

Legislation Details (With Text)

File #:	22-575	Name:	
Type:	Recommendation	Status:	Individual Item Ready
File created:	5/19/2022	In control:	Planning Commission
On agenda:	6/7/2022	Final action:	
Title:	SUP22-166 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow a martial arts school in the C-O Commercial Office District on Lot 9, Block 2, Green Valley Estates, addressed at 104 Melody Lane.		

Sponsors:**Indexes:****Code sections:****Attachments:** 1. City Maps, 2. TIA Form & Determination Letter, 3. Subject Property Photos, 4. Notification Map & List

Date	Ver.	Action By	Action	Result
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PRESENTER:Applicant: James Ingalls, P.E., INK Civil
Owners: Jack Whitworth III & Cynthia Whitworth**SUBJECT:**

SUP22-166 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow a martial arts school in the C-O Commercial Office District on Lot 9, Block 2, Green Valley Estates, addressed at 104 Melody Lane.

DEPARTMENT: Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** 6**BACKGROUND INFORMATION:**

Case #: SUP22-166

Applicant: INK Civil
James Ingalls P.E.
2021 W SH46, Suite 105
New Braunfels, TX 78132
(830) 358-7127
plats@ink-civil.comOwners: Jack and Cynthia Whitworth
229 Pecan Estates
New Braunfels, TX 78130
(830) 214-3370Staff Contact: Matthew Simmont
(830) 221-4058 msimmont@nbtexas.org

The approximately 0.74-acre subject property is located on the southwest corner of the intersection of Melody Lane and E. Green Valley [within a single family \(manufactured home\) residential subdivision](#). The property is improved with commercial structures and storage buildings that were constructed in 1971 and 2015 [and most recently occupied with a stained-glass art studio](#).

The applicant is requesting this Special Use Permit (SUP) to allow a martial arts training business to operate on the property. The two largest buildings contain approximately 4,400 square of gross floor area. At least twelve paved off-street parking spaces are existing on the property.

Surrounding Zoning and Land Use:

North - Across E. Green Valley, B-1 / Single-family residences

South - Across Melody Ln., B-1 / Single-family residences

East - Across Melody Ln., B-1 / Single-family residences

West - B-1 / Single-family residence

ISSUE:

The current C-O zoning district is intended to be utilized for the creation of mixed use districts of professional offices and residential use.

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 2.14* Create opportunities for youth to be physically active, thereby reducing childhood obesity.
- *Action 3.6* Pro actively provide a regulatory framework that remains business and resident friendly.
- *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.

The proposed SUP lies within the Walnut Springs Sub Area within Existing Education, Civic, Employment, Market, Medical, Outdoor Recreation and Tourist Center Areas and near a Transitional Mixed-Use Corridor.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval [with the following condition](#). Use of the subject property for a martial arts school would provide an opportunity for a neighborhood friendly business to operate that can provide convenient and healthy activities for residents.

1. [All martial arts activities are to take place indoors without open doors and windows to prevent errant sounds from traveling into the neighborhood.](#)

Mailed notification as required by state statute:

Public hearing notices were sent to owners of 27 properties within 200 feet of the request. The City has received no responses in objection or in favor from owners of property within the notification area.

Resource Links:

- Chapter 144, Section 3.4-4. “C-O” 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>](#)

- Chapter 144, Section 3.6 *Special Use Permits* 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