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## Legislation Text

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**File #:** 21-859, **Version:** 1

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**PRESENTER:**

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

**SUBJECT:**

Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow a duplex on a lot less than 8,000 square feet in area, in the R-2 Single and Two-family District addressed at 2662 Second Street.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** Council District 1

**BACKGROUND INFORMATION:**

Case No.: SUP21-234

Applicant: Chris Van Heerde  
HMT Engineering & Surveying  
290 S. Castell Avenue, Suite 100  
New Braunfels, TX 78130  
(830) 625-8555      chrisvh@hmtnb.com

Owner: Comal County Habitat for Humanity  
Kristen Reynolds, Land Development Manager  
1269 Industrial Drive  
New Braunfels, TX 78130      kreynolds@comalhabitat.org

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

**City Council held a public hearing on August 23, 2021 and unanimously approved the first reading of the requested rezoning ordinance. (7-0-0)**

The subject vacant property is a through-lot with frontage on both Katy and Second Streets. The Win-Con manufacturing facility is located across Katy Street. This area was platted as the Bergfeld Addition in 1927 with 50-foot wide residential lots, and consists primarily of single-family homes constructed in the 1930s and 40s. Current R-2 standards require a minimum lot width of 60 feet. Habitat for Humanity purchased this vacant lot in 2019.

*Surrounding Zoning and Land Use:*

North - Across Katy Street, M-1/ Light manufacturing, warehouse

South - Across Second Street, R-2/ Single-family residence

East - R-2/ Single-family residence  
West - R-2/ Single-family residence

**ISSUE:**

Although a duplex in a variety of configurations (including two separate single-family dwelling units) is a permitted use in the R-2 district, current zoning ordinance standards require a minimum lot area of 8,000 square feet to allow a duplex. The subject property is 50 feet wide by 130 feet deep and 6,500 square feet in area. Because it was platted prior to 1967 when the lot area standards were adopted, the ordinance does allow construction of a new single-family home, but not a duplex.

The applicant is requesting this Special Use Permit (SUP) to allow construction of a duplex (two units) on the 6,500 square foot lot.

As part of the implementation of Envision New Braunfels (the Comprehensive Plan), staff is already analyzing minimum lot size requirements to determine whether code revisions to allow duplex development on smaller lots should be considered by City Council.

The request is consistent with the following actions from Envision New Braunfels:

- *Action 1.6:* Incentivize infill development and redevelopment to take advantage of existing infrastructure.
- *Action 1.11:* Update policies and codes to achieve development patterns that implement the goals of this plan.
- *Action 2.1:* Sustain community livability for all ages and economic backgrounds.
- *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 3.16:* Review and revise regulations that inadvertently inhibit creative housing options or workforce housing alternatives.
- *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 investment in workforce housing more feasible for private and nonprofit developers.
- *Future Land Use:* The property is situated within the New Braunfels Sub-Area and in close proximity to an existing Civic Center.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

**Committee Recommendation:**

The Planning Commission held a public hearing on August 3, 2021 and recommended approval of the request (7-1-0 with Commissioner Tubb voting no and Commissioner Gibson absent).

**Staff Recommendation:**

Approval.

*Mailed notification pursuant to state statute:*

Public hearing notices were sent to 19 owners of property within 200 feet of the request. The City has received two responses in favor (4, 18) and two in opposition (2, 13). Opposition represents 7% of the notification area.

**Resource Links:**

- Chapter 144, Sec. 3.3-7 (R-2) of the City's Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_C H144ZO\\_ARTIIZODI\\_S144-3.3ZODIREPRZOPRJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C H144ZO_ARTIIZODI_S144-3.3ZODIREPRZOPRJU221987)

- Chapter 144, Sec. 3.6 (SUP) of the City's Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_C H144ZO\\_ARTIIZODI\\_S144-3.6SPUSPE](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C H144ZO_ARTIIZODI_S144-3.6SPUSPE)

**Attachments:**

1. Aerial Map
2. Request Letter
3. Land Use Maps (Zoning, Existing, Future Land Use)
4. Notification Map
5. Photograph
6. Draft Planning Commission Minutes
7. Ordinance