

**PLANNING COMMISSION – January 4, 2022 – 6:00PM**

City Hall Council Chambers

**Applicant/Owner:** Helen Voigt

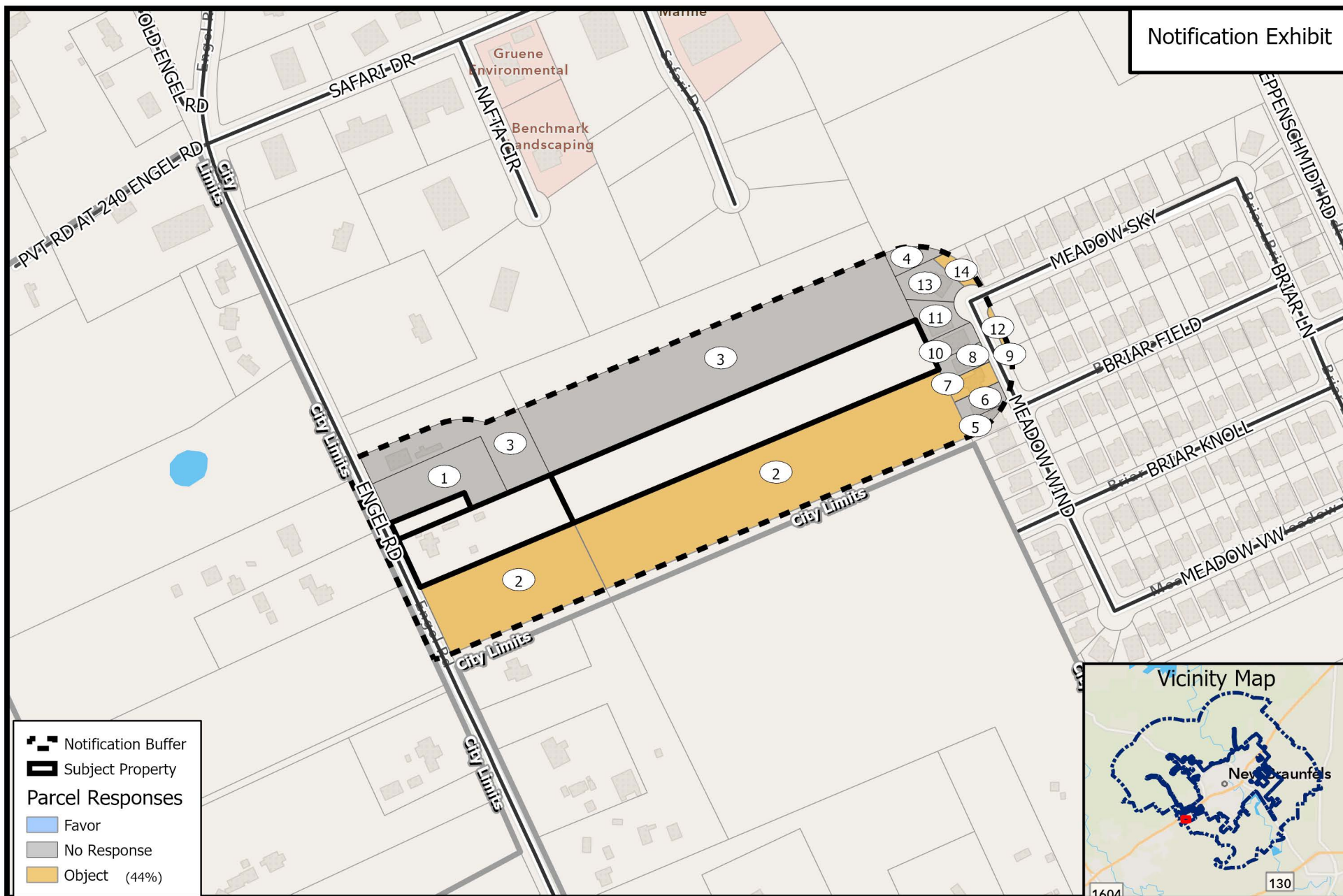
**Address/Location:** 471 & 491 Engel Rd

**PROPOSED ZONE CHANGE – CASE #PZ21-0421**

The circled numbers on the map correspond to the property owners listed below. All information is from the Appraisal District Records. The property under consideration is marked as “Subject Property”.

- |  |                                  |
|--|----------------------------------|
| 1. ADAMS RANDAL H                        | 8. GARROW MELISSA K & TY P       |
| 2. SCHWAB REVOCABLE LIVING TRUST         | 9. FIERRO MATTHEW & SHELBY       |
| 3. RANGEL DANIEL & ROGELIO               | 10. AINO SAN ANTONIO LLC         |
| 4. NEW BRAUNFELS TREE OF LIFE CHURCH INC | 11. RAMOS JOHN E JR              |
| 5. HERNANDEZ JESSICA M & EDDIE           | 12. PROPERTY OWNER               |
| 6. MELCHER RICHARD A & JANET A           | 13. HUTH CHRISTINE J & CLINTON H |
| 7. HANSON BLAINE & ALYSSA PEREZ          | 14. ANGELICO JUSTINE M           |

**SEE MAP**



**PZ21-0421**  
**Zone Change APD to MU-B**



## **Reason for Objecting to Case: #PZ21-0421 (Engel Road - MO)**

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Members of the City Planning Commission and City Council,

We are writing to you as long-time residents of New Braunfels. Our family has owned, lived on, and farmed the properties on Engel Road for three generations. We have three homesteads, located at 571, 605, and 675 Engel Road, on the properties. The property at 675 Engel Road is owned by the Trust of Elton Schwab. The properties at 571 and 605 Engel road are owned by Elton Schwab's sons Vincent Schwab and Earl Schwab, respectively.

Our main issue is with the potential for the rezoning of 471 Engel Road and 491 Engel Road to ultimately result in damage to, or contamination of, our property. This could harm our crops, gardens, livestock, stock pond, and even our way of life.

Our concerns are based not just on what could occur, but on the destruction we have already experienced as well. In February 2003 the New Braunfels branch of the Tem-Tex Solvent Warehouse erupted in a fire and numerous 55-gallon drums of petroleum solvents exploded. The fire department tried to put out the fire by dousing it with water. So much water was used on this fire that the water/industrial chemical mix produced a runoff that flowed over much of the Voigt's property. (The warehouse was located next door to the Voigt's property, #1 on the map). The chemical spill then flowed into our property and made its way completely across our property to reach our farm pond. This pond is located at the far corner of our property near Schmucks Road. Craig Meppen of TCEQ provided us with an inventory list of the chemicals at the warehouse at the time of the fire. He told us that the chemicals would eventually biodegrade, any possible long-term issues they might cause would be due to excesses of mineral salts. As the chemicals biodegrade, mineral salts are released. Some of the minerals, like potassium, magnesium, phosphorus, and sulfur, are sources of plant nutrients. Excesses, just like overuse of chemical fertilizers, can damage or even kill plants.

We fenced off areas of the farmland impacted by the chemical spill. Livestock was also kept away from the pond and its surrounding pasture. After a few years of being fenced off from livestock, we resumed grazing and cultivating crops. Abundant rainfall during 2003-2005 aided the cleaning effort, runoff of tainted water flowed from our property into the neighbor's property where it joined the Four Mile Creek. Chemicals that flow into the Four Mile Creek could eventually wind up traveling all the way to the Gulf of Mexico, via a series of connected bodies of water.

Initially, not enough of the spilled chemicals entered the pond to kill the fish. That said, a heavy downpour, occurring weeks after the chemical spill, produced a large runoff from the contaminated watershed and the pond filled and overflowed. A massive fish kill resulted. This fish kill made the San Antonio News on Channels 5 and 29. Even though a large quantity of



water overflowed from our pond, excesses of fertilizing minerals remained. This caused massive growths of algae and aquatic vegetation which persisted for years. In the wintertime cold temperatures killed much of the algae and aquatic plants but the cool water temperatures did not allow much to decompose. Warming water temperature caused the plant life to decompose and release its minerals, this helped grow more algae and aquatic plants. The cycle repeated yearly. In the summers, our pond "water" was green and thick, like pea soup. Our chance to restore our pond came in late summer of 2009. Extreme drought diminished the pond water, pumping reduced it more. The pond finally dried up and the bottom became solid enough to support heavy machinery. We took tractors with front-end buckets to remove the sediment from the pond bottom. The sediment was not likely to contain toxins, but it was very fertile. Thus, the sediment was placed on a lawn where no food products were grown, just to be safe. We had almost completed the clean out when a flash flood occurred in the early morning hours of October 5, 2009. The pond filled to overflowing. When the water cleared of sediment, there was no more excessive growth of algae and aquatic plants. All said and done, it took over six years to bring our pond back to normal.

The Voigts also suffered from the Tem-Tex fire, explosions, and chemical spill. The Voigts had earlier purchased the property at 471 Engel Road, right beside them. They renovated the small (about 400 square feet) house to provide their son Arno a place of his own to live. He could simply walk to the main residence for meals and any assistance he might require. Arno's house, all his possessions, and items his parents had stored in the house were lost during the warehouse fire and explosions. They had not even had the chance to get insurance on their recent investment. Additionally, Melvin Voigt had a flock of Barbados Blackbelly sheep on his land. The chemical contamination killed several of his sheep.

The Tem-Tex Solvent Warehouse fire and explosions could have caused a far greater tragedy. When the local authorities contacted the owner of the warehouse, the owner informed them that the warehouse contained a large bulk storage tank of the petroleum solvent acetone. If the over-heat/over-pressure protection system were to fail, nearby people would be in grave danger. The firefighters retreated to a safer distance and an evacuation order was issued to nearby residents. Luckily the over-heat/over-pressure protection system worked flawlessly. That does not always happen. Mechanical systems can fail.

Just months after Melvin (who was Elton Schwab's brother-in-law and Helen's husband) passed away, we saw the zone change pending sign in Helen's yard in May 2019. She had told us nothing of her plan to rezone and sell her property. It was quite a shock. She knows firsthand the danger that commercial/industrial businesses pose as neighbors. We are not opposed to the development of the Voigt's property. We only asked that it be developed in a manner that would not pose a threat to our property and lifestyle. On Sunday December 19, 2021, we again noticed a zone change pending sign in the Voigt's yard. This time the request is for a zone change to MU-B.

The pending zone change to "MU-B" (High Intensity Mixed-Use District) opens the possibility of industrial businesses developing the land. While most of the authorized uses

permitted by this zoning have a low risk to our property, several of the authorized uses are potentially very hazardous. Especially concerning are the authorized uses (uses permitted by right): (1) Manufacturing and Processes and (2) Warehouse/Office and Storage/Distribution Center.

Manufacturing and processes lets in almost any industrial business. This lack of safeguards could result in serious damage to surrounding properties, such as ours. No restrictions are listed that would prevent the business from manufacturing or processing toxic or potentially explosive materials.

Warehouse/Office and Storage/Distribution Center also offers no restrictions to safeguard residential neighbors. We do not want a warehouse of toxic and/or explosive materials in our backyards.

The authorized uses of Manufacturing and Process and Warehouse/Office and Storage/Distribution are for industrial applications that are unacceptable to us. We need restrictions to safeguard our property, and the properties of our neighbors.

In conclusion, one warehouse incident involving a warehouse with unrestricted contents in the neighborhood was already too much. The cleanup of the chemical spill lasted for weeks, requiring many soil and water samples to be taken and analyzed. Even after the cleanup, it ultimately took years to resolve the lasting damage caused by the spill. Rezoning and selling the property as MU-B could cause serious damage to, or contamination of, our property. This could harm our crops, gardens, livestock, stock pond, and even our way of life. Small farmers provide a great benefit to our community. We sell livestock, fed with the crops grown on our land, at auction. We also provide fresh vegetables and meat for ourselves, as our family has done for generations. We can only continue to do so if our land remains untainted.

Helen's late husband Melvin Voigt was Elton's brother-in-law. Elton cared a lot for his brother-in-law Melvin, and when Melvin asked Elton to sell him a few acres of land, Elton agreed. He sold Melvin the land that is now 491 Engel Road at the same cost per acre that Elton paid when he purchased the land from his twin brother. Helen's proposed rezoning creates serious risk to our land. It is our hope that Elton's kindness will not be repaid with actions that could damage both our property and our way of life.

Sincerely,  
Elton Schwab  
Representative of the Trust of Elton Schwab

Signature: Elton Schwab

Date of Signature: 01-04-22

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ21-0421 (Engel Road - MO)

Name: ELTON SCHWAB

Address: 675 ENGEL ROAD

Property number on map: 2

I favor: \_\_\_\_\_

I object: ✓

(State reason for objection)

Comments: (Use additional sheets if necessary)

SEE ATTACHED SHEETS

Signature: Elton Schwab



**From:** [Justine Angelico](#)  
**To:** [Maddison O'Kelley](#)  
**Subject:** Case #PZ21-0421 (Engel Road-MO)  
**Date:** Wednesday, December 22, 2021 11:02:24 AM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

My name is Justine Angelico. I live at 5654 Meadow Sky, New Braunfels, TX 78132.

Regarding the above referenced case number, I am property **number 14** on the map.

I object to the rezoning of the property in question. There is another business already in close proximity that has made our neighborhood noisier. That business works on the weekends with machinery and I can hear it at my house.

More businesses will increase the noise even more. Also, not knowing exactly what they will build there is frustrating. I am unable to fully explain my objection without knowing what exactly will be built on that land.

Thank you,

Justine Angelico  
210-316-0755

## Maddison O'Kelley

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**From:** Alyssa Perez <alyssamperez7@gmail.com>  
**Sent:** Tuesday, January 4, 2022 4:20 PM  
**To:** Maddison O'Kelley  
**Subject:** Case #PZ21-0421 Engel Road

**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Name: Alyssa Hanson (maidan name Perez)  
Address: 474 Meadow Wind New Braunfels TX 78132

Property number on map: 7

I object to the rezoning of 471 Engel Road. We are enjoying the New Braunfels community we live in. It is currently safe for our family. I fear for the safety and neighborhood if a random assortment of buildings are allotted within 200 feet of our backyards allowing for easy access to our homes, families and pets. There will be little to no restriction on who comes and goes day and night from these proposed locations.

Thank you for your time.

-Alyssa Hanson



## Maddison O'Kelley

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**From:** Blaine Hanson <blainehanson23@yahoo.com>  
**Sent:** Tuesday, January 4, 2022 4:43 PM  
**To:** Maddison O'Kelley  
**Subject:** Rezoning of 471 Engel Road

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it my concern,

I object to the rezoning of 471 Engel Road. We picked this house because it is a quiet and safe neighborhood. Just like we grew up in New Braunfels years ago. I work some night shifts and I would not be comfortable knowing there is an industrial park or a commercial strip center right on the other side of my fence line. I want my family to feel safe and I do not want to have to worry about what might or might not be happening when I am away. It would just open the door for an easy and unnoticed way to get into the backyards of the homes that are on the other side of the property line. The noise it would bring would not be something we would want either. Whether it be industrial or commercial the noise would increase significantly from the peacefulness we have now.

Again I strongly object to the rezoning of 471 Engel Road.

Blaine Hanson  
474 Meadow Wind New Braunfels TX 78132

**Property # on the map 7**

I object to the rezoning of 471 Engel Road

**From:** [Daniel Rickel](#)  
**To:** [Maddison O"Kelley](#)  
**Subject:** Case #PZ21-0421 (Engel Rd-MO)  
**Date:** Thursday, January 13, 2022 11:10:00 AM

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Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Name: Daniel Rickel  
Address: 5651 meadow sky  
Property number on map: 12

I formally object to the proposed zone change of 471 & 491 Engel Rd

Thank you,  
Daniel Rickel

Sent from my iPhone