

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A SPECIAL USE PERMIT TO ALLOW A CAR WASH IN THE "C-1" LOCAL BUSINESS DISTRICT, ON APPROXIMATELY 1.473 ACRES OUT OF THE HENRY FOSTER SURVEY NO. 34, ABSTRACT NO. 154, ADDRESSED AT 1290 RIVERCREST DR. AND 1293 HILLCREST DR.; 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 car wash facilities; and

WHEREAS, the City Council desires to grant a Special Use Permit for approximately 1.473 acres out of the Henry Foster Survey No. 34, Abstract No. 154, addressed at 1290 Rivercrest Dr. and 1293 Hillcrest Dr., to allow a car wash facility in the "C-1" Local 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 adding the following described tracts of land as a "Special Use Permit" for the uses and conditions herein described:

"Being approximately 0.746 acres out of the Henry Foster Survey No. 34, Abstract No. 154, addressed at 1290 Rivercrest Dr. and Being approximately 0.727 acres out of the Henry Foster Survey No. 34, Abstract No. 154, addressed at 1293 Hillcrest Dr., as described in the attached Exhibits 'A' & 'B', and delineated on the attached Exhibits 'C' & 'D', to allow a car wash facility in the "C-1" Local Business District."

SECTION 2

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

1. An 8-foot tall masonry buffer wall along the common property line shared with residential uses is required.

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 of same.

PASSED AND APPROVED: First Reading this the 25th day of February, 2019.

PASSED AND APPROVED: Second Reading this the 11th day of March, 2019.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

WILLIAM J. KOLODZIE SURVEYING COMPANY

REGISTERED PROFESSIONAL LAND SURVEYORS
197 EAST MILL STREET
NEW BRAUNFELS, TEXAS 78130
830-625-6484 FAX 830-620-6484

WILLIAM J. KOLODZIE, R.P.L.S. 1462

GERARD S. SCHOLLER, R.P.L.S. 1876

August 27, 2004

Description of a 0.746 of an acre tract of land out of the Henry Foster Survey No. 34, Abstract 154, City of New Braunfels, Comal County, Texas, and being that same tract conveyed by West-Leach Homes, Inc. to D. L. West Builders, Inc. by deed dated July 31, 1983 and recorded in Volume 356 on pages 270-271 of the Deed Records of Comal County, Texas, said 0.746 of an acre tract described more particularly by metes and bounds as follows:

BEGINNING at a brass-disk TexDot R.O.W. monument at the point of intersection of the Southwest line of Loop 337 with the Southeast line of Rivercrest Drive, for the North corner of this 0.746 of an acre tract;

THENCE with the Southwest line of Loop 337, S. 35° 44' 00" E. 180.00 feet to a 1/2" re-bar rod set for the North corner of a 0.725 of an acre tract conveyed to Aquacorp, Inc. by deed dated August 11, 1994 and recorded in Volume 985 on pages 623-625 of the Official Public Records of Comal County, Texas, for the East corner of this 0.746 of an acre tract, from said rod set, a brass-disk TexDot R.O.W. monument bears S. 35° 44' 00" E. 139.80 feet;

THENCE with the Northwest line of the Aquacorp, Inc. 0.725 of an acre tract, S. 54° 16' 09" W. 180.16 feet to a 1/2" re-bar rod found for the West corner of the Aquacorp, Inc. 0.725 of an acre tract, for the North corner of Lot 40, for the East corner of Lot 39, for the South corner of this 0.746 of an acre tract;

THENCE with the Northeast line of Lot 39, N. 35° 59' 54" W. 179.97 feet to a 1/2" re-bar rod found in the Southeast line of Rivercrest Drive, for the North corner of Lot 39, for the West corner of this 0.746 of an acre tract;

THENCE with the Southeast line of Rivercrest Drive, N. 54° 15' 35" E. 180.99 feet to the Place of Beginning.

I hereby state that this survey was made on the ground and completed on August 20, 2004, and is true and correct to the best of my knowledge and belief.



GERARD S. SCHOLLER
TEXAS R.P.L.S. 1876

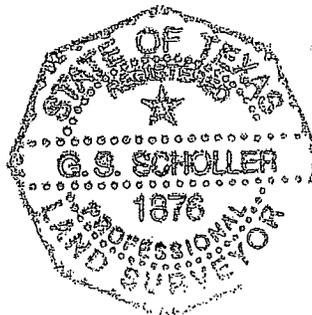


EXHIBIT 'A'

M.D.S. LAND SURVEYING CO.

Boundary • Aia • Topographic • Construction

484 S. Seguin, #102 • New Braunfels, TX 78130

Office (210) 625-0337 Mobile (210) 808-7978

Fax (210) 625-0858

FIELD NOTES FOR A 0.727 OF AN ACRE TRACT OF LAND

BEING a 0.727 of an acre tract of land out of the Henry Foster Survey No. 34, Abstract No. 154, Comal County, Texas, said 0.727 of an acre tract being that certain tract described by deed recorded in volume 853, page 368, Deed Records, Comal County, Texas, said 0.727 of an acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a concrete monument found in the northwest right-of-way line of Hillcrest Drive, said point being at the south end of a cut back line at the intersection of the southwest right-of-way line of State Loop 337, with the northwest right-of-way line of Hillcrest Drive;

THENCE, along the northwest right-of-way line of Hillcrest Drive, S 53°52'07" W, a distance of 139.37' to a found iron rod at the east corner of Lot 40, Rivercrest Heights, Unit 1, recorded in volume 1, page 61, Plat Records, Comal County, Texas;

THENCE, along the northeast boundary line of Lot 40, N 36°02'28" W, a distance of 180.16' to a found iron rod at the south corner of the D. L. West Builder, Inc. tract recorded in volume 356, page 270, Deed Records, Comal County, Texas;

THENCE, along the southeast boundary line of the D. L. West Builder, Inc. tract, N 54°00'59" E, a distance of 181.09' to a found iron rod in the southwest right-of-way line of State Loop 337;

THENCE, along the southwest right-of-way line of State Loop 337, S 35°32'00" E, a distance of 140.44' to a found iron rod at the north end of the aforementioned cutback line;

THENCE, along said cutback line, S 9°47'34" W, a distance of 56.43' to the POINT-OF-BEGINNING and containing 0.727 of an acre tract of land.



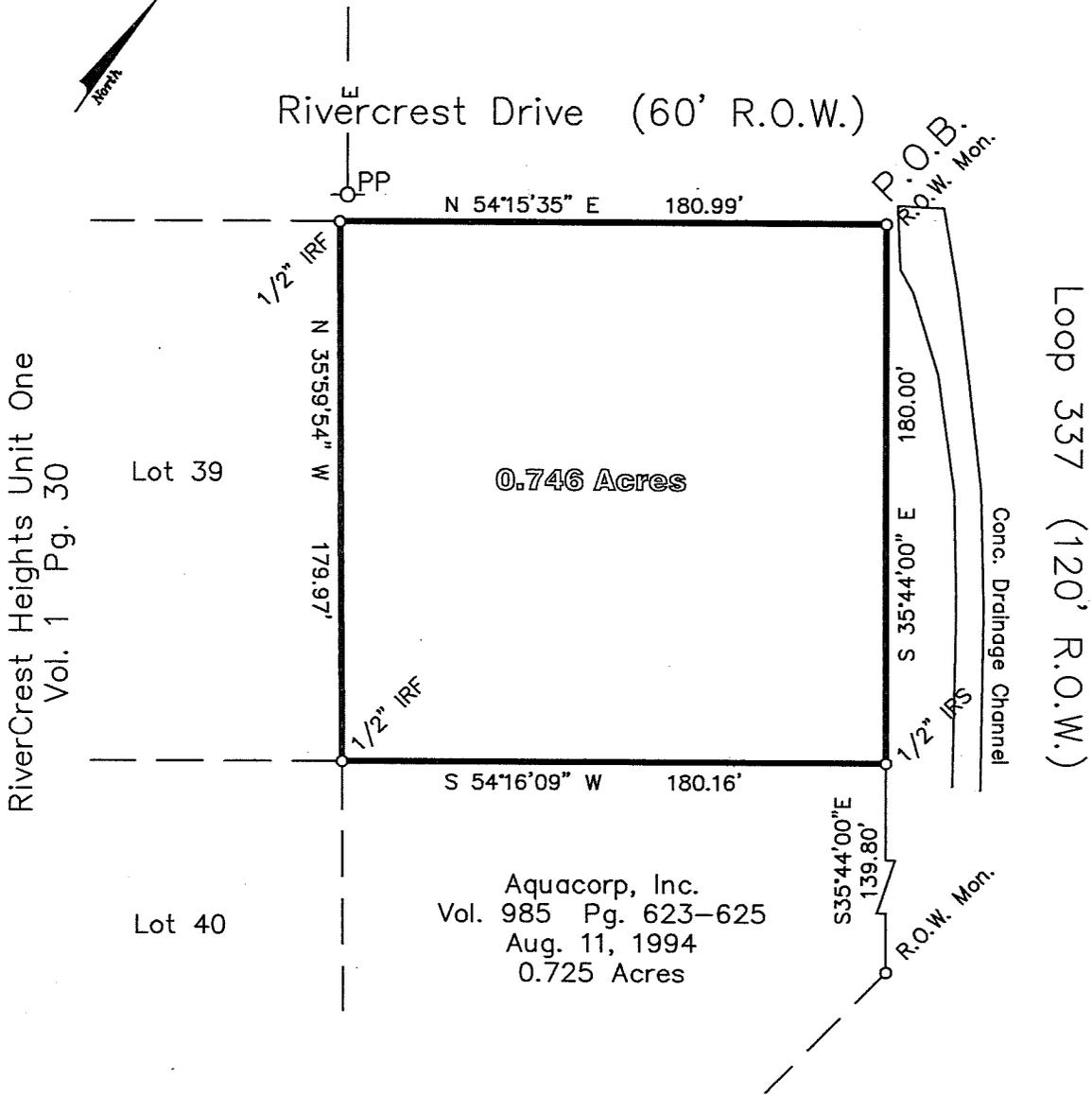
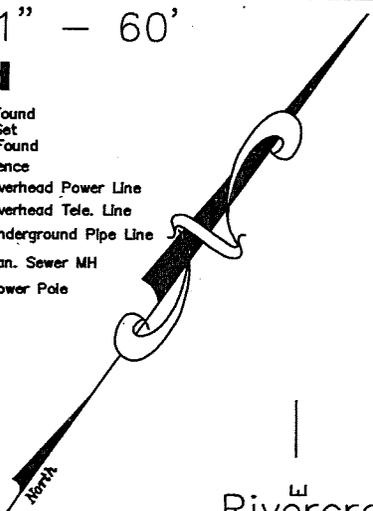
Jeff Boerner 12115 #4939 7-28-94
Jeff Boerner
Registered Professional Land Surveyor
4939

EXHIBIT 'B'

Scale: 1" = 60'

Legend

- IRF = Iron Rod Found
- IRS = Iron Rod Set
- IPF = Iron Pipe Found
- X = Fence
- E = Overhead Power Line
- T = Overhead Tele. Line
- P = Underground Pipe Line
- ⊙ = San. Sewer MH
- PP = Power Pole



PLAT SHOWING:

A 0.746 OF AN ACRE TRACT OF LAND OUT OF THE HENRY FOSTER SURVEY NO. 34, ABSTRACT 154, CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, AND BEING THAT SAME TRACT CONVEYED BY WEST-LEACH HOMES, INC. TO D. L. WEST BUILDERS, INC. BY DEED DATED JULY 31, 1983 AND RECORDED IN VOLUME 356 ON PAGES 270-271 OF THE DEED RECORDS OF COMAL COUNTY, TEXAS.

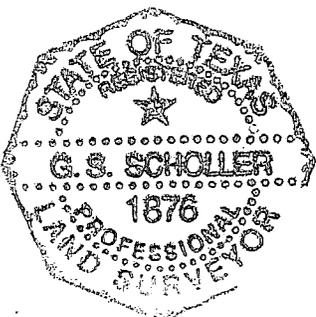
SURVEYOR'S STATEMENT:

I HEREBY STATE THAT THIS SURVEY WAS MADE ON THE GROUND AND COMPLETED ON AUGUST 20, 2004 AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. NO ENCROACHMENTS OF BUILDINGS BY ADJOINING OWNERS UPON THIS PROPERTY WERE FOUND. ACCORDING TO F.E.M.A. FLOOD INSURANCE RATE MAPS, THIS PROPERTY DOES NOT LIE IN A DESIGNATED 100 YEAR FLOOD ZONE.

GERARD S. SCHOLLER
TEXAS R.P.L.S. 1876

NOTES:

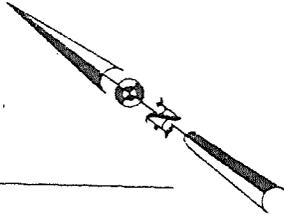
- (1) THIS PROPERTY WAS SURVEYED WITH THE BENEFIT OF A COMMITMENT FOR TITLE INSURANCE, OF # 69258, PROVIDED TO US BY NEW BRAUNFELS TITLE COMPANY, NEW BRAUNFELS, TEXAS



WILLIAM J. KOLODZIE SURVEYING CO.
197 EAST MILL STREET
NEW BRAUNFELS, TEXAS 78130-5045
(830) 625-6484
FAX (830) 620-6484

EXHIBIT 'C'

Scale: 1" = 30'



FLOOD NOTE:
THIS PROPERTY IS NOT LOCATED IN FLOOD ZONE "A" ACCORDING TO FLOOD INSURANCE RATE MAP COMMUNITY-PANEL # 485493 0006 C DATED JUNE 17, 1986

STATE HWY. LOOP 337 (220' ROW)

D.L. WEST BUILDER, INC. VOL. 356, PG. 270

FND IRON ROD

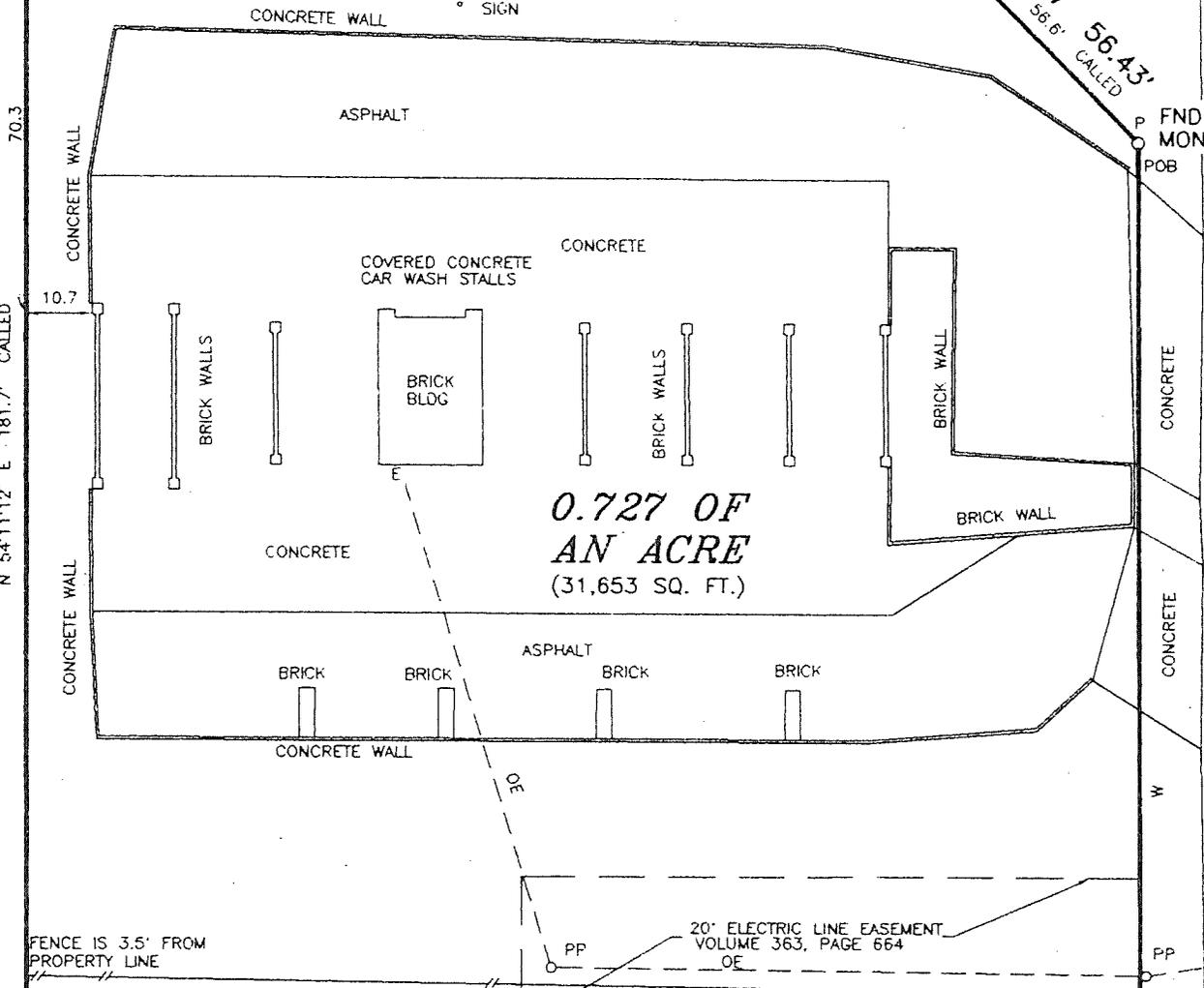
S 35°32'00" E 140.44'
S 35°32'00" E 140.0' CALLED

FND IRON ROD

S 9°47'34" W 56.43'
S 9°28'00" W 56.6' CALLED

FND CONC MONUMENT
POB

N 54°00'59" E 181.09'
N 54°11'12" E 181.7' CALLED



0.727 OF AN ACRE
(31,653 SQ. FT.)

S 54°06'44" W 140.0' CALLED

HILLCREST DRIVE (60' ROW)
DEDICATED PUBLIC RIGHT-OF-WAY MAINTAINED BY THE CITY OF NEW BRAUNFELS

FENCE IS 3.5' FROM PROPERTY LINE

20' ELECTRIC LINE EASEMENT
VOLUME 363, PAGE 664

FND IRON ROD

SHED IS 0.6' OVER PROPERTY LINE
TIN SHED

N 35°45'05" W 180.0' CALLED
N 36°02'28" W 180.16'

FND IRON ROD

LOT 40, RIVERCREST HEIGHTS UNIT 1
VOL. 1. PG. 61 PLAT RECORDS
LOUIS VITOPIL VOL. 232, PG. 782 DR

TO: AQUACORP, INC., A TEXAS CORPORATION
ROBERT CARL MASON AND
DEBORAH BRYANT MASON

REFERENCE BEARING:
BASIS OF BEARING FROM DEED RECORDED IN VOL. 853, PG. 368, DEED RECORDS, COMAL COUNTY, TEXAS
ADDRESS:

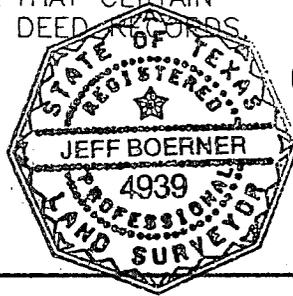
LEGEND:

- POB POINT OF BEGINNING
- E ELECTRIC METER
- PP POWER POLE
- OE OVERHEAD ELECTRIC
- W WATER METER
- P PEDESTAL
- WOOD FENCE

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THIS SURVEY AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS OF BUILDINGS ON ADJOINING PROPERTY AND THAT ALL BUILDINGS ARE WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN ABOVE AND THIS SURVEY COMPLIES WITH THE TEXAS STANDARDS AND SPECIFICATIONS FOR A CATEGORY A, CONDITION II SURVEY.

PLAT SHOWING: A 0.727 OF AN ACRE TRACT OF LAND OUT OF THE HENRY FOSTER SURVEY NO. 34, ABST. 154, COMAL COUNTY, TEXAS, AND ALSO BEING THAT CERTAIN TRACT RECORDED IN VOL. 853, PG. 368, DEED RECORDS, COMAL COUNTY, TEXAS

M.D.S. LAND SURVEYING CO.
494 S. SEGUIN ST. # 102
NEW BRAUNFELS, TEXAS 78130
PHONE: (210) 625-0337



Jeff Boerner 2018-4-1939
JEFF BOERNER
REGISTERED PROFESSIONAL LAND SURVEYOR
#4939
TEXAS REGISTRATION NO.
JOB # 94-0580
DATE: 7-27-94
C. J. 94