

Legislation Details (With Text)

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|-----------------------|--|----------------------|--------------------|
| File #: | 18-573 | Name: | |
| Type: | Ordinance | Status: | Consent Item Ready |
| File created: | 9/19/2018 | In control: | City Council |
| On agenda: | 10/8/2018 | Final action: | |
| Title: | Approval of the second and final reading of an ordinance regarding the proposed rezoning of 1 acre out of the L. Salinas Survey-458, Abstract 531, Comal County, Texas, addressed at 318 FM 1863, from "APD" Agricultural/Pre-Development District to "C-1A" Neighborhood Business District. | | |
| Sponsors: | | | |
| Indexes: | | | |
| Code sections: | | | |
| Attachments: | 1. Aerial Maps, 2. Application, 3. Land Use Maps, 4. Existing Centers, 5. Future Land Use Plan, 6. Notification List and Map, 7. Sec. 3.4-1 APD, 8. Sec. 3.4-13 C-1B, 9. Photograph, 10. Draft Minutes from the September 5, 2018 Regular Planning Commission Meeting, 11. Ordinance | | |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
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Presenter

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

SUBJECT:

Approval of the second and final reading of an ordinance regarding the proposed rezoning of 1 acre out of the L. Salinas Survey-458, Abstract 531, Comal County, Texas, addressed at 318 FM 1863, from "APD" Agricultural/Pre-Development District to "C-1A" Neighborhood Business District.

BACKGROUND / RATIONALE:

Case No.: PZ-18-025

Council District: 3

Owner/Applicant: Carlton Henk
P.O. Box 311057
New Braunfels, TX 78131-1057
(830) 743-3090

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

City Council held a public hearing on September 24, 2018 and unanimously approved (6-0-0) the first reading of the requested rezoning from "APD" Agricultural/Pre-Development District to "C-1A" Neighborhood Business District.

The subject property is located on the north side of FM 1863 about 1,900 feet west of the intersection of FM 1863 and SH 46, adjacent to the New Braunfels Christian Academy and within the Hoffman Lane Sub Area as identified in the Comprehensive Plan. The one-acre site has 170 feet of frontage on FM 1863. There is currently a single family dwelling on the property.

The applicant originally requested a rezoning from APD to C-1B (General Business District), but agreed to amend his request to C-1A as recommended by the Planning Commission. He has indicated no specific proposed use for the property at this time and intends to sell it, according to his application. The subject property is surrounded by property owned by the New Braunfels Christian Academy that is also zoned C-1A.

General Information:

Size: 1.0 acre

Surrounding Zoning and Land Use:

North - C-1A / New Braunfels Christian Academy

South - Across FM 1863, R-1 / Undeveloped

East - C-1A / New Braunfels Christian Academy

West - C-1A / Undeveloped

Comprehensive Plan:

- Hoffman Lane Sub Area
- Near an existing Education Center and Future Market Center

Floodplain:

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

Transportation:

FM 1863 is designated as a Principal Arterial with a 150-foot wide right-of-way. The current right-of-way width of FM 1863 is 80 feet. Right-of-way dedication will be required at the time of platting.

Improvement(s):

There is a single family residence on the property.

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 provide neighborhood scale uses, generally at intersections of collectors and along neighborhood perimeters. The property is within close proximity of the intersection of FM 1863 and SH 46 and is surrounded on three sides with C-1A.*)
- 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 proposed zoning should not conflict with existing or proposed streets or utilities in the area. The property is immediately adjacent to one of the driveways to the New Braunfels Christian Academy and could potentially have an impact on school traffic and/or may require reciprocal access. A traffic impact analysis (TIA) will be required at the time of building permit and may require traffic mitigation measures, depending on the proposed use of the property.)*;

- How other areas designated for similar development will be affected *(The proposed zoning should not impact other areas designated for similar development.)*;
- 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.)*; and
- Whether the request is consistent with the Comprehensive Plan *(The request is consistent with the Comprehensive Plan being located near existing Education and Market Centers.)*

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

| | | | |
|---|-----|---|--|
| ✓ | Yes | City Plan/Council Priority: Envision New Braunfels Comprehensive Plan | <u>Pros:</u> Action 3.3 <i>Balance commercial centers with stable neighborhoods.</i> The subject property is along a Principal Arterial that has remaining undeveloped frontage and has retained its heavily tree-ed, Hill Country character. It is surrounded by existing C-1A, which is intended to serve residential neighborhoods with pedestrian friendly, neighborhood scale commercial uses at intersections or along neighborhood perimeters. <u>Cons:</u> None |
|---|-----|---|--|

FISCAL IMPACT:

[Enter Fiscal Impact Here]

N/A

COMMITTEE RECOMMENDATION:

[Enter Committee Recommendation Here]

The Planning Commission held a public hearing on September 5, 2018 and recommended approval of C-1A rather than the applicant's originally requested C-1B (5-2-0, with Commissioner Sonier absent and Chairman Edwards recused).

STAFF RECOMMENDATION:

[Enter Staff Recommendation Here]

Staff recommends approval of the Planning Commission's recommendation of C-1A as it is consistent with existing surrounding zoning.

Notification:

Public hearing notices were sent to owners of 2 properties within 200 feet of the request. The Planning Division has received no responses.

Attachments:

1. Aerial Maps
2. Application
3. Land Use Maps
4. Existing Centers
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6. Notification List and Map
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