

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW A VARIETY OF RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT ON APPROXIMATELY 49.5 ACRES OUT OF THE A-103, SARAH DEWITT SURVEY, ADDRESSED AT 614 & 720 WEST ZIPP 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 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 a variety of residential and non-residential development; and

WHEREAS, the requested rezoning is in accordance with Envision New Braunfels, the City's Comprehensive Plan; and

WHEREAS, the City Council desires to grant a Special Use Permit at 614 & 720 W. Zipp Road, to allow uses allowed in the following zoning districts: "MU-B" High Intensity Mixed Use. "R-1A-4" Single-Family Small Lot Residential, "ZH-A" Zero Lot Line Home and "R-2A" Single and Two-Family Residential; **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 "Special Use Permit" for the uses and conditions herein described:

Approximately 49.5 acres out of the A-103 Sarah Dewitt Survey, addressed at 614 & 720 West Zipp Road, as delineated on Exhibit "A" and described in Exhibit "B", attached.

SECTION 2

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

1. A master plan of the subject property shall include the location and extent of the base zoning district areas for its entirety.
2. The maximum building height within the “MU-B” High Intensity Mixed Use zoning district shall be 60 feet for non-residential and multifamily use.
3. A sidewalk that is at least 10 feet in width is required on the southwest side of Walnut Avenue. The sidewalk is to be separated from the roadway by a landscaping area of at least 7 feet in width (furnishing zone).
4. Street trees (1, minimum 3-inch diameter for every 40 feet of roadway frontage) are required to be planted in the furnishing zone. If street trees are not permitted within the furnishing zone due to utility easement restrictions, they must be planted no more than 10 feet from the edge of the required sidewalk. The street trees requirement fulfills the landscaping requirements under Section 144-5.3-1(b)(7)(i)(2), City of New Braunfels Code of Ordinances – *Street Frontage Trees and Shrubs*.
5. During the design phase of the extension of Walnut Avenue, if it is determined that the developer is to install landscaped medians, the medians will include code- and city spec-compliant irrigation for the City's long-term maintenance.
6. No balconies will be allowed to face Ridgemoor, Units 1, 2B or 4 on the second story of any structure located on property abutting Ridgemoor, Units 1, 2B or 4.
7. Only translucent or clerestory window types will be allowed to face Ridgemoor, Units 1, 2B or 4 on the second story of any structure located on property abutting Ridgemoor, Units 1, 2B or 4.
8. Development is to be allowed in compliance with the approved site plan, Exhibit “C”. All other zoning standards and requirements in Chapter 144, City of New Braunfels Code of Ordinances shall apply independently to each base zoning district.
9. The following list of uses, normally allowed in the “MU-B” High Intensity Mixed Use District, are removed from the base zoning district “MU-B” High Intensity Mixed Use:

Aircraft support and related services
Airport
All terrain vehicle (ATV) dealer/sales
Amphitheater
Archery range
Athletic fields
Auto body repair, garages
Auto glass repair/tinting
Auto interior shop / upholstery
Auto muffler shop
Auto or trailer sales rooms or yards
Auto or truck sales rooms or yards – new
Auto paint shop
Auto repair garage (general)
Bottling or distribution plants (milk)
Bottling works
Bowling alley/center
Broadcast station (with tower)
Bus barns or lots
Bus passenger stations
Commercial amusement concessions and facilities
Contractor's office/sales, with outside storage including vehicles

Dance hall / dancing facility (not to include a dancing studio for students)
Driving range
Electronic assembly / high tech manufacturing
Electroplating works
Engine repair/motor manufacturing re-manufacturing and/or repair
Fairground
Forge (hand)
Forge (power)
Freight terminal, rail/truck
Freight terminal, truck
Furniture manufacture
Galvanizing works
Golf course (public, private or miniature)
Heavy load (farm) vehicle sales/repair
Heliport
Home repair and yard equipment retail and rental outlets
Industrial laundries
Laboratory equipment manufacturing
Leather products manufacturing
Light manufacturing
Lumberyard

Lumberyard or building material sales
Machine shop
Manufactured home sales
Manufacturing and processes
Metal fabrication shop
Motorcycle dealer (primarily new/repair)
Moving, transfer, or storage plant
Outside storage (as primary use)
Portable building sales
Rappelling facilities
Rodeo grounds
RV park
RV/travel trailer sales
Sheet metal shop

Shooting gallery - Indoor
Sign manufacturing/painting plant
Storage – Exterior storage for boats and recreational vehicles
Storage in bulk
Studio for radio or television (with tower)
Tire sales (outdoors)
Truck or transit terminal (with outside storage)
Used or second hand merchandise/furniture store
Veterinary hospital with outside animal runs or kennels
Warehouse/office and storage/distribution center
Welding shop
Wholesale sales offices and sample room

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 14th day of June, 2021.

PASSED AND APPROVED: Second reading this 28th day of June, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

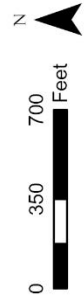
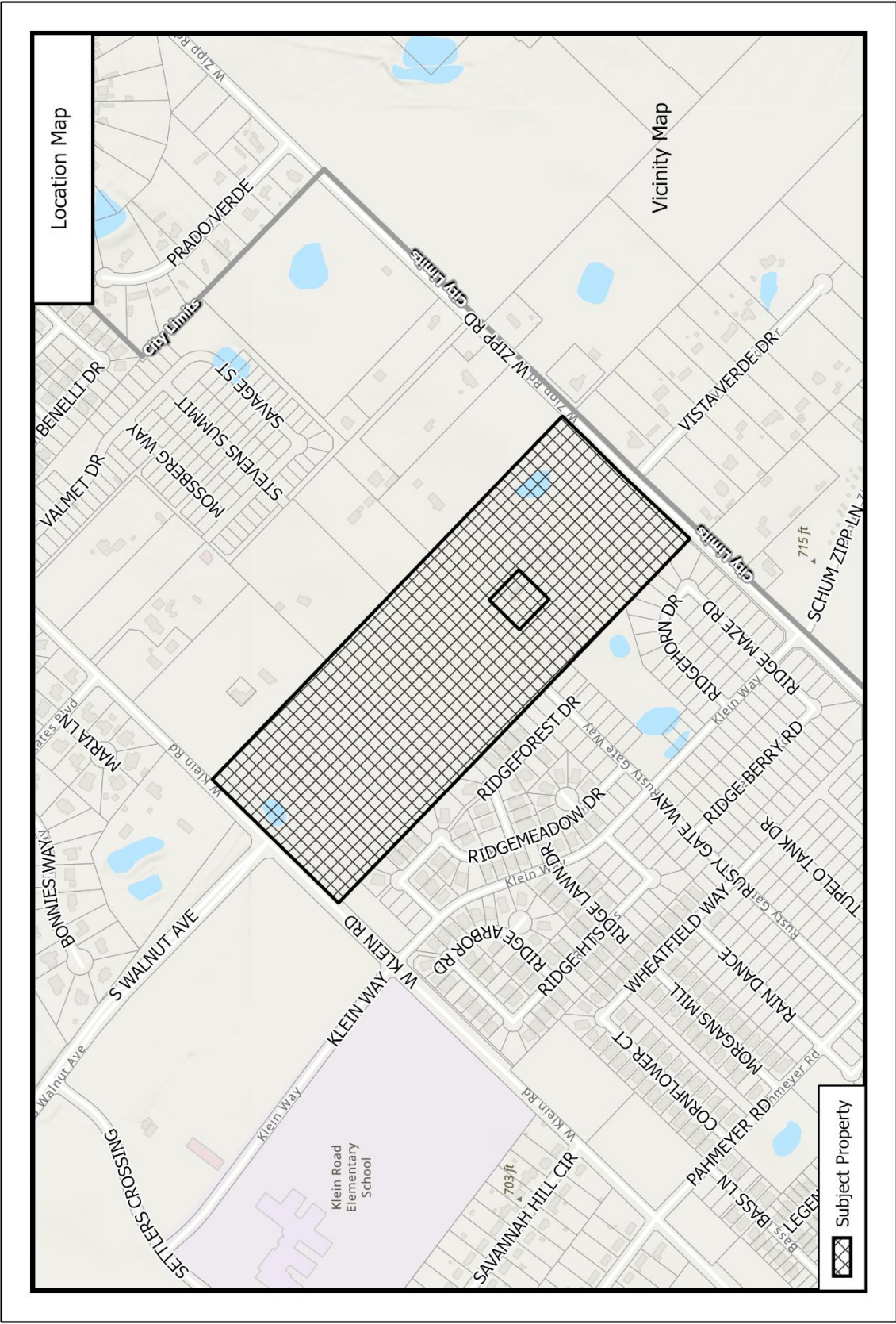
ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"



SUP20-267
SUP to allow mixed-use and residential development



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of New Braunfels, its officials or employees for any discrepancies, errors, or variances which may exist.

Source: City of New Braunfels Planning
Date: 5/7/2021

Path: \\chfs-1\Departments\Planning\ZoneChange-SUP-Replats\2020\SUP20-267 - 614 & 720 W

EXHIBIT "B"



290 S. Castell Avenue, Ste. 100
New Braunfels, TX 78130
(830) 625-8555
TBPE-FIRM F-10961
TBPLS FIRM 10153600

METES AND BOUNDS DESCRIPTION FOR A 49.359 ACRE TRACT OF LAND

Being a 49.359 acre tract of land located in the Sarah DeWitt Survey No. 48, Abstract No. 103, Guadalupe County, Texas, being the residue of a called 50.00 acre tract, recorded in Document No. 201899014908, Official Public Records, Guadalupe County, Texas, said 49.359 acre tract of land being more particularly described as follows:

BEGINNING at a found 1/2" iron pin with cap stamped "RPLS 4907" in the Southeast right of way line of W. Klein Road, for the Southernmost corner of a called 0.573 of an acre right of way tract to the city of New Braunfels, recorded in Document No. 2017015586 Official Public Records of Guadalupe County, Texas, same point lying in the Northeast line of Lot 1, Amending Plat of Ridgemont Unit 1, recorded in Volume 8, Pages 437-440, Map and Plat Records, Guadalupe County, Texas, and the Southwestern line of said 50.00 acre tract;

THENCE departing the Northeast line of Lot 1, Amending Plat of Ridgemont Unit 1, with the Southeastern line of said 0.573 of an acre tract and the Southeast right of way line of W. Klein Road, the following five (5) calls:

1. Along the arc of a curve to the right, having a radius of 2951.00 feet, an arc length of 40.03 feet and a chord bearing of N 44°47'42" E, a distance of 40.03 feet to a found 1/2" iron pin with cap stamped "RPLS 4907" for a corner;
2. N 45°48'34" E, a distance of 268.53 feet to a set 1/2" iron pin with cap stamped "HMT" for a corner, and the beginning of a curve;
3. Along the arc of a curve to the left, having a radius of 3049.00 feet, an arc length of 79.80 feet and a chord bearing of N 44°48'29" E, a distance of 79.80 feet to a found 1/2" iron pin with cap stamped "RPLS 4907" for a corner;
4. N 44°13'52" E, a distance of 257.51 feet to a found 1/2" iron pin with cap stamped "RPLS 4907" for a corner;
5. N 43°43'08" E, a distance of 226.18 feet to a found 1/2" iron pin with cap stamped "RPLS 4907" in the Southeast right of way line of W. Klein Road, same point lying in the Southwest line of a called 10.243 acre tract, recorded in Volume 2073, Pages 47-49, Official Public Records, Guadalupe County, Texas, same point being the Northeastern corner of the aforementioned 0.573 of an acre tract, and the Northernmost corner of the herein described tract;

THENCE departing the Southeast right of way line of W. Klein Road, with the Southwest line of said 10.243 acre tract, continuing with the Southwest lines of a called 7.00 acre tract recorded in Volume 756, Pages 880-883, and in Volume 750, Pages 877-879, Official Public Records, Guadalupe County, Texas, the remainder of a called 11.478 acre tract recorded in Volume 756, Pages 880-883, Official Public Records, Guadalupe County, Texas, a called 2.84 acre tract, known as "Tract II", recorded in Document No. 2017003263, Official Public Records, Comal County, Texas, and a called 5.0 acre tract, known as "Tract I", recorded in Document No. 2017003263, Official Public Records, Comal County, Texas, S 46°00'14" E, passing a found 1/2" iron pin (no cap) at 1238.50, continuing a total distance of 2463.53 feet to a found 1" iron pipe in the Northwest right of way line of W. Zipp Road for the Southernmost corner of said 5.0 acre tract, and the Easternmost corner of the herein described tract;

EXHIBIT "B"



290 S. Castell Avenue, Ste. 100
New Braunfels, TX 78130
(830) 625-8555
TBPE-FIRM F-10961
TBPLS FIRM 10153600

THENCE with the Northwest right of way line of W. Zipp Road, S 43°50'10" W, a distance of 871.49 feet to a found 60D nail for an Eastern corner of Lot 901, Amending Plat of Ridgemont Unit 4, recorded in Volume 9, Page 38, Map and Plat Records, Guadalupe County, Texas, same point being the Southernmost corner of the herein described tract;

THENCE departing the Northwest right of way line of W. Zipp Road, with the Northeast line of the said Amending Plat of Ridgemont Unit 4, continuing with the Northeast line of Ridgemont Unit 2B, recorded in Volume 8, Pages 758-760, Map and Plat Records, Guadalupe County, Texas, and the Northeast line of the aforementioned Amending Plat of Ridgemont Unit 1, recorded in Volume 8, Pages 437-440, Map and Plat Records, Guadalupe County, Texas, N 46°00'49" W, a distance of 2476.11 feet to the POINT OF BEGINNING, containing 49.539 acres of land in Guadalupe County, Texas.

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

Written October 22, 2020.

Reference survey of said 49.359 acre tract of land prepared this same date.


Dorothy J. Taylor
Registered Professional Land Surveyor No. 6295

S:\Projects\Title Surveys\Gregory Tract\20-1068 BNDY - 614 W Zipp Road\20-1068 BNDY\M&B\49.539 AC..docx

10-22-20



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