Legislation Text

File #: 21-80, **Version:** 1

Presenter
Christopher J. Looney, AICP, Planning and Development Services Director
clooney@nbtexas.org

SUBJECT:

Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Type 1 Special Use Permit to allow an RV resort on approximately 28 acres consisting of Lot 1D-R Walnut Heights Subdivision and approximately 24 acres out of the J M Veramendi A-2 Survey, located in the 700 block of N. Walnut Avenue.

BACKGROUND / RATIONALE:

Case No.: SUP20-300

Council District: 1

Applicant: James Ingalls, PE
Moeller & Associates
2021 SH 46 West, Suite 105
New Braunfels, TX 78132
(830) 358-7127 jamesingalls@ma-tx.com

Owner: Gary Henry
Liberty Partnership Ltd.
600 N. Hickory Avenue
New Braunfels, TX 78130

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

City Council held a public hearing on January 25, 2021 and unanimously approved the first reading of the applicant's requested rezoning ordinance, with staff recommended conditions. (7-0-0)

The subject property is located west of North Walnut Avenue, between the two sets of Union Pacific railroad tracks. It consists of approximately 28 acres, zoned as follows:

- 18.5 acres zoned M-1 Light Industrial (unplatted);
- 5 acres zoned R-2 Single and Two-family (unplatted); and
- 4.43 acres of C-1 Local Business District (Lot 1D-R Walnut Heights)

Over 50% of the property (approximately 16 acres) is located within the Dry Comal Creek floodway and/or 1% annual chance floodplain.

The Special Use Permit (SUP) request was originally submitted as a Type 2 SUP with a site plan for the resort. Staff did not have sufficient information to fully evaluate the feasibility of the site plan as it relates to the floodplain, access, and other concerns. Providing this information will require a drainage study which is an additional expense for the applicant without knowing if the use itself would be acceptable at this location.

Therefore, staff recommended the applicant split their request into two SUPs. This initial request is being submitted as a Type 1 SUP to first allow the proposed use of the property as an RV resort. If an RV resort is found to generally be acceptable at this location, staff recommends a condition the applicant submit a follow-up Type 2 application with a detailed site plan and complete information for it to be further evaluated for safety in the flood zones.

Considerations unique to this property and proposed use:

- Platted Lot 1D-R has two points of access from Walnut Avenue: one is adjacent to the railroad right-of-way where a raised median prohibits left turns into or out of the property; and, the other is a 60-foot wide shared access driveway with the medical office on Lot 1C. (The applicant intends to utilize only the shared access drive. This will be reviewed with the Type 2 SUP application.)
- The unplatted portion of the property currently has access only from the terminus of Bavarian Drive. (The applicant intends to create a gated emergency-only access at this point. This will be reviewed with the Type 2 SUP application.)
- The site is situated between Dry Comal Creek and the railroad tracks, with approximately 12 acres located outside the floodplain, limiting development options.
- Dry Comal Creek is known as a flash flood area where at times there is little advance warning of rising water. Other RV parks in the community that are in or near floodways incorporate and adopt formal emergency evacuation plans.
- Another SUP request for an RV park within the City limits (FM 306/Hunter Road) met with substantial neighborhood objection, as did a previous SUP request on a portion of the subject property for a dance hall.)
- Because most of the property sits over 750 feet from Walnut Avenue, it may not be well-suited for retail and other commercial uses where high visibility is important. Likewise, the flood prone areas make most of the property unsuitable for permanent residential or commercial structures.

Surrounding Zoning and Land Use:
North - Across railroad, M-1, R-3/ Commercial, Multifamily
South - R-2, R-3, C-1 / Multifamily, Single-family residences
East - Across Walnut, M-1/ Commercial
West - M-1/ Undeveloped

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 site takes access from a Principal Arterial, Walnut Avenue. The proposed RV resort provides a use where the few permanent structures can be located outside of the floodway/floodplain while allowing development of the remainder of the property. If the use is approved, specific details of the site plan will be reviewed for*

appropriateness and compliance with City codes and development standards. Approval of the Type 1 SUP does not guarantee approval of the second Type 2 SUP, as the second SUP is specific to the site development and related impacts on the surrounding property and community.);

- 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 of the use with these elements. Site development impacts will be reviewed with the Type 2 SUP, if submitted.);*
- How other areas designated for similar development will be affected *(The proposed use should not impact other areas designated for similar development.)*;
- Any other factors that will substantially affect the public health, safety, morals, or general welfare; *(Floodplain and drainage issues, as well as access, will be specifically addressed with the site plan as part of the Type 2 SUP to follow if the proposed use is approved with the Type 1 SUP.)*
- Consistency with the Comprehensive Plan:

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	**Consistent Actions:** **Action 1.3:** Encourage balanced and fiscally responsible land use patterns. **Action 1.6:** Incentivize infill development and redevelopment to take advantage of existing infrastructure. **Action 1.14:** Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions. **Future Land Use:** The property is situated within the New Braunfels Sub-Area, along a Scenic River Corridor, and with access from the nearby Mixed-Use Transitional Corridor.

FISCAL IMPACT:
N/A

COMMITTEE RECOMMENDATION:
The Planning Commission held a public hearing on January 5, 2021 and voted unanimously to recommend approval of the request with staff recommendations. (9-0-0)

STAFF RECOMMENDATION:
Approval of the proposed use as a Type 1 SUP with the following conditions:

- A Type 2 SUP application with detailed site plan addressing all City code requirements including but not limited to access, drainage, and flooding emergencies.
- Any proposed deviations to the code must be submitted and approved prior to issuance of permits or development of the subject property as an RV resort.

Notification:
Public hearing notices were sent to owners of 43 properties within 200 feet of the request. To date, the City has received 6 responses in favor (#1, 21, 22, 24, 27, & 32) and 5 opposed (5, 6, 8, 35, & 39). Three citizens spoke in objection at the Planning Commission hearing but did not provide written responses. A petition signed by additional residents was also provided by some nearby neighbors.

RESOURCE LINKS:

- Chapter 144, Sec. 3.3-2 (R-2), Sec. 3.3-7 (C-1) and Sec. 3.3-11 (M-1) of the City's Code of Ordinances: <https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Sec. 3.6 (SUP) of the City's Code of Ordinances: <https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

ATTACHMENTS:

1. Aerial Map
2. Land Use Maps (Zoning, Existing, and Future Land Use)
3. Notification Map
4. Planning Commission Minutes
5. Ordinance