



# Zoning Staff Report

**Date:** February 14, 2023

**Case Number:** ZC-22-221

**Council District:** 2/2

## Conditional Use Permit

**Case Manager:** [Beth Knight](#)

**Owner / Applicant:** Fort Worth Texas BP2, LLC / Homeyer Engineering, Inc.

**Site Location:** 3701 N. Sylvania Ave., 2567 & 2575 E. Long Ave.

**Acreage:** 5.21 acres

### Request

**Proposed Use:** Petroleum Storage Facility

**Request:** From: “K” Heavy Industrial

To: Add Conditional Use Permit (CUP) to allow petroleum storage facility in “K” Heavy Industrial; site plan included

### Recommendation

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

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

**Staff Recommendation:** **Approval for petroleum storage facility**

**Zoning Commission Recommendation:** **Approval by a vote of 8-0**

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## Project Description and Background

The subject property is located at the northwest corner of N. Sylvania Avenue and E. Long Avenue, approximately ¼ mile east of the North Freeway (I-35W). The site has been used for petroleum storage since at least 1990, according to historical aerials. This land use appears to be a legal non-conforming use, and the applicants are requesting to expand the outdoor petroleum tank batteries. In order to allow the expansion, the applicant is requesting a Condition Use Permit added to their “K” Heavy Industrial District. The site plan shows a development waiver for parking requirements on the 5.21 acre lot, but this parking requirement is not applicable as the site is more than 250 feet from a residential district.

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 petroleum storage is not permitted on a lot in the “K” zoning district by right, allowing one by CUP with a site plan may help mitigate any locational concerns, as well as give options for the CUP to be revoked in the event of code violation convictions. The site is already being used for a petroleum storage and distribution facility. Industrial uses surround the site with vacant land to the southeast. The Trinity River or floodplains are not noted in the vicinity, which helps alleviate downstream water issues in the event of a petroleum fluid leak or spill. Both N. Sylvania and E. Long Avenues are designated as commercial connectors, with a divided roadway and minimum of 2 lanes on each side, which is suitable for semi-truck traffic.

The site plan shows a new storage and distribution building west of the building remaining at the southeast corner of the site, as well as another new building and expanded tank batteries to the north. The generally triangular-shaped lot has a few trees along the southern property line and informal tree plantings along the northern and southern fence lines. While the application form notes a development waiver for the number of parking spaces, this site does not have a minimum number of required parking spaces since the site is more than 250 feet away from a residential district. The Conditional Use Permit proposal does not include any other development waivers. The site will be required to adhere to stormwater, fire, and environmental requirements that are typically reviewed during the permitting process.

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 “K” Heavy Industrial / Industrial product sales with outdoor storage

East “K” Heavy Industrial / Office/warehouse

South “K” Heavy Industrial / Office/warehouse

West “K” Heavy Industrial / vacant land and outdoor storage

## Recent Zoning History

None.

## Public Notification

300-foot Legal Notifications were mailed on December 29, 2022.

The following organizations were notified: (emailed December 30, 2022)

Organizations Notified	
Diamond Hill Jarvis NAC *	Riverside Alliance
Inter-District 2 Alliance	Oakhurst Alliance of Neighbors
Streams and Valleys Inc	Fort Worth ISD
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 “K” Heavy Industrial to add a Conditional Use Permit for petroleum fuel distribution and storage, site plan included with no development waivers. The requirement for “Conditional Use Permit” zoning allows an option for revocation for code violations. The site is mainly surrounded by industrial uses, as well as vacant land to the southeast. The requested land uses for two

new buildings and expanded tank battery is comparable to the surrounding sites. The land uses proposed are industrial uses accessed from streets that support semi-truck traffic. No floodplains or waterways are in the vicinity that would be impacted by petroleum product spills or leaks. All environmental and fire code regulations will be reviewed with the building permits.

The proposed zoning request with its emphasis on semi truck-oriented traffic **is compatible** with surrounding industrial land uses with access to a roadway capable of handling the heavy truck traffic.

## Comprehensive Plan Consistency – Northeast Sector

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The 2022 Comprehensive Plan currently designates the subject property as “Industrial Growth Center” 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		
Industrial Growth Center	Industrial and commercial uses serving a large region	All Commercial & Industrial

The proposed zoning is consistent with the land use designations for this area and 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.
- 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 (TOD) Plans.
- Promote industrial development in the Meacham 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

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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 may not assist in high-wage job growth and may not be a targeted high-growth industry, but the industrial expansion does contribute to a more sustainable tax base. The adherence to the landscaping standards for new construction will help contribute to the quality of place.

## Site Plan Comments

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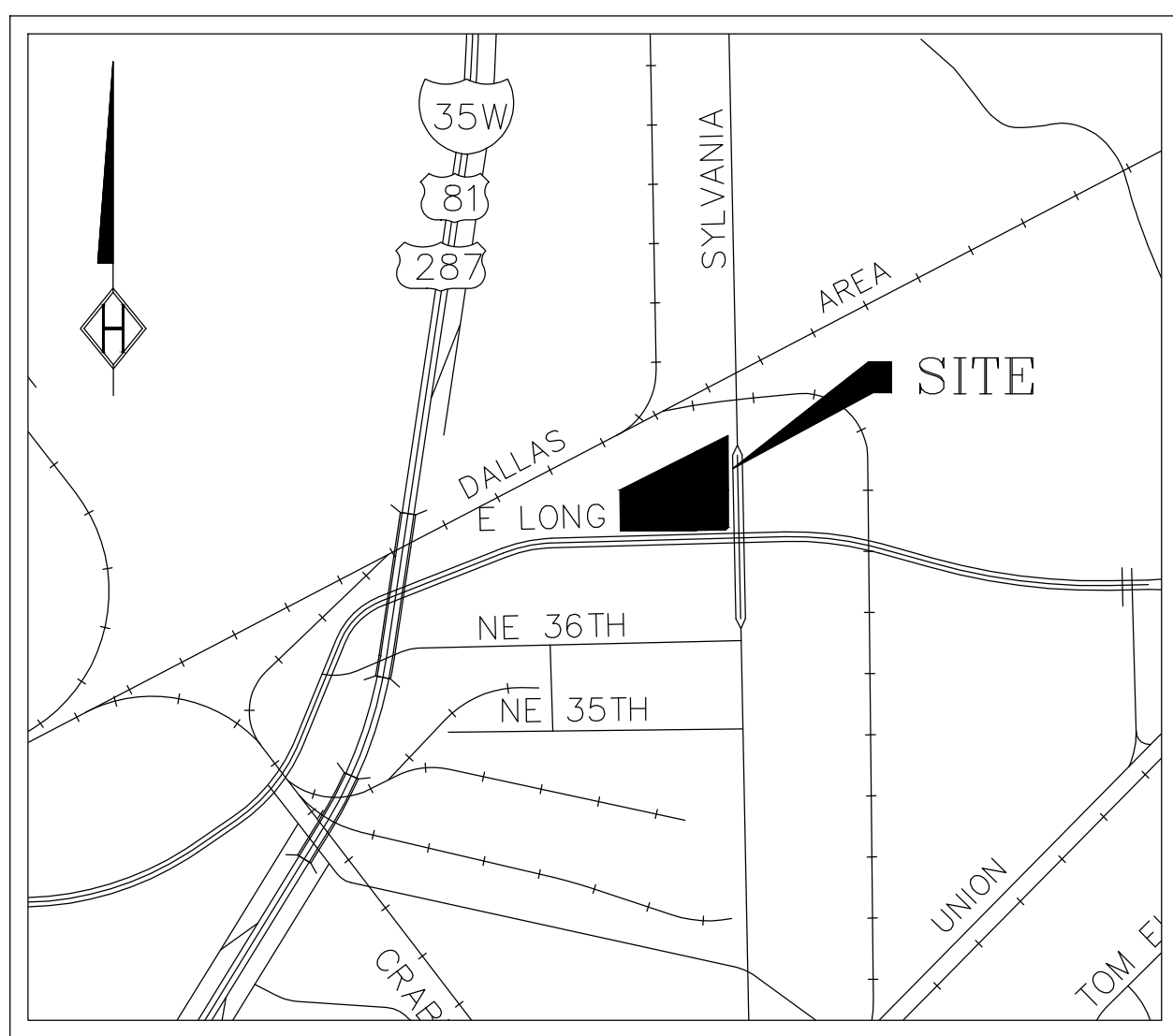
### **Zoning and Land Use**

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

1. Please add the legal descriptions and the remaining building's address of 3701 N. Sylvania Avenue.
2. Please move the existing zoning and specific land use being requested by the CUP off Proposed Building #1 so that the specific building use and number of stories can be added.
3. Add the specific building use to each building, as well as the number of stories.
4. Add the zoning case number of ZC-22-221.
5. Include a symbology table for the different surfaces.
6. Please revise the existing gravel surfaces to a lighter color or different pattern that does not obscure text and drawing details.
7. Please revise the new concrete surfaces to a lighter color or different pattern that is not the predominant feature of the site plan.
8. Please revise the landscaped surfaces to a different pattern than the buildings.
9. Please add curbing/wheel stops to the parking spaces, as vehicles are consistently parked under the trees and/or on the grass.
10. The minimum number of required parking spaces is only applicable for sites within 250 feet of residential districts. No parking waiver is required.
11. Please add the widths to the parking spaces.
12. Is the proposed containment area a structure above or below ground?
13. Add the dimensions of the existing building and proposed building #2.
14. Please label the height of the existing and proposed fencing.
15. Please label the height of the proposed screening wall attached to Proposed Building #1.
16. Fencing and gates within the northern and southern utility easements will required Easement Encroachment Agreements. Please refer to <https://www.fortworthtexas.gov/departments/development-services/permits/encroachment> for more details.
17. Underground utilities are not required to be shown on this site plan. Please either remove them entirely or move them to a separate sheet to avoid cluttering the site plan.
18. Note the land uses of the adjacent lots to the north and west. Please note the land uses and zoning classifications of the sites to the east and south, even if the ROW is not to scale.
19. Signs are not allowed on the fencing. Please remove the signs and convert them to the appropriate wall or monument signs.

*(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.)*





VICINITY MAP  
SCALE 1"=1000'

- NOTES:
1. THIS PROJECT WILL COMPLY WITH SECTION 6.301, LANDSCAPING.
  2. THIS PROJECT WILL COMPLY WITH SECTION 6.302, URBAN FORESTRY.
  3. ALL SIGNAGE WILL CONFORM TO ARTICLE 4, SIGNS.
  4. ALL PROVIDED LIGHTING WILL CONFORM TO THE LIGHTING CODE.
  5. THIS SITE PLAN IS FOR CONSIDERATION AND APPROVAL OF THE CONDITIONAL USE PERMIT (CUP) REQUEST ONLY AND SHALL NOT BE USED FOR BIDDING OR CONSTRUCTION PURPOSES.
  6. A DETAILED DRAINAGE STUDY WILL BE PROVIDED AFTER THE CUP REQUEST IS APPROVED IN ORDER TO REDEVELOP THE PROPERTY WITHOUT DETENTION BASED ON EXISTING DEVELOPED CONDITIONS.

PROPOSED CONTAINMENT AREA  
 - UL142 TANK FOR DIESEL  
 - UL2085 TANK FOR GASOLINE  
 - 15' FROM PROPERTY LINE  
 - 25' FROM BUILDING  
 - ALL FUEL TANKS PERMITTED THRU FIRE DEPARTMENT

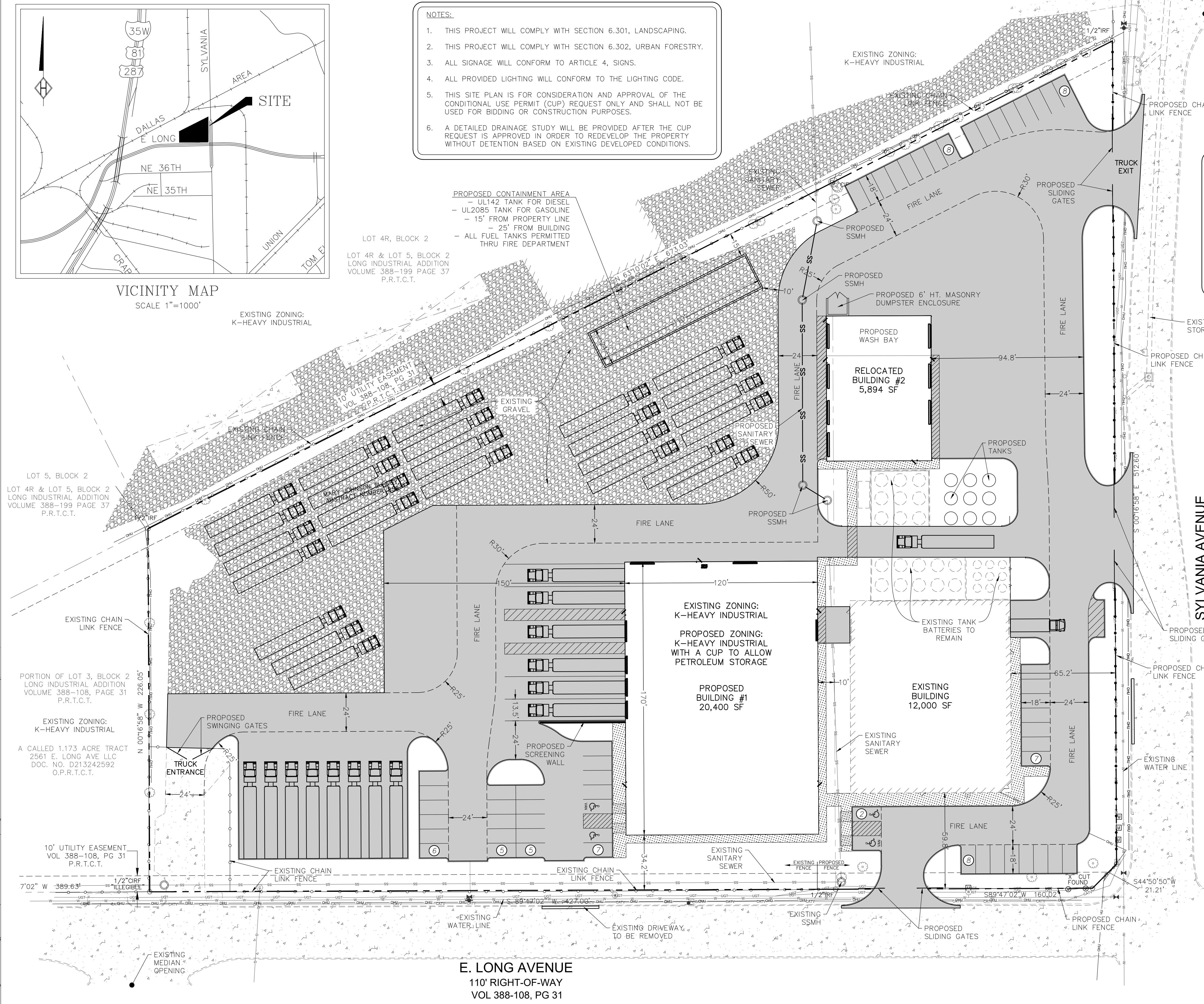
LOT 4R, BLOCK 2  
 LOT 4R & LOT 5, BLOCK 2  
 LONG INDUSTRIAL ADDITION  
 VOLUME 388-199 PAGE 37  
 P.R.T.C.T.

**SITE INFORMATION**

EXISTING BUILDING AREA: 12,000 SF  
 PROPOSED BUILDING AREA: 26,294 SF  
 TOTAL BUILDING AREA: 38,294 SF  
 REQUIRED PARKING:  
 INDUSTRIAL:  
 38,294 SF @ 2 SPACES/1,000 SF = 77 SPACES  
 PARKING PROVIDED: 56 SPACES  
 STANDARD PARKING PROVIDED: 52 SPACES  
 HANDICAP PARKING PROVIDED: 4 SPACES

**PRELIMINARY PLANS**

THIS DOCUMENT IS FOR INTERIM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.  
 STEVEN R. HOMEYER, PE # 86942  
 DATE: 12/05/2022



SYLVANIA AVENUE  
 100' RIGHT-OF-WAY  
 VOL 388-108, PG 31  
 P.R.T.C.T.

PROPERTY OWNER  
 FORT WORTH TEXAS BP 2, LLC  
 PO BOX 50620  
 IDAHO FALLS, IDAHO 83405  
 CONTACT: JIM AMES  
 PHONE: 208-535-5927

ENGINEER  
 HOMEYER ENGINEERING, INC  
 PO BOX 294527  
 LEWISVILLE, TEXAS 75029  
 CONTACT: STEVEN R. HOMEYER, PE  
 PHONE: 972-906-9985

SURVEYOR  
 EAGLE SURVEYING, LLC  
 222 SOUTH ELM STREET, SUITE 200  
 DENTON, TEXAS 76201  
 CONTACT: MASON DECKER  
 PHONE: 940-222-3009

APPROVED:  
 \_\_\_\_\_  
 DIRECTOR OF DEVELOPMENT SERVICES  
 \_\_\_\_\_  
 DATE

SENERGY PETROLEUM  
 PREPARED: 12/05/22  
 2575 E. LONG STREET  
 CITY OF FORT WORTH  
 TARRANT COUNTY, TEXAS  
 CASE #: \_\_\_\_\_

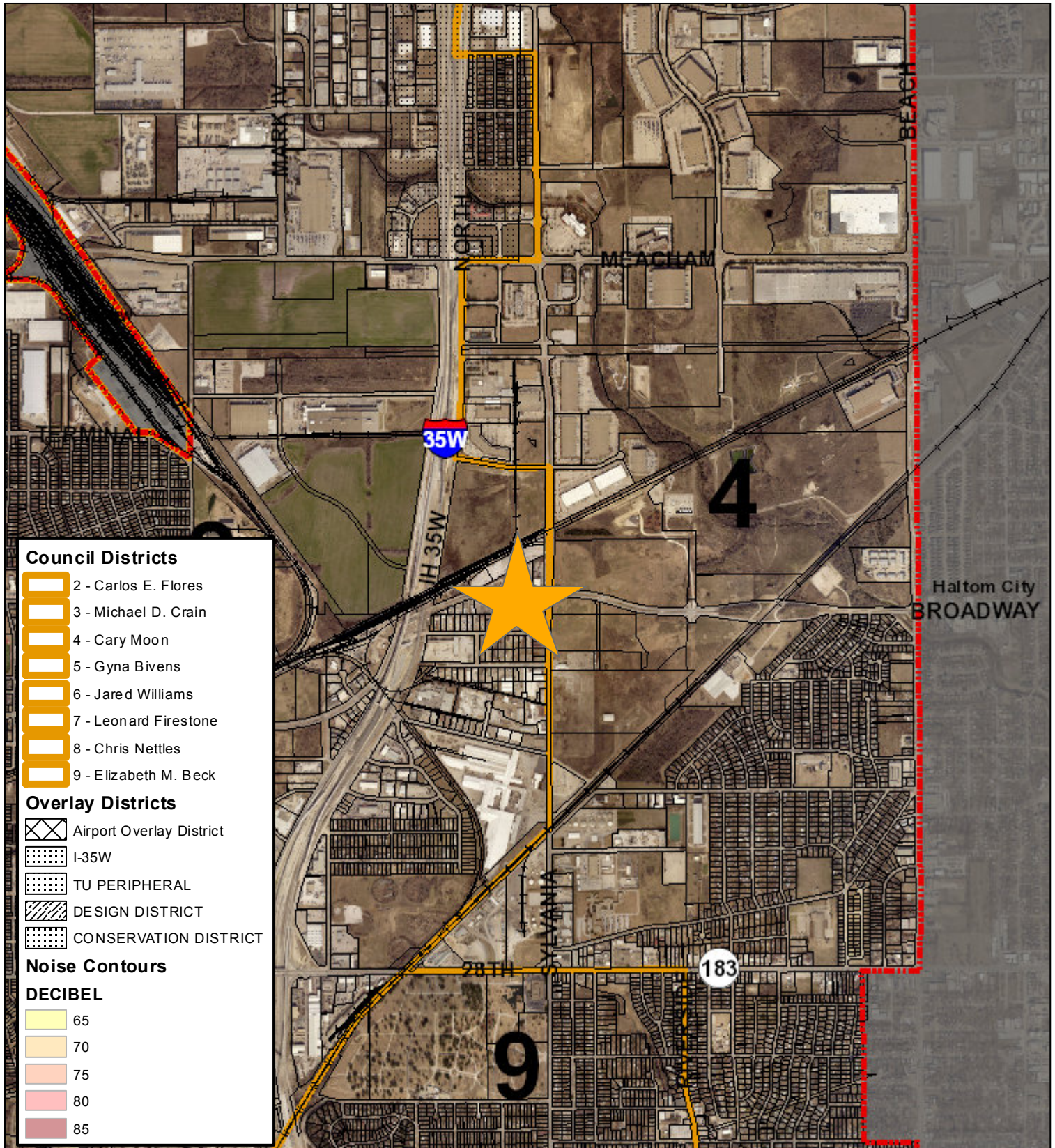
**HOMEYER ENGINEERING, INC.**  
 ENGINEERING, INC.  
 TBP# FIRM REGISTRATION NO. F-8440  
 P.O. BOX 294527 • LEWISVILLE, TEXAS • 75029  
 972-906-9985 PHONE • 972-906-9987 FAX  
 WWW.HEI.US.COM

SENERGY PETROLEUM  
 2575 E. LONG STREET  
 CITY OF FORT WORTH  
 TARRANT COUNTY, TEXAS









SITE PLAN

DRAWN: SRH  
 DATE: 05/31/22  
 HEI #: 22-0404  
 SHEET NO:  
 C1






### 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

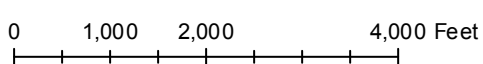
**Overlay Districts**

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

**Noise Contours**

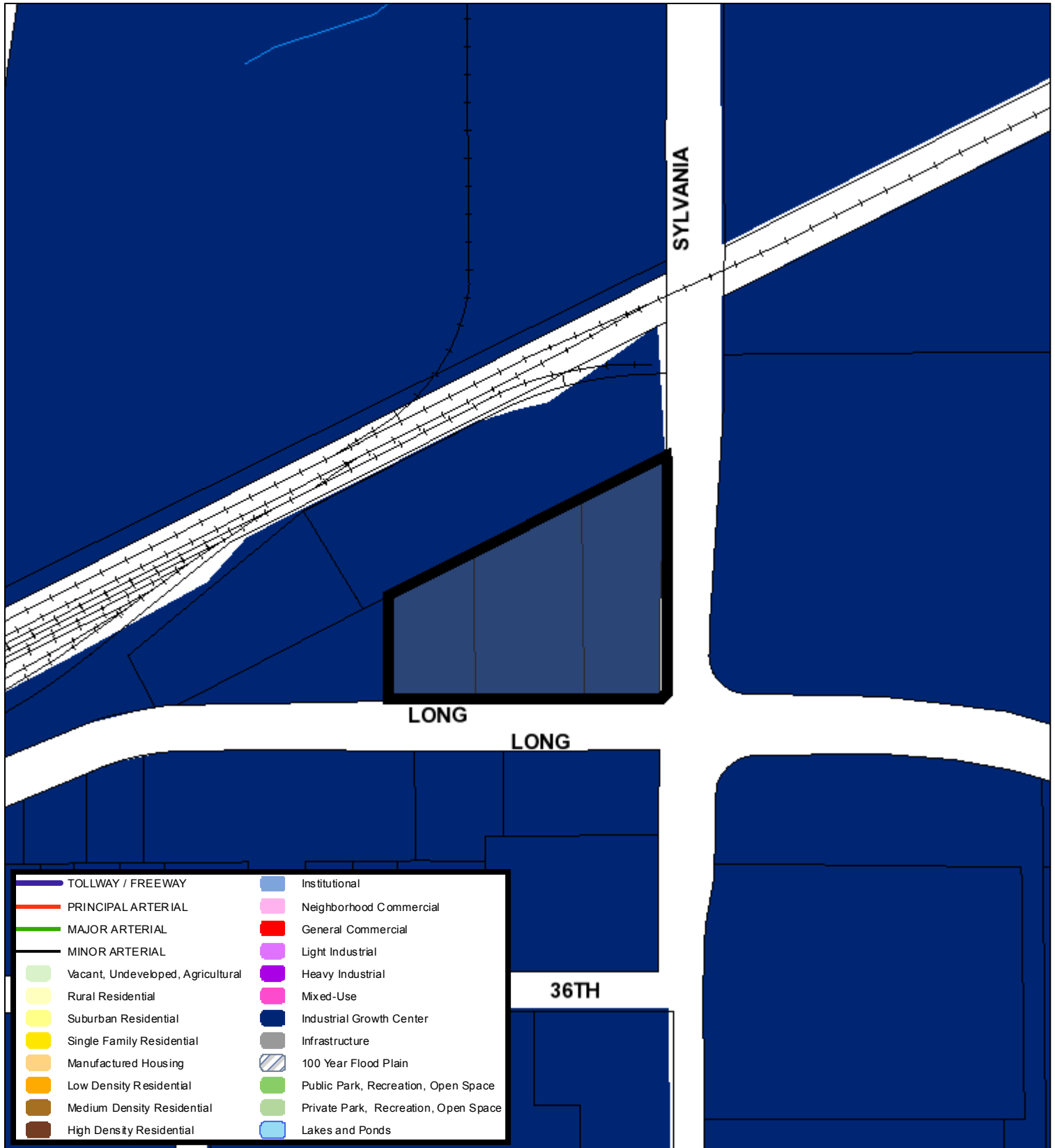
**DECIBEL**

-  65
-  70
-  75
-  80
-  85





### Future Land Use



280 140 0 280 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



0 180 360 720 Feet

