

Legislation Text

File #: 17-779, Version: 1

Presenter

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SUBJECT:

Approval of the second and final reading of an ordinance regarding the proposed rezoning of Lot 1, Gruene Sunday Haus Addition addressed at 1950 Hunter Road, from "R-3" Multifamily District and "C-1" Local Business District to "C-4A" Resort Commercial District.

BACKGROUND / RATIONALE:

Case No.: PZ-17-042

Council District: 4

Owner/Applicant: Gruene Cottages, LLC (Cecil Eager)
791 Edgewater Terrace
New Braunfels, TX 78130
(830) 832-5814

Staff Contact: Matt Greene, Planner
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City Council held a public hearing on November 27, 2017, and approved the first reading of the requested rezoning ordinance (7-0-0), to change the zoning of Lot 1, Gruene Sunday Haus Addition, from "R-3" Multifamily District and "C-1" Local Business District to "C-4A" Resort Commercial District.

The subject property is located between FM 306, Old FM 306, and Hunter Road, is zoned R-3 and C-1 and is comprised of 1.59 acres. The subject property consists of one lot improved with a single-family dwelling with 2 attached guest homes and a detached cottage and several amenity features constructed between 1993 and 2003. The property is utilized for vacation rentals.

The applicant acquired the property in 2010, and though the existing structures and use of the property comply with the R-3 and C-1 regulations, the applicant is requesting a zoning change to "C-4A" Resort Commercial District to give the property a more appropriate zoning designation for the existing use and allow for possible future expansion.

The "C-4A" district is intended to serve tourists, vacationing public, conference center attendees, sports related programs and support service facilities including garden office, retail and specialty

shops (see Attachment 9 for list of permitted uses).

General Information:

Size: = 1.59 acres

Surrounding Zoning and Land Use:

North - Across Hunter Rd., C-1Br37 / undeveloped land

South - C-1A / Storage facility

East - C-1 and SUP / Convenience store with fuel sales and SUP for Christmas tree sales

West - Across Old FM 306, R-2 / Two-unit town homes

Comprehensive Plan/ Future Land Use Designation:

Commercial

No portion of the property is in a Special Flood Hazard Area Zone A.

Regional Transportation Plan:

Hunter Road is designated as 60-foot wide Minor Collector on the 2012 Regional Transportation Plan. The current right-of-way width meets the minimum standard for a Minor Collector.

Improvement(s):

A single-family dwelling with 2 attached guest homes, a detached cottage and several amenity features.

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 near the intersection of FM 306 and Hunter Road, which is the primary gateway into Gruene for those from out of town, and is located on a block with mixed commercial and multifamily zoning districts and various commercial uses. The proposed zoning is also complimentary to the existing use of the property as vacation rentals/cabins.*);
- 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 other properties in the area designated for similar development as development of these properties will be required to follow the City's development standards.*)
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*None; development of the property will be in compliance with the City's development standards.*) and
- Whether the request is consistent with the Comprehensive Plan. (*The proposed zoning and existing use of the property are 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	City Plan/Council Priority: 2006 Comprehensive Plan <i>Pros and Cons Based on Policies Plan</i>	Pros: Goal 1: Objective 1B: <i>Utilize existing land use inventory and official zoning district map to identify parcels that are legally developed with a use that is more or less intensive than the permitted uses in the zoning district in which they are located and consider proposed zone changes as appropriate.</i> One of the purposes of the C-4A district is for property to be developed as resort commercial intended to serve tourists and the vacationing public, which is the current land use of the property. Goal 1: Objective 1C: <i>Consider rezoning, as necessary, to ensure existing and future land use compatibility.</i> C-4A would be compatible with the C-1B, C-1, C-1A and R-3 zoned properties located on the same block as the subject property. Old FM 306 separates the subject property from residential uses. Cons: None.
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on November 7, 2017 to consider the rezoning of Lots 1 and 2, Gruene Sunday Haus Addition from R-3 and C-1 to C-4A. After hearing testimony from concerned owners of nearby property, the Planning Commission discussed the option of rezoning only Lot 1 (the interior lot) and leaving Lot 2 (the corner across from the townhome residents) as R-3. The applicant did not object to amending his application to request the rezoning of only Lot 1 to C-4A and leave Lot 2 zoned R-3. The Planning Commission recommended approval of the zoning change of Lot 1 only from R-3 and C-1 to C-4A, and keeping Lot 2 as R-3 (3-2-0), with Commissioners Bearden and Hoyt opposed, Chair Elrod recused and Commissioners Laskowski and Sonier were absent.

STAFF RECOMMENDATION:

Staff recommends approval as the proposed rezoning is compatible with surrounding zoning and land uses on the same block, is consistent with the Future Land Use Plan, is consistent with the existing use of the property, and the property's proximity to Gruene.

Notification:

Public hearing notices were sent to 20 owners of property within 200 feet of the subject property. The Planning Division has received two responses in favor (#'s 5 and 18) and three opposed (#'s 6, 8 and 9). Property owners of #'s 12 and 13 expressed their opposition to City Council at the first public hearing on November 27, 2017.

ATTACHMENTS:

1. Aerial, Regional Transportation Plan and Floodplain Map
2. Application
3. Plat of Subject Property
4. Zoning and Land Use Maps

5. Notification List, Notification Map and Responses
6. Photographs
7. Sec. 3.4-15 "C-4A" Resort Commercial District
8. Use comparison chart for C-4A and C-1
9. Excerpt from the Planning Commission Meeting Minutes of November 7, 2017
10. Ordinance