

Legislation Details (With Text)

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| File #: | 23-1696 | Name: | |
| Type: | Ordinance | Status: | Individual Item Ready |
| File created: | 12/11/2023 | In control: | City Council |
| On agenda: | 1/8/2024 | Final action: | |
| Title: | Public hearing and first reading of an ordinance regarding the proposed rezoning of Oak Grove Estates, Unit 5 Subdivision, Block 1, Lots 2 & 3 from R-1 AH (Single-Family Airport Hazard Overlay District) to C-O AH (Commercial Office Airport Hazard Overlay District), currently addressed as 125 & 145 Oak Knot Drive. | | |

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

Attachments: 1. City Maps, 2. Districts Comparison Table R-1 to C-O, 3. TIA Determination Letter & Form, 4. Subject Property Photos, 5. Notification Map, List & Responses, 6. PC Draft Minutes, 7. Draft Ordinance

| Date | Ver. | Action By | Action | Result |
|----------|------|--------------|--------|--------|
| 1/8/2024 | 1 | City Council | denied | Pass |

PRESENTER:

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

SUBJECT:

Public hearing and first reading of an ordinance regarding the proposed rezoning of Oak Grove Estates, Unit 5 Subdivision, Block 1, Lots 2 & 3 from R-1 AH (Single-Family Airport Hazard Overlay District) to C-O AH (Commercial Office Airport Hazard Overlay District), currently addressed as 125 & 145 Oak Knot Drive.

DEPARTMENT: Planning and Development Services

COUNCIL DISTRICTS IMPACTED: 4

BACKGROUND INFORMATION:

Case No: PZ23-0425

Applicant/Owner: Dean W. Schilling & Betty A. Schilling
1508 Hickory Heights Drive
Waverly, Iowa 50677
(830) 832-9893 | trumppetter@protonmail.com

Staff Contact: Mary Lovell, Senior Planner
(830) 221-4051 | mlovell@newbraunfels.gov

The subject property is approximately 2 acres and is located at the northeast corner of the intersection of Oak Knot Drive and FM 306, a Principal Arterial. There is a biking trail along FM 306.

The applicant is requesting a change in zoning from R-1 AH (Single-Family Airport Hazard Overlay District) to C-O AH (Commercial Office Airport Hazard Overlay District). The applicant amended their original requested base zoning change from C-1A (Neighborhood Business District) to the less intense C-O (Commercial Office

District) subsequent to the Planning Commission meeting held on December 5, 2023. The applicant is not proposing to change or remove the AH overlay which would remain intact.

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|-------|-----------|-------------------------------------|
| North | R-1 | Residential |
| South | R-1 | Open & Residential |
| East | R-1 | Residential and Outside City Limits |
| West | ROW & APD | FM 306 (Right of Way) and Open |

ISSUE:

The applicant indicates that the purpose of the rezoning is to develop neighborhood professional office buildings. The C-O district allows office, business and professional services uses that can serve adjacent neighborhoods.

C-O AH at this location 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 3.17** Enact policies that dis-incentivize incompatible commercial encroachment into neighborhoods that whittle away at the edges, while still allowing for neighborhood scale commercial within walking distance of homes.

Future Land Use Plan: The subject property is located within the Hoffman Lane Sub-area along an existing Transitional Mixed-Use Corridor, and near Future Market and Civic Centers.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval. The subject property is located on a corner lot along a Principal Arterial and the requested zoning district would be compatible with the surrounding land uses. C-O would allow opportunities for small scale service uses within walking distance of residential, which meets goals of Envision New Braunfels for a more walkable community.

The Planning Commission held a public hearing on December 5, 2023, and recommended approval of C-O AH as an alternative to the applicant's original request for C-1A AH (5-2-0).

Mailed notification as required by state statute:

Public hearing notices were sent to owners of 14 properties within 200 feet of the request. To date, staff has received responses in opposition representing 20% or more of the land within 200 feet (based on the original request for C-1A). Pursuant to state statute, a $\frac{3}{4}$ majority of City Council (6 votes) will be required to approve the applicant's request unless that opposition changes.

Resource Links:

- Chapter 144, Sec. 3.3-1 (R-1) 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=2.229111211.1721111111.1721111111-1721111111.1721111111)
- Chapter 144, Sec. 3.4-12 (C-1A) 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=2.229111211.1721111111.1721111111-1721111111.1721111111)

- Chapter 144, Section 5.20 Airport Hazard Zoning District:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?