

ORDINANCE NO. 2022-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING OF APPROXIMATELY 7.74 ACRES, OUT OF THE J M VERAMENDI SURVEY NO. 1, ABSTRACT NO. 2, ADDRESSED AT 624 KRUEGER CANYON FROM “R-2” SINGLE-FAMILY AND TWO-FAMILY DISTRICT TO “M-2A” HEAVY INDUSTRIAL DISTRICT; AND GRANTING A TYPE 1 SPECIAL USE PERMIT TO ALLOW OUTDOOR MUSIC ADJACENT TO RESIDENTIAL ZONING AND LAND USE IN THE “M-2A” HEAVY INDUSTRIAL DISTRICT; 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 the “M-2A” Heavy Industrial District, the City Council has given due consideration to all components of said district; and

WHEREAS, the rezoning is in compliance with the Future Land Use Plan; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the City Council desires to amend the Zoning Map by changing the zoning of approximately 7.74 acres out of the J M Veramendi Survey No. 1, Abstract No. 2, addressed at 624 Krueger Canyon from “R-2” Single-Family and Two-Family District to “M-2A” Heavy Industrial District; and

WHEREAS, in keeping with the spirit and objectives of a Type 1 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 outdoor amusement services or venues; and

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

WHEREAS, the City Council desires to grant a Special Use Permit at 624 Krueger Canyon, to allow outdoor music adjacent to residential zoning and land use in the “M-2A” Heavy Industrial 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 changing the following described tract of land from “R-2” Single-Family and Two-Family District to “M-2A” Heavy Industrial District and designating said property with a “Type 1 Special Use Permit” for outdoor music use adjacent to residential zoning and land use with conditions herein described:

Being 7.74 acres out of the J M Veramendi Survey No. 1, Abstract No. 2, addressed at 624 Krueger Canyon, as depicted in Exhibit “A” and described in Exhibit “B” attached, to allow outdoor music adjacent to residential zoning and land use in the “M-2A” Heavy Industrial District.

SECTION 2

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

1. The maximum permissible decibel level for the projections of music is 85 decibels between the hours of 10:00 AM and 10:00 PM and a maximum of 75 decibels at all other times outdoor music is permitted to be played.
2. The residential buffer including one 1-1/2” caliper tree planted for every 25 linear feet and a minimum 6-foot to 8-foot tall masonry wall must be constructed the length of the common property line to both of the residentially zoned lots to the north and south. The applicant may pursue wall exemption authorization from the adjacent property owners owners pursuant to allowances in the Zoning Ordinance..

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 27th day of June, 2022.

PASSED AND APPROVED: Second reading this 11th day of July, 2022.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

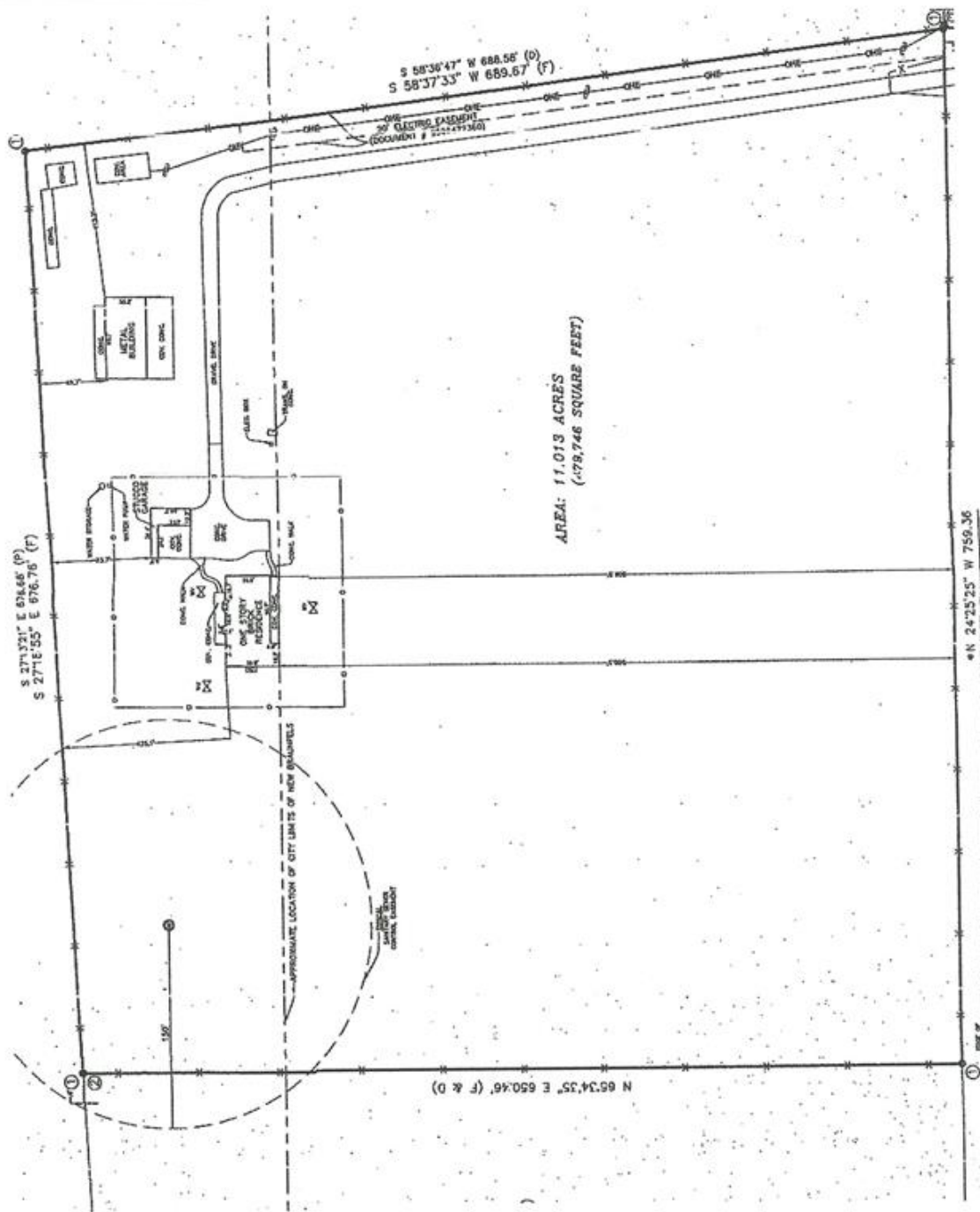


Exhibit "B"

11.013 acres out of the J.M. Veramendi Survey No. 1, Comal County, Texas, being that 11.004-acre tract of land described in deed of record in Document Number 461823 of the Official Public Records of Comal County, Texas and being more particularly described by metes and bounds, as surveyed, as follows:

Beginning at an $\frac{1}{2}$ " iron bar with an orange Sinclair and Associates cap set in the ground in the northeast right-of-way line of Krueger Canyon Rd., the south corner of an 11.004-acre tract of land described in deed of record in Document Number 461823 of the Official Public Records of Comal County, Texas and the west corner of a 2.8-acre tract of land described in deed of record in Volume 123 at page 439 of the Deed Records of Comal County, Texas, for the south corner of this tract;

Thence N $24^{\circ}25'25''$ W with the northeast right-of-way line of Krueger Canyon Rd. and the southwest boundary line of said 11.004-acre tract a distance of 759.36 feet to an iron bar found set in the ground, the west corner of said 11.004-acre tract and the south corner of a 4.000-acre tract of land described in deed of record in Document Number 461825 of the Official Public Records of Comal County, Texas, for the west corner of this tract;

Thence N $65^{\circ}34'35''$ E with the northwest boundary line of said 11.004-acre tract and the southeast boundary line of said 4.000-acre tract a distance of 650.46 feet to an $\frac{1}{2}$ " iron bar with an orange Sinclair and Associates cap set in the ground, the north corner of said 11.004-acre tract and the east corner of said 4.000-acre tract, for the north corner of this tract;

Thence S $27^{\circ}18'55''$ E with the northeast boundary line of said 11.004-acre tract a distance of 676.76 feet to an iron bar found set in the ground, the east corner of said 11.004-acre tract and the north corner of said 2.8-acre tract, for the east corner of this tract;

Thence S $58^{\circ}37'33''$ W with the southeast boundary line of said 11.004-acre tract and the northwest boundary line of said 2.8-acre tract a distance of 689.67 feet to the point of beginning.

Containing 11.013 acres (479,746 square feet) of land, more or less.

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