

Legislation Details (With Text)

File #:	20-923	Name:	
Type:	Ordinance	Status:	Consent Item Ready
File created:	12/11/2020	In control:	City Council
On agenda:	1/11/2021	Final action:	
Title:	Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow a single family residential use in the "M-1" Light Industrial District on 0.22 acres out of Lots 240 and 241 NCB 2014, addressed at 394 N. Market Avenue.		

Sponsors:**Indexes:****Code sections:****Attachments:** 1. Aerial Map, 2. Land Use Maps, 3. Photograph, 4. Notification Map, 5. Draft Planning Commission Minutes, 6. SUP20-254 Ordinance

Date	Ver.	Action By	Action	Result
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Presenter

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

SUBJECT:

Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow a single family residential use in the "M-1" Light Industrial District on 0.22 acres out of Lots 240 and 241 NCB 2014, addressed at 394 N. Market Avenue.

BACKGROUND / RATIONALE:**Case No.:** SUP20-254**Council District:** 5

Applicant/Owner: Leonard & Kay Kobeski
394 N. Market Avenue
New Braunfels, TX 78130
(832) 372-2733 kobeski@att.net

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

City Council held a public hearing on December 14, 2020 and unanimously approved the first reading of the ordinance (6-0-0 with Councilmember Hurta absent).

The subject property is located at the intersection of N. Market Avenue and E. Zink Street, in a predominantly residential block that is currently zoning M-1 Light Industrial. As a pre-1987 "cumulative" zoning district, residential uses were allowed in M-1 when this neighborhood was built.

In 2019, City Council approved amendments to the Zoning Ordinance removing residential as an allowed use in our industrial zoning districts. This action preserved land for industrial development and mitigated compatibility concerns for both residential and industrial property owners.

Existing residential uses in M-1 are now legally non-conforming, and as part of the 2019 revision City Council directed staff to facilitate the rezoning of such residential neighborhoods as appropriate. Staff routinely processes incremental rezoning cases like this one; on a larger scale, neighborhood-wide rezonings will apply residential zoning appropriately, preferably following sub-area, community or neighborhood plans adopted as part of implementing Envision New Braunfels, our Comprehensive Plan. In the meantime, properties that want to pursue alterations, expansion, or reconstruction will be brought into compliance through the rezoning process, at no application cost to the property owner.

This proposed Type 1 Special Use Permit (SUP) will allow the existing single-family residential use of the subject property to become a conforming use, which in turn allows the owners to obtain building permits for a planned addition to their house. Staff recommended this approach as a timely solution until an appropriate rezoning of the full neighborhood can take place.

Surrounding Zoning and Land Use:

North - Across Zink Street, C-2/ Single-family residence

South - M-1 / Single-family residence

East - M-1/ Commercial

West - Across Market Avenue, C-2/ Single-family residence with short-term rental

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 *(The area is predominantly residential in use, with many of the houses constructed in the late 1800s.);*
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area. *(There do not appear to be any conflicts with these elements.);*
- How other areas designated for similar development will be affected *(The proposed use should not impact other areas designated for similar development.);*
- Any other factors that will substantially affect the public health, safety, morals, or general welfare; *(No affect is anticipated as the existing use will not change.)*
- Consistency with the Comprehensive Plan:

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	Consistent Actions: Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 3.3: Balance commercial centers with stable neighborhoods. Future Land Use: The property is situated within the New Braunfels Sub-Area and in close proximity to a Recreational River Corridor and the Existing Downtown Market Center.
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on December 1, 2020 and unanimously recommended approval of the Special Use Permit (8-0-0 with Commissioner Gibson absent).

STAFF RECOMMENDATION:

Approval.

Notification:

Public hearing notices were sent to owners of 17 properties within 200 feet of the request. The City received 8 responses in favor (#1, 2, 3, 6, 9, 10, 12, 17) and none in objection.

RESOURCE LINKS:

- Chapter 144, Sec. 3.3-11 (M-1) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Sec. 3.6 (SUP) 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, Future Land Use)
3. Photograph
4. Notification Map
5. Ordinance