

Legislation Details (With Text)

File #:	22-625	Name:	
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On agenda:	7/5/2022	Final action:	
Title:	SUP22-217 Public hearing and recommendation to City Council regarding the proposed rezoning to apply a Special Use Permit in "R-2" Single-family and Two-family District to allow a resort property with related development standards on approximately 19.96 acres of Ingram Acres Subdivision, Lot 2B addressed at 1251 Sleepy Hollow Lane.		

Sponsors:**Indexes:****Code sections:**

Attachments: 1. City Maps, 2. Application with Proposal, 3. TIA Determination Letter & Form, 4. Subject Property Photos, 5. Notification Map, List, & Responses

Date	Ver.	Action By	Action	Result
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PRESENTER:

Applicant: Schumann Consulting; TJ Grossi

Owner: Zero Rivers

SUBJECT:

SUP22-217 Public hearing and recommendation to City Council regarding the proposed rezoning to apply a Special Use Permit in "R-2" Single-family and Two-family District to allow a resort property with related development standards on approximately 19.96 acres of Ingram Acres Subdivision, Lot 2B addressed at 1251 Sleepy Hollow Lane.

DEPARTMENT: Planning and Development Services

COUNCIL DISTRICTS IMPACTED: Council District 4

BACKGROUND INFORMATION:

Case #: SUP22-217

Applicant: TJ Grossi
Schumann Consulting
236 Summer Hill
New Braunfels, TX 78130
tj@schumannconsulting.org

Owner: Zero Rivers
1071 Fieldstone Drive
New Braunfels, TX 78130
toobintx@aol.com

Staff Contact: Laure Middleton

(830) 221-4054 LMiddleton@nbtexas.org

The subject property is located east of Gruene Road on the west side of Sleepy Hollow Lane between Ewelling Lane to the south and the Guadalupe River to the north. Approximately 80% of the 19.96 acre tract is located within the Guadalupe River floodway (approximately 12.26 acres) and 1% annual chance floodplain (approximately 3.75 acres). The site is in the Edwards Aquifer Recharge Zone and is currently unimproved.

The applicant is requesting approval of a zone change to apply a Type 1 Special Use Permit (SUP) to allow the development of a resort property with individually owned cottages/cabins, RVs, and supporting structures including but not limited to a bathhouse, maintenance building, and amenities. The zoning ordinance allows for Type 1 and Type 2 SUPs where a Type 1 is without a site plan regulating land use only, and a Type 2 is with a detailed site plan. (Section 144-5.17)

Resort property means a compound of buildings and facilities located together that provides lodging, entertainment and a relaxing environment to people on vacation. This includes 24-hour security and 24-hour front desk personnel. These units comply with all commercial building code standards. Resort properties are exempted from the Short Term Rental requirements, but must still submit Hotel Occupancy Tax, where applicable. (Ch 144-5.7)

Activities typically associated with Resort Developments include:

- Vacationers
- RV travelers
- Seasonal living for 6 months or less (snowbirds, seasonal/temporary workers)
- Corporate retreats and meetings
- Family reunions
- Celebrations of significant life events - milestone birthdays, graduations, weddings, retirement, etc.
- Rental of individual units for less than 30 days

Surrounding Zoning and Land Use:

North - R-1 and R-2 / Single-family neighborhood

South -M-1r17 and R-2/ Commercial center and single-family residence

East - Across Sleepy Hollow Ln, R-2 / single-family and Undeveloped

West - R-2 and C-4B / Undeveloped

Access and Transportation

A traffic impact analysis (TIA) determination form submitted for this project indicated only a TIA Worksheet would be required, as trip generation for 50 occupied campsite/cabins would be under 100 peak hour trips. An updated TIA determination form and indicated required analysis reflecting all proposed uses will be required prior to platting or permitting.

The subject property fronts Sleepy Hollow Lane, a local residential street that serves residential properties and

has a pavement width of approximately 17 feet. It is considered inadequate by City standards as it is less than 24 feet wide and does not meet the minimum pavement requirements for a local residential street, which is 30 feet. The minimum pavement width for local streets that serve commercial development is 40 feet. The applicant's proposal indicates access to Sleepy Hollow Lane will be for emergency access only. To guarantee such an arrangement, a permanent access easement agreement is necessary to ensure the primary access to Gruene Road across the adjacent properties. The City must be a release authority on this agreement to ensure it remains in perpetuity.

Environmental

The subject property is located in close proximity to the Guadalupe River, known as a flash flood area where there is a history of little advance warning of rising water. The flood prone area makes most of the property environmentally vulnerable for permanent residential or commercial structures. While RV placement is prohibited in the floodway, RVs in the floodplain but must be "road ready" and utility improvements within the floodplain must meet minimum flood protection measures. A floodplain development permit is applicable and will be required for this proposed commercial development if any structures are to be located within either the floodway or 1% annual chance floodplain.

Floodway Development

Any development in the FEMA designated Floodway is subject to a Flood study showing the proposed structures will not create a rise in floodwaters and will not create any adverse impacts upstream or downstream. All utilities, mechanical equipment, and permanent structures must be elevated to 2 feet above Base Flood Elevation (BFE). Permanent structures must be anchored and designed by an engineer to be able to withstand the hydrostatic forces of adverse flood events. Paving for parking is not required to be elevated but must be reviewed through floodplain development permits and require No Rise and No Adverse Impact certification. Landscape installation also is required to be No Rise and No Adverse Impact certified. In speaking with the City Engineering division, this is not a guaranteed outcome and is dependent upon the flood study. Therefore, the proposed standard of "heavy vegetation buffer" between the abutting residential properties is uncertain and cannot be guaranteed.

RVs are prohibited to be located within the floodway (2018 IBC Sec. G601.1).

As part of the subdivision platting process, the City's Subdivision Platting Ordinance requires FEMA designated Floodway to be located within a drainage easement that excludes development. However, platting the subject property is not required.

Floodplain Development

Any development in the FEMA designated 1% annual chance floodplain is required to be reviewed through a floodplain development permit. Permanent structures in the floodplain are required to be elevated 2 feet above BFE and anchored to withstand the hydrostatic forces of adverse flood events. Utilities and mechanical equipment are also required to be elevated 2 feet above BFE. Temporary uses (less than 6 months) in the floodplain, including RVs, do not require floodplain development permits. RV pad sites in the floodplain require a floodplain development permit.

RV parks in the community that are in floodplains and near floodways incorporate and adopt formal emergency evacuation plans.

Residential Buffer

The zoning ordinance requires a commercially developed property to install and maintain a 6-8 foot tall residential buffer wall and shade trees. The wall must be constructed of brick, stone, cast stone, rock, marble,

granite, split-face concrete block, poured-in place concrete, or precast concrete, and not fiber cement. The code allows an administrative process for the residential properties to authorize relief from the residential buffer wall requirement. The zoning ordinance also requires at least one shade tree per 25 linear feet of property be planted along the common property line of the single-family or two-family property.

However, due to the floodway designation on much of the property that abuts the residential neighborhood, these residential buffer requirements may not be feasible. A flood study is needed to make that determination.

The residential buffering requirements of the zoning ordinance also prohibit outdoor audio or speakers, and require an increased setback of at least 20 feet plus one foot for each foot of building height over 20 feet.

Lighting

The zoning ordinance requires limited lighting, and fixtures operated so as “not to produce an obnoxious and intense glare or direct illumination across the bounding property line, and shall not be of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property.” Chapter 144-5.3 provides standards for outdoor lighting illuminating parking spaces, driveways, maneuvering areas, or buildings and setback or shielding requirements.

Noise Regulations

Decibel limits for non-residential properties is defined in Chapter 82-9(c)(2)b of the City’s Code of Ordinances. The maximum permissible decibel level for any type of sound emitted from that property is up to 85 decibels between 10:00 a.m. to 10:00 p.m., and up to 75 decibels at all other times. These are the same standards as required by the code for Residential districts.

Impacts of noise on hearing health are described on the CDC.gov website. For reference city traffic (inside the car) is described as around 85 decibels. Normal Conversation is described as around 60 decibels.

ISSUE:

The applicant is requesting an SUP be approved to allow a resort property with an RV park and individually owned cottages and cabins with limited additional development standards to regulate the scale and character of the resort on the property.

Applicant’s Proposal

A type 1 SUP to allow a Resort Property with Cottages, Cabins, Condos, RV’s, commercial parking, and supporting structures including but not limited to bathhouse, maintenance building, and amenities. All Construction would meet or exceed the City’s minimum standards for building in the Floodplain subject to the following:

- 1) Quiet hours between 10pm-6am,
- 2) Heavy vegetation buffer abutting adjacent residential lots in the “R-2” Single-family and Two-family District, and
- 3) Access to Sleepy Hollow Lane for emergency use only.

Future Land Use Plan:

The property lies within the New Braunfels Sub Area near an existing Tourist Center, and near a future Market Center. It is in close proximity to the Guadalupe River Recreational Corridor and within a short drive to

Downtown New Braunfels.

Depending on the development standards adopted, this project could offer a novel option for vacationers, both local and visiting, in close proximity to many tourist attractions in New Braunfels. Proper development standards are needed to minimize conflict with the abutting neighborhood and to minimize conflict with many of the Envision New Braunfels goals and action items. With the staff recommended development standards the proposal can be supported by the following actions from Envision New Braunfels:

Action 1.6: Incentivize infill development and redevelopment to take advantage of existing infrastructure.

Action 1.14 Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions.

Action 3.21 Enhance local recreational venues.

Action 4.3 Ensure adequate facilities in number and in size for local citizen use, and to attract outside markets for tournaments and conventions.

Staff has identified the following development standards to address conflicts with the goals and action items of Envision New Braunfels and the abutting neighborhood:

Development Standards for Gruene Resort SUP

1. In addition to the standards for non-residential uses in the R-2, Two-Family Residential District, all non-residential development standards including but not limited to tree protection, residential buffering, and architectural design standards shall apply.
2. No campfires or open fires will be permitted.
3. Outdoor activities shall be prohibited between the hours of 9 pm and 9 am.
4. Structures shall not face Sleepy Hollow Lane or residentially used or zoned properties to maintain the privacy of the neighborhood and to focus the activity away from the neighborhood in anticipation of elevated structures that would overlook the neighborhood.
5. A building setback of 50 feet from Sleepy Hollow Lane shall be maintained to provide additional buffering between the residential and commercial uses. Staff would typically require the residential buffer wall adjacent Sleepy Hollow Lane; however, the floodway will likely prevent its construction, and the additional setback will help minimize conflict with adjacent residential uses.
6. Primary access shall be to Gruene Road and a recorded private access easement agreement shall be required which includes the city as a required party to approve its release to ensure the perpetuity of this primary access.
7. Access to Sleepy Hollow Lane is restricted to secondary emergency access only.
8. Designate a drainage easement to contain the floodway prior to the issuance of a building permit.

FISCAL IMPACT:

If approved, this resort property would be subject to Hotel Occupancy Taxes (HOT).

RECOMMENDATION:

Staff recommends approval with the following conditions:

1. In addition to the standards for non-residential uses in the R-2, Two-Family Residential District, all non-residential development standards including but not limited to tree protection, residential buffering, and architectural design standards shall apply.
2. No campfires or open fires will be permitted.
3. Outdoor activities shall be prohibited between the hours of 9 pm and 9 am.
4. Structures shall not face Sleepy Hollow Lane or residentially used or zoned properties.
5. A building setback of 50 feet from Sleepy Hollow Lane shall be maintained.
6. Primary access shall be to Gruene Road and a recorded private access easement agreement shall be required which includes the City as a required party to approve its release.
7. Access to Sleepy Hollow Lane is restricted to secondary emergency access only.
8. Designate a drainage easement to contain the floodway prior to the issuance of a building permit.

Mailed notification pursuant to state statute:

Public hearing notices were mailed to 31 owners of property within 200 feet of the subject property. To date, 7 responses have been received in opposition from property owners 13, 15, 17, 18, 19, 20, and 25; and one in favor from outside of the notification area.

Resource Links:

Chapter 144, Section 3.3-2 "R-2" Single and Two-family District of the City's Code of Ordinances:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.3ZODIREPRZOPRJU221987

Chapter 144, Section 5.3 Landscaping, tree preservation, public trees, screening, fences, buffering and lighting of the City's Code of Ordinances:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTVDEST_S144-5.3LATRPRPUTRSCFEBULI

Chapter 144, Section 5.22. - Non-residential and multifamily design standards.

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTVDEST_S144-5.22NSIMUDEST

Chapter 144, Section 3.6 Special Use Permits of the City's Code of Ordinances:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.6SPUSPE

Chapter 82, Section 9 Noise Regulations of the City's Code of Ordinances:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH82OFMIPR_ARTIINGE_S82-9NORE

Chapter 58, Section 30 Provisions for flood hazard reduction of the City's Code of Ordinances:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH58FL_ARTIIIFLDAPR_S58-30PRFLHARE

Chapter 62, Article IV. - Mobile Homes, House Cars And Tourist Courts of the City's Code of Ordinances:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH62HESA_ARTIVMOHOHOCATOCO