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5/28/2019

Agenda Item No. M)

Presenter Barron Casteel, Mayor bcasteel@nbtexas.org

SUBJECT:

Discuss and reconsider approval of the second and final reading of an ordinance regarding the proposed amendment to the "Cotton Cottages" Planned Development District (CCPD) Concept Plan, Detail Plan and related Development Standards, comprising 5.732 acres out of Lot 2A-1, F & M Hanz Estate Resubdivision, located on the south side of Hanz Drive between Loop 337 and Gruene Road.

BACKGROUND / RATIONALE:

This item has been placed on the agenda for reconsideration at the request of Mayor Casteel due to new information that has been provided since the vote on May 13th.

Reconsideration Procedure:

At the regular meeting on May 13, 2019, City Council voted to approve the item with the condition that only four units be built on the tract. The motion passed with a 4-3 vote.

According to the Code of Ordinances, in order to reconsider the item:

- 1. Only a Councilmember who originally voted on the prevailing side of this item may make a motion to reconsider. The motion must have a second and be approved by a majority vote.
- 2. After a motion to reconsider is passed, the City Council may reconsider the original item.

Section 2-38(d) of the Code of Ordinances states: "The motion to reconsider shall be used to reopen discussion for a vote on an item already acted upon. Reconsideration may only occur at the same meeting, or at the next meeting after the one at which the original action occurred. A motion to reconsider may only be made by a member who voted on the prevailing side of the original action. It requires a second, is not amendable, is debatable and requires a majority vote for adoption. The effect of the adoption of the motion to reconsider is immediately to place before the members again the item on which the vote was originally taken. Reconsideration of an item at a subsequent meeting requires the item to be placed on the agenda for that meeting."

Council District:	4
Owner/Applicant:	Michael Flume 2348 Gruene Lake Dr. New Braunfels, TX 78130 (830) 629-2496 mflume@yahoo.com
Staff Contact:	Matt Greene, Planner (830) 221-4053 mgreene@nbtexas.org

Background/Rationale:

City Council held a public hearing on April 22, 2019, and approved the first reading of the requested rezoning ordinance (7-0). City Council inquired about recently approved no parking designated areas: there are designated "no parking zones" along Dexter's Place in front of the subject lot, and along the west side of Hudson Lane. This was approved by City Council via ordinance in November of 2018 at the request of the Fire Department following recommendations of approval by the Transportation and Traffic Advisory Board as well as the City Engineer.

The City Council approved the second reading of the ordinance (4-3) on May 13 with the condition that only four units be built on the tract.

The subject property is located on the south side of Hanz Drive between Loop 337 and Gruene Road and is zoned "Cotton Cottages" Planned Development District (CCPD). The CCPD, approved by City Council in 2015, consists of 27 garden home and Sunday house lots, and two commercial lots. It included an existing residential structure on Lot 1, Block 6 approved for certain commercial uses. An amendment to the CCPD was approved May 9, 2016, to add some additional uses to those allowed for Lot 1, Block 6 (see Attachment 6 for the current PD).

The applicant is requesting another amendment to the CCPD. The subject proposal is to eliminate the current uses and development standards adopted for Lot 1, Block 6, and allow the lot to be developed with single-family detached cottages (maximum of 6 units; an overall increase of two residential units from what is currently allowed) under a condominium regime (see Attachment 4).

According to the applicant, the cost of improving the previous structure that was on the lot was not feasible; therefore, the building was removed. He also believes the single-family cottage condominium project will be a better use for the property. The proposed amendment includes the following development standards for the lot (see Attachment 5):

- Minimum front, back and interior side setbacks = 10 feet
- Minimum side setback adjacent to the alley = 5 feet
- Minimum 10-foot setback plus one foot for each foot of building height over 20 feet where adjacent to a residential property line
- Minimum setback between buildings = 10 feet
- Maximum height = 35 feet/2-story

- Maximum building coverage = 70%
- Front porches and/or rear patios required on all units
- Balconies permitted on the front, rear or side
- Minimum parking = 1 car garage for each unit. One additional space in front of the garage.

General Information:

Size: Cotton Cottages PD = 5.732 acres

Lot 1, Block 6 = 0.442 acres

Surrounding Zoning and Land Use:

- North Across Hanz Drive, "Gruene River Place" (GRPPD) and "High Cotton Estates" (HCEPD) Planned Development Districts / Single family residential subdivisions
- South R-2 / Single family dwelling
- East R-2 / Church of Jesus Christ LDS
- West C-1 and R-2 with an SUP allowing outdoor storage of boats and RV's and two ministorage buildings / D&D Texas Outfitters and AMS1 Ministorage

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 PD amendment is compatible with the current PD and adjacent residential zoning and land uses.*);
- 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 significant* conflicts with these elements.);
- How other areas designated for similar development will be affected (There should be no negative effects on other properties within the general vicinity.);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare. (The elimination of commercial uses and addition of the single family detached condominium use to the development should not negatively affect the public health, safety, morals, or general welfare. The CCPD is already being developed with single family dwellings.); and
- Whether the request is consistent with the Comprehensive Plan. (The subject property is situated between two Transitional Mixed Use Corridors (Loop 337 and Common Street) within the New Braunfels Sub Area and is in close proximity to existing Market and Civic Centers.)

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

City Plan/Council Priority:	Action 3.13: Cultivate an environment where a
Envision New Braunfels	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.

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on April 2, 2019 and unanimously recommended approval (8-0-0, with Commissioner Mathis absent).

STAFF RECOMMENDATION:

Staff recommends approval as the proposed use of Lot 1, Block 6 is compatible with the current PD and adjacent residential zoning and land uses. Inclusion of the single family detached condominium housing will allow development of an additional variety of single-family housing in the city.

Notification:

Public hearing notices were sent to 46 owners of property within the subject area and 200 feet of the request. The City has received 9 responses in favor (#s 17, 23, 27, 28, 34, 37, 40, 41 and 43), and one opposed (#35).

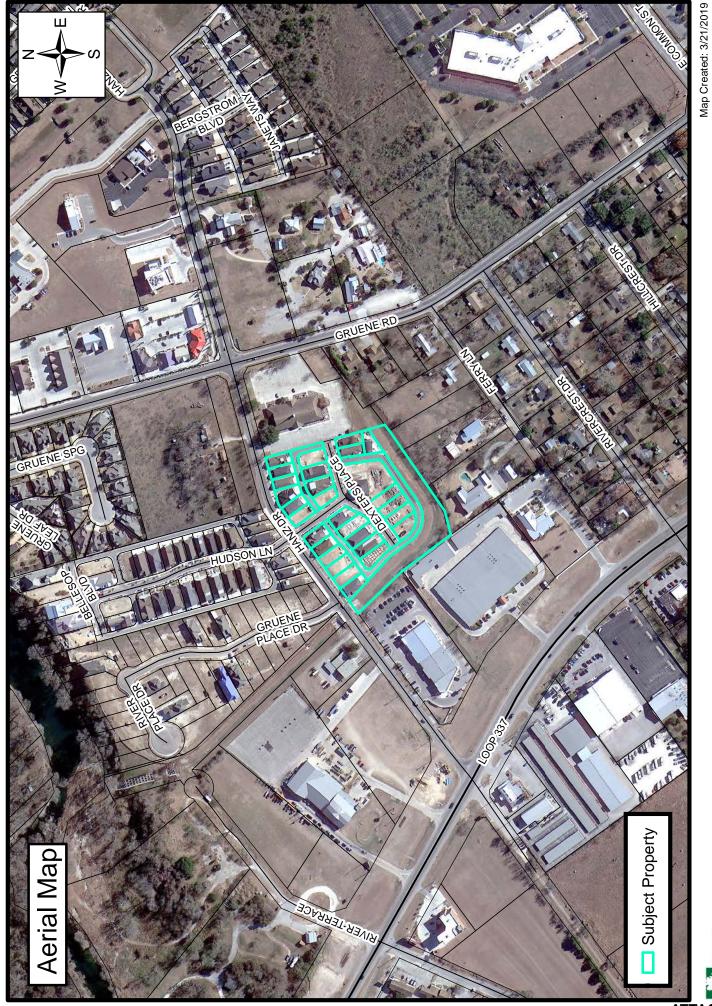
Attachments:

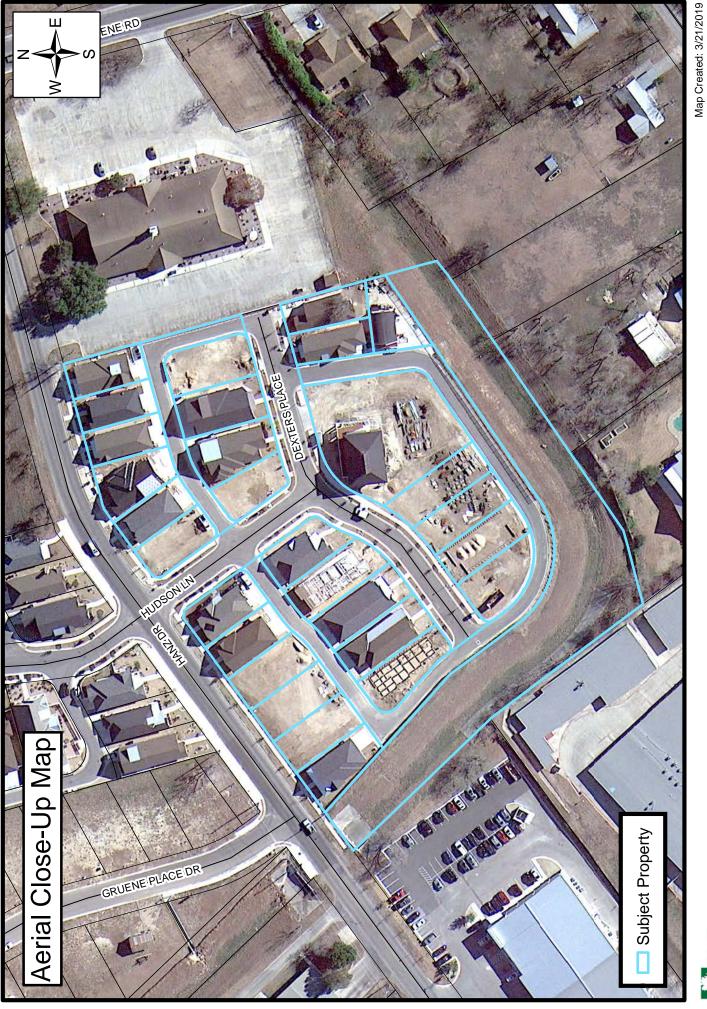
- 1. Aerial Maps
- 2. Land Use Maps (Zoning, Existing Land Use and Future Land Use Plan)
- 3. Notification List, Map and Notification Responses
- 4. Proposed "Cotton Cottages" PD Concept Plan and Detail Plan Amendments
- 5. Proposed Amendment to Lot 1, Block 6 "Cotton Cottages" PD Development Standards
- 6. Current "Cotton Cottages" Planned Development District Ordinance
- 7. Photographs
- 8. Sec. 3.5 "PDD" Planned Development District
- 9. Excerpt of Draft Minutes of the April 2, 2019 Planning Commission Regular Meeting
- 10. Ordinance



City of

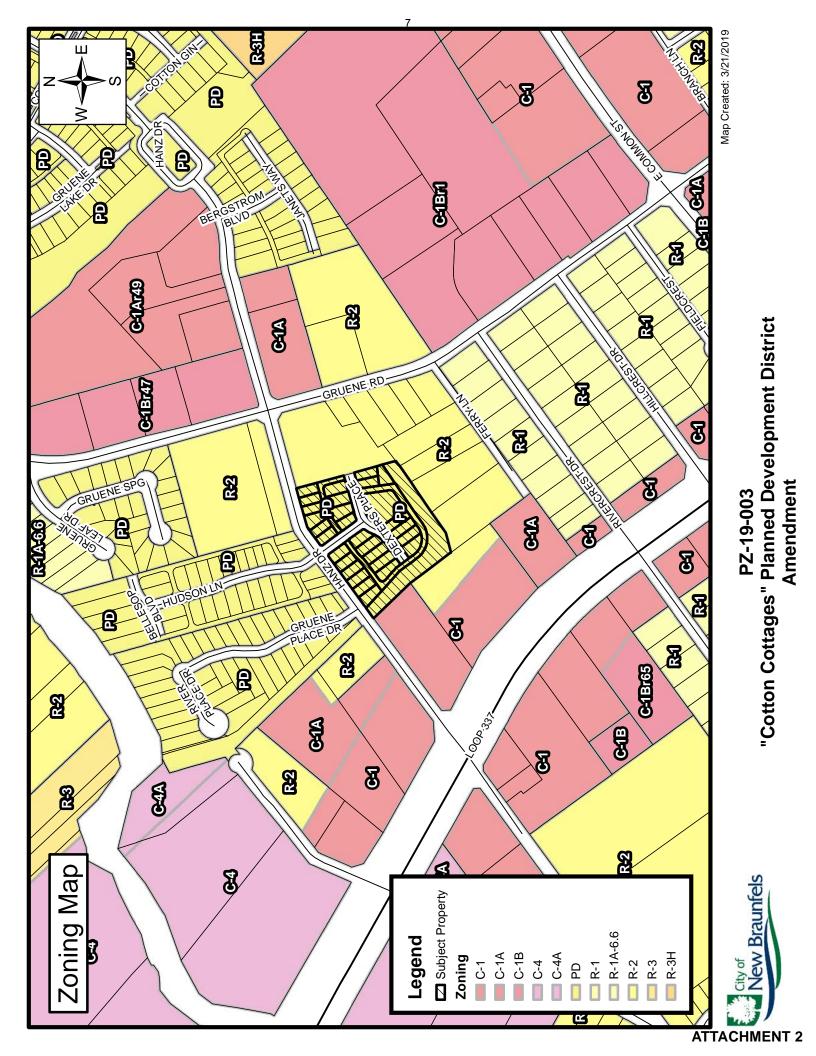
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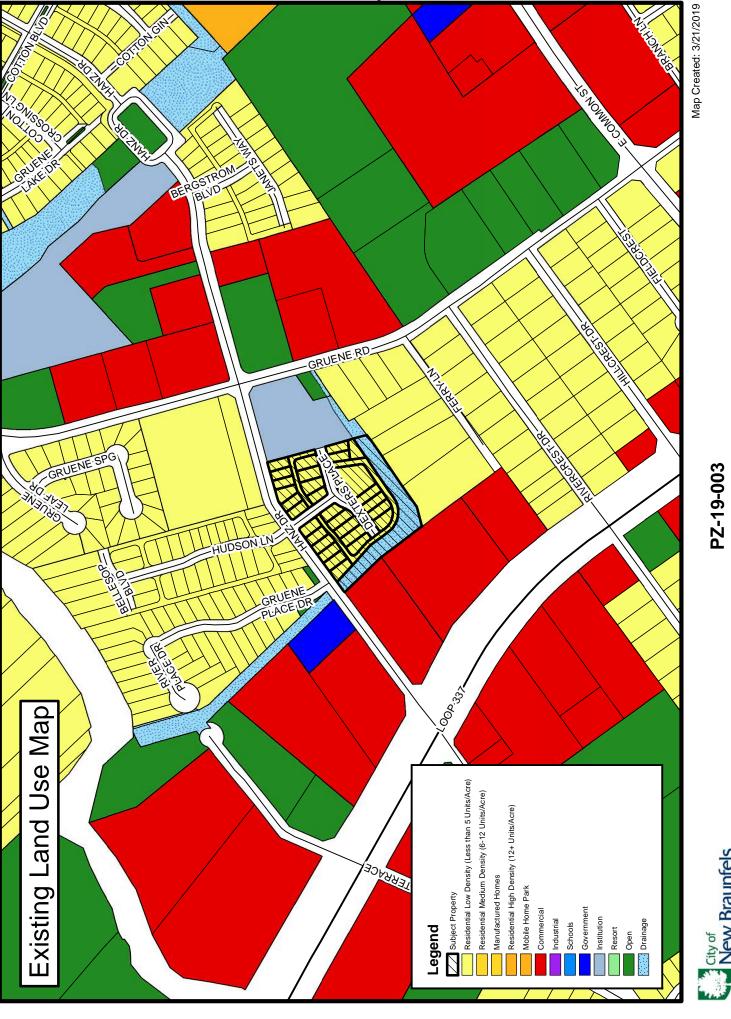




PZ-19-003 "Cotton Cottages" Planned Development District Amendment







"Cotton Cottages" Planned Development District Amendment

City of New Braunfels

EXISTING CENTERS

within. They may have endangered species habitat or aquifer recharge areas that require additional standards and consideration relating to future growth. It is envisioned that all centers be walkable, connected, and have a mix of uses. These centers must provide adequate infrastructure to support the commercial development present especially mobility and access for pedestrians, bicycles, vehicles and transit. Given the mixed-use nature of these centers, parking Centers are the middle, core or heart of an area. It is a point of activity and vitality. Centers come in many sizes and have different purposes or activities should be shared and not detract from the aesthetic of the area.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

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Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

MEDICAL CENTER

Medical Centers are mixed-use areas centered around a medical destination such as a hospital or clinic.

CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

OUTDOOR RECREATION CENTER

Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

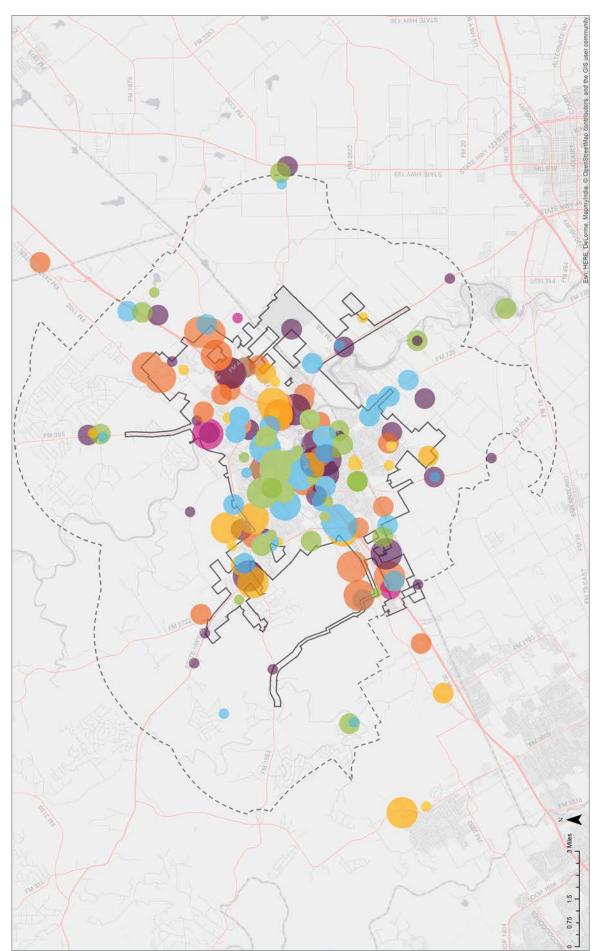
EDUCATION CENTER

Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

TOURIST/ENTERTAINMENT CENTER

Tourist/Entertainment Centers are mixed-use areas around an entertainment venue such as Gruene Hall or a tourist destination such as the Tube Chute.





The location of existing centers was determined through the analysis of previous studies and background documents, windshield surveys, and reviewed by City staff, Steering Committee members, and Plan Element Advisory Group members during a public workshop.

FUTURE LAND USE PLAN

A future land use plan is how land is envisioned to be. It establishes priorities for more detailed plans (sub area plans) and for detailed topical plans (such as parks and open spaces, trails and roads). It cannot be interpreted without the goals and actions of Envision New Braunfels.

TRANSITIONAL MIXED-USE CORRIDOR

Transitional Mixed-Use Corridors express an aspiration to retrofit existing auto-dominated retail corridors with a mix of uses and a variety of travel modes over time.

OUTDOOR RECREATION CENTER

Outdoor Recreation Centers are centered around a public or private outdoor destination like Fischer Park.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

SUB AREA 1

Sub Area 1 includes the Downtown, Gruene and the Mid-Century or older neighborhoods that surround them. It is home to the natural springs and headwaters of flowing rivers that have attracted New Braunfelsers to the town for centuries.

SUB AREA 2

Sub Area 2 refers to the neighborhoods and residential enclaves that have grown alongside the Hill Country landscape.

SUB AREA 3

Sub Area 3 includes a planned community offering a diversity of housing, distinct community centers and preserved Hill Country landscape features.

SUB AREA 4

At the heart of Sub Area 4 is Fischer Park. Proximity to IH-35, downtown and neighboring communities like McQueeney makes this area highly desirable and accessible.

SUB AREA 5

Sub Area 5 bridges together many communities east of IH-35. It includes the scenic landscape along both banks of the Guadalupe River between Highway 46 and FM 725.

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SUB AREA 6

Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7

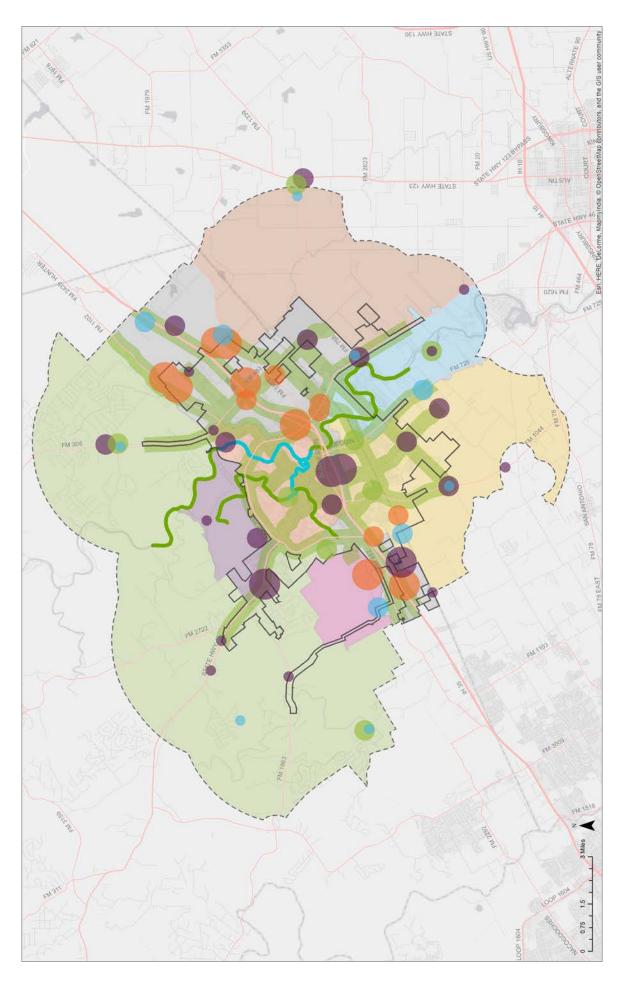
Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

SUB AREA 8

This fast-growing Sub Area includes many neighborhoods offering affordable places for young families to live.

be zoomed and viewed online.

A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. Preferred future growth scenario combines Scenarios A and C per recommendations of the Envision New Braunfels Steering Committee (February 2018). Exact boundaries of sub areas, centers, and corridors may



PLANNING COMMISSION - APRIL 2, 2019 - 6:00PM

New Braunfels City Hall Council Chambers

Applicant/Owner: Michael Flume

Address/Location: Cotton Cottages Subdivision located on Hanz Drive

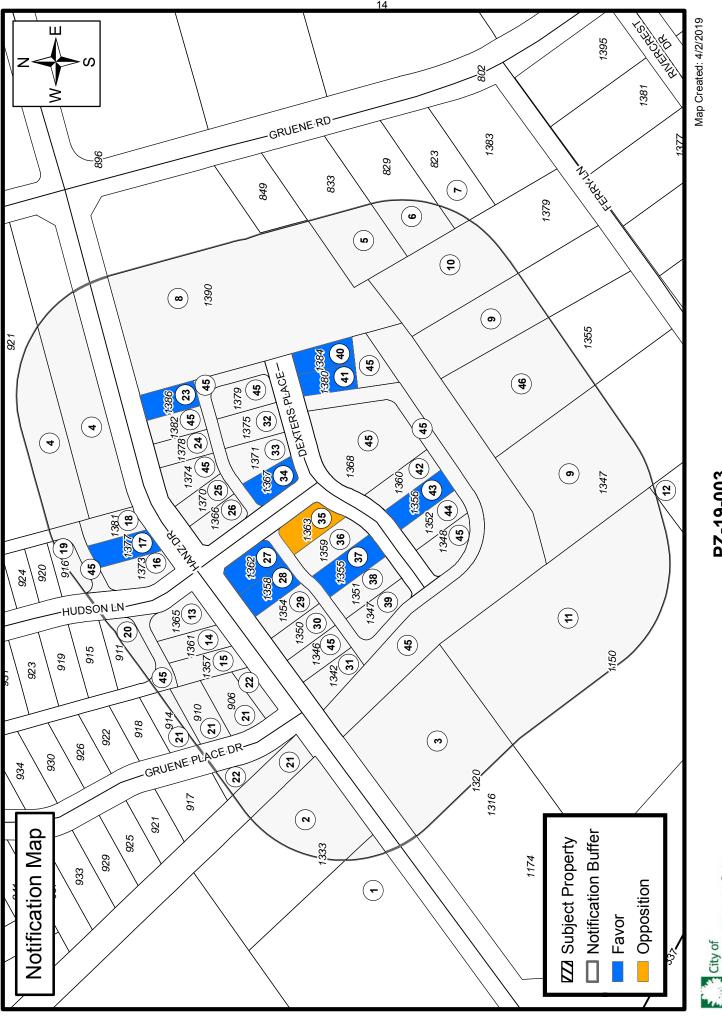
PROPOSED DETAIL PLAN AMENDMENT - CASE #PZ-19-003

The circled numbers on the map correspond to the property owners listed below. All information is from the Appraisal District Records. The property under consideration is marked as "Subject Property".

- 1 HALNORTH LTD
- 2 CITY OF NEW BRAUNFELS
- 3 DD LAND NB LLC
- 4 M A ANDERSON REAL ESTATE LLC
- 5 MILES GEORGE
- 6 MILES EDGAR B
- 7 KENSING RACHEL E LIVING TRUST
- 8 CHURCH OF JESUS CHRIST LDS
- 9 JOHNSON CLAUGHTON & MAGGIE
- 10 MENELEY HELEN I
- 11 PRH X LLC
- 12 CRISIS PREGNANCY CENTER OF N B
- 13 GUMP MARY CAROLYN
- 14 COVER HEATH R & PATRICIA R
- 15 HULL DIANE H
- 16 DUBOSE KATHERINE L
- 17 BULLOCK HOLLY CHRISTINE
- 18 PHILLIPS SUSAN
- 19 SERDA MARK & EVANGELINA
- 20 LEVY CHRISTINE & GLENN
- 21 GRUENE RIVER HOMES LLC GRUENE RIVER PLACE OWNERS
- 22 ASSOCIATION
- 23 WRIGHT KEMANE & JAIME

- 24 RUDISILL PROPERTIES LLC
- 25 FRITH JOHN E & LINDA L
- 26 TWELVE A INC
- 27 WILKINS RONALD K & SANDRA F
- 28 GOLIGHTLY GEORGE A & CAROLYN J
- 29 WALES BARBARA B
- 30 MANGUM LANDON D & ROBIN E NISSEN
- 31 KLIMITCHEK KENDALL
- 32 PHILLIPS PAUL F & ROSEMARY
- 33 MUENNINK JOHN M & RKARLA P
- 34 FLANAGAN JUDITH A
- 35 STEWART KARA J
- 36 WEERS DAVID S & DEBRA K
- 37 JOHNSON JAY A & KAREN R
- 38 KEATTS ORTON G GOODWIN BRENT G & CYNTHIA K ROSS-
- 39 GOODWIN
- 40 KILMAN CINDY A
- 41 STUTZMAN RIGMOR
- 42 JONES NATHAN C & JULIE E
- 43 OWENS JAMES H III & JANET B
- 44 WOODCHICK MOLLY
- 45 FLUME MICHAEL P
- 46 BRENNAN PATRICK & KIMBERLY

SEE MAP



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Cotton Cottages Detail Plan Amendment PZ-19-003



YOUR OPINION MATTERS - DET	ACH AND RETURN
Case: #PZ19-003 (Cotton Cottages PD) (MG)	
Date Sent: 3/15/19	
Name: Holly Bullock	I favor:
Address: 1377 Hanzdr	1
Property number on map:/7	l object: (State reason for objection)
Comments: (Use additional sheets if necessary)	RECEIVED
Hollaklun	MAR 1 9 2019
Signature Molly Mollow	BY:

YOUR OPINION MATTERS - DETA	CH AND RETURN
Case: #PZ19-003 (Cotton Cottages PD) (MG)Date Sent: 3/15/19Name: Sandy WillkinsAddress: /362 Hanz DrProperty number on map: 21Comments: (Use additional sheets if necessary)	I favor: I object: (State reason for objection)
Signature: Sandrur Within	No. 28 9 BY:
	terelista Terenelli et
YOUR OPINION MATTERS - DETACH AND F	RETURN
Case: #PZ19-003 (Cotton Cottages PD) (MG) Date Sent: 3/15/19 Name: <u>Ceorge and CarolynJame Golightty</u> Address: 1358 Hanz Dr.	tavor: Vit no short-term rentals

Property number on map: 28

Signature:

Comments: (Use additional sheets if necessary)

REC(State reason for objection) MAR 26 2019 Risstyn Jane Lalightty

10	AND RETURN
Case: #PZ19-003 (Cotton Cottages PD) (MG) Date Sent: 3/15/19	
Name: Judith Flanagan	l favor:
Address: <u>1367 Dexter's Place</u> Property number on map: <u>34</u>	l object:
Comments: (Use additional sheets if necessary)	(State reason for objection)
	RECEIVED
Signature: Atlestanage	MAR 29 2019
	BY:
YOUR OPINION MATTERS - DETACH	I AND RETURN
Case: #PZ19-003 (Cotton Cottages PD) (MG)	AND RETURN
	I favor:
Case: #PZ19-003 (Cotton Cottages PD) (MG) Date Sent: 3/15/19	l favor:
Case: #PZ19-003 (Cotton Cottages PD) (MG) Date Sent: 3/15/19 Name: <u>JAy & KAREN Johnson</u> Address: <u>1335 DEXTERS PL</u>	l favor:
Case: #PZ19-003 (Cotton Cottages PD) (MG) Date Sent: 3/15/19 Name: <u>Aq #KAREN</u> Jahnson Address: <u>335 DEXTERS</u> PL Property number on map: <u>3</u> 7	I favor: I object: (State reason for objection)

YOUR OPINION MATTERS - DETACH	AND RETURN
Case: #PZ19-003 (Cotton Cottages PD) (MG) Date Sent: 3/15/19 Name: <u>OWENS</u> JAW + HERB Address: <u>/356 DExTERS PLACE</u> Property number on map: <u>43</u> Comments: (Use additional sheets if necessary)	I favor: I object: (State reason for objection)
Signature: ADwent	MAR 2 7 2019
	BY-

YOUR OPINION MATTERS - DETACH AND RETURN RECEIVED (Cotton Cottages PD) (MG) MAR 25 2019 I favor: BY: lare I object: (State reason for objection) map: 1) no short term rental dditional sheets if necessary) 2) no investment 3) Same Hokapplies

From:	<u>Cindy Kilman</u>
To:	Matt Greene
Subject:	Re: Cotton Cottages proposed amendment
Date:	Tuesday, March 19, 2019 9:29:10 AM
Attachments:	EmailLogo-Small_c6d86cff-0062-47bb-89b0-351933562e2d.png
	Facebook small aac7de18-83ac-45d3-9979-10a37b16c6a6.png
	Twitter_small_5b6369c7-c8ee-47ef-82e0-52bd1d59e680.png

Thank you for sending this. I am okay with it as long as not investment or short term rentals. Thanks

On Tue, Mar 19, 2019 at 9:03 AM Matt Greene <<u>MGreene@nbtexas.org</u>> wrote:

Good morning Cindy,
Attached you will find a blank notification response form and the proposed layout of the condominium cottages units, garages and parking (see the highlighted lot). Please let me know if you have any questions.
Thank you,
City of New Braunfels Matt Greene, CFM Planner Planning and Community Development 550 Landa St New Braunfels, TX 78130 830-221-4053 MGreene@nbtexas.org www.nbtexas.org/planning Please take a moment to complete the City of New Braunfels Customer Satisfaction Survey.
Do you have a question about a permit? Check out the <u>Citizen Portal</u> .
We encourage you to keep up with the progress on our new comprehensive plan by visiting <u>www.envisionnewbraunfels.org</u> and liking our <u>facebook page</u> .
This email, plus any attachments, may constitute a public record of the City of New Braunfels and may be subject to public disclosure under the <u>Texas Public Information Act</u> .

CONFIDENTIALITY NOTICE: This email & attached documents may contain confidential information. All information is intended only for the use of the named recipient. If you are not the named recipient, you are not authorized to read, disclose, copy, distribute or take any action in the information and any action other than immediate delivery to the named recipient is strictly prohibited. If you have received this email in error, do not read the information and please immediately notify sender by telephone to arrange for a return of the original documents. If you are the named recipient you are not authorized to reveal any of this information to any other unauthorized person. If you did not receive all pages listed or if pages are not legible, please immediately notify sender by phone.

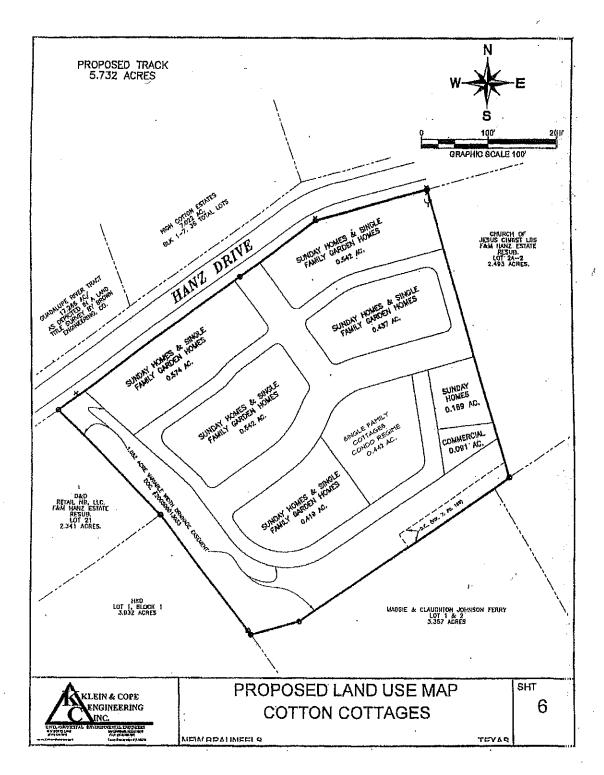
Case: #PZ19-003 (Cotton Cottages PD) (MG)	
Date Sent: 3/15/19	
Name: Chrine and Junie Wright	I favor:
Address: 384 Hunz Dr.	
Property number on map:	l object:
Property number on map.	(State reason for objection)
Comments: (Use additional sheets if necessary)	
	DECENTED
$\sim 100 \wedge 1000$	APR 0 1 2019
	APR 01 2019
Signature:	APR 01 2019

Case: #PZ19-003 (Cotton Cottages PD) (MG) Date Sent: 3/15/19	RECEIVED
Name: Kara Stewart	APRI fayor 019
Address: 1363 Dexters Pl	
Property number on map: <u>35</u>	l object:
O	(State reason for objection)
Comments: (Use additional sheets if necessary)	WAY TOO MANY
Yora A let t	VEHICLES ALREADY
Signature for Joy Stowart	in a small neighborhood
U ()	

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"COTTON COTTAGES" PD PROPOSED CONCEPT PLAN AMENDMENT

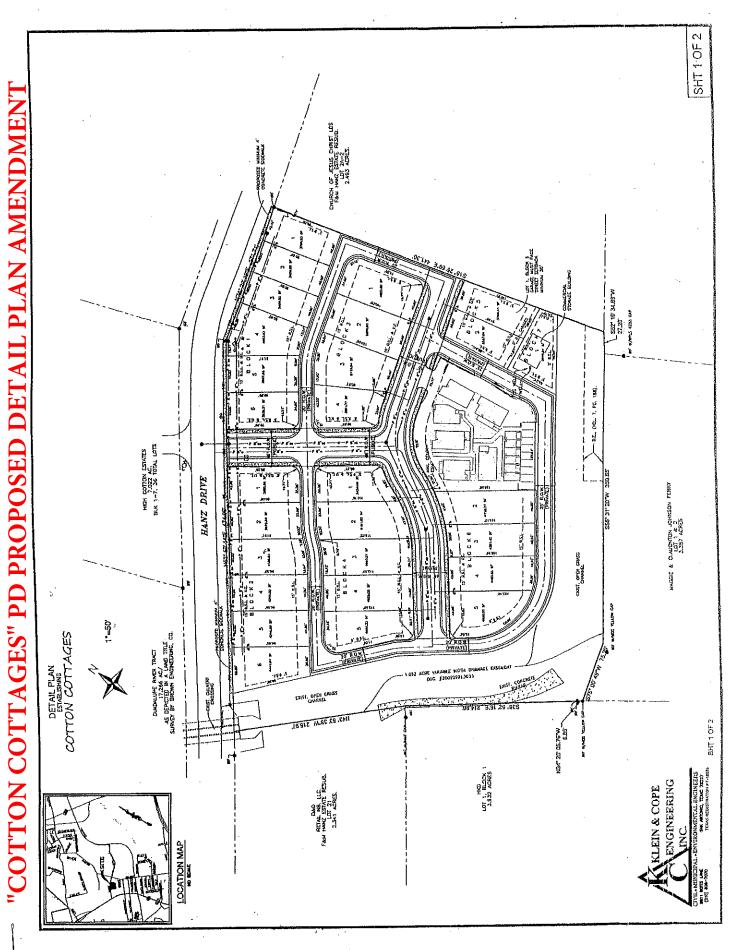
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ATTACHMENT 4

Map 7 Adjacent Land Use



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Residential uses - Lot I, Blk 6

TYPE OF RESIDENTIAL	MIN BLDG SET BACKS	MAX HEIGHT	MAX BLDGS COVERAGE	PARKING
SFA - C COTTAGES CONDO REGIME	15FT, FRONT 15 FT, REAR 10 FT, INTERIOR SIDE* 5FT, SIDE ADJACENT TO ALLEY 10 FT, BETWEEN BUILDINGS	35 FT. / TWO STORY	70%	I - CAR GARAGE EACH UNIT

NOTE: 1, FRONT PROCHES AND/OR SIDE OR REAR PATIOS REQUIRED ON ALL UNITS

- 2. BALCONIES ALLOWED AT FRONT, REAR OR SIDE OF UNITS
- 3.*NEW CONSTRUCTION ON LOT I, BLOCK 6 WILL REQUIRE A MINIMUM SETBACK OF 10 FEET PLUS ONE-FOOT FOR EACH FOOT OF BUILDING HEIGHT OVER 20 FEET WHERE ADJACENT TO A SINGLE FAMILY RESIDENTIAL PROPERTY LINE

COPY

ORDINANCE NO. 2016- 23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS AMENDING THE "COTTON COTTAGES" PLANNED DEVELOPMENT DISTRICT DETAIL PLAN AND RELATED DEVELOPMENT STANDARDS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of the "PD" Planned Development District, the City Council has given due consideration to all components of said district; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the City Council desires to amend the "Cotton Cottages" Planned Development District Detail Plan and related Development Standards; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT the Detail Plan and related Development Standards adopted June 8, 2015, Ordinance Number 2015-34, is hereby replaced with the following described Amended Detail Plan and Amended Development Standards:

"Known as 5.732 acres out of Lot 2A-1, F & M Hanz Estate Resubdivision, Comal County, Texas, addressed at 1372 Hanz Drive, as delineated on Exhibit 'A' attached and adopting the Amended Detail Plan as Depicted on Exhibits 'B-1, B-2 and B-3' attached and the Amended Development Standards as stated in Exhibit 'C' attached."

SECTION 2

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THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

SECTION 3

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 4

THAT if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

SECTION 5

THIS ordinance will take effect upon the second and final reading of same. **PASSED AND APPROVED:** First Reading this the 25th day of April, 2016. **PASSED AND APPROVED:** Second and Final Reading this the 9th day of May, 2016.

CITY OF NEW BRAUNFÉLS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

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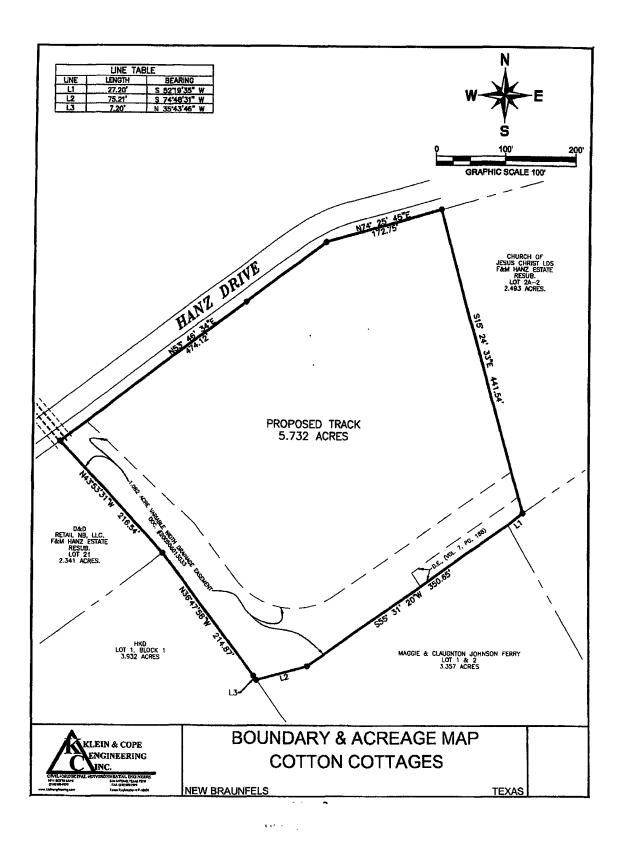
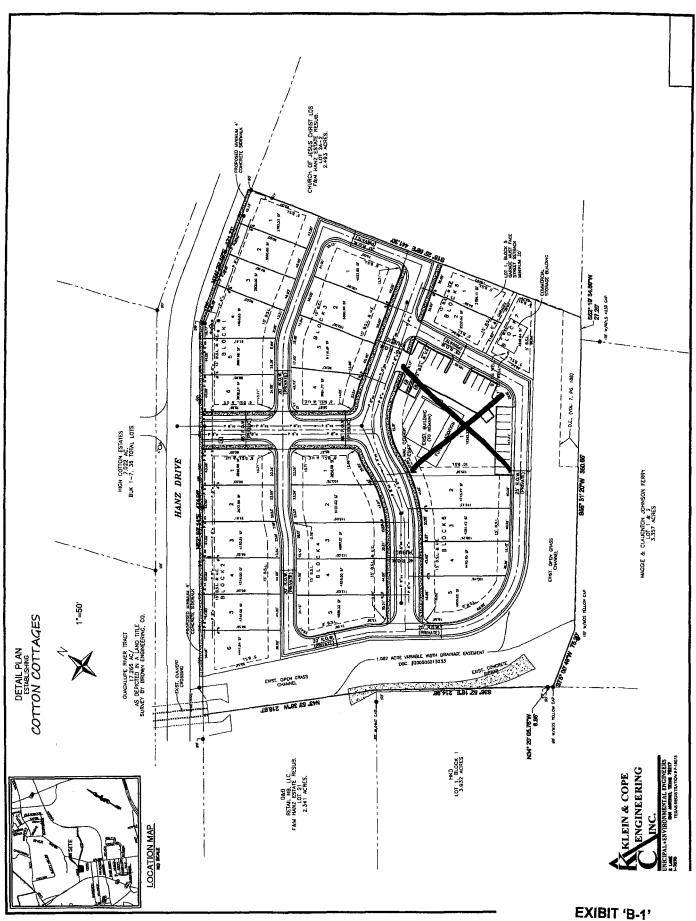
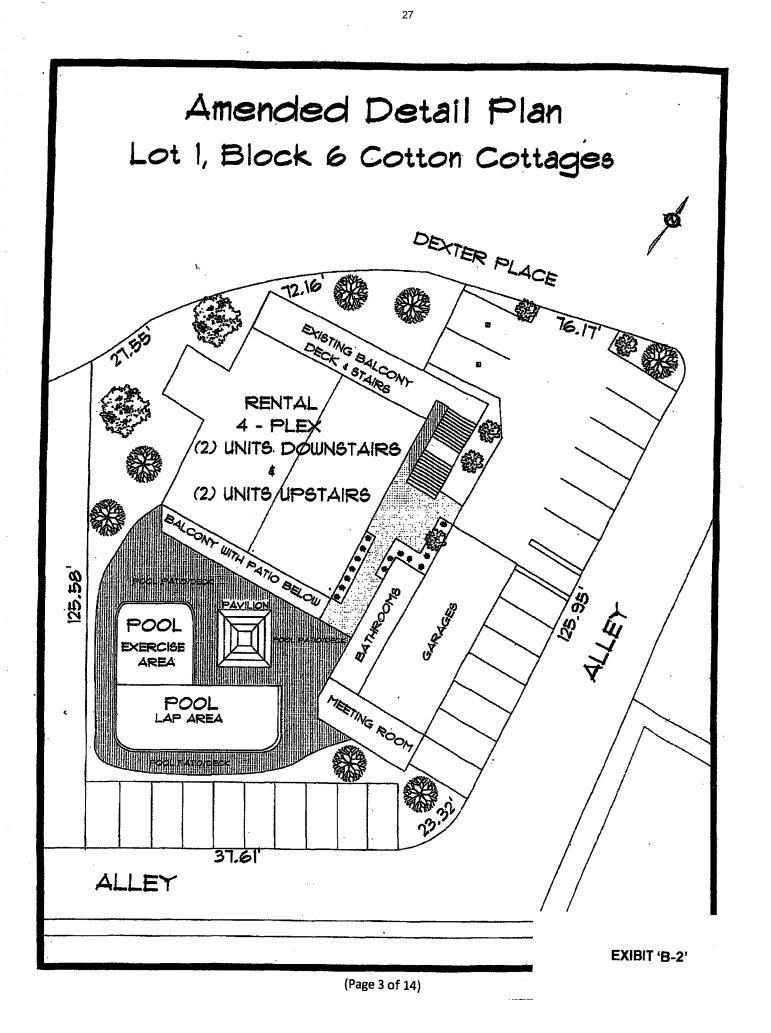
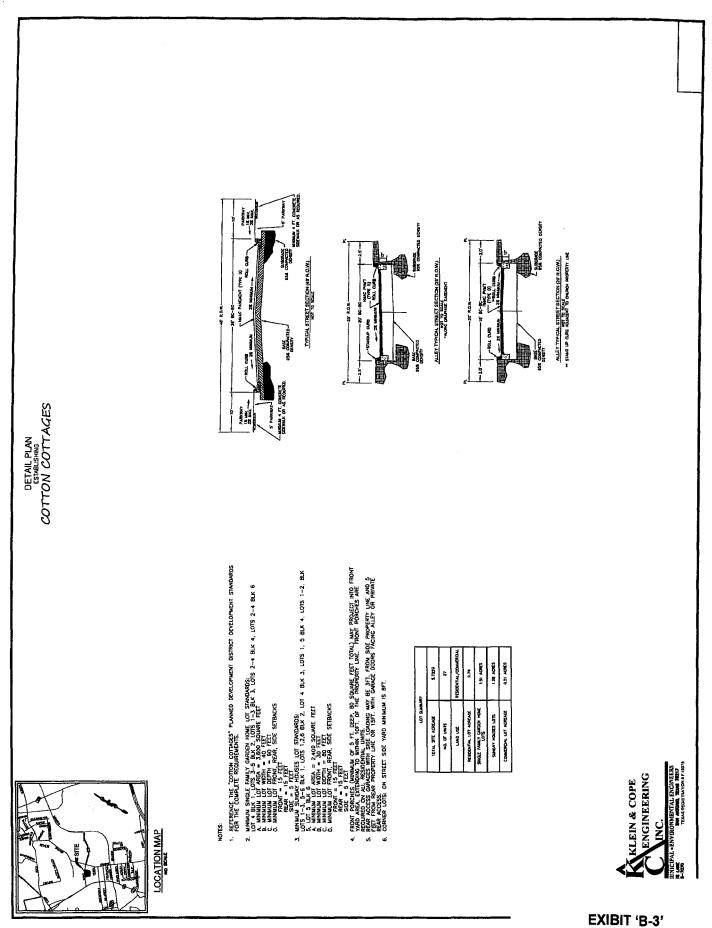


EXHIBIT "A"



(Page 2 of 14)





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COTTON COTTAGES BASE ZONING DISTRICT – "R-A1-6.6" SINGLE-FAMILY DISTRICT DEVELOPMENT STANDARDS

Sunday Homes:	Square footage 800-1800 living area Garage 1 car minimum, 2 cars maximum
Single Family Garden Homes:	Square Footage 1200 – 3000 living area Garage 2 car minimum, 3 car maximum

The PDD development is set apart from others by following these guidelines making for a sought after community.

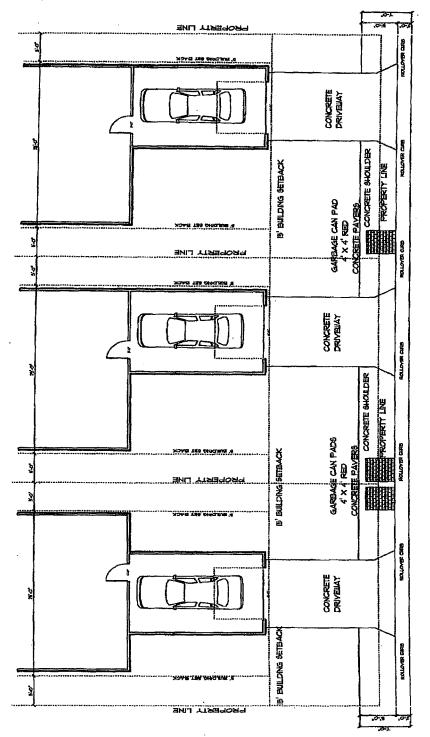
Front porches: Required on all homes.

Garages: Must enter from alley. Exception: Lot 1 Blk 5, garage must be set back 30' and face street.

(Page 5 of 14)

Alleys: Rear entry garages, 5' concrete shoulder and curbs. See Details.

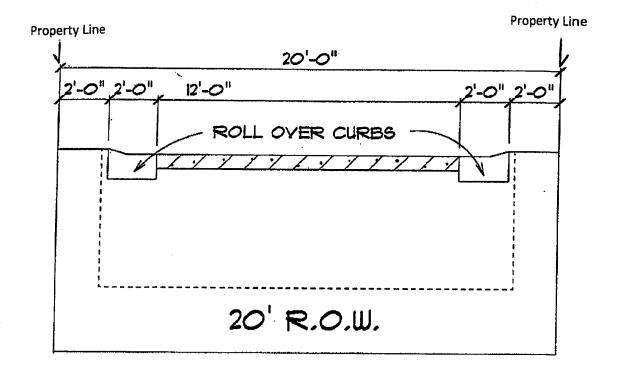
EXHIBIT "C"



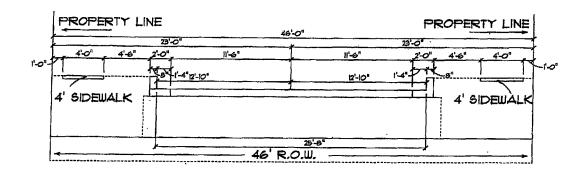
Alley with 5' concrete shoulder detail

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Road Detail



Residential Uses – Principal Buildings

Type of Residential	Minimum Lot Area	Minimum Lot Width & Depth	Principal Building Minimum Front, Side and Rear Yard Setbacks	Maximum Height	Maximum Building Coverage	Parking Minimum
SFD-G: Single Family Garden Homes	3600 SF	40FT./ 90FT.	FY: 15 FT. SY: 5 FT. RY: 15 FT.	35 FT. 2.5 Stories	60%	2 spaces/unit enclosed
SFA-C Cottages, Sunday Houses	2400 SF/single unit	30FT/80FT	FY: 15 FT. SY: 5 FT. RY: 15 FT.	25 FT. 2 Stories	60%	1 Space/ Unit enclosed

Notes:

1.) Front porches (minimum of 5ft. deep, 80 square feet total) may project into front yard area, extending to within 10ft. of the property line. Front porches are required on all residential units.

2.) Rear access garages with side loading may be 3 ft. from side property line and 5 ft. from rear property line or 15ft. with garage doors facing alley or private rear access drive. Except: LOT 1 BLK 5, garage must face street with a minimum front setback of 30'

3.) Corner lots: On-street side yard minimum is 8 ft.

4.) Allowable yard projections: (Front porches – see above)

<u>Horizontal-</u> Roof overhangs, bay windows, canopies 12" Minimum, Balconies 5' (front or rear) <u>Vertical-</u> (above maximum, height), chimneys; 6'; cupolas: 8'; observations towers: 8'

Commercial Uses – Principal Buildings

Principal Building Minimum Front, Side and Rear Yard	Maximum Height	Maximum Building Coverage
Setbacks		
FY: 15 FT.	40 FT.	60%
SY: 5 FT.	2.5 Stories	
RY: 5 FT.		

Outbuilding/	Maximum	Maximum	
Storage	Height	Building	
Building		Coverage	
FY: 5 FT.	25 FT.	60%	
SY: 5 FT.	1 Story		
RY: 5 FT.			

Notes:

1.) Front porches may project into front setback 5'.

2.) Balconies may project into front and rear set back 5'.

3.) New construction on Lot 1, Block 6 will require a minimum setback of 10 feet plus one foot for each foot of building height over 20 feet where adjacent a residential property line.

Authorized Uses for Commercial Lots

- Adult day care (no overnight stay).
- Adult day care (with overnight stay).
- Antique shop.
- Artist or artisan's studio.
- Barber/beauty shop, haircutting (noncollege).
- Bed and breakfast establishments.
- Book store.
- Clinic (dental).
- Clinic (medical).
- Coffee Shop.
- Community building (associated with residential uses)
- Confectionery store (retail).
- Contractor's temporary on-site construction office (only with permit from building official; see section144-5.10.
- Exercise and physical therapy
- Florist.
- Garden shops and greenhouses.
- Handicraft shop.
- Kiosk (providing retail service).
- Laundromat and laundry pickup stations.
- Needlework shop.
- Offices, business or professional.
- Photographic studio (no sale of cameras or supplies).
- Park and/or playground/pool (public or private).
- Refreshment/beverage stand.
- Restaurant/prepared foods.
- Specialty shops in support of project guests and tourists.
- Storage out building ("Restricted to enclosed private storage limited to use by the developer for storage of contractor's equipment, storage for the subdivision's Home Owner's Association and or storage for the

tenants of the commercial building on Lot 1, Block 6".)

- Stores, shops and markets for neighborhood retail trade.
- Studios (art, dance, music, drama, reducing, exercise, photo, interior decorating, etc.).
- Water storage (surface, underground or overhead tanks).
- Water well ("Restricted to the existing on-site water well. No new water wells are permitted. The use of the existing water well will be limited to irrigation use by the two commercial lots (Lot 1, Block 6 and Lot 1, Block 7).
 Water well usage is restricted to New Braunfels Utilities water irrigation regulations.")

The following are additional uses permitted on Lot 1, Block 6.

- Maximum of 4 residential rental units (no short term rental; minimum 30 day lease).
- Patios and decks.
- Garages and storage buildings for tenants and or property maintenance.
- A pool, pool patio and pool pavilion for residents of the neighborhood - limited to use by residents of the subdivision.
- A meeting room limited to use by residents of the subdivision.
- Bathrooms limited to use by residents of the subdivision.

Proposed Street Standards

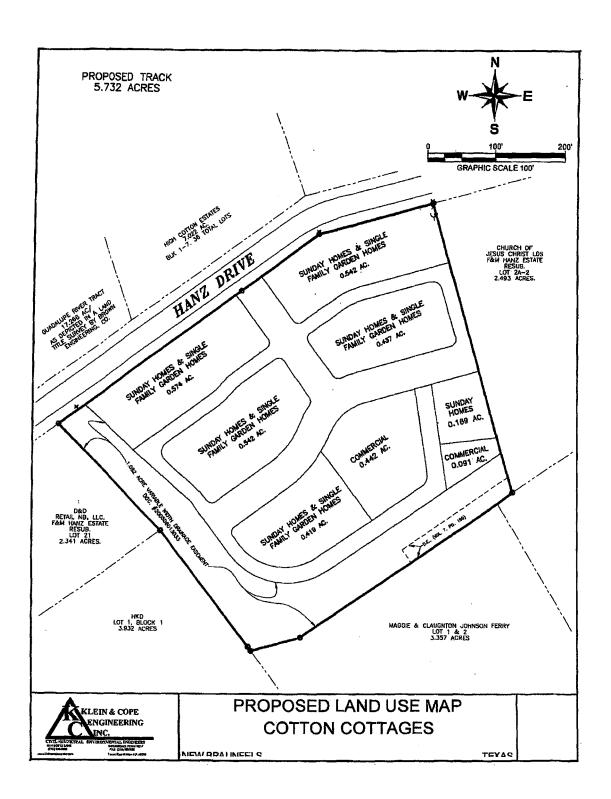
Street	Design Speed	Classification	ROW	Pavement Width	Curb Type Shoulder	On-Street Parking
Minor Internal	20 MPH	Residential Minor	46 Ft.	23 Ft.	City of New Braunfels Standard Curb	One Side Only
Alley or Private Rear Access Drive	15 MPH	Rear Garage Access way or shared drive	20 - 25 Ft.	16 - 20Ft.	Roll Over & City of New Braunfels Standard Curb	None

NOTES:

1.) Pavement (asphalt) widths include 24" wide concrete curb and gutter section.

2.) Design speed is not the actual speed limit.

<u>Relationship of these PDD standards to other standards and regulations in the City ordinances.</u> Unless specifically described in these regulations, or further described in the Detailed PDD Plan, the applicable provisions of the City's Zoning and Subdivisions Regulations shall apply to the PDD.



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Photograph taken 3/21/2019







Photograph taken 3/21/2019



3.5. Planned Development Districts.

- 3.5-1. *Purpose:* The planned development district is a free-standing district designed to provide for the development of land as an integral unit for single or mixed uses in accordance with a plan that may vary from the established regulations of other zoning districts. It is the intent in such a district to insure compliance with good zoning practices while allowing certain desirable departures from the strict provisions of specific zoning classifications.
- 3.5-2. *Application:* An application for a planned development district shall be processed in accordance with this Chapter. A pre-planning conference is required between the applicant and the Planning Director prior to the actual filing of the application.
- 3.5-3. *Base District.* A base zoning district shall be specified. The regulations in the base zoning district shall control unless specifically stated otherwise in the PD.
- 3.5-4. *District plans and requirements:* There are two types of plans that may be used in the planned development process. The general purpose and use of each plan is described as follows:
 - (a) Concept plan. This plan is intended to be used as the first step in the planned development process. It 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.
 - (b) Detail plan. The detail plan is the final step of the planned development process. It contains the details of development for the property. For smaller tracts or where final development plans are otherwise known, the detail plan may be used to establish the district and be the only required step in the planned development process.
- 3.5-5. Concept plan requirements: Said concept plan shall include the following:
 - (a) Relation to the comprehensive plan. A general statement setting forth how the proposed district will relate to the city's comprehensive plan and the degree to which it is or is not consistent with that plan and the proposed base zoning district.
 - (b) Acreage. The total acreage within the proposed district.
 - (c) Survey. An accurate survey of the boundaries of the district.
 - (d) *Land uses.* Proposed general land uses and the acreage for each use, including open space. For residential development, the total number of units and the number of units per acre.
 - (e) *General thoroughfare layout.* Proposed streets, as a minimum to arterial street level. (Showing collector and local streets is optional.)
 - (f) *Development standards.* Development standards, if different from the base zoning district, for each proposed land use, as follows:
 - (1) Minimum lot area.
 - (2) Minimum lot width and depth.
 - (3) Minimum front, side, and rear building setback areas.
 - (4) Maximum height of buildings.
 - (5) Maximum building coverage.
 - (6) Maximum floor to area ratios for nonresidential uses.
 - (7) Minimum parking standards for each general land use.
 - (8) Other standards as deemed appropriate.
 - (g) *Existing conditions.* On a scaled map sufficient to determine detail, the following shall be shown for the area within the proposed district.
 - (1) Topographic contours of ten feet or less.

- (2) Existing streets.
- (3) Existing 100-year floodplain, floodway and major drainage ways.
- (4) City limits and E.T.J. boundaries.
- (5) Zoning districts within and adjacent to the proposed district.
- (6) Land use.
- (7) Utilities, including water, wastewater and electric lines.
- 3.5-6. *Detail plan requirements:* The application for a planned development district shall include a detail plan consistent with the concept plan. Said detail plan shall include the following:
 - (a) Acreage. The acreage in the plan as shown by a survey, certified by a registered surveyor.
 - (b) Land uses. Permitted uses, specified in detail, and the acreage for each use.
 - (c) Off-site information. Adjacent or surrounding land uses, zoning, streets, drainage facilities and other existing or proposed off-site improvements, as specified by the department, sufficient to demonstrate the relationship and compatibility of the district to the surrounding properties, uses, and facilities.
 - (d) Traffic and transportation. The location and size of all streets, alleys, parking lots and parking spaces, loading areas or other areas to be used for vehicular traffic; the proposed access and connection to existing or proposed streets adjacent to the district; and the traffic generated by the proposed uses.
 - (e) *Buildings.* The locations, maximum height, maximum floor area and minimum setbacks for all nonresidential buildings.
 - (f) *Residential development.* The numbers, location, and dimensions of the lots, the minimum setbacks, the number of dwelling units, and number of units per acre (density).
 - (g) *Water and drainage.* The location of all creeks, ponds, lakes, floodplains or other water retention or major drainage facilities and improvements.
 - (h) *Utilities.* The location and route of all major sewer, water, or electrical lines and facilities necessary to serve the district.
 - (i) *Open space.* The approximate location and size of greenbelt, open, common, or recreation areas, the proposed use of such areas, and whether they are to be for public or private use.
 - (j) Sidewalks and bike paths. Sidewalks or other improved ways for pedestrian or bicycle use.
 - (k) If multifamily or non-residential development, a landscape plan.

A detailed plan, with all of the information required of a concept plan, may be submitted in lieu of a concept plan.

- 3.5-7. *Phasing schedule:* PD districts larger than 350 acres shall provide a phasing schedule depicting the different construction phases.
- 3.5-8. *Approval of district:* The City Council may, after receiving a recommendation from the Planning Commission, approve by Ordinance the creation of a district based upon a concept plan or a detail plan. The approved plan shall be made part of the ordinance establishing the district. Upon approval said change shall be indicated on the zoning maps of the city.

The development standards and requirements including, but not limited to, maximum height, lot width, lot depth, floor area, lot area, setbacks and maximum off-street parking and loading requirements for uses proposed shall be established for each planned development district based upon the particular merits of the development design and layout. Such standards and requirements shall comply with or

be more restrictive than the standards established in the base zoning district for the specific type uses allowed in the district, except that modifications in these regulations may be granted if it shall be found that such modifications are in the public interest, are in harmony with the purposes of this Chapter and will not adversely affect nearby properties.

- 3.5-9. *Planning Commission approval of detail plan:* The Planning Commission is authorized to approve a detail plan or the amendment of a detail plan for property for which a concept plan has been approved by the City Council. If the City Council initially approved a detail plan in establishing the district, the detail plan may only be amended by the City Council. The approved detail plan shall be permanently filed in the Planning Department. The Planning Commission shall approve the detail plan if it finds that:
 - (a) *Compliance.* The plan complies with the concept plan approved for that property and the standards and conditions of the PD district;
 - (b) *Compatibility.* The plan provides for a compatible arrangement of buildings and land uses and would not adversely affect adjoining neighborhood or properties outside the plan; and
 - (c) *Circulation of vehicular traffic.* The plan provides for the adequate and safe circulation of vehicular traffic.

If no detail plan has been approved for the property within ten years of the date of approval of a concept plan, the detail plan must be approved by the City Council, after receiving a recommendation from the Planning Commission, after notice and hearing.

- 3.5-10. *Expiration of detail plan:* A detail plan shall be valid for five years from the date of its approval. If a building permit has not been issued or construction begun on the detail plan within the five years, the detail plan shall automatically expire and no longer be valid. The Planning Commission may, prior to expiration of the detail plan, for good cause shown, extend for up to 24 months the time for which the detail plan is valid.
- 3.5-11. Appeals from Planning Commission action: If the Planning Commission disapproves a detail plan over which it has final approval authority, or imposes conditions, or refuses to grant an extension of time for which a detail plan is valid, the applicant may appeal the decision to the City Council by filing a written request with the Planning Director within ten days of the decision.
- 3.5-12. Changes in detail plan: Changes in the detail plan shall be considered the same as changes in the zoning ordinance and shall be processed as required in Section 2.3. Those changes which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, floor area ratio, height, or coverage of the site, or which do not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site, as indicated on the approved detail plan, may be authorized by the Planning Director. Any applicant may appeal the decision of the Planning Director to the Planning Commission for review and decision as to whether an amendment to the Planned Development District ordinance shall be required.
- 3.5-13. *Minimum development size:* The total initial development of any Planned Development District shall not be less than two acres for nonresidential developments and five acres for residential developments.
- 3.5-14. *Deviation from code standards:* The City Council may approve a PD concept plan with deviations from any provision in the Code of Ordinances. Such deviations shall be listed or shown as part of the Ordinance that approves the concept plan.

Excerpt from Minutes of the April 2, 2019 Planning Commission Regular Meeting

PZ-19-003 Public hearing and recommendation to City Council regarding the proposed amendment to the "Cotton Cottages" Planned Development District (CCPD) Concept Plan, Detail Plan and related Development Standards, comprising 5.732 acres out of Lot 2A-1, F & M Hanz Estate Resubdivision, located on the south side of Hanz Drive between Loop 337 and Gruene Road. (Applicant: Michael Flume; Case Manager: M. Greene)

Mr. Greene summarized the request and stated Staff recommended approval.

Commissioner Meyer asked if the amendments would continue to restrict short-term rentals on the property.

Mr. Greene stated that is correct.

Chair Edwards asked if anyone wished to speak in favor.

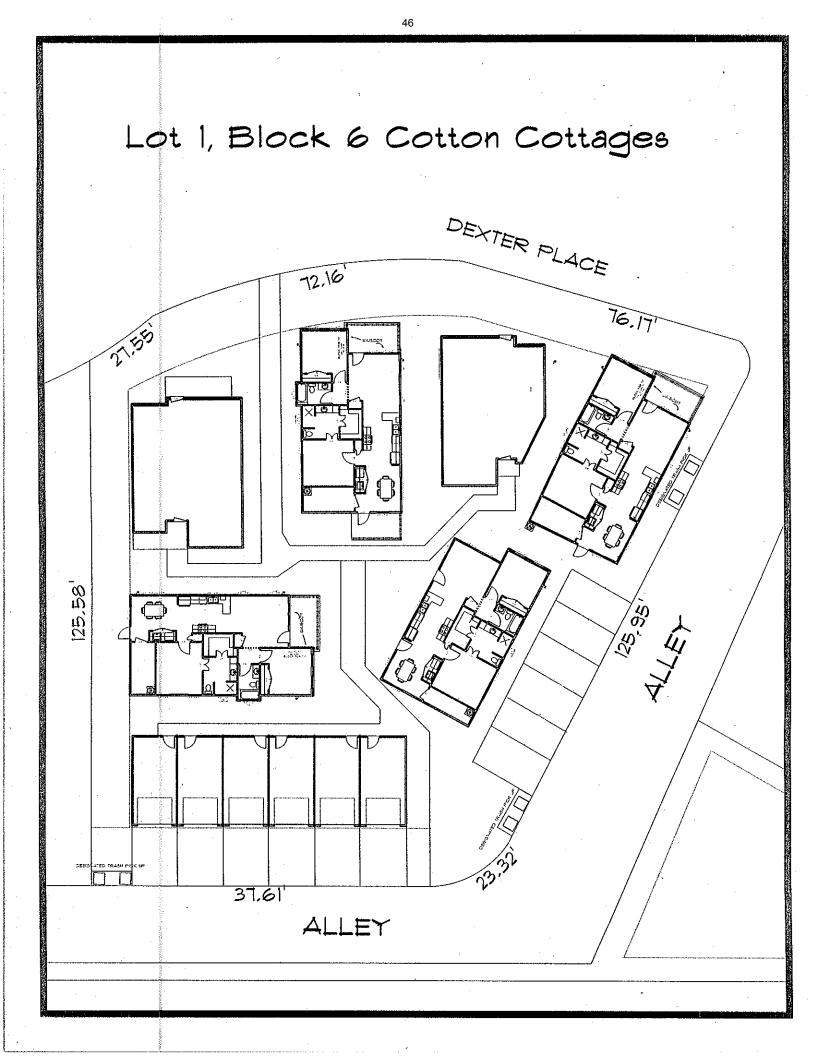
No one spoke.

Chair Edwards asked if anyone wished to speak in opposition.

No one spoke.

Motion by Commissioner Laskowski, seconded by Vice Chair Reaves, to close the public hearing. Motion carried (8-0-0).

Motion by Commissioner Meyer, seconded by Commissioner Nolte, to recommend approval to City Council regarding the proposed amendment to the "Cotton Cottages" Planned Development District (CCPD) Concept Plan, Detail Plan and related Development Standards, comprising 5.732 acres out of Lot 2A-1, F & M Hanz Estate Resubdivision, located on the south side of Hanz Drive between Loop 337 and Gruene Road. Motion carried (8-0-0).



ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE "COTTON COTTAGES" PLANNED DEVELOPMENT DISTRICT (CCPD) CONCEPT PLAN, DETAIL PLAN AND RELATED DEVELOPMENT STANDARDS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of the "PD" Planned Development District, the City Council has given due consideration to all components of said district; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the City Council desires to amend the "Cotton Cottages" Planned Development District Concept Plan, Detail Plan and Development Standards; now, therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT the "Cotton Cottages" Planned Development District Concept Plan, Detail Plan and Development Standards adopted by City Council May 9, 2016 are hereby amended by adopting the following described Amended Concept Plan, Amended Detail Plan and Amended Development Standards:

"Known as 5.732 acres out of Lot 2A-1, F & M Hanz Estate Resubdivision, Comal County, Texas, as delineated on Exhibit 'A', and adopting the Amended Concept Plan depicted on Exhibit 'B', the Amended Detail Plan as depicted on Exhibits 'C-1' and 'C-2' and the Amended Development Standards described in Exhibit 'D' attached.

SECTION 2

THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

SECTION 3

THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 4

THAT if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

SECTION 5

THIS ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.
PASSED AND APPROVED: First reading this 22nd day of April, 2019.
PASSED AND APPROVED: Second reading this 13th day of May, 2019.

CITY OF NEW BRAUNFELS

ATTEST:

BARRON CASTEEL, Mayor

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney \\chfs-1\Departments\Planning\ZoneChange-SUP-Replats\2019 Cases\PZ-19-003 Ordinance.docx

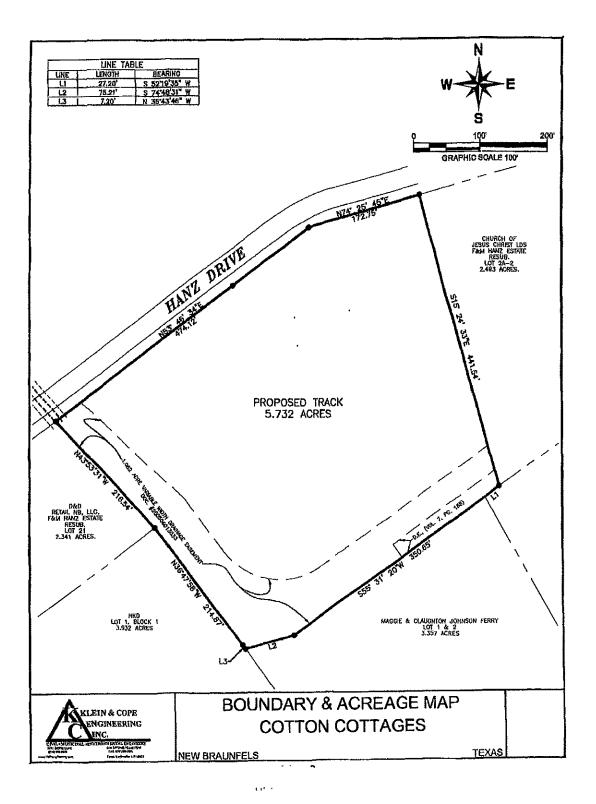
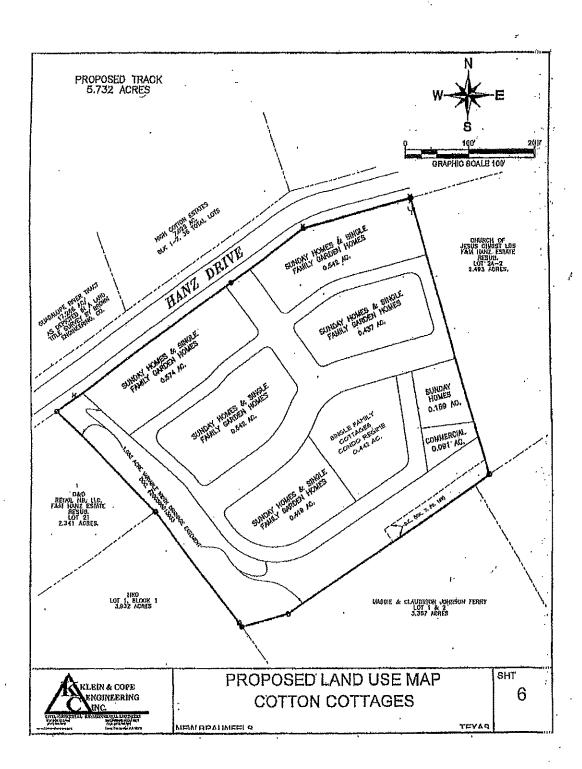


EXHIBIT 'A'

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"COTTON COTTAGES" PLANNED DEVELOPMENT DISTRICT CONCEPT PLAN

EXHIBIT 'B'

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"COTTON COTTAGES" PLANNED DEVELOPMENT DISTRICT DETAIL PLAN

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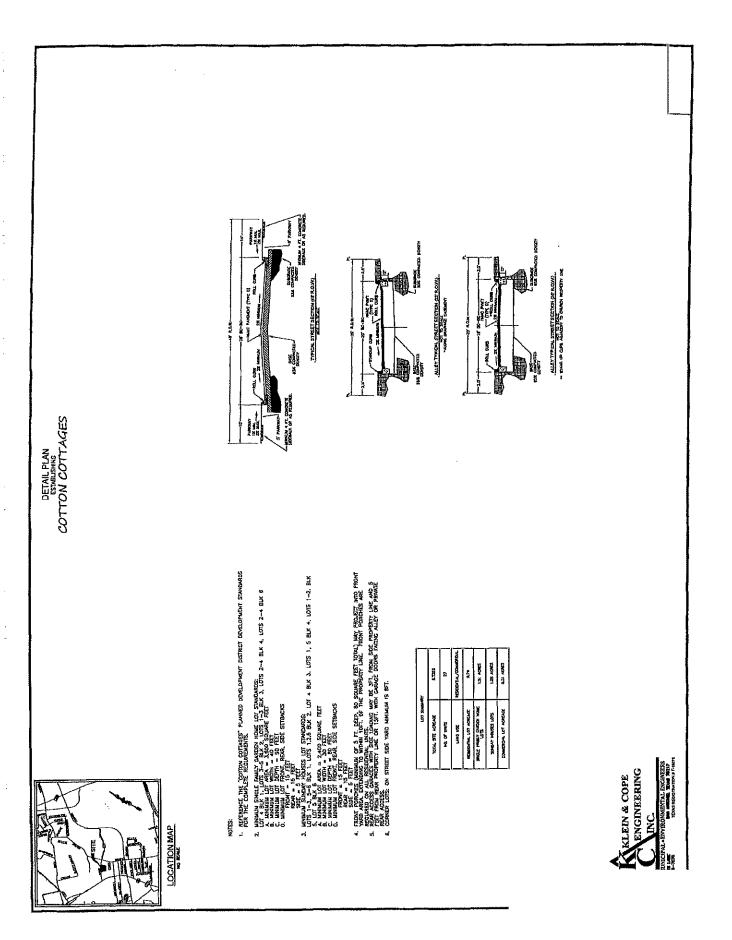


EXHIBIT 'C-2'

COTTON COTTAGES BASE ZONING DISTRICT – "R-A1-6.6" SINGLE-FAMILY DISTRICT DEVELOPMENT STANDARDS

Sunday Homes:	Square footage 800-1800 living area Garage 1 car minimum, 2 cars maximum
Single Family Garden Homes:	Square Footage 1200 – 3000 living area Garage 2 car minimum, 3 car maximum

The PDD development is set apart from others by following these guidelines making for a sought after community.

Front porches: Required on all homes.

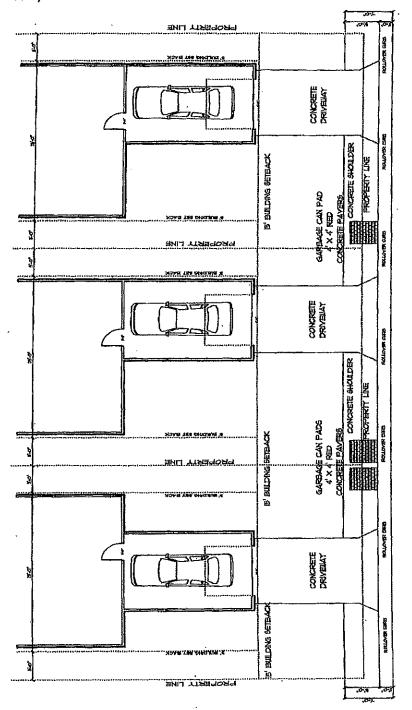
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Garages: Must enter from alley. Exception: Lot 1 Blk 5, garage must be set back 30' and face street.

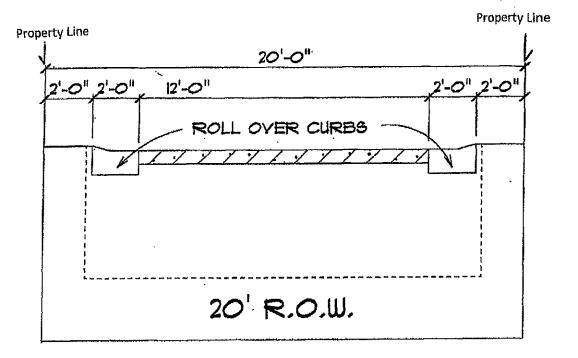
Alleys: Rear entry garages, 5' concrete shoulder and curbs. See Details.



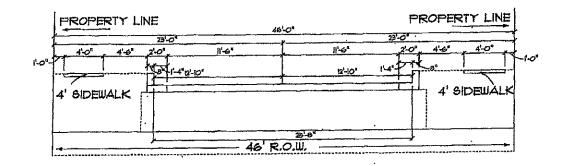
Alley with 5' concrete shoulder detail

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Road Detail



Residential Use	es – Princigal Buildin	g Development Standards

Type of Residential	Minimum Lot Area	Minimum Lot Width & Depth	Principal Building Minimum Front, Side and Rear Yard Setbacks	Maximum Height	Maximum Building Coverage	Parking Minimum
SFD-G: Single Family Garden Homes	3600 SF	40FT./ 90FT.	FY: 15 FT. SY: 5 FT. RY: 15 FT.	35 FT. 2.5 Stories	60%	2 spaces/unit enclosed
SFA-C Cottages, Sunday Houses	2400 SF/single unit	30FT/80FT	FY: 15 FT. SY: 5 FT. RY: 15 FT.	25 FT. 2 Stories	60%	1 Space/ Unit enclosed

<u>Notes:</u>

1.) Front porches (minimum of 5ft. deep, 80 square feet total) may project into front yard area, extending to within 10ft. of the property line. Front porches are required on all residential units.

2.) Rear access garages with side loading may be 3 ft. from side property line and 5 ft. from rear property line or 15ft. with garage doors facing alley or private rear access drive. Except: LOT 1 BLK 5, garage must face street with a minimum front setback of 30'

3.) Corner lots: On-street side yard minimum is 8 ft.

4.) Allowable yard projections: (Front porches – see above)

Horizontal- Roof overhangs, bay windows, canopies 12" Minimum, Balconies 5' (front or rear) Vertical- (above maximum, height), chimneys; 6'; cupolas: 8'; observations towers: 8'

Residential uses - Lot I, Blk 6, Development Standards

TYPE OF REGIDENTIAL	MIN BLDG 6ET BACKS	MAX HEIGHT	MAX BLDGS COVERAGE	PARKING
6FA - C COTTAGE6 CONDO REGIME	15FT. FRONT 15 FT. REAR 10 FT. INTERIOR 6IDE* 5FT. SIDE ADJACENT TO ALLEY 10 FT. BETWEEN BUILDINGS	35 FT. / TWO STORY	70%	I - CAR GARAGE EACH UNIT

NOTE, I, FRONT PROCHES AND/OR SIDE OR REAR PATIOS REQUIRED ON ALL UNITS

- 2. BALCONIES ALLOWED AT FRONT, REAR OR SIDE OF UNITS
- 3,*NEW CONSTRUCTION ON LOT I, BLOCK 6 WILL REQUIRE A MINIMUM SETBACK OF 10 FEET PLUS ONE-FOOT FOR EACH FOOT OF BUILDING HEIGHT OVER 20 FEET WHERE ADJACENT TO A SINGLE FAMILY RESIDENTIAL PROPERTY LINE

Lot 1, Block 7 Development Standards

Outbuilding/	Maximum	Maximum
Storage	Height	Building
Building		Coverage
FY: 5 FT.	25 FT.	60%
SY: 5 FT.	1 Story	
RY: 5 FT.	1	

Notes:

1.) Front porches may project into front setback 5'.

2.) Balconies may project into front and rear set back 5'.

Proposed Street Standards

Street	Design Speed	Classification	ROW	Pavement Width	Curb Type Shoulder	On-Street Parking
Minor Internal	20 MPH	Residential Minor	46 Ft.	23 Ft.	City of New Braunfels Standard Curb	One Side Only
Alley or Private Rear Access Drive	15 MPH	Rear Garage Access way or shared drive	20 - 25 Ft.	16 - 20Ft.	Roll Over & City of New Braunfels Standard Curb	None

NOTES:

1.) Pavement (asphalt) widths include 24" wide concrete curb and gutter section.

2.) Design speed is not the actual speed limit.

<u>Relationship of these PDD standards to other standards and regulations in the City ordinances.</u> Unless specifically described in these regulations, or further described in the Detailed PDD Plan, the applicable provisions of the City's Zoning and Subdivisions Regulations shall apply to the PDD.