

## **ORDINANCE NO. 2017-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 1.6 ACRES, LOT 1, GRUENE SUNDAY HAUS ADDITION, ADDRESSED AS 1950 HUNTER ROAD FROM "R-3" MULTIFAMILY DISTRICT AND "C-1" LOCAL BUSINESS DISTRICT TO "C-4A" RESORT COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

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**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-4A" Resort Commercial District, the City Council has given due consideration to all components of said district; 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 Lot 1, Gruene Sunday Haus Addition, addressed as 1950 Hunter Road, from "R-3" Multifamily District and "C-1" Local Business District to "C-4A" Resort Commercial 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 changing the following described tract of land from "R-3" Multifamily District and "C-1" Local Business District to "C-4A" Resort Commercial District:

"Approximately 1.6 acres, Lot 1, Gruene Sunday Haus Addition, addressed as 1950 Hunter Road, as delineated on Exhibit "A" attached."

### **SECTION 2**

**THAT** all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.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 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**THAT** all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.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 27th day of November, 2017.

**PASSED AND APPROVED:** Second reading this 11th day of December, 2017.

**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\2017 cases\PZ-17-042 Cecil Eager\PZ-17-042 Ordinance.docx

STATE OF TEXAS\*  
COUNTY OF COMAL\*

I the undersigned owners of the land shown on this plot, and designated herein as the GRUENE SUNDAY HAUS ADDITION subdivision to the City of New Braunfels, County of Comal Texas, and whose names are subscribed hereto, do hereby subdivide such property and dedicate to the use of the public all streets, alleys, parks, drains, easements, and public places shown for the purposes and considerations therein expressed.

Larry W. Waldrip  
1950 Hunter Rd.  
New Braunfels, TX 78130

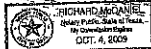
GRUENE PROPERTY PARTNERS, LTD.,  
a Texas limited partnership  
By GRUENE SUNDAY HAUS, LLC,  
a Texas limited liability company, General Partner

Larry W. Waldrip, President  
1950 Hunter Rd.  
New Braunfels, TX 78130

STATE OF TEXAS\*  
COUNTY OF COMAL\*

This instrument was acknowledged before me, the undersigned authority, on this the 10 day of February, 2009 by Larry W. Waldrip, known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purpose and considerations therein expressed, and in the capacity therein stated.

Notary Public,  
Richard McDaniel



APPROVED FOR ACCEPTANCE

[Signature] 2/29/09  
City Engineer  
Date  
[Signature] 2-12-09  
City Engineer  
Date  
[Signature] 2/19/09  
New Braunfels, Texas  
Date  
[Signature] 2/24/09

STATE OF TEXAS\*  
COUNTY OF COMAL\*

I, Jay Streeter, do hereby certify that the foregoing instrument was filed for record in the West and Plot Records, Book 2009006007105 of Comal County on this 2 day of March, 2009, at 11:00 a.m. Witness my hand and official seal, this the 2 day of March, 2009.

County Clerk, Comal County, Texas

[Signature]  
Deputy



KNOW ALL MEN BY THESE PRESENTS:

I, the undersigned Kelly Kilber, a registered Professional Land Surveyor in the State of Texas hereby certify that this plot 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.

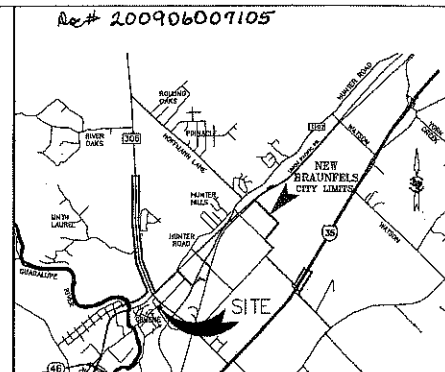
[Signature]  
Kelly Kilber  
Registered Professional Land Surveyor No. 2219  
PRO-TECH ENGINEERING GROUP, Inc.  
100 E. San Antonio St., Suite 100  
San Marcos, Texas 78666



GRUENE SUNDAY HAUS ADDITION  
BEING 2.79 ACRES OF LAND IN THE  
A.P. FUQUAY SURVEY NO. 35  
CITY OF NEW BRAUNFELS  
COMAL COUNTY, TEXAS  
2 LOTS

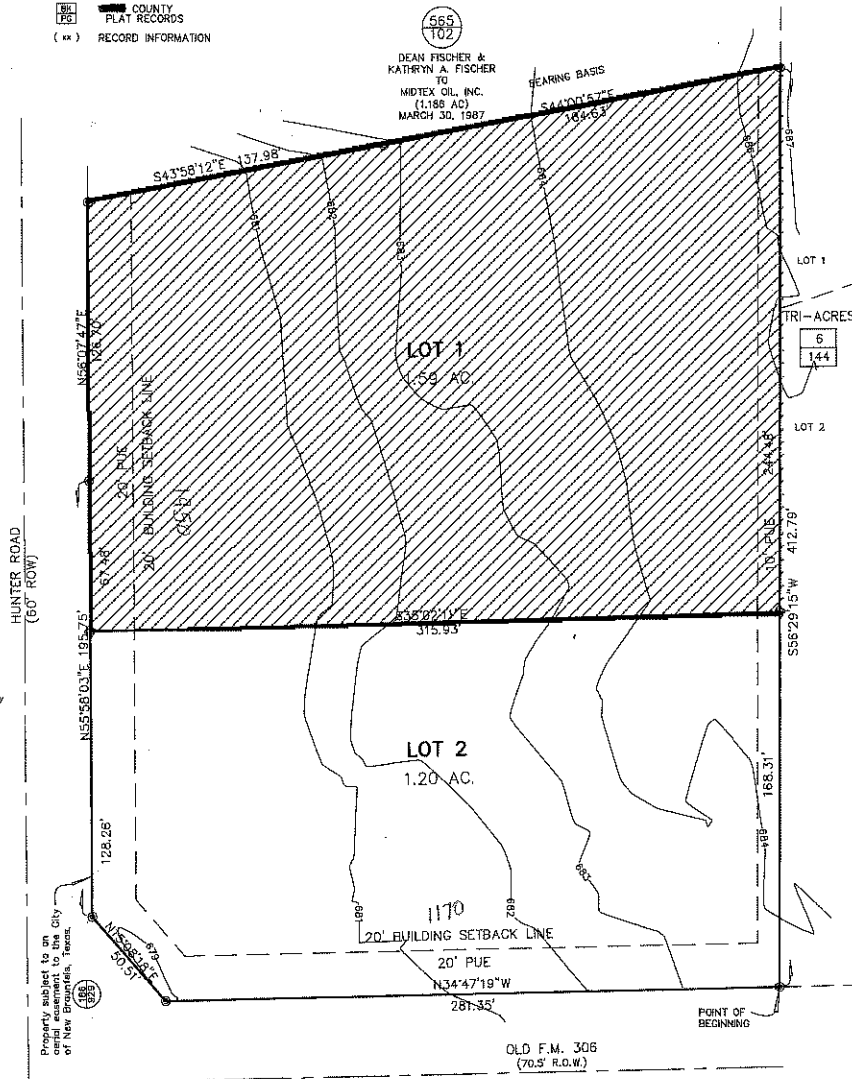
LEGEND:  
● IRON STAKE FOUND  
□ ALUMINUM CAPPED  
IRON STAKE SET  
□ TYPED CONCRETE  
MONUMENT FOUND  
● FENCE POST  
- FENCE  
● COUNTY  
DEED RECORDS  
● COUNTY  
PLAT RECORDS  
( \*\* ) RECORD INFORMATION

SCALE: 1" = 40'  
PREPARED OCTOBER 22, 2008



VICINITY MAP  
N.T.S.

= SUBJECT



1. No portion of this subdivision has been designated as being in a special flood hazard area, as delineated on the Flood Insurance Rate Map (FIRM) Panel No. 485493 007 E, dated January 5, 2006, for the city of New Braunfels, Comal County, Texas.
2. This subdivision lies within the Transition Zone of the Edwards Aquifer.
3. This subdivision lies within New Braunfels City Limits.
4. All drainage and utility easements are public unless otherwise noted.
5. This subdivision lies within the Comal Independent School District.
6. Six foot sidewalks will be constructed on Hunter Road and Old FM 306 by the owner/developer at the time a building permit is issued.
7. This subdivision is provided electricity by NBU.
8. Telephone service provided by AT & T.
9. Water & wastewater services provided by NBU.
10. Improvements exist on these lots which are not shown on this survey.
11. 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 easements, must not endanger or interfere with rights granted by the easements to New Braunfels Utilities, its successors and assigns, and shall be subject to applicable permit requirements of the City of New Braunfels or any 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 dwelling along the service line to the service entrance. The easement will vary depending upon location of dwelling and service. Utilities shall have access to the meter locations from the front yard and meter locations shall not be located within a fenced yard. Each tract is subject to a floating Guy Wire easement and its dimensions shall be determined by the need of the utilities.
12. Contours shown hereon from an on the ground survey by Pro-Tech Engineering Group.



100 E. San Antonio St., Suite 100  
San Marcos, TX 78666  
(512) 353-3335

EXHIBIT 'A'

PLAN 5587

EO 14829