

Thence South 00°33'45" East with the East line of said 7.389 acre tract and the West line of said Highway for a distance of 590.74 feet to a concrete monument found for corner at the Southeast corner of said 7.389 acre tract and in the West line of said Highway;

Thence South 69°01'49" West with the South line of said 7.389 acre tract for a distance of 54.35 feet back to the Point of Beginning and containing 334,233 square feet or 7.673 acres of land, more or less.

ZC-18-032 821 E. Terrell Avenue, 808 and 816 Kentucky Avenue 1.03 acres

Zoning Change:

From: "PD 833" "PD/MU-1" Planned Development for all uses in "MU-1" Low Intensity Mixed Use and "PD/MU-1/HC" Planned Development for all uses in "MU-1/HC" Low Intensity Mixed Use/Historic & Cultural Overlay, excluding alcohol sales for on-premises consumption and funeral home; site plan waived.

To: Amend PD 833 to remove funeral home use and allow alcohol sales for on-premise consumption for theater, cinema, cafe, and/or restaurant use and exclude alcohol sales for off-premise consumptions site plan waived/HC Historic & Cultural Overlay

Description Alford & Veals Addition, Block 5, Lots 10R1, 12R and 13R

ZC-18-033 3117-3133 (odds) Vine Street 1.99 acres

Zoning Change:

From: "A-10" One-Family

To: "A-5" One-Family

Description Johnson Addition, Block 2, Lots 1 and 2

ZC-18-035 301 N. Henderson Street 0.86 acres

Zoning Change:

From: "PI-N3" Panther Island-Neighborhood Zone 3/Downtown Urban Design District

To: "H" Central Business District/Downtown Urban Design District

Description Fields Hillside Addition, Block P, Lot 1R

SP-18-002 8900-9100 blocks Chisholm Trail Parkway 19.09 acres

Zoning Change:

From: PD 971 "PD/D" Planned Development for all uses in "D" High Density Multifamily with a maximum of 24 units per acre and a waiver to allow on-street parking to count toward required parking; site plan required



Case Number **ZC-18-032**

**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
April 3, 2018

Council District 8

Zoning Commission Recommendation:

Approval by a vote of 7-0

Opposition: None submitted

Support: 2 people spoke; Near Southside Inc, Southeast Fort Worth Inc., Historic Southside NA, 3 letters

Continued	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Case Manager	<u>Laura Evans</u>
Surplus	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Council Initiated	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Owner / Applicant: 821 E. Terrell Ave, LLC

Site Location: 821 E. Terrell, 810 and 812 Kentucky Ave. Mapsco: 77K

Proposed Use: Theatre, Restaurant and Office

Request: From: "PD 833" "PD/MU-1" Planned Development for all uses in "MU-1" Low Intensity Mixed Use and "PD/MU-1/HC" Planned Development for all uses in "MU-1/HC" Low Intensity Mixed Use/Historic & Cultural Overlay, excluding alcohol sales for on-premises consumption and funeral home; site plan waived.

To: Amend PD 833 to remove funeral home use and allow alcohol sales for on-premise consumption for theater, cinema, cafe, and/or restaurant use and exclude alcohol sales for off-premise consumptions site plan waiver requested.

Land Use Compatibility: Requested change is compatible.

Comprehensive Plan Consistency: Requested change is consistent.

Background:

The applicant is proposing to amend PD 833 to remove the funeral home use and allow alcohol sales for on-premise consumption and exclude alcohol sales for off-premise consumption. The on site sales will be limited for theater, cinema, cafe, and/or restaurant use only. Bars are not permitted in the MU-1 district and therefore do not need to be excluded.

The site is located at the northwest corner of Terrell Avenue and Kentucky Avenue in a currently vacant building. According to the FortWorthArchitecture.com website:

The former "Pinkston" building was constructed in 3 phases starting in 1921. This historic building was the center of commerce in Terrell Heights until the 1980's with multiple business uses including: The Avenue Movie Theatre (open for about five years from 1933-1938), recreation club, automobile service station, doctor's offices, beauty parlor/barber, apparel retailer, food market, mortuary, antique market, and more. Restoration and re-purpose: "mixed-use" commercial with "Phase 2" expansion potential on Kentucky Lots.

The applicants' plan identifies the property as having the potential for renovation back into a theater, cultural center, or a multi-use building. Its location at the north end of the recently reconstructed and redesigned Evans Avenue helps it to define the north end of Evans Avenue.

The applicant provided an exhibit that indicates that there will be a large tenant space for a 3-5 screening rooms, 2 -3 small office spaces that front Terrell Avenue, and a corner space at Terrell and Kentucky that are intended for a restaurant or office but could be retail or other use. The applicant stated the intention is to provide two public entrances into the theater; one from Terrell Avenue near the southwest corner of building which is the original theater's entrance and was later the "chapel" entry and another entry from the north parking lot.

Depending on the size and use of each tenant space, the required number of spaces could vary. The exhibit provides 61 to 63 spaces in the parking lot to the north of the building. Because the base zoning of the PD is MU-1, they are allowed to take a 25% reduction in parking as well as count on-street spaces that are adjacent to their property as part of their required parking. The applicant expects they will be able to meet the parking requirements within this parameter. If the tenant space on the corner is developed into a restaurant or café, the parking requirements will increase based on the new ratio. The applicants have calculated their revised parking needs and will either be able to meet the need or consider other options such as purchasing adjacent lots or a parking agreement with the city's Hazel Harvey Peace Center parking lot to the west. However, any agreement would be short term and could be ended at any time as needed by the city. The applicant understands that the tenant space cannot be used for a restaurant until the parking is provided.

The property is in the Evans & Rosedale Neighborhood Empowerment Zone (NEZ), in the Near Southeast Growth Center and is adjacent to the Evans & Rosedale Urban Village. It is also just north of the Near Southeast Proposed Conservation District. It has a Historic and Cultural designation overlay and therefore all exterior work will be reviewed by staff and the Historic and Cultural Landmark Commission.

Site Information:

Owner: 821 E. Terrell Ave, LLC
3621 Manderly Place
Fort Worth, TX 76109
Agent: Jennifer & David Farmer
Acreage: 1.03 ac.
Comprehensive Plan Area: Southside

Surrounding Zoning and Land Uses:

North "A-5" One Family Residential / single family & undeveloped
East "A-5/HC" One Family Residential/Historic & Cultural / single family & undeveloped
South "NS-T4NR/HC" Near Southside Neighborhood Restricted/Historic & Cultural / undeveloped
West "MU-1" Low Intensity Mixed Use / parking lot

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Terrell Ave	Collector	Collector	No
Kentucky Ave	Two-Way residential	Two-Way residential	No
Leuda St	Two-Way residential	Two-Way residential	No

Public Notification:

300 foot Legal Notifications were mailed on February 26, 2018.
The following organizations were notified: (emailed February 20, 2018)

Organizations Notified

Fort Worth League of Neighborhood Associations	United Communities Association of South Fort Worth
Historic Southside NA*	Streams And Valleys Inc
Trinity Habitat for Humanity	NUP-Neighborhood Unification Project
Southeast Fort Worth Inc	East Fort Worth Business Assn
Fort Worth South Inc	Downtown Fort Worth Inc
Fort Worth ISD	

* Within registered neighborhood association

Recent Relevant Zoning and Platting History:

Zoning History:

ZC-07-111, City initiated request to add an HC overlay to various zoning districts; approved on 7/02/07.

ZC-07-158, request to rezone to "MU-1/HC" for a mortuary use; denied without prejudice on 10/2/07.

ZC-08-103, request to rezone to "E/HC" for a mortuary use; denied with prejudice on 08/05/08.

ZC-08-144, request to rezone to "PD/MU-1/HC" for all uses in MU-1 excluding alcohol sales for on premise consumption and funeral home, site plan waived, effective 10/22/08.

ZC-16-144, request to add HSE overlay, effective 10/14/16.

Platting History: None

Development Impact Analysis:

1. Land Use Compatibility

Land uses surrounding the site are predominantly undeveloped and single family. A vacant commercial building lies southwest of the site and two cleared lots exist to the south and west. The city's Hazel Harvey Peace Center for Neighborhoods was built to the west of the site with its parking lot directly adjacent to the site.

The Evans and Rosedale area has been identified as an area with a high potential for redevelopment. To reach this goal and direct development, the city has designated it as a neighborhood empowerment zone and growth center. The subject property is also adjacent to an urban village.

Based on the surrounding land uses and the potential redevelopment of the area, the proposed "MU-1" Low Intensity Mixed Use zoning is **compatible** at this location.

2. Comprehensive Plan Consistency

The 2018 Comprehensive Plan designates the subject property as low density residential and mixed-use. The proposed "MU-1" zoning does conform with the following Comprehensive Plan policy:

- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods.
- Encourage redevelopment of the South Main, Hemphill/Berry, Evans & Rosedale, Berry/Riverside, and Near East Side Urban Villages consistent with their urban village plans.

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

Attachments:

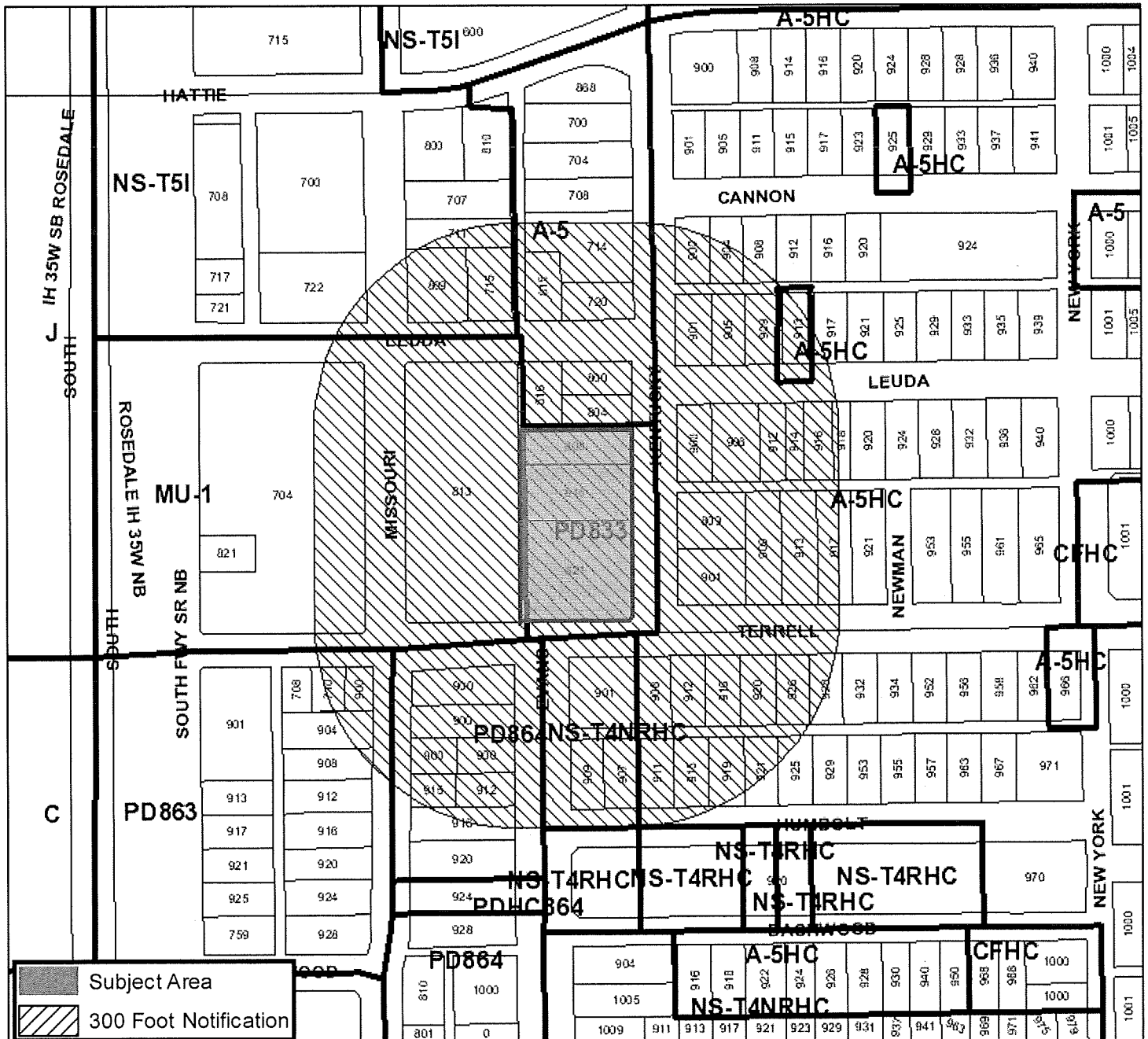
- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph



ZC-18-032

Area Zoning Map

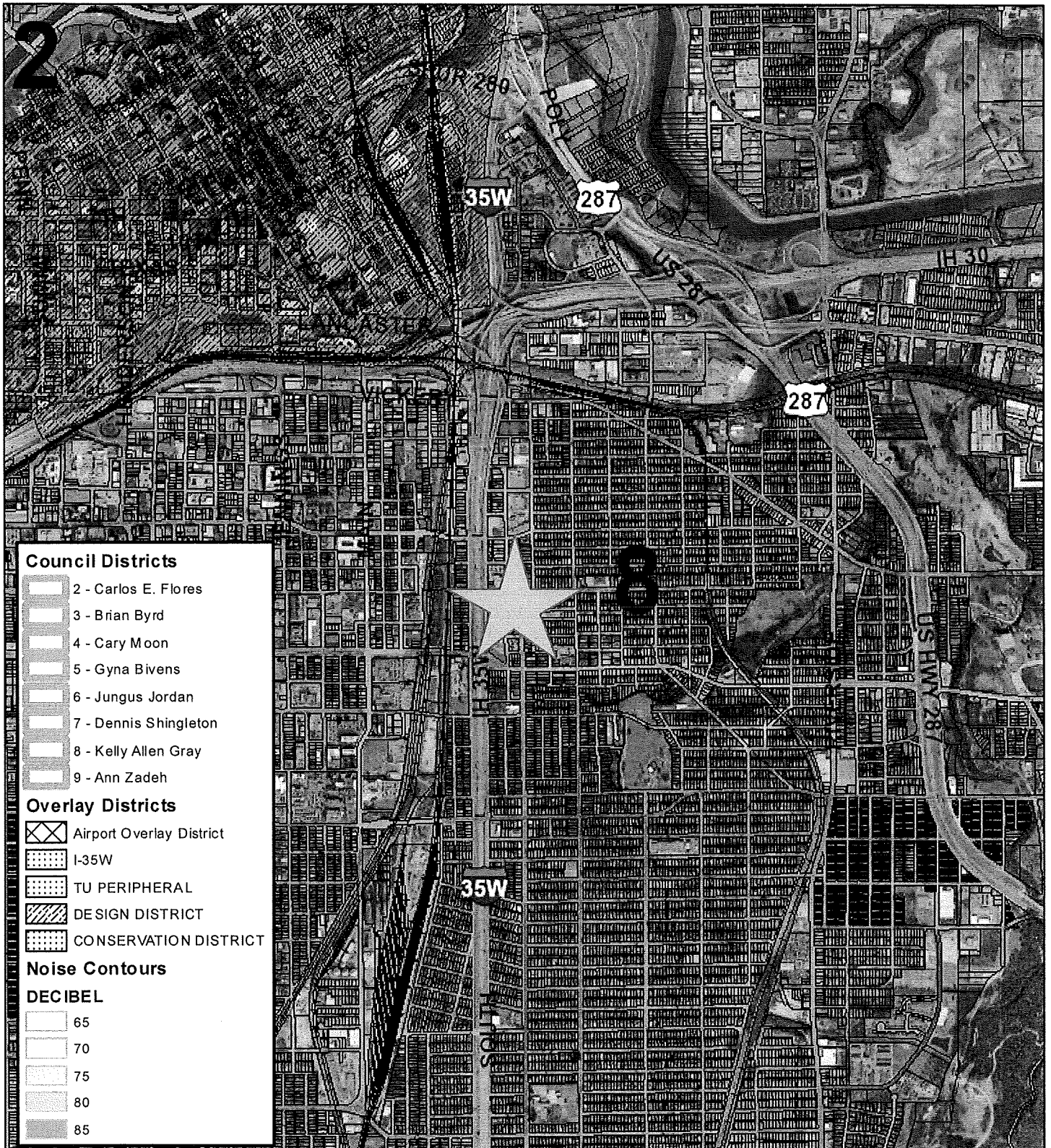
Applicant: 821 Terrell LLC
Address: 821 E. Terrell Avenue, 808 & 816 Kentucky Avenue
Zoning From: PD 833 PD/MU-1 no alcohol sales
Zoning To: MU-1
Acres: 1.03658345
Mapsc0: 77k
Sector/District: Southside
Commission Date: 3/14/2018
Contact: 817-392-8043





ZC-18-032

Area Map

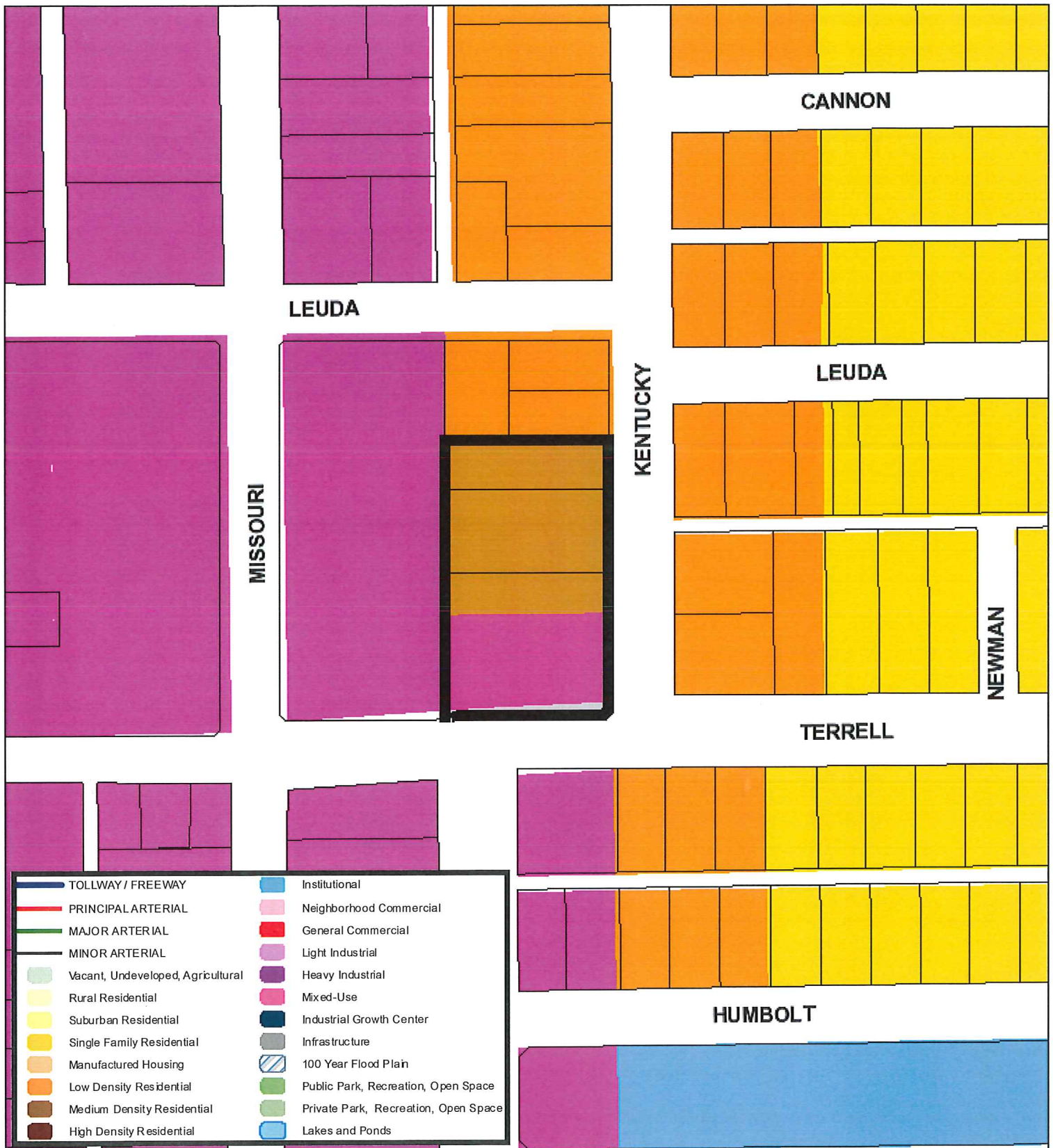


0 1,000 2,000 4,000 Feet



ZC-18-032

Future Land Use



130 65 0 130 Feet

A Comprehensive Plan shall not constitute zoning regulations or establishing zoning district boundaries. (Texas Local Government Code, Section 213.005.) Land use designations were approved by City Council on March 6, 2018.



Case 1:18-cv-00038 Document 1-1 Filed 03/13/18 Page 1 of 1



ZC-18-032

Aerial Photo Map



0 80 160 320 Feet



(North Freeway) (variable width right-of-way), and being the beginning of a non-tangent curve to the left;

THENCE 183.06 feet, continuing along the west line of said Lot 1 and the east right-of-way line of I.H. 35W, and with said non-tangent curve to the left through a central angle of 03 degrees 10 minutes 18 seconds, having a radius of 3307.08', whose long chord bears North 08 degrees 25 minutes 47 seconds West, 183.04 feet to a Texas Department of Transportation (TxDOT) monument found;

THENCE North 09 degrees 45 minutes 46 seconds West, 132.43 feet, continuing along the west line of said Lot 1 and the east right-of-way line of I.H. 35W to a Texas Department of Transportation (TxDOT) monument found;

THENCE North 13 degrees 17 minutes 26 seconds West, 131.95 feet, continuing along the west line of said Lot 1 and the east right-of-way line of I.H. 35W to 5/8 inch iron rod with cap stamped "RPLS 5696" set;

THENCE North 16 degrees 37 minutes 44 seconds West, 65.70 feet, continuing along the west line of said Lot 1 and the east right-of-way line of I.H. 35W to a Texas Department of Transportation (TxDOT) monument found;

THENCE North 13 degrees 54 minutes 40 seconds West, 2.80 feet, continuing along the west line of said Lot 1 and the east right-of-way line of I.H. 35W to a 5/8 inch iron rod with cap stamped "RPLS 5696" set;

THENCE North 77 degrees 05 minutes 38 seconds East, 235.10 feet, departing the west line of said Lot 1 and the east right-of-way line of I.H. 35W to a 5/8 inch iron rod with cap stamped "RPLS 5696" set in the east line of said Lot 1, said iron rod also being in the west line of Lot 28, Block 1R5, Carrington Court Addition, an addition to the City of Fort Worth recorded in Cabinet A, Slide 12406, Plat Records, Tarrant County, Texas;

THENCE South 12 degrees 54 minutes 22 seconds East, 554.48 feet along the east line of said Lot 1 and the west line of said Lot 28 to a 5/8 inch iron rod with cap stamped "RPLS 5696" set;

THENCE South 86 degrees 00 minutes 41 seconds West, departing said east line of Lot 1 and the west line of said Lot 28, at 52.24 feet pass the northeast corner of the aforementioned Lot 5, in all 254.52 feet, *to the Point of Beginning and containing 126,590 Square Feet, or 2.906 Acres of Land, more or less.*

ZC-08-144 821 East Terrell Avenue, 810 and 812 Kentucky Avenue

Zoning Change:

From: "A-5" One Family District and "A-5/HC" One Family District/Historic & Cultural Overlay

To: "PD/MU-1" Planned Development for all uses in "MU-1" Low Intensity Mixed Use and "PD/MU-1/HC" Planned Development for all uses in "MU-1/HC" Low Intensity Mixed Use/Historic & Cultural Overlay, excluding alcohol sales for on-premises consumption and funeral home. Site plan waived.

Description: Lots 10R, 12A, 13A, 13B & 14C, Block 5, Alford & Veals Addition

ZC-08-150 North of Wilbarger Street, east of Edgewood Terrace, south of Eastland Street and west of Carey Street

Zoning Change:

From: "A-5" One Family District

To: "A-21" One Family District

Description:

NUM-BER	STREET	PARCEL LEGAL
3912	CAREY ST	HOME ACRES ADDITION BLK 8 LOT 8
3920	CAREY ST	HOME ACRES ADDITION BLK 8 LOT 9
3928	CAREY ST	HOME ACRES ADDITION BLK 8 LOT 10
4108	CAREY ST	HOME ACRES ADDITION BLK 8 LOTS 15 & 16
4808	EASTLAND ST	HOME ACRES ADDITION BLK 1 LOT 24
4816	EASTLAND ST	HOME ACRES ADDITION BLK 1 LOT 25
4840	EASTLAND ST	HOME ACRES ADDITION BLK 1 LOT 26 & 27
4900	EASTLAND ST	HOME ACRES ADDITION BLK 4 LOT 1A
4912	EASTLAND ST	HOME ACRES ADDITION BLK 4 LOTS 2A & 3A
4924	EASTLAND ST	HOME ACRES ADDITION BLK 4 LOT 4
4217	S EDGEWOOD TERR	HOME ACRES ADDITION BLK 2 LOT 3
4225	S EDGEWOOD TERR	HOME ACRES ADDITION BLK 2 LOT 4
4233	S EDGEWOOD TERR	HOME ACRES ADDITION BLK 2 LOT 5

11. Zoning Docket No. ZC-08-143 - (CD 4) - Emerging Properties, 6750 Fossil Bluff Drive; from "G" Intensive Commercial to "PD/G" Planned Development for all uses in "G" Intensive Commercial, plus hotel. Site plan included.

Motion: Council Member Scarth made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-08-143 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

12. Zoning Docket No. ZC-08-144 - (CD 8) - N. Lucille Gilkey, 821 E. Terrell, 810 and 812 Kentucky Avenue; from "A-5" One-Family Residential and "A-5/HC" One-Family Residential/Historical and Cultural Overlay to "PD/MU-1" Planned Development for all uses in "MU-1" Low Intensity Mixed Use, excluding alcohol sales or consumption and "PD-MU-1/HC" Low Intensity Mixed Use/Historic and Cultural Overlay, excluding alcohol sales for on-premises consumption. Site plan waiver recommended.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-08-144 be approved with zoning as "PD" based on "MU-1" standards for office, retail, and community meeting space excluding alcohol sales or consumption and excluding funeral home use, with site plan waived and "PD" based on "MU-1" standards with Historic and Cultural Overlay for office, retail and community meeting space, excluding alcohol sales or consumption. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

13. Zoning Docket No. ZC-08-145 - (CD 6) - Pounds Investments, Inc., 7004 and 7006 South Freeway; from "E" Neighborhood Commercial to "PD/E" Planned Development for all uses in "E" Neighborhood Commercial, plus hotel. An eight foot fence shall be required along the north property line. Site plan included.

Council Member Jordan stated that there had been administrative changes since he was a member of the City Zoning Commission and clarified with Deputy Director Dana Burghdoff that typically in the past there had been a separate site plan number. He inquired if the site plan was included in the ordinance.

Ms. Burghdoff responded affirmatively and added that a copy of the site plan was in the docket so by approving the "PD" zoning the Council was approving the zoning and site plan. She advised that City staff had streamlined the process as the City wanted the site plan to be part of the "PD" zoning decision process as a normal course of action. She also clarified the language in the ordinance relative to the height of the fence and added that the City required the screening fence to be made out of wood; however, the Council could request a masonry fence as a condition of the zoning.

Case Number ZC-08-144

ZONING MAP CHANGE STAFF REPORT

City Council Meeting Date:
October 7, 2008

Council District 8

Zoning Commission Recommendation:

Amended to PD/MU1 and PD/MU1/HC
approved by a vote of 9-0 with site plan waiver.

Opposition: None

Continued	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Case Manager	<u>Lynn Jordan</u>
Surplus	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Council Initiated	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Owner / Applicant: N. Lucille Gilkey

Site Location: 821 E. Terrell, 810 & 812 Kentucky Mapsco: 77K

Proposed Use: Retail, Office and Public Assembly

Request: From: "A-5" One Family Residential and "A-5/HC" One Family Residential/Historical & Cultural Overlay

To: "PD/MU-1" Low Intensity Mixed Use and "PD/MU-1/HC" Low Intensity Mixed Use/Historic & Cultural Overlay, excluding alcohol sales or consumption. Site plan waiver recommended.

Land Use Compatibility: Requested change is compatible.

Comprehensive Plan Consistency: Requested change is consistent.

Background:

The proposed zoning request is to allow for a retail, office and place of public assembly in a currently vacant mortuary building. The applicant indicates that there will be four leased office spaces, four retail spaces, 2 meeting rooms to hold 15-25 persons, and one room for general assembly.

The property is in the Evans & Rosedale Neighborhood Empowerment Zone (NEZ), in the Near Southeast Growth Center, and is adjacent to the Evans & Rosedale Urban Village. It is also just north of the Near Southeast Proposed Conservation District. Properties directly to the west were recently rezoned to MU1 to encourage the development of the Urban Village.

The property has been specifically identified in the Comprehensive Plan for renovation. While more recently serving as Pinkston's Funeral Home, the building was built in 1955 and has historic features. It was originally built as a theater and the Plan identifies it as having the potential for renovation back into a theater, cultural center, or a multi-use building. Its location at the north end of the newly reconstructed and redesigned Evans Avenue causes it to define the north end of Evans Avenue.

Two zoning cases for the same property for a mortuary use were denied within the past year. ZC 07-158 was denied in October 2007 without prejudice and ZC-08-103 was denied in August 2008 with prejudice.

At the Zoning Commission meeting, the applicant indicated that she intends to have no alcohol sold or consumed on this property. As such, the application was amended to a PD to not allow alcohol sales or consumption with the site plan waived.

Site Information:

Owner: N. Lucille Gilkey
P O Box 163127
Fort Worth, TX 76104

Acreage: 0.76 ac.
Comprehensive Plan Area: Southside

Surrounding Zoning and Land Uses:

North "A-5" One Family Residential / Vacant / Vacant Structure
East "A-5/HC" One Family Residential/Historic & Cultural / Vacant / Single Family
South "MU-1" Low Intensity Mixed Use / Vacant Land
West "MU-1" Low Intensity Mixed Use / Proposed site for Public Health Building

Public Notification:

The following Neighborhood Associations were notified:

Morningside/Hillside Crime Watch	Southeast Fort Worth, Inc.
Historic Southside	Near Southeast CDC
Hillside Morningside	Southside Preservation Assoc.
Fort Worth South, Inc.	United Communities
East Fort Worth Business Assoc.	Fort Worth ISD
Neighborhood Unification Project	

Recent Relevant Zoning and Platting History:

Zoning History for Vacant Land:

ZC-07-111, City initiated request to add an HC overlay to various zoning districts; approved on 7/02/07.

ZC-07-158, request to rezone to "MU-1/HC" for a mortuary use; denied without prejudice on 10/2/07.

ZC-08-103, request to rezone to "E/HC" for a mortuary use; denied with prejudice on 08/05/08.

Platting History for Vacant Land:

Development Impact Analysis:

1. Land Use Compatibility

Predominant land uses surrounding the proposed site are primarily vacant with some single-family residential. A vacant commercial building lies southwest of the site and two cleared lots exist to the south and west. The Fort Worth Public Health building is proposed to be built on the site to the west.

The Evans and Rosedale area has been identified as an area with a high potential for redevelopment. To reach this goal and direct development, the city has designated it as a neighborhood empowerment zone and growth center. The subject property is also adjacent to an urban village. The re-establishment of a mortuary in this location does not contribute to the vision of the area, however, the proposed mixture of uses does. Variances may be required through the Board of Adjustment if this zoning request is approved.

Based on the surrounding land uses and the potential redevelopment of the area, the proposed "MU-1" Low Intensity Mixed Use zoning **is compatible** at this location.

2. Comprehensive Plan Consistency

The 2008 Comprehensive Plan designates the subject property as single-family residential and mixed-use. The proposed "MU-1" zoning does conform with the following Comprehensive Plan policy:

- Encourage mixed-use projects in mixed-use growth centers and urban villages. (pg. 37)

Based on conformance with the future land use map and policy stated above, the proposed zoning **is consistent** 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 of September 10, 2008




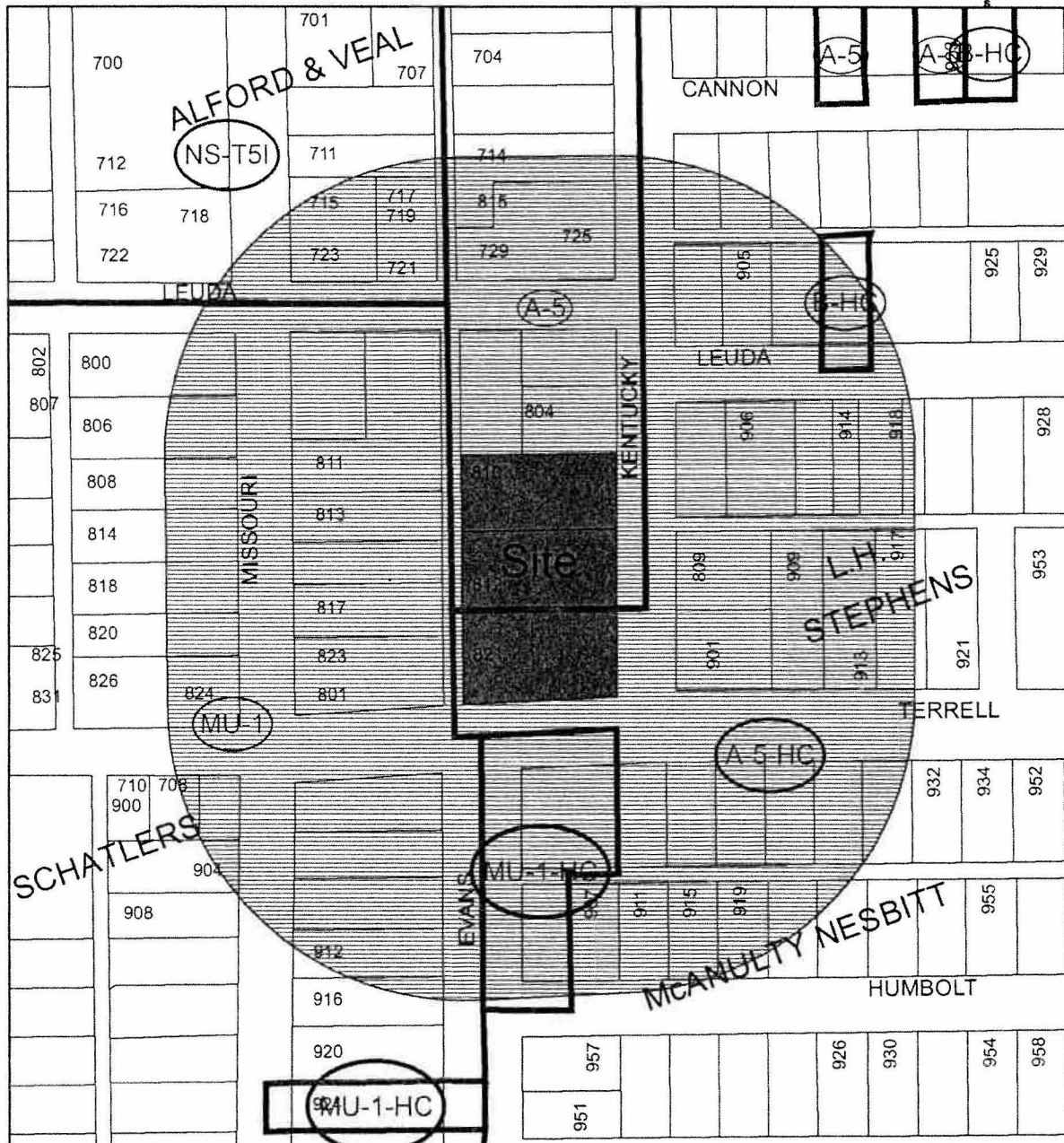
ZC-08-144

Area Zoning Map

Applicant: N. Lucille Gilkey
Address: 810 & 812 Kentucky Avenue, 821 E. Terrell Avenue
Zoning From: A-5, A-5/HC
Zoning To: MU-1, MU-1/HC
Acres: 0.89
Mapscos: 77K
Sector/District: Southside
Commission Date: 09/10/2008
Contact: 817-392-2495

**RECOMMENDED
FOR APPROVAL**

 300 Ft. Buffer



ZC-08-144

ZC-08-144

Aerial Photo Map



ZC-08-144 **N. Lucille Gilkey**

821 East Terrell, 810 & 812 Kentucky Avenue

(Lots 10R, 12A, 13A, 13B & 14C, Block 5, Alford & Veals Addition)

From "A-5" One Family Residential and "A-5/HC" One Family Residential/Historic & Cultural Overlay to "MU-1" Low Intensity Mixed Use and "MU-1/HC" Low Intensity Mixed Use/Historic & Cultural Overlay

Case Information and Testimony:

Ms. Lucille Gilkey, PO Box 163127, Fort Worth, Texas, appeared before the commissioners and reminded them this has been before them on two prior occasions. What is being proposed now, she explained, is a low intensity mixed use for this property. This request is to allow a retail, office and place of public assembly in a vacant mortuary building. She explained there will be four leased office spaces, four retail spaces, 2 meeting rooms to hold 15-25 persons, and one room for general assembly of 150 people. This will be, she said, for the purpose of leasing office space and retail. She confirmed one stipulation she wants is that no alcoholic beverages can be purchased or consumed at this location. She does not want any alcohol on the premises. The meeting rooms, she said, are for any citizens for whatever purpose to have a place to meet after they have made the necessary reservations. Ms. Burghdoff responded to Mr. Greenhill's question about alcohol enforcement by stating this Commission could craft a planned development in which alcohol sales and consumption is prohibited. She responded to Mr. Barnes' question by stating she has received inquiries about the lease space from beauty shop and a barber shop.

Mr. Cleveland Harris, 1037 Colvin, Fort Worth, Texas, a representative of the Morningside Neighborhood Association spoke in support of this request. This is a project which will help enhance the area.

No one present in the chamber spoke in opposition and no one else in the chamber requested to speak relative to the proposed zoning request.

Commission Action:

Following brief discussion, the Commission, on a motion by Mr. Kemp, seconded by Mr. Barnes, on a vote of 9 – 0,

VOTED: To recommend that the City Council **APPROVE AS AMENDED ZC-08-144**, the request by N. Lucille Gilkey, to rezone Lots 10R, 12A, 13A, 13B & 14C, Block 5, Alford & Veals Addition from "A-5" One Family Residential and "A-5/HC" One Family Residential/Historic & Cultural Overlay to "PD/MU-1" Planned Development for Low Intensity Mixed Use and "PD/MU-1/HC" Planned Development for Low Intensity Mixed Use/Historic & Cultural Overlay prohibiting alcohol sales or consumption on the premises. Site plan waiver recommended.

Thence South 00°33'45" East with the East line of said 7.389 acre tract and the West line of said Highway for a distance of 590.74 feet to a concrete monument found for corner at the Southeast corner of said 7.389 acre tract and in the West line of said Highway;

Thence South 69°01'49" West with the South line of said 7.389 acre tract for a distance of 54.35 feet back to the Point of Beginning and containing 334,233 square feet or 7.673 acres of land, more or less.

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To: Amend PD 833 to remove funeral home use and allow alcohol sales for on-premise consumption for theater, cinema, cafe, and/or restaurant use and exclude alcohol sales for off-premise consumptions site plan waived/HC Historic & Cultural Overlay

Description Alford & Veals Addition, Block 5, Lots 10R1, 12R and 13R

ZC-18-033 3117-3133 (odds) Vine Street 1.99 acres

Zoning Change:

From: "A-10" One-Family

To: "A-5" One-Family

Description Johnson Addition, Block 2, Lots 1 and 2

ZC-18-035 301 N. Henderson Street 0.86 acres

Zoning Change:

From: "PI-N3" Panther Island-Neighborhood Zone 3/Downtown Urban Design District

To: "H" Central Business District/Downtown Urban Design District

Description Fields Hillside Addition, Block P, Lot 1R

SP-18-002 8900-9100 blocks Chisholm Trail Parkway 19.09 acres

Zoning Change:

From: PD 971 "PD/D" Planned Development for all uses in "D" High Density Multifamily with a maximum of 24 units per acre and a waiver to allow on-street parking to count toward required parking; site plan required



Case Number **ZC-18-032**

**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
April 3, 2018

Council District 8

Zoning Commission Recommendation:

Approval by a vote of 7-0

Opposition: None submitted

Support: 2 people spoke; Near Southside Inc, Southeast Fort Worth Inc., Historic Southside NA, 3 letters

Continued	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Case Manager	<u>Laura Evans</u>
Surplus	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Council Initiated	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Owner / Applicant: 821 E. Terrell Ave, LLC

Site Location: 821 E. Terrell, 810 and 812 Kentucky Ave. Mapsco: 77K

Proposed Use: Theatre, Restaurant and Office

Request: From: "PD 833" "PD/MU-1" Planned Development for all uses in "MU-1" Low Intensity Mixed Use and "PD/MU-1/HC" Planned Development for all uses in "MU-1/HC" Low Intensity Mixed Use/Historic & Cultural Overlay, excluding alcohol sales for on-premises consumption and funeral home; site plan waived.

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Land Use Compatibility: Requested change is compatible.

Comprehensive Plan Consistency: Requested change is consistent.

Background:

The applicant is proposing to amend PD 833 to remove the funeral home use and allow alcohol sales for on-premise consumption and exclude alcohol sales for off-premise consumption. The on site sales will be limited for theater, cinema, cafe, and/or restaurant use only. Bars are not permitted in the MU-1 district and therefore do not need to be excluded.

The site is located at the northwest corner of Terrell Avenue and Kentucky Avenue in a currently vacant building. According to the FortWorthArchitecture.com website:

The former "Pinkston" building was constructed in 3 phases starting in 1921. This historic building was the center of commerce in Terrell Heights until the 1980's with multiple business uses including: The Avenue Movie Theatre (open for about five years from 1933-1938), recreation club, automobile service station, doctor's offices, beauty parlor/barber, apparel retailer, food market, mortuary, antique market, and more. Restoration and re-purpose: "mixed-use" commercial with "Phase 2" expansion potential on Kentucky Lots.

The applicants' plan identifies the property as having the potential for renovation back into a theater, cultural center, or a multi-use building. Its location at the north end of the recently reconstructed and redesigned Evans Avenue helps it to define the north end of Evans Avenue.

The applicant provided an exhibit that indicates that there will be a large tenant space for a 3-5 screening rooms, 2 -3 small office spaces that front Terrell Avenue, and a corner space at Terrell and Kentucky that are intended for a restaurant or office but could be retail or other use. The applicant stated the intention is to provide two public entrances into the theater; one from Terrell Avenue near the southwest corner of building which is the original theater's entrance and was later the "chapel" entry and another entry from the north parking lot.

Depending on the size and use of each tenant space, the required number of spaces could vary. The exhibit provides 61 to 63 spaces in the parking lot to the north of the building. Because the base zoning of the PD is MU-1, they are allowed to take a 25% reduction in parking as well as count on-street spaces that are adjacent to their property as part of their required parking. The applicant expects they will be able to meet the parking requirements within this parameter. If the tenant space on the corner is developed into a restaurant or café, the parking requirements will increase based on the new ratio. The applicants have calculated their revised parking needs and will either be able to meet the need or consider other options such as purchasing adjacent lots or a parking agreement with the city's Hazel Harvey Peace Center parking lot to the west. However, any agreement would be short term and could be ended at any time as needed by the city. The applicant understands that the tenant space cannot be used for a restaurant until the parking is provided.

The property is in the Evans & Rosedale Neighborhood Empowerment Zone (NEZ), in the Near Southeast Growth Center and is adjacent to the Evans & Rosedale Urban Village. It is also just north of the Near Southeast Proposed Conservation District. It has a Historic and Cultural designation overlay and therefore all exterior work will be reviewed by staff and the Historic and Cultural Landmark Commission.

Site Information:

Owner: 821 E. Terrell Ave, LLC
3621 Manderly Place
Fort Worth, TX 76109
Agent: Jennifer & David Farmer
Acreage: 1.03 ac.
Comprehensive Plan Area: Southside

Surrounding Zoning and Land Uses:

North "A-5" One Family Residential / single family & undeveloped
East "A-5/HC" One Family Residential/Historic & Cultural / single family & undeveloped
South "NS-T4NR/HC" Near Southside Neighborhood Restricted/Historic & Cultural / undeveloped
West "MU-1" Low Intensity Mixed Use / parking lot

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Terrell Ave	Collector	Collector	No
Kentucky Ave	Two-Way residential	Two-Way residential	No
Leuda St	Two-Way residential	Two-Way residential	No

Public Notification:

300 foot Legal Notifications were mailed on February 26, 2018.
The following organizations were notified: (emailed February 20, 2018)

Organizations Notified

Fort Worth League of Neighborhood Associations	United Communities Association of South Fort Worth
Historic Southside NA*	Streams And Valleys Inc
Trinity Habitat for Humanity	NUP-Neighborhood Unification Project
Southeast Fort Worth Inc	East Fort Worth Business Assn
Fort Worth South Inc	Downtown Fort Worth Inc
Fort Worth ISD	

* Within registered neighborhood association

Recent Relevant Zoning and Platting History:

Zoning History:

ZC-07-111, City initiated request to add an HC overlay to various zoning districts; approved on 7/02/07.

ZC-07-158, request to rezone to "MU-1/HC" for a mortuary use; denied without prejudice on 10/2/07.

ZC-08-103, request to rezone to "E/HC" for a mortuary use; denied with prejudice on 08/05/08.

ZC-08-144, request to rezone to "PD/MU-1/HC" for all uses in MU-1 excluding alcohol sales for on premise consumption and funeral home, site plan waived, effective 10/22/08.

ZC-16-144, request to add HSE overlay, effective 10/14/16.

Platting History: None

Development Impact Analysis:

1. Land Use Compatibility

Land uses surrounding the site are predominantly undeveloped and single family. A vacant commercial building lies southwest of the site and two cleared lots exist to the south and west. The city's Hazel Harvey Peace Center for Neighborhoods was built to the west of the site with its parking lot directly adjacent to the site.

The Evans and Rosedale area has been identified as an area with a high potential for redevelopment. To reach this goal and direct development, the city has designated it as a neighborhood empowerment zone and growth center. The subject property is also adjacent to an urban village.

Based on the surrounding land uses and the potential redevelopment of the area, the proposed "MU-1" Low Intensity Mixed Use zoning is **compatible** at this location.

2. Comprehensive Plan Consistency

The 2018 Comprehensive Plan designates the subject property as low density residential and mixed-use. The proposed "MU-1" zoning does conform with the following Comprehensive Plan policy:

- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods.
- Encourage redevelopment of the South Main, Hemphill/Berry, Evans & Rosedale, Berry/Riverside, and Near East Side Urban Villages consistent with their urban village plans.

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

Attachments:

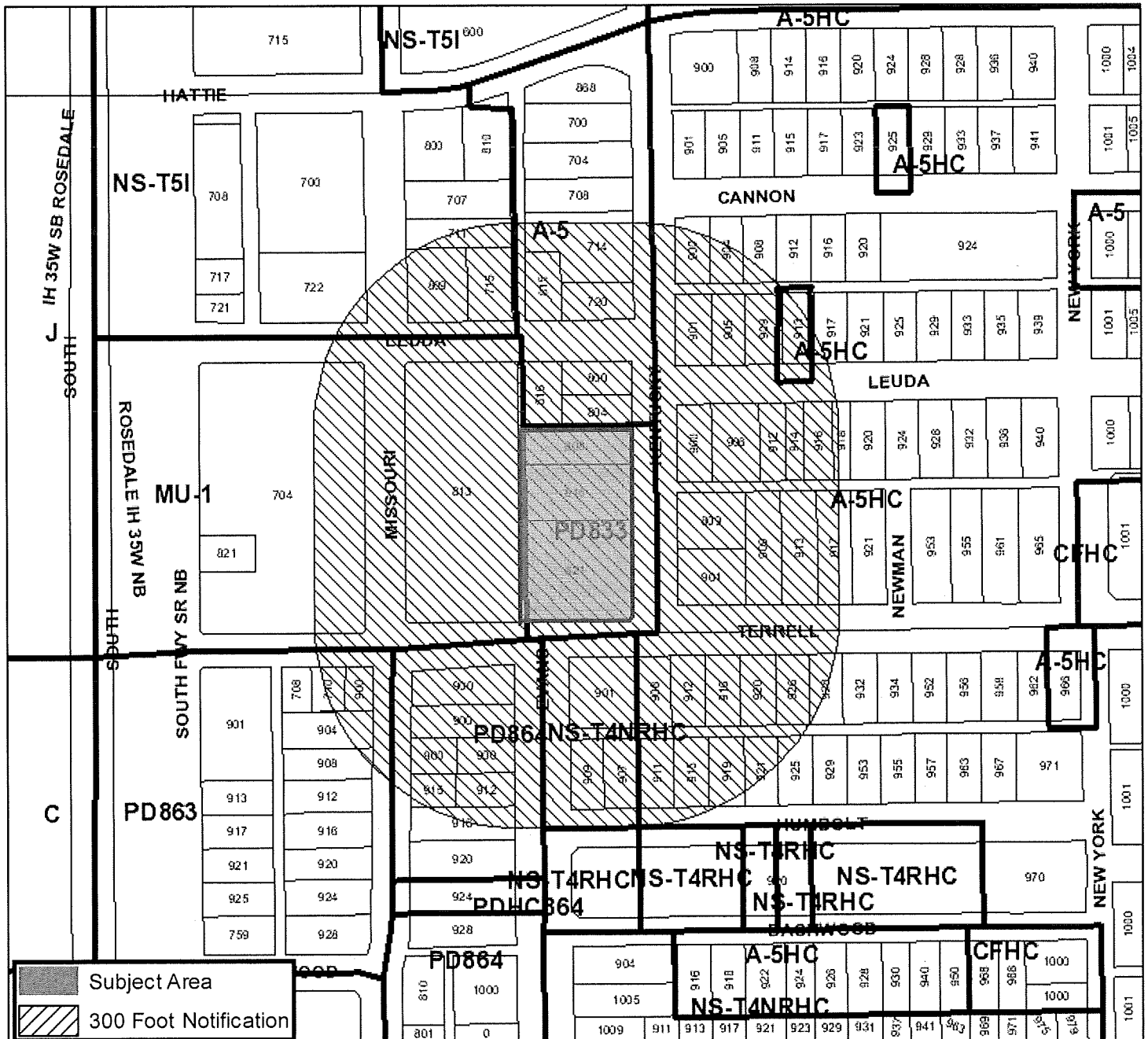
- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph



ZC-18-032

Area Zoning Map

Applicant: 821 Terrell LLC
Address: 821 E. Terrell Avenue, 808 & 816 Kentucky Avenue
Zoning From: PD 833 PD/MU-1 no alcohol sales
Zoning To: MU-1
Acres: 1.03658345
Mapsc0: 77k
Sector/District: Southside
Commission Date: 3/14/2018
Contact: 817-392-8043



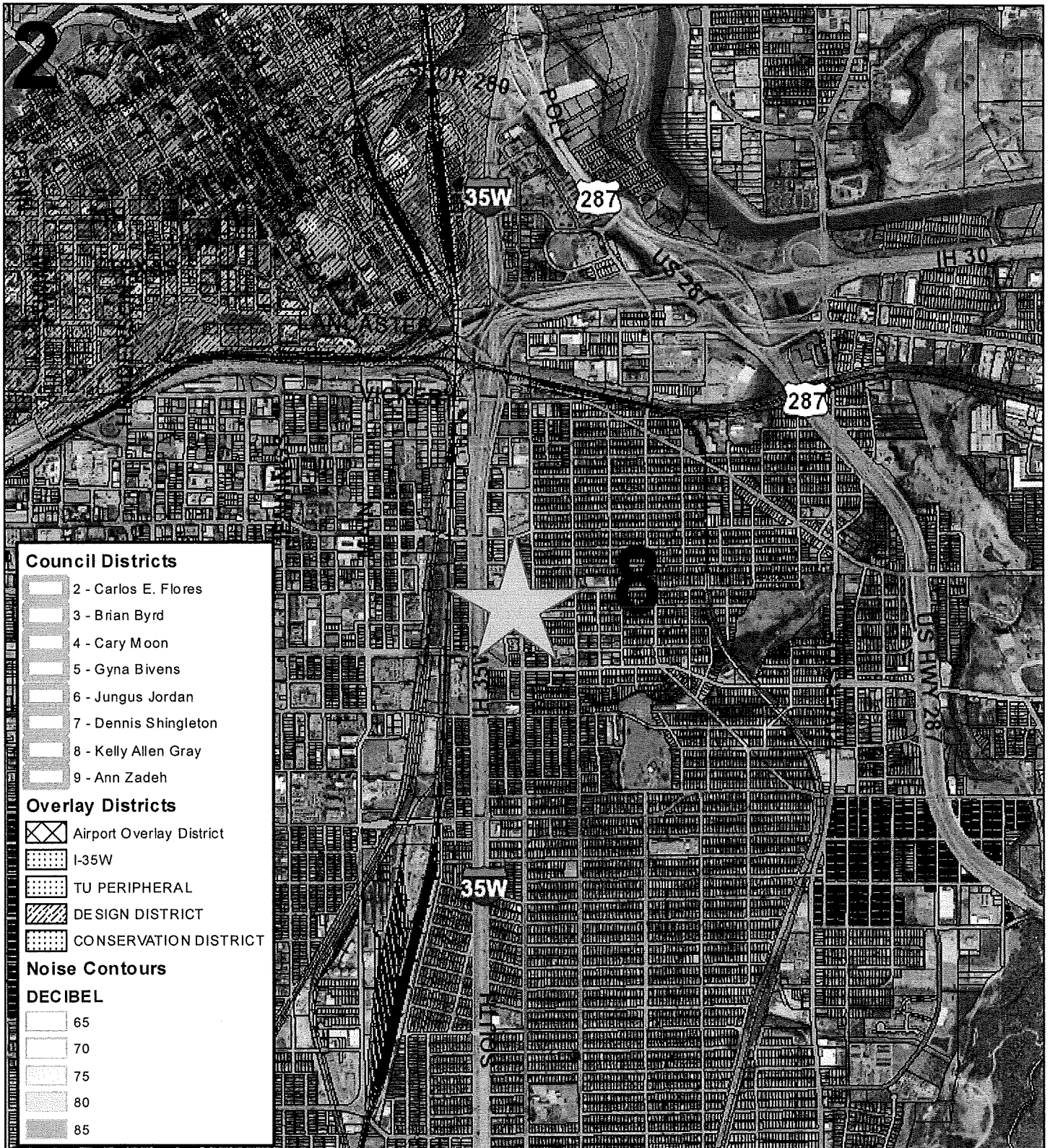
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ZC-18-032

Area Map

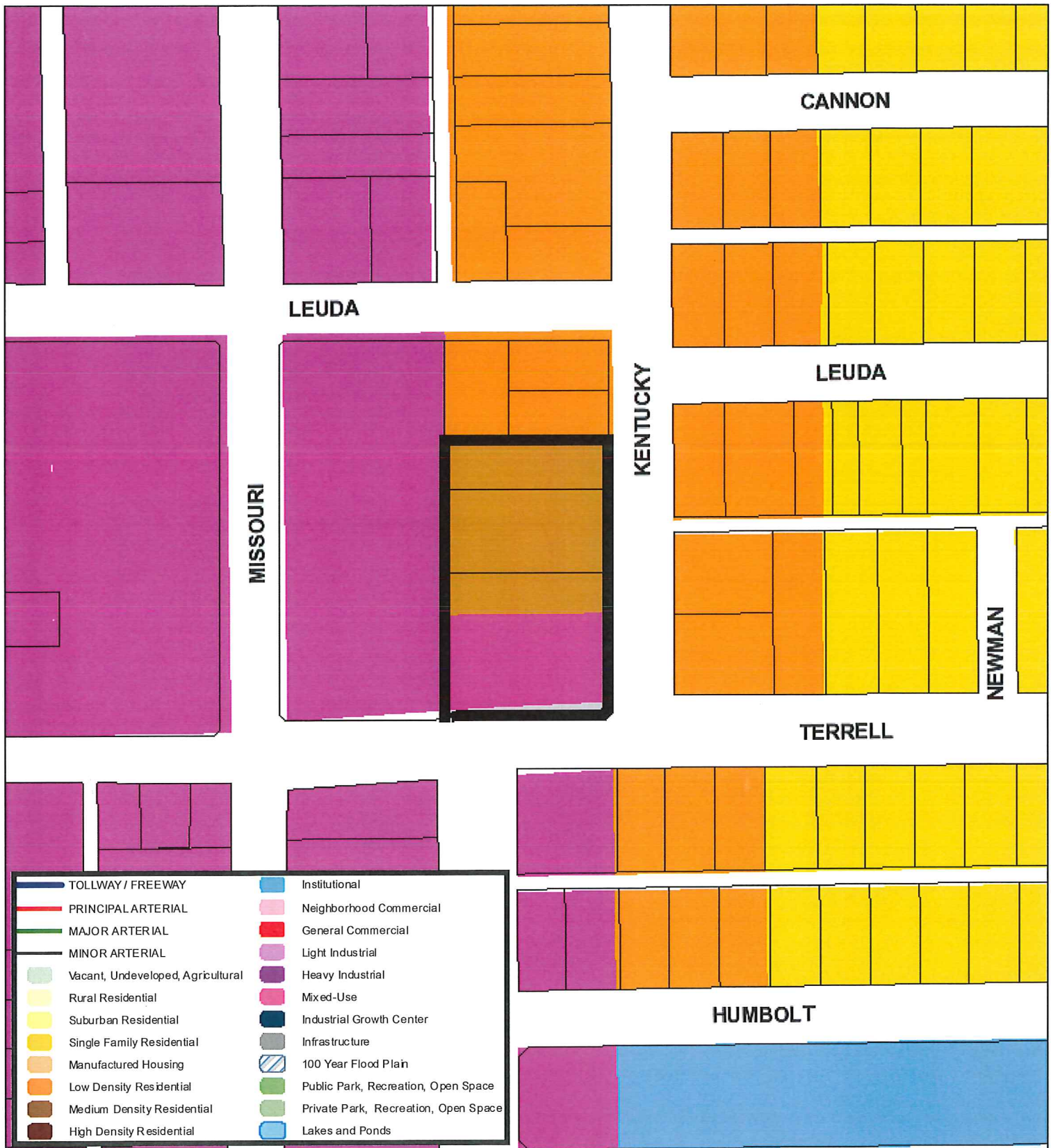


0 1,000 2,000 4,000 Feet



ZC-18-032

Future Land Use



130 65 0 130 Feet

A Comprehensive Plan shall not constitute zoning regulations or establishing zoning district boundaries. (Texas Local Government Code, Section 213.005.) Land use designations were approved by City Council on March 6, 2018.



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