

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 RESIDENTIAL USE IN THE “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT, ON APPROXIMATELY 18 ACRES OF LAND OUT OF THE JOHN THOMPSON SURVEY NO. 21, ABSTRACT NO. 608, COMAL COUNTY, TEXAS, ADDRESSED AT 441 RON 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 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 residential use, in the “APD” Agricultural/Pre-Development District on approximately 18 acres of land out of the John Thompson Survey No. 21, Abstract No. 608, Comal County, Texas, addressed at 441 Ron Road.

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 tract of land as a "Type 2 Special Use Permit" for the uses and conditions herein described:

Being approximately 18 acres of land out of the John Thompson Survey No. 21, Abstract No. 608, Comal County, Texas, addressed at 441 Ron Road, as described in the attached Exhibit 'A' and delineated 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. Exhibit "D" shall be considered the adopted development standards. Multifamily development standards not specifically stated in Exhibit "D" of this Ordinance shall comply with the development standards of the "R-3L" Multifamily Low-Density District.
3. Exhibit "E" shall be the adopted cross section for the drive aisles.
4. Exhibit "F" shall be the adopted perimeter fence plan.
5. Exhibit "G" shall be the adopted free-standing on-premise sign plan.
6. 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.
7. 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 25th day of October, 2021.

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

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

Tract 1

Being approximately 17.6 acres, more or less, remaining out of a 20.296 acre tract of land conveyed from August C. Zimmermann, et ux to Lawrence B. Zimmermann by Deed dated November 27, 1973, recorded in Volume 212, pages 728-730, Deed Records of Comal County, Texas, LESS, SAVE AND EXCEPT 2.625 acres of land conveyed by Lawrence B. Zimmermann to Willie Doolittle et ux by Deed dated October 26, 1981, recorded in Volume 318, pages 84-86, Deed Records of Comal County, Texas, more fully described on Exhibit "A" attached hereto and incorporated herein for all purposes.

EXHIBIT "A"

Being approximately 17.671 acres, more or less, remaining out of a 20.296 acre tract of land conveyed from August C. Zimmermann and wife, Hilda Voigt Zimmermann, to Lawrence B. Zimmermann by Deed dated November 27, 1973, recorded in Vol. 212, Pages 728-730 of the Deed Records of Comal County, Texas, more fully described as TRACT I in said Deed and described as follows:

Out of a 20.979 acre tract of land conveyed by Ferdinand Zuercher et al to August C. Zimmermann and wife by deed dated July 17, 1952, and recorded in Volume 99, pages 126-127, of the Comal County Deed Records, and being a part of Subdivision No. 3 of the John Thompson Survey No. 21, Abst. No. 608, in Comal County, Texas.

Beginning at an iron stake at the flare intersection of the Southeast line of the relocated Morningside Drive with the Northeast line of a county road, located S. 26 deg. 10' E. 28.5 feet from the original West corner of the August C. Zimmermann 20.979 acre tract, for the West corner of this 20.296 acre tract of land;

Thence, with the East side of said flare, N. 31 deg. 18' E. 35.5 feet to an iron stake in the Southeast line of said relocated Morningside Drive;

Thence N. 65 deg. 10' E., with the Southeast line of said relocated Morningside Drive, 716.2 feet to an iron stake in the Northeast line of said August C. Zimmermann et ux 20.979 acre tract, located S. 25 deg. E. 10.1 feet from its original North corner;

Thence S. 25 deg. E., with the Northeast line of said 20.979 acre tract, 1264.9 feet to a post at its East corner;

Thence S. 64 deg. 15' W., with the Southeast line of said 20.979 acre tract, 391.4 feet to a stake set for the East corner of the former Rudolf Wolfshohl 0.5 of an acre tract;

Thence N. 26 deg. 10' W. 66 feet to the North corner of said 0.5 acre tract;

Thence S. 64 deg. 15' W. 330 feet to a post in the Northeast line of said county road;

Thence N. 26 deg. 10' W., with the Northeast line of said road, 626.8 feet to an iron stake set for the South corner of a 0.517 of an acre tract of land conveyed by August C. Zimmermann et ux to Lawrence B. Zimmermann by deed dated March 9, 1962, and recorded in Volume 126, pages 425-426, of the Comal County Deed Records;

Thence, with the boundary line of said 0.517 acre tract, N. 63 deg. 50' E. 150 feet; N. 26 deg. 10' W. 150 feet; and S. 63 deg. 50' W. 150 feet to a stake in the Northeast line of said county road;

Thence N. 26 deg. 10' W., with the Northeast line of said road, 404.1 feet to the place of beginning, containing 20.296 acres of land.

LESS, SAVE and EXCEPT the following described 2.625 acres of land conveyed by Lawrence B. Zimmermann a/k/a Lawrence Buddy Zimmermann, et ux, to Willie Doolittle and wife, Hazel M. Doolittle, by deed dated October 26, 1981, recorded in Volume 318, Pages 84-86, Deed Records of Comal County, Texas, and further described as follows:

Being 2.625 acres of land out of the John Thompson Survey No. 21 and also being out of a tract called 20.296 acres, called Tract One, as described in Volume 212, pages 728-730 of the Deed records of Comal County, Texas, and being more particularly described as follows:

BEGINNING: At a corner post in the Northeast line of Santa Clara Road, said point being the South corner of above mentioned 20.296 acre tract, for the Southwest corner of this tract;

THENCE: With the Northeast Right-of-Way of said Road and the Southwest line of said 20.296 acre tract, N. 26 deg. 10' 00" W. 120.00 feet to an iron pin set for the Northwest corner of this tract;

THENCE: Leaving said Right-of-Way, N. 63 deg. 18' 45" E. 725.14 feet to an iron pin set in the Northeast fence line of said 20.296 acre tract, for the Northeast corner of this tract;

THENCE: With fence and said Northeast line, S. 26 deg. 04' 23" E. 188.44 feet to a corner post, said point being the East corner of said 20.296 acre tract, for the Southeast corner of this tract;

THENCE: With fence and the Southeast line of said 20.296 acre tract, S. 63 deg. 20' 20" W. 400.14 feet to a fence post for a corner of this tract;

THENCE: With fence, N. 24 deg. 28' 10" W. 68.00 feet to a fence post for an interior corner of this tract;

THENCE: With fence and the Southeast line of said 20.296 acre tract, S. 63 deg. 21' 55" W. 326.71 feet to the Point of Beginning and containing 2.625 acres of land, more or less.

Tract 2

All that certain tract, piece or parcel of land being, 0.517 of an acre, out of a tract of 20.979 acres conveyed by Ferdinand Zuercher, et al to August C. Zimmermann, et ux by Deed dated July 17, 1952, and recorded in Volume 99, pages 126-127 of the Comal County Deed Records; and being part of the John Thompson Survey No. 21, in Comal County, Texas, and being more particularly described by metes and bounds, as follows, to-wit:

BEGINNING at a stake in the northeast line of a county road or lane set S. 26 deg. 10' E. 432.6 feet from its intersection with the southeast in of Morningside Drive, said road intersection being the west corner of said August C. Zimmermann 20.979 acre tract;

THENCE N. 63 deg. 50' E. 150 feet to a stake for north corner;

THENCE S. 26 deg. 10' E. 150 feet to a stake;

THENCE S. 63 deg. 50' W. 150 feet to a stake in the northeast line of said county road or lane;

THENCE, with the northeast line of said county road, N. 26 deg. 10' W. 150 feet to the place of beginning, containing 0.517 of an acre, and being the same property described in a deed from August Zimmermann et ux to Lawrence B. Zimmermann dated March 9, 1962, recorded in Volume 127, pages 425-426, Deed Records of Comal County, Texas.





SITE PLAN

SITE DATA

Proposed Zoning: SUP for Multifamily Residential Use

Gross Acreage: 17.8 Acres

Yield: 97 Units

Density: 5.5 Units Per Acre

Total Parking Provided: 426 Spaces

Garage Spaces: 163 Spaces (1 per 2-bed unit / 2 per 3 & 4-bed unit)

Driveway Spaces: 194 Spaces (2 per unit)

On-Street Parking: 69 Spaces (1 side of drive aisle & amenity center)

Total Parking Required: 232 Spaces

*Note: On-street parallel parking stalls will not be striped and are shown for location and counting purposes only. Garage and driveway parking stalls will not be striped either.

Actual building footprints subject to change.

EXHIBIT "C"

Proposed Development Standards

Item	Development Standards Approved for Multifamily Use with SUP
<i>Distance between residential structures</i>	A minimum of 15 feet between structures side by front or rear
<i>Minimum dimensions and specifications for off-street parking facilities</i>	Stacked parking will be provided in the garages and driveways as is permitted for standard single and two-family residential uses. Amenity center parking will comply with City Code requirements.
<i>Delineation of parking spaces</i>	Parking spaces on the private drive aisles, driveways and garages will not be striped or delineated. Parking for the amenity center will be striped per City Code requirements.
<i>Residential Density</i>	Maximum residential density: 5.5 units per acre
<i>Residential Setback</i>	Minimum of 25 feet plus 1 foot for each foot of building height over 20 feet
Item	Development Standards approved for freestanding sign with SUP
<i>Permanent on-premise free-standing sign regulations</i>	<p>Sign type shall be a free-standing arbor style pole sign</p> <p>Maximum number of on-premise free-standing signs (excluding signs exempt from regulation per the City's Sign Ordinance) is limited to 1 (one)</p> <p>Maximum sign height: 8 feet</p> <p>Maximum sign face area: 48 square feet</p>

Additional Development Standard Approved for Multifamily Use with SUP	
<i>Garage Doors</i>	An upgraded garage door defined as a fauxwood or wood clad shall be required
<i>Garage Width</i>	Garages shall not be more than 60% of the building lineal footage width
<i>Repetitive Design and Required Elements</i>	<ul style="list-style-type: none"> - The project shall have a minimum of 12 different building elevations which will be placed so that identical building elevations are not on adjacent lots or directly across the street - Each residential building will have a functional porch on the front, side or back. Front or side covered porches will be a minimum of 30 square feet and rear porches will be a minimum of 80 square feet
<i>Yard Perimeter Fencing</i>	Each building shall have a back yard privacy fence constructed of cedar boards, treated wood or metal posts and treated rails.
<i>Perimeter Fencing for the Development</i>	Perimeter fencing for the development shall be wrought iron, steel or aluminum; cedar boards, treated wood or metal posts, treated rails with dry stacked stone columns; with the exception of the southern property boundary that is shared with the adjacent single-family residential property, where a 6-foot to 8-foot tall masonry residential buffer wall shall be constructed along the common property line

CROSS SECTION FOR DRIVE AISLES

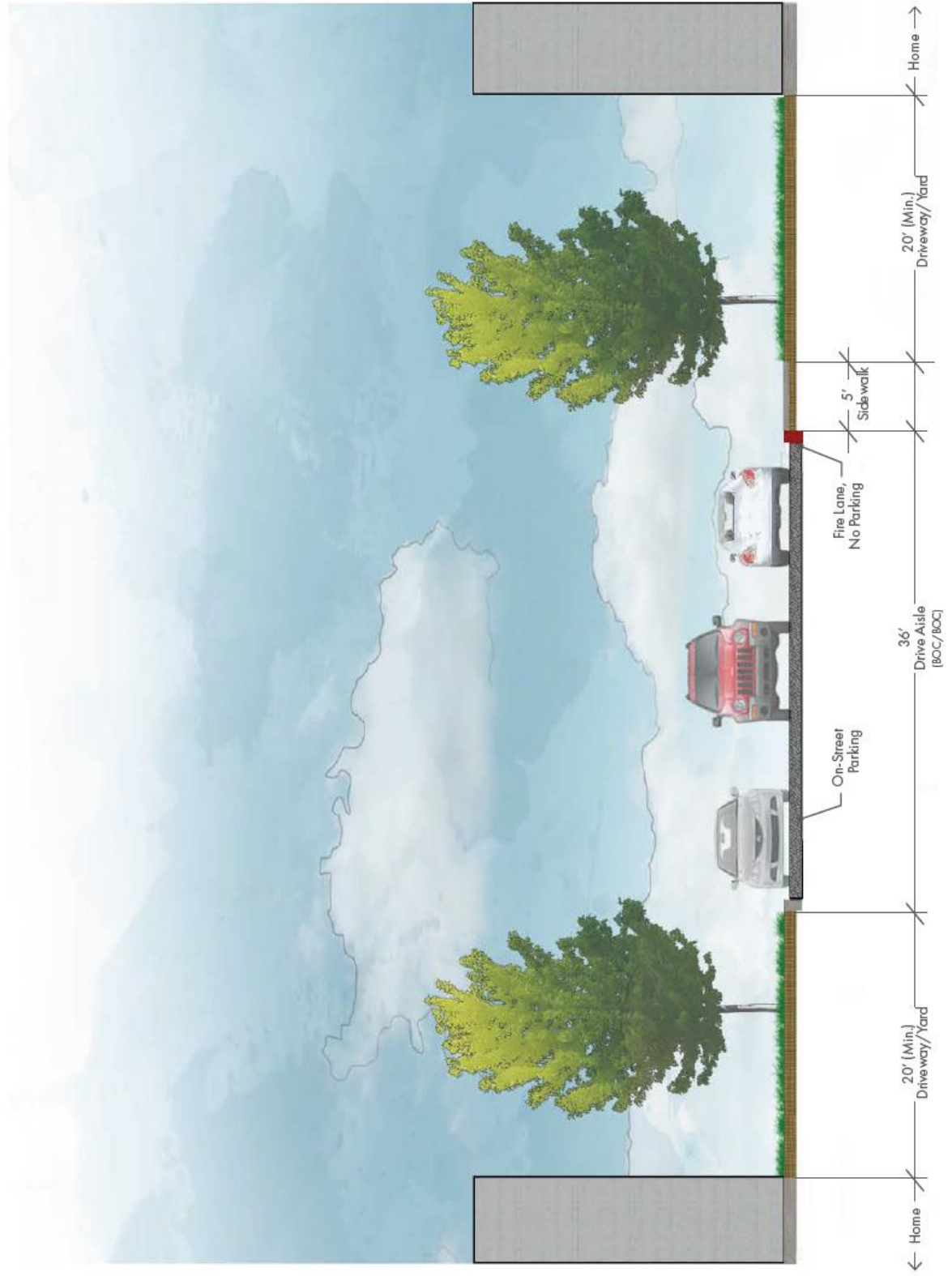


EXHIBIT "E"

PERIMETER FENCE PLAN



EXHIBIT "F"

FREE-STANDING ON-PREMISE SIGN PLAN

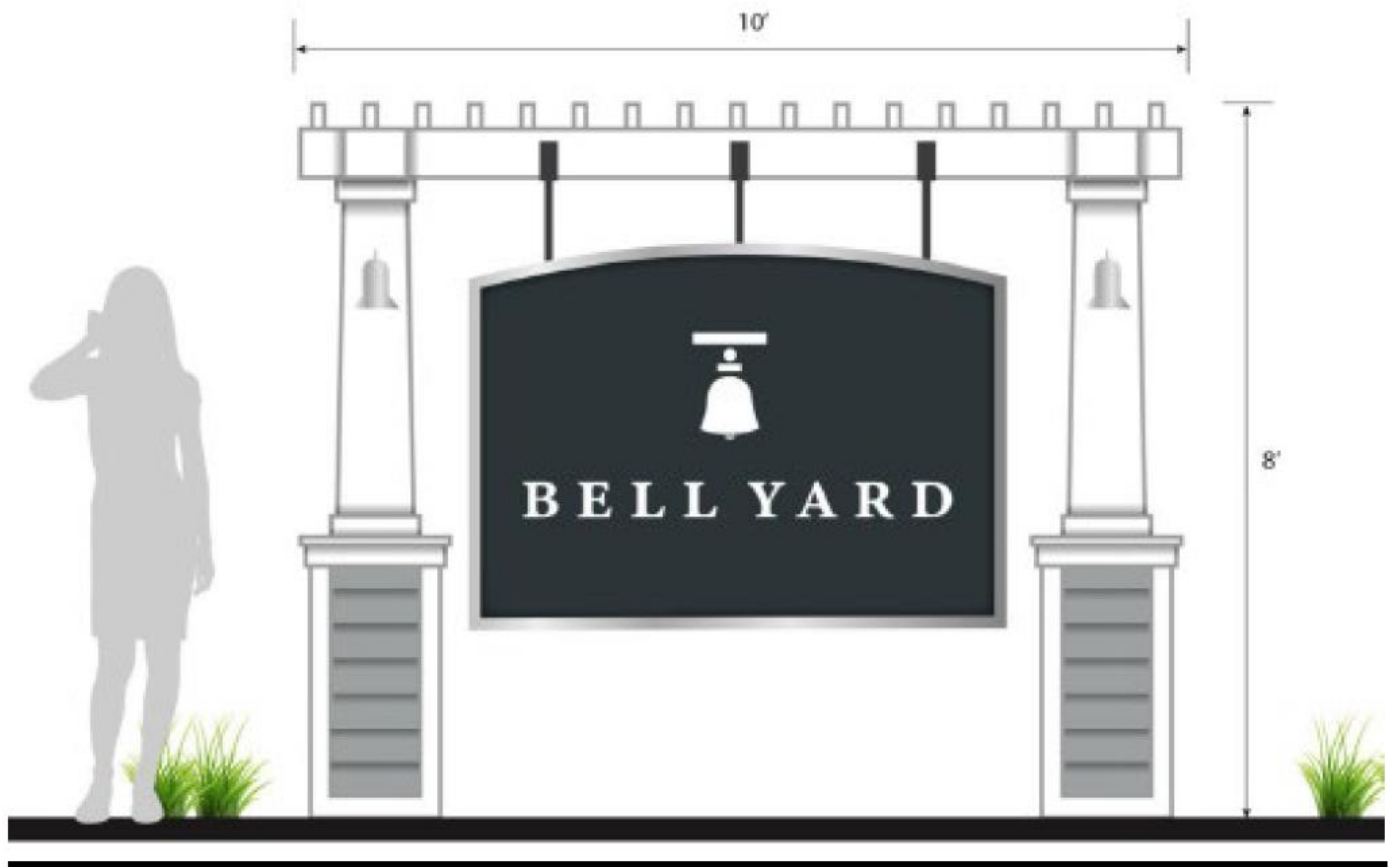


EXHIBIT "G"