

## Legislation Details (With Text)

<b>File #:</b>	22-793	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed
<b>File created:</b>	6/28/2022	<b>In control:</b>	City Council
<b>On agenda:</b>	7/11/2022	<b>Final action:</b>	7/11/2022

**Title:** Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow a martial arts school in the C-O Commercial Office District on Lot 9, Block 2, Green Valley Estates, addressed at 104 Melody Lane.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. City Maps, 2. TIA Form & Determination Letter, 3. Subject Property Photos, 4. Notification Map, List & Responses, 5. PC Draft Minutes, 6. Draft Ordinance

Date	Ver.	Action By	Action	Result
7/11/2022	1	City Council	approved	Pass

**PRESENTER:**

Jean Drew, AICP, CNU-A, Planning & Development Services Assistant Director

**SUBJECT:**

Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow a martial arts school in the C-O Commercial Office District on Lot 9, Block 2, Green Valley Estates, addressed at 104 Melody Lane.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** 6

**BACKGROUND INFORMATION:**

Case #: SUP22-166

Applicant: INK Civil  
James Ingalls P.E.  
2021 W SH46, Suite 105  
New Braunfels, TX 78132  
(830) 358-7127  
plats@ink-civil.com

Owners: Jack and Cynthia Whitworth  
229 Pecan Estates  
New Braunfels, TX 78130  
(830) 214-3370

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

**City Council held a public hearing on June 27, 2022 and unanimously approved the first reading of the**

**ordinance for the applicant’s requested rezoning (7-0-0).**

The 0.74-acre subject property is located on the southwest corner of the intersection of Melody Lane and E. Green Valley within a single-family residential subdivision. The property is improved with commercial structures and storage buildings that were constructed in 1971 and 2015 and most recently occupied with a stained-glass art studio.

C-O is intended to generate opportunities for professional office and residential mixed-use. The applicant is requesting this Special Use Permit (SUP) to allow a martial arts training business to operate on the property. The two largest buildings contain approximately 4,400 square feet of gross floor area. At least twelve paved off-street parking spaces are existing on the property.

*Surrounding Zoning and Land Use:*

North - Across E. Green Valley, B-1 / Single-family residences

South - Across Melody Ln., B-1 / Single-family residences

East - Across Melody Ln., B-1 / Single-family residences

West - B-1 / Single-family residence

**ISSUE:**

The proposed rezoning is consistent with the following actions from Envision New Braunfels:

- *Action 1.3* Encourage balanced and fiscally responsible land use patterns.
- *Action 1.6* Incentivize infill development and redevelopment to take advantage of existing infrastructure.
- *Action 2.14* Create opportunities for youth to be physically active, thereby reducing childhood obesity.
- *Action 3.6* Pro actively provide a regulatory framework that remains business and resident friendly.
- *Action 3.22* Encourage venues within walking distance of neighborhoods and schools.
- *Action 5.11* Engender opportunities for new partnerships with neighboring and nearby entities that expand capacity.

Future Land Use Plan: The property lies within the Walnut Springs Sub Area within Existing Education, Civic, Employment, Market, Medical, Outdoor Recreation and Tourist Center Areas and near a Transitional Mixed-Use Corridor.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Approval with the condition listed below. Use of the subject property for a martial arts school would be consistent with the intent of C-O, and would provide an opportunity for a neighborhood friendly business to operate that can provide convenient and healthy activities for residents.

1. All martial arts activities are to take place indoors without open doors and windows to prevent errant sounds from traveling into the neighborhood.

The Planning Commission held a public hearing on June 7, 2022 and recommended approval with staff’s recommended condition (9-0).

*Mailed notification as required by state statute:*

Public hearing notices were sent to owners of 27 properties within 200 feet of the request. The City has received two responses in objection (#19 & 25) and none in favor from owners of property within the notification area.

Resource Links:

- Chapter 144, Section 3.4-4. “C-O” of the City’s Code of Ordinances:  
<[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)>
- Chapter 144, Section 3.6 *Special Use Permits* of the City’s Code of Ordinances:  
<[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH144ZO\\_ARTIIIZODI\\_S144-3.6SPUSPE](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.6SPUSPE)>