

## Legislation Text

---

**File #:** 21-296, **Version:** 1

---

**PRESENTER:**

Christopher J. Looney, AICP, Planning and Development Services Director

**SUBJECT:**

Discuss and consider approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 19.963 acres out of the Sarah DeWitt Survey No. 48, Abstract No. 103, in Guadalupe County, Texas, located at the northeast corner of the intersection of FM 725 and East Klein Road, from "R-1" Single-Family District and "APD" Agricultural/Pre-Development District to "REAPD" River's Edge Apartments Planned Development District.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** Council District 2

**BACKGROUND INFORMATION:**

**Applicant:** Herman Kittle Properties, Inc. (Elena Sanders, Director of Development)  
500 East 96<sup>th</sup> Street, Ste 300  
Indianapolis, IN 46240  
(925) 586-7619 - esanders@hermankittle.com

**Owner:** Margaret Denise Kosko  
2655 FM 725  
New Braunfels, TX 78130  
(830) 624-6330

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

**City Council held a public hearing on March 22, 2021 and unanimously approved the first reading of the applicant's request with a modification to the development standard pertaining to measuring the height of a building.**

The subject property is comprised of 19.963 acres on the northeast corner of the intersection of FM 725 and East Klein Road abutting FM 725 and Lake Dunlap and is developed with a single-family residence and some accessory buildings. The front 300 feet of depth of the subject property adjacent to FM 725 is zoned "R-1" Single-Family District and the remainder of the property is zoned "APD" Agricultural-Pre/Development District.

The area around the subject property includes a mix of residential and non-residential uses including single-family residential neighborhoods, four churches, two self-storage facilities, two convenience stores with fuel sales, a bingo hall, a restaurant, and the site of a future IDEA Public School. Properties to the east, across Lake Dunlap, as well as most properties to the south, across East Klein Road, are outside the city limits.

The applicant is requesting a zoning change from R-1 and APD to a Planned Development District (PD) for multifamily with a maximum density of 20 units per acre. If approved, the PD will be known as “River’s Edge Apartments”. PD is a customizable zoning district with which the property owner can craft their own set of development standards to accommodate innovative development options, and address unique issues such as access, terrain, lot shape, mixed use, etc. The PD process includes two steps:

1. *Concept plan.* This first step in the planned development process establishes the most general guidelines for the district by identifying the land use types, development standards, approximate road locations and project boundaries, and illustrates the integration of these elements into a master plan for the whole district.
2. *Detail plan.* This final step includes the details of development in a site plan drawing.

If this rezoning request (Concept Plan) is approved, a follow-up Detail Plan will be required to be submitted to the City and approved by the Planning Commission prior to issuing a building permit for the construction of the multifamily development. The property will also need to be platted prior to obtaining a building permit.

The applicant is proposing the base zoning to be “R-3H” Multifamily High Density District, which is intended for development of multiple-family residences at not more than 24 units per acre, located on arterials and state roads and not to be accessed through single-family and duplex areas. In general, the applicant proposes more restrictive development standards than the R-3H district pertaining to permitted uses, maximum density, minimum lot area, minimum setbacks, maximum building height and maximum lot coverage (see the attached Comparison Table).

TXDOT has indicated access from FM 725 would be restricted due to its location near the intersection with Klein Road and the traffic signal. The applicant proposes access from Klein Road, a Minor Arterial roadway, but will need to negotiate with the adjacent property owner for access.

*Surrounding Zoning and Land Use:*

North - R-1 & APD / Single-family residence and agricultural use

South - APD & R-1, Across E. Klein Rd, C-3 & outside City Limits / Undeveloped

parcels, across E. Klein Rd., single-family residences, a church and undeveloped parcels

East - Across Lake Dunlap, outside City Limits / Undeveloped parcels

West - Across FM 725, R-2A / A church

**ISSUE:**

The proposed rezoning to “REAPD” River’s Edge Apartments Planned Development District for multifamily use up to 20 units per acre is consistent with the following actions from Envision New Braunfels:

- Action 1.3: Encourage balanced and fiscally responsible land use patterns.
- Action 3.1: Plan for healthy jobs/housing balance.
- Action 3.18: Encourage multifamily to disperse throughout the community rather than to congregate in masse.

- Action 3.13: 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.
- Future Land Use Plan: The property lies within the Dunlap Sub Area on a Transitional Mixed-Use Corridor (FM 725) and is in close proximity to existing and proposed Outdoor Recreation and Civic Centers.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

The Planning Commission held a public hearing on February 2, 2021. A motion to approve with staff recommendations failed (3-6-0).

Staff recommends approval and concurs with City Council’s motion at the first reading to require building height to meet the same standard for measurement of the R-3H District (measured at the peak of the roof).

*Notification:*

Public hearing notices were sent to 7 owners of property within 200 feet of the request and inside the City Limits of New Braunfels. The City has received one response in favor from property owner number 2, and three opposed from property owners of numbers 4, 5 and 7 on the notification map. Opposition currently represents more than 20% of the land within the state-mandated 200-foot notification area. Pursuant to state statute, a ¾ majority of City Council (6 votes) will be required for approval of the applicant’s request, unless that opposition changes before the City Council hearing.

(The City received 8 additional objections from outside the 200-foot notification area and/or outside of the city limits. Four of these responses came from four different residents occupying the same address.)

*Resource Links:*

- Chapter 144, Sec. 3.3-1 “R-1” Single 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?)
- Chapter 144, Secs. 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, Secs. 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?)

*Attachments:*

1. Aerial Map
2. Land Use Maps (Zoning, Existing and Future Land Use)
3. “R-3H” Multifamily High Density District and “River’s Edge Apartments” Planned Development District Development Standards Comparison Table
4. Notification List, Map and Responses

5. Excerpt of minutes from the February 2, 2021 Planning Commission Regular Meeting
6. Ordinance