

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, GRANTING APPROVAL OF A TYPE 2 SPECIAL USE PERMIT ALLOWING MULTIFAMILY HIGH-DENSITY RESIDENTIAL USE, UP TO 24 UNITS PER ACRE, IN THE “C-1A” NEIGHBORHOOD BUSINESS DISTRICT, ON APPROXIMATELY 10 ACRES OF LAND OUT OF THE A. P. FUQUAY SURVEY NO. 35, ABSTRACT NO. 155, COMAL COUNTY, TEXAS, LOCATED ON THE NORTHWEST 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 an area suitable for the proposed uses; and

WHEREAS, the City Council desires to grant approval of a Type 2 Special Use Permit allowing multifamily high-density residential use, up to 24 units per acre, in the “C1-A” Neighborhood Business District on approximately 10 acres of land out of the A. P. Fuquay Survey No. 35, Abstract No. 155, Comal County, Texas, located on the northwest corner of the intersection of E. Common Street and Old FM 306.

WHEREAS, the requested amendment 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 2 Special Use Permit" for the uses and conditions herein described:

Being approximately 10 acres of land out of the A. P. Fuquay Survey No. 35, Abstract No. 155, Comal County, Texas, located on the northwest corner of the intersection of E. Common Street and Old FM 306, as delineated in the attached Exhibit 'A' and described in Exhibit 'B'.

SECTION 2

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

1. Exhibit "C" shall be considered the adopted site plan. Development of the project must be in substantial compliance with the approved site plan.
2. Multifamily residential density shall not exceed 24 units per acre.
3. A minimum setback of 100 feet shall be required from any adjacent property used or zoned for single or two-family residential use for portions of buildings within the multifamily development that are three stories in height.
4. Three-story buildings shall not exceed 45 feet in height and two-story buildings shall not exceed 35 feet in height, including the roof lines.
5. A 10-foot tall masonry buffer wall shall be required between the multifamily property and adjacent property zoned or utilized for single or two-family residential use. The buffer wall shall be constructed before framing of any buildings commence and shall be designed to comply with sight distance and visibility standards at the intersection of East Common Street and Gruene Vineyard Crossing.
6. There shall be no public street extension of Clearwater Drive. The existing terminus of Clearwater Drive shall be designated as an emergency vehicular and pedestrian access easement on the final plat for this property.
7. Dumpsters shall be located a minimum of 50 feet away from any adjacent property zoned or utilized for single or two-family residential use.
8. Storm water mitigation shall be designed to provide 105% of the required storm water storage capacity for any required storm water detention.
9. Multifamily development standards not specifically stated in Section 2 of this Ordinance shall comply with the development standards of the "R-3H" Multifamily High-Density District.
10. Driveway locations must comply with requirements of City of New Braunfels Code of Ordinances, Chapter 114. Driveway locations indicated on the Special Use Permit Site Plan (Exhibit "C") are approximate.
11. Site development shall be in compliance with all other standards of the City's Code of Ordinances.

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 26th day of April, 2021.

PASSED AND APPROVED: Second reading this 10th day of May, 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 9.673 ACRE TRACT

Being a 9.673 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" found in the Southwest margin of Old FM 306, for the Northernmost corner of the remainder of said 82.53 acre tract also being the Easternmost corner of Lot 1, Gruene Arbors Subdivision recorded in Document No. 201606041254 of the Official Public Records of Comal County, Texas;

THENCE with the Southwest line of Old FM 306, South 35°42'04"East, a distance of 181.51 feet to a concrete monument found for the beginning of a flare corner intersection with Common Street, for the Northwest corner of a called 3.779 acre tract, described in Parcel 11, Document Volume 753, Page 60 of the Comal County Deed Records;

THENCE with the flare corner and the Northwest line of said 3.779 acre tract, South 11°56'19"West, a distance of 100.20 feet to a concrete monument found;

THENCE continuing with the Northwest margin of Common Street as defined by said 3.779 acre tract the following 2 courses:

- 1.) South 48°29'35"West, a distance of 322.38 feet to a power pole found at the corner;
- 2.) Along a curve to the left, with a radius of 1677.02 feet, arc length of 885.70 feet and a chord bearing S 33°21'35"West, a distance of 875.45 feet to a ½" iron rod with yellow cap found for the Southeast corner of Lot 68, Vineyard at Gruene II, recorded in Document No. 201006027209, Official Public Records of Comal County, Texas, from which another 1/2" iron rod with cap "Sherwood" at the intersection with Gruene Vineyard Crossing (60' R.O.W.) bears S 16°59'53"W, a distance of 10.14 feet;

THENCE departing Common Street, with the East line of said Lot 68 the following three courses:

- 1.) N 74°41'45"West, a distance of 33.35 feet to a ½" iron rod with yellow cap;
- 2.) Along a curve to the left, with a radius of 335.11 feet, arc length of 75.98 feet, and a chord bearing N 81°32'42"W, a distance of 75.89 feet to a ½" iron rod found;
- 3.) North 36°04'45"West, a distance of 189.58 feet to a ½" iron rod found with cap "Sherwood" for the Northernmost corner of Lot 68 and the Southernmost corner of Lot 67, lying in the East R.O.W. of Gruene Estates (50' R.O.W.);

THENCE with the Southeast line of Lot 67, Vineyard at Gruene II, subdivision recorded in Document No. 201006027209 of the Official Public Records of Comal County, Texas, North 53°50'22"East, a distance of 130.61 feet to a ½" iron rod found for the Northeast corner of said Lot 67;

THENCE continuing with the Northeast line of Lots 67, 66 and 65 of said subdivision, N 36°08'27"W, a distance of 318.50 feet to a ½" iron rod with cap "MDS" found for the Northwest corner of Lot 65, lying in

the South line of Lot 5, Cypress Rapids at Gruene, Section Eight, a subdivision recorded in Volume 6, Page 122 of the Map Records of Comal County, Texas and the North line of said 82.53 acre tract;

THENCE with the North line of said 82.53 acre tract and the South line of said Lot 5, the South line of Lots 6,7,8 and 9, Clearwater Drive, and Lot 1, Cypress Rapids at Gruene, Section Four, a subdivision recorded in Volume 5, Page 376 of the Comal County Map Records, and continuing with the South line of Lots 2,3 and 4, Cypress Rapids at Gruene, Section Nine, a subdivision recorded in Volume 9, Page 243 of the Comal County Map Records, and the South line of Lot 1, Gruene Arbors, a subdivision recorded in Document Number 201606041254 of the Official Public Records of Comal County, Texas, North 53°58'24"East, a distance of 1160.93 feet to the POINT OF BEGINNING and containing 9.673 acres of land in Comal County, Texas.

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

Reference exhibit of 9.673 acre tract prepared this same date.

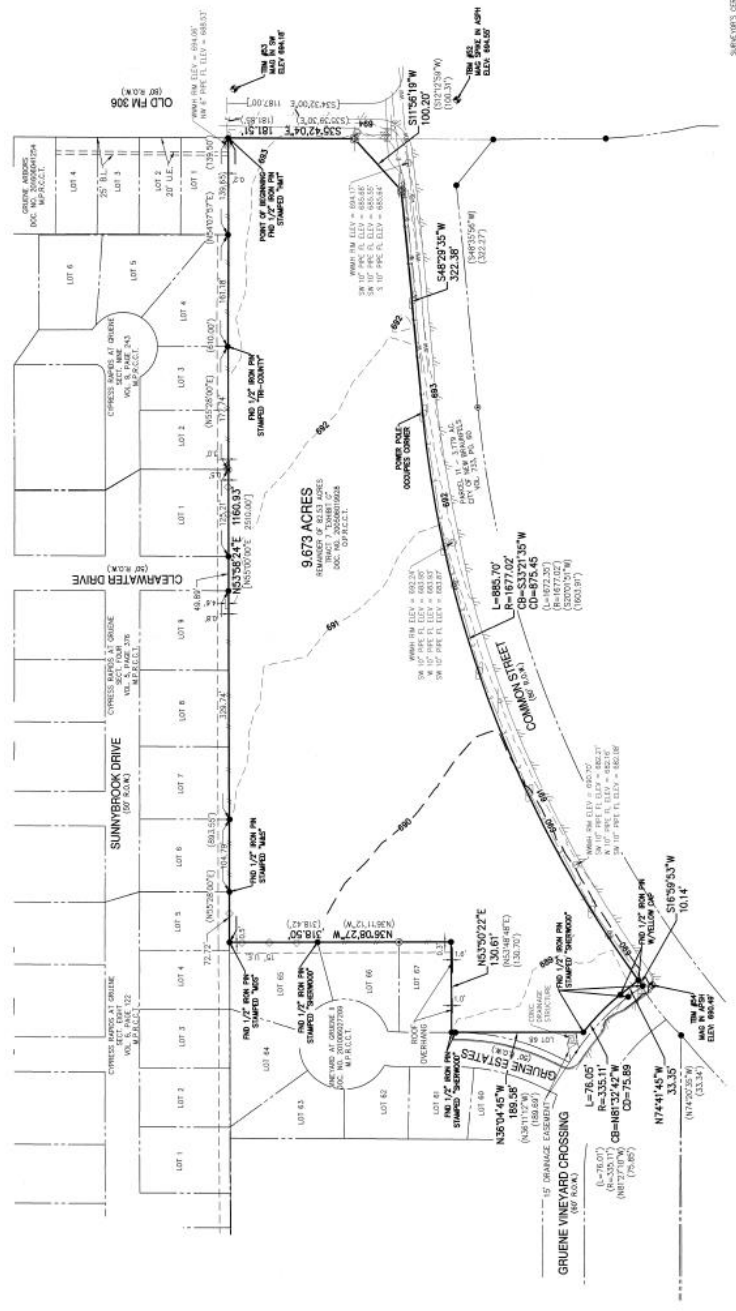

Dorothy J. Taylor
Registered Professional Land Surveyor No.6295

S:\Projects\400 - MNO Partners\001 - East Common 9 Acres\M&B\400.001 9.674 ACRES.docx

1-18-21



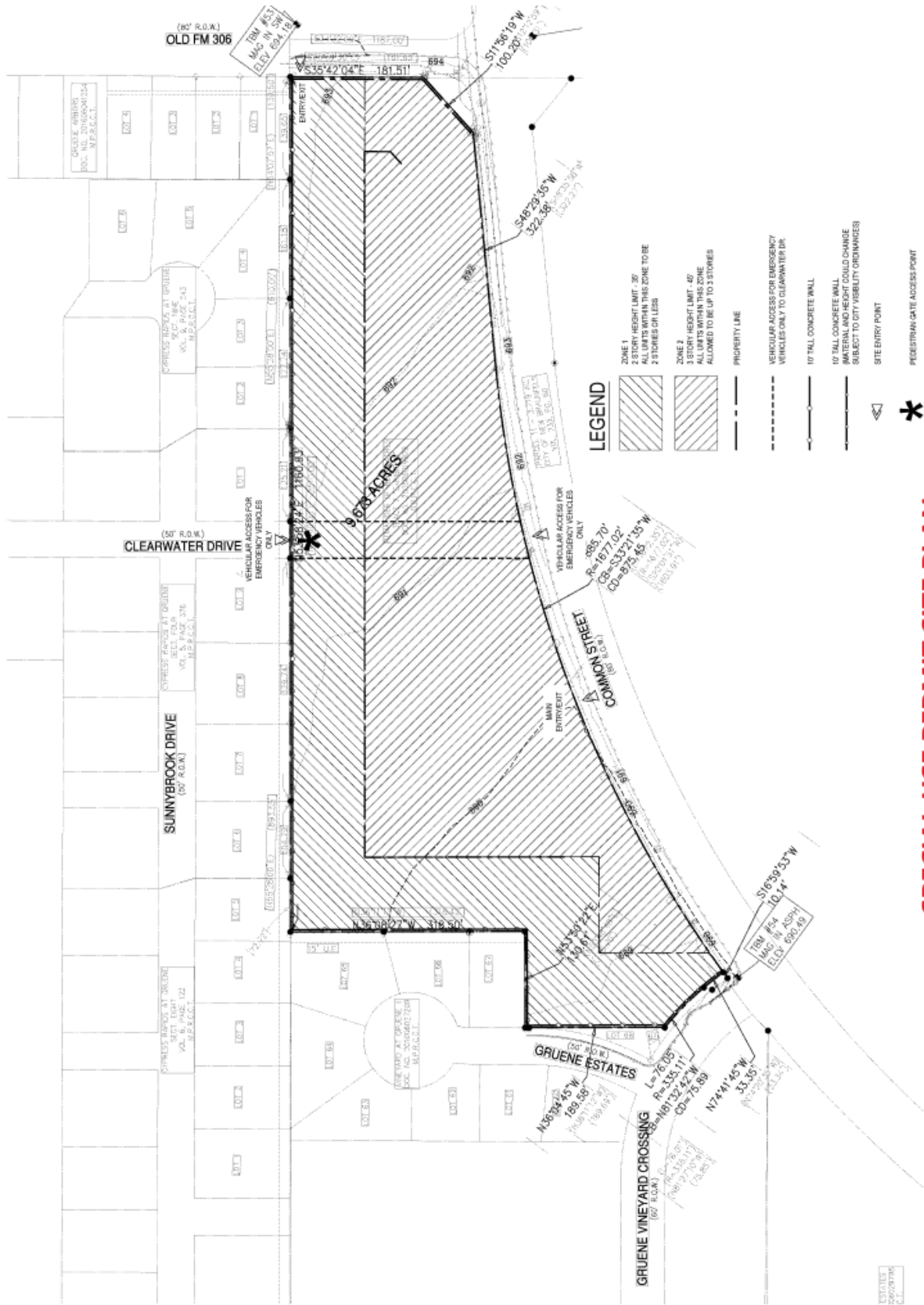
7. MONUMENTS HAVE BEEN LOCATED AT ALL MAJOR CORNERS OF THE BOUNDARY.
8. NO ACCESSIBLE TO THE SURVEY.
9. ACCORDING TO MAP NO. 400-000-000 OF THE FEDERAL BUREAU OF LAND MANAGEMENT, THE SUBJECT TRACT IS SITUATED IN COCONINO COUNTY, DATED 8/2/2000.
10. THE AREA OF THIS SITE IS 6074 ACRES.
11. EXTENSIVE DIMENSIONS OF ALL BUILDINGS AT GROUND LEVEL ARE SHOWN HEREIN.
12. THERE IS A TOTAL OF SIX STRIPPED PARKING SPACES FOR CARS, INCLUDING 0 OF WHICH ARE FOR MOTORCYCLES.



I, JOHN J. TAYLOR
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6295
 DO HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN MY OFFICE ON 1-18-21



290 S. CASTELL AVE., STE. 100
NEW BRAUNFELS, TX 78130
TELE FROM F-10961
TEPLS FIRM 10153600



SPECIAL USE PERMIT SITE PLAN

SUP EXHIBIT
March 1, 2021

MNO PARTNERS

HUMPHREYS & PARTNERS ARCHITECTS, L.P.
5339 Alpha Rd., Suite 300, Dallas, TX 75240 | 972.701.8606 | www.humphreys.com

EXHIBIT "C"