



Zoning Staff Report

Date: January 10, 2023

Case Number: ZC-22-168

Council District: 5

Zoning Map Amendment

Case Manager: [Beth Knight](#)

Owner / Applicant: Fisch Grandchildren's Trust / South Point Constructors

Site Location: 4901 Carey Street

Acreage: 1.51 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**
Staff Recommendation: **Approval**
Zoning Commission Recommendation: **Approval by a vote of 7-0**

Table of Contents

1. [Project Description and Background](#)
2. [Surrounding Zoning and Land Uses](#)
3. [Recent Zoning History](#)
4. [Public Notification](#)
5. [Development Impact Analysis](#)
 - a. [Land Use Compatibility](#)
 - b. [Comprehensive Plan Consistency](#)
 - c. [Economic Development Plan](#)
 - d. [Site Plan Comments](#)
6. Zoning Map with 300 ft. Notification Area
7. Site Plan
8. Area Map
9. Future Land Use Map
10. Aerial Photograph

Project Description and Background

The proposed site is at the northeast corner of Carey and Martin Streets, approximately 700 feet east of E. Loop 820 South. The rezoning area is a vacant area on the southern portion of a lot with existing equipment rental 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 equipment rental 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 south and west are designated as Industrial Growth Center. The area near Loop 820 and is surrounded by other industrial uses. No residential uses are noted in the vicinity. 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 equipment rental facility.

The site plan shows a graveled storage yard behind a 6-foot solid wood fence. The existing street trees along Carey Street are noted to remain, and the fencing is setback from the streets and the adjacent industrial use by 18 feet. These setbacks 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 / Industrial use
East “I” Light Industrial / Industrial use
South “I” Light Industrial / Industrial use
West “J” Medium Industrial / Industrial uses

Recent Zoning History

ZC-16-152: north of site, amend PD566 for household waste drop-off to add hazardous household waste drop-off, approved 10/13/2016.

ZC-17-112: east of site, 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

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 consist entirely of other industrial uses in industrial zoning. No residential district or uses are noted in the vicinity. No development waivers are being requested. The proposed zoning request **is compatible** with surrounding land uses due the similar uses and the lack of requested development waivers.

Comprehensive Plan Consistency– Southeast Sector

The 2022 Comprehensive Plan currently designates the subject property as “Industrial Growth Center” on the Future Land Use Map, where intensive industrial uses are encouraged. The proposed zoning is consistent with the land use designations for this area, and 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.
- Promote industrial development within the Loop 820 East Industrial Growth Center.

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 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.

Site Plan Comments

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-22-168.
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 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 decide where the trees can be planted that will not be impacted by the material storage and equipment movements. Generally, areas along the street frontages, but outside the required fencing and utility easements, will be better locations.
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. 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.

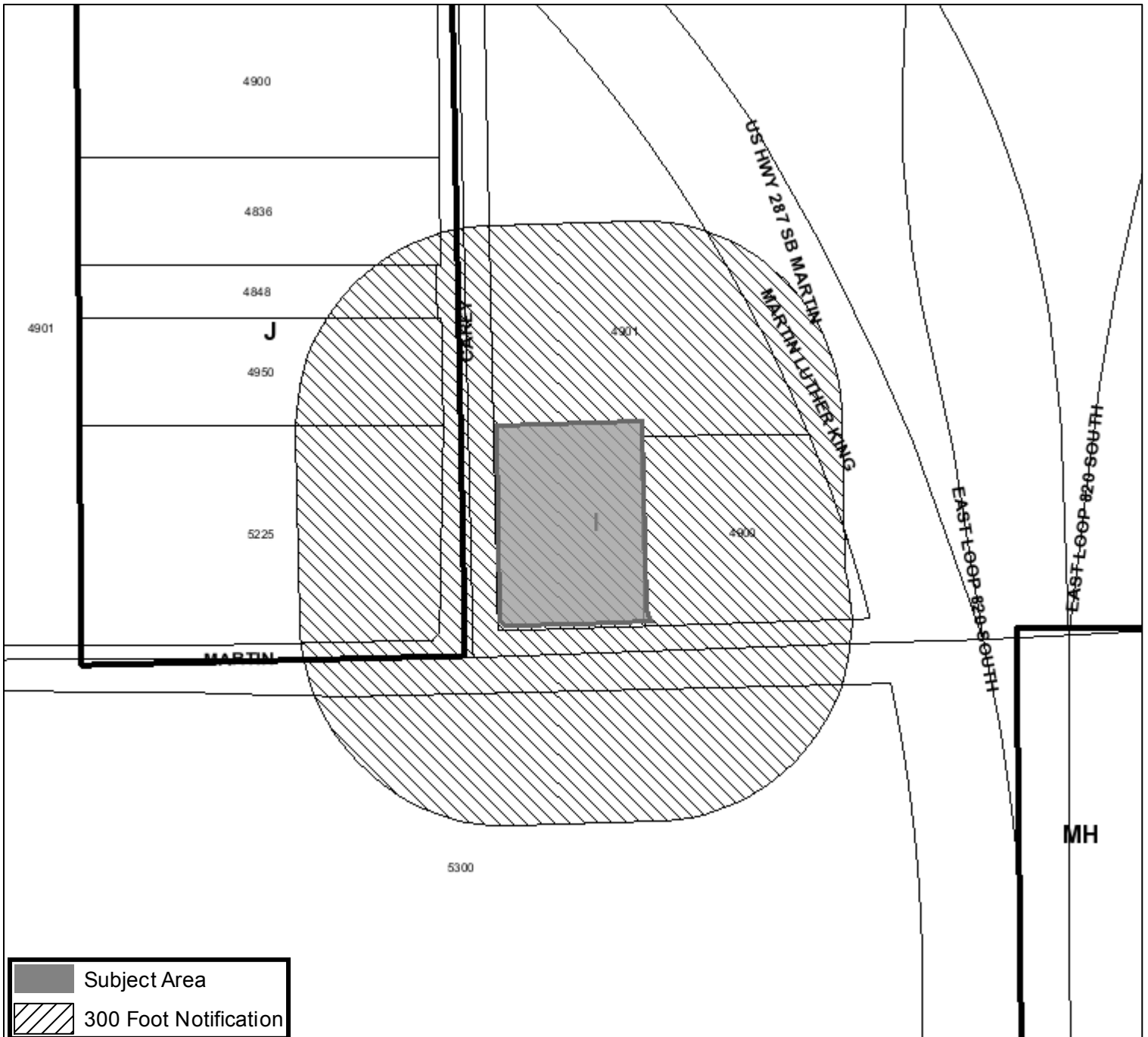
(Comments made by Platting (Subdivision Ordinance), Transportation/Public Works, Fire, Park & Recreation, and Water Department staff cannot be waived through the Zoning Commission and City Council. Approval of the zoning site plan does not constitute the acceptance of conditions.)

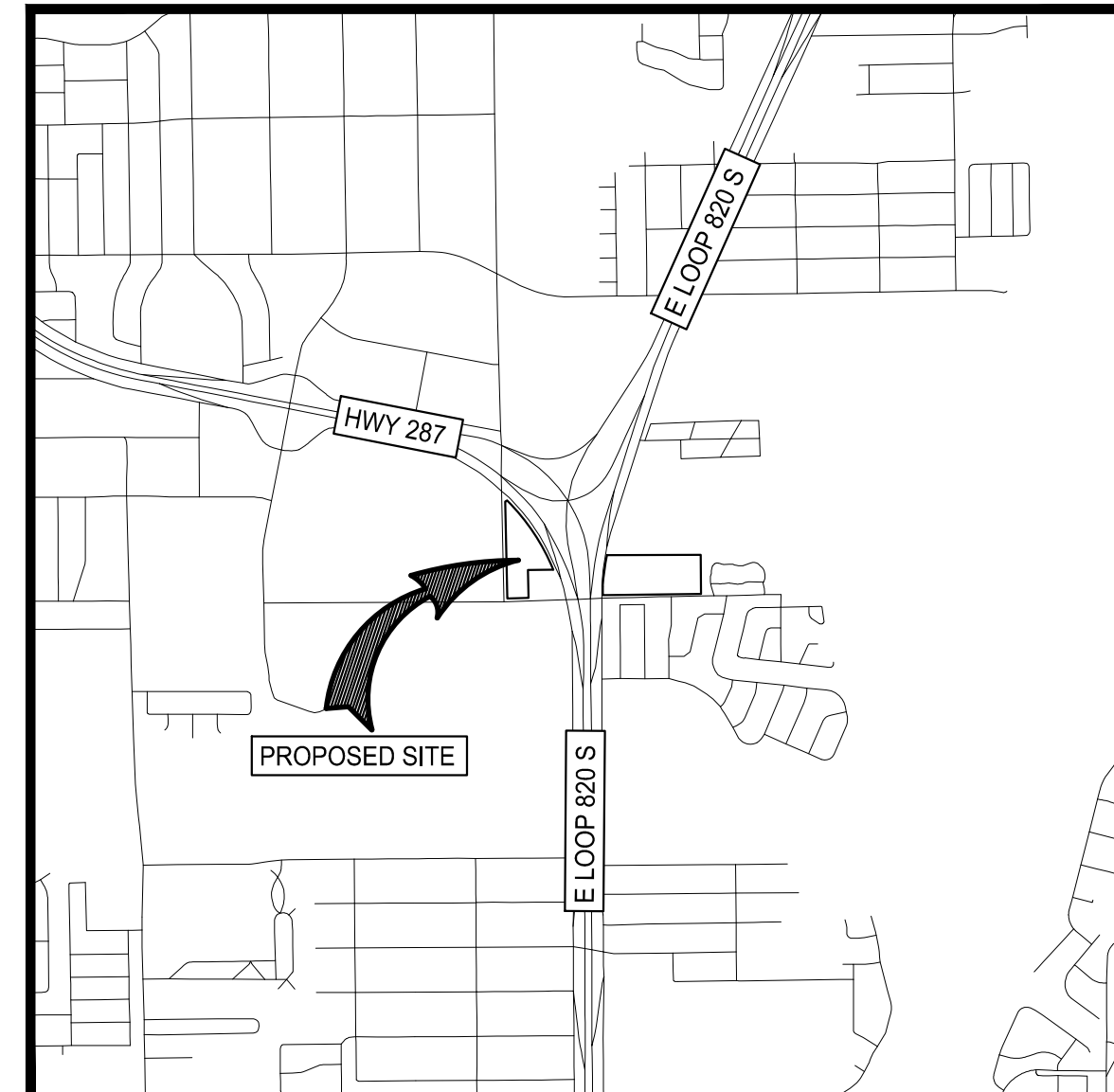
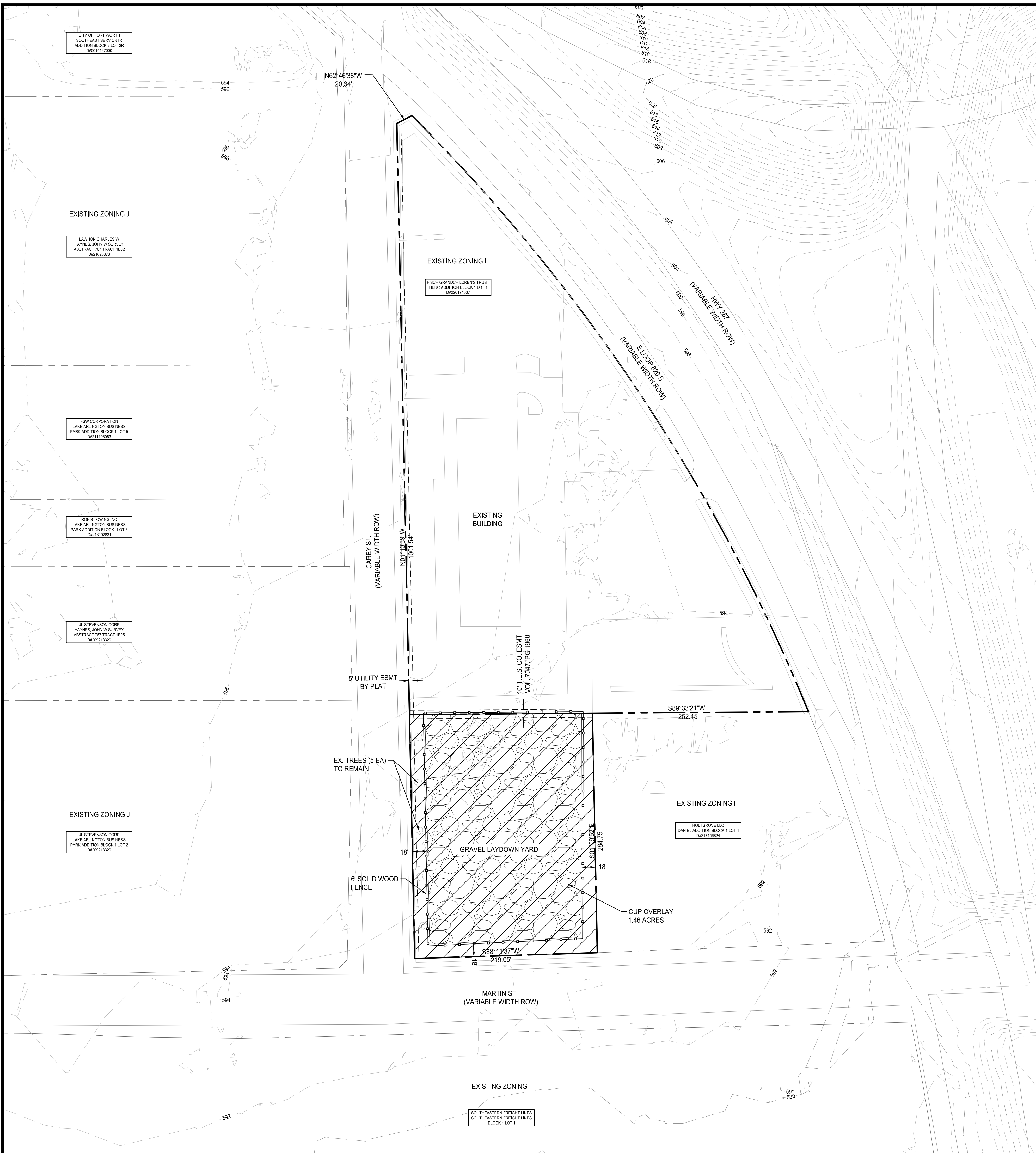


ZC-22-168

Area Zoning Map

Applicant: Fisch Grandchildren's Trust
Address: 4901 Carey Street
Zoning From: I
Zoning To: Add Conditional Use Permit for Laydown yard
Acres: 1.51202161
Mapsc0: 93F
Sector/District: Southeast
Commission Date: 12/14/2022
Contact: 817-392-8190



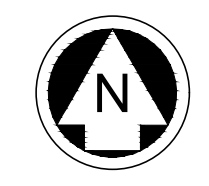


VICINITY MAP
N.T.S.

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

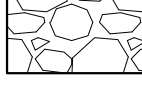
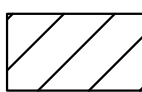
TEXAS 811	1-800-344-8377
ATMOS GAS	972-881-4161
TXU ELECTRIC DELIVERY	1-800-711-9112
CITY OF FORT WORTH	817-392-8100
CITY OF FORT WORTH WATER DEPT.	817-392-4477

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

- NOTES:
- THIS PROJECT SHALL COMPLY WITH ALL LANDSCAPING REQUIREMENTS IN ACCORDANCE 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 LIGHTNING CODE
 - THIS PROJECT SHALL BE SCREENED WITH A SOLID WOOD FENCE AT LEAST 6 FEET IN HEIGHT
 - 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

WHEREAS MOHR HERC FORT WORTH, LLC, a Texas limited liability company, is the owner of 6.145 acres of land being a part of the J.M. Daniel Survey, Abstract No. 395, situated in the City of Fort Worth, Tarrant County, Texas and being the tract of land described in deed to MOHR HERC FORT WORTH, LLC, a Texas limited liability company, as recorded in County Clerk's (C.C.) #D216298357, Deed Records of Tarrant County, Texas (D.R.T.C.T.), said 6.145 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found in the west Right-of-Way (R-O-W) line of Interstate Highway East Loop 820 S. (Variable Width), also being the most easterly southeast corner of said MOHR HERC FORT WORTH tract, and also being the northeast corner of Lot 1, Block 1, Daniel Addition, an addition to the City of Fort Worth, Tarrant County, Texas, according to the recorded in Volume 388-145, Page 90, Plat Records of Tarrant County, Texas (P.R.T.C.T.);

THENCE S 89°33'21" W, along the most northerly south line of said MOHR HERC FORT WORTH tract and along the north line of said Lot 1, a distance of 252.45 feet to a 1/2 inch iron rod found at the re-entrant corner of said MOHR HERC FORT WORTH tract, also being the northwest corner of said Lot 1;

THENCE S 01°09'52" E, along the most westerly east line of said MOHR HERC FORT WORTH tract, and along the west line of said Lot 1, a distance of 284.75 feet to a 1/2 inch iron rod found at the southeast corner of said MOHR HERC FORT WORTH tract, also being the southwest corner of said Lot 1, and also being in the north R-O-W line of Martin Street (80' in width), according to the plat filed in Volume 388-199, Page 67, P.R.T.C.T., from which a 1/2 inch iron rod found, bears N 35°17'52" E, 1.17 feet;

THENCE S 88°11'37" W, along the south line of said MOHR HERC FORT WORTH tract and along the north R-O-W line of said Martin Street, a distance of 219.05 feet to a 1/2 inch iron rod found at the most southerly southwest corner of said MOHR HERC FORT WORTH tract, from which a 1/2 inch iron rod found with cap stamped "Combc", bears N 53°17'34" W, 1.13 feet;

THENCE N 47°05'22" W, continuing along said R-O-W line and along the southwest line of MOHR HERC FORT WORTH tract, a distance of 9.06 feet to a 1/2 inch iron rod found at the most westerly southwest corner of MOHR HERC FORT WORTH tract, also being in the east R-O-W line of Carey Street, (called 68' in width), according said plat filed in Volume 388-199, Page 67, P.R.T.C.T., from which a 1/2 inch iron rod found, bears N 37°54'07" W, 0.93 feet;

THENCE N 01°13'39" W, along the west line of said MOHR HERC Fort Worth tract, and along the east R-O-W line of said Carey Street, a distance of 992.79 feet to a 1/2 inch iron rod found at the northwest corner of said MOHR HERC FORT WORTH tract, also being the intersection of the east R-O-W line of said Carey street with the west R-O-W line of said Interstate Highway East Loop 820 S.;

THENCE N 62°46'38" E, Along the north line of said MOHR HERC FORT WORTH tract and along the west R-O-W line of said Interstate Highway East Loop 820 S., a distance of 20.34 feet to the northeast corner of said MOHR HERC FORT WORTH tract, also being a re-entrant corner of said R-O-W line, from which a 1/2 inch iron rod found with cap stamped "Coombs RPLS 5294", bears N 62°46'38" E, 1.05 feet, and being the beginning of a non-tangent curve to the right whose radius is 2166.83 feet and whose long chord bears S 33°38'23" E, a distance of 858.20 feet;

THENCE along said curve in a southeasterly direction along said R-O-W line, through a central angle of 22°50'37", an arc length of 863.91 feet to the POINT OF BEGINNING and containing 267,689 square feet or 6.145 acres of land.

NO.	DATE	REVISION

DIRECTOR OF PLANNING & DEVELOPMENT

DATE: _____

4901 CAREY STREET
ZONING CASE NO. ZC-22-168

KIEWIT LAYDOWN YARD

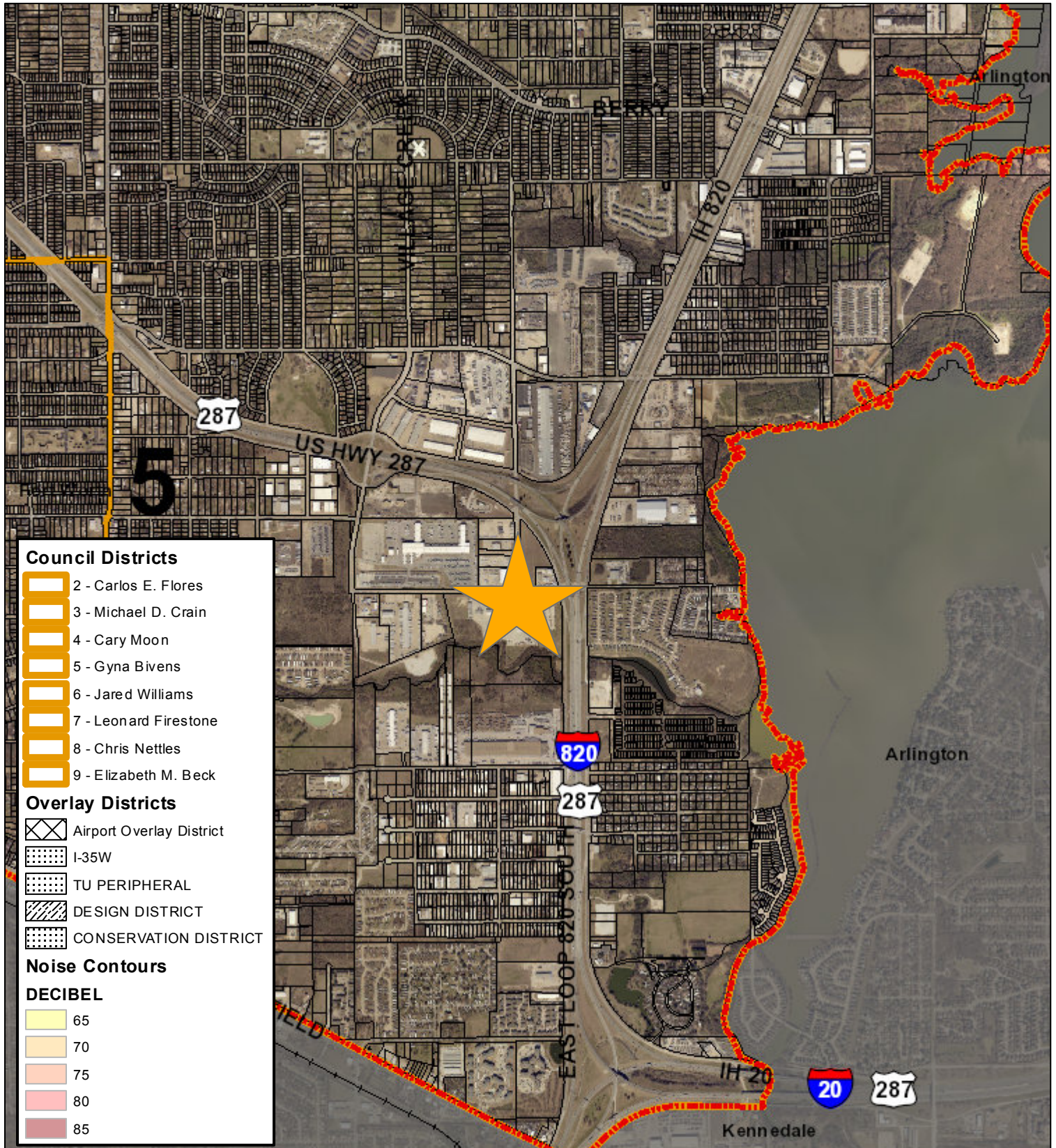
FORT WORTH, TARRANT COUNTY, TEXAS



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

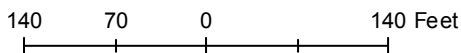
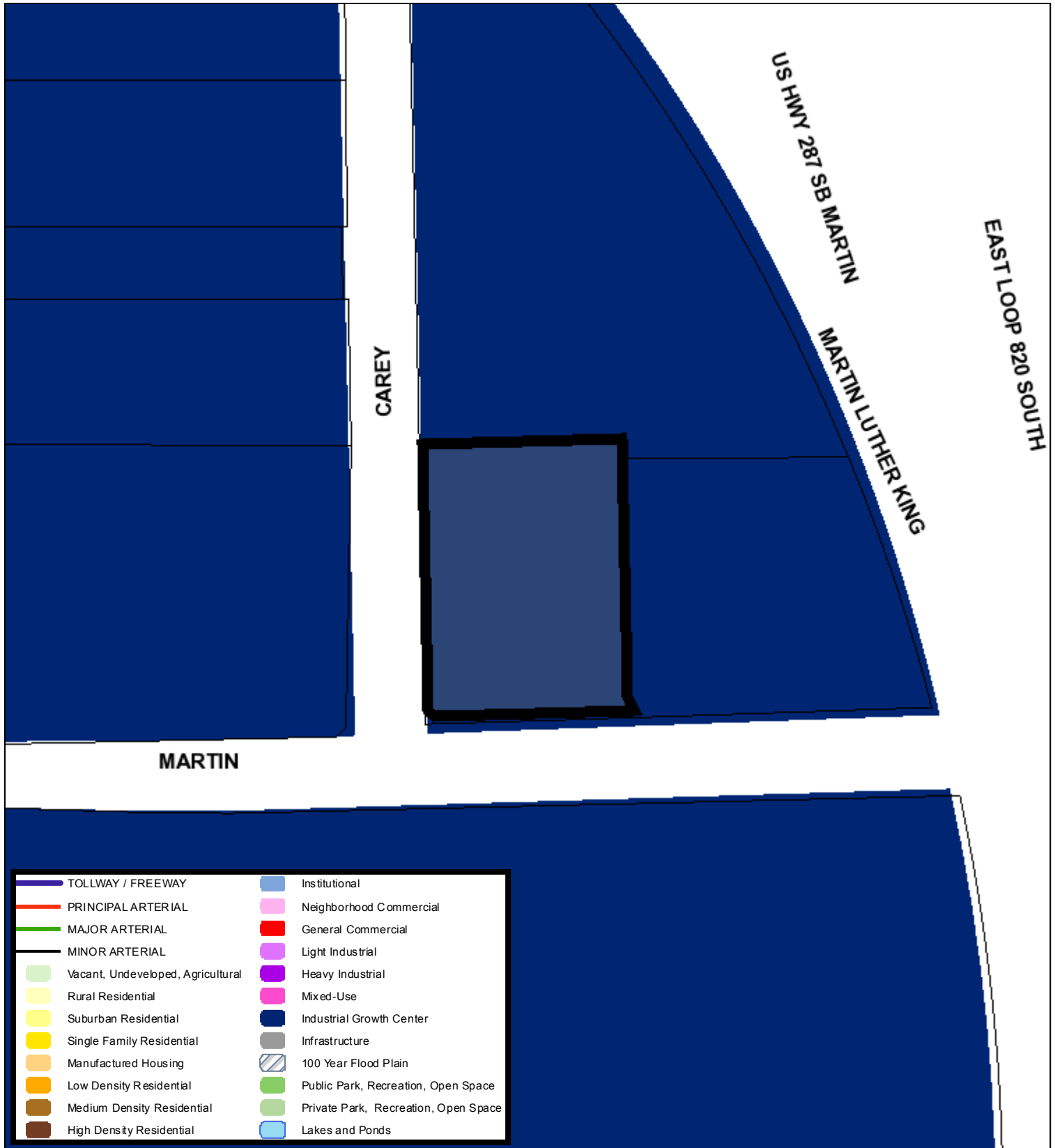
DRAWN: SAV	DATE	PROJECT #	SHEET
DESIGNED: TB	DECEMBER 2022	KWT22001	C1
REVIEWER: TB			

Area Map



0 1,000 2,000 4,000 Feet

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 90 180 360 Feet

