

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, GRANTING A SPECIAL USE PERMIT TO APPROXIMATELY 2.43 ACRES CONSISTING OF LOT 1R, JOHNSON COMMERCIAL SUBDIVISION, COMAL COUNTY, TEXAS, TO ALLOW THE BULK STORAGE OF UP TO 80,000 GALLONS OF FUEL IN BELOWGROUND TANKS IN THE “C-3” COMMERCIAL DISTRICT, ADDRESSED AT 4340 SOUTH IH 35; 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 City Council desires to grant a Special Use Permit to approximately 2.43 acres consisting of Lot 1R, Johnson Commercial Subdivision, Comal County, Texas, to allow the bulk storage of up to 80,000 gallons of fuel in belowground tanks in the “C-3” Commercial District, addressed at 4340 South IH 35; **now, therefore;**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT pursuant to Sections 3.6-2 and 3.6-3, 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 tract of land as a "Special Use Permit" for the uses and conditions herein described:

"Approximately 2.43 acres consisting of Lot 1R, Johnson Commercial Subdivision, Comal County, Texas, addressed at 4340 South IH 35, as delineated on Exhibit 'A' attached."

SECTION 2

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

1. Exhibit 'B' shall be the adopted Special Use Permit site plan. The property will be developed in accordance with the approved site plan regarding the location of the belowground fuel storage tanks and will meet all applicable zoning requirements prior to the issuance of a certificate of occupancy.

SECTION 3

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 4

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 5

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 6

THIS ordinance will take effect upon the second and final reading of same.

PASSED AND APPROVED: First Reading this the 23rd day of April, 2018.

PASSED AND APPROVED: Second and Final Reading this the 14th day of May, 2018.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

\\chfs-1\Departments\Planning\ZoneChange-SUP-Replats\2018 cases\PZ-18-005 Circle K SUP\Ordinance.docx

OF

LOT 1, JOHNSON COMMERCIAL SUBDIVISION

ESTABLISHING LOTS 1R AND 2R, BEING 5.906 ACRES AS RECORDED IN DOCUMENT NO. 201406019988, OF THE PLAT RECORDS OF COMAL COUNTY, TEXAS



NEW BRAUNFELS, TEXAS
VICINITY MAP
NOT TO SCALE



STATE OF TEXAS
COUNTY OF COMAL

I, Bobbie Kepp, do hereby certify that the foregoing instrument was filed for record in the map and plat records, Document No. 201506019237, of Comal County, Texas, on the 14 day of May, A.D. 2015 at 1:00 PM. Witness my hand and official seal of office this 14 day of May, A.D. 2015.

By: Bobbie Kepp County Clerk, Comal County, Texas
Jimmy Kivaldi Deputy

CERTIFICATE OF APPROVAL
Approved this the 14 day of April, 2015, by the Planning Commission of the City of New Braunfels, Texas.

Chairman: Cory Z. Fred

APPROVED FOR ACCEPTANCE

5/14/2015

Date

5/16/2015

Date

5/18/15

Date

Chairman

Director of Planning

City Engineer

City Engineer

City Engineer

New Braunfels Utilities

GENERAL NOTES:

- SUBDIVISION CORNERS ARE MONUMENTED AS SHOWN HEREON.
- THE BEARINGS SHOWN HEREON ARE BASED ON (NAD 83/NA2011) EPOCH 2010.00, TEXAS STATE COORDINATE SYSTEM, SOUTH CENTRAL ZONE.
- REFERENCE PROPERTY IS NOT WITHIN THE 1% ANNUAL CHANCE FLOOD ZONE AND IS LOCATED IN ZONE X OF THE F.I.R.M. (FLOOD INSURANCE RATE MAP) CITY OF NEW BRAUNFELS, TEXAS, COMAL COUNTY AS DEFINED BY MAP NO. 46091C0445F, DATED SEPTEMBER 2, 2009.
- THIS PROPERTY LIES IN THE NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT.
- THIS PROPERTY WILL BE SERVED BY THE FOLLOWING:
ELECTRIC - NEW BRAUNFELS UTILITIES
TELEPHONE - AT&T
WATER - NEW BRAUNFELS UTILITIES
SEWER - NEW BRAUNFELS UTILITIES
- REFERENCE PROPERTY HAS EXISTING IMPROVEMENTS.
- THIS PROPERTY DOES NOT LIE OVER THE RECHARGE ZONE OF THE EDWARDS AQUIFER.
- A 6 FOOT WIDE SIDEWALK SHALL BE CONSTRUCTED ADJACENT TO SOLMS ROAD, F.M. 482, AND IN 35 BY THE OWNER / DEVELOPER AT THE TIME OF CONSTRUCTION.
- DRAINAGE EASEMENTS SHALL BE FREE FROM ALL OBSTRUCTIONS AND MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.
- PROPERTY OWNERS ARE ADVISED THAT THEY ARE RESPONSIBLE FOR MAINTENANCE OF DEDICATED EASEMENTS ON THEIR PROPERTY AND THE UNDERSIGNED OWNER RESERVES UNTO ITSELF, AND ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO UTILIZE THE EASEMENT AREAS DEDICATED BY IT HEREON FOR PURPOSES WHICH DO NOT CONFLICT WITH THE APPLICABLE EASEMENT DEDICATED HEREON; PROVIDED, AND SUCH USE OF SUCH EASEMENT AREA BY THE UNDERSIGNED OWNER SHALL BE SUBJECT TO THE APPLICABLE PERMIT REQUIREMENTS OF THE CITY OF NEW BRAUNFELS AND WITH WRITTEN AGREEMENT FROM APPLICABLE UTILITIES.
- FUTURE DEVELOPMENT IS SUBJECT TO CHAPTER 114 (STREETS, SIDEWALKS AND OTHER PUBLIC SPACES) OF THE NEW BRAUNFELS CODE OF ORDINANCES.
- NO STRUCTURES, WALLS OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO LANDSCAPING, FENCES, OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE EASEMENTS OR DECREASES THE HYDRAULIC CAPACITY OF THE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY ENGINEER. THE CITY OF NEW BRAUNFELS SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTORS ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTION PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE EASEMENTS.
- PARKLAND AND DEVELOPMENT: IN THE EVENT THIS PLAT IS INCLUDED OR BECOMES A SUBDIVISION WITH A RESIDENTIAL USE, THE OWNER(S) SHALL IMMEDIATELY CONTACT THE CITY OF NEW BRAUNFELS PER THE PARKLAND ORDINANCE AND BEFORE BUILDING PERMITS ARE ISSUED FOR NEW DWELLING UNIT(S).
- THIS SUBDIVISION IS SUBJECT TO THE CITY OF NEW BRAUNFELS PARK LAND DEDICATION AND DEVELOPMENT ORDINANCE. AT SUCH TIME THAT RESIDENTIAL DWELLING UNITS ARE CONSTRUCTED WITHIN THIS SUBDIVISION, THE OWNER(S) SHALL SUBMIT THE THEN CURRENT DEDICATION AND DEVELOPMENT FEE TO THE CITY OF NEW BRAUNFELS WITH THE BUILDING PERMIT(S) FOR EACH NEW DWELLING UNIT.
- NBUT NOTES:
a. MAINTENANCE OF DEDICATED UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. ANY USE, OF AN EASEMENT, OR ANY PORTION OF IT, INCLUDING LANDSCAPING OR DRAINAGE FEATURES, IS SUBJECT TO AND SHALL NOT CONFLICT WITH THE TERMS AND CONDITIONS IN THE EASEMENT, MUST NOT ENDANGER OR INTERFERE WITH THE RIGHTS GRANTED BY THE EASEMENT TO NEW BRAUNFELS UTILITIES, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE SUBJECT TO APPLICABLE PERMIT REQUIREMENTS OF THE CITY OF NEW BRAUNFELS OR ANY OTHER GOVERNING BODY. THE PROPERTY OWNER MUST OBTAIN, IN ADVANCE, WRITTEN AGREEMENT WITH THE UTILITIES TO UTILIZE THE EASEMENT, OR ANY PART OF IT.
b. UTILITIES WILL POSSESS A 5-FOOT WIDE SERVICE EASEMENT TO THE BUILDING STRUCTURE ALONG THE SERVICE LINE TO THE SERVICE ENTRANCE. THIS EASEMENT WILL VARY DEPENDING UPON LOCATION OF BUILDING STRUCTURE AND SERVICE.
c. UTILITIES SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARD AND METER LOCATIONS SHALL NOT BE LOCATED WITHIN A FENCED AREA.
d. EACH TRACT IS SUBJECT TO FLOATING GUY WIRE EASEMENT(S) AND ITS DIMENSIONS SHALL BE DETERMINED BY THE NEED OF THE UTILITIES.
e. DO NOT COMBINE ANY NEW UTILITY EASEMENTS (UE) WITH DRAINAGE EASEMENTS (DE) OR MAKE CHANGES IN GRADE WITHIN THE UTILITY EASEMENTS (UE) WITHOUT WRITTEN APPROVAL FROM NEW BRAUNFELS UTILITIES.
- TxDOT NOTES:
a. FOR RESIDENTIAL DEVELOPMENT DIRECTLY ADJACENT TO STATE RIGHT-OF-WAY, THE DEVELOPER SHALL BE RESPONSIBLE FOR ADEQUATE SETBACK AND/OR SOUND ABATEMENT MEASURES FOR FUTURE NOISE MITIGATION.
b. OWNER/DEVELOPER IS RESPONSIBLE FOR PREVENTING ANY ADVERSE IMPACT TO THE EXISTING DRAINAGE SYSTEM WITHIN THE HIGHWAY RIGHT-OF-WAY.
c. MAXIMUM ACCESS POINTS TO THE STATE HIGHWAY FROM THIS PROPERTY WILL BE REGULATED AS DIRECTED BY TxDOT'S "ACCESS MANAGEMENT MANUAL". THE PROPERTY IS ELIGIBLE FOR A MAXIMUM COMBINED TOTAL OF 1 (ONE) ACCESS POINT TO IH 35 BASED ON AN APPROXIMATE OVERALL FRONTAGE OF 480 FEET. THE PROPERTY IS ELIGIBLE FOR A MAXIMUM COMBINED TOTAL OF 1 (ONE) ACCESS POINT TO FM 482 BASED ON AN APPROXIMATE OVERALL FRONTAGE OF 122.45 FEET.
d. IF SIDEWALKS ARE REQUIRED BY APPROPRIATE CITY ORDINANCE, A SIDEWALK PERMIT MUST BE APPROVED BY TxDOT, PRIOR TO CONSTRUCTION WITHIN THE STATE RIGHT-OF-WAY. LOCATIONS OF SIDEWALKS WITHIN STATE RIGHT-OF-WAY SHALL BE AS DIRECTED BY TxDOT.
e. ANY TRAFFIC CONTROL MEASURES (LEFT-TURN LANE, RIGHT-TURN LANE, SIGNAL, ETC.) FOR ANY ACCESS FRONTING A STATE MAINTAINED ROADWAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER/OWNER.

EXISTING PLAT
LOT 1, FINAL PLAT OF JOHNSON COMMERCIAL
DOCUMENT NO 201406019988, P.R.C.C.T.

F.M. 482



STATE OF TEXAS
COUNTY OF COMAL

I (We) the undersigned owner(s) of the land shown on this plat, and designated herein as the REPLAT OF LOT 1, JOHNSON COMMERCIAL SUBDIVISION, a subdivision in the City of New Braunfels, County of Comal, Texas and whose name is subscribed hereto, do hereby subdivide such property and dedicate to the use of the Public all streets, alleys, parks, drains, easements and public places thereon shown for the purposes and consideration therein expressed.



Susan Barnick
SUSAN BARNICK
TIGER TOTE FOOD STORE, INC.
P.O. BOX 1999
GONZALES, TEXAS 78629-1499

This instrument was acknowledged before me this 14 day of April, 2015, by: Susan Barnick
Notary Public, State of Texas

KNOW ALL MEN BY THESE PRESENTS:

I, the undersigned, John W. McCown, a Registered Professional Surveyor in the State of Texas, hereby certify that this plat is true and correctly made under my supervision and in compliance with City and State survey regulations and laws and made on the ground and that the corner monuments were properly placed under my supervision.

John W. McCown
JOHN W. MCCOWN
REGISTERED PROFESSIONAL SURVEYOR NO. 5135
STATE OF TEXAS
SURVITEX, LLC
600 W. Whitestone Blvd.
Cedar Park, Texas 78613

NEW BRAUNFELS, COMAL COUNTY, TEXAS

DATE: 2-19-15
DRAWN BY: JEP
CHECKED BY: JWM
PROJ. NO. 2013-0016

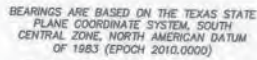
SHEET: 1 OF 2

SURVITEX LLC
PROFESSIONAL SURVEYING AND MAPPING SERVICES
600 W. Whitestone Blvd.
Cedar Park, Texas 78613
(512) 249-8875
Fax (512) 249-5040

Exhibit 'A'

OF

ESTABLISHING LOTS 1R AND 2R, BEING 5.906 ACRES AS RECORDED IN DOCUMENT NO. 201406019988, OF THE PLAT
RECORDS OF COMAL COUNTY, TEXAS



DISTANCES HAVE BEEN SCALED USING A
PROJECT SPECIFIC SURFACE ADJUSTMENT
FACTOR OF 1.00015

UNLESS NOTED OTHERWISE

- | | |
|--------------|--|
| 82 | TWOOT TYPE 8 CONCRETE
MONUMENT FOUND |
| 81 | TWOOT TYPE 1 CONCRETE
MONUMENT FOUND |
| 80 | 1/2" IRON ROD FOUND |
| 79 | 1/2" IRON ROD WITH SURVIVED
PLASTIC CAP SET IN 2013 |
| 78 | 1/2" IRON ROD WITH SURVIVED
PLASTIC CAP SET IN 2015 |
| 77 | CALCULATED POINT |
| R.O.W. | RIGHT OF WAY |
| U.E. | UTILITY EASEMENT |
| D.R.C.C.T. | DEED RECORDS OF COMAL COUNTY, TEXAS |
| M.R.C.C.T. | MAP RECORDS OF COMAL COUNTY, TEXAS |
| D.R.C.C.T. | OFFICIAL RECORDS OF COMAL COUNTY, TEXAS |
| G.P.R.C.C.T. | OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS |

NOTES

1. MONUMENTS WERE FOUND OR SET AT ALL CORNERS OF THIS TRACT, ALL BOUNDARY CORNERS SHOWN AS SET WERE SET PRIOR TO RECDORATION OF THIS PLAT AND ARE MONUMENTED AS SHOWN HEREON.
2. IRON RODS SET IN 2013 WERE DONE SO IN CONJUNCTION WITH THE PLAT OF JOHNSON COMMERCIAL AND WERE VERIFIED IN THE FIELD, PRIOR TO RECDORATION OF THIS PLAT.
3. THE LOCATION OF THE DRAINAGE EASEMENT AND ACCESS EASEMENT DEDICATED HEREON WAS PROVIDED BY THE CLIENT.



DATE: 2-19-15
DRAWN BY: JEP
CHECKED BY: JWM
PROJ. NO. 2013-0016

SHEET: 2 OF 2

SURVOTEX LLC
PROFESSIONAL SURVEYING AND MAPPING SERVICES
600 W. Whitestone Blvd.
Cedar Park, Texas 78613
(512) 249-8875
Fax (512) 249-5040

