



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
May 6, 2014

Council District **5**

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

Opposition: 6 spoke; 2 within 200 ft; 4-outside 200 ft.;
several present; Petition

Support: None submitted

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

Owner / Applicant: **Barbara M. Lyon & W.J. Morrison**

Site Location: 1125 - 1137 (odds) Morrison Drive, 7700 East Freeway Mapsco: 67T

Proposed Use: **Multifamily**

Request: From: "E" Neighborhood Commercial

To: "C" Medium Density Multifamily

Land Use Compatibility: Requested change **is not compatible.**

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

Background:

The proposed site is located on I-30 on the corner of Morrison Rd near Cooks Ln. The applicant is requesting a zoning change from "E" Neighborhood Commercial to "C" Medium Density Multifamily. The applicant intends to consolidate existing "C" zoning property to the east and construct a multifamily residential complex. Surrounding uses are currently vacant both east and west with single-family to the north. I-30 is located just south of the proposed site.

The site does not have access on to I-30 nor are there access roads parallel to I-30. As a result, traffic will be directed through Morrison Dr., passing a residential area and a church to John T. White, or through the new development to Cooks Ln. There are several apartment complexes south of I-30 that also do not have access to I-30 but directly access Ederville Rd.

A gas pipeline was recently installed on the property line adjacent to the interstate, therefore an easement has been placed. No development could occur within the easement, but buildings could be constructed adjacent to the easement. Including property to the east that is not part of this zoning case but part of the proposed development, much of the site is heavily treed with Post Oaks and an Urban Forestry permit will be required.

Site Information:

Owners: William J. Morrison Barbara Lyon
 1968 Bella Vista 2509 Handley Drive
 Fort Worth, TX 76112 Fort Worth, TX 76112

Agent: Greg Mills

Acres: 13.11 ac.

Comprehensive Plan Sector: Eastside
 Surrounding Zoning and Land Uses:
 North "A-5" One-Family / single-family
 East "C" Medium Density Multifamily / vacant
 South "C" Medium Density Multifamily; PD/SU for all uses in E plus various uses exclude alcohol beverages for "off premises consumption". Site plan required / multifamily, vacant, I-30 ROW
 West "E" Neighborhood Commercial; "A-5" One-Family / vacant, church

Recent Relevant Zoning and Platting History:

Zoning History: None
 Platting History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Morrison Dr	Collector	Collector	No

Public Notification:

The following Organizations were notified:

Organizations Notified	
John T White*	Historic Randol's Mill Valley Alliance
Harmony Hills	East Fort Worth Business Association
Cobblestone	Eastside Sector Alliance
Neighborhoods of East Fort Worth	FWISD

* Within registered neighborhood association

Development Impact Analysis:

1. Land Use Compatibility

The applicant is requesting "C" Medium Density Multifamily zoning to develop apartments. Surrounding land uses consist of single-family to the north, a church to the west with adjacent vacant property, vacant to the west, and I-30 ROW to the south.

Multifamily zoning is encouraged around or within walking distance of Transit Oriented Development, bus transit, mixed-use growth centers, major employment centers, and shopping centers to increase accessibility and decrease vehicular traffic generation. The proposed site is not within close proximity these preferred locations however a bus route operates on John T. White. In addition, access may be problematic, due to lack of access from I-30 and the residential construction of Morrison Road.

As a result, the proposed zoning for this site **is not compatible** at this location.

2. Comprehensive Plan Consistency

The 2014 Comprehensive Plan designates the subject property as neighborhood commercial. Multifamily uses are considered consistent with commercial uses in the Comprehensive Plan. The multifamily also serves as a buffer to the interstate. The proposed "C" zoning is consistent with the following Comprehensive Plan policy:

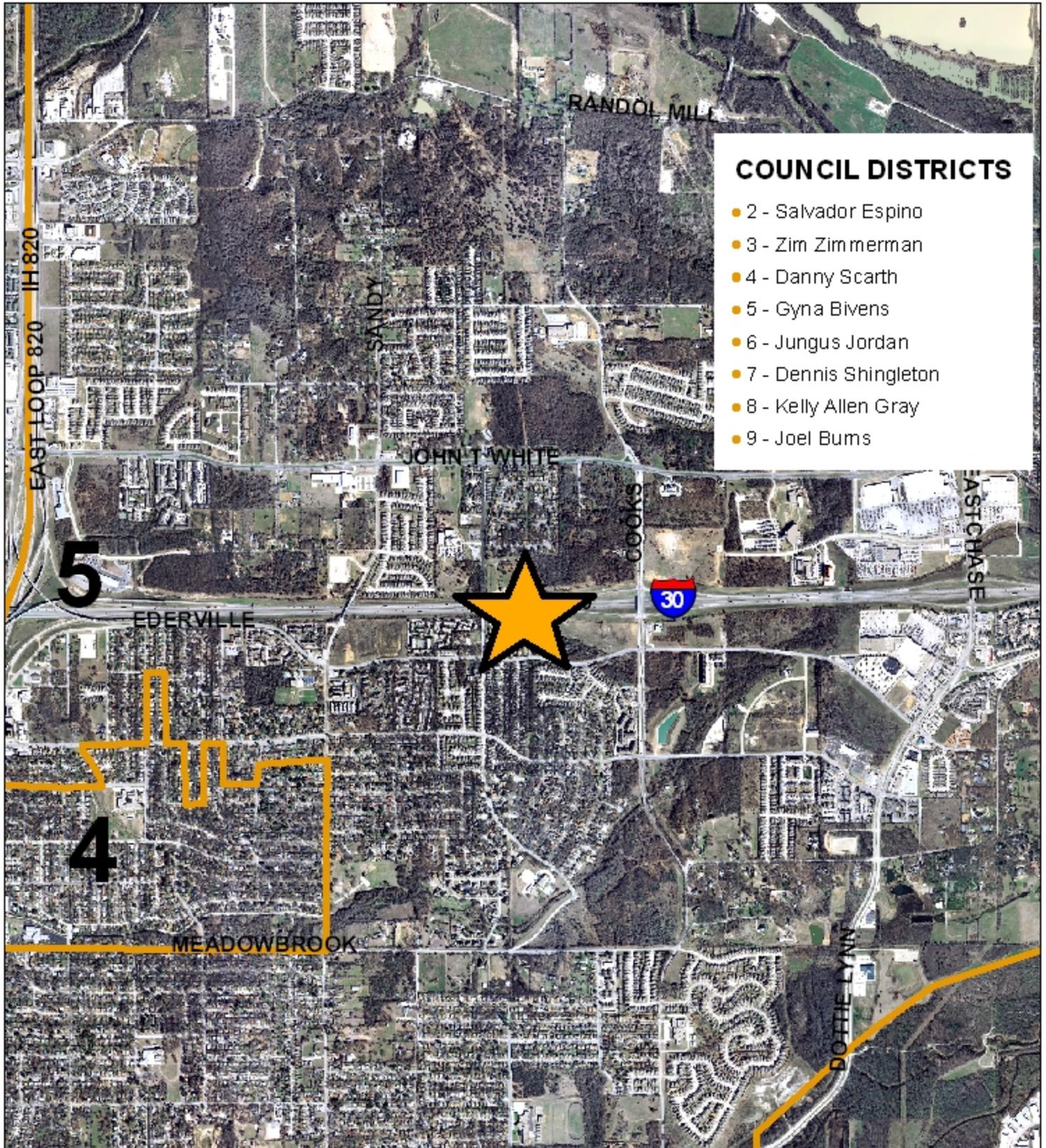
- Promote appropriate infill development of vacant lots, old commercial centers (greyfields), and contaminated sites (brownfields) within developed areas, particularly in the central city.
- Separate incompatible land uses with buffers or transitional uses.

Based on the conformance with the future land use map and policies stated above, the proposed zoning **is consistent** with the Comprehensive Plan.

Attachments:

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

Location Map

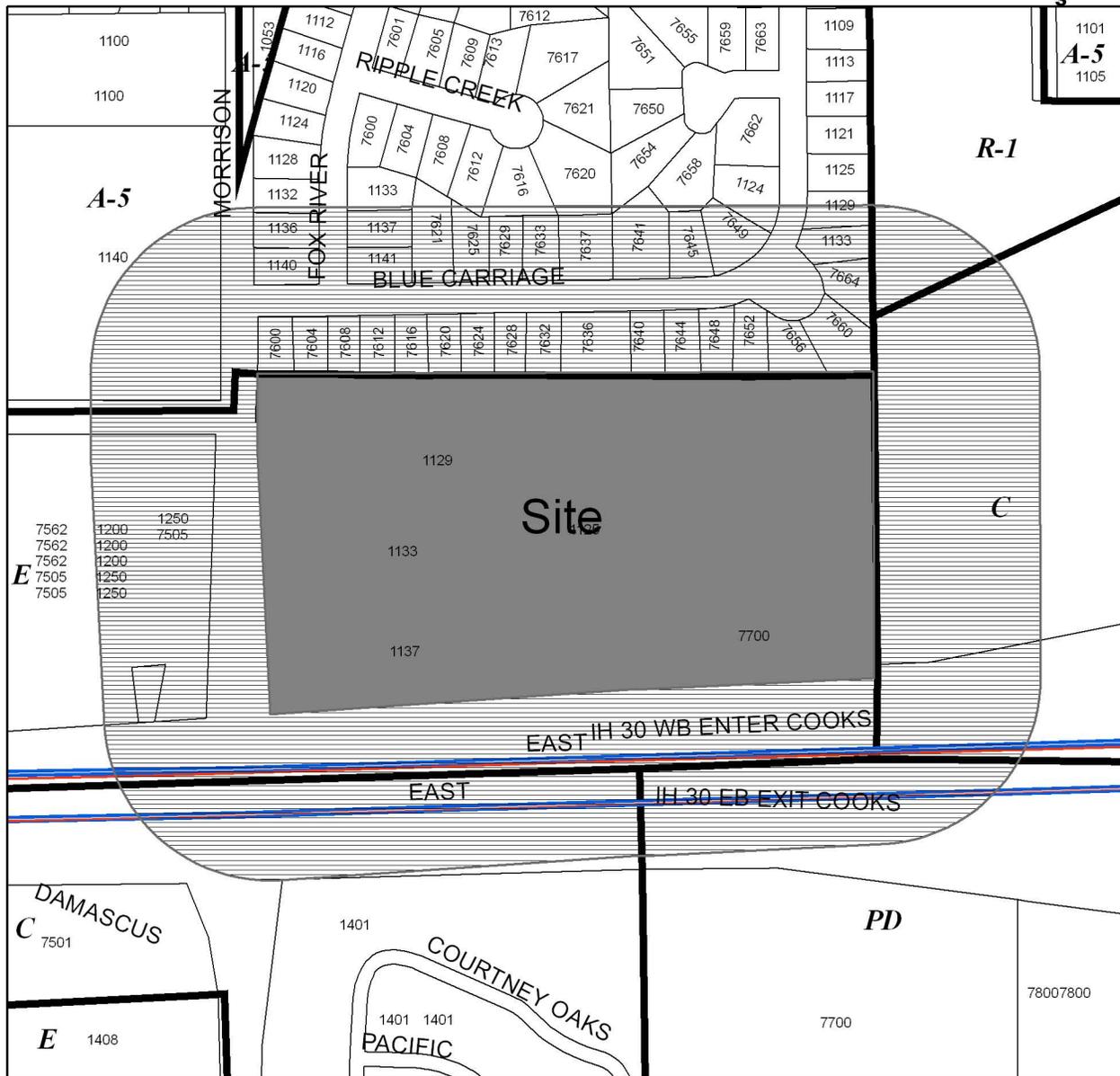


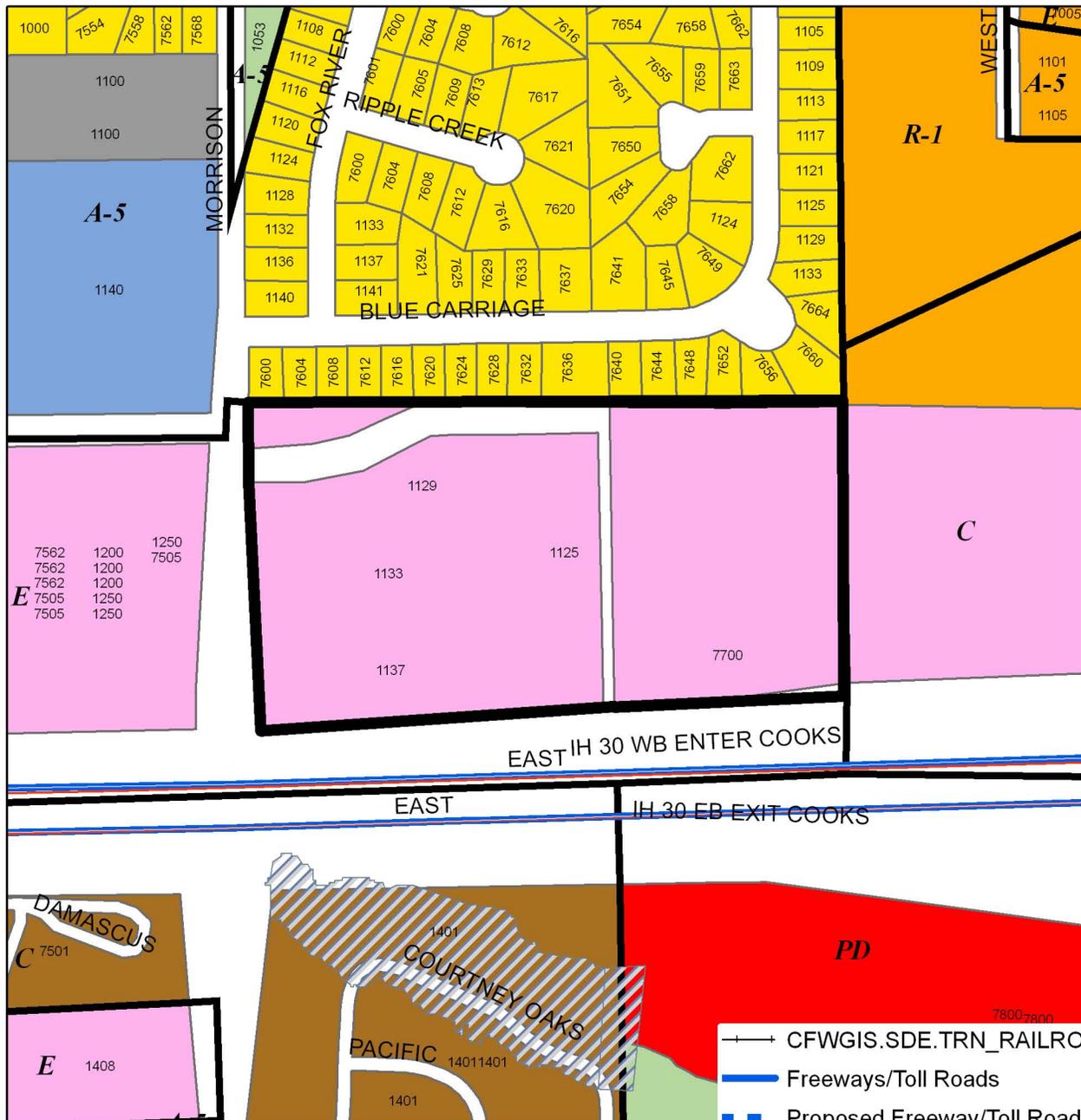
Area Zoning Map

Applicant: Barbara M. Lyon & W.J. Morrison
 Address: 1125 - 1137 (odds) Morrison Drive, 7700 East Freeway
 Zoning From: E
 Zoning To: C
 Acres: 14.70952025
 Mapsco: 66Z
 Sector/District: Eastside
 Commission Date: 4/9/2014
 Contact: 817-392-8043



300 Ft. Buffer





- 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 18, 2014.



Aerial Photo Map



Development for all uses in "E" Neighborhood Commercial plus crematory; site plan waiver requested

Mr. Genua asked if the applicant was present and said they were informed earlier that the applicant may be late and requested it be moved to the end of the agenda.

Motion: Following brief discussion, Mr. Flores recommended the case be moved to the end of the agenda, seconded by Mr. West. The motion carried unanimously 9-0.

Jim Lucas, 1321 Precinct Line Road, Hurst, Texas representing JNL Texas Holdings LLC explained to the Commissioners this has been operating as Lucas Funeral Home since the mid 1950's. Mr. Lucas said they have been in contact with the neighborhood association and was one of the founding members for Riverside Alliance.

Ms. Reed asked Mr. Lucas if he had a letter from the neighborhood association because they only have letters of opposition. Mr. Lucas said he has a letter from Scenic Bluff NA and was not aware of any opposition.

Mr. West asked about the timing of his project and that a decision be made today. Mr. Lucas said they have been there for many years and are not going anywhere. The request for the crematorium use is a timing issue.

Mr. Edmonds asked if the crematorium will be in the existing structure. Mr. Lucas said it will be in the back portion of the property. Mr. Edmonds asked if the operation will be self contained. Mr. Lucas said yes.

Motion: Following brief discussion, Ms. Reed recommended Approval of the request, seconded by Mr. Flores. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>					ZC-14-043
Name	Address	In/Out 300 ft. notification area	Position on case		Summary
Scenic Bluff NA	NA	Out		Support	Sent letter in
James & Estela Russell	417 N. Sylvania	In	Opposition		Sent letter in
Robert Russell	2508 Marshall	In	Opposition		Sent letter in
Eugene & Elizabeth Mabile	409 N. Sylvania	In	Opposition		Sent letter in

11. ZC-14-044 Barbara M. Lyon & W. J. Morrison (CD 5) – 1125 & 1137 Morrison Drive, 7700 I-30/East Freeway (Morrison Acres, Block 1, Lots 1-4, 14.71 Acres): from "E" Neighborhood Commercial to "C" Medium Density Multifamily

Greg Mills, 2445 Stadium Place, Arlington, Texas representing the property owner explained to the commissioners It is about a 13 acre tract with no direct access from Interstate 30. Mr. Mills said they have a contract on the property if they can zone it to C to build a 216 unit apartment complex. They plan on connecting it with the Morrison property to provide better access and to provide a larger unit count to allow for more amenities and green space. He noted with limited access commercial uses would not be a good fit for the property.

Ms. McDougall asked Mr. Mills if he has reached out to the neighborhood. Mr. Mills said he made a phone call stating he would send some information out to them but never did. Ms. McDougall asked who he reached out to. Mr. Mills said Ms. Bivens. Ms. McDougall said so you haven't reached out to any of the neighborhoods. Mr. Mills said no he hasn't.

Answering Ms. McDougall's question, Mr. Mills said they have a contract to build 216 units on the property currently zoned C and want to rezone this portion to allow for a larger complex and allow the property to be opened up to access Cooks Lane.

Mr. Flores asked Mr. Mills if he was aware of a signed petition with about three to four pages of people who are opposed as well as additional letters of those opposed to this development. The general sentiment is concern for this type of use in the area and the impact on property values. Mr. Mills said he has not received any letters. Mr. Flores asked if he had spoken to any of the neighbors in opposition. Mr. Mills said no not at this time.

Barbara Lyons, 2509 Handley, Fort Worth, Texas one of the property owners spoke in support. Ms. Lyons said the property to the east that abuts them is already zoned for multifamily and doesn't think this would be a problem. She said they have owned the property since the 1930's and the property will be developed some day. Ms. Lyons had a display of what the development would look like and noted the petition presented is for low income apartments.

Sara Boepple, 7660 Blue Carriage Lane, Fort Worth, Texas spoke in opposition. Ms. Boepple wanted to acknowledge there are several present in opposition. She noted there are several apartments in the area and the schools are at capacity already. They have security and crime concerns and this is right in her backyard. Ms. Boepple is concerned about the parking being right up against the fence, she would like to see a buffer and a green zone between the parking and any buildings, and for the apartment owners to maintain the integrity of the buildings.

Jackie Barnd, 7249 Speckle Belly, Fort Worth, Texas spoke in opposition Ms. Barnd said they have too many apartments and asked they not approve this.

Judy Taylor, 2604 Stark Street, Fort Worth, Texas spoke in opposition. Ms. Taylor is President of the Handley NA and asked those opposed to stand. Ms. Taylor said this is the corridor that brings people to Fort Worth; they do not want any more apartments.

Janet Kennedy, 5024 Norma Street, Fort Worth, Texas is the president of the Central Meadowbrook NA and spoke in opposition. Ms. Kennedy stated they already have 1,000 vacant apartments in East Fort Worth. She noted if the developer could find some dilapidated apartments, tear them down and rebuild to the nice ones displayed here that they would support that. They do not need to take more land to build more apartments in this area.

Mike Phipps, 4451 Normandy Road, Fort Worth, Texas spoke in opposition. Mr. Phipps wanted to reiterate what has already been said; they have too many apartments in this area and asks they deny the request.

In rebuttal, Mr. Mills said as far as having too many apartments that is objective. Mr. Mills said he did a study on the 10 closest apartments to this property. They have an occupancy of 94.8% they are all full. He said he does have 500 people that will move into the apartments because they will be the nicest apartments in the area. Mr. Mills said as far as the density they can build 18 units per acre, if they are allowed to enlarge the site it will drop to 16 units per acre.

Motion: Following brief discussion, Ms. McDougall recommended Denial of the request, seconded by Ms. Conlin. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>					<i>ZC-14-044</i>
Name	Address	In/Out 300 notification area	ft	Position on case	Summary
Barbara Lyon	2509 Handley Dr			Support	Spoke at hearing
Sara Boepple	7660 Blue Carriage Ln	In		Opposition	Spoke at hearing
Jackie Barnd	7249 Speckly Belly	Out		Opposition	Spoke at hearing
Judy Taylor Handley NA	2604 Stark St	Out		Opposition	Spoke at hearing
Janet Kennedy/ Central Meadowbrook NA	5024 Norma St	Out		Opposition	Spoke at hearing
Mike Phipps	4451 Normandy Rd	Out		Opposition	Spoke at hearing
Edward Sakeuka	4451 Normandy Rd	Out		Opposition	Present did not speak
LeWayne Hauser	6001 Monterrey Dr	Out		Opposition	Present did not speak
Jean Owen	5741 Monterrey Dr	Out		Opposition	Present did not speak
Ella/Robbie McCarroll	7656 Blue Carriage Ln	In		Opposition	Present did not speak
Kris Reynolds/ Eastern Hills NA	1450 Warrington Ct	Out		Opposition	Present did not speak
Karen Cline	1012 Fox River Ln	Out		Opposition	Sent letter in
Amy/Roger Helling	NA			Opposition	Sent letter in
Barbara Boyett	NA			Opposition	Sent letter in
Adam Tunks	1401 Morrison Dr	Out		Support	Sent letter in
Will/Nedia Dryden	7650 Meadowbrook Dr	Out		Opposition	Sent letter in
Kraig Dyer/ Cobblestone NA	7608 Ripple Creek Ct	Out		Opposition	Sent letter in
Gary Peterson	7640 Blue Carriage Ln	In		Opposition	Sent letter in

Laura Adams/ Cobblestone NA	NA	Out	Opposition		Sent letter in
Jean/Tom Bryan	1013 Fox River Ln	Out	Opposition		Signed petition
Lela Craddock	1008 Fox River Ln	Out	Opposition		Signed petition
Carol Alexander	1005 Fox River Ln	Out	Opposition		Signed petition
Doug Pierce	1004 Fox River Ln	Out	Opposition		Signed petition
Robert Brewer	1000 Fox River Ln	Out	Opposition		Signed petition
Christine Lee	1025 Fox River Ln	Out	Opposition		Signed petition
Sonya Milton	1032 Fox River Ln	Out	Opposition		Signed petition
Sanora Williams	1036 Fox River Ln	Out	Opposition		Signed petition
Gary/Tykisha Allridge	1132 Fox River Ln	In	Opposition		Signed petition
David/Roslyn Burch	1136 Fox River Ln	In	Opposition		Signed petition
Trimeka Brittle	1140 Fox River Ln	In	Opposition		Signed petition
85 additional signatures on petition within Coblestone NA					

12. ZC-14-045 Willing Smith (CD 9) – 3501 Hulen Street, 4529-4545 Houghton Avenue (Sunset Heights Addition, Block 3, Lots 1-6, 0.89 Acres): from “B” Two-Family & “E” Neighborhood Commercial to “PD/E” Planned Development for all uses in “E” Neighborhood Commercial plus semi automatic carwash; site plan included

Phillip Poole, 2918 Wingate, Fort Worth, Texas representing Willing Smith explained to the commissioners they have been involved since the case was heard by Council. Three lots are currently zoned for E Neighborhood Commercial and the two to the east are zoned B Two-Family. He did mention to his client that E uses could go on the site. Mr. Poole said the area along Hulen is predominantly neighborhood commercial.

Mr. Poole said they are proposing the use that was originally opposed and reworked the site plan to deal with some of the objections from neighborhood and nearby businesses. Mr. Poole did say that carwashes are allowed by Special Exception. He said this is not your typical carwash with no gas being dispensed, no tires being changed and no inspection services. It is a modern tunnel approach where people stay in their vehicles and drive through the tunnel. He noted the blower motors are now sound attenuated and the amount of noise created by the blowers is about equal to the traffic noise on Hulen Street. They are proposing a single story grouping of buildings, masonry construction and the use of pavilions to provide additional services for customers such as vacuums, tire dressing, etc. there is a streetscape with a tree row planted at a rhythm. The eastern lot has a landscape buffer adjacent to the residential lot.

Mr. Poole mentioned a traffic impact analysis was provided to the city. It provided that the city’s count on Hulen is 35,000 cars within a 24 hour period and they counted about 30,000, which is