

## Legislation Details (With Text)

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<b>File #:</b>	17-371	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Held
<b>File created:</b>	6/1/2017	<b>In control:</b>	City Council
<b>On agenda:</b>	6/26/2017	<b>Final action:</b>	
<b>Title:</b>	Public hearing and consideration of the first reading of an ordinance regarding the proposed rezoning of approximately 74 acres comprising a 60.579 acre tract out of the A-20, A M Esnaurizar Survey, addressed at 1584 and 1568 Weltner Road, and the 13.421 acre Countryville Subdivision, from "APD" Agricultural/Pre-Development District and "R-1A-6.6" Single-Family District to Weltner Farms Planned Development District (WFPD).		

**Sponsors:****Indexes:****Code sections:**

**Attachments:** 1. Aerial & RTP, 2. Application & Narrative, 3. Current Master Plan, 4. Zoning, Land Use & Future Land Use Maps, 5. Notification, Map & Responses, 6. Photograph of Subject Property, 7. Sec. 3.5 Planned Development Districts, 8. Draft Minutes for Planning Commisison 6-6-17, 9. Ordinance

Date	Ver.	Action By	Action	Result
6/26/2017	3	City Council	postponed	Pass

Presenter

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

**SUBJECT:**

Public hearing and consideration of the first reading of an ordinance regarding the proposed rezoning of approximately 74 acres comprising a 60.579 acre tract out of the A-20, A M Esnaurizar Survey, addressed at 1584 and 1568 Weltner Road, and the 13.421 acre Countryville Subdivision, from "APD" Agricultural/Pre-Development District and "R-1A-6.6" Single-Family District to Weltner Farms Planned Development District (WFPD).

**BACKGROUND / RATIONALE:**

**Case No.:** PZ-17-024

**Council District:** 2

**Applicant:** Scanio Development, John Scanio  
660 Lakefront Avenue  
New Braunfels, TX 78130  
(210) 496-7775

**Owners:** Weltner Land Ventures, LLC, John Scanio  
18618 Tuscany Stone Drive, Suite 210  
San Antonio, TX 78258  
(210) 723-1693

Nolte Land & Dev. Co.  
Melvin Nolte, Jr.  
175 N. Market Avenue  
New Braunfels, TX 78130  
(830) 625-7306

**Agent:** Moeller & Associates  
James Ingalls  
2021 State Highway 46 West  
New Braunfels, TX 78130  
(830) 358-7127

**Staff Contact:** Benjamin Campbell, Planner  
(830) 221-4056  
bcampbell@nbtexas.org

The subject property is located on Weltner Road less than half-a-mile east of State Highway 46 South. It is on the edge of the city limits between Clear Springs and Seguin in an area popular for new home development. The property is occupied by two homes and several outbuildings; it has been used agriculturally. The current zoning is "R-1A-6.6" Single-Family District and "APD" Agricultural/Pre-Development District.

A Master Plan for Weltner Farms was approved by the Planning Commission on October 5, 2016 (Attachment 3). This plan covered a smaller area than the proposed planned development district (61.0 acres rather than 74.25 acres). The 61 acres included in the master plan plus a 1-acre adjacent lot were rezoned to R-1A-6.6 from APD on July 11, 2016.

The applicant is requesting to rezone the property to Weltner Farms Planned Development District (WFPD) with a base district of "R-1A-6.6" Single-Family District. The primary difference between the base district and the proposed planned development district is the inclusion of 180, 45-foot wide lots with a minimum size of 4,500 square feet (Area 1 on the Concept Plan Map - Attachment 2). The remainder of the 107 lots will be a minimum of 60 feet wide with a minimum size of 6,600 square feet (Area 2 on the Concept Plan Map - Attachment 2). All setbacks will be the same as R-1A-6.6.

<i>Land Use:</i>	Area 1 (Single Fam.) - 45' Lot	Area 2 (Single Fam.) - 60' Lot	Existing R-1A-6.6	Existing APD
<i>Base Zoning:</i>	R-1A-6.6	R-1A-6.6	-	-
<i>Total Number of Acres:</i>	35.27	38.98	61.041	13.368
<i>Open Spaces/Drainage/Un-encumbered Greenspace Acreage:</i>	8.35 acres		-	-
<i>Easement Acreage:</i>	6.94 acres		-	-

<i>Maximum Number of Buildable Lots:</i>	180	107	219 (approximate number of units)	21 (approximate number of units)
<i>Minimum Lot Width:</i>	45 Feet Wide (55 Feet Corner)	60 Feet Wide (70 Feet Corner)	60 Feet	100 Feet
<i>Minimum Lot Depth:</i>	100 Feet	100 Feet	100 Feet	100 Feet
<i>Typical Lot Depth:</i>	120 Feet	120 Feet	N/A	N/A
<i>Minimum Lot Area:</i>	5,400 Square Feet	6,600 Square Feet	6,600 Square Feet	15,000 Square Feet
<i>Minimum Front Setback:</i>	25 Feet	25 Feet	25 Feet	25 Feet
<i>Minimum Side Setback:</i>	5 Feet	5 Feet	5 Feet	10 Feet
<i>Minimum Side Setback (Corner):</i>	15 Feet	15 Feet	15 Feet	15 Feet
<i>Minimum Side Setback (Rear Lot Line Abuts Side Lot Line Adjacent to Street):</i>	25 Feet	25 Feet	25 Feet	25 Feet
<i>Minimum Rear Setback:</i>	20 Feet	20 Feet	20 Feet	30 Feet
<i>Minimum Living Area:</i>	1,400 Square Feet	1,700 Square Feet	N/A	N/A
<i>Maximum Building Area:</i>	12,000 Square Feet	12,000 Square Feet	N/A	N/A
<i>Minimum Garage:</i>	2 Car Garage	2 Car Garage	Space for 2 cars on property	Space for 2 cars on property
<i>Minimum Landscaping:</i>	Full Sod (front & back) or Xeriscaping & 2 (2" trees)	Full Sod (front & back) or Xeriscaping & 2 (2" trees)	N/A	N/A
<i>Maximum Building Height:</i>	35 Feet	35 Feet	35 Feet	35 Feet
<i>Access Road:</i>	Internal Streets	Internal Streets	N/A	N/A

The majority of this property lies within the Airport Hazard Zoning Overlay District. Approximately 32.7 acres of Weltner Farms falls within the Approach 2 Zone where residential densities are prohibited from exceeding 3 dwelling units per acre. Approximately 35.5 acres falls within the Approach 3 Zone where residential densities are prohibited from exceeding 6 dwelling units per acre. The remainder of the development, approximately 6.1 acres, falls outside of the Airport Hazard Overlay for land use (Attachment 4 - Zoning Map).

The applicant proposes to limit their WFPD residential density in Approach 2 Zone to 2.99 units per acre and in Approach 3 Zone to 4.35 units per acre. If this rezoning request is approved, this density

will be verified at the time of platting.

Additional development standards include the following requirements per lot: a two-car garage, sod or xeriscaping, and two trees. The applicant has indicated they will also construct an amenity center.

**General Information:**

Size: 74.25 acres

**Surrounding Zoning and Land Use:**

Northwest (across Weltner Road) - Outside of City Limits - Agricultural

Northeast - Outside of City Limits - Agricultural

Southeast - Outside of City Limits - Agricultural &

PD (Avery Park) / Residential - Single-Family Residential

Southwest - APD / Agricultural - Agricultural

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

Residential - Low Density Residential

**School District:** Comal ISD

**Floodplain:** No portion of the property is within the 1% annual chance flood zone.

**Improvement(s):** Two single-family houses & several agricultural outbuildings

**Regional Transportation Plan:**

Weltner Road is dedicated as a 60-foot wide Minor Collector. The current right-of-way is 50 feet wide and 5 feet will be dedicated at the time of platting.

**Hike & Bike Trails Plan:**

There are no designated paths within the boundaries of this development.

**Parkland Dedication:**

This development is subject to the Parkland Dedication and Development Ordinance. The development will be required to pay dedication and development fees of \$600 for the each residential lot prior to recording the final plat.

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

	Yes	<b>City Plan/Council Priority:</b> 2006 Comprehensive Plan <i>Pros and Cons Based on Policies Plan</i>	<b>Pros:</b>  <b>Objective 1A:</b> 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.
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		<p>The subject property is located in an area that is adjacent to single-family residences or designated as low density residential on the Future Land Use Plan. The proposed zoning limits the density beneath the Airport Hazard Overlay to less than 3 units/acre in Approach 2 Zone and to less than 6 units/acre in Approach 3 Zone.</p> <p><b>Goal 1C:</b> <i>Consider rezoning, as necessary, to ensure existing and future land use compatibility.</i></p> <p>The proposed Weltner Farms Concept Plan is compatible with the Future Land Use Plan category of Low Density Residential.</p> <p><b>Cons:</b></p> <p>None.</p>
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### **FISCAL IMPACT:**

N/A

### **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 property is bordered on three sides by agricultural property. On the fourth side there is more agricultural property and the Avery Park neighborhood. The property is designated as residential on the Future Land Use Plan.*);
- 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 residential use of the property should not conflict with existing and proposed streets, water supply, sanitary sewer and other utilities in the area. Pursuant to state statute, Comal ISD was notified of this rezoning request.*);
- How other areas designated for similar development will be affected (*Weltner Farms will connect to Avery Park at Bitters Lane. Other street projections to surrounding, unplatted property will be addressed at the time of the master plan. Five-feet of right-of-way will be dedicated along Weltner Road per the Regional Transportation Plan which designates Weltner Road as a Minor Collector with a minimum R-O-W of 60 feet (the R-O-W is currently 50 feet wide.)*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*The use of this property as single-family residential should not have a detrimental impact on the public health, safety, morals or general welfare of the nearby property or of the City as a whole.*); and
- Whether the request is consistent with the Comprehensive Plan. (*The request is consistent with the Future Land Use Plan designation of the property as Residential Low Density.*)

### **COMMITTEE RECOMMENDATION:**

On June 6, 2017, the Planning Commission recommended approval of the applicant's requested zoning change and the applicant's additional request for the minimum living area to be changed from 1,600 square feet for both areas to:

- 1,400 square feet for the 45-foot wide lots, and
- 1,700 square feet for the 60-foot wide lots.

(7-0-0) Commissioner Nolte recused; Commissioner Bearden was absent.

**STAFF RECOMMENDATION:**

Staff recommends approval of the requested zoning change to Weltner Farms Planned Development District with the applicant's additional revision noted above and as recommended by the Planning Commission. The property and the surrounding area are designated as low density residential on the Future Land Use Plan and the planned development district ensures that the densities will comply with the Airport Hazard Zoning Overlay.

***Notification:***

Public hearing notices were sent to 43 owners of property within 200 feet of the subject site. A notice was also sent to the Comal Independent School District. Staff has received no responses in favor and three responses in objection (#3, 31 & 35) representing 40.9% of the territory within 200 feet. As the percentage of the notified property in objection exceeds 20%, a  $\frac{3}{4}$  supermajority vote of City Council is required for approval.

***Attachments:***

1. Aerial & Regional Transportation Plan Map
2. Application & Narrative
3. Current Master Plan
4. Zoning Map, Existing Land Use Map & Future Land Use Plan Map
5. Notification, Map & Responses
6. Photograph of Subject Property
7. Sec. 3.5 Planned Development Districts
8. Draft Minutes from the June 6, 2017 Planning Commission Meeting
9. Ordinance