

## Legislation Text

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File #: 18-487, Version: 1

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Presenter

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

**SUBJECT:**

Public hearing and consideration of a resolution amending the future land use plan, and the second and final 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:**

City Council held a public hearing on August 27, 2018, and unanimously approved the first reading of the ordinance approving the requested rezoning (7-0-0).

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 is zoned "APD" Agricultural/Pre-Development District. A legally nonconforming (*grandfathered*) 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:

1. A rezoning of 1 acre that would include the existing legally nonconforming 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 applicant's request for C-1B for this single acre is the least intensive zoning district that allows auto repair shops.
2. A Type 1 Special Use Permit (SUP) 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. Type 1 SUPs do not require site plans.

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 three code modification requests (listed above) 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***

Commercial along the FM 1044 frontage, and Residential Low Density behind. The newly adopted Envision New Braunfels 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/tree 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 map. The applicant has submitted a request to amend the map to Commercial for the rear portion of the property currently designated as Residential Low Density. The proposed uses are consistent with the 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:**

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✓	Yes	City Plan/Council Priority: Envision New Braunfels Pros and Cons Based on Policies Plan	<b>Pros:</b> Action 1.3 <i>Encourage balanced and fiscally responsible land use patterns.</i> The proposed land uses are consistent with the identification of FM 1044 as a Transitional Mixed-Use Corridor, providing an appropriate mix of compatible uses, but <b>only</b> with adherence to building materials, setback and residential buffer (fence and tree) requirements. <b>Action 3.13</b> <i>Cultivate an environment where a healthy mix of different housing products at a range of sizes, affordability, densities, amenities and price points can be provided across the community as well as <b>within individual developments</b>.</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 innovative opportunity for workforce housing. <b>Cons:</b> Action 2.8 <i>Establish or expand architectural standards for quality of design across the city.</i> If approved or developed <b>without</b> the code-required development standards, the request would not be compatible with the area, nor would it be consistent with the Comprehensive Plan.
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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 (5-2, 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 applicant's request. The proposed uses would be consistent with the Comprehensive Plan if built in accordance with the code-required development standards. Therefore, staff's recommendation of approval is conditioned upon 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 map designating the Residential Low Density portion of the rear of the subject property as Commercial.

**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