Legislation Text

File #: 21-214, **Version:** 1

Presenter
Christopher J. Looney, AICP, Planning and Development Services Director
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SUBJECT:
Approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 14.608 acres out of the H. Foster Survey No. 34, Abstract No. 154, Comal County, Texas, located at the northwest corner of the intersection of IH 35 and FM 306, from "M-1" Light Industrial District to "MU-B" High Intensity Mixed Use District.

BACKGROUND / RATIONALE:
Case No.: PZ20-0330

Council District: 5

Applicant: Moeller & Associates (James Ingalls, P.E.)
2021 SH 46 W, Ste 105
New Braunfels, TX 78132
(830) 358-7127 - plats@ma-tx.com

Owner: Smithco Development (Matt Strange)
1400 Post Oak, Ste 900
Houston, TX 77056
(713) 622-4040 - matt@smithcodevelopment.com

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

City Council held a public hearing on February 22, 2021 and unanimously approved the first reading of the applicant's requested rezoning ordinance.

The subject undeveloped 14-plus acres is out of a larger 18.88-acre parcel located on the northwest corner of the intersection of IH 35 and FM 306. It is currently zoned "M-1" Light Industrial District, while the remaining 4.272 acres of the parent tract fronting IH 35 is zoned "C-3" Commercial District. The applicant is making the request to accommodate mixed-use: allowing both commercial and multi-family.

Surrounding Zoning and Land Use:
North - M-1 / Hotel and light manufacturing
South - M1-A & M-1Ar69 / Manufactured home sales lot and auto transmission repair shop,

Convenience store with fuel sales (Buc-ee's)

East - C-3 & M-1 / Convenience store with fuel sales, supermarket (HEB), shopping center and fast food restaurant

West - C-3, M-1, M-1A & Post Road PD / Auto transmission repair shop, undeveloped lot approved for multifamily use through a PD, and a vacant parcel

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 is intended to provide for a mixture of retail, office, and industrial uses to enable people to live, work and shop in close proximity. The permitted uses in MU-B are consistent with the existing zoning and land uses in the vicinity adjacent to IH 35 and in the nearby Town Center at Creekside development and future Solms Landing PD).*
- 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 impact on existing streets will be reviewed through the platting process. The adequacy of public facilities and utilities to serve any additional demand is evaluated by each provider. CISD and utility providers have been notified of the proposed rezoning)*.
- How other areas designated for similar development will be affected *(The proposed rezoning should not negatively affect other areas designated for similar development)*.
- Any other factors that will substantially affect the public health, safety, morals, or general welfare *(None identified. Drainage, utility and traffic impact will be reviewed and addressed through the platting process).*
- Whether the request is consistent with the Comprehensive Plan: See below

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

City Plan/Council Priority: Envision New Braunfels	**Consistent Actions Action 1.3:** Encourage balanced and fiscally responsible land use patterns. **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. **Future Land Use Plan:** The property lies within the Oak Creek Sub Area on a Transitional Mixed-Use Corridor near existing and future Employment, Market, Medical, Outdoor Recreation, Education and Tourist/Entertainment Centers.

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on February 2, 2021 and recommended approval (9-0-0).

STAFF RECOMMENDATION:

Approval. MU-B allows uses consistent with the existing light industrial, commercial and residential development and zoning in the area, while offering the opportunity for mixed-use development as

encouraged in Envision New Braunfels. Mixed uses at this location would provide an appropriate intensity transition outward from the major node.

Notification:
Public hearing notices were sent to 11 owners of property within 200 feet of the request. The City has received no responses at this time.

RESOURCE LINKS:

- Chapter 144, Sec. 3.3-11 “M-1” Light Industrial District, of the City’s Code of Ordinances: <https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

- Chapter 144, Secs. 3.4-11 “MU-B” High Intensity Mixed Use District, of the City’s Code of Ordinances: <https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

ATTACHMENTS;

1. Aerial Map
2. Land Use Maps (Zoning, Existing and Future Land Use)
3. Zoning Exhibit
4. Notification List and Map
5. Excerpt of Minutes from the February 2, 2021 Planning Commission Regular Meeting
6. Ordinance