

**ORDINANCE NO. 2025-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 1.7 ACRES OUT OF THE TRI-ACRES SUBDIVISION, LOTS 2 AND 3, CURRENTLY ADDRESSED AT 1182 & 1212 OLD FM 306, FROM C-1A AH (NEIGHBORHOOD BUSINESS DISTRICT WITH AIRPORT HAZARD OVERLAY) AND R-3 AH (MULTIFAMILY DISTRICT WITH AIRPORT HAZARD OVERLAY) TO C-1B AH SUP (GENERAL BUSINESS DISTRICT WITH AIRPORT HAZARD OVERLAY AND A TYPE 1 SPECIAL USE PERMIT); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

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**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 Type 1 Special Use Permit, the City Council has given due consideration to all components of said district; and

**WHEREAS**, the rezoning is in compliance with the Future Land Use Plan; and

**WHEREAS**, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

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

**WHEREAS**, the requested rezoning is in accordance with the City's Strategic Plan;

**WHEREAS**, the City Council desires to amend the Zoning Map by changing the zoning of approximately 1.7 acres out of the Tri-Acres Subdivision, Lots 2 and 3, currently addressed at 1182 & 1212 Old FM 306 from C-1A AH (Neighborhood Business District with Airport Hazard Overlay) and R-3 AH (Multifamily District with Airport Hazard Overlay) to C-1B AH SUP (General Business District with Airport Hazard Overlay and a Type 1 Special Use Permit) and

**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 rezoning the following tract of land from C-1A AH (Neighborhood Business District with Airport Hazard Overlay) and R-3 AH (Multifamily District with Airport Hazard Overlay) to C-1B AH SUP (General Business District with Airport Hazard Overlay and a Type 1 Special Use Permit):

Approximately 1.7 acres out of the Tri-Acres Subdivision, Lots 2 and 3, as delineated in Exhibit "A" and described in Exhibit "B", attached.

## SECTION 2

**THAT** the Type 1 Special Use Permit is subject to the following:

1. The uses listed below are not allowed:
  - a) Ambulance service (private)
  - b) Bar/tavern
  - c) Billiard/pool facility
  - d) Car wash (self service; automated)
  - e) Club (private)
  - f) Convenience store with or without fuel sales
  - g) Country club (private)
  - h) Drug sales/Pharmacy
  - i) Filling station
  - j) Fraternal organization/civic club (private club), Limousine/taxi service
  - k) Microbrewery (onsite manufacturing and/or sales)
  - l) Micro distillery (onsite manufacturing and/or sales)
  - m) Mini-warehouse/self storage units with outside boat and RV storage
  - n) Parking lots (for passenger car only) (not as incidental to the main use)
  - o) Parking structure/public garage
  - p) Shooting gallery - Indoor
  - q) Tattoo or body piercing studio
  - r) Vehicle storage facility
2. No delivery trucks, employee, or customer vehicles related to the tractor sales company shall enter the subject property from Old FM 306. All delivery trucks, as well as employee and customer vehicles shall access the subject property from FM 306. This requirement does not apply to existing uses on Tri-Acres Subdivision, Lot 2.
3. Development of the site shall be in compliance with the above-listed development standards. Any significant alterations to the approved development standards will require an amendment to the SUP with a recommendation from the Planning Commission and approval by the City Council.

## 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 13<sup>th</sup> day of January, 2025.

**PASSED AND APPROVED:** Second reading this 27<sup>th</sup> day of January, 2025.

**CITY OF NEW BRAUNFELS**

\_\_\_\_\_  
**NEAL LINNARTZ, Mayor**

**ATTEST:**

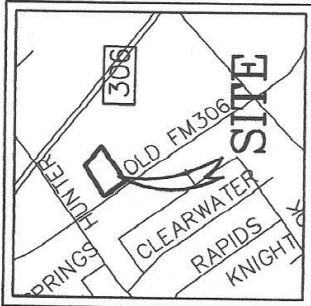
\_\_\_\_\_  
**GAYLE WILKINSON, City Secretary**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**VALERIA M. ACEVEDO, City Attorney**

EXHIBIT "A"

ZONING EXHIBIT



SVMHC, LP  
(DOC. NO. 20180600633, OPRCCT)  
GRUENE SUNDAY HAUS  
LOT 1  
(DOC. NO. 200906007105, OPRCCT)

CALLED 1.47 ACRES  
TODD A. KANZ  
(DOC. NO. 201706044069, OPRCCT)

GRUENE SUNDAY HAUS  
LOT 2  
(DOC. NO. 200906007105,  
OPRCCT)

P.O.B.

LOT 2  
0.811 ACRES

LOT 3  
0.873 ACRES

SCALE: 1"=50'



LEGEND:  
 ○ = (IPS) SET 1/2" IRON PIN W/  
 PLASTIC CAP STAMPED "DAM  
 #5348 PROP. COR." UNLESS  
 OTHERWISE NOTED  
 ● = (IPF) FOUND 1/2" IRON PIN  
 UNLESS OTHERWISE NOTED  
 ( ) = RECORD INFORMATION  
 MPRCCT = MAP AND PLAT RECORDS  
 OF COMAL COUNTY, TEXAS  
 OPRCCT = OFFICIAL PUBLIC RECORDS  
 OF COMAL COUNTY, TEXAS  
 R.O.W. = RIGHT-OF-WAY

CALLLED 3.78 ACRES  
LEORA SCHAEFFER  
(VOL. 879, PG. 709, OPRCCT)

N35°02'59"W 220.15'  
 OLD FM 306  
 (80' WIDE R.O.W.)

115.65'  
 S51°25'32"E 226.17'  
 110.52'

304.81'  
 N56°29'48"E  
 368.50'  
 S55°44'22"W

NOTES:

- BEARINGS BASED ON THE TRI-ACRES PLAT,  
RECORDED IN VOLUME 6, PAGE 144, OF THE MAP  
AND PLAT RECORDS OF COMAL COUNTY, TEXAS.



5151 W. SH 46  
 NEW BRAUNFELS, TX 78132  
 PH: 830.730.4449  
 DREW@DAM-TX.COM  
 FIRM #10191500

ADDRESS:  
 1182 & 1212 OLD FM 306  
 NEW BRAUNFELS, TX 78130

DATE: AUGUST 2024. JOB: INK581

**EXHIBIT "B"**



**METES AND BOUNDS DESCRIPTION  
FOR A  
1.684 ACRE TRACT OF LAND  
"ZONING"**

Being a 1.684 acre tract of land situated in the A.P. Fuquay Survey No. 35, in the City of New Braunfels, Comal County, Texas, and being Lot 2 and Lot 3 of the Tri-Acres Subdivision as recorded in Volume 6 Page 144 of the Map and Plat Records of Comal County, Texas and conveyed to River Forest Properties LLC in Document No. 201606016557 of the Official Public Records of Comal County, Texas, and said 1.684 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a point in the Northeasterly Right-Of-Way line of Old FM 306, being the most Southerly corner of Lot 2 of Gruene Sunday Haus Subdivision as recorded in Document No. 200906007105 of the Map and Plat Records of Comal County, Texas, and being the most Westerly corner of said Lot 2 Tri-Acres Subdivision and the most Westerly corner of this herein described 1.684 acre tract of land;

THENCE departing said Old Fm 306 Right-Of-Way and with the Southeasterly lines of Lot 2 and Lot 1, of said Gruene Sunday Haus Subdivision, the Northwesterly line of said Lot 2, Tri-Acres Subdivision, N 56° 29' 48" E a distance of 304.81 feet to the Westerly corner of Lot 1, Tri-Acres Subdivision, the most Northerly corner of said Lot 2, Tri-Acres Subdivision, and being the most Northerly corner of this herein described 1.684 acre tract of land;

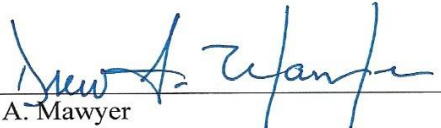
THENCE departing the Southeasterly line of said Lot 1, Gruene Sunday Haus, and with the common lines of said Lot 1, Lot 2 and Lot 3, Tri-Acres Subdivision, S 51° 25' 32" E a distance of 226.17 feet to a point in the Northwesterly line of a 3.78 acre tract of land as recorded in in Volume 879, Page 709 of the Official Public Records of Comal County, Texas, and being the Southerly corner of said Lot 1, the Northeasterly corner of said Lot 3, Tri-Acres Subdivision;

THENCE with the Northwesterly line of said 3.78 acre tract of land, the Southeasterly line of Lot 3 Tri-Acres Subdivision, S 55° 44' 22" W a distance of 368.50 feet to a point in said Northeasterly line of Old FM 306, the Westerly corner of said 3.78 acre tract of land, and being the most Southerly corner of said Lot 3, Tri-Acres Subdivision, and the most Southerly corner of this herein described tract of land;

THENCE departing the Westerly corner of said 3.78 acre tract of land and with the Northeasterly line of said Old FM 306 and with the Southwesterly lines of Lot 3 and Lot 2, N 35° 03' 00" W a distance of 220.15 feet to the POINT OF BEGINNING, and containing 1.648 acres of land.

Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), North American Datum 1983.

"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."

  
Drew A. Mawyer  
Registered Professional Land Surveyor No. 5348  
TBPLS Firm Registration #10191500  
5151 W. SH 46, NEW BRAUNFELS, TX 78132  
INK591- Tri-Acres Zoning 082424

