

Legislation Details (With Text)

File #:	19-050	Name:	
Type:	Ordinance	Status:	Individual Item Ready
File created:	12/20/2018	In control:	City Council
On agenda:	1/14/2019	Final action:	
Title:	Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 0.96 acres consisting of Lots 8A and 8B, Block 15, Rivercrest Heights 5E and Lots 9 and 10, Block 15, Rivercrest Heights 6, from "R-1" Single-Family Residential District and "R-2A" Single-Family and Two-Family District to "C-O" Commercial Office District, addressed at 1265, 1267, 1269, 1271 and 1273 E. Common Street.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Aerial, Regional Transportation Plan and Floodplain Map, 2. Applications, 3. Land Use Maps, 4. Notification List, Map and Responses, 5. Photographs, 6. Zoning Sections, 7. Draft Planning Commission Meeting Minutes, 8. Ordinance		

Date	Ver.	Action By	Action	Result
1/14/2019	1	City Council		

Presenter

Christopher J. Looney, Planning and Community Development Director
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SUBJECT:

Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 0.96 acres consisting of Lots 8A and 8B, Block 15, Rivercrest Heights 5E and Lots 9 and 10, Block 15, Rivercrest Heights 6, from "R-1" Single-Family Residential District and "R-2A" Single-Family and Two-Family District to "C-O" Commercial Office District, addressed at 1265, 1267, 1269, 1271 and 1273 E. Common Street.

BACKGROUND / RATIONALE:

Case No.: PZ-18-037

Council District: 4

Owners/**Applicants:**

Daniel Olveda
1267 E. Common St.
New Braunfels TX, 78130

Hulon Ted Higgenbotham
1273 E. Common St.
New Braunfels, TX 78130

Beverly Bannister
1269 E. Common St.
New Braunfels, TX 78130

Korey Rohlack
310 Main St./P.O. Box 396
Martindale, TX 78655

Staff Contact: Matthew Simmont
(830) 221-4058
msimmont@nbtexas.org

The approximately 1-acre subject property includes four platted lots with frontage on E. Common Street. Two of the lots (Lot 8A and 10) have been developed with single-family residences and one lot (Lot 9) is occupied by a duplex. Lot 8B is open space. The subject lots all together have approximately 300 feet of frontage along E. Common Street. The applicants are requesting the property be rezoned from "R-1" and "R-2A" to "C-O" Commercial Office District.

C-O zoning is intended for mixed neighborhood services including professional offices and different types of residential uses. The applicants have indicated that the request is due to an interest in using the properties for short-term rental and office use. Short-term rental use in any of the existing structures would require a Special Use Permit (SUP) request, which would be considered separately. Additionally, per the adopted Zoning Ordinance, non-residential and multifamily development adjacent to property zoned or used for single or two-family development requires residential buffering (wall and trees).

General Information:

Size: Approximately 1 acre

Surrounding Zoning and Land Use:

North - R-2A / Single-family residences

South - Across E. Common St, R-1 & C-1A / Single-family residences; undeveloped

East - R-2A / Duplex

West - R-1 / Single-family residences

Comprehensive Plan / Future Land Use Designation

Transitional Mixed-Use Corridor (East Common Street - a Principal Arterial)

Regional Transportation Plan:

E. Common Street is identified as a 150-foot wide Principal Arterial and the current right-of-way width is approximately 80 feet. Right-of-way dedication and/or mitigation measures will be reviewed for compliance with code requirements with future development of the subject property.

Floodplain:

No portion of the subject property is located within the 100-year floodplain.

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 proposed use of the property for mixed neighborhood services and residential development along E. Common Street is compatible with the neighboring residential development in the area; C-O is intended to be compatible with residential.*);
- 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 change should not conflict with the existing and proposed water supply, sanitary sewer and other utilities in the area. The adequacy of public facilities and utilities to serve the additional demand is evaluated by each provider. NBISD and utility providers have been notified of the request.*

Impact to streets is noted in the Transportation section above.);

- How other areas designated for similar development will be affected *(The proposed zoning change should not negatively affect other areas designated for similar development.);*
- 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. Drainage, utility and traffic impact will be addressed through the development review process. C-O is intended to be compatible with residential.);* and
- Whether the request is consistent with the Comprehensive Plan. *(The subject property is situated within a Transitional Mixed-Use Corridor - Common St.)*

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

City Plan/Council Priority: Envision New Braunfels	Within the New Braunfels Sub Area and a Transitional Mixed-Use Corridor Action 3.3: <i>Balance commercial centers with stable neighborhoods.</i> The proposed mixed-use district is consistent with the Future Land Use Plan and is compatible with current and anticipated surrounding land uses. The proposed zoning would provide opportunities for retail and services to serve area residents, as well as additional opportunities for residential. Action 3.13: <i>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.</i> The proposed rezoning would allow development of an additional variety of uses, both commercial and residential, on the periphery of this neighborhood that would provide a transition from the commercial node at Loop 337 to the neighborhood west and north.
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on December 4, 2018 and recommended approval (4-3-0) with Vice Chair Reeves, Commissioner Mathis and Commissioner Sonier in opposition.

STAFF RECOMMENDATION:

Staff recommends approval as the proposed zoning district would allow mixed neighborhood commercial and a variety of residential use types, which is compatible with the surrounding land uses, and would provide an appropriate intensity transition consistent with the Comprehensive Plan.

Notification:

Public hearing notices were sent to 18 owners of property within 200 feet of the request. The Planning Division received seven responses (#3, 4, 6, 8, 15, 16 & 17) in opposition to the proposed zoning change, presently equating to 39% opposition.

Attachments:

1. Aerial, Regional Transportation Plan and Floodplain Map
2. Applications
3. Land Use Maps (Zoning, Existing Land Use, Existing Centers, Future Land Use Plan)
4. Notification List, Map and Responses
5. Photographs
6. Zoning Sections:
 - Sec. 3.3-1 "R-1" Single-Family District
 - Sec. 3.4-3 "R-2A" Single-Family and Two-Family District
 - Sec. 3.4-17 "C-O" Commercial Office District
7. Draft Planning Commission Meeting Minutes
8. Ordinance