

## Legislation Text

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File #: 21-84, Version: 1

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Presenter

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**SUBJECT:**

Approval of the second and final reading of an ordinance regarding proposed revisions to the Solms Landing Planned Development ("SLPD") concept plan and development standards, on approximately 98 acres out of the A M Esnaurizar A-20 Survey, addressed at 253 S. Kowald Lane.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ20-0295

**Council District:** 5

**Applicant:** James Mahan  
Solms Landing Development, LLC  
648 Castell Avenue  
New Braunfels, TX 78130  
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**Staff Contact:** Holly Mullins  
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**City Council held a public hearing on January 25, 2021 and unanimously approved the first reading of the applicant's requested rezoning ordinance with staff's recommended conditions. (7-0-0)**

The subject property consists of 98 acres of undeveloped land between Creekside Crossing (FM 306) and Kowald Lane. Solms Landing Planned Development ("SLPD") concept plan and development standards were approved by City Council in 2017, as a mixed-use development with a base zoning of MU-B High Intensity Mixed Use. The developer states the intent of SLPD is to bring together restaurants, shopping, lodging and a variety of residential options with open spaces that encourage internal walkability and pedestrian connection to other parts of the Creekside area. A final plat for single-family residences, Unit 1A, has been recorded, and construction of Sophie Lane, the Minor Collector, is underway.

This applicant is requesting several revisions to their Development Standards:

- Increase the maximum height of non-residential buildings from 100 feet to 120 feet. The proposed maximum height is consistent with the base MU-B zoning district, and complies with the Airport Hazard Zoning Overlay at this location.
- Revise the preferred uses in Zone 3 (approximately 10 acres) from neighborhood commercial

to single-family residential to align with the recorded plat for Unit 1A.

- Increase maximum lot building coverage for residential and multifamily uses from 60% to 80% to accommodate smaller lots. The MU-B base zoning district sets a maximum building coverage of 50% (or 60% if covered parking is provided). Greater lot coverage is typical for urban style mixed-use infill developments and the impact of increased impervious cover will be reviewed and mitigated through the platting and building permit processes.
- Add definitions for “condominium” and “detached condominium” (page 40). This refers mainly to the form of property ownership while the land use will remain multifamily residential.
- Add short-term rental of detached condominiums as an allowed use. The short-term rental of structures other than a single or two-family dwelling does not require approval of a Special Use Permit or a separate short-term rental permit. Note: property owners will need to register with the City for online payment of hotel occupancy taxes.

Proposed changes to the Concept Plan include:

#### **Street realignment**

- The original plan included a street connection to the IH-35 frontage road; however, a driveway at that location was denied by TxDOT so the street has been replaced with a “Common Space/Drainage Easement” designation. The originally planned hike and bike trail to IH-35 should remain along this common space.
- A street connection to Lot 1 Creekside Fire Station has been added as requested by the City.

#### **Dwelling Units**

- The maximum number of dwelling units, being a combination of single-family and multifamily, is increasing from 675 to 984. The applicant states this increase is to allow for live-work units and condominiums, which were not viable “for sale” housing options in 2017.

#### **Density**

- The method the applicant uses for calculating residential density was changed from including only the acreage of residential areas to an overall gross density for the entire development. This changed the density figure in the Land Use Table from 15.63 units per acre to 10.04 units per acre, although the maximum number of units is increasing. The MU-B base zoning district has no maximum residential density limit.

#### **Land Use Zones**

- The area of Zone II (high density residential and neighborhood commercial) has increased and is now proposed to be more interspersed with Zone I (Vertical Mixed Use).

If these changes to the Concept Plan and Development Standards are approved, the applicant will return with a revised Detail Plan to show how the changes specifically fit into the development and promote the SLPD vision, and a revised Master Plan.

#### **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; commercial

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

#### **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 (*Permitted uses in SLPD remain a mix of residential and commercial, complementing the existing development trends in the Creekside area. Increased housing units, vertical development and density are encouraged by the Comprehensive Plan, and facilitate workforce housing as recommended in the Workforce*

*Housing Study.);*

- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area. *(There do not appear to be any conflicts with these elements.);*
- How other areas designated for similar development will be affected *(The proposed uses should not impact 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 substantially affect the public health, safety, morals or general welfare. Drainage and utility issues will be addressed through the platting process.)*
- Consistency with the Comprehensive Plan:

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

<b>City Plan/Council Priority:</b> Envision New Braunfels Comprehensive Plan	<b>Consistent Actions:</b> <b>Action 1.3:</b> Encourage balanced and fiscally responsible land use patterns. <b>Action 2.33:</b> Encourage vertical growth and development of key areas to take advantage of infrastructure capacity, maintain the core, and discourage sprawl. <b>Action 3.22:</b> Encourage venues within walking distance of neighborhoods and schools. <b>Future Land Use Plan:</b> The subject property is located in the Oak Creek Sub Area, along a transitional mixed-use corridor, and within an existing Market Center. Note: the applicant wrote their original development standards in 2017, before adoption of Envision New Braunfels in 2018; hence, their listing of the 2006 Comprehensive Plan goals they align with in their proposed development standards.
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

Revisions to the Traffic Impact Analysis (TIA) resulting from the removal of the street connection to IH-35 and the increased dwelling units were approved by the City's Public Works Department on January 4, 2021. The Planning Commission did not have an opportunity to review this approval prior to their meeting.

The Planning Commission held a public hearing on January 5, 2021 and recommended denial of the request. (8-1-0) with Commissioner Gibson in opposition.

**STAFF RECOMMENDATION:**

Increased housing units, vertical development and density are encouraged by the Comprehensive Plan, and facilitate workforce housing as recommended in the Workforce Housing Study. Therefore, staff recommends approval of the revisions with the following conditions:

1. Document specifically how all proposed changes comply with or enhance the original vision of the SLPD.
2. Revise Detached Condominium standards (page 40) to remove specific distances between buildings and the reference to "firewall", and instead state all structures will comply with the applicable Building Code at the time of building permit application submittal. (Clarify with the City prior to development whether the condos will be constructed under the IRC or IBC.)
3. Label Zones in the Development Standards as I, II and III to match the Concept Plan.
4. Update drawings in pages 29, 30 and 31 of the Development Standards to reflect the revised Zone boundaries.

**Notification:**

Public hearing notices were sent to owners of 67 properties within 200 feet of the request. To date, the City has received one response in favor (#51) and none in objection.

**RESOURCE LINKS:**

- Chapter 144, Sec. 3.5 (Planned Development Districts) 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=2.181111111.1611111111.1611111111-161111111.1611111111)
- Chapter 144, Sec. 3.4-11 (MU-B) 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=2.181111111.1611111111.1611111111-161111111.1611111111)

**ATTACHMENTS:**

1. Aerial Map
2. Land Use Maps (Zoning, Existing, Future Land Use)
3. Proposed and Approved Concept Plans
4. Notification Map
5. Draft Planning Commission Minutes
6. Ordinance including red-lined development standards exhibit