

## Legislation Text

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File #: 20-251, Version: 1

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Presenter

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

**SUBJECT:**

Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 80.16 acres out of the A.M Esnaurizar Eleven League Grant, Abstract No. 20, located southeast of the 700 block of Saengerhalle Road, from "APD" Agricultural/Pre-Development District to "R-1A-4" Single-family Small Lot Residential District, previously proposed to be "ZH-A" Zero Lot Line Home District.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ20-0021

**Council District:** 2

**Applicant:**

Tom Yantis

Mosaic Development  
6812 West Avenue, Suite 100  
San Antonio, TX 78213  
(210) 764-9575  
tom@mosaiclanddevelopment.com

**Owners:**

Tyler Timmermann and Sidney

Timmermann  
1865 Zion Hill Road  
Seguin, TX 7155

**Staff Contact:**

Matthew Simmont, AICP  
(830) 221-4058  
msimmont@nbtexas.org

The subject property is located southeast of Saengerhalle Road and adjacent to Saengerhalle Estates and Cap Rock, Unit 3 Subdivisions. The property is currently in agricultural production. ZH-A allows low density single-family residential development with lots that are a minimum of 40 feet wide and 100 feet deep. Garden/Patio homes are permitted with a zero-foot side setback on one side and 10-foot on the other; or homes with traditional 5-foot side setbacks on both sides.

In anticipation of City Council approving the new small lot residential zoning district, the applicant revised their request to rezone the subject property to R-1A-4. The lot size and overall density allowed by R-1A-4 and ZH-A are essentially the same; however, R-1A-4 does not allow a zero setback option, a development style that is often concerning to surrounding neighbors. The applicant states R-1A-4 is more in line with the intent of the proposed development.

**Surrounding Zoning and Land Use:**

North - R-2A & R-1A-6.6 / Saengerhalle Road, Single family and duplex residences

South - APD / Undeveloped

East - APD / Undeveloped

West - APD and M-1A / Single family residence, undeveloped and industrial use

**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 (*Smaller lots would be compatible with the neighboring single family and duplex developments, and consistent with new subdivisions on the edges of the city.*)
- 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. CISD has been notified of the request.*);
- How other areas designated for similar development will be affected (*The proposed zoning change should not impact other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*None identified. Drainage, utility and traffic impact issues will be reviewed and addressed through the platting process.*); and
- Whether the request is consistent with the Comprehensive Plan (*The subject property is situated near existing and future Civic and Market Centers in the Oak Creek Sub Area.*)

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

<b>City Plan/Council Priority:</b> Envision New Braunfels Comprehensive Plan	<b>Action 1.3:</b> Encourage balanced and fiscally responsible land use patterns. <b>Action 3.13:</b> 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.
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on March 3, 2020 and recommended approval (5-0-2) with Commissioner Mathis and Commissioner Meyer in opposition.

**STAFF RECOMMENDATION:**

Staff recommends approval. ZH-A or the new R-1A-4 district at this location will allow opportunities for lot size and housing type variety that would be compatible with new neighboring developments and consistent with residential development on the edge of the city.

**Notification:**

Public hearing notices were sent to 43 owners of property within 200 feet. The City has received three responses (#24, 25 & 42) in opposition.

**Attachments:**

1. Aerial Map
2. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
3. Notification List, Map and Responses
4. Zoning Sections
  - Sec. 3.4-1 APD
  - Sec. 3.4-9 ZH-A
5. Planning Commission Meeting Draft Minutes
6. Ordinance