

## Legislation Text

---

**File #:** 19-512, **Version:** 1

---

Presenter/Contact

*Stacy Snell, Planning and Community Development Assistant Director  
(830) 221-4051 - [ssnell@nbtexas.org](mailto:ssnell@nbtexas.org)*

**SUBJECT:**

Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 0.80 acres out of the A M Esnaurizar Survey, addressed at 947 State Highway 46 South, from "R-2" Single and Two-family District to "MU-B" High Intensity Mixed Use District.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ19-0155

**Council District:** 5

**Applicant:** Howard and Kelli Guidry  
27014 Rockwall Parkway  
New Braunfels, TX 78132  
(210) 269-5656  
[howardbackyardvacation@gmail.com](mailto:howardbackyardvacation@gmail.com)

**Property Owner:** HKC Holding, LLC  
17460 IH-35 N  
Schertz, TX 78154  
(210) 269-5656

**Staff Contact:** Holly Mullins  
(830) 221-4054  
[hmullins@nbtexas.org](mailto:hmullins@nbtexas.org)

The subject property, located on State Highway 46 South between Caddell and Alves Lanes, is currently developed with a single-family residence. At one time there were many residential properties fronting Highway 46, but very few remain today. This is the only remaining property zoned R-2 on the east side of Highway 46 between IH-35 and Stone Gate Drive, a distance of approximately 1.3 miles. Zoning on the adjacent property was changed from R-2 to C-1B in 2001; however, use of that property appears to still be residential.

The applicants own a business installing in-ground swimming pools and would like to use the property for their office and showroom, plus equipment storage and a one-bedroom apartment. Their intent is to remodel the existing residential structure for the office and showroom and construct a new building for their living space and storage.

To accommodate this mix of uses, they are requesting the "MU-B" High Intensity Mixed Use

District. MU-B allows opportunities for a mixture of retail, office and industrial uses in close proximity to residential uses, to enable people to live, work and shop in a single location. The applicants' proposal is consistent with this description, on a small scale.

The attached conceptual site plan illustrates the proposed building layout. However, this is not a Special Use Permit request, therefore a site plan cannot be made a part of or condition of the zoning change request. If the requested rezoning is approved all uses allowed in MU-B would be permissible. While "MU-B" allows a mix of uses, mixed-use is not required.

An office/showroom with indoor storage could be accomplished with "C-1B" General Business District zoning, but C-1B does not allow for the residential component.

**General Information:**

*Surrounding Zoning and Land Use:*

North - C-1B/ Single-family residence; formerly a professional office  
South - C-3/ Commercial (car wash)  
East - C-3/ Undeveloped  
West - Across Hwy 46, M-1/ Commercial (auto repair)

*Floodplain:*

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

*Regional Transportation Plan:*

Highway 46 South is identified as a 120-foot wide Major Arterial. The current right-of-way width at this location is approximately 115 feet.

**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 1.6:</b> Incentivize infill development and redevelopment to take advantage of existing infrastructure. <b>Action 3.3:</b> Balance commercial centers with stable neighborhoods.
--	--

**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 (*MU-B zoning is appropriate along Major Arterials: with its mixed use component, it can facilitate prevention of strip commercialization of thoroughfares while still allowing for enhanced commercial investment; although some of the permitted uses may not be compatible with the adjacent residential use without setbacks and buffers. Given the size and location of the property, it is unlikely to be used for the more intense MU-B uses such as fairgrounds, truck terminal with outside freight storage, or heliport. Converting use of the subject property from residential to commercial will trigger buffering requirements where adjacent to residential use.*);

- 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 other than providing opportunities for positive market competition.);*
- 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 subject property lies within the Oak Creek Sub Area, a Transitional Mixed-Use Corridor (Highway 46), and existing and future Employment Centers.)*

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on July 2, 2019 and unanimously recommended approval of the rezoning request. (9-0-0)

**STAFF RECOMMENDATION:**

The requested MU-B zoning is consistent with the Transitional Mixed-Use Corridor designation of the Future Land Use Plan and buffering requirements should mitigate any potential impact on adjacent residential use. Therefore, staff recommends approval of the requested rezoning.

**Notification:**

Public hearing notices were sent to 8 owners of property within 200 feet. The City has received no responses to date.

**Attachments:**

1. Aerial Map
2. Application and Conceptual Site Plan
3. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
4. Notification Map
5. Sec. 3.4-11 MU-B
6. Photograph
7. Draft Minutes
8. Ordinance