

## Legislation Details (With Text)

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<b>File #:</b>	21-1096	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed
<b>File created:</b>	10/14/2021	<b>In control:</b>	City Council
<b>On agenda:</b>	11/8/2021	<b>Final action:</b>	11/8/2021
<b>Title:</b>	Approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 5.35 acres out of the A. M. Esnaurizar Survey, addressed at 850 State Highway 46 South, from "M-1 AH" Light Industrial District - Airport Hazard Overlay to "ZH-A AH" Zero Lot Line Home District - Airport Hazard Overlay.		

**Sponsors:****Indexes:****Code sections:****Attachments:** 1. Aerial Map, 2. District Comparison Chart (M1 ZHA), 3. Land Use Maps, 4. TIA Worksheet, 5. Notification Map & Responses, 6. PC Draft Minutes 10-6-2021, 7. 850 SH 46 Ordinance

Date	Ver.	Action By	Action	Result
11/8/2021	1	City Council	approved	Pass

**PRESENTER:**

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

**SUBJECT:**

Approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 5.35 acres out of the A. M. Esnaurizar Survey, addressed at 850 State Highway 46 South, from "M-1 AH" Light Industrial District - Airport Hazard Overlay to "ZH-A AH" Zero Lot Line Home District - Airport Hazard Overlay.

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

Case No.: PZ21-0313

**Applicant:** James Ingalls, P.E.  
INK Civil  
2021 SH 46 W, Suite 105  
New Braunfels, TX 78132  
(830) 358-7127      plats@ink-civil.com

**Owner:** Randy Harris  
850 SH 46 South  
New Braunfels, TX 78130  
Randyharris66@icloud.com

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

**City Council held a public hearing on October 25, 2021 and unanimously approved the first reading of this requested rezoning ordinance. (7-0-0)**

The subject property is a portion of two undeveloped, unplatted tracts of land between State Highway 46 South and the Guadalupe River. Most of the 26-acre property was rezoned from R-2 to ZH-A Zero Lot Line Home District in 2019. This remaining portion, approximately 5.3 acres, is currently zoned M-1 AH, Light Industrial District with Airport Hazard Overlay for building height. The property is located within the Conical Zone and at this distance from the airport, zoning height limitations are more restrictive so the overlay will not affect future development.

The applicant is requesting ZH-A Zero Lot Line Home District as the base zoning. The AH Airport Hazard Overlay will remain in place.

**Surrounding Zoning and Land Use:**

North - M-1/ Commercial, Light Industrial

South - ZH-A/ Undeveloped

East - R-2A/ Single and two-family residences

West - R-2A / Two-family residences

**ISSUE:**

The applicant is requesting ZH-A zoning for consistency with the rest of his property. ZH-A allows single-family development on lots that are a minimum of 40 feet wide and 100 feet deep, with a minimum lot area of 4,000 square feet. Garden or patio homes are permitted with a “zero” foot side setback on one side and 10-foot on the other (subject to IRC Building Code standards); residential structures with traditional 5-foot side setbacks on both sides are also allowed.

The subject property is set back almost 800 feet from Highway 46 and has no public street frontage. It is currently accessed by a private drive from Highway 46. As part of implementing the City’s Thoroughfare Plan, when the total 26 acre property is platted, a new segment of Lake Front Avenue will be constructed across the subject property between Misty Acres and Rivertree Subdivisions. Multiple access points to the property would then be available from Highway 46 via Rivertree Drive, Misty Acres Drive, or Freiheit Road.

The proposed rezoning is consistent with the following actions from Envision New Braunfels:

- 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 Plan:** The subject property is located in the Dunlap Sub-Area, along a river recreational corridor, and in close proximity to market and future employment centers.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

**Committee Recommendation:**

Planning Commission held a public hearing on October 6, 2021 and unanimously recommended approval of the request. (7-0-0 with Commissioners Gibson and Nolte absent)

**Staff Recommendation:**

Approval. The requested ZH-A zoning is consistent with development trends in the area and is supported by the Envision New Braunfels Comprehensive Plan.

*Mailed notification pursuant to state statute:*

Public hearing notices were sent to owners of 88 properties within 200 feet of the request. The City received one response in favor (#37) and 12 in objection (#19, 20, 33, 34, 36, 52, 61, 67, 68, 69, 75, 77) representing 11% of the notification area.

**Resource Links:**

**Section 144-3.4-9. ZH-A Zero Lot Line Home 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\\_ARTIIIIZODI\\_S144-3.4ZODIREPRZOSUJU221987](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, Future Land Use, Airport Overlay)
3. District Comparison Chart
4. TIA Worksheet
5. Notification Responses
6. Draft Minutes from Planning Commission
7. Ordinance