

ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING SPECIAL USE PERMIT TO ALLOW THE EXPANSION OF AN EXISTING APARTMENT COMPLEX TO 185 DWELLING UNITS WHERE THE LOT AREA CURRENTLY ALLOWS A MAXIMUM OF 150 DWELLING UNITS, THROUGH THE CONSTRUCTION OF AN ADDITIONAL BUILDING CONSISTING OF STUDIO AND ONE-BEDROOM APARTMENTS, IN THE “C-3” COMMERCIAL DISTRICT BEING LOT 1, BLOCK 1, VIVO SUBDIVISION, ADDRESSED AT 1051 IH 35 NORTH; 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 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 the expansion of an existing apartment complex to 185 dwelling units where the lot area currently allows a maximum of 150, through the construction of an additional building consisting of studio and one-bedroom apartments; 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 1051 IH 35 North, to allow the expansion of an existing apartment complex to 185 dwelling units where the lot area currently allows a maximum of 150, through the construction of an additional building consisting of studio and one-bedroom apartments in the “C-3” Commercial 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 adding the following tract of land as a "Special Use Permit" for the uses and conditions herein described:

Being Lot 1, Block 1 of the Vivo Subdivision, addressed at 1051 IH 35 North, as depicted in Exhibit "A" attached, to allow the expansion of an existing apartment complex to 185 dwelling units where the lot area currently allows a maximum of 150, through the construction of an additional building consisting of studio and one-bedroom apartments, in the "C-3" Commercial District.

SECTION 2

THAT the Special Use Permit be subject to the following additional restrictions:

1. The minimum studio dwelling unit size shall be 450 square feet
2. The maximum one-bedroom dwelling unit size shall be 600 square feet
3. The existing 38" and 43" Live Oak heritage trees and the 9.5" Anacua protected tree must be preserved as indicated on the Tree Preservation Plan indicated in Exhibit C
4. Landscaping shall be developed in compliance with the Landscape Plan indicated in Exhibit D, in addition to meeting minimum code requirements
5. Development of the site shall be in substantial compliance with the Site Plan indicated in Exhibit B

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 April 2023.

PASSED AND APPROVED: Second reading this 8th day of May Year.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

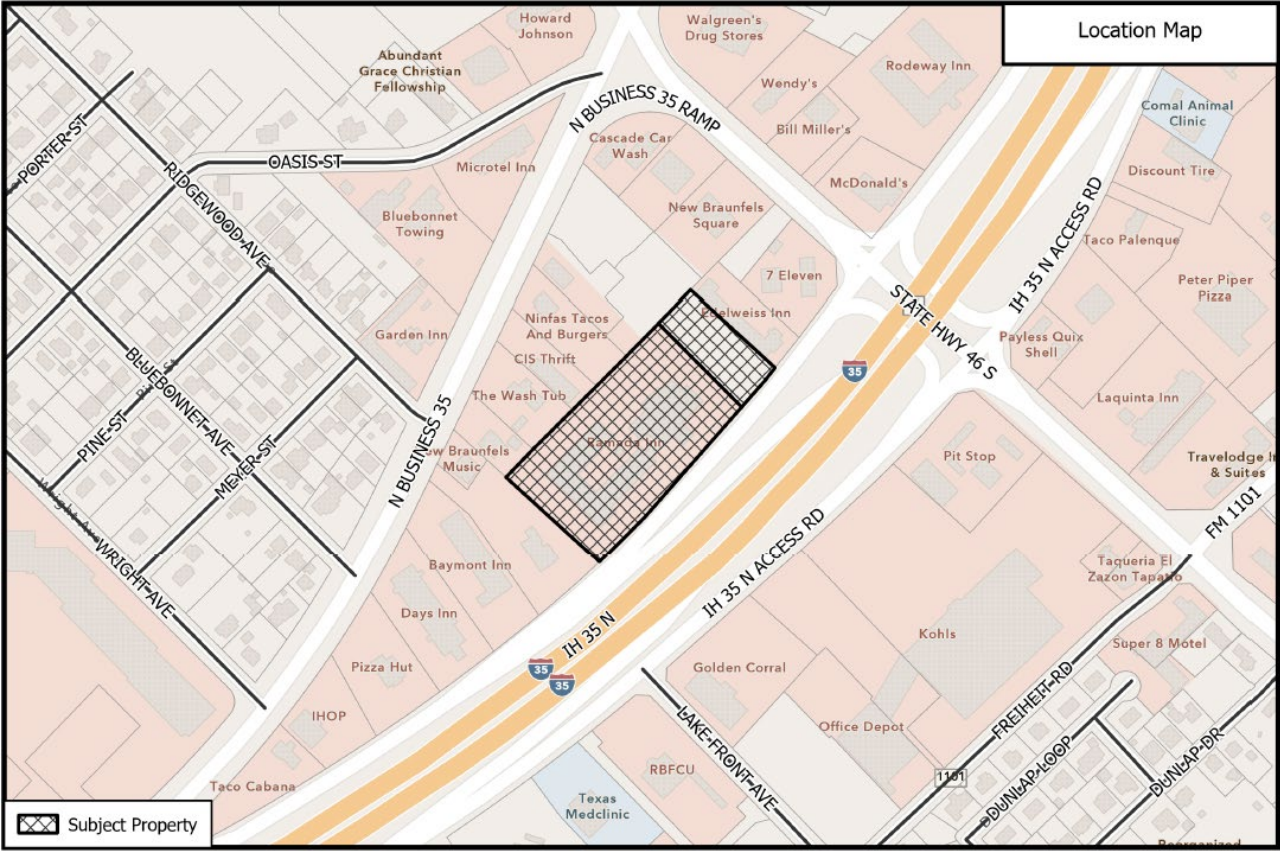
ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"



3rd Floor Plan
Scale: 1" = 30'-0"

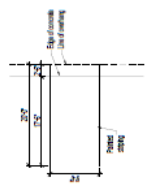


Scale: 1" = 20'-0"

Site Plan Keynotes:

- Tree Mitigation Preservation**
The applicant intends to preserve trees where possible. However, in areas where trees are to be removed, the applicant will mitigate by replanting and/or paying a fee in lieu of.

Excluding Spaces: 212
Total Required Spaces: 211
Total Available Spaces: 212
Total Available Spaces: 212



1 Typical Vehicle Parking Space
Scale: 1/8" = 1'-0"

C3	225,650 SF (or 5,160 beds)		
	6,171 SF	Unit breakdown:	
	23,700 SF (11 bedrooms - 500 SF; studies - 450 SF)	1. Bedrooms:	30
	1,000 SF (10 bedrooms - 100 SF; studies - 100 SF)	2. Bathrooms:	20
	1,000 SF with interior corridor based on 8' width: 26,172 SF	3. Studios:	20
	86,740 SF	Total new units:	46
		1. 139 existing studios:	1.1 Unit = 153 required
		2. 20 new 1 bedrooms:	1.5 Unit = 30 required
		3. 20 new 2 bedrooms:	2.0 Unit = 40 required
		Total existing studios:	212
		Flanking provided:	212



Vicinity map

<p>Vivo New Brunelleis Proposed Apartment Building Addition</p> <p>1001 N. 2nd St. New Brunswick, NJ 08901-7210</p>	<p>Site Plan</p>	 <p>C1.0</p>
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EXHIBIT "D"

