



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
June 21, 2016

Council District 4

Zoning Commission Recommendation:
Denial by a vote of 2-7

Opposition: Several letters submitted
Support: Several letters submitted

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

Owner / Applicant: City of Fort Worth Planning and Development

Site Location: Generally bounded by Western Center, N. Beach, Fossil Creek, and the North Freeway (I-35W) Mapsco: 35YZ, 49CD

Proposed Use: Vacant land and private golf course

Request: From: "R1" Zero Lot Line/Cluster, "R2" Townhouse/Cluster, "D" High Density Multifamily "D-HR1" Multifamily High-rise, and "G" Intensive Commercial
To: "R2" Townhouse/Cluster

Land Use Compatibility: Requested change is compatible.

Comprehensive Plan Consistency: Requested change is consistent.

Background:

The property consists of vacant land and a private golf course, designated for low density residential in the 2016 Comprehensive Plan. This multifamily zoning district is located on the edge of a growth center and outside area designated for transit-oriented development where higher density is encouraged. Councilmember Moon mailed a letter to the affected property owners regarding the proposed zoning changes in November 2015.

A response from the agent representing the property owner located at 6032 Travertine Lane, currently zoned "D" High Density Multifamily indicated that the property was currently being planned for and developed as multifamily uses and therefore is in opposition to the zoning change. Approval of the request will require a supermajority vote for approval by the City Council.

The property was continued for one week from the June 14 meeting to confirm that the property owners of the golf course were in support of the zoning change.

Site Information:

Applicant: City of Fort Worth Planning & Development Dept.
1000 Throckmorton Street
Fort Worth, TX 76102

Owners: CF Fossil Creek Arcis LLC
1345 Avenue of the Americas 46

New York, NY 10105

Fossil Creek Dev. Partners, LLC
3424 Peachtree Road NE, Ste. 300
Atlanta, GA 30326-2818

Fossil Creek POA
1670 Keller Parkway, Ste. 110
Keller, Texas 76248

Acreage: 174.1 acres
Comprehensive Plan Sector: Far North

Surrounding Zoning and Land Uses:

- North "R1 & R2" Zero Lot Line & Townhouse/Cluster, "D" High Density Multifamily, and "G" Intensive Commercial / Single family, multifamily, and commercial uses
- East "A-5" One-Family, "D" High Density Multifamily, and "G" Intensive Commercial / Single family, multifamily, and commercial uses
- South "A-5" One-Family, "D" High Density Multifamily, and "G" Intensive Commercial / Single family, multifamily, and vacant land
- West "D" High Density Multifamily and "G" Intensive Commercial / Multifamily, commercial uses, and vacant land

Recent Relevant Zoning and Platting History:

Zoning History: ZC-14-176, southeast of subject site, from G to A-5, approved; and ZC-15-075, south of subject, from G to A-5 and E, approved.

Platting History: PP-05-092, Villages of Fossil Creek, Phase 2; PP-14-061, Fairways of Fossil Creek; and PP-15-047, Noah's at Fossil Creek.

Transportation/Access

<u>Street</u>	<u>Existing Size</u>	<u>Thoroughfare Plan classification</u>	<u>Current Plans/CIP</u>
N. Riverside Drive	4 lanes divided	Major Arterial	none
Sandshell Drive	4 lanes undivided	Minor Arterial	none
Western Center Blvd.	6 lanes divided	Principal Arterial	none

Public Notification:

The following Neighborhood Associations were notified:

- Fossil Park HOA
- Fairway Bend HOA
- Northbrook NA
- Stoneglen At Fossil Creek HOA
- Eagle Mountain-Saginaw ISD
- Keller ISD
- Summerfields NA
- Trinity Habitat for Humanity
- Streams & Valleys, Inc
- Birdville ISD

Development Impact Analysis:

1. **Land Use Compatibility**

This council-initiated zoning change request aligns the future land use designation and zoning district. Based on the zoning classification that is appropriate for the vacant land and golf course, the proposed zoning to "R2" Townhouse/Cluster **is compatible** with the neighborhood.

2. **Comprehensive Plan Consistency**

The 2016 Comprehensive Plan designates the site as Low Density Residential. The proposed zoning conforms to the following Comprehensive Plan policies:

- Preserve and protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, demolition, neglect, and other negative forces. (pg. 38)
- Encourage development type and intensity appropriate to existing or planned street infrastructure. (pg. 38)

Based on conformance with the future land use map and policies stated above, the proposed zoning **is consistent** with the 2016 Comprehensive Plan.

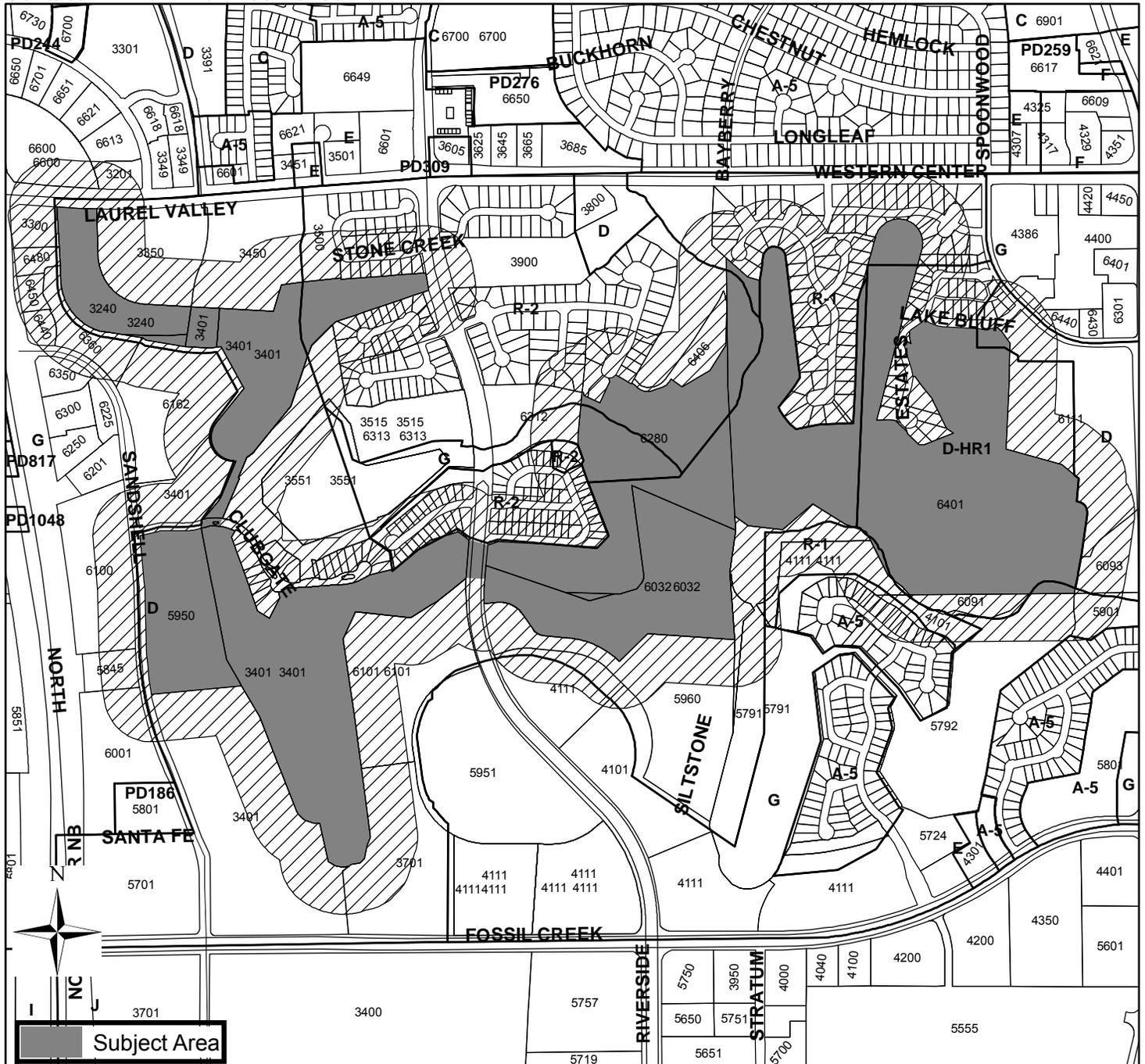
Attachments:

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

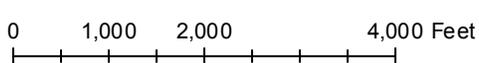
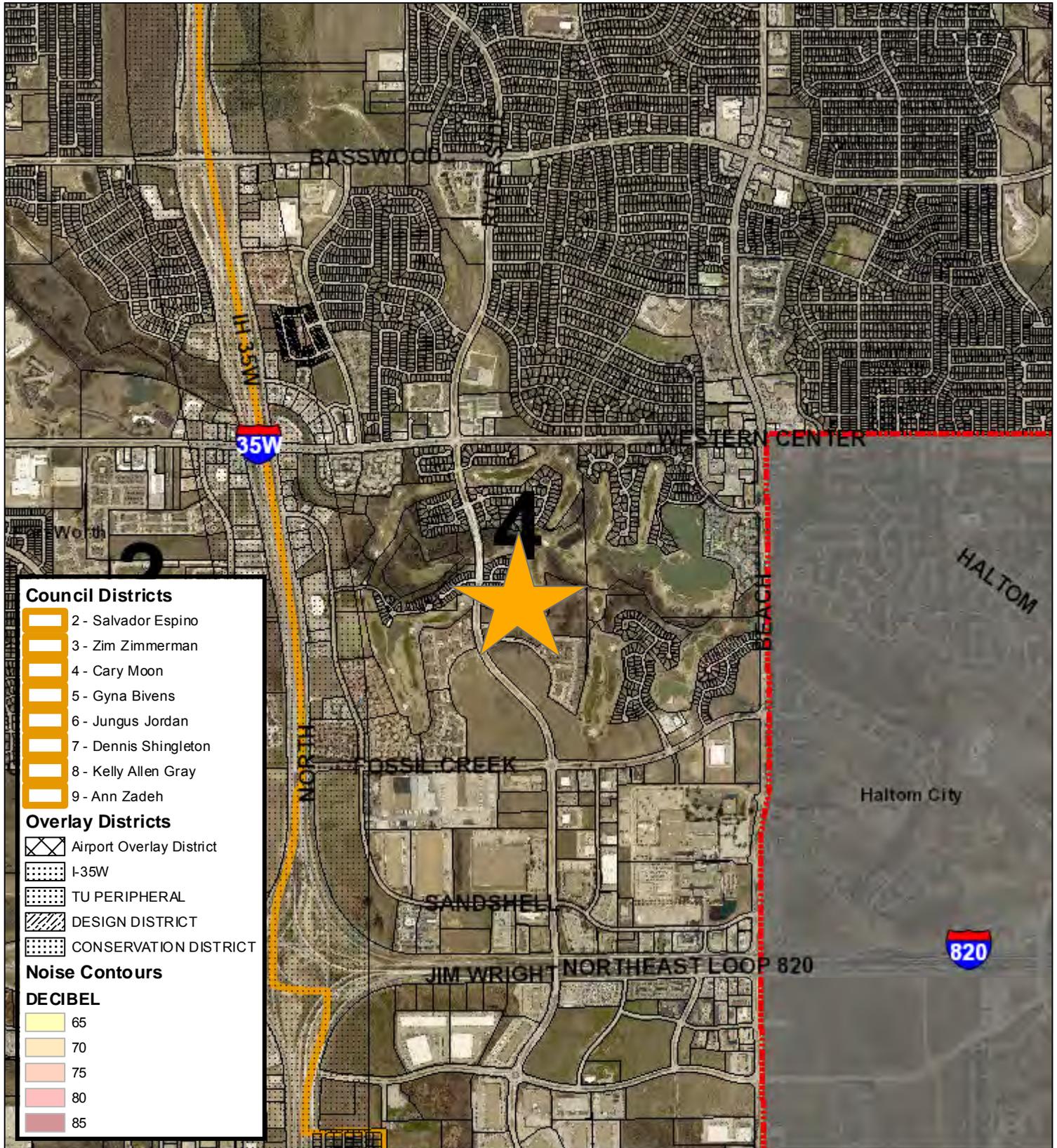


Area Zoning Map

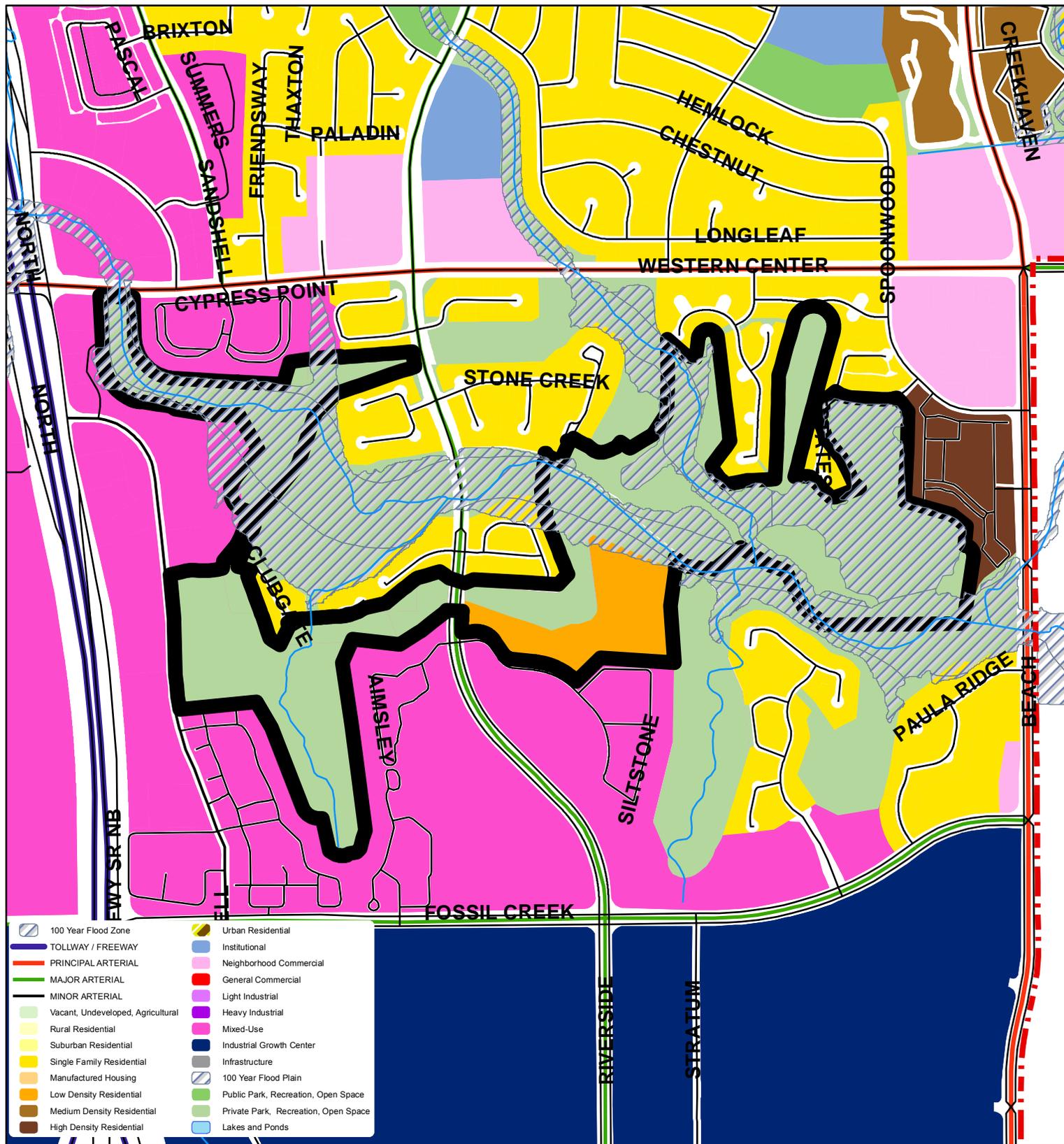
Applicant: City of Fort Worth Planning and Development
Address: Generally bounded by Western Center, N. Beach, Fossil Creek, and the North Freeway (I-35W)
Zoning From: R1, R2, D, D-HR1, G
Zoning To: R2
Acres: 174.102537
Mapsc0: 35YZ, 49CD
Commission Date: 05/11/2016
Sector/District: Far North
Contact: 817-392-8190



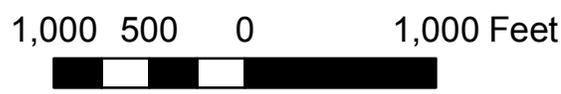
Area Map



Future Land Use



	100 Year Flood Zone		Urban Residential
	TOLLWAY / FREEWAY		Institutional
	PRINCIPAL ARTERIAL		Neighborhood Commercial
	MAJOR ARTERIAL		General Commercial
	MINOR ARTERIAL		Light Industrial
	Vacant, Undeveloped, Agricultural		Heavy Industrial
	Rural Residential		Mixed-Use
	Suburban Residential		Industrial Growth Center
	Single Family Residential		Infrastructure
	Manufactured Housing		100 Year Flood Plain
	Low Density Residential		Public Park, Recreation, Open Space
	Medium Density Residential		Private Park, Recreation, Open Space
	High Density Residential		Lakes and Ponds



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 29, 2016.



Claitita Porter/ Woodhaven NA	NA	Out		Support	Sent letter in
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17. ZC-16-101 City of Fort Worth Planning & Development (CD 4) – Generally bounded by Western Center, N. Beach, Fossil Creek, and the North Freeway (see addresses in case file, 174.10 Acres): from “R1” Zero Lot Line/Cluster, “R2” Townhouse/Cluster, “D” High Density Multifamily, “D-HR1” Multifamily High-rise, and “G” Intensive Commercial to “R2” Townhouse/Cluster

Ms. Murphy called the case.

Justin Light, 500 W. 7th Street, Suite 600, Fort Worth, Texas spoke in opposition. Mr. Light is representing Fossil Creek Development Partners explained to the Commissioners his client owns the parcel zoned “D” in which they have submitted plans to the City for development. Mr. Light said this will be a nice upscale apartment community.

Mr. Edmonds asked about the single-family he pointed out. Mr. Light said the golf course provides a buffer.

Ms. Burghdoff mentioned a recent zoning case just to the south that changed from “G” to “A-5”. She also asked Mr. Light if there had been a Pre-Development meeting for the multifamily development. Mr. Light said yes and the downzoning would affect issues in the future such as funding, improvements, insurance, etc.

Mr. Edmonds stated he does have a vested interest and can proceed with building the apartments. Mr. Light said that is correct but if something happened to the property they would not be able to rebuild. Mr. Edmonds asked staff to explain legal non-conforming. Ms. Burghdoff said the percentage of destruction is more than 75% of the value. Mr. Edmonds went on to mention the Councilmember and the neighborhood associations have all met and want some assurance if the golf course discontinues its use. Mr. Light said his client’s property is not within the golf course.

Motion: Following brief discussion, Mr. Edmonds recommended Approval of the request, seconded by Ms. Conlin. The motion failed 2-7 with Mr. Genua, Mr. Flores, Mr. Cockrell, Ms. McDougall, Ms. Runnels, Mr. Northern and Ms. Dunn against.

<i>Document received for written correspondence</i>					ZC-16-101
Name	Address	In/Out 300 notification area	Position on case		Summary
Justin Light representing a subject property owner	6432 Travertine	In	ft	Opposition	Spoke at hearing
Tim/Kim Rice	6416 Stone Creek Trl	In		Opposition	Sent letter in
Byron Stewart	NA	Out		Opposition	Sent letter in
Rosemary Cross	4153 Shores Ct	In		Opposition	Sent letter in

Bill Morrison	6429 Stone Creek	In		Support	Sent letter in
Ken/Janie Jeffries	NA	Out		Support	Sent letter in
Martin Mitchell	3629 Clubgate	In	Opposition		Sent letter in
Griffin Marr	4009 Mesa Ridge	In		Support	Sent letter in
Kent Brook	3724 Redwood Creek	In		Support	Sent letter in
Drew Davison	3813 Whisper Hollow	In		Support	Sent letter in
Paul/Virginia Montgomery	4001 Mesa Ridge	In		Support	Sent letter in
Bruce Page	6424 Stone Creek	In		Support	Sent letter in
Steve/Mary Stelter	3533 Clubgate	In	Opposition		Sent letter in
Bill Gray	6304 Mesa Ridge	In	Opposition		Sent letter in
Stephen/Kimberly Lazzari	6413 Stone Creek	Out		Support	Sent letter in

18. ZC-16-102 City of Fort Worth Planning & Development (CD 6) – 7100-7300 blocks S. Hulen Street, 7200-7400 blocks Kingswood Drive (see addresses in case file, 28.67 Acres): from “CR” Low Density Multifamily, “E” Neighborhood Commercial and “F” General Commercial to “E” Neighborhood Commercial and “PD/E” Planned Development for all uses in “E” Neighborhood Commercial plus auto repair; site plan waiver requested

Ms. Murphy called the case.

Greg Mason, 7228 S. Hulen Road, Fort Worth, Texas representing City Garage spoke in opposition.

Ms. Runnels asked if he was in opposition to the change. Mr. Mason said he wanted the zoning to run with the land not the current land use. Ms. Runnels mentioned the PD is to allow the auto repair to continue the use. Mr. Mason said the property was zoned F when they purchased it.

Ms. Burghdoff said the zoning does run with the land and by zoning it PD it makes the land use legal by right.

Motion: Following brief discussion, Ms. Runnels recommended Denial of the request, seconded by Ms. Conlin. The motion carried 8-1 with Mr. Edmonds against.

<i>Document received for written correspondence</i>					ZC-16-102
Name	Address	In/Out 300 notification area	ft	Position on case	Summary
Greg Mason/ City Garage	7228 S. Hulen	In		Opposition	Spoke at hearing