

## Legislation Details (With Text)

<b>File #:</b>	20-494	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Consent Item Ready
<b>File created:</b>	7/20/2020	<b>In control:</b>	City Council
<b>On agenda:</b>	8/10/2020	<b>Final action:</b>	
<b>Title:</b>	Approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 8.0 acres, Lots 1 & 2 Soefje Subdivision (3.9 acres) addressed at 1998 IH 35 North and 4.0 acres out of A-1 SUR-1AM Esnaurizar addressed at 2050 IH 35 North, from "C-3" Commercial District and "APD" Agricultural/Pre-Development District to "MU-B" High Intensity Mixed-Use District.		

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

**Attachments:** 1. Aerial Map, 2. Land Use Maps (Zoning, Existing and Future Land Use), 3. Notification List and Map, 4. Excerpt of Minutes from the July 7, 2020, 5. Ordinance

Date	Ver.	Action By	Action	Result
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Presenter

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

**SUBJECT:**

Approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 8.0 acres, Lots 1 & 2 Soefje Subdivision (3.9 acres) addressed at 1998 IH 35 North and 4.0 acres out of A-1 SUR-1AM Esnaurizar addressed at 2050 IH 35 North, from "C-3" Commercial District and "APD" Agricultural/Pre-Development District to "MU-B" High Intensity Mixed-Use District.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ20-0099

**Council District:** 5

**Applicant:** South Texas Capital Advisors (James E. Mahan III)  
648 S. Castell Ave.  
New Braunfels, TX 78130  
(830) 387-3874110 - jmahan@southtexascapital.com  
<mailto:jmahan@southtexascapital.com>

**Owners:** (4.0 acres) Corridor 35 Development (D. Lee Edwards)  
1111 N. Walnut Avenue  
New Braunfels, TX 78130  
(830) 620-7653 - leeedwards1109@msn.com

<mailto:leeedwards1109@msn.com>

(3.9 acres) Edward Cavanaugh  
268 Lakeridge Drive  
Seguin, TX 78155  
(281) 660-8226 - bill.cavanaugh@viam.com

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

**City Council held a public hearing on July 27, 2020 and unanimously approved the first reading of the applicant's request.**

The subject property is located on IH 35 North, approximately 2,200 feet south of the intersection of FM 306 at Creekside Crossing, and abuts the Comal Farms Manufactured Home Community to the rear. The 4.0-acre parcel is currently undeveloped. The 3.9-acre parcel is currently developed with a single-family dwelling and two detached accessory buildings. The current zoning on the subject property for the front 280 feet, approximately, adjacent the IH 35 Access Road is C-3, with the remainder of the property zoned APD.

The applicant is requesting a zoning change to "MU-B" High Intensity Mixed Use District. According to the application, the property is planned for commercial retail use, with the TIA worksheet referencing more specific uses such as a fast-food restaurant with a drive-through, a coffee/donut shop with a drive-through, a medical/dental office building and a shopping center. No plats, permits or plans for proposed development have been presented or submitted to the City at this time. TIA (traffic impact analysis) worksheets provide estimated peak hour and daily trips of vehicles, which determine how detailed the analysis of the potential impacts needs to be. The TIA worksheet for the subject property estimates 5,200 daily trips based upon the identified uses which will require a Level 2 TIA. Unless otherwise required by the Planning Commission or City Council, such analysis is completed with the subdivision plat or building permit processes. A TIA analyzes traffic impacts and methods to offset negative impacts.

Similar zoning changes from C-3 and APD to MU-B were approved for the adjacent 15-acre New Braunfels Storage property to the north in 2011 (3 acres) and 2014 (12 acres).

***Surrounding Zoning and Land Use:***

North - MU-B / New Braunfels Storage facility  
South - C-3 and APD / Single family and agricultural  
East - B-1B / Comal Farms Manufactured Home Community  
West - Across IH 35, C-3 / Titan Factory Direct manufactured home sales and Cornerstone Countertops

***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 (*MU-B allows for a mixture of more intense retail, office, and industrial uses in close proximity to enable people to live, work and shop in a single location. The permitted uses of the MU-B District are consistent with the existing zoning and land uses in the*

*vicinity of the subject property that are adjacent IH 35 and nearby in the New Braunfels Town Center at Creekside development.)*

- 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 adequacy of public facilities and utilities to serve the additional demand is evaluated by each provider. CISD has been notified of the request.)*
- 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 *(None identified. Drainage, utility and traffic impact will be reviewed and addressed through the platting and permitting process.)*
- 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	<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 Interstate Highway 35. <b>Future Land Use Plan:</b> The property lies within the Oak Creek Sub Area on a Transitional Mixed-Use Corridor near existing and future Employment, Market, Medical, Outdoor Recreation, Education and Tourist/Entertainment 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 (8-0-0, with Chair Edwards recused).

**STAFF RECOMMENDATION:**

Approval. MU-B allows uses consistent with the existing light industrial, commercial and residential development and zoning in the area, while offering the opportunity for mixed-use development.

**Notification:**

Public hearing notices were sent to 3 owners of property within 200 feet of the request. The City has received no responses at this time.

**RESOURCE LINKS:**

- Chapter 144, Sec. 3.1-9 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?)
- Chapter 144, Secs. 3.4-1 and 3.4-11 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:**

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2. Land Use Maps (Zoning, Existing and Future Land Use)
3. Notification List and Map
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5. Ordinance