



**ZONING MAP CHANGE  
STAFF REPORT**

**City Council Meeting Date:**  
August 3, 2021

**Council District** 2

**Zoning Commission Recommendation:**

Approval by a vote of 9-0

**Opposition:** None

**Support:** None

Continued	Yes ___	No <u>X</u>
Case Manager	<u>Sevanne Steiner</u>	
Surplus	Yes ___	No <u>X</u>
Council Initiated	Yes ___	No <u>X</u>

**Owner / Applicant:** City of Fort Worth/ Justin Newhart

**Site Location:** 2500 N. Houston Street                      Acreage: 1.0192

**Proposed Use:** Fort Worth Herd

**Request:**     From: "SY – ENX - 55" Neighborhood Mixed Use

To:     Add Conditional Use Permit for stockyard/pens in "SY-ENX-55" -Stockyards District

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

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

**Staff Recommendation:**                      **APPROVAL – INDEFINITE**

**Background:**

The property at 2500 N. Houston Street has historically been used a stockyard, stables, and stock pens since at least 1926-27 when it was owned by the Burnett Horse & Mule Company, which was prior to the existence of zoning or a zoning ordinance in Fort Worth. The property continued its stock pen use through 1951, when ownership was transferred to the Fort Worth Horse & Mule Commission Company. In fact, the 1951 Sanborn Map clearly states that this site was used for stock pens. Finally, the property was transferred to the Fort Worth Police Department for use as the headquarters of the Mounted Patrol between 1981 and 1982. As such, this site can be said to have always been used as a stock pen or stockyard, despite that use never being permitted as a primary or accessory use after Fort Worth adopted its first zoning ordinance.

Since 1999, the Fort Worth Herd (the Herd), a division of the Fort Worth Convention and Visitor's Bureau, has been conducting daily cattle drives in the Stockyards area as tourist attraction. Due to the new development in the Stockyards, the Herd relocated their facilities in 2016 to house livestock and storage to the former Mounted Police Patrol area located at 2500 N. Houston Street.

The City of Fort Worth signed a License Agreement with the Fort Worth Convention and Visitor's Bureau to allow the Herd to use the property at 2500 N. Houston Street on December 28, 2016. Unfortunately, this was past the two-year limitation to allow the Legal Non-Conforming (LNC) use (stockyards, stock pens, and stables) to continue. As such, the LNC for a stock pen as a primary or accessory use was

disbanded, dropping the stock pens out of compliance with the base zoning in 2016 (MU-2) and the current zoning (SY\_ENX-55).

The intent of the SY-ENX-55 sub-district of the Stockyards Form-Based Code District is to serve as an edge to the abutting Transitional Districts. A mix of uses, including commercial and multifamily residential is envisioned, which will provide supporting services and housing for the stockyards area. The intent is to promote best practices in urban design, by establishing a more pedestrian and bike friendly environment and to enhance connectivity within properties and to the other parts of the stockyards area. This particular subdistrict was meant to serve as transition from the industrial and commercial nature found within the core of the Stockyards to the residential neighborhood immediately to the west across N. Houston Street.

The applicant is requesting to add a Conditional Use Permit (CUP) to allow the Herd until such a time that a text amendment can be processed to change the use chart. A site plan is included.

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.

Although the property at 2500 N. Houston Street is intended to transition from a more intense use to a less-intense, neighborhood mixed use area, context must be considered when assessing this request for an indefinite CUP. This property has continuously operated as a low-intensity stock pen or stockyard for nearly 100 years. Thus, the CUP proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods.

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.

The request for a CUP is also in alignment with the intent of the SY-ENX-55 subdistrict, as it provides a commercial use for a supportive service in the Stockyards (the Herd). The Herd is one of the most important tourism draws in the Stockyards, providing economic and employment benefits for Northside and Fort Worth residents, i.e. a supportive service for employment and housing. Thus, 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.

Lastly, the proposed use is consistent with the Comprehensive Plan; the proposed use is compatible with the existing and adjacent uses within the Stockyards; and the proposed use meets all supplemental use standards specifically applicable to the use as set forth in Chapter 5. 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 CF / Park  
 East "SY-TNX-55" Neighborhood Mixed Use / Park  
 South "SY-TNX-55" Neighborhood Mixed Use / Commercial  
 West "SY-ENX-40" / Parking Lot

**Recent Relevant Zoning and Platting History:**

- This property was originally zoned "I" Light Industrial, which did not permit stockyards, stock pens, or stables as a primary or accessory use.
- **April 2011:** The zoning was changed to MU-2. This zoning category does not permit stockyards, stock pens, or stables as a primary or accessory use.
- **December 14, 2014:** The Fort Worth Police Department's Mounted Police Patrol vacated the stock pens and stables at 2500 N. Houston Street and moved into their new facility at 1901 N. Las Vegas Trail.
- **December 28, 2016:** The City of Fort Worth signed a License Agreement with the Fort Worth Convention and Visitor's Bureau to allow the Herd to use the property at 2500 N. Houston Street.
- **May 2, 2017:** The Stockyards Form-Based Code and Design Guidelines were adopted and the Stockyards Form-Based Code district was established. The property at 2500 N. Houston Street was rezoned to SY-ENX-55 (Neighborhood Mixed Use with a height limit of 55'). This zoning category does not permit stockyards, stock pens, or stables as a primary or accessory use.

**Site Plan Comments:**

The site plan as submitted is in compliance with the Stockyards Form Base Code 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 comments.)***

**Public Notification:**

300 foot Legal Notifications were mailed on May 20, 2021.  
 The following organizations were notified: (emailed May 17, 2021)

Fort Worth ISD	
North Fort Worth Historical Society	North Side NA
Far Greater Northside Historical NA	Inter-District 2 Alliance
Trinity Habitat for Humanity	Diamond Hill Jarvis NAC

Closest registered neighborhood organization\*

**Development Impact Analysis:**

1. **Land Use Compatibility**

The applicant is proposing a zoning change to add a CUP to allow the Herd in the "SY-ENX-55" zoning district. Surrounding land uses consist of commercial uses and parks.

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

2. **Comprehensive Plan Consistency**

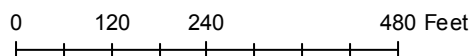
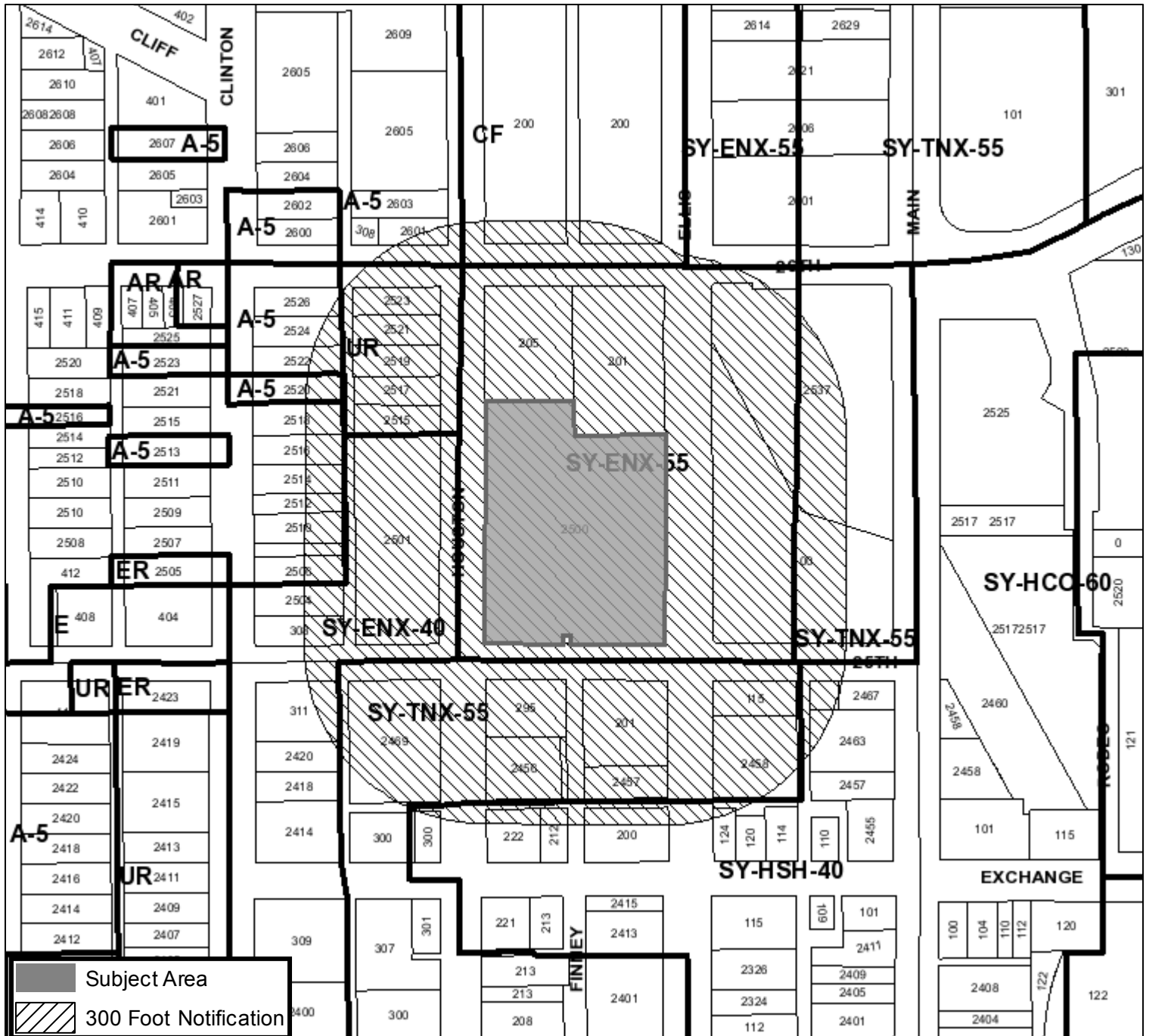
The 2021 Comprehensive Plan designates the site as being Mixed- Use. The proposed zoning is consistent with the Comprehensive Plan policy.

**Attachments:**

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

## Area Zoning Map

Applicant: City of Fort Worth, Convention & Visitor's Bureau  
 Address: 2500 N. Houston Street  
 Zoning From: SY-ENX-55  
 Zoning To: Add Conditional Use Permit for stock yard/pens  
 Acres: 2.59215142  
 Mapsco: 062FG  
 Sector/District: Northside  
 Commission Date: 6/9/2021  
 Contact: null



Private Business

NW 26th St

Ellis Ave



0 10' 20' 30' 50'

Stalls A

Stalls B

D

Stalls C

Approx. 161'

Approx. 96'

J

Temp Restroom

G

E

Location of tenant space for additional use being requested

Houston St

NW 25th St

Police Dept.

Google

Imagery ©2016 | Terms of Use | Report a map error

Approx. 138'

B

C

Approx. 115'

A

F

H

Approx. 103'

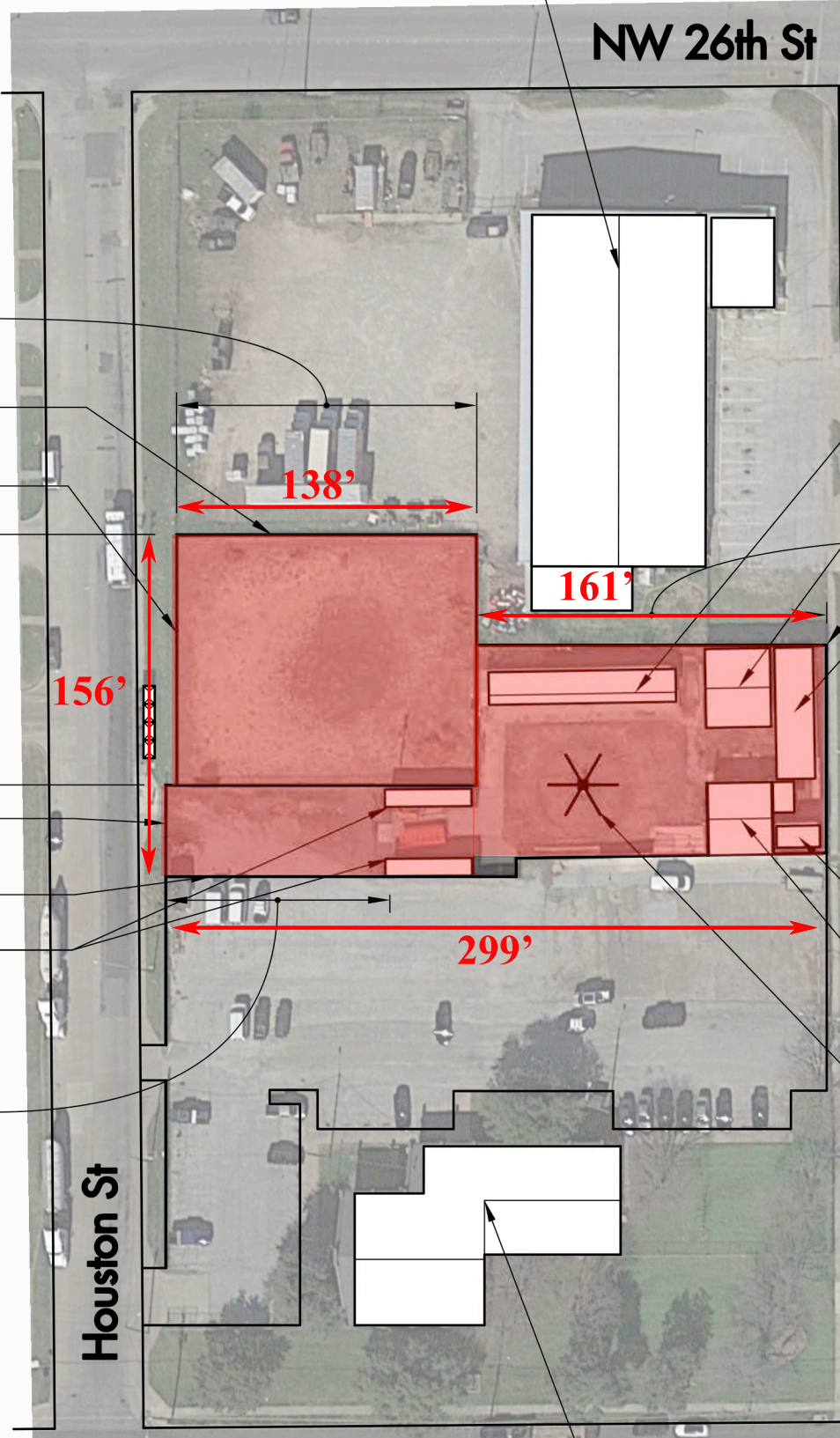
156'

138'

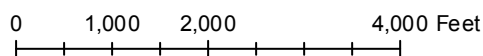
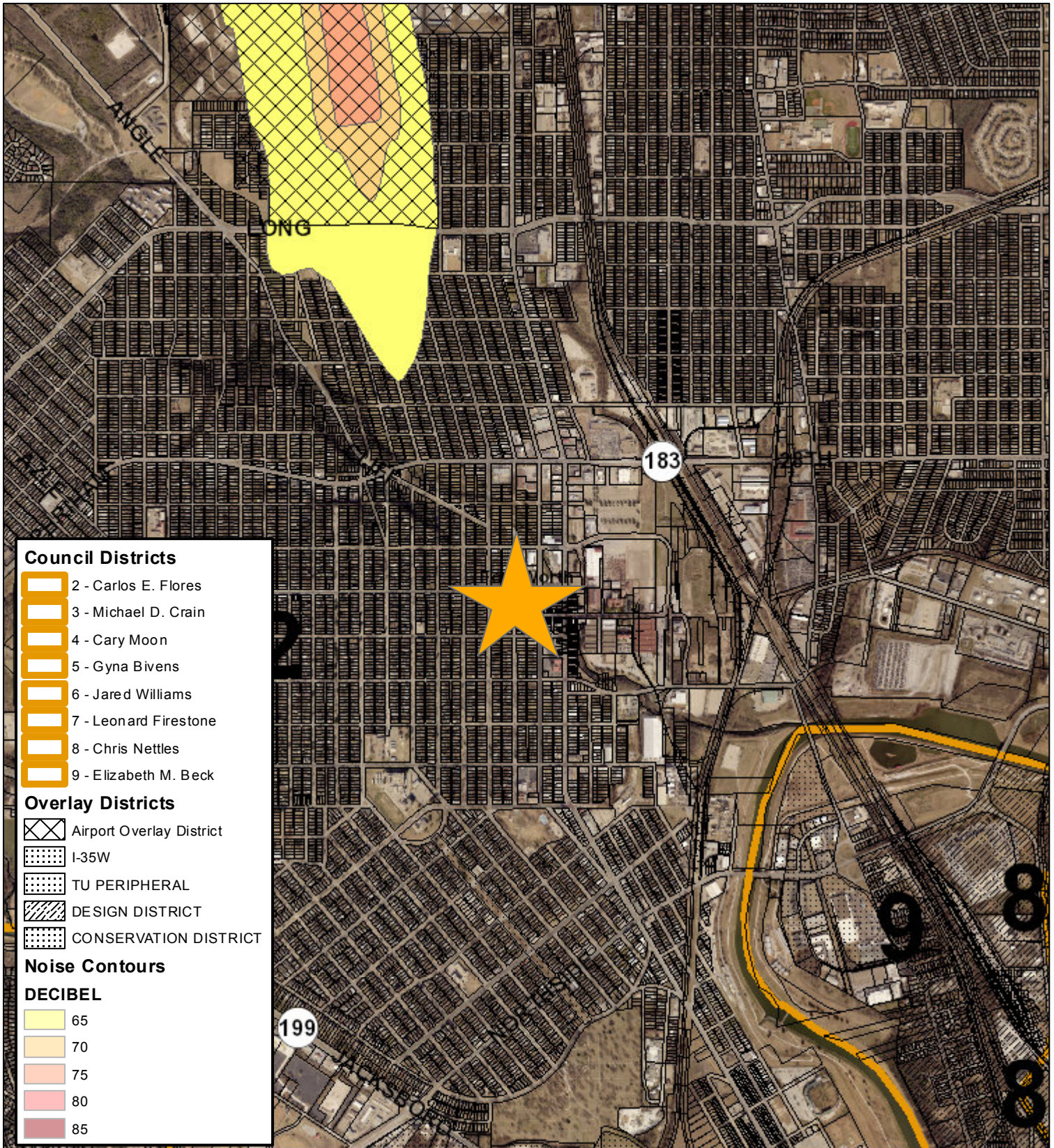
161'

96'

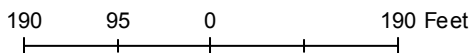
299'



## Area Map



### Future Land Use

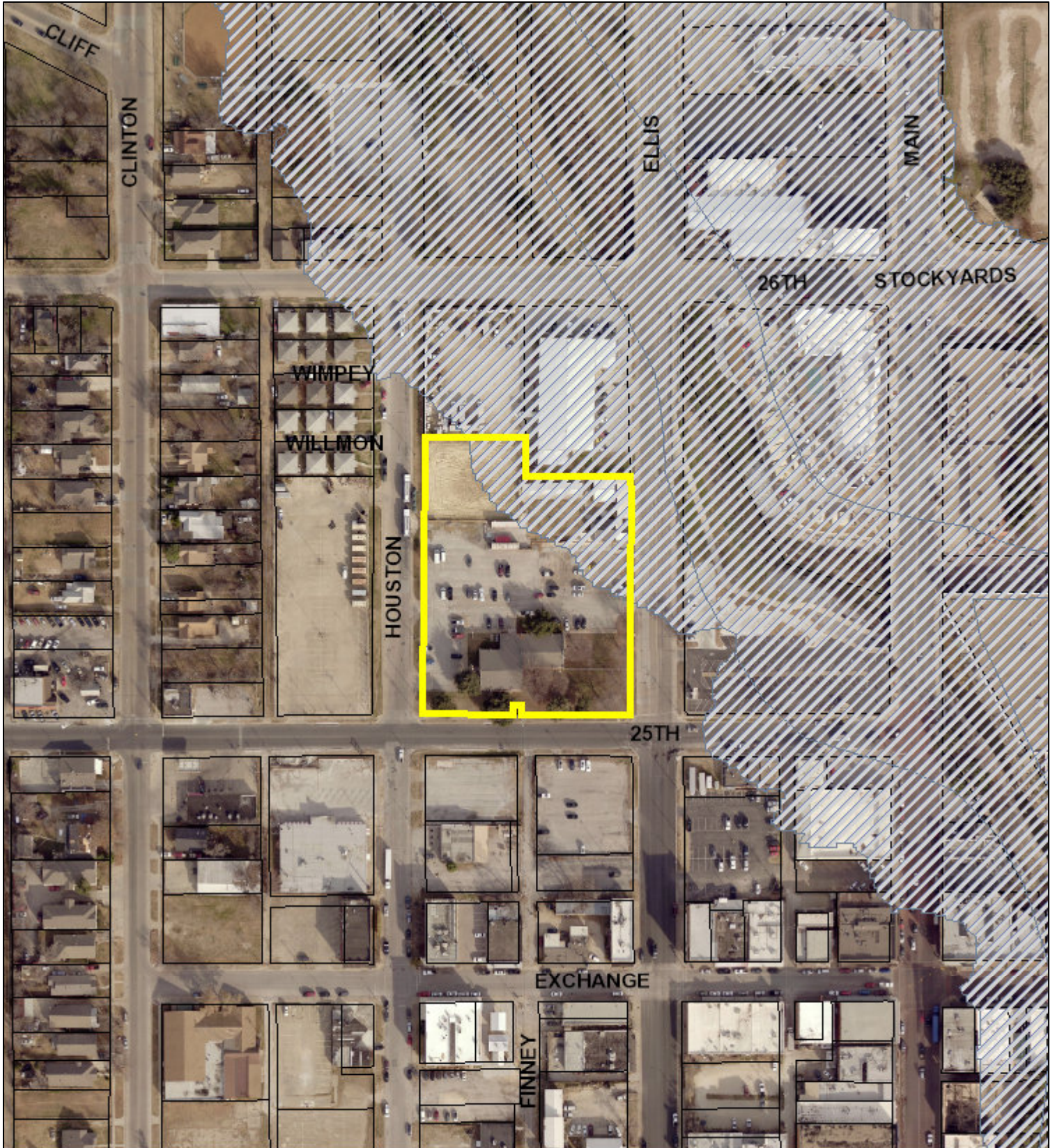


A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 213.005.) Land use designations were approved by City Council on March 6, 2018.





## Aerial Photo Map



0 120 240 480 Feet

