

## Legislation Details (With Text)

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<b>File #:</b>	20-930	<b>Name:</b>	
<b>Type:</b>	Recommendation	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	12/15/2020	<b>In control:</b>	Planning Commission
<b>On agenda:</b>	1/5/2021	<b>Final action:</b>	
<b>Title:</b>	SUP20-267 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow a variety of residential and non-residential development on approximately 49.5 acres out of the A-103, Sarah Dewitt Survey, addressed at 514 & 720 W. Zipp Road, from "R-1A-6.6" Single Family District to allow all uses allowed in the following zoning districts: "MU-B" High Intensity Mixed Use, "R-1A-4" Single-Family Small Lot Residential, "ZH-A" Zero Lot Line Home and "R-2A" Single and Two-Family Residential. The applicant will request a postponement; if the Planning Commission approves the postponement, new public notice will be provided for the February 2, 2021 meeting.		

**Sponsors:****Indexes:****Code sections:****Attachments:** 1. Aerial, 2. Land Use Maps, 3. Notification List, Map and Responses

Date	Ver.	Action By	Action	Result
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Presenter/Contact

*Applicant: Thor Thornhill; Owner: Gregory Family Revocable Trust  
(830) 625-8555 / plats@hmtnb.com*

**SUBJECT:**

SUP20-267 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow a variety of residential and non-residential development on approximately 49.5 acres out of the A-103, Sarah Dewitt Survey, addressed at 514 & 720 W. Zipp Road, from "R-1A-6.6" Single Family District to allow all uses allowed in the following zoning districts: "MU-B" High Intensity Mixed Use, "R-1A-4" Single-Family Small Lot Residential, "ZH-A" Zero Lot Line Home and "R-2A" Single and Two-Family Residential. **The applicant will request a postponement; if the Planning Commission approves the postponement, new public notice will be provided for the February 2, 2021 meeting.**

**BACKGROUND / RATIONALE:****Case No.:** SUP20-267**Council District:** 2**Applicant:** Thor Thornhill

HMT Engineering & Surveying  
290 S. Castell Avenue, Suite 100  
New Braunfels, TX 78130  
(830) 625-8555  
plats@hmtnb.com

**Owner:** Gregory Family Revocable Trust  
Rosemarie L. Gregory

436 Lakeview Boulevard  
New Braunfels, TX 78130

**Staff Contact:** Matthew Simmont, AICP  
(830) 221-4058  
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**Consideration of this request was postponed upon request of the applicant during the December 1, 2020 Planning Commission meeting. Upon further review, the applicant requested the public hearing and consideration of this rezoning be scheduled for the February 2, 2021 Planning Commission meeting. The schedule adjustment will allow additional time for the preparation and review of proposed development standards prior the public hearing. All owners of property within 200 feet of the subject property have been notified of the requested schedule and will receive a new public notice with updated information on the rezoning request for the February meeting if the postponement request is approved by the Planning Commission.**

The approximately 50-acre tract is located south of the intersection of S. Walnut Avenue and W. Klein Road. The subject property is approximately 871 feet wide and extends southeast to W. Zipp Road. A portion of the property is currently improved with two single-family residences with most of the property being undeveloped. The proposed Type 1 Special Use Permit (SUP) would allow for a wide variety of residential and non-residential development to occur on the property.

Development of the property will include the extension of S. Walnut Avenue, a Principal Arterial on the City's thoroughfare plan (up to 120' of right-of-way), along the northeastern boundary of the property.

The applicant has indicated the intent of this request is to bring together an assortment of compatible commercial and residential uses to take advantage of the arterial intersection.

*Surrounding Zoning and Land Use:*

North - Across W. Klein Rd., C-1B & APD / Single family residence and undeveloped

South - Across W. Zipp Rd., Outside City Limits / Single family residences

East - APD / Single family residences

West - R-1A-6.6 / Ridgemont Subdivision - 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 (*MU-B zoning is appropriate for the portion of the subject property along W. Klein Rd., a Minor Arterial and S. Walnut Ave., a Principal Arterial. MU-B as a base zoning district adjacent to this key intersection creates opportunities for encouraged mixed-use and density which is generally compatible with the expanding neighborhood of residential and educational use, near an Existing Education Center and within an existing Employment Center and Future Market Center. In addition, the flexibility to utilize a variety of low to medium density residential districts on the balance of the property can complement the existing development trends of the area.*)
- Whether the change is in accord with any existing or proposed public schools, streets,

water supply, sanitary sewers, and other utilities to the area (*NBISD was sent notice of this request. The adequacy of public facilities and utilities to serve the property is evaluated by each provider at the platting and permitting stages.*);

- How other areas designated for similar development will be affected (*The proposed zoning change should not impact 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 issues will be reviewed and addressed through the platting process.*); and
- Whether the request is consistent with the Comprehensive Plan: *see below*

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

<b>City Plan/Council Priority:</b> Envision New Braunfels Comprehensive Plan	<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>Action 3.22:</b> Encourage venues within walking distance of neighborhoods and schools. <b>Future Land Use Plan:</b> The property is situated in the Walnut Springs Sub-Area, at an intersection of two Transitional Mixed-Use Corridors, is within an Existing Employment Center, near an Existing Education Center, and within a Future Market Center.
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#### **FISCAL IMPACT:**

N/A

#### **STAFF RECOMMENDATION:**

Staff concurs with the applicant's request to postpone to the February 2, 2021 Planning Commission meeting. This will allow all sides, including the public, time to submit/review the updated request.

#### **RESOURCE LINKS:**

- Chapter 144, Section 3.4-2. "*R-1A-4*" *Single-Family Small Lot 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?)

Chapter 144, Section 3.4-3. "*R-2A*" *Single-Family and Two-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, Section 3.4-9. "*ZH-A*" *Zero Lot Line Home 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, Section 3.4-11. "*MU-B*" *High Intensity Mixed Use 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, Section 3.6 (SUP) 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 Land Use, Future Land Use Plan)
3. Notification List and Map