

## Legislation Details (With Text)

<b>File #:</b>	22-568	<b>Name:</b>	
<b>Type:</b>	Recommendation	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	5/17/2022	<b>In control:</b>	Planning Commission
<b>On agenda:</b>	6/7/2022	<b>Final action:</b>	
<b>Title:</b>	SUP22-172 Public hearing and recommendation to City Council regarding a proposed rezoning from "R-2" Single and Two-Family District to "M-2A" Heavy Industrial District with a Special Use to allow outdoor music adjacent to residential zoning and land uses on approximately 7.74 acres out of the J M Veramendi Survey No. 1, Abstract No. 2, addressed at 624 Krueger Canyon.		

**Sponsors:****Indexes:****Code sections:**

**Attachments:** 1. City Maps, 2. District Comparison Table, 3. TIA Form & Determination Letter, 4. Subject Property Photo, 5. Notification List, Map, and Responses

Date	Ver.	Action By	Action	Result
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**PRESENTER:**

Applicants/Owners: Walter and Robin Golden

**SUBJECT:**

SUP22-0172 Public hearing and recommendation to City Council regarding a Proposed rezoning from "R-2" Single and Two-Family District to "M-2A" Heavy Industrial District with a Special Use to allow outdoor music adjacent to residential zoning and land uses on approximately 7.74 acres out of the J M Veramendi Survey No. 1, Abstract No. 2, addressed at 624 Krueger Canyon.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** Council District 1

**BACKGROUND INFORMATION:**

Case No.: SUP22-0172

Applicant/Owner: Walter and Robin Golden  
5713 Comal Vista  
New Braunfels, TX 78130  
(830) 660-8131 | tarrah\_stewart@yahoo.com

Staff Contact: Maddison O'Kelley  
(830) 221-4056 | mokolley@nbtexas.org

The subject property is located on Krueger Canyon, approximately 0.25 of a mile southwest of the Cemex cement plant and 0.65 of a mile north of Interstate 35. The property is partially within the city limits with a zoning of "R-2" Single-Family and Two-Family District. The portion of the property within the city limits is vacant and there are multiple buildings constructed for agriculture use in the portion of the property located

outside city limits.

The applicant intends to develop the property for outdoor recreation/amusement use with athletic courts and an outdoor stage. The applicant is requesting to rezone approximately 7.74 acres of the property from “R-2” Single Family and Two Family to “M-2A” Heavy Industrial District with an SUP to allow outdoor music. Although “Amusement services or venues (outdoors)” is an allowed land use in the “M-2A” district, section 5.3-4 of the zoning ordinance states “where a non-residential building or a multifamily development is adjacent to residential uses or residential zoning outside music is prohibited.” The subject property is adjacent to 2 properties zoned “R-2” and the property to the north has a house located approximately 400 feet north of the property line.

If the SUP is approved:

1. The City’s Code Compliance Division may be called to address compliance with the conditions of the SUP, and
2. The City’s Police Department may be called to address any noise complaints associated with violations of Section 82-9 (Noise Ordinance) of the City’s Code of Ordinances.

*Surrounding Zoning and Land Use:*

North - R-2 / Single-Family Dwelling

South - R-2 / Undeveloped, sheds and carport

East - ETJ / Undeveloped

West - Across Krueger Canyon ETJ / Construction Supply and Services (Angel Brothers)

**ISSUE:**

The proposed rezoning and SUP for outdoor music adjacent residential zoning/land use meet all Zoning Ordinance requirements, and are consistent with the following actions from Envision New Braunfels:

- Action 1.3: Encourage balanced and fiscally responsible land use patterns.
- Action 1.8 Concentrate future investment in industrial and employment centers near existing and emerging hubs, such as the airport; and along existing high capacity transportation networks, such as Interstate Highway 35.
- Action 3.21 Enhance local recreational venues.
- Future Land Use: The property is situated within the Oak Creek Sub-Area, a transitional mixed-use corridor, and is in close proximity to a Proposed Civic Centers and two Proposed Employment Centers.

Most of the properties on Krueger Canyon are outside the city limits within the ETJ where there are no land use regulations, zoning, or development standards. Most of the 5-acre plus tracts are not developed, in an area of heavy industrial use (quarry), and are near the UPRR tracks. Additionally, the tracts in the immediate vicinity of the subject property are located within the floodway or 100-year floodplain. Based upon these conditions, it is unlikely the area will be redeveloped for residential use.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Approval. M-2A at this location would be in accordance with Envision New Braunfels and is compatible with the development and redevelopment occurring in the immediate area. Staff recommends approval of the SUP to

allow outdoor music with the following conditions based upon existing development standards:

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 along the common property lines adjacent to both of the residentially zoned lots to the north and south. The applicant may pursue wall exemption authorization from the adjacent property owners.

Notification:

Public hearing notices were sent to 3 owners of property within 200 feet of the request. To date, the city has received no responses.

Resource Links:

- Chapter 144, Sec. 3.3-2 (R-2) of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Sec. 3.4-19 (M-2A) of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Sec. 3.6 (SUP) of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Sec. 5.3-4 (Outdoor Music) of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)