

## Legislation Text

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**File #:** 21-101, **Version:** 1

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Presenter

*Christopher J. Looney, AICP, Planning and Development Services Director  
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**SUBJECT:**

Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit on approximately 23 acres out of the A.P. Fuquay survey No. 35, Abstract No. 155, Comal County, Texas, located at the southwest corner of the intersection of E. Common Street and Old FM 306, to allow multifamily high-density residential use in the "C-1" Local Business District and "M-1" Light Industrial District.

**BACKGROUND / RATIONALE:**

**Case No.:** SUP20-284

**Council District:** 4

**Owner:** Noland and Vera Koepp, Ltd. Partnership  
2755 Hunter Rd.  
New Braunfels, TX 78132  
(830) 608-4658 - debbie@fapcollc.com

**Applicant:** HMT Engineering & Surveying (Thor Thornhill)  
290 S. Castell Ave.  
New Braunfels, TX 78130  
(830) 625-8555 - plats@hmtnb.com

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

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

The subject property is comprised of approximately 23 acres on the southwest corner of the intersection of E. Common Street and Old FM 306 and is currently unimproved and utilized for agricultural purposes. The applicant is requesting approval of a Special Use Permit (SUP) to allow development of multifamily high-density residential use, at up to 24 units per acre. If approved, it would be appropriate for multifamily at this location to adhere to the multifamily development standards of the R-3H District. As the base zoning would remain, non-residential uses would also continue to be allowed on the site.

**Surrounding Zoning and Land Use:**

- North - M-1 and across Old FM 306, M-1 / Agricultural and across Old FM 306, multifamily development and a bank
- South - Across E. Common St., R-3L, ZHA and "Vineyard at Gruene" Planned Development District / Multifamily development and single-family residences
- East - M-1 and across unimproved Waterway Lane, M-1 and C-1 / NBU utility lot and across unimproved Waterway Lane, retail and office development, a rehabilitation hospital, a 55+ multifamily development, a senior assisted living facility and an undeveloped lot
- West - Across E. Common St., C-1A / Undeveloped agricultural land

**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 proposed multifamily use is consistent with the mixture of zoning districts and multifamily/commercial uses in the area and has direct access to Common Street, a Principal Arterial. The inclusion of appropriate supporting non-residential uses within the proposed project would provide flexibility for the long-term success of the site.*)
- 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. Traffic signal improvements at the intersection of E. Common Street and Old FM 306 currently are in final engineering design as part of the Roadway Impact Fee program. However, construction funding has not yet been identified and timing of the project is unknown at this time. Development of the subject property will require a TIA which will determine if any improvements are required to be made by the developer to accommodate traffic associated with the proposed multifamily development.*)
- How other areas designated for similar development will be affected (*The proposed land use should not negatively impact other areas designated for similar development when developed in compliance with proposed conditions and current development standards.*)
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*None identified. Drainage, utility and traffic impact will be reviewed and addressed through the platting and permitting processes.*)
- 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 Priority:</b> Envision New Braunfels	<b>Consistent Actions:</b> <b>Action 1.3:</b> Encourage balanced and fiscally responsible land use patterns. <b>Action 3.1:</b> Plan for healthy jobs/housing balance. <b>Conflicting Actions:</b> <b>Action 3.18:</b> Encourage multifamily to disperse throughout the community rather than to congregate en masse. <b>Future Land Use Plan:</b> The property lies within the New Braunfels Sub Area near Existing Employment, Market, Tourist/Entertainment and Education Centers and in the vicinity of proposed Future Market Centers along a Transitional Mixed-Use Corridor.
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on January 5, 2021 and recommended approval with staff recommendations (8-1-0, with Commissioner Mathis opposed).

**STAFF RECOMMENDATION:**

Approval, with the following condition:

- Site development must adhere to the multifamily development standards of the “R-3H” Multifamily High-Density zoning district.

*Notification:*

Public hearing notices were sent to 14 owners of property within 200 feet of the request. The City received one response in opposition from number 10 and another response in opposition from a resident outside the 200-foot notification area. No responses in favor have been received.

**RESOURCE LINKS:**

- Chapter 144, Sec. 3.3-7 “C-1” Local Business District:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Sec. 3.3-11 “M-1” Light Industrial District:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Sec. 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?)
- Chapter 144, Secs. 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 and Future Land Use)
3. Notification List, Map and Response
4. Excerpt of Minutes from the January 5, 2021 Planning Commission Regular Meeting
5. Ordinance