

## Legislation Text

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File #: 17-352, Version: 1

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Presenter

*Christopher Looney, Planning and Community Development Director  
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**SUBJECT:**

Approval of the second and final reading of an ordinance regarding a requested rezoning to amend the August Fields Planned Development District Concept Plan, for property situated between FM 1101 and Alves Lane, west of Canyon Middle School and east of Freiheit Elementary School.

**BACKGROUND / RATIONALE:**

Case No.: PZ-17-018

Council District: 5

Owner/Applicant: August Fields, LP (Barth Timmermann)  
501 Vale Street  
Austin, TX 78746  
(512) 773-0498

Agent: HMT Engineering and Surveying (Chris Van Herde, P.E.)  
410 N. Seguin Avenue  
New Braunfels, TX 78130  
(830) 625-8555

Staff Contact: Matt Greene, Planner  
(830) 221-4053  
mgreene@nbtexas.org

**City Council held a public hearing on May 22, 2017, and unanimously approved the first reading of this requested rezoning ordinance (7-0-0).**

The subject property is comprised of 84.65 acres located between FM 1101 and Alves Lane, west of Canyon Middle School and east of Freiheit Elementary School. The subject property was rezoned from "R-2A" Single and Two-Family District and "APD" Agricultural/Pre-Development District to "August Fields" Planned Development District (AFPD) in January of 2016. The Master Plan and Detail Plan were also approved in 2016. Unit 1 of the subdivision plat was recorded with the appropriate county in October of 2016.

The current PD consists of 286 residential lots and 1 commercial lot. The applicant is proposing to amend the AFPD to increase the maximum residential density and maximum residential and commercial lot count and to modify the street configuration. If approved, the revised AFPD would

include a maximum of 309 residential lots, which is 23 more than the current approved plan, and 3 commercial lots, which is 2 more than the current approved plan. The residential lot density is proposed to increase from the current 3.45 units per acre to 3.73 units per acre.

***General Information:***

Size: 84.65 acres

***Surrounding Zoning and Land Use:***

North - Across FM 1101 "West Village at Creekside" PD / Single family residential subdivision

South - Across Alves Lane, R-2 / Single-family homes, duplexes, a catering business and agricultural uses

East - R-2A / Single family homes, Canyon Middle School and Creekside Crossing Subdivision

West - APD and R-2A / Freiheit Elementary School, agricultural land and two single family dwellings

***Comprehensive Plan / Future Land Use Designation:***

Residential Low Density and Commercial

***Floodplain:***

No portion of the property is located within the 1% annual chance flood zone.

***Regional Transportation Plan:***

This project is in compliance with the City's Regional Transportation Plan. FM 1101 is designated as a 90-foot wide Major Collector; it currently has a right-of-way width of 100 feet. The FM 1101 TXDOT improvement project calls for 120 feet of right-of-way width. The developers will dedicate 20 feet of right-of-way adjacent to FM 1101 with the recordation of their Unit 1 plat.

Alves Lane is designated as a 120-foot wide Minor Arterial. The developers will dedicate 35 feet of right-of-way adjacent to Alves Lane at the time of final plat.

There are no thoroughfares designated on the Regional Transportation Plan internal to the subject property, however, the applicant will provide a requested Collector Street section through the subdivision with the goal that one day a street connection can be made from Alves Lane to Elliot Knox Boulevard/Business 35 to improve connectivity in this rapidly growing area of town.

***Traffic Impact Analysis:***

A TIA has been submitted for review by the City Engineering Division and TxDOT. Any required mitigation measures will be incorporated into future final plats.

***Hike and Bike Trails Plan:***

The City's Hike and Bike Trails Plan includes an off-street trail along the northeast property boundary. The proposed shared use path will connect to the hike and bike trail being constructed along the west side of FM 1101 with new development. The developer will be constructing the 10-foot hike and bike trail upon approval by the Parks and Recreation Department.

***Improvement(s):***

Phase 1 of the subdivision is currently under construction.

***Parkland Dedication:***

The Parks and Recreation Department has agreed under certain terms to accept 2.71 acres of land dedication from the developer in order to meet the intent of the City's Parkland Dedication and Development and Off-street Bikeways and Trails ordinances. Currently, Park Quadrant 2 lacks public parks. The parkland dedication will provide a public park and trail in PQuad 2 as well as serving as a node along the trail. The trail will provide connectivity from residential neighborhoods and schools to desirable destinations within the area.

As a part of the agreement, the developer of the August Fields subdivision has agreed to invest \$250,000 in Phase I park improvements in accordance with the Park Project Plans: turf, benches, trash and pet waste receptacles, sidewalks, utilities, lighting (conduit, poles, fixtures), covered gathering area or pavilion, tot lots and/or nature play area, and irrigation system. The developer also agrees to construct a 10-foot wide concrete hike and bike trail leading from FM 1101 to Alves Lane. Upon completion and approval of the hike and bike trail the city will contribute \$85,000 from park development fees toward trail costs incurred by the developer and return fees paid from Unit 1. Once the improvements have been completed and accepted by the Parks Department, the park and trail will be open and accessible to the public.

The Parks Department will enter into a license agreement with the HOA for the operations and maintenance of certain aspects of the public park, such as landscaping, mowing and irrigation. The Parks Department shall own the park and retain responsibility for all other capital improvements not explicitly licensed to the August Fields homeowners association. The new park and trail will get underway a new linear park system in PQuad 2 that will reach other desirable destinations in and around the Creekside area and eventually to Alligator Creek.

#### *Planned Development:*

A planned development 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.

#### *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 (*There will be no changes in the current uses permitted.*);
- 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 amendment should not conflict with the existing and proposed streets, water supply, sanitary sewer and other utilities in the area. Notice of this requested rezoning was sent to Comal ISD*);
- How other areas designated for similar development will be affected (*This amendment should not affect 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.*); and
- Whether the request is consistent with the Comprehensive Plan (*The proposed revisions remain consistent with the Future Land Use Plan designation of Low Density Residential and Commercial and with several objectives of the Comprehensive Plan.*)

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

✓	Yes	<b>City Plan/Council Priority:</b> 2006 Comprehensive Plan <i>Pros and Cons Based on Policies Plan</i>	<b>Pros: Objective 1A:</b> <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.</i> The subject property is located in an area that is mostly developed with single-family residences or is currently being developed. <b>Goal 1C:</b> <i>Consider rezoning, as necessary, to ensure existing and future land use compatibility.</i> The proposed amendments are compatible with the existing development and development standards of the August Fields PD. <b>Cons:</b> N/A
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission recommended approval of the applicant's request at their public hearing on May 2, 2017 (6-0-0) with Commissioners Bearden, Edwards and Nolte absent.

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed changes to the "August Fields" Planned Development zoning district, as the proposed changes are consistent with the current PD Development Standards as well as the Future Land Use Plan designation of Residential Low Density and Commercial in the respective areas.

**Notification:**

Public hearing notices were sent to 30 owners of property within the subject area and within 200 feet of the subject area. The Planning Division has received no responses in favor or opposition.

**ATTACHMENTS:**

1. Aerial and Regional Transportation Plan Map
2. Application
3. Current and Proposed Concept Plans
4. Zoning and Land Use Maps
5. Notification List and Notification Map
6. Photographs of Subject Property
7. Sec. 3.5 Planned Development Districts
8. Ordinance
9. Planning Commission Minutes