

## Legislation Text

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**File #:** 21-786, **Version:** 1

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**PRESENTER:**

Applicant: Henry Daughtry  
Owner: Barbara Nell Dean

**SUBJECT:**

PZ21-0268 Public hearing and recommendation to City Council regarding the proposed rezoning of approximately 7.6 acres out of the A. M. Esnaurizar A-1 Survey, addressed at 2100 IH-35 North, from “APD AH” Agricultural/Pre-Development, Airport Hazard Overlay District and “C-3 AH” Commercial, Airport Hazard Overlay District to “C-1B AH” General Business, Airport Hazard Overlay District.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** Council District 5

**BACKGROUND INFORMATION:**

Case No.: PZ21-0268

Applicant: Henry A. Daughtry, Jr.  
6200 Grissom Road  
San Antonio, TX 78238  
(210) 845-7350  
hdaughtry@aol.com

Owners: Barbara Nell Dean  
6616 Creek Drive  
New Braunfels, TX 78130

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

The subject property is currently undeveloped. It is 7.6 acres located on the east side of IH-35 North, south of the FM 306/Creekside Crossing intersection. The front 300 feet of the property was annexed in 1971 and is zoned C-3 Commercial District. The remainder was annexed in 1998 and still has the interim zoning of APD Agricultural/Pre-Development.

The applicant is requesting C-1B General Business District for the entire tract. C-1B is the current district most similar to the existing C-3. A district comparison chart for APD and C-1B is attached.

**Surrounding Zoning and Land Use:**

North - Across IH-35, M-1 AH/ Auto dealership  
South - SLPD AH/ Mixed use planned development  
East - C-3 AH, C-1B AH/ Manufactured home park  
West - MU-B AH/ Self-storage warehouse

**ISSUE:**

The C-3 zoning along IH-35 is a cumulative district that allows general commercial uses typically found along highways, as well as single and multifamily residential. The current APD zoning district is intended for newly annexed areas, agricultural uses, and areas where development is premature due to a lack of utility capacity, or where the ultimate use has not been determined.

The proposed C-1B district is intended for retail and commercial nodes along major collectors and thoroughfares to accommodate anticipated traffic volumes.

This area is within the Conical and Horizontal Zones of the Airport Hazard Overlay District for building height. The proposed C-1B zoning limits building height to 75 feet, which is more restrictive than the airport hazard overlay.

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.

Future Land Use Plan: The subject property is located in the Oak Creek Sub-Area, along the IH-35 corridor, and in close proximity to market and employment centers.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Approval. The requested C-1B zoning is consistent with development trends in the area and is supported by the Envision New Braunfels Comprehensive Plan.

**Notification:**

Public hearing notices were sent to owners of four properties within 200 feet of the request. To date, no responses have been received.

**Resource Links:**

Section 144-3.4-13. C-1B General Business District

[Chapter 144 - ZONING | Code of Ordinances | New Braunfels, TX | Municode Library](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIII_ZODI_S144-3.4ZODIREPRZOSUJU221987)  
<[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH144ZO\\_ARTIII\\_ZODI\\_S144-3.4ZODIREPRZOSUJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIII_ZODI_S144-3.4ZODIREPRZOSUJU221987)>

Attachments:

1. Aerial Map
2. Land Use Maps (Zoning, Existing, Airport Overlay, Future Land Use)
3. District Comparison Chart
4. TIA Worksheet
5. Notification Map