

## Legislation Text

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File #: 19-399, Version: 1

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Presenter

*Christopher J. Looney, Planning and Community Development Director*  
*clooney@nbtexas.org*

**SUBJECT:**

Public hearing and first reading of an ordinance regarding the proposed rezoning of a 0.25 acre tract out of the J Noyes Survey 259, Abstract 430, addressed at 471 Engel Road and a 2.0 acre tract out of the J Noyes Survey 259, Abstract 430 and a 3.0 acre tract out of the J Thompson Survey 21, Abstract 608, addressed at 491 Engel Road, from "APD" Agricultural/Pre-Development District to "C-1B" General Business District.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ19-0114

**Council District:** 1

**Applicant:** Rene De La Cruz  
1413 Shannon Circle  
New Braunfels, TX 78130  
(830) 609-8985

**Owner:** Melvin and Helen Voigt Revocable Living Trust (Helen Voigt)  
491 Engel Road  
New Braunfels, TX 78130  
(830) 708-5241

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

The subject, contiguous properties comprise 5.25 acres near Engel Road Industrial Park, approximately one-third of a mile south of IH-35. The narrow properties have 193 feet of frontage on Engel Road (Major Collector) and the deepest tract is 1,530 feet deep. Zoned APD and mostly undeveloped, a single family residence sits near the front.

The applicant is requesting a rezoning from APD to C-1B to facilitate future unspecified development. C-1B allows a broad range of office, service and retail uses. Current access from Engel Road does not require travel through any residential areas.

**General Information:**

*Surrounding Zoning and Land Use:*

North - APD / Undeveloped

South - APD/ Undeveloped

East - R-1A-6.6 / Briar Meadows Subdivision (single family homes)

West - Across Engel Rd., Outside City Limits / Single family home and undeveloped

**Floodplain:**

No portion of the property is within the 1% annual chance flood zone.

**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 (*As a Major Collector, Engel Road currently provides residential, commercial and industrial traffic access to IH 35. With installation of the required buffer between the subject property and the residential lots adjacent to the rear, C-1B uses can be appropriate for these tracts*).
- 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 requested zoning should not conflict with existing and proposed schools. The adequacy of public facilities and utilities to serve the property is evaluated by each provider at the platting and permitting stages.*);
- How other areas designated for similar development will be affected (*The proposed zoning would add to the inventory of commercial zoning in the vicinity and the City overall.*);
- 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. Drainage, utilities and traffic impact will be reviewed and addressed through the platting and permitting processes.*); and
- Whether the request is consistent with the Comprehensive Plan (*The subject property is located in the Oak Creek Sub Area in close proximity to Future Employment and Market Centers and a Transitional Mixed-Use Corridor. It also lies near existing Employment and Civic Centers.*)

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

<b>City Plan/Council Priority:</b> Envision New Braunfels Comprehensive Plan	<b>Action 1.3:</b> Encourage balanced and fiscally responsible land use patterns. <b>Action 1.8:</b> 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 IH-35. <b>Action 3.3:</b> Balance commercial centers with stable neighborhoods
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on June 4, 2019 and unanimously recommended

approval (9-0-0).

**STAFF RECOMMENDATION:**

Located within one-third of a mile of IH-35 and two-tenths of a mile from Engel Road Industrial Park, new commercial development at this location would utilize existing infrastructure and would not require access through residential areas. A residential neighborhood is adjacent to the rear providing opportunities for pedestrian connections between the two properties for potential customer access. C-1B would provide appropriate transitional zoning between the industrial development along IH 35 and the undeveloped properties to the south. Therefore, staff recommends approval.

**Notification:**

Public hearing notices were sent to 18 owners of property within 200 feet of the request. The City has received no responses in favor and two opposed (#7 and #15). Opposition represents more than 20% of the notification area, which requires a  $\frac{3}{4}$  majority of City Council (6 votes) to approve per state statute.

**Attachments:**

- Aerial Maps
- Survey of Subject Property
- Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
- Notification List, Map and Response
- Photograph of Subject Property
- Ordinances:
  - Sec. 3.4-1 APD
  - Sec. 3.4-13 C-1B
- Excerpt of Minutes from the June 4, 2019 Regular Planning Commission
- Ordinance