

## Legislation Details (With Text)

<b>File #:</b>	21-1020	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed
<b>File created:</b>	9/28/2021	<b>In control:</b>	City Council
<b>On agenda:</b>	10/11/2021	<b>Final action:</b>	10/11/2021
<b>Title:</b>	Approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 7.6 acres out of the A. M. Esnaurizar A-1 Survey, addressed at 2100 IH-35 North, from "APD AH" Agricultural/Pre-Development, Airport Hazard Overlay District and "C-3 AH" Commercial, Airport Hazard Overlay District to "C-1B AH" General Business, Airport Hazard Overlay District.		

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

**Attachments:** 1. Aerial Map, 2. NIH-35 Land Use Maps, 3. District Comparison (APD-C1B), 4. TIA Worksheet, 5. Notification & Response, 6. PC Draft Minutes, 7. Ordinance

Date	Ver.	Action By	Action	Result
10/11/2021	1	City Council	approved	Pass

**PRESENTER:**

Jean Drew, AICP, CNU-A; Planning and Development Services Assistant Director

**SUBJECT:**

Approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 7.6 acres out of the A. M. Esnaurizar A-1 Survey, addressed at 2100 IH-35 North, from "APD AH" Agricultural/Pre-Development, Airport Hazard Overlay District and "C-3 AH" Commercial, Airport Hazard Overlay District to "C-1B AH" General Business, Airport Hazard Overlay District.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** Council District 5

**BACKGROUND INFORMATION:**

Case No.: PZ21-0268

**Applicant:** Henry A. Daughtry, Jr.  
6200 Grissom Road  
San Antonio, TX 78238  
(210) 845-7350 hdaughtry@aol.com

**Owners:** Barbara Nell Dean  
6616 Creek Drive  
New Braunfels, TX 78130

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

**City Council held a public hearing on September 27, 2021 and unanimously approved the first reading of the applicant's requested rezoning ordinance. (7-0-0)**

The 7.6-acre subject property is currently undeveloped. It is located on the east side of IH-35 North, south of the FM 306/Creekside Crossing intersection. The front 300 feet of the property was annexed in 1971 and is zoned C-3 Commercial District. The remainder was annexed in 1998 and still has the interim zoning of APD Agriculture/Pre-Development.

The applicant is requesting C-1B General Business District for the entire tract. C-1B is the current district most similar to the existing C-3. A district comparison chart for APD and C-1B is attached.

**Surrounding Zoning and Land Use:**

North - Across IH-35, M-1 AH/ Auto dealership

South - SLPD AH/ Mixed use planned development

East - C-3 AH, C-1B AH/ Manufactured home park

West - MU-B AH/ Self-storage warehouse

**ISSUE:**

The C-3 zoning along IH-35 is a cumulative district that allows general commercial uses typically found along highways, as well as residential. The current APD zoning district is intended for newly annexed areas, agricultural uses, and areas where development is premature due to a lack of utility capacity, or where a use has not been determined.

The proposed C-1B district is intended for retail and commercial nodes near intersections of major collectors and thoroughfares to accommodate anticipated traffic volumes.

This area is within the Conical and Horizontal Zones of the Airport Hazard Overlay District for building height. The proposed C-1B zoning limits building height to 75 feet, which is more restrictive than the AH Overlay.

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 1.6: Incentivize infill development and redevelopment to take advantage of existing infrastructure.

Future Land Use Plan: The subject property is located in the Oak Creek Sub-Area, along the IH-35 corridor, and in close proximity to market and employment centers.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

**Committee Recommendation:**

The Planning Commission held a public hearing on September 8, 2021 and recommended approval of the request. (7-0-0 with Chair Edwards recused and Commissioner Gibson absent)

**Staff Recommendation:**

Approval. The requested C-1B zoning is consistent with development trends in the area and is supported by Envision New Braunfels.

*Mailed notification pursuant to state statute:*

Public hearing notices were sent to owners of four properties within 200 feet of the request. We received three written responses in favor (#1, 2, 4) and none in opposition.

Resource Links:

Section 144-3.4-13. C-1B General Business District

[Chapter 144 - ZONING | Code of Ordinances | New Braunfels, TX | Municode Library](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987)  
<[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_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987)  
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Attachments:

1. Aerial Map
2. Land Use Maps (Zoning, Existing, Airport Overlay, Future Land Use)
3. District Comparison Chart
4. TIA Worksheet
5. Notification Map
6. Draft Planning Commission Minutes
7. Ordinance