



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
March 2, 2021

Council District 8

Continued	Yes ___	No <u>X</u>
Case Manager	<u>Beth Knight</u>	
Surplus	Yes ___	No <u>X</u>
Council Initiated	Yes ___	No <u>X</u>

Owner / Applicant: Noe Piedra

Site Location: 2300 McCurdy Street Mapsco: 77R

Proposed Use: Outdoor storage

Request: From: "I" Light Industrial

To: Add Conditional Use Permit to allow outdoor storage with waivers to the supplemental setback, landscaping, and fencing

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

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

Staff Recommendation: Denial

Background:

The site is on the southwest corner of McCurdy Street and E. Arlington Avenue and is the only industrial use on the block face. Residential districts are directly west and south of the site. The applicant is requesting to add a Conditional Use Permit to continue outdoor storage with waivers to the supplemental and landscaping setbacks, as well as the screening fence materials. The site plan shows continued use of unpermitted structures.

Outdoor storage is only permitted within "I" Light Industrial zoning districts through the CUP process. The applicant has indicated the site has outdoor storage with four buildings with approximately 5,700 square feet. Required screening fencing is required to be a wood or masonry fence, instead of a metal panel fence. Additional waivers are requested for the existing buildings placed in the 50-foot supplemental setback and without the required 20-foot landscaping buffer on the site's southern and western sides.

The area is being used as an informal concrete storage yard, lacking a primary building, with no defined parking spaces or driveways. The site has received Code Compliance complaints dating from 2009 for an illegal land use. All structures and fencing on the site have been constructed from 2009 to 2017 without any building permits that would have allowed utilities to be provided legally to the site. The larger buildings on the south and west property lines were constructed 5 feet from the respective property lines within the supplemental setbacks, where 50 feet is the minimum distance required for buildings adjacent to residential zoning. The aerial photographs also show items stored within the supplemental setback. Buildings, parking, and outdoor storage are also in the 20-foot landscape buffer.

The site received a 1-year approval for outdoor storage from the Board of Adjustment in November 2018 to allow the applicant time to plat and obtain building permits. A plat was submitted after the Board of Adjustment approval had expired in December 2019. Correspondingly, no building permit or Certificate of Occupancy was issued within the Board's approval timeframe. The plat was filed in June 2020, which places buildings #2 and #4 in easements. Additionally, a 500-gallon septic tank has been installed between 2017 and 2019 near building #3 in the center of the site.

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.

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:

- 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.

Site Information:

Owner: Noe Piedra
10365 Shadow Valley
Burleson, TX 76028
Acreage: 2.39 ac
Comprehensive Plan Sector: Southside

Surrounding Zoning and Land Uses:

North "I" Light Industrial / warehouses and vacant land
East "I" Light Industrial / gas well, Cobb Park, and vacant land
South "A-5" One-Family and "I" Light Industrial / multifamily and vacant land
West "A-5" One-Family and "B" Two-Family / single family and vacant land

Recent Relevant Zoning and Platting History:

Zoning History: ZC-11-129 and ZC-12-019, west of site, surplus properties, from B to A-5, approved; ZC-16-179, northeast of site, from I to PD for I uses plus welding, power coating, and metal shearing, approved; and ZC-17-055, south of site, from A-5 to I, denied.

Platting History: FS-18-191, northeast of subject, Graham Park Addition.
 FS-19-196, subject site, Sycamore Central Industrial Park Addition, filed 6-9-2020.

Site Plan Comments:

- The site plan as submitted is not in general compliance with the Zoning Ordinance regulations.
1. Solid screening fencing of wood, brick, stone or reinforced concrete products required around site. The applicant has requested to keep existing metal panel fence. **(waiver required)**
 2. Structures and any nonresidential activity are not allowed in the 50-foot supplemental setback. The applicant is requesting two existing buildings, outdoor storage, and parking to remain in 50-foot supplemental setback. **(waiver required)**
 3. A 20-foot landscaped bufferyard is required when a vacant lot adjacent to a residential district is converted to a non-residential use. The applicant is requesting two existing buildings, outdoor storage, and parking to remain in 20-foot landscaped bufferyard. **(waiver required)**
 4. Locations of existing outdoor storage not shown on site plan.
 5. The 20-foot landscaped buffer is not shown along the southern and eastern property lines.
 6. Note the name, address, and telephone number of the engineer/ architect/ surveyor/ planner.

Platting site plan comments - none

Transportation/Public Works (TPW) site plan comments:

1. Show the dimensions of all existing or recorded streets, alleys, easements, railroad ROW, or other public ROW within or adjacent to the subdivision boundaries. The distance from the centerline of the existing roadway of the boundary street to the proposed property line shall be shown.
2. Show distance(s) from property corner(s) to nearest identifiable street, railroad or other intersection.
3. Label Plat - Show Case Number on the plat. (But not as part of title block).
4. Sidewalk Note – A 6ft. sidewalk is required along all street frontages.

Fire comments - It is the applicant's and the owner's responsibility to meet all minimum fire code requirements at all times.

Park & Recreation site plan comments - none

Water site plan comments - Site can be served by both water and sewer.

(Comments made by Platting (Subdivision Ordinance), Transportation/Public Works, Fire, Parks 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.)

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
McCurdy Street	Residential	Residential	No
E. Arlington Avenue	Residential	Residential	No

Public Notification:

300 foot Legal Notifications were mailed on January 21, 2021.
 The following organizations were notified: (emailed January 19, 2021)

Organizations Notified	
Belmont NA *	Morningside NA
United Communities Association of South FW	Streams And Valleys Inc
The New Mitchell Boulevard NA	Southeast Fort Worth Inc
Trinity Habitat for Humanity	Fort Worth ISD

**Located closest to this registered neighborhood organization*

Development Impact Analysis:

1. **Land Use Compatibility**

The applicant is proposing a zoning change to add a CUP to allow existing outdoor storage with accessory buildings in an "I" zoning district. The site has contained an unapproved industrial land use and unpermitted structures for approximately 12 years. Surrounding land uses consist of single family, gas well site, and vacant land with one industrial use to the northeast.

The proposed zoning request **is not compatible** with surrounding land uses.

2. **Comprehensive Plan Consistency**

The 2020 Comprehensive Plan designates the site as being Single Family. Limited single family uses are appropriate in this classification, outside the gas well buffers. The proposed zoning is not consistent with the following Comprehensive Plan policies:

- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods.
- Promote appropriate infill development of vacant lots, old commercial centers (greyfields), and contaminated sites (brownfields) within developed areas, particularly in the central city.
- Protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, speculation, demolition, neglect, and other negative forces.
- 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 and policies stated above, the proposed Conditional Use Permit **is not consistent (Significant Deviation)** with the Comprehensive Plan.

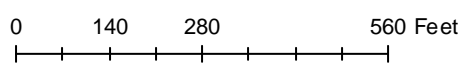
Attachments:

- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Site plan

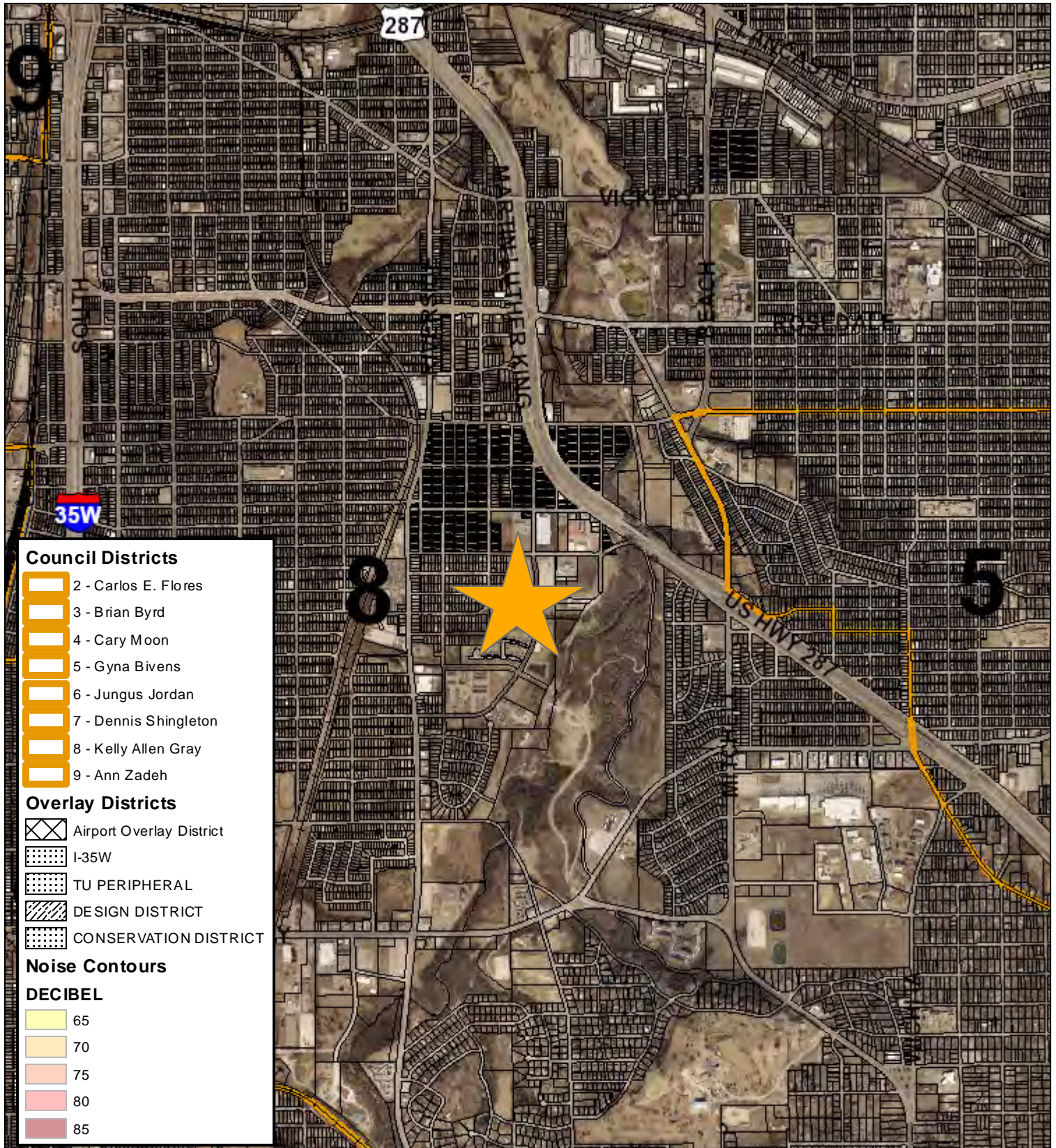


Area Zoning Map

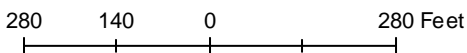
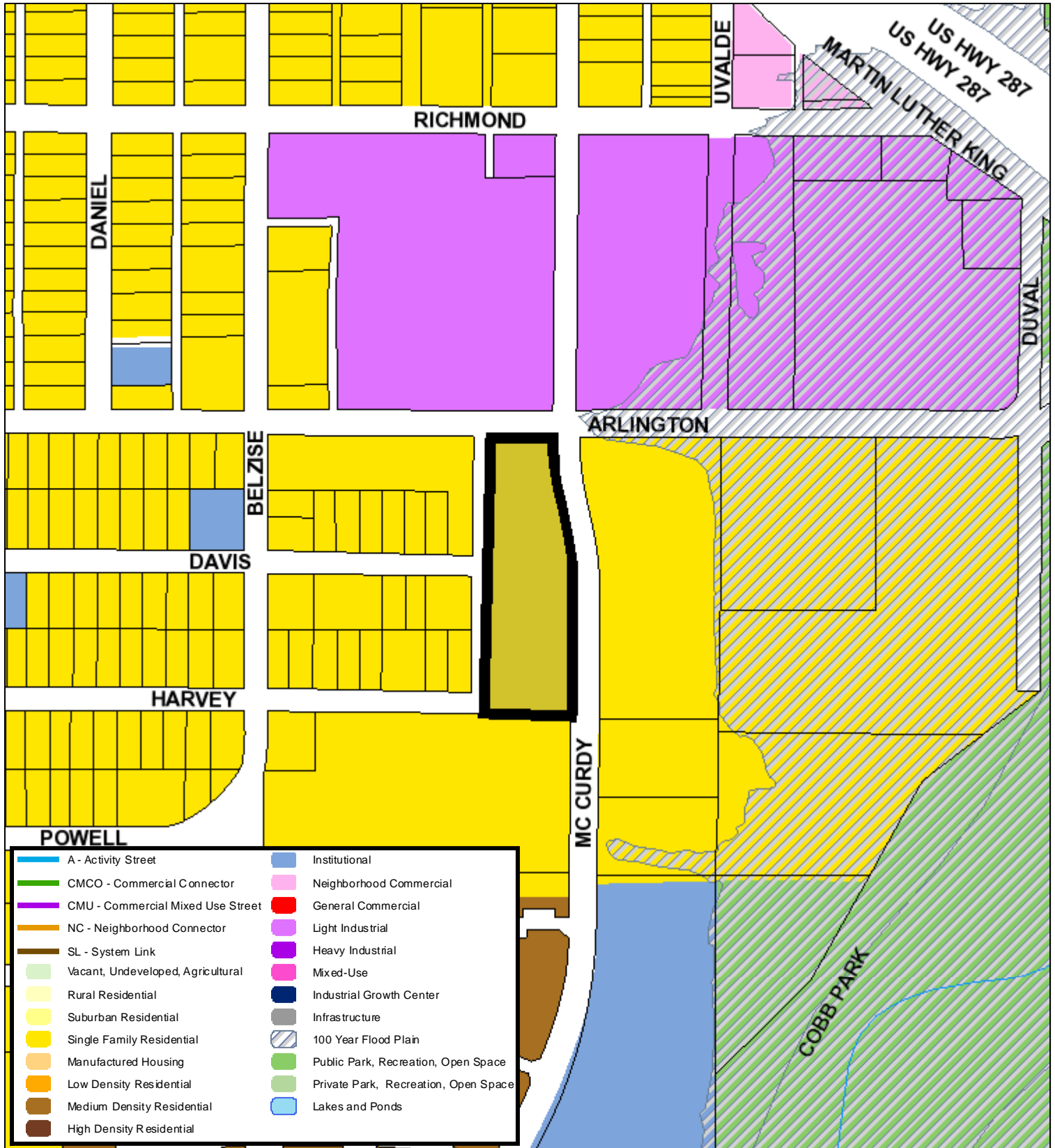
Applicant: Noe Piedra
 Address: 2300 McCurdy Street
 Zoning From: I
 Zoning To: Add Conditional Use Permit for outdoor storage
 Acres: 2.3921939
 Mapsco: 77R
 Sector/District: Southside
 Commission Date: 2/10/2021
 Contact: 817-392-8190



Area Map



Future Land Use



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



0 180 360 720 Feet

