



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
January 10, 2012

Council District 9

Zoning Commission Recommendation:

Denial by a vote of 8-1

Opposition: Two persons spoke

Continued	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Case Manager	<u>Stephen Murray</u>	
Surplus	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Council Initiated	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Owner / Applicant: Rick Riley

Site Location: 2226 W. Rosedale Street South Mapsco: 76K

Proposed Use: Continued use of triplex

Request: From: "ER/HC" Neighborhood Commercial Restricted/Historic and Cultural Overlay

To: "PD/SU/HC" Planned Development/Specific Use/Historic and Cultural Overlay for triplex. Site plan waiver requested

Land Use Compatibility: Requested change is compatible.

Comprehensive Plan Consistency: Requested change is consistent

Background:

The applicant is requesting to rezone the property to "PD/SU/HC" Planned Development/Specific Use/Historic and Cultural Overlay for an existing triplex, site plan waived. The property was built in 1923, prior to the adoption of Fort Worth's first zoning ordinance, and operated as a triplex for numerous years. Zoning was changed on this block in the early 1980's to "ER", and the site was considered legal nonconforming.

The property lost its legal nonconforming status before 2008 when the property owner was unable to prove continuous use of the property with no vacancy of more than 24 months, and therefore could not obtain a Certificate of Occupancy (CO). As such, the property's current "ER/HC" zoning is now applicable to the use.

The applicant has requested a waiver of the site plan because they are required to go before the Historic and Cultural Landmarks Commission (HCLC) prior to making significant changes to the exterior of the property and have no intentions to do so at the time. Additionally, as a multi family structure, the owner must obtain a CO prior to inhabiting the structure. This will require an inspection and potential improvements based on City building codes.

Site Information:

Owner:	Rick Riley 4312 Bellaire Drive S. Fort Worth, TX 76109
Agent:	Melanie Werth
Acreage:	0.23 ac

Comprehensive Plan Sector: TCU/Westcliff

Surrounding Zoning and Land Uses:

- North "PD 558" Planned Development for MU-2, site plan required / Midtown development
- East "ER/HC" Neighborhood Commercial Restricted/ Historic and Cultural Overlay/ single-family
- South "B/HC" Two-Family/Historic and Cultural Overlay / single-family
- West "ER/HC" Neighborhood Commercial Restricted/ Historic and Cultural Overlay/ single-family

Public Notification:

The following Neighborhood Associations were notified:

Mistletoe Heights NA
Fort Worth South, Inc.

Southside Preservation Assoc.
Fort Worth ISD

Recent Relevant Zoning and Platting History:

Zoning History: None

Platting History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
W. Rosedale Street S	2 way, Residential	Residential	No

Development Impact Analysis:

1. **Land Use Compatibility**

The applicant is proposing a zoning change from "ER/HC" Neighborhood Commercial/Historic and Cultural Overlay to "PD/SU/HC" Planned Development/Specific Use/Historic and Cultural Overlay for triplex, site plan waived. Predominant land uses within close proximity to the site are single-family residents and a large mixed-use development under construction north of the site, across from Rosedale Street. The property has existed in this configuration for at least fifty years and seems to have created no notable negative impacts on the neighborhood.

The continued use of the site as a triplex **is compatible** with surrounding land uses.

2. **Comprehensive Plan Consistency**

The 2011 Comprehensive Plan designates the site as low density residential. The proposed "PD" conforms to the following land use policies.

- Encourage development type and intensity appropriate to existing or planned street infrastructure. (pg. 38)
- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods. (pg. 38)

Based on the conformance with the future land use map and policies stated above, the proposed zoning **is consistent** with the Comprehensive Plan.

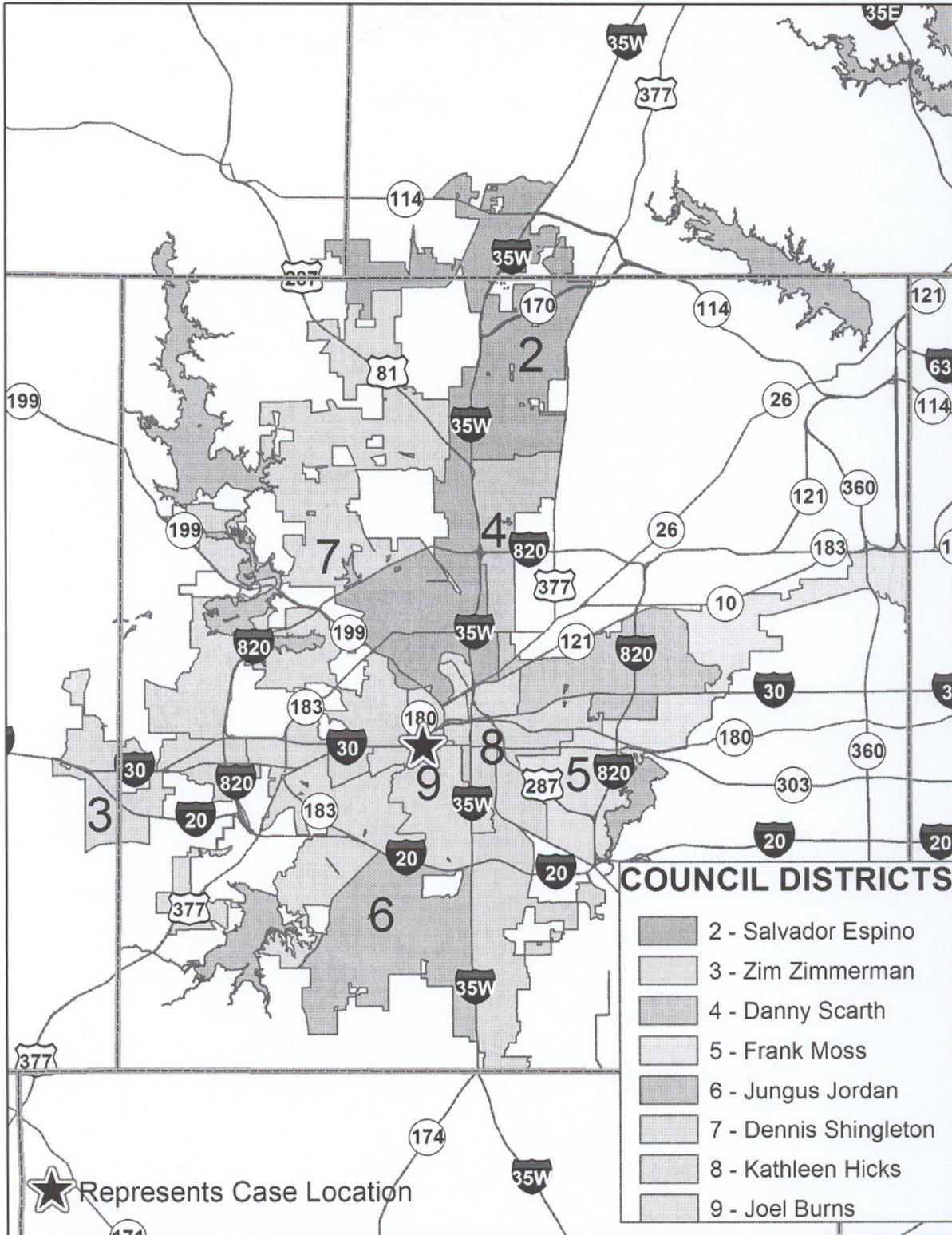
Attachments:

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

FORT WORTH

ZC-11-131

Location Map



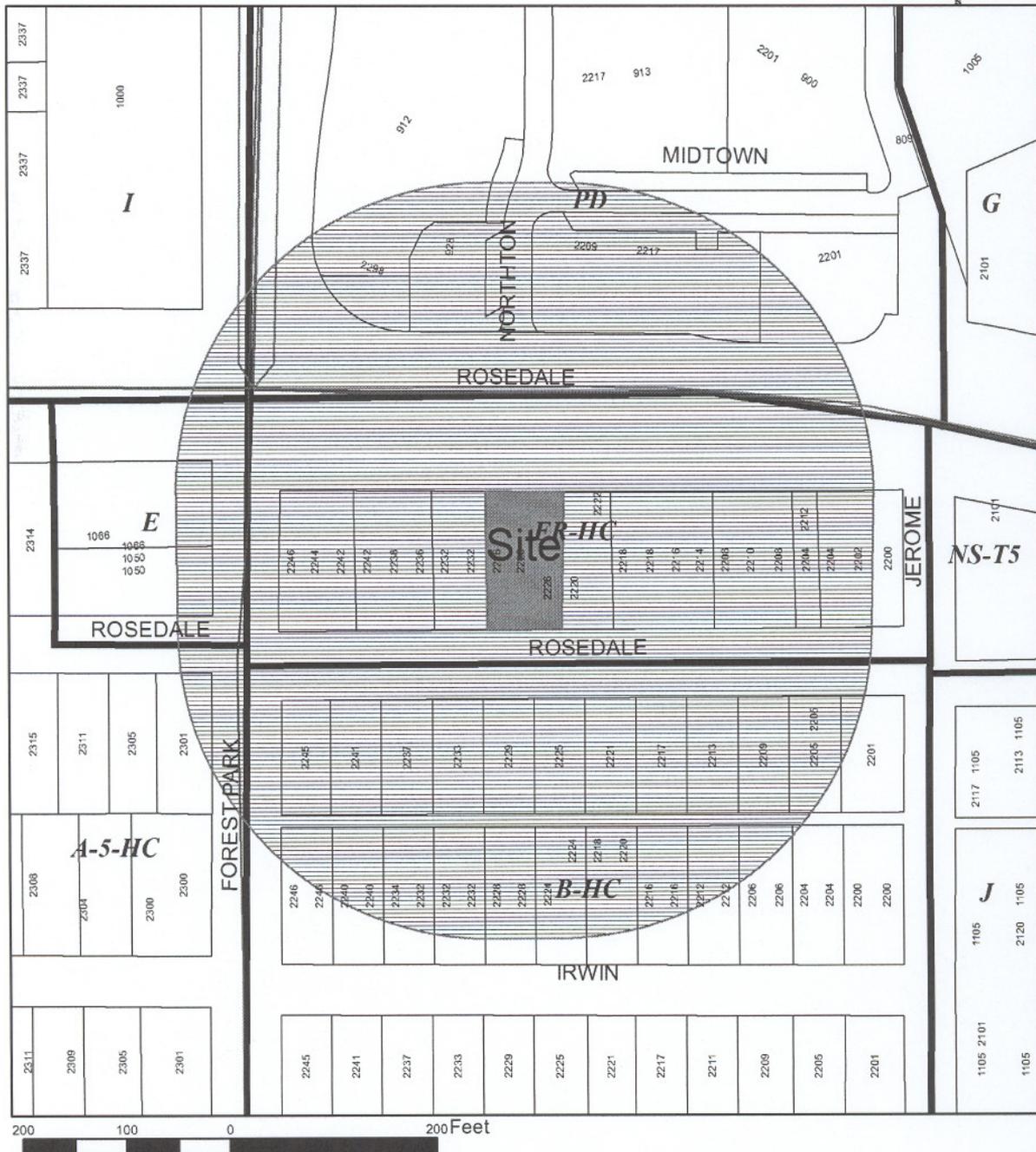


ZC-11-131

Area Zoning Map

Applicant: Rick Riley
 Address: 2226 W. Rosedale Street South
 Zoning From: ER/HC
 Zoning To: PD/SU for triplex, HC overlay to be retained
 Acres:
 Mapsco: 76K
 Sector/District: TCU/Westcliff
 Commission Date: 12/14/2011
 Contact: 817-392-8043

 300 Ft. Buffer

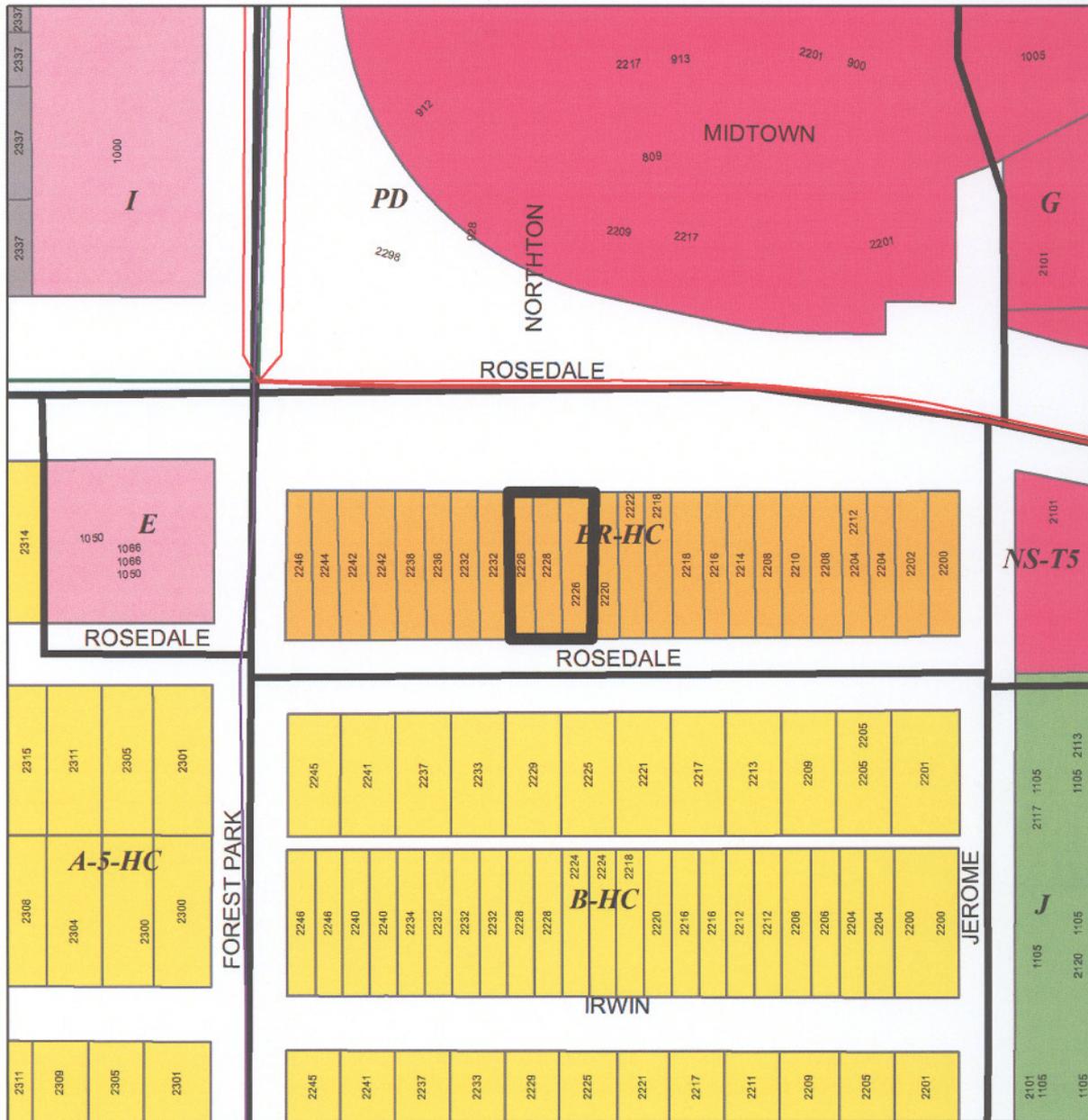




2226 W. Rosedale Street South

Future Land Use

ZC-11-131



- | | | |
|-----------------------------------|--------------------------|-----------------------------|
| Vacant, Undeveloped, Agricultural | Neighborhood Commercial | CFWGIS.SDE.TRN_RAILROADS |
| Rural Residential | General Commercial | CFWGIS.SDE.CAD_addresses |
| Suburban Residential | Light Industrial | Freeways/Toll Roads |
| Single Family Residential | Heavy Industrial | Proposed Freeway/Toll Road |
| Manufactured Housing | Mixed-Use Growth Center | Principal Arterial |
| Low Density Residential | Industrial Growth Center | Proposed Principal Arterial |
| Medium Density Residential | Infrastructure | Major Arterial |
| High Density Residential | Lakes and Ponds | Proposed Major Arterial |
| Institutional | Public Park, Open Space | Minor Arterial |
| | Private Park, Open Space | Proposed Minor Arterial |
| | | Flood Plain |

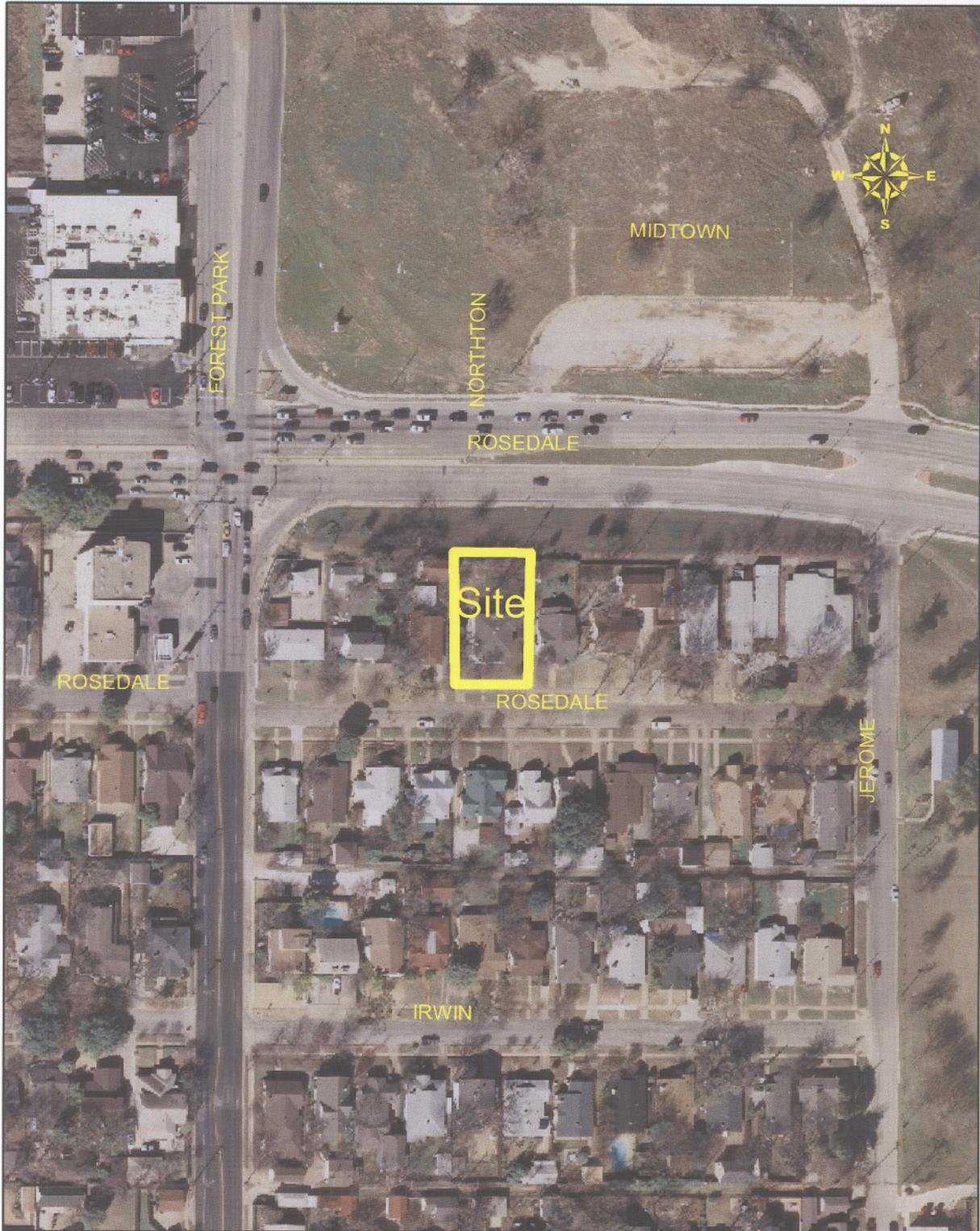


A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government code, Section 219.005) Land use designations were approved by City Council on March 01, 2011





Aerial Photo Map



Harry Mitchell	600 S. Retta St	Yes		Opposition	Sent letter
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16. ZC-11-129 City of Fort Worth Planning & Development (CD 8)- 1821 E. Davis Street (Belmont Addition, Block 3, W45' Lot 13, 0.14 Acres): from "B" Two-Family to "A-5" One-Family

A motion was made to hear cases ZC-11-027 through ZC-11-130 at the same time. Mr. Genua recommended approval to hear all at once, seconded by Ms. Spann. The motion carried unanimously 9-0.

Ms. Murphy called cases ZC-11-027 through ZC-11-130. There was no opposition.

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

17. ZC-11-130 City of Fort Worth Planning & Development (CD 9)- 2128 May Street (Emory College Sub of Patillo, Block 19, N50' Lot 13, 0.10 Acres): from "B" Two-Family to "A-5" One-Family

A motion was made to hear cases ZC-11-027 through ZC-11-130 at the same time. Mr. Genua recommended approval to hear all at once, seconded by Ms. Spann. The motion carried unanimously 9-0.

Ms. Murphy called cases ZC-11-027 through ZC-11-130. There was no opposition.

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

18. ZC-11-131 Rick Riley (CD 9)- 2226 W. Rosedale Street S. (Emory College Sub of Patillo, Block 19, N50' Lot 13, 0.23 Acres): from "ER/HC" Neighborhood Commercial Restricted/Historic & Cultural Overlay to "PD/SU/HC" Planned Development/Specific Use for an existing triplex and to retain the HC overlay, site plan waiver requested.

Melanie Werth, 3729 Summercrest Drive, Fort Worth, Texas explained to the Commissioners she has an option to purchase the triplex. It has been a triplex for several years and has lost its legal non-conforming status. There are two units upstairs and one downstairs. She mentioned that the use is consistent with the Comprehensive Plan. Ms. Werth acknowledged the opposition present today. She said the property was built in the 1920's and that there is some work that needs to be done and is prepared for that. She intends on being an owner/occupant if the zoning goes through.

Mr. Edmonds asked about the two entry doors and it being a triplex. Ms. Werth mentioned one hallway is a stairway to the two units upstairs. He also asked about parking. She mentioned the back yard is sufficient for parking and somewhat paved but overgrown.

Ms. Reed asked about the access to the upstairs unit. Ms. Werth said that it has no access on the back side there used to be an upper deck that was removed some time ago.

Jonnie Steed, 2220 W. Rosedale Street S. spoke in opposition. She has been there for 11 years and has been vacant since then. At one time people were living there using other people's electricity. It was also used for storage at one time. It needs a lot of repair and would be nice to have some tenants living there. Ms. Steed mentioned there is not enough parking in the back yard. She wants to see a site plan for this and only have a two family residence.

Ms. Zadeh asked for clarification on whether she wanted to see a site plan for the triplex and or duplex. Ms. Steed mentioned she wants to see it regardless.

Patsy Slocum, 2218 W. Rosedale Street S. also spoke in opposition. They purchased their home in 1992 and the subject property was vacant then. Property owners from way back made alterations to the house making it unstable. She would also support a zoning change for a duplex, mentioning they do not have enough parking for a triplex.

Ms. Reed asked if a continuance would help. Ms. Slocum said she didn't think so and noted there are no other triplexes in the block.

In rebuttal, Ms. Werth mentioned if the neighborhood isn't going to support a triplex then it would be of no use to her. It would be too expensive to convert to a duplex. Anything related to the structure she believes is covered by Code. Mr. Ortiz asked about a site plan. She mentioned she is not going to change anything and didn't want to go to the expense.

Ms. Zadeh asked about the parking requirement. Ms. Burghdoff mentioned there is a requirement based on 1½ spaces per unit. Ms. Murphy mentioned it may not be an issue being built before the ordinance took effect, however it has lost its legal nonconforming status. Ms. Zadeh noted her concerns about it being vacant and falling down if the zoning doesn't get approved.

Mr. Edmonds also noted the expense to take on something like this and whether anyone would know whether it is a triplex or duplex. He expressed concern about the two doors on the second floor. Ms. Werth mentioned she would sheetrock and sometime later put a deck back on. She noted the structure is sound and just needs minor cosmetics.

Ms. Zadeh asked what can be done with the current zoning in the block. Ms. Burghdoff mentioned commercial with no alcohol sales.

Motion: Following brief discussion, Mr. Romero recommended a denial of the request, seconded by Mr. Edmonds. The motion carried unanimously 8-0.

<i>Document received for written correspondence</i>				ZC-11-131
Name	Address	In/Out	Position on case	Summary

		200 ft notification area			
Michael Danella	Mistletoe NA			Opposition	Sent letter for duplex only
Jonnie Steed	2220 W Rosedale St S	Yes		Opposition	Spoke at hearing
Patsy Slocum	2218 W Rosedale St S	Yes		Opposition	Spoke at hearing
Barry Haynes	2201 W Rosedale St S	No		Opposition	Sent letter
J. A. Greer	2200 Irwin St	No		Opposition	Sent letter
Ms. Primm	2206 Irwin St	No		Opposition	Sent letter
Alan Davis	2212 Irwin St	No		Opposition	Sent letter
Anna Clogg	2216 Irwin St	No		Opposition	Sent letter
Chris Guerra	2209 W Rosedale St S	Yes		Opposition	Sent letter
Nathan Elizabeth Sherman	& 2229 W Rosedale St S	Yes		Opposition	Sent letter
David Harrison	2237 W Rosedale St S	Yes		Opposition	Sent letter
Mitch & Jessica Hagen	2241 W Rosedale St S	Yes		Opposition	Sent letter
Sally Taylor	2217 W Rosedale St S	Yes		Opposition	Sent letter

**Meeting adjourned: 12:43 p.m.
12/14/11**

Dana Burghdoff, Executive Secretary & Deputy Director, Planning and Development Department

Neftali Ortiz, Chair