

## Legislation Text

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**File #:** 20-271, **Version:** 1

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Presenter

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

Approval of the second and final reading of an ordinance amending Chapter 144, Zoning, to establish Section 3.8-8, Wurstfest Special District; and the proposed rezoning of approximately 16 acres from M-2, Heavy Industrial, and R-2, Single Family and Two-Family District to Wurstfest Special District (WSD), located on the north side of Landa Street and extending along Landa Park Drive to Elizabeth Avenue, and currently addressed as 120 and 176 Landa Street, 192, 164, 180, and 178 Landa Park Drive, and 124 Elizabeth Avenue.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ20-0010

**Council District:** 3

**Applicant/Owner:** City of New Braunfels  
550 Landa Street  
New Braunfels, TX 78130  
(830) 221-4050

Wurstfest Association of New Braunfels  
120 Landa Street  
New Braunfels, TX 78130  
(830) 625-9167

**Staff Contact:** Maddison O'Kelley  
(830) 221-4056  
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**City Council held a public hearing on March 23, 2020 and approved the first reading of this rezoning ordinance (7-0-0).**

The subject property is approximately 16 acres with frontage along Landa Street, Landa Park Drive, and Elizabeth Avenue. Approximately 3.8 acres of the subject property, on the south end along Landa Street, is zoned M-2 with the remaining property zoned R-2. The existing improvements on the property include the Wurstfest Grounds, Circle Arts Theater, the original City Recreation Center, the Landa Park miniature golf course, and the Landa Falls tuber entrance.

Many of the non-governmental uses on the property are not allowed within the R-2 zoning district, but

are legally non-conforming having pre-existed the application of the existing zoning. The existing structures along Elizabeth Avenue and portions of Landa Park Drive, such as the Wursthalle, the Circle Arts Theater/Spas Haus building, and the miniature golf course pergolas, also encroach into the required setbacks for nonresidential structures; setbacks that are more appropriate for suburban style development and locations.

The Marktplatz food court burned down in November of 2019. The Wurstfest Association intends to reconstruct the Marktplatz before the end of this year. The zoning ordinance states whenever a nonconforming structure is damaged in excess of 75 percent of its replacement cost at that time, the repair or reconstruction of such building or structure shall conform to all the regulations of the zoning district in which it is located, and it shall be treated as a new building.

The City proposes to rezone the property to a new special district to allow the existing structures and uses, and the proposed improvements, on the property to be in compliance with the City's adopted Zoning Ordinance. The intent of the proposed standards is to ensure the established uses of the property, which are of cultural importance and significance to the community, are preserved.

#### *Surrounding Zoning and Land Use:*

North - Across Elizabeth Avenue, R-2 / Landa Park

South - Across Landa Street, M-2 / Assembly Hall, Parking Lot

East - Across Comal River, M-2 and C-4 / RV Park

West - Across Landa Park Drive, R-2 and M-2 / Multifamily Apartments

#### **Floodplain:**

Approximately 7.5 acres of the property are located within the 100-year floodplain. An exhibit of the floodplain is provided in the attached aerial map.

#### **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 rezoning would allow for the established uses on the property to continue as they have historically, and would accommodate new structures. The property is located in an area with a large number of community amenities and public recreation areas; the proposed zoning is tailored to compatibility with the uses in the immediate 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, streets, or utilities in the area.);*
- How other areas designated for similar development will be affected; *(The proposed zoning change should not negatively affect similar development in other areas.);*
- Any other factors that will substantially affect the public health, safety, morals, or general welfare; and *(None identified. The existing uses of the property have not adversely affected the public, and there are no provisions within the proposed ordinance that could allow for a significant change of the property's current uses.)*
- Whether the request is consistent with the Comprehensive Plan: *(The subject site is located within the New Braunfels Sub Area and existing Outdoor Recreation and Tourist/Entertainment Centers, and is along a Recreational River Corridor at the confluence of the Dry Comal Creek, Mill Race and Comal River.)*

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

<b>City Plan/Council Priority:</b> Envision New Braunfels Comprehensive Plan	<b>Action 1.3:</b> Encourage balanced and fiscally responsible land use patterns. <b>Action 1.11:</b> Update policies and codes to achieve development patterns that implement the goals of Envision New Braunfels. <b>Action 1.6:</b> Incentivize infill development and redevelopment to take advantage of existing infrastructure. <b>Action 1.14:</b> Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions. <b>Action 2.2:</b> Prioritize areas that are best suited for conservation and preservation. <b>Action 3.35:</b> Support local non-profits whose mission includes the goals of Envision New Braunfels.
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on March 3, 2020 and recommended approval (7-0-0).

**STAFF RECOMMENDATION:**

Approval. The proposed Wurstfest Special District provides for the continued, long-standing use of the subject property while allowing for desired improvements in accordance with the Comprehensive Plan - Envision New Braunfels.

**Notification:**

Public hearing notices were sent to 6 owners of property within 200 feet. The City has received one response in favor of the request.

**Attachments:**

1. Aerial Map
2. Zoning Map
3. Existing Land Use Map
4. Future Land Use Plan
5. Notification List, Map and Response
6. Excerpt of Minutes from March 3, 2020 Planning Commission Regular Meeting
7. Ordinance