

Legislation Details (With Text)

File #:	21-570	Name:	
Type:	Ordinance	Status:	Individual Item Ready
File created:	6/2/2021	In control:	City Council
On agenda:	6/28/2021	Final action:	
Title:	Public hearing and first reading of an ordinance regarding the proposed rezoning of Lot 15 and a portion of Lot 14, Block A, Guada Coma Subdivision, addressed at 46 Guada Coma Drive, from "R-1A-6.6" Single-family District to "R-2A" Single-family and Two-family District.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Aerial Map, 2. Land Use Maps, 3. 2207 Rezoning Documents, 4. Notification & Responses, 5. PC Draft Minutes 6-1-21, 6. PZ21-0155 Ordinance		

Date	Ver.	Action By	Action	Result
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PRESENTER:

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

SUBJECT:

Public hearing and first reading of an ordinance regarding the proposed rezoning of Lot 15 and a portion of Lot 14, Block A, Guada Coma Subdivision, addressed at 46 Guada Coma Drive, from "R-1A-6.6" Single-family District to "R-2A" Single-family and Two-family District.

DEPARTMENT: Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** Council District 5**BACKGROUND INFORMATION:**

Applicant: City of New Braunfels
550 Landa Street
New Braunfels, TX 78130

Owner: Gordon & Nancy Schroeder
42 Guada Coma Drive
New Braunfels, TX 78130
(830) 743-0714 gdsnb50@protonmail.com

Staff Contact: Holly Mullins
(830) 221-4054 hmullins@nbtexas.org

The subject property is located in the Guada Coma neighborhood between the Guadalupe and Comal Rivers, southeast of downtown New Braunfels.

In 2006, in response to citizen input, City Council directed staff to evaluate areas of the City that were developed as single-family residential neighborhoods but were assigned a more intense zoning district. The area around Guada Coma Drive, zoned R-2 Single and Two-family District at that time, was one of the evaluated neighborhoods.

The neighborhood meeting held in early 2007 resulted in support from the majority of property owners for rezoning to R-1A-6.6. However, it was agreed that property owners who were opposed and owned lots large enough to accommodate a duplex (minimum 8,000 square feet) could opt out of the rezoning.

The Schroeders own two properties in the area and requested to opt out of the rezone for both. Their home at 42 Guada Coma Drive was excluded from the rezoning, but the property at 46 Guada Coma Drive was inadvertently included. Although the staff recommendation to City Council clearly lists this property as excluded, the map exhibit attached to the ordinance indicated it being rezoned to R-1A-6.6 (Attachment 3).

Surrounding Zoning and Land Use:

North - R-1A-6.6 / Single-family residence

South - R-1A-6.6 / Property owners' common lot

East - Across Guadalupe River, R-2 / Undeveloped

West - Across Guada Coma Dr, R-1A-6.6 / Single-family residence

ISSUE:

An error in the executed Ordinance 2007-35 resulted in the inadvertent rezoning of property at 46 Guada Coma Drive. The City of New Braunfels initiated this rezoning request to correct the error. Because the original zoning of "R-2" is no longer an available zoning district, staff is recommending the property be rezoned to R-2A Single and Two-family District which is the current equivalent.

R-1A-6.6 allows single-family residential use with an option for an accessory dwelling unit without a full kitchen. R-2A allows two-family residential units either attached as a duplex or as two separate structures.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Commission Recommendation

The Planning Commission held a public hearing on June 1, 2021 and recommended approval (5-3-0 with Commissioners Laskowski, Reaves and Sonier voting nay).

Staff Recommendation

Approval.

Notification:

Public hearing notices were sent to owners of 13 properties within 200 feet of the request. The City received no responses in favor and four in objection (#4, 5, 8, 11) representing 20% of the notification area. **A three-fourths majority vote of City Council is required to approve the rezoning.**

Resource Links:

Sec. 144-3.4-3 R-2A Single-family and Two-family District

[Sec. 144-3.4. - Zoning districts and regulations for property zoned subsequent to June 22, 1987. | Code of Ordinances | New Braunfels, TX | Municode Library <https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987>](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987)

Attachments:

1. Aerial Map
2. Land Use Maps (Zoning, Existing, Future Land Use)
3. 2007 Rezoning Documents
4. Notification Map
5. Draft Planning Commission Minutes
6. Draft Ordinance