

Legislation Details (With Text)

File #:	20-929	Name:	
Type:	Ordinance	Status:	Consent Item Ready
File created:	12/14/2020	In control:	City Council
On agenda:	1/11/2021	Final action:	
Title:	Approval of the second and final reading of an ordinance regarding a proposed amendment to an existing Special Use Permit for an animal shelter to allow an additional building and parking lot for the purpose of spaying and neutering dogs and cats at 3353 Morningside Drive.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Aerial Map, 2. Proposed Site Plan, 3. Land Use Maps (Zoning, Existing and Future Land Use), 4. Existing SUP Ordinance (Ordinance No. 2011-76), 5. Notification List, Map and Response, 6. Excerpt of Minutes from the December 1, 2020 Planning Commission Regular Meeting, 7. Draft Ordinance		

Date	Ver.	Action By	Action	Result
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Presenter

*Christopher J. Looney, AICP, Planning and Development Services Director
clooney@nbtexas.org*

SUBJECT:

Approval of the second and final reading of an ordinance regarding a proposed amendment to an existing Special Use Permit for an animal shelter to allow an additional building and parking lot for the purpose of spaying and neutering dogs and cats at 3353 Morningside Drive.

BACKGROUND / RATIONALE:

Case No.: SUP20-258

Council District: 1

Owner/Applicant: Humane Society of the New Braunfels Area (Sarah Hammond)
3353 Morningside Drive
New Braunfels, TX 78130
(830) 629-5287 - sarah.hammond@hsnba.org

Staff Contact: Matt Greene
(830) 221-4053
mgreene@nbtexas.org

City Council held a public hearing on December 14, 2020 and unanimously approved the first reading of the ordinance (6-0-0, with Councilmember Hurta absent).

The subject property is 16.48 acres, zoned “APD” Agricultural/Pre-Development District with a Type 2 Special Use Permit (SUP) to allow an animal shelter which is currently developed and used by the Humane Society of the New Braunfels Area. Components of the existing animal shelter include dog runs, a large cat room, adoption counseling rooms, separate entrances for animal adoption and animal rescue/drop off, a treatment room, animal play areas, a classroom and conference and storage areas.

The Humane Society of the New Braunfels Area is requesting an amendment to the current SUP to allow the addition of a new building for the purpose of spaying and neutering dogs and cats approximately once a week. The proposed building would be approximately 1,250 square feet (25 feet wide by 50 feet deep) and 10 feet 4 inches tall. The proposed placement of the building on the subject site would meet all minimum setback requirements of APD.

Surrounding Zoning and Land Use:

North - Across Morningside Dr., APD / Single-family residences and undeveloped property
South - APD / Single-family residence, agricultural and natural gas utility improvements
East - APD / Natural gas substation
West - APD and SUP for a pet grooming and kennel boarding business / Single-family residences and agricultural

Determination Factors:

In making a decision on zoning, the following factors are to be considered:

- Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole (*The subject property is located on Morningside Drive, a Major Collector, is not adjacent to any residential neighborhoods nor does it require access through any residential neighborhoods. The proposed additional uses are consistent with the existing uses of the property and the new building and parking lot improvements would be located over 300 feet from the nearest property with a single-family residence and over 650 feet from the nearest lot within a residential neighborhood.*)
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*The adequacy of public facilities and utilities to serve the additional demand is evaluated by each provider. CISD has been notified of the request.*)
- How other areas designated for similar development will be affected (*There should be no impact on other areas designated for similar development.*)
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*If the requested SUP amendment is approved, commercial development would be required to adhere to the development standards of the City’s Zoning Ordinance. Drainage, utility and traffic impact will be reviewed and addressed through the permitting process.*)
- Whether the request is consistent with the Comprehensive Plan: See below

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

City Plan/Council Priority: Envision New Braunfels	Consistent Actions: Action 1.3: Encourage balanced and fiscally responsible land use patterns. Future Land Use Plan: The property lies within the Walnut Springs Sub Area, near existing and future Civic and Outdoor Recreation Centers, and near an existing Employment Center.
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on December 1, 2020 and recommended approval with staff recommendations (8-0-0, with Commissioner Gibson absent).

STAFF RECOMMENDATION:

The proposed uses are consistent with the services of an animal shelter, and the additional building and related parking are minimal in size and located to minimize impact on adjacent property. Therefore, Staff recommends approval of the proposed amendment to the SUP to allow an additional building and parking lot for the purpose of spaying and neutering dogs and cats with conditions as specified below:

1. Development of the project must be in substantial compliance with the approved site plan.
2. Site development shall be in compliance with all other standards of the City's Code of Ordinances.
3. Conditions associated with Ordinance No. 2011-76 remain in effect.

Notification:

Public hearing notices were sent to 12 owners of property within 200 feet of the request. The City has received one response in favor (#11) and one opposed (#3).

RESOURCE LINKS:

- Chapter 144, Sec. 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?
- Chapter 144, Sec. 3.6 Special Use Permits of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

ATTACHMENTS:

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7. Ordinance