

## Legislation Text

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**File #:** 21-539, **Version:** 1

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**PRESENTER:**

Christopher J. Looney, AICP, Planning and Development Services Director

**SUBJECT:**

Discuss and consider approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 48 acres out of the O. Russell A-485 Survey 2, located in the 2200 block of FM 1102, from "M-1A" Light Industrial District to "MU-B" High Intensity Mixed Use District.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** Council District 4

**BACKGROUND INFORMATION:**

**Applicant:** HMT Engineering & Surveying (Chris Van Heerde, P.E.)  
290 S. Castell Avenue  
New Braunfels, TX 78130  
(830) 625-8555  
plats@hmtnb.com

**Owner:** Mary Ann Hollmig  
112 Texas Avenue  
New Braunfels, TX 78130

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

**City Council held a public hearing on April 26, 2021 and approved the first reading of the property owner's requested rezoning ordinance (6-1-0) with a request to clarify text in the agenda memo regarding highlights in the use comparison chart. The second reading was postponed from the May 10, 2021 and the May 24, 2021 City Council meetings at the request of the applicant.**

The subject property is located on FM 1102 approximately 1,500 feet northeast of the intersection with FM 306. The property is between FM 1102 and the Union Pacific Railroad tracks, on the edge of the City limits.

The applicant is requesting a zoning change of the base zoning district from "M-1A" Light Industrial to "MU-B" High Intensity Mixed Use District, retaining the "AH" Airport Hazard Overlay District. A district comparison chart (attached) shows the allowed uses are similar between the two districts. **MU-B allows most of the light industrial uses with a few exceptions marked on the chart in gray, while making other use opportunities available. Uses not currently allowed in M-1A that would be allowed with the zoning change are highlighted in yellow.**

**Surrounding Zoning and Land Use:**

North - Outside city limits / Undeveloped

South - M-1 / Light industrial

East - M-1A / Railroad, undeveloped

West - Across FM 1102, M-1A/ Undeveloped

**ISSUE:**

The current M-1A zoning district is intended for light manufacturing and assembly, warehousing, research and development, and other operations that do not typically depend on frequent customer visits, but do have medium to large truck traffic for equipment deliveries or product shipping. Therefore, these uses generally require access to major thoroughfares or rail transportation. For these reasons, it was common up until the middle of the last century for cities to zone property along or near rail lines for industrial or manufacturing.

The proposed MU-B district provides for (but does not require) a mix of retail, office and industrial uses in close proximity to enable people to live, work and shop in close proximity, often within biking or walking distance. This district also allows for multifamily development and other uses with a “residential” component such as assisted living and RV parks.

MU-B at this location would be consistent with Envision New Braunfels. The subject property is in close proximity to Future Employment and Market Centers, and lies along FM 1102 which is identified as a Transitional Mixed Use Corridor. These factors support the proposed mixed-use zoning. While the existing M-1A zoning is not inconsistent with the Future Land Use Plan, the proposed MU-B zoning maintains most of the M-1A industrial uses that would be appropriate for this area, while providing opportunities for the community’s desired mixed-use.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

The Planning Commission held a public hearing on April 6, 2021 and voted to recommend approval (6-0-0) with Commissioners Tubb, Mathis and Sonier absent.

**Staff Recommendation:**

Approval.

*Notification as required by state statute:*

Public hearing notices were sent to owners of 6 properties within 200 feet of the request. To date, no responses have been received from within the notification area. The City received one objection from outside (approximately 4,000 feet away).

**Resource Links:**

Chapter 144, Sec. 3.4-11 MU-B High Intensity Mixed Use District

[Sec. 144-3.4. - Zoning districts and regulations | Code of Ordinances | New Braunfels](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987)  
<[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH144ZO\\_ARTIIIZODI\\_S144-3.4ZODIREPRZOSUJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987)>

**Attachments:**

1. Aerial Map
2. Land Use Maps (Zoning, Existing, Future Land Use)
3. District Comparison Chart
4. Notification Map
5. Photograph
6. Ordinance