

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING APPROVAL OF A TYPE 1 SPECIAL USE PERMIT ALLOWING MULTIFAMILY HIGH-DENSITY RESIDENTIAL USE IN THE “C-1” LOCAL BUSINESS DISTRICT AND “M-1” LIGHT INDUSTRIAL DISTRICT ON APPROXIMATELY 23 ACRES OUT OF THE A.P. FUQUAY SURVEY NO. 35, ABSTRACT NO. 155, COMAL COUNTY, TEXAS, LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF E. COMMON STREET AND OLD FM 306; 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 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 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 the proposed use; and

WHEREAS, the City Council desires to grant approval of a Type 1 Special Use Permit allowing multifamily high-density residential use in the “C-1” Local Business District and “M-1” Light Industrial District on approximately 23 acres of land out of the A.P. Fuquay Survey No. 35, Abstract No. 155, Comal County, Texas, located at the southwest corner of the intersection of E. Common Street and Old FM 306.

WHEREAS, the request is in accordance with Envision New Braunfels, the City’s Comprehensive Plan; **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 adding the following tract of land as a "Type 1 Special Use Permit" for the uses and conditions herein described:

Being approximately 23 acres of land out of the A.P. Fuquay Survey No. 35, Abstract No. 155, Comal County, Texas, located at the southwest corner of the intersection of E. Common Street and Old FM 306 as described in Exhibit "A" and delineated in Exhibit "B", to allow multifamily high-density residential use in the "C-1" Local Business District and "M-1" Light Industrial District.

SECTION 2

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

1. Site development for multifamily use must adhere to the multifamily development standards of the "R-3H" Multifamily High-Density zoning district.

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 25th day of January, 2021.

PASSED AND APPROVED: Second reading this 8th day of February, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

METES AND BOUNDS DESCRIPTION
FOR A 22.338 ACRE TRACT

Being a 22.338 acre tract located in the A.P. Fuquay Survey No. 35, Abstract No. 155, Comal County Texas. Also being a portion of the remainder of Tract 7, "Exhibit G", a called 82.53 acre tract, recorded in Document No. 200506019928, Official Public Records of Comal County, Texas. said Tract being more particularly described as follows:

BEGINNING at a ½" iron rod with cap "HMT" set in the Northwest line of Waterway Lane (52.5' R.O.W.) for a Northeast corner of the herein described tract, being the Southernmost corner of a called 0.920 acre tract conveyed to New Braunfels Utilities, recorded in Document No. 201806034608 of the Official Public Records of Comal County, from which a ½" iron rod found for the Easternmost corner of said 82.53 acre tract and the Easternmost corner of a called 0.516 acre tract conveyed to New Braunfels Utilities, recorded in Vol. 616, Pg. 822 of the Comal County Deed Records bears North 54°18'07" East, a distance of 249.72 feet;

THENCE with the South line of said 82.53 acre tract and the North line of Waterway Lane (also called Koepp Lane) South 54°18'07" West, a distance of 1398.73 feet to a ½" iron rod with cap "HMT" set in the East margin of Common Street, for the Southeast corner of Parcel 11 – a 3.779 acre tract conveyed to the City of New Braunfels for Common Street in Volume 753, Page 60, Comal County Deed Records;

THENCE into and across said 82.53 acre tract, with the South line of said Parcel 11, the following three calls:

- 1.) Along a curve to the right, with a radius of 1597.02 feet, arc length of 1551.44 feet and a chord bearing North 20°39'44" East, a distance of 1491.15 feet to a 1" square bar found;
- 2.) North 48°29'16" East, a distance of 321.94 feet to a ½" iron rod with cap "HMT" set for a flare corner at the Southeast intersection of Common Street and Old FM 306;
- 3.) Along the flare corner South 87°06'07" East, a distance of 84.67 feet to a ½" iron rod with cap "HMT" set for the flare corner and the Southeast corner of said Parcel 11, lying in the West line of a called 0.221 acre tract, conveyed to the State of Texas for Old FM 306 (Previously known as Hancock Road) Road widening, recorded in Volume 100, Page 407 Comal County Deed Records;

THENCE with the West line of Old FM 306 and said 0.221 of an acre tract, the following two calls:

- 1.) South 36°32'55" East, a distance of 161.79 feet to a ½" iron rod with cap "HMT" set;
- 2.) Along a curve to the left, with a radius of 753.10 feet, an arc length of 132.66 feet and a chord bearing South 43°52'54" East, a distance of 132.49 feet to a ½" iron rod with cap "HMT" set for the Southernmost corner of said 0.221 acre tract, lying in the Northeast line of said 82.53 acre tract;

THENCE with the Northeast line of said 82.53 acre tract, and the Southwest line of a called 1.621 acre tract, recorded in Volume 764, Pg. 806 of the Comal County Deed Records, South 35°37'52" East, a distance of 262.73 feet to a punch mark found in concrete for the Northernmost corner of said 0.920 acre tract;

THENCE into and across said 82.53 acre tract with the West line of said 0.920 acre tract, the following two calls:

- 1.) South 54°18'46" West, a distance of 251.14 feet to a ½" iron rod with cap "HMT" set;
- 2.) South 35°56'00" East, a distance of 250.25 feet to the POINT OF BEGINNING and containing 22.338 acres of land in Comal County, Texas.

Bearings shown hereon are based on the Texas Coordinate System, South Central Zone (4204), NAD 83.

EXHIBIT "A"

