

**ORDINANCE NO. 2019-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, GRANTING APPROVAL OF AN AMENDMENT TO ORDINANCE NUMBER 2017.65, A TYPE 1 SPECIAL USE PERMIT ALLOWING A COMMERCIAL TUBER ENTRANCE AND TAKEOUT IN THE “C-4” RESORT COMMERCIAL DISTRICT ON 0.2289 ACRES OUT OF A 1.608 ACRE TRACT OF LAND ADDRESSED AT 444 EAST SAN ANTONIO STREET; 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 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

**WHEREAS**, the City Council desires to grant approval of an amendment to a Type 1 Special Use Permit for 444 East San Antonio Street to allow a commercial tuber entrance and takeout in the “C-4” Resort Commercial 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 tract of land as a "Type 1 Special Use Permit" for the use and conditions herein described:

"Being 0.2289 acres out of a 1.608-acre tract of land described as being part of City Block 1043 J.M. Veramendi Two League Survey No. 1, Comal County, Texas, addressed at 444 East San Antonio Street and delineated in Exhibit 'A', to allow a commercial tuber entrance and takeout in the "C-4" Resort Commercial District.

## SECTION 2

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

1. *The property owner shall utilize ADA compliant shuttles to transport people with disabilities or special needs to and from the City's accessible river entrances/exits*
2. *The owner/operator shall cooperate and comply with City requests, orders and/or ordinances related to crowd control management, including but not limited to queuing, staggered entry, cut-off times, and maximum entry/limits.*
3. *The subject use shall provide a minimum of 200 offstreet parking spaces, based on utilizing 800 tubes; if more than 800 tubes are utilized by the subject business, an appropriate number of additional parking spaces will be required per existing City ordinances. Should the adjacent 12,000 square foot building and outdoor decks on the premises become commercially occupied, the 40 off-street parking spaces on the property will not be counted in the 200 off-street parking spaces required for this SUP.*
4. *Any vehicular/shuttle transport used by the owner/operator of the subject use from any off-site shared parking areas must be on streets classified as Collectors or higher in the City's Regional Transportation Plan or be part of an existing approved shuttle route.*
5. *The subject business will not allow any personal tubes. Customers must rent a tube(s) from the business in order to use the entrance.*
6. *The business will not allow customers to unduly or excessively congregate in the river fronting the business. Customers may only use the entrance to commence their float.*

7. *Should ownership of the subject property change, the City will initiate a rezoning case to allow for a new review of the SUP.*

**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 6**

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

**PASSED AND APPROVED:** First Reading this the 2nd day of July 22, 2019.

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

**CITY OF NEW BRAUNFELS**

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**BARRON CASTEEL, Mayor**

**ATTEST:**

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**PATRICK D. ATEN, City Secretary**

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO, City Attorney**

# EXHIBIT 'A' SITE PLAN

EAST SAN ANTONIO STREET

SOUTH GILBERT AVENUE

0.2289 ACRE

PROPOSED AREA FOR  
COMAL RIVER TUBES, ET AL.

COMAL RIVER

TOLLE STREET

I. M. VERMEREY TWO LEAGUE SURVEY NO. 1

BOUNDARY TO ADJACENT  
PROPERTY TO THE  
SOUTH AND EAST

BOUNDARY TO ADJACENT  
PROPERTY TO THE  
SOUTH AND EAST

SEP 15 2016

TYPE	DESCRIPTION	DATE
1	S. 1710 2nd E.	2/15/17
2	S. 1710 2nd E.	2/15/17

PLATTING NOTE:  
SEE EXHIBIT 'B' FOR CONTIGUOUS TO A. SPUR, USE SHALL BE  
THE SAME AS SHOWN HEREIN. REFER TO THE PLATTING VERSION  
CITY OF NEW BRUNSWICK, TEXAS.

**KLODZIE**  
SURVEYING  
COMPANY

0.2289 ACRE

I. M. VERMEREY TWO LEAGUE SURVEY  
NEW BRUNSWICK, TEXAS

EXHIBIT  
NO. 1943  
NO. 1943  
NO. 1943