



CITY OF NEW BRAUNFELS, TEXAS
CITY COUNCIL MEETING



CITY HALL - COUNCIL CHAMBERS
550 LANDA STREET

MONDAY, FEBRUARY 8, 2021 at 6:00 PM

Rusty Brockman, Mayor	Matthew E. Hoyt, Councilmember (District 4)
Shane Hines, Councilmember (District 1)	Jason E. Hurta, Councilmember (District 5)
Justin Meadows, Mayor Pro Tem (District 2)	James Blakey, Councilmember (District 6)
Harry Bowers, Councilmember (District 3)	Robert Camareno, City Manager

To participate via zoom meeting, use this link:
<https://us02web.zoom.us/j/83369443180> or call (833) 926-2300
Webinar ID: 833 6944 3180

MISSION STATEMENT

The City of New Braunfels will add value to our community by planning for the future, providing quality services, encouraging community involvement and being responsive to those we serve.

AGENDA

CALL TO ORDER

CALL OF ROLL: City Secretary

REQUEST ALL PHONES AND OTHER DEVICES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL.

INVOCATION: COUNCILMEMBER HOYT

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

PROCLAMATIONS:

- A) Black History Month Proclamation [21-127](#)
- B) Teen Dating Violence Awareness Month [21-56](#)

PRESENTATIONS:

- A) Update from the City Manager on the City’s Response to COVID-19
Robert Camareno, City Manager [21-129](#)
- B) Retiree Recognition - Alix Samuels [21-145](#)
- C) Presentation and discussion regarding floating vegetation mats within the Comal River system and Lake [21-133](#)

Dunlap and possible direction regarding management of floating vegetation.

Mark Enders, Watershed Program Manager

- D) Presentation and possible direction to staff on the [21-135](#) establishment of a Tax Increment Reinvestment Zone policy and application process

Jeff Jewell, Economic Development Director

1. MINUTES

- A) Discuss and consider approval of the minutes of the [21-126](#) special City Council meeting of January 15, 2021 and regular City Council meeting of January 25, 2021.

Caitlin Krobot, City Secretary

2. CITIZENS' COMMUNICATIONS

This time is for citizens to address the City Council on issues and items of concerns not on this agenda. There will be no City Council action at this time.

3. CONSENT AGENDA

All items listed below are considered to be routine and non-controversial by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the consent agenda and considered as part of the normal order of business.

Resolutions & Action Items

- A) Approval of a resolution, submission of an application for [21-70](#) funding of the purchase of emergency response and rescue equipment utilizing a U.S. Department of Homeland Security, State Homeland Security Program - Regular Projects Grant for Program Year 2022, and authorization for the City Manager to act on behalf of the City in all matters related to this grant.
Patrick O'Connell, Fire Chief
- B) Approval of the issuance of an invitation for competitive [21-81](#) sealed proposals on the Mission Hill Park and Structured Cabling Projects since the City Council finds that this delivery method will provide the best value to the City.
Jennifer Cain, Capital Programs Manager
- C) Approval of a contract with QA Construction Services, [21-124](#) Inc. for construction of Citywide Streets Projects: Union

Ave. Improvements Project and Comal Ave. Improvements Project and authorization for the City Manager to approved change orders up to a twenty percent contingency, and approval of a Purchase Order with Terracon to provide Materials Testing Services as part of the 2019 Bond Citywide Street Program.

Jennifer Cain, Capital Programs Manager

- D) Approval of a purchase from Allterra Central Inc. for [20-803](#) forensic data collection equipment for the New Braunfels Police Department utilizing grant funding awarded by the U.S. Department of Justice, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant Program for Program Year 2021.

Keith Lane, Interim Police Chief

- E) Approval of annual routine recurring expenditures for FY [21-116](#) 2021 in accordance with City Charter Section 9.17.

Barbara Coleman, Purchasing Manager

- F) Approval of the submission of an application to FEMA [21-125](#) Fiscal Year 2020 Assistance to Firefighters Grant (AFG) Program for the purchase of Turnout Gear and miscellaneous fitness testing equipment, and authorization for the City Manager to accept funds and execute all contract documents associated with the grant if awarded.

Patrick O'Connell, Fire Chief

- G) Approval of expenditure of up to \$700,000 for the [21-131](#) acquisition of the necessary right-of-way and public utility easements from 14 parcels of land along Klein Road between Walnut Avenue and FM 725 as part of the Klein Road Phase 2 Project and authorization for the City Manager to execute all necessary conveyance documents.

Matthew Eckmann, Facilities and Real Estate Manager

- H) Approval of and authorization for the City Manager to execute a Memorandum of Agreement with John Gannon, Inc. for the relocation and removal of certain billboard signs. [21-132](#)

Matthew Eckmann, Facilities and Real Estate Manager

- I) Approval of contract increase with Strategic Government Resources Inc. for continuation of services to be performed by the Interim Police Chief, for the NB Police Department. [21-118](#)

Nokihomis Willis, Human Resource Director

- J) Approval to purchase nine (9) LifePak cardiac monitor/defibrillators and one (1) LifePak 15 ACLS from Stryker Medical for use by the Fire Department and declaring nine (9) Stryker LP15V/v2s as surplus. [21-140](#)

Patrick O'Connell, Fire Chief

Ordinances

(In accordance with Section 3.10 of the City Charter, a descriptive caption of each ordinance shall be read on two separate days.)

- K) Approval of the second and final reading of an ordinance ordering a Regular Election to be held in the City of New Braunfels on May 1, 2021, for Regular City Officers; and establishing an Early Voting Location and Polling Places for this Election; and making provisions for the conduct of the Election. [21-121](#)

Caitlin Krobot, City Secretary

- L) Approval of the second and final reading of an ordinance ordering a special election to be held in the City of New Braunfels on May 1, 2021, for proposed amendments to the City Charter; and establishing an Early Voting Location and Polling Places for this Election; and making provisions for the conduct of the Election. [21-120](#)

Caitlin Krobot, City Secretary

- M) Approval of the second the final reading of an ordinance amending Chapter 144, Zoning, Sections on Definitions, Zoning Districts, Walnut Special District, Land Use Matrix, Parking, Accessory Structures, and General Provisions and Exceptions for Yard Setbacks, and Rear Yard Requirements. [21-39](#)

Christopher J. Looney, AICP, Planning and Development Services Director

- N) Approval of the second and final reading of an ordinance for a proposed rezoning to apply a Special Use Permit to allow a seven-unit, townhouse style residential development on approximately 0.7 of an acre located at [21-79](#)

the southwestern terminus of the 2300 block of Michigan Street.

Christopher J. Looney, AICP, Planning and Development Services Director

- O) Approval of the second and final reading of an ordinance [21-84](#) regarding proposed revisions to the Solms Landing Planned Development (“SLPD”) concept plan and development standards, on approximately 98 acres out of the A M Esnaurizar A-20 Survey, addressed at 253 S. Kowald Lane.

Christopher J. Looney, AICP, Planning and Development Services Director

- P) Approval of the second and final reading of an ordinance [21-101](#) regarding a proposed rezoning to apply a Special Use Permit on approximately 23 acres out of the A.P. Fuquay survey No. 35, Abstract No. 155, Comal County, Texas, located at the southwest corner of the intersection of E. Common Street and Old FM 306, to allow multifamily high-density residential use in the “C-1” Local Business District and “M-1” Light Industrial District.

Christopher J. Looney, AICP, Planning and Development Services Director

- Q) Approval of the second and final reading of an ordinance [21-103](#) regarding a proposed rezoning of approximately 19.735 acres out of the Orilla Russell Survey, A-485 and the Nancy Kenner Survey, A-306, Comal County, Texas, located south of the intersection of Gray Cloud Drive and Twin Dish Way, from “R-1A-6.6” Single Family District to “R-1A-5.5” Single Family District.

Christopher J. Looney, AICP, Planning and Development Services Director

- R) Approval of the second and final reading of an ordinance [21-104](#) regarding a proposed rezoning to apply a Special Use Permit to allow duplexes in the “APD” Agricultural/Pre-Development District on approximately 0.938 acres out of the A.M. Esnaurizar Eleven League Grant, Subdivision No. 107, Guadalupe County, Texas, addressed at 187 Prairie View Lane.

Christopher J. Looney, AICP, Planning and Development Services Director

- S) Approval of the second and final reading of an ordinance [21-105](#) regarding a proposed rezoning of approximately 5.996 acres out of the Orilla Russell Survey No. 2, Abstract No.

485, Comal County, Texas, addressed at 689 Orion Drive, from "M-1A" Light Industrial District to "R-1A-6.6" Single-Family District.

Christopher J. Looney, AICP, Planning and Development Services Director

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Approval of the second and final reading of an ordinance [21-80](#) regarding a proposed rezoning to apply a Type 1 Special Use Permit to allow an RV resort on approximately 28 acres consisting of Lot 1D-R Walnut Heights Subdivision and approximately 24 acres out of the J M Veramendi A-2 Survey, located in the 700 block of N. Walnut Avenue.

Christopher J. Looney, AICP, Planning and Development Services Director

- B) Approval of the second and final reading of an ordinance [21-83](#) regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family residence in the C-3 Commercial District, addressed at 262 East Nacogdoches Street.

Christopher J. Looney, AICP, Planning and Development Services Director

5. EXECUTIVE SESSIONS

In accordance with Texas Government Code, Subchapter D, the City Council may convene in a closed session to discuss any of the following items; any final action or vote taken will be in public.

NOTE: The City Council reserves the right to retire into executive session concerning any of the items listed on this Agenda whenever it is considered necessary and legally justified under the Open Meetings Act (Chapter 551 of the Texas Government Code).

6. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

7. ADJOURNMENT

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at the New Braunfels City Hall.

Caitlin Krobot, City Secretary

NOTE: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at 221-4010 at least two (2) work days prior to the meeting so that appropriate arrangements can be made.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/8/2021

Agenda Item No. A)



Proclamation

THE STATE OF TEXAS §

COUNTY OF COMAL §

CITY OF NEW BRAUNFELS §

WHEREAS, American progress has been shaped by beliefs that change is always possible and will benefit others with a brighter future; our ancestors fought for equality and no matter who you are, what you look like, how modest your beginnings or the circumstances of your birth, you deserve every opportunity to achieve your potential; and

WHEREAS, we celebrate giants of the civil rights movement and countless other men and women whose names are etched in the hearts of their loved ones; we reflect on our progress and our history – not only to remember but to acknowledge our unfinished work; and

WHEREAS, we honor our ancestors by investing in those around us and doing all we can do to ensure every American can reach their full potential. Our country is at its best when everyone is treated fairly and has the chance to build the life and the future they seek for themselves and their family; and

WHEREAS, people who love their country and are willing to work together can help our nation live up to its immense promise; so, this month, let us continue their journey toward a more just, more equal, and more perfect Union.

NOW, THEREFORE, I, **RUSTY BROCKMAN**, Mayor of the City of New Braunfels, Texas, proclaim the month of February 2021 as

BLACK HISTORY MONTH

in New Braunfels, and I encourage everyone to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of New Braunfels to be affixed this 8th day of February 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, MAYOR



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/8/2021

Agenda Item No. B)



Proclamation

THE STATE OF TEXAS §

COUNTY OF COMAL §

CITY OF NEW BRAUNFELS §

WHEREAS, nearly 1.5 million high school students nationwide experience physical abuse from a dating partner each year; and

WHEREAS, victimization increases teens' risk for injury, substance abuse, eating disorders, unwanted pregnancy and suicide; and

WHEREAS, one in three adolescents in the United States is a victim of physical, sexual, emotional or verbal abuse from a dating partner, a figure that far exceeds rates of other types of youth violence; and

WHEREAS, violent behavior typically begins between the ages of 12 and 18, and the severity of intimate partner violence is often greater in cases where the pattern of abuse was established in adolescence; and

WHEREAS, only 33% of teens who are in an abusive relationship ever tell anyone about the abuse, and 81% of parents surveyed either believe teen dating violence is not an issue or admit they do not know if it is one; and

WHEREAS, it is essential to raise community awareness and to provide training for teachers, counselors, and school staff so that they may recognize when youth are exhibiting signs of dating violence.

NOW, THEREFORE, I, RUSTY BROCKMAN, Mayor of the City of New Braunfels, Texas, proclaim the month of February 2021 as

TEEN DATING VIOLENCE AWARENESS MONTH

and urge citizens to join the Crisis Center of Comal County in promoting healthy teen relationships.

FURTHERMORE, we call upon youth and adults to observe Teen Dating Violence Awareness Month with activities and conversations about respectful and non-violent relationships in their homes, schools and communities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of New Braunfels to be affixed this 8th day of February 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/8/2021

Agenda Item No. A)

Presenter/Contact
Robert Camareno, City Manager
rcamareno@nbtexas.org

SUBJECT:

Update from the City Manager on the City's Response to COVID-19



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/8/2021

Agenda Item No. B)

2/8/2021

Agenda Item No. C)

Presenter/Contact

*Mark Enders, Watershed Program Manager
(830) 221-4639 - menders@nbtexas.org*

SUBJECT:

Presentation and discussion regarding floating vegetation mats within the Comal River system and Lake Dunlap and possible direction regarding management of floating vegetation.

BACKGROUND / RATIONALE:

City staff and Council have previously been approached by residents along Lake Dunlap regarding concerns of floating vegetation mat accumulations in Lake Dunlap. The most recent presentations to City Council regarding this issue were in March 25th and May 28th, 2019. At the March 2019 City Council meeting, staff was directed to work with a team from the Protect Lake Dunlap Association (PLDA) to explore options for the removal of floating vegetation from the Comal River system to help minimize floating vegetation accumulations in Lake Dunlap. Staff and the PLDA were to report back to Council at the end of the Summer of 2019 regarding potential removal methods and costs.

In May 2019 the PLDA team, with the assistance of the Meadow's Center at Texas State University, tested a method to remove floating vegetation by setting up a net across the downstream-most portion of Landa Lake to capture and remove floating vegetation as it migrated downstream. This method did not prove to be feasible.

The PLDA team presented to Council again on May 28, 2019 and presented a plan to test the operation of a Weedo vegetation removal boat to remove floating vegetation from Landa Lake. This test was conducted in June 2019. While the Weedo appeared to be a feasible option for removal of floating vegetation in Landa Lake there were staff concerns regarding access and disturbance of endangered species habitat in Landa Lake.

With the failure of the Lake Dunlap dam in May 2019, this effort stalled and the PLDA team and staff have yet to present back to Council on management options and costs.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:
N/A

2/8/2021

Agenda Item No. D)

PRESENTER:*Jeff Jewell, Economic Development Director***DEPARTMENT:** Economic and Community Development**SUBJECT:**

Presentation and possible direction to staff on the establishment of a Tax Increment Reinvestment Zone policy and application process

COUNCIL DISTRICTS IMPACTED: City-wide**BACKGROUND INFORMATION:**

Tax Increment Financing (TIF) is an economic development tool that allows cities and counties to capture tax revenue from Tax Increment Reinvestment Zones (TIRZs). The City currently has two TIRZs and is considering the establishment of a third one for the downtown area. When a TIRZ is formed, tax revenue increases in future years are redirected from the City's general fund and into the TIF fund for the zone. The revenue collections can be used on project costs that benefit the zone (typically, public infrastructure, improvements, and programs). TIRZs can be established either by citizen-led petitions by owners of properties, or a city or county governing body can adopt one. Most cities have a policy that governs the expenditure of TIF funds in the city, but New Braunfels currently does not have a specific policy or application for TIRZ creation or financing agreements utilizing TIF revenue.

Utilizing TIF can have advantages for a municipality but they are not without their criticisms. While TIF can be a useful tool to support important public policy objectives such as drawing private investment into neglected areas, they can be utilized in a fashion that does not provide the greatest possible public benefits.

ISSUE:

While the City currently utilizes an overall economic development policy for Type B EDC and Chapter 380 expenditures, it does not currently have a written TIRZ policy or application process. There are certain conditions that should be considered prior to providing TIF assistance and staff recommends formalizing these considerations in a City Council adopted policy. The purpose of a written policy and application would be to identify policy goals and types of eligible expenditures, standardize the review, analysis and underwriting process, and verify the capacity of the developer to undertake a given project.

FISCAL IMPACT:

None

RECOMMENDATION:

Staff recommends the formation of a council and staff working group to formulate a TIF policy to be considered by the City Council within 60 days.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/8/2021

Agenda Item No. A)

Presenter/Contact

Caitlin Krobot, City Secretary
(830) 221-4006 - ckrobot@nbtexas.org

City of New Braunfels, Texas

City Hall - Council Chambers

Minutes

Friday, January 15, 2021

9:00am

City Council

Rusty Brockman, Mayor - Present

Shane Hines, Councilmember (District 1) - Present

Justin Meadows, Mayor Pro Tem (District 2) - Present

Harry Bowers, Councilmember (District 3) - Present

Matthew E. Hoyt (District 4) - Present

Jason E. Hurta (District 5) - Present

James Blakey (District 6) - Absent

The meeting was called to order by Mayor Brockman at 9:12 a.m. Councilmember Hines gave the invocation and Mayor Brockman led the Pledge of Allegiance and Salute to the Texas Flag.

1. WORKSHOP

- A) Presentation, discussion and possible direction to staff regarding strategic budget initiatives.
- B) Presentation, discussion and possible direction to staff regarding projected development patterns and policy considerations.
- C) Presentation, discussion and possible direction to staff regarding the development and implementation of a unified development code.
- D) Presentation, discussion and possible direction to staff regarding the implementation of a stormwater utility program.

Mayor Brockman read the aforementioned captions. Mr. Camareno opened the meeting with a welcome and overview of the day. Mr. Camareno provided an overview of FY2020 to include a review of the General Fund expenditures and fund balance, a review of Enterprise Funds including the Golf Course, Airport, Solid Waste, and Civic Center Funds. Conversation ensued regarding the Civic Center and Airport Funds.

Mr. Werner provided an overview of Sales Tax Sourcing and legislative changes. Conversation ensued regarding the proposed changes and strategies for the City.

Friday, January 15, 2021 New Braunfels City Council Special Meeting

Mr. Werner provided an overview of the Creekside TIRZ revenue projections, sales tax increment modifications and current commitments. Conversation ensued regarding the TIRZ and 1/8 cent sales tax contribution.

Break at 10:24 p.m.

Meeting called back to order at 10:41 p.m.

Mr. Camareno provided an overview of the employee compensation investment. Ms. Willis provided an overview of FY 2020 employee turnover and indicator, market-based compensation analysis, and a review of sample market data. Mr. Camareno summarized the importance for making strategic talent investments. Conversation ensued regarding employee compensation investments and exploring council compensation through a Charter Review Commission.

Mr. Werner provided an overview of FY 2021 General Fund revenues, expenditures, sales tax trends and projections and why the City can support the compensation market adjustments this year.

Break for lunch at 11:57 a.m.

Council reconvened at 12:14 p.m.

Mr. Camareno provided an overview of upcoming budget goals, City Manager goals, and budget opportunities. Mr. Werner provided the FY21-FY23 outlook.

Mr. Jewell provided an overview of growth projections for New Braunfels and what buildout for New Braunfels means. Mr. Looney discussed the Extra Territorial Jurisdiction (ETJ) and annexation and how it relates to the community and expansion.

Mr. Looney provided an overview of UDC amendments.

Mr. Werner provided a brief overview to include definition and benefits of a Stormwater Utility Program. Mr. Ford discussed current projects and future efforts. Staff will explore opportunities to create an ad-hoc committee to further explore a Stormwater Utility Program.

2. EXECUTIVE SESSIONS

In accordance with Texas Government Code, Subchapter D, the City Council may convene in a closed session to discuss any of the following items: any final action or vote taken will be in public.

NOTE: The City Council reserves the right to retire into executive session concerning any of the items listed on this Agenda whenever it is considered necessary and legally justified under the Open Meetings Act (Chapter 551 of the Texas Government Code).

There was no Executive Session. The meeting adjourned at 2:15 p.m.

Date Approved: February 8, 2021

Rusty Brockman, Mayor

Attest:

Caitlin Krobot, City Secretary

City of New Braunfels, Texas

City Hall - Council Chambers

Minutes

Monday, January 25, 2021

6:00 PM

City Council

Rusty Brockman, Mayor - Present

Shane Hines, Councilmember (District 1) - Present

Justin Meadows, Mayor Pro Tem (District 2) - Present

Harry Bowers, Councilmember (District 3) - Present

Matthew E. Hoyt (District 4) - Present

Jason E. Hurta (District 5) - Present

James Blakey (District 6) - Present

The meeting was called to order by Mayor Brockman at 6:00 p.m. Mayor Pro Tem Meadows gave the invocation and Mayor Brockman led the Pledge of Allegiance and Salute to the Texas Flag.

PROCLAMATIONS:

- A) Mentoring Month
 - B) Stalking Awareness Month Proclamation
- Mayor Brockman presented the proclamations.**

PRESENTATIONS:

- A) Presentation on Mayor's Monarch Pledge including review of 2019-20 activities and preview of 2021 activities.
- Mayor Brockman read the aforementioned caption.**

Sonja Mlenar presented the item.

No action was taken.

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of January 11, 2021.
- Mayor Brockman read the aforementioned caption.**

Monday, January 25, 2021 New Braunfels City Council Regular Meeting

Councilmember Bowers moved to approve the item. Councilmember Hurta seconded the motion which passed unanimously via roll call vote.

2. CITIZENS' COMMUNICATIONS

This time is for citizens to address the City Council on issues and items of concerns not on this agenda. There will be no City Council action at this time.

Mayor Brockman read the aforementioned caption.

Steve Ceh and Jennifer Jones spoke.

3. CONSENT AGENDA

All items listed below are considered to be routine and non-controversial by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the consent agenda and considered as part of the normal order of business.

Resolutions & Action Items

- A) Approval of the Mayoral appointment of one individual to the New Braunfels Housing Authority Board of Commissioners for a term ending January 22, 2023.
- B) Approval of the appointment of two individuals to the Landa Park Golf Course Advisory Board.
- C) Approval of a resolution authorizing the City Manager to enter an Interlocal Agreement with Comal County to provide Household Hazardous Waste Collection events for the City of New Braunfels and Comal County.
- D) Approval of the appointment of Kathy Meurin to the CTTC Advisory Board as Chairperson for a two-year term.
- E) Approval of the ratification to cancel the second December City Council meeting of 2020 and to cancel the second December City Council meeting of 2021.
- F) Approval of a contract with Sustainable Modular Management for modular office building for Public Works.

- G) Approval of a contract with the Bojorquez Law Firm, P.C., for legal services related to the 2020 Census and possible redistricting.
- H) Approval for the submission of the Amended Program Year 2019 Community Development Block Grant Annual Action Plan and its associated CARES Act Substantial Amendment to the U.S. Department of Housing and Urban Development to support the CDBG-CV Round 3 Grant Program.

Ordinances

(In accordance with Section 3.10 of the City Charter, a descriptive caption of each ordinance shall be read on two separate days.)

- I) Approval of the first reading of an ordinance ordering a Regular Election to be held in the City of New Braunfels on May 1, 2021, for Regular City Officers; and establishing an Early Voting Location and Polling Places for this Election; and making provisions for the conduct of the Election.
- J) Approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 38 acres out of Subdivision No. 112 of the A.M. Esnaurizar Eleven League Grant, located on SH 46 South, adjacent to Stonegate Subdivision, from “APD” Agricultural/Pre-Development District and “PD” Planned Development District to “ZH-A” Zero Lot Line Home District.
- K) Approval of the second and final reading of an ordinance amending Chapter 126, Division 2 of the City of New Braunfels Code of Ordinances for parking restrictions on Loma Vista Street between Heynis South and Becker Street.
- L) Approval of the second and final reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area G.

Mayor Brockman pulled item 3A for consideration at a future City Council Meeting. Councilmember Bowers seconded the motion for unanimous consent to postpone the item.

The following individuals spoke on the item: Steve Ceh, Shana Evans, Payton Storey, and John Kennedy.

Caitlin Krobot pulled item 3E for individual consideration at citizen

request and presented the item. Councilmember Hines moved to approve the item. Mayor Pro Tem Meadows seconded the motion which passed unanimously via roll call vote.

Mayor Brockman read the aforementioned captions not pulled for individual consideration. Councilmember Hurta moved to approve the consent agenda. Councilmember Bowers seconded the motion which passed unanimously via roll call vote.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

Councilmember Hoyt stepped away from the Dais.

- A) Approval of a resolution for the submission of an application to the Texas Parks & Wildlife Department, Recreational Trail Grant Program for the provision of funding for the Alligator Creek, and authorization for the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.

Mayor Brockman read the aforementioned caption.

Stacey Dicke and Garry Merritt presented the item.

Timothy Davis and Brittany Harris spoke on the item. Dr. Lee Rahe's comments were read into the record.

Councilmember Hines moved to approve the item with the exception that the City Manager present the item to City Council prior to accepting funds. Councilmember Blakey seconded the motion which 6-0 via roll call vote.

Council recessed at 7:17 p.m. until 7:29 p.m.

Councilmember Hoyt returned to the Dais.

- B) Public hearing and first reading of an ordinance ordering a special election to be held in the City of New Braunfels on May 1, 2021, for proposed amendments to the City Charter; and establishing an Early Voting Location and Polling Places for this Election; and making provisions for the conduct of the Election.

Mayor Brockman read the aforementioned caption.

Caitlin Krobot presented the item.

Councilmember Hines moved to approve the item. Councilmember Hurta seconded the motion which passed unanimously via roll call vote.

- C) Public hearing and consideration of approval of a variance request to allow a proposed business, addressed at 344 Landa Street, to provide alcohol sales (wine and beer, no onsite consumption) within 300 feet of a church.

Mayor Brockman read the aforementioned caption.

Maddison O'Kelley presented the item.

Bob Pineda spoke on the item.

Councilmember Bowers motioned to approve the item. Councilmember Hines seconded the motion which passed unanimously via roll call vote.

- D) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Type 1 Special Use Permit to allow an RV resort on approximately 28 acres consisting of Lot 1D-R Walnut Heights Subdivision and approximately 24 acres out of the J M Veramendi A-2 Survey, located in the 700 block of N. Walnut Avenue.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item.

Stuart Blythin, James Ingall, Leon Wallsy, Julie Wallsy, and Cathy Talcott spoke on the item.

Councilmember Hines moved to approve the item with the requirement of a Type 2 follow-up SUP. Councilmember Bowers seconded the motion which passed unanimously via roll call vote.

- E) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit on approximately 23 acres out of the A.P. Fuquay survey No. 35, Abstract No. 155, Comal County, Texas, located at the southwest corner of the intersection of E. Common Street and Old FM 306, to allow multifamily high-density residential use in the "C-1" Local Business District and "M-1" Light Industrial District.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item.

Chris Crim spoke on the item.

Councilmember Hurta moved to approve the item. Councilmember Hoyt seconded the motion which passed unanimously via roll call vote.

- F) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family residence in the C-3 Commercial District, addressed at 262 East Nacogdoches Street.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item.

Aurora Hayes spoke on the item.

Councilmember Hines moved to approve the item. Mayor Pro Tem Meadows seconded the motion which passed unanimously via roll call vote.

- G) Public hearing and first reading of an ordinance for a proposed rezoning to apply a Special Use Permit to allow a seven-unit, townhouse style residential development on approximately 0.7 of an acre located at the southwestern terminus of the 2300 block of Michigan Street.

Mayor Brockman presented the item.

Christopher Looney presented the item.

Councilmember Hines moved to approve the item. Councilmember Hurta seconded the motion which passed unanimously via roll call vote.

- H) Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 19.735 acres out of the Orilla Russell Survey, A-485 and the Nancy Kenner Survey, A-306, Comal County, Texas, located south of the intersection of Gray Cloud Drive and Twin Dish Way, from "R-1A-6.6" Single Family District to "R-1A-5.5" Single Family District.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item.

Chris Van Heerde spoke on the item.

Councilmember Hurta moved to approve the item. Councilmember Hoyt seconded the motion which passed unanimously via roll call vote.

- I) Public hearing and consideration of a proposed amendment to the Veramendi Development & Design Control Document.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item.

Garrett Mechler spoke on the item.

Mayor Pro Tem Meadows motioned to approve the item. Councilmember Blakey seconded the motion which passed unanimously via roll call vote.

- J) Public hearing and consideration of a request for a waiver to the Subdivision Platting Ordinance to not require sidewalk construction along Jarratt Drive and Louella Street for the Senaido Dual Crossing Subdivision.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item.

Bryan Mendez spoke on the item.

Councilmember Hines moved to approve the item. Councilmember Hoyt seconded the motion which passed unanimously via roll call vote.

- K) Public hearing and consideration of a request for a Conditional Sign Permit for The Plant Haus to allow a proposed freestanding pole sign to exceed the maximum adopted sign face area and height standards, in the 'C-1' Local Business District, addressed at 956 N. Walnut Avenue.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item.

Councilmember Hoyt presented the item. Councilmember Blakey seconded the motion which passed unanimously via roll call vote.

- L) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow duplexes in the “APD” Agricultural/Pre-Development District on approximately 0.938 acres out of the A.M. Esnaurizar Eleven League Grant, Subdivision No. 107, Guadalupe County, Texas, addressed at 187 Prairie View Lane.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item.

James Ingall spoke on the item.

Councilmember Hurta moved to approve the item. Councilmember Hoyt seconded the motion which passed unanimously via roll call vote.

- M) Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 5.996 acres out of the Orilla Russell Survey No. 2, Abstract No. 485, Comal County, Texas, addressed at 689 Orion Drive, from “M-1A” Light Industrial District to “R-1A-6.6” Single-Family District.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item.

Robert Whipkey spoke on the item.

Councilmember Hoyt moved to approve the item. Mayor Pro Tem Meadows seconded the motion which passed unanimously via roll call vote.

- N) Public hearing and first reading of an ordinance regarding proposed revisions to the Solms Landing Planned Development (“SLPD”) concept plan and development standards, on approximately 98 acres out of the A M Esnaurizar A-20 Survey, addressed at 253 S. Kowald Lane.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item.

James Mahan and Burt Wellmann spoke on the item.

Mayor Pro Tem Meadows moved to approve the item. Councilmember Hoyt seconded the motion which passed unanimously via roll call vote.

- O) Public hearing and consideration of a resolution accepting 102.68 acres out of the A.M. Esnaurizar A-20 Survey, located on FM 758 approximately 1,000 feet west of State Highway 123 North, into the City of New Braunfels extraterritorial jurisdiction (ETJ).

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item.

James Ingall spoke on the item.

Mayor Pro Tem Meadows moved to approve the item. Councilmember Hoyt seconded the motion which passed unanimously via roll call vote.

- P) Public hearing and first reading of an ordinance amending Chapter 144 Zoning, Sections on Definitions, Zoning Districts, Walnut Special District, Land Use Matrix, Parking, Accessory Structures, and General Provisions and Exceptions for Yard Setbacks, and Rear Yard Requirements.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item.

Mayor Pro Tem Meadows moved to approve the item. Councilmember Hurta seconded the motion which passed unanimously via roll call vote.

5. EXECUTIVE SESSIONS

In accordance with Texas Government Code, Subchapter D, the City Council may convene in a closed session to discuss any of the following items; any final action or vote taken will be in public.

- A) Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code:

· Union Pacific Railroad

- B) Deliberate the appointment, evaluation, duties, discipline, or removal of the Associate Municipal Judge in accordance with Section 551.074 of the Texas Government Code.

NOTE: The City Council reserves the right to retire into executive session concerning any of the items listed on this Agenda whenever it is considered necessary and legally justified under the Open Meetings Act (Chapter 551 of the Texas Government Code).

Mayor Brockman read the aforementioned caption.

City Council recessed into Executive Session from 9:13 p.m. to 9:32 p.m.

- 6. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.**

City Council reconvened into Open Session at 9:32 p.m.

Mayor Pro Tem motioned to appoint James Betterworth as Associate Judge for a term of 2 years. Councilmember seconded the motion which passed unanimously via roll call vote.

- 7. ADJOURNMENT**

The meeting adjourned at 9:33 p.m.

Date Approved: February 8, 2021

Rusty Brockman, Mayor

Attest:

Caitlin Krobot, City Secretary

2/8/2021

Agenda Item No. A)

Presenter/Contact

Patrick O'Connell, Fire Chief
(830) 221-4267 - POConnell@nbtexas.org

SUBJECT:

Approval of a resolution, submission of an application for funding of the purchase of emergency response and rescue equipment utilizing a U.S. Department of Homeland Security, State Homeland Security Program - Regular Projects Grant for Program Year 2022, and authorization for the City Manager to act on behalf of the City in all matters related to this grant.

BACKGROUND / RATIONALE:

The New Braunfels City Council strategic priorities include using a variety of funding sources for operational and capital needs. If approved by Council, Staff will submit a grant application to the U.S. Department of Homeland Security, State Homeland Security Program - Regular Projects Grant for Program Year 2022 for the purchase of emergency response and rescue equipment for the New Braunfels Fire Department (NBFD).

The grant application requests funding for the purchase of an air lifting bag kit which allows for emergency personnel to safely and quickly apply maximum lifting force to heavy objects in low clearance situations; and two military-professional inflatable boats that will allow for crews to rapidly maneuver dangerous water conditions to assist injured and stranded victims in the City's two major rivers and other local large bodies of water. The equipment will support NBFD and other regional agencies by allowing expedited emergency responses to a variety of man-made and natural events and hazards.

If permitted by City Council, Staff will submit a grant application for a total amount of \$71,250. The granting agency will provide funds for 100% of the total amount therefore, there is no City-match requirement. If approved by the granting agency, the anticipated award timeframe is by September 2021.

Additionally, Staff is requesting City Council approval of a resolution, as required by the granting agency, that will authorize our City Manager to act as the authorized official on behalf of the City in all matters related to this grant. The designated authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

<input checked="" type="checkbox"/>	Yes	Strategic Priority	Use a variety of funding sources for operational and capital needs.
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FISCAL IMPACT:

There is no City-match requirement for this grant.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a resolution, submission of an application for funding of the purchase of emergency response and rescue equipment utilizing a U.S. Department of Homeland Security, State Homeland Security Program - Regular Projects Grant for Program Year 2022, and authorization for the City Manager to act on behalf of the City in all matters related to this grant.

RESOLUTION 2021-R_____

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING UNDER THE U.S. DEPARTMENT OF HOMELAND SECURITY, STATE HOMELAND SECURITY PROGRAM – REGULAR PROJECTS GRANT AND AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF NEW BRAUNFELS IN ALL MATTERS RELATED TO THIS GRANT, INCLUDING EXECUTION OF ALL REQUIRED DOCUMENTATION ASSOCIATED WITH ANY RESULTING AWARD.

WHEREAS, The City of New Braunfels finds it in the best interest of the citizens of Comal County that the “Emergency Response and Rescue Equipment” project be operated for the 2021 Program Year; and

WHEREAS, the City of New Braunfels agrees to provide applicable matching funds for said project as required by the Office of the Governor, Public Safety Office, Homeland Security Grants Division’s 2021 State Homeland Security Program grant application; and

WHEREAS, the City of New Braunfels agrees that in the event of loss or misuse of the Office of the Governor funds, the City of New Braunfels assures that the funds will be returned to the Office of the Governor in full.

WHEREAS; the City of New Braunfels designates the City Manager as the grantee’s authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS;

THAT, the City of New Braunfels’ City Council approves submission of the grant application for the “Emergency Response and Rescue Equipment” project to the Office of the Governor.

ADOPTED AND APPROVED on this the 8th day of February 2021.
Grant Number: 4226901

City of New Braunfels, Texas

RUSTY BROCKMAN, Mayor

Attest:

CAITLIN KROBOT, City Secretary

2/8/2021

Agenda Item No. B)

Presenter/Contact

Jennifer Cain, Capital Programs Manager
(830) 221-4646 - jcain@nbtexas.org

Approval of the issuance of an invitation for competitive sealed proposals on the Mission Hill Park and Structured Cabling Projects since the City Council finds that this delivery method will provide the best value to the City.

BACKGROUND / RATIONALE:**Mission Hill Park**

Mission Hill Park sits on Independence Drive and consists of 10.05 acres of land donated in 2012 to the New Braunfels Parks Foundation (NBPF) by Westpointe Residential. The NBPF is holding the land in trust for the city for future development as a city park.

A master plan was completed in 2016 by Shrickel Rollins and Associates (now Parkhill). This master plan was developed based on input from a seven-member citizen steering committee, and public input from two open house meetings and an on-line comment board.

In 2018, 30% design documents were developed in preparation for the 2019 Bond decision making process. The overall cost for development at this time was \$6.2 million. A Phase 1 cost estimate was also provided for \$2.2 million

Staff contracted with Parkhill in 2020 to investigate designs that would open the property up in a minimal way in order for the park to be used by residents. A Phase 1A design has been developed to include parking for eleven vehicles and a 600-700' concrete, accessible trail. A 5' diameter platform with benches and interpretive signs at the summit of the trail is also included.

Structured Cabling

A structured cabling system is a complete system of cabling and associated hardware, which provides a comprehensive telecommunications infrastructure. This cabling scope will be in support of the following projects: Fire Station 2, Fire Station 3, Fire Station 7 and Fire Training, Westside Library, Police Department and the Sports Complex.

Construction Method

City staff recommends issuing an invitation for Competitive Sealed Proposal (CSP) as the procurement method for these projects. The CSP method allows the City to evaluate the most qualified contractors and the best value for the project. The recommendation for the award contracts will be presented to the City Council for direction.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

<input checked="" type="checkbox"/>	Yes	City Plan/Council Priority:	Strategic Priorities Infrastructure Objective 3: Implement ongoing program of infrastructure construction and maintenance.
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the issuance of an invitation for competitive sealed proposals on the Mission Hill Park and Structured Cabling Projects since the City Council finds that this delivery method will provide the best value to the City.

2/8/2021

Agenda Item No. C)

Presenter/Contact

*Jennifer Cain, Capital Programs Manager
(830) 221-4646 - jcain@nbtexas.org*

SUBJECT:

Approval of a contract with QA Construction Services, Inc. for construction of Citywide Streets Projects: Union Ave. Improvements Project and Comal Ave. Improvements Project and authorization for the City Manager to approved change orders up to a twenty percent contingency, and approval of a Purchase Order with Terracon to provide Materials Testing Services as part of the 2019 Bond Citywide Street Program.

BACKGROUND / RATIONALE:

The City-Wide Streets Program was approved as part of Proposition 1 in the 2019 Bond Program. Projects in this program could include mill & overlay of pavement, curb repair/replacement, sidewalks, and concrete diamonds around meter boxes and manholes.

Union Ave. Improvements Project was designed by LNV, Inc., and Comal Ave. Improvements Project was designed by Pawelek & Moy, Inc. In December a solicitation for Competitive Sealed Proposal was issued, and four proposals were received on January 20, 2021. The proposals were evaluated based on cost, experience, and proposed schedule. Based on the scoring, staff are recommending QA Construction Services, Inc. to provide the best value to the City.

QA Construction Services, Inc. submitted a proposal for \$1,152,755. With the addition of a twenty percent contingency, the total amount for improvements is \$1,383,306.

A larger contingency has been included due to the scope of this project. The project involves multiple roadways and numerous property owners. On these types of projects, there is a probability for unforeseen issues that arise from working in existing areas involving varying site conditions. As with all contingency funds, only what is needed will be expensed and must be approved by the City.

A proposal was received from Terracon for \$37,965 to provide materials testing services in support of Union Ave. Improvements Project and Comal Ave. Improvements Project.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

X	City Plan/ Council Priority	Continue an ongoing program of infrastructure construction and maintenance.
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FISCAL IMPACT:

The 2019 Bond Program includes \$15 million for City-Wide street improvement projects, therefore there is sufficient funding for engineering, construction, and testing services on these projects.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a contract with QA Construction Services, Inc. for construction of Citywide Streets Projects: Union Ave. Improvements Project and Comal Ave. Improvements Project and authority for the City Manager to approved change orders up to a twenty percent contingency, and approval of a purchase or for Terracon to provide material testing services.

2/8/2021

Agenda Item No. D)

Presenter/Contact

Keith Lane, Interim Police Chief
(830) 221-4102 - klane@nbtexas.org

SUBJECT:

Approval of a purchase from Allterra Central Inc. for forensic data collection equipment for the New Braunfels Police Department utilizing grant funding awarded by the U.S. Department of Justice, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant Program for Program Year 2021.

BACKGROUND / RATIONALE:

In March 2020, City Council approved the submission of a grant application for \$74,000 to the U.S. Department of Justice, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant Program as administered by the Office of the Governor (OOG), Public Safety Office, Criminal Justice Division's Criminal Justice Program grant for Program Year 2021 for the funding of a Crime Analyst position for the New Braunfels Police Department (NBPD). In October 2020, the City received notification from the granting agency of a partial grant award in the amount of \$38,529.99.

Unfortunately, due to the unanticipated financial hardship caused by COVID-19, the Crime Analyst position was not funded in the City's Fiscal Year 2020-2021 Adopted Budget. As such, Staff subsequently requested from the OOG that the grant funding to instead be utilized for the one-time purchase of forensic data collection equipment for the New Braunfels Police Department (NBPD) rather than for the addition of a Crime Analyst position that had been previously awarded grant funding.

The requested forensic data collection equipment is intended to replace outdated and malfunctioning equipment that is currently used by NBPD's Traffic Unit to collect data points at a traffic accident to reconstruct collision scenes which result in loss of life and or criminal charges. The new equipment will continue to be utilized in this capacity but it will now also be used by the NBPD's Criminal Investigation Division (CID) because the updated, sophisticated technology will allow CID to collect photos and detailed measurements at major crime scenes such as homicides, suspicious deaths, and shooting incidents.

The total cost of the forensic data collection equipment is \$38,499; therefore, the grant will provide full reimbursement to the City upon the receipt and full payment of the equipment.

The equipment will be purchased from Allterra Central Inc. utilizing a Texas Department of Information Resources (DIR) contract, thereby fulfilling competitive procurement requirements for the State of Texas.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

<input checked="" type="checkbox"/>	Yes	Strategic Priority	Use a variety of funding sources for operational and capital needs.
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FISCAL IMPACT:

The total cost of the forensic data collection equipment is \$38,499; therefore, the grant will provide full reimbursement to the City upon the receipt and full payment of the equipment. As such, sufficient funds are available to support the purchase of the equipment as described above.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a purchase from Allterra Central Inc. for forensic data collection equipment for the New Braunfels Police Department utilizing grant funding awarded by the U.S. Department of Justice, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant Program for Program Year 2021.

2/8/2021

Agenda Item No. E)

Presenter/Contact

Barbara Coleman, Purchasing Manager
(830) 221-4389 - BColeman@nbtexas.org

SUBJECT:

Approval of annual routine recurring expenditures for FY 2021 in accordance with City Charter Section 9.17.

BACKGROUND / RATIONALE:

Per section 9.17 of the City Charter, City Council approval is required for annual purchases that exceed \$25,000. There are various routine expenditures that occur every year and staff recommend that these expenditures be approved all at once, to more efficiently manage staff resources as well as ensure compliance with the charter. This will eliminate the need for these expenditure requests to be brought to City Council individually throughout the year.

This action will allow purchases to be made as needed throughout the year. As indicated below, the purchases are competitively vetted by cooperative agreements, quote or justified as a single source. Funding has been allocated for all of the expenditures detailed below.

As additional vendors that are anticipated to exceed the \$25,000 threshold are identified, they would still be brought for City Council at that time. Moreover, any purchases that warrant individual consideration and approval will be brought to City Council in that manner.

The following purchases and estimated annual expenditures are recommended for City Council consideration:

Vendor	Service	Estimated	Solicitation Source
GTS	Increase of expenditure for computer replacements & on-demand purchases for departments. FY increase from \$175,000 to \$315,000. -Funding is incorporated in several funds such as the General Fund and Equipment Replacement Fund	\$315,000	Department of Info. Resources
Laws Offices of Ryan Henry, PLLC	Increase of expenditures up to \$30,000 for general City legal support. -Funding is incorporated into the Legal Department Budget	\$30,000	Exempt-Prof. Svc.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

Yes

Strategic Priorities:

9. Maintain fiscal stability of City operations.
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FISCAL IMPACT:

Funding for all initiatives and expenditures above were incorporated into the appropriate FY 2021 departmental budgets. However, the amounts above are estimates; actual costs are dependent upon needs. If the actual costs above exceed what was allocated in the budget for those services, departments are required to make that difference up elsewhere within their operating budget.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of annual recurring expenditures for FY 2021 in accordance with City Charter section 9.17.

2/8/2021

Agenda Item No. F)

Presenter/Contact

Patrick O'Connell, Fire Chief
(830) 221-4267 - POConnell@nbtexas.org

SUBJECT:

Approval of the submission of an application to FEMA Fiscal Year 2020 Assistance to Firefighters Grant (AFG) Program for the purchase of Turnout Gear and miscellaneous fitness testing equipment, and authorization for the City Manager to accept funds and execute all contract documents associated with the grant if awarded.

BACKGROUND / RATIONALE:

The New Braunfels City Council strategic priorities include using a variety of funding sources for operational and capital needs. If approved by Council, Staff will submit a grant application to the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Grant Programs Directorate (GPD)'s Fiscal Year 2020 Assistance to Firefighters Grant (AFG) Program for the purchase of Turnout Gear and miscellaneous fitness testing equipment for the New Braunfels Fire Department (NBFD).

The grant application requests funding for the purchase of Turnout Gear, also known as bunker gear, which is personal protective equipment (PPE) worn by firefighters during the performance of their duties. FEMA considers a complete set of Structural/Proximity PPE Turnout Gear to be comprised of one pair of pants, one coat, one helmet, two hoods, one pair of boots, two pairs of gloves, one pair of suspenders, and one pair of goggles.

Additionally, the grant application will request a micro grant to support the purchase of miscellaneous fitness testing equipment required for NBFD to administer a Candidate Physical Ability Test (CPAT), a standard assessment for measuring an individual's ability to handle the physical demands of being a firefighter. The various equipment purchased will be utilized during the CPAT which includes the following tasks: Stair Climb, Ladder Raise and Extension, Hose Drag, Equipment Carry, Forcible Entry, Search, Rescue Drag, and Ceiling Pull.

If permitted by City Council, Staff will submit a grant application for a total, not-to-exceed amount of \$440,000, which will support \$390,000 for the Turnout Gear and up to \$50,000 for the miscellaneous fitness testing equipment.

Of the total cost of the PPE and CPAT equipment, FEMA grant funding will provide \$396,000 and the balance, including the grant's 10% city match requirement, of up to \$44,000 will be paid from the General Fund.

If approved by the granting agency, the anticipated award timeframe is by April 30, 2021. As such, Staff is also requesting authorization from Council for the City Manager to accept funds and execute

all contract documents associated with the grant if awarded.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

<input checked="" type="checkbox"/>	Yes	Strategic Priority	Use a variety of funding sources for operational and capital needs.
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FISCAL IMPACT:

The total cost of the Turnout Gear is \$390,000, of which the grant will provide \$351,000 as a reimbursement upon the receipt and full payment of the equipment. The total cost of the miscellaneous fitness test equipment is up to \$50,000, of which the grant will provide \$45,000 as a reimbursement upon the receipt and full payment of the equipment. The portion not supported by the grant will be paid from the General Fund, with the allocation specifically earmarked as our matching funds for grants. Therefore, sufficient funds are available to approve the submission of the application described above.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the submission of an application to FEMA Fiscal Year 2020 Assistance to Firefighters Grant (AFG) Program for the purchase of Turnout Gear and miscellaneous fitness testing equipment, and authorization for the City Manager to accept funds and execute all contract documents associated with the grant if awarded.

2/8/2021

Agenda Item No. G)

Presenter/Contact

*Matthew Eckmann, Facilities and Real Estate Manager
(830) 221-4089 - meckmann@nbtexas.org*

SUBJECT:

Approval of expenditure of up to \$700,000 for the acquisition of the necessary right-of-way and public utility easements from 14 parcels of land along Klein Road between Walnut Avenue and FM 725 as part of the Klein Road Phase 2 Project and authorization for the City Manager to execute all necessary conveyance documents.

BACKGROUND / RATIONALE:

Klein Road Phase 2 is one of the approved projects in Proposition 1 of the City of New Braunfels 2019 Bond Program. The project will improve the current roadway to four lanes, provide intersection enhancements at Walnut Avenue and FM 725, improve the low water crossing and provide for sidewalks and a shared use path.

In order to accomplish this project, it is necessary to acquire the right-of-way and public utility easements described in the list attached to this item. Initial offers were sent to property owners in late November and staff has been negotiating with property owners to reach agreements for the purchase of right-of-way, public utility easements and any damages for improvements (fencing, landscaping, etc) that will be affected by the acquisition.

The above expenditure shall be utilized to cover the acquisition amount plus necessary title closing costs with New Braunfels Title Company.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

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FISCAL IMPACT:

Right-of-way acquisition costs were incorporated into the project budget. Therefore, sufficient 2019 bond program funds are available to support this cost.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval.

Klein Road Phase 2 Parcel List

Parcel	Property ID	Legal Description	Address	ROW SF	Utility Esmt. SF
1	62284	ABS: 103 SUR: SARAH DEWITT 48.427 AC.	614 W Zipp	5,710	5,554
3	62329	103 SUR: SARAH DEWITT 9.0390 AC	466 W Klein Rd	8,780	7,924
4	62313	103 SUR: SARAH DEWITT 9.9510 AC	467 W Klein Rd	24,293	8,208
5	110302 62310	103 SUR: SARAH DEWITT 2.00 AC 103 SUR: SARAH DEWITT 3.50 AC	433 W Klein Rd	13,786	4,396
6	109803	MOELLER #3, BLK 1, LOT 4-A 3.815 AC	409 W Klein Rd	7,271	3,110
7	62379	103 SUR: SARAH DEWITT 5.00 AC	405 W Klein Rd	12,162	4,043
8	N/A	DRAINAGE ROW OUT OF 150.236AC W H PATE/S DEWITT SURV	Variable Width Drainage Right-of-Way	9,150	
9	62378	103 SUR: SARAH DEWITT 13.5590 AC	177 W Klein Rd	41,515	16,774
10	20701	DOVE CROSSING UNIT #1 DRAINAGE EASEMENT .8 AC	Dove Crossing Dr	4,500	
11	62335	103 SUR: SARAH DEWITT 10.3030 AC	210 W Klein Rd	11,891	12,526
12	33960	LOT 3 PT OF BLK 1 ADDN MOELLER #2 4.8280 AC	145 W Klein Rd	7,620	6,223
13	33957	LOT 1 -R BLK 1 ADDN MOELLER #1 1.2510 AC	2718 FM 725	3,606	3,638
14	46683	LOT: 1 BLK: 1 ADDN: WHISPERING VALLEY	2447 Quail Ridge Dr	312	
15	46698	LOT 3 BLK 2 ADDN WHISPERING VALLEY	2446 Quail Ridge Dr	312	

2/8/2021

Agenda Item No. H)

Presenter/Contact

*Matthew Eckmann, Facilities and Real Estate Manager
(830) 221-4089 - meckmann@nbtexas.org*

SUBJECT:

Approval of and authorization for the City Manager to execute a Memorandum of Agreement with John Gannon, Inc. for the relocation and removal of certain billboard signs.

BACKGROUND / RATIONALE:

In 2017, John Gannon, Inc. (JGI) sold the property at the northeast intersection of Alves Lane and SH 46 and retained a billboard easement for an existing sign. The property was subsequently platted, and the existing sign is now encumbering City right-of-way.

In early March of 2019, JGI moved a billboard from its existing location at the northeast intersection of Loop 337 and Common Street to an adjacent property to accommodate the construction of a new building. This sign was relocated without the necessary permits in place and is therefore non-compliant. As this sign is adjacent to TXDOT right-of-way, it is within their jurisdiction to prosecute JGI however, this is a long process that could last a number of years.

The City has reached an agreement with JGI to allow the billboard on Alves Lane to be relocated out of City right-of-way in exchange for the billboard on Loop 337 being removed within 18 months and release of the sign easement.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

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FISCAL IMPACT:

No fiscal impact to the City as JGI will be issuing a performance and payment bond to ensure the removal of the Loop 337 Billboard.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval

MEMORANDUM OF AGREEMENT

This **MEMORANDUM OF AGREEMENT** (“MOA”) is entered into this ____ day of _____, 2020~~1~~, by and between the **CITY OF NEW BRAUNFELS** (the “City”), a home-rule city under the laws of the State of Texas, whose address is 550 Landa Street, New Braunfels, Comal County, TX 78130, and **John Gannon, Inc.** (“JGI”), a Texas Corporation whose address is 525 Park Grove, Katy, Harris County, Texas.

RECITALS

WHEREAS, JGI is the owner of a billboard structure located within a 0.024 acre billboard easement located within the northwest right of way of Alves Lane at the intersection of SH 46 as described in the metes and bounds description attached hereto as Exhibit “A” (the “Alves Billboard”); and

WHEREAS, JGI is the owner of a billboard structure located on the property addressed as 970 Loop 337, New Braunfels, TX 78130 as depicted on the attached Exhibit “B” (the “Loop 337 Billboard”); and

WHEREAS, JGI is requesting to relocate the Alves Billboard to an adjacent property due to its location within the right of way of Alves Lane, and the City is requesting the Loop 337 Billboard be removed due to its status of an illegal sign;

NOW, THEREFORE, in consideration of the representation, covenants, and undertakings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

AGREEMENT

1. ~~Contemporaneously with the execution of this agreement, JGI shall deliver a~~ After execution and delivery of the Performance Bond to the City and within sixty (60) days of the date of this agreement, JGI, at its own expense, shall cause the Alves Billboard to be removed in its entirety and relocated to the 10’x30’ sign easement as dedicated in the On the Grind Subdivision referenced on the plat recorded as Document number 201806023131, Map and Plat Records of Comal County, Texas, attached to this agreement as Exhibit “C”
2. JGI agrees that all work related to the relocation of the Alves Billboard shall be done in accordance with all City Codes and shall have the appropriate permits issued by the City whenever applicable. JGI is solely responsible for compliance with the State of Texas and Texas Department of Transportation rules and regulations regarding the Alves Billboard relocation. JGI further agrees that the relocated billboard shall be substantially similar in

size, height and utility to the existing Alves Billboard and may be installed on a metal monopole. Under no circumstances shall the relocated billboard be electronic in nature.

3. Before ~~March-April~~ April 1, 2020~~1~~ and after the removal and relocation of the Alves Billboard, JGI shall execute a transfer of the of .024 acre billboard easement to the City, which was reserved in the Deed from John Gannon, Inc. to NB Kaffee Investments, LLC recorded as Document No. 201706002465, Real Property Records of Comal County, Texas, attached hereto as Exhibit "D". Said transfer shall be at no cost to the City and shall be on the form attached to this agreement as Exhibit "E".
4. JGI shall release the City from any and all claims it may have against City, including maintenance, or any other claims it may have, whether known or unknown, which could be brought against the City related in any way to rights JGI may have under the Billboard Easement.
5. Within ~~twelve-eighteen~~ (182) months from December 3, 2020, JGI, at its own expense, shall cause the Loop 337 Billboard to be removed in its entirety.
6. JGI agrees that all work related to the removal of the Loop 337 Billboard shall be done in accordance with all City Codes and shall have the appropriate permits issued by the City whenever applicable.
7. JGI shall issue a performance and payment bond in the amount of \$20,000 as security for the faithful performance of the obligation of the removal of the Loop 337 Billboard. Performance and payment bonds shall be issued by a solvent company authorized to do business in the State of Texas and shall meet any other requirements established by law or by Owner pursuant to applicable law.
8. This MOA may only be terminated by mutual agreement by both parties.
9. This MOA shall become effective upon execution and delivery of the MOA and the Performance Bond by both parties.

IN WITNESS WHEREAS, the City and JGI mutually consent to enter into this MOA on the date set forth above in Comal County, Texas.

John Gannon, Inc.

CITY OF NEW BRAUNFELS

John Gannon, President

Robert Camareno, City Manager

ACKNOWLEDGMENT

STATE OF TEXAS §
§
COUNTY OF COMAL §

On _____, _____, personally appeared John G. Gannon, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity as President of JGI, Inc.

WITNESS my hand and official seal.

Notary Public, State of Texas

STATE OF TEXAS §
§
COUNTY OF COMAL §

On _____, _____, personally appeared ROBERT CAMARENO, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity as City Manager of the CITY OF NEW BRAUNFELS, TEXAS.

WITNESS my hand and official seal.

Notary Public, State of Texas

ASH & ASSOCIATES

SURVEYING · ENGINEERING · ARCHITECTURE

"Serving the Community of Texas"

142 Jackson Lane
San Marcos, Texas 78666
Phone: 512-392-1719
ashandassociates.net

STATE OF TEXAS
COUNTY OF COMAL

**BILLBOARD EASEMENT # 1 - 0.024 ACRES
A.M. ESNAURIZAR SURVEY ELEVEN, A-1**

BEING A PROPOSED BILLBOARD EASEMENT SITUATED IN THE A.M. ESNAURIZAR SURVEY ELEVEN, ABSTRACT NO. 1, COMAL COUNTY, TEXAS, SAME BEING OVER A PORTION OF THAT CERTAIN CALLED 1.489 ACRE TRACT OF LAND CONVEYED TO JOHN GANNON, INC. BY DEED RECORDED UNDER CLERK'S DOCUMENT NO. 201406031065, OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at the intersection of the northwest line of Alves Lane, a variable width public right-of-way, with the curving northeast line of State Highway No. 46, a called 120 foot wide public right-of-way. same being at the south corner of said Gannon called 1.489 acre tract, for the south corner of the easement herein described, and from which a 1/2" iron rod found at the east corner of said Gannon called 1.489 acre tract bears North 44°37'35" East (N 46°49'13" E Record), a distance of 250.35 feet (250.11' Record);

THENCE in a northwesterly direction a distance of 20.89 feet along the southwest line of said Gannon called 1.489 acre tract and the common northeast line of said State Highway No. 46 and along the arc of said curve to the right, having a radius 5669.65 feet (Record), a delta angle of 00°12'40", and a chord which bears North 62°10'43" West, a distance of 20.89 feet to the west corner of the easement herein described;

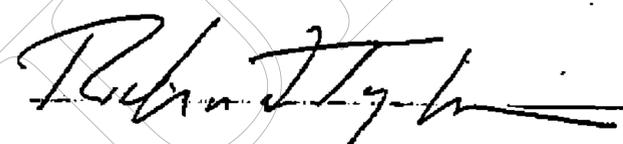
THENCE leaving said State Highway No. 46, through said Gannon called 1.489 acre tract, North 44°37'35" East, a distance of 56.04 feet to the north corner of the easement herein described;

THENCE South 45°22'25" East, a distance of 20.00 feet to the southeast line of said Gannon called 1.489 acre tract and the common northwest line of aforesaid Alves Lane, for the east corner of the easement herein described;

THENCE South 44°37'35" West (S 46°49'13" W Record), along the common line of said Gannon called 1.489 acre tract and said Alves Lane, a distance of 50.00 feet to the **POINT OF BEGINNING** and **CONTAINING 0.024 ACRES OF LAND.**

BEARING BASIS HEREIN DERIVED BY GPS MEASUREMENTS ADJUSTED BY HARN (HIGH ACCURACY REFERENCE NETWORK) & PROJECTED TO TEXAS STATE PLANE COORDINATES (TEXAS SOUTH CENTRAL ZONE) & NAD83.

I, Richard H. Taylor, do certify that this description and associated exhibit were prepared this date December 15, 2016 from a boundary survey performed under my direction during December, 2016, and is true and correct to the best of my knowledge and belief.



Richard H. Taylor
Registered Professional Land Surveyor
No. 3986 State of Texas

12/15/16
Date

Attachment: Drawing of 1.49 Acres & Easements
Job: 16-6390

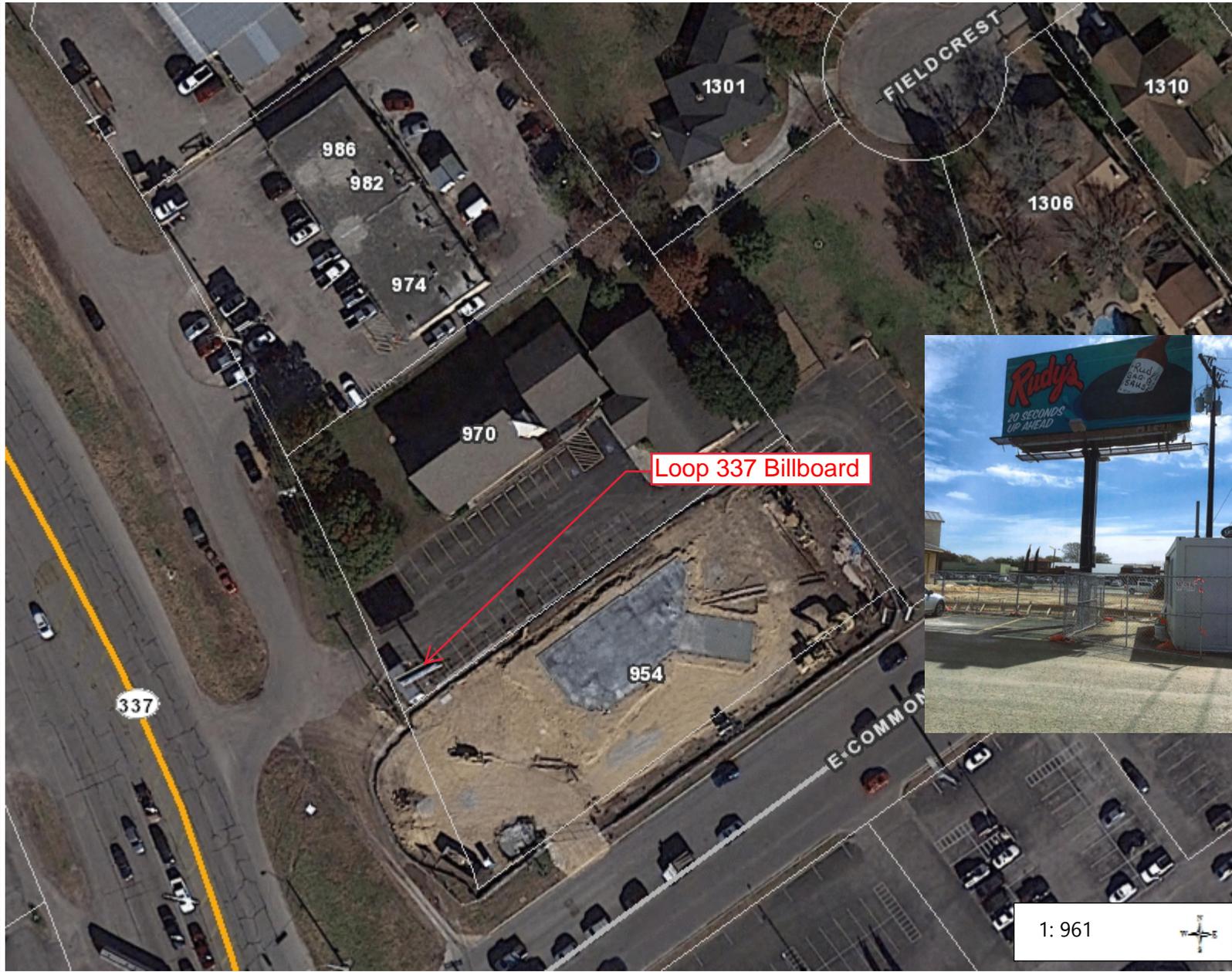


EXHIBIT "B"

Filed and Recorded
Official Public Records
Bobbie Koepp, County Clerk
Comal County, Texas
01/17/2017 09:44:33 AM
MEDINM 6 Pages(s)
201706002465



Bobbie Koepp



1: 961

Legend

- Permits**
- Septic
- Piprow/Driveway
- Floodplain
- Utility
- Addresses**
- Major Roads**
- Farm roads
- Highways
- Streets
- Parcels
- Future Parcels
- Red: Band_1
- Green: Band_2
- Blue: Band_3

Notes



NAD_1983_StatePlane_Texas_South_Central_FIPS_4204_Feet
Comal County GIS

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

with the vendor's lien and Deed of Trust Lien against said property securing the payment of said Note is, without recourse upon the Grantor herein, hereby assigned, transferred and delivered to Mortgagee, the Grantor hereby conveying to the said Mortgagee the said superior title to said property, and subrogating the said Mortgagee unto all the rights and remedies of Grantor in the premises by virtue of said Note and liens; the indebtedness evidenced by said Note being due and payable as therein provided, both principal and interest being due and payable at the office of **JEFFERSON BANK;**

HAS GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto the said Grantee, the following described property, to-wit:

Being **1.489** acres of land, more or less, out of the A.M. Esnaurizar Eleven League Grant, Abstract No. 1, City of New Braunfels, Comal County, Texas, more particularly described by metes and bounds in **Exhibit "A"**, attached hereto, and made a part hereof.

This conveyance is made subject to, all and singular, the restrictions, easements and covenants, if any, applicable to and enforceable against the above described property as reflected by the records of the County Clerk of Comal County, Texas.

Further, Grantor herein reserves for itself, its successors and assigns a Billboard Advertising Sign Easement covering a **0.024** acre tract more fully described in **Exhibit "B"** attached hereto upon the following terms:

- a) The easement retained herein shall be for the purpose of providing for Grantor herein its agents, employees, invitees, licensees, lessees, successors and assigns a nonexclusive, appurtenant easement and right of way for ingress and egress over and across the herein described property in order that Grantor might reasonably maintain, change the advertising displayed, repair, replace, remove, prune vegetation that obstructs the visibility of such sign and otherwise operate a



billboard advertising sign owned and licensed in the name of Grantor which is located near the property line fronting State Highway 46 at a point approximately 25 feet north of the most southeasterly point of the herein conveyed property.

- b) Grantee hereby agrees and covenants not to erect, build, or construct any sign, building, or other improvement of any kind, including vegetation, or place any object on the herein conveyed property that will or could potentially block visibility of the said billboard advertising sign from vehicular traffic on State Highway 46.
- c) Grantor herein agrees to indemnify and hold harmless Grantee their successors and assigns from and against any and all claims, losses, damages, lawsuits and liability for injuries or damage to property arising out of or in connection with the utilization of the rights herein retained by Grantor unless such damage or injury is the direct result of Grantee's own negligence.
- d) The rights and responsibilities of this retained easement shall bind and inure to the benefit of the Grantor and Grantee herein their successors and assigns.

Taxes for the current year have been prorated and are assumed by Grantee.

It is expressly agreed and stipulated that a vendor's lien is retained in favor of the payee in said Note against the above described property, premises and improvements, until said Note, and all interest thereon, is fully paid according to the face and tenor, effect and reading thereof, when this deed shall become absolute.

TO HAVE AND TO HOLD the above described premises, together with, all and singular, the rights and appurtenances thereto in anywise belonging unto the said Grantee, Grantee's heirs and assigns forever.

Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators and successors to warrant and forever defend, all and singular, the said premises unto the

said Grantee, Grantee's heirs, executors, administrators, successors and assigns, against every person whomsoever claiming or to claim the same or any part thereof.

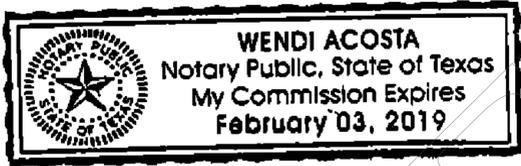
DATED this the 12th day of January, 2017 but EFFECTIVE as of the 12th day of January, 2017.

JOHN GANNON, INC., a Texas Corporation

BY: [Signature]
JOHN GANNON, President
@ JOHN P. GANNON

STATE OF TEXAS §
COUNTY OF Harris §

This instrument was acknowledged before me on this the 12th day of January, 2017, by ~~JOHN GANNON~~, President of JOHN GANNON, INC., a Texas Corporation.
@ JOHN P. GANNON



[Signature]
Notary Public in and for the State of Texas.

53.DEEDS
New Braunfels Title Co. (KB)
GF #84962NBT

River City Engineering
1011 W. County Line Road * NEW BRAUNFELS, TX. 78130
PHONE (830) 625-0337 FAX (830) 625-0858
dlamberts@rcetx.com
Firm Registration #10193949

All that certain tract or parcel of land containing 1.489 acres of land out of the A.M. Esnaurizar Eleven League Grant, Abstract No. 1, City of New Braunfels, Comal County, Texas, being the same land, as surveyed and found on the ground on June 26, 2014, as that certain called 1.487 acre parcel described in Document No. 200006035292 of the Official Public Records of Comal County, Texas; Said 1.489 acre parcel being more particularly described by metes and bounds as follows:

BEGINNING at a ½ inch rebar found at the intersection of the northwesterly right-of-way line of Alves Lane and the northeasterly right-of-way line of State Highway 46 for the most southerly corner and POINT OF BEGINNING of this parcel;

THENCE with said right-of-way line of State Highway 46, along the arc of a curve to the right having a radius of 5669.65 feet, a delta angle of 02 deg 31' 11", a chord bearing of North 59 deg 30' 02" West and a chord distance of 250.96 feet, an arc length of 250.98 feet (called 250.67 feet) to a ½ inch rebar found for the most westerly corner of this parcel, same being the most southerly corner of Lot 1, Block 1, NORTH PARK BUSINESS PLAZA UNIT ONE, as recorded in Volume 8, Page 359 of the Pap and Plat Records of Comal County, Texas;

THENCE departing said right-of-way line and with the common line of this parcel with said Lot 1 and a portion of the residue of that certain called 4.114 acre parcel described in Document No. 200306047841 of said Official Public Records, North 40 deg 25' 00" East, a distance of 249.94 feet (called North 40 deg 20' 43" East, 250.00 feet) to a ½ inch rebar set (capped "RPLS 4907") for the most northerly corner of this parcel;

THENCE continuing with the common line of this parcel with said residue of said 4.114 acre parcel, South 57 deg 49' 26" East, a distance of 278.31 feet (called South 57 deg 49' 26" East, 278.27 feet) to a ½ inch rebar found (capped "RPLS 4069) on the aforementioned right-of-way line of Alves Lane for the most easterly corner of this parcel;

THENCE with said right-of-way line, South 46 deg 49' 13" West (basis of bearings (obtained from said Document No. 200006035292)), a distance of 250.11 feet (called South 46 deg 49' 13" West, 250.00 feet) to the POINT OF BEGINNING and containing 1.489 acres of land.



David A. Lamberts R.P.L.S. No. 4907
J.O. No. 14-0225 (DRAWING PREPARED)

EXHIBIT "A"

ASH & ASSOCIATES

SURVEYING · ENGINEERING · ARCHITECTURE

"Serving the Community of Texas"

142 Jackson Lane
San Marcos, Texas 78666
Phone: 512-392-1719
ashandassociates.net

STATE OF TEXAS
COUNTY OF COMAL

**BILLBOARD EASEMENT # 1 - 0.024 ACRES
A.M. ESNAURIZAR SURVEY ELEVEN, A-1**

BEING A PROPOSED BILLBOARD EASEMENT SITUATED IN THE A.M. ESNAURIZAR SURVEY ELEVEN, ABSTRACT NO. 1, COMAL COUNTY, TEXAS, SAME BEING OVER A PORTION OF THAT CERTAIN CALLED 1.489 ACRE TRACT OF LAND CONVEYED TO JOHN GANNON, INC. BY DEED RECORDED UNDER CLERK'S DOCUMENT NO. 201406031065, OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at the intersection of the northwest line of Alves Lane, a variable width public right-of-way, with the curving northeast line of State Highway No. 46, a called 120 foot wide public right-of-way. same being at the south corner of said Gannon called 1.489 acre tract, for the south corner of the easement herein described, and from which a 1/2" iron rod found at the east corner of said Gannon called 1.489 acre tract bears North 44°37'35" East (N 46°49'13" E Record), a distance of 250.35 feet (250.11' Record);

THENCE in a northwesterly direction a distance of 20.89 feet along the southwest line of said Gannon called 1.489 acre tract and the common northeast line of said State Highway No. 46 and along the arc of said curve to the right, having a radius 5669.65 feet (Record), a delta angle of 00°12'40", and a chord which bears North 62°10'43" West, a distance of 20.89 feet to the west corner of the easement herein described;

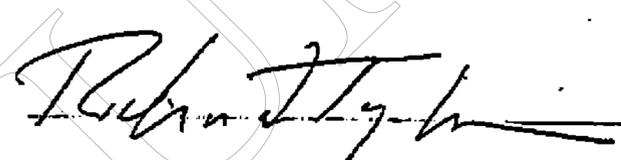
THENCE leaving said State Highway No. 46, through said Gannon called 1.489 acre tract, North 44°37'35" East, a distance of 56.04 feet to the north corner of the easement herein described;

THENCE South 45°22'25" East, a distance of 20.00 feet to the southeast line of said Gannon called 1.489 acre tract and the common northwest line of aforesaid Alves Lane, for the east corner of the easement herein described;

THENCE South 44°37'35" West (S 46°49'13" W Record), along the common line of said Gannon called 1.489 acre tract and said Alves Lane, a distance of 50.00 feet to the **POINT OF BEGINNING** and **CONTAINING 0.024 ACRES OF LAND.**

BEARING BASIS HEREIN DERIVED BY GPS MEASUREMENTS ADJUSTED BY HARN (HIGH ACCURACY REFERENCE NETWORK) & PROJECTED TO TEXAS STATE PLANE COORDINATES (TEXAS SOUTH CENTRAL ZONE) & NAD83.

I, Richard H. Taylor, do certify that this description and associated exhibit were prepared this date December 15, 2016 from a boundary survey performed under my direction during December, 2016, and is true and correct to the best of my knowledge and belief.



Richard H. Taylor
Registered Professional Land Surveyor
No. 3986 State of Texas

12/15/16
Date

Attachment: Drawing of 1.49 Acres & Easements
Job: 16-6390



EXHIBIT "B"

Filed and Recorded
Official Public Records
Bobbie Koepp, County Clerk
Comal County, Texas
01/17/2017 09:44:33 AM
MEDINM 6 Pages(s)
201706002465



Bobbie Koepp

Exhibit "E"

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

TRANSFER OF EASEMENT

DATE: _____

GRANTOR: JOHN GANNON, INC ("JGI")

GRANTOR'S MAILING ADDRESS (including county):

525 Park Grove
Katy, Harris County, Texas 77450

GRANTEE: THE CITY OF NEW BRAUNFELS, TEXAS, a Municipal Corporation ("City")

GRANTEE'S MAILING ADDRESS (including county):

550 Landa Street
New Braunfels, Comal County, Texas 78130

CONSIDERATION: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

PROPERTY: 0.024 acre billboard Easement reserved in General Warranty Deed Reserving Vendor's Lien in Favor of Third Party from John Gannon, Inc to NB Kaffee Investments, LLC filed as Document No. 201706002465 of the Official Public Records of Comal County, Texas as more particularly described in the metes and bounds description attached hereto as Exhibit "A" and made a part hereof (the "Billboard Easement").

GRANT OF PROPERTY: Grantor, for the Consideration, transfers and conveys to Grantee, its successors and assigns, the Billboard Easement.

JGI hereby releases the City from any and all claims it may have against City, including maintenance thereon, or any other claims it may have, whether known or unknown, which could be brought against the City related in any way to rights JGI may have under the Billboard Easement.

TO HAVE AND TO HOLD the Easement, together with all the rights and appurtenances thereto in anywise belonging to Grantee, its successors and assigns forever.

When the context requires, singular nouns and pronouns include the plural.

**John Gannon, Inc.,
a Texas corporation**

John Gannon, President

ACKNOWLEDGMENT

The State of _____ §
County of _____ §

This instrument was acknowledged before me on this _____ day of _____ 2020, by _____ the _____ an authorized representative of John Gannon, Inc. and on behalf of John Gannon, Inc.

Notary Public, State of _____

City of New Braunfels

Robert Camareno, City Manager

ACKNOWLEDGMENT

The State of Texas §
County of Comal §

On _____, 2020, personally appeared ROBERT CAMARENO, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity as City Manager of the CITY OF NEW BRAUNFELS, TEXAS.

Notary Public, State of Texas

2/8/2021

Agenda Item No. I)

Presenter/Contact

*Nokihomis Willis, Human Resource Director
(830) 221-4295 - NWillis@nbtexas.org*

SUBJECT:

Approval of contract increase with Strategic Government Resources Inc. for continuation of services to be performed by the Interim Police Chief, for the NB Police Department.

BACKGROUND / RATIONALE:

The City utilizes Strategic Government Resources Inc. (SGR) for specialized executive recruitment and temporary placement. The City issued a contract with SGR for the interim Police Chief to perform related duties for the City on October 9, 2020, in the amount of \$25,000. On November 9, 2020, City Council approved an additional contract increase in the amount of \$40,000. This increased amount provided for interim police chief coverage for a period of four (4) months, while City staff engaged in a full search for a permanent Police Chief.

With the national search underway, City staff are requesting the existing contract with Strategic Government Resources, Inc. be extended through June 30, 2021, to allow additional time for the completion of the national search and any required transition period. We are requesting an additional \$55,000 for extended services, for a total contract amount of \$120,000.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

Yes	Strategic Priorities:	Maintain an ongoing program to provide exemplary customer service.
-----	------------------------------	--

FISCAL IMPACT:

This expenditure will be absorbed in the Police Department's General Fund budget. While this expenditure was unbudgeted, vacancy savings were generated while utilizing this contract position. Therefore, if a budget transfer is needed later in the year, funds are available to support this one-time expenditure.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Approval.

2/8/2021

Agenda Item No. J)

Presenter/Contact

Patrick O'Connell, Fire Chief
(830) 221-4267 - POConnell@nbtexas.org

SUBJECT:

Approval to purchase nine (9) LifePak cardiac monitor/defibrillators and one (1) LifePak 15 ACLS from Stryker Medical for use by the Fire Department and declaring nine (9) Stryker LP15V/v2s as surplus.

BACKGROUND / RATIONALE:

The Fire Department has identified a need to purchase nine (9) LifePak 15v4 cardiac monitor/defibrillators and one (1) LifePak 15 ACLS, along with necessary cables and attachments, to support the functional needs of staff and for training purposes. The City has standardized to the Life Pack 15 and Stryker Medical is the sole-source provider in the Hospital and Emergency Response Service markets.

Staff also identified that nine (9) LP15 v1/v2 devices have reached the end of their useful life and/or will no longer be supported by the manufacturer. This equipment will be deemed surplus, and the equipment's trade-in value will generate a cost savings to the City in the amount of \$58,500 from the overall cost.

Staff is recommending the purchase of equipment from Stryker Medical for a total cost of \$272,861.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

YES	Strategic Priorities:	Public Safety 4. Continue to ensure the protection of citizens' lives and property.
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FISCAL IMPACT:

Funding has been incorporated into the recently issued tax note to support the equipment described above. The surplus equipment will be traded-in to offset overall cost to the City. Therefore, sufficient funds are available.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval to purchase nine (9) LifePak cardiac monitor/defibrillators and one (1) LifePak 15 ACLS from Stryker Medical for use by the Fire Department. Also requesting approval to

deem nine (9) Stryker LP15V/v2s as surplus. The surplus equipment will be traded-in to offset overall cost to the City.

2/8/2021

Agenda Item No. K)

Presenter/Contact*Caitlin Krobot, City Secretary*
*ckrobot@nbtexas.org***SUBJECT:**

Approval of the second and final reading of an ordinance ordering a Regular Election to be held in the City of New Braunfels on May 1, 2021, for Regular City Officers; and establishing an Early Voting Location and Polling Places for this Election; and making provisions for the conduct of the Election.

BACKGROUND / RATIONALE:

The uniform election date in May for municipal election is May 1, 2021. Terms for Councilmembers in districts 3 and 4 will expire in May 2021.

Early voting will occur at:

Comal County Elections Office, 396 N. Seguin Avenue.
Comal County Offices-Goodwin Annex, 1297 Church Hill
Grace Church (Guadalupe County), 3240 FM 725

Election Day locations will be at:

District 1 - Westside Community Center, 2932 S IH 35 Frontage Road
District 2 - Grace Church, 3240 FM 725 (Guadalupe County)
District 3 - Comal County Senior Citizens Center, 655 Landa Street
District 4 - Christ Presbyterian Church, 1620 Common Street
District 5 - Comal County Office - Goodwin Annex, 1297 Church Hill Drive
District 6 - New Braunfels Municipal Building, 424 S.Castell Ave.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

This item is for informational purposes.

FISCAL IMPACT:

The cost for an election is approximately \$18,968.40 for election workers, supplies, and training. (This amount is subject to change)

COMMITTEE RECOMMENDATION:

This item is for Council consideration.

STAFF RECOMMENDATION:

Staff recommends approval.

ORDENANZA NO. 2021-05

UNA ORDENANZA DEL AYUNTAMIENTO MUNICIPAL DE LA CIUDAD DE NEW BRAUNFELS, TEXAS, QUE ORDENA UNA ELECCIÓN ORDINARIA A CELEBRARSE EN LA CIUDAD DE NEW BRAUNFELS, TEXAS, EL 1 DE MAYO DE 2021 PARA LOS NÚMEROS DE DISTRITO 3 Y 4 DEL AYUNTAMIENTO MUNICIPAL DE NEW BRAUNFELS.

CONSIDERANDO QUE, la Ciudad de New Braunfels, Texas ("Ciudad") es una ciudad autónoma que actúa bajo sus estatutos adoptados por el electorado de conformidad con el Artículo XI, Sección 5 de la Constitución de Texas y el Capítulo 9 del código Gubernamental Local; y

CONSIDERANDO QUE, los Estatutos de la Ciudad de New Braunfels establecen que las elecciones municipales se llevarán a cabo de acuerdo con las leyes del Estado de Texas; y

CONSIDERANDO QUE, la Sección 41.001 (a) del Código Electoral de Texas establece el primer sábado de mayo como una fecha de elección uniforme a los efectos de llevar a cabo una Elección General; y

CONSIDERANDO QUE, la Sección 3.004 (b) del Código Electoral de Texas dispone que el órgano rector de un municipio será la autoridad que ordenará una Elección General con el propósito de elegir miembros para el órgano rector; y

CONSIDERANDO QUE, el Código Gubernamental de Texas, Capítulo 791, autoriza a los gobiernos locales a hacer contrataciones entre sí y con órganos del estado para diversas funciones gubernamentales, incluidas aquellas en las que las partes contratantes están mutuamente interesadas; y

CONSIDERANDO QUE, la Ciudad celebrará acuerdos electorales conjuntos y contratos para servicios electorales con el Condado de Comal de conformidad con las Secciones 31.092 y 271.002 del Código Electoral de Texas (el "Código"); y

CONSIDERANDO QUE, el Ayuntamiento Municipal de la Ciudad de New Braunfels, Texas autoriza al Alcalde a firmar la orden que convoca a la Elección General y cualquier orden posterior que ajuste los lugares, fechas y horarios de votación que están sujetos a cambios debido a acuerdos con el Departamento Electoral del Condado de Comal y otros acuerdos de elección conjunta hasta la fecha límite de publicación final de dicho aviso de conformidad con el Código Electoral de Texas (el "Código") § 4.003(a)(b) y (c); y

CONSIDERANDO QUE, las leyes del Estado de Texas, establecen que, en el próximo primer sábado de mayo, se elegirán los siguientes funcionarios para esta Ciudad.

- A. Un miembro del Ayuntamiento del **Distrito Número 3** será elegido por mayoría de votos emitidos.

- B. Un miembro del Ayuntamiento del **Distrito Número 4** será elegido por mayoría de votos emitidos.

POR CONSIGUIENTE, ORDÉNESE POR EL AYUNTAMIENTO DE LA CIUDAD DE NEW BRAUNFELS, TEXAS:

**SECCIÓN I
CONVOCATORIA A UNA ELECCIÓN MUNICIPAL ORDINARIA**

QUE se celebre una elección ordinaria el 1 de mayo de 2021, en la ciudad de New Braunfels, Texas, con el propósito de elegir a los funcionarios municipales ordinarios como se indica a continuación.

- A. Un miembro del Ayuntamiento del Distrito Número 3 será elegido por mayoría de votos emitidos.
- B. Un miembro del Ayuntamiento del Distrito Número 4 será elegido por mayoría de votos emitidos.

**SECCIÓN II
VOTACIÓN ANTICIPADA EN PERSONA
(Sujeta a cambio)**

QUE los lugares principales de votación previstos para la votación anticipada en persona para la elección son:

Oficina Electoral del Condado de Comal	396 North Seguin Avenue, New Braunfels
Oficinas del Condado de Comal - Anexo de Goodwin	1297 Church Hill, New Braunfels
Iglesia Grace	3240 FM 725, New Braunfels

La votación anticipada en persona se llevará a cabo en los siguientes horarios y fechas:

Fechas	Horario
Lunes 19 de abril de 2021 - Viernes 23 de abril de 2021	8:00 a.m. – 5:00 p.m.
Sábado 24 de abril de 2021	9:00 a.m. – 4:00 p.m.
Domingo 25 de abril de 2021	1:00 p.m. – 6:00 p.m.
Lunes 26 de abril de 2021 - Martes 27 de abril de 2021	7:00 a.m. – 7:00 p.m.

SUJETOS A CAMBIO

**SECCIÓN III
VOTACIÓN ANTICIPADA POR CORREO**

QUE la votación anticipada por correo se llevará a cabo de acuerdo con las disposiciones aplicables del Código Electoral de Texas.

- A. La dirección de la Oficina Electoral del Condado de Comal, 396 North Seguin Avenue, New Braunfels, Texas 78130, deberá ser la dirección postal de Bobbie Koepp, secretario de votación anticipada a la que se pueden enviar las solicitudes de boletas y las boletas votadas por correo, de la Ciudad para los residentes del Condado de Comal.

**SECCIÓN IV
LUGARES DE VOTACIÓN
(Sujetos a cambio)**

QUE los lugares de votación anticipada que se enumeran a continuación estarán abiertos el Día de la Elección de 7:00 a.m. a 7:00 p.m. el sábado 1 de mayo de 2021:

- A. Para el Condado de Comal, en los lugares que determinen y publiquen los funcionarios electorales del Condado de Comal. A continuación, se designan los lugares de votación iniciales y se espera que sean confirmados.

Distrito 1	Centro Comunitario de Westside	2932 S IH 35 Frontage Road
Distrito 2	Iglesia Grace	3240 FM 725
Distrito 3	Centro para Personas Mayores del Condado de Comal	655 Landa Street
Distrito 4	Iglesia Presbiteriana de Cristo	1620 Common Street
Distrito 5	Anexo de Goodwin del Condado de Comal	1297 Church Hill Drive
Distrito 6	Edificio Municipal de Braunfels	424 Castell

SUJETOS A CAMBIO

**SECCIÓN V
MÉTODO DE VOTACIÓN**

QUE el uso del sistema de votación Hart DRE Verity Touch, Access Touch y controlador, como se define el término en el Código Electoral de Texas, se utilizará en relación con la elección de los residentes del Condado de Comal. Este sistema se utilizará para la votación anticipada, así como para la votación del distrito realizada el Día de la Elección. Cynthia Jaqua es nombrada programadora y elaborará un programa para el equipo de tabulación automática. Se proporcionará un amplio equipo de votación para la votación anticipada y

en los distritos específicos el Día de la Elección. La estación central de escrutinio se establece como la Oficina Electoral del Condado de Comal.

SECCIÓN VI NOMBRAMIENTO DE JUECES TITULARES

QUE la Oficina Electoral del Condado nombrará al Consejo de Boletas de Votación Anticipada, un Juez Titular del Consejo de Boletas de Votación Anticipada y un Juez Titular de la Estación Central de Escrutinio.

SECCIÓN VII LEY APLICABLE

QUE la elección se llevará a cabo de acuerdo con las disposiciones de los Estatutos de la Ciudad de New Braunfels y las leyes del Estado de Texas. El aviso de la elección, incluida una traducción al español del mismo, se publicará al menos una vez en el periódico local de acuerdo con el Código Electoral de Texas y se publicará en el tablero de anuncios del Ayuntamiento en 550 Landa Street, New Braunfels, Texas.

QUE, el Ayuntamiento Municipal de la Ciudad de New Braunfels, Texas autoriza al Alcalde a firmar la orden que convoca a la Elección General y cualquier orden posterior que ajuste los lugares, fechas y horarios de votación que están sujetos a cambios debido a acuerdos con el Departamento Electoral del Condado de Comal y otros acuerdos de elección conjunta hasta la fecha límite de publicación final de dicho aviso de conformidad con el Código Electoral de Texas (el “Código”) § 4.003(a)(b) y (c);

SECCIÓN VIII PRUEBAS DE EQUIPOS DE TABULACIÓN AUTOMÁTICA

QUE se realizarán pruebas del equipo de tabulación automática y se notificará acerca de las mismas de acuerdo con el Código Electoral de Texas. Cada Condado designará el equipo de tabulación y el personal requerido por el Código Electoral.

SECCIÓN IX COMPENSACIÓN PARA TRABAJADORES ELECTORALES

QUE la tarifa de compensación para todos los trabajadores electorales será decidida por las Oficinas Electorales del Condado de Comal.

PROMULGADA, ADOPTADA Y ACEPTADA: tras la primera lectura el día de hoy 25 de ENERO de 2021.

PROMULGADA, ADOPTADA Y ACEPTADA: tras la segunda lectura el día de hoy 8 de FEBRERO de 2021.

AYUNTAMIENTO DE LA CIUDAD DE
NEW BRAUNFELS, TEXAS

RUSTY BROCKMAN, ALCALDE

SHANE HINES,
Miembro del Ayuntamiento del Distrito 1

JUSTIN MEADOWS,
Alcalde Temporal del Distrito 2

HARRY BOWERS,
Miembro del Ayuntamiento del Distrito 3

MATTHEW E. HOYT,
Miembro del Ayuntamiento del Distrito 4

JASON HURTA,
Miembro del Ayuntamiento del Distrito 5

JAMES BLAKEY,
Miembro del Ayuntamiento del Distrito 6

Atestiguado:

CAITLIN KROBOT, Secretario Municipal

ORDINANCE NO. 2021-05

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS ORDERING A REGULAR ELECTION TO BE HELD IN THE CITY OF NEW BRAUNFELS, TEXAS, ON MAY 1, 2021, FOR DISTRICT NUMBERS 3 AND 4 OF THE NEW BRAUNFELS CITY COUNCIL

WHEREAS, the City of New Braunfels, Texas (“City”) is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government code; and

WHEREAS, the City of New Braunfels Charter provides that city elections shall be held in accordance with laws of the State of Texas; and

WHEREAS, Section 41.001(a) of the Texas Election Code establishes the first Saturday in May as a uniform election date for the purposes of conducting a General Election; and

WHEREAS, Section 3.004(b) of the Texas Election Code provides that the governing body of a municipality shall be the authority to order a General Election for the purposes of electing members to the governing body; and

WHEREAS, Texas Government Code, Chapter 791, authorizes local governments to contract with one another and with agencies of the state for various governmental functions including those in which the contracting parties are mutually interested; and

WHEREAS, the City will enter into joint election agreements and contracts for election services with Comal County pursuant to Texas Election Code (“Code) Sections 31.092 and 271.002; and

WHEREAS, the City Council of the City of New Braunfels, Texas authorizes the Mayor to sign the order calling the General Election and any subsequent orders adjusting the polling locations, dates and times that are subject to change due to agreements with Comal County Elections Department and other joint election agreements up until the final posting deadline of such notice pursuant Texas Election Code (“Code”) § 4.003(a)(b) and (c); and

WHEREAS, the laws of the State of Texas, provide that the next ensuing first Saturday in May, there shall be elected the following officials for this City.

- A. One City Councilmember from **District Number 3** to be elected by a majority of those votes cast.
- B. One City Councilmember from **District Number 4** to be elected by a majority of those votes cast.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

**SECTION I
CALL OF A REGULAR MUNICIPAL ELECTION**

THAT a regular election be held on the 1st day of May 2021, in the City of New Braunfels, Texas, for the purpose of electing regular City officers as listed below.

- A. One City Councilmember from District Number 3 to be elected by a majority of those votes cast.
- B. One City Councilmember from District Number 4 to be elected by a majority of those votes cast.

**SECTION II
EARLY VOTING BY PERSONAL APPEARANCE
(Subject to Change)**

THAT the anticipated main polling places for early voting by personal appearance for the election is:

Comal County Elections Office	396 North Seguin Avenue, New Braunfels
Comal County Offices-Goodwin Annex	1297 Church Hill, New Braunfels
Grace Church	3240 FM 725, New Braunfels

Early voting by personal appearance shall be conducted between the hours and dates as follows:

Dates	Time
Monday, April 19, 2021- Friday, April 23, 2021	8:00 a.m.- 5:00 p.m.
Saturday, April 24, 2021	9:00 a.m.- 4:00 p.m.
Sunday, April 25, 2021	1:00 p.m.- 6:00 p.m.
Monday, April 26, 2021- Tuesday, April 27, 2021	7:00 a.m.- 7:00 p.m.

SUBJECT TO CHANGE

**SECTION III
EARLY VOTING BY MAIL**

THAT early voting by mail ballot shall be conducted in accordance with applicable provisions of the Texas Election Code.

- A. The address of the Comal County Elections Office, 396 North Seguin Avenue, New Braunfels, Texas 78130, shall be the early voting clerk Bobbie Koepf's, mailing

address to which ballot applications and ballots voted by mail may be sent for the City for Comal County residents.

**SECTION IV
POLLING PLACES
(Subject to Change)**

THAT the anticipated polling places listed below shall be open on Election Day from 7:00 a.m. to 7:00 p.m. on Saturday, May 1, 2021:

A. For Comal County, at such locations as determined and posted by the Comal County Elections Officers. Initial Polling Places have been designated below and are expected to be confirmed.

District 1	Westside Community Center	2932 S IH 35 Frontage Road
District 2	Grace Church	3240 FM 725
District 3	Comal County Senior Citizens Center	655 Landa Street
District 4	Christ Presbyterian Church	1620 Common Street
District 5	Comal County Goodwin Annex	1297 Church Hill Drive
District 6	New Braunfels Municipal Building	424 Castell

SUBJECT TO CHANGE

**SECTION V
METHOD OF VOTING**

THAT use of Hart DRE Verity Touch, Access Touch, and controller voting system, as the term is defined in the Texas Election Code, shall be utilized in connection with the election for Comal County residents. This system shall be utilized for early voting as well as for district voting conducted on Election Day. Cynthia Jaqua is appointed as programmer, and she shall prepare a program for the automatic tabulating equipment. Ample voting equipment shall be provided for early voting and in the specific districts on Election Day. The central counting station is established as the Comal County Elections Office.

**SECTION VI
APPOINTMENT OF PRESIDING JUDGES**

THAT the County Election office of Comal County will appoint the Early Voting Ballot Board, a Presiding Judge for the Early Voting Ballot Board, and a Presiding Judge for the Central Counting Station.

**SECTION VII
GOVERNING LAW**

THAT the election will be held in accordance with the provisions of the Charter of the City of New Braunfels and the laws of the State of Texas. Notice of the election, including a Spanish translation thereof, will be published at least once in the local newspaper in accordance with the Texas Election Code and will be posted on the bulletin board at City Hall at 550 Landa Street, New Braunfels, Texas.

THAT the City Council of the City of New Braunfels, Texas authorizes the Mayor to sign the order calling the General Election and any subsequent orders adjusting the polling locations, dates and times that are subject to change due to agreements with Comal County Elections Department and other joint election agreements up until the final posting deadline of such notice pursuant Texas Election Code (“Code”) § 4.003(a)(b) and (c).

**SECTION VIII
TESTING OF AUTOMATIC TABULATING EQUIPMENT**

THAT testing of the automatic tabulating equipment will be performed and notice thereof will be given in accordance with the Texas Election Code. Each County shall designate the tabulating equipment and personnel required under the Election Code.

**SECTION IX
COMPENSATION FOR ELECTION WORKERS**

THAT the rate of compensation for all polling workers will be decided by the Comal County Election Offices.

PASSED, ADOPTED, AND APPROVED: First reading this the 25th day of January, 2021.

PASSED, ADOPTED, AND APPROVED: Second reading this 8th day of February, 2021.

CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS

RUSTY BROCKMAN, MAYOR

SHANE HINES,
Councilmember District 1

JUSTIN MEADOWS,
Mayor Pro-Tem District 2

HARRY BOWERS,
Councilmember District 3

MATTHEW E. HOYT,
Councilmember District 4

JASON HURTA,
Councilmember District 5

JAMES BLAKEY,
Councilmember District 6

Attest:

CAITLIN KROBOT, City Secretary

2/8/2021

Agenda Item No. L)

Presenter/Contact
Caitlin Krobot, City Secretary
ckrobot@nbtexas.org

SUBJECT:

Approval of the second and final reading of an ordinance ordering a special election to be held in the City of New Braunfels on May 1, 2021, for proposed amendments to the City Charter; and establishing an Early Voting Location and Polling Places for this Election; and making provisions for the conduct of the Election.

BACKGROUND / RATIONALE:

The uniform election date in May for municipal elections is May 1, 2021.

Early voting will occur at:

Comal County Elections Office, 396 N. Seguin Avenue.
Comal County Offices-Goodwin Annex, 1297 Church Hill
Grace Church (Guadalupe County), 3240 FM 725

Election Day locations will be at:

District 1 - Westside Community Center, 2932 S IH 35 Frontage Road
District 2 - Grace Church, 3240 FM 725 (Guadalupe County)
District 3 - Comal County Senior Citizens Center, 655 Landa Street
District 4 - Christ Presbyterian Church, 1620 Common Street
District 5 - Comal County Office - Goodwin Annex, 1297 Church Hill Drive
District 6 - New Braunfels Municipal Building, 424 S.Castell Ave.

Propositions (A-R) for the City Charter are attached in Exhibit A.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

This item is for information purposes.

FISCAL IMPACT:

The cost estimate for an election is approximately \$18,968.40 for election workers, supplies, and training. (This amount is subject to change after the polling places are established).

COMMITTEE RECOMMENDATION:

This item is for Council consideration.

STAFF RECOMMENDATION:

Staff recommends approval.

Proposition A

This item removes the 3-year gap currently required between a Councilperson's second and third term. This item does not change the length of time a resident can serve on City Council (which is a lifetime total of 3 terms or 9 years).

Proposition B

This item gives City Council additional authority when a Council seat becomes vacant for 12 months or less. Their options would be limited to:

- leaving the seat vacant until the next regular election,
- appointing a temporary replacement until the next regular election,
- or calling for a special election (which is the current requirement).

This item does not change the requirement for a special election if the vacancy will be for longer than 12 months.

Proposition C

This item allows for penalties and forfeiture of office if a Council Member intentionally attempts to circumvent an adopted term limit by resigning or forfeiting their position in order to avoid the term limits established in the Charter.

Proposition D

This item clarifies the role of the Mayor during an emergency or disaster. Specifically, it allows the Mayor to have access to all of the abilities granted by state law in order to keep the peace and respond to the situation. This item also gives the Mayor the ability to appoint additional help, if necessary, during those times of emergency or disaster.

Proposition E

This item adds to the Charter the current practice of making the Mayor Pro Tem primarily responsible for coordinating City Council's annual evaluations of the City Manager, the City Attorney, and the Municipal Court Judge.

Proposition F

This item clarifies the residency requirement for the City Manager and the City Attorney, giving them up to 120 days after their appointment to establish themselves as a resident of the city.

Proposition G

This item adds to the Charter the current practice of requiring the City Manager to annually provide City Council with a 5-year Financial Forecast and a 5-year Capital Improvement Plan.

Proposition H

This item updates the Charter so that it matches state law by adjusting the City Manager's authority to contract for budgeted items with a limit of up to \$50,000 (instead of the current \$25,000). Anything over that limit would still require City Council approval.

Proposition I

This item allows the City Manager, at his/her discretion, to consent and allow council members to interact with individual department heads without violating the charter.

Proposition J

This item updates the Charter so that it matches state law and the current city practice regarding the appointment and removal of the Municipal Court Judge by City Council. It also allows the Municipal Court Judge up to 120 days after his/her appointment to establish residency in the City. This item also requires that the Municipal Court Clerk be appointed by the City Manager.

Proposition K

This item gives the City Secretary a total of 20 days to present a recall petition to City Council, instead of the current requirement of 5 days, to allow sufficient time to provide all required documentation for the recall.

Proposition L

This item repeals and removes the section of the Charter that establishes and regulates the city's Department of Taxation, which no longer exists due to state regulations.

Proposition M

This item allows for corrections of grammar, spelling, gender references, and syntax, as well as allowing for future corrections and the renumbering of the Charter, without the need for additional Charter amendment elections, as long as such changes do not change the substance of the provision.

Proposition N

This item addresses where certain city records are published or posted. In addition to the current requirements it mandates that certain records be published on the city's website.

Proposition O

This item changes how many times certain types of ordinances must be read by City Council for approval. This item also clarifies the effective dates for all ordinances, and addresses publication requirements for all ordinances.

Proposition P

This item updates the discrimination provision in the Charter to include categories encompassed by federal and state law such as a prohibition on discrimination based on color, national origin, age, disability, veteran status, genetic information, or any other protected classification which state or federal law prohibits as a basis for such appointment or removal.

Proposition Q

This item adds a succession plan to the Charter in the case of emergency or disaster where a quorum of City Council can no longer serve due to injury or death. This section establishes an interim quorum of City Council through automatic but temporary appointments in order to handle city issues during the crisis.

Proposition R

This item clarifies the restrictions and guidelines on campaign activities by city employees and city officials. Specifically, it restricts participation in political campaigning or related activities during work hours or while representing the city or their position with the city. Additionally, this change regulates off-duty political participation when the City Manager believes it is causing an unreasonable disruption to city operations.

ORDINANCE NO. 2021 - 06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF NEW BRAUNFELS, TEXAS, ON MAY 1, 2021 TO SUBMIT PROPOSITIONS TO THE REGISTERED VOTERS OF THE CITY OF NEW BRAUNFELS, TEXAS, FOR PROPOSED AMENDMENTS TO THE CITY CHARTER.

WHEREAS, the City Council of the City of New Braunfels, Texas, on February 10, 2020, by majority vote on a second final and reading of an ordinance, opted to submit to the registered voters of the City of New Braunfels, Texas, on May 2, 2020, a uniform election date in the State of Texas, in accordance with Section 9.004 of the Texas Local Government Code and Section 4.01 of the New Braunfels City Charter, and in accordance with other applicable laws, ballot propositions for proposed amendments to the City Charter; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a statewide emergency due to the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, the Mayor for the City of New Braunfels ordered and signed a Declaration of Local Disaster for New Braunfels, Texas; and

WHEREAS, the Governor's executive orders and proclamations suspended portions of the Texas Election Code; and

WHEREAS, the Governor of the State of Texas suspended the May 2, 2020, election and authorized local governmental entities to postpone and reschedule/move any ordered elections to November 3, 2020; and

WHEREAS, the City Council had already called the special election prior to the declaration of local disaster, and the public had already been provided notices of the election and charter provisions; and

WHEREAS, the City Council for the City of New Braunfels passed Ordinance 2020-31 postponing the May 2, 2020, election and rescheduled/moved it to November 3, 2020, pursuant to state law and the authorizations provided for by the Governor's executive orders; and

WHEREAS, the City Council after receiving, reviewing and considering the cost estimates of holding the special election in conjunction with the national presidential election scheduled for November 3, 2020, found that it was not fiscally responsible to hold the special election at this time as such estimated costs are several times the costs associated with holding the special election during the May 2021 election; and

WHEREAS, the November 3, 2020 election officials confirmed that there are additional early voting days mandated, due to COVID-19 regulations, for the November 3, 2020 presidential election. This is only one factor amongst many contributing to the higher cost; and

WHEREAS, the City Council of the City of New Braunfels, Texas desired to hold the special election and intended to hold the special election on charter amendments, but must act responsibly with taxpayer funds in setting a date for such election; and

WHEREAS, The City Council approved an ordinance canceling the November 3, 2020 charter amendment special election and granted the Mayor of the City of New Braunfels the authority to sign the order of cancellation of the November 3, 2020 special election; and

WHEREAS, such order was signed by the Mayor on August 17, 2020 at a Special meeting; and

WHEREAS, the City Council of the City of New Braunfels, Texas authorizes the Mayor to sign the order calling the Special Election and any subsequent orders adjusting the polling locations, dates and times that are subject to change due to agreements with Comal County Elections Department and other joint election agreements up until the final posting deadline of such notice pursuant Texas Election Code (“Code”) § 4.003(a)(b) and (c); and

WHEREAS, the City Council of the City of New Braunfels, Texas now desires to call a special election for the May 2021 election to consider such proposed charter amendments, which will provide a significant savings to taxpayers while still allowing the special election to consider the charter amendment propositions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, THAT:

**SECTION I
CALL OF A SPECIAL MUNICIPAL ELECTION**

THAT a special election be held in the City of New Braunfels, Texas on the first Saturday of the month of May, 2021, the same being the 1st day in May for the purpose of submitting the following measures contained in Exhibit A, attached and fully incorporated into this ordinance. Such measures are proposed charter amendments and their language is incorporated to this order by reference herein.

**SECTION II
EARLY VOTING BY PERSONAL APPEARANCE
(Subject to Change)**

THAT the anticipated main polling places for early voting by personal appearance for the election is:

Comal County Elections Office	396 North Seguin Avenue, New Braunfels
Comal County Offices- Goodwin Annex	1297 Church Hill, New Braunfels

Grace Church	3240 FM 725, New Braunfels
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Early voting by personal appearance shall be conducted between the hours and dates as follows:

Dates	Time
Monday, April 19, 2021- Friday, April 23, 2021	8:00 a.m.- 5:00 p.m.
Saturday, April 24, 2021	9:00 a.m.- 4:00 p.m.
Sunday, April 25, 2021	1:00 p.m.- 6:00 p.m.
Monday, April 26, 2021- Tuesday, April 27, 2021	7:00 a.m.- 7:00 p.m.

SUBJECT TO CHANGE

**SECTION III
EARLY VOTING BY MAIL**

THAT early voting by mail ballot shall be conducted in accordance with applicable provisions of the Texas Election Code.

- A. The address of the Comal County Elections Office, 396 North Seguin Avenue, New Braunfels, Texas 78130, shall be the early voting clerk Bobbie Koepf's, mailing address to which ballot applications and ballots voted by mail may be sent for the City for Comal County residents.

**SECTION IV
POLLING PLACES
(Subject to Change)**

THAT the anticipated polling places listed below shall be open on Election Day from 7:00 a.m. to 7:00 p.m. on Saturday, May 1st, 2021:

- A. For Comal County, at such locations as determined and posted by the Comal County Elections Officers. Initial Polling Places have been designated below and are expected to be confirmed.

District 1	Westside Community Center	2932 S IH 35 Frontage Road
District 2	Grace Church	3240 FM 725
District 3	Comal County Senior Citizens Center	655 Landa Street
District 4	Christ Presbyterian Church	1620 Common Street
District 5	Comal County Goodwin Annex	1297 Church Hill Drive
District 6	New Braunfels Municipal Building	424 Castell

SUBJECT TO CHANGE

**SECTION V
METHOD OF VOTING**

THAT use of Hart DRE Verity Touch, Access Touch, and controller voting system, as the term is defined in the Texas Election Code, shall be utilized in connection with the election for Comal County residents. This system shall be utilized for early voting as well as for district voting conducted on Election Day. Cynthia Jaqua is appointed as programmer, and she shall prepare a program for the automatic tabulating equipment. Ample voting equipment shall be provided for early voting and in the specific districts on Election Day. The central counting station is established as the Comal County Elections Office.

**SECTION VI
APPOINTMENT OF PRESIDING JUDGES**

THAT the County Election office of Comal County will appoint the Early Voting Ballot Board, a Presiding Judge for the Early Voting Ballot Board, and a Presiding Judge for the Central Counting Station.

**SECTION VII
GOVERNING LAW**

THAT the election will be held in accordance with the provisions of the Charter of the City of New Braunfels and the laws of the State of Texas. Notice of the election, including a Spanish translation thereof, will be published at least once in the local newspaper in accordance with the Texas Election Code and will be posted on the bulletin board at City Hall at 550 Landa Street, New Braunfels, Texas.

THAT the City Council of the City of New Braunfels, Texas authorizes the Mayor to sign the order calling the Special Election and any subsequent orders adjusting the polling locations, dates and times that are subject to change due to agreements with Comal County Elections Department and other joint election agreements up until the final posting deadline of such notice pursuant Texas Election Code (“Code”) § 4.003(a)(b) and (c).

**SECTION VIII
TESTING OF AUTOMATIC TABULATING EQUIPMENT**

THAT testing of the automatic tabulating equipment will be performed and notice thereof will be given in accordance with the Texas Election Code. Each County shall designate the tabulating equipment and personnel required under the Election Code.

SECTION IX

COMPENSATION FOR ELECTION WORKERS

THAT the rate of compensation for all polling workers will be decided by the Comal County Election Offices.

PASSED, ADOPTED, AND APPROVED: First reading this the 25th day of January, 2021.

PASSED, ADOPTED, AND APPROVED: Second reading this 8th day of February, 2021.

CITY COUNCIL OF THE CITY OF
NEW BRAUNFELS, TEXAS

RUSTY BROCKMAN, MAYOR

ATTEST:

CAITLIN KROBOT
City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO
City Attorney

Exhibit A

PROPOSITION A

SHALL SECTION 3.01 OF THE CITY CHARTER BE AMENDED TO CHANGE TERM LIMITS FOR ALL CITY COUNCIL MEMBERS SO A THIRD TERM MAY RUN CONSECUTIVELY VERSUS THE CURRENT TWO (2) CONSECUTIVE TERM LIMIT BUT KEEPING THE LIFETIME LIMIT OF THREE (3) TERMS OR NINE (9) YEARS, AS CURRENTLY ALLOWED?

FOR _____

AGAINST _____

This proposition would allow a Council Member to serve three (3) consecutive three (3) year terms instead of only two (2) consecutive terms; the limit of a total of three (3) year terms will remain unchanged. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 3.01. - Number, selection and term.

The legislative and governing body of the City shall consist of seven (7) Councilpersons and shall be known as the "Council of the City of New Braunfels," and who shall each serve a term of three (3) years.

The City of New Braunfels shall by ordinance be divided into six (6) districts. Each district shall to the extent reasonably possible be equally populated and the City Council shall maintain such equality of population, as from time to time deemed necessary, by ordinance. The districts shall be designated Number 1, 2, 3, 4, 5 and 6. The qualified voters of each district shall elect one (1) Councilmember for each of the six (6) districts. The six (6) Councilmembers so elected from each district shall have been a resident of the district from which the Councilmember is elected for no less than six (6) months prior to filing for office and must continue to reside in said district for his or her entire term of office.

The Mayor of the City of New Braunfels shall be elected by the qualified voters of the City at large and elections for the Mayor shall be held pursuant to Article IV, Elections, of the City Charter of New Braunfels, Texas.

Each Councilperson shall hold office until his or her successor is elected and qualified. Candidates elected at the municipal election shall take office at the regular City Council meeting, the same being at the first regular meeting held after the meeting in which the election returns are canvassed and the result of the election is officially declared.

~~No current or future elected official shall serve more than two (2) consecutive three (3) year terms of office and no more than three (3), three (3) year terms during a lifetime.~~ **No elected official shall**

serve more than three (3) consecutive three (3) year terms of office and no more than three (3) terms during a lifetime. However, years or time of service that an elected official may serve in filling an unexpired term or a partial term of office shall not be counted toward the above limitations.

The proposition on the ballot shall state as follows:

PROPOSITION A

“SHALL SECTION 3.01 OF THE CITY CHARTER BE AMENDED TO CHANGE TERM LIMITS FOR ALL CITY COUNCIL MEMBERS SO A THIRD TERM MAY RUN CONSECUTIVELY VERSUS THE CURRENT TWO (2) CONSECUTIVE TERM LIMIT BUT KEEPING THE LIFETIME LIMIT OF THREE (3) TERMS OR NINE (9) YEARS, AS CURRENTLY ALLOWED?”

FOR _____
AGAINST _____

PROPOSITION B

SHALL SECTION 3.06 OF THE CITY CHARTER BE AMENDED TO CHANGE THE QUALIFICATIONS AND CONDITIONS FOR FILLING VACANCIES ON THE CITY COUNCIL SO THAT VACANCIES OF TWELVE (12) MONTHS OR LESS CAN BE FILLED, AT THE DISCRETION OF CITY COUNCIL, BY APPOINTMENT OF COUNCIL, LEFT VACANT FOR THE BALANCE OF THE TERM, OR HAVE A SPECIAL ELECTION CALLED TO FILL THE VACANCY WHILE VACANCIES OVER TWELVE (12) MONTHS DURATION WILL CONTINUE TO REQUIRE A SPECIAL ELECTION ?

FOR _____

AGAINST _____

This proposition would allow City Council to use its discretion for vacancies on City Council of 12 months or less to either appoint a temporary replacement, leave the position vacant until the next election or call a special election to fill the position. For vacancies of over 12 months, a special election would still be required to be called with 120 days pursuant to state statute.

This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 3.06. - Vacancies.

~~Vacancies on the council arising for any causes shall be filled by majority vote of the qualified voters at a special election called for such purpose within one hundred and twenty (120) days after such vacancy or vacancies occur, or as otherwise provided by the laws of the State of Texas.~~

All vacancies on City Council, regardless of cause, with unexpired terms of more than twelve (12) months shall be filled by special election pursuant to state law. All vacancies with unexpired terms of twelve (12) months or less may be filled, at the discretion of City Council, by appointment of the City Council upon a majority vote, may be left vacant for the remainder of the unexpired term or filled by a special election pursuant to state law. An office holder who has forfeited the office under this Charter is ineligible to be appointed to fill an unexpired term created by such forfeiture.

The proposition on the ballot shall state as follows:

PROPOSITION B

“SHALL SECTION 3.06 OF THE CITY CHARTER BE AMENDED TO CHANGE THE QUALIFICATIONS AND CONDITIONS FOR FILLING VACANCIES ON THE CITY COUNCIL SO THAT VACANCIES OF TWELVE (12) MONTHS OR LESS CAN BE FILLED, AT THE DISCRETION OF CITY COUNCIL, BY APPOINTMENT OF COUNCIL, LEFT VACANT FOR THE BALANCE OF THE TERM, OR HAVE A SPECIAL ELECTION CALLED TO FILL THE VACANCY WHILE VACANCIES OVER TWELVE (12) MONTHS DURATION WILL CONTINUE TO REQUIRE A SPECIAL ELECTION ?”

FOR _____
AGAINST _____

PROPOSITION C

SHALL SECTION 12.03(a)(6) OF THE CITY CHARTER BE ADOPTED AND SECTION 12.03(b) BE AMENDED TO PROHIBIT AND PENALIZE COUNCIL MEMBERS FROM INTENTIONALLY RESIGNING FROM HIS/HER POSITION AND RUNNING IN A SUBSEQUENT ELECTION TO CIRCUMVENT TERM LIMITS?

FOR _____

AGAINST _____

This proposition would allow for penalties and forfeiture if a Council Member intentionally uses the ability to resign his/her position and then re-run to avoid the term limits provisions. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 12.03. - Prohibitions.

(a) *Activities prohibited.*

(6) No member of the City Council may knowingly or intentionally attempt to circumvent an adopted term limit by resigning or forfeiting their position in order to avoid the established term limit of three (3) three (3) year terms.

(b) *Penalties.* Any person who by himself or with others violates any of the provisions of paragraphs (1) through (3) of the preceding subsection (a) shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than one hundred dollars (\$100.00). Any person who by himself or with others violates any of the provisions of paragraphs (4) through (6) of the preceding subsection (a) shall be guilty of an offense and upon conviction thereof shall be punishable by a fine of not more than one hundred dollars (\$100.00). Any person convicted under this section shall be ineligible for a period of five (5) years thereafter to hold any City office or position and, if an officer or employee of the City, shall immediately forfeit his office or position.

The proposition on the ballot shall state as follows:

PROPOSITION C

“SHALL SECTION 12.03(a)(6) OF THE CITY CHARTER BE ADOPTED AND SECTION 12.03(b) BE AMENDED TO PROHIBIT AND PENALIZE COUNCIL MEMBERS FROM INTENTIONALLY RESIGNING FROM HIS/HER POSITION AND RUNNING IN A SUBSEQUENT ELECTION TO CIRCUMVENT TERM LIMITS?”

FOR _____

AGAINST _____

PROPOSITION D

SHALL SECTION 3.05(c) OF THE CITY CHARTER BE AMENDED TO CLARIFY THE POWER OF THE MAYOR DURING A TIME OF EMERGENCY TO APPOINT ADDITIONAL HELP, PROVIDE AUTHORIZATION FOR SUCH HELP AND UTILIZE ALL ABILITIES AUTHORIZED BY STATE LAW?

FOR _____

AGAINST _____

This proposition would update the charter language in times of emergency, clarifies the role of the mayor to appoint additional help, provide proper authorization for such additional help to perform duties, and utilize all of the authorities authorized by state law in times of emergency or disaster. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election

Sec. 3.05. - Mayor and Mayor Pro Tem.

...

(c) *Emergency powers of Mayor.* Whenever the Mayor shall deem it necessary in order to enforce the laws of the City, or to avert danger, or to protect life or property, in case of riot, outbreak, calamity or public disturbance, or when he has reason to fear any serious violation of law or order, outbreak, or any other danger to the City of New Braunfels or the inhabitants thereof, ~~he shall summon into service as a special police force, all or as many of the citizens as in his judgment and discretion may be necessary and proper; and such summons may be made by proclamation or orders addressed to the citizens generally, or those of any ward of the City or subdivision thereof, or such summons may be by personal notification. Such summons shall be made pursuant to a proclamation by the Mayor that an emergency exists in the City of New Braunfels.~~ he/she shall proclaim the emergency and shall utilize such powers and authorizations allowed by local, state and federal law needed to keep the peace and respond to such emergency. During such emergency, the police department of the City of New Braunfels, and such other ~~special police as have been summoned by the Mayor,~~ keepers of the peace and emergency responders as shall be appointed, deputized, or enlisted by the Mayor shall be subject to the orders of the Mayor, and shall perform such duties as he may require. The Mayor shall have authority during the continuance of such emergency to make and enforce such rules, regulations, and orders as are necessary to preserve the public health, safety, and welfare from the threatened danger. During such emergency, such rules, regulations and orders shall have the force and effect of law.

The proposition on the ballot shall state as follows:

PROPOSITION D

“SHALL SECTION 3.05(c) OF THE CITY CHARTER BE AMENDED TO CLARIFY THE POWER OF THE MAYOR DURING A TIME OF EMERGENCY TO APPOINT ADDITIONAL HELP, PROVIDE AUTHORIZATION FOR SUCH HELP AND UTILIZE ALL ABILITIES AUTHORIZED BY STATE LAW?”

FOR _____

AGAINST _____

PROPOSITION E

SHALL SECTION 3.05(b) OF THE CITY CHARTER BE AMENDED TO PLACE ADDITIONAL DUTIES ON THE MAYOR PRO TEM TO BE PRIMARILY RESPONSIBLE FOR THE ANNUAL EVALUATIONS OF THE CITY MANAGER, CITY ATTORNEY AND MUNICIPAL COURT JUDGE, WHO REPORT TO CITY COUNCIL, AS IS CURRENT PRACTICE?

FOR _____

AGAINST _____

This proposition assigns the primary responsibility of ensuring annual evaluations for charter officials (City Manager, City Attorney, Municipal Court Judge) who report to the City Council upon the mayor pro tem position. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election

Sec. 3.05. - Mayor and Mayor Pro Tem.

...

(b) *Election of Mayor Pro Tem.* At its first regular meeting following the meeting at which the official election returns are canvassed and the results are declared of each year, the City Council shall elect from among its members a Mayor Pro Tem who shall serve at the pleasure of the City Council, and he shall perform all the duties of Mayor in the absence or disability of the Mayor. Mayor Pro Tem shall have the duty to implement, coordinate, and strive for completion of the annual evaluations of the City Manager, City Attorney and Municipal Court Judge, unless directed otherwise by resolution. The City Council may, by resolution, provide standards, procedures, and instruction on such annual evaluations. ...

The proposition on the ballot shall state as follows:

PROPOSITION E

“SHALL SECTION 3.05(b) OF THE CITY CHARTER BE AMENDED TO PLACE ADDITIONAL DUTIES ON THE MAYOR PRO TEM TO BE PRIMARILY RESPONSIBLE FOR THE ANNUAL EVALUATIONS OF THE CITY MANAGER, CITY ATTORNEY AND MUNICIPAL COURT JUDGE, WHO REPORT TO CITY COUNCIL, AS IS CURRENT PRACTICE?”

FOR _____

AGAINST _____

PROPOSITION F

SHALL SECTIONS 7.01(a) AND 8.04 OF THE CITY CHARTER BE AMENDED TO CLARIFY RESIDENCY REQUIREMENTS FOR THE CITY MANAGER AND CITY ATTORNEY TO ALLOW UP TO ONE HUNDRED TWENTY (120) DAYS AFTER APPOINTMENT TO ESTABLISH RESIDENCY IN THE CITY?

FOR _____

AGAINST _____

This proposition allows the City Manager and the City Attorney up to 120 days after his/her appointment to establish residency in the City. It corrects a problem from the past where such officials hired from out of town were required to immediately obtain housing in the City when appointed. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 7.01. - City Manager.

(a) *Appointment and qualifications.* The City Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the administration of all the affairs of the City. He shall be chosen by the City Council solely on the basis of his executive and administrative training, experience, ability, and character, and need not when appointed, be a resident of the City of New Braunfels; however, the City Manager must be a resident of the City within one hundred twenty (120) days of his/her appointment and shall have his/her principal residence in the City continuously while holding that office. No member of the City Council shall during the time of which he is elected and for one (1) year thereafter, be appointed City Manager.

Sec. 8.04. - City Attorney.

The City Council shall appoint a licensed attorney of the State of Texas to be the City Attorney. He shall receive for his services such compensation as may be fixed by the City Council for regular and special duties and shall hold his office at the pleasure of the City Council. The City Attorney or such other attorney selected by him with the approval of the City Council shall represent the City in all litigations and prosecutions in Municipal Court. There may be such Assistant City Attorneys as may be authorized by the City Council. Such Assistant City Attorneys shall be authorized to act for and on behalf of the City Attorney, including representing the City in all litigations and prosecutions in Municipal Court. The City Attorney shall reside within the City Limits of the City of New Braunfels or become a resident of the City within one hundred twenty (120) days of his/her appointment.

The proposition on the ballot shall state as follows:

PROPOSITION F

“SHALL SECTIONS 7.01(a) AND 8.04 OF THE CITY CHARTER BE AMENDED TO CLARIFY RESIDENCY REQUIREMENTS FOR THE CITY MANAGER AND CITY ATTORNEY TO ALLOW UP TO ONE HUNDRED TWENTY (120) DAYS AFTER APPOINTMENT TO ESTABLISH RESIDENCY IN THE CITY?”

FOR _____

AGAINST _____

PROPOSITION G

SHALL SECTION 7.01(d) OF THE CITY CHARTER BE ADDED TO IMPOSE AN OBLIGATION UPON THE CITY MANAGER TO SUBMIT ANNUALLY TO CITY COUNCIL A FIVE (5) YEAR FINANCIAL FORECAST AND A FIVE (5) YEAR CAPITAL IMPROVEMENT PLAN, AS IS CURRENT PRACTICE?

FOR _____

AGAINST _____

This proposition codifies a current practice requiring the City Manager to annually submit a five year financial forecast and a five year capital improvement plan to the City Council to allow for better planning. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election

Sec. 7.01. - City Manager.

(d) The City Manager shall prepare and submit annually to the City Council a five (5) year financial forecast and a five (5) year capital improvement program with appropriate timing ahead of the submission of the “proposed budget” to Council as referenced in Section 9.02.

The proposition on the ballot shall state as follows:

PROPOSITION G

“SHALL SECTION 7.01(d) OF THE CITY CHARTER BE ADDED TO IMPOSE AN OBLIGATION UPON THE CITY MANAGER TO SUBMIT ANNUALLY TO CITY COUNCIL A FIVE (5) YEAR FINANCIAL FORECAST AND A FIVE (5) YEAR CAPITAL IMPROVEMENT PLAN, AS IS CURRENT PRACTICE?”

FOR _____

AGAINST _____

PROPOSITION H

SHALL SECTION 9.17 OF THE CITY CHARTER BE AMENDED TO ADJUST CITY MANAGER AUTHORITY FOR COMPETITIVE BIDDING AND PURCHASING FOR BUDGETED ITEMS CURRENTLY SET AT \$25,000.00 TO ALIGN WITH STATE LAW LIMITS, WHICH ARE CURRENTLY SET AT \$50,000.00 AND TO ADJUST AUTOMATICALLY UPON A CHANGE IN STATE LAW?

FOR _____

AGAINST _____

This proposition synchronizes the Charter provisions with state law requirements on the City Manager’s authority to contract without competitive bidding being utilized for budgeted items and allows for changes made by the Legislature without requiring a Charter election. The City Manager’s current authority is \$25,000.00, while current state law limits such authority to \$50,000.00. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 9.17. - Purchases, Sales and Contracts.

All purchases made, and contracts entered into, by the City, and all sales, exchanges or other dispositions of property of any kind or character owned by the City, shall be accomplished pursuant to the requirements and procedures of the constitution and laws of the State of Texas, and any ordinance, resolution or motion by the City Council not inconsistent with such constitution and laws. The City Manager shall have the authority to contract for expenditures without further approval of the City Council for all budgeted items ~~not exceeding twenty-five thousand dollars (\$25,000.00)~~ that do not equal or exceed the minimum amount required for mandatory competitive bidding/purchasing set by state law. At the time this charter provision was amended, state law defined such minimum as any amount over fifty thousand dollars (\$50,000.00).

The proposition on the ballot shall state as follows:

PROPOSITION H

“SHALL SECTION 9.17 OF THE CITY CHARTER BE AMENDED TO ADJUST CITY MANAGER AUTHORITY FOR COMPETITIVE BIDDING AND PURCHASING FOR BUDGETED ITEMS CURRENTLY SET AT \$25,000.00 TO ALIGN WITH STATE LAW LIMITS, WHICH ARE CURRENTLY SET AT \$50,000.00 AND TO ADJUST AUTOMATICALLY UPON A CHANGE IN STATE LAW?”

FOR _____

AGAINST _____

PROPOSITION I

SHALL SECTION 3.08(c) OF THE CITY CHARTER BE AMENDED TO AUTHORIZE THE CITY MANAGER, IN HIS/HER DISCRETION, TO ALLOW COUNCIL MEMBERS TO INTERACT WITH INDIVIDUAL DEPARTMENT HEADS, WITHOUT VIOLATING THE CITY CHARTER?

FOR _____
AGAINST _____

This proposition would allow the City Manager, at his/her discretion, to consent and allow council members to interact with individual department heads without violating the charter. This allows each City Manager the ability to decide what is more efficient for the City in individual circumstances while still protecting the Council-City Manager form of government. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 3.08. - Prohibitions.

...

(c) *Interference with administration.* Except for the purpose of inquiries and investigations, unless otherwise provided in this Charter or as authorized in writing by the City Manager prior to action, the City Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately.

The proposition on the ballot shall state as follows:

PROPOSITION I

“SHALL SECTION 3.08(c) OF THE CITY CHARTER BE AMENDED TO AUTHORIZE THE CITY MANAGER, IN HIS/HER DISCRETION, TO ALLOW COUNCIL MEMBERS TO INTERACT WITH INDIVIDUAL DEPARTMENT HEADS, WITHOUT VIOLATING THE CITY CHARTER?”

FOR _____
AGAINST _____

PROPOSITION J

SHALL SECTIONS 8.02 AND 8.03 OF THE CITY CHARTER BE AMENDED FOR THE APPOINTMENT OF MUNICIPAL COURT JUDGES, PROVIDE FOR REMOVAL OF ANY MUNICIPAL COURT JUDGE AND PROVIDE FOR APPOINTMENT OF THE MUNICIPAL COURT CLERK TO COMPLY WITH STATE LAW AND CURRENT PRACTICE?

FOR _____

AGAINST _____

This proposition brings the municipal court judge and municipal court clerk positions into conformity with current state law, allows the municipal court judge the ability to appoint temporary replacements, provides for removal authority by the Council when needed, and removes the City Secretary from being the court clerk and allows the City Manager to appoint the court clerk. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 8.02. - Judge of the Municipal Court.

~~The judge of said court shall be a licensed, resident attorney of the City of New Braunfels, appointed by the City Council and shall receive such salary as may be fixed by the City Council. In case of the disability or absence of the judge of the Municipal Court, the City Council shall appoint a temporary municipal court judge who shall also be a licensed, resident attorney. The judge of said court shall hold his or her office pursuant to the laws of the State of Texas.~~

(a) The City Council shall appoint a presiding judge for the Municipal Court. The Presiding Judge of the Municipal Court shall be a licensed attorney appointed for a term set by ordinance, but for not less than two years. Any municipal court judge must reside within the City of New Braunfels, or becomes a resident within one hundred twenty (120) days of his/her appointment. All judges shall receive such compensation as may be fixed by the City Council.

(b) The presiding judge may appoint a temporary judge in case of absence. The City Council may, by ordinance, adopt authorizations and procedures for the appointment, compensation, and qualifications of any associate judges.

(c) Removal of Judge. The City Council shall have the authority to remove the presiding judge and any associate judges. All judges may be removed with or without cause. The City Council may, by ordinance, provide for procedures pertaining to any removal.

Sec. 8.03. - Clerk of the Municipal Court.

~~The City Secretary or an Assistant City Secretary shall be ex officio clerk of said court.~~ The City Manager shall appoint the Clerk of the Municipal Court. The clerk of said court and his or her deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal

of said court thereto, and generally do and perform any and all acts usual and necessary by the clerk of the court in issuing process of said court and conducting the business thereof.

The proposition on the ballot shall state as follows:

PROPOSITION J

“SHALL SECTIONS 8.02 AND 8.03 OF THE CITY CHARTER BE AMENDED FOR THE APPOINTMENT OF MUNICIPAL COURT JUDGES, PROVIDE FOR REMOVAL OF ANY MUNICIPAL COURT JUDGE AND PROVIDE FOR APPOINTMENT OF THE MUNICIPAL COURT CLERK TO COMPLY WITH STATE LAW AND CURRENT PRACTICE?”

FOR _____

AGAINST _____

PROPOSITION K

SHALL SECTION 5.05 OF THE CITY CHARTER BE AMENDED TO CHANGE THE NUMBER OF DAYS AFTER SUBMISSION OF A RECALL PETITION THE CITY SECRETARY MUST PRESENT TO THE CITY COUNCIL FROM FIVE (5) DAYS TO TWENTY (20) DAYS TO ALLOW SUFFICIENT TIME TO PROVIDE ALL REQUIRED DOCUMENTS FOR THE RECALL?

FOR _____

AGAINST _____

This proposition would change the number of days the City Secretary has to submit a recall petition to the City Council from five (5) days to twenty (20) days to be more in conformity with other cities' charters and ordinances. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 5.05. - Presentation of petition to City Council.

Within ~~five (5)~~ twenty (20) days after the date of filing of the papers constituting the recall petition, the person performing the duties of City Secretary shall present such petition to the City Council of the City of New Braunfels at a special meeting called for this purpose.

The proposition on the ballot shall state as follows:

PROPOSITION K

“SHALL SECTION 5.05 OF THE CITY CHARTER BE AMENDED TO CHANGE THE NUMBER OF DAYS AFTER SUBMISSION OF A RECALL PETITION THE CITY SECRETARY MUST PRESENT TO THE CITY COUNCIL FROM FIVE (5) DAYS TO TWENTY (20) DAYS TO ALLOW SUFFICIENT TIME TO PROVIDE ALL REQUIRED DOCUMENTS FOR THE RECALL?”

FOR _____

AGAINST _____

PROPOSITION L

SHALL SECTION 9.18 OF THE CITY CHARTER BE REPEALED AND REMOVE THE DEPARTMENT OF TAXATION, WHICH NO LONGER EXISTS DUE TO STATE REGULATIONS?

FOR _____
AGAINST _____

Due to state law regulations, the City no longer utilizes a department of taxation. As a result, this proposition removes this provision and avoids confusion as to the department’s existence. This proposition would repeal the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election

~~Sec. 9.18.—Department of Taxation.~~

~~There shall be established a Department of Taxation to assess and collect taxes, the head of which shall be the City Tax Assessor Collector, which office shall be filled by appointment by the City Manager with concurrence of the City Council.~~

~~The City Tax Assessor Collector shall give a surety bond for faithful performance of his duties, including compliance with all controlling provisions of the State Law bearing upon the functions of his office, in a sum which shall be fixed by the City Council at not less than fifty thousand dollars (\$50,000.00).~~

~~The City Council may, in the interest of economy and efficiency, contract with another political subdivision to handle the assessment and/or collection of taxes.~~

~~The City Tax Assessor Collector may be removed from office by the City Manager with the concurrence of the City Council.~~

The proposition on the ballot shall state as follows:

PROPOSITION L

“SHALL SECTION 9.18 OF THE CITY CHARTER BE REPEALED AND REMOVE THE DEPARTMENT OF TAXATION, WHICH NO LONGER EXISTS DUE TO STATE REGULATIONS?”

FOR _____
AGAINST _____

PROPOSITION M

SHALL SECTIONS 1.01, 3.02, 3.05(b)-(c), 3.08(a)-(b), 3.10, 4.05, 5.03, 7.01(a), 7.01(c)(4), 7.03(a), 8.04 AND 12.13 OF THE CITY CHARTER BE AMENDED TO MAKE CORRECTIONS TO TYPOGRAPHICAL ERRORS, SYNTAX, GRAMMAR AND GENDER REFERENCES, AND ALLOW FOR FUTURE CORRECTIONS AND RENUMBERING OF CHARTER WITHOUT A CHARTER ELECTION?

FOR _____

AGAINST _____

This proposition allows the City Council to correct typographical and grammar errors and renumber charter provisions without the need for an election, as long as such changes do not change the substance of the provision and also proceeds to correct several typographical and grammar errors as well as gender references in the current text of the charter. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 1.01. - Preamble.

All the inhabitants of the City of New Braunfels, Comal County, Texas, residing within the boundaries and limits of said City as are herein established or may hereafter be established, shall be a political subdivision of the State of Texas, incorporated under and to be known by the name and style of the "City of New Braunfels" with such powers, rights and duties as provided in this Home Rule Charter in accordance with the statutes of the State of Texas. Within this charter, a word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing. Words used in the present or past tense include the future as well as the present or past.

Sec. 3.02. - Qualifications.

Each member of the City Council shall be a resident citizen of the City of New Braunfels, shall be a qualified voter of the State of Texas, shall have been such resident citizen of the City of New Braunfels for a period of not less ~~then~~ than twelve (12) months immediately prior to election day, and shall not be indebted to the City of New Braunfels; provided, however, that any person with the above qualifications, except as to residence, who shall have been a resident for a period of not less than twelve (12) months immediately preceding his or her election of any of the territory not formerly within the corporate limits of said city, but which is annexed under the provisions of section 1.04 of this charter, shall be eligible for said office. An elected officer must continue to reside in the City of New Braunfels for his or her entire term. If any elected officer fails to maintain the foregoing qualifications, or shall be absent from three (3) consecutive regularly scheduled

meetings without valid excuse, the City Council must at its next regular meeting declare a vacancy to exist and shall fill said vacancy as set forth in section 3.06 of this charter.

Sec. 3.05. - Mayor and Mayor Pro Tem.

(b) *Election of Mayor Pro Tem.* At its first regular meeting following the meeting at which the official election returns are canvassed and the results are declared of each year, the City Council shall elect from among its members a Mayor Pro Tem who shall serve at the pleasure of the City Council, and he/she shall perform all the duties of Mayor in the absence or disability of the Mayor.

(c) *Emergency powers of Mayor.* Whenever the Mayor shall deem it necessary in order to enforce the laws of the City, or to avert danger, or to protect life or property, in case of riot, outbreak, calamity or public disturbance, or when he/she has reason to fear any serious violation of law or order, outbreak, or any other danger to the City of New Braunfels or the inhabitants thereof, he/she shall summon into service as a special police force, all or as many of the citizens as in his/her judgment and discretion may be necessary and proper; and such summons may be made by proclamation or orders addressed to the citizens generally, or those of any ward of the City or subdivision thereof, or such summons may be by personal notification. Such summons shall be made pursuant to a proclamation by the Mayor that an emergency exists in the City of New Braunfels. During such emergency, the police department of the City of New Braunfels, and such special police as have been summoned by the Mayor, shall be subject to the orders of the Mayor, and shall perform such duties as he/she may require, and shall have the same power while on duty as the regular police of the City of New Braunfels. The Mayor shall have authority during the continuance of such emergency to make and enforce such rules, regulations, and orders as are necessary to preserve the public health, safety, and welfare from the threatened danger. During such emergency, such rules, regulations and orders shall have the force and effect of law.

Sec. 3.08. - Prohibitions.

(a) *Holding other office.* Except where authorized by law, no Council personman shall hold any other City office or employment by the City during the term for which he/she was elected to the City Council, and no former Council personman shall hold any compensated appointive city office or employment until one (1) year after the expiration of the term for which he/she was elected to the City Council.

(b) *Appointments and removals.* Neither the City Council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the City Manager or any of his/her subordinates are empowered to appoint, unless otherwise provided in this Charter, but the City Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

Sec. 3.10. - Ordinances in general.

The City Council shall legislate by ordinance only, and the enacting clause of every ordinance shall be, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, before any ordinance shall be adopted.

Each proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one subject, but general appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. All ordinances shall be read in open meeting of the City Council on two (2) separate days provided that all readings of any ordinance may be by descriptive caption only except that one (1) member of the council may require a complete reading of any ordinance upon first reading thereof. Any ordinance necessary to protect the public's peace, health, safety and general welfare, may be passed as an emergency and become effective at once upon one (1) reading of the City Council, upon the approval of a majority vote of the City Council members at said reading.

The City Attorney shall approve each ordinance in writing or shall file with the City Secretary his/her written legal objections thereto. Every ordinance enacted by the City Council shall be signed by the Mayor, Mayor Pro Tem, or by two (2) council members, and shall be filed with and recorded by the City Secretary before the same shall become effective.

Except as otherwise provided by law or this Charter, the City Secretary shall give notice of the enactment of every penal and of every other ordinance required by law or this Charter to be published, by causing the descriptive title or caption of the same to be published at least one time within ten (10) days after final passage thereof in some newspaper of general circulation in the City. The City Secretary shall note on every ordinance and on the record thereof, the dates and medium of its publication, and such notation shall be prima facie evidence of compliance with the requirements of this section.

Sec. 4.05. - Election by majority.

At any regular or special municipal election, the candidates in each of the six (6) districts on the ballot as required in Section 3.01, who shall have received the majority of votes cast in such election for such district ~~distance~~ shall be declared elected. In the event no such candidate for a designated district on the City Council receives a majority of the votes cast for that district in the regular or special election, a runoff election shall be held between the two (2) candidates who received the greatest number of votes for such district. Such runoff election shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections. At any regular or special municipal election for the election of the Mayor at large pursuant to Section 3.01, the candidate on the ballot who shall have received the most number of votes cast in such election shall be declared elected. In the event of a tie between or among any of the candidates for Mayor receiving the most votes, then a runoff election shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections, except such vote shall be by plurality.

Sec. 5.03. - Form of recall petition.

The recall petition mentioned above must be addressed to the City Council of the City of New Braunfels, must distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated. ~~, and, if~~ If there be more than one (1) ground, such as for incompetency, misconduct or malfeasance in office, the petition shall specifically state each

ground with such certainty as to give the officer sought to be removed, notice of the matters and things with which he/she is charged. The signature shall be verified by oath in the following form:
"State of Texas) (County of Comal)

I, _____, being first duly sworn, on oath depose and say that I am one (1) of the signers of the above petition and that the statements made therein are true and each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person whose name it purports to be.

--	-------

Sworn and subscribed to before me this _____ day of _____, ~~19~~20____.

	_____ Notary Public in and for Comal County, Texas."
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Sec. 7.01. - City Manager.

(a) *Appointment and qualifications.* The City Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the administration of all the affairs of the City. He/She shall be chosen by the City Council solely on the basis of his/her executive and administrative training, experience, ability, and character, and need not when appointed, be a resident of the City of New Braunfels. No member of the City Council shall during the time of which he/she is elected and for one (1) year thereafter, be appointed City Manager.

(c) *Powers and duties.* The powers herein conferred upon the City Manager by the City Council shall be the following:

...

(4) To perform such other duties as may be prescribed by this Charter or required of him/her by the City Council, not inconsistent with the provisions of this Charter.

Sec. 7.03. - Department of Police.

There shall be established and maintained a Department of Police to preserve order within the City and to secure the residents of said City from violence and the property therein from injury or loss.

(a) *Chief of Police.* The Chief of Police shall be the Chief Administrative Officer of the Department of Police. The Police Chief shall be appointed by the City Manager, and he/she may be removed from office by the City Manager.

Sec. 8.04. - City Attorney.

The City Council shall appoint a licensed attorney of the State of Texas to be the City Attorney. He/she shall receive for his/her services such compensation as may be fixed by the City Council for regular and special duties and shall hold his/her office at the pleasure of the City Council. The

City Attorney or such other attorney selected by him/her with the approval of the City Council shall represent the City in all litigations and prosecutions in Municipal Court. There may be such Assistant City Attorneys as may be authorized by the City Council. Such Assistant City Attorneys shall be authorized to act for and on behalf of the City Attorney, including representing the City in all litigations and prosecutions in Municipal Court. The City Attorney shall reside within the City Limits of the City of New Braunfels.

Sec. 12.13. - Amending the Charter.

This Charter may be amended by any method permitted by general state law regarding the amendment of charters of home rule municipalities, including but not limited to Chapter 9 of the Local Government Code. The City Council may provide, by ordinance, regulations and procedures for the implementation and enforcement of this Charter. In order to preserve coherency, the City Council shall have the power, by ordinance, to renumber and rearrange all articles, sections, and paragraphs of the Charter, or any amendments thereto, create and adjust a table of contents, or to correct minor grammar or spelling errors, and upon the passage of any such ordinance, a copy thereof, certified by the City Manager, shall be forwarded to the Secretary of State for filing.

The proposition on the ballot shall state as follows:

PROPOSITION M

“SHALL SECTIONS 1.01, 3.02, 3.05(b)-(c), 3.08(a)-(b), 3.10, 4.05, 5.03, 7.01(a), 7.01(c)(4), 7.03(a), 8.04 AND 12.13 OF THE CITY CHARTER BE AMENDED TO MAKE CORRECTIONS TO TYPOGRAPHICAL ERRORS, SYNTAX, GRAMMAR AND GENDER REFERENCES, AND ALLOW FOR FUTURE CORRECTIONS AND RENUMBERING OF CHARTER WITHOUT A CHARTER ELECTION?”

FOR _____
AGAINST _____

PROPOSITION N

SHALL SECTIONS 4.01, 9.06 AND 9.11 OF THE CITY CHARTER BE AMENDED TO REQUIRE PUBLICATION OF CERTAIN CITY RECORDS ON THE CITY WEBSITE IN ADDITION TO ANY OTHER NOTIFICATION REQUIRED BY LAW?

FOR _____

AGAINST _____

This proposition would require certain types of information listed (election notices and budget information) be posted on the City’s website in addition to any other notification required by law. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 4.01. - Elections.

Regular City elections shall be held annually on the uniform election date in May of each year as determined by future legislatures of the State of Texas, at which time officers will be elected to fill those offices which become vacant that year. The City Council may, by ordinance or resolution, order a special election, fix the date and place for holding same, and provide all means for holding such special election. Notice of the election shall be published in a newspaper published in the City of New Braunfels, such publication to be not earlier than the thirtieth (30th) day nor later than the tenth (10th) day before the election date or otherwise as provided by law. The same notice shall be published on the City Website. In the order, ordinance or resolution of the City Council calling any election at which a Councilperson shall be elected, the City Council shall, in calling such election, designate the place on the ballot for each vacancy to be filled at such election. A regular election is defined as an election other than a primary election that regularly occurs at fixed dates. A special election is defined as an election that is not a regular election or a primary election.

Sec. 9.06. - Notice of public hearing on budget.

At the meeting of the City Council at which the budget is submitted, the City Council shall fix the time and place of a public hearing on the budget and shall cause to be published in a newspaper in the City of New Braunfels and on the City’s website a summary of the proposed budget and a notice of the hearing setting forth the time and place thereof at least ten (10) days before the date of such hearing, which hearing shall be set not later than thirty (30) days prior to the beginning of the next fiscal year.

Sec. 9.11. - Effective date of budget, certification, copies made available.

Upon final adoption, the budget shall be in effect for the next ensuing fiscal year. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named. A copy of the budget, as finally adopted, shall be filed with the person performing the duties of City Secretary and the County Clerk of Comal County. The final budget shall be reproduced so that such copies shall be

permanent copies, and the copies shall be made available for the use of all offices, departments and agencies and for the use of interested persons and civic organizations. A digital copy of the final budget shall be made available on the City's website.

The proposition on the ballot shall state as follows:

PROPOSITION N

“SHALL SECTIONS 4.01, 9.06 AND 9.11 OF THE CITY CHARTER BE AMENDED TO REQUIRE PUBLICATION OF CERTAIN CITY RECORDS ON THE CITY WEBSITE IN ADDITION TO ANY OTHER NOTIFICATION REQUIRED BY LAW?”

FOR _____

AGAINST _____

PROPOSITION O

SHALL SECTION 3.10 OF THE CITY CHARTER BE AMENDED TO ADJUST THE NUMBER OF ORDINANCE READING REQUIREMENTS FOR ONLY CERTAIN ORDINANCES, CLARIFY EFFECTIVE DATES FOR ALL ORDINANCES AND ADDRESS PUBLICATION REQUIREMENTS FOR ALL ORDINANCES TO BETTER ALLOW COMPLIANCE WITH STATE LAW DEADLINES?

FOR _____

AGAINST _____

This proposition would allow certain types of ordinances expressly listed (election ordinances, canvassing ordinances, etc.) to be passed on one reading in order to better allow compliance with state law deadlines. It also provides for effective dates of ordinances if not otherwise specified by the ordinance and publications which are required by state law. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election

Sec. 3.10. - Ordinances in general.

The City Council shall legislate by ordinance only, and the enacting clause of every ordinance shall be, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, before any ordinance shall be adopted.

Each proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one subject, but general appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. Unless authorized for a single reading by this charter, All ordinances shall be read in open meeting of the City Council on two (2) separate days provided that all readings of any ordinance may be by descriptive caption only except that one (1) member of the council may require a complete reading of any ordinance upon first reading thereof. All ordinances, unless otherwise provided by law or by the terms of such ordinance, shall take effect immediately upon final passage thereof. An ordinance imposing any criminal penalty for any violation of its provisions shall take effect ten (10) days after publication. Any ordinance necessary to protect the public's peace, health, safety and general welfare, may be passed as an emergency and become effective at once upon one (1) reading of the City Council, upon the approval of a majority vote of the City Council members at said reading. Further, any ordinance calling or canvassing an election, ordinances required by state law to approve a contract, annexation ordinances where such annexation first requires at least two (2) public hearings, ordinances setting a tax rate as required by state law, and ordinances adopting a budget if at least two (2) budget workshops or public hearings have occurred to discuss the pending budget may be passed and become effective upon one (1) reading of the City Council.

The City Attorney shall approve each ordinance in writing or shall file with the City Secretary his written legal objections thereto. Every ordinance enacted by the City Council shall be signed by

the Mayor, Mayor Pro Tem, or by two (2) council members, and shall be filed with and recorded by the City Secretary before the same shall become effective.

Except as otherwise provided by law or this Charter, the City Secretary shall give notice of the enactment of every penal ordinance and of every other ordinance required by law or this Charter to be published, by causing the descriptive title or caption and summary of the penalty of the same to be published at least one time within ten (10) days after final passage thereof in some newspaper of general circulation in the City or to be submitted to City's publisher for codified ordinances. The City Secretary shall note on every ordinance and on the record thereof, the dates and medium of its publication, and such notation shall be prima facie evidence of compliance with the requirements of this section.

The proposition on the ballot shall state as follows:

PROPOSITION O

“SHALL SECTION 3.10 OF THE CITY CHARTER BE AMENDED TO ADJUST THE NUMBER OF ORDINANCE READING REQUIREMENTS FOR ONLY CERTAIN ORDINANCES, CLARIFY EFFECTIVE DATES FOR ALL ORDINANCES AND ADDRESS PUBLICATION REQUIREMENTS FOR ALL ORDINANCES TO BETTER ALLOW COMPLIANCE WITH STATE LAW DEADLINES?”

FOR _____
AGAINST _____

PROPOSITION P

SHALL SECTION 12.03(a)(1) OF THE CITY CHARTER BE AMENDED TO UPDATE PROHIBITIONS ON DISCRIMINATION TO INCLUDE CATEGORIES ENCOMPASSED BY FEDERAL AND STATE LAW BUT NOT CURRENTLY LISTED IN THE CITY CHARTER?

FOR _____

AGAINST _____

This proposition updates the discrimination provision in the City Charter to include categories encompassed by federal and state law such as a prohibition on discrimination based on national origin, age, disability, veteran status, and genetic information. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 12.03. - Prohibitions.

(a) *Activities prohibited.*

(1) In appointments to and removal from any City office or employment, persons shall not be favored or discriminated against because of race, sex, political or religious opinions, or religious affiliations, color, national origin, age, disability, veteran status, genetic information, or any other protected classification which state or federal law prohibits as a basis for such appointment or removal.

The proposition on the ballot shall state as follows:

PROPOSITION P

“SHALL SECTION 12.03(a)(1) OF THE CITY CHARTER BE AMENDED TO UPDATE PROHIBITIONS ON DISCRIMINATION TO INCLUDE CATEGORIES ENCOMPASSED BY FEDERAL AND STATE LAW BUT NOT CURRENTLY LISTED IN THE CITY CHARTER?”

FOR _____

AGAINST _____

PROPOSITION Q

SHALL SECTION 3.09(d) OF THE CITY CHARTER BE ADOPTED TO ALLOW FOR A SUCCESSION PLAN IN CASE OF EMERGENCIES OR DISASTERS TO PROVIDE A MECHANISM TO ESTABLISH AN INTERIM QUORUM OF CITY COUNCIL WHEN A QUORUM CANNOT BE CONVENED DUE TO THE INJURY OR DEATH OF A QUORUM OF ITS MEMBERS?

FOR _____

AGAINST _____

This proposition would provide authority for potential situations where, due to disaster or emergencies, the City Council cannot be convened due to the injury or death of a quorum of its members. This allows for an automatic, temporary appointment and temporary powers in order to call an election and handle city matters during the emergency or disaster. This proposition would adopt the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 3.09. - City Council meetings and procedure.

(d) In the event that a legal quorum of the elected City Council cannot be convened due to a disaster resulting in multiple injuries, deaths, or incapacity of officers, the surviving City Council members and the chairs and vice-chairs, or president and vice-president of the following boards, shall constitute an interim City Council for purposes of meeting in numbers sufficient to constitute an interim City Council quorum, within fifteen (15) days of such disaster, or as provided in the Texas Election Code, and shall call for an election to fill all vacant City Council positions. Such constituted interim City Council shall serve until the requested election occurs and shall possess all powers possessed by the elected City Council. Such qualifying boards, in order of succession, shall be the (1) New Braunfels Economic Development Corporation, (2) Planning Commission, (3) Transportation and Traffic Advisory Board, (4) Zoning Board of Adjustment, and (5) Parks and Recreation Advisory Board. The elected City Council may pass, by ordinance, such succession procedures and authorizations as it deems necessary.

The proposition on the ballot shall state as follows:

PROPOSITION Q

“SHALL SECTION 3.09(d) OF THE CITY CHARTER BE ADOPTED TO ALLOW FOR A SUCCESSION PLAN IN CASE OF EMERGENCIES OR DISASTERS TO PROVIDE A MECHANISM TO ESTABLISH AN INTERIM QUORUM OF CITY COUNCIL WHEN A QUORUM CANNOT BE CONVENED DUE TO THE INJURY OR DEATH OF A QUORUM OF ITS MEMBERS?”

FOR _____

AGAINST _____

PROPOSITION R

SHALL SECTION 12.03(a)(4) OF THE CITY CHARTER BE AMENDED TO CHANGE AND CLARIFY THE RESTRICTIONS AND REGULATIONS ON CAMPAIGN ACTIVITIES BY CITY EMPLOYEES AND OFFICIALS WHEN ON DUTY OR OTHERWISE REPRESENTING THE CITY AND REGULATE OFF DUTY POLITICAL PARTICIPATION WHEN SUCH PARTICIPATION CAUSES UNREASONABLE DISRUPTION TO CITY OPERATIONS?

FOR _____

AGAINST _____

This proposition updates the charter language to prohibit campaign political activity of city employees while on duty or otherwise representing the City or their position. Employees off duty political participation will not be restricted unless such participation will cause an unreasonable disruption to the city’s operations. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 12.03. - Prohibitions.

(a) *Activities prohibited.*

...

(4) ~~No person who holds any compensated City position shall solicit or receive any contribution to the campaign funds of any candidate for municipal office or take any part in the management, affairs, or political campaign of any municipal candidate.~~ No person who holds any compensated City position shall participate in political campaigning or related activities during work hours, while otherwise representing the City or their position. The City will not generally restrict or regulate employees off-duty political participation, unless the City Manager believes such participation will cause an unreasonable disruption to the City’s operations. The City Council may adopt ordinances consistent with this section.

...

The proposition on the ballot shall state as follows:

PROPOSITION R

“SHALL SECTION 12.03(a)(4) OF THE CITY CHARTER BE AMENDED TO CHANGE AND CLARIFY THE RESTRICTIONS AND REGULATIONS ON CAMPAIGN ACTIVITIES BY CITY EMPLOYEES AND OFFICIALS WHEN ON DUTY OR OTHERWISE REPRESENTING THE CITY AND REGULATE OFF DUTY POLITICAL PARTICIPATION WHEN SUCH PARTICIPATION CAUSES UNREASONABLE DISRUPTION TO CITY OPERATIONS?”

FOR _____

AGAINST _____

ORDENANZA NO. 2021 - 06

UNA ORDENANZA DEL AYUNTAMIENTO MUNICIPAL DE LA CIUDAD DE NEW BRAUNFELS, TEXAS, QUE ORDENA UNA ELECCIÓN ESPECIAL A CELEBRARSE EN LA CIUDAD DE NEW BRAUNFELS, TEXAS, EL 1 DE MAYO DE 2021 PARA SOMETER PROPUESTAS A LOS VOTANTES REGISTRADOS DE LA CIUDAD DE NEW BRAUNFELS, TEXAS, PARA LAS ENMIENDAS PROPUESTAS A LOS ESTATUTOS DE LA CIUDAD.

CONSIDERANDO QUE, el 10 de febrero de 2020, el Ayuntamiento Municipal de la ciudad de New Braunfels, Texas, por mayoría de votos de una segunda y final ordenanza y su lectura, optó por someter a los votantes registrados de la ciudad de New Braunfels, Texas, el 2 de mayo de 2020, una fecha de elección uniforme en el estado de Texas, de acuerdo con la Sección 9.004 del Código Gubernamental Local de Texas y la Sección 4.01 de los Estatutos de la Ciudad de New Braunfels, y de acuerdo con otras leyes aplicables, propuestas de boletas de votación para las enmiendas propuestas a los Estatutos de la Ciudad; y

CONSIDERANDO QUE, el 13 de marzo de 2020, el Gobernador del Estado de Texas declaró una emergencia estatal debido a la pandemia de COVID-19; y

CONSIDERANDO QUE, el 17 de marzo de 2020, el Alcalde de la Ciudad de New Braunfels ordenó y firmó una Declaración de Desastre Local para New Braunfels, Texas; y

CONSIDERANDO QUE, las órdenes y proclamaciones ejecutivas del Gobernador suspendieron partes del Código Electoral de Texas; y

CONSIDERANDO QUE, el Gobernador del Estado de Texas suspendió las elecciones del 2 de mayo de 2020 y autorizó a las entidades gubernamentales locales posponer y reprogramar/mover cualquier elección ordenada al 3 de noviembre de 2020; y

CONSIDERANDO QUE, el Ayuntamiento Municipal ya había convocado la elección especial antes de la declaración de desastre local, y el público ya había recibido avisos de elección y disposiciones de los estatutos; y

CONSIDERANDO QUE, el Ayuntamiento Municipal de la Ciudad de New Braunfels aprobó la Ordenanza 2020-31 que pospone la elección del 2 de mayo de 2020 y la reprogramó/movió al 3 de noviembre de 2020, de conformidad con la ley estatal y las autorizaciones previstas por las órdenes ejecutivas del Gobernador; y

CONSIDERANDO QUE, después de recibir, revisar y considerar las estimaciones de costos de la celebración de la elección especial junto con la elección presidencial nacional programadas para el 3 de noviembre de 2020, el Ayuntamiento Municipal descubrió que no era fiscalmente responsable realizar la elección especial en dicho momento como ya que los costos estimados son varias veces superiores a los costos asociados con la celebración de la elección especial durante la elección de mayo de 2021; y

CONSIDERANDO QUE, los funcionarios electorales confirmaron el 3 de noviembre de 2020 que hay días adicionales de votación anticipada obligatorios, debido a las regulaciones de COVID-

19, para la elección presidencial del 3 de noviembre de 2020. Este es sólo uno de los muchos factores que contribuyen a un costo más alto; y

CONSIDERANDO QUE, el Ayuntamiento Municipal de la Ciudad de New Braunfels, Texas deseaba realizar la elección especial y tenía la intención de realizar la elección especial con respecto a las enmiendas a los estatutos, pero debe actuar responsablemente con los fondos de los contribuyentes al fijar una fecha para dicha elección; y

CONSIDERANDO QUE, el Ayuntamiento Municipal aprobó una ordenanza que cancela la elección especial para las enmiendas de los estatutos del 3 de noviembre de 2020 y otorgó al Alcalde de la Ciudad de New Braunfels la autoridad para firmar la orden de cancelación de la elección especial del 3 de noviembre de 2020; y

CONSIDERANDO QUE, dicha orden fue firmada por el Alcalde el 17 de agosto de 2020 en una asamblea especial; y

CONSIDERANDO QUE, el Ayuntamiento Municipal de la Ciudad de New Braunfels, Texas autoriza al Alcalde a firmar la orden que convoca a la Elección Especial y cualquier orden posterior que ajuste los lugares, fechas y horarios de votación que están sujetos a cambios debido a acuerdos con el Departamento Electoral del Condado de Comal y otros acuerdos de elección conjunta hasta la fecha límite de publicación final de dicho aviso de conformidad con el Código Electoral de Texas (el “Código”) § 4.003(a)(b) y (c); y

CONSIDERANDO QUE, el Ayuntamiento Municipal de la Ciudad de New Braunfels, Texas ahora desea convocar a una elección especial para la elección de mayo de 2021 para considerar dichas enmiendas propuestas a los estatutos, que significarán ahorros significativos para los contribuyentes y, al mismo tiempo, permitirán que la elección especial considere las propuestas de enmiendas a los estatutos.

POR CONSIGUIENTE, ORDÉNESE POR EL AYUNTAMIENTO DE LA CIUDAD DE NEW BRAUNFELS, TEXAS QUE:

SECCIÓN I
CONVOCATORIA A UNA ELECCIÓN MUNICIPAL ESPECIAL

QUE se lleve a cabo una elección especial en la ciudad de New Braunfels, Texas, el primer sábado del mes de mayo de 2021, siendo el 1er día de mayo con el fin de presentar las siguientes medidas que figuran en el Anexo A, adjunto y totalmente incorporado en la presente ordenanza. Tales medidas son enmiendas propuestas a los estatutos y su redacción se incorpora a la presente orden como referencia.

SECCIÓN II
VOTACIÓN ANTICIPADA EN PERSONA
(Sujeta a cambio)

QUE los lugares principales de votación previstos para la votación anticipada en persona para la elección son:

Oficina Electoral del Condado de Comal	396 North Seguin Avenue, New Braunfels
Oficinas del Condado de Comal - Anexo de Goodwin	1297 Church Hill, New Braunfels
Iglesia Grace	3240 FM 725, New Braunfels

La votación anticipada en persona se llevará a cabo en los siguientes horarios y fechas:

Fechas	Horario
Lunes 19 de abril de 2021 - Viernes 23 de abril de 2021	8:00 a.m. – 5:00 p.m.
Sábado 24 de abril de 2021	9:00 a.m. – 4:00 p.m.
Domingo 25 de abril de 2021	1:00 p.m. – 6:00 p.m.
Lunes 26 de abril de 2021 - Martes 27 de abril de 2021	7:00 a.m. – 7:00 p.m.

SUJETOS A CAMBIO

SECCIÓN III
VOTACIÓN ANTICIPADA POR CORREO

QUE la votación anticipada por correo se llevará a cabo de acuerdo con las disposiciones aplicables del Código Electoral de Texas.

- A. La dirección de la Oficina Electoral del Condado de Comal, 396 North Seguin Avenue, New Braunfels, Texas 78130, deberá ser la dirección postal de Bobbie Koepf, secretario de votación anticipada a la que se pueden enviar las solicitudes de boletas y las boletas votadas por correo, de la Ciudad para los residentes del Condado de Comal.

SECCIÓN IV
LUGARES DE VOTACIÓN
(Sujetos a cambio)

QUE los lugares de votación anticipada que se enumeran a continuación estarán abiertos el Día de la Elección de 7:00 a.m. a 7:00 p.m. el sábado 1 de mayo de 2021:

- A. Para el Condado de Comal, en los lugares que determinen y publiquen los funcionarios electorales del Condado de Comal. A continuación, se designan los lugares de votación iniciales y se espera que sean confirmados.

Distrito 1	Centro Comunitario de Westside	2932 S IH 35 Frontage Road
Distrito 2	Iglesia Grace	3240 FM 725
Distrito 3	Centro para Personas Mayores del Condado de Comal	655 Landa Street
Distrito 4	Iglesia Presbiteriana de Cristo	1620 Common Street
Distrito 5	Anexo de Goodwin del Condado de Comal	1297 Church Hill Drive
Distrito 6	Edificio Municipal de Braunfels	424 Castell

SUJETOS A CAMBIO

SECCIÓN V MÉTODO DE VOTACIÓN

QUE el uso del sistema de votación Hart DRE Verity Touch, Access Touch y controlador, como se define el término en el Código Electoral de Texas, se utilizará en relación con la elección de los residentes del Condado de Comal. Este sistema se utilizará para la votación anticipada, así como para la votación del distrito realizada el Día de la Elección. Cynthia Jaqua es nombrada programadora y elaborará un programa para el equipo de tabulación automática. Se proporcionará un amplio equipo de votación para la votación anticipada y en los distritos específicos el Día de la Elección. La estación central de escrutinio se establece como la Oficina Electoral del Condado de Comal.

SECCIÓN VI NOMBRAMIENTO DE JUECES TITULARES

QUE la Oficina Electoral del Condado nombrará al Consejo de Boletas de Votación Anticipada, un Juez Titular del Consejo de Boletas de Votación Anticipada y un Juez Titular de la Estación Central de Escrutinio.

SECCIÓN VII LEY APLICABLE

QUE la elección se llevará a cabo de acuerdo con las disposiciones de los Estatutos de la Ciudad de New Braunfels y las leyes del Estado de Texas. El aviso de la elección, incluida una traducción al español del mismo, se publicará al menos una vez en el periódico local de acuerdo con el Código Electoral de Texas y se publicará en el tablero de anuncios del Ayuntamiento en 550 Landa Street, New Braunfels, Texas.

QUE, el Ayuntamiento Municipal de la Ciudad de New Braunfels, Texas autoriza al Alcalde a firmar la orden que convoca a la Elección Especial y cualquier orden posterior que ajuste los lugares, fechas y horarios de votación que están sujetos a cambios, debido a acuerdos con el Departamento Electoral del Condado de Comal y otros acuerdos de elección conjunta hasta la

fecha límite de publicación final de dicho aviso de conformidad con el Código Electoral de Texas (el “Código”) § 4.003(a)(b) y (c). y

**SECCIÓN VIII
PRUEBAS DE EQUIPOS DE TABULACIÓN AUTOMÁTICA**

QUE se realizarán pruebas del equipo de tabulación automática y se notificará acerca de las mismas de acuerdo con el Código Electoral de Texas. Cada Condado designará el equipo de tabulación y el personal requerido por el Código Electoral.

**SECCIÓN IX
COMPENSACIÓN PARA TRABAJADORES ELECTORALES**

QUE la tarifa de compensación para todos los trabajadores electorales será decidida por las Oficinas Electorales del Condado de Comal.

PROMULGADA, ADOPTADA Y ACEPTADA: tras la primera lectura el día de hoy 25 de ENERO de 2021.

PROMULGADA, ADOPTADA Y ACEPTADA: tras la segunda lectura el día de hoy 8 de FEBRERO de 2021.

AYUNTAMIENTO DE LA CIUDAD DE
NEW BRAUNFELS, TEXAS

RUSTY BROCKMAN, ALCALDE

DA FE:

CAITLIN KROBOT
Secretario Municipal

APROBADA EN CUANTO AL FORMATO:

VALERIA M. ACEVEDO
Fiscal Municipal

Muestra A
PROPUESTA A

¿DEBERÁ LA SECCIÓN 3.01 DE LA CARTA DE LA CIUDAD, SER MODIFICADA PARA CAMBIAR LOS LÍMITES DE MANDATO DE TODOS LOS MIEMBROS DEL CONSEJO DE LA CIUDAD CON EL FIN DE QUE SE PUEDA DESEMPEÑAR UN TERCER TÉRMINO CONSECUTIVO, EN VEZ DEL ACTUAL LÍMITE DE DOS (2) TÉRMINOS CONSECUTIVOS, PERO CONSERVÁNDOSE EL LÍMITE VITALICIO DE TRES (3) TÉRMINOS O NUEVE (9) AÑOS, TAL COMO ACTUALMENTE SE PERMITE?

A FAVOR _____

EN CONTRA _____

Esta propuesta permitiría que un miembro del Consejo de la Ciudad sirviera tres (3) términos consecutivos de tres (3) años, en vez de sólo dos (2) términos consecutivos, el límite de un total de tres (3) términos de tres (3) años permanecería sin cambiar. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misa elección.

Sec. 3.01. – Número, selección y término.

El cuerpo legislativo y regidor de la Ciudad consistirá en siete (7) personas concejales que se denominarán él “Consejo de la Ciudad de New Braunfels” y quienes, cada uno, ejercerá un término de tres (3) años.

La Ciudad de New Braunfels, por ordenanza, se dividirá en seis (6) distritos. Cada distrito, en la mayor medida razonablemente posible será poblada con el mismo número de habitantes, y el Consejo de la Ciudad mantendrá tal ecuanimidad de población como, de tiempo en vez, se determine necesario, por ordenanza. Estos distritos se designarán Números 1, 2, 3, 4, 5, y 6. El número de votantes calificados de cada distrito elegirán un (1) Concejale para cada uno de los seis (6) distritos. Los seis (6) Concejales elegidos de cada distrito deberán haber sido residente en ese distrito del cual el Concejale es elegido por no menos de seis (6) meses, previo a presentarse para el cargo y deberán seguir residiendo en dicho distrito por el término completo de su puesto.

El Alcalde de la Ciudad de New Braunfels será elegido por los votantes calificados de la Ciudad y las elecciones para Alcalde serán conforme al Artículo IV, Elecciones, de la Carta de la Ciudad de New Braunfels, Texas.

Cada Concejale ejercerá su puesto hasta que su sucesor sea elegido y calificado. Los candidatos electos en la elección municipal ejercerán su puesto en la junta regular del Consejo de la Ciudad, siendo esta la primera junta regular efectuada después de la junta en la cual los resultados finales de las elecciones y el resultado de la elección se declare de manera oficial.

~~Ningún oficial, actual o futuro, servirá más de dos (2) términos consecutivos de tres (3) años y no más de tres (3) términos de tres (3) años durante su vida.~~ Ningún oficial elegido servirá más de tres (3) términos de oficio consecutivos de tres (3) años y no más de tres (3) términos durante una vida. Sin embargo, los años o periodo de servicio que un oficial puede servir en suplir un término en plena vigencia o un término de puesto parcial no será contando en el contexto de las limitaciones expuestas anteriormente.

La propuesta en la boleta declarará los siguiente:

PROPUESTA A

“¿DEBERÁ LA SECCIÓN 3.01 DE LA CARTA DE LA CIUDAD, SER MODIFICADA PARA CAMBIAR LOS LÍMITES DE MANDATO DE TODOS LOS MIEMBROS DEL CONSEJO DE LA CIUDAD CON EL FIN DE QUE SE PUEDA DESEMPEÑAR UN TERCER TÉRMINO CONSECUTIVO, EN VEZ DEL ACTUAL LÍMITE DE DOS (2) TÉRMINOS CONSECUTIVOS, PERO CONSERVÁNDOSE EL LÍMITE VITALICIO DE TRES (3) TÉRMINOS O NUEVE (9) AÑOS, TAL COMO ACTUALMENTE SE PERMITE?”

A FAVOR _____
EN CONTRA _____

PROPUESTA B

¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.06 DE LA CARTA DE LA CIUDAD CON EL PROPÓSITO DE CAMBIAR LAS CALIFICACIONES Y CONDICIONES, CON EL FIN DE LLENAR VACANTES EN EL CONSEJO DE LA CIUDAD PARA QUE LAS VACANTES DE DOCE (12) MESES O MENOS SE PUEDAN LLENAR, A DISCRECIÓN DEL CONSEJO DE LA CIUDAD, POR NOMBRAMIENTO DEL CONSEJO, VACANTES POR EL RESTO DEL TÉRMINO, O LLEVAR A CABO UNA ELECCIÓN ESPECIAL EFECTUADA PARA LLENAR LA VACANTE MIENTRAS QUE LAS VACANTES DE MÁS DE DOCE (12) MESES SEGUIRÁN REQUIRIENDO UNA ELECCIÓN ESPECIAL?

A FAVOR _____

EN CONTRA _____

Esta propuesta permitiría que el Consejo de la Ciudad implemente su discreción para vacantes en el Consejo de la Ciudad de 12 meses o menos ya sea para nombrar un suplente temporal, dejar el puesto vacante hasta la próxima elección, u ordenar una elección especial para llenar el puesto. Para vacantes de más de 12 meses, se seguiría requiriendo una elección especial dentro de 120 días, conforme el estatuto estatal.

Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 3.06.—Vacantes.

~~Los vacantes en el Consejo que surjan por cualquier motivo se llenarán por voto mayoritario de los votantes calificados en una elección especial ordenada por este motivo dentro de ciento veinte (120) días después de que tal vacante o vacantes ocurran, o según se disponga de manera alternativa por las leyes del estado de Texas.~~

Todas las vacantes en el Consejo de la Ciudad, sin importar la causa, con términos en plena vigencia de más de doce (12) meses se llenarán por medio de una elección especial conforme la ley estatal. Todas las vacantes con términos en plena vigencia de doce (12) meses o menos, se podrán llenar, a discreción del Consejo de la Ciudad por medio de voto mayoritario, se podrán dejar vacantes por el resto del término vigente o llenado por elección especial conforme a la ley estatal. Un funcionario que haya perdido el puesto bajo esta Carta no es elegible para ser nombrado para llenar un término vigente creado por tal pérdida.

La propuesta en la boleta declarará los siguiente:

PROPUESTA B

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.06 DE LA CARTA DE LA CIUDAD CON EL PROPÓSITO DE CAMBIAR LAS CALIFICACIONES Y CONDICIONES, CON EL FIN DE LLENAR VACANTES EN EL CONSEJO DE LA CIUDAD PARA QUE LAS VACANTES DE DOCE (12) MESES O MENOS SE PUEDAN LLENAR, A DISCRECIÓN DEL CONSEJO DE LA CIUDAD, POR NOMBRAMIENTO DEL CONSEJO, VACANTES POR EL RESTO DEL TÉRMINO, O LLEVAR A CABO UNA ELECCIÓN ESPECIAL EFECTUADA PARA LLENAR LA VACANTE MIENTRAS QUE LAS VACANTES DE MÁS DE DOCE (12) MESES SEGUIRÁN REQUIRIENDO UNA ELECCIÓN ESPECIAL?”

A FAVOR

EN CONTRA

PROPUESTA C

¿SE DEBERÁ ADOPTAR LA SECCIÓN 12.03(a)(6) Y MODIFICAR LA SECCIÓN 12.03(b) DE LA CARTA DE LA CIUDAD CON EL FIN DE PROHIBIR Y PENALIZAR LOS MIEMBROS DEL CONSEJO POR RENUNCIAR INTENCIONALMENTE SU PUESTO Y POSTULARSE EN UNA ELECCIÓN SUBSECUENTE PARA CIRCUNVENIR LOS LÍMITES DE LOS TÉRMINOS?

A FAVOR _____

EN CONTRA _____

Esta propuesta permitiría penalización y pérdida si un miembro del Consejo usa su habilidad de renunciar su puesto de manera intencional y después volver a postularse para así evitar las disposiciones de los límites de término. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 12.03.—Prohibiciones.

(a) *Actividades Prohibidas.*

(6) Ningún miembro del Consejo de la Ciudad deberá, de manera deliberada o intencional intentar circunvenir un límite de término adoptado por medio de renunciar o perder su puesto para así evitar el límite de términos establecidos de tres (3) términos de tres (3) años cada uno.

(b) *Penalizaciones.* Cualquier persona quien sólo o con otros, viola cualquiera de estas disposiciones de los incisos (1) al (3) de la subsección precedente (a) serán culpables de un delito menor y al dictarse la sentencia condenatoria del delito menor, será castigado por una multa de no más de cien (\$100.00) dólares. Cualquier persona que sólo o con otros, viola cualquiera de las disposiciones de los incisos (4) a (6) de la subsección precedente (a) serán culpables de un delito y al dictarse la sentencia condenatoria del delito, será castigado por una multa de no más de cien (\$100.00) dólares. Cualquier persona condenada bajo esta sección no será elegible, por un periodo de cinco (5) años después del delito, de tener cualquier cargo o puesto de la Ciudad y, si este es ya un oficial o empleado de la Ciudad, perderá inmediatamente su oficio o puesto.

La propuesta en la boleta declarará los siguiente:

PROPUESTA C

“¿SE DEBERÁ ADOPTAR LA SECCIÓN 12.03(a)(6) Y MODIFICAR LA SECCIÓN 12.03(b) DE LA CARTA DE LA CIUDAD CON EL FIN DE PROHIBIR Y PENALIZAR LOS MIEMBROS DEL CONSEJO POR RENUNCIAR INTENCIONALMENTE SU PUESTO Y POSTULARSE EN UNA ELECCIÓN SUBSECUENTE PARA CIRCUNVENIR LOS LÍMITES DE LOS TÉRMINOS?”

A FAVOR

EN CONTRA

PROPUESTA D

¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.05(c) DE LA CARTA DE LA CIUDAD PARA ESCLARECER EL PODER DEL ALCALDE DURANTE UN PERIODO DE EMERGENCIA PARA NOMBRAR AYUDA ADICIONAL, PROPORCIONAR AUTORIZACIÓN PARA TAL AYUDA, Y UTILIZAR TODAS LAS HABILIDADES AUTORIZADAS POR LA LEY ESTATAL?

A FAVOR _____

EN CONTRA _____

Esta propuesta actualizaría el lenguaje de la Carta en tiempo de emergencia y esclarece el papel del alcalde para nombrar ayuda adicional, proporcionar la autorización apropiada para ayuda adicional para desempeñar sus deberes, y utilizar todas las autoridades autorizadas por la ley estatal en tiempos de emergencia o desastre. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 3.05.—Alcalde y Alcalde Temporal.

...

(c) *Facultades del Alcalde en tiempo de emergencia.* Toda vez que el Alcalde lo determine necesario para imponer las leyes de la Ciudad, o para prevenir peligro, o proteger la vida o bienes, en caso de disturbios, brote, calamidad, o desorden público, o cuando tiene él motivo de temer cualquier violación seria de la ley u orden, brote, o cualquier otro peligro a la Ciudad de New Braunfels o habitantes de ésta, ~~él convocará a servir como una fuerza policiaca especial, todos o cuantos ciudadanos fueran, a su juicio y discreción, necesarios y apropiados; y tal convocatoria se podrá efectuar, por proclamación u orden dirigido a los ciudadanos en general, o aquellos de cualquier distrito de la Ciudad o fraccionamiento de la misma, o tal convocatoria se podrá hacer por notificación personal. Tal convocatoria se efectuará conforme a una proclamación declarada por el Alcalde que existe una emergencia en la Ciudad de New Braunfels.~~ **el/ella proclamará la emergencia y utilizará tales poderes y autorizaciones permitidos por las leyes locales, estatales, y federales necesarias para mantener la paz y responder a tal emergencia.** Durante tal emergencia, el departamento de policía de New Braunfels, y demás ~~policía especial que el Alcalde haya convocado,~~ **guardianes de la paz y personal de auxilio tal como se nombrarán, comisionarán, o enrolados por el Alcalde,** estarán sujetos a las órdenes del Alcalde y ejecutarán tales deberes como sean necesarios. El Alcalde tendrá la autoridad por lo que dure la emergencia para crear e implementar tales reglas, reglamentos, y órdenes que sean necesarias para conservar la salud pública, la seguridad, y el bienestar del peligro que amenaza. Durante tal emergencia, tales reglas, reglamentos, y órdenes tendrán la fuerza y efecto de ley.

La propuesta en la boleta declarará los siguiente:

PROPUESTA D

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.05(c) DE LA CARTA DE LA CIUDAD PARA ESCLARECER EL PODER DEL ALCALDE DURANTE UN PERIODO DE EMERGENCIA PARA NOMBRAR AYUDA ADICIONAL, PROPORCIONAR AUTORIZACIÓN PARA TAL AYUDA, Y UTILIZAR TODAS LAS HABILIDADES AUTORIZADAS POR LA LEY ESTATAL?”

A FAVOR _____

EN CONTRA _____

PROPUESTA E

¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.05(b) DE LA CARTA DE LA CIUDAD PARA OTORGARLE DEBERES ADICIONALES AL ALCALDE TEMPORAL PARA QUE SEA ÉSTE PRINCIPALMENTE RESPONSABLE POR LAS EVALUACIONES ANUALES DEL ADMINISTRADOR DE LA CIUDAD, EL ABOGADO DE LA CIUDAD, Y EL JUEZ DE LA CORTE MUNICIPAL, QUIENES REPORTAN AL CONSEJO DE LA CIUDAD, TAL COMO SE PRACTICA ACTUALMENTE?

A FAVOR _____

EN CONTRA _____

Esta propuesta asigna la responsabilidad principal de asegurar las evaluaciones para oficiales de la Ciudad (Administrador de la Ciudad, Abogado de la Ciudad, Juez de la Corte Municipal) que reportan al Consejo de la Ciudad al asumir el puesto de Alcalde temporal. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 3.05.—Alcalde y Alcalde Temporal.

...

(b) *Elección del Alcalde Temporal.* En su primera junta regular después de la junta en la cual se presentan los resultados oficiales de las elecciones, y se declaren los resultados de cada año, el Consejo de la Ciudad deberá elegir, de sus miembros, un Alcalde Temporal quien servirá a discreción del Consejo de la Ciudad, y éste ejecutará todos los deberes de Alcalde a falta o discapacidad del Alcalde. El Alcalde Temporal tendrá el deber de implementar, coordinar, y esforzarse para la conclusión de las evaluaciones anuales del Administrador de la Ciudad, el Abogado de la Ciudad, y el Juez de la Corte Municipal, al menos que se dirija lo inverso por medio de resolución. El Consejo de la Ciudad podrá, por medio de resolución, proporcionar estándares, procedimientos, e instrucciones en tales evaluaciones anuales.

...

La propuesta en la boleta declarará los siguiente:

PROPUESTA E

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.05(b) DE LA CARTA DE LA CIUDAD PARA OTORGARLE DEBERES ADICIONALES AL ALCALDE TEMPORAL PARA QUE SEA ÉSTE PRINCIPALMENTE RESPONSABLE POR LAS EVALUACIONES ANUALES DEL ADMINISTRADOR DE LA CIUDAD, EL ABOGADO DE LA CIUDAD, Y EL JUEZ DE LA CORTE MUNICIPAL, QUIENES REPORTAN AL CONSEJO DE LA CIUDAD, TAL COMO SE PRACTICA ACTUALMENTE?”

A FAVOR

EN CONTRA

PROPUESTA F

¿SE DEBERÁN MODIFICAR LAS SECCIONES 7.01(a) Y 8.04 DE LA CARTA DE LA CIUDAD CON EL FIN DE ESCLARECER LOS REQUISITOS DE RESIDENCIA PARA EL ADMINISTRADOR DE LA CIUDAD Y EL ABOGADO DE LA CIUDAD PARA PERMITIR HASTA CIENTO VEINTE (120) DÍAS DESPUÉS DEL NOMBRAMIENTO PARA ESTABLECER RESIDENCIA EN LA CIUDAD?

A FAVOR _____

EN CONTRA _____

Esta propuesta le permite al Administrador de la Ciudad y al Abogado de la Ciudad hasta ciento veinte (120) días después de su nombramiento para establecer residencia en la Ciudad. Esto corrige un problema del pasado donde se les requería a tales oficiales contratados de fuera de la Ciudad, obtener vivienda en la Ciudad inmediatamente tras ser nombrado. Esta propuesta modificaría las secciones y subsecciones especificadas, alistadas enseguida, de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 7.01.—Administrador de la Ciudad.

(a) *Nombramiento y calificaciones.* El Consejo de la Ciudad nombrará un Administrador de la Ciudad, mismo que será el oficial administrativo y ejecutivo principal de la Ciudad y responderá al Consejo de la Ciudad por la administración de todos los asuntos de la Ciudad. Él será seleccionado por el Consejo de la Ciudad únicamente a base de su capacitación ejecutiva y administrativa, experiencia, habilidad, y carácter, y al momento de ser nombrado, no será necesario ser residente de la Ciudad de New Braunfels; sin embargo, el Administrador de la Ciudad dentro de ciento veinte (120) días de su nombramiento y su residencia principal deberá ser continuamente en la Ciudad mientras desempeña las responsabilidades de su puesto. Ningún miembro del Consejo de la Ciudad, durante el periodo por el cual fue electo(a) y por un (1) año después de éste, será nombrando Administrador de la Ciudad.

Sec. 8.04.—Abogado de la Ciudad.

El Consejo de la Ciudad nombrará un abogado, con licencia profesional para ejercer derecho en el Estado de Texas, para ser Abogado de la Ciudad. Él, recibirá por sus servicios tal compensación como se fije por el Consejo de la Ciudad para los deberes regulares y especiales y tendrá su puesto a discreción del Consejo de la Ciudad. El Abogado de la Ciudad, u otro abogado por él seleccionado con la aprobación del Consejo de la Ciudad representará la Ciudad en todo litigio, y proceso jurídico en Corte Municipal. Podrá haber Abogados Adjuntos de la Ciudad autorizados por el Consejo de la Ciudad. Tales Abogados Adjuntos de la Ciudad estarán facultados para ejecutar por y de parte del Abogado de la Ciudad, incluyendo la representación de la Ciudad en todo litigio y proceso jurídico en Corte Municipal. El Abogado de la Ciudad residirá dentro de los

límites de la Ciudad de la Ciudad de New Braunfels o se hará residente de la Ciudad dentro de ciento veinte (120) días de su nombramiento.

La propuesta en la boleta declarará los siguiente:

PROPUESTA F

“¿SE DEBERÁN MODIFICAR LAS SECCIONES 7.01(a) Y 8.04 DE LA CARTA DE LA CIUDAD CON EL FIN DE ESCLARECER LOS REQUISITOS DE RESIDENCIA PARA EL ADMINISTRADOR DE LA CIUDAD Y EL ABOGADO DE LA CIUDAD PARA PERMITIR HASTA CIENTO VEINTE (120) DÍAS DESPUÉS DEL NOMBRAMIENTO PARA ESTABLECER RESIDENCIA EN LA CIUDAD?”

A FAVOR _____

EN CONTRA _____

PROPUESTA G

¿SE DEBERÁ AÑADIR LA SECCIÓN 7.01(d) A LA CARTA DE LA CIUDAD PARA IMPONER UNA OBLIGACIÓN AL ADMINISTRADOR DE LA CIUDAD PARA QUE ANUALMENTE PRESENTE AL CONSEJO DE LA CIUDAD, UN PROYECCIÓN FINANCIERA DE CINCO (5) AÑOS Y UN PLAN DE MEJORAS DE CAPITAL A CINCO (5) AÑOS, TAL COMO SE PRACTICA ACTUALMENTE?

A FAVOR _____

EN CONTRA _____

Esta propuesta codifica una práctica actual que requiere que el Administrador de la Ciudad anualmente presente una proyección financiera de cinco años y un plan de mejoras de capital a cinco años al Consejo de la Ciudad para permitir mejor planificación. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 7.01.—Administrador de la Ciudad.

(d) El Administrador de la Ciudad preparará y presentará, anualmente, al Consejo de la Ciudad una proyección financiera de cinco (5) años y un programa de mejoras de capital a cinco años con los tiempos apropiados antes de presentar el “presupuesto que se propone” al Consejo tal como se le refiere en la Sección 9.02.

La propuesta en la boleta declarará los siguiente:

PROPUESTA G

“¿SE DEBERÁ AÑADIR LA SECCIÓN 7.01(d) A LA CARTA DE LA CIUDAD PARA IMPONER UNA OBLIGACIÓN AL ADMINISTRADOR DE LA CIUDAD PARA QUE ANUALMENTE PRESENTE AL CONSEJO DE LA CIUDAD, UN PROYECCIÓN FINANCIERA DE CINCO (5) AÑOS Y UN PLAN DE MEJORAS DE CAPITAL A CINCO (5) AÑOS, TAL COMO SE PRACTICA ACTUALMENTE?”

A FAVOR _____

EN CONTRA _____

PROPUESTA H

¿SE DEBERÁ MODIFICAR LA SECCIÓN 9.17 DE LA CARTA DE LA CIUDAD CON EL FIN DE AJUSTAR LA AUTORIDAD DEL ADMINISTRADOR DE LA CIUDAD PARA LICITACIÓN PÚBLICA Y COMPRAS DE ARTÍCULOS YA INCLUIDOS EN EL PRESUPUESTO, ACTUALMENTE FIJADO A \$25,000.00 PARA ALINEARSE AL LOS LÍMITES IMPUESTOS POR EL ESTADO, LOS CUALES ACTUALMENTE ESTÁN FIJADOS A \$50,000.00 Y AJUSTARSE AUTOMÁTICAMENTE AL HABER UN CAMBIO EN LA LEY ESTATAL?

A FAVOR _____

EN CONTRA _____

Esta propuesta sincroniza las disposiciones de la Carta con los requisitos de la ley estatal en la autoridad del Administrador de la Ciudad para contratar sin que se utilice la licitación pública para los artículos ya incluidos en el presupuesto y permite los cambios implementados por la Legislatura sin requerir una elección de Carta. La actual autoridad del Administrador de la Ciudad es de \$25,000.00, mientras que la ley estatal actual limita dicha autoridad a \$50,000.00. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 9.17.—Compras, Ventas y Contratos.

Todas las compras hechas, y contratos celebrados por parte de la Ciudad, y todas las ventas, intercambios o demás disposiciones de cualquier índole siendo propiedad de la Ciudad, se efectuará conforme los requisitos y procedimientos de la constitución y leyes del Estado de Texas, y cualquier ordenanza, resolución, o moción por parte del Consejo de la Ciudad no inconsistente con tal constitución y leyes. El Administrador de la Ciudad tendrá la autoridad de contratar para gastos, sin más aprobación del Consejo de la ciudad para todo artículo ya incluido en el presupuesto ~~que no excederá veinticinco mil (\$25,000.00) dólares~~ que no equivalen ni exceden la cantidad mínima requerida para la licitación pública/compras obligatorias fijada por ley estatal. Al momento que se modificó esta disposición de la Carta, la ley estatal definió tal mínimo como cualquier cantidad en exceso de cincuenta mil (\$50,000.00) dólares.

La propuesta en la boleta declarará los siguiente:

PROPUESTA H

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 9.17 DE LA CARTA DE LA CIUDAD CON EL FIN DE AJUSTAR LA AUTORIDAD DEL ADMINISTRADOR DE LA CIUDAD PARA LICITACIÓN PÚBLICA Y COMPRAS DE ARTÍCULOS YA INCLUIDOS EN EL PRESUPUESTO, ACTUALMENTE FIJADO A \$25,000.00 PARA ALINEARSE AL LOS LÍMITES IMPUESTOS POR EL ESTADO, LOS CUALES ACTUALMENTE ESTÁN FIJADOS A \$50,000.00 Y AJUSTARSE AUTOMÁTICAMENTE AL HABER UN CAMBIO EN LA LEY ESTATAL?”

A FAVOR

EN CONTRA

PROPUESTA I

¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.08(c) DE LA CARTA DE LA CIUDAD PARA AUTORIZAR AL ADMINISTRADOR DE LA CIUDAD, A SU DISCRECIÓN, PERMITIR QUE LOS MIEMBROS DEL CONSEJO INTERACTÚEN CON LOS JEFES DE DEPARTAMENTO SIN VIOLAR LA CARTA DE LA CIUDAD?

A FAVOR _____

EN CONTRA _____

Esta propuesta le permitiría al Administrador de la Ciudad, a su discreción, consentir y permitir a los miembros del Consejo interactuar con los jefes individuales de los departamentos sin violar la Carta. Esto otorga a cada Administrador de la Ciudad la habilidad de decidir qué es más eficaz para la Ciudad en circunstancias individuales mientras que protege la forma de gobierno de Consejo-Administrador Ciudad. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 3.08.—Prohibiciones.

...

(c) *Interferencia con la administración.* Salvo por el propósito de consultas e investigaciones, a menos que se indique lo inverso en esta Carta **o según se autorice por escrito por el Administrador de la Ciudad antes de efectuarse**, el Consejo de la Ciudad o sus miembros abordarán trámites con los oficiales de la Ciudad y con empleados quienes están sujetos a la dirección y supervisión del Administrador de la Ciudad sólo por medio del Administrador de la Ciudad, y ni el Consejo de la ciudad ni sus miembros ordenarán a ningún oficial o empleado, sea en público o en privado.

La propuesta en la boleta declarará los siguiente:

PROPUESTA I

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.08(c) DE LA CARTA DE LA CIUDAD PARA AUTORIZAR AL ADMINISTRADOR DE LA CIUDAD, A SU DISCRECIÓN, PERMITIR QUE LOS MIEMBROS DEL CONSEJO INTERACTÚEN CON LOS JEFES DE DEPARTAMENTO SIN VIOLAR LA CARTA DE LA CIUDAD?”

A FAVOR _____

EN CONTRA _____

PROPUESTA J

¿SE DEBERÁN MODIFICAR LAS SECCIONES 8.02 Y 8.03 DE LA CARTA DE LA CIUDAD PARA EL NOMBRAMIENTO DE LOS JUECES DE LA CORTE MUNICIPAL, Y PROVEER PARA LA REMOCIÓN DE CUALQUIER JUEZ DE CORTE MUNICIPAL Y PROVEER PARA EL NOMBRAMIENTO DE UN SECRETARIO DE LA CORTE MUNICIPAL QUE CUMPLA CON LA LEY ESTATAL Y LA PRÁCTICA ACTUAL?

A FAVOR _____

EN CONTRA _____

Esta propuesta alinea los puestos de juez de corte municipal y secretario de la corte municipal con la actual ley estatal, le otorga al juez de la corte municipal la habilidad de nombrar suplentes temporales, provee la autoridad de remoción por parte del Consejo, cuando sea necesario, y remueve el Secretario de la Ciudad del puesto de Secretario de la Corte y permite que el Administrador de la Ciudad nombre el Secretario de la Corte. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 8.02.—Juez de la Corte Municipal.

~~El juez de dicha corte será abogado con licencia profesional para ejercer derecho en el Estado de Texas, residente de la Ciudad de New Braunfels, nombrado por el Consejo de la Ciudad y recibirá tal sueldo como se pueda fijar por el Consejo de la Ciudad. En caso de discapacidad o ausencia del juez de la Corte Municipal, el Consejo de la Ciudad nombrará un juez de la corte municipal, temporal, quien también será un abogado con licencia profesional y residente. El juez de dicha corte tendrá su puesto conforme las leyes del Estado de Texas.~~

(a) El Consejo de la Ciudad nombrará un juez presidente para la Corte Municipal. El Juez Presidente de la Corte Municipal será abogado con licencia profesional para ejercer derecho, nombrado por un término que se fijará por ordenanza, pero no por menos de dos años. Cualquier Juez de la Corte Municipal deberá residir dentro de la Ciudad de New Braunfels, o hacerse residente dentro de ciento veinte (120) días de su nombramiento. Todos los Jueces recibirán compensación tal como lo fije el Consejo de la Ciudad.

(b) El juez presidente podrá nombrar un juez temporal en caso de una ausencia. El Consejo de la Ciudad podrá, por ordenanza, adoptar autorizaciones y procedimientos para tal nombramiento, compensación, y calificaciones de cualquiera de los jueces auxiliares.

(c) Remoción de juez. El Consejo de la Ciudad tendrá la autoridad de remover el juez presidente, y cualquier juez auxiliar. Todos los jueces se podrán remover con o sin causa. El Consejo de la Ciudad podrá, por ordenanza, estipular los procesos para cualquier remoción.

Sec. 8.03.—Secretario de la Corte Municipal.

~~El Secretario de la Ciudad o un Secretario Adjunto de la Ciudad será secretario exoficio de dicha corte.~~ **El Administrador de la Ciudad nombrará el Secretario de la Corte Municipal.**

El Secretario de dicha Corte y sus adjuntos tendrán el poder de administrar juramentos, y declaraciones juradas, hacer certificados, añadir el sello de dicha Corte, y por lo general, efectuar y llevar a cabo todo y cualquier acto usual y necesario del secretario de la corte en ejecutar el proceso de dicha corte y los trámites relevantes.

La propuesta en la boleta declarará los siguiente:

PROPUESTA J

“¿SE DEBERÁN MODIFICAR LAS SECCIONES 8.02 Y 8.03 DE LA CARTA DE LA CIUDAD PARA EL NOMBRAMIENTO DE LOS JUECES DE LA CORTE MUNICIPAL, Y PROVEER PARA LA REMOCIÓN DE CUALQUIER JUEZ DE CORTE MUNICIPAL Y PROVEER PARA EL NOMBRAMIENTO DE UN SECRETARIO DE LA CORTE MUNICIPAL QUE CUMPLA CON LA LEY ESTATAL Y LA PRÁCTICA ACTUAL?”

A FAVOR _____

EN CONTRA _____

PROPUESTA K

¿SE DEBERÁ MODIFICAR LA SECCIÓN 5.05 DE LA CARTA DE LA CIUDAD CON EL FIN DE CAMBIAR EL NÚMERO DE DÍAS DESPUÉS DE LA PRESENTACIÓN DE UNA SOLICITUD DE REVOCACIÓN QUE EL SECRETARIO DE LA CIUDAD DEBE PRESENTARLA AL CONSEJO DE LA CIUDAD DE CINCO (5) A VEINTE (20) DÍAS PARA PERMITIR SUFICIENTE TIEMPO PARA PROPORCIONAR TODOS LOS DOCUMENTOS REQUERIDOS PARA LA REVOCACIÓN?

A FAVOR _____

EN CONTRA _____

Esta propuesta cambiaría el número de días que tiene el Secretario de la Ciudad para presentar una solicitud para revocación al Consejo de la Ciudad de cinco (5) a veinte (20) días para lograr mayor conformidad con las Cartas y ordenanzas de otras ciudades. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 5.05.—Presentación de la solicitud al Consejo de la Ciudad.

Dentro de ~~cinco (5)~~ **veinte (20)** días después de la fecha en la cual se presentaron los documentos que constituyeran la solicitud para revocación, la persona que efectúa los deberes de Secretario de la Ciudad presentará dicha solicitud al Consejo de la Ciudad de New Braunfels en una junta especial convocada para este propósito.

La propuesta en la boleta declarará lo siguiente:

PROPUESTA K

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 5.05 DE LA CARTA DE LA CIUDAD CON EL FIN DE CAMBIAR EL NÚMERO DE DÍAS DESPUÉS DE LA PRESENTACIÓN DE UNA SOLICITUD DE REVOCACIÓN QUE EL SECRETARIO DE LA CIUDAD DEBE PRESENTARLA AL CONSEJO DE LA CIUDAD, DE CINCO (5) A VEINTE (20) DÍAS PARA PERMITIR SUFICIENTE TIEMPO PARA PROPORCIONAR TODOS LOS DOCUMENTOS REQUERIDOS PARA LA REVOCACIÓN?”

A FAVOR _____

EN CONTRA _____

PROPUESTA L

¿SE DEBERÁ REVOCAR LA SECCIÓN 9.18 DE LA CARTA DE LA CIUDAD Y REMOVER EL DEPARTAMENTO DE IMPUESTOS, EL CUAL YA NO EXISTE DEBIDO A LOS REGLAMENTOS ESTATALES?

A FAVOR _____

EN CONTRA _____

Debido a los reglamentos estatales, la Ciudad ya no utiliza un departamento de impuestos. Como resultado, esta propuesta remueve esta disposición y evita la confusión en cuanto a la existencia del departamento. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

~~Sec. 9.18.—Departamento de Impuestos.~~

~~Se establecerá un Departamento de Impuestos para evaluar y recolectar impuestos, el jefe de cual será un Asesor y Recaudador de Impuestos de la Ciudad, cuyo departamento será llenado medio de nombramiento, por el Administrador de la Ciudad con la concurrencia del Consejo de la Ciudad.~~

~~El Asesor y Recaudador de Impuestos de la Ciudad proporcionará un bono de fianza para el fiel desempeño de sus deberes incluyendo el cumplimiento de todas las disposiciones de la Ley Estatal relevante las funciones de su puesto, por una cantidad que se fijará por el Consejo de la Ciudad y no menos de \$50,000.00.~~

~~El Consejo de la Ciudad podrá, en beneficio de la economía y de la eficacia, contratar con otro fraccionamiento político para gestionar la evaluación y/o recolección de impuestos.~~

~~El Asesor y Recaudador de Impuestos de la Ciudad podrá ser removido de su puesto por el Administrador de la Ciudad con la concurrencia del Consejo de la Ciudad.~~

La propuesta en la boleta declarará los siguiente:

PROPUESTA L

“¿SE DEBERÁ REVOCAR LA SECCIÓN 9.18 DE LA CARTA DE LA CIUDAD Y REMOVER EL DEPARTAMENTO DE IMPUESTOS, EL CUAL YA NO EXISTE DEBIDO A LOS REGLAMENTOS ESTATALES?”

A FAVOR _____

EN CONTRA _____

PROPUESTA M

¿SE DEBERÁN MODIFICAR LAS SECCIONES 1.01, 3.02, 3.05 (b)-(c), 3.08(a)-(b), 3.10, 4.05, 5.03, 7.01(a), 7.01(c)(4), 7.03(a), 8.04 Y 12.13 DE LA CARTA DE LA CIUDAD CON EL FIN DE CORREGIR ERRORES TIPOGRÁFICOS, SINTÁCTICOS, DE GRAMÁTICA Y DE REFERENCIAS A GÉNERO, Y PERMITIR FUTURAS CORRECCIONES Y RENUMERAR LA CARTA SIN UNA ELECCIÓN DE CARTA?

A FAVOR _____

EN CONTRA _____

Esta propuesta le permita al Consejo de la Ciudad corregir errores tipográficos y gramaticales y reenumerar las disposiciones de la Carta sin la necesidad de una elección, siempre y cuando tales cambios no cambien la sustancia de la disposición y a la vez corrija varios errores tipográficos y gramaticales al igual que referencias a género en el actual texto de la Carta. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 1.01.—Preámbulo.

Todos los habitantes de la Ciudad de New Braunfels, Condado de Comal, Texas, que residen dentro de las fronteras y límites de dicha Ciudad tal como se establece por la presente o podrá establecerse en el futuro, será una subdivisión del Estado de Texas, incorporado bajo y denominado por el nombre y estilo de “City of New Braunfels” (Ciudad de New Braunfels), con tales poderes, derechos, y deberes como se establecen en estos Estatutos Municipales conforme a los estatutos del Estado de Texas. Dentro de esta carta, una palabra que exprese sólo el género masculino extenderá y aplicará a hembras y a empresas, asociaciones y corporaciones al igual que a varones. Una palabra que exprese sólo número singular extenderá y se aplicará a varias personas y cosas al igual de a una persona o cosa. Las palabras que se usan en tiempo presente o pasado incluirán el futuro al igual que el presente o pasado.

Sec. 3.02.—Cualificaciones.

Cada miembro del Consejo de la Ciudad será residente ciudadano de la Ciudad de New Braunfels, será votante calificado del Estado de Texas, habrá sido tal residente ciudadano de la Ciudad de New Braunfels por un periodo de no menos de (el texto en inglés corrige el error entre las palabras ‘then’ y ‘than’ optando por ‘than’ en el texto en inglés) doce (12) meses inmediatamente previo al día de elecciones, y no estará endeudada a la Ciudad de New Braunfels, siempre y cuando, tal persona con las cualificaciones indicadas, excepto las de residencia, quien haya sido residente por un periodo de no menos de doce (12) meses inmediatamente antes de su elección en cualquier territorio no previamente dentro de los límites del municipio de dicha ciudad, pero cual es anexada bajo las disposiciones de la Sección 1.04 de esta Carta, será elegible para dicho puesto. Un oficial electo debe continuar residiendo en la Ciudad de New Braunfels por su término entero. Si cualquier

oficial electo falla en la mantención de las calificaciones previamente expuestas, o es ausente en tres (3) juntas regladas consecutivas de horario regular, sin una excusa válida, el Consejo de la ciudad debe, en su próxima junta regular, declarar una vacante y llenará dicha vacante tal como se estipula en la Sección 3.06 de esta Carta.

Sec. 3.05.—Alcalde y Alcalde Temporal.

(b) *Elección del Alcalde Temporal.* En su primera junta regular después de la junta en la cual se reporten los resultados oficiales de la elección y se declaren los resultados de cada año, el Consejo de la Ciudad elegirá, de entre sus miembros, un Alcalde Temporal quien servirá a discreción del Consejo de la Ciudad, y el/ella ejecutará todos los deberes de Alcalde a falte o discapacidad del Alcalde.

(c) *Facultades de emergencia para el Alcalde.* Toda vez que el Alcalde lo determine necesario para imponer las leyes de la Ciudad, o para prevenir peligro, o proteger la vida o bienes, en caso de disturbios, brote, calamidad, o desorden público, o cuando tiene él/ella motivo de temer cualquier violación seria de la ley u orden, brote, o cualquier otro peligro a la Ciudad de New Braunfels o habitantes de ésta, él/ella convocará a servir como una fuerza policiaca especial, todos o cuantos ciudadanos fueran, al juicio de él/ella su juicio y discreción, necesarios y apropiados; y tal convocatoria se podrá efectuar, por proclamación u orden dirigido a los ciudadanos en general, o aquellos de cualquier distrito de la Ciudad o fraccionamiento de la misma, o tal convocatoria se podrá hacer por notificación personal. Tal convocatoria se efectuará conforme a una proclamación declarada por el Alcalde que existe una emergencia en la Ciudad de New Braunfels. Durante tal emergencia, el Departamento de Policía, y tal policía especial como se haya convocado por el Alcalde, será sujeta a las órdenes del Alcalde, y ejercerá los deberes que el/ella requiera, y tendrá el mismo poder mientras esté ejerciendo su puesto tal como la policía regular de la Ciudad de New Braunfels. El Alcalde tendrá la autoridad, durante tal emergencia de establecer e implementar reglas, reglamentos, y órdenes como sea necesario para conservar la salud pública, la seguridad, y el bienestar del peligro que amenaza. Durante tales emergencias, tales reglas, reglamentos, y órdenes tendrán la plena fuerza y efecto de la ley.

Sec. 3.08.—Prohibiciones.

(a) *Desempeñar otro puesto.* Salvo cuando sea autorizado por ley, ningún miembro del Consejo (en inglés se cambiaría la palabra ‘councilman’: masculino, por ‘councilperson’: neutro) tendrá ningún otro puesto o empleo en la Ciudad durante el término para el cual el/ella se eligió al Consejo de la Ciudad, y ningún miembro previo del Consejo (en inglés se cambiaría la palabra ‘councilman’: masculino, por ‘councilperson’: neutro) tendrá ningún puesto o empleo municipal por nombramiento. remunerado hasta un (1) año después de que se venza el término para el cual el/ella se eligió por el Consejo de la Ciudad.

(b) *Nombramientos y Remociones.* Ni el Consejo de la ciudad ni sus miembros, de ninguna manera, dictan el nombramiento o remoción de cualquier oficial administrativo o empleado que el Administrador de la Ciudad o cualquier de los subalternos que el/ella es facultado para nombrar, al menos que se estipule lo contrario en esta Carta, pero el Consejo de la Ciudad podrá expresar

sus opiniones libre y plenamente con el Administrador de la Ciudad referente al nombramiento y remoción de tales oficiales y empleados.

Sec. 3.10.—Ordenanzas en general.

El Consejo de la Ciudad legislará exclusivamente por medio de ordenanza, y la cláusula promulgante de cada ordenanza será SEA ORDENADO POR EL CONSEJO DE LA CIUDAD DE NEW BRAUNFELS, antes de que se adopte cualquier ordenanza.

Cada ordenanza propuesta o resolución, se introducirá por escrito o de forma impresa y no tratará más de un tema, sin embargo, aquellas ordenanzas de asignaciones generales podrán abordar varios temas y cuentas por las cuales se asignarían fondos. Se les dará lectura a todas las ordenanzas en una junta abierta del Consejo de la Ciudad en dos (2) días separados, siempre y cuando todas las lecturas de cualquier ordenanza sean de un resumen descriptivo solamente, salvo un (1) miembro del Consejo podrá requerir la lectura completa de cualquier ordenanza tras la primera lectura de la misma. Cualquier ordenanza necesaria para proteger la paz pública, la salud, seguridad, y bienestar general podrá ser adoptada en una emergencia y entrar en vigor tras una (1) lectura por el Consejo de la Ciudad, tras la aprobación de un voto mayoritario por los miembros del Consejo del Ciudad en dicha lectura.

El Abogado de la Ciudad aprobará cada ordenanza por escrito o presentará las objeciones legales a la misma que el/ella tenga con el Secretario de la Ciudad. Cada ordenanza promulgada por el Consejo de la Ciudad se firmará por el Alcalde, Alcalde Temporal, o por dos (2) miembros del Consejo de la Ciudad previo a que entre en vigor.

Salvo se estipule, por ley o por esta Carta, lo contrario, el Secretario de la Ciudad notificará de la promulgación de cada ordenanza penal y de cualquier otro tipo tal como se requiere por ley o por esta Carta, de publicarse, con el mismo título descriptivo o encabezado del mismo de ser publicado por lo menos una (1) vez dentro de diez (10) días después de adoptarse definitivamente, en algún periódico de circulación general en la Ciudad. El Secretario de la Ciudad señalará en cada ordenanza y de manera oficial, las fechas, y medio de publicación, y tal señalamiento será evidencia prima facie del cumplimiento con los requisitos de esta sección.

Sec. 4.05.—Elección por mayoría.

En cualquier elección municipal regular o especial, los candidatos en cada uno de los seis (6) distritos en lo boleta, tal como se requiere en la Sección 3.01, habiendo recibido la mayoría de los votos emitidos en dicha elección para tal ~~distrito~~ ~~distancia~~ será declarado electo. En caso de que ningún candidato para un distrito designado en el Consejo de la Ciudad reciba una mayoría de los votos emitidos en la elección regular o especial, una elección de desempate se llevará a cabo entre los dos (2) candidatos que recibieron el mayor número de votos en cada distrito. Tal elección de desempate se llevará a cabo conforme las leyes del Estado de Texas que regula las elecciones municipales. En cualquier elección municipal regular o especial, para la elección de Alcalde conforme la Sección 3.01, el candidato en la boleta que ha recibido el mayor número de votos emitidos en la elección será declarado electo. En caso de un empate entre cualquiera de los candidatos para Alcalde que recibiera la mayoría de los votos, entonces se llevaría a cabo una

elección de desempate conforme con las leyes del Estado de Texas que regulan las elecciones municipales, salvo que tal voto será efectuado por pluralidad.

Sec. 5.03.—Forma de la solicitud para revocación.

La solicitud para revocación mencionada anteriormente se deberá dirigir al Consejo de la Ciudad de la Ciudad de New Braunfels, deberá de manera clara y específicamente identificar los fundamentos sobre los que tal solicitud para revocación se argumenta. ~~y si~~ **Si** existe más de un (1) fundamento, por ejemplo, por incompetencia, mal comportamiento, o malversación de oficio, **la solicitud** deberá declarar de manera específica cada fundamento con certeza para así permitirle al oficial a quien se le acusa, aviso de los asuntos y hechos de los que se le acusa a **él/ella**. La firma se verificará bajo juramento de la siguiente manera:

“Estado de Texas (Condado de Comal)

Yo, _____, habiendo sido debidamente juramentado, declaro y digo que soy uno (1) de los infrascritos de la presente solicitud y que las declaraciones hechas en la misma son verdaderas y que cada firma que aparece en ésta se hizo ante mi el día y fecha que declara haberse hecho, y juro solemnemente, que la misma es la firma genuina de la persona cuyo nombre afirma ser.

Jurado y firmado ante mi este _____ día de _____, **1920** _____.

Notario Público en y para el Condado de Comal, Texas.”

Sec. 7.01.—Administrador de la Ciudad.

(a) *Nombramiento y cualificaciones.* El Consejo de la Ciudad nombrará un Administrador de la Ciudad, mismo que será el oficial administrativo y ejecutivo principal de la Ciudad y responderá al Consejo de la Ciudad por la administración de todos los asuntos de la Ciudad. **Él/ella** será seleccionado por el Consejo de la Ciudad únicamente a base de la capacitación ejecutiva y administrativa, experiencia, habilidad, y carácter que **él/ella** posee, y al momento de ser nombrado, no será necesario ser residente de la Ciudad de New Braunfels. Ningún miembro del Consejo de la Ciudad, durante el periodo por el cual **él/ella** fue electo(a) y por un (1) año después de éste, será nombrando Administrador de la Ciudad.

(c) *Poderes y responsabilidades.* Los poderes otorgados al Administrador de la Ciudad por la presente, por el Consejo de la Ciudad serán los siguientes:

(4) Ejecutar otros deberes tal como se podrían establecer por esta Carta o requerido de **el/ella** por el Consejo de la Ciudad, no inconsistente con las disposiciones de esta Carta.

Sec. 7.03.—Departamento de Policía.

Se establecerá y mantendrá un Departamento de Policía para conservar el orden en la Ciudad y asegurar a los residentes de dicha Ciudad de violencia y la propiedad de ésta, de daño o pérdida.

(a) *Jefe de Policía.* El Jefe de Policía será el Administrador Ejecutivo del Departamento de Policía. El Jefe de Policía será nombrado por el Administrador de la Ciudad y **el/ella** se podrá remover de su cargo por el Administrador de la Ciudad.

Sec. 8.04.—Abogado de la Ciudad.

El Consejo de la Ciudad nombrará un abogado con licencia de ejercer derecho en el Estado de Texas, para ser el Abogado de la Ciudad. Él/ella recibirá por los servicios de él/ella tal como se fijará por el Consejo de la Ciudad para deberes regulares y especiales y tendrá el puesto de él/ella a discreción del Consejo de la Ciudad. El Abogado de la Ciudad u otro Abogado seleccionado por él/ella, con la aprobación del Consejo de la Ciudad, representará a la Ciudad en todo litigio y proceso jurídico en Corte Municipal. El Abogado de la Ciudad residirá dentro de los límites de la Ciudad de New Braunfels.

Sec. 12.13.—Modificar la Carta.

Se podrá modificar esta Carta por cualquier método permitido por ley general del Estado referente a la modificación de cartas de estatutos municipales, incluyendo, pero no limitado al capítulo 9 de la ley local. El Consejo de la Ciudad podrá, por ordenanza, reglamento y procedimiento para la implementación y ejecución de esta Carta. Con el fin de conservar coherencia, el Consejo de la Ciudad tendrá el poder, por ordenanza, de reenumerar y reorganizar los artículos, secciones, e incisos de la Carta, o de cualquier modificación de la misma, crear y ajustar un índice, o corregir errores menores de gramática u ortografía, y tras adoptarse cualquier ordenanza, una copia de ésta, certificada por el Administrador de la Ciudad, se enviará al Secretario para que se registre con el Secretario de Estado.

La propuesta en la boleta declarará los siguiente:

PROPUESTA M

“¿SE DEBERÁN MODIFICAR LAS SECCIONES 1.01, 3.02, 3.05 (b)-(c), 3.08(a)-(b), 3.10, 4.05, 5.03, 7.01(a), 7.01(c)(4), 7.03(a), 8.04 Y 12.13 DE LA CARTA DE LA CIUDAD CON EL FIN DE CORREGIR ERRORES TIPOGRÁFICOS, SINTÁCTICOS, DE GRAMÁTICA Y DE REFERENCIAS A GÉNERO, Y PERMITIR FUTURAS CORRECCIONES Y RENUMERAR LA CARTA SIN UNA ELECCIÓN DE CARTA?”

A FAVOR _____

EN CONTRA _____

PROPUESTA N

¿SE DEBERÁN MODIFICAR LAS SECCIONES 4.01, 9.06 Y 9.11 DE LA CARTA DE LA CIUDAD CON EL FIN DE REQUERIR LA PUBLICACIÓN DE CIERTOS REGISTROS DE LA CIUDAD EN LA PÁGINA WEB DE LA CIUDAD ADEMÁS DE CUALQUIER OTRA NOTIFICACIÓN REQUERIDA POR LEY?

A FAVOR _____

EN CONTRA _____

Esta propuesta requeriría que ciertos tipos de información listada (notificaciones de elecciones e información presupuestaria) fuera publicada en la página web de la Ciudad además de cualquier otra notificación requerida por ley. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 4.01.—Elecciones.

Las elecciones municipales regulares se deberán celebrar anualmente en la fecha de elecciones uniforme en mayo de cada año como se determina por futuras legislaturas del Estado de Texas, momento en el cual los oficiales de ser elegidos para llenar esos puestos que resultaron vacantes ese año. El consejo de la Ciudad podrá, por ordenanza o resolución, ordenar una elección especial. Notificación de la elección se publicará en un periódico que se publica en New Braunfels, dicha publicación no se efectuará antes del treintavo (30º) día y no más tarde que el decimo (10º) día antes de la fecha de la elección o tal como se indique por ley. La misma notificación se publicará en la página web de la Ciudad. En tal orden, ordenanza, o resolución el Consejo de la Ciudad que ordene una elección en la cual se elija un miembro del Consejo de la Ciudad, el Consejo de la Ciudad designará el lugar en la boleta para cada vacante que se propone llenar. Una elección regular se define como una elección excepto una elección primaria la cual se lleva a cabo regularmente en fechas fijas. Una elección especial se define como una elección que no es ni una elección regular ni una elección primaria.

Sec. 9.06.—Notificación de audiencia pública sobre el presupuesto.

En la junta del Consejo de la Ciudad en la cual se presenta el presupuesto, el Consejo de la Ciudad, fijará la hora y ubicación de una audiencia pública y publicará, en un periódico en la Ciudad de New Braunfels y en la página web de la Ciudad, un resumen de el presupuesto que se propone y una notificación de la audiencia en la cual se establece la hora y la ubicación de la misma al menos diez (10) días antes de la fecha de la audiencia, la audiencia se fijará a no más de treinta (30) días antes del comienzo del nuevo año fiscal.

Sec. 9.11.—Fecha efectiva del presupuesto, certificación, copias a disposición del público.

Tras la aprobación final, el presupuesto será vigente por el siguiente año fiscal. Desde la fecha efectiva del presupuesto, las varias cantidades declaradas en éste como gastos proyectados se asignarán a los varios objetos y propósitos nombrados en la misma. Una copia del presupuesto, en su forma final, se registrará con la persona que ejecute los deberes de Secretario de la Ciudad y el Secretario del Condado del Condado de Comal. El presupuesto final se reproducirá de tal manera que las copias serán copias permanentes, y las copias se harán disponibles para el uso de todas las oficinas, departamentos, y agencias, y para el uso de personas interesadas y organizaciones cívicas. [Una copia digital del presupuesto final se hará disponible en la página web de la Ciudad.](#)

La propuesta en la boleta declarará los siguiente:

PROPUESTA N

“¿SE DEBERÁN MODIFICAR LAS SECCIONES 4.01, 9.06 Y 9.11 DE LA CARTA DE LA CIUDAD CON EL FIN DE REQUERIR LA PUBLICACIÓN DE CIERTOS REGISTROS DE LA CIUDAD EN LA PÁGINA WEB DE LA CIUDAD ADEMÁS DE CUALQUIER OTRA NOTIFICACIÓN REQUERIDA POR LEY?”

A FAVOR

EN CONTRA

PROPUESTA O

¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.10 DE LA CARTA DE LA CIUDAD CON EL FIN DE AJUSTAR EL NÚMERO DE REQUISITOS DE LA LECTURA DE ORDENANZAS PARA SÓLO CIERTAS ORDENANZAS, PARA ESCLARECER LAS FECHAS EFECTIVAS PARA TODAS LAS ORDENANZAS, Y PARA ABORDAR LOS REQUISITOS PARA TODAS LAS ORDENANZAS, PARA PERMITIR MEJOR CUMPLIMIENTO CON LAS FECHAS LÍMITE DE LA LEY ESTATAL?

A FAVOR _____

EN CONTRA _____

Esta propuesta permitiría ciertos tipos de ordenanzas listadas expresamente (ordenanzas de elecciones, ordenanzas de campañas políticas, etc.) de adoptarse tras una lectura para permitir el mejor cumplimiento con las fechas límite estipuladas por la ley estatal. También permite las fechas efectivas de ordenanzas, si no es especificado lo contrario por la ordenanza o publicaciones que se requieren por ley estatal. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 3.10.—Ordenanzas en general.

El Consejo de la Ciudad legislará exclusivamente por medio de ordenanza, y la cláusula promulgante de cada ordenanza será, SEA ORDENADO POR EL CONSEJO DE LA CIUDAD DE NEW BRAUNFELS, antes de que se adopte cualquier ordenanza.

Cada ordenanza propuesta o resolución, se introducirá por escrito o de forma impresa y no tratará más de un tema, sin embargo, aquellas ordenanzas de asignaciones generales podrán abordar varios temas y cuentas por las cuales se asignarían fondos. Al menos que se autorice por lectura única por esta Carta, Se les dará lectura a todas las ordenanzas en una junta abierta del Consejo de la Ciudad en dos (2) días separados, siempre y cuando todas las lecturas de cualquier ordenanza sean de un resumen descriptivo solamente, salvo un (1) miembro del Consejo podrá requerir la lectura completa de cualquier ordenanza tras la primera lectura de la misma. Todas las ordenanzas, al menos que se provea por ley o por los términos de tal ordenanza, entrarán en vigor inmediatamente tras la adopción de la misma. Una ordenanza que impone penalización criminal por cualquier violación de sus disposiciones entrará en vigor diez (10) días después de la publicación. Cualquier ordenanza necesaria para proteger la paz pública, la salud, seguridad, y bienestar general podrá ser adoptada en una emergencia y entrar en vigor tras una (1) lectura por el Consejo de la Ciudad, tras la aprobación de un voto mayoritario por los miembros del Consejo del Ciudad en dicha lectura. Además, cualquier ordenanza que ordene o revise una elección, requerido por ley estatal para aprobar un contrato, ordenanzas de anexo, requiere primero dos (2) audiencias públicas, ordenanzas que fijan una tasa tal como se requiere por ley estatal, una ordenanza que adopte un presupuesto si al menos dos (2) talleres de presupuesto o audiencias públicas han ocurrido para

discutir el presupuesto pendiente pueda ser aprobada y entrar en vigor tras una (1) lectura por el Consejo de la Ciudad.

El Abogado de la Ciudad aprobará cada ordenanza por escrito o presentará las objeciones legales a la misma que el/ella tenga con el Secretario de la Ciudad. Cada ordenanza promulgada por el Consejo de la Ciudad se firmará por el Alcalde, Alcalde Temporal, o por dos (2) miembros del Consejo de la Ciudad previo a que entre en vigor.

Salvo se estipule, por ley o por esta Carta, lo contrario, el Secretario de la Ciudad notificará de la promulgación de cada ordenanza penal y de cualquier otra tipo tal como se requiere por ley o por esta Carta, de publicarse, con el mismo título descriptivo o encabezado y resumen de la penalización, del mismo de ser publicado por lo menos una (1) vez dentro de diez (10) días después de adoptarse definitivamente, en algún periódico de circulación general en la Ciudad o ser presentado al editor para ordenanzas codificadas?? El Secretario de la Ciudad señalará en cada ordenanza y de manera oficial, las fechas, y medio de publicación, y tal señalamiento será evidencia prima facie del cumplimiento con los requisitos de esta sección.

PROPUESTA O

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.10 DE LA CARTA DE LA CIUDAD CON EL FIN DE AJUSTAR EL NÚMERO DE REQUISITOS DE LA LECTURA DE ORDENANZAS PARA SÓLO CIERTAS ORDENANZAS, PARA ESCLARECER LAS FECHAS EFECTIVAS PARA TODAS LAS ORDENANZAS, Y PARA ABORDAR LOS REQUISITOS PARA TODAS LAS ORDENANZAS, PARA PERMITIR MEJOR CUMPLIMIENTO CON LAS FECHAS LÍMITE DE LA LEY ESTATAL?”

A FAVOR

EN CONTRA

PROPUESTA P

¿SE DEBERÁ MODIFICAR LA SECCIÓN 12.03(a)(1) DE LA CARTA DE LA CIUDAD PARA ACTUALIZAR LAS PROHIBICIONES ACERCA DE LA DISCRIMINACIÓN PARA QUE INCLUYAN LAS CATEGORÍAS INCLUIDAS EN LAS LEYES FEDERALES Y ESTATALES PERO NO ACTUALMENTE LISTADAS EN LA CARTA DE LA CIUDAD?

A FAVOR _____

EN CONTRA _____

Esta propuesta actualiza la disposición de discriminación en la Carta de la Ciudad para que incluya las categorías incluidas en las leyes federales y estatales, por ejemplo, la prohibición de la discriminación basada en el origen nacional, edad, discapacidad, estado de veterano, e información genética. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 12.03.—Prohibiciones.

(a) *Actividades Prohibidas.*

(1) En cuanto a los nombramientos y remociones de cualquier puesto o empleo de la Ciudad, no se favorecerá, ni se discriminará contra el color, nacionalidad, origen, edad, discapacidad, estado de veterano, información genética, o cualquier otra clasificación protegida que la ley federal prohíbe como fundamento para tal nombramiento o remoción.

La propuesta en la boleta declarará los siguiente:

PROPUESTA P

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 12.03(a)(1) DE LA CARTA DE LA CIUDAD PARA ACTUALIZAR LAS PROHIBICIONES ACERCA DE LA DISCRIMINACIÓN PARA QUE INCLUYAN LAS CATEGORÍAS INCLUIDAS EN LAS LEYES FEDERALES Y ESTATALES PERO NO ACTUALMENTE LISTADAS EN LA CARTA DE LA CIUDAD?”

A FAVOR _____

EN CONTRA _____

PROPUESTA Q

¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.09(d) DE LA CARTA DE LA CIUDAD PARA PERMITIR UN PLAN DE SUCESIÓN EN CASO DE EMERGENCIAS O DESASTRES PARA PROPORCIONAR UN MECANISMO PARA ESTABLECER UN CUÓRUM INTERINO DEL CONSEJO DE LA CIUDAD CUANDO UN CUÓRUM NO PUEDE SER CONVOCADO DEBIDO A LA LESIÓN O MUERTE DE UN CUÓRUM DE SUS MIEMBROS?

A FAVOR _____

EN CONTRA _____

Esta propuesta otorgaría autoridad para situaciones potenciales en la cuales, a causa de desastre o emergencias, el Consejo de la Ciudad no puede ser convocado debido a una lesión o muerte de un cuórum o uno de sus miembros. Esto permite un nombramiento automático, temporal y facultades temporales para ordenar una elección y gestionar los asuntos de la ciudad durante emergencias o desastres. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 3.09.—Juntas del Consejo de la Ciudad y procedimiento.

(d) En caso que un cuórum del Consejo electo de la Ciudad no se pueda convocar debido a un desastre resultando en lesiones múltiples, muertes, o incapacidades de sus oficiales, los miembros sobrevivientes y los coordinadores y coordinadores adjuntos, o presidentes y vicepresidentes de las siguientes mesas, constituirán un Consejo temporal de la Ciudad con el propósito de reunirse en números suficientes para constituir un cuórum de Consejo de la Ciudad temporal, dentro de quince (15) días de tal desastre, o como se declare en el Código Electoral de Texas, y ordenará una elección para llenar todos los puestos vacantes del Consejo de la Ciudad. Dicho Consejo de la Ciudad servirá hasta que la elección ordenada se lleve a cabo y poseerá todas las facultades poseídas por el Consejo de la Ciudad elegido. Las mesas que cualifican, en orden de sucesión serán la (1) Corporación de Desarrollo Económico de New Braunfels, (2) la Comisión de Planificación, (3) Consejo Asesor de Transporte y Tráfico, (4) Consejo de Zonificación y Regulación, y (5) Consejo Asesor de Parques y Recreación. El Consejo de la Ciudad podrá adoptar, por ordenanza, cada procedimiento y autorizaciones que considere necesario.

La propuesta en la boleta declarará los siguiente:

PROPUESTA Q

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.09(d) DE LA CARTA DE LA CIUDAD PARA PERMITIR UN PLAN DE SUCESIÓN EN CASO DE EMERGENCIAS O DESASTRES PARA PROPORCIONAR UN MECANISMO PARA ESTABLECER UN CUÓRUM INTERINO DEL CONSEJO DE LA CIUDAD CUANDO UN CUÓRUM NO PUEDE SER CONVOCADO DEBIDO A LA LESIÓN O MUERTE DE UN CUÓRUM DE SUS MIEMBROS?”

A FAVOR

EN CONTRA

PROPUESTA R

¿SE DEBERÁ MODIFICAR LA SECCIÓN 12.03(a)(4) DE LA CARTA DE LA CIUDAD CON EL FIN DE CAMBIAR Y ESCLARECER LAS RESTRICCIONES Y REGLAMENTOS EN LAS ACTIVIDADES POR PARTE DE LOS EMPLEADOS Y OFICIALES DE LA CIUDAD CUANDO ESTÁN EJERCIENDO SU OFICIO O GENERALMENTE REPRESENTANDO LA CIUDAD, Y REGULAR LA PARTICIPACIÓN POLÍTICA CUANDO NO FUNJAN DE MANERA OFICIAL CUANDO DICHA PARTICIPACIÓN CAUSA INTERRUPCIÓN IRRACIONABLE A LAS OPERACIONES MUNICIPALES?

A FAVOR _____

EN CONTRA _____

Esta propuesta actualiza el lenguaje de la Carta para así prohibir actividad política de campaña de los empleados de la ciudad mientras están desempeñando sus deberes oficiales o generalmente representando la ciudad o su puesto. No se limitará la actividad política de los empleados en tiempo libre salvo si tal participación causa una interrupción irracional a las operaciones de la ciudad. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 12.03.—Prohibiciones.

(a) Actividades Prohibidas.

...

(4) ~~Ninguna persona que tiene cualquier puesto compensado por la Ciudad podrá solicitar o recibir ninguna contribución a los fondos de campaña de ningún candidato para oficio municipal, asuntos, o campaña política de ningún candidato municipal.~~ Ninguna persona que tiene cualquier puesto municipal participará en campañas políticas o actividades relacionadas durante horas hábiles, mientras generalmente representa la Ciudad o representa su puesto. La Ciudad, por lo general, no limita o regula la participación política de los empleados en tiempo libre salvo que el Administrador de la Ciudad considere que tal participación causaría una interrupción irracional a las operaciones de la Ciudad. El Consejo de la Ciudad podrá aprobar ordenanzas conforme con esta sección.

...

La propuesta en la boleta declarará los siguiente:

PROPUESTA R

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 12.03(a)(4) DE LA CARTA DE LA CIUDAD CON EL FIN DE CAMBIAR Y ESCLARECER LAS RESTRICCIONES Y REGLAMENTOS EN LAS ACTIVIDADES POR PARTE DE LOS EMPLEADOS Y OFICIALES DE LA CIUDAD CUANDO ESTÁN EJERCIENDO SU OFICIO O GENERALMENTE REPRESENTANDO LA CIUDAD, Y REGULAR LA PARTICIPACIÓN POLÍTICA CUANDO NO FUNJAN DE MANERA OFICIAL CUANDO DICHA PARTICIPACIÓN CAUSA INTERRUPCIÓN IRRACIONABLE A LAS OPERACIONES MUNICIPALES?”

A FAVOR _____

EN CONTRA _____

2/8/2021

Agenda Item No. M)

Presenter

*Christopher J. Looney, AICP, Planning and Development Services Director
clooney@nbtexas.org*

Approval of the second the final reading of an ordinance amending Chapter 144, Zoning, Sections on Definitions, Zoning Districts, Walnut Special District, Land Use Matrix, Parking, Accessory Structures, and General Provisions and Exceptions for Yard Setbacks, and Rear Yard Requirements.

BACKGROUND / RATIONALE:

Council District: All

Staff Contact: Jean Drew, Senior Planner
(830) 221-4652
jdrew@nbtexas.org

City Council held a public hearing on January 25, 2021, and approved the first reading of this ordinance (7-0-0).

This collection of proposed ordinance updates codify formal interpretations issued over the last few years, and address emerging terms and trends regarding popular businesses or new uses.

The definitions were updated, and zoning districts where the defined uses are appropriate were determined by evaluating similar uses, as allowed in Section 4.1-2 of Chapter 144. They were also included in the Land Use Matrix Section 4.2. Parking standards were also identified for the new uses. The Building Design Standards included for the Walnut Special District, in Section 3.8-7e, are temporarily suspended to comply with HB 2439. Clarification relative to setbacks and number of allowed accessory buildings was made relative to structures with no walls, such as outdoor fireplaces. Section 5.21 was updated to clarify exceptions allowed for front porches encroaching within required yard setbacks, and rear yard requirements for lots abutting drainage easements.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

<p>City Plan/Council Priority: Envision New Braunfels Comprehensive Plan</p>	<p>Action 1.11: Update policies and codes to achieve development patterns that implement the goals of Envision New Braunfels. Action 3.6: Pro-actively provide a regulatory environment that remains business and resident friendly.</p>
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FISCAL IMPACT:

These proposed code revisions are anticipated to provide clarity to the public regarding allowed uses, required parking, accessory structures and required setbacks and yards. While these are customer service-oriented revisions, and should facilitate the development process, no fiscal impact is

anticipated from these updates and revisions.

STAFF RECOMMENDATION:

Approval. These updates are based on formal interpretations that have been adopted over the last few years. Codifying these revisions will assist in transparency, enhance customer service, and further consistency for development across the community and region.

ATTACHMENTS

1. Draft proposed final ordinance revisions for the listed sections.
2. Planning Commission minutes

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144 ZONING SECTION 1.4; SECTION 3.3; SECTION 3.4; SECTION 3.8; SECTION 4.2; SECTION 5.1, SECTION 5.4; AND SECTION 5.21; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapter 211 of the Texas Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement and amendment; and

WHEREAS, the City Council of the City of New Braunfels, Texas, deems it necessary and desirable to establish zoning regulations to provide for the orderly development of property within the City by governing the use of land in order to promote the public health, safety, morals and general welfare of the residents of the City; and

WHEREAS, the Comprehensive Plan, Envision New Braunfels, has multiple action items supporting updates that improve regulations, including Action Item 1.11: Update policies and codes to achieve development patterns that implement the goals of this plan; and Action Item 3.6: Pro-actively provide a regulatory environment that remains business and resident friendly.

WHEREAS, the City Council has directed that regulations dealing with the use and development of land be reviewed by the Planning Commission to make recommendations concerning improving those regulations; and

WHEREAS, the Planning Commission held a public hearing on December 1, 2020 and recommended approval of the proposed amendments; and

WHEREAS, the City Council held a public hearing on said amendments on January 25, 2021; and

WHEREAS, the City Council hereby finds and determines that regularly updating the code for clarification provides improved customer service and is in the best interest of the citizens of New Braunfels.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY

OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT Chapter 144, Zoning, Section 1.4 Definitions, is hereby amended with additions as underlined and deletions as stricken:

Sec. 144-1.4. - Definitions.

For the purpose of this chapter, certain words and terms as used herein are defined as follows:

Words used in the present tense include the future; words in the singular number include the plural, and vice versa; the word "building" includes the word "structure;" the word "shall" is mandatory and not directory; the term "used for" includes the meaning "designed for" or "Intended for"

Accessory structure or use means a subordinate structure or building having a use customarily incident to and located on the lot occupied by the main residential building; or a use customarily incident to the main residential use of the property. This term is not applicable for Commercial property, as multiple buildings are allowed on commercial lots where each is considered a main structure and is subject to the restrictions of the zoning district.

Active/Independent senior living facility means a facility that contains dwelling units, accessory uses, and support services specifically designed for occupancy by persons 55 years of age or older who are fully ambulatory or who require no medical or personal assistance or supervision, as well as accommodations for people who require only limited or intermittent medical or personal assistance.

Amphitheatre means an open-air venue used for entertainment, performance, ceremonies, or sports. Amphitheaters may or may not have fixed or designated seating, partial or temporary roof, or be under tents.

Assisted Living Facility – A special combination of housing, support services, personalized assistance, and health care designed to respond to the individual needs of those who require help with activities of daily living. A facility with a central or private kitchen, dining, recreational and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.

Corporation includes any officer, employee or agent of a corporation.

Department means the department, division or personnel otherwise designated by

the city manager to administer or enforce any or all of the provisions of this Chapter.

Dripline means a vertical line extending from the outermost portion of the tree canopy to the ground.

Government agency means any department, agent, or employee of the City of New Braunfels, County of Comal, County of Guadalupe, State of Texas, United States Government as well as any public utility, school district or other political subdivision of the State of Texas.

Height means the vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure. The average finished grade is calculated by averaging the midpoints of the four finished exterior walls of the building.

Landscaped Area means the area of a lot which is devoted to and consists of plant material adaptable to this region, including but not limited to trees, shrubs, grass, vines, ground cover, and other plant materials, along with planters, brick, stone walkways, natural forms, water forms, and other landscape features, but not including any paved area of smooth concrete or asphalt.

Lot, double frontage means any lot, not a corner lot, with frontage on two streets that are parallel to each other or within 45 degrees of being parallel to each other. When there is a non-access easement along a property line adjacent one of the streets of a platted double frontage lot, the property line with said easement it is to be considered the rear lot line for purposes of this ordinance and is subject to the rear building setback.

Microbrewery means a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

Microdistillery means an establishment that produces up to 100,000 gallons of distilled alcohol, such as whiskey, rum, gin, vodka, and other spirits.

Oak wilt means a disease caused by the fungus *Ophiostoma fagacearum* (*Ceratocystis fagacearum*).

Owner means the person or entity having legal title to the property or a lessee, agent, employee or other person acting on behalf of the title holder with authorization to do so.

Parking lot means a paved surface designed and ordinarily used for parking of employee and customer passenger vehicles. The term does not include parking garages, or any area used for the sale, display or storage of motor vehicles or areas where vehicle dealerships park their inventory.

Personal services mean establishments providing individual services related to non-medical personal care needs, including a beauty salon (with or without cosmetics and permanent cosmetics), barber shop, tanning salon, day spa, and massage services by masseurs and masseuses, and related incidental retail sales.

Planning director means the director of the planning and **community** development services department or his/her designee.

*Planning and **community** development services director* means the director of the planning and **community** development services department or his/her designee.

Public property means all parks, esplanades, traffic islands, municipal and utility easements and rights-of-way, and miscellaneous property owned by the city.

Public trees mean all trees and shrubs having 50% or more of its diameter, measured at existing grade, resting on public property.

Retail Establishment, Large Scale means a development comprised of multiple business establishments designed as a large-scale commercial center with a cumulative area in business is 100,000 square feet or more offering a shopping environment and providing services or entertainment for the general public. The multiple businesses may be housed in one or more buildings and located on one or more lots; however, the lots involved must be contiguous with one another, and constitute a single cohesive development. If more than one lot is involved, an off-site parking agreement to guarantee use of the available parking must be approved by the City.

Removal as applied to trees means uprooting, severing the main trunk of the tree or any act which causes, or may reasonably be expected to cause the tree to die, including but not limited to, damage inflicted upon the root system by machinery, storage of materials, or soil compaction: substantially changing the natural grade above the root system or around the trunk; excessive pruning; or paving with concrete, asphalt, or other impervious materials in a manner which may reasonably be expected to kill the tree.

Residential district means the following zoning districts: R-1, R-1A-43.5, R-1A-12, R-1A-8, R-1A-6.6, R-1A-5.5, R-1A-4, R1AR-2, R-2A, B-1, B-1A, TH, TH-A, ZH, ZH-A, SND-1, ADSD and WNSD. This includes all special and planned development districts identified as residential unless otherwise specified within the special district.

Street yard is the area of a lot that lies between the street right-of-way line and the actual front wall line of a building, as such building wall line extends from the outward corners of the building, parallel to the street, until such imaginary extensions of such front building wall intersect the side property lines.

Temporary housing means housing for a time period of 6-24 months for individuals/families who do not have current accommodations.

Transient housing – short term accommodations for visitors or travelers, such as a hotel or motel.

Tree is a woody plant having a well-defined stem, trunk, or multi-trunk and a more or less definitely formed crown, usually attaining a mature height of at least eight feet. For purposes of this article, the following publications may be used as a reference in defining which plants may be classified as trees:

- (1) Texas Trees, A Friendly Guide, by Paul W. Cox and Patty Leslie, Corona Publishing.
- (2) A Field Guide to Texas Trees, by Benny J. Simpson, Texas Monthly Press.
- (3) Trees of Central Texas, by Robert A. Vines, University of Texas Press, Austin, 1984.
- (4) Landa Park Arboretum, Harry Landa Self-Guiding Tree Trail and Growing Guide, published by Landa Park, New Braunfels, Texas.

Tree canopy coverage includes the percentage of the parking lot area covered by the tree canopy. The area of the tree canopy is the sum of the drip-line areas of all trees within the lot plus the portion of the drip-line area that lies within the lot for trees on the perimeter of the lot.

Xeriscape is a set of garden design and landscape maintenance principles that promote good horticultural practices, efficient use of water, and means water-conserving drought-tolerant landscaping.

(Ord. No. 2012-49, § 1(Exh. A), 9-10-12; Ord. No. 2016-75, § 1, 12-12-16; Ord. No. 2017-06, § 1, 1-9-17; Ord. No. 2017-77, § 1, 10-23-17; Ord. No. 2017-78, § 1, 10-23-17; Ord. No. 2018-21, § 2, 3-26-18; Ord. No. 2018-76, § 1, 11-12-18; Ord. No. 2019-78, § 1, 11-11-19; Ord. No. 2020-20, § 1, 3-9-20)

Editor's note— Ord. No. 2018-21, § 2, adopted March 26, 2018, redesignated the former section 144-1.3 as section 144-1.4. The historical notation has been preserved for reference purposes.

SECTION 2

THAT Chapter 144, Zoning, Sections 3.3-7, C, -1, Local business district, 3.3-8, C-2, General business district, 3.3-9, C-3 Commercial district, 3.3-10, C-4 Resort Commercial District, 3.3-11 M-1 Light Industrial District, and 3.3-12, M-2, Heavy Industrial District are hereby amended with additions as underlined and deletions as stricken:

3.3-7. "C-1" local business district.

The following regulations shall apply in all "C-1" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:

- (1) *Uses permitted by right.*

~~Barber/beauty shop, haircutting (non-college).~~

Personal Services

3.3-8. "C-2" general business district.

The following regulations shall apply in all "C-2" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:

- (1) *Uses permitted by right.*

- (1) *Uses permitted by right.*

~~Barber/beauty shop, haircutting (non-college).~~

Personal Services

3.3-9. "C-3" commercial district.

The following regulations shall apply in all "C-3" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:
 - (1) *Uses permitted by right.*

~~Barber/beauty shop, haircutting (non-college).~~

Micro brewery (onsite manufacturing and/or sales).

Micro distillery (onsite manufacturing and/or sales).

Personal Services

3.3-10. "C-4" resort commercial district.

The following regulations shall apply in all "C-4" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:
 - (1) *Uses permitted by right.*

Micro brewery (onsite manufacturing and/or sales).

Micro distillery (onsite manufacturing and/or sales)

3.3-11. "M-1" light industrial district.

The following regulations shall apply in all "M-1" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:
 - (1) *Uses permitted by right.*

~~-Barber/beauty shop, haircutting (non-college)-~~

Micro brewery (onsite manufacturing and/or sales).

[Micro distillery \(onsite manufacturing and/or sales\)](#)

[Personal Services](#)

3.3-12. "M-2" heavy industrial district.

The following regulations shall apply in all "M-2" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:
 - (1) *Uses permitted by right.*

~~-Barber/beauty shop, haircutting (non-college)-~~

Micro brewery (onsite manufacturing and/or sales).

[Micro distillery \(onsite manufacturing and/or sales\)](#)

[Personal Services](#)

SECTION 3

THAT Chapter 144, Zoning, Sections 3.4-10, MU-A, Low Intensity Mixed Use District, 3.4-11 MU-B High Intensity Mixed Use District, 3.4-12, C1-A, Neighborhood Business District, 3.4-13, C-1B, General Business District, 3.3-14, C-2A Central Business District, 3.4-15, C4-A, Resort Commercial District, 3.3-16, C-4B Resort Facilities District, 3.4-17, CO, Commercial Office District, 3.4-18, M-1A, Light Industrial District, and 3.4-

19, M-2A, Heavy Industrial District are hereby amended with additions as underlined and deletions as stricken:

3.4-10. "MU-A" low intensity mixed use district.

Purpose. The MU-A low intensity mixed use district is intended to provide for a mixture of retail, office, and residential uses in close proximity to enable people to live, work and shop in a single location. Bed-and-breakfast establishments could also be located in this district. Pedestrian walkways and open areas are desired in order to promote a pedestrian-friendly environment.

Authorized uses. Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:

- (1) *Uses permitted by right.*

~~Barber/beauty shop, haircutting (non-college).~~

Personal Services

3.4-11. "MU-B" high intensity mixed use district.

Purpose. The MU-B high intensity mixed use district is intended to provide for a mixture of more intense retail, office, and industrial uses in close proximity to enable people to live, work and shop in a single location. Bed-and-breakfast establishments could also be located in this district. Pedestrian walkways and open areas are desired in order to promote a pedestrian-friendly environment.

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:

- (1) *Uses permitted by right.*

~~Barber/beauty shop, haircutting (non-college).~~

Micro brewery (onsite manufacturing and sales).

Micro distillery (onsite manufacturing and/or sales)

Personal Services

3.4-12. "C-1A" neighborhood business district.

Purpose. This district is established to provide office, business and professional services, and light retail and commercial uses to serve adjacent neighborhoods. The uses found in the neighborhood business district are generally clustered at major intersections of collector streets near the perimeters of residential neighborhoods. No major shopping or office centers are included in this district. No use that is noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas shall be included in this district. The following regulations shall apply in all "C-1A" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:
 - (1) *Uses permitted by right.*

~~Barber/beauty shop, haircutting (non-college).~~

Personal Services

3.4-13. "C-1B" general business district.

Purpose. The general business district is established to provide areas for a broad range of office and retail uses. This district should generally consist of retail nodes located along or at the intersection of major collectors or thoroughfares to accommodate high traffic volumes generated by general retail uses. The following regulations shall apply in all "C-1B" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:
 - (1) *Uses permitted by right.*

~~Barber/beauty shop, haircutting (non-college).~~

Micro brewery (onsite manufacturing and/or sales).

[Micro distillery \(onsite manufacturing and/or sales\)](#)

[Personal Services](#)

3.4-14. "C-2A" central business district.

Purpose. This high density mixed use district is intended for central business district (CBD) uses. Any expansion of the existing "C-2" zoning would be limited to those changing areas that abut the core CBD. The following regulations shall apply in all "C-2A" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:

- (1) *Uses permitted by right*

~~Barber/beauty shop, haircutting (non-college).~~

Micro brewery (onsite manufacturing and/or sales).

[Micro distillery \(onsite manufacturing and/or sales\)](#)

[Personal Services](#)

3.4-15. "C-4A" resort commercial district.

Purpose. This zoning classification is intended to be developed as resort commercial property with the purpose to serve tourists, vacationing public, conference center attendees, sports related programs and support service facilities including garden office, retail and specialty shops. The following regulations shall apply in all "C-4A" districts:

(a) *Authorized uses.* Uses permitted by right and by special use permit shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:

(1) *Uses permitted by right.*

~~Barber/beauty shop, haircutting (non-college).~~

Micro brewery (onsite manufacturing and/or sales).

Micro distillery (onsite manufacturing and/or sales)

Personal Services

3.4-16. "C-4B" resort facilities district.

Purpose. This zoning classification is applicable to land not fronting on, or having access to, rivers and streams such as the Comal River, Comal Springs, and Guadalupe River. It applies to land, ten acres and greater, developed as resort commercial property with the purpose to serve tourists, vacationing public, conference center attendees, sports related programs and support service facilities including garden office, retail and specialty shops. The primary reason for classification of these uses separately from standard commercial uses is to allow recognition of their individual characteristics and to call attention to their influence on the economic base of the community. The following regulations shall apply in all "C-4B" districts:

Rezoning to this district shall not be allowed after November 8, 2006.

(a) *Authorized uses.* Uses permitted are as follows:

Uses permitted by right:

~~Barber/beauty shop, haircutting (non-college).~~

Micro brewery (onsite manufacturing and/or sales).

Micro distillery (onsite manufacturing and/or sales)

Personal Services

3.4-17. "C-O" commercial office district.

Purpose. The commercial office district is established to create a mixed use district of professional offices and residential use. The regulations set forth in this article are intended to encourage adaptive reuse of buildings or new office developments of the highest character in areas that are compatible and sensitive to the surroundings and ensure historic integrity. Such uses should not generate excess additional traffic or access problems.

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:

- (1) *Uses permitted by right.*

~~Barber/beauty shop, haircutting (non-college).~~

Personal Services

3.4-18. "M-1A" light industrial district.

Purpose. The M-1A light industrial district is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, distribution, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses generally require accessibility to major thoroughfares, major highways, and/or other means of transportation. The following regulations shall apply in all "M-1A" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:

- (1) *Uses permitted by right.*

~~Barber/beauty shop, haircutting (non-college).~~

Micro brewery (onsite manufacturing and/or sales).

Micro distillery (onsite manufacturing and/or sales)

Personal Services

3.4-19. "M-2A" heavy industrial district.

Purpose. The M-2A heavy industrial district is intended primarily for the conduct of heavy manufacturing, assembling and fabrication activities that do not typically depend upon frequent customer or client visits. Such uses generally require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad. The following regulations shall apply in all "M-2A" districts:

- (a) *Authorized uses.* Uses permitted by right and by special use permit shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:

- (1) *Uses permitted by right.*

~~Barber/beauty shop, haircutting (non-college).~~

Micro brewery (onsite manufacturing and/or sales).

Micro distillery (onsite manufacturing and/or sales)

Personal Services

SECTION 4

THAT Chapter 144, Zoning, Section 3.8 Special Districts, is hereby amended with additions as underlined and deletions as stricken:

Section 144-3.8. - Special districts.

3.8-7. Special District—Walnut Neighborhood.

e) *Building design standards.* This section below ((1) regarding building materials is suspended until authorized by a change in state law or case law.
The intent is to keep the existing building to maintain the traditional neighborhood streetscape setting. Additions or new structures for residential, mixed-use or non-residential uses must maintain and enhance the residential feel by complying with the following standards.

(1) *Material.*

(A) The same, similar or complimentary material shall be used on additions to existing structures.

(B) The existing housing stock along Walnut is an eclectic mix of building types and materials which is encouraged to continue. Styles include Minimal Traditional, Craftsman, Neo Classical Revival, Ranch, Tudor Revival, and Vernacular.

Materials include stucco, rock, brick, and wood siding with various roof materials such as standing metal seam, composition shingle and Spanish tile. New construction shall utilize materials that are complimentary to the other structures within the block. Cementous fiber board planks (i.e. hardi-plank) may be utilized in lieu of wood siding.

SECTION 5

THAT Chapter 144, Zoning, Section 4.2, Land Use Matrix,
are hereby amended with additions as underlined and deletions as stricken:

Sec. 144-4.2. - Land use matrix.

LEGEND																																			
P - The land use is permitted by right in the zoning district indicated.																																			
- The land use is prohibited in the zoning district indicated (Blank).																																			
NOTE: Unless otherwise noted in this chapter, an application for a special use permit may be made for any land use not permitted in any district, except PD.																																			
Types of Land Uses	Pre-1987 Zoning Districts														Post-1987 Zoning Districts																				
	R-1	R-2	R-3	B-1	TH	ZH	C-1	C-2	C-3	C-4	M-1	M-2	APD	R-1A-43.5	R-1A-12	R-1A-8	R-1A-6.6	R-2A	R-3L	R-3H	B-1A	B-1B	TH-A	ZH-A	MU-A	MU-B	C-1A	C-1B	C-2A	C-4A	C-4B	CO	M-1A	M-2A	

Barber/beauty shop, haircutting (non-college)							P	P	P		P	P													P	P	P	P	P	P	P	P	P	P	P

Manufactured home—HUD Code compliant (see Texas Occupations Code ch. 1201)				P			P	P	P												P	P											P		
Manufactured home park—HUD Code compliant (see Texas Occupations Code ch. 1201)																						P													
Manufactured home subdivision—HUD Code compliant (Texas Occupations Code ch 1201)																					P													P	

SECTION 6

THAT Chapter 144, Zoning, Section 5.1, Parking, loading, stacking and vehicular circulation is hereby amended with additions as underlined and deletions as stricken:

Sec. 144-5.1. - Parking, loading, stacking and vehicular circulation.

5.1-1. General provisions.

(e) *Construction and maintenance.* Off-street parking facilities shall be constructed, maintained and operated in accord with the following specifications:

(12) Curbside pickup, ADA parking, and all other specially designated or reserved parking shall count toward the total minimum required parking for a specific use.

(j) *Valet parking.*

(5) *Valet parking operations.*

(viii) Valet parking operations may only be conducted in areas shown on an approved valet parking plan. In an event that all of the parking spaces available in that parking plan are in use, the valet parking operations may use other available spaces in the subject parking lot. Under no circumstances will these parking spaces outside the approved valet parking plan be reserved at any time. Valet parking operations outside the approved plan area shall cease when vacancies occur within the approved plan area. Valet parking located on a separate parcel cannot count toward commercial off-street parking requirements unless an off-site parking agreement is approved allowing cars to be parked on a separate lot.

5.1-3. Schedule of required spaces.

(c) For each structure designed for any of the following uses, or for any like use, no less than the number of parking spaces required shall be provided according to the following schedule:

PERMITTED USE	MINIMUM VEHICLE SPACES
<u>Active/Independent Senior Living Facility</u>	<u>1.33 per unit</u>
Adult care facility	One for each two employees or staff members, PLUS One space for each five adults for which the facility is licensed by the state

<u>Electronic Assembly-High Tech over 100,000 SF</u>	<u>1 for each 3000 sq. ft. of gross floor area</u>
Electrical repair shop	One for each 400 sq. ft. of gross floor area

Office and service uses	One for each 300 sq. ft. of gross floor area
<u>Office (HQ with no customer traffic)</u>	<u>One for each 400 sq. ft. gross floor area</u>

<u>Temporary Housing</u>	<u>One space per 1 bedroom unit/studio; 1.5 spaces per 2 bedroom unit; 2 spaces per 3 bedroom unit</u>

(Ord. No. 2012-49, § 1(Exh. A), 9-10-12; Ord. No. 2016-75, § 2, 12-12-16; Ord. No. 2017-80, § 2, 10-23-17; Ord. No. 2018-21, § 2, 3-26-18; Ord. No. 2019-78, § 3, 11-11-19)

SECTION 7

THAT Chapter 144, Zoning, Section 5.4 Accessory uses and structures, is hereby amended with additions as underlined and deletions as stricken:

Section 5.4 Accessory uses and structures

- (a) *General.* Accessory buildings are subordinate buildings detached from the main building, the use of which is incidental to and used only in conjunction with the main building. Accessory buildings include, but are not limited to, an automobile storage garage, storage building (for storage belonging to the owner or tenant), greenhouse

or home workshop, and shall not be utilized for human habitation. [Residential outdoor fireplaces must also meet the minimum accessory structure setbacks.](#)

- (b) *Front yard/location requirement.* Any accessory building hereafter constructed or placed on any lot shall provide a front yard of 60 feet or shall be located behind the main building, whichever is less.
- (c) *Side building setback requirement.* Except for townhouses, there shall be a side building setback on each side of an accessory building not less than five feet. In the case of a corner lot, the exterior side setbacks for the particular zoning district shall govern. Townhouse accessory building setback is a minimum of three feet.
- (d) *Rear building setback requirement.* The depth of the rear yard shall be at least three feet. The building(s) shall not occupy more than 30 percent of the rear yard. In the case of a through lot, the depth of the rear yard shall be 25 feet.
- (e) *Height.* The height of the accessory building shall not exceed the height of the main building.
- (f) *Maximum number of buildings per lot.* In no instance shall more than two detached accessory buildings be allowed on one lot. [Outdoor fireplaces and covered patios \(with roof but no side walls\) are considered structures subject to setbacks but are not considered accessory buildings for the purpose of determining the maximum number of accessory buildings in the yard.](#)
- (g) *Building spacing.* As per adopted building codes.
- (h) *Accessory dwellings.* A secondary living space that is on-site with a primary living space is allowed and may be contained within the same structure as the primary dwelling or may be contained in a separate structure. A guest house and a garage loft are examples of accessory dwellings. No compensation may be paid for occupying the accessory dwelling. Separate kitchen facilities such as a stove, oven or dishwasher are not allowed in accessory dwelling.
- (i) *Accessory equipment requirements.* Air conditioning compressors, swimming pool pumps and similar accessory structures shall observe all front and exterior side yard setbacks specified for the particular zoning district in which the property is located. A minimum interior side building setback and rear building setback of three feet shall be observed, unless otherwise approved by the building official in accordance with the city adopted building codes.

(Ord. No. 2012-49, § 1(Exh. A), 9-10-12)

SECTION 8

THAT Chapter 144, Zoning, Section 5.21, General provisions and exceptions; use, height and area regulations.is hereby amended with additions as underlined and deletions as stricken:

Section 5.21 General provisions and exceptions; use, height and area regulations

5.21-3. Yard and setback exceptions.

- (a) *Front setback determination.* In any zoning district where lots on the same side of the street between two intersecting streets are developed with varying front yard depths and no plat has been filed showing a setback line, the front setback shall be determined by the planning director.
- (b) *Official line and measurement.* Where an official line has been established for future widening or opening of a street upon which a lot abuts, then the depth or width of such yard shall be measured from such official line to the nearest line of the building.
- (c) *Open yard.* Every part of a required yard shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, ornamental features and eaves, provided that none of the above projections shall extend into a required yard more than 24 inches. In residential districts, canopies or open porches having a roof area not exceeding ~~60~~ 120 square feet may project a maximum of six feet into the required front or side yard. In zero lot line districts canopies or open porches having a roof area not exceeding 120 square feet may project a maximum of five feet into the required side building setback, except in the case of a corner lot, where the required side yard is adjacent to the street, no encroachment may be allowed.
- (d) *Exterior stairway.* Any exterior stairway, open or enclosed, may project not more than four feet into a required rear building setback.
- (e) *Commercially or industrially zoned lots.* No rear building setback shall be required on any lot commercially or industrially zoned, the rear line of which adjoins a railway right-of-way or which has a rear railway tract connection, provided the lot is not utilized for residential purposes.
- (f) *Computing the depth of a rear yard.* In computing the depth of a rear yard for any building where such yard abuts a dedicated alley or a drainage easement which is open-space and cannot be built upon, one-half of the width of such alley or easement may be assumed to be a portion of the rear yard.

5.21-4. Lot width and area exceptions.

- (a) A lot or parcel has less than the required width or area prescribed for the particular zoning district and the lot or parcel was in separate ownership or platted prior to September 25, 1967, the lot area or width requirement will not prohibit erection of a one-family dwelling.
- (b) Non-habitable residential or commercial lots (e.g. utility infrastructure lots, drainage lots, landscape lots, etc.) are not required to meet the minimal

[dimensional standards of the zoning ordinance but must provide for adequate access for maintenance of the lot.](#)

(Ord. No. 2012-49, § 1(Exh. A), 9-10-12; Ord. No. 2013-6, § II, 1-28-1

SECTION 9

it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 10

THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

SECTION 11

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

SECTION 12

THAT in accordance with the provisions of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

SECTION 13

THAT this Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office.

PASSED AND APPROVED: First reading this the 25th day of January, 2021.

PASSED AND APPROVED: Second reading this the 8th day of February, 2021

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

Draft Minutes for the December 1, 2020 Planning Commission Regular Meeting

F) ORD19-249 Public hearing and recommendation of an ordinance amending Chapter 144, Zoning, Section 144-1.4, Definitions, to include new use terms; Sections 3.3 and 3.4 Zoning districts and regulations for property zoned prior to and subsequent to June 22, 1987, and Section 3.8, Walnut Special District, to temporarily suspend Building Design Standards; Section 4.2, Land Use Matrix, to identify districts allowing the new uses; Section 5.1, Parking, to identify parking standards for new uses and to clarify parking requirements; Section 5.4 to clarify accessory structure requirements; and, Section 5.21, General Provisions, to clarify exceptions for front porches in yard setbacks, and to clarify rear yard requirements for lots abutting drainage easements. Case Manager: Jean Drew.

Mrs. Drew presented on the proposed ordinance changes.

Chair Edwards asked if there were any questions for staff.

Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wanted to speak in opposition.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Sonier, seconded by Vice Chair Laskowski, to recommend approval to City Council of the proposed ordinance amending Chapter 144, Zoning, Section 144-1.4, Definitions, to include new use terms; Sections 3.3 and 3.4 Zoning districts and regulations for property zoned prior to and subsequent to June 22, 1987, and Section 3.8, Walnut Special District, to temporarily suspend Building Design Standards; Section 4.2, Land Use Matrix, to identify districts allowing the new uses; Section 5.1, Parking, to identify parking standards for new uses and to clarify parking requirements; Section 5.4 to clarify accessory structure requirements; and, Section 5.21, General Provisions, to clarify exceptions for front porches in yard setbacks, and to clarify rear yard requirements for lots abutting drainage easements. Motion carried (8-0-0).

2/8/2021

Agenda Item No. N)

Presenter

*Christopher J. Looney, AICP, Planning and Development Services Director
clooney@nbtexas.org*

SUBJECT:

Approval of the second and final reading of an ordinance for a proposed rezoning to apply a Special Use Permit to allow a seven-unit, townhouse style residential development on approximately 0.7 of an acre located at the southwestern terminus of the 2300 block of Michigan Street.

BACKGROUND / RATIONALE:

Case No.: SUP20-291

Council District: 4

Applicant:

Brian Mendez

Urban Civil
190 S. Seguin Ave.
New Braunfels, TX 78130
(830) 606-3913
bmendez@urbancivil.com

Owner:

Comal County Habitat for Humanity

(Crystal Moore)
1269 Industrial Drive
New Braunfels, TX 78130
(830) 625-4025
crystal@comalhabitat.org

Staff Contact:

Matthew Simmont, AICP
(830) 221-4058
msimmont@nbtexas.org

The City Council held a public hearing on January 25, 2021 and approved the first reading of the applicant's requested rezoning ordinance with staff recommended conditions (7-0-0).

The approximately 0.7 of an acre vacant, unplatted tract has frontage at the dead end of Michigan Street, adjacent to the Union Pacific Railroad tracks. The property was rezoned to ZH-A in 2018 to allow for residential development more consistent with the surrounding residential community. The adjacent neighborhood is zoned M-1 Light Industrial District where the average lot size on this block is about 5,000 square feet.

The proposed Type 2 Special Use Permit (SUP) would allow for proposed infill development to construct 7 new single-family dwelling units. As shown on the submitted site plan, the applicant

intends to plat the property into 9 lots with Lots 1-7 each containing a single-family dwelling in townhouse style, and Lots 8 & 9 to be improved with parking (15 proposed spaces) and drainage facilities. The residential lots (Lots 1-7) are not proposed to have street frontage; access to Michigan Street will be guaranteed through common Lots 8 & 9. The project will also require the applicant to dedicate and construct an extension of Michigan Street to include a compliant turnaround that will accommodate service and emergency vehicles.

The applicant has indicated the intent of the submitted design is to allow for a development that will offer new opportunities for affordable home ownership in the neighborhood.

The SUP process provides an opportunity for site-specific consideration of certain uses or activities that might otherwise be incompatible with adjacent uses or existing land use patterns. SUPs can be approved with conditions to achieve compatibility and protect neighboring properties.

Surrounding Zoning and Land Use:

North -	Across railroad, M-1/ Manufactured home park
South -	M-1/ Single-family residences
East -	M-1/ Single-family residences
West -	M-1/ Single-family residences

Determination Factors:

In making a decision on zoning, the following factors are to be considered:

- Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole (*The proposed small-lot residential use is appropriate and compatible for this area.*)
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*NBISD was sent notice of this request. The adequacy of public facilities and utilities to serve the property is evaluated by each provider at the platting and permitting stages.*);
- How other areas designated for similar development will be affected (*The proposed zoning change should not impact other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*None identified. Drainage, utility and traffic impact issues will be reviewed and addressed through the platting process. The proposed turnaround on Michigan Street will improve access for emergency and service vehicles on this block.*); and
- Whether the request is consistent with the Comprehensive Plan: *see below*

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

<p>City Plan/Council Priority: Envision New Braunfels Comprehensive Plan Workforce Housing Study</p>	<p>Action 3.13: Cultivate an environment where a healthy mix of different housing products at a range of sizes, affordability, densities, amenities and price points can be provided across the community as well as within individual developments. Action 3.30: Encourage and incentivize workforce/affordable housing to attract new workforce entrants and young families. Action 3.31: Adopt policies and ordinances supportive of workforce housing, creating opportunities that make investment in workforce housing more feasible for private and nonprofit developers. Future Land Use Plan: The property is situated in the Oak Creek Sub-Area and near an intersection of two Transitional Mixed-Use Corridors. Ensure through city zoning and other required legal entitlements related to housing construction that new types of housing products (small-lot, duplex, townhome, etc.) are allowed by regulations.</p>
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on January 5, 2021 and recommended approval of the request with the staff recommended conditions (9-0-0).

STAFF RECOMMENDATION:

Small-lot, townhouse style development would be appropriate at this location for the following reasons:

1. The property is surrounded on three sides by existing, stable single-family residential use on small lots, many of which are less than 5,000 square feet. The proposed development will make efficient use of this property with a residential infill development that will extend Michigan Street and provide a code compliant turnaround.
2. The proposed development will provide sufficient off-street parking and drainage detention facilities to serve the residential use of the property.

Therefore, staff recommends approval. The proposed development addresses several Comprehensive Plan priorities, Workforce Housing Study goals, and is appropriately planned to be compatible with existing adjacent land uses. The SUP process allows the establishment of specific development standards for the uses allowed on the property to ensure compatible and orderly development. To that end, staff's recommendation of approval includes the following conditions:

1. Correct the Michigan Street labeling on the site plan.
2. Correct the directional orientation of the north arrow on the site plan.
3. To address adjacent privacy concerns, no second story access/doorways are permitted along the northeast facing elevation of proposed Lots 2-7. In addition, second story windows along the northeast facing elevation of proposed Lots 2-7 shall be non-transparent. Transparent clerestory windows are allowed.
4. Four-foot-wide sidewalks shall be constructed along both sides of Michigan Street and shall be within the right of way or contained within a pedestrian access easement to allow public access

along the roadway.

5. The identified chain link fence facing Michigan Avenue shall be a maximum of four and one-half feet in height and remain a minimum of 50% open.
6. Development is to be permitted in substantial compliance with the approved site plan, Exhibit 'B'. All remaining site development standards as required by Chapter 144, City of New Braunfels Code of Ordinances remain in effect.
7. An off-site parking agreement shall be approved and maintained to guarantee resident access to the proposed shared parking area ensuring they meet the minimum number of parking spaces required for each dwelling unit.
8. A homeowner's association shall be established to own and maintain Lots 8 & 9.
9. An updated master plan reflecting the approved site plan must be submitted with the final plat application.

Notification:

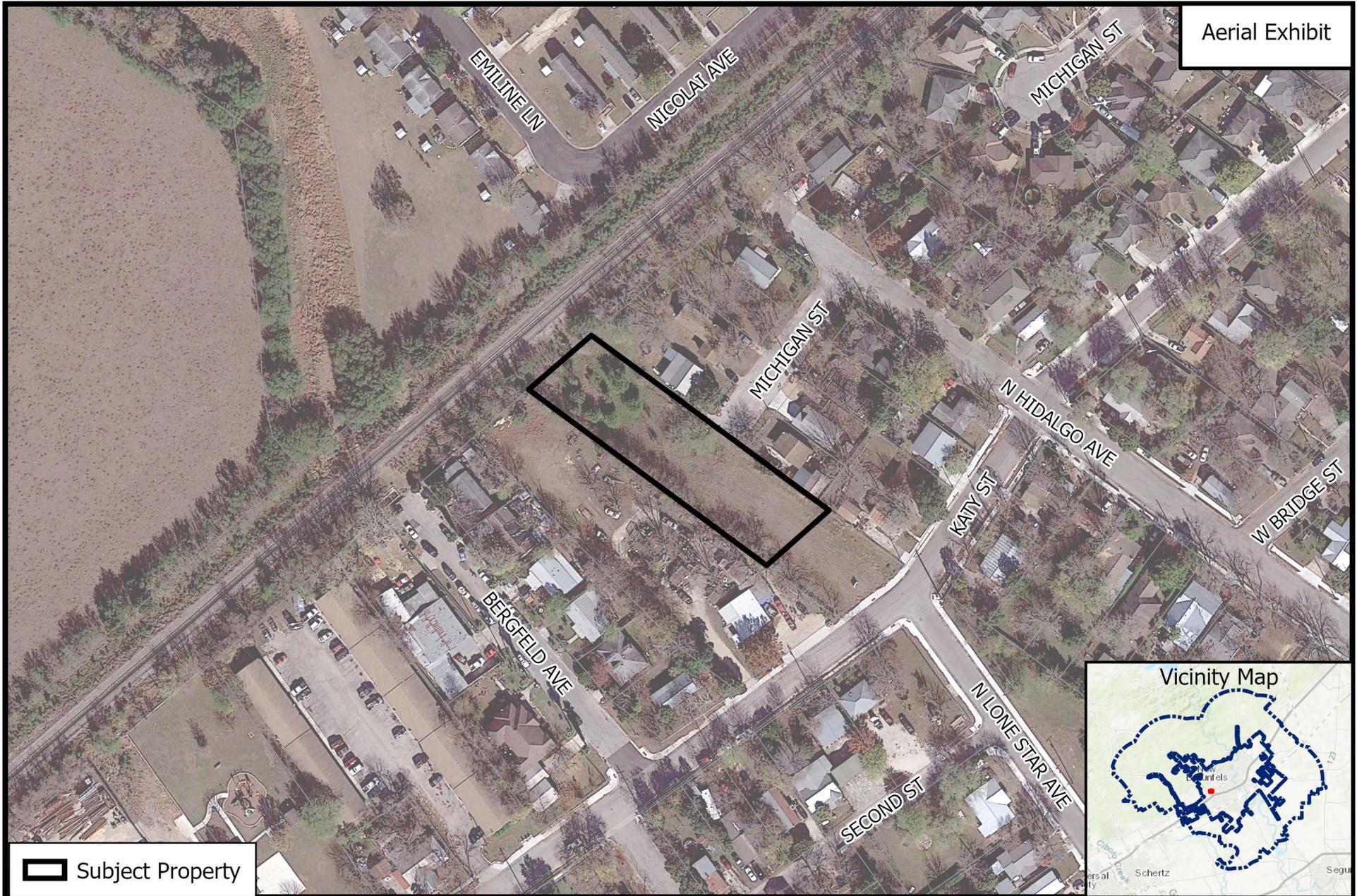
Public hearing notices were sent to 27 owners of property within 200 feet. The City has received no responses in favor and 4 in objection (# 1, 8, 18 & 25).

RESOURCE LINKS:

- Chapter 144, Section 3.4-9. "ZH-A" Zero Lot Line Home District of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Section 3.6 (SUP) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

ATTACHMENTS:

1. Aerial Map
2. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
3. Proposed Site Plan
4. Preliminary Building Plan
5. Notification List, Map and Responses
6. Planning Commission Meeting Draft Minutes
7. Ordinance



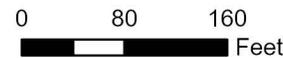
Aerial Exhibit

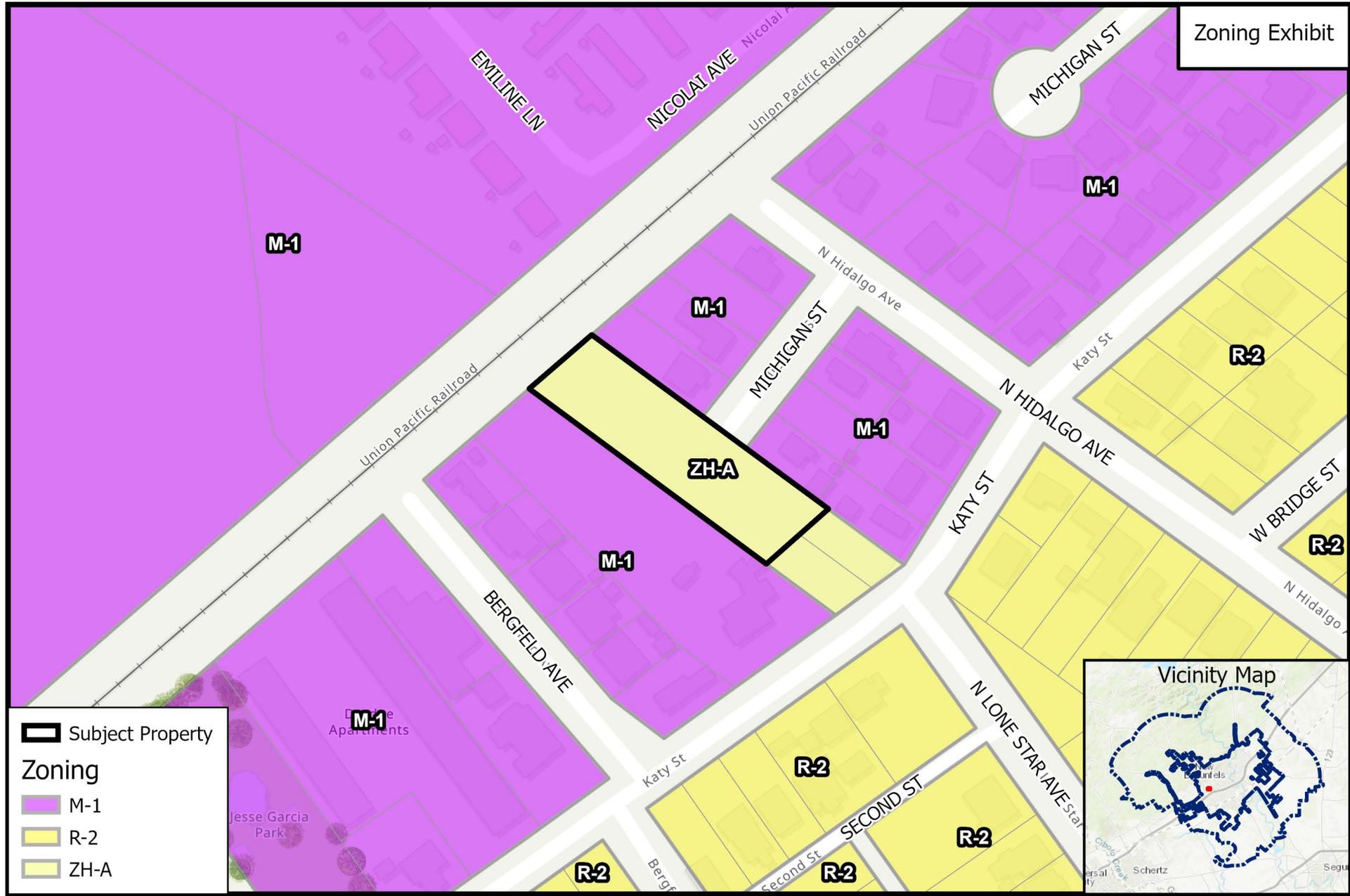
 Subject Property

Vicinity Map



SUP20-291
SUP to allow for residential development

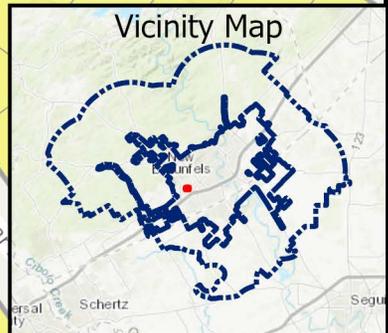




Subject Property

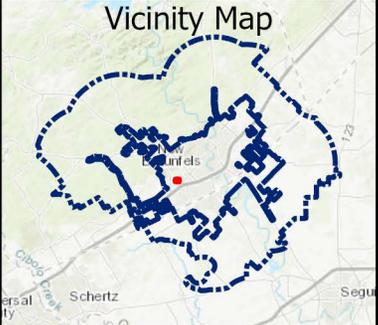
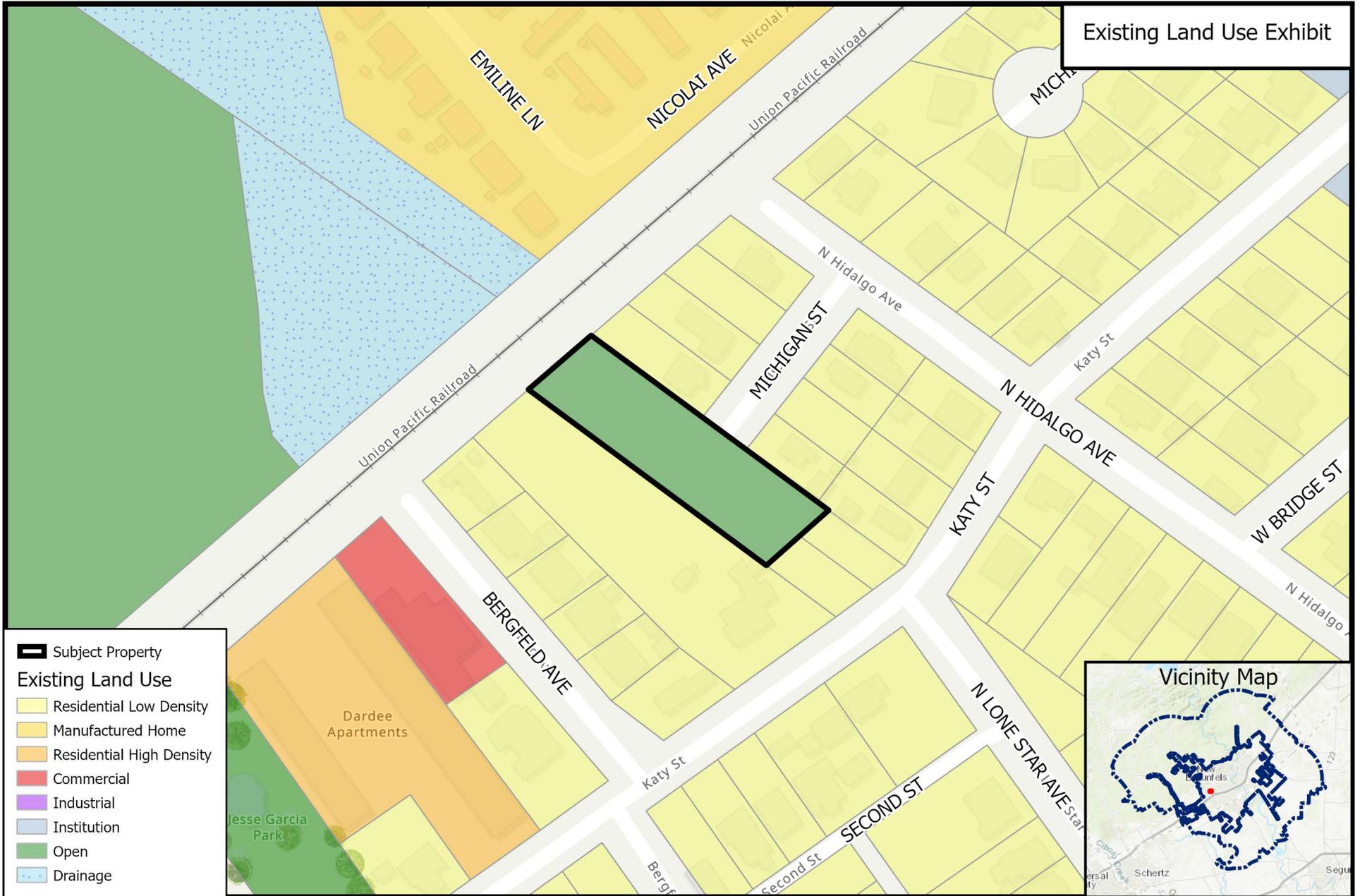
Zoning

- M-1
- R-2
- ZH-A



SUP20-291
SUP to allow for residential development





SUP20-291
SUP to allow for residential development



EXISTING CENTERS

Centers are the middle, core or heart of an area. It is a point of activity and vitality. Centers come in many sizes and have different purposes or activities within. They may have endangered species habitat or aquifer recharge areas that require additional standards and consideration relating to future growth. It is envisioned that all centers be walkable, connected, and have a mix of uses. These centers must provide adequate infrastructure to support the commercial development present especially mobility and access for pedestrians, bicycles, vehicles and transit. Given the mixed-use nature of these centers, parking should be shared and not detract from the aesthetic of the area.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

MEDICAL CENTER

Medical Centers are mixed-use areas centered around a medical destination such as a hospital or clinic.

CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

OUTDOOR RECREATION CENTER

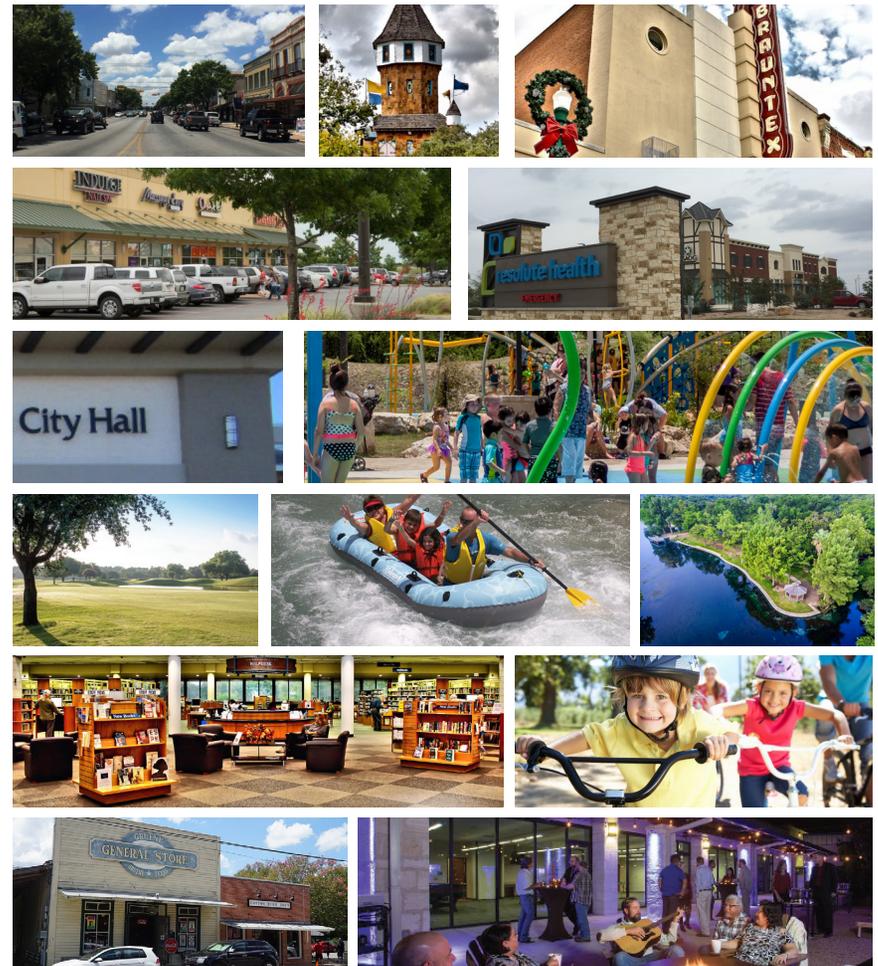
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

EDUCATION CENTER

Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

TOURIST/ENTERTAINMENT CENTER

Tourist/Entertainment Centers are mixed-use areas around an entertainment venue such as Gruene Hall or a tourist destination such as the Tube Chute.



FUTURE LAND USE PLAN

A future land use plan is how land is envisioned to be. It establishes priorities for more detailed plans (sub area plans) and for detailed topical plans (such as parks and open spaces, trails and roads). It cannot be interpreted without the goals and actions of Envision New Braunfels.

TRANSITIONAL MIXED-USE CORRIDOR

Transitional Mixed-Use Corridors express an aspiration to retrofit existing auto-dominated retail corridors with a mix of uses and a variety of travel modes over time.

OUTDOOR RECREATION CENTER

Outdoor Recreation Centers are centered around a public or private outdoor destination like Fischer Park.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

SUB AREA 1

Sub Area 1 includes the Downtown, Gruene and the Mid-Century or older neighborhoods that surround them. It is home to the natural springs and headwaters of flowing rivers that have attracted New Braunfelsers to the town for centuries.

SUB AREA 2

Sub Area 2 refers to the neighborhoods and residential enclaves that have grown alongside the Hill Country landscape.

SUB AREA 3

Sub Area 3 includes a planned community offering a diversity of housing, distinct community centers and preserved Hill Country landscape features.

SUB AREA 4

At the heart of Sub Area 4 is Fischer Park. Proximity to IH-35, downtown and neighboring communities like McQueeney makes this area highly desirable and accessible.

SUB AREA 5

Sub Area 5 bridges together many communities east of IH-35. It includes the scenic landscape along both banks of the Guadalupe River between Highway 46 and FM 725.

SUB AREA 6

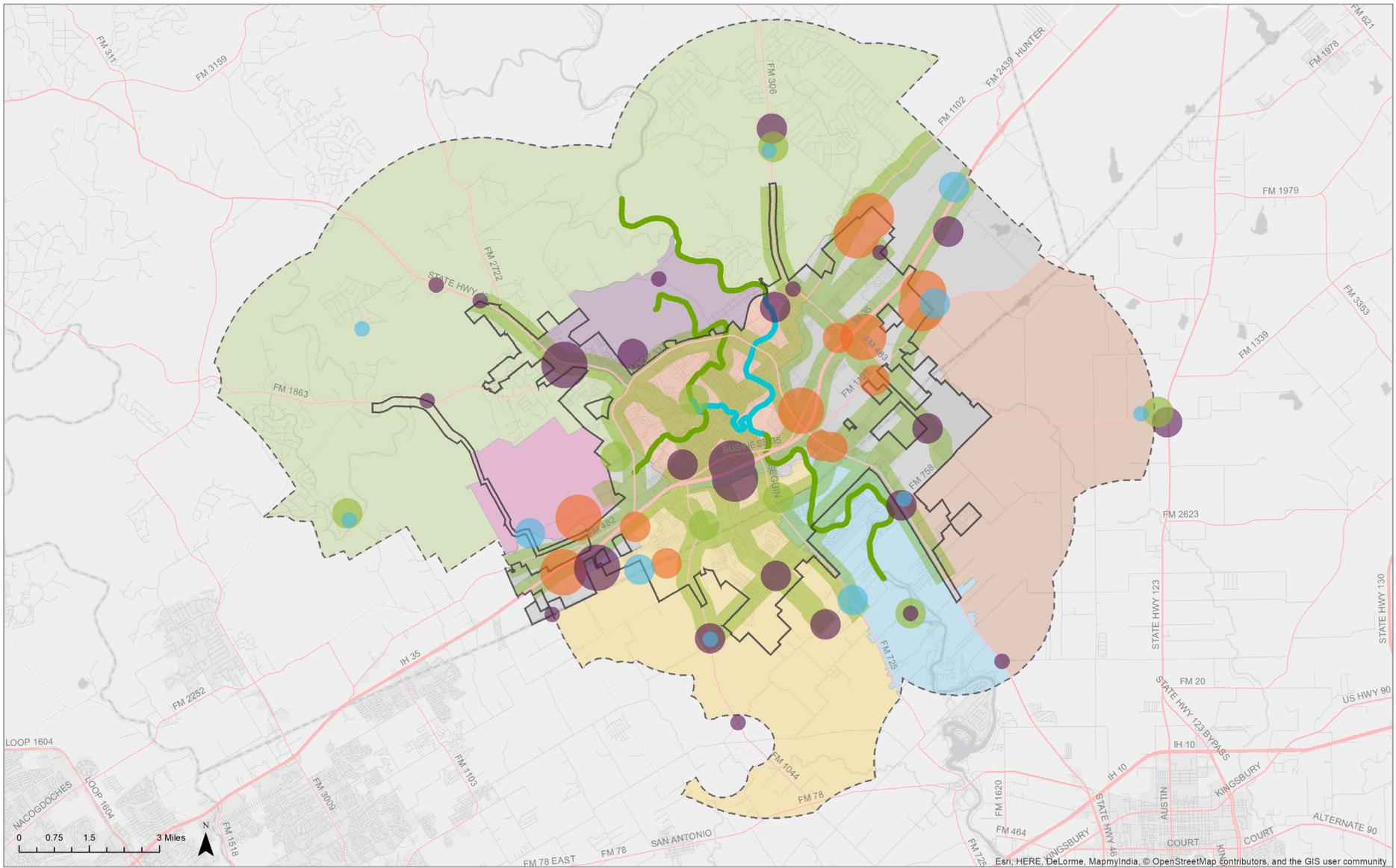
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7

Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

SUB AREA 8

This fast-growing Sub Area includes many neighborhoods offering affordable places for young families to live.



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. Preferred future growth scenario combines Scenarios A and C per recommendations of the Envision New Braunfels Steering Committee (February 2018). Exact boundaries of sub areas, centers, and corridors may be [zoomed and viewed online](#).

GENERAL NOTES:

1. PRIOR TO THE COMMENCEMENT OF ANY WORK, THE CONTRACTOR SHALL CAREFULLY STUDY THE CONTRACT DOCUMENTS AND ALL EXISTING ON-SITE CONDITIONS. THE CONTRACTOR SHALL REPORT TO KOKANEE SOLUTIONS ANY ERRORS, INCONSISTENCIES OR OMISSIONS PRIOR TO THE COMMENCEMENT OF ANY WORK IN QUESTION.

2. REPORT ALL DISCREPANCIES, ERRORS, OR OMISSIONS IN THE DOCUMENTS TO KOKANEE SOLUTIONS OR BUILDER PRIOR TO THE ORDERING OF ANY MATERIALS AND/OR COMMENCEMENT OF CONSTRUCTION.

3. ALL WORK SHALL BE PERFORMED AND COMPLETED IN STRICT COMPLIANCE WITH ALL APPLICABLE CODES AND/OR REGULATIONS HAVING JURISDICTION OVER THE WORK AND SHALL BE PERFORMED IN A GOOD WORKMANSHIP LIKE MANNER IN ACCORDANCE WITH ACCEPTED TRADE STANDARDS BY EXPERIENCED CRAFTSMEN SKILLED IN THEIR RESPECTIVE TRADES.

4. THESE DRAWINGS INDICATE THE GENERAL SCOPE OF THE PROJECT IN TERMS OF THE DESIGN CONCEPT, THE DIMENSIONS OF THE BUILDING, THE MAJOR ARCHITECTURAL ELEMENTS. AS SCOPE DOCUMENTS, THESE DRAWINGS DO NOT NECESSARILY INDICATE OR DESCRIBE ALL WORK REQUIRED FOR FULL PERFORMANCE AND COMPLETION OF THE REQUIREMENTS OF THE PROJECT. THE GENERAL CONTRACTOR SHALL FURNISH ALL ITEMS REQUIRED FOR THE PROPER EXECUTION AND TIMELY COMPLETION OF THE WORK.

5. GENERAL CONTRACTOR ACCEPTS FULL RESPONSIBILITY FOR PLANS SHOULD ANY CHANGES BE MADE TO THESE PLANS BY THE GENERAL CONTRACTOR OR ANY OF THEIR REPRESENTATIVES.

6. FINAL SELECTIONS FOR ALL FINISHES, FINISH MATERIALS, COLORS, TEXTURES, ETC. SHALL BE MADE BY THE OWNER.

7. DOOR AND WINDOW ROUGH OPENINGS SHALL BE SUCH THAT OUTSIDE EDGES OF ADJACENT DOOR, WINDOW, AND TRANSOM TRIM IS ALIGNED, UNLESS NOTED OTHERWISE. INSTALL DOORS AND WINDOWS PER MANUFACTURER'S INSTRUCTIONS.

8. WINDOW SIZES GIVEN ARE APPROXIMATE UNIT SIZES. VERIFY ACTUAL SIZES AND ROUGH OPENING REQUIREMENTS WITH WINDOW MANUFACTURER.

9. PROVIDE ATTIC VENTING AS REQUIRED BY LOCAL CODES.

10. TEMPERED GLASS SHALL BE USED AT WINDOWS ABOVE BATHS, SHOWERS, ANY WINDOWS IN DOORS, ANY WINDOWS WITHIN 24" OF DOORS, AND AT ALL WINDOWS GREATER THAN 9 SQUARE FEET THAT ARE WITHIN 18" OF THE FLOOR.

11. ALL ANGLED WALLS 45° UNLESS OTHERWISE NOTED.

12. DO NOT SCALE DRAWINGS. USE WRITTEN DIMENSIONS ONLY. PLEASE REPORT ERRORS OR QUESTIONS TO KOKANEE SOLUTIONS FOR CLARIFICATION.

13. MECHANICAL, ELECTRICAL AND PLUMBING SHOWN ON THE PLAN ARE SCHEMATIC AND INDICATE INTENT AND SCOPE OF WORK ONLY. EACH SUBCONTRACTOR IS RESPONSIBLE FOR INSTALLING EQUIPMENT WHICH MEETS ALL APPLICABLE CODES.

14. ALL DIMENSIONS ARE TO FACE OF FRAME UNLESS NOTED OTHERWISE.

15. ALL UNBRACED STUD WALLS IN EXCESS OF 11'-0" TALL WILL BE MIN. OF 2X6 CONSTRUCTION. STUD WALLS WILL BE 2X4 CONSTRUCTION UNLESS NOTED OTHERWISE.

16. PROVIDE SOUND ATTENUATING BATTS AROUND ALL BATHROOMS AND MECHANICAL EQUIPMENT SPACES, TYPICAL.

17. VERIFY AND COORDINATE ALL HVAC AND PLUMBING VENTS, DUCTS AND REGISTERS WITH STRUCTURAL DRAWINGS AND NOTES PRIOR TO CONSTRUCTION.

18. ALL ELEVATION PLATE HEIGHTS INDICATED ARE NOMINAL DIMENSIONS.

19. DOOR LOCATIONS - UNLESS NOTED OTHERWISE, PLACE DOORS 6" FROM ADJACENT WALL OR IN CENTER OF TWO ADJACENT WALLS SUCH AS IN A HALLWAY.

20. VERIFY FINAL SLAB DROPS WITH FINAL FLOOR MATERIAL SELECTIONS BY OWNER.

21. FINAL WINDOW SIZES MAY VARY WITH MANUFACTURER CHOSEN. IF WINDOW SIZE CHANGES MORE THAN 4", PLEASE NOTIFY KOKANEE SOLUTIONS FOR CONFIRMATION OF SIZE FOR DESIGN INTENT.

22. ROOF VENT- PLACE ALL VERTICAL PIPES TO REAR OF BUILDING WHERE POSSIBLE.

23. ROOF OVERHANGS- ALL ROOF OVERHANGS ARE MEASURED FROM THE OUTSIDE FACE OF FRAMING STUDS.

24. DOORS FROM THE GARAGE INTO THE RESIDENCE SHALL BE EITHER 1 3/8" SOLID WOOD, 1 3/8" SOLID STEEL, 1 3/8" HONEYCOMB STEEL, OR 20 MINUTE FIRE RATED.

25. GARAGES WITH HABITABLE ROOMS ABOVE MUST USE 5/8" TYPE X GYPSUM BOARD OR EQUIVALENT TO SEPARATE ALL HABITABLE SPACES.

26. WHEN PLAN INCLUDES ELEVATOR, BUILDER TO VERIFY ALL SPECIFICATIONS INC. ELECTRICAL, PHONE, AND PIT REQUIREMENTS WITH THE MANUFACTURER.

27. WINDOW SIZES SHOWN AT EGRESS AREAS MEET GENERAL EGRESS REQUIREMENTS, HOWEVER BUILDER TO VERIFY WITH INDIVIDUAL MANUFACTURER.

28. EXTERIOR PLASTER- INSTALL PER LOCAL CODES- THIS SHALL INCLUDE CONTROL JOINTS AS PER ASTM C1063 AND WEEP SCREEDS PER ASTM C926.

29. ATTIC ACCESS- PROVIDE MINIMUM 22" X 30" ACCESS AS NOTED AND WHERE REQUIRED BY CODE.

30. FOR ALL CITY OF AUSTIN PERMITTED PROJECTS ONE FIRST FLOOR POWDER OR BATH MUST HAVE MINIMUM 30" CLEAR OPENINGS AND BLOCKING AT WALLS FOR FUTURE HAND RAILS.

31. DROP INDICATORS ARE FROM CONCRETE TO CONCRETE UNLESS DOORS SWING TOWARDS THE OUTSIDE. THEN 1 1/2" DROP MAXIMUM FINISH TO FINISH.

AFF Above Finish Floor
Addn. Additional
A.H.U. Air Handling Unit
Alum. Aluminum
Approx. Approximate
Arch. Architect, Architectural

Bm. Beam
Brq. Bearing
Blkg. Blocking
Bd. Board
Bldg. Building
B.L. Building Line
B.O.B. Bottom of Beam
B.O.S. Bottom of Steel

Cab. Cabinet
Cant. Cantilever
Cpt. Carpet
Clg. Ceiling
C.L. Ceiling
C.T. Ceramic Tile
Clo. Closet
Col. Column
Conc. Concrete
C.M.U. Concrete Masonry Unit
C.J. Control Joint
Cont. Continuous

Det. Detail
Dia. Diameter
Dim. Dimension
DBL. Double
Dn. Down
D.S. Downspout
Dwg. Drawing
DR. Dryer
D.Y. Dishwasher

Ea. Each
E.J. Expansion Joint
Elec. Electrical
Elev. Elevation
Equip. Equipment
Exist. Existing
Ex. Expansion
Ext. Extension
Exh. Exhaust fan

ABBREVIATIONS

F.A.R. Framing As Required
FL.D. Floor Drain
Fdn. Foundation
Fin. Finish
Fxt. Fixture
Flex. Flexible
Flr. Floor
Ftg. footing
Furr. Furring
F.D. Furr Down
F.V. Field verify
F.F. Finish floor

Ga. Gauge
Galv. Galvanized
Gen. General
Gl. Glass, glazing
Gyp. Gypsum

H.B. Hose Bib
H.C. Hollow Core
Hdw. Hardware
Hd. Head
Horiz. Horizontal
Ht. Height
H.H. Head height

I.M. Ice Maker
I.D. Inside Diameter
Insul. Insulation

Jst. Joist
Jnt. Joint

Lam. Laminate
Lav. Lavatory
Lt. Light
Lins. Linens

Manf. Manufacturer
Mas. Masonry
Max. Maximum
M.C. Medicine Cabinet
Matl. Material
Mech. Mechanical
Mtl. Metal
Mfr. Manufacturer
Micro. Microwave
M.W. Microwave
Min. Minimum
Mir. Mirror
Misc. Miscellaneous
M.O. Masonry opening
Mtd. Mounted

N.I.C. Not Included
Nom. Nominal

O.C. On Center
O.D. Outside Diameter
Off. Office
Opng. Opening
Opp. Opposite
O.T.O. Out to Out

Pc. Piece
PDR. Powder
PL. Plate
P.Lam. Plastic Laminate
Plmg. Plumbing
Pnlg. Paneling
Pnt. Paint
P.T. Pressure Treated
P.V.C. Polyvinyl Chloride

Q.T. Quarry tile
Qtr. Quarter

R. Radius, Riser
R.D. Roof Drain
Re: Refer
Ref. Reference
Refr. Refrigerator
Reinf. Reinforce
Reqd. Required
Rm. Room
R.O. Rough opening
R.H. Ridge Height

S.C. Solid Core
Sched. Schedule
Sect. Section
Sht. Sheet
Shtg. Sheathing
Sim. Similar
Spec. Specifications
S.S. Stainless steel
Std. Standard
Stl. Steel
Struct. Structural
Susp. Suspended

Tele. Telephone
Temp. Tempered
Thld. Threshold
Toil. Toilet
Typ. Typical
T.O.B. Top of Beam
T.O.W. Top of Wall
T.O.S. Top of Steel

U.N.O. Unless Noted Otherwise
Uti I. Utility
W.I.C. Walk In Closet
W/W. With
Wd. Wood
W/nd. Window
W.Washer
W.H. Water Heater
W.R. Water Resistant
W.W.M. Welded wire Mesh

1R/1S 1 Rod 1shelf
2R/2S 2 Rod 2shelves
1R/2S 1 Rod 2shelves

To the best of my knowledge these plans are drawn to comply with owner's and/ or builder's specifications and any changes made on them after prints are made will be done at the owner's and / or builder's expense and responsibility. The contractor shall verify all dimensions and enclosed drawing. KOKANEE SOLUTIONS, LLC is not liable for errors once construction has begun. While every effort has been made in the preparation of this plan to avoid mistakes, the maker can not guarantee against human error. The contractor of the job must check all dimensions and other details prior to construction and be solely responsible thereafter.

HOMEOWNER & CONTRACTOR: TO VERIFY ALL DIMENSIONS, STRUCTURAL DETAILS, AND BUILDING CODES, AND GRADE REQUIREMENTS.

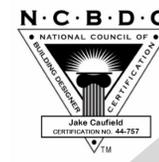
Effective September 1, 2016, the state of Texas will adopt 2015 IRC, Chapter 11 of the Energy Efficiency Code. Contractor and Homeowner to confirm compliance in the prescribed requirements. Please review at:

Link to Chapter 11:

<http://codes.iccsafe.org/app/book/content/2015-I-Codes/2015%20IRC%20HTML/Chapter%2011.html>

Link to the Legislation, Texas House Bill 1736:

<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=84R&Bill=HB1736>



LAYOUT PAGE TABLE	
LABEL	TITLE
A0	PROJECT OVERVIEW
A1	PLOT PLAN
A2	FLOOR PLAN
A3	EXTERIOR ELEVATIONS
A3.1	EXTERIOR ELEVATIONS
A4	INTERIOR ELEVATIONS
A5	FOUNDATION PLAN
A6	ROOF PLAN
A7.2	ROOF FRAMING
E1	ELECTRICAL



NUMBER	DATE	REVISION	DESCRIPTION

NEW PROJECT FOR:
COMAL COUNTY HABITAT FOR HUMANITY
LOT 1 & 6 MICHIGAN STREET
NEW BRAUNFELS, TX 78130

PROJECT #: 20-022_D_LDR
FP1



DRAWINGS PROVIDED BY:
KOKANEE SOLUTIONS, LLC
421 S. SEQUOIA AVE SUITE A
NEW BRAUNFELS, TX 78130
830-481-4025 www.kcsol.com

DATE:
9/21/2020

SCALE:
1/4" = 1' UNO

SHEET:
A0
Project Overview



SQUARE FOOTAGE (SINGLE UNIT)	
MAIN LEVEL LIVING	1056 SF
UPPER LEVEL LIVING	520
TOTAL LIVABLE	1576 SF
COVERED FRONT PORCH SLAB	64 SF
TOTAL SLAB	1120 SF
TOTAL COVERED	1640 SF
UNCOVERED REAR STOOP	16 SF
MOTOR COURT SLAB	TBD SF
WALKWAY SLABS	TBD SF
AC UNIT/ GD SLAB	TBD SF
DRIVEWAY(TO PROP. LINE)	TBD± SF
ACTUAL FLATWORK WILL VARY DEPENDANT TO SITE CONDITIONS	

NOTES:

- ACTUAL FLATWORK WILL VARY DEPENDANT TO SITE CONDITIONS
- VERIFY GRADES & LANDSCAPE



NUMBER	DATE	REVISION TABLE	REVISOR	DESCRIPTION

NEW PROJECT FOR:
COMAL COUNTY HABITAT FOR HUMANITY
LOT 1 & 6 MICHIGAN STREET
NEW BRAUNFELS, TX 78130

PROJECT #: 20-022_DLR
PP1



DRAWINGS PROVIDED BY:
KOKANEE SOLUTIONS, LLC
421 S. SEGUN AVE SUITE A
NEW BRAUNFELS, TX 78130
830-481-4025 www.KocooTexas.com

DATE:

9/21/2020

SCALE:

1/4" = 1' UNO

SHEET:

A1
Plot Plan

NUMBER	DATE	REVISION BY	DESCRIPTION

NEW PROJECT FOR:
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LOT 1 & 6 MICHIGAN STREET
NEW BRAUNFELS, TX 78130

PROJECT #: 20-022_D_LDR
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830-481-4025 www.kcsolutions.com

DATE:

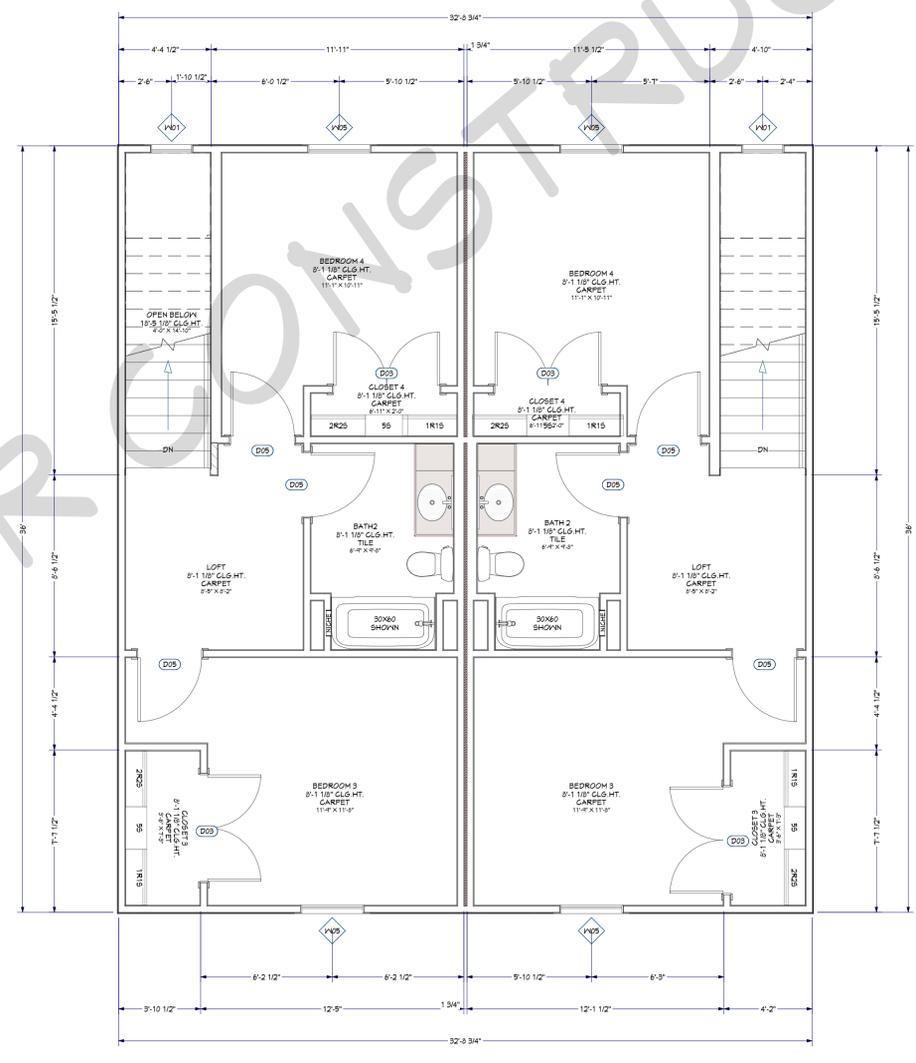
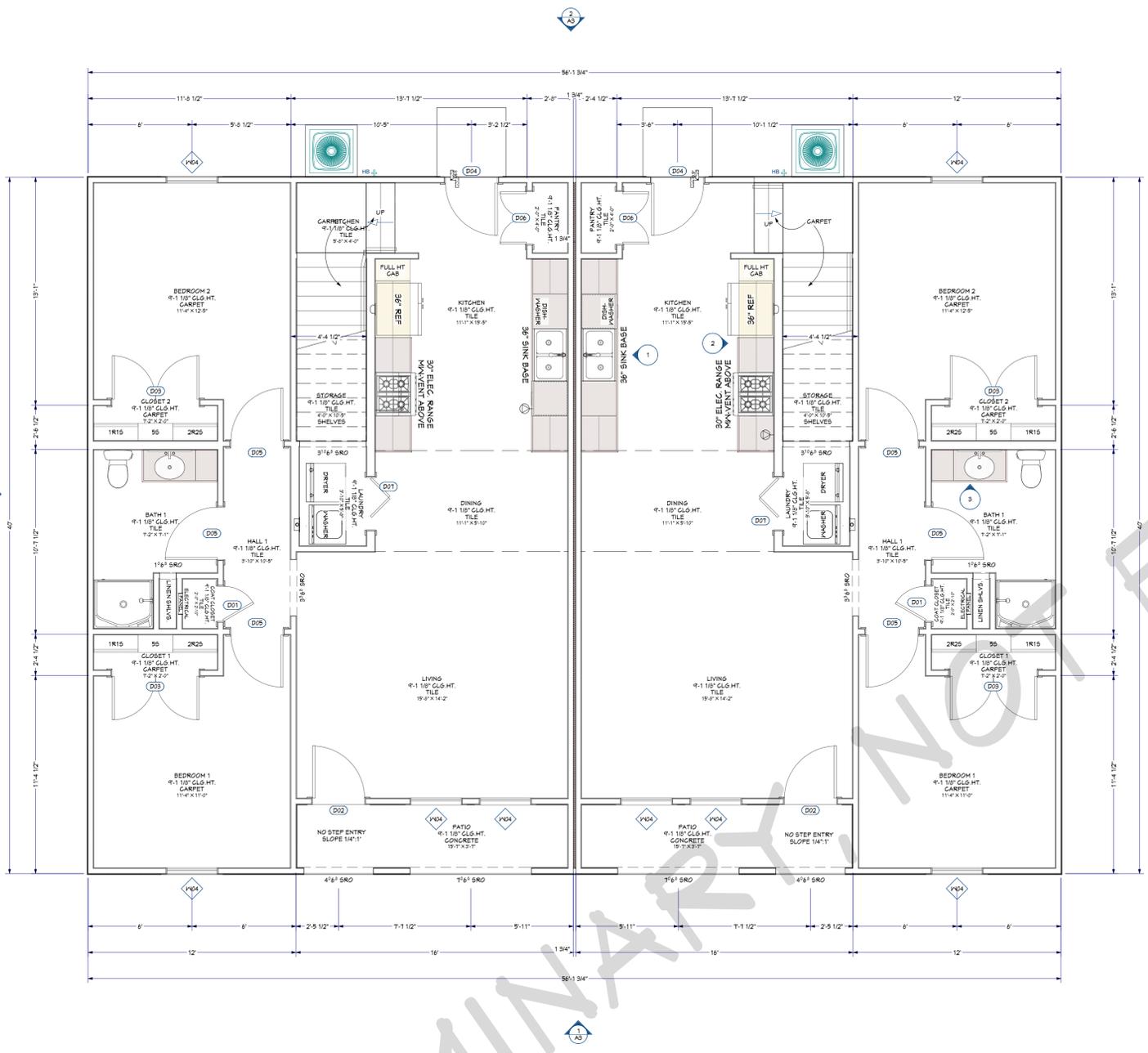
9/21/2020

SCALE:

1/4" = 1' UNO

SHEET:

A2
Floor Plan



PRELIMINARY NOT FOR CONSTRUCTION

REVISION TABLE	NUMBER	DATE	REVISOR	DESCRIPTION

NEW PROJECT FOR:
 COMAL COUNTY HABITAT FOR HUMANITY
 LOT 1 & 6 MICHIGAN STREET
 NEW BRAUNFELS, TX 78130

PROJECT #: 20-022_DLR_PP1



DRAWINGS PROVIDED BY:
 KOKANEE SOLUTIONS, LLC
 421 S. SEGUN AVE SUITE A
 NEW BRAUNFELS, TX 78130
 830-481-4025 www.Kocnee.com

DATE:

9/21/2020

SCALE:

1/4" = 1' UNO

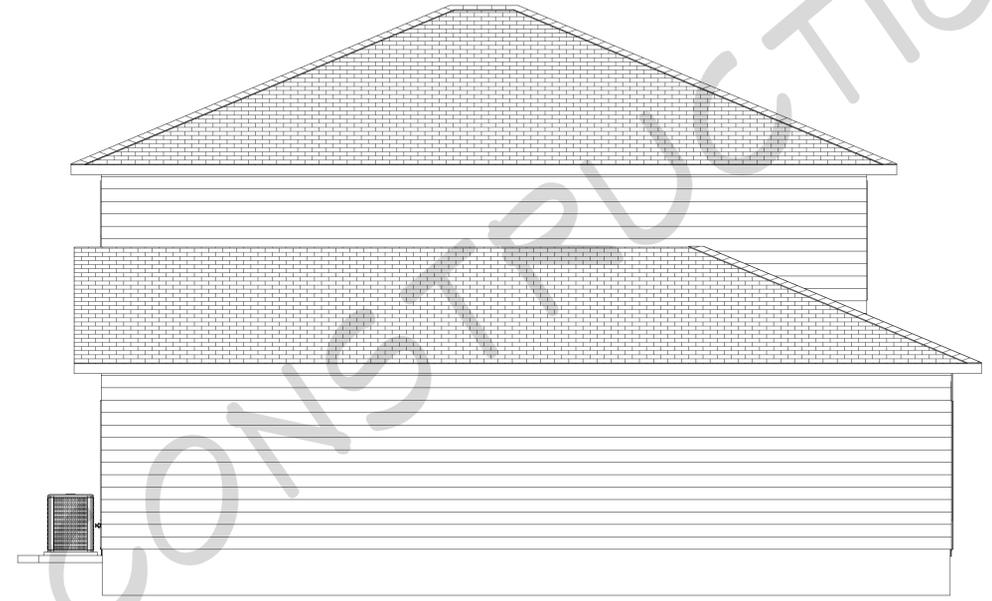
SHEET:

A3

Exterior Elevations



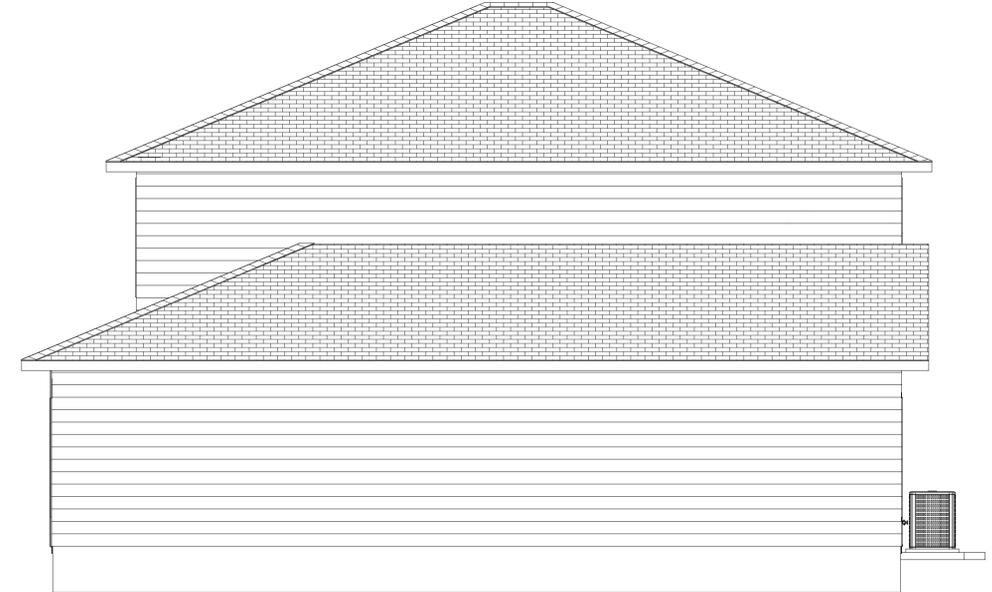
1 FRONT ELEVATION
 A3 1/4" = 1'



3 LEFT ELEVATION
 A3 1/4" = 1'



2 REAR ELEVATION
 A3 1/4" = 1'



4 RIGHT ELEVATION
 A3 1/4" = 1'

PRELIMINARY - NOT FOR CONSTRUCTION

MATERIAL	QUANTITY	UNIT
1/2" DRYWALL	TBD	SF
5/8" DRYWALL	TBD	SF
CARPET	TBD	SF
T&E	TBD	SF
WOOD FLOOR	TBD	SF
SIDING-LAP	TBD	SF
SIDING-B&E	TBD	SF
ROOFING	TBD	SF
SOFFIT	TBD	SF



NUMBER	DATE	REVISION	DESCRIPTION

NEW PROJECT FOR:
 COMAL COUNTY HABITAT FOR HUMANITY
 LOT 1 & 6 MICHIGAN STREET
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PROJECT #: 20-022_D_LDR
 PP1

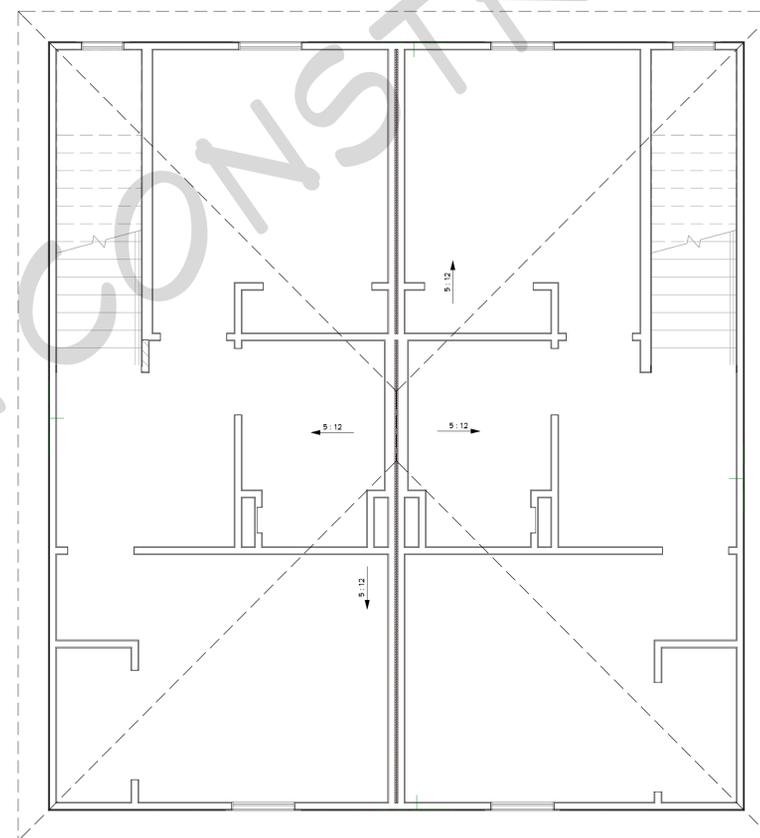
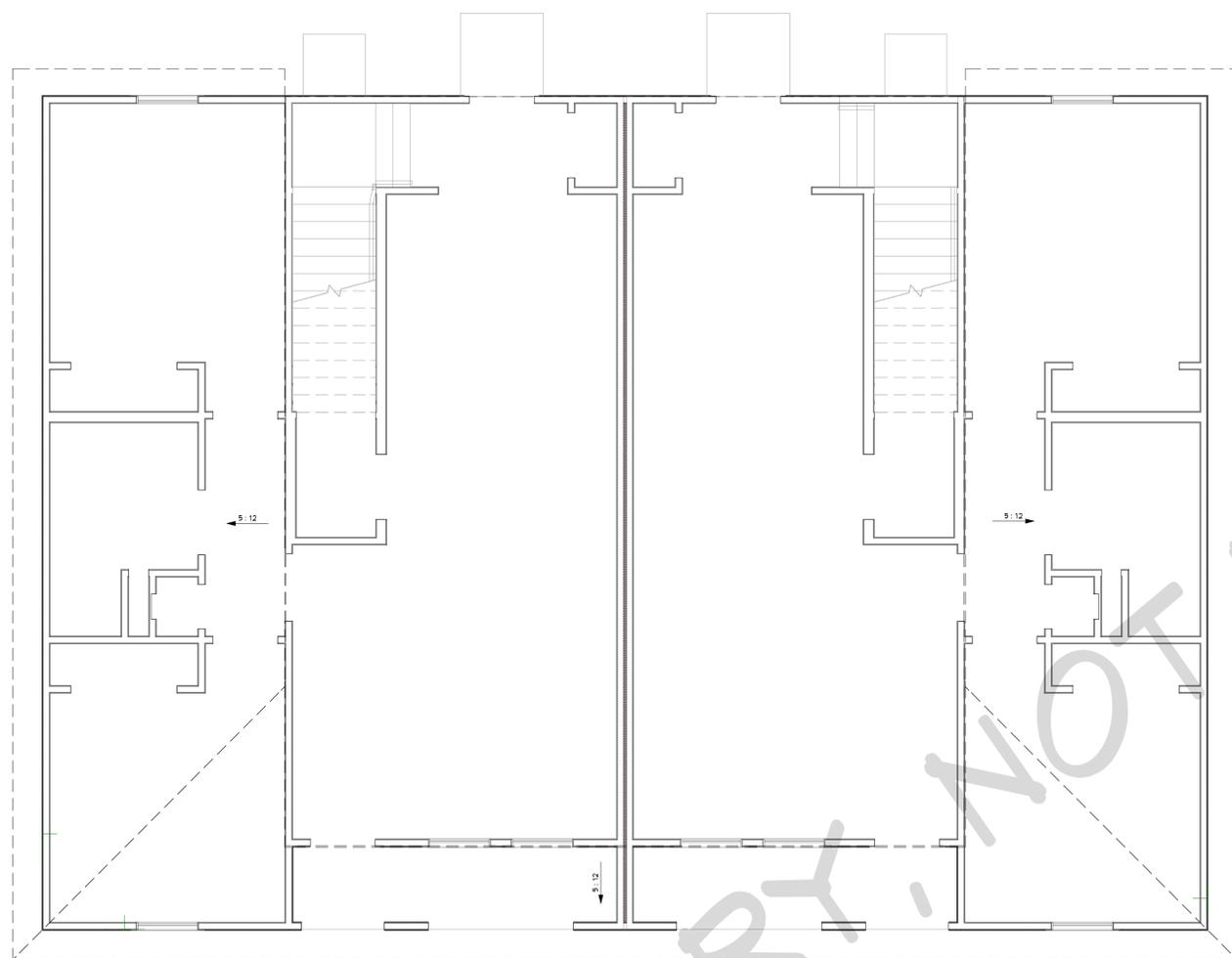


DRAWINGS PROVIDED BY:
 KOKANEE SOLUTIONS, LLC
 421 S. SEGUN AVE SUITE A
 NEW BRAUNFELS, TX 78130
 830-481-1025 www.KoCoTExas.com

DATE:
 9/21/2020

SCALE:
 1/4" = 1' UNO

SHEET:
A6
 Roof Plan



PRELIMINARY - NOT FOR CONSTRUCTION

PLANNING COMMISSION – JANUARY 5, 2021– 6:00PM

Zoom Meeting

Applicant/Owner: Habitat for Humanity

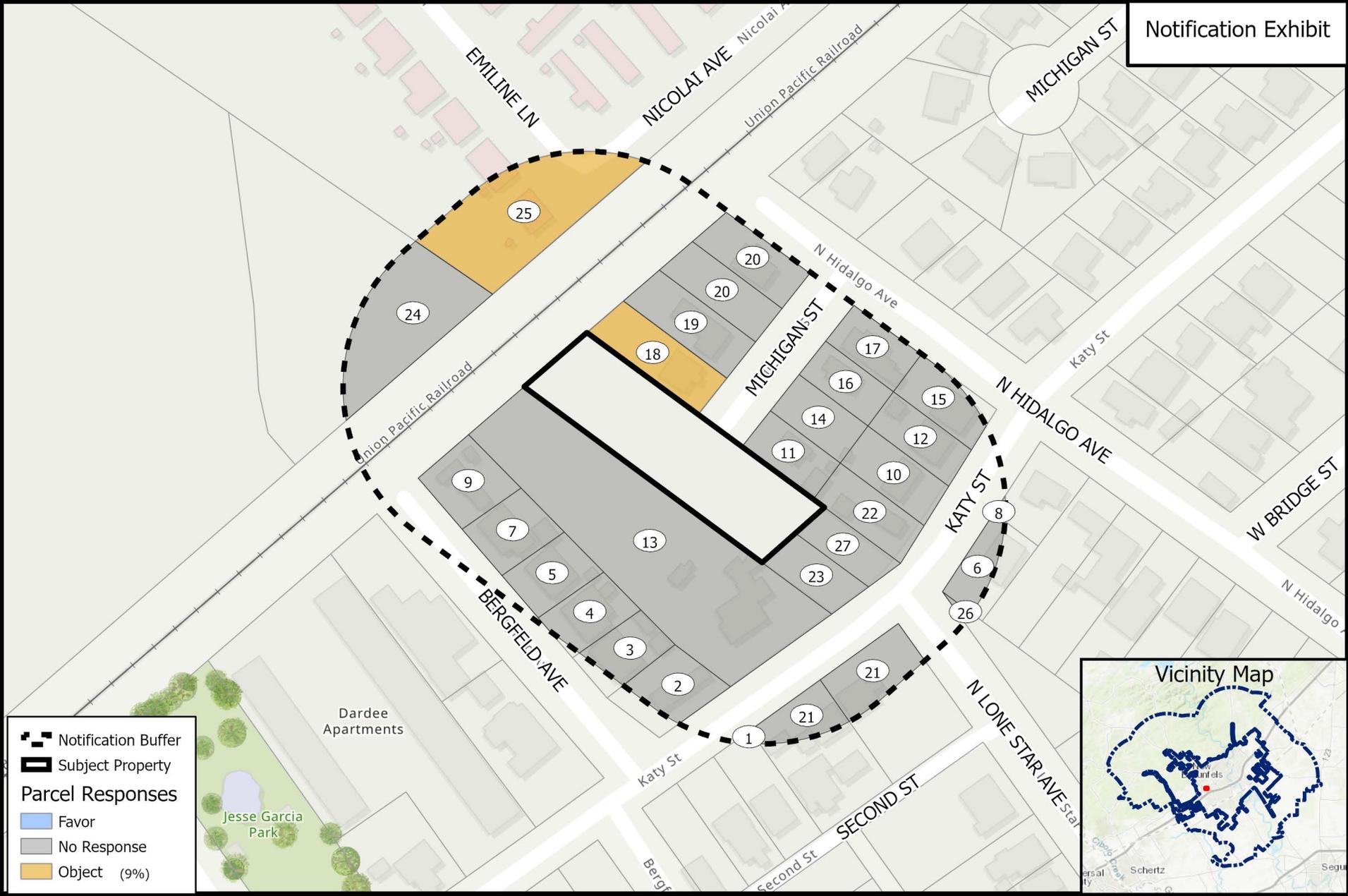
Address/Location: Southwest of the 2300 block of Michigan Street

PROPOSED SPECIAL USE PERMIT – CASE #SUP20-291

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. MILLETT CAROLE FAYE | 15. GARZA ARTURO & BELIA |
| 2. HERRERA JESUS & NORMA C | 16. GOMEZ MIGUEL & EDITH |
| 3. VALENCIA MARIA H | 17. YANEZ JESSE & MARTA |
| 4. LAGUNAS LYDIA | 18. MILLETT DOLORES ESTATE OF |
| 5. CANALES CHRISTOPHER J L & XIOLA R HUIZAR-CANALES | 19. KASBERG RANDY |
| 6. DELACERDA CARLOS & ESMERALDA | 20. GONZALEZ BALTAZAR T |
| 7. RODRIGUEZ GEORGE & NORA | 21. MARTINEZ RAFAEL L |
| 8. SANDOVAL PILAR | 22. RODRIGUEZ SANTOS III & GRISELDA |
| 9. SANTELLAN SANDY & SANTIAGA | 23. GUTIERREZ STEPHENIE |
| 10. RODRIGUEZ SANTOS III | 24. NEW BRAUNFELS CITY OF |
| 11. MEDINA MARGARITA | 25. BAVARIAN VILLAGE INC |
| 12. LOPEZ TERESA | 26. CAG ESSENTIALS LLC |
| 13. ROSALES FAMILY TRUST | 27. COMAL COUNTY HABITAT FOR HUMANITY |
| 14. CHAPA MARTHA | |

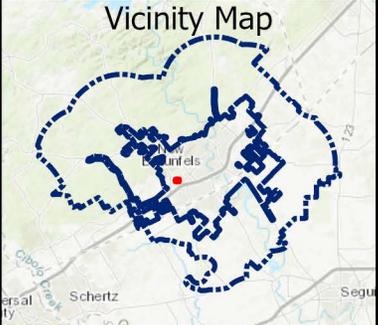
SEE MAP



Notification Buffer
Subject Property

Parcel Responses

- Favor
- No Response
- Object (9%)



SUP20-291
SUP to allow for residential development



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-291 ms

Name: Timothy E. Millett

Address: 567 Beverly Lane

Property number on map: 1 and 18

I favor: _____

I object: X (State reason for objection)

Comments: (Use additional sheets if necessary)



I do not approve of the townhouse development to create a disruption of the scenic, peaceful and tranquility of neighborhood with crowdedness of structures on land. Traffic increase on small culdesac street not needed. Family owned properties with little city services provided for over fifty years. Over development of land for area will be created.

Signature: Timothy E. Millett

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-291 ms

Name: Pilar B Sandoval Jr.

Address: 389 N HIDALGO AVE

Property number on map: 8

I favor: _____

I object: NO (State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Pilar B. Sandoval



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-291 ms

Name: Barbera Wrobel

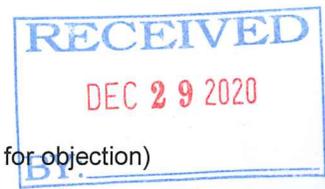
Address: Bavian Village Inc

Property number on map: 25

I favor: _____

I object: X (State reason for objection)

Comments: (Use additional sheets if necessary)



Project for a 7 unit is in a area where there are only single family homes. This project would look out of place and tower over all the other homes. 3 houses could be built on this lot and blend in with the neighbor. They need to rethink their plan.

Signature: Barbera Wrobel

Draft Minutes for the January 5, 2021 Planning Commission Regular Meeting

I) SUP20-291 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow a seven-unit, townhouse style residential development on approximately 0.7 acre located at the southwestern terminus of the 2300 block of Michigan Street. Applicant: Brian Mendez – Urban Civil; Owner: Habitat for Humanity (Crystal Moore); Case Manager: Matthew Simmont.

Mr. Simmont presented and recommended approval with nine conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Commissioner Sonier voiced support for the development.

Discussion followed on parking and clarification on the nature of the development.

Chair Edwards asked if the applicant would like to speak.

Bryan Mendez, 190 S Seguin St, Urban Civil, stated his is available to answer any questions.

Discussion followed on the intent and reasoning for rezoning from ZHA.

Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wanted to speak in opposition.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Sonier, seconded by Commissioner Gibson, to recommend approval to City Council of the proposed rezoning to apply a Special Use Permit to allow a seven-unit, townhouse style residential development on approximately 0.7 acre located at the southwestern terminus of the 2300 block of Michigan Street. Motion carried (9-0-0).

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW A SEVEN-UNIT, TOWNHOUSE STYLE RESIDENTIAL DEVELOPMENT IN THE “ZH-A” ZERO LOT LINE HOME DISTRICT ON APPROXIMATELY 0.7 ACRE LOCATED AT THE SOUTHWESTERN TERMINUS OF THE 2300 BLOCK OF MICHIGAN STREET; 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 townhouse style residential development; 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 the southwestern terminus of the 2300 block of Michigan Street, to allow a townhouse style residential development in the “ZH-A” Zero Lot Line Home 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 adding the following

tract of land as a "Special Use Permit" for the uses and conditions herein described:

Approximately 0.7 acres located at the southwestern terminus of the 2300 block of Michigan Street, as delineated in Exhibit "A".

SECTION 2

THAT the Special Use Permit be subject to the following additional restrictions:

1. Correct the Michigan Street labeling on the site plan.
2. Correct the directional orientation of the north arrow on the site plan.
3. To address adjacent privacy concerns, no second story access/doorways are permitted along the northeast facing elevation of proposed Lots 2-7. In addition, second story windows along the northeast facing elevation of proposed Lots 2-7 shall be non-transparent. Transparent clerestory windows are allowed.
4. Four-foot-wide sidewalks shall be constructed along both sides of Michigan Street and shall be within the right of way or contained within a pedestrian access easement to allow public access along the roadway.
5. The identified chain link fence facing Michigan Avenue shall be a maximum of four and one-half feet in height and remain a minimum of 50% open.
6. Development is to be permitted in substantial compliance with the approved site plan, Exhibit 'B'. All remaining site development standards as required by Chapter 144, City of New Braunfels Code of Ordinances remain in effect.
7. An off-site parking agreement shall be approved and maintained to guarantee resident access to the proposed shared parking area ensuring they meet the minimum number of parking spaces required for each dwelling unit.
8. A homeowner's association shall be established to own and maintain Lots 8 & 9.
9. An updated master plan reflecting the approved site plan must be submitted with the final plat application.

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 25th day of January, 2021.

PASSED AND APPROVED: Second reading this 8th day of February, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

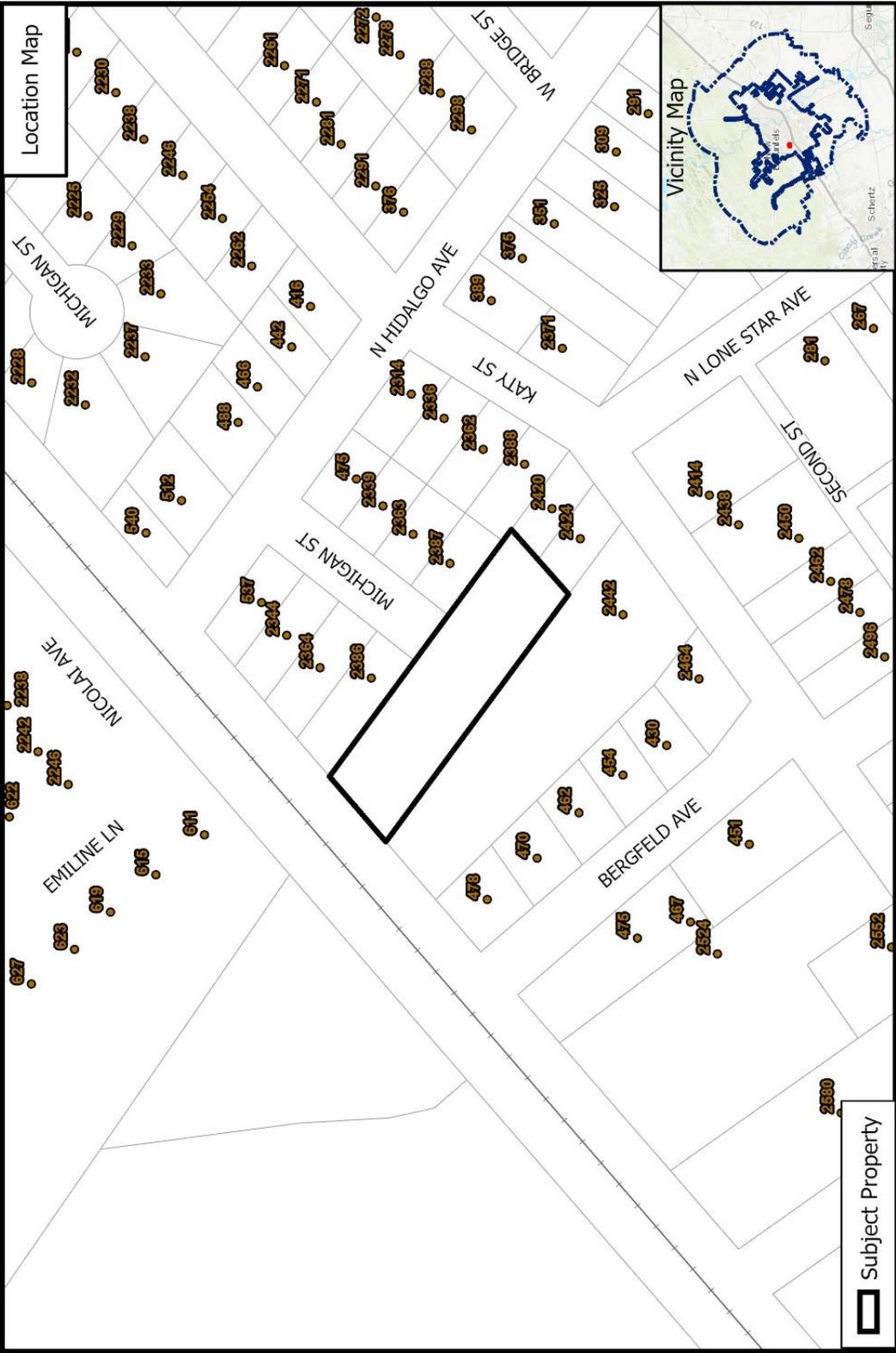
ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"



2/8/2021

Agenda Item No. O)

Presenter

Christopher J. Looney, AICP, Planning and Development Services Director
clooney@nbtexas.org

SUBJECT:

Approval of the second and final reading of an ordinance regarding proposed revisions to the Solms Landing Planned Development ("SLPD") concept plan and development standards, on approximately 98 acres out of the A M Esnaurizar A-20 Survey, addressed at 253 S. Kowald Lane.

BACKGROUND / RATIONALE:

Case No.: PZ20-0295

Council District: 5

Applicant: James Mahan
Solms Landing Development, LLC
648 Castell Avenue
New Braunfels, TX 78130
(830) 387-4110 jmahan@southtexascapital.com

Staff Contact: Holly Mullins
(830) 221-4054 hmullins@nbtexas.org

City Council held a public hearing on January 25, 2021 and unanimously approved the first reading of the applicant's requested rezoning ordinance with staff's recommended conditions. (7-0-0)

The subject property consists of 98 acres of undeveloped land between Creekside Crossing (FM 306) and Kowald Lane. Solms Landing Planned Development ("SLPD") concept plan and development standards were approved by City Council in 2017, as a mixed-use development with a base zoning of MU-B High Intensity Mixed Use. The developer states the intent of SLPD is to bring together restaurants, shopping, lodging and a variety of residential options with open spaces that encourage internal walkability and pedestrian connection to other parts of the Creekside area. A final plat for single-family residences, Unit 1A, has been recorded, and construction of Sophie Lane, the Minor Collector, is underway.

This applicant is requesting several revisions to their Development Standards:

- Increase the maximum height of non-residential buildings from 100 feet to 120 feet. The proposed maximum height is consistent with the base MU-B zoning district, and complies with the Airport Hazard Zoning Overlay at this location.
- Revise the preferred uses in Zone 3 (approximately 10 acres) from neighborhood commercial

- to single-family residential to align with the recorded plat for Unit 1A.
- Increase maximum lot building coverage for residential and multifamily uses from 60% to 80% to accommodate smaller lots. The MU-B base zoning district sets a maximum building coverage of 50% (or 60% if covered parking is provided). Greater lot coverage is typical for urban style mixed-use infill developments and the impact of increased impervious cover will be reviewed and mitigated through the platting and building permit processes.
- Add definitions for “condominium” and “detached condominium” (page 40). This refers mainly to the form of property ownership while the land use will remain multifamily residential.
- Add short-term rental of detached condominiums as an allowed use. The short-term rental of structures other than a single or two-family dwelling does not require approval of a Special Use Permit or a separate short-term rental permit. Note: property owners will need to register with the City for online payment of hotel occupancy taxes.

Proposed changes to the Concept Plan include:

Street realignment

- The original plan included a street connection to the IH-35 frontage road; however, a driveway at that location was denied by TxDOT so the street has been replaced with a “Common Space/Drainage Easement” designation. The originally planned hike and bike trail to IH-35 should remain along this common space.
- A street connection to Lot 1 Creekside Fire Station has been added as requested by the City.

Dwelling Units

- The maximum number of dwelling units, being a combination of single-family and multifamily, is increasing from 675 to 984. The applicant states this increase is to allow for live-work units and condominiums, which were not viable “for sale” housing options in 2017.

Density

- The method the applicant uses for calculating residential density was changed from including only the acreage of residential areas to an overall gross density for the entire development. This changed the density figure in the Land Use Table from 15.63 units per acre to 10.04 units per acre, although the maximum number of units is increasing. The MU-B base zoning district has no maximum residential density limit.

Land Use Zones

- The area of Zone II (high density residential and neighborhood commercial) has increased and is now proposed to be more interspersed with Zone I (Vertical Mixed Use).

If these changes to the Concept Plan and Development Standards are approved, the applicant will return with a revised Detail Plan to show how the changes specifically fit into the development and promote the SLPD vision, and a revised Master Plan.

Surrounding Zoning and Land Use:

North - M-1A/ Commercial

South - Across Kowald, R-2, C-3/ Residential, commercial, agricultural

East - West Village PD, Creekside Wellness PD/ Single-family; commercial

West - B-1B, MU-B/ Manufactured home community, mini warehouse storage

Determination Factors:

In making a decision on zoning, the following factors are to be considered:

- Whether the permitted uses will be appropriate in the immediate area and their relationship to the area and to the City as a whole (*Permitted uses in SLPD remain a mix of residential and commercial, complementing the existing development trends in the Creekside area. Increased housing units, vertical development and density are encouraged by the Comprehensive Plan, and facilitate workforce housing as recommended in the Workforce*

Housing Study.);

- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area. *(There do not appear to be any conflicts with these elements.);*
- How other areas designated for similar development will be affected *(The proposed uses should not impact other areas designated for similar development.);*
- Any other factors that will substantially affect the public health, safety, morals, or general welfare; *(There should be no other factors that substantially affect the public health, safety, morals or general welfare. Drainage and utility issues will be addressed through the platting process.)*
- Consistency with the Comprehensive Plan:

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	Consistent Actions: Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 2.33: Encourage vertical growth and development of key areas to take advantage of infrastructure capacity, maintain the core, and discourage sprawl. Action 3.22: Encourage venues within walking distance of neighborhoods and schools. Future Land Use Plan: The subject property is located in the Oak Creek Sub Area, along a transitional mixed-use corridor, and within an existing Market Center. Note: the applicant wrote their original development standards in 2017, before adoption of Envision New Braunfels in 2018; hence, their listing of the 2006 Comprehensive Plan goals they align with in their proposed development standards.
--	---

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

Revisions to the Traffic Impact Analysis (TIA) resulting from the removal of the street connection to IH-35 and the increased dwelling units were approved by the City's Public Works Department on January 4, 2021. The Planning Commission did not have an opportunity to review this approval prior to their meeting.

The Planning Commission held a public hearing on January 5, 2021 and recommended denial of the request. (8-1-0) with Commissioner Gibson in opposition.

STAFF RECOMMENDATION:

Increased housing units, vertical development and density are encouraged by the Comprehensive Plan, and facilitate workforce housing as recommended in the Workforce Housing Study. Therefore, staff recommends approval of the revisions with the following conditions:

1. Document specifically how all proposed changes comply with or enhance the original vision of the SLPD.
2. Revise Detached Condominium standards (page 40) to remove specific distances between buildings and the reference to "firewall", and instead state all structures will comply with the applicable Building Code at the time of building permit application submittal. (Clarify with the City prior to development whether the condos will be constructed under the IRC or IBC.)
3. Label Zones in the Development Standards as I, II and III to match the Concept Plan.
4. Update drawings in pages 29, 30 and 31 of the Development Standards to reflect the revised Zone boundaries.

Notification:

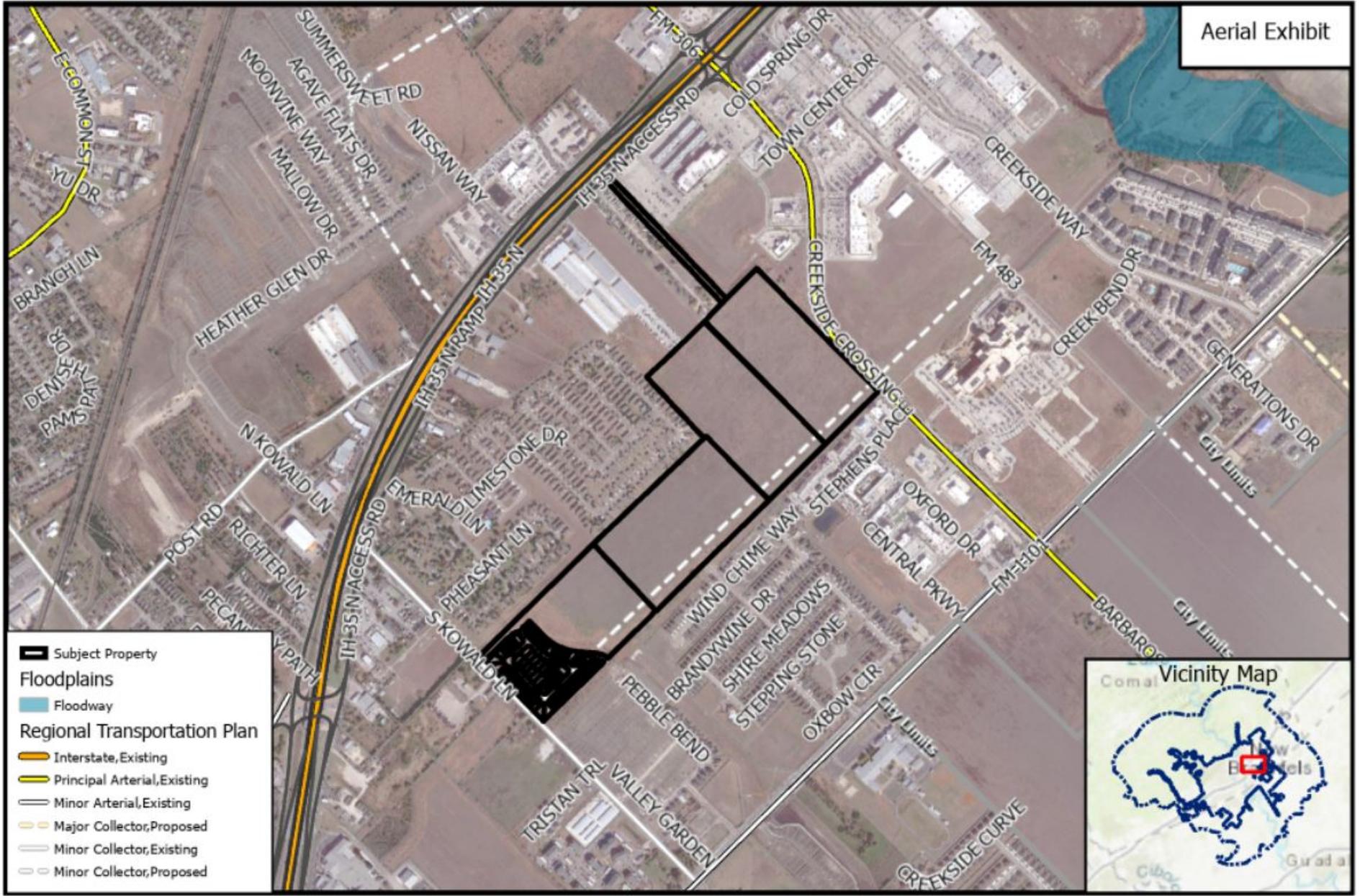
Public hearing notices were sent to owners of 67 properties within 200 feet of the request. To date, the City has received one response in favor (#51) and none in objection.

RESOURCE LINKS:

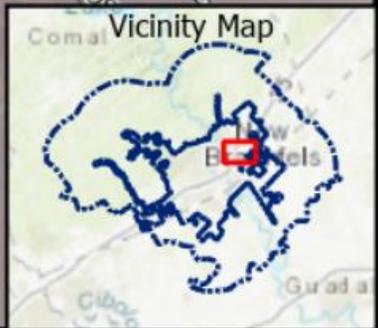
- Chapter 144, Sec. 3.5 (Planned Development Districts) of the City's Code of Ordinances: [https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?_ga=2.181111111.1611111111.1611111111-161111111.1611111111)
- Chapter 144, Sec. 3.4-11 (MU-B) 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?_ga=2.181111111.1611111111.1611111111-161111111.1611111111)

ATTACHMENTS:

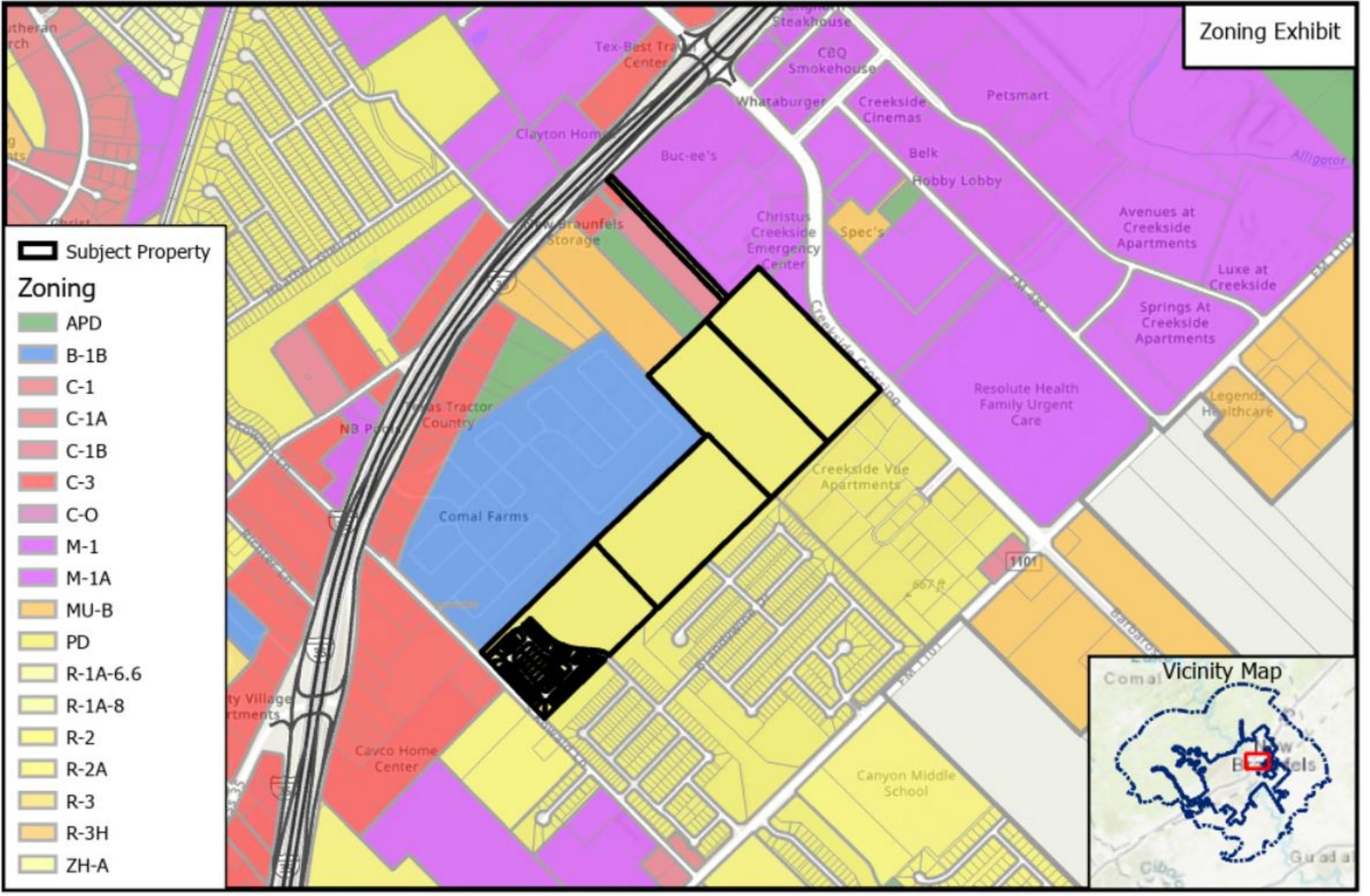
1. Aerial Map
2. Land Use Maps (Zoning, Existing, Future Land Use)
3. Proposed and Approved Concept Plans
4. Notification Map
5. Draft Planning Commission Minutes
6. Ordinance including red-lined development standards exhibit



- Subject Property
- Floodplains**
- Floodway
- Regional Transportation Plan**
- Interstate, Existing
- Principal Arterial, Existing
- Minor Arterial, Existing
- Major Collector, Proposed
- Minor Collector, Existing
- Minor Collector, Proposed



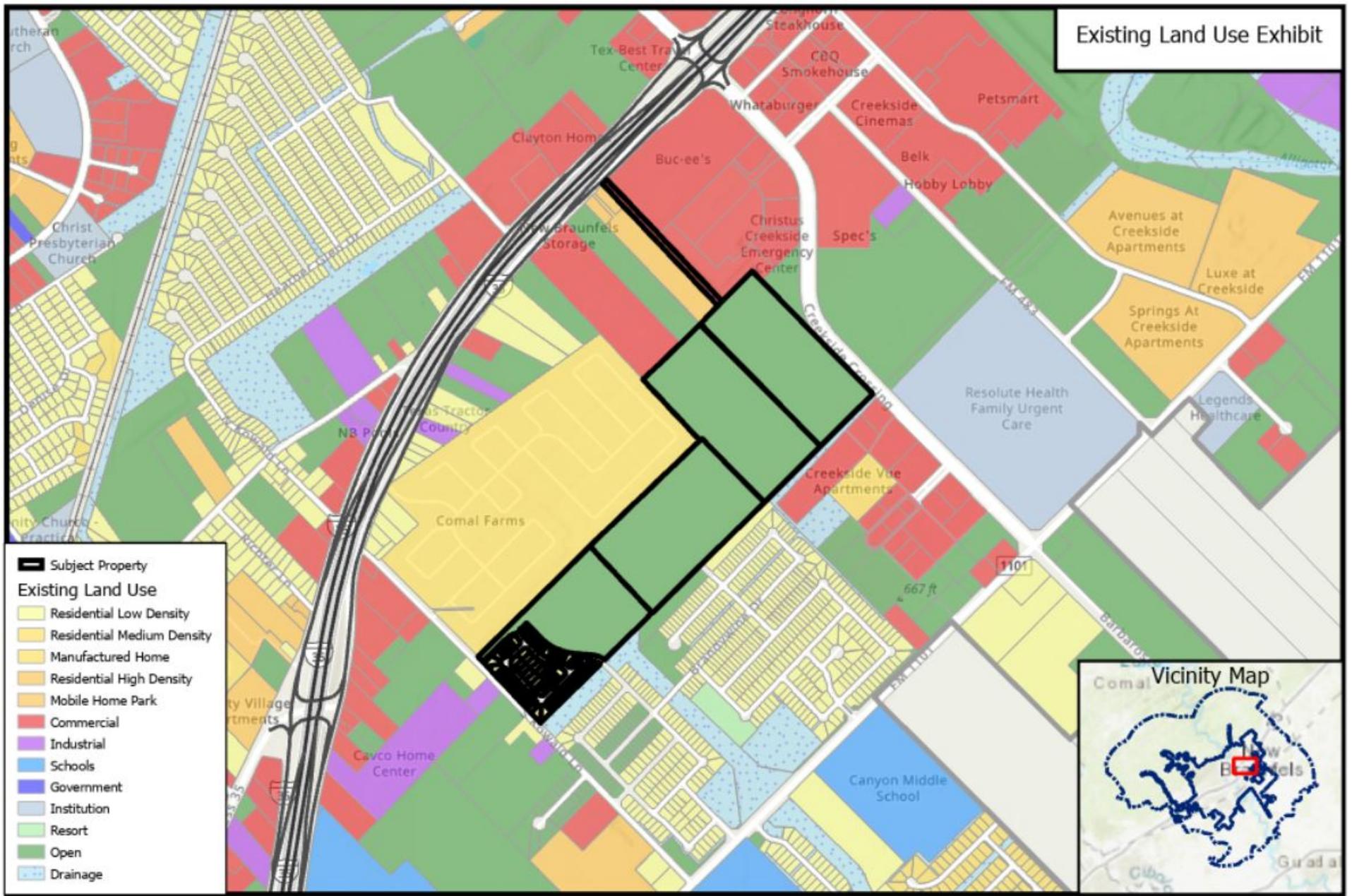
PZ20-0295
Amendment to PD



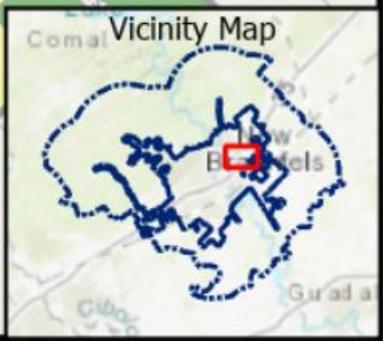
**PZ20-0295
Amendment to PD**



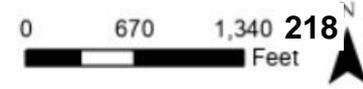
Existing Land Use Exhibit



-  Subject Property
- Existing Land Use**
-  Residential Low Density
-  Residential Medium Density
-  Manufactured Home
-  Residential High Density
-  Mobile Home Park
-  Commercial
-  Industrial
-  Schools
-  Government
-  Institution
-  Resort
-  Open
-  Drainage



PZ20-0295
Amendment to PD



EXISTING CENTERS

Centers are the middle, core or heart of an area. It is a point of activity and vitality. Centers come in many sizes and have different purposes or activities within. They may have endangered species habitat or aquifer recharge areas that require additional standards and consideration relating to future growth. It is envisioned that all centers be walkable, connected, and have a mix of uses. These centers must provide adequate infrastructure to support the commercial development present especially mobility and access for pedestrians, bicycles, vehicles and transit. Given the mixed-use nature of these centers, parking should be shared and not detract from the aesthetic of the area.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

MEDICAL CENTER

Medical Centers are mixed-use areas centered around a medical destination such as a hospital or clinic.

CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

OUTDOOR RECREATION CENTER

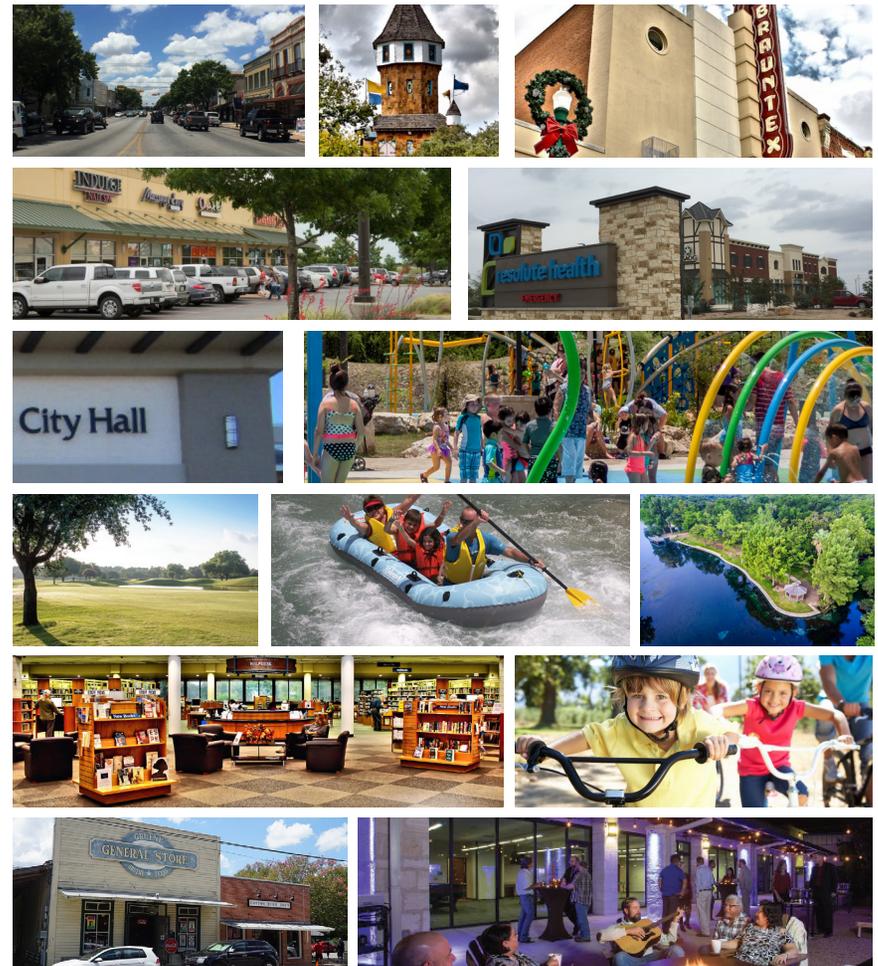
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

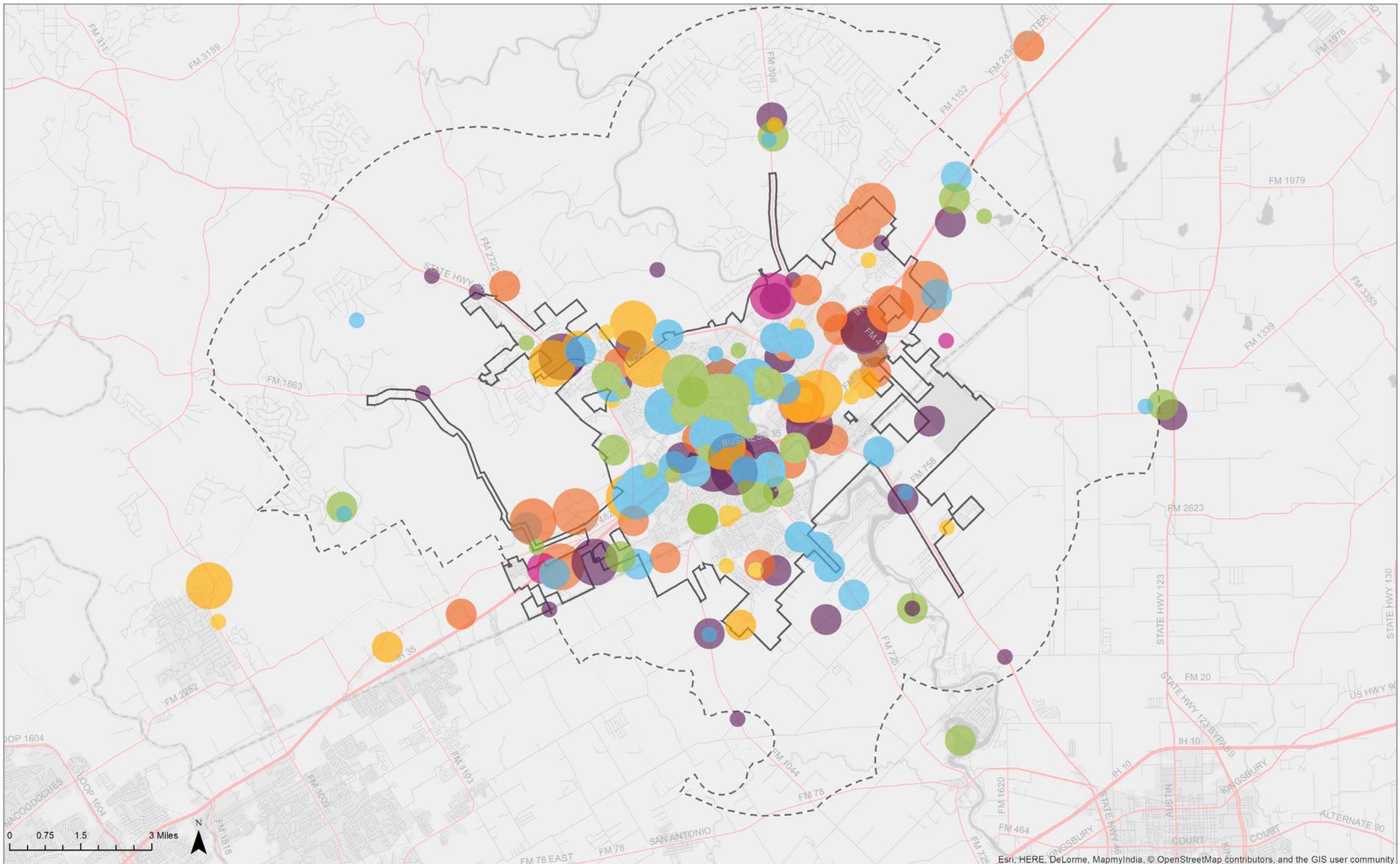
EDUCATION CENTER

Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

TOURIST/ENTERTAINMENT CENTER

Tourist/Entertainment Centers are mixed-use areas around an entertainment venue such as Gruene Hall or a tourist destination such as the Tube Chute.





The location of existing centers was determined through the analysis of previous studies and background documents, windshield surveys, and reviewed by City staff, Steering Committee members, and Plan Element Advisory Group members during a public workshop.

FUTURE LAND USE PLAN

A future land use plan is how land is envisioned to be. It establishes priorities for more detailed plans (sub area plans) and for detailed topical plans (such as parks and open spaces, trails and roads). It cannot be interpreted without the goals and actions of Envision New Braunfels.

TRANSITIONAL MIXED-USE CORRIDOR

Transitional Mixed-Use Corridors express an aspiration to retrofit existing auto-dominated retail corridors with a mix of uses and a variety of travel modes over time.

OUTDOOR RECREATION CENTER

Outdoor Recreation Centers are centered around a public or private outdoor destination like Fischer Park.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

SUB AREA 1

Sub Area 1 includes the Downtown, Gruene and the Mid-Century or older neighborhoods that surround them. It is home to the natural springs and headwaters of flowing rivers that have attracted New Braunfelsers to the town for centuries.

SUB AREA 2

Sub Area 2 refers to the neighborhoods and residential enclaves that have grown alongside the Hill Country landscape.

SUB AREA 3

Sub Area 3 includes a planned community offering a diversity of housing, distinct community centers and preserved Hill Country landscape features.

SUB AREA 4

At the heart of Sub Area 4 is Fischer Park. Proximity to IH-35, downtown and neighboring communities like McQueeney makes this area highly desirable and accessible.

SUB AREA 5

Sub Area 5 bridges together many communities east of IH-35. It includes the scenic landscape along both banks of the Guadalupe River between Highway 46 and FM 725.

SUB AREA 6

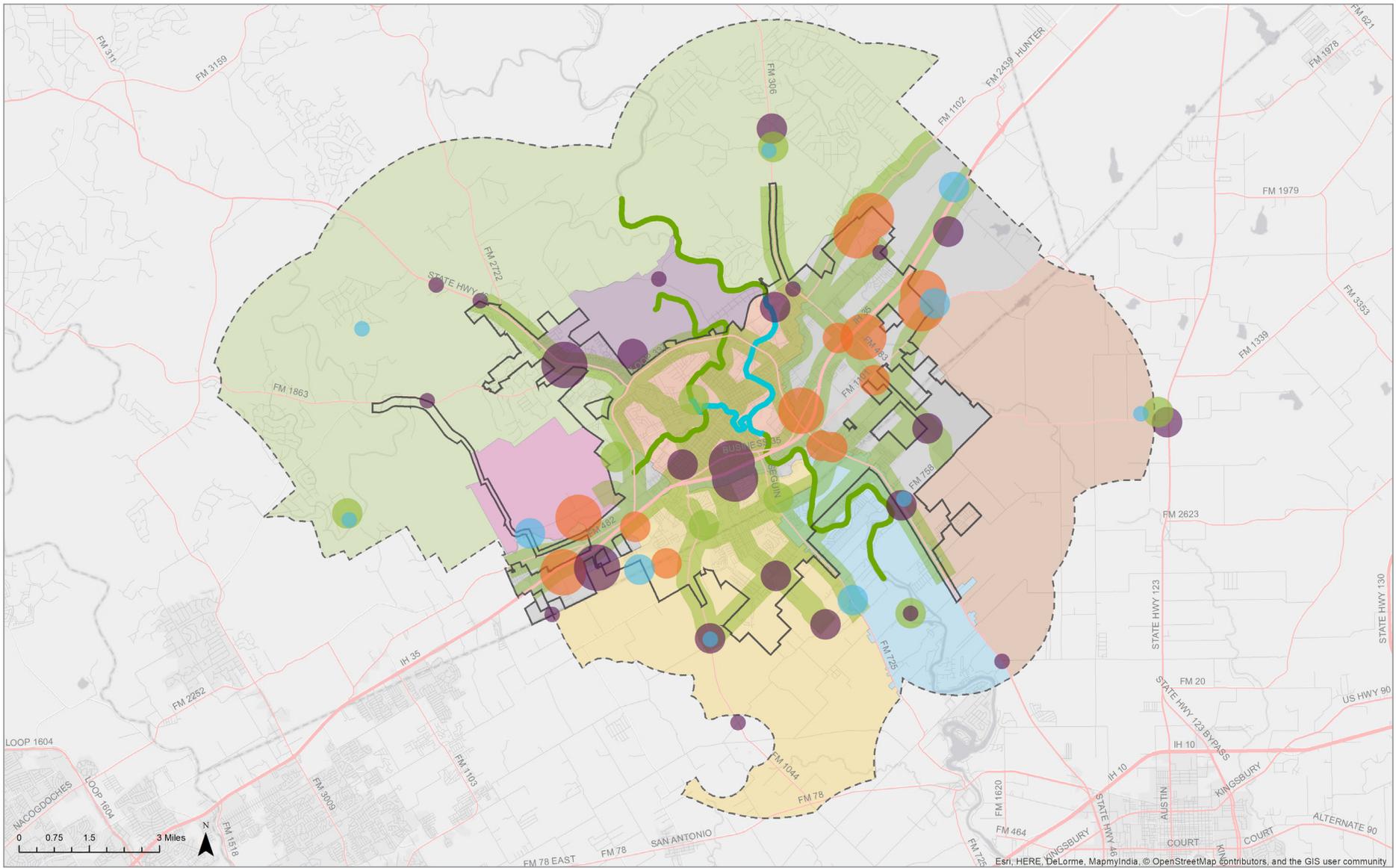
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7

Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

SUB AREA 8

This fast-growing Sub Area includes many neighborhoods offering affordable places for young families to live.



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. Preferred future growth scenario combines Scenarios A and C per recommendations of the Envision New Braunfels Steering Committee (February 2018). Exact boundaries of sub areas, centers, and corridors may be [zoomed and viewed online](#).

GENERAL NOTES

1. THE PROPOSED LAND USE WITHIN THIS CONCEPT PLAN IS A MIXED USED DEVELOPMENT INCLUDING COMMERCIAL, MULTI-FAMILY, AND HIGH DENSITY RESIDENTIAL.
2. THIS CONCEPT PLAN PROPOSES A 60' RIGHT-OF-WAY MINOR COLLECTOR WITH MULTIFAMILY/COMMERCIAL USE TO CONFORM TO THE NEW BRAUNFELS 2012 REGIONAL TRANSPORTATION PLAN. ALL STREETS OUTSIDE OF THE MINOR COLLECTOR WILL BE THE TYPICAL 50' RIGHT-OF-WAY RESIDENTIAL COLLECTOR / NO PARKING UNLESS OTHERWISE SHOWN.
3. ALL PUBLIC STREETS WILL BE CONSTRUCTED TO THE CITY OF NEW BRAUNFELS DESIGN STANDARDS.
4. ELECTRIC AND UTILITY EASEMENT LOCATIONS WILL BE DETERMINED DURING THE ENGINEERING DESIGN PHASE OF THE PROJECT. EASEMENTS WILL BE RECORDED WITH THE FINAL PLAT FOR EACH LOT.



LOCATION MAP
N.T.S.



ISSUE DATE
REVISIONS

2020

SOLMS LANDING - CONCEPT PLAN
PLANNED DEVELOPMENT DISTRICT
NEW BRAUNFELS, TX.

OWNER/DEVELOPER:
SOLMS LANDING, LLC
648 S CASTELL AVE
NEW BRAUNFELS, TX
PHONE: (830) 387-4110

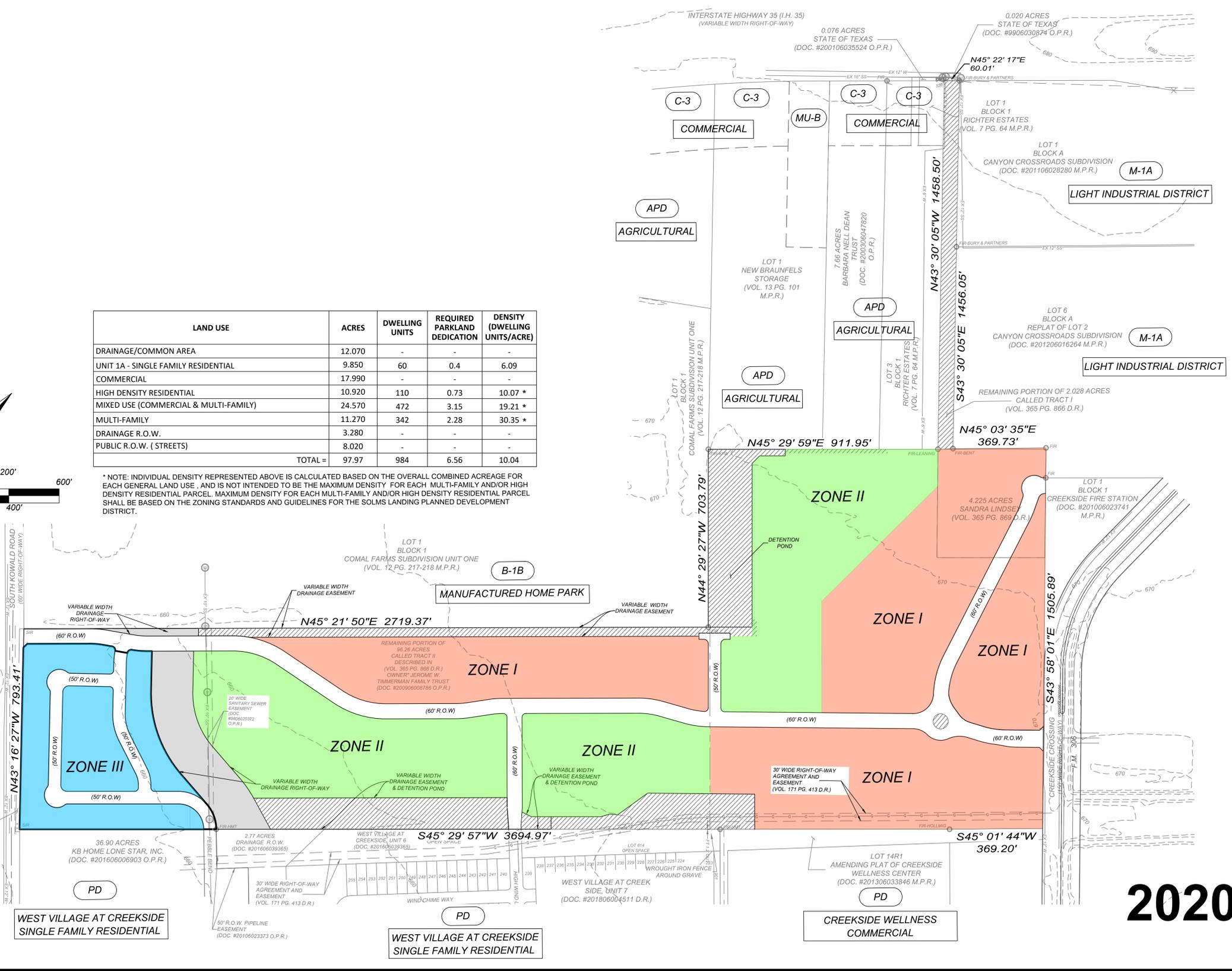
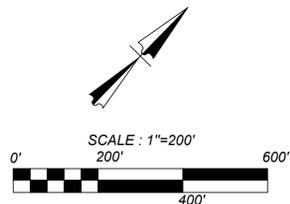
ENGINEER:
KFW ENGINEERS
3421 PAESANOS PKWY, STE. 200
SAN ANTONIO, TX 78231
PHONE: (210) 979-8444
FAX: (210) 979-8441

JOB NO: 583-01-01
DATE: DECEMBER 2016
DRAWN: NR CHECKED: BW
SHEET NUMBER:
PDD

THIS DOCUMENT HAS BEEN PRODUCED FROM MATERIAL THAT WAS STORED AND/OR TRANSMITTED ELECTRONICALLY AND MAY HAVE BEEN INADVERTENTLY ALTERED. RELY ONLY ON FINAL HARD COPY MATERIALS BEARING THE CONSULTANT'S ORIGINAL SIGNATURE AND SEAL.

LAND USE	ACRES	DWELLING UNITS	REQUIRED PARKLAND DEDICATION	DENSITY (DWELLING UNITS/ACRE)
DRAINAGE/Common AREA	12.070	-	-	-
UNIT 1A - SINGLE FAMILY RESIDENTIAL	9.850	60	0.4	6.09
COMMERCIAL	17.990	-	-	-
HIGH DENSITY RESIDENTIAL	10.920	110	0.73	10.07 *
MIXED USE (COMMERCIAL & MULTI-FAMILY)	24.570	472	3.15	19.21 *
MULTI-FAMILY	11.270	342	2.28	30.35 *
DRAINAGE R.O.W.	3.280	-	-	-
PUBLIC R.O.W. (STREETS)	8.020	-	-	-
TOTAL =	97.97	984	6.56	10.04

* NOTE: INDIVIDUAL DENSITY REPRESENTED ABOVE IS CALCULATED BASED ON THE OVERALL COMBINED ACREAGE FOR EACH GENERAL LAND USE, AND IS NOT INTENDED TO BE THE MAXIMUM DENSITY FOR EACH MULTI-FAMILY AND/OR HIGH DENSITY RESIDENTIAL PARCEL. MAXIMUM DENSITY FOR EACH MULTI-FAMILY AND/OR HIGH DENSITY RESIDENTIAL PARCEL SHALL BE BASED ON THE ZONING STANDARDS AND GUIDELINES FOR THE SOLMS LANDING PLANNED DEVELOPMENT DISTRICT.



LEGEND

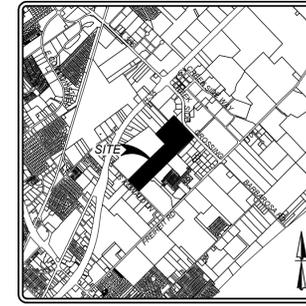
- BOUNDARY
- MU-B ZONE I
- MU-B ZONE II
- MU-B ZONE III
- COMMON SPACE / DRAINAGE EASEMENT / DETENTION BASIN
- DRAINAGE RIGHT-OF-WAY
- R-2 SURROUNDING ZONING
- AGRICULTURAL SURROUNDING LAND USE
- EXISTING SEWER LINE
- EXISTING SEWER MANHOLE
- EXISTING WATER MAIN
- EXISTING GAS MAIN
- EXISTING FIRE HYDRANT
- EXISTING OVERHEAD UTILITY
- EXISTING OVERHEAD ELECTRIC
- EXISTING 2' CONTOURS

2020

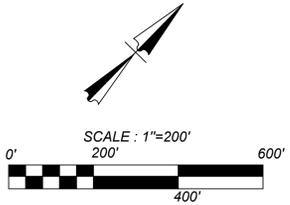
Date: Dec 28, 2020, 10:20am User: ID: BHW... File: C:\projects\583-01-01\concept\PLAN_PDD_58301-01.dwg

GENERAL NOTES

1. THE PROPOSED LAND USE WITHIN THIS CONCEPT PLAN IS A MIXED USED DEVELOPMENT INCLUDING COMMERCIAL, MULTI-FAMILY, AND HIGH DENSITY RESIDENTIAL.
2. THIS CONCEPT PLAN PROPOSES A 60' RIGHT-OF-WAY MINOR COLLECTOR WITH MULTIFAMILY/COMMERCIAL USE TO CONFORM TO THE NEW BRAUNFELS 2012 REGIONAL TRANSPORTATION PLAN. ALL STREETS OUTSIDE OF THE MINOR COLLECTOR WILL BE THE TYPICAL 50' RIGHT-OF-WAY RESIDENTIAL COLLECTOR / NO PARKING UNLESS OTHERWISE SHOWN.
3. ALL PUBLIC STREETS WILL BE CONSTRUCTED TO THE CITY OF NEW BRAUNFELS DESIGN STANDARDS.
4. ELECTRIC AND UTILITY EASEMENT LOCATIONS WILL BE DETERMINED DURING THE ENGINEERING DESIGN PHASE OF THE PROJECT. EASEMENTS WILL BE RECORDED WITH THE FINAL PLAT FOR EACH LOT.



KFW
ENGINEERS + SURVEYING
 Phone #: (210) 979-8444 • Fax #: (210) 979-8441
 TBPE Firm #: 9513 • TBPE S Firm #: 1012300



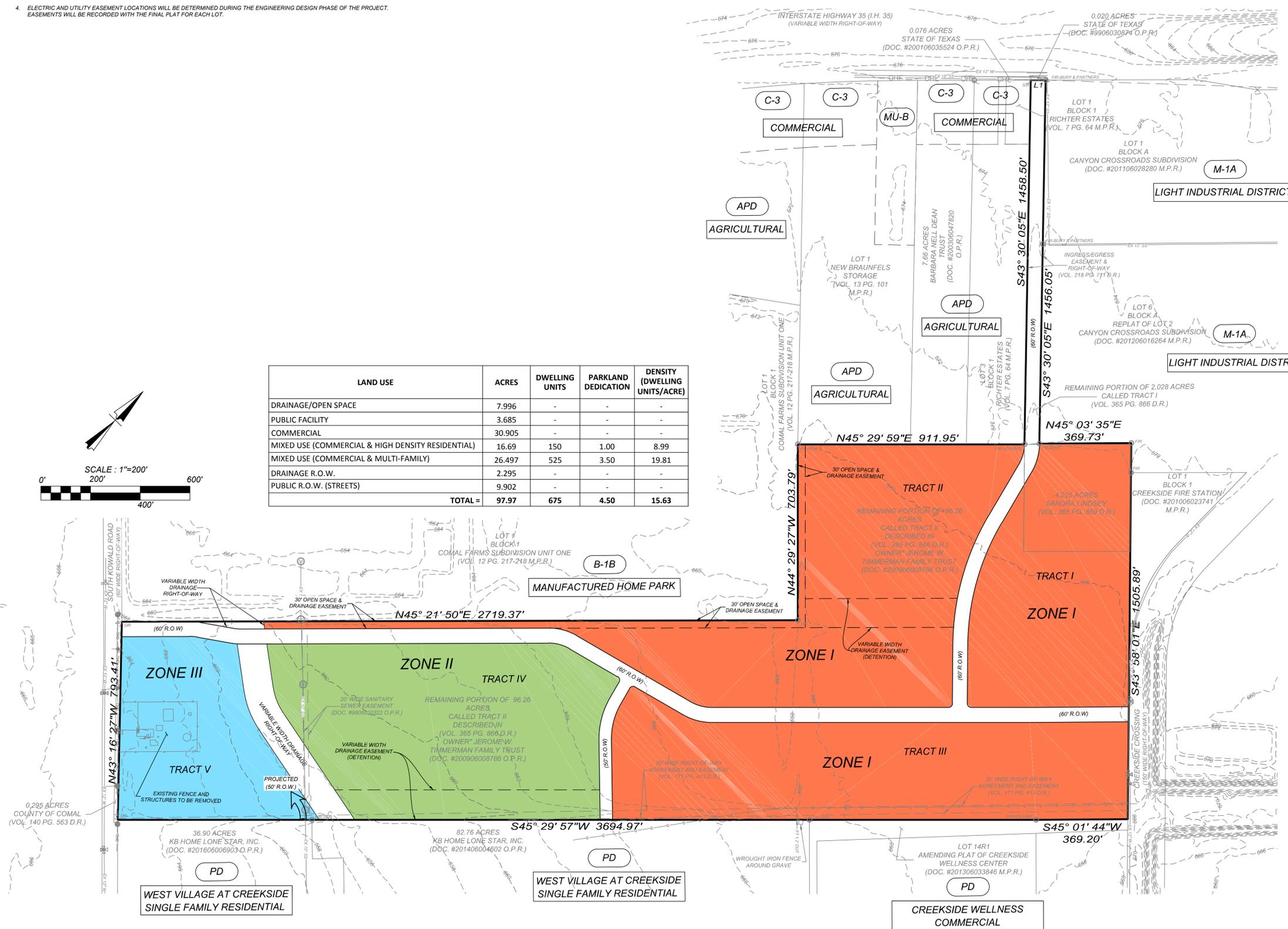
LAND USE	ACRES	DWELLING UNITS	PARKLAND DEDICATION	DENSITY (DWELLING UNITS/ACRE)
DRAINAGE/OPEN SPACE	7.996	-	-	-
PUBLIC FACILITY	3.685	-	-	-
COMMERCIAL	30.905	-	-	-
MIXED USE (COMMERCIAL & HIGH DENSITY RESIDENTIAL)	16.69	150	1.00	8.99
MIXED USE (COMMERCIAL & MULTI-FAMILY)	26.497	525	3.50	19.81
DRAINAGE R.O.W.	2.295	-	-	-
PUBLIC R.O.W. (STREETS)	9.902	-	-	-
TOTAL =	97.97	675	4.50	15.63

LEGEND

- [Red Line] = BOUNDARY
- [Orange Box] = MU-B ZONE I
- [Green Box] = MU-B ZONE II
- [Blue Box] = MU-B ZONE III
- [Arrow] = PROJECTED RIGHT-OF-WAY
- [R-2 Circle] = SURROUNDING ZONING
- [Agricultural Label] = SURROUNDING LAND USE
- [EX 10" SS] = EXISTING SEWER LINE
- [SS Circle] = EXISTING SEWER MANHOLE
- [EX 10" W] = EXISTING WATER MAIN
- [G G] = EXISTING GAS MAIN
- [Fire Hydrant Symbol] = EXISTING FIRE HYDRANT
- [OHU OHU] = EXISTING OVERHEAD UTILITY
- [OHE OHE OHE] = EXISTING OVERHEAD ELECTRIC
- [672] = EXISTING 2' CONTOURS

Line Table

LINE #	LENGTH	DIRECTION
L1	60.01'	N45°22'17"E



CONCEPT PLAN - SOLMS LANDING
PLANNED DEVELOPMENT DISTRICT
NEW BRAUNFELS, TX.

OWNER/DEVELOPER:
 SOLMS LANDING, LLC
 648 S CASTELL AVE
 NEW BRAUNFELS, TX
 PHONE: (830) 387-4110

ENGINEER:
 KFW ENGINEERS
 3421 PAESANOS PKWY, STE. 200
 SAN ANTONIO, TX 78231
 PHONE: (210) 979-8444
 FAX: (210) 979-8441

2017

JOB NO: 583-01-01
 DATE: DECEMBER 2016
 DRAWN: NR CHECKED: BW
 SHEET NUMBER:

PDD

PLANNING COMMISSION – JANUARY 5, 2020– 6:00PM

Zoom Meeting

Applicant/Owner: James Mahan, Solms Landing Development, LLC.

Address/Location: Approximately 98 acres addressed at 253 S. Kowald Lane

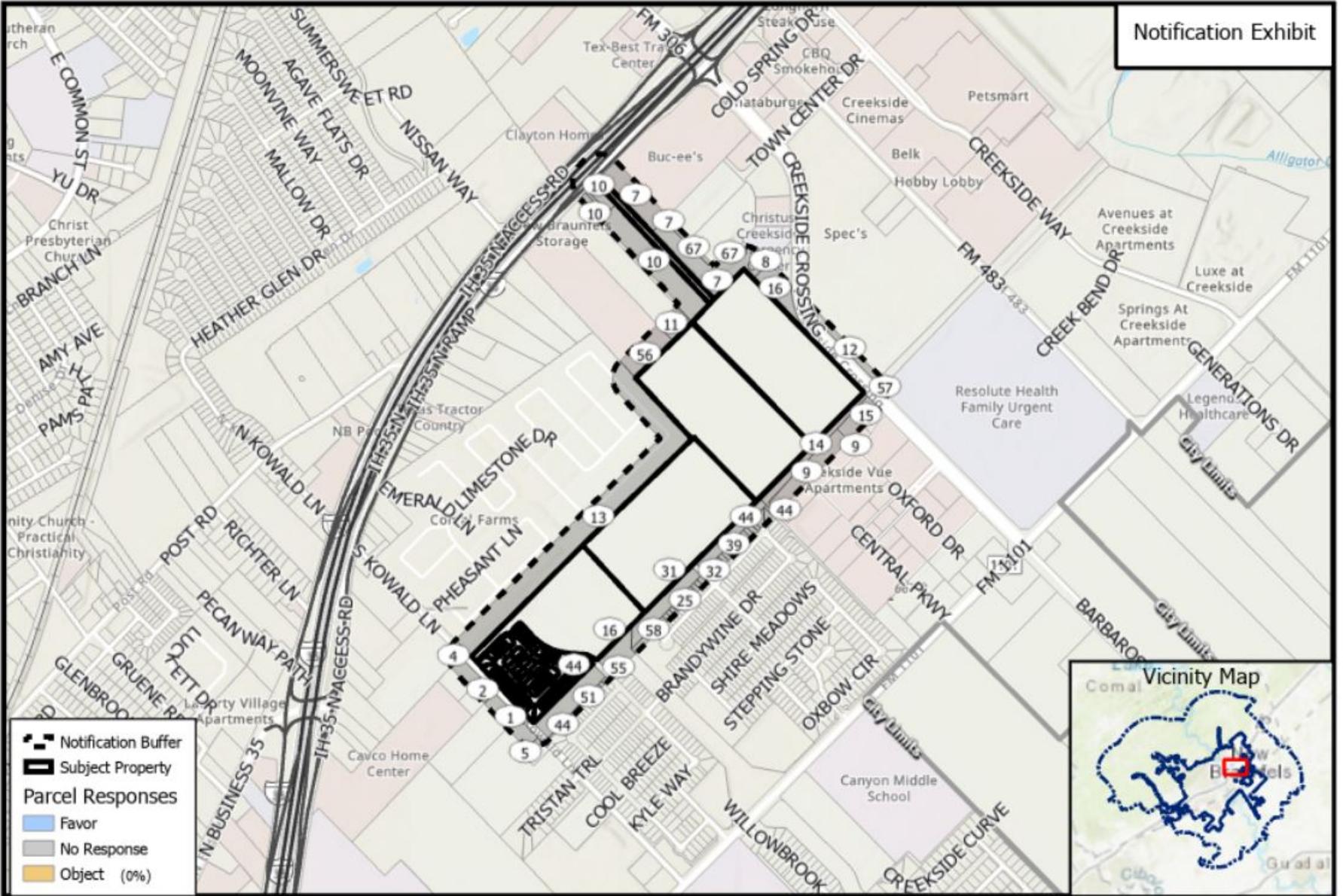
PROPOSED ZONE CHANGE – CASE #PZ20-0295

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. HALL JULIE L ET AL | 21. COLES PROPERTIES LTD |
| 2. WETZ WILLIAM & BILLY WARD | 22. BRYANT MATTHEW W |
| 3. WARD BILLY & WETZ WILLIAM N | 23. HERZOG DEREK S & SARAH R |
| 4. J E PROPERTIES LP | 24. SCHRAMM MICHAEL II |
| 5. ENTERPRISE TEXAS PIPELINE LP | 25. CASON LAYCE |
| 6. PRADE CONNIE A | 26. BROWN DAMIAN |
| 7. BUC EES LTD & TURNER FAMILY PRTNRSH LP | 27. JONES KATHLYN E & JOHN E |
| 8. MCKEE RICHARD W RVCBL TRST 5-03-1994 | 28. BECERRA JOSE & MARCELA |
| 9. PROPERTY OWNERS | 29. BLANKENSHIP KATE E & BRODY |
| 10. RBNT INVESTMENTS LLC | 30. CEH RANDI L & STEVE J |
| 11. DEAN BARBARA NELL | 31. WEST VILLAGE AT CREEKSIDE (NB) HOA INC |
| 12. A L 95 CREEKSIDE TOWN CENTER LP | 32. GENNUSA CHESKA & ANTHONY |
| 13. CP COMAL FARMS LTD PRTNRSH | 33. HERNANDEZ LORI A & ATILANO JR |
| 14. CWC306 MASTER COMMUNITY INC | 34. CRUZ STEPHANIE L & STEVE |
| 15. BENGALI MONIS 3 LLC | 35. K I RANDY & GEORGINA |
| 16. NEW BRAUNFELS CITY OF | 36. PERNICANO KEVIN & PATRICIA |
| 17. BENNETT TAYLOR & THOMAS | 37. GOMEZ JULIAN V III |
| 18. HERNANDEZ ANDREA | 38. FLORES RENE & LILIANA D |
| 19. GUTIERREZ KELSEY M | 39. EPPERSON ZACHARY S |
| 20. PIERCE ADRIENNE E | 40. GUERRERO LUIS DE LEON |

41. BRADLEY ERIK P & LEAH R
42. GOMEZ ENRIQUE G & OLGA D G MAXIMO
43. EICKHOFF SABRINA & BRANDON FULLER
44. KB HOME LONE STAR INC
45. GARCIA VANESSA M & JUAN A JR
46. BOYD KAITLIN N & CALEB A MOLENDIA
47. MARMOLEJO ANISSA
48. KINGSBERY JENI M
49. COUGHENOUR GERALD W & SHIRLEY
50. JENKINS SANDRA K
51. GOULDING PETER
52. WILLIAMSON MERLE K & CHRISTINE M
53. RAMZINSKI SHARLA & JOSHUA
54. REEDER THOMAS P & DEBORA L
55. DAILEY HAROLD G JR & MARY K
56. NEW BRAUNFELS STORAGE LTD
57. CENTRAL TEXAS CORRIDOR HOSPITAL CO LLC
58. HICKSON ASHLEE
59. PADRON LALO & ALMA
60. STINDT TROY E JR & HEATHER M
61. WILBURN RAY A JR & ASHLEY N
62. ESCOBEDO BERNARDO A & BRIANA
63. BYLER KASEY T & CHELSEA T
64. PORTER BRIAN L & DANA R
65. BOSH JARRID N
66. RODGERS MATTHEW A & CATHERINE E
67. BLAKE AT NEW BRAUNFELS LLC

SEE MAP



Notification Buffer
Subject Property

Parcel Responses

- Favor
- No Response
- Object (0%)

PZ20-0295
Amendment to PD



RECEIVED

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0295 hm

Name: Peter Goulding

Address: 1941 Brook Bend

Property number on map: 51

I favor:

I object: _____ (State reason for objection)

Comments: (Use additional sheets if necessary)

Simple Request
we DO NOT want the Streets
to connect with our Neighborhood.

Thank You

Signature: Peter Goulding

JAN 05 2021
BY: [Signature]

Draft Minutes for the January 5, 2021 Planning Commission Regular Meeting

E) PZ20-0295 Public hearing and recommendation to City Council regarding proposed revisions to the Solms Landing Planned Development (“SLPD”) concept plan and development standards, on approximately 98 acres out of the A M Esnaurizar A-20 Survey, addressed at 253 S. Kowald Lane. Applicant: James Mahan; Case Manager: Holly Mullins.

Mrs. Mullins presented and recommended approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed on the concerns listed in the staff report and how these have been resolved.

Vice Chair Laskowski expressed concerns over density, traffic, and impact on adjacent neighborhoods.

Discussion followed.

Chair Edwards asked if the applicant would like to speak.

Burt Wellmann, KFW, 15818 Turfway Park, addressed traffic and density concerns.

Discussion followed.

James Mahan, 173 Oak Canopy Court, addressed density concerns.

Chair Edwards opened the public hearing and asked if anyone wished to speak.

Kevin Pernicano, 2071 Windchime Way, asked for clarification on what each of the Zone classifications stand for on the presented concept plan.

Cameron Dunlavy, Sun Communities Inc., asked for clarification on the potential development.

Mr. Mahan provided clarification.

Chair Edwards closed the public hearing.

Discussion followed on the TIA approval.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Meyer, seconded by Commissioner Tubb, to recommend denial to City Council of the proposed revisions to the Solms Landing Planned Development (“SLPD”) concept plan and development standards, on approximately 98 acres out of the A M Esnaurizar A-20 Survey, addressed at 253 S Kowald Lane. Motion carried (8-0-1) with Commissioner Gibson in opposition.

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS APPROVING REVISIONS TO THE SOLMS LANDING PLANNED DEVELOPMENT (“SLPD”) CONCEPT PLAN AND DEVELOPMENT STANDARDS, ON APPROXIMATELY 98 ACRES OUT OF THE A. M. ESNAURIZAR A-1 SURVEY, ADDRESSED AT 253 S. KOWALD LANE; 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 “PDD” Planned Development District, the City Council has given due consideration to all components of said district; and

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

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

WHEREAS, the City Council desires to approve revisions to the Solms Landing Planned Development (“SLPD”) concept plan and development standards as adopted by City Council in Ordinance 2017-31; **now, therefore;**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT the Solms Landing Planned Development (“SLPD”) concept plan and development standards adopted by City Council in Ordinance 2017-31 are hereby revised by adopting the Concept Plan attached as Exhibit “A” and the Development Standards as attached in Exhibit “B”.

SECTION 2

THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 3

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 4

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 25th day of January, 2021.

PASSED AND APPROVED: Second reading this 8th day of February, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT “B”

Solms Landing Development Standards



SOLMS LANDING
NEW BRAUNFELS, TX

Planned Development District

Zoning Standards and Guidelines

12/22/2020

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Buildings and Peripheral Sites	page	11
Open Space Design	page	22
Zone Specific Standards and Guidelines	page	29



THE VISION OF SOLMS LANDING

VISION

Solms Landing, named after the founder of New Braunfels, Prince Carl of Solms-Braunfels, will integrate the cultural history of New Braunfels into a modern mixed use development.

Spanning 98 acres the development will bring together a variety of local and national cuisines, a boutique hotel, upscale shopping, and a variety of high end living options. Centered around a proposed park, the development will provide guests and residents walkability to a variety of dining, shopping and entertainment options.

Residents of Solms Landing will have the ability to choose between ownership and leasing. Through a variety of living options such as high end Townhomes, Loft style apartments and multifamily above retail, Solms Landing will provide a solution to residents searching for an urban style living option within the Texas Hill Country.

Solms Landing aims to maintain the cultural appeal of New Braunfels that has made the city a top destination for growing families and retirees alike. The project will establish architectural standards to ensure a uniform design throughout the development as well as integrate over 1.5 miles of biking and walking trails that take you through the history and heritage of New Braunfels from its beginning.

Once fully developed, Solms Landing will be a \$250 Million development featuring a variety of high end shopping, national and local restaurants, luxury apartments and townhomes and a variety of greenspace and parks.

INTENT & GENERAL DEVELOPMENT PRINCIPLES

INTRODUCTION

To ensure that Solms Landing remains a cohesive development of consistently high quality, Solms Landing Development has carefully created Architectural Design Guidelines that provide a design framework for businesses and residences that will be a part of this wonderful new addition to the City of New Braunfels.

The Architectural Design Guidelines are not always absolute or prescriptive and they encourage design creativity and diversity within a range of styles. Their fundamental intent is to maintain an environment of uncompromising quality while empowering owners to create custom designs reflective of their individual tastes and that can satisfy their functional requirements.

GENERAL DEVELOPMENT PRICIPLES

The Solms Landing plan envisions a vibrant urban district that builds on the area's history and character and compliments the adjacent Creekside Shopping Center, Resolute Hospital Facility and numerous established businesses in the adjacent area. Walkability to and from the "Landing" and the surrounding shopping areas is a key element in the master plan.

This document includes a comprehensive set of development standards and guidelines that include the following:

- Buildings and Sites – Addresses the height, orientation, and facade design of buildings and parking facilities.
- Streetscapes – Includes standards and guidelines for the design of public sidewalks and waterfront walkways.
- Private Parks and Plazas – Provides basic standards and guidelines for the design of pocket parks, community parks, urban plazas and other gathering spaces.

INTENT & GENERAL DEVELOPMENT PRINCIPLES

ARCHITECTURAL DESIGN CONCEPT

The existing character of the land is one of history; one that is intrinsically connected to the movement of settlers to the area, of their German homeland and their connection to the rivers that brought so much to their community.

This movement in time shall be an important part of the overall design. By linking pockets of green space along a spine of water (in this case, pocket-parks connected by a drainage features and bio-swales) developers are creating a metaphor of the community that is historically and currently linked by the rivers, the Comal and the Guadalupe.



Photographs depict guidelines & are only intended to help the user visualize guiding principles



INTENT & GENERAL DEVELOPMENT PRINCIPLES

ARCHITECTURAL DESIGN CONCEPT CONT.

Links such as this, certainly have their place in history. A prime example in today's world is the Las Ramblas in Barcelona, where the whole day can be spent lounging in outdoor cafes, watching people, buying flowers, viewing artwork and enjoying friends and family.

Design elements shall be a mixture locally found materials, such as limestone and wood, but they shall be used as accents on a modern form. The developers are seeking to create a re-interpretation of the forms the original German settlers used (and remembered from their homeland such fatchwork); a fresh new upscale look using familiar components.

The application of these materials, forms and spaces shall be assembled with the intent of creating a development that represents quality, integrity, history and education; a space that is a destination for visitors, a place to live, a place to work, a place to walk, and overall, a place that the entire community can be proud of.



INTENT & GENERAL DEVELOPMENT PRINCIPLES

RELATIONSHIP TO OTHER REGULATORY DOCUMENTS

The Solms Landing Planned Development District is a mixed use development with a base zoning of “MU-B high intensity mixed use district” under Chapter 144 of the city of New Braunfels Zoning Ordinance. The goal of this document is to minimize references to external documents and as a result the base line MUB zoning and all amendments have been attached to this document in Appendix 1.

Pertinent sections of the MUB guidelines have been adopted as a foundation to these development standards. In order to insure the quality of Solms Landing additional restrictions and standards have been outlined in the following document. Whenever there appears to be a conflict between the Solms Landing PDD and the base zoning, the requirements specifically set forth in this document shall prevail unless otherwise stated.

THE PDD IN THE CONTEXT OF THE CITY OF NEW BRAUNFELS

The proposed Solms Landing PDD is a roughly 98 acre master planned mixed use development located east of IH-35, adjacent to the Creekside Village development and directly across FM 306 from the Town Center at Creekside.

The development is within walking distance to Resolute Hospital and within a 5 minute drive to a number of other key employers such as Rush Enterprises, Comal ISD, and the recently announced CGT. Important uses within the area include elementary, middle and a high school as well as the New Braunfels Regional Airport and Central Texas Technology Center.

INTENT & GENERAL DEVELOPMENT PRINCIPLES

RELATIONSHIP TO 2018 COMPREHENSIVE PLAN

Solms Landing will incorporate many of the goals set out by the city of New Braunfels under the 2018 Comprehensive Plan. Some of these goals include but are not limited to the following:

- **Strategy 1: Support Vibrant Centers:** By incorporating a variety of uses into an integrated development Solms Landing will create the sense of community and place the city is looking for. Housing units both within the Solms Landing development and the greater Creekside area will have the ability to walk to a variety of shops, dining and future employers.
- **Strategy 2: Activate Neighborhoods:** Solms Landing will provide a variety of housing options creating a development that provides a housing solution for a variety of socio economic backgrounds and age groups. Condominiums and Live Work units will be delivered at price points below the median home price allowing for a high quality yet affordable housing alternative for first time home buyers. These housing options will be fully integrated into the overall walkable mixed use development.
- **Strategy 3: Balance Jobs, Education and Housing Choices:** Solms Landing has plans for a variety of office uses. These will include Neighborhood commercial designed for local small businesses, Live work designed for entrepreneurs, and Class A commercial office designed for large scale regional or national employers. All of these will be located within a close proximity to housing and schools creating an optimal live work balance
- **Strategy 4 Innovate in Parks & Public Spaces:** Not only will Solms Landing have trails throughout the development but it will also connect to hike and bike trails planned along FM 306 and currently in use at Resolute Health. In addition there will be a variety of open spaces throughout the development able to accommodate outdoor events such as yoga in the park, outdoor farmers markets as well as regional year round events.
- **Strategy 5: Bolster Resilient Infrastructure:** Solms Landing drainage channel was built to accommodate more than 300 acres of upstream drainage including runoff from IH-35. All drainage and detention channels were constructed to accommodate the future growth in the area while at the same time preserving land through storm drains and a master planned system. When complete Solms Landing will bring a variety of new greenspaces and trees to an area that current has very few trees.
- **Strategy 7: Connect All:** Solms Landing will connect to the existing Sidewalk plan along Creekside way as well as Resolute Health. In addition our hike and bike network is designed with a future connection through West Village at Creekside in mind. The master planned community will encourage walkability throughout the development by implementing a number of traffic calming measures. These measures include a roundabout as well as pedestrian islands and crosswalk locations.

INTENT & GENERAL DEVELOPMENT PRINCIPLES

RELATIONSHIP TO 2006 COMPREHENSIVE PLAN

Solms Landing will incorporate many of the goals set out by the city of New Braunfels under the 2006 Comprehensive Plan. Some of these goals include but are not limited to the following:

- Goal 2 is to encourage the mixing of land uses which is the fundamental vision for Solms Landing. By incorporating a variety of uses into an integrated development Solms Landing will create the sense of community and place the city is looking for
- Goal 3 is to encourage innovate designs such as cluster developments. Solms Landing will be a high density development that encourages vertical rather than horizontal development allowing for green space and interconnectivity of hike and bike trails
- Goal 9 asks for better regulation of non residential developments. The guidelines set forth in this document call for a higher level of standards and development guidelines than what is required under current city zoning
- Goal 14 discusses the need for additional trails and greenbelts throughout the city. Not only will Solms Landing have trails throughout the development but it will also connect to hike and bike trails planned along FM 1101 and currently in use at Resolute Health
- Goal 25 encourages pedestrian and bike transportation throughout the community. Solms Landing will accomplish this by being a walkable community and by incorporating a variety of walking and biking trails throughout the development and to adjoining properties
- Goal 36 and 39 will be addressed by creating a mixed use development not currently offered in the Texas Hill Country. This will act as a complimentary development to the product offerings already available at Creekside allowing for new tenants and businesses to come to the area
- Goal 44 will be addressed by creating a development with a variety of shopping, dining and entertainment options that cater to a variety of age groups including kids, young adults, and retirees.
- Goal 80 will be addressed by creating a set of pocket parks where local art and cultural references can be displayed. The team at Solms Landing will look to work with Parks and Rec as well as the New Braunfels Art Commission to implement these designs

DEVELOPMENT REVIEW PROCESS

PROJECTS SUBJECT TO REVIEW

All construction projects within the development with the exception of interior construction are subject to review by the Architectural Review (AR) team that includes the POA Board and other Developer members. All buildings, streets and public spaces are also subject to review, and all should reflect exceptional design quality. The AR shall review all projects that require interpretation or discretionary judgment with respect to the project's compliance with standards and guidelines.

EXCEPTIONAL DESIGN

The AR team may recommend for approval, buildings of exceptional design that do not comply with certain standards and guidelines provided that the buildings conform to the Intent and General Development Principles. Parks, plazas, sidewalks, paths, and other publicly accessible spaces should also reflect exceptional design quality and are subject to compliance with the Development Standards and Guidelines.

CONCEPTUAL PHASE DISCUSSION

One of the most important roles of the AR team is to provide informal guidance to developers of significant projects during the conceptual design phase. These discussions take place during calls and work sessions, and provide an opportunity for early AR input that should facilitate timely design review and approval of the final design phase. All private developers of significant projects are encouraged to present their conceptual plans to the AR team for review.



BUILDINGS AND PERIPHERAL SITES

INTENT AND PRINCIPLES

INTRODUCTION

This section includes development standards and guidelines related to the orientation and configuration of buildings and building sites. The form and scale of a building is one of the most important factors in the creation of a viable mixed use development. The purpose of these standards is to ensure high quality, sustainable development that adapts to changing conditions over time. The following principles provide the basis for the development standards and guidelines.

- Design all sites and buildings, and the lower floors of buildings in particular, so that they promote pedestrian activity and provide an active, continuous pedestrian-oriented street edge along public sidewalks.
- Design buildings and sites to provide visual variety and enhance the overall sense of place.
- Regulate building heights and orientation so as to protect and enhance views to and from established landmarks, natural features and skylines.
- Choose exterior building materials that are important to shaping a coherent urban form. In addition to visual attractiveness, exterior building materials serve as the primary form of the interior space of the building.

- Ensure the building facades visible from public spaces contribute to an attractive streetscape and skyline.
- Locate surface parking, individual garages and parking garages to reduce their visual impact.

BUILDINGS

VERTICAL MIXED USE OVERLAY (VMU)

The purpose of a vertical mixed use (VMU) overlay is designed to allow the development of vertical mixed use (VMU) buildings. Vertical mixed use elements will be incorporated throughout the development.

A VMU building will meet the following requirements:

- A use on the ground floor must be different from a use on an upper floor.
- The second floor may be designed to have the same use as the ground floor so long as there is at least one more floor above the second floor that has a different use from the first two floors.
- At least one of the floors shall contain residential dwelling units or office space.

Ground-Floor Commercial Uses Allowed:

- Any commercial uses allowed in the base zoning district within proposed PDD may be allowed at the ground-floor level in VMU buildings.

Compatibility and Neighborhood Standards:

- All VMU buildings will conform to the standards of the base zoning



BUILDINGS

STANDARDS FOR BUILDING PRESENTATION TO STREETS AND GREENSPACE FRONTAGE

- Building Orientation – Orient all future development to the street or greenspace.
- Ground Floor Residential Frontages – Ground floor residential uses shall provide a clear delineation between public and private space through the use of a patio, landscaped yard, or raised landing. Such delineation shall not conflict with any pertinent accessibility requirements.

AWNINGS, GALLERIES, ARCADES AND BALCONIES

- Guideline for Awnings, Galleries and Arcades – Awnings, galleries or arcades are encouraged for all ground floor commercial uses so as to provide pedestrian protection and visual interest.
- Gallery and Arcade Width Standard – Galleries and arcades shall be a minimum of 6 feet in width.
- Balcony Guideline – Balconies are encouraged and should be designed as an integral part of the building and should not appear to have been tacked-on to the exterior.

BUILDINGS

ROOF GUIDELINES

- Parapet roofs or low-sloped roofs are preferred.
- Pitched roofs with slopes greater than 6:12 are primarily for residential and multifamily applications
- Utilizing rooftops for restaurants, bars, amenities, and gardens is allowable.

MECHANICAL EQUIPMENT STANDARDS

- Exhaust / venting, trash containers and noise-generating mechanical systems shall not be placed adjacent to the walkway in a manner that diminishes the comfort of pedestrians.
- Ventilation devices shall not be located in the pedestrian zone.

SCREENING STANDARDS

- Mechanical Equipment and Dumpsters whether located on the ground or rooftop shall be screened from public view.

WINDOWS AND OPENINGS

- Ground floor restaurants, bars and retail are encouraged to have windows and doors that can be opened to provide direct access to the sidewalk or public space.

BUILDINGS

FLOOR HEIGHT STANDARDS

Ground Floors of Nonresidential Buildings- Minimum 12 feet, measured floor to floor

Ground Floors of Residential Buildings- Minimum 8 feet measured floor to ceiling

Upper Floors All Buildings- Minimum 8 feet measured floor to ceiling. Parking structures are exempt from this requirement

HEIGHT STANDARDS

Unless otherwise stated in Zone specific standards, the height requirements will be as follows:

- Non-Residential uses- 120 feet
- Multi Family Dwellings- 100 feet
- Townhomes- 30 feet
- Zero Lot Line Homes- 30 feet



BUILDINGS

Maximum Building Coverage

- Building Coverage ratio for non-residential uses is not to exceed 80%
- Building Coverage ratio for residential uses is not to exceed 60%

Maximum Floor to Area Ratio for Non-Residential Uses

- Maximum floor to area ratio is not to exceed 5 : 1

Minimum Parking Standards

- Parking ratios will adhere to city guidelines dependent upon end use tenant mix based on requirements laid out in Section 5.1-3 of Planning's Zoning Ordinance
- Solms Landing will incorporate a variety of end users in an integrated mixed use development. As a result a variety parking elements will be incorporated such as street parking, shared parking lots, designated parking and potential parking structures

PERIPHERAL SITES

INTRODUCTION

Residents and visitors of Solms Landing will experience the first high density mixed use development in the Texas Hill Country. Solms Landing foresees a network of pocket parks each incorporating an element of New Braunfels heritage, gathering spaces, and walking trails throughout the 98 acres. These trails will connect to existing walking and biking trails in the area resulting in a wide variety of options for users. The development of the parks and open spaces will be based on the following principles:

- Connect green spaces to establish an unified network of pocket parks, green spaces and walking trails
- Include elements that cater to a variety of age groups including young children, teens and the elderly



PERIPHERAL SITES

GREENSPACE EXPERIENCE PRINCIPLES

- Build a distinctive and diverse network of public spaces and environments that avoid long uninterrupted monotonous designs. Include both formal and informal spaces and their neighborhood connectors to reflect or complement the adjoining neighborhoods. Ensure comfort during hot weather with trees and other provisions for shade, water fountains, benches and areas for rest. Ensure that buildings and other components of the built environment frame and complement greenspaces and public spaces. Ensure a sustainable, clean and easily maintained environment Incorporate public art into the street and adjacent realm.

PEDESTRIAN GUIDELINES

- Pedestrian passages should be attractive, safe and inviting to encourage use.
- Outdoor dining is encouraged
- Secondary storefront entrances are encouraged

PARKING GUIDELINES

- Shared, structured parking facilities are strongly encouraged

Low Impact Development

DESIGN PRINCIPLES

- One of the priorities of Solms Landing, a high density mixed use development, is to implement a “Low Impact Development” throughout the site by creating gathering spaces and “pervious” walkability through contiguous trails, pocket parks and strategically placed open spaces. The use of these gathering spaces will help create the vision of a Vibrant Urban District while addressing the walkability to and from the “Landing” and the surrounding shopping areas.

POCKET PARKS

- The pocket parks shall be designed to incorporate rain gardens by the use of “disconnection” of impervious surfaces and building downspouts to direct rainwater runoff through vegetated strips/areas. This will allow the low to moderate storm events to percolate through the engineered or natural in-situ soils prior to the runoff becoming concentrated. By providing the use of pocket parks and rain gardens, this practice will help reduce the total runoff volume (generated by the increase in impervious cover) by decreasing the time of concentration and promoting runoff infiltration. Having these areas will also promote a plant-based filtration that will help remove pollutants conveyed through surface runoff; therefore, enhancing the water quality aspect of the proposed development as well.

PARKING GUIDELINES

- In addition to providing the pervious trails and walkways; landscaped parking lot islands, planting beds, and vegetated filter strips will also be provided throughout various areas to enhance the overall “beautification” of this development. The planting beds and/or vegetated filter strips will also serve as a landscape buffer between the parking lots and “business development” areas. The overall use of the landscape buffers will greatly help in the reduction of impervious cover as well.

Low Impact Development

SIDEWALKS AND TRAILS

- While concrete sidewalks are a common means of walkability and will be provided adjacent to the proposed streets and buildings within this development, it is the intention to also create a “pervious” means of walkability throughout various areas complimenting the proposed walkways and trails. By using pavers or pavers in lieu of concrete, the openings or spacing of the pavers will encourage infiltration.

DRAINAGE AND DETENTION

- Due to the natural / existing conditions of this site, a large low in the topography conveys sizeable upstream and offsite drainage areas through the current property. To continue the natural drainage paths of this site, this development will preserve the natural low and will maintain a vegetated design for the newly constructed channels. Limiting the use of impervious improvements within these areas will help maintain the natural filtration and pollutant removal.
- As an aspect and importance of major developments, this development will provide vegetated detention facilities to help alleviate the increase of peak runoff volumes due to the increase in impervious cover of the site. Not only will the detention facilities help mitigate the increase in runoff volumes, it will also provide a detention time for the overall site runoff. This detention time will encourage the removal of pollutants by sedimentation and infiltration through the soils; therefore, again promoting the water quality aspect of the proposed development as well.



OPEN SPACE DESIGN

OPEN SPACE DESIGN

INTRODUCTION

An integrated, high-quality, public realm will be one of the crucial elements to Solms Landing's success. The public walkways along streets and green space will be the public space most often utilized by residents, workers, and visitors. The standards and guidelines in this section are intended to create a vision for furnishing the public spaces while allowing for creativity and flexibility.

- Incorporate a variety of walkways that are integrated throughout the development
- Select furniture and fixtures that match the design and aesthetic of the project
- Design amenities that reflect the time and culture of the era being represented and respect the local history
- Select lighting systems that represent the overall design and feel of the project



OPEN SPACE DESIGN

Elements of a Streetscape

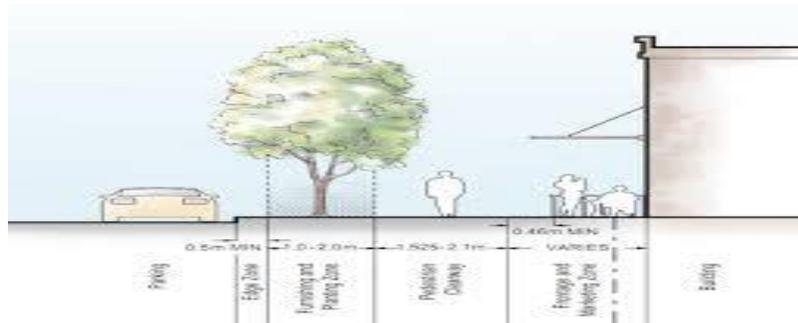
The Frontage Zone is located directly next to buildings, walls or property lines fronting a street or peripheral site. This area usually includes items such as:

- Greenery
- Benches
- Outdoor retail or dining seating

The Pedestrian Walkway serves as the space utilized for walking and should be kept clear of items such as benches or greenery. Zone should be able to accommodate all types of mobility including wheelchair access.

The Furnishing Zone is located between the Pedestrian Walkway and areas designated for parking. This zone will be utilized items such as the following:

- Utility Poles
- Bikes and News Racks
- Street Trees
- Waste receptacles



OPEN SPACE DESIGN

WALKWAY OBJECTIVES

- Focus pedestrian circulation at the street level.
- Use sidewalks and streets as a linear park system.

STREETSCAPE FURNISHINGS STANDARDS

- Permanent elements shall NOT be located in the Pedestrian Way.
- Benches shall be compatible with other benches along a block
- Benches shall be constructed of a durable material.
- Other streetscape furnishings such as bike racks, trash cans and other movable objects shall be compatible with existing furnishing along the block.

GREENWAY STANDARD

- A continuous walkway or public use area shall be located along the greenway.
- Ornamentation should be minimized so as to reduce distractions of views and vistas.



OPEN SPACE FURNISHINGS

LANDSCAPE Developments that are set back from the street shall incorporate landscaping such as bushes, flowers and other plantings.

- Durability of materials at street level are important.
- Therefor, pots and planters shall be of 50% clay, concrete, ceramic, resin or masonry materials.
- Potted plants shall be compatible in scale and design with the immediate surrounding area.
- Pots shall not interfere with the pedestrian way.

GREENWAY TREE STANDARDS *(Note: Ideally all trees should be planted between November and February).*

- Street trees can be either deciduous or evergreen, but must be approved beforehand by the AR Team.
- Irrigation shall be provided to ensure the life of the tree.
- Trees shall be a minimum of 2" caliper.

ACCEPTABLE TREES AND BUSHES

- Refer to the City of New Braunfels' Zoning Ordinance Section 5.2 for acceptable trees and bushes.

OPEN SPACE FURNISHINGS

LIGHTING STANDARDS

- Pedestrian lights shall be spaced a maximum of 60 feet apart in the urban greenway areas.
- Pedestrian lights shall be made of steel, aluminum, or any other material that is proven to be equally durable, cost effective and easy to maintain.
- Pedestrian light poles shall provide easy serviceability, maintenance and replacement.
- Light source height shall not exceed 16 feet above grade.

BOLLARD STANDARDS

- Concealed mounting.
- 24" to 30" in height.
- Compatible with other street scape features.
- Removable bollards shall be provided where necessary for emergency / service functions.

PAVING MATERIAL STANDARDS

Paving materials shall be easy to maintain, attractive and sustainable. The materials shall not detract from the primary purpose of the space. Appropriate materials include the following:

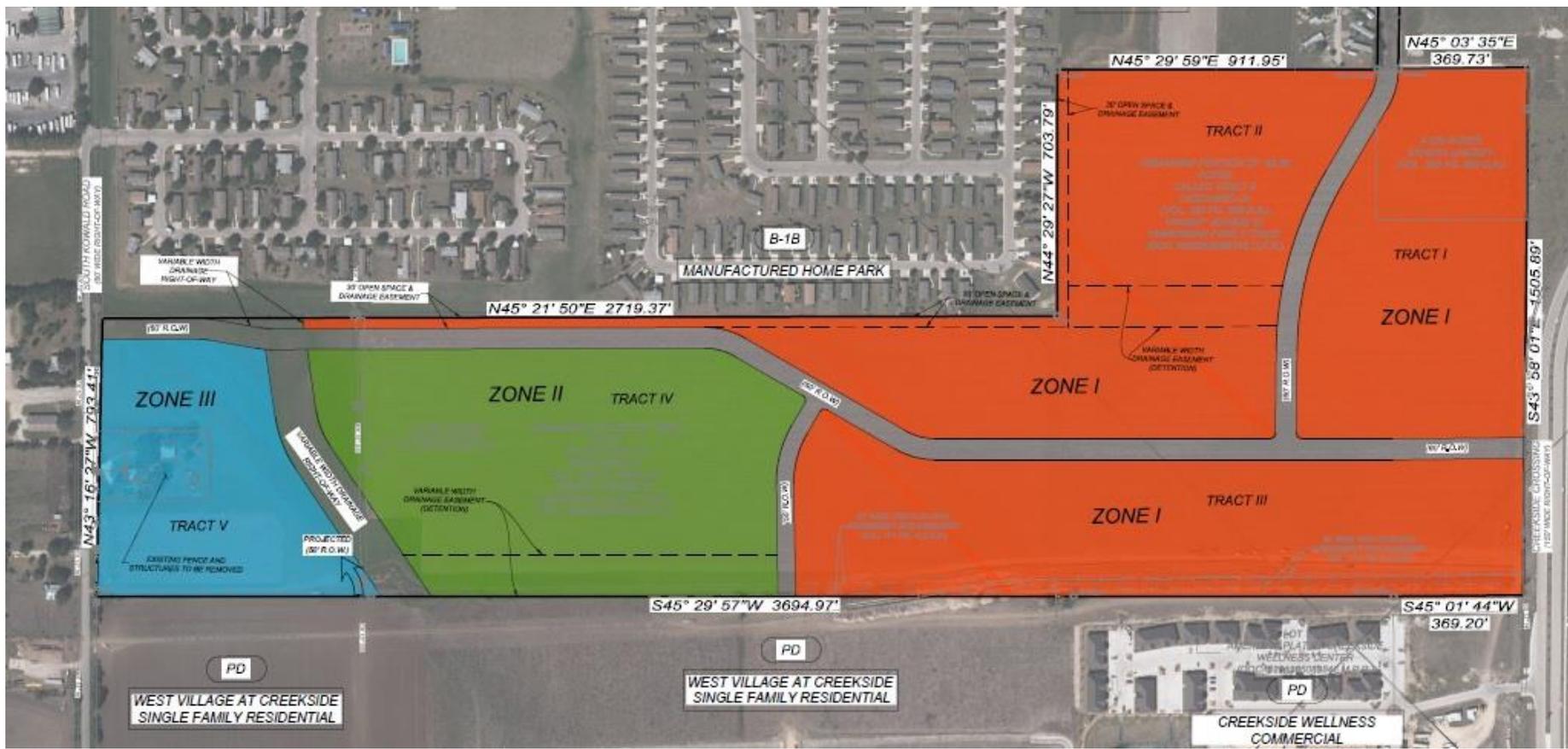
- Concrete / Pervious Concrete
- Crushed stone meeting TDLR requirements- only allowed on trails within the private property and not authorized for public sidewalks or for parking without approval from the City Engineer pursuant to Section 5.1-1 of the Zoning Ordinance.
- Masonry Pavers
- Composite Decking
- Any other similarly primary material that meets and is in compliance with City Design Standards

OPEN SPACE FURNISHINGS

PUBLIC ART GUIDELINES

- Developers are encouraged to integrate art into the design process for buildings and adjoining greenway features.
- The City of New Braunfels' Arts Commission may assist with identifying appropriate artists and / or advise on processes for projects.
- Pocket parks will be preferred location to incorporate art and cultural aspects
- Utilizing historical and cultural aspects of New Braunfels into the artistic aspects will be encouraged





ZONE SPECIFIC STANDARDS AND GUIDELINES

ZONE SPECIFIC STANDARDS AND GUIDELINES

ZONE 1

Zone 1 within Solms Landing will be the preferred zone for Vertical Mixed Use. This zone will incorporate a variety of uses including but not limited to retail shopping and dining, flex office space, a boutique hotel, and national tenant retail. In addition to the standard requirements previously laid out in these guidelines the following standards will apply:

- Development shall include layering of building heights and styles increasing in height as development moves away from the public right-of-way. Styles of buildings shall vary in design elements, scale, height, building orientation and features to prevent a monotone feel
- Provide connectivity to existing walking trails on adjacent properties at Creekside, Resolute Health, and Creekside Village
- Create a balance between height and density of vertical mixed use and greenspace
- Encourage structured parking where economically feasible
- Create a park space where visitors and residents can gather for events such as festivals, artisan fairs, and concerts

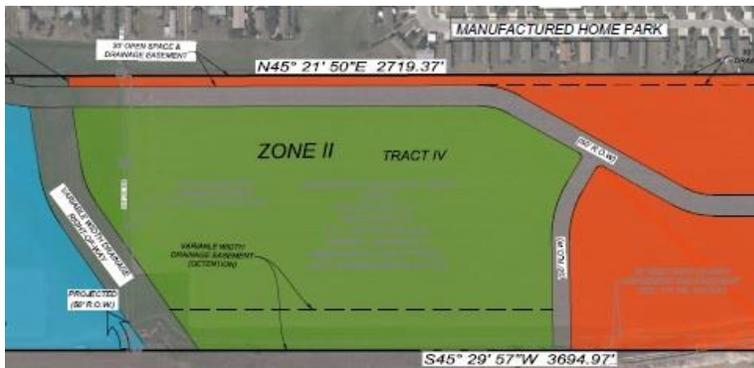


ZONE SPECIFIC STANDARDS AND GUIDELINES

ZONE 2

Zone 2 within Solms Landing will be the preferred zone for high density residential. In addition to height density residential this zone will look to incorporate neighborhood retail, zero lot line residential, and elements of greenspace and parks. In addition to the standard requirements previously laid out in these guidelines the following standards will apply:

- **Maximum height for Non-Residential is 120- and for Multi Family is 100 feet**
- Create integrated network of trails and pocket parks between Zones 1 and 3
- Provide connectivity to existing bike and walking trails in West Village at Creekside and new trails planned on FM 1101
- Create connector road to West Village at Creekside via planned right of ways

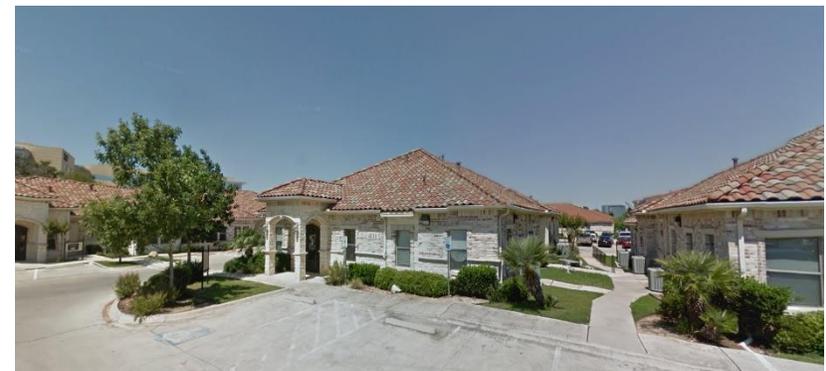
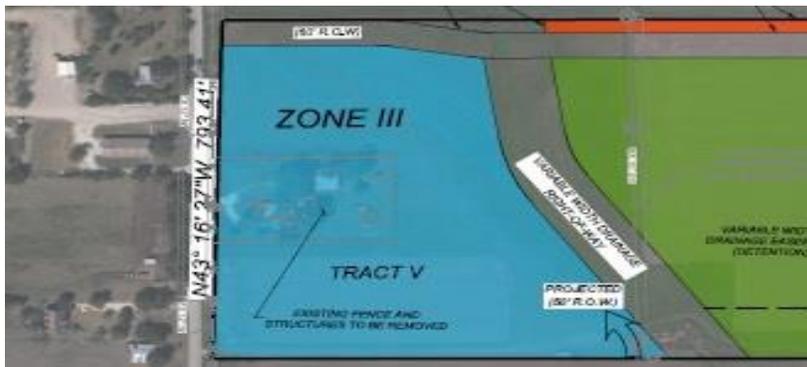


ZONE SPECIFIC STANDARDS AND GUIDELINES

ZONE 3

Zone 3 within Solms Landing will be the preferred zone for single family residential. This zone will incorporate a for sale living option that is integrated into the overall development via trails and sidewalk. These modern farmhouses will provide the ability for patrons to live in the development but still have a n degree of privacy should they not want to live in one of the more integrated options. In addition to the standard requirements previously laid out in these guidelines the following standards will apply:

- Maximum height for Non-Residential is 120- and for Multi Family is 100 feet
- Create integrated network of trails and pocket parks in coordination with Zone 2
- Provide connectivity to existing bike and walking trails in West Village at Creekside and new trails planned on FM 1101
- Create connector road to West Village at Creekside via planned right of ways



APPENDIX 1

MU-B" high intensity mixed use district.

Purpose. The MU-B High Intensity Mixed Use District is intended to provide for a mixture of more intense retail, office, and industrial uses in close proximity to enable people to live, work and shop in a single location. Bed-and-breakfast establishments could also be located in this district. Pedestrian walkways and open areas are desired in order to promote a pedestrian-friendly environment.

Authorized uses. Uses permitted by right shall be those set forth in the Land Use Matrix in Section 4 of this Chapter. The allowed uses in the district, which are intended to be identical with those listed in the Land Use Matrix, are as follows

(1) Uses permitted by right:

Residential uses:

Accessory building/structure

Bed and breakfast inn (see Sec. 5.6)

Boardinghouse/lodging house

Community home (see definition)

Dormitory (in which individual rooms are for rental)

Hospice

Multifamily (apartments/condominiums – at least five units)

Residential use in buildings with the following non-residential

uses

Townhouse (at least five lots)

Zero lot line / patio homes

APPENDIX 1 CONT.

Non-residential uses:

Accounting, auditing, bookkeeping, and tax preparations
Adult day care (no overnight stay)
Adult day care (with overnight stay)
Ambulance service (private)
Amphitheater
Amusement devices/arcade (four or more devices)
Amusement services or venues (indoors) (see Sec. 5.13)
Amusement services or venues (outdoors)
Animal grooming shop
Answering and message services
Antique shop
Armed services recruiting center
Art dealer / gallery
Artist or artisan's studio
Assembly/exhibition hall or areas
Assisted living facility / retirement home
Athletic fields
Bakery (retail)
Bank, savings and loan, or credit union
Bar/Tavern
Barber/beauty College (barber or cosmetology school or college)
Barber/beauty shop, haircutting (non-college)
Battery charging station

Bicycle sales and/or repair
Billiard / pool facility
Bio-medical facilities
Book binding
Book store
Bowling alley/center (see Sec. 5.13)
Bus passenger stations
Cafeteria / café / delicatessen
Campers' supplies

APPENDIX 1 CONT.

Non-residential uses:

Child day care / children's nursery (business)

Church/place of religious assembly

Civic/conference center and facilities

Clinic (dental)

Clinic (emergency care)

Clinic (medical)

Club (private)

Coffee shop

Commercial amusement concessions and facilities

Communication equipment - installation and/or repair

Computer and electronic sales

Computer repair

Confectionery store (retail)

Consignment shop

Convenience store with or without fuel sales

Country club (private)

Credit agency

Curio shops

Custom work shops

Dance hall / dancing facility (see Sec. 5.13)

Day camp

Department store

Draperies shop / blind shop

Driving range

Drug sales/pharmacy

Electronic assembly/high tech manufacturing

Fair ground

Farmers market (produce market - wholesale)

Fire Station

Florist

Food or grocery store with or without fuel sales

Food processing (no outside public consumption)

Fraternal organization/civic club (private club)

Frozen food storage for individual or family use

Furniture sales (indoor)

Golf course (public or private)

Golf course (miniature)

Governmental building or use with no outside storage

Handicraft shop

APPENDIX 1 CONT.

Non-residential uses:

Hardware store
Health club (physical fitness; indoors only)
Heating and air-conditioning sales / services
Home repair and yard equipment retail and rental outlets
Hospital, general (acute care/chronic care)
Hospital, rehabilitation
Hotel/motel
Hotels/motels - extended stay (residence hotels)
Ice delivery stations (for storage and sale of ice at retail only)
Kiosk (providing a retail service)
Laboratory equipment manufacturing
Laundromat and laundry pickup stations
Leather products manufacturing
Limousine / taxi service
Market (public, flea)
Martial arts school
Medical supplies and equipment
Microbrewery (onsite manufacturing and sales)
Motion picture studio, commercial film
Motion picture Theater (indoors)
Motion picture Theater (outdoors, drive-in)
Museum
Needlework shop
Nursing/convalescent home/sanitarium
Offices, brokerage services
Offices, business or professional
Offices, computer programming and data processing
Offices, consulting
Offices, engineering, architecture, surveying or similar

Offices, health services
Offices, insurance agency
Offices, legal services - including court reporting
Offices, medical offices
Offices, real estate
Offices, security/commodity brokers, dealers, exchanges and financial services
Park and/or playground (private or public)
Parking lots (for passenger car only) (not as incidental to the main use)
Parking structure / public garage
Pet shop / supplies (10,000 sq. ft. or less)
Pet store (more than 10,000 sq. ft.)
Photo engraving plant
Photographic printing/duplicating/copy shop or printing shop
Photographic studio (no sale of cameras or supplies)
Photographic supply

APPENDIX 1 CONT.

Non-residential uses:

Public recreation/services building for public park/playground areas
Publishing/printing company (e.g., newspaper)
Radio/television shop, electronics, computer repair
Rappelling facilities
Recreation buildings (public or private)
Recycling kiosk
Refreshment/beverage stand
Research lab (non-hazardous)
Restaurant with drive through
Restaurant/prepared food sales
Retail store and shopping center
Retirement home/home for the aged
Rodeo grounds
School, K-12 (public or private)
School, vocational (business/commercial trade)
Security monitoring company
Security systems Installation Company
Shopping center
Specialty shops in support of project guests and tourists
Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)
Tailor shop
Tattoo or body piercing studio

Telemarketing agency
Telephone exchange (office and other structures)
Tennis court (commercial)
Theater (non-motion picture; live drama)
Travel agency
University or college (public or private)
Upholstery shop (non-auto)
Used or second hand merchandise/furniture store
Veterinary hospital with or without outside animal runs or kennels) with the exception that outdoor kennels may not be used between the hours of 9:00 p.m. and 7:00 a.m. and are prohibited adjacent to residential
Video rental / sales
Waterfront amusement facilities – swimming / wading pools /bathhouses
Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system
Wholesale sales offices and sample rooms
Woodworking shop (ornamental)
Any comparable business or use not included in or excluded from any other district described herein.

APPENDIX 1

(2) Conflict. In the event of conflict between the uses listed in the Land Use Matrix and those listed in Subsection (1), the uses listed in this subsection shall be deemed those authorized in the district.

(b) Maximum height, minimum area and setback requirements:

- (1) Non-residential uses.
 - (i) Height. 120 Feet
 - (ii) Front building setback. No front building setback required.
 - (iii) Side building setback. No side building setback is required.
 - (iv) Rear building setback. Five feet minimum with an additional two feet required for each story above 24 feet, up to a maximum setback of 25 feet; there shall be no encroachment or overhangs into this required rear building setback.
 - (v) Residential setback. Where a non-residential building or a multifamily development of more than three units abuts a one or two family use or zoning district, the setback from the residential property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
 - (vi) Minimum lot area. The minimum internal lot area shall be 6,000 square feet or 7,000 square feet for a corner lot.
 - (viii) Minimum lot frontage: 60 feet.
 - (ix) Lot depth. 100 feet.
 - (x) Parking. See Section 5.1 for other permitted uses' parking.

- (2) Multifamily dwellings.
 - (i) Height. 100 Feet
 - (ii) Front building setbacks. 25 feet.
 - (iii) Rear building setback. 25 feet.
 - (iv) Side building setback. A side building setback of 20 feet shall be provided. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots.

APPENDIX 1

- (v) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
- (vi) Parking and accessory uses. Parking may encroach into the interior side and rear building setback as long as a solid screening fence or wall of six to eight feet in height is erected along the interior side and rear property lines. Accessory uses such as swimming pools, tennis courts and playgrounds will not be permitted within any required yard.
- (vii) Width of lot. The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet.
- (viii) Density. No maximum.
- (ix) Lot area 20,000 square feet.
- (x) Lot coverage. The combined area of all yards shall not be less than 20 percent of the total lot or tract
- (xi) Distance between structures. There shall be a minimum of 10 feet between structures side by side; a minimum of 20 feet between structures side by front or rear; a minimum of 40 feet between structures front to front; a minimum of 20 feet between structures backing rear to rear, and a minimum of 20' between structures front to rear.
- (xiii) Lot depth. 100 feet.
- (xiv) Parking.
 - For apartments, apartment hotel units and other multifamily dwellings, off-street parking spaces shall be provided in accord with the following schedule:
 - 1. One-bedroom apartment or unit . . . 1 1/2 spaces
 - 2. Two-bedroom apartment or unit . . . 2 spaces
 - 3. Each Additional bedroom . . . 1/2 space
 - 4. Each dwelling unit provided exclusively for low income elderly occupancy . . . 3/4 space ("Low income elderly" is defined as any person 55 years of age or older with low or moderate income, according to HUD standards.)
- (xv) When lots are adjacent to drainage ways or easements that cannot be developed and are at least 25 feet wide, there will be a 5-foot side and rear setback.

APPENDIX 1

An addition to this Multifamily dwelling:

2.1) Condominiums - means a form of real property with portions of the real property designated for separate ownership or occupancy, and the remainder of the real property designated for common ownership or occupancy solely by the owners of the portions. Real property is a condominium only if one or more of the common elements are directly owned in undivided interests by the unit owners. Real property is not a condominium if all of the common elements are owned by a legal entity separate from the unit owners, such as a corporation, even if the separate legal entity is owned by the unit owners.

(i) Detached Condominiums.

Detached condominiums shall be grouped in pods of no less than 2 and no greater than 10. These pods are not required to be attached but instead can be grouped together. Each building pod shall be at least 20 feet from any other pod group, measured from the nearest point of their foundation.

Distance between structures. There shall be a minimum of 7 feet between structures side by side; a minimum of 7 feet between structures side by front or rear; a minimum of 14 feet between structures front to front; a minimum of 9 feet between structures backing rear to rear, and a minimum of 20' between structures front to rear.

- (i) In the event that the distance between two structures is less than 10 feet, a firewall will be required on the walls adjacent to the areas where the distance is less than 10 feet.

Accessory buildings shall be a minimum of 8 feet from condominium structures.

Detached condominiums shall be permitted the use of short term rentals.

Each detached condominium will be allowed 1 accessory building.

APPENDIX 1

(3) Townhouses.

- (i) Height. 30 feet
- (ii) Front building setback. 10 feet. If front entry garages/carports are provided, a minimum front yard of 20 feet shall be provided to the garage/carport.
- (iii) Side building setback. No side building setbacks are required for interior lots except the minimum distance between two building groups shall be 20 feet and the minimum distance between a building group and any abutting subdivision boundary or zoning district boundary line shall be 20 feet. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street, except where the rear lot line of a corner lot coincides with a side lot line of an adjacent lot, then 25-foot minimum side yards adjacent to the street shall be provided.
- (iv) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed.
- (v) Rear building setback. No building shall be constructed closer than ten feet from the rear property line. If the rear of the lots abut any other residential zoning district, the rear building setback shall have a minimum depth of 20 feet.
- (vi) Width of lot. Interior lots shall have a minimum width of 25 feet. Corner lots shall have a minimum width of 40 feet except where the rear lot line of a corner lot coincides with a side lot line of an adjacent lot, then the corner lot shall have a minimum width of 50 feet.
- (vii) Lot depth. 100 feet.
- (viii) Lot area per family. 2,500 square feet.
- (ix) Common open space. A minimum of 250 square feet of common open space per lot shall be provided within the townhouse project. In computing the required common open space, individually owned townhouse lots, required front, rear, or side setbacks, streets, alleys, or public rights-of-way of any kind, vehicular drives, parking areas, service drives, or utility easements containing or permitting overhead pole carried service shall not be included. Drainage easements and detention ponds may be used in computing common open space.
- (x) Building group. There shall be no less than five lots. There shall be no less than two nor more than eight individual dwelling units in each building or dwelling group. Each building group shall be at least 20 feet from any other building group, measured from the nearest points of their foundations. Each building or building group shall be at least 20 feet from any subdivision or zoning district boundary line. (xi) Accessory buildings. Any detached accessory buildings permitted, except carports open on at least two sides, shall be set at least three feet away from the side lot line unless their walls are equal in fire resistance to the common walls of the main structure. Detached carports, open on at least two sides, may be built to the property line with no common wall required. Rear building setback for an accessory building shall be three feet. Any accessory building permitted in district "R-1" shall be permitted in district "TH."
- (xii) Parking. There shall be at least two off-street parking spaces for each townhouse.

APPENDIX 1

(4) Zero lot line / patio homes.

- (i) Height. 30 feet.
- (ii) Front building setback. 10 feet. If front entry garages/carports are provided, a minimum front yard of 20 feet shall be provide to the garage/carport.
- (iii) Side building setback. There shall be no side building setback required on one side of the lot and a minimum of 10 feet in the opposite side yard. If the side of the lot abuts any other residential zoning district, that side building setback shall have a minimum of ten feet. The dwelling on the “no side building setback required” side may be off-set from the property line by no more than one foot. **Patio homes may have the option to be built with 5 foot setbacks on each side in which case homes will be built on lots with 5-foot wide interior side setbacks.**
- (iv) Corner lots. Buildings on corner lots shall provide a minimum exterior side building setback of 10 feet. If entry to a garage/carport is provided on the exterior side, a minimum yard of 20 feet shall be provided to the garage/carport.
- (v) Rear building setback. If rear entry garages/carports are provided from an alley, the rear building setback shall have a minimum depth of 20 feet. If no alley is provided and garage/carport entries are from the front, the rear building setback shall have a minimum depth of 10 feet. If the rear of the lots abut any other residential zoning district, the rear building setback shall have a minimum depth of 20 feet.
- (vi) Width of lot. 35 feet.
- (vii) Lot area. 3000 square feet.
- (viii) Lot depth. 80 feet.
- (ix) Minimum area zoned. Not less than three lots with common side lot lines will be zoned for zero lot line homes. When facing on the same street within the same block, mixing of ZH structures and other residential structures will not be allowed. However, this does not preclude other residential uses on one side of a street with ZH uses on the opposite side of the street within the same block or different blocks.
- (x) Zero lot line wall. No door or window openings shall be built into the side wall facing the zero lot line except those that are more than three feet from the property line and screened by a masonry wall at least eight feet in height so that the opening(s) is not visible from the adjoining property. (See Illustration 3, “ZH-A”district)
- (xi) Maintenance, drainage and overhang easement. A maintenance, drainage and overhang easement of five feet shall be provided on each lot that is adjacent to a lot with a zero setback allowance. This easement shall be for the purpose of maintaining the wall and foundation that is adjacent to one side property line to provide for proper maintenance and drainage.
- (xii) Overhang. Eaves and gutters may overhang the zero lot line side of the lot by no more than 18 inches. If there is an overhang over the lot line, a gutter is required such that roof runoff shall not be deposited over the lot line onto adjoining property.
- (xiii) Parking. There shall be at least two off-street parking spaces for each zero lot line home. See Section 5.1 for other permitted uses’ parking.

APPENDIX 1

(5) Additional Standards- Whenever there appears to be a conflict between the Solms Landing PDD and the base zoning, the requirements specifically set forth in this document shall prevail unless otherwise stated.

- (i) Design-
 - The AR team may recommend for approval, buildings of exceptional design that do not comply with certain standards and guidelines provided that the buildings conform to the Intent and General Development Principles.
 - Design all sites and buildings, and the lower floors of buildings in particular, so that they promote pedestrian activity and provide an active, continuous pedestrian-oriented street edge along public sidewalks.
 - Design buildings and sites to provide visual variety and enhance the overall sense of place.
 - Regulate building heights and orientation so as to protect and enhance views to and from established landmarks, natural features and skylines.
 - Choose Primary Materials in compliance with Section 5.22-4 of the New Braunfels standards that are important to shaping a coherent urban form. In addition to visual attractiveness, exterior building materials serve as the primary form of the interior space of the building.
 - Ensure the building facades visible from public spaces contribute to an attractive streetscape and skyline.
 - Locate surface parking, individual garages and parking garages to reduce their visual impact.
- (ii) Vertical Mixed Use-
 - A use on the ground floor must be different from a use on an upper floor.
 - The second floor may be designed to have the same use as the ground floor so long as there is at least one more floor above the second floor that has a different use from the first two floors.
 - At least one of the floors shall contain residential dwelling units or office space.
 - Any commercial uses allowed in the base zoning district within proposed PDD may be allowed at the ground-floor level in VMU buildings.
 - All VMU buildings will conform to the standards of the base zoning

APPENDIX 1

- (iii) Building Standards-
 - Galleries and arcades shall be a minimum of 6 feet in width
 - Utilizing rooftops for restaurants, bars, amenities, and gardens is allowable.
 - Exhaust / venting, trash containers and noise-generating mechanical systems shall not be placed adjacent to the walkway in a manner that diminishes the comfort of pedestrians.
 - Ventilation devices shall not be located in the pedestrian zone.
 - Mechanical Equipment and Dumpsters whether located on the ground or rooftop shall be screened from public view.
 - Ground Floors of Nonresidential Buildings- Minimum 12 feet, measured floor to floor
 - Ground Floors of Residential Buildings- Minimum 8 feet measured floor to ceiling
 - Upper Floors All Buildings- Minimum 8 feet measured floor to ceiling. Parking structures are exempt from this requirement
 - Unless otherwise stated in Zone specific standards, the height requirements will be as follows:
 - **Non-Residential uses- 120 feet**
 - Multi Family Dwellings- 100 feet
 - Townhomes- 30 feet
 - Zero Lot Line Homes- 30 feet
 - **Building Coverage ratio for non-residential uses is not to exceed 80%**
 - **Building Coverage ratio for residential uses is not to exceed 80%**
 - Maximum floor to area ratio is not to exceed 5: 1
 - Impervious coverage will not have a limit and can be engineered for up to 100%
- (iv) Greenspace Standard-
 - A continuous walkway or public use area shall be located along the greenway.
 - Connect green spaces to establish an unified network of pocket parks, green spaces and walking trails

APPENDIX 1

- (v) Landscaping
 - Developments that are set back from the street shall incorporate landscaping such as bushes, flowers and other plantings.
 - Pots and planters shall be of 50% clay, concrete, ceramic, resin or masonry materials.
 - Irrigation shall be provided to ensure the life of the tree.
 - Trees shall be a minimum of 2” caliper.
 - Refer to the City of New Braunfels’ Zoning Ordinance Section 5.2 for acceptable trees and bushes.
- (vi) Lighting Standards
 - Pedestrian lights shall be spaced a maximum of 60 feet apart in the urban greenway areas.
 - Pedestrian lights shall be made of steel, aluminum, or any other material that is proven to be equally durable, cost effective and easy to maintain.
 - Pedestrian light poles shall provide easy serviceability, maintenance and replacement.
 - Light source height shall not exceed 16 feet above grade.
- (vii) Bollard Standards
 - Concealed mounting.
 - 24” to 30” in height.
 - Removable bollards shall be provided where necessary for emergency / service functions.
- (viii) Paving Materials- Paving materials shall be easy to maintain, attractive and sustainable. The materials shall not detract from the primary purpose of the space. Appropriate materials include the following:
 - Concrete / Pervious Concrete
 - Crushed stone meeting TDLR requirements- only allowed on trails within the private property and not authorized for public sidewalks or for parking without approval from the City Engineer pursuant to Section 5.1-1 of the Zoning Ordinance.
 - Masonry Pavers
 - Composite Decking
 - Any other similarly primary material that meets and is in compliance with City Design Standards

APPENDIX 1

- (ix) Residential Standards-
 - Ground floor residential uses shall provide a clear delineation between public and private space through the use of a patio, landscaped yard, or raised landing. Such delineation shall not conflict with any pertinent accessibility requirements
 - Zero lot line homes and townhomes will be designed with front porch configurations that front onto a private or public street or onto a pedestrian open space with a pedestrian walkway.
- (x) Parking Standards-
 - Parking ratios will adhere to city guidelines dependent upon end use tenant mix based on requirements laid out in Section 5.1-3 of Planning's Zoning Ordinance
 - **Parking lots shall provide cross access across property lines to adjacent parking lots to encourage internal circulation and reducing on street conflicts. This cross access can be utilized to meet minimum city parking requirements through a cross access agreement**
 - Landscaped parking lot islands, planting beds, and vegetated filter strips will be provided throughout various areas to enhance the overall "beautification" of this development.
 - Planting beds and/or vegetated filter strips will serve as a landscape buffer between the parking lots and "business development" areas
- (xi) Zone 1
 - Development shall include layering of building heights and styles increasing in height as development moves away from the public right-of-way. Styles of buildings shall vary in design elements, scale, height, building orientation and features to prevent a monotone feel
 - **Maximum height for Non-Residential is 120- and for Multi Family is 100 feet**
- (xii) Zone 2
 - **Maximum height for Non-Residential is 120- and for Multi Family is 100 feet**
- (xiii) Zone 3
 - **Maximum height for Non-Residential is 120- and for Multi Family is 100 feet**

2/8/2021

Agenda Item No. P)

Presenter

*Christopher J. Looney, AICP, Planning and Development Services Director
clooney@nbtexas.org*

SUBJECT:

Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit on approximately 23 acres out of the A.P. Fuquay survey No. 35, Abstract No. 155, Comal County, Texas, located at the southwest corner of the intersection of E. Common Street and Old FM 306, to allow multifamily high-density residential use in the “C-1” Local Business District and “M-1” Light Industrial District.

BACKGROUND / RATIONALE:

Case No.: SUP20-284

Council District: 4

Owner: Noland and Vera Koepp, Ltd. Partnership
2755 Hunter Rd.
New Braunfels, TX 78132
(830) 608-4658 - debbie@fapcollc.com

Applicant: HMT Engineering & Surveying (Thor Thornhill)
290 S. Castell Ave.
New Braunfels, TX 78130
(830) 625-8555 - plats@hmtnb.com

Staff Contact: Matt Greene
(830) 221-4053 - mgreene@nbtexas.org

City Council held a public hearing on January 25, 2021 and unanimously approved the first reading of the applicant’s request with staff’s recommended condition (7-0-0).

The subject property is comprised of approximately 23 acres on the southwest corner of the intersection of E. Common Street and Old FM 306 and is currently unimproved and utilized for agricultural purposes. The applicant is requesting approval of a Special Use Permit (SUP) to allow development of multifamily high-density residential use, at up to 24 units per acre. If approved, it would be appropriate for multifamily at this location to adhere to the multifamily development standards of the R-3H District. As the base zoning would remain, non-residential uses would also continue to be allowed on the site.

Surrounding Zoning and Land Use:

- North - M-1 and across Old FM 306, M-1 / Agricultural and across Old FM 306, multifamily development and a bank
- South - Across E. Common St., R-3L, ZHA and "Vineyard at Gruene" Planned Development District / Multifamily development and single-family residences
- East - M-1 and across unimproved Waterway Lane, M-1 and C-1 / NBU utility lot and across unimproved Waterway Lane, retail and office development, a rehabilitation hospital, a 55+ multifamily development, a senior assisted living facility and an undeveloped lot
- West - Across E. Common St., C-1A / Undeveloped agricultural land

Determination Factors:

In making a decision on zoning, the following factors are to be considered:

- Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole *(The proposed multifamily use is consistent with the mixture of zoning districts and multifamily/commercial uses in the area and has direct access to Common Street, a Principal Arterial. The inclusion of appropriate supporting non-residential uses within the proposed project would provide flexibility for the long-term success of the site.)*
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area *(The adequacy of public facilities and utilities to serve the additional demand is evaluated by each provider. CISD has been notified of the request. Traffic signal improvements at the intersection of E. Common Street and Old FM 306 currently are in final engineering design as part of the Roadway Impact Fee program. However, construction funding has not yet been identified and timing of the project is unknown at this time. Development of the subject property will require a TIA which will determine if any improvements are required to be made by the developer to accommodate traffic associated with the proposed multifamily development.)*
- How other areas designated for similar development will be affected *(The proposed land use should not negatively impact other areas designated for similar development when developed in compliance with proposed conditions and current development standards.)*
- Any other factors that will substantially affect the public health, safety, morals, or general welfare *(None identified. Drainage, utility and traffic impact will be reviewed and addressed through the platting and permitting processes.)*
- Whether the request is consistent with the Comprehensive Plan: See below

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

<p>City Plan/Council Priority: Envision New Braunfels</p>	<p>Consistent Actions: Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 3.1: Plan for healthy jobs/housing balance. Conflicting Actions: Action 3.18: Encourage multifamily to disperse throughout the community rather than to congregate en masse. Future Land Use Plan: The property lies within the New Braunfels Sub Area near Existing Employment, Market, Tourist/Entertainment and Education Centers and in the vicinity of proposed Future Market Centers along a Transitional Mixed-Use Corridor.</p>
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on January 5, 2021 and recommended approval with staff recommendations (8-1-0, with Commissioner Mathis opposed).

STAFF RECOMMENDATION:

Approval, with the following condition:

- Site development must adhere to the multifamily development standards of the “R-3H” Multifamily High-Density zoning district.

Notification:

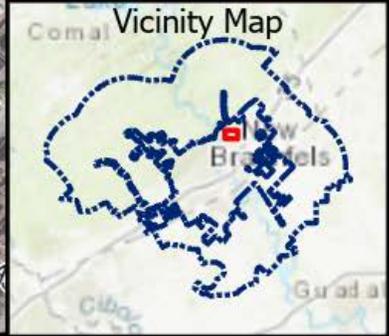
Public hearing notices were sent to 14 owners of property within 200 feet of the request. The City received one response in opposition from number 10 and another response in opposition from a resident outside the 200-foot notification area. No responses in favor have been received.

RESOURCE LINKS:

- Chapter 144, Sec. 3.3-7 “C-1” Local Business District:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Sec. 3.3-11 “M-1” Light Industrial District:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Sec. 3.6 Special Use Permits of the City’s Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Secs. 3.4-5 “R-3H” Multifamily High Density District of the City’s Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

ATTACHMENTS:

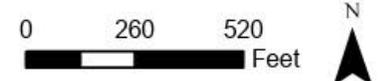
1. Aerial Map
2. Land Use Maps (Zoning, Existing and Future Land Use)
3. Notification List, Map and Response
4. Excerpt of Minutes from the January 5, 2021 Planning Commission Regular Meeting
5. Ordinance

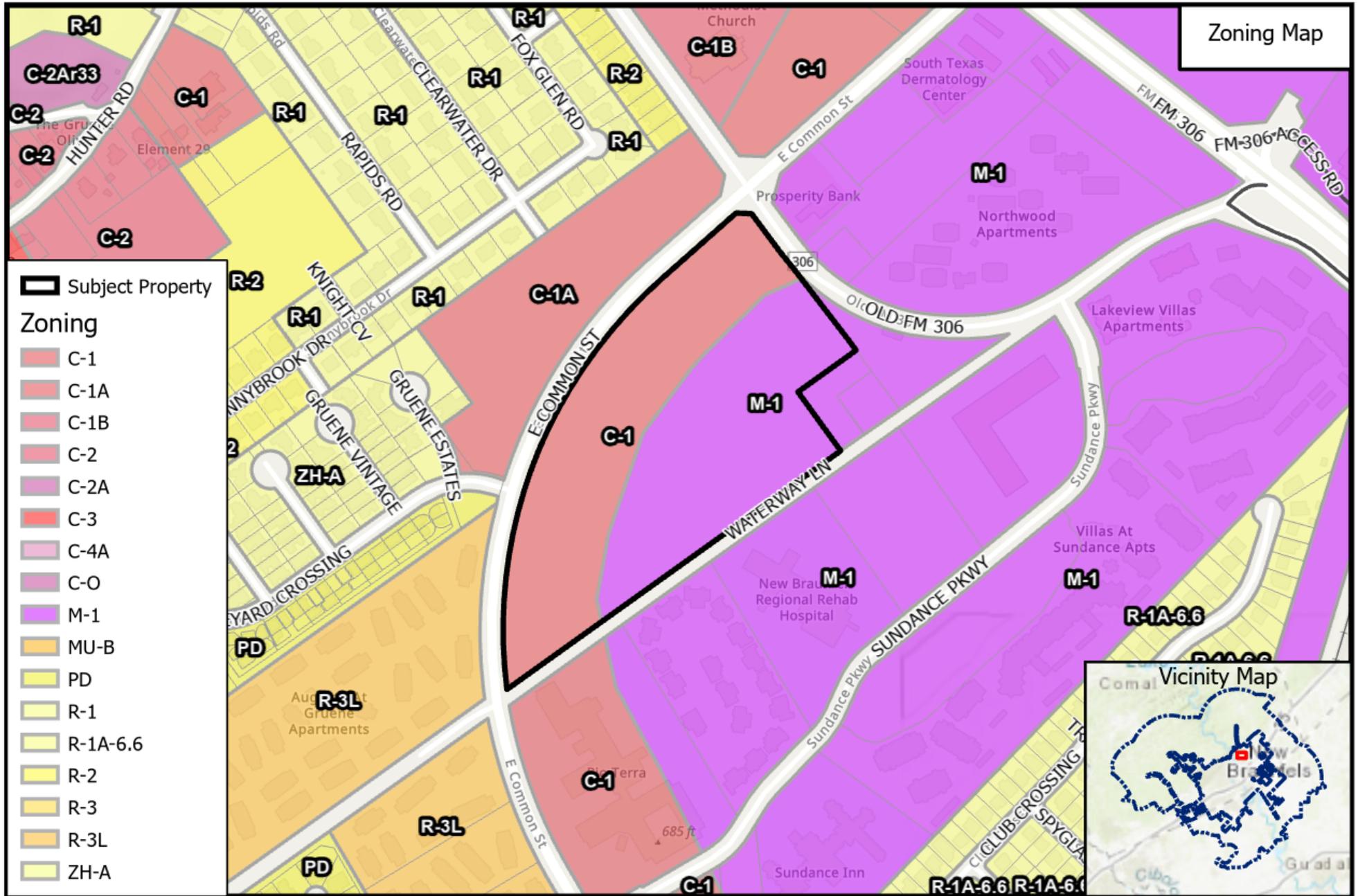


-  Subject Property
- Regional Transportation Plan**
-  Principal Arterial, Existing
-  Minor Collector, Existing
-  Minor Collector, Proposed



SUP20-284
SUP to allow for high density multi-family



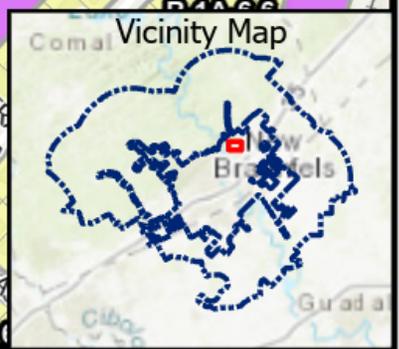


Subject Property

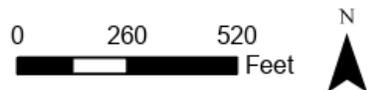
Zoning

- C-1
- C-1A
- C-1B
- C-2
- C-2A
- C-3
- C-4A
- C-O
- M-1
- MU-B
- PD
- R-1
- R-1A-6.6
- R-2
- R-3
- R-3L
- ZH-A

Zoning Map

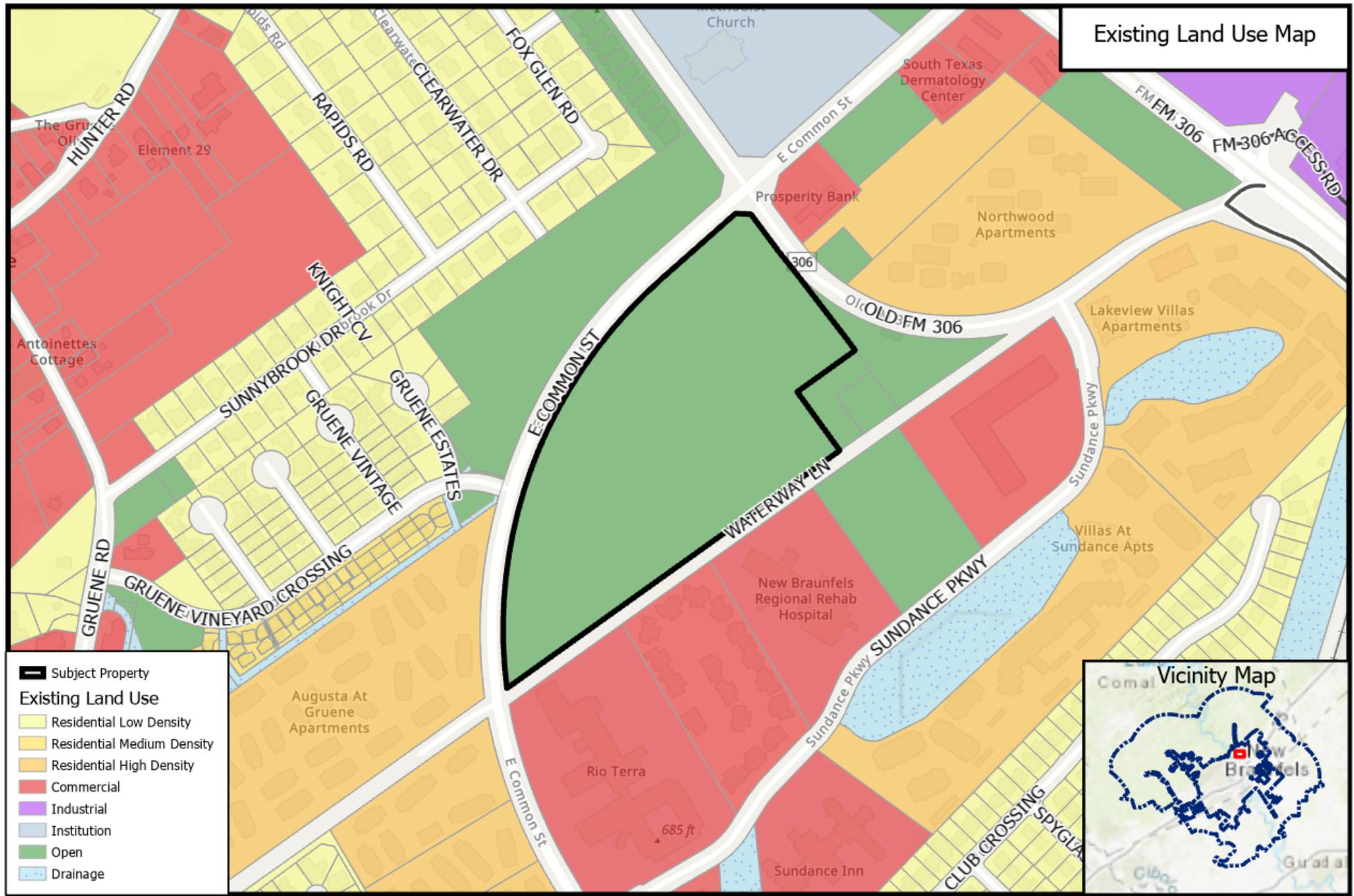


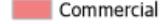
SUP20-284
SUP to allow for high density multi-family

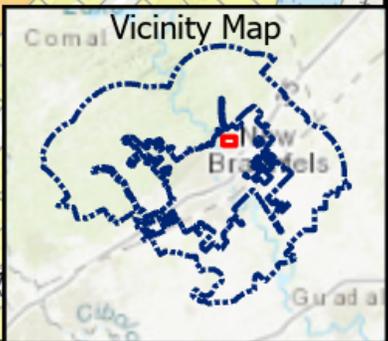


Source: City of New Braunfels Planning
 Date: 12/16/2020

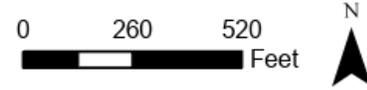
DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map or information is at that party's risk and without liability to the City of New Braunfels. 285 officials or employees for any discrepancies, errors, or variances which may exist.



-  Subject Property
- Existing Land Use**
-  Residential Low Density
-  Residential Medium Density
-  Residential High Density
-  Commercial
-  Industrial
-  Institution
-  Open
-  Drainage



SUP20-284
SUP to allow for high density multi-family



EXISTING CENTERS

Centers are the middle, core or heart of an area. It is a point of activity and vitality. Centers come in many sizes and have different purposes or activities within. They may have endangered species habitat or aquifer recharge areas that require additional standards and consideration relating to future growth. It is envisioned that all centers be walkable, connected, and have a mix of uses. These centers must provide adequate infrastructure to support the commercial development present especially mobility and access for pedestrians, bicycles, vehicles and transit. Given the mixed-use nature of these centers, parking should be shared and not detract from the aesthetic of the area.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

MEDICAL CENTER

Medical Centers are mixed-use areas centered around a medical destination such as a hospital or clinic.

CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

OUTDOOR RECREATION CENTER

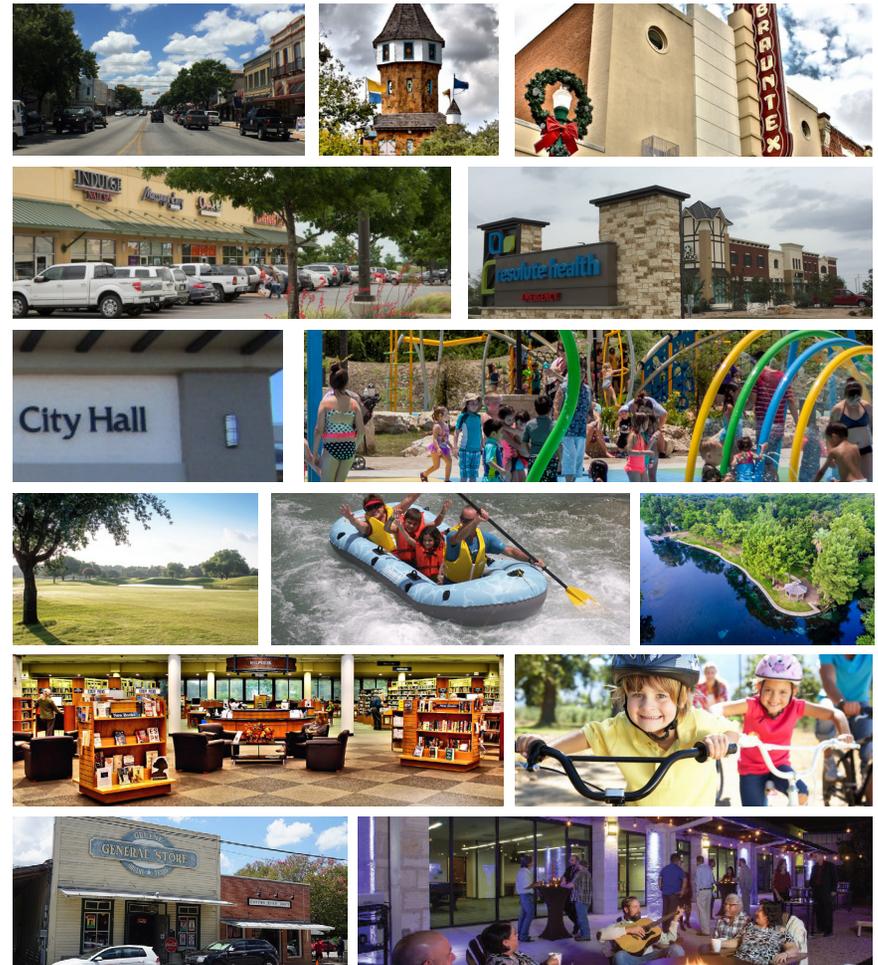
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

EDUCATION CENTER

Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

TOURIST/ENTERTAINMENT CENTER

Tourist/Entertainment Centers are mixed-use areas around an entertainment venue such as Gruene Hall or a tourist destination such as the Tube Chute.



FUTURE LAND USE PLAN

A future land use plan is how land is envisioned to be. It establishes priorities for more detailed plans (sub area plans) and for detailed topical plans (such as parks and open spaces, trails and roads). It cannot be interpreted without the goals and actions of Envision New Braunfels.

TRANSITIONAL MIXED-USE CORRIDOR

Transitional Mixed-Use Corridors express an aspiration to retrofit existing auto-dominated retail corridors with a mix of uses and a variety of travel modes over time.

OUTDOOR RECREATION CENTER

Outdoor Recreation Centers are centered around a public or private outdoor destination like Fischer Park.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

SUB AREA 1

Sub Area 1 includes the Downtown, Gruene and the Mid-Century or older neighborhoods that surround them. It is home to the natural springs and headwaters of flowing rivers that have attracted New Braunfelsers to the town for centuries.

SUB AREA 2

Sub Area 2 refers to the neighborhoods and residential enclaves that have grown alongside the Hill Country landscape.

SUB AREA 3

Sub Area 3 includes a planned community offering a diversity of housing, distinct community centers and preserved Hill Country landscape features.

SUB AREA 4

At the heart of Sub Area 4 is Fischer Park. Proximity to IH-35, downtown and neighboring communities like McQueeney makes this area highly desirable and accessible.

SUB AREA 5

Sub Area 5 bridges together many communities east of IH-35. It includes the scenic landscape along both banks of the Guadalupe River between Highway 46 and FM 725.

SUB AREA 6

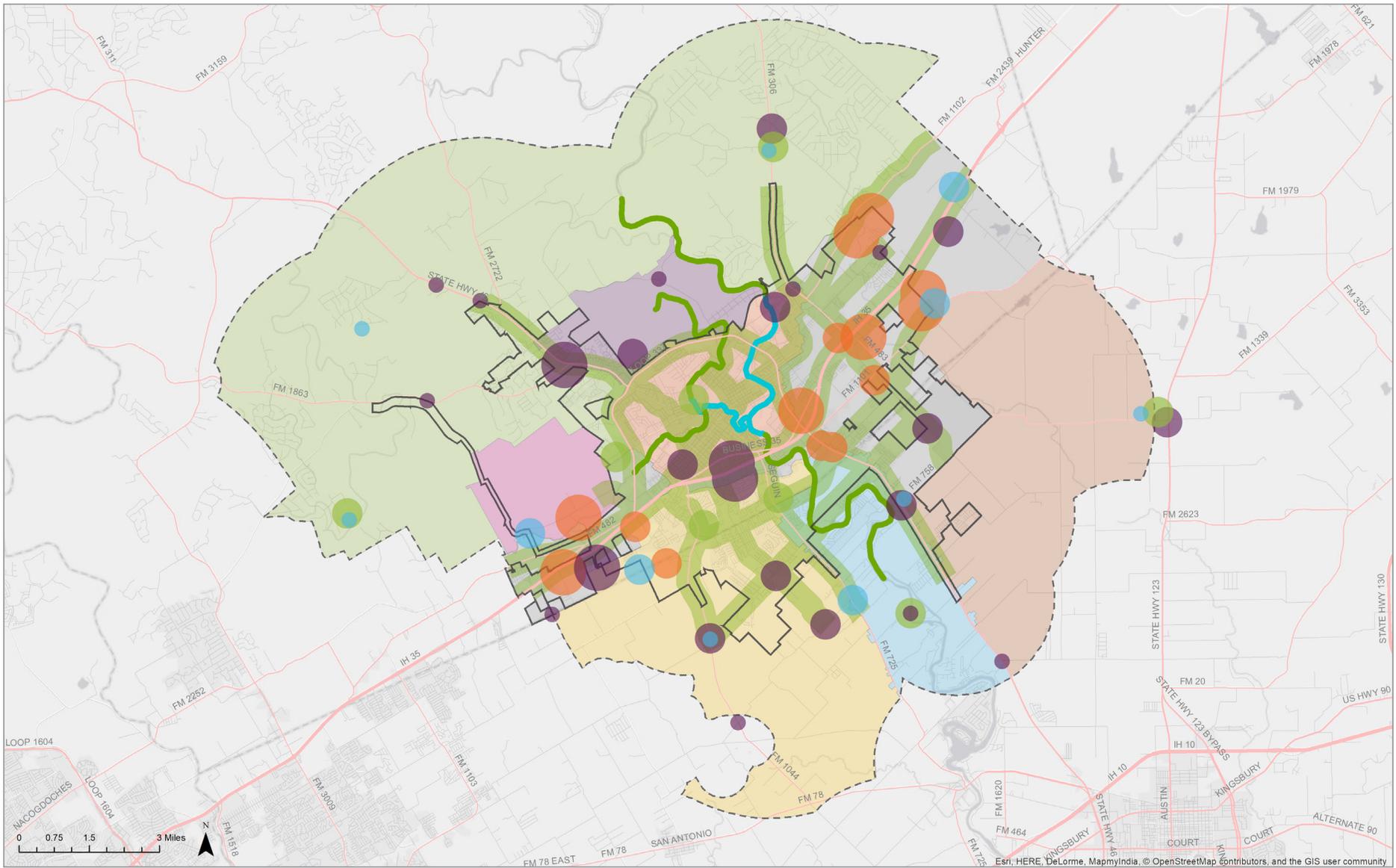
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7

Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

SUB AREA 8

This fast-growing Sub Area includes many neighborhoods offering affordable places for young families to live.



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. Preferred future growth scenario combines Scenarios A and C per recommendations of the Envision New Braunfels Steering Committee (February 2018). Exact boundaries of sub areas, centers, and corridors may be [zoomed and viewed online](#).

PLANNING COMMISSION – JANUARY 5, 2020– 6:00PM

Zoom Meeting

Applicant/Owner: HMT Engineering & Surveying, agent for Noland and Vera Koepp, Ltd Partnership, owner

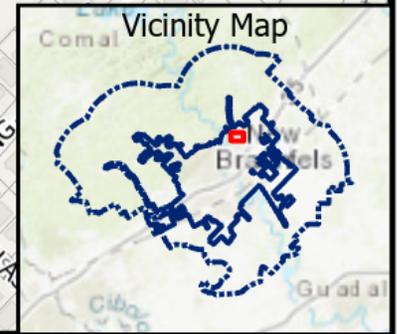
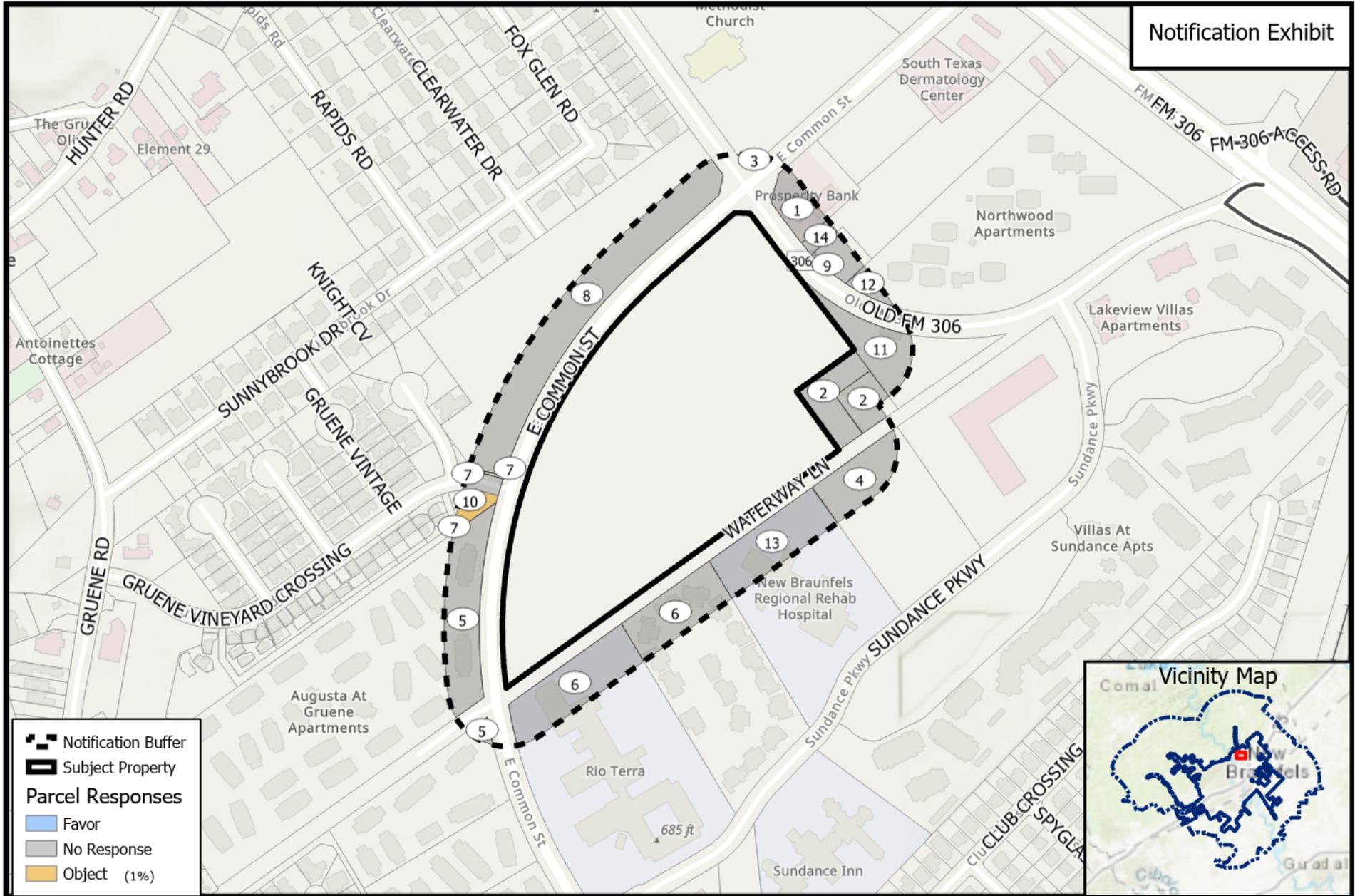
Address/Location: Approximately 23 acres out of the A.P. Fuquay survey No. 35, Abstract No. 155, Comal County, Texas, located at the southwest corner of the intersection of E. Common Street and Old FM 306

PROPOSED SPECIAL USE PERMIT – CASE #SUP20-284

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. FIRST VICTORIA NATIONAL BANK | 8. KOEPP NOLAND & VERA LTD PRTRNSHP LTD |
| 2. NEW BRAUNFELS UTILITIES | 9. ROTHCHILD INVESTMENT CORP |
| 3. GRUENE UNITED METHODIST CHURCH | 10. NEW DAY CUSTOM HOMES LLC |
| 4. PROPERTY OWNER | 11. RAHE JAMES JR & TERRI L |
| 5. AUGUSTA GRUENE APARTMENTS LP | 12. NEW BRAUNFELS APARTMENTS LTD |
| 6. WELLTOWER TCG RIDEA LANDLORD LLC | 13. MPT OF COMAL COUNTY LLC |
| 7. VINEYARD AT GRUENE POA | 14. NEW BRAUNFELS APARTMENTS II LLC |

SEE MAP



SUP20-284
SUP to allow for high density multi-family



YOUR OPINION MATTERS - DETACH AND RETURN



Case: #SUP20-284 (MG)

Name: Theresa Mourin - New Day Custom Homes

I favor: _____

Address: 101 Paseo del Rio Sgmn, 78155

Property number on map: #10 - Lot 71

I object: ✓

Comments: (Use additional sheets if necessary)

(State reason for objection)

Signature: Theresa Mourin

Common Street could not bear the heavy load of traffic that this project will create. Causing a dangerous ingress/egress

From: [Charles Broussard](#)
To: [Matt Greene](#)
Cc: [Barbara Broussard](#)
Subject: Re: SUP20-284
Date: Tuesday, January 5, 2021 4:22:43 PM
Attachments: [EmailLogo-Small_c6d86cff-0062-47bb-89b0-351933562e2d.png](#)
[facebook_e078b806-932a-4345-a222-52843c4a2a78.png](#)
[twitter_18db307e-2a37-41c2-b4fd-1376bcb3dfd4.png](#)
[instagram_59f46ed4-523c-47da-a034-86de8a4782fc.png](#)

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.

Mr. Greene,

Thank you for your time today. We live in the subdivision across the street from this proposed change. We feel it will lower our property value and will be a burden for entering and exiting our subdivision. We are against this. We cannot join the meeting today as we are on the road but please record our strong opposition to this proposed change.

Charles & Barbara Broussard
1228 Gruene Valley Cir.
New Braunfels, Tx 78130

Thank you,

Charles Broussard
817-371-5068

Sent from my iPhone

On Jan 5, 2021, at 4:11 PM, Matt Greene <MGreene@nbtexas.org> wrote:



Do you have a question about a permit? Check out the [Citizen Portal](#). We encourage you to keep up with the progress on our new comprehensive plan by visiting www.envisionnewbraunfels.org and liking our [facebook page](#).

This email, plus any attachments, may constitute a public record of the City of New Braunfels and may be subject to public disclosure under the [Texas Public Information Act](#).

Please take a moment to complete the City of New Braunfels [Customer Satisfaction Survey](#).

Draft Minutes for the January 5, 2021 Planning Commission Regular Meeting

G) SUP20-284 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit on approximately 23 acres out of the A.P. Fuquay survey No. 35, Abstract No. 155, Comal County, Texas, located at the southwest corner of the intersection of E. Common Street and Old FM 306, to allow multifamily high-density residential use in the “C-1” Local Business District and “M-1” Light Industrial District. Owner: Noland and Vera Koepp, Ltd. Partnership Applicant: HMT Engineering & Surveying (Thor Thornhill); Case Manager: Matt Greene.

Mr. Greene presented and recommended approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed for clarification on height restrictions for multifamily, traffic issues, and density.

Chair Edwards asked if the applicant would like to speak.

Chris Crim, 290 S Castell, stated the intent behind the request.

Discussion followed on clarification for the proposed multifamily development.

Chair Edwards opened the public hearing and asked if anyone wished to speak.

Mike Phelan, 1224 Gruene Valley Circle, stated traffic as a concern.

Ron Riffel, 1728 Gruene Vineyard Crossing, stated traffic and property values as a concern.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Sonier, seconded by Commissioner Gibson, to recommend approval to City Council of the proposed rezoning to apply a Special Use Permit on approximately 23 acres out of the A.P. Fuquay survey No. 35, Abstract No. 155, Comal County, Texas, located at the southwest corner of the intersection of E. Common Street and Old FM 306, to allow multifamily high-density residential use in the “C-1” Local Business District and “M-1” Light Industrial District. Motion carried (8-0-1) with Commissioner Mathis in opposition.

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING APPROVAL OF A TYPE 1 SPECIAL USE PERMIT ALLOWING MULTIFAMILY HIGH-DENSITY RESIDENTIAL USE IN THE “C-1” LOCAL BUSINESS DISTRICT AND “M-1” LIGHT INDUSTRIAL DISTRICT ON APPROXIMATELY 23 ACRES OUT OF THE A.P. FUQUAY SURVEY NO. 35, ABSTRACT NO. 155, COMAL COUNTY, TEXAS, LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF E. COMMON STREET AND OLD FM 306; 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 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 the proposed use; and

WHEREAS, the City Council desires to grant approval of a Type 1 Special Use Permit allowing multifamily high-density residential use in the “C-1” Local Business District and “M-1” Light Industrial District on approximately 23 acres of land out of the A.P. Fuquay Survey No. 35, Abstract No. 155, Comal County, Texas, located at the southwest corner of the intersection of E. Common Street and Old FM 306.

WHEREAS, the request is in accordance with Envision New Braunfels, the City’s Comprehensive Plan; **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 adding the following tract of land as a "Type 1 Special Use Permit" for the uses and conditions herein described:

Being approximately 23 acres of land out of the A.P. Fuquay Survey No. 35, Abstract No. 155, Comal County, Texas, located at the southwest corner of the intersection of E. Common Street and Old FM 306 as described in Exhibit "A" and delineated in Exhibit "B", to allow multifamily high-density residential use in the "C-1" Local Business District and "M-1" Light Industrial District.

SECTION 2

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

1. Site development for multifamily use must adhere to the multifamily development standards of the "R-3H" Multifamily High-Density zoning district.

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 25th day of January, 2021.

PASSED AND APPROVED: Second reading this 8th day of February, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

METES AND BOUNDS DESCRIPTION
FOR A 22.338 ACRE TRACT

Being a 22.338 acre tract located in the A.P. Fuquay Survey No. 35, Abstract No. 155, Comal County Texas. Also being a portion of the remainder of Tract 7, "Exhibit G", a called 82.53 acre tract, recorded in Document No. 200506019928, Official Public Records of Comal County, Texas. said Tract being more particularly described as follows:

BEGINNING at a ½" iron rod with cap "HMT" set in the Northwest line of Waterway Lane (52.5' R.O.W.) for a Northeast corner of the herein described tract, being the Southernmost corner of a called 0.920 acre tract conveyed to New Braunfels Utilities, recorded in Document No. 201806034608 of the Official Public Records of Comal County, from which a ½" iron rod found for the Easternmost corner of said 82.53 acre tract and the Easternmost corner of a called 0.516 acre tract conveyed to New Braunfels Utilities, recorded in Vol. 616, Pg. 822 of the Comal County Deed Records bears North 54°18'07" East, a distance of 249.72 feet;

THENCE with the South line of said 82.53 acre tract and the North line of Waterway Lane (also called Koepp Lane) South 54°18'07" West, a distance of 1398.73 feet to a ½" iron rod with cap "HMT" set in the East margin of Common Street, for the Southeast corner of Parcel 11 – a 3.779 acre tract conveyed to the City of New Braunfels for Common Street in Volume 753, Page 60, Comal County Deed Records;

THENCE into and across said 82.53 acre tract, with the South line of said Parcel 11, the following three calls:

- 1.) Along a curve to the right, with a radius of 1597.02 feet, arc length of 1551.44 feet and a chord bearing North 20°39'44" East, a distance of 1491.15 feet to a 1" square bar found;
- 2.) North 48°29'16" East, a distance of 321.94 feet to a ½" iron rod with cap "HMT" set for a flare corner at the Southeast intersection of Common Street and Old FM 306;
- 3.) Along the flare corner South 87°06'07" East, a distance of 84.67 feet to a ½" iron rod with cap "HMT" set for the flare corner and the Southeast corner of said Parcel 11, lying in the West line of a called 0.221 acre tract, conveyed to the State of Texas for Old FM 306 (Previously known as Hancock Road) Road widening, recorded in Volume 100, Page 407 Comal County Deed Records;

THENCE with the West line of Old FM 306 and said 0.221 of an acre tract, the following two calls:

- 1.) South 36°32'55" East, a distance of 161.79 feet to a ½" iron rod with cap "HMT" set;
- 2.) Along a curve to the left, with a radius of 753.10 feet, an arc length of 132.66 feet and a chord bearing South 43°52'54" East, a distance of 132.49 feet to a ½" iron rod with cap "HMT" set for the Southernmost corner of said 0.221 acre tract, lying in the Northeast line of said 82.53 acre tract;

THENCE with the Northeast line of said 82.53-acre tract, and the Southwest line of a called 1.621 acre tract, recorded in Volume 764, Pg. 806 of the Comal County Deed Records, South 35°37'52" East, a distance of 262.73 feet to a punch mark found in concrete for the Northernmost corner of said 0.920 acre tract;

THENCE into and across said 82.53 acre tract with the West line of said 0.920 acre tract, the following two calls:

- 1.) South 54°18'46" West, a distance of 251.14 feet to a ½" iron rod with cap "HMT" set;
- 2.) South 35°56'00" East, a distance of 250.25 feet to the POINT OF BEGINNING and containing 22.338 acres of land in Comal County, Texas.

Bearings shown hereon are based on the Texas Coordinate System, South Central Zone (4204), NAD 83.

EXHIBIT "A"

2/8/2021

Agenda Item No. Q)

Presenter

*Christopher J. Looney, AICP, Planning and Development Services Director
clooney@nbtexas.org*

SUBJECT:

Approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 19.735 acres out of the Orilla Russell Survey, A-485 and the Nancy Kenner Survey, A-306, Comal County, Texas, located south of the intersection of Gray Cloud Drive and Twin Dish Way, from "R-1A-6.6" Single Family District to "R-1A-5.5" Single Family District.

BACKGROUND / RATIONALE:

Case No.: PZ20-0285

Council District: 4

Owner: Milestone Conrads Development, Ltd. (Chesley Swann III, Vice President)
P.O. Box 6862
San Antonio, TX 78209
(210) 771-9072 - cis@me.com

Applicant: HMT Engineering & Surveying (Chris Van Herde, P.E.)
290 S. Castell Ave.
New Braunfels, TX 78130
(830) 625-8555 - plats@nbtexas.org

Staff Contact: Matt Greene, Planner
(830) 221-4053 - mgreene@nbtexas.org

City Council held a public hearing on January 25, 2021 and unanimously approved the first reading of the applicant's request (7-0-0).

The subject property is comprised of approximately 19.735 acres on the north side of Conrads Lane, east of the Union Pacific Railroad tracks, and is currently zoned "R-1A-6.6" Single-Family District. It is presently undeveloped but is a part of the approved Cloud Country Subdivision master plan for single family residential lots.

The applicant indicates the intent of the rezoning is to maintain the sales price of homes within the overall subdivision; land prices have increased so 60-foot wide lots will have higher sales prices. The same request for 24.54 acres of an undeveloped portion of the subdivision was approved by City Council in May, 2020.

Surrounding Zoning and Land Use:

North - Outside City Limits / Agricultural and undeveloped

South - Across Conrads Ln., APD / Agricultural and undeveloped

East - R-1A-5.5 and R-1A-6.6 / single-family residences

West - Outside City Limits / Union Pacific Railroad, Ministorage and outside storage facility and single-family residences

Determination Factors:

In making a decision on zoning, the following factors are to be considered:

- Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole *(Should the request be approved, use of the property as single-family residential will remain the same as is allowed today, but slightly denser. It would be compatible with neighboring single-family developments, and consistent with new subdivisions on the edges of the city).*
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area *(The impact on existing streets will be reviewed through the platting process. The adequacy of public facilities and utilities to serve any additional demand is evaluated by each provider. CISD and utility providers have been notified of the proposed rezoning).*
- How other areas designated for similar development will be affected *(The proposed zoning change should not negatively affect other areas designated for similar development).*
- Any other factors that will substantially affect the public health, safety, morals, or general welfare *(None identified. Drainage, utility and traffic impact will be reviewed and addressed through the platting process).*
- Whether the request is consistent with the Comprehensive Plan: See below

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

<p>City Plan/Council Priority: Envision New Braunfels Workforce Housing Study</p>	<p>Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 3.13: Cultivate an environment where a healthy mix of different housing products at a range of sizes, affordability, densities, amenities and price points can be provided across the community as well as within individual developments. Future Land Use Plan: The property lies within the Oak Creek Sub Area near existing and future Employment and Market Centers. Ensure through city zoning and other required legal entitlements related to housing construction that new types of housing products (small lot, duplex, townhome, etc.) are allowed by regulations.</p>
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on January 5, 2021 and recommended approval (8-1-0, with Commissioner Tubb opposed).

STAFF RECOMMENDATION:

Approval. Single-family residential use is already allowed on this site in an approved master plan. R-1A-5.5 would allow opportunities for lot size and housing type variety, while nearby existing and future Employment and Market Centers can accommodate future mixed use, including jobs.

Notification:

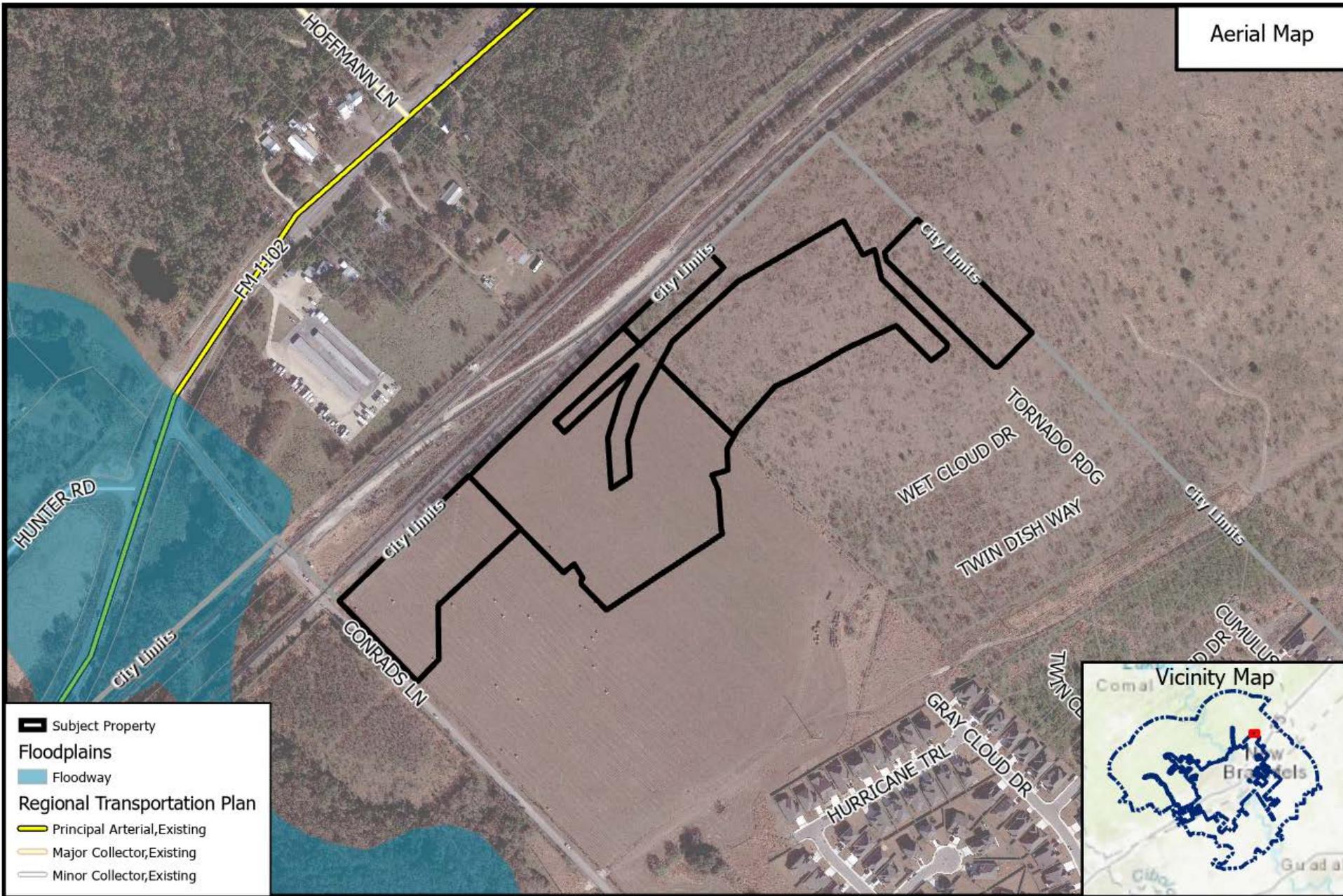
Public hearing notices were sent to 4 owners of property within 200 feet of the request. The City has received no responses at this time.

RESOURCE LINKS:

- Chapter 144, Sec. 3.4-2 “R-1A-6.6” Single-Family District, of the City’s Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Secs. 3.4-2 “R-1A-5.5” Single-Family Residential District, of the City’s Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

ATTACHMENTS:

1. Aerial Map
2. Land Use Maps (Zoning, Existing and Future Land Use)
3. Notification List and Map
4. Excerpt of Minutes from the January 5, 2021 Planning Commission Regular Meeting
5. Ordinance



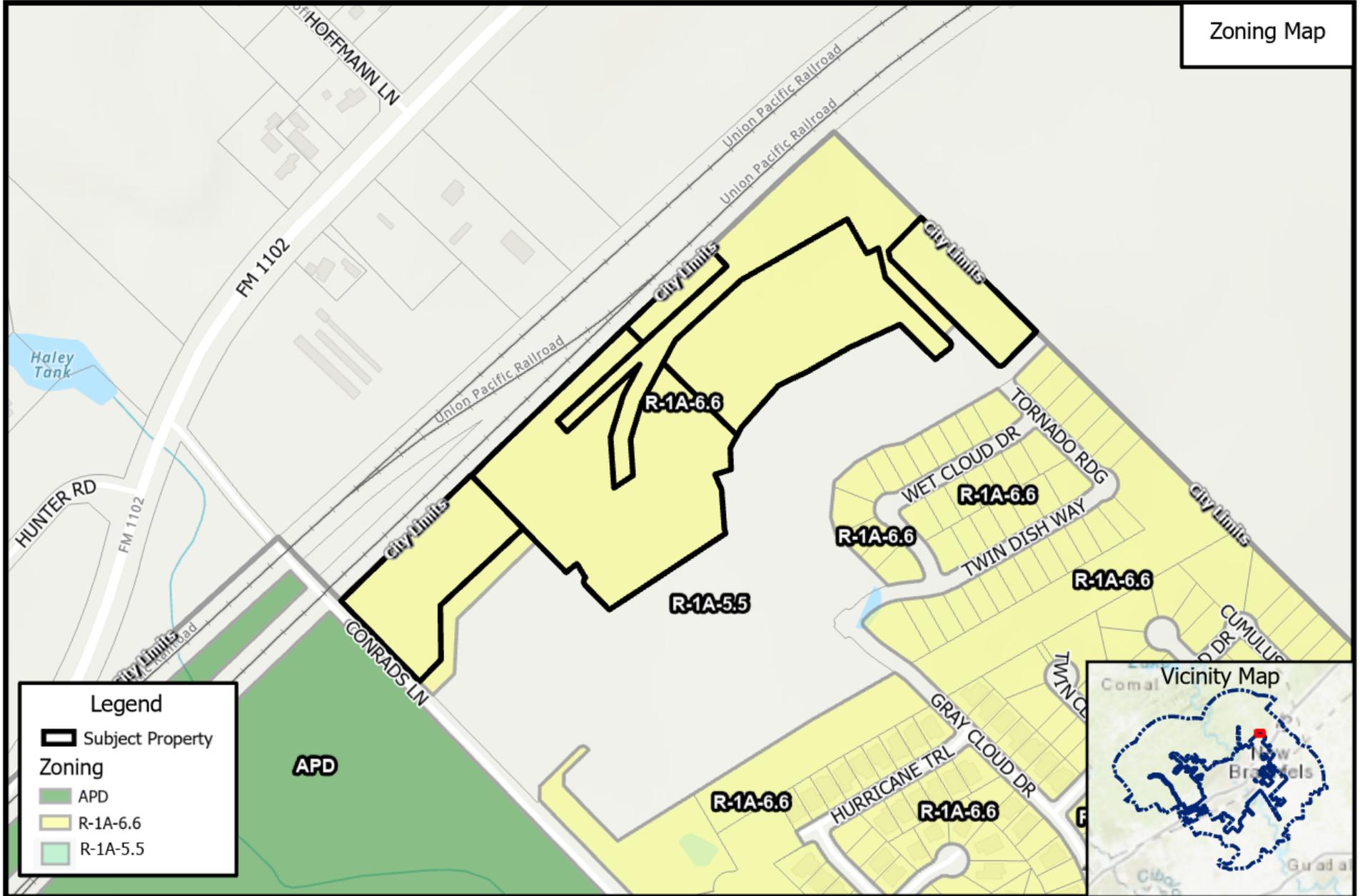
- Subject Property
- Floodplains**
- Floodway
- Regional Transportation Plan**
- Principal Arterial, Existing
- Major Collector, Existing
- Minor Collector, Existing

PZ20-0285
R-1A-6.6 to R-1A-5.5



Source: City of New Braunfels Planning
 Date: 12/16/2020

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by else is at that party's risk and without liability to the City of New Brau officials or employees for any discrepancies, errors, or variances which may exist.



PZ20-0285
R-1A-6.6 to R-1A-5.5

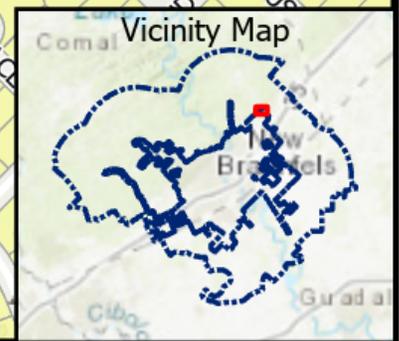




Subject Property
 Subject Property

Existing Land Use

- Residential Low Density
- Resort
- Open
- Drainage



PZ20-0285
R-1A-6.6 to R-1A-5.5



EXISTING CENTERS

Centers are the middle, core or heart of an area. It is a point of activity and vitality. Centers come in many sizes and have different purposes or activities within. They may have endangered species habitat or aquifer recharge areas that require additional standards and consideration relating to future growth. It is envisioned that all centers be walkable, connected, and have a mix of uses. These centers must provide adequate infrastructure to support the commercial development present especially mobility and access for pedestrians, bicycles, vehicles and transit. Given the mixed-use nature of these centers, parking should be shared and not detract from the aesthetic of the area.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

MEDICAL CENTER

Medical Centers are mixed-use areas centered around a medical destination such as a hospital or clinic.

CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

OUTDOOR RECREATION CENTER

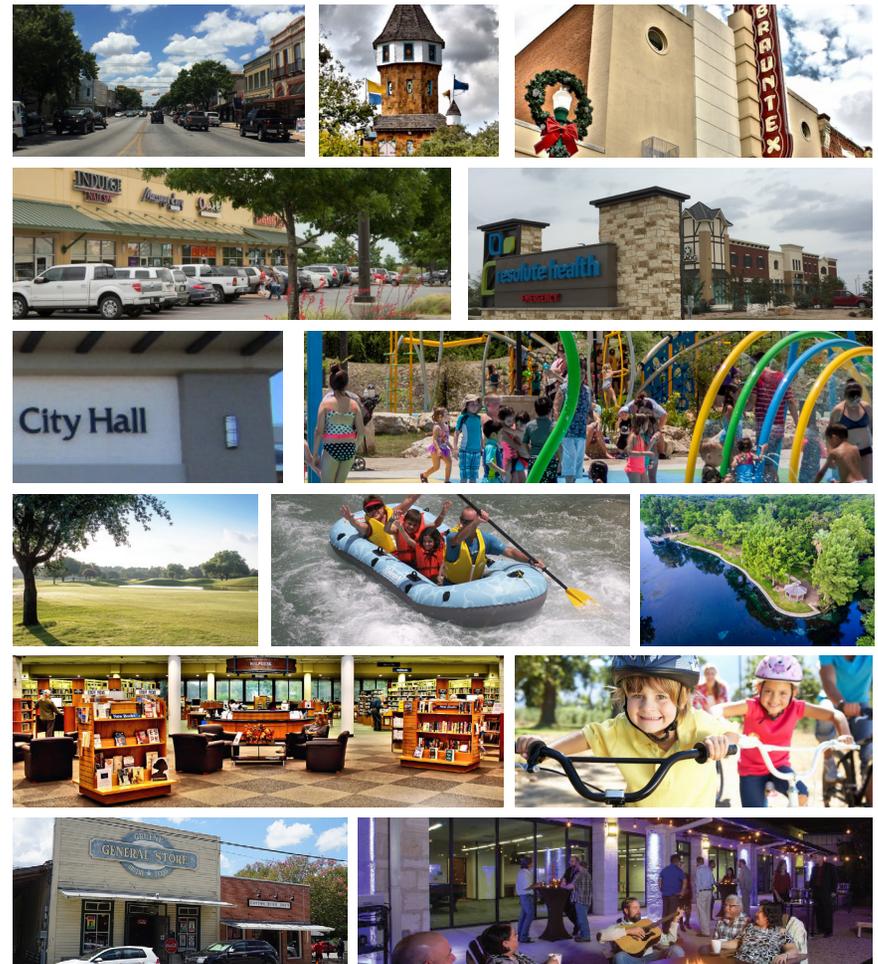
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

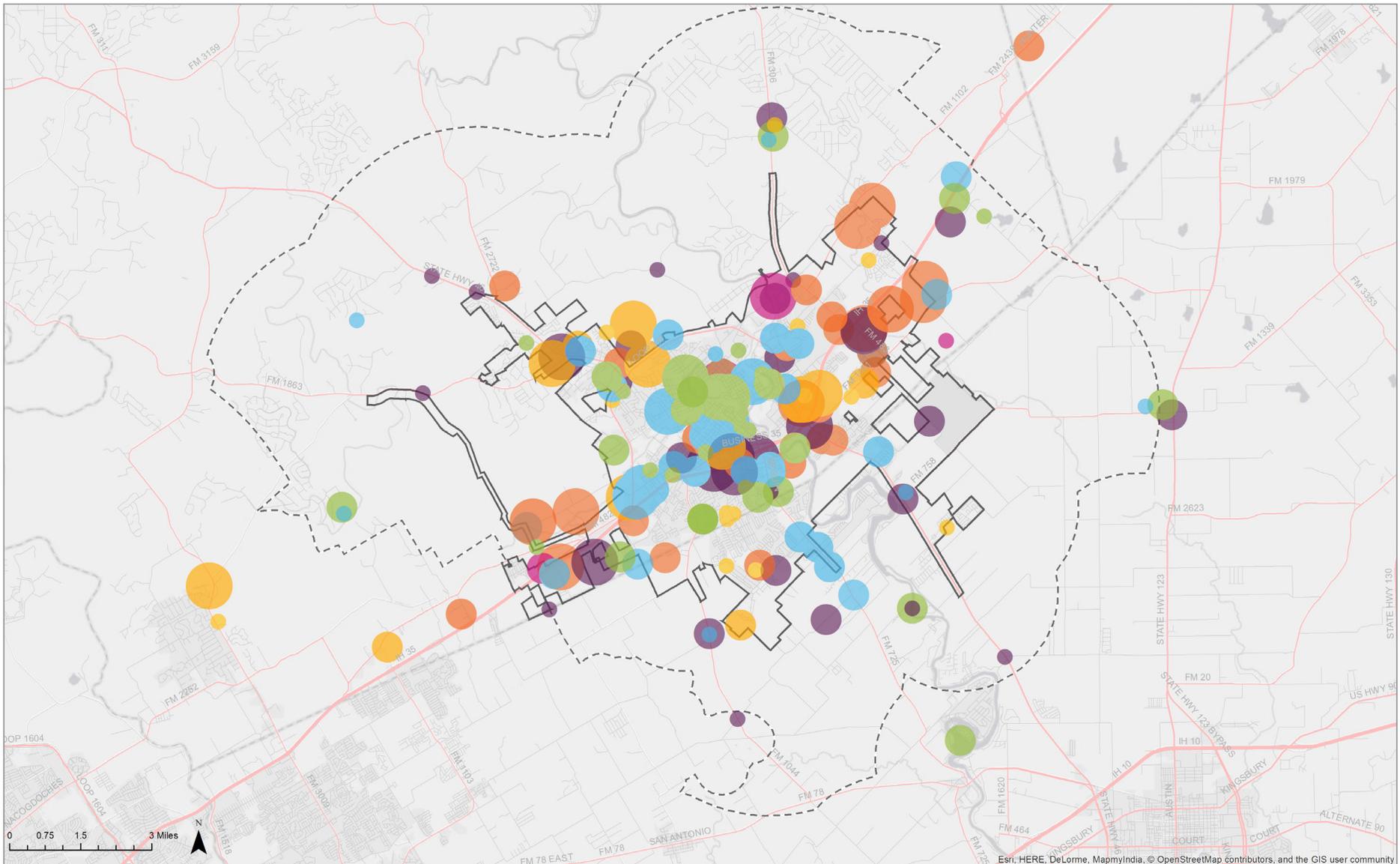
EDUCATION CENTER

Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

TOURIST/ENTERTAINMENT CENTER

Tourist/Entertainment Centers are mixed-use areas around an entertainment venue such as Gruene Hall or a tourist destination such as the Tube Chute.





The location of existing centers was determined through the analysis of previous studies and background documents, windshield surveys, and reviewed by City staff, Steering Committee members, and Plan Element Advisory Group members during a public workshop.

FUTURE LAND USE PLAN

A future land use plan is how land is envisioned to be. It establishes priorities for more detailed plans (sub area plans) and for detailed topical plans (such as parks and open spaces, trails and roads). It cannot be interpreted without the goals and actions of Envision New Braunfels.

TRANSITIONAL MIXED-USE CORRIDOR

Transitional Mixed-Use Corridors express an aspiration to retrofit existing auto-dominated retail corridors with a mix of uses and a variety of travel modes over time.

OUTDOOR RECREATION CENTER

Outdoor Recreation Centers are centered around a public or private outdoor destination like Fischer Park.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

SUB AREA 1

Sub Area 1 includes the Downtown, Gruene and the Mid-Century or older neighborhoods that surround them. It is home to the natural springs and headwaters of flowing rivers that have attracted New Braunfelsers to the town for centuries.

SUB AREA 2

Sub Area 2 refers to the neighborhoods and residential enclaves that have grown alongside the Hill Country landscape.

SUB AREA 3

Sub Area 3 includes a planned community offering a diversity of housing, distinct community centers and preserved Hill Country landscape features.

SUB AREA 4

At the heart of Sub Area 4 is Fischer Park. Proximity to IH-35, downtown and neighboring communities like McQueeney makes this area highly desirable and accessible.

SUB AREA 5

Sub Area 5 bridges together many communities east of IH-35. It includes the scenic landscape along both banks of the Guadalupe River between Highway 46 and FM 725.

SUB AREA 6

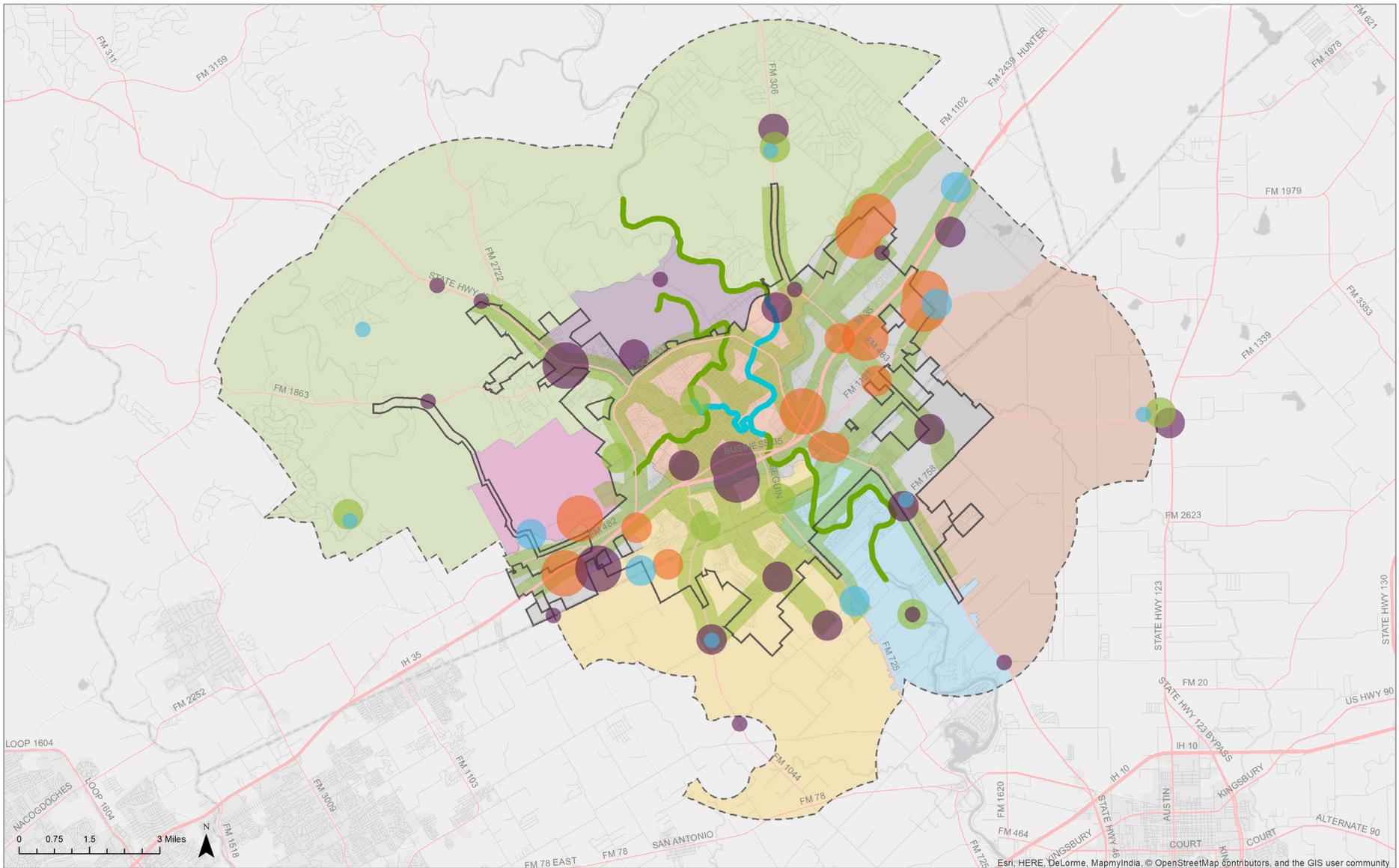
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7

Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

SUB AREA 8

This fast-growing Sub Area includes many neighborhoods offering affordable places for young families to live.



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. Preferred future growth scenario combines Scenarios A and C per recommendations of the Envision New Braunfels Steering Committee (February 2018). Exact boundaries of sub areas, centers, and corridors may be [zoomed and viewed online](#).

PLANNING COMMISSION – JANUARY 5, 2020– 6:00PM

Zoom Meeting

Applicant/Owner: HMT Engineering & Surveying

Address/Location: Approximately 19.735 acres out of the Orilla Russell Survey, A-485 and the Nancy Kenner Survey, A-306, Comal County, Texas, located south of the intersection of Gray Cloud Drive and Twin Dish Way

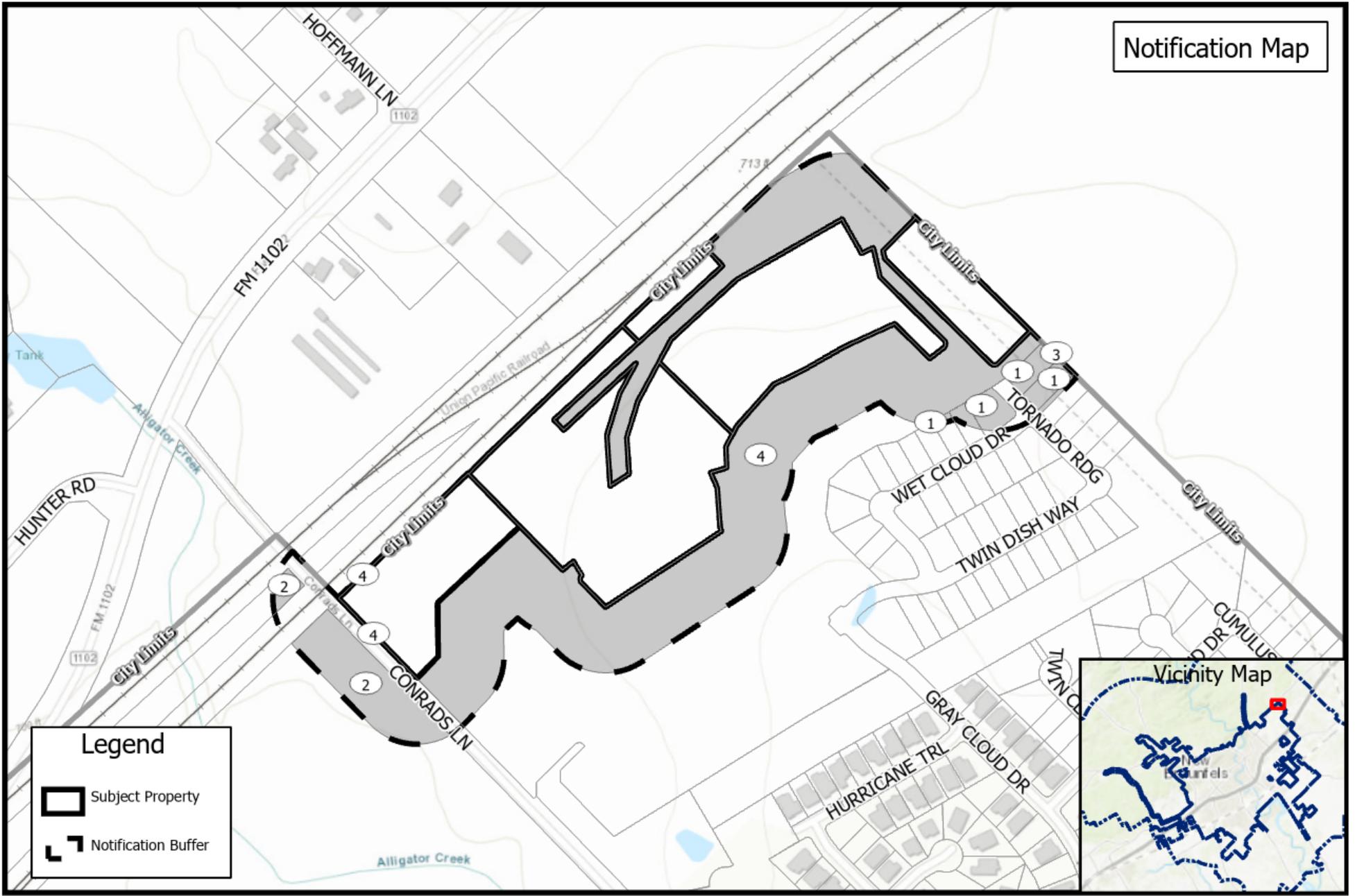
PROPOSED ZONE CHANGE – CASE #PZ20-0285

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. PROPERTY OWNERS
2. RAHE LEE WAYNE
3. STATE OF TEXAS FBO PERMANENT SCHOOL FUND
4. MILESTONE CONRADS DEVELOPMENT LTD

SEE MAP

Notification Map



Legend

-  Subject Property
-  Notification Buffer



PZ20-0285
R-1A-6.6 to R-1A-5.5



Draft Minutes for the January 5, 2021 Planning Commission Regular Meeting

C) PZ20-0285 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 19.735 acres out of the Orilla Russell Survey, A-485 and the Nancy Kenner Survey, A-306, Comal County, Texas, located south of the intersection of Gray Cloud Drive and Twin Dish Way, from “R-1A-6.6” Single Family District to “R-1A-5.5” Single Family District. Owner: Milestone Conrads Development (Chesley Swann III, Vice President); Applicant: HMT Engineering & Surveying (Stephen Hanz, COO); Case Manager: Matt Greene.

Mr. Greene presented and recommended approval.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

Chris Van Heerde, 290 S Castell Ave, HMT, provided clarification on the request.

Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wanted to speak in opposition.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Reaves, seconded by Commissioner Meyer, to recommend approval to City Council of the proposed rezoning of approximately 19.735 acres out of the Orilla Russell Survey, A-485 and the Nancy Kenner Survey, A-306, Comal County, Texas, located south of the intersection of Gray Cloud Drive and Twin Dish Way, from “R-1A-6.6” Single Family District to “R-1A-5.5” Single Family District with staff recommendations. Motion carried (8-0-1) with Commissioner Tubbs in opposition.

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 19.735 ACRES OUT OF THE ORILLA RUSSELL SURVEY, A-485 AND THE NANCY KENNER SURVEY, A-306, COMAL COUNTY, TEXAS, LOCATED SOUTH OF THE INTERSECTION OF GRAY CLOUD DRIVE AND TWIN DISH WAY, FROM “R-1A-6.6” SINGLE-FAMILY DISTRICT TO “R-1A-5.5” SINGLE-FAMILY RESIDENTIAL 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 “R-1A-5.5” Single-Family Residential District, the City Council has given due consideration to all components of said district; and

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

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

WHEREAS, the City Council desires to amend the Zoning Map by rezoning approximately 19.735 acres, out of the Orilla Russell Survey, A-485 and the Nancy Kenner Survey, A-306, Comal County, Texas, located south of the intersection of Gray Cloud Drive and Twin Dish Way, from “R-1A-6.6” Single-Family District to “R-1A-5.5” Single-Family Residential 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 rezoning the following described tract of land from “R-1A-6.6” Single-Family District to “R-1A-5.5” Single-Family Residential District:

Approximately 19.735 acres out of the Orilla Russell Survey, A-485 and the Nancy Kenner Survey, A-306, Comal County, Texas, located south of the intersection of Gray Cloud Drive and Twin Dish Way, located on State Highway 46 South, as described in Exhibit “A” and delineated in Exhibit “B” attached.

SECTION 2

THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

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 25th day of January, 2021.

PASSED AND APPROVED: Second reading this 8th day of February, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

LEGAL DESCRIPTION OF 19.735 ACRES

METES AND BOUNDS DESCRIPTION FOR A 1.739 ACRE TRACT OF LAND EXHIBIT A – FOR ZONING

Being a 1.739 acre tract of land located in the Nancy Kenner Survey, Abstract 306, Comal County, Texas, being the same tract called 1.739 acres, recorded in Document No. 202006051851, Official Public Records, Comal County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a 1/2" iron rod with cap stamped "4233" found in the Southeast Right of Way line of the Union Pacific Railroad Line for the West corner of a called 236.822 acre tract recorded on Document No. 200606053121, Official Public Records, Comal County, Texas, and the north corner of 33.110 acre tract recorded in Document No. 201906041434, Official Public Records, Comal County, Texas;

THENCE departing the Southeast Right of Way line of the Union Pacific Railroad Line, with the Southwest line of said 236.822 acre tract and the northeast line of said 33.110 acre tract, S 45°23'36" E, a distance of 367.13 feet to the POINT OF BEGINNING of the herein described tract;

THENCE with the southwest line of said 236.822 acre tract, S 45°23'36" E, a distance of 490.00 feet to a point being a corner of said 33.110 acre tract, for a corner of the herein described tract, from which a 1/2" iron rod with cap stamped "HMT" found for the easternmost corner of said 33.110 acre tract bears S 45°23'36" E, a distance of 50.00 feet;

THENCE with the common line of said 33.110 acre tract, the following five calls:

- 1) S 44°36'21" W, a distance of 140.00 feet to a point for a corner and the beginning of a curve to the right;
- 2) Along a curve to the right, having a radius of 15.00 feet, an arc length of 23.56 feet, and a chord bearing S 89°36'21" W, a distance of 21.21 feet to a point for a corner;
- 3) N 45°23'39" W, a distance of 453.51 feet to a point for a corner;
- 4) N 13°03'48" W, a distance of 25.43 feet to a point for a corner;
- 5) N 44°36'21" E, a distance of 141.40 feet to the POINT OF BEGINNING and containing 1.739 acres of land in Comal County, Texas.

Bearings shown hereon are based on the Texas Coordinate System, South Central Zone (4204), NAD 83.

Written November 27th, 2020.

FOR ZONING PURPOSES ONLY.

EXHIBIT "A" (PAGE 1)

METES AND BOUNDS DESCRIPTION
FOR A 17.996 ACRE TRACT OF LAND
EXHIBIT A - FOR ZONING

Being a 17.996 acre tract of land located in the Orilla Russell Survey, Abstract No. 485, and the Nancy Kenner Survey, Abstract No. 306, Comal County, Texas, being part of a called 33.110 acre tract, recorded in Document No. 201906041434, Official Public Records, Comal County, Texas, and all of a called 14.031 acre tract, called Tract "A", recorded in Document No. 202006051851, Official Public Records, Comal County, Texas, said 17.996 acre tract of land being more particularly described as follows:

BEGINNING at a found 1/2" iron pin with cap "Kolodzie" in the Southeast right of way line of the Union Pacific Railroad, the Northeast right of way line of Conrads Lane, same point being the Western corner of the aforementioned 33.110 acre tract, recorded in Document No. 201906041434, Official Public Records, Comal County, Texas;

THENCE departing the Northeast right of way line of Conrads Lane, with the Southeast right of way line of the Union Pacific Railroad, the following two (2) calls:

1. N 46°16'07" E, a distance of 1193.42 feet to a found 3" pipe post for a corner;
2. N 46°30'13" E, a distance of 349.68 feet to a point for a North corner of the aforementioned 14.031 acre tract, same point being a North corner of said 33.110 acre tract, and a Northern corner of the4 herein described tract;

THENCE departing the Southeast right of way line of the Union Pacific Railroad, with the common boundary line between said 14.031 acre tract and 33.110 acre tract, the following forty (40) calls:

1. S 43°21'09" E, a distance of 77.03 feet to a point for a corner;
2. S 47°36'10" W, a distance of 694.35 feet to a point for a corner;
3. S 42°42'14" E, a distance of 42.95 feet to a point for a corner;
4. N 47°17'46" E, a distance of 299.70 feet to a point for a corner;
5. S 28°17'20" W, a distance of 104.82 feet to a point for a corner;
6. S 17°05'17" W, a distance of 132.68 feet to a point for a corner;
7. S 03°52'52" E, a distance of 154.79 feet to a point for a corner;
8. N 56°46'10" E, a distance of 68.84 feet to a point for a corner;
9. N 03°52'52" W, a distance of 109.80 feet to a point for a corner;
10. N 17°03'43" E, a distance of 115.85 feet to a point for a corner;
11. N 28°17'20" E, a distance of 213.72 feet to a point for a corner;
12. N 47°36'10" E, a distance of 270.78 feet to a point for a corner;
13. N 60°09'22" E, a distance of 368.60 feet to a point for a corner;
14. S 29°49'10" E, a distance of 119.60 feet to a point for a corner;
15. N 65°18'58" E, a distance of 39.09 feet to a point for a corner
16. S 13°03'48" E, a distance of 91.52 feet to a point for a corner;
17. S 45°23'39" E, a distance of 273.94 feet to a point for a corner and the beginning of a curve to the right;

EXHIBIT "A" (PAGE 2)

18. Along a curve to the right, having a radius of 15.00 feet, an arc length of 23.56 feet, and a chord bearing S 00°23'39" E, a distance of 21.21 feet to a point for a corner;
19. S 44°36'21" W, a distance of 4.40 feet to a point for a corner and the beginning of a curve to the right;
20. Along a curve to the right, having a radius of 175.00 feet, an arc length of 47.57 feet, and a chord bearing S 52°23'36" W, a distance of 47.42 feet;
21. S 60°10'50" W, a distance of 3.75 feet to a point for a corner;
22. N 45°23'39" W, a distance of 150.45 feet to a point for a corner;
23. S 65°30'32" W, a distance of 167.67 feet to a point for a corner;
24. S 60°10'50" W, a distance of 144.11 feet to a point for a corner;
25. S 64°20'09" W, a distance of 99.72 feet to a point for a corner;
26. S 41°34'50" W, a distance of 167.87 feet to a point for a corner
27. S 28°17'20" W, a distance of 72.56 feet to a point for a corner;
28. S 02°17'24" E, a distance of 64.26 feet to a point for a corner and the beginning of a curve to the left;
29. Along a curve to the left, having a radius of 225.00 feet, an arc length of 51.10 feet, and a chord bearing S73°00'11" W, a distance of 50.99 feet;
30. S 23°30'11" E, a distance of 50.00 feet to a point for a corner;
31. S 04°08'36" E, a distance of 117.96 feet to a point for a corner;
32. S 13°58'37" E, a distance of 15.26 feet to a point for a corner;
33. S 56°46'10" W, a distance of 420.95 feet to a point for a corner;
34. N 44°21'10" W, a distance of 104.07 feet to a point for a corner and the beginning of a curve to the right;
35. Along a curve to the right, having a radius of 15.00 feet, an arc length of 26.47 feet, and a chord bearing N 06°12'30" E, a distance of 23.17 feet to a point for a corner;
36. N 33°13'50" W, a distance of 50.00 feet to a point;
37. S 56°46'10" W, a distance of 3.39 feet to a point for a corner and the beginning of a curve to the left;
38. Along a curve to the left, having a radius of 150.00 feet, an arc length of 29.09 feet, and a chord bearing S 51°12'51" W, a distance of 29.04 feet to a point for a corner;
39. S 45°39'31" W, a distance of 9.82 feet to a point for a corner;
40. N 44°19'51" W, a distance of 130.00 feet to a point in the Southwest line of the aforementioned 14.031 acre tract, same point lying in an interior line of the aforementioned 33.110 acre tract, for a corner of the herein described tract;

THENCE departing the Southwest line of said 14.031 acre tract, over and across said 33.110 acre tract, the following three (3) calls:

1. S 45°39'31" W, a distance of 333.70 feet to a point for a corner;
2. S 02°58'35" W, a distance of 165.71 feet to a point for a corner;
3. S 45°43'40" W, a distance of 92.07 feet to a point in the Northeast right of way line of Conrads Lane, same point lying in the Southwest line of said 33.110 acre tract, for a Southern corner of the herein described tract;

THENCE with the Northeast right of way line of Conrads Lane and the the Southwest line of said 33.110 acre tract, the following two (2) calls:

EXHIBIT "A" (PAGE 3)

1. N 44°16'20" W, a distance of 340.10 feet to a found 1/2" iron pin for a corner;
2. N 44°00'58" W, a distance of 59.32 feet to the POINT OF BEGINNING, containing 17.996 acres of land in Comal County, Texas.

Bearings shown hereon are based on the Texas Coordinate System, South Central Zone (4204), NAD 83.

Written November 27th, 2020.

FOR ZONING PURPOSES ONLY.

EXHIBIT "A" (PAGE 4)

2/8/2021

Agenda Item No. R)

Presenter

*Christopher J. Looney, AICP, Planning and Development Services Director
clooney@nbtexas.org*

SUBJECT:

Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow duplexes in the "APD" Agricultural/Pre-Development District on approximately 0.938 acres out of the A.M. Esnaurizar Eleven League Grant, Subdivision No. 107, Guadalupe County, Texas, addressed at 187 Prairie View Lane.

BACKGROUND / RATIONALE:

Case No.: SUP20-289

Council District: 2

Applicant: Moeller & Associates (James Ingalls, P.E.)
2021 SH 46 W, Ste. 105
New Braunfels, TX 78132
(830) 358-7127 - jamesingalls@ma-tx.com

Owner: Dianna Lynn Scott
187 Prairie View
New Braunfels, TX 78130
(830) 660-4328

Staff Contact: Matt Greene
(830) 221-4053
mgreene@nbtexas.org

City Council held a public hearing on January 25, 2021 and unanimously approved the reading of the applicant's request (7-0-0).

The subject property is comprised of 0.938 of an acre (40,859 sq. ft.) on the west side of the terminus of Prairie View Lane, a local street off State Highway 46 East. It is developed with a single-family residence constructed in 1960. Prairie View Lane is a narrow roadway approximately 1,200 feet in length to its dead-end without a turn-around that serves primarily large lot single family residences with some undeveloped parcels used for agricultural purposes. A commercial property fronts State Highway 46 East at the entrance to the neighborhood, and a plumbing contractor's office approved through a Special Use Permit (SUP) in 2013 lies in the middle of the block on the south side of Prairie

View Lane.

The applicant recently applied to rezone the property to “C-2A” Central Business District. That request was denied by City Council in November 2020. The applicant is now seeking an SUP for duplexes. The applicant’s original SUP application included requests for approval of both duplexes and office/warehouse. The applicant withdrew the office/warehouse portion of the request after the January 5, 2021 Planning Commission meeting.

If approved for duplexes, it would be appropriate for development to adhere to the standards for two-family dwellings in the “R-2A” Single-Family and Two-Family District. For R-2A, the minimum lot width required for a duplex lot is 60 feet. The subject property is approximately 180 feet wide at the 25-foot front setback, which would allow for subdivision of the property into a maximum of 3 duplex lots (6 dwelling units total).

Surrounding Zoning and Land Use:

North - APD / Single-family residence and undeveloped property

South - APD / Single-family residence

East - Across Prairie View Ln., APD / Agricultural

West - R-1A-6.6 / Single-Family Homes and Drainage Easement

Determination Factors:

In making a decision on zoning, the following factors are to be considered:

- Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole (*The immediate area is dominated by residential and agricultural uses and Prairie View Lane is a Local Street. Duplex development would blend with the existing uses and proposed elementary school in the area.*)
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*The adequacy of public facilities and utilities to serve the additional demand is evaluated by each provider. CISD has been notified of the request and has a new elementary school planned on the 50-acre tract across the street from the subject property that will be accessed from SH 46.*)
- How other areas designated for similar development will be affected (*Duplexes should not negatively affect the area.*)
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*The duplex use should not have any negative effects.*)
- Whether the request is consistent with the Comprehensive Plan: See below

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

<p>City Plan/Council Priority: Envision New Braunfels Workforce Housing Study 2018</p>	<p>Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 3.13: Cultivate an environment where a healthy mix of different housing products at a range of sizes, affordability, densities, amenities and price points can be provided across the community as well as within individual developments. Future Land Use Plan: The property lies within the Oak Creek Sub Area near Existing and Future Civic and Market Centers to the southeast at the intersection of SH 46 and FM 758. Workforce Housing Study Recommendations: Ensure through city zoning and other required legal entitlements related to housing construction that new types of housing products (small lot, duplex, townhome, etc.) are allowed by regulations.</p>
--	--

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on January 5, 2021 and recommended denial of the Special Use Permit request for office warehouse use, and approval of the request for duplex use with staff recommendations (9-0-0). The applicant has indicated he would like to proceed with the SUP request for duplexes only.

STAFF RECOMMENDATION:

Staff recommends approval of the SUP request to allow duplexes on the subject property with the condition that the development adhere to the “R-2A” Single-Family and Two-Family duplex development standards, as the use is compatible with the existing low-density development in the immediate area and would be in accordance with Envision New Braunfels and the 2018 Workforce Housing Study.

Notification:

Public hearing notices were sent to 12 owners of property within 200 feet of the request. The City has received no responses at this time.

RESOURCE LINKS:

- Chapter 144, Sec. 3.4-1 “APD” Agricultural/Pre-Development District of the City’s Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Secs. 3.6 Special Use Permits of the City’s Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Secs. 3.4-3 “R-2A” Single-Family and Two-Family District of the City’s Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

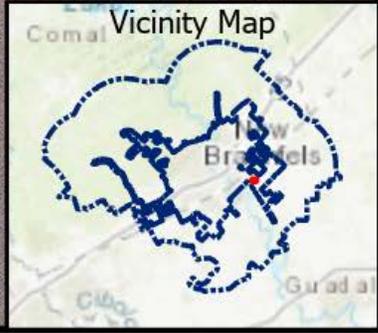
ATTACHMENTS:

-
1. Aerial Map
 2. Land Use Maps (Zoning, Existing and Future Land Use)
 3. Notification List and Map
 4. Excerpt of Minutes from the January 5, 2021 Planning Commission Regular Meeting
 5. Ordinance

Aerial Map

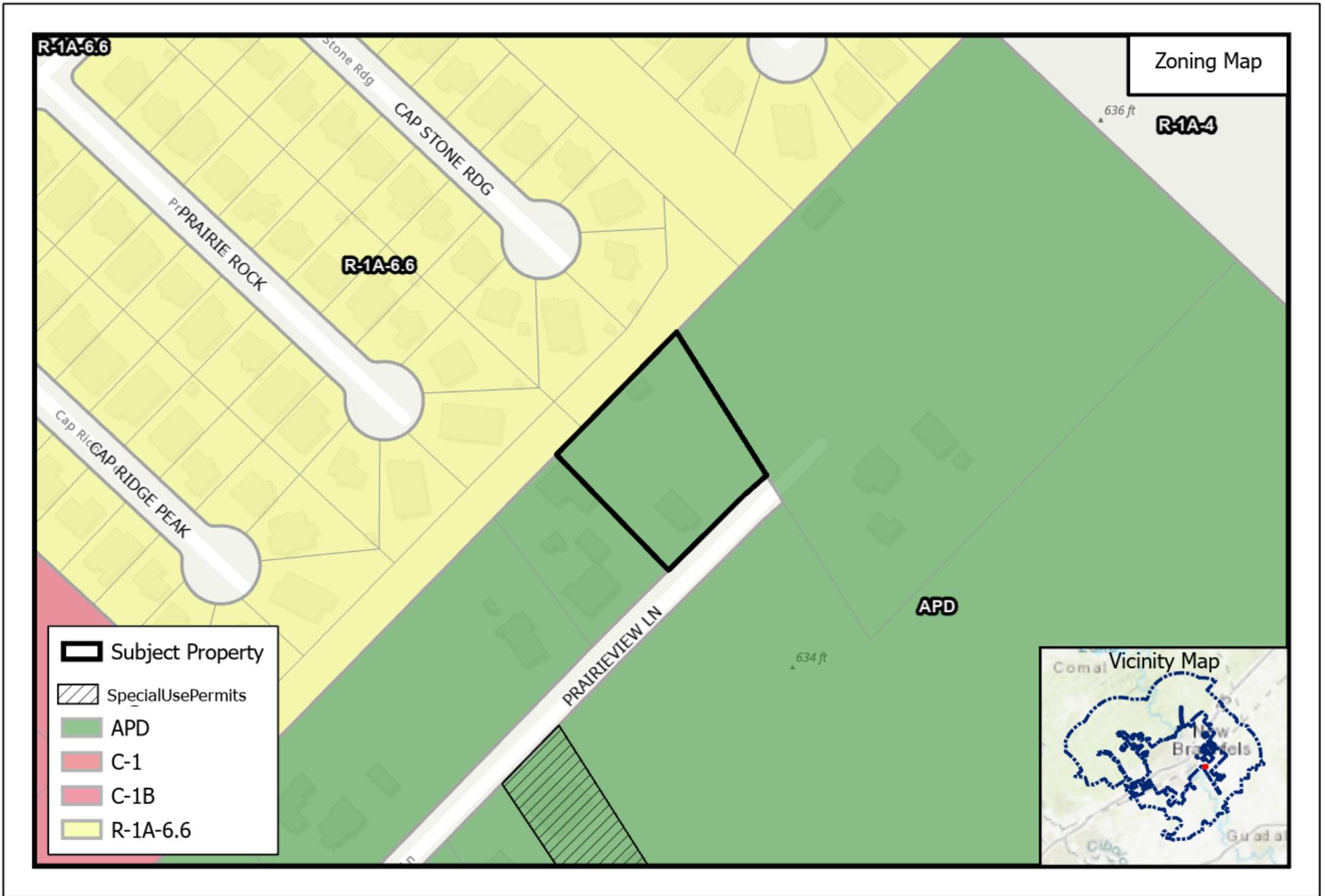


Subject Property



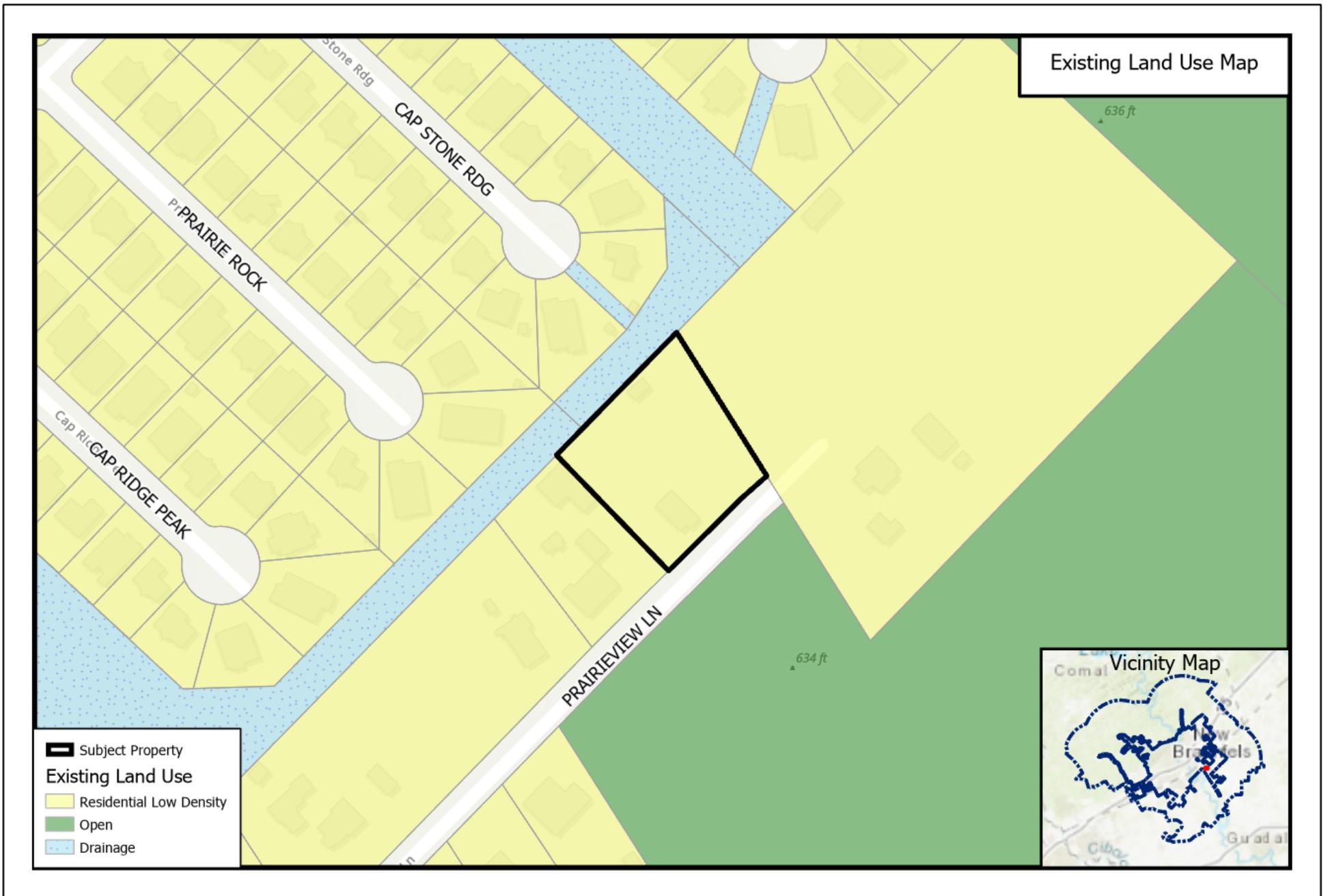
SUP20-289 SUP to allow duplexes in APD



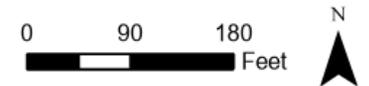


SUP20-289
SUP to allow duplexes in APD





SUP20-289
SUP to allow duplexes in APD



Source: City of New Braunfels Planning
Date: 1/6/2021

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of New Braunfels. Its officials or employees for any discrepancies, errors, or variances which may exist.

EXISTING CENTERS

Centers are the middle, core or heart of an area. It is a point of activity and vitality. Centers come in many sizes and have different purposes or activities within. They may have endangered species habitat or aquifer recharge areas that require additional standards and consideration relating to future growth. It is envisioned that all centers be walkable, connected, and have a mix of uses. These centers must provide adequate infrastructure to support the commercial development present especially mobility and access for pedestrians, bicycles, vehicles and transit. Given the mixed-use nature of these centers, parking should be shared and not detract from the aesthetic of the area.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

MEDICAL CENTER

Medical Centers are mixed-use areas centered around a medical destination such as a hospital or clinic.

CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

OUTDOOR RECREATION CENTER

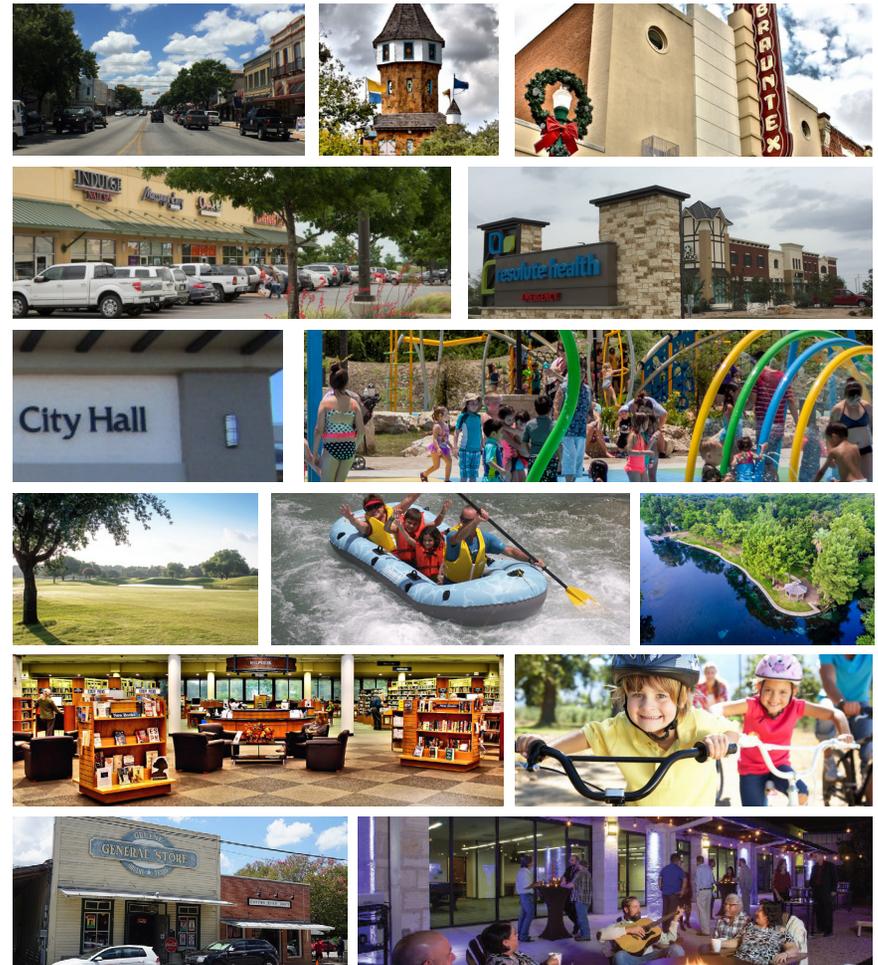
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

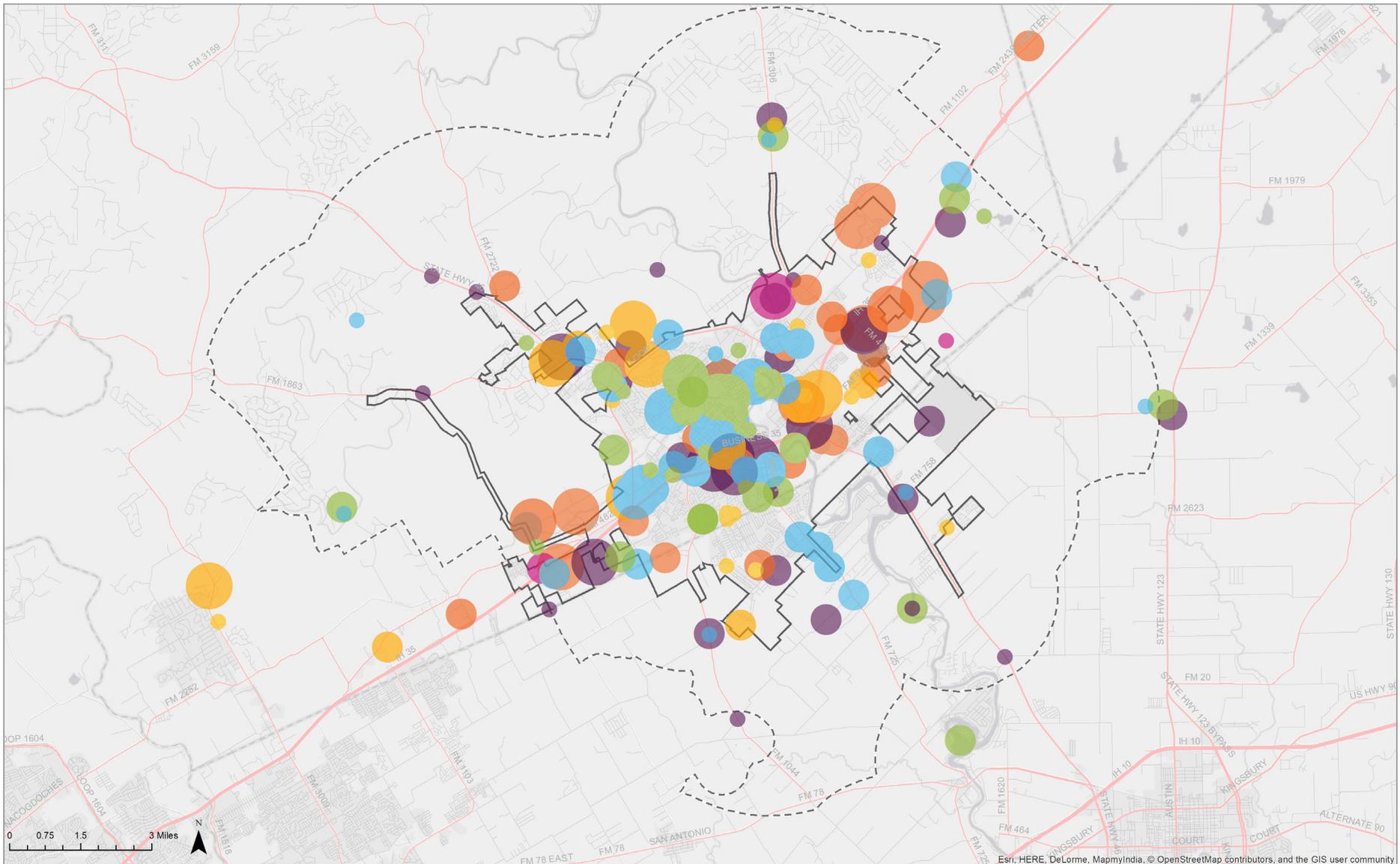
EDUCATION CENTER

Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

TOURIST/ENTERTAINMENT CENTER

Tourist/Entertainment Centers are mixed-use areas around an entertainment venue such as Gruene Hall or a tourist destination such as the Tube Chute.





The location of existing centers was determined through the analysis of previous studies and background documents, windshield surveys, and reviewed by City staff, Steering Committee members, and Plan Element Advisory Group members during a public workshop.

FUTURE LAND USE PLAN

A future land use plan is how land is envisioned to be. It establishes priorities for more detailed plans (sub area plans) and for detailed topical plans (such as parks and open spaces, trails and roads). It cannot be interpreted without the goals and actions of Envision New Braunfels.

TRANSITIONAL MIXED-USE CORRIDOR

Transitional Mixed-Use Corridors express an aspiration to retrofit existing auto-dominated retail corridors with a mix of uses and a variety of travel modes over time.

OUTDOOR RECREATION CENTER

Outdoor Recreation Centers are centered around a public or private outdoor destination like Fischer Park.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

SUB AREA 1

Sub Area 1 includes the Downtown, Gruene and the Mid-Century or older neighborhoods that surround them. It is home to the natural springs and headwaters of flowing rivers that have attracted New Braunfelsers to the town for centuries.

SUB AREA 2

Sub Area 2 refers to the neighborhoods and residential enclaves that have grown alongside the Hill Country landscape.

SUB AREA 3

Sub Area 3 includes a planned community offering a diversity of housing, distinct community centers and preserved Hill Country landscape features.

SUB AREA 4

At the heart of Sub Area 4 is Fischer Park. Proximity to IH-35, downtown and neighboring communities like McQueeney makes this area highly desirable and accessible.

SUB AREA 5

Sub Area 5 bridges together many communities east of IH-35. It includes the scenic landscape along both banks of the Guadalupe River between Highway 46 and FM 725.

SUB AREA 6

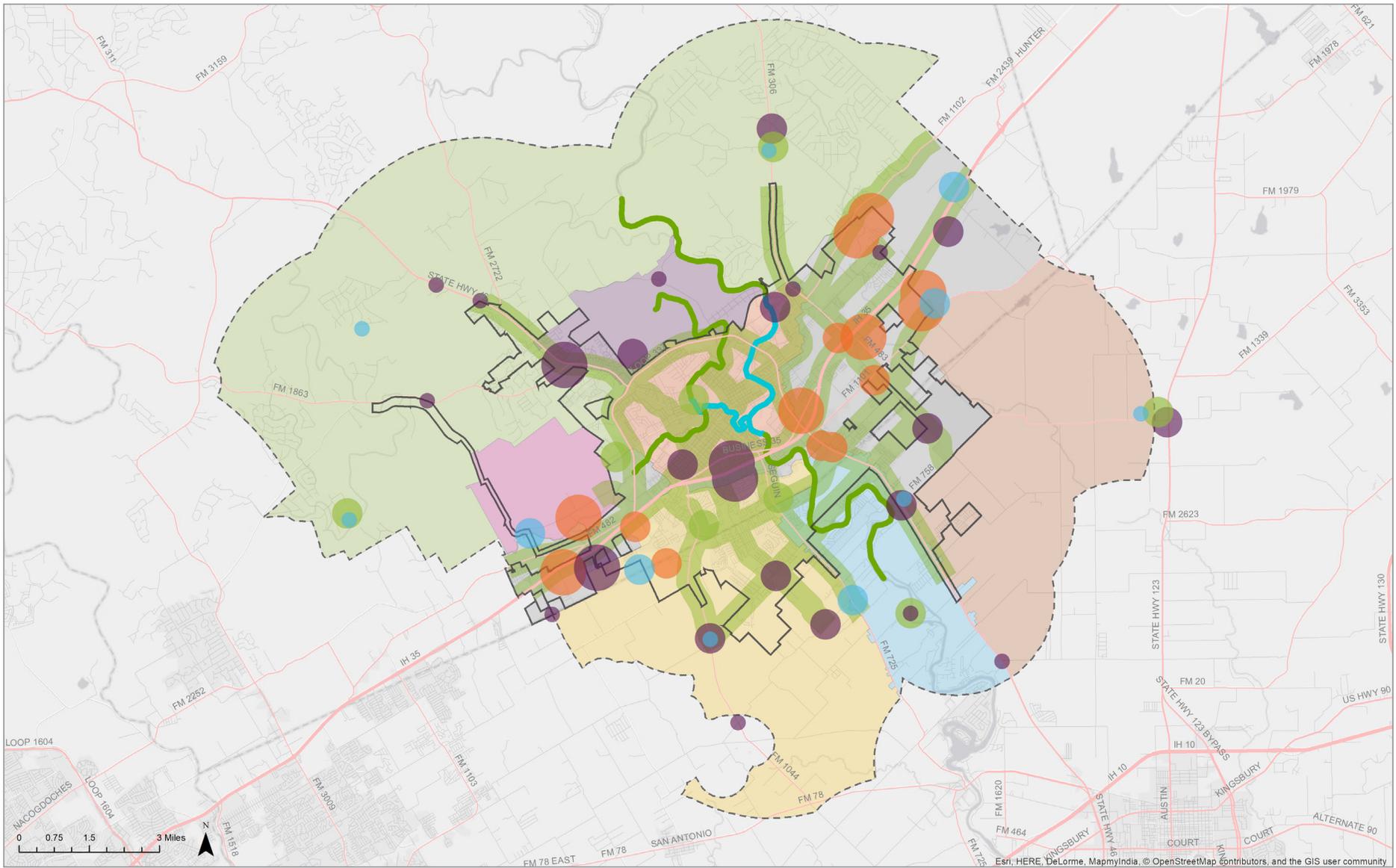
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7

Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

SUB AREA 8

This fast-growing Sub Area includes many neighborhoods offering affordable places for young families to live.



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. Preferred future growth scenario combines Scenarios A and C per recommendations of the Envision New Braunfels Steering Committee (February 2018). Exact boundaries of sub areas, centers, and corridors may be [zoomed and viewed online](#).

PLANNING COMMISSION – JANUARY 5, 2020– 6:00PM

Zoom Meeting

Applicant/Owner: Moeller and Associates, agent for Dianna Lynn Scott, owner

Address/Location: 187 Prairie View Road (approximately 0.9379 acres out of the A.M. Esnaurizar Eleven League Grant, Subdivision No. 107)

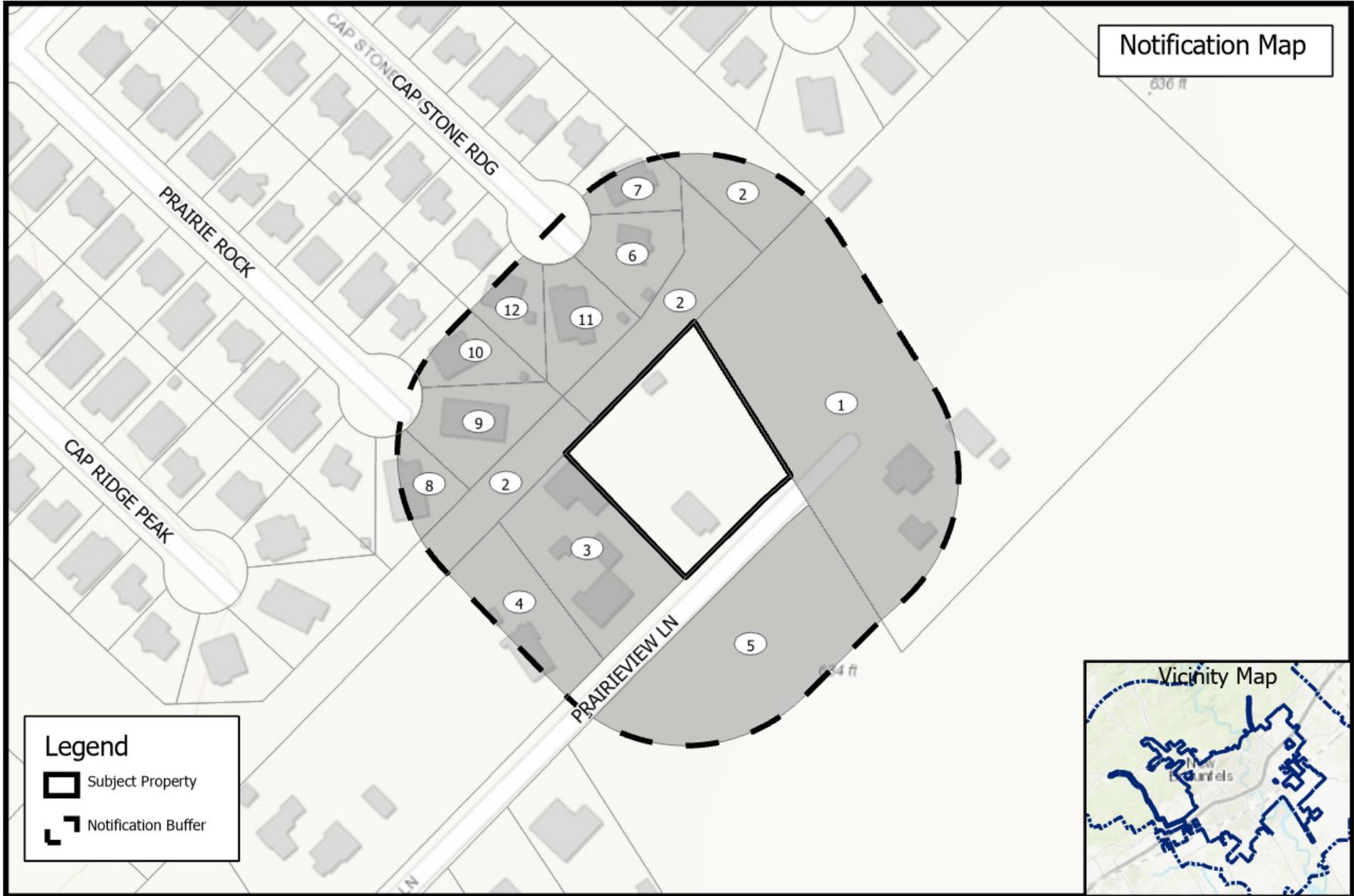
PROPOSED SPECIAL USE PERMIT – CASE #SUP20-289

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. KRUEGER RONALD DALE ETAL | 7. MENDEZ DANIEL & ANGELA GUADIAN-MENDEZ |
| 2. CAPROCK ASSOCIATION INC | 8. SANDERS JONATHAN CHRISTOPHER & TAWNIA |
| 3. MITCHAN CAROLYN LYND | 9. PRYOR DENNIS C & ROSEANNE E BARRY-PRYOR |
| 4. PIETSCH ARLEN W & J E | 10. GOMEZ JOSE & MARTHA HERRERA |
| 5. COMAL INDEPENDENT SCHOOL DISTRICT | 11. DENTON SIMON |
| 6. LOBASSO AMANDA LAUREN & ANDREW CHRISTOPHER | 12. SCHMIDT DARRYL W |

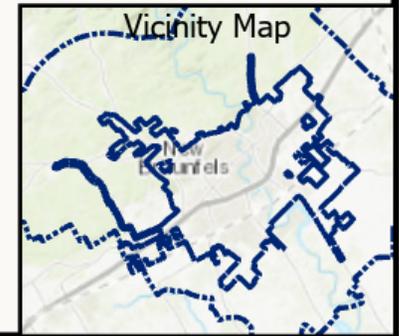
SEE MAP

Notification Map



Legend

-  Subject Property
-  Notification Buffer



SUP20-289
SUP to allow for duplex or office warehouse



Draft Minutes for the January 5, 2021 Planning Commission Regular Meeting

H) SUP20-289 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow duplexes (two-family dwellings) or office/warehouse use in the “APD” Agricultural/Pre-Development District on approximately 0.938 acres out of the A.M. Esnaurizar Eleven League Grant, Subdivision No. 107, addressed at 187 Prairie View Road. Applicant: Moeller & Associates (James Ingalls, P.E.) Owner: Dianna Lynn Scott; Case Manager: Matt Greene.

Mr. Greene presented and recommended approval of the SUP request to allow duplexes on the subject property with conditions as outlined in the staff report and recommends denial of the request for office/warehouse use.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

There was no reply from the applicant.

Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wanted to speak in opposition.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Sonier, seconded by Commissioner Mathis, to recommend approval to City Council the proposed rezoning to apply a Special Use Permit to allow duplexes (two-family dwellings), and recommend denial to allow office/warehouse use in the “APD” Agricultural/Pre-Development District on approximately 0.938 acres out of the A.M. Esnaurizar Eleven League Grant, Subdivision No. 107, addressed at 187 Prairie View Road with staff recommendations.

Discussion followed on clarification of the motion. Motion carried (9-0-0).

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING APPROVAL OF A TYPE 1 SPECIAL USE PERMIT ALLOWING DUPLEXES IN THE “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT ON APPROXIMATELY 0.938 ACRES OUT OF THE A.M. ESNAURIZAR ELEVEN LEAGUE GRANT, SUBDIVISION NO. 107, GUADALUPE COUNTY, TEXAS, ADDRESSED AT 187 PRAIRIE VIEW LANE; 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 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 the proposed use; and

WHEREAS, the City Council desires to grant approval of a Type 1 Special Use Permit allowing duplexes in the “APD” Agricultural/Pre-Development District on approximately 0.938 acres of land out of the A.M. Esnaurizar Eleven League Grant, Subdivision No. 107, Guadalupe County, Texas, addressed at 187 Prairie View Lane.

WHEREAS, the request is in accordance with Envision New Braunfels, the City’s Comprehensive Plan; **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 adding the following

tract of land as a "Type 1 Special Use Permit" for the uses and conditions herein described:

Being approximately 0.938 acres of land out of the A.M. Esnaurizar Eleven League Grant, Subdivision No. 107, Guadalupe County, Texas, addressed at 187 Prairie View Lane, as described in Exhibit "A" and delineated in Exhibit "B", to allow duplexes in the "APD" Agricultural/Pre-Development District.

SECTION 2

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

1. Site development for duplex use must adhere to the "R-2A" Single-Family and Two-Family duplex development standards.

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 25th day of January, 2021.

PASSED AND APPROVED: Second reading this 8th day of February, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



METES AND BOUNDS DESCRIPTION
FOR A
0.9379 ACRE TRACT OF LAND
"ZONING"

Being that certain 0.9379 acres of land out of the A.M. Esnaurizar Eleven League Grant Subdivision No. 107 in Guadalupe County, Texas, and being that same tract of land as described in Volume 1495 Page 762 of the Official Public Records of Guadalupe County, Texas, and said 0.9379 of an acre tract of land being described as follows:

BEGINNING at a point in the Northwest line of Subdivision No. 107 of the AM. Esnaurizar Eleven League Grant, and being in the Southeasterly line of Lot 66, Cap Rock Unit Two as recorded in Volume 7, Page 339 of the Map and Plat Records of Guadalupe County, Texas, and being the Westerly corner of a 6.2 acre tract of land as described in Volume 1909 Page 455 of the Official Public Records; said point being located N 46° 00' E. 1248 feet from the intersection of the Northwest line of said Subdivision No. 107 and the Northeast line of State Highway No. 46;

THENCE departing said Lot 66, and with the Southwest line of said 6.2 acres tract of land, S 32° 24' E, 208.00 feet to a point for the East corner of this tract, and being in the Northwest line of Prairie View Lane;

THENCE S. 46° 00' W, with the Northwest line of said Prairie View Lane and Southeast line of this 0.9379 acre tract of land, 183.00 feet to a point for the East corner of a 0.973 of an acre tract conveyed to Lawrence Mitchan and wife in Volume 2296, Page 791 of the Official Public Records of Guadalupe County, Texas;

THENCE N. 42° 04' 54" W., with the Northeast line of said 0.973 acre tract, a total distance of 203.87 feet to a point in the Southeast line of Lot 66 Cap Rock Unit One as recorded in Volume 7 Page 270-271 of the Map and Plat Records of Guadalupe County, Texas, and being the Northwest corner of this tract of land;

THENCE N 46°00' E, with the Southeast line of said Lot 66, the Northwesterly line of said 0.9379 acre tract of land, 218.00 feet to the PLACE OF BEGINNING, and containing this 0.9379 of an acre of land.

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

Bearings based on the Deed recorded in Volume 2640 Page 1495 of the Official Records of Guadalupe County, Texas.

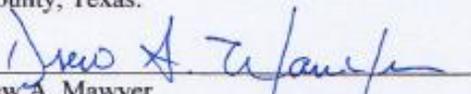
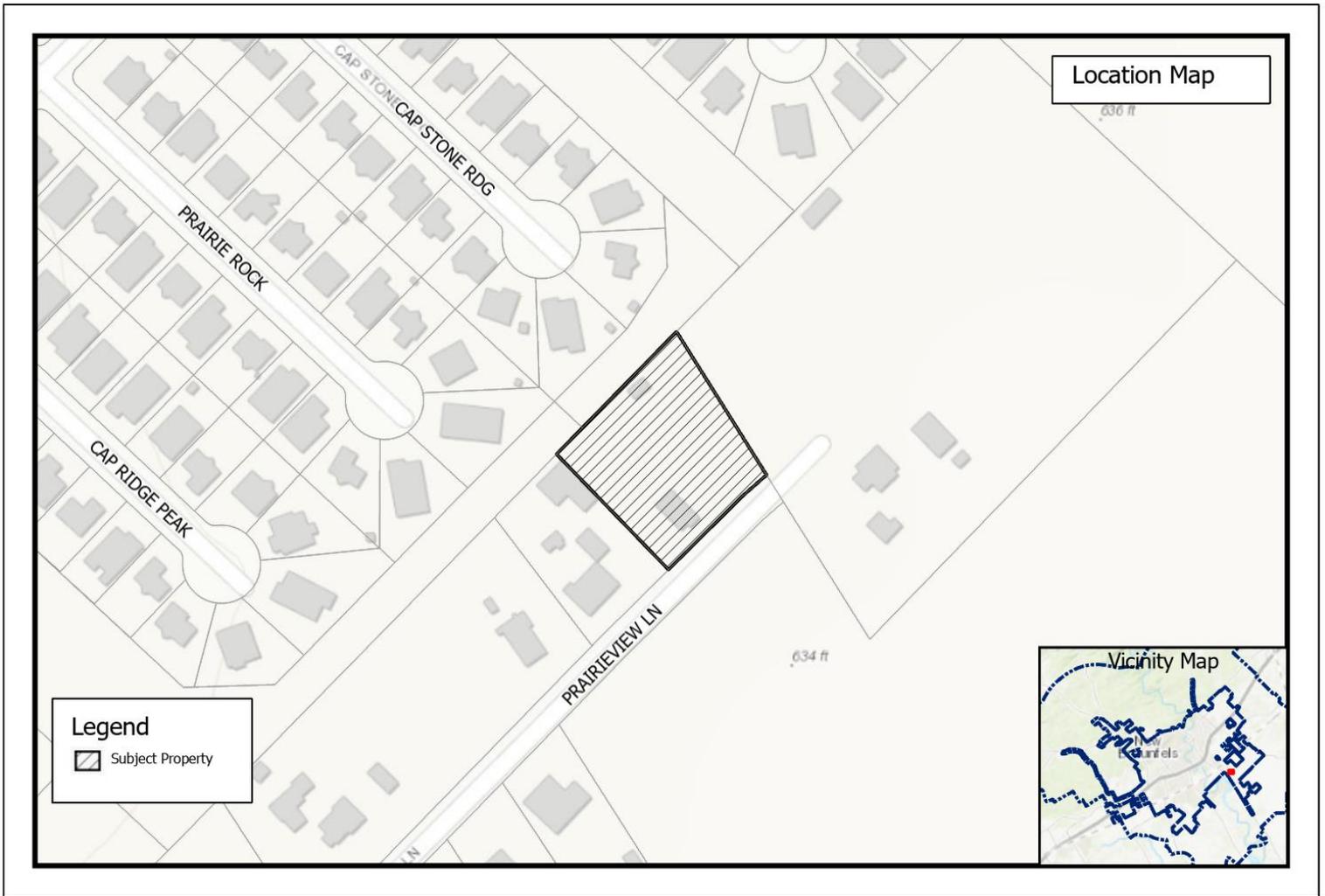

Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191500
5151 W SH 46, New Braunfels, Texas, 78132
MOE402-0.9379 Ac- 082820



EXHIBIT "A"



SUP20-289
SUP to allow duplexes in APD



Path: \\file-04\Users\Planning\mgreene\Desktop\Temp Files\Prairie View Ln SUP Ord

Source: City of New Braunfels Planning
 Date: 1/6/2021

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of New Braunfels, its officials or employees for any discrepancies, errors, or variances which may exist.

2/8/2021

Agenda Item No. S)

Presenter

*Christopher J. Looney, AICP, Planning and Development Services Director
clooney@nbtexas.org*

SUBJECT:

Approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 5.996 acres out of the Orilla Russell Survey No. 2, Abstract No. 485, Comal County, Texas, addressed at 689 Orion Drive, from "M-1A" Light Industrial District to "R-1A-6.6" Single-Family District.

BACKGROUND / RATIONALE:

Case No.: PZ20-0292

Council District: 4

Owner/Applicant: Robert Whipkey
689 Orion Drive
New Braunfels, TX 78130
(210) 844-6608 - rnpkey@gmail.com

Staff Contact: Matt Greene, Planner
(830) 221-4053 - mgreene@nbtexas.org

City Council held a public hearing on January 25, 2021 and unanimously approved the first reading of the applicant's request (7-0-0).

The subject property is comprised of approximately 5.996 acres on the south side of Orion Drive between the Union Pacific Railroad tracks and Goodwin Lane. A single-family dwelling and outbuildings, constructed in 1975, are on the site.

The property was annexed into the City in 2001 and zoned "M-1A" Light Industrial District with the annexation. Single-family residential was an allowed use in the M-1A District until adoption of the updated Zoning Ordinance in 2006. M-1A allows non-residential uses such as light manufacturing, offices, personal and professional services, medical offices and clinics, mini-warehousing and studios. The current single-family residence is considered nonconforming.

Nonconforming Uses and Structures

The Zoning Ordinance states a nonconforming building shall not be permitted to be restored or used for such purpose if the building is damaged or destroyed and the expense of restoration exceeds 75% of the replacement cost of the building at the time the damage occurred. The building shall be

treated as a new building and conform to all the regulations of the district in which it is located should the reconstruction cost exceed 75% of the replacement cost. The Zoning Ordinance also states nonconforming use of land may be continued, provided no such nonconforming use shall be expanded or extended, and that if such nonconforming use of land or any portion thereof is discontinued or changed, any future use of land shall be in conformity with the provisions of the Zoning Ordinance. These rules, standard across most cities, are intended to result in conformity across the community over time.

The applicant purchased the property in 1999 and is currently in the process of refinancing. The applicant indicated their lender won't approve the refinancing until there is a guarantee the home would be allowed to be reconstructed on the property should it be destroyed. Therefore, the applicant submitted a request to rezone the subject property to R-1A-6.6 to allow the current residence to become a conforming use and structure, which the lender is requiring for the applicant to obtain approval of the refinancing application.

With R-1-A-6.6, should the property owner or a future property owner decide to pursue subdividing the property, it is large enough to allow for the subdivision and development of up to approximately 20 single-family residential lots.

Surrounding Zoning and Land Use:

North - Across Orion Dr., APD and Wasser Ranch PD / Single-family residential and undeveloped

South - APD / Single-family residences and undeveloped

East - APD and MU-B with an SUP to allow single or two-family dwellings within the first 150 of depth of the property / single-family residence and duplexes

West - M-1A with an SUP to allow a manufactured home community / Undeveloped

Determination Factors:

In making a decision on zoning, the following factors are to be considered:

- Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole (*With recent rezoning activity in the area, the proposed zoning is compatible with zoning and uses in the immediate area which consists of a mixture of single-family residential development with varying lot sizes, duplexes and a future manufactured home community. The duplex subdivision to the east received approval of a zoning change in 2013 to MU-B with an SUP to allow single or two-family dwellings within the first 150 feet of depth of the property adjacent to Orion Drive. The 45-acre tract immediately adjacent the west boundary of the subject property received approval of an SUP earlier this year for up to 280 manufactured homes with specific development standards.*)
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*The adequacy of public facilities and utilities to serve any additional demand is evaluated by each provider. CISD and utility providers have been notified of the proposed rezoning.*)
- How other areas designated for similar development will be affected (*The proposed zoning change should not negatively affect other areas designated for similar development.*)
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*There should be no other factors that will substantially affect the public health, safety, morals, or general welfare. Drainage, utility and traffic impact issues will be reviewed and*

addressed through the platting process).

- Whether the request is consistent with the Comprehensive Plan: See below

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

City Plan/Council Priority: Envision New Braunfels	Consistent Actions Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 3.13: Cultivate an environment where a healthy mix of different housing products at a range of sizes, affordability, densities, amenities and price points can be provided across the community as well as within individual developments. Future Land Use Plan: The property lies within the Oak Creek Sub Area near existing Employment, Market and Education Centers and between two future Transitional Mixed-Use Corridors and Market and Employment Centers.
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on January 5, 2021 and unanimously recommended approval (9-0-0).

STAFF RECOMMENDATION:

Approval. Recent rezonings in the general vicinity are transitioning this area from industrial to residential, accommodating the rapid population growth of our community. Additionally, this request will simply allow the property owner to meet the requirements of their lending institution.

Notification:

Public hearing notices were sent to 8 owners of property within 200 feet of the request. The City has received no responses at this time.

RESOURCE LINKS:

- Chapter 144, Sec. 3.4-2 “R-1A-6.6” Single-Family District, of the City’s Code of Ordinances: https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Secs. 3.4-18 “M1-A” Light Industrial District, of the City’s Code of Ordinances: https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

ATTACHMENTS:

1. Aerial Map
2. Land Use Maps (Zoning, Existing and Future Land Use)
3. Notification List and Map
4. Excerpt of Minutes from the January 5, 2021 Planning Commission Regular Meeting
5. Ordinance

Aerial Map

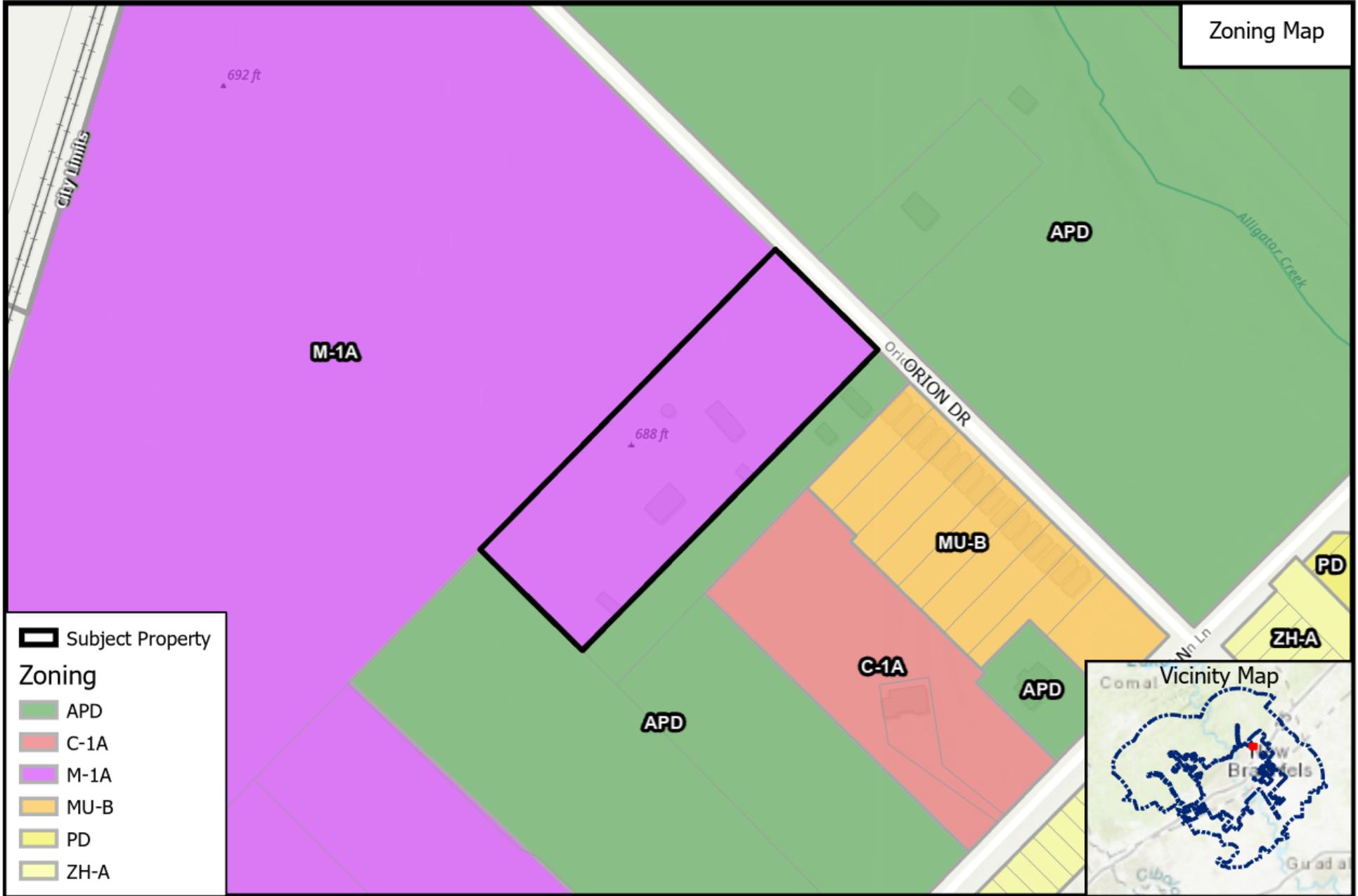


-  Subject Property
- Floodplains**
-  Floodway
- Regional Transportation Plan**
-  Minor Arterial, Existing
-  Minor Collector, Proposed



PZ20-0292
M-1A to R1-A 6.6





PZ20-0292
M-1A to R1-A 6.6



EXISTING CENTERS

Centers are the middle, core or heart of an area. It is a point of activity and vitality. Centers come in many sizes and have different purposes or activities within. They may have endangered species habitat or aquifer recharge areas that require additional standards and consideration relating to future growth. It is envisioned that all centers be walkable, connected, and have a mix of uses. These centers must provide adequate infrastructure to support the commercial development present especially mobility and access for pedestrians, bicycles, vehicles and transit. Given the mixed-use nature of these centers, parking should be shared and not detract from the aesthetic of the area.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

MEDICAL CENTER

Medical Centers are mixed-use areas centered around a medical destination such as a hospital or clinic.

CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

OUTDOOR RECREATION CENTER

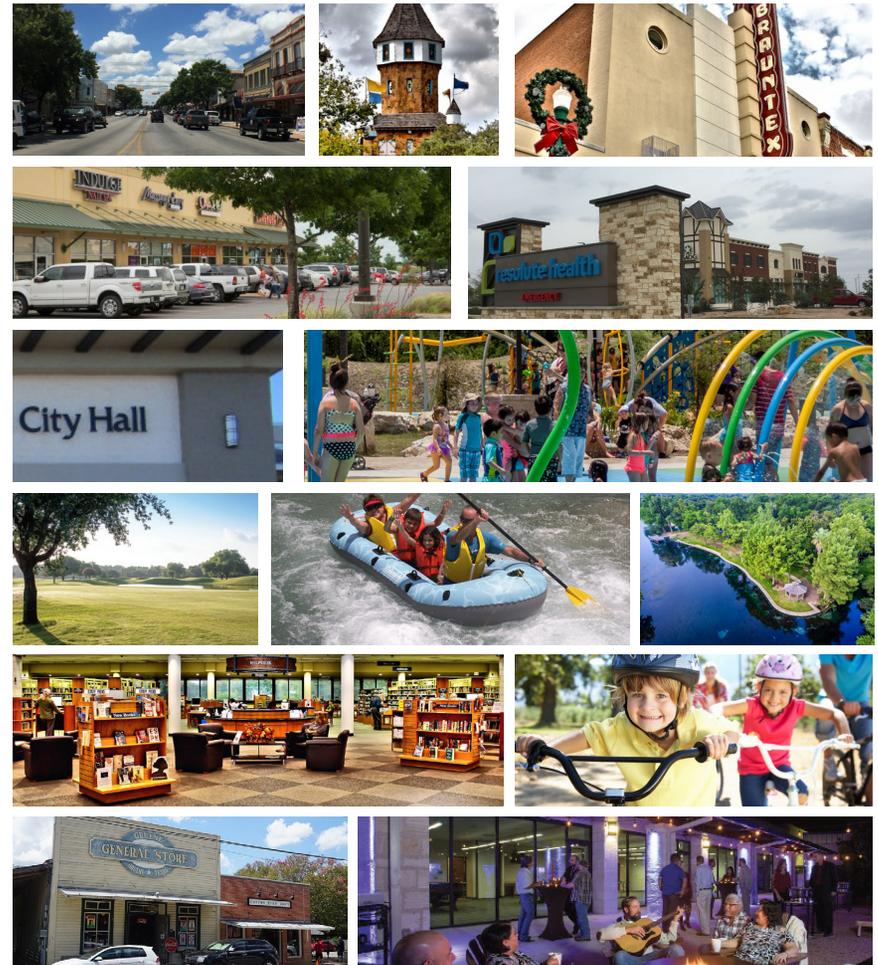
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

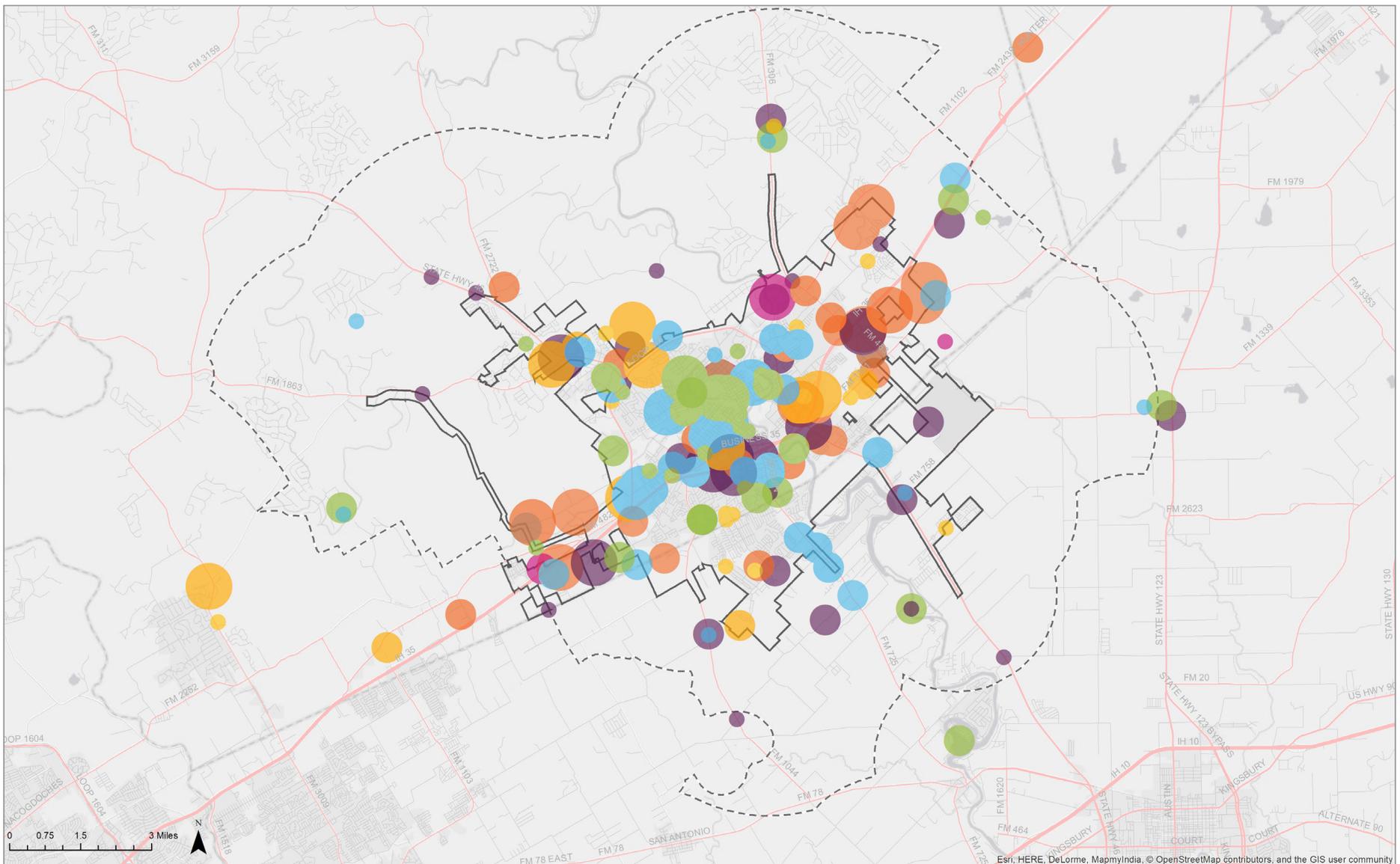
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TOURIST/ENTERTAINMENT CENTER

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The location of existing centers was determined through the analysis of previous studies and background documents, windshield surveys, and reviewed by City staff, Steering Committee members, and Plan Element Advisory Group members during a public workshop.

FUTURE LAND USE PLAN

A future land use plan is how land is envisioned to be. It establishes priorities for more detailed plans (sub area plans) and for detailed topical plans (such as parks and open spaces, trails and roads). It cannot be interpreted without the goals and actions of Envision New Braunfels.

TRANSITIONAL MIXED-USE CORRIDOR

Transitional Mixed-Use Corridors express an aspiration to retrofit existing auto-dominated retail corridors with a mix of uses and a variety of travel modes over time.

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Outdoor Recreation Centers are centered around a public or private outdoor destination like Fischer Park.

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Sub Area 1 includes the Downtown, Gruene and the Mid-Century or older neighborhoods that surround them. It is home to the natural springs and headwaters of flowing rivers that have attracted New Braunfelsers to the town for centuries.

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Sub Area 2 refers to the neighborhoods and residential enclaves that have grown alongside the Hill Country landscape.

SUB AREA 3

Sub Area 3 includes a planned community offering a diversity of housing, distinct community centers and preserved Hill Country landscape features.

SUB AREA 4

At the heart of Sub Area 4 is Fischer Park. Proximity to IH-35, downtown and neighboring communities like McQueeney makes this area highly desirable and accessible.

SUB AREA 5

Sub Area 5 bridges together many communities east of IH-35. It includes the scenic landscape along both banks of the Guadalupe River between Highway 46 and FM 725.

SUB AREA 6

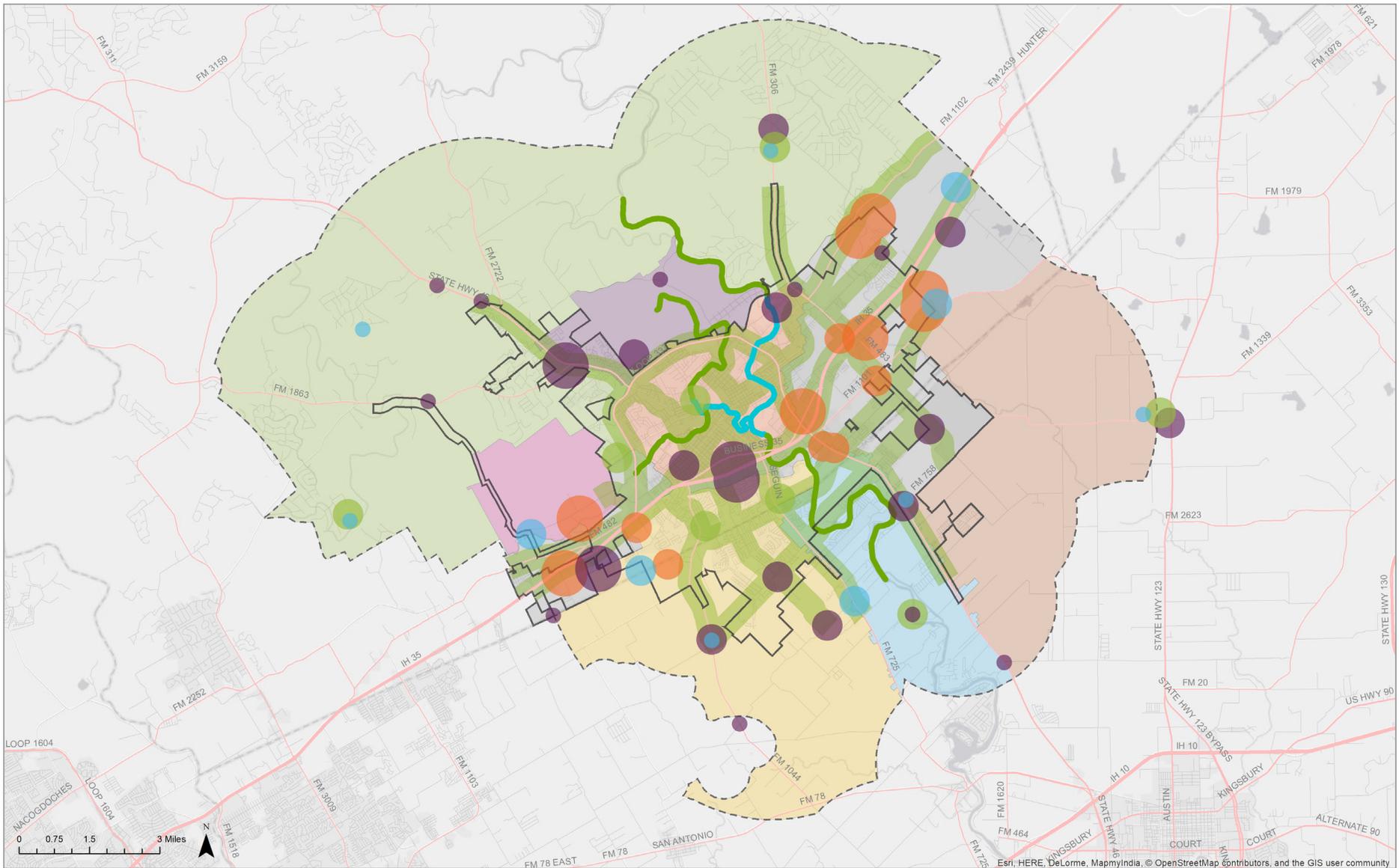
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7

Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

SUB AREA 8

This fast-growing Sub Area includes many neighborhoods offering affordable places for young families to live.



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. Preferred future growth scenario combines Scenarios A and C per recommendations of the Envision New Braunfels Steering Committee (February 2018). Exact boundaries of sub areas, centers, and corridors may be [zoomed and viewed online](#).

PLANNING COMMISSION – JANUARY 5, 2020– 6:00PM

Zoom Meeting

Applicant/Owner: Robert Whipkey

Address/Location: 689 Orion Dr.

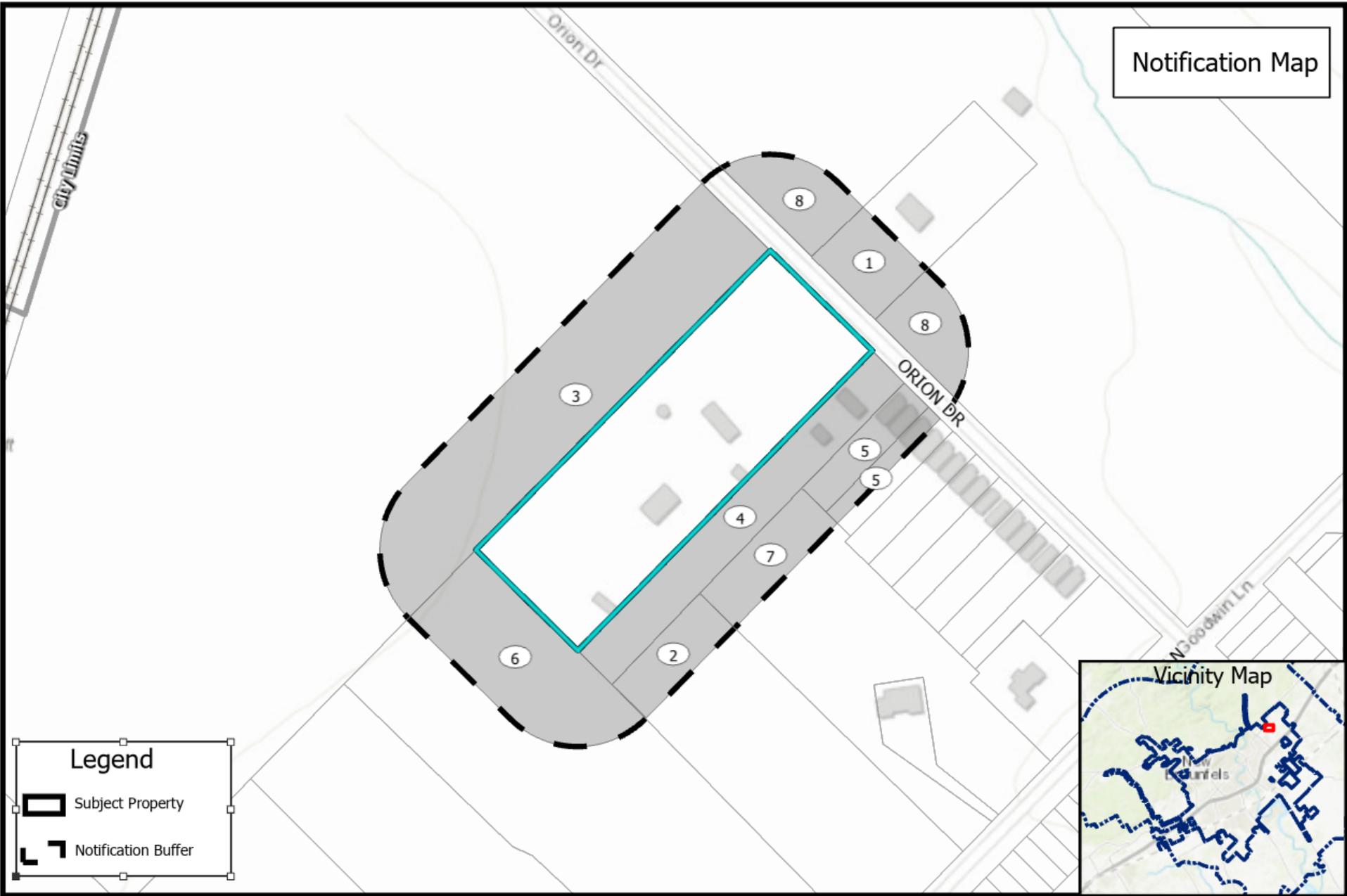
PROPOSED ZONE CHANGE – CASE #PZ20-0292

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. MICHIE REXFORD J & SALLY A WEITZ-MICHIE | 5. SADDLER DAVID L & CRYSTAL M SADDLER |
| 2. CASTRO ANTONIO ET AL | 6. LEHMANN LARRY W & MARY ANN |
| 3. SCHMIDT KENNETH W | 7. TARBUTTON EDWARD III |
| 4. SEBA PETER E | 8. E B INDUSTRIES |

SEE MAP

Notification Map



Legend

- Subject Property
- Notification Buffer



PZ20-0292
M-1A to R1-A 6.6



Draft Minutes for the January 5, 2021 Planning Commission Regular Meeting

D) PZ20-0292 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 5.996 acres out of the Orilla Russell Survey No. 2, Abstract No. 485, Comal County, Texas, addressed at 689 Orion Drive, from “M-1A” Light Industrial District to “R-1A-6.6” Single-Family District. Applicant: Robert Whipkey; Case Manager: Matt Greene.

Mr. Greene presented and recommended approval.

Chair Edwards asked if there were any questions for staff.

Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.

Chris Van Heerde, 290 S Castell, stated support for the request in the form of public comment.

Chair Edwards asked if anyone wanted to speak in opposition.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if the applicant would like to speak.

Robert Whipkey, 689 Orion Drive, stated intent behind the request.

Chair Edwards asked if there were any further questions or a motion.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to recommend approval to City Council of the proposed rezoning of approximately 5.996 acres out of the Orilla Russell Survey No. 2, Abstract No. 485, Comal County, Texas, addressed at 689 Orion Drive, from “M-1A” Light Industrial District to “R-1A-6.6” Single-Family District. Motion carried (9-0-0).

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 5.996 ACRES OUT OF THE ORILLA RUSSELL NO. 2, ABSTRACT NO. 485, COMAL COUNTY, TEXAS, ADDRESSED AT 689 ORION DRIVE, FROM “M-1A” LIGHT INDUSTRIAL DISTRICT TO “R-1A-6.6” SINGLE-FAMILY 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 “R-1A-6.6” Single-Family District, the City Council has given due consideration to all components of said district; and

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

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

WHEREAS, the City Council desires to amend the Zoning Map by rezoning approximately 5.996 acres, out of the Orilla Russell Survey, No. 2, Abstract No. 485, Comal County, Texas, addressed at 689 Orion Drive, from “M-1A” Light Industrial District to “R-1A-6.6” Single-Family 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 rezoning the following described tract of land from “M-1A” Light Industrial District to “R-1A-6.6” Single-Family District:

Approximately 5.996 acres out of the Orilla Russell Survey No. 2, Abstract No. 485, Comal County, Texas, addressed at 689 Orion Drive, as delineated in Exhibit “A” attached.

SECTION 2

THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

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 25th day of January, 2021.

PASSED AND APPROVED: Second reading this 8th day of February, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

2/8/2021

Agenda Item No. A)

Presenter

*Christopher J. Looney, AICP, Planning and Development Services Director
clooney@nbtexas.org*

SUBJECT:

Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Type 1 Special Use Permit to allow an RV resort on approximately 28 acres consisting of Lot 1D-R Walnut Heights Subdivision and approximately 24 acres out of the J M Veramendi A-2 Survey, located in the 700 block of N. Walnut Avenue.

BACKGROUND / RATIONALE:

Case No.: SUP20-300

Council District: 1

Applicant: James Ingalls, PE
Moeller & Associates
2021 SH 46 West, Suite 105
New Braunfels, TX 78132
(830) 358-7127 jamesingalls@ma-tx.com

Owner: Gary Henry
Liberty Partnership Ltd.
600 N. Hickory Avenue
New Braunfels, TX 78130

Staff Contact: Holly Mullins
(830) 221-4054 hmullins@nbtexas.org

City Council held a public hearing on January 25, 2021 and unanimously approved the first reading of the applicant's requested rezoning ordinance, with staff recommended conditions. (7-0-0)

The subject property is located west of North Walnut Avenue, between the two sets of Union Pacific railroad tracks. It consists of approximately 28 acres, zoned as follows:

- 18.5 acres zoned M-1 Light Industrial (unplatted);
- 5 acres zoned R-2 Single and Two-family (unplatted); and
- 4.43 acres of C-1 Local Business District (Lot 1D-R Walnut Heights)

Over 50% of the property (approximately 16 acres) is located within the Dry Comal Creek floodway and/or 1% annual chance floodplain.

The Special Use Permit (SUP) request was originally submitted as a Type 2 SUP with a site plan for the resort. Staff did not have sufficient information to fully evaluate the feasibility of the site plan as it relates to the floodplain, access, and other concerns. Providing this information will require a drainage study which is an additional expense for the applicant without knowing if the use itself would be acceptable at this location.

Therefore, staff recommended the applicant split their request into two SUPs. This initial request is being submitted as a Type 1 SUP to first allow the proposed use of the property as an RV resort. If an RV resort is found to generally be acceptable at this location, staff recommends a condition the applicant submit a follow-up Type 2 application with a detailed site plan and complete information for it to be further evaluated for safety in the flood zones.

Considerations unique to this property and proposed use:

- Platted Lot 1D-R has two points of access from Walnut Avenue: one is adjacent to the railroad right-of-way where a raised median prohibits left turns into or out of the property; and, the other is a 60-foot wide shared access driveway with the medical office on Lot 1C. (The applicant intends to utilize only the shared access drive. This will be reviewed with the Type 2 SUP application.)
- The unplatted portion of the property currently has access only from the terminus of Bavarian Drive. (The applicant intends to create a gated emergency-only access at this point. This will be reviewed with the Type 2 SUP application.)
- The site is situated between Dry Comal Creek and the railroad tracks, with approximately 12 acres located outside the floodplain, limiting development options.
- Dry Comal Creek is known as a flash flood area where at times there is little advance warning of rising water. Other RV parks in the community that are in or near floodways incorporate and adopt formal emergency evacuation plans.
- Another SUP request for an RV park within the City limits (FM 306/Hunter Road) met with substantial neighborhood objection, as did a previous SUP request on a portion of the subject property for a dance hall.)
- Because most of the property sits over 750 feet from Walnut Avenue, it may not be well-suited for retail and other commercial uses where high visibility is important. Likewise, the flood prone areas make most of the property unsuitable for permanent residential or commercial structures.

Surrounding Zoning and Land Use:

North - Across railroad, M-1, R-3/ Commercial, Multifamily
South - R-2, R-3, C-1 / Multifamily, Single-family residences
East - Across Walnut, M-1/ Commercial
West - M-1/ Undeveloped

Determination Factors:

In making a decision on zoning, the following factors are to be considered:

- Whether the permitted uses will be appropriate in the immediate area and their relationship to the area and to the City as a whole (*The site takes access from a Principal Arterial, Walnut Avenue. The proposed RV resort provides a use where the few permanent structures can be located outside of the floodway/floodplain while allowing development of the remainder of the property. If the use is approved, specific details of the site plan will be reviewed for*

appropriateness and compliance with City codes and development standards. Approval of the Type 1 SUP does not guarantee approval of the second Type 2 SUP, as the second SUP is specific to the site development and related impacts on the surrounding property and community.);

- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area. *(There do not appear to be any conflicts of the use with these elements. Site development impacts will be reviewed with the Type 2 SUP, if submitted.);*
- How other areas designated for similar development will be affected *(The proposed use should not impact other areas designated for similar development.);*
- Any other factors that will substantially affect the public health, safety, morals, or general welfare; *(Floodplain and drainage issues, as well as access, will be specifically addressed with the site plan as part of the Type 2 SUP to follow if the proposed use is approved with the Type 1 SUP.)*
- Consistency with the Comprehensive Plan:

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

<p>City Plan/Council Priority: Envision New Braunfels Comprehensive Plan</p>	<p>Consistent Actions: Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 1.6: Incentivize infill development and redevelopment to take advantage of existing infrastructure. Action 1.14: Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions. Future Land Use: The property is situated within the New Braunfels Sub-Area, along a Scenic River Corridor, and with access from the nearby Mixed-Use Transitional Corridor.</p>
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on January 5, 2021 and voted unanimously to recommend approval of the request with staff recommendations. (9-0-0)

STAFF RECOMMENDATION:

Approval of the proposed use as a Type 1 SUP with the following conditions:

- A Type 2 SUP application with detailed site plan addressing all City code requirements including but not limited to access, drainage, and flooding emergencies.
- Any proposed deviations to the code must be submitted and approved prior to issuance of permits or development of the subject property as an RV resort.

Notification:

Public hearing notices were sent to owners of 43 properties within 200 feet of the request. To date, the City has received 6 responses in favor (#1, 21, 22, 24, 27, & 32) and 5 opposed (5, 6, 8, 35, & 39). Three citizens spoke in objection at the Planning Commission hearing but did not provide written responses. A petition signed by additional residents was also provided by some nearby neighbors.

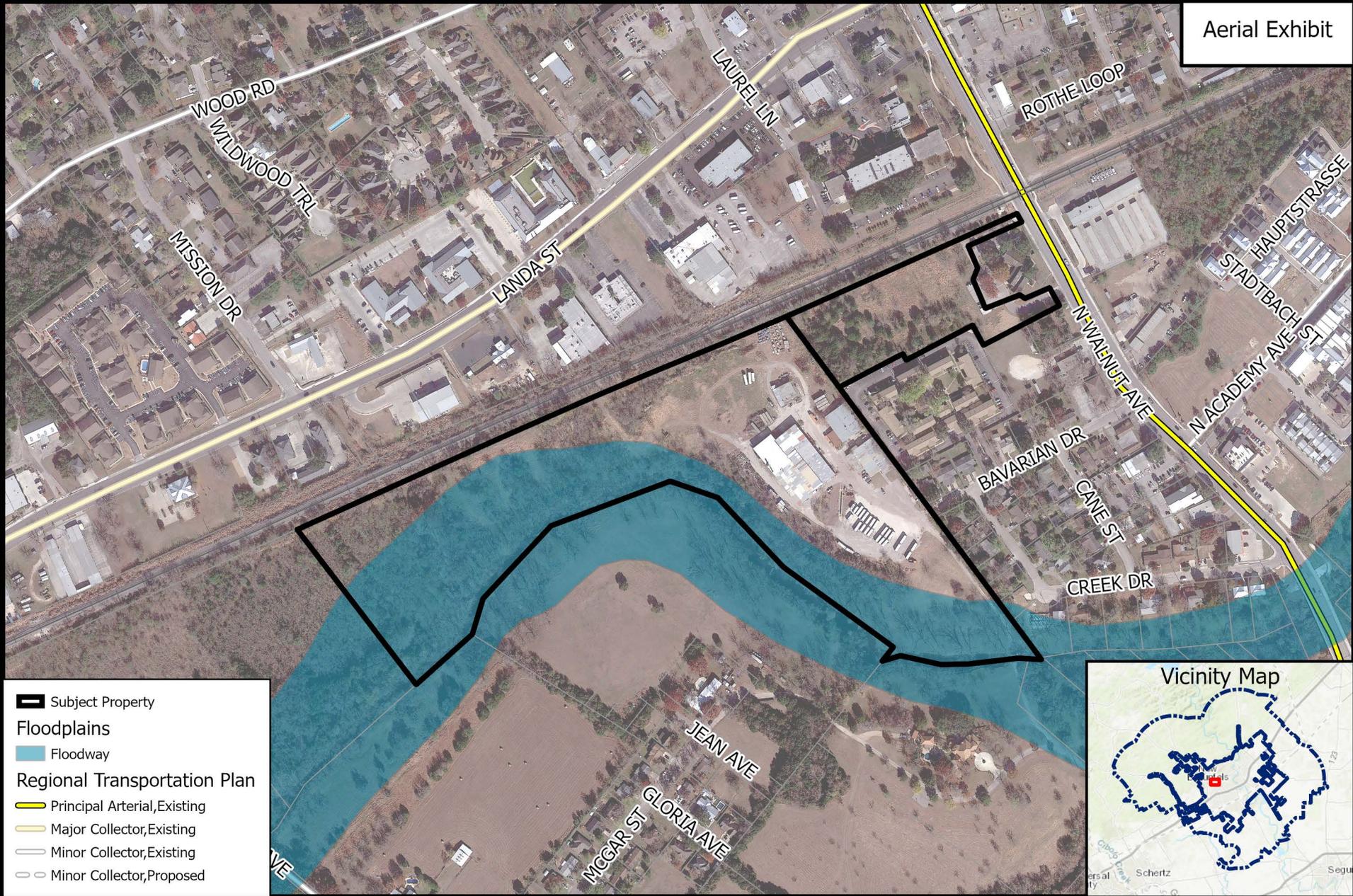
RESOURCE LINKS:

- Chapter 144, Sec. 3.3-2 (R-2), Sec. 3.3-7 (C-1) and Sec. 3.3-11 (M-1) of the City's 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?

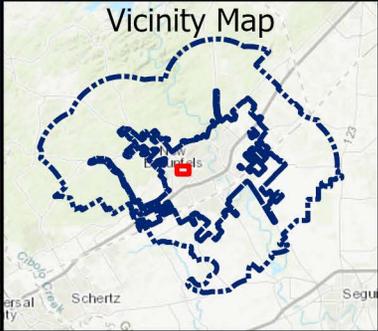
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Aerial Exhibit

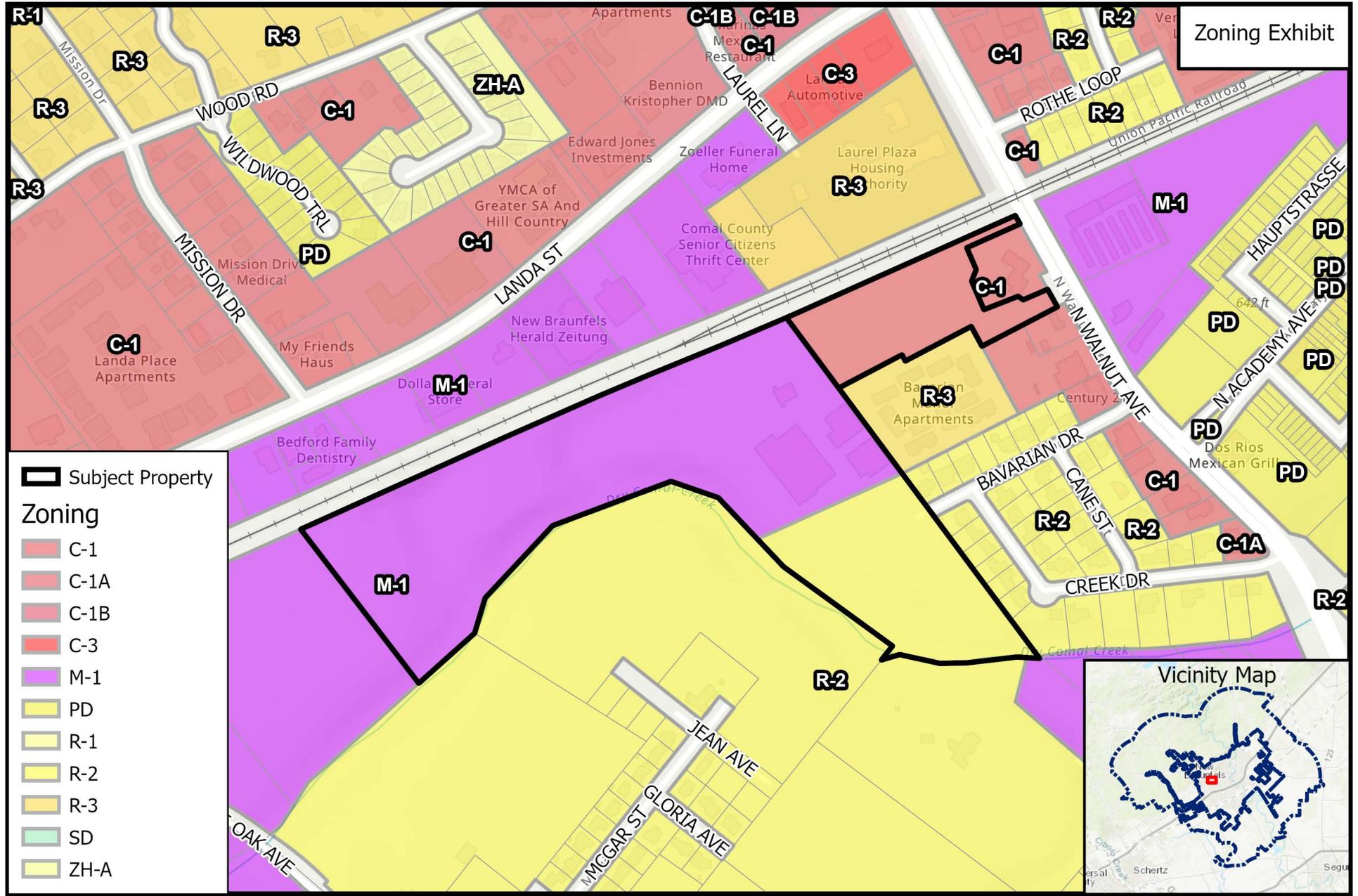


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SUP20-300
SUP to allow for an RV resort

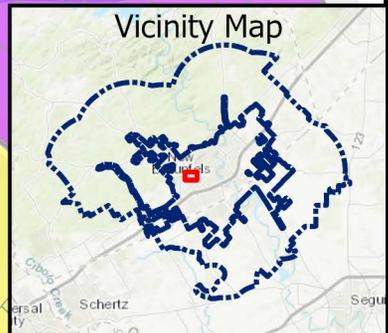




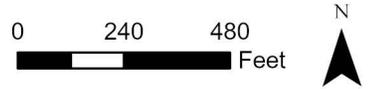
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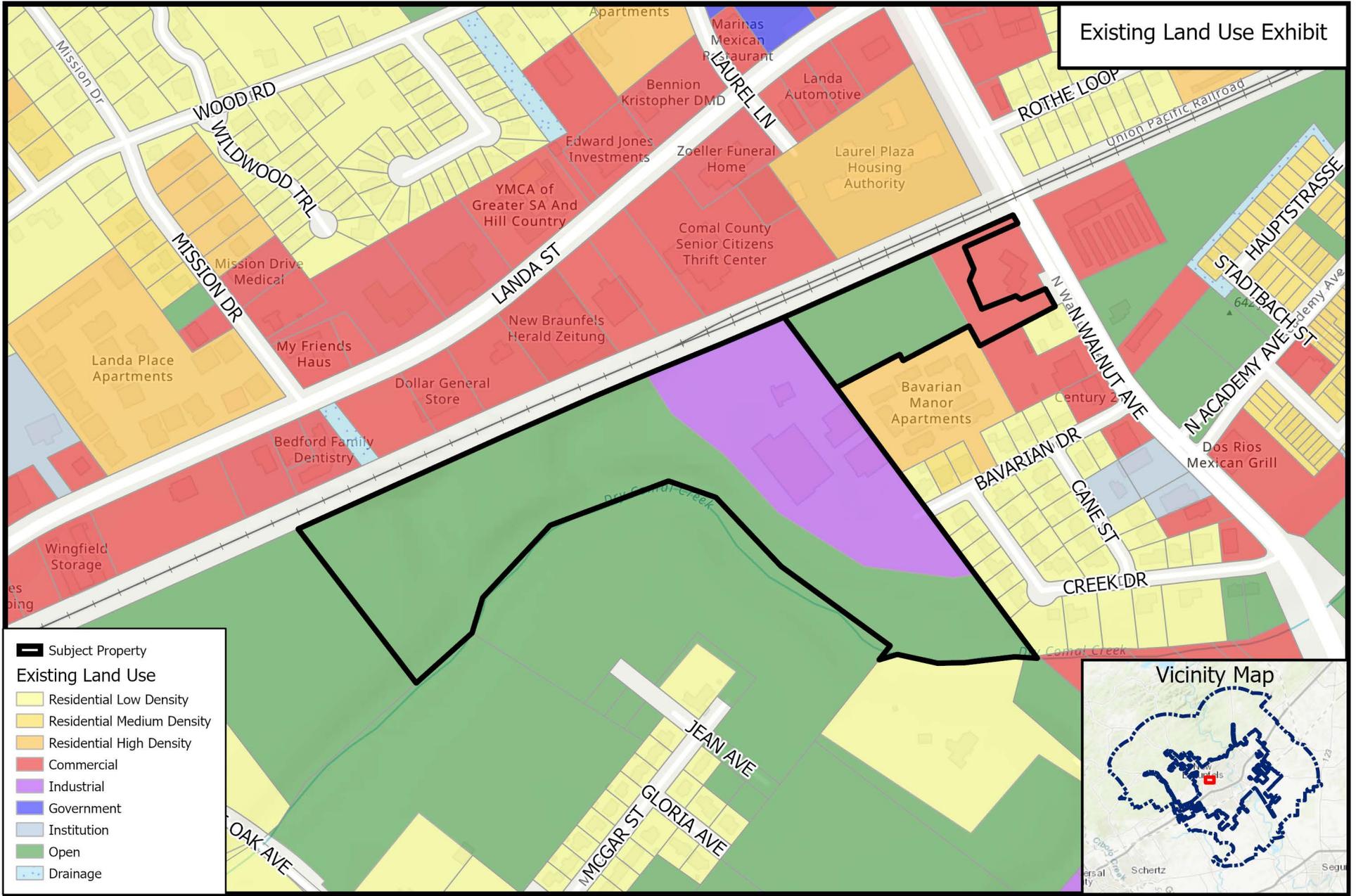
Zoning

- C-1
- C-1A
- C-1B
- C-3
- M-1
- PD
- R-1
- R-2
- R-3
- SD
- ZH-A



SUP20-300
SUP to allow for an RV resort





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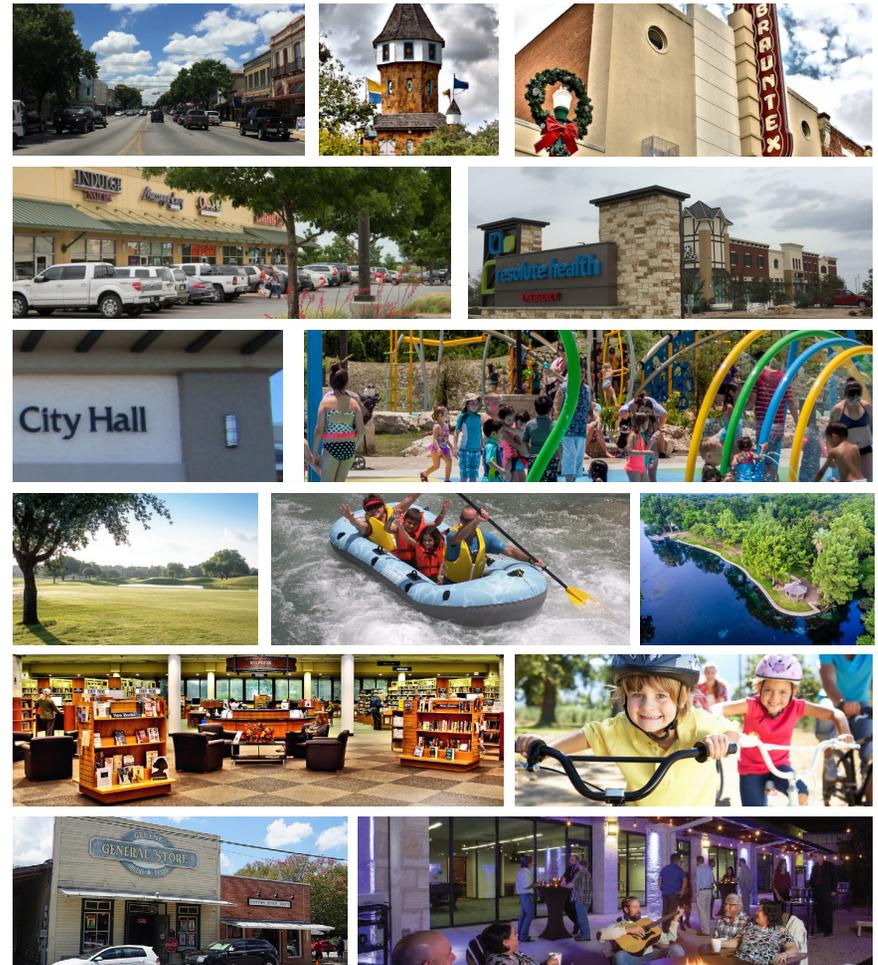
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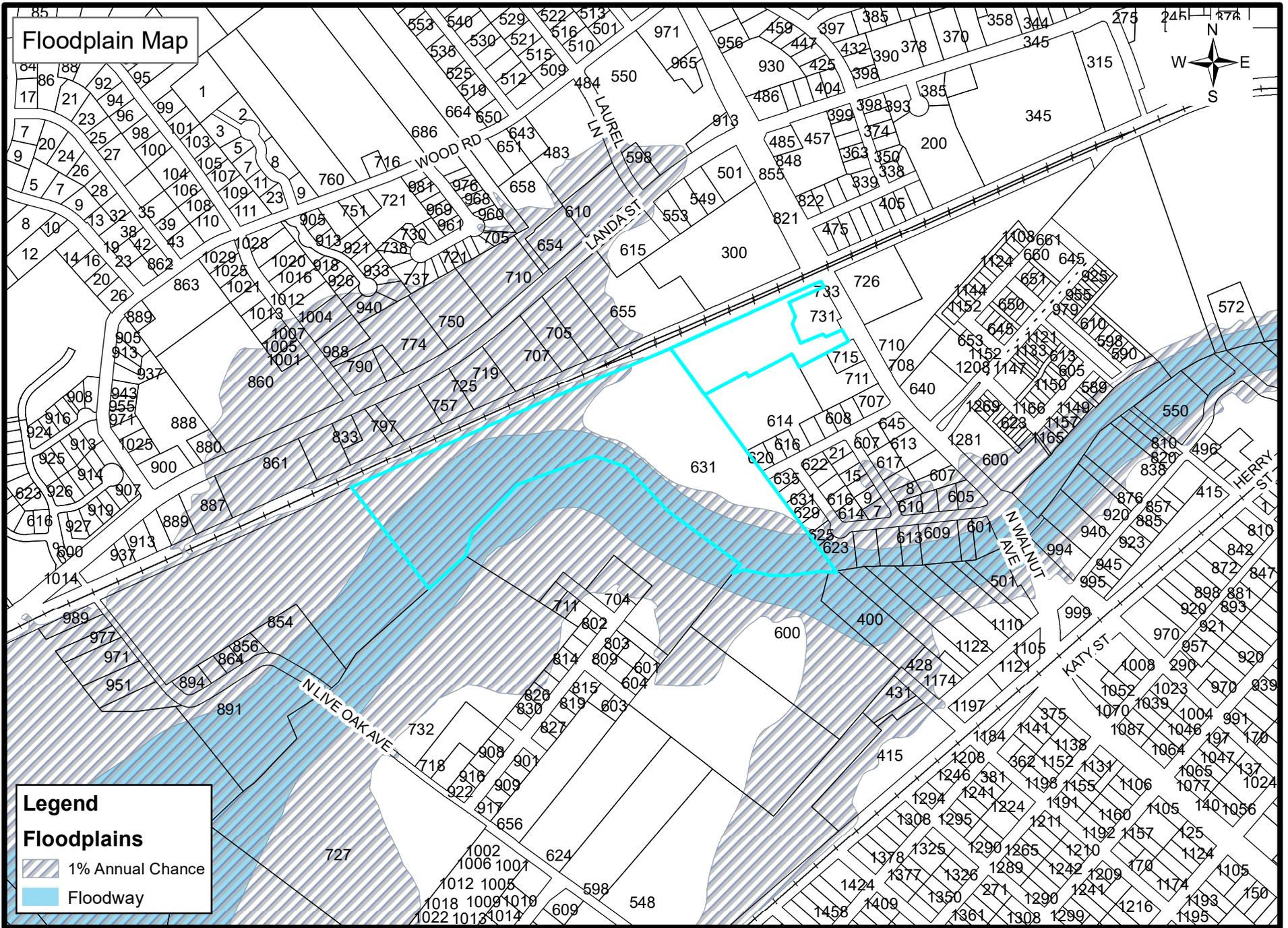
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Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

SUB AREA 8

This fast-growing Sub Area includes many neighborhoods offering affordable places for young families to live.



PLANNING COMMISSION – JANUARY 5, 2021– 6:00PM

Zoom Meeting

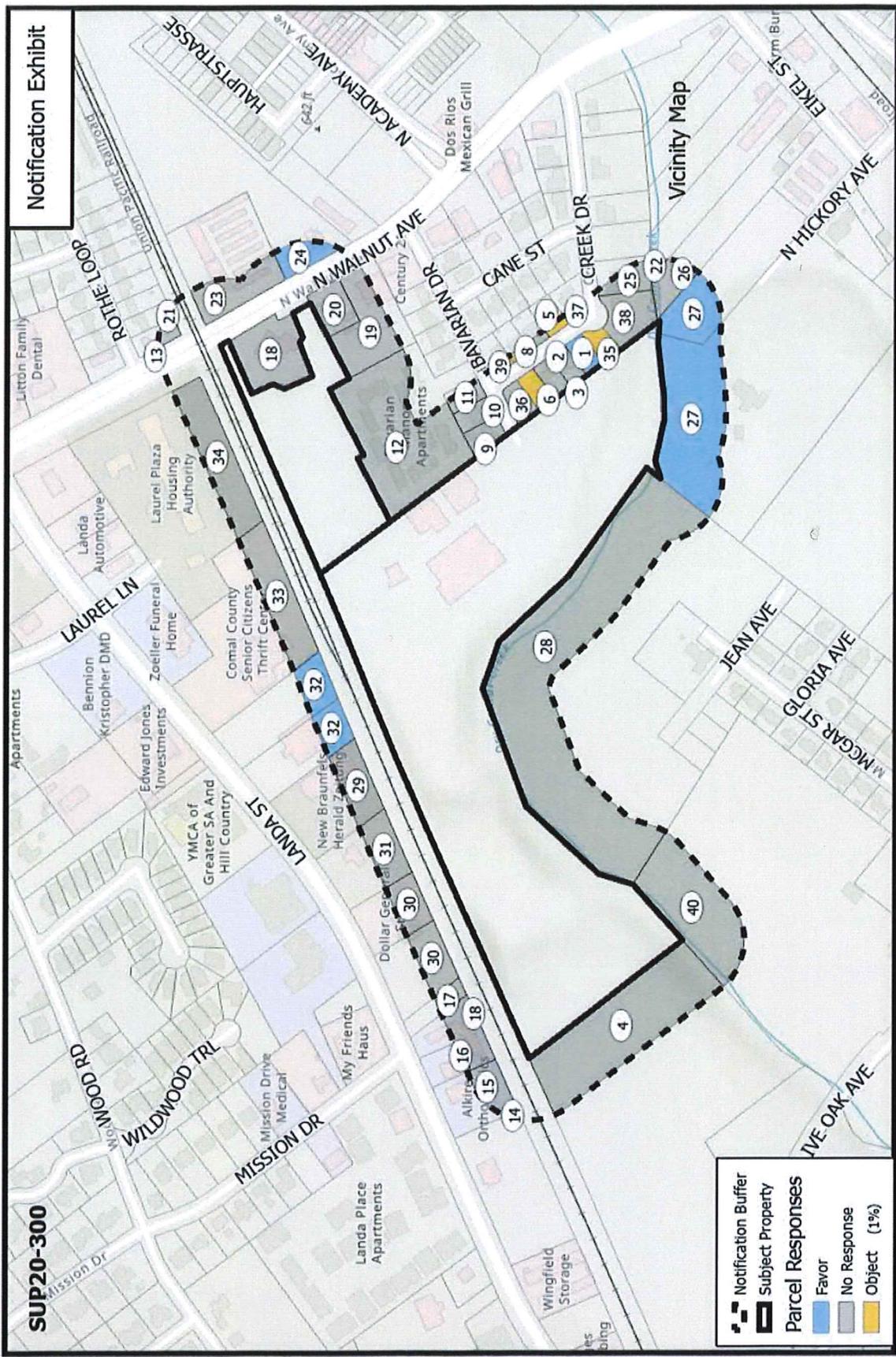
Applicant/Owner: James Ingalls/Liberty Partnership**Address/Location:** Approximately 28 acres in the 700 block of N. Walnut Avenue (see exhibit)**PROPOSED SPECIAL USE PERMIT – CASE #SUP20-300**

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. Arredondo Gloria & Roberto | 21. Classen Wayne |
| 2. Elias Jesus | 22. Talcott Thomas L & Cathy C |
| 3. Soddors Properties LLC | 23. Schriewer Properties LLC |
| 4. Tristan Brandon & Claudia | 24. Walnut Centre LLC |
| 5. Dean Barbara H | 25. Willeford Dwayne S |
| 6. Thomas Marilyn | 26. NB 24 Hour Club |
| 7. Pittman Jeanette | 27. Henry Gary L & Jana G |
| 8. Woolsey Ashley N | 28. Riedel Brandon & Amber H |
| 9. Dunlap Ruth K | 29. 7075pls LP |
| 10. Reneau Shawn M | 30. Arc Dgnbftx001 LLC |
| 11. Reneau Nathan | 31. Soggy Peso Investments LLC |
| 12. T G 104 Inc | 32. JLFH Investments LLC |
| 13. Newman Joel | 33. Comal County Senior Citizens Fdn |
| 14. Agarita Properties Ltd | 34. Housing Authority of City of N B |
| 15. Gathany Family Ltd Partnership | 35. Rector Robert J & Sarah |
| 16. Kneuper S J & R R Living Trust | 36. Jenny Cox III LP |
| 17. New Braunfels City Of | 37. Cinotto David J & Christina M |
| 18. Bedford; Morrison; Purebraun; Star | 38. Cruz J Refugio |
| 19. Hansmann Roy L Et Al | 39. Woolsey Julie R |
| 20. Sydenstricker Delores Jean | 40. Pfeffer Shane D & Sheila M |

SEE MAP

Notification Exhibit



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-300 hm

Name: Roberto & Gloria Arredondo

I favor: ✓✓

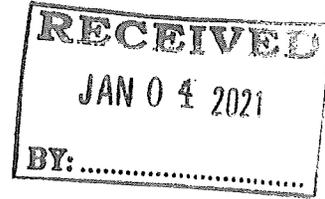
Address: 627 Creech Drive, NB, TX

I object: _____ (State reason for objection)

Property number on map: 1

Comments: (Use additional sheets if necessary)

Signature: Roberto Arredondo
Gloria Arredondo



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-300 hm

Name: WAYNE PLASSIN

I favor: X

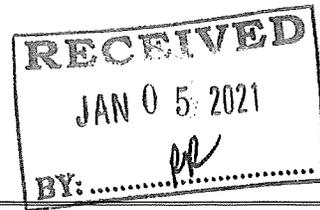
Address: Roth Loop

I object: _____ (State reason for objection)

Property number on map: 21

Comments: (Use additional sheets if necessary)

Signature: Wayne Plassin



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-300 hm

Name: Tom Hoves

I favor: ✓

Address: 710 N. WALNUT

I object: _____ (State reason for objection)

Property number on map: 24

Comments: (Use additional sheets if necessary)

Signature: MT Hoves

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-300 hm

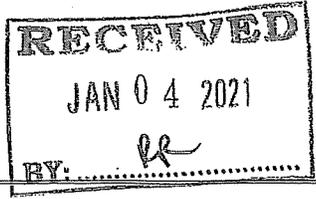
Name: Thomas & Cathy Talcott I favor:

Address: 1122 Eikel + 1174 Eikel? I object: _____ (State reason for objection)

Property number on map: 25 22 Comments: (Use additional sheets if necessary)

This will be a 1st class low density business, which is much preferred over high-density rooftops.

Signature: [Handwritten Signature]



YOUR OPINION MATTERS - DETACH AND RETURN

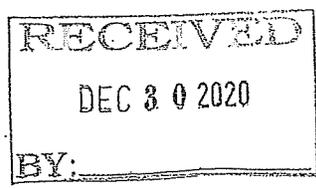
Case: #SUP20-300 hm

Name: GARY HENRY I favor:

Address: 600 N. HICKORY, NB I object: _____ (State reason for objection)

Property number on map: 77 Comments: (Use additional sheets if necessary)

Signature: [Handwritten Signature]



YOUR OPINION MATTERS - DETACH AND RETURN

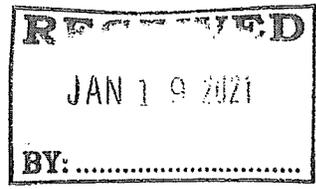
Case: #SUP20-300 hm

Name: FRANK HAMPEL, MD I favor:

Address: 725 - LANDA I object: _____ (State reason for objection)

Property number on map: 32 Comments: (Use additional sheets if necessary)

Signature: [Handwritten Signature]





Department of Planning and Development Services

NOTICE OF PUBLIC HEARING

View details here:
nbtexas.org/PublicNotice

The New Braunfels Planning Commission will hold a public hearing at the request of James Ingalls, agent for Liberty Partnership, Ltd, owner, to consider a recommendation to City Council on the following rezoning request:

Property: Approximately 28 acres in the 700 block of N. Walnut Avenue (see exhibit)

Request: A Special Use Permit to allow an RV resort

Because your property is located within 200 feet of the request, State law requires that we notify you of the public hearing. However, *the zoning of your property will not be changed*. The public hearing process allows an opportunity for you to provide comments on the request. This aids the Commission in making a recommendation to City Council.

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If you wish to submit written comment, please complete ALL of the information below and return to:

Mail: City of New Braunfels
Planning Commission
550 Landa Street
New Braunfels, TX 78130
Case manager email: hmulkins@nbtexas.org

If you have questions, please call Holly Mullins at (830) 221-4054

Holly Mullins

Holly Mullins, AICP
Development Planning Division

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-300 hmi

Name: Barbara Dean

Address: 616 Creekside Dr.

Property number on map: 5

I favor: _____
I object: (State reason for objection)
Comments: (Use additional sheets if necessary)

Signature: Barbara Dean

RECEIVED
JAN 19 2021
BY:

I am surprised at the short notice given to property owners to object to this devastating change. The timing could NOT have been worse. I received notice about this proposal two days before Christmas! I was NOT contacted about the December 17th presentation by mail or by phone.

I object to the proposed zoning change because:

My property value will go DOWN.

The land in the proposal is in the flood plane. Rain water or flood water cannot be absorbed into concrete. The runoff could be considerable.

No thru traffic access.

No utilities.

This will lead to massive construction to a neighborhood not designed for massive destruction.

I have NOT spent 30 years paying for a property to have it devalued for an RV Park.

The creek is NOT a recreational creek. The creek water is stagnant water possibly containing chemical waste and at least one water moccasin. The water is brown and has a foamy surface.

To my knowledge, the owners of this land are NOT in residence in New Braunfels. They have no way of knowing how the property will be managed or maintained.

This is a residential neighborhood with small children and pets. Dump trucks and construction equipment should NOT be a part of this neighborhood.

This is an area abundant in wildlife. Of course, they are NEVER considered, but deer and other wildlife were here FIRST.

An RV Park should be on the highway NOT in a residential neighborhood.

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-300 hm

Name: Marilyn Thomas

Address: 633 Creek Drive

Property number on map: 6

I favor: _____

I object: (State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Marilyn Thomas

RECEIVED
JAN 19 2021
BY:



Department of Planning and Development Services

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New Braunfels, TX 78130

Case manager email: hmullins@nbtexas.org

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Holly Mullins

Holly Mullins, AICP
Development Planning Division

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-300 hm

Name: JWIP WOOD (SELF) I favor: _____
Address: 622 CHALK DRY NHTY 78130 Object: X (State reason for objection)
Property number on map: 48 Comments: (Use additional sheets if necessary)

39

Signature:



Department of Planning and Development Services

NOTICE OF PUBLIC HEARING

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Holly Mullins

Holly Mullins, AICP
Development Planning Division

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-300 hm

Name: Lea Mackey I favor: _____
Address: 622 CHALK DRY NHTY Object: X (State reason for objection)
Property number on map: 8 Comments: (Use additional sheets if necessary)

Signature:

Filed by: Leah Woolsey
 Name: Leah Woolsey
 Address: 625 Creek Dr.
432 553-9885
 Daytime Phone No.

NOTICE OF PUBLIC HEARING

View details here:
nbtexas.org/PublicNotice

PROTEST PETITION

We, the undersigned property owners, do hereby protest Rezoning Petition No. _____ to zone _____ property located at 625 Creek Dr. from 625 Creek Dr. to 625 Creek Dr. and request that the three-fourths rule be invoked for the following reasons:
Exchanges have and will see attached letter for additional
reasons

By signing this form, we, the undersigned property owners, or authorized agents, certify that we have read the "Instructions for Filing a Protest Petition" that detail the acceptable signature requirements for property, based on legal ownership.

Name of Property Owner (print)	Tax Parcel # of Property Owned	Address of Property Owned	Daytime Telephone #	Signature of Property Owner or Authorized Agent (Indicate representative capacity)
JULIE WOOLSEY	4254	622 Creek Dr	830 541 7771	<i>[Signature]</i>
Leah Woolsey	4255	625 Creek Dr	432-553-9885	<i>[Signature]</i>
Robert Joel Lester	4276	625 Creek Dr	512 757-1438	<i>[Signature]</i>
Barbara Dean	4258	625 Creek Dr	830 660 4416	<i>[Signature]</i>
Mindy Warner	4272	625 Creek Dr	830 765-3954	<i>[Signature]</i>
David Cinotto	4259	614 Creek Dr	(905) 415-9411	<i>[Signature]</i>
Victoria [Signature]	4256	625 Creek Dr	830 358 2970	<i>[Signature]</i>
Mary Ann Jones	4271	625 Creek Dr	830 625 5828	<i>[Signature]</i>
Terry Pittman	4256	618 Creek Dr	830 502 0700	<i>[Signature]</i>
Jesus Elias		629 Creek Dr	830 730 0523	<i>[Signature]</i>

SEE REVERSE SIDE FOR INSTRUCTIONS

If there are multiple pages, please number them and include the total number of pages.

Page ___ of ___

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 New Braunfels, TX 78130

Case manager email: hmullins@nbtexas.org

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[Signature]
 Holly Mullins, AICP
 Development Planning Division

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-300 hm
 Name: Robert Joel Lester I favor: _____
 Address: 625 Creek Dr. Leah Woolsey TX I object: (State reason for objection)
 Property number on map: 432 Comments: (Use additional sheets if necessary)

35

Signature: *[Signature]*

Draft Minutes for the January 5, 2021 Planning Commission Regular Meeting

L) SUP20-300 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow an RV resort on approximately 28 acres consisting of Lot 1D-R Walnut Heights Subdivision and approximately 24 acres out of the J M Veramendi A-2 Survey, located in the 700 block of N. Walnut Avenue. Applicant: James Ingalls; Case Manager: Holly Mullins.

Mrs. Mullins presented and recommended approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed on concerns for the RV park development.

Chair Edwards asked if the applicant would like to speak.

Stuart Blythin, 431 N Hickory, provided clarification on the request.

James Ingalls, 2021 State Hwy 46, provided additional information on the request.

Discussion followed on public outreach, accommodations other than the RV portion, and clarification on the nature of the accommodations.

Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wanted to speak in opposition.

Leon Woolsey, 620 Creek Dr, stated he is in opposition for various listed reasons and assembled a petition against the proposed development with neighbors.

Julie Woolsey, 622 Creek Dr, stated she opposes the development citing traffic concerns.

Brandon Tristan, 2219 Stonecrest Dr, asked a question in regard to drainage.

Commissioner Meyer stated the drainage is not currently being considered.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Reaves, seconded by Commissioner Meyer, to recommend approval to City Council of the proposed rezoning to apply a Special Use Permit to allow an RV resort on approximately 28 acres consisting of Lot 1D-R Walnut Heights Subdivision and approximately 24 acres out of the J M Veramendi A-2 Survey, located in the 700 block of N. Walnut Avenue with staff recommendations. Motion carried (9-0-0).

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A TYPE 1 SPECIAL USE PERMIT TO ALLOW AN RV RESORT ON APPROXIMATELY 28 ACRES CONSISTING OF LOT 1D-R WALNUT HEIGHTS SUBDIVISION AND APPROXIMATELY 24 ACRES OUT OF THE J. M. VERAMENDI A-2 SURVEY, LOCATED IN THE 700 BLOCK OF N. WALNUT AVENUE; 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 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 an RV resort; 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 on approximately 28 acres in the 700 block of N. Walnut Avenue to allow an RV resort in the M-1 Light Industrial, C-1 Local Business and R-2 Single and Two-family Districts; **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 adding the following tract of land as a "Type 1 Special Use Permit" for the uses and conditions herein described:

Being Lot 1D-R Walnut Heights Subdivision and approximately 24 acres out of the J. M. Veramendi A-2 Survey, located in the 700 block of N. Walnut Avenue, as depicted in Exhibit "A" and described in Exhibit "B" attached, to allow an RV resort in the M-1, C-1 and R-2 districts..

SECTION 2

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

1. Submittal of a Type 2 Special Use Permit application with detailed site plan addressing all City code requirements, including but not limited to access, drainage and flooding emergencies.
2. Any proposed deviations to the code must be submitted and approved with the Type 2 Special Use Permit prior to issuance of permits or development of the subject property as an RV resort.

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 25th day of January, 2021.

PASSED AND APPROVED: Second reading this 8th day of February, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

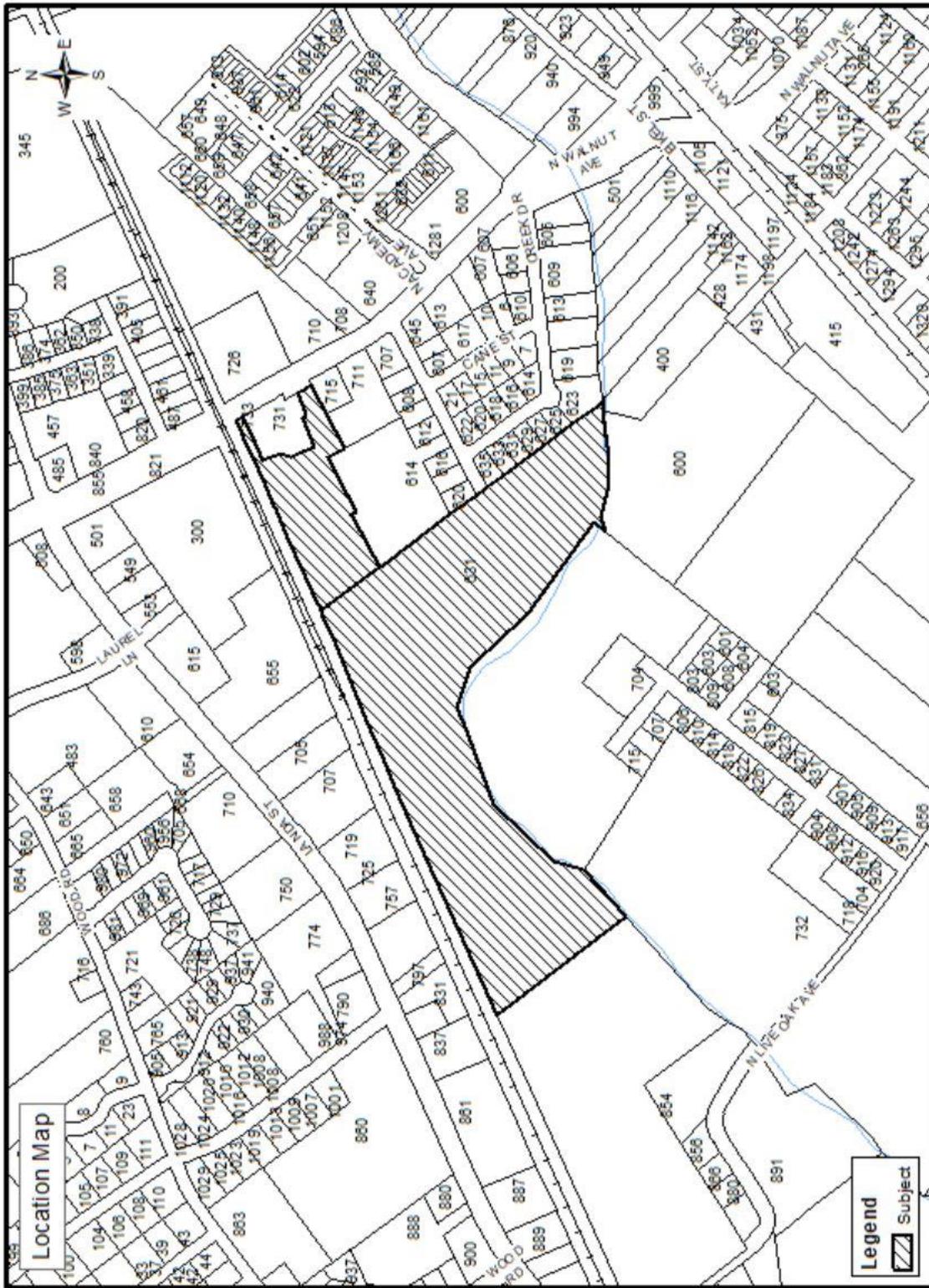


EXHIBIT "B"

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATED IN COMAL COUNTY, TEXAS, AND BEING 23.582 ACRES OF LAND OUT OF THE J. M. VERAMENDI TWO LEAGUE SURVEY, ABSTRACT NO. 1, AND ALSO BEING THE SAME TRACTS OF LAND CALLED 4.46 ACRES, RECORDED IN VOLUME 97, PAGES 452,-453, OF THE DEED RECORDS, AND A 20.0 ACRE TRACT RECORDED IN VOLUME 95, PAGES 580-581 OF THE DEED RECORDS OF COMAL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND IN THE SOUTH R.O.W. LINE OF MISSOURI-PACIFIC RAILROAD, SAID POINT BEING THE WEST CORNER OF ABOVE REFERENCED 4.46 ACRE TRACT, FOR THE WEST CORNER OF THIS TRACT;

THENCE NO. 67° 04' 44" E. 1613.82 FEET ALONG SAID R.O.W. LINE TO A FENCE CORNER IN SAME, SAID POINT BEING THE NORTH CORNER OF SAID 20.0 ACRE TRACT, FOR THE NORTH CORNER OF THIS TRACT;

THENCE S. 35° 48' 53" E. 514.02 FEET AND S. 35° 26' 43" E. 843.20 FEET ALONG THE NORTHEAST FENCE LIEN OF ABOVE REFERENCED 20.0 ACRE TRACT TO A POINT ON THE NORTH BANK OF COMAL CREEK FOR THE EAST CORNER OF THIS TRACT;

THENCE UPSTREAM ALONG THE MEANDER OF COMAL CREEK AS FOLLOWS:

S. 84° 18' 42" W. 236.74 FEET;
S. 81° 31' 31" W. 30.03 FEET;
N. 80° 14' 57" W. 186.61 FEET;
S. 76° 14' 03" W. 22.74 FEET;
S. 69° 06' 21" W. 38.77 FEET;
N. 58° 47' 46" W. 17.87 FEET;
N. 10° 07' 22" W. 81.82 FEET;
N. 54° 47' 12" W. 464.02 FEET;
N. 17° 48' 45" W. 85.98 FEET;
N. 46° 13' 12" W. 200.80 FEET;
N. 75° 17' 12" W. 101.09 FEET;
S. 70° 11' 02" W. 420.64 FEET;
S. 42° 03' 48" W. 328.95 FEET;
S. 19° 47' 50" W. 109.94 FEET;
S. 45° 31' 14" W. 119.44 FEET; TO A POINT ON THE NORTH BANK OF COMAL CREEK FOR A CORNER OF THIS TRACT;

THENCE N. 37° 23' 47" W. 580.10 FEET TO THE PLACE OF BEGINNING AND CONTAINING 23.582 ACRES OF LAND, MORE OR LESS, ACCORDING TO A SURVEY MADE ON THE GROUND IN MARCH, 1978, UNDER THE SUPERVISION OF S. CRAIG HOLLMIG, REGISTERED PROFESSIONAL ENGINEER, REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSES.

Filed and Recorded
Official Public Records
Joy Streater, County Clerk
Comal County, Texas
07/29/2014 01:08:24 PM
TERRI 3 Page(s)
201406025895



Joy Streater

2/8/2021

Agenda Item No. B)

Presenter

Christopher J. Looney, AICP, Planning and Development Services Director
clooney@nbtexas.org

SUBJECT:

Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family residence in the C-3 Commercial District, addressed at 262 East Nacogdoches Street.

BACKGROUND / RATIONALE:

Case No.: SUP20-299

Council District: 5

Applicant/Owner: Aurora Hayes
11030 Endicott Lane
Houston, TX 77035
(713) 416-6640 hayesa73@sbcglobal.net

Staff Contact: Holly Mullins
(830) 221-4054 hmullins@nbtexas.org

City Council held a public hearing on January 25, 2021 and unanimously approved the first reading of the applicant's requested rezoning ordinance, with staff recommended conditions. (7-0-0)

The subject property is located two blocks east of Seguin Avenue, between Business 35 and the railroad tracks, and is zoned C-3 Commercial District. The property contains an 830 square foot residence with detached garage.

The applicant is requesting a Special Use Permit (SUP) to allow short term rental (STR) of the property. The house has 2 bedrooms and 1 bath. Per the Zoning Ordinance, maximum occupancy of an STR with one bathroom is limited to 5 occupants.

The minimum off-street parking requirement for this proposed STR is 2 spaces, or one per sleeping room. The existing 90-foot long driveway can accommodate at least three cars. The Zoning Ordinance requires all parking areas to be paved. The driveway may have been paved at one time, but there is little asphalt remaining today. The applicant states the driveway is so compacted that it is "essentially paved" and there is no present tracking of material into the right-of-way. She is requesting a code deviation as part of the SUP to not be required to repave the existing drive and increase impervious cover so close to the river.

Section 144-5.1 of the Zoning Ordinance requires all off-street parking areas to be properly graded for drainage; surfaced with concrete, asphaltic concrete, or asphalt; and maintained in good condition, free of weeds, dust, trash and debris. To address varying development, geologic and geographic situations, the City Engineer, at his or her discretion, may allow the use of substitute materials, such as pavestone or permeable pavement.

Recently, City Council has approved two short-term rental SUPs with deviations to the paving requirement. One (534 Cross River Street) was required to construct a concrete approach from the street pavement to the property line; the other (436 N. Union Avenue) was allowed to maintain an existing rock area adjacent to the concrete driveway for overflow parking and maneuvering.

If the SUP zoning is approved, a separate short-term rental permit is also required.

Surrounding Zoning and Land Use:

North - Across Nacogdoches Street, C-3/ Single-family residence

South - C-3/ Single-family residence

East - C-3/ Single-family residence

West - C-3/ Single-family residence

Determination Factors:

In making a decision on zoning, the following factors are to be considered:

- Whether the permitted uses will be appropriate in the immediate area and their relationship to the area and to the City as a whole (*The site is centrally located within a short drive to many visitor attractions, and in an area containing a mix of residential and commercial uses, including two existing STRs.*);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*There do not appear to be any conflicts with these elements.*);
- How other areas designated for similar development will be affected (*The proposed use should not impact other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*Short term rental standards help to ensure proper measures are in place to protect public health, safety and neighboring properties.*); and
- Whether the request is consistent with the Comprehensive Plan.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

<p>City Plan/Council Priority: Envisions New Braunfels Comprehensive Plan</p>	<p>Action 1.3 Encourage balanced and fiscally responsible land use patterns. Action 1.14 Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions. Future Land Use: The property is situated within the New Braunfels Sub-Area, in close proximity to a Recreational River Corridor and Existing Tourist/Entertainment, and Outdoor Recreation Centers.</p>
--	---

FISCAL IMPACT:

If approved, the property will be subject to local and state hotel occupancy tax (HOT).

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on January 5, 2021 and voted unanimously to recommend approval with staff recommended conditions. (9-0-0)

STAFF RECOMMENDATION:

Approval in accordance with the ordinance requirements, including the following conditions:

1. The residential character of the property must be maintained.
2. Off-street parking for at least two cars (9' x 36') will be paved with asphalt, concrete, or other material approved by the City Engineer, and the driveway approach paved with concrete per City standards.
3. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.
4. Occupancy is limited to a maximum of 5 guests.
5. All other standards of the Zoning Ordinance will also be met.

Notification:

Public hearing notices were sent to 15 owners of property within 200 feet of the request. The City received one response in favor (#12) and two in objection (#1, 9).

RESOURCE LINKS:

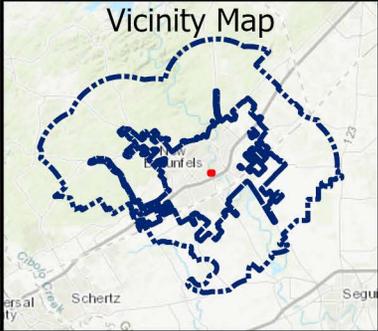
- Chapter 144, Sec. 3.3-7 (C-1) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C H144ZO_ARTIIIZODI_S144-3.3ZODIREPRZOPRJU221987
- Chapter 144, Sec. 3.6 (SUP) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C H144ZO_ARTIIIZODI_S144-3.6SPUSPE
- Chapter 144, Sec. 5.17 (Short-term Rental) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C H144ZO_ARTVDEST_S144-5.17SHTEREOC

ATTACHMENTS:

1. Aerial Map
2. Application, Site Plan and Floor Plan
3. Land Use Maps (Zoning, Existing, Future Land Use, Short Term Rental)
4. Notification Map
5. Photograph
6. Planning Commission Minutes
7. Ordinance



-  Subject Property
- Regional Transportation Plan**
-  Minor Arterial, Existing
-  Minor Collector, Existing



SUP20-299
SUP to allow for short term rental





Planning & Community Development Department
 Planning Division
 550 Landa St. New Braunfels, TX 78130
 (830) 221-4050 www.nbtexas.org

CC/Cash/Check No.: <u>122</u>	RECEIVED DEC 03 2020 BY: <u>RL</u>
Case No.: <u>50P20-299</u>	
Amount Recd. \$ <u>1,565.00</u>	
Receipt No.: <u>24562</u>	
Submittal date - office use only	

Special Use Permit for Short Term Rental Application

Any application that is missing information will be considered incomplete and will not be processed.

1. Applicant - If owner(s), so state; If agent or other type of relationship, a letter of authorization must be furnished from owner(s) at the time submitted.

Name: Aurora Hayes
 Mailing Address: 11030 Endicott Lane
 Telephone: _____ Fax: _____ Mobile: 713-416-6640
 Email: hayesa73@sbcglobal.net

2. Property Address/Location: 262 E. Nacogdoches New Braunfels
78130

3. Legal Description:
 Name of Subdivision: New Knueker Addition
 Lot(s): 5 Block(s): 1050 Acreage: 0.1915

4. Existing Use of Property: Residential / Personal A1

5. Current Zoning: C3 Commercial/Residential

*Please note Short Term Rentals are **prohibited** in the following residential districts, & a Special Use Permit could **not** be requested:

- R-1 • ZH • TH • R-1A-43.5 • R-1A-8 • R-2A • B-1B
- R-2 • ZH-A • B-1 • R-1A-12 • R-1A-6.6 • B-1A • TH-A

6. Proposed Special Use Permit*: Type 1 _____ OR Type 2

*see page 4 for Information regarding Type 1 and Type 2 Special Use Permits

7. Explain how the proposed Short-Term Rental use will be well suited for the neighborhood (attach additional or supporting information if necessary): Having a short-term Rental use will allow more visitors to enjoy what New Braunfels has to offer. This will bring in more revenue for the city through surrounding businesses - (ie. restaurants, shops, tubing, farmer's market, movie theatre, etc.)

1 CAR GARAGE

12 ft. wide x 20.3 ft. long

BACK DOOR

From the fence to the side of the driveway it is 25 ft. wide. Plenty of room for 2 cars side by side

BEDROOM

KITCHEN

DINING

ONE FLOOR-HOUSE IS 830.06 Sq.Ft.

BATHROOM

DRIVEWAY IS FILLED IN FOR BETTER VIEW

IT IS 16 ft. wide and 93 ft. long from the pole to the garage doors.

Plenty of space for the required amount of 3 vehicles

LIVING ROOM ALL OPEN CONCEPT

BEDROOM

34.3'

FRONT DOOR

FRONT PORCH

12'

December 23, 2020

1. Paved by definition is- A piece of ground covered with concrete, asphalt, stones, or bricks. (my driveway has a base of bulk all purpose sand, covered with pavestone specifically crushed blue stone that has been seasoned for decades therefore by definition it is a paved driveway.
2. Although it APPEARS there is no currently pavement/surface, if you would do further inspection, then it will no longer appear to be unpaved. You will find that it is indeed paved.
3. After the conclusion of further inspection, it will be apparent that it is a hard surface IE a road or a driveway.
4. Based on the facts that I have stated, I know that you will agree that my home at 262 E Nacogdoches is in full compliance.

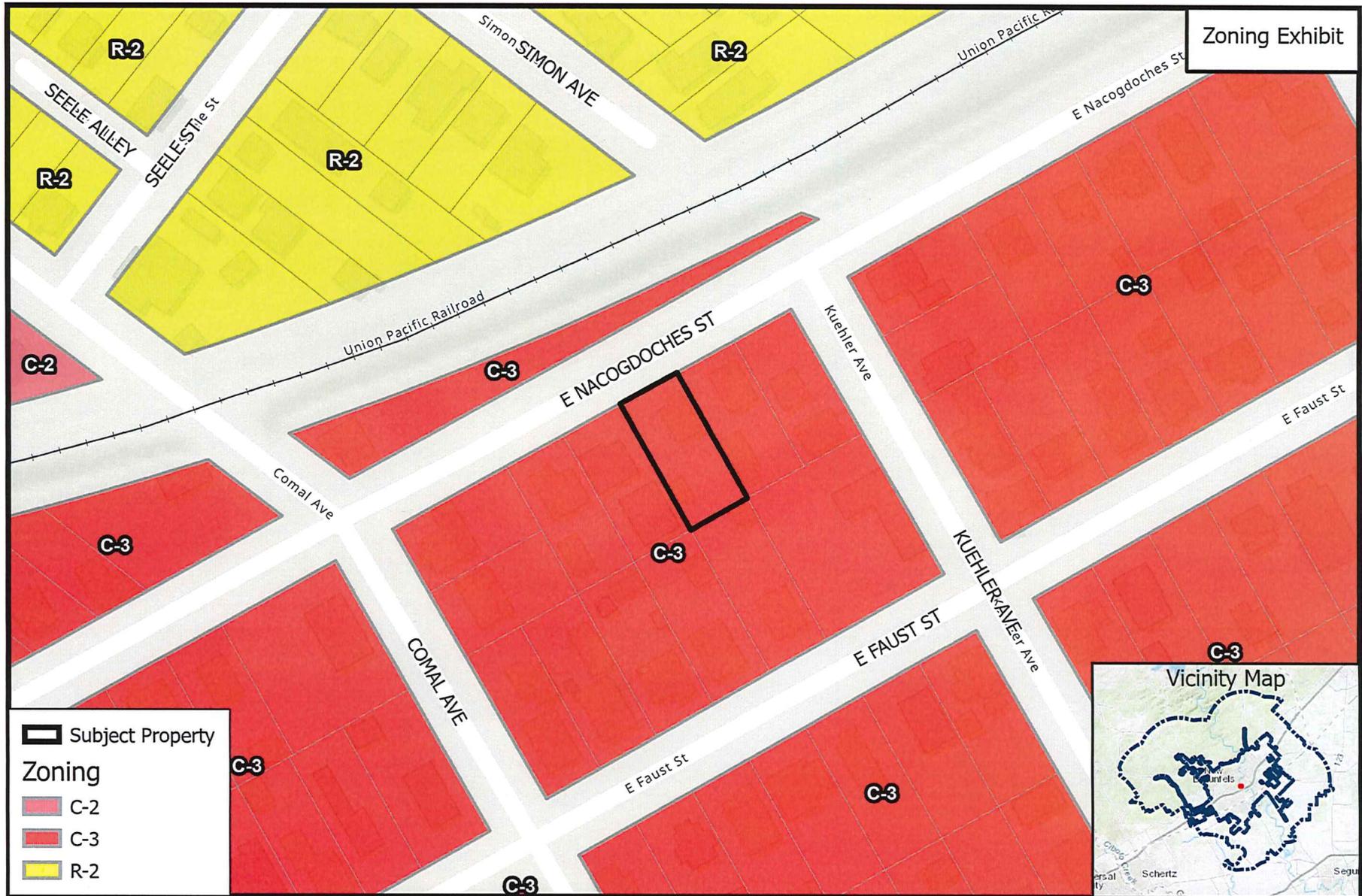
Pavement by definition-

: **material (such as stone, tar, or concrete)** that is used to form the **hard surface of a road, driveway, etc.** : the hard surface of a road, driveway, etc. See the full definition for paving in the English Language Learners Dictionary [Paving | Definition of Paving by Merriam-Webster](#)

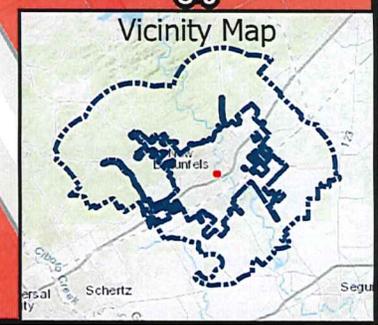


www.merriam-webster.com/dictionary/paving

Happy Holidays!
Aurora Hayes



-  Subject Property
- Zoning**
-  C-2
-  C-3
-  R-2

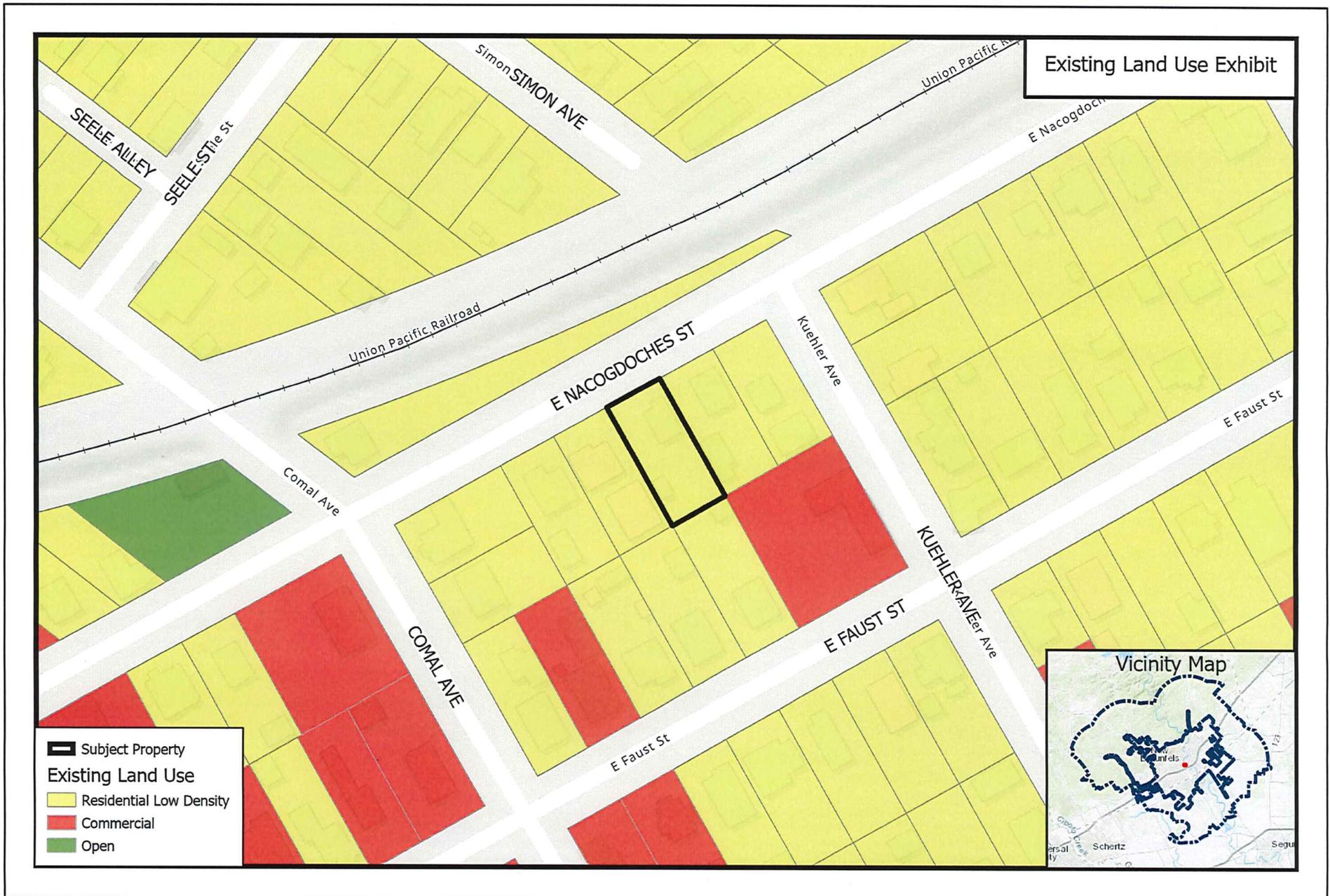


SUP20-299
SUP to allow for short term rental



Source: City of New Braunfels Planning
 Date: 12/16/2020

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of New Braunfels, its officials or employees for any discrepancies, errors, or variances which may exist.



SUP20-299
SUP to allow for short term rental



EXISTING CENTERS

Centers are the middle, core or heart of an area. It is a point of activity and vitality. Centers come in many sizes and have different purposes or activities within. They may have endangered species habitat or aquifer recharge areas that require additional standards and consideration relating to future growth. It is envisioned that all centers be walkable, connected, and have a mix of uses. These centers must provide adequate infrastructure to support the commercial development present especially mobility and access for pedestrians, bicycles, vehicles and transit. Given the mixed-use nature of these centers, parking should be shared and not detract from the aesthetic of the area.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

MEDICAL CENTER

Medical Centers are mixed-use areas centered around a medical destination such as a hospital or clinic.

CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

OUTDOOR RECREATION CENTER

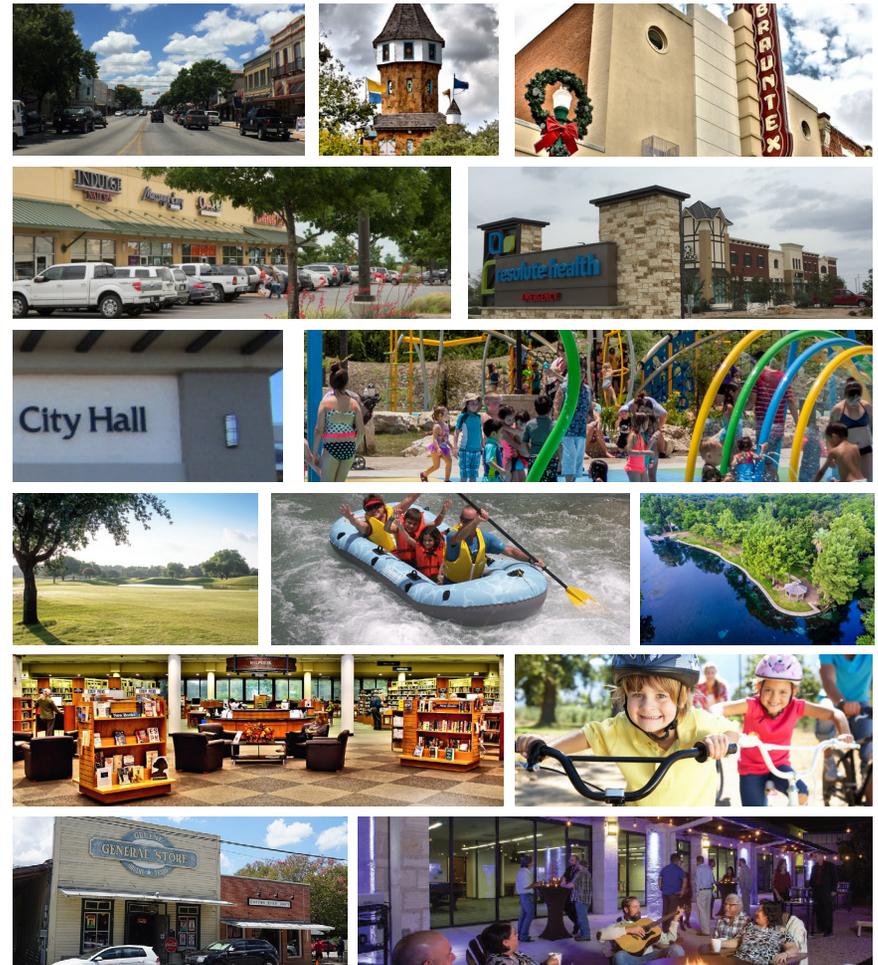
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

EDUCATION CENTER

Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

TOURIST/ENTERTAINMENT CENTER

Tourist/Entertainment Centers are mixed-use areas around an entertainment venue such as Gruene Hall or a tourist destination such as the Tube Chute.



FUTURE LAND USE PLAN

A future land use plan is how land is envisioned to be. It establishes priorities for more detailed plans (sub area plans) and for detailed topical plans (such as parks and open spaces, trails and roads). It cannot be interpreted without the goals and actions of Envision New Braunfels.

TRANSITIONAL MIXED-USE CORRIDOR

Transitional Mixed-Use Corridors express an aspiration to retrofit existing auto-dominated retail corridors with a mix of uses and a variety of travel modes over time.

OUTDOOR RECREATION CENTER

Outdoor Recreation Centers are centered around a public or private outdoor destination like Fischer Park.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

SUB AREA 1

Sub Area 1 includes the Downtown, Gruene and the Mid-Century or older neighborhoods that surround them. It is home to the natural springs and headwaters of flowing rivers that have attracted New Braunfelsers to the town for centuries.

SUB AREA 2

Sub Area 2 refers to the neighborhoods and residential enclaves that have grown alongside the Hill Country landscape.

SUB AREA 3

Sub Area 3 includes a planned community offering a diversity of housing, distinct community centers and preserved Hill Country landscape features.

SUB AREA 4

At the heart of Sub Area 4 is Fischer Park. Proximity to IH-35, downtown and neighboring communities like McQueeney makes this area highly desirable and accessible.

SUB AREA 5

Sub Area 5 bridges together many communities east of IH-35. It includes the scenic landscape along both banks of the Guadalupe River between Highway 46 and FM 725.

SUB AREA 6

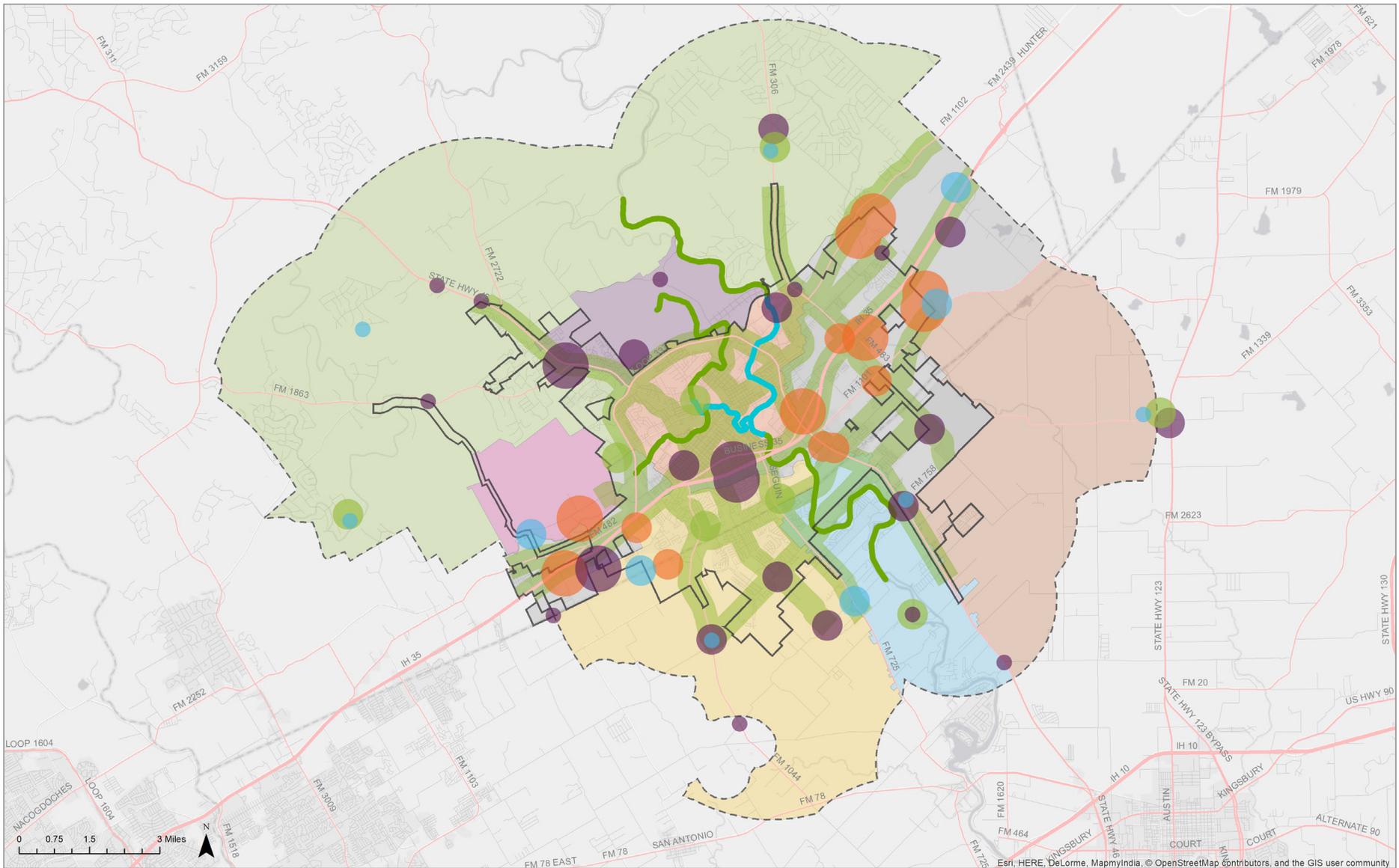
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7

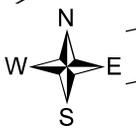
Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

SUB AREA 8

This fast-growing Sub Area includes many neighborhoods offering affordable places for young families to live.



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. Preferred future growth scenario combines Scenarios A and C per recommendations of the Envision New Braunfels Steering Committee (February 2018). Exact boundaries of sub areas, centers, and corridors may be [zoomed and viewed online](#).



SUP20-299
262 Nacogdoches Street
SUP for Short Term Rental

PLANNING COMMISSION – JANUARY 5, 2021– 6:00PM

Zoom Meeting

Applicant/Owner: Aurora Hayes

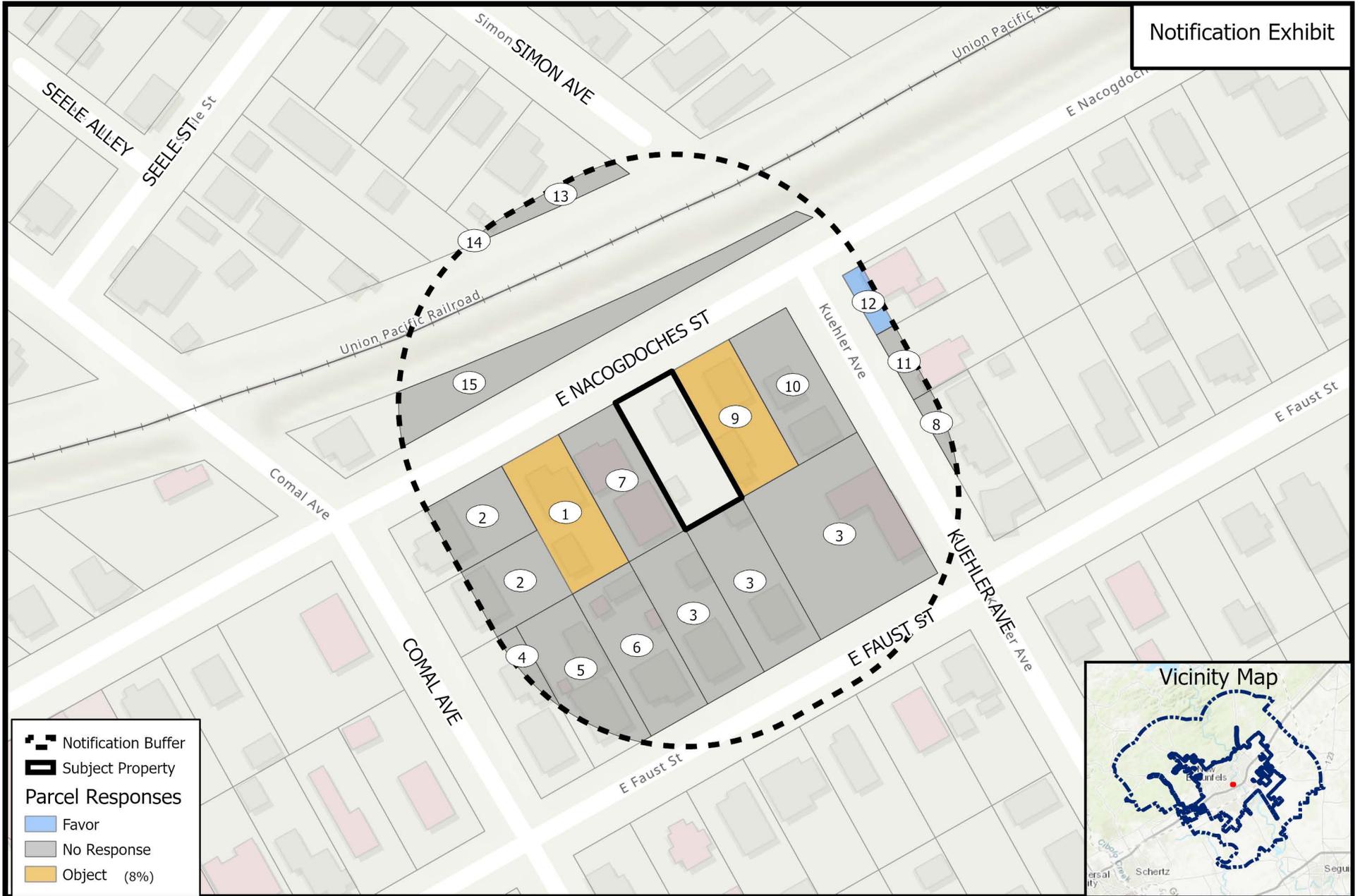
Address/Location: 262 E. Nacogdoches Street

PROPOSED SPECIAL USE PERMIT – CASE #SUP20-299

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. YOUNG RICHARD & KATIE | 9. VALDERRAMA CATHY L H |
| 2. LOPEZ FRANCES | 10. WIRT KEVIN S & KELLE P |
| 3. DOYLE FRANCIS W & MARGARET J RVCBL LVNG TRST | 11. DERKACZ PROPERTIES LLC |
| 4. SAENZ DIANA | 12. CASTILLO OSCAR & MARTHA O |
| 5. PANOZZO DARRELL | 13. SILVA LUCAS M & MARIA M |
| 6. BYRD ANDREA L | 14. COLEMAN DOROTHY E |
| 7. RICHTER RENATE E | 15. MEZA CLARA |
| 8. GRIMM DORIS M | |

SEE MAP



SUP20-299

SUP to allow for short term rental



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-299 hm

Name: OSCAR & MARYA CASTILLO

I favor: X

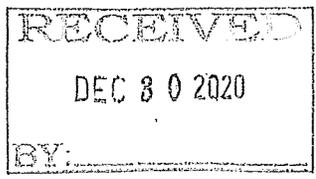
Address: 917 KUEHLER AVE

I object: _____ (State reason for objection)

Property number on map: 12

Comments: (Use additional sheets if necessary)

Signature: Marya Castillo
[Handwritten Signature]



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-299 hm

Name: RICHARD & KATIE YOUNG

I favor: _____

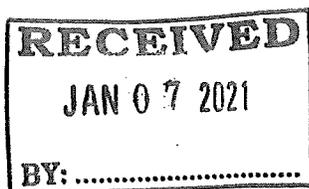
Address: 220 E. NACOGDOCHES ST

I object: ✓ (State reason for objection)

Property number on map: 1

Comments: (Use additional sheets if necessary)

Signature: Richard Young
Katie Young



We are objecting to the zoning change request being made to the property at 262 E. Nacogdoches St. by Aurora Hayes.

We have seen what has happened to other neighborhoods who have had short-term rentals brought in among quiet, long-term residents. These rentals are generally used by people who come to our river and town to party and drink without much respect for others.

The house next door to us is Renate's Grooming and Boarding. She only boards small dogs and there is seldom a problem. But if the dogs are disturbed during the night, there is a lot of barking which wakes us and other close neighbors. We feel certain that these vacation renters will keep late hours and cause a lot of uproar.

We have a quiet, peaceful street, please help us to keep it that way.

Sincerely,
Richard Young
Katie Young

JAN 19 2021

398

Case: #SUP20-299 hm

Name: CATHY VALDERRAMAAddress: 10014 TOLMAN ST.Property number on map: #9

I favor: _____

BY:

I object: (State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Cathy Valderrama270 E. NACOGDOCHES

I object to this type of property because it is not beneficial to the neighborhood. I am having some construction done on my house in the near future, for this to become once again my homestead. I really as an older adult don't need people

coming and going at all hours with this kind of property. Over the years, this house has been a constant nuisance with people of all kinds inhabiting the house. If it is not used as a homestead, it would certainly be better as a business than a short term rental. In the summer now the traffic is bad, and parking now has backed up to my house because, at least now there is restricted parking towards the river. I know that short term rental AB+B's are the latest fad, but as a born and raised New Braunfels person I think, just because it may good for city taxes, it is bad for quality of life.

Thanks for at least reading this. I could not attend on Jan 5 because I was in the hospital.

Cathy Valderrama



Subject Property



Driveway

Draft Minutes for the January 5, 2021 Planning Commission Regular Meeting

K) SUP20-299 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family residence in the C-3 Commercial District, addressed at 262 E. Nacogdoches Street. Applicant/Owner: Aurora Hayes; Case Manager: Holly Mullins.

Mrs. Mullins presented and recommended approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed on prior cases approved without driveway paving being required.

Chair Edwards asked if the applicant would like to speak.

Vincent Vero, 11030 Endicott Lane, state he is present to answer any questions.

Discussion followed on the driveway apron and paving.

Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wanted to speak in opposition.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to recommend approval to City Council of the proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family residence in the C-3 Commercial District, addressed at 262 E. Nacogdoches Street with staff recommendations. Motion carried (9-0-0).

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A SPECIAL USE PERMIT TO ALLOW THE SHORT-TERM RENTAL OF A SINGLE-FAMILY DWELLING IN THE “C-3” COMMERCIAL DISTRICT, ON LOT 5 CITY BLOCK 1050, ADDRESSED AT 262 E. NACOGDOCHES STREET; 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 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 short term rentals; 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 262 E. Nacogdoches Street, to allow short term rental of a single-family dwelling in the “C-3” Commercial 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 adding the following tract of land as a “Special Use Permit” for the uses and conditions herein described:

Being Lot 5 City Block 1050, addressed at 262 E. Nacogdoches Street, as depicted in Exhibit “A” attached, to allow a short-term rental in the “C-3” Commercial District.

SECTION 2

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

1. The residential character and appearance of the property must be maintained.
2. Off-street parking for at least two cars will be paved with concrete, asphalt, or other material approved by the City Engineer, and the driveway approach paved with concrete per City standards.
3. The property will remain in compliance with the approved site plan illustrated in Exhibit "B". Any significant changes to the site plan will require a revision to the SUP.
4. Occupancy of the short-term rental is limited to five (5) guests.
5. All standards of the Zoning Ordinance will be met, and a separate Short-Term Rental Permit is required.

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 25th day of January, 2021.

PASSED AND APPROVED: Second reading this 8th day of February, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"



SUP20-299
262 Nacogdoches Street
SUP for Short Term Rental



EXHIBIT "A"

EXHIBIT "B"

