

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 13 ACRES, BEING OUT OF THE IDEA NEW BRAUNFELS FM 725 SUBDIVISION, BLOCK 1, LOT 1, ADDRESSED AT 2072 FM 725, FROM APD (AGRICULTURAL/PRE-DEVELOPMENT DISTRICT), R-1 (SINGLE FAMILY DISTRICT), AND C-1 (LOCAL BUSINESS DISTRICT) TO C-1B SUP (GENERAL BUSINESS DISTRICT WITH A SPECIAL USE PERMIT FOR RETAIL); 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, the rezoning is in compliance with the Strategic 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 City Council desires to amend the Zoning Map by changing the zoning of approximately 13 acres being out of the Idea New Braunfels FM 725 Subdivision, Block 1, Lot 1, addressed at 2072 FM 725 from APD (Agricultural/Pre-Development District), R-1 (Single Family District), and C-1 (Local Business District) to C-1B SUP (General Business District with a Special Use Permit for Retail); 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 Retail 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 grant a Special Use Permit at 2072 FM 725, to allow retail in the C-1B (General Business 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 tract of land from APD (Agricultural/Pre-Development District), R-1 (Single Family District), and C-1 (Local Business District) to C-1B SUP (General Business District with a Special Use Permit for Retail) with conditions herein described:

Approximately 13 acres, being out of the Idea New Braunfels FM 725 Subdivision, Block 1, Lot 1, as delineated on Exhibit "A" and described in Exhibit "B", attached.

SECTION 2

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

1. Prohibited Uses:

The following uses will not be allowed within the development:

- All-terrain vehicle (ATV) dealer/sales,
- Amphitheaters (outdoor live performances),
- Amusement Services (outdoors)
- Assembly/exhibition hall or areas,
- Auction sales (non-vehicle),
- Auto Body Repair,
- Auto muffler shop,
- Auto or trailer sales rooms or yards,
- Auto or truck sales rooms or yards,
- Auto paint shop,
- Auto body repair, garages
- Auto repair shop,
- Barns or farm equipment storage,
- Bingo facility,
- Broadcast station (with tower),
- Bus barns or lots,
- Car wash self-serve or full service,
- Carpenter, Cabinet, or Pattern shops,
- Cemetery and/or mausoleum,
- Civic/conference center and facilities,
- Convenience store with fuel sales,
- Country club (private),
- Custom workshops,
- Day camp,
- Driving range,
- Electrical substation,
- Farms, general (crops),
- Farms, general (livestock/ranch),
- Filling station (gasoline tanks must be below the ground),

- Funeral home/mortuary,
- Golf course (public or private),
- Heavy load (farm) vehicle sales/repair,
- Hotel/motel,
- Laundry, commercial (without self-serve),
- Laundry/washateria (self-serve)
- Lawnmower sales and/or repair,
- Limousine/taxi service,
- Mini-warehouse/self-storage units (no boat and RV storage permitted),
- Mini-warehouse/self-storage units with outside boat and RV storage,
- Motorcycle dealer (primarily new/repair),
- Moving storage company,
- Personal watercraft sales (primarily new/repair),
- Plumbing shop,
- Quick lube/oil change/minor inspection,
- RV park,
- RV/travel trailer sales,
- Sign manufacturing/painting plant,
- Storage—Exterior storage for boats and recreational vehicles,
- Tire sales (outdoors),
- Vehicle storage facility,
- Waterfront amusement facilities—Swimming/wading pools/bathhouses

2. Development Standards:

The project will adhere to the following standards to ensure compatibility with the surrounding area:

- Maximum building height: 32 feet
- Minimum building setback from residential properties: 25 feet including landscape buffer and residential wall requirement.
- No parking will be allowed immediately adjacent to residential properties.
- 6-foot-tall masonry wall adjacent to the residential property with an additional landscape buffer.
- Lighting will be shielded and meet all city codes.

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 28th day of October 2024.

PASSED AND APPROVED: Second reading this 12th day of November 2024.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

Civil Job No. 12000-00; Survey Job No. 12000-00
IDEA - NEW BRAUNFELS F.M. 725

SHEET 2 OF 2

FINAL PLAT OF
IDEA - NEW BRAUNFELS
F.M. 725

4.1328 ACRES TRACT OF LAND BEING 13.206 ACRES DESCRIBED IN DEED TO IDEA PUBLIC SCHOOL, RECORDED IN DOCUMENT NO. 201909028693 OF THE OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS, OUT OF THE WILLIAM H. PAPE SURVEY NO. 22, ABSTRACT 285, GUADALUPE COUNTY, TEXAS, IN THE CITY OF NEW BRAUNFELS, GUADALUPE COUNTY, TEXAS.



SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
TYPE: FINAL REGISTRATION #470 | TEXAS FINAL REGISTRATION #10028660
DATE OF PREPARATION: July 05, 2020

LEGEND

AZ ACRES
B-X BLOCK
C-CITY
D-DOCUMENT NUMBER
F-FULL NAME
P-PAGE

OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS
M-MUNICIPALITY
W-WILLIAM H. PAPE SURVEY NO. 22, ABSTRACT 285, GUADALUPE COUNTY, TEXAS

FOUNDED 1928
FOUNDED 1928
FOUNDED 1928

SET 1/2' FROM ROAD (FO)
SET 1/2' FROM ROAD (FO) HOW

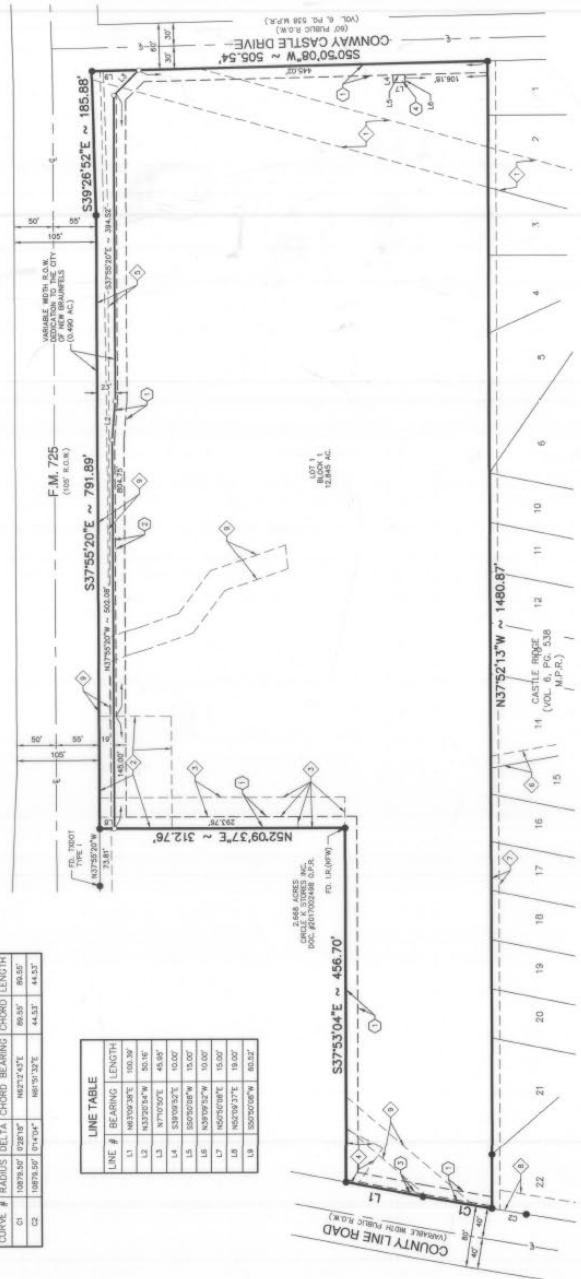
50' WIDE PIPE LINE EASEMENT
1" VEHICULAR NON-ACCESS EASEMENT (NOT TO SCALE)
6" VEHICULAR NON-ACCESS EASEMENT (NOT TO SCALE)
18" X 18" WATER EASEMENT
18" WATER EASEMENT (DOC. #01705897 O.P.F.)
18" WATER EASEMENT (VOL. 1, PAGE 619 O.P.F.)
18" DRAINAGE EASEMENT (VOL. 1, PAGE 619 O.P.F.)
18" UTILITY EASEMENT (VOL. 1, PAGE 619 O.P.F.)
18" UTILITY EASEMENT & BUILDING SETBACK LINE (VOL. 1, PAGE 619 O.P.F.)
30' UTILITY EASEMENT (DOC. #019980075 O.P.F.)

CURVE TABLE

CURVE #	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	10774.57'	278.12'	N87°24'21"	89.53'
C2	10774.57'	278.12'	S87°24'21"	44.53'

LINE TABLE

LINE #	BEARING	LENGTH
L1	N87°24'21"	103.32'
L2	N33°25'37"	30.16'
L3	N77°29'21"	10.00'
L4	S80°20'29"	10.00'
L5	S20°20'29"	10.00'
L6	N33°25'37"	10.00'
L7	N67°29'21"	10.00'
L8	N87°24'21"	10.00'
L9	S80°20'29"	80.32'



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EXHIBIT "B"
Real Property

A 13.336 acre, or 580,900 square feet more or less, tract of land being comprised of a 1.00 acre tract and a remaining portion of a called 112.981 acre tract both described in deed to Jeanette K. Jung, Douglas M. Klein, Donald W. Klein, Nancy G. Boucher, Peggy Lou Smith and Margie L. Waldrop recorded in Volume 1055, Page 95 of the Official Public Records of Guadalupe County, Texas, in the City of New Braunfels, Guadalupe County, Texas. Said 13.336 acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00:

- BEGINNING:** At a found ½ inch iron rod on the southeast right-of-way line of County Line Road, a variable width public right-of-way, on the northwest line of said 112.981 acre tract and at the north corner of Lot 22, Castle Ridge Subdivision recorded in Volume 6, Page 538 of the Map and Plat Records of Guadalupe County, Texas;
- THENCE:** With the southeast line of said County Line Road and the northwest line of said 112.981 acre tract, the following bearings and distances:
- Southeasterly, along a non-tangent curve to the right, said curve having a radius of 10879.50 feet, a central angle of 00°28'18", a chord bearing and distance of N 62°12'43" E, 89.55 feet, for an arc length of 89.55 feet to a found ½ inch iron rod;
- N 63°09'38" E, a distance of 100.39 feet to a found ½ inch iron rod at the west corner of a called 2.668 acre tract described in deed to Circle K Stores Inc. recorded in Document Number 2017002498 of the Official Public Records of Guadalupe County, Texas;
- THENCE:** S 37°53'04" E, departing the southeast right-of-way line of said County Line Road, with the southwest line of said 2.668 acre tract, a distance of 456.70 feet to a found iron rod with cap marked "KFW" at the south corner of said 2.668 acre tract;
- N 52°09'37" E, with the southeast line of said 2.668 acre tract, a distance of 312.76 feet to a found ½ inch iron rod at the east corner of said 2.668 acre tract, on the northeast line of said 112.981 acre tract and on the southwest right-of-way line of F.M. 725, a variable width public right-of-way;
- THENCE:** With the southwest right-of-way line of said F.M. 725 and the northeast line of said 112.981 acre tract, the following bearings and distances:
- S 37°55'20" E, a distance of 791.89 feet to a found TxDot Type II monument;
- S 39°26'52" E, a distance of 185.88 feet to a point at the north corner of Conway Castle Drive, a 60' public right-of-way, recorded in said Castle Ridge Subdivision;
- THENCE:** S 50°50'08" W, departing the southwest right-of-way line of said F.M. 725, with the northwest line of said Conway Castle Drive, at a distance of 0.82 feet passing a found ½' iron rod, continuing for a total distance of 505.54 feet to a found ½ inch iron rod at the east corner of Lot 1 of said Castle Ridge Subdivision;
- THENCE:** N 37°52'13" W, departing the northwest line of said Conway Castle Drive, with the northeast line of said Castle Ridge Subdivision, a distance of 1480.87 feet to the POINT OF BEGINNING and containing 13.336 acres in the City of New Braunfels, Guadalupe County, Texas. Said tract being described in conjunction with a survey made on the ground and a survey map prepared under job number 12000-00 by Pape-Dawson Engineers, Inc.