



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
October 11, 2016

Council District 2

Zoning Commission Recommendation:
Approval by a vote of 8-0

Opposition: None submitted
Support: Northside NA

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

Owner / Applicant: Alejandro Orozco

Site Location: 2305 – 2311 (odds) Ross Avenue Mapsco: 62K

Proposed Use: Nine residential units

Request: From: "B" Two-Family

To: "PD/B" Planned Development for all uses in "B" Two-Family plus nine residential units; 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 Ross Avenue just north of NW 23rd St. The owner purchased the properties this year and is requesting a zoning change from "B" Two-Family to "PD/B" Planned Development for all uses in "B" Two-Family plus the continued use of nine residential units on three platted lots with one shared parking lot on a fourth adjacent lot.

The properties have always been zoned "B" Two-Family since 1940. The structure at 2309 Ross was built in 1909 and contains a duplex with four bedrooms. The main structure at 2307 Ross was built in 1935 and contains a duplex with 3 bedrooms. The main structure at 2305 Ross was built in 1947 and contains a duplex with four bedrooms.

According to the Sanborn maps from 1951 there was a total of five dwelling units on the three lots, including two rear dwelling units. At some point, the front buildings had been converted to duplexes and the separate rear dwelling units added, causing the number of units to exceed the allowed density. Staff was not able to find any record of the construction of the rear units and could not consider more than two units on each property legal nonconforming. Water records also indicated only two units per property.

In addition, all buildings have been cited for minor issues with code. If the zoning for the multifamily use is not granted, the property owner will have to cease separately renting one residential unit (likely the accessory structure) for each lot to meet the B Two Family regulations. These units could be converted to accessory buildings to the main structure if the kitchens are removed. They may not be used for separate rentals and cannot exceed 50% lot coverage.

At the Zoning Commission meeting September 14th, the applicant indicated that there are three water meters, four gas meters, and six electric meters. The applicant did reach out to the Northside NA in which a letter of support was received. Staff also asked for a revised site plan to indicate parking spaces and paving material to be used.

Site Information:

Owner: Alejandro Orozco
2316 Ross Ave.
Fort Worth, Tx 76164

Acreage: 0.597 ac

Comprehensive Plan Sector: Northside

Surrounding Zoning and Land Uses:

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

Recent Relevant Zoning and Platting History:

Zoning History: ZC-11-006 Council-initiated rezoning of various parcels to various zoning districts, approved by City Council 2/2011.

Platting History: None

Site Plan Comments:

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

1. The accessory structures encroach into the 5 ft. rear yard setback. (**waiver required**)
2. The structures encroaches into the 5 ft. side yard setback. (**waiver required**)
3. Indicate on the site plan what type of surface is proposed for all parking spaces. All parking must be a minimum compact gravel base, hard surface, dust free.
4. Dumpster shall be screened from public row.
5. Provide signature block with date.

Zoning Commission recommended waivers to items 1 & 2 noted above.

TPW Comments:

Secondary Ingress and Egress (Ch. 31-101.c) – Subdivisions containing more than thirty (30) one-family or two-family dwelling units shall have a platted and constructed secondary ingress and egress to a public street. Multi-family developments of 100 dwelling units or more shall have a platted and constructed secondary ingress and egress to a public street.

Emergency Access Easements (Ch. 31-106.h) - Emergency access easements shall not be less than 24' in width. Show the full 24' width on the plat. Where emergency access easements intersect, the dedication of a 10' by 10' public open space easement (POSE) shall be dedicated and a triangular area 25' x 25' for sight visibility shall be required.

Street Dimensions - Show the dimensions of all existing or recorded streets, alleys, easements, railroad ROW, or other public ROW within or adjacent to the subdivision boundaries. The distance from the centerline of the existing roadway of the boundary street to the proposed property line shall be shown. Include all dedication information for all existing rights-of-way.

Gated Entrances (Ch. 31-107) - Gated entrances into secured areas must be designed in accordance with TPW's "Traffic Engineering Design Standards and Policy Guidelines". Provisions for an acceptable turnaround must be made. Provide details in IPRC plan set (single-family) or UR site plan (multi-family) for gates. All gates shall be equipped with a Knox-box or other approved fire access apparatus that is reviewed and approved by the Fire Department. (Gates must be located 3 vehicle lengths from the ROW).

On Street Parking – On street parking requires a Community Facilities Agreement (CFA) and shall be reviewed and approved by TPW in accordance with Section 22-172 of the City Code prior to installation. On street parking is not permitted to be reserved for a specific property

Sidewalks - Sidewalks and street lights are required for all public and private streets and public access easements as per City of Fort Worth Standards. Required 5' Sidewalks along street

Platting Comments:

1. In order to ensure that all the associated land uses (parking, open space and such) are located on the same property Lots 3-6 must be replatted together as one lot.

Fire Comments:

No comments have been made at this time.

Parks Comments:

No comments have been made at this time.

(Comments made by Platting (Subdivision Ordinance), Transportation/Public Works, Fire, Parks and Water Department staff cannot be waived through the Zoning Commission and City Council. Approval of the zoning site plan does not constitute the acceptance of conditions.)

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
NW 23 rd St	Residential	Residential	No
Ross Ave	Residential	Residential	No

Public Notification:

The following organizations were notified:

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

*Located within this 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 nine residential units. Surrounding land uses are predominantly single-family with duplexes throughout the block face.

The proposed use **is not compatible** with surrounding land uses.

2. Comprehensive Plan Consistency

The 2016 Comprehensive Plan designates the subject property as Low Density Residential. The requested zoning change for nine units is considered multifamily and is not consistent with the following Comprehensive Plan policies.

- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods. (pg. 39)
- Protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, speculation, demolition, neglect, and other negative forces. (pg. 39)

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

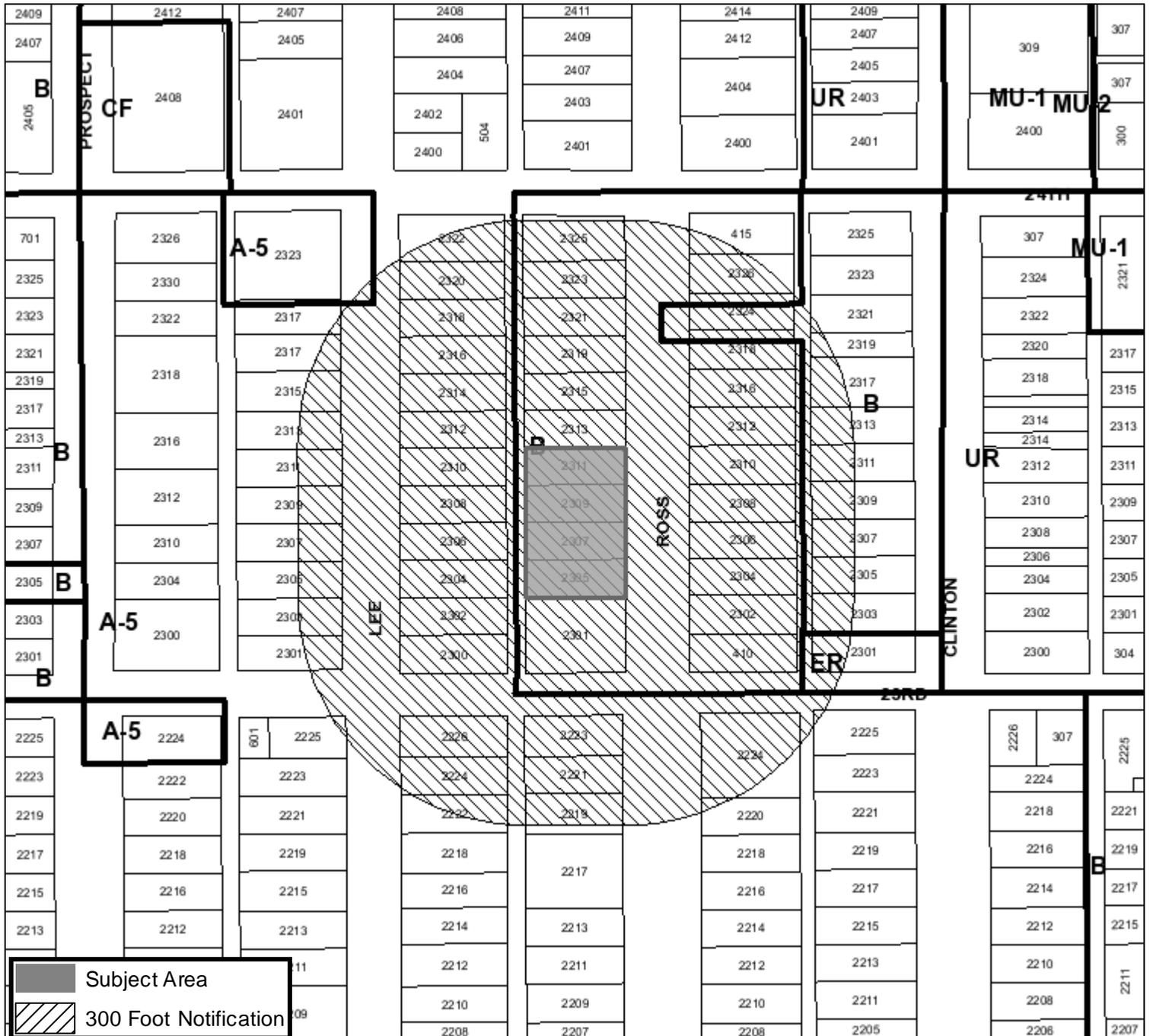
Attachments:

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

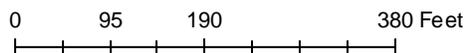


Area Zoning Map

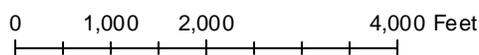
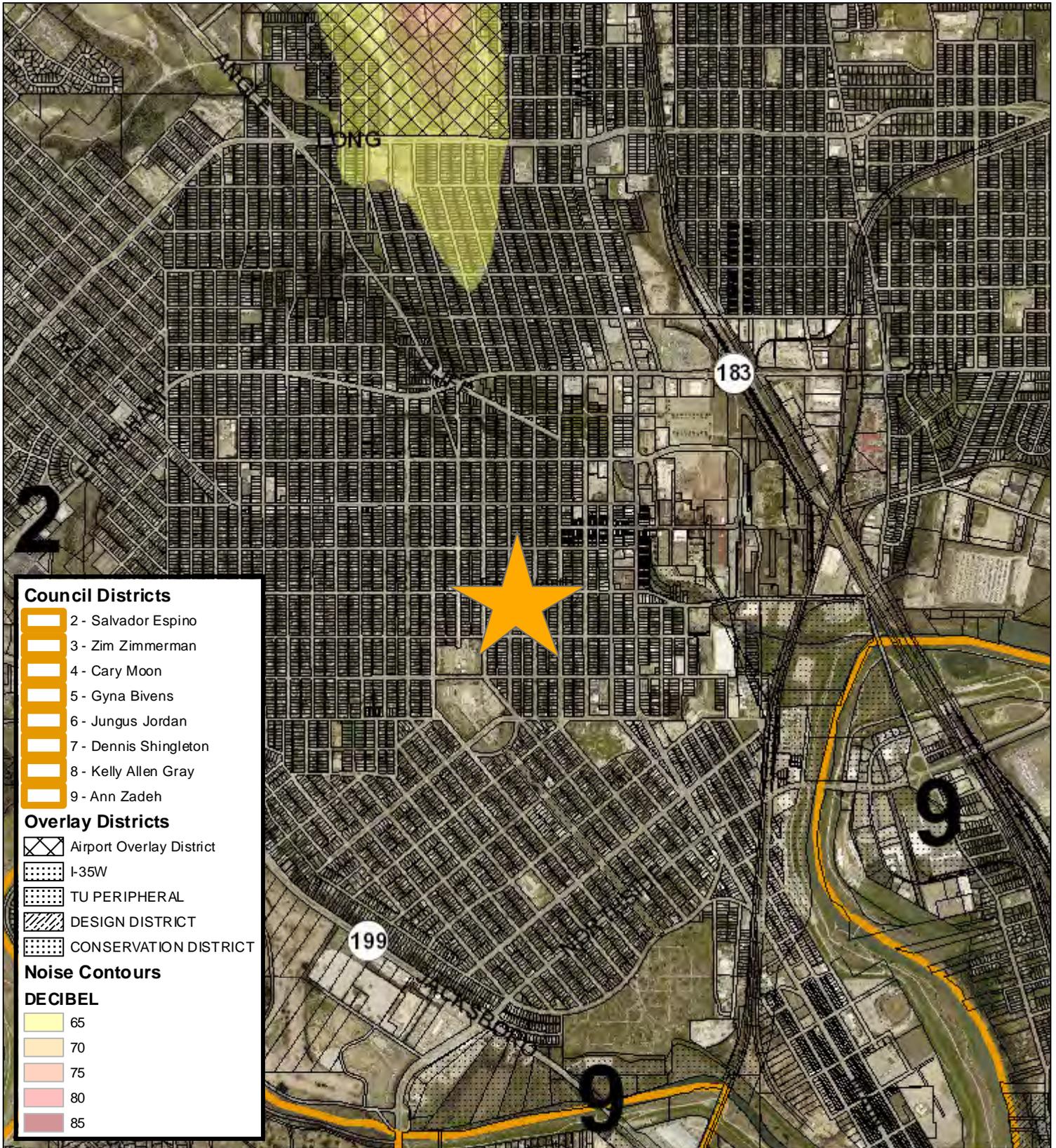
Applicant: Alejandro Orozco
 Address: 2305 - 2311 (odds) Ross Avenue
 Zoning From: B
 Zoning To: PD for all uses in B and 9 residential units
 Acres: 0.59764827
 Mapsco: 62K
 Sector/District: Northside
 Commission Date: 8/10/2016
 Contact: 817-392-2495



 Subject Area
 300 Foot Notification



Area Map

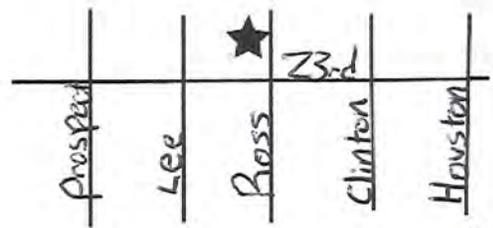


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Notes:

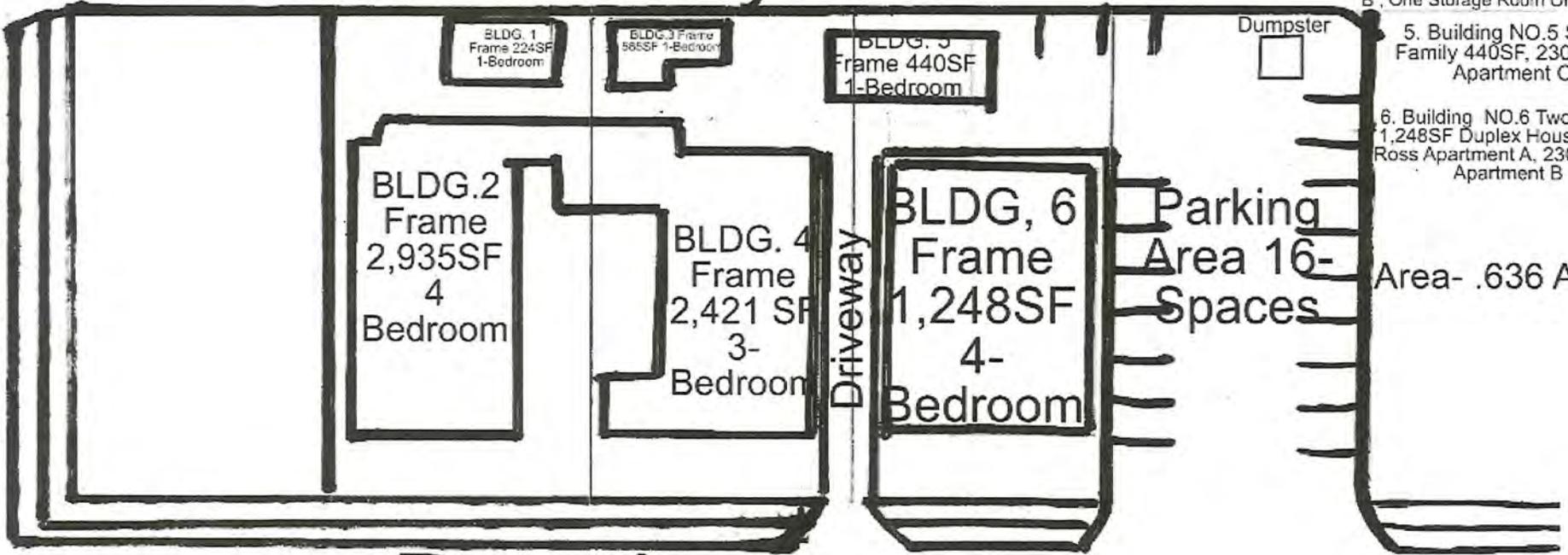
1. Building No.1 Single family 224SF, 2305 Ross Apartment C
2. Building NO.2 Two Family 2,935SF, Duplex Home 2305 Ross Apartment A, 2305 Ross Apartment B.
3. Building NO.3 Single Family 585SF, 2307 Ross Apartment C
4. Building NO.4 Two Family 2,421SF, Duplex House, 2307 Ross Apartment A, 2307 Ross Apartment B, One Storage Room On Rear
5. Building NO.5 Single Family 440SF, 2309 Ross Apartment C.
6. Building NO.6 Two Family 1,248SF Duplex House, 2309 Ross Apartment A, 2309 Ross Apartment B

ZC-16-134-



Alley

23rd Street

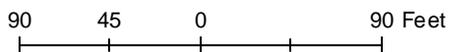
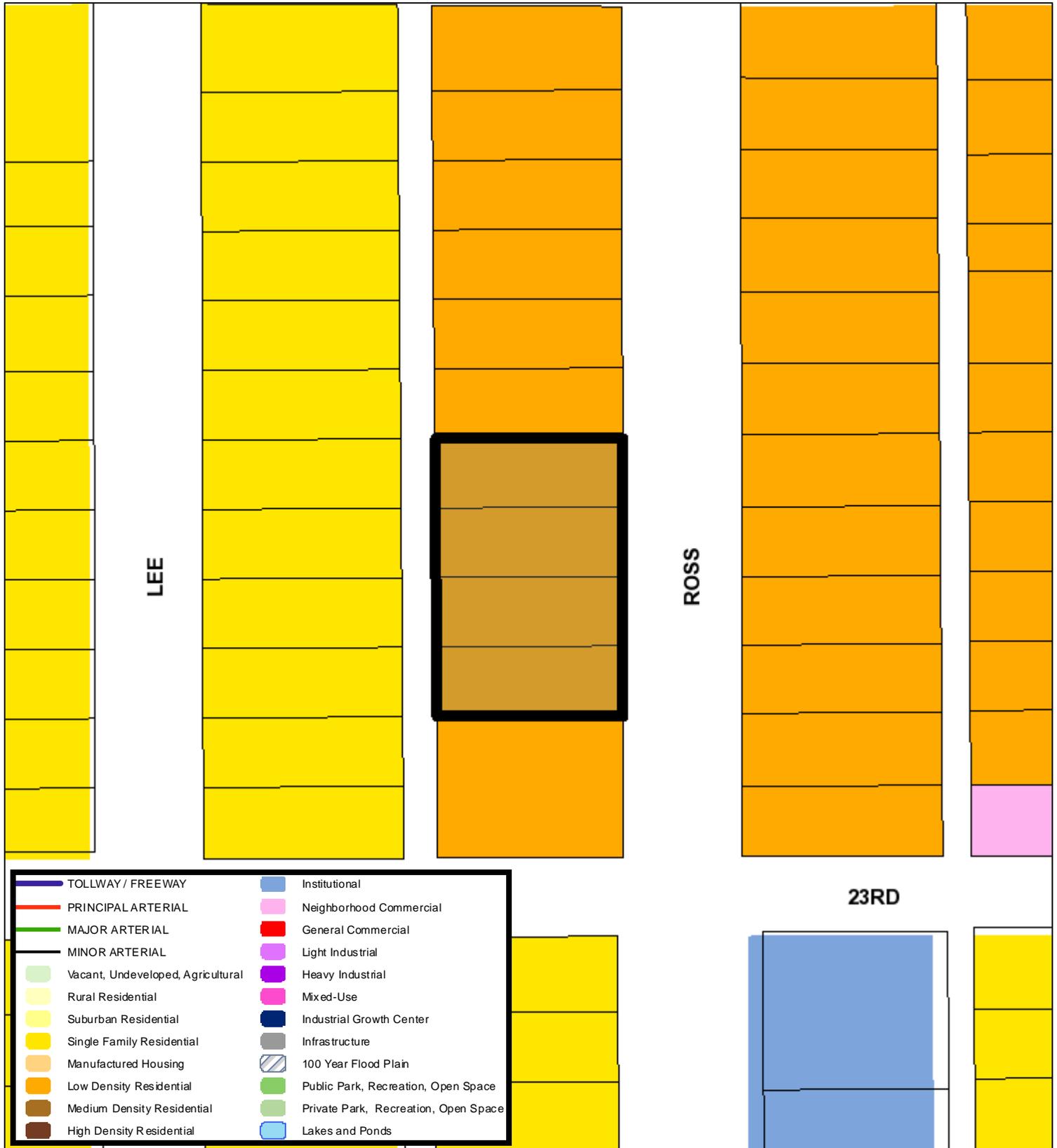


Area- .636 Acres

Ross Avenue

Driveway

Future Land Use



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 29, 2016.



Aerial Photo Map



0 60 120 240 Feet



Jack Fielder, 900 Jackson, Dallas, Texas explained to Mr. Flores there was discussion with the neighborhood and all that was asked of them was to share the elevations, which they did.

Motion: Following brief discussion, Mr. Flores recommended Approval of the request, seconded by Mr. Northern. The motion carried unanimously 8-0.

<i>Document received for written correspondence</i>					ZC-16-121
Name	Address	In/Out 300 notification area	ft	Position on case	Summary
Thomas Gilliam/ Crossing at Fossil Creek	NA	Out		Support	Sent letter in

2. ZC-16-134 Alejandro Orozco (CD 2) – 2305, 2307, 2309 and 2311 Ross Avenue (MG Ellis Addition, Block 5, Lots 3, 4, 5, 6, 0.59 Acres): from “B” Two-Family to “PD/B” Planned Development for all uses in “B” Two-Family plus nine residential units and parking lot; site plan included

Jesus Orozco, 2316 Ross Avenue, Fort Worth, Texas speaking on behalf of Mr. Alejandro Orozco explained to the Commissioners he wanted to address some of the questions raised from the last meeting related to how many water and gas meters are in each unit. Pictures of the individual units’ meters were displayed on the overhead. He also displayed on the overhead how each unit is laid out and where the play area, yards, and porches are located.

Mr. Flores asked Mr. Orozco asked if the parking lot is paved and if the neighborhood association at the last meeting had a position on the case. Mr. Orozco said the parking lot has some loose gravel on it and the neighborhood wanted to see water and gas records to make sure there had been no gap in service. Mr. Flores asked again if there were any concerns from the neighborhood. Mr. Orozco said they were concerned about the dumpster and wanted to see a fence around it. He said they intend on putting a chain link fence around it. Mr. Flores asked staff if that would be permitted. Ms. Murphy said it has to be wood or masonry.

Mr. Flores stated per the letter received from the neighborhood and asked if all units were occupied. Mr. Flores also asked how many people including children are in each unit. Mr. Orozco said yes they were and noted how many people were in each unit. He also mentioned the tenants have all signed a one year lease.

Motion: Following brief discussion, Mr. Flores recommended Approval of the request, seconded by Ms. McDougall. The motion carried unanimously 8-0.

<i>Document received for written correspondence</i>					ZC-16-134
Name	Address	In/Out 300 notification area	ft	Position on case	Summary
Tressa Hilburn	NA	Out		Support	Sent letter in

Gloria Hernandez	3917 E. Rosedale	In		Support	Sent letter in
Dan Cooper/ East Fort Worth Business Assoc.	NA	Out		Support	Sent letter in

6. ZC-16-134 Alejandro Orozco (CD 2) – 2305, 2307, 2309 and 2311 Ross Avenue (MG Ellis Addition, Block 5, Lots 3, 4, 5, 6, 0.59 Acres): from “B” Two-Family to “PD/B” Planned Development for all uses in “B” Two-Family plus nine residential units and parking lot; site plan included

Marybel Pina, City of Fort Worth interpreted for Mr. Alejandro Orozco who resides at 2316 Ross Avenue. He explained to the Commissioners there are four lots they are requesting to rezone to allow for nine residential units.

In response to questions from Mr. Flores, Mr. Orozco said he purchased the property January 21, 2016, he was not represented by a real estate agent and he did talk with the neighborhood association. Mr. Orozco presented a petition of surrounding property owners in support. He explained what he was going to do at the neighborhood meeting and asked if there had been any problems with the tenants or parking in the past. The neighborhood association responded there had been no problems. Mr. Flores asked if they mentioned the number of buildings on the property and was he aware of opposition received. Mr. Orozco said he didn't get very much feedback from the neighborhood and was not aware of any opposition.

Mr. Genua asked him to identify on the site plan where the nine units are located. Mr. Genua asked staff if 16 parking spaces was enough for 14 bedrooms. Ms. Murphy said they only need 15 parking spaces. Ms. Burghdoff asked if there were two bedrooms in each duplex unit. Mr. Orozco said yes there is.

Mr. Flores asked if buildings two and four were connected, how many lots are on the site plan and if the parking is paved. Mr. Orozco said there is a storage unit between them but they are not connected. There is a total of four lots and the parking is compacted gravel with loose dirt on top.

Ms. McDougall asked if utilities are shared. Mr. Orozco said there are three water meters, four gas meters and six electric meters.

Motion: Following brief discussion, Mr. Flores recommended a 30 day Continuance of the request, seconded by Mr. Edmonds. The motion carried unanimously 9-0. Mr. Genua said to the applicant to reach out to the Northside neighborhood, identify what is in each unit and to contact Mr. Leon who was in opposition.

<i>Document received for written correspondence</i>					ZC-16-134
Name	Address	In/Out 300 notification area	ft	Position on case	Summary
Catarino Vasquez	2322 Lee	In		Support	Signed petition
Jose Talavera	2300 Lee	In		Support	Signed petition

Manuel Gomez	2308 Lee	In		Support	Signed petition
Jose Cecenas	2309 Lee	In		Support	Signed petition
Maria Quintano	2304 Ross	In		Support	Signed petition
Jose Leon	2323 Ross	In	Opposition	Support	Signed petition
John Villanueva	2302 Ross	In		Support	Signed petition
Juan Cruz	2325 Ross	In		Support	Signed petition
Lucy Aguilera	2313 Ross	In		Support	Signed petition
Maria Villanueva	2316 Ross	In		Support	Signed petition
Salvador Chavez	2326 Ross	In		Support	Signed petition
Charles Napeir	2225 Lee	In		Support	Signed petition
Albino Marmolejo	2321 Ross	In		Support	Signed petition

7. ZC-16-135 Lynn Johnson and Nancy Sommerman (CD 9) – 605 N. Riverside Drive (Mcadams Addition, Second Filing, Block 2, Lot 1, 0.14 Acres): from “E” Neighborhood Commercial to “MU-1” Low Intensity Mixed-Use

Nancy Sommerman, 1968 Lipscomb Street, Fort Worth, Texas property owner explained to the Commissioners they are requesting “MU-1” zoning to use the structure for multifamily and event center. She indicated on the floor plan how many units are in the front structure and what is located in rear unit including proposed meeting space/event area with the second floor to be used as offices or apartments. Ms. Sommerman stated this is how the building is laid out and all they are doing is refurbishing the building. She provided a letter of support from the Riverside Arts District.

Ms. Dunn asked staff about the parking requirement. Ms. Murphy said each unit would require two parking spaces each.

Lynn Johnson, 1968 Lipscomb Street, Fort Worth, Texas mentioned she was told they would only be required to have one space per bedroom and one space per 500 ft. of open space. Ms. Murphy explained the different parking count ratios is based on whether it is a duplex or multifamily.

Ms. Sommerman said there is street parking along Plumwood and are meeting with the property owner across the street to see if they have any spaces that could be used. Ms. Murphy explained the shared parking agreement to obtain parking spaces.

Ms. McDougall asked why Code Compliance went out to the property. Ms. Johnson said it was from the previous owner and is still a pending issue. They were told they needed to cap off all the gas lines which has been done.