

Legislation Details (With Text)

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| File #: | 19-125 | Name: | |
| Type: | Ordinance | Status: | Individual Item Ready |
| File created: | 2/5/2019 | In control: | City Council |
| On agenda: | 2/25/2019 | Final action: | |
| Title: | 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. | | |

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

Attachments: 1. Aerial Map, 2. Application, 3. Zoning and Land Use Maps, 4. Notification List, Map and Responses, 5. Photographs, 6. Sec. 3.3-1 R-1, 3.4-1 APD, 3.4-12 C-1A and 3.4-17 C-O, 7. Excerpt of Minutes from February 5, 2019 Planning Commission Regular Meeting, 8. Ordinance

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|--------|--------|
| 2/25/2019 | 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 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

Applicant: Sandy Schuetz Neuse (Lot 2)
2254 FM 725
New Braunfels, TX 78130

Owner: Michael Smithers (Lot 3)
607 N. Walnut Avenue
New Braunfels, TX 78130

Staff Contact: Matt Greene
(830) 221-4053

mgreene@nbtexas.org

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.

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).

Improvement(s):

Two single-family residences (one on each lot)

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). The proposed zoning would be appropriate and compatible with existing residential and commercial development in the area. 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:

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| City Plan/Council Priority: Envision New Braunfels | Action 3.3: <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 proposed mix of zoning, allowing neighborhood commercial uses along the highway frontage with mixed office and residential in the rear, is a compatible commercial zoning configuration and the result of compromise efforts of the applicant. It would provide area residents accessible, pedestrian-oriented commercial services, while limiting the more intense commercial to nearby intersections keeping the area in-between less intense. Therefore, 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 10 opposed from numbers 4, 5, 14, 17, 19, 28, 31, 39, 40 and 41. Some that were originally in opposition withdrew and are reflected in this updated count, however this is continuing to evolve. Staff will provide the latest update to City Council ahead of the meeting.

The City has received an additional 33 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