

## Legislation Details (With Text)

<b>File #:</b>	23-1701	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	12/11/2023	<b>In control:</b>	City Council
<b>On agenda:</b>	1/8/2024	<b>Final action:</b>	
<b>Title:</b>	Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 86 acres out of the A.M. Esnaurizar Survey, Abstract 20, from APD AH (Agricultural/Pre-Development Airport Hazard Overlay District) to R-3L AH (Multifamily Low Density Airport Hazard Overlay District) and R-3H AH (Multifamily High Density Airport Hazard Overlay District) currently addressed at 1280 Saengerhalle Road and 1682 Saur Lane		

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

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

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

**PRESENTER:**

Matthew Simmont, AICP, Planning Manager

**SUBJECT:**

Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 86 acres out of the A.M. Esnaurizar Survey, Abstract 20, from APD AH (Agricultural/Pre-Development Airport Hazard Overlay District) to R-3L AH (Multifamily Low Density Airport Hazard Overlay District) and R-3H AH (Multifamily High Density Airport Hazard Overlay District) currently addressed at 1280 Saengerhalle Road and 1682 Saur Lane

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** 2

**BACKGROUND INFORMATION:**

Case No: PZ23-0352

**Applicant** James Ingalls, P.E.  
2021 W SH 46  
New Braunfels, TX 78132  
(830) 358-7127 | plats@ink-civil.com

**Owner:** Rockspring Saur LLC (Attn: Beau Ryan)  
3200 Southwest Freeway, Suite 300  
Houston, TX 77027  
(713) 535-2285 | beau@rockspring.com

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

The subject property is approximately 86 acres, located on the southeast side of Saengerhalle Road, approximately 700 feet east of Saur Lane and next to the Saengerhalle Estates Subdivision. The property is currently developed with two single-family residences and is under agricultural use.

The applicant is requesting a change in the base zoning but is not requesting to change or remove the Airport Hazard Overlay. The request is to change the base zoning district from APD to R-3L and R-3H leaving the AH overlay intact.

*Surrounding Zoning and Land Use:*

<b>North</b>	Outside City Limits	Undeveloped, farmland
<b>South</b>	APD	Undeveloped, farmland
<b>East</b>	APD, M-1	Single family residences, New Braunfels National Airport
<b>West</b>	R-1A-6.6r79	Single-family and duplex development

**ISSUE:**

Access to the proposed development would be from Saengerhalle Road (Minor Collector) and Saur Lane (Principal Arterial). A planned minor collector is located on the southwestern portion of the subject property and will be required to be constructed with platting. The applicant is requesting to rezone approximately 65 acres to R-3L which allows multifamily residences at not more than 12 units per acre. The applicant is also requesting to rezone approximately 20 acres to R-3H which allows multifamily residences at not more than 24 units per acre.

A Development Agreement has been submitted to the City for review and consideration that proposes widening a portion of Saengerhalle Road adjacent to the subject property and development of a 30-foot wide drainage easement to be placed within the subject property beginning from Saur Lane to the southwest corner of the property. The proposed Development Agreement also includes sound attenuation requirements which states that all habitable portions of structures will be designed and constructed in a manner to reduce noise entering the habitable spaces.

Related Envision New Braunfels Action Items include:

- **Action 1.8:** Concentrate future investment in industrial and employment centers near existing and emerging hubs, such as the airport; and along existing high-capacity transportation networks, such as Interstate Highway 35.
- **Action 6.2:** Protect the airport from incompatible land use encroachment.
- **Action 2.1:** Sustain community livability for all ages and economic backgrounds.

**Future Land Use Plan:** The property lies within the Oak Creek Sub Area near a Transitional Mixed-Use Corridor, is adjacent to and partially within a Future Market Center and a short drive from Existing Employment and Civic Centers. The tract on the north side of Saengerhalle Road is outside of the city limits.

Land use compatibility around airports is an important element in allowing aircraft to traverse the airspace expeditiously and safely. Airport compatibility also includes ensuring that activities and land uses near airports are not negatively impacted by airport operations. These factors are important for the long-term operation and viability of an airport, its users and the health and safety of people living and working in close proximity.

Residential development is particularly sensitive to such operations and is typically considered incompatible if situated near an airport. Residential development would be subject to ongoing and increased noise emanating from planes during takeoff and landing. Additionally, the 2019 Airport Master Plan adopted by City Council

includes expansion plans for airport improvements and operations in the undeveloped southwest corner, which is directly across from the subject property.

Protecting the airport from incompatible development helps to maintain a safe operating environment, maximize return on taxpayer infrastructure investments, and comply with Federal grant assurances. If the residential use is allowed, it could lead to a contentious relationship between the future residents and the City given the subject property's adjacency to the airport boundaries and placement underneath the landing and traffic pattern.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Alternative zoning districts of C-1B (General Commercial), M-1A (Light Industrial District) or M-2A (Heavy Industrial District) would be appropriate for this property considering its location near an airport. A transition of land use from least intense (residential) to most intense (industrial) as one moves closer to an airport is the typical expectation for airport compatibility. If the subject property were to meet this scenario with commercial/industrial uses, a transition of land use from existing residential immediately southwest of the subject tract towards airport activities to the east would support the Action Items and the Future Market Center called for in Envision New Braunfels.

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

*Mailed notification pursuant to state statute:*

Public hearing notices were sent to owners of 21 properties within 200 feet of the request and staff has received responses of 2% in opposition.

**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?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Section 3.4-4. (R-3L) 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?)
- Chapter 144, Section 3.4-5. (R-3H) 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?)
- Chapter 144, Section 5.20 Airport Hazard Zoning District:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)