
City Council Regular Meeting

DEPARTMENT: Development Services

FROM: Tony McIlwain, Director of Development Services

MEETING: June 5, 2023

SUBJECT:

Top Dog Texas at 136 NW Ellison (Case 22-134): Hold a public hearing and consider approval of an ordinance for a SUP, Specific Use Permit, allowing “Kennel (Indoor)” in the C, Commercial Zoning District. *(First and Final Reading) (Staff Presenter, Tony McIlwain, Director of Development Services) (The Planning and Zoning Commission recommended approval by a unanimous vote).*

SUMMARY:

On September 19, 2022, an application was submitted by Adam Gibson owner of Top Dog Texas, LLC. requesting a SUP, Specific Use Permit, allowing for the use of “Kennel (indoor)” in the C, Commercial Zoning District for Top Dog Texas at 136 NW Ellison. Top Dog Texas has been operating at this location since 2018. When the original certificate of occupancy was approved by the Development Services Department, the dog training facility was designated as a personal service use that included a special condition prohibiting the boarding and kenneling of animals at any time. The use was originally misclassified as a personal service designation and did not fit the proposed use of a dog training facility. However, the current operation violates the boarding condition as established by the certificate of occupancy.

In 2022, the Animal Services Department inspected the facility and found that dogs were being boarded overnight. City staff contacted the owner and informed him that the boarding services were in direct violation of the certificate of occupancy and the base zoning district. The subject property is zoned C, Commercial which allows for Kennel (indoor) uses if approved by SUP. The applicant should have had to pursue a SUP for the use of “Kennel (indoor)” when originally proposing to operate his dog training business at this location.

Per the zoning ordinance, the use of Kennel (indoor) is defined as a facility for the boarding, grooming, and/or training of small, domesticated household animals for commercial purposes. Considering this, the Top Dog Texas training facility should have been designated as a “Kennel (indoor)” use in lieu of the original designation of a personal service establishment in 2018. Subsequently, the pre-existing business is now retro-actively requesting SUP approval for its services. In order to bring the Top Dog Texas training facility into zoning compliance a SUP must be granted for the use of Kennel (indoor).

PLANNING ANALYSIS:

When considering the approval of a SUP one of the considerations is, whether the proposed use meets the City's Comprehensive Plan. In this case, the City's Imagine Burleson 2020 Midpoint Comprehensive Plan Update designates the subject property as Old Town, which specifies the following description:

This area is Burleson's historic and cultural center. Development in this area should further the vision for a social and entertainment destination for the region. Typical uses include restaurants, offices, retail, personal services, community and educational services, and mixed-use residential development. As Old Town continues to redevelop over time, this mix of uses and historic feel should be preserved and enhanced to support a pedestrian-friendly, vibrant downtown.

This request is in conformance with the Comprehensive Plan as this designation provides opportunity for service based businesses. Staff supports this request as Top Dog Texas is a pre-existing business that is retro-actively pursuing approval for its services.

OPTIONS:

- 1) Approve the ordinance for a specific use permit allowing the use of Kennel (indoor) for Top Dog Texas, LLC; or
- 2) Approve the ordinance for a specific use permit allowing the use of Kennel (indoor) for Top Dog Texas, LLC with additional conditions; or
- 3) Deny the ordinance for a specific use permit allowing the use of Kennel (indoor) for Top Dog Texas, LLC.

RECOMMENDATION:

Staff recommends approval of this request as the Old Town Comprehensive Plan designation promotes service based businesses. Furthermore, Top Dog Texas is a pre-existing business that is retro-actively pursuing approval for services that were in violation due to misclassification.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

May 9, 2023: The Planning and Zoning Commission recommendation to approve the Top Dog Texas SUP was approved unanimously.

PUBLIC NOTIFICATION:

Notice was mailed to surrounding property owners within 300 feet and published in the newspaper in accordance with City ordinances and State law. In addition, a sign was placed on the subject property.

At this time staff has received no inquiries regarding this case.

FISCAL IMPACT:

None.

STAFF CONTACT:

Tony McIlwain
Director of Development Services
tmcilwain@burlesontx.com
817-426-9684