

## Legislation Text

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**File #:** 19-106, **Version:** 1

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Presenter

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

Approval of the second and final reading of an ordinance rezoning 1.795 acres out of the AP Fuquay Survey 35 A-15, addressed at 1193 Gruene Road, from "R-2" Single and Two-family District to "C-O" Commercial Office District.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ-18-039

**Council District:** 4

**Applicant/Owner:** T. M. Savell  
23899 W. Highway 6  
Alvin, TX 77511

**Staff Contact:** Holly Mullins  
(830) 221-4054  
hmullins@nbtexas.org

**Background/rationale:**

**City Council held a public hearing on January 28, 2019 and unanimously approved the first reading of the requested rezoning ordinance.**

The subject property is located on Gruene Road, across from the intersection of Sunnybrook Drive and the private Gruene Vineyard Crossing. It has frontage along the Guadalupe River and a small portion of the property is within the 1% annual chance (100-year) floodplain. The property is currently zoned R-2 and is occupied by a single-family residence.

The applicant is interested in pursuing a Special Use Permit (SUP) for a short-term rental. Because short-term rental is prohibited in residential zoning districts, the owner is requesting a change to the base zoning district as a first step.

The applicant originally requested C-1A, which appeared to be appropriate at this location; however, C-1A does not allow single-family residential use. If rezoned to C-1A, the existing house would become non-conforming and reconstruction could be prohibited if it were damaged by flood, fire, etc. Therefore, the applicant amended his request to the less intense C-O District before the Planning Commission meeting.

The C-O Commercial Office District allows neighborhood-scale commercial uses as well as single-family residential. If this rezoning request is approved, short-term rental use on the subject property would still require an SUP, which the applicant opted to request separately.

**General Information:**

**Lot Size:** 1.795 acres

**Surrounding Zoning and Land Use:**

North - C-4A/ Hotel - bed & breakfast inn  
South - PD/ Multiple dwelling units, short-term rentals  
East - Across Gruene Road, C-1A/ Commercial  
West - Across Guadalupe River, R-1/ Residential

**Floodplain:**

A small portion of the property is within the 1% annual chance flood zone.

**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 (*C-O zoning is intended for mixed neighborhood services including professional office and residential uses. The proposed zoning is appropriate for this location along Gruene Road and compatible with existing uses in the area.*);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*The proposed zoning should not conflict with existing and proposed schools, street, or utilities in the area.*);
- How other areas designated for similar development will be affected (*The proposed zoning should not impact other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*There should be no other factors that will substantially affect the public health, safety, morals, or general welfare.*); and
- Whether the request is consistent with the Comprehensive Plan (*The subject property lies within the New Braunfels Sub Area, is along a Recreational River Corridor, and near an existing Tourist/Entertainment Center and future Market Center [see Attachment 3].*)

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

<b>City Plan/Council Priority:</b> Envision New Braunfels	<b>Action 3.3:</b> <i>Balance commercial centers with stable neighborhoods.</i> The proposed low intensity mixed-use zoning is consistent with the Future Land Use Plan and is compatible with current surrounding land uses. The proposed zoning would provide flexibility in future redevelopment of the property in response to changing economic trends in the area but maintain the ability to use the property for residential. <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 within individual developments.</i> Rezoning from R-2 would allow future development of an additional variety of uses in this neighborhood that would provide an appropriate transition from the commercial node of Gruene to the residential neighborhoods to the south.
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on January 8, 2019 and unanimously recommended approval of the rezoning request (8-0-0).

**STAFF RECOMMENDATION:**

Staff recommends approval as C-O would accommodate the existing use of the property, allows other uses compatible with the surrounding area, and would provide an appropriate use intensity transition consistent with Envision New Braunfels.

**Notification:**

Public hearing notices were sent to 13 owners of property within 200 feet of the request. The

Planning Division has received no responses.

**Attachments:**

1. Aerial Map
2. Application
3. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
4. Notification Map and List
5. Sec. 3.4-1 C-O
6. Photograph
7. Draft Minutes from Planning Commission
8. Ordinance