

## Legislation Details (With Text)

<b>File #:</b>	21-540	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	5/26/2021	<b>In control:</b>	City Council
<b>On agenda:</b>	6/14/2021	<b>Final action:</b>	
<b>Title:</b>	Public hearing and first reading of an ordinance 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 614 & 720 W. Zipp Road, from "R-1A-6.6" Single Family District to allow 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.		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Aerial, 2. Land Use Maps, 3. Districts Comparison Chart, 4. Proposed Development Standards and Site Plan, 5. Notification List, Map and Responses, 6. Draft Planning Commission Minutes, 7. Draft Ordinance		

Date	Ver.	Action By	Action	Result
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**PRESENTER:**

Christopher J. Looney, AICP, Planning and Development Services Director

**SUBJECT:**

Public hearing and first reading of an ordinance 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 614 & 720 W. Zipp Road, from "R-1A-6.6" Single Family District to allow 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.

**DEPARTMENT:** Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** Council District 2**BACKGROUND INFORMATION:**

Owner &amp;

Applicant: HMT Engineering & Surveying (Thor Thornhill)  
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  
(830) 221-4058      msimmont@nbtexas.org

**City Council postponed the first reading of this requested rezoning (6-0) upon request from the applicant to allow them to have additional communication with the surrounding property owners.**

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.

**ISSUE:**

The subject property is currently zoned R-1A-6.6; a zoning district that is intended for development of primarily detached, single-family residences and accessory uses on lots of at least 6,600 square feet. The zoning districts that are included in the applicant's proposal would allow for a mix of uses to include the following:

- *R-1A-4* - single family residences and accessory structures on lots of at least 4,000 square feet in size.
- *R-2A* - single-family residences and accessory structures on lots of at least 6,600 square feet in size, and duplexes and accessory structures on lots of at least 8,000 square feet in size.
- *ZH-A* - single-family residences and accessory structures on lots of at least 4,000 square feet, and allowing the homes to either 1) be built on one side property line creating a larger side yard on the other side (garden/patio homes), or 2) be built with the more traditional five-foot setbacks on both sides.
- *MU-B* - provides for a mix of residential (apartments or condominiums), retail, service, office, and industrial uses in close proximity to each other or in the same buildings, to enable people to live, work and shop in a single, closer location discouraging urban sprawl.

The applicant's proposed Type 2 Special Use Permit (SUP) would allow for a variety of residential and non-residential development on the property, subject to proposed development standards, conditions and site plan restrictions. An SUP is a zoning overlay that allows certain uses that are not allowed by right in a specific zoning district, but through certain conditions may be found by City Council to be compatible at a specific location.

The applicant has indicated this request will bring together an assortment of compatible commercial and residential uses to take advantage of the arterial intersection of Walnut Avenue and Klein Road. The developer's plans 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), from Klein Road to Zipp Road.

*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

The proposed Special Use Permit is consistent with the following actions from Envision New Braunfels:

- *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.
- *Action 3.22:* Encourage venues within walking distance of neighborhoods and schools.

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.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

The Planning Commission held a public hearing on May 4, 2021 and recommended approval (7-1) with Commissioner Tubb objecting and with the following conditions:

1. The 125-foot-wide area restricted to R-1A-4, ZH-A and R-2A zoning is extended to the north corner of Lot 6, Block 4, Ridgemont Unit 1.
2. A drainage facility is to be located adjacent to Unit 1 of the Ridgemont Subdivision and W. Klein Road.
3. No windows or balconies on the second story of residences abutting Ridgemont, Units 1, 2B and 4 are permitted to face Ridgemont, Units 1, 2B and 4.

Staff recommends approval as proposed by the applicant, with a condition that:

- during the design phase of the extension of Walnut Avenue, if it is determined that the developer is to install landscaped medians, the medians will include code- and city spec-compliant irrigation for the City's long-term maintenance.

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 Envision New Braunfels.

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 mix 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 development standards and site plan 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. In addition, the development standards will serve to increase pedestrian mobility and enhance the streetscape along the extension of Walnut Avenue.

*Notification as required by state statute:*

Public hearing notices were sent to owners of 46 properties within 200 feet of the request. Per state statute, ownership information was gathered from the Appraisal District records. The City has received one neutral response and eight responses in objection (#2, 10-13, 24, 37 & 39) to the re-notification of the request. Responses received from outside of the notification area with the original version of the SUP request are included in Attachment 4.

**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?nodeId=PTIICOR\\_CH144ZO\\_ARTIIIIZODI\\_S144-3.4ZODIREPRZOSUJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTIIIIZODI_S144-3.4ZODIREPRZOSUJU221987)
- 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?nodeId=PTIICOR\\_CH144ZO\\_ARTIIIIZODI\\_S144-3.4ZODIREPRZOSUJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTIIIIZODI_S144-3.4ZODIREPRZOSUJU221987)
- 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?nodeId=PTIICOR\\_CH144ZO\\_ARTIIIIZODI\\_S144-3.4ZODIREPRZOSUJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTIIIIZODI_S144-3.4ZODIREPRZOSUJU221987)

- 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?nodeId=PTIICOR\\_CH144ZO\\_ARTIIZODI\\_S144-3.4ZODIREPRZOSUJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTIIZODI_S144-3.4ZODIREPRZOSUJU221987)>
- Chapter 144, Section 3.6 (SUP) of the City’s Code of Ordinances:  
<[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOR\\_CH144ZO\\_ARTIIZODI\\_S144-3.6SPUSPE](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTIIZODI_S144-3.6SPUSPE)>

Attachments:

1. Aerial Map
2. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
3. Districts Comparison Chart
4. Proposed Development Standards and Site Plan
5. Notification List, Map and Responses
6. Draft Planning Commission Meeting Minutes from May 4, 2021
7. Draft Ordinance