



**SUBMITTAL CHECKLIST:**

STAFF:

**APPLICANT:**

A survey and/or metes and bounds description of the property with an exhibit illustrating property boundaries (if property is not platted).

Letter of Authorization for appointed agent (if applicable).

Map of property in relation to City limits/major roadways or surrounding area.

Copy of deed showing current ownership.

(Type 2) Development/site plan with the following information:

(\*Please note: Additional information may be requested.)

Drawn to scale

North arrow

Property lines

Adjacent street names

Location of all buildings

Parking facilities

Number of spaces (parking calculation table required)

Dimensions of parking space and maneuvering space

Driveways (means of ingress/egress)

Application Fee: \$ 4,000

\$1,500 + ( 50.533 acres x \$100) = \$ 6553.30 (max. \$4,000)

Technology Fee: \$ 120

3% of application fee → \$ 4,000 (application fee) x .03 = \$ 120

Public Hearing Newspaper Notice: \$236.90 (\$115 each for Planning Commission and City Council + \$6.90 (3% technology fee))

Public Hearing Mail Notifications and Signage.

\*Please note: The total fee will be calculated by Staff after application submittal based on the quantity of mailed notices and signs and must be paid when sign(s) are picked up by the applicant.

**Please note:** The signature indicates that the owner or an authorized agent has reviewed the requirements of this application and attached checklist, and all items on this checklist have been addressed and complied with. The owner/authorized agent understands that an incomplete application will **not** be accepted, and this application will **not** be accepted after the 4 p.m. deadline on an application deadline date, as outlined on the calendar attached to this application. The signature authorizes City of New Braunfels staff to visit and inspect the property for which this application is being submitted.

**The undersigned hereby requests rezoning of the above described property as indicated.**

James Ingalls, P.E. (Agent)

830-358-7127

plats@ma-tx.com

Owner's Name (Printed)

Phone Number

Email

2021 SH 46W, Ste. 105 New Braunfels, TX

Owner's Mailing Address



Signature of Owner

4-17-19

Date

## INFORMATION SECTION

Please read the following information regarding Special Use Permits prior to submitting an application.

**Keep these documents for your records.**

### APPLICATION DUE DATE/DATE OF HEARING:

All applications are due by the date on the chart attached. Applications will be reviewed for completeness by Planning Division staff.

**Any application that is missing information will be considered incomplete and will not be processed.**

### REQUIRED FEES:

<b>Application Fee</b>	\$1,500 plus \$100 an acre (max. \$4,000)
<b>Technology Fee</b>	3% of application fee
<b>Public Hearing Newspaper Notice</b>	\$236.90 (\$115 each x 2 required + 3% tech. fee)
<b>Public Hearing Mailed Notifications*</b>	\$2.15 per notice
<b>Public Hearing Signage*</b>	\$15 per sign

*\*Public Hearing Mailed Notifications and Signage fees will be collected when the applicant picks up the Public Hearing Signs.*

### PUBLIC HEARING SIGNS:

The Public Hearing signs are \$15 per sign. To ensure maximum exposure, one sign is required for the first 100 feet of frontage and an additional sign for every 200 feet or fraction thereof.

**The applicant will be contacted when the sign(s) are ready to be picked up. At that time, the Public Hearing fees must be paid. Please see attached calendar regarding the dates that the signs must be placed by. If you are not contacted before that date, please contact the Planning Division at (830) 221-4050.**

The applicant will be responsible for:

1. Placing the signs at least 15 days prior to the hearing date. **If the signs are not picked up from City Hall/placed by due date specified in the attached calendar it will result in postponement of the case to the next meeting date and new notice fees.**
2. Ensuring that the signs remain on the property throughout the rezoning process; and
3. Removal of the signs after the final reading by City Council.

### LETTER OF AUTHORIZATION:

If the applicant is not the property owner, a letter signed by the owner authorizing the applicant to act on their behalf must accompany this application.

### LEGAL DESCRIPTION:

If the property is unplatted (example of platted property: Lot A, Block 4, ABC Subdivision), a survey and/or metes and bounds description of the property with an exhibit illustrating property boundaries **must** accompany the application.

### SPECIAL USE PERMIT PROCESS/PROCEDURE:

1. Applicant has preliminary conference with a Planning staff member concerning the request prior to the submittal of the application.
2. Applicant completes an application for Special Use Permit and submits said application (*excluding the information section of the packet*) with required attachment(s) and filing fees.
3. Applicant obtains "Public Hearing" sign(s) from the Planning Division and posts signs on the property.
4. The City will publish a notice of public hearing in the Herald at least 15 days prior to the meeting date.
5. The City will mail notices to property owners within a 200-foot radius of the subject property at least 10 days prior to the meeting.
6. A public hearing is held before the Planning Commission at which time the Commission makes a recommendation to the City Council.
7. The City will publish a notice of public hearing in the Herald at least 15 days prior to the City Council hearing date.
8. A public hearing is held before the City Council.
9. An ordinance authorizing the Special Use Permit is read and voted upon at the same meeting at which the public hearing is held. If the ordinance passes the first reading, one more reading at a separate meeting is required.
10. If the ordinance passes both readings, the Special Use Permit becomes effective immediately upon the second and final reading. The applicant will be sent a copy of the ordinance signed by the Mayor.
11. If the ordinance fails at any of the two readings at City Council, it is considered denied at that point. The same request cannot be submitted to the City within 180 days of the denial as specified in Section 144-2.1-5.

## SEC. 3.6 SPECIAL USE PERMITS - CHAPTER 144, ZONING

3.6-1 *Compatible and orderly development.* A special use permit may be granted to allow compatible and orderly development which may be suitable only in certain locations and zoning districts if developed in a specific way or only for a limited period of time.

3.6-2. *Application processing.* Application for a Special Use Permit shall be processed in accordance with Section 2.1 of this Chapter and shall include the pertinent information as determined by the type of Special Use Permit and additional information as determined by the Planning Director, the Planning Commission or the City Council.

### **Types of Special Use Permit:**

- Type 1.* Regulates land use only; does not require specific site plan or schedule. Construction within a Type 1 Special Use Permit will comply with all of the standard construction requirements for the approved use at the time of construction permit, including drainage plans, TIA, driveway location, and landscaping.
- Type 2.* Requires a site plan drawn to scale and shall show the arrangement of the project in detail, including parking facilities, locations of buildings, uses to be permitted, landscaping, and means of egress and ingress.

3.6-3. *Standards.* When considering applications for a special use permit, the Planning Commission in making its recommendation and the City Council in rendering its decision on the application shall, on the basis of the site plan, if a Type 2, and other information submitted, evaluate the impact of the special use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The Planning Commission and the City Council shall specifically consider the extent to which:

- (a) *Comprehensive plan consistency.* The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted Comprehensive Plan;
- (b) *Zoning district consistency.* The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- (c) *Supplemental Standards.* The proposed use meets all supplemental standards specifically applicable to the use as set forth in this Chapter;
- (d) *Character and integrity.* The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances.

A Type 2 Special Use Permit may include improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:

- (1) Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
  - (2) Off-street parking and loading areas;
  - (3) Refuse and service areas;
  - (4) Utilities with reference to location, availability, and compatibility;
  - (5) Screening and buffering, features to minimize visual impacts, and/or set-backs from adjacent uses;
  - (6) Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
  - (7) Required yards and open space;
  - (8) Height and bulk of structures;
  - (9) Hours of operation;
  - (10) Paving of streets, alleys, and sidewalks,
  - (11) Provisions for drainage,
  - (12) Exterior construction material and building design; and
  - (13) Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.
- (e) *Public health, safety, convenience and welfare.* The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.

3.6-4 *Procedures for special use permit (SUP).* Granting of an SUP is considered zoning and as such, all the procedures for changing a zoning district apply to an application for an SUP. After a public hearing and upon the recommendation of the Planning Commission, the City Council may approve, deny or modify the site plan and issue a special use permit containing such requirements and safeguards as necessary to protect adjoining property, including conditions addressing the standards in Section 3.6-3(d).

## SEC. 3.6 SPECIAL USE PERMITS - CHAPTER 144, ZONING, *contd.*

3.6-5. *Revocation.* The SUP for a Type 1 permit may be considered for revocation if a use other than the use approved in the SUP or in the underlying zoning district is developed or other stated requirements are not met. The SUP for a Type 2 permit may be considered for revocation for the following reasons:

- (a) Construction is not begun within five years of the date of approval of the permit.
- (b) Progress toward completion is not being made. Progress toward completion includes the following:
  - (1) An application for a final plat is submitted;
  - (2) A good faith effort is made to file with a regulatory agency an application for a permit necessary to begin or continue completion of the project;
  - (3) Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of 5% of the most recent appraised market value of the real property on which the project is located;
  - (4) Security is posted with the city to ensure performance of an obligation required by the city; or
  - (5) Utility connection fees or impact fees for the project have been paid to the City or New Braunfels Utilities.
- (c) *Abandonment of the project.* Abandonment includes development of the property in a way other than provided for by the SUP.
- (d) Failure to satisfy the conditions of the SUP or follow the site plan made part of the SUP.
- (e) *Code violations.* Revocation may be considered if there are three or more code violations in a 720 day period.
  - (1) *Notice to property owner.* If the Planning Director finds no less than three violations of any code of ordinances on the property within a 360 day period, he shall advise the applicant of a revocation hearing. The Planning Director shall notify the property owner in writing of the violations and that an administrative hearing will be held concerning the violations. Such notice shall be given at least 10 days prior to the hearing. The Planning Director shall take evidence and conduct an administrative hearing to determine if a revocation procedure should be initiated. Such a determination is not subject to appeal to the Zoning Board of Adjustment.
  - (2) If the Planning Director finds that there is credible evidence that the code of ordinances has been violated, or there have been convictions or guilty pleas in any court of competent jurisdiction, on at least three separate occasions within a 720 day period, and after the administrative hearing, he shall initiate a SUP revocation process.
  - (3) *Appeal to Municipal Court.* Any code violation may be appealed to, or considered by, the Municipal Court Judge. The parties at interest in this appeal may cross examine witnesses.
- (f) *Revocation process.* The revocation process shall be the same as for a zoning district change, with notice to property owners within 200 feet, public hearing and recommendation by the Planning Commission, and public hearing and ordinance consideration by the City Council.
- (g) The City Council may deny the SUP revocation, approve the revocation, deny the revocation and add additional restrictions to the SUP, suspend the SUP for a period the Council determines, or amend the SUP with probationary requirements and terms the Council determines.
- (h) Upon revocation of a special use permit the property subject to the special use permit may be used for any permitted use within the applicable base zoning district.

3.6-6. *Compliance with conditions.* Conditions which may have been imposed by the City Council in granting such permit shall be complied with by the grantee before a Certificate of Occupancy may be issued by the Building Official for the use of the building on such property.

3.6-7. *Telecommunication towers and/or antennas.* See Sec. 5.6

3.6-8. *Deviation from Code.* The City Council may approve a special use permit with deviations to any provision of the Code of Ordinances. Such deviations shall be listed or shown in or as part of the Ordinance approving the special use permit.



**2019**  
**PLANNING COMMISSION MEETING CALENDAR**  
**Council Chambers**  
**6:00 p.m.**

Meeting Date (Tuesday unless otherwise noted)	Application Submittal Deadline for Plats <sup>1</sup> Zone Changes and SUPs <b>MONDAY by NOON</b>	Administrative Completeness (Rejection Notification) Tuesday by 5:00 p.m.	Administrative Completeness Grace Period Deadline Wednesday by 3:00 p.m.	Plat Comments Distributed	Last Date Zoning Signs Must be Placed on Property	Meeting Date for Plat Re-submittals <sup>2</sup> & Agenda Reports Complete
January 8	<b>Nov. 19, 2018</b>	Nov. 20, 2018	Nov. 21, 2018	Dec. 7, 2018	Dec. 17, 2018	Dec. 18, 2018
February 5	<b>Dec. 20, 2018 (Thu)</b>	<b>Dec. 21, 2018 (Fri)</b>	Dec. 26, 2018	Jan. 11	Jan. 21	Jan. 22
March 5	<b>Jan. 18 (Fri)</b>	Jan. 22	Jan. 23	Feb. 8	Feb. 18	Feb. 19
April 2	<b>Feb. 15 (Fri)</b>	Feb. 19	Feb. 20	March 8	March 18	March 19
May 7	March 25	March 26	March 27	April 12	April 22	April 23
June 4	April 22	April 23	April 24	May 10	May 20	May 21
July 2	May 20	May 21	May 22	June 7	June 17	June 18
August 6	June 24	June 25	June 26	July 12	July 22	July 23
September 4 <sup>3</sup> (Wed)	July 22	July 23	July 24	Aug. 9	Aug. 19	Aug. 20
October 2 <sup>4</sup> (Wed)	Aug. 19	Aug. 20	Aug. 21	Sept. 6	Sept. 16	Sept. 17
November 5	Sept. 23	Sept. 24	Sept. 25	Oct. 11	Oct. 21	Oct. 22
December 3	Oct. 21	Oct. 22	Oct. 23	Nov. 8	Nov. 18	Nov. 19
January 7, 2020	<b>Nov. 21 (Thu)</b>	<b>Nov. 22 (Fri)</b>	<b>Nov. 25 (Mon)</b>	Dec. 13	Dec. 23	<b>Dec. 20 (Fri)</b>
February 4, 2020	<b>Dec. 18 (Wed)</b>	<b>Dec. 19 (Thu)</b>	<b>Dec. 20 (Fri)</b>	Jan. 10, 2020	Jan. 20, 2020	Jan. 21, 2020

<sup>1</sup> For purposes of the 30-day deadline for plat approval, your plat application is considered accepted after being checked for completeness with city code standards on the Plat Comments Distributed date.

<sup>2</sup> To remain on meeting agenda, no additional revisions to the plat or new documents requiring review can be submitted at this meeting.

<sup>3</sup> Meeting moved from Tuesday to Wednesday due to Budget meetings.

<sup>4</sup> Meeting moved from Tuesday to Wednesday due to Tx National Night Out.