

## Legislation Text

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**File #:** 23-1696, **Version:** 1

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**PRESENTER:**

Jean Drew, AICP, CNU-A, Planning and Development Services Assistant Director

**SUBJECT:**

Public hearing and first reading of an ordinance regarding the proposed rezoning of Oak Grove Estates, Unit 5 Subdivision, Block 1, Lots 2 & 3 from R-1 AH (Single-Family Airport Hazard Overlay District) to C-O AH (Commercial Office Airport Hazard Overlay District), currently addressed as 125 & 145 Oak Knot Drive.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** 4

**BACKGROUND INFORMATION:**

Case No: PZ23-0425

Applicant/Owner: Dean W. Schilling & Betty A. Schilling  
1508 Hickory Heights Drive  
Waverly, Iowa 50677  
(830) 832-9893 | [trumppetter@protonmail.com](mailto:trumppetter@protonmail.com)

Staff Contact: Mary Lovell, Senior Planner  
(830) 221-4051 | [mlovell@newbraunfels.gov](mailto:mlovell@newbraunfels.gov)

The subject property is approximately 2 acres and is located at the northeast corner of the intersection of Oak Knot Drive and FM 306, a Principal Arterial. There is a biking trail along FM 306.

The applicant is requesting a change in zoning from R-1 AH (Single-Family Airport Hazard Overlay District) to C-O AH (Commercial Office Airport Hazard Overlay District). The applicant amended their original requested base zoning change from C-1A (Neighborhood Business District) to the less intense C-O (Commercial Office District) subsequent to the Planning Commission meeting held on December 5, 2023. The applicant is not proposing to change or remove the AH overlay which would remain intact.

North	R-1	Residential
South	R-1	Open & Residential
East	R-1	Residential and Outside City Limits
West	ROW & APD	FM 306 (Right of Way) and Open

**ISSUE:**

The applicant indicates that the purpose of the rezoning is to develop neighborhood professional office buildings. The C-O district allows office, business and professional services uses that can serve adjacent neighborhoods.

C-O AH at this location would be consistent with the following actions from Envision New Braunfels:

- **Action 1.3** Encourage balanced and fiscally responsible land use patterns.
- **Action 3.1** Plan for healthy jobs/ housing balance.
- **Action 3.3** Balance commercial centers with stable neighborhoods.
- **Action 3.17** Enact policies that dis-incentivize incompatible commercial encroachment into neighborhoods that whittle away at the edges, while still allowing for neighborhood scale commercial within walking distance of homes.

**Future Land Use Plan:** The subject property is located within the Hoffman Lane Sub-area along an existing Transitional Mixed-Use Corridor, and near Future Market and Civic Centers.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Staff recommends approval. The subject property is located on a corner lot along a Principal Arterial and the requested zoning district would be compatible with the surrounding land uses. C-O would allow opportunities for small scale service uses within walking distance of residential, which meets goals of Envision New Braunfels for a more walkable community.

**The Planning Commission held a public hearing on December 5, 2023, and recommended approval of C-O AH as an alternative to the applicant's original request for C-1A AH (5-2-0).**

*Mailed notification as required by state statute:*

Public hearing notices were sent to owners of 14 properties within 200 feet of the request. To date, staff has received responses in opposition representing 20% or more of the land within 200 feet (based on the original request for C-1A). Pursuant to state statute, a  $\frac{3}{4}$  majority of City Council (6 votes) will be required to approve the applicant's request unless that opposition changes.

**Resource Links:**

- Chapter 144, Sec. 3.3-1 (R-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. 3.4-12 (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, Section 5.20 Airport Hazard Zoning District:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)