

## Legislation Details (With Text)

<b>File #:</b>	21-88	<b>Name:</b>	
<b>Type:</b>	Recommendation	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	1/20/2021	<b>In control:</b>	Planning Commission
<b>On agenda:</b>	2/2/2021	<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.		

**Sponsors:****Indexes:****Code sections:****Attachments:** 1. Aerial, 2. Land Use Maps, 3. Development Standards, 4. 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.

**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  
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The approximately 50-acre tract is located south of the intersection of South Walnut Avenue and West Klein Road. The subject property is approximately 871 feet wide and extends southeast to West 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, subject to specified conditions and development standards.

Development of the property will include the extension of South Walnut Avenue, a Principal Arterial on the City's thoroughfare plan (up to 120 feet of right-of-way width), 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 Road, a Minor Arterial and S. Walnut Avenue, a Principal Arterial. MU-B as a base zoning district adjacent to this node 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:**

Approval. The applicant's proposal to create a mixed-use development with a variety of residential opportunities is consistent with ongoing development in the area and is supported and encouraged by the Comprehensive Plan as noted above. Use of the identified zoning districts is intended to provide flexibility with the type and variety of uses allowed on the property. It will encourage an integrated mixture of uses that are beneficial to the neighborhood and Existing Education and Employment Centers, and will assist with buildout of the Future Market Center to serve the neighborhood. The proposed setback and development standards help to ensure that the type and scale of development is appropriate with existing and future adjacent land uses, along with the added flexibility of having multiple land uses available creating opportunities for walkable scale development which is consistent with current trends as well as Envision New Braunfels.

**Notification:**

Public hearing notices were sent to 46 owners of property within 200 feet. The City has received no responses.

**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. Proposed Setback Restrictions and Conditions / Development Standards
4. Notification List, Map and Responses