

## Legislation Details (With Text)

<b>File #:</b>	19-137	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	2/7/2019	<b>In control:</b>	City Council
<b>On agenda:</b>	2/25/2019	<b>Final action:</b>	
<b>Title:</b>	Public hearing and first reading of an ordinance regarding the proposed rezoning of 1.473 acres out of the Henry Foster Survey No. 34, Abstract No. 154, addressed at 1290 Rivercrest Dr. and 1293 Hillcrest Dr., to apply a Special Use Permit to allow a car wash in the "C-1" Local Business District.		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Aerial and Regional Transportation Plan Map, 2. Conceptual Site Plan, 3. Land Use Maps, 4. Notification List, Map and Responses, 5. Photograph, 6. Zoning Ordinance Sections, 7. Draft Planning Commission Meeting Minutes, 8. Ordinance		

Date	Ver.	Action By	Action	Result
2/25/2019	1	City Council		

Presenter

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

**SUBJECT:**

Public hearing and first reading of an ordinance regarding the proposed rezoning of 1.473 acres out of the Henry Foster Survey No. 34, Abstract No. 154, addressed at 1290 Rivercrest Dr. and 1293 Hillcrest Dr., to apply a Special Use Permit to allow a car wash in the "C-1" Local Business District.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ-18-048

**Council District:** 4

**Owner**  
Aquacorp, Inc.  
Robert C. Mason, President  
P.O. Box 311947  
New Braunfels, TX 78131

**Applicant:**  
Daniel McCutchen - Agent  
723 Deer Run Way  
New Braunfels TX, 78132  
(405) 413-4982

**Staff Contact:**  
Matthew Simmont  
(830) 221-4058  
msimmont@nbtexas.org

The approximately 1.5 acre subject property is adjacent to Loop 337 between its intersections with Rivercrest and Hillcrest Drives. The southern half of the subject property is developed with a self-serve car wash constructed in 1985; the northern half is vacant. Platting of the property will be required prior to redevelopment.

The applicant is requesting the property be rezoned to apply a Type 1 Special Use Permit (SUP) to allow a car wash. It is unclear if the uses allowed in C-1 changed at some point, or if the current car wash is grandfathered based on the property being zoning differently in the past. However, the proposed SUP would allow the applicant to proceed with his plans to remove the existing older self-serve car wash facility, and construct a new automated self-propelled car wash tunnel on the property. Any redevelopment would be subject to current residential buffering requirements (6 to 8 foot tall masonry fence/wall plus trees).

**General Information:**

*Surrounding Zoning and Land Use:*

North - Across Rivercrest Dr., C-1 / Restaurant

South - Across Hillcrest Dr., C-1 / fuel sales, convenience store

East - Across Loop 337, C-1 / Dentist and single-family residences

West - R-1 / Single-family residences

*Floodplain:*

No portion of the subject property is located within the 100-year floodplain.

*Regional Transportation Plan:*

Loop 337 is designated as a 150-foot Principal Arterial and has a current right-of-way width of approximately 210 feet. Any necessary mitigation measures will be reviewed for compliance with code requirements with the platting and permitting of the subject property.

*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 proposed use of the property for a car wash is established and is appropriate along major thoroughfares such as Loop 337, and is consistent with other commercial uses in the area. Redevelopment would have to comply with the new buffering requirements which would improve upon the current situation. If there is any concern about specific issues or impacts, mitigating conditions can be placed on an SUP.*);
- 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 proposed zoning should not conflict with existing and proposed schools, streets, or utilities in the area. The Loop improvements will complement this proposed redevelopment.*);
- How other areas designated for similar development will be affected (*The proposed zoning should not impact other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare. (*Drainage, utilities and traffic impact will be reviewed and addressed through the platting and permitting processes.*); and
- Whether the request is consistent with the Comprehensive Plan. (*The subject property lies within the New Braunfels Sub Area, a Transitional Mixed-Use Corridor (Loop 337), and in close proximity to existing Civic, Market and Employment Centers.*)

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

<b>City Plan/Council Priority:</b> Envision New Braunfels	<b>Action 3.3:</b> <i>Balance commercial centers with stable neighborhoods.</i> <b>Action 3.10:</b> <i>Change zoning/land use and platting rules, and create tax and permit fee incentives in under utilized neighborhoods, nodes, and corridors to encourage redevelopment.</i>
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on February 5, 2019 and recommended approval with a condition that the required masonry buffer wall be 8 feet tall along the common property line shared with residential uses (8-0-0).

**STAFF RECOMMENDATION:**

The subject property is adjacent to the Common/Loop 337 Market Center which includes a transitional mix of commercial and residential uses that maintain the stability of the surrounding neighborhoods. Redevelopment of this site will provide services consistent with the existing commercial corridor and would be consistent with the established use of the property. Additionally, redevelopment will result in enhanced residential buffering than what was required in 1985. Staff recommends approval including the condition recommended by the Planning Commission to help mitigate any noise concerns.

**Notification:**

Public hearing notices were sent to 14 owners of property within 200 feet of the request. As of the date of report publication, the City has received no responses in favor and seven in opposition (#1, 2, 4, 6, 7, 8 & 14). **More than 20% of the property within 200 feet is represented by opposition, therefore, pursuant to state statute, a supermajority vote of City Council is required to approve the requested rezoning.**

**ATTACHMENTS:**

1. Aerial and Regional Transportation Plan Map
2. Conceptual Site Plan
3. Land Use Maps (Zoning, Existing Land Use, Existing Centers & Future Land Use Plan)
4. Notification List, Notification Map and Notification Responses
5. Photograph
6. Zoning Ordinance Sections:
  - Sec. 3.3-7 "C-1" Local Business District
  - Sec. 3.6 Special Use Permits
7. Planning Commission Meeting Draft Minutes
8. Ordinance