Legislation Details (With Text)

File #:	21-1013	**Name:**	
Type:	Ordinance	**Status:**	Passed
File created:	9/27/2021	**In control:**	City Council
On agenda:	10/11/2021	**Final action:**	10/11/2021
Title:	Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow a variety of residential and non-residential development on approximately 49.5 acres out of the A-103, Sarah Dewitt Survey, addressed at 614 & 720 W. Zipp Road from “R-1A-6.6” Single Family District to the following zoning districts with additional conditions: “R-1A-6.6” Single -Family, “R-1A-4” Single-Family Small Lot, “C-1A” Neighborhood Business and “C-1B” General Business.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Aerial, 2. Land Use Maps, 3. Districts Comparison Chart, 4. Site Plan and Development Standards, 5. TIA Worksheet, 6. Notification List, Map and Responses, 7. PC Draft Minutes, 8. Ordinance		

Date	Ver.	Action By	Action	Result
10/11/2021	1	City Council	approved	Pass

PRESENTER:
Christopher J. Looney, AICP, Planning & Development Services Director
SUBJECT:
Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow a variety of residential and non-residential development on approximately 49.5 acres out of the A-103, Sarah Dewitt Survey, addressed at 614 & 720 W. Zipp Road from “R-1A-6.6” Single Family District to the following zoning districts with additional conditions: “R-1A-6.6” Single-Family, “R-1A-4” Single-Family Small Lot, “C-1A” Neighborhood Business and “C-1B” General Business.
DEPARTMENT: Planning and Development Services
COUNCIL DISTRICTS IMPACTED: 2

BACKGROUND INFORMATION:
Case #: SUP21-269

Applicant: Land Consultants, Ltd. Co.
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5618 South Old Bastrop Highway
San Marcos, TX 78666
(512) 757-7006 caren@landconsultantsltd.com

Owner: SatCharan Holdings, LLC
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San Antonio, TX 78259
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Staff Contact: Matthew Simmont
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City Council held a public hearing on September 27, 2021 and unanimously approved the first reading of the applicant's requested rezoning with the applicant's proposed additional conditions, summarized in the bullet points below (7-0-0).

- **Non-residential buildings in C-1A District limited to one story.**
- **No dumpsters allowed in front yard of C-1A District along residential street.**
- **Increased landscaping requirements for C-1A District along residential street.**

The approximately 50-acre tract is located south of the intersection of South Walnut Avenue and West Klein Road. The subject property is approximately 871 feet wide and extends southeast to West Zipp Road. A portion of the property is currently improved with two single-family residences with most of the property being undeveloped.

The applicant's proposed Type 2 Special Use Permit (SUP) would designate four zoning districts that allow for single-family residential and non-residential development on the property, subject to proposed development standards, conditions and site plan restrictions. The attached site plan indicates the proposed boundaries of each zoning district.

The applicant has indicated this request will bring together an assortment of compatible commercial and residential uses with the construction of the new arterial intersection of Walnut Avenue and Klein Road. The developer's plans include the extension of South Walnut Avenue, a Principal Arterial on the City's thoroughfare plan (up to 120 feet of right-of-way width), from Klein Road to Zipp Road.

Surrounding Zoning and Land Use:
North - Across W. Klein Rd., C-1B & APD / Single-family residence and undeveloped
South - Across W. Zipp Rd., Outside City Limits / Single family residences
East - APD / Single family residences
West - R-1A-6.6 / Ridgemont Subdivision - single family residences

ISSUE:
The subject property is currently zoned R-1A-6.6; a zoning district that is intended for development of primarily detached, single-family residences and accessory uses on lots of at least 6,600 square feet. The zoning districts that are included in the applicant's proposal would allow for a mix of uses to include the following:

- *R-1A-6.6* - single-family residences and accessory structures on lots of at least 6,600 square feet.
- *R-1A-4* - single family residences and accessory structures on lots of at least 4,000 square feet.
- *C-1A* - retail, office, and professional services to serve adjacent neighborhoods.
- *C-1B* - a broad range of retail, office and professional services located along or at the intersection of major collectors or thoroughfares.

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.

- *Action 3.22:* Encourage venues within walking distance of neighborhoods and schools.
- *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 subject property is situated in the Walnut Springs Sub-Area, at an intersection of two Transitional Mixed-Use Corridors, is within an Existing Employment Center, near an Existing Education Center, and within a Future Market Center.

FISCAL IMPACT:
N/A
RECOMMENDATION:
The Planning Commission held a public hearing on September 8, 2021 and recommended approval with an additional condition that no second story porch, balcony or windows are permitted that would be adjacent to properties in the Ridgemont Subdivision (7-1) with Commissioner Tubb in opposition and Commissioner Gibson absent.

Staff recommends approval as the applicant requests without the additional Planning Commission recommended condition. Restricting second story openings can lead to undesirable architectural urban design and would result in inequitable zoning standards in the area. Furthermore, this additional restriction may result in conflicts with building code requirements related to safe egress from second story rooms without varied second story articulation.

The applicant's intent with the identified zoning districts is to encourage mixed use while providing predictability with the type and variety of uses allowed and where. It will encourage an integrated mix of uses that are beneficial to the neighborhood and Existing Education and Employment Centers and will assist with buildout of the Future Market Center to serve the neighborhood. The proposed development standards and site plan help to ensure that the type and scale of development is appropriate with existing and future adjacent land uses, creating opportunities for walkable scale development which is consistent with current trends as well as Envision New Braunfels. In addition, the development standards will serve to increase pedestrian mobility and enhance the streetscape along the extension of Walnut Avenue.

Notification as required by state statute:
Public hearing notices were sent to owners of 50 properties within 200 feet of the request. The City has received three responses in favor (#1, 2 & 40) and three responses in objection (#20, 27 & 36) from owners of property within the notification area.

Resource Links:

- Chapter 144, Section 3.4-2. *"R-1A-6.6" Single-Family District* of the City's Code of Ordinances: <https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987>
- Chapter 144, Section 3.4-2. *"R-1A-4" Single-Family Small Lot Residential District* of the City's Code of Ordinances: <https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987>
- Chapter 144, Section 3.4-12. *"C-1A" Neighborhood Business District* of the City's Code of Ordinances: <https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987>
- Chapter 144, Section 3.4-13. *"C-1B" General Business District* of the City's Code of Ordinances:

<https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987>

- Chapter 144, Section 3.6 (SUP) of the City's Code of Ordinances: <https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.6SPUSPE>

Attachments:

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

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