



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
November 10, 2015

Council District 8

Zoning Commission Recommendation: Approval by a vote of 8-0 Opposition: None submitted Support: Scenic Bluff NA, East Fort Worth Business Association	Continued	Yes ___ No <u>X</u>
	Case Manager	<u>Lynn Jordan</u>
	Surplus	Yes ___ No <u>X</u>
	Council Initiated	Yes ___ No <u>X</u>

Owner / Applicant: Chesapeake Land Development Co., LLC

Site Location: 2001 E. 4th Street Mapsco: 63T

Proposed Use: Commercial/Outdoor Amusement

Request: From: PD310 Planned Development/Specific Use for multifamily and commercial use subject to 37 acres of multifamily residential at a density of 30 to 36 units per acre, 7 acres of multifamily residential at a density of 30 to 50 units per acre, and 12.5 acres of retail, restaurant and commercial; site plan required

To: "PD/F" Planned Development for "F" General Commercial with net poles up to 170 ft. in height, wall signage to exceed 10% coverage and monument sign not to exceed 9ft., 5 ½ in. in height; site plan included

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

Comprehensive Plan Consistency: Requested change **is not consistent (Significant Deviation).**

Background:

The proposed site is located south of Highway 121, north of E. 4th Street a minor arterial. The applicant is requesting a zoning change from PD310 Planned Development for multifamily, retail, restaurant and commercial uses tied to acreage to "PD/F" Planned Development for all uses in "F" General Commercial with outdoor amusement to allow for a maximum height up to 170 ft. for net poles. Attached signage will include the standard sign used by the proposed business which will exceed the maximum aggregate area and overall square footage requirement as well as detached signage to exceed the maximum height up to 9ft., 5 ½ in.

The proposed use is Top Golf, an outdoor amusement facility centered around an upscale driving range with multiple-level hitting bays and dartboard-like targets in the ground which tally points when hit by a microchipped golf ball. Large poles approximately 170 ft. in height with attached netting keep the golf balls within confines of the outfield.

The proposed site will have access from East 4th street, just south of Highway 121, an elevated highway, and east of the Trinity River. A portion of East 1st street has been vacated. Existing gas wells are on the site. The applicant has advised staff that neither Chesapeake nor any other operator actually drilled a gas

well at this location. He explained that this was Chesapeake’s model site where interested persons could see what a gas well site looks like, but none of the equipment has ever been operational.

The applicant has indicated they have held meetings with United Riverside NA and Scenic Bluff NA has provided a letter of support.

Development Standards	F	Proposed PD/F
Height	3 stories or 45 ft. max.	Net Poles 170’ (waiver required)
Attached signage	500 sq. ft. maximum aggregate area per façade (10% of wall); 1,340 max. combined elevation	812 sq. ft. per facade; 1,658 sq. ft. combined (waiver required)
Monument signage	8 ft.(h) x 16 ft. (w)	9’ 5 ½” (h) x 13 ft. 4” (w) (waiver required for height)

At the Zoning Commission, the presenters explained that there are 22 Top Golf facilities countrywide currently. When questioned about noise, they explained that they will have live music on the 3rd story roof terrace. The live music will cease at midnight on Friday and Saturday and 10 pm Sundays and weekdays. Recorded music continually plays throughout the business. They said the ambient noise of the operation is 65 dnl.

Lighting was also discussed, and the applicant explained that they have done light studies and install louvers, tinted bulbs, and dimpled ballasts in order to reduce the light intensity. The light decreases and is designed to remain on the site.

Site Information:

Owner’s Agent / Consultant: Chesapeake Land Development Company, LLC
 6100 N. Western Avenue
 Oklahoma City, OK 73118

Acreage: 16.86 ac.
 Comprehensive Plan Sector: Northeast

Surrounding Zoning and Land Uses:

North “PD310” Planned Development / Highway 121
 East “O1” Floodplain / Trinity River
 South “PD310” Planned Development / gas well pads, vacant
 West “PD310” Planned Development / vacant

Site Plan Comments:

The site plan as submitted is not in general compliance with the zoning regulations. The key deficiencies are:

1. The site plan indicates 170 ft. netting for poles, maximum height is 45 ft. **(waiver required)**
2. The attached signage exceeds the maximum requirement. They are proposing 812 sq. ft. of aggregate area and 1,658 sq. ft. maximum overall attached signage. **(waiver required)**
3. The maximum height for monument signs is 8 ft. The site plan diagram indicates 9’ 5 ½”. **(waiver required)**

Zoning Commission recommended waivers to the items noted above.

Platting Comments:

FYI--The vacation of East 1st Street and the replat of the surrounding land will have to be completed prior to the issuance of a building permit for this development.

TPW/ Transportation Public Works Comments:

TPW (Mirian Spencer, 817-392-8702, Mirian.Spencer@fortworthtexas.gov)

1. Driveway Locations - Driveway location must not interfere with intersection function. The proposed easternmost driveway does not provide sufficient spacing between it and the adjacent gravel road driveway serving the Tarrant Regional Water District site adjacent to the development.
2. Variable ROW - Show the full ROW widths for all existing streets. For streets having variable ROW, call out the ROW as "Variable" and give "Range" of the ROW.
3. Freeway ROW - Call out all freeway ROW. Show distance from property line to centerline of freeway. For a freeway having a variable ROW, call out the ROW as "Variable" and give the "Range" of the ROW. TXDOT approval required for any proposed interchanges and/or driveway access to TXDOT facilities. Access to SH 121 shall be reviewed and approved by TXDOT.
4. Sidewalks - Sidewalks and street lights are required for all public and private streets and public access easements as per City of Fort Worth Standards

Water Comments:

David Hernandez, 817-392-5803 david.hernandez@FortWorthTexas.gov

1. PRV's, pressure reducing valves required due to high pressure
2. Field verify 68-inch sewer main M-245B
3. 25 foot easement for water and sanitary sewer on eastside of subject property line, between 1st street and 4th street.
4. Pressure guaranteed at ground elevation
5. Extend sewer
6. No permanent structures over, under, encroaching water/sewer lines and their easements, including trees
7. Reroute water line (refer to PDC 12/22/2014)
8. Grease trap required for commercial Kitchen, coordinate with Pre-Treatment ---> Alphonse Newton

Comments made by Platting, TPW and Water staff cannot be waived through the Zoning Commission. Approval of the site plan does not constitute Platting, Water and TPW acceptance of conditions.

Recent Relevant Zoning and Platting History:

Zoning History: PD310 Planned Development for commercial and multifamily uses tied to acreage approved by City Council 12-08-98 subject area

Platting History: NA

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
E 1 st St.	Residential	Residential	No
E 4 th St.	Minor Arterial	Minor Arterial	No

Public Notification:

The following organizations were notified:

Organizations Notified	
Riverside Alliance	Fort Worth Downtown Neighborhood Alliance
United Riverside NA	Scenic Bluff NA
Downtown Fort Worth, Inc.	East Fort Worth Business Association
United Riverside Rebuilding Corp., Inc.	Eastside Sector Alliance
Oakhurst Scenic Drive Inc.	Trinity Habitat for Humanity
Streams & Valleys Inc.	East Fort Worth, Inc.

	Fort Worth ISD
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Not located within a registered neighborhood association

Development Impact Analysis:

1. **Land Use Compatibility**

The applicant is requesting a zoning change to "PD/F" for commercial/outdoor amusement facility. Surrounding land uses consist of Trinity River to the east, Highway 121 to the north, gas wells to the south and west.

Based on surrounding land uses the proposed zoning for this site **is compatible** at this location.

2. **Comprehensive Plan Consistency**

The 2015 Comprehensive Plan designates the site as Mixed-Use, located within the Downtown Mixed-Use Regional Growth Center. A large, outdoor entertainment use is proposed, and the proposal is not consistent with the higher densities expected in a Mixed Use area and therefore is not consistent with the following Comprehensive Plan policies:

- Encourage mixed-use projects in mixed-use growth centers, transit-oriented developments, and urban villages. (pg. 38)
- Accommodate higher density residential and mixed uses in areas designated as a mixed-use growth center on the City's future land use maps. (pg. 38)

The requested zoning change **is not consistent (Significant Deviation)** with the Comprehensive Plan.

Attachments:

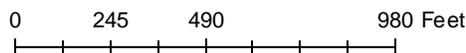
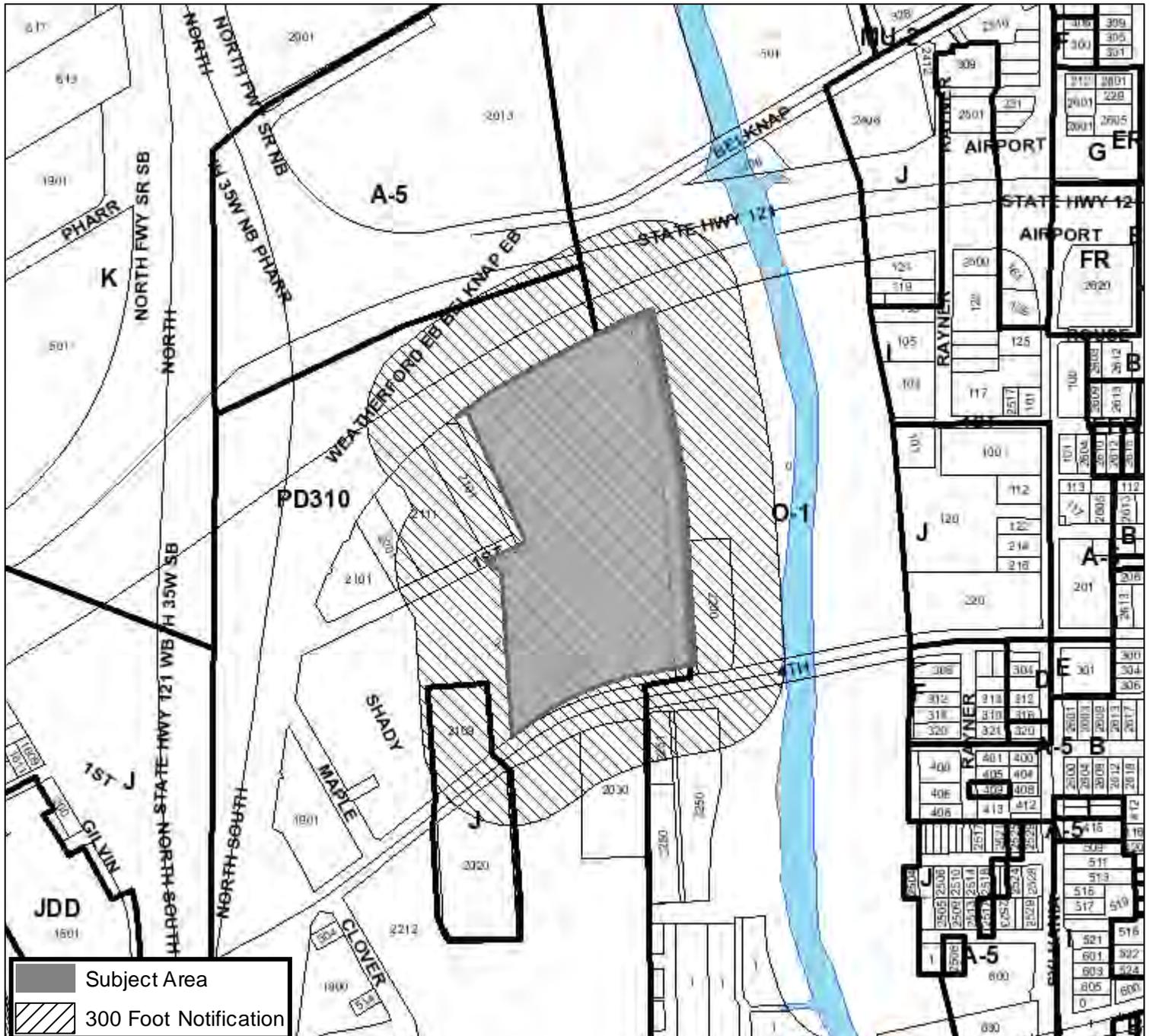
- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Map of Proposed Zoning Districts
- Future Land Use Map
- Aerial Photograph
- Site Plan
- Minutes from the Zoning Commission meeting

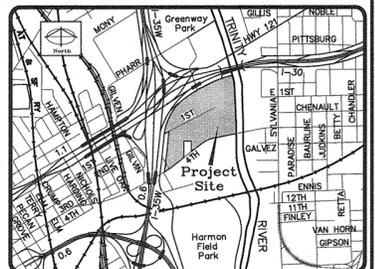
Area Map



Area Zoning Map

Applicant: Chesapeake Land Development Co., LLC
 Address: 2001 E. 4th Street
 Zoning From: PD 310 for multifamily & commercial uses
 Zoning To: PD for F uses plus net poles up to 170 feet in height
 Acres: 16.86346356
 Mapsco: 63T
 Sector/District: Northeast
 Commission Date: 10/14/2015
 Contact: 817-392-2495

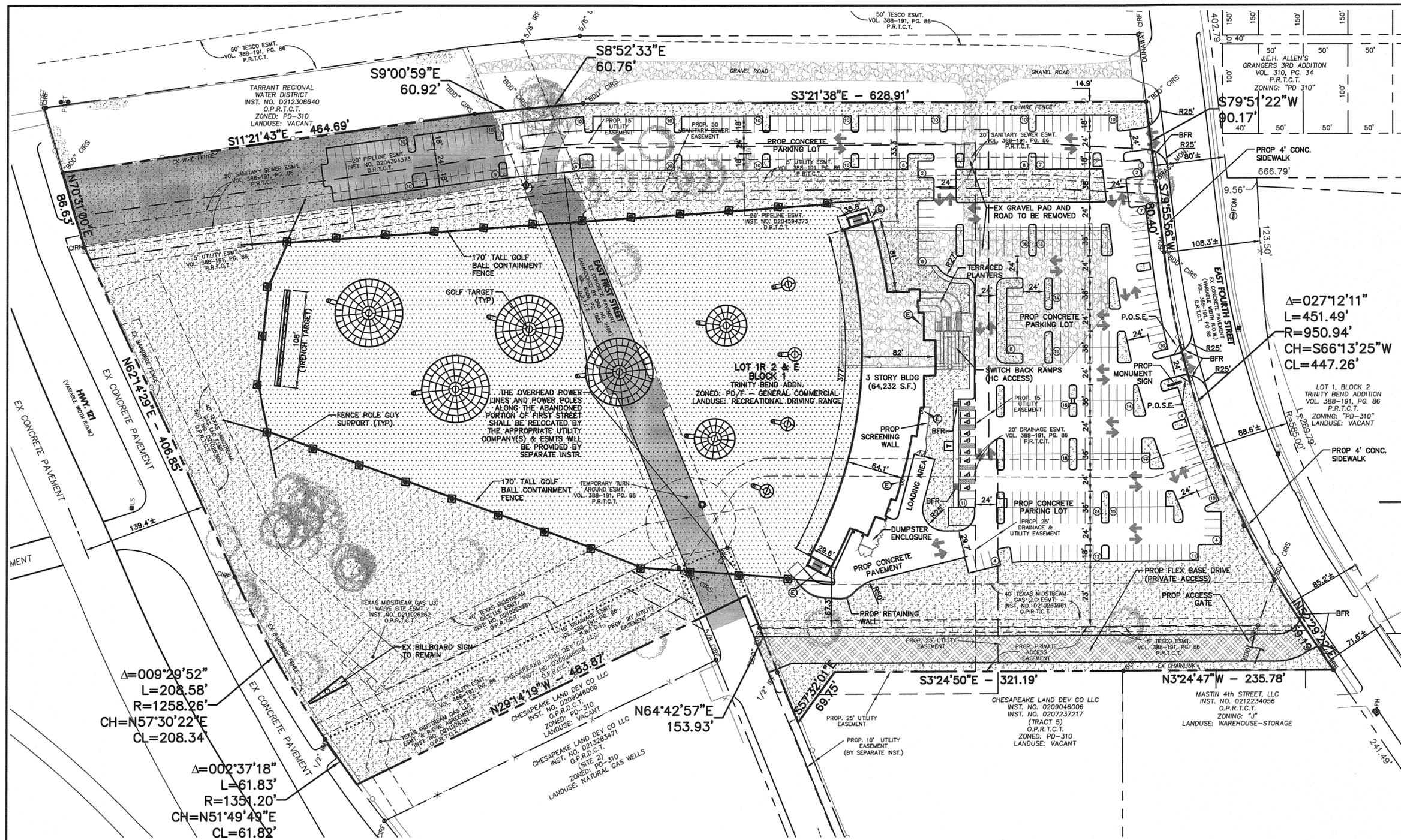
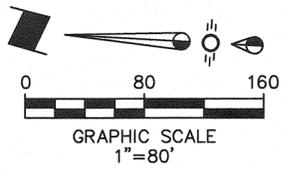




Fort Worth
Vicinity Map

LEGEND

- ⊕ - BUILDING ACCESS ENTRANCE
- BFR - BARRIER FREE RAMP
- P.O.S.E - PUBLIC OPEN SPACE EASEMENT
- ⊠ - PROPOSED TRANSFORMER
- ➔ - TRAFFIC DIRECTIONAL ARROW
- [Pattern] - PROPOSED LANDSCAPE AREA
- [Pattern] - PROPOSED FLEX BASE DRIVE (PRIVATE ACCESS)
- [Pattern] - ARTIFICIAL TURF (OUTFIELD)
- [Pattern] - EXISTING GRAVEL SURFACE TO BE REMOVED
- [Pattern] - EXISTING CONCRETE PAVEMENT TO BE REMOVED

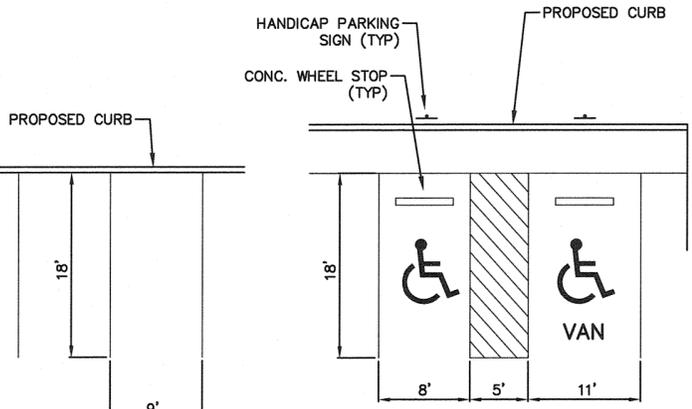


$\Delta = 027'12''11''$
 $L = 451.49'$
 $R = 950.94'$
 $CH = S66'13'25''W$
 $CL = 447.26'$

$\Delta = 009'29'52''$
 $L = 208.58'$
 $R = 1258.26'$
 $CH = N57'30'22''E$
 $CL = 208.34'$

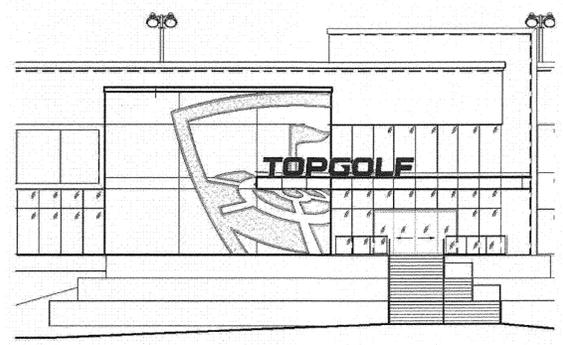
$\Delta = 002'37'18''$
 $L = 61.83'$
 $R = 1351.20'$
 $CH = N51'49'49''E$
 $CL = 61.82'$

812 Sq Ft AGGREGATE AREA
1,658 Sq Ft MAXIMUM OVERALL ATTACHED SIGN



TYPICAL PARKING STALL
N.T.S.

HANDICAP PARKING STALLS
N.T.S.



1c Letter & Canopy-(Enlargement Front Entrance)
N.T.S.

- NOTES:**
- ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED
 - DUMPSTER ENCLOSURES SHALL BE 16' WIDE AND 7' DEEP.
 - DUMPSTER ENCLOSURES SHALL BE WOODEN RAINSCREEN ENCLOSURES.
 - LOCATION OF RETAINING WALLS ARE SCHEMATIC.
 - AIR CONDITIONING UNITS SHALL BE ON THE ROOF OF THE BUILDING.
 - SITE PLAN SHALL COMPLY WITH THE LANDSCAPING, URBAN FORESTRY AND SIGNAGE REQUIREMENTS (EXCEPT ATTACHED SIGNAGE)
 - PROPOSED MONUMENT SIGN DIMENSIONS - 13'-4" LENGTH, 9'-5 1/2" TALL, 2'-6 3/4" WIDE.

SITE DATA SUMMARY TABLE	
Land Area	744,736 s.f. (17.0968 Acres)
Zoning	PD/F - General Commercial
Land Use	Recreational Driving Range
Building (Gross Floor Area)	64,232 s.f.
Building Stories	3
Building Height	54'-4"
Building Exterior Construction (Materials)	Metal Stud Sheathing With EIFS & Stone
Offstreet Parking	Handicap = 9 Regular = 416 Total = 425

Director of Planning & Development _____ Date _____

TOP GOLF FORT WORTH
CITY OF FORT WORTH
TARRANT COUNTY, TEXAS

LOT 1R, 2 & 3, BLOCK 1
TRINITY BEND ADDITION
28.37 ACRES IN THE JOHN LITTLE SURVEY; ABSTRACT No. 958
B.F. CROWLEY SURVEY; ABSTRACT No. 307

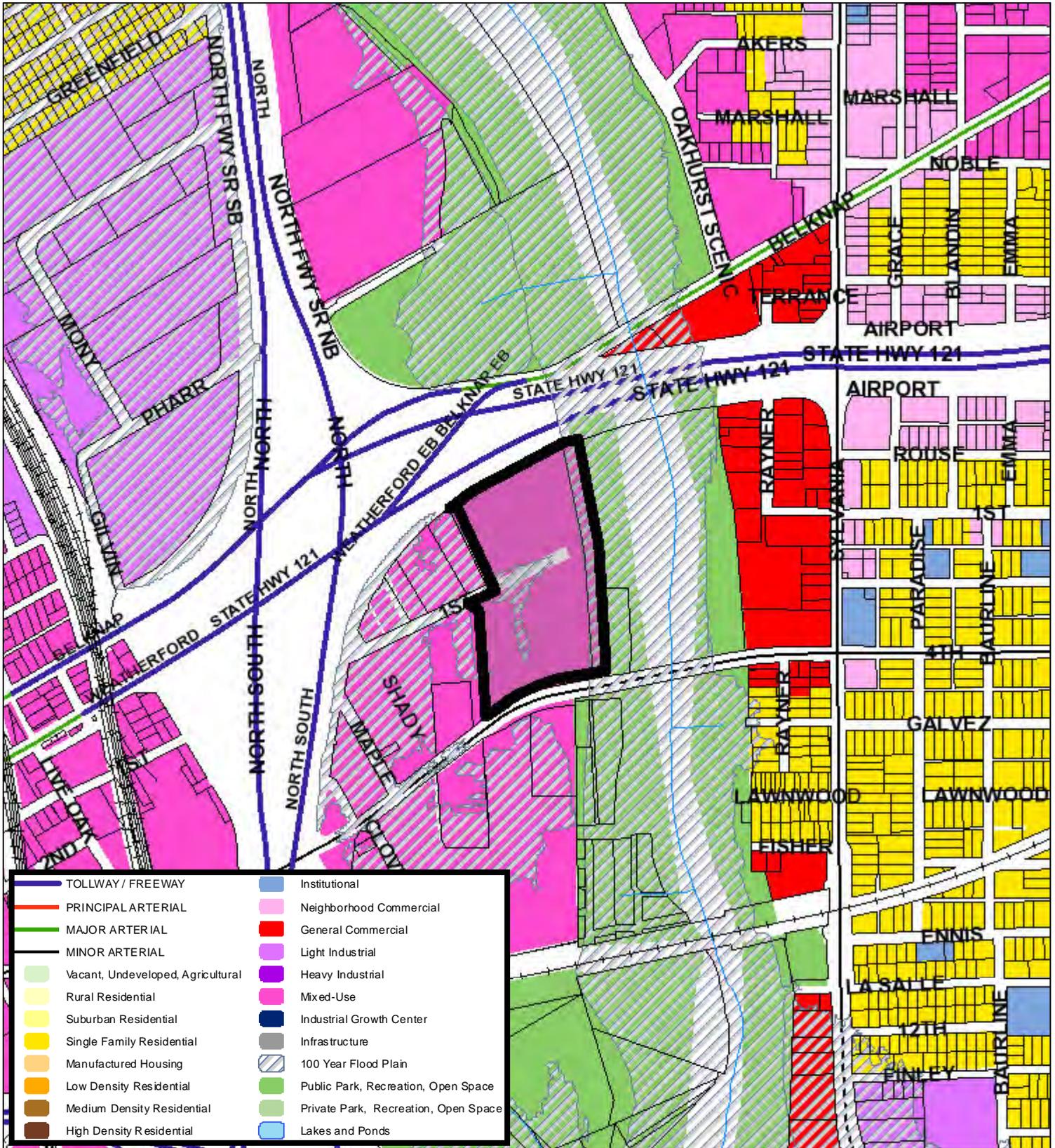
ZONING CASE No. ZC-15-133

Owner / Developer Top Golf 8750 North Central Expressway, Suite 1200 Dallas, Texas 75231 (703)798-0729 Contact: Kevin Miner	Architect Aria Group Architects 380 North Boulevard Oak Park, Illinois, 60307 (708)445-8400 Contact: Damian Satola	Engineer / Surveyor Brockette/Davis/Drake, Inc. Texas Registered Engineering Firm F-841 4144 North Central Expressway, Suite 1100 Dallas, Texas 75204 (214)824-3647 Contact: Jim Riley, P.E.
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Scale: 1"=80 Date: 10/01/15 Job No. C14119

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Future Land Use



690 345 0 690 Feet

A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 213.005.) Land use designations were approved by City Council on March 17, 2015.



Aerial Photo Map



0 435 870 1,740 Feet



a detached accessory structure with living area (man cave) and second two car garage. There is also a social area located between the two structures and room for a swimming pool. Mr. Chaffins said the reason for the waivers is they need at least 50% coverage for the man cave. They are targeting the older generation, age restricted, and it will be a gated community. They would like to have the front setback line at 20 ft. in order to accommodate the courtyard but no garages will face the street at the 20 ft setback. The rear yard is requested to be at 5 ft.

Mr. Edmonds asked if it would be a gated community and will there be a private street. Mr. Chaffins said yes to both questions.

Mr. Northern asked what type of exterior materials will be on the accessory structure and how far will it setback from the street. Mr. Chaffins said brick and stone and that they are requesting a 20 ft. setback from the street.

Mr. Flores asked how many stories it will be. Mr. Chaffins said one story. Mr. Flores asked about the lot coverage and what is the size limit. Ms. Burghdoff explained there is lot coverage for any structure and the size limit is for non-habitable structures only.

Ms. Dunn asked if there will be windows on the east side. Mr. Chaffins said you can get more privacy by having side yards than back yards. He explained their HOA stipulations and side yard landscape maintenance agreements to the Commissioners

Mr. Edmonds asked where will the guests park and if the street will be wide enough for emergency vehicles. Ms. Burghdoff said 50 ft. will accommodate parking on the street and emergency vehicles, to be approved by TPW as part of the plat.

Motion: Following brief discussion, Mr. Northern recommended Approval of the request as Amended for the architecture to match the exterior of the main structure, seconded by Ms. McDougall. The motion carried unanimously 8-0.

<i>Document received for written correspondence</i>					<i>ZC-15-132</i>
Name	Address	In/Out 300 ft notification area	Position on case		Summary
Harminder Dhaliwal/ Tree House Family LLP	11751 Alta Vista	In	Opposition		Sent letter in
Russell Fuller/ North Fort Worth Alliance	NA	Out		Support	Sent letter in

8. ZC-15-133 Chesapeake Land Development Company LLC (CD 8) 2001 E. 4th Street (Chamberlain Arlington Heights 1st Addition, Block 6, Lots 1-6; Block 68, Lots 21-26 and Block 69, Lots 10-20, 2.97 Acres): from PD310 “PD/SU” Planned Development/Specific Use for multifamily and commercial use subject to 37 acres multifamily residential at a density of 30-36 units per acre, 7 acres of multifamily residential at a density of 30-50 units per acre, and 12.5 acres of retail, restaurant and commercial; site plan required to PD/F

Planned Development for all uses in “F” General Commercial plus net poles up to 170 ft. in height; site plan included

Ray Oujesky, 201 Main Street, Suite 2500, Fort Worth, Texas representing Chesapeake Land Development Company on behalf of TopGolf explained to the Commissioners they want to develop the property for a TopGolf facility similar to the one in The Colony. The concept will be a three story building with the rear area populated with customers overlooking and hitting golf balls into the outfield. The lighting for the facility is actually located on the backside of the building and no lighting structures will be in the outfield where the balls are hit. Mr. Oujesky displayed some pictures of what the inside would look like as well as the outside hitting area.

One of the waivers being requested is for the net poles to be approximately 170 ft. in height. The front façade contains a large logo sign that will also require a waiver. Mr. Oujesky also displayed a rendering of the monument sign that will require a waiver to the height. Mr. Oujesky also explained the existing overhead power lines on East 1st St. has been abandoned and will be relocated along East 4th St. He did say they gave a tour at The Colony facility and invited a couple of the neighborhood representatives.

Mr. Flores mentioned two letters were received from Scenic Bluff and East Fort Worth Business Association but did not receive anything from United Riverside. Mr. Flores asked if he received anything from United Riverside and Mr. Oujesky said no, not anything in writing.

Ms. Conlin asked if any of the neighborhoods he talked to had concerns about noise. Mr. Oujesky said yes they were concerned that outdoor live music may be a problem to the neighborhood. Mr. Oujesky said if the Commission feels this could be a problem, TopGolf would limit the outdoor music to midnight on Friday and Saturday night, and during the week cutoff would be 10 p.m.

Ted Mellbrin, 390 E. Oakenwall, Dallas, Texas with TopGolf also stated they would agree to limit live outdoor music.

Ms. McDougall asked if the live music consisted of bands, and what is played after the live music is cut-off. Mr. Mellbrin said yes, they have a third story roof terrace reserved for live DJ's and music and they have recorded amplified music in all the bays and throughout the remainder of the facility. The typical decibel level generated is about 65 dbl. Ms. McDougall also asked if the sign is on all the time. Mr. Mellbrin said it is an LED logo sign that comes on after dark and goes off when they close at 2 a.m.

Mr. Flores asked for them to hold an event like this would they have to get an outdoor event permit. Ms. Ramos said the outdoor event permit would not apply and mentioned there is a noise ordinance in place for commercial districts that limit the decibel levels at certain times: 7a.m.-10 p.m. it is 80 dbl, and 10 p.m. to the following morning it is 70 dbl.

Mr. Genua asked about the driving range and about the balls going above the fence and onto SH 121. Mr. Mellbrin said they did testing on this and did a proprietary trajectory and the proposed net at 170 ft. will contain the balls. If balls go over, they are tagged with the customer's name and the customer will not be able to play at the facility if it continues. The other item of concern

was lighting. He mentioned they have a lighting package and added louvers over the netting poles.

Motion: Following brief discussion, Ms. Conlin recommended Approval of the request, seconded by Mr. Cockrell. The motion carried unanimously 8-0.

<i>Document received for written correspondence</i>					ZC-15-133
Name	Address	In/Out 300 ft notification area	Position on case		Summary
Belinda Norris/ Scenic Bluff	NA	Out		Support	Sent letter in
East Fort Worth Business Assoc.	NA	Out		Support	Sent letter in

9. SP-15-012 LVG Investments LLC (CD 7) – 5306-5336 White Settlement Road and 127 Roberts Cutoff (NH Carroll Survey, Abstract No. 264, 13.56 Acres): from PD724 ‘PD/MU-1’ Planned Development/Low Intensity Mixed Use plus bars, farmers market, and mobile vendors with development standards; site plan required to Amend site plan for PD724 to reconfigure buildings and parking and to include amphitheater site

Richard Smith, 9523 Hillview Drive, Dallas, Texas with LVG Investments LLC explained to the Commissioners the request to amend the previous site plan will include the amphitheater and reconfigure some of the buildings to reduce overall square footage, increase the multifamily building to include more units and rearrange the parking areas.

Mr. Northern asked about the waivers and to identify where the tuck-in garages are located. Mr. Smith indicated on the site plan the setbacks in relation to buildings and wanting to save as many trees as they can. The riverbank will be where they hold festivals.

Mr. Flores asked about the construction of the garage doors and how they will be converted to commercial use. Mr. Smith said they will have some type of opaque covering on them and at some point when they have enough demand they can be converted to retail spaces and can be changed out if they did not want the overhead garage.

Motion: Following brief discussion, Mr. Northern recommended Approval of the request, seconded by Mr. Flores. The motion carried 7-0 with Mr. Genua abstaining.

<i>Document received for written correspondence</i>					SP-15-012
Name	Address	In/Out 300 ft notification area	Position on case		Summary
Fort Growth Partners, LP	NA	Out		Support	Sent letter in