



P.O. Box 3088 Fort Worth, Texas 76113

May 4, 2010

Mayor Mike Moncrief  
Members  
Fort Worth City Council  
1000 Throckmorton  
Fort Worth, TX 76102

**Re: ZC-10-070 (City Council initiated Pawn Shop Rezoning)**

Dear Mayor Moncrief and Members:

**The Fort Worth League of Neighborhoods asks that you deny ZC-10-070, the rezoning of all legal nonconforming pawn shops in the City of Fort Worth, for the following reasons:**

1. No substantive reason has been given for the request.

Let's talk about what this case is about and what it is not about.

This case is not about the function, good or bad, of pawn shops in communities. That is a topic of discussion for another day, but that is not the issue here.

This case is not about payday lending, love it or hate it. That is a topic of interest for another day, but that is not the issue here.

This case is not about the number of pawn shops in the City or the fact that the State of Texas has a distance rule about how close they can be to one another. That is not the issue here.

This case is not about site plans as related to pawn shops and how much control we can or cannot have over pawn shops. That is not the issue here.

And perhaps Councilman Moss was misquoted in the press when he said, **"It's a matter of the city not being able to arbitrarily take an individual or a business's property rights."**

This case is **not** about property rights. A case by case procedure to request rezoning is available to all businesses in the city should the need arise for rezoning. No property rights are threatened here. Plenty of process protects the rights of legal nonconforming pawn shops should they face a catastrophe.

What this case IS about is a class of business asking for special treatment. A special treatment situation should require special evidence and a special argument. Extraordinary claims require extraordinary proof. Now that we've eliminated banking and property rights as a good reason, then what precisely is the reason to single out this particular business for special treatment, undoing advances you've made in zoning this community and other neighborhoods throughout the city?

I hope someone will explain why pawn shops are special and how you will prevent other improved zoning from being challenged in the same manner.

At this point, it is well to review a little history. Let's remember that in 2006 the Zoning Commission, in order to stop getting so many PDs for "E" neighborhood commercial which wanted to exclude pawn shops, tattoo parlors, and massage parlors, moved the uses of pawn shops, tattoo parlors and massage parlors to the more intense zoning categories of "F" and "FR" and higher.

That move was not discriminating against these businesses – staff and the Zoning Commission (and evidently the City Council because they approved it) felt pawn shops and tattoo parlors and massage parlors were more intensive uses and were not appropriate in "E" neighborhood commercial zoning. These uses were not the same kinds of relatively low intensive neighborhood commercial uses such as a cleaners or a bakery which you typically find in "E" Neighborhood Commercial.

It doesn't make sense to single these pawn shops out as one class because if you do, that will leave the door open to classes of any category having the right to say, "We want you to rezone our property because we were "mistreated," too." If you approve this rezoning request, you will be opening Pandora's Box.

2. We are advised that the approval of this request could set an unfortunate **precedent** which could trigger other "classes" of incompatible commercial uses near neighborhoods (currently legal nonconforming uses) to request legal conforming status.

The City has been doing all these rezonings of neighborhoods and commercial areas to comply with the Comprehensive Plan for 11 years. Staggering amounts of volunteer time on the part of neighborhoods and business areas have been

expended on these efforts, not to mention all the time and effort of your own professional planning staff. All this work has been done to institute fairness and conformance with the Comprehensive Plan.

### **What is so broken that it needs fixing?**

It might be one thing if one of these pawn shops had burned down and more than 75% of it was gone and it couldn't build back under the current zoning. But that hasn't happened. (By the way, City planning staff is unaware of a situation where a commercial entity was taken out by a fire or tornado and was not able to build back. It just doesn't happen. In fact the pawn shops have proven their longevity in one spot: one which testified at last month's Zoning Commission hearing said they had been in business in the same spot for 45 years.)

Address the problem of a catastrophe affecting one of these 13 legal nonconforming pawn shops **when and if** it happens; or consider pawn shops which want to rezone on an **individual** basis because some of them may be wonderful neighbors. Let each case rise or fall on its own merits. When a legal nonconforming pawn shop rezones on an individual basis, the most directly affected property owners will have a chance to consider the case on its merits and either support it or recommend denial.

That's what we're asking for. Hear the individual case on its merits – let the pawn shops go through the **process**. Considering each case on its merits more clearly tailors a zoning decision to the land use in the area where it is. Please don't do this blanket rezoning because that does not allow taking into consideration individual situations which is what zoning has always allowed us to do.

3. **No one is attacking pawn shops.** I want to make it clear that the League of Neighborhoods has never, **not once**, in any of our communications about the pawn shop rezoning or in our public information meeting on this topic, said explicitly or implied that pawn shops are bad for communities or that they spark crime. Anyone who says that is making false claims about what the League has said.
4. But the question must be asked: Why do pawn shops merit special consideration for rezoning above any other groups? Why has the fee for this rezoning request been waived by the City? Will the City waive such fees for other classes of uses which might come next to request rezoning as a group?
5. The City's professional planners and legal staff have advised the Council against rezoning this "class" of buildings. They favor continuing the present system of allowing rezoning requests to come in as individual requests. If you receive requests from other special "classes" to rezone and you refuse them, how will this

cash-strapped city, already facing a \$42 million deficit for FY 2010 – 2011, find the money to defend itself?

6. Attached is a list of neighborhoods which have rezoned since 2000. Every single one is opposed to the pawn shop rezoning because of the very real possibility that it could undo the recent rezoning they have successfully achieved. That list of neighborhoods plus the list of other neighborhoods and neighborhood alliances which have not rezoned but are opposed to pawn shop rezoning is approximately 100 neighborhoods.

You should know that we made personal contact with each of these neighborhoods. We discussed the issues with them. We received their permission to use their names on this list.

This list represents thousands and thousands of Fort Worth residents who are depending on us as their representatives to bring this message to you. We have quite a number of residents from neighborhood groups here tonight (Please stand); however, you should know that many more of these residents in our neighborhoods cannot be here tonight because they are working or they are caring for their children or they are caring for elderly parents. They elected us and they elected you to represent them in the best spirit of representative democracy. They expect us to keep their best interests in mind; they expect us to do the right thing by them and for them.

7. You have heard from the professional planning staff and the professional City legal staff. You have heard unanimously from the City's Zoning Commission, whom you each appointed. You have heard the opinion of the Fort Worth Star-Telegram. You have heard from the neighborhoods, from the people, who are asking you to maintain our orderly process of zoning. All have spoken against this proposal to rezone pawn shops.

There should be no blanket PD zoning for a single class of use.

Please treat pawn shops as you treat the rest of us – equally -- and deny this proposal.

Sincerely,

Libby Willis  
President

