

ORDINANCE NO. 2020- 03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW A MANUFACTURED HOME COMMUNITY IN THE "M-1A" LIGHT INDUSTRIAL DISTRICT, ON 45 ACRES OUT OF THE ORILLA RUSSELL LEAGUE SURVEY, NO. 2, ABSTRACT NO. 485, LOCATED ON THE SOUTH SIDE OF ORION DRIVE AND EAST OF THE UNION PACIFIC RAIL ROAD; 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 property is located in an area suitable for a manufactured home community; and

WHEREAS, the City Council desires to grant a Type 2 Special Use Permit for 45 acres out of the Orilla Russell League Survey, No. 2, Abstract No. 485, located on the south side of Orion Drive and east of the Union Pacific Rail Road, to allow a manufactured home community in the "M-1A" Light Industrial District; and

WHEREAS, the requested rezone supports the visions and goals of the City's Envision New Braunfels 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 described tract of land as a "Special Use Permit" for the uses and conditions herein described:

"Being 45 acres out of the Orilla Russell League Survey, No. 2, Abstract No. 485, located on the south side of Orion Drive and east of the Union Pacific Rail Road, as delineated in the attached Exhibit 'A', and described in Exhibit 'B', to allow a manufactured home community in the "M -1A" Light Industrial District

SECTION 2

THAT the Special Use Permit be subject to the site plan and restrictions stipulated in Exhibit 'A'.

SECTION 3

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

1. The development is limited to a maximum of 280 homesites.
2. The developer is required to improve Orion Drive to a minimum width of 24 feet of pavement from Goodwin Lane to the second development entry nearest the railroad tracks. In conjunction with improvements to Orion Drive, further improvements to Orion Drive shall include curbs, gutters and sidewalks on both sides of Orion Drive, which shall meet City standards.
3. Internal drive isles are private and will be maintained by the owner of the development.
4. The development is to be owned by a single owner.
5. Parking of RVs and boats at the homesites or on the private drives is prohibited. The adopted site plan includes a designated area where RVs and boats may be stored.
6. Vehicle parking is prohibited in the private drive aisles.
7. Concrete sidewalks and homesite driveways will be constructed throughout the neighborhood.
8. All internal drive aisles, utilities and drainage improvements will be constructed at one time in the initial phase of development; homes will be phased in.
9. An amenity center and clubhouse will be constructed with the first phase of development.
10. Utilities to the site and drainage infrastructure must meet City standards and include protection of wells on neighboring properties.
11. A 6-foot tall masonry fence must be constructed around the perimeter of the property on three sides prior to the placement of any vertical structures. The side adjacent to the railroad track will not require a masonry fence.
12. All properties placed within the development must meet all applicable building codes.
13. All properties placed within the development must meet all applicable building codes and maintain a 20 Year Composition Shingle or Metal (R-Panel) roof type.
14. All properties placed within the development must meet all applicable building codes and maintain premium skirting with wind rods.
15. All adjacent storage units must meet all applicable building codes and be painted to

match the applicable structure.

16. The owner is required to submit a report to the City annually demonstrating how they are complying with the conditions of the Special Use Permit.

SECTION 4

THAT the Special Use Permit be subject the development standards of Appendix B – Mobile Home Communities, of the City of New Braunfels Code of Ordinances.

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 second and final reading of same.

PASSED AND APPROVED: First Reading this the 23rd day of September 2019.

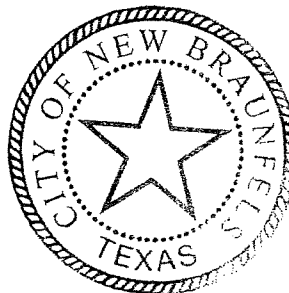
PASSED AND APPROVED: Second Reading this the 13th day of January 2020.

CITY OF NEW BRAUNFELS


BARRON CASTEEL, Mayor

ATTEST


PATRICK D. ATEN, City Secretary



APPROVED AS TO FORM:


VALERIA M. ACEVEDO, City Attorney



1/4 1432

KOEPP NOLAND & VERA LTD PARTNERSHIP
+/- 80.425 ACRES

KOEPP NOLAND & VERA
LTD PARTNERSHIP
+/- 1.789 ACRES

KOEPP NOLAND & VERA LTD PARTNERSHIP
+/- 53.988 ACRES

NOTES:

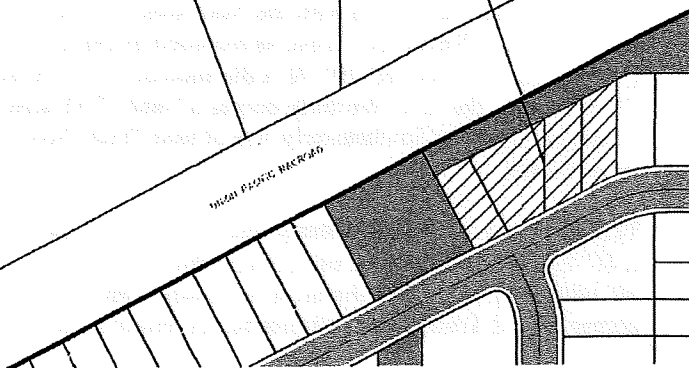
DEVELOPMENT STANDARDS

1. MAXIMUM 280 HOMESITES
2. THE DEVELOPER WILL WIDEN OF ORION DR TO A MINIMUM 24FT PAVEMENT WIDTH FROM GOODWIN LN TO SECOND DEVELOPMENT ENTRY.
3. INTERNAL DRIVES ARE PRIVATE AND MAINTAINED BY DEVELOPMENT
4. AMENITY CENTER AND CLUBHOUSE CONSTRUCTED IN FIRST DEVELOPMENT PHASE
5. SINGLE OWNER - YES! COMMUNITIES
6. NO RV'S OR BOATS ALLOWED TO BE PARKED AT THE HOMESITE OR ON THE STREET
7. DESIGNATED PARKING AREA FOR RV, VEHICLE AND BOAT STORAGE
8. NO ON-STREET PARKING ALLOWED
9. CONCRETE SIDEWALKS AND HOMESITE DRIVES THROUGHOUT NEIGHBORHOOD
10. ALL INTERNAL DRIVES, UTILITIES, AND DRAINAGE IMPROVEMENTS WILL BE CONSTRUCTED AT ONE TIME IN THE INITIAL PHASE. HOMES WILL BE PHASED IN SIMILAR TO A STANDARD RESIDENTIAL DEVELOPMENT CONSTRUCTION TIMING.

RV/BOAT STORAGE
SITE IF USED
(HOMESITES WOULD
BE REMOVED)

HOLLID MARY ANN
+/- 47.708 ACRES

ORION PARKWAY RECREATION





METES AND BOUNDS DESCRIPTION
FOR A
45.518 ACRE TRACT OF LAND
"ZONING"

BEING a 45.518 acre tract of land situated in the Orilla Russell League Survey No. 2, Abstract No. 485, in the City of New Braunfels, Comal County, Texas, being all of those same certain tracts of land referred to as Tract Two (50 Acres) and Tract Three (0.45 Acres), as conveyed to Lorine M. Schmidt, as Independent Executrix of the Estate of Bennie Lee Schmidt, and recorded in Document No. 200906033825, of the Official Public Records of Comal County, Texas, and said 45.518 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron pin found in the Southwesterly Right-of-Way (R.O.W.) line of Orion Drive (a 50' wide R.O.W.), being the most Northerly corner of a called 6.000 acre tract of land, as conveyed to Denise M. Vargas and Frances A. Horton, and recorded in Document No. 9706000286, of the Official Public Records of Comal County, Texas, and being the Easterly corner of said 50 acre tract of land and this herein described tract of land;

THENCE departing the Southwesterly R.O.W. line of said Orion Drive, with a Southeasterly line of said 50 acre tract of land, with the Northwesterly line of said 6.000 acre tract of land, the Northwesterly line of a called 10.00 acre tract of land, as conveyed to John C. Chunn (Trustee), and recorded in Volume 653, Page 780, of the Official Public Records of Comal County, Texas, and with the Northwest line of a called 17.41 acre tract of land, as conveyed to Lavaine and Barbara Kester Revocable Trust, as recorded in Document No. 201606001619, of the Official Public Records of Comal County, Texas, S 44° 32' 19" W, a distance of 1,917.78 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for the most Westerly corner of said 17.41 acre tract of land, being in the Northeasterly line of said Tract Three, being in the Southeasterly line of said Tract Two, and being a Southwesterly interior corner of this herein described tract of land;

THENCE with the Southwesterly line of said 17.41 acre tract of land, and with the Northeasterly line of said Tract Three, S 46° 29' 11" E, a distance of 1,164.59 feet to a ½" iron pin found in the Northwesterly R.O.W. line of Goodwin Lane (a 50' wide R.O.W.), being the most Southerly corner of said 17.41 acre tract of land, and being the most Easterly South corner of said Tract Three and this herein described tract of land;

THENCE with the Northwesterly R.O.W. line of said Goodwin Lane, and with the Southeasterly line of said Tract Three, S 43° 53' 47" W, a distance of 14.00 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set in the Northwesterly R.O.W. line of said Goodwin Lane, and being the most Southerly corner of said Tract Three and this herein described tract of land;

THENCE departing the Northwesterly R.O.W. line of said Goodwin Lane, with the Southwest line of said Tract Three, N 46° 29' 51" W, at a distance of 20.93 feet passing the most Easterly corner of Lot 1, New Braunfels Distribution Center Subdivision, as recorded in Document No. 200706033760, of the Map and Plat Records of Comal County, Texas and continuing with the Northeasterly lines of Lots 5 and 7, of said New Braunfels Distribution Center Subdivision, a total distance of 1,175.93 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set in the Northeasterly line of said Lot 7, being the most Westerly corner of said Tract Three, and being a Southwesterly corner of this herein described tract of land;

EXHIBIT 'B'

THENCE continuing with the common line between said Lot 7 and said Tract Three, N 43° 54' 09" E, a distance of 14.00 feet to a ½" iron pin found for a Northeasterly corner of said Lot 7, being the most Northerly corner of said Tract Three, being in the Southwesterly line of said Tract Two, and being a Southwesterly corner of this herein described tract of land;

THENCE continuing with the common line between said Lot 7 and said Tract Two, N 46° 29' 18" W, a distance of 618.29 feet to a ½" iron pin with cap stamped "Sherwood" found in the Southeasterly R.O.W. line of the Missouri-Pacific Railroad, being the most Northerly corner of said Lot 7, and being the most Westerly corner of said Tract Two and this herein described tract of land;

THENCE with the Southeasterly R.O.W. line of said Missouri-Pacific Railroad, and with the Northwesterly line of said Tract Two, N 17° 02' 40" E, a distance of 1601.41 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set in the Southeasterly R.O.W. line of said Missouri-Pacific Railroad and being a Northerly corner of this herein described tract of land;

THENCE departing the Southeasterly R.O.W. line of said Missouri-Pacific Railroad, and across said 50 acre tract of land, the following calls:

S 45° 19' 31" E, a distance of 288.99 feet to a point for an interior corner;

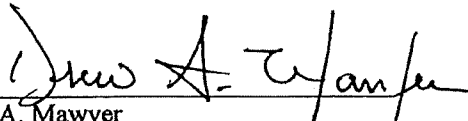
N 44° 40' 29" E, a distance of 512.00 feet to a point in the Southwesterly R.O.W. line of said Orion Drive;

THENCE with the Southwesterly R.O.W. line of said Orion Drive and with the Northeasterly line of said Tract Two, S 45° 19' 31" E, a distance of 1,078.63 feet to the POINT OF BEGINNING, and containing 45.518 acres of land.

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

Bearings based on the Texas State Plane Coordinate System, South Central Zone (4204), North American Datum 1983.

Metes & Bounds were prepared this the 20th day of September, 2019.


Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191500
5151 W. SH 46, NEW BRAUNFELS, TX 78132
MOE352- ORION 45.518 AC- 052819

