

I am here seeking an amendment to the SUP approved in Feb 2017. The amendments are not to change my intended use of the property or its buildings, but to clarify and simplify the SUP and its Additional Restrictions as written in 2017.

I am already in the process of doing permitted improvements to the residential house that is approved for long-term residential or Bed and Breakfast with an on-site manager.

The need for an amendment came during the commercial permitting process for Building 1 (originally shown as Building 1 & 2 - as that's how they were listed on the CAD descriptions, but actually one building) which I initiated in November of 2018. After a pre-development meeting on Feb 5 with representatives of all departments, I wrote up and submitted a commercial permit application based upon the recommendations in the meeting. In late April, I received comments from P&Z reviewer that I could not put the stage in the 'Building 2' part of the structure, as the approved SUP designated that space's usage as 'storage.' And, though the suggestion was brought up in the pre-development meeting with several follow up clarifications answered by P&Z staff, I was informed that I could not have restrooms in a separate building in the backyard of Building 1 - as it was not shown on the SUP in 2017.

I appreciate the assistance of Matthew Simmont in helping me to prepare the application for the amendment, especially the advice on how to clarify and simplify the language, allowing for current City Ordinances to govern most aspects.

The two items mentioned above noted by P&Z reviewer have been addressed by simplifying the plat and showing Building 1, Building 2, and an adjacent existing concrete slab - as one structure now shown as Building 1. This allows the floor plan to be designed within this area as needed to meet permitting requirements.

Since we were required to amend the SUP for these reasons, at a cost of almost \$2000, I took the opportunity to add an ask for a deviation to the zoning ordinance to allow outside music -- on a limited basis: Saturday and Sunday afternoons.

The Planning Commission approved my amendment application and exhibits with the exception of removing the Additional Restriction #9 - Deviation to allow outside music.

I am willing to withdraw that request, and so am submitting an amended Additional Restrictions for approval without #9.

Thank you,

Carolyn Lehmann
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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 C)
 - b. on the approved Site Plan B – future expansion/use (Exhibit D); 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 B). 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 C).
 - 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 B).
 - 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.

9. ~~Deviation from Zoning—Outdoor music allowed on Saturday/Sunday between Noon and 30 minutes after sunset. Outdoor seating that increases the occupancy of the music venue is prohibited.~~

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

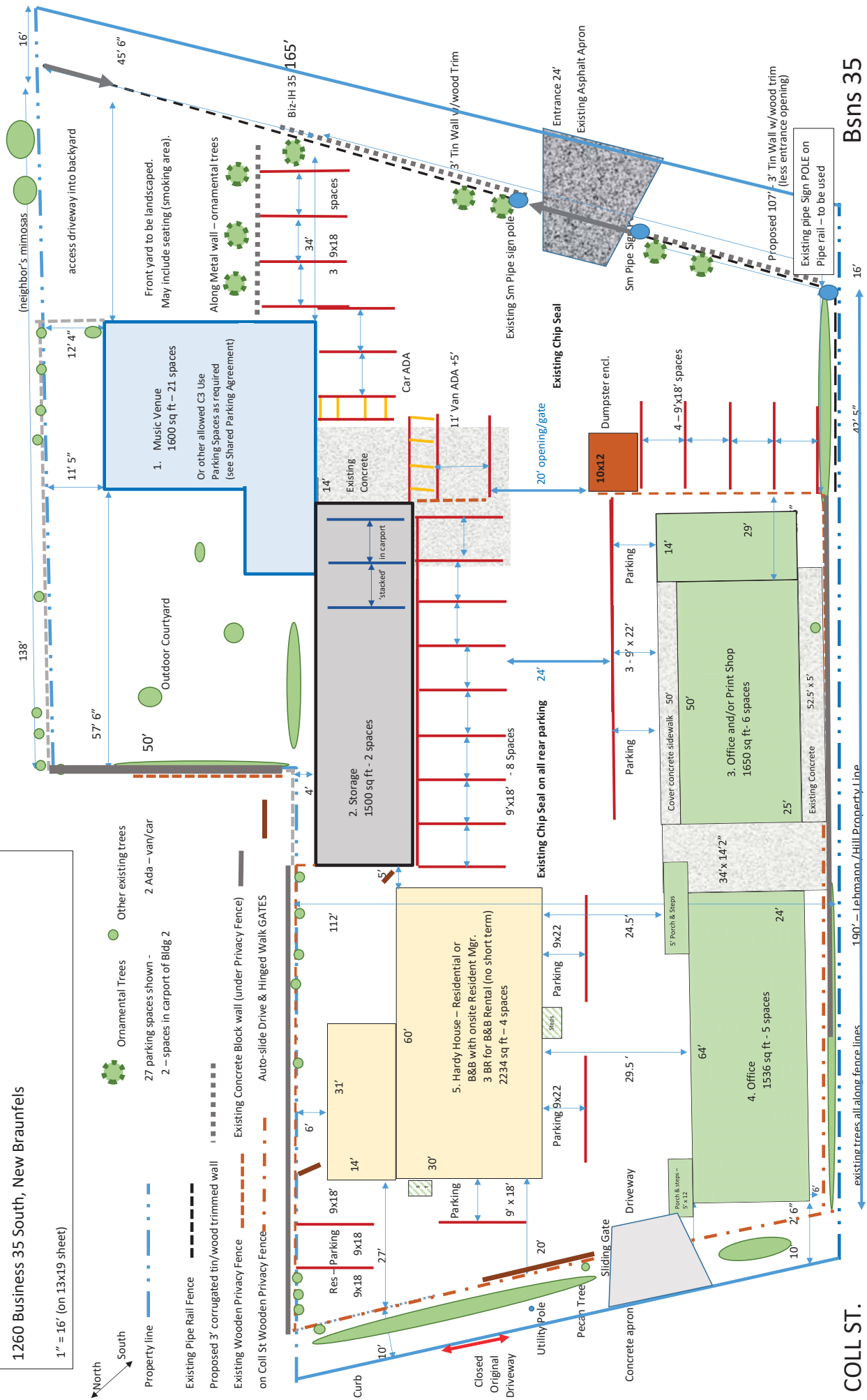
Site Plan B details future expansion or use of existing buildings or business use of outdoor space. If such expansion(s) triggers a need for additional parking spaces, Off-Site Parking agreements or Valet Parking (to off-site location) will be required. City review and approval is required before occupancy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

- North
- South
- Property line
- Existing Pipe Rail Fence
- Proposed 3' corrugated tin/wood trimmed wall
- Existing 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)
- on Coll St Wooden Privacy Fence



COLL ST.

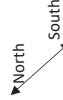
190' - Lehmann Hill Property Line

Bsns 35

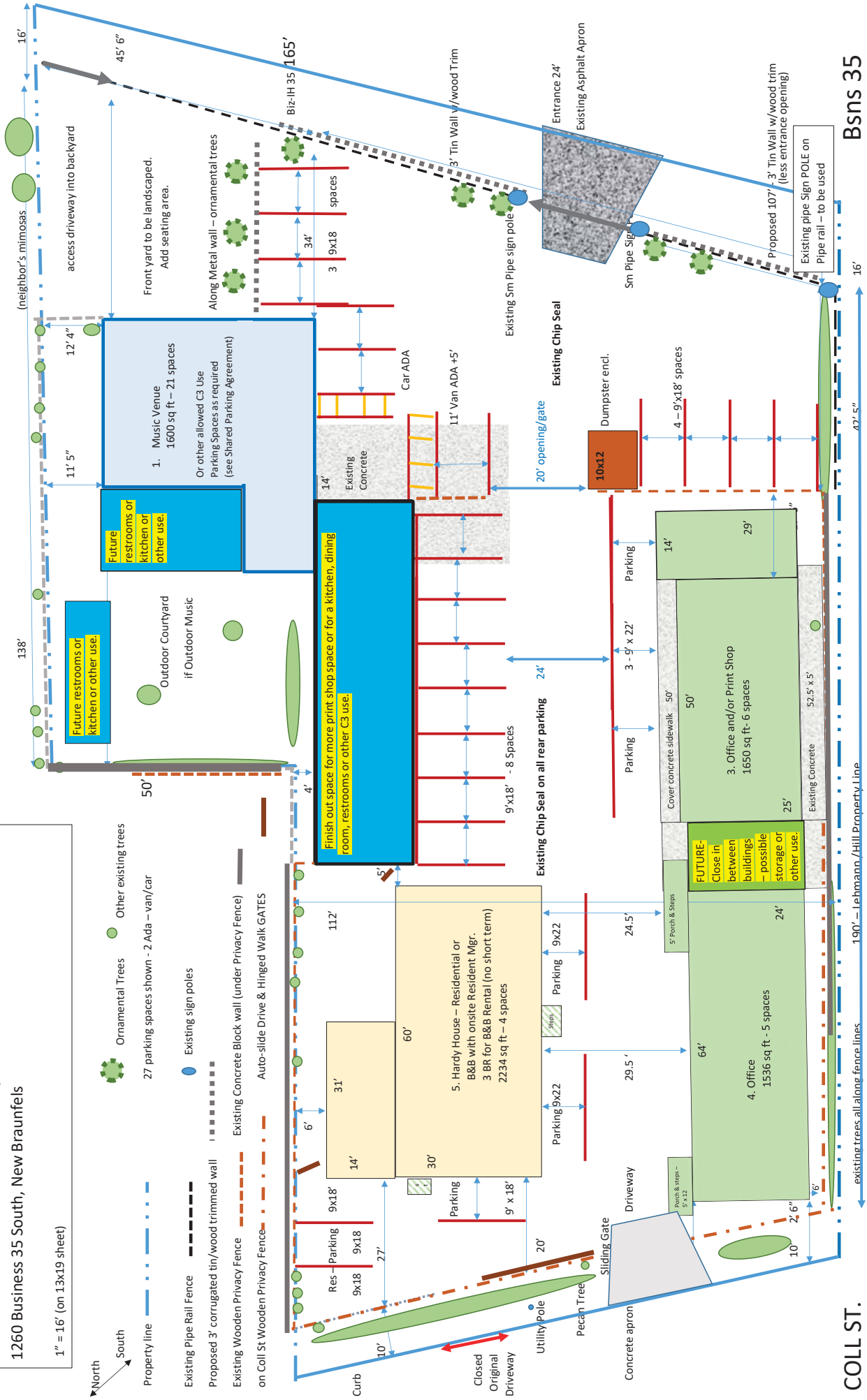
EXHIBIT E – ALTERNATIVE/FUTURE SITE PLAN B

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
- 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