

COUNCIL AGENDA ITEM

SUBJECT
MATTER/PROJECT: REZONING OF CERTAIN LOTS IN THE GUADA COMA NEIGHBORHOOD

ORIGINATING DEPARTMENT: PLANNING PRESENTER: FRANK ROBBINS

COUNCIL DATE: May 14, 2007 AGENDA #: 5(D)

AGENDA CAPTION:

SECOND AND FINAL READING OF AN ORDINANCE REZONING CERTAIN LOTS IN AN AREA BOUNDED GENERALLY BY COMAL AVENUE ON THE WEST, GARDEN STREET AND THE COMAL RIVER TO THE NORTH AND EAST, AND HAMPE STREET TO THE SOUTH, FROM "R-2 SINGLE & TWO-FAMILY DISTRICT" TO "R-1A-6.6 SINGLE-FAMILY DISTRICT".

APPLICANT/OWNER:

Applicant: City of New Braunfels

Current Owner(s): Various (see notification map)

BACKGROUND:

On April 23d on first reading, Council voted 6 – 1 to approve the ordinance and added one lot to the area to remain R-2.

The area includes about 117 lots. The area is currently zoned "R-2 Single & Two-Family District" and consists predominantly of single family homes.

This area is the fifth to be considered in the neighborhood protection program. All property owners within the proposed zone change area were invited to provide comments and speak to staff and attend a neighborhood meeting which was held on February 21, 2007, to answer questions and receive comments. The result of the meeting was a consensus that those property owners inside the subject area, with lots 8,000 square feet (8,500 for a corner lot) or greater and that are opposed, be taken out of the proposed rezoning area. See attachment 5 for a map of those opposed and in favor of the rezoning to R1A received as of 9:00 AM April 16, 2007.

Staff has been involved with conversations and meetings with a group that is interested in pursuing a duplex townhome project, similar to the two-unit Kamp Kendrick townhomes, on the properties identified as numbers 7 and 8 on the notification map. A rezoning to R-1A-6.6 would not allow the use of the proposed project.

GENERAL INFORMATION:

Case # PZ04/07-1

Size: 4.5 acres

Surrounding Zoning and Land Use:

North - "R-2 Single & Two-Family District", "C-4 Resort Commercial District"/ Single-Family, Multifamily, Resort Commercial

South - "R-2 Single & Two-Family District", "C-2 General Business District"/ Single-Family, Institutional

East - "R-2 Single & Two-Family District" / Single-Family, Institutional, Vacant

Finance: _____

Attachments: _____

Agenda Item #: 5(D)

Council Date: March 26, 2007

West - "C-2 General Business District" / Single-Family,
Commercial

**Comprehensive Plan Future
Land Use Designation:**

Low Density Residential

Improvement(s):

Water and wastewater are provided by NBU

NOTIFICATION:

267 notices were sent to property owners located within 200 feet of the subject property. Twenty-six responses were received favor (#'s 6, 10, 11, 16, 15, 17, 19, 21, 22, 30, 34, 35, 36, 43, 46, 51, 54, 60, 75, 138, 145, 147, 154, 164, 185 and 267), twenty of which are from inside the subject area. Thirty-one responses were received in opposition (#'s 1, 7, 8, 9, 18, 20, 23, 28, 40, 63, 64, 79, 81, 89, 90, 95, 108, 109, 113, 115, 134, 135, 169, 172, 187, 204, 206, 217, 248, 251 and 264), sixteen of which are from inside the subject area. The objection from #20 was received after the public hearing occurred at the Planning Commission meeting. See attachment 5 for the response map. 8.64% of the subject area responded in objection and 8.66% of the notified area within 200' responded in objection.

COMMISSION RECOMMENDATION:

The Planning Commission held a public hearing on April 3, 2007, and recommended approval of the zoning district with the exclusion of all properties that were in object to date, by a vote of 8-0-0.

STAFF RECOMMENDATION:

Staff recommended approval of the rezoning with the exception of the following properties:

<u>Address</u>	<u>Map Number</u>
439 Comal Avenue	1
511 Comal Avenue	7
539 Comal Avenue	8
545 Comal Avenue	9
106 Guada Coma	18
90 & 92 Comal Circle	23
84 Guada Coma	25
78 Guada Coma	28
641 Ashmore Avenue	40
39 Guada Coma	48
46 Guada Coma	61
42 Guada Coma	63
666 Simon Avenue	89
650 Simon Avenue	90

These lots are in opposition to the zone change, and are 8,000 square feet or greater, which by the R-2 Zoning District requirements are large enough to construct a duplex or two units.

PLANNING COMMISSIONERS AT THE HEARING:

- | | |
|-------------------------|----------------------------------|
| 1. Larry Alexander | 5. Sandy Nolte |
| 2. Cheryl Casteel | 6. Randy Vanstory, Vice Chairman |
| 3. O. Daniel Castillo | 7. Mike Ybarra, Chairman |
| 4. Fred Heimer | |
| 5. Judith Dykes-Hoffman | |

Finance: _____

Attachments: _____

Agenda Item #: _____

Council Date: March 26, 2007

ORDINANCE NO. 2007- 35

AN ORDINANCE REZONING CERTAIN LOTS IN AN AREA BOUNDED GENERALLY BY COMAL AVENUE ON THE WEST, GARDEN STREET AND THE COMAL RIVER TO THE NORTH AND EAST, AND HAMPE STREET TO THE SOUTH, FROM "R-2 SINGLE & TWO-FAMILY DISTRICT" TO "R-1A-6.6 SINGLE-FAMILY DISTRICT".

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 "R-1A-6.6 Single Family 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 Zoning Map by changing the zoning of an area bounded generally by Comal Avenue to the west, Garden Street and the Comal River to the North and East, and Hampe Street to the south, from "R-2 Single & Two-Family District" to "R-1A-6.6 Single Family District";

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

SECTION 1

THAT, Sections 1.2-1 and 1.2-2, Chapter 144 of the New Braunfels Code of Ordinances and particularly the Zoning Map of the City of New Braunfels, are amended by changing the following described tract of land from "R-2 Single & Two-Family District" to "R-1A-6.6 Single Family District":

"Being an area bounded generally by Comal Avenue to the west, Garden Street and the Comal River to the North and East, and Hampe Street to the south, as delineated on Exhibit "A".

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.

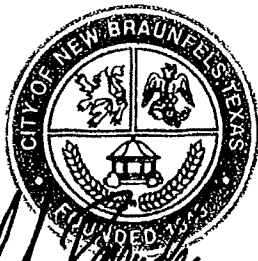
SECTION 5

THIS ordinance will take effect upon the third and final reading of same.

PASSED AND APPROVED: First Reading this 23rd day of April, 2007.

PASSED AND APPROVED: Second and Final Reading this 14th day of May, 2007.

CITY OF NEW BRAUNFELS

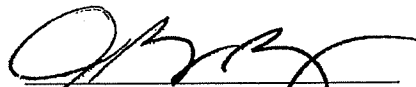


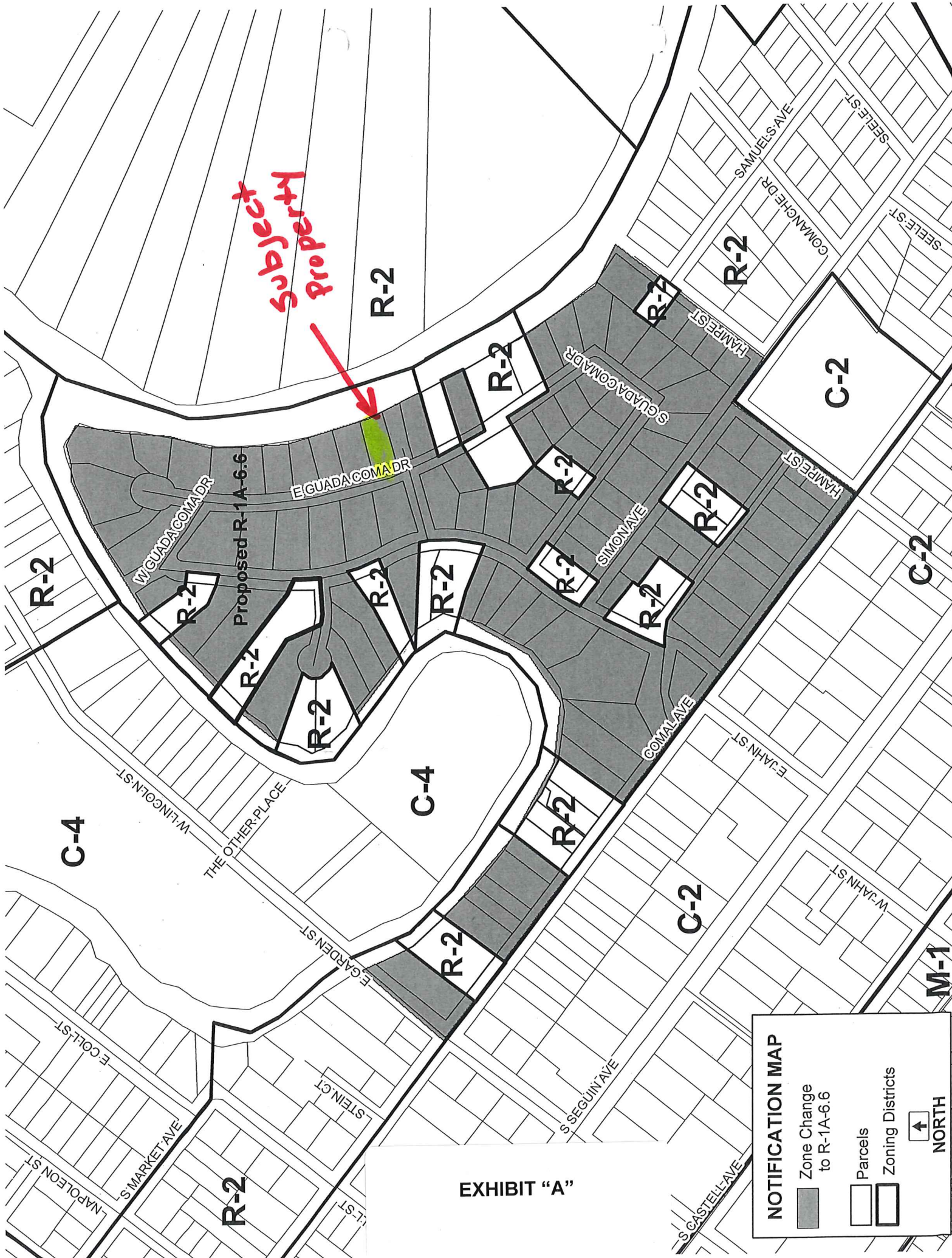
ATTEST:


MICHAEL A. RESENDEZ, City Secretary

APPROVED AS TO FORM:


ALAN WAYLAND, City Attorney


R. BRUCE BOYER, Mayor



Subject Property

EXHIBIT "A"

NOTIFICATION MAP

- Zone Change to R-1A-6.6
- Parcels
- Zoning Districts

NORTH