

## Legislation Details (With Text)

<b>File #:</b>	19-625	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	8/14/2019	<b>In control:</b>	City Council
<b>On agenda:</b>	8/26/2019	<b>Final action:</b>	
<b>Title:</b>	Public hearing and first reading of an ordinance regarding the proposed rezoning of a 0.25 acre tract out of the J Noyes Survey 259, Abstract 430, addressed at 471 Engel Road and a 2.0 acre tract out of the J Noyes Survey 259, Abstract 430 and a 3.0 acre tract out of the J Thompson Survey 21, Abstract 608, addressed at 491 Engel Road, from "APD" Agricultural/Pre-Development District to "C-1B" General Business District.		

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

**Attachments:** 1. Aerial Maps, 2. Survey of Subject Property, 3. Land Use maps (Zoning, Existing Land Use, Future Land Use Plan), 4. Notification List, Map and Responses, 5. Photograph of Subject Property, 6. Ordinances: Sec. 3.4-1 and Sec. 3.4-13, 7. Excerpt of Minutes from the June 4, 2019 Planning Commission Regular Meeting, 8. Ordinance

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

Presenter

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

**SUBJECT:**

Public hearing and first reading of an ordinance regarding the proposed rezoning of a 0.25 acre tract out of the J Noyes Survey 259, Abstract 430, addressed at 471 Engel Road and a 2.0 acre tract out of the J Noyes Survey 259, Abstract 430 and a 3.0 acre tract out of the J Thompson Survey 21, Abstract 608, addressed at 491 Engel Road, from "APD" Agricultural/Pre-Development District to "C-1B" General Business District.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ19-0114

**Council District:** 1

**Applicant:** Rene De La Cruz  
1413 Shannon Circle  
New Braunfels, TX 78130  
(830) 609-8985

**Owner:** Melvin and Helen Voigt Revocable Living Trust (Helen Voigt)  
491 Engel Road  
New Braunfels, TX 78130

(830) 708-5241

**Staff Contact:** Matt Greene, Planner  
(830) 221-4053  
mgreene@nbtexas.org

**This item was postponed at the June 24, 2019 and July 25, 2019 City Council meetings to allow the applicant an opportunity to meet with the neighbor to the south regarding their concerns. The applicant has indicated a meeting with the concerned neighbor took place on July 8<sup>th</sup> and believes all the neighbor's concerns have been addressed. The applicant intends to meet with the neighbor again prior to the City Council meeting to obtain neighbor's formal withdrawal of their objection in writing. Pending formal withdrawal of their objection, this item remains at more than 20% of property within 200 feet represented by opposition.**

The subject property is 5.25 acres near Engel Road Industrial Park, approximately one-third of a mile south of IH-35. The subject property is narrow with 193 feet of frontage on Engle Road (Major Collector) and extends 1,530 feet deep. It is zoned APD with one single-family residence near the front at Engel Road.

The applicant is requesting a rezoning from APD to C-1B to facilitate future unspecified development. The C-1B District allows a broad range of office, service and retail uses. Current access from Engel Road and the subject property's proximity to IH 35 does not require travel through any residential areas to access future development on the site.

*Surrounding Zoning and Land Use:*

North - APD / Undeveloped

South - APD/ Undeveloped  
East - R-1A-6.6 / Briar Meadows Subdivision (single family homes)

West - Across Engel Rd., Outside City Limits / Single family home and 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 *(As a Major Collector, Engel Road currently provides residential, commercial and industrial traffic access to IH 35. With installation of the required buffer between the subject property and the residential lots adjacent to the rear, C-1B uses could be appropriate).*
- 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 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 commercial zoning in the vicinity and the City overall.);*
- 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 site development processes.); and*

- Whether the request is consistent with the Comprehensive Plan (*The subject property is located in the Oak Creek Sub Area in close proximity to Future Employment and Market Centers and a Transitional Mixed-Use Corridor. It also lies near an existing Employment Center.*)

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

<b>City Plan/Council Priority:</b> <b>Envision New Braunfels</b> <b>Comprehensive Plan</b>	<b>Action 1.3:</b> Encourage balanced and fiscally responsible land use patterns. <b>Action 1.8:</b> Concentrate future investment in industrial and employment centers near existing and emerging hubs, such as the airport; and along existing high capacity transportation networks, such as IH-35. <b>Action 3.3:</b> Balance commercial centers with stable neighborhoods
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on June 4, 2019 and unanimously recommended approval (9-0-0).

**STAFF RECOMMENDATION:**

Staff recommends approval based upon several factors:

- The subject property's location: close proximity to IH-35 (1,900 feet) and the entrance to the Engel Road Industrial Park (1,100 feet).
- There are several non-residential uses on nearby properties.
- The proximity of many large under-developed tracts.
- New commercial development at this location would utilize existing infrastructure and without access through residential areas.
- The existing residential neighborhood adjacent to the rear of the subject property would be protected through residential buffer requirements.
- The C-1B District would provide transitional zoning between the industrial development along IH 35 and the undeveloped properties further to the south.

**Notification:**

Public hearing notices were sent to 18 owners of property within 200 feet of the request. The City has received no responses in favor and two opposed (#7 and #15). Opposition represents more than 20% of the notification area, which requires a  $\frac{3}{4}$  majority of City Council (6 votes) to approve per state statute.

**Attachments:**

- Aerial Maps
- Survey of Subject Property
- Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
- Notification List, Map and Response

- Photograph of Subject Property
- Ordinances:
  - Sec. 3.4-1 APD
  - Sec. 3.4-13 C-1B
- Excerpt of Minutes from the June 4, 2019 Regular Planning Commission
- Ordinance