

ORDINANCE NO. 2022-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 0.85 ACRES OUT OF LOT 12E, THE RESUBDIVISION PLAT OF LOTS 12A-12F, BLOCK H, CYPRESS RAPIDS AT GRUENE SECTION 1, ADDRESSED AT 1720 HUNTER ROAD FROM "R-2" SINGLE-FAMILY AND TWO-FAMILY DISTRICT TO "C-1A" NEIGHBORHOOD COMMERCIAL DISTRICT WITH A SPECIAL USE PERMIT TO ALLOW THE ADDITION OF COFFEE ROASTING USE AND RELATED WAREHOUSING WITH A COFFEE SHOP; 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 small scale coffee roasting and related warehousing with a coffee shop; and

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

WHEREAS, the City Council desires to amend the Zoning Map by rezoning approximately 0.85 acres out of Lot 12E, the Resubdivision plat of Lots 12A-12F, Block H, Cypress Rapids at Gruene Section 1, addressed at 1720 Hunter Road from "R-2" Single-Family and Two-Family District to "C-1A" Neighborhood Commercial District with a Special Use Permit to allow the addition of coffee roasting use and related warehousing with a coffee shop; **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 tract of land and adding a "Special Use Permit" for the uses and conditions herein described:

Approximately 0.85 acres out of Lot 12E, the Resubdivision plat of Lots 12A-12F, Block H, Cypress Rapids at Gruene Section 1, addressed at 1720 Hunter Road, as delineated on Exhibit "A", attached.

SECTION 2

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

1. The residential buffer along the southern property line with the following conditions is waived.
2. The residential setback along the southern property line is reduced to 10 feet.
3. Development of the site is to be in compliance with the attached site plan, Exhibit "B" attached. Any significant alterations to the attached documents will require an amendment to the SUP with a recommendation from the Planning Commission and approval by the City Council.
4. The residential setback standards from the eastern side property line, shared with property currently used for residential dwellings, remain and are not waived with this request.
5. The residential buffer standards along the eastern side property line, shared with property currently used for residential dwellings, remain and are not waived with this request.
6. Oversized vehicles, as defined in the zoning ordinance, may not access, deliver, or park on the subject property more than once per each week.
7. The coffee roasting use remain associated with a coffee shop and shall be wholly enclosed within a building so that noise generated by the facility is not perceptible at the bounding property line.
8. The exhaust system for the coffee roaster shall be designed and constructed with air sweepers, or similar equipment, to reduce/eliminate smoke and smells emitted from the building to reduce possible disturbances to nearby residents.
9. The coffee roasting within the coffee roaster facility may only be operated between the hours of 8 AM and 7 PM.
10. The coffee roasting facility may not be used for any other type of manufacturing or production use. Manufacturing includes the processing, fabrication, assembly, treatment and packaging of products, and incidental storage, sales, and distribution of such products.
11. The warehouse may not be used to store products, materials, machinery, or tools unrelated to the coffee shop or coffee roasting use.
12. The maximum height of the 3,500 square foot coffee roasting building shall not exceed 1-story and 22 feet in height.

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 26th day of September, 2022.

PASSED AND APPROVED: Second reading this 10th day of October, 2022.

CITY OF NEW BRAUNFELS

**_____
RUSTY BROCKMAN, Mayor**

ATTEST:

**_____
GAYLE WILKINSON, City Secretary**

APPROVED AS TO FORM:

**_____
VALERIA M. ACEVEDO, City Attorney**

EXHIBIT "B"



SITE PLAN