

Legislation Details (With Text)

File #:	21-279	Name:	
Type:	Recommendation	Status:	Individual Item Ready
File created:	3/15/2021	In control:	Planning Commission
On agenda:	4/6/2021	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 District and Proposed SUP Development Standards Comparison Table, 6. Notification Map, List and Responses

Date	Ver.	Action By	Action	Result
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PRESENTER:

Applicant: MNO Partners (David Morin)

Owner: Noland and Vera Koepp, Ltd. Partnership

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.

DEPARTMENT: Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** Council District 4**BACKGROUND INFORMATION:**

Applicant: MNO Partners (David Morin)
2028 E. Ben White Blvd., 240-4700
Austin, TX 78741
(210) 3030-7858 david@mnoinvestments.com

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

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

This case was postponed at the Planning Commission's March 2, 2021 meeting at the request of the applicant to allow more time to engage with neighbors and to address their concerns.

The subject approximate 10-acre tract is situated on the northwest corner of the intersection of East Common Street and Old FM 306. It 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.

The applicant indicates two meetings were held 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. During the applicant's request for postponement at the March 2, 2021 Planning Commission meeting, the applicant announced plans for a meeting with neighbors that would occur prior to the Planning Commission's April 6th meeting.

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. The buffer wall will be constructed before framing of any buildings commence and will be required to be designed to comply with sight distance and visibility standards at the intersection of East Common Street and Gruene Vineyard Crossing.

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 a public right-of-way extension of Clearwater Drive to East Common Street.

Dumpster locations: Dumpsters will be required to be placed a minimum of 50 feet away from any single-family residential properties.

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

ISSUE:

The proposed SUP for multifamily residential use up to 24 units per acre is consistent with the following actions from Envision New Braunfels:

Action 1.3: Encourage balanced and fiscally responsible land use patterns.

Action 3.1: Plan for healthy jobs/housing balance.

The proposed SUP is inconsistent with the following actions from the Envision New Braunfels Comprehensive Plan:

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.

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.

FISCAL IMPACT:

N/A

RECOMMENDATION:

The proposed 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 applicant's SUP request also includes more restrictive development standards than the City's multifamily zoning districts that will add additional buffering between the adjacent neighborhoods. Therefore, staff recommends approval with the following conditions:

1. Development of the site for multifamily use must comply with the development standards of the "R-3H" Multifamily High Density District, if a particular development standard is not specifically addressed in the development standards of the Special Use Permit.
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 4 responses in favor from numbers 14, 16 (with a condition), 19 (with a condition) and 43; and 25 responses in opposition from numbers 3, 4, 6, 7, 9, 12, 18, 21, 22, 23, 25, 26, 27, 28, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42 and 44 and an additional 45 objections from outside the 200-foot notification area.

Opposition (from within the state-mandated notification area) represents more than 20% of the notification area. A $\frac{3}{4}$ majority vote of City Council (6 votes) will be required for approval of the applicant's request unless some of that opposition changes before the City Council hearing.

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?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.3ZODIREPRZOPRJU221987

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?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.3ZODIREPRZOPRJU221987

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?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.3ZODIREPRZOPRJU221987

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