



Zoning Staff Report

Date: September 13, 2022

Case Number: ZC-22-121

Council District: 4

Zoning Map Amendment

Case Manager: [Beth Knight](#)

Owner / Applicant: Valentin Torres / George Muckleroy

Site Location: 440 - 460 (evens) Haltom Road

Acreage: 19.87 acres

Request

Proposed Use: Semi truck and trailer parking

Request: From: "I" Light Industrial

To: Add Conditional Use Permit (CUP) to allow semi-truck and trailer parking; site plan included with development waiver for screening fence materials and height, site plan included.

Recommendation

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

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

Staff Recommendation: **Approval for semi-truck parking**

Zoning Commission Recommendation: **Denial without Prejudice by a vote of 7-0**

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Project Description and Background

The subject property is located along the east side of Haltom Road, north of its intersection with East 1st Street and south of State Highway 121. The site was rezoned from “AG” Agricultural District to “I” Light Industrial District last year, but started being used for outdoor storage of semi trucks and trailers between 2017 and 2019, according to historical aerials. This land use started without proper zoning approvals resulted in a Code Compliance violation that has been ongoing since December 2020. In order to remedy this situation, the applicant is requesting a Condition Use Permit added to their “I” Light Industrial District. The site plan shows a development waiver for screening fencing requirements on the 19.87 acre lot. Outdoor storage, such as semi-truck parking, is allowed by right in the industrial districts with a primary building and only permitted 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 is not permitted on a vacant lot 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 new code violation convictions. The site is already being used for semi-truck and trailer parking. Rural industrial uses surround the site to the north, south, and west, that are less intensive than the industrial uses requested for this site. The Trinity River and vacant land in the floodplain lie directly across the river to the east.

Haltom Road is a 2-lane undivided roadway spanning 20 feet with no shoulders. The roadway is classified as a collector street, and contains several hair-pin turns. The site’s location is approximately ½- to 1-mile from the closest arterial roadway. Representatives from the Infrastructure Section in Development Service Department have noted no concerns regarding the truck movements, with potential traffic analysis prior to a Certificate of Occupancy.

The site plan shows a semi-truck and trailer parking in four areas beyond a 400-foot grassy open area on the western side of the lot. No buildings are proposed to be constructed as part of this project. The eastern portion of the lot widens into a large area 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 fencing. Under the City Code, barbed wire is allowed on top of a minimum 6-foot tall fence. Barbed wire on top of a shorter fence cannot be granted a development waiver, since this requirement is from the City Code, instead of the Zoning Ordinance.

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 “I” Light Industrial district and the proposed CUP:

Requirement	Development Standard	Proposed CUP
Screening fence	6-foot tall solid screening fence required around outdoor storage	Chain link fence (<i>This item is requesting a Development Waiver</i>)
Barbed wire on top of fence	Allowed on top of a 6-foot minimum tall fence	On top of fence with undetermined height (<i>This item cannot be approved with a Development Waiver</i>)

Surrounding Zoning and Land Uses

- North “K” Heavy Industrial / Warehouses with limited outdoor storage
- East “G” General Commercial / Trinity River and associated floodplain
- South “AG” Agricultural / Informal outdoor storage
- West “K” Heavy Industrial / Informal truck sales and bike park

Recent Zoning History

- ZC-16-211: southwest of site, from B and I to K, approved, 1/26/2017.
- ZC-21-021: subject site, from AG to I, approved, 6/28/2021.

Public Notification

- 300-foot Legal Notifications were mailed on July 27, 2022.
- The following organizations were notified: (emailed July 26, 2022)

Organizations Notified	
Garden of Eden NA *	United Riverside Rebuilding Corporation, Inc.
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

* Located closest to this registered Neighborhood Association

Development Impact Analysis

Land Use Compatibility

The applicant is proposing to change the zoning of this site from “I” Light Industrial to add a Conditional Use Permit for semi-truck and trailer parking, site plan included with development waiver for the screening fence. The requirement for “. The site is mainly surrounded by low intensity industrial uses, as well as the Trinity River and its associated floodplain. The requested land uses for 57 semi-truck parking spots is more intensive than the surrounding sites. The land uses proposed are industrial uses accessed from a narrow street. The Infrastructure Section has noted after the Zoning Commission meeting that they have no concerns regarding the street access.

The proposed zoning request with its emphasis on semi truck-oriented traffic **is compatible** with surrounding industrial land uses, although the applicants are requesting a waiver for solid screening fencing.

Comprehensive Plan Consistency – Eastside Sector

The 2022 Comprehensive Plan currently designates the subject property as “Light Industrial” on the Future Land Use Map. 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.

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

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

- Encourage new development adjacent and connected to previously developed or platted areas in order to utilize existing utility and road infrastructure and services, thereby optimizing public and private investments and discouraging sprawl development.
- Maximize area of permeable surfaces in developments to reduce stormwater run-off.
- Encourage the use of floodplains as a boundary between incompatible land uses.

Based on conformance with the future land use map and with the policies stated above, the proposed zoning is **consistent** with the Comprehensive Plan.

Economic Development Plan

The 2022 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 does not assist in high-wage job growth, is not a targeted high-growth industry, and does not contribute to the quality of place.

Site Plan Comments

Zoning and Land Use

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

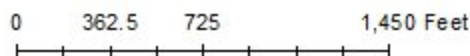
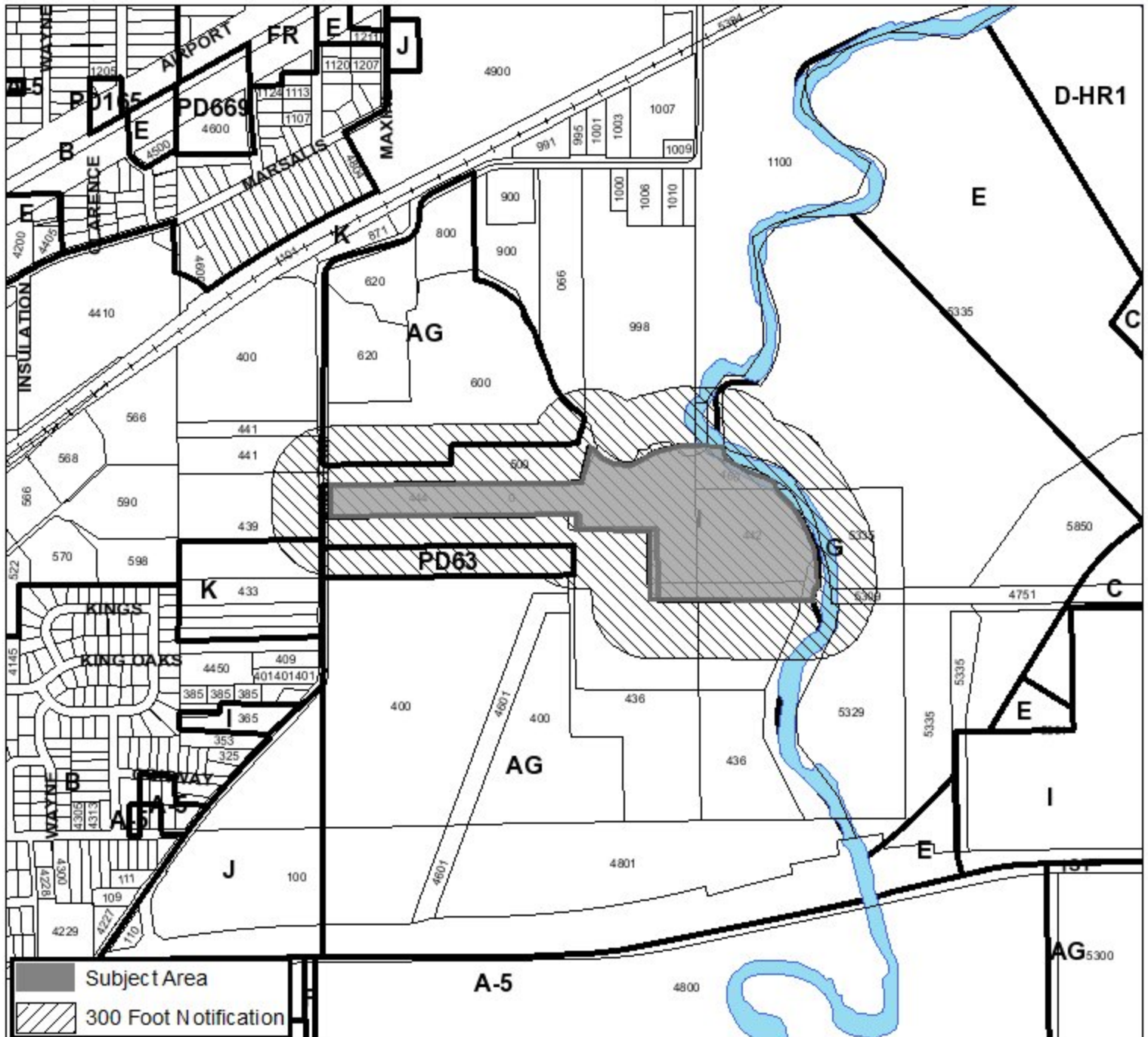
1. Please note the specific land use being requested by the CUP.
2. Any required fire lanes must be constructed with poured concrete, instead of the current crushed asphalt surface.
3. The group of 5 parking spaces on the eastern end adjacent to the fence conflict with both the group of 4 spaces to the north and 45 spaces to the west. Please remove this group of 5 spaces.
4. Please label the fencing material (wood, chain link, etc) and height of the existing and proposed fencing.
5. Note the Land use and zoning classifications of the site to the west.
6. The land use to the south no longer appears to be Residential. Please update this note.
7. Add the zoning for the subject site area.
8. Add the date of revision.
9. Update the zoning case number to ZC-22-121.
10. Update the signature line to: “Director of Development Services”.

(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: Valentin Torres
 Address: 440 - 460 (evens) Haltom Road
 Zoning From: I
 Zoning To: Add Conditional Use Permit for semi-truck parking
 Acres: 20.99961761
 Mapsco: 64PQU
 Sector/District: Eastside
 Commission Date: 8/10/2022
 Contact: 817-392-8190



Plotted: 06/30/22 - 8:35 AM, By: bgaudin
 File: P:\DEGPC PROJECTS\3826 Valentin Torres dba Torres Hauling 99-001 Site Plan - Fort Worth TX\Dwg\Preliminary Site Plan Package\382699001 PSS-18x24.dwg, --> 18x24 Line Titleblock

LEGAL DESCRIPTION

Being a 19.87 acre tract or parcel of land situated in the Lewis C. Tinsley Survey, Abstract No. 1523, James F. Redding Survey, Abstract No. 1304 and in the S. Elliott Survey, Abstract No. 476, Tarrant County, Texas, and being all of that certain called 19.87 acre tract of land conveyed from John Martin Bakouris, et al, to Valentin Torres dba Torres Hauling, by Special Warranty Deed, as recorded in File No. D218042537, Official Public Records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 3/4" iron rod found in the South margin of Haltom Road, at the Northeast corner of Lot 1, Bemco Addition, as recorded in Volume 388-103, Page 681, Plat Records, Tarrant County, Texas, and at the Northwest corner of Lot A, Block 1, Mid-Texas Industrial Addition, as recorded in File No. D173019941, Plat Records, Tarrant County, Texas;

THENCE South 34 degrees 01 minutes 16 seconds West, a distance of 1,960.55 feet to a 1/2" iron rod found in the East margin of Haltom Road, at the Southwest corner of a called 5.025 acre tract of land conveyed to Ricardo Nunez, by Warranty Deed with Vendor's Lien and Mineral Reservation, as recorded in File No. D214071439 Official Public Records, Tarrant County, Texas, and at the most Westerly Northwest corner of said 19.87 acre tract;

THENCE North 89 degrees 32 minutes 06 seconds East, with the South line of said 5.025 acre tract and with a North line of said 19.87 acre tract, a distance of 1,353.18 feet to a 5/8" iron rod found at the Southeast corner of said 5.025 acre tract and at an ell corner of said 19.87 acre tract;

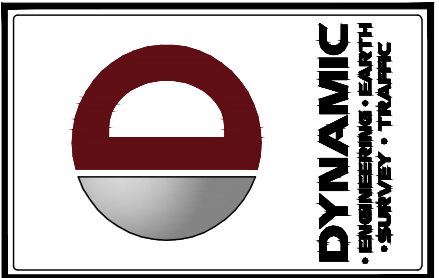
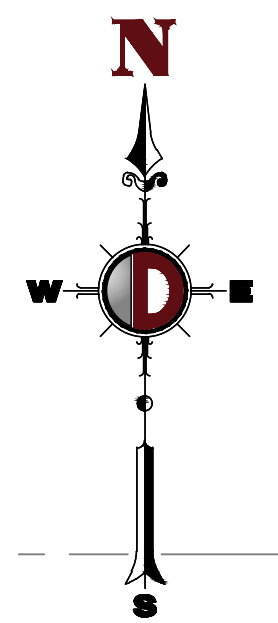
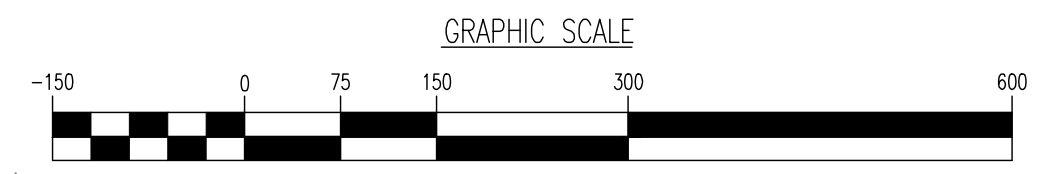
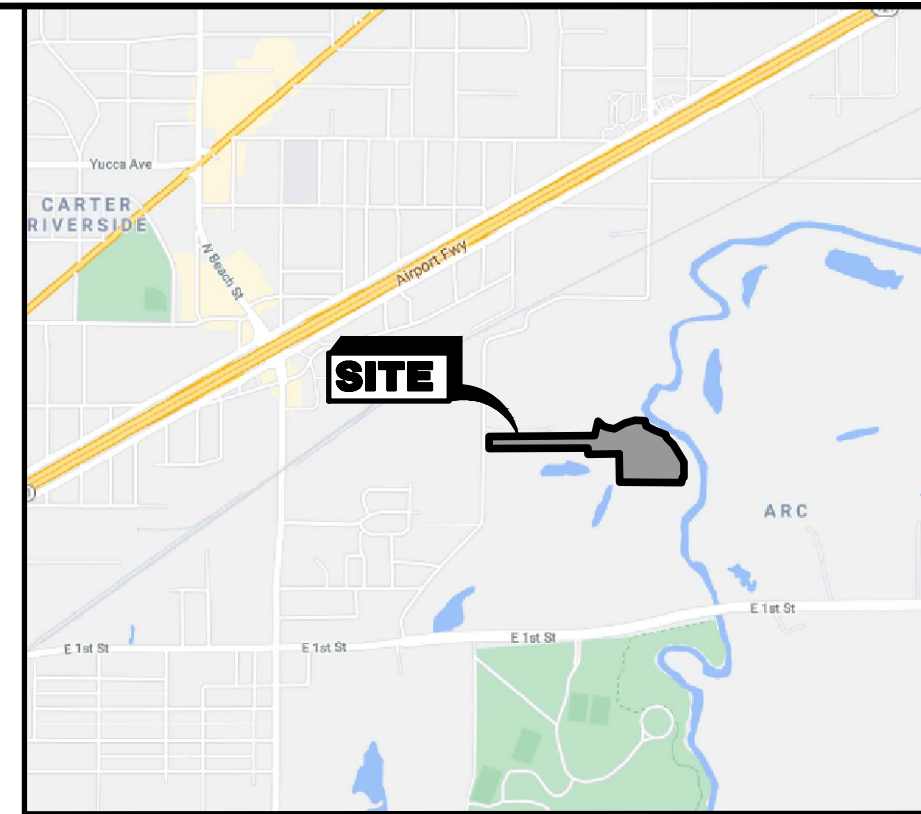
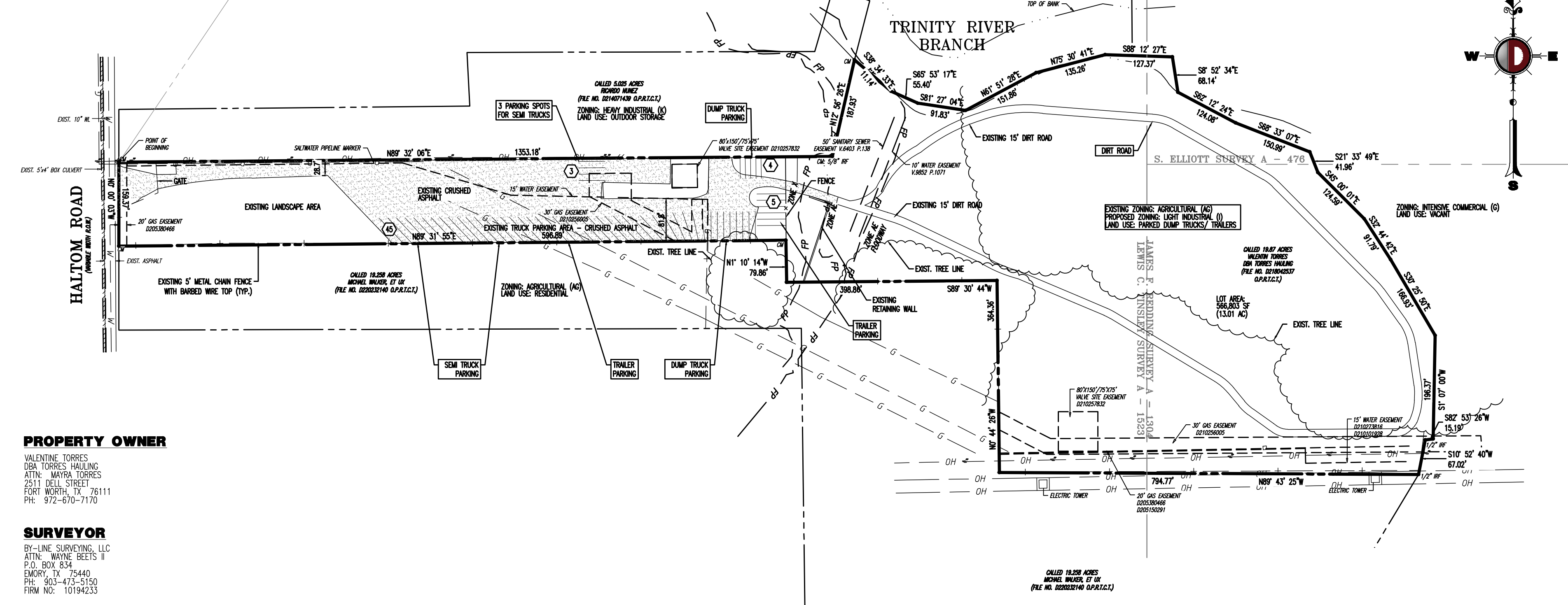
THENCE North 12 degrees 56 minutes 26 seconds East, with the East line of said 5.025 acre tract and with a West line of said 19.87 acre tract, a distance of 187.93 feet to a 1/2" iron rod found on the South side of a branch of Trinity River and at the most Northerly Northwest corner of said 19.87 acre tract;

THENCE along the said branch and with the North line of said 19.87 acre tract, the following courses and distances:

South 49 degrees 18 minutes 16 seconds East, a distance of 91.31 feet to a point;
 South 65 degrees 53 minutes 17 seconds East, a distance of 55.40 feet to a point;
 South 81 degrees 27 minutes 04 seconds East, a distance of 91.83 feet to a point;
 North 61 degrees 51 minutes 28 seconds East, a distance of 151.86 feet to a point;
 North 75 degrees 30 minutes 41 seconds East, a distance of 135.26 feet to a point;
 South 88 degrees 12 minutes 27 seconds East, a distance of 79.18 feet to a point;
 South 88 degrees 12 minutes 27 seconds East, a distance of 127.37 feet to a point;
 South 08 degrees 52 minutes 34 seconds East, a distance of 68.14 feet to a point;
 South 62 degrees 12 minutes 24 seconds East, a distance of 124.08 feet to a point;
 South 68 degrees 33 minutes 07 seconds East, a distance of 150.99 feet to a point;
 South 21 degrees 33 minutes 49 seconds East, a distance of 41.96 feet to a point;
 South 45 degrees 00 minutes 01 seconds East, a distance of 124.59 feet to a point;
 South 32 degrees 44 minutes 42 seconds East, a distance of 91.79 feet to a point;
 South 30 degrees 25 minutes 50 seconds East, a distance of 166.93 feet to a point;
 South 01 degrees 07 minutes 00 seconds West, a distance of 196.37 feet to a point;
 South 82 degrees 53 minutes 26 seconds West, a distance of 15.19 feet to a 1/2" iron rod found;
 South 10 degrees 52 minutes 40 seconds West, a distance of 67.02 feet to a 1/2" iron rod found at the Southeast corner of said 19.87 acre tract and at the Northeast corner of a called 19.258 acre tract of land conveyed to Michael Walker, et ux, by General Warranty Deed with Vendor's Lien, as recorded in File No. D220232140, Official Public Records, Tarrant County, Texas;

THENCE with the common line of said 19.258 acre tract and said 19.87 acre tract, the following courses and distances:
 North 89 degrees 43 minutes 25 seconds West, a distance of 794.77 feet to a 1/2" iron rod set capped (By-Line);
 North 00 degrees 44 minutes 26 seconds West, a distance of 364.36 feet to a 1/2" iron rod found;
 South 89 degrees 30 minutes 44 seconds West, a distance of 398.86 feet to a 1/2" iron rod set capped (By-Line);
 North 01 degrees 10 minutes 14 seconds West, a distance of 79.86 feet to a 1/2" iron rod found;
 South 89 degrees 29 minutes 47 seconds West, a distance of 1,265.06 feet to a 1/2" iron rod found in the East margin of Haltom Road, at the most Westerly Northwest corner of said 19.258 acre tract, and at the most Westerly Southwest corner of said 19.87 acre tract;

THENCE North 00 degrees 00 minutes 03 seconds West, along the East margin of Haltom Road and with the most Westerly West line of said 19.87 acre tract, a distance of 159.37 feet to the POINT OF BEGINNING and CONTAINING 19.87 acres of land.



REV.	DATE	COMMENTS

THIS PLAN SET IS FOR PERMITTING PURPOSES ONLY AND MAY NOT BE USED FOR CONSTRUCTION

DESIGNED BY: BDC
 CHECKED BY: JTE
 DRAWN BY: JTE

PROJECT: DBA TORRES HAULING
 PLAN NO. 18253-01-50
 444 HALTOM ROAD
 CITY OF FORT WORTH, TARRANT COUNTY, TEXAS

811 PROTECT YOURSELF
 ALL STATES REQUIRE NOTIFICATION OF EXISTING UTILITIES BEFORE ANY WORK PREPARING TO DISTURB THE EARTH'S SURFACE. OTHERWISE IT MAY BE COSTLY.
 FOR STATE SPECIFIC DIRECT PHONE NUMBERS VISIT: WWW.CALL811.COM

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PRELIMINARY PLAN FOR REVIEW ONLY
 THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW AND MARKUP UNDER THE AUTHORITY OF JOSHUA T. EDGE, STATE LICENSE NUMBER 108864 ON 05/20/2021. THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.

JOSHUA T. EDGE
 PROFESSIONAL ENGINEER
 TEXAS LICENSE No. 108864
 LOUISIANA LICENSE No. 38196
 OKLAHOMA LICENSE No. 27907
 COLORADO LICENSE No. 55606
 MISSOURI LICENSE No. PE-2020027891

TITLE: **SITE PLAN**
 DIRECTOR OF PLANNING AND DEVELOPMENT _____ DATE _____

SCALE: (H) 1" = 150'
 PROJECT No: 3826-99-001
 SHEET No: **1**
 DATE: 05/20/2021
 Rev. #:

PROPERTY OWNER
 VALENTINE TORRES
 DBA TORRES HAULING
 ATTN: MAYRA TORRES
 2511 DELL STREET
 FORT WORTH, TX 76111
 PH: 972-670-7170

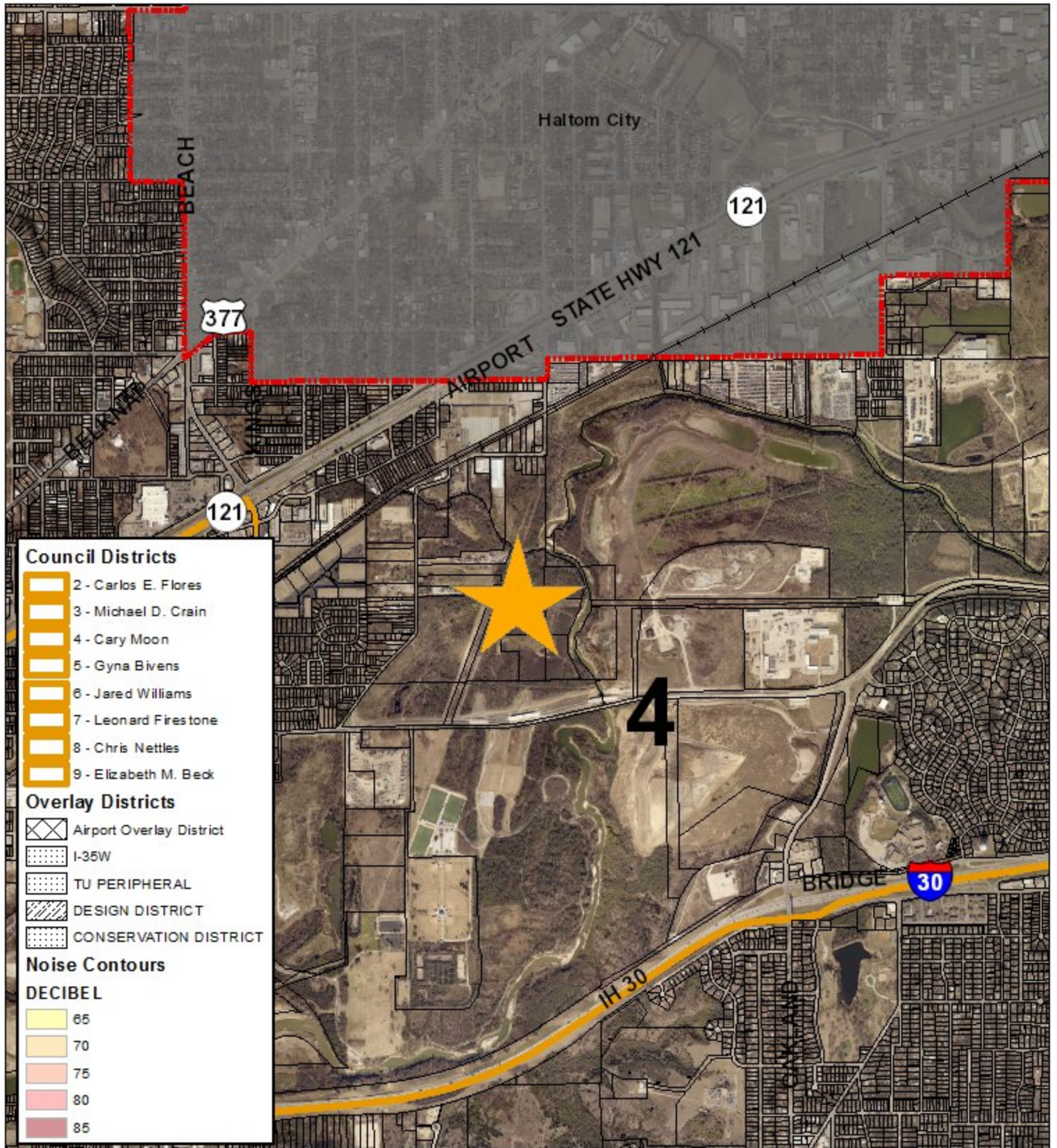
SURVEYOR
 BY-LINE SURVEYING, LLC
 ATTN: WAYNE BEETS II
 P.O. BOX 834
 EMORY, TX 75440
 PH: 903-473-5150
 FIRM NO: 10194233

- NOTES:**
- ALL PROPOSED LIGHTING WILL CONFORM TO LIGHTING CODE.
 - SIGNS WILL COMPLY WITH CITY OF FORT WORTH CHAPTER 6 DEVELOPMENT STANDARDS, ARTICLE 4, SIGNS.
 - LANDSCAPING WILL COMPLY WITH CITY OF FORT WORTH DEVELOPMENT CODE SECTION 6.301 LANDSCAPING.
 - LANDSCAPING WILL COMPLY WITH CITY OF FORT WORTH DEVELOPMENT CODE SECTION 6.302 URBAN FORESTRY.
 - NO ACTIVITY IS TO TAKE PLACE EAST OF THE EXISTING RETAINING WALL.
 - NO DUMPSTER WILL BE USED ON-SITE.

DEVELOPMENT STANDARD VARIANCE:
 - EXISTING EXTERIOR FENCE SURROUNDING PROPERTY TOPPED WITH BARBED WIRE TO REMAIN.

TORRES HAULING
 ZONING CASE # ZC-21-021
 ZONING CASE # ZC-21-040

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

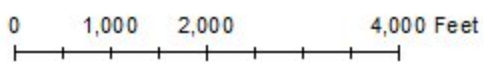
Overlay Districts

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

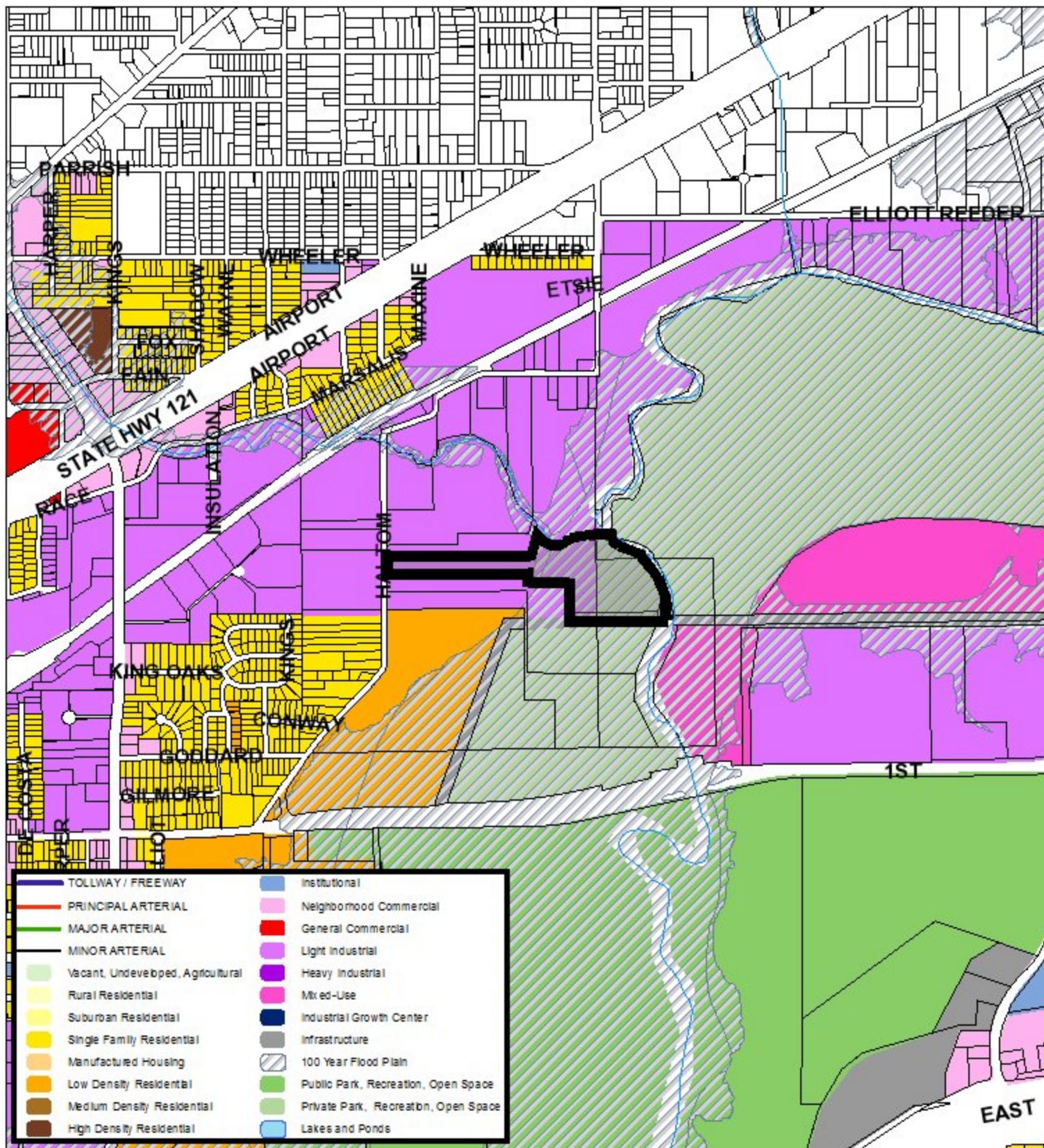
Noise Contours

DECIBEL

- 65
- 70
- 75
- 80
- 85



Future Land Use



1,100 550 0 1,100 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

