

Legislation Details (With Text)

File #:	22-860	Name:	
Type:	Recommendation	Status:	Individual Item Ready
File created:	7/12/2022	In control:	Planning Commission
On agenda:	8/2/2022	Final action:	
Title:	SUP22-221 Public hearing and recommendation to City Council regarding a proposed rezoning from "R-2" Single-Family and Two-Family District to "C-1A" Neighborhood Commercial District with a Special Use Permit to allow the addition of coffee roasting use and related warehousing with a coffee shop on approximately 0.85 of an acre of the Resubdivision plat of Lots 12A-12F, Block H, Cypress Rapids at Gruene Section 1, Lot 12E, addressed at 1720 Hunter Road.		

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

Attachments: 1. City Maps, 2. District Comparison Chart, 3. Requested Code Deviations, 4. TIA Determination Form & Worksheet, 5. Subject Property Photos, 6. Notification Map, List, and Responses

Date	Ver.	Action By	Action	Result
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PRESENTER:

Applicants: Gruene Coffee Haus (Rick Shuck)

Owner: Larry Lehr

SUBJECT:

SUP22-221 Public hearing and recommendation to City Council regarding a proposed rezoning from "R-2" Single-Family and Two-Family District to "C-1A" Neighborhood Commercial District with a Special Use Permit to allow the addition of coffee roasting use and related warehousing with a coffee shop on approximately 0.85 of an acre of the Resubdivision plat of Lots 12A-12F, Block H, Cypress Rapids at Gruene Section 1, Lot 12E, addressed at 1720 Hunter Road.

DEPARTMENT: Planning and Development Services

COUNCIL DISTRICTS IMPACTED: Council District 1

BACKGROUND INFORMATION:

Case No.: SUP22-221

Applicant: Gruene Coffee Haus (Rick Shuck)
27238 Indian Crest
San Antonio, TX 78261
210-421-9279 | Rick@timbercon.net

Owner: Larry Lehr
39 Stonecrest Circle
New Braunfels, TX 78132
(830) 708-4446 | larryblehr@gmail.com

Staff Contact: Maddison O’Kelley
(830) 221-4056 | mokolley@nbtexas.org

This item was postponed from the July 5, 2022, regular Planning Commission meeting.

The subject property is a flag lot located on Hunter Road within Gruene, behind the Adobe Verde Restaurant. The property is improved with a commercial structure which is currently used for retail and coffee shop use. The property is zoned “C-1 AH” Neighborhood Business Airport Hazard Overlay District at the front of the lot, up to approximately 338 feet from the property’s frontage along Hunter Road, and the remaining rear portion of the property is zoned “R-2 AH” Single-Family and Two-Family Airport Hazard Overlay District.

The applicant is requesting to rezone approximately 0.85 of an acre of the property from “R-2 AH” Single Family and Two Family Airport Hazard Overlay District at the rear of the property to “C-1A” Neighborhood Business Airport Hazard Overlay District with a Type I SUP to allow coffee roasting and related warehousing with a coffee shop. The requested coffee roasting use and related warehousing are an expansion of the operations of the existing coffee shop use on the property.

The property is located within the Outer Precision Approach Zone of the Airport Hazard Overlay for building height. This overlay does not impact the proposed development.

Surrounding Zoning and Land Use:

North - Across Hunter Road, “R-1 AH” and “C-2Ar33 AH” / Retail (Natural Selections) and vacant land
South - “R-2” / Unimproved parking lot
East - “R-1 AH” / Single-family dwellings (Cypress Rapids at Gruene subdivision)
West - “C-1 AH” and “R-2 AH” / Retail (Got Toys)

ISSUE:

The “R-2” zoning at the rear of the property is inconsistent with the development that has occurred on the subject property. The applicant intends to rezone the “R-2” portion of the property to an appropriate commercial district that will allow for land uses that are compatible with the adjacent residential neighborhood and in keeping with the development that has occurred within the area. The requested SUP to allow coffee roasting with related warehousing is necessary because these uses are not allowed in “C-1A” and the proposed SUP will allow for the expansion of the services offered by the existing coffee shop on the property.

The zoning ordinance requires non-residential development to provide increased setbacks and buffering adjacent to land used or zoned for residential use. The intent for these regulations is to minimize the impact non-residential land uses can have on adjacent residences. Although the subject area to be rezoned is surrounded by the “R-2” residential zoning district, the properties to the south and west of the subject property are unlikely to be developed for residential use. The applicant is requesting three deviations (see attachment) from the zoning ordinance with the SUP request:

- To request a rear setback of 10 feet instead of the required 20-foot rear and residential setback for non-residential uses in the “C-1A” district. The applicant states the rear property line abuts land that is used as a parking area and is unlikely to be used for residential dwelling in the future and therefore the reduced setback will have minimal impact on the adjacent property. And;
- To not construct a 6 to 8-foot tall masonry wall along the common property line shared with adjacent property used and zoned for residential dwelling. The property abuts land zoned but not used for residential dwelling to the west and south of the property. However, the property to the east of the

subject property is both zoned and used for single-family dwelling. And;

- To not install landscaping for buffering parking areas required for non-residential development adjacent to land used or zoned for residential use. The property abuts land zoned but not used for residential dwelling to the west and south of the property. However, the property to the east of the subject property, adjacent the eastern side property line is both zoned and used for single-family dwelling.

The applicant states that in not requiring the masonry buffer wall and residential buffer trees to be planted, existing mature trees can be preserved along the common property lines with the adjacent residentially zoned land and provide more privacy than the buffer requirements would achieve. Staff notes the existing trees can contribute to the calculations of the residential buffer tree requirement if they are a protected species, as defined in the zoning ordinance. Additionally, the Zoning Ordinance provides an administrative process that allows the adjacent residential property owners to waive the masonry wall requirement.

In addition to the buffering and setback requirements, there are additional provisions in the zoning ordinance that will be required at the time of development to minimize the impact on adjacent residential property such as maximum light height and light fixture shielding.

The proposed rezoning to “C-1A AH” and SUP for coffee roasting with related warehousing at a coffee shop meet all Zoning Ordinance requirements, and are consistent with the following actions from Envision New Braunfels:

- Action 1.3: Encourage balanced and fiscally responsible land use patterns.
- Action 1.6: Incentivize infill development and redevelopment to take advantage of existing infrastructure.
- Action 3.3: Balance commercial centers with stable neighborhoods.
- Action 3.6 Pro actively provide a regulatory environment that remains business and resident friendly.
- Future Land Use: The property is situated within the Oak Creek Sub-Area, a transitional mixed-use corridor, and is in close proximity to a Proposed Civic Centers and two Proposed Employment Centers.

FISCAL IMPACT:

None.

RECOMMENDATION:

Approval. “C-1A” is intended to allow commercial use that is compatible with adjacent residential neighborhoods with minimal impact. The requested rezoning to “C-1A” at this location would be in accordance with Envision New Braunfels and new commercial development at this location would utilize existing infrastructure. Staff also recommends approval of the SUP to allow coffee roasting and related warehousing in a coffee shop with the following conditions:

1. The residential setback from the eastern side property line, shared with property currently used for residential dwellings, remain and not be waived with this request.
2. The residential buffer wall along the eastern side property line, shared with property currently used for residential dwellings, remain and not be waived with this request.
3. Oversized vehicles, as defined in the zoning ordinance, may not access, deliver, or park on the subject property more than once per each week.
4. The coffee roasting use remain associated with a coffee shop and shall be wholly enclosed within a building so that noise generated by the facility is not perceptible at the bounding property line.

5. The exhaust system for the coffee roaster shall be designed and constructed with air sweepers, or similar equipment, to reduce/eliminate smoke and smells emitted from the building to reduce possible disturbances to nearby residents.
6. The coffee roasting within the coffee roaster facility may only be operated between the hours of 8 AM and 8 PM.
7. The coffee roasting facility may not be used for any other type of manufacturing or production use. Manufacturing includes the processing, fabrication, assembly, treatment and packaging of products, and incidental storage, sales, and distribution of such products.
8. The warehouse may not be used to store products, materials, machinery, or tools unrelated to the coffee shop or coffee roasting use.

Notification:

Public hearing notices were sent to 15 owners of property within 200 feet of the request. To date, staff has received nine responses in objection from properties 1, 2, 4, 6, 8, 9, 11, 14, and 15 within the notification area, 57 responses in objection from owners of property outside of the notification area, and none in favor.

Opposition represents more than 20% of the notification area. Pursuant to state statute, a $\frac{3}{4}$ majority of City Council (6 votes) will be required to approve the applicant's request unless that opposition changes.

Resource Links:

- Chapter 144, Sec. 3.3-2 (R-2) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Sec. 3.4-12 (C-1A) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Sec. 3.6 (SUP) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?