

Legislation Details (With Text)

File #:	20-640	Name:	
Type:	Recommendation	Status:	Individual Item Ready
File created:	9/4/2020	In control:	Planning Commission
On agenda:	10/7/2020	Final action:	
Title:	PZ20-0168 Public hearing and recommendation to City Council regarding the proposed rezoning of approximately 0.876 of an acre out of the A.M. Esnaurizar Eleven League Grant, Survey No. 1, Abstract No. 1, addressed at 548, 556, 560 & 564 Rusk Street, from "M-2" Heavy Industrial District to "C-O" Commercial Office District.		

Sponsors:**Indexes:****Code sections:****Attachments:** 1. Aerial, 2. Land Use Maps, 3. Notification List, Map and Responses, 4. C-O M-2 District Comparison Charts

Date	Ver.	Action By	Action	Result
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Presenter/Contact

*Applicant: James Ingalls, P.E.; Owner: Nik Petrik
(830) 358-7127 / plats@ma-tx.com*

SUBJECT:

PZ20-0168 Public hearing and recommendation to City Council regarding the proposed rezoning of approximately 0.876 of an acre out of the A.M. Esnaurizar Eleven League Grant, Survey No. 1, Abstract No. 1, addressed at 548, 556, 560 & 564 Rusk Street, from "M-2" Heavy Industrial District to "C-O" Commercial Office District.

BACKGROUND / RATIONALE:**Case No.:** PZ20-0168**Council District:** 5**Applicant:**

James Ingalls, P.E.

Moeller & Associates
2021 SH 46 W., Ste 105
New Braunfels, TX 78132
(830) 358-7127
plats@ma-tx.com

Owners:

Lone Ranger Capital Investments LLC

c/o Nik Petrik
2245 E. 6th St. Ste 103
Austin, TX 78702

Staff Contact:

Matthew Simmont, AICP
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The subject property consists of four tracts that are currently used residentially and situated north of Rusk Street and east of Chevrolet Alley. The property is currently zoned for heavy industrial use, but lies on the edge of a residential neighborhood. The immediate area is characterized by a mix of land uses including parking lots, retail and a variety of residential development. Located across the street from the Old Mill property, which intends to redevelop into a mixed-use project at a future date, it is also in close proximity to the Marketplace shopping center. The applicant has indicated the rezoning request is intended to allow for a multifamily residential development (townhouse style) to be constructed on the property.

Surrounding Zoning and Land Use:

North - M-2 / Single family residence

South - Across Rusk St., M-2 / Old Mill property

East - M-2 / New Braunfels Iron Works - antiques/storage warehouse

West - Across Chevrolet Alley, M-2 / Parking lot and single family residences

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 (*C-O zoning creates opportunities for encouraged mixed-use and density which is compatible with the expanded neighborhood of mixed residential and commercial use. C-O is appropriate along Rusk Street due to its proximity to the Old Mill site, Interstate 35 and adjacent development. Additionally, the proposed zoning would remove industrial uses considered more intense from being allowed on the site.*)
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*NBISD was sent notice of this request. 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 change should not impact other areas designated for similar development because the requested zoning district is more in keeping and compatible with the surrounding uses than is the existing zoning.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*None identified. Drainage, utility and traffic impact issues will be reviewed and addressed through the platting process.*); and
- Whether the request is consistent with the Comprehensive Plan: *see below*

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 1.11: Update policies and codes to achieve development patterns that implement the goals of Envision New Braunfels. Action 3.13: Cultivate an environment where a healthy mix of different housing products at a range of sizes, affordability, densities, amenities and price points can be provided across the community as well as within individual developments. Future Land Use Plan: The property is situated in the New Braunfels Sub-Area and is in close proximity to an existing Market Center and a Future Employment Center.
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FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Approval. C-O allows less intense land uses than the existing M-2 zoning and is appropriate for and compatible with proposed redevelopment continuing to occur in the area and the residential neighborhood.

Notification:

Public hearing notices were sent to 16 owners of property within 200 feet. The City has received two responses (#3 & 15) in favor of the zone change request.

RESOURCE LINKS:

- Chapter 144, Section 3.3-12. “M-2” *Heavy Industrial District* of the City’s Code of Ordinances: https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Section 3.4-17. “C-O” *Commercial Office District* of the City’s 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 Plan)
3. Notification List, Map and Responses
4. Zoning District Comparison Chart (C-O & M-2)