

Legislation Details (With Text)

File #:	19-670	Name:	
Type:	Ordinance	Status:	Consent Item Ready
File created:	8/27/2019	In control:	City Council
On agenda:	9/9/2019	Final action:	
Title:	Approval of the second and final reading of an ordinance regarding the proposed rezoning of Lot 1, Block 1, AD2 Subdivision, addressed at 4001 IH-35 North, from "M-1" Light Industrial and "APD" Agricultural/Pre-Development Districts to "M-1A" Light Industrial District.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Aerial Maps, 2. Land Use Maps, 3. Notification List and Map, 4. Sec. 3.4-18 M-1A, 5. Ordinance, 6. Excerpt of Minutes from August 6, 2019 Planning Commission Regular Meeting		

Date	Ver.	Action By	Action	Result
9/9/2019	1	City Council		

Presenter

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

Approval of the second and final reading of an ordinance regarding the proposed rezoning of Lot 1, Block 1, AD2 Subdivision, addressed at 4001 IH-35 North, from "M-1" Light Industrial and "APD" Agricultural/Pre-Development Districts to "M-1A" Light Industrial District.

BACKGROUND / RATIONALE:

Case No.: PZ19-0206

Council District: 4

Applicant/Owner: Dathan Faulkner
2310 Roosevelt Ave.
San Antonio, TX 78210
(210) 922-7901
david@allstategear.com

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

City Council held a public hearing on August 26, 2019, and approved the first reading of the applicant's requested rezoning ordinance (7-0).

The subject 5-acre tract is currently vacant and is located along the IH-35 frontage road between Oak Creek Subdivision and Camping World. It is surrounded by the 39 acres owned by Mr. Turner

that is the subject of PZ19-0207, also on this agenda.

The front 300 feet of the property, annexed in 1984, is currently zoned M-1 Light Industrial (a cumulative zoning district that allows residential, commercial and industrial uses). The remainder was annexed in 2003 and is still zoned the interim APD Agricultural/Pre-Development District. The property has been in agriculture production.

The owner/applicant indicated no immediate plans for development, but is requesting M-1A Light Industrial District zoning for development continuity and to facilitate the future sale of the property. M-1A is intended for light manufacturing and fabrication, warehousing, distribution, wholesaling and service operations that do not typically depend on frequent customer visits.

General Information:

Surrounding Zoning and Land Use:

North - Oak Creek PD/ Drainage

South -

Across IH-35, M-1/ Light industrial (distribution center)

East -

M-1, APD/ Undeveloped

West -

M-1, APD/ Undeveloped

Floodplain:

A portion of the property is located in the Alligator Creek floodway with over half within the 1% annual chance flood zone. The City's floodplain development standards will apply to any future development.

Regional Transportation Plan:

The subject property has frontage on the IH-35 access road. The need for any right-of-way dedication will be evaluated at the time of platting.

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan City Council Priority	Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 1.8: Concentrate future industrial and employment centers along existing high capacity transportation networks, such as Interstate 35. City Council and Planning Commission direction to protect viable industrially zoned tracts from incompatible land use encroachment, and increase industrial greenfield.
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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 (*M-1A zoning is appropriate along this segment of the Interstate Highway and is consistent with existing zoning in the area. The subject property is located between the IH 35 southbound exit and entrance ramps, potentially reducing the quantity of truck traffic within the City's internal roadway network.*);
- 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 in the area.);*

- How other areas designated for similar development will be affected *(The proposed zoning should not impact other areas designated for similar development. M-1A on this tract will increase inventory of industrially zoned land that does not allow single-family or two-family residential.);*
- Any other factors that will substantially affect the public health, safety, morals, or general welfare *(There should be no other factors that will negatively 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 Oak Creek Sub Area and a Transitional Mixed-Use Corridor (IH-35), and near existing Market and Employment Centers.)*

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on August 6, 2019 and unanimously recommended approval of the applicant's rezoning request. (8-0-0)

STAFF RECOMMENDATION:

The requested M-1A zoning would be consistent with existing surrounding zoning along IH-35 in this area, including its location between the IH-35 southbound exit and entrance ramps facilitating truck traffic, and with City Council's priority to increase the inventory of industrial greenfield. Therefore, staff recommends approval.

Notification:

Public hearing notices were sent to 1 owner of property within 200 feet (the applicant for Case# PZ19-0207). The City has received no response to date.

Attachments:

1. Aerial Map
2. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
3. Notification List and Map
4. Sec. 3.4-18 M-1A
5. Excerpt of Minutes from August 6, 2019 Planning Commission Regular Meeting
6. Ordinance