ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING 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.

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:

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THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.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THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.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

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

Re# 200906007105

STATE OF TEXAS*
COUNTY OF COMAL*

I the undersigned owners of the land shown on this plat, 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

RICHARD McDANIEL
Notary Public, State of Texas
My Commission Expires
OCT. 4, 2009

APPROVED FOR ACCEPTANCE:

Director of Planning — Date 2/29/09

City Engineer — Date 2-12-09

New Braunfels Utilities — Date 2/19/09

2/24/09

STATE OF TEXAS*
COUNTY OF COMAL*

I, Joy Streater, do hereby certify that the foregoing instrument was filed for record in the Map and Plat Records, Doc# 200906007105 of Comal County on the 24 day of March, 2009, at 4:11 p.m. Witness my hand official seal, this the 24 day of March, 2009.

County Clerk, Comal County, Texas
Joy Streater
By Hadley Brown
Deputy

COUNTY COURT OF COMAL COUNTY, TEXAS

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 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.

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

STATE OF TEXAS
REGISTERED
KELLY KILBER
2219
PROFESSIONAL
LAND SURVEYOR

LEGEND

- IRON STAKE FOUND
- ALUMINUM CAPPED IRON STAKE SET
- TXDOT CONCRETE MONUMENT FOUND
- FENCE POST
- FENCE
- (VOL/PG) COUNTY DEED RECORDS
- (BK/PG) COUNTY PLAT RECORDS
- (xx) RECORD INFORMATION

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

565/102
DEAN FISCHER & KATHRYN A. FISCHER TO MIDTEX OIL, INC. (1.188 AC) MARCH 30, 1987

BEARING BASIS

S43°58'12"E 137.98'
S44°00'57"E 164.63'
N56°07'47"E 128.40'
S35°02'11"E 315.93'
S56°29'15"W 412.79'
N55°56'03"E 195.75'
N34°47'19"W 281.35'
N55°56'03"E 50.51'

LOT 1
1.59 AC.

LOT 2
1.20 AC.

TRI-ACRES 6/144

20' BUILDING SETBACK LINE
20' PUE
10' PUE
1170

HUNTER ROAD
(60' ROW)

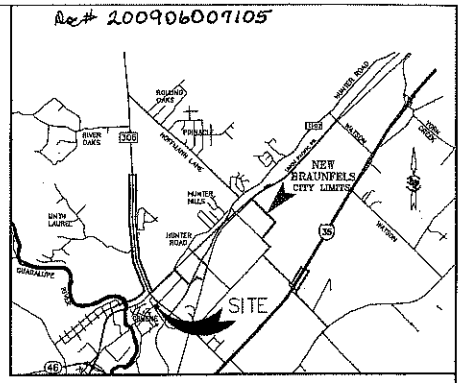
OLD F.M. 306
(70.5' R.O.W.)

POINT OF BEGINNING

Property subject to an aerial easement to the City of New Braunfels, Texas. 185/935

= SUBJECT

VICINITY MAP
N.T.S.



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, 2005, 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 on the ground survey by Pro-Tech Engineering Group.

EXHIBIT 'A'

PLAN 5587
EO 14829

PRO-TECH ENGINEERING GROUP INCORPORATED
100 E. San Antonio St., Suite 100
San Marcos, TX. 78666
(512) 353-3335