

Legislation Text

File #: 17-256, **Version:** 1

Presenter

*Christopher J. Looney, Planning and Community Development Director
clooney@nbtexas.org*

SUBJECT:

Public hearing and consideration of the first reading of an ordinance regarding proposed amendments to the “Bailey’s Pond” Planned Development District Detail Plan and related Development Standards, located on approximately 30 acres of land out of the A. M. Esnaurizar A-20 Survey, addressed at 1141 Highway 46 South.

BACKGROUND / RATIONALE:

Case No.: PZ-17-007

Council District: 2

Applicant: Cal Atlantic Homes (Chad Johannesen)
607 E. Sonterra Boulevard, Suite 108
San Antonio, TX 78258
(210) 507-1091
Chad.Johannesen@calatl.com

Owner: Brass Real Estate Growth Fund IV LP
10010 San Pedro, Suite 450
San Antonio, TX 78216
(210) 957-4340

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

Background/rationale:

The subject property consists of 35.82 acres of unplatted land, northeast of Highway 46 South situated between Stone Gate and Saengerhalle Subdivisions. The tract has no direct frontage on Highway 46, but would be accessed via a public street through a proposed multifamily development on Highway 46, as well as from the extension of four streets in adjacent subdivisions that were “stubbed out” for future connection.

A detail plan for Bailey’s Pond Planned Development (BPPD) was approved with the original rezoning in 2004, but no progress toward platting the subdivision was made. Once approved, zoning runs with the land and does not expire.

A new developer is reviving the project and has requested amendments to the approved detail plan and associated development standards. Primary changes include the designation of a base zoning district ("ZH-A") which was not required with the original PD; a decrease in minimum lot size; the addition of up to 19 residential lots bringing the total lot count to 139; and a reconfiguration of the street layout. These and other requested changes are listed in the table below.

Three Mile Creek flows through the center of the property creating both development challenges and an opportunity for preservation of open space. The applicant states a natural spring supports substantial tree growth, including a 65-inch oak estimated to be over 400 years old. The street layout was revised to protect more of this area, which will be utilized for drainage, utility, and open space with a walking trail through the property. It is the developer's intent to avoid a large concrete channel through this greenbelt by meeting detention and water quality requirements through the use of Low Impact Design (LID) measures as recommended by the San Antonio River Authority. However, specific LID features have not been spelled out in the detail plan or development standards.

A 60-foot wide LCRA transmission easement, 30-foot wide gas pipeline easement, and 20-foot wide NBU sewer easement further constrain development on the property and contribute to the need for careful design through PD zoning.

A planned development (PD) district is a free-standing zoning district designed to provide for the development of land as an integral unit for single or mixed uses in accordance with a City Council approved plan that may vary from the established regulations of other zoning districts. It is the intent in such a district to insure compliance with good zoning practices while allowing certain desirable departures from the strict provisions of specific zoning classifications.

Standard	BPPD (Current)	BPPD Amended
Permitted Uses	Single-family Residential	Single-family Residential
Maximum # Lots	120	139
Min. Lot Area	5700 sf	4900 sf
Min. Lot Depth	95 ft	100 ft
Min. Lot Width	52 ft	40 ft
Min. Front Setback	25 ft	20 ft
Min. Rear Setback	20 ft	10 ft
Min. Side Setback	5 ft; 15 ft corner	5 ft; 10 ft corner
Max Building Height	2 stories	35 ft
Garage Setback	N/A	20 ft
Min. Parking	2 spaces	2 spaces
Min. Landscaping	N/A	Fully sod; min. 1 tree per home
Drainage, Utility and Open Space	~ 9 acres	10.14 acres
Density	3.35 units/acre (gross)	3.88 units/acre (gross)

Price	Lots projected to sell for \$20,000	N/A
-------	--	-----

General Information:

Size: Approximately 36 acres

Surrounding Zoning and Land Use:

North - Outside city limits/ Undeveloped; rural residential

South - R-3H/ Undeveloped

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

West - APD; R-2A/ Single-family residences; private cemetery

Comprehensive Plan/ Future Land Use Designation:

Low Density Residential

Floodplain:

No portion of the property is within the 1% annual chance flood zone (100-year floodplain).

Regional Transportation Plan:

Future access to Highway 46 South will be through a proposed multifamily development in front of the subject property. Four residential streets from adjacent subdivisions will be extended into Bailey's Pond.

Improvement(s):

Barns and stable to be removed.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

Yes	City Plan/Council Priority: 2006 Comprehensive Plan Pros and Cons Based on Policies Plan	Pros: Objective 1A: Evaluate proposed zone changes to maintain land use compatibility, as well as the integration of mixed land uses as a component of achieving better places to live. A single-family residential development is compatible with land uses in the area.
		Objective 3A: Encourage designs that provide for the preservation and protection of open space and natural resources and minimize disturbance of native vegetation. Goal 14: Establish and maintain trail and green belts in proximity to major residential areas. BPPD is designed to maximize greenspace, preserve natural vegetation, and provide a walking trail through the development.
		Objective 20D: Respond to changing market trends, consumer preferences, economic realities and design technology relating to housing types and densities. Requests for smaller residential lots are a response to changing market trends in the area.

		Cons: Objective 1A: <i>Evaluate proposed zone changes to maintain land use compatibility, as well as the integration of mixed land uses as a component of achieving better places to live. The two adjacent residential subdivisions have zoning that require 20-foot rear yard setbacks. It would be appropriate, and in keeping with the base zoning district, if the new lots abutting existing residential lots had corresponding 20-foot rear setbacks.</i>
--	--	--

FISCAL IMPACT:

N/A

Determination Factors:

In making a decision on zoning, the following factors are to be considered:

- Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole (*A single-family residential development is appropriate for this location. The smaller lot sizes reflect current market trends and real estate values in New Braunfels. An increased rear setback, from 10 feet to 20 feet, where proposed lots abut lots in other residential districts would be consistent with ZH-A zoning.*);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*The proposed amendments should not conflict with existing and proposed schools, street, or utilities in the area.*);
- How other areas designated for similar development will be affected (*The proposed amendments should not impact other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*There should be no other factors that will substantially affect the public health, safety, morals, or general welfare. Drainage and utility issues will be addressed through the platting process.*); and
- Whether the request is consistent with the Comprehensive Plan (*BPPD is consistent with the Future Land Use Plan designation of Low Density Residential and with several objectives of the Comprehensive Plan.*)

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on April 4, 2017, and unanimously recommended approval of the request with staff recommendations (7-0-0 with Commissioners Tubb and Conkright absent).

STAFF RECOMMENDATION:

Staff recommends approval of the requested rezoning, as the proposed changes are consistent with the Comprehensive Plan's Future Land Use designation of Low Density Residential for the subject property, and with current market trends in the area. Staff's recommendation for approval includes the following condition:

1. Include an increased minimum rear setback of 20 feet for perimeter lots abutting the adjacent subdivisions zoned R-2A and R-1A-6.6

Notification:

Public hearing notices were sent to owners of 80 properties within 200 feet of the request. The Planning Division has received no responses in favor and one in objection (#48).

Attachments:

1. Aerial Map
2. Application
3. Detail Plan (Current and Proposed)
4. Land Use Maps (Zoning, Future Land Use)
5. Notification Map and Responses
6. Photographs
7. Planning Commission Minutes
8. Ordinance