

Legislation Details (With Text)

File #: 17-848 **Name:**

Type: Ordinance **Status:** Consent Item Ready

File created: 12/28/2017 **In control:** City Council

On agenda: 1/22/2018 **Final action:**

Title: Approval of the second and final reading of an ordinance regarding the proposed amendment to Ordinance No. 2017-43, the "Highland Gardens" Planned Development District Concept Plan, located on FM 1044, south of the Highland Grove Subdivision.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Aerial, Regional Transportation Plan and Floodplain Map, 2. Application, 3. Current Highland Gardens PD Concept Plan, 4. Proposed Amending Highland Gardens Concept Plan, 5. Zoning and Land Use Maps, 6. Notification List, Notification Map and Response, 7. Photographs of Subject Property, 8. Ordinance No. 2017-43 (Highland Gardens PD), 9. Proposed Highland Gardens Master Plan, 10. Sec. 3.5 Planned Development Districts, 11. Excerpt from Planning Commission 12-5-17 Regular Meeting, 12. Ordinance

Date	Ver.	Action By	Action	Result
1/22/2018	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 amendment to Ordinance No. 2017-43, the "Highland Gardens" Planned Development District Concept Plan, located on FM 1044, south of the Highland Grove Subdivision.

BACKGROUND / RATIONALE:

Case No.: PZ-17-045

Council District: 1

Applicant: Moeller & Associates (James Ingalls, P.E.)
2021 W SH 46, Ste 105
New Braunfels, TX 78132
(830) 358-7127

Owners: 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 January 8, 2018 and unanimously approved the first reading of the requested rezoning ordinance with staff recommended conditions as presented (7-0-0).

Planned Developments (PDs) are intended to provide developers and opportunity for creative neighborhood designs with alternative options not typically allowed in base zoning districts. New Braunfels' PD process includes two steps: 1) Consideration of a "Concept Plan" by the Planning Commission and City Council via the rezoning process; and then 2) consideration of a consistent "Detail Plan" by the Planning Commission. After step 1, the zoning is technically changed, however only after the Detail Plan is approved by the Planning Commission can the developer proceed to the next step which is often the Master Plan or Subdivision Platting stage.

The 55.48-acre "Highland Gardens" Planned Development District (HGARDPD) Concept Plan was approved by City Council in June, 2017. It is located on the west side of FM 1044, south of the Highland Grove Subdivision. The base zoning district of the HGARDPD is "R-1A-6.6" (Single Family Residential) with residential being the permitted use.

The currently adopted HGARDPD Concept Plan includes the entire proposed street network. However, when the Detail Plan and Master Plan were subsequently submitted in August, 2017, the proposed collector alignment was not functional as a Collector as there were too many off-set intersections. Off-sets are encouraged, usually with Local streets, when the goal is to calm traffic; however, a Collector is to be designed to efficiently *collect* traffic from a neighborhood to nearby arterials.

To resolve, the applicant has submitted this amending Concept Plan which removes the internal local street network and adds in a revised Collector. The associated Master Plan was approved at the January 9, 2018 Planning Commission meeting. This Master Plan includes a revised internal street network in its entirety (see attachments). Staff's preliminary review of the revised street layout on the revised Detail Plan and Master Plan is favorable, but will still need to be approved by the Public Works Department and TxDOT.

The applicant is not proposing any changes to the HGARDPD Development Standards.

General Information:

Size: 55.48 acres

Surrounding Zoning and Land Use:

North - "Highland Grove" PD / Single family dwellings

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

East - Across FM 1044, APD / Single family dwellings and agricultural land
West - APD / Undeveloped land

Comprehensive Plan/ Future Land Use Designation:

The Future Land Use designation of the property is Residential Low Density.

Floodplain:

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

Regional Transportation Plan:

A proposed 220-foot wide Parkway is located along the western boundary of the proposed subdivision that will be constructed as a future extension of FM 1044. An extension of County Line Road as a Minor Arterial with 120 feet of right-of-way width is also adopted on the Regional Transportation Plan and illustrated on the applicant's proposed plan. The aforementioned Minor Collector with a 60-foot right-of-way width is planned to be located central to the Highland Gardens subdivision.

Improvement(s):

A small agricultural building and agricultural land.

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

✓	Yes	City Plan/Council Priority: 2006 Comprehensive Plan <i>Pros and Cons Based on Policies Plan</i>	Pros: 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 subject property is located in an area that is mostly developed with single family residences or is currently being developed with single family residences. Goal 1C: <i>Consider rezoning, as necessary, to ensure existing and future land use compatibility.</i> The proposed amending Highland Gardens Concept Plan complies with its own development standards and remains consistent with the Future Land Use Plan. Cons: N/A
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

At their December 5, 2017 meeting, the Planning commission recommended approval of this rezoning request with Staff recommended conditions (8-0-0).

STAFF RECOMMENDATION:

Staff recommends approval of the applicant's proposed amendment to the "Highland Gardens" Planned Development District Concept Plan. The proposed revisions are in compliance with the HGARDPD Development Standards, and the Master Plan and Detail Plan will be required to comply with the City's adopted Regional Transportation Plan and TxDOT regulations for the connection to FM 1044. Staff's

recommendation for approval includes the following conditions:

1. Incorporate the street network as illustrated on the Master Plan approved by the Planning Commission at their January 9, 2018 meeting.

Staff had also originally included the additional following technical conditions that, after the Planning Commission meeting, the applicant has already complied with:

2. Illustrate and label the proposed open space areas on the Concept Plan.
3. Remove the Development Standards Table from the Concept Plan.
4. Remove the Relation to Comprehensive Plan Note from the Concept Plan.

Notification:

Public hearing notices were sent to 11 owners of property within 200 feet of the rezoning request. Staff has received no responses in favor and one opposed from #10.

Attachments:

1. Aerial, Regional Transportation Plan and Floodplain Map
2. Application
3. Current Highland Gardens PD Concept Plan
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7. Photographs of Subject Property
8. Ordinance No. 2017-43 (Highland Gardens PD)
9. Proposed Highland Gardens Master Plan
10. Sec. 3.5 Planned Development Districts
11. Excerpt from the December 5, 2017 Planning Commission regular meeting
12. Ordinance