

## Legislation Details (With Text)

<b>File #:</b>	19-362	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	5/23/2019	<b>In control:</b>	City Council
<b>On agenda:</b>	5/28/2019	<b>Final action:</b>	
<b>Title:</b>	Discuss and reconsider approval of the second and final reading of an ordinance regarding the proposed amendment to the "Cotton Cottages" Planned Development District (CCPD) Concept Plan, Detail Plan and related Development Standards, comprising 5.732 acres out of Lot 2A-1, F & M Hanz Estate Resubdivision, located on the south side of Hanz Drive between Loop 337 and Gruene Road.		

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

**Attachments:** 1. Aerial Maps, 2. Land Use Maps, 3. Notification List, Map and Responses, 4. Proposed "Cotton Cottages" PD Concept Plan and Detail Plan Amendments, 5. Proposed Amendment to Lot 1, Block 6, "Cotton Cottages" PD Development Standards, 6. Current CCPD Ordinance, 7. Photographs, 8. Sec. 3.5 "PDD" Planned Development District, 9. Excerpt from Minutes of the April 2, 2019 Planning Commission Regular Meeting, 10. Revised Site Plan May 23 2019, 11. Ordinance

Date	Ver.	Action By	Action	Result
5/28/2019	1	City Council		

Presenter

*Barron Casteel, Mayor*  
*bcasteel@nbtexas.org*

**SUBJECT:**

Discuss and reconsider approval of the second and final reading of an ordinance regarding the proposed amendment to the "Cotton Cottages" Planned Development District (CCPD) Concept Plan, Detail Plan and related Development Standards, comprising 5.732 acres out of Lot 2A-1, F & M Hanz Estate Resubdivision, located on the south side of Hanz Drive between Loop 337 and Gruene Road.

**BACKGROUND / RATIONALE:**

This item has been placed on the agenda for reconsideration at the request of Mayor Casteel due to new information that has been provided since the vote on May 13<sup>th</sup>.

**Reconsideration Procedure:**

At the regular meeting on May 13, 2019, City Council voted to approve the item with the condition that only four units be built on the tract. The motion passed with a 4-3 vote.

According to the Code of Ordinances, in order to reconsider the item:

1. Only a Councilmember who originally voted on the prevailing side of this item may make a motion to reconsider. The motion must have a second and be approved by a majority vote.

2. After a motion to reconsider is passed, the City Council may reconsider the original item.

Section 2-38(d) of the Code of Ordinances states: “The motion to reconsider shall be used to reopen discussion for a vote on an item already acted upon. Reconsideration may only occur at the same meeting, or at the next meeting after the one at which the original action occurred. A motion to reconsider may only be made by a member who voted on the prevailing side of the original action. It requires a second, is not amendable, is debatable and requires a majority vote for adoption. The effect of the adoption of the motion to reconsider is immediately to place before the members again the item on which the vote was originally taken. Reconsideration of an item at a subsequent meeting requires the item to be placed on the agenda for that meeting.”

**Case No.:** PZ-19-003

**Council District:** 4

**Owner/Applicant:** Michael Flume  
2348 Gruene Lake Dr.  
New Braunfels, TX 78130  
(830) 629-2496  
mflume@yahoo.com

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

**Background/Rationale:**

City Council held a public hearing on April 22, 2019, and approved the first reading of the requested rezoning ordinance (7-0). City Council inquired about recently approved no parking designated areas: there are designated “no parking zones” along Dexter’s Place in front of the subject lot, and along the west side of Hudson Lane. This was approved by City Council via ordinance in November of 2018 at the request of the Fire Department following recommendations of approval by the Transportation and Traffic Advisory Board as well as the City Engineer.

The City Council approved the second reading of the ordinance (4-3) on May 13 with the condition that only four units be built on the tract.

The subject property is located on the south side of Hanz Drive between Loop 337 and Gruene Road and is zoned “Cotton Cottages” Planned Development District (CCPD). The CCPD, approved by City Council in 2015, consists of 27 garden home and Sunday house lots, and two commercial lots. It included an existing residential structure on Lot 1, Block 6 approved for certain commercial uses. An amendment to the CCPD was approved May 9, 2016, to add some additional uses to those allowed for Lot 1, Block 6 (see Attachment 6 for the current PD).

The applicant is requesting another amendment to the CCPD. The subject proposal is to eliminate the current uses and development standards adopted for Lot 1, Block 6, and allow the lot to be developed with single-family detached cottages (maximum of 6 units; an overall increase of two residential units from what is currently allowed) under a condominium regime (see Attachment 4).

According to the applicant, the cost of improving the previous structure that was on the lot was not feasible; therefore, the building was removed. He also believes the single-family cottage condominium project will be a better use for the property. The proposed amendment includes the following development standards for the lot (see Attachment 5):

- Minimum front, back and interior side setbacks = 10 feet
- Minimum side setback adjacent to the alley = 5 feet
- Minimum 10-foot setback plus one foot for each foot of building height over 20 feet where adjacent to a residential property line
- Minimum setback between buildings = 10 feet
- Maximum height = 35 feet/2-story
- Maximum building coverage = 70%
- Front porches and/or rear patios required on all units
- Balconies permitted on the front, rear or side
- Minimum parking = 1 car garage for each unit. One additional space in front of the garage.

**General Information:**

Size: Cotton Cottages PD = 5.732 acres

Lot 1, Block 6 = 0.442 acres

**Surrounding Zoning and Land Use:**

North - Across Hanz Drive, "Gruene River Place" (GRPPD) and "High Cotton Estates" (HCEPD) Planned Development Districts / Single family residential subdivisions

South - R-2 / Single family dwelling

East - R-2 / Church of Jesus Christ LDS

West - C-1 and R-2 with an SUP allowing outdoor storage of boats and RV's and two ministorage buildings / D&D Texas Outfitters and AMS1 Ministorage

**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 PD amendment is compatible with the current PD and adjacent residential zoning and land uses.*);
- 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 significant conflicts with these elements.*);
- How other areas designated for similar development will be affected (*There should be no negative effects on other properties within the general vicinity.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare. (*The elimination of commercial uses and addition of the single family detached condominium use to the development should not negatively affect the public health, safety, morals, or general welfare. The CCPD is already being developed with single family dwellings.*); and
- Whether the request is consistent with the Comprehensive Plan. (*The subject property is*

*situated between two Transitional Mixed Use Corridors (Loop 337 and Common Street) within the New Braunfels Sub Area and is in close proximity to existing Market and Civic Centers.)*

**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> 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.
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on April 2, 2019 and unanimously recommended approval (8-0-0, with Commissioner Mathis absent).

**STAFF RECOMMENDATION:**

Staff recommends approval as the proposed use of Lot 1, Block 6 is compatible with the current PD and adjacent residential zoning and land uses. Inclusion of the single family detached condominium housing will allow development of an additional variety of single-family housing in the city.

**Notification:**

Public hearing notices were sent to 46 owners of property within the subject area and 200 feet of the request. The City has received 9 responses in favor (#s 17, 23, 27, 28, 34, 37, 40, 41 and 43), and one opposed (#35).

**Attachments:**

1. Aerial Maps
2. Land Use Maps (Zoning, Existing Land Use and Future Land Use Plan)
3. Notification List, Map and Notification Responses
4. Proposed "Cotton Cottages" PD Concept Plan and Detail Plan Amendments
5. Proposed Amendment to Lot 1, Block 6 "Cotton Cottages" PD Development Standards
6. Current "Cotton Cottages" Planned Development District Ordinance
7. Photographs
8. Sec. 3.5 "PDD" Planned Development District
9. Excerpt of Draft Minutes of the April 2, 2019 Planning Commission Regular Meeting
10. Ordinance