



Zoning Staff Report

Date: September 14, 2021

Case Number: ZC-21-154

Council District: 6

Zoning Map Amendment

Case Manager: [Monica Lafitte](#)

Owner / Applicant: Legacy CTW LP / Barry Hudson, Dunaway

Site Location: 9200 - 9300 blocks of Brewer Boulevard **Acreage:** 15.15 acres

Request

Proposed Use: Multifamily Residential (Apartments)

Related Case: ZC-20-157/PD1298

Request:
From: PD1298 Planned Development for “CR” Low Density Multifamily and “C” Medium Density Multifamily, site plan required
To: Amend PD1298 for “C” Medium Density Multifamily uses to add development standards for yard setbacks, fencing, open space, and building orientation; site plan included

Recommendation

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

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

Staff Recommendation: **Approval as requested, with the below changes:**
1) **Approval does not include the request for the reduction in required percentage for open space**
2) **Approval is conditional that the 6-foot metal fence separating apartment buildings from the detention pond area be reduced to a 4-foot open style fence**

Zoning Commission Recommendation: **Approval as requested, with the condition that the 6-foot metal fence separating apartment buildings from the detention pond area be reduced to a 4-foot open style fence.**

(Zoning Commission recommended approval of the applicant’s request for a reduction in required percentage for open space)

Correspondence: **None submitted.**

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Project Description and Background

This site is located in the northwest quadrant of Brewer Boulevard and McPherson Boulevard, just west of Chisholm Trail Parkway. The requested zoning case is to update the language of the existing Planned Development (PD) to add development standards and the required site plan for the southern portion of PD1298, which is intended for “C” Medium Density Multifamily.

PD1298 was created in 2020; despite being after the 2019 ordinance change which required PDs to add two or more uses to the base district, the PD does not add or remove any uses; Former Councilman Jordan required the case to be a PD in order to tie the project to a site plan. The PD has a northern portion being developed as detached multifamily development based on “CR” Low Density Multifamily, which is not part of this zoning case; this case’s southern portion will be developed as “C” Medium Density Multifamily for standard apartments.

The applicant is requesting to add development standards to alter certain items from the base zoning of “C” Medium Density Multifamily. This zoning case also includes the submission of the site plan for the site, which was established as a requirement with the original PD case.

Below is a table that illustrates the differences between the base “C” regulations and the proposed PD.

Requirement	C Standards	Proposed PD/C (Provided per site plan)
Density	Maximum 24 units per acre	Complies (Provided 18.74 units per acre)
Height	Maximum height 36’ slab to top plate	Complies (Provided 35’6” per table on site plan)
Required Yards	<u>Front Yard</u> : 20’ minimum <u>Rear Yard</u> : 5’ minimum <u>Interior Side Yard</u> : 5’ minimum <u>Corner lot side yard</u> : 20’ minimum adjacent to side street	<u>Front Yard (along Brewer Blvd.)</u> : buildings comply <u>Rear Yard (eastern property line)</u> : buildings comply <u>Interior Side Yard (all other property lines)</u> : buildings comply

		Fence allowed in the front yard setback <i>(requires Development Regulation Standard for fence in required front yard)</i>
Bufferyard	Where adjacent to one- or two-family district, a five-foot bufferyard and minimum six-foot screen fence shall be placed on the property line and should be landscaped per point system	N/A Not adjacent to one- or two-family district
Fences	Fences shall not be located in the area between building facades and the property line; Exterior security fences and gates that are located along public streets, along a public access easement, or along publicly accessible open space shall not extend beyond building facades.	Fencing located between building facades and property line with pedestrian gates (Providing 4' decorative wood open-style split rail fence along Brewer and 6' metal picket perimeter fence between buildings and ROW) <i>(requires Development Regulation Standard)</i>
Minimum Parking Requirements	1 space per bedroom; 1 space per 250 square feet of office/amenity area Spaces required: 415	Complies Spaces provided: 421 (9 of which are Accessible)
Open Space	Minimum 45%	Provided 32.8% Note: The pool and dog park are being counted towards the open space percentage, and therefore cannot be counted towards the enhanced landscaping <i>(Reduced open space percentage requires Development Regulation Standard) – Staff is not supportive of this development standard</i> Areas separated from the apartment buildings by a fence are not counted towards open space; the site plan shows a 6' metal fence along the rear of most of the detention field area, separating this open space from the apartment buildings <i>(Allowing the area forward of the fence (separating the detention area from the buildings) to be counted as open space requires a Development Regulation</i>

		<i>Standard) –Staff is supportive of this if the 6’ metal fence in the front yard is instead reduced to be the 4’ open style fence like what is proposed along the front yard property lines</i>
Landscaping	Must meet 20 points of enhanced landscaping	Per note on site plan, project will comply with landscaping requirements for “C” per 4.711(d)(6), including enhanced landscaping
Urban Forestry	Must comply with Urban Forestry ordinance requirements	Per note on site plan, project will comply with section 6.302, Urban Forestry
Building Orientation	Buildings located on public streets must face the street with the longest length of the building placed parallel/adjacent to the street.	Buildings facing street shall be allowed to have shortest length facing street <i>(requires Development Regulation Standard)</i>
Façade Variation	Must meet selection of façade variation elements	Will be reviewed upon MFD/building permit submittal
Multifamily Design Standards	Submit MFD plan to meet standards	Will submit application for MFD permit to meet standards

Surrounding Zoning and Land Uses

North PD1298 / For “CR” Low Density Multifamily with Detached Multifamily being developed
 East “G” Intensive Commercial / undeveloped
 South “G” Intensive Commercial / undeveloped
 West “A-5” One-Family / residential

Recent Zoning History

- SP-21-010 Site plan for the northern portion of PD1298, the “PD/CR” portion for detached multifamily. Approved by City Council June 22, 2021.
- PD1298/ZC-21-157, approved December 15, 2020 by City Council for all uses in “CR” Low Density Multifamily (northern portion) and “C” Medium Density Residential (southern portion), site plan required at later date; The land use was found compatible with surrounding land uses and consistent with the comprehensive plan at the time of the PD approval; effective May 6th, 2021
- PD1276/ZC-20-001, approved March 3, 2020 by City Council for PD/C for cottage community
- PD 1236/ZC-19-137 Planned Development for G uses plus self-storage facility with development standards along Chisholm Trail Parkway, effective 6/20/19; site plan approved; site to the north side of the gas well pad site, north of the “PD/CR” portion of PD1298

Public Notification

300-foot Legal Notifications were mailed on August 26, 2021.

The following organizations were notified: (emailed August 26, 2021)

Organizations Notified	
Panther Heights NA	District 6 Alliance
Streams and Valleys Inc	Trinity Habitat for Humanity
Crowley ISD	

**Not located within a registered Neighborhood Association*

Development Impact Analysis

Land Use Compatibility

The applicant is proposing additional development standards and submitting the required site plan for the “C” Medium Density Multifamily portion in the existing PD1298. The “C” Medium Density Multifamily land use was already established as compatible with the surrounding land uses via ZC-20-157. Surrounding land uses include single family to the west, detached multifamily in the development process to the north, and undeveloped commercial zoned land to the east and south.

The proposed zoning is **compatible** with surrounding land uses.

Comprehensive Plan Consistency – Far Southwest

The 2021 Comprehensive Plan currently designates the subject property as General Commercial.

The below table is an excerpt from the Comprehensive Plan’s Ch. 4 Land Use section. Multifamily residential zoning is listed as appropriate for the General Commercial designation of Future Land Use.

LAND USE AND ZONING CLASSIFICATIONS

LAND USE	DEFINITION	ZONING
COMMERCIAL		
Neighborhood Commercial	Retail, services, offices and mixed uses serving daily needs for a local market area	Multifamily Residential, ER, E, MU-1
General Commercial	Retail, services, offices and mixed uses serving occasional needs for a larger market area	Multifamily Residential, ER, E, MU-1, MU-2
Mixed-Use/ Mixed-Use Growth Center	Retail, services, offices, entertainment, mixed uses, and multifamily residential; Community Growth Centers are less intensive, and Regional Growth Centers are more intensive	AR, B, R1, R2, CR, C, D, UR, all Commercial, MU-1, MU-2, Form-Based Codes

The proposed zoning is consistent with the land use designations for this area, and aligns with the following policies of the Comprehensive Plan:

- 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.
- Promote fiscally sustainable growth on the periphery of the city by encouraging development adjacent to existing adequate infrastructure and discouraging leapfrog development.

Based on conformance with the policies stated above, the proposed zoning is **consistent** with the Comprehensive Plan.

Site Plan Comments

Zoning and Land Use

- Please refer to table above summarizing the requested development standards.

- Open Space

Below are the open space requirements from the “C” Medium Density Multifamily Ordinance.

f. *Open space and recreational facilities.* All open space and recreational facilities shall be identified on the site plan. Open space is the ratio of open space to net land area (see Chapter 9, Definitions).

g. Open space shall be clustered in areas upon the site to provide views and vistas for a given group of buildings. Open spaces and recreational amenities shall be designed as functional space with appropriate distribution on the total site plan. Any recreational facilities shall be used primarily by the residents and their guests. No alcohol, beer or wine shall be sold on the premises unless permitted in a district zoned for that use.

i. Except for required front yards, no space or area less than 25 feet in either dimension shall be counted as open space.

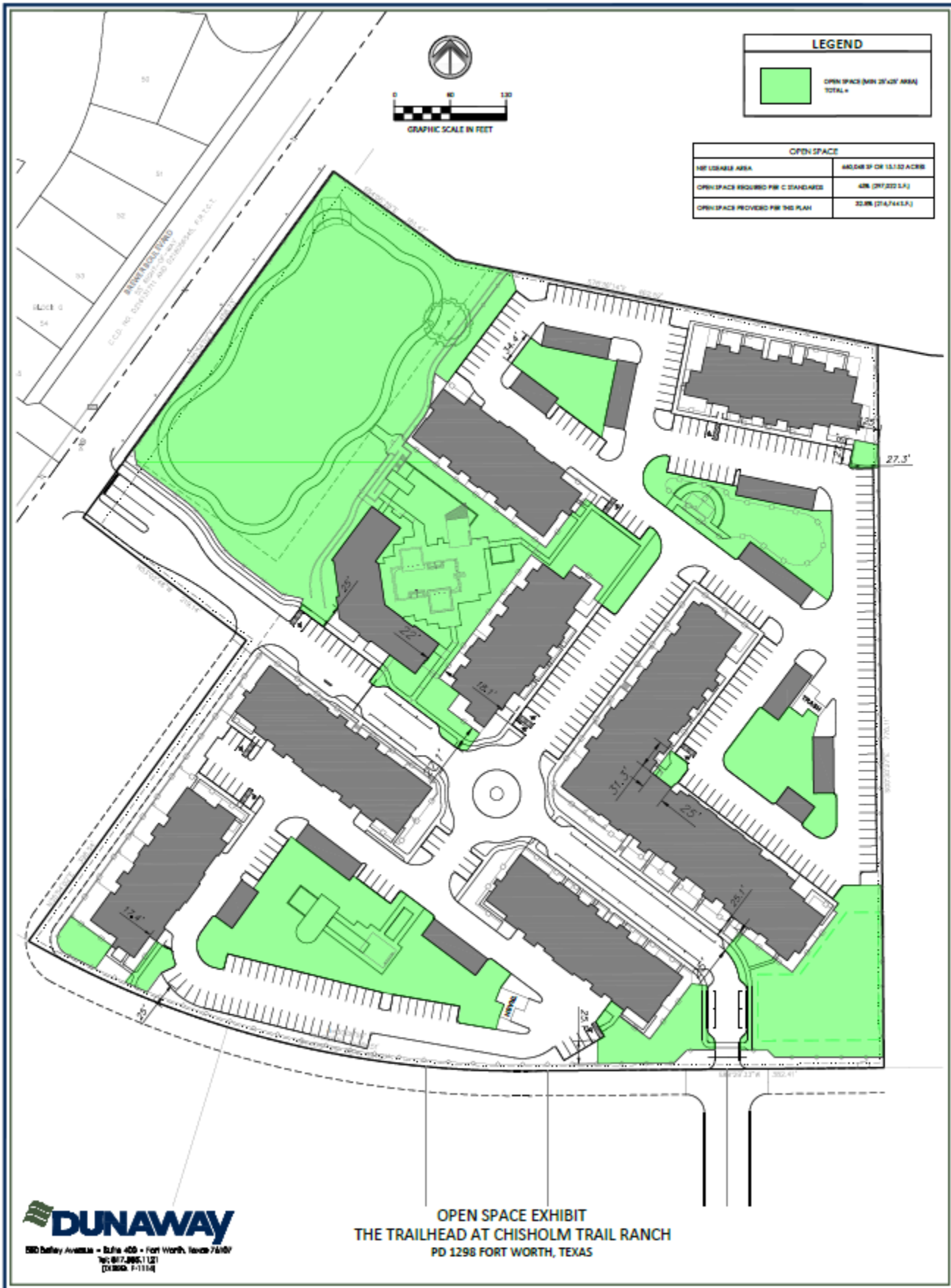
ii. Patios adjacent to dwelling units, unless enclosed, may be included as part of the open space.

The below exhibit shows the areas the applicant is counting as open space, which total 32.8% where 45% is required—deficient by 12.2%.

Staff is not supportive of the reduction in open space. Open space waivers are often granted to detached multifamily PDs due to the more single-family form, but this is a standard “C” Medium Density Multifamily apartment development. A deficiency of this amount is a large difference. Staff is not supportive of a development standard to reduce the required open space percentage.

Additionally, the 2 acres detention pond area at the front of the site is not supposed to be counted as open space, as it is largely separated from the apartment buildings by a proposed 6-foot metal fence. The applicant has stated part of this is for “security to the pool adjacent”; staff understands why a 6-foot security fence would be desired around the pool area to separate it from the public access in the front yard; staff is supportive of this portion being 6-foot in height. The applicant has indicated the rest is a “metal fence provided here for fall protection”. Staff does not support the 6-foot metal fence separating the apartment buildings from the detention pond open space area. The presence of a fence means the detention pond area should not be counted as open space. However, staff would support including it in the open space calculation if the 6-foot metal fence were reduced to a 4-foot open style fence, such as the 4-foot split rail fence proposed along the front yard perimeter. Staff believes a 4-foot split rail fence would be less divisive, providing more connectivity between the open space and the residents. A 4-foot fence would also still act as a fall protection fence, thus achieving its purpose as stated by the applicant.

Open Space Exhibit



- **Building Orientation**
Although the site plan could have rotated the building B closest to the ROW in order to comply with the requirements that buildings along a ROW must have the longest side parallel to the ROW, staff is okay with this requested development standard, since the building is set back so far (roughly 230 feet) from the ROW.
- **Front Yard Setback**
Staff is supportive of the development standard to allow the proposed 4-foot open style split rail wooden fence to be in the required front yard, following along the property lines. In one- and two-family uses, an open style fence of up to 4-foot is allowed in the front yard. However, this allowance is not specifically listed in the multifamily ordinance. Staff supports the 4-foot open style fence in the required front yard, as it is not providing a visual barrier and is part of the overall design aesthetic of the larger Chisholm Trail Ranch area.
- **Fence**
Staff is also supportive of a fence between the buildings/parking and the ROW (at the rear of the detention pond area), since it is so far set back from the ROW that it will not make a huge impact. However, please note the condition staff added above about this fence's height and style for Open Space requirements.

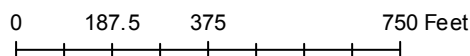
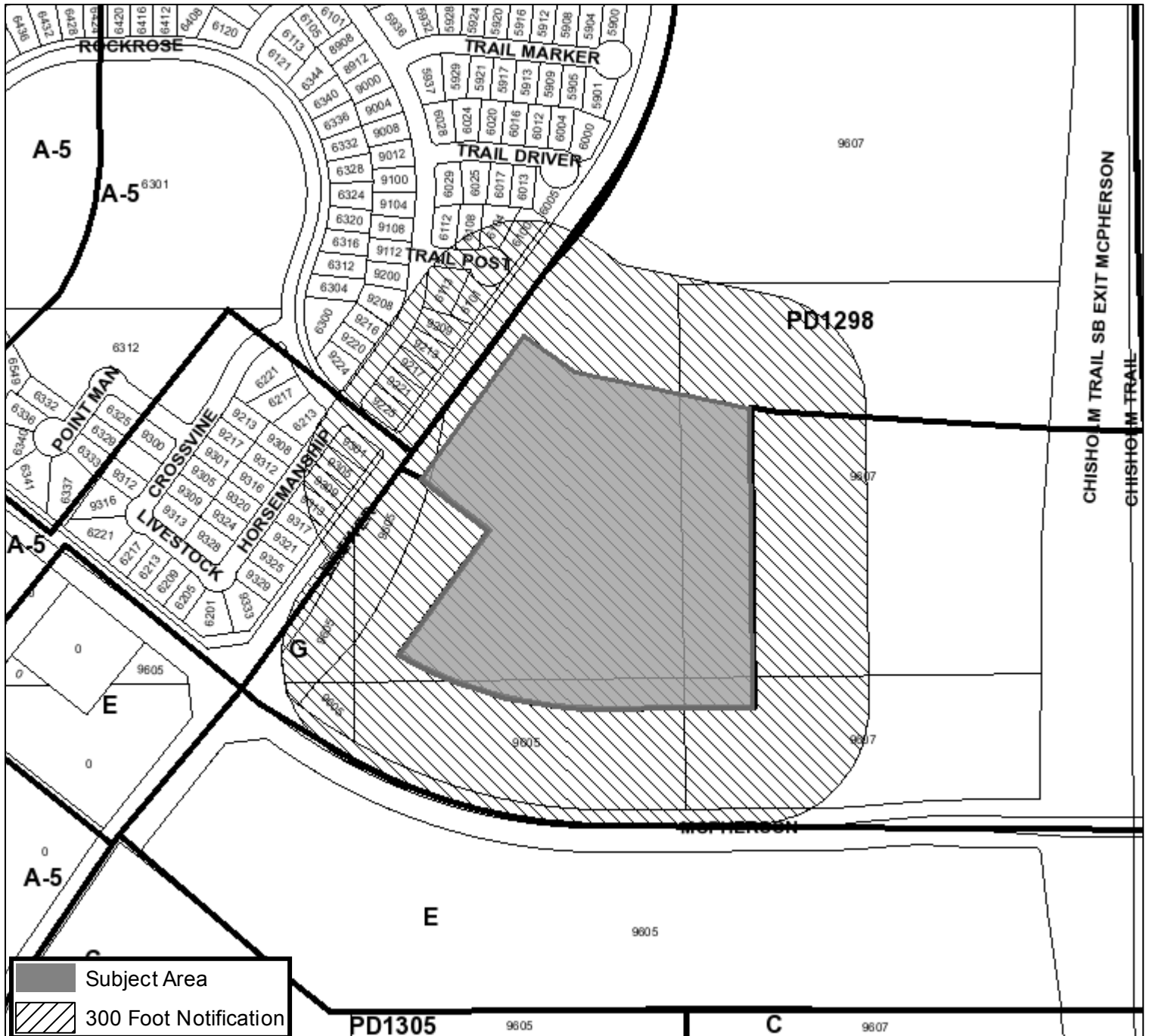
TPW Engineering

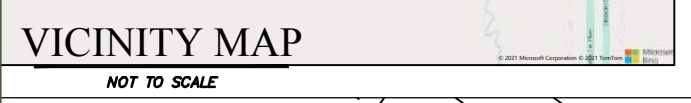
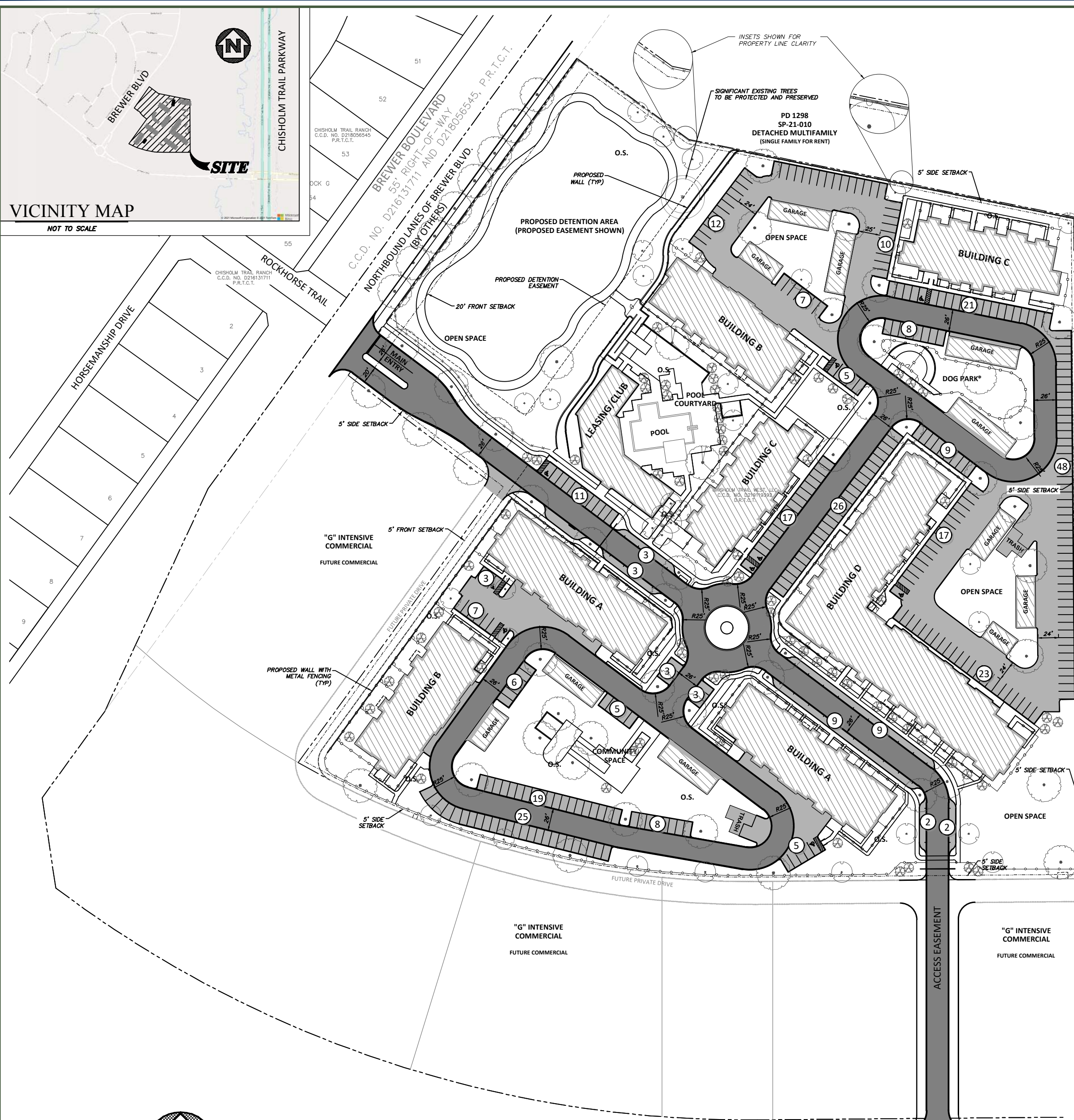
- Transportation (Armond Bryant, 817-392-8702, Armond.Bryant@fortworthtexas.gov)
 1. Gate at southern entrance requires 3 car stacking and turn around.
 2. Label public and private access easements accordingly.

(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.)

Area Zoning Map

Applicant: Legacy CTW, LP
 Address: 9200 - 9300 blocks of Brewer Boulevard
 Zoning From: PD 1298 for CR and C uses, site plan required
 Zoning To: Amend existing PD to add development standards, site plan included
 Acres: 15.15283974
 Mapsco: 102U
 Sector/District: Far Southwest
 Commission Date: 9/8/2021
 Contact: 817-392-2806





SITE LEGEND

	PROPERTY BOUNDARY
	SETBACK
	EASEMENT
	PROPOSED CURB
	6' METAL FENCE
	4' METAL FENCE
	DECORATIVE WOOD SPLIT RAIL FENCE 4' OR LESS IN HEIGHT
	PARKING COUNT
	FIRE LANE
	CONCRETE PAVING
	BUILDING OR GARAGE
	O.S. or OPEN SPACE

BUILDING A		BUILDING B	
NUMBER OF BUILDINGS	2	NUMBER OF BUILDINGS	2
HEIGHT	35'-6"	HEIGHT	35'-6"
STORIES	3	STORIES	3
BUILDING AREA	29,523 SF	BUILDING AREA	25,445 SF
TOTAL AREA	59,046 SF	TOTAL AREA	50,890 SF
BUILDING C		BUILDING D	
NUMBER OF BUILDINGS	2	NUMBER OF BUILDINGS	1
HEIGHT	35'-6"	HEIGHT	35'-6"
STORIES	3	STORIES	3
BUILDING AREA	26,574 SF	BUILDING AREA	79,719 SF
TOTAL AREA	53,148 SF	TOTAL AREA	79,719 SF

PARKING INFORMATION

PLAN	UNITS	BEDS PER UNIT	BEDS
A1	47	1	47
A2	18	1	18
A3	73	1	73
A4	6	1	6
A5	27	1	27
B1	26	2	52
B2	39	2	78
B3	27	2	54
C1	6	3	18
UNITS	284	TOTAL BEDS	388

OPEN SPACE

NET USEABLE AREA	660,048 SF OR 15.152 ACRES
OPEN SPACE REQUIRED PER C STANDARDS	45% (297,022 S.F.)
OPEN SPACE PROVIDED PER THIS PLAN	32.8% (216,744 S.F.)

- NOTES:**
- ALL SIGNAGE WILL CONFORM TO ARTICLE 4, SIGNS.
 - BUILDING MATERIALS - STUCCO, STONE, BRICK, FIBER CEMENT PANEL AND SIDING, COMPOSITE SHINGLE, STANDING SEAM ACCENTS, AND OTHER MATERIALS PERMITTED BY CITY OF FORT WORTH CODE OF ORDINANCES AND CHISHOLM TRAIL GUIDELINES.
 - LIGHTING WILL CONFORM TO LIGHTING CODE.
 - SITE LIGHTING SHALL COMPLY WITH CITY OF FORT WORTH STANDARDS AND SPECIFICATIONS.
 - THE PROJECT WILL COMPLY WITH LANDSCAPING REQUIREMENTS FOR "C" PER 4.711(d)(6), INCLUDING ENHANCED LANDSCAPING.
 - DUMPSTER SCREENING SHALL BE 8' TALL BRICK VENEERED WALL.
 - PROJECT WILL COMPLY WITH SECTION 6.302, URBAN FORESTRY.

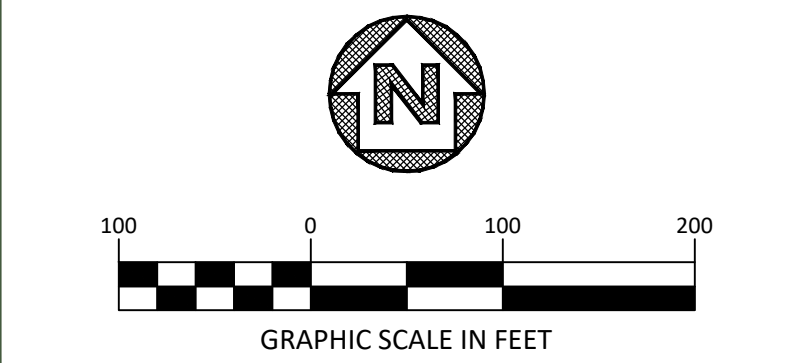
REQUIRED PARKING	1 SPACE PER BEDROOM	388 SPACES
S.F. OF LEASING OFFICE	6,510 S.F.	
LEASING OFFICE PARKING	1 SPACE PER 250 S.F.	27 SPACES
TOTAL PARKING REQUIRED		415 SPACES
PARKING PROVIDED	SURFACE SPACES	317
	ACCESSIBLE SPACES	9
	PRIVATE GARAGES	36
	DETACHED GARAGES	59
TOTAL PARKING PROVIDED		421

SITE INFORMATION

GROSS LOT AREA	(SF)	660,021.12
NET LOT AREA	(AC)	15.1520
	(SF)	571,594.32
	(AC)	13.1220
GROSS DENSITY	(DU/AC)	18.74
ZONING DISTRICT	PD 1298	BASE ZONING "C"
PROPOSED USE	MULTI-FAMILY	

PLANNED DEVELOPMENT DESIGN STANDARDS, BASE ZONING DISTRICT "C" MULTI-FAMILY

- MINIMUM OPEN SPACE REQUIREMENT OF 32% OF GROSS LOT AREA (SECTION 4.711.C.2 WAIVER; INSTEAD OF 45% IN "C"), INCLUDING 2-ACRE GREEN SPACE (DRAINAGE DETENTION AREA, WITH PEDESTRIAN PATH LOOP AROUND PERIMETER) ALONG BREWER BOULEVARD TO SETBACK THE MULTI-FAMILY BUILDINGS AND ACT AS AN OPEN SPACE BUFFER AREA TO THE SINGLE-FAMILY RESIDENTIAL NEIGHBORHOOD TO THE WEST (FEATHERSTONE AT CTR).
- ALLOW A DECORATIVE WOOD SPLIT RAIL FENCE 4' OR LESS IN HEIGHT ALONG BREWER BOULEVARD, PER THE FILED CHISHOLM TRAIL RANCH DESIGN STANDARDS TO CARRY OUT THE CTR THEME (SECTION 4.711.D.4 WAIVER; INSTEAD OF NO FENCE BETWEEN BUILDING FAÇADE AND STREET)
- ALLOW A 6' TALL DECORATIVE, ALUMINUM VERTICAL PICKET SECURITY SCREENING FENCE WITH LANDSCAPING AROUND THE PERIMETER OF THE MULTI-FAMILY DEVELOPMENT, WITH PEDESTRIAN GATES TO ALLOW AND PROMOTE CONNECTIVITY BETWEEN THE MULTI-FAMILY UNITS AND THE ADJACENT FUTURE COMMERCIAL DEVELOPMENT (SECTION 4.711.D.4 WAIVER; INSTEAD OF NO FENCE BETWEEN THE BUILDING AND THE PROPERTY LINE).
- ALLOW BUILDING ORIENTATION FLEXIBILITY TO ALLOW ANY BUILDING FAÇADE TO FACE THE STREET (SECTION 4.711.D.5 WAIVER; INSTEAD OF ONLY THE LONGEST LENGTH OF THE BUILDING BEING PARALLEL TO THE STREET).



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[TX REG. F-1114]

CIVIL ENGINEER:
DUNAWAY ASSOCIATES, L.P.
550 BAILEY AVE. STE. 400
FORT WORTH, TX 76107
PHONE: (817) 335-1121
CONTACT: BARRY HUDSON
EMAIL: bhudson@dunawayassociates.com

DEVELOPER/APPLICANT:
ABERG PROPERTY COMPANY
2929 CARLISLE ST. SUITE 365
DALLAS, TX
(214) 361-5000
CONTACT: PETER ABERG

OWNER
CHISHOLM TRAIL WEST, LLC
2929 CARLISLE ST
SUITE 365
DALLAS, TX 75204
(214) 361-5000
CONTACT: STEPHEN SAXON

SURVEYOR
DUNAWAY ASSOCIATES
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CONTACT STEVE GLOSUP

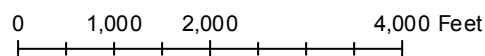
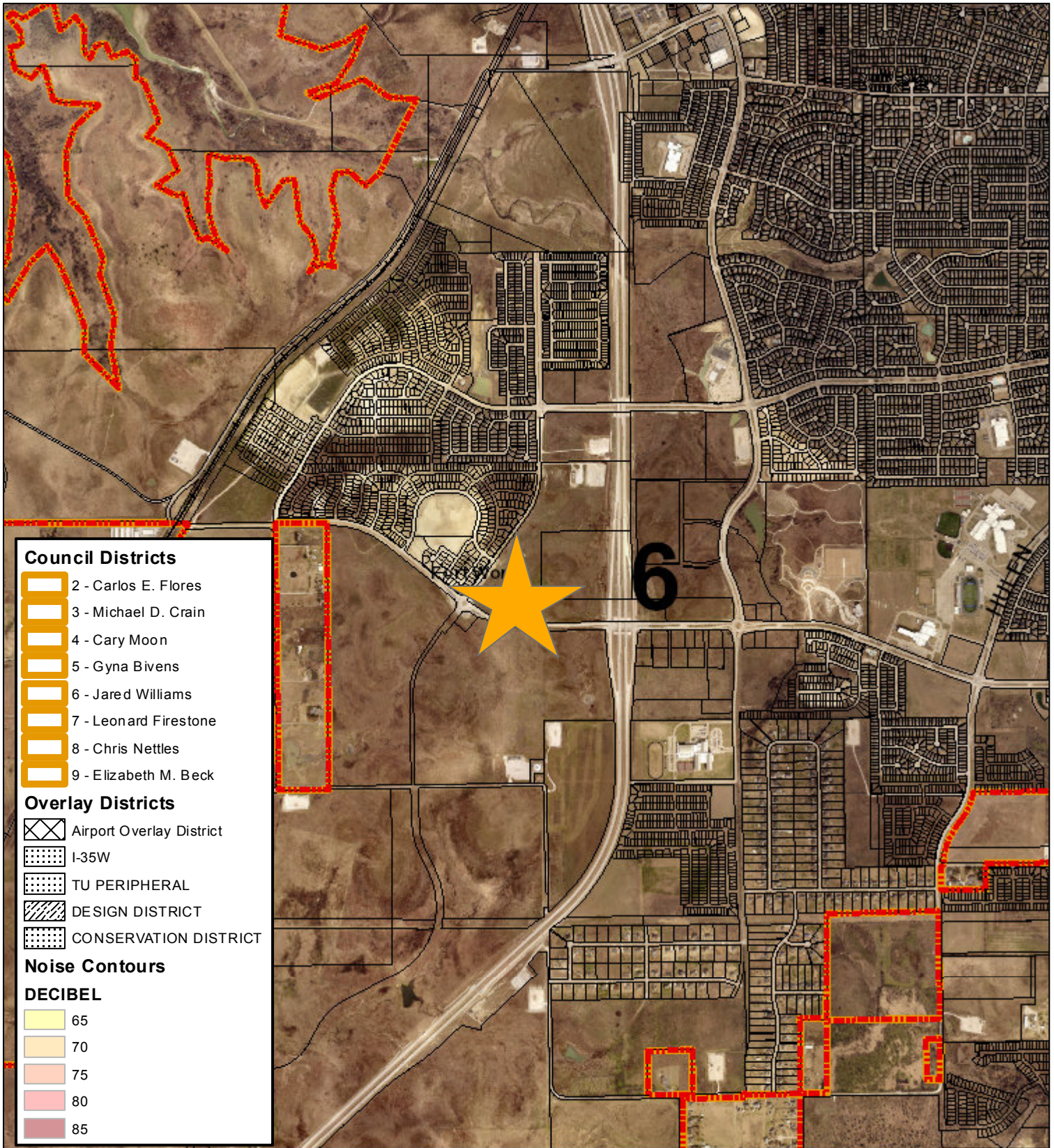
DIRECTOR OF DEVELOPMENT SERVICES

DATE _____

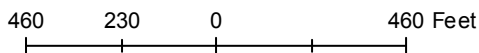
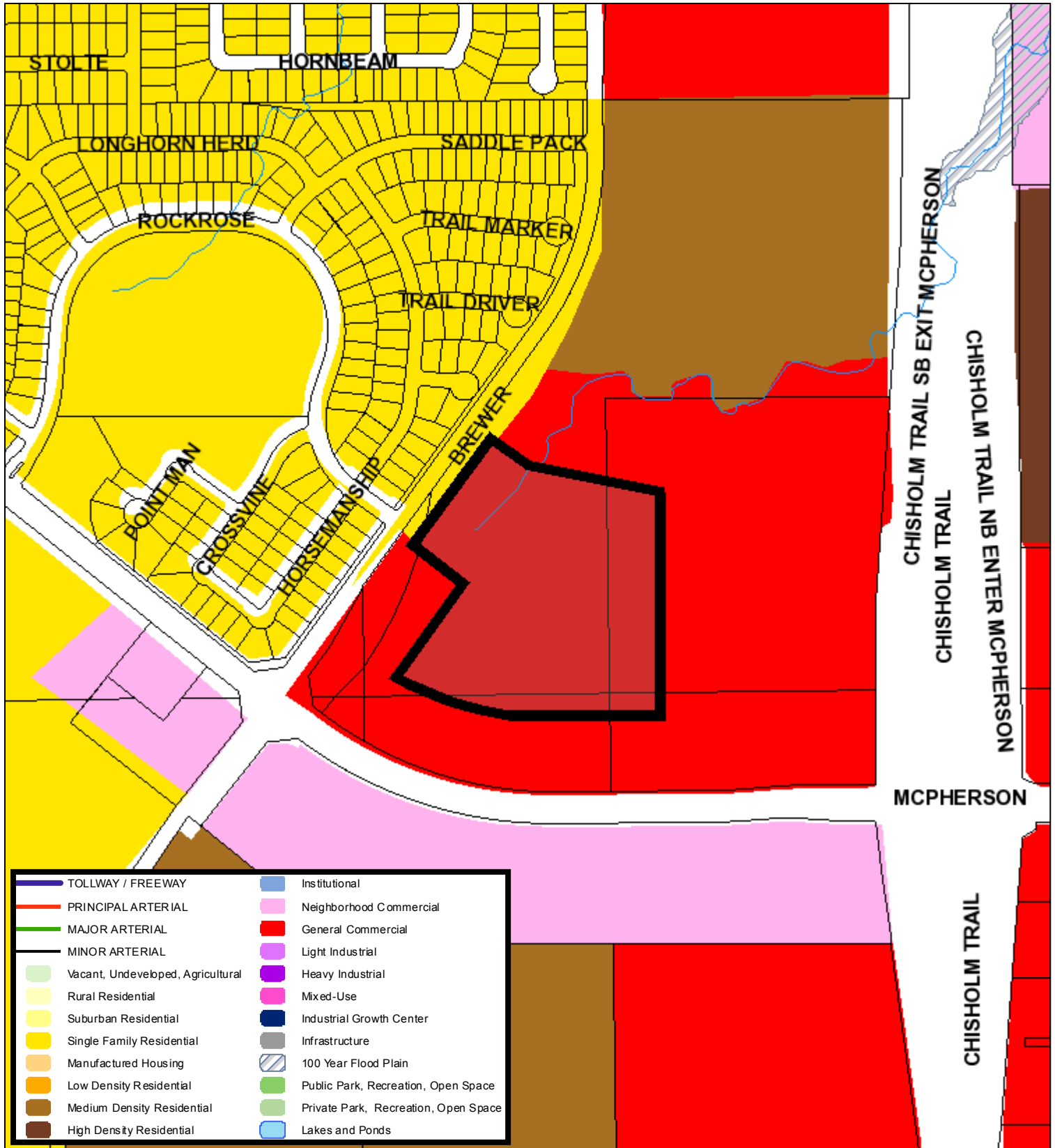
PD 1298 PLANNED DEVELOPMENT SITE PLAN THE TRAILHEAD AT CHISHOLM TRAIL RANCH

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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



0 287.5 575 1,150 Feet

