



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
November 1, 2011

Council District 7

Zoning Commission Recommendation:

Approved by a vote of 8-0 as amended to include an 8 ft. masonry wall adjacent to residential property

Opposition: One person spoke

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

Owner / Applicant: **BDRC Hulen Place, Ltd.**

Site Location: 4000 Hulen Street Mapsco: 75P

Proposed Use: **Multifamily**

Request: From: "PD-16" Planned Development/Specific Use for office, banking, specialty, retail and restaurant with restrictions; waiver of site plan

To: "PD/UR" Planned Development for all uses in "UR" Urban Residential; site plan included

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

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

Background:

The applicant is requesting a zoning change from "PD-16" a planned development for specific uses to "PD/UR" Planned Development for the removal of an existing apartment complex and reconstruction of apartments to Urban Residential standards. The applicant is proposing 240 units in a gated community with one point of primary access. A permanent office will be constructed at the entry of the complex.

The request for a PD is due to the need to increase the height to provide parking on the first level, below grade, in order to get the most efficient use of the location which is typical of UR. The UR zoning district also includes additional development standards that improve the form of the multi family development. A standard "C" or "D" multifamily district would not require higher quality standards nor easily permit the layout or form needed for the lot configuration and size.

The topography of the site slopes down from the single family residential properties on the western side. The building on that side will be built at 4 stories. However, only 3 stories will be visible from the ground level; the parking garage will be below grade. A 30 ft. setback is provided to the adjacent single family residential properties for the residential structures on both the west and south sides, however the nearest building is set back at least 80 feet from the property line. An eight foot masonry wall with a landscaping strip will also be constructed along the entire western and southern boundaries to the single family homes. At a meeting held with the neighborhood on October 10, the neighbors expressed their concerns about their homes being viewed from the upper level units. The wall and setback were provided to minimize this ability.

	Current PD Zoning	UR	PD/UR
Maximum number of stories	15	3	4 on west near single family residential, 5 in center; all above one level of sub-grade structured parking. 4 on east. Variation due to sloping in ground elevation
Maximum Height	Approx. 150 ft, (15 stories at 10 ft./story)	35 ft.	31 ft. at top place adjacent to residential; 58 ft. maximum elsewhere
Front yard setback	80	20 feet maximum	20 foot setback provided and all buildings at 20 ft. or greater
Rear yard setback	180 ft. for office building; parking garage permitted in setback	20 ft. for primary structure	30 ft. on site plan/80 ft. provided
Primary Entry to individual units facing Hulen St.	NA	From public street or access easement	Pedestrian accessible via sidewalks into interior gates
Signage	Detached sign permitted per "G" regulations	Wall sign only	Detached sign at entry as part of retaining wall

A clubhouse, fitness center, and pool will also be provided in the southern section of the property. Cabana structures will be installed poolside and will meet the required 5 ft. setback. No access will be provided from Driskell St.

The purpose of the Urban Residential District is to encourage a range of housing choices within walking distance of rail transit stations and mixed use urban villages. The proposed development is approximately 2,800 feet (1/2 mile) to the commercial development that includes HEB Central Market on Hulen near I-30 and approximately 1 1/2 miles to the retail center on University at I-30. One-quarter (1/4) mile is considered a more walkable distance for a pedestrian development.

Site Information:

Owner: BDRC Hulen Place
P. O. Box 2013
Austin, Texas 78768

Agent: Jim Schell
Acreage: 4.58 acres
Comprehensive Plan Sector: Arlington Heights

Surrounding Zoning and Land Uses:
North "E" Neighborhood Commercial / offices
East "G" Intensive Commercial / offices
South "A-5" One-Family / single-family
West "A-5" One-Family / single-family

Recent Relevant Zoning and Platting History:

Zoning History: ZC-07-142 Denied without Prejudice by City Council 04/01/08 for residential uses.
ZN-85-292 approved by City Council 04/15/97 to PD/SU for outdoor contractors yard subject property to the west.

Platting History: none

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Hulen Street	major arterial	same	No

Considerations: The proposed development will have one primary access to Hulen St., an existing major arterial which is adequate for the proposed use, however; two points of access are preferred for the amount of units proposed.

Site Plan Comments:

The revised site plan as submitted is in general compliance with the Zoning Ordinance regulations. **Items listed in the chart are reflected on the site plan and waivers are required. The Zoning Commission has recommended a waiver for the items listed in the chart.**

Parks: Area is within PPD4. There will be a \$500.00 per unit PACS Fee for each new residential unit to be constructed. Plan indicates 240 units, which will have a \$120,000.00 PACS fee that will need to be paid at the time of applying for a building permit.

Public Notification:

The following Neighborhood Associations were notified:

Sunset Heights South
Alamo Heights

Lake Como/Vickery Redev. Org.
Fort Worth ISD

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zoning change to "PD/UR" for urban residential multifamily development.

Surrounding land uses consist of offices to the north, single-family to the south and west, offices & Hulen Street to the east. The commercial development is approximately ½ mile to the north. Chisholm Trail Parkway/SH 121 Tollroad is under construction directly to the south of the site.

In this location, UR provides the form and development standards for higher quality, high density multifamily redevelopment on a smaller lot in an area of higher density commercial development. While it is not in an area typical for UR such as an urban village, the proposed zoning for this lot **is compatible** at this location.

2. Comprehensive Plan Consistency

The 2011 Comprehensive Plan designates the subject property as neighborhood commercial. The requested zoning change is not consistent with the following Comprehensive Plan policy.

- Accommodate higher density residential and mixed uses in areas designated as mixed-use growth center on the City's future land use map. (pg. 37)
- 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. 38)

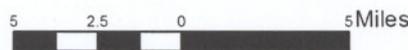
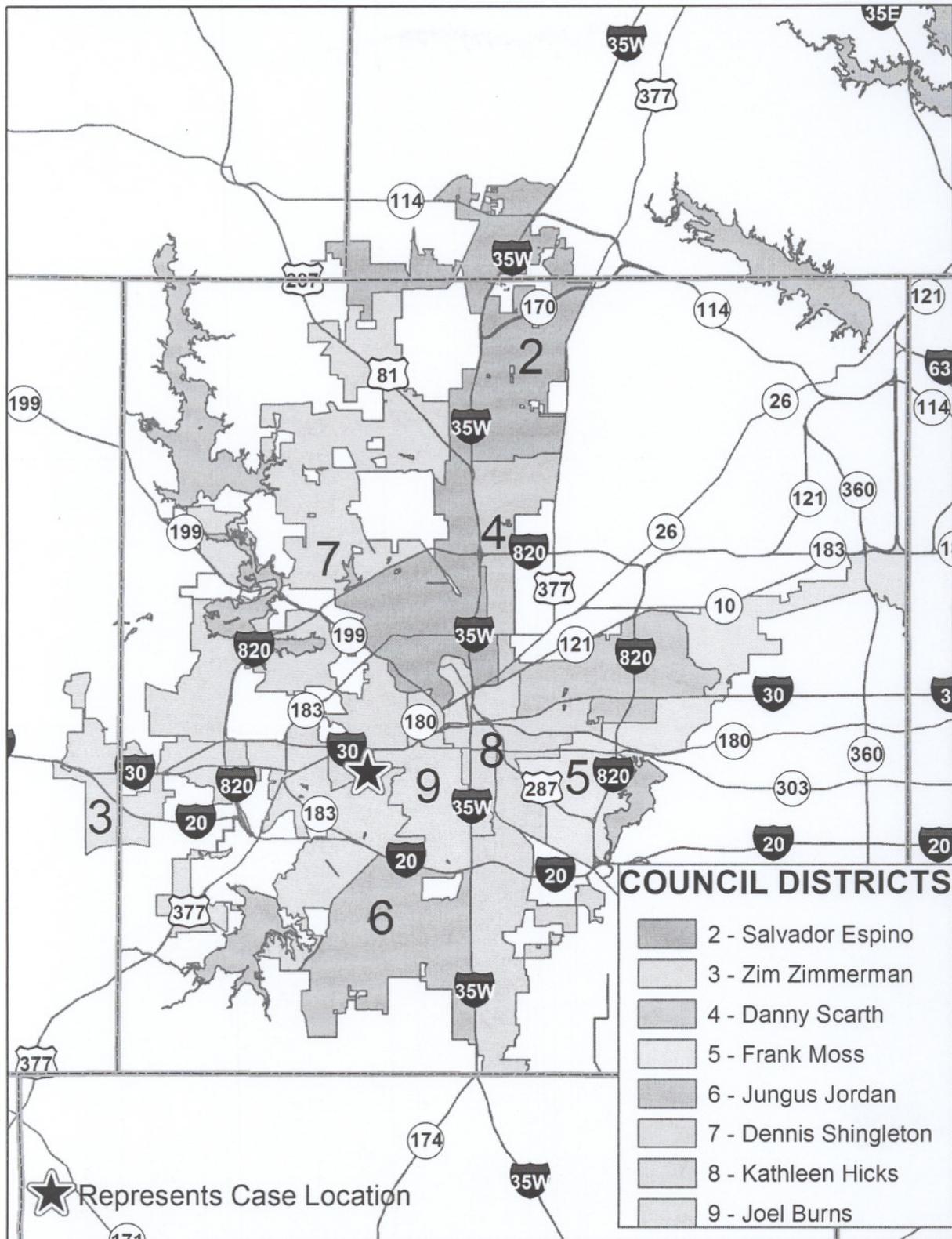
Based on non conformance with the future land use map and the policy stated above; the proposed zoning **is not consistent** with the Comprehensive Plan. However, access to the property due to the configuration of the Hulen/Vickery intersection because of the railroad yard limits its practicality for commercial uses.

To view the Comprehensive Plan: <http://www.fortworthgov.org/planninganddevelopment/>

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





ZC-11-106

Area Zoning Map

Applicant: BDRC Hulen Place, Ltd.
 Address: 4000 Hulen Street
 Zoning From: PD 16
 Zoning To: PD for Urban Residential
 Acres: 4.41062796
 Mapsco: 75P
 Sector/District: Arlington Heights
 Commission Date: 10/12/2011
 Contact: 817-392-2495

 300 Ft. Buffer



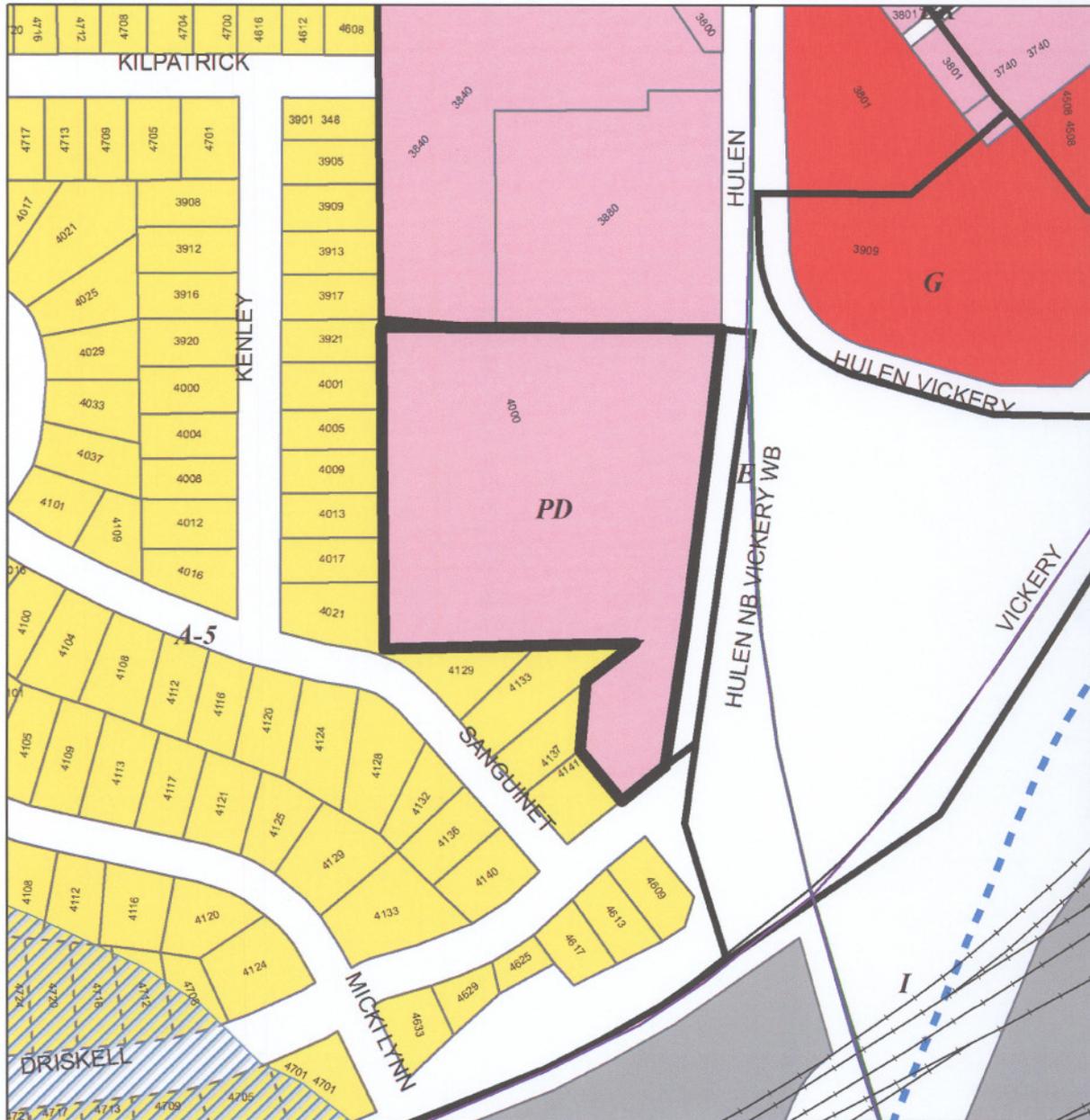
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4000 Hulen Street

Future Land Use

ZC-11-106



- 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, Section 219.005) Land use designations were approved by City Council on March 01, 2011





4000 Hulen Street

ZC-11-106

Aerial Photo Map



General Commercial, "FR" General Commercial Restricted and "G" Intensive Commercial to "G" Intensive Commercial

Barry Hudson, 550 Bailey Avenue, Suite 400, Fort Worth, Texas representing the W. I. Cook Foundation, explained to the Commissioners they are requesting the zoning of "G" to align with Cook Children's Hospital properties.

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

8. ZC-11-105 Lorin Stolz and Adair Construction & Dev., Inc. (CD 7)- 10116, 10124, & 10180 Hicks Field Road (Thomas Benjamin Survey, Abstract 1497, Tracts 1AO5, 1AO6, 1AO6A, Abstract 531, Tract 3A6A, 9.18 Acres): from "K" Heavy Industrial to "PD/K" Planned Development for all uses in "K" Heavy Industrial plus metal recycling, site plan included.

Tim Welch, 1308 Norwood, Suite 200, Bedford, Texas representing Lorin Stolz and Adair Construction explained the request to rezone the property to PD/K plus metal recycling. The request is to allow for wholesale recycling of metal materials for export use only. Mr. Welch mentioned they do have a company located in Houston, Texas. The site plan indicates designated areas for recycling storage and their traffic control plan.

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

9. ZC-11-106 BDRC Hulen Place Ltd. (CD 7)- 4000 Hulen Street (Pear Slaughter Subdivision, Block 1R1, 4.56 Acres): from "PD-16" Planned Development for offices, bank, specialty, retail and restaurant with restrictions to "PD/UR" Planned Development for all uses in "UR" Urban Residential, site plan included.

Jim Schell, 901 Fort Worth Club Building, Fort Worth, Texas representing BDRC Hulen Place explained to the Commissioners the request is to rezone the property to PD/UR for multifamily development. Mr. Schell mentioned the request for PD/UR is because of the height limitations and the slope constraints of the site. The use of the property has always been multifamily. Currently there are one story apartments with one point of access. Mr. Schell also explained the current PD uses allow for a 15 story office complex, and some commercial uses that may not be suitable with one point of access. The site plan consists of three buildings; the one closest to the west property line will be three stories with a below ground parking structure. The middle building and the one closest to Hulen Street will be four stories with some surface parking. He said that packets of information were distributed to the neighborhood at their meeting a few days earlier. Mr. Schell directed the Commissioners to the diagram in the power point indicating the three story building on the western side, surface parking, and the now proposed eight foot masonry stone wall to buffer the units to the neighborhood. At the neighborhood meeting, neighbors requested an eight or 12 foot tall screening wall be built. They also requested there be

no access from Driskell. Mr. Schell had a revised site plan indicating a seven foot fence around the entire property and with no access to Driskell. He said they would revised the site plan to provide an eight foot wall.

Debra Webb Gutierrez, 4129 Sanguinet, Fort Worth, Texas spoke in opposition and mentioned her property is most affected by this development. She is concerned about people looking into her backyard and would like to see a 12 foot fence instead of seven feet to protect her property.

In rebuttal, Mr. Schell explained the sight line and the grade difference in relation to Ms. Gutierrez's property. They are revising the site plan to reflect an eight foot stone masonry wall along the property line as well as no access to Driskell. He doesn't believe a 12 foot wall is necessary. Mr. Edmonds asked about her concern and the sight distance from the top of the proposed multifamily building. Mr. Schell explained by using the diagram on the overhead.

Mr. Wilson asked how many apartments exist today. Mr. Schell responded about 100 units and they are proposing an additional 241 units. Mr. Wilson also asked about ingress/egress. Mr. Schell said they are proposing to widen the entrance/exit off Hulen Street back towards their property. He said it was tricky because of reciprocal easements between adjacent properties.

Mr. Edmonds suggested he show a visual of how the sight lines would actually be depicted as viewed from the highest floor of the apartments. Ms. Zadeh mentioned the illustration indicates the sight line being from the roof not actually a balcony. Mr. Schell explained the elevation drawings.

Mr. Romero asked how this will differ on the south side. Mr. Schell explained it is a significant grade change. The y may have to do some grade cutting in this area.

Charles Ames, 1301 Bridle Ridge, Cross Roads, Texas developer for the site explained to the Commissioners the grade change from the north to the south is about 23 feet and it is 16 feet from the top of the deck to the proposed eight foot fence. Mr. Ames also mentioned they will need to cut into the grade for the retaining wall. They paid close attention to the visualization as to not have anyone able to see into the neighbors' yards.

Mr. Genua also has concerns about the access and asked staff if Fire and TPW look at this. Ms. Burghdoff mentioned most apartment complexes have one point of access. Mr. Genua asked if they had parking issues. Mr. Schell explained they are just under the maximum required.

Motion: Following brief discussion, Mr. Genua recommended approval of the request as amended for an eight foot masonry fence and no access from Driskell, seconded by Mr. Edmonds. The motion carried unanimously 8-0.

<i>Document received for written correspondence</i>				<i>ZC-11-106</i>	
Name	Address	In/Out 200 ft notification area	Position on case		Summary
Debra Gutierrez	4129 Sanguinet	In		Opposition	Spoke at hearing