



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
March 22, 2016

Council District 9

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

Opposition: 93% within 200 ft.; majority of neighborhood

Support: None submitted

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

Owner / Applicant: Chrome Construction

Site Location: 2628 Boyd Avenue Mapsco: 76S

Proposed Use: Duplex

Request: From: "A-7.5" One-Family/TCU Residential Overlay
To: "B" Two-Family/TCU Residential Overlay

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 the corner of Cantey Street and Boyd Ave. The applicant is proposing to rezone to "B" Two-Family for duplex zoning. The property includes an existing home, with a second home proposed which would face and be accessed from Cantey St.

The zoning was changed to A-7.5 in 2014 through a neighborhood petition. The applicant applied for a permit prior to the rezoning. However, the permit expired, which has resulted in the need for rezoning.

Below is a timeline of activity from the records:

- September 5, 2014: A third party company applied for a building permit for a second residential structure at 3504 Cantey
- September 18, 2014: The City issued the permit. At that time the property was zoned B Two-Family, which allowed for two residential structures on one lot. (Building permits expire 180 days from the date issued unless work has begun on the project or an extension is requested.)
- Fall 2014: The neighborhood filed a petition for rezoning the area to A-7.5 One-family, which the City Council approved.
- March 3, 2015: The property owner requested a 180-day extension on the building permit, which was granted in error since no work had been done since September. Per City building code (Sec. 105.5), a permit shall not extend more than once when no work has proceeded on a project. After the first extension on a permit, if no work has begun the permit will expire.
- Mid 2015: the current property owner purchased the property

- September 2015: The expired permit was reactivated for the second unit, also in error since work had not proceeded.
- October 8, 2015: the Building Code Administrator again expired the permit after learning of the recent reactivation.
- October 30, 2015: Property is purchased and deeded to Chrome Construction, LLC.
- December 17, 2015: Applicant/new owner requested that the permit be re-activated from expired status and staff granted the request.
- December 19, 2015 Permit was placed back in expired status.

Permit reactivations are only applicable when work on the project has started but gone dormant for 180-360 days. This was not the case for this project.

The property is within the TCU Residential overlay therefore currently, as an “A” district, the limitation of three unrelated persons per unit applies. If rezoned to “B”, the overlay still exists, the restriction does not apply and therefore up to 10 persons could reside in two units. Eight parking spaces for the two units would be required within the property. The neighborhood is primarily single-family throughout the block face.

The property was registered under the TCU overlay as legal nonconforming for more than three persons. An examination of a lease provided that the persons on the lease were to move in May 2015, and did not live in the home as of the effective date of the ordinance, December 8, 2014. Therefore, no more than three unrelated persons currently can currently occupy the property. A letter will be provided to the property owner with his option to request an Interpretation from the BOA of the finding.

Extensive neighborhood opposition has been received for this case.

Site Information:

Owner: Alex Viegel/Chrome Construction
5801 Curzon Ave, Suite 215
Fort Worth, TX 76107

Agent: Alex Veigel

Acreage: 0.22 acres

Comprehensive Plan Sector: TCU/Westcliff

Surrounding Zoning and Land Uses:

North “A-7.5” One-Family / single-family
East “A-7.5” One-Family / single-family
South “CF” Community Facilities / TCU
West “A-5” One-Family / single-family

Recent Relevant Zoning and Platting History:

Zoning History: ZC-14-100, from “B” Two-family to “A-7.5” One-Family (Petition); effective 10/7/14.
Platting History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Cantey Street	Residential	Residential	No
Boyd Ave.	Residential	Residential	No

Public Notification:

The following Neighborhood Associations were notified:

Organizations Notified	
University West NA*	Streams & Valleys
Colonial Hills NA	Fort Worth ISD
Trinity Habitat for Humanity	

Located within the confines of this Neighborhood Association

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing to rezone to "B" for duplex residential zoning. Surrounding land uses consist of single-family to the north, east, and west with TCU to the south. As the duplex use could result in up to 10 unrelated residents and the single family use would allow no more than three unrelated residents, the proposed zoning **is not compatible** with surrounding land uses.

2. Comprehensive Plan Consistency

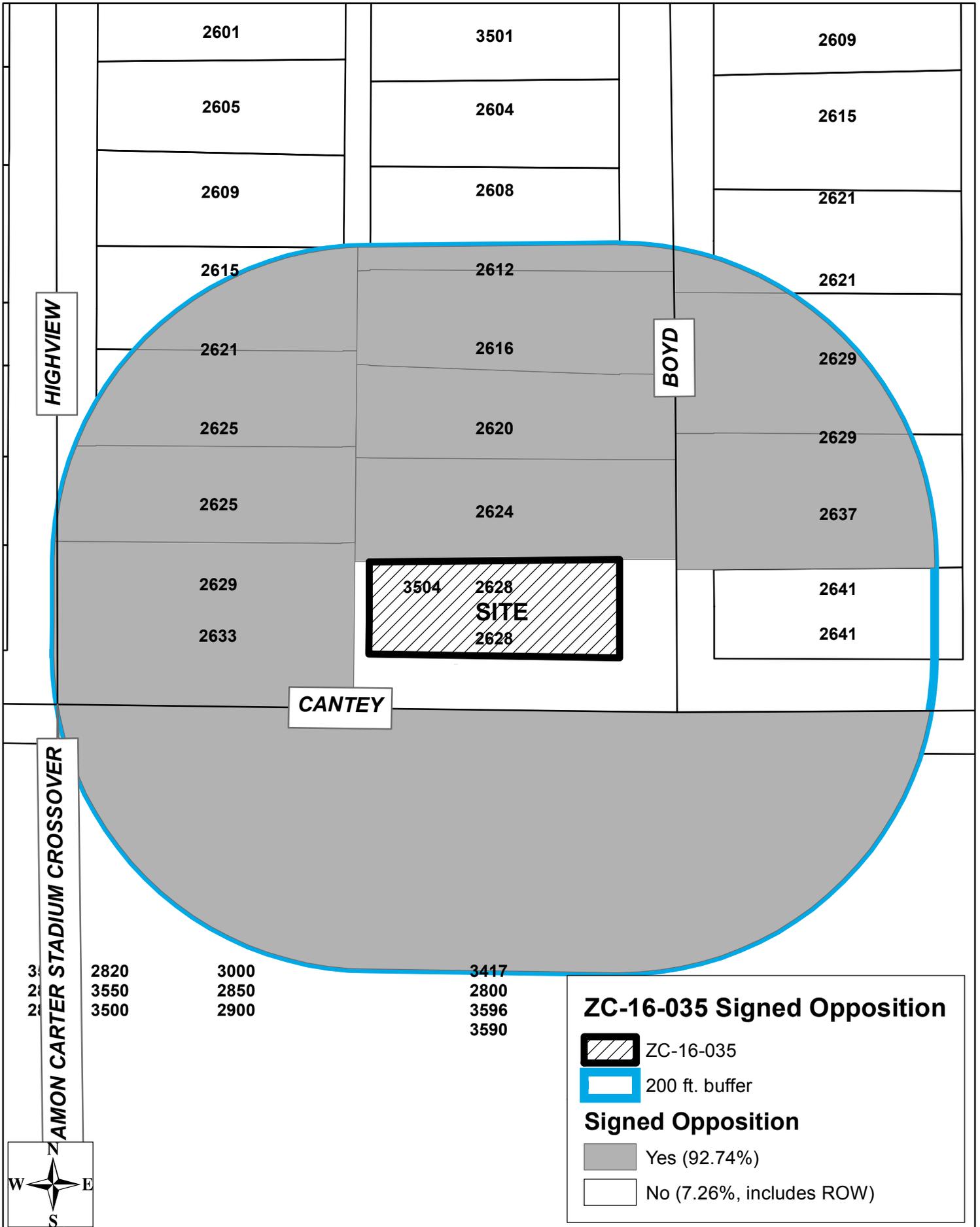
The 2015 Comprehensive Plan designates the subject property as Single-Family Residential. The requested zoning change **is not consistent (Significant Deviation)** with the Comprehensive Plan. The entire block on both sides consists of single-family structures. The proposed site is not consistent with the following Comprehensive Plan policy:

- Separate incompatible land uses with buffers or transitional uses. Some land uses have attributes such as height, proportion, scale, operational characteristics, traffic generated, or appearance that may not be compatible with the attributes of other uses. (pg. 40)

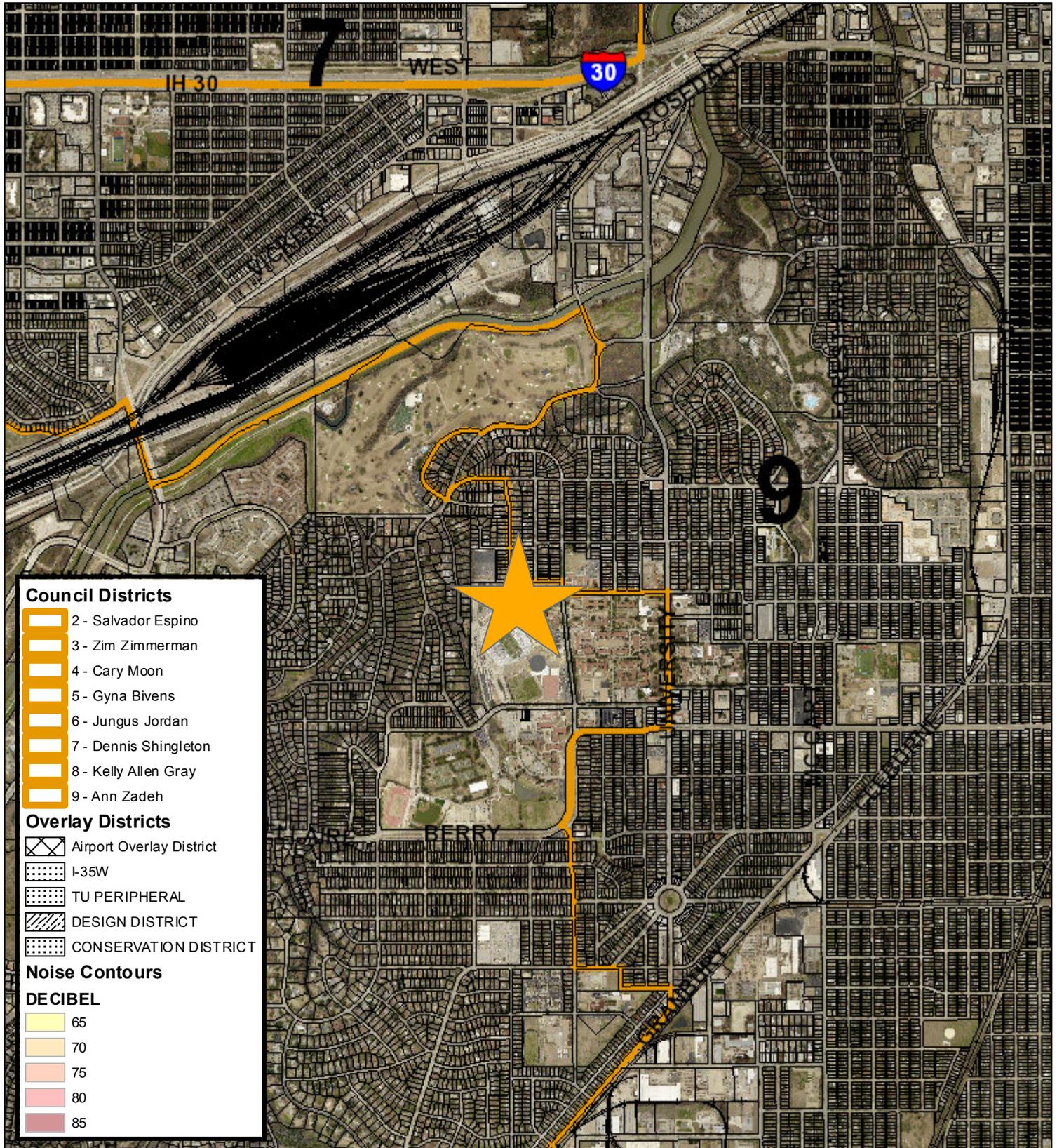
Attachments:

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

ZC-16-035



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

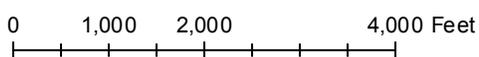
Overlay Districts

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

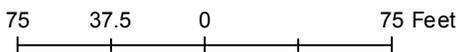
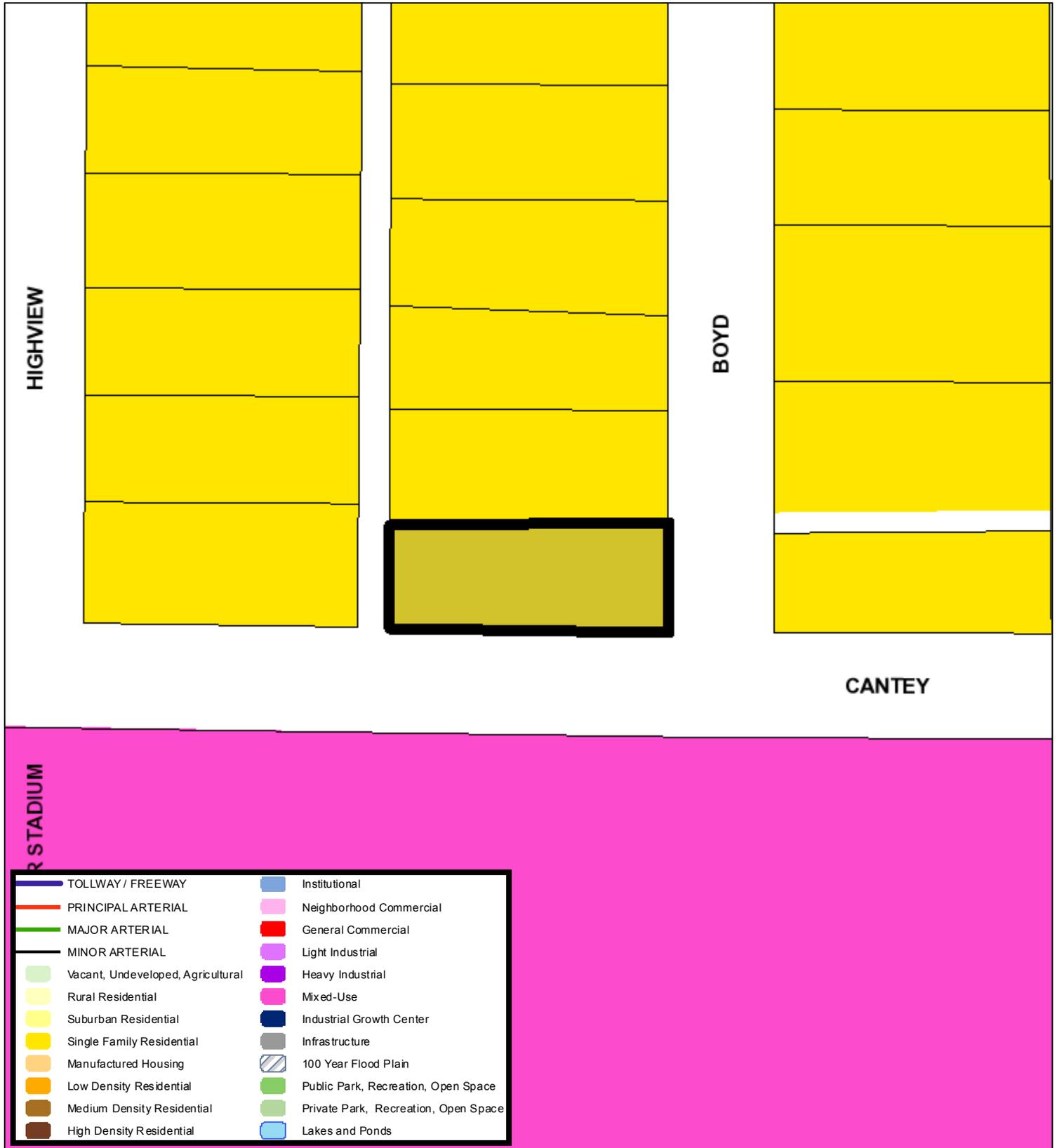
Noise Contours

DECIBEL

-  65
-  70
-  75
-  80
-  85



Future Land Use



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 45 90 180 Feet



Name	Address	In/Out 300 notification area	ft	Position on case	Summary
Jim Johnson/Berry Street Initiative	NA	Out		Support	Sent letter in
David Cantu-Couch/Hemphill Corridor Task Force	NA	Out		Support	Sent letter in

5. ZC-16-034 Hutson RE, Inc (CD 9) 2717 Wingate St Foch (Linwood Addition Block 9, Lots 3, 0.20 Acres): from “A-5” One-Family to “UR” Urban Residential

Mary Nell Poole, 2918 Wingate Street, Fort Worth, Texas representing Hutson RE, Inc. explained to the Commissioners Hudson Homes owns all the lots along Wingate that were recently rezoned to “UR” and just recently acquired this lot.

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

<i>Document received for written correspondence</i>					ZC-16-034
Name	Address	In/Out 300 notification area	ft	Position on case	Summary
Jill & Mark Freer	2916 Merrimac	Out		Support	Sent letter in

6. ZC-16-035 Chrome Construction (CD 9) 2628 Boyd Avenue (University Place Addition, Block 24, Lot 16 & S 45’ Lot 17, 0.22 Acres): from “A-7.5” One-Family/TCU Addition to “B” Two-Family/TCU Addition

Alex Veigel, 2409 Sanquinet, Fort Worth, Texas property owner explained to the Commissioners they are wanting to rezone the property to “B” for a duplex. Mr. Veigel gave a brief history of the timeline during which they thought they had a valid permit. The previously issued permit had expired due to no progression on the project, however it incorrectly extendend and later reinstated upon request of the builder. After the final expiration in October 2015, he had several meetings with staff and was told they need to rezone the property back to “B” in order to proceed with two units. He explained all traffic will be off Cantey Street and not through the neighborhood.

Andrew Delatorre, 910 Houston Street, Fort Worth, Texas and a property owner of the subject explained to the Commissioners they did do their homework on this property before they purchased it and should not be penalized for mistakes.

Ms. McDougall wanted to clarify with staff if the property in question was for 2628 Boyd or Cantey. Ms. Burghdoff explained when the permit was applied for, it would have been a second house which faces Cantey. Since it was zoned “B” Two-Family at that time, the Fire Department issued an address for 2628 Boyd.

Mr. Northern asked Mr. Delatorre about the purchase agreement and was it stated in the contract they would be building two structures. Mr. Delatorre said no.

Several people were present for the meeting and in opposition.

Laura Copeland, 2520 Boyd Avenue, Fort Worth, Texas spoke in opposition and explained that she was speaking on behalf of over 100 neighbors. Ms. Copeland explained the history of the building permit process and how it originated from the previous owner prior to the adoption of the TCU Overlay. She went on to mention information that was found in the ordinance that refers to transitional provisions for building permits pulled prior to an effective date of an ordinance passing. She read that the construction must start and be diligently prosecuted within six months of the date of such permit and the entire building shall be completed according to the filed plans, within two years from the effective date of this ordinance. Ms. Copeland also discussed the building code ordinance that refers to extending permits. The neighborhood started a petition to oppose the zoning case and have obtained over 100 signatures. Ms. Copeland turned in a map with the petition acknowledging those who have signed the petition and those within 300 feet. She also talked about parking issues and noted that parking is prohibited during the weekdays on both sides of Boyd and prohibited all times along Cantey Street.

Nancy Dambro, 2405 Stadium Drive, Fort Worth, Texas spoke in opposition.

In rebuttal, Mr. Veigel said he understands the opposition, but based on information they received from Planning & Development stating they had a valid permit, they moved forward with their investment. Mr. Delatorre said based on the proximity of the property across from the stadium, the new home would not be in the middle of the neighborhood because the property faces Boyd.

Mr. Genua asked why he doesn't split the lot and build two single-family homes. Ms. Burghdoff said in A-7.5 the lot has to be a minimum of 7500 sq. ft. for each lot and the lot is 10,000 sq. ft.

Mr. Cockrell mentioned there is a lot of construction going on in the TCU area. Mr. Veigel said they have made a lot of improvements to the main house already, not to mention they paid too much for the property. Mr. Delatorre said students are a viable part of this area.

Mr. Edmonds mentioned that the neighborhood has stated they want this area to remain single-family.

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

(Opposition equals greater than 90% within 200 feet of the subject property.)

<i>Document received for written correspondence</i>				ZC-16-035
Name	Address	In/Out 300 notification area	ft Position on case	Summary

Laura Copeland/ representing several present at meeting	2520 Boyd Ave	In	Opposition		Spoke at hearing
Nancy Dambro	2405 Stadium	Out	Opposition		Spoke at hearing
Dan/Rebecca McKenzie	2637 Boyd Ave	In	Opposition		Present did not speak
Jennifer Lanter	2624 Boyd Ave	In	Opposition		Present did not speak
Charles Kendall	2621 Highview	In	Opposition		Present did not speak
Bettye Pomykal	3621 Park Hill	Out	Opposition		Signed petition
Michelle Wayman	2526 Boyd Ave	Out	Opposition		Signed petition
Carol/Art Ehlmann	2537 Boyd Ave	Out	Opposition		Signed petition
J T Aughboughl	2641 Boyd Ave	Out	Opposition		Signed petition
Jennifer & Tom Lanter	2624 Boyd Ave		Opposition		Signed petition
Lee Small	2629 Highview Terr		Opposition		Signed petition
James C. Fuxa	2616 Boyd Ave		Opposition		Signed petition
Nathan & Sarah Walters	2625 Highview Terr		Opposition		Signed petition
Donald Teis	2604 Boyd Ave.		Opposition		Signed petition
John Bryant	2616 Highview Terr		Opposition		Signed petition
Mary Maas	2615 Highview Terr		Opposition		Signed petition
Charles and Elizabeth Ketrall	2621 Highview Terr		Opposition		Signed petition
TCU	2800 Stadium		Opposition		Signed petition
Mark Durso	2628 Stadium		Opposition		Signed petition
Rebecca & Dan McKenzie	2637 Boyd		Opposition		Signed petition
Janell Plocheck	2609 & 2605 Highview Terr		Opposition		Signed petition
Christopher & Susan Howe	2608 Boyd		Opposition		Signed petition
Robert Durnan	2615 Boyd		Opposition		Signed petition
Ted & Carol Kretchmar	2622 Highview Terr		Opposition		Signed petition
Rick Hagler	3520 Rogers		Opposition		Signed petition
Laura E Copeland	2628 Boyd Ave		Opposition		Signed petition
Bettye and Norman Pomykal	3621 Park Hill Dr		Opposition		Signed petition
Lyndsay Hoover	NA		Opposition		Signed petition

John Langston	2566 Highview		Opposition		Signed petition
Sharon Griz	2528 Wabash Ave		Opposition		Signed petition
Julie and Mike Henry	2559 Boyd		Opposition		Signed petition
Nicole Duvall	3128 Rogers		Opposition		Signed petition
Denis and Kay Dunagan	3213 Rogers		Opposition		Signed petition
Shelly Frank	2609 Boyd		Opposition		Signed petition
Rick Hagler	NA		Opposition		Signed petition
Richard and Anne Stewart Darr	2542 Stadium Dr		Opposition		Signed petition
Steve Quinn	2609 Boyd Ave		Opposition		Signed petition
Diane King Panagos	3128 Odessa		Opposition		Signed petition
Connie Alexander	NA		Opposition		Signed petition
Zachary Copp	3244 Wabash		Opposition		Signed petition
Carolyn Mitchell	3412 Rogers		Opposition		Signed petition
John Wilmoth	2616 Highview Terr		Opposition		Signed petition
Bryan Vaughn	2552 Stadium Dr		Opposition		Signed petition
Kris Thomas Russell	2324 Stadium Dr		Opposition		Signed petition
Vic Gallese	3304 Avondale St		Opposition		Signed petition
Brad Schneider	2511 Rogers Ave		Opposition		Signed petition
Jan Burns	2531 Shirley		Opposition		Signed petition
Sara C. Smith	2440 Stadium Dr.		Opposition		Signed petition
Debby Stein	NA		Opposition		Signed petition
Leslie Higgins	NA		Opposition		Signed petition
Mary Kay Hughes	2544 Stadium Dr		Opposition		Signed petition
Louadah Waggoner	2563 Boyd Ave		Opposition		Signed petition
Jim and Barbara Diggs	1900 Granada		Opposition		Signed petition
Brian Jolin	NA		Opposition		Signed petition
Keri Cyr & Rober Weber	2560 Stadium Dr		Opposition		Signed petition
Amy Hearn	NA		Opposition		Signed petition
Michael Appleman	2604 Highview Terr		Opposition		Signed petition

Ryan Luther	3231 Stadium Dr		Opposition		Signed petition
Glenn and Stafanie Good	2537 Highview Terr		Opposition		Signed petition
Michelle Wayman	2526 Boyd		Opposition		Signed petition
Carol & Art Elthmann	2537 Boyd		Opposition		Signed petition
JT Augbagugh	2642 Boyd		Opposition		Signed petition
Jeanlu ?	2629 Boyd		Opposition		Signed petition
RD McKenzie	2637 Boyd		Opposition		Signed petition
Jasmine Jergan	2620 Boyd		Opposition		Signed petition
Thomas Palmer	2618 Stadium		Opposition		Signed petition
Allison & Jason Castillo	2621 Boyd		Opposition		Signed petition
Salli Wilmoth	2616 Highview Terr		Opposition		Signed petition
Renn Lawrence	2629 Highview Terr		Opposition		Signed petition
Danny Deen	2612 Highview Terr		Opposition		Signed petition
Marry Haas	2615 Highview Terr		Opposition		Signed petition
Charles & Libits Kendall	2621 Highview Terr		Opposition		Signed petition
Steve & Linda Eatenson	2608 Highview Terr		Opposition		Signed petition
Hugh & Sandra Johnson	2600 Highview Terr		Opposition		Signed petition
Steven Harris	2575 Highview Terr		Opposition		Signed petition
Tim Jenkins	2628 Stadium		Opposition		Signed petition
R Shay Smith	2550 Boyd		Opposition		Signed petition
Tim Bostick	2584 Boyd		Opposition		Signed petition
Phode Procter	2506 Boyd		Opposition		Signed petition
Charles & Velly Neal	2620 Stadium		Opposition		Signed petition
James & Cissy Thompson	2561 Highview Terr		Opposition		Signed petition
Sheila & George Ross	2564 Highview Terr		Opposition		Signed petition
Timothy & Kelly O'Connor	2528 Highview		Opposition		Signed petition
Claudia Thompson	3544 Hilltop		Opposition		Signed petition
John Breyes	2540 Boyd		Opposition		Signed petition
Jim Riddlesperger	2507 Boyd		Opposition		Signed petition

John & Charity Aughinbaugh	2513 Boyd & 2641 Boyd		Opposition		Signed petition
David McGuire	2501 Boyd		Opposition		Signed petition
Tom Mantzel	2512 Boyd		Opposition		Signed petition
Lisa & Neil Wallace	2525 Boyd		Opposition		Signed petition
Taylor Takacs	2555 Boyd Ave		Opposition		Signed petition
Teri McGuill	2501 Boyd Ave		Opposition		Signed petition
Pam Drenner	2534 Boyd		Opposition		Signed petition
Russell Dumas	2416 Rogers		Opposition		Signed petition
Kenneth Copeland	2520 Boyd		Opposition		Signed petition
Maurine Wood	2531 Boyd		Opposition		Signed petition
Cecilia Silva	3304 Avondale Ave		Opposition		Signed petition
Vic Gallese	3304 Avondale Ave		Opposition		Signed petition
Steve & Linda Eatenson	2608 Highview Terr		Opposition		Signed petition
Jason & Lindsay Kennedy	2552 Boyd		Opposition		Signed petition
John Hurst	2560 Highview		Opposition		Signed petition
Cecilee Lindsey	2556 Walsh Ct		Opposition		Signed petition
John Roff	2537 Walsh Ct		Opposition		Signed petition
Ryan Pack	2548 Walsh		Opposition		Signed petition
Leo Cosjillo	2556 Walsh Ct		Opposition		Signed petition
Stacy Hamilton	2521 Highview Terr		Opposition		Signed petition
Beth Welch	2440 Colonial Pkwy		Opposition		Signed petition
Mary Jane & Mike Stephenson	2500 Boyd		Opposition		Signed petition
Michelle Frank & Stephen Frank	2609 Boyd		Opposition		Signed petition
Steve Hamilton	2601 Highview Terr		Opposition		Signed petition
Kimberly Aaron	2500 Highview Terr		Opposition		Signed petition
Marissa Kelly	2501 Highview Terr		Opposition		Signed petition
Betsy Moore	2516 Highview Terr		Opposition		Signed petition
Jana Brooks	2530 Highview		Opposition		Signed petition
Lindsey Penny	2543 Highview Terr		Opposition		Signed petition

Meridith Garcia	2508 Highview Terr		Opposition		Signed petition
Matt Stadler	2515 Highview Terr		Opposition		Signed petition
Francis Hurst	2554 Highview Terr		Opposition		Signed petition
John Garnett	2524 Park Hill		Opposition		Signed petition
Robert J & Cathyrine Rockett	3532 Park Hill		Opposition		Signed petition
David Pitts	3608 Park Hill		Opposition		Signed petition
Chelsea Blackmon	3524 Park Hill		Opposition		Signed petition
Evelyn & Phil Vogel	2529 Stadium		Opposition		Signed petition
Sue Ott	2537 Rogers		Opposition		Signed petition
William Smith	3012 Preston Hallow		Opposition		Signed petition
Jefferson E. Edwards	3241 Rosemeade Dr		Opposition		Signed petition
Bob Seymour	2433 Winton Terr		Opposition		Signed petition
Jeff L. Fraley	3200 W 4 th St		Opposition		Signed petition
Jim R. Buell	4312 Woodwick ct		Opposition		Signed petition
Arthur Townsend	4004 Harlanwood		Opposition		Signed petition
Howard Stone	2825 6 th Ave		Opposition		Signed petition
John Gerloff	7516 Branch Rd		Opposition		Signed petition
Gregg Lehman	2028 Windsor		Opposition		Signed petition
William Kuox	2323 Harrison Ave		Opposition		Signed petition
Urbin McK	2743 Westcliff		Opposition		Signed petition

7. ZC-16-036 William Paez (CD 5) – 13354 Trinity Boulevard (Trinity Corners, Block 1, Lots 1, 0.56 Acres): from “E” Neighborhood Commercial to “F” General Commercial

Greg Guerin, 2000 Rushing Creek Drive, Heartland, Texas representing Williams Paez explained to the Commissioners the request to rezone to “F” for auto restoration on classic cars.

Lisa Fitzwillam, 706 Tanbark Drive, Euless, Texas explained to the Commissioners the request is to allow for auto sales, repair with alcohol consumption. Ms. Fitzwillam explained there are power lines that run through the property restricting some development, they have about 3,300 sq. ft. to build on. The property will consist of office, retail (future showroom floor), garages for repair and storage of classic vehicles. They also want to host events and allow for alcohol for on-premise consumption. All parking will be along the southern property line.