

## Legislation Text

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File #: 18-571, Version: 1

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Presenter

*Christopher J. Looney, Planning and Community Development Director  
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**SUBJECT:**

Discuss and consider approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 40.9 acres out of the A M Esnaurizar Survey, Abstract 20, located on the northwest corner of the intersection of State Highway 46 South and Saengerhalle Road from "APD" Agricultural/Pre-Development District and "R-2" Single-Family and Two-Family District to "C-1B" General Business District and "ZH-A" Zero Lot Line Home District.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ-18-032

**Council District:** 2

**Owner/Applicant:** AC 483 Ltd., Craig Holmig - Agent  
410 N. Seguin Ave.  
New Braunfels TX, 78130

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

**City Council held a public hearing on September 24, 2018 and approved the first reading of the ordinance for the applicant's requested rezoning (5-1).**

The approximately 40.9 acre subject property is an undeveloped, unplatted tract. The property has approximately 780 feet of frontage along SH 46 and 1,150 feet of frontage along Saengerhalle Road within the Oak Creek Sub Area. It surrounds the historic Saengerhalle dance hall that has been converted to a training center for Ashley Furniture.

The applicant is requesting the portion of the property fronting State Highway 46 South (4.16 acres) be rezoned from "R-2" Single-Family and Two-Family District to "C-1B" General Business District. He is also asking for the remainder of the property (36.73 acres) to be rezoned from "APD" Agricultural/Pre-Development District to "ZH-A" Zero Lot Line Home District.

C-1B zoning is intended for office and retail uses located along or at the intersection of major collectors or arterials that can handle the anticipated traffic volumes. The subject property meets that intent as State Highway 46 South is a Principal Arterial and Saengerhalle Road is a Minor Arterial. Per New Braunfels' Zoning Ordinance, non-residential and multifamily development adjacent to

property zoned or used for single or two-family development requires residential buffering (wall and trees).

The portion of the property proposed for ZHA zoning would allow for the development of a residential subdivision with single-family detached homes on minimum forty foot wide / 100 foot deep lots, with a minimum lot area of 4,000 square feet each. Typical 5-foot side setbacks on both sides of the lot are permitted as are houses that may also be constructed with a zero setback on one side and a 10-foot setback on the other side, allowing for a variety of detached housing types. The developer must determine at time of platting which setbacks are to be utilized.

**General Information:**

Size: Approximately 40.89 acres

*Surrounding Zoning and Land Use:*

North - Bailey's Pond Planned Development / Undeveloped

South - Across Saengerhalle Road, R-1A-6.6 & C-1B / Single-family residences; undeveloped

East - R-1A-6.6 / Single-family residences

West - Across SH 46, R-2 / Undeveloped

*Comprehensive Plan*

- Oak Creek Sub Area
- Near an existing Civic Center
- Along a Transitional Mixed Use Corridor

*Floodplain:*

No portion of the subject property is located within the 100-year floodplain.

*Regional Transportation Plan:*

State Highway 46 is identified as a 120-foot wide Principal Arterial and the current right-of-way width is approximately 110 feet. Right-of-way dedication and/or mitigation measures will be reviewed for compliance with code requirements with the platting of the subject property.

Saengerhalle Road is identified as a 120-foot wide Minor Arterial and the current right-of-way width is approximately 70 feet. Right-of-way dedication and/or mitigation measures will be reviewed for compliance with code requirements with the platting of the subject property.

*Improvement(s):*

3 billboards and overhead electric lines

*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 proposed use of the property for commercial development along SH 46 with the remainder of the property proposed for single-family residential development is compatible with the neighboring uses.*);
- 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 adequacy of public facilities and*

utilities to serve the additional demand is evaluated by each provider. CISD and utility providers have been notified of the proposed development. Impact to streets is noted in the Transportation section above.);

- How other areas designated for similar development will be affected (*The proposed zoning change should not negatively affect other areas designated for similar development; however, continued suburban style single-family detached residential development of the large vacant tracts along State Highway 46 will contribute to utility demands and increased traffic as future residents travel to goods and services. Increased commercial at nodes along Hwy 46 can alleviate some traffic congestion at the Interstate intersections.*);
- 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. Drainage, utility and traffic impact issues will be reviewed and addressed through the platting process.*); and
- Whether the request is consistent with the Comprehensive Plan. (*The Comprehensive Plan identifies the property as being within a Transitional Mixed-Use Corridor.*)

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

Yes	<b>City Plan/Council Priority:</b> Envision New Braunfels <i>Pros and Cons Based on Policies Plan</i>	<b>Pros: Action 3.3:</b> <i>Balance commercial centers with stable neighborhoods.</i> The proposed commercial and single-family residential districts are in accordance with the Future Land Use Plan and are compatible with current and anticipated surrounding land uses. The residential zoning would be consistent with the existing and developing neighborhoods in the area. And the commercial zoning would provide opportunities for retail and services for area residents. <b>Action 3.13:</b> <i>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.</i> The proposed residential zoning district would allow development of an additional variety of types, sizes and price points of single-family housing in this growing area of the city. <b>Cons:</b> None
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on September 5, 2018 and recommended approval of the applicant’s request (8-0-0 with Commissioner Sonier absent).

**STAFF RECOMMENDATION:**

Staff recommends approval of the applicant’s request. The zoning districts proposed would be compatible with the surrounding residential neighborhoods and commercial uses along Hwy 46, and

it would be in accordance with the Comprehensive Plan.

***Notification:***

Public hearing notices were sent to 56 owners of property within 200 feet of the request. The Planning Division has received one response (#46) in objection.

**ATTACHMENTS:**

1. Aerial and Regional Transportation Plan Map
2. Application and Proposed Zoning Exhibit
3. Land Use Maps
4. Existing Centers
5. Future Land Use Map
6. Notification List, Notification Map and Notification Responses
7. Photographs
8. Zoning Ordinance Sections:
  - Sec. 3.3-2 "R-2" Single-Family and Two-Family District
  - Sec. 3.4-1 "APD" Agricultural/Pre-Development District
  - Sec. 3.4-9 "ZH-A" Zero Lot Line Home District
  - Sec. 3.4-13 "C-1B" General Business District
9. Planning Commission Meeting Draft Minutes
10. Ordinance