

## Legislation Text

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**File #:** 22-900, **Version:** 1

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**PRESENTER:**

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

**SUBJECT:**

Approval of the second and final reading of an ordinance regarding a proposed rezoning from “APD AH” Agricultural/Predevelopment Airport Hazard Overlay District, “M-1 AH” Light Industrial Airport Hazard Overlay District and “M-1Ar44 AH” Light Industrial Airport Hazard Height Overlay District to “C-1A AH SUP” Neighborhood Commercial Airport Hazard Height Overlay District with a Special Use Permit to allow a new car dealership on approximately 29.32 acres out of the O Russell Survey-2, Abstract 485, addressed at 4165 and 4261 IH 35 North.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** 4

**BACKGROUND INFORMATION:**

Case No.: SUP22-219

Applicant: Killen, Griffin & Farrimond, PLLC  
10101 Reunion Place, Suite 250  
San Antonio, TX 78216  
(210) 960-2750 | ashley@kgftx.com

Owner: Ronald Hoover  
343 Olympic Drive  
Rockport, TX 78382

Staff Contact: Laure Middleton  
(830) 221-4054 | Lmiddleton@nbtexas.org

**The City Council held a public hearing on July 25, 2022 and unanimously approved the first reading of the ordinance for the requested rezoning with recommended conditions and the applicant’s proposed development standards (7-0-0).**

The subject vacant property is located on the southbound access road of IH 35, approximately 0.44 miles south of Conrads Lane and 1.11 miles north of the intersection of FM 306 and IH 35. The property is located within the Conical Zone of the Airport Hazard Overlay for building height. This overlay does not impact the proposed development nor is the applicant requesting to remove the overlay.

The applicant intends to develop the property with a new car dealership with sales and service uses. After conferring with the neighboring property owners and in an effort to buffer the neighborhood from commercial uses allowed in other commercial districts, the applicant is requesting to rezone the approximately 29.32 acres to the less intense C-1A base district with an SUP to allow the specific auto sales and service use with additional development standards.

The subject property is adjacent to the Oak Creek Estates neighborhood which would trigger standard residential buffers (wall and landscaping) between a non-residential development and single family neighborhoods. These development standards are intended to protect residential properties by mitigating potential negative impacts from commercial uses:

- 5.3-1(b)(7) requires a residential landscape buffer of at least one tree per 25 linear feet of property, a minimum one and one-half inches (1½ inches) in diameter, to be planted along the common property line of the single-family or two-family property.
  - Shade trees must be used, unless under the canopy of an existing preserved tree, or near utility lines where ornamental trees must be used. Existing trees can be credited toward meeting the residential buffer requirement so long as the location and number of required trees is satisfied, or alternate compliance is demonstrated.
- 5.3-2(h) requires a 6-8 foot tall solid screen wall to be installed and maintained as a buffer between the properties.
- 5.3-3 requires outdoor lighting used to illuminate parking spaces, driveways, maneuvering areas, or buildings to be "fully shielded light fixtures" and designed, arranged, and screened so the point light source is not visible from adjoining lots or streets.
- 5.3-4 requires additional restrictions and buffering between single and two family residential and non-residential uses:
  - Minimum setback from the residential property line of 20 feet plus one foot for each foot of building height over 20 feet.
  - Outdoor audio or speakers are prohibited.
  - Outside music is prohibited.
  - An additional 30-foot setback separation between residential property and any fuel pumps or fuel tanks.

Additional Development Standards proposed by the developer include:

- 50-foot landscape buffer adjacent to single-family residential property (Oak Creek)
- 20-foot landscape buffer adjacent to multi-family
- Detention in the rear of the property, approximately 140 feet wide. Within 140 feet of the rear property line there will be no parking or buildings.
- Minimum 300-foot rear building setback.
- No outdoor speakers

- The development will comply with City lighting requirements. Additionally, any lighting to the rear of the furthest setback building will be LED directional lighting and be reduced to 50% of the brightness of lighting used during business hours.

For reference, the first four development standards are depicted on the Traffic Site Exhibit.

*Surrounding Zoning and Land Use:*

North - M-1Ar38 / Undeveloped  
South - M-1A / Undeveloped  
East - PD / Residential Subdivision  
West - Across IH 35, M-1/ Undeveloped

**ISSUE:**

The proposal meets and exceeds all Zoning Ordinance requirements, and is consistent with the following actions from Envision New Braunfels:

- **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.
- **Action 3.1** Plan for healthy jobs/ housing balance.
- **Action 3.11** Target new industries that integrate well with the New Braunfels workforce, as well as industries with intact labor.
- **Action 3.3** Balance commercial centers with stable neighborhoods.
- **Future Land Use:** The property is situated within the Oak Creek Sub-Area, along a transitional mixed-use corridor (IH-35), and is in close proximity to Existing Employment, Market, and Education Centers and several Proposed Employment Centers.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Approval with the additional development standards proposed by the applicant listed below. The proposal is supported by Envision New Braunfels and is compatible with the development occurring in the immediate area - activity along the Interstate Highway; the proposed additional standards would ameliorate negative impacts.

1. 50-foot landscape buffer adjacent to single-family residential property (Oak Creek)
2. 20-foot landscape buffer adjacent to multi-family
3. Detention in the rear of the property, approximately 140 feet wide. Within 140 feet of the rear property line there will be no parking or buildings.
4. Minimum 300-foot rear building setback.
5. No outdoor speakers
6. The development will comply with City lighting requirements. Additionally, any lighting to the rear of the furthest setback building will be LED directional lighting and be reduced to 50% of the brightness of

lighting used during business hours.

The Planning Commission held a public hearing on July 5, 2022 and unanimously recommended approval (8-0-0).

*Mailed notification pursuant to state statute:*

Public hearing notices were sent to 26 owners of property within 200 feet of the request. To date, the city has received no responses.

Resource Links:

- Chapter 144, Sec. 3.3-11 (M-1) of the City's Code of Ordinances:  
[<https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Sec. 3.4-18 (M-1A) of the City's Code of Ordinances:  
[<https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Sec. 3.4-12 (C-1A) of the City's Code of Ordinances:  
[<https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Sec. 5.3 Landscaping, tree preservation, public trees, screening, fences, buffering and lighting - of the City's Code of Ordinances:  
[<https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Sec. 5.22 - Non-residential and multifamily design standards - of the City's Code of Ordinances:  
[<https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Sec. 3.6 (SUP) of the City's Code of Ordinances:  
[<https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)