

## Legislation Details (With Text)

---

**File #:** 19-124      **Name:**

**Type:** Ordinance      **Status:** Individual Item Ready

**File created:** 2/5/2019      **In control:** City Council

**On agenda:** 2/25/2019      **Final action:**

**Title:** Public hearing and first reading of an ordinance regarding the proposed rezoning of 78.93 acres of land out of Subdivision 13 of the A.M. Esnaurizar Eleven League Grant, addressed at 4958 IH 35 North from "APD" Agricultural/Pre-Development District to "ZH-A" Zero Lot Line Home District.

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

**Attachments:** 1. Aerial Maps, 2. Application, 3. Survey of Subject Property, 4. PZ 18-052 maps, 5. Notification List and Map, 6. Photographs, 7. Sec. 3.4-1 APD and 3.4-9 ZH-A, 8. Excerpt of Minutes from the February 5, 2019 Planning Commission Regular Meeting, 9. Ordinance

Date	Ver.	Action By	Action	Result
2/25/2019	1	City Council		

Presenter

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

**SUBJECT:**

Public hearing and first reading of an ordinance regarding the proposed rezoning of 78.93 acres of land out of Subdivision 13 of the A.M. Esnaurizar Eleven League Grant, addressed at 4958 IH 35 North from "APD" Agricultural/Pre-Development District to "ZH-A" Zero Lot Line Home District.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ-18-052

**Council District:** 4

**Applicants:** HMT Engineering & Surveying  
Stephen Hanz, P.E.  
410 N. Seguin Ave.  
New Braunfels, TX 78130  
(830) 625-8555

**Owner:** Lynn Wohlfahrt  
P.O. Box 821385  
Houston, TX 77282-1385  
(832) 434-1645

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

The subject property consists of 78.93 acres, out of a larger 92.28 acre parent tract. The vacant site lies south of the intersection of the IH 35 and Kohlenberg Road, approximately 1,700 feet northeast of the Wal-Mart Distribution Center. The applicant is proposing a rezoning of the subject property from "APD" Agricultural/Pre-Development District to "ZH-A" Zero Lot Line Home District. The remaining 13 acres of the parent tract would remain its current zoning.

The applicants have submitted no specific plans for development at this time. ZH-A would allow for the development of a single family subdivision with lots that are a minimum of forty feet wide and 100 feet deep, with a minimum lot area of 4,000 square feet. Zero-lot line homes (a.k.a. patio homes/garden homes) with a 10-foot setback on one side/zero on the other, are allowed in ZH-A, as well as are homes with typical 5-foot side setbacks on both sides. The developer must determine at time of platting which setbacks or home type mix are to be developed.

### **General Information:**

#### *Surrounding Zoning and Land Use:*

North - APD and M-1 / Undeveloped remainder of the 92.28-acre parent tract

South - APD / Undeveloped

East - Across Kohlenberg Rd., outside of City Limits / Single-family residence and undeveloped

West - APD / NBU water tower and undeveloped

#### *Floodplain:*

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

#### *Airport Hazard Zoning District:*

The subject property is partially within the Horizontal Zone and the Conical Zone, which are associated with height restrictions but not land use restrictions. The maximum allowed building height in the ZH-A District is 35 feet, which will not encroach into the maximum height restrictions of the Horizontal or Conical Zones at this location.

#### *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 zoning district would create a consistent transition pattern identical to the west side of IH-35 where there is commercial and industrial zoning adjacent to the highway and residential behind*);
- 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 adequacy of public facilities and utilities to serve the additional demand is evaluated by each provider. CISD and utility providers have been notified of the request.*);
- How other areas designated for similar development will be affected (*The proposed rezoning should not negatively affect other areas designated for similar development; however, continued suburban style single-family detached residential development of the vacant tracts along the edges of the city will contribute to infrastructure and service demands.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*Drainage, utilities and traffic impact will be reviewed and addressed through the platting process.*); and
- Whether the request is consistent with the Comprehensive Plan (*The subject property is situated within a Transitional Mixed-Use Corridor and on the edge of a Future Employment Center*

within the Oak Creek Sub Area.)

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

<b>City Plan/Council Priority:</b> Envision New Braunfels	<b>Action 3.13:</b> <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>
--	---

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on February 5, 2019 and recommended approval (7-1-0, with Commissioner Reaves opposed and Commissioner Gibson absent).

**STAFF RECOMMENDATION:**

Single family detached residential is consistent with development trends on the edges of town. ZH-A on the subject piece of the parent APD tract would allow opportunities for low to medium density residential and housing type variety within a transitional mixed use corridor. This would create an opportunity for contribution to a future walkable development without compromising existing industrial sites or zoning. Therefore, staff recommends approval.

**Notification:**

Public hearing notices were sent to 4 owners of property within 200 feet, and the City has received no responses.

**Attachments:**

1. Aerial Maps
2. Application
3. Survey of Subject Property
4. Land Use Maps (Zoning, Existing Land Use and Future Land Use Plan)
5. Notification List and Map
6. Photographs
7. Sec. 3.4-1 APD and Sec. 3.4-9 ZH-A
8. Ordinance