

## Legislation Details (With Text)

<b>File #:</b>	21-860	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed
<b>File created:</b>	8/24/2021	<b>In control:</b>	City Council
<b>On agenda:</b>	9/13/2021	<b>Final action:</b>	9/13/2021
<b>Title:</b>	Consideration of the second and final 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. PC Draft Minutes 8-3-2021, 7. Ordinance

Date	Ver.	Action By	Action	Result
9/13/2021	1	City Council	approved	Pass

**PRESENTER:**

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

**SUBJECT:**

Consideration of the second and final 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

**City Council held a public hearing on August 23, 2021 and approved the first reading of the applicant's requested rezoning (4-3 with Councilmembers Bowers, Hurta and Spradley in objection).**

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 Avenue. The subject property is developed with a single-family residence and is oddly configured, completely surrounded by another tract.

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 lot with the 1.36-acre tract that surrounds it, currently zoned Central Business District (C-2), to facilitate its redevelopment. A district comparison chart (attached) shows the proposed zoning for this lot will allow for a variety of 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. It was created by the Sophienburg Hill Neighborhood with development standards and allowed uses that were consistent with the historic layout and development of this neighborhood.

The proposed C-2A district is intended to be utilized within the downtown and its environs and allows for commercial, residential and mixed-use development. C-2A, as well as C-2 zoning are required to comply with setback/buffer standards outlined in sections 3.3-8 and 3.4-14 of the Zoning Ordinance, 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.

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 1.15:* Implement Downtown area improvements planned in the adopted 2010 Downtown Implementation Plan, and further envisioned in the South Castell Avenue Visioning Plan, including but not limited to a downtown hotel, increased downtown residential units, and expansion of the Civic/Convention Center.
- *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 3.1:* Plan for healthy jobs/ housing balance.
- *Action 3.2:* Consider multiple factors for guiding community growth, such as our downtown and the natural environment.
- *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 Recommendations:* 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, within a Transitional Mixed-Use Corridor and Existing Employment, Market, Civic, Outdoor Recreation and Education Centers.

**FISCAL IMPACT:**

N/A

**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 proposed rezoning of this lot would facilitate continuity of any abutting redevelopment. The allowed uses in C-2A would create opportunities for encouraged walkable mixed use, would be compatible with uses along West San Antonio Street, and would be consistent with ongoing redevelopment in Downtown and the general area.

*Mailed notification pursuant to state statute:*

Public hearing notices were sent to owners of 12 properties within 200 feet of the request. The City has received one response in favor (#11) and six responses in objection (#2, 3, 4, 6, 8 & 12) from owners of property within the notification area. The City has also received two responses (one in favor and one in objection) from owners of properties outside of the notification area. **Opposition represents 20% of the notification area. Pursuant to state statute, a  $\frac{3}{4}$  majority of City Council (6 votes) will be required to approve the applicant's request unless that opposition changes.**

Resource Links:

Chapter 144, Section 3.8. (SND-1) of the City's Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOR\\_CH144ZO\\_ARTIIIIZODI\\_S144-3.8SPDI](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTIIIIZODI_S144-3.8SPDI)

- Chapter 144, Section 3.4-14. (C2-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