

Legislation Details (With Text)

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| File #: | 19-601 | Name: | |
| Type: | Ordinance | Status: | Individual Item Ready |
| File created: | 8/6/2019 | In control: | City Council |
| On agenda: | 8/26/2019 | Final action: | |
| Title: | Public hearing and first reading of an ordinance regarding the proposed rezoning of 3.92 acres out of the William H. Pate Survey No. 22, addressed at 2188 F.M. 1044, from "APD" Agricultural/Pre-Development District to "MU-B" High Intensity Mixed Use District. | | |

Sponsors:**Indexes:****Code sections:****Attachments:** 1. Aerial Map, 2. Applicant Request Statement, 3. Land Use Maps, 4. Notification List, Map and Responses, 5. Sec. 3.4-11 MU-B, 6. Photograph, 7. Draft Planning Commission Meeting Minutes, 8. Ordinance

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|--------|--------|
| 8/26/2019 | 1 | City Council | | |

Presenter

Christopher J. Looney, Planning and Community Development Director
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SUBJECT:

Public hearing and first reading of an ordinance regarding the proposed rezoning of 3.92 acres out of the William H. Pate Survey No. 22, addressed at 2188 F.M. 1044, from "APD" Agricultural/Pre-Development District to "MU-B" High Intensity Mixed Use District.

BACKGROUND / RATIONALE:**Case No.:** PZ19-0201**Council District:** 1

Applicant and
Property Owner: Johnnie Joe Rodriguez
1529 FM 306
New Braunfels, TX 78132
johnnierod@icloud.com
(830) 743-0048

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

The approximately 4-acre subject property is located on the west side of F.M. 1044 between Lou Ann Drive and Green Valley Road. The property is currently developed with a single-family residence and two outbuildings.

The applicant is requesting to rezone the subject property to “MU-B” High Intensity Mixed Use District to allow for a flexible variety of options to facilitate re-development. While “MU-B” allows a mix of uses (see Attachment 5 for uses allowed by right), mixed-use is not required.

The “MU-B” district is intended to provide a mix of residential, retail, office and industrial uses in close proximity to one another to create opportunities for people to live, work and shop in a single location. The concept works best on larger tracts that can integrate the various uses in a cohesive, large-scale, walkable development. Adjacent properties with agricultural and low intensity uses along F.M. 1044, a Minor Arterial, have the potential to support a mixed-use area in the future.

Surrounding Zoning and Land Use:

North - APD/ Mobile-home residences (non-conforming)

South - APD/ Agricultural with mobile-home residences (non-conforming); Single-family residences

East - Across FM 1044, APD/ Undeveloped

West - APD/ Agricultural with mobile-home residences (non-conforming)

Floodplain:

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

Regional Transportation Plan:

F.M. 1044 is identified as a 120-foot wide Minor Arterial. The current right-of-way width at this location is approximately 80 feet.

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

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| City Plan/Council Priority: Envision New Braunfels Comprehensive Plan | Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 1.6: Incentivize infill development and redevelopment to take advantage of existing infrastructure. Action 3.3: Balance commercial centers with stable neighborhoods. |
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FISCAL IMPACT:

N/A

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 (*Setbacks and buffers will facilitate compatibility with the adjacent residential use. Given the size and location of the property, it is unlikely to be used for the more intense MU-B uses such as fairgrounds, truck terminal with outside freight storage, or heliport.*);
- 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, streets, or utilities.*);
- 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 subject property lies within the Walnut Springs Sub Area, and along a Transitional Mixed-Use Corridor.*)

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on August 6, 2019 and recommended approval of the applicant's request (6-2-0) with Commissioners Meyer and Tubb in objection, and with Chair Edwards absent.

STAFF RECOMMENDATION:

The requested zoning is consistent with the Transitional Mixed-Use Corridor designation, and buffer requirements should mitigate any potential impact on adjacent residential use. Therefore, staff recommends approval.

Notification:

Public hearing notices were sent to 5 owners of property within 200 feet. The City has received two responses in objection (#1 & 4). **More than 20% of the property within 200 feet is represented by opposition, therefore, pursuant to state statute, a supermajority vote of City Council is required to approve the applicant's request.**

Attachments:

1. Aerial Map
2. Applicant request statement
3. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
4. Notification List, Map and Responses
5. Sec. 3.4-11 MU-B
6. Photograph
7. Draft Planning Commission Meeting Minutes
8. Ordinance