

**ORDINANCE NO. 2022-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 27.4 ACRES OUT OF THE O. RUSSELL SURVEY NO. 2, ABSTRACT NO. 485 FROM “M-1A” LIGHT INDUSTRIAL DISTRICT AND “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT TO “C-1A” NEIGHBORHOOD BUSINESS DISTRICT WITH A SPECIAL USE PERMIT TO ALLOW THE DEVELOPMENT OF MULTIPLE DWELLING UNITS IN A TOWNHOUSE STYLE CONFIGURATION; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

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**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 neighborhood business and multiple dwelling units in a townhouse style configuration; and

**WHEREAS**, the requested rezoning is in accordance with Envision New Braunfels, the City’s Comprehensive Plan; and

**WHEREAS**, the City Council desires to amend the Zoning Map by rezoning approximately 27.4 acres out of the O. Russell Survey No. 2, Abstract No. 485 from “M-1A” Light Industrial District and “APD” Agricultural/Pre-Development District to “C-1A” Neighborhood Business with a Type 2 Special Use Permit to allow the development of multiple dwelling units in a townhouse style configuration; **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 and adding a “Special Use Permit” for the uses and conditions herein described:

Approximately 27.4 acres out of the O. Russell Survey No. 2, Abstract No. 485, addressed at 2725, 2753 and 2793 Goodwin Lane, as delineated on Exhibit "A" and described in Exhibit "B", attached.

## **SECTION 2**

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

1. An automatic exemption from the residential masonry wall buffer requirement is not granted with this Special Use Permit. The applicant and adjacent property owner(s) must submit the residential Buffer Wall Objection Application for administrative approval if an alternative fence or wall is desired to be constructed adjacent to the residential property line to the northeast.
2. Development of the site is to be in compliance with the attached site plan (Exhibit "C") and development standards (Exhibit "D"). Any significant alterations to the attached documents will require an amendment to the SUP with a recommendation from the Planning Commission and approval by the City Council.

## **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 10<sup>th</sup> day of January, 2022.

**PASSED AND APPROVED:** Second reading this 24<sup>th</sup> day of January, 2022.

**CITY OF NEW BRAUNFELS**

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**RUSTY BROCKMAN**, Mayor

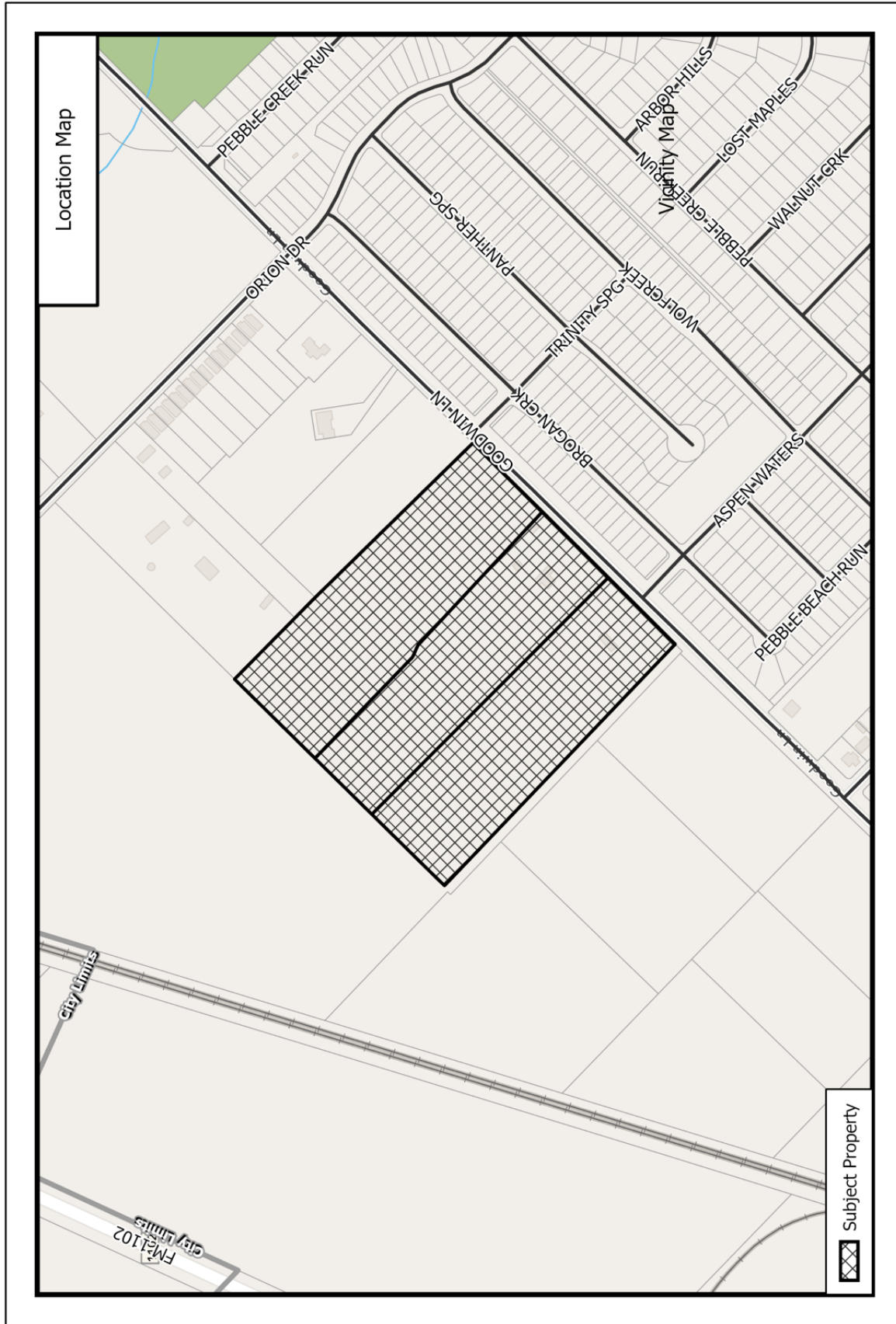
**ATTEST:**

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**CAITLIN KROBOT**, City Secretary

**APPROVED AS TO FORM:**

**VALERIA M. ACEVEDO**, City Attorney

# EXHIBIT "A"



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of New Braunfels, its officials or employees for any discrepancies, errors, or variances which may exist.

## SUP21-383 SUP for multifamily use

Source: City of New Braunfels Planning  
Date: 11/15/2021



Path: \\cifs-1\Departments\Planning\ZoneChange-SUP-Replats\2021\SUP21-383 - 2793 Goodwin

## EXHIBIT "B"

### LEGAL DESCRIPTION:

#### TRACT 1

#### A METES AND BOUNDS

#### DESCRIPTION OF A

#### 17.420 ACRE TRACT OF LAND

**BEING** a 17.420 acre (758,803 square feet) tract of land situated in the O. Russel Survey No. 2, Abstract No. 485, City of New Braunfels, Comal County, Texas; and being all of that certain 17.41 acres described in instrument to Lavaine and Barbara Kester in Document No. 201606001619 of the Official Public Records of Comal County (described by metes and bounds in Volume 230, Page 54, Deed Records); and being more particularly described as follows:

**BEGINNING** at 1/2 inch iron rod found on the northwesterly right-of-way line of Goodwin Lane (variable width public right-of-way) a southeast corner of that certain 45.565 acre tract described in instrument to Kenneth Wayne Schmidt, Cynthia Lynn Bennett and Dwight Lee Schmidt in Document No. 202006011050 of the Official Public Records of Comal County, and marking the south corner of the said 17.41 acre tract;

**THENCE**, North 46°29'31" West, 1135.47 feet departing the northwesterly right-of-way line of said Goodwin Lane, along a northeasterly boundary of said 45.565 acre tract to a 1/2" iron rod found at an angle point;

**THENCE**, North 33°29'24" West, 29.69 feet to a 1/2 inch iron rod found on a southeasterly boundary of said 45.565 acre tract marking the west corner of the said 17.41 acre tract;

**THENCE**, North 44°32'14" East, 639.67 feet along a southeasterly boundary of said 45.565 acre tract to a 1/2 inch iron rod found marking the west corner of that certain 10 acre tract described in instrument to Larry and Mary Ann Lehmann in Volume 653, Page 780 of the Official Public Records of Comal County;

**THENCE**, along the common boundary of the said 10 acre tract and the said 17.41 acre tract the following three (3) courses and distances:

1. South 46°47'37" East, 975.49 feet to a 1/2 inch iron rod (with plastic cap stamped "KHA") set for corner;
2. South 66°13'39" East, 44.80 feet to a 1/2 inch iron rod (with plastic cap stamped "KHA") set for corner;
3. South 49°08'46" East, 146.97 feet to a 1/2 inch iron rod (with plastic cap stamped "KHA") set for corner on the northwesterly right-of-way line of aforesaid Goodwin Lane;

**THENCE**, South 44°29'28" West, 673.41 feet along the northwesterly right-of-way line of said Goodwin Lane to the **POINT OF BEGINNING** and containing 17.420 acres of land in Comal County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

### LEGAL DESCRIPTION:

#### TRACT 2

#### A METES AND BOUNDS

#### DESCRIPTION OF A

#### 9.991 ACRE TRACT OF LAND

**BEING** a 9.991 acre (435,223 square feet) tract of land situated in the O. Russel Survey No. 2, Abstract No. 485, City of New Braunfels, Comal County, Texas; and being all of that certain 10 acres described in instrument to Larry and Mary Ann Lehmann in Volume 653, Page 780 of the Official Public Records of Comal County; and being more particularly described as follows:

**BEGINNING** at 1/2 inch iron rod (with plastic cap stamped "MDS") found on the northeasterly right-of-way line of Goodwin Lane (variable width public right-of-way) marking the south corner of that certain 4.759 acre tract described in instrument to Emilio Wilder and Maria Dominguez in Document No. 201606025899 of the Official Public Records of Comal County, and marking the southeast corner of the said 10.00 acre tract;

**THENCE**, South 44°42'04" West, 341.15 feet along the northwesterly right-of-way line of said Goodwin Lane to a 1/2 inch iron rod (with plastic cap stamped "KHA") set marking the east corner of that certain 17.41 acre tract described in instrument to Lavaine and Barbara Kester in Document No. 201606001619 of the Official Public Records of Comal County;

**THENCE**, departing the northwesterly right-of-way line of Goodwin Lane and along the common boundary of said 17.41 acre tract and said 10.00 acre tract the following three (3) courses and distances:

1. North 49°08'46" West, 146.97 feet to a 1/2 inch iron rod (with plastic cap stamped "KHA") set for corner;
2. North 66°13'39" West, 44.80 feet to a 1/2 inch iron rod (with plastic cap stamped "KHA") set for corner;
3. North 46°47'37" West, 975.49 feet to a 1/2 inch iron rod found on the southeasterly boundary of that certain 45.565 acre tract described in instrument to Kenneth Wayne Schmidt, Cynthia Lynn Bennett and Dwight Lee Schmidt in Document No. 202006011050 of the Official Public Records of Comal County;

**THENCE**, North 44°46'19" East, 392.06 feet along the southeasterly boundary of said 45.565 acre tract to a 3 inch fence post found marking the west corner of that certain 5.996 acre tract described in instrument to Rexford J. Michie and Sally A. Weitz-Michie in Document No. 202106042323 of the Official Public Records of Comal County, and the north corner of the said 10.00 acre tract;

**THENCE**, South 45°10'18" East, 294.79 feet along the southwesterly boundary line of said 5.996 acre tract to a 1/2 inch iron rod found marking the west corner of that certain 2.004 acre tract described in instrument to Peter E. Seba in Document No. 201706037361 of the Official Public Records of Comal County;

**THENCE**, South 45°15'02" East, 98.91 feet along the southwesterly boundary of said 2.004 acre tract to a 1/2 inch iron rod found marking the west corner of aforesaid 4.759 acre tract;

**THENCE**, South 45°23'02" East, 769.47 feet along the southwesterly boundary of said 4.759 acre tract to the **POINT OF BEGINNING** and containing 9.991 acres of land in Comal County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

# EXHIBIT "C"



## EXHIBIT "D"

### Development Standards - Maximum height, minimum area and setback requirements.

(i) *Height.* 35 feet or 50 feet when a pitched roof is used (minimum 4:12 pitch).

(ii) *Front building setback.* 25 feet.

(iii) *Side building setback.* A side building setback of 20 feet shall be provided adjacent to residentially zoned property. A side building setback of only six feet shall be provided adjacent to multifamily, commercially and industrially zoned property.

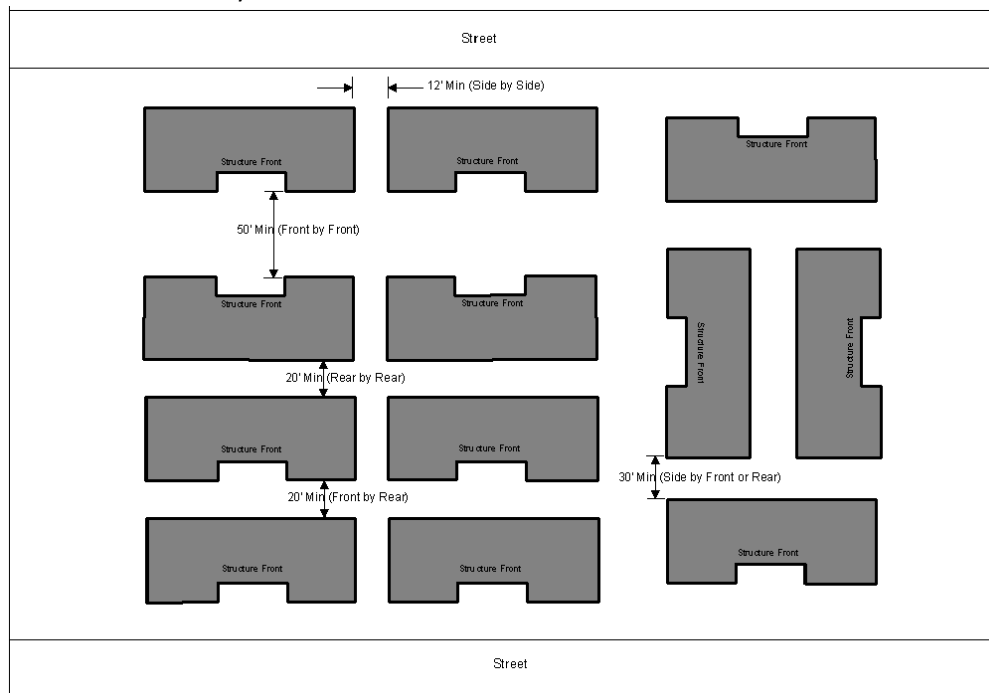
(iv) *Rear building setback.* 20 feet.

(v) *Accessory uses.* Accessory uses such as swimming pools, tennis courts and playgrounds will not be permitted within any required yard.

(vi) *Density.* 12 units per acre.

(vii) *Lot coverage.* The combined area of all yards shall not be less than 50 percent of the total lot or tract; provided however, that in the event enclosed or covered parking is provided, the minimum total yard area requirement shall be 40 percent of the total lot or tract.

(viii) *Distance between structures.* There shall be a minimum of 12 feet between structures side by side; a minimum of 30 feet between structures side by front or rear; a minimum of 50 feet between structures front to front; and a minimum of 20 feet between structures backing rear to rear; and a minimum of 20 feet between structures front to rear. The following illustration is a visual depiction of the distances between multifamily structures.



(ix) *Parking.* Off-street parking spaces shall be provided in accord with the following schedule:

1. One-bedroom apartment or unit: One and one-half spaces.
2. Two-bedroom apartment or unit: Two spaces.
3. Each additional bedroom: One-half space.