

## Legislation Details (With Text)

<b>File #:</b>	20-942	<b>Name:</b>	
<b>Type:</b>	Recommendation	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	12/16/2020	<b>In control:</b>	Planning Commission
<b>On agenda:</b>	1/5/2021	<b>Final action:</b>	
<b>Title:</b>	SUP20-289 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow duplexes (two-family dwellings) or office/warehouse use in the "APD" Agricultural/Pre-Development District on approximately 0.938 acres out of the A.M. Esnaurizar Eleven League Grant, Subdivision No. 107, addressed at 187 Prairie View Road.		

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Aerial Map, 2. Land Use Maps (Zoning, Existing and Future Land Use), 3. Notification List and Map, 4. Proposed Office/Warehouse Site Plan

Date	Ver.	Action By	Action	Result
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Presenter/Contact

*Applicant: Moeller & Associates (James Ingalls, P.E.) Owner: Dianna Lynn Scott  
(830) 358-7127 - jamesingalls@ma-tx.com*

**SUBJECT:**

SUP20-289 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow duplexes (two-family dwellings) or office/warehouse use in the "APD" Agricultural/Pre-Development District on approximately 0.938 acres out of the A.M. Esnaurizar Eleven League Grant, Subdivision No. 107, addressed at 187 Prairie View Road.

**BACKGROUND / RATIONALE:**

**Case No.:** SUP20-289

**Council District:** 2

**Applicant:** Moeller & Associates (James Ingalls, P.E.)  
2021 SH 46 W, Ste. 105  
New Braunfels, TX 78132  
(830) 358-7127 - jamesingalls@ma-tx.com

**Owner:** Dianna Lynn Scott  
187 Prairie View  
New Braunfels, TX 78130  
(830) 660-4328

**Staff Contact:** Matt Greene

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mgreene@nbtexas.org

The subject property is comprised of 0.938 of an acre (40,859 sq. ft.) on the west side of the terminus of Prairie View Lane, a local street off State Highway 46 East and is developed with a single-family residence constructed in 1960. Prairie View Lane is a narrow roadway approximately 1,200 feet in length to its dead-end without a turn-around that serves primarily large lot single family residences with some undeveloped parcels used for agricultural purposes. A commercial property fronts State Highway 46 East at the entrance to the neighborhood, and a plumbing contractor's office approved through a Special Use Permit (SUP) in 2013 lies in the middle of the block on the south side of Prairie View Lane.

The applicant recently applied to rezone the property to "C-2A" Central Business District. That request was denied by City Council in November 2020. The applicant is now seeking an SUP for either duplexes or office/warehouse use, which are the owner's desired options for use of the property.

If approved for duplexes, it would be appropriate for development to adhere to the development standards for two-family dwellings in the "R-2A" Single-Family and Two-Family District. For R-2A, the minimum lot width required for a duplex lot is 60 feet. The subject property is approximately 180 feet wide at the 25-foot front setback, which would allow for subdivision of the property into a maximum of 3 duplex lots (6 dwelling units total).

If approved for office/warehouse use, it would be appropriate for the commercial use of the property to adhere to the development standards for commercial development in the "C-1B" General Business District.

*Surrounding Zoning and Land Use:*

North - APD / Single-family residence and undeveloped property  
South - APD / Single-family residence  
East - Across Prairie View Ln., APD / Agricultural  
West - R-1A-6.6 / Single-Family Homes and Drainage Easement

*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 immediate area is dominated by residential and agricultural uses and Prairie View Lane is a Local Street with approximately 16 to 18 feet of pavement width. Duplex development would blend with the existing uses and proposed elementary school in the area. The existing area and roadway are not ideal for commercial development or traffic.*)
- 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 adequacy of public facilities and utilities to serve the additional demand is evaluated by each provider. CISD has been notified of the request and has a new elementary school planned on the 50-acre tract across the street from the subject property that will be accessed from SH 46.*)
- How other areas designated for similar development will be affected (*Duplexes should not negatively affect the area. The proposed office/warehouse use would allow non-residential use within a primarily low-density residential neighborhood.*)
- Any other factors that will substantially affect the public health, safety, morals, or general

welfare (The duplex use should not have any negative effects. The office/warehouse use would be required to adhere to residential buffer and landscaping standards, but would increase commercial traffic onto a residential street. Drainage, utility and traffic impact will be reviewed and addressed through the platting and permitting processes.)

- Whether the request is consistent with the Comprehensive Plan: See below

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

<p><b>City Plan/Council Priority:</b> Envision New Braunfels Workforce Housing Study 2018</p>	<p><b>Conflicting Actions pertaining to office/warehouse use:</b>  <b>Action 1.3:</b> Encourage balanced and fiscally responsible land use patterns. <b>Action 3.3:</b> Balance commercial centers with stable neighborhoods. <b>Consistent Actions pertaining to duplex use:</b> <b>Action 1.3:</b> Encourage balanced and fiscally responsible land use patterns. <b>Action 3.13:</b> 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.  <b>Future Land Use Plan:</b> The property lies within the Oak Creek Sub Area near Existing and Future Civic and Market Centers to the southeast at the intersection of SH 46 and FM 758. <b>Workforce Housing Study Recommendations:</b> Ensure through city zoning and other required legal entitlements related to housing construction that new types of housing products (small lot, duplex, townhome, etc.) are allowed by regulations. Create or adjust city regulations that allow for multi-unit owned/rented mix like two and three-flats where the owners earn rental income.</p>
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**FISCAL IMPACT:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends approval of the SUP request to allow duplexes on the subject property with the condition that the development adhere to the to the “R-2A” Single-Family and Two-Family duplex development standards, as the use is compatible with the existing low-density development in the immediate area and would be in accordance with Envision New Braunfels and the 2018 Workforce Housing Study.

Staff recommends denial of the request for office/warehouse use. The subject property is located on a Local Street in a residential neighborhood. Office/warehouse use would not be compatible with the surrounding zoning and land uses and would have a negative impact on neighbors.

Should the Planning Commission choose to recommend approval of the SUP request for office/warehouse use, staff recommends a Type 2 Special Use Permit adopting the site plan and the condition the development adhere to all non-residential development standards as required by the Zoning Ordinance for C-1B, General Business District.

***Notification:***

Public hearing notices were sent to 12 owners of property within 200 feet of the request. The City

has received no responses at this time.

**RESOURCE LINKS:**

- Chapter 144, Sec. 3.4-1 “APD” Agricultural/Pre-Development District of the City’s Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Secs. 3.6 Special Use Permits of the City’s Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Secs. 3.4-3 “R-2A” Single-Family and Two-Family District of the City’s Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Secs. 3.4-13 “C-1B” General Business District of the City’s Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/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 List and Map
4. Example Office/Warehouse Site Plan or if we include this one we should show the duplex one too. As examples only, not guaranteed to be in compliance with city standards.