

## Legislation Text

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**File #:** 21-699, **Version:** 1

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**PRESENTER:**

Christopher J. Looney, AICP, Planning and Development Services Director

**SUBJECT:**

Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 2.0 acres out of the Orilla Russell Survey No. 2, A-485 addressed at 696 Orion Drive, from “APD AH” Agricultural/Pre-Development, Airport Hazard Overlay District to “ZH-A AH” Zero Lot Line Home, Airport Hazard Overlay District.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** 4

**BACKGROUND INFORMATION:**

Case #: PZ21-0198

Applicant: Ink Civil (James Ingalls, P.E.)  
2021 SH 46W, Ste. 105  
New Braunfels, TX 78132  
(830) 358-7127 jamesingalls@ink-civil.com

Owner: Rexford & Sally Michie  
696 Orion Drive  
New Braunfels, TX 78130  
(830) 730-6427 wrecksmick@outlook.com

Staff Contact: Matthew Simmont  
(830) 221-4058 msimmont@nbtexas.org

The 2-acre tract is located approximately 920 feet north of the intersection of Goodwin Lane and Orion Drive. The subject property is developed with a single-family residence.

The applicant is requesting a change of the base zoning district from “APD” Agricultural/Pre-Development to “ZH-A” Zero Lot Line Home District. The applicant is not requesting removal or modification of the “AH” Overlay District. A base district comparison chart (attached) shows the proposed zoning allows residential.

*Surrounding Zoning and Land Use:*

North - ZH-A / Undeveloped  
South - ZH-A / Undeveloped  
East - ZH-A / Undeveloped  
West - Across Orion Drive, R-1A-6.6 / Single family residence

**ISSUE:**

The current APD zoning district is intended for newly annexed areas, agricultural, farm and ranch uses and for

areas where development is premature because a lack of utilities, capacity, or service, or where future 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. In this district, homes may be constructed with typical 5-foot wide 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 within the Transition 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.

The property is situated in the Oak Creek Sub-Area, in close proximity to Employment, Market and Education Centers.

The permitted uses within the proposed zoning district create opportunities for encouraged housing variety which is generally compatible with the expanding neighborhood of residential use.

#### **FISCAL IMPACT:**

N/A

#### **RECOMMENDATION:**

The Planning Commission held a public hearing on July 6, 2021 and recommended approval (9-0).

Staff recommends approval. The applicants' proposal would allow the tract to be incorporated into abutting property for a contiguous future residential neighborhood. This would be consistent with ongoing development in the area as this immediate vicinity transitions from what was once mostly industrially zoned property into opportunities for more residential neighborhoods.

#### *Mailed notification pursuant to state statute:*

Public hearing notices were sent to owners of 5 properties within 200 feet of the request. No responses have been received at this time.

#### **Resource Links:**

Chapter 144, Section 3.4-1. (APD) of the City's Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOR\\_CH144ZO\\_ARTIIIIZODI\\_S144-3.4ZODIREPRZOSUJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTIIIIZODI_S144-3.4ZODIREPRZOSUJU221987)

- Chapter 144, Section 3.4-9. (ZH-A) of the City's Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOR\\_CH144ZO\\_ARTIIIIZODI\\_S144-3.4ZODIREPRZOSUJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTIIIIZODI_S144-3.4ZODIREPRZOSUJU221987)

Attachments:

1. Aerial Map
2. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
3. District Comparison Chart
4. Traffic Impact Analysis (TIA) Worksheet
5. Notification List, Map and Responses
6. Draft Planning Commission Meeting Minutes
7. Ordinance