

## Legislation Text

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**File #:** 17-679, **Version:** 1

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Presenter

*Christopher J. Looney, Planning & Community Development Director*  
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**SUBJECT:**

Public hearing and consideration of the first reading of an ordinance regarding the proposed rezoning request from "R-2" Single and Two-Family District to "C-1A" Neighborhood Business District with a Special Use Permit to allow a commercial contractor's office with outdoor storage on Lots 8 and 9, Seidels Subdivision, addressed at 1133 State Highway 46.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ-17-039

**Council District:** 2

**Owner/Applicant:** Justin Alcorn  
3410 Rosetti Dr.  
San Antonio, TX 78247  
(210) 319-8205

**Staff Contact:** Matt Greene, Planner  
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The subject property is comprised of 2.26 acres located on the east side of State Highway 46 South, approximately 75 feet south of the intersection of Stone Gate Drive. The property is currently zoned "R-2" Single and Two-Family District, is platted as Lots 8 and 9, Seidels Subdivision and improved with a one-story single family dwelling.

The applicant is a masonry contractor and recently purchased the property intending to convert the existing residential building into an office for his business and utilize a portion of the rear yard for outdoor storage of business equipment and supplies. Improvements proposed by the applicant also include the addition of office space added to the existing structure and two new covered storage/parking structures; one of which would include a small attached maintenance shop.

The applicant is requesting a zoning change from R-2 to C-1A. Contractor's offices (with no outside storage) are allowed in the following zoning districts: C-1, C-2, C-3, C-4, M-1, M-2, MU-A, MU-B, C-1A, C-1B, C-2A, C-4A, C-4B, CO, M-1A and M-2A. Contractor's offices with outside storage are permitted by right only in the following districts: C-3, M-1, M-2, MU-B, C-2A, M-1A and M-2A; or, by approval of a Special Use Permit (SUP). The applicant is requesting an SUP in conjunction with C-1A in order to accommodate outside storage of equipment and materials.

New Braunfels has two types of SUPs: Type 1 regulates land use only and does not require a specific site plan or development schedule. Type 2 requires a site plan illustrating the arrangement of the project in detail, including parking facilities, locations of buildings, uses to be permitted, landscaping and means of egress and ingress. The applicant is

requesting a Type 2 SUP illustrating the portion of the rear yard he is proposing to use for outdoor storage.

In addition to the proposed use of outside storage, the applicant's original SUP application included requests for deviations from the Zoning Ordinance to allow the existing 6-foot tall wood privacy fences adjacent to the single and two-family residential lots to remain rather than construct a 6-foot to 8-foot tall masonry wall along the common property lines; and to allow base material to be utilized for the equipment and material storage area rather than pave it with concrete or asphalt. At the Planning Commission meeting on October 4, 2017, the applicant withdrew the request for the code deviations and stated he would build the required masonry walls and pave the equipment and material storage area.

**General Information:**

*Size:* = 2.26 acres

*Surrounding Zoning and Land Use:*

North - R-2A / single family dwellings

South - Across S. Hwy 46, C-3 / undeveloped

East - R-3H / undeveloped

West - C-3 / dentist office, duplexes and undeveloped

*Comprehensive Plan/ Future Land Use Designation:*

Commercial

*Floodplain:*

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

*Regional Transportation Plan:*

The subject property is in compliance with the City's Regional Transportation Plan as State Highway 46 is identified as a 120-foot wide Principal Arterial and the current right-of-way width of State Highway 46 at the subject property location is 120 feet.

*Improvement(s):*

The subject property is improved with a one story single family home.

*Determination Factors:*

In making a decision on rezoning, 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 State Highway 46, a Principal Arterial, where there is a mixture of zoning districts; C-3, R-3H and R-2A. The proposed uses would be allowed on the adjacent C-3 properties. The proposed office use is considered compatible and the storage of equipment and materials could also be considered compatible with the materials and equipment properly screened with a solid masonry wall 6 feet to 8 feet in height and with the storage/parking area paved with asphalt or concrete.)*
- 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 areas designated for similar development.)*
- Any other factors that will substantially affect the public health, safety, morals, or general welfare *(None. All development code requirements will be met.)* and
- Whether the request is consistent with the Comprehensive Plan. *(The proposed use is consistent with the Future Land Use designation of the subject site as Commercial.)*

SUPs may be granted to allow compatible and orderly development which may be suitable only if developed in a specific way or only for a limited period of time. The request should be evaluated on the extent to which the proposed use:

- is consistent with policies of the Comprehensive Plan;
- is consistent with the purpose and intent of zoning district regulations;
- **meets all supplemental standards** ; and
- preserves the character and integrity of adjacent development and neighborhoods.

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

✓	No	<b>City Plan/Council Priority:</b> 2006 <i>Comprehensive Plan Pros and Cons Based on Policies Plan</i>	<b>Pros:</b> The proposed use is compatible with the Future Land Use Plan designation of the property as Commercial. <b>Goal 1C:</b> <i>Consider rezoning, as necessary, to ensure existing and future land use compatibility.</i> Rezoning of the property to C-1A will bring the property in compliance with the Future Land Use Plan. <b>Goal 1I:</b> <i>Industrial and commercial development should be planned and designed to avoid truck access through residential neighborhoods.</i> This property has direct access to State Highway 46 and will not require or have access through the residential neighborhood. <b>Cons:</b> None
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

At their October 4, 2017 regular meeting, the Planning Commission recommended approval of the rezoning request with Staff recommendations plus a requirement that the residential buffer masonry wall be 8 feet in height adjacent to the one- and two-family properties in order to protect the adjacent residential uses that may be at a higher grade. (4-1-0).

**STAFF RECOMMENDATION:**

Staff recommends approval of the rezoning as the request is consistent with the Future Land Use Plan designation of the property as Commercial. Staff's recommendation of approval includes the proposed SUP site plan as amended by the applicant at the October 4<sup>th</sup> Planning Commission meeting to include staff's recommended conditions (buffer wall and paving of the storage and drive aisles), plus the Planning Commission's additional recommendation.

**Notification:**

Public hearing notices were sent to 17 owners of property within 200 feet of the request. The Planning Division has received no responses in favor and 2 responses opposed from numbers 6 and 17. Opposition represents 33.28% of the notification area. Pursuant to state law, with objection in excess of 20%, a  $\frac{3}{4}$  majority of City Council (6 votes) is required for approval of this rezoning request.

**ATTACHMENTS:**

1. Aerial, Regional Transportation Plan and Floodplain Map
2. Application
3. Existing Site Plan and Proposed Site Plan
4. Zoning and Land Use Maps

5. Notification List, Map and Response
6. Photographs
7. Sec. 3.4-12 "C-1A" Neighborhood Business District
8. Sec. 3.6 Special Use Permits
9. Draft Minutes for the October 4, 2017 Planning Commission Meeting
10. Ordinance