

## Legislation Text

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**File #:** 21-610, **Version:** 1

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**PRESENTER:**

Applicant: Caroline Brown, Brown & Ortiz, PC

Owner: Carole Bartram, et al

**SUBJECT:**

PZ21-0197 Public hearing and recommendation to City Council regarding the proposed rezoning of approximately 105 acres out of the A. M. Esnaurizar A-20 Survey, addressed at 1621 FM 758, from “APD AH” Agricultural/Pre-Development, Airport Hazard Overlay District to “ZH-A AH” Zero Lot Line, Airport Hazard Overlay District.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** Council District 2

**BACKGROUND INFORMATION:**

Applicant: Caroline Brown  
Brown & Ortiz, PC  
112 E. Pecan Street, Suite 1360  
San Antonio, TX 78205  
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Owners:	Carole Bartram 437 Ogden Lane New Braunfels, TX 78130 (830) 708-5301 rabarinc@gmail.com	John Bartram 309 McConnell Drive West Lake Hills, TX 78746 (512) 619-9899 jbartram@anaustin.com
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Lezlee Bartram Jurica  
435 Ogden Lane  
New Braunfels, TX 78130  
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Staff Contact: Holly Mullins  
(830) 221-4054  
hmullins@nbtexas.org

The subject property is 105 acres located on FM 758, approximately 1,500 feet east of Highway 46 South and one-half mile from the New Braunfels Regional Airport. The current land use is agricultural with a single-

family residence.

The applicant is requesting ZH-A zoning for a proposed zero lot line (patio/garden home) development. A district comparison chart for APD and ZH-A is attached.

**Surrounding Zoning and Land Use:**

North - APD AH, MU-B AH/ Undeveloped, mini-storage warehouse

South - Across FM 758, APD AH; Outside city limits/Single-family residence; undeveloped

East - APD AH/ Rural residential, agricultural

West - APD AH/ Single-family residence, agricultural

**ISSUE:**

The current APD zoning district is intended for newly annexed areas, agricultural uses, and areas where development is premature due to a lack of utility capacity, or where the ultimate use has not been determined.

The proposed ZH-A district is intended for development of detached single-family residences on minimum 4,000 square foot lots. Homes may be constructed with typical 5-foot wide side setbacks, or located closer to one side property line to maximize the usable yard on the other side (garden/patio homes).

This property is located with the Inner Turning Zone and the Horizontal Zone of the Airport Hazard Overlay for building height. The ZH-A zoning district allows a maximum building height of 35 feet, which is not further restricted by the Airport Overlay zones.

The proposed rezoning is consistent with the following actions from Envision New Braunfels and the Workforce Housing Study:

- 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.
- Workforce Housing Study Recommendation: Ensure through city zoning and other required legal entitlements related to housing construction that new types of housing products (small lot, duplex, townhome, etc.) are allowed by regulations.

**Future Land Use Plan:** The subject property is located in the Oak Creek Sub-Area and between two Transitional Mixed-Use Corridors (Highway 46 and the Barbarosa extension of FM 306). It is one-half mile from the New Braunfels Regional Airport and the Central Texas Technology Center education center.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Approval. The applicant's proposal is consistent with development trends in the area and is supported by the Envision New Braunfels Comprehensive Plan and Workforce Housing Study.

**Notification:**

Public hearing notices were sent to owners of 9 properties within 200 feet of the request. To date, no responses have been received.

**Resource Links:**

Section 144-3.4-9. ZH-A Zero Lot Line Home District

[Chapter 144 - ZONING | Code of Ordinances | New Braunfels, TX | Municode Library](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987)  
<[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH144ZO\\_ARTIIIZODI\\_S144-3.4ZODIREPRZOSUJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987)>

**Attachments:**

1. Aerial Map
2. Land Use Maps (Zoning, Existing, Airport Overlay, Future Land Use)
3. District Comparison Chart
4. TIA Worksheet
5. Notification Map