

Legislation Details (With Text)

File #:	21-371	Name:	
Type:	Ordinance	Status:	Consent Item Ready
File created:	4/7/2021	In control:	City Council
On agenda:	4/26/2021	Final action:	
Title:	Approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 47 acres out of the O. Russell Survey No. 2, Abstract No. 485, located at the northeastern corner of the intersection of Orion Drive and the Union Pacific Railroad tracks, from "APD" Agricultural/Pre-Development District to "R-1A-4" Single-Family Small Lot Residential.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Proposed Zoning Exhibit, 2. Aerial, 3. Land Use Maps, 4. TIA Worksheet, 5. List, Map and Responses, 6. Draft PC Minutes, 7. Draft Ordinance		
Date	Ver.	Action By	Action
			Result

PRESENTER:

Christopher J. Looney, AICP, Planning and Development Services Director

SUBJECT:

Approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 47 acres out of the O. Russell Survey No. 2, Abstract No. 485, located at the northeastern corner of the intersection of Orion Drive and the Union Pacific Railroad tracks, from "APD" Agricultural/Pre-Development District to "R-1A-4" Single-Family Small Lot Residential.

DEPARTMENT: Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** Council District 4**BACKGROUND INFORMATION:**

Applicant: James Ingalls, P.E.
Moeller & Associates
2021 SH 46W, Ste. 105
New Braunfels, TX 78132
(830) 358-7127 plats@ma-tx.com

Owner: EB Industries
Richard Byrd
(251) 510-1118 rbyrd@aspengroverrealty.com

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

City Council held a public hearing on April 12, 2021 and unanimously approved the first reading of the applicant's requested rezoning. The original rezoning request encompassed a larger, 68-acre property (see attachments) with two proposed zoning districts (from APD to R-1A-4 and R3-H). The applicant has

divided the proposed rezoning of the 68 acres into two separate agenda items for individual consideration. This is one of them.

The approximately 47-acre tract is located along the north side of Orion Drive between Goodwin Lane and the Union Pacific railroad tracks. The unimproved tract has been in agricultural production and a portion lies within the Alligator Creek floodplain. The applicant has indicated they are making this request to allow for a 220-unit detached single-family residential development.

Surrounding Zoning and Land Use:

North - Alster, Wasser Ranch PD / Local street and railroad

South - Across Goodwin Ln., Oak Creek Estates PD and ZH-A / Single family residences (Creekside Farms and Oak Creek Estates) and Alligator Creek

East - Wasser Ranch PD / Single-family residence and Alligator Creek

West - Across Orion Drive, M-1A, MU-B and APD / Duplex residences and a planned manufactured home community

ISSUE:

The proposed zoning change is consistent with the following actions from the Workforce Housing Study and Envision New Braunfels (the community's Comprehensive Plan):

- Ensure through city zoning and other required legal entitlements related to housing construction that new types of housing products (small-lot, duplex, townhome, etc.) are allowed by regulations.
- Create or adjust city regulations that allow for multi-unit owned/rented mix like two and three-flats where the owners earn rental income.
- Action 1.3: Encourage balanced and fiscally responsible land use patterns.
- 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.
- Future Land Use: The property is situated within the Oak Creek Sub-Area, in close proximity to Employment, Market and Education Centers.

The permitted uses within the proposed zoning district create opportunities for encouraged housing variety and density which is generally compatible with the expanding neighborhood of residential use.

FISCAL IMPACT:

N/A

RECOMMENDATION:

The Planning Commission held a public hearing on February 2, 2021 and recommended approval (9-0).

The applicants' proposal to create a single-family residential development is consistent with ongoing development in the area, which is transitioning from available industrial opportunities to residential. Staff recommends approval.

Notification:

Public hearing notices were sent to 34 owners of property within 200 feet. The City has received no responses in favor and 8 responses in objection (#13, 16, 20, 21, 22, 25, 27, 32) and one neutral response (#27). The City has also received 20 responses in objection from owners of property outside of the 200-foot notification area. Most objection appears to be related to the applicant's original adjacent request for multi-family zoning.

Resource Links:

- Chapter 144, Sec. 3.4-1 (APD) of the City's Code of Ordinances:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987

- Chapter 144, Sec. 3.4-2 (R-1A-4) of the City's Code of Ordinances:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987

Attachments:

1. Aerial Map
2. Land Use Maps (Zoning, Existing, Future Land Use, Short Term Rental)
3. Proposed Zoning Exhibit
4. Traffic Impact Analysis (TIA) Worksheet
5. Notification List, Map and Responses
6. Excerpt of Minutes from the February 2, 2021 Planning Commission Meeting
7. Draft Ordinance