

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 5.35 ACRES OUT OF THE A. M. ESNAURIZAR SURVEY, COMAL COUNTY, TEXAS, ADDRESSED AT 850 STATE HIGHWAY 46 SOUTH, FROM “M-1” LIGHT INDUSTRIAL DISTRICT TO “ZH-A” ZERO LOT LINE HOME 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 “ZH-A” Zero Lot Line Home 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 requested rezoning is in accordance with Envision New Braunfels, the City’s Comprehensive Plan; and

WHEREAS, the applicant has proposed to change the base district, leaving all overlay districts in place; and

WHEREAS, the City Council desires to amend the Zoning Map by rezoning approximately 5.35 acres out of the A. M. Esnaurizar Survey, addressed at 850 State Highway 46 South, from “M-1” Light Industrial District to “ZH-A” Zero Lot Line Home 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 rezoning the following described tract of land from “M-1” Light Industrial District to “ZH-A” Zero Lot Line District:

Approximately 5.35 acres out of the A. M. Esnaurizar Survey, Comal County, Texas, addressed at 850 State Highway 46 South, as described in Exhibit “A” and delineated in Exhibit “B” 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THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.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THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.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 25th day of October, 2021.

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

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

Exhibit "A"



METES AND BOUNDS DESCRIPTION FOR A 5.348 ACRE TRACT OF LAND "ZONING"

BEING a 5.348 acre tract of land out of Subdivision No. 115 of the A.M. Esnaurizar Eleven League Grant, Abstract No. 98, in Comal County, Texas, being a portion of a called 10.096 acre tract of land, as conveyed to Randy Harris and Kellye Harris, and recorded in Document No. 200806016460, of the Official Public Records of Comal County, Texas, and also being a portion of a called 16.775 acre tract of land, as conveyed to Randy Lloyd Harris and Kellye Dawn Harris, and recorded in Document No. 202006036473, of the Official Public Records of Comal County, Texas, and said 5.348 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron pin with orange cap found in the Northwestern line of Lot 5, Rivertree Subdivision, Unit II, as recorded in Volume 8, Page 297, of the Map and Plat Records of Comal County, Texas, same being the most Southerly corner of a called 3.006 acre tract of land, as conveyed to PV New Braunfels, LLC, and recorded in Document No. 202006027055, of the Official Public Records of Comal County, Texas, and being the most Easterly Northeast corner of said 10.096 acre tract of land and this herein described tract of land;

THENCE with the Northwestern lines of Lots 5 through 10, of said Rivertree Subdivision, Unit II, and with the Southeasterly line of said 10.096 acre tract of land, S 43° 29' 45" W, a distance of 433.00 feet to a point in the Northwestern line of said Lot 10, being in the Southeasterly line of said 10.096 acre tract of land, and being the most Southerly corner of this herein described tract of land;

THENCE departing the common line between said Lot 10 and said 10.096 acre tract of land, and across and through said 10.096 acre tract of land, N 45° 09' 30" W, at a distance of 213.06 feet passing the common line between said 10.096 acre tract of land and said 16.775 acre tract of land, and continuing across and through said 16.775 acre tract of land for a total distance of 660.73 feet to a point in the Southeasterly line of Lot 9A, Block 1, Replat of Misty Acres, Unit One, as recorded in Volume 14, Page 49, of the Map and Plat Records of Comal County, Texas, being in the Northwestern line of said 16.775 acre tract of land, and being the most Westerly Northwest corner of this herein described tract of land;

THENCE with the Southeasterly lines of Lots 9A, 8A, and 7A, of said Replat of Misty Acres, Unit One, and with the Northwestern line of said 16.775 acre tract of land, N 45° 36' 45" E, a distance of 152.23 feet to a point for a Southeasterly corner of said Lot 7A, and being a Northwestern corner of said 16.775 acre tract of land and this herein described tract of land;

THENCE with the Southeasterly lines of Lots 7A, 6A, and 5A, of said Replat of Misty Acres, Unit One, and with the Northwestern line of said 16.775 acre tract of land, N 45° 18' 34" E, a distance of 127.77 feet to a point in the Southeasterly line of said Lot 5A, being the most Westerly Southwest corner of Lot 2RA, Replat of Dunlap Business Park, as recorded in Document No. 200706015224, of the Map and Plat Records of Comal County, Texas, and being the most Northerly corner of said 16.775 acre tract of land and this herein described tract of land;

THENCE departing the Southeasterly line of said Lot 5A, with the Southwesterly line of said Lot 2RA, with the Southwesterly line of Lot 3, Dunlap Business Park Subdivision, as recorded in Volume 8, Page 285, of the Map and Plat Records of Comal County, Texas, and with the Northeasterly line of said 16.775 acre tract of land, S 55° 54' 11" E, a distance of 343.37 feet to a ½" iron pin with cap stamped "HMT" found for the most Southerly corner of said Lot 3, and being a Northeasterly corner of said 16.775 acre tract of land and this herein described tract of land;

THENCE continuing with the common line between said Lot 3 and said 16.775 acre tract of land, N 43° 21' 30" E, a distance of 30.04 feet to a ½" iron pin with cap stamped "HMT" found in the Southeasterly line of said Lot 3, being the most Westerly Southwest corner of a called 1.100 acre tract of land, as conveyed to R & H Properties, LLC, and recorded in Document No. 201506023760, of the Official Public Records of Comal County, Texas, and being a Northeasterly corner of said 16.775 acre tract of land and this herein described tract of land;

THENCE with the Southwesterly line of said 1.100 acre tract of land, with the Southwesterly line of aforementioned 3.006 acre tract of land, and with the Northeasterly line of said 16.775 acre tract of land, S 55° 49' 41" E, a distance of 111.85 feet to a 3/8" iron pin found in the Southwesterly line of said 3.006 acre tract of land, being the most Northerly Northeast corner of said 10.096 acre tract of land, the most Easterly Northeast corner of said 16.775 acre tract of land, and being a Northeasterly corner of this herein described tract of land;

THENCE with the common line between said 10.096 acre tract of land and said 3.006 acre tract of land, S 55° 54' 13" E, a distance of 204.57 feet to the POINT OF BEGINNING, and containing 5.348 acres of land, more or less.

Bearings based on the Texas State Plane Coordinate System, South Central Zone (4204), North American Datum of 1983.

"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."

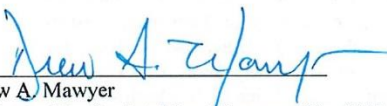

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MOE459- HARRIS- 5.348 AC- ZONING- 082321



EXHIBIT "B"

