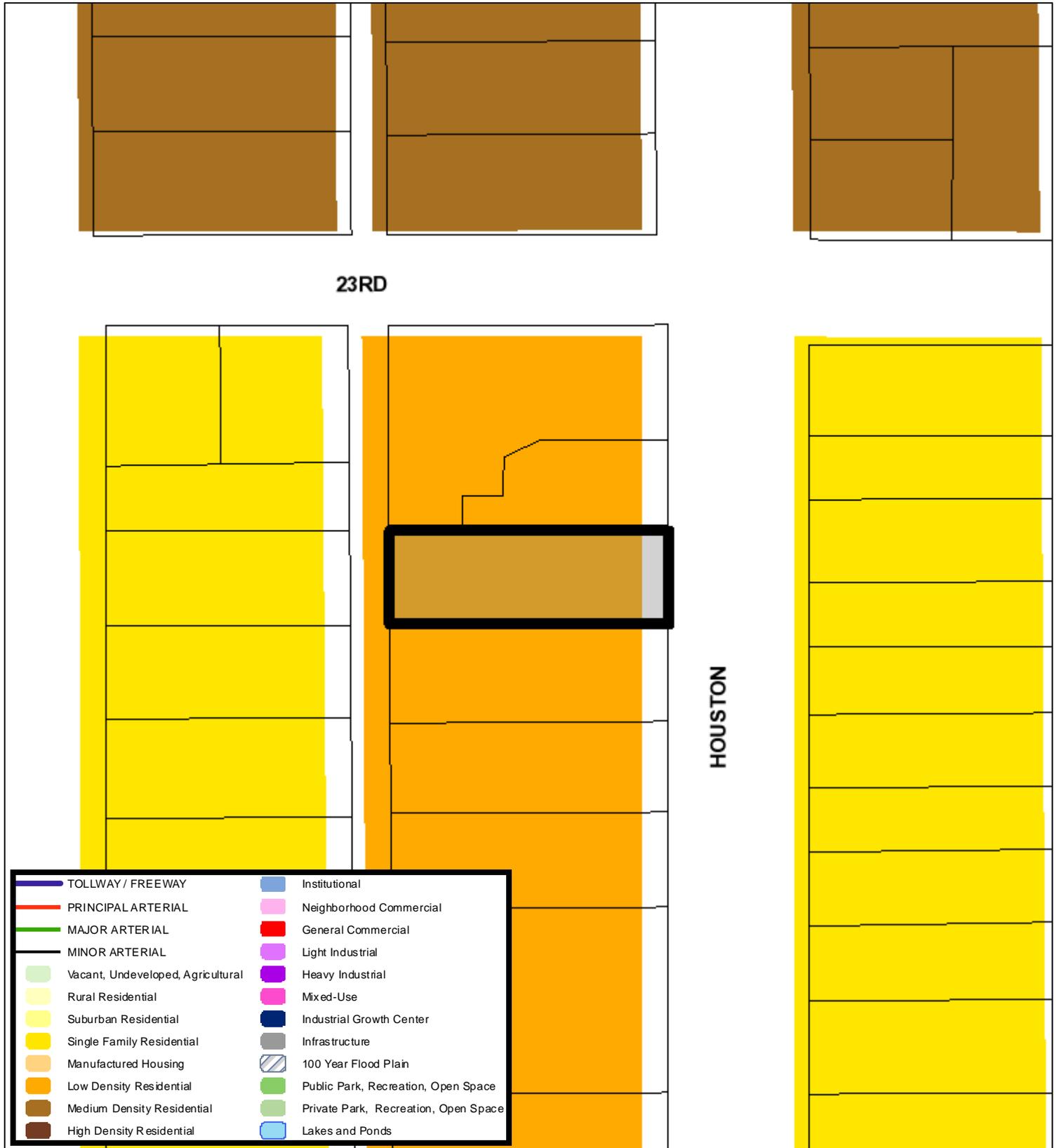
Noise Contours

DECIBEL

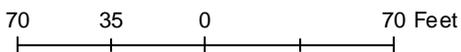
-  65
-  70
-  75
-  80
-  85



Future Land Use



70 35 0 70 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 17, 2015.



Aerial Photo Map



0 40 80 160 Feet



City of Fort Worth, Texas
Zoning Commission
March 9, 2016 – Meeting Minutes

Present:

Nick Genua, Chair, District 7
Will Northern, District 1
Carlos Flores, Vice Chair, District 2
John Cockrell, District 3
Charles Edmonds Jr., District 4
Sandra Runnels, District 6
Melissa McDougall, District 5
Wanda Conlin, District 8
Leah Dunn, District 9

Staff Members Present:

Dana Burghdoff, Assistant P&D Director
Jocelyn Murphy, Planning Manager
Lynn Jordan, Planner
Stephen Murray, Planner
Melinda Ramos, Sr. Assistant City Attorney

Absent:

None

I. Public Hearing – 1:00 P. M.

Ms. Murphy explained the procedure to be followed for the Zoning Commission meeting.

II. Minutes

The Commission, on a motion by Mr. Flores, seconded by Mr. Cockrell, on a vote of 9-0, voted to approve as amended the Zoning Commission minutes of the February 10, 2016 meeting.

Video on individual cases can be viewed at the following website.

http://fortworthgov.granicus.com/ViewPublisher.php?view_id=2

III. Continued Cases

1. ZC-16-028 Robert M. Ramos (CD 2) – 2221 N. Houston St (North Fort Worth Addition, Block 10, Lot 163, 0.16 Acres): from “B” Two Family to “PD/B” Two-Family plus fourplex; site plan waiver requested.

Patty Saenz, 119 Corona Court, Fort Worth, Texas representing Robert Ramos explained to the Commissioners the applicant attended a meeting with the Northside NA on February 16, 2016. Ms. Saenz said they are asking to keep the existing building with four units. They are not adding additional units. She submitted a petition with signatures of those in opposition. She also explained there were concerns with parking and uses in the building and tenants. She said they intend on using the back part of the building for additional parking for residents and will do more thorough check of renters.

Mr. Flores questioned the petition. Ms. Saenz said she did not talk to the property owners and was referring to Tressa with the Northside NA. Mr. Flores talked about previous issues with the property.

Betty Rodriguez, 2220 N Houston, Fort Worth, Texas representing Northside NA spoke in opposition. Ms. Rodriguez mentioned Mr. Ramos has owned the property for years and rented it out without keeping up with the property. They have had a lot of issues with the renters in the past. She is concerned he won't keep up with the property and has been contacted by Code Compliance many times. She turned in police reports for the property to the Zoning Commission.

Mr. Flores mentioned the police reports and various violations being cited. He requested clarification that the property has been vacant at least going back to 2012 when the Code case was submitted. Ms. Rodriguez said he could not provide parking in the back of the property based on the size of the lot.

In rebuttal Ms. Saenz said the house is vacant.

Robert Ramos, 5913 Fairwind Street, Fort Worth, Texas is the property owner and said he has not been fined from the City. Ms. Saenz said this is an older neighborhood and their intention is to make the better place for people to live.

Mr. Flores asked them to describe the property. Mr. Ramos said there are four units; each one has a living room, bedroom, kitchen and bath. Mr. Flores asked about the gap in time and why he did not have a CO for the property. Mr. Ramos said the property needed work. Mr. Flores mentioned his concerns with the proposed use.

Mr. Edmonds mentioned the staff report talked about the code violation and it being a five unit structure. Mr. Saenz said there is a fifth small unit with a bedroom, kitchen and bath. He is not going to utilize that one and will be take it out. Mr. Flores said he was getting more information from the applicant based on information received.

Ms. Dunn mentioned the reason why he had not moved forward and that now he is trying to make repairs and obtain a CO. Mr. Ramos said that when he tried to pull a permit he was told a duplex would only be permitted. Ms. Dunn asked how many beds will be in the building. Mr. Ramos said there will be four beds. She asked if he could reconstruct it back to a duplex. Ms. Saenz said it would be hard based on the configuration of the house.

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

<i>Document received for written correspondence</i>					ZC-16-028
Name	Address	In/Out 300 notification area	ft	Position on case	Summary
Betty Rodriguez/ Northside NA	2220 N Houston	In		Opposition	Spoke at hearing
John Rodriguez	2220 N Houston	In		Opposition	Signed petition
Crystal Gutierrez	2224 N Houston	In		Opposition	Signed petition
Julian Ortiz	2223 N Houston	In		Opposition	Signed petition

Yolanda Chavez	2300 N Houston	In	Opposition		Signed petition
Margarito Gonzalez	2117 N Houston	In	Opposition		Signed petition
Ignacio Vasquez	2214 N Houston	In	Opposition		Signed petition
Adan Martinez	2311 N Houston	Out	Opposition		Signed petition
Jacinto Contreras	2219 N Houston	In	Opposition		Signed petition
Elia Estrada	2302 N Houston	In	Opposition		Signed Petition
Ermelinda Thompson	2218 N Houston	In	Opposition		Signed petition
Rick Merantz	2215 N Houston	In	Opposition		Signed petition
Jose Rodriquez	2217 N Houston	In	Opposition		Signed petition
Carrie Martin	2211 N Houston	In	Opposition		Signed petition
Isabel Arriaga	2221 Clinton	In		Support	Signed petition
Maritza B T	2208 Clinton	In		Support	Signed petition
Laura Olrios	2212 Clinton	In		Support	Signed petition
Rebecca Fernandez	2216 Clinton	In		Support	Signed petition
Rodolph Avila	2224 Clinton	In		Support	Signed petition
Alexandro Rangel	2218 Clinton	In		Support	Signed petition
Jimmy	2215 Ellis	In		Support	Signed petition
John	2223 N Houston	In		Support	Signed Petition
Jacinta Contreras	2219 N Houston	In		Support	Signed petition
Martin Chailes	2204 N Houston	Out		Support	Signed petition
Rodriquez Family	2210 N Houston	In		Support	Signed petition
Eululia Ruiz	307 NW 23rd	In		Support	Signed petition

2. ZC-16-029 Linwood Area: Alberto Moto, Arthur Zavala, YRL Properties Ltd, PSQ Barbie LP, Maria Reyna, Jorge Guerrero, Jesus Navarrette, and Jason Baxter (CD 9)-2805, 2812, 2817, 2818, 2821, 2827 Wingate, 300 and 354 Foch St. (Linwood Addition, Block 10, Lots 1, 4, 5, 8, 9, 10 and Block 7, Lots 3 & 4, 1.43 Acres): from “A-5” One-Family to “UR” Urban Residential

Mary Nell Poole, 2918 Wingate Street, Fort Worth, Texas representing various property owners explained to the Commissioners at the last Commission hearing the case was continued so they could have more conversations with a larger group of property owners. Staff conducted a hearing

Mr. Flores stated for the record a letter of support was received from Eagle Mountain-Saginaw ISD.

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

<i>Document received for written correspondence</i>					ZC-16-026
Name	Address	In/Out 300 ft notification area	Position on case		Summary
Clete Welch/ Eagle Mountain- Saginaw ISD	NA	Out		Withdrew opposition	Sent letter in

11. ZC-16-027 Randol Mill Partners II LTD (CD 5) 650 John T. White Road N. (E. Andes Survey, Abstract No. 66, 20.77 Acres): from “C” Medium Density Multifamily and “ER” Neighborhood Commercial Restricted to “A-5” One-Family

The applicant was not present for the meeting.

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

12. ZC-16-028 Robert M. Ramos (CD 2) 2221 N. Houston Street (North Fort Worth, Block, 10, Lot 163, 0.16 Acres): from “B” Two-Family to “PD/B” Planned Development for all uses in “B” Two-Family plus fourplex; site plan waiver requested

Patti Saenz, 119 Corona Court, Fort Worth, Texas representing Robert Ramos explained to the Commissioners they are requesting to rezone to make the fourplex legal. Ms. Saenz explained Mr. Ramos met with Code Compliance and had a formal agreement to upgrade the property. When they tried to pull a building permit he was informed it was no longer zoned for a fourplex. He did receive information from Planning & Development to reach out to neighborhood groups which he did, but no one has responded.

Mr. Flores asked several question of the applicant, meeting with Code, discovery of the structure being non-conforming, neighborhood outreach and history of the fourplex. Ms. Saenz said there was a meeting with Code and that staff directed him to the neighborhoods. She said they tried to reach out by phone, email and sent letters out. A handout was provided indicating which neighborhood organizations they reached out to. They did not get any correspondence back from Mr. Shearer. Ms. Saenz said the fourplex has been in existence since he obtained the property in 1998 and her understanding is it has always been a fourplex.

Mr. Flores asked staff about legal nonconforming and the house being built in 1920’s. Ms. Murphy explained the process for obtaining legal conforming status and what is needed to prove the structure was built as a fourplex since 1940 when the first Zoning Ordinance was adopted.

Mr. Flores asked Ms. Saenz if the structure has been occupied as a fourplex since 1998 and why the lapse in occupancy. Ms. Saenz said it has been vacant for the last two to three years because of health issues with the property owner. Mr. Ramos is fully aware of what he needs to do with the property. Mr. Flores asked staff who would be in charge of compliance if the case were to be approved. Ms. Murphy said registration for multifamily would be required by Code Compliance.

Ms. Conlin mentioned there is a lot of opposition from the neighborhood. Mr. Flores asked the applicant if they were aware of the opposition. Mr. Ramos said no.

Mr. Northern mentioned it would be nice to know what the original configuration was of the property.

Ms. Runnels asked about the parking requirement and is there enough area for four parking spaces. Mr. Ramos said yes he could provide them in the back.

John Rodriguez, 2220 N. Houston Street, Fort Worth, Texas spoke in opposition. Mr. Rodriguez said the property has been vacant for about six years and has concerns whether the inside structure is habitable.

Mr. Flores asked Mr. Rodriguez if he submitted the petition. Mr. Rodriguez said yes he did.

In rebuttal Ms. Saenz said she wasn't aware the house had been vacant that long. Mr. Ramos is working with Code Compliance to get the house up to Code including the foundation problem. Mr. Flores asked if Mr. Ramos would be doing the work. Ms. Saenz said it would be subbed out.

Motion: Following brief discussion, Mr. Flores recommended a 30-day Continuance of the request, seconded by Mr. Northern. The motion carried 8-1 with Ms. Conlin against. Mr. Flores wants to see the applicant to reestablish communication with all the neighborhood associations, to include alternate points of contact and get the Fort Worth Neighborhood office to assist with communicating a meeting.

<i>Document received for written correspondence</i>					ZC-16-028
Name	Address	In/Out 300 notification area	Position on case		Summary
John Rodriguez	2220 N Houston	In	Opposition		Spoke at hearing
Ron Shearer/Inter-District Alliance	2	NA	Opposition		Sent letter in
	2224 N Houston	In	Opposition		Signed petition
Jullian Ortiz	2223 N Houston	In	Opposition		Signed petition
Yolanda Chavez	2300 N Houston	In	Opposition		Signed petition
	2117 N Houston	In	Opposition		Signed petition
I Vasquez	2214 N Houston	In	Opposition		Signed petition

Dan Martinez	2311 N Houston	Out	Opposition		Signed petition
Jacinto Contreras	2219 N Houston	In	Opposition		Signed petition
Elia Estrada	2302 N Houston	In	Opposition		Signed petition
Bud Starnes & Associates	2225 N Houston	In	Opposition		Sent letter in

13. ZC-16-029 Linwood Area: Alberto Mota, Arthur Zavala, YRL Properties LTD, PSQ Barbie LP, Maria Reyna, Jorge Guerrero, Jesus Navarrette, and Jason Baxter (CD 9) 2805, 2812, 2817, 2818, 2821 and 2827 Wingate and 300 and 354 Foch Street (Linwood Addition, Block 10, Lots 1, 4, 5, 8, 9, 10 and Block 7, Lot 3 & 4, 1.43 Acres): from “A-5” One-Family to “UR” Urban Residential

Mary Nell Poole, 2918 Wingate Street, Suite 100, Fort Worth, Texas representing the property owners explained to the Commissioners they are requesting to rezone these properties to “UR” zoning. Ms. Poole asked those present in support to stand. Ms. Poole mentioned she usually comes with support from the neighborhood; in this case there was a split vote. She has submitted a petition with 56% of property owners within the residential streets of Linwood NA, 79% on Wingate and 80% of property owners on Foch support the rezoning for a total of 97 signatures. There were several conversations of why the property owners weren’t included when the neighborhood had talks about rezoning this area. All the new development has been on the northern side of Linwood until recently there have been some zoning changes on the southern side. The property owners present believe “UR” zoning is the best use of zoning for their land.

Eva Bonilla, 362 Foch Street, Fort Worth, Texas President of the Linwood NA spoke in opposition. Ms. Bonilla said she is representing the majority of the owners in Linwood as well as some of the townhome owners. Ms. Bonilla said a sustainable neighborhood should consist of single-family homes, low density housing and apartments. She also mentioned only three families on the list live in the neighborhood and only one is homesteaded. There was discussion about the neighborhood meeting and why the vote ended up being 10-9. She submitted a letter stating their concerns pertaining to density, infrastructure challenges, traffic, drainage problems, etc. Ms. Bonilla said there has not yet been a “UR” product built in the neighborhood even though there are several lots zoned “UR”.

Mr. Flores asked Ms. Bonilla for clarification of the vote of 10-9 at the neighborhood meeting. The nine representative active voting members were owners, what did the 10 members represent? Ms. Bonilla was the tenth voting member opposing because the vote was a tie 9-9. Ms. Bonilla read into the record the procedural rules for Linwood NA. Mr. Flores asked if there was full attendance of all property owners at the meeting. Ms. Bonilla said there was partial attendance.

Ms. McDougall wanted to clarify on the vote taken at the neighborhood meeting and if they pay dues. Ms. Bonilla said they are not an HOA where dues are required. Ms. Bonilla said if they live in the neighborhood, not just an owner, they can be a member of the neighborhood association.