

## Legislation Text

---

**File #:** 17-227, **Version:** 1

---

Presenter

*Christopher J. Looney, Planning and Community Development Director*  
*clooney@nbtexas.org*

**SUBJECT:**

Public hearing and consideration of a resolution amending the 2006 Future Land Use Plan and the second and final reading of an ordinance rezoning approximately 98 acres out of the A. M. Esnaurizar Survey No. 1 Abstract 98, addressed at 253 S. Kowald Lane, from "APD" Agricultural/ Pre-Development and "C-3" Commercial Districts to "Solms Landing" Planned Development (SLPD) District with a Concept Plan.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ-16-065

**Council District:** 5

**Applicant:** Solms Landing Development LLC (James Mahan)  
648 S. Castell Avenue  
New Braunfels, TX 78130  
(830) 387-4032  
info@solmslanding.com

**Owner:** Jerome Timmermann Family Trust (Betty Timmermann)  
253 S. Kowald Lane  
New Braunfels, TX 78130  
(830) 625-0174

**Staff Contact:** Holly Mullins  
(830) 221-4054  
hmullins@nbtexas.org

**City Council held a public hearing on March 27, 2017 and approved the first reading of the requested rezoning ordinance as presented.**

The subject property consists of approximately 98 acres of unplatted land, east of IH-35 between Creekside Crossing (FM 306) and Kowald Lane. The property is adjacent to the Village at Creekside, West Village at Creekside Subdivision, and the Comal Farms community.

A planned development (PD) district is a free-standing zoning district designed to provide for the development of land as an integral unit for single or mixed uses in accordance with a City Council approved plan that may vary from the established regulations of other zoning districts. It is the intent in such a district to insure compliance with good zoning practices while allowing certain desirable departures from the strict provisions of specific zoning districts. A concept plan is the first stage in creating PD zoning.

The proposed Solms Landing Planned Development (SLPD) would be a mixed-use development with a base zoning district of "MU-B" High Intensity Mixed Use District. The applicant states the intent of SLPD is to bring together

restaurants, shopping, a boutique hotel, and a variety of living options for a range of ages. The development standards and guidelines are intended to provide building layout, streetscapes, and open space that encourage internal walkability and pedestrian connection to other development in the Creekside area. The development standards and guidelines incorporate concepts such as vertical mixed use (VMU) and low impact development (LID) features that are not required by standard MU-B zoning. But, standards require objective criteria and clearly defined terms in order to be enforceable by the City.

The proposed allowed uses are based on MU-B zoning, with most of the more intensive or industrial-type uses removed and zero lot line/patio homes added (see Attachment 3 Development Standards and Guidelines).

The concept plan consists of three “zones”, each with slightly different development guidelines and standards, but all of the identified uses are allowed in the three zones without restriction. Zone 1 is the preferred zone for VMU and will include layering of building heights as development moves away from the public right-of-way. Zone 2 is the preferred zone for high density residential and neighborhood retail, incorporating greenspace and parks. The MU-B base zoning does not set a maximum residential density; however, the Concept Plan indicates an overall gross density for the project of approximately 10 units per acre for single-family development and 20 units per acre for multifamily. Zone 2 also includes a proposed connector road to West Village at Creekside Subdivision. Zone 3, with frontage on Kowald Lane, is the preferred location for neighborhood commercial and business offices.

An integrated network of trails and pocket parks are proposed to connect the three zones internally, and provide connectivity to bike and walking trails in West Village at Creekside, along FM 1101, and at Resolute Hospital. Trail locations will be identified in the Detail Plan to follow, which is considered by the Planning Commission. Greenspace, pocket parks, and parking lots will offer opportunities to implement LID design features such as bioswales and vegetated filter strips, which are encouraged by the developer but not required in the development standards and guidelines.

Modifications to the MU-B standards include a reduction in the maximum building height for non-residential and multifamily buildings from 120 feet to 100 feet.

Other proposed enhancements to the development not otherwise required by the Zoning Ordinance include additional landscaping and lighting guidelines and standards, an allowance for alternative paving materials for trails within the development, maximum building coverage limits, and building design standards that are overseen by an internal architectural review committee to be created by the developer and project architect. See the table below for detailed comparison.

A concept plan establishes a layout of the development along with development standards for the planned development district and is followed by a detail plan illustrating compliance with the standards. The rezoning with concept plan and development standards are considered by City Council, while the Planning Commission has final authority on PD detail plans.

Standard	MU-B	SLPD
<b>Permitted Uses</b>	Various non-residential, see MU-B. Various residential including TH, MF, mixed residential/non-residential use.	<b>Many Industrial uses removed; Zero lot line (patio homes) added</b>
<b>Maximum Building Height</b>	• Non-residential/MF - 120 ft • TH - 35 ft • ZLL - N/A	• <b>Non-residential/multifamily: Zone 1: 100 ft Zone 2: 60 ft Zone 3: 40 ft • TH/ZLL: 30 ft</b>
<b>Minimum Setbacks</b>	• Non-residential Front - 0 Side - 0 Rear - 5 ft + 2 ft per story above 24 ft; 25 feet max; no encroachment • MF Front - 25 ft Side - 20 ft; Street side - 15 ft Rear - 25 ft • TH Front - 10 ft; Garage - 20 ft Side - 0; 20 ft corner Rear - 10 ft • ZLL - N/A	<b>Same: Non-residential, MF, and TH • ZLL Front - 10 ft; Garage - 20 ft Side - 0 and 10 ft; or 5 ft and 5 ft Rear - 10 ft; 20 ft if adjacent to another residential zoning district</b>

<b>Minimum Lot Standards</b>	• Non-residential Area: 6,000 sf Width: 60 ft Depth: 100 ft • MF Area: 20,000 sf Width: 60 ft Depth: 100 ft • TH Area: 2,500 sf Width: 25 ft Depth: 100 ft • ZLL - N/A	<b>Same: Non-residential, MF, and TH • ZLL Area - 4,000 sf Width - 40 ft Depth - 100 ft</b>
<b>Maximum Building Coverage</b>	• Non-residential: Lot size minus the minimum building setbacks • MF: 50% (60% w/ covered parking) • TH: None	<b>• Non-residential: 40% • All Residential: 60% • Maximum FAR: 1.5 : 1</b>
<b>Vertical Mixed Use</b>	N/A	<b>• If provided, ground floor use must differ from use on an upper floor; • And at least one floor must contain residential or office use.</b>
<b>Building Design Standards</b>	• Non-residential & MF: Sec. 144-5.22 • TH: None • ZLL: N/A	<b>Same</b>
<b>Landscaping</b>	• Sec. 144-5.2 • Minimum 1-1/2 inch caliper trees	<b>• Same • Minimum 2 inch caliper trees</b>
<b>Greenspace Standards</b>	N/A	<b>• Continuous walkway or public use area along all greenways; and, • Green spaces to be connected by walking trails</b>
<b>Parking Standards</b>	Sec. 144-5.1 based on use	<b>Same</b>
<b>Sign Standards</b>	Chapter 106 Sign Code standards	<b>Same</b>

**General Information:**

**Size:** Approximately 98 acres

**Surrounding Zoning and Land Use:**

North - M-1A/ Commercial

South - Across Kowald, R-2, C-3/ Residential, commercial, agricultural

East - West Village PD, Creekside Wellness PD/ Single-family residences; commercial

West - B-1B, MU-B/ Manufactured home community, mini storage, RV park

**Comprehensive Plan/ Future Land Use Designation:**

Medium-High Density Residential; Commercial

**Floodplain:**

No portion of the property is within the 1% annual chance flood zone (100-year floodplain).

**Regional Transportation Plan:**

The property has frontage on Creekside Crossing and Kowald Lane, and 60 feet of frontage on the IH-35 access road. Kowald Lane is designated as a 60-foot wide Minor Collector. A right-of-way dedication of approximately five feet will be required when the property is platted. A new Minor Collector is proposed between Kowald Lane and Creekside Crossing. That connection is indicated on the concept plan.

The 60 feet of IH-35 frontage provides a connection to the frontage road just south of Buc-ee's that may reduce traffic at the FM 306/IH-35 intersection by creating a bypass to the new Minor Collector and providing much needed connectivity in the area. The concept plan also includes a street

connection and drainage right-of-way connection into the West Village at Creekside residential subdivision to the east.

**Improvement(s):**

Single-family residence, to be removed.

**Determination Factors:**

In making a decision on zoning, the following factors are to be considered:

- Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole (*A mixed-use project is appropriate for this location to complement the existing development trends in the Creekside area.*);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*The proposed SLPD would provide a collector street between Kowald Lane and Creekside Crossing as identified on the Regional Transportation Plan, and should enhance pedestrian connectivity to nearby public schools and other developments.*);
- How other areas designated for similar development will be affected (*There should be no negative impact on other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*There should be no other factors that will substantially affect the public health, safety, morals, or general welfare. Drainage and utility issues will be addressed through the platting process.*); and
- Whether the request is consistent with the Comprehensive Plan (*The proposed SLPD is consistent with several objectives of the Comprehensive Plan and the Future Land Use Plan designation on the property is a combination of Medium-High Density Residential and Commercial. If the rezoning is approved, Staff recommends a Future Land Use Plan Amendment to Mixed-Use.*)

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

Yes	<b>City Plan/Council Priority: 2006 Comprehensive Plan Pros and Cons Based on Policies Plan</b>	<b>Pros:</b> <b>Goal 2:</b> <i>Encourage the mixing of land uses to create a sense of community in the neighborhoods. Object 2A:</i> <i>Allow differing uses in close proximity to help streets, public spaces and pedestrian- oriented retail become places where people meet, attracting pedestrians back onto the street and helping to revitalize community life.</i> The proposed SLPD will incorporate a variety of uses into an integrated development. By providing pocket parks, community spaces and walking trails, the developer's intent is to create lively places where people meet.
		<b>Goal 3:</b> <i>Encourage innovative and flexible design patterns, such as cluster development.</i> The SLPD is a high density development that encourages vertical rather than horizontal development, allowing for greenspace and interconnectivity of hike and bike trails.

		<b>Goal 9: Better regulation of non-residential development.</b> Proposed development standards include architectural guidelines and an internal review committee, maximum building coverage, alternative paving materials and enhanced landscaping that may result in a higher level development than one constructed under the City's minimum non-residential standards.
		<b>Goal 14: Establish and maintain trail and green belts in proximity to major residential areas. Objective 25B: Provide improved pedestrian and bicycle transportation facilities.</b> SLPD will have trails throughout the development and will connect to hike and bike trails planned along FM 1101 and at Resolute Health.
		<b>Goal 80: Develop collaborative efforts with other public, non-profit, schools, and private organizations to develop a system of efficient park and recreation resources.</b> SLPD plans a set of pocket parks where local art and cultural references can be displayed. The developer states he will collaborate with the City Parks and Recreation Department and the New Braunfels Arts Commission to implement the designs.
		<b>Cons:</b> None

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on March 7, 2017 and recommended approval of the requested rezoning with Staff recommendations. (6-0-0)

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed rezoning to Solms Landing Planned Development. The applicant's proposal for a mixed-use development is consistent with ongoing development in the area and is supported by goals and objectives of the Comprehensive Plan. The proposed SLPD is primarily the MU-B district with a few adjustments to standards, the inclusion of single family residences (patio homes) and design guidelines intended to encourage an enhanced and integrated mixture of uses that are connected to the surrounding mixed use development. Staff's recommendation of approval includes the following requirements/conditions:

1. Revise alternate paving standards to indicate materials other than concrete or asphalt are acceptable for trails within the private property and not authorized for public sidewalks, or for parking, without approval from the City Engineer pursuant to Section 5.1-1 of the Zoning Ordinance.
2. A Future Land Use Plan amendment from "Medium-High Density Residential" and "Commercial" to "Mixed Use."

**Notification:**

Public hearing notices were sent to owners of 21 properties within 200 feet of the subject property. The Planning and Community Development Department has received three responses in favor (#7, 8, 18) and none in objection.

**Attachments:**

1. Aerial Map
2. Application
3. Concept Plan and Development Standards
4. Land Use Maps (Zoning, Future Land Use)
5. Notification Map and Responses
6. Ordinance Sections - MU-B; PDD
7. Planning Commission Minutes
8. Ordinance
9. Resolution