

ORDINANCE NO. 2022-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 5.25 ACRES CONSISTING OF A 0.25-ACRE TRACT OUT OF THE J NOYES SURVEY 259, ABSTRACT 430, ADDRESSED AT 471 ENGEL ROAD, AND A 2.0 ACRE TRACT OUT OF THE J NOYES SURVEY 259, ABSTRACT 430 AND A 3.0 ACRE TRACT OUT OF THE J THOMPSON SURVEY 21, ABSTRACT 608, ADDRESSED AT 491 ENGEL ROAD, FROM “APD”, AGRICULTURE/PREDEVELOPMENT TO “MU-B”, HIGH INTENSITY MIXED USE; 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 “MU-B” High Intensity Mixed-Use District, the City Council has given due consideration to all components of said district; 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; and

WHEREAS, the City Council desires to amend the Zoning Map by rezoning approximately 5.25 acres consisting of a 0.25-acre tract out of the J Noyes Survey 259, abstract 430, addressed at 471 Engel Road, and a 2.0 acre tract out of the J Noyes Survey 259, abstract 430 and a 3.0 acre tract out of the J Thompson Survey 21, abstract 608, addressed at 491 Engel Road, from “APD”, Agriculture/Predevelopment District to “MU-B”, High Intensity Mixed Use District, **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 described tract of land from “APD” Agricultural/Predevelopment District to “MU-B” High Intensity Mixed Use District:

approximately 5.25 acres consisting of a 0.25-acre tract out of the J Noyes Survey 259, abstract 430, addressed at 471 Engel Road, and a 2.0 acre tract out of the J Noyes Survey 259, abstract 430 and a 3.0 acre tract out of the J Thompson Survey 21, abstract 608, addressed at 491 Engel Road as described in Exhibit “A” and delineated in Exhibit “B” attached.

SECTION 2

THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

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 24th day of January, 2022.

PASSED AND APPROVED: Second reading this 14th day of February, 2022.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

Being a tract of land situated in the John Thompson one league and labor Survey, Abstract No. 608 and the John Noyes 640 Acre Survey, Abstract No. 430, Comal County, Texas, same being that tract of land conveyed to The Melvin G. Voigt and Helen F. Voigt Revocable Living Trust, by deeds recorded in Document Nos: 9806030189 and 9806030190, Real Property Records of Comal County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner, said corner being the South corner of that tract of land conveyed to Randal Adams and Susan L. Adams, by deed recorded in County Clerk File No. 20170603814, Real Property Records of Comal County, Texas and lying along the Northeast line of Engel Road (public right-of-way);

THENCE North 67 degrees 25 minutes 00 seconds East, along a Southeast line of said Adams tract, a distance of 218.48 feet to a 60d nail found for corner;

THENCE South 24 degrees 14 minutes 42 seconds East, along a Southwest line of said Adams tract, a distance of 49.37 feet to a 60d nail found for corner;

THENCE North 67 degrees 15 minutes 13 seconds East, along a Southeast line of said Adams tract, a distance of 1317.27 feet to a fence post found for corner, said corner being the East corner of that tract of land conveyed to Daniel Rangel and Rogelio Rangel, by deed recorded in County Clerk File No. 200406022981, Real Property Records of Comal County, Texas;

THENCE South 24 degrees 47 minutes 35 seconds East, a distance of 142.13 feet to a point for corner, said corner being the North corner of that tract of land conveyed to Elton Schwab and Leora M. Schwab, as Trustees of Elton Schwab and Leora M. Schwab Revocable Living Trust, by deed recorded in County Clerk File No. 200306015102, Real Property Records of Comal County, Texas, from which a fence post found bears North 49 degrees 21 minutes 51 seconds West, a distance of 0.62 feet for witness;

THENCE South 67 degrees 15 minutes 40 seconds West, along the Northwest line of said Schwab tract (200306015102), a distance of 1535.16 feet to a point for corner, said corner being the West corner of that tract of land conveyed to Vincent Schwab, by deed recorded in Volume 493, Page 688, Deed Records of Comal County, Texas and lying along the Northeast line of aforementioned Engel Road, from which a 1/2 inch iron rod found online in a Northwesterly direction at a distance of 2.50 feet for reference;

THENCE North 24 degrees 49 minutes 17 seconds West, along the Northeast line of said Engel Road, a distance of 191.95 feet to the POINT OF BEGINNING and containing 228,744 square feet or 5.25 acres of land.

EXHIBIT "A"

Being a tract of land situated in the John Thompson one league and labor Survey, Abstract No. 608 and the John Noyes 640 Acre Survey, Abstract No. 430, Comal County, Texas, same being that tract of land conveyed to The Melvin G. Voigt and Helen F. Voigt Revocable Living Trust, by deeds recorded in Document Nos: 9806030189 and 9806030190, Real Property Records of Comal County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner, said corner being the South corner of that tract of land conveyed to Randal Adams and Susan L. Adams, by deed recorded in County Clerk File No. 20170603814, Real Property Records of Comal County, Texas and lying along the Northeast line of Engel Road (public right-of-way);

THENCE North 67 degrees 25 minutes 00 seconds East, along a Southeast line of said Adams tract, a distance of 218.48 feet to a 60d nail found for corner;

THENCE South 24 degrees 14 minutes 42 seconds East, along a Southwest line of said Adams tract, a distance of 49.37 feet to a 60d nail found for corner;

THENCE North 67 degrees 15 minutes 13 seconds East, along a Southeast line of said Adams tract, a distance of 1317.27 feet to a fence post found for corner, said corner being the East corner of that tract of land conveyed to Daniel Rangel and Rogelio Rangel, by deed recorded in County Clerk File No. 200406022981, Real Property Records of Comal County, Texas;

THENCE South 24 degrees 47 minutes 35 seconds East, a distance of 142.13 feet to a point for corner, said corner being the North corner of that tract of land conveyed to Elton Schwab and Leora M. Schwab, as Trustees of Elton Schwab and Leora M. Schwab Revocable Living Trust, by deed recorded in County Clerk File No. 200306015102, Real Property Records of Comal County, Texas, from which a fence post found bears North 49 degrees 21 minutes 51 seconds West, a distance of 0.62 feet for witness;

THENCE South 67 degrees 15 minutes 40 seconds West, along the Northwest line of said Schwab tract (200306015102), a distance of 1535.16 feet to a point for corner, said corner being the West corner of that tract of land conveyed to Vincent Schwab, by deed recorded in Volume 493, Page 688, Deed Records of Comal County, Texas and lying along the Northeast line of aforementioned Engel Road, from which a 1/2 inch iron rod found online in a Northwesterly direction at a distance of 2.50 feet for reference;

