



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
January 8, 2013

Council District 8

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

Opposition: none

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

Owner / Applicant: **Rodrigo Armendariz**

Site Location: 1920 and 1924 Belzise Terrace Mapsco: 77R

Proposed Use: **Single-family, Granite Workshop, and Outdoor Storage**

Request: From: "B" Two-Family

 To: "PD/B" Planned Development for all uses in "B" Two-Family plus granite cutting workshop and outdoor storage; site plan included

Land Use Compatibility: Requested change **is not compatible.**

Comprehensive Plan Consistency: Requested change **is not consistent.**

Background:

The applicant is proposing to change the zoning from "B" Two-Family to "PD/B" Planned Development for all uses in "B" plus granite cutting workshop. According to TAD, he purchased the property lot in 2002. The applicant applied for two building permits in 2006, but did not complete the inspection or permitting process. The first permit was submitted in May of 2006 and was denied due to insufficient information. The second permit was submitted in June of 2006, was reviewed, but expired when the applicant failed to address staff comments. The applicant did not receive a Certificate of Occupancy for the commercial building. The accessory structure can be seen on aerials back to at least 2007. Granite slabs cannot be seen on the 2007 aerials, but can be viewed on the 2009 aerials; the applicant explains that the business has been operating in the "B" district for six years. The property currently has a Code Compliance case.

The applicant intends to continue to use the single-family home as a one-family residence but will use the rear workshop as a separate commercial business. The primary purpose of the business is to cut and deliver the completed granite projects for kitchen countertops etc. Customers do not come to the site.

The applicant constructed the workshop in his backyard to cut and store large granite slabs. The overhead door that provides primary access to the commercial building is open to the north. Excess product, precut slabs, trucks and other materials are stored outside. An 8 ft. metal fence is provided on the north and west property lines and a 6 ft. wood fence is provided on the south property line.

At the Zoning Commission, the applicant indicated that he had been working to obtain another property on U.S. 287 for the operation. After the vote for the recommendation for denial, the applicant requested time to move the business before Code Compliance enforcement began. Staff explained that this was not a function of zoning but that the applicant could work with Code on a timeline.

The applicant/owner does not need 1924 Belzise Terrace, the single family home to the south of the site to be included in the rezoning.

Site Information:

Owner: Rodrigo Armendariz
 7108 South Freeway
 Ft. Worth, TX 76134

Acreage: 0.46 acres
 Comprehensive Plan Sector: Southside

Surrounding Zoning and Land Uses:
 North "B" Two-Family / vacant, single-family
 East "B" Two-Family / single-family
 South "B" Two-Family; "I" Light Industrial / single-family, vacant
 West "B" Two-Family / single-family

Recent Relevant Zoning and Platting History:

Zoning History: None
Platting History: None
BOA History: None

Site Plan Comments:

The site plan as submitted is in general compliance with the Zoning Ordinance regulations.

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)
Richmond Ave.	Residential	Residential	No
Belzise Terrace	Residential	Residential	No

Public Notification:

The following Organizations were notified:

Organizations Notified	
Southeast Kingdom	Southeast Fort Worth Inc.
Hillside Morningside	Morningside/Hillside Crime Watch COPS
United Communities Association	FWISD
Southside Preservation Association	

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing to change the zoning from "B" Two-Family to "PD/B" Planned Development for all uses in "B" plus granite cutting workshop for an existing business. Surrounding land uses are primarily single-family with vacant land to the southeast.

The applicant constructed a workshop in the backyard of a single-family residence in order to cut and store large granite slabs. Excess product, pre-cut slabs, trucks and other materials are stored outside of the workshop in the backyard. The applicant intends to maintain the single-family home as a one family use, but will use the workshop as a commercial business.

Customers do not come to the site and the primary use of the business is the cutting and delivering of completed granite projects. The majority of the property is screened by a 6 ft. wood fence. However, the noise and possible dust from granite cutting, delivery vehicles, and other

ancillary uses are considered industrial uses. This could be exaggerated if the doors are not closed during business functions.

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

2. **Comprehensive Plan Consistency**

The 2012 Comprehensive Plan designates the subject property as single-family. The proposed "PD/B" zoning is not consistent with the following Comprehensive Plan policies.

- Locate single-family homes adjacent to local or collector streets. (pg. 37)
- 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)

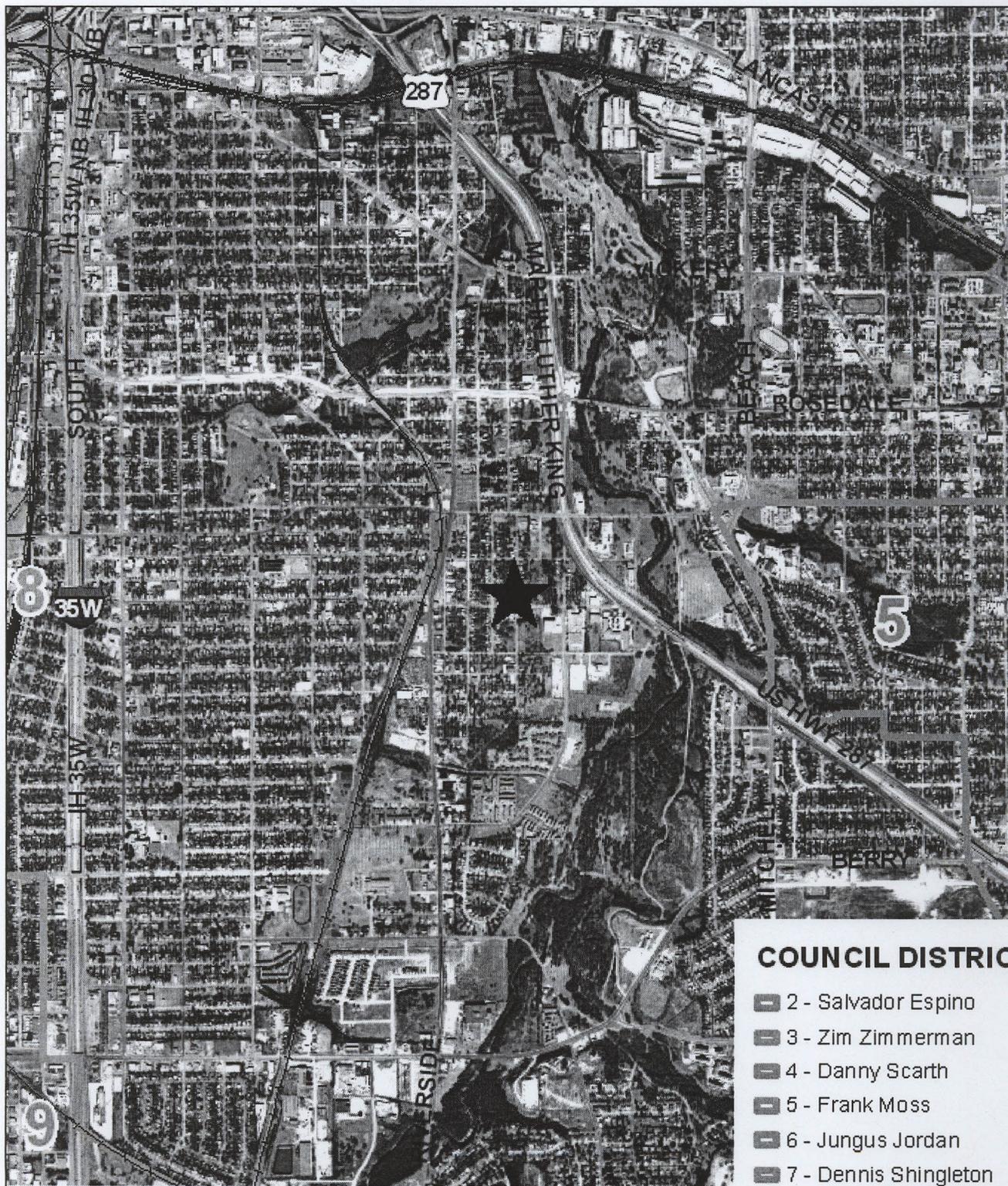
The proposed zoning change request **is not consistent** with the Comprehensive Plan and the policy stated above.

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 of the Zoning Commission meeting

Location Map



COUNCIL DISTRICTS

- 2 - Salvador Espino
- 3 - Zim Zimmerman
- 4 - Danny Scarth
- 5 - Frank Moss
- 6 - Jungus Jordan
- 7 - Dennis Shingleton
- 8 - Kelly Allen Gray
- 9 - Joel Bums



2,000 1,000 0 2,000 Feet





ZC-12-135

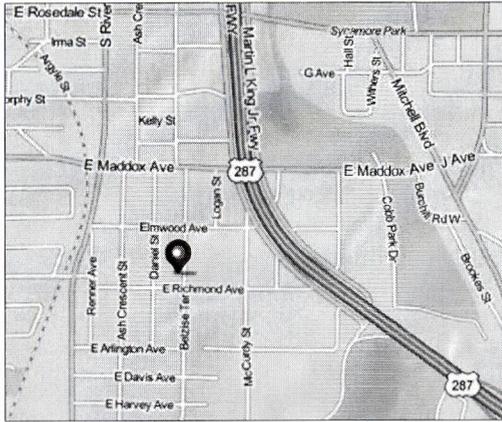
Area Zoning Map

Applicant: Rodrigo Armendariz
 Address: 1920 & 1924 Belzise Terrace
 Zoning From: B
 Zoning To: PD for B uses plus granite cutting workshop
 Acres: 0.46
 Mapsco: 77R
 Sector/District: Southside
 Commission Date: 12/12/2012
 Contact: 817-392-8043



300 Ft. Notification Buffer





2 VICINITY MAP
A1.0 SCALE: NO SCALE



LEGEND	
---	PROPERTY LINE
-----	8'-0" HIGH CORRUGATED METAL FENCE
-----	6'-0" HIGH WOOD FENCE
□ □ □ □	3'-0" BRICK FENCE
▨	CONCRETE FLOOR
▨	GRASS AREA

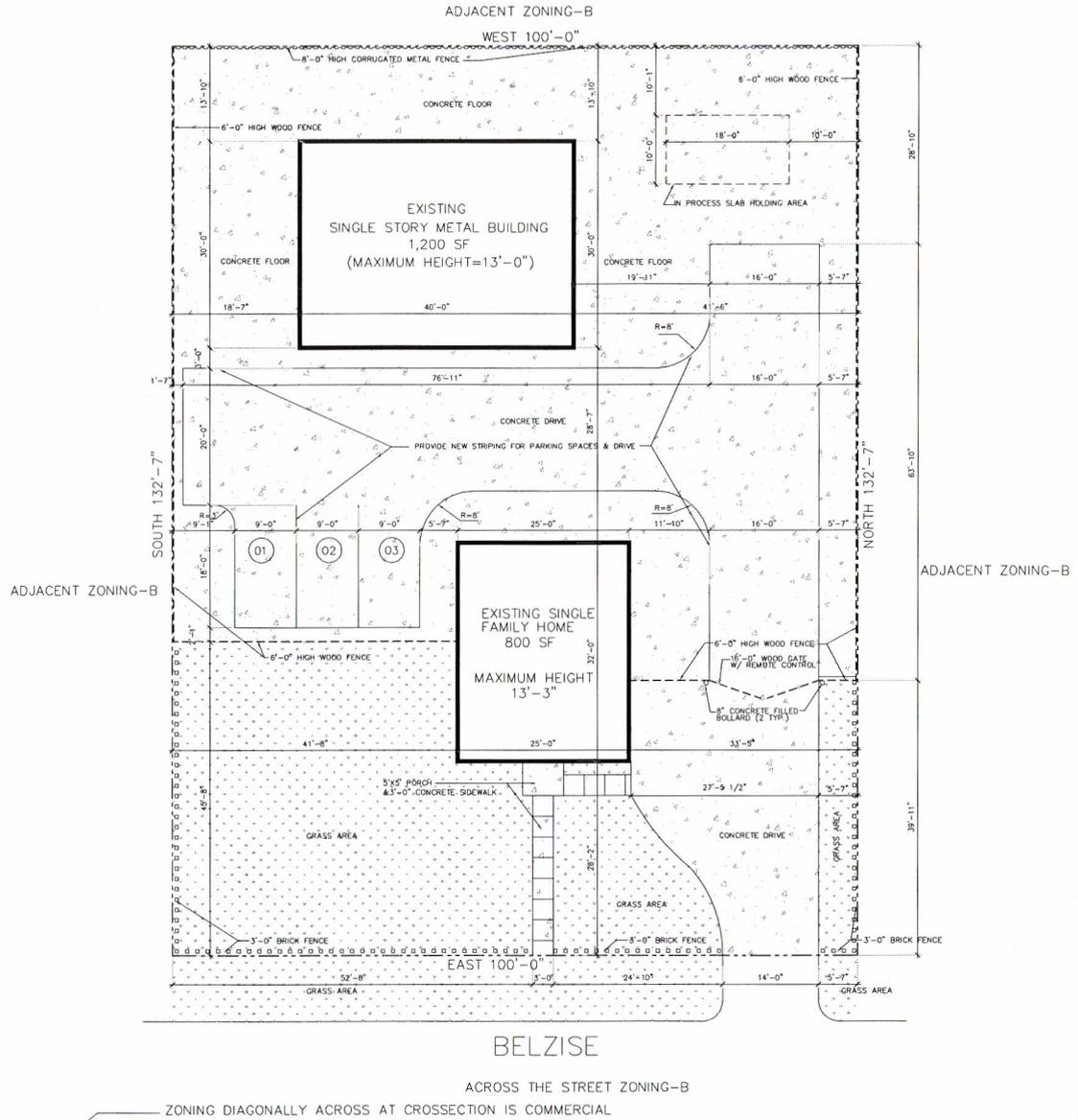
- GENERAL NOTES:
- ONLY STONE COUNTERS PREPARATION TO BE DONE ON SITE. THERE IS NO RETAIL BUSINESS AT THIS LOCATION. RETAIL SHOWROOM IS LOCATED AT-----
 - OWNER SHALL COMPLY WITH URBAN FORESTRY DEPARTMENT REQUIREMENTS.
 - OWNER SHALL COMPLY WITH LANDSCAPE ORDINANCE.
 - OWNER SHALL COMPLY WITH SIGN ORDINANCE.
 - THERE ARE FOUR EMPLOYEES AT THIS LOCATION. TWO PARKING SPACES REQUIRED THREE PROVIDED.

OWNER INFORMATION:
RODRIGO ARMENDARIZ
7505 ROCK GARDEN TRAIL
FORT WORTH, TEXAS-76123
PH. NO. (817) 829-8891

NOTE: NO SURVEY WAS PROVIDED BY OWNER. ALL DIMENSIONS ARE FIELD MEASURED TO THE BEST OF OUR KNOWLEDGE. ARCHITECT IS NOT RESPONSIBLE FOR ANY DISCREPANCY REGARDING THIS.

RECOMMENDED FOR DENIAL

RECEIVED
 NOV 29 2012
 BY:



1 SITE PLAN
A1.0 SCALE: 1/8"=1'-0"



DIRECTOR OF PLANNING AND DEVELOPMENT
DATE:

DATE: 11/30/12
REVISION#:

PROPERTY OF MR. RODRIGO ARMENDARIZ
 1920 BELZISE TERRACE, FORT WORTH, TEXAS

rashmi C
 ARCHITECTURE, PLANNING, INTERIORS
 6803 CAPITOL HILL DR. ARLINGTON, TEXAS-76017
 PH. NO. (817) 991-7918 EMAIL: rashmi@rashmic.com

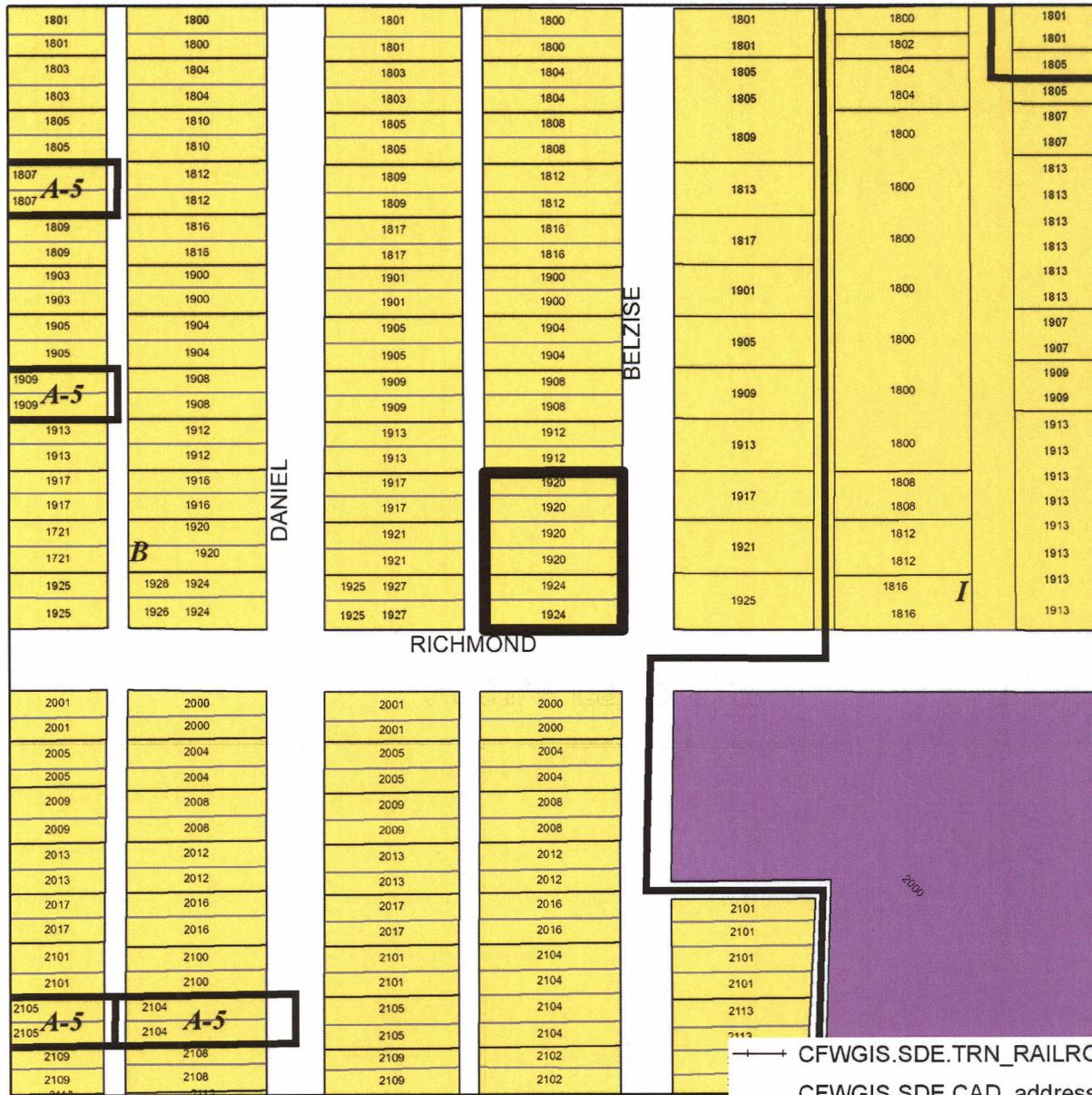
SHEET NO.
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01 OF 01

20-10-135

FORT WORTH

Future Land Use

ZC-12-135



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

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



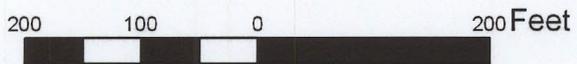
A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Sect. 219.005) Land use designations were approved by the City Council on March 6, 2012.





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Aerial Photo Map



13. ZC-12-133 Christ Church Assembly of God (CD 6)- 5301 Altamesa Boulevard (Portion of Lot 1R, Block 1, Christ Church in Wedgewood, 3.16 Acres): from “CF” Community Facilities to Amend “PD/E” Planned Development for “E” Neighborhood Commercial for church use only; site plan waiver requested

Terry Waldrum, 208 E. Irving Boulevard, Irving, Texas representing Christ Church Assembly of God explained to the Commissioners the church uses large banners for advertising different events and wants to have an electronic changeable copy sign to replace the banners. They are rezoning in order to have a larger monument sign for the church.

Mr. West asked if he had any contact with the neighbors. Mr. Waldrum said they have contacted the neighborhoods to the north and west.

Ms. Spann mentioned the neighborhood is very supportive of the project.

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

14. ZC-12-135 Rodrigo Armendariz (CD 8)- 1920 – 1924 Belzise Terrace (Graham Park Addition, Block 14, Lots 27 – 30, 0.46 Acres): from “B” Two-Family to “PD/B” Planned Development for all uses in “B” Two-Family plus granite cutting workshop and outside storage; site plan included

Justin Goddard, 10628 Tall Oak Drive, Fort Worth, Texas representing Mr. Armendariz explained to the Commissioners they have been using the workshop at the back of the house for granite cutting for about six years and want to continue the use. Mr. Goddard mentioned staff had asked them to remove the property at 1924 Belsize from the site plan. The drawing only represents 1920 Belsize Terrace.

Mr. Flores asked if he was an employee of Mr. Armendariz. Mr. Goddard said yes he is. Mr. Flores also asked if he knew when the building was built. Mr. Goddard said approximately 5 to 6 years ago. Mr. Flores asked how much cutting is done inside the workshop. Mr. Goddard said the granite saw is located inside the workshop and granite cutting is done inside; is the only thing they do in the workshop. It's a 30x40 workshop and about 4 or 5 employees work there. They have very little storage for materials in process at the main office. Mr. Flores asked about the orientation of the doors on the building. Mr. Goddard indicated on the overhead there is one single garage door and it faces north. There is an eight foot metal fence on the north and west property lines. On the south and east side there is a wooden fence with an electronic gate for trucks to enter and exit.

Mr. Flores asked the hours of operation. Mr. Goddard said 7:30 to 4:30 or 5:00. No customers or clients visit this location. Mr. West mentioned code compliance issues. Mr. Goddard said it was probably for the excessive storage of the granite. They have been removed from the site. Mr. West asked where the employees park. Mr. Goddard said a couple of them live in the area. There are spaces to park after you come inside the gate as he indicated on the overhead. Mr. West wanted to clarify that there are no retail business conducted there, only manufacturing. Mr. Goddard said yes. Mr. West asked once the granite is cut where it is moved. Mr. Goddard said

the other location is 7108 South Freeway; they recently went through a zoning change to allow for outside storage of slabs. Mr. Goddard mentioned this is the primary site for the retail/storefront/granite storage.

Mr. West mentioned they have a concern with a manufacturing use in the middle of the residential neighborhood. Mr. Goddard mentioned across the street diagonally is industrial zoning. He said Mr. Armendariz owns several properties in this area and has done a great job of keeping the area up for the residents. Mr. West had one last question about which property is requested to be rezoned.

Ms. Conlin asked if it was all platted as one lot. Ms. Zadeh mentioned it is platted as two lots. Ms. Conlin has a problem with it being surrounded by residential and running a business in a residential neighborhood. Ms. Conlin mentioned two letters of opposition she received.

Edward Morrison, 1917 Belzise Terrace, Fort Worth, Texas spoke in support. He has a petition of neighbors in support of the request. They have had no issues with the business.

Rodrigo Armendariz, 7505 Rock Garden, Fort Worth, Texas responded by saying he bought the property about six years ago. He has had no complaints from the neighborhood. The only complaint he has head was when they were pulling the concrete for the workshop.

Mr. Flores asked about the building permit pulled in 2006 and when was the shop completed. Mr. Armendariz said it was completed the same year the building permit was pulled. He said he had documentation the permit was signed off on. Mr. Flores asked if he had that with him. Mr. Armendariz said no he didn't. Mr. Flores asked about a second permit pulled in July of 2006 that wasn't completed. Mr. Armendariz said it took some time to complete the job. Mr. Flores asked if he knew he was in a residential zone when he built the building. Mr. Armendariz said yes he did. Mr. Flores mentioned their concern about this business being in a residential neighborhood. Mr. Flores asked if the location off of I-35 is intended to be the main business. Mr. Armendariz said it is retail with no fabricating. Mr. Flores asked if there was room to expand the location on I-35 beyond retail. Mr. Armendariz said they are preparing to build a shop on SH287 in case this isn't approved so they can continue to grow.

Motion: Following brief discussion, Ms. Conlin recommended a denial without prejudice of the request, seconded by Mr. Edmonds. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>				ZC-12-135	
Name	Address	In/Out 200 notification area	ft	Position on case	Summary
Ela Moore	2004 Belzise	In		Opposition	Sent letter in
Letha Collier	2008 Belzise	In		Opposition	Sent letter in
Edward Morrison	1917 Belzise	In		Support	Spoke at hearing
Rosie Melton	1925 Belzise	In		Support	Signed petition
Pearl Melton	1921 Belzise	In		Support	Signed petition

Stephanie Melton	1917 Belzise	In	Support	Signed petition
Walter Taylor	2008 Belzise	In	Support	Signed petition
James Mitchell	1805 Belzise	Out	Support	Signed petition
Margie Donnell	1801 Belzise	Out	Support	Signed petition
Tommy Lampkin	1726 Belzise	Out	Support	Signed petition
Victoria Rodriquez	1924 Belzise	In	Support	Signed petition

15. ZC-12-136 Mexican Eats Cafe (CD 7)- 4713 Camp Bowie Boulevard (Arlington Heights First Addition, Block 37, Lots 33 – 36, 0.11 Acres): from “C” Medium Density Multifamily to “E” Neighborhood Commercial

Jim Schell, 901 Fort Worth Club Building, Fort Worth, Texas representing the Original Mexican Restaurant explained to the Commissioners the property located to the west is used for parking. The site is a portion of four 25 foot wide lots. He said it will never be developed into multifamily. He is going to construct a patio dining area with seating, canopy and a fountain back behind the building.

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

<i>Document received for written correspondence</i>				ZC-12-136
Name	Address	In/Out 200 notification area	ft Position on case	Summary
Steven Flowers	4701 Byers Ave	In	Opposition	Sent letter in

**Meeting adjourned: 12:35 p.m.
12/12/12**

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

Ann Zadeh, Chair