

## Legislation Details (With Text)

<b>File #:</b>	18-256	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Consent Item Ready
<b>File created:</b>	4/23/2018	<b>In control:</b>	City Council
<b>On agenda:</b>	5/14/2018	<b>Final action:</b>	
<b>Title:</b>	Approval of the second and final reading of an ordinance regarding the proposed amendment to Ordinance No. 2011-97, adding "Boutique Hotel" as a permitted use in the "Gruene Lake Village" Special District.		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Aerial, Regional Transportation Plan Map, 2. Application, 3. Zoning and Land Use Maps, 4. Notification List, Map and Responses, 5. Site Plan, 6. Photographs, 7. Sec. 3.8 "Gruene Lake Village" Special District, 8. Ordinance No. 2011-97, 9. Ordinance		

Date	Ver.	Action By	Action	Result
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Presenter

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

**SUBJECT:**

Approval of the second and final reading of an ordinance regarding the proposed amendment to Ordinance No. 2011-97, adding "Boutique Hotel" as a permitted use in the "Gruene Lake Village" Special District.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ-18-003

**Council District:** 4

**Owner/Applicant:** Josh Cunningham (High Cotton Inn, LLC)  
2324 Gruene Lake Dr.  
New Braunfels, TX 78130  
(786) 385-4557

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

**City Council held a public hearing for the first reading of this requested ordinance on April 23, 2018, and unanimously approved the request (6-0-0).**

The subject property is located at the intersection of Gruene Lake Drive and Gruene Road and is known as Gruene Lake Village. The property was originally part of the Cotton Crossing Planned Development District and was master planned for single-family residential development. In 2005, a change of property ownership occurred, and the subject property was removed from the Cotton Crossing PD and rezoned to "C-1Br50" General Business District. Certain permitted uses in the C-1B district were prohibited pursuant to developer request via the "r50" restriction (a practice no longer allowed).

The property was developed with a private street, two commercial lots consisting of ten free-standing buildings with approximately 28 lease spaces, mostly occupied by retail and restaurant tenants and a bed and breakfast (High Cotton Inn). According to the developer, the project was designed to implement a village main street, new urbanist appearance, which includes a curbed, winding private street, no front building setbacks and antique street lights.

In 2011 the developer re-evaluated the mix of uses allowed in Gruene Lake Village. To accommodate a special group of uses, such as studios (dancing, music, drama, exercise, etc.) in this unique development, the developer requested the creation of a Special District. Per the Zoning Ordinance, special zoning districts implement policies or objectives in the comprehensive plan and can address specific issues for a geographic area, which may benefit from additional land management practices. The permitted use list for the Gruene Village Special District was approved by City Council on November 14, 2011.

One of the current tenants of the Gruene Lake Village development is the High Cotton Inn, a bed and breakfast. Per the City's zoning ordinance, a bed and breakfast must be owner or manager occupied. The applicant is the new owner of the High Cotton Inn which has 4 rooms and two office tenant lease spaces. He would like to operate the inn as a hotel and not require the owner or manager to reside at the inn. Therefore, the applicant is requesting "boutique hotel" be added to the list of permitted uses in the Gruene Lake Village Special District.

***General Information:***

Size: = 4.97 acres

***Surrounding Zoning and Land Use:***

North - Across Waterway Ln., ZH-A / Single-family residences

South - Cotton Crossing PD / Single-family residences and drainage channel

East - Across Gruene Lake Dr., R-3/ Single-family residence

West - Across Gruene Rd., "Kamp Kendrick" PD / Single-family residences

***Comprehensive Plan / Future Land Use Designation:***

Commercial

***Floodplain:***

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

***Regional Transportation Plan:***

Gruene Road is identified as a 60-foot wide Major Collector on the 2012 Regional Transportation Plan. The current right-of-way width of Gruene Road meets or exceeds 60 feet and no additional right-of-way dedication will be required with platting.

Waterway Lane is identified as a 60-foot wide Major Collector on the 2012 Regional Transportation Plan. The current right-of-way width of Waterway Lane is 60 feet and no additional right-of-way dedication will be required with platting.

**Improvement(s):**

A new urbanist mixture of commercial buildings, uses and parking.

**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 within an area of mixed uses and close proximity to tourist attractions where a hotel would be an appropriate use.)*;
- 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 minimal impacts on other properties within the general vicinity. Overnight stay is already allowed with the permitted bed and breakfast use. Staff's recommendation includes impact mitigating conditions.)*;
- Any other factors that will substantially affect the public health, safety, morals, or general welfare. *(The addition of hotel use to the district should not negatively affect the public health, safety, morals, or general welfare. The Gruene Lake Village Special District is an established mixed-use district.)*; and
- Whether the request is consistent with the Comprehensive Plan. *(The addition of hotel use is 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	<b>City Plan/Council Priority:</b> 2006 Comprehensive Plan Pros and Cons Based on Policies Plan	<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 zoning district amendment will be compatible with the existing land uses within and around the Gruene Lake Village Special District. <b>Goal 2A:</b> Allow differing uses in close proximity to help streets, public spaces and pedestrian-oriented retail become places where people meet, attracting pedestrians back onto the street and helping to revitalize community life. Gruene Lake Village has been developed in the manner described in Goal 2A and the additional "boutique hotel" use complements the goal as well.
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**FISCAL IMPACT:**

The subject use will be required to remit hotel occupancy taxes (HOT).

**COMMITTEE RECOMMENDATION:**

The Planning Commission recommended approval of the request with Staff's recommended conditions (8-0-0).

**STAFF RECOMMENDATION:**

Staff recommends approval, with a condition that the additional use be referred to as a “boutique hotel” defined as a small hotel with a maximum of 6 rooms. Six rooms is the maximum capacity of the existing inn building should the office tenant spaces be renovated into rooms in the future. It would also prevent a large capacity hotel from being constructed within the development.

This amendment to the existing Special District will complement the existing mixed uses within Gruene Lake Village and surrounding area. It would also meet Objectives of the Comprehensive Plan.

The applicant has indicated he is content with Staff’s recommendation.

***Notification:***

Public hearing notices were sent to 42 owners of property within 200 feet of the subject site. The Planning Division has received 7 responses in favor from numbers 5, 16, 18, 26, 36, 37 and 41 and one opposed from number 13.

**ATTACHMENTS:**

1. Aerial, Regional Transportation Plan Map
2. Application
3. Zoning and Land Use Maps
4. Notification List, Map and Responses
5. Site Plan
6. Photographs
7. Sec. 3.8-5 “Gruene Lake Village” Special District
8. Ordinance No. 2011-97
9. Ordinance