

ORDINANCE NO. 2011-76

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW AN ANIMAL SHELTER IN THE "APD" AGRICULTURAL/PRE-DEVELOPMENT DISTRICT, LOCATED ON THE EAST SIDE OF MORNINGSIDE DRIVE, APPROXIMATELY 1,000 FEET SOUTHWEST OF THE INTERSECTION OF RUECKLE ROAD AND MORNINGSIDE DRIVE; 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 an animal shelter; and

WHEREAS, the City Council desires to grant a Special Use Permit to 16.48 acres located on the east side of Morningside Drive, approximately 1,000 feet southwest of the intersection of Rueckle Road and Morningside Drive, to allow an animal shelter 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 "Special Use Permit" for the uses and conditions herein described:

"Being 16.48 acres located on the east side of Morningside Drive, approximately 1,000 feet southwest of the intersection of Rueckle Road and Morningside Drive, as described in Exhibit 'A' and delineated in Exhibit 'B', to allow an animal shelter in the "APD" Agricultural/Pre-Development District."

SECTION 2

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

1. Exhibit 'C' shall be considered the adopted site plan. Changes to the site plan will require amendment of the Special Use Permit by City Council.
2. Canines must be kept indoors between the hours of 7:00 P.M. and 8:00 A.M.

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.

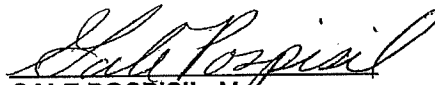
SECTION 5

THIS ordinance will take effect upon the second and final reading.


PASSED AND APPROVED: First Reading this the 26th day of September, 2011.

PASSED AND APPROVED: Second Reading this the 10th October, 2011.

CITY OF NEW BRAUNFELS

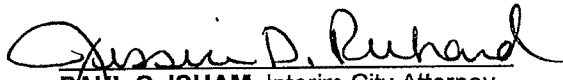

GALE POSPISIL, Mayor

ATTEST:


PATRICK D. ATEN, City Secretary



APPROVED AS TO FORM:


~~PAUL G. ISHAM~~, Interim City Attorney
Jessica D. Richard, Assistant

**METES AND BOUNDS DESCRIPTION
OF 16.48 ACRES OF LAND
IN THE JOHN THOMPSON SURVEY NO. 21, A-608
COMAL COUNTY, TEXAS**

All that certain 16.48 acres of land, which is the residue of the 18.178 acre tract described in the deed from William E Wenzel, Individually, and as Sole Devisee, and as Independent Executor of the Estate of Ann Wenzel, Deceased to CLS Company recorded under Document No. 200406019983, in the Official Records of Comal County, Texas, in the John Thompson Survey No. 21, A-608, Comal County, Texas, and more particularly described by metes and bounds as follows: (All bearings are based on the Texas State Plane Coordinate System, South Central Zone)

BEGINNING at a 1/2" iron rod found for the south corner of said 18.178 acre tract, common to the east corner of the 2.632 acre tract described in the deed from Willie Doolittle, et ux to Carlos P. Caballero, et ux recorded under Document No. 200506025964, in the Official Records of Comal County, Texas, and the south corner of the herein described tract, in the northwest line of the 18.75 acre tract described in the deed from Thornton B. Thompson, et ux to Steven Ray Krause, et ux recorded under Volume 433, Page 592, in the Deed Records of Comal County, Texas;

THENCE North 25°10'36" West – 1265.71' (Basis of Bearings), along the southwest line of said 18.178 acre tract, common to the northeast line of said 2.632 acre tract, at 188.56' passing a 3/8" iron rod found for the north corner of said 2.632 acre tract, continuing along said southwest line, common to the northeast line of the 17.671 acre tract described in the deed from Crystal Lynn Zimmermann Kindred, et vir to Lawrence Zimmermann recorded under Document No. 200706022669, in the Official Records of Comal County, Texas, to a 2" iron pipe found at a fence corner post for the west corner of the herein described tract, in the southeast right-of-way line of Morningside Drive;

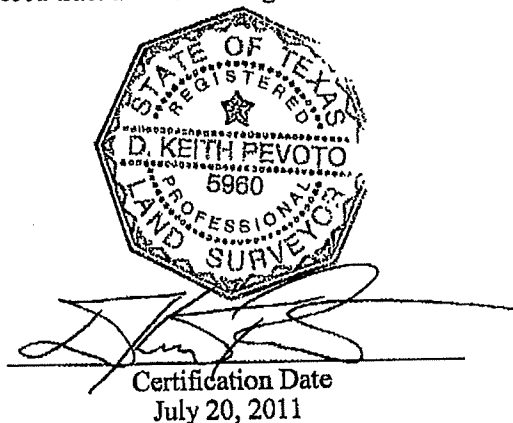
THENCE North 63°14'53" East – 80.25', along said southeast right-of-way line, to a 1/2" found for an angle corner;

THENCE North 64°20'31" East – 489.00', continuing along said southeast right-of-way line, to a 1/2" iron rod set at a fence corner post for the north corner of the herein described tract, in the southwest line of the 1.61 acre tract described in the deed from Oasis Pipe Line Company and Oasis Pipe Line Management Company to Oasis Pipe Line Company Texas L.P. recorded under Document No. 9606025646, in the Official Records of Comal County, Texas;

THENCE South 24°56'40" East – 1267.03', along said southwest line, to the south corner of said 1.61 acre tract, common to the east corner of the herein described tract, at a chain link fence corner post, in the northwest line of aforesaid 18.75 acre tract, from which a chain link fence corner post found for the east corner of said 1.61 acre tract bears North 64°18'54" East – 55.00';

THENCE South 64°18'54" West – 564.09', along the southeast line of said 18.178 acre tract, common to the northwest line of said 18.75 acre tract, at 12.40' passing a 1/2" iron rod found for an angle corner of said 18.75 acre tract, continuing to the **POINT OF BEGINNING** of the herein described tract and containing 16.48 acres of land.

Prepared by:
Kolodzie Surveying Company
Job No. 1314-001-11-530



THIS LEGAL DESCRIPTION IS BASED ON SURVEY CONDUCTED BY KOLODZIE SURVEYING COMPANY DATED JULY 20, 2011.

EXHIBIT "A"

MORNINGSIDE DRIVE

L1 N 64°20'31" E - 489.00'

JOHN THOMPSON SURVEY NO. 21, A-608

16.48 ACRES

RESIDUE OF
17.671 ACRES
CRYSTAL LYNN ZIMMERMANN KINDRED, ET VR
TO
LAWRENCE ZIMMERMANN
DOCUMENT NO. 200706022669, O.R.C.C.T.

RESIDUE OF
18.178 ACRES
WILLIAM E. WENZEL, INDIVIDUALLY, AND AS SOLE DEVISEE, AND
AS INDEPENDENT EXECUTOR OF THE ESTATE OF ANN WENZEL, DECEASED
TO
CLS COMPANY
DOCUMENT NO. 200406019983, O.R.C.C.T.

(BASIS OF BEARINGS)
N 25°10'36" W - 1265.71'

S 24°56'40" E - 1267.03'

1.61 ACRES
OASIS PIPE LINE COMPANY AND
OASIS PIPE LINE MANAGEMENT COMPANY
TO
OASIS PIPE LINE COMPANY TEXAS L.P.
DOCUMENT NO. 9606025646, O.R.C.C.T.

2.632 ACRES
WILLIE DOOLITTLE, ET UX
TO
CARLOS P. CABALLERO, ET UX
DOCUMENT NO. 200506025964, O.R.C.C.T.

188.56'

12.40' L2

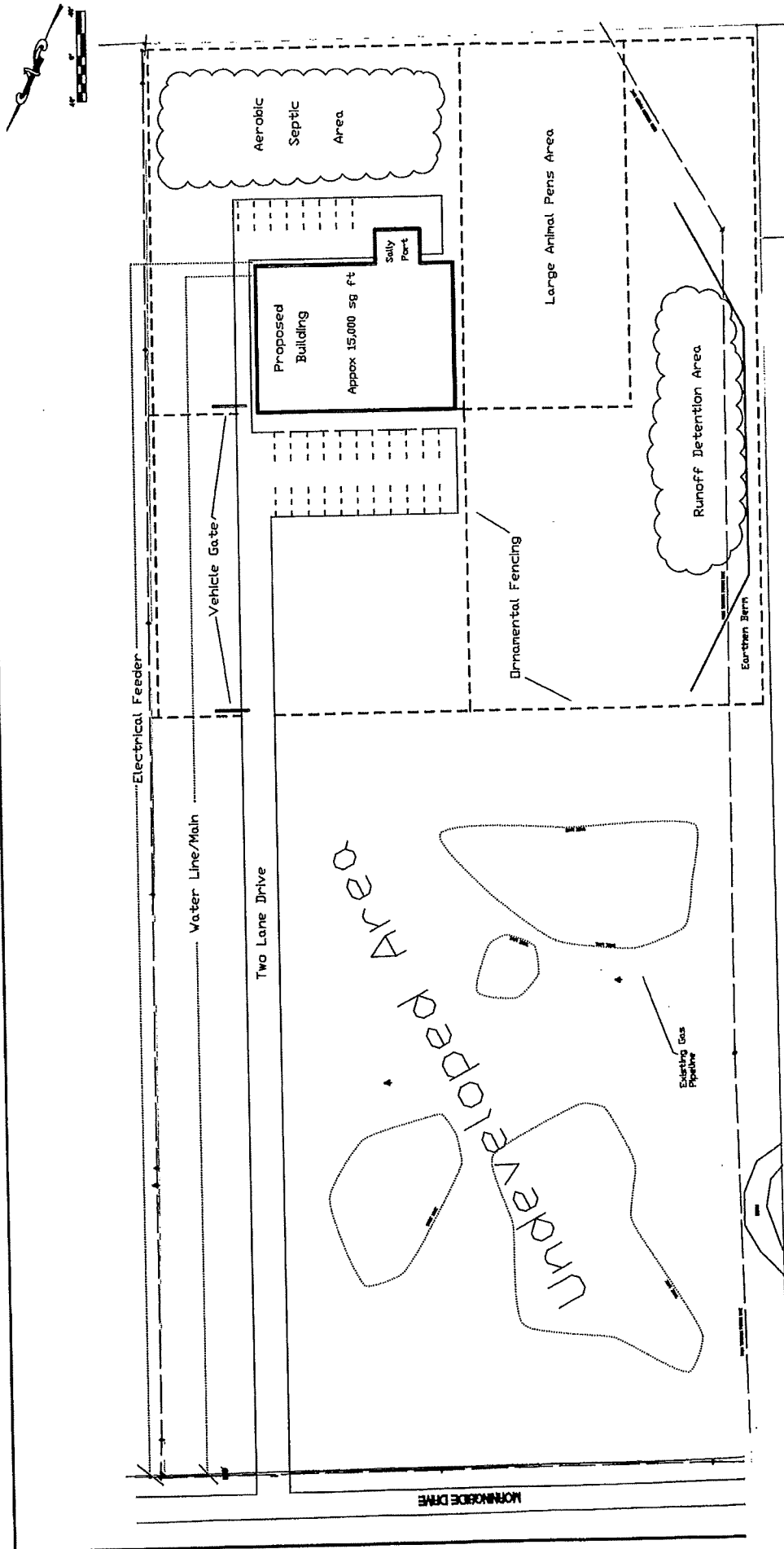
POB S 64°18'54" W - 564.09'

18.75 ACRES
THORNTON B. THOMPSON, ET UX
TO
STEVEN RAY KRAUSE, ET UX
VOL. 433, PG. 592, D.R.C.C.T.

K LODZIE SURVEYING

CO
197 EAST MILL STREET • NEW BRAUNFEL
EX
10 40

EXHIBIT "B"



Humane Society of New Brantford
 Proposed New Facility - Conceptual

3000 Block of MorningSide Drive	16.48 ACRES
IN THE	
JOHN THOMPSON SURVEY NO. 21, A-908	
COMAL COUNTY, TEXAS	
DATE PREPARED FOR	DATE
BY	SCALE

EXHIBIT "C"