

## Legislation Details (With Text)

<b>File #:</b>	21-442	<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>	Approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 2.3 acres out of the H. Foster Survey No. 34, Abstract No. 154, Comal County, Texas, addressed at 948 Broadway from "M-2" Heavy Industrial District to "MU-A" Low Intensity Mixed Use District.		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Aerial Map, 2. Land Use Maps (Zoning, Existing and Future Land Use), 3. TIA Worksheet, 4. M-2 District and MU-A District Comparison Chart, 5. Notification List, Map and Response, 6. Ordinance		

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

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

**SUBJECT:**

Approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 2.3 acres out of the H. Foster Survey No. 34, Abstract No. 154, Comal County, Texas, addressed at 948 Broadway from "M-2" Heavy Industrial District to "MU-A" Low Intensity Mixed Use District.

**DEPARTMENT:** Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** Council District 5**BACKGROUND INFORMATION:**

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

**Owner:** Robert Culpepper  
948 Broadway St.  
New Braunfels, TX 78130  
(830) 743-3058      culpepperplumbing@satx.rr.com

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

**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 property is located on the south side of Broadway between Rusk St. and Flushing. The property fronts Broadway, a 60-foot wide Collector, and abuts a 115-foot wide City drainage right-of-way to the rear of the property, just north of the Union Pacific Railroad track. The 2.3-acre property is currently developed with a single-family home constructed in 1920 and two accessory buildings.

The owner would like to subdivide the property and keep the ability to utilize the property for residential and is requesting a zoning change to "MU-A" Low Intensity Mixed Use District, which allows a mixture of residential and commercial uses. The MU-A District does not include the more intense manufacturing and industrial uses permitted in the current M-2 District and is intended to provide for a mixture of retail, service, office, and residential uses in close proximity to enable people to live, work and shop in a close location.

*Surrounding Zoning and Land Use:*

North - Across Broadway, R-3 / Single-family residences and agricultural use

South - M-2 / City Drainage Right-of-way and Union Pacific Railroad track

East - M-2 / Single-family residence

West - M-2 / single-family residence

**ISSUE:**

The proposed rezoning to "MU-A" Low Intensity Mixed Use District is consistent with the following actions from Envision New Braunfels:

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

Action 3.2: Plan for healthy jobs/housing balance.

Action 3.3: Balance commercial centers with stable neighborhoods.

The property lies within the New Braunfels Sub Area near existing Employment, Market, Civic, Outdoor Recreation and Tourist/Entertainment Centers, and near a future Employment Center.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

The Planning Commission held a public hearing on April 6, 2021 and unanimously recommended approval (6-0-0, with Commissioners Sonier, Tubb and Mathis absent).

Staff recommends approval as this area is transitioning from heavy industrial to less intense mixed use. MU-A would be consistent with the mix of commercial and residential uses in the vicinity as well as planned development nearby.

*Notification:*

Public hearing notices were sent to 11 owners of property within 200 feet. One response has been received in favor from property owner #4 and none opposed.

*Resource Links:*

Chapter 144-3.3-12 "M-2" Heavy Industrial District, of the City's Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?_ga=2.228211411.1629111111.1629111111-1629111111.1629111111)

[nodeId=PTIICOOR\\_CH144ZO\\_ARTIII\\_ZODI\\_S144-3.3ZODIREPRZOPRJU221987>](#)  
Chapter 144, Sec. 3.4-10 "MU-A" Low Intensity Mixed Use District:  
<[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIII_ZODI_S144-3.4ZODIREPRZOSUJU221987)  
[nodeId=PTIICOOR\\_CH144ZO\\_ARTIII\\_ZODI\\_S144-3.4ZODIREPRZOSUJU221987>](#)

*Attachments:*

1. Aerial Map
2. Land Use Maps (Zoning, Existing and Future Land Use)
3. TIA Worksheet
4. M-2 District and MU-A District Comparison Table
5. Notification List and Map
6. Excerpt of minutes from the April 6, 2021 Planning Commission regular meeting
7. Ordinance