

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, REZONING 1 ACRE OUT OF ABSTRACT 608, J. THOMPSON SURVEY-21, COMAL COUNTY, TEXAS, FROM “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT TO “C-1B” GENERAL BUSINESS DISTRICT; AND GRANTING A TYPE 1 SPECIAL USE PERMIT TO 8.3 ACRES ACRE OUT OF ABSTRACT 608, J. THOMPSON SURVEY-21, COMAL COUNTY, TEXAS, TO ALLOW SELF-STORAGE WAREHOUSES INCLUDING AN ONSITE MANAGER’S LIVING QUARTERS, OUTSIDE BOAT AND RV STORAGE, AND/OR SINGLE STORY OFFICE BUILDINGS IN THE “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT, ADDRESSED AT 1938 FM 1044; 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-1B” General Business District, the City Council has given due consideration to all components of said district; and

WHEREAS, the rezoning is in compliance with the Future Land Use Plan; 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 1 acre out of the Abstract 608, J. Thompson Survey-21, Comal County, Texas, addressed at 1938 FM 1044, from “APD” Agricultural/Pre-Development District and “APD” to “C-1B” General Business District;

WHEREAS, the City Council recognizes that granting a Special Use 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 Council to ensure 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 allow self-storage warehouses including an onsite manager's living quarters, outside boat and rv storage, and/or single story office buildings on 8.3 acres out of the Abstract 608, J. Thompson Survey-21; **now, therefore**,

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

SECTION 1

THAT Sections 1.2-1 and 1.2-2, Chapter 144, of the New Braunfels Code of Ordinances and particularly the Zoning Map of the City of New Braunfels, are amended by changing the following described tract of land from "APD" Agricultural/Pre-Development District to "C-1B" General Business District:

"1.0 acre out of Abstract 608, J. Thompson Survey-21, addressed at 1938 FM 1044, as described in Exhibit 'A' and delineated on Exhibit 'B.'"

SECTION 2

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 and conditions herein described:

"8.3 acres out of the Abstract 608, J. Thompson Survey-21, as described in Exhibit 'C' and delineated on Exhibit 'D,' to allow self-storage warehouses including an onsite manager's living quarters, outside boat and rv storage, and/or single story office buildings."

SECTION 3

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 4

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 5

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 6

THIS ordinance will take effect upon the second and final reading of same.

PASSED AND APPROVED: First Reading this the 27th day of August, 2018.

PASSED AND APPROVED: Second and Final Reading this the 10th day of September, 2018.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

METES AND BOUNDS

Being 1.000 acre of land, more or less, situated in the John Thompson Survey No. 21, F.M. No. 1044 tract 608, Comal County, Texas, and being out of that 9.812 acres described in the Deed recorded in Volume 117, Page 598, Deed Records, Comal County, Texas, said 1.000 acre being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found for the East corner of Lot 1 of the Wohlfahrt Subdivision (Volume 5, Page 286), same being on the northwest Right-of-Way line of F.M. 1044 and the **POINT OF COMMENCEMENT**;

THENCE along the northwest Right-of-Way line of said F.M. 1044, North 23 degrees 30 minutes 27 seconds East, a distance of 145.10 feet to a point for the southeast corner of this 1.000 acre, same being the **POINT OF BEGINNING**;

THENCE departing the northeast line of and severing said 9.812 acres the following courses and distances:

South 87 degrees 43 minutes 27 seconds West, a distance of 177.60 feet to a point for the southwest corner of this 1.000 acre;

North 26 degrees 55 minutes 59 seconds West, a distance of 108.45 feet to a point for the West corner of this 1.000 acre, same being on the northwest line of said 9.812 acres and on the southeast line of the Henry O. Kramm 25.61 acres (Document No. 201006019006);

THENCE along the line common to this 1.000 acre and said Kramm 25.61 acres, North 63 degrees 08 minutes 24 seconds East, a distance of 381.79 feet to a point for the northeast corner of this 1.000 acre, same being the East corner of the Sharon B. Moore 0.942 acres (Document No. 201706034942) and on the northwest Right-of-Way line of said F.M. 1044;

THENCE along the northwest Right-of-Way line of said F.M. 1044, South 23 degrees 30 minutes 27 seconds West (called South 24 degrees 31 minutes West), a distance of 375.86 feet to the **POINT OF BEGINNING** and containing 1.000 acre of land, more or less.

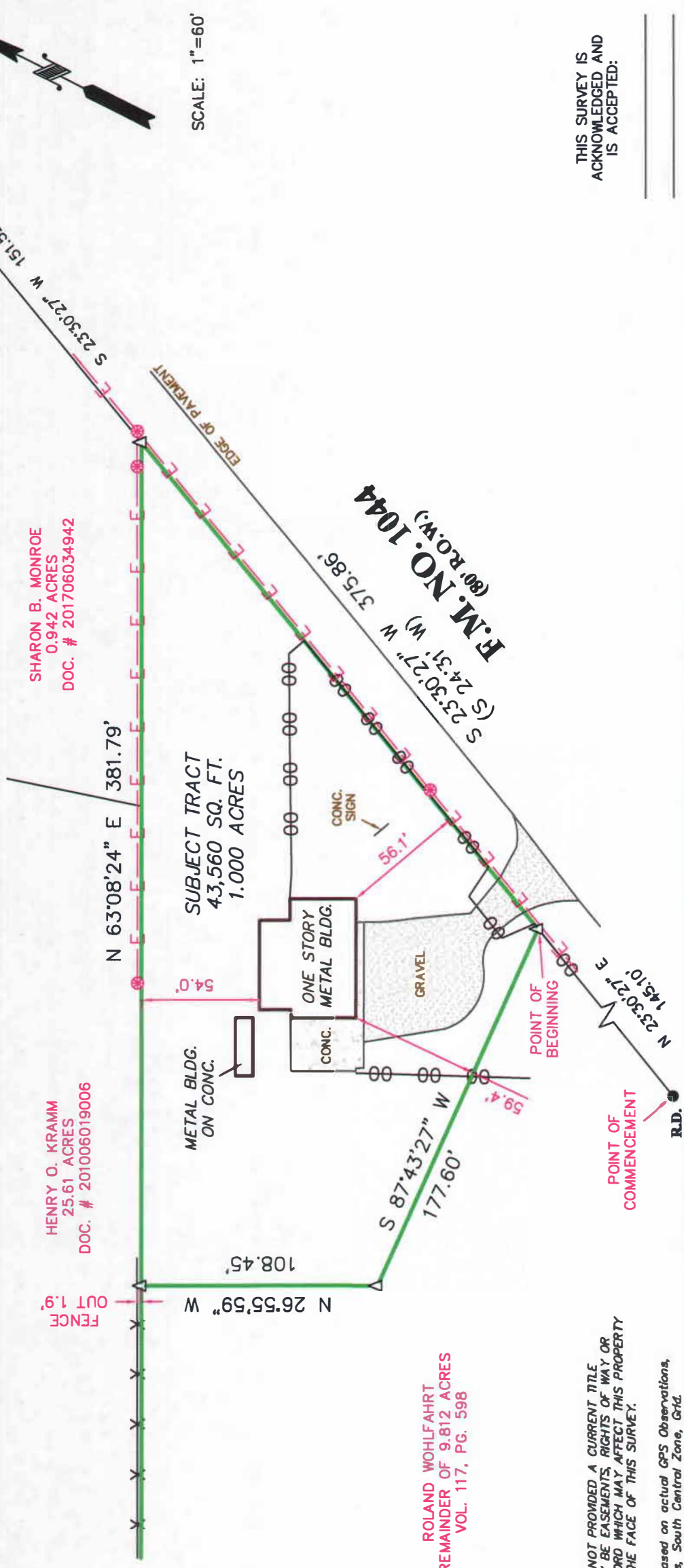
I hereby certify that these field notes were prepared from an actual survey made on the ground under my supervision and are true and correct to the best of my knowledge and belief. A survey plat of the above described tract prepared this day is hereby attached to and made a part hereof. Bearings shown herein are based on actual GPS Observations, Texas State Plane Coordinates, South Central Zone, Grid.



Mark J. Ewald
Registered Professional Land Surveyor
Texas Registration No. 5095
May 9, 2018



FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS. AND TO DETERMINE THE EFFECT THAT SUCH DESIGNATION MAY HAVE REGARDING THE INTENDED USE OF THE PROPERTY. The property made the subject of this survey appears to be included in a FEMA Flood Insurance Rate Map (FIRM), identified as Community No. 481875, Panel No. 00095 E, which is Dated 11/02/2007. By receding from that FIRM, it appears that all or a portion of the property may be in Flood Zone(s) X. Because this is a boundary survey, the survey did not take any actions to determine the Flood Zone status of the surveyed property other than to interpret the information set out on FEMA's FIRM, as described above. THIS SURVEYOR DOES NOT CERTIFY THE INTERPRETATION OF THE FLOOD ZONES, which may not agree with the interpretations of FEMA or state or local officials, and which may not agree with the tract's actual conditions. More information concerning FEMA's Special Flood Hazard Areas and Zones may be found at <http://www.fema.gov/index.shtml>.



ROLAND WOHLFAHRT
REMAINDER OF 9.812 ACRES
VOL. 117, PG. 598

SHARON B. MONROE
0.942 ACRES
DOC. # 201706034942

HENRY O. KRAMM
25.61 ACRES
DOC. # 201006019006

SUBJECT TRACT
43,560 SQ. FT.
1.000 ACRES

F.M. NO. 1044
(80' R.O.W.)
S 23°30'27\"/>

NOTE:
THE SIGNING SURVEYOR WAS NOT PROVIDED A CURRENT TITLE COMMITMENT AND THERE MAY BE EASEMENTS, RIGHTS OF WAY OR OTHER INSTRUMENTS OF RECORD WHICH MAY AFFECT THIS PROPERTY WHICH ARE NOT SHOWN ON THE FACE OF THIS SURVEY.

NOTE:
Bearings shown hereon are based on actual GPS Observations, Texas State Plane Coordinates, South Central Zone, GHD.

- LEGEND**
- Δ - CALCULATED POINT
 - - END 1/2\"/>

FIRM REGISTRATION NO.
10111700

Westar Alamo
LAND SURVEYORS, LLC.
P.O. BOX 1645 BOERNE, TEXAS 78009
PHONE (210) 372-9500 FAX (210) 372-9999

DRAWN BY: TS
JOB NO. 82286

Property Address:
1938 F.M. 1044
Property Description:

Being 1.000 acre of land, more or less, situated in the John Thompson Survey No. 21, F.M. No. 1044 tract 608, Comal County, Texas, and being out of that 9.812 acres described in the Deed recorded in Volume 117, Page 598, Deed Records, Comal County, Texas, said 1.000 acre being more particularly described by metes and bounds attached hereto.

Owner:
T.B.D.

TITLE COMPANY: N/A



DATE: 05/09/2018

I, MARK J. EWALD, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plat represents an actual survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachment or overlapping of improvements, to the best of my knowledge and belief, except as shown herein.

Mark J. Ewald

MARK J. EWALD
Registered Professional Land Surveyor
Texas Registration No. 5995

THIS SURVEY IS
ACKNOWLEDGED AND
IS ACCEPTED:

METES AND BOUNDS

Being 8.294 acre of land, more or less, situated in the John Thompson Survey No. 21, F.M. No. 1044 Abstract 608, Comal County, Texas, and being out of that 9.812 acres described in the Deed recorded in Volume 117, Page 598, Official Public Records, Comal County, Texas, and that 0.452 acres described in a Deed recorded in Volume 117, Page 597, Official Public Records, Comal County, Texas, said 8.294 acre being more particularly described by metes and bounds as follows:

BEGINNING at a Texas Department of Transportation monument found for the East corner of this 8.294 acres, same being on the northwest Right-of-Way line of F.M. 1044 and the North corner of the Jose A. Aguilar, et ux 1.905 acres (Volume 1724, Page 274), same also being the **POINT OF BEGINNING**;

THENCE along the line common to this 8.294 acres and said Aguilar 1.905 acres, South 63 degrees 08 minutes 24 seconds West (called South 64 degrees West), at a distance of 313.69 feet pass a 1/2 inch iron rod found for the West corner of said Aguilar 1.905 acres, same being the North corner of Dirt Dealers XII 38.095 acres (Volume 2773, Page 98), and continuing for a total distance of 959.60 feet to a 1/2 inch iron rod found for the southwest corner of this 8.294 acres, same being the southeast corner of the Dirt Dealers XII 17.389 acres (Document No. 201706026729);

THENCE along the line common to this 8.294 acres and said Dirt Dealers 17.389 acres, North 23 degrees 14 minutes 06 seconds West (called South 22 degrees 25 minutes West), a distance of 379.24 feet (called 381 feet) to a 1/2 inch iron rod found for the southwest corner of this 8.294 acres, same being the southeast corner of the Henry O. Kramm 25.61 acres (Doc. No. 20100601906);

THENCE along the line common to this 8.294 acres and said Kramm 25.61 acres, North 63 degrees 08 minutes 24 seconds East (called North 64 degrees East), a distance of 1010.81 feet to a point for the northeast corner of this 8.294 acres;

THENCE departing the northwest line of and severing said 9.812 acres the following courses and distances:

South 26 degrees 55 minutes 59 seconds East, a distance of 108.45 feet to a point for an angle corner;

North 87 degrees 43 minutes 27 seconds East, a distance of 177.60 feet to a point for an angle corner, same being on the southeast line of said 9.812 acres and on the northwest Right-of-Way line of said F.M. 1044;

THENCE along the northwest Right-of-Way line of said F.M. 1044, South 23 degrees 30 minutes 27 seconds West, a distance of 90.00 feet to a point for an angle corner, same being the northeast corner of Lot 1, Wohlfahrt Subdivision (Volume 5, Page 286);

THENCE along the lines common to this 8.294 acres and said Lot 1 the following courses and distances:

South 87 degrees 43 minutes 27 seconds West (called South 87 degrees 22 minutes 54 seconds West), a distance of 123.92 feet to a point for an angle corner;

South 63 degrees 49 minutes 27 seconds West (called South 64 degrees 18 minutes West), a distance of 221.88 feet to a point for the West corner of said Lot 1, same being an interior corner of this 8.294 acres;

South 27 degrees 40 minutes 35 seconds East (called South 27 degrees 12 minutes East), a distance of 147.03 feet (called 147.05 feet) to a point for the southwest corner of said Lot 1, same being an interior corner of this 8.294 acres;

North 63 degrees 04 minutes 27 seconds East (called North 63 degrees 33 minutes East), a distance of 220.71 feet (called 220.72 feet) to a 1/2 inch iron rod found

for the East corner of said Lot 1, same being on the northwest Right-of-Way line of said F.M. No. 1044;

THENCE along the northwest Right-of-Way line of said F.M. No. 1044, South 23 degrees 30 minutes 27 seconds West (called South 24 degrees 31 minutes 00 seconds West), a distance of 72.40 feet to the **POINT OF BEGINNING** and containing 8.294 acres of land, more or less.

I hereby certify that these field notes were prepared from an actual survey made on the ground under my supervision and are true and correct to the best of my knowledge and belief. A survey plat of the above described tract prepared this day is hereby attached to and made a part hereof. Bearings shown herein are based on actual GPS Observations, Texas State Plane Coordinates, South Central Zone, Grid.



Mark J. Ewald
Registered Professional Land Surveyor
Texas Registration No. 5095
May 9, 2018

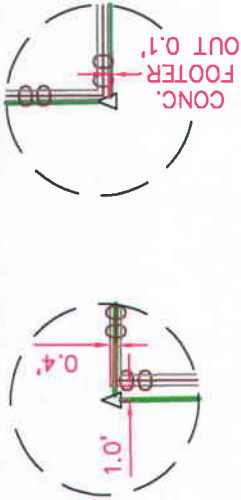


FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS. AND TO DETERMINE THE EFFECT THAT SUCH DESIGNATION MAY HAVE REGARDING THE INTENDED USE OF THE PROPERTY. The property made the subject of this survey appears to be included in a FEMA Flood Insurance Rate Map (FIRM), identified as Community No. 48187C, 48091C, Panel No. 0095 E, 0445 E, which is Dated 11/02/2007, 09/02/2009. By reciting from that FIRM, it appears that all or a portion of the property may be in Flood Zone(s) X. Because this is a boundary survey, the survey did not take any actions to determine the Flood Zone status of the surveyed property other than to interpret the information of FEMA or state or local officials, and which may not agree with the tract's actual conditions. More information concerning FEMA's Special Flood Hazard Areas and Zones may be found at <http://www.fema.gov/index.shtm>.

LINE	BEARING	DISTANCE
L1	S 87°43'27" W	123.92'
	(S 87°22'54" W)	
L2	S 63°49'27" W	221.88'
	(S 64°18' W)	
L3	S 23°30'27" W	72.40'
	(S 24°31'00" W)	

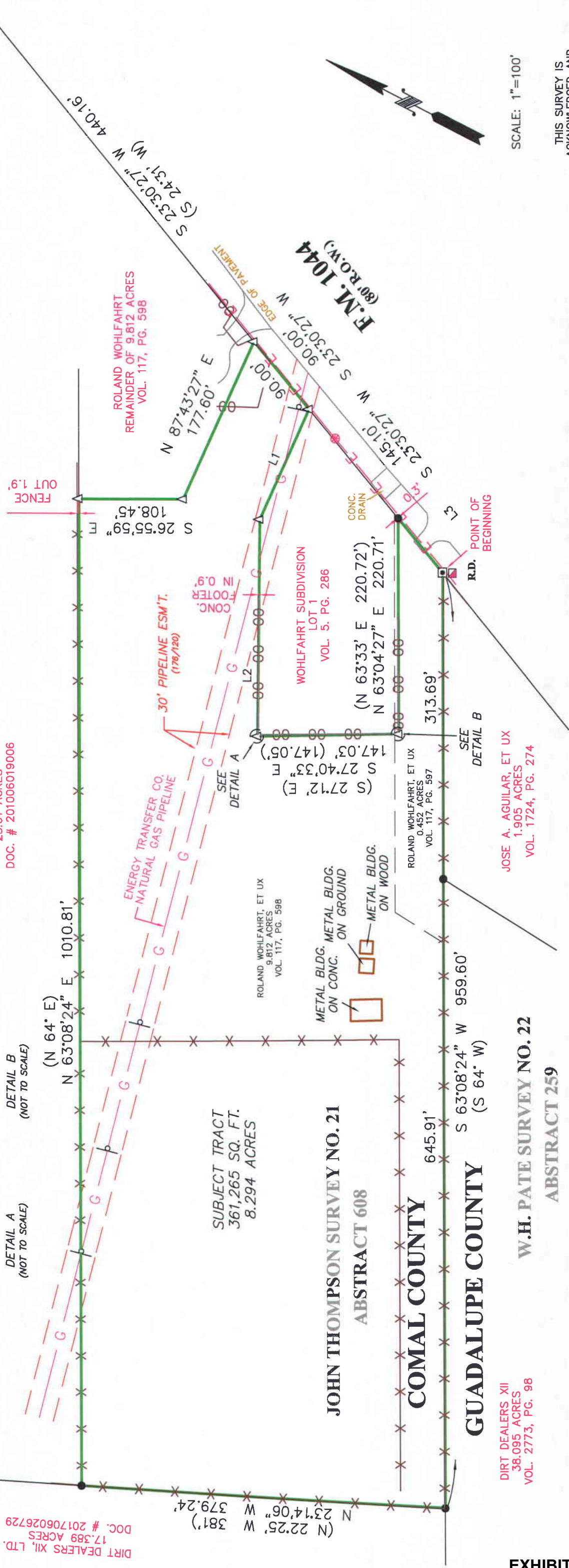
NOTE:
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NOTE:
Bearings shown hereon are based on actual GPS Observations, Texas State Plane Coordinates, South Central Zone, Grid.



HENRY O. KRAMM
25.61 ACRES
DOC. # 201006019006

DIRT DEALERS XII, LTD.
17,389 ACRES
DOC. # 201706026729



DIRT DEALERS XII
38.095 ACRES
VOL. 2773, PG. 98

W.H. PATE SURVEY NO. 22
ABSTRACT 259

SCALE: 1"=100'
THIS SURVEY IS
ACKNOWLEDGED AND
IS ACCEPTED:

- LEGEND**
- Δ - CALCULATED POINT
 - - FND TxDOT MONUMENT
 - - FND 1/2" IRON ROD
 - - RECORD INFORMATION
 - B.S. - BUILDING SETBACK
 - - RECORD DENSITY MONUMENT
 - - PIPELINE MARKER
 - - WIRE FENCE
 - - CHAIN LINK FENCE
 - - POWER POLE
 - - OVERHEAD ELECTRIC
 - - TELEPHONE PEDESTAL

FIRM REGISTRATION NO.
10111700

Westar Alamo

LAND SURVEYORS, LLC.
P.O. BOX 1645 BOERNE, TEXAS 78006
PHONE (210) 372-9500 FAX (210) 372-9989

DRAWN BY: TS
JOB NO. 82286

Property Address:
1938 F.M. 1044
Property Description:

Being 8.294 acre of land, more or less, situated in the John Thompson Survey No. 21, F.M. No. 1044 Abstract 608, Comal County, Texas, and being out of that 9.812 acres described in the Deed recorded in Volume 117, Page 598, Official Public Records, Comal County, Texas, and that 0.452 acres described in a Deed recorded in Volume 117, Page 597, Official Public Records, Comal County, Texas, said 8.294 acre being more particularly described by metes and bounds attached hereto.

Owner:
ADELINE L. WOHLFAHRT

TITLE COMPANY: N/A



I, MARK J. EWALD, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plat represents an actual survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachment or overlapping of improvements, to the best of my knowledge and belief, except as shown herein.

MARK J. EWALD
Registered Professional Land Surveyor
Texas Registration No. 5095

DATE: 05/09/2018