



Zoning Staff Report

February 8, 2022

ZC-21-179

Council District 8

Conditional Use Permit

Case Manager: [Beth Knight](#)

Owner / Applicant: 2359 Cunningham Trust / Theresa Nguyen

Site Location: 2359 Cunningham Road

Acreage: 3.67 acres

Request

Proposed Use: Semi-truck and trailer parking

Request: To: Add Conditional Use Permit (CUP) to allow 33 semi-truck and trailer parking spaces, as well as outdoor storage of 5 shipping containers, with development waiver requested for bicycle parking in "I" Light Industrial; site plan included

Recommendation

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

Comprehensive Plan Consistency: Requested change is **not consistent (Technical Inconsistency)**.

Staff Recommendation: **Denial**

Zoning Commission Recommendation: **Approval of ZC-21-179 with a 3-year time limit, with the condition that the applicant decide whether to remove the shipping containers or anchor them on site prior to the City Council hearing by a vote of 8-0**

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Project Description and Background

The proposed site is on the south side of Cunningham Road, approximately ½ mile west of Crowley Road. A large gas well site lies across the street to the north, and a BNSF rail line is adjacent to the eastern property line. The site is located in a mostly undeveloped area with industrial uses immediately adjacent to the site, but single family subdivisions are continuing to develop in the vicinity. The applicant is requesting to add a Conditional Use Permit to allow 33 semi-truck and trailer parking spaces, as well as storing 5 shipping containers outdoors; site plan included.

Truck parking lots without a primary use are classified as a type of outdoor storage and 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 a truck parking spaces on an approximately 3.67 acre lot. Two (2) buildings and five (5) shipping containers are also noted on the lot. The applicant has chosen to request keeping the shipping containers that generally contain personal household goods. 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 a truck parking lot with additional storage of shipping containers 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 subject property maintains an informal parking lot in an area without significant buildings. The nearest residential district lies across Cunningham Road to the north, with a newly developed single-family subdivision built approximately 400 feet to the northeast. The site has been granted variances in the past for the solid screening fence and the required front yard setback.

A floodplain covers the entire site with approximately 1/3 of the southwestern portion being in a regulatory floodway. The Stormwater Development Services notes no grading or fill in this area is allowed without an engineering analysis that demonstrates no impact to water surface elevations or to adjacent properties. A grading/fill permit has not been obtained. The floatable objects, such as storage containers or tanks, are required to be either moved out of the floodplain or anchored to withstand flood depths of 4 feet.

Access to the site from Cunningham Road, designated as a county road but is substandard, and classified as a residential street that is approximately 18 feet wide, without shoulders. The roadway narrows to 14 feet over a tributary of Sycamore Creek, west of Crowley Road, which was not designed for semi-truck traffic.

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 base I regulation and the proposed CUP:

Requirement	ER Standards	Proposed CUP
Bicycle parking	1 bicycle rack	No bicycle rack (<i>requires Development Regulation Waiver</i>)

Surrounding Zoning and Land Uses

- North “AG” Agricultural and “A-5” One-Family / Single family, gas well, private airstrip, and vacant land
- East “A-5” One-Family and “J” Medium Industrial / Railroad, truck parking, and vacant land
- South “I” Light Industrial / Vacant land with creek and large floodplain
- West “A-5” One-Family and “I” Light Industrial / Single family subdivision under construction and vacant land with creek

Recent Zoning History

Commercial Board of Adjustment cases for the subject site:

- BAC-09-023: Special Exception to permit the use of a vacant lot for a vehicle storage yard, Denied, 3/4/2009.
- BAC-09-057: Special Exception to permit the use of a vacant lot for a vehicle storage yard. Stipulating for 2 years and no more than 9 vehicles, Approved, 5/6/2009.
- BAC-11-053: Special Exception to permit the use of a vacant lot for vehicle storage yard for 11 tractor trailers and trucks, and Variance to the required screening fence. Stipulating for a period of 5 years, Approved, 7/6/2011.
- BAC-14-054: Special Exception to permit the use of a vacant lot for vehicle storage yard for 31 tractor trailers and trucks, and Variance to front yard setback. Stipulating for a period of 2 years, Approved, 5/21/2014.

BAC-16-042: Special Exception to permit the use of a vacant lot for vehicle storage yard for 39 tractor trailers and trucks, and Variance to front yard setback. Stipulating for a period of 5 years, Approved, 5/18/2016.

Public Notification

300-foot Legal Notifications were mailed on November 22, 2021.

The following organizations were notified: (emailed November 19, 2021)

Organizations Notified	
Meadowcreek South HOA *	District 6 Alliance
Lincolnshire	Trinity Habitat for Humanity
Crowley ISD	Streams and Valleys Inc

* *This Fort Worth Neighborhood Association is located closest to the subject property.*

Development Impact Analysis

Land Use Compatibility

The applicant is proposing a zoning change to add a CUP to allow a semi-truck and trailer parking, plus storage of 5 shipping containers that generally contain household goods, in an “I” zoning district. Surrounding land uses consist of single-family subdivisions to the northeast, southwest, and northwest. Industrial uses or industrially zoned vacant land lies to the east and west. The entire subject site is in a regulatory floodway or floodplain, that is anticipated to be regularly covered in stormwater. The land use is partially compatible with the surrounding uses, but does not preserve the character and integrity of adjacent development and neighborhoods by developing in a floodplain and floodway and is detrimental to the development of other property in the vicinity.

Therefore the proposed zoning is **not compatible** with surrounding land uses.

Comprehensive Plan Consistency – Sycamore

The 2021 Comprehensive Plan currently designates the subject property as light industrial. The proposed zoning is consistent with the land use designations for this area, but conflicts 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.
- 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.
- To protect water quality and provide for connected green spaces, encourage parks, bike trails, and open space within floodplains and along adjacent water bodies.

- Promote the use of Low-Impact Development techniques to reduce erosion and sedimentation of rivers, lakes, and streams.
- Encourage the use of floodplains as a boundary between incompatible land uses.
- Leave floodplains in their natural state (with hike/bike trails encouraged) to improve water quality and minimize flooding.
- Encourage quality park and recreational developments such as those found around French Lake.

While the proposed zoning is consistent with the future land map it fails to support policies stated in the comprehensive plan. Therefor staff has determined that the proposed zoning is **not consistent** with the Comprehensive Plan. (Technical Inconsistency)

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 does not assist in high-wage job growth, is not a targeted high-growth industry, and does not contribute to the quality of place through the reduction of blight. The current assessed value of less than \$80,000 does not assist in a more sustainable tax base.

Site Plan Comments

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

1. Bicycle parking is required and a **development waiver has been requested**.

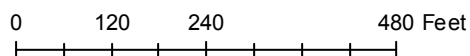
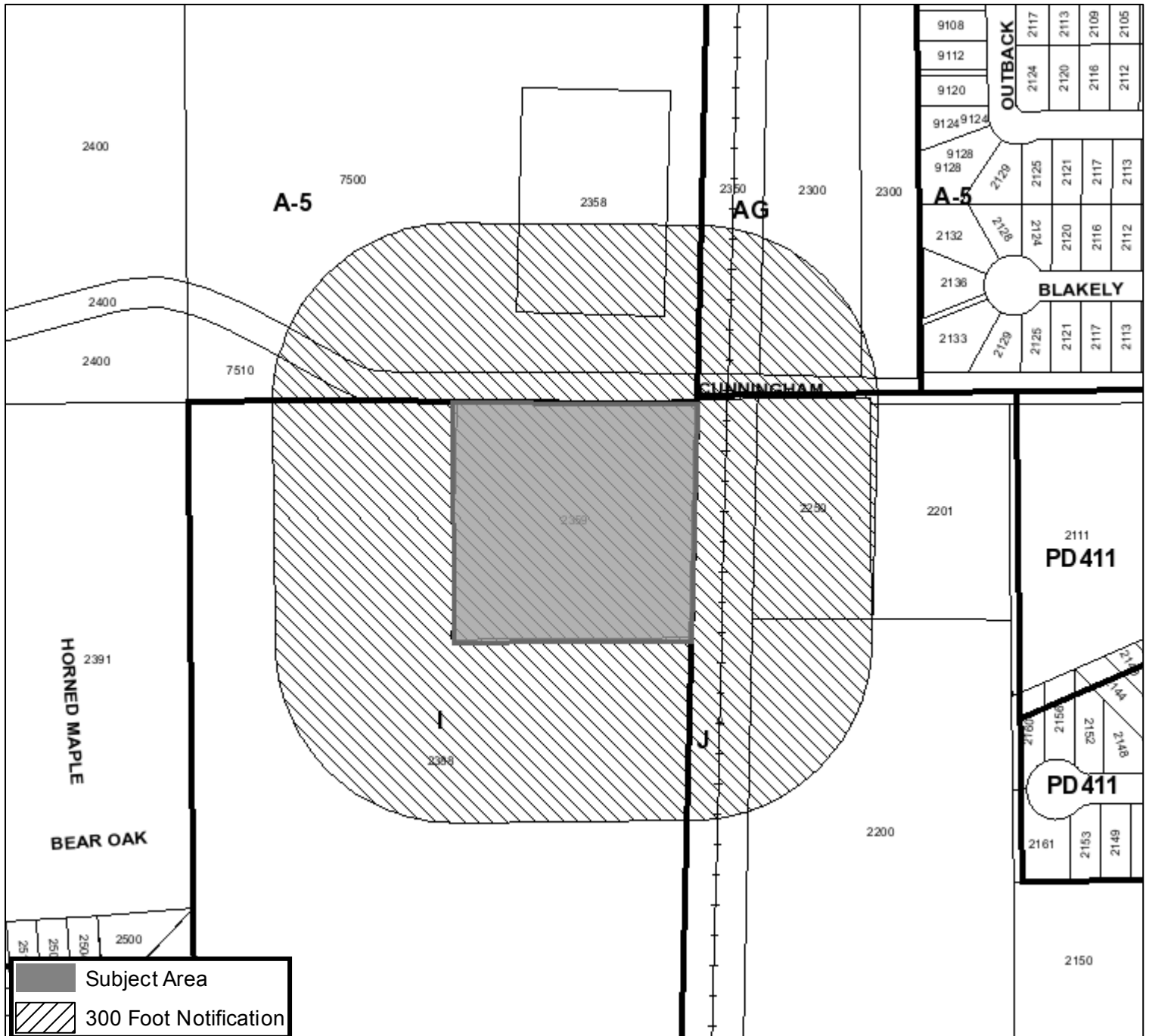
The proposed zoning request **is not compatible** with the surrounding land uses due to the recent residential development, the development in a floodway that impacts downstream properties, and the road size that is not appropriate for semi-truck traffic.

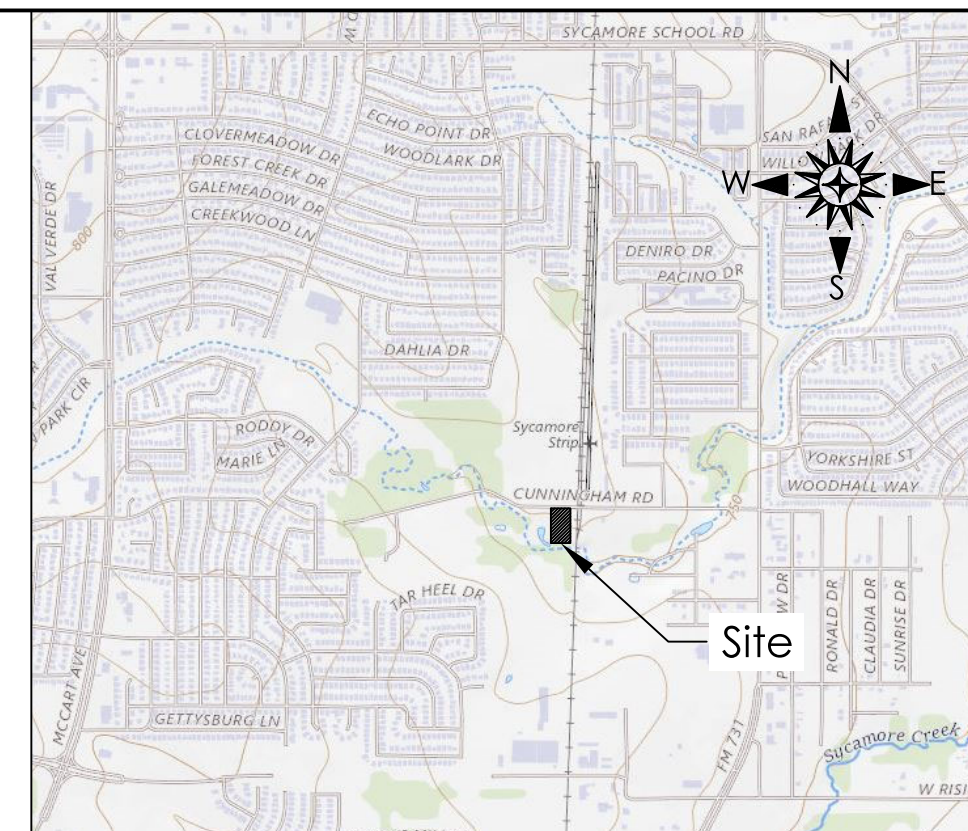
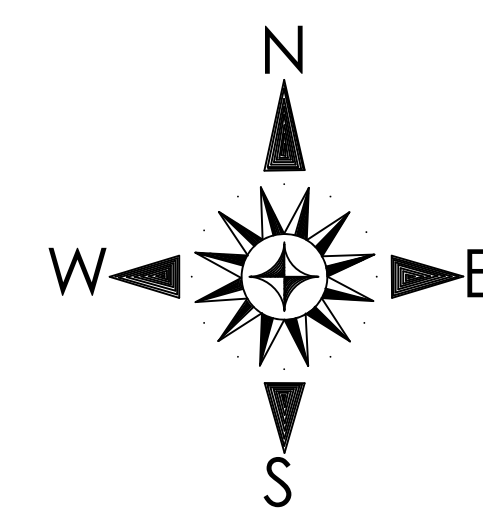
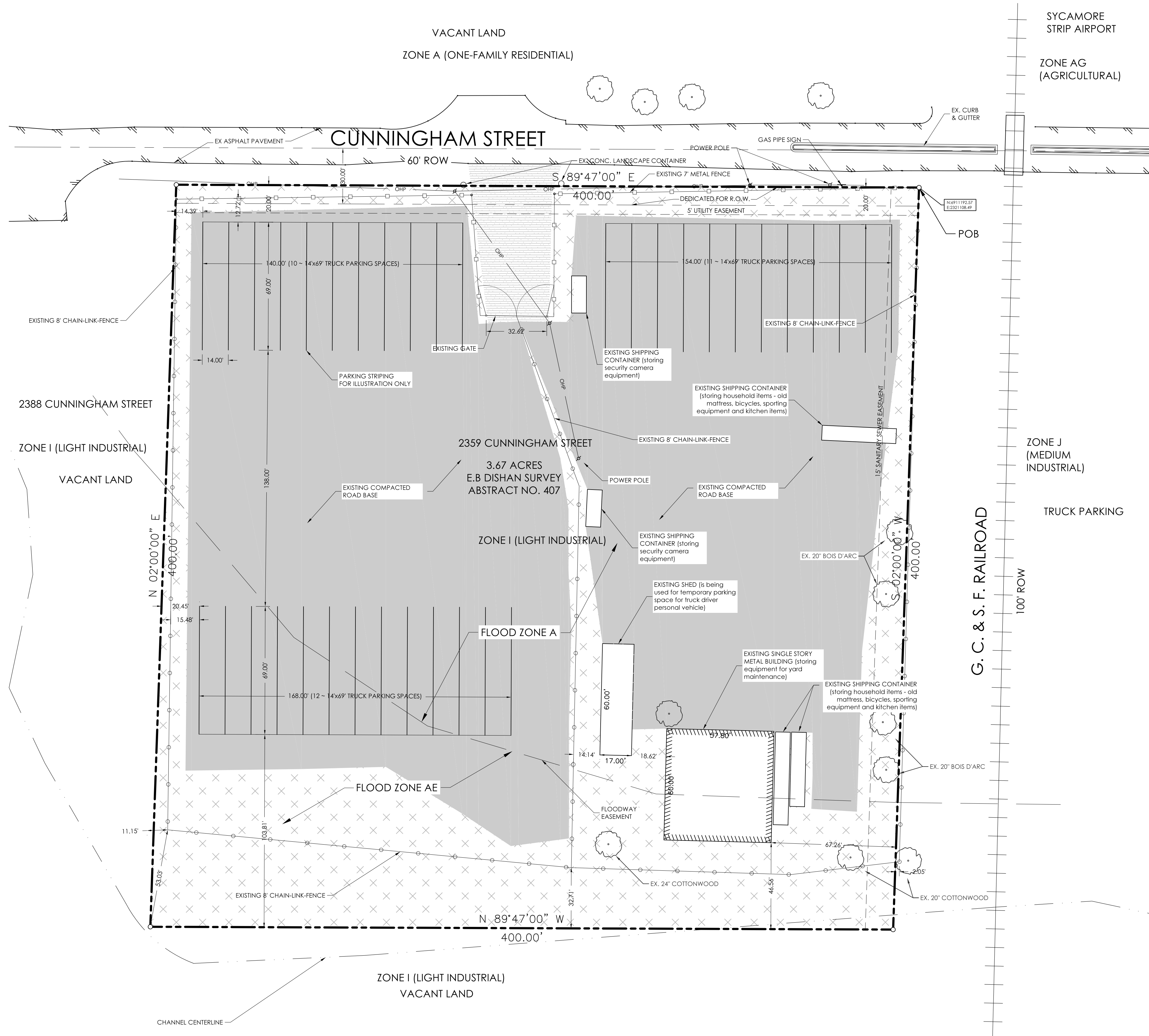
(Comments made by Platting (Subdivision Ordinance), Transportation/Public Works, Fire, Park & Recreation, and Water Department staff cannot be waived through the Zoning Commission and City Council. Approval of the zoning site plan does not constitute the acceptance of conditions.)



Area Zoning Map

Applicant: 2359 Cunningham Trust
 Address: 2359 Cunningham Road
 Zoning From: I
 Zoning To: Add Conditional Use Permit for outdoor storage and truck parking
 Acres: 3.66682185
 Mapsco: 104P
 Sector/District: Wedgwood
 Commission Date: 12/8/2021
 Contact: 817-392-8190





LEGEND
These standard symbols will be found in the drawing.

- SIGN
- POWER POLE
- RAILROAD
- EDGE OF ASPHALT PAVEMENT
- 8' CHAIN-LINK-FENCE
- 7' METAL FENCE
- PROPERTY LINE
- OVERHEAD POWER LINE
- EXISTING TREE
- COMPACTED ROAD BASE
- PROPOSED ASPHALT DRIVEWAY
- LANDSCAPING AREA

SITE DATA

GENERAL	
CASE NUMBER	ZC-21-179
NAME OF PROJECT	DBA DISCOUNT PLACE
PROPOSED USE	CUP for truck parking for 33 spaces
EXISTING ZONING DISTRICT	1- LIGHT INDUSTRIAL
PROPOSED ZONING DISTRICT	1- LIGHT INDUSTRIAL
APPRAISAL DISTRICT ACCOUNT NUMBER AND COUNTY	3847020
OVERALL SITE	
GROSS SITE AREA (Acres)	3.67
IMPERVIOUS AREA (sq. ft.)	114,121.00
PERVIOUS AREA	45,744.00
PERVIOUS % (Acres or %)	28.61%
PROPERTY DEVELOPMENT REGULATION	
SETBACK	
FRONT SETBACK	VARIANCE BAC-14-054
SIDE INTERIOR SETBACK	NONE
SIDE EXTERIOR SETBACK	NONE
REAR SETBACK	NONE
IMPERVIOUS CALCULATIONS	
SITE AREA (sq.ft.)	159,865.00
EXISTING BUILDING & SHED AREA (sq.ft.)	4,488.00
SHIPPING CONTAINER AREA (sq.ft.)	1,360.00
EXISTING COMPACTED SUBGRADE AREA (sq.ft.)	104,907.00
PROPOSED ASPHALT DRIVE AREA (sq.ft.)	3,366.00
LANDSCAPING AREA (sq.ft.)	45,744.00
TOTAL IMPERVIOUS AREA (sq.ft.)	114,121.00
PERCENT IMPERVIOUS (TOTAL IMPERVIOUS AREA/LOT AREA)	71.39%
PERCENT LANDSCAPING (OPEN SPACE)	28.61%

- NOTES:**
- ALL LIGHTING WILL CONFORM TO LIGHTING CODE.
 - ALL SIGNAGE WILL CONFORM TO ARTICLE 4, SECHS.
 - THE PROJECT WILL COMPLY WITH SECTION 6.301, LANDSCAPING.
 - THE PROJECT WILL COMPLY WITH SECTION 6.302, URBAN FORESTRY.
 - 6 FT MINIMUM SOLID SCREENING FENCE REQUIRED AROUND THE SITE RECEIVED A VARIANCE UNDER BAC-11-053.
 - THE FRONT YARD SETBACK REQUIRED ACROSS THE STREET FROM SINGLE FAMILY ZONING RECEIVED A VARIANCE UNDER BAC-14-054.
 - NO DISMANTLED TRUCKS, TRAILERS, OR PARTS SHALL BE STORED ON THIS SITE.
 - THIS SITE DOES NOT HAVE A DUMPSTER.

Legal Description of property located at 2359 Cunningham Road

Being a tract of land situated in E. B. Dishman Survey, Abstract No.407, City of Fort Worth, Tarrant County, Texas, and being the same 3.67 acre tract conveyed to Hai Quang La recorded as D213012273, Deed Records, Tarrant County, Texas, being more particularly described as follows:
 Beginning at a fence post found for corner at the intersection of the south line of Road (proposed 60' right-of-way) with the west line the G. C. and S. F. Railroad (100' right-of-way), being the northeast corner of said 3.67 acre tract;
 Thence South 02°00'00" West with the common line between said 3.67 acre tract and said Railroad a distance of 400.00 feet to a fence post found for corner, being the southeast corner of said 3.67 acre tract;
 Thence North 89°47'00" West with the south line of said 3.67 acre tract a distance of 400.00 feet to a 1/2" iron rod found for corner, being the southwest corner of said 3.67 acre tract;
 Thence North 02°00'00" East with the west line of said 3.67 acre tract a distance of 400.00 feet to a 3/4" iron rod found for corner in the south line of said Cunningham Road, being the northwest corner of said 3.67 acre tract;
 Thence South 89°47'00" East with the south line of said Cunningham Road and the north line of said 3.67 acre tract a distance of 400.00 feet to the POINT OF BEGINNING and containing 3.67 acres of land, more or less, as surveyed on the ground in May 1, 2013 by Tucker Surveyors

* BICYCLE PARKING WAIVER IS REQUESTED

Henry Nguyen Consulting, LLC
 Civil Engineering
 1330 Glenfield Ave, Dallas, Texas 75224
 (214) 773-4075 Email: henguyen@swbell.net
 Texas Registered Engineering Firm F-16239

REVISIONS

Date	Description	Approved

DBA Discount Place
 2359 Cunningham Street
 Fort Worth, TX 76134

DESIGN	HNC
DRAWN	HNC
DATE	11/23/2021
Job#:	21010



The seal appearing on this document was authorized by Henry Nguyen, P.E. 71065. Alteration of a sealed document without proper notification to the responsible engineer is an offense under the Texas Engineering Practice Act.

Civil Design Consultant

Property Owner/Aplicant

Surveyor

Henry Nguyen Consulting, LLC
 Civil Engineering
 1330 Glenfield Ave, Dallas, Texas 75224
 (214) 773-4075 Email: henguyen@swbell.net
 Texas Registered Engineering Firm F-16239

DBA DISCOUNT PLACE
 THERESA NGUYEN
 2359 CUNNINGHAM ST, FORT WORTH TX 76134
 ph: 682-554-9674
 email: ntheresa78@yahoo.com

Tucker Surveyors
 Surveyor
 12350 Oak Grove Road S., Burleson TX 76028
 (817-295-2999) Email: txsurveyors@yahoo.com

DIRECTOR OF DEVELOPMENT SERVICES

Date _____

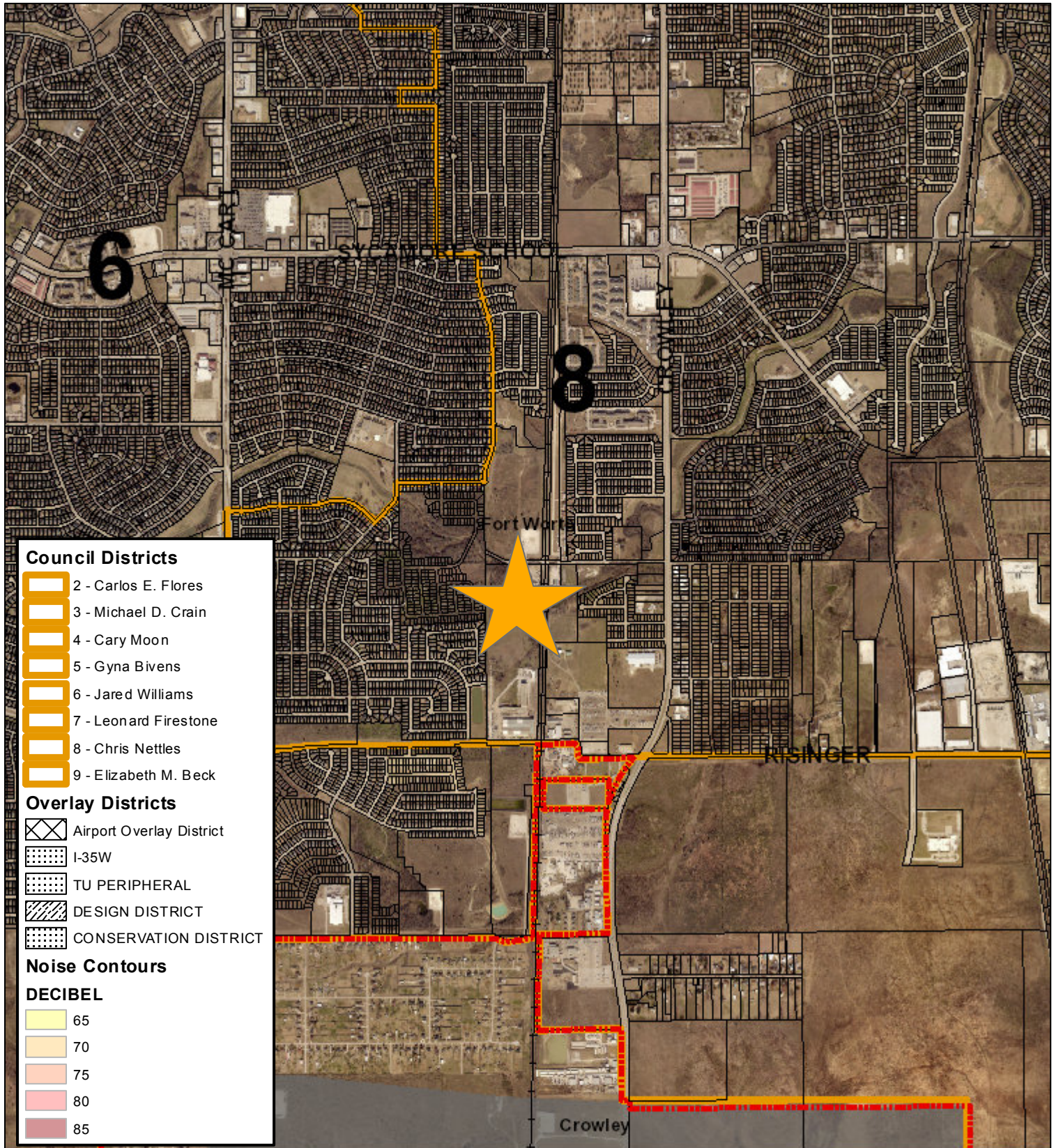
DBA Discount Place

ZC-21-179









SITE PLAN

C3






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

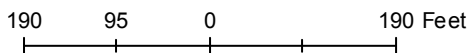
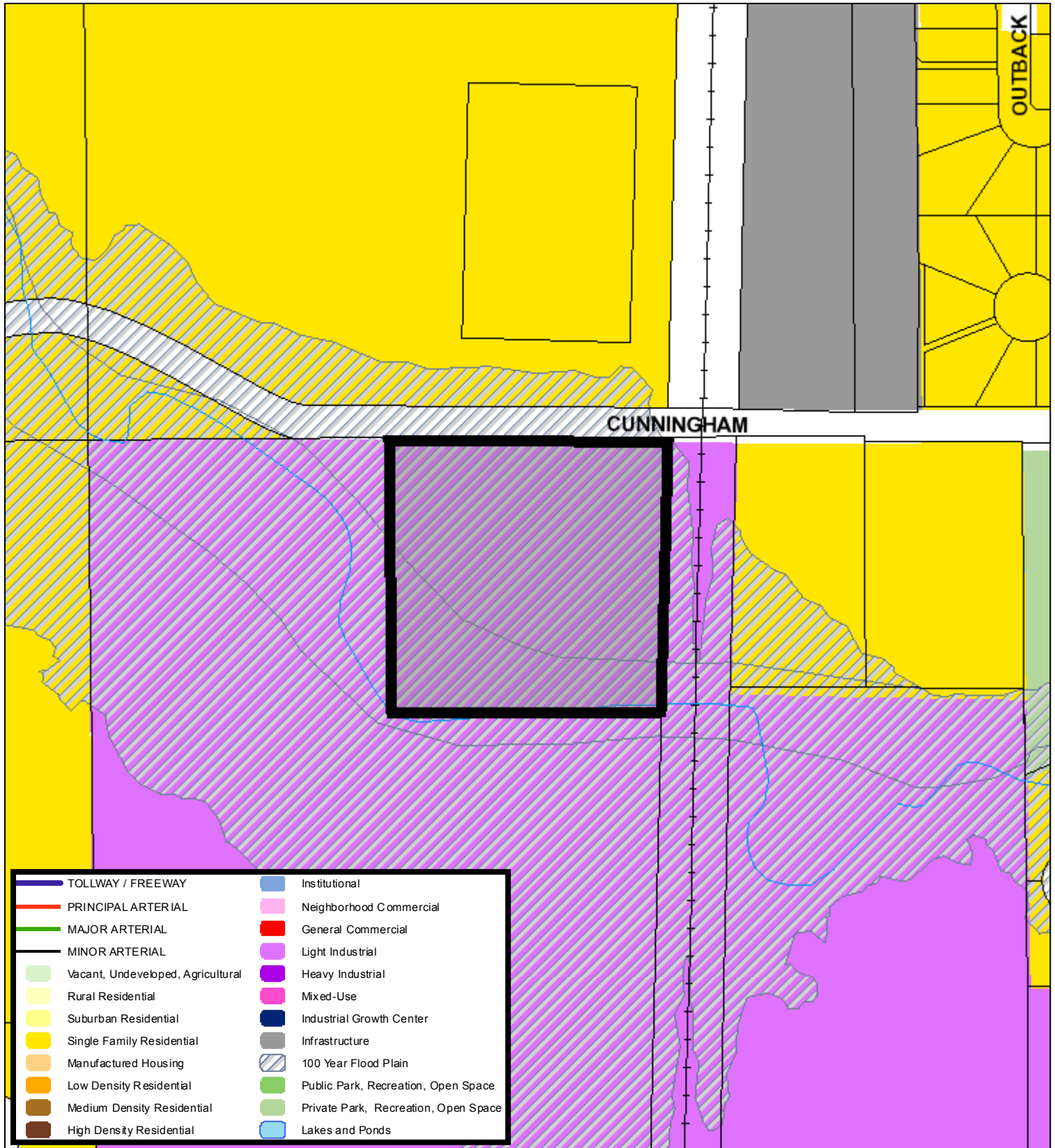
DECIBEL

-  65
-  70
-  75
-  80
-  85



0 1,000 2,000 4,000 Feet

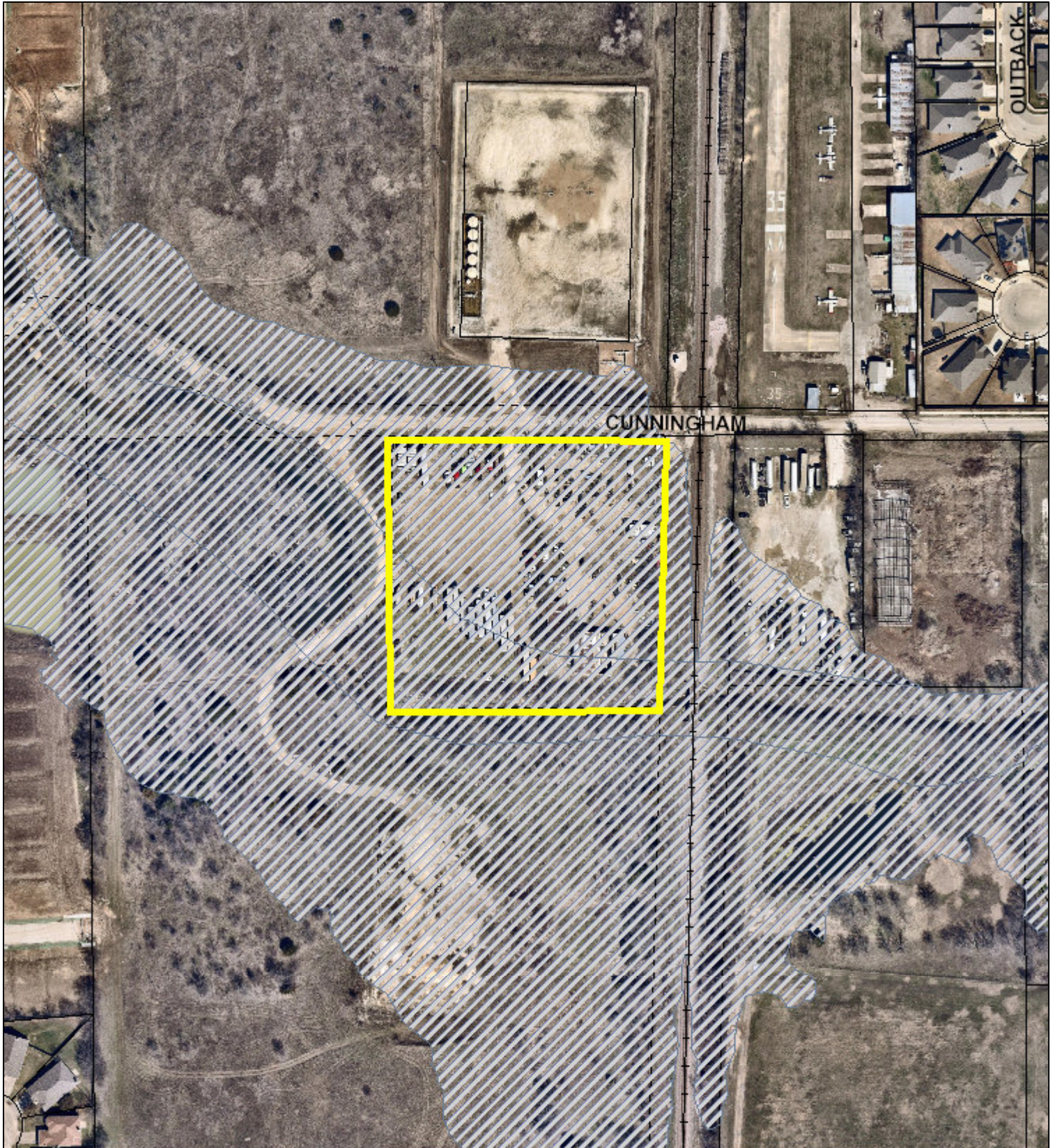
Future Land Use



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



0 125 250 500 Feet

