

## Legislation Details (With Text)

<b>File #:</b>	19-086	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Consent Item Ready
<b>File created:</b>	1/15/2019	<b>In control:</b>	City Council
<b>On agenda:</b>	1/28/2019	<b>Final action:</b>	
<b>Title:</b>	Approval of the second and final reading of an ordinance regarding the proposed rezoning of 7.106 acres out of the John Noyes Survey 259 A-430, addressed at 5947 and 5979 IH-35 South, from "APD" Agricultural/Pre-Development to "M-1A" Light Industrial District.		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Aerial.pdf, 2. Application.pdf, 3. Land Use Maps.pdf, 4. Notification Map.pdf, 5. Sec. 3.4-18 M-1A, 6. Draft Minutes.pdf, 7. Ordinance.pdf		

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 7.106 acres out of the John Noyes Survey 259 A-430, addressed at 5947 and 5979 IH-35 South, from "APD" Agricultural/Pre-Development to "M-1A" Light Industrial District.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ-18-043

**Council District:** 1

**Applicant:** Moeller & Associates, James Ingalls Agent  
2021 SH 46 West, Suite 105  
New Braunfels, TX 78132

**Property Owner:** Jeannine C. Engel et al  
6783 US Highway 281  
Blanco, TX 78606

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

**City Council held a public hearing on January 14, 2019 and approved the first reading of the requested rezoning.**

The subject property is located along the frontage road of IH-35 South, near the intersection of Engel Road. A small strip of the property along the interstate was annexed in 1981 and is zoning "M-1" Light Industrial. The remainder,

approximately 7 acres, was annexed in 2007 and is currently zoned "APD" Agricultural/Pre-Development.

The applicant is requesting a zoning change from APD to M-1A to provide consistent zoning on the property to facilitate new development.

**General Information:**

Size: 7.106 acres

**Surrounding Zoning and Land Use:**

North - Across IH-35, C-1B, M-1A/ Stone and gravel supply  
South - Outside city limits/ Warehouse, outdoor storage  
East - M-1, APD/ Single-family residences  
West - Outside city limits/ Undeveloped

**Floodplain:**

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

**Improvement(s):**

Two single-family residences

**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 (*M-1A zoning is intended for light manufacturing, distribution, wholesaling and warehousing operations that do not typically depend on frequent customer visits. Such uses generally require access to major thoroughfares. The proposed zoning is appropriate for this location along IH-35 and compatible with existing M-1 zoning on the property. A buffer wall and landscaping will be required if new non-residential or multi-family 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 proposed zoning should not conflict with existing and proposed schools, street, or utilities in the area.*);
- How other areas designated for similar development will be affected (*The proposed zoning would add to the inventory of light industrial zoning.*);
- 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 property is located within the Oak Creek Sub Area and is situated within a Transitional Mixed Use Corridor (IH-35) and is adjacent to a Future Employment Center [see Attachment 3].*)

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

<b>City Plan/Council Priority:</b> Envision New Braunfels	<b>Action 1.8</b> Concentrate future investment in industrial centers near existing and emerging hubs, such as the airport, and along high capacity transportation networks such as IH-35. The proposed rezoning is along IH-35 in an area with existing Light Industrial zoning and will increase the city's inventory of this zoning at an appropriate location for increased economic opportunities.
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on December 4, 2018 and recommended approval. (7-0-0 with Commissioners Edwards and Tubb absent)

**STAFF RECOMMENDATION:**

Staff recommends approval as the proposed rezoning is consistent with existing zoning in the

surrounding area, lies within a Transitional Mixed Use Corridor, and meets Strategies/Actions of Envision New Braunfels.

**Notification:**

Public hearing notices were sent to 3 owners of property inside the City limits and within 200 feet of the request. The Planning Division has received no responses.

**Attachments:**

1. Aerial Map
2. Application
3. Land Use Maps (Zoning, Existing Land Use, Existing Centers, Future Land Use Plan)
4. Notification Map and List
5. Sec. 3.4-18 M-1A
6. Planning Commission Draft Minutes
7. Ordinance