

## Legislation Details (With Text)

<b>File #:</b>	21-1166	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed
<b>File created:</b>	10/25/2021	<b>In control:</b>	City Council
<b>On agenda:</b>	11/22/2021	<b>Final action:</b>	11/22/2021

**Title:** Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow 75 dwelling units where lot area allows a maximum of 64, through the conversion of existing hotel guestrooms into studio apartments in the "C-3 AH" Commercial District Airport Hazard Overlay, on Lots 3C and 3D, JM Subdivision, addressed at 1533 IH-35 North.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Aerial Map, 2. Request Letter, 3. Site Plan, 4. Land Use Maps, 5. TIA Worksheet, 6. Notification & Responses, 7. Photo, 8. PC Draft Minutes, 9. SUP21-318 Ordinance

Date	Ver.	Action By	Action	Result
11/22/2021	1	City Council	approved	Pass

**PRESENTER:**

Jean Drew, AICP, CNU-A; Planning and Development Services Assistant Director

**SUBJECT:**

Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow 75 dwelling units where lot area allows a maximum of 64, through the conversion of existing hotel guestrooms into studio apartments in the "C-3 AH" Commercial District Airport Hazard Overlay, on Lots 3C and 3D, JM Subdivision, addressed at 1533 IH-35 North.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** Council District 5

**BACKGROUND INFORMATION:**

Case No.: SUP21-318

Applicant/

Owner: Dan Norville  
Vivo Investment Group  
841 Apollo Street  
El Segundo, CA 90245  
(310) 699-2983  
dan@vivoinvestmentgroup.com

Agent: Jeffrey Harlan  
Ervin Cohen & Jessup, LLP

9401 Wilshire Blvd.  
Hollywood, CA 90212  
(949) 335-2904  
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Staff Contact: Stacy Snell  
(830) 221-4051  
ssnell@nbtexas.org

The subject property consists of two platted through-lots with frontage on both IH-35 and Business 35. It is the site of a former Quality Inn hotel. The applicant proposes to convert the hotel guestrooms into studio/efficiency apartments for long-term occupancy. Multifamily use is allowed by right in the C-3 Commercial District.

The property is located within the Conical Zone of the Airport Hazard Overlay for building height. This overlay does not impact the existing structure or proposed redevelopment.

*Surrounding Zoning and Land Use:*

North - C-3/ Medical office  
South - C-3/ Distribution warehouse  
East - Across IH-35, R-2/ Comal High School  
West - Across Bus. 35. C-3/ Mini warehouse storage, electrical contractor

**ISSUE:**

Multifamily use is an allowed use in the C-3 Commercial District; however, the maximum number of dwelling units allowed on a property is determined by the size of the lot. Development standards in the C-3 District require a minimum of 15,000 square feet for the first 10 units, and an additional 1,500 square feet per dwelling unit thereafter.

The subject property consists of two lots totaling 2.2 acres (95,875 square feet), which allows a maximum of 64 dwelling units pursuant the C-3 standards.

The hotel building has 75 guestrooms proposed to become 75 studio/efficiency dwelling units. There is no maximum number of guest rooms associated with a hotel based on lot size, but the same number of rooms as studio/efficiency units exceed the maximum number of dwelling units allowed per the C-3 zoning by 11 units. **The applicant is requesting this Type 2 Special Use Permit (SUP) to allow a total of 75 dwelling units on 2.2 acres.** In calculating the maximum number of dwelling units allowed, the ordinance does not specify or limit the number of bedrooms per unit, so the subject property could potentially accommodate 64 two-, three- or four-bedroom dwelling units. For comparison, a 64-unit complex with equal mix of 1, 2 and 3 bedrooms would provide 128 total bedrooms. If this were to be proposed, a total of 128 parking spaces would be required for that number of bedrooms, which would reduce the amount of amenity space. The proposed development will contain 75 bedrooms that require 83 parking spaces (1.1 per studio unit) and will provide an amenity area.

The site plan indicates the off-street parking requirement will be accommodated on Lot 3C with the existing structure. Lot 3D is proposed for resident amenities including lounge areas, barbeque grills, a community garden, bocce court and a dog park. This request was submitted as a Type 2 SUP and the site plan will be adopted with the ordinance if the SUP is approved. Any substantial changes to the site plan will require amendment of the SUP.

As part of the implementation of Envision New Braunfels, staff is currently analyzing minimum lot size

requirements for multifamily development should City Council wish to consider possible code revisions if it is uncovered that there may be more appropriate and equitable ways to determine minimum lot size for multifamily development.

The request is consistent with the following actions from Envision New Braunfels:

- Action 1.6: Incentivize infill development and redevelopment to take advantage of existing infrastructure.
- Action 1.11: Update policies and codes to achieve development patterns that implement the goals of this plan.
- Action 2.1: Sustain community livability for all ages and economic backgrounds.
- 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 3.16: Review and revise regulations that inadvertently inhibit creative housing options or workforce housing alternatives.
- Action 3.30: Encourage and incentivize workforce/affordable housing to attract new workforce entrants and young families.
- Action 3.31: Adopt policies and ordinances supportive of workforce housing, creating opportunities that make investment in workforce housing more feasible for private and nonprofit developers.
- Future Land Use: The property is located within the Oak Creek Sub-Area and along a transitional mixed-use corridor. It is in close proximity to existing and future market centers, and several education centers.

#### **FISCAL IMPACT:**

N/A

#### **RECOMMENDATION:**

##### **Committee Recommendation:**

The Planning Commission held a public hearing on November 2, 2021 and unanimously recommended approval of the request. (8-0-0 with Commissioner Tubbs absent)

##### **Staff Recommendation:**

Approval. The proposed development meets several action items from Envision New Braunfels and is a creative re-use of an existing underutilized building.

Staff recommends approval of the Type 2 Special Use Permit subject to the following:

- Adoption of the site plan as submitted. Significant changes to the site plan will require amending the SUP.

##### *Mailed notification pursuant to State statute:*

Public hearing notices were sent to 6 owners of property within 200 feet of the request. To date, the City has received one response in favor (#3) and none in opposition.

##### **Resource Links:**

- Chapter 144, Sec. 3.3-9 (C-3) of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_C144ZO\\_ARTIII\\_ZODI\\_S144-3.3ZODIREPRZOPRJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C144ZO_ARTIII_ZODI_S144-3.3ZODIREPRZOPRJU221987)
- Chapter 144, Sec. 3.6 (SUP) of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_C144ZO\\_ARTIII\\_ZODI\\_S144-3.6SPUSPE](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C144ZO_ARTIII_ZODI_S144-3.6SPUSPE)

#### **Attachments:**

1. Aerial Map
2. Request Letter
3. Site Plan
4. Land Use Maps (Zoning, Existing, Future Land Use)
5. TIA Worksheet
6. Notification Map
7. Photograph
8. Planning Commission Minutes
9. Ordinance