ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, GRANTING A TYPE 2 SPECIAL USE PERMIT TO APPROXIMATELY 1.34 ACRES CONSISTING OF LOT 1, BLOCK 1, SAM'S PLACE SUBDIVSION, COMAL COUNTY, TEXAS, TO ALLOW A MINI-STORAGE FACILITY WITH AN ON-SITE CARETAKER'S RESIDENCE IN THE "C-1B" GENERAL BUSINESS DISTRICT, ADDRESSED AT 1705 S. WALNUT AVE.; 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 a Special Use Permit, the City Council has given due consideration to all components of said permit; and

WHEREAS, the City also 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 compatibility 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 City Council desires to grant a Special Use Permit to approximately 1.34 acres consisting of Lot 1, Block 1, Sam's Place Subdivision, Comal County, Texas, to allow a mini-storage facility with an on-site caretaker's residence in the "C-1B" General Business District, addressed at 1705 S. Walnut Ave.; **now, therefore;**

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

SECTION 1

THAT pursuant to Sections 3.6-2 and 3.6-3, Chapter 144, of the New Braunfels

Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by adding the following described tract of land as a “Type 2 Special Use Permit” for the uses and conditions herein described:

“1.34 acres consisting of Lot 1, Block 1, Sam’s Place Subdivision, Comal County, Texas, addressed at 1705 S. Walnut Ave., as delineated on Exhibit ‘A’ attached.”

SECTION 2

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

1. Exhibit ‘B’ shall be the adopted Special Use Permit site plan. Any significant alterations to the site plan will require approval of an amendment to the “Type 2 Special Use Permit” by City Council.
2. Exhibit ‘C’ shall be the elevation perspective of the Special Use Permit that is subject to the conditions listed within this Section. Improvements on the property shall be in general compliance with the elevation perspective including fencing style and entry building design.
3. In addition to Building A, all exterior building facades must meet the City’s minimum masonry requirements including the bottom 4 feet of masonry wainscoting.
4. A minimum 5-foot rear setback.
5. No masonry wall required on the rear property line.
6. The property is limited to one monument sign consistent with the Walnut Neighborhood Special District with a maximum area of 32 square feet per sign face, a maximum height of 6 feet and a minimum setback of 6 feet with the following additional requirements:
    a. Signage shall be in compliance with Chapter 106, Signs, of the City of New Braunfels Code of Ordinances. The most restrictive rule prevails.
    b. Illumination of monument signage shall be restricted to internal illumination where only the lettering or the logo is illuminated. Logos where more than 50% of the image is white or light in color shall be restricted to 25% of the sign face.
    c. Flashing or chasing lights are prohibited.
    d. Electronic message boards are prohibited.
    e. There shall be no wall signs allowed (signs attached to the buildings).

f. Temporary A-Frame or T-Frame sign must be stored indoors when business is closed.
g. All other forms of temporary signage are prohibited including, but not limited to, banners, streamers, pennants, yard flags and inflatable signs.

7. Shade trees from the Approved Plant List (Chapter 144, Appendix A) a minimum of 3 inches in diameter (dbh) are planted no more than 40 feet apart along the County Line Memorial Trail.
8. Lighting for the County Line Memorial Trail is required subject to review and approval of the proposed fixtures for compliance with the City's lighting standards. Lighting along the rear boundary of the property is not required, but may be provided with the same standards.
9. Shade trees from the Approved Plant List (Chapter 144, Appendix A) a minimum of 3 inches in diameter (dbh) are planted no more than 25 feet apart between Buildings B, C & H and the northern property boundary.
10. All required landscaping must be irrigated with an automatic underground system.
11. Parkland Dedication and Development Fees are required prior to the issuance of a building permit.

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 of same.

PASSED AND APPROVED: First Reading this the 25th day of June, 2018.

PASSED AND APPROVED: Second and Final Reading this the 9th day of July, 2018.

CITY OF NEW BRAUNFELS

_____

BARRON CASTEEL, Mayor

ATTEST:

_____

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

_____

VALERIA M. ACEVEDO, City Attorney

\\chfs-1\Departments\Planning\ZoneChange-SUP-Replats\2018 cases\PZ-18-012 Walnut mini storage\Ordinance.docx

#20170601324 8

MINOR PLAT ESTABLISHING

SAM'S PLACE

BEING THE REMAINDER OF A CALLED 1.533 ACRE TRACT, RECORDED IN DOCUMENT NUMBER 200306047080, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS



LOCATION MAP

NOT TO SCALE

PLAT NOTES:

1. ALL LOTS WITHIN THE SUBDIVISION WILL BE PROVIDED WATER, SEWER AND ELECTRIC SERVICE BY NEW BRAUNFELS UTILITIES. TELEPHONE AND CABLE SERVICES FOR THE SUBDIVISION WILL BE PROVIDED BY AT&T COMMUNICATIONS AND/OR TIME WARNER.
2. ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983, GRID. DISTANCES SHOWN HEREON ARE BASED UPON SURFACE MEASUREMENTS. TO CONVERT SURFACE DISTANCES TO GRID, APPLY A COMBINED SCALE FACTOR OF 1.00015.
3. MONUMENTS WERE FOUND OR SET AT EACH CORNER OF THE SURVEY BOUNDARY OF THE SUBDIVISION. MONUMENTS AND LOT MARKERS WILL BE SET WITH A 1/2" IRON PIN WITH A PLASTIC CAP STAMPED "HMT" IMMEDIATELY AFTER COMPLETION OF UTILITY INSTALLATION AND STREET CONSTRUCTION UNLESS NOTED OTHERWISE.
4. THIS SUBDIVISION IS NOT WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.
5. THIS SUBDIVISION IS WITHIN THE CITY LIMITS OF NEW BRAUNFELS, TEXAS.
6. THE SUBDIVISION IS WITHIN THE NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT.
7. NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN ANY SPECIAL FLOOD HAZARD AREA (100 YR. FLOOD), AS DEFINED BY THE COMAL COUNTY, TEXAS, FLOOD INSURANCE RATE MAP NUMBER 48091C0465F, EFFECTIVE DATE SEPTEMBER 2, 2009 AND BY LOMR CASE NO. 11-06-3632P, EFFECTIVE DATE MAY 31, 2012 AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
8. 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 EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY ENGINEER. THE CITY OF NEW BRAUNFELS SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTORS 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.
9. FUTURE DEVELOPMENT IS SUBJECT TO CHAPTER 114 (STREETS, SIDEWALKS AND OTHER PUBLIC SPACES) OF THE NEW BRAUNFELS CODE OF ORDINANCES.
10. 6' SIDEWALKS WILL BE CONSTRUCTED PER CITY STANDARDS ALONGSIDE AND ADJACENT TO THE CURB ALONG WALNUT AVENUE BY THE OWNER AT THE TIME OF DEVELOPMENT.
11. THE ELEVATION OF THE LOWEST FLOOR OF A STRUCTURE SHALL BE AT LEAST 18 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 FLOOR SLAB ELEVATION OR BOTTOM OF FLOOR JOISTS A MINIMUM OF ONE FOOT ABOVE THE 100-YEAR WATER FLOW ELEVATION IN THE STRUCTURE. DRIVEWAYS SERVING HOUSES ON THE DOWNHILL SIDE OF THE STREET SHALL HAVE A PROPERLY SIZED CROSS SWALE PREVENTING RUNOFF FROM ENTERING THE GARAGE AND SHALL PREVENT WATER FROM LEAVING THE STREET.
12. THIS SUBDIVISION IS SUBJECT TO THE CITY OF NEW BRAUNFELS PARK LAND DEDICATION AND DEVELOPMENT ORDINANCE. AT SUCH TIME THAT ANY DWELLING UNITS ARE CONSTRUCTED, THE OWNER OF THE LOT(S) SHALL CONTACT THE CITY AND COMPLY WITH THE ORDINANCE FOR EACH DWELLING UNIT.

NEW BRAUNFELS UTILITIES NOTES:

1. MAINTENANCE OF DEDICATED UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. ANY USE OF AN EASEMENT, OR ANY PORTION OF IT, INCLUDING LANDSCAPING OR DRAINAGE FEATURES, IS SUBJECT TO AND SHALL NOT CONFLICT WITH THE TERMS AND CONDITIONS IN THE EASEMENT, MUST NOT ENDANGER OR INTERFERE WITH THE RIGHTS GRANTED BY THE EASEMENT TO NEW BRAUNFELS UTILITIES, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE SUBJECT TO APPLICABLE PERMIT REQUIREMENTS OF THE CITY OF NEW BRAUNFELS OR ANY OTHER GOVERNING BODY. THE PROPERTY OWNER MUST OBTAIN, IN ADVANCE, WRITTEN AGREEMENT WITH THE UTILITIES TO UTILIZE THE EASEMENT, OR ANY PART OF IT.
2. UTILITIES WILL POSSESS A 5' WIDE SERVICE EASEMENT TO THE DWELLING ALONG THE SERVICE LINE TO THE SERVICE ENTRANCE. THIS EASEMENT WILL VARY DEPENDING UPON LOCATION OF DWELLING AND SERVICE.
3. UTILITIES SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARD AND METER LOCATIONS SHALL NOT BE LOCATED WITHIN A FENCED AREA.
4. EACH LOT MUST HAVE ITS OWN WATER AND SEWER SERVICE AT THE OWNER'S/DEVELOPER'S EXPENSE.
5. DO NOT COMBINE ANY NEW UTILITY EASEMENTS (U.E.) WITH DRAINAGE EASEMENTS (D.E.) OR MAKE CHANGES IN GRADE WITHIN THE UTILITY EASEMENTS (U.E.) WITHOUT WRITTEN APPROVAL FROM NEW BRAUNFELS UTILITIES.
6. NBU IS NOT RESPONSIBLE FOR DAMAGES TO PROPERTY IMPROVEMENTS (I.E. LANDSCAPING, TREES, PAVEMENT, SIGNS, DRAINAGE STRUCTURES, PRIVATE UTILITIES, ETC.) THAT ARE PLACED IN ANY TYPE OF UTILITY EASEMENT. TO ENSURE NO CONFLICTS EXIST WITH UTILITY INFRASTRUCTURE IN THE EASEMENT, ALL SUCH IMPROVEMENTS PLACED IN ANY TYPE OF UTILITY EASEMENT MUST BE REVIEWED AND APPROVED THROUGH THE NBU EASEMENT ENCROACHMENT PROCESS. NBU DEVELOPMENT SERVICES FACILITATES THE EASEMENT ENCROACHMENT APPLICATION PROCESS.



SCALE: 1"=50'

LEGEND:

- ● = FND 1/2" IRON PIN
- ○ = SET 1/2" IRON PIN W/ PLASTIC CAP STAMPED "HMT"
- R.O.W. = RIGHT-OF-WAY
- U.E. = UTILITY EASEMENT
- D.R.C.C.T. = DEED RECORDS, COMAL COUNTY, TEXAS
- M.P.R.C.C.T. = MAP AND PLAT RECORDS, COMAL COUNTY, TEXAS
- O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS

EXHIBIT 'A'

KNOW ALL MEN BY THESE PRESENTS:

I, THE UNDERSIGNED, MARK F. CONLAN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE ON THE GROUND UNDER MY SUPERVISION AND IN COMPLIANCE WITH CITY AND STATE SURVEY REGULATIONS AND LAWS AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

MARK F. CONLAN
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6342
410 N. SEGUIN AVE., NEW BRAUNFELS, TEXAS 78130

STATE OF TEXAS
REGISTERED
MARK F. CONLAN
6342
PROFESSIONAL
LAND SURVEYOR

APPROVED FOR ACCEPTANCE

3-7-17 DATE — PLANNING DIRECTOR

2-24-17 DATE — CITY ENGINEER

2/16/2017 DATE — NEW BRAUNFELS UTILITIES

STATE OF TEXAS
COUNTY OF COMAL

I, THE UNDERSIGNED OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS SAM'S PLACE, A SUBDIVISION TO THE CITY OF NEW BRAUNFELS, COUNTY OF COMAL, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY SUBDIVIDE SUCH PROPERTY AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, PARKS, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

SHASHI PATEL-OWNER
1952 SHIELD DR.
NEW BRAUNFELS, TX 78130-8379

STATE OF TEXAS
COUNTY OF COMAL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 2nd DAY OF February 2017
BY Shashi Patel

Heather Leshae Cornell
NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES: 1-21-20

HEATHER LESHAE CORNELL
Notary Public, State of Texas
Comm. Expires 01-21-2020
Notary ID 13050451-4

COUNTY COURT OF COMAL COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF COMAL

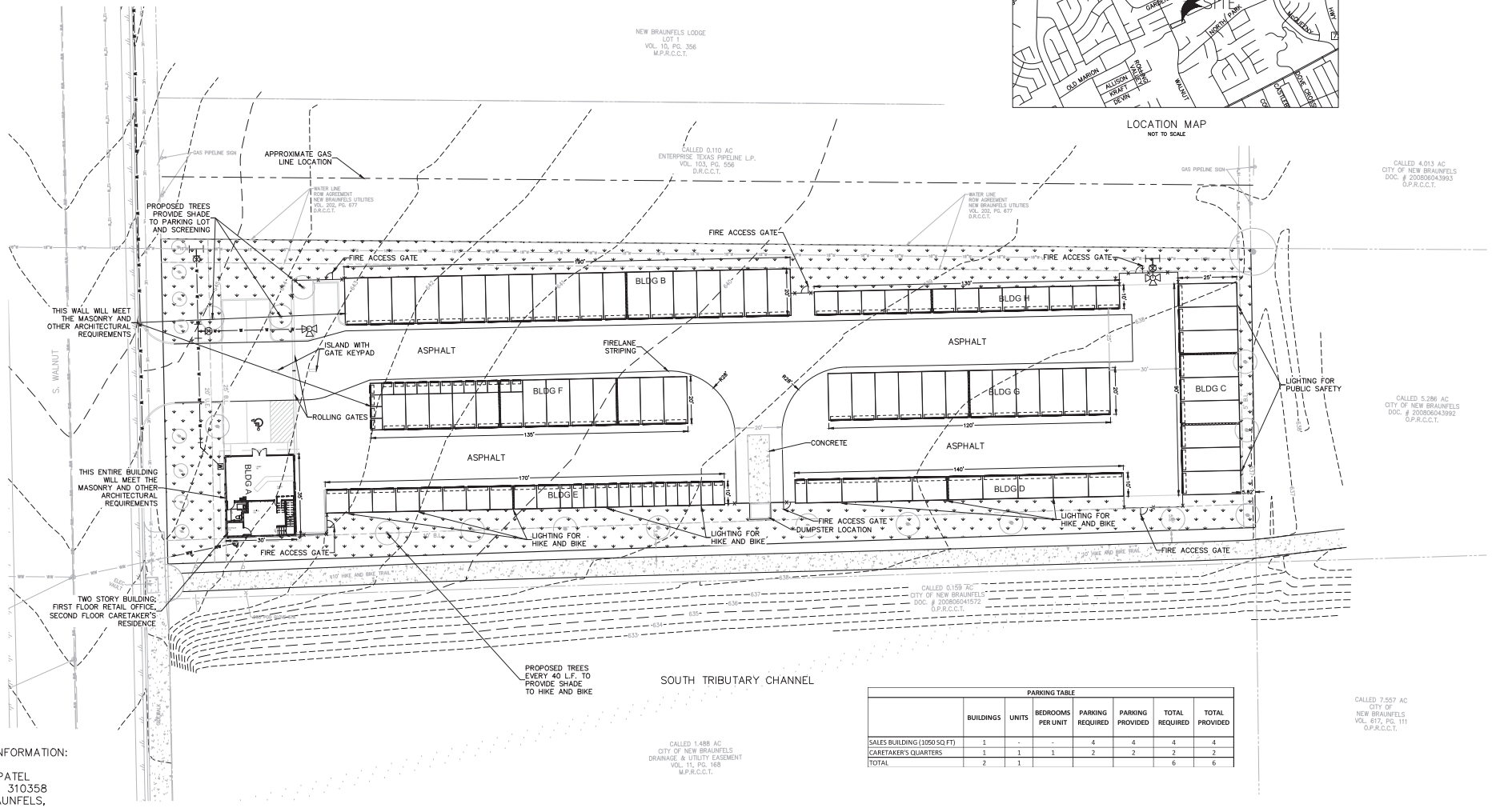
I, Bobbie Koepp DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WAS FILED FOR RECORD IN THE MAP AND PLAT RECORDS, DOC# 201706013248 OF COMAL COUNTY ON THE 14 DAY OF March, 2017 AT 2:11 P M.

WITNESS MY HAND AND OFFICIAL SEAL, THIS THE 14 DAY OF March 2017

COUNTY CLERK, COMAL COUNTY, TEXAS
Tammy Kowalski
DEPUTY

HMT
ENGINEERING & SURVEYING
410 N. SEGUIN AVE.
NEW BRAUNFELS,
TEXAS 78130
WWW.HMTNB.COM
PH: (830)625-8555
TBPE FIRM F-10961
TBPLS FIRM 10153600

WALNUT MINI STORAGE –
TYPE 2 SPECIAL USE PERMIT



LOCATION MAP
NOT TO SCALE

LEGEND

700	EXISTING CONTOURS
B.L.	BUILDING SETBACK LINE
U.E.	UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
	FIRE LANE STRIPING
	PROPERTY LINE
	CONCRETE
	TUBULAR STEEL FENCE

EXHIBIT 'B'

PARKING TABLE

	BUILDINGS	UNITS	BEDROOMS PER UNIT	PARKING REQUIRED	PARKING PROVIDED	TOTAL REQUIRED	TOTAL PROVIDED
SALES BUILDING (1050 SQ.FT)	1	-	-	4	4	4	4
CARETAKER'S QUARTERS	1	1	1	2	2	2	2
TOTAL	2	1				6	6

CLIENT INFORMATION:

SHASHI PATEL
P.O. BOX 310358
NEW BRAUNFELS,
TEXAS, 78131
+1 830-708-1030
BADAMPISTA@YAHOO.COM

HMT
ENGINEERING & SURVEYING

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

04/25/2018

EXHIBIT 'C'



PERSPECTIVE | EAST BIRDS EYE

NOTE: COLORS OF FINISHES ARE PRELIMINARY AND ARE SUBJECT TO CHANGE

Open studio architecture

MINI STORAGE DEVELOPMENT

WALNUT AVE.
NEW BRAUNFELS, TX

PROJECT#: 17.261
DATE: 04.25.18



PERSPECTIVE | WEST BIRDS EYE

NOTE: COLORS OF FINISHES ARE PRELIMINARY AND ARE SUBJECT TO CHANGE

Open studio architecture

MINI STORAGE DEVELOPMENT

WALNUT AVE.
NEW BRAUNFELS, TX

PROJECT#: 17.261
DATE: 04.25.18



PERSPECTIVE | FRONT ENTRANCE

NOTE: COLORS OF FINISHES ARE PRELIMINARY AND ARE SUBJECT TO CHANGE

Open studio architecture

MINI STORAGE DEVELOPMENT

WALNUT AVE.
NEW BRAUNFELS, TX

PROJECT#: 17.261
DATE: 04.25.18