Legislation Details (With Text)

File #:	22-642	**Name:**	
Type:	Ordinance	**Status:**	Individual Item Ready
File created:	6/6/2022	**In control:**	City Council
On agenda:	6/27/2022	**Final action:**	6/27/2022
Title:	Public hearing and first reading of an ordinance regarding the proposed rezoning from “APD” Agricultural Predevelopment District to “C-O” Commercial Office District of approximately 25.097 acres out of the R. Ximinez Survey, Abstract No. 347, addressed at 409 Franks Road.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. City Maps, 2. Districts Comparison Chart, 3. TIA Determination Form & Letter, 4. Subject Property Photos, 5. Notification Map, List & Responses, 6. PC Draft Minutes, 7. Draft Ordinance		

Date	Ver.	Action By	Action	Result
6/27/2022	1	City Council	died	

PRESENTER:
Jean Drew, AICP, CNU-A, Planning & Development Services Assistant Director
SUBJECT:
Public hearing and first reading of an ordinance regarding the proposed rezoning from “APD” Agricultural Predevelopment District to “C-O” Commercial Office District of approximately 25.097 acres out of the R. Ximinez Survey, Abstract No. 347, addressed at 409 Franks Road.
DEPARTMENT: Planning and Development Services
COUNCIL DISTRICTS IMPACTED: Council District - 1

BACKGROUND INFORMATION:
Case #: PZ22-0174

Applicant: James Mahan III
1259 Loop 337, suite 300
New Braunfels, TX 78130
jmahan@southtexascapital.com | (830) 358-6286

Owner: Ruth M. Franks
614 C S Business IH 35, Box 244
New Braunfels, TX 78130
(512) 757-6224

Staff Contact: Laure Middleton
(830) 221-4054 | lmiddleton@nbtexas.org

The subject property is situated in Guadalupe County on the south side of FM 1044 approximately half a mile east of the intersection with County Line Road. It abuts the Highland Gardens neighborhood to the north and west. The applicant’s request is intended to create a mixed-use district of professional offices and residential

use.

Surrounding Zoning and Land Use:
North - Highland Gardens PD / undeveloped (future single family)
South - R-1A-4 / undeveloped
East - Across FM 1044, APD Agricultural / Predevelopment District / undeveloped
West - Highland Gardens PD / undeveloped (future single family)

ISSUE:
The subject property is currently improved with several residential structures and barns. The adopted Regional Thoroughfare Plan shows the subject property is located within an area where several future major roadways will intersect including the relocation of FM 1044 from the extension of Rueckle Road (Parkway), the current FM 1044 (Minor Arterial), the County Line Road extension (Minor Arterial), and the extension of Highland Vista (Minor Collector).

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

- **Action 1.3**: Encourage balanced and fiscally responsible land use patterns.
- **Action 3.1**: Plan for healthy jobs/housing balance.
- **Action 3.3**: Balance commercial centers with stable neighborhoods.

Future Land Use Plan: The property lies within the Walnut Springs Sub Area, with frontage on/access from a Transitional Mixed-Use Corridor.

FISCAL IMPACT:
N/A
RECOMMENDATION:
Staff recommends approval. C-O is appropriate with the subject property's frontage on FM 1044, its close proximity to other future major roadways around it, and the opportunity to provide a mix of residential, professional office and service land uses to the area.

The Planning Commission held a public hearing on June 7, 2022 and unanimously recommended approval. (9-0-0)

Mailed Notification pursuant to state statute:
Public hearing notices were mailed to owners of property within 200 feet of the subject property. To date, no responses have been received.

Resource Links:

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?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987>

Chapter 144, Sec. 3.4-17 (C-O) 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>