



# Zoning Staff Report

**Date:** January 10, 2023

**Case Number:** ZC-22-169

**Council District:** 5

## Zoning Map Amendment

**Case Manager:** [Beth Knight](#)

**Owner / Applicant:** BDB Investments, LP/ South Point Constructors

**Site Location:** 4901 E. Loop 820 S.

**Acreage:** 2.31 acres

### Request

**Proposed Use:** Outdoor storage of construction materials and equipment

**Request:** From: "I" Light Industrial

To: Add Conditional Use Permit (CUP) to allow outdoor storage of construction materials and equipment not associated with the primary business in "I" Light Industrial for a maximum of 5 years; no development waivers requested, site plan included

### Recommendation

**Land Use Compatibility:**

Requested change **is compatible**

**Comprehensive Plan Consistency:**

Requested change **is consistent** (Technical inconsistency)

**Staff Recommendation:**

**Approval**

**Zoning Commission Recommendation:**

**Approval by a vote of 7-0**

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## Project Description and Background

The proposed site is at the northeast corner of E. Loop 820 South and Martin Streets. The rezoning area is a vacant area on the western portion of a lot with existing electrical equipment supply business. The proposed additional use is part of the Loop 820/Southeast Connector reconstruction, and the office for the freeway reconstruction will be located off-site. The freeway project is anticipated to last for five to seven years, depending on weather and other factors. The applicant is requesting to add a Conditional Use Permit to allow outdoor storage of construction materials and equipment not associated with the site's primary business; site plan included.

Outdoor storage for items that are not normally an accessory to the main use on the lot is only permitted within industrial zoning districts through the CUP process. The applicant has applied for the (CUP) Conditional Use Permit to allow this use within the "I" district for outdoor storage without a building and not associated with the existing electrical equipment supply company. 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. The zoning ordinance allows an outdoor storage CUP to be approved for maximum of 5 years.

The subject site and the general area to the north and east are designated as General Commercial. The northeast quadrant of Loop 820 and Martin Street is dominated by intensive commercial and light industrial uses. A mobile home park is located on the south side of Martin Street and is surrounded by a masonry fence. Loop 820 lies along the western property line. While outdoor storage is not permitted in the "I" zoning district by right, allowing one by CUP with a site plan may help mitigate any neighborhood concerns, as well as give options for the CUP to be revoked in the event of code violation convictions. The site is currently a vacant portion of an electrical equipment supply facility.

The site plan shows a graveled storage yard behind a 6-foot solid wood fence. The nearby mobile home park sits at a lower elevation than the proposed CUP site, which effectively increases the screening fence height from the residential viewpoint. The majority of the existing street trees along the northeastern property line are show to remain, and the fencing is setback from the streets and the adjacent industrial use by 10 feet. These setbacks and tree preservation areas allow the area to exceed the required 4% landscaping requirement for industrial areas. The applicant is not requesting any development waivers. Martin Street, along the southern property line, is designated as a Commercial Connector.

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.

## Surrounding Zoning and Land Uses

- North “I” Light Industrial / Vacant land
- East “I” Light Industrial / Industrial use
- South “MH” Manufactured Housing / Mobile home park
- West “I” Light Industrial / Loop 820

## Recent Zoning History

- ZC-16-152: northwest of site, amend PD566 for household waste drop-off to add hazardous household waste drop-off, approved 10/13/2016.
- ZC-17-112: subject site and surrounding area, Council-initiated rezoning for the Lake Arlington area, approved 10/12/2017.

## Public Notification

300-foot Legal Notifications were mailed on December 1, 2022.  
 The following organizations were notified: (emailed November 28, 2022)

| Organizations Notified  |                              |
|-------------------------|------------------------------|
| East Fort Worth, Inc.   | Southeast Fort Worth Inc     |
| Streams and Valleys Inc | Trinity Habitat for Humanity |
| Fort Worth ISD          |                              |

*Not located within or near a registered Neighborhood Association*

## Development Impact Analysis

### Land Use Compatibility

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The applicant is proposing to add a CUP to allow a outdoor storage of materials and equipment not associated with the main business in the “I” zoning district for a maximum of 5 years. Surrounding land uses to the north, east, and west consist of other industrial uses or vacant land in industrial zoning. While an existing mobile home park is noted to the south, a solid screening fence separates this residential use from Martin Street. No development waivers are being requested. The proposed zoning request is **compatible** with surrounding land uses due the similar immediately adjacent uses and the lack of requested development waivers.

## Comprehensive Plan Consistency– Southeast Sector

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The 2022 Comprehensive Plan currently designates the subject property as “General Commercial” on the Future Land Use Map, where intensive industrial uses are not encouraged. The proposed zoning is not consistent with the land use designations for this area, but is consistent with the following policies of the Comprehensive Plan:

- Coordinate future land uses and development types and intensity with the Complete Streets policy, Master Thoroughfare Plan, Active Transportation Plan, and Transit-Oriented Development (TOD) Plans.
- Promote appropriate infill development of vacant lots, old commercial centers (greyfields), and contaminated sites (brownfields) within developed areas, particularly in the central city.
- Locate large industrial uses along freight rail lines, highways, or airports within industrial growth centers and other appropriate locations.
- Maximize area of permeable surfaces in developments to reduce stormwater run-off.
- 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..

Based on a lack of conformance with the future land use map but consistent the policies stated above, the proposed zoning is **not consistent** with the Comprehensive Plan. (Technical Inconsistency)

## Economic Development Plan

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The 2021 Economic Development Strategic Plan identified four different results to facilitate the success and growth of Fort Worth:

1. High-wage job growth.
2. A more sustainable tax base, driven less by residential property valuation and more by commercial and industrial investment.
3. An economy that capitalizes on high-growth businesses and the creative individuals who fuel them, targeting specific industry classifications.
4. A commitment to “quality of place” throughout the community, including rising home values, new business startups, reduction of blighted areas, and the emergence of walkable corridors with a mixture of residential and commercial developments and related amenities.


This zoning request may not assist in high-wage job growth, is not a targeted high-growth industry, and does not contribute to the quality of place. However, businesses associated in the reconstruction of the Loop 820/I-20/US 287 freeway interchange assist in improving business transportation for the larger region.

### **Zoning and Land Use**

The site plan as submitted is not in general compliance with the Zoning Ordinance regulations.

1. Include the name, address, and telephone number of the developer and the owner.
2. Add the zoning case number of ZC-22-169.
3. Revise the department name for the signature line to: “Director of Development Services”.
4. Remove the hash lines for the CUP Overlay to just a solid, heavy black line, as the hash lines obscure the ground details.
5. Show the location of the required fencing and driveway gate(s). The fence cannot be placed in a 20’x20’ visibility triangle at the street intersections, but can go to the interior side yard property lines. To avoid a separate Easement Encroachment Agreement, please do not put the fence inside the utility easements.
6. Note whether or not any dumpsters will be located on the site.
7. Note that no parking spaces are required because the site is more than 250 feet from a one- or two-residential district.
8. Note the existing land use of the site and the adjacent sites, instead of the land ownership information.
9. As the site will be required to have 20% planted/retained canopy coverage for an industrial use (Sec. 6.302E6), please ensure the trees within the CUP area are fenced to avoid interactions with stored materials and equipment movements.
10. Show a different pattern for the landscaped ground surface areas and the parkways between the property lines and the pavement.
11. Note the CUP can only be approved for a maximum of 5 years.
12. Remove the “Preliminary - for review only” note, as these site plans are requesting regulatory approvals.
13. As you’ve revised the site plan to show the preserved tree locations, please add a label to the clouded area.
14. An informational note only – signs cannot be attached to the fence, so please leave at least a clear 20’x20’ visibility triangle inside the property lines adjacent to any driveway.



***(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.)***

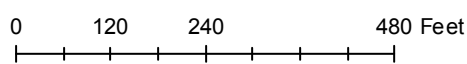


### Area Zoning Map

Applicant: BDB Investments, LP/Kohlby Sasich  
 Address: 4901 E. Loop 820 S.  
 Zoning From: I  
 Zoning To: Add Conditional Use Permit for laydown yard  
 Acres: 2.312629  
 Mapsco: 93G  
 Sector/District: Southeast  
 Commission Date: 12/14/2022  
 Contact: 817-392-8190



 Subject Area  
 300 Foot Notification

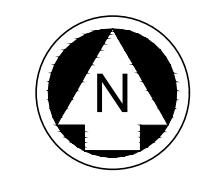




NOTE: THE CONTRACTOR SHALL CONTACT THE FOLLOWING AT LEAST 48 HOURS PRIOR TO EXCAVATING IN THIS AREA:


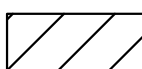
|                                |                |
|--------------------------------|----------------|
| TEXAS 811                      | 1-800-344-8377 |
| ATMOS GAS                      | 972-881-4161   |
| TXU ELECTRIC DELIVERY          | 1-800-711-9112 |
| CITY OF FORT WORTH             | 817-392-8100   |
| CITY OF FORT WORTH WATER DEPT. | 817-392-4477   |

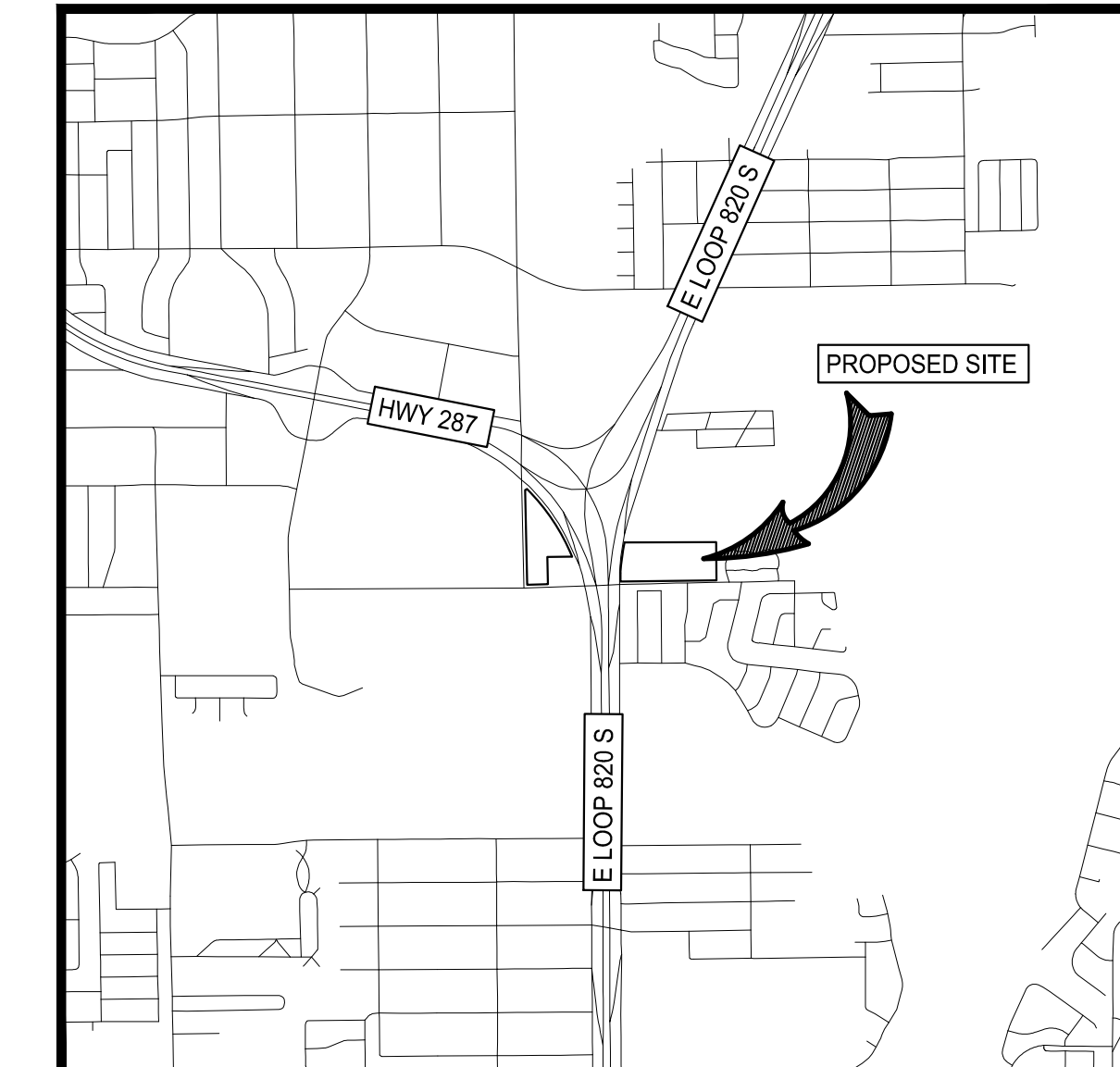
CONTRACTOR TO FIELD VERIFY ALL EXISTING UTILITIES VERTICALLY AND HORIZONTALLY PRIOR TO CONSTRUCTION.



0 60' 120'  
SCALE: 1" = 60'

**LEGEND**

-  PROP. GRAVEL YARD
-  CUP OVERLAY



**VICINITY MAP**  
N.T.S.

- NOTES:**
1. THIS PROJECT SHALL COMPLY WITH ALL LANDSCAPING REQUIREMENTS IN ACCORDANCE WITH SECTION 6.301 LANDSCAPING
  2. THIS PROJECT WILL COMPLY WITH SECTION 6.302, URBAN FORESTRY
  3. ALL SIGNAGE WILL CONFORM TO ARTICLE 4, SIGNS
  4. ALL PROVIDED LIGHTING WILL CONFORM TO THE LIGHTNING CODE
  5. THIS PROJECT SHALL BE SCREENED WITH A SOLID WOOD FENCE AT LEAST 6 FEET IN HEIGHT
  6. THIS PROJECT IS INTENDED FOR OUTDOOR STORAGE OF EQUIPMENT AND MATERIALS. NO PARKING IS PERMITTED.

**PRELIMINARY  
-FOR REVIEW ONLY-**

THESE DOCUMENTS ARE FOR DESIGN REVIEW ONLY AND ARE NOT INTENDED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSE. THEY ARE PREPARED BY, OR UNDER THE SUPERVISION OF:

THOMAS BARTKOWSKI 99976 08/26/2022  
TYPE OR PRINT NAME PE # DATE

| NO. | DATE | REVISION |
|-----|------|----------|
|     |      |          |
|     |      |          |
|     |      |          |

DIRECTOR OF PLANNING & DEVELOPMENT


DATE: \_\_\_\_\_

**4901 E. LOOP 820 S**

ZONING CASE NO. ZC-22-169

**KIEWIT LAYDOWN YARD**

FORT WORTH, TARRANT COUNTY, TEXAS



TEXAS REGISTRATION ENGINEERING FIRM NO. 12207  
600 W 8TH STREET, SUITE 175, FORT WORTH, TEXAS 76102  
FORT WORTH PHONE: (817) 853-2777

|              |               |           |       |
|--------------|---------------|-----------|-------|
| DRAWN: SAV   | DATE          | PROJECT # | SHEET |
| DESIGNED: TB | DECEMBER 2022 | KWT22001  | C1    |
| REVIEWER: TB |               |           |       |

Description for a tract of land in the JAMES M. DANIEL SURVEY, ABSTRACT NUMBER 395. City of Fort Worth, Tarrant County, Texas, and being described by instincts and bounds as follows:

BEGINNING at a 1" iron pin found, said pin lying by deed call. 725.5 feet. North 89 degrees 30 minutes West from the northeast corner of 27.75 acre tract described in a deed recorded in Volume 2735, Page 365. Deed Records. Tarrant County, Texas:

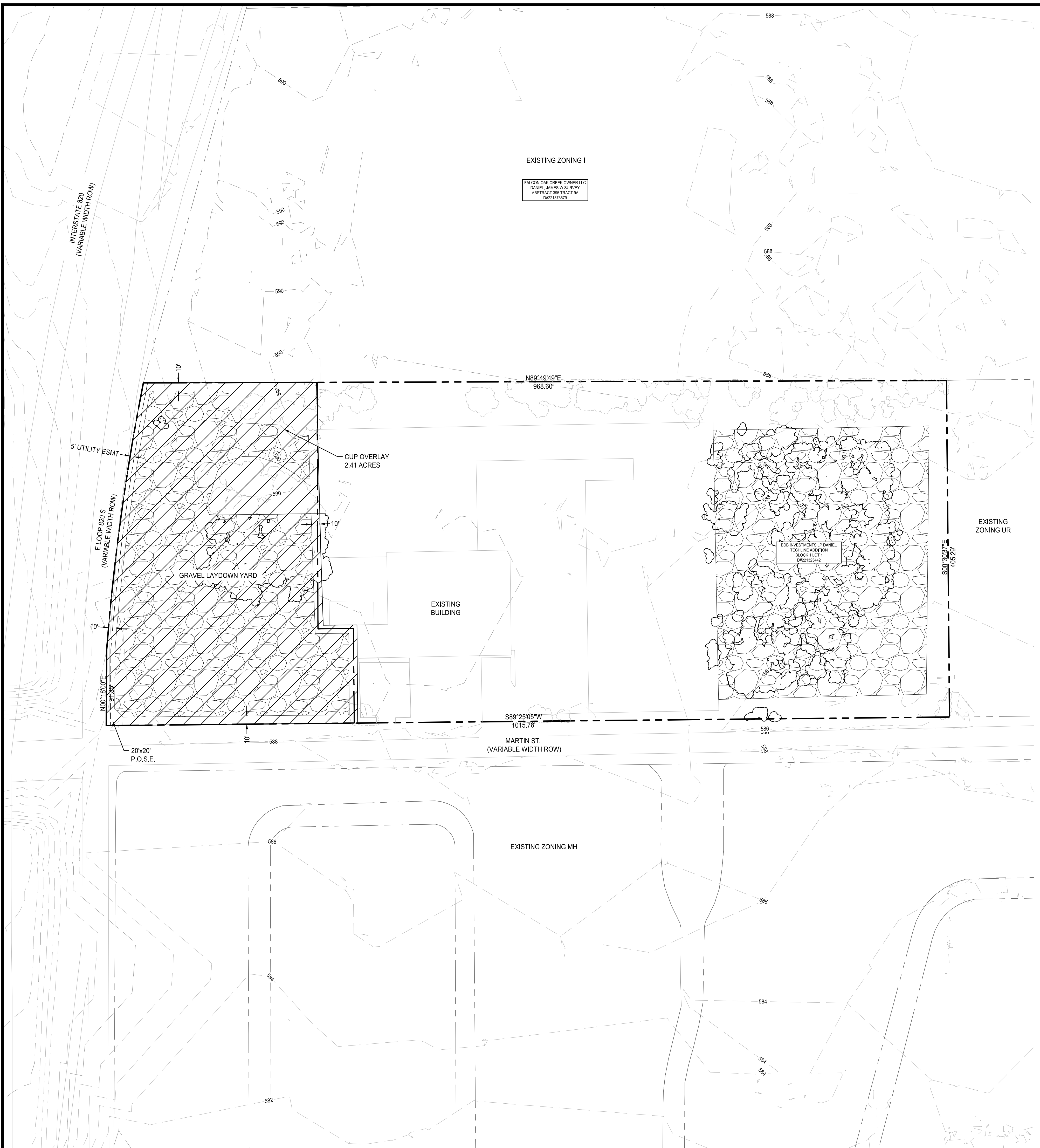
THENCE South 00 degrees 30 minutes 37 seconds East at 391.75 feet passing a 3/4" iron pin set with cap marked "AREA SURVEYING" in all, a total distance of 405.29 feet to a 1" iron pin found:

THENCE S 89 degrees 42 minutes 14 seconds West, a distance of 1,015.91 feet along Martin Street to a Texas Highway Department monument in the east line of East Loop 820 South:

THENCE North 00 degree 18 minutes 00 seconds East at 8.47 feet passing a 3/4" iron pin set with cap marked, "AREA SURVEYING" in all, a total distance of 91.35 feet along the east line of East Loop 820 South to a 3/4" iron pin found in concrete, said pin lying at the beginning of a curve, concave to the east, having a radius of 2,739.79 feet, and a long chord which bears 319.24 feet. North 07 degrees 46 minutes 49 seconds East:

THENCE Northerly along the east line of East Loop 820 South and along said curve, passing through a central angle of 06 degrees 40 minutes 48 seconds, a distance of 319.42 feet to a 3/4" iron pin found:

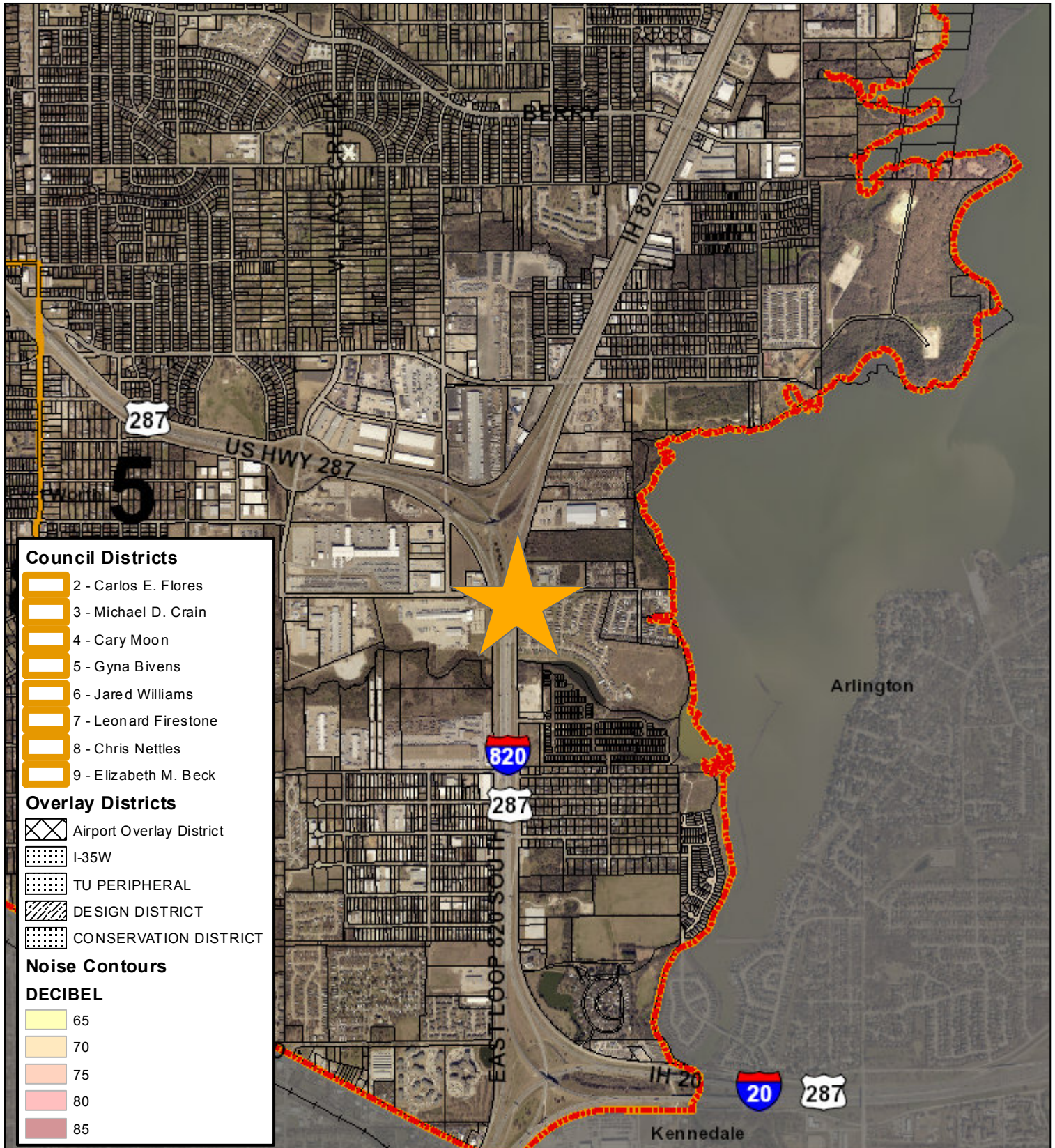
THENCE North 89 degrees 49 minutes 49 seconds East a distance of 968.60 feet to the POINT OF BEGINNING said described tract containing 9.32 acres of land and being the same tract described in a deed to EQUITABLE INVESTMENTS<, Inc. recorded in Volume 11040, Page 1355. Deed Records. Tarrant County, Texas.



Drawing: 6/14/2022 12:00:00 PM  
 User: TBarrett  
 Plot Date/Time: 12/15/2022 12:00:00 PM








## Area Map



**Council Districts**






-  2 - Carlos E. Flores
-  3 - Michael D. Crain
-  4 - Cary Moon
-  5 - Gyna Bivens
-  6 - Jared Williams
-  7 - Leonard Firestone
-  8 - Chris Nettles
-  9 - Elizabeth M. Beck

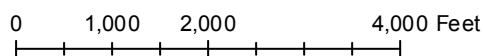
**Overlay Districts**

-  Airport Overlay District
-  I-35W
-  TU PERIPHERAL
-  DESIGN DISTRICT
-  CONSERVATION DISTRICT

**Noise Contours**

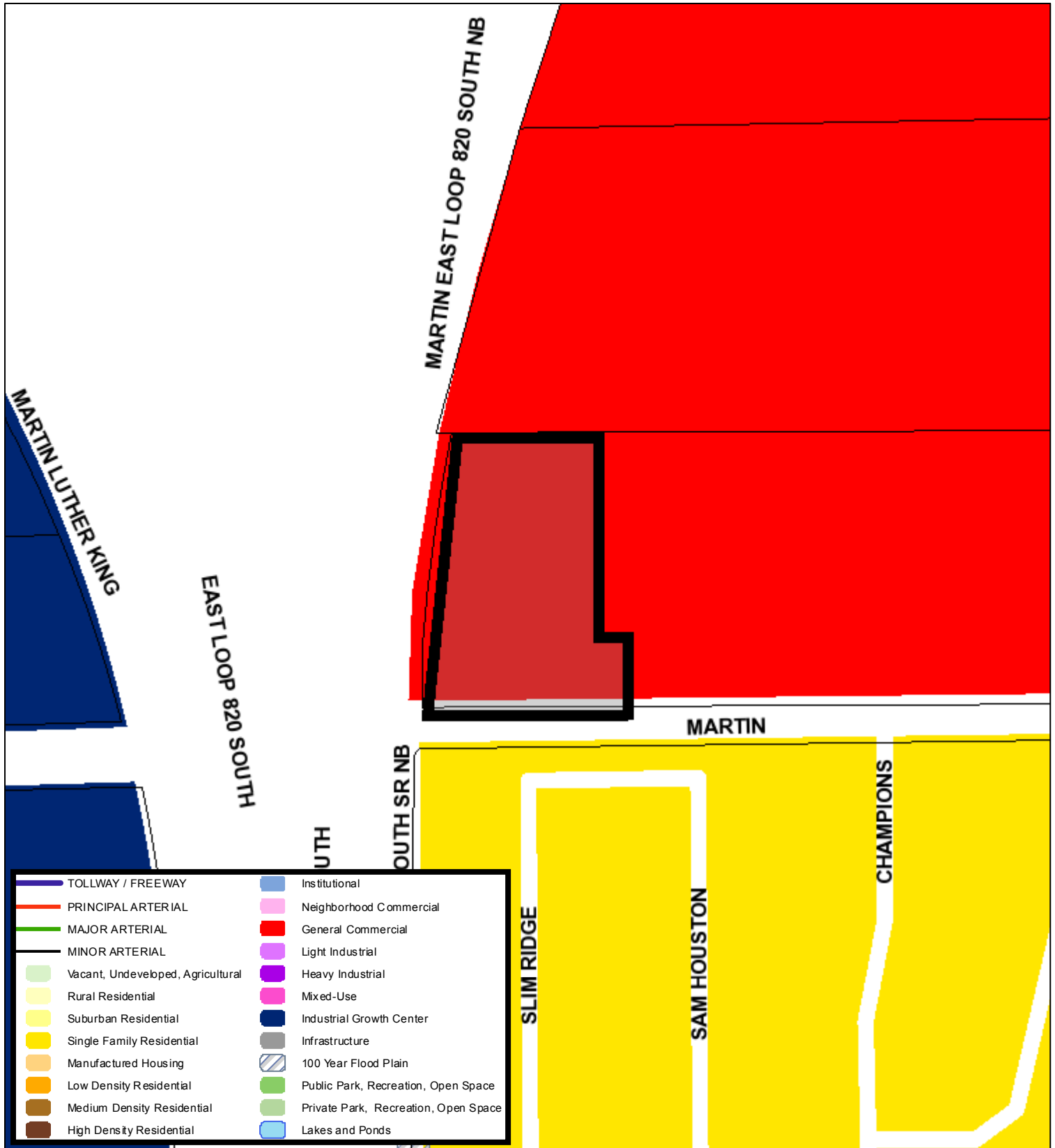
**DECIBEL**

-  65
-  70
-  75
-  80
-  85





### Future Land Use



190 95 0 190 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.





## Aerial Photo Map



0 125 250 500 Feet

