

## Legislation Details (With Text)

<b>File #:</b>	21-441	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Consent Item Ready
<b>File created:</b>	4/23/2021	<b>In control:</b>	City Council
<b>On agenda:</b>	5/10/2021	<b>Final action:</b>	
<b>Title:</b>	Discuss and consider approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 4.3 acres out of the J.M. Veramendi Survey No. 1, Abstract 2, Comal County, Texas, located at the southeast corner of the intersection of Gruene Road and Ewelling Lane from "R-2" Single and Two-Family District to "C-O" Commercial Office District.		

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

**Attachments:** 1. Aerial Map, 2. Land Use Maps (Zoning, Existing and Future Land Use), 3. TIA Worksheet, 4. R-2 and C-O District Comparison Table, 5. Notification List, Map and Responses, 6. Draft Ordinance

Date	Ver.	Action By	Action	Result
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**PRESENTER:**

Christopher J. Looney, AICP, Planning and Development Services Director

**SUBJECT:**

Discuss and consider approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 4.3 acres out of the J.M. Veramendi Survey No. 1, Abstract 2, Comal County, Texas, located at the southeast corner of the intersection of Gruene Road and Ewelling Lane from "R-2" Single and Two-Family District to "C-O" Commercial Office District.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** Council District 4

**BACKGROUND INFORMATION:**

**Applicant:** HMT Engineering & Surveying (Chris Crim, P.E.)  
290 S. Castell Ave., Ste 100  
New Braunfels, TX 78130  
(830) 625-8555      plats@hmtnb.com

**Owner:** William Schutz  
1401 Camelback  
Leander, TX 78741  
(512) 589-1349      willschutz@gmail.com

**Staff Contact:** Matt Greene

**City Council held a public hearing on April 26, 2021 and unanimously approved the first reading of the applicant's requested rezoning ordinance (7-0-0).**

The subject vacant property is located on the southeast corner of the intersection of Gruene Road and Ewelling Lane between NBU's old and new wastewater treatment plants. The property has approximately 600 feet of frontage on Gruene Road, a Collector Street, and 285 feet of frontage on Ewelling Lane, a Local Street. The applicant's TIA (Traffic Impact Analysis) Worksheet indicates the intended use of the property to be medical-dental office.

The C-O District was established to create opportunities for professional office and residential mixed-use. The standards of the C-O District are intended to encourage adaptive reuse of buildings or new office developments of the highest character in areas that are compatible and sensitive to the surroundings and ensure historic integrity. C-O District uses should not generate excess additional traffic or access problems.

*Surrounding Zoning and Land Use:*

North - Across Gruene Rd., R-2, R-2 with an SUP to allow multiple single-family units on one lot and R-2 with an SUP to allow a permanent single-family residence and three single-family dwellings for short term rental / Detached two-family dwellings, a single-family dwelling and detached multifamily dwellings with short term rental, and detached multifamily dwellings

South - R-2 / Single-family dwelling

East - R-2 / Single-family dwelling

West- R-2 / Undeveloped

**ISSUE:**

The proposed rezoning to C-O is consistent with the following actions from Envision New Braunfels:

Action 1.3: Encourage balanced and fiscally responsible land use patterns.

Action 3.1: Plan for healthy jobs / housing balance.

Action 3.3: Balance commercial centers with stable neighborhoods.

Future Land Use Plan: The property lies within the New Braunfels Sub Area near existing Employment, Market, Medical, Civic, Outdoor Recreation, Education and Tourist/Entertainment Centers and near a future Market Center.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

The Planning Commission held a public hearing on April 6, 2021. A motion to approve the zone change request failed due to lack of a second (with Commissioners Sonier, Tubb, and Mathis absent).

Staff recommends approval as C-O at this location is consistent with the mix of commercial, multifamily and two-family zoning in the area. Over the years, Gruene Road, between Loop 337 and Ervendberg Avenue, has transitioned from primarily large lot single-family residences to commercial, multifamily and vacation rental mixed-uses.

*Notification:*

Public hearing notices were sent to 9 owners of property within 200 feet of the request. Responses in favor have been received from property owners 2, 4, 6, 7 and 9 on the notification map and one additional response in favor was received from outside the notification area. One response in objection was received from outside the notification area.

*Resource Links:*

Chapter 144, Sec. 3.3-2"R-2" Single-Family and Two-Family District of the City's Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH144ZO\\_ARTIIIZODI\\_S144-3.3ZODIREPRZOPRJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.3ZODIREPRZOPRJU221987)

Chapter 144, Sec. 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?nodeId=PTIICOOR\\_CH144ZO\\_ARTIIIZODI\\_S144-3.4ZODIREPRZOPRJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOPRJU221987)

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*Attachments:*

1. Aerial Map
2. Land Use Maps (Zoning, Existing and Future Land Use)
3. TIA Worksheet
4. R-2 District and C-O District Comparison Table
5. Notification List, Map and Notification Responses
6. Excerpt of Minutes from the April 6, Planning Commission Regular Meeting
7. Ordinance