

## Legislation Details (With Text)

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| <b>File #:</b>       | 22-848  | <b>Name:</b>         |                       |
| <b>Type:</b>         | Recommendation  | <b>Status:</b>       | Individual Item Ready |
| <b>File created:</b> | 7/11/2022   | <b>In control:</b>   | Planning Commission   |
| <b>On agenda:</b>    | 8/2/2022  | <b>Final action:</b> |                       |
| <b>Title:</b>        | PZ22-0268 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 59.83 acres out of the A M Esnaurizar Survey, Abstract No. 20, from "C-3 AH" Commercial District Airport Hazard Overlay and "APD" Agricultural Pre-Development District Airport Hazard Overlay to "MU-A AH" Low Intensity Mixed-Use District Airport Hazard Overlay, addressed at 1983 State Highway 46 South. |                      |                       |

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

**Attachments:** 1. City Maps, 2. District Comparison Table, 3. TIA Determination Letter and Form, 4. Subject Property Photos, 5. Notification List, Map, and Responses

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

**PRESENTER:**

Applicants: KFW Engineers and Surveyors (Wayne Flores, P.E.)

Owners: Allen & Tamala L. Schaeffer

**SUBJECT:**

PZ22-0268 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 59.83 acres out of the A M Esnaurizar Survey, Abstract No. 20, from "C-3 AH" Commercial District Airport Hazard Overlay and "APD" Agricultural Pre-Development District Airport Hazard Overlay to "MU-A AH" Low Intensity Mixed-Use District Airport Hazard Overlay, addressed at 1983 State Highway 46 South.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** Council District 2

**BACKGROUND INFORMATION:**

Case No.: PZ22-0268

Applicant: KFW Engineers & Surveyors (Wayne Flores, P.E.)  
KFW Engineers and Surveying  
3421 Paesanos Parkway, Ste. 200  
San Antonio, TX 78231

Owners: Allen & Tamala L. Schaeffer  
1983 State Highway 46 South  
New Braunfels, TX 78130

Staff Contact: Maddison O’Kelley  
(830) 221-4056 | mokelley@newbraunfels.gov

The subject property is approximately 60 acres of agricultural land with a single family residence and related agricultural buildings located on the southeast corner of Weltner Road and State Highway 46 South (a Principal Arterial), approximately 3 miles south of Interstate 35. Approximately 11 acres of the subject property fronting along State Highway 46 S is zoned “C-3” Commercial District and the remaining 49 acres is zoned “APD” Agricultural Pre-Development District.

The applicant is requesting to rezone the property to "MU-A" Low Intensity Mixed-Use District and the applicant's TIA Worksheet indicates the intended use of the property is low-rise multifamily and a shopping center. Current access to the property from Weltner Road and State Highway 46 South does not require travel through adjacent residential areas. A Level 2 TIA is required for the proposed project scope.

*Surrounding Zoning and Land Use:*

North - Across Weltner Road, C-3 AH and APD AH / Single-Family Dwelling, Undeveloped Land, Warehousing and Outdoor Vehicle Storage.  
South - Avery Park PD AH AL /Single-Family Dwellings  
East - APD AH AL / Single-Family Dwelling, Undeveloped Land  
West - Across State Highway 46 South, C-3 AH / Undeveloped Land

**ISSUE:**

The proposed rezoning meets all Zoning Ordinance requirements and 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 3.1: Plan for healthy jobs/housing balance.
- Action 3.21 Enhance local recreational venues.
- Action 3.3: Balance commercial centers with stable neighborhoods.

Future Land Use: Most of the property is situated within the Freiheit Sub-Area, with a portion of the property located in the Dunlap Sub-Area. The property is within the State Highway 46 transitional mixed-use corridor and is in close proximity to an Existing Education Center and a Proposed Civic Center and Market Center.

The “MU-A” District was established to create a mixed use district of retail, office, and residential uses in close proximity to enable people to live, work, and shop in a single location.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Approval. “MU-A” at this location would be in accordance with Envision New Braunfels and the Future Land Use Plan. Mixed-use development along major corridors is appropriate and allows for expanded opportunities for pedestrian access from existing neighborhoods and the proposed multifamily dwellings to the proposed retail use, relieving the traffic demand generated from typical retail development.

Notification:

Public hearing notices were sent to 33 owners of property within 200 feet of the request. To date, the city has received no responses.

Resource Links:

- Chapter 144, Sec. 3.3-9 (C-3) 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=2.151111111.151111111.151111111-151111111.151111111)
- Chapter 144, Sec. 3.4-1 (APD) 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=2.151111111.151111111.151111111-151111111.151111111)
- Chapter 144, Sec. 3.4-10 (MU-A) 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=2.151111111.151111111.151111111-151111111.151111111)
- Chapter 144, Sec. 144-5.20 Airport Hazard Zoning 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=2.151111111.151111111.151111111-151111111.151111111)