



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
March 3, 2020

Council District 7

Zoning Commission Recommendation:
Approval by a vote of 9-0, as amended, for a bar with an art gallery, for a time period of five years

Opposition: Three people spoke
Support: River District NA; 1 person spoke

Continued Yes ___ No X
Case Manager Laura Evans
Surplus Yes ___ No X
Council Initiated Yes ___ No X

Owner / Applicant: 101 Nursery Lane LLC

Site Location: 101 Nursery Lane Acreage: 0.592

Proposed Use: Bar

Request: From: "MU-1" Low Intensity Mixed-Use
To: Add Conditional Use Permit to allow a bar to Suite 108; site plan included

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

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

Staff Recommendation: **Approval**

Background:

The subject property is located at the southeast corner of White Settlement and Nursery Lane. The applicant is requesting a Conditional Use Permit to allow a bar. The bar in this case is to function as part of an art gallery. A bar as part of a restaurant or similar use would be allowed if alcohol sales were not the majority of sales, in this case the developer is wanting ensure that the use is allowed if/when sales of alcohol becomes the majority of the business.

The parking ratio is 5 spaces per 1,000 square feet plus 1 space for every 4 seats. The site plan indicates 25 on-site parking spaces, with additional parking located within 500 feet of the site. The zoning is "MU-1" and the building is existing and meets the current "MU-1" zoning regulations, therefore no waivers are necessary.

While a bar is not permitted in the "MU-1" zoning district by right, allowing it by CUP with a site plan and a time limit may help mitigate any neighborhood concerns, as well as give options for the CUP to be revoked in the event of code violation convictions.

Conditional uses are those uses which are generally compatible with the permitted land uses in a given zoning district, 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.

During the zoning commission hearing, the opposition stated they were concerned with the adjacency of a bar behind their homes. The applicant stated that their use would not operate as a typical bar, and that alcohol would be served in conjunction with events. The amended motion makes it such that the bar use is only allowed in conjunction with an art gallery for a time period of five years.

Site Information:

Surrounding Zoning and Land Uses:

North	"E" Neighborhood Commercial / commercial
East	PD 990 PD/A-5 / single family
South	"MU-1" Low Intensity Mixed-Use / mixed-use
West	PD 1062 PD/UR / multifamily

Zoning History: None

Site Plan Comments:

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

(Comments made by Platting (Subdivision Ordinance), Transportation/Public Works, Fire, Park & Recreation, 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 conditions.)

Public Notification:

300 foot Legal Notifications were mailed on January 24, 2020.
The following organizations were notified: (emailed January 22, 2020)

Organizations Notified

FW Rivercrest Bluffs HOA	FW River Heights HOA
River District NA*	Tarrant Regional Water District
Streams And Valleys Inc	Trinity Habitat for Humanity
Fort Worth ISD	Castleberry ISD

*Located within this Neighborhood Association

Development Impact Analysis:

1. Land Use Compatibility

The applicant is requesting a zoning change to add a CUP to allow a bar. Surrounding land uses consist of a mixed use and commercial uses, with multifamily to the west and single family to the east.

The proposed rezoning **is compatible** with surrounding uses.

2. Comprehensive Plan Consistency – Northside

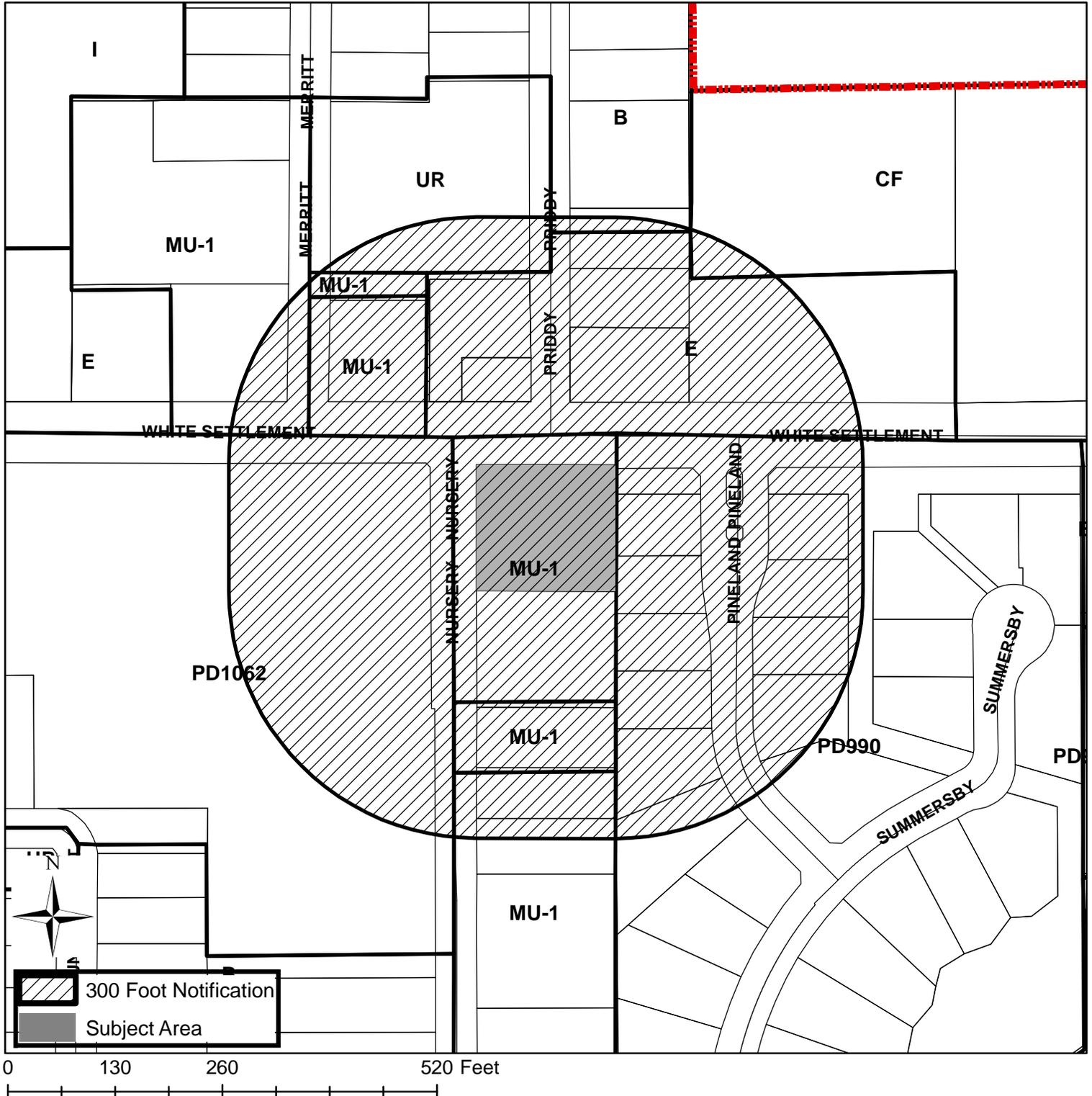
The 2020 Comprehensive Plan designates the subject property as Mixed-Use. While MU-1 does not allow bars by right, the CUP will allow for additional oversight to ensure compatibility with the area. Because of this, the requested zoning district **is consistent** with the following Comprehensive Plan policies.

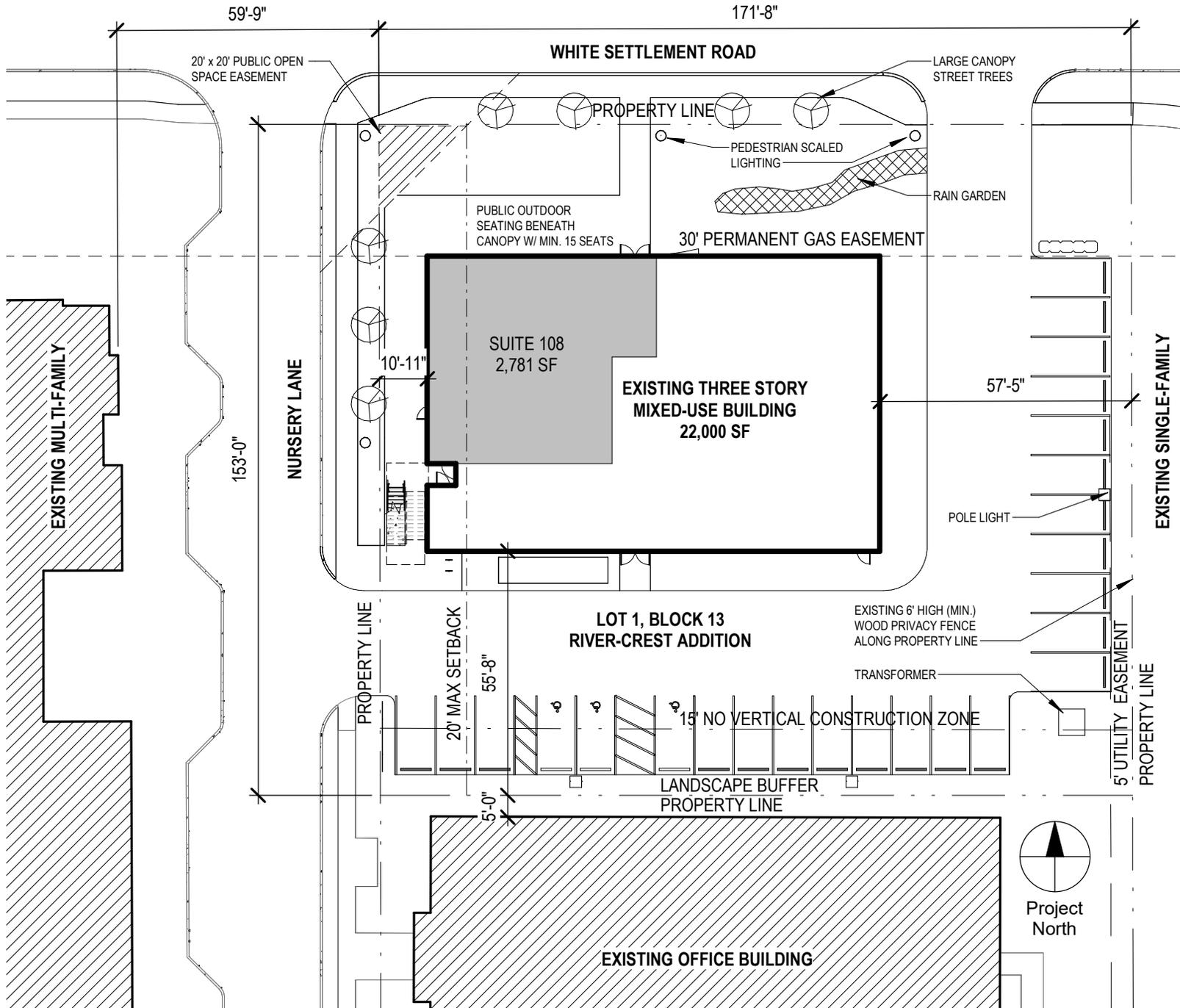
- Encourage new development adjacent and connected to previously developed or platted areas in order to utilize existing utility and road infrastructure and services, thereby optimizing public and private investments and discouraging sprawl development.
- Encourage new development in character with the existing neighborhood scale, architecture, and platting pattern, while working to improve pedestrian, bicycle, and transit access between adjacent neighborhoods and nearby destinations.

Attachments:

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

Applicant: 101 Nursery Lane LLC
 Address: 101 Nursery Lane
 Zoning From: MU-1
 Zoning To: Add Conditional Use Permit for bar/tavern for Suite 108
 Acreage: 0.591888
 Commission Date: 02/12/2020
 Contact: 817-392-8043





PARKING SUMMARY:
 ON-SITE PARKING:
 22 SPACES + 3 ACCESSIBLE
 OFF-SITE PARKING
 (WITHIN 250'): 26 SPACES
 TOTAL PARKING: 51 SPACES

AREA LIGHTING:
 ALL PROVIDED LIGHTING WILL
 CONFORM TO LIGHTING CODE.

SIGNS:
 ALL SIGNAGE WILL CONFORM TO
 ARTICLE 4, SIGNS.

LANDSCAPE FEATURES:
 THE PROJECT WILL COMPLY WITH
 SECTION 6.301, LANDSCAPING

THE PROJECT WILL COMPLY WITH
 SECTION 6.302, URBAN FORESTRY.

ARCHITECT:
 ELEMENTS OF ARCHITECTURE, INC.
 1201 6TH AVE., SUITE 100
 FORT WORTH, TX 76104
 817.333.2880

SURVEYOR:
 RLG INC.
 5601 BRIDGE ST., SUITE 420
 FORT WORTH, TX 76112
 817.687.0080

OWNER:
 101 NURSERY LN, LLC -
 CHRISTOPHER POWERS, MANAGER
 105 NURSERY LANE, STE. 200,
 FORT WORTH, TX 76114

ZONING CASE NO: PO19-04813

DIRECTOR OF PLANNING AND DEVELOPMENT _____ DATE _____

01/24/2020

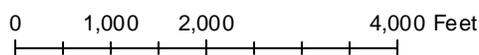
101 NURSERY LANE

CUP SITE PLAN

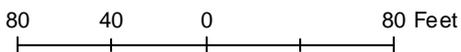
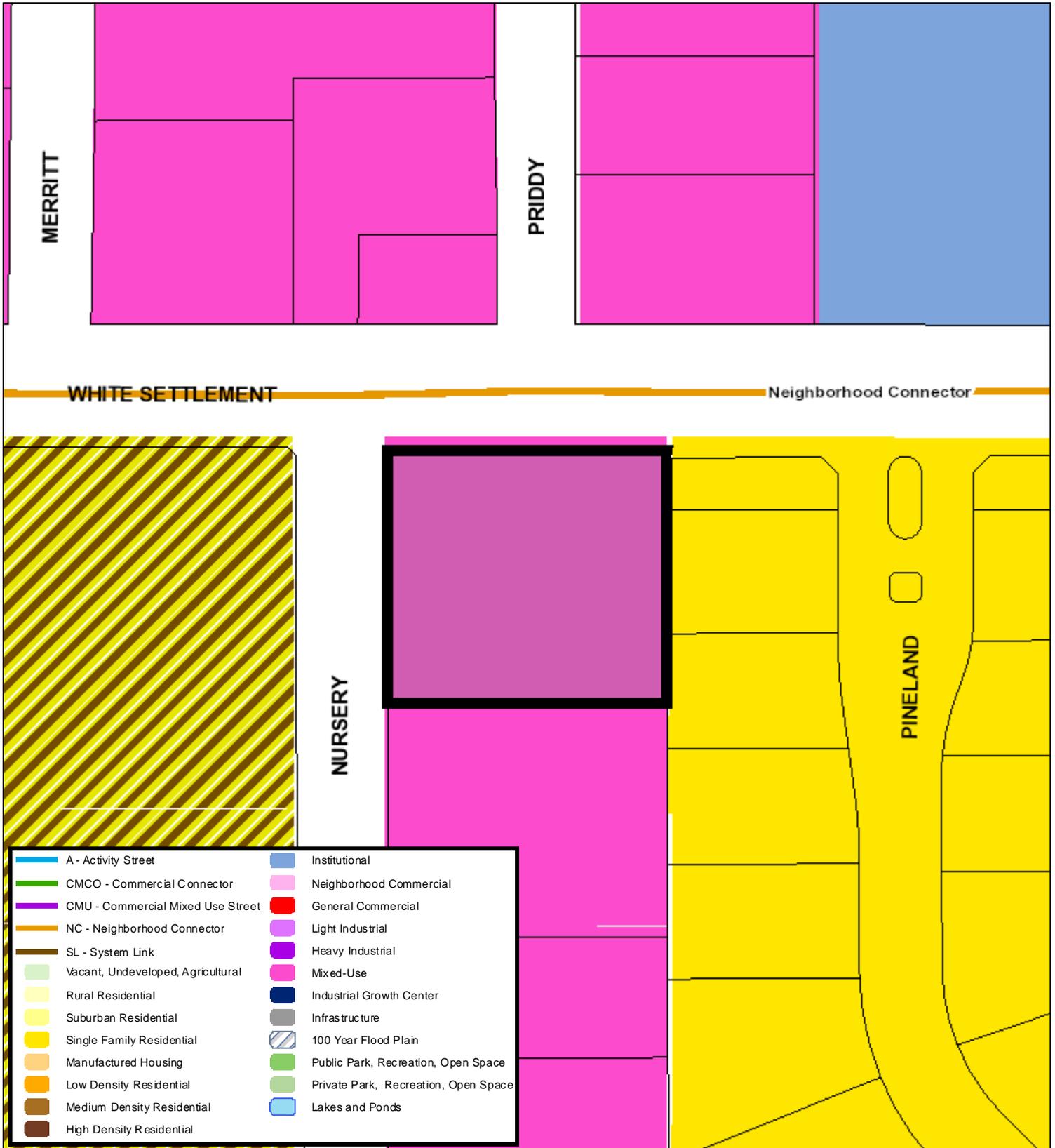
STUDIO 101 ART GALLERY
 SUITE 108



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 5, 2019.



Aerial Photo Map



0 50 100 200 Feet

