

## Legislation Text

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**File #:** 22-547, **Version:** 1

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**PRESENTER:**

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

**SUBJECT:**

Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 11.269 acres from “C-3” Commercial District and “R-2” Single-family and Two-family District to “MU-B” High Intensity Mixed-Use District, out of the John Thompson Survey No. 21, Abstract No. 608, New Braunfels, Comal County, Texas addressed at 3119 IH 35 S, New Braunfels, TX 78130.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** Council District - 1

**BACKGROUND INFORMATION:**

**Case #:** PZ22-0124

**Applicant:** White-Conlee Builders, LTD.  
4630 North Loop 1604 W., Suite 507  
San Antonio, TX 78249  
kevin@white-conleebuilders.com | (210) 492-1300

**Owner:** Balous & Julie Miller  
PO Box 839925  
San Antonio, TX 78283

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

The subject property is located approximately 740 feet north of Rueckle Road on the northbound IH-35 access road. The property is situated between the IH-35 Corridor to the northwest, Rueckle Road (a designated Parkway) to the southwest, Morningside Drive (a major collector) to the southeast, and Schmidt Ave (a minor arterial) to the northeast. The applicant is requesting the rezoning with the intent to build a multifamily complex with approximately 240 units on the subject 11.269 acres.

**Surrounding Zoning and Land Use:**

North - Across IH 35 - M-2 & M-1 / Undeveloped

South - C-3 / Hill Country Cottage Resort and RV Park

East - PD / Small scale multifamily

West - C-3 / Undeveloped and Hill Country Cottage Resort and RV Park

**ISSUE:**

The subject property is currently developed with two residential one-story structures built in 1949 on the portion within 285 feet of the IH 35 access road, approximately 3.2 acres zoned C-3. The rear 8 acres is undeveloped, zoned R-2.

MU-B would be appropriate for this location as it requires access to an arterial roadway or state highway and is consistent with the following actions from Envision New Braunfels:

- **Action 1.3:** Encourage balanced and fiscally responsible land use patterns.
- **Action 1.6:** Incentivize infill development and redevelopment to take advantage of existing infrastructure.
- **Action 3.1:** Plan for healthy jobs/housing balance.
- **Action 3.3:** Balance commercial centers with stable neighborhoods.

Future Land Use Plan: The property lies within the Walnut Springs Sub Area along a Transitional Mixed-Use Corridor (IH-35), near existing Employment, Civic, Education, and Outdoor Recreation Centers.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Approval. A High Intensity Mixed Use District is intended to provide for a mixture of intense retail, office, and industrial uses in close proximity to enable opportunities to live, work and shop in a single location. This location is well served by multiple high capacity roadways.

The Planning Commission held a public hearing on May 11, 2022, and unanimously recommended approval (6-0-0) with Commissioners Tubb, Anderson-Vie, and Sonier absent.

*Mailed notification pursuant to state statute:*

Public hearing notices were mailed to 17 owners of property within 200 feet of the subject property. To date, the city has received one response in favor (property #14) and none in objection.

**Resource Links:**

Section 144-3.3-2 "R-2" Single-family and Two-family District, of the City's Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH144ZO\\_ARTIIIZODI\\_S144-3.3ZODIREPRZOPRJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.3ZODIREPRZOPRJU221987)

Section 144-3.3-9 "C-3" Commercial District of the City's Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH144ZO\\_ARTIIIZODI\\_S144-3.3ZODIREPRZOPRJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.3ZODIREPRZOPRJU221987)

Section 144-3.4-11 "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?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)