

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING APPROVAL TO ALLOW AN ADDITIONAL BUILDING AND PARKING LOT AS AN AMENDMENT TO ORDINANCE NUMBER 2011-76, A TYPE 2 SPECIAL USE PERMIT ALLOWING AN ANIMAL SHELTER IN THE “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT ON 16.48 ACRES OUT OF THE JOHN THOMPSON SURVEY NO. 21, A-608, COMAL COUNTY, TEXAS, ADDRESSED AT 3553 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 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 in an area suitable for the proposed uses; and

WHEREAS, the City Council desires to allow an additional building and parking lot for the purpose of spaying and neutering dogs and cats as an approved amendment to Ordinance Number 2011-76, a Type 2 Special Use Permit that allows an animal shelter in the “APD” Agricultural/Pre-Development District on 16.48 acres of land out of the John Thompson Survey No. 21, A-608, Comal County, Texas, addressed at 3553 Morningside Drive.

WHEREAS, the requested amendment is in accordance with Envision New Braunfels, the City’s 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 16.48 acres of land out of the John Thompson Survey No. 21, A-608, Comal County, Texas, addressed at 3553 Morningside Drive, as described in Exhibit "A" and delineated in Exhibit "B", to allow an additional building and parking lot for the purpose of spaying and neutering dogs and cats with the previously authorized animal shelter in the "APD" Agricultural/Pre-Development District.

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. Site development shall be in compliance with all other standards of the City's Code of Ordinances.
3. Conditions associated with Ordinance Number 2011-76 shall remain in effect, Exhibit "D".

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 14th day of December, 2020.

PASSED AND APPROVED: Second reading this 11th day of January, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

**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 WR
TO
LAWRENCE ZIMMERMANN
DOCUMENT NO. 200706022609, O.R.C.C.T.

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

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
OLS COMPANY
DOCUMENT NO. 200406019963, O.R.C.C.T.

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. 9605025646, O.R.C.C.T.

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

188.50'

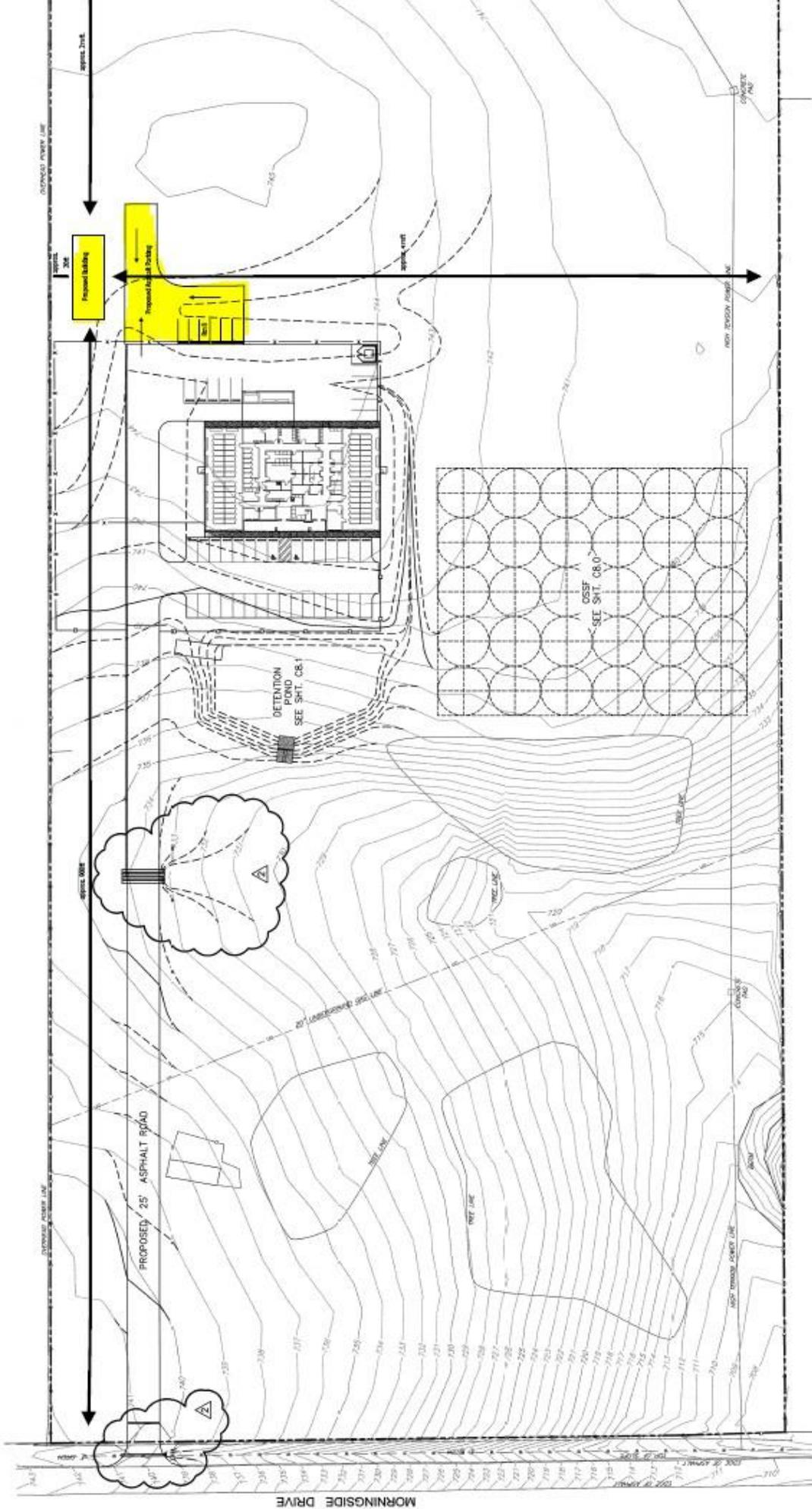
POB S 64°18'54" W - 564.09'

1240' L2

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

EXHIBIT "B"

SITE PLAN



 = Proposed building and parking lot

EXHIBIT "C"

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**

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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;

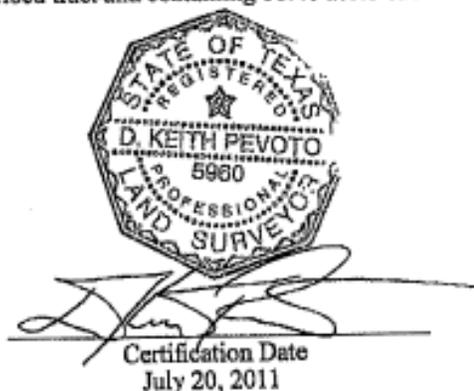
THENCE North 63°14'53" East – 80.25', along said southeast right-of-way line, to a 1/2" found for an angle corner;

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. 200709022693, O.R.C.C.T.

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

RESIDUE OF
18.178 ACRES
WILLIAM E. WENZEL, INDIVIDUALLY, AND AS SOLE DEWSEE, AND
AS INDEPENDENT EXECUTOR OF THE ESTATE OF ANH WENZEL, DECEASED
TO
CLS COMPANY
DOCUMENT NO. 200408019083, O.R.C.C.T.

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. 9805025546, O.R.C.C.T.

2.632 ACRES
MILLIE DOOLITTLE, ET UX
TO
CARLOS P. CABALLERO, ET UX
DOCUMENT NO. 200506025904, O.R.C.C.T.

188.56'

12.40'

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, O.R.C.C.T.

**K^oLODZIE
SURVEYING**

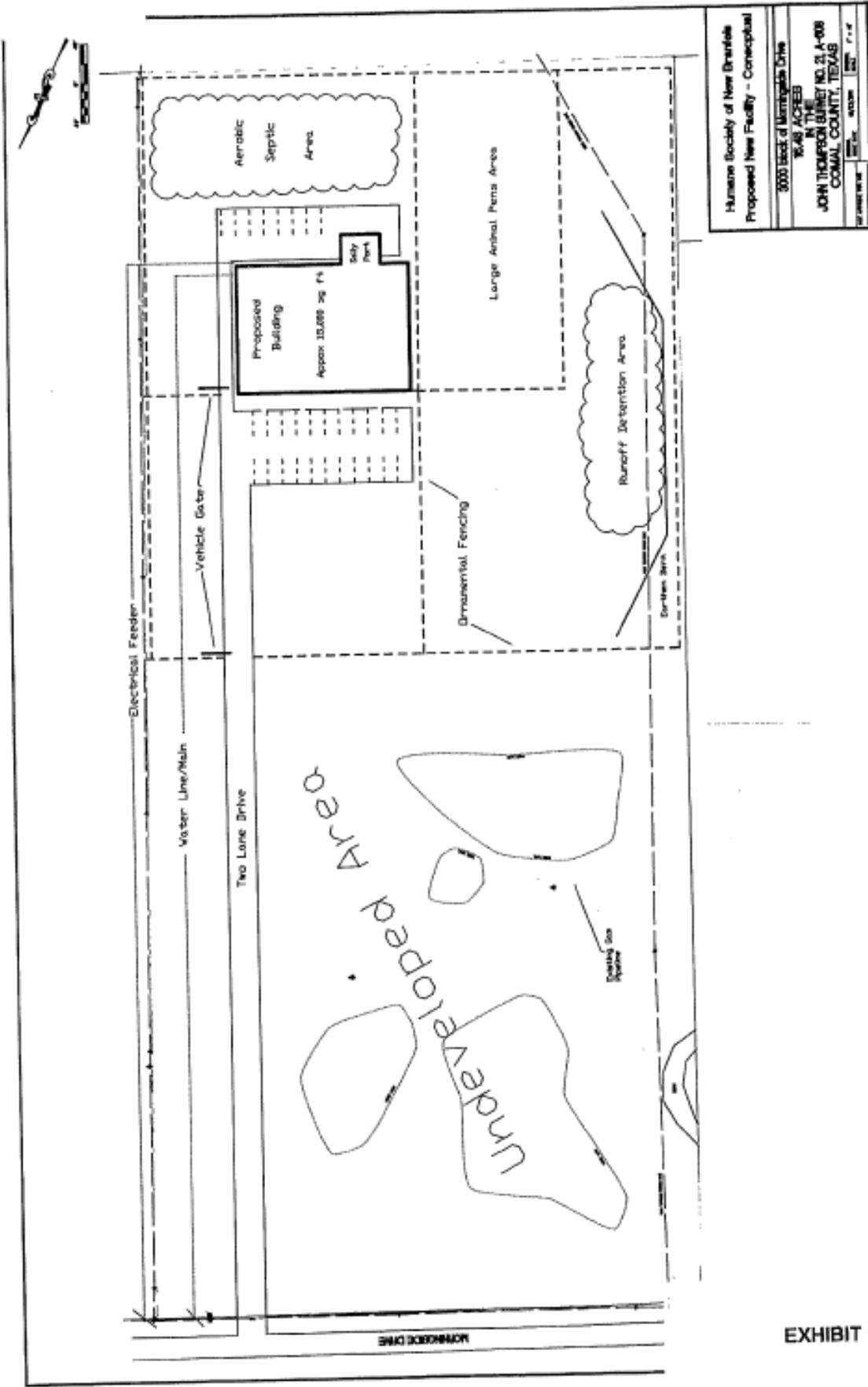
CO

197 EAST MILL STREET • NEW BRAUNFELS

EX

10 40

EXHIBIT "B"



Humana Society of New Orleans
 Proposed New Facility - Conceptual
 3000 block of Metairie Drive
 16.48 ACRES
 IN THE
 JOHN THOMPSON SUBDIVISION NO. 21 A-006
 COMAL COUNTY, TEXAS
 DATE: 11/11/08
 DRAWN BY: [Signature]

EXHIBIT "C"