

Legislation Details (With Text)

File #:	24-572	Name:	
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File created:	4/16/2024	In control:	Planning Commission
On agenda:	5/7/2024	Final action:	

Title: SUP24-117 Public hearing and recommendation to City Council to rezone 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. Tree & Planting Plan, 4. Metes and Bounds, 5. TIA Determination Letter, 6. Subject Property Photos, 7. Notification Map, List & Responses

Date	Ver.	Action By	Action	Result
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PRESENTER:

Applicant: Katherine Crowe & TJ Grossi, Schumann Consulting
Owner: Gruene Texas 90 LLC

SUBJECT:

SUP24-117 Public hearing and recommendation to City Council to rezone 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 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 and 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 plan, the applicant is requesting and staff generally supports 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.

- 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 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 as an alternative, however, staff recommends increasing the width of the planting strips to 8-feet, which will provide better tree growth.

Current Landscape Tree Requirements:

The applicant also requests deviations 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. Therefore, the total number of trees that would be required for a parking lot on the subject property under this code section is **70 trees**. ($975 \text{ proposed parking spaces} / 14 = 69.6$)
- 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 property. The total number of trees required under this code section is approximately **56 trees**. (approximately $1392 \text{ feet} / 25 = 55.68$)
- The required parking lot shade trees and residential landscape buffer trees **total 126 required trees**.

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 code, 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.

Applicant's Landscape Tree Proposal:

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 pavement temperature regulation. Staff recognizes that while in theory planting larger trees would seem to be adequate, larger trees are more difficult to sustain at the early stages of planting and watering resulting in a higher fail rate than planting smaller caliper 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 Tree Recommendation:

One of the primary reasons for the city's 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 research shows that 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 an increase in the number of parking lot shade trees added to the site plan to provide more shade to patrons and to reduce heat island effects. The additional trees will be well accommodated within the proposed planting strips. Staff further recommends that for any of the additional 105 trees that would be required under current code that are not planted on-site, there should be a fee 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:

N/A

RECOMMENDATION:

Staff recommends the following conditions:

1. Revise the site plan to include additional 1.5-inch caliper parking lot shade trees to be dispersed throughout the parking lot to bring the total planted trees to at least 50% of the required number of

trees under the current code. (A total of 126 required trees under current code/.5 = 63. Therefore, 63 - 21 trees proposed by the applicant = at least 42 additional trees to be shown on the revised site plan to be planted.)

2. Before issuance of the building permit, a fee shall be paid to the city's tree mitigation fund at a rate of \$175.00 per caliper inch, for the remainder of the trees that would be required under the current code.
3. Apply for 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 tree mitigation fund.
4. 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 plans, traffic impact analysis, driveway location, and landscaping that is not otherwise described as part of an approved Type 2, Special Use Permit rezoning.

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 2%.

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?