



REF: ASA VER SFRS

April 22, 2019

Updated June 13, 2019

Mr. Christopher J. Looney, AICP
Director, Planning & Community Development
City of New Braunfels
550 Landa Street
NEW BRAUNFELS, TX 78130

Dear Mr. Looney,

On behalf of ASA Properties, I am pleased to submit an application to amend the Veramendi Development & Design Control Document (DDCD).

Per Section 2.1.1 of the DDCD, voluntary amendments to the DDCD may be made by the master developer, and shall follow the process outlined in 144-2.1 of the Code of Ordinances. Accordingly, the following items are included:

- City of New Braunfels Code Text Amendment Application Form;
- A check to the amount of \$1,163.00, for the Application of \$927.00 + Newspaper Notice Fee of \$236.00;
- Supplemental explanation of the proposed amendment below; and
- Extracts from the DDCD showing the proposed amendments ([additions](#) and [deletions](#)).

Proposed Amendments

The proposed DDCD amendment includes the following:

1. In Section 2.4 Definitions and Abbreviations, make the following changes:

“...

Encroachment Area: In relation to a single family dwelling, a rectangular area extending 5 feet into the required rear setback with a width equal to the widest part of dwelling where an Attached Patio may be located, as illustrated in Figure 21-2.

...

Patio, Attached: A private open space that is roofed, or unroofed with a code required hand rail, that is attached to a single family dwelling, excluding balconies. Unattached, roofed patios shall follow Accessory Structure standards.

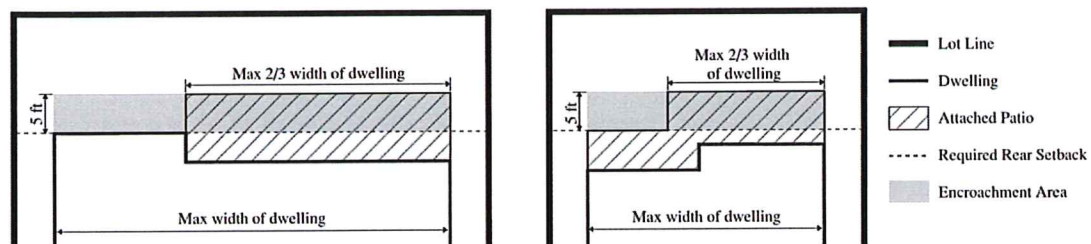
...”

2. In Section 21.3.1 Site Planning, make the following changes:

Note: Includes revised wording per the Planning Commission recommendation of June 4, 2019.

MINIMUM DEVELOPMENT STANDARD		ALTERNATIVE DEVELOPMENT STANDARD GUIDANCE
...		
Minimum Rear Setback	5.1 <i>Residential Use:</i> 15 ft. or 5 ft. where access is provided via an alley. <i>Accessory Structures:</i> 5 ft. <u>Note: See Development Standard 7.1 below for allowable setback encroachments.</u>	Guiding Principle Objectives: 3.2 IV, V; 5.2 III, IV. Planning Area Objectives: 10.2.1 III, VII. Code Purpose: 21.2 I, II, III.
...		
Setback Encroachment	7.1 <i>All Uses:</i> <ul style="list-style-type: none"> Eaves and gutters may overhang setback lines by no more than 18 in. <i>Residential Uses (excluding Multi-Family Dwelling):</i> <ul style="list-style-type: none"> <u>Except where abutting the Oak Run Lot Line, an Attached Patio may encroach into the rear setback up to a maximum of 5 ft, with the following limitations:</u> <ul style="list-style-type: none"> <u>the width of the Attached Patio within the Encroachment Area does not exceed $\frac{2}{3}$ (67 percent) of the maximum width of the widest part of the single family dwelling;</u> <u>the Attached Patio shall remain unenclosed within the Encroachment Area, except for any safety railing which shall be a minimum of 50 percent visually permeable; and</u> <u>no second story access is allowed onto the Attached Patio within the Encroachment Area.</u> Pools, sheds, pergolas and other accessory structures: minimum 5 ft. 	Guiding Principle Objectives: 3.2 IV, V; 5.2 III, IV. Planning Area Objectives: 10.2.1 III, VII. Code Purpose: 21.2 I, II, III.

3. Include a new Figure 21-2:



Attached Patios may encroach into the required rear setback a maximum of 5 feet, provided the width of the Attached Patio within the Encroachment Area does not exceed two-thirds the maximum width of the single family dwelling. Portions of an Attached Patio located outside the Encroachment Area are not subject to the two-thirds maximum width restriction.

4. Update the numbering of other pre-existing figures in Section 21, including in-text cross-references.



Rationale for Proposed Amendments

Per Section 21.3.1 Development Standard 2.1, the permitted minimum front setback in the Neighborhood (Mixed Density) Residential Planning Area is 10 ft. to the façade of the building. Notwithstanding, all residential lots at Veramendi contain a 20 ft. wide utility easement within the lot abutting the front boundary. This means that buildings are required to be sited an additional 10 ft. further back from the front boundary than what is contemplated by the DDCD.

Because of the condensed buildable area, homebuilders are faced with a potential trade-off between maximizing the internal floor plan of homes and providing functional climate-responsive outdoor living areas. Outdoor living is a strong element of the Texas Hill Country character courtesy of the favorable climate, and roof cover is essential due to the hot temperatures during summer months. Making allowance for Attached Patios to encroach into the rear setback within the defined constraints will preserve and enhance the amenity and aesthetic of homes in Veramendi while ensuring there are not detrimental outcomes for neighboring properties or the broader Veramendi community.

Per the June 4, 2019 Planning Commission recommendation, additional wording has been included that excludes the allowable encroachment for Attached Patios on lots within Veramendi that share a common boundary with lots in the Oak Run subdivision.

* * *

I trust that the information provided is sufficient to aid the review of the proposed amendment. If you require additional information, please contact me on (831) 840-7235 or by email: chris@urbanpulse.biz.

Sincerely,

COPY

Chris O'Connor
Principal