

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 9.8 ACRES, BEING A PORTION OF LOT 4A-R & 5A-R, BLOCK 10, TOWN OF GRUENE SUBDIVISION AND LOT 12B, BLOCK H, CYPRESS RAPIDS AT GRUENE SECTION 1 SUBDIVISION, LOCATED NORTHEAST OF THE INTERSECTION OF GRUENE ROAD AND SUNNYBROOK DRIVE, FROM R-2 AH (SINGLE-FAMILY AND TWO-FAMILY DISTRICT, AIRPORT HAZARD OVERLAY) AND C-2 AH (GENERAL BUSINESS DISTRICT, AIRPORT HAZARD OVERLAY) TO R-2 AH SUP (SINGLE-FAMILY AND TWO-FAMILY DISTRICT, AIRPORT HAZARD OVERLAY WITH A SPECIAL USE PERMIT FOR A PARKING LOT) AND C-2 AH SUP (GENERAL BUSINESS DISTRICT, AIRPORT HAZARD OVERLAY WITH A SPECIAL USE PERMIT FOR A PARKING LOT); 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 Special Use Permit, the City Council has given due consideration to all components of said district; and

WHEREAS, it is the intent of the City to ensure 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 parking lot 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 Overlay for a Parking Lot in the R-2 AH (Single-Family and Two-Family District, Airport Hazard Overlay) and C-2 AH (General Business District, Airport Hazard Overlay); **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 District, Airport Hazard Overlay) and C-2 AH (General Business District, Airport Hazard Overlay) and designating said property with a "Special Use Permit" for the Parking Lot use with conditions herein described:

Approximately 9.8 acres, being a portion of Lot 4A-R & 5A-R, Block 10, Town of Gruene Subdivision and Lot 12B, Block H, Cypress Rapids at Gruene Section 1 Subdivision, as described on Exhibit "A" and delineated in Exhibit "B", attached.

SECTION 2

THAT the Special Use Permit be subject to the following conditions and allowances:

1. Plant a minimum of 84 caliper inches of parking lot shade trees up to the total number of caliper inches of trees that would be required under the current code (parking lot shade trees and residential buffer trees, calculated to be no less than 189 caliper inches). Applicant may also opt to pay a fee into the city's tree mitigation fund at a rate of \$175.00 per caliper inch for the remainder of the caliper inches that the applicant opts not to plant on the subject property.
2. Submit a tree removal permit before applying for a building permit and plant any required replacement trees on the subject property or pay the appropriate fees into the city's tree mitigation fund.
3. Manual-watering is allowed as an alternative to installing a landscape irrigation system.
4. A residential buffer wall, as regulated under subsection 144, Section 5.3-2(h) of the Code of Ordinances, is not required.
5. Wheel stops shall be an acceptable manner to delineate parking spaces.
6. A 5-foot planting strip in between parking rows as shown on the submitted exhibit is accepted as an alternative to the 180 square feet minimum area island requirement for single-row parking.
7. Development of the site is to be in compliance with all of the standard construction requirements for the approved use at the time of construction permit, including drainage traffic impact analysis, driveway location, and landscaping that is not otherwise described.
8. Development of the site is to be in compliance with the attached Site Plans (Exhibit "C" & "D"). Any significant alterations to the submitted site plans will require an amendment to the SUP with a recommendation from the Planning Commission and consideration by 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 28th day of May, 2024.

PASSED AND APPROVED: Second reading this 10th day of June, 2024.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"



February 15, 2024
9.846 Acres – SUP Gruene Parking Lot
Page 1 of 3

DESCRIPTION FOR (SUP) 9.846 ACRES OF LAND

SITUATED IN THE ALANSON P. FUQUAY SURVEY NO. 35, ABSRTACT NO. 155, COMAL COUNTY, TEXAS

BEING a 9.846 acre tract of land situated in the Alanson P. Fuquay Survey No. 35, Abstract No. 155, Comal County, Texas and being a portion of Lots 4A-R, Block 10, of LOT 4A-R AND LOT 5A-R, BLOCK TEN, TOWN OF GRUENE, a subdivision plat recorded in Document No. 200906007977, Map and Plat Records of Comal County, Texas (M.P.R.C.C.T.) and being also a portion of Lot 12B, Block H, of the RESUBDIVISION PLAT OF LOTS 12A – 12F, BLOCK H, CYPRESS RAPIDS AT GRUENE SECTION ONE, a subdivision plat recorded in Volume 8, Page 43, M.P.R.C.C.T.; said 9.846 acre tract of land being described by metes and bounds as follows:

COMMENCING at a 5/8-inch iron rod with cap stamped "Summit Geomatics, Inc." set on the Northeast right-of-way (R.O.W.) line of Gruene Road (Variable Width R.O.W. as shown in said LOT 4A-R AND LOT 5A-R, BLOCK TEN, TOWN OF GRUENE) for the most Southerly corner of said Lot 12B;

THENCE, North 54°09'34" East, departing the Northeast right-of-way line of said Gruene Road, along and with the common line of said Lot 12B and Lot 10, Block O, of CYPRESS RAPIDS AT GRUENE SECTION EIGHT, a subdivision plat recorded in Volume 6, Page 122, M.P.R.C.C.T., passing a 1/2-inch iron pipe found at a distance of 152.83 feet for the common North corner of Lot 9, Block O, of said CYPRESS RAPIDS AT GRUENE SECTION EIGHT, and said Lot 10 and continuing for a total distance of 184.88 feet to a calculated point marking the most Southerly corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, North 16°05'12" West, over and across said Lot 12B, a distance of 186.05 feet to a calculated point on the common line of Lot 12 AB, of LOTS 12AA & 12AB, CYPRESS RAPIDS AT GRUENE SECTION ONE, a subdivision plat recorded in Volume 8, Page 88, M.P.R.C.C.T., and of said Lot 12B, marking an exterior corner of the herein described tract;

THENCE, North 54°09'15" East, along said common line, a distance of 194.82 feet to a 1/2-inch iron rod with broken cap found for the most Easterly corner of said Lot 12 AB, and marking an interior corner of said Lot 12B and of the herein described tract;

THENCE, North 35°50'45" West, along and with the Northeast line of said Lot 12 AB and a Southwest line of said Lot 12B, a distance of 124.79 feet to a 1/2-inch iron rod found on the Southeast line of said Lot 4A-R for the most Northerly corner of said Lot 12 AB, an exterior corner of Lot 12B and marking an interior corner of the herein described tract;

THENCE, South 54°09'15" West, along and with the Northwest line of said Lot 12 AB and the Southeast line of said Lot 4A-R, a distance of 15.25 feet to a calculated point, marking an exterior corner of the herein described tract;

THENCE, North 35°50'45" West, over and across said Lot 4A-R, a distance of 332.57 feet to a 1/2-inch iron rod found for the most Southerly corner of the Lot 3, Block 10 of MAP OF TOWN GRUENE, a subdivision plat recorded in Volume 37, Page 455, Deed Records of Comal County, Texas, an interior corner of said Lot 4A-R, and marking the most Westerly corner of the herein described tract;

THENCE, along and with the Southeast lines of said MAP OF TOWN OF GRUENE, the CYPRESS RAPIDS AT GRUENE SECTION ONE, a subdivision plat recorded in Volume 5, Page 38, M.P.R.C.C.T., and the Northwest line of said Lot 4A-R, the following two (2) bearings and distances:



**DESCRIPTION FOR (SUP)
9.846 ACRES OF LAND**

SITUATED IN THE ALANSON P. FUQUAY SURVEY NO. 35, ABSTRACT NO. 155, COMAL COUNTY, TEXAS

BEING a 9.846 acre tract of land situated in the Alanson P. Fuquay Survey No. 35, Abstract No. 155, Comal County, Texas and being a portion of Lots 4A-R, Block 10, of LOT 4A-R AND LOT 5A-R, BLOCK TEN, TOWN OF GRUENE, a subdivision plat recorded in Document No. 200906007977, Map and Plat Records of Comal County, Texas (M.P.R.C.C.T.) and being also a portion of Lot 12B, Block H, of the RESUBDIVISION PLAT OF LOTS 12A – 12F, BLOCK H, CYPRESS RAPIDS AT GRUENE SECTION ONE, a subdivision plat recorded in Volume 8, Page 43, M.P.R.C.C.T.; said 9.846 acre tract of land being described by metes and bounds as follows:

COMMENCING at a 5/8-inch iron rod with cap stamped "Summit Geomatics, Inc." set on the Northeast right-of-way (R.O.W.) line of Gruene Road (Variable Width R.O.W. as shown in said LOT 4A-R AND LOT 5A-R, BLOCK TEN, TOWN OF GRUENE) for the most Southerly corner of said Lot 12B;

THENCE, North 54°09'34" East, departing the Northeast right-of-way line of said Gruene Road, along and with the common line of said Lot 12B and Lot 10, Block O, of CYPRESS RAPIDS AT GRUENE SECTION EIGHT, a subdivision plat recorded in Volume 6, Page 122, M.P.R.C.C.T., passing a 1/2-inch iron pipe found at a distance of 152.83 feet for the common North corner of Lot 9, Block O, of said CYPRESS RAPIDS AT GRUENE SECTION EIGHT, and said Lot 10 and continuing for a total distance of 184.88 feet to a calculated point marking the most Southerly corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, North 16°05'12" West, over and across said Lot 12B, a distance of 186.05 feet to a calculated point on the common line of Lot 12 AB, of LOTS 12AA & 12AB, CYPRESS RAPIDS AT GRUENE SECTION ONE, a subdivision plat recorded in Volume 8, Page 88, M.P.R.C.C.T., and of said Lot 12B, marking an exterior corner of the herein described tract;

THENCE, North 54°09'15" East, along said common line, a distance of 194.82 feet to a 1/2-inch iron rod with broken cap found for the most Easterly corner of said Lot 12 AB, and marking an interior corner of said Lot 12B and of the herein described tract;

THENCE, North 35°50'45" West, along and with the Northeast line of said Lot 12 AB and a Southwest line of said Lot 12B, a distance of 124.79 feet to a 1/2-inch iron rod found on the Southeast line of said Lot 4A-R for the most Northerly corner of said Lot 12 AB, an exterior corner of Lot 12B and marking an interior corner of the herein described tract;

THENCE, South 54°09'15" West, along and with the Northwest line of said Lot 12 AB and the Southeast line of said Lot 4A-R, a distance of 15.25 feet to a calculated point, marking an exterior corner of the herein described tract;

THENCE, North 35°50'45" West, over and across said Lot 4A-R, a distance of 332.57 feet to a 1/2-inch iron rod found for the most Southerly corner of the Lot 3, Block 10 of MAP OF TOWN GRUENE, a subdivision plat recorded in Volume 37, Page 455, Deed Records of Comal County, Texas, an interior corner of said Lot 4A-R, and marking the most Westerly corner of the herein described tract;

THENCE, along and with the Southeast lines of said MAP OF TOWN OF GRUENE, the CYPRESS RAPIDS AT GRUENE SECTION ONE, a subdivision plat recorded in Volume 5, Page 38, M.P.R.C.C.T., and the Northwest line of said Lot 4A-R, the following two (2) bearings and distances:

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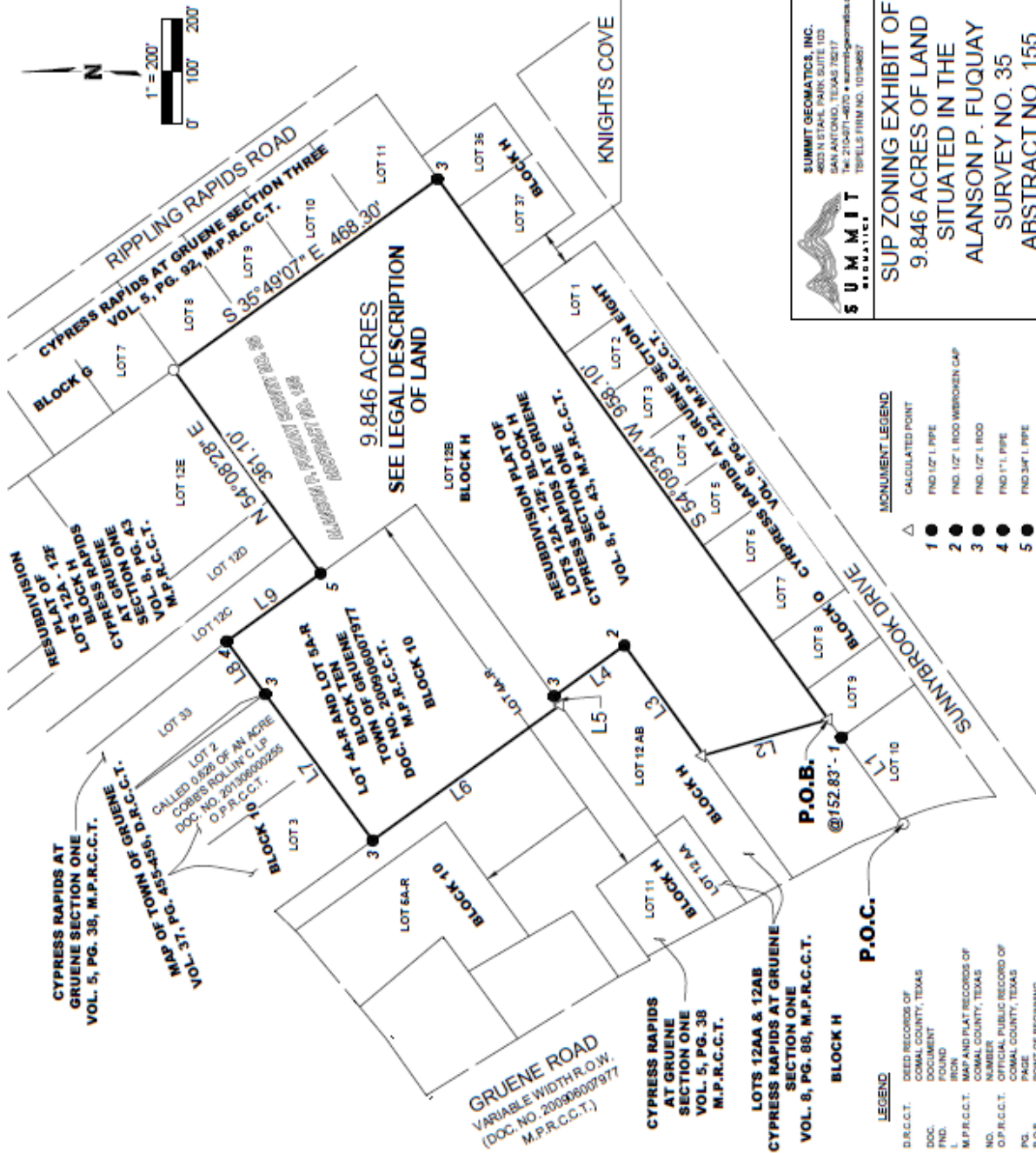
LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	N 54°09'34" E	184.88'
L2	N 16°05'12" W	186.05'
L3	N 54°09'15" E	194.82'
L4	N 35°50'45" W	124.79'
L5	S 54°09'15" W	15.25'
L6	N 35°50'45" W	332.57'
L7	N 13°45'16" E	260.93'
L8	N 53°42'46" E	93.87'
L9	S 35°49'57" E	166.80'

LEGAL DESCRIPTION OF LAND:

BEING A 9.845 ACRE TRACT OF LAND SITUATED IN THE ALANSON P. FULFORD SURVEY NO. 35, ABSTRACT NO. 155 OF COMAL COUNTY, TEXAS AND BEING A PORTION OF LOTS 44R, BLOCK 10 OF LOT 44R AND LOT 54R, BLOCK TEN, TOWN OF GRUBINE A SUBDIVISION PLAT RECORDED IN DOCUMENT NO. 203956007777, MAP AND PLAT RECORDS OF COMAL COUNTY, TEXAS, AND BEING ALSO A PORTION OF LOT 13B, BLOCK H OF THE RESUBDIVISION PLAT OF LOTS 12A - 12F, BLOCK H, CYPRESS RAPIDS AT GRUBINE SECTION ONE, A SUBDIVISION PLAT RECORDED IN VOLUME 8, PAGE 43, MAP AND PLAT RECORDS OF COMAL COUNTY, TEXAS.

GENERAL NOTES:

1. BEARING ORIENTATION IS BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204, NORTH AMERICAN DATUM OF 1983 (NAD 83), 2011 ADJUSTMENT, EPOCH 2010.00. MEASUREMENTS ARE IN U.S. SURVEY FEET. DISTANCES MAY BE CONVERTED TO GRID BY USING THE COMBINED ADJUSTMENT FACTOR OF 1.00014.
2. FIELDWORK WAS COMPLETED ON DECEMBER 14, 2023.
3. THIS EXHIBIT WAS PREPARED FOR ZONING PURPOSES. NO EASEMENTS, SUPPLEMENTARY MONUMENTATION, TOPOGRAPHIC FEATURES, AND AS-BUILT DATA ARE SHOWN HEREIN FOR ILLUSTRATION PURPOSES.
4. A METES AND BOUNDS DESCRIPTION OF EVIDENT DATE ACCOMPANIES THIS EXHIBIT.



SUMMIT

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SUP ZONING EXHIBIT OF
9.846 ACRES OF LAND
SITUATED IN THE
ALANSON P. FUQUAY
SURVEY NO. 35
ABSTRACT NO. 155
COMAL COUNTY, TEXAS

SCALE:	JOB NO.:	DATE:	SHEET:
1"=200'	23.0227	02/15/2024	3 OF 3

7



8

