

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 52 ACRES OUT OF THE A.M. ESNAURIZAR SURVEY, ABSTRACT 98, CURRENTLY ADDRESSED AT 1450 FM 1101 FROM R-2 AH (SINGLE-FAMILY AND TWO-FAMILY AIRPORT HAZARD OVERLAY DISTRICT) TO R-2 AH SUP (SINGLE-FAMILY AND TWO-FAMILY AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIAL USE PERMIT FOR MULTIFAMILY); 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 R-2 SUP (Single-Family and Two-Family District with a Special Use Permit for Multifamily), 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 52 acres out of the A.M. Esnaurizar Survey, Abstract 98, currently addressed at 1450 FM 1101, from R-2 AH (Single-Family and Two-Family District with Airport Overlay) to R-2 SUP AH (Single-Family and Two-Family District with a Special Use Permit for Multifamily with Airport Overlay) 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 for Multifamily in the R-2 (Single-Family and Two-Family 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 R-2 AH (Single-Family and Two-Family Airport Hazard Overlay District) to R-2 AH SUP (Single-Family and Two-Family Airport Hazard Overlay District with a Special Use Permit for Multifamily) and designating said property with a "Special Use Permit" for the Multifamily use with conditions herein described:

Approximately 52 acres out of the A.M. Esnaurizar Survey, Abstract 98, as delineated in Exhibit "A", attached.

SECTION 2

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

1. Development of the site is to be in compliance with the attached site plan amended to include all roundabout intersections within the property and removal of the "THIS ROUNDABOUT MATCHES..." note. Any significant alterations to the submitted site plan will require an amendment to the SUP with a recommendation from the Planning Commission and final consideration by City Council.
2. Construction of an 8-foot-wide sidewalk on the southwest side of existing Seminole Drive within the right of way in accordance with adopted city standards.
3. Pavement markings on Seminole Drive denoting 10-foot-wide travel lanes, 7-foot-wide parking lanes, and a 3-foot-wide buffer between them in accordance with adopted city standards.
4. Enhanced intersection at Hueco Drive that may include provisions for an all-way stop, crosswalks, or other treatment as determined by the City Engineer.
5. Construction of the Seminole Drive minor collector and two roundabout intersections on the subject tract per the subdivision platting ordinance and the updated Regional Transportation Plan.

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 8th day of January, 2024.

PASSED AND APPROVED: Second reading this 22nd day of January, 2024.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

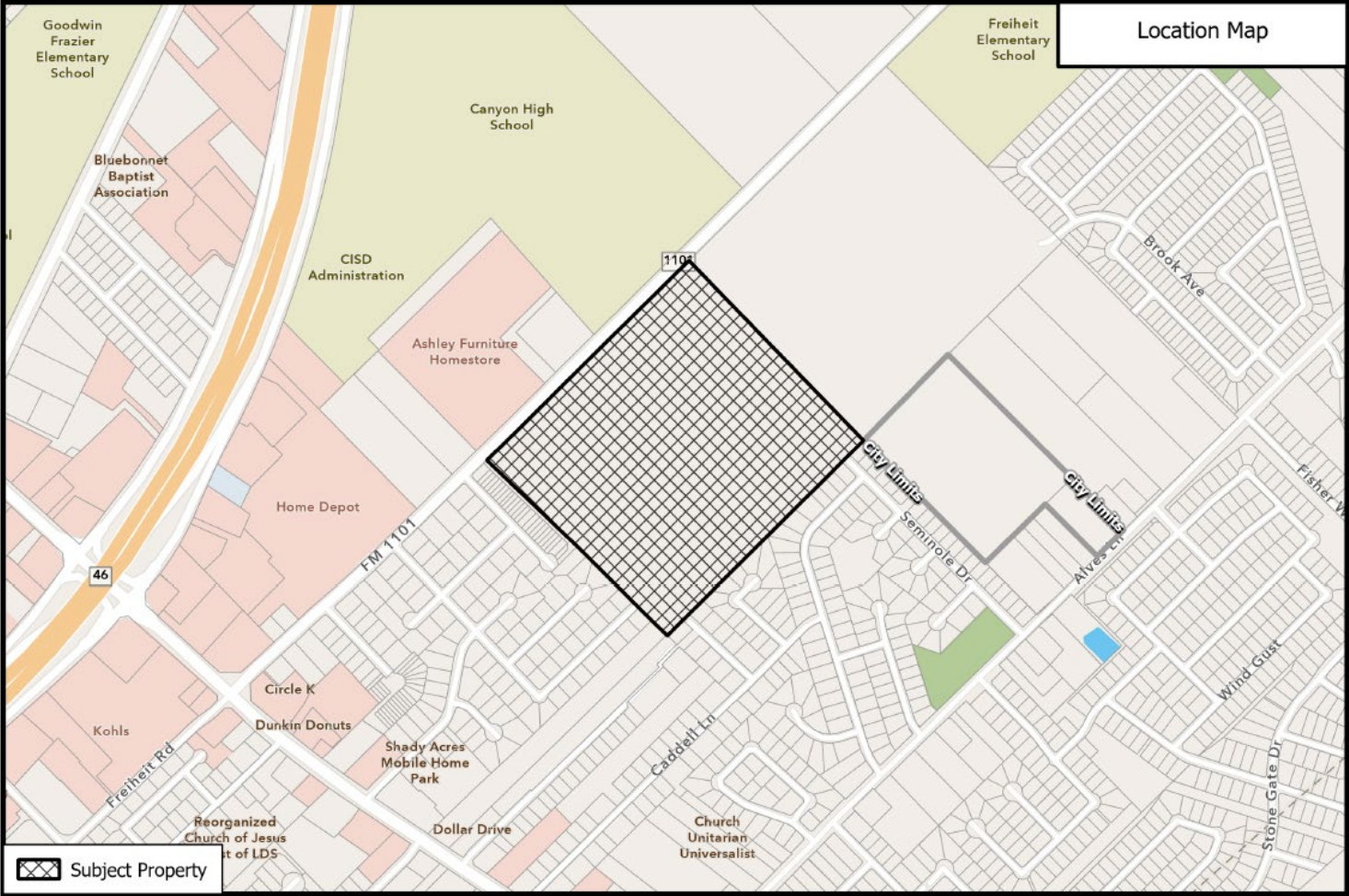


EXHIBIT "B"

DEVELOPMENT STANDARDS (R-3L)

GENERAL NOTES

1. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEW BRAUNFELS, TEXAS, AND THE DALLAS AREA METROPOLITAN TRANSIT AUTHORITY (DART) PRIOR TO CONSTRUCTION. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEW BRAUNFELS, TEXAS, AND THE DALLAS AREA METROPOLITAN TRANSIT AUTHORITY (DART) PRIOR TO CONSTRUCTION.

NOTES

1. THE DENSITY PROVIDED IS APPROXIMATE AND NOT FINAL. ANY CHANGES TO THE DENSITY SHALL BE MADE PRIOR TO THE START OF CONSTRUCTION. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEW BRAUNFELS, TEXAS, AND THE DALLAS AREA METROPOLITAN TRANSIT AUTHORITY (DART) PRIOR TO CONSTRUCTION.

DENSITY SUMMARY

PHASE	DWELLING UNITS	ACREAGE	UNIT/ACRE
PHASE 1	24	22.23	12
PHASE 2	354	29.17	12
TOTAL	378	51.40	

1. THIS SPECIAL USE PERMIT WILL COMPLY WITH ALL OF THE CURRENT DEVELOPMENT STANDARDS, SUPPLEMENTAL STANDARDS, RESIDENTIAL BUFFER REQUIREMENTS, AND PARKING LOT BUFFER AND SPACE REQUIREMENTS UNDER THE CURRENT POL. ZONING DISTRICT.
2. WITHIN THE AREA SHOWN "STANDARDS LISTED" UNDER 2.12.12 ARE DIRECTLY FROM THE R-3L ZONING ORDINANCE.
- 2.1 ALL-UP MULTI-FAMILY (APARTMENTS/CONDOMINIUMS/EXCLUSIVE RESIDENTIAL UNITS) TO BE CONSTRUCTED MUST BE ON A SINGLE LOT.
- 2.2 BUILDING HEIGHT = 30 FT OR LESS WITH PITCHED ROOF.
- 2.3 FRONT AND REAR BUILDING SETBACK = 25 FT.
- 2.4 SIDE BUILDING SETBACK = 20 FT TO SIDE SETBACK, 15 FT TO STREET AND 25 FT WHEN ON A CORNER.
- 2.5 SIDE TO SIDE DISTANCE BETWEEN BUILDINGS = 10 FT.
- 2.6 FRONT TO FRONT DISTANCE BETWEEN BUILDINGS = 40 FT.
- 2.7 FRONT TO REAR DISTANCE BETWEEN BUILDINGS = 20 FT.
- 2.8 REAR TO REAR DISTANCE BETWEEN BUILDINGS = 20 FT.
- 2.9 RESIDENTIAL SETBACK = 20 FT PLUS 1 FT PER BUILDING HEIGHT OVER 20 FT.
- 2.10 LOT WIDTH = 60 FT TYP. AND 70 FT CORNER LOTS.
- 2.11 DENSITY = 12 UNITS PER ACRE.
- 2.12 PARKING = 1.5 SPACES PER ONE BEDROOM APARTMENT, 2 SPACES FOR TWO BEDROOM APARTMENT AND 1.5 SPACE FOR EACH ADDITIONAL BEDROOM.
3. CONNECTOR DRIVE OR (50' ROW) AND APPROX. (50' ROW).
4. EMERGENCY ACCESS GATE SHALL BE SOLID (AS NOTED BY SEE THROUGH).
5. "NO-PARKING" SIGNS ARE TO BE INSTALLED IN CLUS-36C.
6. CONSTRUCTION WILL FOLLOW NEW BRAUNFELS CITY CODE SEC. 14-7.
7. PHASE 1 BUILDING TYPES ARE "C" WITH 2-4 UNITS. THE LAYOUT OF THE UNITS IS "PROVIDED" SHEET 2 OF 2. THE CONFIGURATION WITHIN THE "PO" MAY VARY WITHIN THE "POC".
8. PHASE 2 BUILDING TYPES IS A "S" TYPE MULTI-FAMILY BUILDING. THE "LAYOUT" OF THE UNITS ARE PROVIDED ON SHEET 2 OF 2.

9. ARE PROVIDED ON SHEET 2 OF 2.
10. FENCE LOCATION SHOWN IS APPROXIMATE WITH THIS SITE PLAN AND MAY BE SUBJECT TO RELOCATION. FENCE WILL BE ON OR WITHIN THE PROPERTY LINE AND WILL NOT BLOCK ROADS OR UTILITY EASEMENTS.
11. ALL FENCING SPACES WILL BE A MINIMUM OF 8" WIDE AND 18" DEEP.
12. ALL UTILITY SERVICES OF PHASE 1 WILL BE A MINIMUM OF 24" ALLOWABLE TO ACT AS A FIRE LINE. ALL UTILITY SERVICES OF PHASE 2 WILL BE A MINIMUM OF 24" ALLOWABLE TO ACT AS A FIRE LINE. ALL UTILITY SERVICES (PARKING DRIVE AND PUBLIC STREET) CONSTRUCTED WILL BE OF ASPHALT (HMA) OR CONCRETE PAVEMENT (DENSEGRAD) IN ACCORDANCE WITH THE CITY OF NEW BRAUNFELS DESIGN REQUIREMENTS, AND DESIGNED BY A GEO-TECHNICAL ENGINEER.
13. DIMENSIONS ARE PROVIDED. THESE ARE INTENDED TO BE TYPICAL. TO OTHER UNITS, LOCATIONS SHOWN ON THE SITE PLAN. ALL FINAL COMMERCIAL AND RESIDENTIAL BUILDING PERMITS WILL COMPLY WITH THE CITY OF NEW BRAUNFELS STANDARDS, ORDINANCES AND DESIGN GUIDELINES. DIMENSIONS NOT SHOWN ON THIS SITE PLAN, DOES NOT IMPLY A VARIANCE OR WAIVER FROM THE CITY STANDARDS AND CODES.
14. AMENITIES PROPOSED IN THE AMENITY AREAS IN BOTH PHASES WILL INCLUDE A NEIGHBORHOOD CLUBHOUSE AND OFFICE AT A MINIMUM.
15. GUEST/STORAGE AREAS WILL BE PROVIDED AND WILL BE LOCATED IN LOCATIONS COORDINATED AND APPROVED BY CITY OF NEW BRAUNFELS SOLID WASTE DEPT.
16. THE CURRENT PARKING SUMMARY ACCOUNTS FOR OPEN PARKING AND GARAGES COVERED. PARKING MAY BE ADDED IN AREAS CURRENTLY SHOWN AS OPEN.
17. ALL DETACHED BUILDINGS FOR BOTH PHASES WILL MEET BUILDING SEPARATION IN ACCORDANCE WITH THE CURRENT ADOPTED VERSION OF THE INTERNATIONAL FIRE CODE.
18. "PHASES" NUMBERING AS SHOWN DOES NOT REPRESENT THE ORDER IN WHICH PHASES MAY BE DEVELOPED AND PLATTED. PHASES MAY BE PLATTED AND DEVELOPED OUT OF NUMBERING SEQUENCE.
19. NON-VEHICULAR ACCESS (PEDESTRIAN, BICYCLE, ETC.) SHALL BE ALLOWED AND INSTALLED AT THE EMERGENCY ACCESS GATE LOCATING BETWEEN PHASE 1 AND PHASE 2.

20. DEVELOPMENT OF THIS SITE IS TO BE IN COMPLIANCE WITH THE ATTACHED SITE PLAN AND DEVELOPMENT STANDARDS. ANY SIGNIFICANT ALTERNATIONS TO THE SUBMITTED SITE PLAN AND DEVELOPMENT STANDARDS WILL REQUIRE AN AMENDMENT TO THE SUPPLEMENTAL RECOMMENDATION FROM THE PLANNING COMMISSION AND APPROVAL BY THE CITY COUNCIL.
21. 8 FT SOLID MASONRY OR STONE FENCE SEPARATING THE SUBJECT PROPERTY FROM THE EXISTING SURROUNDING NEIGHBORHOODS.
22. NO EXISTING LIGHT POLLUTION. THE FIRST LEVEL OF ANY MULTILEVEL STRUCTURE (NOT INCLUDING PARKING ILLUMINATION).
23. UTILIZATION OF DARK SKY CERTIFIED LIGHTING FIXTURES ON ALL STRUCTURES AND PARKING AREAS.
24. TREES/SHRUBS OF AN EVEN/ODD NUMBER TO BE PLANTED WHEN PLANTING THE LANDSCAPE REQUIREMENTS ALONG THE NEIGHBORHOOD BOUNDARY.
25. NO CONSTRUCTION ACCESS TO THE SITE OFF SEASIDE DRIVE.
26. NO WORKING AT THE SITE BEFORE 6:30AM ON WEEKDAYS, 10:00AM ON SATURDAYS, AND NO SUNDAY WORK.

PARKING SUMMARY			
UNIT 1	UNIT 2	UNIT 3	UNIT 4
STANDARD	360	STANDARD	480
PERMITS	180	PERMITS	0
TOTAL	540	TOTAL	480



LEGEND

- BOUNDARY
- PARKING BARRIER
- OPEN SPACE
- DRIVEWAY DRIVE
- AMENITY AREA
- PERMITS
- PROPOSED DRIVE

THIS DRAWING IS A PRELIMINARY DESIGN. IT IS NOT TO BE USED FOR CONSTRUCTION. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEW BRAUNFELS, TEXAS, AND THE DALLAS AREA METROPOLITAN TRANSIT AUTHORITY (DART) PRIOR TO CONSTRUCTION.

PROVIDENT REALTY ADVISORS

PARC HAUS FM 1101

ZONING SUP TYPE II SITE PLAN

SHEET 1 OF 2

NO DATE ISSUES AND REVISIONS



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