

Legislation Details (With Text)

File #:	21-1160	Name:	
Type:	Ordinance	Status:	Passed
File created:	10/21/2021	In control:	City Council
On agenda:	11/8/2021	Final action:	11/8/2021

Title: Approval of the second and final reading of an ordinance regarding a proposed rezoning from “M-1” Light Industrial District and “APD” Agricultural/Pre-Development District to “C-1B” General Business District with a Special Use Permit to allow the expansion of an existing zoo on approximately 19.2 acres, consisting of Lots 2, 3, 4, 5 and 6, Collins Estates, Unit 2, addressed at 5562, 5640 and 5686 IH 35 S and 203 and 223 Rusch Ln.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Aerial Map, 2. Land Use Maps (Zoning, Existing Land Use, Future Land Use), 3. District Comparison Chart, 4. TIA Worksheet, 5. Notification List and Map, 6. Photographs, 7. Excerpt of Minutes of the October 6, 2021 Planning Commission Regular Meeting, 8. Ordinance

Date	Ver.	Action By	Action	Result
11/8/2021	1	City Council	approved	Pass

PRESENTER:

Christopher J. Looney, AICP, Planning & Development Services Director

SUBJECT:

Approval of the second and final reading of an ordinance regarding a proposed rezoning from “M-1” Light Industrial District and “APD” Agricultural/Pre-Development District to “C-1B” General Business District with a Special Use Permit to allow the expansion of an existing zoo on approximately 19.2 acres, consisting of Lots 2, 3, 4, 5 and 6, Collins Estates, Unit 2, addressed at 5562, 5640 and 5686 IH 35 S and 203 and 223 Rusch Ln.

DEPARTMENT: Planning and Development Services

COUNCIL DISTRICTS IMPACTED: Council District 1

BACKGROUND INFORMATION:

Case #: SUP21-319

Owners: ET Animal Real Estate, Inc. (Eric Trager)
1541 White Water Rd.
New Braunfels, TX 78132
(830) 708-4041 drtrager@hczoo.com
(Lots 2, 3 & 6)

Eric Trager
1541 White Water Rd.

New Braunfels, TX 78132
(830) 708-4041 dtrager@hczoo.com
(Lot 4)

Susan Turner
203 Rusch Ln.
New Braunfels, TX 78132
(830) 832-1724 susanlineberry1952@gmail.com
(Lot 5)

Applicant: Mark Stuart
605 Ridgecliff Dr.
New Braunfels, TX 78130
(830) 237-7639 mark@markstuartarchitect.com

City Council held a public hearing on October 25, 2021 and unanimously approved the first reading of the ordinance for the applicants' requested rezoning and Special Use Permit with recommended conditions (7-0-0)

The subject property comprises approximately 19.2 acres on the northwest corner of the intersection of the IH 35 Access Road and Rusch Lane. It is zoned "M-1" Light Industrial District and "APD" Agricultural/Pre-Development District, consists of Lots 2-6, Collins Estates, Unit 2 Subdivision and is partially developed with the Animal World and Snake Farm Zoo. The existing business opened as the "Snake Farm" in 1967 and was established prior to the property being annexed into the City Limits of New Braunfels in 1981 (area zoned M-1) and in 2007 (area zoned APD).

The existing zoo is considered a non-conforming use as the City's Zoning Ordinance does not list "zoo" as a permitted or prohibited use. For such uses that are not specifically listed as a permitted use nor specifically prohibited, an applicant may request approval of a Special Use Permit for the particular use or expansion of the existing non-conforming use.

The owner of the existing zoo is requesting rezoning of the property to "C-1B" General Business District to establish a uniform zoning designation for the property as it is currently zoned M-1 and APD. The applicant is also requesting approval of a Special Use Permit to allow expansion of the existing zoo on undeveloped portions of the property. The zoo owner has no site plan or other major details for the proposed expansion at this time and is seeking approval of the rezoning and the Special Use Permit (Type 1, no site plan) to ensure the zoo would be an allowed use prior to having an architect and engineer design the plans for expansion.

A portion of the property owned by the zoo, 3.75 acres, is located outside city limits and is not subject to land use regulation and is therefore not part of the subject property identified for this particular request.

Surrounding Zoning and Land Use:

North - Outside City Limits/Undeveloped and a trucking business

South - M-1, M-1A and APD, Across IH 35, M-1 and M-1A/Diesel automotive repair

shop, towing business, church, contractor equipment rental business, warehouse and transport business, retail business and multifamily residential

East - Outside City Limits and across Rusch Lane, M-1/Retail and single family residential

West - APD and Outside City Limits/Undeveloped

ISSUE:

Rezoning of the property to C-1B and expansion of the existing zoo through approval of a Special Use Permit would be consistent with the following actions in the Comprehensive Plan:

Action 1.3: Encourage balanced and fiscally responsible land use patterns.

Action 3.21: Enhance local recreational venues.

The property lies within the Oak Creek Sub Area near existing Employment, Market, Civic and Outdoor Recreation Centers and is in close proximity to Employment and Market Centers and Transitional Mixed-Use Corridors.

FISCAL IMPACT:

N/A

RECOMMENDATION:

The Planning Commission held a public hearing on October 6, 2021. A motion to recommend approval passed unanimously (7-0-0, with Commissioners Gibson and Nolte absent).

Staff recommends approval with the following conditions:

1. All standards of the Zoning Ordinance will be met.
2. Zoo operations must be in compliance with Chapter 6, Animals, of the City of New Braunfels Code of Ordinances.

The proposed zoning and use of the property is consistent with existing zoning and land uses in the immediate area.

Mailed notification as required by state statute:

Public hearing notices were sent to 5 owners of property within 200 feet of the request. To date, staff has received no responses.

Resource Links:

- 3.3-11 "M-1" Light Industrial District of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- 3.4-1 "APD" Agricultural/Pre-Development District of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- 3.4-13 "C-1B" General Business District of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- 3.6 Special Use Permits of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 6 Animals of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH6AN

Attachments:

- Aerial Map

- Land Use Maps (Zoning, Existing Land Use, Future Land Use)
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