



# Zoning Staff Report

Date: February 8, 2022

ZC-21-228

Council District 9

## Conditional Use Permit

Case Manager: [Stephen Murray](#)

Owner / Applicant: 3319 Hulen, LLC

Site Location: 3319 Hulen Street

Acreage: 0.17 acres

### Request

Proposed Use: Take 5 Oil Change

Request: To: Add Conditional Use Permit (CUP) for automotive oil change in “E” Neighborhood Commercial with waiver to dumpster within setback; site plan included

### Recommendation

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

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

Staff Recommendation: **Approval**

Zoning Commission Recommendation: **Approval by a vote of 7-2**

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## Project Description and Background

The proposed site is on the northeast corner Diaz Avenue and Hulen Street. The applicant is requesting to add a Conditional Use Permit to allow for automotive oil change; site plan included. An automotive business has operated for years at this location and is legal nonconforming. This allows the automotive use to continue to operate until a vacancy of two years. The applicant wanted to proceed under the legal nonconforming statutes, however, we discovered that structural changes (new bay doors) would take them out of conformity. As a result, staff suggested the CUP route. If approved, this would allow them to make the structural changes necessary to legally operate the proposed oil change business. It also ties them to the site plan provided.

Automotive uses are allowed by right in general commercial and industrial zoning districts. 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.

Below is a chart that illustrates the differences between the base E regulation and the proposed CUP:

Requirement	E Standards	Proposed CUP
Projected residential front yard	Projected front yard (approximately 30 ft)	Dumpster within this setback <i>(requires Development Regulation Waiver)</i>
Solid screening fence	6-ft minimum solid screening fence is required along the northern property line, abutting a residential district	Screening fence is shown
Parking	4 spaces per 1000 sf (approximately 4 spaces)	Parking is met for the proposal
Landscaping	10 percent of the net site area	Applicant will comply
Signage	Monument sign allowed by right	Applicant will comply

## Surrounding Zoning and Land Uses

North “E” Neighborhood Commercial / barber shop

East “B” Two-Family / vacant lot, single-family

South “E” Neighborhood Commercial, “B” Two-Family / dentist office

West “PD 805” "PD/E" for all uses in "E" excluding some uses as described in the folder, Site plan required / retail

## Recent Zoning History

- ZC-17-122 from B to PD/E for restaurant (across Hulen Street)
- ZC-21-153 from “B” Duplex to “ER” Neighborhood Commercial Restricted (across Hulen Street)

## Public Notification

300-foot Legal Notifications were mailed on December 30, 2021.  
The following organizations were notified: (emailed December 28, 2021)

Organizations Notified	
West Side Alliance	Como NAC
Arlington Heights NA	Alamo Heights NA*
Sunset Heights NA	Trinity Habitat for Humanity
Fort Worth ISD	

\* *The subject property is located within this Fort Worth Neighborhood Association.*

## Development Impact Analysis

### Land Use Compatibility

The applicant is requesting to add a Conditional Use Permit to allow for automotive oil change; site plan included. Surrounding land uses consist of a barber shop to the north, dentist office to the south, retail to the west and residential east of the proposed site. Automotive repair has existed for several years and the proposed oil change facility will not be making substantial changes. Operationally, vehicles will access the site from a mutual access easement which provides ample separation from residential uses to the east. Vehicles will enter the oil change facility; the oil will be changed and exit on the Hulen side. Vehicles will not be stored at the site as repair will not be conducted at this facility.

The proposed zoning request is **compatible** with surrounding land uses.

### Comprehensive Plan Consistency – Arlington Heights

The 2021 Comprehensive Plan currently designates the subject property as Neighborhood Commercial. The proposed zoning is consistent with the land use designations for this area, and aligns with the following policies of the Comprehensive Plan:

- 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.
- Promote appropriate infill of old commercial centers (greyfields), and contaminated sites (brownfields) within developed areas, particularly in the central city.

Based on a lack of conformance with the future land use map, the proposed zoning is **not consistent (Significant Deviation)** with the Comprehensive Plan. However, the proposed new use would be appropriate

along Hulen Street and contains operational characteristics that will reduce impacts to surrounding neighborhoods.

## Economic Development Plan

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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.

The proposed zoning allows for the continued use of the proposed property in addition to new jobs and added service to Hulen Street.

## Site Plan Comments

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

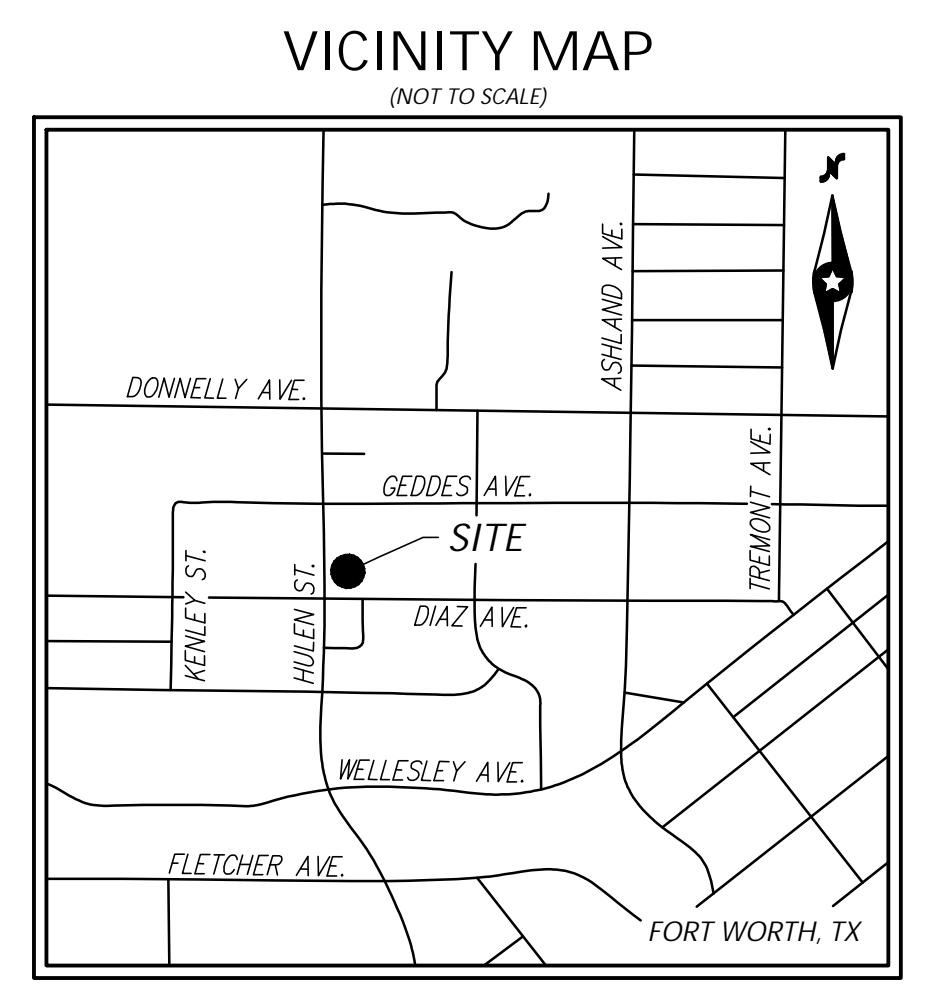
1. Dumpster and fence located within the projected setback (**Waiver Requested**)

*(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.)*

**CAUTION NOTICE TO CONTRACTOR**  
 THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS ARE BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 7 DAYS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES HORIZONTALLY AND VERTICALLY WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

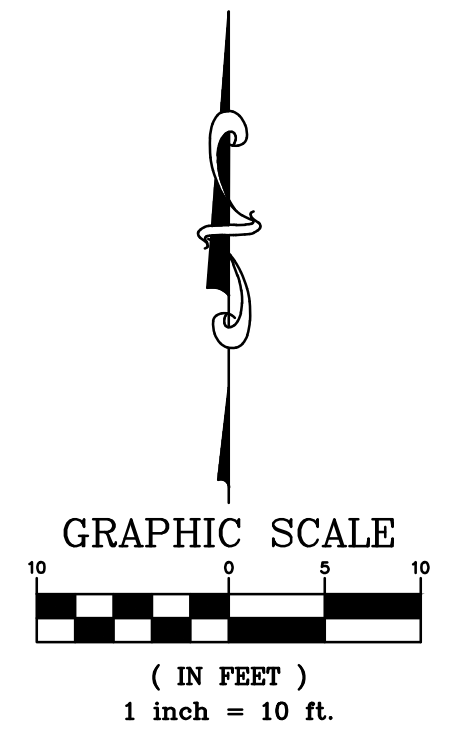
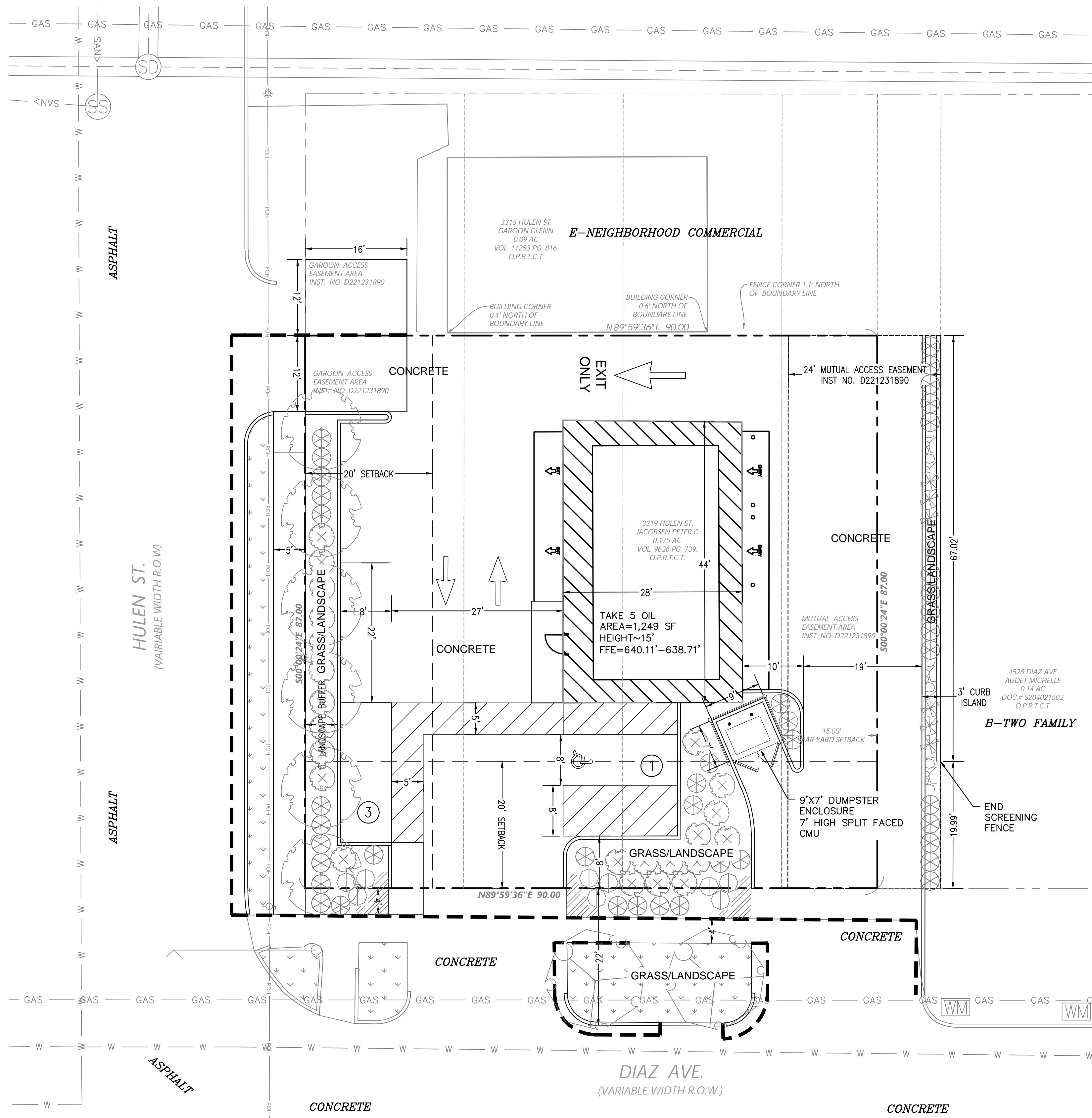
**BENCHMARKS**  
 BEARINGS SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983 TEXAS NORTH CENTRAL ZONE 4202, AND ARE BASED ON THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT. PLAT BEARINGS HAVE BEEN ROTATED 2 DEGREES 13 MINUTES 59 SECONDS TO MATCH THE ABOVE-MENTIONED STATE PLAN ZONE.  
 ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88) AND WERE CALCULATED BY APPLYING VERTICAL SHIFTS APPLIED FROM GEOID MODEL 2012A TO ELLIPSOID HEIGHTS CALCULATED FROM GPS/GNSS OBSERVATIONS REFERENCED TO THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT.

**FLOODNOTE**  
 SUBJECT PROPERTY IS CLASSIFIED AS "ZONE X" (AREA OF MINIMAL FLOOD HAZARD) AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY - PANEL NUMBER 48439C0285L, DATE 8/21/2019.



1101 Central Expressway South  
 Suite 215  
 Allen, TX 75013  
 Ph. 214-491-1830  
 John Measels, PE  
 CIVIL ENGINEER

THIS DRAWING IS FOR CONCEPTUAL PURPOSES ONLY. SITE INFORMATION WAS OBTAINED FROM CLIENT'S DOCUMENTS. DESIGN MAY VARY, DEPENDING ON ACTUAL TOPOGRAPHY, DRAINAGE, SOILS, SURVEY, ETC. THIS ADDITIONAL DATA AND SITE CONDITIONS COULD CAUSE CHANGES IN PARKING RATIOS AND SPACE AVAILABLE FOR DEVELOPMENT AND MAY INCREASE ESTIMATED DEVELOPMENT COSTS.



**PROPOSED LEGEND:**

- PROPOSED CURB & GUTTER LIMITS OF FULL DEPTH SAWCUT
- # PARKING SPACES
- FIRELANE
- STOP STOP BAR STRIPING
- ACCESSIBLE SPACES
- ADA RAMP
- BOLLARD
- TRAFFIC SIGN
- AREA DRAIN CLEAN-OUT
- DOUBLE CLEAN-OUT
- GAS METER
- WATER METER
- IRRIGATION METER
- MANHOLE
- CURB INLET
- BOLLARD MOUNTED ACCESSIBLE SIGN

**EXISTING LEGEND**

- \* LIGHTPOLE
- POWER POLE
- PROPERTY LINE
- EASEMENT LINE
- FENCE LINE
- ELECTRIC LINE
- TRAFFIC LIGHTS MAST ARM
- CURB LINE
- FOUND MONUMENT
- SET MONUMENT

**CONTACT INFO:**

**ENGINEER:**  
 JOHN MEASELS  
 1101 CENTRAL EXPRESSWAY S, SUITE 215, ALLEN, TX 75013  
 214-491-1830

**ARCHITECT:**  
 EDIN CORALIC  
 314-578-4953

**SURVEYOR:**  
 SCOTT BERGHERR  
 1101 CENTRAL EXPRESSWAY S, SUITE 215, ALLEN, TX 75013  
 214-705-3174

**DEVELOPER/OWNER:**  
 MATTHEW A. GILBERT  
 440 SOUTH CHURCH ST, SUITE 700, CHARLOTTE, NC 28202  
 980-259-0701

**SITE DATA TABLE**

LOCATION:	3319 HULEN ST, FORT WORTH, TX 76107	
LOT AREA:	0.179 AC. (7,830 S.F.)	
ZONING:	ZONING - E	
CURRENT USE:	MUFFLER SHOP	
PROPOSED USE:	OIL CHANGE	
<b>BUILDING DATA:</b>		
BUILDING AREA	1,249 S.F.	
BUILDING HEIGHT	~15' (1 STORY)	
BUILDING COVERAGE	15.9%	
F.A.R.	0.159:1	
<b>PARKING SUMMARY:</b>		
4 SPACES PER 1000 FEET	REQUIRED	PROVIDED
PARKING SPACES (9.5'x18')	0	0
PARKING SPACES (9'x18')	4	4
ACCESSIBLE SPACES	1	1
TOTAL SPACES	5	5
<b>LANDSCAPE:</b>		
PERVIOUS:	708.55 S.F.	
IMPERVIOUS:	7,121.45 S.F.	

**ENGINEER'S NOTE:**

- EXISTING UTILITIES CONNECTED TO THE EXISTING BUILDING SUCH AS TELEPHONE LINE, ELECTRIC LINE, AND SANITARY SEWER LINE, ARE TO REMAIN AND BE PROTECTED.
- EXISTING METERING EQUIPMENT ARE TO REMAIN AND BE PROTECTED UNLESS OTHERWISE SHOWN. VERIFY LOCATION OF EXISTING METERING EQUIPMENT AND REPORT IT BACK TO ENGINEER.

**CITY NOTE:**

- LIGHTING WILL CONFORM TO LIGHTING CODE. OTHERWISE INDICATED ON THE SITE PLAN THE LOCATION, HEIGHT, TYPE, FOOT-CANDLE LEVEL AND ORIENTATION OF ALL AREA AND SECURITY LIGHTING THAT DOES NOT MEET THE LIGHTING CODE.
- ALL SIGNAGE WILL CONFORM TO ARTICLE 4, SIGNS. OTHERWISE INDICATED ON THE SITE PLAN THE LOCATION, TYPE, HEIGHT AND ILLUMINATION OF ALL PROPOSED WALL, ROOF, MONUMENT, AND POLE SIGNS THAT DO NOT MEET THE SIGN CODE.
- PROJECT LANDSCAPING SHALL COMPLY WITH SECTION 6.301, LANDSCAPING.
- PROJECT SHALL COMPLY WITH 6.302, URBAN FORESTRY.

DIRECTOR OF PLANNING AND DEVELOPMENT: \_\_\_\_\_ DATE: \_\_\_\_\_

**TAKE 5 OIL**

ZONING #: N/A

**TAKE 5 OIL**  
 LOT 24, BLOCK 14, CHAMBERLIN HEIGHTS  
 3319 HULEN ST, FORT WORTH, TEXAS 76107  
**CONDITIONAL USE PERMIT**

REV	DATE	DESCRIPTION
PP	10/06/2024	INITIAL SUBMITTAL
PP	12/23/2024	DECEMBER 6 INITIAL CUP SUBMITTAL
PP	07/06/22	2ND CUP SUBMITTAL

PROJECT NO: N/A-170021016  
 DRAWN BY: PP  
 CHECKED BY: JACE  
 ISSUE DATE: 01/06/22

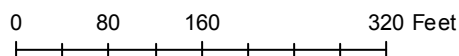
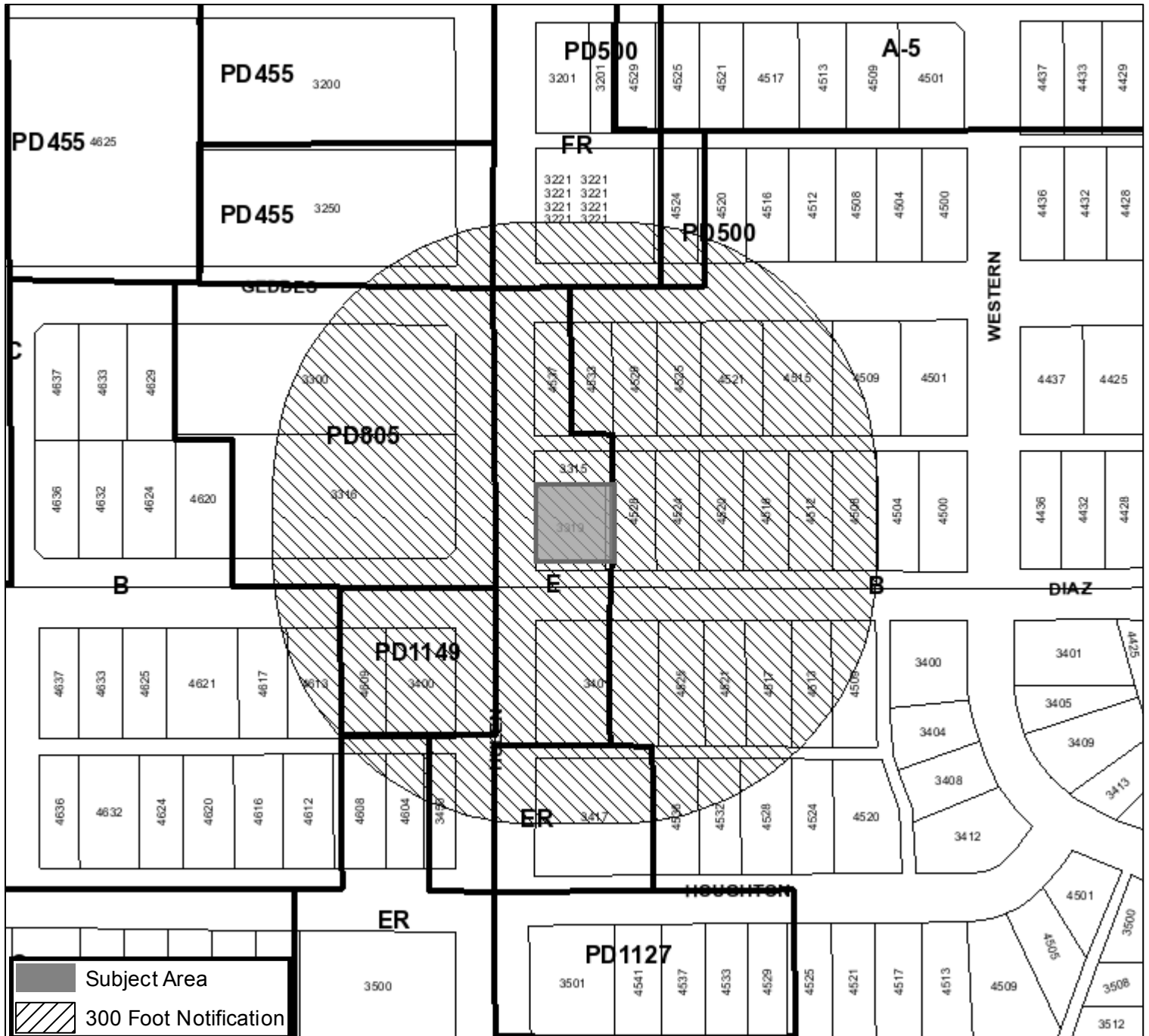
**CONCEPT PLAN**

**C 100**

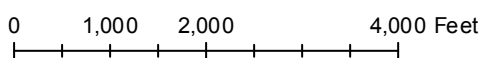
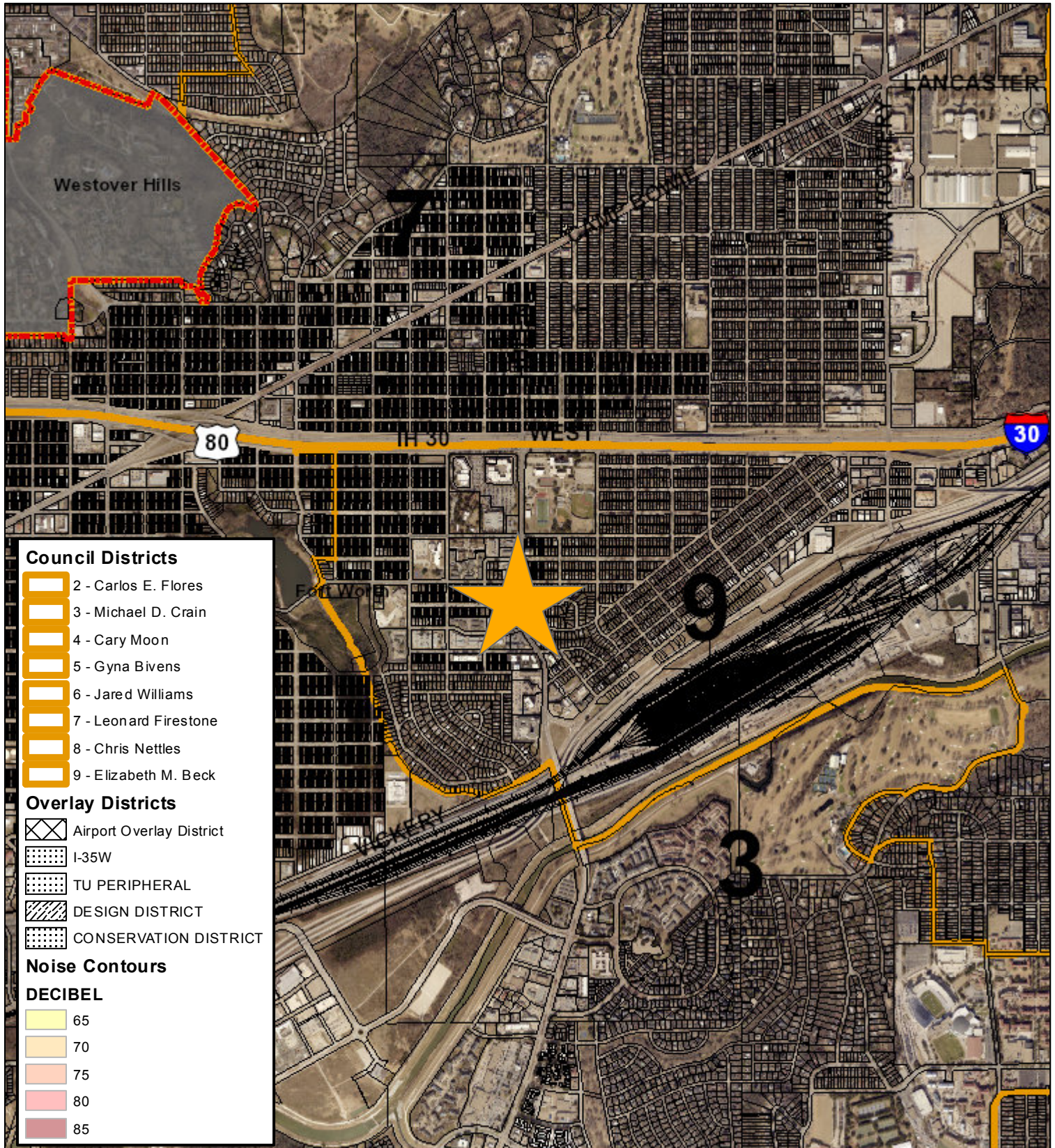
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### Area Zoning Map

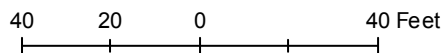
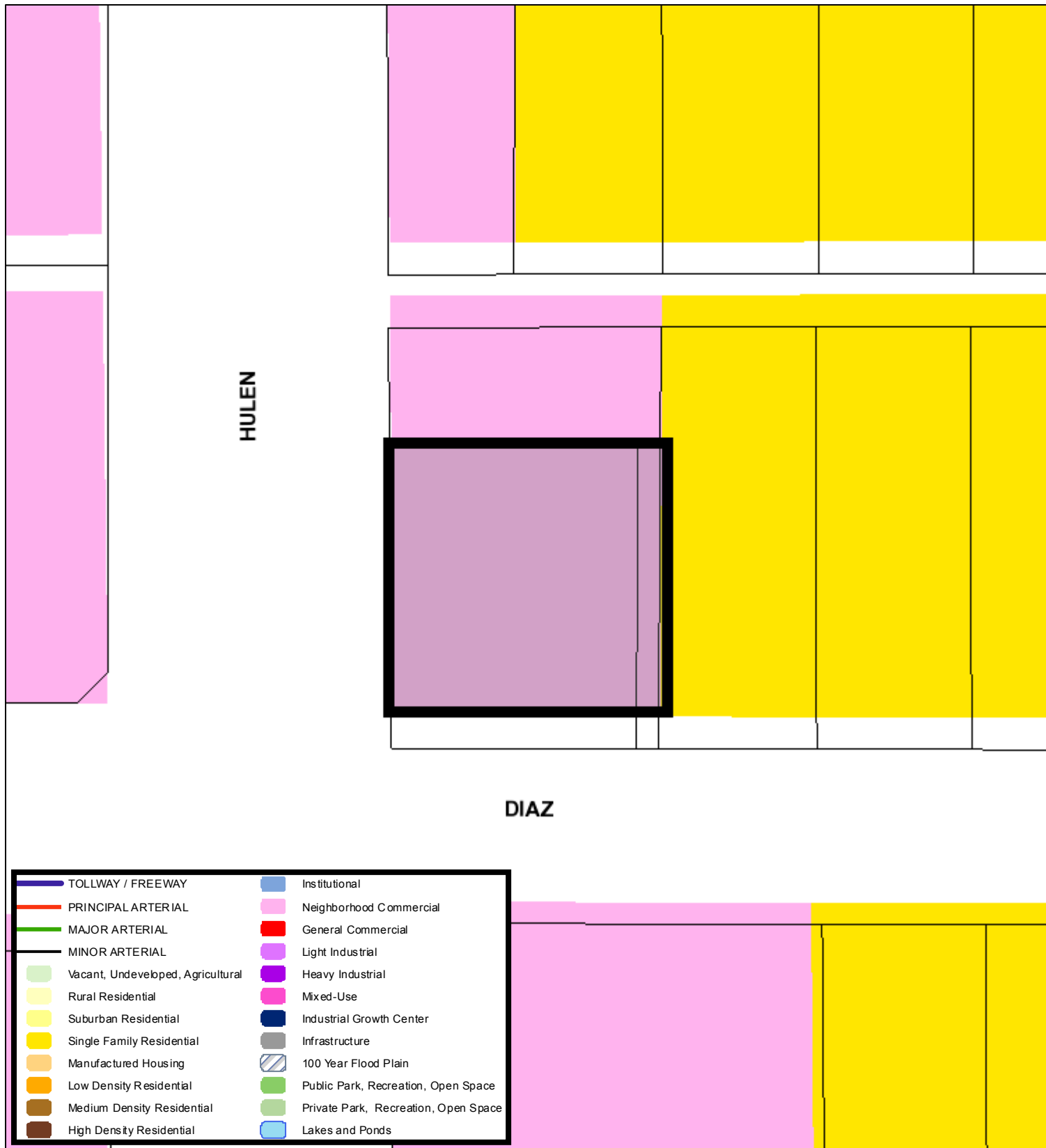
Applicant: 3319 Hulen, LLC  
 Address: 3319 Hulen Street  
 Zoning From: E  
 Zoning To: Add Conditional Use Permit for auto repair  
 Acres: 0.17975306  
 Mapsco: 75P  
 Sector/District: Arlington Heights  
 Commission Date: 1/12/2022  
 Contact: 817-392-8028



### Area Map



### Future Land Use

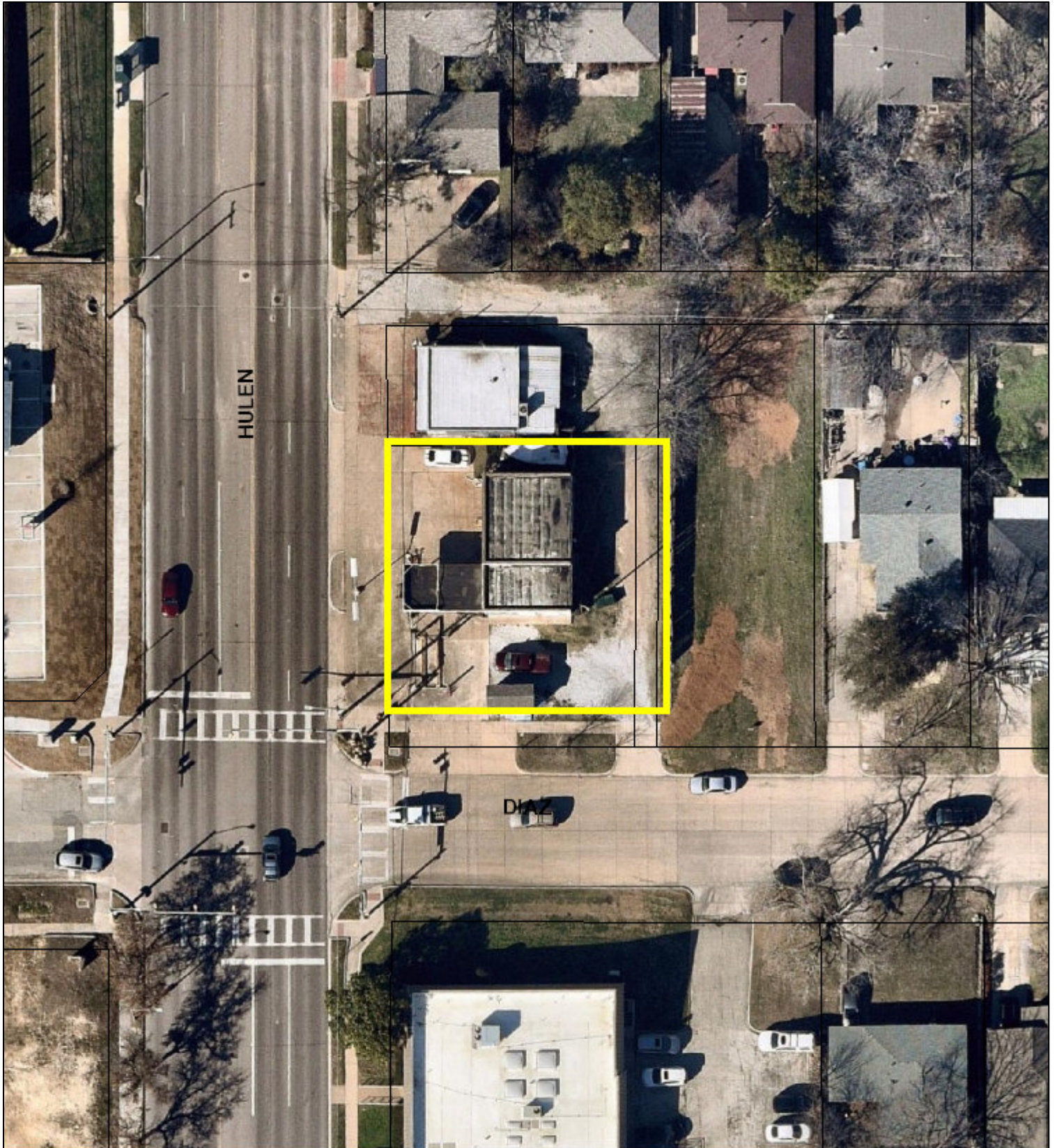


A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 213.005.) Land use designations were approved by City Council on March 6, 2018.





## Aerial Photo Map



0 25 50 100 Feet

