

(CURRENT SPECIAL USE PERMIT ORDINANCE)

ORDINANCE NO. 2012- 43

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, GRANTING A TYPE II SPECIAL USE PERMIT TO ALLOW THE ERECTION OF PROFESSIONAL OFFICES AND RELATED PARKING IN AN "R-2" SINGLE AND TWO FAMILY DISTRICT LOCATED AT 617 N. WALNUT AVENUE AND 12 CANE STREET; 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 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 the proposed uses and improvements; and

WHEREAS, the City Council desires to grant a Type II Special Use Permit to 617 N. Walnut Avenue and 12 Cane Street, to allow the erection of professional offices and related parking in the "R-2" Single and Two-Family District;

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

SECTION 1

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 tracts of land as a "Type II Special Use Permit" for the uses and conditions herein described:

"Being Lot 2, Tri County Subdivision and the west 130 feet of Lot 7, Block 4, Bavarian Village Subdivision, located at 617 N. Walnut Avenue and 12 Cane Street, to allow the erection of professional offices and related parking in an "R-2" Single and Two-Family District."

SECTION 2

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

1. Exhibit 'A' shall be considered the adopted site plan. Changes to the site plan in relation to commercial business will require amendment of the Special Use Permit by City Council.
2. Exhibit 'B' shall be the adopted construction schedule. Changes to the construction schedule in relation to the approved SUP will require amendment of the Special Use Permit by City Council.
3. A gate must be provided on Cane Street and must be keypad or badge entry only with a motion-controlled exit and must remain closed except when in use.
4. No gate shall be constructed to restrict access to Walnut Avenue.

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.

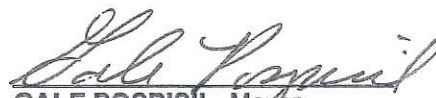
SECTION 5

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

PASSED AND APPROVED: First Reading this the 13th day of August, 2012.

PASSED AND APPROVED: Second Reading this the 27th day of August, 2012.

CITY OF NEW BRAUNFELS


GALE POSPISIL, Mayor

ATTEST:


PATRICK D. ATEN, City Secretary



APPROVED AS TO FORM:


VALERIA M. ACEVEDO, City Attorney

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HOPE HOSPICE SITE PLAN

The Hope Hospice Site Plan, as presented to the Council, shows the completed vision which includes an enlarged Thrift Shop, plenty of parking, and a larger office building. This plan accommodates future growth of services.

As a nonprofit agency we receive much support from the community; however, at times, our vision is limited by financial realities. Due to this, we have broken down our long term plan into three phases.

Phase one is currently in operation. Our budget contains funds for purchasing the duplex behind the main office building, Thrift Shop renovation, and parking lot expansion on the land currently owned. Timing of this phase was planned with the work on Walnut Street in mind, as Thrift Shop revenues are expected to decrease due to road construction. Phase one should be completed by June 2013.

Phase two is expected to take 2-5 years; again, funds to complete the project will determine some of the timing. This phase includes removal of the duplex at 12 Cane Street and turning the lot into additional parking.

Until phase two begins, options for we would like to consider concerning the duplex include renting as currently the case, temporary conversion to a hospice residential unit, or using as additional office space and/or storage. With the residential unit, patients and their families will rent the duplex for short time periods. Hospice regulations require a home setting so the neighborhood should not see any differences between regular renters and residential renters.

If we were to use the duplex as office space or for storage, we would remove the wood fence only on the very back of the property and use the back doors as main entries. Parking would be in existing parking lots; it is not our intent to utilize the driveway on Cane Street in any way.

Once phase two is complete, fundraising for the current office building expansion will begin. We believe the entire vision may take eight to ten years to complete.