

Legislation Details (With Text)

File #:	21-181	Name:	
Type:	Recommendation	Status:	Individual Item Ready
File created:	2/10/2021	In control:	Planning Commission
On agenda:	3/2/2021	Final action:	
Title:	SUP21-037 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow multifamily residential use - up to 24 units per acre - in the "C-1A" Neighborhood Business District on approximately 10 acres out of the A.P. Fuquay Survey No. 35, Abstract No. 155, Comal County, Texas, located at the northwest corner of the intersection of E. Common Street and Old FM 306.		

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

Attachments: 1. Aerial Map, 2. Land Use Maps (Zoning, Existing and Future Land Use), 3. Proposed Special Use Permit Site Plan, 4. TIA Worksheet, 5. "R-3H" Multifamily High Density District and Proposed SUP Development Standards Comparison Table, 6. Notification List and Map

Date	Ver.	Action By	Action	Result
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Presenter

*Applicant: MNO Partners, David Morin; Owner: Noland and Vera Koepp, Ltd. Partnership
David@mnoinvestments.com@nbtexas.org*

SUBJECT:

SUP21-037 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow multifamily residential use - up to 24 units per acre - in the "C-1A" Neighborhood Business District on approximately 10 acres out of the A.P. Fuquay Survey No. 35, Abstract No. 155, Comal County, Texas, located at the northwest corner of the intersection of E. Common Street and Old FM 306.

BACKGROUND / RATIONALE:

Case No.: SUP21-037

Council District: 4

Owner: Noland and Vera Koepp, Ltd. Partnership
2755 Hunter Rd.
New Braunfels, TX 78132
(830) 608-4658 - debbie@fapcollc.com

Applicant: MNO Partners (David Morin)
2028 E Ben White Blvd., 240-4700
Austin, TX 78741

(210) 303-7858 - david@mnoinvestments.com

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

The subject property is comprised of approximately 10 acres on the northwest corner of the intersection of East Common Street and Old FM 306 and is currently utilized for agriculture. The applicant is requesting approval of a Type 2 Special Use Permit (SUP) to allow development of multifamily residential at up to 24 units per acre with a general site plan and development standards of the “R-3H” Multifamily High Density Residential District. As the base C-1A zoning would remain, non-residential uses would also continue to be allowed on the site should the SUP expire or be revoked by City Council.

The applicant indicates they held two meetings with neighbors. The first meeting occurred January 19, 2021 where plans were first revealed to the neighbors. The plans were then modified to accommodate neighbor requests from the first meeting and presented to the neighbors at a second meeting held on January 22nd.

The applicant is proposing the following additional restrictions in an attempt to alleviate some of the concerns from property owners within the adjacent neighborhoods:

- An increased setback for 3-story buildings. The SUP proposes a minimum setback of 100 feet from any adjacent property used or zoned for single or two-family use for portions of buildings within the multifamily development that are 3 stories in height-foot, whereas the R-3H District only requires a minimum 20-foot setback plus an additional foot for each foot of building height over 20 feet.
- A taller masonry residential buffer wall. The SUP proposes a 10-foot tall CMU buffer wall between the multifamily property and adjacent single and two-family residential properties, whereas the Zoning Ordinance requires only a 6-foot to 8-foot tall masonry wall.
- No extension of Clearwater Drive to East Common Street. The SUP proposes an easement for emergency vehicular and pedestrian access only from the terminus of Clearwater Drive, whereas the Subdivision Platting Ordinance would require the extension of Clearwater Drive, whether it be a cul-de-sac or through street, if the property were to be subdivided into more than one lot. Some of the neighbors have voiced their concern about through-traffic going to or coming from Gruene should there be an extension of Clearwater Drive to East Common Street.

Surrounding Zoning and Land Use:

North - R-1 & R-2 / Single-family residential neighborhood and duplexes

South - Across E. Common St., C-1 & M-1 with an SUP for multifamily development up to 24 units per acre / Agricultural

East - Across Old FM 306, C-1 & C-1B / Church

West - ZH-A and across Gruene Vineyard Crossing, “Vineyard at Gruene” Planned Development District / Single-family neighborhood

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 multifamily use is consistent with the mixture of zoning districts and single, two-family, multifamily and commercial uses in the area and has direct access to Common Street, a Principal Arterial, which is the type of roadway classification where multifamily use is intended to be located. The inclusion of the 10-foot tall masonry residential buffer wall and 100-foot residential setback for any 3-story portion of a building will provide more restrictive residential buffer requirements than the R-3H District standards.*)
- 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 additional demand is evaluated by each provider. CISD has been notified of the request. Traffic signal improvements at the intersection of East Common Street and Old FM 306 currently are in final engineering design as part of the Roadway Impact Fee program. However, construction funding has not yet been identified and timing of the project is unknown at this time. Development of the subject property will require a Traffic Impact Analysis (TIA) which will determine if any improvements are required to be made by the developer to accommodate traffic associated with the proposed multifamily development.*)
- How other areas designated for similar development will be affected (*The proposed land use should not negatively impact other areas designated for similar development when developed in compliance with proposed conditions and current development standards.*)
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*None identified. Drainage, utility and traffic impact will be reviewed and addressed through the platting and permitting processes. Residential buffer requirements proposed by the applicant are more stringent than those of the R-3H District.*)
- 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	Consistent Actions: Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 3.1: Plan for healthy jobs/housing balance. Conflicting Actions: Action 3.18: Encourage multifamily to disperse throughout the community rather than to congregate in masse. Action 7.10: Require more street connectivity/adopt connectivity ratios. Future Land Use Plan: The property lies within the New Braunfels Sub Area near Existing Employment, Market, Tourist/Entertainment and Education Centers and in the vicinity of proposed Future Market Centers along a Transitional Mixed-Use Corridor.
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FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Approval, with the following conditions:

1. Site development must adhere to the multifamily development standards of the "R-3H" Multifamily High-Density zoning district.
2. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.

Notification:

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

RESOURCE LINKS:

- Chapter 144, Sec. 3.4-12 “C-1A” Neighborhood Business District of the City’s Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Sec. 3.6 Special Use Permits of the City’s Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Secs. 3.4-5 “R-3H” Multifamily High Density District of the City’s Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

ATTACHMENTS:

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