

## Legislation Text

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**File #:** 21-573, **Version:** 1

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**PRESENTER:**

Christopher J. Looney, AICP; Planning and Development Services Director

**SUBJECT:**

Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Type 2 Special Use Permit to adopt a site plan and establish development standards for an RV Resort on approximately 29 acres consisting of Lot 1D-R Walnut Heights Subdivision and approximately 25 acres out of the J. M. Veramendi A-2 Survey, located in the 700 block of N. Walnut Avenue.

**DEPARTMENT:** Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** Council District 1**BACKGROUND INFORMATION:**

**Applicant:** James Ingalls, P.E.  
INK Civil  
2021 Highway 46 West  
New Braunfels, TX 78132  
(830) 358-7127      jamesingalls@ink-civil.com

**Owner:** Gary Henry  
Liberty Partnership  
604 N. Hickory Avenue  
New Braunfels, TX 78130

**Developer:** Stuart Blythin  
431 N. Hickory  
New Braunfels, TX 78130  
blythinstuart@gmail.com

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

The subject property is located west of North Walnut Avenue, between the two sets of Union Pacific railroad tracks and adjacent to Dry Comal Creek. It consists of approximately 29 acres, zoned as follows:

- 18.5 acres zoned M-1 Light Industrial (unplatted);
- 5 acres zoned R-2 Single and Two-family (unplatted); and
- 5 acres of C-1 Local Business District (Lot 1D-R Walnut Heights plus 0.384 acres unplatted)

Most of the property sits over 750 feet from Walnut Avenue, and over 50% of it (approximately 16 acres) is

located within the floodway and/or 1% annual chance floodplain. These conditions limit development options for retail uses where visibility is important, and for permanent residential or commercial structures in the flood prone areas.

In February 2021, City Council approved a Type 1 Special Use Permit (SUP) to allow the proposed use of the property as an RV resort/park with the stipulation that the applicant return with a detailed site plan and flood study for consideration of a Type 2 SUP.

The applicant's Type 2 SUP request includes a site plan, flood study and development standards proposed to address concerns from the Type 1 SUP. The applicant's proposed development standards include:

- A maximum of 180 RV pad sites with no long-term stays exceeding 6 months.
- All ingress/egress is from Walnut Avenue. The Bavarian Drive access will be gated for emergency use only.
- Proposed quiet hours are 10 pm to 6 am. The developer states no noise may leave the campsite during quiet hours. Music and TV must be inaudible to other campers. He will also enforce a reasonable level for music and TV during non-quiet hours.
- A portion of the Dry Comal Creek hike and bike trail is being constructed with the development, and once a connection is built extending it beyond this property the trail will be open for public use.
- A minimum 6-foot tall masonry wall will be constructed adjacent to residential and multifamily use where outside the floodplain. Within the floodplain, a vegetative buffer is proposed (see waiver request). No buffer is required in the floodway where permanent obstructions, including fences, are not permitted.

#### **Waiver Request:**

The Zoning Ordinance requires a residential buffer, consisting of a 6 to 8-foot tall masonry fence and the planting of trees, where non-residential development is adjacent to single or two-family use or zoning. The applicant is requesting a waiver to allow a vegetative buffer in lieu of the solid fence for the portion of the property boundary within the floodplain.

The current site plan shows the vegetative buffer along five properties on Creek Drive south of Bavarian Drive; however, only one of the five appears to be within the 1% annual chance (100-year) floodplain. **Note: At the Planning Commission public hearing, the applicant agreed to extend the masonry wall buffer along all residential lots up to the location of the floodplain. A revised site plan was provided and is attached.**

The applicant has not provided specific details on the proposed landscape buffer (plant type, size, etc.). If this waiver is approved, conditions may be included for height, density and speed of growth of the vegetative buffer to ensure an adequate noise and visual barrier at the time of planting. Any conditions will be reviewed for compliance during the plan review and building permitting process.

The residential buffer is the only deviation being requested with this SUP. All other aspects of the development will meet code standards, including but not limited to zoning, building, drainage, and floodplain, as well as supplemental standards for RV parks (tourist courts) in Appendix B of the code of ordinances.

The City's Public Works Department performed a preliminary review of the flood study submitted by the applicant. A full compliance review will be made with the floodplain development/commercial building permit for the RV resort if this SUP is approved. Note that minor revisions to the site plan could be required with the floodplain development permit once grading and detailed engineering plans are submitted.

Due to the location in a flood prone area, staff recommends the developer make flash flood information and an evacuation map available to guests.

*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

**ISSUE:**

The subject property is currently zoned:

**C-1 Local Business District**, intended for professional offices, retail and light commercial uses which are suitable in close proximity to residential neighborhoods.

**M-1 Light Industrial District**, intended for light manufacturing, warehousing, research and development and other operations that do not depend on frequent customer visits, but may involve medium to heavy truck traffic for equipment deliveries and product shipping. It is generally located on major thoroughfares or railroad lines.

**R-2 Single and Two-family District**, intended for residential development.

**SUP:** a Type 1 Special Use Permit overlay was approved to use the property for an RV resort.

Given the irregular shape of the property, its limited access and floodplain constraints, the applicant chose a Special Use Permit rather than rezoning the entire 29 acres to a district that allows RV parks by right (C-1B or MU-B). With the SUP, City Council can add conditions to the use to achieve compatibility with surrounding land uses and neighboring properties. The use of the property as an RV park/resort was approved by City Council in February, with this Type 2 SUP as an added requirement to ensure compatibility with surrounding land uses and flood-related issues.

This site takes access from Walnut Avenue, a principal arterial. The proposed RV resort provides a use where the few permanent structures can be located outside the floodway/floodplain while allowing use and enjoyment of the majority of the property. The proposed SUP is consistent with the following actions from Envision New Braunfels:

- 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 Plan: The subject property is located in the New Braunfels Sub-Area and along a Transitional Mixed-Use Corridor and a Scenic River Corridor.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

**Committee Recommendation**

The Planning Commission held a public hearing on June 1, 2021 and recommended approval of the Type 2 SUP with staff recommendations. (8-0-0 with Commissioner Meyer absent)

### **Staff Recommendation**

Approval of the proposed Type 2 SUP with site plan, with a waiver to allow a vegetative buffer along residential properties within the floodplain and no buffer within the floodway, subject to the following conditions:

1. Revise the site plan to include the masonry wall/fence buffer for all adjacent single or two-family properties that are outside the floodplain, or provide a formal Masonry Wall Objection from the property owners. **(completed)**
2. The RV resort will comply with the approved site plan. Minor changes resulting from the floodplain development permit may be reviewed and approved administratively. Substantial revisions to the site plan will require approval of an amended SUP.
3. Add an explanation of the 10 pm to 6 am “quiet hours” to the list of development standards.
4. Prepare an informational handout regarding flash flooding risks with an evacuation map to be provided to guests.

### *Notification as required by state statute:*

Public hearing notices were sent to owners of 44 properties within 200 feet of the request. To date the City has received 9 responses in favor (#1, 3, 9, 12, 20, 24, 26, 29, 39) and one in objection (#5).

### **Resource Links:**

- Chapter 144, Sec. 3.3-7 (C-1) and 3.3-11 (M-1)  
[Sec. 144-3.3. - Zoning districts and regulations for property zoned prior to June 22, 1987. | Code of Ordinances | New Braunfels, TX | Municode Library](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.3ZODIREPRZOPRJU221987)  
<[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH144ZO\\_ARTIIIZODI\\_S144-3.3ZODIREPRZOPRJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.3ZODIREPRZOPRJU221987)>
- Chapter 144, Sec. 3.6 (SUP) of the City’s Code of Ordinances:  
<[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH144ZO\\_ARTIIIZODI\\_S144-3.6SPUSPE](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.6SPUSPE)>

### **Attachments:**

1. Aerial Map
2. Land Use Maps (Zoning, Existing and Future Land Use)
3. Site Plan (Revised 6-18-21)
4. Waiver Request
5. Notification Map
6. Draft Planning Commission Meeting Minutes
7. Ordinance