

## Legislation Details (With Text)

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**File #:** 20-471      **Name:**

**Type:** Ordinance      **Status:** Individual Item Ready

**File created:** 7/7/2020      **In control:** City Council

**On agenda:** 7/27/2020      **Final action:**

**Title:** Public hearing and first reading of an ordinance regarding the proposed rezoning of Lots 1 & 5, Block 1, Freiheit Subdivision, addressed at 672 & 690 South Kowald Lane, from "M-1A" Light Industrial to "C-1B" General Business District.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Aerial Map, 2. Land Use Maps, 3. Notification List, Map and Response, 4. Commercial District Comparison Charts, 5. Draft Minutes, 6. Ordinance

Date	Ver.	Action By	Action	Result
7/27/2020	1	City Council		

Presenter

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

**SUBJECT:**

Public hearing and first reading of an ordinance regarding the proposed rezoning of Lots 1 & 5, Block 1, Freiheit Subdivision, addressed at 672 & 690 South Kowald Lane, from "M-1A" Light Industrial to "C-1B" General Business District.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ20-0095

**Council District:** 5

**Applicant:** Caroline McDonald  
Brown & Ortiz, PC  
112 E. Pecan St., Suite 1360  
Austin TX, 78205  
(210) 315-5137  
caroline@brownortiz.law

**Owners:** Barbara Henk      Pauline & James Doege  
251 Bonner Blvd.      868 Oak Bluff Trail  
New Braunfels TX, 78130      New Braunfels, TX 78132

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

The subject property consists of two 1.05-acre platted lots currently used residentially situated on the northwest corner of the intersection of FM 1101 and South Kowald Lane. The property is currently zoned for light industrial use and is adjacent to Vantage apartments. The applicant has indicated the rezoning request is intended to allow for a children's daycare on one of the lots.

**Surrounding Zoning and Land Use:**

North - M-1A/ Vantage Apartment Community  
South - Across FM 1101, R-2/ Freiheit Elementary School  
East - Across S. Kowald Ln., C-1A/ Undeveloped  
West - M-1A/ Vantage Apartment Community

**Floodplain:**

No portion of the property is located within the 1% annual chance floodplain or floodway.

**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 (*Since C-1B allows a broad range of general commercial uses, it is recommended at nodes of major thoroughfares to accommodate high traffic volumes. The subject property is adjacent to an apartment community and has corner frontage along collector and arterial roadways. The proposed zoning change would remove currently allowed uses considered more intense from 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 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 should not impact other areas designated for similar development because the requested zoning district is more in keeping with the surrounding uses than is the existing zoning.*);
- 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 process.*) and
- Whether the request is consistent with the Comprehensive Plan: *see below*

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

<b>City Plan/Council Priority:</b> Envision New Braunfels Comprehensive Plan	<b>Action 1.3:</b> Encourage balanced and fiscally responsible land use patterns. <b>Action 3.1:</b> Plan for healthy jobs/housing balance. <b>Action 3.3</b> Balance commercial centers with stable neighborhoods. <b>Future Land Use Plan:</b> The property is situated within the Oak Creek Sub-Area and is in close proximity to employment centers.
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on July 7, 2020 and recommended approval (8-1-0)

of the request with Commissioner Meyer abstaining.

**STAFF RECOMMENDATION:**

Approval. C-1B would provide a job creation opportunity near an Employment Center. It would allow for retail and service uses at a roadway intersection for nearby residents, and close to a school. It would also reduce the intensity of uses presently allowed.

**Notification:**

Public hearing notices were sent to owners of 8 properties within 200 feet of the request. The City has received one response (#5) in favor.

**RESOURCE LINKS:**

- Chapter 144, Section 3.4-13. *"C-1B" General Business District* of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)

**ATTACHMENTS:**

1. Aerial Map
2. Land Use Maps (Zoning, Existing Land Use, Future Land Use)
3. Notification List, Map and Response
4. Zoning District Comparison Chart (C-1B & M-1A)
5. Draft minutes from the 7/7/20 Planning Commission meeting
6. Ordinance