

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A TYPE 1 SPECIAL USE PERMIT TO ALLOW AN RV RESORT ON APPROXIMATELY 28 ACRES CONSISTING OF LOT 1D-R WALNUT HEIGHTS SUBDIVISION AND APPROXIMATELY 24 ACRES OUT OF THE J. M. VERAMENDI A-2 SURVEY, LOCATED IN THE 700 BLOCK OF N. WALNUT AVENUE; 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 a Special Use Permit, the City Council has given due consideration to all components of said permit; and

WHEREAS, the City 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 compatible 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 an RV resort; and

WHEREAS, the requested rezoning is in accordance with Envision New Braunfels, the City's Comprehensive Plan; and

WHEREAS, the City Council desires to grant a Special Use Permit at on approximately 28 acres in the 700 block of N. Walnut Avenue to allow an RV resort in the M-1 Light Industrial, C-1 Local Business and R-2 Single and Two-family Districts; **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 tract of land as a "Type 1 Special Use Permit" for the uses and conditions herein described:

Being Lot 1D-R Walnut Heights Subdivision and approximately 24 acres out of the J. M. Veramendi A-2 Survey, located in the 700 block of N. Walnut Avenue, as depicted in Exhibit "A" and described in Exhibit "B" attached, to allow an RV resort in the M-1, C-1 and R-2 districts..

SECTION 2

THAT the Special Use Permit be subject to the following conditions:

1. Submittal of a Type 2 Special Use Permit application with detailed site plan addressing all City code requirements, including but not limited to access, drainage and flooding emergencies.
2. Any proposed deviations to the code must be submitted and approved with the Type 2 Special Use Permit prior to issuance of permits or development of the subject property as an RV resort.

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 25th day of January, 2021.

PASSED AND APPROVED: Second reading this 8th day of February, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

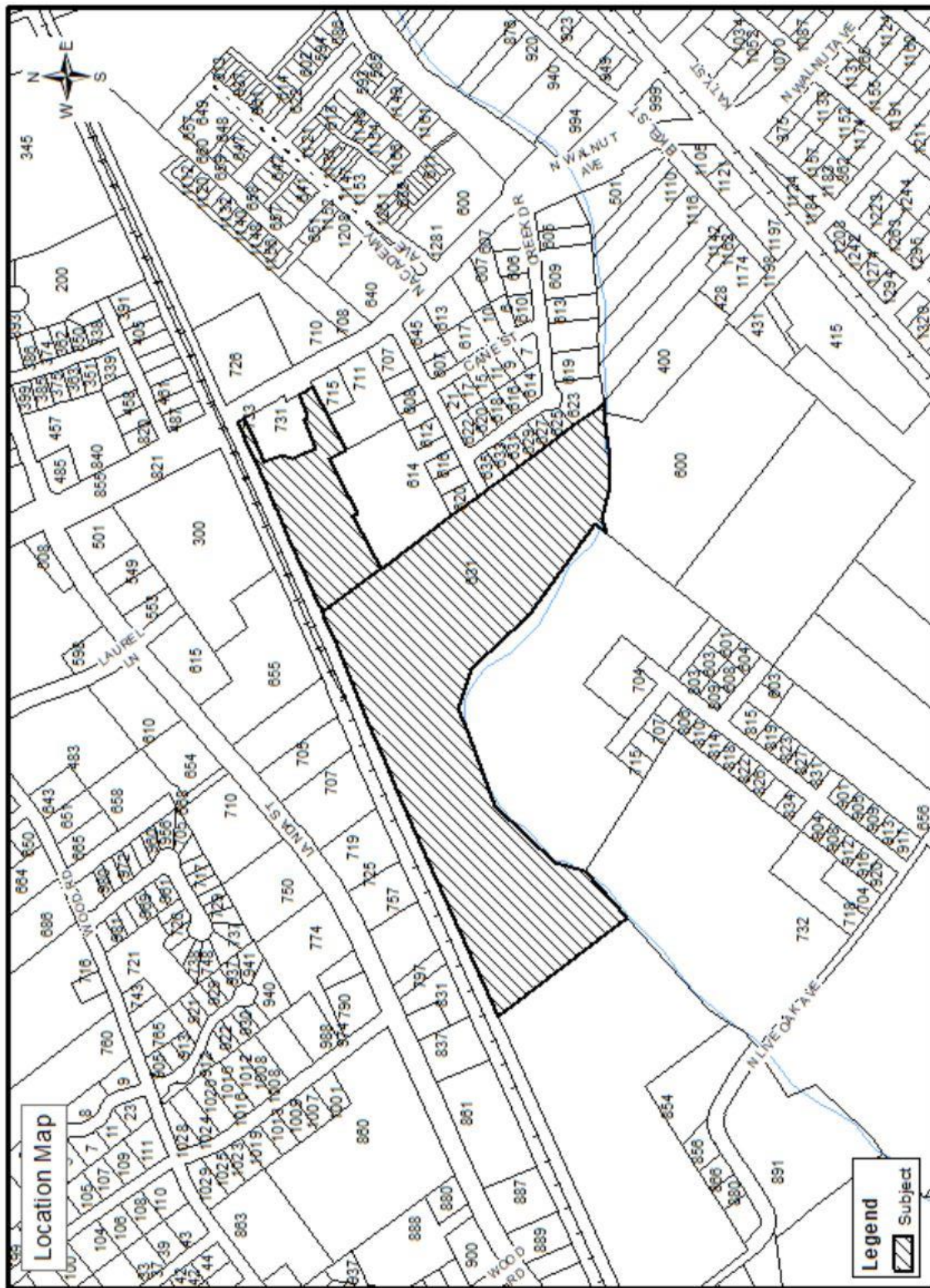


EXHIBIT "B"

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATED IN COMAL COUNTY, TEXAS, AND BEING 23.582 ACRES OF LAND OUT OF THE J. M. VERAMENDI TWO LEAGUE SURVEY, ABSTRACT NO. 1, AND ALSO BEING THE SAME TRACTS OF LAND CALLED 4.46 ACRES, RECORDED IN VOLUME 97, PAGES 452,-453, OF THE DEED RECORDS, AND A 20.0 ACRE TRACT RECORDED IN VOLUME 95, PAGES 580-581 OF THE DEED RECORDS OF COMAL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND IN THE SOUTH R.O.W. LINE OF MISSOURI-PACIFIC RAILROAD, SAID POINT BEING THE WEST CORNER OF ABOVE REFERENCED 4.46 ACRE TRACT, FOR THE WEST CORNER OF THIS TRACT;

THENCE NO. 67° 04' 44" E. 1613.82 FEET ALONG SAID R.O.W. LINE TO A FENCE CORNER IN SAME, SAID POINT BEING THE NORTH CORNER OF SAID 20.0 ACRE TRACT, FOR THE NORTH CORNER OF THIS TRACT;

THENCE S. 35° 48' 53" E. 514.02 FEET AND S. 35° 26' 43" E. 843.20 FEET ALONG THE NORTHEAST FENCE LIEN OF ABOVE REFERENCED 20.0 ACRE TRACT TO A POINT ON THE NORTH BANK OF COMAL CREEK FOR THE EAST CORNER OF THIS TRACT;

THENCE UPSTREAM ALONG THE MEANDER OF COMAL CREEK AS FOLLOWS:

S. 84° 18' 42" W. 236.74 FEET;
S. 81° 31' 31" W. 30.03 FEET;
N. 80° 14' 57" W. 186.61 FEET;
S. 76° 14' 03" W. 22.74 FEET;
S. 69° 06' 21" W. 38.77 FEET;
N. 58° 47' 46" W. 17.87 FEET;
N. 10° 07' 22" W. 81.82 FEET;
N. 54° 47' 12" W. 464.02 FEET;
N. 17° 48' 45" W. 85.98 FEET;
N. 46° 13' 12" W. 200.80 FEET;
N. 75° 17' 12" W. 101.09 FEET;
S. 70° 11' 02" W. 420.64 FEET;
S. 42° 03' 48" W. 328.95 FEET;
S. 19° 47' 50" W. 109.94 FEET;
S. 45° 31' 14" W. 119.44 FEET; TO A POINT ON THE NORTH BANK OF COMAL CREEK FOR A CORNER OF THIS TRACT;

THENCE N. 37° 23' 47" W. 580.10 FEET TO THE PLACE OF BEGINNING AND CONTAINING 23.582 ACRES OF LAND, MORE OR LESS, ACCORDING TO A SURVEY MADE ON THE GROUND IN MARCH, 1978, UNDER THE SUPERVISION OF S. CRAIG HOLLMIG, REGISTERED PROFESSIONAL ENGINEER, REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSES.

Filed and Recorded
Official Public Records
Joy Streater, County Clerk
Comal County, Texas
07/29/2014 01:08:24 PM
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Joy Streater