

## Legislation Details (With Text)

<b>File #:</b>	18-491	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Consent Item Ready
<b>File created:</b>	8/20/2018	<b>In control:</b>	City Council
<b>On agenda:</b>	9/10/2018	<b>Final action:</b>	
<b>Title:</b>	Approval of the second and final reading of an ordinance rezoning 0.953 acres out of the JM Veramendi A-20 Survey, addressed at 1671 State Highway 46 South, from "APD" Agricultural/Pre-Development and "C-1" Local Business Districts to "MU-B" High Intensity Mixed Use District.		

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Aerial Map, 2. Application & Site Plan, 3. Land Use Maps, 4. Notification & Response.pdf, 5. MU-B, 6. Photo.pdf, 7. Draft Minutes, 8. Ordinance

Date	Ver.	Action By	Action	Result
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Presenter

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

**SUBJECT:**

Approval of the second and final reading of an ordinance rezoning 0.953 acres out of the JM Veramendi A-20 Survey, addressed at 1671 State Highway 46 South, from "APD" Agricultural/Pre-Development and "C-1" Local Business Districts to "MU-B" High Intensity Mixed Use District.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ-18-020

**Council District:** 2

**Owner/Applicant:** Brenda Riddle  
1036 Spanish Trail  
New Braunfels, TX 78132  
(361) 537-0880  
Riddleb2@yahoo.com

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

**Background/rationale:**

**City Council held a public hearing on August 27, 2018 and unanimously approved the first reading of the ordinance.**

The subject property is approximately one acre located on State Highway 46 South, north of the

intersection of FM 758. It is zoned "C-1" Local Business District, with a sliver of "APD" Agricultural/Pre-Development at the rear because the land was annexed at two different times (1981 and 2003). The property currently contains a non-conforming manufactured home.

The applicant is requesting to rezone the subject property to "MU-B" High Intensity Mixed Use District to be consistent with zoning on the adjacent Mid-Tex property and to facilitate re-development. A conceptual site plan (Attachment 2) indicates the applicant is considering a mix of office space, commercial shop/warehouse and mini-warehouse storage on the property. However, this is not an SUP or a Planned Development request, therefore a site plan and conditions cannot be required of the zoning. If the requested rezoning is approved all of the uses allowed in MU-B would be permissible (see Attachment 5). While "MU-B" allows a mix of uses, mixed-use is not required.

The "MU-B" district is intended to provide a mixture of retail, office and industrial uses in close proximity to create opportunities for people to work and shop in a single location. The concept works best on larger tracts of land that can integrate the various uses in a cohesive, large-scale, walkable development. There are currently 30 acres of MU-B zoning at the intersection of State Highway 46 and FM 758, and another 30 acres approximately 800 feet north the subject property along State Highway 46. Although not currently a mixed-use development, the total of 61 acres will have the potential to create a mixed-use node in the future.

**General Information:**

*Size:* 0.953 acres

*Surrounding Zoning and Land Use:*

North -	C-1/ Single-family residence
South -	MU-B/ Convenience store with fuel sales
East -	APD/ Agricultural with residence
West -	Across Hwy 46, C-1/ Commercial, Institutional

*Comprehensive Plan/ Future Land Use Designation:* Commercial  
Transitional Mixed-Use Corridor and near/within a Market Center and Civic Center

*Floodplain:*

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

*Regional Transportation Plan:*

State Highway 46 South is identified as a 120-foot wide Major Arterial. The current right-of-way width at this location is approximately 100 feet and additional right-of-way dedication may be required when the property is platted prior to redevelopment.

*Improvement(s):*

Manufactured home and accessory buildings

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

Yes	<b>City Plan/Council Priority: Envision New Braunfels Pros and Cons Based on Policies Plan</b>	<b>Pros: Action 3.10 Change zoning/land use and platting rules, and create tax and permit fee incentives in underutilized neighborhoods, nodes, and corridors to encourage redevelopment.</b> The request would provide opportunities for a mix of land uses in an area that is rapidly redeveloping.
		<b>Cons:</b> Some of the industrial uses allowed in the MU-B district are not compatible with existing surrounding land uses, which are primarily commercial and residential. <b>However</b> , given the size and location of the property, it is unlikely to be used for the more intense MU-B uses such as fairgrounds, truck terminal with outside freight storage, or heliport.

**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 subject property is located one mile from the New Braunfels Regional Airport, in an area suitable for mixed-use development.*);
- 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 zoning should not conflict with existing and proposed schools, street, or utilities in the area.*);
- How other areas designated for similar development will be affected (*The proposed zoning should not impact other areas designated for similar development and will continue a mixed-use zoning trend in the area.*);
- 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 2006 Future Land Use Plan designation on the property is Commercial. The recently adopted Envision New Braunfels Future Land Use Plan indicates State Highway 46 South as a Transitional Mixed-Use Corridor, and the area around the subject property as a Market and a Civic Center, both mixed-use areas.*)

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on August 7, 2018 and recommended approval of the rezoning request. (7-0-0)

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed rezoning as it is consistent with the surrounding zoning and Comprehensive Plan.

**Notification:**

Public hearing notices were sent to owners of 10 properties within 200 feet of the request. The

Planning Division has received one response in favor, number 1, and none in objection.

**Attachments:**

1. Aerial Map
2. Application and Conceptual Site Plan
3. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
4. Notification Map and Responses
5. Sec. 3.4-11 MU-B
6. Photograph
7. Draft Minutes from Planning Commission
8. Ordinance