

## Legislation Text

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File #: 21-37, Version: 1

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Presenter

*Christopher J. Looney, AICP, Planning and Development Services Director*  
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**SUBJECT:**

Approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 38 acres out of Subdivision No. 112 of the A.M. Esnaurizar Eleven League Grant, located on SH 46 South, adjacent to Stonegate Subdivision, from “APD” Agricultural/Pre-Development District and “PD” Planned Development District to “ZH-A” Zero Lot Line Home District.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ20-0203

**Council District:** 2

**Owner/Applicant:** Brass Real Estate Growth Fund IV LP (Rick Rodriguez)  
100100 San Pedro, Ste. 450  
San Antonio, TX 78216  
(210) 860-9224 - erinsandoval@wginc.com

**Staff Contact:** Matt Greene, Planner  
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**City Council held a public hearing on January 11, 2021 and unanimously approved the first reading of the applicant’s request.**

The subject approximately 38-acre property is off the east side of State Highway 46 South between the Stonegate and Wendover Farms neighborhoods. The property was annexed into the City in 2001 and zoned “APD” Agricultural Pre-Development District and rezoned to “R-1A” Single Family District in 2003, with the exception of a 1-acre tract and a 2-acre tract which remained APD. In 2004, most of the property was rezoned to “PD” Planned Development District, for a proposed development known as “Bailey’s Pond”, consisting of 120 single family residential lots with a minimum lot size of 5,700 square feet. To date, the property has not been master planned, platted or developed.

The applicant is currently requesting a rezoning of the property to “ZH-A” Zero Lot Line Home District. A comparison of development standards between the existing APD and PD districts and the ZH-A district are included in this report as attachment 3. ZH-A zoning would allow the development of a residential subdivision with single family detached homes on minimum forty-foot wide / 100-foot deep lots, with a minimum lot area of 4,000 square feet each. The ZH-A District may be developed

with typical 5-foot side setbacks on both sides of the lot, or houses may also be constructed with a zero setback on one side and a 10-foot setback on the other side, allowing for a variety of detached housing types. The developer must determine at time of platting which setbacks are to be utilized and note them on the plat.

In 2018, approximately 37 acres directly south of the subject property were rezoned from APD to ZH-A and are planned to be developed as the Hidden Springs Subdivision with an estimated 118 residential lots. The master plan for Hidden Springs indicated the use of the typical 5-foot side setback.

*Surrounding Zoning and Land Use:*

North - APD and R-2A / Single family residences (Stonegate Subdivision) and a cemetery

South - APD, ZH-A and R-1A-6.6 / Single-family residences (Wendover Farms Subdivision) and undeveloped

East - Outside City Limits / Undeveloped (master planned as Spring Valley Subdivision for single family residential development)

West - R-3H / Undeveloped and a single-family residence

*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 (*The proposed zoning for single family residential development is compatible and consistent with zoning and uses in the immediate area*).
- 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 adequacy of public facilities and utilities to serve the additional demand is evaluated by each provider. CISD and utility providers have been notified of the proposed rezoning*).
- How other areas designated for similar development will be affected (*The proposed zoning change should not negatively affect other areas designated for similar development; however, continued suburban style single-family detached residential development of the large vacant tracts along State Highway 46 will contribute to utility demands and increased traffic as future residents travel to goods and services*).
- 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, utility and traffic impact issues will be reviewed and addressed through the platting process*).
- Whether the request is consistent with the Comprehensive Plan: See below

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

<b>City Plan/Council Priority:</b> Envision New Braunfels	<b>Action 1.3:</b> Encourage balanced and fiscally responsible land use patterns. <b>Action 3.13:</b> 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. <b>Future Land Use Plan:</b> The property lies within the Oak Creek Sub Area near existing Civic and Employment Centers. A future Employment Center is predicted nearby on State Highway 46.
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on December 1, 2020 and recommended approval (5-3-0, with Commissioners Reaves, Mathis and Meyer in opposition and Commissioner Gibson absent).

**STAFF RECOMMENDATION:**

Approval. The applicant's requested zoning district would be compatible with the surrounding residential neighborhoods and it would meet actions and recommendations in Envision New Braunfels as well as the Workforce Housing Study.

*Notification:*

Public hearing notices were sent to 92 owners of property within 200 feet of the request. The City has received 6 responses opposed from #'s 2, 5, 9, 13, 14 and 71, and none in favor.

**RESOURCE LINKS:**

- Chapter 144, Sec. 3.4-1 "APD" Agricultural/Pre-Development District, of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Secs. 3.4-9 "ZH-A" Zero Lot Line Home District, of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Secs. 3-5 Planned Development Districts, of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)

**ATTACHMENTS:**

1. Aerial Map
2. PD Ordinance No. 2004-03
3. APD, PD and ZH-A Development Standards Comparison Table
4. Land Use Maps (Zoning, Existing and Future Land Use)
5. Notification List and Map
6. Excerpt of Minutes from the December 1, 2020 Planning Commission Regular Meeting
7. Draft Ordinance