

Legislation Details (With Text)

File #:	22-938	Name:	
Type:	Ordinance	Status:	Passed
File created:	7/27/2022	In control:	City Council
On agenda:	8/8/2022	Final action:	8/8/2022
Title:	Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to the existing C-1A AH (Neighborhood Business Airport Hazard Overlay) zoning district to allow duplexes on approximately 5 acres out of the O Russell Survey-2, Abstract 485, currently addressed at 2841 Goodwin Lane.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Proposed lot layout, 2. TIA Form & Determination Letter, 3. Subject Property Photos, 4. Notification Map, List, and Responses, 5. PC Draft Minutes, 6. Draft Ordinance		

Date	Ver.	Action By	Action	Result
8/8/2022	1	City Council		
8/8/2022	1	City Council	approved	Pass

PRESENTER:

Jean Drew, AICP, Planning and Development Services Assistant Director

SUBJECT:

Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to the existing C-1A AH (Neighborhood Business Airport Hazard Overlay) zoning district to allow duplexes on approximately 5 acres out of the O Russell Survey-2, Abstract 485, currently addressed at 2841 Goodwin Lane.

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

Case No.: SUP22-224

Applicant: Jeffrey Henry
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New Braunfels, 78130
210-415-0088 | mjhomeconsultants@gmail.com

Owner: Edward Tarbutton
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San Marcos, TX 78666
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Staff Contact: Maddison O’Kelley
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The City Council held a public hearing on July 25, 2022 and unanimously approved with revised conditions the first reading of the ordinance for the applicant’s requested rezoning (7-0-0). The conditions near the end of the agenda memo have been revised to reflect the updates.

The subject 5-acre property is located on the north side of Goodwin Lane, approximately 350 feet west of Orion Drive and approximately $\frac{3}{4}$ of a mile north of FM 306. The applicant is requesting a Type 1 Special Use Permit (SUP) to allow the construction of duplexes on individual lots. The SUP is necessary because the existing C-1A base zoning district does not allow duplexes.

The property is located within the Outer Precision Approach Zone of the Airport Hazard Overlay for building height. This overlay does not impact the proposed development and the applicant is not proposing to remove the overlay nor change the base zoning.

Surrounding Zoning and Land Use:

North - APD / Single-Family Dwelling
South - Across Goodwin Lane, Z-HA / Single-family dwellings (Creekside Farms)
East - APD & MU-B SUP / Single-Family Dwelling and Duplexes
West - APD / Undeveloped

ISSUE:

Most of the surrounding property on Goodwin Lane is currently being developed as low-density residential use, such as the Creekside Farms and Wasser Ranch subdivisions which are currently under construction, and the adjacent Goodwin tract where a master plan was approved in 2021.

The proposed SUP would meet all Zoning Ordinance requirements, and is consistent with the following actions from Envision New Braunfels:

- Action 1.3: Encourage balanced and fiscally responsible land use patterns.
- Action 2.1: Sustain community livability for all ages and economic backgrounds.
- Action 3.1: Plan for healthy jobs/housing balance.
- 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 3.15: Incentivize home development that is affordable and close to schools, jobs and transportation.
- Action 3.16: Review and revise regulations that inadvertently inhibit creative housing options or workforce housing alternatives.
- Action 3.30: Encourage and incentivize workforce/affordable housing to attract new workforce entrants and young families.
- Action 3.31: Adopt policies and ordinances supportive of workforce housing, creating opportunities that make investment in workforce housing more feasible for private and nonprofit developers.
- Future Land Use: The property is situated within the Oak Creek Sub-Area and is in close proximity to Existing Education and Civic Centers.

FISCAL IMPACT:

None.

RECOMMENDATION:

Approval. The duplex land use is consistent with low-density residential development occurring in the immediate area. Staff's recommendation includes the following conditions based upon existing development standards:

1. The development may consist of a maximum of 23 lots.
2. At least one of the lots must be conveyed at no cost to a local non-profit housing developer for the construction of a duplex similar in design to all other units within the development.
3. Development of the site is to be in compliance with the following development standards:
 - a. *Height.* 35 feet maximum.
 - b. *Front building setback.* 15 feet minimum.
 - c. *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks
 - d. *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed.
 - e. *Parking.* Two off-street parking spaces shall be provided for each two-family dwelling unit. See [section 144-5.1 <https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTVDEST_S144-5.1PALOSTVECI>](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTVDEST_S144-5.1PALOSTVECI) for other permitted uses' parking.

The Planning Commission held a public hearing on July 5, 2022, and unanimously recommended approval (8-0-0) with Commissioner Allen absent.

Mailed notification pursuant to state statute:

Public hearing notices were sent to 12 owners of property within 200 feet of the request. To date, the city has received no responses.

Resource Links:

- Chapter 144, Sec. 3.4-12 (C-1A) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTVDEST_S144-5.1PALOSTVECI
- Chapter 144, Sec. 3.6 (SUP) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTVDEST_S144-5.1PALOSTVECI