



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
June 4, 2013

Council District 9

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

Opposition: none

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

Owner / Applicant: Merida Avenue, LLC; CDAT Investments LLC

Site Location: 2716 - 2724 (evens) Lubbock Avenue Mapsco: 76T

Proposed Use: Multifamily

Request: From: "C" Medium Density Multifamily
To: "PD/UR" Planned Development for all uses in "UR" Urban Residential; site plan included

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 Lubbock Street northeast of Cantey Street. The applicant is proposing to change the zoning to "PD/UR" Planned Development for "UR" Urban Residential. The PD is to provide a site plan for the benefit of the neighborhood. The development is intended to meet UR standards, including maximum height of 35', parking (one per bedroom), and landscaping.

The site plan indicates two (2) buildings, for a total of 11 units. The parking will be located interior to the site with the primary vehicular access from Lubbock Avenue. The current "C" zoning would allow for roughly seven (7) units based on the acreage, but could be considerably less with setback, open space and parking requirements. The proposed "UR" zoning does not have density requirements.

The applicant has had multiple meetings with the Frisco Heights Neighborhood Association. A letter of support for the updated site plan was received on April 25 that also included the similar cases ZC-13-060 and ZC-13-061.

Site Information:

Owner: Merida Avenue, LLC
500 W Lookout Drive
Richardson, TX 75989

CDAT Inv.
5214 68th St. Ste 105
Lubbock, Tx 79424

Applicant: Merida Avenue LLC/Jim Schell
 Acreage: 0.41 acres
 Comprehensive Plan Sector: TCU/Westcliff
 Surrounding Zoning and Land Uses:
 North "C" Medium Density Multifamily / single-family
 East "C" Medium Density Multifamily / single-family
 South "C" Medium Density Multifamily / Multifamily
 West "A-5" One-Family / single-family

Recent Relevant Zoning and Platting History:

Zoning History: None
Platting History: None

Site Plan Comments:

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

Transportation/Public Works (TPW) site plan comments

1. Driveway location must not interfere with intersection function. Show dimension and distance from existing driveways and streets
2. Community Facilities Agreement required for streets (to include border streets, alleys and access easements), lights, signs, sidewalks, and drainage improvements

Comments made by TPW staff cannot be waived through the Zoning Commission. Approval of the site plan does not constitute TPW acceptance of conditions; traffic code will be applied to the project.

Parks Department site plan comments

Platted area is within PPD4 and the Park Dedication Policy applies. Site Plan indicates 11 residential units to be constructed. There is a required \$500.00 fee for each residential unit to be constructed. Fees MUST be paid in full at or before the time of applying for a building permit.

Comments made by Parks Department staff cannot be waived through the Zoning Commission. Approval of the site plan does not constitute Parks acceptance of conditions; park fees will be applied to the project.

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
McCart Ave	Major Arterial	Major Arterial	No
Cantey Street	Residential	Residential	No

Public Notification:

The following Organizations were notified:

Organizations Notified	
University Place NA	University Neighborhood Alliance
Paschal Area	University West
Park Hill Place	Southside Preservation Association
Frisco Heights	South University
FWISD	

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zoning change to "PD/UR" for Urban Residential multifamily development for a total of 11 units. Surrounding land uses predominantly consist of single-family

to the west, east, and south (Two single-family homes on one lot, State Land Use Code designates as A1 single-family) and duplex to the north.

Development in the current "C" zoning would allow roughly seven (7) total units but would be required to meet setback, open space, and screening requirements. UR has no density requirements. The proposed rezoning would allow high density multifamily in the middle of the existing one and two-family neighborhood.

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

2. **Comprehensive Plan Consistency**

The 2013 Comprehensive Plan designates the subject property as single-family residential which reflects the current land uses. Changes to the Future Land Use map to reflect another use would be initiated by the neighborhood and/or the Council member. The proposed is zoning is inconsistent with the following Comprehensive Plan policies:

- Locate multifamily units adjacent collector streets, arterial streets, or rail transit stations. (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

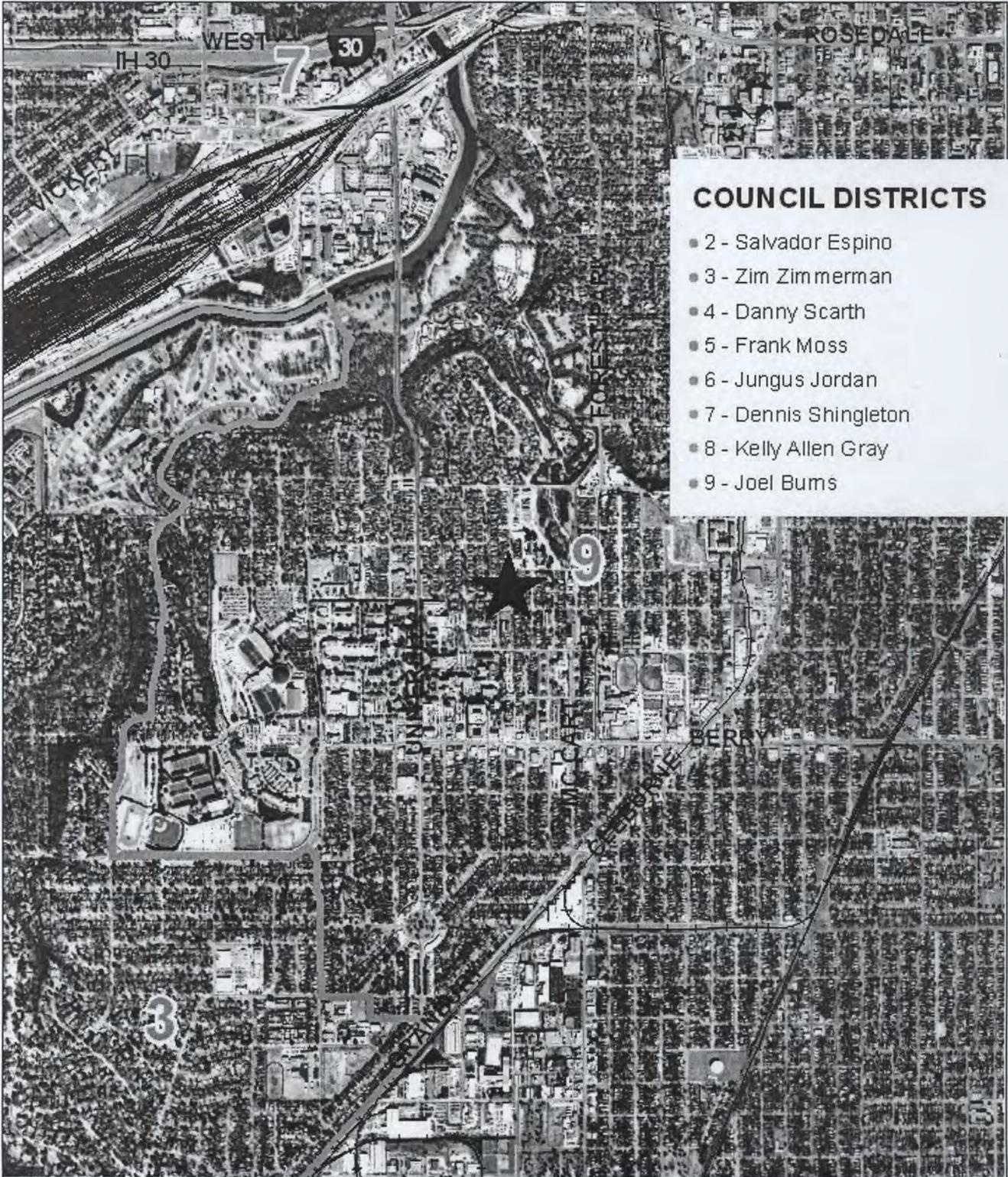
Based on the conformance with the future land use map and policies stated above, the proposed zoning **is not consistent** with the Comprehensive Plan and is a **Significant Deviation**.

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



2000 1000 0 2000 Feet





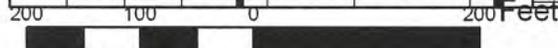
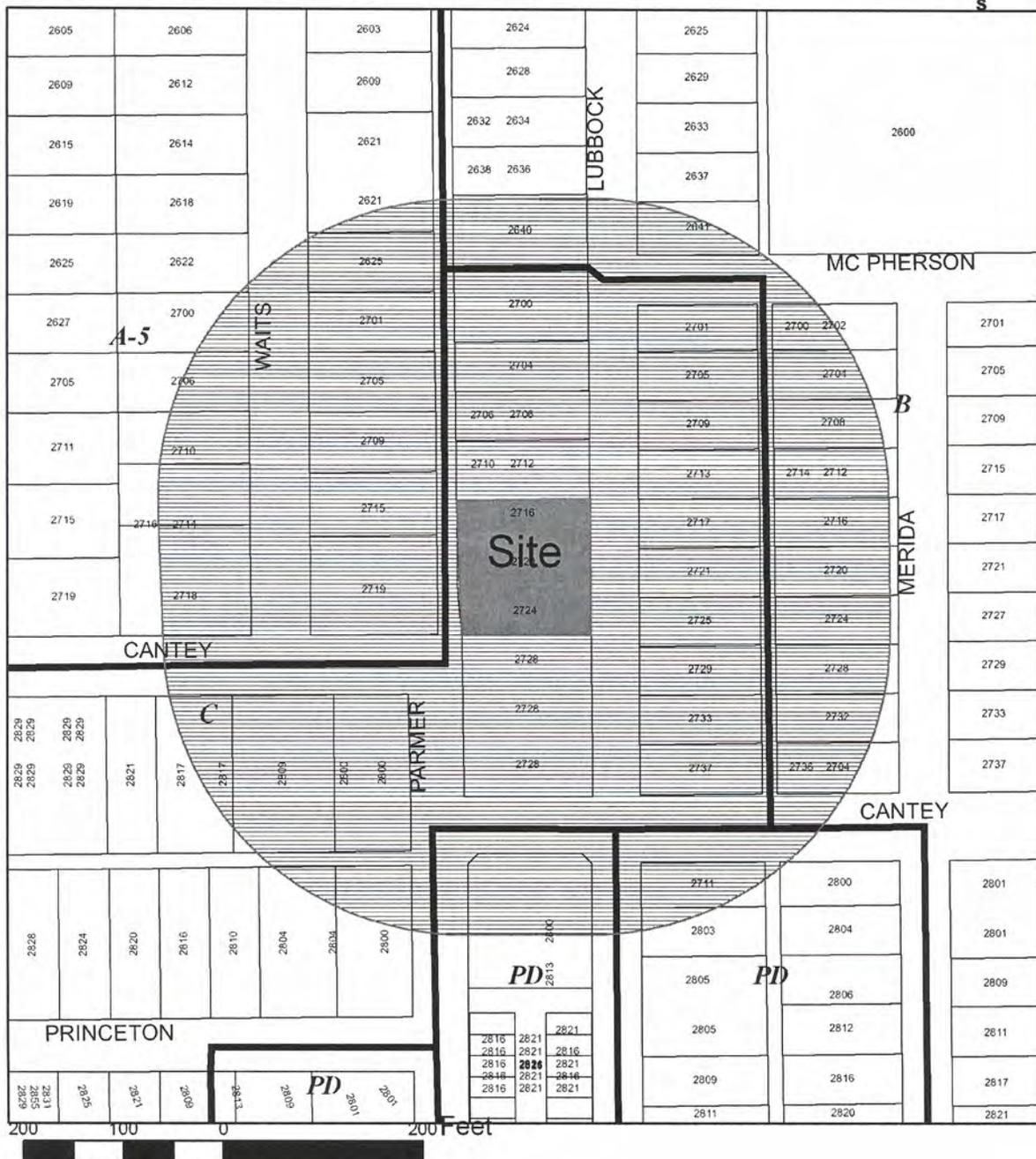
ZC-13-059

Area Zoning Map

Applicant: Merida Ave. LLC, CDAT
 Address: 2716 - 2724 (evens) Lubbock Avenue
 Zoning From: C
 Zoning To: PD/UR with site plan
 Acres: 0.42
 Mapsco: 76T
 Sector/District: TCU/W.cliff
 Commission Date: 04/10/2013
 Contact: 817-392-2495



300 Ft. Notification Buffer



PROJECT INFORMATION:

Building info: 2 Bldgs
 Type A 2 Story: 4 Units (1,5,6,11)
 First Floor: 714
 Second Floor: 922
 Total AC: 1636 sf
 Porch: 50 sf
 Garage: 599 sf
 Total Unit SF: 2285 sf

Unit type B 3 Story: 7 Units (2,3,4,7,8,9,10)
 First Floor: 223
 Second Floor: 871
 Third Floor: 648
 Total AC: 1742 sf
 Garage: 609 sf
 Total Unit SF: 2351 sf

Total Buildings:
 Building 1 SF: 11,632 sf
 Building 2 SF: 13,974 sf
 Total Project SF: 25,597 sf

All Units 3 Bedrooms = 11 x 3 = 33
 Total Beds = 33

Parking Provided: 33
 (1:1 Space/Bedroom)

Max. Bldg. Height:
 Top Plate: 29'-0"
 Highest Point Roof: 35'-0"

Open Space:
 Net Lot SF: 18,375sf
 Open Space Provided: 6,892sf

Exterior Materials:
 Brick, Stucco, and "Hardie" Siding
 Dawn to Dusk Building Lighting to be Provided on Street Facade of each Building and at Rear of Property.

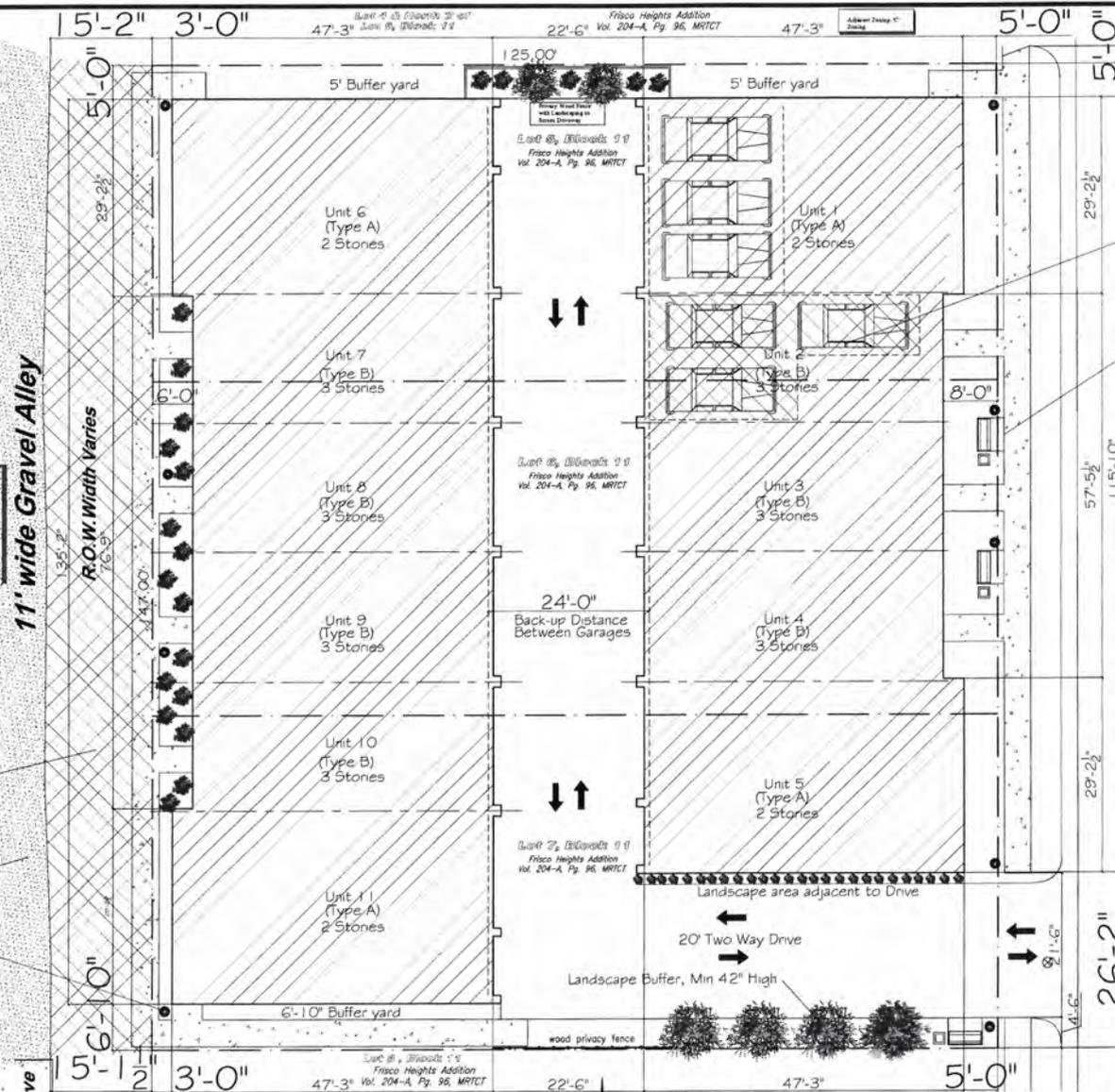
Trash Containers provided to each individual unit

Alley ROW to be landscaped with Drought Tolerant Features, to include Crushed granite, native Grass, plants, etc... Shown Hatched

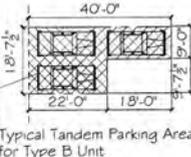
Existing Alley

Pedestrian Scaled Lighting

Property Info:	Property Info:	Property Info:
2704 Lubbock Ave	2708 Lubbock Ave	2712 Lubbock Ave
Block 11, Lot 5	Block 11, Lot 6	Block 11, Lot 7
Prospect Heights Addition	Prospect Heights Addition	Prospect Heights Addition



- Key:**
- Typical Pedestrian Lamp
 - Typical Bench
 - Typical Trash Receptacle



Typical Tandem Parking Area for Type B Unit

Pedestrian Scaled Lighting, Bench, and trash Receptical, Typical.

LOTS 5, 6, & 7
Lubbock Avenue
 (50' Right-of-Way)

WAIVERS REQUESTED:
 Waive: Projected Front Yard along Street Frontage and allow setbacks as shown.

"WILL COMPLY WITH" ITEMS:

- Landscaping Ordinance Requirements
- Forestry Requirements
- Sign Requirements
- UR Requirements

ENHANCED LANDSCAPE POINTS SYSTEM:

Provided:	Points
Feature	10
Enhanced Streetscaping	10
Pedestrian-scaled Lighting	10
Street Trees	10
Total Points	30
Minimum Points Req'd:	30

APPROVAL:
 By: _____
 Director of Planning and Development
 Date: _____ 2013-01-09
 Lubbock Ave

Site Plan
 SCALE: 1/8" = 1'-0"

Adjacent Zoning "C" Zoning

RECOMMENDED FOR APPROVAL

RECEIVED
APR 26 2013
 BY: _____

Richard L. Metersky
 Architect
 25102-0000

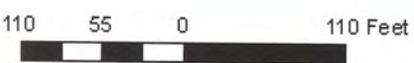


Site Location:
 West 11th & 681
 2704 / 2708 / 2712 Lubbock Ave
 Fort Worth, TX

A Proposed Residential Project for
 Merida Ave LLC
 Richardson, TX

REVISIONS	
04/22/13	
04/22/13	
04/23/13	
ISSUES	
DATE:	04/23/13
SHEET:	NO.
OF	SHEETS

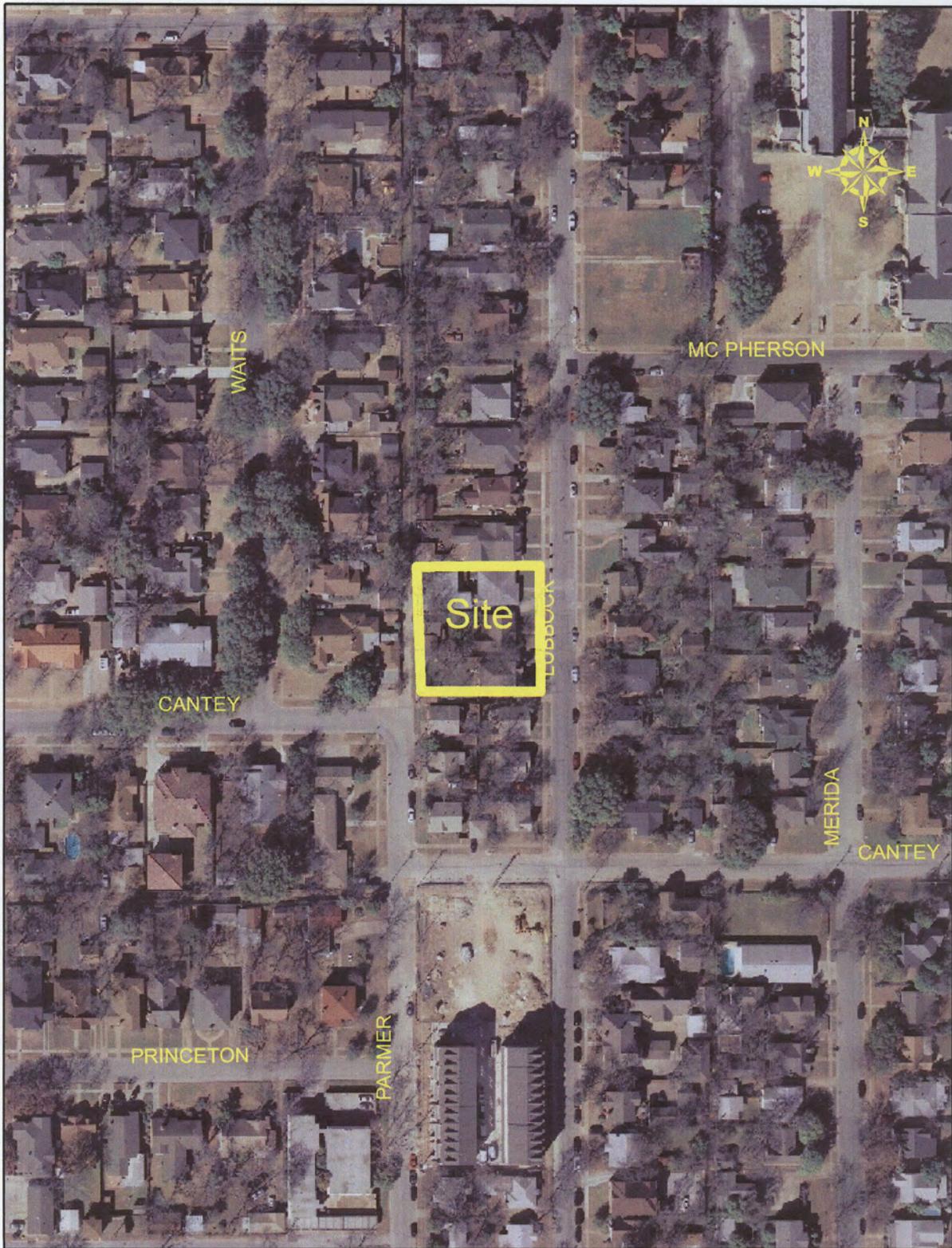
Future Land Use



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 5, 2013.



Aerial Photo Map



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

14. ZC-13-059 Merida Avenue LLC, CDAT Investments LLC (CD 9) –2716-2724 Lubbock Avenue (Frisco Heights Addition, Block 11, Lots 5, 6, 7, 0.42 Acres): from “C” Medium Density Multifamily to “PD/UR” Planned Development for Urban Residential; site plan included

Jim Schell, 500 W. 7th Street, Suite 600, Fort Worth, Texas representing Merida Avenue LLC explained to the Commissioners they have been working with the local neighborhood associations and would like to request a 30 day continuance.

Motion: Following brief discussion, Ms. Reed recommended a 30 day continuance of the request, seconded by Mr. Hollis. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>				ZC-13-059
Name	Address	In/Out 300 notification area ft	Position on case	Summary
Linda Bridwell/Frisco Heights	2936 Forest Park	In	Opposition	Present did not speak
Keith Ashcraft/University Place NA	2556 Waits Ave	Out	Opposition	Sent letter in
Bryan Jamail	2409 W. Cantey	In	Support	Sent letter in
Alex Clark/Frisco Heights	2724 Merida	In	Opposition	Sent letter in

15. ZC-13-060 New Barn LLC, Jan K. Reece, Slaughter Irrevocable Children’s Trust C/O Jan K Reece, Michael Rabbass (CD 9) – 2716, 2720, 2727, 2732, 2733, 2736 & 2737 Merida Avenue (Frisco Heights Addition, Block 9, Lots 11, 12, 14, and Block 10, Lots 5, 6, 9, 10, 0.46 Acres): from “B” Two-Family to “PD/UR” Planned Development for Urabn Residential

Jim Schell, 500 W. 7th Street, Suite 600, Fort Worth, Texas representing the applicant explained to the Commissioners they are still working with the neighborhood association and would like to request a 30 day continuance.

Mr. Hollis wanted to thank him for reaching out to the neighborhoods.

Motion: Following brief discussion, Ms. Reed recommended a 30 day continuance of the request, seconded by Mr. Ferrell. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>				ZC-13-060
Name	Address	In/Out 300 notification area ft	Position on case	Summary

Ronnie Stapleton	4712 Flat Rock	Out	Opposition		Signed petition
Mark Metroka	3905 Wosley	Out	Opposition		Signed petition
Paula Guelian	4855 Countryside Ct	Out	Opposition		Signed petition
S A Shelton	6008 Welch	Out	Opposition		Signed petition
Bethy Verma	3941 Wedgway	Out	Opposition		Signed petition
Andrey Fedor	5309 Wooten Dr	Out	Opposition		Signed petition
Lou Willis	5713 Wessex	Out	Opposition		Signed petition
Ida Ownby	5449 Wedgmont	Out	Opposition		Signed petition
Roddy Gonzales	5012 Cordova	Out	Opposition		Signed petition
John Stiles	3949 Wosley	Out	Opposition		Signed petition
Samantha Cople	5205 Trail Lake	Out		Support	Signed petition
Janis Werland	4908 Westhaven	Out		Support	Signed petition
Allan Arendez	Fountain Apartment	In		Support	Signed petition
Beatrice Cuevas	5208 Trail Lake	Out		Support	Signed petition
Sandra Williams	5444 Whitman	Out		Support	Signed petition
Marilyn Van Hoozan	5228 Winifred	Out		Support	Signed petition
Connie Ross	5700 Whitman	Out		Support	Signed petition
Kim McCarthy	5441 Whitman	Out		Support	Signed petition
Gene Perkins	5224 Winifred	Out		Support	Signed petition
Rick Castro	5644 Wedgmont Cir	Out		Support	Signed petition
Clare Taylor	5104 Cordova	Out		Support	Signed petition

SEE CASE FILE FOR ADDITIONAL SIGNATURES OF OPPOSITION

3. ZC-13-051 Duong Thuan (CD 8) 5570 Meadowbrook Drive (Forty Oaks Addition, Block 4, Lots J & K , 0.57 Acres): from “ER” Neighborhood Commercial Restricted to “E” Neighborhood Commercial

Kevin Vuong, 2223 Clark Trail, Grand Prairie, Texas representing the applicant explained to the Commissioners he is requesting the zoning change to attract more business. Mr. Vuong said the building has four lease sites; the nail salon is 1800 sq. ft, the next is 650 sq. ft. and vacant. The barber shop/beauty salon is 1200 sq. ft. and the site next to it is 870 sq. ft. currently vacant. He is looking at possibly bringing in a donut shop or gift shop for the neighborhood.

Janet Kennedy, 5024 Norma Street, Fort Worth, Texas representing Central Meadowbrook NA spoke in opposition. They had a meeting the night before where representatives from Handley and West Meadowbrook NA were present. Ms. Kennedy said they want to keep the ER zoning that was put in place in 2010. She mentioned the applicant has two people interested in leasing from him if he can get the zoning. They did not say what type of use it would be other than mercantile/retail. She noted they have too many dental clinics, convenience stores, payday loans, etc. Ms. Kennedy said at the meeting last night they voted to deny the request.

Michael Phipps, 4451 Normandy Road, Fort Worth, Texas representing West Meadowbrook NA spoke in opposition. Their biggest concern is the unintended consequences if the zoning changes. They do not want alcohol uses in the neighborhood and it is too close to a school.

In rebuttal Mr. Vuong mentioned they are not proposing to have any alcohol.

Dana Burghdoff, Deputy Director, City of Fort Worth wanted to clarify she doesn't think he wants the zoning for alcohol sales but they want to have retail sales, bakery, restaurant or other options that are not allowed in ER.

Mr. Hollis asked if he has someone interested in the property and what are they proposing. Mr. Vuong said the building has two vacant units and wants to get more tenants in.

Ms. Conlin asked Ms. Kennedy if the applicant mentioned he had someone lined up for a donut shop. Ms. Kennedy said he mentioned something like a donut shop or general merchandise sales. The lease she looked at was not specific to either one of those uses. She said they don't need another donut shop. She went on to reiterate the uses in E that may not be compatible.

Ms. Zadeh asked if a use would be better than having it vacant. Ms. Kennedy said no.

Motion: Following a brief discussion, Ms. Conlin recommended a denial with prejudice of the request, seconded by Mr. Genua. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>					<i>ZC-13-051</i>
Name	Address	In/Out 300 notification area	ft Position on case		Summary
Janet Kennedy/Central Meadowbrook	5024 Norma St.	Out	Opposition		Spoke at hearing
Michael Phipps/West Meadowbrook	4451 Normandy Rd.	Out	Opposition		Spoke at hearing

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