



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
September 16, 2014

Council District 9

Zoning Commission Recommendation: Approval by a vote of 7-0-1 Opposition: Three people spoke. Written received from Charleston HOA Support: One person spoke. Written received from Scenic Bluff NA, East Fort Worth Business Assoc., Riverside Arts District, United Riverside NA, Oakhurst Alliance of Neighbors, Oakhurst NA (requested continuance), Oakhurst Redevelopment, 10 letters submitted	Continued	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	Case Manager	<u>Stephen Murray</u>
	Surplus	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Council Initiated	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Owner / Applicant: Legacy Capital Investment, Gibson Lewis & Jennifer Dennis

Site Location: Generally portions of the 2300-2400 blks of McLemore, Race, Akers, Marshall, Gillis, & Belknap Mapsco: 63Q, U

Proposed Use: Multifamily Residential and Mixed-Use

Request: From: "A-5" One-Family, "B" Two-Family, "C" Medium Density Multifamily, "I" Light Industrial, "J" Medium Industrial

To: "UR" Urban Residential, "MU-1" Low Intensity Mixed-Use, "MU-2" High Intensity Mixed-Use

Land Use Compatibility: Requested change is compatible (Tracts 1, 2, and 5); is not compatible (Tracts 3 and 4).

Comprehensive Plan Consistency: Requested change is consistent (Tracts 2 and 5); is not consistent Significant Deviation (Tracts 1, 3, and 4)

Background:

The case was continued at the September 9th meeting for one week in order for the applicant to meet with the neighborhood.

The proposed site is located near Belknap Street and Oakhurst Scenic Drive. The applicant is proposing to rezone 14.48 acres including 5 tracts with four separate ownerships from "AG" Agricultural to A-5" One-Family and "C" Medium Density Multifamily to "UR" Urban Residential, "MU-1" Low Intensity Mixed-Use, "MU-2" High Intensity Mixed-Use.

Legacy Capital has all of the property under contract and will be the primary developer. Over half of the property is zoned industrial, so the rezonings to UR and MU-1 are downzoning the property by removing higher intensity industrial uses. MU-2 allows some light industrial uses as part of the mixed use and would

allow a beer garden which may be proposed in the southern sections. MU-2 will accommodate the bar use. The majority of the existing residential property is zoned “B” Two-family/duplex, plus one lot of “A-5” and four small lots of “C” multi-family.

1. The northern tract between Race Street and McLemore is currently vacant and is proposed for “UR”.
2. The tract to the south of Race Street is proposed for “MU-1”.
3. The middle tract south of Akers Avenue is vacant. There are also two platted lots included in this tract. This area is proposed for “MU-2”.
4. The lots fronting on Gillis includes the smallest tract. These are six 25’ wide lots which are proposed for “MU-2”.
5. The northeast corner of Oakhurst Scenic Drive and East Belknap includes the Smoke Pit Bar-BQ restaurant, a tamale stand, and some automotive service businesses and is proposed for “MU-2”.

The proposal also includes increased height and density toward the southern end of the development. The table below provides the maximum height for each proposed zoning district.

Zoning Category	Building Heights With Single Use	Maximum Building Height With Mixed Uses
UR	Minimum two (2) stories consisting of a minimum of 17 ft.; 35 ft. maximum	NA
MU-1	Minimum one (1) story consisting of a minimum of 18 ft.; 45 ft. or 3 stories maximum	60 ft. or 5 stories
MU-2	Minimum two (2) stories consisting of a minimum of 18 ft.; 60 ft. or 5 stories maximum	120 ft. or 10 stories

The surrounding area is bounded by the Trinity River and Riverside Park to the west and is in close proximity to Sylvania Avenue and the Six Points Urban Village. The proposed development has the opportunity to act as a gateway into downtown, due to its proximity to the river and direct access to downtown via Belknap Street and the trails. Two Fort Worth Transportation bus routes (11 and 14) also serve the neighborhood. Urban Residential and Mixed-Use zoning are designed to:

- Promote a pedestrian-oriented urban form. Mixed-use development standards and guidelines focus on promoting a walkable, urban form of development, consistent with the surrounding areas historic urban character. The focus on form promotes buildings that conform to tested urban design principles.
- Require excellence in the design of the public realm and of buildings that front public spaces. Encourage creativity, architectural diversity, and exceptional design. Mixed-use is intended to promote high quality design, and the development review process for mixed-use projects is intended to promote flexibility.
- Promote sustainable development that minimizes negative impacts on natural resources. Creating a walkable, higher density residential district surrounding mixed-use districts supports sustainable development by providing an alternative to low density development in peripheral areas.

The proposed site is located west of The Six Points Urban Village, which contains a Master Plan document that sets out short and long-term visions for the area. The document also mentions the surrounding area and proposed site within the document. The Master Plan calls for Urban Residential along Oakhurst Scenic Drive to act as a buffer to more intense commercial and mix of uses. The following excerpt from the Master Plan describes the intent for the proposed site and surrounding area.

“While the policy tool of mixed-use zoning is ideal for the creation of dynamic urban villages, closer attention needs to be paid to surrounding zoning and uses, especially the transition to adjoining neighborhoods. Another concern regarding mixed-use zoning in urban village core areas is the overabundance of retail and office within the greater urban village boundary, thus diluting the strength and viability of the core urban village mixed-use district. A new classification (urban residential-UR) should be designated to accomplish the goals of higher residential densities while limiting the amount of nonresidential uses to only the core areas of the urban village” (pg. 13 Six Points Urban Village Master Plan).

A traffic study has been completed which includes traffic projections for the area. It has been provided to TPW staff but not yet been reviewed. No streets are proposed to be closed which will maintain the circulation and access. The consultant expects the multiple access points to spread the impact to Belknap and Sylvania and not just to Oakhurst Scenic Drive.

The consultant for the applicant has held a number of preliminary meetings and conversations prior to submitting the zoning case. This includes two meetings with the Scenic Bluff NA, two meetings with Oakhurst NA, one meeting with the Charleston HOA, one meeting with Oakhurst Alliance, one meeting with Embrace Race Street, and a planned meeting with the Riverside Alliance. The Charleston HOA was more concerned about increased density on the property to the north where there are existing duplexes. There were also three preliminary meetings with the former councilmember and the new councilmember is aware of the case and attended one of the Oakhurst meetings. The consultant indicates that the neighborhood organizations have been supportive of the zoning that increases in density as it approaches Belknap St.

Site Information:

Owner: Various (See list on application)
 Acreage: 14.48 acres
 Agent: Barry Hudson
 Comprehensive Plan Sector: Northeast

Surrounding Zoning and Land Uses:

North “B” Two-Family; “A-5” One-Family / single-family, duplex
 East “A-5” One-Family; “B” Two-Family; “I” Light Industrial / single-family
 South “J” Medium Industrial / industrial, automotive
 West “O-1” Flood Plain / Riverside Park, Trinity River

Recent Relevant Zoning and Platting History:

Zoning History: None
Platting History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Oakhurst Scenic Dr.	Collector	Collector	No
Race Street	Residential	Residential	No
McLemore Ave.	Residential	Residential	No
Akers Ave	Residential	Residential	No
Marshall Ave.	Residential	Residential	No
Juanita Street	Residential	Residential	No
Gillis St.	Residential	Residential	No
Belknap St	Major Arterial	Major Arterial	No

Public Notification:

The following Organizations were notified:

Organizations Notified	
United Riverside	United Riverside Rebuilding Corporation Inc.
Scenic Bluff*	Eastside Sector Alliance
Charleston Homeowners Association	Oakhurst Scenic Drive Inc
Riverside Alliance	Riverside Business Alliance
Streams & Valleys, Inc. (West Fork Trinity River)	Fort Worth ISD
East Fort Worth Business Assn	

*Located within this organization's boundary

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing to rezone portions of a property to “UR” Urban Residential, “MU-1” Low Intensity Mixed-Use, “MU-2” High Intensity Mixed-Use. The surrounding land uses vary with single-family and duplex to the north and east, industrial and automotive uses to the south, and Riverside Park and the Trinity River to the west. The applicant intends to develop roughly 14.48 acres of single-family, commercial, and industrial land to Urban Residential and Mixed-Use zoning. The overall tract encompasses a wide area with various land uses. As a result, the table below described compatibility with surrounding uses.

The majority of the site is compatible with surrounding land uses. The Urban Residential and Low Intensity Mixed Use are designed to buffer single-family zoning from more strenuous uses. However, Tracts 3 and 4 would encroach into single-family platted lots that are not contiguous. The intensity of the proposed MU-2 zoning district is not compatible with surrounding residential uses.

Tract	Proposed Zoning	Surrounding Land Uses	Compatibility
Tract 1	UR	Primarily Single-family	Yes
Tract 2	MU-1	Primarily Single-family	Yes
Tract 3	MU-2	Single-family, vacant	No
Tract 4	MU-2	Single-family, vacant	No
Tract 5	MU-2	Industrial, commercial	Yes

2. Comprehensive Plan Consistency

The 2014 Comprehensive Plan designates the subject property as single-family, light industrial and general commercial. The overall tract encompasses a wide area with various future land use designations. As a result, the table below described consistencies with the Comprehensive Plan.

Tract	Proposed Zoning	Future Land Use	Compatibility
Tract 1	UR	Single-family	No-Significant Deviation
Tract 2	MU-1	Light Industrial	Yes
Tract 3	MU-2	Single-family	No-Significant Deviation
Tract 4	MU-2	Single-family	No-Significant Deviation
Tract 5	MU-2	General Commercial	Yes

However, a review of the Comprehensive Plan is necessary in this area. The proposed site is located in close proximity to the Six Points Urban Village and could provide related continuous development all the way to the Riverside Park, the Trinity River, and the Urban Village. Also,

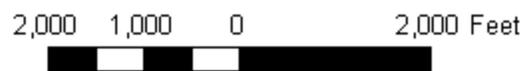
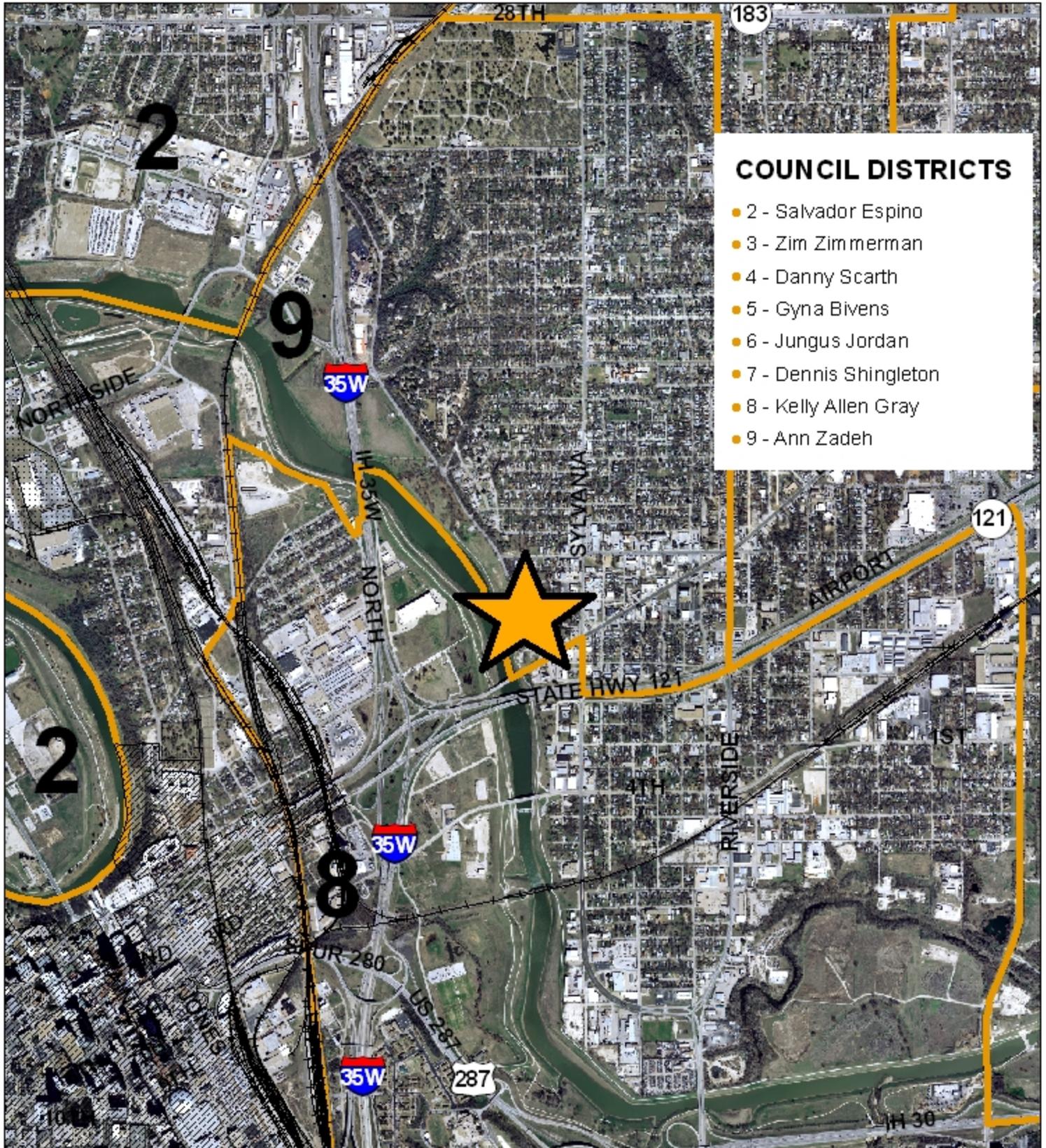
portions of the site are located at the corner of Belknap Street and Oakhurst Scenic Drive, which provide access to Downtown Fort Worth. This development could provide a buffer to from more strenuous uses on Belknap to the variety of nearby residential. The proposed zoning is consistent with the following Comprehensive Plan policies:

- Identify and designate on future land use maps mixed-use neighborhood centers and/or new mixed-use growth centers in rapidly developing areas, based on proximity to future rail transit and key transportation intersections. (pg. 39)
- Promote appropriate infill development of vacant lots, old commercial centers (greyfields), and contaminated sites (brownfields) within developed areas, particularly in the central city. (pg. 39)
- Protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, speculation, demolition, neglect, and other negative forces. (pg. 39)

Attachments:

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

Location Map

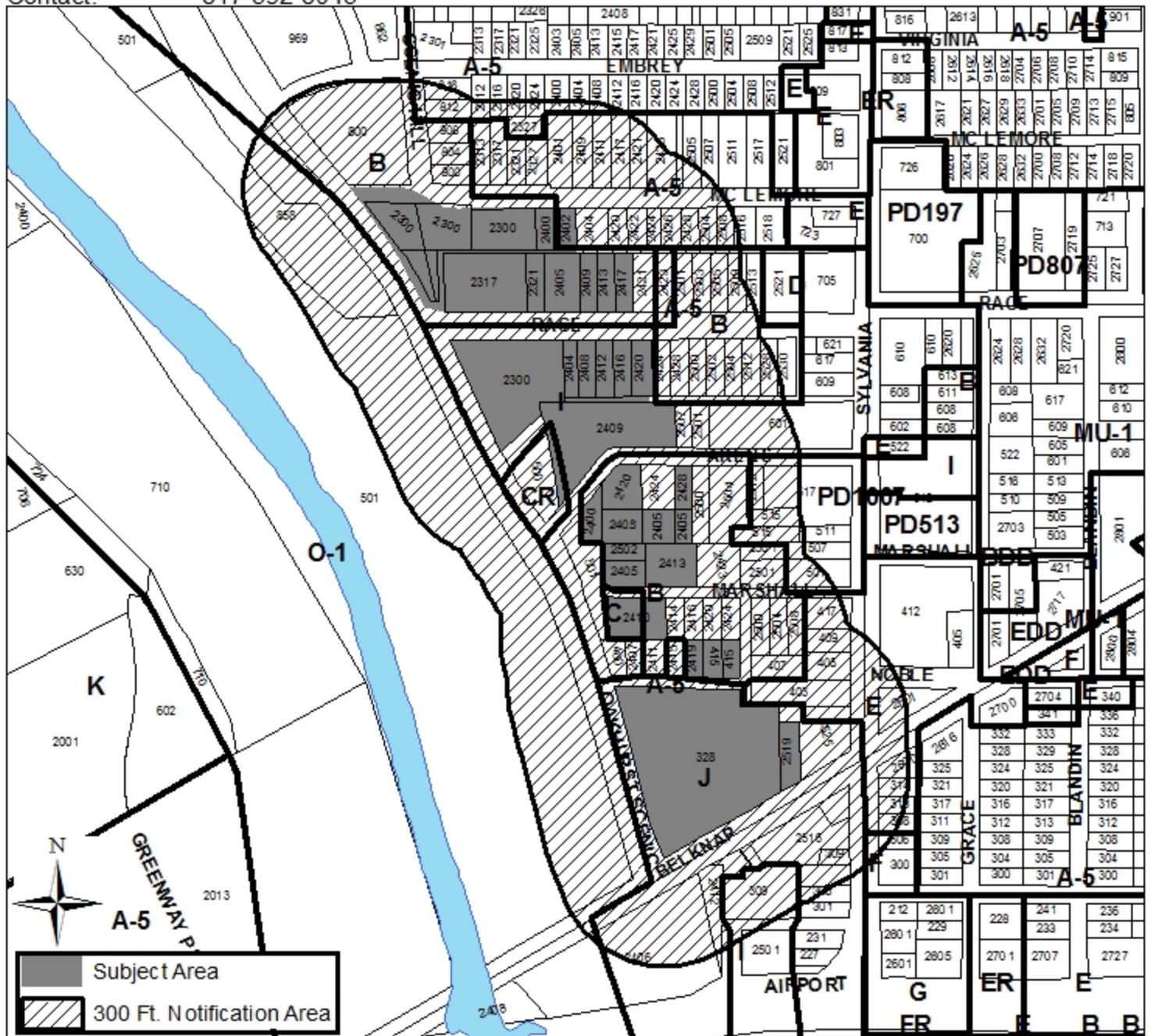


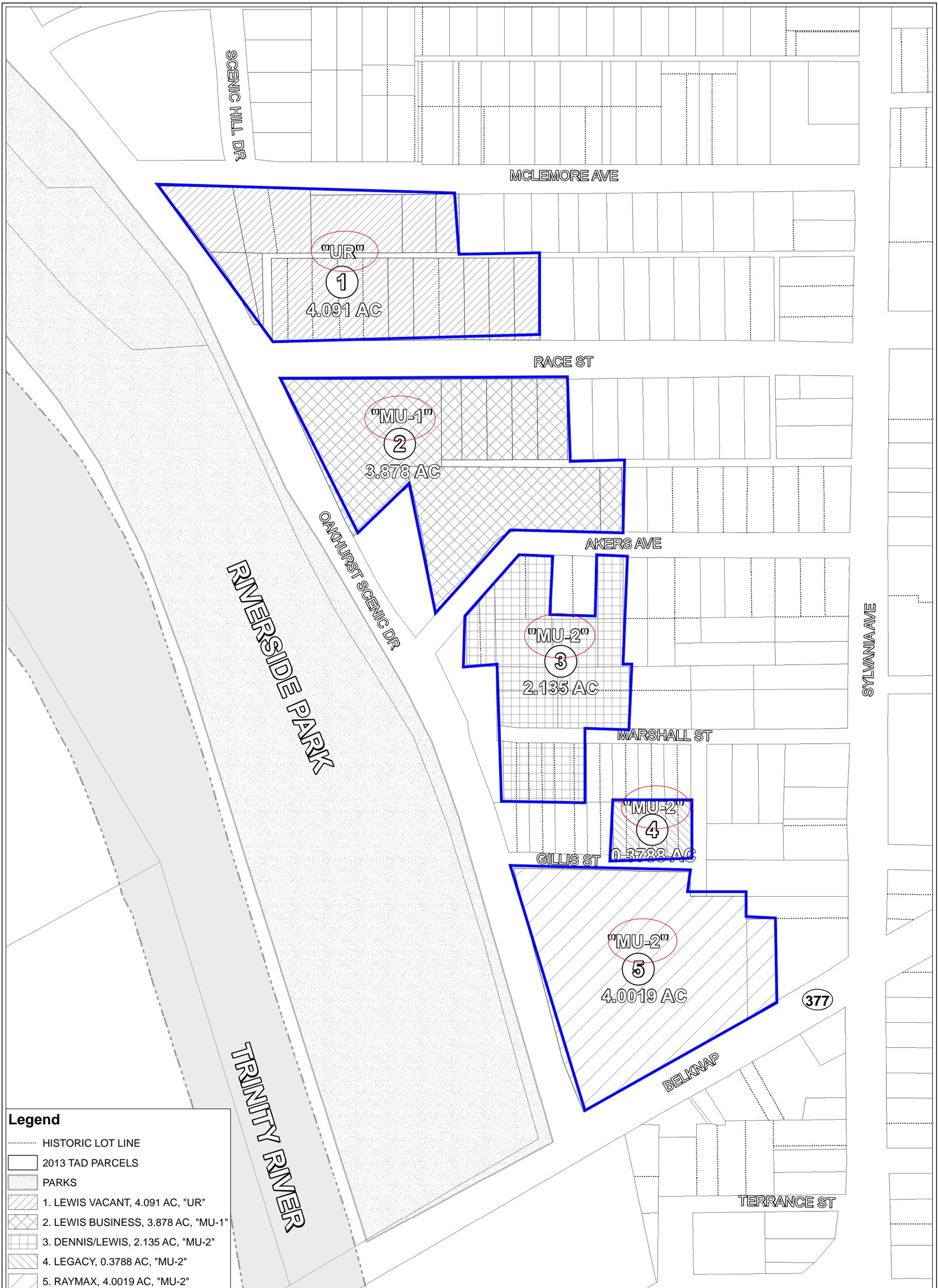


ZC-14-097

Area Zoning Map

Applicant: Gib Lewis, Jennifer Dennis, Legacy Capital
 Address: Generally portions of the 2300-2400 blks of McLemore, Race, Akers, Marshall, Gillis, & Belknap
 Zoning From: A-5, B, C, I, J
 Zoning To: UR, MU-1, MU-2
 Acres: 14.454724
 Mapsco: 63QU
 Sector/District: Northeast
 Commission Date: 8/13/2014
 Contact: 817-392-8043





TOTAL 14.4847 ACRES



ZC-14-097



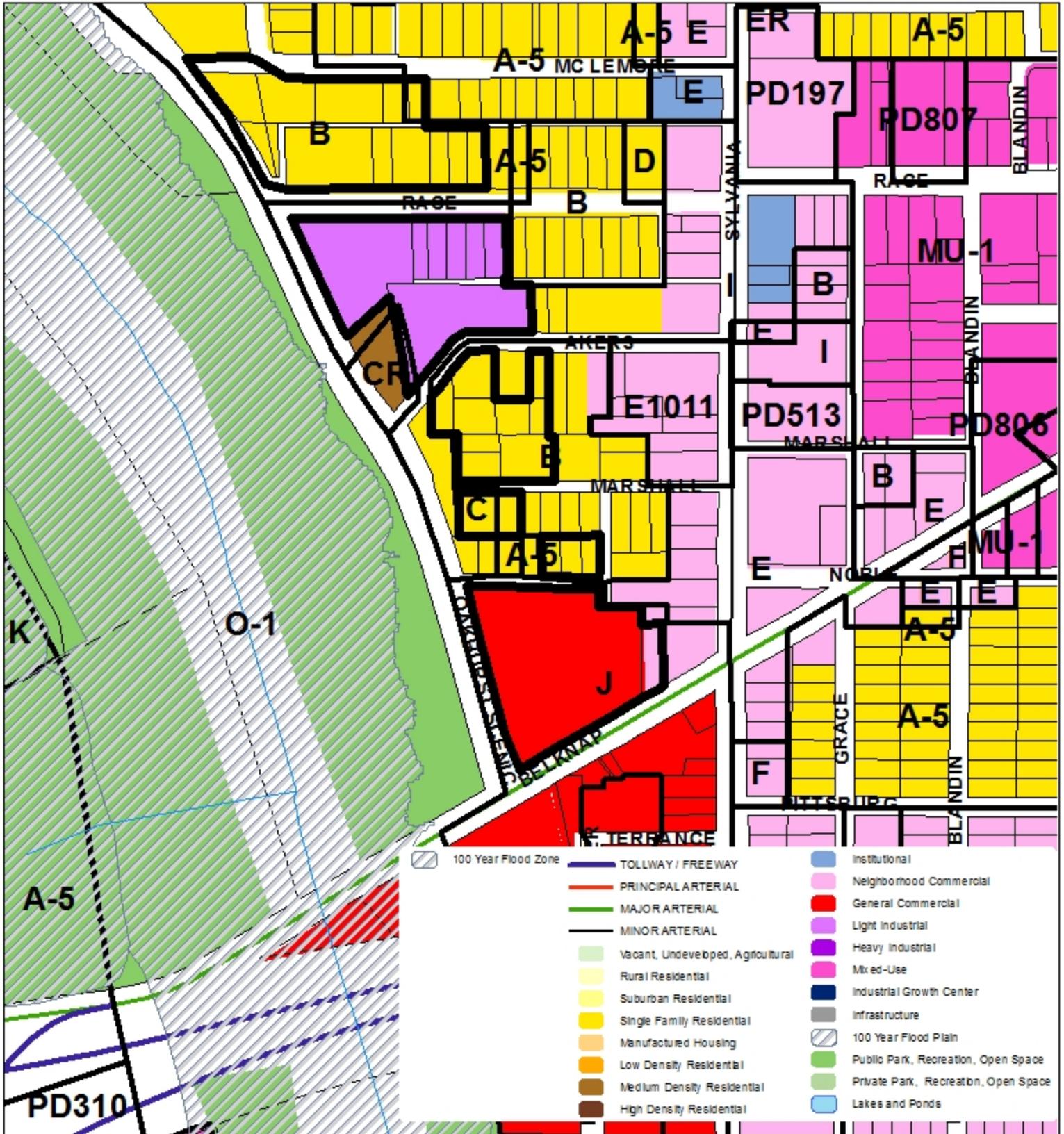
B000977

Tuesday, August 05, 2014



550 Bailey Avenue • Suite 400 • Fort Worth, Texas 76107
Tel: 817.335.1121 • Fax: 817.335.7437

Future Land Use

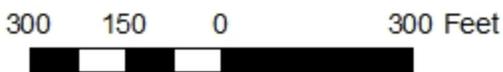
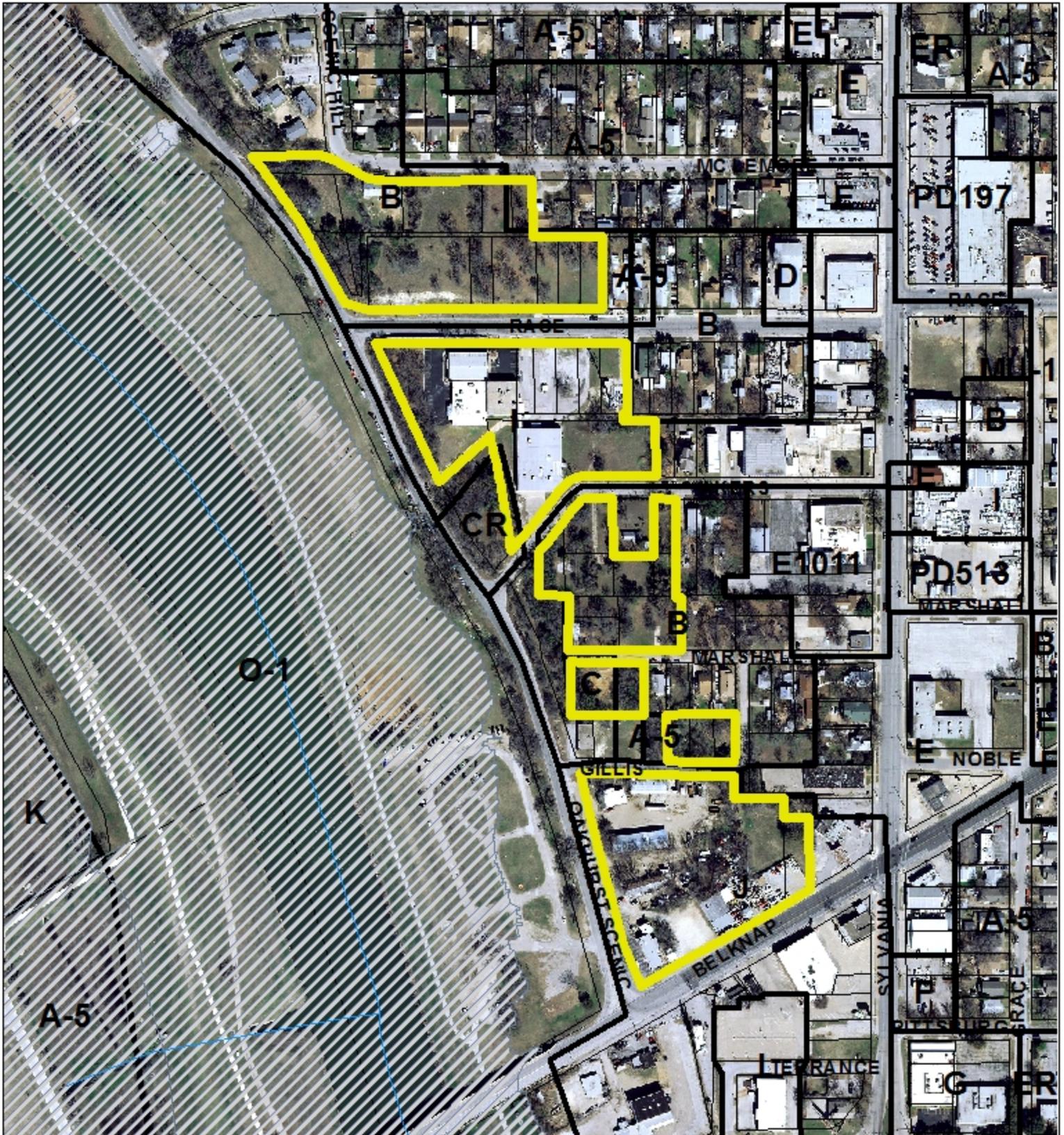


350 175 0 350 Feet

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 Photograph



 100 Year Flood Zone

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.



Mr. Flores asked if they have spoken with the neighborhood. Mr. Reue said he has not spoken with anyone neither has the applicant.

Phillip Poole, 2918 Wingate, Fort Worth, Texas spoke in opposition. Mr. Poole mentioned they did the actual PD for Taylor Rental and there were requirements in place for the screening fence with brick columns. Mr. Poole wants them to address the fencing along University so as to be in line with the rest of the business that has wrought iron fences with brick columns.

In rebuttal, Mr. Reue said he did speak with the applicant and they are not opposed to removing the chain link fence and extend the wrought iron fence with columns along University.

Ms. Reed asked if they could remove the driveway cuts. Mr. Reue said they would remove them.

Mr. Edmonds asked about the landscaping. Mr. Reue said they will have shrubs and four trees that will be in front of the wrought iron fence.

Motion: Following discussion, Ms. Reed recommended Approval as Amended of the request to require wrought iron fence with brick columns and remove two driveway cuts, seconded by Mr. Northern. The motion carried unanimously 8-0 with Mr. Hollis being absent.

<i>Document received for written correspondence</i>				<i>ZC-14-096</i>	
Name	Address	In/Out 300 notification area	ft	Position on case	
Phillip Poole	2918 Wingate	In		Opposition	Spoke at hearing

9. SP-14-007 Uplift Education (CD 8) – 3700 Mighty Mite Drive (Mason Heights, Block 1, Lot 3, 10.04 Acres): Amended site plan for PD-916 to expand school buildings

Brian Nelson, 350 N. St. Paul, Dallas, Texas representing Uplift Education explained to the Commissioners the reason for the site plan is to increase the building size to about 74,000 for the high school.

Ms. Conlin asked why they need a bigger sign than is allowed. Mr. Nelson said they don't need that big of a sign. Mr. Nelson said there is an existing monument sign they would like to keep.

Motion: Following brief discussion, Ms. Conlin recommended Approval as Amended the request and to Deny the sign waiver request, keeping the existing sign, seconded by Ms. Reed. The motion carried unanimously 8-0.

10. ZC-14-097 Legacy Capital Investment, Gibson D. Lewis, & Jennifer Dennis, et. al. (CD 9) – Generally portions of the 2300-2400 blocks of McLemore, Race, Akers, Marshall, Gillis and Belknap (John Little Survey, Abstract Nos. 958 & 959, Mrs. EA Self Addition, Lots 16-26 & 33-37, Gib Lewis Addition, Lot 1 & 2, McGinnis Tract, Lot A, 14.30 Acres): from “A-5” One-Family, “B” Two-Family, “C” Medium Density Multifamily, “I” Light Industrial,

and “J” Medium Industrial to “UR” Urban Residential, “MU-1” Low Intensity Mixed-Use, “MU-2” High Intensity Mixed-Use.

Tom Galbreath, 550 Bailey Avenue, Fort Worth, Texas representing Legacy Capital Investment explained to the Commissioners the request to change the zoning to UR and MU1 & MU-2. Mr. Galbreath said they have reached out to the community and understood they have support from Oakhurst and Scenic Bluff neighborhoods. Mr. Galbreath presented a power point outlining the various areas and what is proposed. Most of the property is undeveloped except for the corner of Belknap and Oakhurst Scenic. Mr. Galbreath said they submitted a traffic study. He showed a conceptual plan of what could be developed.

Ms. Reed asked about the slope, what is proposed, canopy coverage and parking. Mr. Galbreath said they really don't have anything planned for the slope area due to physical constraints. They could possibly have a connectivity trail that leads to the park. For the parking, it is envisioned to include surface parking for the UR and any structured parking will not be higher than the mixed-use development.

Mr. Flores asked about the traffic study. He questioned if any comments have been received by TPW staff and if it and the conceptual plan was shared with the neighborhoods. Mr. Galbreath said it was submitted early last week to the city and there are no comments yet. He said and they have shared the conceptual every time they had a meeting with neighbors. He said all the meetings have been very positive and are very understanding of the neighborhoods' concerns. The biggest concern is not knowing what is going to be built.

Mr. Edmonds asked what kind of density is anticipated for the UR zoning. Mr. Galbreath said Tract One may be 130 dwelling units.

Mr. West wanted to know of any transportation possibilities planned in this area and the type of UR proposed. Mr. Galbreath said there is potential for more transit and bus stops. He also said townhomes would be the less dense and likely include some manor homes, but they do not have a user identified at this time so it could be three stories.

Ms. Burghdoff mentioned the desire for the Urban Village is to connect this area with downtown.

Mr. Flores asked about the percentages of the zoning districts. Mr. Galbreath said the first tract UR is right at 4 acres, MU-1 is 3.8, about 50%, and the remainder would be MU-2.

Janice Michel, 2115 Primrose, Fort Worth, Texas Oakhurst Alliance of Neighbors, Neighborhood Redevelopment spoke in support. She mentioned at the two meetings she attended with the applicant there was great support from the neighborhood. Mr. West asked if she felt the proper meetings have been held with the neighborhood. Ms. Michel said yes and Mr. Galbreath was available and listened to everyone.

Laurie Zachery, 1112 Scotts Way, Fort Worth, Texas representing Charleston NA spoke in opposition. Ms. Zachery said they would like the case be continued so more detailed information can be shared. They would like to see the traffic study submitted and what improvements will be

made to Oakhurst Scenic. They are concerned about UR zoning being proposed for Tract 1 and would like to see the manor style house with surface parking.

Kathryn Omarkhall, 2055 W. Lotus Avenue, Fort Worth, Texas President for Oakhurst NA, spoke in opposition. She mentioned they are in support but want to protect the neighborhood and are requesting a continuance to have more talks with the developer. Their concerns are related to preserving the slope area of the bluff and more apartments coming into the Oakhurst Scenic area.

Russell Hicks, 2423 Marshall, Fort Worth, Texas spoke in opposition. He is in favor of the change but wants to know what is going up.

In rebuttal, Mr. Galbreath said they started working with the Charleston neighborhood in May with a lot of time for feedback. The traffic study is not reviewed yet and it is a requirement at platting and will be addressed. They want the form based code (MU) to control the development. He believes that between now and Council they can make some headway with neighborhoods that have concerns.

Mr. West asked where they are at with the form based code and their time frame. Mr. Galbreath said the form based code is the MU-1 and MU-2 districts.

Mr. Flores asked staff when the Six Point Urban Village was last updated. Ms. Burghdoff said the plan was adopted in late 2007. There have been no updates since there hasn't been a lot of activity. The intent was to expand the mixed-use zoning to the east and west and provide for more urban residential.

Motion: Following brief discussion, Ms. Reed recommended Approval of the request, seconded by Ms. Conlin. The motion carried 7-0-1 with Mr. Northern recusing.

Document received for written correspondence					ZC-14-097
Name	Address	In/Out 300 notification area	ft	Position on case	Summary
Janice Michel/ Oakhurst Alliance of Neighbors	2115 Primrose	Out		Support	Spoke at hearing
Laurie Zachery/ Charleston NA	1112 Scotts Way	In		Opposition	Spoke at hearing
Kathryn Omarkhall	2055 W Lotus	Out		Opposition	Spoke at hearing
Russell Hicks	2423 Marshall	In		Opposition	Spoke at hearing
CDP/retail property owners in area	NA	In		Support	Sent letter in
East Fort Worth Business Assoc	NA	Out		Support	Sent letter in
Belinda Norris/ Scenic Bluff NA	NA	Out		Support	Sent letter in
Debby Stein/ Riverside Arts District	NA	Out		Support	Sent letter in

Sarah Walker/ Riverside Community of Neighborhoods	2761 E. 1st	In		Support	Sent letter in
Steve Lovelace/ Oakhurst Redevelopment	1942 Marigold	Out		Support	Sent letter in
Sandra & James Wittenberg	2325 Lotus	In		Support	Sent letter in
Joseph Gille	2323 Lotus	In		Support	Sent letter in
Randy Lurielle	1505 Similax	Out		Support	Sent letter in
Claudia Wade	1956 Bluebird	Out		Support	Sent letter in
Jana Bravo	1955 Bluebird	Out		Support	Sent letter in
Keena Pace	1960 Bluebird	Out		Support	Sent letter in
Jarrell & Nancy Smotherman	1952 Bluebird	Out		Support	Sent letter in
Kristen Kopp	1804 Bluebonnet	Out		Support	Sent letter in
Julia Hyman	2519 Daisy	Out		Support	Sent letter in
Greg Reynold	2311 Daisy	Out		Support	Sent letter in
Wendy Vann Roach/Charleston NA	NA	Out	Opposition		Sent letter in

11. ZC-14-098 Texas Reverse Exchange Holding Company as Exchange Titleholders for James R Claunch (CD 2) – 1321 North Houston Street (North Fort Worth Addition, Block 77, Lot 13, 0.16 Acres): from “A-5” One-Family to “E” Neighborhood Commercial

Jocelyn Murphy explained to the Commissioners staff has requested a 30 day continuance.

Motion: Following brief discussion, Mr. Flores recommended a 30 day Continuance of the request, seconded by Ms. McDougall. The motion carried unanimously 8-0.

12. ZC-14-099 Maria Victorio (CD 9) – 1200 & 1212 W. Fuller Avenue (Hubbard Highlands, Block 31, Lots 11-14, 0.47 Acres): from “B” Two-Family and “CF” Community Facilities to “PD/E” Planned Development for all uses in “E” Neighborhood Commercial plus banquet/meeting hall with alcohol sales; site plan waiver requested.

Justin Light, 500 W. 7th. Street, Suite 600, Fort Worth, Texas representing Maria Victorio explained to the Commissioners this facility was operated as a lodge and they are requesting a PD for E uses plus banquet/meeting hall and to allow for alcohol sales. The intent is to run a family business with a banquet and reception hall for private functions. Mr. Light said there will be no fixed tables in the facility. He also noted Ms. Victorio has talked with Mr. Aguilar representative for Neighbors Working Together is was told they were in support. Two neighbors directly adjacent are in support as well.