

ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 6 ACRES, BEING OUT OF NEW BRAUNFELS TOWN CENTER AT CREEKSIDE, PHASE 4, BLOCK 1, LOT 1, FROM M-1Ar75 AH & M-1Ar60 AH (LIGHT INDUSTRIAL DISTRICT WITH RESTRICTIONS, AIRPORT OVERLAY) TO M-1Ar75 AH SUP & M-1Ar60 AH SUP (LIGHT INDUSTRIAL DISTRICT WITH RESTRICTIONS, AIRPORT OVERLAY WITH A SPECIAL USE PERMIT FOR MULTIFAMILY), LOCATED NORTH OF THE INTERSECTION OF CREEKSIDE CROSSING AND SOPHIE LANE; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of the M-1Ar75 AH SUP & M-1Ar60 AH SUP (Light Industrial District with Restrictions, Airport Overlay with a Special Use Permit for Multifamily District, the City Council has given due consideration to all components of said district; and

WHEREAS, the rezoning is in compliance with the Future Land Use Plan; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the City Council desires to amend the Zoning Map by changing the zoning of approximately 6 acres, being out of New Braunfels Town Center at Creekside, Phase 4, Block 1, Lot 1, located north of the intersection of Creekside Crossing and Sophie Lane from M-1Ar75 AH & M-1Ar60 AH (Light Industrial District with Restrictions, Airport Overlay to M-1Ar75 AH SUP & M-1Ar60 AH SUP (Light Industrial District with Restrictions, Airport Overlay with a Special Use Permit for Multifamily); and

WHEREAS, in keeping with the spirit and objectives of a Special Use Permit, the City Council has given due consideration to all components of said permit; and

WHEREAS, the City recognizes that granting such a permit is possible while promoting the health, safety and general welfare of the public, by providing harmony between existing zoning districts and land uses; and

WHEREAS, it is the intent of the City to ensure for the health, safety and general welfare of the public by providing compatible and orderly development, which may be suitable only in certain locations in a zoning district through the implementation of a Special Use Permit meeting those requirements cited in Sections 3.6-2 and 3.6-3, Chapter 144 of the New Braunfels Code of Ordinances; and

WHEREAS, the property is located in an area suitable for multifamily use; and

WHEREAS, the requested rezoning is in accordance with Envision New Braunfels, the City's

Comprehensive Plan; and

WHEREAS, the City Council desires to grant a Special Use Permit at the property located north of the intersection of Creekside Crossing and Sophie Lane delineated in Exhibit “A” and described in Exhibit “B”, to multifamily use in the M-1Ar75 AH SUP & M-1Ar60 AH SUP (Light Industrial District with Restrictions, Airport Overlay District); **now, therefore;**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by rezoning the following tract of land from M-1Ar75 AH & M-1Ar60 AH (Light Industrial District with Restrictions, Airport Overlay to M-1Ar75 AH SUP & M-1Ar60 AH SUP (Light Industrial District with Restrictions, Airport Overlay with a Special Use Permit for Multifamily) District and designating said property with a “Special Use Permit” for the multifamily use with conditions herein described:

Approximately 6 acres, being out of New Braunfels Town Center at Creekside, Phase 4, Block 1, Lot 1, as delineated on Exhibit “A” and described in Exhibit “B”, attached.

SECTION 2

THAT the Type 1 Special Use Permit be subject to the following additional restrictions and allowances:

1. Maximum building height of 75 feet.
2. Maximum density of up to 60 units per acre.
3. No minimum yard area requirement.
4. No minimum separation distance required between structures outside of what is required in the building/fire codes.
5. Minimum required on-site parking is 1.64 spaces per dwelling unit.
6. No minimum front, side or rear building setback requirements.

SECTION 3

THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 4

THAT if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

SECTION 5

THIS ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this 24th day of July, 2023.

PASSED AND APPROVED: Second reading this 14th day of August, 2023.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

Exhibit "A"

ZONING EXHIBIT
BEING 5.758 ACRES OF LAND LOCATED IN THE A.M. ESNAURIZAR SURVEY NO. 1, ABSTRACT NO. 98, COMAL COUNTY, TEXAS, BEING OUT OF LOT 1, BLOCK 1, NEW BRAUNFELS TOWN CENTER AT CREEKSIDE, PHASE 4, RECORDED IN DOCUMENT NO. 201306031137, MAP AND PLAT RECORDS, COMAL COUNTY, TEXAS.

SURVEY NOTES:

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THIS SURVEYOR HAS NOT CONDUCTED A TITLE SEARCH TO DETECT OTHER MATTERS OF RECORD, SUCH AS EASEMENTS, SETBACKS, RESTRICTIONS OR OTHER ENCUMBRANCES THAT MAY AFFECT THIS PROPERTY.

NO ATTEMPT HAS BEEN MADE TO LOCATE ANY IMPROVEMENTS, EASEMENTS, OR RIGHTS OF WAY NOT SHOWN HEREON.

BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD 83 (NAD2011) EPOCH 2010.00.

EASEMENTS EXIST IN AREA 1, BUT ARE NOT SHOWN ON THE PLAT. A METES & BOUNDS DESCRIPTION OF THIS TRACT WAS CREATED IN CONSULTATION WITH THIS OWNER.

REMAINING PORTION OF LOT 1 BLOCK 1

OVERLAP AREA 1
1.8735 ACRES
FROM A-L-95 CREEKSIDE TOWN CENTER, L.P.
TO A-L-95 CREEKSIDE TO PHASE 2, L.P.
DOC. NO. 20140601472
O.P.R.C.C.T.

5.758 AC
THIS PROPERTY CONTAINS MULTIPLE EASEMENTS - EASEMENTS ARE NOT SHOWN ON THIS SURVEY

LARGESQUIR AT CREEKSIDE, LLC.
DALLAS 7501 ACRES
DOC. NO. 201306031137
O.P.R.C.C.T.

- LEGEND:**
- = FINO 1/2" IRON PIN
 - = UNLESS OTHERWISE NOTED
 - = PROPERTY CORNER
 - BL = BUILDING SETBACK LINE
 - UE = UTILITY EASEMENT
 - DE = DRAINAGE EASEMENT
 - R.O.W. = RIGHT-OF-WAY
 - () = RECORD CALLS
 - P.O.B. = POINT OF BEGINNING

SCALE: 1"=100'

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	235.70	455.00	029°40'51"	S60°47'26"W	233.08
C2	219.80	285.00	044°11'15"	N22°11'30"W	214.39
C3	23.14	30.00	044°11'15"	N67°48'48"E	22.57

LINE TABLE		
LINE #	BEARING	LENGTH
L1	S45°39'41"W	104.51
L2	N00°04'28"W	89.75
L3	N45°43'07"E	53.75
L4	N44°16'50"W	18.00



REVISED: 6/05/2023 - BOUNDARY CHANGE

DOROTHY J. TAYLOR
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6295

THIS DOCUMENT WAS PREPARED UNDER 22 TAC §13A.95, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY AND IS NOT TO BE USED TO LOCATE OR ERECT MONUMENTS IN REAL PROPERTY EXCEPT THOSE RIGHTS RECORDED IN THE PUBLIC RECORDS OF THE PUBLIC RECORDS DIVISION FOR WHICH IT WAS PREPARED.

THIS BOUNDARY IS FOR A ZONING EXHIBIT ONLY. IT SHOULD NOT BE USED FOR ANY OTHER PURPOSE.

HMT
ENGINEERING & SURVEYING
290 S. CASTELL AVE., STE. 100
NEW BRAUNFELS, TX 78130
PHONE: 361-10961
TIPS: 361-10153600

DRAWN BY: J.S.

**METES AND BOUNDS DESCRIPTION
OF 5.758 ACRE TRACT OF LAND
FOR ZONING**

A 5.758 acre tract of land located in the A.M. Esnaurizar Survey No. 1, Abstract No. 98, Comal County, Texas, being out of Lot 1, Block 1, New Braunfels Town Center at Creekside, Phase 4, recorded in Document No. 201306031137, Map and Plat Records, Comal County, Texas, said 5.758 acre tract being more fully described as follows:

BEGINNING at a found ½" iron rod stamped "HMT" marking the North corner of the herein described tract and the being the South corner of a called 8.851 acre tract recorded in Document No. 202006054641, Official Public Records, Comal County, Texas, also lying in the North right of way line of Sophie Drive;

THENCE following the North right of way line of Sophie Drive and the South line of the herein described tract the following three (3) calls:

1. S 75°37'51" W, a distance of 212.85 feet to a set 1/2" iron rod stamped "HMT" for a corner;
2. With the arc of a curve to the left, having a radius of 455.00 feet, an arc length of 235.70 feet, and having a chord bearing and distance of S 60°47'26" W, 233.08 feet, to a set ½" iron rod for a corner;
3. S 45°58'41" W, a distance of 104.51 feet to a set ½" iron rod stamped "HMT" for a corner marking the South corner of the herein described tract;

THENCE departing Sophie Drive, over and across said Lot 1, Block the following five (5) calls:

1. N 44°17'08" W, a distance of 281.49 feet to a point for a corner;
2. With a curve to the right, said curve having a radius of 285.00 feet, an arc length of 219.80 feet, and having a chord bearing and distance of N 22°11'30" W, 214.39 feet, to a point for a corner;
3. N 00°04'28" W, a distance of 89.75 feet to a point for a corner;
4. N 89°54'26" E, a distance of 209.18 feet to a point for a corner;
5. With a curve to the left, said curve having a radius of 30.00 feet, an arc length of 23.14 feet, and having a chord bearing and distance of N 67°48'48" E, 22.57 feet, to a point for a corner;
6. N 45°43'10" E, a distance of 53.75 feet to a point for a corner;
7. N 44°16'50" W, a distance of 18.00 feet to a point for a corner;
8. N 45°45'36" E, a distance of 145.50 feet to a set ½" iron rod for a corner marking the North corner of the herein described tract and a corner of said 8.851 acre tract;

THENCE S 44°21'16" E, along the Northeast line of the herein described tract and the Southwest line of said 8.851 acre tract, a distance of 575.30 feet to the POINT OF BEGINNING, containing 5.758 acres of land in Comal County, Texas.

Bearings shown hereon are based on the Texas State Plane Coordinate System, South Central Zone (4204), NAD 83 (NA2011) Epoch 2010.00.

Written May 25, 2023, Revised June 5, 2023.

Reference exhibit of said 5.758 acre tract of land prepared this same date.

THIS DOCUMENT WAS PREPARED UNDER 22 TAC §138.95, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.


Dorothy J. Taylor
Registered Professional Land Surveyor No. 6295
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