

Legislation Details (With Text)

File #:	23-1685	Name:	
Type:	Ordinance	Status:	Individual Item Ready
File created:	12/5/2023	In control:	City Council
On agenda:	1/8/2024	Final action:	
Title:	Public hearing and first reading of an ordinance to rezone approximately 42 acres out of the A. M. Esnaurizar Survey, Abstract 20, from MU-A AH (Low-Intensity Mixed-Use Airport Hazard Overlay District) to C-1B AH (General Business Airport Hazard Overlay District), currently addressed at 1983 State Highway 46.		

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

Attachments: 1. City Maps, 2. Districts Comparison Table, 3. Zoning Exhibit, 4. TIA Determination Letter & Form, 5. Subject Property Photos, 6. Notification Map, List, and Responses, 7. PC Draft Minutes, 8. Draft Ordinance

Date	Ver.	Action By	Action	Result
1/8/2024	1	City Council	approved	Pass

PRESENTER:

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

SUBJECT:

Public hearing and first reading of an ordinance to rezone approximately 42 acres out of the A. M. Esnaurizar Survey, Abstract 20, from MU-A AH (Low-Intensity Mixed-Use Airport Hazard Overlay District) to C-1B AH (General Business Airport Hazard Overlay District), currently addressed at 1983 State Highway 46.

DEPARTMENT: Planning and Development Services

COUNCIL DISTRICTS IMPACTED: 2

BACKGROUND INFORMATION:

Case No: PZ23-0456
Applicant: Colliers Engineering & Design, Wayne Flores
640 N Walnut Ave, Suite 1101
New Braunfels, TX 78130
(830) 220-6042 | wayne.flores@collierseng.com
Owner: HKEK LLC, Tamala & Allen Schaefer
1938 SH-46 S
New Braunfels, TX 78130
(830) 708-8702 | schaeferallen@yahoo.com
Staff Contact: Amanda Mushinski
(830) 221-4056 | amushinski@newbraunfels.gov

The subject property is approximately 42 acres and is situated at the southeast corner of the intersection of Weltner Rd, an existing Minor Collector, and State Hwy 46, an existing Principal Arterial. It is located approximately one-quarter of a mile northwest of the entrance of the Avery Park Planned Development District and approximately 700 feet southwest of the Weltner Farms Planned Development District.

The applicant requests a change in zoning from MU-A AH (Low-Intensity Mixed-Use Airport Hazard Overlay District) to C-1B AH (General Business Airport Hazard Overlay District).

Surrounding Zoning and Land Use:

North	Across Weltner Rd: C-3 and APD	Residential and Commercial Properties
South	C-3, Avery Park PD, APD	Residential Neighborhood
East	APD and Avery Park PD	Single-Family Residences
West	Across SH 46: C-3	Undeveloped Land

ISSUE:

The submittal indicates that the proposed zoning change is intended to allow for development under the C-1B General Business District which allows for a broad range of office and retail uses. C-1B would be 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.
- **Action 3.6:** Proactively provides a regulatory framework that remains business and resident friendly.

Future Land Use Plan: The subject property is located within the Freiheit and Dunlap Sub-Areas, along a Transitional Mixed-Use Corridor, and near multiple Future Civic and Market Centers.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval based on the property's strategic location at the intersection of an existing Principal Arterial and proposed Parkway, its position along a Transitional Mixed-Use Corridor, its compatibility with surrounding land uses and zoning districts, and its alignment with the city's future land use plan. The recommendation underscores the potential positive impact of the zoning change on the balanced and sustainable growth of the area.

The Planning Commission held a public hearing on December 5, 2023, and unanimously recommended approval (7-0-0).

Mailed notification as required by state statute:

Public hearing notices were sent to owners of 34 properties within 200 feet of the request. To date, the city has received responses representing 4% in opposition.

Resource Links:

- 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?nodeId=CHOR_144_3.4-10)
- Chapter 144, Sec. 3.4-13 (C-1B) 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?nodeId=CHOR_144_3.4-13)
- Chapter 144, Sec. 144-5.20 (Airport Hazard Overlay) 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?nodeId=CHOR_144_144-5.20)