

**ORDINANCE NO. 2021-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, REZONING OF APPROXIMATELY 19.2 ACRES, CONSISTING OF LOTS 2, 3, 4, AND PORTIONS OF LOTS 5 AND 6, COLLINS ESTATES, UNIT 2, ADDRESSED AT 5562, 5640 AND 5686 IH 35 SOUTH AND 203 AND 223 RUSCH LANE, FROM “M-1” LIGHT INDUSTRIAL DISTRICT AND “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT TO “C-1B” GENERAL BUSINESS DISTRICT; AND GRANTING A TYPE 1 SPECIAL USE PERMIT TO AUTHORIZE THE LAND USE AND TO ALLOW THE EXPANSION OF AN EXISTING ZOO; 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 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 approximately 19.2 acres consisting of Lots 2, 3, 4, and portions of Lots 5 and 6, Collins Estates, Unit 2, addressed at 5562, 5640 and 5686 IH 35 South and 203 and 223 Rusch Lane, from “M-1” Light Industrial District and “APD” Agricultural/Pre-Development District to “C-1B” General Business District; and

**WHEREAS**, in keeping with the spirit and objectives of a Type 1 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 an area suitable for the proposed uses; and

**WHEREAS**, the City Council desires to grant approval of a Type 1 Special Use Permit authorizing an existing zoo to be an allowed use, in the “C-1B” General Business District on approximately 19.2 acres consisting of Lots 2, 3, 4 and portions of Lots 5 and 6, Collins Estates, Unit 2, addressed at 5562, 5640 and 5686 IH 35 South and 203 and 223 Rusch Lane.

**WHEREAS**, the requested rezone supports the visions and goals of the City’s Envision New Braunfels Comprehensive Plan; **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 changing the following described tract of land from “M-1” Light Industrial District and “APD” Agricultural/Pre-Development District to “C-1B” General Business District and designating said property with a “Type 1 Special Use Permit” to allow the expansion of an existing zoo:

Being Lots 2, 3, 4, and portions of Lots 5 and 6, Collins Estates, Unit 2, Comal County, Texas, addressed at 5562, 5640 and 5686 IH 35 South and 203 and 223 Rusch Lane, as delineated in Exhibit ‘A’.

### **SECTION 2**

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

1. All standards of the Zoning Ordinance shall be met.
2. Zoo operations shall be in compliance with Chapter 6, Animals, of the City of New Braunfels Code of Ordinances as amended from time to time.

### **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**

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**RUSTY BROCKMAN**, Mayor

**ATTEST:**

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**CAITLIN KROBOT**, City Secretary

**APPROVED AS TO FORM:**

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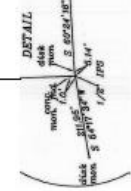
**VALERIA M. ACEVEDO**, City Attorney

# COLLINS ESTATES UNIT TWO

Being 86.626 acres of land situated in the John Thompson Survey, No. 21, County of Comal, Texas, and called 89.081 acres described in Volume 154, Page 68 of the Deed Records, the remainder of a tract of land called 1.719 acres recorded in Volume 1000, Page 885 of the Official Public Records, the remainder of a tract of land called 8.958 acres described in Index 20060051747 of the Official Public Records of Comal County, Texas, and the remainder of a tract of land called 2.419 acres described in Index 20010017148 of the Official Public Records of Comal County, Texas.

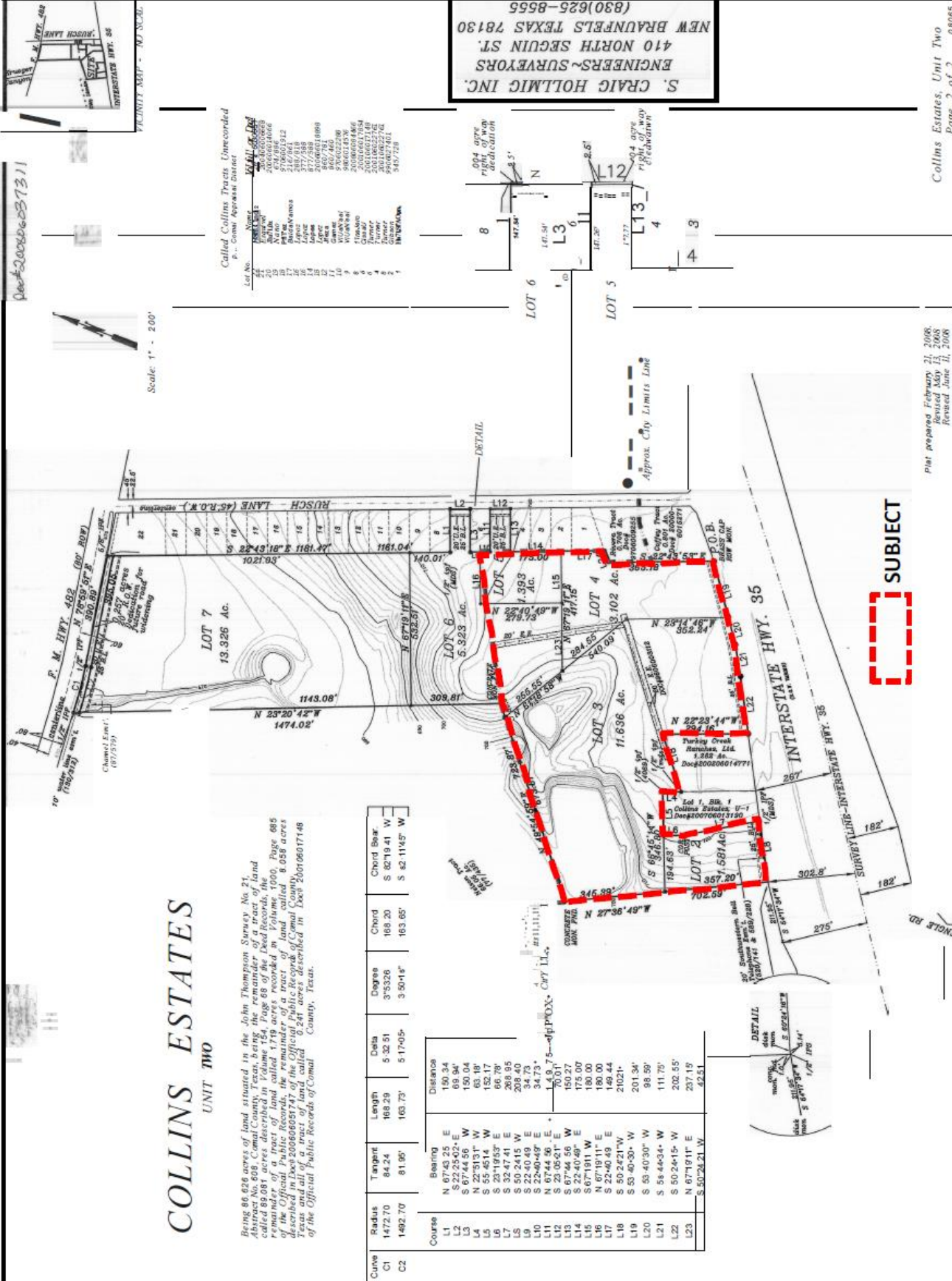
Curve	Radius	Tangent	Length	Delta	Degree	Chord	Chord Bear.
C1	1472.70	84.24	168.29	5.32.51	3°53'26"	166.20	S 82°19'41" W
C2	1492.70	81.95'	163.73'	5.17°05'	3°50'15"	163.65'	S 82°11'45" W

Course	Bearing	Distance
L1	N 07°43'25" E	150.34
L2	S 62°55'22" E	163.94'
L3	S 67°44'55" W	163.18'
L4	N 27°51'31" W	152.17'
L5	S 55°45'14" W	166.78'
L6	S 23°19'53" E	268.95'
L7	S 32°47'41" E	208.40'
L8	S 50°24'15" W	34.73'
L9	S 22°40'49" E	143.51'
L10	S 50°24'15" W	143.51'
L11	N 07°44'56" E	143.75'-approx. Cvt. L.L.C.
L12	S 23°05'21" E	70.01'
L13	S 67°44'56" W	150.27'
L14	S 22°40'49" E	175.00'
L15	S 67°19'11" W	180.00'
L16	N 07°19'11" E	180.00'
L17	S 50°24'15" W	143.44'
L18	S 50°24'15" W	202.14'
L19	S 53°40'30" W	201.34'
L20	S 53°40'30" W	98.59'
L21	S 58°44'34" W	111.75'
L22	S 50°24'15" W	202.55'
L23	N 67°19'11" E	203.18'
	S 50°24'21" W	42.51'



**SUBJECT**

Plot prepared February 21, 2008  
Revised May 11, 2008  
Revised June 11, 2008



Deed 200600517311



Called Collins Tracts Unrecorded  
P. M. Comal Appraisal District

Lot No.	Owner	Acres
1	WILLIAM L. LUTHE	1.719
2	WILLIAM L. LUTHE	1.719
3	WILLIAM L. LUTHE	1.719
4	WILLIAM L. LUTHE	1.719
5	WILLIAM L. LUTHE	1.719
6	WILLIAM L. LUTHE	1.719
7	WILLIAM L. LUTHE	1.719
8	WILLIAM L. LUTHE	1.719
9	WILLIAM L. LUTHE	1.719
10	WILLIAM L. LUTHE	1.719
11	WILLIAM L. LUTHE	1.719
12	WILLIAM L. LUTHE	1.719
13	WILLIAM L. LUTHE	1.719

S. CRAIG HOLLMIC INC.  
ENGINEERS~SURVEYORS  
410 NORTH SEGUIN ST.  
NEW BRAUNFELS TEXAS 78130  
(830)625-8555