

## Legislation Details (With Text)

<b>File #:</b>	21-1333	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed
<b>File created:</b>	11/30/2021	<b>In control:</b>	City Council
<b>On agenda:</b>	12/13/2021	<b>Final action:</b>	12/13/2021
<b>Title:</b>	Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 28.868 acres from "M-2" Heavy Industrial District to "MU-B" High Intensity Mixed-Use District, consisting of approximately: a 14-acre tract of land, a 12-acre tract of land; a 0.74-acre tract of land out of the A.M. Esnaurizar Eleven League Grant, Survey No. 1, Abstract No. 1, Comal County, Texas; Lots 1-9, Block 1, Milltown Subdivision; Lots 1, 2, 5 and 6, Block 2, Milltown Subdivision; and, Lot 1, River Mill Power House and Dam Subdivision. The approximately 29 acres is addressed as or located at 601 Rusk St., 555 Porter St., 477 E. Faust St., the northeast corner of Rusk St. and Church Hill Dr., east side of Porter St. between Rusk St. and Consolidated, the southwest corner of Porter St. and Consolidated, and the northeast corner of Porter St. and McKenna Avenue.		
<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. M-2 District and MU-B District Comparison Table, 4. TIA Worksheet, 5. Photographs, 6. Notification List, Map and Responses, 7. Table 2: Preliminary River Mill Master Plan by Land Use, River Mill TIRZ Preliminary Project & Financing Plan, 8. Excerpt of Minutes from the December 7, 2021 Planning Commission Regular Meeting, 9. Ordinance		

Date	Ver.	Action By	Action	Result
12/13/2021	1	City Council	approved	Pass

**PRESENTER:**

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

**SUBJECT:**

Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 28.868 acres from "M-2" Heavy Industrial District to "MU-B" High Intensity Mixed-Use District, consisting of approximately: a 14-acre tract of land, a 12-acre tract of land; a 0.74-acre tract of land out of the A.M. Esnaurizar Eleven League Grant, Survey No. 1, Abstract No. 1, Comal County, Texas; Lots 1-9, Block 1, Milltown Subdivision; Lots 1, 2, 5 and 6, Block 2, Milltown Subdivision; and, Lot 1, River Mill Power House and Dam Subdivision. The approximately 29 acres is addressed as or located at 601 Rusk St., 555 Porter St., 477 E. Faust St., the northeast corner of Rusk St. and Church Hill Dr., east side of Porter St. between Rusk St. and Consolidated, the southwest corner of Porter St. and Consolidated, and the northeast corner of Porter St. and McKenna Avenue.

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

**BACKGROUND INFORMATION:**

Case #: PZ21-0352

Applicant/Owner: DRT-PMP Land LLC (Don Thomas)  
100 NE Loop 410  
San Antonio, TX 78209  
(210) 841-3202 dthomas@espadarrealestate.com

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

The subject 29 acres is comprised of 17 parcels located adjacent to Broadway, Rusk Street, Porter Street and the Guadalupe River, behind the New Braunfels Market Place shopping center. The subject property includes the old mill building and its accessory structures and parking lots.

All parcels front on streets designated as 60-foot wide Minor Collectors. Porter Street includes bike lanes on both sides that connect with bike lanes across the Guadalupe River on E. Faust Street via the Faust Street Bridge.

The subject property is located within the River Mill Tax Increment Reinvestment Zone (TIRZ #2) that was approved by City Council in December of 2019. The TIRZ will facilitate redevelopment of the area around the historic river mill property by funding a portion of the related infrastructure and maintenance costs. The TIRZ identifies the area to be redeveloped with mixed-use (see attached Table 2: Preliminary River Mill Master Plan by Land Use, under Section 2 - Project Plan Improvements, of the River Mill TIRZ Preliminary Project & Financing Plan). The applicant is requesting rezoning of the property from heavy industrial to a less intense mixed use district to facilitate redevelopment in accordance with the Project Plan Improvements identified in the River Mill TIRZ.

**Surrounding Zoning and Land Use:**

North - M-2, across Church Hill Dr., M-2 / Union Pacific Rail Road track and undeveloped

South - M-2, across Porter St., M-2, across Chevrolet Alley, M-2 / Event center, parking lot, art gallery, church, single-family residences and undeveloped

West - Across Guadalupe River, C-3 and R-3, across McKenna Ave., M-2 / Multifamily condominiums, single-family residences and undeveloped

East - M-2 Across Rusk St., M-2 / Art gallery, church, industrial (iron works), multifamily 2-unit detached condominium development, single-family residences and undeveloped

**ISSUE:**

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.
- Action 2.29: Encourage and incentivize the thoughtful redevelopment of the River Mill site.
- Action 2.33: Encourage vertical growth and development of key areas to take advantage of infrastructure capacity, maintain the core, and to discourage sprawl.

- Action 3.1: Plan for healthy jobs / housing balance.
- Action 3.3: Balance commercial centers with stable neighborhoods.
- Action 3.8: Identify under utilized neighborhoods.
- Action 3.10: Change zoning/land use and platting rules, and create tax and permit fee incentives in under-utilized neighborhoods, nodes, and corridors to encourage redevelopment.

Future Land Use Plan: The subject property is located within the New Braunfels Sub Area and lies near existing Employment, Market, Civic and Outdoor Recreation Centers and is near future Scenic River, Recreational River and Transitional Mixed-Use Corridors and in close proximity to a future Employment Center

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

The Planning Commission held a public hearing on December 7, 2021 and recommended approval (7-0-0, with Chair Edwards and Commissioner Mathis absent).

Staff recommends approval. This area is transitioning from heavy industrial to a less intense mixed use. MU-B would be consistent with the mix of commercial and residential uses in the vicinity, and in accordance with the approved River Mill Tax Increment Reinvestment Zone (TIRZ #2). It will additionally facilitate thoughtful redevelopment of the River Mill pursuant to Envision New Braunfels.

*Mailed Notification pursuant to state statute:*

Public hearing notices were sent to 25 owners of property within 200 feet (property #24 is a condominium with multiple owners). Staff has received three responses in favor from #'s 10, 18 and 21 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?nodeId=PTIICOOR\\_CH144ZO\\_ARTIIIIZODI\\_S144-3.3ZODIREPRZOPRJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIIZODI_S144-3.3ZODIREPRZOPRJU221987)

Chapter 144-3.4-11 "MU-B High Intensity Mixed Use District, of the City's Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH144ZO\\_ARTIIIIZODI\\_S144-3.4ZODIREPRZOSUJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIIZODI_S144-3.4ZODIREPRZOSUJU221987)

Attachments:

- Aerial Map
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- Photographs
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- Table 2: Preliminary River Mill Master Plan by Land Use, River Mill TIRZ Preliminary Project & Financing Plan
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- Ordinance