# Legislation Details (With Text)

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| **File #:** | 21-974 | **Name:** | |
| **Type:** | Recommendation | **Status:** | Individual Item Ready |
| **File created:** | 9/20/2021 | **In control:** | Planning Commission |
| **On agenda:** | 10/6/2021 | **Final action:** | |
| **Title:** | SUP21-118 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 71.3 acres out of the W. Mockford Survey No. 285, located at the southwest terminus of Westpointe Drive, from “APD” Agricultural/Pre-Development to “C-1B” General Business District with a Special Use Permit to allow unscreened outdoor storage. | | |
| **Sponsors:** | | | |
| **Indexes:** | | | |
| **Code sections:** | | | |
| **Attachments:** | 1. Aerial, 2. Land Use Maps, 3. Zoning District Comparison, 4. TIA Worksheet, 5. Notification List, Map and Responses | | |

| Date | Ver. | Action By | Action | Result |
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**PRESENTER:**
Applicant: HMT Engineering & Surveying - Chris Van Heerde, P.E.
Owner: New Braunfels Utilities - Jennifer Cain
**SUBJECT:**
SUP21-118 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 71.3 acres out of the W. Mockford Survey No. 285, located at the southwest terminus of Westpointe Drive, from “APD” Agricultural/Pre-Development to “C-1B” General Business District with a Special Use Permit to allow unscreened outdoor storage.
**DEPARTMENT:** Planning and Development Services
**COUNCIL DISTRICTS IMPACTED:** 3

**BACKGROUND INFORMATION:**
Case #: SUP21-118

Applicant: HMT Engineering and Surveying
Chris Van Heerde, P.E.
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New Braunfels, TX 78130
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Owner: New Braunfels Utilities (NBU)
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New Braunfels, TX 78130
(830) 629-8416 jcain@nbutexas.com

Staff Contact: Matthew Simmont
(830) 221-4058 msimmont@nbtexas.org

**On September 6, 2021, the Planning Commission postponed the public hearing and consideration of the applicant's requested rezoning to allow for a nearby apartment complex to complete and present a traffic study on the proposed use (8-0). The applicant has indicated that additional information related to traffic impacts of the proposed development is being collected and will be provided to the City for review and approval when complete. No additional data has been submitted to the City at this time.**

The approximately 70-acre tract is located at the southwestern terminus of Westpointe Drive. The subject property is bordered by the city limits to the northeast and southwest and is also adjacent the Estates at Stone Crossing residential development to the southeast. The southern portion of the property is currently improved with water storage, processing facilities and well sites with most of the property being undeveloped.

The applicant's proposed zone change with a Type 1 Special Use Permit (SUP) for unscreened outdoor storage would allow for the intended development of the subject property as the NBU headquarters building, maintenance building and materials yard.

The applicant has indicated the SUP request will provide for relief from the requirement to construct a fence/wall along the portion of the property boundary where outdoor storage is planned to be located. The developer's plans include large storage areas that are separated from future/proposed roadways as much as possible where native vegetation will be maintained for screening to the extent possible.

*Surrounding Zoning and Land Use:*
North - APD / Undeveloped (NBISD property)
South - R-1A-6.6 / Single family residences (Estates at Stone Crossing)
East - Outside City Limits / Undeveloped (approved master plan for Lark Canyon with intended single family and multifamily residences)
West - Outside City Limits / Undeveloped (Cemex Quarry property)

**ISSUE:**
The subject property is currently zoned APD; a zoning district that is intended for newly annexed areas, agricultural, farm and ranch uses and for areas where development is premature because of lack of utilities, capacity, or service, or where ultimate use has not be determined.

The proposed C-1B district is intended for development of a broad range of retail, office and professional services located along or at the intersection of collectors or thoroughfares.

The proposed rezoning is consistent with the following actions from Envision New Braunfels:

- *Action 1.3:* Encourage balanced and fiscally responsible land use patterns.
- *Action 3.22:* Encourage venues within walking distance of neighborhoods and schools.
- *Action 5.11:* Engender opportunities for new partnerships with neighboring and nearby entities that expand capacity.
- *Action 6.5:* Utilize public/ private partnerships to guide growth and investment.
- *Action 8.2:* Leverage city/ community/ private partners (e.g. school system, developers, private industry, etc.) to plan for future community growth.

The property is situated in the Hoffmann Lane Sub-Area, near a Transitional Mixed-Use Corridor and is close to Existing Civic, Outdoor Recreation and Education Centers.

**FISCAL IMPACT:**
N/A
**RECOMMENDATION:**
Approval. C-1B would provide an opportunity for relocation of the NBU Headquarters to an accessible and centralized location within the NBU service area. It is recommended that all outdoor storage is setback a minimum of 50 feet from any property boundary.

*Notification as required by state statute*:
Public hearing notices were sent to owners of 52 properties within 200 feet of the request. The City has received one response in objection (#51) from owners of property within the notification area and three responses from owners of property outside of the notification area.

Resource Links:

- Chapter 144, Section 3.4-1. *"APD" Agricultural/Pre-Development District* of the City's Code of Ordinances:
<https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987>
- Chapter 144, Section 3.4-13. *"C-1B" General Business District* of the City's Code of Ordinances:
<https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987>
- Chapter 144, Section 3.6 (SUP) of the City's Code of Ordinances:
<https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.6SPUSPE>

Attachments:

1. Aerial Map
2. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
3. District Comparison Chart
4. Traffic Impact Analysis (TIA) Worksheet
5. Notification List, Map and Responses