

Legislation Details (With Text)

File #:	20-250	Name:	
Type:	Ordinance	Status:	Individual Item Ready
File created:	3/23/2020	In control:	City Council
On agenda:	4/13/2020	Final action:	
Title:	Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 49 acres out of the William H. Pate Survey No. 22, A-259, addressed at 2272 FM 1044, from "APD" Agricultural/Pre-Development to "R-1A-4" Single-family Small Lot Residential District, previously proposed to be "ZH-A" Zero Lot Line Home District.		

Sponsors:**Indexes:****Code sections:****Attachments:** 1. Aerial Map, 2. Land Use Maps, 3. Notification & Responses, 4. Sec. 3.4-9 ZH-A, 5. Draft Minutes for Planning Commission, 6. Ordinance

Date	Ver.	Action By	Action	Result
4/13/2020	1	City Council		

Presenter

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

SUBJECT:

Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 49 acres out of the William H. Pate Survey No. 22, A-259, addressed at 2272 FM 1044, from "APD" Agricultural/Pre-Development to "R-1A-4" Single-family Small Lot Residential District, previously proposed to be "ZH-A" Zero Lot Line Home District.

BACKGROUND / RATIONALE:**Case No.:** PZ20-0017**Council District:** 1

Applicant: James Ingalls
Moeller & Associates
2021 Highway 46 West #105
New Braunfels, TX 78132
(830) 358-7127
jamesingalls@ma-tx.com

Owner: Carol & Jerry Searight
2272 FM 1044
New Braunfels, TX 78130

Staff Contact: Holly Mullins

(830) 221-4054
hmullins@nbtexas.org

The subject property is approximately 49 unplatted acres with 400 feet of frontage on FM 1044, one-half mile south of County Line Road. A single-family residence occupies the property. ZH-A allows single-family development with lots that are a minimum of 40 feet wide and 100 feet deep, with a minimum lot area of 4,000 square feet. Single family residences are permitted with traditional 5-foot side setbacks on both sides; as are garden/patio homes with a zero-foot side setback on one side and 10-foot on the other.

In anticipation of City Council approving the new small lot residential zoning district, the applicant revised their request to rezone the subject property to R-1A-4. The lot size and overall density allowed by R-1A-4 and ZH-A are essentially the same; however, R-1A-4 does not allow a zero setback option, which is often concerning to surrounding neighbors. The applicant states R-1A-4 is more in line with the intent of the proposed development.

Surrounding Zoning and Land Use:

North - APD, Highland Grove PD/ Residential, undeveloped
South - APD/ Undeveloped
East - Across FM 1044, APD/ Residential, undeveloped
West - APD/ Undeveloped

Floodplain:

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

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 lot sizes would provide additional variety of single-family housing in this area, extending the development trend of the adjacent Highland Gardens neighborhood.*
- 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 Regional Transportation Plan indicates a proposed Parkway (realignment of FM 1044) across the subject property; the developer's responsibility for dedication and construction of this street will be evaluated with the platting of the property. Utility provision is evaluated by each provider and is addressed at the platting stage. Comal ISD has 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; continued suburban style single-family detached residential development of the vacant tracts along the edges of the City will contribute to increased infrastructure and utility demands.*
- Any other factors that will substantially affect the public health, safety, morals, or general welfare. *Drainage, utility and traffic impacts will be reviewed and addressed through the platting and permitting processes; and*
- Whether the request is consistent with the Comprehensive Plan. *Per Action 3.16 (see below), new smaller lot zoning districts are being considered by City Council so that ZH-A is not the only zoning district that accommodates these lot sizes currently in market demand. The site is located within the Walnut Springs Sub Area, along a Transitional Mixed Use Corridor, and near a proposed employment center. The new FM 1044 right-of-way is proposed to cross the*

property.

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

City Plan/Council Priority: Envision New Braunfels	Action 3.13: 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. Action 3.16: Review and revise regulations that inadvertently inhibit creative housing options or workforce housing alternatives.
--------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on March 3, 2020 and recommended approval of the applicant's requested rezoning (6-1-0) with Commissioner Meyer opposed.

STAFF RECOMMENDATION:

Approval. ZH-A or R-1A-4 at this location will allow opportunities for lot size and housing type variety, while maintaining compatibility with the nearby residential developments.

Notification:

Public hearing notices were sent to 12 owners of property within 200 feet of the request. The City has received one response in favor (#10) and one in objection (#6) **representing 23% of the notification area. Per State Statute, when 20% or more of the property within 200 feet is represented by opposition, a 3/4 vote (supermajority: 6 out of 7) is required by City Council to approve.**

ATTACHMENTS:

1. Aerial and Regional Transportation Plan Map
2. Land Use Maps (Zoning, Existing and Future Land Use)
3. Notification Map and Responses
4. Sec. 3.4-9 "ZH-A"
5. Draft Planning Commission Minutes
6. Ordinance