

Legislation Details (With Text)

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| File #: | 21-686 | Name: | |
| Type: | Ordinance | Status: | Individual Item Ready |
| File created: | 7/2/2021 | In control: | City Council |
| On agenda: | 7/12/2021 | Final action: | |
| Title: | Discuss and consider the second and final reading of an ordinance regarding a proposed rezoning of approximately 60.1 acres out of the J. Thompson Survey, A-608 and William H. Pate Survey, A-259 located east of the intersection of FM 1044 and Michelson Lane, from "APD" Agricultural/Pre-Development District to "ZH-A" Zero Lot Line Home District. | | |

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

Attachments: 1. Aerial, 2. Land Use Maps, 3. Districts Comparison Chart, 4. TIA Worksheet, 5. Notification List, Map and Responses, 6. PZ21-0150 PC Draft Minutes 6-1-21, 7. PZ20-0150 Ordinance

| Date | Ver. | Action By | Action | Result |
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PRESENTER:

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

SUBJECT:

Discuss and consider the second and final reading of an ordinance regarding a proposed rezoning of approximately 60.1 acres out of the J. Thompson Survey, A-608 and William H. Pate Survey, A-259 located east of the intersection of FM 1044 and Michelson Lane, from "APD" Agricultural/Pre-Development District to "ZH-A" Zero Lot Line Home District.

DEPARTMENT: Planning and Development Services

COUNCIL DISTRICTS IMPACTED: Council Districts 2 and 6

BACKGROUND INFORMATION:**Owner &**

Applicant: HMT Engineering & Surveying (Chris Van Heerde, P.E.)
290 S. Castell Avenue, Suite 100
New Braunfels, TX 78130
(830) 625-8555 plats@hmtnb.com

Owner: Sandra Wunderlich
1440 Cross Street
New Braunfels, TX 78130

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

City Council held a public hearing on June 28, 2021 and approved the first reading of the applicant's requested rezoning (6-1).

The approximately 60-acre tract is located southwest of the intersection of FM 1044 and County Line Road. The subject property has about 980 feet of frontage along FM 1044, is approximately 760 feet wide and extends southeast until it abuts the Laubach, Unit 1 and Voss Farms, Unit 5 residential subdivisions. The property is currently undeveloped.

The applicant is requesting a zoning change of the base zoning district from “APD” Agricultural/Pre-Development to “ZH-A” Zero Lot Line Home District. A district comparison chart (attached) shows the proposed zoning will allow for the development of a residential subdivision.

Surrounding Zoning and Land Use:

North - Across FM 1044, C-1B & APD / Single-family residence and undeveloped

South - Outside City Limits / Single family residences

East - APD and R-1A-6.6 / Single family residences and undeveloped

West - Across Michelson Lave, APD / Single family residences

ISSUE:

The current APD zoning district is intended for newly annexed areas, agricultural, farm and ranch uses and for areas where development is premature because a lack of utilities, capacity, or service, or where ultimate use has not been determined.

The proposed ZH-A district is intended for development of detached single-family residences on minimum 4,000 square-foot lots. Homes in ZH-A can have minimum 5-foot side setbacks on both sides of each lot, or may be zero-lot line (a.k.a. patio/garden homes) having one side building setback reduced to zero feet with a minimum 10-foot setback on the opposite side and accompanying maintenance easement for the neighbor.

The proposed rezoning is consistent with the following actions from Envision New Braunfels and the Workforce Housing Study:

- *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.
- *Workforce Housing Study Recommendation:* 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.

The property is situated in the Walnut Springs Sub-Area, along a Transitional Mixed-Use Corridor and is near a Future Outdoor Recreation Center.

FISCAL IMPACT:

N/A

RECOMMENDATION:

The Planning Commission held a public hearing on June 1, 2021 and recommended approval (7-1) with Chair Edwards in opposition.

Staff recommends approval. The applicant’s rezoning would facilitate a single-family residential development which is consistent with ongoing development in the area and is supported by the Envision New Braunfels Comprehensive Plan and Workforce Housing Study.

Mailed notification pursuant to state statute:

Public hearing notices were sent to owners of 40 properties within 200 feet of the request. The City has received six responses in objection (#20, 21, 24, 26, 28 & 41).

Resource Links:

- Chapter 144, Section 3.4-9. “ZH-A” Zero Lot Line Home District of the City’s Code of Ordinances: https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIIZODI_S144-3.4ZODIREPRZOSUJU221987

Attachments:

1. Aerial Map
2. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
3. District Comparison Chart
4. TIA Worksheet
5. Notification List, Map and Responses
6. Draft Planning Commission Meeting Minutes
7. Ordinance