



December 4, 2024

VIA EMAIL AND CERTIFIED MAIL

Mayor Mattie Parker
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Members of the Fort Worth City Council
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Contact Information Listed Below

Re: SP-24-013 Mercy Culture

Mayor Parker and Members of the Fort Worth City Council:

First Liberty Institute is the nation's largest law firm dedicated exclusively to defending and restoring religious liberty for all Americans. First Liberty represents Mercy Culture Church, Inc. in connection with its Site Plan Amendment application (SP-24-013) for the parcel located at 1701 Oakhurst Scenic Drive, Fort Worth, Texas 76111 (the "Church Property"). Mercy Culture retained First Liberty, in addition to Warren Fonville PLLC, to advise the Church of its rights under the law should this Body fail to reverse the Fort Worth Zoning Commission's recommended denial of Mercy Culture's application to amend its site plan. Please direct all future communications regarding this issue to our attention.

As more fully explained below, Mercy Culture's right to use its Property for church-related activities is not only permitted under this Body's prior decisions, but is fully and clearly protected by the First and Fourteenth Amendments of the United States Constitution, the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. §§ 2000cc *et seq.* ("RLUIPA"), and the Texas Religious Freedom Restoration Act ("TRFRA"), Tex. Civ. Prac. & Rem. Code ch. 110 *et seq.*

FACTUAL BACKGROUND

This Body Approved the Church Property for Church-Related Activities.

The Property at issue was originally owned by Mercy Culture's predecessor, Calvary Cathedral International ("Calvary"). In April 2004, Calvary filed Application Number AC-04-098 seeking the City's approval for a zoning change for the Property

from “CF” Community Facilities to “PD/SU” Planned Development/Specific Use for church related activities. In July 2014, the Zoning Commission recommended approval of this change, and the City Council approved the application a month later. This vote created PD586—Ordinance No. 16073 approving ZC-04-098—approval of which “shall be considered as an amendment to the ordinance as applicable to the property involved.” See Fort Worth, Tex. Code of Ordinances, App. A § 4.301(e); Exhibit 1 (Relevant Excerpt of PD586). The only condition placed on PD586 was “Site Plan Required.”

In 2017, Calvary filed an application to amend its site plan (SP-17-008) to add additional light poles and signs. The Zoning Commission recommended approval, and the City Council approved the application, resulting in Ordinance No. 22811-08-2017. Exhibit 2 (Relevant Excerpt). That application process did not affect the City’s approval of the use of Church Property for “Church related activities.”

Two years later, Calvary conveyed the Church Property to Mercy Culture, a religious nonprofit corporation “organized and operated exclusively for religious purposes,” including to “establish and oversee places of worship, teach and preach the gospel to all people, conduct evangelistic and humanitarian outreach, license and ordain ministers of the gospel and to also engage in activities which are necessary, suitable or convenient for the accomplishment of that purpose. . . .” See Certificate of Formation, Nonprofit Corporation, Mercy Culture Church, Inc., filed with the Tex. Sec’y of State on Nov. 20, 2017.

Mercy Culture Has Used Church Property Exclusively for Church Related Activities.

Mercy Culture’s vision is to take people from corporate encounters with God to daily personal encounters with God. As a result, the Church’s first priority is not only weekly church services, but rather, teaching people how they can best connect with God on a daily basis. While Mercy Culture uses the Property for traditional church services, during most of the week, Mercy Culture uses the Church Property for its other “Church related activities,” including operating The Justice Reform, a ministry that currently provides spiritual training for Survivor Advocates and Intercessors who will walk alongside and pray for sex-trafficking survivors throughout their healing process. The Church also operates a food bank; multiple ministries to train and equip pastors, students, business leaders, and local public officials; and ministries to publish worship music, celebrate God through the fine arts, and promote a pro-life culture by assisting with adoptions.

PD586 specifically allowed each and every one of these approved uses of the Church Property because they are all, like the proposed use, “Church related activities.”

Mercy Culture Submitted the Proposed Site Plan Amendment to Add Similar Ministerial Activities at the Church Property.

Mercy Culture submitted its Site Plan Amendment application on August 5, 2024 (SP-24-013) in order to add a new structure on the Church's 12-acre property. The new structure will be used by members and supporters of Mercy Culture and the Justice Reform primarily for religious worship services, religious classes and meetings, prayer groups, and other church related activities. The new structure will include a Chapel as well as other locations specifically designed to facilitate worship and prayer services. The vision for this structure is wholly consistent with Mercy Culture's vision underlaying each of the other ministries operating on Church Property: to take people from corporate encounters with God to daily personal encounters with God.

One of the ways Mercy Culture will carry out this vision is by providing a safe place for the spiritual deliverance, healing, and restoration of some of the most vulnerable, underrepresented members of the Fort Worth community—women who have been victims of sex trafficking. Mercy Culture seeks to offer a place for these survivors of sex trafficking to voluntarily come and choose to participate in Mercy Culture's spiritual curriculum, where they will learn, pray, and worship alongside Mercy Culture members, volunteers, and staff. The primary goal of this ministry is to lead these women to encounter God on a daily basis.

Among the many aspects of this ministry, Mercy Culture plans to provide these women with a comfortable, safe shelter that resembles a home environment with meals to sustain them. Mercy Culture's desire to meet the physical needs of these women is integral to Mercy Culture's free exercise and ultimate spiritual goal, which is to restore the women spiritually so that they may re-enter the community as Reformers for God.

It cannot be seriously argued that sheltering victims of sex-trafficking is an unrelated church activity. Any assertion to the contrary can only be interpreted as not merely uninformed of church history, but intentionally hostile toward the religious exercise of Mercy Culture. *Masterpiece Cakeshop, Ltd. v. Colo. C.R. Comm'n*, 584 U.S. 617, 638–39 (2018) (“[T]he government, if it is to respect the Constitution's guarantee of free exercise, ... cannot act in a manner that passes judgment upon or presupposes the illegitimacy of religious beliefs and practices.”).

Such religious exercise stems directly from Biblical imperatives, including Jesus' teaching in Matthew 25:35-40: “For I was hungry, and you fed me. I was thirsty, and you gave me a drink. I was a stranger, and you invited me into your home. I was naked, and you gave me clothing. I was sick, and you cared for me. I was in prison, and you visited me . . . Truly I tell you, whatever you did for one of the least of these

brothers and sisters of mine, you did for me.” These teachings to care for those in need, particularly women, widows, and orphans, are ubiquitous in Scripture.¹

LEGAL ANALYSIS

Mercy Culture’s New Structure and Use Clearly Fall Within the Definition of “Church Related Activities” Previously Authorized by this Body in PD586.

While PD586 did not define the term “Church related activities,” both common understanding of the term and past definitions in the Fort Worth zoning ordinance strongly suggest that Mercy Culture’s ministries fall squarely within “Church related activities.” See *Tanzin v. Tanvir*, 592 U.S. 43, 48 (2020) (stating undefined statutory terms must be interpreted according to their “plain meaning at the time of enactment”).

A “church” is typically understood to refer to an assembly of believers or a congregation and the building they use for worship.² “Related” typically means a connection “by reason of an established or discoverable relation,”³ that is, having “an aspect or quality (such as resemblance) that connects two or more things or parts as

¹ See James 1:27 (“Religion that God our Father accepts as pure and faultless is this: to look after orphans and widows in their distress and to keep oneself from being polluted by the world.”); 2:14–17 (“What good is it, my brothers and sisters, if someone claims to have faith but has no deeds? Can such faith save them? Suppose a brother or a sister is without clothes and daily food. If one of you says to them, “Go in peace; keep warm and well fed,” but does nothing about their physical needs, what good is it? In the same way, faith by itself, if it is not accompanied by action, is dead.”);

Deuteronomy 15:10–11 (“Give generously to them and do so without a grudging heart; then because of this the Lord your God will bless you in all your work and in everything you put your hand to. ¹There will always be poor people in the land. Therefore I command you to be openhanded toward your fellow Israelites who are poor and needy in your land.”);

Isaiah 58:6–8 (“Is not this the kind of fasting I have chosen: to loose the chains of injustice and untie the cords of the yoke, to set the oppressed free and break every yoke? Is it not to share your food with the hungry and to provide the poor wanderer with shelter—when you see the naked, to clothe them, and not to turn away from your own flesh and blood?”);

Proverbs 19:17 (“Whoever is kind to the poor lends to the Lord, and he will reward them for what they have done.”); 21:13 (“Whoever shuts their ears to the cry of the poor will also cry out and not be answered.”); 28:27 (“Those who give to the poor will lack nothing, but those who close their eyes to them receive many curses.”); 29:7 (“The righteous care about justice for the poor, but the wicked have no such concern.”);

Leviticus 25:35–36 (“If any of your fellow Israelites become poor and are unable to support themselves among you, help them as you would a foreigner and stranger, so they can continue to live among you. Do not take interest or any profit from them, but fear your God, so that they may continue to live among you.”).

² See Merriam Webster, “Church,” <https://www.merriam-webster.com/dictionary/church>.

³ See Merriam Webster, “Related,” <https://www.merriam-webster.com/dictionary/related>.

being or belonging or working together.”⁴ And an “activity” is a “natural or normal function” of the church, including its pursuits.⁵

Taken together, “Church related activities” would normally mean normal functions or pursuits undertaken by a Church or its congregation that work together or belong to the Church’s purpose. When this Council approved PD586, it understood that Mercy Culture’s Church related activities included numerous ministries that reach out to the community outside the Church’s own members and invite wide varieties of people to the Church Property to point them toward daily encounters with God.

This conforms with rulings by Texas courts, which interpreted a prior version of Fort Worth’s city ordinance to include “social events for adult parishioners and parish youth groups,” including dances, fundraising events, and dinners at the church’s property as falling under the ordinance’s definition of “church.” *SWZ, Inc. v. Bd. of Adjustment*, 958 S.W.2d 268, 270–71 (Tex. App.—Fort Worth 1999). Common sense dictated that the definition of “church” “merely requires that activities are *primarily* connected with religious worship or intended to propagate religious beliefs.” *Id.* at 271; *see also Barr v. City of Sinton*, 295 S.W.3d 287, 300 (Tex. 2009) (“Just as a Bible study group and a book club are not treated the same, neither are a halfway house operated for religious purposes and one that is not.”).

There should be no question that the new structure and ministry are Church-related activities covered by PD586. The Church is prepared to demonstrate, should the City force it to do so, that its proposed use is consistent not only with the testimony of the Scriptures it regards as holy, but the unbroken testimony of the Christian church for over 2,000 years.

Because Mercy Culture’s intended use is a “Church related activity,” review of the Site Plan Amendment Application for the new structure is subject to a narrow list of criteria in the approval process under Article 3, Chapter 4, Appendix A of the Fort Worth Code of Ordinances: (1) the nature and character of the development and adequacy of the buffer between the proposed structure and adjacent property; (2) the adequacy of utilities, access roads, drainage, and other necessary supporting facilities; (3) the adequacy of the design, location, and arrangement of driveways for safe movement of vehicular and pedestrian traffic; (4) the adequacy of nuisance prevention measures, such as to control odors, fumes, dust, noise, and vibrations; (5) any effect of directional lighting on neighboring properties; and (6) the impact of the development on adjacent property values and their ability to be developed.

⁴ See Merriam Webster, “Relation,” <https://www.merriam-webster.com/dictionary/relation>.

⁵ See Merriam Webster, “Activity,” <https://www.merriam-webster.com/dictionary/activity>.

However, and importantly, if the City Council considers denying the religious use of the Church Property under one of these criteria, it should remember that such a decision must satisfy strict scrutiny. That effort by the City will fail.

Mercy Culture's Property Use Is Protected Under Texas and Federal Law.

I. U.S. Constitution's First Amendment.

The First Amendment to the U.S. Constitution guarantees churches the right to freely exercise their religion. Here, a denial would raise significant First Amendment concerns because it would single out Mercy Culture's ministry activities for unfavorable treatment. During its good faith process to work with the City, City employees have subjected Mercy Culture to pretextual and unreasonable treatment.

First, Mr. Stephen Murray, the Zoning and Land Use Manager, unilaterally decided to remove Mercy Culture's application from the public hearing scheduled for September 11, 2024 under the pretext that the Church must first file an application for a change in use. His decision that Mercy Culture's new ministry was not covered by the broad term "Church related activities" in PD586 was arbitrary, capricious, and unlawful, and his actions violate Mercy Culture's rights under the First Amendment.

Second, the City has apparently prejudged Mercy Culture's application without considering the Church's application. Several weeks before Mercy Culture submitted its application, a City employee told a member of the media that the "current zoning rules don't allow for th[e] uses" of the Church Property that Mercy Culture proposed, and thus "the church will need to apply to have the land rezoned."⁶ Likewise, a day before Mercy Culture filed its application, explaining that the proposed use was covered by and consistent with PD586, again City employees prejudged the situation in the press, this time claiming that "Mercy Culture files for land use change to build 'discipleship center' in Fort Worth."⁷

At least one person working for the City has already made up his or her mind that the Church's application is improper. When combined with the delays and denials that have followed, a reasonable court could easily conclude that the City is, at best, arbitrarily restricting the Church's free exercise, or, at worst and more likely, pretextually discriminating against the Church because of the form of its free exercise.

⁶ Harrison Mantas, *Fort Worth will require public hearings on Mercy Culture's 'religious discipleship center'*, Fort Worth Star Telegram (July 17, 2024), <https://www.star-telegram.com/news/local/fort-worth/article290157119.html>.

⁷ Harrison Mantas, *Mercy Culture Church files for land use change to build 'discipleship center' in Fort Worth*, Fort Worth Star Telegram (Oct. 3, 2024), <https://www.star-telegram.com/news/local/fort-worth/article291652480.html>.

Such governmental decisions flout the First Amendment’s protections for Mercy Culture’s religious exercise. Government entities must treat religious activity in a neutral manner, and any action “that targets religious conduct for distinctive treatment” is subject to strict scrutiny. *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 546 (1993). Governmental actions that burden a sincere religious practice and are not neutral towards religious exercise, or generally applicable, violate the First Amendment. See *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 523–26 (2022); *Thomas v. Rev. Bd. of Indiana Emp. Sec. Div.*, 450 U.S. 707, 718 (1981). The Free Exercise Clause also “forbids subtle departures from neutrality” and “covert suppression of particular religious beliefs.” *Lukumi*, 508 U.S. at 534 (internal quotation marks omitted); see also *Masterpiece Cakeshop, Ltd.*, 584 U.S. at 638–39. Therefore, to protect “against governmental hostility which is masked,” courts examine “the historical background of the decision under challenge, the specific series of events leading to the [government action] in question, and the ... administrative history, including contemporaneous statements made by members of the decision-making body.” *Lukumi*, 508 U.S. at 534, 540.

Should the City fail to reverse the recommended denial of Mercy Culture’s Site Plan Amendment Application, its actions will be scrutinized under the “most rigorous” scrutiny that exists under Supreme Court precedent. *Fulton v. City of Philadelphia*, 593 U.S. 522, 541 (2021) (quoting *Lukumi*, 508 U.S. at 546). “A government policy can survive strict scrutiny only if it advances ‘interests of the highest order’ and is narrowly tailored to achieve those interests.” *Id.* (quoting *Lukumi*, 508 U.S. at 546). The City has not even attempted to satisfy this high bar, nor could it given the City’s asserted generalized interests in preventing the Church from constructing this building, such as concerns about traffic or proximity to victims of crime, do not constitute compelling interests under the relevant case law. Even assuming such an interest were compelling, however, the City could not explain why preventing Mercy Culture from ministering on its Church Property is the least restrictive means of accomplishing the government’s interest. *Fulton*, 593 U.S. at 541 (stating if the government “can achieve its interests in a manner that does not burden religion, it must do so”)

Thus, the City’s actions will be found wanting under the First Amendment, which will, in turn, expose the City officials responsible for denying the site plan amendment to personal liability for their unconstitutional conduct. See *Kentucky v. Graham*, 473 U.S. 159, 166 (1985) (“[A]n award of damages against an official in his personal capacity can be executed . . . against the official’s personal assets.”). The City should approve Mercy Culture’s Site Plan Amendment Application.

II. Federal and State Law: RLUIPA and TRFRA.

The Church may also assert both federal and State statutes to protect its religious exercise on its Church Property. First, under RLUIPA, the government may not enforce a land use regulation, such as a zoning law, in a manner that substantially burdens a church's religious exercise unless the government has a compelling interest for doing so and the burden is the least restrictive means of furthering that compelling interest. 42 U.S.C. § 2000cc(a)(1). RLUIPA defines "religious exercise" broadly to encompass "any exercise of religion, whether or not compelled by, or central to, a system of religious belief." *Id.* § 2000cc-5(7)(A). Further, RLUIPA considers the use of real property for religious exercise purposes to be religious exercise. *Id.* § 2000cc-5(7)(B).

Here, if the City Council denies the application, such a decision will substantially burden Mercy Culture's exercise of religion by preventing it from constructing a building in which to minister to the spiritual and physical needs of some of the neediest in our community. For the same reasons that the City cannot satisfy this demanding standard under the First Amendment, it also cannot satisfy the "exceptionally demanding" standard under RLUIPA. *Holt v. Hobbs*, 574 U.S. 352, 364 (2015) (quoting *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 728 (2014)).

Like RLUIPA, Texas law also prohibits a city from burdening a church's religious exercise unless it shows that the burden is the least restrictive means of furthering a compelling governmental interest. Tex. Civ. Prac. & Rem. Code § 110.003 (emphasis added). TRFRA "applies to any ordinance, rule, order, decision, practice, or other exercise of governmental authority. Tex. Civ. Prac. & Rem. Code § 110.002. For the same reasons that a denial would violate RLUIPA, it would also violate TRFRA. *See A.A. ex rel. Betenbaugh v. Needville Indep. Sch. Dist.*, 611 F.3d 248, 264 (5th Cir. 2010) (if the government's action is an outright ban, that "*ban* of conduct sincerely motivated by religious belief *substantially burdens* an adherent's free exercise of that religion" (emphasis added)); *Barr*, 295 S.W.3d at 302 (Tex. 2009) (holding that a complete prohibition for a pastor to open his halfway house within city limits was an unlawful "substantial burden" on the pastor's free exercise of religion).

Thus, the Church has ready claims in either state or federal court, should the City unlawfully prohibit its religious land use. The City should approve the Church's amended site plan.

This Body Should Approve Mercy Culture's Application.

City councils should remove impediments to those working to reduce the negative societal impact caused by sex trafficking rather than heighten the bureaucratic hurdles for churches to do what churches have done for millennia: help the destitute and care, body and soul, for the hurting. To avoid protracted litigation, the City

Council should approve Mercy Culture's Site Plan Amendment Application (SP-24-013). This decision would not only follow binding federal and state law, but it would be consistent with this Body's prior ordinances and treatment of the Church Property.

Thank you for your attention to this matter. If we may be of further service, or if you wish to discuss further, please do not hesitate to call or email us.

Respectfully,



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Exhibit 1

ORDINANCE NO. 16073

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 13896, AS AMENDED, SAME BEING AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES, THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS AND OTHER OPEN SPACES, OFF-STREET PARKING AND LOADING, AND THE DENSITY OF POPULATION, AND FOR SUCH PURPOSES DIVIDING THE MUNICIPALITY INTO DISTRICTS OF SUCH NUMBER, SHAPE AND AREA AS MAY BE DEEMED BEST SUITED TO CARRY OUT THESE REGULATIONS AND SHOWING SUCH DISTRICTS AND THE BOUNDARIES THEREOF UPON "DISTRICT MAPS"; PROVIDING FOR INTERPRETATION, PURPOSE AND CONFLICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION AND NAMING AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH:

ZC-03-287 1245 East Seminary Drive

Zoning Change:

From: "F-R" General Commercial Restricted

To: "PD/SU" Planned Development/Specific Use for all uses in "F-R" General Commercial Restricted and continued use of automobile repair plus outside tire repair and outside storage. Screening Fence around Outside Storage. Site Plan Required. (See SP-04-020).

Description: South 88 feet of Lot 10, 11 & 12, Block C, Carter Park Addition.

ZC-04-053 3000 Block of River Park Drive

Zoning Change:

From: "G" Intensive Commercial

To: "R-2" Townhouse/Cluster Residential

Description:

BEING a 7.419 acre tract in the Heirs of Edward Wilburn Survey, Abstract No. 1635, Tarrant Count, Texas and being part of that certain, 60.997 acre tract

ZC-04-053 Continued

described in the deed to River Park II, recorded in Volume 7657, Page 942, Deed Records, Tarrant County, Texas and being more particularly described as follows:

BEGINNING at a 5/8 inch rod found for the northeast corner of Tract A, Block 2, River Park II Addition, according to the plat recorded in Cabinet A, Slide 4455, Plat Records, Tarrant County, Texas, same being in the southerly right-of-way line of River Park Drive (a 68' right-of-way);

THENCE North 47°30'00" East, with said southerly right-of-way line, 47.87 feet to a ½" iron rod found for the beginning of a curve to the right having a radius of 1016.00 feet, a central angle of 31°05'52", and a long chord bearing and distance of North 63°02'56" East, 544.70 feet;

THENCE in a northeasterly direction with the southerly right-of-way line of said River Park Drive, and along the arc of said curve to the right, 551.44 feet to a 5/8 inch iron rod with cap marked "Dunaway Associates, Inc." set (hereinafter called 5/8 inch iron rod set) for the beginning of a curve to the right having a radius of 590.00 feet, a central angle of 10°46'38", and a long chord bearing and distance of North 83°59'11" East, 110.81 feet;

THENCE in an easterly direction with the south right-of-way line of said River Park Drive, and along the arc of said curve to the right, 110.98 feet to a 5/8-inch iron rod set;

THENCE South 00°12'00" East, departing said southerly right-of-way line, 402.04 feet to a 5/8 inch iron rod set;

THENCE South 33°37'48" East, 98.18 feet to a 5/8 inch iron rod set in the north line of a 3.941 acre tract described in the deed to the City of Fort Worth, recorded in Volume 9263, Page 424, Deed Records, Tarrant County, Texas;

THENCE South 56°12'12" West, with the north line of said 3.941 acre tract, 531.21 feet to a point in the east line of said Tract A, Block 2;

THENCE North 26°39'09" West, with the east line of said Tract A, Block 2, 545.08 feet to the **POINT OF BEGINNING** and **containing 7.419 acres or 323,188 square feet.**

ZC-04-098 1701 Oakhurst Scenic Drive

Zoning Change:

From: "CF" Community Facilities

To: "PD/SU" Planned Development/Specific Use for Church related activities and signs that exceed the maximum height allowed in the "CF" Community Facilities District. Site Plan Required. (See SP-04-026)

Description: Lot 1R1, Block 1, Midtown Church of Christ Addition.

ZC-04-145 51.1 Ac. +/- 9500 Block of Trinity Boulevard

Zoning Change:

From: "K" Heavy Industrial

To: "R-2" Townhouse/Cluster Residential

Description:

Tract 1 18.14 Ac. +/-

Being 18.14 acres of land situated in the S. Cotrail Survey, Abstract No. 330, in the City of Fort Worth, Tarrant County, Texas, said tract being part of that tract of land conveyed to Bell Helicopter, Inc., as recorded in Volume 7231, Page 1786 of the Deed Records, Tarrant County, Texas and being more particularly described as follows;

BEGINNING at the point of intersection of the southerly right-of-way line of Trinity Boulevard (120 foot right-of-way) with the easterly right-of-way line of Norwood Drive (80 foot right-of-way);

THENCE North 89 deg. 11 min. 00 sec East, along the southerly right-of-way line of said Trinity Boulevard a distance of 1076.25 feet to a point for corner;

THENCE South 00 deg. 49 min. 00 sec. East, leaving the southerly right-of-way line of said Trinity Boulevard a distance of 730.98 feet to a point for corner;

THENCE South 89 deg. 26 min. 24 sec. West, a distance of 1092.80 feet to a point for corner, said point being in the easterly right-of-way line of said Norwood;

Exhibit 2

ORDINANCE NO. 22811-08-2017

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 21653, AS AMENDED, SAME BEING AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES, THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS AND OTHER OPEN SPACES, OFF-STREET PARKING AND LOADING, AND THE DENSITY OF POPULATION, AND FOR SUCH PURPOSES DIVIDING THE MUNICIPALITY INTO DISTRICTS OF SUCH NUMBER, SHAPE AND AREA AS MAY BE DEEMED BEST SUITED TO CARRY OUT THESE REGULATIONS AND SHOWING SUCH DISTRICTS AND THE BOUNDARIES THEREOF UPON "DISTRICT MAPS"; PROVIDING FOR INTERPRETATION, PURPOSE AND CONFLICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION AND NAMING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH:

SECTION 1.

ZC-17-091 9001 & 9101 Tehama Ridge Parkway 5.45 acres

Zoning Change:

From: "C" Medium Density Multifamily and "G" Intensive Commercial

To: PD/G Planned Development for all uses in "G" Intensive Commercial plus mini warehouse; site plan approved, attached as Exhibit "A" and on file in the Planning & Development Department

Description

Being 5.1458 acre parcel of land situated in the City of Fort Worth, Tarrant County, Texas and being a part of Lots 3 and 4 of Block B of the Presidio, an addition to the City of Fort Worth, Tarrant County, Texas, according to the plat thereof recorded in Cabinet "A", Slide 12798 of the plat records of Tarrant County, Texas, said 5.1458 acre tract also being part of a tract of land described in special warranty deed to UV Towne Crossing, L. P., a Texas Limited Partnership and recorded in Instrument No. D216196370 of the Official Public Records of Tarrant County, Texas and being more particularly described by metes and bounds as follows:

Commencing at a 5/8" iron rod set for corner in the North right --of-way line of Presidio Vista Drive (60" right-of-way), said point being the Southwest corner of said Lot 4 and the Southeast corner of Lot 2 of block B of the Presidio, an addition to the City of Fort Worth, Tarrant County, Texas, according to the plat thereof recorded in Cabinet "A", Slide 13079 of the Plat Records of Tarrant County, Texas;

Thence North and departing the North right-of-way line of said Presidio Vista Drive and along the West line of said Lot 4 and the East line of said Lot 2 for a distance of 68.62 feet to a 5/8" iron rod set for corner,

said point being the beginning of a curve to the left having a radius of 1500 feet, a central angle of 06°52'27" a chord bearing North 03°26'14" West at a distance of 179.86 feet;

Northwesterly along said curve to the left and along the West line of said Lot 4 and the East line of said Lot 2 for an arc distance of 179.97 feet to a 5/8" iron rod set for the point of beginning for this description, said point being the beginning of a curve to the left having a radius of 1500.00 feet, a central angle of 17°37'37", a chord bearing North 15°41'16" West at a distance of 59.65 feet;

Northwesterly along said curve to the left and continuing along the west line of said Lot 4 and the East line of said Lot 2 for an arc distance of 461.47 feet to a 5/8" iron rod set for corner;

Thence North 24°30'21" West and continuing along the West line of said Lot 4 and the East line of said Lot 2 for a distance of 167.86 feet to a 5/8" iron rod set for corner, said point being the beginning of a curve to the right having a radius of 500.00 feet, a central angle of 03°17'27", a chord bearing North 22°51'21" West at a distance of 28.72 feet;

Northwesterly along said curve to the right and continuing along the West line of said Lot 4 and the East line of said Lot 2 for an arc distance of 28.72 feet to a 5/8" iron rod set for corner;

Thence East and leaving the West line of said Lot 4 and the East line of said Lot 2 and across said Lot 3 for a distance of 482.53 feet to a 5/8" iron rod set for corner;

Thence South 00°00'01 West and passing the North line of said Lot 4 and the South line of said Lot 3 for a distance of 621.73 feet to a 5/8" iron rod set for corner;

Thence West for a distance of 277.46 feet *to the Point of Beginning and containing 5.1458 acres of land, more or less.*

SP-17-008 1701 Oakhurst Scenic Drive 13.26 acres

Zoning Change:

From: PD586 "PD/SU" Planned Development/Specific Use for church related activities and signs that exceed the maximum height allowed in "CF" Community Facilities District; site plan required

To: Amend PD586 site plan to add/remove light poles and to add additional signage; site plan approved, attached as Exhibit "B" and on file in the Planning & Development Department

Description Midtown Church of Christ, Block 1, Lot 1R1

ZC-17-080A 2500 Wabash Avenue 0.29 acres

Zoning Change:

From: "B" Two-Family with TCU Residential Overlay

To: PD/A-5 Planned Development for all uses in "A-5" One-Family plus maximum two bedroom units and four one bedroom units in two structures with a maximum of eight unrelated persons on property; site plan required for new construction/TCU Residential Overlay

Description: University Place Addition, Block 10, Lot 1 & N ½ 2