

Legislation Details (With Text)

File #: 23-1697 **Name:**

Type: Ordinance **Status:** Individual Item Ready

File created: 12/11/2023 **In control:** City Council

On agenda: 1/8/2024 **Final action:**

Title: Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 52 acres out of the A.M. Esnaurizar Survey, Abstract 98, from R-2 AH (Single-Family and Two-Family Airport Hazard Overlay District) to R-2 AH SUP (Single-Family and Two-Family Airport Hazard Overlay District with a Special Use Permit for Multifamily), currently addressed as 1450 FM 1101.

Sponsors:

Indexes:

Code sections:

Attachments: 1. City Maps, 2. Proposed Site Plan & Development Standards, 3. TIA Determination Letter & Form, 4. Subject Property Photo, 5. Notification Map, List, Responses, 6. PC Draft Minutes, 7. Draft Ordinance - Seminole

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

PRESENTER:

Matthew Simmont, AICP, Planning Manager

SUBJECT:

Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 52 acres out of the A.M. Esnaurizar Survey, Abstract 98, from R-2 AH (Single-Family and Two-Family Airport Hazard Overlay District) to R-2 AH SUP (Single-Family and Two-Family Airport Hazard Overlay District with a Special Use Permit for Multifamily), currently addressed as 1450 FM 1101.

DEPARTMENT: Planning and Development Services

COUNCIL DISTRICTS IMPACTED: 5

BACKGROUND INFORMATION:

Case No: SUP23-454

Applicant: James Ingalls, P.E.
2021 SH 46 W, Suite 105
New Braunfels, TX 78132
(830) 358-7127 | plats@ink-civil.com

Owner: Sara Espinoza
37 Brookhollow Dr.
Wimberley, TX 78676
(830) 456-4178

Staff Contact: Mary Lovell, Senior Planner
(830) 221-4051 | mlovell@newbraunfels.gov

The subject property comprises approximately 52 acres on the south side of FM 1101 approximately 2,000 feet northeast of the intersection of FM 1101 and South Highway 46, and approximately 200 feet south of Canyon High School.

Surrounding Zoning and Land Use:

North	M-1 and R-2	Furniture distribution center, electrical substation, Canyon High School
South	B-1 and R-1	Single family manufactured home dwellings and single-family dwellings
East	R-2A and ETJ	Undeveloped land
West	TH-A and B-1A	Townhomes and single family manufactured home dwellings

ISSUE:

The applicant is requesting a Type 2 Special Use Permit (SUP) to allow for a multifamily development with a density of up to 12 dwelling units per acre as shown on the proposed site plan. The primary access for the multifamily development is proposed along FM 1101, a Minor Arterial. The property has approximately 1,600 feet of frontage along FM 1101.

The submitted site plan includes the extension of Seminole Drive from its current terminus to FM 1101. This segment is designated in the Regional Transportation Plan as a Minor Collector and will provide greater connectivity and mobility to the area.

The proposed rezoning 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 2.1:** Sustain community livability for all ages and economic backgrounds.
- **Action 2.33:** Encourage vertical growth and development of key areas to take advantage of infrastructure capacity, maintain the core, and to discourage sprawl.
- **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 3.20:** Encourage residential developments to include pedestrian and bicycle friendly trails to nearby schools, preferably within a 2-mile radius of each school.
- **Action 3.30:** Encourage and incentivize workforce/affordable housing to attract new workforce entrants and young families.

Future Land Use Plan: The subject property is located within the Oak Creek Sub-Area and within a short drive to Existing Education, Employment, Market, Civic, and Medical Centers.

FISCAL IMPACT:

N/A

RECOMMENDATION:

The applicant’s proposed rezoning would facilitate multifamily residential living consistent with ongoing development in the area. It is supported by the above-listed actions from Envision New Braunfels. Staff

recommends the following conditions:

1. Development of the site is to be in compliance with the attached site plan. Any significant alterations to the submitted site plan will require an amendment to the SUP with a recommendation from the Planning Commission and final consideration by City Council.
2. Construction of an 8-foot-wide sidewalk on the southwest side of existing Seminole Drive within the right of way in accordance with adopted city standards.
3. Pavement markings on Seminole Drive denoting 10-foot-wide travel lanes, 7-foot-wide parking lanes, and a 3-foot-wide buffer between them in accordance with adopted city standards.
4. Enhanced intersection at Hueco Drive that may include provisions for an all-way stop, crosswalks, or other treatment as determined by the City Engineer.
5. Construction of the Seminole Drive minor collector on the subject tract per the subdivision platting ordinance and the updated Regional Transportation Plan.

The Planning Commission held a public hearing on December 5, 2023, and recommended approval (5-2-0).

Mailed notification as required by state statute:

Public hearing notices were sent to owners of 63 properties within 200 feet of the request. To date, the city has received responses representing 6% in opposition.

Resource Links:

- Chapter 144, Sec. 3.3-2 (R-2) 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?_ga=2.151111111.1625022222.1625022222-1625022222.1625022222)
- Chapter 144, Sec. 3.6 (SUP) 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?_ga=2.151111111.1625022222.1625022222-1625022222.1625022222)