

PLANNING COMMISSION – OCTOBER 3, 2018 – 6:00PM

New Braunfels City Hall Council Chambers

Applicant/Owner: Steve Hall (Authorized Applicant)

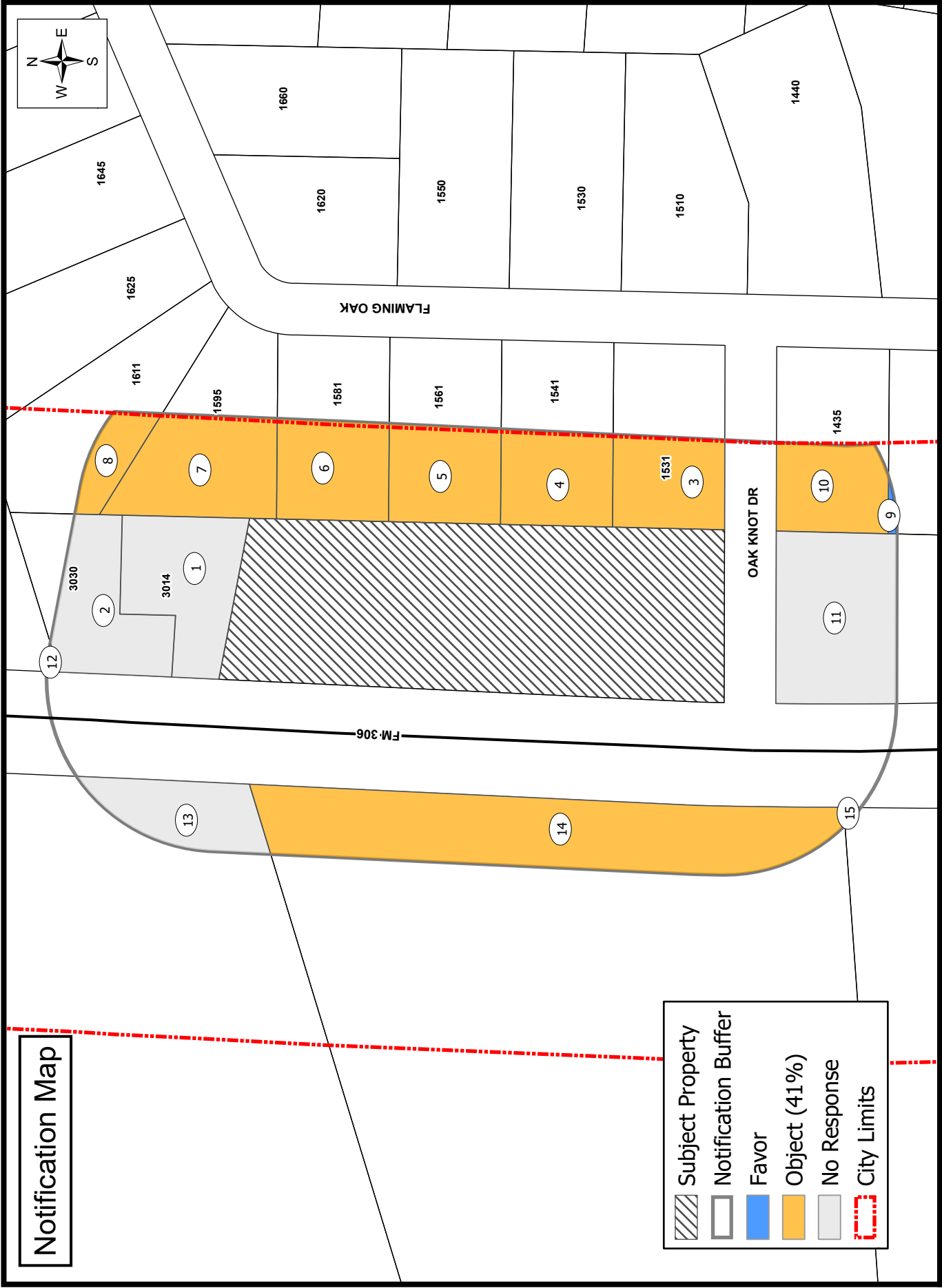
Address/Location: 2.533 acres located on the northeast corner of the intersection of FM 306 and Oak Knot Drive – Lot 1A, Block 2, Oak Grove Estates Subdivision Unit 2.

PROPOSED ZONE CHANGE – CASE #PZ-18-035

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 | 4 D WATER COMPANY LLC | 9 | MACHALEC PAUL G & ELIZABETH |
| 2 | WALKER JEAN | 10 | BRADY CHAD & AMANDA |
| 3 | SCHILLING DEAN W & BETTY A | 11 | OAK GROVE PROPERTY OWNERS |
| 4 | BENCH THOMAS R & JANINE A | 12 | LOWRY JON D & ANNA T |
| 5 | HIXON RON & ANA L | 13 | KARBACH TAYLOR B ET AL |
| 6 | LUCKEMEYER PAUL S & SHERI S | 14 | ENGELHARDT SUSAN E IRRVCBL TRST ET AL |
| 7 | KELLER VALESKA S & KEVIN J MCHUGH | 15 | ANITEI DOROTHEA T E IRREVOCABLE TRUST #2 |
| 8 | BLOCH BOBBIE J & BILLY R | | |

SEE MAP



- My name is Gary Spitzer, current address 417 Williams Way, New Braunfels; my family was a resident of Oak Groves from May 1981- February 2008, 26 years and 9 months, and one of the 11 property owners who purchased Oak Groves Unit II, from Mr. S. D. David.
- History of property
 - First of all, all highway frontage on 306 from Comal Iron Works to the northern city limits of New Braunfels was automatically brought into city as "R1".
 - S. D. David, a local well known developer developed Oak Groves in 1978 or 1979; in 1987 one of Mr. David's partners, wanted to rezone property in question to C1 commercial. Several of the residents of Oak Groves met with the partner one night, and he told us that his intentions were to build a convenience store with gasoline pumps on the property, but no tube rentals. We didn't want a convenience store in 1987 any more than we do in 2018.
 - On October 6, 1987, at the meeting of City of New Braunfels Planning and Zoning, (minutes attached), Mr. David requested the property Oak Groves Unit II, be rezoned for from "R1" to "C1". Several of us opposed; however, a motion was made to rezone the property from "R1" to "C1", and the motion passed. After the Planning and Zoning meeting, Mr. David approached Gary Spitzer, and offered to sell the property to him.
 - There were not as many property owners in 1988, phases 3 & 4 on the back side of Oak Groves had not been developed. There were 35 property owners (families) at that time, and all had an opportunity to participate in the purchase of the property.
 - Soon after the October 6, 1987 Planning and Zoning meeting, 11 of the 35 families formed a group to attempt to purchase Oak Groves Unit 2; even though we offered less than Mr. David's asking price, there was No price concession.
 - At the October 26, 1987 meeting of City Council, (minutes attached), the Director of Planning Environmental Development, Mike Shands, explained that because of the possibility that the property may be sold, the developer wished to table action on the proposed rezoning for about 60 days.
 - In January 1988, the purchase was completed.
 - For 8 ½ years we made note payments until the property was clear. For 30 years we have made annual property tax payments.
 - Of those original 11 families who purchased the property, there are currently 8 owners, and 3 of the 8 currently reside in Oak Groves, Section 1.
 - With the exception of the people who purchased Oak Groves Unit II, since January 1988, anyone past and present, who lived in Oak Groves Units 1, 3 & 4, enjoyed benefits without obligation, no investment, no note payments and property taxes.
 - There are approximately 89 lots within this subdivision; bottom line, 8 have carried the load for the remaining neighborhood.

- Why are selling the property?
 - We, the owners, are 30 years older.
 - During this 30 year period, some of the 11 family members have died, some have moved into NB, some have to other cities in Texas or out of state.
 - Last summer the remaining 8 owners discussed selling the property, so their heirs wouldn't have to deal with property they had no interest in, and not know any of the people with whom they would be dealing 5-10-20 years later.
 - The owners unanimously agreed to sell the property.
- Preparation to sell
 - Much time and deliberation were put into the decision as the best way to sell the property.
 - Mike Norris, SVN, Norris Commercial Group, a friend of one of the owners of the property was contacted.
 - Mike was involved in marketing the property early in the development, and is well known and respected in the community.
 - As I mentioned, 3 of the existing families (owners) live on Flaming Oak.
 - One has a pool that backs up to one section of the property.
 - One has property that has an adjoining side.
 - One lives across the street from the one with the pool
 - Those three created the deed restrictions for the proposed property that is for sale, to protect them as well as their neighbors.
 - There are significant restrictions on anything that will be built in the Oak Groves Unit II.
 - As an example, The City of New Braunfels requires at least a 6' fence constructed of masonry, separating a commercial property from an adjoining residential property. We require 7' on part and 6' on the remaining.
- Listing the Property
 - The property was listed for sale with SVN, Norris Commercial Group, a local broker on April 24, 2018.
- Progression as time passed, emails from residents and contract offers
 - About a month after the signs were in place, advertising the property for sale, emails began to circulate within the Oak Groves community, regarding ownership.
 - In response to an email in which a property owner thought the Oak Grove Unit II property was owned by a "homeowners' association. Karen Krieg, a longtime resident and one of the eight owners, promptly sent an email to correct the false information that was being circulated. At the end of the email, my name, Gary Spitzer, and phone number were included as a contact person for the sale of the property.
 - Finally, on May 18, 2018 I was contacted by three of the current residents of Oak Groves, and I explained to them what was being done with the property, and encouraged them to put a group together and make an offer to possibly purchase Oak Groves Unit II.
 - One resident offered to purchase the property immediately behind his property, nothing either side. (We have never wanted fragmented pieces remaining.)

- One resident stated, “the concern of Oak Groves Unit II is with the people who live in Unit 1, the front unit of the subdivision, not those in units 3 & 4, in the back of Oak Groves.”
- On May 20, 2018, a resident wrote, “I believe a petition at the mailboxes is a good idea.”
- On May 27, 2018, another wrote, “Do we have a group of people that are interested in getting together to talk about what we can do to protect the entrance and maybe acquire the property?”
- On May 30, 2018, another wrote, “I would be willing to get together to talk. I think a sign on the mailboxes to announce a meeting would be appropriate.”
- Afterwards I drove by the mailboxes several times and never saw a petition of offering to meet or organize.
- In the middle of June, 2018, I received information from our realtor regarding the amount of activity in interest of possibly purchasing the property in question; there were several interested parties, all of whom were outside, of Oak Groves.
- On June 19, 2018, a letter of intent was received from an interested party.
- Soon thereafter, three contract offers from three different parties, all outside of Oak Groves, were received.
- On July 3, 2018, a signed contract from an outside party on one tract of land, was in place.
- Another offer was withdrawn, as the result of false information that was given to the prospective purchaser by a resident of Oak Groves.
- Immediately thereafter, negotiations resumed with another prospective purchaser, which resulted in an executed contract.
- There have been no attempts on the part of the residents of Oak Groves as a group, to purchase the property. Based on the group of 11 having owned it for 30 years, we’re trying to protect the current and future property owners of Oak Groves, through the restrictions that will be in place with the sale of the property. Done properly, the residents of Oak Groves will not have to invest/spend any of their money and have a good addition to the neighborhood.
- As those negotiations proceeded, on July 17, 2018, (83) days after the initial listing, Dean Schilling, an Oak Groves resident, presented as he referred to it a (bid) as he called it, which was way too low by comparison to the others . Mr. Schilling was informed that he was too late; and with him being an individual resident, not a group, caused concern for us.
- On July 19, 2018, Mr. Schilling began circulating a petition that included misrepresented information regarding the sale of the property in question.
- On August 2, 2018, Mr. Schilling circulated more incorrect information.
- During the time of the listing, there have been erroneous rumors of gas station, convenience store, and of all things, a McDonalds that would be built on the property in question.
- False information was and is circulated regarding the water system, and it’s capacity.

- New Braunfels going forward
 - In October 1987, almost 31 years ago, Mr. David requested this property in Oak Groves Unit II, be rezoned for from “R1” to “C1”, the Planning and Zoning Commission of New Braunfels agreed, and the motion to rezone the property from “R1” to “C1” passed. Clearly that was the intent of the design of this property.
 - For added protection for the residents of Oak Groves, the sellers of the Property”, have taken Zoning Ordinances of The City of New Braunfels for “C-1B” and further limited the type of businesses that can be operated on the property in question. As a result the residents of Oak Groves won’t be out any money.
 - It doesn’t take long to see the growth from IH 35 and Hwy. 306 is moving north. From a two lane FM Road just a few years ago, to a four lane highway with left hand turn lane expansion, is a pretty good indicator that growth is headed north on Hwy. 306.
 - The question for Planning and Zoning is about more than the residents of Oak Groves and more than owners of a piece of property for sale.
 - As 2018 moves toward the 4th quarter of the year, the question is, “what is future development of the Highway frontage along Hwy. 306 from Comal Iron Works north to the City Limits sign going to look like”? The City of New Braunfels is on the threshold of determining that look.

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-035 (Hall) (ms)

Name: DEAN W. + BETTY A. SCHILLING

Address: 1531 FLAMING OAK Drive

Property number on map: 3 (three)

I favor: _____

I object: X

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Dean W. Schilling Betty Schilling

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-035 (Hall) (ms)

Name: Greg Machalec

Address: 1411 FLAMING OAK

Property number on map: 9

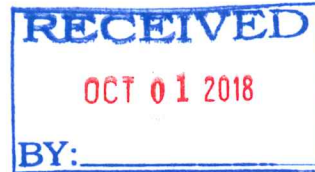
I favor: ✓

I object: _____

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Greg Machalec



DEAN W SCHILLING
1531 Flaming Oak Drive
New Braunfels, Texas 78132-4173
TEL (830) 832-9893 E-Mail: trumppetter@gmail.com

③

26SEP18

Oak Grove Estates Unit Two Lot Sales

My wife and I have attempted to compete in the bidding process through their realtor, and purchase at least the 2.5 acre parcel, in order to sustain the green-space natural habitat behind our house, but we were **shut out**, and not allowed to enter a competitive bid. There were a number of other adjacent-lot owners who were met by the same response. In fact, no one in this subdivision was notified of this **commercial** business, thus denying any of us an opportunity to work something out!

Oak Grove Property Owners et al, have demonstrated extreme temerity and coyness concerning their plans for these two lots.

I want to strongly emphasize, that this effects everyone of us in this subdivision.

Here's why:

1) The number one problem is 4D Water is operating at near 100% capacity (per conversations with Art Garza, owner). It has become necessary for him to purchase additional acre-feet of water from the Edwards Aquifer, even at the present time.

His signs are a testament, since we are already at Stage Two.

What I'm trying to say is, 4D Water Co will be forced to buy additional acre-feet of water, and our rates will go up, and we will see significantly higher water bills, as a result. Higher water usage consequently results in higher cost-per-gallon of water used. Also, fire protection becomes an issue.

It is also questionable whether 4-D Water can legally supply water to these properties, since there are no connections, and will Texas PUC allow it?

Alternatively, I enquired with NBU, which has a water line connection near Bretsky Lane, and they would not hesitate to charge us roughly \$1.3 Million to bring a water line up here (which is not an option in my opinion).

2) If you think the traffic congestion on Oak Knot Drive is bad now, wait till these 2 properties turn **C1** commercial.

It is doubtful that the County Road Engineers will allow additional driveways directly from these frontage properties to FM306, because of highway congestion being what it is, and, of course, safety concerns for those of us who traverse Oak Knot Drive, and are attempting to access FM306, which is *all* of us.


We would then be faced not only with the usual FM306 problem, plus NOW we will be dealing with the cross-traffic exiting and entering the two frontage properties, and crossing Oak Knot Drive. Another exasperation we don't need.

The original intent of the sellers (co-owners) was to preserve these two parcels as "green-space". However, the parcels are currently zoned R1. Now that most of the original owners no longer live in Oak Grove Estates, this intent has now been completely turned into a facade.

Not satisfied with the existing **R1** zone, they not only have completely contradicted the original intent, but since they are no longer here or don't plan to stick around, the rest of us are being sabotaged by this egregious **C1 zone** situation!

I hope you take this seriously, because the future of Oak Grove Estates is really in your hands.

Yours truly,

A handwritten signature in black ink, appearing to read 'Dean W. Schilling', with a long horizontal line extending from the end of the signature.

Dean W. Schilling

DEAN W SCHILLING

1531 Flaming Oak Drive

③

New Braunfels, Texas 78132-4173

TEL (830) 832-9893 E-Mail: trumppetter@gmail.com

3OCT18

My wife & I have lived in Oak Grove Estates for over 16 years.

Oak Grove Estates was initiated and platted as a Residential Subdivision by BRM Land & Cattle Company in 1979, and every lot was subject to residential building restrictions imposed by said company.

In fact, in 1985 the present 2 land parcels of interest at this meeting, Unit 2, Lot 1A, Block 1 & 2 were previously comprised of 15 residential lots, with building restrictions.

In 1988, without any notice to the residents of Oak Grove Estates, these 15 lots in Unit Two were replatted Zone R1, to just the **two** lots, of present interest.

In contempt for the rest of us Oak Grove Estates residents, these same property co-owners in Unit Two, removed **all** building restrictions by censoring them from the original deed recording. The lot owners did this on their own volition, essentially opting out of Oak Grove Estates, and subversively removing the established covenants in cavalier fashion, whereas these same covenants are tantamount and binding for all other Oak Grove Estates residents in this subdivision.

Soon after (in 1988), a Commercial Zoning request was made at that time, and it was soundly defeated at a full-house zone meeting, by a heroic effort on the part of the rest of the Oak Grove Estate residents. These residents in Units 1,3 & 4 had no other options, since they are still totally obligated to this day, to follow all the recorded deed restrictions, as originally enacted and amended.

However, the worst is yet to come. During the past 30 years, resident empathy led to a presumption that the Unit Two co-owners were keeping the property for

green-space reasons, for all residents to enjoy. Some even felt it was their duty to help maintain the property perimeters by mowing and doing repairs.

The Co-Owners said NOTHING!

As an example, eleven years ago (2007) we were attempting to unify the architectural committee standards for all units in the subdivision. In support of this effort, one resident wrote a letter to all those residing in this subdivision, which I would like to quote in part:

“The biggest thing that helped our neighborhood, in my opinion, was when 11 of our neighbors purchased the green space in front of our neighborhood to prevent it from being commercially developed. Some of those neighbors don’t even back up to FM306, so they don’t get a direct benefit of the green-space, but they still stepped up for the benefit of our neighborhood. They continue to pay taxes on the land to this day. I love having neighbors that selflessly work for the benefit of others.” (unquote)

Needless to say, how naive we were to fall for this debacle. Especially irritating was the coyness of the co-owners, with **no** refute on their part, to respond to the above quote, which they knew was totally false.

They simply kept their real intentions under wraps, and let the residents swallow this green-space story “hook, line & sinker”. Lets just say we were all “snookered”.

The fact of the matter is, commingling a residential subdivision with a commercial endeavor this close in proximity, is totally incompatible. These shallow thin lots present a myriad of design problems, given all the setback lines, wall easements, right-of-way widths, and engineering of the various utility easements for water, cable, electric, telephone, etc.

An even larger problem is run-off from these lots once they are hard-surfaced, producing water flows projecting from FM306 to directly at our homes behind these frontage lots. Water will collect at even more dangerous levels at the intersection of Oak Knot Drive and Flaming Oak Drive. These increased flows will worsen considerably as the lot elevations continue to decrease, especially for the 3.5 acre parcel. The folks near this southerly end will have water inside their homes! We have seen this before, in 2002.

A significant problem with this C Zoning is potable water capacity of our rather small neighborhood water system, 4-D, which is at or near 100% capacity. It is also subject to the Edwards Aquifer jurisdiction and New Braunfels Water Distribution Connection Codes.

Commercial zoning requiring extra water volumes and fire hydrant protection, will put the rest of us residents at increasing jeopardy, especially if Edwards Aquifer decides that 4-D Company has reached its limit on purchasing additional acre-feet of water. Purchasing ancillary water from Edwards Aquifer is now routine for 4-D, especially at the present Stage Two, which is happening at this very moment!

So you may ask, how far into the future will Edwards Aquifer allow 4-D Water Company to do this, especially during drought times, given the increasing population explosion in Comal County?

The second problem is traffic congestion. Oak Grove Estates contains about 100 homes, and 180 residents, including the spouses & children. Essentially, it is a large residential Cul-de-Sac to FM306, having only **one** Inlet/Outlet route, that is Oak Knot Drive.

TexDoT will not install a traffic signal on FM306 for Oak Grove Estates, since this requires a minimum of 400 homes. FM306 congestion has increased significantly, and accessing this artery is dangerous, as it is.

This subdivision has many school buses, ambulances, and other emergency vehicles that must have clear access. Since the Unit Two properties will likely also use the central Oak Knot Drive Road, this will create further frustration for drivers that must make two stops when leaving the subdivision. When entering the subdivision, more attention is required when turning to the right, off of FM306, which has **no** right-hand turn lane. Rear-end collisions do occur, when entering Oak Grove Subdivision.

Thirdly, we will lose our precious natural habitat. The oak trees act as a sound-barrier, which definitely helps of course, given the increasing traffic noise on FM306.

Those of us behind these 2 lots will be looking at ominous walls, instead of enjoying the wildlife. I have never seen a rattlesnake here, but I have seen Indigo snakes (an endangered species) which prey on rattlesnakes.

Walls will only promote more crime, and dumpster clanging.

The most egregious problem here is the refusal of the co-owners to enter into any kind of discussion where interested residents of Oak Grove Estates could explore possibilities as new resident co-owners, to carry on the "green-space tradition", which is so flagrantly violated by the present co-owners.

Several of us have tried, and failed.

They make no pretense about the Commercial Zoning goal they have in mind.

Many of the original co-owners have left Oak Grove Estates, and have no interest whatsoever except to maximize their return, in distinct contrast to their original promulgation.

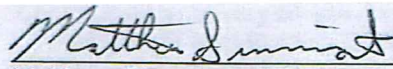
Co-owners of these 2 lots should be residents of Oak Grove Estates, and required to sell their share to the same buyer, should they decide to sell their house. This would eliminate disinterested 3rd parties, like what is happening now.

It is our hope that NB Planning and the NB City Council will vigorously deny this Commercial Zone application, permanently. The future of Oak Grove Estates is literally in your hands.

Yours truly,

Dean W. Schilling

Representing Oak Grove Estates Residents Against 'C' Zoning



Matthew Simmont, AICP
Planning Division

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-035 (Hall) (ms)

Name: Thomas Bunch

I favor: _____

Address: 1541 FLANNING CIR

Property number on map: 4

I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: 

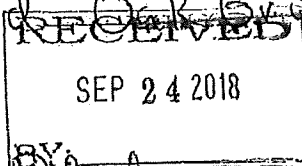
When they widened the 306 they added more hard surface runoff and did nothing to control it. There is not a storm drain system or a place for it to go but across our yards. The existing green belt buffer between the road and our property helps absorb and control this runoff. As a residential property there typically would be a large amount of landscaping to reduce the flow onto our property. Typically a commercial property adds a larger building or hard surface then a home, and a parking lot. This creates almost 100% surface flow and zero ground retention. This would eliminate a natural runoff buffer and increase the runoff. We have not flooded but there have been several inches of water flowing across our properties in heavy rain fall. There are no storm drains at the 306 and any retention pond would have to flow through our neighborhood. We can not handle added flow through our properties. Any rain fall would double the surface flow across our property with a paved lot up stream.

We have petitioned the county and state to create a safer entrance and exit into and out of our subdivision. The crest of the hill makes it hard to see oncoming cars from one direction and there is not enough room for a exit lane from the other side. We may get a flashing warning light. The reason this property was originally changed from several lots to just a few is because they did not want 15 drive ways on the 306. Well, 35 yrs later the 306 is a far more busy road. Adding commercial traffic competing to get on and off would make it impossible to get on the 306. There would be far more in and out traffic with several businesses then the coming and going of 2 or 3 residential lots platted.



Bringing the city development,
people, and cars closer to our
homes is not desirable. It
lowers our standard of living
in Oak Grove. In my view,
— OVER —

it will lower my property
value. In addition, the
rezoning will result in
more congestion at our
already awkward ~~Oak Grove~~
entrance.



BY: Billy Bloch

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-035 (Hall) (ms)

Name: Billy and Bobbie Bloch

Address: 1611/1625 Flaming Oak

Property number on map: 8

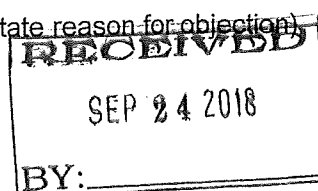
I favor: _____

I object: ✓

(State reason for objection)

Comments: (Use additional sheets if necessary)

We object - see note



Signature: Billy Bloch Bbb

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-035 (Hall) (ms)

Name: Christina Partridge

Address: 2795 FM 306

Property number on map: 14

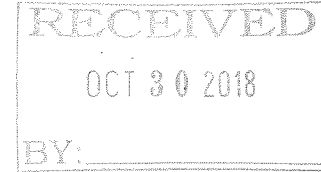
Comments: (Use additional sheets if necessary)

I favor: _____

I object: ✓

(State reason for objection)

Signature: Christina Partridge



Dear Council Members:

My name is Christina Engelhardt Partridge and I own property on FM 306 and am the Trustee for Lot #14.

I am a Daughter of the Republic of Texas, a seventh-generation Texian, with the last six of those seven generations running livestock off of FM 306.

Inspired by the stories of pioneer life on the rangelands of New Braunfels told to me by my grandmother Beulah Karbach Engelhardt, I went to Texas A&M to study Range. While there, I earned undergrad and graduate degrees in Range Science and Rangeland Ecology and Management. I received several "Most Outstanding Range Science Student" awards, as well as certification in the Artificial Insemination of livestock.

I did my graduate research project on brush management down in Alice, Texas, and I have toured and discussed rangeland management with Ranchers across the state of Texas, as well as with Ranchers in New Mexico, Colorado, Wyoming, and Montana.

I know rangeland and I know the land off of FM 306. My entire youth I spent summers and vacations there along FM 306 on the family land. At each visit, I helped my grandfather with his cattle. I walked miles of fence with my grandfather, helping him to repair gaps and leaning posts, and walked even more miles checking on cattle and rounding them up over the dry rocky land by FM 306. As we worked under the hot Texas sun, he would tell me about cattle, about philosophy, about how to live a good life, how to be a lady, and the many family stories of the people that had walked that land before me. When the chores with my grandfather were done, I had free time to help my grandmother with her chores: the chickens, and the garden, and the kitchen, and sewing rag rugs at night in the firelight accompanied by stories of growing up out on the ranch. The hardships, the struggles, and the joys of the generations of family who knew that living there was the best thing in all the world were told to me by that flickering fire.

Every hot rock, tiny spiny cactus, and thin parched grass blade on that property are mine, are known, and are beloved. The stories of my ancestors working that land, being born there, raising their children there, and dying there are in my mind and fill my soul every time I walk across that land. My first child is named after my great-grandfather who was born on that very land, and who died on that very land. Not in a hospital, not in town, but on that land itself!

At some point, you must decide to draw the line in the sand and stand firm. Do we want Texas to become solid concrete and commercial concerns with small-lot housing in between? Do we want to be forced to import all of our range-fed meat from South America? Do we want all Texas meat to be raised in cramped feedlots or packed into indoor housing? And because the area along FM 306 is part of the recharge zone for the Edwards Aquifer, can we truly afford to cover it with impervious concrete and buildings?

We already have commercial areas. Stop expanding the commercial areas and forcing undeveloped land to become developed.

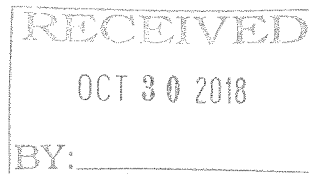
The water table is low enough as it is. Stop developing land. Stop covering rangeland with concrete and buildings.

I realize and fully understand that the property currently being discussed is a small piece without livestock. Small though it is, it helps the Edwards Aquifer. Small though it is, kept as rangeland it helps the entire area by being host to wildlife and making it clear to people driving by that this is a rural residential area, not a commercial zone. Small though it is, it deserves to be saved.

This is our line in the sand. Stand firm, and stand tall.

Yours sincerely,

Christina Partridge
Christina Engelhardt Partridge



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-035 (Hall) (ms)

Name: Dorothea Engelhardt Anitei

I favor: _____

Address: 2795 FM 386 New Braunfels, TX 78132

Property number on map: 15

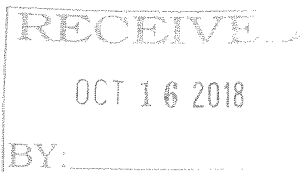
I object: ☒ (letter included)

(State reason for objection)

Comments: (Use additional sheets if necessary)

letter included

Signature: Dorothea T. E. Anitei



Dear Members of the City Council,

I attended the Planning Commission on Wednesday, October 3, 2018.

I heard the buyer's lawyer for the South Lot speak about the inevitability of my property being commercially developed. I was absolutely shocked. My immediate family owns 380 acres on FM 306. If one includes cousins, the extended family owns over 900 acres along the west side of FM 306 starting at Bretzke Lane.

Hearing the lawyer speak with ignorance about the way of life that our family holds dear to our understanding of being faithful Texans painfully reminded me how New Braunfels is repeatedly seduced to turn its back on its Ranching Heritage.

Mini-storage, strip malls, commercial property, and disregard for the ability to live the country life are not something that we will accept quietly.

My family and I live in the house that my great-great-grandfather built in 1870. My cousin lives next door in the house that our great-great-grandfather built in the 1850s. My seven children do not live a life much different from the way my grandmother described her childhood. My 9-year-old boy, just like his great-grandmother, can run barefoot across rocks and burrs, pull out a cactus thorn from his heel, and get to his cousins at a fast run in under 10 minutes. Our 91-year-old neighbor, Mr. Harold Voges, delights in telling my children how as newlyweds, he and his wife would come across the fields, sit on our home's front porch, and visit with Emma Karbach, my children's great-great-grandmother. Our family has been on this land for more than 150 years, and life still revolves around neighbors, family, and visiting.

Commercial property would take all of that away. Commercial business has no place around ranching neighborhoods. These businesses are not the dime stores of our youth that had grandma running the cash register and Uncle Frank sweeping the front steps. How can I as a mother allow my children to continue having the freedom to live country life, when indifferent businesses establish themselves next door?

Commercial properties today are impersonal, revolving doors for whichever employee they can keep for the month and for as many customers as will agree to step inside. I cannot imagine any parent even considering that it would be appropriate to allow commercial property in ranching country.

When I speak with all the new settlers in the area, each and every one of them tells me how they moved to FM 306 to enjoy the country life. They are on small lots, but they appreciate the few of us family ranchers that are left. They might have moved in next door by the score, but I do not know a single one that wants city life here! Why would we bring it to our very own back yard?

What will happen to society when we do away with the little sliver of "country life" that we still have left? When cities focus solely on commercial property projections to the detriment of communities, will anyone still run barefoot across fields to bring over the first tomatoes from the garden? How can New Braunfels turn its back on its Ranching Heritage? Do we submissively acquiesce to what a computer says is inevitable? Or rather, do we stand firm and unite against this impersonal wave that seeks to destroy what little there is left of country?

To hear lawyers speak about commercial properties and future projections while never mentioning the joy of neighbors across the fence, the beauty of kids running through fields for hours without care, and the security of knowing your neighbor just breaks my heart.

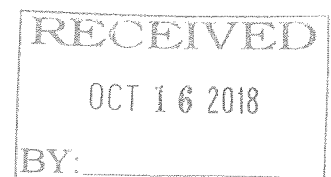
I strongly oppose the rezoning and ask the City Council to stand firmly for the values and ideals of old-fashioned country life in a ranching community.

With confidence that the City Council will vote prudently, I remain,

Yours sincerely,

Dorothea Engelhardt Anitei

2795 FM 306





December 2, 2018

Update from 4-D Water Co.:

- 4-D Water Co. has been working with TCEQ and Public Utility Commission to gather information for water service to Lot 1A, Block 1 Oak Grove Estates Subdivision Unit 2.
- 4-D has contacted TCEQ Region 13 and has submitted the form to conduct an engineering study of the water system for capacity verification.
- 4-D has sent a residential application for water service to the buyer.

Once the engineering study has been completed, 4-D will send the information to the parties involved.

Thank You,
Art Garza
4-D Water Co. LLC
830-214-5518
agarzajr2@sbcglobal.net

Matthew W. Simmont

From: Teri Taylor <teritaylor@aol.com>
Sent: Monday, December 3, 2018 1:37 PM
To: Matthew W. Simmont
Subject: Commercial Zoning on 306 at Oak Grove

Please understand, we have lived here for nearly 40 years. The single exit/entry to our Subdivision has already caused great distress, not to mention lowering of our property value in the eyes of potential buyers. This will destroy what we once had as a unique slice of neighborhood outside the city. Please do not allow this commercial zoning to pass.

Sincerely,
Teri Taylor
Oak Groves Estates

Matthew W. Simmont

From: Anne Marie Fontenot <annemarie94@gmail.com>
Sent: Monday, December 3, 2018 11:39 PM
To: Shane Hines; Matthew E. Hoyt; Barron Casteel; Justin Meadows; Wayne Peters; Matthew W. Simmont; Harry Bowers; Leah Garcia
Subject: Opposition to commercial zoning in Oak Grove Subdivision

I am writing to express my strong opposition to the proposed change in zoning at the entrance to Oak Grove Subdivision and to beg each of you to please stop this action from happening. I believe to allow commercial development on this property would be a danger to all residents in this community and also severely affect the quality of living for homeowners in this subdivision.

Please consider that ever since the widening of 306 it has become increasingly difficult to safely enter and exit the community due to increased traffic and being required to cross multiple lanes of traffic. Vehicle speeds often exceeding 65mph. There is no traffic light to assist nor are there any plans in place to add a stoplight at this location. Adding a business to this site would only serve to increase congestion and make traffic visibility issues worse. There would also be issues with inadequate city services to support commercial development at this location. Since it falls outside city boundaries there would be concerns including police patrol/protection and road maintenance. The community water well also cannot support this development. Most important of all, allowing this zoning change will devalue the properties in this community and change the way residents live. Many people will literally have this in their backyard. There will be increased crime, mischief, and noise. Never mind the general aesthetic. It will become a less desirable place to live. PLEASE PLEASE do not allow this to happen. I pray you see the benefits and justification for keeping these small tracts of land residential only.

Thank you,
Anne Fontenot

Market Analysis Report

Prepared By: Chad Brady

Listings as of 12/04/18 at 11:23 am

Property Type is 'Residential' Status is one of 'Active', 'Pending Take Backups', 'Pending w/Option', 'Under Contract' Status is 'Temp Off Market' Status Contractual Search Date is 12/04/2018 to 03/10/2016 Latitude, Longitude is around 29.76, -98.10
06/07/2018 Status is one of 'Withdrawn', 'Sold', 'Expired' Status Contractual Search Date is 12/04/2018 to 03/10/2016 Latitude, Longitude is around 29.76, -98.10

Residential

Sold Properties

MLS #	Address	Subdivision	BR	FB	HB	WtrFmnt	SqFt	Yr Built	List Price	LP/SqFt	DOM	CDOM	Closed Dt	Sold Price	SP/SqFt	SP/LP%
218792	1131 Flaming Oak Drive	Oak Grove Estates	3	2	0	No	1,695	1996	\$240,500	\$141.89	31	44	03/30/2016	\$246,500	\$145.43	102.50%
339693	1440 Flaming Oak		4	2	1	No	3,107	1982	\$264,900	\$85.26	24	24	03/30/2018	\$260,000	\$83.68	98.15%
220192	1510 Flaming Oak Drive	Oak Grove Estates	3	2	1	No	1,808	1985	\$265,000	\$146.57	44	44	05/27/2016	\$265,000	\$146.57	100.00%
305635	954 Winding Oak Drive		3	2	1	No	1,632	1994	\$270,000	\$165.44	37	131	01/12/2017	\$265,000	\$162.38	98.15%
309696	823 Winding Oak Drive		3	2	0	No	1,822	1994	\$276,000	\$151.48	35	35	04/18/2017	\$281,098	\$154.28	101.85%
337890	1510 Flaming Oak		3	2	1	No	1,808	1985	\$292,000	\$161.50	65	65	05/01/2018	\$285,000	\$157.63	97.60%
312386	150 Spring HOLW		3	2	0	No	2,031	1985	\$297,000	\$146.23	85	85	07/13/2017	\$300,000	\$147.71	101.01%
318698	1791 Flaming Oak Drive		3	3	0	No	1,937	1985	\$305,000	\$157.46	22	22	08/14/2017	\$300,000	\$154.88	98.36%
219522	1435 Flaming Oak Drive	Oak Grove Estates	3	3	0	No	2,422	1990	\$322,000	\$132.95	195	195	10/03/2016	\$308,000	\$127.17	95.65%
301302	1355 Flaming Oak	Oak Grove Estates	4	2	0	No	2,263	1998	\$320,000	\$141.41	269	269	04/03/2017	\$310,000	\$136.99	96.88%
330162	1991 Flaming Oak		5	3	0	No	2,244	1993	\$337,000	\$150.18	58	58	01/11/2018	\$337,000	\$150.18	100.00%
332575	841 Winding Oak		3	2	1	No	2,348	1994	\$389,000	\$165.67	102	102	04/02/2018	\$385,000	\$163.97	98.97%
# LISTINGS:	12	Medians:	3	2	0		1,984		\$294,500	\$148.37	51	62		\$292,500	\$148.95	98.67%
		Minimums:	3	2	0		1,632		\$240,500	\$85.26	22	22		\$246,500	\$83.68	95.65%
		Maximums:	5	3	1		3,107		\$389,000	\$165.67	269	269		\$385,000	\$163.97	102.50%
		Averages:	3	2	0		2,093		\$298,200	\$145.50	81	90		\$295,217	\$144.24	99.09%

Quick Statistics (12 Listings Total)

	List Price	Min	Max	Average	Median
	\$240,500	\$240,500	\$389,000	\$298,200	\$294,500
	Sold Price	\$246,500	\$385,000	\$295,217	\$292,500

Copyright: Central Texas MLS® 2018 All rights reserved.

This represents an estimated sale price for this property. It is not the same as the opinion of value in an appraisal developed by a licensed appraiser under the Uniform Standards of Professional Appraisal Practice

Notice of Protest Petition

Regarding Oak Grove Estates

Unit Two, Lot 1A, Blocks 1 & 2

We, the residents of Oak Grove Estates, sign in protest with our signatures below, any attempts by any current or future owners, to change the zoning on the above described properties, from the current R1, to C1:

Print

Sign

Address

Print	Sign	Address
Janine Bench	<i>Janine Bench</i>	1541
Tom Bench	<i>[Signature]</i>	1541
DEAN W. SCHILLING	<i>de W Schilling</i>	1531 Flaming OAK (3)
BETTY A. SCHILLING	<i>Betty A Schilling</i>	1531 Flaming Oak (3)
DAVID E. RIDLEY & DONA L. RIDLEY		1895 FLAMING OAK
<i>David E Ridley</i>	<i>Dona L Ridley</i>	
JOHN R. JANK	<i>John R Jank</i>	1550 FLAMING OAKS N.B 78132
Danny Smith	<i>[Signature]</i>	852 Winding Oak
Sandra Bravo	<i>Sandra L Bravo</i>	852 Winding Oak
Steve Abblinger	<i>Steve Abblinger</i>	201 Spring Hollow New Braunfels, TX 78132
Joyce Abblinger	<i>Joyce Abblinger</i>	201 Spring Hollow New Braunfels, TX 78132
Arlene Alvarado	<i>Arlene Alvarado</i>	893 Winding Oak NB. TX 78132

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Regarding Oak Grove Estates

Unit Two, Lot 1A, Blocks 1 & 2

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Print	Sign	Address
Ron Hixon	[Signature]	1561 Flaming Oak (5)
Jason Sanchez	[Signature]	1671 Flaming Oak
Katherine E. Page	Catherine E. Page	1680 Flaming Oak
Suzanne Francis	Lisa Francis	1815 Flaming Oak
Michael Francis	[Signature]	1815 Flaming Oak
Shannon Canada	[Signature]	904 Winding Oak Dr.
Cody Canada	[Signature]	904 Winding Oak
Jeff Patena	Jeff Patena	482 Spring Hollow
Rick Mielke	Rick Mielke	381 Spring Hollow
Susan Mielke	Susan Mielke	381 Spring Hollow

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Regarding Oak Grove Estates

Unit Two, Lot 1A, Blocks 1 & 2

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Print

Sign

Address

Glenn W Brichter

Glenn W Brichter

1530 Flaming Oak Dr.

Paul Luckemeyer

Paul Luckemeyer

1581 Flaming Oak

(6)

Sheri Luckemeyer

Sheri Luckemeyer

1581 Flaming Oak

(6)

James & Marlene Skidmore

James & Marlene Skidmore

1790 Flaming Oak

ED Barbosa

ED Barbosa

1845 FLAMING OAK DR.

Jim Hurst

1990 Flaming Oak Dr.

Phillip Howell

Phillip Howell

150 Spring Hollow

Rosario McNaghy

Rosario McNaghy

120 Spring Hollow

Robert Holburn

Robert Holburn

1015 Flaming Oak

Carissa Kester

Carissa Kester

1161 Flaming Oak

Notice of Protest Petition

Regarding Oak Grove Estates

Unit Two, Lot 1A, Blocks 1 & 2

We, the residents of Oak Grove Estates, sign in protest with our signatures below, any attempts by any current or future owners, to change the zoning on the above described properties, from the current R1, to C1:

Print

Sign

Address

Jennifer Moczygemba



190 Spring Hollow
NB 78132

Richard S. Baker




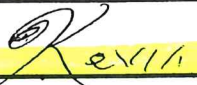
1245 FRAMING OAK

Cyndi Baker



1245 FRAMING OAK

Valeska Keller  1595 Davis Rd (7)

Kevin McHugh  1595 Davis Rd (7)

Notice of Protest Petition

Regarding Oak Grove Estates

Unit Two, Lot 1A, Blocks 1 & 2

We, the residents of Oak Grove Estates, sign in protest with our signatures below, any attempts by any current or future owners, to change the zoning on the above described properties, from the current R1, to C1:

Print

Sign

Address

David Taylor David Taylor 1280 Flaming Oak Dr

Teri Taylor Teri Taylor 1280 Flaming Oak Dr,

William Jensen William Jensen 260 Spring Hollow

Laci-Leigh Jensen Laci-Leigh Jensen 260 Spring Hollow

Chad Brady Chad Brady 1435 Flaming oak Dr (10)

Amanda Brady Amanda Brady (10)

Angela Schaefer Angela Schaefer 1510 Flaming Oak Dr New Braunfels, TX 78132

Evan Schaefer Evan Schaefer 1510 Flaming Oak Dr. New Braunfels, TX 78132

RL Froebel RL Froebel 1036 Winding Oak Dr

Maggie Froebel Maggie Froebel 1036 Winding Oak Drive

RICHARD CALDWELL Richard Caldwell 1221 FLAMING OAK RD, TX

KERRI CALDWELL Kerri W. Caldwell " " " " "

James E. Rhea James E. Rhea 1791 Flaming Oak Dr

JAMES E. Rhea

Notice of Protest Petition

Regarding Oak Grove Estates

Unit Two, Lot 1A, Blocks 1 & 2

We, the residents of Oak Grove Estates, sign in protest with our signatures below, any attempts by any current or future owners, to change the zoning on the above described properties, from the current R1, to C1:

Print	Sign	Address
James Karas	<i>James Karas</i>	1355 Flaming Oak Dr.
Christine Karas	<i>Christine Karas</i>	1355 Flaming Oak Dr.
Michael Karas	<i>Michael Karas</i>	1355 Flaming Oak Dr.
Eric Jean	<i>Eric Jean</i>	1331 Flaming Oak Dr.
Clinton Shands		1741 Flaming Oak
May Ann Shands		1741 Flaming Oak
Lisa Taylor	<i>Lisa Taylor</i>	823 Winding Oak Dr.
Chuck Taylor	<i>Chuck Taylor</i>	823 Winding Oak Dr.
Kyla DuBose	<i>Kyla DuBose</i>	1131 Flaming Oak
Carolyn Hunter	<i>Carolyn Hunter</i>	1691 Flaming Oak
Dennis L Hunter	<i>Dennis L Hunter</i>	1691 Flaming Oak
LEE Roy Eichler	<i>Lee Roy Eichler</i>	865 WINDING OAK DRIVE NEW BRAUNFELS, TX 78132
Shannon Eichler	<i>Shannon Eichler</i>	865 Winding Oak Drive New Braunfels TX 78132

Notice of Protest Petition

Regarding Oak Grove Estates

Unit Two, Lot 1A, Blocks 1 & 2

We, the residents of Oak Grove Estates, sign in protest with our signatures below, any attempts by any current or future owners, to change the zoning on the above described properties, from the current R1, to C1:

Print

Sign

Address

Charles Lotz *Charles Lotz* 306 Spring Hollow

Jennifer Lotz *Jennifer Lotz* 306 Spring Hollow

MATTHEW W. LOTZ *Matthew W. Lotz* 306 Spring Hollow, 78132

MARISSA MUNOZ *Marijuana Munoz* 1111 Flaming Oak

Richard Munoz *Richard Munoz* 1111 Flaming Oak

Tyler Munoz *Tyler Munoz* 1111 Flaming Oak

Tiffany A Cawthra *Tiffany A Cawthra* 1934 F.O.

JERRY V. CAWTHRA *Jerry V. Cawthra* 1934 F.O.

Rebecca S Cawthra *Rebecca S Cawthra* 1934 F.O.

Dorothy S. Dietert *Dorothy S. Dietert* 1301 Flaming Oak Drive
New Braunfels, TX 78132

Gary R Dietert *Gary R. Dietert* 1301 Flaming Oak Drive
New Braunfels Tex 78132

Kathleen Kendall *Kathleen Kendall* 240 Spring Hollow

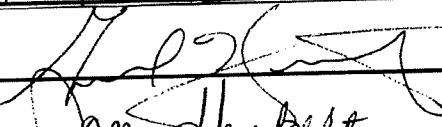
William Kendall *William Kendall* 240 Spring Hollow

Notice of Protest Petition

Regarding Oak Grove Estates

Unit Two, Lot 1A, Blocks 1 & 2

We, the residents of Oak Grove Estates, sign in protest with our signatures below, any attempts by any current or future owners, to change the zoning on the above described properties, from the current R1, to C1:

Print	Sign	Address
Rick DeLong	Rick DeLong	220 Spring Hollow, 78132
Ana Avila/Alex Avila	Ana Avila	1660 Flaming Oak Dr.
Garrick Herbert		886 Winding Oak Dr.
Jana Herbert	Jana Herbert	886 Winding Oak Dr.
Malinda DeLong	Malinda DeLong	220 Spring Hollow 78132
JERRY GERTH	Jerry Gert	1381 Fleming Oak Dr.
Nancy GERTH	Nancy Gert	1381 Fleming Oak Dr.
Sandy PARKS	Sandy Parks	918 Winding Oak
George PARKS	George Parks	"
Trent S. Uehling	Trent S. Uehling	443 Spring Hollow
Barbara Uehling	Barbally	443 Spring Hollow
Floyd W. Ball	Floyd W. Ball	1236 Flaming Oak New Brunswick, TX
Ruthanna Ball	Ruthanna Ball	" "

Notice of Protest Petition

Regarding Oak Grove Estates

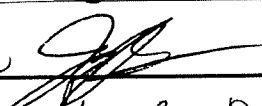

Unit Two, Lot 1A, Blocks 1 & 2

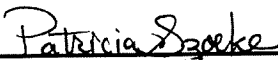
We, the residents of Oak Grove Estates, sign in protest with our signatures below, any attempts by any current or future owners, to change the zoning on the above described properties, from the current R1, to C1:

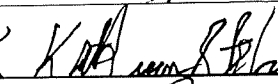
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Sign

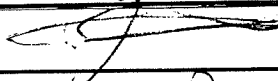
Address

Johnny Baxter  511 Spring Hollow, NB
Gaula Baxter  Gaula Baxter 511 Spring Hollow, NB


PATRICIA SZOEKE  Patricia Szoeke 1595 Flaming Oak Dr., New Braunfels, TX

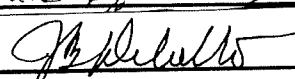
Kathryn Stelmarski  Kathryn Stelmarski 579 Spring Hollow

Rob Keller  Rik Keller 1680 Flaming Oak Dr

Julian Rodriguez  276 Spring Hollow NB TX 78132

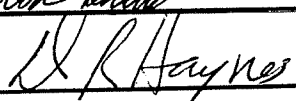
Nina Rodriguez  Nina Rodriguez 276 Spring Hollow NB TX 78132

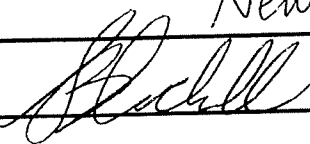
Benjamin Alex Rodriguez  276 Spring Hollow NB TX 78132

JAIME DIBELLO  1340 Flaming Oak, NB, TX

Dale Dibello  1340 Flaming Oak NB TX 78132

Robert Dibello  1340 Flaming Oak NB TX ~~78132~~ 78132

Daniel R. Haynes  841 Winding Oak
New Braunfels TX 78132

Stephanie Blackwell  841 WINDING OAK
New Braunfels 78132

Notice of Protest Petition

Regarding Oak Grove Estates


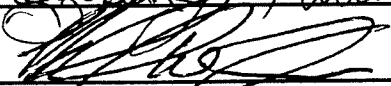
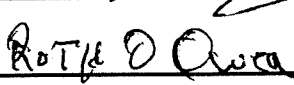
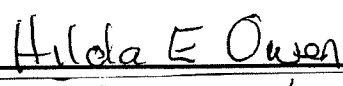
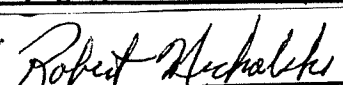
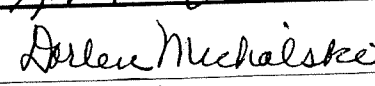
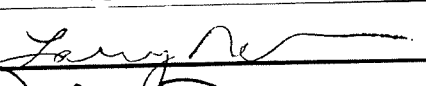

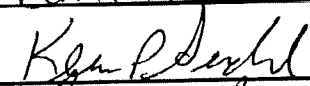
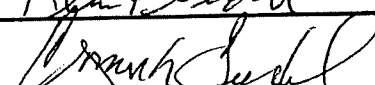
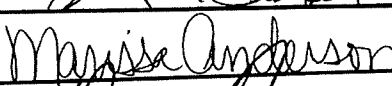
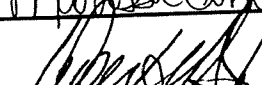
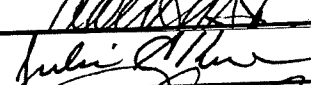
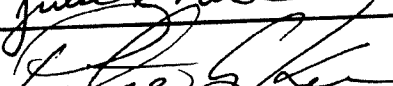
Unit Two, Lot 1A, Blocks 1 & 2

We, the residents of Oak Grove Estates, sign in protest with our signatures below, any attempts by any current or future owners, to change the zoning on the above described properties, from the current R1, to C1:

Print

Sign

Address

Elizabeth M Owen		1260 Flaming Oak
Richard W. Owen		1260 Flaming Oak
Robert O Owen		1260 Flaming Oak
Hilda E Owen		" " "
Robert MICHALSKI		1320 FLAMING OAK
DARLENE MICHALSKI		1320 FLAMING OAK
Larry New		1730 Flaming Oak
Paula New		1730 Flaming Oak
Kevin P Seidel		1966 Flaming Oak
Cynthia Seidel		"
Marissa Anderson		930 Winding Oak Dr. 78132
DAN ANDERSON		930 WINDING OAK DR 78132
JULIA S. KANE		1906 FLAMING OAK
PETER G. KANE		1906 Flaming Oak

Notice of Protest Petition

Regarding Oak Grove Estates

Unit Two, Lot 1A, Blocks 1 & 2

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Print

Sign

Address

ROSALINDA WARD

Rosalinda Ward.

522 Spring Hollow NB

YASMIN CARRILLO

YC

522 Spring Hollow NB

Isaac Barron

Isaac Barron

522 Spring Hollow NB

Gerardo Barron

JB

522 Spring Hollow NB

Ralph D Brock

R D Brock

1820 Flamingo Oak NB, 78132

Marcia G Brock

Marcia G Brock

1820 Flamingo Oak NB, 78132

MARGUERITE HERTH

Marguerite

824 WINDING OAK DR NB

Joyce Hellstern

Joyce Hellstern

323 Spring Hollow

Robert Nowicki

Robert Nowicki

323 Spring Hollow

Linda Rhoe

Linda Rhoe

Linda Rhoe

DAVID BRANDT

1715 Flamingo Oak Dr.

Lauren Brandt

1715 Flamingo Oak Dr.

Diane Baكية

Diane Baكية


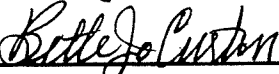
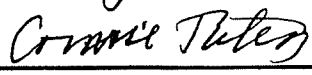


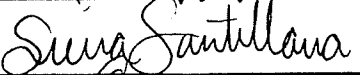
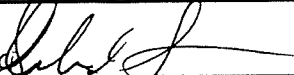

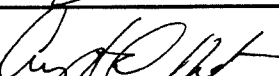
1005 Flamingo Oak

Notice of Protest Petition

Regarding Oak Grove Estates

Unit Two, Lot 1A, Blocks 1 & 2

We, the residents of Oak Grove Estates, sign in protest with our signatures below, any attempts by any current or future owners, to change the zoning on the above described properties, from the current R1, to C1:

Print	Sign	Address
Scott Fischer		328 Spring Hollow
Bette Jo Curtin		309 Spring Hollow
Connie Tuten		309 Spring Hollow
Jessica Trussell		1645 Flaming Oak
Lisa McDonald		1868 Flaming Oak
Sierra Santellana		954 Winding Oak Dr.
Orlando Santellana		954 Winding Oak Dr.
Robinson, Evan		1030 Flaming Oak
Robinson, Crystal		1030 Flaming Oak