

**ORDINANCE NO. 2019-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW SHORT TERM RENTAL OF A SINGLE FAMILY DWELLING IN THE “C-O” COMMERCIAL OFFICE DISTRICT ON 1.795 ACRES OUT OF THE AP FUQUAY SURVEY 35 A-15, ADDRESSED AT 1193 GRUENE ROAD; 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 short term rentals; and

**WHEREAS**, the City Council desires to grant a Type 2 Special Use Permit for 1.795 acres out of the AP Fuquay Survey 35 A-15, addressed at 1193 Gruene Road, to allow the short-term rental of a single-family dwelling in the “C-O” 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 adding the following described tract of land as a “Special Use Permit” for the uses and conditions herein described:

1.795 acres out of the AP Fuquay Survey 35 A-15, addressed at 1193 Gruene Road, as described in Exhibit “A” and delineated on Exhibit “B” attached.

## **SECTION 2**

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

1. The residential character of the building must be maintained.
2. The property will remain in compliance with the approved site plat attached as Exhibit 'C'. Any significant changes to the site plan will require a revision to the SUP.
3. All Supplemental Standards of Section 144-5.17-4 will be met.

## **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 22nd day of April, 2019.

**PASSED AND APPROVED:** Second reading this 13th day of May, 2019.

**CITY OF NEW BRAUNFELS**

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**BARRON CASTEEL**, Mayor

**ATTEST:**

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**PATRICK D. ATEN**, City Secretary

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO**, City Attorney

# URBANCIVIL™

Job No. 1804.07.NB

May 16<sup>th</sup>, 2018

## 1.795 Acres

State of Texas  
County of Comal

Fieldnotes, for a 1.795 Acre tract, situated in the A. P. Fuquay Survey Number 35, Abstract Number 155, Comal County, Texas, comprised of a 0.2435 Acre tract, described in a Deed from Van Horn Lodge at Gruene, Ltd., to Larry Anderson and wife, Mary Margaret Anderson, as recorded in Document Number 201206041725 of the Official Public Records of Comal County, Texas and the remainder of a 1.943 acre tract described in a Deed from Mary Margaret Anderson to Larry Anderson, as recorded in Document Number 9806004418, of the said Official Public Records; said 1.795 Acres being more fully described by metes and bounds as follows;

**Beginning**, at a ½ Inch Iron Rod with Illegible Yellow Plastic Cap found, on the West Right-of-Way line of Gruene Road, the Northeast corner of a Variable Width Access Easement, as shown on the Replat of Lot 12, River Bluff at Gruene, Unit 2, Establishing Lots 12R-1, 12R-2 and 12R-3, as recorded in Document Number 201606041337, of the Map and Plat Records of Comal County, Texas, for the Southeast corner of the said 0.2435 Acre tract and this tract;

**Thence**, with the North line of the said River Bluff at Gruene, Unit 2, for the South line of this tract as follows:

- North 72°46'17" West, 95.57 Feet, to a ½ Inch Iron Rod with Red Plastic Cap stamped "KSC 5960" found, for a corner of the said Unit 2 and this tract;
- North 85°52'39" West, 86.66 Feet, to a ½ Inch Iron Rod with Red Plastic Cap stamped "KSC 5960" found, for a corner of the said Unit 2 and this tract;
- South 89°56'15" West, 79.45 Feet, to a ½ Inch Iron Rod with Red Plastic Cap stamped "KSC 5960" found, for a corner of the said Unit 2 and this tract;
- South 53°58'13" West, 66.34 Feet, to a ½ Inch Iron Rod with Red Plastic Cap stamped "KSC 5960" found, for a corner of the said Unit 2 and this tract;
- South 29°35'12" West, 58.01 Feet, to a ½ Inch Iron Rod with Orange Plastic Cap stamped "Urban Civil" set, for a corner of the said Unit 2 and this tract;
- South 53°33'55" West, 142.34 Feet, to a ½ Inch Iron Rod with Red Plastic Cap stamped "KSC 5960" found, on the West line of the said 1.943 Acre tract, for the Northwest corner of the said Unit 2, the Southwest corner of this tract;

**Thence**, North 19°09'47" West, with the West line of the said 1.943 Acre tract, 39.85 Feet, to a ½ Inch Iron Rod found, for the Northwest corner of the said 1.943 Acre tract and this tract;

**Thence**, North 44°58'08" East, with the North line of the said 1.943 Acre tract, 720.16 Feet, to a ½ Inch Iron Rod with Illegible Orange Plastic Cap found, on the said West Right-of-Way, for the Northeast corner of the said 1.943 Acre tract and this tract;

Exhibit "A"

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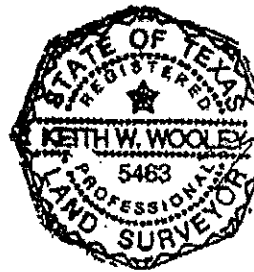
Thence, with the said West Right-of-Way line, for the East line of this tract as follows:

- South 02°26'27" East, 76.73 Feet, to a ½ Inch Iron Rod with Orange Plastic Cap stamped "Urban Civil" set, for a corner of this tract;
- South 06°34'33" West, 180.75 Feet, to a ½ Inch Iron Rod found, for the Northeast corner of the said 0.2435 Acre tract, the Southeast corner of the said 1.943 Acre tract, a corner of this tract;
- South 09°10'57" West, 153.34 Feet, to the **Point of Beginning**, containing 1.795 Acres (78,178 Square Feet) of Land, more or less.

Bearings are based on GPS, NAD83, State Plane Coordinates, Texas South Central Zone 4204.

Unless this fieldnote description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility for its accuracy.

*Also reference accompanying Sketch of tract described herein.*



URBAN CIVIL

*[Signature]*  
Keith W. Wooley, R.P.L.S.  
License No. 5463

Exhibit "A"

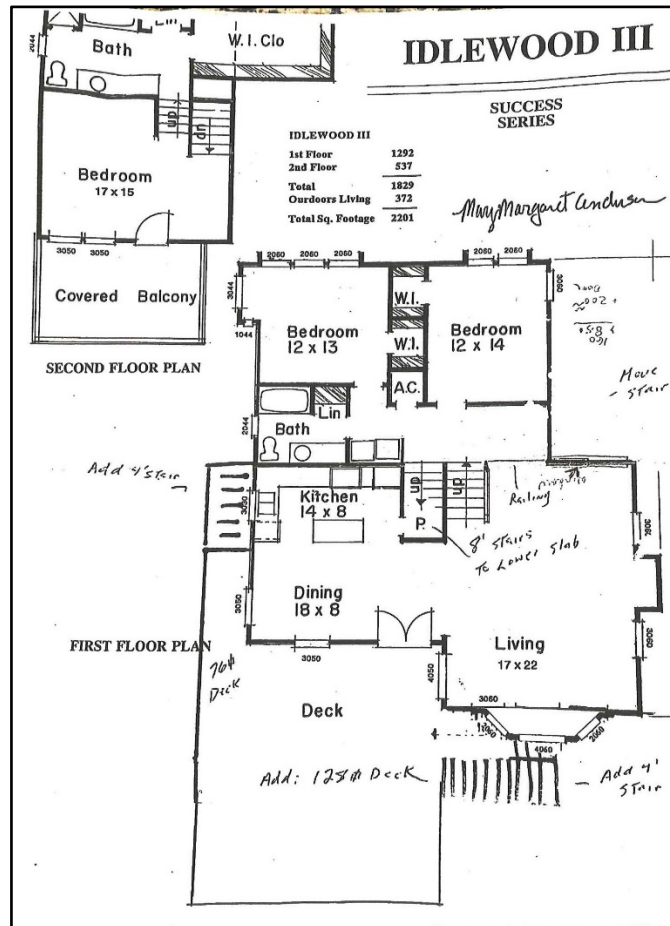
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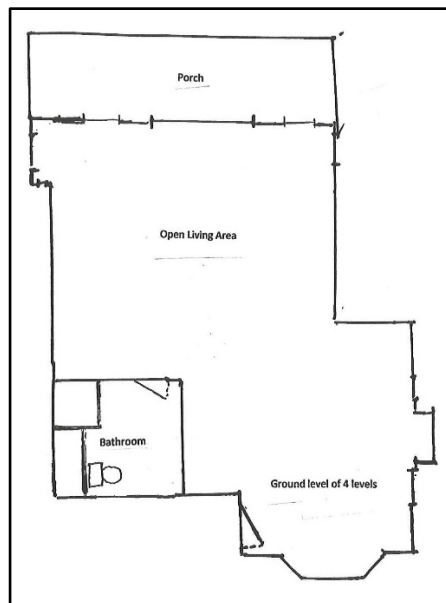
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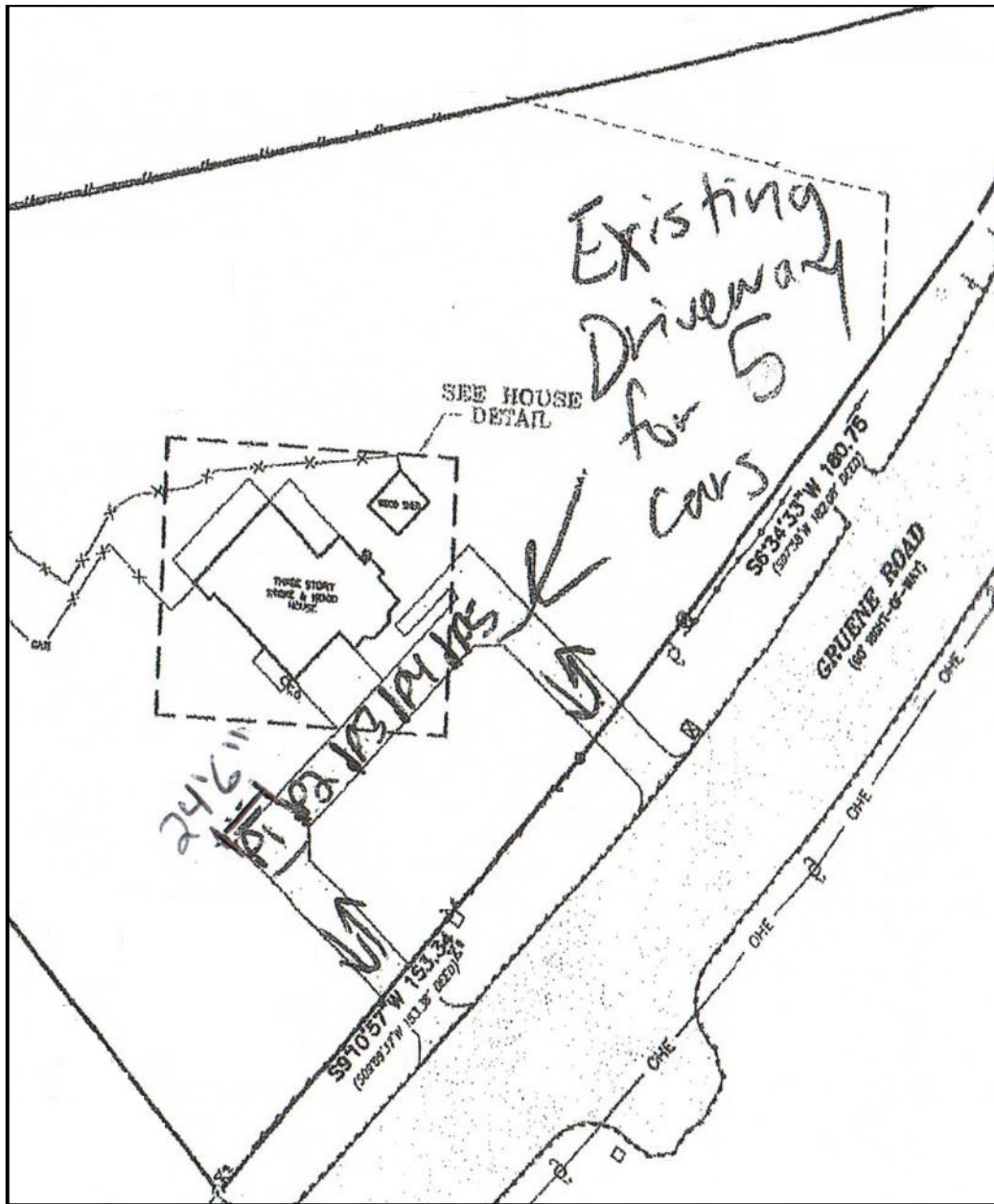




Floor Plan



Ground Floor



Parking Plan