

**ORDINANCE NO. 2018-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A TYPE 1 SPECIAL USE PERMIT TO ALLOW SPECIFIC COMMERCIAL USES ON 2.937 ACRES OUT OF THE SARAH DEWITT SURVEY NO. 48, ABSTRACT NO. 103, GUADALUPE COUNTY, TEXAS, LOCATED AT THE SOUTHWEST INTERSECTION OF KLEIN ROAD AND KLEIN MEADOWS, IN THE "APD" AGRICULTURAL/PRE-DEVELOPMENT 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 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 uses; and

**WHEREAS**, the City Council desires to grant a Type 1 Special Use Permit to 2.937 acres out of the Sarah Dewitt Survey No. 48, Abstract No. 103, Guadalupe County, Texas, to allow specific commercial uses in the "APD" Agricultural/Pre-Development District, located at the southwest intersection of Klein Road and Klein Meadows in the "APD" Agricultural/Pre-Development District.; **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 uses herein described:

"Being 2.937 acres out of the Sarah Dewitt Survey No. 48, Abstract No. 103, Guadalupe County, Texas, located at the southwest intersection of Klein Road and Klein Meadows, as described in the attached Exhibit 'A' and delineated on Exhibit 'B', to allow the specified commercial uses listed in Exhibit 'C' in the "APD" Agricultural/Pre-Development District."

### **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 8th day of January, 2018.

**PASSED AND APPROVED:** Second reading this 22nd 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

# FIELD NOTES

April 17, 2013

BEING 2.937 acres of land, more or less, out of the Sarah DeWitt Survey No. 48, Abstract 103, Guadalupe County, Texas and also being out of a 146.502 acre tract described in Volume 1652, Page 626 of the Official Records of Guadalupe County, Texas and being more particularly described as follows:

BEGINNING at a point at the intersection of the existing southeast R.O.W. line of Klein Road (County Road 368) and the southwest R.O.W. line of Klein Meadow for the most northerly corner of this tract, said point being approximately S 44°52'10" W, 1482.40 feet from the most northerly corner of the above referenced 146.502 acre tract;

THENCE, S 45°07'50" E, 10.00 feet along said southwest R.O.W. line to a point in same for the beginning of a curve to the right;

THENCE, in an easterly direction along said curve having a central angle of 89°57'16", a radius of 15.00 feet, a tangent distance of 14.99 feet, an arc length of 23.55 feet and a chord bearing and distance of N 89°50'01" E, 21.20 feet to a point for the end of this curve;

THENCE, S 45°11'21" E, 9.53 feet along said R.O.W. line to a point in same for the beginning of a curve to the right;

THENCE, in a southerly direction along said curve having a central angle of 72°06'38", a radius of 167.50 feet, a tangent distance of 121.94 feet, an arc length of 210.81 feet and a chord bearing and distance of S 09°08'02" E, 197.17 feet to a point for the end of this curve;

THENCE, S 26°55'17" W, 228.19 feet along the west R.O.W. line of Klein Meadow to a point in same for the beginning of curve to the left;

THENCE, in a southerly direction along said curve having a central angle of 36°54'25", a radius of 135.00 feet, a tangent distance of 45.05 feet, an arc length of 86.96 feet and a chord bearing and distance of S 08°28'11" W, 85.46 feet to a point for the end of this curve;

THENCE, S 09°59'02" E, 24.99 feet along said west R.O.W. line to a point in same for the most southerly corner of this tract;

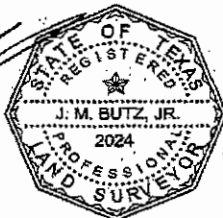
THENCE, N 78°10'39" W, 400.25 feet crossing a portion of said 146.502 acre tract to a point in the existing southeast R.O.W. line of Klein Road for the most westerly corner of this tract;

THENCE, N 44°52'10" E, 619.40 feet along said southeast R.O.W. line to the POINT OF BEGINNING and containing 2.937 acres of land, more or less.

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Note: Exhibit also prepared this day.

J. M. Butz, Jr.  
Registered Professional Land Surveyor  
No. 2024

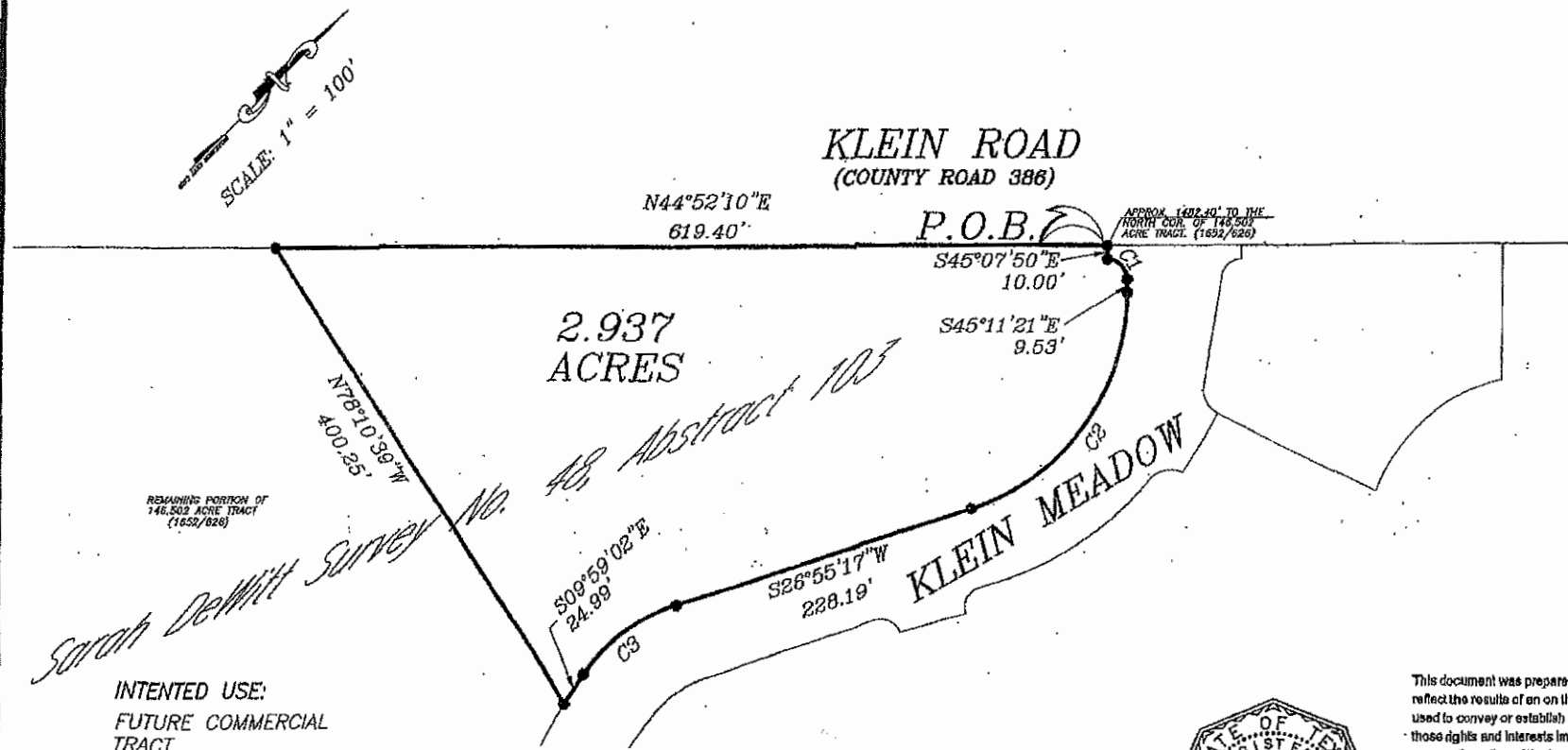


FN13-122.1

As scaled from the following referenced map, this property is located in Zone "A" & "X" according to the N.F.I.P. Map No. 485493 0115 f, Effective Date November 2, 2007.

| Curve Table |           |         |         |         |             |
|-------------|-----------|---------|---------|---------|-------------|
| CURVE       | DATA      | RAD.    | TAN.    | LEN.    | CH. BRG.    |
| 1           | 39°07'10" | 16.00'  | 16.99'  | 23.62'  | N89°50'01"E |
| 2           | 72°08'59" | 187.60' | 181.84' | 210.91' | S08°09'02"E |
| 3           | 39°04'38" | 138.00' | 46.02'  | 96.99'  | S08°20'11"W |

NOTE: This survey is being provided solely for the use of the current parties and no license has been created, express or implied, to copy the survey except as is necessary in conjunction with this transaction.



### ZONING EXHIBIT

BEING 2.937 acres of land, more or less out of the Sarah DeWitt Survey No. 48, Abstract 103, Guadalupe County, Texas and being out of a 148.502 acre tract described in Volume 1652, Page 626 of the Official Records of Guadalupe County, Texas.



DRAWN BY: R.C.C.

This document was prepared under 22 TAC 883.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

This the 17th day of April 2013,  
Field Notes also prepared this day.

J.M. Butz, Jr., R.P.L.S. No. 2024  
DOB NO. 13-122.1



BUTZ  
LAND  
SURVEYING

3600 KUGMERTZ RD.  
ST. HELENA, TX. 75152-9718

PHONE 210-667-3399  
FAX 210-667-3334

EXHIBIT 'B'

## **Proposed list of permitted uses for (SUP) Zoning request**

Accounting, auditing, bookkeeping, and tax preparations.

Adult day care (no overnight stay).

Adult day care (with overnight stay).

Animal grooming shop.

Answering and message services.

Antique shop.

Armed services recruiting center.

Art dealer/gallery.

Artist or artisan's studio.

Auto supply store for new and factory rebuilt parts.

Auto tire repair/sales (indoor).

Bakery (retail).

Bank, savings and loan, or credit union.

Barber/beauty shop, haircutting (non-college).

Barns and farm equipment storage (related to agricultural uses). (ALLOWED IN CURRENT APD ZONING)

Bicycle sales and/or repair.

Book store.

Caterer.

Cemetery and/or mausoleum. (ALLOWED IN CURRENT APD ZONING)

Child day care/children's nursery (business).

Church/place of religious assembly. (ALLOWED IN CURRENT APD ZONING)

Clinic (dental).

Clinic (emergency care).

Clinic (medical).

Coffee shop.

Computer and electronic sales.

Computer repair.

Confectionery store (retail).

Consignment shop.

Contractor's temporary on-site construction office (only with permit from building official; see section 144-5.10). (ALLOWED IN CURRENT APD ZONING)

Curio shops.

Custom work shops.

Drapery shop/blind shop.

Drug sales/pharmacy.

Electrical repair shop.

Electrical substation.

Farms, general (crops) (see chapter 6 and section 144-5.9). (ALLOWED IN CURRENT APD ZONING)

Farms, general (livestock/ranch) (see chapter 6 and section 144-5.9). (ALLOWED IN CURRENT APD ZONING)

Florist.

Garden shops and greenhouses.

Golf course (public or private). (ALLOWED IN CURRENT APD ZONING)

Governmental building or use. (ALLOWED IN CURRENT APD ZONING)

Handicraft shop.

Hardware store.

Health club (physical fitness; indoors only).

Hospital, rehabilitation.

Laundromat and laundry pickup stations.

Laundry/dry cleaning (drop off/pick up).

Museum.

Needlework shop.

Offices, brokerage services.

Offices, business or professional.

Offices, computer programming and data processing.

Offices, consulting.

Offices, engineering, architecture, surveying or similar.

Offices, health services.

Offices, insurance agency.

Offices, legal services, including court reporting.

Offices, medical offices.

Offices, real estate.

Offices, security/commodity brokers, dealers, exchanges and financial services.

Park and/or playground (private or public).

Pet shop/supplies (10,000 square feet or less).

Photographic printing/duplicating/copy shop or printing shop.

Photographic studio (no sale of cameras or supplies).

Photographic supply.

Plant nursery.

Plant nursery (retail sales/outdoor storage).

Public recreation/services building for public park/playground areas.

Radio/television shop, electronics, computer repair.

Recreation buildings (private or public).

Recycling kiosk.

Refreshment/beverage stand.

Restaurant.

Retirement home/home for the aged.

School, K-12 (public or private).

School, vocational (business/commercial trade).  
Security monitoring company.

Security systems installation company.

Shoe repair shops.

Shopping center.

Specialty shops in support of project guests and tourists.

Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.).

Tailor shop.

Theater (non-motion picture; live drama).

Travel agency.

University or college (public or private).

Veterinary hospital (no outside animal runs or kennels).

Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal