



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
October 15, 2019

Council District 8

Zoning Commission Recommendation:
Approval of a 15 year time period by a vote of 8-0

Opposition: None submitted
Support: None submitted

Continued Yes ___ No X
Case Manager Laura Evans
Surplus Yes ___ No X
Council Initiated Yes ___ No X

Owner / Applicant: Cidema Three Limited Partnership

Site Location: 2301 SE Loop 820 Acreage: 1.753

Proposed Use: Outdoor Heavy Equipment Sales and Service

Request: Zone: "G" Intensive Commercial

To: Add Conditional Use Permit (CUP) to allow an outdoor heavy equipment sales and service; site plan included

Land Use Compatibility: Requested change is not compatible.

Comprehensive Plan Consistency: Requested change is not consistent (**Significant Deviation**).

Staff Recommendation: Approval

Background:

The proposed site is located north of Southeast Loop 820 and west of Campus Drive. The applicant is requesting to add a Conditional Use Permit (CUP) to allow an outdoor heavy equipment sales and service; site plan included.

Outdoor storage is not permitted by right in commercial districts. The applicant has applied for the CUP to allow this use within the commercial zoning districts. The applicant has indicated there will be changes to the site, and has also indicated where the outdoor storage of heavy construction equipment will be located.

Conditional uses are those uses which are generally compatible with the permitted land uses in a given zoning district, 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 the outdoor storage for large equipment rentals is not permitted in the "F" and "G" zoning districts by right, allowing it by CUP with a site plan may help mitigate any concerns. The site plan limits the square footage of the building and indicates locations for equipment storage.

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.

During the Zoning Commission meeting the applicant offered a 15 year time period as that is the length of the lease for the use.

Site Information:

Surrounding Zoning and Land Uses:

- North “G” Intensive Commercial / auto sales inventory
- West “G” Intensive Commercial / VA clinic
- East “G” Intensive Commercial / auto sales
- South “G” Intensive Commercial / SE Loop 820

Zoning History: None

Site Plan Comments:

The site plan as submitted is in general compliance with the Zoning Ordinance regulations.

(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.)

Public Notification:

300 foot Legal Notifications were mailed on September 25, 2019.

The following organizations were notified: (emailed September 16, 2019)

Organizations Notified	
Oakridge Terrace NA*	Highland Hills NA
Streams And Valleys Inc	Trinity Habitat for Humanity
Southeast Fort Worth Inc	Fort Worth ISD
Everman ISD	

*Site located within this registered neighborhood organization

Development Impact Analysis:

1. **Land Use Compatibility**

The applicant is proposing a zoning change to add a CUP to allow outside heavy construction equipment sales and service in the “G” zoning district. Surrounding land uses consist of auto sales and inventory to the north and east, a VA clinic to the west, and SE Loop 820 to the south.

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

2. **Comprehensive Plan Consistency – Sycamore**

The 2019 Comprehensive Plan designates the site as being within the General Commercial. The proposed zoning is not consistent with the following Comprehensive Plan policies:

- 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 the lack of conformance with the future land use map and policy as stated above, the proposed zoning **is not consistent (*Significant Deviation*)** with the Comprehensive Plan.

Attachments:

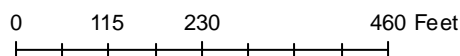
- Area Zoning Map with 300 ft. Notification Area
- Site Plan
- Future Land Use Map
- Aerial Photograph

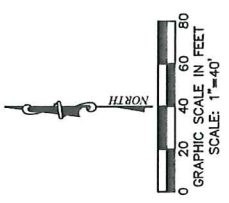
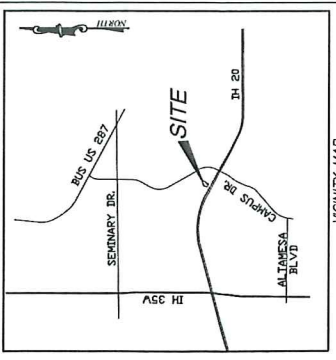


ZC-19-127

Area Zoning Map

Applicant: Cidema Three Limited Partnership
 Address: 2301 SE Loop 820
 Zoning From: G
 Zoning To: Add Conditional Use Permit for construction equipment sales and service
 Acres: 1.75314321
 Mapsco: 91V
 Sector/District: Sycamore
 Commission Date: 10/9/2019
 Contact: 817-392-8043



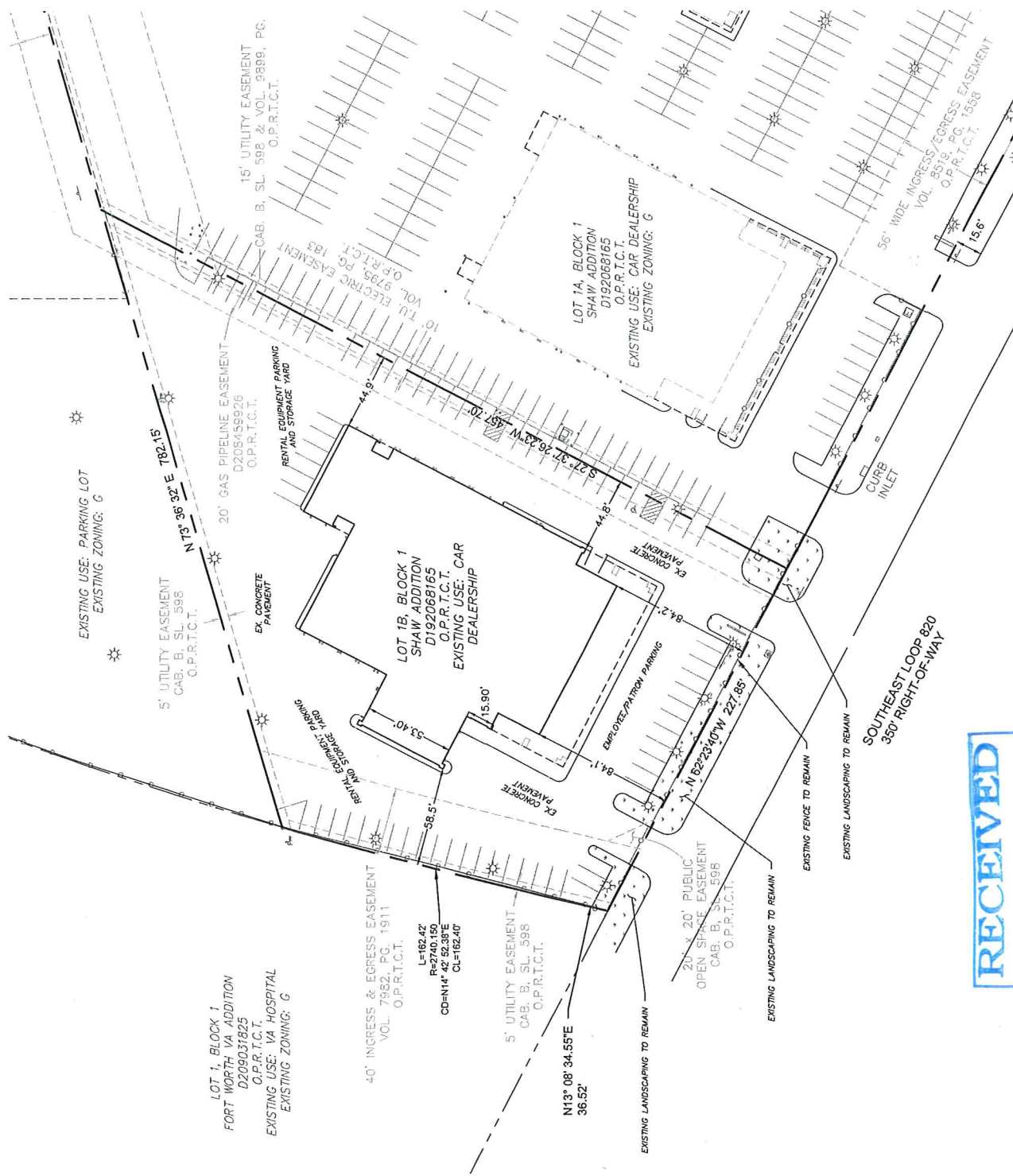


LEGAL DESCRIPTION:

BEING ALL OF LOT 1B, BLOCK 1, SHAW ADDITION, AN ADDITION TO THE CITY OF FORT WORTH, TARRANT COUNTY, TEXAS, AS SHOWN ON THE PLAT RECORDED IN CABINET 598, SLIDE 598, OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS.

NOTES:

- 1) PLEASE SEE ZONING APPLICATION ATTACHMENT "A," FOR EXPLANATION OF EXISTING AND PROPOSED USE.
- 2) ALL BUILDINGS, SITE LIGHTING, PAVEMENT, DUMPSTERS, AND AIR CONDITIONERS ARE EXISTING. NO NEW BUILDINGS, PAVEMENT, SITE LIGHTING, DUMPSTERS, AND AIR CONDITIONERS ARE PROPOSED.
- 3) PROJECT WILL CONFORM TO LIGHTING CODE.
- 4) PROJECT SIGNAGE WILL CONFORM TO ARTICLE 4, SIGNS
- 5) PROJECT WILL COMPLY WITH SECTION 6.301, LANDSCAPING
- 6) PROJECT WILL COMPLY WITH SECTION 6.302, URBAN FORESTRY.



Director of Planning and Development
 Date
 Zoning Case # ZC-19-127
 Prepared: September 24, 2019

**ZONING CHANGE EXHIBIT
 G TO CUP/G**

2301 SE LOOP 820
 CITY OF FORT WORTH
 TARRANT COUNTY, TEXAS

SCALE: 1"=100'
 DRAWN: JPM
 DATE: 9/27/19
 SHEET NO: 1
 OF 1

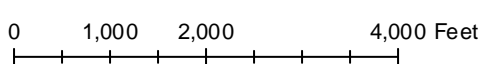
**PRELIMINARY
 FOR REVIEW ONLY**
 Not for Construction or Permit Purposes

Engineer: DAVID GREGORY
 P.E. No. 30258 Date: 07/25/19

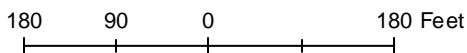
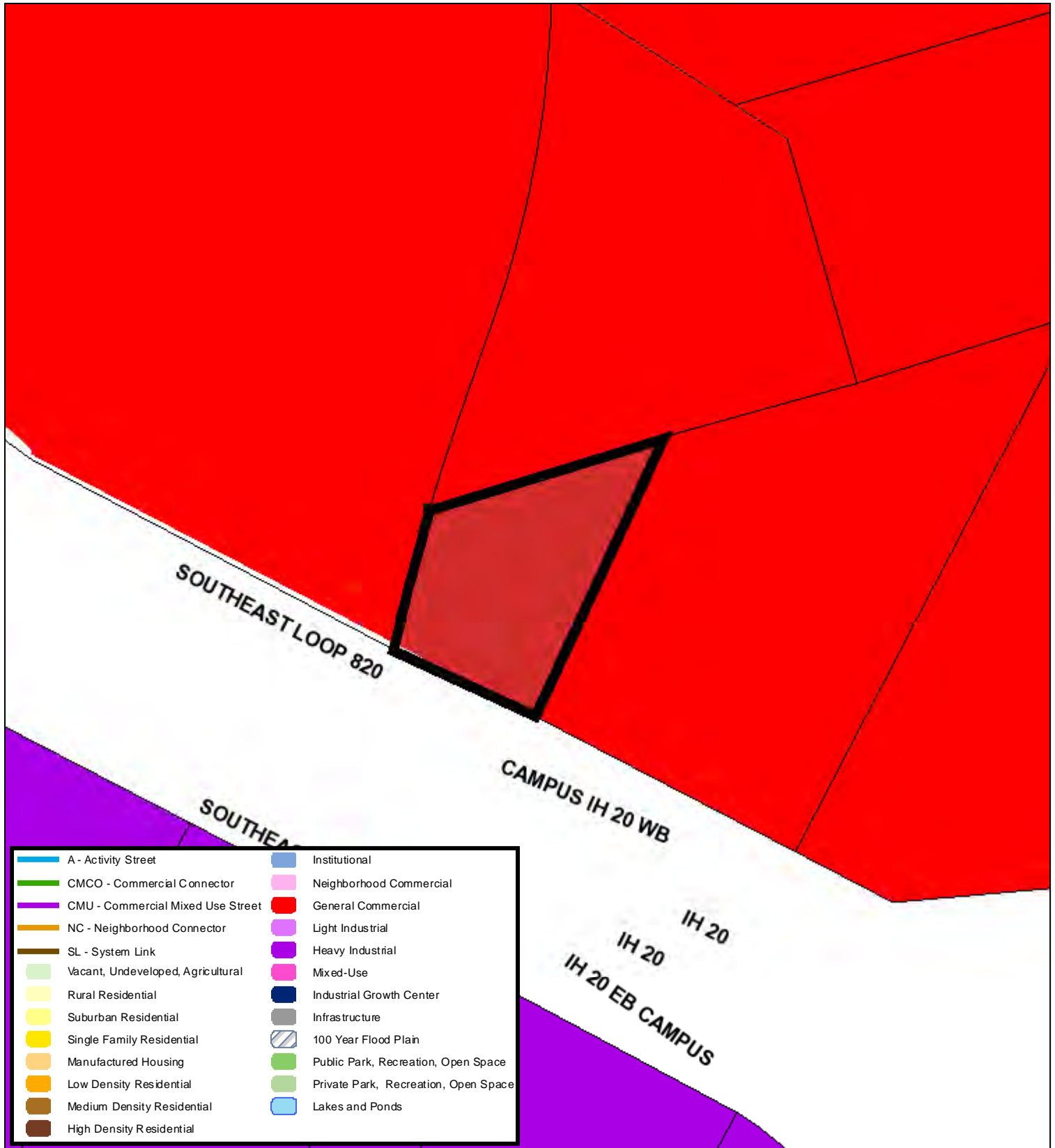
Consulting Engineers, Inc.
 2840 W. Southlake Blvd., Suite 110
 Southlake, TX 76082
 Phone: (817) 552-2510
 Fax: (817) 771-4445
 Engineering Firm Registration Number F-6007



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 5, 2019.



Aerial Photo Map



0 115 230 460 Feet

