

Legislation Details (With Text)

File #:	17-796	Name:	
Type:	Ordinance	Status:	Individual Item Ready
File created:	11/28/2017	In control:	City Council
On agenda:	12/11/2017	Final action:	
Title:	Public hearing and consideration of the first reading of an ordinance regarding the proposed rezoning of 9.27 acres out of Lot 1, Block 1, Starlight Terrace, Unit 2, located within the Live Oak Mobile Home Community on Ashberry Avenue, from "M-1" Light Industrial District to "B-1B" Manufactured Home Park District.		

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

Attachments: 1. Aerial, Regional Transportation Plan and Floodplain Map, 2. Application, 3. Survey of Subject Property, 4. Zoning and Land Use Maps, 5. Notification List, Notification Map and Response, 6. Photographs of Subject Property, 7. Sec. 3.4-6 "B-1A" Manufactured Home Park District, 8. Excerpt from the Planning Commission Meeting Minutes of November 7, 2017, 9. Ordinance

Date	Ver.	Action By	Action	Result
12/11/2017	1	City Council		

Presenter

Stacy Snell, Planning and Community Development Assistant Director
ssnell@nbtexas.org

SUBJECT:

Public hearing and consideration of the first reading of an ordinance regarding the proposed rezoning of 9.27 acres out of Lot 1, Block 1, Starlight Terrace, Unit 2, located within the Live Oak Mobile Home Community on Ashberry Avenue, from "M-1" Light Industrial District to "B-1B" Manufactured Home Park District.

BACKGROUND / RATIONALE:

Case No.: PZ-17-044

Council District: 1

Owner/Applicant: Bavarian Village, Inc. (Barbara Wrobel)
1021 Ashberry Avenue
New Braunfels, TX 78130
(210) 771-6291

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

This agenda item was postponed from City Council's November 27, 2017, meeting at the

applicant's request.

The subject property comprises 9.27 acres on Ashberry Avenue within the Live Oak Mobile Home Community on Live Oak Avenue, is zoned M-1 and is currently undeveloped. The Live Oak Mobile Home Community consists of a total of approximately 67 acres with the 9.27-acre subject parcel as the last remaining parcel within the neighborhood to be developed.

New Braunfels' Zoning Ordinance permits HUD Code manufactured home parks only in the "B-1B" Manufactured Home Park zoning district. Prior to the 2012 Zoning Ordinance amendment, HUD Code manufactured or mobile home parks were allowed in the "M-1" Light Industrial zoning district. The existing neighborhood has been developed in phases in compliance with the pre-2012 Zoning Ordinance standards.

An overall site plan encompassing the entire 67 acres was never processed for approval, which is why the 9.27 acre parcel is subject to the regulations in place today. Therefore, the owner of the Live Oak Mobile Home Community is requesting a zoning change from M-1 to B-1B to allow development of manufactured home sites to complete the community. Other options for the applicant include application for a Special Use Permit (SUP) to allow the manufactured homes in the M-1 District; or, an application for a Special Exception to expand a non-conforming use, which is decided by the Zoning Board of Adjustment.

The "B-1B" Manufactured Home Park District is intended to recognize that certain areas of the City are suitable for manufactured home parks on a single tract of land under one ownership wherein spaces are leased for the placement of manufactured homes. On-site amenities such as recreation and green areas, vehicle parking and storage areas should be provided (see Attachment 9 for list of permitted uses).

Floodplain:

The entire subject property is in Special Flood Hazard Area Zone AE (100-year floodplain). Any habitable structures built/placed within the 100-year floodplain are required to have the lowest habitable floor of the structure elevated a minimum of 2 feet above the 100-year Base Flood Elevation (BFE). The BFE for the site is approximately 641.5 feet with site elevation contours ranging between 634 feet and 639 feet above mean sea level (msl), which would result in a 4.5-foot to 9.5-foot elevation increase.

All mechanical, electrical and plumbing equipment must also be elevated a minimum of 2 feet above the BFE, or be designed to be flood resistant. All structures are required to be constructed and anchored to prevent flotation, collapse or lateral movement of the structure resulting from the hydrodynamic and hydrostatic loads, including the effect of buoyancy. Additionally, the development will have to demonstrate there will be zero impact upstream or downstream. **Regardless of the zoning of the property, building permits will not be issued until and unless these mitigation measures are undertaken.**

General Information:

Size: = 9.27 acres

Surrounding Zoning and Land Use:

North - M-1 / Single family home and agricultural

South - M-1 / Mobile home park (manufactured home residences and storage buildings)

East - Across Ashberry Ave., M-1 / Mobile home park (manufactured home residences and amenity center)

West - M-1 / Undeveloped

Comprehensive Plan/ Future Land Use Designation:

Low Density Residential

Regional Transportation Plan:

There are no proposed thoroughfares within or adjacent to the subject property.

Improvement(s):

Undeveloped

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 subject property is located within the boundaries of the existing mobile home park and is compatible with the surrounding uses; however, the property is also located within the 1% chance annual flood zone. Although residential uses are permitted within the 1% chance annual flood zone when in compliance with the requirements of Chapter 58, Floods, the placement of residential structures within the 1% annual chance flood zone is generally discouraged.*);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*There do not appear to be any conflicts with these elements.*)
- How other areas designated for similar development will be affected (*There should be no negative effects on other properties in the area designated for similar development as development of these properties will be required to follow the City's development standards.*)
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*None; development of the property will be in compliance with development requirements.*) and
- Whether the request is consistent with the Comprehensive Plan. (*While the density of the requested zoning district is consistent with Low Density Residential, the Future Land Use Plan also has a land use category of Manufactured Homes. Therefore, the proposed zoning district is not consistent with the Future Land Use Plan. If the rezoning is approved, Staff recommends a concurrent Future Land Use Plan amendment to Manufactured Homes with the second and final reading of the ordinance by City Council.*)

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

✓	Yes	City Plan/Council Priority: 2006 Comprehensive Plan Pros and Cons Based on Policies Plan	<p>Pros: Goal 1: Objective 1A: <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 proposed use of the subject property is consistent with the existing use of the remainder of the development within the neighborhood. Goal 17: Objective C: <i>Consider innovative site built homes and manufactured housing as potential sources of low and moderate income housing.</i> Approximately 63 manufactured home sites are proposed to be developed on the property. Cons: Goal 13: Objective D: <i>Acquire or set aside as much land as possible along the Guadalupe and Comal Rivers, and creeks within the 100-year flood plain and develop that land as greenbelts for public attraction.</i> The entire subject property is within the 100-year floodplain and is requested to be developed with residences. Goal 33: Objective B: <i>Regulate development within tributary watersheds that affect the 100-year floodplain to maintain the regulatory floodway and restrict filling and encroachment within the floodplain.</i> The entire subject property is located within the 100-year floodplain. Development of the subject property must comply with the Flood Damage Prevention Ordinance (Chapter 58) (see Floodplain section above)</p>
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on November 7, 2017, and recommended approval of the request (7-0-0), with Commissioners Laskowsky and Sonier absent.

STAFF RECOMMENDATION:

Staff recommends approval of the request, as B-1B is compatible with surrounding land uses, while the present M-1 is less compatible; and it addresses objectives of the Comprehensive Plan. Development within the floodplain is allowed when constructed in accordance with the standards of Chapter 58, Floods. If development does not comply, building permits cannot be issued, regardless of the zoning of the property. Staff also recommends a concurrent Future Land Use Plan amendment from Low Density Residential to Manufactured Homes with the second and final reading of the rezoning ordinance.

Notification:

Public hearing notices were sent to 2 owners of property within 200 feet of the subject property. The Planning Division has received no responses in favor and one opposed (#2). Opposition represents 21% 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 rezoning request.

ATTACHMENTS:

1. Aerial, Regional Transportation Plan and Floodplain Map
2. Application
3. Survey of Subject Property
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5. Notification List, Notification Map and Response
6. Photographs of Subject Property
7. Sec. 3.4-7 "B-1B" Manufactured Home Park District
8. Excerpt from the Planning Commission Meeting Minutes of November 7, 2017
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