

## Legislation Details (With Text)

<b>File #:</b>	23-1703	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	12/12/2023	<b>In control:</b>	City Council
<b>On agenda:</b>	1/8/2024	<b>Final action:</b>	

**Title:** Approval of the second and final reading of an ordinance to rezone 0.38 acres out of New City Block 4071, Schneider Addition, lots 7 & 8, from SND-1 (Special Neighborhood District-1) to R-3L (Multifamily Low-Density District) currently addressed at 605 South Santa Clara Avenue.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. City Maps, 2. Districts Comparison Table, 3. TIA Determination Letter & Form, 4. Subject Property Photos, 5. Notification Map, List, & Responses, 6. PC Draft Minutes, 7. Draft Ordinance

Date	Ver.	Action By	Action	Result
1/8/2024	1	City Council	approved	Pass

**PRESENTER:**

Jean Drew, AICP, CNU-A, Planning and Development Services Assistant Director

**SUBJECT:**

Approval of the second and final reading of an ordinance to rezone 0.38 acres out of New City Block 4071, Schneider Addition, lots 7 & 8, from SND-1 (Special Neighborhood District-1) to R-3L (Multifamily Low-Density District) currently addressed at 605 South Santa Clara Avenue.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** 1

**BACKGROUND INFORMATION:**

Case No: PZ23-0403

**Applicant:** Killen, Griffin & Farrimond PLLC  
James B. Griffin  
10101 Reunion Place, Suite 250  
San Antonio, TX 78216  
(210) 960-2750 | james@kgftx.com

**Owner:** Matthew T. Goles  
739 Encino Dr  
New Braunfels, TX 78130

**Staff Contact:** Amanda Mushinski  
(830) 221-4056 | amushinski@newbraunfels.gov

**The City Council held a public hearing on December 11, 2023, and unanimously approved the first reading of the applicant’s requested rezoning ordinance (7-0-0).**

The applicant requested a postponement during the November 27, 2023 City Council meeting. The City

Council approved postponing the item to the December 11, 2023 City Council meeting (6-1).

The subject property is 0.38 acres (approximately 16,700 square feet) and is situated at the northeastern intersection of Butcher St. and S. Santa Clara Ave. It is positioned roughly 400 feet northwest of the junction of Business 35 and S. Santa Clara Ave, and approximately a quarter-mile northeast of the intersection of S. Walnut Ave and Business 35.

In August and September of 2023, the applicant requested a rezoning from SND-1 (Special Neighborhood District-1) to R-3L SUP (Multifamily Low-Density District with a Special Use Permit for Multifamily), case number SUP23-265.

The applicant’s original submittal indicated the purpose of the change in zoning with the SUP was to allow for the construction of a multifamily development consisting of 8 units and relief from the residential setback requirement. The applicant has revised their request to eliminate the Special Use Permit component and now is requesting only a change of the base zoning district from SND-1 (Special Neighborhood District-1) to R-3L (Multifamily Low-Density District), intending to construct a maximum of four dwelling units.

The existing SND-1 zoning would allow the property to subdivide into two distinct lots with the ability to construct a single-family residence and an accessory dwelling unit on each of those lots.

*Surrounding Zoning and Land Use:*

<b>North</b>	Across Butcher St: SND-1	Single-Family Residences
<b>South</b>	Across Santa Clara Ave: SND-1	Single-Family Residences
<b>East</b>	SND-1	Multifamily and Single-Family Residences
<b>West</b>	Across Butcher St: SND-1	Single-Family Residences

**ISSUE:**

R-3L would be 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 3.1:** Plan for healthy jobs/housing balance.
- **Action 3.13:** 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.
- **Action 3.15:** Incentivize home development that is affordable and close to schools, jobs, and transportation.
- **Action 3.30:** Encourage and incentivize workforce/affordable housing to attract new workforce entrants and young families.
- **Action 3.31:** Adopt policies and ordinances supportive of workforce housing, creating opportunities that make an investment in workforce housing more feasible for private and nonprofit developers.

**Future Land Use Plan:** The subject property is located within the New Braunfels Sub Area, within the Transitional Mixed-Use Corridor, near existing Civic, Education, Employment, and Tourist Centers, and proposed Market Centers.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Approval. The subject property is located close to residential and commercial uses and is within a short walk of the Business 35 Corridor. The property is well situated to provide “missing middle” housing options such as a triplex or a quadplex.

The Planning Commission held a public hearing on October 4, 2023, and recommended approval (4-3-0).

*Mailed notification as required by state statute:*

Public hearing notices were sent to 25 owners of property within 200 feet of the request. To date, the city has received responses representing 30% in opposition.

**The opposition represents 20% or more of the notification area. According to state statute, a  $\frac{3}{4}$  majority of the City Council (6 votes) will be required to approve the applicant’s request unless the opposition changes.**

Resource Links:

- Chapter 144, Sec. 3.8 (SND-1) 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, Sec. 3.4-4 (R-3L) 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?)