

ORDINANCE NO. 2018- 8

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A TYPE 1 SPECIAL USE PERMIT TO ALLOW SPECIFIC COMMERCIAL USES ON 2.937 ACRES OUT OF THE SARAH DEWITT SURVEY NO. 48, ABSTRACT NO. 103, GUADALUPE COUNTY, TEXAS, LOCATED AT THE SOUTHWEST INTERSECTION OF KLEIN ROAD AND KLEIN MEADOWS, IN THE "APD" AGRICULTURAL/PRE-DEVELOPMENT DISTRICT; 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 the proposed uses; and

WHEREAS, the City Council desires to grant a Type 1 Special Use Permit to 2.937 acres out of the Sarah Dewitt Survey No. 48, Abstract No. 103, Guadalupe County, Texas, to allow specific commercial uses in the "APD" Agricultural/Pre-Development District, located at the southwest intersection of Klein Road and Klein Meadows in the "APD" Agricultural/Pre-Development District.; now therefore,

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

SECTION 1

THAT Sections 3.6-2 and 3.6-3, Chapter 144 of the New Braunfels Code of Ordinances and particularly the Zoning Map of the City of New Braunfels, are revised by adding the following described tract of land as a Type 1 "Special Use Permit" for the uses herein described:

"Being acres out of the Sarah Dewitt Survey No. 48, Abstract No. 103, Guadalupe County, Texas, located at the southwest intersection of Klein Road and Klein Meadows, as described in the attached Exhibit 'A' and delineated on Exhibit 'B', to allow the specified commercial uses listed in Exhibit 'C' in the "APD" Agricultural/Pre-Development District."

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

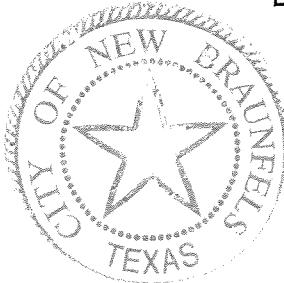
THIS ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

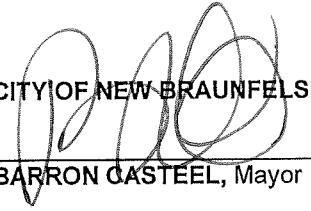
PASSED AND APPROVED: First reading this 8th day of January, 2018.

PASSED AND APPROVED: Second reading this 22nd day of January, 2018.

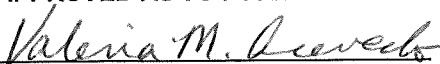
ATTEST:


PATRICK D. ATEN, City Secretary




CITY OF NEW BRAUNFELS
BARRON CASTEEL, Mayor

APPROVED AS TO FORM:


VALERIA M. ACEVEDO, City Attorney

FIELD NOTES

April 17, 2013

BRING 2.937 acres of land, more or less, out of the Sarah DeWitt Survey No. 48, Abstract 103, Guadalupe County, Texas and also being out of a 146.502 acre tract described in Volume 1652, Page 626 of the Official Records of Guadalupe County, Texas and being more particularly described as follows:

BEGINNING at a point at the intersection of the existing southeast R.O.W. line of Klein Road (County Road 368) and the southwest R.O.W. line of Klein Meadow for the most northerly corner of this tract, said point being approximately S 44°52'10" W, 1482.40 feet from the most northerly corner of the above referenced 146.502 acre tract;

THENCE, S 45°07'50" E, 10.00 feet along said southwest R.O.W. line to a point in same for the beginning of a curve to the right;

THENCE, in an easterly direction along said curve having a central angle of 89°57'16", a radius of 15.00 feet, a tangent distance of 14.99 feet, an arc length of 23.55 feet and a chord bearing and distance of N 89°50'01" E, 21.20 feet to a point for the end of this curve;

THENCE, S 45°11'21" E, 9.53 feet along said R.O.W. line to a point in same for the beginning of a curve to the right;

THENCE, in a southerly direction along said curve having a central angle of 72°06'38", a radius of 167.50 feet, a tangent distance of 121.94 feet, an arc length of 210.81 feet and a chord bearing and distance of S 09°08'02" E, 197.17 feet to a point for the end of this curve;

THENCE, S 26°55'17" W, 228.19 feet along the west R.O.W. line of Klein Meadow to a point in same for the beginning of curve to the left;

THENCE, in a southerly direction along said curve having a central angle of 36°54'25", a radius of 135.00 feet, a tangent distance of 45.05 feet, an arc length of 86.96 feet and a chord bearing and distance of S 08°28'11" W, 85.46 feet to a point for the end of this curve;

THENCE, S 09°59'02" E, 24.99 feet along said west R.O.W. line to a point in same for the most southerly corner of this tract;

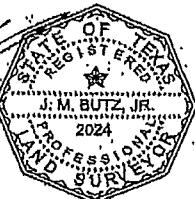
THENCE, N 78°10'39" W, 400.25 feet crossing a portion of said 146.502 acre tract to a point in the existing southeast R.O.W. line of Klein Road for the most westerly corner of this tract;

THENCE, N 44°52'10" E, 619.40 feet along said southeast R.O.W. line to the POINT OF BEGINNING and containing 2.937 acres of land, more or less.

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.

Note: Exhibit also prepared this day.

J. M. Butz, Jr.
Registered Professional Land Surveyor
No. 2024



FN13-122.1

as recorded from the following referenced map, this property is located in Section "A" & "X" according to the M.F.P. Map No. 482583 or 15 f.

However, has been reported, reported or implied, to copy this survey except as necessary in conjunction with this transmission.

CONE	NAME	CONE TABLE			CONE DIST.	CONE DIST.
		TELE	TELE	TELE		
2	00-00-10 ^o	18.60	2.08	83.70	282.00	81.00
2	27-00-58 ^o	18.60	2.08	81.00	282.00	81.00
3	34-00-10 ^o	13.50	26.05	46.95 ^o	800.25	77.70

*KLEIN ROAD
(COUNTY ROAD 386)*

N44°05'23.0"E

2.937 ACRES

N78°10'39"
400.25

REVENANT POSITION OF
745.502 X-957 TRUCK

INTENDED USE:
FUTURE COMMERCIAL
PRACTICE

BUTZ
LAND
SURVEYING

**BUTZ
LAND
SURVEYING**

ZONING EXHIBIT

BEING 2,837 acres of land, more or less out of the Sarah Davitt Survey No. 48, Abstract 105, Goliadville County, Texas and being out of a 143,502 acre tract described in Vol. 1652, Page 628 of the Official Records of Goliadville County, Texas.

This document was prepared under 22 TAC § 21, does not reflect the results of an air quality survey, and is not to be used to convey or redistribute interests from a property owner to third parties and interests modified or established by its creation or reconfiguration of the boundary as the political subdivision for which it was prepared.

This is 17th day of April 2013.
Rajesh Kumar Singh, M.L.A.

1003 NO. 12-1221

DRAWN BY: R.C.G.C.

1700 21st Street, Suite 200, Washington, DC 20006-3314
FAX 202-552-5718

EXHIBIT 'B'

List of permitted uses

Accounting, auditing, bookkeeping, and tax preparations.	Curio shops.
Adult day care (no overnight stay).	Drug sales/pharmacy.
Animal grooming shop.	Electrical repair shop.
Answering and message services.	Electrical substation.
Antique shop.	Farms, general (crops) (see chapter 6 and section 144-5.9).
Armed services recruiting center.	Farms, general (livestock/ranch) (see chapter 6 and section 144-5.9).
Art dealer/gallery.	Florist.
Artist or artisan's studio.	Garden shops and greenhouses.
Bakery (retail).	Golf course (public or private).
Bank, savings and loan, or credit union.	Governmental building or use.
Barber/beauty shop, haircutting (non-college).	Handicraft shop.
Barns and farm equipment storage (related to agricultural uses).	Hardware store.
Bicycle sales and/or repair. Book store.	Health club (physical fitness; indoors only).
Caterer.	Laundromat and laundry pickup stations.
Cemetery and/or mausoleum.	Laundry/dry cleaning (drop off/pick up).
Child day care/children's nursery (business).	Museum.
Church/place of religious assembly	Needlework shop.
Clinic (dental).	Offices, brokerage services.
Clinic (medical).	Offices, business or professional.
Coffee shop.	Offices, computer programming and data processing.
Computer and electronic sales.	Offices, consulting.
Computer repair.	Offices, engineering, architecture, surveying or similar.
Confectionery store (retail).	Offices, health services.
Consignment shop.	Offices, insurance agency.
Contractor's temporary on-site construction office (only with permit from building official; see section 144-5.10).	Offices, legal services, including court reporting.
	Offices, medical offices.

Offices, real estate.	School, K-12 (public or private).
Offices, security/commodity brokers, dealers, exchanges and financial services.	School, vocational (business/commercial trade).
Park and/or playground (private or public).	Security monitoring company.
Pet shop/supplies (10,000 square feet or less).	Security systems installation company.
Photographic printing/duplicating/copy shop or printing shop.	Shoe repair shops.
Photographic studio (no sale of cameras or supplies).	Shopping center. (Includes only allowed uses)
Photographic supply.	Specialty shops in support of project guests and tourists.
Plant nursery.	Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.).
Plant nursery (retail sales/outdoor storage).	Tailor shop.
Public recreation/services building for public park/playground areas.	Travel agency.
Radio/television shop, electronics, computer repair.	University or college (public or private).
Recreation buildings (private or public). Recycling kiosk.	Veterinary hospital (no outside animal runs or kennels).
Refreshment/beverage stand.	Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal
Restaurant.	