

ORDINANCE NO. 2004- 03

AN ORDINANCE AMENDING SECTIONS 4.1 AND 4.2, APPENDIX "A" OF THE CODE OF ORDINANCES, CITY OF NEW BRAUNFELS, TEXAS BY REZONING A 35.82 ACRE TRACT OF LAND OUT OF SUBDIVISION NO. 112 OF THE A. M. ESNAURIZAR ELEVEN LEAGUE GRANT, LOCATED ON SH 46 SOUTH ADJACENT TO STONEGATE SUBDIVISION, FROM "R-1A SINGLE FAMILY DISTRICT" TO "PDD PLANNED DEVELOPMENT DISTRICT" AND ADOPTING A DETAIL PLAN; 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 "PDD Planned Development District", the City Council has given due consideration to all components of said district; 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 Zoning Map by changing the zoning of a 35.82 acre tract of land out of Subdivision No. 112 of the A. M. Esnaurizar Eleven League Grant, located on SH 46 South adjacent to Stonegate Subdivision, from "R-1A Single Family District" to "PDD Planned Development District"; now, therefore;

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

SECTION 1

THAT Sections 4.1 and 4.2, Appendix "A" 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 tract of land from "APD Agricultural/Pre-Development District" to "PDD Planned Development District":

"Being a 35.82 acre tract of land out of Subdivision No. 112 of the A. M. Esnaurizar Eleven League Grant, located on SH 46 South adjacent to Stonegate Subdivision, as delineated on Exhibit "A" and described on Exhibit "B".

SECTION 2

THAT the Zoning Maps of the City of New Braunfels be amended to indicate the previously described change.

SECTION 3

THAT development standards, as shown on Exhibit "C", consisting of four pages, is adopted as the detail plan for this Planned Development.

SECTION 4

THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.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 5

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 6

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 7

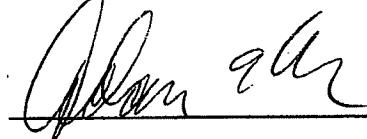
THIS ordinance will take effect upon the third and final reading of same.

PASSED AND APPROVED: First Reading this the 12th day of January, 2004.

PASSED AND APPROVED: Second Reading this the 26th day of January, 2004.

PASSED AND APPROVED: Third and Final Reading this the 9th day of February, 2004

CITY OF NEW BRAUNFELS



ADAM E. CORK, Mayor



ATTEST



MICHAEL A. RESENDEZ, City Secretary

APPROVED AS TO FORM:



CHARLES E. ZECH, City Attorney

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BAILEY'S POND

Prepared By:
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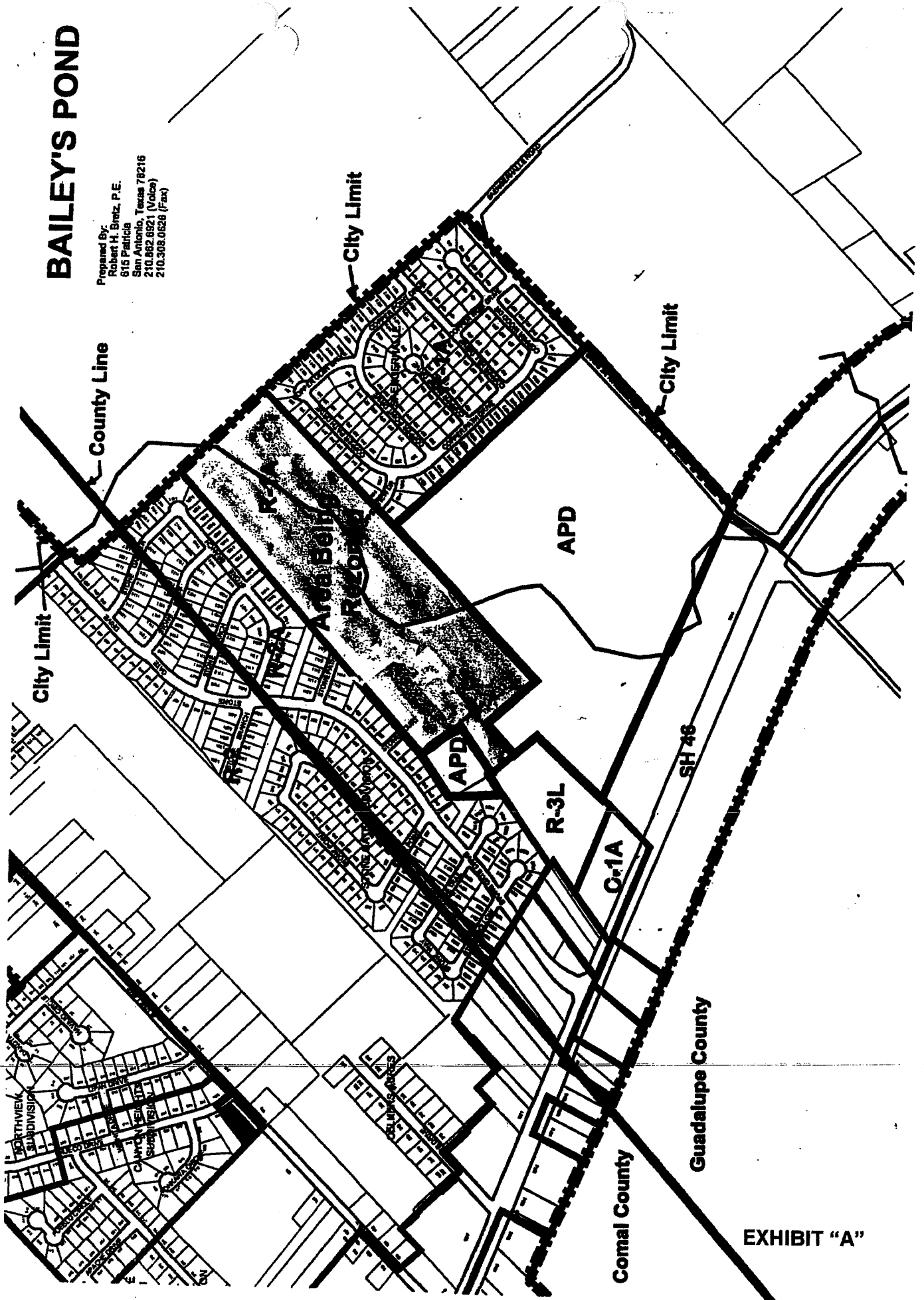


EXHIBIT "A"

**Metes and Bounds Description
Of a
35.818 Acre Tract
A.M. Esnaurizar Eleven League Grant
Guadalupe County, Texas.**

Metes and bounds description of all that certain 35.818 acre tract or parcel of land and being situated in the A.M. Esnaurizar Eleven League Grant, Guadalupe, County, Texas and being a portion of a 48.807 acre tract as described by a deed recorded in VOLUME 1512, PAGE 790 of the official public records of Guadalupe County, Texas and being more particularly described as follows:

BEGINNING: at a ½" iron rod, found marking the northwest corner of the aforesaid 48.807 acre tract also marking the northeast corner of the Stone Gate Unit 4 Subdivision, New Braunfels, Comal County, Guadalupe County, Texas as shown by a plat recorded in VOLUME 13, PAGE 378 of the deed and plat records of Comal County and VOLUME 6, PAGE 339 of the deed and plat records of Guadalupe County, Texas and also lying southwest line of a 50.005 acre tract as described by a deed recorded VOLUME 1006 PAGE 595 of the official public records of Comal County and VOLUME 1129 PAGE 880 of the official public records of Guadalupe County, Texas;

THENCE: S 45°50'25" E, with the common line of the aforesaid 48.807 acre tract and the 50.005 acre tract, for a distance of 640.98 feet to a 1/2" iron rod found marking the northeast corner of the aforesaid 48.807 acre tract, the west corner of a 23.761 acre tract as described by a deed recorded VOLUME 729, PAGE 1397 of the official public records of Comal County, Texas and the northeast corner of the Saengerhalle Subdivision Unit Two as shown by a plat recorded in VOLUME 6, PAGE 508 of the deed and plat records of Guadalupe County, Texas;

THENCE: S 44°52'15" W, with the common line of the aforesaid 48.807 acre tract and the aforesaid Saengerhalle Subdivision Unit Two, for a distance of 1061.28 acre tract to a ½" iron rod found marking the northwest corner of the said Saengerhalle Unit Two Subdivision;

THENCE: S 44°52'09" W, with the common line of the said 48.807 acre tract and the remainder of a 95 acre tract as described by a deed recorded in VOLUME 1243 PAGE 973, 989 of the official public records of Guadalupe County, Texas, for a distance of 681.24 feet to a ½" iron rod found for corner and also marking the north corner of a 10.337 acre tract as described by a deed recorded in VOLUME 412, PAGE 3 of the official public records of Guadalupe County, Texas;

THENCE: S 45°03'37" W, the northwest line of the said 10.337 acre tract also being the southeast line of the aforesaid 48.807 acre tract, for a distance of 528.07 feet to a 1/2" iron rod found marking the east corner of a 2.089 acre tract as described by a deed recorded in VOLUME 1198, PAGE 386 of the official public records of Guadalupe County, Texas;

THENCE: N 38°06'45" W, with the northeast line of the said 2.089 acre tract, for a distance of 421.86 feet to a ½" iron rod found marking the north corner of the aforesaid 2.089 acre tract;

THENCE: S 34°32'20" W, with the northwest line of the aforesaid 2.089 acre tract, for a distance of 238.20 feet to a ½" iron rod found marking the west corner of the said 2.089 acre tract;

THENCE: N 42°23'30" W, across the neck of the aforesaid 48.807 acre tract, for a distance of 154.83 feet to a ½" iron rod found marking the south corner of a 2.00 acre tract as described by a deed recorded in VOLUME 1343, PAGE 163 of the official public records of Guadalupe County, Texas;

THENCE: N 53°17'15", with the southeast line of the said 2.00 acre tract, for a distance of 299.86 feet to a ½" iron rod marking the east corner of the said 2.00 acre tract;

THENCE: N 32°34'46" W, with the northeast line of the said 2.00 acre tract, for a distance of 123.58 feet to a ½" iron rod found marking the south corner of a 0.50 acre cemetery tract as described by a deed recorded in VOLUME 82, PAGE 131 of the official public records of Guadalupe County, Texas;

THENCE: N 55°36'12" E, with the southeast line of the said 0.50 acre cemetery tract for a distance of 124.83 feet to a ½" iron rod found marking the east corner of the said 0.50 acre cemetery tract;

THENCE: N 32°39'38" W, the northeast line of the said 0.50 acre cemetery tract, for a distance of 182.48 feet to a ½" iron rod found marking the north corner of the said 0.50 acre cemetery tract and also lying on the southeast line of the Stone Gate Subdivision Unit 3 as shown by a plat recorded in VOLUME 13, PAGE 284 of the deed and plat records of Comal County and VOLUME 6, PAGE 289 of the deed and plat records of Guadalupe County, Texas;


THENCE: N 48°31'40" E, with the southeast line of aforesaid Stone Gate Subdivision Unit 3 and the northwest line of the aforesaid 48.807 acre tract for a distance of 412.02 feet to a point for corner;

THENCE: N 48°28'18" E, the common line of the aforesaid Stone Gate Subdivision Unit 3 and 4 and the aforesaid 48.807 acre tract, for a distance of 1544.39 feet to the POINT OF BEGINNING and containing 35.818 acres (1,560,214 square feet) of land, more or less.

The bearings shown on this plat are based on GPS observations and are grid bearings, Texas State Plane Coordinate System, south central zone, NAD 83, U.S. foot, the combined scale factor = 0.9998559 Based on TxDOT control monument S0950080.

This description is to be used for the purpose of obtaining rezoning and should not be used for the conveyance or transfer of property.

Prepared By:


November 17, 2003
Mark R. Paulson
Registered Professional
Land Surveyor No. 2099

Detailed Planned Development Plan
For a
35.82 Acre Tract of Land

Site Location

The proposed Planned Development is for a 35.82 Acre tract of land located on the Southeast side of New Braunfels. The site is located in Guadalupe County, approximately 1100' northeast of State Highway 46 immediately south of the Comal County line. The tract lies between the Stone Gate Subdivision to the north and Sangerhalle Subdivision to the south.

Site Characteristics

The Site is traversed along the center by Three Mile Creek with slopes of 1% to 4% towards the creek. A portion of the site is currently used as horse pasture with the remainder being fallow with native grasses and scrub brush. In the Creek, about the center of the site, there is a natural spring. In the area of the spring, there is a substantial tree stand. Separate from the grove of trees and adjacent to an existing house is a 65" Oak estimated to be over 400 year old. A lot will be crated around the house and tree for preservation. Existing barns and sables will be removed.

The intent of the planned development is to create open space along the Creek to preserve as many of the heritage trees as possible. Open space will be used to create a common area with the largest trees, creek and spring as amenities. Road alignment has been set to miss most of the trees; only eight trees fall within the proposed right-of-way. Fifty-eight are within the limit of the drainage improvements to Three Mile Creek and strict adherence to the drainage criteria will account for their loss. Seventy-two trees will be preserved with most in the common area.

The site is also traversed by a 60' wide Lower Colorado River Authority Electrical Transmission Easement, a 30' Oasis Gas Pipeline easement and a 20' NBU Sanitary Sewer Easement. Three Mile Creek will require a 136' wide drainage right-of-way. These easements bisect the site and create numerous irregular segments.

Surrounding Land Use

This tract is situated between two existing single family residential subdivision; Stone Gate to the north and Sangerhalle to the Southeast. Along the East line and Southwest portion of the site is undeveloped land currently being either fallow field or used as pasture. To the west are 4 parcels, a 2.08 acre tract with a single residence, an undeveloped 2 acre tract, a 0.5 acre Cemetery tract and a 12.9 acre site that is currently undeveloped. The 12.9 acre tract, situated between this site and SH 46, is zoned R-3L and has an approved Special Use Permit for Multifamily development.

Proposed Lane Use

The proposed land use for this site is for single family residential.

General Thoughtfare

This tract does not have frontage on a major throughfare. Currently, paved access to the site is through the residential streets associated with the existing subdivisions; Stone Court, Stone Path and Stone Arch have been stubbed to the northerly line of this tract and Copper View has been stubbed to the southerly line. Street alignments are designed to meet the existing roads. Two roads are proposed that run the length of the site. The southerly road will end at the east property line with a cul-de-sac and Right-of-way allocated for future extension to the east. The northerly road will end in a cul-de-sac toward the eastern end of the site.

The north road will also end in a temporary cul-de-sac at the west end of the site with Right-of-way allocated for future extension to the west. The alignment is such that it can be extended across the 12.9 acre Multi-family tract to State Highway 46. In order for this road to be extended, the Site Plan for the SUP will need to be revised and approved. The owner of that tract has agreed to begin the revision process.

Development Standards

Minimum Lot Area:	5700 sf (Interior)/6700 sf (Corner)
Minimum Lot Width:	52' (Interior Lots at Front Building Set Back) 62' (Corner Lots at Front Building Set Back) 35' (Irregular and cul-de-sac lots at ROW)
Minimum Lot Depth:	95' (measured at center of lot)
Building Set Back:	Front - 25' Side - 5' (interior) 15' (Corner Lot adjacent to Street) Rear - 20'
Tract Area:	35.82 Ac. Gross 6.01 Ac. Drainage ROW 29.81 Ac. Net
Yield:	120 Single Family Residential Lots
Density:	3.35 Lots/Ac. (Gross)/4.03 Lots/Ac. (Net)
Open Space:	~3 Ac.
Zoning Requested:	Planned Development District
Off-Street Parking:	Minimum of 2 Spaces per Residence
Building Height:	2 stories with floor areas in scale with the comparable to the adjacent subdivisions
Price Range:	Lots are projected to sell for ~\$20,000; House Prices range will be comparable to the adjacent subdivisions.
* Impervious Cover:	Impervious cover of the lots will range between 25% and 35%, generally within the same range as the adjacent subdivisions.
Street/Drainage:	The development will have streets with 50' Rights-of-way and 34' paving section; 4' sidewalks will be located within the 8' parkway set 1' off the Property line. All street and drainage design and construction will be in accordance with City of New Braunfels Criteria and Standards.
Water and Sewer:	An existing 12" NBU sanitary sewer main traversed the site and has capacity and depth to service the development; 8" water mains are stubbed to the site from the adjacent subdivisions. All new sewer and water services will be constructed by the developer in accordance New Braunfels Utilities standards and will be dedicated to New Braunfels Utilities.
Electric:	Electric service to the site provided will be provided by New Braunfels Utilities,
Telephone:	Telephone service to the site provided will be provided by SBC
Cable Service:	Cable Television service to the site provided will be provided by Time Warner

* 2400 sf requires 2 stories
Along gate looks 50%

Responsible Parties

Developer: Brass Real Estates Fund IV
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San Antonio, Texas 78232
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210.499.5495 (Fax)

Engineer: Robert H. Bretz, P.E.
Consulting Civil Engineer
615 Patricia
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Planned Development Areas