

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 2 ACRES, BEING OAK GROVE ESTATES, UNIT 5 SUBDIVISION, BLOCK 1, LOTS 2 & 3, CURRENTLY ADDRESSED AT 125 & 145 OAK KNOT DRIVE, FROM R-1 AH (SINGLE-FAMILY DISTRICT WITH AIRPORT OVERLAY) TO C-O AH (COMMERCIAL OFFICE DISTRICT WITH AIRPORT OVERLAY), 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 Commercial Office 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 requested rezoning is in accordance with Envision New Braunfels, the City's Comprehensive Plan;

WHEREAS, the City Council desires to amend the Zoning Map by changing the zoning of approximately 2 acres being Oak Grove Estates, Unit 5 Subdivision, Block 1, Lots 2 & 3, currently addressed at 125 & 145 Oak Knot Drive from R-1 AH (Single-Family District with Airport Overlay) to C-O AH (Commercial Office District with Airport Overlay); and

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-1 AH (Single-Family District with Airport Overlay) to C-O AH (Commercial Office District with Airport Overlay):

Approximately 2 acres, being Oak Grove Estates, Unit 5 Subdivision, Block 1, Lots 2 & 3, as delineated on Exhibit "A" and described in Exhibit "B", attached.

SECTION 2

THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 3

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 4

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”

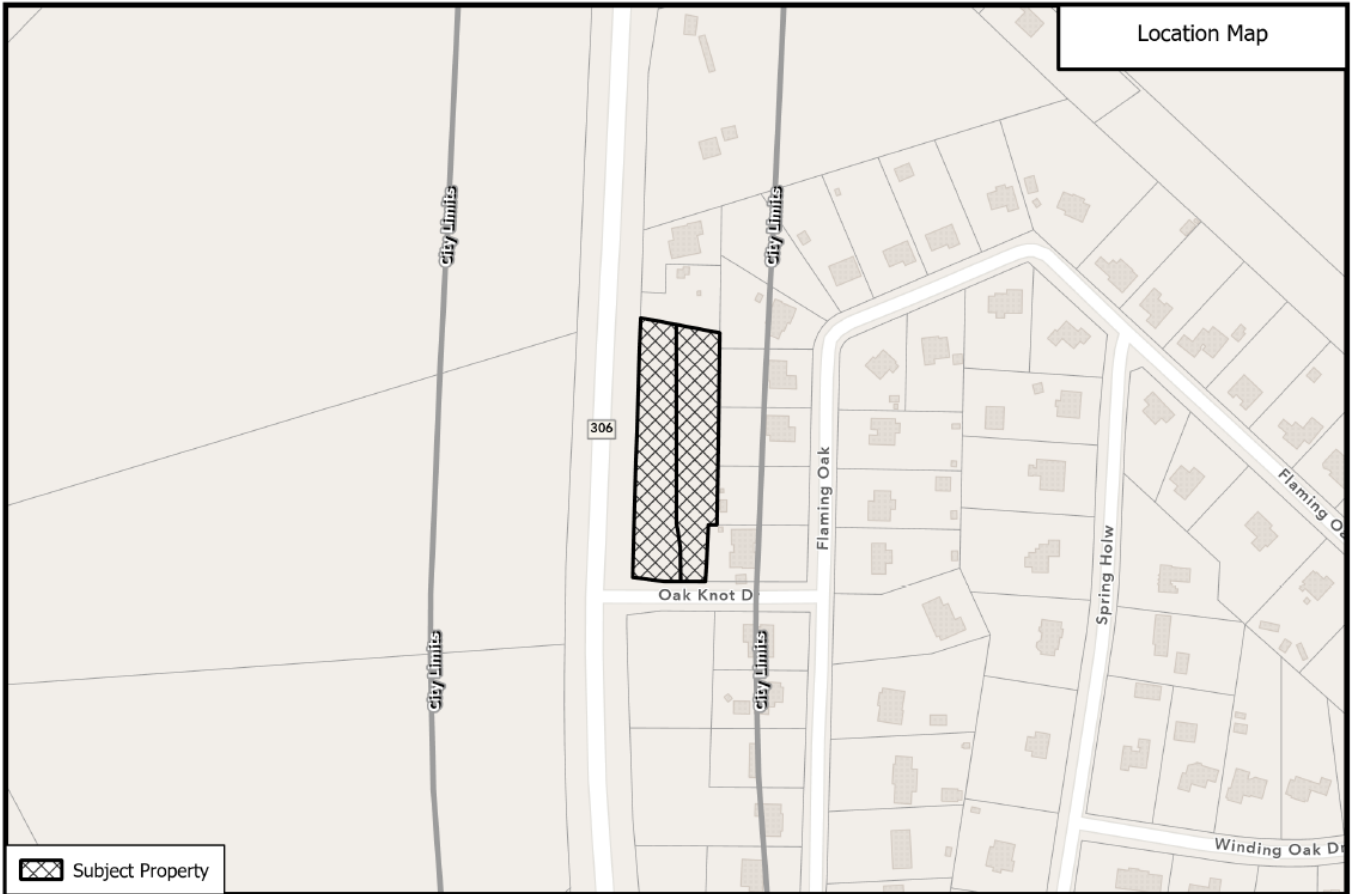


EXHIBIT "B"

#20216605463

PLAT NOTES:

1. THIS PROPERTY LIES WITHIN THE FOLLOWING SERVICE AREAS:
ELECTRIC: FERNANDEZ ELECTRIC CO-OP, INC.
WATER: L-0 WATER COMPANY, L.L.C.
SEWER: ON-SITE SANITARY SEWAGE FACILITIES
TELEPHONE & CABLE: AT&T COMMUNICATIONS AND/OR SPECTRUM
2. THIS SUBDIVISION LIES IN THE EDWARDS AQUIFER CONTRIBUTING ZONE WITHIN THE TRANSITION ZONE.
3. A PORTION OF THIS SUBDIVISION LIES IN THE CITY LIMITS OF NEW BRAUNFELS AND A PORTION LIES WITHIN THE NEW BRAUNFELS EXTRATERRITORIAL JURISDICTION LIMITS.
4. THIS SUBDIVISION IS WITHIN THE COMAL INDEPENDENT SCHOOL DISTRICT.
5. NO STRUCTURES, WALLS, OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO LANDSCAPING, FENCES, OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE EASEMENTS OR DECREASE THE HYDRAULIC CAPACITY OF THE EASEMENTS, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY ENGINEER. THE CITY OF NEW BRAUNFELS SHALL HAVE THE RIGHT OF ACCESS AND EGRESS OVER GRANTOR'S ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE EASEMENTS.
6. FUTURE DEVELOPMENT IS SUBJECT TO CHAPTER 1A (STREETS, SIDEWALKS AND OTHER PUBLIC SPACES) OF THE NEW BRAUNFELS CODE OF ORDINANCES.
7. SIDEWALKS ARE NOT REQUIRED ALONG OAK KNOT DRIVE AND FLAMING OAK.
8. SIDEWALKS ARE EXISTING ALONG HIGHWAY 306.
9. THE ELEVATION OF THE LOWEST FLOOR OF A STRUCTURE SHALL BE AT LEAST 10 INCHES ABOVE THE FINISHED GRADE OF THE SURROUNDING GROUND, WHICH SHALL BE SLOPED IN A FASHION SO AS TO DIRECT STORMWATER AWAY FROM THE STRUCTURE. PROPERTIES ADJACENT TO STORMWATER CONVEYANCE STRUCTURES MUST HAVE A FLOOD SLAB ELEVATION, OR BOTTOM OF FLOOD GUTTER, A MINIMUM OF ONE FOOT ABOVE THE 100-YEAR WATER FLOW ELEVATION IN THE STRUCTURE. DRAINWAYS SERVING ROADS ON THE DOWNHILL SIDE OF THE STREET SHALL HAVE A PROPERLY SIZED CROSS SHALE PREVENTING RUNOFF FROM ENTERING THE GARAGE, AND SHALL PREVENT WATER FROM LEAVING THE STREET.
10. THIS SUBDIVISION IS SUBJECT TO THE CITY OF NEW BRAUNFELS PARK LAND DEDICATION AND DEVELOPMENT ORDINANCE. THIS PLAT IS APPROVED FOR ONE DWELLING UNIT PER BUILDABLE LOT WITH A MAXIMUM OF TWO (2) BUILDABLE LOTS. AT SUCH TIME THAT ADDITIONAL DWELLING UNITS ARE CONSTRUCTED, THE OWNER OF THE LOT SHALL CONTACT THE CITY AND COMPLY WITH THE ORDINANCE FOR EACH NEW DWELLING UNIT.
11. THIS PLAT CONTAINS 3 BUILDABLE RESIDENTIAL LOTS. ALL LOTS MEET THE MINIMUM SQUARE FOOTAGE REQUIREMENTS ACCORDING TO THE ZONING ORDINANCE.
12. ALL DRAINAGE EASEMENTS WITHIN THE LOTS WILL BE MAINTAINED BY PROPERTY OWNERS.
13. NO TILE OR CONCRETE SANITARY SEWER OF SEPTIC TANKS, LIVESTOCK, CESSPOOLS, OPEN-JOINTED SEPTIC TANK DRAIN-FIELDS, OR ANY HAZARD THAT MIGHT CAUSE POLLUTION TO THE WATER WELL SHALL BE LOCATED WITHIN THE SANITARY CONTROL EASEMENTS SHOWN ON THIS PLAT.
14. FOR RESIDENTIAL DEVELOPMENT ADJACENT TO STATE RIGHT-OF-WAY, THE DEVELOPER SHALL BE RESPONSIBLE FOR ADEQUATE DETRAIN AND/OR SOUND ABATEMENT MEASURES FOR FUTURE MITIGATION.
15. OWNER/DEVELOPER IS RESPONSIBLE FOR PREVENTING ANY ADVERSE IMPACT TO THE EXISTING DRAINAGE SYSTEM WITHIN THE HIGHWAY RIGHT-OF-WAY. FOR PROJECTS IN THE EDWARDS AQUIFER RECHARGE OR CONTRIBUTING ZONE, OUTFALLS FOR WATER QUALITY AND/OR DETENTION POND TREATING IMPROVISED CHINA PLASTER TO THE DEVELOPMENT, WILL NOT INCREASE BY STRUCTURE OR DRAINAGE INTO STATE RIGHT-OF-WAY. PLACEMENT OF PERMANENT STRUCTURAL BEST MANAGEMENT PRACTICE DEVICES OR VEGETATIVE FILTER STRIPS WITHIN STATE RIGHT-OF-WAY WILL NOT BE ALLOWED.
16. MAXIMUM ACCESS POINTS TO STATE HIGHWAY FROM THIS PROPERTY WILL BE REGULATED AS DIRECTED BY TxDOT'S "ACCESS MANAGEMENT MANUAL". THIS PROPERTY IS ELIGIBLE FOR ZERO (0) POINTS OF ACCESS TO FM HWY 306 BASED ON APPROXIMATE OVERALL PLATTED FRONTAGE OF 572.66 FEET. WHERE TOPOGRAPHY OR OTHER EXISTING CONDITIONS MAKE IT UNAPPROPRIATE OR NOT FEASIBLE TO CONFORM TO THE CONNECTION SPACING INTERVALS, THE LOCATION OF REASONABLE ACCESS WILL BE DETERMINED WITH CONSULTATION GIVEN TO TOPOGRAPHY, ESTABLISHED PROPERTY OWNERSHIP, UNIQUE PHYSICAL LIMITATIONS, AND/OR PHYSICAL DESIGN CONSTRAINTS. THE SELECTED LOCATION SHOULD SERVE AS MANY PROPERTIES AND INTERESTS AS POSSIBLE TO REDUCE THE NEED FOR ADDITIONAL DIRECT ACCESS TO THE HIGHWAY. IN SELECTING LOCATIONS FOR FULL MOVEMENT INTERSECTIONS, PREFERENCE WILL BE GIVEN TO PUBLIC ROADWAYS THAT ARE ON LOCAL THROUGHFARE PLANS.
17. IF SIDEWALKS ARE REQUIRED BY APPROPRIATE CITY ORDINANCE, A SIDEWALK PERMIT MUST BE APPROVED BY TxDOT, PRIOR TO CONSTRUCTION WITHIN STATE RIGHT-OF-WAY. LOCATIONS OF SIDEWALKS WITHIN STATE RIGHT-OF-WAY SHALL BE AS DIRECTED BY TxDOT.
18. ANY TRAFFIC CONTROL MEASURES (LEFT-TURN LANE, RIGHT-TURN LANE, SIGNAL, ETC.) FOR ANY ACCESS FRONTING A STATE MAINTAINED ROADWAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER/OWNER.

FINAL PLAT OF OAK GROVE ESTATES - UNIT 5

BEING A REPLAT OF LOT 1, OAK GROVE ESTATES UNIT ONE, RECORDED IN VOLUME 5, PAGE 395, MAP AND PLAT RECORDS OF COMAL COUNTY, TEXAS, AND LOT 1A, BLOCK 1, OAK GROVE ESTATES UNIT TWO, RECORDED IN VOLUME 9, PAGE 53, MAP AND PLAT RECORDS OF COMAL COUNTY, TEXAS.

