

## Legislation Details (With Text)

<b>File #:</b>	17-395	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed
<b>File created:</b>	6/13/2017	<b>In control:</b>	City Council
<b>On agenda:</b>	6/26/2017	<b>Final action:</b>	6/26/2017

**Title:** Public hearing and consideration of a resolution amending the 2006 Future Land Use Plan, and consideration of the second and final reading of an ordinance regarding an amendment to Ordinance No. 2017-29, the "Highland Grove" Planned Development District Concept Plan, to remove 11.64 acres from "Highland Grove" Planned Development District (HGPD) and rezone the 11.64 acres and 38.1 acres out of the William H. Pate Survey, Abstract No. 259 and R. Ximenez Survey, Abstract No. 347, Guadalupe County, Texas, from "R-1A-6.6" Single Family District to "Highland Gardens" Planned Development District (HGARDPD), adopting a Concept Plan and associated Development Standards, located on FM 1044.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Aerial, Regional Transportation Plan and Floodplain Map, 2. Applications, 3. Exhibit Map, 4. Current and Amending Highland Grove Concept Plans, 5. Proposed HGARDPD Concept Plan and Development Standards, 6. Zoning and Land Use Maps, 7. Notification List, Map and Responses, 8. Photographs of Subject Property, 9. Ordinance 2017-29, Sec. 3.5 and Sec. 3.4-2, 10. Planning Commission Minutes, 11. Ordinance and Resolution

Date	Ver.	Action By	Action	Result
6/26/2017	1	City Council	approved with staff recommendations	Pass

Presenter

*Christopher Looney, Planning and Community Development Director  
clooney@nbtexas.org*

**SUBJECT:**

Public hearing and consideration of a resolution amending the 2006 Future Land Use Plan, and consideration of the second and final reading of an ordinance regarding an amendment to Ordinance No. 2017-29, the "Highland Grove" Planned Development District Concept Plan, to remove 11.64 acres from "Highland Grove" Planned Development District (HGPD) and rezone the 11.64 acres and 38.1 acres out of the William H. Pate Survey, Abstract No. 259 and R. Ximenez Survey, Abstract No. 347, Guadalupe County, Texas, from "R-1A-6.6" Single Family District to "Highland Gardens" Planned Development District (HGARDPD), adopting a Concept Plan and associated Development Standards, located on FM 1044.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ-17-021 and PZ-17-022\*

**Council District:** 1

**Applicant:** Moeller & Associates (James Ingalls, P.E.)

2021 W SH 46  
Ste 105  
New Braunfels, TX 78132  
(830) 358-7127

**Owners:** Velma Development, LLC (Gordon Hartman)  
1202 Bitters, Bldg 1, Suite 1200  
San Antonio, TX 78216  
(210) 493-2811  
(Highland Grove)

Dirt Dealers XII, Ltd. (Jack Scanio)  
660 Lakefront Ave.  
New Braunfels, TX 78130  
(830) 496-7775

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

**City Council held a public hearing on May 22, 2017 and approved the first reading of the requested rezoning ordinance (6-1-0) with Staff recommendations. This item was postponed at the request of the applicant at the second reading on June 12, 2017 to allow time to address drainage concerns, which might result in additional conditions as necessary.**

- \* Cases PZ-17-021 and PZ-17-022 have been combined into one report and one agenda item to provide a clear description of the requests as they function as a single zoning change.

The Highland Grove Planned Development District is located on the southeast side of Morningside Drive, south of its intersection with Rueckle Road and consists of 228.68 acres. The base zoning district of the HGPD is "R-1A-6.6" Single Family Residential and the permitted use within the district is single family residential. The original Highland Grove PD and Concept Plan were approved in 2006 with five subsequent amendments.

The applicant is currently proposing to amend the HGPD by removing 11.64 acres from the district, which is shown on the current HGPD Concept Plan (Attachment 4) as proposed Unit 11 of the development (Case #PZ-17-021). The only purpose of removing the 11.64 acres from the HGPD is to allow it to be incorporated into another planned development district. There are no other proposed changes to the current HGPD Development Standards.

The property owner south of HGPD proposes to combine the 11.64 acres from the Highland Grove development with his 38.1 acres located immediately to the south and create a separate development to be zoned "Highland Gardens" Planned Development District (HGARDPD). The 38.1 acres will be rezoned from "R-1A-6.6 Single Family District to "Highland Gardens" Planned

Development District and will have access from FM 1044, the future extension of County Line Road, and through the Highland Gardens Subdivision.

A planned development district is a free-standing zoning district designed to provide for the development of land as an integral unit for single or mixed uses in accordance with a City Council approved 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.

The base zoning for the “Highland Gardens” Planned Development District is proposed to be “R-1A-6.6” Single Family District. The residential development standards are proposed to be very similar to the Highland Grove PD Development Standards. A comparison between the R-1-A-6.6 zoning district standards, the Highland Grove PD Development Standards and the proposed Highland Gardens PD Development Standards is provided in the table below:

Standard	HGARDPD	HGPD	R-1A-6.6
Permitted Uses	Single Family Residential	Single Family Residential	Single Family Residential
Min. Lot Area	6,000 sf	6,000 sf	6,600 sf
Min. Lot Depth	120 ft	120 ft	100 ft
Min. Lot Width (interior)	50 ft interior; 60 ft corner	50 ft interior; 60 ft corner	60 ft interior; 70 ft corner
Min. Front Setback	25 ft	25 ft	25 ft
Min. Rear Setback	20 ft	20 ft	20 ft
Min. Side Setback	5 ft interior; 15 ft or 25ft corner	5 ft interior; 15 ft or 25 corner	5 ft interior; 15 ft or 25 corner
Max Building Height	35 ft	35 ft	35 ft
Min. Parking	2 spaces	2 spaces	2 spaces
Min. Landscaping	1 front yard tree; full sod or xeriscape (front & back)	1 front yard tree	N/A
Min. Fence	6 ft masonry wall/fence adjacent to single family residences abutting future FM 1044 extension	6 ft masonry wall/fence adjacent to single family residences abutting future FM 1044 extension; or adequate set-back and/or other sound abatement for noise mitigation	N/A

There is a small FAA approved private airstrip immediately adjacent to the proposed Highland

Gardens PD property to the south. The developer of the Highland Gardens property is providing a clear zone of 75 feet from the center on each side of the airstrip and a note on the Concept Plan stating “no dwelling units or habitable structures will be constructed within an approximate offset of 75 feet of both sides of the existing airstrip centerline”. This 150-foot wide airstrip buffer is delineated and labeled on the Highland Gardens Concept Plan. The 150-foot airstrip buffer will be required to be labeled as an aviation easement on the Highland Gardens Master Plan, Final Plats and Detail Plan(s). The FAA does not regulate approach zones to private airports. The owner of the airstrip wants to be clear to future homeowners of the subdivision that she is not to be blamed for noise or other effects of the existing airstrip.

***General Information:***

***Size:***

Amending HGPD = 211.10 acres

Proposed HGARDPD = Approximately 49.74 acres

***Surrounding Zoning and Land Use:***

North - Across Morningside Drive, MU-B and R-2 / Undeveloped land

South - APD / Single family dwellings and a private aviation runway

East - R-1, Reserve at Mocking Bird Heights PD, APD / Single family homes and undeveloped land

West - APD / Single dwellings, undeveloped land and Enterprise Texas Pipeline facility

***Comprehensive Plan/ Future Land Use Designation:***

The Future Land Use designation of the property is primarily Residential Low Density with a small portion of the proposed Highland Gardens PD adjacent to FM 1044 being designated as Commercial. If the rezoning is approved, Staff recommends a concurrent Future Land Use Plan amendment to change the Commercial land use designation to Residential Low Density.

***Floodplain:***

No portion of the property is located within the 1% annual chance flood zone.

***Regional Transportation Plan:***

The proposed rezoning is in compliance with the City’s Regional Transportation Plan. Morningside Drive is designated as a 90-foot Major Collector and currently has a 60-foot right-of-way width. An additional 15 feet of right-of-way was dedicated with the platting of Units 1 and 6 of Highland Grove that are adjacent to Morningside Drive.

The Regional Transportation Plan includes a proposed 150-foot wide Parkway located along the western boundary of the Highland Grove subdivision that will be constructed as an extension of FM 1044. An extension of County Line Road is also provided on the Regional Transportation Plan and Highland Grove Concept Plan that will be a Minor Arterial with a 90-foot right-of-way width. A Minor Collector with a 60-foot right-of-way width is also planned to be located central to the Highland

Grove subdivision (Water Lane extension). Right-of-way dedication and construction will be required with these roadways as a component of the platting process. Construction of the Minor Collector has been occurring with each recorded plat.

The inclusion of the 11.64 acres into the Highland Gardens development will provide improved traffic circulation as the residential streets will now interconnect and provide desirable connectivity.

*Hike and Bike Trails Plan:*

The City's Hike and Bike Trails Plan includes an off-street hike and bike trail through the property. The best location for the trail will be along the future FM 1044 (Parkway) and then connecting eastward along the future Minor Arterial identified on the Regional Transportation Plan (County Line Road Extension). This trail will be designed and built with the construction of these roadways.

*Parkland Dedication:*

The Highland Grove and Highland Gardens developments are subject to the Parkland Dedication and Development Ordinance. The Highland Grove subdivision contains a 4.9 acre park that is currently under development. The Parks and Recreation Department has reviewed the recreational amenities and is coordinating with the developer to ensure that the ordinance requirements have been met. The Highland Gardens Concept Plan does indicate open space and greenbelt areas as indicated in green on the plan, but does not identify any areas for parkland dedication or improvements. The Parks and Recreation Department staff will review any proposed amenities for credit toward the ordinance requirement. The developer will be required to pay in lieu fees (approximately \$90,000 for 150 lots) or install amenities and pay in lieu fees for parkland dedication prior to recording any final plat.

*Improvement(s):*

Highland Grove has many existing single family dwellings and is approximately 50% built out. The area designated for Highland Gardens is occupied by a small agricultural building and agricultural land.

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

√	Yes	<p><b>City Plan/Council Priority:</b> 2006 Comprehensive Plan <i>Pros and Cons Based on Policies Plan</i></p>	<p><b>Pros: Objective 1A:</b> <i>Evaluate proposed zone changes to maintain land use compatibility, as well as the integration of mixed land uses as a component of achieving better places to live.</i> The subject properties are located in an area that is mostly developed with single family residences or is currently being developed with single family residences. Other surrounding property continues to be in agricultural operation. <b>Goal 1C:</b> <i>Consider rezoning, as necessary, to ensure existing and future land use compatibility.</i> The proposed Highland Grove Concept Plan amendment and Highland Gardens Concept Plan are compatible with the existing residential development and development standards of the Highland Grove Subdivision and proposed Highland Gardens Subdivision. <b>Cons:</b> N/A</p>
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission unanimously recommended approval of the requested PD amendment and rezoning of the 11.64 acres and 38.1 acres from “Highland Grove” PD and “R-1A-6.6” Single Family District to “Highland Gardens” Planned Development District with Staff recommendations at their public hearing on May 2, 2017 (6-0-0) with Commissioners Bearden, Edwards and Nolte absent.

**STAFF RECOMMENDATION:**

Staff recommends the following:

Approval of:

The amendment to Ordinance No. 2017-29, the “Highland Grove” Planned Development District Concept Plan to remove and rezone 11.64 acres from “Highland Grove” Planned Development District to “Highland Gardens” Planned Development District.

Approval of:

The rezoning of 38.1 acres from R-1A-6.6 to “Highland Gardens” Planned Development District with the following conditions:

1. Installation of a solid screening fence or wall by the developer along open spaces, and by the developer and/or home builder along residential lots where adjacent to APD zoned properties.
2. The 150-foot airstrip buffer be labeled as an avigation easement on the Highland Gardens Master Plan, Final Plats and Detail Plan(s). An avigation easement note shall be provided on the Master Plan, Final Plats and Detail Plan(s) stating “no dwelling units or habitable structures will be constructed within an approximate offset of 75 feet both sides of the existing airstrip centerline.”

Approval of:

A Future Land Use Plan amendment of portions of the proposed Highland Gardens PD adjacent to FM 1044 and the future Rueckle Road extension from “Commercial” to “Residential Low Density”,

which would occur with the second reading of the ordinance. This amendment would be consistent with the proposed use of the property and would offer opportunities for staggered land uses along Arterials as opposed to strip commercialization as currently depicted on the Future Land Use Plan.

***Notification:***

Public hearing notices were sent to 256 owners of property within 200 feet of both rezoning cases.

**PZ-17-021 (Highland Grove PD Concept Plan Amendment):**

Staff has received 4 responses in favor (#'s 28, 42, 51 & 178) and 5 opposed (#'s 11, 49, 52, 54, & 120).

**PZ-17-022 (Highland Gardens PD):**

Staff has received 4 responses in favor (#'s 28, 42, 51 & 178) and 5 opposed (#'s 11, 49, 52, 54, & 120). Opposition represents 30% of the notification area. With objection in excess of 20%, a  $\frac{3}{4}$  majority of City Council (6 votes) is required for approval of the requested rezoning.

Some responses include concerns about maintaining the fencing that is currently in place to help contain livestock. Staff suggests the developer and home builders be required to provide a solid screening wall or fence adjacent to the properties zoned APD to help minimize possible interference between the existing agricultural properties and the proposed residential development. Other common concerns include drainage, traffic and water supply.

**Attachments:**

1. Aerial, Regional Transportation Plan and Floodplain Map
2. Applications
3. Exhibit Map,
4. Current Highland Grove PD Concept Plan, Proposed Amending Highland Grove PD Concept Plan
5. Proposed Highland Gardens PD Concept Plan and Development Standards
6. Zoning Map and Land Use Maps
7. Notification List, Notification Map and Notification Responses
8. Photographs of Subject Property
9. Ordinance No. 2017-29 (Highland Gardens PD), Sec. 3.5 Planned Development Districts and Sec. 3.4-2 "R-1A" Single Family District
10. Resolution and Ordinance