

## Legislation Details (With Text)

<b>File #:</b>	19-173	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Consent Item Ready
<b>File created:</b>	2/26/2019	<b>In control:</b>	City Council
<b>On agenda:</b>	3/11/2019	<b>Final action:</b>	

**Title:** Approval of the second and final reading of an ordinance regarding the proposed rezoning of 97.27 acres out of the J S Johnson Survey, Abstract 190 and 91.422 acres out of the Sarah Dewitt Survey, Abstract 103, located north of the terminus of Sunshine Lane, southeast of the Legend Pond Subdivision and surrounding property addressed at 910 W. Zipp Rd., from "R-1A-6.6" Single Family District, "APD" Agricultural/Pre-Development District and Zipp Meadows Planned Development District to "ZH-A" Zero Lot Line Home District.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Aerial and Regional Transportation Map, 2. Land Use Maps, 3. Notification List and Map, 4. Photograph, 5. Zoning Ordinances, 6. Draft Planning Commission Meeting Minutes, 7. Ordinance

Date	Ver.	Action By	Action	Result
3/11/2019	1	City Council		

Presenter

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

**SUBJECT:**

Approval of the second and final reading of an ordinance regarding the proposed rezoning of 97.27 acres out of the J S Johnson Survey, Abstract 190 and 91.422 acres out of the Sarah Dewitt Survey, Abstract 103, located north of the terminus of Sunshine Lane, southeast of the Legend Pond Subdivision and surrounding property addressed at 910 W. Zipp Rd., from "R-1A-6.6" Single Family District, "APD" Agricultural/Pre-Development District and Zipp Meadows Planned Development District to "ZH-A" Zero Lot Line Home District.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ-18-050

**Council District:** 2

**Owners** Schumzipp LLC / Schumacher Rentals LLC  
333 Schum Zipp Lane  
New Braunfels, TX 78130

**Applicant:** Fred Heimer - Agent  
130 S. Seguin Ave.  
New Braunfels TX, 78130  
(210) 913-8720

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

**City Council held a public hearing on February 25, 2019 and approved the first reading of this requested rezoning.**

The approximately 190 acre, L-shaped subject property is unplatted and is occupied by one home. It has approximately 1,600 feet of frontage along W. Zipp Road and is adjacent to, and southeast of, the Legend Pond Subdivision on the southern edge of the city limits. The applicant is requesting the property be rezoned from “R-1A-6.6” Single Family District (41 acres), “APD” Agricultural/Pre-Development District (135 acres) and Zipp Meadows Planned Development District (13 acres) to “ZH-A” Zero Lot Line Home District.

The Zipp Meadows Planned Development District was adopted by City Council in 2007 as a 50-lot single-family residential neighborhood with minimum 50-foot lot widths. The adjacent 41 acres was rezoned R-1A-6.6 at the same time. The Zipp Meadows Master Plan comprised both the PD and R-1A 6.6 areas for a total of 203 lots. The developer chose not to move forward, though, and their master plan has since expired.

ZH-A would allow for the development of a single family subdivision with lots that are a minimum of forty feet wide and 100 feet deep, with a minimum lot area of 4,000 square feet. Zero-lot line homes (a.k.a. patio homes/garden homes) with a 10-foot setback on one side/zero on the other, are allowed in ZH-A, as well as are homes with typical 5-foot side setbacks on both sides. The developer must determine at time of platting which setbacks, or home type mix, are to be developed.

**General Information:**

*Surrounding Zoning and Land Use:*

- North - Legend Pond PD (42-foot to 45-foot minimum lot widths)/ Subdivision under construction, New Braunfels Middle School
- South - APD and outside city limits / Single-family residences; undeveloped
- East - APD, then outside city limits across W. Zipp Rd. / Single-family residences and undeveloped
- West - Outside city limits / Undeveloped

*Floodplain:*

A portion of the northwestern side of the subject property is located within the 100-year floodplain.

*Regional Transportation Plan:*

The extension of W. Zipp Road and additional segments of proposed 60-foot wide Minor Collectors are identified on the subject property. A portion of the right-of-way for the extension of W. Zipp Road was dedicated with the Legend Pond Subdivision. Additional right-of-way dedication, roadway construction and/or mitigation measures will be reviewed for compliance with code requirements with the platting of the subject property.

*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 zoning would allow more dense residential that*

*what would be allowed with the property's present zoning, but would be compatible with neighboring single-family development, and consistent with density of new subdivisions on the edges of town.);*

- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area *(The adequacy of public facilities and utilities to serve the additional demand is evaluated by each provider. NBISD and utility providers have been notified of the request. Impact to streets is noted in the Transportation section above.);*
- How other areas designated for similar development will be affected *(The proposed rezoning should not negatively affect other areas designated for similar development; continued suburban style single-family detached residential development of the vacant tracts along the edges of the City will contribute to increased infrastructure and utility demands.);*
- Any other factors that will substantially affect the public health, safety, morals, or general welfare. *(Drainage, utilities and traffic impact will be reviewed and addressed through the platting and permitting processes.);* and
- Whether the request is consistent with the Comprehensive Plan. *(The subject property lies within the Walnut Springs Sub Area and is near an existing Education Center.)*

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

<p><b>City Plan/Council Priority:</b> Envision New Braunfels</p>	<p><b>Action 3.3:</b> <i>Balance commercial centers with stable neighborhoods. Action 3.13:</i> <i>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.</i></p>
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on February 5, 2019 and recommended approval (7-1-0).

**STAFF RECOMMENDATION:**

The proposed zoning is consistent with existing and developing surrounding neighborhoods, including the adjacent Legend Pond PD. ZH-A would allow development of a variety of small lot single-family housing types for a walkable neighborhood in close proximity to the New Braunfels Middle School (the future new Ninth Grade Center - 2021). Therefore, staff recommends approval.

**Notification:**

Public hearing notices were sent to 20 owners of property within 200 feet, and the City has received no responses.

**ATTACHMENTS:**

1. Aerial and Regional Transportation Plan Map
2. Land Use Maps
3. Notification List and Map
4. Photograph
5. Ordinances:

- Sec. 3.4-1 "APD" Agricultural/Pre-Development District
  - Sec. 3.4-2 "R-1A-6.6" Single-Family District
  - Zipp Meadows Planned Development District (Ord. 2007-84)
  - Sec. 3.4-9 "ZH-A" Zero Lot Line Home District
6. Planning Commission Meeting Draft Minutes
  7. Ordinance