

Legislation Details (With Text)

File #:	24-755	Name:	
Type:	Ordinance	Status:	Consent Item Ready
File created:	5/28/2024	In control:	City Council
On agenda:	6/10/2024	Final action:	
Title:	Approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 9.8 acres out of Lot 4A-R & 5A-R, Block 10, Town of Gruene Subdivision and Lot 12B, Block H, Cypress Rapids at Gruene Section 1 Subdivision, from R-2 AH (Single-Family and Two-Family District, Airport Hazard Overlay) and C-2 AH (General Business District, Airport Hazard Overlay) to R-2 AH SUP (Single-Family and Two-Family District, Airport Hazard Overlay with a Special Use Permit for a Parking Lot) and C-2 AH SUP (General Business District, Airport Hazard Overlay with a Special Use Permit for a Parking Lot), located northeast of the intersection of Gruene Road and Sunnybrook Drive.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. City Maps, 2. Site Plan, 3. Metes and Bounds, 4. Applicant Project Letter, 5. TIA Determination Letter, 6. Subject Property Photos, 7. Notification Map, List & Responses, 8. PC Draft Minutes 5-7-24, 9. Draft Ordinance		

Date	Ver.	Action By	Action	Result
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PRESENTER:

Jean Drew, AICP, CNU-A, Planning and Development Services Assistant Director

SUBJECT:

Approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 9.8 acres out of Lot 4A-R & 5A-R, Block 10, Town of Gruene Subdivision and Lot 12B, Block H, Cypress Rapids at Gruene Section 1 Subdivision, from R-2 AH (Single-Family and Two-Family District, Airport Hazard Overlay) and C-2 AH (General Business District, Airport Hazard Overlay) to R-2 AH SUP (Single-Family and Two-Family District, Airport Hazard Overlay with a Special Use Permit for a Parking Lot) and C-2 AH SUP (General Business District, Airport Hazard Overlay with a Special Use Permit for a Parking Lot), located northeast of the intersection of Gruene Road and Sunnybrook Drive.

DEPARTMENT: Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** 4**BACKGROUND INFORMATION:**

Case No: SUP24-117

Applicant: Katherine Crowe & TJ Grossi, Schumann Consulting
1404 Gruene Rd
New Braunfels, TX 78130
(830) 327-1234 | katherine@schumannconsulting.org

Owner: Gruene Texas 90 LLC

1601 Hunter Road
New Braunfels, TX 78130

Staff Contact: Mary Lovell, Senior Planner
(830) 221-4051 | mlovell@newbraunfels.gov

The City Council held a public hearing on May 28, 2024 and unanimously approved the first reading of the ordinance with conditions as recommended by the Planning Commission, and added a condition that all replacement trees planted off-site or trees planted off-site with fee-in-lieu dollars be within the same Parks District as Gruene (7-0-0).

The subject property is approximately 9.8 acres in size and is located east of Gruene Road, between Hunter Road and Sunnybrook Drive, approximately 700 feet from Gruene Hall. The applicant is requesting a change in zoning to allow a Type 2 Special Use Permit for a Parking Lot on property currently zoned R-2 AH (Single-Family and Two-Family District, Airport Hazard Overlay) and C-2 AH (General Business District, Airport Hazard Overlay).

Surrounding Zoning and Land Use:

North	C-1, C-2, R-2	Commercial
South	R-1, R-2	Residential
East	R-1	Residential
West	C-1	Commercial

ISSUE:

The applicant states that the proposed rezoning will reduce adverse impacts on the surrounding neighborhood streets when Gruene Historic District visitors are displaced from the closing of the existing legal non-conforming dirt parking lot due to rainy weather.

A parking lot is allowed as a primary use in the C-2 (General Business District), however, a portion of the subject property is zoned R-2 (Single-Family and Two-Family District). The R-2 (Single-Family and Two-Family District) does not allow a parking lot as a primary use.

The applicant has chosen to pursue a request for a Type 2 Special Use Permit to allow a Parking Lot with several deviations from the current code to include an exemption from building a residential buffer masonry wall, as well as an exemption from planting required residential buffer trees, and a reduction in the number of required trees for the parking lot.

Although there is a pathway to accomplish the development of a parking lot with straight rezoning to another district, utilization of the city's alternative landscape plan application, and the residential buffer wall objection letter process, the applicant states that the Special Use Permit with a Type 2 Site Plan is better suited to address the concerns of surrounding property owners. A straight rezoning would allow many other uses that may not be compatible with the surrounding existing residential development.

The Type 2 Special Use Permit application allows an applicant to propose specific development standards that are subject to a site plan. According to the submitted site plans and project letter, the applicant is requesting the following deviations from the current development standards for a commercial parking lot:

- The applicant proposes hand-watering as an alternative to installing an irrigation system to maintain

landscaping which will promote water efficiency. Staff is in support and has received guidance from New Braunfels Utilities that hand-watering or the use of soaker hoses better conserve water and can be effectively used in place of standard irrigation systems.

- The applicant proposes to be exempt from building a six-foot-tall (minimum) to eight-foot-tall (maximum) solid screen residential buffer wall after it was concluded by the adjacent neighbors during a meeting on February 10, 2024, that a fence or wall would not be favorable. Staff acknowledges there are already 6-foot tall wood fences separating the subject property and the residential properties. Additionally, a masonry wall would detract from the character of Gruene.
- The applicant proposes to be exempt from delineating or marking the outline of the parking spaces but prefers to utilize wheel stops to delineate the individual spaces to match the current appearance of the area. Staff is in support of this deviation since this requirement would be one found in a traditional commercial parking lot and not compatible with the character of the Gruene National Historic District.
- The applicant proposes to be exempt from the 180 square feet minimum area island requirement for single-row parking and instead proposes a 5-foot planting strip in between rows as shown on the submitted exhibit which will be planted with grasses and also serve as the area where trees will be planted. Staff is in support of using a planting strip so long as the trees planted are of a variety that can survive narrower planting strips.

The applicant also requests an exemption from the following standard city landscaping requirements:

- Parking lot shade trees: One (1) parking lot shade tree of 1.5-inch caliper is required for every fourteen parking spaces.
- Residential landscape buffer trees: One (1) residential buffer tree of 1.5-inch caliper is required to be planted for every twenty-five feet along the common property line of all single-family or two-family properties.
- Therefore, under current code, the required parking lot shade trees and residential landscape buffer trees total 126 required trees (totaling a minimum of 189 required caliper inches).

Aerial maps also show a dense crop of trees located at the northern section of the proposed parking lot development near Hunter Road. Under the current ordinance, any protected trees to be removed will require a tree removal permit and replacement trees may be necessary. A tree survey will be required at the time of building permitting to determine whether any protected or heritage trees will be proposed for removal.

The applicant is requesting a deviation from the landscaping tree requirements listed above and instead proposes the planting of 21 four-inch caliper trees to serve as parking lot shade trees and the preservation of only one tree as shown in the applicant's exhibit. The applicant further states that planting fewer and more mature trees would protect the historic appearance of the area while still adequately providing noise reduction, biodiversity, and provide pavement temperature regulation. Staff recognizes that while in theory planting larger trees seems adequate, larger trees are more difficult to sustain at the early stages of planting and watering without significant attention, resulting in a higher fail rate than planting smaller caliper inch trees.

The applicant is also asking for an exemption from providing the required residential landscape buffer trees and states that the trees on the private off-site properties appear to be mature and serve as a substantial buffer from

the existing homes and the proposed parking lot.

Staff's Landscape Recommendations:

One of the primary reasons for the city's adopted landscape tree requirements is to reduce heat islands and preserve and create tree canopies. It is important to note that the proposed parking lot will be constructed primarily of asphalt and the temperatures of asphalt surfaces can create a heat island effect. Parking lot shade trees are important and necessary in reducing the negative impacts of heat islands.

Staff recommends increasing the number of parking lot shade trees to provide more shade to patrons and to reduce negative heat island effects. The recommended additional trees will be well accommodated within the proposed planting strips. Staff also recommends that for any tree caliper inches that are not planted on-site out of the minimum 189 caliper inches noted above, a fee is to be paid into the city's tree mitigation fund. The tree mitigation fund is used to plant trees on other public properties for the benefit of visitors and citizens of New Braunfels.

Envision New Braunfels:

The development of a Parking Lot would be consistent with the following goals and actions from Envision New Braunfels:

- **Action 1.3:** Encourage balanced and fiscally responsible land use patterns.
- **Action 1.5:** Promote economic centers by ensuring adequate parking for people to visit businesses/restaurants/shops.
- **Action 1.6:** Incentivize infill development and redevelopment to take advantage of existing infrastructure.
- **Action 3.6:** Proactively provide a regulatory environment that remains business and resident-friendly.
- **Action 3.22:** Encourage venues within walking distance of neighborhoods and schools.
- **Action 5.4:** Incentivize water use reduction and conservation.
- **Action 7.37:** Increase public parking, both for automobiles as well as bicycles.
- **Action 7.38:** Identify possible additional parking areas for Downtown, Gruene, tourist areas, and high-demand events such as Wurstfest.

Future Land Use Plan: The subject property is located within the New Braunfels Sub-Area, within an existing Tourist/Entertainment Center and within a Future Market Center.

STRATEGIC PLAN REFERENCE:

☐Economic Mobility ☐Enhanced Connectivity ☒Community Identity
☐Organizational Excellence ☒Community Well-Being ☐N/A

Community Identity, Objective 2: Protect historic structures, preserve and **increase green space and tree canopy**, protect natural resources, and safeguard the character, integrity, and stability of neighborhoods.

Community Well-Being, Objective 4: Reduce heat islands and encourage transportation modes that support healthier lifestyles and exercise such as biking, walking and running.

FISCAL IMPACT:

Any payment of fee in-lieu of tree planting/replacement inches would be deposited into the City's tree mitigation fund to be used to buy and plant trees across the City in an effort to increase tree canopy pursuant to the Strategic Plan.

RECOMMENDATION:

The Planning Commission held a public hearing on May 7, 2024, and recommended approval (6-0-0) of the following conditions and allowances; and staff concurs with the Planning Commission's recommendations. City Council held a public hearing on Tuesday, May 28, 2024 and approved the following conditions to include #7:

1. Plant a minimum of 84 caliper inches of parking lot shade trees up to the total number of caliper inches of trees that would be required under the current code (parking lot shade trees and residential buffer trees, calculated to be no less than 189 caliper inches). Applicant may also opt to pay a fee into the city's tree mitigation fund at a rate of \$175.00 per caliper inch for the remainder of the caliper inches that the applicant opts not to plant on the subject property.
2. Submit a tree removal permit before applying for a building permit and plant any required replacement trees on the subject property or pay the appropriate fees into the city's tree mitigation fund.
3. Manual-watering is allowed as an alternative to installing a landscape irrigation system.
4. A residential buffer wall, as regulated under subsection 144, Section 5.3-2(h) of the Code of Ordinances, is not required.
5. Wheel stops shall be an acceptable manner to delineate parking spaces.
6. A 5-foot planting strip in between parking rows as shown on the submitted exhibit is accepted as an alternative to the 180 square feet minimum area island requirement for single-row parking.
7. All replacement trees planted off-site or trees planted off-site with fee-in-lieu dollars shall be within the same Parks District as Gruene (District 1).
8. Development of the site is to be in compliance with all of the standard construction requirements for the approved use at the time of construction permit, including drainage traffic impact analysis, driveway location, and landscaping that is not otherwise described.

Mailed notification as required by state statute:

Public hearing notices were sent to owners of 51 properties within 200 feet of the request. To date, the city has received opposition responses of 6%.

Resource Links:

- Chapter 144, Sec. 3.3-2 (R-2) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Sec. 3.3-2 (C-2) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Sec. 3.6 (SUP) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?