

## Legislation Text

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File #: 21-89, Version: 1

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Presenter/Contact

*Applicant: James Ingalls, P.E.; Owner: EB Industries (Richard Byrd)  
(830) 358-7127 / plats@ma-tx.com*

**SUBJECT:**

PZ20-0329 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 68.05 acres out of the O. Russell Survey No. 2, Abstract No. 485, located at the northern corner of the intersection of Goodwin Lane and Orion Drive, from "APD" Agricultural/Pre-Development District to "R-1A-4" Single-Family Small Lot Residential and "R3-H" Multifamily High Density District.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ20-0329

**Council District:** 4

**Applicant:**

James Ingalls, P.E.

Moeller & Associates  
2021 SH 46W, Ste. 105  
New Braunfels, TX 78132  
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**Owner:**

EB Industries

Richard Byrd  
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**Staff Contact:**

Matthew Simmont, AICP  
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The approximately 68-acre tract is located north of the intersection of Goodwin Lane and Orion Drive. The subject property is up to approximately 1,200 feet wide and 3,000 feet deep, extending northwest with Orion Drive frontage to Nebel Street and Alster. The unimproved property is in agricultural production, a portion of which lies within the Alligator Creek floodplain.

The applicant has indicated the intent of this request is to allow for a residential development containing approximately 520 dwelling units.

***Surrounding Zoning and Land Use:***

North - Alster, Wasser Ranch PD / Local street and railroad

South - Across Goodwin Ln., Oak Creek Estates PD and ZH-A / Single family residences (Creekside Farms and Oak Creek Estates) and Alligator Creek floodplain)

East - Wasser Ranch PD / Single family residences and Alligator Creek floodplain  
West - Across Orion Drive, M-1A, MU-B and APD / Duplex residences and a planned  
manufactured home community.

**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 (*R-3H adjacent to this key intersection creates opportunities for encouraged housing variety and density which is generally compatible with the expanding neighborhood of residential use.*)
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*CISD was sent notice of this request. The adequacy of public facilities and utilities to serve the property is evaluated by each provider at the platting and permitting stages.*);
- How other areas designated for similar development will be affected (*The proposed zoning change should not impact other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*None identified. Drainage, utility and traffic impact issues will be reviewed and addressed through the platting process.*); and
- Whether the request is consistent with the Comprehensive Plan: *see below*

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

<b>City Plan/Council</b> <b>Priority:</b> Envision New Braunfels Comprehensive Plan	<b>Action 1.3:</b> Encourage balanced and fiscally responsible land use patterns. <b>Action 3.13:</b> 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. <b>Action 3.22:</b> Encourage venues within walking distance of neighborhoods and schools. <b>Future Land Use Plan:</b> The property is situated in the Oak Creek Sub-Area near Existing Employment, Market and Education Centers.
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**FISCAL IMPACT:**

N/A

**STAFF RECOMMENDATION:**

Approval. The applicant's proposal to create a residential development with a variety of housing types is consistent with ongoing development in the area, which is transitioning from available industrial opportunities to residential. It is, therefore, supported by the Comprehensive Plan as noted above, as well as the Workforce Housing Study.

**Notification:**

Public hearing notices were sent to 26 owners of property within 200 feet. The City has received no responses.

**RESOURCE LINKS:**

- Chapter 144, Section 3.4-1. *“APD” Agricultural / Pre-Development District* of the City’s Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- 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?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)

Chapter 144, Section 3.4-5. *“R-3H” Multifamily High Density District* of the City’s Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)

**ATTACHMENTS:**

1. Aerial Map
2. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
3. Proposed Zoning Exhibit
4. Notification List, Map and Responses