

**ORDINANCE NO. 2017-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A TYPE 1 SPECIAL USE PERMIT TO 0.716 ACRES OUT OF SUBDIVISION NO. 101 OF THE A.M. ESNAURIZAR ELEVEN LEAGUE GRANT, ABSTRACT NO. 20, GUADALUPE COUNTY, TEXAS, TO ALLOW A VEHICLE STORAGE FACILITY IN THE "C-3" COMMERCIAL DISTRICT, ADDRESSED AT 2635 STATE HIGHWAY 46; 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 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 the proposed use; and

**WHEREAS**, the City Council desires to grant a Type 1 Special Use Permit to 0.716 acres out of Survey No. 101 of the A.M. Esnaurizar Eleven League Grant, Abstract No. 20, Guadalupe County, Texas, to allow a vehicle storage facility in the "C-3" Commercial District, addressed at 2635 State Highway 46; **now therefore**,

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

**SECTION 1**

**THAT** Sections 3.6-2 and 3.6-3, Chapter 144 of the New Braunfels Code of Ordinances and particularly the Zoning Map of the City of New Braunfels, are revised by adding the following described tract of land as a Type 1 "Special Use Permit" for the use herein described:

"Being 0.716 acres out of Survey No. 101 of the A.M. Esnaurizar Eleven League Grant, Abstract No. 20, Guadalupe County, Texas, addressed at 2635 State Highway 46, as described in the attached Exhibit 'A' and delineated on Exhibit 'B', to allow a vehicle storage facility in the "C-3" Commercial District."

**SECTION 2**

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

1. A masonry wall 8 feet in height shall be constructed along the common property lines adjacent to properties with single or two-family dwellings.

2. A minimum of 1 shade tree with a minimum diameter of 3 inches shall be planted every 25 linear feet along the common property lines of adjacent properties with single or two-family dwellings.
3. The vehicle storage area shall be paved with concrete, asphaltic concrete or asphalt.

### **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**

#### **EFFECTIVE DATE AND PUBLICATION:**

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

### **SECTION 6**

**THIS** ordinance will take effect upon the second and final reading of same. **PASSED AND APPROVED:** First Reading this the 11th day of December, 2017. **PASSED AND APPROVED:** Second Reading this the 8th day of January, 2018.

**CITY OF NEW BRAUNFELS**

\_\_\_\_\_  
**BARRON CASTEEL, Mayor**

**ATTEST:**

\_\_\_\_\_  
**PATRICK D. ATEN, City Secretary**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**VALERIA M. ACEVEDO, City Attorney**

**River City Engineering**  
1011 W. County Line Road \* NEW BRAUNFELS, TX. 78130  
PHONE (830) 625-0337 FAX (830) 625-0858  
dlamberts@rcetx.com  
Firm Registration #10193949

All that certain tract or parcel of land containing 0.716 of an acre out of Subdivision No. 101 of the A.M. Esnaurizar Eleven League Grant, Abstract No. 20, Guadalupe County, Texas, further being the same land, as surveyed and found on the ground on April 14, 2016, as that certain 0.716 of an acre parcel described in Volume 641, Page 470 of the Deed Records of Guadalupe County, Texas; Said 0.716 of an acre parcel being more particularly described by metes and bounds as follows:

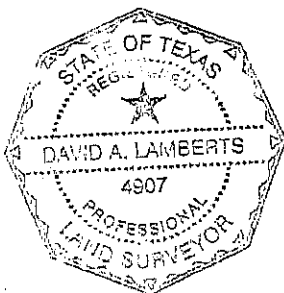
BEGINNING at a ½ inch rebar found on the northeasterly right-of-way line of State Highway 46 for the most southerly corner and POINT OF BEGINNING of this parcel, same being the most westerly corner of that certain called 0.358 of an acre parcel described in Volume 471, Page 31 of said Deed Records;


THENCE with said right-of-way line, North 30 deg 14' 00" West (basis of bearings (obtained from said Volume 641, Page 470)), a distance of 130.09 feet (called North 30 deg 14' West, 130.0 feet) to a ½ inch rebar found for the most westerly corner of this parcel, same being the most southerly corner of that certain called 0.880 of an acre parcel described in Volume 1931, Page 53 of the Official Records of Guadalupe County, Texas;

THENCE departing said right-of-way line and with the common line of this parcel with said 0.880 of an acre parcel, North 59 deg 58' 35" East, a distance of 240.05 feet (called North 59 deg 46' East, 240.0 feet) to a ½ inch rebar found for the most northerly corner of this parcel, same being the most easterly corner of said 0.880 of an acre parcel and being located in the southwesterly line of that certain called 3.00 acre parcel described in Volume 788, Page 651 of said Official Records;

THENCE with the common line of this parcel with said 3.00 acre parcel, South 29 deg 59' 50" East, a distance of 130.22 feet (called South 30 deg 14' East, 130.0 feet) to a 5/8 inch rebar found for the most easterly corner of this parcel, same being the most northerly corner of that certain called 0.358 of an acre parcel described in Volume 2296, Page 385 of said Official Records;

THENCE with the common line of this parcel with said 0.358 of an acre parcel and the aforementioned 0.358 of an acre parcel described in Volume 471, Page 31, South 60 deg 00' 25" West, a distance of 239.51 feet (called South 59 deg 46' West, 240.0 feet) to the POINT OF BEGINNING and containing 0.716 of an acre of land.



  
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David A. Lamberts      R.P.L.S. No. 4907  
J.O. No. 16-0140      (DRAWING PREPARED)

**LEGEND:**

POB POINT OF BEGINNING  
E ELECTRIC MEIER  
PP POWER POLE  
OU OVERHEAD UTILITIES  
P PEDESTAL  
// WOOD FENCE  
O FOUND 1/2" REBAR  
O FOUND 5/8" REBAR

Scale: 1" = 40'

HERRERA  
3.00 AC.  
(733/651)

S 30°14' E 130.0' CALLED  
S 29°59'50" E 130.22'

RANGEL  
0.880 AC.  
(1931/53)

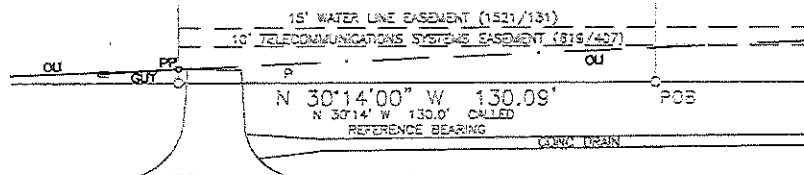
H 59°46' E 240.0' CALLED  
N 59°50'35" E 240.05'

0.716 AC.

PARTIDA  
0.358 AC.  
(2296/385)

239.51' CALLED  
S 60°00'25" W 240.0'  
S 59°46' W 240.0'

PARTIDA  
0.358 AC.  
(471/31)



STATE HIGHWAY 46 (120' R.O.W.)

REFERENCE BEARING: OBTAINED FROM VOL. 641, PG. 470

ADDRESS: VACANT

REFERENCES: VOL. 641, PG. 470  
VOL. 619, PG. 407  
VOL. 620, PG. 16 \*  
VOL. VOL. 1521, PG. 131  
VOL. 1521, PG. 133 \*  
\* DOES NOT APPLY

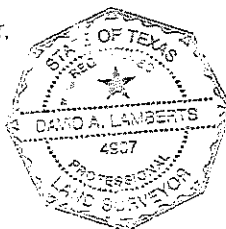
SURVEY PLAT SHOWING A 0.716 OF AN ACRE  
PARCEL OF LAND OUT OF SUBDIVISION NO. 101  
OF THE A.M. ESNAURIZAR ELDIVEN LEAGUE GRANT,  
ABSTRACT NO. 20, GUADALUPE COUNTY, TEXAS.  
(LEGAL DESCRIPTION PREPARED)

RIVER CITY ENGINEERING  
1011 W. COUNTY LINE ROAD  
NEW BRAUNFELS, TEXAS 78130  
PHONE: (830) 625-0337

FIRM REGISTRATION #10193949  
© 2016 RIVER CITY ENGINEERING

THIS PLAT SHOWS THE LOCATION  
OF EASEMENTS, RESTRICTIONS, AND  
BUILDING SETBACK LINES AS SET  
FORTH IN SCHEDULE B OF  
TITLE CO.: NEW BRAUNFELS TITLE  
G.F. # 084252NBT  
DATED: 03-25-16  
THE SURVEYOR HAS NOT ABSTRACTED  
THE SUBJECT PROPERTY.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE  
GROUND, AND THAT TO THE BEST OF MY KNOWLEDGE AND  
BELIEF, 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.



DAVID A. LAMBERTS  
REGISTERED PROFESSIONAL

# 4907  
TEXAS REGISTRATION  
SURVEY NOT VALID U  
SIGNATURE IS IN RED  
JOB # 16-0140  
DATE: 04-14-16

EXHIBIT 'B'