

## Legislation Text

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File #: 18-372, Version: 1

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Presenter

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**SUBJECT:**

Discuss and consider approval of the second and final reading of an ordinance regarding the request for rezoning to apply a Special Use Permit to allow a mini storage facility with an on-site caretaker's residence in the "C-1B" General Business District on 1.43 acres, Lot 1, Block 1, Sam's Place Subdivision, addressed at 1705 S. Walnut Avenue.

**BACKGROUND / RATIONALE:**

Case No.: PZ-18-012

Council District: 6

Owner/Applicant: Shashi Patel  
P.O. Box 310358  
New Braunfels, TX 78131

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City Council held a public hearing to consider the first reading of this requested rezoning ordinance on June 25, 2018, and approved (6-1) the applicant's request with the following conditions:

1. In addition to Building A, all exterior building facades must meet the City's minimum masonry requirements including the bottom 4 feet of masonry wainscoting.
2. A minimum 5-foot rear setback.
3. No masonry wall required on the rear property line.
4. The property is limited to one monument sign consistent with the Walnut Neighborhood Special District with a maximum area of 32 square feet per sign face, a maximum height of 6 feet and a minimum setback of 6 feet with the following additional requirements:
  - a. Signage shall be in compliance with Chapter 106, Signs, of the City of New Braunfels Code of Ordinances. The most restrictive rule prevails.
  - b. Illumination of monument signage shall be restricted to internal illumination where only the lettering or the logo is illuminated. Logos where more than 50% of the image is white or light in color shall be restricted to 25% of the sign face.
  - c. Flashing or chasing lights are prohibited.

- d. **Electronic message boards are prohibited.**
  - e. **There shall be no wall signs allowed (signs attached to the buildings).**
  - f. **Temporary A-Frame or T-Frame sign must be stored indoors when business is closed.**
  - g. **All other forms of temporary signage are prohibited including, but not limited to, banners, streamers, pennants, yard flags and inflatable signs.**
5. **Shade trees from the Approved Plant List (Chapter 144, Appendix A) a minimum of 3 inches in diameter (dbh) are planted no more than 40 feet apart along the County Line Memorial Trail.**
  6. **Lighting for the County Line Memorial Trail is required subject to review and approval of the proposed fixtures for compliance with the City's lighting standards. Lighting along the rear of boundary of the property is not required, but may be provided with the same standards.**
  7. **Shade trees from the Approved Plant List (Chapter 144, Appendix A) a minimum of 3 inches in diameter (dbh) are planted no more than 25 feet apart between Buildings B, C & H and the northern property boundary.**
  8. **All required landscaping must be irrigated with an automatic underground system.**
  9. **Parkland Dedication and Development Fees are required prior to the issuance of a building permit.**
  10. **The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.**

The subject property is located on the east side of S. Walnut Avenue, between Rolling Path and Camellia Lane and is zoned "C-1B" General Business District. The property is 1.43 acres in size and is undeveloped.

C-1B allows for mini-warehouse/self-service storage units with no boat and RV storage permitted. However, C-1B does not allow for a caretaker's residence, hence the applicant's request for a Special Use Permit (SUP).

The applicant is requesting approval of a Type 2 SUP (subject to a site plan) that will allow the subject property to be used as a mini-warehouse/self-service storage facility with an on-site caretaker's residence. The applicant's site plan illustrates specific improvements to the subject property with a narrative that also outlines requested modifications to code requirements.

The submitted site plan indicates 7 proposed storage structures in addition to a multi-use structure (Building A) that would contain office space and a second story caretaker's residence. The south side of the subject property is adjacent to the County Line Memorial Trail. The paved surface of the trail is approximately 5 feet away from the southern property line where the applicant is proposing the storage buildings be set back approximately 15 feet with a tree buffer and exterior lighting for the hike and bike trail. The proposed lights are to be installed on the side of the storage buildings and would be spaced to avoid being blocked by the trees as they grow. The applicant has not yet provided information specifying lighting fixture types or the extent of illumination. However, they will be required to meet the City's exterior lighting standards which requires full shielding to reduce glare that could negatively affect the vision of those on the trail. At the Planning Commission hearing, the applicant's representative stated they would be willing to remove the proposed lighting if it is not acceptable.

In addition to the requested onsite caretaker's residence, the following modifications to the zoning ordinance requirements are being requested with the submitted site plan through this SUP process:

1. Waiver from the masonry wall requirement for the rear boundary of the property.
2. A rear building setback of 5 feet instead of the required minimum of 20 feet.
3. That the exterior building finish materials requirements would only apply to the front facing walls of buildings B and F and all walls of building A.

The applicant has indicated that the rear setback and residential buffer requirement to install a masonry wall along the rear boundary of the property are unnecessary as the City-owned abutting property will not be developed for residential use. In addition, the applicant does not believe the exterior finish materials requirement for portions of buildings behind the front facades will provide a significant benefit and would like to be released from those requirements. The project renderings submitted by the applicant appear to show the remainder of the proposed buildings would be finished with a painted metal exterior.

**General Information:**

Size: = 1.34 acres

**Surrounding Zoning and Land Use:**

North - C-1B / Enterprise Pipeline, undeveloped

South - C-1B / County Line Memorial Trail

East - R-2 / County Line Memorial Trail, reforestation area

West - Across S. Walnut Ave., Providence Place Planned Development District / Single-family development

**Comprehensive Plan / Future Land Use Designation**

Commercial

**Floodplain:**

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

**Regional Transportation Plan:**

S. Walnut Avenue was determined to be a 100-foot wide Principal Arterial by City Council on May 9, 2016. A 10-foot wide right-of-way dedication was made with the platting of the subject property.

**Improvement(s):**

None

**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 zoned C-1B in an area of mixed neighborhood-scale uses along an arterial corridor bordering well-established single-family neighborhoods: residential, commercial and civic uses nearby. Allowing a caretaker to reside on the property would be an appropriate use in this area. The reduction in exterior design standards, however, would not be appropriate or complementary of the surrounding development. Increased landscaping and trees could provide some visual relief.*);
- Whether the change is in accord with any existing or proposed public schools, streets, water

supply, sanitary sewers, and other utilities to the area *(There do not appear to be any conflicts with these elements.);*

- How other areas designated for similar development will be affected *(The proposed residential component would not have a negative impact. However, the requested reduction in exterior design standards resulting in metal-clad commercial structures would negatively impact other commercial properties that are compliant, and it would impact the surrounding residential properties.);*
- Any other factors that will substantially affect the public health, safety, morals, or general welfare. *(The addition of a residence for an on-site caretaker should improve the public health, safety, morals, and general welfare through the continuous presence of a responsible person(s) residing on the property. The reduction in building aesthetics would have a negative impact on the general welfare of the public, which could be lessened with the inclusion of heavy landscaping.);* and
- Whether the request is consistent with the Comprehensive Plan. *(The proposed use of the property is consistent with the Future Land Use designation of the subject site as Commercial. The reduction in exterior design standards is not consistent with the Comprehensive Plan.)*

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

<b>X</b>	Yes	<p><b>City Plan/Council Priority:</b>                  2006 Comprehensive Plan  <i>Pros and Cons Based on Policies Plan</i></p>	<p><b>Pros: Goal 1A:</b> Evaluate proposed zone changes to maintain land use compatibility, as well as the integration of mixed land uses as a component of achieving better places to live. The proposed residential component will be compatible with the existing land uses and provides for a mix of uses in an appropriate area of the City. <b>Goal 3B:</b> Work with developers to make a more efficient use of land and resources and discourage sprawl. The ability to provide an on-site caretaker’s residence with this commercial use is a measure that can reduce demand on residential development and create an opportunity for workforce housing. <b>Cons: Goal 12:</b> Protect and enhance the visual environment of the City. The exterior walls of proposed Buildings B, E &amp; D will be visible by passersby on Walnut Avenue. In addition, the exterior walls of proposed Buildings C, D &amp; E would be visible to those on the County Line Memorial Trail. A metal exterior finish would detract from the overall community appearance and the experience of utilizing the hike &amp; bike trail. It would be in conflict with the Zoning Ordinance requirements for improved building materials intended to implement this section of the Comprehensive Plan.</p>
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on June 5, 2018 and recommended approval of the residential use component (on-site caretaker's residence) of the requested SUP but without any other deviations from the development standards (6-0-0).

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed Type 2 SUP to allow a mini storage facility with an on-site caretaker's residence for this location. The proposed use of the property is consistent with the Future Land Use Plan designation of Commercial, will enhance safety of the proposed facility with a residential element, and would achieve goals of the Comprehensive Plan related to mixed use.

Staff is not opposed to the removal of the masonry wall requirement for the rear of the property. This requirement is intended to protect abutting residential uses; the abutting City-owned tract is a reforestation area along the trail, and the applicant will be required to plant additional "buffer" trees along the property line.

Staff **does not support** modifications to the exterior building requirements due to the significant visual impact that this property will have on Walnut Avenue, the County Line Memorial Trail, and nearby residential neighborhoods. A requirement of additional landscaping over and above the code requirements could serve to mitigate the visual impact if a waiver of the building materials standards is approved.

Should City Council approve the applicant's request, Staff recommends the following conditions:

1. Shade trees from the Approved Plant List (Chapter 144, Appendix A) a minimum of 3 inches in diameter (dbh) be planted no more than 25 feet apart between Buildings C, D & E and the southern property boundary.
2. Shade trees from the Approved Plant List (Chapter 144, Appendix A) a minimum of 3 inches in diameter (dbh) be planted no more than 25 feet apart between Buildings B, C & H and the northern property boundary.
3. All required landscaping must be irrigated with an automatic underground system.
4. Parkland Dedication and Development Fees are required prior to the issuance of a building permit.
5. Lighting for the County Line Memorial Trail and along the rear boundary of the property is not required but may be provided subject to review and approval of the proposed fixtures for compliance with the City's lighting standards.
6. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP through the rezoning process.

***Notification:***

Public hearing notices were sent to 16 owners of property within 200 feet of the request. The Planning Division has received two responses (#'s 1 & 16) in objection to the rezoning request.

**Attachments:**

1. Aerial and Regional Transportation Plan Map
2. Application
3. Site Plan and project renderings
4. Parks and Recreation Department project review
5. Maps and Notification Information

6. Photograph
7. Zoning Ordinance Sections 3.4-13 & 3.6
8. Excerpt from the Planning Commission Meeting Minutes of June 5, 2018
9. Ordinance