

ORDINANCE NO. 2017- 21

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

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 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 "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 Exhibit 'A', to allow a mixed-use development that includes an office, a digital print shop, retail, a music studio and a residence/bed and breakfast 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 Exhibit 'B' and as shown on the site plan in Exhibit 'C.'

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 23rd day of January, 2017.

PASSED AND APPROVED: Second Reading this the 13th day of February, 2017.

CITY OF NEW BRAUNFELS

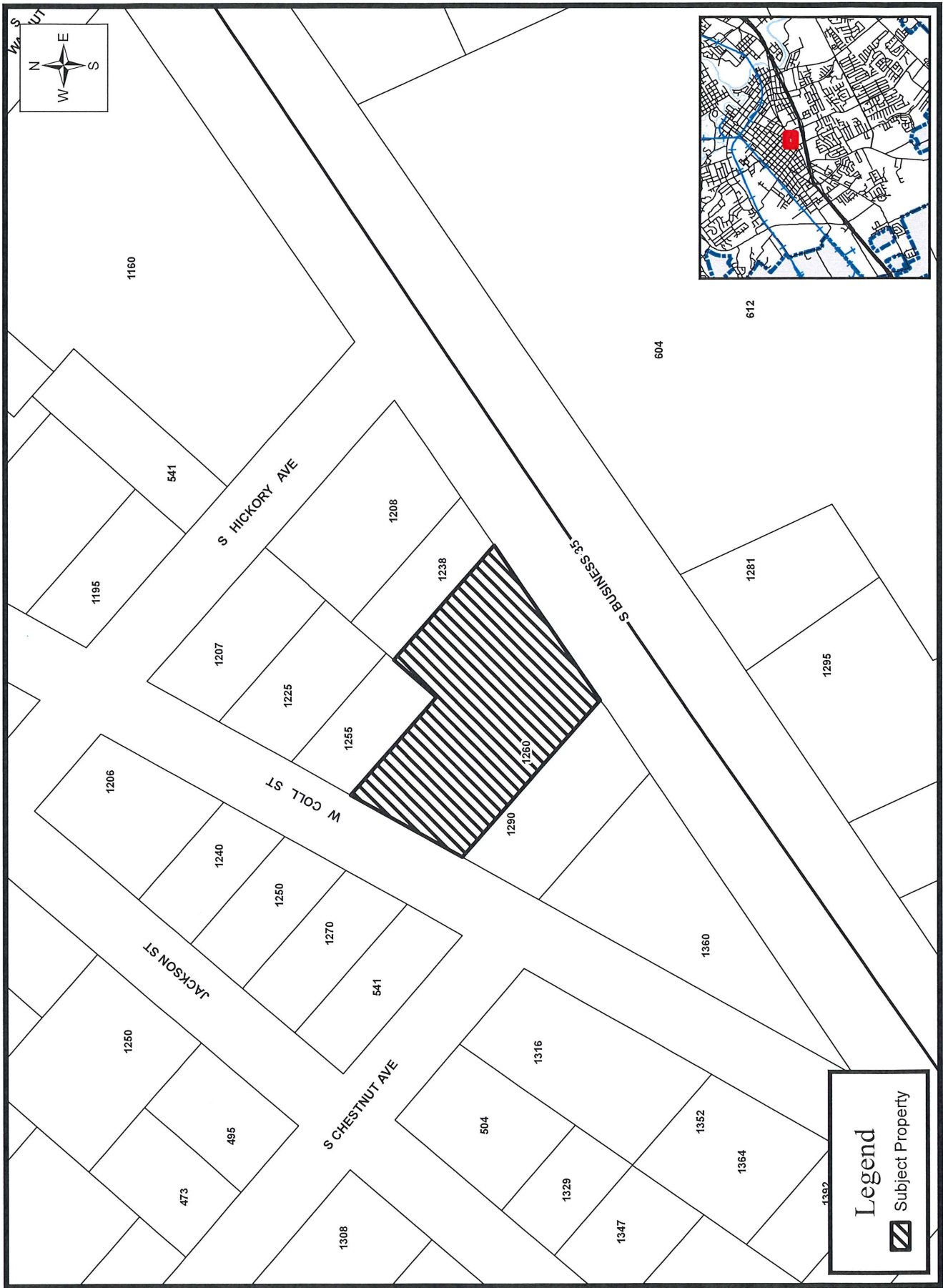

BARRON CASTEEL, Mayor

ATTEST:


PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:


VALERIA M. ACEVEDO, City Attorney



PZ-16-062

SUP to allow a mixed-use development that includes an office, a digital print shop, retail, a music studio and a residence/bed and breakfast in C-3 & R-2



Legend

Subject Property

ADDITIONAL RESTRICTIONS

1. The listening room, rehearsal room and recording studio (Building 1) will have appropriate sound-proofing. Music will be limited to acoustic music only, and all music will be kept within sound levels and hours so as to not disturb the neighbors.
2. Music is restricted to indoors only; no outside music is allowed.
3. The property will have a minimum of 24 parking spaces providing appropriate pavement surfaces and striping.
4. The hours of operation for the music studio and the private print office (Buildings 5, 6 and 7) shall not overlap in order to provide for shared parking.
5. The City Engineer will have final design approval over any proposed vehicular gates for the parking lots.
6. The expansion of any structures or changes in use not identified on the approved site plan, Exhibit 'C,' or in the ordinance will require an amendment to the Special Use Permit through the rezoning process.
7. Approved Uses:
 - *Buildings 1 and 2:*
 - Building 1, a house, can be used as a music studio that functions as a rehearsal space, a listening room, and a meeting space, with retail space. This space is intended to host acoustic music listening sessions with alcohol allowed (BYOB scenario) and food catered or "potluck style".
 - Building 2, if retained, will be renovated and utilized for storage or a shade structure.
 - The use of Building 1 will take place in the evening after the print shop has closed.
 - *Building 3:*

The existing carport is to be renovated as an open covered area providing a covered walkway between Buildings 1 and 4.
 - *Building 4:*

The existing storage building will be renovated with 600 square feet remaining as storage area for artisans and the remaining 400 square feet will be used as a studio.
 - *Building 5 and 7:*

These will be used as a digital print shop. Building 7 is a new addition.
 - *Building 6:*

This structure will be used as offices for the print shop.
 - *Building 8:*

This house will be moved onto the property and be used as a long-term residential rental (minimum of 30 days); or as a bed and breakfast, with a resident manager required on site.

8. Deviations from Setback Requirements:

- *Building 6:*
The structure will have a 2.5-foot front setback adjacent W. Coll Street that expands up to approximately 8 feet where the requirement is 25 feet.
- *Building 8:*
The house will have a 20-foot setback adjacent W. Coll Street where the requirement is 25 feet.

9. Deviations from Building Design Standards:

- *Building 6:*
The building will be clad in wood.

10. Deviations from Fencing Requirements:

- *Height:*
The fence along W. Coll Street will be a 6-foot tall wooden fence.
- *Residential buffer:*
The subject property will comply with the Zoning Ordinance requirements for a buffer wall along the neighboring residential properties. Residential buffer trees are not required.

11. Deviations from Landscaping Requirements:

- *Business 35 parking lot:*
 - Eight crepe myrtles will be planted and a 3-foot tall corrugated metal fence framed in cedar timbers will be constructed along Business 35.
 - The yard in front of Buildings 1 and 2 will be planted with additional trees, shrubs and landscape features as illustrated on the approved site plan.
- *W. Coll Street parking lot:*
 - There will be a 6-foot tall cedar fence constructed along the property line adjacent W. Coll Street.
 - Perennials may be planted within the right-of-way in front of the fence but may be removed or caused to be removed in the normal course of City responsibilities within the right-of-way.

12. The driveways onto the property from W. Coll St. and S. Business 35 shall be paved with concrete or asphalt from the street for 5 feet onto the property or to the right-of-way line.

[illegible]

190' - Lehmann / Hill Property Line

COLL ST.

EXHIBIT 'C'