

## Legislation Text

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**File #:** 21-439, **Version:** 1

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**PRESENTER:**

Applicant: Thor Thornhill, HMT Engineering & Surveying

Owner: Gregory Family Revocable Trust, Rosemarie L. Gregory

**SUBJECT:**

SUP20-267 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow a variety of residential and non-residential development on approximately 49.5 acres out of the A-103, Sarah Dewitt Survey, addressed at 514 & 720 W. Zipp Road, from “R-1A-6.6” Single Family District to allow uses allowed in the following zoning districts: “MU-B” High Intensity Mixed Use, “R-1A-4” Single-Family Small Lot Residential, “ZH-A” Zero Lot Line Home and “R-2A” Single and Two-Family Residential.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** Council District 2

**BACKGROUND INFORMATION:**

Owner &

Applicant: HMT Engineering & Surveying (Thor Thornhill)  
290 S. Castell Avenue, Suite 100  
New Braunfels, TX 78130  
(830) 625-8555      plats@hmtnb.com

Owner: Gregory Family Revocable Trust (Rosemarie L. Gregory)  
436 Lakeview Boulevard  
New Braunfels, TX 78130

Staff Contact: Matthew Simmont  
(830) 221-4058      msimmont@nbtexas.org

**This request for a Special Use Permit (SUP) to allow a variety of residential and non-residential development was postponed upon request from the applicant during the February 2, 2021 Planning Commission meeting to allow the applicant to continue to review their proposal. The applicant has revised the request to include a site plan, included in Attachment 3, that limits the extent of allowed uses on the property. In addition, the applicant has also removed mini-warehouse/self-storage from the list of restricted uses on the property.**

The approximately 50-acre tract is located south of the intersection of South Walnut Avenue and West Klein Road. The subject property is approximately 871 feet wide and extends southeast to West Zipp Road. A portion of the property is currently improved with two single-family residences with most of the property being undeveloped.

**ISSUE:**

The applicant’s proposed Type 2 Special Use Permit (SUP) would allow for a wide variety of residential and

non-residential development to occur on the property, subject to proposed development standards and site plan restrictions.

Development of the property will include the extension of South Walnut Avenue, a Principal Arterial on the City's thoroughfare plan (up to 120 feet of right-of-way width), along the northeastern boundary of the property.

The applicant has indicated the intent of this request is to bring together an assortment of compatible commercial and residential uses to take advantage of the arterial intersection.

*Surrounding Zoning and Land Use:*

North - Across W. Klein Rd., C-1B & APD / Single-family residence and undeveloped

South - Across W. Zipp Rd., Outside City Limits / Single family residences

East - APD / Single family residences

West - R-1A-6.6 / Ridgemont Subdivision - single family residences

The proposed Special Use Permit is consistent with the following actions from Envision New Braunfels:

*Action 1.3:* Encourage balanced and fiscally responsible land use patterns.

*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.

*Action 3.22:* Encourage venues within walking distance of neighborhoods and schools.

The property is situated in the Walnut Springs Sub-Area, at an intersection of two Transitional Mixed-Use Corridors, is within an Existing Employment Center, near an Existing Education Center, and within a Future Market Center.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Approval. The applicant's proposal to create a mixed-use development with a variety of residential opportunities is consistent with ongoing development in the area and is supported and encouraged by the Envision New Braunfels Comprehensive Plan.

Use of the identified zoning districts is intended to provide flexibility with the type and variety of uses allowed on the property. It will encourage an integrated mix of uses that are beneficial to the neighborhood and Existing Education and Employment Centers, and will assist with buildout of the Future Market Center to serve the neighborhood. The proposed development standards and site plan help to ensure that the type and scale of development is appropriate with existing and future adjacent land uses, along with the added flexibility of having multiple land uses available creating opportunities for walkable scale development which is consistent with current trends as well as Envision New Braunfels. In addition, the development standards will serve to increase pedestrian mobility and enhance the streetscape along the extension of Walnut Avenue.

**Notification:**

Public hearing notices were sent to owners of 46 properties within 200 feet of the request. The City has received one response in objection (#11) to the re-notification of the request. Responses received from outside

of the notification area with the original SUP request are included in Attachment 4.

Resource Links:

- 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?nodeId=PTIICOOOR\\_CH144ZO\\_ARTIIIIZODI\\_S144-3.4ZODIREPRZOSUJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOOR_CH144ZO_ARTIIIIZODI_S144-3.4ZODIREPRZOSUJU221987)>
- Chapter 144, Section 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?nodeId=PTIICOOOR\\_CH144ZO\\_ARTIIIIZODI\\_S144-3.4ZODIREPRZOSUJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOOR_CH144ZO_ARTIIIIZODI_S144-3.4ZODIREPRZOSUJU221987)>
- Chapter 144, Section 3.4-9. “*ZH-A*” *Zero Lot Line Home District* of the City’s Code of Ordinances:  
<[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOOR\\_CH144ZO\\_ARTIIIIZODI\\_S144-3.4ZODIREPRZOSUJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOOR_CH144ZO_ARTIIIIZODI_S144-3.4ZODIREPRZOSUJU221987)>
- Chapter 144, Section 3.4-11. “*MU-B*” *High Intensity Mixed Use District* of the City’s Code of Ordinances:  
<[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOOR\\_CH144ZO\\_ARTIIIIZODI\\_S144-3.4ZODIREPRZOSUJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOOR_CH144ZO_ARTIIIIZODI_S144-3.4ZODIREPRZOSUJU221987)>
- Chapter 144, Section 3.6 (SUP) of the City’s Code of Ordinances:  
<[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOOR\\_CH144ZO\\_ARTIIIIZODI\\_S144-3.6SPUSPE](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOOR_CH144ZO_ARTIIIIZODI_S144-3.6SPUSPE)>

Attachments:

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