

## Legislation Details (With Text)

**File #:** 18-260 **Name:**  
**Type:** Ordinance **Status:** Consent Item Ready  
**File created:** 4/24/2018 **In control:** City Council  
**On agenda:** 5/14/2018 **Final action:**  
**Title:** Approval of the second and final reading of an ordinance regarding the proposed rezoning of 0.873 acres out of the J. M. Veramendi A-22 Survey, addressed at 2420 Katy Street, from "M-1" Light Industrial District to "ZH-A" Zero Lot Line Home District.

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

**Attachments:** 1. Aerial Map, 2. Application, 3. Land Use Maps, 4. Notification & Responses, 5. Sec. 3.4-9 ZH-A, 6. Photographs, 7. Ordinance

Date	Ver.	Action By	Action	Result
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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 0.873 acres out of the J. M. Veramendi A-22 Survey, addressed at 2420 Katy Street, from "M-1" Light Industrial District to "ZH-A" Zero Lot Line Home District.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ-18-006

**Council District:** 1

**Applicant:** Comal County Habitat for Humanity, Inc.  
Crystal Moore, Executive Director  
1269 Industrial Drive  
New Braunfels, TX 78130  
(830) 387-6768  
crystal@comalhabitat.org

**Property Owner:** Wynn Wallace  
266 Grandview Avenue  
New Braunfels, TX 78130

**Staff Contact:** Holly Mullins  
(830) 221-4054  
hmullins@nbtexas.org

**City Council held a public hearing for the first reading of this requested rezoning ordinance on April 23, 2018, and unanimously approved the request (6-0-0).**

The subject property is a vacant, unplatted tract with frontage on both Katy and Michigan Streets, adjacent to the Union Pacific Railroad tracks. Although this is primarily a single-family residential neighborhood, the entire area is zoned M-1 Light Industrial District. M-1 is a pre-1987 zoning district that allows residential, commercial, and industrial uses, so the property could be developed residentially, commercially or with industrial uses without rezoning.

Habitat for Humanity is proposing to purchase the 0.87-acre property and divide it into residential lots that are more consistent in size with those in the established neighborhood. The average lot on this block is 50 feet wide and 100 feet deep. Most lots in the area do not meet the minimum dimensions or 6,600 square foot area required for single-family residential use in M-1; an indication that the lots may have been designed before the M-1 zoning was applied. ZH-A zoning allows minimum lot dimensions of 40 feet by 100 feet, and a minimum area of 4,000 square feet.

The proposed infill development will require the applicant to dedicate and construct a cul-de-sac at the end of Michigan Street, reducing buildable area. By rezoning the property to ZH-A, Habitat hopes to plat four to six single-family lots and offer new opportunities for affordable home ownership in the neighborhood.

**General Information:**

Size: 0.873 acres

**Surrounding Zoning and Land Use:**

North -	Across railroad, M-1/ Manufactured home park
South -	Across Katy Street, M-1/ Single-family residences
East -	M-1/ Single-family residences
West -	M-1/ Single-family residences

**Comprehensive Plan/ Future Land Use Designation:** Medium Density Residential

**Floodplain:**

No portion of the property is within the 1% annual chance flood zone (100-year floodplain).

**Regional Transportation Plan:**

The property is in compliance with the Regional Transportation Plan. Katy and Michigan Streets are local residential streets with 60 feet of right-of-way width.

**Improvement(s):**

None

**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 residential uses permitted in ZH-A are appropriate and compatible for this area.*);
- 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 proposed zoning should not conflict with existing and proposed schools, streets, or utilities in the area.*);
- How other areas designated for similar development will be affected (*The proposed zoning should not impact other areas designated for similar development, and is a more appropriate zoning for a residential area than the current M-1 designation.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*There should be no other factors that will substantially affect the public health, safety, morals, or general welfare. A cul-de-sac at the end of Michigan Street will improve the safety and efficiency of solid waste collection and emergency services. Any required drainage or utility issues will be addressed through the platting and building permit processes.*); and
- Whether the request is consistent with the Comprehensive Plan (*Four to six residential units on the subject property is consistent with the Future Land Use Plan designation of Medium Density Residential.*)

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

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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> <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 ZH-A zoning allows lots that are compatible in size and use with the surrounding area and will provide an opportunity for appropriate infill housing.
		<b>Objective 17I:</b> <i>Encourage a range of housing opportunities, including varied lot sizes and housing choices.</i> The smaller lot sizes permitted by ZH-A zoning will provide additional housing opportunities while maintaining compatibility with the neighborhood.
		<b>Cons:</b> None

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on April 3, 2018 and unanimously recommended approval of the proposed rezoning. (8-0-0)

**STAFF RECOMMENDATION:**

Staff recommends approval of the requested rezoning as it is consistent with the Future Land Use Plan and surrounding development, meets several goals of the Comprehensive Plan, and provides an opportunity for appropriate infill housing.

**Notification:**

Public hearing notices were sent to owners of 25 properties within 200 feet of the subject property. The Planning Division received no responses in favor and two in objection (3, 18) representing 3% of the notification area.

**Attachments:**

1. Aerial Map
2. Application
3. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
4. Notification Map and Responses
5. Sec. 3.4-9 ZH-A
6. Photographs
7. Ordinance