

Legislation Details (With Text)

File #:	19-673	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 39.241 acres, consisting of Lot 2, AD2 Subdivision and approximately 34 acres out of the A-485 O Russell Survey 1, located in the 3900 and 4000 blocks of 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, 2. Land Use Maps, 3. Notification Map, 4. Sec. 3.4-18 M-1A, 5. Ordinance

Date	Ver.	Action By	Action	Result
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Presenter

Christopher J. Looney, Planning and Community Development Director
clooney@nbtexas.org

SUBJECT:

Approval of the second and final reading of an ordinance regarding the proposed rezoning of 39.241 acres, consisting of Lot 2, AD2 Subdivision and approximately 34 acres out of the A-485 O Russell Survey 1, located in the 3900 and 4000 blocks of IH-35 North, from "M-1" Light Industrial and "APD" Agricultural/Pre-Development Districts to "M-1A" Light Industrial District.

BACKGROUND / RATIONALE:**Case No.:** PZ19-0207**Council District:** 4

Applicant/Owner: Michael Scott Turner
940 Eikel Street
New Braunfels, TX 78130
(830) 708-5070
mike@grandeice.com

Staff Contact: Holly Mullins
(830) 221-4054
hmullins@nbtexas.org

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

The subject property is currently vacant and is located along the IH-35 frontage road between Oak Creek Subdivision and Camping World. It surrounds the 5-acre Faulkner tract that is the subject of PZ19-0206, 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 owner/applicant indicated no immediate plans for development, but is requesting M-1A Light Industrial District zoning on the entire 39 acres 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, and over half is 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. The Oak Creek Subdivision has a platted drainage lot immediately adjacent to the subject property which will increase separation/buffer between uses.*); 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 is near existing Market and Employment Centers.*)

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on August 6, 2019 and voted unanimously to recommend 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 18 owners of property within 200 feet. The City has received no responses to date.

Attachments:

1. Aerial Map
2. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
3. Notification Map
4. Sec. 3.4-18 M-1A
5. Planning Commission Minutes
6. Ordinance