

Legislation Details (With Text)

File #:	20-665	Name:	
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On agenda:	10/7/2020	Final action:	
Title:	SUP20-163 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow up to 10 residential units on a single lot in the R-2 Single and Two-Family District, addressed at 295 S. East Avenue.		

Sponsors:**Indexes:****Code sections:****Attachments:** 1. Aerial Map, 2. Land Use Maps, 3. Applicant Submittal, 4. Notification & Responses, 5. Photo

Date	Ver.	Action By	Action	Result
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Presenter/Contact

*Applicant/Owner: JP & Colleen Gips
(210) 240-9833 - jpgips@gmail.com*

SUBJECT:

SUP20-163 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow up to 10 residential units on a single lot in the R-2 Single and Two-Family District, addressed at 295 S. East Avenue.

BACKGROUND / RATIONALE:**Case No.:** SUP20-163**Council District:** 4

Applicant/Owner: Jameson P. & Colleen Gips
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Staff Contact: Holly Mullins
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The subject property is currently a one acre vacant lot. It is located behind the New Braunfels Public Library (Main Branch) on the northeast corner of S. East Avenue and Dittlinger Street. It is currently zoned "R-2" Single and Two-Family District.

R-2 zoning allows a maximum of two dwelling units (duplex) on one lot where the lot is a minimum of 8,000 square feet for an internal lot and 8,500 square feet for a corner lot. The subject property is approximately 43,560 square feet (1 acre) in size. Mathematically there is enough area to meet the minimum square footage requirement for five duplex lots - four internal and one corner. However, because the property is nearly square (208 feet x 210 feet), the dimensions would result in two lots only 55 feet wide rather than the minimum 60-foot lot width currently required by the zoning ordinance.

This request for a Type 1 Special Use Permit (SUP) would allow the applicants to construct up to five duplexes (10 dwelling units) on the one lot. Having more than two dwelling units on a single lot is considered a multifamily use per the current criteria in the zoning ordinance. The applicants state if approved, the SUP would enable them the flexibility to place the units around the group of oak trees located near the center of the property while maintaining the same overall density (units per square foot) allowed under the R-2 zoning district. Additionally, the applicants do not intend to subdivide the lot into multiple lots, but could sell the dwellings as condominiums.

A Type 1 SUP provides for a specific use but is not tied to a specific site plan. The applicants have provided a sample rendering to demonstrate how the units and required parking could be accommodated. This plan does require vehicles to back out into the right-of-way, which is permissible for single and two-family development, but not for multifamily or non-residential uses. After meeting with City staff, some modifications to the plan may be needed to meet fire access to all structures. Therefore, the applicant is including the rendering as a *conceptual* site plan only and final review would occur at time of building permit if the SUP is approved.

Per their application, the applicants intend to develop the proposed 10 dwelling units in pairs (duplexes) and not within one structure (multifamily building), therefore they are requesting to utilize the development standards for single and two-family residential uses, rather than multifamily, including:

- Vehicles be allowed to back out into the right-of-way. Onsite maneuvering space for turning around will not be required.
- No residential buffer adjacent to R-2 zoning. The ordinance requires the buffer when multifamily use is adjacent to residential use or zoning. In this case, the adjacent R-2 property is the Public Library.
- Building setbacks for R-2 will apply to the lot as a whole, with the front of the lot being along Dittlinger Street.
- Building separation will comply with minimum standards of the residential building code (IRC).

Surrounding Zoning and Land Use:

North - R-2/ Municipal Main Library

South - Across Dittlinger, R-2/ Single-family residence

East - R-2/ Municipal library property

West - Across East Avenue, R-2/ Single-family residence

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 (*Duplexes are allowed in R-2 zoning. The proposed density of 10 units is consistent with the zoning and the neighborhood surrounding the subject*

property. It appears five individual lots could not be platted in compliance with current standards unless a variance to lot width for two of the lots was approved by the Zoning Board of Adjustment (ZBA). Although 55-foot wide lots are not uncommon in this neighborhood, a variance may not be granted unless an undue hardship and a unique condition affecting the land are found by the ZBA. The applicant chose to pursue an SUP for the use of 10 dwelling units on one lot in lieu of pursuing a variance from lot width requirements.);

- 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. NBISD was sent notice of this request.);
- How other areas designated for similar development will be affected (There should be no impact on other areas designated for similar development. The area includes a variety of lot sizes, some of which have duplexes and many other are single-family but could accommodate a duplex.);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (Undeveloped acre lots are rare inside the City and offer unique opportunities for in-fill development and workforce housing. The proposed project can protect existing tree canopy depending on the applicant's design.); and
- Whether the request is consistent with the Comprehensive Plan. (See below)

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan Main Library Master Plan (DRAFT)	Consistent Actions Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 1.6 Incentivize infill development and redevelopment to take advantage of existing infrastructure. 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. Future Land Use Plan: The subject property is located within the New Braunfels Sub-Area and near Existing Civic, Market, and Outdoor Recreation Centers. The Draft Main Library Master Plan calls for physical expansion to the south (behind the existing Library) in close proximity to the subject property. The future library expansion is to accommodate community growth and corresponding patron growth at the Main Library.
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FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Approval with the following conditions:

1. There will be no more than two (2) units per building, and a maximum of ten (10) dwelling units total.
2. At least two (2) off-street parking spaces will be provided per unit. Maneuvering space shall not be required (vehicles may back out into the right-of-way). Design of such parking areas shall follow the standards specified for residential driveways in Chapter 114, New Braunfels Code of Ordinances.
3. Building separation shall conform with the residential building code.
4. That no residential buffer (wall and trees) is required, however if a perimeter fence or wall is

installed, it shall be either wrought-iron or masonry.

5. Protection measures as specified in the Zoning Ordinance Chapter 144, Section 5.3-1(c)(6) are required during construction for existing trees near the center of the property; the protection measures are only required for those trees the applicant indicated to be preserved on the site plan and that are listed on the “Approved Plant List” in Chapter 144.
6. Four-foot wide sidewalks along Dittlinger Street and S. East Avenue shall be constructed at the time of site or building development.

Notification:

Public hearing notices were sent to 11 owners of property within 200 feet of the request. To date, the City has received no responses.

RESOURCE LINKS:

- Chapter 144, Sec. 3.6 of the City’s Code of Ordinances (Special Use Permits):

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

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

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

ATTACHMENTS:

- Aerial Map
- Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
- Applicant’s Documentation, Site Plan
- Notification List and Map
- Photographs