



Zoning Staff Report

Date: June 27, 2023

Case Number: ZC-23-042

Council District: 11

Zoning Map Amendment

Case Manager: [Beth Knight](#)
Owner / Applicant: AMZA OJGH LLC / Westwood Professional Services
Site Location: 1100 Haltom Road **Acreage:** 34.0 acres

Request

Proposed Use: Semi truck, trailer, and passenger vehicle parking; outdoor storage of construction materials, pipes, and wooden pallets

Request: From: "K" Heavy Industrial

To: Add Conditional Use Permit (CUP) to allow outdoor storage of and parking of semi-trucks, trailers, and passenger vehicles; outside storage of construction, bulk materials, and wooden pallets in "K" Heavy Industrial for a maximum of 5 years with development standard waivers for screening fence materials, landscaping reduction, and screening fence location, site plan included

Recommendation

Land Use Compatibility: Requested change is **not compatible**
Comprehensive Plan Consistency: Requested change is **not consistent (Technical Inconsistency)**
Staff Recommendation: **Denial for semi truck, trailer, and passenger vehicle parking; outdoor storage of construction materials, pipes, and wooden pallets for 5 years with development waivers**
Zoning Commission Recommendation: **Approval with the following conditions, by a vote of 5-3**
Semi truck, trailer, and passenger vehicle parking; outdoor storage of construction materials and pipes for 5 years; with development waiver for screening fence location; Site Plan included.

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Project Description and Background

Zoning Commission update – At the June 14 public hearing, Zoning Commission made the a recommendation of Approval, with the following conditions:

Proposed Use:

Semi truck, trailer, & passenger vehicle parking; outdoor storage of construction materials, pipes, ~~& wooden pallets~~

Request:

From: “K” Heavy Industrial

To: Add Conditional Use Permit (CUP) to allow outdoor storage of and parking of semi-trucks, trailers, and passenger vehicles; outside storage of construction, bulk materials, ~~and wooden pallets~~ in “K” Heavy Industrial for a maximum of 5 years with development standard waivers for ~~screening fence materials, landscaping reduction, and~~ screening fence location, Site Plan included

The subject property is located along the east side of Haltom Road, on the southeast corner of its intersection with the Trinity Railroad, and approximately ¼ mile south of State Highway 121. The site started being used for outdoor storage of semi trucks and trailers between 2020 and 2021, according to historical aerials. This land use begun without proper zoning approvals resulted in a Code Compliance violation that has been ongoing since July 2021. In order to remedy this situation, the applicant is requesting a Conditional Use Permit added to their “K” Heavy Industrial District. The site plan shows development waivers for screening fencing requirements, gate materials, and landscaping along the street frontage on the 34 acre lot. Outdoor storage, such as semi-truck parking, is allowed by right in the industrial districts with a primary building and only permitted on vacant lots with a CUP approval.

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.

While semi-truck and trailer parking, as well as outdoor storage, is not permitted on a vacant lot in the “K” 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 new code violation convictions. The site is already being used for semi-truck and trailer parking. Standard industrial uses are located to the north and east, while less intensive rural industrial uses are noted to the west. The Trinity River and vacant land with residential and commercial zoning in the floodplain lie directly across the river to the east. The northern property line adjacent to the Trinity Railroad is covered by a 200-foot deep scenic corridor and seen by train passengers consistently throughout the day.

North of the railroad line, Haltom Road is a 2-lane undivided roadway spanning 35 feet and then transitions south of the railroad to a 20-foot wide pavement with no shoulders, which is marginally suitable for passenger vehicle traffic, instead of semi-truck traffic. The roadway is classified as a collector street, and contains several hair-pin turns.

The site plan shows a semi-truck and trailer parking in four areas behind an 8-foot wooden fence on the northern portion of the lot. No buildings are proposed to be constructed as part of this project. The southern portion of the lot is covered with a floodplain from the Trinity River and is characterized by notable tree cover.

The Conditional Use Permit proposal includes a development waiver to allow the existing chain link fencing topped with barbed wire to be substituted for the required screening gate. Under the City Code, barbed wire is allowed on top of a minimum 6-foot tall fence. Additionally, development waivers have been submitted to limit the screening fence to the northern portion, out of the floodplain, as well as to waive the required landscaping in front of the industrial activity area. Over 15 acres of heavily forested floodplain remains along the southern portion of the lot, including approximately 225 feet of Haltom Road frontage.

The site currently contains approximately ½ acre of flammable wooden pallet storage in the midst of stored trailers. The proposed site plan removes the pallet storage and reduces this significant fire risk. Only a graveled drive is shown, instead of a standard fire lane. The site plan additionally proposes storage of construction materials, roofing, and pipes in both the northeastern and northwestern corners.

While excluding fencing from the floodplain assists with stormwater drainage, all the requested land uses of vehicle and construction material storage have now been revised to not encroach into the floodplain and platted drainage/access easement. Concrete wheel stops, due to their durability, are proposed to separate the semi trucks and trailers from forested areas and floodplain on the southeastern portion of the lot.

The northern and northwestern property lines are marked with a gas pipeline easement that is restricted from having structures built on it. The applicant has not presented any documentation where encroachment of these easements would be allowed. The parking spaces for semi-trucks and trailers appear to be 55 feet deep, which accommodates the typical 53-foot trailer, but not with a 20-foot long semi truck. Passenger parking spaces appear to be shown immediately inside the gate in the northwestern area.

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.

Below is a chart that illustrates the differences between the “K” Heavy Industrial district and the proposed CUP:

Requirement	Development Standard	Proposed CUP
Screening fence	Solid screening fence required entirely around outdoor storage	Screening fence to remain out of the floodplain and access easements (<i>This item is requesting a Development Waiver</i>)
Screening gate	Solid screening gate required as part of solid screening fencing	Chain link gate topped with barbed wire (<i>This item is requesting a Development Waiver</i>)
Landscaping placement	75% of required landscaping to be placed in front of industrial area	2.5% of required landscaping to be placed in front of industrial area (<i>This item is requesting a Development Waiver</i>)

Surrounding Zoning and Land Uses

North “K” Heavy Industrial / Warehouses, outdoor storage

East “K” Heavy Industrial / Automobile salvage yards

South “D-HR1” inactive multifamily district, “E” Neighborhood Commercial, “G” General Commercial / Trinity River and associated floodplain

West “K” Heavy Industrial / Informal outdoor storage

Recent Zoning History

ZC-21-021: south of site, from AG to I, approved, 6/28/2021

ZC-21-158: subject site, add CUP for truck parking, withdrawn, 2/28/2022

ZC-22-121: south of site, add CUP for truck parking, approved, 9/26/2022

Public Notification

300-foot Legal Notifications were mailed on April 26, 2023.

The following organizations were notified: (emailed April 24, 2023)

Organizations Notified	
Riverside Alliance	Birdville ISD
Neighborhoods of East Fort Worth	Fort Worth ISD
East Fort Worth, Inc.	Streams and Valleys Inc
East Fort Worth Business Association	Trinity Habitat for Humanity

Development Impact Analysis

Land Use Compatibility

The applicant is proposing to add a Conditional Use Permit for semi-truck, trailer, and passenger vehicle parking, as well as outdoor storage of construction materials, pipes, and wooden pallets. A site plan is included that shows development waivers for the gate to be chain link and barbed wire instead of screening materials, waive the fence location in the floodplain, and reduced landscaping in front of business activity. The Conditional Use Permit has been requested due to code violations for outdoor storage and parking without formal approvals. The request to move the screening fence out of the floodplain is appropriate, allowing floodwaters to move freely in the floodplain. The requested land uses for 424 semi-truck parking spots plus construction materials is more intensive than the surrounding sites. The land uses proposed are industrial uses solely accessed from a street that does not have the capacity to support semi-truck traffic. The applicant is proposing to store materials and park vehicles along the northern property line in a scenic corridor, but adding landscaping to screen the view from passengers traveling on the Trinity Railroad train.

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

Comprehensive Plan Consistency – Eastside Sector

The 2023 Comprehensive Plan currently designates the subject property as “Light Industrial” on the Future Land Use Map. While the requested land uses would be included in the list of zoning districts envisioned for this category, as detailed in the excerpt from the Comprehensive Plan below, the base zoning district exceeds the light industrial designation.

INDUSTRIAL		
Light Industrial	Warehousing, transportation, light assembly, outside storage	MU-2, I,

The proposed zoning is not consistent with the land use designations for this area but with the following policies of the Comprehensive Plan:

- Encourage clustering of development sites within new subdivisions to avoid steep slopes (greater than 15%) and to conserve 100-year floodplains, existing tree cover, wildlife habitat, storm water detention areas, riparian buffers along natural waterways, and archeologically significant sites.
- Leave floodplains in their natural state (with hike/bike trails encouraged) to improve water quality and minimize flooding.
- Encourage the use of floodplains for agricultural or recreational uses, including hike & bike trails.
- Encourage the protection of mature woodlands, riparian corridors, and other sensitive natural areas, while incorporating protected woodland areas as amenities in new developments.

However, the proposed zoning is not consistent with the following Comprehensive Plan policies:

- Locate large industrial uses along freight rail lines, highways, or airports within industrial growth centers and other appropriate locations.

- Coordinate future land uses and development types and intensity with the Complete Streets policy, Master Thoroughfare Plan, Active Transportation Plan, and Transit-Oriented Development Plans.

Based on a lack of conformance with the future land use map and with some the policies stated above, the proposed zoning **is not consistent** with the Comprehensive Plan.

Site Plan Comments

Zoning and Land Use

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

1. The gas pipeline easement deed restricts the landowner from constructing a house, building, or other structure on the easement area. The screening fence is a structure and conflicts with this deed restriction. Please determine how the storage areas will be secured and screened in areas if a fence is not allowed. This determination also needs to include the areas where the entrance gate area crosses the gas pipeline easement.
2. Any required fire lanes must be constructed with poured concrete, instead of the crushed gravel surface.
3. Please determine how the required landscaping will be irrigated with either permanent installation for standard landscaping plants or temporary installation for new native plantings.

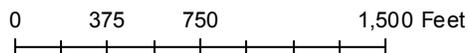
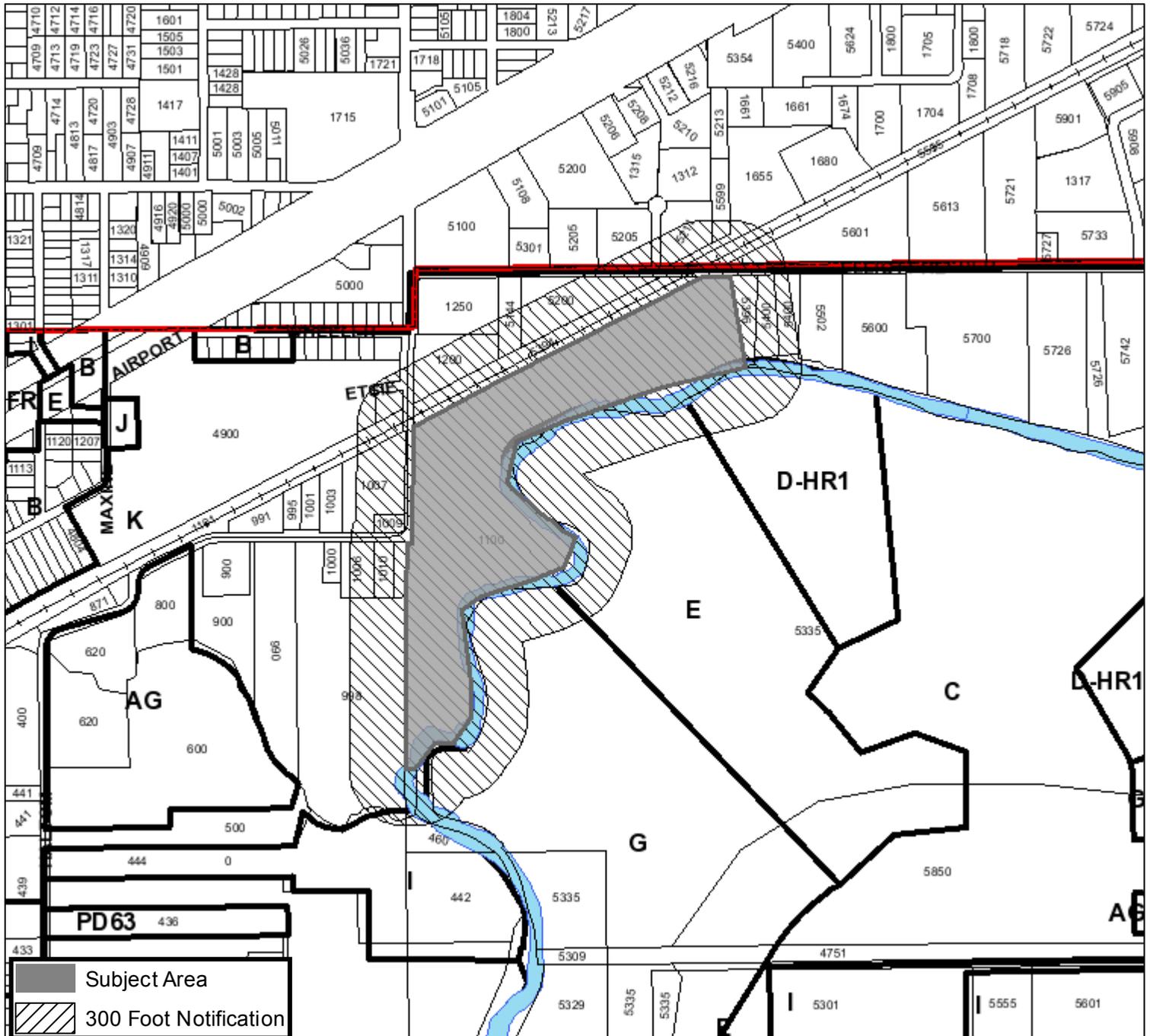
Stormwater: Site requires a flood study, proposed work on site plan seems to show fill within the FEMA regulated flood way, no permit structures are allowed within the area and all work requires the study to show a no-rise. A no-rise certificate will be required. A floodplain development permit will be required as well. Site plan shows over an acre of land disturbance, a drainage study and commercial grading permit will be required.

Fire: Storage of hazardous materials depends on material and quantity. Specific control areas are defined in Ch. 50.

(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: AMZA OJGH LLC
 Address: 1100 Haltom Road
 Zoning From: K
 Zoning To: Add CUP for outdoor storage including materials, heavy equipment and truck parking
 Acres: 33.69044766
 Mapsco: Text
 Sector/District: Northeast
 Commission Date: 5/10/2023
 Contact: 817-392-8190



Civil Surveyor
 Pacheco Koch/ WESTWOOD PS Crowley surveying
 4060 Bryant Irvin Road 4251 FM 2181, # 230-484
 Fort Worth, TX 76109 CORINTH, TX 76210
 Voice: 817.412.7155 Voice: 469.850.2757

Owner
 THE AMZA GROUP
 113 Maple Avenue
 Bala Cynwyd, PA 19004
 Voice: 917.670.1002

LEGEND

BL	BOLLARD
EM	ELECTRIC METER
PP	POWER POLE
LS	LIGHT STANDARD
CM	CORRUGATED METAL PIPE
WV	WATER VALVE
ICV	IRRIGATION CONTROL VALVE
PH	FIRE HYDRANT
CS	CLEANOUT
MH	MANHOLE
TS	TRAFFIC SIGNAL CONTROL
TSP	TRAFFIC SIGNAL POLE
FL	FLOOD LIGHT
TS	TRAFFIC SIGN
IRF	1/2"-3/4" IRON ROD FOUND
(C.M.)	CONTROLLING MONUMENT
---	PROPERTY LINE
-x-	EXISTING FENCE
-x-	PROPOSED FENCE
-x-	LIMITS OF EXIST. FLOOD ZONE
-x-	EXISTING EASEMENT LINE
-x-	OVERHEAD UTILITY LINE
-x-	LIMITS OF TIMBER WHEEL STOPS

- GENERAL NOTES:**
- THIS PROJECT WILL COMPLY WITH SECTION 6.301, LANDSCAPING
 - THIS PROJECT WILL COMPLY WITH SECTION 6.302, URBAN FORESTRY
 - ALL SIGNAGE WILL CONFORM TO ARTICLE 4, SIGNS.
 - ALL PROVIDED LIGHTING WILL CONFORM TO THE LIGHTING CODE
 - NO VEHICLE/AUTO REPAIRS ARE ALLOWED TO BE MADE ONSITE.
 - THE PROPOSED OUTDOOR STORAGE USE WILL INCLUDE THE STORAGE OF TRUCKS, TRAILERS, CONTAINERS, CHASSIS, SPRINTER VANS, AUTOMOBILES, CONSTRUCTION MATERIAL, PIPE MATERIAL, ROOFING MATERIAL, & WOOD PALLETS
 - TIRES SHALL NOT BE STORED ON SITE AND SHALL BE REMOVED FROM THE PREMISES
 - APPROXIMATELY 424 TRAILERS CAN BE STORED WITHIN THE PROPOSED STORAGE AREA
 - NO MATERIAL MAY BE STORED TALLER THAN THE PROPOSED SCREENING FENCE
 - PROPOSED WOOD SCREENING FENCE SHALL HAVE A HEIGHT OF 8', COMPLYING AND EXCEEDING WITH ORDINANCE MINIMUM REQUIREMENT OF 6'
 - NO STORAGE OF UNREGISTERED MOTOR VEHICLES, WRECKED OR DISMANTLED VEHICLES OR VEHICLES BEING RETAINED FOR THE PURPOSE OF REMOVING OR USING PARTS THEREOF SHALL BE PERMITTED
 - NO PILES OF TRASH OR DEBRIS MAY BE STORED ON THE SITE
 - NO FLAMMABLE LIQUIDS SHALL BE STORED ON THE SITE
 - DIRT PILES MUST BE KEPT OUTSIDE OF THE 100-YEAR FLOODPLAIN AND FLOODWAY
 - OUTSIDE STORAGE OF COMBUSTIBLE MATERIALS SHALL NOT BE LOCATED WITHIN 10' OF A LOT LINE. THE SEPARATION DISTANCE IS ALLOWED TO BE 3', IF THE MATERIALS DO NOT EXCEED 6' OR IF THE FIRE MARSHAL/INSPECTOR DETERMINES THAT THE HAZARD TO ADJOINING PROPERTY DOES NOT EXIST. STORAGE IN THE OPEN SHALL NOT EXCEED 20'
 - PALLETS STORED OUTDOORS SHALL COMPLY WITH SECTIONS 315.7 THROUGH 315.7.7 WHICH INCLUDE:
 - GREATER THAN 10' FROM LOT LINE
 - LESS THAN 20' IN HEIGHT
 - PALLET TYPES SHALL COMPLY WITH 315.7.5
 - SHALL COMPLY WITH SEPARATION DISTANCES IN 315.7.6.1 FOR BUILDINGS AND 315.7.6.2 FROM OTHER COMBUSTIBLES AND PALLET PILES. SEPARATIONS DEPEND ON PALLET TYPE (WOOD OR PLASTIC) AND BUILDING WALL CONSTRUCTION TYPE (MASONRY, WOOD, ETC)
 - NO STORAGE OR LONG TERM PARKING ALLOWED IN THE 5'-10' DRAINAGE /ACCESS EASEMENT (CAB. 1, SL. 11521 P.R.T.C.T.)

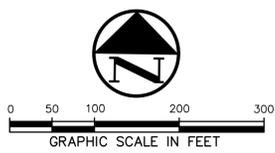
*DEVELOPMENT WAIVER IS BEING REQUESTED TO NOT PLACE REQUIRED SCREENING FENCE IN FLOODPLAIN AREAS/EASEMENTS, AND ACCESS EASEMENTS
 *DEVELOPMENT WAIVER IS BEING REQUESTED TO WAIVE THE REQUIRED LANDSCAPING ALONG THE STREET
 *DEVELOPMENT WAIVER IS BEING REQUESTED FOR THE CHAINLINK ACCESS GATE TO BE ACCEPTED

DIRECTOR OF DEVELOPMENT SERVICES		DATE
NO.	DATE	REVISION

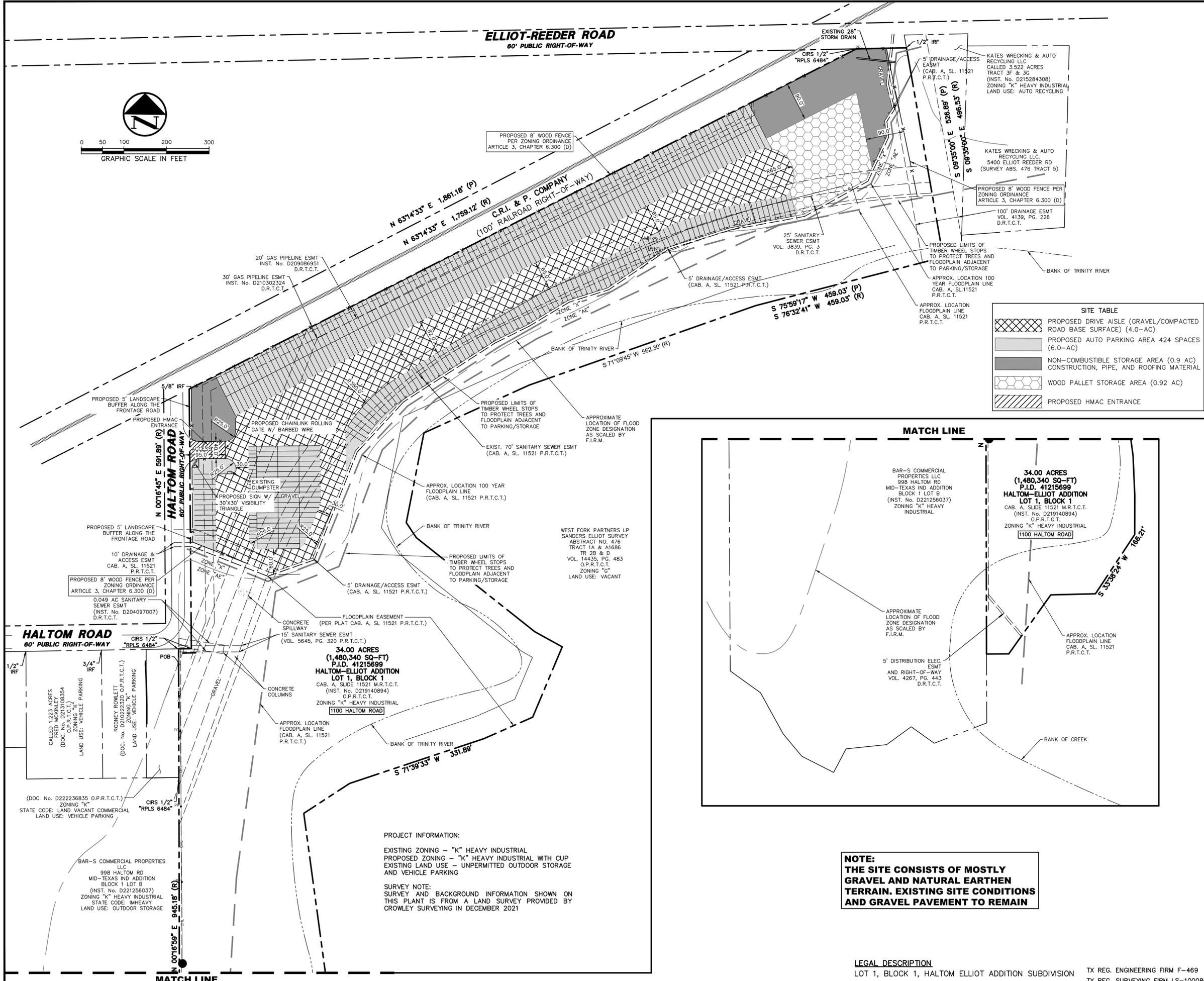
Pacheco Koch
 a Westwood company
 4060 BRYANT IRVIN ROAD
 FORT WORTH, TX 76109
 817.412.7155

SITE PLAN
HALTOM ROAD STORAGE YARD
CONDITIONAL USE PERMIT
1100 HALTOM ROAD LOT 1, BLOCK 1
CITY OF FORT WORTH, TARRANT COUNTY, TEXAS

DESIGN	DRAWN	DATE	SCALE	NOTES	FILE	NO.
HPB	AO	MAY 2023	1"=100'		ZC-23-042	1

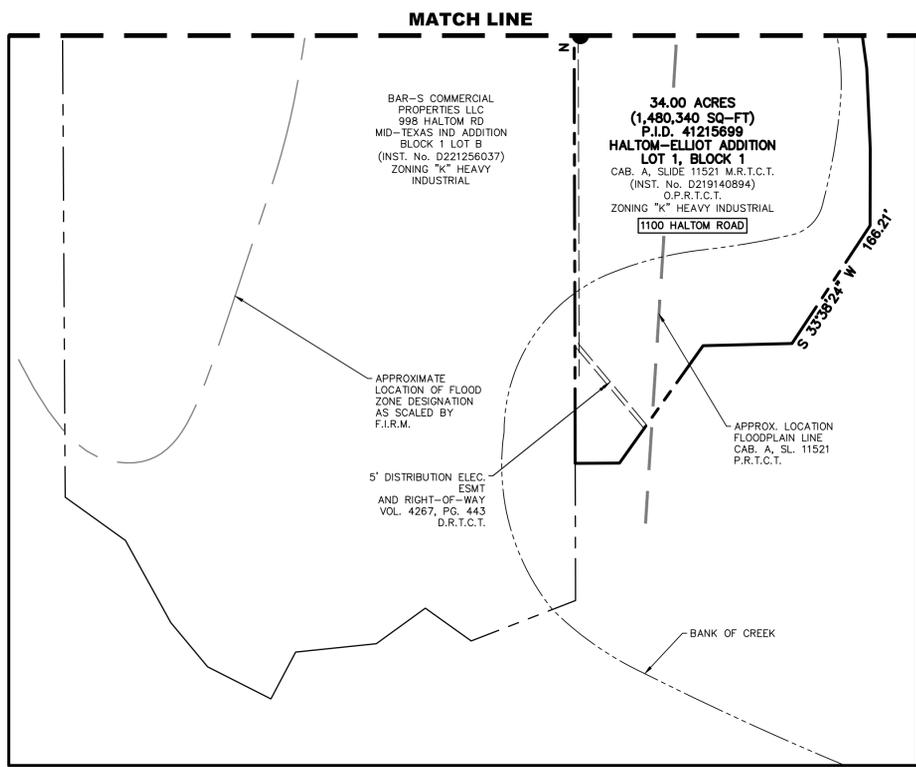


ELLIOT-REEDER ROAD
 60' PUBLIC RIGHT-OF-WAY



SITE TABLE

[Pattern]	PROPOSED DRIVE AISLE (GRAVEL/COMPACTED ROAD BASE SURFACE) (4.0-AC)
[Pattern]	PROPOSED AUTO PARKING AREA 424 SPACES (6.0-AC)
[Pattern]	NON-COMBUSTIBLE STORAGE AREA (0.9 AC) CONSTRUCTION, PIPE, AND ROOFING MATERIAL
[Pattern]	WOOD PALLET STORAGE AREA (0.92 AC)
[Pattern]	PROPOSED HMAC ENTRANCE



NOTE:
 THE SITE CONSISTS OF MOSTLY GRAVEL AND NATURAL EARTHEN TERRAIN. EXISTING SITE CONDITIONS AND GRAVEL PAVEMENT TO REMAIN

PROJECT INFORMATION:
 EXISTING ZONING - "K" HEAVY INDUSTRIAL
 PROPOSED ZONING - "K" HEAVY INDUSTRIAL WITH CUP
 EXISTING LAND USE - UNPERMITTED OUTDOOR STORAGE AND VEHICLE PARKING

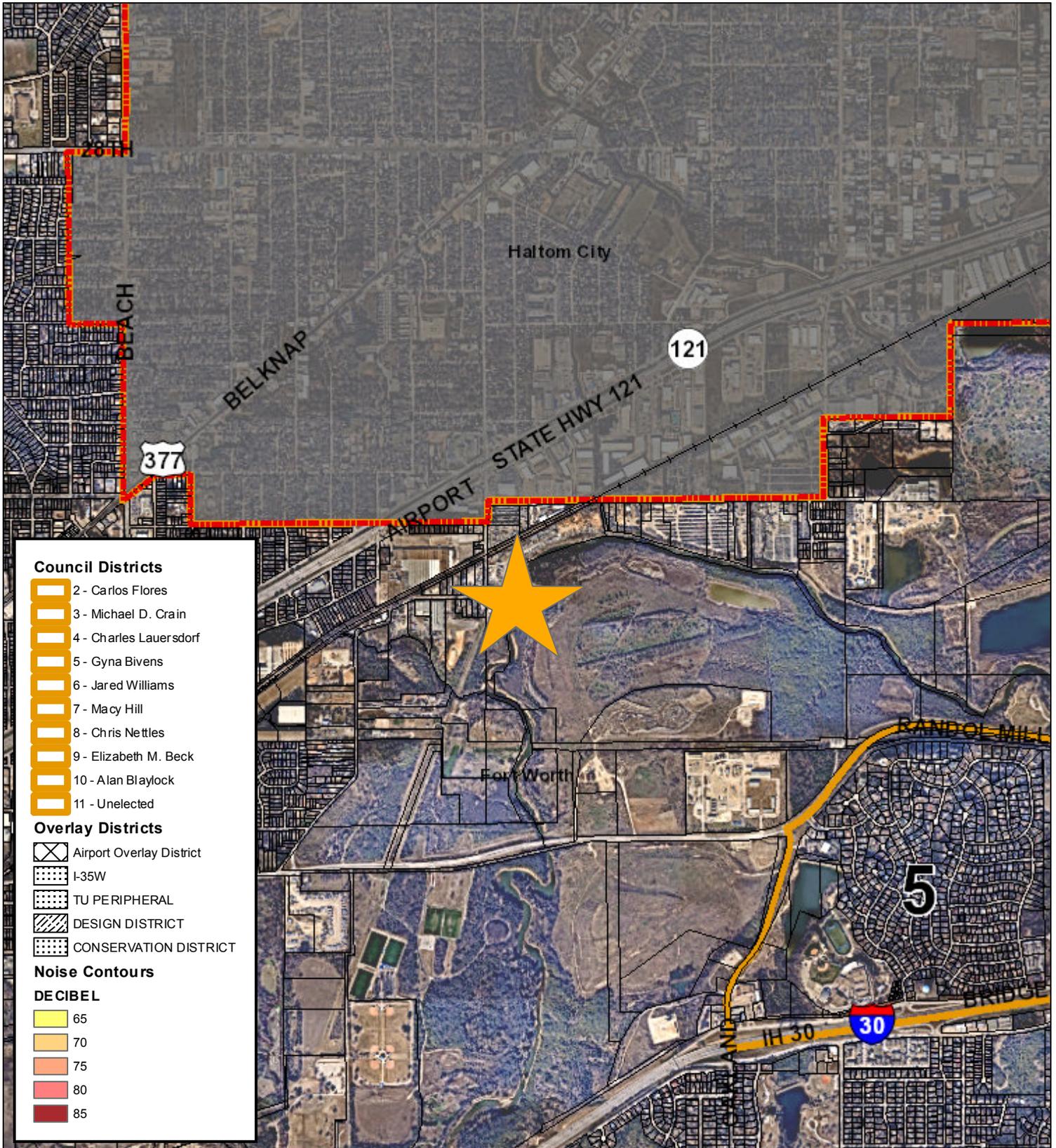
SURVEY NOTE:
 SURVEY AND BACKGROUND INFORMATION SHOWN ON THIS PLAN IS FROM A LAND SURVEY PROVIDED BY CROWLEY SURVEYING IN DECEMBER 2021

LEGAL DESCRIPTION
 LOT 1, BLOCK 1, HALTOM ELLIOT ADDITION SUBDIVISION TX REG. ENGINEERING FIRM F-469
 TX REG. SURVEYING FIRM LS-10008001

HPBARTLEY 6:07 PM 5/17/23 17:00:55 (5571-23.035) D:\WG\5571-23.035_T0P0.DWG

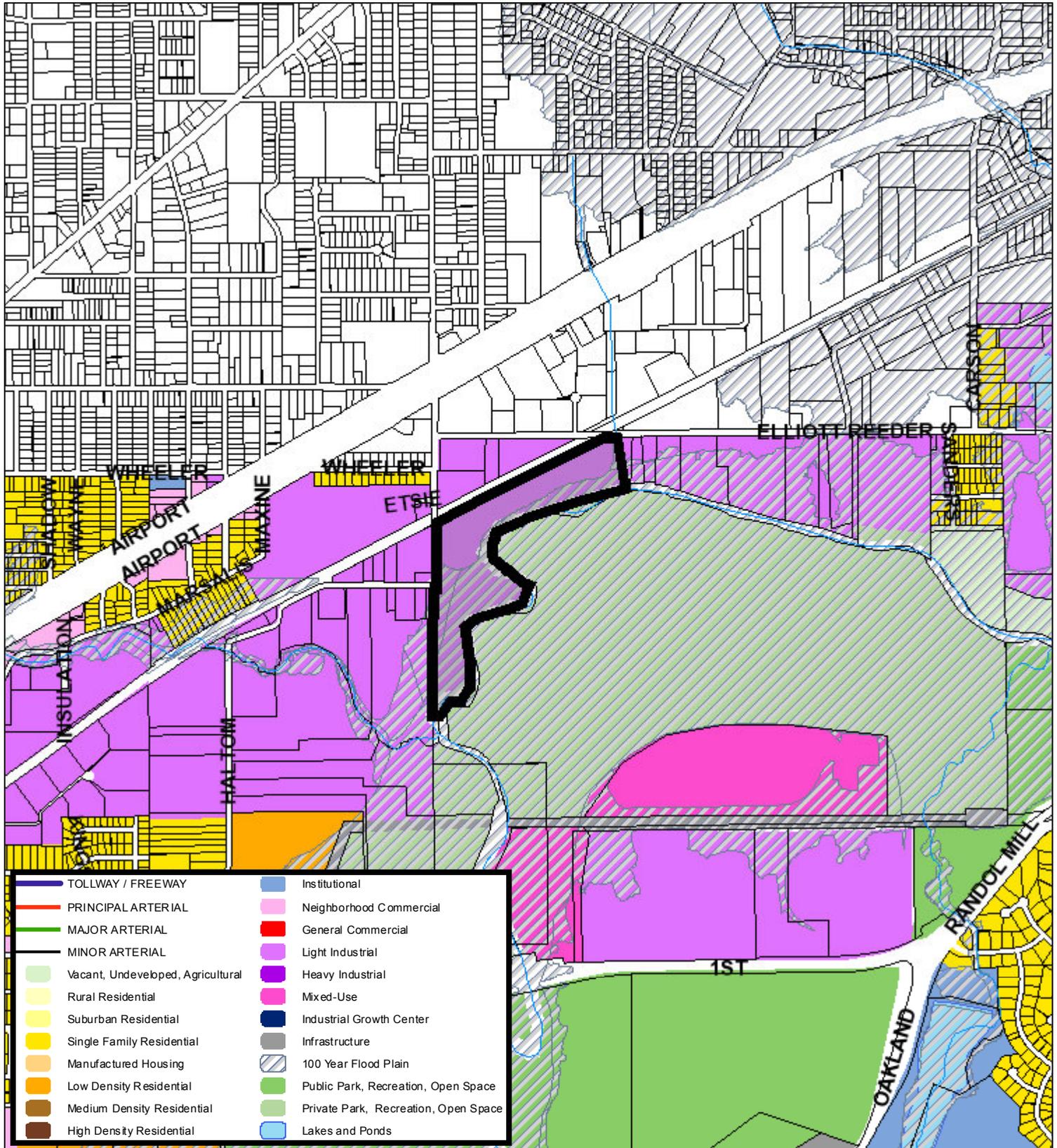
HALTOM ROAD STORAGE YARD - CONDITIONAL USE PERMIT

Area Map

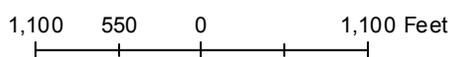


0 1,000 2,000 4,000 Feet

Future Land Use



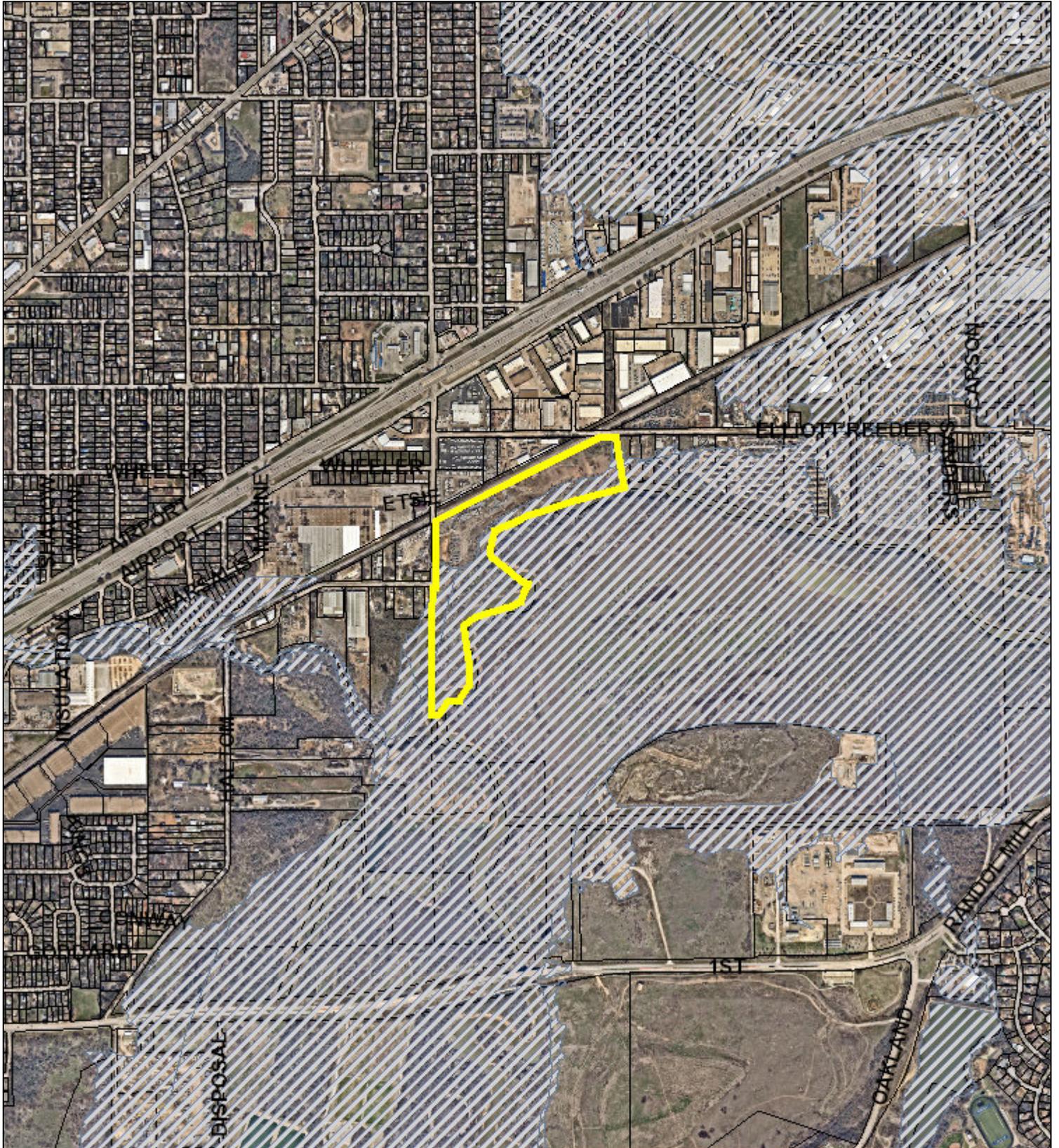
	TOLLWAY / FREEWAY		Institutional
	PRINCIPAL ARTERIAL		Neighborhood Commercial
	MAJOR ARTERIAL		General Commercial
	MINOR ARTERIAL		Light Industrial
	Vacant, Undeveloped, Agricultural		Heavy Industrial
	Rural Residential		Mixed-Use
	Suburban Residential		Industrial Growth Center
	Single Family Residential		Infrastructure
	Manufactured Housing		100 Year Flood Plain
	Low Density Residential		Public Park, Recreation, Open Space
	Medium Density Residential		Private Park, Recreation, Open Space
	High Density Residential		Lakes and Ponds



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



0 750 1,500 3,000 Feet

