

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW A MIXED-USE DEVELOPMENT IN THE "C-3" COMMERCIAL DISTRICT AND THE "R-2" SINGLE-FAMILY AND TWO-FAMILY DISTRICT, ON 0.66 ACRES, CONSISTING OF LOTS 2, 3, 11, 12 AND 13, NEW CITY BLOCK 4048, ADDRESSED AT 1260 S. BUSINESS 35; 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 a mixed-use development and Council previously approved a Type 2 Special Use Permit for a mixed-use development per Ordinance 2017-21 on the property; and

WHEREAS, the City Council desires to grant a Type 2 Special Use Permit on 0.66 acres consisting of Lots 2, 3, 11, 12 and 13, New City Block 4048, addressed at 1260 S. Business 35 to allow a mixed-use development in the "C-3" Commercial District and the "R-2" Single-Family and Two-Family 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:

"Being 0.66 acres consisting of Lots 2, 3, 11, 12 and 13, New City Block 4048, addressed at 1260 S. Business 35, as delineated in the attached Exhibit 'A', to allow a mixed-use development in the "C-3" Commercial District and the "R-2" Single-Family and Two-

Family District.”

SECTION 2

THAT the Special Use Permit be subject to the additional conditions and restrictions stipulated in Exhibits 'B' and 'C' and as shown on the site plans in Exhibits 'D' & 'E'.

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 of same.

PASSED AND APPROVED: First Reading this the 22nd day of July, 2019.

PASSED AND APPROVED: Second Reading this the 12th day of August, 2019.

CITY OF NEW BRAUNFELS

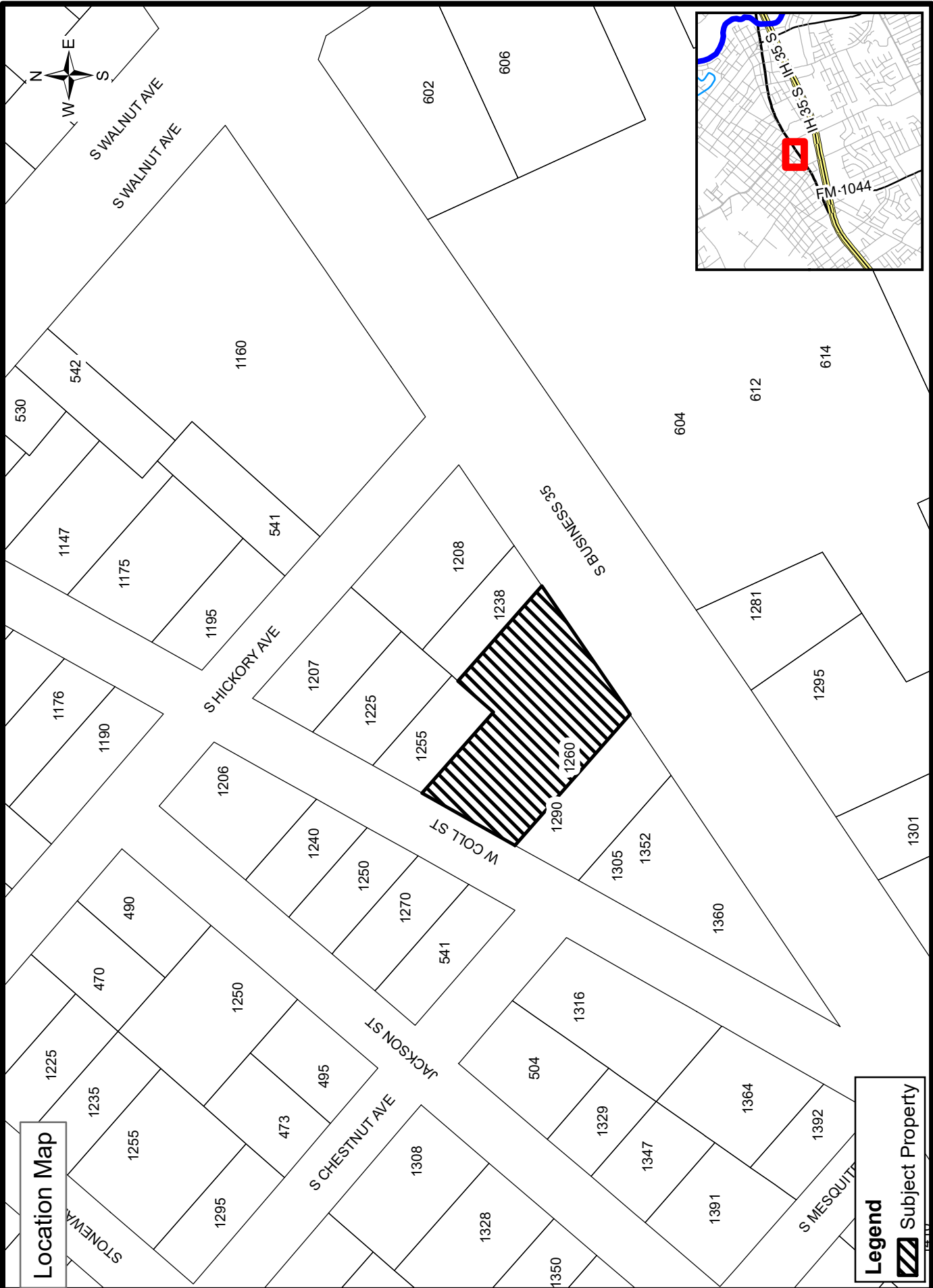
BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary


APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



Location Map

Legend

 Subject Property

SUP19-157
1260 S. Business 35
Amendment to Special Use Permit



Exhibit 'B' - ADDITIONAL RESTRICTIONS

1. An amendment to the Special Use Permit will be required for the addition of any new structures or the expansion of any existing structures that are not identified:
 - a. on the approved Site Plan (Exhibit D)
 - b. on the approved Site Plan B – future expansion/use (Exhibit E); or
 - c. in the approved Ordinance.
2. Approved Uses:
 - Building 1 – nightclub, 1,600 square feet.
 - Building 2 – storage, 1,500 square feet.
 - Building 3 – office/print shop, 1,650 square feet.
 - Building 4 – office, 1,536 square feet.
 - Building 5 – residence, 2,234 square feet. Bed and breakfast use allowed with a resident manager. Short-term rental use is not allowed.
3. On the portion of the property that is zoned “C-3 Commercial District, any use within the “C-3” Commercial District is allowed if the minimum parking requirements for all cumulative uses located on the property are met or shared parking meets the minimum parking requirements (as in Exhibit C). City review and approval is required for any alternative shared parking agreement.
4. Deviations from Setback Requirements:
 - Building 4: The structure will have a 2.5-foot front setback adjacent W. Coll Street that expands up to approximately 8 feet.
 - Building 5: The house will have a 20-foot setback adjacent W. Coll Street.
5. Deviations from Fencing Requirements:
 - A maximum 6-foot tall fence is allowed on the property line along W. Coll Street.
 - A 3-foot tall corrugated metal fence will be constructed along Business 35, shrubs will not be required.
6. Deviations from Landscaping Requirements:
 - Business 35 parking lot: Eight ornamental trees will be planted along Business 35 as indicated on the approved Site Plan (Exhibit D).
 - Residential buffer trees are not required.
7. Deviations from Signage Requirements
 - One freestanding sign is allowed on the property. A new sign (Maximum height = 20 feet, Maximum area = 50 square feet) may be added to the existing sign pole located near the southern corner of the property, along Business 35 and shall not encroach into the right-of-way. The existing sign pole shall not be used for an electronic message sign. If the existing sign pole is not used, all new signage must comply with current code requirements.
8. Driveways and Parking Requirements:
 - The property will have a minimum of 27 parking spaces, with additional 2 available in the carport. Existing parking surface may be maintained. Any new parking areas are to be surfaced with materials approved by the City Engineer.
 - Shared parking will be allowed in accordance with the On-Site Shared Parking Agreement (Exhibit C).
 - The entrance from Business 35 and any internal drive gates must meet access requirements from the Fire Department and the Public Works Department. The entrance from W. Coll St must meet access requirements from the Public Works Department.

Exhibit 'C' – On-Site Shared Parking Agreement

Building – USE	Required Parking	Days / Hours
Bldg 3. Office/print shop	6	M-F, 8:30 – 5pm
Bldg 4. Office	5	M-F, 8:30 – 5pm
Bldg 1. Music Concerts 1600 sq.ft. - parking	21	as scheduled, will be M-F, after 5 Saturday and Sunday
Bldg 5. Residence/B & B	4	When rented
Bldg 2. Storage	<u>2</u>	no hours
Total Required Spaces	38	
Daytime use	- <u>11</u>	
Required Total non-daytime	27	27 Available On-Site*

Alternate Usage of Bldg 1

Bldg 1 – other uses (not concert) Rehearsal space/Recording Live Streaming/Office	6	M-F, daytime hours
Bldg 3. Office/print shop	6	M-F, 8:30 – 5pm
Bldg 4. Office	5	M-F, 8:30 – 5pm
Bldg 5. Residence/B & B	4	When rented
Bldg 2. Storage	<u>2</u>	no hours
Total Required Spaces	23	27 Available On-Site

***Stacked Parking Spaces** – 2 additional spaces are available in Building 2 under the carport that may be utilized for employee parking.

Future Growth Requiring Additional Parking

Site Plan B details future expansion or use of existing buildings or business use of outdoor space. If such expansion(s) triggers a need for additional parking spaces, Off-Site Parking agreements or Valet Parking (to off-site location) will be required. City review and approval is required before occupancy can take place. Owner is responsible for meeting all building permit requirements.

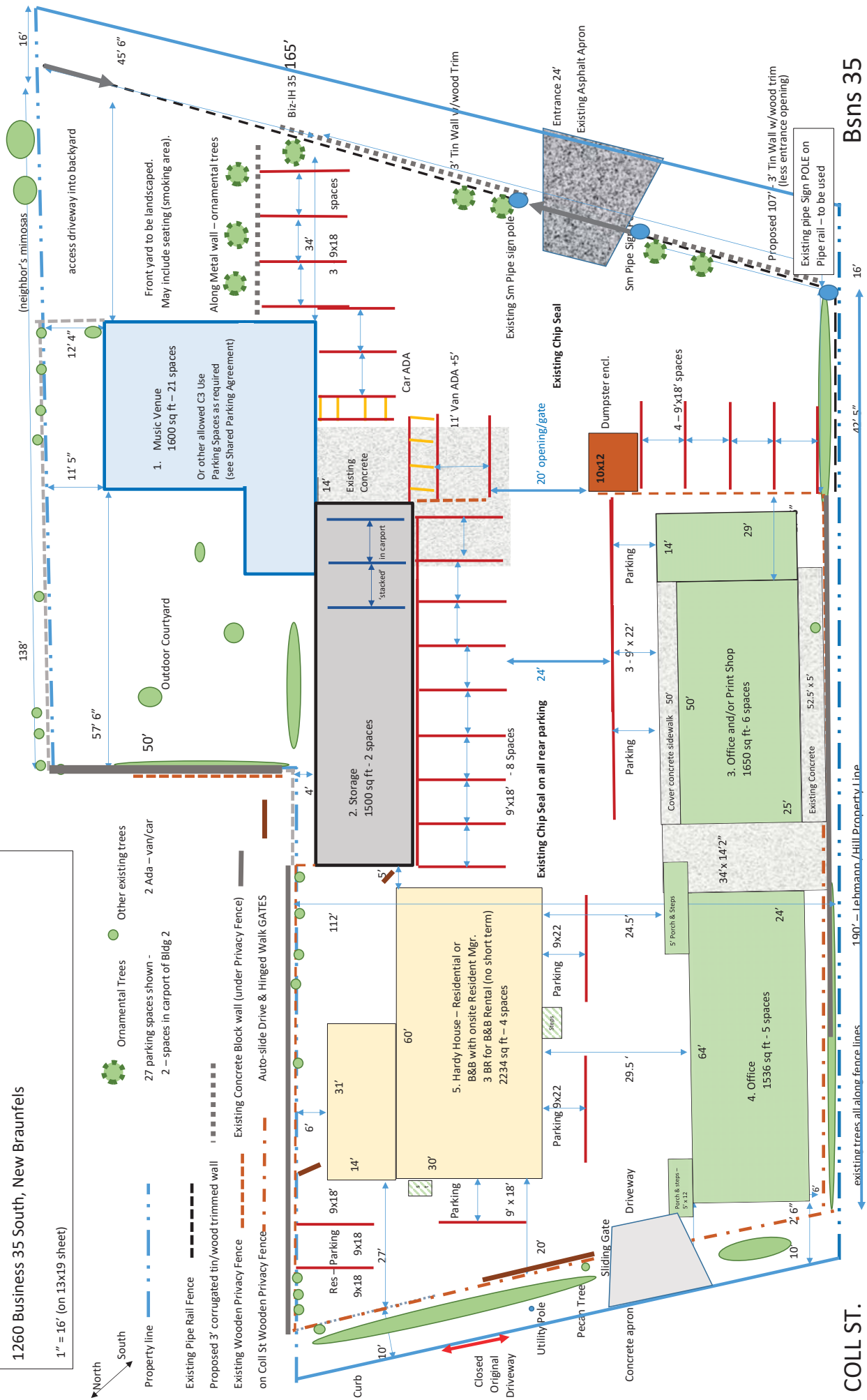
EXHIBIT D - SITE PLAN

1260 Business 35 South, New Braunfels

1" = 16' (on 13x19 sheet)



- Property line
- Existing Pipe Rail Fence
- Proposed 3' corrugated tin/wood trimmed wall
- Existing Wooden Privacy Fence
- on Coll St Wooden Privacy Fence
- Auto-slide Drive & Hinged Walk GATES
- Ornamental Trees
- Other existing trees
- 27 parking spaces shown - 2 Ada - van/car
- 2 - spaces in carport of Bldg 2
- Existing Concrete Block wall (under Privacy Fence)



COLL ST.

Bsns 35

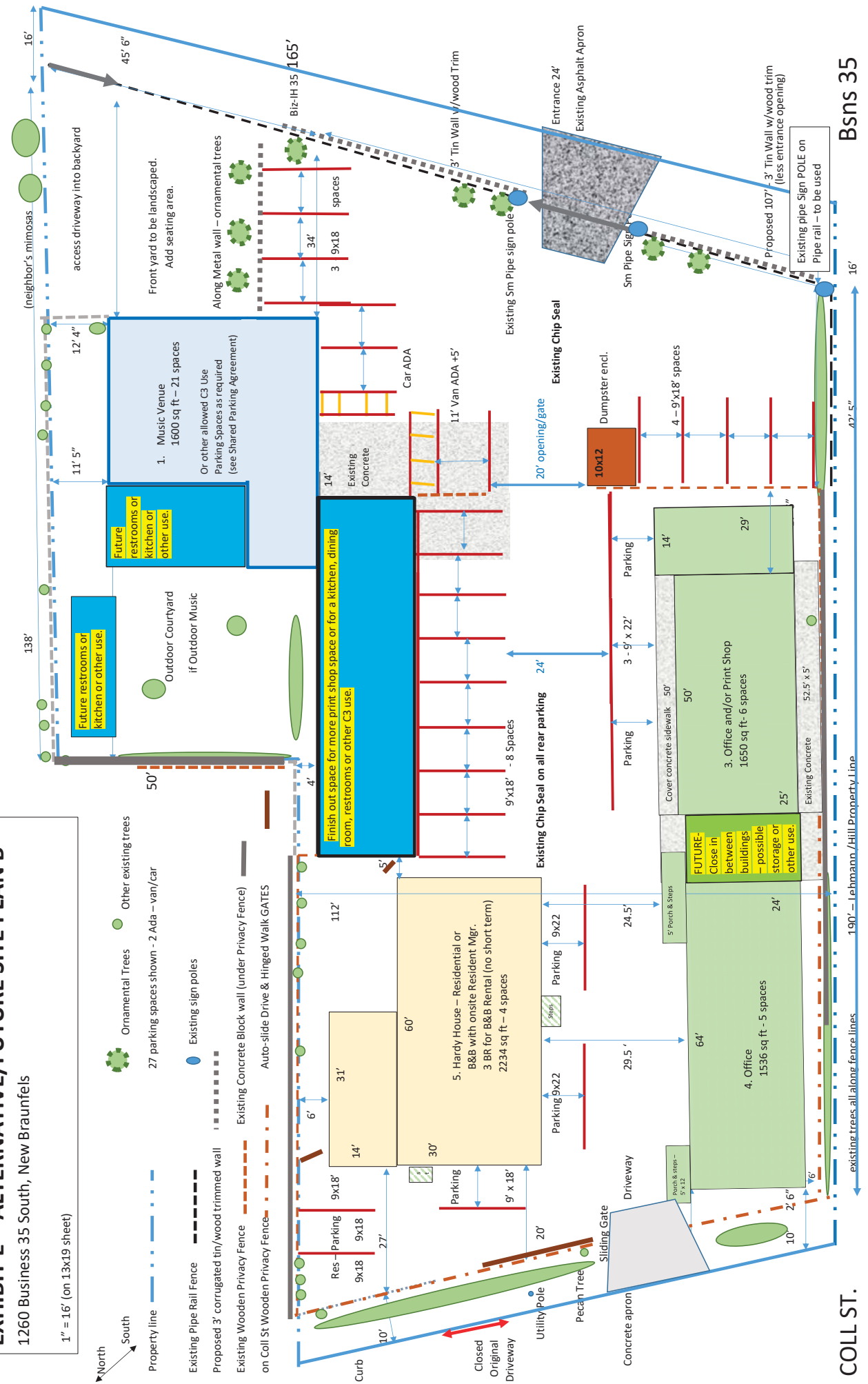
EXHIBIT E – ALTERNATIVE/FUTURE SITE PLAN B

1260 Business 35 South, New Braunfels

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- Existing Wooden Privacy Fence
- on Coll St Wooden Privacy Fence
- Auto-slide Drive & Hinged Walk GATES
- Ornamental Trees
- Other existing trees
- 27 parking spaces shown - 2 Ada - van/car
- Existing sign poles
- Existing Concrete Block wall (under Privacy Fence)



COLL ST.

190' - Lehmann Hill Property Line

Bsns 35