

Legislation Details (With Text)

File #: 20-473 **Name:**
Type: Ordinance **Status:** Individual Item Ready
File created: 7/7/2020 **In control:** City Council
On agenda: 7/27/2020 **Final action:**
Title: Public hearing and first reading of an ordinance regarding the proposed rezoning of Lots 1 and 2 Solms Subdivision, located in the 4400 block of IH-35 South, from "APD" Agricultural/Pre-Development to "C-1B" General Business District.

Sponsors:**Indexes:****Code sections:****Attachments:** 1. Aerial, 2. Land Use Maps, 3. Notification, 4. Draft Minutes, 5. Ordinance

Date	Ver.	Action By	Action	Result
7/27/2020	1	City Council		

Presenter

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

SUBJECT:

Public hearing and first reading of an ordinance regarding the proposed rezoning of Lots 1 and 2 Solms Subdivision, located in the 4400 block of IH-35 South, from "APD" Agricultural/Pre-Development to "C-1B" General Business District.

BACKGROUND / RATIONALE:**Case No.:** PZ20-0097**Council District:** 1

Applicant: Spencer Marston, Linfield, Hunter & Junius, Inc.
5222 FM 1960 W. Suite 210C
Houston, TX 77069
(504) 228-7684
smarston@lhjunius.com

Owner: Sac 'N' Pac Stores, Inc.
1405 United Drive Suite 115
San Marcos, TX 78666

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

The subject property is located just inside the city limits at the northwest corner of the intersection of IH-35 South and Solms Road, along the southwest bound frontage road. This area was annexed into the City in 2003. Upon annexation, land is typically assigned the interim “APD” Agricultural/Pre-Development zoning district until permanent zoning is requested by the property owner or developer.

The applicant is requesting C-1B to accommodate new retail development. They indicate that Lots 1 and 2 will be combined through the platting process prior to construction.

Surrounding Zoning and Land Use:

North - Outside city limits/ Single-family residence
South - Across IH-35, APD/ Undeveloped
East - Across Solms Rd, C-3/ Convenience store with fuel sales
West - M-1, Outside city limits/ Undeveloped

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 (*C-1B is encouraged at intersections of major collectors and thoroughfares. Solms Rd. is identified as a Major Collector on the City’s Thoroughfare Plan that will provide a north/south connection between Wald Rd. and Weil Rd. The allowed uses in C-1B are appropriate at this location.*);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*Utility provision will be evaluated by NBU at the time of platting and permitting.*);
- How other areas designated for similar development will be affected (*The potential uses should not negatively affect other areas designated for similar development*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*Drainage, utility and traffic impacts will be reviewed and addressed through the platting and permitting processes*); and
- Whether the request is consistent with the Comprehensive Plans: see below

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 3.3: Balance commercial centers with stable neighborhoods. Future Land Use Plan: The property is located within the Oak Creek Sub-Area, on a transitional mixed use corridor, and near existing employment and market centers.
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on July 7, 2020 and unanimously recommended approval of the request. (9-0-0)

STAFF RECOMMENDATION:

Approval.

Notification:

Public hearing notices were sent to 3 owners of property inside the city limits and within 200 feet of the request. The City has not yet received any responses.

RESOURCE LINKS:

- Chapter 144, Section 3.4-13 ("C-1B") of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

ATTACHMENTS:

- Aerial Map
- Land Use Maps (Zoning, Existing Land Use, Existing Centers, Future Land Use Plan)
- Notification List and Map
- Draft Minutes from the 7/7/20 Planning Commission meeting
- Ordinance