



# Zoning Staff Report

**Date:** September 26, 2023

**Case Number:** ZC-23-092

**Council District:** 9

## Zoning Map Amendment & Site Plan

**Case Manager:** [Shad Rhoten](#)

**Owner / Applicant:** Bennett Partners / Cowtown 109, LLC

**Site Location:** 2401 S. University Drive

**Acreage:** 1.98 acres

### Request

**Proposed Use:** Office Building

**Request:** From: “A-5” One Family Residential/TCU Residential Overlay

To: “PD/SU” Planned Development Specific Use/TCU Residential Overlay for general office in “E” Neighborhood Commercial; site plan included

### Recommendation

**Land Use Compatibility:** Requested change **is not compatible**

**Comprehensive Plan Consistency:** Requested change **is not consistent**

**Staff Recommendation:** **Denial**

**Zoning Commission Recommendation:** **Approval by a vote of 7-0**

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## Project Description and Background

*This item was continued from the July 12, 2023 Zoning Commission meeting at the request of the applicant so they could continue to work with the Neighborhood Organizations. The case was continued again on August 9, 2023 due to a technical error in notice. The item has been re-noticed prior to the September meeting.*

The subject property is located at 2401 University Drive within the TCU Residential Overlay District. The applicant requests to rezone from “A-5” excluding uses (see docket packet) to construct a 15,690 square foot office building, three (3) stories in height. The property is two (2) tracts of land comprising approximately 2 acres. It is currently undeveloped.

A description of the project from the application is provided below:

### Detailed Project Description

The project will consist of a new office building and associated parking at 2401 South University Drive. The site is currently zone A-5 Single Family, however, the most recent long-time use of the site was a commercial photography studio and not single family. Traffic noise from South University Drive makes it highly unlikely that this site could ever be successfully developed as non-rental single family as intended in the original, existing zoning.

Just to the north of this site is an existing area of ‘E’ Neighborhood Commercial where a small historic building currently houses primarily office use (financial advisors, interior designers), along with some small retail spaces. We believe this center proves the compatibility of office use with the surrounding neighborhoods, especially considering that the office space will be used during the daytime hours and will be vacant in the evenings when the adjacent residents are home.

The design of the building and the site plan are also designed with consideration of compatibility with the adjacent neighbors. While the proposed zoning is ‘E’ Neighborhood Commercial, the building’s proposed height is measured as 35’ which complies with the existing A-5 Single Family Zoning. Due to the site’s topography, the top of the building will be below the elevation of the residential lots above, preserving the homeowner’s backyard privacy. In addition, the building and parking lots have been sited to preserve all of the existing trees upslope of the building, preserving the existing views.

To prevent light spill from the parking areas into the surrounding neighborhoods, parking and pedestrian lighting will be on 12’ stanchions with 90 degree cut off fixtures.

We believe the proposed ‘E’ zoning is created for this set of conditions and is appropriate to this situation. We are asking for a PD in order to be able to exclude certain uses from the base ‘E’ Neighborhood Commercial Zoning that we believe the adjacent neighborhoods would find objectionable and also to limit uses that would generate a higher traffic due to the vehicular ingress and egress challenges.

As stated above in the applicant’s narrative, the primary reason for the PD is to request the specific use of general offices in the “E” Neighborhood Commercial zoning district. This is a more restrictive application than the previous iteration and would only allow general office under the “E” district. All other uses under the “E” district would be prohibited. The application, if approved, would also be tied to a site plan which has been submitted and reviewed by City Staff.

## Surrounding Zoning and Land Uses

North “A-5” One Family Residential / single-family residential

East “A-5” One Family Residential / single-family residential  
South “A-5” One Family Residential / single-family residential  
West “A-5” One Family Residential / single-family residential

## Recent Zoning History

- The subject property was rezoned in 2014 under the TCU Residential Overlay District. The purpose of the TCU residential overlay district is to facilitate preservation of existing single-family residential neighborhoods by establishing limitations and special requirements on property uses within the area that are inconsistent with the underlying zoning and original construction thereof by providing a mechanism for making such inconsistent uses compatible.

## Public Notification

300-foot Legal Notifications were mailed on August 30, 2023.  
The following organizations were emailed on August 30 30, 2023:

Organizations Notified	
Park Hill Place HOA	Colonial Hills NA
Paschal NA	Berkeley Place NA
Park Hill NA*	Streams and Valleys Inc
Tarrant Regional Water District	Fort Worth ISD
University West NA	Trinity Habitat for Humanity
Frisco Heights NA	

*\*Located within this registered Neighborhood Association*

## Development Impact Analysis

### Land Use Compatibility

All the immediate land uses are residential except for a small commercial node to the south located at Park Hill and University. Access to the proposed office complex is off of University, an arterial road. Although the size of the property would allow future subdivision (or single lot) for residential purposes, alternative access would need to be evaluated to prevent direct residential access onto an arterial roadway (University).

Uses allowed in “E” neighborhood Commercial districts are intended to serve single-family residences nearby. These typically develop as “commercial nodes” located along a local or another local or collector street. Unlike the commercial area to the south, the subject site is surrounded by single family residential and is not located on a hard corner or intersection.

The general layout of this site **is not compatible** with surrounding land uses.

The 2022 Comprehensive Plan currently designates the subject property as future Single-Family Residential. This land use designation includes zoning districts “A-5”, “A-7.5”, “A-10”, and “AR”. Duplex or “B” Two-Family zoning would be classified as Low Density Residential under the adopted Future Land Use Plan. The difference between Single Family Residential and Low Density Residential is negligible as both have a residential character. A duplex would be slightly more intense than a single-family residence, but both would be less intense uses than commercial or industrial zoning. The proposed zoning is not in alignment with the following policies of the Comprehensive Plan:

- Encourage infill development of compatible, single-family homes in existing neighborhoods to preserve and protect residential neighborhoods.
- Encourage small-lot single-family zoning districts (i.e. AR and A-5) on the periphery of mixed-use growth centers (TCU), where the City seeks to concentrate employment and public services. The proposed zoning is not consistent with the Comprehensive Plan Future Land Use designation.

The proposed zoning **is not consistent** with the Comprehensive Plan Future Land Use designation. However, if the zoning request is acted favorably upon, then staff recommends the Future land Use Map be revised to reflect this change.

### Site Plan Comments

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#### Zoning / Land Use

- State Law prevents a municipality from regulating exterior materials through zoning. These are now regulated through the building Code. You can remove the waiver request from application [Will do](#)
- Waiver Exhibit for PD-E section should have title section reading “Planned Development for all uses in "E" Neighborhood Commercial, excluding the following uses: [Will do. We are having additional discussions on this point with the Park Hill residents and may continue to add further excluded uses.](#)
- On Site Plan, depict and label any existing easements on the property [Will do](#)
- Remove the trees being preserved and show on separate exhibit [Will do](#)
- FYI - Areas directly abutting single family zoning along the north, east, south require a supplemental setback of 3:1 based on height [minimum 30 feet], plus 1:1 for garages carports, as well as a 5 foot landscaped buffer and 6 foot high solid screening fence. Ensure you meet these requirements or they will need to be addressed in the waiver requests [We will produce these diagrams for the zoning hearing. Because of the existing topography our building site is between 20 and 40 feet below the adjacent homes, so we're not expecting this to be an issue](#)
- Add case reference ZC-23-092 to site plan [Will do](#)
- Add Site Data Table to site plan - include 3 columns – one with Site Data, second with “E” base requirements, and third with proposed “PD-ER” requirements. Any areas that do not meet the minimum will need to be marked with “Waiver Requested” [Will do](#)
- Confirm you can meet the [Urban Forestry](#) requirements before going through Zoning Commission & City Council. If you can't meet their requirements then a waiver for Urban Forestry would need to be added to the PD submittal on the front end. [We think we'll be in compliance, but Dunaway will run the calculations for us.](#)
- Show location of dumpster on site. It cannot be located in any required front yard nor can it be located between the front face of the building and the street [Will do. We are negotiation with the adjacent](#)

commercial center to share their dumpster thinking that a single dumpster will be less disturbance to the neighbors, but we'll show a planned location just in case.

- Will require sidewalks along University frontage, please add to Site Plan [Sidewalks already exist along University for the entire length of the site.](#)
- Focus on obtaining support letters from closest registered neighborhood organizations (Park Hill, University Place, Frisco Heights, University West & Colonial Hills and property owners directly adjacent to the site or within 300 feet (see attachment) Neighborhood Organization contacts can be searched [here](#). [We have had meetings with UWNA and Park Hill as they clearly seem the most impacted, but we will reach out to the rest as well.](#)
- Make sure to reach out to [Council District 9](#) to make them aware of your request and plans. [We have already spoken to both councilwoman Beck and councilman Crain and continue to stay in contact with them as they receive input.](#)
- Please add Supplemental setback, landscape buffer, and screening requirements to Site Data Table on Site Plan, with the following standards under the "E" column (from table in Section 4.910 of the Zoning Ordinance). [Will do.](#)

## **Fire Department**

### **Comments**

FWFD - (Fire Inspector David Hood, [FirePlatting@fortworthtexas.gov](mailto:FirePlatting@fortworthtexas.gov))

### **FYI:**


Addresses will be assigned by CFW Fire Department after the plat is recorded. DO NOT SELF ADDRESS. Plats are worked within 10 days in the order received.

### **General Information:**

Failure to recognize violations of the fire code by the fire code official does not waive the requirement of meeting minimum requirements of the fire code in the future. It is the applicant's and the owner's responsibility to meet all minimum fire code requirements at all times.

The City of Fort Worth has adopted the 2021 International Fire Code as its current fire code at the time of this review. The City of Fort Worth has also adopted Amendments that are available at the City Secretary's site for Ordinance #25388-03-2022.

***(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.)***



Applicant:	Cowtown 109 LLC/Michael Bennett
Address:	2401 & 2325 University Drive
Zoning From:	A-5
Zoning To:	PD-E
Acres:	1.95823522
Mapsc0:	Text
Sector/District:	TCU/Westcliff
Commission Date:	9/13/2023
Contact:	null

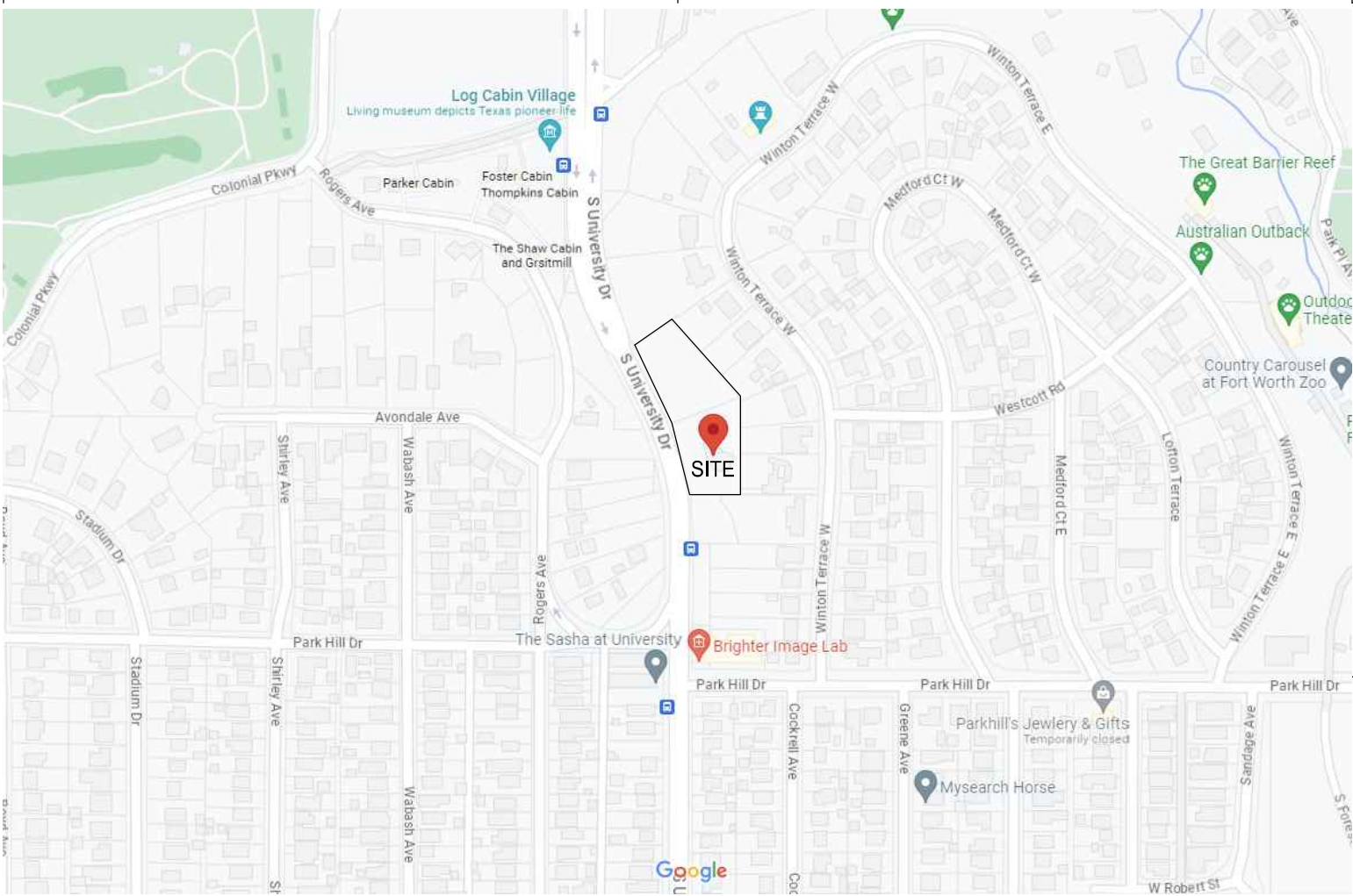
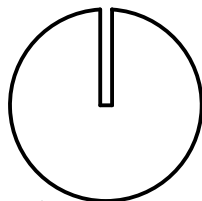


0      130      260      520 Feet



Plot: Aug 02, 2023 - 8:51am c:\otter  
Last Save: Aug 02, 2023 - 8:34am  
File: E:\v023125.00 2401 University\07 CADD\07-02 ACAD 2023-07-20 University-Site Plan.dwg

A1 SITE PLAN - 2401 S UNIVERSITY



VICINITY MAP

NOTES

1. ALL DUMPSTERS, GROUND LEVEL EQUIPMENT AND LOADING DOCK BAYS SHALL BE SCREENED FROM PUBLIC RIGHT OF WAY.
2. ALL SIGNAGE WILL COMPLY WITH ARTICLE 4, SIGNS.
3. ALL LIGHTING WILL CONFORM TO THE LIGHTING CODE.
4. PROJECT WILL COMPLY WITH SECTION 6.301, LANDSCAPING.
5. PEDESTRIAN SIDEWALKS WILL BE CONSTRUCTED INTERCONNECTING ALL BUILDING AND STREET R.O.W.
6. LANDSCAPE AREAS SHALL BE IRRIGATED IN ACCORDANCE WITH CITY OF FORT WORTH CODE.
7. FIRE HYDRANTS WILL BE LOCATED THROUGHOUT THE DEVELOPMENT IN ACCORDANCE WITH CITY OF FORT WORTH CODE.
8. ALL BUILDING EXTERIOR CONSTRUCTION TO BE A MIX OF MASONRY, AND METAL PANELS.
9. ALL BUILDING HEIGHTS TO COMPLY WITH CURRENT ZONING RESTRICTIONS.

SITE DATA

	ZONING "E" REQUIRED	ZONING "PD-ER" PROPOSED
GROSS ACREAGE		+ - 1.986 ACRES
ZONING	A-5	PD-E
EXISTING LAND USE		VACANT
PROPOSED USE		OFFICE BUILDING
MAXIMUM HEIGHTS	3 STORIES	3 STORIES
GROSS DENSITY	T: 11,810 SF	0.1712 AC PER AC
LANDSCAPE AREA	T: 51,986 SF	60%

BUILDING DATA

	SQUARE FOOTAGE
ENCLOSED SQUARE FOOTAGE	
LEVEL 01	4,795 GSF
LEVEL 02	8,887 GSF
LEVEL 03	1,660 GSF
TOTAL	15,182 GSF
REQUIRED PARKING	
OFFICE/PROFESSIONAL BUILDING	2.5/1000
	37.95 SPACES
TOTAL REQUIRED PARKING	38 SPACES
TOTAL PROVIDED PARKING	39 SPACES

ZC-23-092

PD SITE PLAN OF  
2401 S UNIVERSITY

Lot 9, Block 9  
Park Hill  
+ - 1.98 acres

PREPARED JUNE 1, 2023

DIRECTOR OF PLANNING AND DEVELOPMENT

ARCHITECT / REPRESENTATIVE  
BENNETT PARTNERS  
640 TAYLOR STREET, SUITE 2323  
FORT WORTH, TEXAS 76102  
CONTACT: MICHAEL BENNETT  
PHONE: 817-335-4991

OWNER:  
COWTOWN 109, LLC  
1635 ROGERS ROAD  
FORT WORTH, TX 76107  
CONTACT: KYLE POULSON  
PHONE: 817-291-4455

SIGNATURE

DATE

SCHEMATIC DESIGN

Project No: 23125.00

Issue Date: 01 JUNE 2023

Rev. Description Date

plotted by: Corley Kotler  
date/time: 8/2/2023 8:51 AM

PLANNED DEVELOPMENT SITE  
PLAN

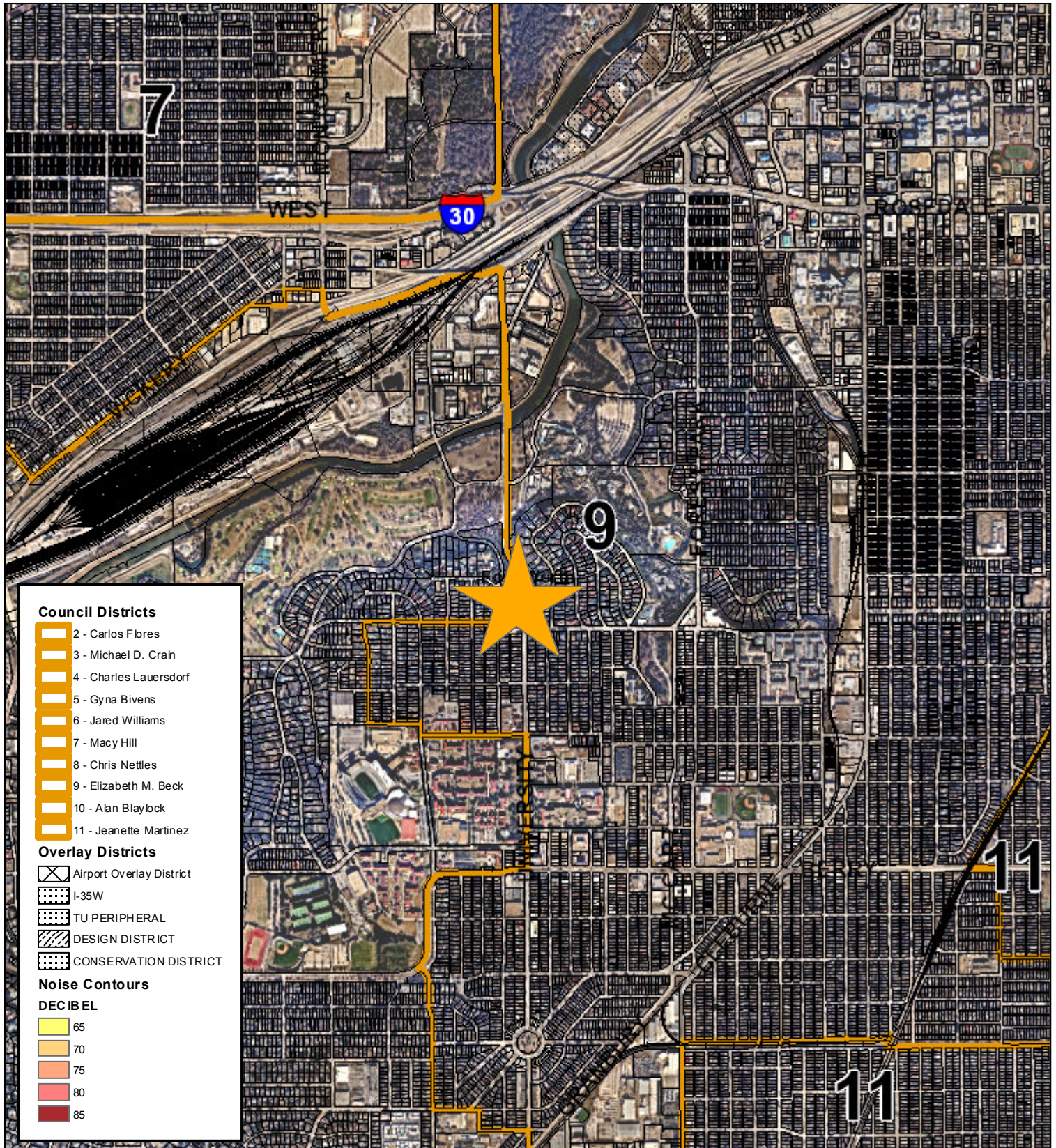
SP-100

2401 S  
UNIVERSITY  
DRIVE  
FORT WORTH, TX 76109

640 Taylor Street Suite 2323  
Fort Worth, Texas 76102  
Tel 817.335.4991 Fax 817.877.1861  
www.bennett.partners



### Area Map



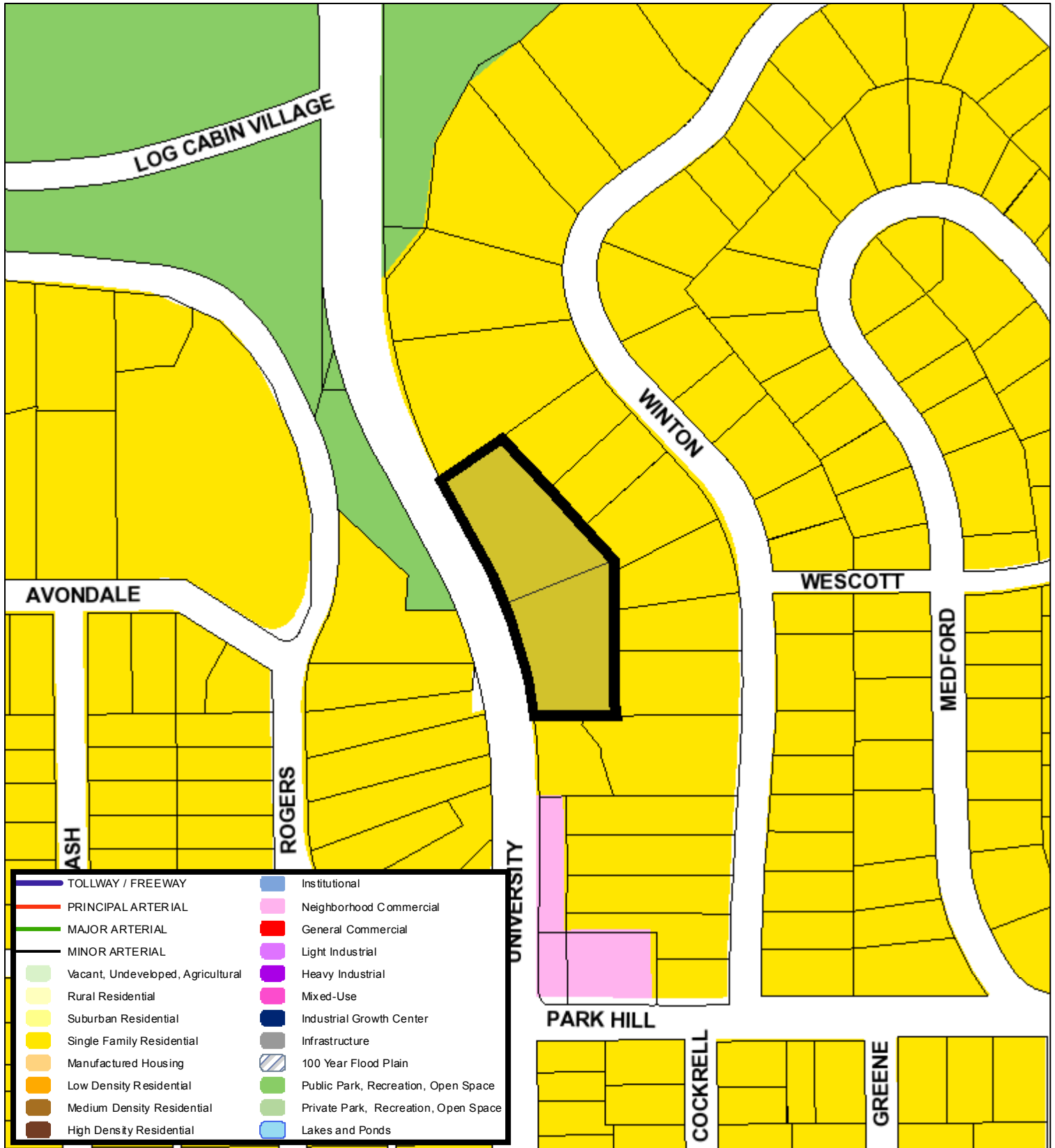
0 1,000 2,000 4,000 Feet





ZC-23-092

## Future Land Use



230 115 0 230 Feet

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.



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**Aerial Photo Map**



0 150 300 600 Feet

