

## Legislation Text

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**File #:** 21-104, **Version:** 1

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Presenter

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

**SUBJECT:**

Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow duplexes in the "APD" Agricultural/Pre-Development District on approximately 0.938 acres out of the A.M. Esnaurizar Eleven League Grant, Subdivision No. 107, Guadalupe County, Texas, addressed at 187 Prairie View Lane.

**BACKGROUND / RATIONALE:**

**Case No.:** SUP20-289

**Council District:** 2

**Applicant:** Moeller & Associates (James Ingalls, P.E.)  
2021 SH 46 W, Ste. 105  
New Braunfels, TX 78132  
(830) 358-7127 - jamesingalls@ma-tx.com

**Owner:** Dianna Lynn Scott  
187 Prairie View  
New Braunfels, TX 78130  
(830) 660-4328

**Staff Contact:** Matt Greene  
(830) 221-4053  
mgreene@nbtexas.org

**City Council held a public hearing on January 25, 2021 and unanimously approved the reading of the applicant's request (7-0-0).**

The subject property is comprised of 0.938 of an acre (40,859 sq. ft.) on the west side of the terminus of Prairie View Lane, a local street off State Highway 46 East. It is developed with a single-family residence constructed in 1960. Prairie View Lane is a narrow roadway approximately 1,200 feet in length to its dead-end without a turn-around that serves primarily large lot single family residences with some undeveloped parcels used for agricultural purposes. A commercial property fronts State Highway 46 East at the entrance to the neighborhood, and a plumbing contractor's office approved through a Special Use Permit (SUP) in 2013 lies in the middle of the block on the south side of Prairie

## View Lane.

The applicant recently applied to rezone the property to “C-2A” Central Business District. That request was denied by City Council in November 2020. The applicant is now seeking an SUP for duplexes. The applicant’s original SUP application included requests for approval of both duplexes and office/warehouse. The applicant withdrew the office/warehouse portion of the request after the January 5, 2021 Planning Commission meeting.

If approved for duplexes, it would be appropriate for development to adhere to the standards for two-family dwellings in the “R-2A” Single-Family and Two-Family District. For R-2A, the minimum lot width required for a duplex lot is 60 feet. The subject property is approximately 180 feet wide at the 25-foot front setback, which would allow for subdivision of the property into a maximum of 3 duplex lots (6 dwelling units total).

### *Surrounding Zoning and Land Use:*

North - APD / Single-family residence and undeveloped property

South - APD / Single-family residence

East - Across Prairie View Ln., APD / Agricultural

West - R-1A-6.6 / Single-Family Homes and Drainage Easement

### *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 *(The immediate area is dominated by residential and agricultural uses and Prairie View Lane is a Local Street. Duplex development would blend with the existing uses and proposed elementary school in the 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 adequacy of public facilities and utilities to serve the additional demand is evaluated by each provider. CISD has been notified of the request and has a new elementary school planned on the 50-acre tract across the street from the subject property that will be accessed from SH 46.)*
- How other areas designated for similar development will be affected *(Duplexes should not negatively affect the area.)*
- Any other factors that will substantially affect the public health, safety, morals, or general welfare *(The duplex use should not have any negative effects.)*
- 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 Workforce Housing Study 2018	<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>Future Land Use Plan:</b> The property lies within the Oak Creek Sub Area near Existing and Future Civic and Market Centers to the southeast at the intersection of SH 46 and FM 758. <b>Workforce Housing Study Recommendations:</b> 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.
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on January 5, 2021 and recommended denial of the Special Use Permit request for office warehouse use, and approval of the request for duplex use with staff recommendations (9-0-0). The applicant has indicated he would like to proceed with the SUP request for duplexes only.

**STAFF RECOMMENDATION:**

Staff recommends approval of the SUP request to allow duplexes on the subject property with the condition that the development adhere to the "R-2A" Single-Family and Two-Family duplex development standards, as the use is compatible with the existing low-density development in the immediate area and would be in accordance with Envision New Braunfels and the 2018 Workforce Housing Study.

*Notification:*

Public hearing notices were sent to 12 owners of property within 200 feet of the request. The City has received no responses at this time.

**RESOURCE LINKS:**

- Chapter 144, Sec. 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?&_ga=2.18212121.161111111.161111111-161111111.161111111)
- Chapter 144, Secs. 3.6 Special Use Permits 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?&_ga=2.18212121.161111111.161111111-161111111.161111111)
- Chapter 144, Secs. 3.4-3 "R-2A" Single-Family and Two-Family 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?&_ga=2.18212121.161111111.161111111-161111111.161111111)

**ATTACHMENTS:**

1. Aerial Map
2. Land Use Maps (Zoning, Existing and Future Land Use)
3. Notification List and Map
4. Excerpt of Minutes from the January 5, 2021 Planning Commission Regular Meeting
5. Ordinance