Legislation Details (With Text)

File #:	17-747	**Name:**	
Type:	Ordinance	**Status:**	Individual Item Ready
File created:	11/6/2017	**In control:**	City Council
On agenda:	11/27/2017	**Final action:**	
Title:	Public hearing and consideration of the first reading of an ordinance regarding the proposed rezoning of Lots 1 and 2, Gruene Sunday Haus Addition addressed at 1170 Old FM 306 and 1950 Hunter Road, from “R-3” Multifamily District and “C-1” Local Business District to “C-4A” Resort Commercial District.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Aerial, Regional Transportation Plan and Floodplain Map, 2. Application, 3. Plat of Subject Property, 4. Zoning and Land Use Maps, 5. Notification List, Notification Map and Responses, 6. Photographs of Subject Property, 7. Sec. 3.4-15 "C-4A" Resort Commercial District, 8. C-1 & C-4A Comparison List, 9. Excerpt from the Planning Commission Meeting Minutes of November 7, 2017, 10. Ordinance		

Date	Ver.	Action By	Action	Result
11/27/2017	2	City Council		

Presenter

Stacy Snell, Planning and Community Development Assistant Director
ssnell@nbtexas.org

SUBJECT:

Public hearing and consideration of the first reading of an ordinance regarding the proposed rezoning of Lots 1 and 2, Gruene Sunday Haus Addition addressed at 1170 Old FM 306 and 1950 Hunter Road, from “R-3” Multifamily District and “C-1” Local Business District to “C-4A” Resort Commercial District.

BACKGROUND / RATIONALE:

Case No.: PZ-17-042

Council District: 4

Owner/Applicant: Gruene Cottages, LLC (Cecil Eager)
791 Edgewater Terrace
New Braunfels, TX 78130
(830) 832-5814

Staff Contact: Matt Greene, Planner
(830) 221-4053
mgreene@nbtexas.org

The subject property is located at the southeast corner of the intersection of Old FM 306 and Hunter

Road, is zoned R-3 and C-1 and is comprised of 2.79 acres. The subject property consists of two lots improved with a single-family dwelling with 2 attached guest homes, 6 detached cottages and several amenity buildings and structures constructed between 1993 and 2003. The property is utilized for vacation rentals.

The applicant acquired the property in 2010, and though the existing structures and use of the property comply with the R-3 and C-1 regulations, the applicant is requesting a zoning change to "C-4A" Resort Commercial District to consolidate the property into one zoning district that would be appropriate for the existing use and allow for possible future expansion.

The "C-4A" district is intended to serve tourists, vacationing public, conference center attendees, sports related programs and support service facilities including garden office, retail and specialty shops (see Attachment 9 for list of permitted uses).

General Information:
Size: = 2.79 acres

Surrounding Zoning and Land Use:
North - Across Hunter Rd., C-1Br37 / undeveloped land
South - C-1A / Storage facility
East - C-1 and SUP / Convenience store with fuel sales and SUP for Christmas tree sales
West - Across Old FM 306, R-2 / Two-unit town homes

Comprehensive Plan/ Future Land Use Designation:
Commercial

Floodplain:
No portion of the property is in a Special Flood Hazard Area Zone A.

Regional Transportation Plan:
Hunter Road and Old FM 306 are both designated as 60-foot wide Minor Collectors on the 2012 Regional Transportation Plan. Both roadways have current right-of-way widths meeting the minimum standard for a Minor Collector.

Improvement(s):
A single-family dwelling with 2 attached guest homes, 6 detached cottages and several amenity buildings and structures

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 located near the intersection of FM 306 and Hunter Road, which is the primary entry into Gruene for those from out of town,*

and is located on a block with mixed commercial and multifamily zoning districts and various commercial uses. The proposed zoning is also complimentary to the existing use of the property as vacation rentals/cabins.);

- 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 *(There should be no negative effects on other properties in the area designated for similar development as development of these properties will be required to follow the City's development standards.)*
- Any other factors that will substantially affect the public health, safety, morals, or general welfare *(None; development of the property will be in compliance with the City's development standards.)* and
- Whether the request is consistent with the Comprehensive Plan. *(The proposed zoning and existing use of the property are consistent with the Future Land Use designation of the subject site as Commercial.)*

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

√	Yes	City Plan/Council Priority: 2006 Comprehensive Plan *Pros and Cons Based on Policies Plan*	**Pros:** Goal 1: Objective 1B: *Utilize existing land use inventory and official zoning district map to identify parcels that are legally developed with a use that is more or less intensive than the permitted uses in the zoning district in which they are located and consider proposed zone changes as appropriate.* One of the purposes of the C-4A district is for property to be developed as resort commercial intended to serve tourists and the vacationing public, which is the current land use of the property. Goal 1: Objective 1C: *Consider rezoning, as necessary, to ensure existing and future land use compatibility.* C-4A would be compatible with the C-1B, C-1, C-1A and R-3 zoned properties located on the same block as the subject property. Old FM 306 separates the subject property from residential uses. **Cons:** None.

FISCAL IMPACT:
N/A

COMMITTEE RECOMMENDATION:
The Planning Commission held a public hearing on November 7, 2017. After hearing testimony from concerned owners of nearby property, the Planning Commission discussed the option of rezoning only Lot 1 (the interior lot) and leaving Lot 2 (the corner across from the townhome residents) as R-3. The applicant did not object to amending his application to request the rezoning of only Lot 1 to C-4A and leave Lot 2 zoned R-3. The Planning Commission recommended approval of the zoning change of Lot 1 only from R-3 and C-1 to C-4A, and keeping Lot 2 as R-3 (3-2-0), with Commissioners Bearden and Hoyt opposed, Chair Elrod recused and Commissioners Laskowski and Sonier were absent.

STAFF RECOMMENDATION:
Staff recommends approval as the proposed rezoning is compatible with surrounding zoning and

land uses on the same block, is consistent with the Future Land Use Plan, is consistent with the existing use of the property, and the property's proximity to Gruene.

Notification:

Public hearing notices were sent to 20 owners of property within 200 feet of the subject property. The Planning Division has received two responses in favor (#'s 5 and 18) and none opposed.

ATTACHMENTS:

1. Aerial, Regional Transportation Plan and Floodplain Map
2. Application
3. Plat of Subject Property
4. Zoning and Land Use Maps
5. Notification List, Notification Map and Responses
6. Photographs
7. Sec. 3.4-15 "C-4A" Resort Commercial District
8. Use comparison chart for C-4A and C-1
9. Excerpt from the Planning Commission Meeting Minutes of November 7, 2017
10. Ordinance

powered by Legistar™