



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
September 17, 2013

Council District 7

Zoning Commission Recommendation:
Approval by a vote of 8-0

Opposition: none

Continued Yes ___ No X
Case Manager Beth Knight
Surplus Yes ___ No X
Council Initiated Yes ___ No X

Owner / Applicant: Frances Clark and Phillip Sotel

Site Location: 3295 Keller Haslet Road Mapsco: 8NS

Proposed Use: Apartment complex

Request: From: Unzoned
To: "C" Medium Density Multifamily

Land Use Compatibility: Requested change is compatible.

Comprehensive Plan Consistency: Requested change is not consistent (Technical Inconsistency).

Background:

The proposed zoning site one single family residence and vacant land is located at the northwest corner of the North Beach Street extension and Keller Haslet Road/Westport Parkway. The applicant proposes an apartment complex with 450 units. This site and the remainder of its enclave to the north and west was reviewed for annexation in 2011. In lieu of annexation, the property owners signed a development agreement, on December 16, 2011 (C-25332). A condition of the development agreement is that the property will develop in accordance the Future Land Use Map, which is light industrial and reflects the prevailing land uses in the vicinity.

The existing arterial network is comprised of rural roadways, instead of 4- to 6-lane arterials. A segment of North Beach Street, adjacent to this property on the east, would be dedicated and constructed with this project. However, North Beach Street would not connect to SH 170 until the property to the south is developed. North Beach Street and Westport Parkway are on the unfunded Capital Improvement Program list. No active preliminary plats in the vicinity are noted, which delays near-term construction of these roadways by private developments.

The proposed apartment complex could be considered a transitional use between the single family uses to the east and the industrial uses to the west. The Alliance Gateway West Mixed-Use Growth Center lies to the south, which could create a residential intersection if the southern side of Keller Haslet Road/Westport Parkway develops with residential uses. The general location of the mixed-use growth center supports higher density multifamily due to the adjacency of SH 170 and the nearness of I-35W, the North Freeway. On June 26, 2013, the City Plan Commission recommended an amendment to the future land use maps from light industrial to mixed-use, which supports the requested "C" Medium Density Multifamily zoning.

The agent and area alliance have been in communication. No response has been received as to the support or opposition to this case.

Site Information:

Owner: Frances Clark and Phillip Sotel
 11 Palmetto Court
 Trophy Club, TX 76262

Applicant: Dennis Hopkins

Acreage: 35.4 ac

Comprehensive Plan Sector: Far North

Surrounding Zoning and Land Uses:

North Unzoned / vacant; deer hunting and meat processing facility (northwest)

East "A-5" One-Family / single family homes and vacant land

South "AG" Agricultural and "C" Medium Density Multifamily / vacant land

West "I" Light Industrial / single family and salt water disposal facility

Recent Relevant Zoning and Platting History:

Zoning History: ZC-05-294, southwest of site, from AG to G, approved;
 ZC-06-176, south of site, from G to C, approved;
 ZC-10-190, west of site, addition of I-35W Overlay Design District, approved; and
 ZC-11-116, north and west of site, Council-initiated from various districts to be in conformance to the Comprehensive Plan, approved.

Platting History: PP-00-006 Lost Creek West, PP-00-019 Lost Creek North, PP-06-037 Catholic School Addition, PP-07-029 Alliance Gateway West Addition.

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
N. Beach Street	None	Principal Arterial	No
(Keller Haslet Road	2 lane road	Major Arterial	No

Other factors to access: Freeway access is via Keller Hicks west, Old Denton Road to SH 170, or Keller Haslet Road east to Alta Vista, which are 2-lane undivided roadways.

Public Notification:

The following Neighborhood Associations were notified:
 The Ranches NA Northwest ISD
 North Fort Worth Alliance

Development Impact Analysis:

1. **Land Use Compatibility**

The applicant proposes a 450-unit apartment complex on a site covered by a development agreement in lieu of annexation. A single family development with approximately 800 homes is found to the east of the subject site. Vacant land is noted to the south. Immediately to the west is a salt water disposal facility for the gas well industry, developed prior to annexation. A deer hunting and meat processing facility lies northwest of the zoning request.

Approximately 115 acres of vacant multifamily zoned land currently exists within the Alliance Gateway West growth center to the south that has direct access to SH 170. The site is one mile east of I-35W, accessed by a 2-lane undivided road, and ¼ mile north of SH 170 but not connected because Beach Street is currently undeveloped. None of the arterial roadways are currently proposed for expansion under the Capital Improvements Program or new private developments. The closest transit service appears to be about 6 miles southward.

Based on the multi family use serving as a buffer between the existing single family to the east and industrial uses to the west, as well as the undeveloped Alliance Gateway West Mixed-Use Growth Center to the south, the proposed C zoning for medium density multifamily **is compatible** with the neighborhood.

2. **Comprehensive Plan Consistency**

To ensure compatible land uses, the development agreement requires the property owner to develop the site in accordance with the Comprehensive Plan. The 2013 Comprehensive Plan designates the site as light industrial. The proposed “C” zoning is inconsistent to the following Comprehensive Plan policies:

- Promote location of multifamily units within walking distance of public transportation, employment, recreation, and/or shopping to increase accessibility and decrease vehicular traffic generation. (pg. 38)
- Encourage development type and intensity appropriate to existing street infrastructure. (pg. 38)
- 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)

Because the City Plan Commission recommended mixed-use growth center as amendment to the future land use map, the zoning request would be consistent with these policies found in the Comprehensive Plan:

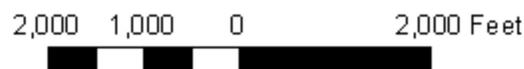
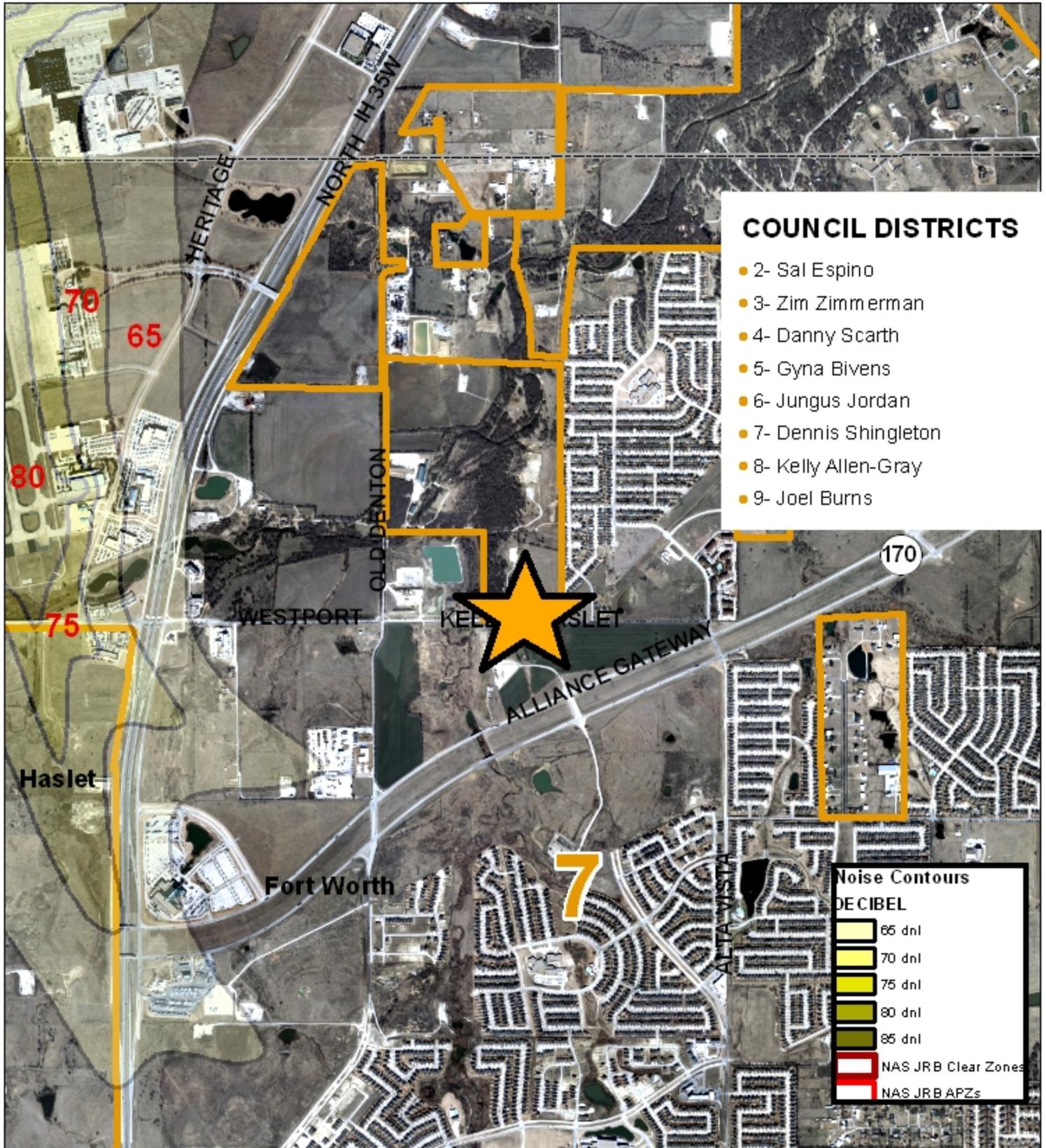
- Accommodate higher density multifamily and mixed uses in areas designated as a mixed-use growth center on the City’s future land use maps. (pg. 38)
- Locate multifamily units adjacent to collector streets, arterial streets, or rail transit stations to provide increased level of transportation services necessary for the greater number of residents. (pg. 38)
- Encourage locating multiple-unit residential structures on corner lots. (pg. 40)

Based on the lack of conformance with the existing future land use map , but consistent with the request by the City Plan Commission to amend the future land use map to mixed-use, the zoning change request **is not consistent (*Technical Inconsistency*)** with the Comprehensive Plan.

Attachments:

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

Location Map

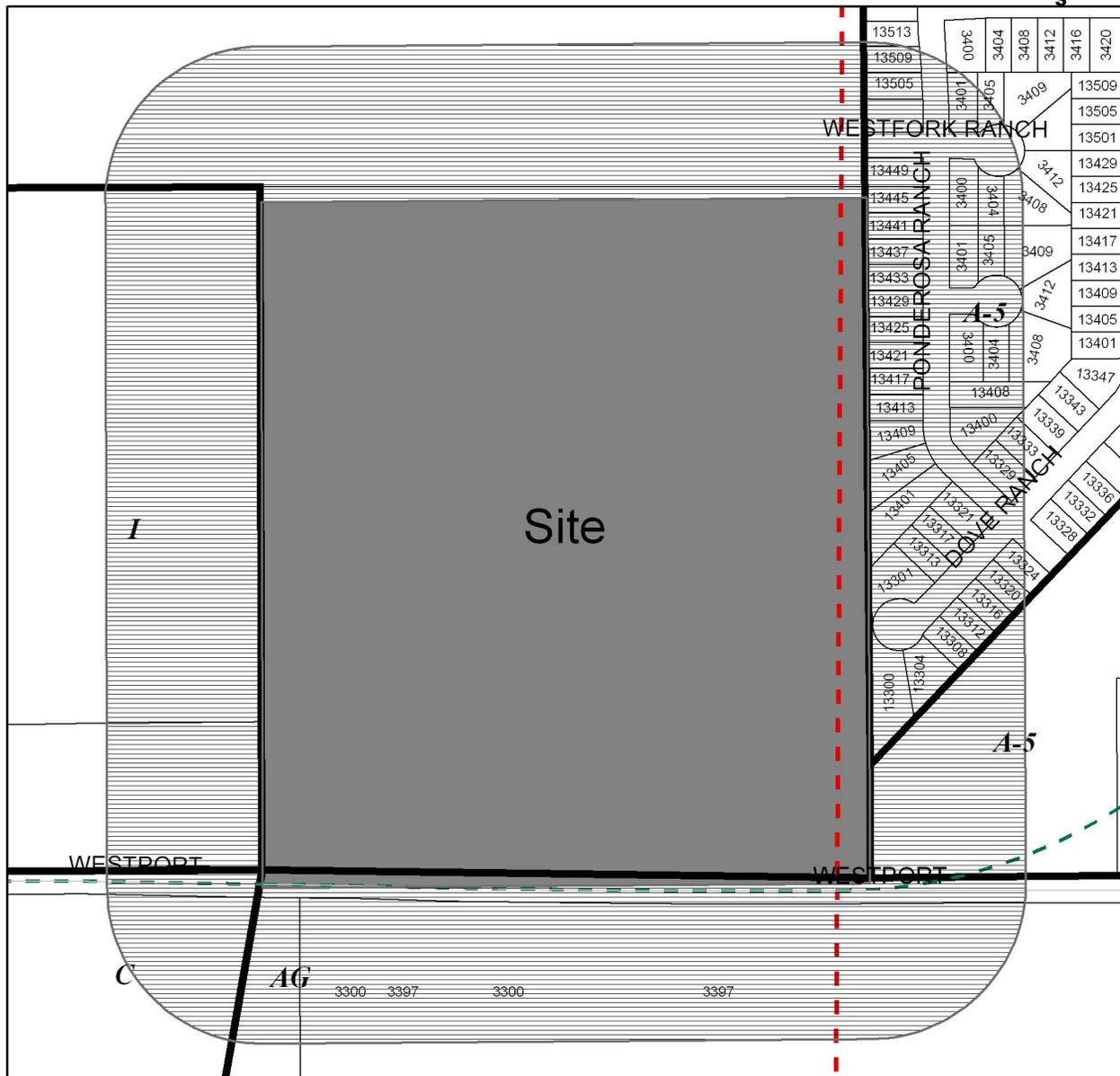


Area Zoning Map

Applicant: Frances Clark, Phillip Sotel
 Address: 3295 Keller Haslet Road
 Zoning From: Unzoned
 Zoning To: C
 Acres: 35.3679241
 Mapsco: 8NS
 Sector/District: Far North
 Commission Date: 7/10/2013
 Contact: 817-392-8190



 300 Ft. Buffer

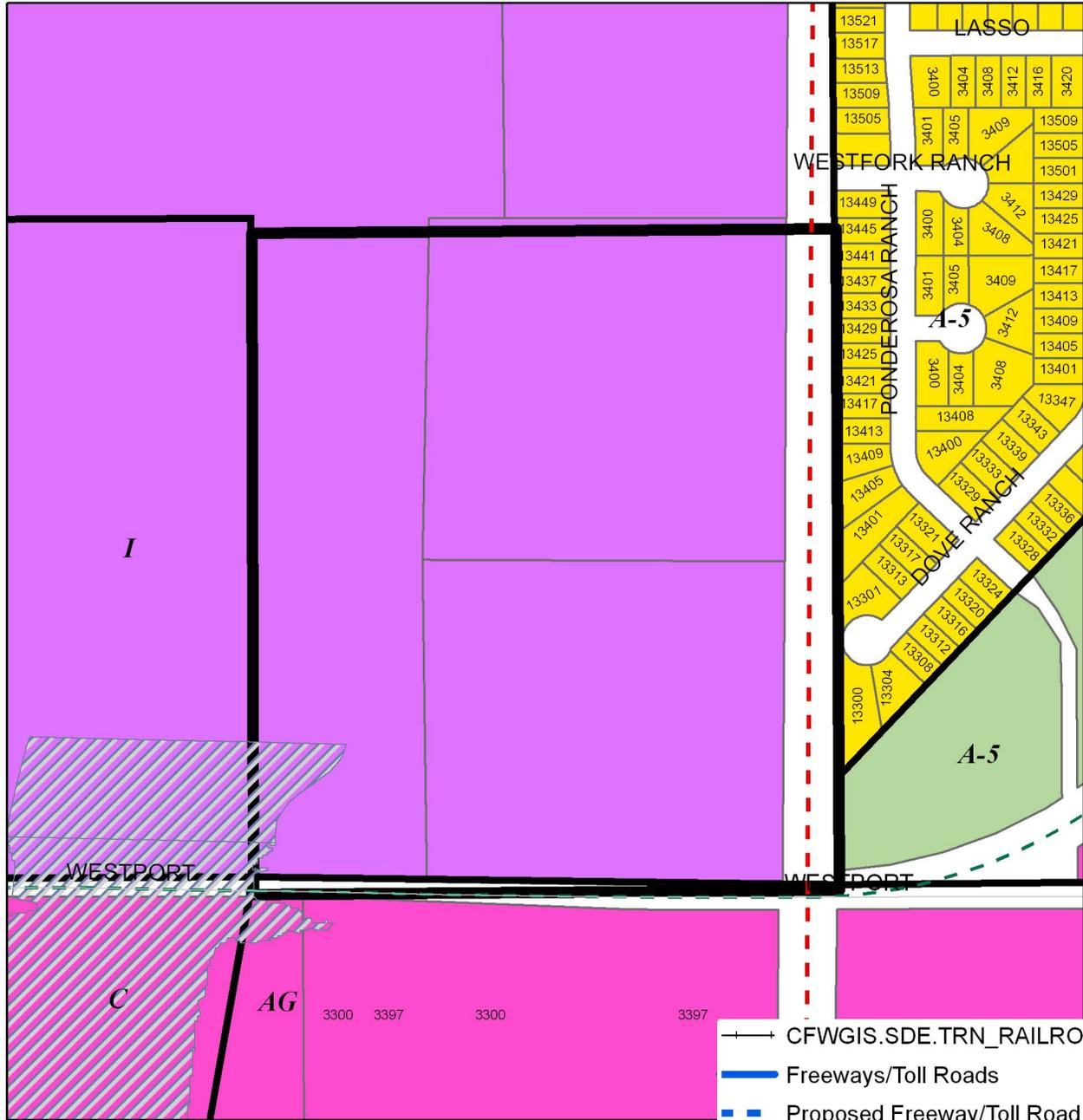




3295 Keller Haslet Road

Future Land Use

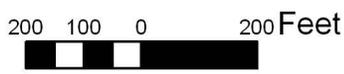
ZC-13-088



- 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
- Industrial Growth Center
- Infrastructure
- Lakes and Ponds
- Public Park, Open Space
- Private Park, Open Space

- CFWGIS.SDE.TRN_RAILROADS
 - Freeways/Toll Roads
 - Proposed Freeway/Toll Road
 - Principal Arterial
 - Proposed Principal Arterial
 - Major Arterial
 - Proposed Major Arterial
 - Minor Arterial
 - Proposed Minor Arterial
- FLD_ZONE**
- Floodplain



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 5, 2013.



Aerial Photo Map



Dave Horger, 1605 Lieschen Court, Arlington, Texas representing Carl Fretwell spoke in opposition. Mr. Fretwell owns the four lots to the west of the subject property. Mr. Horger mentioned there were trailers stored on his property that have been removed. Mr. West asked if he could identify the lots that are owned by his client. Mr. Horger said he owns the four lots to the west.

Motion: Following brief discussion Mr. West recommended a 30 day continuance of the request, seconded by Mr. Flores. On a substitute motion Ms. Reed recommended a denial of the request, seconded by Ms. Conlin. The motion carried 7-1 with Mr. West against.

<i>Document received for written correspondence</i>					<i>ZC-13-084</i>
Name	Address	In/Out 300 notification area	Position on case		Summary
Tommie Henton/ West Vickery Development	5017 Wilmenton	Out	Opposition		Spoke at hearing
George Barnes	5300 Helmick	Out	Opposition		Spoke at hearing
Dave Horger for Carl Fretwell	5105 Helmick	In	Opposition		Spoke at hearing
Maurice Barnes/ Zion Baptist Church	5101 Helmick	Out	Opposition		Sent letter in

2. ZC-13-088 Frances Clark and Phillip Sotel (CD 7) 3295 Keller Haslet Road (J. Matthews Survey, Abstract 1021, 35.33 Acres): from Unzoned to “C” Medium Density Multifamily

Dennis Hopkins, P.O. Box 630, Arlington, Texas representing Frances Clark and Phillip Sotel explained to the Commissioners the applicant has entered into a contract to purchase the property with time constraints. Mr. Hopkins noted he sent a letter on June 28, 2013 to the respected neighborhoods explaining what their intention was for this property; a copy was submitted for the public record. He said he had received no correspondence from the neighborhood. Mr. Hopkins said the property is 35 acres and approximately 10 acres of that cannot be developed because the client is required to dedicate 100% of North Beach Street, a 130 ft. row and an additional 55 ft. for the dedication of Keller Haslet Road.

Mr. Genua asked if he could show on the map the 130 ft. row. Mr. Hopkins said it will continue north and that this has been on the Master Thoroughfare Plan for some time. He said the single-family did not have to dedicate when they platted.

Mr. Edmonds asked about a development agreement signed in 2011. Mr. Hopkins mentioned it was a voluntary annexation. When they entered into the development agreement it was determined that the property would be zoned in accordance with the Comprehensive Plan which was Mixed Use at that time. He noted that some time in 2012 the Comprehensive Plan changed to Industrial and that was after his client had executed an agreement. He requested at a recent City Plan Commission meeting that the Comprehensive Plan revert back to the Mixed Use that was in place in 2011.

Lawrence Jamison, 4025 Alderbrook Lane, Fort Worth, Texas spoke in support.

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

<i>Document received for written correspondence</i>					<i>ZC-13-088</i>
Name	Address	In/Out 300 notification area	Position on case		Summary
Lawrence Jamison	4025 Alderbrook Ln	In		Support	Spoke at hearing

3. ZC-13-091 Raymundo Garcia (CD 8) 1900 Evans (Hyde Park Addition, Block 18, Lots 476 - 479, 0.48 Acres): from “E” Neighborhood Commercial to “PD/E” Planned Development for all uses in “E” Neighborhood Commercial including auto repair and excluding ambulance dispatch station, massage therapy and spa, stealth telecommunication tower, indoor amusement, apparel sales, used, feed store, firewood sales, liquor package store, or veterinary clinic with indoor runs; site plan included

Chris Bonilla, 8540 Charleston Avenue, Fort Worth, Texas representing Raymundo Garcia explained to the Commissioners they are proposing a quality and well designed project that will be attractive and durable. Mr. Bonilla displayed a rendering of what they are proposing. The existing structure will be transformed so as to make an architectural statement and make use of pedestrian oriented streetscapes. Mr. Bonilla mentioned there will be four 1,000 square foot lease spaces available for coffee and sandwich shops, office space for doctors, dentists or pharmacy and retail spaces, the other half will be used for automotive repair. He said there will be site development controls including: all repairs to be conducted within an enclosed building, no vehicles will be stored or parked outside after business hours, overnight storage of vehicles must be within an enclosed building and a six foot solid screening fence with landscaping adjacent to the residential properties. There are several excluded uses such as liquor or package store, massage therapy and spa, and amusement indoor. He displayed an artist’s rendering of the project. Mr. Bonilla had some letters of support from the Historic Southside NA, Fort Worth Metropolitan Black Chamber of Commerce and the Director of Economic Development FWMBCC as well as a petition of support signatures within the area.

Mr. Genua asked Mr. Bonilla to display the map indicating those in support. He was curious as to why there were no signatures on Jefferson and Evans Avenue. Mr. Bonilla said the entire block over to the freeway is group homes and didn’t think it was appropriate to ask them to sign. The lots just to the south on Evans are commercial businesses and he did not approach them. He stated some of the lots directly behind them are vacant with a few single-family. Mr. Bonilla said they weren’t able to catch some residents at home based on the time of day they went in the neighborhood.

Monte Gilliam, 1100 Vicki Lane, Fort Worth, Texas, President of the Vicki Lane/Bowie Street NA spoke in opposition. Mr. Gilliam mentioned this is the third time they’ve had to address this issue. He said there is an existing auto repair just three blocks down at 2201 Evans Avenue with outside storage of vehicles, an outside lift and a screening fence that does not meet standards. Mr. Gilliam said this is the same business owner who is requesting the zoning change at 1900 Evans Avenue.

Renee Franklin, 3101 Merrick Street, Fort Worth, Texas owner of the property explained to the Commissioners she is requesting C zoning.

Mr. West asked if she had talked to any of her surrounding neighbors. Ms. Franklin mentioned she tried to contact the people that were noticed by the city but the number was disconnected. Mr. West said staff received a letter of opposition from the property owner to the south. She said they were originally going to build a four plex but are scaling it down to three to accommodate for parking. All parking will be on-site.

Motion: Following a brief discussion, Mr. West recommended approval of the request, seconded by Mr. Edmonds. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>				ZC-13-087	
Name	Address	In/Out 300 ft notification area	Position on case		Summary
Roberta McAllister	5113 Curzon	In	Opposition		Sent letter in

3. ZC-13-088 Frances Clark and Phillip Sotel (CD 7) --3295 Keller Haslet Road (J. Mathews Survey, Abstract 1021, 35.33 Acres): from Unzoned to “C” Medium Density Multifamily

Dennis Hopkins, P. O. Box 637, Arlington, Texas representing Frances Clark and Phillip Sotel explained to the Commissioners on June 28, he sent a letter out to the President of the North Fort Worth Alliance Association and on July 2, he received an email requesting the case be continued to the August 14 meeting. He stated they are officially requesting to continue the case to the August 14, 2013 meeting.

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

<i>Document received for written correspondence</i>				ZC-13-088	
Name	Address	In/Out 300 ft notification area	Position on case		Summary
Rusty Fuller/ North Fort Worth Alliance	NA	Out	Opposition		Sent letter in

4. ZC-13-089 La Frontera Capital Properties (CD 7) – 9340 Boat Club Road (Williams McCowen Survey, Abstract 999, Tract 12A04, 19.71 Acres): from “A-7.5” and “A-10” One-Family to “A-7.5” One-Family

Tim Welch, 1308 Norwood Drive, Suite 200, Bedford, Texas representing La Frontera Capital explained to the Commissioners they are cleaning up the zoning to A-7.5 for future development.