

## Legislation Details (With Text)

<b>File #:</b>	24-289	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	2/22/2024	<b>In control:</b>	City Council
<b>On agenda:</b>	5/13/2024	<b>Final action:</b>	
<b>Title:</b>	Discuss and consider the second and final reading of an ordinance regarding a proposed rezoning of approximately 82 acres out of the A.M. Esnaurizar Survey, Abstract 20, from APD AH (Agricultural/Pre-Development Airport Hazard Overlay District) to R-3L AH (Multifamily Low Density Airport Hazard Overlay District) currently addressed at 1280 Saengerhalle Road and 1682 Saur Lane.		

**Sponsors:****Indexes:****Code sections:**

**Attachments:** 1. City Maps, 2. Applicant Zoning Exhibit, 3. Districts Comparison Table, 4. TIA Determination Letter and Form, 5. Notification Map, List & Responses, 6. PC Draft Minutes, 7. Draft Ordinance

Date	Ver.	Action By	Action	Result
5/13/2024	1	City Council	approved	Pass

**PRESENTER:**

Matthew Simmont, AICP, Planning Manager

**SUBJECT:**

Discuss and consider the second and final reading of an ordinance regarding a proposed rezoning of approximately 82 acres out of the A.M. Esnaurizar Survey, Abstract 20, from APD AH (Agricultural/Pre-Development Airport Hazard Overlay District) to R-3L AH (Multifamily Low Density Airport Hazard Overlay District) currently addressed at 1280 Saengerhalle Road and 1682 Saur Lane.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** 2

**BACKGROUND INFORMATION:**

Case No: PZ23-0352

**Authorized Representative:** Shannon Mattingly  
2705 Bee Cave Road, Suite 100  
Austin, TX 78746  
(830) 643-9453 | smattingly@drennergroupp.com

**Owner:** Rockspring Saur LLC (Attn: Beau Ryan)  
3200 Southwest Freeway, Suite 300  
Houston, TX 77027  
(713) 535-2285 | beau@rockspring.com

**Staff Contact:** Mary Lovell, Senior Planner  
(830)221-4051| mlovell@newbraunfels.gov

The City Council held a public hearing on February 26, 2024 and approved the applicant's alternate zoning exhibit presented at the hearing (4-3-0).

At the January 22, 2024 City Council meeting, the applicant requested and was granted a postponement to the February 26, 2024 City Council meeting.

At the January 8, 2024 City Council meeting, the applicant requested a postponement to the January 22, 2024 City Council meeting. City Council approved the postponement request. The applicant also amended their request: their original request was for a mix of R-3L AH (Multifamily Low Density Airport Hazard Overlay District) and R-3H AH (Multifamily High Density Airport Hazard Overlay District). Their amended request is for the entirety of the requested rezoning area to be R-3L (Multifamily Low Density Airport Hazard Overlay District).

The subject property comprises approximately 82 acres on the southeast side of Saengerhalle Road, approximately 700 feet east of Saur Lane and next to the Saengerhalle Estates Subdivision. The property is currently developed with two single-family residences and is under agricultural use. The applicant is requesting a change in the base zoning from APD to R-3L but is not requesting to change or remove the Airport Hazard Overlay. R-3L allows multifamily residences at not more than 12 units per acre.

Access to the property would be from Saengerhalle Road (Minor Collector). A planned minor collector is located on the southwestern portion of the subject property and will be required to be constructed with platting.

*Surrounding Zoning and Land Use:*

North	Outside City Limits	Undeveloped, farmland
South	APD	Undeveloped, farmland
East	APD, M-1	Single family residences, New Braunfels National Airport
West	R-1A-6.6r79	Single-family and duplex development

**ISSUE:**

Related **Envision New Braunfels** Action Items include:

- **Action 1.8:** Concentrate future investment in industrial and employment centers near existing and emerging hubs, such as the airport; and along existing high-capacity transportation networks, such as Interstate Highway 35.
- **Action 2.1:** Sustain community livability for all ages and economic backgrounds.
- **Action 6.2:** Protect the airport from incompatible land use encroachment.

**Future Land Use Plan:** The property lies within the Oak Creek Sub Area near a Transitional Mixed-Use Corridor, is adjacent to and partially within a Future Market Center and lies a short drive from Existing Employment and Civic Centers. The tract on the north side of Saengerhalle Road is outside of the city limits.

**Airport Master Plan:** Expansion plans for airport improvements and operations will be located in the undeveloped southwest corner, which is directly across from the subject property.

Land use compatibility around airports is an important element in allowing aircraft to traverse the airspace expeditiously and safely. Airport compatibility also includes ensuring activities and land uses near airports are not negatively impacted by airport operations. Residential development is particularly sensitive to such operations and is typically considered incompatible if situated near an airport. Residences near the Airport would be subject to ongoing and increased noise emanating from planes during takeoff and landing. Airport

noise is such that when residences are near airports, contentious relationships often arise between those residents and the respective city.

Protecting the Airport from conflicting land uses helps to maintain a safe operating environment, maximize return on taxpayer infrastructure investments, and comply with Federal grant assurances. It is important for the long-term operation and viability of an airport, its users and the health and safety of people living and working in close proximity.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

A transition of land use from least intense (residential) to most intense (industrial) as one moves closer to an airport is the typical expectation for airport compatibility. Revisions to the original request that reduce the amount of the proposed residential use closest to the airport property allows for a transition of land use from existing residential immediately southwest of the subject tract towards airport activities. In addition, the ability to plan for commercial and/or industrial use along Saur Lane to the northeast of the subject property supports the Action Items and the Future Market Center called for in Envision New Braunfels.

The Planning Commission held a public hearing on December 5, 2023 and unanimously recommended denial of the applicant's original request (7-0-0).

*Mailed notification pursuant to state statute:*

Public hearing notices were sent to owners of 21 properties within 200 feet of the request and staff has received responses of 2% in opposition.

Resource Links:

- Chapter 144, Sec. 3.4-1 (APD) of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Section 3.4-4. (R-3L) of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Section 5.20 Airport Hazard Zoning District:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)