



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
October 18, 2011

Council District 9

Zoning Commission Recommendation:

Approval by a vote of 8-0

Opposition: three people from neighborhood spoke

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

Owner / Applicant: **City of Fort Worth Planning & Development Department
Eastern portion of the Berry/University Urban Village**

Site Location: Generally bounded by W. Bowie Street, James Avenue, W. Devitt Street, and Forest Park Boulevard
Mapsco: 76XY

Proposed Use: Single family residential, commercial and residential uses, and vacant land

Request: From: "MU-1" Low Intensity Mixed-Use

To: "MU-2" High Intensity Mixed-Use

Land Use Compatibility: Requested change **is compatible.**

Comprehensive Plan Consistency: Requested change **is consistent.**

Background:

The subject area is included within the Berry/University Urban Village and is designated as Mixed-Use Growth Center in the 2011 Comprehensive Plan. A new commuter rail station is proposed on the railway to the southwest of the Berry/Cleburne intersection, which creates a prime location for transit-oriented development. The current development standards of MU-1 do not maximize the potential to create a dense, walkable environment around the train station. A town hall meeting was held with the neighborhood on June 21, 2011, to discuss the proposed zoning changes. No one in opposition was noted.

The property owners in the area are in the early stages of created a form-based code for the area. It is expected to provide some specific guidelines unique to the area that will further growth complimentary to Texas Christian University and the proposed rail station.

Staff has received communication from representatives from the Rosemont Neighborhood Association, whose boundaries include the area of the zoning case east of Cleburne Rd. The representatives have been given detailed information and meetings have been held concerning the zoning case specifically and the overall efforts in the area toward the improvement of the Berry Street area, including the streetscape efforts, the proposed form based code, and the transit oriented development desired around the proposed Berry St. rail station. They have indicated they are not in support of change in the area. Staff will not support further encroachment of the mixed use, higher density zoning into the single family residential neighborhood.

Site Information:

Applicant: City of Fort Worth Planning & Development Dept.
1000 Throckmorton Street
Fort Worth, TX 76102

Acreage: 29.71 ac.
Comprehensive Plan Sector: Southeast

Surrounding Zoning and Land Uses:

North A-5, B, I, and PD 822 / Single family, Paschal High School, and industrial uses
East B, E, and MU-1 / Single family, commercial uses, and vacant land
South B and E / Single family, limited commercial, and vacant land
West B, MU-1, and PD 532 / Single family, commercial, institutional uses

Public Notification:

The following Neighborhood Associations were notified:

Byers McCart NA
Ryan Place Improvement Association NA
Paschal NA
Bluebonnet Place NA
Rosemont NA
Frisco Heights NA
University Neighborhood Alliance
Southside Preservation Association
Berry Street Initiative
Fort Worth ISD

Recent Relevant Zoning and Platting History:

Zoning History: ZC-06-179, southwest of site, petition, from B to A-5, approved;
ZC-06-324, subject site, Council-initiated, from various districts to MU-1, approved;
ZC-07-010, northwest of rezoning area, from B to MU-1, approved for PD for certain MU-1 uses;
ZC-07-091, northwest of rezoning area, from C to MU-1, approved for PD for certain MU-1 uses;
ZC-07-199, northwest of rezoning area, from B to PD for MU-1 uses, approved;
ZC-08-107; north of rezoning area, Council-initiated from various districts to be in conformance with the Comprehensive Plan, approved; and
ZC-08-002, ZC-08-153, ZC-10-066, and ZC-10-177 (Dorsey property) from B and C to PD for MU-1, approved as PD for UR uses.

Platting History: None.

Development Impact Analysis:

1. **Land Use Compatibility**

This council-initiated zoning change request is intended to align the future land uses and zoning.

The process for Council-initiated rezoning was adopted in November 2000 and involves:

- Verifying the zoning changes are consistent with the City's Comprehensive Plan (12/07);
- Allowing interested City Council members to conduct one or more informational meetings in or near the proposed zoning districts in order to explain the proposed changes to affected property owners; (6/21/11)
- Providing for the Planning Department to brief the City Council on the proposed zoning changes; (7/26/11), and
- Placing a Mayor and Council Communication on the agenda for the next regular City Council meeting authorizing the Planning and Development Department to prepare and submit an appropriate rezoning application (8/2/11), which shall schedule the application for the next available public hearing by the Zoning Commission (9/14/11).

The subject area covers 29.71 acres and approximately 58 parcels. The request is to rezone the area to correspond to goals noted in the approved Berry/University Urban Village Master Plan and in the TCU/Berry Station Area Plan by the Fort Worth T. On the basis of creating a walkable neighborhood around the proposed train station, the proposed zoning change is **compatible** with the surrounding land uses.

2. **Comprehensive Plan Consistency**

The 2011 Comprehensive Plan designates the subject neighborhood as mixed-use growth center. The requested zoning classifications are appropriate for the land use designations. Based on

conformance with the future land use map, the proposed zoning **is consistent** with the Comprehensive Plan.

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
- Map of Proposed Zoning Districts
- Future Land Use Map
- Aerial Photograph
- Zoning Commission minutes



Area Zoning Map

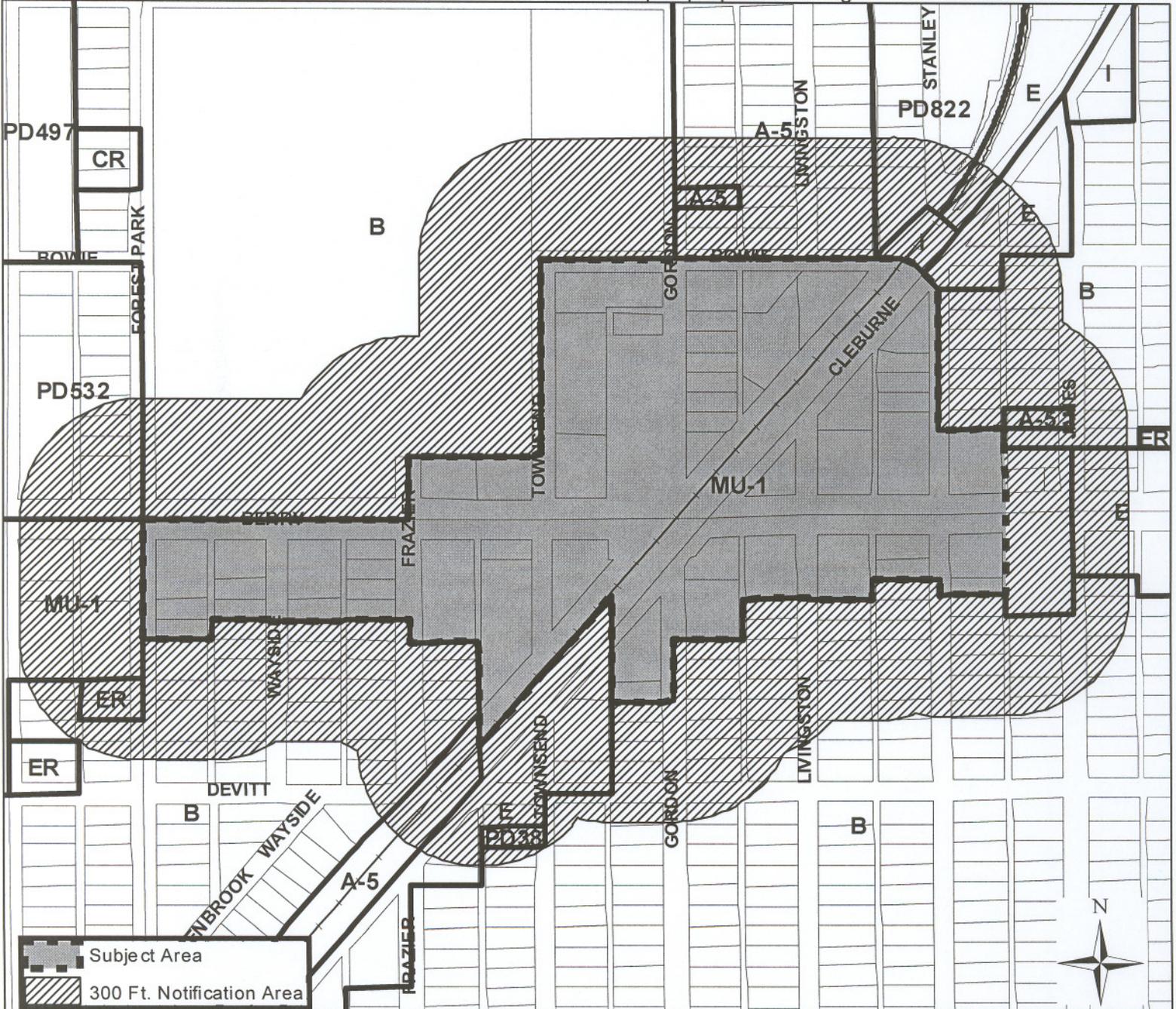
Applicant: City of Fort Worth Planning and Development
Address: Generally bounded by W. Bowie St., James Ave., W. Devitt St., and Forest Park Blvd.
Zoning From: MU-1
Zoning To: MU-2
Acres: 29.706399
Mapsc0: 76XY
Sector/District: S.Side & TCU
Commission Date: 09/14/2011
Contact: 817-392-7373

You may find a list of included properties at:

<http://www.fortworthgov.org/planninganddevelopment/zoningcommission.aspx>

Click on "Property List" under the case name.

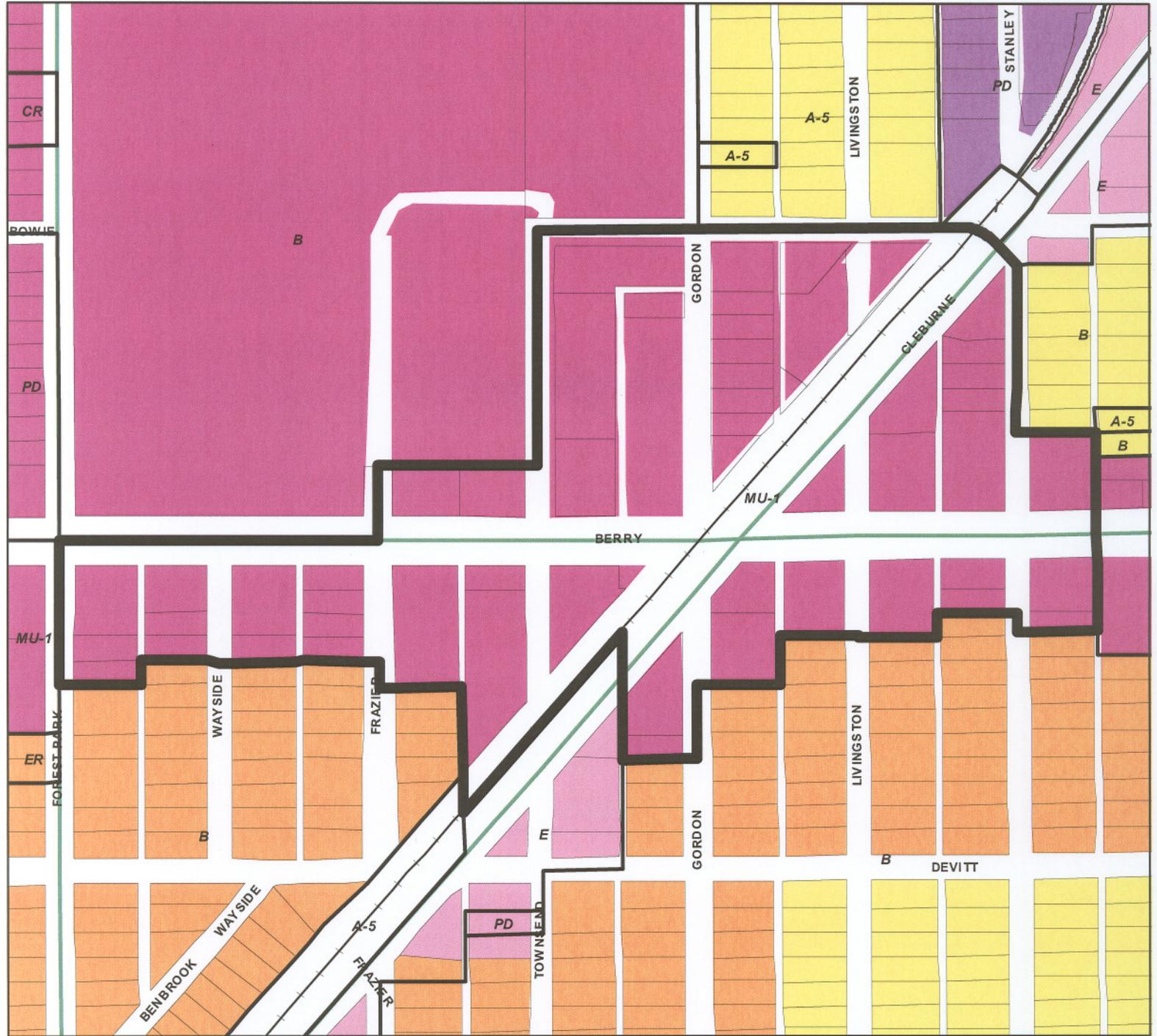
A map of proposed zoning districts is attached.



0 100 200 400 Feet



Future Land Use

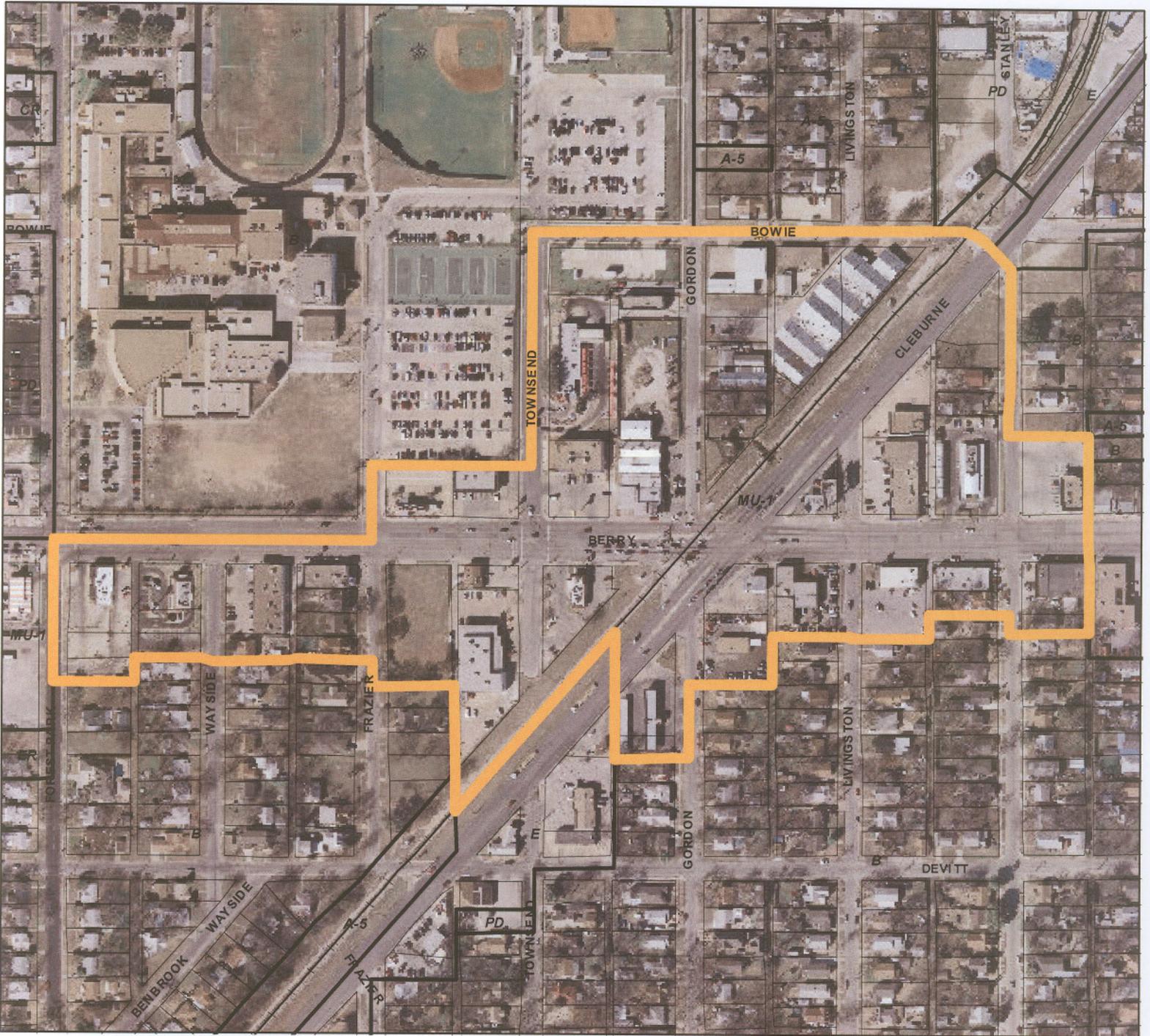


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|--------------------|-----------------------------------|--------------------------------------|
| TOLLWAY / FREEWAY | Future Land Use Category | Neighborhood Commercial |
| PRINCIPAL ARTERIAL | Vacant, Undeveloped, Agricultural | General Commercial |
| MAJOR ARTERIAL | Lakes and Ponds | Light Industrial |
| MINOR ARTERIAL | Rural Residential | Heavy Industrial |
| | Suburban Residential | Mixed-Use Growth Center |
| | Single Family Residential | Industrial Growth Center |
| | Manufactured Housing | Infrastructure |
| | Low Density Residential | 100 Year Flood Plain |
| | Medium Density Residential | Public Park, Recreation, Open Space |
| | High Density Residential | Private Park, Recreation, Open Space |
| | Institutional | |

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 1, 2011.



Aerial Photo



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Rachel Wiggins, 1510 Chennault Avenue, representing NAS Ft. Worth JRB spoke in support of the request. Ms. Wiggins is requesting a couple of amendments to the districts. In the Industrial Art District, the 65 decibal noise level, to add the language no residential is permitted. In the Western Business and General Corridor Mixed-Use District which also falls within the noise footprint to add the same language. In the Accident Protection Zone II they are requesting the intensity of uses be relatively limited because of the broadness of the district. Overall the Base supports the changes with the added amendments. Ms. Voltman did clarify in the use chart there is an asterisk beside residential. Dr. Barnes asked staff if the area east of Horne and south of Lovell were included. Ms. O'Quinn mentioned it only affects commercial properties.

Mr. Ortiz opened up the public hearing to hear additional testimony on this case.

Laurie Portrer 5616 Curzon asked about the transition zone and being next to a residential house. She wanted to know how close they are going to be to Curzon. Ms. O'Quinn mentioned the different character zones. Ms. Narayana mentioned in that character zone they have to be 25 feet from the property line in order to go up to three stories.

Ms. Jackson, 5501 Lovell asked if her property is included in this. Ms. Narayana said her property was not included in the rezoning.

Motion: Following brief discussion, Mr. Genua recommended approval of the request as amended per Ms. Wiggins comments on certain districts, seconded by Mr. Wilson. The motion carried unanimously 8-0.

14. ZC-11-076 City of Fort Worth Planning & Development Eastern portion of the Berry/University Urban Village (CD 9) Generally bounded by West Bowie Street, James Avenue, West Devitt Street, and Forest Park Boulevard (see addresses in case file, 29.71 Acres): from "MU-1" Low Intensity Mixed Use to "MU-2" High Intensity Mixed Use

Beth Knight, Senior Planner, City of Fort Worth explained to the Commissioners the request to change the zoning to MU-2 to increase the density in this area. Ms. Knight also mentioned staff is looking at doing a form based code in this area in the near future.

Robert Snoke, 3826 6th Avenue spoke in opposition. He responded by saying they were not included in the process. The Rosemont neighborhood has never been considered in the mixed-use rezoning process. Mr. Snoke went on to mention the Hemphill and Seminary area is changing for the better, they have their own urban village. His concern is the 120 ft. tall building next to residential lots and not being compatible. He reiterated the statement the Commissioners made earlier about encroachment into the neighborhood.

Mr. Edmonds explained the City's intention on rezoning neighborhood areas.

Ms. Burghdoff asked Mr. Snoke if the Rosemont neighborhood was notified for this hearing. Mr. Snoke said yes they were.

Randle Harwood, Director of Planning & Development, City of Fort Worth explained the notification process to the Commissioners, staff has met with the Rosemont neighborhood and have agreed to add the neighborhood as a stakeholder and to be included when the form base code is written to help resolve some of the issues.

Alonzo Aguilar, 3725 Stuart Drive, Fort Worth, Texas also spoke in opposition. He mentioned the meetings they had with staff and expressed the concern of tall buildings encroaching into neighborhoods and not being compatible. Mr. Harwood made a comment to the Commissioners staff has agreed there would be no future encroachment of mixed-use other than what exists today into the Rosemont neighborhood.

Mr. Ortiz asked if all the neighborhoods have been included and know about the form base code in the Berry Street Urban Village and that this area is a growth center. Mr. Harwood mentioned in response to Mr. Snokes concern there was a map error and it has been corrected. Neighborhoods will be notified not just the neighborhood associations. Mr. Snokes concern was they weren't included in the initial process.

<i>Document received for written correspondence</i>					ZC-11-076
Name	Address	In/Out 200 ft notification area	Position on case		Summary
Robert Snoke/Rosemont NA	3826 6 th Ave		Opposition		Spoke at hearing
Alonzo Aguilar	3725 Stuart Dr		Opposition		Spoke at hearing
Mark Tinonga	3008 Gordon/3021 Townsend		Opposition		Letter of opposition

Motion: Following brief discussion, Ms. Reed recommended approval of the request, seconded by Ms. Zadeh. The motion carried unanimously 8-0.

15. ZC-11-077 City of Fort Worth Planning & Development (CD 7)- 5633 Diaz Avenue (Chamberlain Arlington Heights 2nd Addition, Block 40, Lot 17, 0.07 Acres): from "A-5" One-Family to "ER" Neighborhood Commercial Restricted

Jocelyn Murphy, Planning Manager, City of Fort Worth called cases ZC-11-077 through ZC-11-095 all being surplus properties.

<i>Document received for written correspondence</i>					ZC-11-077
Name	Address	In/Out 200 ft notification area	Position on case		Summary
Joe Westbrook	5617 Houghton Ave		na	na	Letter of concern