

## Legislation Details (With Text)

<b>File #:</b>	21-775	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed
<b>File created:</b>	8/4/2021	<b>In control:</b>	City Council
<b>On agenda:</b>	8/23/2021	<b>Final action:</b>	8/23/2021
<b>Title:</b>	Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 7,406 square feet (0.17-acre) being parts of Lots 6 & 7, Block 46, New City Block 4002, Guenther Addition, addressed at 157 S. Guenther Ave., from "SND-1" Special Neighborhood District - 1 to "C-2A" Central Business District.		

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

**Attachments:** 1. Aerial, 2. Land Use Maps, 3. District Comparison Chart, 4. TIA Worksheet, 5. Notification List, Map and Responses, 6. PZ21-0233 (MS) PC Draft Minutes 8-3-2021, 7. PZ21-0233 Ordinance

Date	Ver.	Action By	Action	Result
8/23/2021	1	City Council		

**PRESENTER:**

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

**SUBJECT:**

Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 7,406 square feet (0.17-acre) being parts of Lots 6 & 7, Block 46, New City Block 4002, Guenther Addition, addressed at 157 S. Guenther Ave., from "SND-1" Special Neighborhood District - 1 to "C-2A" Central Business District.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** 6

**BACKGROUND INFORMATION:**

Case #: PZ21-0233

**Owner/**

**Applicant:** Seals Family Properties, LLC  
Kelly Garcia  
392 W. Mill St.  
New Braunfels, TX 78130  
(210) 807-0288      kelly@furtherholdings.com

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

The 7,406 square foot (0.17-acre) tract is located approximately 250 feet southeast of the intersection of W. San Antonio Street and S. Guenther Ave. The subject property is developed with a single-family residence.

The applicant is requesting a change of the base zoning district from "SND-1" Special Neighborhood District to "C-2A" Central Business District. The applicant intends to combine the subject property with the 1.36-acre

tract of land that surrounds it, currently zoned Central Business District (C-2), to facilitate its redevelopment. A district comparison chart (attached) shows the proposed zoning will allow for a variety of commercial and mixed-uses that are compatible with surrounding central business district uses, and consistent with zoning in this block and corridor.

*Surrounding Zoning and Land Use:*

North - C-2 / Antique Store and Warehouse  
South - C-2 / Private driveway and single-family residences  
East - C-2 / Antique Store and Warehouse  
West - Across S. Guenther Ave., SND-1 / St. Paul Lutheran Church

**ISSUE:**

The current SND-1 zoning district is a Special Zoning District that was intended for development of detached single-family residences on minimum 6,600 square foot lots. It was created by the Sophienburg Hill Neighborhood with development standards and allowed uses that were consistent with the historic layout and development of the neighborhood.

The proposed C-2A district is intended to be utilized within the downtown core and allows for commercial, residential and mixed-use development.

The proposed rezoning is consistent with the following actions from Envision New Braunfels and the Workforce Housing Study:

- *Action 1.3:* Encourage balanced and fiscally responsible land use patterns.
- *Action 2.33:* Encourage vertical growth and development of key areas to take advantage of infrastructure capacity, maintain the core, and to discourage sprawl.
- *Action 2.5:* Encourage diversification of commercial activity Downtown to build on and sustain existing historic resources and maximize structure utilization for economic expansion.
- *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 3.4:* Revitalize the core of New Braunfels to ensure balanced development.
- *Workforce Housing Study Recommendation:* 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.

The property is situated in the New Braunfels Sub-Area, in close proximity to Employment, Market, Civic, Outdoor Recreation and Education Centers.

The permitted uses within the proposed zoning district create opportunities for encouraged commercial/mixed use development and vertical growth of the city core which is compatible with downtown uses along W. San Antonio Street.

The existing C-2 zoning surrounding the subject property and the proposed C-2A zoning of the subject property will both be required to comply with the residential setback standards of sections 3.3-8 and 3.4-14 of the Zoning Ordinance respectively, which require a setback of at least 20 feet plus one foot for each foot of building height over 20 feet, when adjacent to existing residential uses or residential zoning.

**FISCAL IMPACT:**

A preliminary fiscal impact analysis of the proposed overall development project indicates that the proposed 1.4

-acre project (of which the subject parcel is included within) would generate a net benefit to taxpayers in the amount \$1,352,110 over 10 years. If all property in the proposed development remained in its current use and configuration, the estimated net benefit is \$193,395 over 10 years.

**RECOMMENDATION:**

The Planning Commission held a public hearing on July 6, 2021 and recommended approval (8-0) with Commissioner Gibson absent.

Staff recommends approval. The applicants' proposal to rezone the subject property to be consistent with the zoning surrounding the subject property and provide the opportunity to create a mixed-use development in the urban core is consistent with ongoing development in the area and is supported by Envision New Braunfels and the Workforce Housing Study.

*Mailed notification pursuant to state statute:*

Public hearing notices were sent to owners of 12 properties within 200 feet of the request. No responses have been received at this time.

Resource Links:

Chapter 144, Section 3.4-1. (APD) 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) 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)

Attachments:

1. Aerial Map
2. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
3. District Comparison Chart
4. Traffic Impact Analysis (TIA) Worksheet
5. Notification List, Map and Responses
6. Draft Planning Commission Meeting Minutes
7. Ordinance