

ORDINANCE NO. 2026-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 2.62 ACRES, BEING BENTWOOD COMMERCIAL UNIT THREE, LOT 3, CURRENTLY ADDRESSED AT 2009 SOUTH WALNUT AVENUE, FROM PD SUP (AGRICULTURAL/PRE-DEVELOPMENT DISTRICT WITH A SPECIAL USE PERMIT TO ALLOW A RETAIL DEVELOPMENT WITH SPECIFIC USES) TO C-1A (NEIGHBORHOOD BUSINESS DISTRICT); 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-1A (Neighborhood 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, 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;

WHEREAS, the requested rezoning is in accordance with the City's Strategic Plan;

WHEREAS, the requested rezoning is in accordance with the Land Use Fiscal Analysis;

WHEREAS, the City Council desires to amend the Zoning Map by changing the zoning of approximately 2.62 acres being Bentwood Commercial Unit Three, Lot 3, currently addressed at 2009 South Walnut Avenue from APD SUP (Agricultural/Pre-development District with a Special Use Permit to allow a retail development with specific uses) to C-1A (Neighborhood Business District); and

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 SUP (Agricultural/Pre-development District with a Special Use Permit to allow a retail development with specific uses) to C-1A (Neighborhood Business District):

Approximately 2.62 acres, being [legal description], as delineated on Exhibit "A" and described in Exhibit "B", attached.

SECTION 2

THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 3

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 4

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 August, 2026.

PASSED AND APPROVED: Second reading this 14th day of September, 2026.

CITY OF NEW BRAUNFELS

MICHAEL FRENCH, Mayor

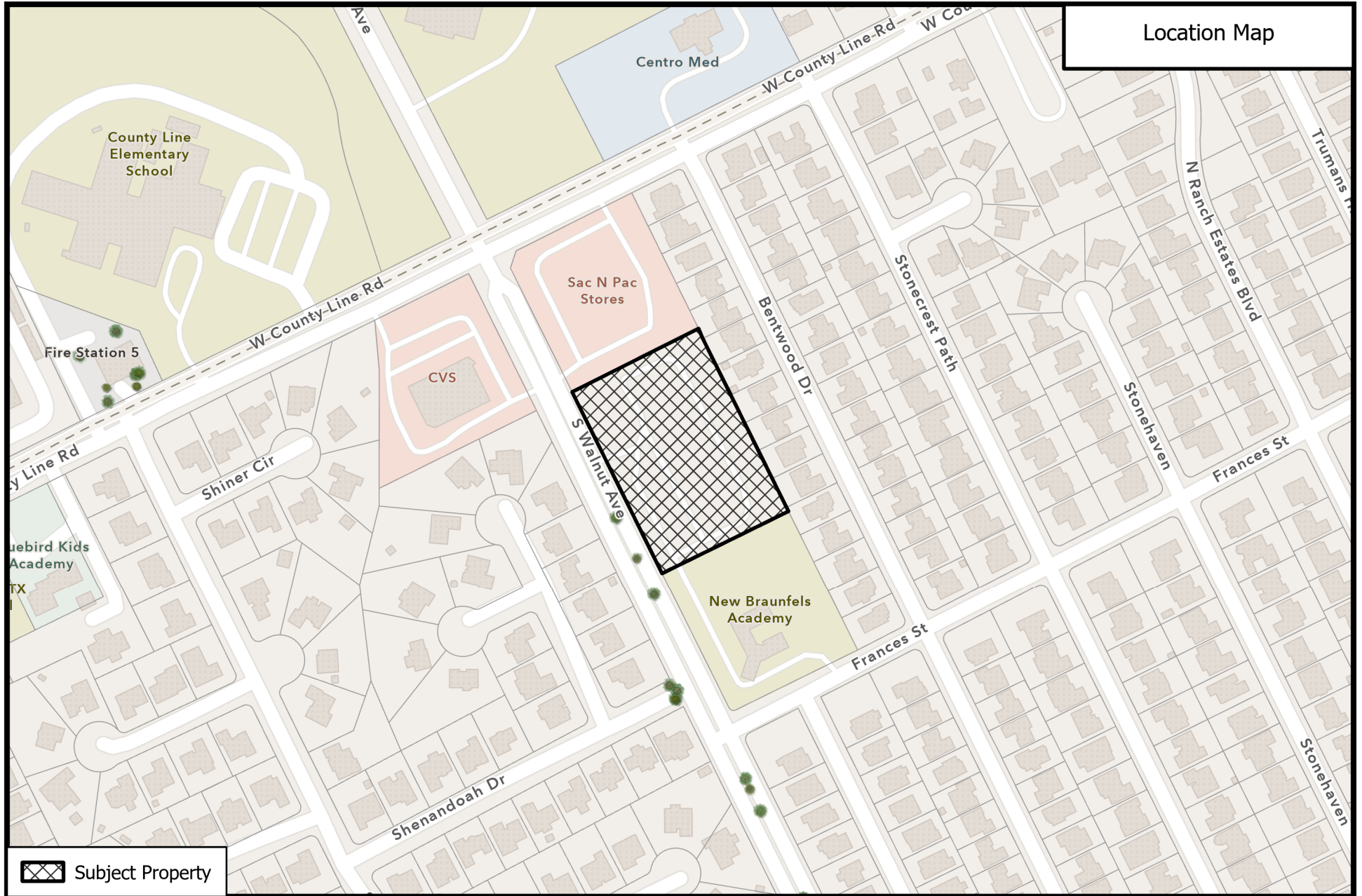
ATTEST:

GAYLE WILKINSON, City Secretary

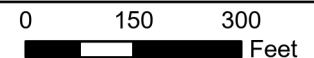
APPROVED AS TO FORM:

City Attorney's Office

EXHIBIT "A"



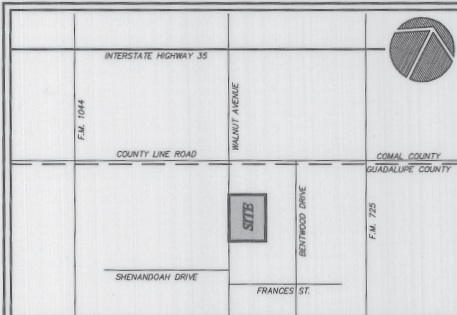
PZ26-0216
APD SUP to C-1A



Path:
 L:\Boards and Commissions\ZoneChange & SUPs\2026\PZ26-0216 - 2009 S Walnut Ave -

Source: City of New Braunfels Planning
 Date: 8/4/2026

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of New Braunfels, its officials or employees for any discrepancies, errors, or variances which may exist.

LOCATION MAP
NOT TO SCALE

OWNER'S ACKNOWLEDGMENT:

STATE OF TEXAS
COUNTY OF COMAL

WE, THE UNDERSIGNED OWNERS OF LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE BENTWOOD COMMERCIAL UNIT THREE, A SUBDIVISION TO THE CITY OF NEW BRAUNFELS, COUNTY OF GUADALUPE, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY SUBDIVIDE SUCH PROPERTY AND DEDICATED TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

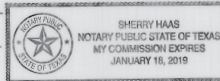
COUNTY LINE PARTNERSHIP NO. 1
TEXAS GENERAL PARTNERSHIP
P.O. BOX 311240
NEW BRAUNFELS, TEXAS 78130

LINDE MANAGEMENT INC., A TEXAS
CORPORATION, GENERAL PARTNER

REBECCA HILL, VICE PRESIDENT

STATE OF TEXAS
COUNTY OF COMAL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ON THE 22nd DAY OF JUNE, 2016.

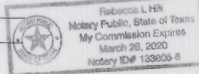
BY: Sherry HaasNOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES:

ATH, LTD, A TEXAS LIMITED
PARTNERSHIP, GENERAL PARTNER
410 N. SEQUIN AVE.
NEW BRAUNFELS, TX 78130

VICKI T. HOLLMIG, VICE PRESIDENT

STATE OF TEXAS
COUNTY OF COMAL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ON THE 22nd DAY OF JUNE, 2016.

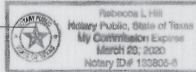
BY: Rebecca HillNOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES:

S & D DEVELOPMENT, L.L.C.,
A TEXAS LIMITED LIABILITY COMPANY
215 COURTYARD DRIVE
NEW BRAUNFELS, TEXAS 78130

STEVEN M. LANGE, PRESIDENT

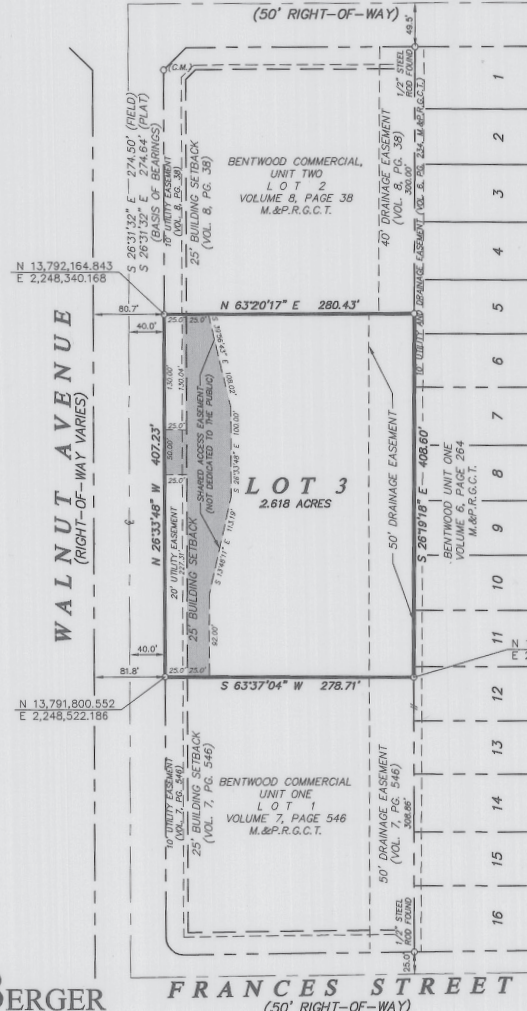
STATE OF TEXAS
COUNTY OF COMAL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ON THE 22nd DAY OF JUNE, 2016.

BY: Rebecca HillNOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES:FINAL PLAT
BENTWOOD COMMERCIAL, UNIT THREE

BEING A 2.618 ACRE TRACT SITUATED IN THE WILLIAM H. PATE SURVEY NO. 22, ABSTRACT 259, CITY OF NEW BRAUNFELS, GUADALUPE COUNTY, TEXAS AND BEING THE REMAINING PORTION OF A 7.508 ACRE TRACT AS DESCRIBED IN A CONVEYANCE TO COUNTY LINE PARTNERSHIP NO. 1 RECORDED IN VOLUME 1475, PAGE 387, AND AN UNDIVIDED 1/3 INTEREST IN SAID 7.508 ACRE TRACT AS DESCRIBED IN A CONVEYANCE TO S & D DEVELOPMENT, L.L.C. RECORDED IN VOLUME 2334, PAGE 485, BOTH OF THE OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS.

COUNTY LINE ROAD



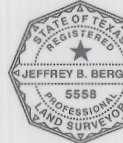
BERGER LAND SURVEYING
172 ROSEWOOD DRIVE
LA VERNIA, TEXAS 78121-4756
TEL. (830)-217-4228
FAX (866) 806-3636

GENERAL NOTES

- THE LOT WITHIN THIS SUBDIVISION WILL BE SERVED BY A PUBLIC WATER SUPPLY AND SEWER SYSTEM OWNED BY NEW BRAUNFELS UTILITIES (NBU). ELECTRICITY WILL BE PROVIDED BY GUADALUPE VALLEY ELECTRIC COOPERATIVE (GVEC). TELEPHONE SERVICE WILL BE PROVIDED BY AT&T AND THE WARNER, AND GAS SERVICE WILL BE PROVIDED BY CENTERPOINT.
- BEARINGS ARE BASED ON THE SUBDIVISION PLAT OF BENTWOOD COMMERCIAL UNIT TWO AS RECORDED IN VOLUME 8, PAGE 38, MAP AND PLAT RECORDS OF GUADALUPE COUNTY, TEXAS.
- NO PORTION OF THIS SUBDIVISION IS LOCATED WITHIN THE EXISTING SPECIAL FLOOD HAZARD ZONE "AT" A 100-YEAR FLOOD BOUNDARY AS DETERMINED BY THE GUADALUPE COUNTY, TEXAS COMMUNITY PANEL NO. 48197C DTS F DATED NOVEMBER 2, 2007 AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- LOT 3, BENTWOOD COMMERCIAL UNIT THREE LIES IN THE CITY LIMITS OF NEW BRAUNFELS.
- THE SUBDIVISION LIES WITHIN THE NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT.
- THE PROPOSED USE OF THE SUBDIVISION IS FOR COMMERCIAL USE, IT IS CURRENTLY ZONED - APO WITH A TYPE 2 SUP.
- BENTWOOD COMMERCIAL UNIT THREE, ESTABLISHING A TOTAL OF ONE (1) LOT.
- THERE IS AN EXISTING FOUR (4) FOOT SIDEWALK ADJACENT TO WALNUT AVENUE. SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.
- NO STRUCTURES IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC WATER AND SEWER SYSTEM WHICH HAS BEEN APPROVED BY NEW BRAUNFELS UTILITIES.
- NO STRUCTURES, WALLS, OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO LANDSCAPING, FENCES, OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE EASEMENTS OR DECREASE THE DRAINAGE HYDRAULIC CAPACITY OF THE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE ENGINEER AND THE DIRECTOR OF PUBLIC WORKS. THE CITY OF NEW BRAUNFELS SHALL, THE RIGHT OF INGRESS AND EGRESS OVER GRANTORS OF ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE EASEMENTS.
- AT THE TIME OF PLAT, THIS SUBDIVISION IS FOR COMMERCIAL USE. AT THE TIME THE USE OF THIS PROPERTY BECOMES A RESIDENTIAL PURPOSE, THE OWNER(S) SHALL IMMEDIATELY CONTACT THE CITY OF NEW BRAUNFELS BEFORE A CERTIFICATE OF OCCUPANCY IS ISSUED BY THE CITY.

13. NEW BRAUNFELS UTILITY NOTES:

- MAINTENANCE OF DEDICATED UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. ANY USE OF AN EASEMENT, AND ANY PORTION OF IT, INCLUDING LANDSCAPING OR DRAINAGE FEATURES, IS SUBJECT TO AND SHALL NOT CONFLICT WITH ANY 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.
- UTILITIES WILL POSSESS A 5-FOOT WIDE SERVICE EASEMENT TO THE BUILDING STRUCTURE ALONG THE SERVICE LINE TO THE SERVICE ENTRANCE. THE EASEMENT WILL VARY DEPENDING UPON THE LOCATION OF DWELLING AND SERVICE.
- UTILITIES SHALL HAVE ACCESS TO METER LOCATIONS FROM THE FRONT YARD AND METER LOCATIONS SHALL NOT BE LOCATED WITHIN A FENCED AREA.
- EACH LOT MUST HAVE ITS OWN WATER AND SEWER SERVICE AT THE OWNER'S/DEVELOPER'S EXPENSE.
- DO NOT COMBINE AND UTILITY EASEMENTS (U.E.) WITH DRAINAGE EASEMENTS (D.E.) OR MAKE CHANGES IN GRADE WITHIN THE UTILITY EASEMENTS (U.E.) WITHOUT WRITTEN APPROVAL FROM NEW BRAUNFELS UTILITIES.



KNOW ALL MEN BY THESE PRESENTS:

I, THE UNDERSIGNED, JEFFREY B. BERGER, A REGISTERED PROFESSIONAL LAND 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 REGULATIONS AND LAWS AND MADE ON THE GROUND AND THAT ALL CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

Jeffrey B. Berger, R.P.L.S.
JEFFREY B. BERGER
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5558
BERGER LAND SURVEYING
172 ROSEWOOD DRIVE, LA VERNIA, TEXAS 78121-4756

APPROVED THIS 7th DAY OF June, 2016, BY THE PLANNING COMMISSION OF THE CITY OF NEW BRAUNFELS, TEXAS.

APPROVED FOR ACCEPTANCE:

7-6-16
DATE

7/1/2016
DATE

6/28/2016
DATE

COUNTY OF TEXAS

STATE OF GUADALUPE

I, Linda K. Kild, COUNTY CLERK OF GUADALUPE COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE, ON THE 20th DAY OF July, A.D. 2016, AT 11:00 AM, AND DULY RECORDED THE 20th DAY OF July, A.D. 2016, AT 11:00 AM. IN THE MAP AND PLAT RECORDS OF GUADALUPE COUNTY, IN VOLUME 8, PAGE 546. IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE, THIS 20th DAY OF July, A.D. 2016.



COUNTY CLERK, GUADALUPE COUNTY, TEXAS

BY: Linda Kild, DEPUTY
Linda Kild

PROJECT NO. BL516078



SCALE: 1" = 100'
MAY 24, 2016

LEGEND:

- FND. 1/2" STEEL ROD W/CAP FOUND
- SET 1/2" STEEL ROD W/CAP MARKED (TIPS 5558)
- C.M. CONTROLLING MONUMENT
- D.P.R.G.C.T. OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS
- D.R.G.C.T. DEED RECORDS OF GUADALUPE COUNTY, TEXAS
- M.A.P.R.G.C.T. MAP AND PLAT RECORDS OF GUADALUPE COUNTY, TEXAS

SURVEYOR'S NOTE:
COORDINATES ARE BASED ON NAD 1983 STATE PLANE TEXAS SOUTH CENTRAL TIPS 4205 WITH A PLAT TO GRID ROTATION OF -28°32'58".

1. NBU IS NOT RESPONSIBLE FOR DAMAGES TO PROPERTY (I.E. LANDSCAPING, TREES, PAVEMENT, SIGNS, DRAINAGE STRUCTURES, PRIVATE UTILITIES, ETC.) THAT ARE PLACED IN ANY TYPE OF UTILITY EASEMENT. TO ENSURE NO CONFLICTS EXIST WITH UTILITY INFRASTRUCTURE IN THE EASEMENT, ALL SUCH IMPROVEMENTS PLACED IN ANY TYPE OF UTILITY EASEMENT MUST BE REVIEWED AND APPROVED THROUGH THE NBU EASEMENT ENCROACHMENT PROCESS. NBU DEVELOPMENT SERVICES FACILITATES THE EASEMENT ENCROACHMENT APPLICATION PROCESS.

14. GVEC NOTES:

- THERE SHALL BE A 30' UTILITY EASEMENT (15' ON EACH SIDE OF THE LINE) ON ALL EXISTING ELECTRIC LINES.
- ALL TRACTS ARE SUBJECT TO A 15' ELECTRIC EASEMENT ALONG ALL SIDES AND FRONT LINES.
- EACH LOT IS SUBJECT TO A FLOATING 10' WIDE BY 30' LONG ELECTRIC GUY WIRE EASEMENT TO BE LOCATED BY GVEC.
- ALL UTILITY EASEMENTS FOR THE CONSTRUCTION, MAINTENANCE (INCLUDING BUT NOT LIMITED TO REMOVAL OF TREES AND OTHER OBSTRUCTIONS), READING OF METERS, AND REPAIR OF ALL OVERHEAD AND UNDERGROUND UTILITIES.
- THIS SUBDIVISION PLAT OF BENTWOOD COMMERCIAL UNIT THREE HAS BEEN SUBMITTED TO AND APPROVED BY GUADALUPE VALLEY ELECTRIC COOPERATIVE, INC. FOR EASEMENTS.

N/A
AGENT FOR GUADALUPE VALLEY ELECTRIC COOPERATIVE, INC.

15. THE 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 CONTACT THE CITY OF NEW BRAUNFELS AND COMPLY WITH THE ORDINANCE FOR EACH NEW DWELLING.