Legislation Details (With Text)

File #:	21-309	**Name:**	
Type:	Ordinance	**Status:**	Individual Item Ready
File created:	3/24/2021	**In control:**	City Council
On agenda:	4/12/2021	**Final action:**	
Title:	Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 21 acres out of the O. Russell Survey No. 2, Abstract No. 485, located at the northern corner of the intersection of Goodwin Lane and Orion Drive, from “APD” Agricultural/Pre-Development District to “R -3H” Multifamily High Density District.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Proposed Zoning Exhibit, 2. Aerial, 3. Land Use Maps, 4. TIA Worksheet, 5. List, Map and Responses, 6. Draft PC Minutes, 7. Draft Ordinance		

Date	Ver.	Action By	Action	Result

PRESENTER:
Christopher J. Looney, AICP, Planning and Development Services Director
SUBJECT:
Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 21 acres out of the O. Russell Survey No. 2, Abstract No. 485, located at the northern corner of the intersection of Goodwin Lane and Orion Drive, from “APD” Agricultural/Pre-Development District to “R-3H” Multifamily High Density District.
DEPARTMENT: Planning and Development Services
COUNCIL DISTRICTS IMPACTED: Council District 4

BACKGROUND INFORMATION:
Case # PZ20-0329

Applicant: James Ingalls, P.E.
Moeller & Associates
2021 SH 46W, Ste. 105
New Braunfels, TX 78132
(830) 358-7127 plats@ma-tx.com

Owner: EB Industries
Richard Byrd
(251) 510-1118 rbyrd@aspengroverealty.com

Staff Contact: Matthew Simmont
(830) 221-4058 msimmont@nbtexas.org

At their regular meeting on March 8, 2021, City Council authorized the reconsideration of this requested

rezoning at this meeting to allow adequate time to meet the state-mandated notification requirements. The original rezoning request encompassed a larger, 68-acre property (see attachments) with two proposed zoning districts (from APD to R-1A-4 and R3-H). The applicant has divided the proposed rezoning of the 68 acres into two separate agenda items for individual consideration. This is one of them.

The approximately 21-acre tract is located north of the intersection of Goodwin Lane and Orion Drive. The unimproved property is in agricultural production, a portion of which lies within the Alligator Creek floodplain. The applicant has indicated they are making this request to allow for a 300-unit, multifamily residential development.

Surrounding Zoning and Land Use:
North - Alster, Wasser Ranch PD / Local street and railroad
South - Across Goodwin Ln., Oak Creek Estates PD and ZH-A / Single family residences (Creekside Farms and Oak Creek Estates) and Alligator Creek
East - Wasser Ranch PD / Single-family residence and Alligator Creek
West - Across Orion Drive, M-1A, MU-B and APD / Duplex residences and a planned manufactured home community

ISSUE:
The proposed zoning change is consistent with the following actions from the Workforce Housing Study and Envision New Braunfels (the community's Comprehensive Plan):

- 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.
- Create or adjust city regulations that allow for multi-unit owned/rented mix like two and three-flats where the owners earn rental income.
- Action 1.3 Encourage balanced and fiscally responsible land use patterns.
- 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.
- Future Land Use: The property is situated within the Oak Creek Sub-Area, in close proximity to Employment, Market and Education Centers.

The permitted uses within the proposed zoning district create opportunities for encouraged housing variety and density which is generally compatible with the expanding neighborhood of residential use.

FISCAL IMPACT:
N/A
RECOMMENDATION:
The Planning Commission held a public hearing on February 2, 2021 and recommended approval (9-0).

The applicants' proposal to create a multifamily residential development is consistent with ongoing development and market trends in the area, which is transitioning from available industrial opportunities to residential. Staff recommends approval.

Notification:
Public hearing notices were sent to 34 owners of property within 200 feet. The City has received no responses in favor and 5 responses in objection (# 16, 20, 21, 22, 32). The City has also received 11 responses in objection from owners of property outside of the 200-foot notification area.

Resource Links:

• Chapter 144, Sec. 3.4-1 (APD) of the City's Code of Ordinances:
<https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987>

• Chapter 144, Sec. 3.4-5 (R-3H) of the City's Code of Ordinances:
<https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987>

Attachments:

1. Aerial Map
2. Land Use Maps (Zoning, Existing, Future Land Use, Short Term Rental)
3. Proposed Zoning Exhibit
4. Traffic Impact Analysis (TIA) Worksheet
5. Notification List, Map and Responses
6. Excerpt of Minutes from the February 2, 2021 Planning Commission Meeting
7. Draft Ordinance

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