

## Legislation Text

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File #: 21-103, Version: 1

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Presenter

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

**SUBJECT:**

Approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 19.735 acres out of the Orilla Russell Survey, A-485 and the Nancy Kenner Survey, A-306, Comal County, Texas, located south of the intersection of Gray Cloud Drive and Twin Dish Way, from "R-1A-6.6" Single Family District to "R-1A-5.5" Single Family District.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ20-0285

**Council District:** 4

**Owner:** Milestone Conrads Development, Ltd. (Chesley Swann III, Vice President)  
P.O. Box 6862  
San Antonio, TX 78209  
(210) 771-9072 - cis@me.com

**Applicant:** HMT Engineering & Surveying (Chris Van Herde, P.E.)  
290 S. Castell Ave.  
New Braunfels, TX 78130  
(830) 625-8555 - plats@nbtexas.org

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

**City Council held a public hearing on January 25, 2021 and unanimously approved the first reading of the applicant's request (7-0-0).**

The subject property is comprised of approximately 19.735 acres on the north side of Conrads Lane, east of the Union Pacific Railroad tracks, and is currently zoned "R-1A-6.6" Single-Family District. It is presently undeveloped but is a part of the approved Cloud Country Subdivision master plan for single family residential lots.

The applicant indicates the intent of the rezoning is to maintain the sales price of homes within the overall subdivision; land prices have increased so 60-foot wide lots will have higher sales prices. The same request for 24.54 acres of an undeveloped portion of the subdivision was approved by City Council in May, 2020.

**Surrounding Zoning and Land Use:**

- North - Outside City Limits / Agricultural and undeveloped
- South - Across Conrads Ln., APD / Agricultural and undeveloped
- East - R-1A-5.5 and R-1A-6.6 / single-family residences
- West - Outside City Limits / Union Pacific Railroad, Ministorage and outside storage facility and single-family residences

**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 *(Should the request be approved, use of the property as single-family residential will remain the same as is allowed today, but slightly denser. It would be compatible with neighboring single-family developments, and consistent with new subdivisions on the edges of the city).*
- 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 impact on existing streets will be reviewed through the platting process. 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 rezoning).*
- How other areas designated for similar development will be affected *(The proposed zoning change 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 *(None identified. Drainage, utility and traffic impact will be reviewed and addressed through the platting process).*
- 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</p>	<p><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 Employment and Market Centers. 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.</p>
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on January 5, 2021 and recommended approval (8-1-0, with Commissioner Tubb opposed).

**STAFF RECOMMENDATION:**

Approval. Single-family residential use is already allowed on this site in an approved master plan. R-1A-5.5 would allow opportunities for lot size and housing type variety, while nearby existing and future Employment and Market Centers can accommodate future mixed use, including jobs.

*Notification:*

Public hearing notices were sent to 4 owners of property within 200 feet of the request. The City has received no responses at this time.

**RESOURCE LINKS:**

- Chapter 144, Sec. 3.4-2 “R-1A-6.6” Single-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. 3.4-2 “R-1A-5.5” Single-Family Residential 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. Excerpt of Minutes from the January 5, 2021 Planning Commission Regular Meeting
5. Ordinance