

## Legislation Text

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File #: 19-569, Version: 1

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Presenter/Contact

*Applicant: Johnnie Joe Rodriguez; Matthew Simmont, Planner  
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**SUBJECT:**

Public hearing and recommendation to City Council regarding the proposed rezoning of 3.92 acres addressed at 2188 FM 1044, from "APD" Agricultural/Pre-Development District to "MU-B" High Intensity Mixed Use District.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ19-0201

**Council District:** 1

Applicant and  
Property Owner: Johnnie Joe Rodriguez  
1529 FM 306  
New Braunfels, TX 78132  
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The approximately 4-acre subject property is located on the west side of FM 1044 between Lou Ann Drive and Green Valley Road. The property is currently developed with a single-family residence and two outbuildings.

The applicant is requesting to rezone the subject property to "MU-B" High Intensity Mixed Use District to allow for a flexible variety of options to facilitate re-development. This is not an SUP or a Planned Development request, therefore a site plan cannot be required nor conditionals added. If the requested rezoning is approved all of the uses allowed in MU-B would be permissible (see Attachment 5) and would have to be developed in compliance with existing development standards of the adopted Zoning Ordinance. While "MU-B" allows a mix of uses, mixed-use is not required.

The "MU-B" district is intended to provide a mixture of residential, retail, office and industrial uses in close proximity to one another to create opportunities for people to live, work and shop in a single location. The concept works best on larger tracts of land that can integrate the various uses in a cohesive, large-scale, walkable development. Adjacent properties that currently contain agricultural and low intensity uses along FM 1044, a Minor Arterial, have the potential to support a mixed-use area in the future.

*Surrounding Zoning and Land Use:*

North - APD/ Mobile-home residences (non-conforming)

South - APD/ Agricultural with mobile-home residences (non-conforming); Single-family residences

East - Across FM 1044, APD/ Undeveloped

West - APD/ Agricultural with mobile-home residences (non-conforming)

*Floodplain:*

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

*Regional Transportation Plan:*

FM 1044 is identified as a 120-foot wide Minor Arterial. The current right-of-way width at this location is approximately 80 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.
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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 (*MU-B zoning is appropriate along Arterials, 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. If commercial is developed, buffers will be required where adjacent to residences.*);
- 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, streets, 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 subject property lies within the Walnut Springs Sub Area, and along a Transitional Mixed-Use Corridor (FM 1044).*)

**STAFF RECOMMENDATION:**

The requested MU-B zoning is consistent with the Transitional Mixed-Use Corridor designation and buffer 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 5 owners of property within 200 feet. The City has received no responses to date.

**Attachments:**

1. Aerial Map
2. Applicant request statement
3. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
4. Notification Map
5. Sec. 3.4-11 MU-B
6. Photograph