

## Legislation Details (With Text)

<b>File #:</b>	18-368	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Consent Item Ready
<b>File created:</b>	6/25/2018	<b>In control:</b>	City Council
<b>On agenda:</b>	7/9/2018	<b>Final action:</b>	
<b>Title:</b>	Approval of the second and final reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow multifamily (three residential units) on one lot in the "R-2" Single and Two-family District at 509 W. Mill Street.		

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Aerial, 2. Application, 3. Land Use Maps, 4. Notification, 5. Photo, 6. Sec. 3.6, 7. Draft Minutes, 8. Ordinance

Date	Ver.	Action By	Action	Result
7/9/2018	1	City Council		

Presenter

*Christopher J. Looney, AICP, Planning and Community Development Director  
clooney@nbtexas.org*

**SUBJECT:**

Approval of the second and final reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow multifamily (three residential units) on one lot in the "R-2" Single and Two-family District at 509 W. Mill Street.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ-18-013

**Council District:** 6

**Owner/Applicant:** Leslie Lammers & Tom Tumlinson  
480 W. Mill Street  
New Braunfels, TX 78130  
(830) 715-9300  
ljlammers@yahoo.com

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

**City Council held a public hearing on June 25, 2018 and unanimously approved the first reading of the ordinance with staff recommendations.**

The subject property, located on West Mill Street between Academy Avenue and Ferguson Street, is

presently zoned “R-2” Single and Two Family Residential. It is within the Mill Street Historic District where external changes to the structure must be reviewed by the City’s Historic Preservation Officer and may require a Certificate of Alteration from the Historic Landmark Commission. Internal remodeling, however, is not regulated by the historic district zoning overlay.

Existing buildings on the site include a 1,500 square foot two-bedroom residence built in 1920 with 356 square feet of subsequent additions, and a 576 square foot one-bedroom guest house constructed in 1986.

A maximum of two dwelling units per lot is allowed in the “R-2” zoning district. The applicants are requesting a Special Use Permit (SUP) to allow three units (a tri-plex) which is considered a multifamily use in New Braunfels’ Zoning Ordinance. They are proposing to separate the existing house into two units: the original two-bedroom residence and a one-bedroom unit in the additions. The detached guest house would become the third unit. These units would be rented long-term, 30 days or more. The applicants are not proposing short-term rental (less than 30 days), which is not allowed in the R-2 district.

The subject property is located within the downtown area where additional off-street parking above what is currently provided is not required when the use is changed but the building is not being enlarged. No expansion of the existing buildings is proposed so no additional parking is required by ordinance. However, an SUP allows City Council to consider conditions or safeguards that ensure appropriate and compatible development. Parking calculations for multifamily are 1.5 spaces per 1-bedroom unit and 2 spaces for a 2-bedroom unit equaling a minimum of 5 spaces for the identified dwelling units.

Existing parking consists of a paved driveway 24 feet wide by 72 feet long. The parking area can easily accommodate four to six vehicles, although they would be stacked (parking spaces are 9 feet wide x 18 feet deep, absent maneuvering space). The applicants state the tenants will be contractually limited to a maximum number of vehicles. The one-bedroom units will be limited to one vehicle, and the two-bedroom unit will be limited to two vehicles. The applicants are requesting approval of the parking configuration as it exists, rather than paving additional space to meet dimensional and maneuvering requirements. They propose this to help maintain the historic and residential character of the property, and so it may be returned to single-family use in the future if desired.

Where multifamily use is adjacent to single or two-family residential, a masonry wall and tree buffer are required along the common property line. The subject property is adjacent to a single-family residence on its east side. The applicants are requesting a waiver from this residential buffer requirement, also to maintain the existing historic and single-family character of the property. The applicants have not pursued a masonry wall objection from the adjacent residential property owner who submitted a public hearing notice response in objection. The detached guest house is on the west side of the property. There is a short white picket fence along the western boundary of the subject property adjacent to the church parking lot next door.

A summary of deviations from the zoning ordinance requested with this SUP are:

- Three dwelling units on one lot in the R-2 Single and Two-family district;
- Approval of the existing driveway for off-street parking; and
- Waiver of the masonry wall and tree buffer adjacent to single-family use.

**General Information:**

Size: 17,424 square feet (0.40 acres)

*Surrounding Zoning and Land Use:*

North - Across Mill Street, R-2/ Single-family residence

South - C-2/ Church, Mixed-use (commercial/multifamily condominium)

East - R-2/ Single-family residence

West - R-2/ Church

*Comprehensive Plan / Future Land Use Designation:* Low Density Residential

*Floodplain:*

No portion of the property is located within the floodway or 100-year floodplain.

*Regional Transportation Plan:*

The subject property has frontage on Mill Street, which is classified as a Minor Collector. Adequate right-of-way exists to meet the 60-foot width standard.

*Improvement(s):* Single-family residence and guest house

*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 (*This block is characterized by a mix of uses including single-family residential, the Methodist Church and associated parking lots, NBISD administrative offices, commercial, and multifamily condominiums. Downtown is suitable for residential development of the proposed density due to its proximity to employment, shopping and entertainment venues.*);
- 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 with these elements.*);
- How other areas designated for similar development will be affected (*There should be no negative impact on other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare. (*The intent of the residential wall and tree buffer is to mitigate the impact of noise and light from incompatible uses. It is anticipated that three residential units located within a mixed-use area will not have a negative impact on adjacent property. The applicants' intent is to preserve as much of the single-family character of the property as possible.*); and
- Whether the request is consistent with the Comprehensive Plan. (*The Future Land Use Plan designation for the subject property is Low Density Residential, which is typically 6 or fewer units per acre. Three units on this lot translates to 7.5 units per acre. The applicant points out that, when averaged with adjacent land (single-family and parking), the gross density is substantially lower. The request does meet several Objectives of the Comprehensive Plan as noted below.*)

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

Yes	<p><b>City Plan/Council Priority:</b> 2006 Comprehensive Plan <i>Pros and Cons Based on Policies Plan</i></p>	<p><b>Pros: Objective 2A:</b> <i>Allow differing uses in close proximity to help streets, public spaces and pedestrian-oriented retail become places where people meet, attracting pedestrians back onto the street and helping to revitalize community life.</i> Downtown is an appropriate area to provide opportunities for additional residential densities and a mix of uses that support a vibrant central business district.</p>
		<p><b>Objective 20D:</b> <i>Respond to changing market trends, consumer preferences, economic realities, and design technology relating to housing types and densities.</i> Market trends show an increasing demand for residential in close proximity to employment, shopping and entertainment destinations of the downtown area.</p>
		<p><b>Goal 67:</b> <i>Preserve the unique character of downtown and historic New Braunfels through the combination of neighborhood revitalization, façade restoration and sensitive infill.</i> Adaptive reuse of historic homes, under the auspices of the historic preservation officer, can help preserve the character of the neighborhood and individual structures.</p>

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on June 5, 2018 and voted to recommend denial of the applicants' request (4-2-0).

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed Type 1 SUP to allow three residential units on one lot in the R-2 District, maintaining the current parking area, and not requiring a masonry wall and tree buffer along the property line of the adjacent single-family residence. The proposed use of three small dwelling units on the subject property will complement the mixed uses in the area while maintaining a single-family appearance and historic character. The proposal also meets Objectives of the City's Comprehensive Plan, encourages additional residential in close proximity to an employment and entertainment center, and creates opportunities for affordable housing.

Staff's recommendation of approval includes a condition that the applicants contractually limit the maximum number of vehicles as they have proposed (one vehicle for each one-bedroom unit, and two vehicles for the two-bedroom unit).

**Notification:**

Public hearing notices were sent to 19 owners of property within 200 feet of the request. The Planning Division received four responses in favor (#3, 4, 6, 12c) and one in objection (#1).

**ATTACHMENTS:**

1. Aerial, Regional Transportation Plan Map
2. Application
3. Land Use Maps (Zoning, Existing and Future Land Use)
4. Notification Map and Responses
5. Photograph
6. Sec. 3.6 Special Use Permits
7. Excerpt from Planning Commission Minutes
8. Ordinance