



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
August 24, 2021

Council District 8

Zoning Commission Recommendation:

Approval by a vote of 9-0

Opposition: None

Support: None

Continued	Yes ___	No <u>X</u>
Case Manager	<u>Stephen Murray</u>	
Surplus	Yes ___	No <u>X</u>
Council Initiated	Yes ___	No <u>X</u>

Owner / Applicant: Better Place-Bessie LLC

Site Location: 901 Bessie Street Acreage: 0.12

Proposed Use: Four-plex

Request: From: "A-5/HC" Neighborhood Commercial

To: Add Conditional Use Permit for quadraplex in "A-5/HC" One-Family/ Historic and Cultural Overlay

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

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

Staff Recommendation: **Approval**

Background:

The proposed site is located on the corner of Bessie Street and Kentucky Avenue. The applicant is requesting to add a Conditional Use Permit (CUP) to allow for a quadplex; site plan included. The proposed use is existing but has fallen under disrepair. The applicant recently purchased the property and submitted permits to bring the site back into conformance with building code, in order to rent out the units. The building permit was approved, however, the existing zoning is A-5 and doesn't allow for the use. Staff reviewed for legal nonconforming and was unable to establish that there had not been a vacancy of more than two (2) years. As a result, the applicant is required to amend the zoning to complete the proposed rehabilitation of the structure and make the site conforming to zoning.

The primary concern of the historic district is to preserve the overall character, identity and presence of the Terrell Heights neighborhood. Buildings, sites and other features that comprise the setting help create the identity and character of a neighborhood, and therefore, the following actions shall require review by the Historic and Cultural Landmarks Commission or the Historic Preservation in order to receive a certificate of appropriateness prior to the issuance of any permits. When reviewing work proposed related to non-contributing structures, the intent is to assess the effects of the change on the character and integrity of the historic district, rather than the structure itself.

On October 29, 2020, Preservation Staff issued a Certificate of Appropriateness to replace vinyl windows in-kind; install compatible new doors; replace the roof in-kind; and repair siding on the non-contributing structure.

The Terrell Heights neighborhood was created in the earliest years of automobile use, and therefore the presence of driveways and parking areas should be minimal and shall not overwhelm the architecture of buildings and green space of lawns. It is most appropriate for parking areas to be located in rear yards, behind buildings, and out of view of the public right of way. The paving of historically landscaped areas of the yard for parking is not appropriate.

Conditional uses are those uses which are generally compatible with the permitted land uses in a given zoning district, but which require individual review of their proposed location, design and configuration, and the imposition of conditions in order to ensure the appropriateness of the use at a particular location.

Through Ordinance 23609 effective March 29, 2019, the Conditional Use Permit allows for an unlimited time period for the operation of a use unless otherwise approved by the City Council. If a time limit is established for a Conditional Use Permit, the renewal of the CUP shall be considered through the public hearing process and approved by the City Council. A CUP shall expire if no permitting action is taken within six months of approval or cease of the use for six months. A CUP may be revoked through the public hearing process if necessary after convictions of one or more code violations.

Per Section 4.407 (a), the following general rules apply to all conditional uses:

- a) Conditional use permits in residential districts shall be limited to those uses designated "CUP" in the Residential District Use Table in Chapter 4, Article 6, Section 4.603.
- b) Approval of a conditional use permit shall authorize only the particular use or category of related uses for which the conditional use permit is issued.
- c) A conditional use shall not be enlarged, extended or otherwise modified unless approved by the City Council or approved administratively as applicable.
- d) The use of property for the purposes described in a conditional use permit shall not commence until a certificate of occupancy has been issued. A certificate of occupancy shall not be issued until all or approvals which may be required by the Codes and Ordinances of the City, including, but not limited to, a Building Permit, a Certificate of Occupancy and subdivision approval have been satisfied.

Section (d) provides the following Conditional Use Permit factors in consideration of appropriateness of a request:

- a) The proposed use is consistent with the Comprehensive Plan;
- b) The proposed use is compatible with the existing and adjacent uses.
- c) The proposed use meets all supplemental use standards specifically applicable to the use as set forth in Chapter 5;
- d) The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods;
- e) The proposed use is not materially detrimental to the public health, safety, and welfare, or results in material damage or prejudice to other property in the vicinity.

Site Information:

Surrounding Zoning and Land Uses:

North "A-5" One-Family / vacant
East "A-5" One-Family / vacant land, single-family
South "A-5" One-Family / single-family
West "NS-T5I" Near Southside T5I / Industrial

Recent Relevant Zoning and Platting History:

Zoning History: ZC-07-183, subject property, from "A-5" One-Family to "A-5/HC" One-Family/Historic and Cultural Overlay

Site Plan Comments:

The site plan as submitted is in compliance with the Zoning Ordinance regulations.

- Parking should be noted on the site plan and is to be hard surface dust free (*parking is not required within a Historic District*)

(Comments made by Platting (Subdivision Ordinance), Transportation/Public Works, Fire, Parks, and Water Department staff cannot be waived through the Zoning Commission and City Council. Approval of the zoning site plan does not constitute the acceptance of comments.)

Public Notification:

300 foot Legal Notifications were mailed on June 25, 2021.

The following organizations were notified: (emailed June 25, 2021)

Organizations Notified	
Fort Worth Downtown Neighborhood Alliance	United Communities Association of South Fort Worth
Glenwood Triangle NA	Near East Side NA
Historic Southside NA*	Streams And Valleys Inc
Trinity Habitat for Humanity	Southeast Fort Worth Inc
East Fort Worth Business Association	Near Southside, Inc.
Fort Worth ISD	

Located within this neighborhood organization*

Development Impact Analysis:

1. **Land Use Compatibility**

The applicant is proposing a zoning change to add a CUP to allow for a quadplex in an A-5 zoning district. Surrounding land uses consist of vacant to the north and east with single-family the south. A large industrial complex is located to the west, across the street, from the proposed rezoning.

The proposed site was operating as quadplex prior to losing legal nonconforming status. It is also considered a historic structure. Maintaining the use while bringing it up to code would benefit the neighborhood by occupying a vacant structure and providing a buffer to more intense uses to the west.

As a result, the proposed zoning request **is compatible** with surrounding land uses.

2. **Comprehensive Plan Consistency-Southside**

The 2021 Comprehensive Plan designates the site as being low density residential. The proposed zoning **is consistent** with the Comprehensive Plan.

The proposed rezoning is in conformance with the following future land use policies:

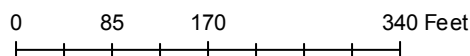
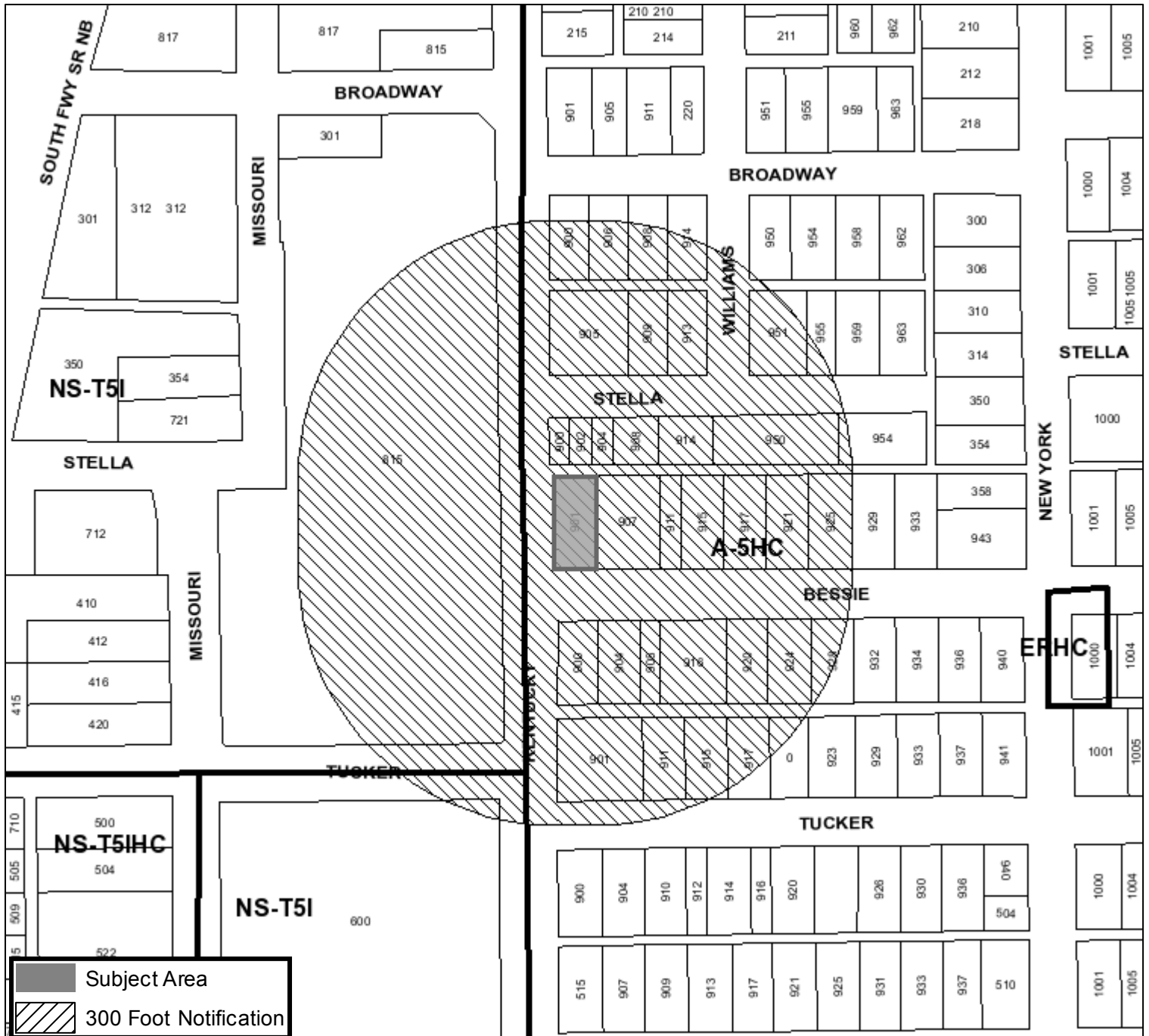
- Separate incompatible land uses with buffers or transitional uses. Some land uses have attributes such as height, proportion, scale, operational characteristics, traffic generated, or appearance that may not be compatible with the attributes of other uses.
- Encourage Urban Residential and Low Density Residential as transitional uses between Single-Family Residential and high density uses.
- Foster the preservation, improvement, and development of affordable rental and ownership housing in accordance with the City’s Comprehensive Plan.

Attachments:

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

Area Zoning Map

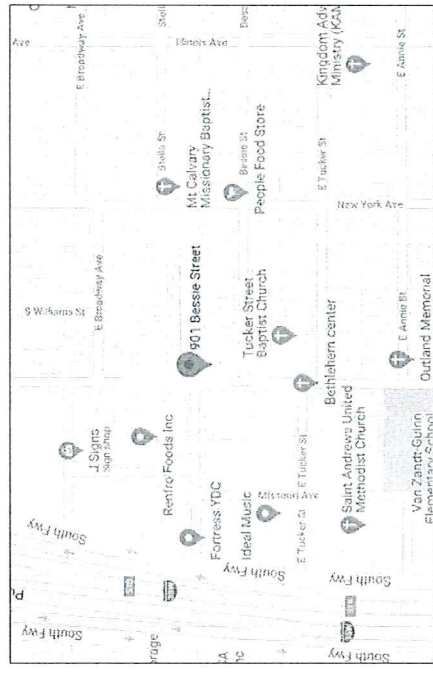
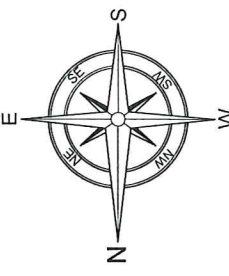
Applicant: Better Place - Bessie LLC
 Address: 901 Bessie Street
 Zoning From: A-5/HC
 Zoning To: Add Conditional Use Permit for quadraplex
 Acres: 0.126263
 Mapsco: 77F
 Sector/District: Southside
 Commission Date: 7/14/2021
 Contact: 817-392-2883



ADDRESS:
 901 BESSIE ST.,
 FORT WORTH,
 TX. 76104

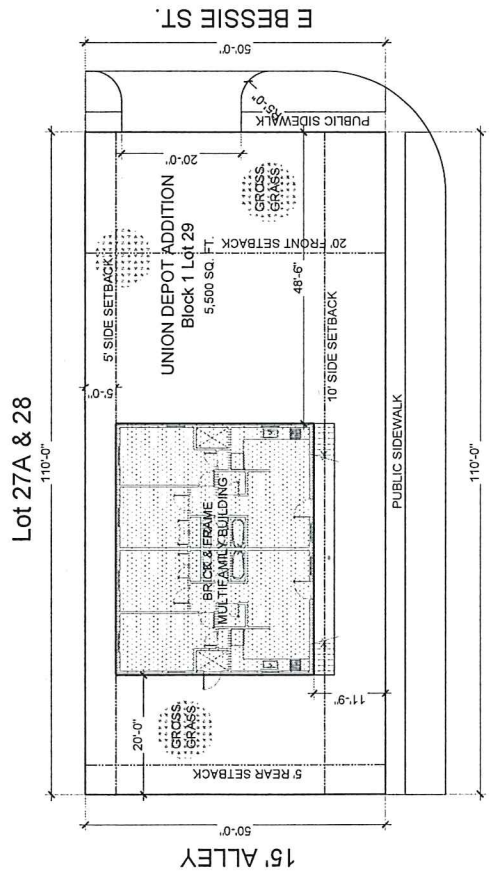
USE:
 RESIDENTIAL
 DRAWN BY:
 P&P BARRAGAN
 DATE:
 08/26/2020
 PLAN:
 SITE PLAN
 SCALE:
 1" = 20'

A01



VICINITY MAP
 FOR REFERENCE ONLY

AREA DISTRIBUTION	
1	1st STORY BRICK & FRAME MULTIFAMILY BUILDING
	1,380 SQ. FT.
	5,500 SQ. FT.
	% LOT COVERAGE
	25 %
LEGAL DESCRIPTION	
Property ID: 03212114	
Legal Description: UNION DEPOT ADDITION Block 1 Lot 29	
Geographic ID: 44120-1-29	



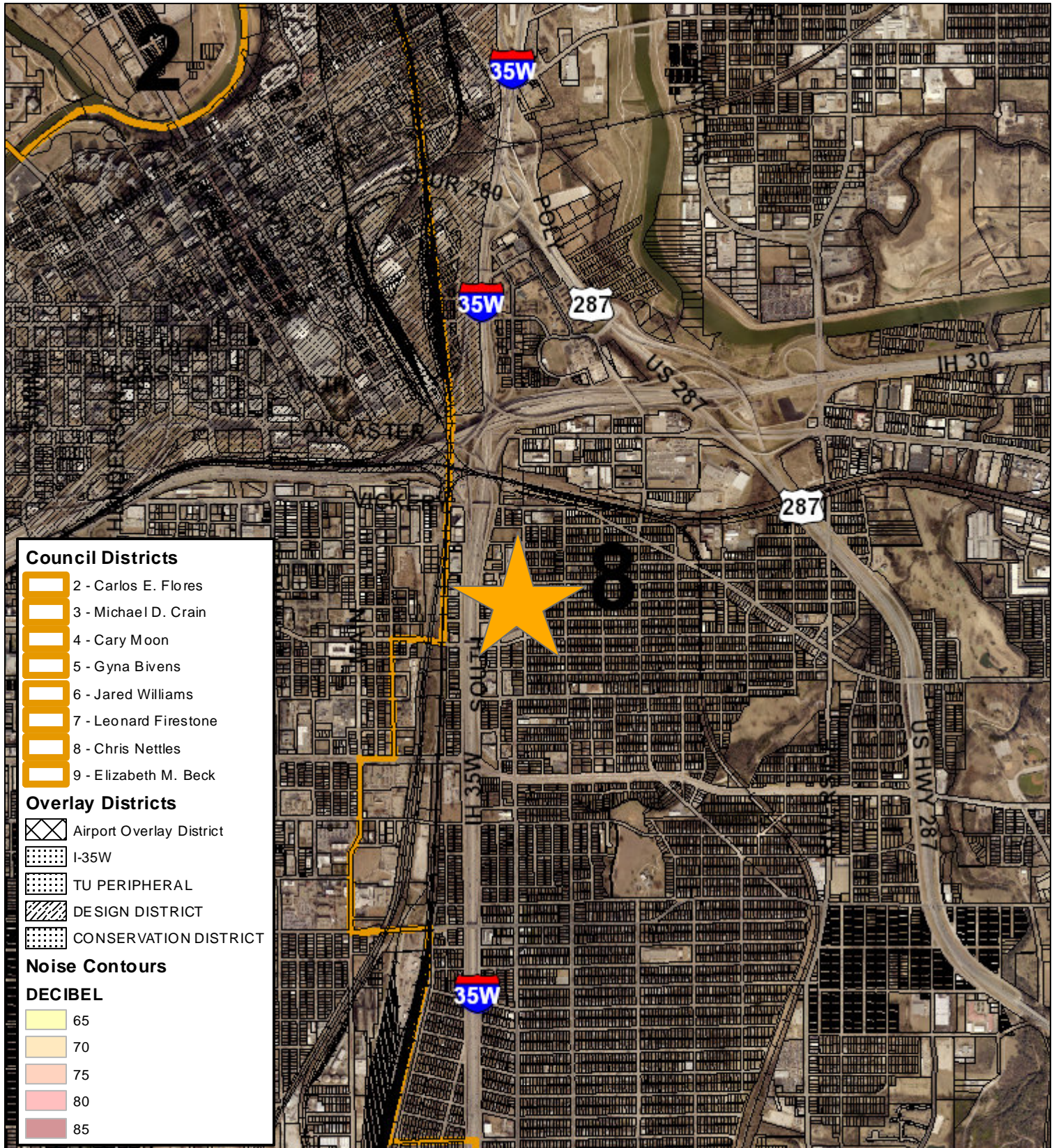
SITEPLAN
 SCALE 1" = 20'-0"

Digitally signed
 by Justin Newhart
 Date: 2020.10.29 11:46:35 -05'00'

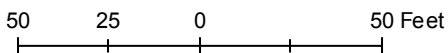
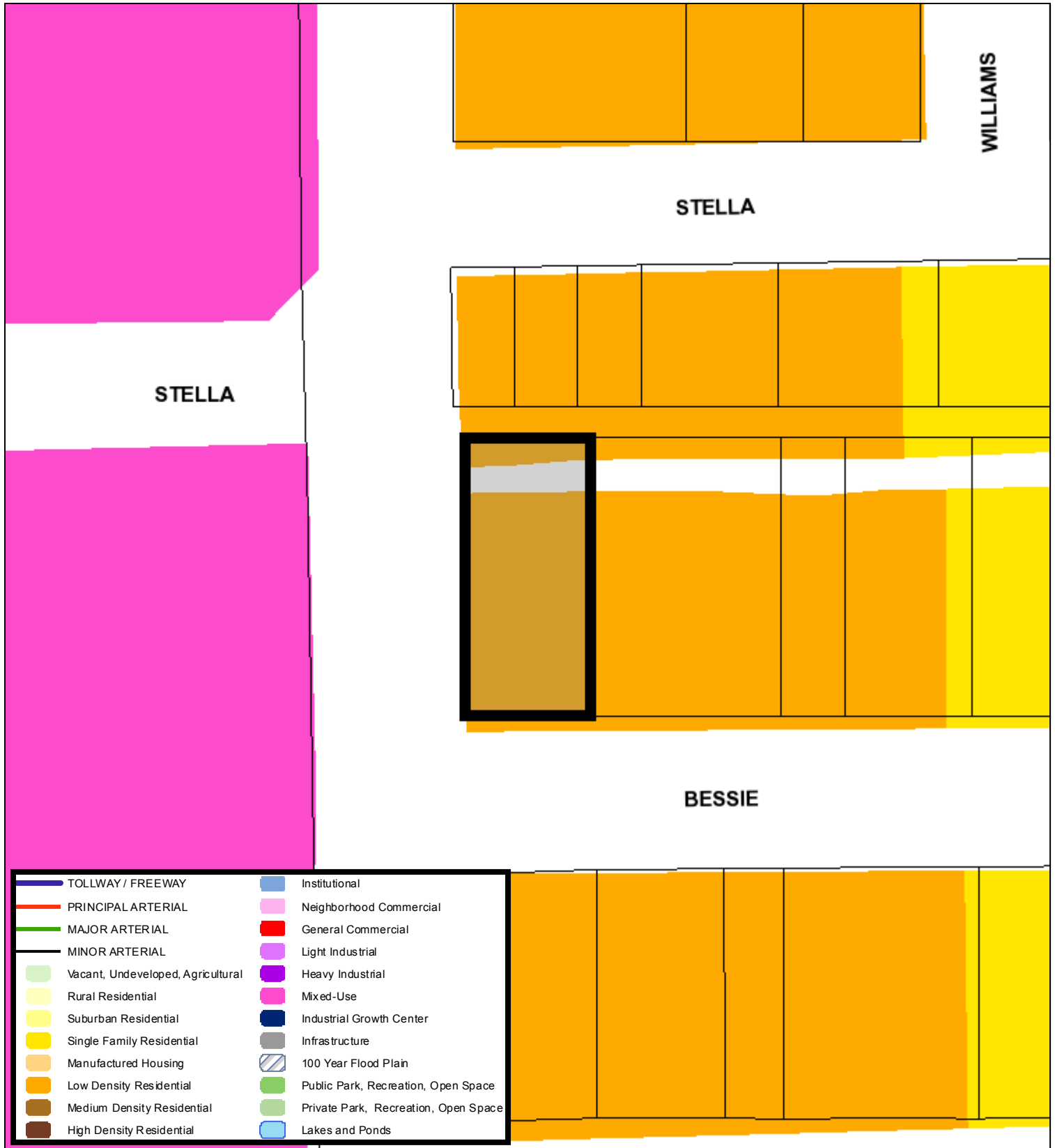
ZC-21-086



Area Map



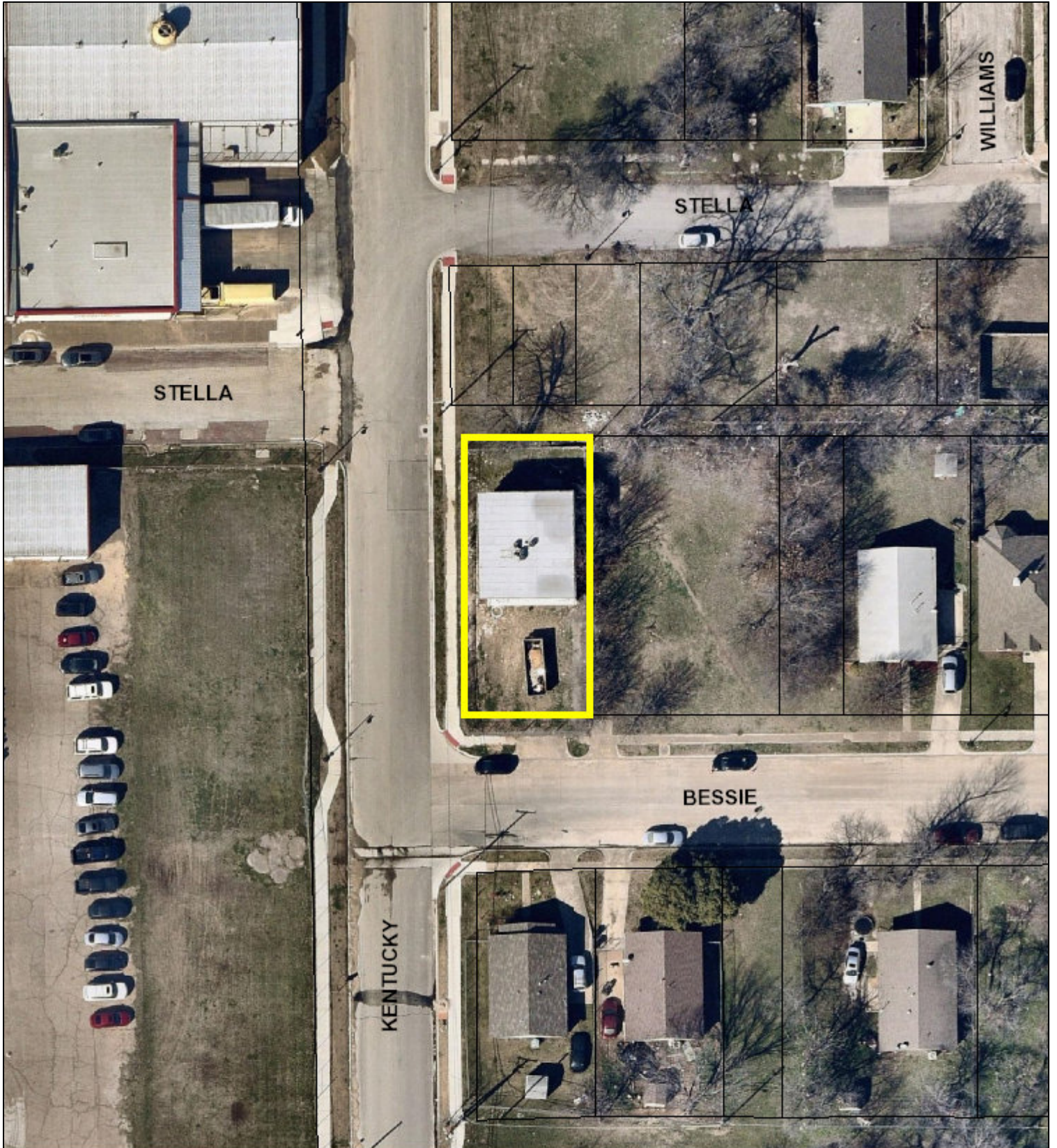
Future Land Use



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 6, 2018.



Aerial Photo Map



0 30 60 120 Feet

