# Legislation Details (With Text)

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| **File #:** | 21-79 | **Name:** | |
| **Type:** | Ordinance | **Status:** | Consent Item Ready |
| **File created:** | 1/19/2021 | **In control:** | City Council |
| **On agenda:** | 2/8/2021 | **Final action:** | |
| **Title:** | Approval of the second and final reading of an ordinance for a proposed rezoning to apply a Special Use Permit to allow a seven-unit, townhouse style residential development on approximately 0.7 of an acre located at the southwestern terminus of the 2300 block of Michigan Street. | | |
| **Sponsors:** | | | |
| **Indexes:** | | | |
| **Code sections:** | | | |
| **Attachments:** | 1. Draft PC Minutes, 2. Aerial, 3. Land Use Maps, 4. Site Plan, 5. Preliminary Building Plan, 6. Notification List, Map and Responses, 7. SUP20-291 Ordinance | | |

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|

Presenter
*Christopher J. Looney, AICP, Planning and Development Services Director*
*clooney@nbtexas.org*

## SUBJECT:

Approval of the second and final reading of an ordinance for a proposed rezoning to apply a Special Use Permit to allow a seven-unit, townhouse style residential development on approximately 0.7 of an acre located at the southwestern terminus of the 2300 block of Michigan Street.

## BACKGROUND / RATIONALE:

**Case No.:** SUP20-291

**Council District:** 4

Applicant: Brian Mendez

Urban Civil
190 S. Seguin Ave.
New Braunfels, TX 78130
(830) 606-3913
bmendez@urbancivil.com

**Owner:** Comal County Habitat for Humanity

(Crystal Moore)
1269 Industrial Drive
New Braunfels, TX 78130
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crystal@comalhabitat.org

**Staff Contact:** Matthew Simmont, AICP
(830) 221-4058



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**The City Council held a public hearing on January 25, 2021 and approved the first reading of the applicant's requested rezoning ordinance with staff recommended conditions (7-0-0).**

The approximately 0.7 of an acre vacant, unplatted tract has frontage at the dead end of Michigan Street, adjacent to the Union Pacific Railroad tracks. The property was rezoned to ZH-A in 2018 to allow for residential development more consistent with the surrounding residential community. The adjacent neighborhood is zoned M-1 Light Industrial District where the average lot size on this block is about 5,000 square feet.

The proposed Type 2 Special Use Permit (SUP) would allow for proposed infill development to construct 7 new single-family dwelling units. As shown on the submitted site plan, the applicant intends to plat the property into 9 lots with Lots 1-7 each containing a single-family dwelling in townhouse style, and Lots 8 & 9 to be improved with parking (15 proposed spaces) and drainage facilities. The residential lots (Lots 1-7) are not proposed to have street frontage; access to Michigan Street will be guaranteed through common Lots 8 & 9. The project will also require the applicant to dedicate and construct an extension of Michigan Street to include a compliant turnaround that will accommodate service and emergency vehicles.

The applicant has indicated the intent of the submitted design is to allow for a development that will offer new opportunities for affordable home ownership in the neighborhood.

The SUP process provides an opportunity for site-specific consideration of certain uses or activities that might otherwise be incompatible with adjacent uses or existing land use patterns. SUPs can be approved with conditions to achieve compatibility and protect neighboring properties.

*Surrounding Zoning and Land Use:*

| | |
|---|---|
| North - | Across railroad, M-1/ Manufactured home park |
| South - | M-1/ Single-family residences |
| East - | M-1/ Single-family residences |
| West - | M-1/ 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 *(The proposed small-lot residential use is appropriate and compatible for this 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. The proposed turnaround on Michigan Street will improve access for emergency and service vehicles on this block.)*; and
- Whether the request is consistent with the Comprehensive Plan: *see below*



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

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|---|---|
| **City Plan/Council Priority:** Envision New Braunfels Comprehensive Plan Workforce Housing Study | **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. **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 Plan:** The property is situated in the Oak Creek Sub-Area and near an intersection of two Transitional Mixed-Use Corridors. Ensure through city zoning and other required legal entitlements related to housing construction that new types of housing products (small-lot, duplex, townhome, etc.) are allowed by regulations. |

**FISCAL IMPACT:**
N/A

**COMMITTEE RECOMMENDATION:**
The Planning Commission held a public hearing on January 5, 2021 and recommended approval of the request with the staff recommended conditions (9-0-0).

**STAFF RECOMMENDATION:**
Small-lot, townhouse style development would be appropriate at this location for the following reasons:

1. The property is surrounded on three sides by existing, stable single-family residential use on small lots, many of which are less than 5,000 square feet. The proposed development will make efficient use of this property with a residential infill development that will extend Michigan Street and provide a code compliant turnaround.
2. The proposed development will provide sufficient off-street parking and drainage detention facilities to serve the residential use of the property.

Therefore, staff recommends approval. The proposed development addresses several Comprehensive Plan priorities, Workforce Housing Study goals, and is appropriately planned to be compatible with existing adjacent land uses. The SUP process allows the establishment of specific development standards for the uses allowed on the property to ensure compatible and orderly development. To that end, staff's recommendation of approval includes the following conditions:

1. Correct the Michigan Street labeling on the site plan.
2. Correct the directional orientation of the north arrow on the site plan.
3. To address adjacent privacy concerns, no second story access/doorways are permitted along the northeast facing elevation of proposed Lots 2-7. In addition, second story windows along the northeast facing elevation of proposed Lots 2-7 shall be non-transparent. Transparent clerestory windows are allowed.
4. Four-foot-wide sidewalks shall be constructed along both sides of Michigan Street and shall be within the right of way or contained within a pedestrian access easement to allow public access

along the roadway.

5. The identified chain link fence facing Michigan Avenue shall be a maximum of four and one-half feet in height and remain a minimum of 50% open.
6. Development is to be permitted in substantial compliance with the approved site plan, Exhibit 'B'. All remaining site development standards as required by Chapter 144, City of New Braunfels Code of Ordinances remain in effect.
7. An off-site parking agreement shall be approved and maintained to guarantee resident access to the proposed shared parking area ensuring they meet the minimum number of parking spaces required for each dwelling unit.
8. A homeowner's association shall be established to own and maintain Lots 8 & 9.
9. An updated master plan reflecting the approved site plan must be submitted with the final plat application.

**Notification:**

Public hearing notices were sent to 27 owners of property within 200 feet. The City has received no responses in favor and 4 in objection (# 1, 8, 18 & 25).

**RESOURCE LINKS:**

- 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?

- Chapter 144, Section 3.6 (SUP) of the City's 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 Site Plan
4. Preliminary Building Plan
5. Notification List, Map and Responses
6. Planning Commission Meeting Draft Minutes
7. Ordinance