

## Legislation Text

---

**File #:** 21-251, **Version:** 1

---

Presenter

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

**SUBJECT:**

Public hearing and first reading of an ordinance regarding a proposed amendment to an existing Special Use Permit allowing a manufactured home community in the "M-1A" Light Industrial District on approximately 45 acres out of the Orilla Russell Survey No. 2, Abstract No. 485, Comal County, Texas, located on the south side of Orion Drive, west of Goodwin Lane and east of the Pacific Rail Road.

**BACKGROUND / RATIONALE:**

**Case No.:** SUP21-042

**Council District:** 4

**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:** Yes Acquisitions, LLC (Mike Askins)  
5050 S. Syracuse St.  
Denver, CO 80237  
(303) 483-7300 - maskins@yescommunities.com

**Staff Contact:** Matt Greene, Planner  
(830) 221-4053 - mgreene@nbtexas.org

The subject property is comprised of approximately 45 acres on the south side of Orion Drive west of Goodwin Lane and east of the Pacific Railroad tracks. City Council approved a Type 2 Special Use Permit (SUP) on January 13<sup>th</sup>, 2020 allowing the property to be developed as a manufactured home community with specific limitations and requirements as noted in Exhibit 'A' and Section 3 of the attached SUP ordinance (Ordinance No. 2020-03).

The applicant is requesting an amendment to the SUP to eliminate the requirement for a 6-foot tall masonry perimeter wall along a portion of the property adjacent to Orion Drive where the community's amenity center and other amenity and landscape features will be located (see Attachment A of the Applicant's Project Letter for the Proposed Amending Special Use Permit Site Plan), or, allow the fencing at this location to be constructed with metal pickets and wood posts as

shown in Exhibit C of the Applicant’s Project Letter (attached). The applicant believes no fence or the proposed see-through metal picket and wood post fence would be more aesthetically pleasing than the 6-foot tall masonry wall, and would enhance the aesthetics of Orion Drive by allowing the amenities to be seen from the street.

**Surrounding Zoning and Land Use:**

- North - Across Orion Dr., PD and Wasser Ranch PD / undeveloped with zone changes to R-1A-4.4 and R-3H pending
- South - M-1A / undeveloped (New Braunfels Distribution Center Subdivision)
- East - M-1A, R-1A-6.6 and APD / Single-family dwellings and undeveloped
- West - Across UPRR tracks, M-1A and outside city limits / Undeveloped

**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 *(No change in use is proposed with this SUP amendment. Recent rezoning activity in the area has resulted in the residential use being compatible with zoning and uses in the immediate area which consists of a mixture of single-family residential development with varying lot sizes, duplexes and proposed multifamily use).*
- 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 any additional demand is evaluated by each provider. CISD and utility providers have been notified of the proposed SUP amendment).*
- How other areas designated for similar development will be affected *(The proposed SUP amendment should not negatively affect other areas designated for similar development).*
- Any other factors that will substantially affect the public health, safety, morals, or general welfare *(The use of the property as a manufactured home community will be subject to the supplemental standards as specified in Appendix B of the City of New Braunfels Code of Ordinances, plus the standards adopted with the current SUP ordinance).*
- 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</p>	<p><b>Action 1.3:</b> Encourage balanced and fiscally responsible land use patterns. <b>Action 2.8:</b> Establish or expand architectural standards for quality of design across the city. <b>Action 3.1:</b> Plan for healthy jobs/housing balance. <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>Action 3.30:</b> Encourage and incentivize workforce/affordable housing to attract new workforce entrants and young families. <b>Future Land Use Plan:</b> The property lies within the Oak Creek Sub Area near existing and future Employment Centers.</p>
--	--

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on March 2, 2021 and recommended approval (7-0-0, with Chair Edwards recused) with staff recommended conditions.

**STAFF RECOMMENDATION:**

While staff notes that perimeter masonry fencing can be appealing, the applicant's request is not out of character with development in the area. Therefore, staff recommends approval with the following conditions:

1. Development of the project must be in substantial compliance with the approved site plan.
2. All other conditions associated with Ordinance No. 2020-03 remain in effect.

*Notification:*

Public hearing notices were sent to 10 owners of property within 200 feet of the request. One response was received in favor from property owner number 4 and none opposed at this time.

**RESOURCE LINKS:**

- Chapter 144, Sec. 3.4-18 "M-1A" Light Industrial 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, Sec. 3.4-6 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?)
- Appendix B - Mobile Home Communities, 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. Applicant's Project Letter
4. Proposed Fencing Plan
5. Notification List and Map
6. Excerpt of Minutes from the March 2, 2021 Planning Commission Regular Meeting
7. Draft Ordinance