

ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 10.094 ACRES OUT OF THE ORILLA RUSSELL SURVEY, SECTION 2, ABSTRACT 485, LOCATED EAST OF THE INTERSECTION OF FM 1102 AND ORION DRIVE FROM APD (AGRICULTURAL/PRE-DEVELOPMENT DISTRICT WITH AIRPORT OVERLAY) TO C-1B (GENERAL BUSINESS DISTRICT WITH AIRPORT OVERLAY); 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 the C-1B (General Business District) 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 City Council desires to amend the Zoning Map by changing the zoning of approximately 10.094 acres out of the Orilla Russell Survey, Section 2, Abstract 485, located east of the intersection of FM 1102 and Orion Drive, from APD (Agricultural/Pre-Development District with Airport Overlay) to C-1B (General Business District with Airport Overlay) 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 APD (Agricultural/Pre-Development District with Airport Overlay) to C-1B (General Business District with Airport Overlay):

Approximately 10.094 acres out of the Orilla Russell Survey, Section 2, Abstract 485 as delineated on Exhibit "A" and described in Exhibit "B", attached.

SECTION 2

THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 3

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 4

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 27th day of November, 2023.

PASSED AND APPROVED: Second reading this 11th day of December, 2023.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

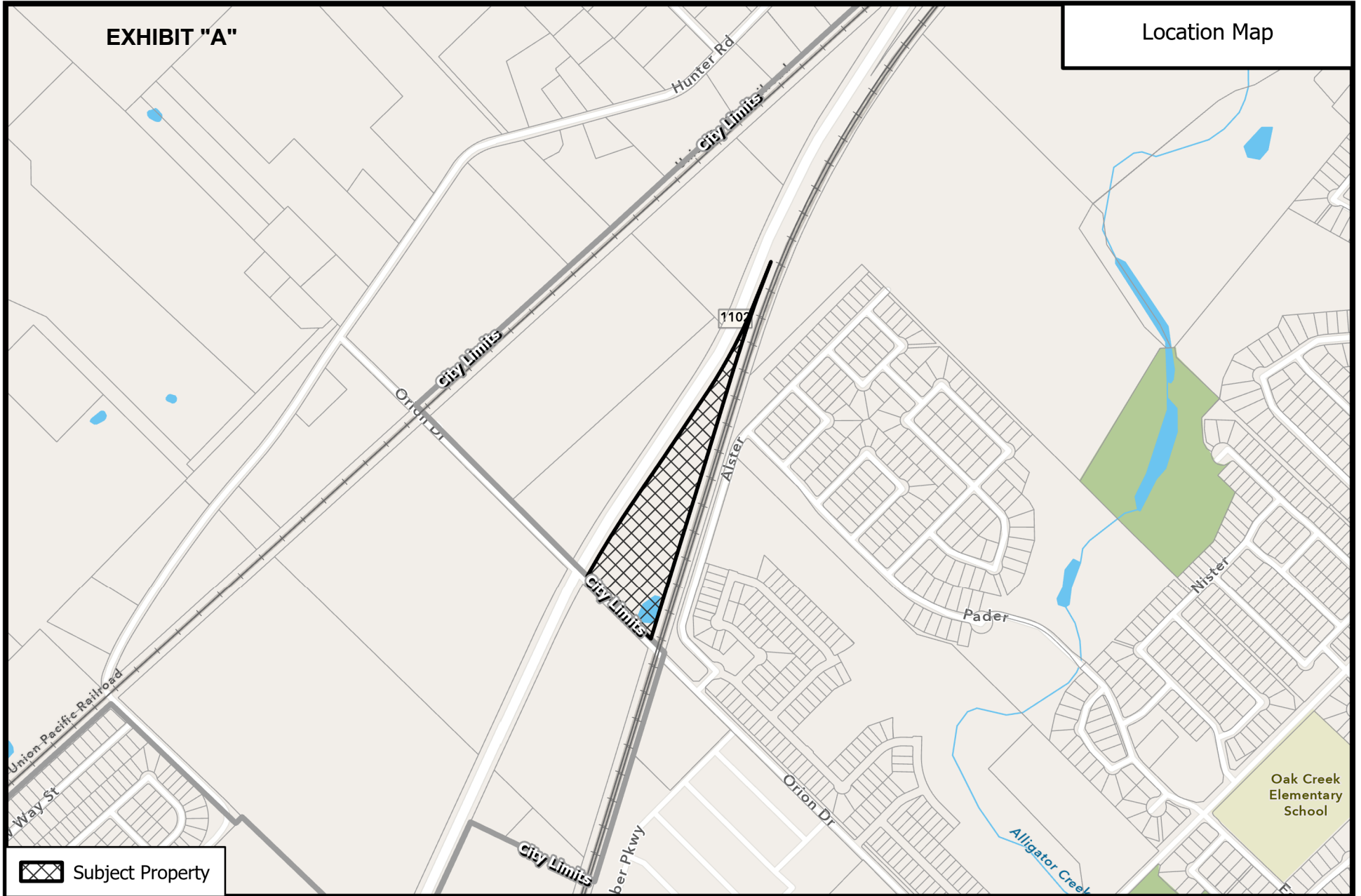
GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

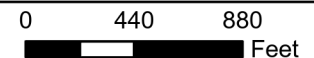
VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

Location Map



PZ23-0395
APD to C-1B



Path:
P:\ZoneChange & SUPs\2023\PZ23-0395 - FM 1102 & Orion - APD to

Source: City of New Braunfels Planning
Date: 10/26/2023

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.

EXHIBIT "B"

FIELD NOTE DESCRIPTION

10.094 ACRES

COMAL COUNTY, TEXAS

BEING a 10.094 acre tract of land lying in the Orilla Russell Survey, Section 2, Abstract 485, Comal County, Texas, same being out of a called 24.92 acre tract of land described in deed to Johnnie F. Row and recorded in Document number 200606040375, Official Public Records of Comal County, Texas, further described as a 24.92 acre tract of land and recorded in Volume 193, Page 862, Deed Records of Comal County, Texas, same being all of the remainder of a called 0.572 acre tract of land in deed to Johnnie F. Row and recorded in Volume 202, Page 969, Deed Records of Comal County, Texas, same also being more particularly described as follows:

BEGINNING at a 1/2" iron rod set with plastic cap stamped "CDS/Muery S.A. TX." at the intersection of the northeast right-of-way line of Orion Drive (37' wide right-of-way) and the southeast right-of-way line of F.M. Highway 1102 (varying width right-of-way) for a point of curvature of the herein described 10.094 acre tract;

THENCE along the southeast right-of-way line of the aforementioned F.M. Highway 1102, passing at a distance of 7.03 feet a Texas Department of Transportation Type II Concrete Monument found, continuing an arc distance of 452.08 feet with a curve to the right having a radius of 5,670.40 feet, a central angle of 04°34'05" and a chord which bears N31°28'47"E a total distance of 451.96 feet to a Texas Department of Transportation Type II Concrete Monument found for a point of tangency of the herein described 10.094 acre tract;

THENCE continuing along the southeast right-of-way line of the aforementioned F.M. Highway 1102, N33°45'48"E a distance of 1,031.92 feet to a Texas Department of Transportation Type II Concrete Monument found for an angle point of the herein described 10.094 acre tract;

THENCE continuing along the southeast right-of-way line of the aforementioned F.M. Highway 1102, N24°17'38"E, passing at a distance of 148.15 feet to a 1/2" iron rod set with plastic cap stamped "CDS/Muery S.A. TX." for the west corner of the aforementioned 0.572 acre tract continuing for a total distance of 400.88 feet to a 1/2" iron rod found for an angle corner of the herein described 10.094 acre tract;

THENCE continuing along the southeast right-of-way line of the aforementioned F.M. Highway 1102, N27°37'52"E, passing at a distance of 71.63 feet a 1/2" iron rod found continuing a total distance of 92.55 feet to a 1/2" iron rod set with plastic cap stamped "CDS/Muery S.A. TX." in the northwest right-of-way line of Union Pacific Railroad (100' wide right-of-way) for a point of curvature of the herein described 10.094 acre tract;

THENCE along the southeast line of the aforementioned 0.572 acre tract and the northwest right-of-way line of Union Pacific Railroad, an arc distance of 358.99 feet with a curve to the left having a radius of 5,779.73 feet, a central angle of 03°33'32" and a chord which bears S19°48'08"W a distance of 358.93 feet to a 1 1/2" iron pipe found for the south corner of the aforementioned 0.572 acre tract and for a point of reverse curvature of the herein described 10.094 acre tract;

THENCE along the southeast line of the aforementioned 24.92 acre tract and the northwest right-of-way line of Union Pacific Railroad, an arc distance of 104.23 feet with a curve to the left having a radius of 5,779.73 feet, a central angle of $01^{\circ}02'00''$ and a chord which bears $S17^{\circ}30'23''W$ a distance of 104.23 feet to a 1/2" iron rod set with plastic cap stamped "CDS/Muery S.A. TX." for an angle point of the herein described 10.094 acre tract;

THENCE continuing along the southeast line of the aforementioned 24.92 acre tract and the northwest right-of-way line of Union Pacific Railroad, $S17^{\circ}03'52''W$ a distance of 1,693.45 feet to a 1/2" iron rod set with plastic cap stamped "CDS/Muery S.A. TX." in the northeast right-of-way line of the aforementioned Orion Drive for the south corner of the herein described 10.094 acre tract;

THENCE along the northeast right-of-way line of the aforementioned Orion Drive and the southwest line of the aforementioned 24.92 acre tract, $N45^{\circ}10'07''W$ a distance of 518.16 feet to the PLACE OF BEGINNING and containing 10.094 acres of land.