

ORDINANCE NO. 2022-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING FROM “APD AH” AGRICULTURAL/PREDEVELOPMENT DISTRICT, “M-1 AH” LIGHT INDUSTRIAL DISTRICT AND “M-1AR44” LIGHT INDUSTRIAL DISTRICT WITH RESTRICTIONS WITH AIRPORT HAZARD HEIGHT OVERLAY TO “C-1A” NEIGHBORHOOD COMMERCIAL DISTRICT WITH AIRPORT HAZARD HEIGHT OVERLAY AND GRANTING A SPECIAL USE PERMIT TO ALLOW A NEW CAR DEALERSHIP ON APPROXIMATELY 29.32 ACRES OUT OF THE O RUSSELL SURVEY-2, ABSTRACT 485, ADDRESSED AT 4165 AND 4261 IH 35 NORTH; 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 “C-1A” Neighborhood Commercial District a Special Use Permit to allow a new car dealership, 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 a new car dealership with sales and service; 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 rezoning to “C-1A” Neighborhood Commercial District with a Special Use Permit at 4165 and 4261 IH 35 North, to allow a new car dealership; **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 changing the following described tract of land from “APD AH” Agricultural/Predevelopment District, “M-1 AH” Light Industrial District and “M-1Ar44” Light Industrial District with Restrictions with Airport Hazard Height Overlay to “C-1A”

Neighborhood Commercial District with Airport Hazard Height Overlay with a Special Use Permit to allow a new car dealership for the uses and conditions herein described:

Being approximately 29.32 acres out of the O Russell Survey-2, Abstract 485, addressed at 4165 and 4261 IH 35 North, as depicted in Exhibit “A” attached, to allow to allow a new car dealership in the “C-1A” Neighborhood Commercial District.

SECTION 2

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

- 1. 50’ landscape buffer adjacent to single-family residential property (Oak Creek)
- 2. 20’ landscape buffer adjacent to multi-family
- 3. Detention in the rear of the property, approximately 140’ wide. Within 140’ of the rear property line there will be no parking or buildings.
- 4. Minimum 300’ rear building setback.
- 5. No outdoor speakers
- 6. The development will comply with City lighting requirements. Additionally, any lighting to the rear of the furthest setback building will be LED directional lighting and be reduced to 50% of the brightness of lighting used during business hours.

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 25th day of July, 2022.

PASSED AND APPROVED: Second reading this 8th day of August, 2022.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

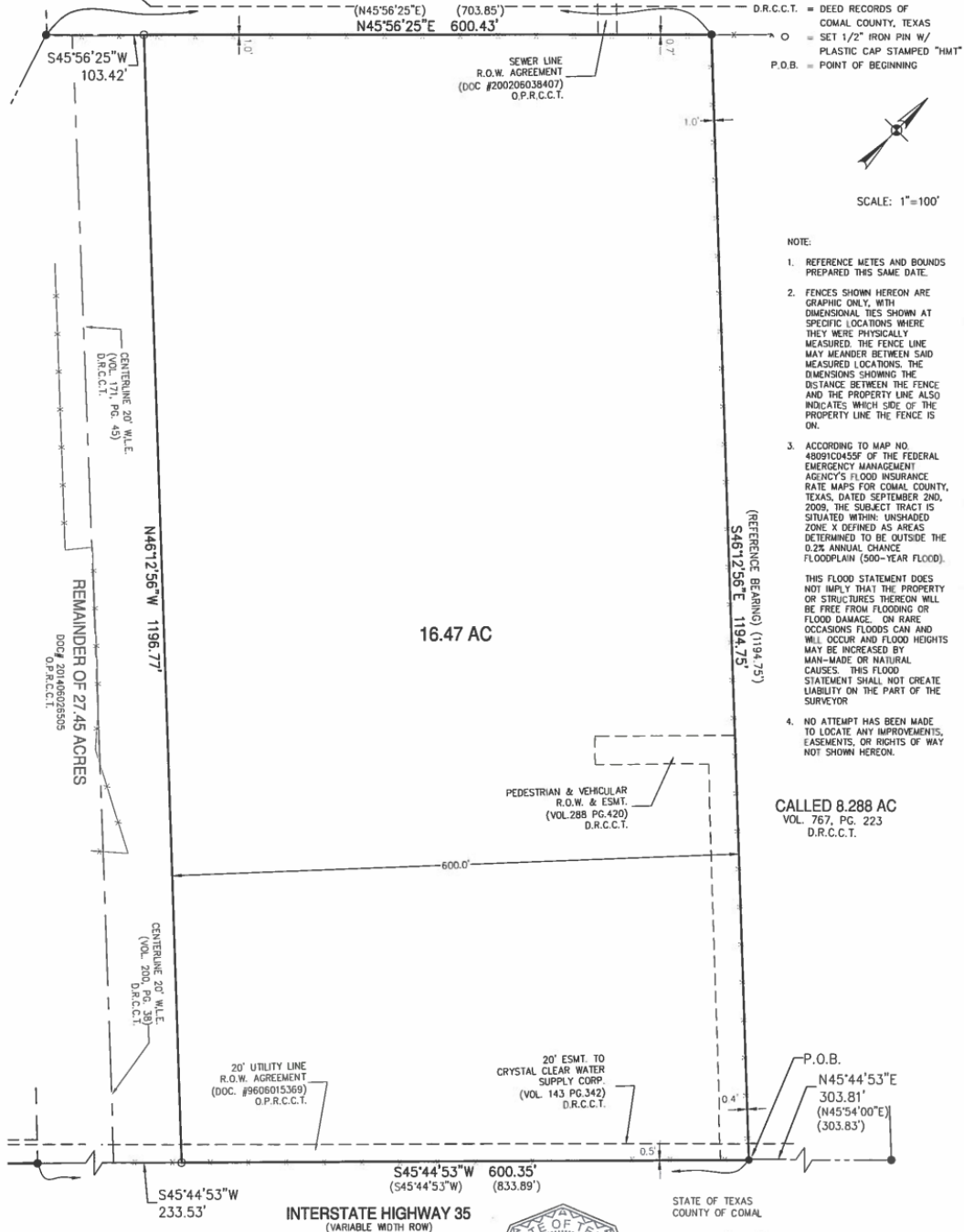
VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

BEING A 16.47 ACRE TRACT, SITUATED IN THE ORILLA RUSSELL LEAGUE SURVEY NO. 2, ABSTRACT NO. 485, COMAL COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 27.45 ACRE TRACT RECORDED IN DOCUMENT NO. 201406026505, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS

REFERENCE PRESIDIO NATIONAL TITLE COMMITMENT, OF #2-161901, EFFECTIVE DATE 03/29/2016

LOT 25A, BLOCK A - (30' D.E.)
OAK CREEK ESTATES, PHASE 1B,
(DOC #200706010852)
M.P.R.C.C.T.



LEGEND:

- = FND 1/2" IRON PIN
- W.L.E. = WATER LINE EASEMENT
- R.O.W. = RIGHT-OF-WAY
- () = DEED CALLS
- X— = FENCE
- O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS
- M.P.R.C.C.T. = MAP & PLAT RECORDS OF COMAL COUNTY, TEXAS
- D.R.C.C.T. = DEED RECORDS OF COMAL COUNTY, TEXAS
- = SET 1/2" IRON PIN W/ PLASTIC CAP STAMPED "HMT"
- P.O.B. = POINT OF BEGINNING

SCALE: 1"=100'

NOTE:

1. REFERENCE METES AND BOUNDS PREPARED THIS SAME DATE.
2. FENCES SHOWN HEREON ARE GRAPHIC ONLY, WITH DIMENSIONAL TIES SHOWN AT SPECIFIC LOCATIONS WHERE THEY WERE PHYSICALLY MEASURED. THE FENCE LINE MAY MEANDER BETWEEN SAID MEASURED LOCATIONS. THE DIMENSIONS SHOWING THE DISTANCE BETWEEN THE FENCE AND THE PROPERTY LINE ALSO INDICATES WHICH SIDE OF THE PROPERTY LINE THE FENCE IS ON.
3. ACCORDING TO MAP NO. 48091C0455F OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAPS FOR COMAL COUNTY, TEXAS, DATED SEPTEMBER 2ND, 2009, THE SUBJECT TRACT IS SITUATED WITHIN UNSHADED ZONE X DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN (500-YEAR FLOOD). THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY OR STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.
4. NO ATTEMPT HAS BEEN MADE TO LOCATE ANY IMPROVEMENTS, EASEMENTS, OR RIGHTS OF WAY NOT SHOWN HEREON.

CALLED 8.288 AC
VOL. 767, PG. 223
D.R.C.C.T.

HMT
ENGINEERING & SURVEYING

410 N. SEGUN AVE.
NEW BRAUNFELS, TEXAS, 78130
WWW.HMTNS.COM
PH: (830)825-8555
TBPLS FIRM 10153600

4165 NORTH IH35
NEW BRAUNFELS, TX

THIS SURVEY IS CERTIFIED TO:
RONALD C. HOOVER,
PRESIDIO TITLE
INSURANCE COMPANY



I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS SURVEY IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT ALL OBSERVABLE EVIDENCE OF EASEMENTS ON THE GROUND ARE SHOWN AND ALL OBSERVABLE EVIDENCE OF BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS SITUATED ON THE ABOVE PREMISES ARE SHOWN

THIS 14TH DAY OF APRIL, 2016
MARK F. CONLAN
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6342

16-0345

BEING A 8.269 ACRE TRACT, SITUATED IN THE ORILLA RUSSELL LEAGUE SURVEY NO. 2, ABSTRACT NO. 485, COMAL COUNTY, TEXAS, AND BEING ALL OF A CALLED 8.288 ACRE TRACT RECORDED IN VOLUME 767, PAGE 223, DEED RECORDS, COMAL COUNTY, TEXAS

REFERENCE PRESIDIO TITLE COMMITMENT, OF #2-161911, EFFECTIVE DATE 03/29/2016

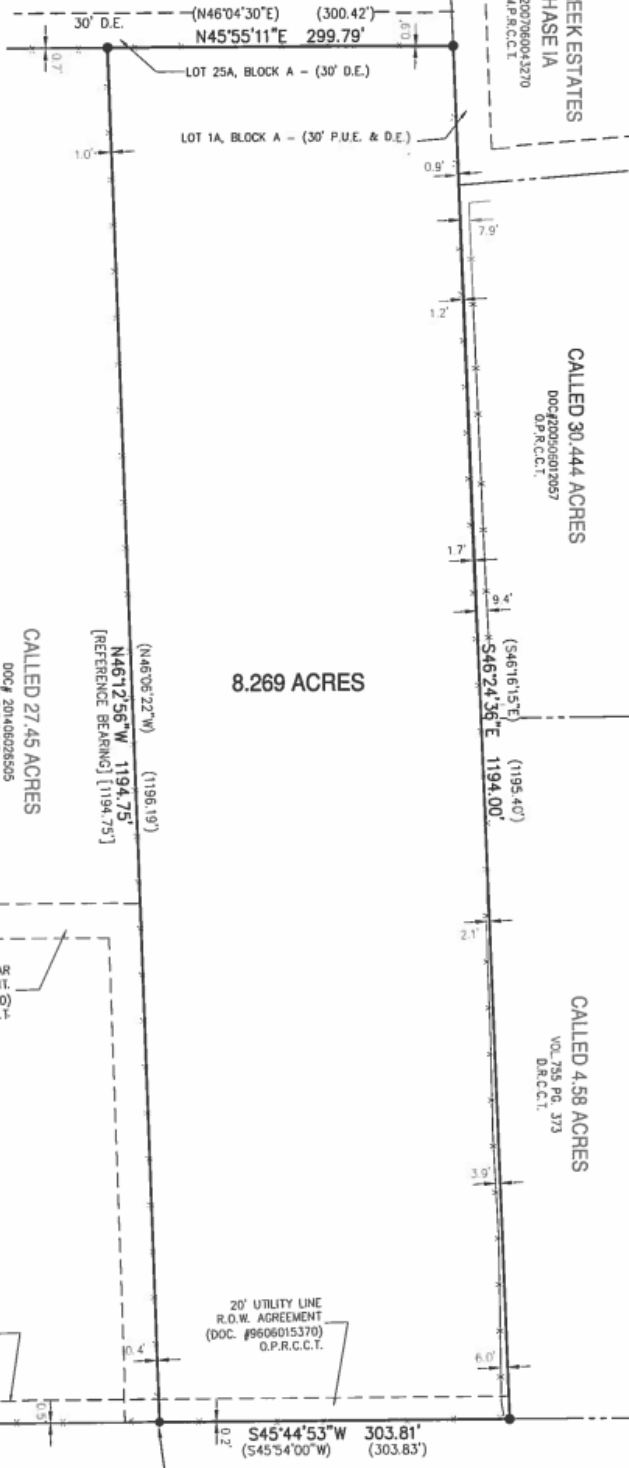
REFERENCE TERMS AND CONDITIONS OF THAT CERTAIN BOUNDARY LINE AFFIDAVIT DATED SEPTEMBER 23, 1997, RECORDED IN VOLUME 594, PAGE 824, DEED RECORDS OF COMAL COUNTY, TEXAS.

BEARINGS ARE BASED UPON A CALL OF N 46°12'56" W, FOR THE EAST LINE OF SAID 27.45 ACRE TRACT.

OAK CREEK ESTATES PHASE IB

DOC#2007060010852
M.P.R.C.C.T.

OAK CREEK ESTATES
PHASE IA
DOC#2007060043270
M.P.R.C.C.T.



LEGEND:

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- R.O.W. = RIGHT-OF-WAY
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- = FENCE
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- P.O.B. = POINT OF BEGINNING
- P.U.E. = PUBLIC UTILITY EASEMENT
- D.E. = DRAINAGE EASEMENT
- [] = ADJOMNER CALLS



SCALE: 1"=100'

NOTE:

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3. ACCORDING TO MAP NO. 4809100455F OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAPS FOR COMAL COUNTY, TEXAS, DATED SEPTEMBER 2ND, 2009, THE SUBJECT TRACT IS SITUATED WITHIN: UNSHADED ZONE X DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN (500-YEAR FLOOD). THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY OR STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.
4. NO ATTEMPT HAS BEEN MADE TO LOCATE ANY IMPROVEMENTS, EASEMENTS, OR RIGHTS OF WAY NOT SHOWN HEREON.



4261 NORTH IH35
NEW BRAUNFELS, TX

THIS SURVEY IS CERTIFIED TO:
RONALD C. HOOVER,
AND PRESIDIO TITLE
INSURANCE COMPANY

STATE OF TEXAS
COUNTY OF COMAL

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS SURVEY IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT ALL OBSERVABLE EVIDENCE OF EASEMENTS ON THE GROUND ARE SHOWN AND ALL OBSERVABLE EVIDENCE OF BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS SITUATED ON THE ABOVE PREMISES ARE SHOWN

THIS 22ND DAY OF APRIL 2016

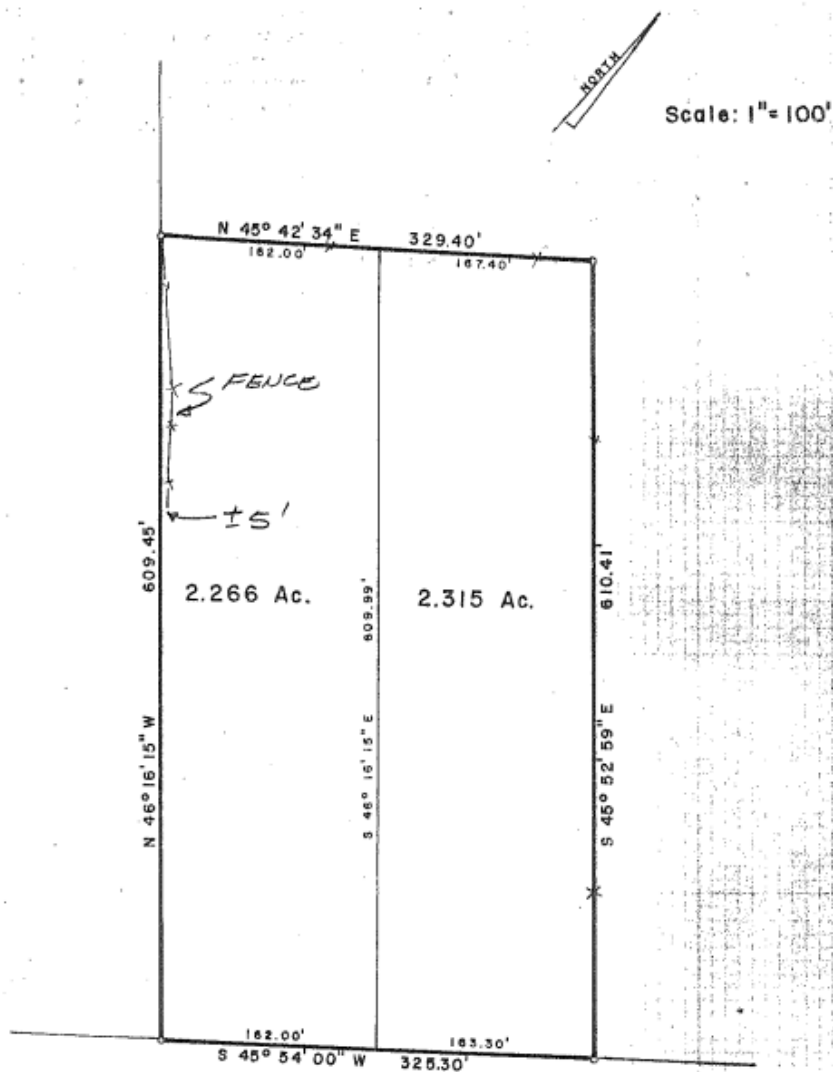
MARK F. CONLAN
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TDD: (830) 625-8555

INTERSTATE HIGHWAY 35
(VARIABLE WIDTH ROW)



I H 35

Being a 2.266 acre tract and a 2.315 acre tract of land situated in the Drilla Russell Survey No. 2, out of a tract called 4.581 acres, out of a tract called 25.000 acres described in Vol. 171, Pgs. 45-47 of the Deed Records of Comal County, Texas.

STATE OF TEXAS }
COUNTY OF COMAL }



I HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION

UPDATED MAY 6, 1984

This 9th day of September, 1983 A. D.

S. Holling

Reference:

Field Book Page Job No