



# Zoning Staff Report

Date: October 12, 2021

Case Number: ZC-21-124

Council District: 4

## Zoning Map Amendment

Case Manager: [Sarah Bergman](#)

Owner / Applicant: Los Cazadores Holding, LLC / Matthew Williamson

Site Location: 3748 Basswood Boulevard      Acreage: 0.9 acres

### Request

Proposed Use: Penny Paws Animal Clinic

Request: From: "E" Neighborhood Commercial

To: Add Conditional Use Permit for indoor veterinary clinic with outdoor exercise yard

### Recommendation

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

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

Staff Recommendation: **Approval with consideration of a 3-5 year time limit**

Zoning Commission Recommendation: **Approval with 5-year time limit**

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## Project Description and Background

The subject property is located along the south side of Basswood Boulevard just east of Riverside Drive. The 0.9-acre site is currently vacant and is zoned “E” Neighborhood Commercial District. The applicant is proposing to add a Conditional Use Permit (CUP) overlay in order to allow development of an indoor veterinary clinic with an outdoor play area, listed as Penny Paws Animal Clinic on the zoning change application.

The zoning ordinance classifies veterinary clinics in two groups: those with indoor kennels and those with outdoor kennels. Veterinary clinics with outdoor kennels are only permitted by right in industrial districts, and they must be located at least 100 feet away from any residential use. Veterinary clinics with indoor kennels are permitted in all commercial and industrial districts other than the “ER” Neighborhood Commercial Restricted District. However, Ordinance Section 5.142(a) states that veterinary clinics, including dog and cat hospitals and associated indoor kennels, may be permitted in commercial districts, subject to the following conditions:

- 1) The entire business must be conducted wholly within a completely enclosed sound-proofed and air-conditioned building.
- 2) Noise and odors created by activities within the building shall not be perceptible beyond the property line.
- 3) No animals shall be kept outside the building at any time.

While veterinary clinic with indoor kennels is an allowed land use on the subject property, the applicant is requesting to vary from requirement three (3) above by including a fenced outdoor exercise yard as part of their site plan. The site plan submitted for this Conditional Use Permit request is attached, and it specifies that:

- 1) No permanent kennels will be located outside.
- 2) The fenced area shall be for animal walking only. No animals shall stay outside overnight or be left unattended.
- 3) All animals will be supervised within confines of the fenced yard area.
- 4) Business hours shall be 8:00 am to 6:00 pm on Monday – Friday, and 8:00 am to 5:00 pm on Saturday.

The subject property fronts Basswood Boulevard, which is designated as an arterial roadway on the Master Thoroughfare Plan (MTP). Immediately to the south of this site are single-family dwellings on properties zoned “A-5” One-Family. Due to this proximity to a residential zoning district, a 20-foot supplemental building setback and 5-foot landscaped buffer yard with screening fence are required along the southern property line. All of these items are depicted on the site plan. In addition, the veterinary clinic building is shown to be setback 79.4 feet from the residential lots to the south, and the fenced outdoor play area is shown to be 45 feet away from these lots.

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. Allowing a use 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.

Through Ordinance 23609 effective March 29, 2019, a CUP 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 CUP, 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.

Ordinance Section 4.407(d) provides the following factors for consideration of appropriateness of a CUP 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 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 (across Basswood Boulevard) “A-5” One-Family / single-family dwellings  
East “E” Neighborhood Commercial / child care facility (Summerfields KinderCare)  
South “A-5” One-Family / single-family dwellings  
West “E” Neighborhood Commercial / gas station and convenience store (7-Eleven)

## Recent Zoning History

- None

## Public Notification

300-foot Legal Notifications were mailed on August 23, 2021.  
The following organizations were notified: (emailed August 23, 2021)

| Organizations Notified  |                              |
|-------------------------|------------------------------|
| Carriage Hills HOA      | Summerfields NA*             |
| Streams and Valleys Inc | Trinity Habitat for Humanity |
| Keller ISD              |                              |

\* Located within this registered Neighborhood Association

## Development Impact Analysis

### Land Use Compatibility

The applicant is requesting to add a Conditional Use Permit (CUP) overlay to the base “E” Neighborhood Commercial zoning of this property in order to allow an indoor veterinary clinic with fenced outdoor exercise yard. Property to the west of this site is vacant and there is an existing gas station and convenience store at the corner of Riverside Drive and Basswood Boulevard. To the east of this site is a KinderCare day care facility that also has an outdoor play area at the rear of the site, adjacent to the residential properties.

Properties to the south are developed with single-family dwellings as part of the Regency Place Addition. A landscaped buffer yard, double-faced solid wood screening fence, and increased building setback are being provided in an attempt to mitigate negative impact from noise and odor pollution on the adjacent residential lots.

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

## Comprehensive Plan Consistency – Far North

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The 2021 Comprehensive Plan currently designates the subject property as “Neighborhood Commercial” on the Future Land Use Map. This property is already zoned “E” Neighborhood Commercial. Indoor veterinary clinic is an allowed land use in this district and could be constructed by right without the outdoor play area. In addition, Basswood Boulevard is designated as an arterial roadway on the Master Thoroughfare Plan (MTP).

The proposed zoning is consistent with the land use designations for this area, and aligns with the following policies of the Comprehensive Plan:

- Promote fiscally sustainable growth on the periphery of the city by encouraging development adjacent to existing adequate infrastructure and discouraging leapfrog development.

Based on conformance with the policies stated above, the proposed zoning is **consistent** with the Comprehensive Plan.

## Site Plan Comments

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### Zoning and Land Use

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

### Fort Worth Fire Department (FWFD)

- Failure to recognize violations of the fire code by the fire code official does not waive the requirement of meeting minimum requirements of the fire code in the future.
- It is the applicant's and the owner's responsibility to meet all minimum fire code requirements at all times.

### Transportation Public Works (TPW)



- 6-foot sidewalk required

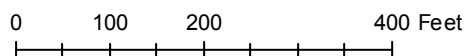
*(Comments made by Platting (Subdivision Ordinance), Transportation/Public Works, Fire, Park & Recreation, and Water Department staff cannot be waived through the Zoning Commission and City Council. Approval of the zoning site plan does not constitute the acceptance of conditions.)*

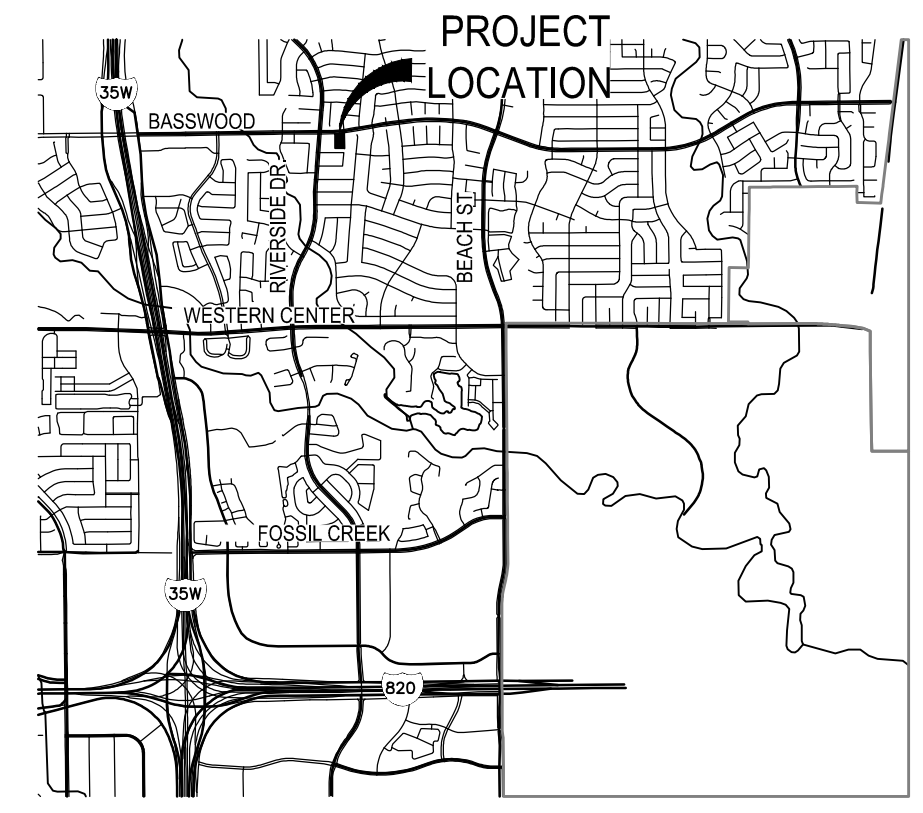
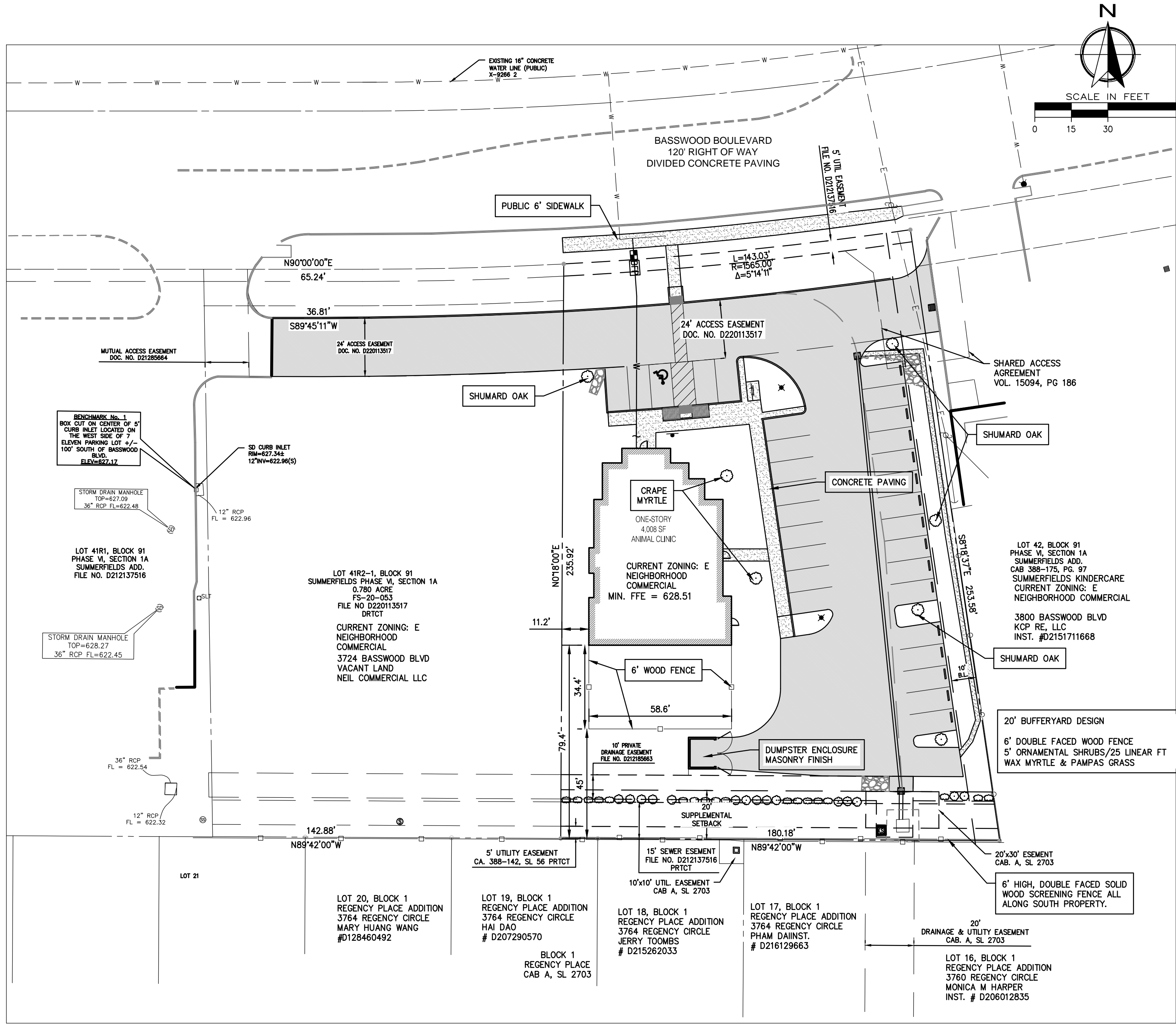
### Area Zoning Map

Applicant: Los Cazadores Holding LLC  
 Address: 3748 Basswood Boulevard  
 Zoning From: E  
 Zoning To: Add Conditional Use Permit for outdoor kennels  
 Acres: 0.90079388  
 Mapsco: 35V  
 Sector/District: Far North  
 Commission Date: 9/8/2021  
 Contact: null



|  |                       |
|--|-----------------------|
|  | Subject Area          |
|  | 300 Foot Notification |





VICINITY MAP  
NOT TO SCALE

**REQUESTED WAIVERS**

5.142 VETERINARY CLINIC  
SECTION 5.142.A.3  
NO ANIMALS SHALL BE KEPT OUTSIDE THE BUILDING AT ANY TIME

**OWNER INFORMATION**

DESCRIPTION: LOT 41R2-2, BLOCK 91, SUMMERFIELDS PHASE VI, AN ADDITION TO THE CITY OF FORT WORTH, TARRANT COUNTY, TEXAS. (DOC. NO. D220113517 P.R.T.C.T.)  
ZONING: E NEIGHBORHOOD COMMERCIAL  
AREA: 0.900 Ac  
OWNER: LOS CAZADORES HOLDINGS, LLC  
10330 KOTZEBUE ST  
SAN ANTONIO, TX 78217  
ROB FRANKLIN  
817-946-2796  
(INST. NO. D2201296690 D.R.T.C.T.)

**NOTES**

TOTAL AREA TO BE REZONED: 39,207 SF 0.90 ACRES  
CURRENT LAND USE: VETERINARY CLINIC  
PROPOSED LAND USE: VETERINARY CLINIC W/ ENCLOSED OUTDOOR AREA  
REQ. SETBACK: 5 FT FRONT  
3' SIDE YARD IF PROVIDED  
20 FT SUPPLEMENTARY  
REQ. BUFFERYARD: 1 SPACE/250 SF + # EMPLOYEES/4  
REQ. PARKING: 3810 SF/250 + 20/4 = 21 SPACES  
30 SPACES  
PROVIDED PARKING:  
NO EXTERNAL AC UNITS ON PROPERTY

**NOTES**

- NO PERMANENT KENNELS WILL BE LOCATED OUTSIDE.
- FENCED AREA SHALL BE FOR ANIMAL WALKING ONLY. NO ANIMALS SHALL STAY OUTSIDE OVERNIGHT OR BE LEFT UNATTENDED.
- ALL ANIMALS WILL BE SUPERVISED WITHIN CONFINES OF THE FENCED YARD AREA. BUSINESS HOURS SHALL BE MON-FRI 8AM-6PM, SAT 8AM-5PM.
- PROJECT WILL COMPLY WITH SECTION 6.301, LANDSCAPING.
- PROJECT WILL COMPLY WITH SECTION 6.302, URBAN FORESTRY.
- ALL PROVIDED LIGHTING WILL CONFORM WITH LIGHTING CODE.
- ALL SIGNAGE WILL CONFORM WITH ARTICLE 4, SIGNS.

**PROPOSED BUILDING**

STORIES 1 (±10' TOP PLATE)  
GROSS AREA 3810 SF  
EXTERIOR FINISH BRICK AND STONE

DIRECTOR OF DEVELOPMENT SERVICES DATE

3748 BASSWOOD BOULEVARD  
LOT 41R2-2, BLOCK 91  
SUMMERFIELDS PHASE VI, SECTION 1A  
ZONE CASE # ZC-21-124



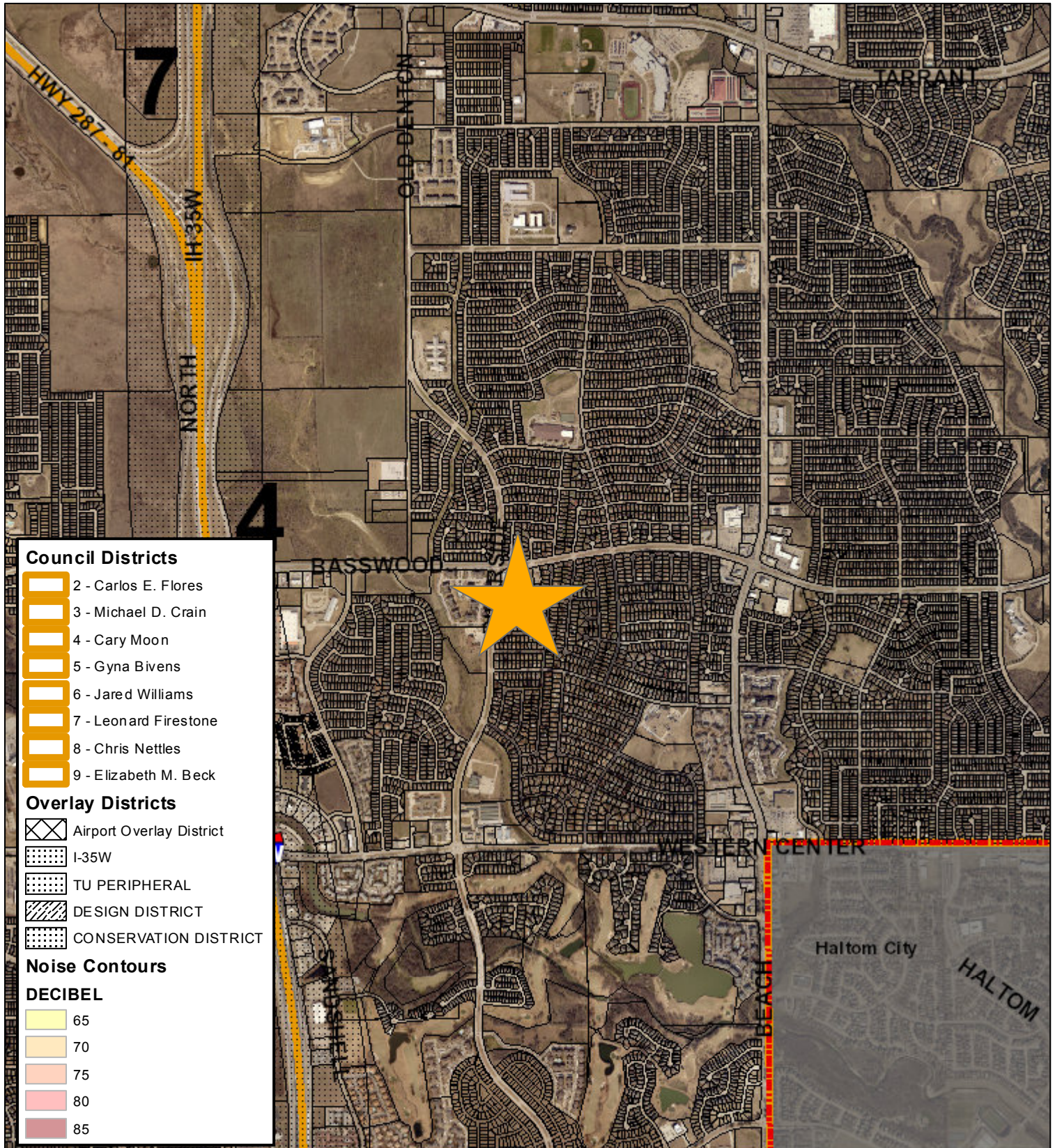
09.02.21

CONDITIONAL USE PERMIT APPLICATION  
PENNY PAWS ANIMAL CLINIC  
LOT 41R2-2, BLOCK 91  
SUMMERFIELDS PHASE VI, SECTION 1A  
3748 BASSWOOD BOULEVARD, FORT WORTH, TX 76137

| REV No. | DESCRIPTION | DATE |
|---------|-------------|------|
|         |             |      |
|         |             |      |
|         |             |      |

ENGINEER: WILLIAMSON  
LICENSE NO: 119947  
SCALE AS SHOWN  
PROJECT NO:  
SHEET  
**1** OF 1






### Area Map








**Council Districts**

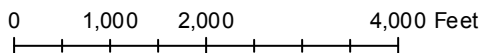
-  2 - Carlos E. Flores
-  3 - Michael D. Crain
-  4 - Cary Moon
-  5 - Gyna Bivens
-  6 - Jared Williams
-  7 - Leonard Firestone
-  8 - Chris Nettles
-  9 - Elizabeth M. Beck

**Overlay Districts**

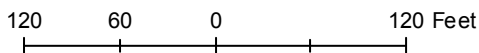
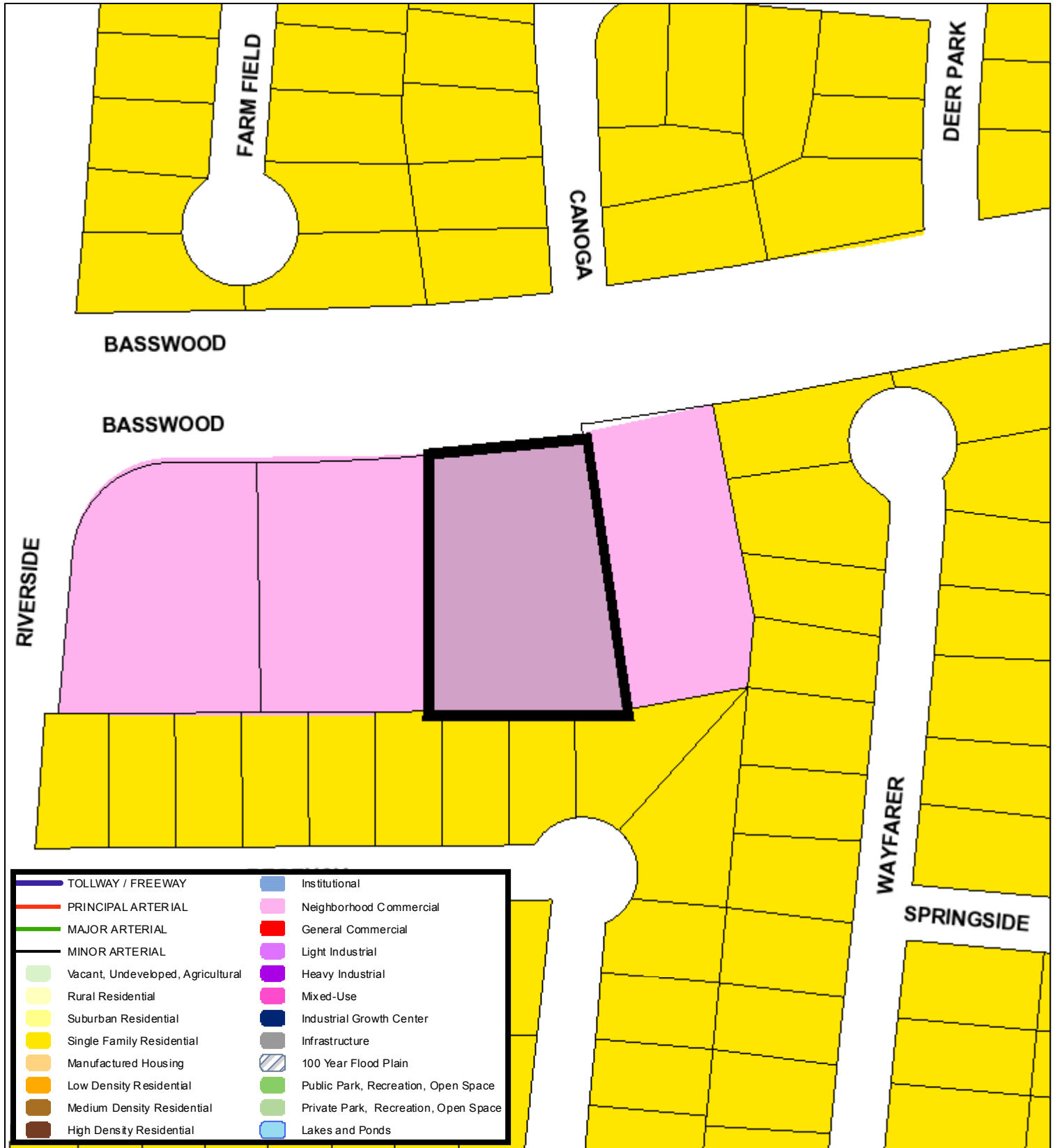
-  Airport Overlay District
-  I-35W
-  TU PERIPHERAL
-  DESIGN DISTRICT
-  CONSERVATION DISTRICT

**Noise Contours**

- DECIBEL**
-  65
  -  70
  -  75
  -  80
  -  85



### Future Land Use

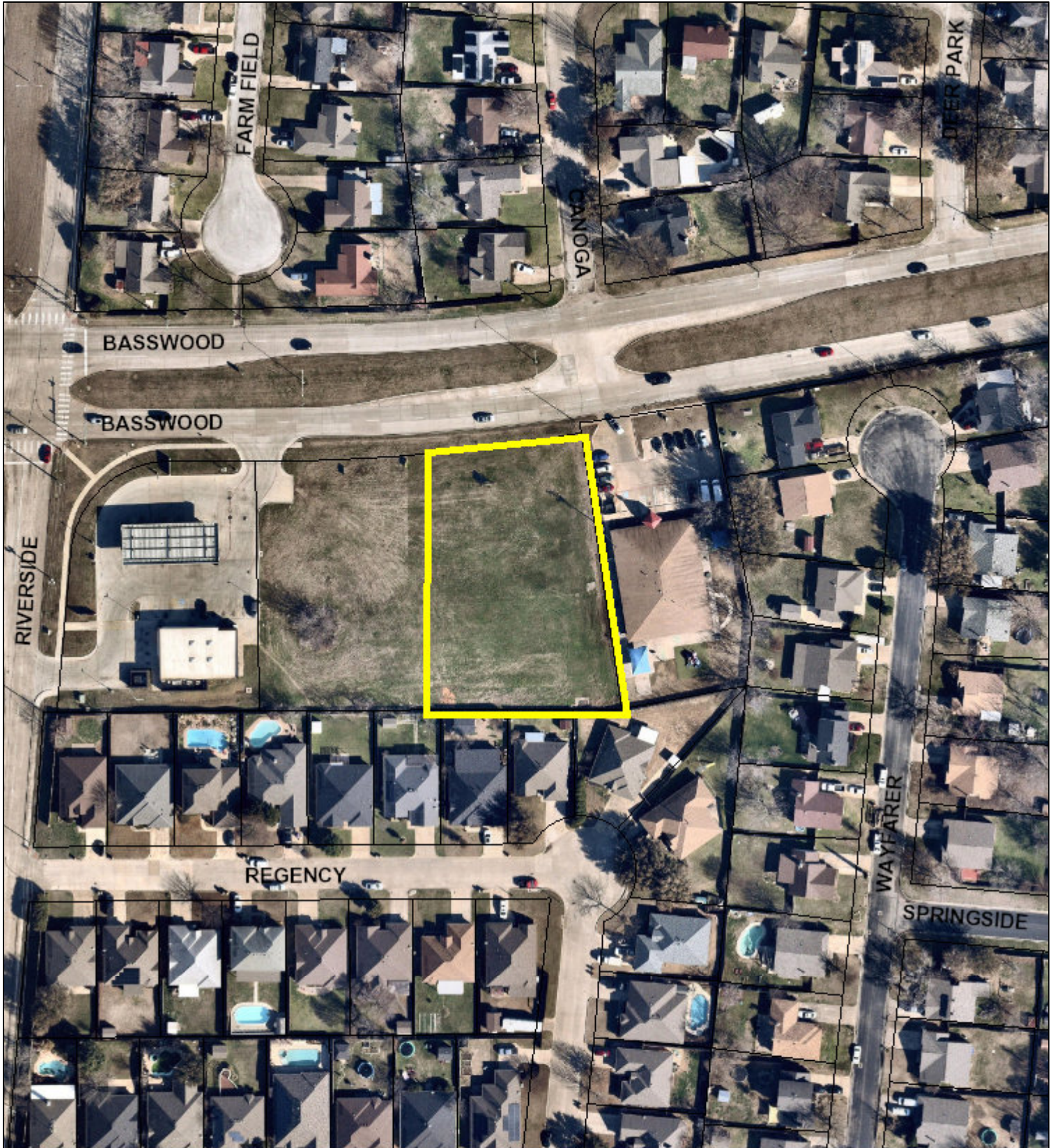


A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 213.005.) Land use designations were approved by City Council on March 6, 2018.





## Aerial Photo Map



0 75 150 300 Feet

