

## Legislation Text

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File #: 19-230, Version: 1

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Presenter

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

**SUBJECT:**

Public hearing and first reading of an ordinance regarding the proposed rezoning of Lots 2 and 3, Country Meadows Subdivision, addressed at 2254 and 2316 FM 725, from "R-1" Single Family District and "APD" Agricultural/Pre-Development District to "C-1A" Neighborhood Business District and "C-O" Commercial Office District.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ-18-045

**Council District:** 2

Applicants/

Owners: Sandy Schuetz Neuse (Lot 2)  
2254 FM 725  
New Braunfels, TX 78130  
(830) 481-4045  
sandraneuse@gmail.com

Michael Smithers (Lot 3)  
607 N. Walnut Avenue  
New Braunfels, TX 78130  
(830) 609-8587  
mbsmithers@hotmail.com

**Staff Contact:** Matt Greene  
(830) 221-4053  
mgreene@nbtexas.org

**This item was postponed at the applicant's request at the February 25, 2019 City Council meeting. A neighborhood meeting was held March 18, 2019 with the applicants, approximately 35 neighbors, Council Member Meadows and City staff. Objections, zoning and the rezoning process were discussed.**

The subject property consists of Lot 2 (10.39 acres) and Lot 3 (11.53 acres), Country Meadows Subdivision, situated between Conway Castle Drive and Klein Road on the southwest side of FM 725. The front 350 feet of the subject property (adjacent to FM 725) is zoned "R-1" Single Family District and the remainder of the property (abutting Dove Crossing Subdivision) is zoned "APD"

Agricultural/Pre-Development District. Each lot is presently occupied by a single-family residence.

The applicants are proposing C-1A for the approximately 325-foot deep front of the tract. They originally requested C-1B, but have since revised their application to the less intense C-1A. And, they are requesting the least intense C-O for the approximately 800-foot deep remaining rear of the property where it abuts residential.

The tract two lots to the south (2416 FM 725) was rezoned in 2016 from R-1 and APD to C-1B with an SUP for a self-storage facility. The tract three lots to the south (2466 FM 725) was also subject to a rezoning request in 2016 from R-1 and APD to C-1B with an SUP for an outdoor wedding/special event venue and short term rental; that case was withdrawn after the Planning Commission recommended denial.

**General Information:**

*Surrounding Zoning and Land Use:*

North - R-1 & APD / Renew Church

South - R-1 & APD / Single Family residence on 11.69 acres

East - Across FM 725, "South Bank" PD / Single-family residences

West - "Dove Crossing" PD / Single-family residences

*Floodplain:*

No portion of the property is within the 1% annual chance flood zone (100-year floodplain).

*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-1A is intended to allow uses that serve neighborhoods without resulting in substantial impact, and C-O is intended as to allow a mix of professional offices and residences encouraging adaptive reuse or new developments sensitive to the surroundings. Widening of FM 725 is on the MPO 2019-2022 Transportation Improvement Program (TIP). A buffer wall and landscaping will be required where new commercial or multifamily development is adjacent to residential use.*);
- 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 additional demand is evaluated by each provider. NBISD and utility providers have been notified of the request.*);
- How other areas designated for similar development will be affected (*The proposed zoning 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, utilities and traffic impact will be reviewed and addressed through the permitting process.*); and
- Whether the request is consistent with the Comprehensive Plan (*The subject property is situated along a Transitional Mixed Use Corridor (FM 725) and is in close proximity to a future Civic Center and an existing Outdoor Recreation Center. The Walnut Springs Sub Area is on the west side of FM 725 and the Dunlap Sub Area is to the east of FM 725.*

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

<b>City Plan/Council Priority:</b> Envision New Braunfels	<b>Action 3.3:</b> <i>Balance commercial centers with stable neighborhoods.</i>
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

At their February 5, 2019 meeting, the Planning Commission recommended approval (7-0-0, with Commissioners Gibson and Mathis absent).

**STAFF RECOMMENDATION:**

The proposal is a compatible zoning configuration. It would keep more intense commercial at nearby intersections, allow pedestrian-oriented commercial services mid-block, and allow mixed office and residential uses in the rear, transitioning to single-family behind. Staff recommends approval.

**Notification:**

Public hearing notices were sent to 42 owners of property within 200 feet. As of publication of the agenda, the City has received no responses in favor and 32 opposed from numbers 1-2, 4-6, 8-9, 11-12, 14-24, 26-29, 31, 33-36 and 39-41. Opposition represents 34% of the notification area. With objection in excess of 20%, a ¾ majority of City Council (6 votes) is required to approve any rezoning request.

The City has received an additional 101 responses in opposition from property owners outside of the 200-foot notification area.

**Attachments:**

1. Aerial Maps
2. Application
3. Proposed Zoning Exhibit
4. Land Use Maps (Zoning, Existing Land Use, Existing Centers, Future Land Use Plan)
5. Notification List, Map and Responses
6. Photographs
7. Sec. 3.3-1 R-1, Sec. 3.4-1 APD, Sec. 3.4-13 C-1B and Sec. 3.4-17 C-O
8. Ordinance