

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 19.963 ACRES OUT OF THE SARAH DEWITT SURVEY NO. 48, ABSTRACT 103, GUADALUPE COUNTY, TEXAS, LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF FM 725 AND EAST KLEIN ROAD, FROM “R-1” SINGLE FAMILY DISTRICT AND “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT TO “REAPD” RIVER’S EDGE APARTMENTS PLANNED DEVELOPMENT DISTRICT; 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 “PDD” Planned Development District, the City Council has given due consideration to all components of said district; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; 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 19.963 acres out of the Sarah DeWitt Survey No. 48, Abstract No. 103, Guadalupe County, Texas, located at the northeast corner of the intersection of FM 725 and East Klein Road, from “R-1” Single Family District and “APD” Agricultural/Pre-Development District to “REAPD” River’s Edge Apartments Planned Development 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 described tract of land from “R-1” Single Family District and “APD” Agricultural/Pre-Development District to “REAPD” River’s Edge Apartments Planned Development District:

Approximately 19.963 acres out of the Sarah DeWitt Survey No. 48, Abstract No. 103, Guadalupe County, Texas, located at the northeast corner of the intersection of FM 725 and East Klein Road, as described in Exhibit "A" and delineated in Exhibit "B" attached, and adopting the "REAPD" River's Edge Apartments Planned Development District Concept Plan as depicted on Exhibit "C" and the Development Standards as stated in Exhibit "D".

SECTION 2

THAT approval of the "REAPD" River's Edge Apartments Planned Development District is subject to the following condition:

1. A Detail Plan application must be submitted to the City and approved by the Planning Commission prior to approval of any City issued permits to begin construction of the proposed development.

SECTION 3

THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

SECTION 4

THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 5

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 6

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 22nd day of March, 2021.

PASSED AND APPROVED: Second reading this 12th day of April, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

METES & BOUNDS DESCRIPTION OF A 19.963 ACRE TRACT OF LAND

DESCRIPTION of a 19.963 acre tract of land located in the Sarah Dewitt Survey No. 48, Abstract Number 103, City of New Braunfels, Guadalupe County, Texas, said tract being all of that certain 20 acre tract described in an Executor's Deed to Margaret Denise Kosko recorded in File Number 201999018632 in the Official Public Records of Guadalupe County, Texas (O.P.R.G.C.T.), said 19.963 acre parcel being more fully described as follows (Bearing system for this survey is based on the Texas Coordinate System of 1983 (2011 adjustment), South Central Zone 4204):

BEGINNING, at a 1/2 inch iron rod found for the south corner of said 20 acre tract, same being the intersection of the northwest right-of-way line of County Road No. 368 (aka East Klein Road) and the northeast right-of-way line of Farm to Market Road 725;

THENCE, North 39 degrees, 29 minutes, 08 seconds West, with the southwest line of said 20 acre tract and the northeast right-of-way line of said Farm to Market Road 725, a distance of 535.89 feet to a 1/2 inch iron rod found for the west corner of said 20 acre tract, same being the south corner of that certain 25.000 acre tract described in a Special Warranty Deed to Margyline Hitzfelder, Trustee of the Leonard Hitzfelder Family Trust recorded in File Number 2012011260, O.P.R.G.C.T.;

THENCE, North 44 degrees, 18 minutes, 09 seconds East, departing the northeast right-of-way line of said Farm to Market Road 725 and with the northwest line of said 20 acre tract and the southeast line of said 25.000 acre tract, a distance of 1,586.70 feet to a point for the north corner of said 20 acre tract, the east corner of said 25.000 acre tract and on the southwest bank of Lake Dunlap, from which a nail with shiner in a fence post bears South 51 degrees, 26 minutes East, a distance of 0.6 feet;

THENCE, South 51 degrees, 26 minutes, 20 seconds East, with the northeast line of said 20 acre tract and the southwest bank of said Lake Dunlap, a distance of 528.21 feet to a 1/2 inch iron rod found for the east corner of said 20 acre tract, same being on the northwest line of that certain 0.404 acre tract described in a Warranty Deed with Vendor's Lien to David W. Mueller recorded in File Number 1997008184, O.P.R.G.C.T.;

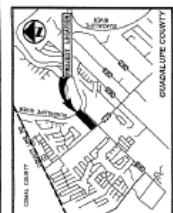
THENCE, South 43 degrees, 51 minutes, 37 seconds West, departing the southwest bank of said Lake Dunlap and with the southeast line of said 20 acre tract and the northwest line of said 0.404 acre tract, at 195.80 pass the west corner of said 0.404 acre tract and the intersection of the northeast right-of-way line of said East Klein Road, continuing with the southeast line of said 20 acre tract and with the northwest right-of-way line of said East Klein Road a distance of 413.34 feet to a 1/2 inch iron rod found for an angle point;

THENCE, South 44 degrees, 10 minutes, 23 seconds West, continuing with the southeast line of said 20 acre tract and the northwest right-of-way line of said East Klein Road, a distance of 1,055.30 feet to a 1/2 inch iron rod found for an angle point;

THENCE, South 43 degrees, 53 minutes, 55 seconds West, continuing with the southeast line of said 20 acre tract and the northwest right-of-way line of said East Kline Road, a distance of 228.91 feet to the POINT OF BEGINNING;

CONTAINING: 19.963 acres of land, more or less.

EXHIBIT "A"



VICINITY MAP
(NOT TO SCALE)

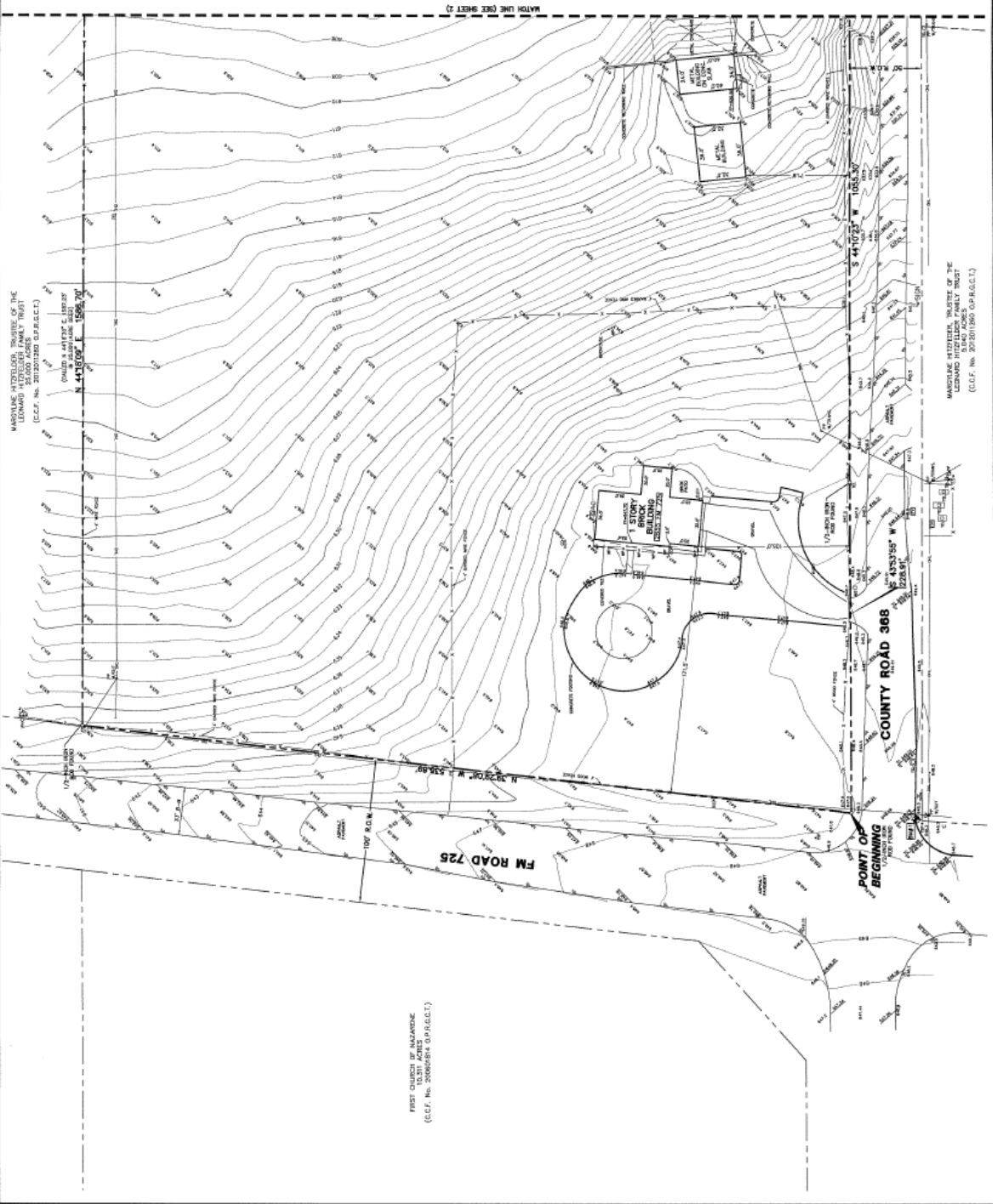


GRAPHIC SCALE IN FEET
1" = 50'

- LEGEND**
- 1" = 1" L.I.C. MARKER
 - 2" = 2" L.I.C. MARKER
 - 3" = 3" L.I.C. MARKER
 - 4" = 4" L.I.C. MARKER
 - 5" = 5" L.I.C. MARKER
 - 6" = 6" L.I.C. MARKER
 - 7" = 7" L.I.C. MARKER
 - 8" = 8" L.I.C. MARKER
 - 9" = 9" L.I.C. MARKER
 - 10" = 10" L.I.C. MARKER
 - 11" = 11" L.I.C. MARKER
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 - 43" = 43" L.I.C. MARKER
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 - 46" = 46" L.I.C. MARKER
 - 47" = 47" L.I.C. MARKER
 - 48" = 48" L.I.C. MARKER
 - 49" = 49" L.I.C. MARKER
 - 50" = 50" L.I.C. MARKER

SHEET 3 OF 3
BOUNDARY AND
TOPOGRAPHIC SURVEY
19.963 ACRE TRACT
 LOCATED IN THE CITY OF NEW BRAUNFELS
 AND BEING OUT OF THE SWAN DENWIT
 SURVEY, COUNTY OF GUADALUPE,
 TEXAS

Thomas Land Surveying
 10000 N. LOOP WEST, SUITE 100
 FORT WORTH, TEXAS 76132
 PHONE: 817-335-1111
 FAX: 817-335-1112
 WWW: www.thomasland.com
 LICENSE NO. 10000
 DATE: 10/20/20
 SHEET: 3 OF 3
 PROJECT: 19.963 AC



MARYLINDA HETZELER, TRUSTEE OF THE
 LEONARD H. HETZELER TRUST (1987)
 (C.C.F. No. 201201800 (O.P.A.C.C.))
 (SOUTH 1/4 SECTION 16, T12N, R10E, S12W)
 N 41°10'00" E 1586.70'

FIRST CHURCH OF NAZARENE
 15331 JAMES
 (C.C.F. No. 200605014 (O.P.A.C.C.))
 N 78°22'00" W 516.89'

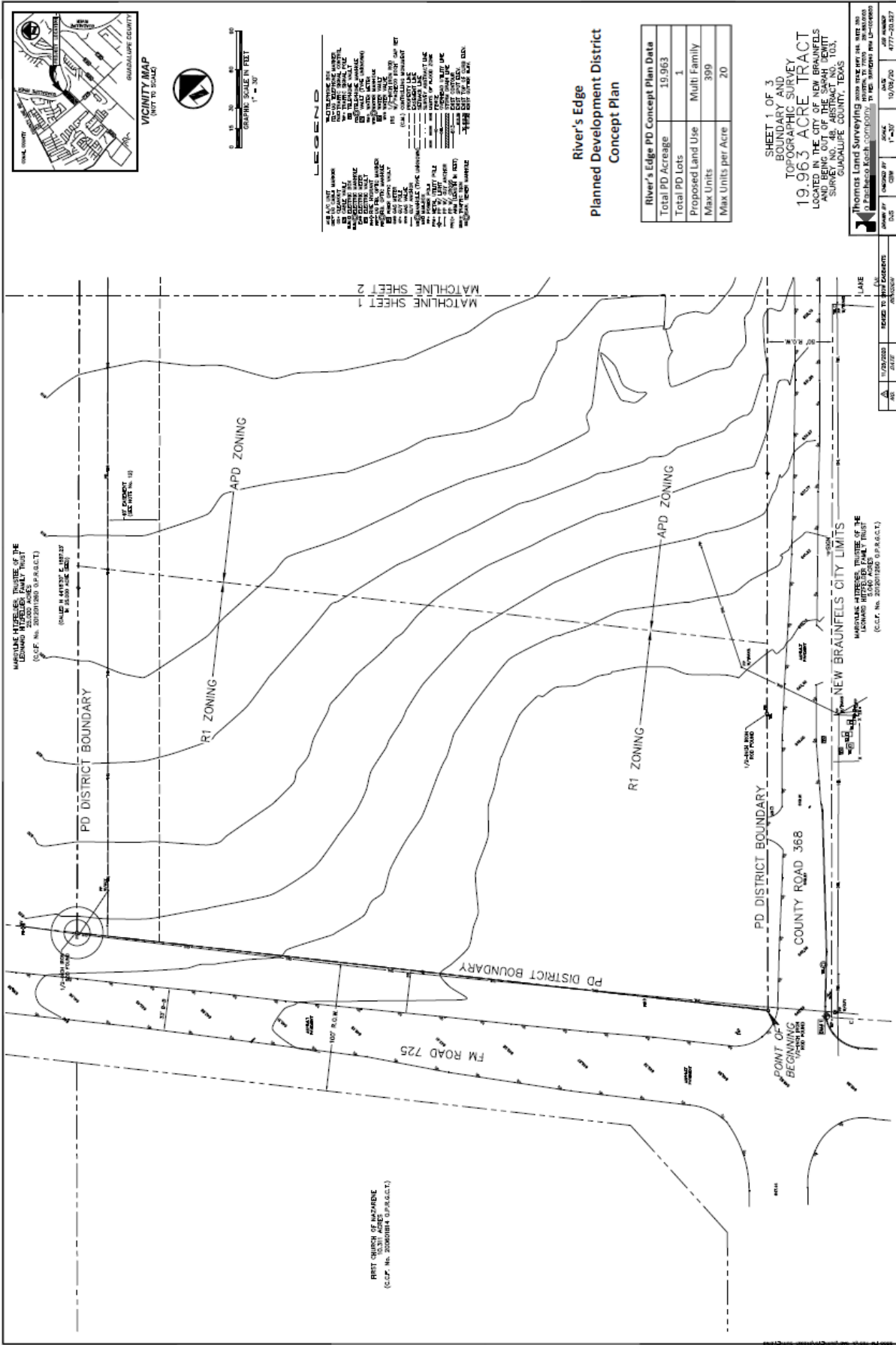
MARYLINDA HETZELER, TRUSTEE OF THE
 LEONARD H. HETZELER TRUST (1987)
 (C.C.F. No. 201201800 (O.P.A.C.C.))
 S 44°10'23" W 1062.30'

COUNTY ROAD 368
 100' WIDE
 S 43°55'50" W 1062.30'

POINT OF BEGINNING
 100' WIDE

FM ROAD 725
 100' R.O.W.

MATCH LINE (SEE SHEET 2)



"River's Edge Apartments" Planned Development District

Development Standards

- 1) *Base Zoning.*
 - i) "R-3H" Multifamily High Density District as defined by the City of New Braunfels Code of Ordinances Chapter 144, Article III, Section 144-3.4-5.
- 2) *Minimum lot area.*
 - i) Lot area. The minimum lot area for a multifamily dwelling shall be 20,000 square feet; for each unit over ten an additional 2,250 square feet of lot area shall be required.
- 3) *Minimum lot width and depth.*
 - i) Width of lot. The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet.
 - ii) Lot depth. The minimum depth of the lot shall be 100 feet.
- 4) *Minimum front, side, and rear building setback areas.*
 - i) Front building setback. 25 feet
 - ii) Rear building setback. 25 feet
 - iii) Side building setback. There shall be a side building setback on each side of a building not less than 25 feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots
 - iv) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from public the right-of-way to the garage, if attached to a public right of way, shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed.
 - v) Residential setback.
 - (1) Where a multifamily dwelling abuts a one- or two-family use or zoning district, a multifamily building's average setback from the one- or two-family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet. A building's height for this requirement is to be measured from grade to eve. A building's average setback is to be determined by averaging the distance a building's closest and furthest corners on the side of the building facing the property line.
 - (2) Where a multifamily dwelling abuts a one or two-family use or zoning district, no multifamily building will be within 60 feet of a one or two-family residential structure certified for occupancy.
- 5) *Maximum height of buildings.*
 - i) 45 feet, 50 feet when a pitched roof is used (minimum 4:12 pitch).
- 6) *Maximum building coverage.*
 - i) Lot coverage. The maximum building coverage shall be 30% percent of the total lot or tract.
- 7) *Maximum Lot Coverage*
 - i) Impervious Coverage: The maximum impervious cover for the development shall be 65% of the total lot or tract.

- 8) *Minimum parking standards for each general land use.*
 - i) One-bedroom apartment or unit: One and one-half spaces.
 - ii) Two-bedroom apartment or unit: Two spaces.
 - iii) Each additional bedroom: One-half space.

- 9) *Distance between structures.*
 - i) For multifamily structures, there shall be a minimum of 20 feet between structures side by side; a minimum of 30 feet between structures side by front or rear; a minimum of 40 feet between structures front to front; and a minimum of 20 feet between structures backing rear to rear, and a minimum of 30 feet front to rear. (See Illustration 1.)

Illustration
1

