

Legislation Details (With Text)

File #:	19-051	Name:	
Type:	Ordinance	Status:	Individual Item Ready
File created:	12/21/2018	In control:	City Council
On agenda:	1/14/2019	Final action:	
Title:	Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 2.53 acres consisting of Lot 1A, Block 1, Oak Grove Estates Subdivision Unit 2, located on the northeast corner of the intersection of FM 306 and Oak Knot Drive from "R-1" Single-Family District to "C-1B" General Business District.		

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

Attachments: 1. Aerial, Regional Transportation Plan and Floodplain Map, 2. Application, 3. Land Use Maps, 4. Notification List, Map and Responses, 5. Photographs, 6. Zoning Ordinance Sections, 7. Draft Planning Commission Meeting Minutes, 8. Ordinance

Date	Ver.	Action By	Action	Result
1/14/2019	1	City Council		

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 approximately 2.53 acres consisting of Lot 1A, Block 1, Oak Grove Estates Subdivision Unit 2, located on the northeast corner of the intersection of FM 306 and Oak Knot Drive from "R-1" Single-Family District to "C-1B" General Business District.

BACKGROUND / RATIONALE:

Case No.: PZ-18-035

Council District: 4

Owner: Gary Spitzer - Representative and Joint Owner
417 Williams Way
New Braunfels TX, 78130

Applicant: Steve Hall
1407 Patterson Road
Austin TX, 78733

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

The approximately 2.5 acre undeveloped subject property is located on the northeast corner of the intersection of FM 306 and Oak Knot Drive within the Hoffman Lane Sub Area (Sub Area 6). The property has approximately 890 feet of frontage along FM 306 and 200 feet of frontage along Oak Knot Drive.

The applicant is requesting the property be rezoned from R-1 to C-1B and has indicated possible general office use for the property at this time. Due to the size of the subject property with a maximum depth of 200 feet, a small strip center or two/three free standing buildings is all that may be accommodated based on setbacks, parking, landscaping, residential buffering and other requirements.

C-1B zoning is intended for a broad range of office, service and retail uses located along or at the intersection of major collectors or arterials that can handle the anticipated traffic volumes. The subject property fronts FM 306, a Principal Arterial, but is relatively shallow and located at the entrance into a residential subdivision. Per the adopted Zoning Ordinance, non-residential and multifamily development adjacent property zoned or used for single or two-family development requires residential buffering.

General Information:

Size: 2.533 acres

Surrounding Zoning and Land Use:

North - R-1 / Water Utility

South - Across Oak Knot Dr., R-1 / Undeveloped

East - R-1 / Single-family residences

West - Across FM 306, R-1 / Undeveloped

Comprehensive Plan

- Hoffman Lane Sub Area
- Transitional Mixed Use Corridor

Floodplain:

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

Regional Transportation Plan:

FM 306 is identified as a 150-foot wide Principal Arterial and the current right-of-way width is approximately 120 feet.

Oak Knot Drive is identified as a 60-foot wide Minor Collector and the current right-of-way width is approximately 60 feet.

Improvement(s):

None

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-1B allows a broad range of office and retail uses. The*

district should generally be used at commercial nodes along or at the intersection of major collectors or thoroughfares to accommodate high traffic volumes. The subject property is located on FM 306, a Principal Arterial, which is intended to carry large volumes of traffic; however, the intersection is with a Residential Collector. Mitigation measures are in place to require a residential buffer between the neighboring single-family residences and non-residential development - trees and a wall/fence.);

- 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 change should not conflict with the existing and proposed water supply, sanitary sewer and other utilities in 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 rezoning. Traffic impact review 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 change could introduce businesses that could have negative impacts to homes in close proximity. The subject property is shallow, fronting on FM 306 rendering it less than desirable for residential development, but also not necessarily appropriate for intense commercial uses especially once the required buffers are in place.);*
- Any other factors that will substantially affect the public health, safety, morals, or general welfare. *(Other substantial effects on the public health, safety, morals, or general welfare will depend on the ultimate uses developed. Drainage, utility and traffic impact will be reviewed and addressed through the development process.);* and
- Whether the request is consistent with the Comprehensive Plan. *(The Comprehensive Plan identifies this site as being with a Transitional Mixed-Use Corridor, but not within a Future Market Center. The nearest Future Market Centers are at Hunter Road and at Hoffman Lane.)*

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

City Plan/Council Priority: Envision New Braunfels	Action 3.3: <i>Balance commercial centers with stable neighborhoods.</i> Pedestrian scale commercial uses would provide services for area residents. However, more intense commercial uses would have negative impacts on the same residential properties.
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on December 4, 2018 and recommended approval of "C-O" Commercial Office District (4-2-1) with Vice Chair Reeves and Commissioner Sonier in opposition and Commissioner Gibson abstaining. C-O is less intense than the zoning district the applicant is requesting.

STAFF RECOMMENDATION:

Staff acknowledges the property as situated is better suited for non-residential development, but recommends the less intense C-1A or C-O zoning districts; they are more appropriate due to the characteristics and size of the subject property, and the proximity of the residential neighborhood. Staff recommends denial of C-1B as it is more appropriate at intersections of two arterials or higher.

Notification:

Public hearing notices were sent to 15 owners of property within 200 feet of the request. The Planning Division has received seven responses (#s 3-8 and 10) in objection to the proposed zoning change, and one (#9) in favor.

Attachments:

1. Aerial and Regional Transportation Plan Map
2. Application
3. Land Use Maps (Zoning, Existing Land Use, Existing Centers, Future Land Use)
4. Notification List, Map and Responses
5. Photographs
6. Zoning Ordinance Sections:
 - Sec. 3.3-1 "R-1" Single-Family District
 - Sec. 3.4-12 "C-1A" Neighborhood Business District
 - Sec. 3.4-13 "C-1B" General Business District
 - Sec. 3.4-17 "C-O" Commercial Office District
7. Draft Planning Commission Meeting Minutes
8. Ordinance