



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
December 17, 2019

Council District **2**

Zoning Commission Recommendation: Approval for 3 years by a vote of 8-0 Opposition: None submitted Support: Petition 4 signatures submitted	Continued	Yes <u>X</u>	No <u> </u>
	Case Manager	<u>Lynn Jordan</u>	
	Surplus	Yes <u> </u>	No <u>X</u>
	Council Initiated	Yes <u> </u>	No <u>X</u>

Owner / Applicant: **Mario Rodriquez & Jesus Nava**

Site Location: 2300 block Decatur Avenue acreage: 0.49

Proposed Use: **Outdoor Storage**

Request: Zone: "J" Medium Industrial

To: Add Conditional Use Permit (CUP) to allow outdoor storage for parking of 10 commercial trucks, 8 employee cars and one storage container with setback waivers to fencing, required hard surface dust free parking, storage within the 50 ft. supplemental setback; site plan included

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

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

Staff Recommendation: **Approval with 3 year renewal**

Background:

The subject property is located just north of the intersection of Neal & Decatur. The applicant is requesting a Conditional Use Permit (CUP) to allow storage of large commercial trucks, personal vehicles and a metal storage container without a primary use.

The subject block face is primarily industrial related with some outdoor storage. The blocks to the east are single family lots and to the west is a metal recycling facility.

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 truck parking is not permitted in the "J" zoning district by right, allowing it by CUP with a site plan and a time limit 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 directly adjacent to a residential district, the location of any truck parking areas, storage of metal containers and orientation of parking lot lighting will likely have a negative impact to the neighborhood just to the east.

Development Standards	J zoning district	Proposed CUP
Fencing requirement	Wood, brick, stone or reinforced concrete products	Sheet metal (Waiver recommended)
Parking Lot Design	Minimum required parking spaces hard-surfaced dust free	Gravel Base (Waiver recommended)
Bufferyard/Supplemental Setback	50 ft. supplemental setback Structures not permitted in these areas, nor can dumpsters, containers or nonresidential activity	Truck parking, metal container (Waiver recommended)
Landscape area	A minimum of 4% landscape area required along the street frontage	No landscaping, sliding metal gate on property line (Waiver recommended)

The case was continued at the November City Council meeting to allow more time for the applicant to meet with the neighborhood.

This is part of an on-going Code Compliance case #18-844613 where two vacant lots are being used for storage with no certificate of occupancy.

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 “J” Medium Industrial / commercial structure with outdoor storage
- East “B” Two-Family / single family
- South “J” Medium Industrial / commercial structure

Site Plan Comments:

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

1. There is a 50 ft. supplemental setback in which no permanent structures are permitted. A metal container and truck parking encroaches. **(waiver recommended)**
2. *The site plan indicates a gravel surface where a compacted gravel base is required. (waiver recommended)*
3. A minimum of 4% landscaping is required along street frontage. No landscaping is shown. **(waiver recommended)**
4. Fencing materials consist of wood, brick stone or reinforced concrete. Site plan indicates an existing 6 ft. metal fence. **(waiver recommended)**
5. Any requested development standards shall be listed and clearly identified on the site plan.
 - a. A waiver required to the projected setback requirement.
 - b. A waiver required for the paving surface material proposed.
 - c. A waiver required for the existing metal fence.

The site plan comments noted above shall be addressed on the site plan per the CUP Ordinance.

(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 (August 21, 2019)

The following organizations were notified: (emailed August 20, 2019)

Organizations Notified	
Inter-District 2 Alliance	Fort Worth Downtown Neighborhood Alliance
Diamond Hill Jarvis NAC	Tarrant Regional Water District
Streams and Valleys Inc.	Trinity Habitat for Humanity
North Fort Worth Historical Society	Fort Worth ISD

Not within a registered Neighborhood Association

Recent Relevant Zoning and Platting History:

Zoning History: PD 775 Planned Development for K Heavy Industrial uses plus recycling services, torching area to be screened from public right-of-way, effective 7/21/07, subject area to the west

Development Impact Analysis:

1. **Land Use Compatibility**

The applicant is requesting a zoning change to add a CUP to allow for truck-trailer parking, automobile parking and a metal storage container. Surrounding land uses consist single family to the east, recycling facility to the west, commercial use to the south and industrial with outdoor storage to the north.

Due to the location of single family lots and zoning east of the site, the area of the lot for truck parking, the proposed zoning request **is not compatible** at this location.

2. **Comprehensive Plan Consistency Northeast Sector**

The 2019 Comprehensive Plan designates the subject property as Light Industrial. The requested zoning district **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.

- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods.
- Protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, speculation, demolition, neglect and other negative forces.

Attachments:

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

Area Zoning Map

Applicant: Mario Rodriguez & Jesus Nava
 Address: 2300 block Decatur Avenue
 Zoning From: J
 Zoning To: Add Conditional Use Permit for outdoor storage with waivers
 Acres: 0.49181248
 Mapsco: 62H
 Sector/District: Northeast
 Commission Date: 9/11/2019
 Contact: 817-392-2495



Requested Waivers

1. Waiver from 50 feet supplemental setback
2. Waiver for gravel surface in place in place of compacted gravel base
3. Waiver for chain link fence in place of wood, brick, stone or reinforced concrete fence

Site Plan Notes:

Landscaped area required (4%) 894 sq. ft.

Landscape provided is 3,464 sq. ft. (15.5%)

No site lighting proposed.

Site Plan will comply with Urban Forestry.

Rec'd 9/27/19

20-19-141



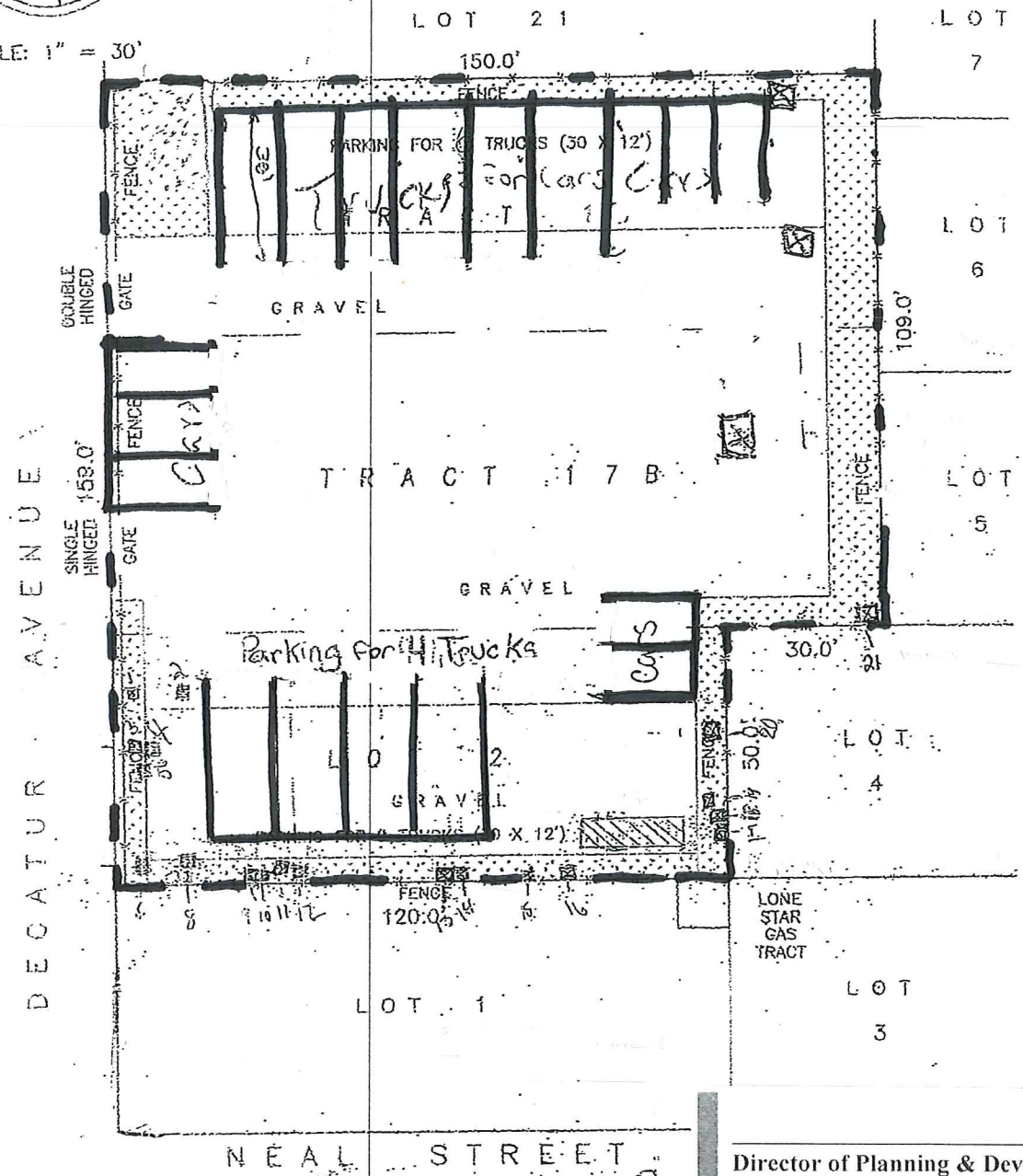
SCALE: 1" = 30'

SITE PLAN
 LOT 2, BLOCK 2, DIAMOND HILL
 PLUS TRACTS 17 AND 17B, E. LITTLE SURVEY
 2354 DEGATUR AVENUE

11500-18
 REV. 10-25-18

*Truck parking 12' x 30'
 Cars 9' x 18'*

*Metal Container
 Tree*



1. ALL PERIMETER FENCING IS 6' HIGH SHEET METAL
2. ENTRY GATE IS SINGLE OR DOUBLE AS NOTED WITH SHEET METAL

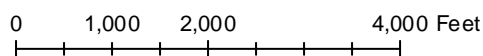
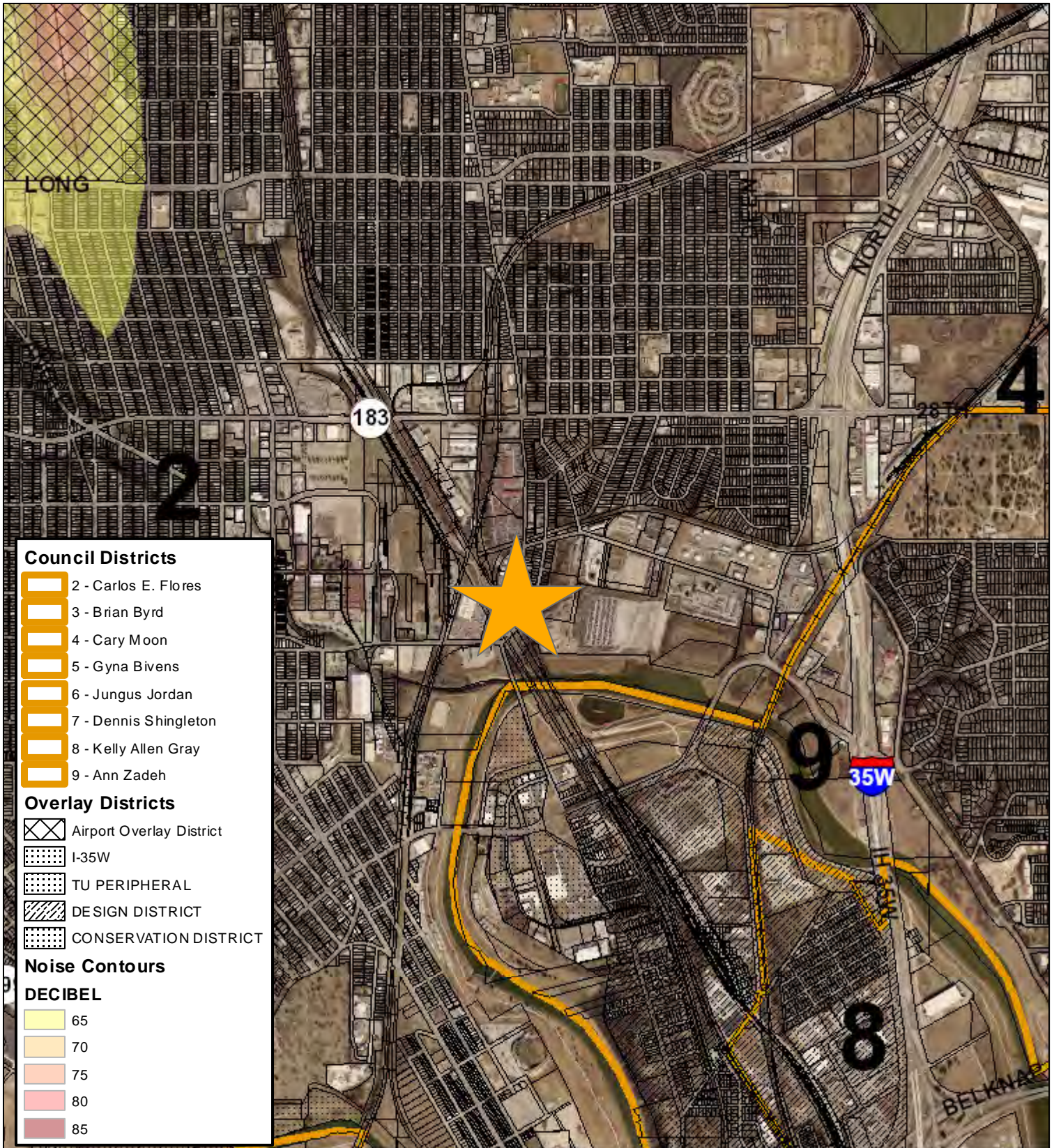
Grass and Trees

Gra
 Engineer

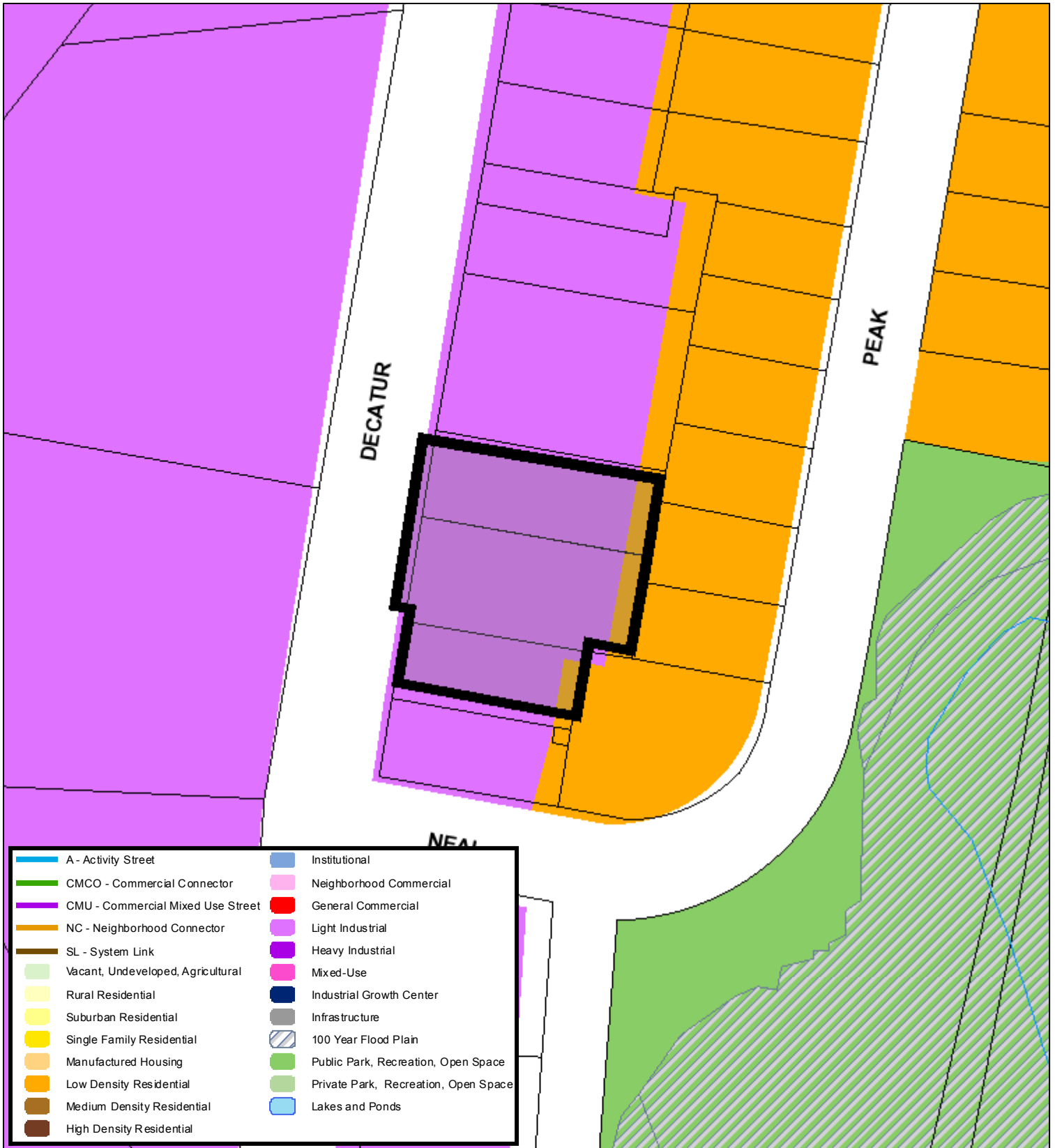
Director of Planning & Development

Date

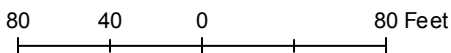
Area Map



Future Land Use



A - Activity Street	Institutional
CMCO - Commercial Connector	Neighborhood Commercial
CMU - Commercial Mixed Use Street	General Commercial
NC - Neighborhood Connector	Light Industrial
SL - System Link	Heavy Industrial
Vacant, Undeveloped, Agricultural	Mixed-Use
Rural Residential	Industrial Growth Center
Suburban Residential	Infrastructure
Single Family Residential	100 Year Flood Plain
Manufactured Housing	Public Park, Recreation, Open Space
Low Density Residential	Private Park, Recreation, Open Space
Medium Density Residential	Lakes and Ponds
High Density Residential	



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 50 100 200 Feet

