

## Legislation Details (With Text)

**File #:** 18-430 **Name:**

**Type:** Ordinance **Status:** Individual Item Ready

**File created:** 8/1/2018 **In control:** City Council

**On agenda:** 8/27/2018 **Final action:**

**Title:** Public hearing and first reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to 8.33 acres to allow self-storage warehouses including an onsite manager's living quarters, outside boat and RV storage, and/or single story office buildings in the "APD" Agricultural/Pre-Development District and the proposed rezoning of one acre from "APD" Agricultural/Pre-Development District to "C-1B" General Business District, addressed at 1938 FM 1044.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Aerial Maps, 2. Application, 3. Applicant Letters (to Neighbors and to City Council), 4. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan and Future Land Use Plan Amendment), 5. Notification List, Map and Responses, 6. Photographs, 7. Sec. 3.4-1 APD, 8. Sec. 3.4-13 C-1B, 9. Sec. 3.6 SUP, 10. Excerpt from the August 7, 2018 Planning Commission Regular Meeting, 11. Ordinance

Date	Ver.	Action By	Action	Result
8/27/2018	1	City Council		

Presenter/Contact

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

**SUBJECT:**

Public hearing and first reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to 8.33 acres to allow self-storage warehouses including an onsite manager's living quarters, outside boat and RV storage, and/or single story office buildings in the "APD" Agricultural/Pre-Development District and the proposed rezoning of one acre from "APD" Agricultural/Pre-Development District to "C-1B" General Business District, addressed at 1938 FM 1044.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ-18-022

**Council District:** 1

**Owner:** Ronald Wolfhart  
1938 FM 1044  
New Braunfels, TX 78130  
(830) 625-0685

**Applicant:** Paul Williams

1283 Old FM 306  
New Braunfels, TX 78130  
(830) 743-6138

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

**Background/rationale:**

The subject property is comprised of 9.33 acres located on the southwest side of FM 1044 approximately 700 feet south of County Line Road, east of the proposed Highland Grove Subdivision, and zoned “APD” Agricultural/Pre-Development District. An auto repair shop is currently occupying the subject site. The property was annexed into the city limits in 1998.

The applicant is requesting two zoning changes to the property. The first being a rezoning of 1 acre that will include the existing auto repair shop. The business owner intends to retain ownership of the 1 acre where he would continue to operate the business. He would then sell the remaining 8.33 acres to the applicant.

The auto repair shop is considered an existing non-conforming use in the APD district. The applicant’s request for C-1B is the least intensive zoning district that allows auto repair shops.

The applicant’s second request is for approval of a Type 1 Special Use Permit (not subject to a site plan) to allow the remaining 8.33 acres of the property to be used as a self-service storage facility (a.k.a. mini-warehouse) with an on-site caretaker’s residence, outside boat and rv storage, and/or single-story office buildings.

The applicant’s original SUP request presented to the Planning Commission included the following modifications to the adopted zoning ordinance requirements:

1. Allow the facades of side and rear exterior buildings to be 100% metal rather than meet the City’s minimum masonry façade requirements as stated in Section 5.22-4 of the Zoning Ordinance.
2. Allow buildings to be constructed with no setback requirement adjacent to all shared side and rear lot lines.
3. Not require a masonry buffer wall or landscape buffer (trees) between the subject property and adjacent properties utilized or zoned for single or two-family dwelling use.

The applicant mailed a summary of the project request to the neighbors prior to the Planning Commission meeting. At the Planning Commission meeting, the applicant stated he would **rescind** the code modification requests in light of a neighbor’s and staff’s objections to the deviations from adopted standards. A copy of both the original letter and the subsequent letter officially rescinding the requests to modify code requirements is attached to this report as Attachment 3.

**General Information:**

**Size:** Proposed SUP = 8.33 acres  
Proposed C-1B = 1 acre

*Surrounding Zoning and Land Use:*

North - APD / Single family residences and undeveloped

South - APD and "Highland Gardens" PD / Single family homes and undeveloped

East - Across FM 1044, APD / Undeveloped

West - "Highland Gardens" PD / Undeveloped

*Comprehensive Plan / Future Land Use Designation*

The Future Land Use designation of the property is Commercial and Residential Low Density. If the rezoning requests are approved, Staff recommends a concurrent Future Land Use Plan amendment to change Residential Low Density Future Land Use designation to Commercial. The applicant has submitted the request for the Future Land Use Plan amendment. The proposed new Comprehensive Plan identifies the tract as being along a Transitional Mixed-Use Corridor.

*Floodplain:*

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

*Regional Transportation Plan:*

FM 1044 is designated as a 120-foot Minor Arterial on the Regional Transportation Plan. The road currently has an 80-foot right-of-way width. An additional 20 feet of right-of-way will be dedicated at the time of final plat.

*Improvement(s):*

The 8.33-acre tract is undeveloped; an auto repair garage occupies the one-acre tract.

*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 along a minor arterial corridor with a mix of residential and commercial uses. With installation of the required masonry wall and landscape buffer between the subject property and the adjacent perimeter residential lots, the proposed uses could be appropriate for this site. The large number of smaller residential lots being developed in the area are typically not practical for storing rv's and boats. The outside storage with the required screening, would be beneficial to residents in the area as there are currently no such storage facilities in the vicinity of these neighborhoods.*);
- 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 impact on other areas designated for similar development.*);
- 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. This also adds value to the use as those with on-site caretakers are more desirable locations for storage of valuables since customers look for the*

*added security that accompanies the presence of on-site caretakers.); and*

- Whether the request is consistent with the Comprehensive Plan. *(The proposed uses of the property are consistent with the majority of the property which is designated as Commercial on the Future Lane Use Plan. The applicant has submitted a request to amend the Future Land Use Plan to Commercial for the rear portion of the property currently designated as Residential Low Density. It could be consistent with the proposed new Comprehensive Plan as well which designates the FM 1044 corridor as Transitional Mixed-Use.)*

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

✓	Yes	<b>City Plan/Council Priority:</b> 2006 Comprehensive Plan <i>Pros and Cons Based on Policies Plan</i>	<b>Pros:</b> Goal 1 Objective A: <i>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.</i> The proposed C-1B district and SUP uses will be compatible with the existing land uses and provide for a mix of uses in an appropriate area of the City, but <b>only</b> with adherence to building materials, setback and residential buffer requirements. <b>Objective I:</b> <i>Industrial and commercial development should be planned and designed to avoid truck access through residential neighborhoods.</i> The subject property has direct access to FM 1044 and would not require access through residential neighborhoods. <b>Goal 3, Objective B:</b> <i>Work with developers to make a more efficient use of land and resources and discourage sprawl.</i> 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 additional opportunity for workforce housing. <b>Cons:</b> If approved and developed without the code-required development standards, the proposed development would not be compatible.
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#### **FISCAL IMPACT:**

N/A

#### **COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on August 7, 2018 and recommended denial of the request (4-3), with Commissioner Nolte and Chairman Edwards absent.

On August 11<sup>th</sup>, post Planning Commission meeting, the applicant sent the City Council a letter describing the project as he felt he needed to clarify some points that were discussed at the Planning Commission meeting (see Attachment 3).

#### **STAFF RECOMMENDATION:**

Staff recommends approval of the proposed C-1B zoning and Type 1 Special Use Permit to allow self-storage warehouses including an onsite manager's living quarters, outside boat and rv storage, and/or single story office buildings. The proposed uses of the property are consistent with the intent of the Future Land Use Plan with the majority of the property being designated Commercial. The request also satisfies several goals of the Comprehensive Plan. Staff's recommendation of approval is only with the applicant's adherence to all of the adopted code-requirements, including but not limited to masonry facades, buffers, landscaping, and setbacks.

Staff's recommendation also includes approval of an amendment to the Future Land Use Plan designating the Residential Low Density portion of the subject property as Commercial. A request for approval of the Future Land Use Plan amendment will accompany the zoning change and SUP request at the time of the second reading of the ordinance if approved by City Council.

*Notification:*

Public hearing notices were sent to 8 owners of property within 200 feet of the request. The Planning Division has received one response in favor (#6) and one in objection (#3). Objection exceeds 20% of the notification area at 29.8% triggering the requirement for a super majority of City Council to approve the request.

**ATTACHMENTS:**

1. Aerial Maps
2. Application
3. Applicant Letters (to Neighbors and to City Council)
4. Land Use Maps (Zoning, Existing Land Use and Future Land Use Plan)
5. Notification List, Notification Map and Response
6. Photographs
7. Sec. 3.4-1 APD
8. Sec. 3.4-13 C-1B
9. Sec. 3.6 Special Use Permits
10. Excerpt from the August 7, 2018 Planning Commission Regular Meeting
11. Ordinance