

Legislation Details (With Text)

File #:	19-695	Name:	
Type:	Ordinance	Status:	Individual Item Ready
File created:	9/4/2019	In control:	City Council
On agenda:	9/23/2019	Final action:	
Title:	Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit on 45 acres out of the Orilla Russell League Survey, No. 2, Abstract No. 485, located on the south side of Orion Drive and east of the Union Pacific Rail Road, to allow a manufactured home community in the "M-1A" Light Industrial District.		

Sponsors:**Indexes:****Code sections:**

Attachments: 1. Aerial Map, 2. Application, 3. Project Summary Letter, 4. Proposed Site Plan, 5. Land Use Maps (Zoning, Existing and Future Land Use), 6. Notification List, Map and Responses, 7. Photographs, 8. Excerpt of Draft Minutes from the September 4, 2019 Planning Commission Regular Meeting, 9. Ordinances: Sec. 3.4-18 M-1A; Sec. 3.6 SUP; Appendix B-Mobile Home Communities, 10. Ordinance

Date	Ver.	Action By	Action	Result
9/23/2019	1	City Council		

Presenter/Contact

Christopher J. Looney, Planning and Community Development Director
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SUBJECT:

Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit on 45 acres out of the Orilla Russell League Survey, No. 2, Abstract No. 485, located on the south side of Orion Drive and east of the Union Pacific Rail Road, to allow a manufactured home community in the "M-1A" Light Industrial District.

BACKGROUND / RATIONALE:

Case No.: SUP19-0121

Council District: 4

Applicant: Moeller & Associates (James Ingalls, P.E.)
2021 SH 46 W
Suite 105
New Braunfels TX, 78132
(281) 358-7127
JamesIngalls@ma-tx.com

Owner: Kenneth Schmidt
10312 Habersang Ln.
New Braunfels, TX 78132

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

The subject property is located on the south side of Orion Drive adjacent to the Union Pacific Rail Road tracks on its west side. The property is currently undeveloped and used for agricultural purposes but is zoned "M-1A" Light Industrial District. M-1A allows for a mix of non-residential uses including offices, personal and professional services, medical offices and clinics, mini-warehousing, and studios in addition to light manufacturing which excludes industrial processing.

The applicant is requesting approval of a Type 2 Special Use Permit (SUP) to allow a manufactured home community on 45 acres of the subject 50-acre tract. Manufactured home communities are a permitted use only in the "B-1B" Manufactured Home Park District and are subject to the development standards identified in Appendix B of the City of New Braunfels Code of Ordinances (see Attachment). The applicant has provided a site plan for the proposed development along with a project summary letter (see attachments).

The adopted Zoning Ordinance allows SUPs to be granted by City Council to allow compatible and orderly development which may be suitable in certain locations if developed in a specific way. A Type 2 SUP is required to have a site plan drawn to scale that shows the arrangement of the project in detail, including parking facilities, locations of buildings, uses to be permitted, landscaping, and means of egress and ingress. The site plan and any other information submitted with a Type 2 SUP is used to evaluate the impact of the special use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. Conditions may be placed upon an SUP by City Council to mitigate impacts and ensure compatibility.

Features of the applicant's proposed site plan include a maximum of 280 homesites with internal private drives, an amenity center/clubhouse, a potential neighborhood RV and boat storage yard adjacent to the railroad tracks, and two proposed access points onto Orion Drive. Additional development standards the applicant is proposing include:

- No RV or boat parking at the homesites or in the private drives.
- No on-street parking allowed within the private drives.
- Concrete sidewalks and homesite driveways.
- All internal drives, utilities, drainage improvements and amenity center/clubhouse will be constructed at one time in the initial phase of development. Home site development will be phased.

General Information:

Surrounding Zoning and Land Use:

North - Across Orion Dr., APD and Wasser Ranch PD / undeveloped
South - M-1A / New Braunfels Distribution Center subdivision, undeveloped
East - M-1A and APD / Single-family dwellings, two-family dwelling and undeveloped
West - Across UPRR tracks, M-1A and outside of city limits / undeveloped

Floodplain:

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

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 1.8: Concentrate future investment in industrial and employment centers near existing and emerging hubs, such as the airport; and along existing high capacity transportation networks, such as IH-35. Action 3.1: Plan for healthy jobs/housing balance. Action 3.3: Balance commercial centers with stable neighborhoods. Action 3.5: Implement and continue to update the Economic Development Strategic Plan. 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 3.30: Encourage and incentivize workforce/affordable housing to attract new workforce entrants and young families.
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FISCAL IMPACT:

Residential encroachment into remaining industrial zoning districts can stifle economic development and job creation efforts as many new industries seek sites with limited impact from residential neighbors.

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 (*The subject property is located within an area that is primarily undeveloped, but with nearby industrial uses and a few single-family homes mostly on large agricultural lots. The proposed use of the property would conflict with the uses allowed in the area. In addition, the property abuts a railroad track where noise from use of the railroad is not considered compatible with residential development.*);
- 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 the property is evaluated by each provider at the platting and permitting stages. Additional residential would add enrollment to area schools.*);
- How other areas designated for similar development will be affected (*The addition of residential uses in this area negatively impacts the viability of additional nonresidential development and would create conflicts between property owners. Compatibility is of concern due to the very limited amount of remaining industrially zoned property not impacted by residential land use or the potential of future residential development nearby.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare. (*Limited information regarding development standards is provided on the site plan. Therefore, as submitted, the use of this property as a manufactured home community would be subject primarily to the supplemental standards as specified in Appendix B of the City of New Braunfels Code of Ordinances - see attachment.*); and
- Whether the request is consistent with the Comprehensive Plan. (*The subject property is near existing and future Employment Centers within the Oak Creek Sub Area.*)

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on September 4, 2019. A recommendation for approval failed (4-4-0, with Vice Chair Reaves and Commissioners Meyer, Mathis and Tubb opposed, and Chairman Edwards recused).

STAFF RECOMMENDATION:

Manufactured home communities were never a permitted use in M-1A, and all other residential uses are no longer permitted uses in industrial zoning districts. The addition of residential uses adjacent to other M1-A zoned properties would negatively impact the viability of future nonresidential development of those tracts, and would introduce houses into a future employment center creating future conflicts between property owners. M-1A allows for a large mix of non-residential uses including offices, personal and professional services, medical offices and clinics, mini-warehousing, and studios in addition to light manufacturing which excludes basic industrial processing that would be more compatible with existing uses of the area and meet the goals of Envision New Braunfels. Staff recommends denial of the applicant's request.

Notification:

Public hearing notices were sent to 11 owners of property within 200 feet of the request. The City has received two (2) response in favor from numbers 4 and 7, and five (5) opposed from numbers 1, 2, 3, 8, and 9. Opposition represents more than 20% of the notification area. A $\frac{3}{4}$ majority of City Council (6 votes) will be required for approval of the applicant's request. Staff received an additional 38 written responses in opposition from outside the 200-foot notification area.

Attachments:

1. Aerial Map
2. Application
3. Project Summary Letter
4. Proposed Site Plan
5. Land Use Maps (Zoning, Existing and Future Land Use)
6. Notification List, Notification Map and Notification Responses
7. Photographs
8. Ordinances:
 - Sec. 3.4-18 M-1A
 - Sec. 3.6 Special Use Permits
 - Appendix B - Mobile Home Communities
9. Excerpt of Draft Minutes from the September 4, 2019 Planning Commission Regular Meeting

10. Ordinance