

## Legislation Text

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File #: 18-488, Version: 1

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### Presenter

*Christopher J. Looney, Director of Planning and Community Development*  
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### **SUBJECT:**

Discuss and consider approval of the second and final reading of an ordinance regarding the proposed zone change from "C-3" Commercial District to "MU-B" High Intensity Mixed Use District for Lot 2, Block 1, Executive Park, Unit 2, containing 1.53 acres, and addressed at 556 Danken Lane.

### **BACKGROUND / RATIONALE:**

Case No.: PZ-18-023

Council District: 6

Owner/Applicant: Kahlig Enterprises, Inc.  
DBA: Bluebonnet Motors (Wes Studdard, General Manager)  
351 IH 35 S  
New Braunfels, TX 78130  
(830) 606-8011

Staff Contact: Matt Greene, Planner  
(830) 221-4053  
mgreene@nbtexas.org

### **Background/rationale:**

City Council held a public hearing on August 27, 2018, and unanimously approved the first reading of the requested rezoning (6-0-0, Councilwoman Garcia recused).

The subject property is comprised of 1.53 acres at the northwest corner of the intersection of Danken Lane and Executive Drive, with approximately 265 feet of frontage on Executive Drive and 255 feet of frontage on Danken Lane. It is zoned "C-3" Commercial District. The property is currently fully paved and utilized as a parking lot for Bluebonnet Motors employees and vehicle inventory.

The applicant is proposing to construct a new diesel mechanic shop for Bluebonnet Motors on the property. The proposed building would be approximately 230 feet wide by 38 feet deep, with 10 mechanic bays. There are no front, side or corner side setback requirements in the C-3 District; the rear setback in C-3 is 20 feet.

The applicant would like to place the building 9.5 feet from the rear property line, which would be an encroachment of 11.5 feet into the 20-foot rear setback required in C-3. Earlier this year the applicant submitted a variance request for the proposed 11.5-foot setback encroachment. A motion to approve

the variance request failed with a 2-3 vote at the Zoning Board of Adjustment (ZBA) April 26, 2018 meeting where the Board expressed concerns the land lacked unique physical characteristics to warrant approval of a variance for the standard C-3 District requirements. Therefore, an alternative was to seek a different zoning district that might be more appropriate at this location.

Therefore, the applicant is now seeking to rezone the property to "MU-B" High Intensity Mixed Use District. To incentivize mixed use and increased density, MU-B requires no front, side or corner side setback requirements, and requires a rear setback of 5 feet with an additional two feet required for each story above 24 feet, up to a maximum setback of 25 feet. The height of the proposed building is 20 feet, so the MU-B's development standards would accommodate the applicant's proposed project as presently planned.

**General Information:**

Size: 1.53 Acres

*Surrounding Zoning and Land Use:*

North - C-3 / Rush office building

South -

East - Across Executive Drive, M-2 and C-3 / Bluebonnet Motors and a parking lot

West - C-3 / Drainage and detention facility

*Comprehensive Plan / Future Land Use Designation:* Commercial

Near a Transitional Mixed-Use Corridor (IH-35) and within a Market Center and existing Employment Center

*Floodplain:*

Approximately 6.3% of the subject property is located within the 100-year floodplain.

*Regional Transportation Plan:*

Executive Drive and Danken Lane are both classified as Local Streets and have 60-foot right-of-way widths. No additional right-of-way dedication is required with this project.

*Improvement(s):*

Parking lot

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

|   |     |   |   |
|---|-----|---|---|
| ✓ | Yes | <p><b>City Plan/Council Priority:</b><br/> <b>Envision New Braunfels</b><br/> <b>Pros and Cons Based on</b><br/> <b>Policies Plan</b></p> | <p><b>Pros: Action 3.10 Change zoning/land use and platting rules, and create tax and permit fee incentives in underutilized neighborhoods, nodes, and corridors to encourage redevelopment.</b> The proposed MU-B zoning is compatible with development in the immediate vicinity and consistent with adjacent zoning, and would integrate a mix of land uses. <b>Action 3.3 Balance commercial centers with stable neighborhoods.</b> The closest residential neighborhood is buffered from the subject property by the wide drainage canal ("North Tributary"). <b>Action 1.6 Incentivize infill development and redevelopment to take advantage of existing infrastructure.</b> While this request is not for an incentive, utilization of the subject site for more than vehicle storage will allow for economic expansion of an existing on-site business preventing unnecessary sprawl if an alternative site were necessary. <b>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.</b> The subject site is within a Market Center only a block removed from IH 35. <b>Cons:</b> The MU-B district allows intense land uses with reduced setbacks intended to encourage mixed use projects rather than single use.</p> |
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**FISCAL IMPACT:**

N/A

**Determination Factors:**

In making a decision on zoning, the following factors are to be considered:

- Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole (*The proposed MU-B zoning district is compatible with surrounding M-2, C-3 and C-1A zoning districts. The subject property is not adjacent to any property zoned or used for residential purposes, and is situated on a short road that connects the IH-35 frontage road to Old McQueeney Road. This roadway has no access to residential neighborhoods. Given the small size of the property, it is highly unlikely the property would ever be used for the more intense MU-B uses such as an airport, driving range, fair ground, freight terminal with outside freight storage or heliport).*
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*The proposed zoning should not conflict with existing and proposed schools, street, or utilities in the area.);*

- How other areas designated for similar development will be affected (*The proposed zoning should not impact other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*There should be no other factors that will substantially affect the public health, safety, morals, or general welfare.*); and
- Whether the request is consistent with the Comprehensive Plan (*The request is consistent with, and meets several "Actions" of, the Comprehensive Plan. The subject tract lies in an area with opportunities for redevelopment. It is situated within an existing Employment Center and is identified as being within a future Market Center and near a Transitional Mixed Use Corridor on the Future Land Use Plan*).

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on August 7, 2018 and unanimously recommended approval (7-0-0).

**STAFF RECOMMENDATION:**

Staff recommends approval of the request as it is consistent with the Future Land Use Plan and surrounding development, and meets goals of the Comprehensive Plan.

**Notification:**

Public hearing notices were sent to owners of 5 properties within 200 feet of the request. The Planning Division has received no responses in favor or in objection.

**Attachments:**

1. Aerial Maps
2. Application
3. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
4. Notification List and Map
5. Sec. 3.3-9 C-3
6. Sec. 3.4-11 MU-B
7. Photographs
8. Excerpt of Minutes from the August 7, 2018 Planning Commission Regular Meeting
9. Ordinance