

## Legislation Details (With Text)

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<b>File #:</b>	19-159	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	2/19/2019	<b>In control:</b>	City Council
<b>On agenda:</b>	7/22/2019	<b>Final action:</b>	
<b>Title:</b>	Public hearing and consideration of the second and final reading of an ordinance rezoning approximately six acres out of the William Mockford Survey 285, addressed at 2850 Loop 337, from "R-2" Single and Two-family District to "C-1B" General Business District.		

**Sponsors:****Indexes:****Code sections:****Attachments:** 1. Aerial.pdf, 2. Land Use maps - Loop 337 and Oak Run, 3. Notification Map.pdf, 4. C-1B.pdf, 5. Photo.pdf, 6. Ordinance

Date	Ver.	Action By	Action	Result
7/22/2019	1	City Council		

Presenter

*Stacy Snell, Planning and Community Development Assistant Director*  
*ssnell@nbtexas.org*

**SUBJECT:**

Public hearing and consideration of the second and final reading of an ordinance rezoning approximately six acres out of the William Mockford Survey 285, addressed at 2850 Loop 337, from "R-2" Single and Two-family District to "C-1B" General Business District.

**BACKGROUND / RATIONALE:****Case No.:** PZ-18-049**Council District:** 3

**Applicant:** Caroline McDonald  
Brown & Ortiz, PC  
112 E. Pecan Street, Suite 1360  
San Antonio, TX 78205  
caroline@brownortiz.law  
(210) 299-3704

**Property Owner:** Richard Kiesling, et al  
2850 Loop 337  
New Braunfels, TX 78130  
Rick@kieslinglaw.com  
(830) 237-7459

**Staff Contact:** Holly Mullins

(830) 221-4054  
hmullins@nbtexas.org

**City Council held a public hearing on February 25, 2019 and unanimously approved the first reading of this requested rezoning ordinance. At the applicant's request, the second reading was not scheduled until July 22, 2019. As a courtesy, notice of the second reading was published in the newspaper and resent to surrounding owners of property and this item placed on the agenda for individual consideration rather than consent.**

The subject vacant property is located on the west side of Loop 337 at its intersection with Oak Run Parkway. The 5.95 acres subject to this request are within the city limits, but are part of a larger tract that extends outside the city limits. The portion outside the city limits is not subject to zoning or building permitting.

C-1B zoning is intended for areas located at or near the intersections of major collectors and arterials as it allows for a variety of retail and service uses.

*Surrounding Zoning and Land Use:*

North - Across Oak Run Parkway, C-1B/ Commercial

South - R-2/ Residential

East - Across Loop 337, R-2/ Residential; NB Christian Academy

West - Outside City limits/ Undeveloped

*Floodplain:* No portion of the property is within the 1% annual chance flood zone.

*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 zoning allows uses with an intensity that makes it appropriate at major intersections, and it is consistent with other commercial zoning in the area.*);
- 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 requested commercial zoning should not conflict with existing and proposed schools. The adequacy of public facilities and utilities to serve the property is evaluated by each provider at the platting and permitting stages.*);
- How other areas designated for similar development will be affected (*The proposed zoning would add to the inventory of C-1B zoning in the vicinity creating opportunities for competition without saturation.*);
- 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. Drainage, utilities and traffic impact will be reviewed and addressed through the platting and permitting processes.*); and
- Whether the request is consistent with the Comprehensive Plan (*The subject property is located in the Hoffmann Lane Sub Area, within a Transitional Mixed-Use Corridor and near an existing Market Center and future Outdoor Recreation Center.*)

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

<b>City Plan/Council Priority:</b> Envision New Braunfels	<b>Action 3.3:</b> Balance commercial centers with stable neighborhoods. <b>Action 5.2</b> Discourage development in Edwards Aquifer Recharge and contributing zones. Where development in these areas must occur, require that it be environmentally sound using tools such as but not limited to low impact development (LID).
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on February 5, 2019 and recommended approval (8-0-0).

**STAFF RECOMMENDATION:**

The subject property is adjacent to Westpointe, an existing Market Center with a mix of commercial and residential uses. New commercial development at the subject location will provide services walkable from the Westpointe node, as well as drivable from the stable residential areas across Loop 337 and down Oak Run Parkway. While the site is over the recharge zone, TCEQ will review new development proposals. C-1B is consistent with the Transitional Mixed-Use Corridor, the location at an intersection of a collector and expressway, and with existing zoning, Centers, and development trends in the area. Therefore, staff recommends approval.

**Notification:**

Public hearing notices were sent to 6 owners of property within 200 feet of the request. The City has received no responses.

**Attachments:**

1. Aerial Map
2. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
3. Notification Map and List
4. Sec. 3.4-13 C-1B
5. Photograph
6. Ordinance