

Legislation Text

File #: 21-1159, **Version:** 1

PRESENTER:

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

SUBJECT:

Approval of the second and final reading of an ordinance regarding a proposed zone change to apply a Special Use Permit to allow multifamily residential use in the “APD” Agricultural/Pre-Development District, on approximately 18 acres out of the John Thompson Survey No. 21, Abstract No. 608, Comal County, Texas, addressed at 441 Ron Road.

DEPARTMENT: Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** Council District 1**BACKGROUND INFORMATION:****Case #:** SUP21-316

Applicant: Aspen Heights Partners (T. C. Selman)
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Austin, TX 78746
(512) 670-8577 tselman@ahpliving.com

Owner: Crystal Kindred
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Waelder, TX 78959
(830) 839-4332 ckindred0607@gmail.com

Staff Contact: Matt Greene
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City Council held a public hearing on October 25, 2021 and unanimously approved the first reading of the ordinance for the applicant’s requested rezoning to apply a Special Use Permit to allow multiple single-family residential homes on one lot in the “APD” Agricultural/Pre-Development District with recommended conditions and an additional requirement for the masonry residential buffer wall along the southern property line to be 8 feet in height (7-0-0).

The subject property is located at the southeast corner of the intersection of Morningside Drive and Ron Road. It is adjacent to the Humane Society of the New Braunfels Area Animal Shelter and is zoned APD with a single-family residence and agriculture use.

The applicants’ proposed project will include several individual detached residential dwelling units on a single lot. This style of single-family residential is an innovative housing trend, however New Braunfels’ Zoning Ordinance does not currently have a term or category for it. Therefore, the applicants are requesting a Type 2 Special Use Permit (SUP) with a site plan and customized development standards that establish an overall style

of a single-family residential neighborhood. As it is three or more dwelling units on a single lot or parcel, even though they are detached, the only term in the current ordinance that fits is multi-family.

The proposed neighborhood will include amenities and drive aisles (private streets) with five-foot wide sidewalks on one side. There will be two points of access, one on Morningside Drive and one on Ron Road. An amenity center with a swimming pool, a playground and internal trails will be included. Parking will be provided in the garages, driveways, on one side of the drive aisles (opposite the internal sidewalks), and in front of the amenity center. Six-foot wide public sidewalks will be constructed adjacent to Morningside Drive and Ron Road. Each residential unit will have a fenced in rear yard. The development will be owned and maintained by a single entity.

The applicant is proposing additional restrictions that are more stringent than the requirements of the Zoning Ordinance in order to achieve the single-family residential neighborhood development pattern. The restrictions will include standards for maximum density, setbacks, fencing, parking, and design (see attachments). Regarding design, the City can enforce the style and features of the residences, but the materials and method of application cannot be enforced currently even through the SUP process per state statute.

The applicant is requesting deviations from the Sign Ordinance to allow an alternate style subdivision entry sign than is normally allowed. However, their proposed sign plan would result in 1 less sign and 40 square feet less total sign area than is normally allowed by ordinance.

The Sign Ordinance limits subdivision entry signs to monument style or signage on a decorative wall with a maximum sign face of 40 square feet at a maximum height of 6 feet. This project would be eligible for 2 subdivision entry signs (one per entrance, total of 80 square feet of sign face).

The applicants' proposal is for one sign at the entrance on Morningside Drive. It would be an 8-foot tall arbor style structure with a 48 square foot sign hanging from it. Since the sign face is suspended from two poles it is considered a pole sign. This would be 2 feet taller and 8 square feet large than normally allowed. It would also be a pole style sign rather than monument or wall style. But, as noted above, the applicants would limit the number of signs to just this one.

Surrounding Zoning and Land Use:

North - Across Morningside Dr., APD and "Heritage Park" PD/Single and two-family residences

South - APD with SUP/Single-family residence and agricultural with an SUP to allow a kennel business

East - APD with SUP/Humane Society of the New Braunfels Area

West - Across Ron Rd./Single-family residence and agricultural

ISSUE:

The proposed SUP is consistent with the following actions in Envision New Braunfels:

- Action 1.3: Encourage balanced and fiscally responsible land use patterns.
- Action 3.1: Plan for healthy jobs/housing balance.
- Action 3.13: 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 3.15: Incentivize home development that is affordable and close to schools, jobs and transportation.
- Action 4.1: Ensure parks and green spaces are within a one mile walk or bicycle ride for every household in New Braunfels.

The subject property lies within the Walnut Springs Sub Area near existing Employment, Civic and Outdoor Recreation Centers and in close proximity to future Employment, Market and Civic Centers.

FISCAL IMPACT:

N/A

RECOMMENDATION:

The Planning Commission held a public hearing on October 6, 2021. A motion to approve with staff recommendations passed (7-0-0, with Commissioners Gibson and Nolte absent).

The proposed development would essentially be a single-family residential neighborhood. The proposed development standards are consistent with development standards and appearance of single-family residential neighborhoods in the vicinity and across the community. Staff is not opposed to the proposed sign as it is appropriately scaled with the neighborhood, the permissible number of signs is reduced from a total of 2 to 1, and the permissible sign area is reduced by a total of 40 square feet.

Therefore, staff recommends approval with the following condition:

- Development of the site be in compliance with the attached site plan, development standards, drive aisle exhibit, perimeter fencing plan and sign plan. Any significant alterations to the attached documents will require an amendment to the SUP with a recommendation from the Planning Commission and approval by City Council.

Mailed notification as required by state statute:

Public hearing notices were sent to 18 owners of property within 200 feet of the request. Staff has received no responses in favor and none in objection but did receive a response from property owner #6 objecting to any consideration of an alternative to the required masonry residential buffer wall and a request the wall be 8 feet in height.

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=2.171111111.1629444444.1629444444-1629444444.1629444444)

- Chapter 144, Sec. 3.4-4 “R-3L” Multifamily Low 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?_ga=2.171111111.1629444444.1629444444-1629444444.1629444444)

- 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?_ga=2.171111111.1629444444.1629444444-1629444444.1629444444)

- Chapter 106-14(b)(8) Permanent On-Premises Sign Regulations-Subdivision Entry Signs of the City’s

Code of Ordinances:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH106SI_S106-

Attachments:

- Aerial Map
- Land Use Maps (Zoning, Existing and Future Land Use)
- Applicant's Request Summary
- Proposed Code Modification Table
- TIA Worksheet
- Notification List, Map and Notification Response
- Photographs
- Excerpt of Minutes of the October 6, 2021 Planning Commission Regular Meeting
- Ordinance