

**ORDINANCE NO. 2017-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING ORDINANCE NO. 2016-36, THE “AVERY PARK” PLANNED DEVELOPMENT DISTRICT DETAIL PLAN, BY REMOVING 5.57 ACRES (LOTS 43 & 44, BLOCK A, AVERY PARK UNIT 1), FROM THE “AVERY PARK” PLANNED DEVELOPMENT DISTRICT (APPD) AND REZONE THE 5.57 ACRES AND 21.8 ACRES OUT OF THE ANTONIO M. ESNAURIZAR SURVEY, ABSTRACT NO. 20, GUADALUPE COUNTY, TEXAS, FROM “APD” AGRICULTURAL / PRE DEVELOPMENT DISTRICT AND “C-3” COMMERCIAL DISTRICT TO “AVERY PARK 13” PLANNED DEVELOPMENT DISTRICT (AP13PD), ADOPTING A CONCEPT PLAN AND ASSOCIATED DEVELOPMENT STANDARDS; 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 the “PD” Planned Development District, the City Council has given due consideration to all components of said districts; 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 “Avery Park” Planned Development District Detail Plan, by removing 5.57 acres (Lots 43 & 44, Block A, Avery Park Unit 1), from “Avery Park” Planned Development District and rezone said 5.57 acres from “Avery Park” Planned Development District and 21.8 acres out of the Antonio M. Esnaurizar Survey, Abstract No. 20, Guadalupe County, Texas, from “APD” Agricultural/Pre Development District and “C-3” Commercial District to “Avery Park 13” Planned Development District (AP13PD), adopting a Concept Plan and associated Development Standards; **now, therefore**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:**

## **SECTION 1**

**THAT** the “Avery Park” Planned Development District Detail Plan adopted July 11, 2016, Ordinance Number 2016-36, is hereby amended by removing 5.57 acres (Lots 43 & 44, Block A, Avery Park Unit 1), from the “Avery Park” Planned Development District.

## **SECTION 2**

**THAT** Exhibit ‘A’ remains the effective “Avery Park” Planned Development District Development Standards.

## **SECTION 3**

**THAT** Sections 1.2-1 and 1.2-2, Chapter 144, of the New Braunfels Code of Ordinances and particularly the Zoning Map of the City of New Braunfels, are amended by changing the following described tracts of land from “Avery Park” Planned Development District, “APD” Agricultural / Pre-Development and “C-3” Commercial District to “Avery Park 13” Planned Development District (AP13PD):

“Being approximately 21.8 acres out of the Antonio M. Esnaurizar Survey, Abstract No. 20, Guadalupe County, Texas, and (5.57 acres) Lots 43 & 44, Block A, Avery Park Subdivision Unit 1, as delineated on Exhibit ‘B’ attached.”

## **SECTION 4**

**THAT** Exhibit ‘C’ be adopted as the Avery Park 13 Planned Development District Concept Plan.

## **SECTION 5**

**THAT** Exhibit ‘D’ be adopted as the Avery Park 13 Planned Development District Development Standards.

## **SECTION 6**

**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 7**

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

## **SECTION 8**

**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 9**

**THIS** ordinance will take effect upon the second and final reading of same.

**PASSED AND APPROVED:** First Reading this the 27<sup>nd</sup> day of November, 2017.

**PASSED AND APPROVED:** Second and Final Reading this the 11<sup>th</sup> day of December, 2017.

**CITY OF NEW BRAUNFELS**

\_\_\_\_\_  
**BARRON CASTEEL**, Mayor

**ATTEST:**

\_\_\_\_\_  
**PATRICK ATEN**, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**VALERIA M. ACEVEDO**, City Attorney

**Avery Park Subdivision  
Planned Development  
Development Standards**

***April 2016***

1. Subdivision Name and Acreage

Avery Park Subdivision, 227.8 acres

2. Proposed Land Use

The proposed use is for Single Family Residential with a density of 3.74 units per acre. Common Areas for Open Space, Greenbelt, Drainage, and/or Ponds have been designated within each unit. A Recreation Center has been provided in Unit 8. A 100 ft. LCRA electric transmission easement crosses the property.

AVERY PARK SUBDIVISION				5/27/2016		
Development Summary Table						
PROPOSED LAND USE	UNIT ACREAGE	SINGLE FAMILY				
		DENSITY UNITS/ACRE	UNIT LOT TOTAL	LOT TYPE A (50')	LOT TYPE B (60')	LOT TYPE C (69')
Single Family Unit 1 (PD)	23.7	3.04	72	65	6	1
Single Family Unit 2 (PD)	19.6	3.21	63	58	5	0
Single Family Unit 3 (PD)	16.9	5.15	87	84	3	0
Single Family Unit 4 (PD)	12.0	4.75	57	57	0	0
Single Family Unit 5 (PD)	14.8	2.91	43	35	8	0
Single Family Unit 6 (PD)	18.2	4.12	75	73	2	0
Single Family Unit 7 (PD)	17.8	5.00	89	87	2	0
Single Family Unit 8 (PD)	30.2	1.62	49	0	38	11
Single Family Unit 9 (PD)	17.2	4.36	75	47	24	4
Single Family Unit 10 (PD)	17.9	4.47	80	69	11	0
Single Family Unit 11 (PD)	19.4	4.74	92	56	31	5
Single Family Unit 12 (PD)	14.2	5.00	71	61	10	0
Commercial Lot - 1	2.3					
Commercial Lot - 2	2.8					
R.O.W. Dedication (Pieper Road)	0.8					
TOTAL	227.8	3.74	853	692	140	21

3. Traffic and Transportation

The proposed streets depicted on the Master Plan are consistent with the City's Thoroughfare Master Plan.

Street B serves as a collector as provided on the Thoroughfare Plan. No residential driveway access will be provided on Streets A and B and no parking will be permitted on Streets A and B.

Median cuts will be provided on Street A for access to commercial properties.

#### 4. Residential Development Standards

The general development standards are as follows:

- a) Building Height – The main building shall not exceed 35 feet and shall not exceed 2 ½ stories in height.
- b) Typical Lot Dimensions
  - i) Lot Type A: 50' x 115'
  - ii) Lot Type B: 60' x 115'
  - iii) Lot Type C: 69' x 115'
  - iv) Corner Lot: add 10' to above widths
- c) Minimum Building Setbacks
  - i) Front: 20 Feet
  - ii) Side: 6 Feet
  - iii) Rear: 20 Feet
  - iv) Street Side Yard: 15 feet; 20 Feet if side garage access is desired
- d) Block B, Lots 3 -13 & Block E, Lot 34 located in Unit 11 have minimum lot width of 60' for Type B Lots and 69' for Type C Lots. Block B, Lots 3 -13 & Block E, Lot 34 located in Unit 11 have minimum lot depth of 115'.

#### 5. Open Space

Greenbelt and Open Spaces are shown on the Detail Plan as common Areas or Drainage Easements and will be maintained by the Homeowners Association. The Common Areas will be located, constructed, and maintained to preserve the natural character of the land. The landscaped common area located on Street A will be maintained by the HOA. The Recreation Center and facilities will be maintained by the HOA.

#### 6. Sidewalks

Sidewalks will be constructed in accordance with the lot types as follows:

- a) Lot Type A: 4' sidewalks
- b) Lot Type B: 4' sidewalks
- c) Street A
  - 6' sidewalks required adjacent to commercial tracts on both sides
  - 4' sidewalks required on both side of the street adjacent to residential areas up to the local type B street of Unit 1C
- d) Street B 4' sidewalks on both sides of the street
- e) Sidewalk locations will be coordinated with NBU prior to the approval of the construction plan

#### 7. Fences

Fences shall be constructed no more than eight (8) feet in height.

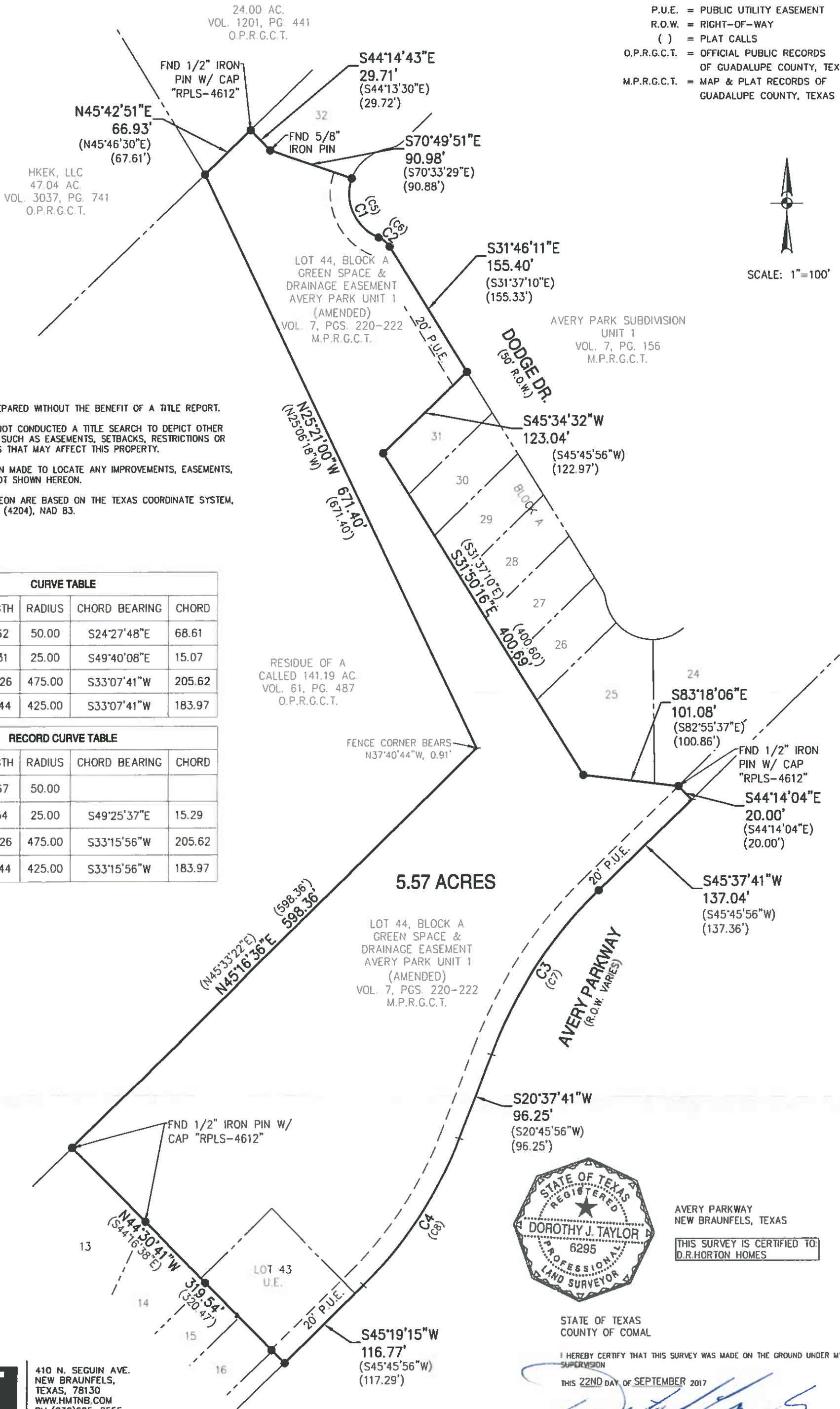
BEING LOTS 43 & 44, BLOCK A, AVERY PARK SUBDIVISION, UNIT 1,  
RECORDED IN VOLUME 7, PAGES 220-222, MAP AND PLAT RECORDS,  
GUADALUPE COUNTY, TEXAS.

LEGEND:

- = FND 5/8" IRON PIN W/ CAP "GDM INC" UNLESS OTHERWISE NOTED
- B.L. = BUILDING SETBACK LINE
- P.U.E. = PUBLIC UTILITY EASEMENT
- R.O.W. = RIGHT-OF-WAY
- ( ) = PLAT CALLS
- O.P.R.G.C.T. = OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS
- M.P.R.G.C.T. = MAP & PLAT RECORDS OF GUADALUPE COUNTY, TEXAS



SCALE: 1"=100'



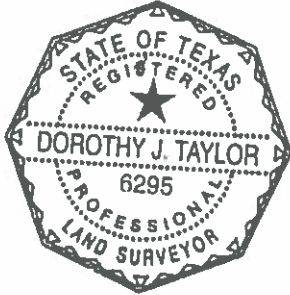
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.  
THIS SURVEYOR HAS NOT CONDUCTED A TITLE SEARCH TO DEPICT OTHER MATTERS OF RECORD, SUCH AS EASEMENTS, SETBACKS, RESTRICTIONS OR OTHER ENCUMBRANCES THAT MAY AFFECT THIS PROPERTY.  
NO ATTEMPT HAS BEEN MADE TO LOCATE ANY IMPROVEMENTS, EASEMENTS, OR RIGHTS OF WAY NOT SHOWN HEREON.  
BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD 83.

CURVE TABLE				
CURVE #	LENGTH	RADIUS	CHORD BEARING	CHORD
C1	75.62	50.00	S24°27'48"E	68.61
C2	15.31	25.00	S49°40'08"E	15.07
C3	207.26	475.00	S33°07'41"W	205.62
C4	185.44	425.00	S33°07'41"W	183.97

RECORD CURVE TABLE				
CURVE #	LENGTH	RADIUS	CHORD BEARING	CHORD
(C5)	76.67	50.00		
(C6)	15.54	25.00	S49°25'37"E	15.29
(C7)	207.26	475.00	S33°15'56"W	205.62
(C8)	185.44	425.00	S33°15'56"W	183.97



410 N. SEGUIN AVE.  
NEW BRAUNFELS,  
TEXAS, 78130  
WWW.HMTNB.COM  
PH: (830)625-8555  
TBPLS FIRM 10153600



STATE OF TEXAS  
COUNTY OF COMAL

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION

THIS 22ND DAY OF SEPTEMBER 2017

DOROTHY J. TAYLOR  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6295

031.042

9-26-17

21.808 ACRES OF LAND, LOCATED IN THE ANTONIO M. ESNARIZAR SURVEY, A  
-20, GUADALUPE COUNTY, TEXAS.  
BEING PART OF THAT SAME LAND CONVEYED IN DEED FROM CHARLES DAUR  
SR. TO WALTER DAUR, AS 141.19 ACRES, RECORDED IN VOLUME 61, PAGE  
487, DEED RECORDS OF GUADALUPE COUNTY, TEXAS.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.  
THIS SURVEYOR HAS NOT CONDUCTED A TITLE SEARCH TO DEPICT OTHER  
MATTERS OF RECORD, SUCH AS EASEMENTS, SETBACKS, RESTRICTIONS OR  
OTHER ENCUMBRANCES THAT MAY AFFECT THIS PROPERTY.  
NO ATTEMPT HAS BEEN MADE TO LOCATE ANY IMPROVEMENTS, EASEMENTS,  
OR RIGHTS OF WAY NOT SHOWN HEREON.

BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM,  
SOUTH CENTRAL ZONE (4204), NAD 83.

FENCES SHOWN HEREON ARE GRAPHIC ONLY, WITH DIMENSIONAL TIES SHOWN  
AT SPECIFIC LOCATIONS WHERE THEY WERE PHYSICALLY MEASURED. THE  
FENCE LINE MAY MEANDER BETWEEN SAID MEASURED LOCATIONS. THE  
DIMENSIONS SHOWING THE DISTANCE BETWEEN THE FENCE AND THE  
PROPERTY LINE ALSO INDICATES WHICH SIDE OF THE PROPERTY LINE THE  
FENCE IS ON.

A METES & BOUNDS DESCRIPTION OF THIS TRACT WAS CREATED IN  
CONJUNCTION WITH THIS SURVEY.

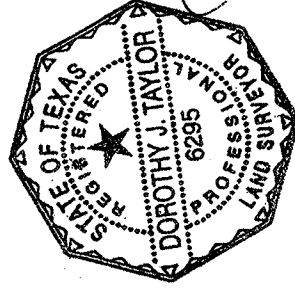
CALLING 1.46 ACRES  
CYNTHIA SCHAEFER WORDEN, ET VIR  
VOL. 2052, PG. 454  
(NO DESCRIPTION SEE VOL. 310, PG. 392)

HKEK, LLC  
47.04 AC.  
VOL. 3037, PG. 741  
O.P.R.G.C.T.

21.808 ACRES



410 N. SECUN AVE.  
NEW BRAUNFELS,  
TEXAS, 78130  
WWW.HMTNB.COM  
PH: (830) 625-8555  
TBPUS FRM 10155800



STATE OF TEXAS  
COUNTY OF COMAL

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY  
SUPERVISION

THIS 14 DAY OF SEPTEMBER 2017

DOROTHY J. TAYLOR  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6295

9-18-17

PAGE 1 OF 1



AVERY PARK 13, PDD  
CONCEPT PLAN

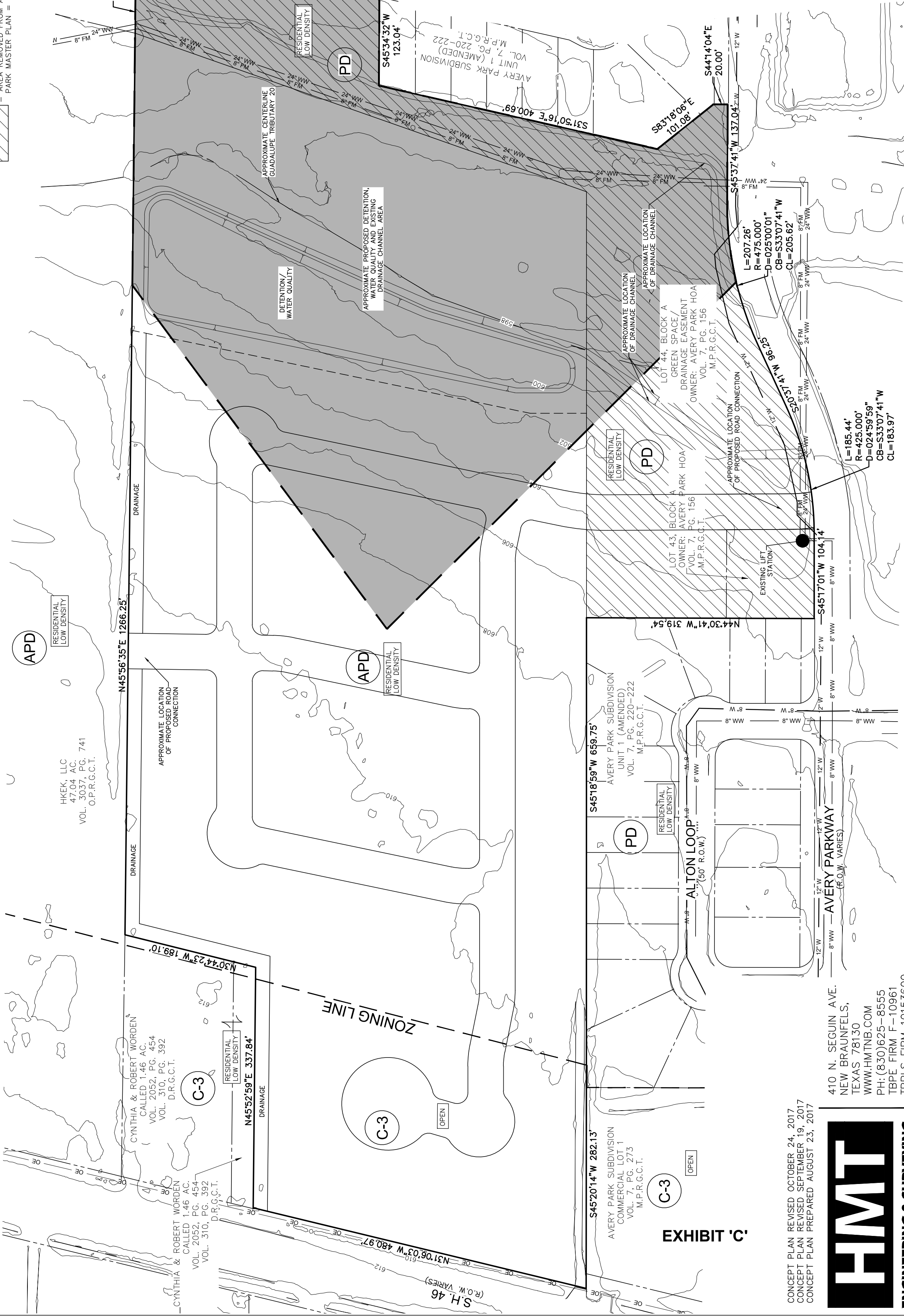
27.38 ACRES OF LAND OUT OF THE ANTONIO M. ESNAURIZAR SURVEY, ABSTRACT 20, LOCATED IN GUADALUPE COUNTY, TEXAS, BEING PART OF A CALLED 141.19 ACRE TRACT CONVEYED IN A DEED FROM CHARLES DAUER SR., ET UX TO WATER DAUER, DATED APRIL 13, 1921, RECORDED IN VOLUME 61, PAGE 487, DEED RECORDS, GUADALUPE COUNTY; AND LOT 44, BLOCK A, AVERY PARK SUBDIVISION UNIT 1, RECORDED IN VOLUME 7, PAGE 156, MAP AND PLAT RECORDS, GUADALUPE COUNTY, TEXAS.

SCALE: 1"=100'

LEGEND:

- R.O.W. = RIGHT-OF-WAY
- M.P.R.G.C.T. = MAP AND PLAT RECORDS, GUADALUPE COUNTY, TEXAS
- O.P.R.G.C.T. = OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS
- D.R.G.C.T. = DEED RECORDS, GUADALUPE COUNTY, TEXAS
- XX" W = EXISTING WATER LINE
- XX" WW = EXISTING SEWER LINE
- XX" FM = EXISTING FIRE MAIN
- OE = OVERHEAD ELECTRIC
- XX = EXISTING ZONING TYPE
- XXXXX = LANDUSE
- [Symbol] = AIRPORT OVERLAY DISTRICT APPROACH 3 ZONE = 10.71 AC.
- [Symbol] = AREA REMOVED FROM AVERY PARK MASTER PLAN = 5.57 AC.

LOCATION MAP  
NOT TO SCALE



RESIDENTIAL LOT COUNT		
LOT SIZE	MAX. # OF LOTS	ACREAGE
RESIDENTIAL LOTS	90	17.66
DRAINAGE/OPEN SPACE/ PARK LOTS	3	9.72
RESIDENTIAL LOT DATA		
MINIMUM LOT AREA	5,000 S.F.	
MINIMUM LOT WIDTH (INTERIOR)	50'	
MINIMUM LOT WIDTH (CORNER)	60'	
MINIMUM LOT DEPTH	100'	
MINIMUM FRONT SETBACK	20'	
MINIMUM SIDE SETBACK	5'	
MINIMUM REAR SETBACK	10'	
MAXIMUM BUILDING HEIGHT	35'	
MAXIMUM BUILDING COVERAGE	75%	
MINIMUM PARKING	4 SPACES PER LOT	
RESIDENTIAL PROJECT DATA		
ACREAGE	27.38 AC	

LOT DENSITY = 3.29 UNITS PER ACRE

NOTE:  
1) THE BASE ZONING FOR RESIDENTIAL LOTS IN THE "AVERY PARK 13" PLANNED DEVELOPMENT DISTRICT (AP13) IS "R-1A-6.8" SINGLE FAMILY DISTRICT.

CONCEPT PLAN REVISED OCTOBER 24, 2017  
CONCEPT PLAN REVISED SEPTEMBER 19, 2017  
CONCEPT PLAN PREPARED AUGUST 23, 2017

HMT

ENGINEERING & SURVEYING

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TBPE FIRM F-10961  
TBPLS FIRM 10153600



## **Avery Park 13 Planned Development District**

### **Development Standards**

Avery Park is an approximate 853 lot subdivision that has been a very successful and loved planned development by our city and the residents that live there. It has great amenities, lots of open spaces, and even a great school within the project. This planned development district (PDD) for the Avery Park 13 PDD subdivision will be a 27.38 acre site with no more than 90 lots adjacent to this subdivision. The entry to the Avery Park 13 PDD subdivision will be off of Avery Parkway within the existing Avery Park subdivision. The base zoning for the proposed district is R-1A-6.6 to allow for a single family residential community. The variations from the R-1A-6.6 zoning are: lot size of 50', front setback of 20', and a minimum area of 5,000 square feet. These variations keep this tract consistent with the adjacent Avery Park subdivision standards. This PDD zoning also restricts density to 3.29 lots per acre average over the 27.38 acres, which makes this development consistent with typical R1-A-6.6 zoning w/60' lot widths. The Airport Overlay District Approach 3 Zone covers 10.71 acres of the property mainly over the drainage and detention areas. The remaining portion will not exceed the residential density of 6 dwelling units per acre per the density limitations required in the Code of Ordinances. A minimum of 15% of the tract will remain open space for drainage and for a pavilion and dog park for residents to enjoy. The pavilion will be similar in size and scope to the pavilion in Augustus Pass (Dean Subdivision). The Dog Park will be approximately 2,000 square feet and will be completely fenced in with obstacle courses, park benches, trees, landscaping & irrigation on a portion of the park.

In relation to the City's plans for growth and development, this Planned Development District meets several of the Goals and Objectives. The Avery Park 13 PDD subdivision is surrounded by open land on the west and northwest sides and a residential subdivision on the south and east sides. The Future Land Use plan calls for the site use as Residential Low Density and Commercial Use. The site lends itself to development as Residential Use; therefore, changing the Future Land Use Plan. The lot density on the rear of the property matches what we propose with this PDD. As New Braunfels continues to grow, we wish to meet the housing needs of its families and individuals. This location and lot size is by far the most highly demanded product for New Braunfels citizens, and it's location on Hwy 46 in between Seguin and New Braunfels helps provide an affordable housing option that is extremely needed.

**EXHIBIT 'D'**

**RESIDENTIAL DEVELOPMENT STANDARDS**

Land Use	Single – Family Residential
Base Zoning	R-1A-6.6
Total Number of Acres	27.38 acres
Maximum Density	3.29 Lots/Acre
Minimum Lot Width	50 Ft. (Interior lot size), 60 Ft. (Corner lot)
Minimum Lot Depth	100 Ft.
Minimum Lot Area	5,000 S.F.
Minimum Lot Frontage	36 Ft. (for Cul-de-Sac and Knuckle lots) 50 Ft. (for Interior lots)
Front Setback Minimum:	20 Ft.
Rear Setback Minimum:	10 Ft.
Side Setback Minimum	<u>Internal Lots</u> - 5 Ft. <u>Corner Lots</u> – The minimum side setback adjacent to the street for corner lots where the rear lines of the corner lot coincides with the rear lot line of the adjacent lot is 15 feet. The minimum side setback adjacent to the street for corner lots where the rear line of the corner lot coincides with the side lot line of the adjacent lot is 20 feet. Otherwise, the internal side setback of corner lots is 5 feet. <u>Garage Setback</u> - Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway shall be at least 20 feet long.
Maximum Bldg. Height:	35 Ft.
Maximum Bldg. Coverage	75%
Utilities	All New Utilities will be underground
Minimum Parking	4 parking spots per lot (includes 2 car garage)
Amenities	Pavilion meeting space Dog Park Cap & rail fencing and masonry columns adjacent to Avery Parkway & SH-46
Landscaping Requirements	2 shade trees from Appendix A per lot