



**CITY OF NEW BRAUNFELS, TEXAS
CITY COUNCIL MEETING**



**CITY HALL - COUNCIL CHAMBERS
550 LANDA STREET**

MONDAY, JUNE 12, 2017 at 6:00 PM

Barron Casteel, Mayor	Chris Monceballez, Councilmember (District 4)
George Green, Councilmember (District 1)	Wayne Peters, Mayor Pro Tem (District 5)
Justin Meadows, Councilmember (District 2)	Leah A. García, Councilmember (District 6)
Ron Reaves, Councilmember (District 3)	Robert Camareno, City Manager

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

INVOCATION: Councilmember Leah A. García

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

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

PROCLAMATIONS:

PRESENTATIONS:

- A) Presentation on the status of the City of New Braunfels Pavement Management Program.
Garry Ford, City Engineer

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of May 22, 2017.
Patrick Aten, City Secretary

[May 22, 2017 - Regular City Council Minutes](#)

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 the purchase of a propane-fueled pneumatic tire forklift utilizing a grant from the Texas Commission on Environmental Quality (TCEQ) through the Alamo Area Council of Governments (AACOG) from Equipment Depot using the NJPA contract.
Michael Mundell, Solid Waste Manager
- B) Approval of annual recurring expenditures for FY 2016-17.
Barbara Coleman, Purchasing Manager
- C) Approval of purchases with Bluebonnet Motors, Inc. for a truck and Magnum Trailers for an incident command trailer for the Fire Department under the Texas Local Emergency Planning Committee Grant Program.
Jennifer Gates, Buyer
- D) Approval of a BuyBoard purchase of audio/visual equipment from Ford Audio-Video Systems, LLC for the garden rooms and courtyard at the Civic/Convention Center.
Stacey Laird Dicke, Parks and Recreation Director
- E) Approval of an annual contract with ABM Texas General Services, Inc. to perform custodial services for the City of New Braunfels.
Jennifer Gates, Buyer
- F) Approval of a resolution for a purchase with Watch Guard for grant-supported Body-Worn Cameras for the Police Department and short term financing through government capital.
Tom Wibert, Police Chief

[Body Worn Camera Resolution.docx](#)
- G) Approval of a contract with Clark Construction of Texas, Inc. for construction and Raba Kistner Consultants for materials testing on Mesquite Avenue/Old Marion Road reconstruction.
Bryan Woods, Capital Programs Manager
- H) Approval of the renewal of a two year contract with All City Management Services, Inc. for school crossing guard services for multiple schools within the New Braunfels Independent School District (NBISD).

Jennifer Gates, Buyer

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 to create a regulatory construction speed zone on portions of Loop 337.

Garry Ford, City Engineer

[2017-06-12 Ordinance - Loop 337 Construction Speed Zone](#)

- J) Approval of the second and final reading of an ordinance regarding a requested rezoning to amend the August Fields Planned Development District Concept Plan, for property situated between FM 1101 and Alves Lane, west of Canyon Middle School and east of Freiheit Elementary School.

Christopher Looney, Planning and Community Development Director

[Aerial and Regional Transportation Plan Map](#)

[Application](#)

[Current and Proposed Concept Plans](#)

[Zoning and Land Use Maps](#)

[Notification List and Notification Map](#)

[Photograph of Subject Property](#)

[Sec. 3.5 Planned Development Districts](#)

[Planning Commisison Minutes](#)

[Ordinance](#)

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider possible direction to the City Manager to develop a plan to implement rules related to the disposal container ordinance.

Robert Camareno, City Manager

- B) Discuss and consider approval of a temporary road closure for the second annual Dia de los Muertos Festival on October 28, 2017.

Kristi Aday, Assistant City Manager

[HBA Street Closure Request](#)

- C) Discuss and consider approval of the first reading of an ordinance prohibiting parking along both sides of a portion of Saengerhalle Road.

Garry Ford, City Engineer

[2017-06-12 Ordinance - Saengerhalle NPZ](#)

[Saengerhalle Road Photos](#)

[Saengerhalle Proposed NPZ](#)

- D) Public hearing and first reading of an ordinance regarding Youth Programs Standards of Care for the Parks and Recreation Department.

Stacey Dicke, Parks and Recreation Director

[ordinance](#)

- E) Public hearing and consideration of a resolution amending the 2006 Future Land Use Plan, and consideration of the second and final reading of an ordinance regarding an amendment to Ordinance No. 2017-29, the “Highland Grove” Planned Development District Concept Plan, to remove 11.64 acres from “Highland Grove” Planned Development District (HGPD) and rezone the 11.64 acres and 38.1 acres out of the William H. Pate Survey, Abstract No. 259 and R. Ximenez Survey, Abstract No. 347, Guadalupe County, Texas, from “R-1A-6.6” Single Family District to “Highland Gardens” Planned Development District (HGARDPD), adopting a Concept Plan and associated Development Standards, located on FM 1044.

Christopher Looney, Planning and Community Development Director

[Aerial, Regional Transportation Plan and Floodplain Map](#)

[Applications](#)

[Exhibit Map](#)

[Current and Amending Highland Grove Concept Plans](#)

[Proposed HGARDPD Concept Plan and Development Standards](#)

[Zoning and Land Use Maps](#)

[Notification List, Map and Responses](#)

[Photographs of Subject Property](#)

[Ordinance 2017-29, Sec. 3.5 and Sec. 3.4-2](#)

[Planning Commission Minutes](#)

[Ordinance and Resolution](#)

- F) Discuss and consider the second and final reading of an ordinance regarding a proposed amendment to the “Reserve at Mockingbird Heights 2” Planned Development District (RMH2PD) Concept Plan on approximately 16.085 acres out of the A-608 J Thompson Survey 21, addressed at 1964 Lou Ann Drive.

Christopher J. Looney, Planning and Community Development Director

[Aerial](#)
[Application](#)
[Current/Proposed Plans](#)
[Land Use Maps](#)
[Notification](#)
[Planning Commisison Minutes](#)
[Ordinance](#)

- G) Discuss and consider the second and final reading of an ordinance regarding proposed amendments to the "Town Creek" Planned Development District (TCPD) Concept Plan and related development standards, located at N. Academy Avenue and N. Walnut Avenue.
Christopher J. Looney, Planning and Community Development Director

[Aerial Map](#)
[Application](#)
[Exhibits B & C](#)
[Concept Plan](#)
[Land Use Maps](#)
[Notice & Responses](#)
[Photographs](#)
[Planning Commisison Minutes](#)
[Ordinance](#)

- H) Discuss and consider approval of a contract with Freese and Nichols for professional engineering services in development of the Comal River Improvements Project.
Kristi Aday, Assistant City Manager

[Comal River Improvements - Phases 1 and 2 FNI Proposal](#)

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 pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:
- New Braunfels Housing Authority and New Braunfels Community Resources, Inc.
 - Stop the Ordinances Please, et. al. v. City of New Braunfels.

- B) Deliberate and consider the purchase of, exchange, lease or value of real property, in accordance with Section 551.072, of the Texas Government Code, including but not limited to:
- acquisition of land for city facilities

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.

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at the New Braunfels City Hall on June 7, 2017 at 2:10 p.m.

Andrea Cunningham, Assistant 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.

6/12/2017

Agenda Item No. A)

Presenter/Contact

Garry Ford, City Engineer
(830) 221-4020 - gford@nbtexas.org

SUBJECT:

Presentation on the status of the City of New Braunfels Pavement Management Program.

BACKGROUND / RATIONALE:

The City of New Braunfels Public Works Department is improving the Pavement Management Program to provide an effective and comprehensive system to design, construct and maintain the City's street network. Street infrastructure is one of the City's most important capital investments and serves an essential role in mobility, safety and economic development. Additionally, street conditions and repair are priorities for the community and elected officials.

The presentation will provide a status of the Pavement Management Program including: software implementation; current and future street maintenance program; public input and information; and proposed updates to pavement design, testing and inspection.

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

City of New Braunfels Comprehensive Plan (2006 Update)

Goal 21: Provide a system of convenient and safe transportation facilities through comprehensive, cooperative and continuing transportation system planning and development.

1. The City should develop and maintain roadway facilities and improvements in accordance with acceptable design standards to assure public safety and maximize their traffic carrying capacities.

Goal 35: Address community infrastructure improvement and expansion related to economic development.

C. Maintain acceptable pavement condition for streets serving business and industrial areas.

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

N/A

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/12/2017

Agenda Item No. A)

Presenter/Contact

Patrick Aten, City Secretary
(830) 221-4010 - paten@nbtexas.org

SUBJECT:

Discuss and consider approval of the minutes of the regular City Council meeting of May 22, 2017.

BACKGROUND / RATIONALE:

N/A

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the minutes of the regular City Council meeting of May 22, 2017.

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, MAY 22, 2017**

The City Council of the City of New Braunfels, Texas, convened in a Regular Session on May 22, 2017, at 6:00 p.m.

City Councilmembers present were:

Present: 7 - Mayor Barron Casteel, Councilmember George Green, Councilmember Justin Meadows, Councilmember Ron Reaves, Councilmember Chris Monceballez, Mayor Pro Tem Wayne Peters, and Councilmember Leah García

City Staff present were:

City Manager Robert Camareno, Assistant City Manager Kristi Aday, City Attorney Valeria Acevedo, First Assistant City Attorney Frank Onion, City Secretary Patrick Aten, Assistant City Secretary Andrea Cunningham, Planning and Community Development Director Christopher Looney, Interim Building Official Adriana McDonald, and Planner Benjamin Campbell.

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:04 p.m. Councilmember Monceballez gave the invocation; and Mayor Casteel led the Pledge of Allegiance and the Salute to the Texas Flag.

PROCLAMATIONS:

A) Building Safety Month

Mayor Casteel proclaimed the month of May as Building Safety Month.

1. MINUTES

A) Discuss and consider approval of the minutes of the regular City Council meeting of May 8, 2017, and the special City Council meetings of May 5, May 8, and May 15, 2017.

Mayor Casteel read the aforementioned caption.

A motion was made by Councilmember Green, seconded by Councilmember García, that this item be approved. The motion passed unanimously.

2. CITY COUNCIL ACTIONS

- A) Complete and issue Certificates of Election to the Mayor-elect and Councilmembers-elect.

Mayor Casteel read the aforementioned caption.

Patrick Aten completed and issued the Certificates of Election for the Mayor-elect and Councilmembers-elect.

- B) Administer oath of office to District 5 Councilmember-elect Wayne Peters.

Mayor Casteel read the aforementioned caption.

State District Judge Bruce Boyer administered the oath of office to District 5 Councilmember-elect Wayne Peters.

- C) Administer oath of office to District 6 Councilmember-elect Leah Garcia.

Mayor Casteel read the aforementioned caption.

State District Judge Bruce Boyer administered the oath of office to District 6 Councilmember-elect Leah García.

- D) Administer oath of office to Mayor-elect Barron Casteel.

Mayor Casteel read the aforementioned caption.

State District Judge Bruce Boyer administered the oath of office to Mayor-elect Barron Casteel.

- E) Discuss and consider the election of a Mayor Pro Tem.

Mayor Casteel read the aforementioned caption.

A motion was made by Councilmember Meadows, seconded by Councilmember Reaves, for Wayne Peters to be Mayor Pro Tem. The motion passed unanimously.

3. CITIZENS' COMMUNICATIONS

Tody Sindelar, Bill Norvell, and Don Pickett spoke regarding the 'Can Ban'.

Jerry Saucedo spoke regarding the Dia de los Muertos event in October.

4. CONSENT AGENDA

- A) Approval of the appointment of one individual to the Downtown Board for a term ending May 31, 2019.
- B) Approval of a resolution in support of the Comal County Historical Commission to obtain National Register of Historic Places designation for the property located at 131 South Hill Avenue, a local historic landmark known as the New Braunfels Fire Museum or the Old Central Fire Station.
- C) Approval of the purchase and installation of equipment for Police vehicles from GT Distributors, Inc., Applied Concepts, Inc. d/b/a Stalker Radar, Enforcement Video, LLC (WatchGuard), and the Lower Colorado River Authority (LCRA) via multiple cooperative contracts.
- D) Approval of an application to the Texas Parks and Wildlife Department for a Texas Paddling Trail on the Guadalupe River.

Approval of the Consent Agenda

Mayor Casteel read the aforementioned captions. A motion was made by Councilmember Green, seconded by Councilmember Reaves, to approve the Consent Agenda. The motion passed unanimously.

A motion was made by Councilmember Reaves, seconded by Councilmember García, to take Item 6B out of order. The motion passed unanimously.

6. EXECUTIVE SESSIONS

- B) Deliberate pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:
 - New Braunfels Housing Authority and New Braunfels Community Resources, Inc.
 - Stop the Ordinances Please, et. al. adv. City of New Braunfels. No.

Mayor Casteel read the aforementioned caption.

City Council recessed into Executive Session from 6:36 p.m. - 7:54 p.m.

No vote or action was taken.

City Council reconvened into Open Session at 7:54 p.m., and resumed with the Regular Agenda.

5. INDIVIDUAL ITEMS FOR CONSIDERATION

A) Public hearing and consideration of the first reading of an ordinance regarding proposed amendments to the "Town Creek" Planned Development District (TCPD) Concept Plan and related development standards, located at N. Academy Avenue and N. Walnut Avenue.

Mayor Casteel read the aforementioned caption.

Christopher Looney presented the item.

David Wolters, Stephen Hanz, Jeff Jewell, Ryan Buck, Haley Parsons, and Chris Van Heerde spoke during the public hearing.

A motion was made by Councilmember Green, seconded by Mayor Pro Tem Peters, that this item be approved with staff and Planning Commission recommendations. A motion was made by Councilmember Meadows, seconded by Councilmember Reaves, to amend the main motion to allow for the secondary access to be located at either N. Guenther Avenue, N. Academy Avenue or Fredericksburg Road. The motion to amend passed unanimously.

The main amended motion passed via the following vote:

In Favor:

Mayor Casteel, Councilmember Green, Councilmember Meadows, Councilmember Reaves, and Mayor Pro Tem Peters

Opposed:

Councilmember Monceballez, and Councilmember García

B) Public hearing and consideration of the first reading of an ordinance

regarding a proposed amendment to the “Reserve at Mockingbird Heights 2” Planned Development District (RMH2PD) Concept Plan on approximately 16.085 acres out of the A-608 J Thompson Survey 21, addressed at 1964 Lou Ann Drive.

Mayor Casteel read the aforementioned caption.

Christopher Looney presented the item.

Gene Blanchard, Robert Patton, Joanne Blanchard, and James Ingalls spoke during the public hearing.

A motion was made by Councilmember Green, seconded by Mayor Pro Tem Peters, that this item be approved without the Planning Commission recommendation of pedestrian access.

Gene Blanchard, James Ingalls, and Joanne Blanchard spoke regarding the item.

The motion passed via the following vote:

In Favor:

Mayor Casteel, Councilmember Green, Councilmember Meadows, Councilmember Reaves, Mayor Pro Tem Peters, and Councilmember García

Opposed:

Councilmember Monceballez

- C) Public hearing and consideration of the first reading of an ordinance regarding a requested amendment to Ordinance No. 2017-29, the “Highland Grove” Planned Development District Concept Plan, to remove 11.64 acres from “Highland Grove” Planned Development District (HGPD) and rezone the 11.64 acres and 38.1 acres out of the William H. Pate Survey, Abstract No. 259 and R. Ximenez Survey, Abstract No. 347, Guadalupe County, Texas, from “R-1A-6.6” Single Family District to “Highland Gardens” Planned Development District (HGARDPD), adopting a Concept Plan and associated Development Standards, located on FM 1044.

Mayor Casteel read the aforementioned caption.

Christopher Looney presented the item.

Ruth Franks spoke during the public hearing.

A motion was made by Councilmember Green, seconded by Councilmember Reaves, that this item be approved with staff recommendations. The motion passed via the following vote:

In Favor:

Mayor Casteel, Councilmember Green, Councilmember Meadows, Councilmember Reaves, Mayor Pro Tem Peters, and Councilmember García

Opposed:

Councilmember Monceballez

<City Council took a break.>

- D) Public hearing and consideration of the first reading of an ordinance regarding a requested rezoning to amend the August Fields Planned Development District Concept Plan, for property situated between FM 1101 and Alves Lane, west of Canyon Middle School and east of Freiheit Elementary School.

Mayor Casteel read the aforementioned caption.

Christopher Looney presented the item.

Chris Van Heerde and Mike Kovalski spoke during the public hearing.

A motion was made by Mayor Pro Tem Peters, seconded by Councilmember Meadows, that this item be approved. The motion passed unanimously.

- E) Public hearing and consideration of the first reading of an ordinance regarding a requested rezoning of approximately 25.89 acres consisting of Lot 4B, Block 1, Moeller Subdivision, Unit 3, addressed at 381 W. Klein Road from "APD" Agricultural / Pre-Development District to "ZH-A" Zero Lot Line Home District.

Mayor Casteel read the aforementioned caption.

Christopher Looney presented the item.

Allen Hoover spoke during the public hearing.

The item died for lack of a motion.

- F) Public hearing and consideration of the first reading of an ordinance regarding the proposed rezoning of the property addressed at 175 Fredericksburg Road from “R-1” Single-Family District to “C-O” Commercial Office District with a Special Use Permit to allow the short term rental of a single-family residence.

Mayor Casteel read the aforementioned caption.

Christopher Looney presented the item.

Richard Priesmeyer spoke during the public hearing.

The item died for lack of a motion.

- G) Discuss and consider approval of a conditional sign permit for Cross Lutheran Church and School, in the “R-2” Single and Two-Family District, currently addressed at 2171 East Common Street.

Mayor Casteel read the aforementioned caption.

Mark Hampton spoke regarding the item.

A motion was made by Councilmember Green, seconded by Councilmember Reaves, that this item be approved with staff recommendations. The motion passed via the following vote:

In Favor:

Mayor Casteel, Councilmember Green, Councilmember Meadows, Councilmember Reaves, Mayor Pro Tem Peters, and Councilmember García

Opposed:

Councilmember Monceballez

This regular meeting adjourned at 10:12 p.m.

Date Approved: June 12, 2017

BARRON CASTEEL, MAYOR

Attest:

PATRICK ATEN, CITY SECRETARY

6/12/2017

Agenda Item No. A)

Presenter/Contact

Michael Mundell, Solid Waste Manager
(830) 221-4040 - mmundell@nbtexas.org

SUBJECT:

Approval of the purchase of a propane-fueled pneumatic tire forklift utilizing a grant from the Texas Commission on Environmental Quality (TCEQ) through the Alamo Area Council of Governments (AACOG) from Equipment Depot using the NJPA contract.

BACKGROUND / RATIONALE:

The Solid Waste and Recycling Division is committed to providing environmentally friendly services and expanding opportunities for waste diversion. In 2016 the Division submitted a \$30,000 grant application to the TCEQ through the AACOG to purchase a 7,000 lb. forklift. Due to a lack of available funding through AACOG, the grant was unfunded. Since that time several grants that were awarded have been unused and enough money has been returned to the AACOG to award our \$30,000 grant application. The addition of this equipment will save the Division about \$1,500 annually in forklift rental fees for household hazardous waste collection events, as well as assist with daily operations in the public works yard.

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

X	Yes	City Plan/Council Priority:	Strategic Priorities: 1: Use a variety of funding sources for operational and capital needs. Explore creative funding alternatives and partnerships.
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FISCAL IMPACT:

The total cost of the forklift is \$33,452; there is adequate funding in the Solid Waste Fund to cover the additional \$3,452.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the purchase of the 7,000 lb. propane fueled pneumatic tire forklift from Equipment Depot using the NJPA contract.

6/12/2017

Agenda Item No. B)

Presenter/Contact*Barbara Coleman, Purchasing Manager
(830) 221-4389 - bcoleman@nbtexas.org***SUBJECT:**

Approval of annual recurring expenditures for FY 2016-17.

BACKGROUND / RATIONALE:

Per section 9.17 of the City Charter, City Council approval is required for annual purchases that exceed \$25,000. There are multiple expenditures that occur every year that are routine and part of normal ongoing municipal operations. Staff recommends that these expenditures be approved quarterly as they near the threshold, or as the projected annual amount to be spent has been determined. This will more efficiently manage staff resources and 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 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 are identified to exceed the \$25,000 threshold, they will be brought for City Council for approval. Moreover, any purchases that warrant individual consideration and approval also will be brought to City Council.

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

Vendor	Service	Estimated	Solicitation Source
Specialized Parts Co.	Parts and Supplies for Fleet Vehicles -Funding is incorporated into the Appropriate budget	\$70,000	US Communities
Lowes	-Misc Building Supplies - Funding is incorporated into the Appropriate Operating budget	\$30,000	TCPN
Grande Truck Center	Parts and Supplies for Fleet Vehicles - Funding is Incorporated into the Appropriate operating budget	\$60,000	BuyBoard
Leissner Auto Parts/	Parts and Supplies for Fleet Vehicles	\$30,000	BuyBoard/NJPA

NAPA Auto Parts	- Funding is incorporated into the Appropriate Operating budget		
Amazon	Misc Supplies & equipment - Funding is incorporated into the Appropriate operating budget	\$60,000	US Communities
Lowery	Property appraisals for multiple projects needed for ROW purchases - Appropriate project budgets	\$50,000	IDIQ NB 17-040

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

X	Yes	City Plan/Council Priority:	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 2016-17 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 line item budget.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of annual recurring expenditures for FY 2016-17 in accordance with City Charter section 9.17.

6/12/2017

Agenda Item No. C)

Presenter/Contact

Jennifer Gates, Buyer

(830) 221-4383 - JGates@nbtexas.org

SUBJECT:

Approval of purchases with Bluebonnet Motors, Inc. for a truck and Magnum Trailers for an incident command trailer for the Fire Department under the Texas Local Emergency Planning Committee Grant Program.

BACKGROUND / RATIONALE:

On September 12, 2016, City Council approved the submission of a grant application to the Texas Local Emergency Planning Committee (LEPC) Grant Program to the Texas Commission on Environmental Quality (TCEQ), for \$263,094, to purchase a vehicle, incident command trailer, and equipment. After review by TCEQ, the grant application was awarded to the City on March 21, 2017 for a total amount of \$92,663.

The Fire Department is requesting the purchase of a Ford F-550 truck, modified to be capable to pull a 36' gooseneck, incident command trailer that has design features and interior design to facilitate the need to respond to emergency calls involving hazardous materials (Haz-Mat).

The total purchase price for the truck is \$57,594; the grant will fund \$39,232. The purchase price for the trailer is \$54,902; the grant will fund \$53,431. The balance/city match of \$19,834 will be paid from the Equipment Replacement Fund. The Fire Department deferred the replacement of one of their light vehicles this fiscal year, creating the budget savings to absorb the unfunded portion of this grant.

The Ford F-550 truck, modified to be capable of towing a gooseneck trailer, will be purchased from Bluebonnet Motors, Inc. utilizing the City's annual contract that was awarded in January 2017. The incident command trailer is being purchased from Magnum Trailers utilizing a BuyBoard contract.

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

Yes	Strategic Priorities 2: Use a variety of funding sources for operational and capital needs.
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FISCAL IMPACT:

The purchase price for the truck is \$57,594; the TCEQ/LEPC grant will fund \$39,231. The purchase price for the trailer is \$54,902; the TCEQ/LEPC grant will fund \$53,431. The remaining balance of \$19,834 for the two purchases will be paid from the Equipment Replacement Fund, as described above. Therefore, sufficient funds are available to purchase the items as described above.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a purchase with Bluebonnet Motors, Inc. for a truck via the City's annual contract, and Magnum Trailers for an incident command trailer via a BuyBoard contract for the Fire Department under the Texas Local Emergency Planning Committee (LEPC) Grant Program.

6/12/2017

Agenda Item No. D)

Presenter/Contact

*Stacey Laird Dicke, Parks and Recreation Director
(830) 221-4350 - sdicke@nbtexas.org*

SUBJECT:

Approval of a BuyBoard purchase of audio/visual equipment from Ford Audio-Video Systems, LLC for the garden rooms and courtyard at the Civic/Convention Center.

BACKGROUND / RATIONALE:

In recognition of the need to stay current with clients' technology needs and respond to their requests, new HDMI computer inputs will be installed in each of the five breakout rooms. Fiber optic cable will be used to make the final connection between all event spaces so that presentations can be shared in any room of the facility, providing maximum flexibility to clients. Additionally, a sound system will be added in the Courtyard, adjacent to the Garden Rooms, as well as special event lighting.

Available Hotel/Motel Tax Fund reserves will be used for these audio/visual enhancements.

The total cost for this project is \$80,262. Ford Audio-Video systems, LLC is a BuyBoard Cooperative vendor and satisfies competitive bidding requirements.

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

X	Yes	City Plan/Council Priority:	Strategic Priorities: Effective Management - Reacting to advances in technology; "The City will need to continue to acquire technology to respond to customer behavior and demand."
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FISCAL IMPACT:

Funding for the proposed facility enhancements will be provided through the Hotel/Motel Tax Fund reserves and was budgeted in the FY2016-2017 budget.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a BuyBoard purchase of audio/visual equipment from Ford Audio-Video Systems, LLC for the garden rooms and courtyard at the Civic/Convention Center.

6/12/2017

Agenda Item No. E)

Presenter/Contact

Jennifer Gates, Buyer

(830) 221-4383 - JGates@nbtexas.org

SUBJECT:

Approval of an annual contract with ABM Texas General Services, Inc. to perform custodial services for the City of New Braunfels.

BACKGROUND / RATIONALE:

On October 24, 2016, the City of New Braunfels awarded a contract to a vendor for the performance of custodial services at multiple City facilities. The majority of custodial and maintenance tasks are performed by City staff; however, procuring contracted custodial labor has provided an opportunity for cost savings while utilizing the staffing and equipment offered by an experienced, qualified company. Custodial services include, but are not limited to, dusting, sweeping, mopping, cleaning and disinfecting restrooms, and trash/recycling pick up and removal. Since contract award, services have primarily occurred after standard operating hours at the New Braunfels City Hall and New Braunfels Public Library - Central Library.

The awarded contract was for a base term of 3 years, with 2, 1-year renewal options for approximately \$93,500 per year. However, the contract was subsequently terminated in May 2017 as the contractor was unable to continue to support the City's contract as specified.

As per the terms and conditions of the City's contract, the City contacted the second-ranked respondent, ABM Janitorial Services-South Central, Inc. to determine their interest and availability in providing custodial services to the City. The firm's name has since changed to ABM Texas General Services, Inc. and they have proven to be a highly-qualified company with the staffing and resources available to begin providing immediate assistance to the City in the interim of the award of a new annual contract.

Staff proposes that the contractor perform custodial services at the New Braunfels City Hall and New Braunfels Public Library - Central Library. However, the contract also supports the option to add facilities, such as the New Braunfels Regional Airport, and positions such as a day porter to support City custodial staff, during the term of the contract, if and when funding is available.

The contract will begin upon receipt of Council approval through September 30, 2019. Additionally, there are two, one-year options to renew for a combined total of approximately 4 years.

The total estimated annual cost is \$124,979 as per the following:

- 1) New Braunfels City Hall: \$71,615 per year
- 2) New Braunfels Public Library - Central Library: \$42,564 per year

3) Maintenance Cost of Vinyl Composition Tile (VCT) Flooring: Not to exceed \$10,800 per year.

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:

The total estimated annual cost, including maintenance of VCT flooring, is \$124,979. The cost for these services is allocated in each associated department's operating budget; therefore, sufficient funds are available to award the contract as described above.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of an annual contract to ABM Texas General Services, Inc. to perform custodial services for the City of New Braunfels.

6/12/2017

Agenda Item No. F)

Presenter/Contact*Tom Wibert, Police Chief**(830) 221-4100 - twibert@nbtexas.org***SUBJECT:**

Approval of a resolution for a purchase with Watch Guard for grant-supported Body-Worn Cameras for the Police Department and short term financing through government capital.

BACKGROUND / RATIONALE:

On June 8, 2015 the City Council authorized the submittal of an application of a grant for Body-Worn Cameras from the U. S. Department of Justice as well as the acceptance of funds and execution of a contract associated should the grant be awarded. This grant was awarded and will reimburse up to \$31,745 for up to 71 Body-Worn Cameras to the Police Department. This grant requires an approximate 50% city match. The total grant allocation is \$64,397. As mentioned earlier, the grant requested the purchase of 71 cameras to implement a body worn camera program. Since the grant application, the Police Department has developed policy for the potential program in collaboration with the Information Technology Department, further evaluated camera options, storage needs and other ancillary equipment necessary to implement the program. After that evaluation, the equipment and storage needs needed to be adjusted in a way that effectively and safely allows for this important program to be implemented. For example, Police staff recommends a minimum of 90 cameras be purchased to ensure that all Patrol staff is equipped with a camera when on duty. Therefore, the grant will support a total of 54 cameras; the remaining will be funded with alternative funding sources. The breakdown of the total project costs is below.

Equipment description	Quantity	Cost	Funding Source
Cameras	54	\$ 64,397	Grant funds (\$31,745) General Fund
Additional Cameras	36	43,153	Short Term Financing - paid through
Ancillary Equipment (chargers, licenses, network equipment)	0	42,450	Short Term Financing - paid through
Video Storage equipment	N/A	37,602	Short Term Financing - paid through
Total Project		\$ 187,602	

The cameras and ancillary equipment have been vetted through a Buy Board contract and will be purchased from Watch Guard at a total cost of \$150,015. The remaining \$37,602 to purchase the necessary video storage equipment will be purchased from Sequel Data Systems Incorporated through a state of Texas Department of Information Resources (DIR) contract.

Short Term Financing

The grant only allows for the purchase of cameras up to \$64,397 (grant plus city match) as described above. The remaining funding for this project will come from short term financing from government capital (\$123,220). Five annual payments will be made to support the financing. An interest rate of 2%-2.5% is anticipated with annual payments of approximately \$26,300. The first payment will be

made on October 15, 2017. The funding summary of this project is detailed below.

Funding Source	Amount
Federal Grant Funds	\$ 31,745
City Match Requirement - General Fund	32,652
Short Term Financing - Paid through General Fund	123,220
Total Funding	\$ 187,617

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

X	Yes	City Plan/Council Priority:	Strategic Priorities: Infrastructure Objective 1a - Use a variety of funding sources for operational and capital needs.
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FISCAL IMPACT:

The funding summary described above includes all necessary information regarding the various sources recommended to support this project. There are funds available to support the City Match requirement of \$32,652 allocated in the FY 2016-17 General Fund Adopted Budget. The annual payment of approximately \$26,300 will be incorporated into the FY 2017-18 Adopted Budget.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval.

RESOLUTION NO. 2017-R_____

**A RESOLUTION OF THE CITY OF NEW BRAUNFELS, TEXAS, TO
AUTHORIZE THE PURCHASE OF BODY WORN CAMERAS AND
RELATED EQUIPMENT THROUGH A FINANCE CONTRACT WITH
GOVERNMENT CAPITAL CORPORATION.**

WHEREAS, the City of New Braunfels Police Department was awarded a U.S. Department of Justice grant in the amount of \$31,745 for reimbursement of the purchase of up to 71 body-worn cameras for police officers; and

WHEREAS, upon further evaluation it has been determined that the Police Department will require additional body-worn cameras and ancillary equipment in order to fully implement the body-worn camera policy; and

WHEREAS, contingent upon the approval of the Attorney of the City of New Braunfels (the "Issuer"), the Issuer desires to enter into a Finance Contract by and between the Issuer and Government Capital Corporation ("GCC") for the purpose of financing body-worn cameras and related equipment.

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

THAT, the Issuer will enter into a Finance Contract with GCC for the purpose of financing body-worn cameras and related equipment; and

THAT, the Issuer will designate Robert Camareno, City Manager, as an authorized signer of the Finance Contract dated as of June 12, 2017, by and between the City of New Braunfels and CGG.

PASSED, ADOPTED AND APPROVED this the 12th day of June, 2017.

CITY OF NEW BRAUNFELS

BY:_____
BARRON CASTEEL, Mayor

ATTEST:

PATRICK ATEN, City Secretary

6/12/2017

Agenda Item No. G)

Presenter/Contact

*Bryan Woods, Capital Programs Manager
(830) 221-4022 - BWoods@nbtexas.org*

SUBJECT:

Approval of a contract with Clark Construction of Texas, Inc. for construction and Raba Kistner Consultants for materials testing on Mesquite Avenue/Old Marion Road reconstruction.

BACKGROUND / RATIONALE:

The citywide street program was approved in the 2013 Bond election. Projects in this program could include: mill & overlay of pavement, curb repair/replacement, sidewalk repairs, and concrete diamonds around meter boxes and manholes.

The Mesquite/Old Marion reconstruction project was designed by Moeller & Associates. The City issued this project for bid on April 12th. A total of five bids were received on May 11th. Clark Construction was selected after rating everyone on cost, relevant experience, plan and schedule, and financial capacity. Clark Construction came in with a bid of \$726,576. Raba Kistner Consultants will be performing the materials testing for this project with a not to exceed amount of \$15,000.

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

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

The 2013 bond program includes \$10 million for citywide street improvement projects that will provide funding for engineering services, construction and testing on these projects.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a contract with Clark Construction of Texas, Inc. for construction and Raba Kistner Consultants for materials testing on Mesquite Avenue/Old Marion Road reconstruction.

6/12/2017

Agenda Item No. H)

Presenter/Contact

Jennifer Gates, Buyer

(830) 221-4383 - JGates@nbtexas.org

SUBJECT:

Approval of the renewal of a two year contract with All City Management Services, Inc. for school crossing guard services for multiple schools within the New Braunfels Independent School District (NBISD).

BACKGROUND / RATIONALE:

The City entered into a two-year contract on July 27, 2015 with All City Management Services, Inc. (ACMS) for school crossing guard services. ACMS is a full-service contractor that has been in business for 28 years, and is the only company that exclusively provides school crossing guards. After the contract was awarded, ACMS assumed responsibility for the entire New Braunfels Independent School District (NBISD) School Crossing Guard Program which was previously supported by City uniformed staff. The New Braunfels Police Department manages this contract to ensure that the services provided continue to meet the expectations of the City.

This contract has an option to renew, in two year increments, for a combined total of six years. The City is exercising the first two-year renewal option which will expire June 30, 2019.

During the base term of the contract, ACMS has provided the services for \$15.64 per guard, per hour. During the two year renewal period, they have requested a new rate of \$16.18 per guard, per hour. This rate continues to include costs such as recruitment, background clearance, training, equipment, insurance, supervision and management of the crossing guard program.

In FY 2015-16, the City spent \$106,266 for 12 guards to cover 12 crossing locations for six NBISD schools. In FY 2016-17, the cost of the services increased to \$120,000 as there were two guard positions added to provide coverage for two new crossing locations for two additional NBISD schools.

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:

The costs of school crossing guards are paid from the Child Safety Fund. The cost of the contract was built into the FY 2016-17 Child Safety Fund Adopted Budget and is included in the FY 2017-18 Child Safety Fund Proposed Budget. Therefore, there are sufficient funds available to renew the contract.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the renewal of a two year contract with All City Management Services, Inc. for school crossing guard services for multiple schools within the New Braunfels Independent School District (NBISD).

6/12/2017

Agenda Item No. I)

Presenter/Contact

Garry Ford, City Engineer
(830) 221-4020 - gford@nbtexas.org

SUBJECT:

Approval of the first reading of an ordinance to create a regulatory construction speed zone on portions of Loop 337.

BACKGROUND / RATIONALE:

Council Districts: 1, 3, and 4

The Texas Department of Transportation (TxDOT) is preparing for a project to expand Loop 337 from two to four divided lanes. This work will necessitate reducing the existing 55 mph speed limit zones to 45 mph during construction work.

TxDOT has requested that the City of New Braunfels establish a regulatory construction speed zone of 45 mph in the following sections of Loop 337:

- From MP 10.375 at San Antonio Street, northeasterly to MP 13.029 at BS 46-C, for a distance of 2.654 miles approximately;
- From MP 13.888 which is approximately 1000' southwest of California Blvd, northeasterly to MP 15.265 at River Road, for a distance of 1.377 miles approximately; and
- From MP 15.265 at River Road, southeasterly to MP 16.398 at Hanz Drive, for a distance of 1.133 miles approximately.

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

2006 Comprehensive Plan: Transportation Goal 21: Provide a system of convenient and safe transportation facilities through comprehensive, cooperative, and continuing transportation system planning and development.

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the creation of a regulatory construction speed zone on portions of Loop 337 from 55 mph to 45 mph.

ORDINANCE NO. 2017-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS, ESTABLISHING REGULATORY
CONSTRUCTION SPEED ZONES ON PORTIONS OF LOOP 337.**

WHEREAS, in New Braunfels, Texas, an engineering and traffic investigation has been made to determine the maximum, reasonable and prudent speeds on the section of:

SL 337, Control-Section 0216-01 from MP 10.375 at San Antonio Street, northeasterly to MP 13.029 at BS 46-C, for a distance of 2.654 miles approximately, as necessary for construction project number STP 1702(434).

SL 337, Control-Section 0216-01 from MP 13.888 which is approximately 1000 feet southwest of California Blvd, northeasterly to MP 15.265 at River Road, for a distance of 1.377 miles approximately, as necessary for construction project number STP 1702(436).

SL 337, Control-Section 0216-01 from MP 15.265 at River Road, southeasterly to MP 16.398 at Hanz Drive, for a distance of 1.133 miles approximately, as necessary for construction project number STP 1702(435)MM.

The above speed zones represent construction speed zones in effect when signs are displayed within construction project. The completion and/or acceptance of the project shall cancel the provision of this city ordinance applying to said project and any remaining construction speed zone signs shall be removed.

I.

NOW, THEREFORE, THE CITY OF NEW BRAUNFELS, TEXAS, hereby declares and fixes the regulatory construction speed zone as 45 mile per hour for the above referenced roadway segments.

All ordinances and parts of ordinances in conflict are hereby repealed.

II.

THAT all provisions hereof are hereby declared to be severable and if any provisions hereof is declared to be invalid or unconstitutional, such shall not invalidate

or affect the remaining provisions hereof which will be and remain in full force and effect.

III.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this the _____ day of _____, 2017.

PASSED AND APPROVED: Second reading this the _____ day of _____, 2017.

CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, MAYOR

ATTEST:

PATRICK D. ATEN, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY

6/12/2017

Agenda Item No. J)

Presenter

*Christopher Looney, Planning and Community Development Director
(830) 221-4050 - clooney@nbtexas.org*

SUBJECT:

Approval of the second and final reading of an ordinance regarding a requested rezoning to amend the August Fields Planned Development District Concept Plan, for property situated between FM 1101 and Alves Lane, west of Canyon Middle School and east of Freiheit Elementary School.

BACKGROUND / RATIONALE:

Case No.: PZ-17-018

Council District: 5

Owner/Applicant: August Fields, LP (Barth Timmermann)
501 Vale Street
Austin, TX 78746
(512) 773-0498

Agent: HMT Engineering and Surveying (Chris Van Herde, P.E.)
410 N. Seguin Avenue
New Braunfels, TX 78130
(830) 625-8555

Staff Contact: Matt Greene, Planner
(830) 221-4053
mgreene@nbtexas.org

City Council held a public hearing on May 22, 2017, and unanimously approved the first reading of this requested rezoning ordinance (7-0-0).

The subject property is comprised of 84.65 acres located between FM 1101 and Alves Lane, west of Canyon Middle School and east of Freiheit Elementary School. The subject property was rezoned from "R-2A" Single and Two-Family District and "APD" Agricultural/Pre-Development District to "August Fields" Planned Development District (AFPD) in January of 2016. The Master Plan and Detail Plan were also approved in 2016. Unit 1 of the subdivision plat was recorded with the appropriate county in October of 2016.

The current PD consists of 286 residential lots and 1 commercial lot. The applicant is proposing to amend the AFPD to increase the maximum residential density and maximum residential and commercial lot count and to modify the street configuration. If approved, the revised AFPD would

include a maximum of 309 residential lots, which is 23 more than the current approved plan, and 3 commercial lots, which is 2 more than the current approved plan. The residential lot density is proposed to increase from the current 3.45 units per acre to 3.73 units per acre.

General Information:

Size: 84.65 acres

Surrounding Zoning and Land Use:

North - Across FM 1101 "West Village at Creekside" PD / Single family residential subdivision

South - Across Alves Lane, R-2 / Single-family homes, duplexes, a catering business and agricultural uses

East - R-2A / Single family homes, Canyon Middle School and Creekside Crossing Subdivision

West - APD and R-2A / Freiheit Elementary School, agricultural land and two single family dwellings

Comprehensive Plan / Future Land Use Designation:

Residential Low Density and Commercial

Floodplain:

No portion of the property is located within the 1% annual chance flood zone.

Regional Transportation Plan:

This project is in compliance with the City's Regional Transportation Plan. FM 1101 is designated as a 90-foot wide Major Collector; it currently has a right-of-way width of 100 feet. The FM 1101 TXDOT improvement project calls for 120 feet of right-of-way width. The developers will dedicate 20 feet of right-of-way adjacent to FM 1101 with the recordation of their Unit 1 plat.

Alves Lane is designated as a 120-foot wide Minor Arterial. The developers will dedicate 35 feet of right-of-way adjacent to Alves Lane at the time of final plat.

There are no thoroughfares designated on the Regional Transportation Plan internal to the subject property, however, the applicant will provide a requested Collector Street section through the subdivision with the goal that one day a street connection can be made from Alves Lane to Elliot Knox Boulevard/Business 35 to improve connectivity in this rapidly growing area of town.

Traffic Impact Analysis:

A TIA has been submitted for review by the City Engineering Division and TxDOT. Any required mitigation measures will be incorporated into future final plats.

Hike and Bike Trails Plan:

The City's Hike and Bike Trails Plan includes an off-street trail along the northeast property boundary. The proposed shared use path will connect to the hike and bike trail being constructed along the west side of FM 1101 with new development. The developer will be constructing the 10-foot hike and bike trail upon approval by the Parks and Recreation Department.

Improvement(s):

Phase 1 of the subdivision is currently under construction.

Parkland Dedication:

The Parks and Recreation Department has agreed under certain terms to accept 2.71 acres of land dedication from the developer in order to meet the intent of the City's Parkland Dedication and Development and Off-street Bikeways and Trails ordinances. Currently, Park Quadrant 2 lacks public parks. The parkland dedication will provide a public park and trail in PQuad 2 as well as serving as a node along the trail. The trail will provide connectivity from residential neighborhoods and schools to desirable destinations within the area.

As a part of the agreement, the developer of the August Fields subdivision has agreed to invest \$250,000 in Phase I park improvements in accordance with the Park Project Plans: turf, benches, trash and pet waste receptacles, sidewalks, utilities, lighting (conduit, poles, fixtures), covered gathering area or pavilion, tot lots and/or nature play area, and irrigation system. The developer also agrees to construct a 10-foot wide concrete hike and bike trail leading from FM 1101 to Alves Lane. Upon completion and approval of the hike and bike trail the city will contribute \$85,000 from park development fees toward trail costs incurred by the developer and return fees paid from Unit 1. Once the improvements have been completed and accepted by the Parks Department, the park and trail will be open and accessible to the public.

The Parks Department will enter into a license agreement with the HOA for the operations and maintenance of certain aspects of the public park, such as landscaping, mowing and irrigation. The Parks Department shall own the park and retain responsibility for all other capital improvements not explicitly licensed to the August Fields homeowners association. The new park and trail will get underway a new linear park system in PQuad 2 that will reach other desirable destinations in and around the Creekside area and eventually to Alligator Creek.

Planned Development:

A planned development district is a free-standing zoning district designed to provide for the development of land as an integral unit for single or mixed uses in accordance with a City Council approved plan that may vary from the established regulations of other zoning districts. It is the intent in such a district to insure compliance with good zoning practices while allowing certain desirable departures from the strict provisions of specific zoning classifications.

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 *(There will be no changes in the current uses permitted.);*
- 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 proposed amendment should not conflict with the existing and proposed streets, water supply, sanitary sewer and other utilities in the area. Notice of this requested rezoning was sent to Comal ISD);*
- How other areas designated for similar development will be affected *(This amendment should not 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.);* and
- Whether the request is consistent with the Comprehensive Plan *(The proposed revisions remain consistent with the Future Land Use Plan designation of Low Density Residential and Commercial and with several objectives of the Comprehensive Plan.)*

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

✓	Yes	City Plan/Council Priority: <i>2006 Comprehensive Plan Pros and Cons Based on Policies Plan</i>	Pros: Objective 1A: <i>Evaluate proposed zone changes to maintain land use compatibility, as well as the integration of mixed land uses as a component of achieving better places to live.</i> The subject property is located in an area that is mostly developed with single-family residences or is currently being developed. Goal 1C: <i>Consider rezoning, as necessary, to ensure existing and future land use compatibility.</i> The proposed amendments are compatible with the existing development and development standards of the August Fields PD. Cons: N/A
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the applicant's request at their public hearing on May 2, 2017 (6-0-0) with Commissioners Bearden, Edwards and Nolte absent.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed changes to the "August Fields" Planned Development zoning district, as the proposed changes are consistent with the current PD Development Standards as well as the Future Land Use Plan designation of Residential Low Density and Commercial in the respective areas.

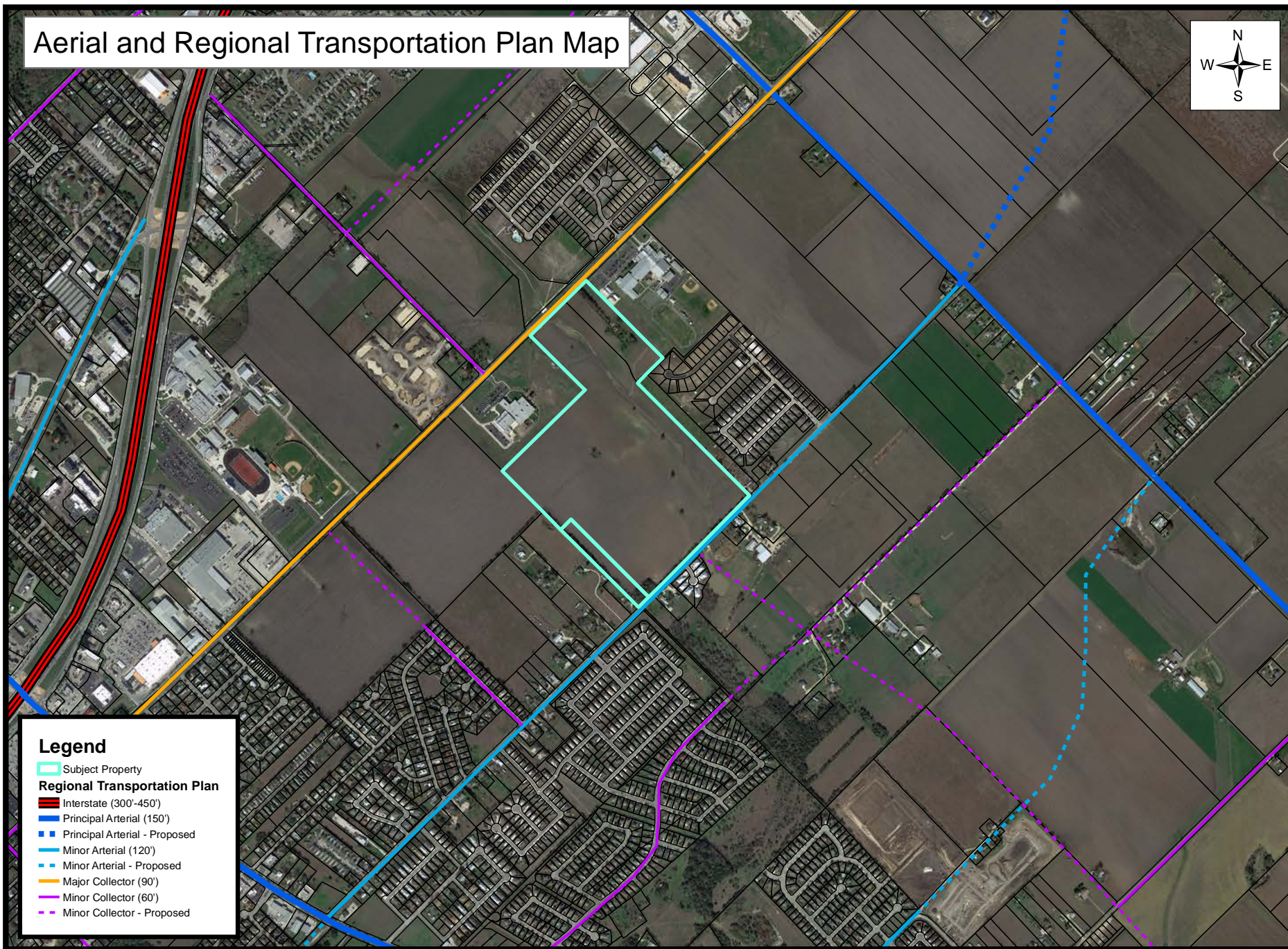
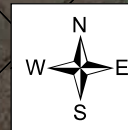
Notification:

Public hearing notices were sent to 30 owners of property within the subject area and within 200 feet of the subject area. The Planning Division has received no responses in favor or opposition.

ATTACHMENTS:

1. Aerial and Regional Transportation Plan Map
2. Application
3. Current and Proposed Concept Plans
4. Zoning and Land Use Maps
5. Notification List and Notification Map
6. Photographs of Subject Property
7. Sec. 3.5 Planned Development Districts
8. Ordinance
9. Planning Commission Minutes

Aerial and Regional Transportation Plan Map



PZ-17-018

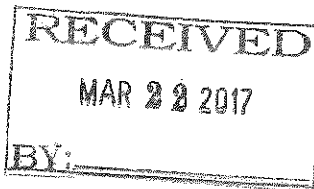
Map Created 4/27/17



"August Fields" Planned Development District
Amending Concept Plan



PLANNING



APPLICATION FOR ZONE CHANGE

550 LANDA STREET

NEW BRAUNFELS TX 78130

E-MAIL: planning@nbtexas.org

PHONE: (830) 221-4050

Case Number: P2-17-018

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: August Fields, LP

Mailing Address: 501 Vale Street, Austin, Texas 78746

Telephone: 512.773.0498

Fax: _____

Mobile: _____

Email: barthtimm@aol.com

2. Property Address/Location: between FM 1101 and Alves Lane just down from Kowald Lane

3. Legal Description:

Name of Subdivision: A-1 SUR-1 A M ESNAURIZAR and AUGUST FILEDS UNIT 1

Lot(s): 1-36, 198-217, 274-286, 900-909, 924

Block(s): 1, 2, and 3

Acreage: 84.65

4. Existing Use of Property: Open

5. Proposed Use of Property (attach additional or supporting information if necessary): _____

Single-Family Residential

6. Zoning Change Request: Current Zoning: August Fields PDD Proposed Zoning: August Fields PDD

For "PDD Planned Development District", check if: Concept Plan ☒ OR Detail Plan _____

7. Reason for request (please explain in detail and attach additional pages if needed): _____

Amend current PD

8. ATTACHMENTS:

☐ Metes and bounds description and survey if property is not platted.

☐ TIA worksheet and Traffic Impact Analysis if required.

☐ Location in 100-year floodplain: Please provide a map of the floodplain overlaying the property proposed for zoning or, at a minimum, a copy of the proper FEMA flood map, with panel number. (Current floodplain maps are those most recently adopted by the City Council.)

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

☐ If requesting a Planned Development (PD), applicant must provide development standards on the detail plan and/or provide the standards in a separate document as described in the Zoning Ordinance, Section 3.5. Provide 14 copies of the standards and Concept plan (1":200') for distribution with 4 copies of the survey (1":200') (if preparing revisions to existing Planned Development (PD) please provide one legible 11x17).

☒ Copy of deed showing current ownership.

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

Date

3/9/17
Barth Timmermann, President

Print Name & Title

Signature of Owner(s)/Agent

For Office Use Only

Fee Received By: [Signature] Amount: 1,200.00 Receipt No.: 236196

Date Received: 3-22-14 Zoning signs issued: _____ Date: _____ No.: _____

Cash/Check Number: 1015 Case Number: _____

AUGUST FIELDS PLANNED DEVELOPMENT DISTRICT CONCEPT PLAN

AUGUST FIELDS, A PLANNED DEVELOPMENT COMPRISED OF A 84.65 ACRE TRACT OF LAND SITUATED IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS AND BEING SITUATED IN THE A.M. ESNAURIZAR SURVEY, ABSTRACT NO. 1, SUBDIVISIONS NO. 61 & 62, COMAL COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 118.75 ACRE TRACT RECORDED IN VOLUME 271, PAGE 336, DEED RECORDS, COMAL COUNTY, TEXAS.

SCALE: 1"=200'

LEGEND:

- U.E. = UTILITY EASEMENT
- D.E. = DRAINAGE EASEMENT
- L.E. = LANDSCAPE EASEMENT
- R.O.W. = RIGHT-OF-WAY
- M.P.R.C.C.T. = MAP AND PLAT RECORDS, COMAL COUNTY, TEXAS
- O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS
- D.R.C.C.T. = DEED RECORDS, COMAL COUNTY, TEXAS
- XX" W- = EXISTING WATER LINE
- XX" SW- = EXISTING SEWER LINE
- OE = OVERHEAD ELECTRIC
- XX = ZONING TYPE
- XXXX = LANDUSE



LOCATION MAP
NOT TO SCALE

NOTE:
1) THE BASE ZONING RESIDENTIAL LOTS IN THE "AUGUST FIELDS" PLANNED DEVELOPMENT DISTRICT (APFD) IS "R-2A" ZERO LOT LINE HOME DISTRICT.

PRELIMINARY RESIDENTIAL LOT COUNT	
LOT SIZE	MAX. # OF LOTS
RESIDENTIAL LOTS	286
DRAINAGE LOTS	13

PRELIMINARY RESIDENTIAL LOT DATA	
MINIMUM LOT AREA	4,500 S.F.
MINIMUM LOT WIDTH (INTERIOR)	45'
MINIMUM LOT WIDTH (CORNER)	55'
MINIMUM LOT DEPTH	100'
MINIMUM FRONT SETBACK	25'
MINIMUM SIDE SETBACK	5'
MINIMUM REAR SETBACK	35'
MAXIMUM BUILDING HEIGHT	35'
MAXIMUM IMPERVIOUS COVERAGE	65% (ENTIRE LOT)

PRELIMINARY RESIDENTIAL PROJECT DATA	
ACREAGE	82.90 AC

- LOT DENSITY = 3.45 UNITS PER ACRE
- 2) THE IMPERVIOUS COVER ON ALL RESIDENTIAL LOTS SHALL NOT EXCEED 65% OF THE ENTIRE LOT.
- 3) THE BASE ZONING COMMERCIAL LOT IN THE "AUGUST FIELDS" PLANNED DEVELOPMENT DISTRICT (APFD) IS "C-1A" NEIGHBORHOOD BUSINESS DISTRICT.

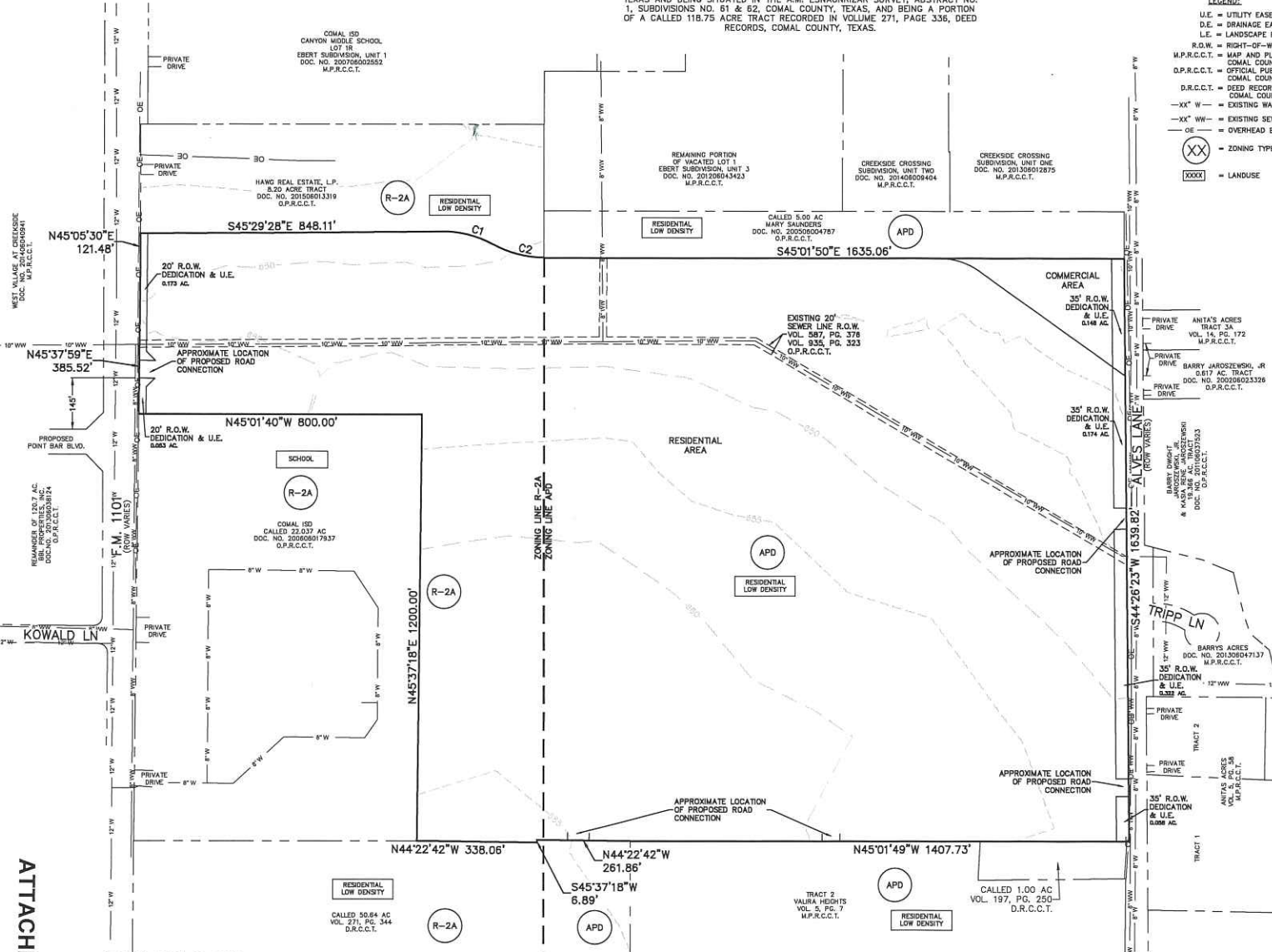
PRELIMINARY COMMERCIAL LOT COUNT	
LOT SIZE	MAX. # OF LOTS
COMMERCIAL LOTS	3

PRELIMINARY COMMERCIAL LOT DATA	
MAXIMUM BLDG. HEIGHT	35'
FRONT BLDG. SETBACK	25'
SIDE BLDG. SETBACK	6' IF ADJUTS RESIDENTIAL LOT
REAR BLDG. SETBACK	20' + 1' FOR EVERY FOOT OF BLDG. HEIGHT OVER 20'
MINIMUM WIDTH OF LOT	60'
MINIMUM LOT DEPTH	100'
PARKING	SEE SECTION 144-6.1
MAXIMUM BLDG. SIZE	50,000 SQ. FT.

PRELIMINARY COMMERCIAL PROJECT DATA	
ACREAGE	1.75 AC

- LOT DENSITY = 1.71 UNITS PER ACRE
- 4) THIS DEVELOPMENT DISTRICT IS CONTAINED ENTIRELY WITHIN THE CITY OF NEW BRAUNFELS CITY LIMITS.

- 5) LAND USES NOT ALLOWED IN C-1A ZONING:
-AUTO LEASING
-AUTO SUPPLY STORE FOR NEW AND FACTORY REBUILT PARTS.
-AUTO TIRE REPAIR/SALES (INDOOR)



PREPARED APRIL 23, 2015
REVISED OCTOBER 20, 2015
REVISED NOVEMBER 17, 2015



410 N. SEQUIN AVE.
NEW BRAUNFELS,
TEXAS 78130
WWW.HMTNB.COM
PH: (830) 625-8555
TBPLS FIRM 10153600
TBPE FIRM F-10961

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD LENGTH	CHORD BEARING
C1	152.95'	300.00'	029°12'38"	78.17'	151.30'	N30°53'09"W
C2	150.53'	300.00'	028°45'00"	78.89'	148.98'	S30°39'20"E

CURRENT CONCEPT PLAN

AUGUST FIELDS PLANNED DEVELOPMENT DISTRICT AMENDED CONCEPT PLAN

AUGUST FIELDS, A PLANNED DEVELOPMENT COMPRISED OF A 84.65 ACRE TRACT OF LAND SITUATED IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS AND BEING SITUATED IN THE A.M. ESNAURIZAR SURVEY, ABSTRACT NO. 1, SUBDIVISIONS NO. 61 & 62, COMAL COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 118.75 ACRE TRACT RECORDED IN VOLUME 271, PAGE 336, DEED RECORDS, COMAL COUNTY, TEXAS.

SCALE: 1"=200'

LEGEND:

- U.E. = UTILITY EASEMENT
- D.E. = DRAINAGE EASEMENT
- L.E. = LANDSCAPE EASEMENT
- R.O.W. = RIGHT-OF-WAY
- M.P.R.C.C.T. = MAP AND PLAT RECORDS, COMAL COUNTY, TEXAS
- O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS
- D.R.C.C.T. = DEED RECORDS, COMAL COUNTY, TEXAS
- XX" W- = EXISTING WATER LINE
- XX" WW- = EXISTING SEWER LINE
- OE- = OVERHEAD ELECTRIC
- XX = ZONING TYPE
- XXXX = LANDUSE



LOCATION MAP
NOT TO SCALE

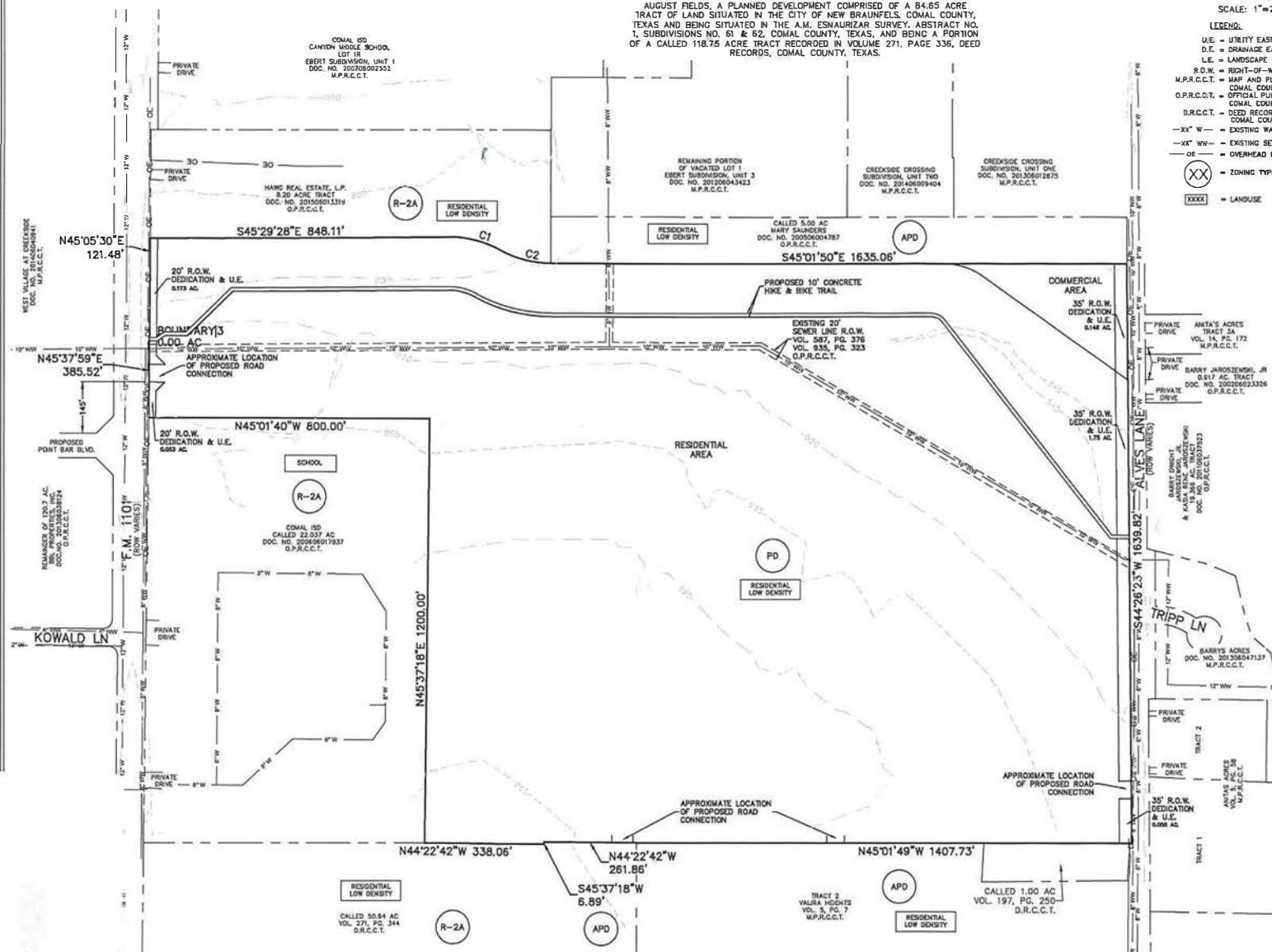
NOTE:
1) THE BASE ZONING FOR RESIDENTIAL LOTS IN THE 'AUGUST FIELDS' PLANNED DEVELOPMENT DISTRICT (APFD) IS '2H-A' ZERO LOT LINE HOME DISTRICT.

PRELIMINARY RESIDENTIAL LOT COUNT	
LOT SIZE	MAX. # OF LOTS
RESIDENTIAL LOTS	309
DRAINAGE LOTS	13
PRELIMINARY RESIDENTIAL LOT DATA	
MINIMUM LOT AREA	4,500 S.F.
MINIMUM LOT WIDTH (INTERIOR)	45'
MINIMUM LOT WIDTH (CORNER)	55'
MINIMUM LOT DEPTH	100'
MINIMUM FRONTSETBACK	25'
MINIMUM SIDE SETBACK	5'
MINIMUM REAR SETBACK	10'
MAXIMUM BUILDING HEIGHT	35'
MAXIMUM IMPERVIOUS COVERAGE	65% (ENTIRE LOT)
PRELIMINARY RESIDENTIAL PROJECT DATA	
ACREAGE	82.90 AC

LOT DENSITY = 3.73 UNITS PER ACRE
2) THE IMPERVIOUS COVER ON ALL RESIDENTIAL LOTS SHALL NOT EXCEED 65% OF THE ENTIRE LOT.
3) THE BASE ZONING FOR COMMERCIAL LOTS IN THE 'AUGUST FIELDS' PLANNED DEVELOPMENT DISTRICT (APFD) IS 'C-1A' NEIGHBORHOOD BUSINESS DISTRICT.

PRELIMINARY COMMERCIAL LOT COUNT	
LOT SIZE	MAX. # OF LOTS
COMMERCIAL LOTS	3
PRELIMINARY COMMERCIAL LOT DATA	
MAXIMUM BLDG. HEIGHT	35'
FRONT BLDG. SETBACK	25'
SIDE BLDG. SETBACK	5', IF ABUTS RESIDENTIAL LOT
RESIDENTIAL SETBACK	20' + 1' FOR EVERY FOOT OF BLDG. HEIGHT OVER 20'
REAR BLDG. SETBACK	20'
MINIMUM WIDTH OF LOT	60'
MINIMUM LOT DEPTH	100'
PARKING	SEE SECTION 144.51
MAXIMUM BLDG. SIZE	50,000 SQ. FT.
PRELIMINARY COMMERCIAL PROJECT DATA	
ACREAGE	1.75AC

LOT DENSITY = 1.71 UNITS PER ACRE
4) THIS DEVELOPMENT DISTRICT IS CONTAINED ENTIRELY WITHIN THE CITY OF NEW BRAUNFELS CITY LIMITS.
5) LAND USES NOT ALLOWED IN C-1A ZONING:
-AUTO LEASING
-AUTO SUPPLY STORE FOR NEW AND FACTORY REBUILT PARTS.
-AUTO TIRE REPAIRS (INDOOR)



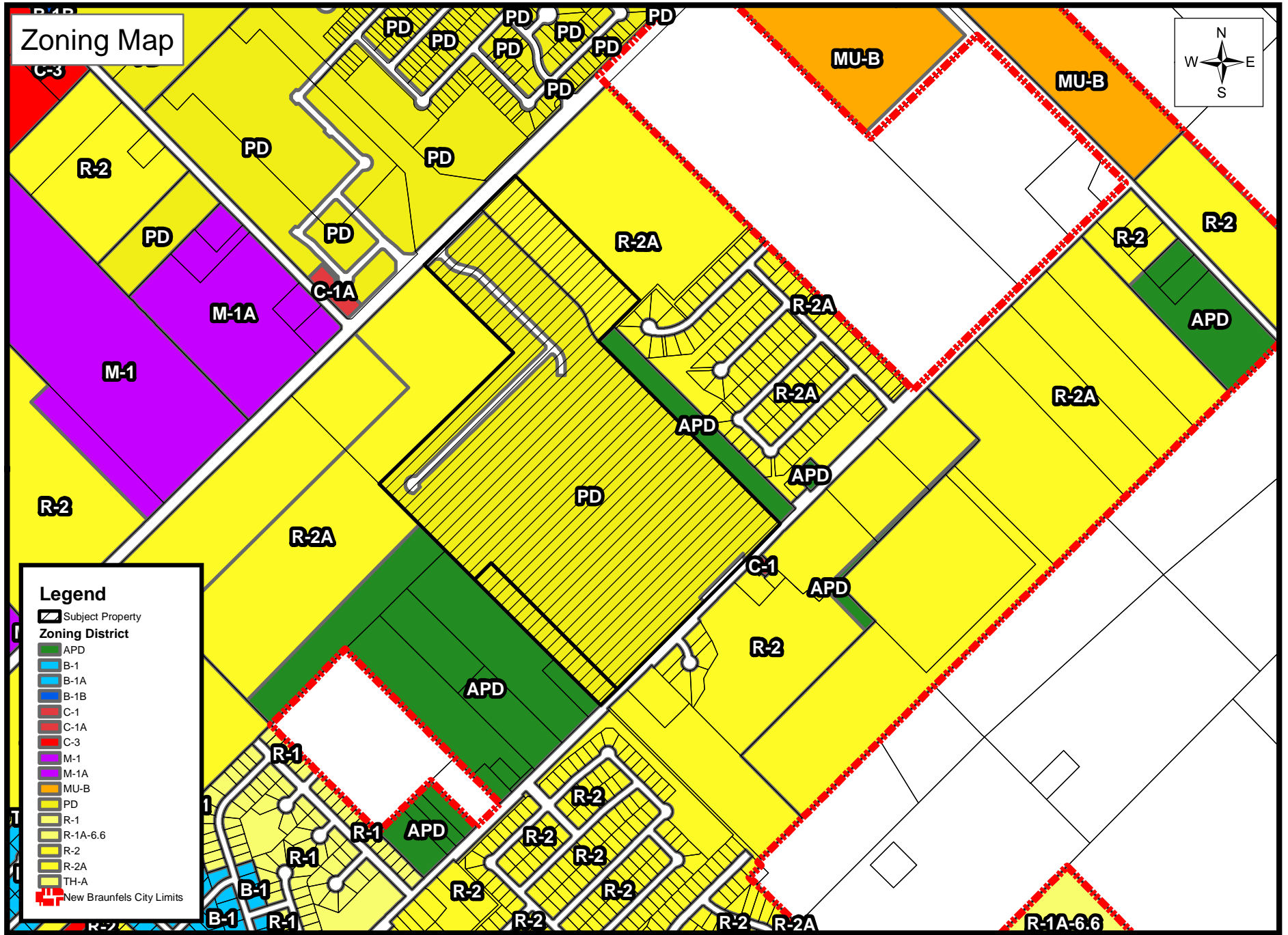
APRIL 18, 2017
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PROPOSED AMENDING CONCEPT PLAN



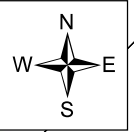
PZ-17-018

"August Fields" Planned Development District
Amending Concept Plan















Map Created 4/27/17

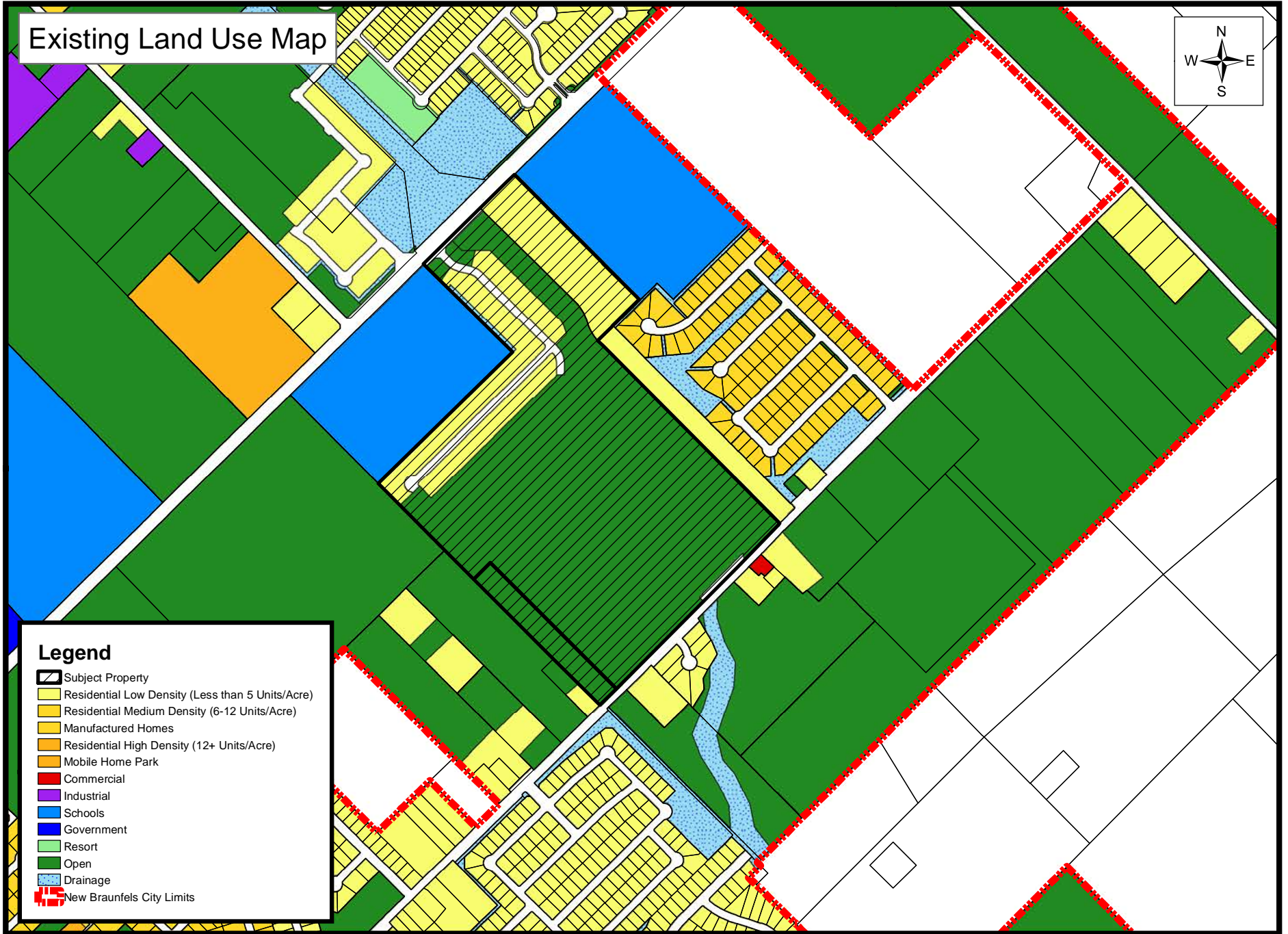


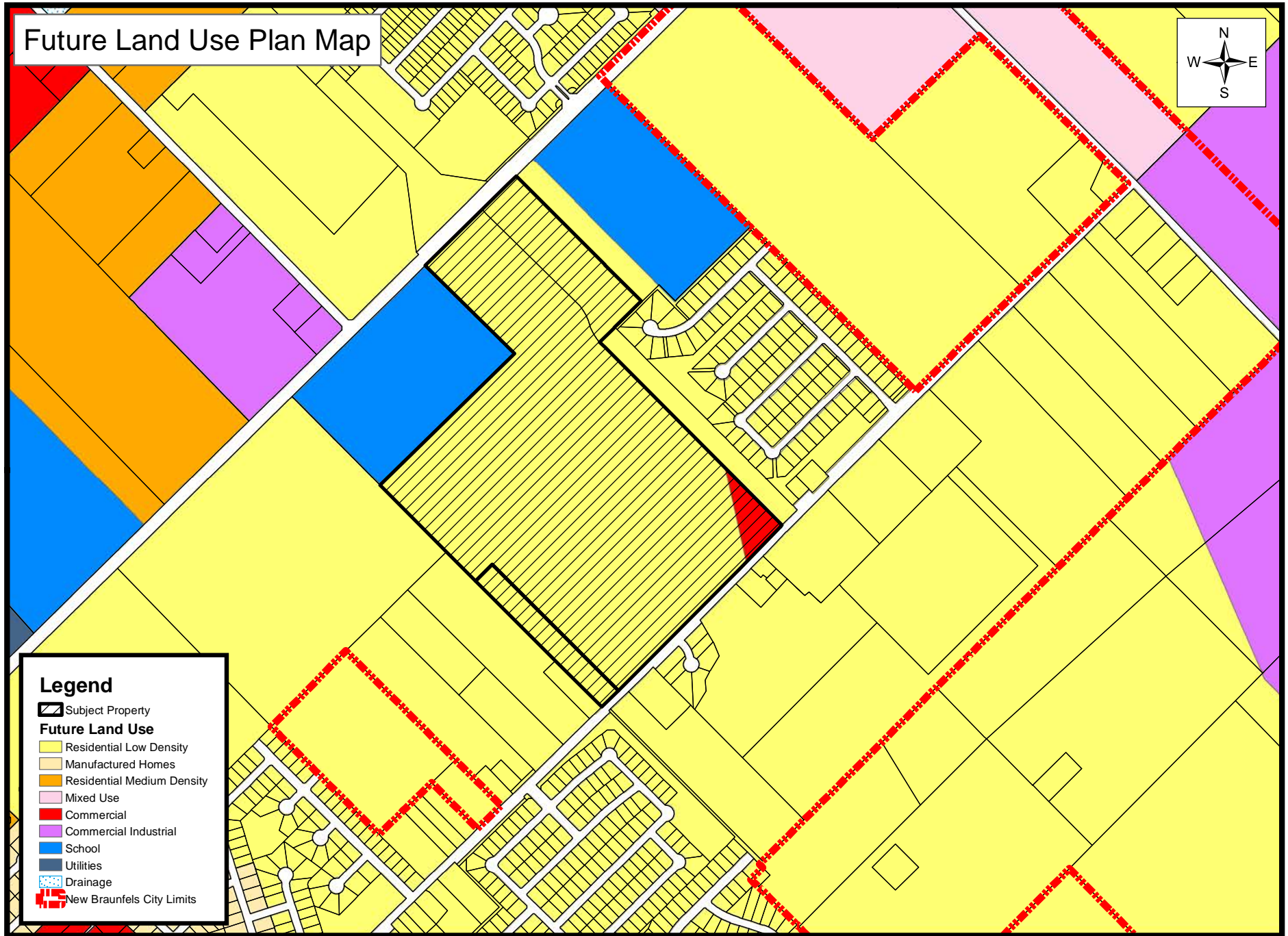
Existing Land Use Map



Legend

-  Subject Property
-  Residential Low Density (Less than 5 Units/Acre)
-  Residential Medium Density (6-12 Units/Acre)
-  Manufactured Homes
-  Residential High Density (12+ Units/Acre)
-  Mobile Home Park
-  Commercial
-  Industrial
-  Schools
-  Government
-  Resort
-  Open
-  Drainage
-  New Braunfels City Limits





PLANNING COMMISSION – May 2, 2017 – 6:00PM

New Braunfels Municipal Building, Council Chambers

Applicant: August Fields, LP

Property Location : 1932 FM 1101

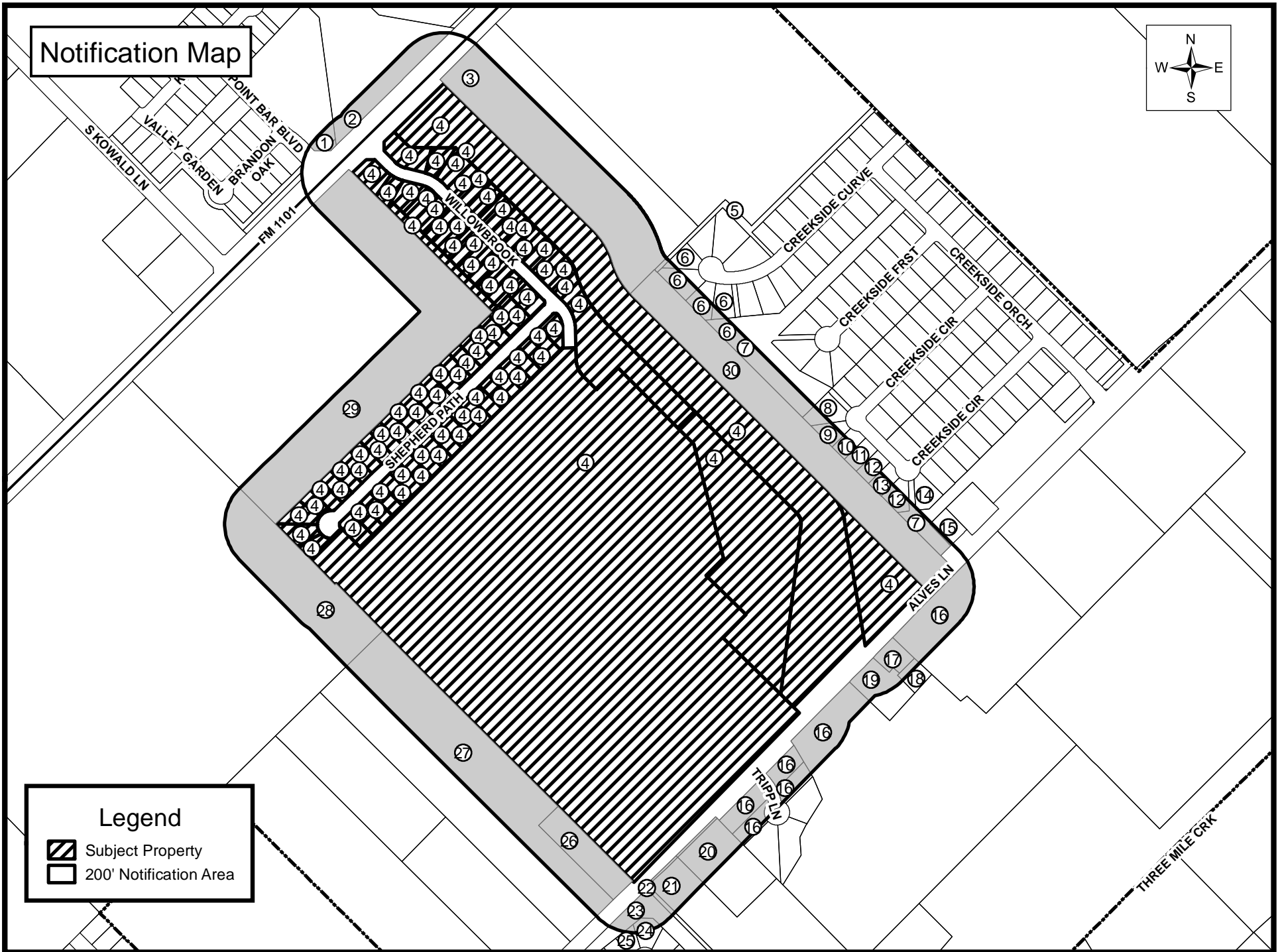
PROPOSED REZONING – CASE #PZ-17-018

The circled numbers on the map correspond to the property owners listed below. All information is from the Comal Appraisal District Records. The property under consideration is marked as "SUBJECT".



- | | |
|--|--------------------------------------|
| 1. KB Home Village at Creekside | 17. 348 Alves LLC |
| 2. City of New Braunfels | 18. Jaroszewski Barry Dwight & Kasia |
| 3. Hawg Real Estate LP | 19. Jaroszewski, Barry Jr. |
| 4. August Fields, LP | 20. Aleman, Pedro Jr. & Rosa |
| 5. Alves 421 Ltd | 21. McCullough, Bryan |
| 6. Value Builders, Inc. | 22. Travelstead, James |
| 7. NB Creekside Crossing HOA Inc. | 23. Stonegate Reserve HOA Inc. |
| 8. Raven Rivers LLC | 24. Mitten, Whitney |
| 9. Gallaher, Dennis & Janet | 25. Brown, Brud & Karisa |
| 10. Reddy, Vishwanath & Prathyusha Maddela | 26. Tasto, Doris Ross |
| 11. Lovering, David | 27. Schendel, John & Sandra |
| 12. ODM Ventures LLC | 28. Timmermann, Prop Inc. |
| 13. Quadzilla, LLC | 29. Comal I. S. D. |
| 14. McPherson, Alba | 30. Saunders, Mary |
| 15. Arroyo NB Development Inc. | |
| 16. Jaroszewski, Barry Jr. & Kasira | |

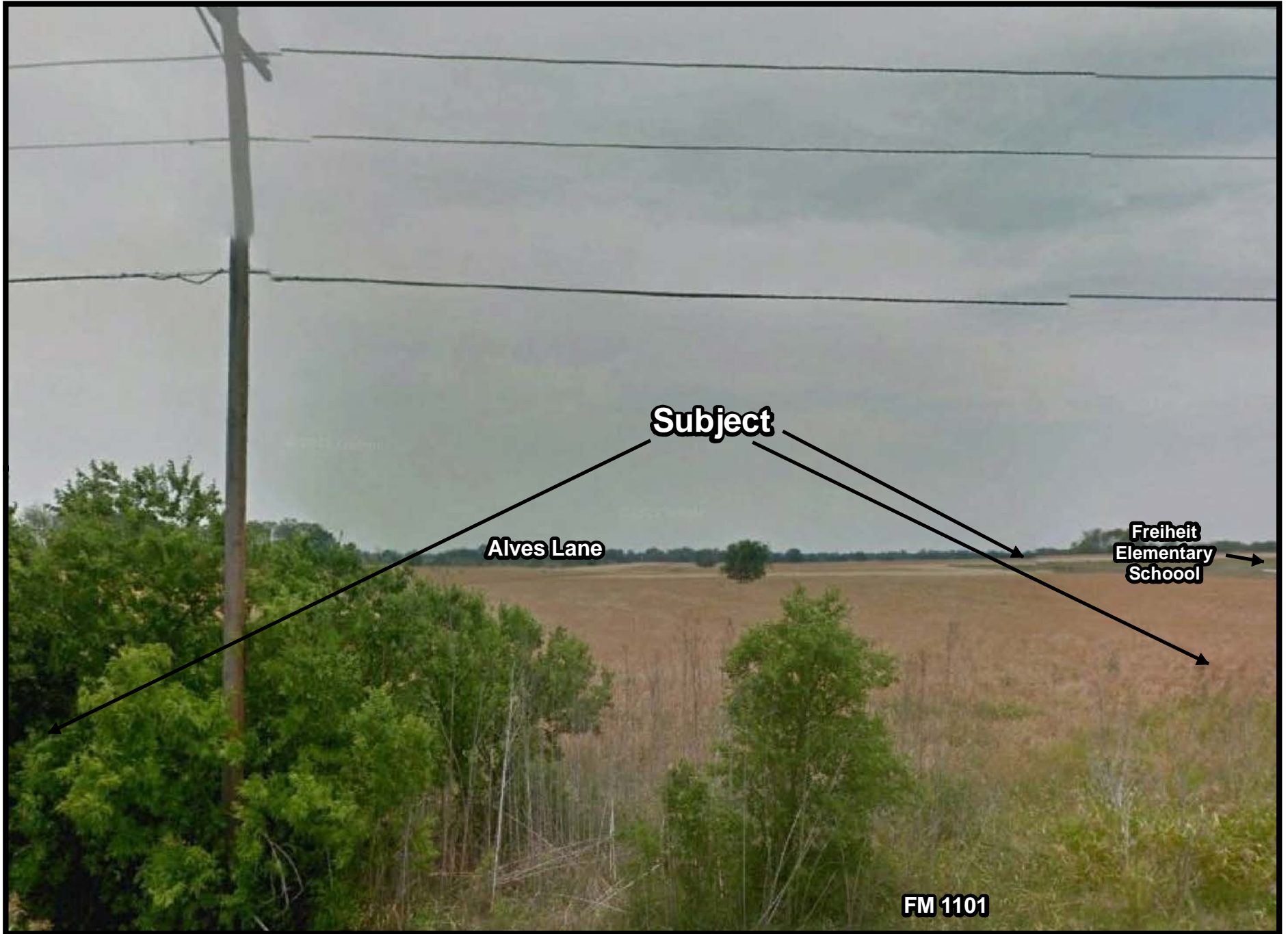
SEE MAP

Notification Map



Legend

-  Subject Property
-  200' Notification Area



3.5. *Planned Development Districts.*

3.5-1. *Purpose:* The planned development district is a free-standing district designed to provide for the development of land as an integral unit for single or mixed uses in accordance with a plan that may vary from the established regulations of other zoning districts. It is the intent in such a district to insure compliance with good zoning practices while allowing certain desirable departures from the strict provisions of specific zoning classifications.

3.5-2. *Application:* An application for a planned development district shall be processed in accordance with this Chapter. A pre-planning conference is required between the applicant and the Planning Director prior to the actual filing of the application.

3.5-3. *Base District.* A base zoning district shall be specified. The regulations in the base zoning district shall control unless specifically stated otherwise in the PD.

3.5-4. *District plans and requirements:* There are two types of plans that may be used in the planned development process. The general purpose and use of each plan is described as follows:

- (a) *Concept plan.* This plan is intended to be used as the first step in the planned development process. It establishes the most general guidelines for the district by identifying the land use types, development standards, approximate road locations and project boundaries and illustrates the integration of these elements into a master plan for the whole district.
- (b) *Detail plan.* The detail plan is the final step of the planned development process. It contains the details of development for the property. For smaller tracts or where final development plans are otherwise known, the detail plan may be used to establish the district and be the only required step in the planned development process.

3.5-5. *Concept plan requirements:* Said concept plan shall include the following:

- (a) *Relation to the comprehensive plan.* A general statement setting forth how the proposed district will relate to the city's comprehensive plan and the degree to which it is or is not consistent with that plan and the proposed base zoning district.
- (b) *Acreage.* The total acreage within the proposed district.
- (c) *Survey.* An accurate survey of the boundaries of the district.
- (d) *Land uses.* Proposed general land uses and the acreage for each use, including open space. For residential development, the total number of units and the number of units per acre.
- (e) *General thoroughfare layout.* Proposed streets, as a minimum to arterial street level. (Showing collector and local streets is optional.)
- (f) *Development standards.* Development standards, if different from the base zoning district, for each proposed land use, as follows:
 - (1) Minimum lot area.
 - (2) Minimum lot width and depth.
 - (3) Minimum front, side, and rear building setback areas.
 - (4) Maximum height of buildings.
 - (5) Maximum building coverage.
 - (6) Maximum floor to area ratios for nonresidential uses.
 - (7) Minimum parking standards for each general land use.
 - (8) Other standards as deemed appropriate.
- (g) *Existing conditions.* On a scaled map sufficient to determine detail, the following shall be shown for the area within the proposed district.
 - (1) Topographic contours of ten feet or less.

- (2) Existing streets.
- (3) Existing 100-year floodplain, floodway and major drainage ways.
- (4) City limits and E.T.J. boundaries.
- (5) Zoning districts within and adjacent to the proposed district.
- (6) Land use.
- (7) Utilities, including water, wastewater and electric lines.

3.5-6. *Detail plan requirements:* The application for a planned development district shall include a detail plan consistent with the concept plan. Said detail plan shall include the following:

- (a) *Acreage.* The acreage in the plan as shown by a survey, certified by a registered surveyor.
- (b) *Land uses.* Permitted uses, specified in detail, and the acreage for each use.
- (c) *Off-site information.* Adjacent or surrounding land uses, zoning, streets, drainage facilities and other existing or proposed off-site improvements, as specified by the department, sufficient to demonstrate the relationship and compatibility of the district to the surrounding properties, uses, and facilities.
- (d) *Traffic and transportation.* The location and size of all streets, alleys, parking lots and parking spaces, loading areas or other areas to be used for vehicular traffic; the proposed access and connection to existing or proposed streets adjacent to the district; and the traffic generated by the proposed uses.
- (e) *Buildings.* The locations, maximum height, maximum floor area and minimum setbacks for all nonresidential buildings.
- (f) *Residential development.* The numbers, location, and dimensions of the lots, the minimum setbacks, the number of dwelling units, and number of units per acre (density).
- (g) *Water and drainage.* The location of all creeks, ponds, lakes, floodplains or other water retention or major drainage facilities and improvements.
- (h) *Utilities.* The location and route of all major sewer, water, or electrical lines and facilities necessary to serve the district.
- (i) *Open space.* The approximate location and size of greenbelt, open, common, or recreation areas, the proposed use of such areas, and whether they are to be for public or private use.
- (j) *Sidewalks and bike paths.* Sidewalks or other improved ways for pedestrian or bicycle use.
- (k) If multifamily or non-residential development, a landscape plan.

A detailed plan, with all of the information required of a concept plan, may be submitted in lieu of a concept plan.

3.5-7. *Phasing schedule:* PD districts larger than 350 acres shall provide a phasing schedule depicting the different construction phases.

3.5-8. *Approval of district:* The City Council may, after receiving a recommendation from the Planning Commission, approve by Ordinance the creation of a district based upon a concept plan or a detail plan. The approved plan shall be made part of the ordinance establishing the district. Upon approval said change shall be indicated on the zoning maps of the city.

The development standards and requirements including, but not limited to, maximum height, lot width, lot depth, floor area, lot area, setbacks and maximum off-street parking and loading requirements for uses proposed shall be established for each planned development district based upon the particular merits of the development design and layout. Such standards and requirements shall comply with or

be more restrictive than the standards established in the base zoning district for the specific type uses allowed in the district, except that modifications in these regulations may be granted if it shall be found that such modifications are in the public interest, are in harmony with the purposes of this Chapter and will not adversely affect nearby properties.

3.5-9. *Planning Commission approval of detail plan:* The Planning Commission is authorized to approve a detail plan or the amendment of a detail plan for property for which a concept plan has been approved by the City Council. If the City Council initially approved a detail plan in establishing the district, the detail plan may only be amended by the City Council. The approved detail plan shall be permanently filed in the Planning Department. The Planning Commission shall approve the detail plan if it finds that:

- (a) *Compliance.* The plan complies with the concept plan approved for that property and the standards and conditions of the PD district;
- (b) *Compatibility.* The plan provides for a compatible arrangement of buildings and land uses and would not adversely affect adjoining neighborhood or properties outside the plan; and
- (c) *Circulation of vehicular traffic.* The plan provides for the adequate and safe circulation of vehicular traffic.

If no detail plan has been approved for the property within ten years of the date of approval of a concept plan, the detail plan must be approved by the City Council, after receiving a recommendation from the Planning Commission, after notice and hearing.

3.5-10. *Expiration of detail plan:* A detail plan shall be valid for five years from the date of its approval. If a building permit has not been issued or construction begun on the detail plan within the five years, the detail plan shall automatically expire and no longer be valid. The Planning Commission may, prior to expiration of the detail plan, for good cause shown, extend for up to 24 months the time for which the detail plan is valid.

3.5-11. *Appeals from Planning Commission action:* If the Planning Commission disapproves a detail plan over which it has final approval authority, or imposes conditions, or refuses to grant an extension of time for which a detail plan is valid, the applicant may appeal the decision to the City Council by filing a written request with the Planning Director within ten days of the decision.

3.5-12. *Changes in detail plan:* Changes in the detail plan shall be considered the same as changes in the zoning ordinance and shall be processed as required in Section 2.3. Those changes which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, floor area ratio, height, or coverage of the site, or which do not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site, as indicated on the approved detail plan, may be authorized by the Planning Director. Any applicant may appeal the decision of the Planning Director to the Planning Commission for review and decision as to whether an amendment to the Planned Development District ordinance shall be required.

3.5-13. *Minimum development size:* The total initial development of any Planned Development District shall not be less than two acres for nonresidential developments and five acres for residential developments.

3.5-14. *Deviation from code standards:* The City Council may approve a PD concept plan with deviations from any provision in the Code of Ordinances. Such deviations shall be listed or shown as part of the Ordinance that approves the concept plan.

Draft Minutes for the May 2nd, 2017 Planning Commission Regular Meeting

PZ-17-018: Public Hearing and recommendation to City Council regarding the proposed amendment to the “August Fields” Planned Development District Concept Plan, located between FM 1101 and Alves Lane, West of Canyon Middle School and east of Freiheit Elementary School. (Applicant: HMT; Case Manager: M. Greene)

Mr. Greene presented the Staff report and recommended approval.

Commissioner Sonier left the room at 7:23 p.m.

Commissioner Sonier returned at 7:26 p.m.

Discussion followed regarding connections to Alves Lane and lot density.

Chair Elrod asked if anyone wished to speak in favor.

Engineer Chris Van Heerde, 410 N. Seguin, explained that the previous access points were removed as a part of planning for the collector road, and the increased capacity for a higher lot density is to provide an opportunity for an increase in lot width.

Chair Elrod asked if anyone wished to speak in opposition.

No one spoke.

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to close the public hearing. The motion carried (6-0-0).

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to approve the proposed amendment to the “August Fields” Planned Development District Concept Plan, located between FM 1101 and Alves Lane, West of Canyon Middle School and east of Freiheit Elementary School, with staff recommendations. The Motion carried (6-0-0).

ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS AMENDING THE “AUGUST FIELDS” PLANNED DEVELOPMENT DISTRICT CONCEPT PLAN; 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 City Council desires to amend the “August Fields” Planned Development District Concept Plan; **now, therefore**,

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

SECTION 1

THAT the Concept Plan adopted March 13, 2017 by Ordinance Number 2017-29, is hereby amended by adopting the following described Concept Plan and:

“Being 84.65 acres as delineated on 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 of same.

PASSED AND APPROVED: First Reading this the 22nd day of May, 2017.

PASSED AND APPROVED: Second and Final Reading this the 12th day of June, 2017.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

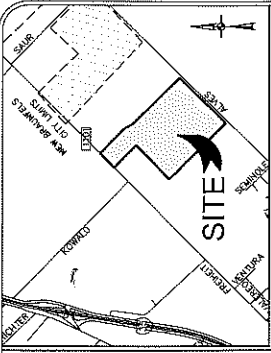
APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

ATTACHMENT 8

AUGUST FIELDS PLANNED DEVELOPMENT DISTRICT AMENDED CONCEPT PLAN

AUGUST FIELDS, A PLANNED DEVELOPMENT COMPRISED OF A 84.85 ACRE TRACT OF LAND SITUATED IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS AND BEING SITUATED IN THE A.M. ENSAURFELS SURVEY, ABSTRACT NO. 1, SUBDIVISIONS NO. 61 & 62, COMAL COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 118.75 ACER TRACT RECORDED IN VOLUME 271, PAGE 336, DEED RECORDS, COMAL COUNTY, TEXAS.



SCALE: 1" = 200'

LEGEND:

U.E. = UTILITY EASEMENT
D.E. = DRAINAGE EASEMENT
L.E. = LANDSCAPE EASEMENT
R.O.W. = RIGHT-OF-WAY
R.C.C.T. = RAMP AND PLAT RECORDS,
D.A.C.C.T. = OFFICIAL PUBLIC RECORDS,
D.R.C.C.T. = COMAL COUNTY, TEXAS
D.E.C.C.T. = DEED RECORDS,
COMAL COUNTY, TEXAS
-X-X- W = EXISTING WATER LINE
-X-X- WW = EXISTING SEWER LINE
OE = OVERHEAD ELECTRIC

LOCATION MAP
NOT TO SCALE

NOTE:
1) THE BASE ZONING FOR RESIDENTIAL LOTS IN THE 'AUGUST FIELDS' PLANNED DEVELOPMENT DISTRICT (APPD) IS 'ZH-A' ZERO LOT LINE HOME DISTRICT.

PRELIMINARY RESIDENTIAL LOT COUNT	
LOT SIZE	MAX. # OF LOTS
RESIDENTIAL LOTS	200
DRAINAGE LOTS	13

PRELIMINARY RESIDENTIAL LOT DATA	
MINIMUM LOT AREA	4,350 S.F.
MINIMUM LOT WIDTH (INTERIOR)	45' 0"
MINIMUM LOT WIDTH (CORNER)	50'
MINIMUM LOT DEPTH	160'
MINIMUM FRONT SETBACK	25'
MINIMUM SIDE SETBACK	5'
MINIMUM REAR SETBACK	10'
MAXIMUM BUILDING HEIGHT	35'
MAXIMUM IMPERVIOUS COVERAGE	85% (ENTIRE LOT)

PRELIMINARY RESIDENTIAL PROJECT DATA	
ACRES	82.50 AC

LOT DENSITY = 3.73 UNITS PER ACRE

2) THE IMPERVIOUS COVER ON ALL RESIDENTIAL LOTS SHALL NOT EXCEED 65% OF THE ENTIRE LOT.

3) THE BASE ZONING FOR COMMERCIAL LOTS IN THE "AUGUST FIELDS" PLANNED DEVELOPMENT DISTRICT (APFD) IS "C-1A" NEIGHBORHOOD BUSINESS DISTRICT.

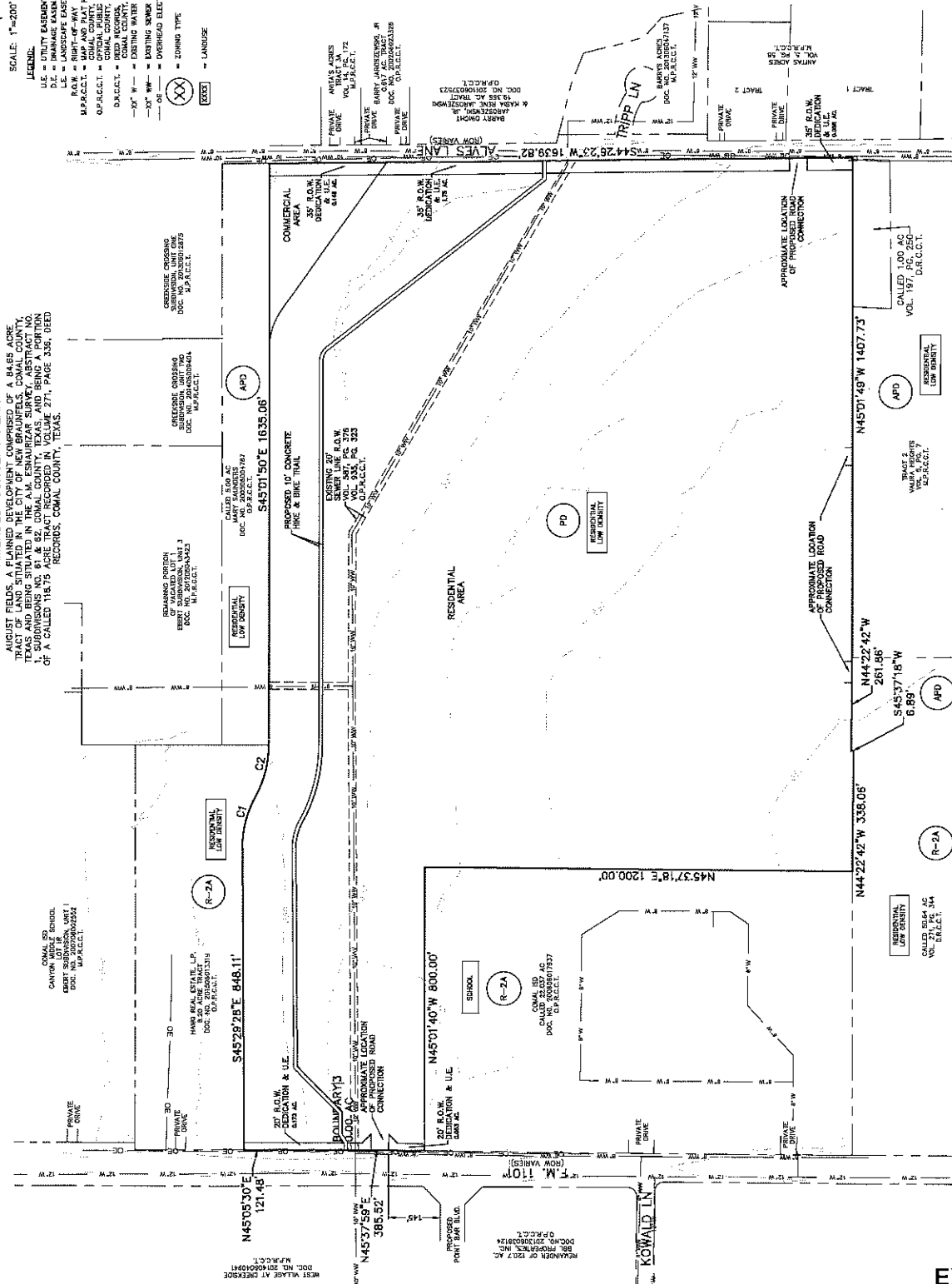
PRELIMINARY COMMERCIAL LOT COUNT		LOT SIZE	MAX # OF LOTS
COMMERCIAL LOTS			3
PRELIMINARY COMMERCIAL LOT DATA			
MAXIMUM BLDG. HEIGHT	35'		
FRONT BLDG. SETBACK	25'		
IS IF ABUTS RESIDENTIAL LOT			
20' x 1' FOR EVERY FOOT OF			
BLDG. HEIGHT OVER 20'			
RESIDENTIAL SETBACK			
REAR BLDG. SETBACK	20'		
MINIMUM W/TH OF LOT	60'		
MINIMUM LOT DEPTH	107'		
PARKING			
MAXIMUM BLDG. SIZE	SIZE SECTION 144.5.1		
	50,000 SQ. FT.		
PRELIMINARY COMMERCIAL PROJECT DATA			
ACREAGE			1.25 AC.

LOT DENSITY = 1.71 UNITS PER ACRE

4) THIS DEVELOPMENT DISTRICT IS CONTAINED ENTIRELY WITHIN THE CITY OF NEW BRAUNFELS CITY LIMITS.

5) LAND USES NOT ALLOWED IN C-1A ZONING:

- AUTO LEASING
- AUTO SUPPLY STORE FOR NEW AND FACTORY REBUILT PARTS.
- AUTO TIRE REPAIR/SALES (INDOOR)



CURVE TABLE						
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TBPB FIRM F-10961
TBPB FIRM 10153600



ED APRIL 18, 2017
ED MARCH 22, 2017
ED NOVEMBER 17, 2015
ED OCTOBER 20, 2015
ED APRIL 23, 2015

EXHIBIT 'A'

6/12/2017

Agenda Item No. A)

Presenter/Contact

Robert Camareno, City Manager
(830) 221-4280 - rcamareno@nbtexas.org

SUBJECT:

Discuss and consider possible direction to the City Manager to develop a plan to implement rules related to the disposal container ordinance.

BACKGROUND / RATIONALE:

On May 18 the Texas Third Court of Appeals issued a long-awaited ruling on the Disposable Container Ordinance in the City's favor. It is anticipated that the Court will issue a mandate *no earlier than* August 15, 2017 that will give the City more information on implementation parameters. However, it is likely the legal process may continue. Regardless, it remains incumbent on the City to develop a plan for implementation of the ordinance in anticipation of the final results. Therefore, the City Manager proposes that staff work with our community partners to develop a smooth transition and implementation plan so as to have the least disruption on residents, businesses, and the tourism industry. The plan should include, but not be limited to, the following elements:

- Training for City staff on any new policies and procedures, including training on messaging and marketing.
- In cooperation with the Convention and Visitors Bureau:
 - Development of an overall messaging campaign to use both locally and regionally
 - Development of an advertising and marketing effort to deliver the agreed upon message both locally and regionally, through print, news, signage and other means.
- Police enforcement policies and procedures.
- In cooperation with the business community (i.e., outfitters) development of messaging and implementation strategies.
- A definitive timeline on the implementation of these strategies.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the City Council give direction to the City Manager to develop an implementation plan for the enforcement of the disposable container ordinance, at a time to be determined.

6/12/2017

Agenda Item No. B)

Presenter/Contact

Kristi Aday, Assistant City Manager
(830) 221-4285 - kaday@nbtexas.org

SUBJECT:

Discuss and consider approval of a temporary road closure for the second annual Dia de los Muertos Festival on October 28, 2017.

BACKGROUND / RATIONALE:

Last year, the New Braunfels Hispanic Business Alliance (HBA) held their first Dia de los Muertos Festival to much success. This year, the HBA wishes to move the festival from the Farmers Market to downtown, and is requesting the approval to close portions of San Antonio Street from 2:00 p.m. to midnight on October 28, 2017. The event will be held from 5:00 p.m. to 10:00 p.m.

The HBA's plans include the closure of San Antonio Street from the railroad tracks to the plaza (no closure of the plaza.) One temporary stage will be brought in and will be set up at the end of San Antonio Street, backing up to the plaza. There will be food vendors, live entertainment, art and other activities. The HBA is working with the City to organize City service requirements. Members of the HBA volunteered for Wein and Saengerfest this year in order to observe set up and overall operations.

Currently, the City does not have a formal process for consideration of large, non-city sponsored events such as these. Chapter 126.41 of the City Code allows the Chief of Police the authority to close streets; however, traditionally this has been for public safety considerations or small events like neighborhood block parties (as an example.) Furthermore, the "Street Closure Request" process implementing Chapter 126.41 does not include requirements for City services such as trash clean up or street sweeping and the requirement that those costs be passed on to the requestor. Staff is developing a process for non-city sponsored special event requests that addresses these items, but it is not yet in place. Therefore, staff thought it appropriate to bring this street closure request to the City Council for consideration.

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

N/A

FISCAL IMPACT:

City services will be reimbursed by the HBA; thus, there should be no costs to the City.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the closure of San Antonio Street on October 28, 2017 from 2:00 p.m. to 12:00 a.m.



ROAD CLOSURE APPLICATION

SEC. 126-41 OF THE CODE OF ORDINANCES REQUIRES THAT THIS APPLICATION BE FILED WITH THE CITY SECRETARY AT LEAST THIRTY-FIVE (35) DAYS BEFORE THE REQUESTED STREET CLOSURE IS TO TAKE PLACE

DATE OF APPLICATION: 05/22/2017 DATE OF EVENT: 10/28/2017 START TIME OF EVENT: 2:00 am AM ☐ PM ☒
END TIME OF EVENT: 10:00 am AM ☐ PM ☒

NAME OF EVENT: Dia de los Muertos Festival

NAME OF ORGANIZATION: Hispanic Business Alliance

ADDRESS: 390 S. Seguin Ave New Braunfels, TX 78130

CONTACT PERSON: Shelley Bujnoch PHONE: 8,302,373,496.00 EMAIL: sbujnoch@paychex.com

CONTACT PERSON: Brandon Acevedo PHONE: 8306604197 EMAIL: bacevedo@ft.newyorklife.com
(ONLY ONE REQUIRED)

STARTING POINT: Railroad Tracks on San Antonio ST ENDING POINT: Circle but not requesting close of Circle.

TYPE/NUMBER OF ENTRIES: ☐ WALKERS: _____ ☐ RUNNERS: _____ ☐ VEHICLES: _____
☐ BIKES: _____ ☐ ANIMALS: _____ ☒ OTHER: Festival

OTHER PROVISIONS REQUESTED:

STREET BARRICADES/NUMBER: _____ SECURITY: _____ TRAFFIC CONTROL: _____
(THE NEW BRAUNFELS POLICE DEPARTMENT DETERMINES WHETHER BARRICADES, SECURITY OR OTHER TRAFFIC CONTROL MEASURES ARE REQUIRED. IT IS THE RESPONSIBILITY OF THE REQUESTING ORGANIZATION TO PAY FOR SUCH SERVICES.)

ROUTE OR LOCATION INFORMATION: (ATTACH A LEGIBLE MAP OR DRAWING)

LIABILITY INSURANCE: (ALL EVENTS MUST FURNISH LIABILITY INSURANCE PRIOR TO ANY APPROVAL, INSURING THE CITY OF NEW BRAUNFELS FOR ANY PROPERTY DAMAGE OR PERSONAL INJURY RESULTING FROM THIS EVENT.)

DEPARTMENTAL REVIEW: (POLICE, FIRE, PARKS, STREETS, CIVIC CENTER): _____

APPROVED: ☐ DISAPPROVED: ☐ DATE: _____ SIGNATURE: _____

COMMENTS: _____

ADDITIONAL REVIEW:

TEXAS DEPARTMENT OF TRANSPORTATION AUTHORIZATION REQUIRED: YES: ☐ NO: ☐ APPROVED: ☐ DISAPPROVED: ☐

CITY COUNCIL ACTION REQUIRED: YES: ☐ NO: ☐ APPROVED: ☐ DISAPPROVED: ☐

6/12/2017

Agenda Item No. C)

Presenter/Contact

Garry Ford, City Engineer
(830) 221-4020 - gford@nbtexas.org

SUBJECT:

Discuss and consider approval of the first reading of an ordinance prohibiting parking along both sides of a portion of Saengerhalle Road.

BACKGROUND / RATIONALE:

Council District: 2

Residents on Saengerhalle Road have requested a no parking zone on Saengerhalle Road at and around the Saengerhalle Estates development. Saengerhalle Estates is a new duplex development with driveway access to Saengerhalle Road with large lot residential on the opposite side. Saengerhalle Road is an existing two-lane local rural roadway and functions as a collector road between State Highway 46 and Saur Lane. Furthermore, traffic is anticipated to increase on Saengerhalle Road with residential development and as a result of delays and congestion on State Highway 46. The posted speed limit is 30 mph and a recent speed study measured the 85th percentile speed at 46 mph.

The pavement width varies between 20 and 24 feet as the developer of Saengerhalle Estates was responsible for widening the roadway to 24 feet from approximately 20 feet. There were no other improvements or restrictions required for the development in the City of New Braunfels Code of Ordinances. A photo of the current conditions is provided in the attachments.

The no parking zone is requested due to the roadway width and vehicles parking in front of mailboxes, driveways and off of the pavement. The parked vehicles restrict sight distance for residents and potentially damage the edge of pavement, vegetated shoulder and drainage area within the right-of-way. Photos of vehicles parked and restricting sight distance and shoulder area are shown in the attachments. The reported issues are typically a concern during evenings and weekends.

The proposed no parking zone is on both sides of the 700 block of Saengerhalle Road from the curve north 1,325 feet. The no parking zone will allow improved driveway sight distance and access. It will also limit parking of the duplex lots to the driveways and beyond the no parking zone; however, the developer's representative indicated that no parking was planned with the development when the zoning case was presented to Planning Commission in 2014.

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

2006 Comprehensive Plan: Transportation Goal 21: Provide a system of convenient and safe transportation facilities through comprehensive, cooperative, and continuing transportation system planning and development.

FISCAL IMPACT:

Traffic control signs cost approximately \$135 each. Sufficient funding is available in the FY16-17 approved streets and drainage budget.

COMMITTEE RECOMMENDATION:

The Transportation and Traffic Advisory Board unanimously approved the recommendation to prohibit parking along both sides of a portion of Saengerhalle Road on May 11, 2017. Notices to property owners of this proposed change were mailed out prior to this meeting at the direction of the Transportation and Traffic Advisory Board. The Board also recommended the no parking zone be signed to cover the street and right-of-way, and that city staff review and consider changes to current ordinances to prevent similar issues in the future.

STAFF RECOMMENDATION:

Staff recommends approval of an ordinance prohibiting parking along both sides of a portion of Saengerhalle Road.

ORDINANCE NO. 2017-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS, AMENDING SECTION 126-346 OF THE CITY OF
NEW BRAUNFELS CODE OF ORDINANCES TO RESTRICT PARKING
ALONG BOTH SIDES OF A PORTION OF SAENGERHALLE ROAD.**

WHEREAS, after engineering and field investigation, the Transportation and Traffic Advisory Committee and the City Engineer have recommended that traffic control signs be installed on certain streets, avenues, thoroughfares and boulevards within the corporate limits of the City of New Braunfels in order to protect the health, safety and welfare of the citizens.

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

I.

THAT the City of New Braunfels Code of Ordinances Section 126-346 (f) is hereby amended as follows:

- (107) On both sides of Saengerhalle Road starting 3,325 feet southwest of the intersection with Saur Lane and extending a distance of 1,325 feet in a southwesterly direction. Such no parking zone shall be designated as a tow away zone.

II.

THAT the Public Works Department is directed to obtain and install the traffic control signs in the locations as set forth in this ordinance, and is directed to maintain the signs in a manner that provides for the health, welfare and safety of the citizens of New Braunfels.

III.

THAT all provisions hereof declared to be severable and if any provisions hereof is declared to be invalid or unconstitutional, such shall not invalidate or affect the remaining provisions hereof which remain in full force and effect.

IV.

All other ordinances or parts of ordinances in conflict herewith are repealed to the extent that they are in conflict.

V.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this the _____ day of _____, 2017.

PASSED AND APPROVED: Second reading this the _____ day of _____, 2017.

CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, MAYOR

ATTEST:

PATRICK D. ATEN, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY



Figure 1 - Existing Saengerhalle Road (facing southwest)



Figure 2 - Photo from resident of restricted sight distance at driveway



Figure 3 - Photo from resident of parked vehicle blocking access to mailbox and restricting sight distance



Proposed No Parking Zone on Saengerhalle Road

6/12/2017

Agenda Item No. D)

Presenter/Contact

Stacey Dicke, Parks and Recreation Director
(830) 221-4350 - sdicke@nbtexas.org

SUBJECT:

Public hearing and first reading of an ordinance regarding Youth Programs Standards of Care for the Parks and Recreation Department.

BACKGROUND / RATIONALE:

The City of New Braunfels Parks and Recreation Department plans to offer elementary-age day camp programs for children ages 5-13, as we have for many years. The Texas Legislature requires municipal day camp youth programs for elementary age (5-13) children to meet day care licensing requirements or file for an exemption (Section 42.041(b)(14) of the Human Resources Code). In order to receive exempt status, a municipality must submit a copy of program standards, a notice of a public hearing for the program and a copy of the ordinance adopting the standards.

Day Camp Standards of Care will provide basic child care regulations for day camp activities operated by the New Braunfels Parks and Recreation Department. This will allow the department to qualify as exempt from requirements of the Texas Human Resources Code.

The Standards of Care will include:

- Staffing ratios
- Minimum staff qualifications
- Minimum facility, health, and safety standards
- Mechanisms for monitoring and enforcing the adopted local standards
- Provide notice to parents that the day camp program is not licensed by the state

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

X	Yes	City Plan/Council Priority:	Strategic Priorities: Effective Management: Maintain an ongoing program to provide exemplary customer service.
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Parks and Recreation Advisory Board recommended approval of the ordinance for Day Camp Standards at their meeting on May 16, 2017.

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance for Day Camp Standards.

ORDINANCE NO. 2017 - ____

AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS, ADOPTING DAY CARE STANDARDS FOR 2017; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the State of Texas Human Resources Code, Chapter 42 requires elementary age (5-13 years) recreation programs operated by a municipality annually adopt standards of care by ordinance after a public hearing in order to be exempt from child care licensing;

WHEREAS, the City Council of the City of New Braunfels has determined that Youth Programs Standards of Care will be beneficial to the City of New Braunfels and should be modified as recommended by Staff; and

WHEREAS, the City Council of the City of New Braunfels, Texas has the authority under its Home Rule Charter and under the laws of the State of Texas to adopt regulations aimed to protect the health, safety, and general welfare of its citizens.

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

The following standards of care are adopted by ordinance

Youth Programs Standards of Care

I. GENERAL INFORMATION/ADMINISTRATION

- A. Purpose: To provide basic childcare regulations for recreation activities operated by the New Braunfels Parks and Recreation Department. This will allow the department to qualify as exempt from requirements of the Texas Human Resources Code.
- B. Implementation: Program will be the responsibility of the New Braunfels Parks and Recreation Department, with Programs Supervisors (Recreation, Nature Education Center, Athletic and Aquatic) supervising the overall program and Recreation Specialists, Camp Coordinator, Assistant Coordinator and Recreation Instructors administering the program on-site.
- C. Programs: Regulations apply to on-going recreational programs:
 - Holiday Adventure Camp
 - Spring Break Camp
 - Summer Day Camp
 - Day Off Day Camp
 - Nature Camps
 - Partial Sports, Nature and Hobby Camps
- D. Other: Each site will make available for the public and staff a current copy of the Standards of Care. Standards of Care will also be made available on the Parks and

Recreation Website at www.nbtexas.org/154/Parks-Recreation.

E. Program Sites:

Fischer Park Nature Education Center	1946 Monarch Way
Landa Aquatic Complex	350 Aquatic Circle
Landa Rec Center	164 Landa Park Drive
Landa Park	110 Golf Course Rd.

F. Day Camp Objectives

1. To offer a program wide in scope and varied in activities of different recreational activities: sports, games, arts and crafts, nature education and discovery, etc.
2. To provide a pleasant and memorable experience in an engaging atmosphere.
3. To provide a safe environment always promoting good health and welfare for all.
4. To teach children how to spend their leisure time wisely, in an effort to meet several needs: emotional, physical and social.

G. Exemption Status: Once an exempt status is established, the Licensing Division will not monitor the recreational program. The Licensing Division will be responsible for investigating complaints of unlicensed childcare and for referring other complaints to the municipal authorities or, in the case of abuse/neglect allegation, to the local police authorities.

H. Standards of Care Review: Standards will be reviewed annually and approved by the City Council after a public hearing is held to pass an ordinance regarding section 42.041(b)(14) of the Human Resources Code.

I. Child Care Licensing will not regulate these programs nor be involved in any complaint investigation related to the program.

J. Any parent, visitor or staff may register a complaint by calling New Braunfels Parks and Recreation Administration Offices at 830-221-4350, Monday through Friday, 8:00 a.m. to 5:00 p.m.

II. STAFFING

A. Day Camp Coordinator-Job Descriptions and Essential Job Functions

Essential Job Functions:

1. Directs and supervises a day camp program for elementary aged children under the Supervision of the Programs Supervisor.
2. Develops and implements a daily camp curriculum under Parks and Recreation guidelines.
3. Responsible for ensuring camp activities are conducted in a safe, cost-efficient, professional manner.
4. Responsible for procurement of camp supplies, equipment and food items.
5. Responsible for all camp related record keeping.

6. Schedules all day camp counselors at appropriate levels to maintain established camper to staff ratios.
7. Interacts with parents, children and program staff to resolve disciplinary issues; evaluates and determines the enforcement of discipline guidelines; documents counseling sessions and prepares related reports.
8. Communicates daily with Programs Supervisor and holds weekly meetings with camp staff to monitor program during summer.
9. Supervises a staff of 4 -11 day camp leaders.
10. Is assisted by Assistant Camp Coordinator in these same duties with the similar qualifications.

Qualifications:

1. Required knowledge of operational characteristics, services and activities of summer day camp management and program planning and coordination and principles and practices of customer service.
2. Must possess a high school diploma or GED equivalent; AND one (1) year experience working with children required, with supervisory experience in a school or camp environment; one year college preferred.
3. Must possess a valid Texas Driver's License.
4. Must be able to successfully complete within two (2) weeks of employment: First Aid and Safety/Cardiopulmonary Resuscitation (CPR) / Automated External Defibrillator (AED) training.
5. Must possess skill in:
 - a. Interpreting customer and facility needs and solving customer service and public relations issues.
 - b. Demonstrating the ability to make sound decisions regarding the enforcement of disciplinary guidelines.
 - c. Analyzing problems, providing alternatives, and identifying solutions in support of established goals.
 - d. Responding to emergencies and determining corrective actions using available resources.

B. Day Camp Counselor-Job Descriptions and Essential Job Functions

Essential Job Functions:

1. Implements and monitors a day camp program for elementary aged children under the Supervisor of the Day Camp Coordinator and Assistant Coordinator.
2. Supervises and interacts with camp participants in a wide variety of recreational activities.
3. Responsible for ensuring daily camp activities are conducted in a safe, professional manner.
4. Responsible for communicating camp needs (equipment, supplies) to camp supervisor.

5. Responsible for interacting with camp participants, parents and supervisors to provide a high quality program.
6. Responsible for maintaining facility appearance during and after camp activities.
7. Responsible for reporting any camp incidents to camp supervisor.

Minimum Qualifications:

1. Must be mature, responsible and able to complete duties with minimal supervision.
2. Must be able to communicate well with the public, and skilled at interacting with children.
3. Must be sixteen (16) years of age AND one (1) year customer service/public interaction experience and experience working with children preferred.
4. Must have First Aid and CPR certification within two weeks of employment.
5. Must complete departmental day camp staff training.
6. Must pass city criminal background check prior to hiring.
7. Knowledge of recreational games, crafts and activities.
8. Prefer completion of at least 1 year of college.

C. Other Requirements

1. Staff must complete the mandatory training program of at least 12 hours, in addition to planning hours with site staff prior to the start of camp. This training includes a departmental orientation, customer service, behavioral issues and discipline, as well as practical skills on activities for children in games, songs and crafts.
2. Staff must exhibit competency, good judgment and self-control throughout the duration of the camp.
3. Staff should relate to the children and parents with courtesy, respect, acceptance and patience.
4. Staff will be evaluated at least once during the summer, and visited with before program is over, to discuss any areas that should be addressed to insure employment in a following camp.
5. Staff shall not abuse or neglect children.

D. Criminal Background Checks and Drug Testing: Criminal background checks will be conducted on prospective Day Camp employees. Applicants may be disqualified if they have a job related criminal conviction. A prospective employee will be subject to a drug test prior to hiring.

E. Before being hired, applicants must successfully complete a qualifying interview, clear a criminal history background check and pass a drug test.

F. Staffing Ratios: The number of children may not exceed staff by a minimum ratio of 1 staff per 15 children, ages 5-13.

III. FACILITY STANDARDS

A. Emergency evacuation and relocation plans will be posted at each facility.

- B. Program employees will inspect sites frequently for any sanitation or safety concerns. Those concerns should be passed on to the Programs Supervisor immediately.
- C. Each camp must have a fully stocked first aid kit. This shall be checked and stocked on a weekly basis by the Camp Coordinator.
- D. In a situation where evacuation is necessary, the first priority of staff is to make sure all participants are in a safe location.
- E. Program sites will be inspected annually by the Fire Marshall. Each Facility Coordinator is responsible for compliance with Fire Marshall's directives.
- F. The recommended number of fire extinguishers shall be inspected quarterly and available for use.
- G. Fire drills should be conducted once a month during the summer camp.
- H. Medication will only be administered with written parental consent. Prescription medications shall be left with staff in their original container, labeled with the child's name, date, directions and physician's name. Medication shall be dispensed only as stated on the bottle, and not past the expiration date.
- I. Non-prescription medicine with the child's name and date on the medication may be brought if in the original container. Non-prescription medication will only be administered with written parental consent.
- J. Each site shall have adequate toilets and sinks located such that children can use them independently and program staff can supervise as needed.
- K. All participants must wear tennis shoes daily. Sandals will not be allowed.

IV. SERVICE STANDARDS-Day Camp Staff

This information will be provided to each staff as a part of the day camp manual:

- A. Camp staff shirts, shorts and tennis shoes are to be worn at all times.
- B. City issued employee identification should be worn and clearly visible.
- C. Camp participants and parents will be treated with respect at all times.
- D. Camp staff will take it upon themselves to resolve complaints. Do not refer customer to another staff person. If you are unable to resolve the complaint on the spot, take the customer's name and phone number, investigate complaint resolution and then follow up with the customer. A Customer Comment Form should be filled out whenever a complaint or compliment is received.
- E. Camp staff will keep parents continuously informed of camp activities. A daily schedule of activities will be available and kept with the sign in log.
- F. Camp staff will note details of behavior of campers (accomplishments, discipline problems, general activities, etc.) and update parents as much as possible.
- G. Camp staff will monitor the sign in/out log at all times.
- H. Camp staffs will clean rooms and activity areas daily.
- I. Camp staff will spend 100% of their time actively involved with campers and/or parents.

V. Operational Issues

- A. Emergency Phone numbers are kept at the front desk of the facilities. Those numbers include fire, police, and ambulance services as well as participant guardian contact numbers.
- B. All staff will stay in contact at all times with the front desk and other camp staff through wireless, 2-way radios and cell phones.
- C. A Day Camp Manual is given to every staff member, which outlines the following:
 - 1. Discipline Issues
 - 2. City Rules and Regulations
 - 3. Forms that must be filled out
 - 4. Service Standards
 - 5. Game/activity leadership
 - 6. Ways to interact with children
- D. Sign in-sign out sheets will be used every day. Only adults listed on sign-in/out release will be allowed to pick up children. An authorized person must enter the building and sign the sheet in order for staff to release the child.
- E. Emergency evacuation and relocation plans will be posted at each facility.
- F. Enrollment information will be kept and maintained on each child and shall include:
 - 1. Child's name, birth date, home address, home telephone number, physician's phone number and address and phone numbers where parents may be reached during the day.
 - 2. Names, driver's license number and telephone numbers of persons to whom the child can be released.
 - 3. Liability waiver and photo release.
 - 4. Parental consent to administer medication, medical information and release on participant.
- G. Staff shall immediately notify the parent or other person authorized by the parent when the child is injured or has been involved in any situation that placed the child at risk.
- H. Staff shall notify parents or authorized persons of children in the facility when there is an outbreak of a communicable disease in the facility that is required to be reported to the County Department of Health. Parents will also be notified of an occurrence of head lice.
- I. Discipline:
 - 1. Discipline and guidance of children must be consistent and based on an understanding of individual needs and development.
 - 2. There shall be no harsh, cruel, or unusual treatment.
 - a. Corporal punishment in any form will not be tolerated.
 - b. Children shall not be shaken, bit, hit, or have anything put in or on their mouth as punishment.
 - c. Children shall not be humiliated, yelled at or rejected.
 - d. Children shall not be subjected to abusive or profane language.
 - e. Punishment shall not be associated with food.
 - f. Staff may use brief, supervised separation from the group if necessary, but staff shall not place children in a locked room or in a dark room with the door closed.
 - 3. Incident reports will be filled out on any disciplinary cases, and information is to be shared with parents when picking up the child or sooner, when extreme cases occur.
 - 4. Children who show patterns of endangerment to themselves, other participants or staff will be asked to leave the program.

J. Illness or Injury

1. Parents shall be notified in cases of illness or injury.
2. An ill child will not be allowed to participate if the child is suspected of having a temperature and/or accompanied by behavior changes or other signs or symptoms until medical evaluation indicates that the child can be included in the activities. In the event an injury cannot be administered through basic first aid, staff will call 911.
3. When an injury occurs, an incident report shall be filled out immediately. The form shall be filled out completely with the original sent to the Programs Supervisor and forwarded to the Recreation Manager and a copy kept in the Day Camp files.

VI. CAMP RULES

The rules of camp are designed to help create a positive and safe environment for both campers and staff. The rules are presented to campers in a positive way and focus on what campers should do rather than what they should not do. Camp rules are used to help teach our campers to make good, positive choices.

1. Be Respectful
2. Be a Good Friend
3. Be Polite
4. Be a Good Listener
5. Be Kind
6. Be a Good Follower of Directions
7. Be Helpful
8. Be Responsible

Passive and active camp activities are planned according to the participants' ages, interests and abilities. The activities should be flexible and promote social and educational advancement.

VII. MONITORING AND ENFORCEMENT

Standards of care established by the City of New Braunfels will be monitored and enforced by city departments responsible for their respective areas as identified:

- A. Health and safety standards will be monitored and enforced by the City's Police, Fire, Health and Code Enforcement Departments.
- B. Staff and program issues will be monitored and enforced by the New Braunfels Parks and Recreation Department. The Recreation Manager shall visit each site on a bi-monthly basis. Programs Supervisors are responsible for visually checking the camp activities on a daily basis. When this staff is not available, another full-time staff person is responsible for the daily check.

SECTION 2: SEVERABILITY.

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 3. EFFECTIVE DATE:

This Ordinance shall become adopted and effective upon its second reading and compliance with the City Charter.

PASSED AND APPROVED: First reading this 12th day of June, 2017.

PASSED AND APPROVED: Second reading this ____ day of ____, 2017.

CITY OF NEW BRAUNFELS, TEXAS

Barron Casteel, Mayor

ATTEST:

Patrick Aten, City Secretary

APPROVED AS TO LEGAL FORM:

Valeria M. Acevedo, City Attorney

6/12/2017

Agenda Item No. E)

Presenter

*Christopher Looney, Planning and Community Development Director
(830) 221-4050 - clooney@nbtexas.org*

SUBJECT:

Public hearing and consideration of a resolution amending the 2006 Future Land Use Plan, and consideration of the second and final reading of an ordinance regarding an amendment to Ordinance No. 2017-29, the "Highland Grove" Planned Development District Concept Plan, to remove 11.64 acres from "Highland Grove" Planned Development District (HGPD) and rezone the 11.64 acres and 38.1 acres out of the William H. Pate Survey, Abstract No. 259 and R. Ximenez Survey, Abstract No. 347, Guadalupe County, Texas, from "R-1A-6.6" Single Family District to "Highland Gardens" Planned Development District (HGARDPD), adopting a Concept Plan and associated Development Standards, located on FM 1044.

BACKGROUND / RATIONALE:

Case No.: PZ-17-021 and
PZ-17-022

Council District: 1

Applicant: Moeller & Associates (James Ingalls, P.E.)
2021 W SH 46
Ste 105
New Braunfels, TX 78132
(830) 358-7127

Owners: Velma Development, LLC (Gordon Hartman)
1202 Bitters, Bldg 1, Suite 1200
San Antonio, TX 78216
(210) 493-2811
(Highland Grove)

Dirt Dealers XII, Ltd. (Jack Scanio)
660 Lakefront Ave.
New Braunfels, TX 78130
(830) 496-7775

Staff Contact: Matt Greene, Planner
(830) 221-4053
mgreene@nbtexas.org

City Council held a public hearing on May 22, 2017 and approved the first reading of the requested rezoning ordinance (6-1-0) with Staff recommendations.

Cases PZ-17-021 and PZ-17-022 have been combined into one report and one agenda item to provide a clear description of the requests as they function as a single zoning change.

The Highland Grove Planned Development District is located on the southeast side of Morningside Drive, south of its intersection with Rueckle Road and consists of 228.68 acres. The base zoning district of the HGPD is “R-1A-6.6” Single Family Residential and the permitted use within the district is single family residential. The original Highland Grove PD and Concept Plan were approved in 2006 with five subsequent amendments.

The applicant is currently proposing to amend the HGPD by removing 11.64 acres from the district, which is shown on the current HGPD Concept Plan (Attachment 4) as proposed Unit 11 of the development (Case #PZ-17-021). The only purpose of removing the 11.64 acres from the HGPD is to allow it to be incorporated into another planned development district. There are no other proposed changes to the current HGPD Development Standards.

The property owner south of HGPD proposes to combine the 11.64 acres from the Highland Grove development with his 38.1 acres located immediately to the south and create a separate development to be zoned “Highland Gardens” Planned Development District (HGARDPD). The 38.1 acres will be rezoned from “R-1A-6.6 Single Family District to “Highland Gardens” Planned Development District and will have access from FM 1044, the future extension of County Line Road, and through the Highland Gardens Subdivision.

A planned development district is a free-standing zoning district designed to provide for the development of land as an integral unit for single or mixed uses in accordance with a City Council approved plan that may vary from the established regulations of other zoning districts. It is the intent in such a district to insure compliance with good zoning practices while allowing certain desirable departures from the strict provisions of specific zoning classifications.

The base zoning for the “Highland Gardens” Planned Development District is proposed to be “R-1A-6.6” Single Family District. The residential development standards are proposed to be very similar to the Highland Grove PD Development Standards. A comparison between the R-1-A-6.6 zoning district standards, the Highland Grove PD Development Standards and the proposed Highland Gardens PD Development Standards is provided in the table below:

Standard	HGARDPD	HGPD	R-1A-6.6
Permitted Uses	Single Family Residential	Single Family Residential	Single Family Residential

Min. Lot Area	6,000 sf	6,000 sf	6,600 sf
Min. Lot Depth	120 ft	120 ft	100 ft
Min. Lot Width (interior)	50 ft interior; 60 ft corner	50 ft interior; 60 ft corner	60 ft interior; 70 ft corner
Min. Front Setback	25 ft	25 ft	25 ft
Min. Rear Setback	20 ft	20 ft	20 ft
Min. Side Setback	5 ft interior; 15 ft or 25ft corner	5 ft interior; 15 ft or 25 corner	5 ft interior; 15 ft or 25 corner
Max Building Height	35 ft	35 ft	35 ft
Min. Parking	2 spaces	2 spaces	2 spaces
Min. Landscaping	1 front yard tree; full sod or xeriscape (front & back)	1 front yard tree	N/A
Min. Fence	6 ft masonry wall/fence adjacent to single family residences abutting future FM 1044 extension	6 ft masonry wall/fence adjacent to single family residences abutting future FM 1044 extension; or adequate set-back and/or other sound abatement for noise mitigation	N/A

There is a small FAA approved private airstrip immediately adjacent to the proposed Highland Gardens PD property to the south. The developer of the Highland Gardens property is providing a clear zone of 75 feet from the center on each side of the airstrip and a note on the Concept Plan stating “no dwelling units or habitable structures will be constructed within an approximate offset of 75 feet of both sides of the existing airstrip centerline”. This 150-foot wide airstrip buffer is delineated and labeled on the Highland Gardens Concept Plan. The 150-foot airstrip buffer will be required to be labeled as an aviation easement on the Highland Gardens Master Plan, Final Plats and Detail Plan(s). The FAA does not regulate approach zones to private airports. The owner of the airstrip wants to be clear to future homeowners of the subdivision that she is not to be blamed for noise or other effects of the existing airstrip.

General Information:

Size:

Amending HGPD = 211.10 acres

Proposed HGARDPD = Approximately 49.74 acres

Surrounding Zoning and Land Use:

North - Across Morningside Drive, MU-B and R-2 / Undeveloped land
South - APD / Single family dwellings and a private aviation runway
East - R-1, Reserve at Mocking Bird Heights PD, APD / Single family homes and undeveloped land
West - APD / Single dwellings, undeveloped land and Enterprise Texas Pipeline facility

Comprehensive Plan/ Future Land Use Designation:

The Future Land Use designation of the property is primarily Residential Low Density with a small portion of the proposed Highland Gardens PD adjacent to FM 1044 being designated as Commercial. If the rezoning is approved, Staff recommends a concurrent Future Land Use Plan amendment to change the Commercial land use designation to Residential Low Density.

Floodplain:

No portion of the property is located within the 1% annual chance flood zone.

Regional Transportation Plan:

The proposed rezoning is in compliance with the City's Regional Transportation Plan. Morningside Drive is designated as a 90-foot Major Collector and currently has a 60-foot right-of-way width. An additional 15 feet of right-of-way was dedicated with the platting of Units 1 and 6 of Highland Grove that are adjacent to Morningside Drive.

The Regional Transportation Plan includes a proposed 150-foot wide Parkway located along the western boundary of the Highland Grove subdivision that will be constructed as an extension of FM 1044. An extension of County Line Road is also provided on the Regional Transportation Plan and Highland Grove Concept Plan that will be a Minor Arterial with a 90-foot right-of-way width. A Minor Collector with a 60-foot right-of-way width is also planned to be located central to the Highland Grove subdivision (Water Lane extension). Right-of-way dedication and construction will be required with these roadways as a component of the platting process. Construction of the Minor Collector has been occurring with each recorded plat.

The inclusion of the 11.64 acres into the Highland Gardens development will provide improved traffic circulation as the residential streets will now interconnect and provide desirable connectivity.

Hike and Bike Trails Plan:

The City's Hike and Bike Trails Plan includes an off-street hike and bike trail through the property. The best location for the trail will be along the future FM 1044 (Parkway) and then connecting eastward along the future Minor Arterial identified on the Regional Transportation Plan (County Line Road Extension). This trail will be designed and built with the construction of these roadways.

Parkland Dedication:

The Highland Grove and Highland Gardens developments are subject to the Parkland Dedication

and Development Ordinance. The Highland Grove subdivision contains a 4.9 acre park that is currently under development. The Parks and Recreation Department has reviewed the recreational amenities and is coordinating with the developer to ensure that the ordinance requirements have been met. The Highland Gardens Concept Plan does indicate open space and greenbelt areas as indicated in green on the plan, but does not identify any areas for parkland dedication or improvements. The Parks and Recreation Department staff will review any proposed amenities for credit toward the ordinance requirement. The developer will be required to pay in lieu fees (approximately \$90,000 for 150 lots) or install amenities and pay in lieu fees for parkland dedication prior to recording any final plat.

Improvement(s):

Highland Grove has many existing single family dwellings and is approximately 50% built out. Highland Gardens has a small agricultural building and agricultural land.

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

✓	Yes	City Plan/Council Priority: 2006 Comprehensive Plan <i>Pros and Cons Based on Policies Plan</i>	Pros: Objective 1A: <i>Evaluate proposed zone changes to maintain land use compatibility, as well as the integration of mixed land uses as a component of achieving better places to live.</i> The subject properties are located in an area that is mostly developed with single family residences or is currently being developed with single family residences. Goal 1C: <i>Consider rezoning, as necessary, to ensure existing and future land use compatibility.</i> The proposed Highland Grove Concept Plan amendment and Highland Gardens Concept Plan are compatible with the existing development and development standards of the Highland Grove Subdivision and proposed Highland Gardens Subdivision. Cons: N/A
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission unanimously recommended approval of the requested PD amendment and rezoning of the 11.64 acres and 38.1 acres from “Highland Grove” PD and “R-1A-6.6” Single Family District to “Highland Gardens” Planned Development District with Staff recommendations at their public hearing on May 2, 2017 (6-0-0) with Commissioners Bearden, Edwards and Nolte absent.

STAFF RECOMMENDATION:

Staff recommends the following:

Approval of:

The amendment to Ordinance No. 2017-29, the “Highland Grove” Planned Development District Concept Plan to remove and rezone 11.64 acres from “Highland Grove” Planned Development

District to “Highland Gardens” Planned Development District.

Approval of:

The rezoning of 38.1 acres from R-1A-6.6 to “Highland Gardens” Planned Development District with the following conditions:

1. Installation of a solid screening fence or wall by the developer along open spaces, and by the developer and/or home builder along residential lots where adjacent to APD zoned properties.
2. The 150-foot airstrip buffer be labeled as an avigation easement on the Highland Gardens Master Plan, Final Plats and Detail Plan(s). An avigation easement note shall be provided on the Master Plan, Final Plats and Detail Plan(s) stating “no dwelling units or habitable structures will be constructed within an approximate offset of 75 feet both sides of the existing airstrip centerline.”

Approval of:

A Future Land Use Plan amendment of portions of the proposed Highland Gardens PD adjacent to FM 1044 and the future Rueckle Road extension from “Commercial” to “Residential Low Density”, which would occur with the second reading of the ordinance. This amendment would be consistent with the proposed use of the property and would offer opportunities for staggered land uses along Arterials as opposed to strip commercialization as currently depicted on the Future Land Use Plan.

Notification:

Public hearing notices were sent to 256 owners of property within 200 feet of both rezoning cases.

PZ-17-021 (Highland Grove PD Concept Plan Amendment):

Staff has received 4 responses in favor (#’s 28, 42, 51 & 178) and 5 opposed (#’s 11, 49, 52, 54, & 120).

PZ-17-022 (Highland Gardens PD):

Staff has received 4 responses in favor (#’s 28, 42, 51 & 178) and 5 opposed (#’s 11, 49, 52, 54, & 120). Opposition represents 30% of the notification area. With objection in excess of 20%, a $\frac{3}{4}$ majority of City Council (6 votes) is required for approval of the requested rezoning.

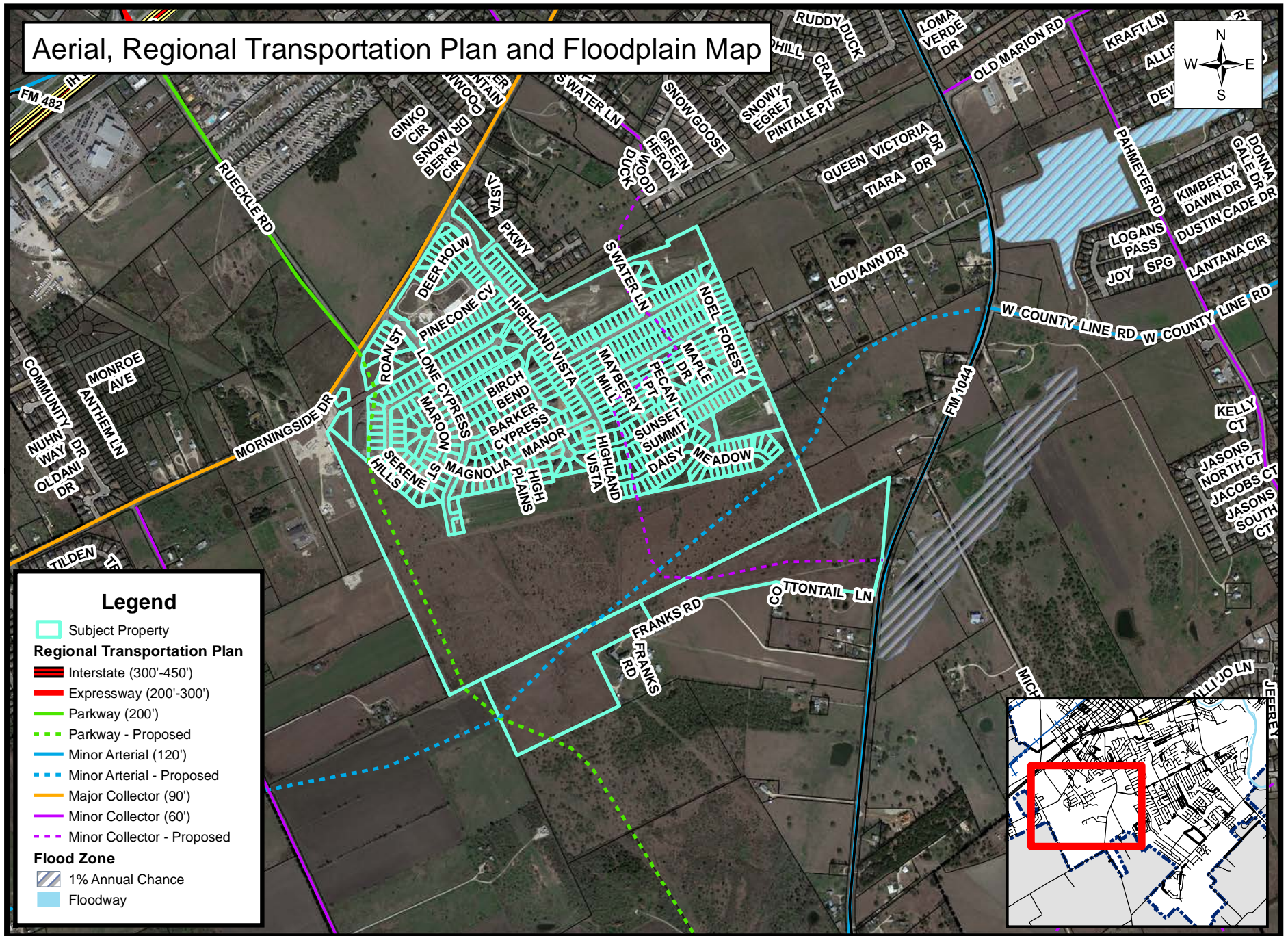
Some responses include concerns about maintaining the fencing that is currently in place to help contain livestock. Staff suggests the developer and home builders be required to provide a solid screening wall or fence adjacent to the properties zoned APD to help minimize possible interference between the existing agricultural properties and the proposed residential development. Other common concerns include drainage, traffic and water supply.

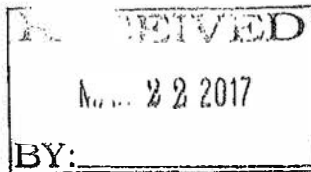
Attachments:

1. Aerial, Regional Transportation Plan and Floodplain Map
2. Applications
3. Exhibit Map,

-
4. Current Highland Grove PD Concept Plan, Proposed Amending Highland Grove PD Concept Plan
 5. Proposed Highland Gardens PD Concept Plan and Development Standards
 6. Zoning Map and Land Use Maps
 7. Notification List, Notification Map and Notification Responses
 8. Photographs of Subject Property
 9. Ordinance No. 2017-29 (Highland Gardens PD), Sec. 3.5 Planned Development Districts and Sec. 3.4-2 "R-1A" Single Family District
 10. Resolution and Ordinance

Aerial, Regional Transportation Plan and Floodplain Map





APPLICATION FOR
ZONE CHANGE

550 LANDA STREET
NEW BRAUNFELS TX 78130

E-MAIL: planning@nbtexas.org

PHONE: (830) 221-4050

Case Number: P2-17-021

PLANNING

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: KFW Engineers

Mailing Address: 14603 Huebner Rd., Bldg. 40

Telephone: 210-979-8444

Fax: _____

Mobile: _____

Email: _____

2. Property Address/Location: Near FM 1044 and Lou Ann Dr.

3. Legal Description:

Name of Subdivision: Hishard Grove

Lot(s): 731

Block(s): _____

Acreage: _____

4. Existing Use of Property: Planned Development District

5. Proposed Use of Property (attach additional or supporting information if necessary): _____

Low Density Residential

6. Zoning Change Request: Current Zoning: PDD

Proposed Zoning: R-1A

For "PDD Planned Development District", check if: Concept Plan ☒ OR Detail Plan _____

7. Reason for request (please explain in detail and attach additional pages if needed): _____

8. ATTACHMENTS:

N/A

Metes and bounds description and survey if property is not platted.

N/A

TIA worksheet and Traffic Impact Analysis if required.

N/A

Location in 100-year floodplain: Please provide a map of the floodplain overlaying the property proposed for zoning or, at a minimum, a copy of the proper FEMA flood map, with panel number. (Current floodplain maps are those most recently adopted by the City Council.)

N/A

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

☒

If requesting a Planned Development (PD), applicant must provide development standards on the detail plan and/or provide the standards in a separate document as described in the Zoning Ordinance, Section 3.5. Provide 14 copies of the standards and Concept plan (1":200') for distribution with 4 copies of the survey (1":200') (if preparing revisions to existing Planned Development (PD) please provide one legible 11x17).

N/A

Copy of deed showing current ownership.

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

3-22-17

Date

Nash Noel, EIT

Print Name & Title

Signature of Owner(s)/Agent

For Office Use Only

Fee Received By: MZ

Amount: \$1,200.00

Receipt No.: 236202

Date Received: 3-22-17

Zoning signs issued: _____

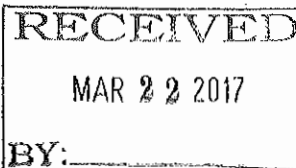
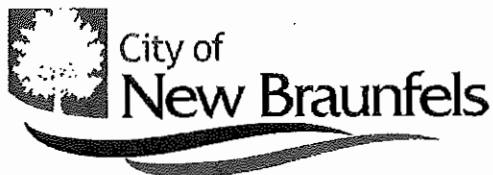
Date: _____

No.: _____

Cash/Check Number: 3524

Case Number: P2-17-021

ge 1



APPLICATION FOR ZONE CHANGE

424 S. CASTELL AVENUE
NEW BRAUNFELS TX 78130

E-MAIL: planning@nbtexas.org

PHONE: (830) 221-4050 FAX: (830) 608-2109

Case Number: P2-17-022

PLANNING

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: Dirt dealers XII, LTD C/O Jack Scanio

Mailing Address: 660 Lakefront Avenue, New Braunfels, TX 78130

Telephone: 210-496-7775 Fax: 210-496-3256 Mobile: 210-723-1693

Email: jscanio@dirtydealers.com

2. Property Address/Location: Off FM 1044 between Lou Ann & Franks Rd in New Braunfels, TX

3. Legal Description:

Name of Subdivision: Undeveloped

Lot(s): _____ Block(s): _____ Acreage: 90.40 47.02

4. Existing Use of Property: Undeveloped

5. Proposed Use of Property (attach additional or supporting information if necessary): _____

Single Family Residential

6. Zoning Change Request: Current Zoning: R-1A-6.6 Proposed Zoning: Highland Greens PDD

For "PDD Planned Development District", check if: Concept Plan X OR Detail Plan _____

7. Reason for request (please explain in detail and attach additional pages if needed): _____

8. ATTACHMENTS:

- ☒ Metes and bounds description and survey if property is not platted.
☐ TIA worksheet and Traffic Impact Analysis if required.
☒ Location in 100-year floodplain: Please provide a map of the floodplain overlaying the property proposed for zoning or, at a minimum, a copy of the proper FEMA flood map, with panel number. (Current floodplain maps are those most recently adopted by the City Council.)
☒ Map of property in relation to City limits/major roadways or surrounding area.
☒ If requesting a Planned Development (PD), applicant must provide development standards on the detail plan and/or provide the standards in a separate document as described in the Zoning Ordinance, Section 3.5. Provide 14 copies of the standards and Concept plan (1":200') for distribution with 4 copies of the survey (1":200') (if preparing revisions to existing Planned Development (PD) please provide one legible 11x17).
☒ Copy of deed showing current ownership.

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

Signature of Owner(s)/Agent

Date

Nash Noel, E.I.T.

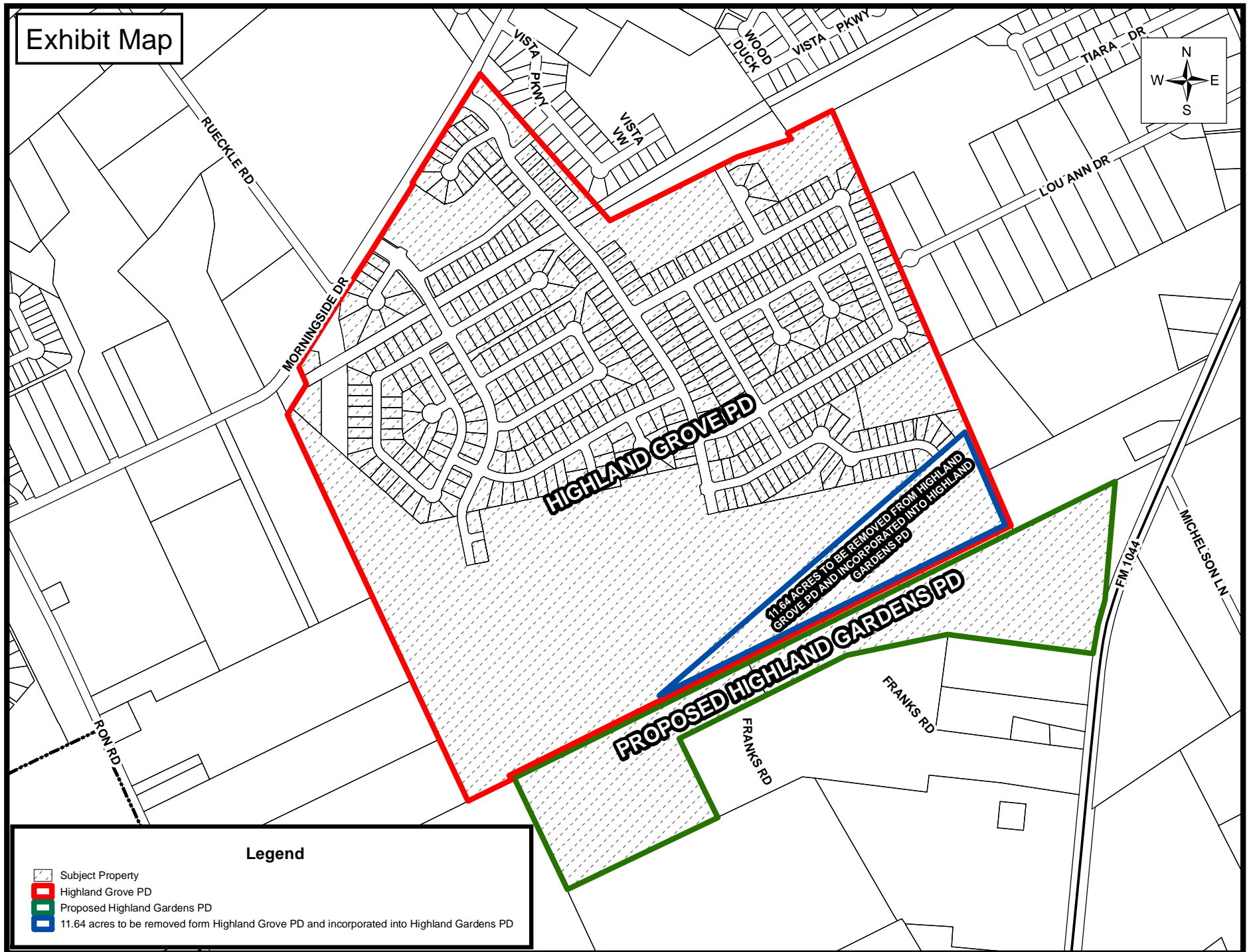
Print Name & Title

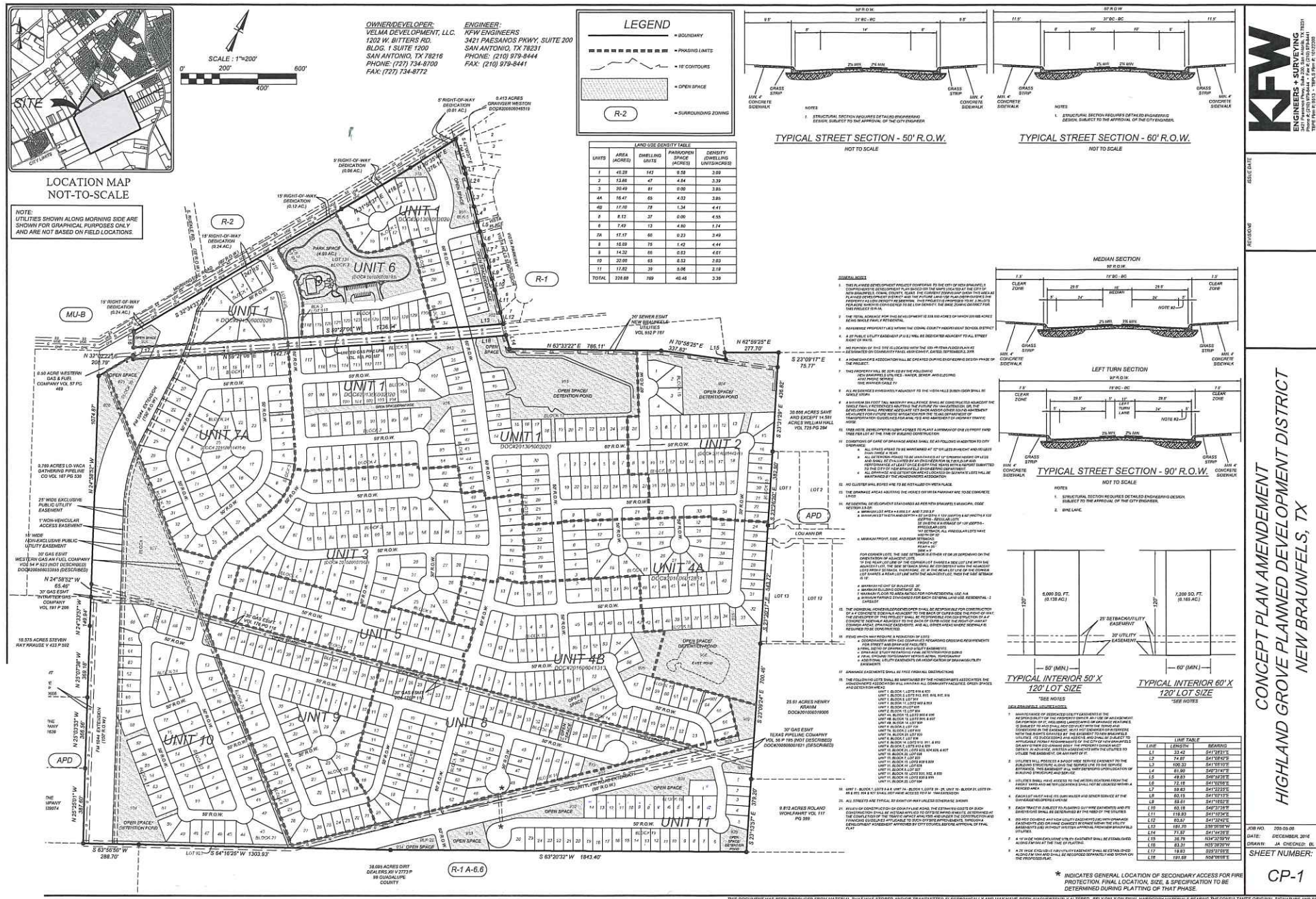
For Office Use Only

Fee Received By: ma Amount: 1,200.00 Receipt No.: 236201

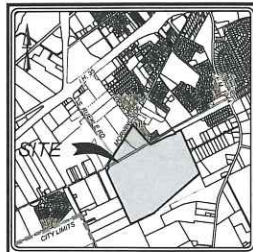
Date Received: 3-22-17 Zoning signs issued: _____ Date: _____ No.: _____

Cash/Check Number: 3522 Case Number: P2-17-022



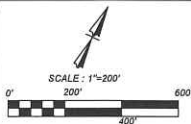


CURRENT HIGHLAND GROVE PD CONCEPT PLAN



LOCATION MAP
NOT-TO-SCALE

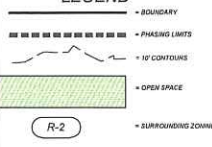
NOTE: UTILITIES SHOWN ALONG MORNING SIDE ARE SHOWN FOR GRAPHICAL PURPOSES ONLY AND ARE NOT BASED ON FIELD LOCATIONS.



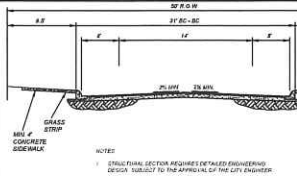
OWNER/DEVELOPER:
VELMA DEVELOPMENT, LLC
1202 W. BITTERS RD.
BLDG. 1 SUITE 1200
SAN ANTONIO, TX 78216
PHONE: (727) 734-8700
FAX: (727) 734-8772

ENGINEER:
KFW ENGINEERS
3421 PAESANOS PKWY, SUITE 200
SAN ANTONIO, TX 78231
PHONE: (210) 879-8444
FAX: (210) 979-8441

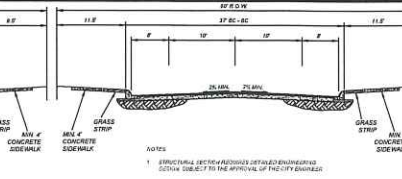
LEGEND



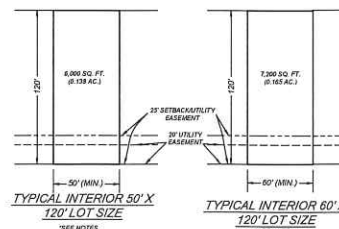
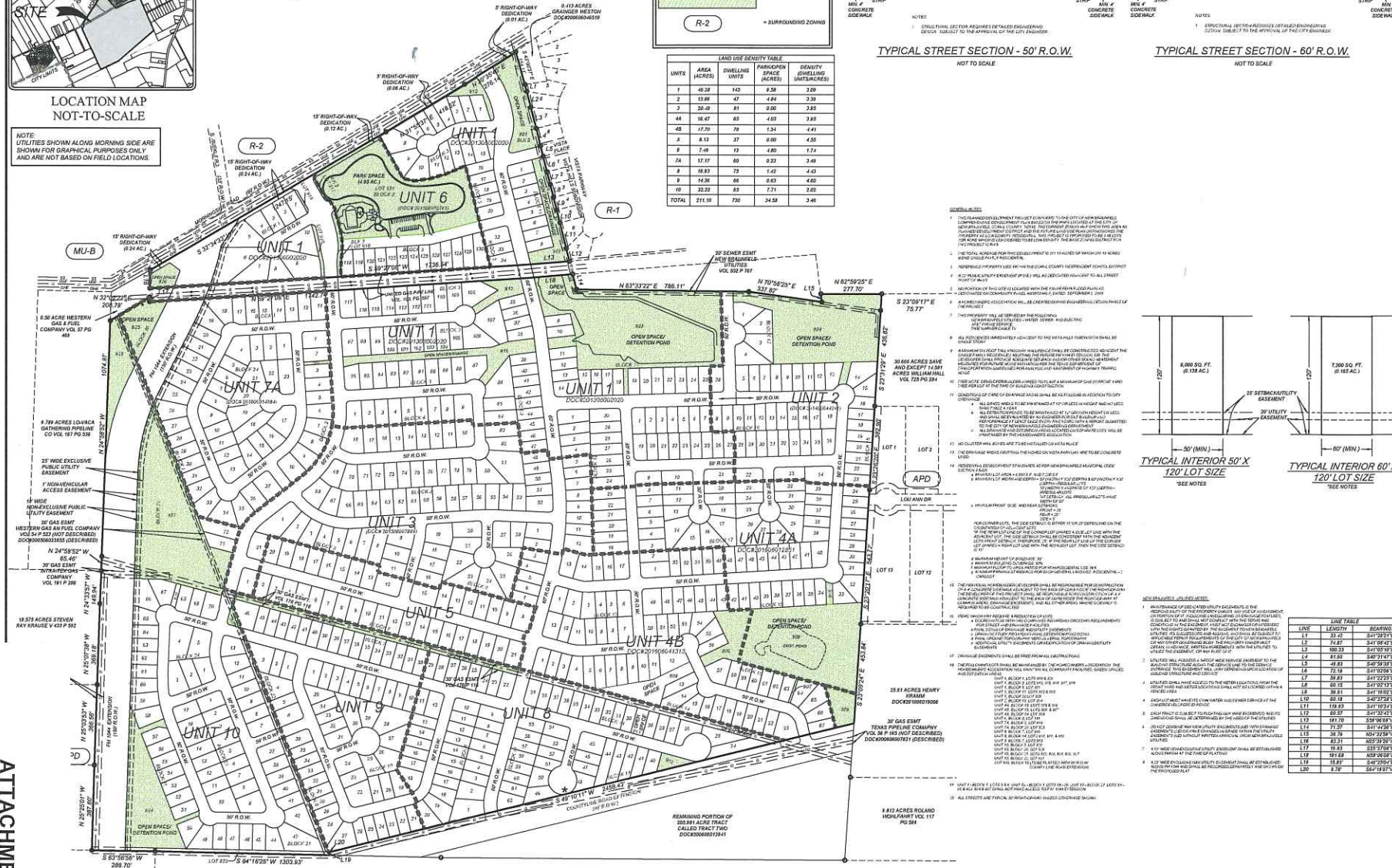
LAND USE DENSITY TABLE				
UNITS	AREA (ACRES)	DWELLING UNITS	PARKING SPACES (ACRES)	DENSITY (DUELLING UNITS/ACRE)
1	16.28	142	6.58	2.08
2	17.88	47	4.81	3.39
3	25.47	31	9.00	2.85
4A	16.47	63	4.97	3.95
4B	17.79	79	1.34	4.41
5	8.13	37	0.60	4.85
6	7.48	13	4.80	1.54
7A	17.17	60	0.23	3.40
8	19.87	25	7.18	4.40
9	14.36	60	0.83	4.60
10	33.23	63	7.71	3.02
TOTAL	211.18	730	34.58	3.46



TYPICAL STREET SECTION - 50' R.O.W.
NOT TO SCALE



TYPICAL STREET SECTION - 60' R.O.W.
NOT TO SCALE



TYPICAL INTERIOR 50' X 120' LOT SIZE
SEE NOTES

TYPICAL INTERIOR 60' X 120' LOT SIZE
SEE NOTES

USE TABLE			
LINE	LENGTH	BEARING	
1.0	33.33	S 41° 59' 57" E	
1.1	74.87	S 41° 59' 57" E	
1.2	74.87	S 41° 59' 57" E	
1.3	74.87	S 41° 59' 57" E	
1.4	74.87	S 41° 59' 57" E	
1.5	74.87	S 41° 59' 57" E	
1.6	74.87	S 41° 59' 57" E	
1.7	74.87	S 41° 59' 57" E	
1.8	74.87	S 41° 59' 57" E	
1.9	74.87	S 41° 59' 57" E	
2.0	74.87	S 41° 59' 57" E	
2.1	74.87	S 41° 59' 57" E	
2.2	74.87	S 41° 59' 57" E	
2.3	74.87	S 41° 59' 57" E	
2.4	74.87	S 41° 59' 57" E	
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2.7	74.87	S 41° 59' 57" E	
2.8	74.87	S 41° 59' 57" E	
2.9	74.87	S 41° 59' 57" E	
3.0	74.87	S 41° 59' 57" E	
3.1	74.87	S 41° 59' 57" E	
3.2	74.87	S 41° 59' 57" E	
3.3	74.87	S 41° 59' 57" E	
3.4	74.87	S 41° 59' 57" E	
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3.8	74.87	S 41° 59' 57" E	
3.9	74.87	S 41° 59' 57" E	
4.0	74.87	S 41° 59' 57" E	
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4.4	74.87	S 41° 59' 57" E	
4.5	74.87	S 41° 59' 57" E	
4.6	74.87	S 41° 59' 57" E	
4.7	74.87	S 41° 59' 57" E	
4.8	74.87	S 41° 59' 57" E	
4.9	74.87	S 41° 59' 57" E	
5.0	74.87	S 41° 59' 57" E	
5.1	74.87	S 41° 59' 57" E	
5.2	74.87	S 41° 59' 57" E	
5.3	74.87	S 41° 59' 57" E	
5.4	74.87	S 41° 59' 57" E	
5.5	74.87	S 41° 59' 57" E	
5.6	74.87	S 41° 59' 57" E	
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5.9	74.87	S 41° 59' 57" E	
6.0	74.87	S 41° 59' 57" E	
6.1	74.87	S 41° 59' 57" E	
6.2	74.87	S 41° 59' 57" E	
6.3	74.87	S 41° 59' 57" E	
6.4	74.87	S 41° 59' 57" E	
6.5	74.87	S 41° 59' 57" E	
6.6	74.87	S 41° 59' 57" E	
6.7	74.87	S 41° 59' 57" E	
6.8	74.87	S 41° 59' 57" E	
6.9	74.87	S 41° 59' 57" E	
7.0	74.87	S 41° 59' 57" E	
7.1	74.87	S 41° 59' 57" E	
7.2	74.87	S 41° 59' 57" E	
7.3	74.87	S 41° 59' 57" E	
7.4	74.87	S 41° 59' 57" E	
7.5	74.87	S 41° 59' 57" E	
7.6	74.87	S 41° 59' 57" E	
7.7	74.87	S 41° 59' 57" E	
7.8	74.87	S 41° 59' 57" E	
7.9	74.87	S 41° 59' 57" E	
8.0	74.87	S 41° 59' 57" E	
8.1	74.87	S 41° 59' 57" E	
8.2	74.87	S 41° 59' 57" E	
8.3	74.87	S 41° 59' 57" E	
8.4	74.87	S 41° 59' 57" E	
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8.8	74.87	S 41° 59' 57" E	
8.9	74.87	S 41° 59' 57" E	
9.0	74.87	S 41° 59' 57" E	
9.1	74.87	S 41° 59' 57" E	
9.2	74.87	S 41° 59' 57" E	
9.3	74.87	S 41° 59' 57" E	
9.4	74.87	S 41° 59' 57" E	
9.5	74.87	S 41° 59' 57" E	
9.6	74.87	S 41° 59' 57" E	
9.7	74.87	S 41° 59' 57" E	
9.8	74.87	S 41° 59' 57" E	
9.9	74.87	S 41° 59' 57" E	
10.0	74.87	S 41° 59' 57" E	

* INDICATES GENERAL LOCATION OF SECONDARY ACCESS FOR FIRE PROTECTION. FINAL LOCATION, SIZE, & SPECIFICATION TO BE DETERMINED DURING PLATTING OF THAT PHASE.

KFW
ENGINEERS & SURVEYORS
1202 W. BITTERS RD., SUITE 1200
SAN ANTONIO, TX 78216
PHONE: (210) 879-8444
FAX: (210) 979-8441

HIGHLAND GROVE PLANNED DEVELOPMENT DISTRICT
NEW BRAUNFELS, TX

JUN 08 2008
DATE: DECEMBER, 2016
DRAWN: J. CHECKED: J.B.
SHEET NUMBER:

CP-1

PROPOSED AMENDING HIGHLAND GROVE PD CONCEPT PLAN

- NOTES:
1. THE PROPOSED USE OF THE SUBDIVISION IS FOR SINGLE FAMILY RESIDENTIAL.
 2. THE UNIT NUMBERS SHOWN REPRESENT THE ORDER IN WHICH THE UNITS WILL BE DEVELOPED AND PLATTED.
 3. SIDEWALKS WILL BE CONSTRUCTED FOR THIS DEVELOPMENT.
 4. ALL STREETS ARE PROPOSED TO BE OF A LOCAL TYPE FUNCTIONAL CLASSIFICATION.
 5. THE LOTS DESIGNATED AS OPEN SPACE (O.S.) WILL NOT BE AVAILABLE FOR RESIDENTIAL USE. THESE LOTS WILL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER'S ASSOCIATION.
 6. ALL LOTS WITHIN THE SUBDIVISION WILL BE SERVED BY NEW BRAUNFELS UTILITIES (NBU), A PUBLIC WATER AND SEWER SERVICE, AT&T FOR PHONE SERVICE, AND TIME WARNER CABLE.
 7. ALL STANDARD CURB AND GUTTER WILL PROVIDE STORMWATER CAPACITY PER CITY OF NEW BRAUNFELS DRAINAGE REQUIREMENTS.
 8. THE ENTIRE SUBDIVISION FALLS WITHIN COMAL INDEPENDENT SCHOOL DISTRICT.
 9. BASE ZONING FOR HIGHLAND GARDENS PLANNED DEVELOPMENT DISTRICT IS R-1A-6.6, SINGLE FAMILY DISTRICT.
 10. NO DWELLING UNITS OR HABITABLE STRUCTURES WILL BE CONSTRUCTED WITHIN AN APPROXIMATE OFFSET OF 75' BOTH SIDES OF THE EXISTING AIRSTRIP CENTERLINE.

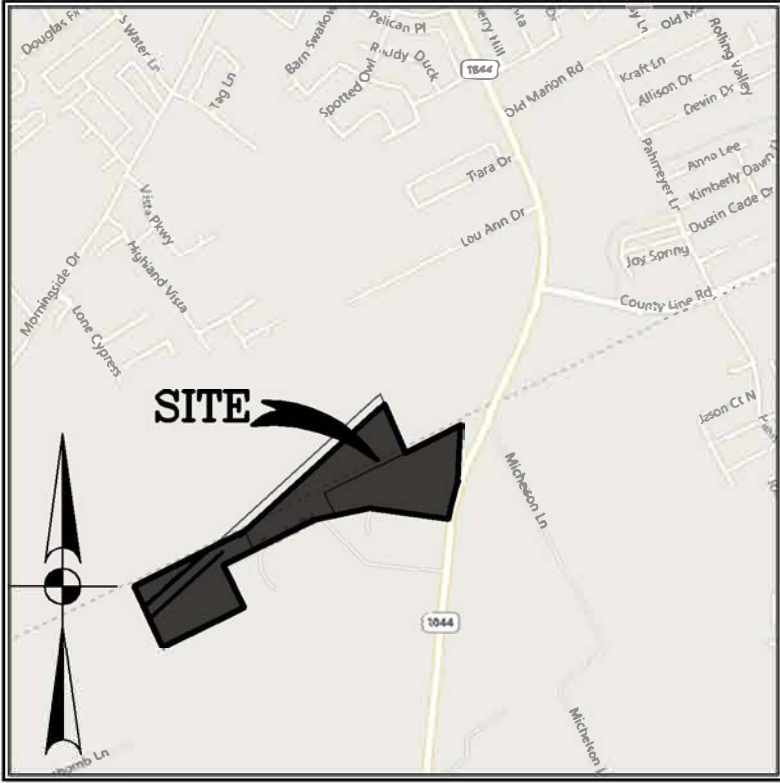
DEVELOPMENT STANDARDS

Land Use:	Single-Family Residential - Standard Lot
Base Zoning:	R-1A-6.6
Total Number of Acres:	47.02
Open Space/Drainage Acreage:	7.02
Residential Acreage:	40.00
Minimum Lot Width:	50 Feet Wide (60' on Corner Lots)
Typical Lot Depth:	120 Feet
Minimum Lot Area:	6,000 and 7,200 Square Feet
Minimum Lot Area (Corner):	7,200 Square Feet
Minimum Front Setback:	25 Feet
Minimum Side Setback:	5 Feet
Minimum Rear Setback:	20 Feet
Minimum Living Area:	1600sf
Minimum Garage:	2 Car Garage
Minimum Landscaping:	Full Sod (front & back) or Xeriscape
Maximum Building Height:	35ft
Noise Mitigation:	A minimum 6' tall masonry wall/fence adjacent to single family residences abutting FM 1044
Tree's:	A minimum of one (1) front yard shade tree per lot
Drainage and Detention Areas	Areas located on separate lots will be owned and maintained by the HOA

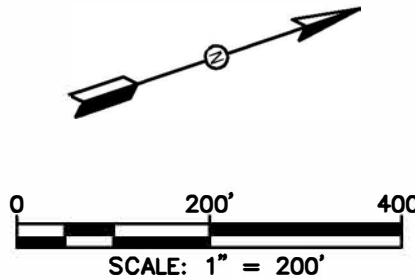
OWNER/DEVELOPER:
DIRT DEALERS XII, LTD
JACK SCANIO
660 LAKEFRONT AVE
NEW BRAUNFELS, TX 78130
(210) 496-7775

ENGINEER/SURVEYOR:
MOELLER & ASSOCIATES
JAMES INGALLS, P.E. - ENGINEER
2021 SH 46 W, STE 105,
NEW BRAUNFELS, TX 78130
(830) 358-7127

D.A. MAWYER LAND SURVEYING, INC.
DREW MAWYER, R.P.L.S. - SURVEYOR
132 CADDELL LANE
NEW BRAUNFELS, TEXAS 78130
(210) 325-0858



LOCATION MAP
SCALE: 1"=200'



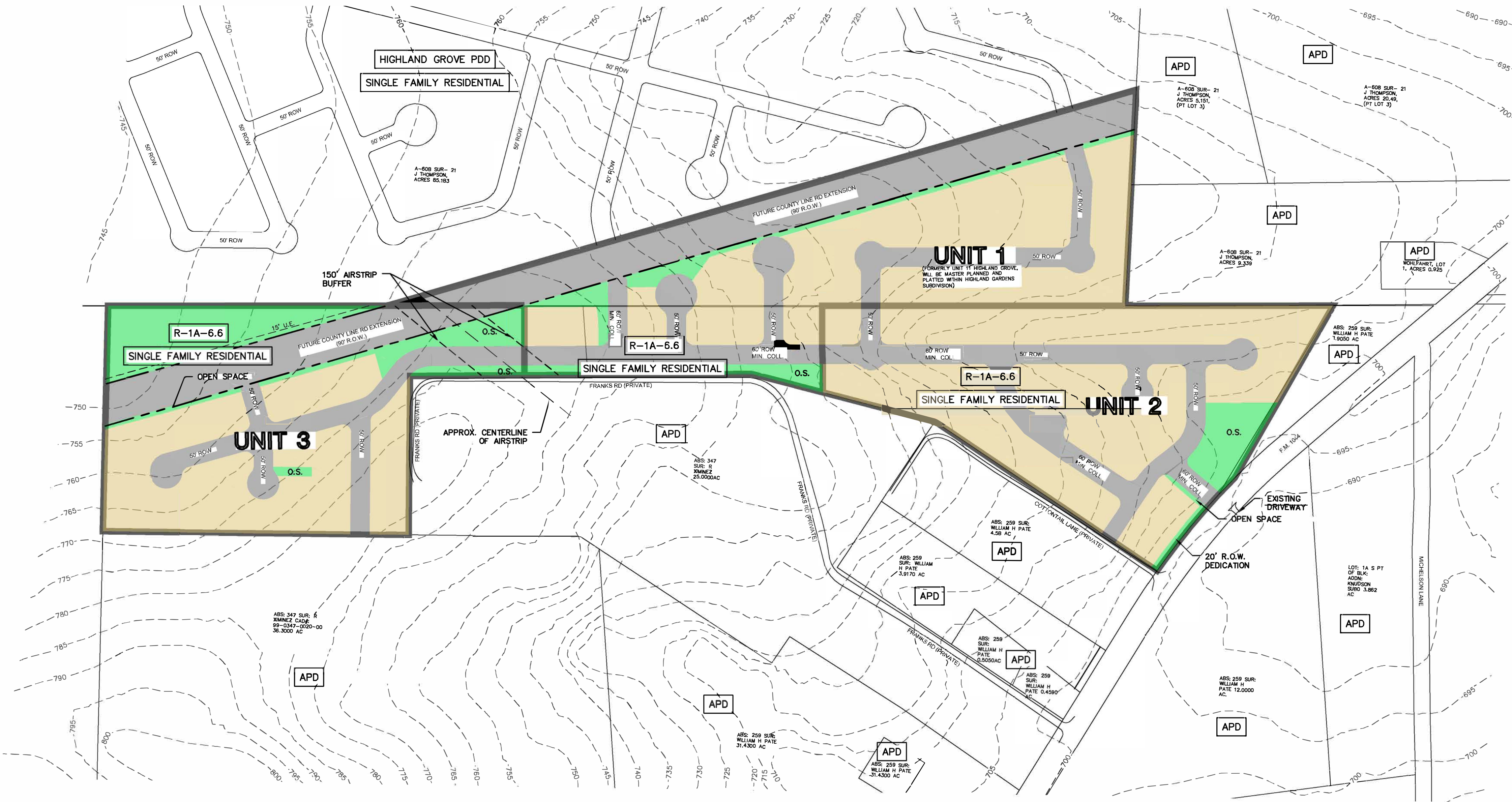
LEGEND

- BOUNDARY
- *O.S. OPEN SPACE
- D.E. DRAINAGE EASEMENT
- SINGLE FAMILY RESIDENTIAL
- OPEN SPACE/GREENBELT
- ROADWAY

ACREAGE SUMMARY (APPROX.)

RESIDENTIAL LOTS AND STREETS:	42.72 ACRES
*OPEN SPACE (OS)/GREENBELT	7.02 ACRES
TOTAL ACREAGE:	49.74 ACRES
RESIDENTIAL LOT DENSITY (165 MAX/49.74):	3.32
LOTS/ACRE	

*ALL LOTS LABELED AS OPEN SPACE (O.S.) ON THIS PLAN SHALL BE OWNED & MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION.



RELATION TO COMPREHENSIVE PLAN NOTE:

1. THE PROPOSED R-1A-6.6 PDD TO ALLOW FOR 50' WIDE LOTS ZONING IS A SINGLE FAMILY RESIDENTIAL DISTRICT, CONSISTENT WITH THE FUTURE LAND USE PLAN DESIGNATION OF "LOW DENSITY RESIDENTIAL" AND COMPATIBLE WITH SURROUNDING LAND USES. THE PROPOSED ZONING IS CONSISTENT WITH THE EXISTING AND DEVELOPING NEIGHBORHOODS IN THE AREA.

PROPOSED HIGHLAND GARDENS PD CONCEPT PLAN



THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF JAMES I. INGALLS, P.E. 107416 ON April 19, 2017. IT IS TO BE USED FOR BIDDING AND PERMITTING PURPOSES ONLY. NOT TO BE USED FOR CONSTRUCTION.

ISSUES AND REVISIONS

DATE

NO

MOELLER & ASSOCIATES
Engineering Solutions
2021 W SH46, STE 105, NEW BRAUNFELS, TX 78132
PH: 830-358-7127 www.mo-mo-tx.com
TABLE FIRM E-13351

CONCEPT PLAN
AMENDMENT

HIGHLAND GARDENS
PLANNED DEVELOPMENT
DISTRICT

NEW BRAUNFELS, TEXAS

SHEET

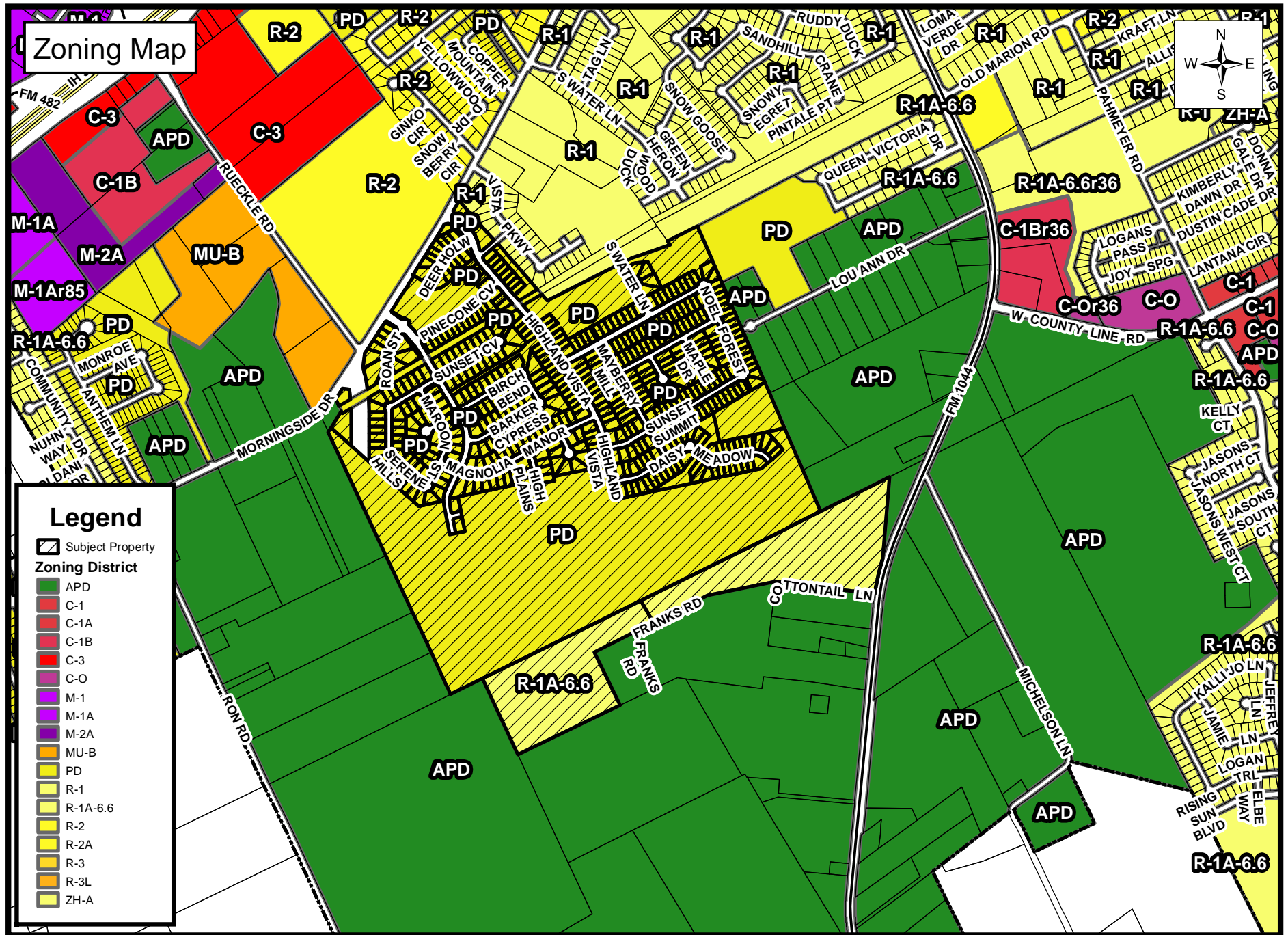
1
OF 1

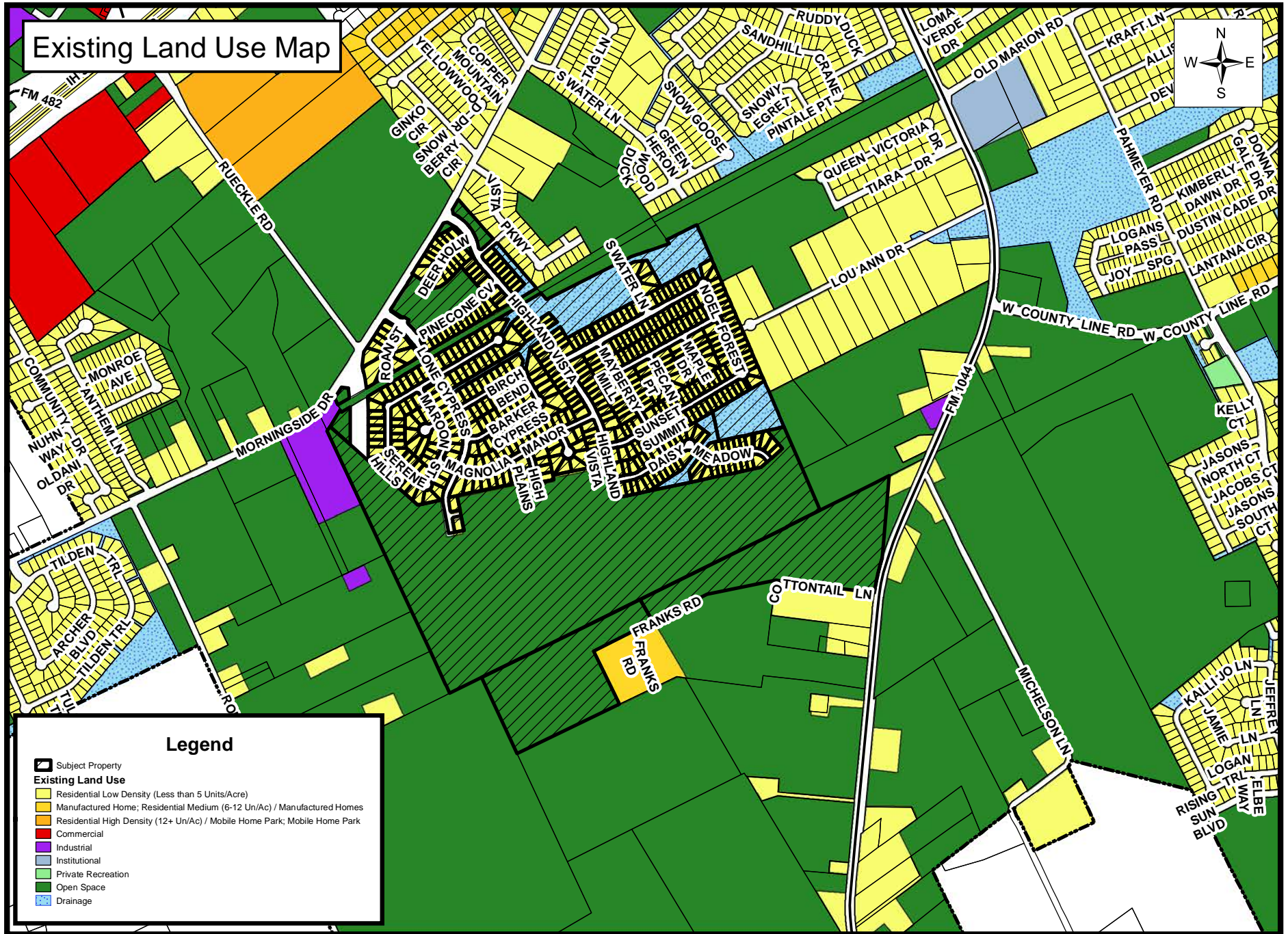
Highland Gardens Planned Development District (HGARDPD) Development Standards

The general development standards are as follows:

Land Use:	Single family residential
Base Zoning:	R-1A-6.6
Minimum Lot Width:	50 ft. interior; 60 ft. corner
Minimum Lot Depth:	120 ft.
Minimum Lot Area:	6,000 sq. ft.
Minimum Front Setback	25 ft.
Minimum Rear Setback	20 ft.
Minimum Side Setbacks	5 ft. interior; The minimum side setback adjacent to the street for corner lots where the rear lines of the corner lot coincides with the rear lot line of the adjacent lot is 15 feet. The minimum side setback adjacent to the street for corner lots where the rear line of the corner lot coincides with the side lot line of the adjacent lot is 25 feet. Otherwise, the internal side setback for corner lots is 5 feet.
Maximum Building Height	35 ft.
Minimum Parking	2 spaces
Tree's:	A minimum of one (1) front yard tree per lot
Minimum Landscaping:	Full sod or xeriscape (front & back)
Minimum Fence:	6 ft. masonry wall/fence adjacent to single family residences abutting future FM 1044 extension

*All remaining standards not listed above will be based on R-1A-6.6 zoning.





PLANNING COMMISSION – May 2, 2017 – 6:00PM
New Braunfels City Hall Council Chambers

Applicants/Owners: Velma Development LLC, Gordon Hartman – President
Dirt Dealers XII LTD, Jack Scanio

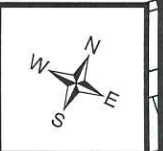
Address/Location: Highland Grove & Proposed Highland Gardens Subdivision

PROPOSED CONCEPT PLAN AMENDMENT – CASE #PZ-17-021 & #PZ-17-022

The property under consideration is marked as “Subject Property” on the attached map. Property owners of the subject property or within 200 feet are listed below. All information is from the Appraisal District Records.

1	Velma Development Llc	65	Rodriguez Michael	129	Hamilton Kelly L & James	194	Acker Tommy & Gabrielle
2	Ashton San Antonio Residential Llc	66	Mcneill John V	130	Phillips Bob & Virginia	195	Cox Barbara Lynn
3	Bella Vista Cmi Ltd	67	Mesa Isaac	131	Hurley Gregory Dean	196	Gonzalez Ruben Pedro
4	Calatlantic Homes Of Texas Inc	68	Restrepo Jesus A & Perla I	132	Bocanegra Fabian	197	Guillen Salvador & Adriana
5	Enterprise Texas Pipeline Lp	69	Drake Matthew C & Natalie	133	Steele Mark T & Marian Moore	198	Garcia Ana Ugartechea
6	Highland Grove H	70	Walton Waddell Jr & Glenda P	134	Patterson Horace E & Clara N	199	Harmon Jason L & Ashlee N
7	Highland Grove Hoa Inc	71	Avila Salomon Jr & Deah D	135	Echevarria Sergio A Sr & Mariaana Andalon	200	Thomas Gregory S & Brandy S
8	Lennar Homes Of Texas Land & Construction Ltd	72	Alspach Robert D & Jennifer B	136	Mcfarland Mahealani N & Christopher D	201	Bailey Shane & Kelly
9	M I Homes Of San Antonio Llc	73	Haines Eric H & Lavena A	137	Johnson Gary M & Nancy A	202	Villegas Jose F Jr & Jennifer L
10	Wgh Texas Llc	74	Martinez Tony R & Sonya J	138	Johnson Wesley F & Carol A	203	Chamberlain Ronald R Jr & Gilberto Martinez
11	Cheney Beverly	75	Pena James C & Lisa S	139	Tack Jeremy L	204	Cooke Robert G & Ruth D
12	Winslow Kenneth Eugene	76	Zipp Betty Jane	140	Swanzy Tallen Montgomery	205	Kasperbauer John & Theresa
13	Hoffman Heidi Marie	77	Mcgee Tajaric W	141	Gonzalez Victor & Erika Y	206	Hollenbeck Bradley K & Linda G
14	Sliwinski Zbigniew & Edith	78	Mccarter Tanner S & Alma Ortega	142	Cogdill Aerice B & Valerie	207	Wallen Amy B & Christopher M
15	Parvin Todd & Angela	79	Solano Mario F & Keta	143	De La Rosa Mario	208	Ybarra Ismael
16	Hooper Monty A & Tasha D	80	Aino San Antonio Llc	144	Ware Christopher W	209	Brookins Rodney T & Shandalyn
17	Beseda Timothy R & Connie M	81	Bishop Anna Winifred	145	Ward David & Alicia	210	Bautizta Nicholas & Lucinda
18	Eastwood Mary F	82	Patel Sanjaykumar M Et Al	146	Berry Gregory D	211	Outland Wiley J & Annie S
19	Bockholt Arretta H	83	Lowrie Joe Marc	147	Thomas Marilyn Ann	212	Baez Ruth A
20	Hanks Rickey L & Sheri	84	Welch Marc E & Marsha P	148	Hernandez Jenelle A & Jesus	213	Torres Cindy & Shawn E Cattin
21	Scheile Michael O	85	Hollon James F Sr & Amy C	149	Mroz Daniel A	214	Allen Michael E & Stephanie L
22	Castillo Raymond & Cynthia	86	Picard Marcellus & Eryn R	150	Pearson Mark A & Abigail R	215	Dimery Carlton H Jr & Laura E
23	Rivera Pete Sr	87	Heimbecker Jennifer & Robert B Baker	151	Hohmann Thomas & Cynthia	216	Parks Jim Edward Jr & Sarah R
24	Zamora Celestina R	88	Cole Kelly R & Jonathan S	152	Samora Jordan D & Erin E	217	Calderon Kimberly Ann
25	Casarez Ricardo & Lynda O	89	Fabre Troy & Anita	153	Roach Kyle C	218	Haymaker Thomas N Sr
26	Wunderlich Diane L	90	Cherkitz Mark A & Leala M	154	Linkens Richard T	219	Layh Michael C
27	Property Owner	91	Rogers William B & Tamara L Tilley-Rogers	155	Johnson Jenna E & Roy Pelham	220	Helton Rebekah R & Alan N Glazer
28	Johnson Rita	92	Spann Willie A & Mignon Jones-Spann	156	Trevino Raul E & Dina	221	Gomez Annette & Marc Olveda
29	Sandoval Juan M P & Elizabeth C Nunez	93	Glasco Clarence N & Keisha S	157	Tapley James H & Christine L	222	Tran Xuan T & Huy
30	Blaylock Jason C	94	Harmon Matthew Anthony	158	Richey Trevor L	223	Marron Ty E & Jennifer A
31	Schaefer Teresa B	95	Hernandez William E & Flor	159	Abballe Michael R & Sherry D	224	Cardenas-Ruderer Hugo
32	Thomas Rebecca N	96	Vela Phillip S	160	Williamson Pamela J & Neil W	225	Gamara Joya C & Rene G
33	Ybarra Rogelio & Yolanda	97	Johnson Moses P Jr & Belinda T	161	Kinion Ryan	226	Deleon Eva C & Beniberto
34	Barry Teresa	98	Secretary Of Veterans Affairs	162	Bowling Harold Kirkland Jr	227	Cuellar Brandon T & Hailey N
35	Minter Trust	99	Prieto Esabel C Jr & Ingrid R	163	Reyes Jim C	228	Sawyer Aaron P & Tia E
36	Peters Merlene C	100	Uchniat Michael J & Rosemary R	164	Meek Jacob & Shayla	229	Campbell Edward Bruce Iii
37	Howell Henry D	101	Deleon Ivan F & Barbara A	165	Gentry Jason	230	Camacho Irene & William Dorsey
38	Winston Benjamin	102	Cassidy Ryan & Zsofia Toth-Cassidy	166	Freeman Kiyoshi C & Maria T Talampas	231	Thomas Cedric A & Susana H
39	Self Sandra E & Bill L	103	Oneill Richard G & Rachel C	167	Stearns Gerald R & Bernadette	232	Levett Kendrick L & Kayla S
40	Ortiz Robert M & Amelia	104	Clausen Glenn & Kerri S	168	Barton Michael C & Lauren R	233	Champion-Harris Jonathan & Malorie K
41	Howell Dana	105	Harris Gary B & Christina M	169	Aguirre Heric R & Arely H Mendivil	234	Baker Christian B & Janelle M
42	Fischer Thomas J & Elizabeth	106	Chilcote Judy J Rvcbl Lvng Trst	170	Holmes Gennifer	235	Reynolds Richard S & Kelli S
43	Dove Dorothy M	107	Hodell Hans J & Deanna L	171	Hersh Sean & Carri L	236	Carby Robert William
44	Hernandez Maria Isabel	108	Stanley Steven L & Sang S	172	Chavez Randall & Kimberly G	237	Wheeler Brian
45	Arndt Rolf H & Waltraud	109	Moczygemba Matthew S & Sarah	173	Aino San Antonio Llc	238	Kolbrecki James J & Karen L
46	Aguilar Jose A & Laura D	110	Chappell Eric & Cecily	174	Ayala Diego A	239	Johnson Paul G
47	Dirt Dealers Xii	111	Dorsa Christopher M & Savannah K Jones	175	Santiago Edwin	240	Mauldin William Scott
47	Dirt Dealers Xii	112	Spencer Michael A & Carol M	176	Kovar Charles H & Helen M	241	Lochrie Brett & Cindy
48	Williams John F & D E	113	Bucek Milan A Jr	177	Bilbrey Joel K & Shawnee L	242	Stewart Ian & Rochelle L Holder
49	Wisdom T E Jr & J A	114	Miller Marilyn J	178	Rueckle Commercial Holdings Llc	243	Bienek Anthony C & Nicole D
50	Jhfs Holdings Llc	115	Bendele Jacob & Lindsey	179	Mckenzie Kenneth Alan	244	Lundmark Brent T & Paula K
51	Eidson Sarah W	116	Delarosa Frank & Ana Liza C	180	Miller Natalie J	245	Fettner David A
52	Franks Howard - Estate Of	117	Smith Philip N & Shelley	181	Sawyer Gerald & Amy	246	Honick Chris S & Megan A
53	Schaefer William J	118	Dy Erin & David	182	Lindeman Chase T & Shaleek R	247	Brault Daniel & Ofelia
54	Searight O C Jr & J M	119	Jordan Kristen T & Cody P	183	Katzenstein Royal L	248	Tran Annie N & Thomas
55	Wohlfahrt Adeline L	120	Prati Richard R & Dianna D	184	Vogt Michael Joseph	249	Villarreal Edward B & Darici L
56	Wohlfahrt Rodger W	121	Tate Jonathan M & Jennifer K	185	Meschwitz Elizabeth Erwin	250	Patchen Erik M & Summer L
57	Kramm Henry O	122	Shepler Randy L & Melanie C	186	Temple Shawn L & Carol E	251	Reahm Daniel Ii & Kody L
58	R & V Perry Second Family Ltd Prtnrshp	123	Williams Daniel & Dorothy J	187	Gallagher Paul E& Valerie A	252	Dunivan John L Ii & Abby K
59	Weston Grainger	124	Horton Clifford R & Bernadette A	188	Parry Brandon D & Kristin L	253	Leeber Michael B & Jamey L
60	Haggard Company	125	Tawiah Kwame Atuabo	189	Felan Christopher J & Sarah A	254	Martin Geraldine & Randy
61	Haggard Company	126	Rojas Mary Grace	190	Lowther James E Et Al	255	Reimers Russell K & Tonja O
62	Self Sandra E & Bill L	127	Jellerson Marcus A & Patricia	191	Gillespie Sean D & Felicia M	256	Riefle Anthony A
63	Koehler Judy Lynn	128	Allen Jon & Shannon	192	Thornton Brian Dale		
64	Langen Margaret J			193	French Raymond A & Renate R		

Notification Map



Legend

- Subject Property
 200' Notification Area

PZ-17-021 & 022
Highland Grove & Highland Gardens
Concept Plans

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-021 Amendment to the "Highland Grove" Planned Development District (HGPD)
Concept Plan.
(Moeller & Associates) MG

Date notice sent: 4/14/2017

Name: RITA D. JOHNSON

Address: 843 VISTA PARKWAY

Circled number on map: 28

Comments: (Use additional sheets if necessary)

I favor: ✓

I object: _____

Signature: Rita D. Johnson

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-022 "Highland Grove" Planned Development District (HGPD) and "R-1A-6.6 Single Family
District to "Highland Gardens" Planned Development District (HGARDPD).
(Moeller & Associates) MG

Date notice sent: 4/14/2017

Name: RITA D. JOHNSON

Address: 843 VISTA PARKWAY

Circled number on map: 28

Comments: (Use additional sheets if necessary)

I favor: ✓

I object: _____

Signature: Rita D. Johnson

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-021 Amendment to the "Highland Grove" Planned Development District (HGPD)
Concept Plan.
(Moeller & Associates) MG

Date notice sent: 4/14/2017

Name: THOMAS FISCHER

I favor: ✓

(HOME) Address: 322 SUNSET CIRCLE, TIKI ISL. TX 77554

Circled number on map: #42

I object: _____

Comments: (Use additional sheets if necessary)

PROP. ADDR → 740 VISTA PARKWAY, NEW BRAUNFELS



Signature: Thomas Fischer

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-022 "Highland Grove" Planned Development District (HGPD) and "R-1A-6.6 Single Family
District to "Highland Gardens" Planned Development District (HGARDPD).
(Moeller & Associates) MG

Date notice sent: 4/14/2017

Name: ELIZABETH FISCHER

I favor: ✓

(HOME) Address: 322 SUNSET CIRCLE, TIKI ISL. TX 77554

Circled number on map: #42

I object: _____

Comments: (Use additional sheets if necessary)

→ 740 VISTA PARKWAY, NEW BRAUNFELS

Signature: Elizabeth Fischer



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-021 Amendment to the "Highland Grove" Planned Development District (HGPD)
Concept Plan.
(Moeller & Associates) MG

Date notice sent: 4/14/2017

Name: Sarah W. Eidson

I favor: ✓

Address: 3002 Rueckle Rd., NB

Circled number on map: 51

I object: _____

Comments: (Use additional sheets if necessary)

Signature: Sarah W. Eidson

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-022 "Highland Grove" Planned Development District (HGPD) and "R-1A-6.6 Single Family District to "Highland Gardens" Planned Development District (HGARDPD).
(Moeller & Associates) MG

Date notice sent: 4/14/2017

Name: Sarah W. Eidson

I favor: ✓

Address: 3002 Rueckle Rd., NB

Circled number on map: 51

I object: _____

Comments: (Use additional sheets if necessary)

Signature: Sarah W. Eidson

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-021 Amendment to the "Highland Grove" Planned Development District (HGPD)
Concept Plan.
(Moeller & Associates) MG

Date notice sent: 4/14/2017

Name: Ruekle Commercial Holdings, LLC

Address: 130 S. Seguin, Suite 100, NB, TX

Circled number on map: 178

Comments: (Use additional sheets if necessary)

I favor: ☒

I object: ☐

Signature: _____

Fred Heimer, Manager



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-022 "Highland Grove" Planned Development District (HGPD) and "R-1A-6.6 Single Family District to "Highland Gardens" Planned Development District (HGARDPD).
(Moeller & Associates) MG

Date notice sent: 4/14/2017

Name: Ruekle Commercial Holdings, LLC

Address: 130 S. Seguin, Suite 100, NB, TX

Circled number on map: 178

Comments: (Use additional sheets if necessary)

I favor: ☒

I object: ☐

Signature: _____

Fred Heimer, Manager

Case: #PZ-17-022 (Dirt Dealers XII) - MG

Date notice sent: 2/17/2017

Name: OC SearightAddress: 2272 FM 1044 - NB, TXCircled number on map: 54

Comments: (Use additional sheets if necessary)

Signature: O.C. Searight(Jerry Searight - Son)
(OC is 94 yrs old)

I favor: _____

I object: _____

(State reason for objection)

RECEIVED

MAR 01 2017

BY: _____

We are the affected property #6 -
 We have cows that graze on this
 land.

RECEIVED

MAR 01 2017

BY: _____

We have fences along this area. All
 electric fence with fence poles.

We want to know what the construction
 people will do to assure us that the builder
 these fences will not be disturbed, or
 if you will be putting fences up to keep
 our cows on our side. This is very
important and must be handled.

Jerry Searight # 210-835-6819

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-021 Amendment to the "Highland Grove" Planned Development District (HGPD)
Concept Plan.
(Moeller & Associates) MG

Date notice sent: 4/14/2017

Name: Ruth M. Franks, Ind. Exec. I favor: _____
Address: 614-C S. Bus. IH 35 Box 244 (mailing Address) 400 Franks Rd.
Circled number on map: 52 I object: XX
Comments: (Use additional sheets if necessary)



Signature: Ruth M. Franks

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-022 "Highland Grove" Planned Development District (HGPD) and "R-1A-6.6 Single Family District to "Highland Gardens" Planned Development District (HGARDPD).
(Moeller & Associates) MG

Date notice sent: 4/14/2017

Name: Ruth M. Franks, Ind. Exec. I favor: _____
Address: 400 Franks Rd. I object: XX
Circled number on map: 52
Comments: (Use additional sheets if necessary)

Attached

Signature: Ruth M. Franks

April 24, 2017



#PZ-17-022

Highland gardens

1. Decrease of quality of living:
 - a. 300(approx) more cars on already crowded streets
 - b. FM 1044 is not adequate for more traffic- no shoulders or turn lanes
 - c. More light, noise, and air pollution
 - d. More loss of agricultural farm land
 - e. More demands on water supply
2. Concern about retention of fences
3. Water drainage concerns
4. Adequate protection of gas line
5. Surety that the air space will continue to be observed

#PZ-17-021

Highland grove

Same as numbers 1, 3, 5 above

Matt Greene

From: richp1001@aol.com
Sent: Sunday, April 30, 2017 8:15 PM
To: Matt Greene
Subject: Re: PZ-17-021 & PZ-17-022

Objection # 120 on map

Thanks Matt for the information- Since I will be out of town for the May 2 meeting, I would like to cast my vote as opposed to both **PZ-17-021** and **PZ-17-022**. Again, my name is Richard Prati @ 3169 Birch Bend New Braunfels , TX 78130. My house is #120 on the Notification Map. Thank You.

-----Original Message-----

From: Matt Greene <MGreene@nbtexas.org>
To: 'richp1001@aol.com' <richp1001@aol.com>
Sent: Thu, Apr 20, 2017 3:02 pm
Subject: PZ-17-021 & PZ-17-022



Good afternoon Richard,

I've attached an exhibit of the Proposed Highland Gardens Planned Development District and an exhibit of the proposed Amending Concept Plan for the Highland Grove Planned Development District. The request is to remove what was to be Unit 11 of Highland Grove Subdivision from the Highland Grove Planned Development District and incorporate that property into a new subdivision to be known as Highland Gardens. The area proposed to be removed from Highland Grove development would be incorporated into the proposed Unit 1 of the Highland Gardens development. I've also tried to illustrate this with the images below:

Highland Grove above:
Highland Gardens below:

Please let me know if you have any additional questions.

Thank you,

Please take a moment to complete the City of New Braunfels Customer Satisfaction Survey.

Matt Greene, CFM
Planner | Planning and Community Development
550 Landa St | New Braunfels, TX 78130
830-221-4053 | MGreene@nbtexas.org | www.nbtexas.org/planning

Share your vision of the future of New Braunfels!!! Participate on a Comprehensive Plan - Plan Element Advisory Group
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.

Objection # 49 on map



Tom and Judy Wisdom
585 Ann's Way
Blanco, TX 78606

March 5, 2017

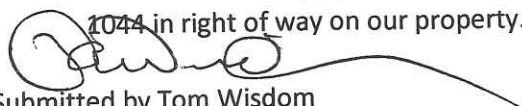
Planning Commission
City of New Braunfels

Re: Highland Gardens Development District
Case #PZ-17-004

We have owned the 12.7 acres (Property 9) across FM 1044 from the planned Highland Gardens Project for over 40 years. We do not object to growth and development in New Braunfels, but until some further clarification on the Highlands Garden Project is received, we must voice our opposition to this project.

Here are our concerns:

1. Request by developer is to reduce width size of lots from minimum 60' to minimum 50'.
2. Reason for width decrease is to "Provide a more complimentary community that offers a higher quality of life than the current standard permitted".
3. How does a 10' narrower lot width resulting in all homes being closer together provide "a higher quality of life"?
4. I suggest it is for the developer's quality of profit by having more lots to sell.
5. How many lots will be available at the minimum 60' standard permitted?
6. How many lots will be available at the requested 50' standard?
7. Will the development allow two story homes?
8. What will the minimum living space be in each home?
9. Will the proposed entrance to Highland Gardens be directly across from the present entrance to my property? Lights from present entrance now shine directly into bedroom of our occupied home at 2097 FM 1044.
10. Will FM 1044 be widened so as to allow a center turn lane for the increased traffic to enter and exit FM 1044 along a limited visibility curved stretch of road that is typically traveled at speeds over 50 mph? Safety issues must be addressed.
11. Development standards specify "Typical" lot depth as 120'. "Typical" means lots can be less than 120' in depth. That means lots are even smaller than standard permitted.
12. Development standards specify a minimum of one front yard tree per lot. What is minimum size tree and type of tree?
13. Drainage problems now exist with water runoff from that property across road and through our property. Increased housing and paving will made it worse. What runoff abatements will developers be required to install?
14. How will water supply for this development be established? Single line now along our side of FM 1044 in right of way on our property. What impact to our property?


Submitted by Tom Wisdom
Property Owner 2097 FM 1044

New Braunfels, TX 78130

Matt Greene

Property Owner #11 on map

From: Beverly Cheney [bcheney@cheneybrennan.com]
Sent: Friday, May 05, 2017 1:27 PM
To: Matt Greene
Subject: Case PZ-17-021 and Case PZ-17-022

Home Address is 1971 Lou Ann Drive. I object to both cases. This development is absurd. Too many people confined in such an area that, in case of fire, or other emergency does not have enough escape routes. This is entirely too crowded. Utilities are a problem already and this just compounds them. What about school buses? Are they allowed?? Certainly they aren't in Scanio development nightmare he created next door.....

Beverly Cheney

1106 West Mill

New Braunfels, TX 78130

Office: 1-830-608-9602

Fax: 1-830-608-0345

Email: bcheney@cheneybrennan.com



CHENEY BRENNAN

& ASSOCIATES INSURANCE

Highland Grove PD



Highland Vista entrance into the subdivision



Streetscape along Birch Bend

Highland Gardens PD



View from FM 1044 Northbound



View from FM 1044 Southbound

ORDINANCE NO. 2017- 29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS AMENDING THE "HIGHLAND GROVE" PLANNED DEVELOPMENT DISTRICT CONCEPT PLAN AND RELATED DEVELOPMENT STANDARDS; 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 City Council desires to amend the "Highland Grove" Planned Development District Concept Plan and related development standards; **now, therefore,**

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

SECTION 1

THAT the Concept Plan adopted April 10, 2006 by Ordinance Number 2006-30, amended March 7, 2011 by Ordinance Number 2011-24, amended September 22, 2014 by Ordinance Number 2014-71, amended March 9, 2015 by Ordinance Number 2015-14, and amended December 14, 2015 by Ordinance Number 2015-73 are hereby amended by adopting the following described Concept Plan and associated Development Standards:

"Being 228.68 acres as delineated on Exhibit 'A', the Concept Plan, and adopting amended Development Standards as stated in Exhibit 'B', attached."

ATTACHMENT 9

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 of same.

PASSED AND APPROVED: First Reading this the 27th day of February, 2017.

PASSED AND APPROVED: Second and Final Reading this the 13th day of March, 2017.

CITY OF NEW BRAUNFELS


BARRON CASTEEL, Mayor

ATTEST:


PATRICK D. ATEN, City Secretary



APPROVED AS TO FORM:


VALERIA M. ACEVEDO, City Attorney

Highland Grove Planned Development District

Development Standards

1. This planned development project conforms to the City of New Braunfels comprehensive development plan based on the maps located at the City of New Braunfels, Comal County, Texas. The current zoning map shows this area as Planned Development District and the Future Land Use Plan distinguishes the property as Low Density Residential. This project is proposed to be 3.45 lots per acre which is considered to be low density. The base zoning district for this project is R-1A.
2. The total acreage for this development is 228.685 acres of which 228.685 acres being single family residential.
3. Reference property lies within the Comal County Independent School District.
4. A 20' public utility easement (PUE) will be dedicated adjacent to all street right of ways.
5. No portion of this site is located with the 100-yr FEMA flood plain as designated on Community Panel 48091c0445 f, dated: September 2, 2009.
6. A Homeowner's Association will be created during engineering design phase of the project.
7. This property will be served by the following:
 - New Braunfels Utilities - water, sewer, and electric
 - AT&T phone service
 - Time Warner Cable TV

Design Regulations

8. All residences immediately adjacent to the Vista Hills Subdivision shall be single story.
9. A minimum six foot tall masonry wall/fence shall be constructed adjacent the single family residences abutting the future FM 1044 extension, or, the developer shall provide adequate set-back and/or other sound abatement measures for future noise mitigation per the Texas Department of Transportation Guidelines for Analysis and Abatement of Highway Traffic Noise.
10. Tree Note: Developer/Builder agrees to plant a minimum of one (1) front yard tree per lot at the time of building construction.

11. Conditions of care of drainage areas shall be as follows and in addition to City ordinance:
 - a. All grass areas to be maintained at 12" or less in height and no less than twice a year.
 - b. All detention ponds to be maintained at 12" growth height or less and shall be evaluated by an engineer for silt build-up and performance at least once every five years with a report submitted to the City of New Braunfels engineering department.
 - c. All drainage and detention areas located on separate lots will be maintained by the Homeowner's Association.
12. No cluster mail boxes are to be installed on Vista Place.
13. The drainage areas abutting the homes on Vista Parkway are to be concrete lined.
14. Residential development standards as per New Braunfels Municipal Code Section 3.5-5(f):
 - a. Minimum lot area = 6,000 s.f. and 7,200 s.f.
 - b. Minimum lot width and depth = 50' (width) x 120' (depth) & 60' (width) x 120' (depth) - regular lots
35' (width) x average of 120' (depth) - irregular lots
*At setback, all irregular lots have width of 50' minimum
 - c. Minimum front, side, and rear setbacks:
Front = 25'
Rear = 20'
Side = 5'; For corner lots, the side setback is either 15' or 25' depending on the orientation of adjacent lots*.
*If the rear lot line of the corner lot shares a side lot line with the adjacent lot, the side setback shall be consistent with the adjacent lots front setback, therefore, 25'. If the rear lot line of the corner lot shares a rear lot line with the adjacent lot, then the side setback is 15'.
 - d. Maximum height of buildings: 35'
 - e. Maximum building coverage: 50%
 - f. Maximum floor to area ratios for non-residential use: n/a
 - g. Minimum parking standards for each general land use: residential - 2 cars/lot
15. The individual homebuilder/developer shall be responsible for construction of a 4-foot concrete sidewalk adjacent to the back of curb inside the right-of-way. The developer of this project shall be responsible for construction of a 4' concrete sidewalk adjacent to the back of curb inside the right-of-way at common areas,

drainage easements, and all other areas where sidewalk is required to be constructed.

16. Items which may require a reduction of lots:
 - a. Coordination with gas companies regarding crossing requirements for street and drainage facilities.
 - b. Final sizing of drainage and utility easements.
 - c. Drainage study regarding final detention pond sizing.
 - d. Final ground topography versus aerial topography.
 - e. Additional utility easements or modification of drainage/utility easements.

Drainage Related

17. Drainage easements shall be free from all obstructions.
18. The following lots shall be maintained by the Homeowner's Association. The Homeowner's Association will maintain all community facilities, green spaces, and detention areas:
 - Unit 1, Block 1, Lots 919 & 920
 - Unit 1, Block 3, Lots 913, 915, 916, 917, 918
 - Unit 1, Block 5, Lot 901
 - Unit 1, Block 11, Lots 902 & 903
 - Unit 1, Block 20, Lot 926
 - Unit 2, Block 15, Lot 904
 - Unit 4A, Block 15, Lots 905 & 906
 - Unit 4B, Block 15, Lots 906 & 907
 - Unit 4B, Block 14, Lot 908
 - Unit 6, Block 3, Lot 131
 - Unit 7A, Block 2, Lot 916
 - Unit 7A, Block 20, Lot 925
 - Unit 8, Block 7, Lot 936
 - Unit 8, Block 14, Lots 910, 911, & 912
 - Unit 9, Block 7, Lots 913 & 920
 - Unit 10, Block 21, Lots 923, 924, 926, & 927
 - Unit 10, Block 20, Lot 928
 - Unit 10, Block 7, Lot 920
 - Unit 11, Block 15, Lots 909 & 929
 - Unit 11, Block 14, Lot 928
 - Unit 11, Block 8, Lot 927
 - Unit 11, Block 18, Lots 931, 932, & 933
 - Unit 11, Block 19, Lots 930 & 935
 - Unit 11, Block 22, Lot 934
19. Unit 1 – Block 1, Lots 5 & 6; Unit 7A – Block 1, Lots 18 – 26; Unit 10 – Block 21, Lots 59 – 66, 923, 924, & 927 shall not have access to F.M. 1044 extension.

Transportation Related

20. All streets are typical 50' right-of-way unless otherwise shown.
21. In lieu of construction of County Line Road, the estimated costs of such construction may instead be applied to offsite improvements, as determined at the completion of the TIA and under the construction and financing guidelines applicable to such offsite improvements, through a development agreement approved by City Council before approval of final plat.

Performance Guarantee

The purpose for this Performance Guarantee is to ensure that drainage facilities for the Highland Grove Subdivision are constructed in accordance with the approved design criteria (as detailed in the approved drainage report) and all applicable City of New Braunfels ("City") rules and regulations in effect at the time the Highland Grove Planned Development District Concept Plan (the "Concept Plan") is approved by City Council.

Terms:

1. All drainage facilities required to be constructed within the Highland Grove Subdivision shall operate to meet or exceed the approved design criteria for their respective Coverage Periods (defined below), provided, however, any drainage ponds and appurtenances for each Drainage Area (as defined on the attached Drainage Area map) may not fully meet the approved design criteria until all streets within that Drainage Area are fully constructed. In the event the City determines that drainage facilities are not required for any Drainage Area, this section of the Development Standards shall be considered null and void in regard to such Drainage Area (or in the whole if drainage facilities are not required for any Drainage Area).
2. As used herein, the term "Coverage Period" shall mean a two (2)-year period of time commencing upon the date that forty percent (40%) of the homes within a given Drainage Area, as illustrated in the attached Drainage Area Map, have been issued certificates of occupancy and one-hundred percent (100%) of the streets and drainage infrastructure has been constructed to service those homes making-up the forty percent (40%) within the Drainage Area (the "Commencement Date"), and ending on the second annual anniversary of such Commencement Date. Each drainage facility within the Highland Grove Subdivision shall be subject to separate Coverage Periods and shall require separate Cash Sureties as described below.
3. In order to provide financial security for the obligation described in Paragraph "1" above, Applicant (as listed on the approved Concept Plan), or his successors and assigns, shall post with the City Cash Surety (as defined below) within thirty (30) calendar days of the Commencement Date for each Coverage Period in the amount of ten percent (10%) of the cost of drainage improvements for that particular Drainage Area. A

statement of construction value shall be provided to the City Engineer to support the Cash Surety Amount.

4. As used herein, the term "Cash Surety" shall mean one of the following, which the Applicant may chose at its own discretion:
 - a. Cash, or its equivalent, delivered to the City and to be held by the City in a separate, interest-bearing account with all interest thereon belonging to the Applicant;
 - b. An irrevocable letter of credit issued by a financial institution reasonably acceptable to the City; or
 - c. A performance bond issued in the name of the City on terms reasonably acceptable to the City.
5. If, during the Coverage Period, the City Engineer, or a third party engineer selected by the City, sends a written notice to Applicant stating in that notice that the drainage improvements for any Drainage Area within the Highland Grove Subdivision is not operating to meet the design criteria specified in the approved design documents (and specifying in such notice the specific deficiencies in such operation), within thirty (30) days thereafter Applicant shall do one of the following: (a) notify the City in writing that the Applicant shall rectify the problems specified by the City Engineer or City's third party engineer, or (b) notify the City in writing that Applicant disagrees with the conclusion of the City Engineer or City's third party engineer. In the event that Applicant fails to send either of the two written notices specified above within such thirty (30)-day period, Applicant shall be deemed to have selected option (a) above.
6. In the event that Applicant notifies the City that Applicant will rectify the problems specified by the City Engineer or City's third party engineer as contemplated in Paragraph "5" above, Applicant shall be required to complete such necessary work in a reasonably expeditious manner, not to exceed ninety (90) days from the date Applicant provides such notice (or, if any permit is required to begin such work, ninety (90) days from the date of issuance of such permit), subject to force majeure and/or any action by the City causing delay.
7. In the event that Applicant notifies the City that Applicant disagrees with the conclusion of the City Engineer or City's third party engineer, the City and Applicant shall agree on another independent third party engineer within fifteen (15) days of the City's receipt of Applicant's written notice. In the event that the City and Applicant fail to agree on the designation of such independent third party engineer within such fifteen (15)-day period, the City shall select such independent third party engineer. The

independent third party engineer shall determine if the drainage improvements for the Drainage Area in question are operating to meet the design criteria in the approved design documents, and the conclusion of the independent third party engineer in that regard shall be binding on the Applicant, its successors and assigns, and the City; provided, however, nothing is intended to modify or reduce Applicant's obligations pursuant to State law (regulatory or common law) with respect to drainage from the Highland Grove Subdivision onto adjoining properties. In the event that the independent third party engineer specifies in a written notice to Applicant that the drainage improvements for the Drainage Area in question are not operating to meet the design criteria in the approved design documents (and specifying in such notice the specific deficiencies in such operation), Applicant shall be required to complete such necessary work in a reasonably expeditious manner, not to exceed ninety (90) days, subject to force majeure or City action causing delay, from the receipt by Applicant of the written notice from the independent third party engineer. Applicant shall be responsible for paying the inspection costs of such independent third party engineer, not to exceed \$3,000.

8. In the event that Applicant fails to rectify the specified problems in the drainage improvements for the Drainage Area in question within the ninety (90)-day period, subject to force majeure or City action causing delay, under either Paragraph "6" or "7" above, the City shall have the right to utilize the Cash Surety to rectify the specified problems in the drainage improvements for that Drainage Area. The City shall be required to notify Applicant in writing of the City's election to utilize the Cash Surety for this purpose.
9. Within 30 days following the expiration of each Coverage Period, the City shall return to Applicant any unused Cash Surety.

3.5. *Planned Development Districts.*

3.5-1. *Purpose:* The planned development district is a free-standing district designed to provide for the development of land as an integral unit for single or mixed uses in accordance with a plan that may vary from the established regulations of other zoning districts. It is the intent in such a district to insure compliance with good zoning practices while allowing certain desirable departures from the strict provisions of specific zoning classifications.

3.5-2. *Application:* An application for a planned development district shall be processed in accordance with this Chapter. A pre-planning conference is required between the applicant and the Planning Director prior to the actual filing of the application.

3.5-3. *Base District.* A base zoning district shall be specified. The regulations in the base zoning district shall control unless specifically stated otherwise in the PD.

3.5-4. *District plans and requirements:* There are two types of plans that may be used in the planned development process. The general purpose and use of each plan is described as follows:

- (a) *Concept plan.* This plan is intended to be used as the first step in the planned development process. It establishes the most general guidelines for the district by identifying the land use types, development standards, approximate road locations and project boundaries and illustrates the integration of these elements into a master plan for the whole district.
- (b) *Detail plan.* The detail plan is the final step of the planned development process. It contains the details of development for the property. For smaller tracts or where final development plans are otherwise known, the detail plan may be used to establish the district and be the only required step in the planned development process.

3.5-5. *Concept plan requirements:* Said concept plan shall include the following:

- (a) *Relation to the comprehensive plan.* A general statement setting forth how the proposed district will relate to the city's comprehensive plan and the degree to which it is or is not consistent with that plan and the proposed base zoning district.
- (b) *Acreage.* The total acreage within the proposed district.
- (c) *Survey.* An accurate survey of the boundaries of the district.
- (d) *Land uses.* Proposed general land uses and the acreage for each use, including open space. For residential development, the total number of units and the number of units per acre.
- (e) *General thoroughfare layout.* Proposed streets, as a minimum to arterial street level. (Showing collector and local streets is optional.)
- (f) *Development standards.* Development standards, if different from the base zoning district, for each proposed land use, as follows:
 - (1) Minimum lot area.
 - (2) Minimum lot width and depth.
 - (3) Minimum front, side, and rear building setback areas.
 - (4) Maximum height of buildings.
 - (5) Maximum building coverage.
 - (6) Maximum floor to area ratios for nonresidential uses.
 - (7) Minimum parking standards for each general land use.
 - (8) Other standards as deemed appropriate.
- (g) *Existing conditions.* On a scaled map sufficient to determine detail, the following shall be shown for the area within the proposed district.
 - (1) Topographic contours of ten feet or less.

- (2) Existing streets.
- (3) Existing 100-year floodplain, floodway and major drainage ways.
- (4) City limits and E.T.J. boundaries.
- (5) Zoning districts within and adjacent to the proposed district.
- (6) Land use.
- (7) Utilities, including water, wastewater and electric lines.

3.5-6. *Detail plan requirements:* The application for a planned development district shall include a detail plan consistent with the concept plan. Said detail plan shall include the following:

- (a) *Acreage.* The acreage in the plan as shown by a survey, certified by a registered surveyor.
- (b) *Land uses.* Permitted uses, specified in detail, and the acreage for each use.
- (c) *Off-site information.* Adjacent or surrounding land uses, zoning, streets, drainage facilities and other existing or proposed off-site improvements, as specified by the department, sufficient to demonstrate the relationship and compatibility of the district to the surrounding properties, uses, and facilities.
- (d) *Traffic and transportation.* The location and size of all streets, alleys, parking lots and parking spaces, loading areas or other areas to be used for vehicular traffic; the proposed access and connection to existing or proposed streets adjacent to the district; and the traffic generated by the proposed uses.
- (e) *Buildings.* The locations, maximum height, maximum floor area and minimum setbacks for all nonresidential buildings.
- (f) *Residential development.* The numbers, location, and dimensions of the lots, the minimum setbacks, the number of dwelling units, and number of units per acre (density).
- (g) *Water and drainage.* The location of all creeks, ponds, lakes, floodplains or other water retention or major drainage facilities and improvements.
- (h) *Utilities.* The location and route of all major sewer, water, or electrical lines and facilities necessary to serve the district.
- (i) *Open space.* The approximate location and size of greenbelt, open, common, or recreation areas, the proposed use of such areas, and whether they are to be for public or private use.
- (j) *Sidewalks and bike paths.* Sidewalks or other improved ways for pedestrian or bicycle use.
- (k) If multifamily or non-residential development, a landscape plan.

A detailed plan, with all of the information required of a concept plan, may be submitted in lieu of a concept plan.

3.5-7. *Phasing schedule:* PD districts larger than 350 acres shall provide a phasing schedule depicting the different construction phases.

3.5-8. *Approval of district:* The City Council may, after receiving a recommendation from the Planning Commission, approve by Ordinance the creation of a district based upon a concept plan or a detail plan. The approved plan shall be made part of the ordinance establishing the district. Upon approval said change shall be indicated on the zoning maps of the city.

The development standards and requirements including, but not limited to, maximum height, lot width, lot depth, floor area, lot area, setbacks and maximum off-street parking and loading requirements for uses proposed shall be established for each planned development district based upon the particular merits of the development design and layout. Such standards and requirements shall comply with or

be more restrictive than the standards established in the base zoning district for the specific type uses allowed in the district, except that modifications in these regulations may be granted if it shall be found that such modifications are in the public interest, are in harmony with the purposes of this Chapter and will not adversely affect nearby properties.

3.5-9. *Planning Commission approval of detail plan:* The Planning Commission is authorized to approve a detail plan or the amendment of a detail plan for property for which a concept plan has been approved by the City Council. If the City Council initially approved a detail plan in establishing the district, the detail plan may only be amended by the City Council. The approved detail plan shall be permanently filed in the Planning Department. The Planning Commission shall approve the detail plan if it finds that:

- (a) *Compliance.* The plan complies with the concept plan approved for that property and the standards and conditions of the PD district;
- (b) *Compatibility.* The plan provides for a compatible arrangement of buildings and land uses and would not adversely affect adjoining neighborhood or properties outside the plan; and
- (c) *Circulation of vehicular traffic.* The plan provides for the adequate and safe circulation of vehicular traffic.

If no detail plan has been approved for the property within ten years of the date of approval of a concept plan, the detail plan must be approved by the City Council, after receiving a recommendation from the Planning Commission, after notice and hearing.

3.5-10. *Expiration of detail plan:* A detail plan shall be valid for five years from the date of its approval. If a building permit has not been issued or construction begun on the detail plan within the five years, the detail plan shall automatically expire and no longer be valid. The Planning Commission may, prior to expiration of the detail plan, for good cause shown, extend for up to 24 months the time for which the detail plan is valid.

3.5-11. *Appeals from Planning Commission action:* If the Planning Commission disapproves a detail plan over which it has final approval authority, or imposes conditions, or refuses to grant an extension of time for which a detail plan is valid, the applicant may appeal the decision to the City Council by filing a written request with the Planning Director within ten days of the decision.

3.5-12. *Changes in detail plan:* Changes in the detail plan shall be considered the same as changes in the zoning ordinance and shall be processed as required in Section 2.3. Those changes which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, floor area ratio, height, or coverage of the site, or which do not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site, as indicated on the approved detail plan, may be authorized by the Planning Director. Any applicant may appeal the decision of the Planning Director to the Planning Commission for review and decision as to whether an amendment to the Planned Development District ordinance shall be required.

3.5-13. *Minimum development size:* The total initial development of any Planned Development District shall not be less than two acres for nonresidential developments and five acres for residential developments.

3.5-14. *Deviation from code standards:* The City Council may approve a PD concept plan with deviations from any provision in the Code of Ordinances. Such deviations shall be listed or shown as part of the Ordinance that approves the concept plan.

3.4-2. "R-1A-6.6" single-family district.

Purpose. The R-1A-6.6 single-family district is intended for development of primarily detached, single-family residences and customary accessory uses on lots of at least 6,600 square feet in size. The following regulations shall apply in all "R-1A-6.6" districts:

"R-1A" district. The district called "R-1A" shall be renamed and shown on the zoning map as "R-1A-6.6".

- (a) *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
- Accessory dwelling (one accessory dwelling per lot, no kitchen)
- Community home (see definition)
- Family home adult care
- Family home child care
- Home Occupation (See Sec. 5.5)
- One family dwelling, detached
- Single family industrialized home (see Sec. 5.8)

Non-residential uses:

- Barns and farm equipment storage (related to agricultural uses)
- Church/place of religious assembly
- Community building (associated with residential uses)
- Contractor's temporary on-site construction office (with permit from Building Official; Sec 5.10)
- Farms, general (crops) (see Chapter 6, Municipal Code and Sec. 5.9)
- Farms, general (livestock/ranch) (see Chapter 6, Municipal Code and Sec. 5.9)
- Golf course, public or private
- Governmental building or use with no outside storage
- Park and/or playground (public)
- Public recreation/services building for public park/playground areas
- Recreation buildings (public)
- School, K-12 (public or private)
- Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system

- (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) *Height and area requirements:*

(1) Residential uses.

- (i) *Height.* 35 feet.
- (ii) *Front building setback.* 25 feet.
- (iii) *Side building setbacks.* There shall be a side building setback on each side of a building not less than five feet in width. 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.

- (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. (See Illustration 8 in Sec. 5.1-1)
 - (v) *Rear building setback.* 20 feet.
 - (vi) *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.
 - (vii) *Lot area per family.* Every single-family dwelling hereafter erected or altered shall provide a lot area of not less than 6,600 square feet per dwelling for interior lots, and 7,000 square feet per dwelling for corner lots, provided that where a lot has less area than herein required and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling. Where public or community sewer is not available and in use, for the disposal of all sanitary sewage, each lot shall provide not less than one half acre per dwelling unit not located over the recharge zone and one acre per dwelling unit located over the recharge zone.
 - (viii) *Lot depth.* 100 feet.
 - (ix) *Parking.* Two off-street parking spaces shall be provided for each one-family detached dwelling. See Section 5.1 for other permitted uses' parking.
- (2) Non-residential uses.
- (i) *Height.* 35 feet.
 - (ii) *Front building setback.* 25 feet.
 - (iii) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Where any building abuts a property with a one or two family use, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
 - (iv) *Corner lots.* 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. Where a minimum 25-foot setback is required, a canopy at least eight feet in height, attached to the main building, may be built within 15 feet of the property line so long as such construction will not obstruct the vision of vehicular or pedestrian traffic.
 - (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) *Rear building setback.* 20 feet.
 - (vii) *Width of lot.* 60 feet.
 - (viii) *Lot depth.* 100 feet.
 - (ix) *Parking.* See Section 5.1 for permitted uses' parking.

Draft Minutes for the May 2nd, 2017 Planning Commission Regular Meeting

PZ-17-021 and PZ-17-022: Public hearing and recommendation to City Council regarding a requested amendment to Ordinance No. 2017-29, the “Highland Grove” Planned Development District Concept Plan, to remove 11.64 acres from “Highland Grove” Planned Development District (HGPDP) and rezone the 11.64 acres and 38.1 acres out of the William H. Pate Survey, Abstract No. 259 and R. Ximenez Survey, Abstract No. 347, Guadalupe County, Texas, to “Highland Gardens” Planned Development District (HGARDPD), adopting a Concept Plan and associated Development Standards, located on FM 1044.

(Highland Grove Applicant: Moeller; Case Manager: M. Simmont)

(Highland Gardens Applicant: Dirt Dealers; Case Manager: M. Greene)

Mr. Greene presented the Staff report and recommended approval with the following conditions:

1. Installation of a solid screening fence or wall be required to be installed by the developer along open spaces and by the developer and/or home builder along residential lots where adjacent APD zoned properties.
2. The 150-foot airstrip buffer will be required to be labeled as an avigation easement on the Highland Gardens Master Plan, Final Plats and Detail Plan(s). An avigation easement note shall be provided on the Master Plan, Final Plats and Detail Plan(s) stating “no dwelling units or habitable structures will be constructed within an approximate offset of 75 feet both sides of the existing airstrip centerline.”

Discussion followed regarding any possible concerns with the landing strip located nearby.

Chair Elrod asked if anyone wished to speak in favor.

James Ingalls, 2021 SH 46 W., representing the applicant, spoke in regards to intended direction of future development, working towards FM 1044.

Chair Elrod asked if anyone wished to speak in opposition.

Tony Wisdom, 2097 FM 1044, expressed concern regarding flood hazards, and the proximity of the intended connection road from the subdivision to FM 1044 facing his driveway in regards to drainage, as well as headlights.

Debbie Williams, 111 Cottontail Lane, inquired about future plans to upgrade FM 1044 to accommodate the increased residential density. Citizen also stated that her property has not received city services after previous annexation years ago. A concern for increased noise in regards to lot density was also expressed.

Discussion followed regarding Thoroughfare Plan, and TxDOT's governance over FM 1044, and future sewer services.

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to close the public hearing. The motion carried (6-0-0).

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to approve the requested amendment to Ordinance No. 2017-29, the “Highland Grove” Planned Development District Concept Plan, to remove 11.64 acres from “Highland Grove” Planned Development District (HGPDP) and rezone the 11.64 acres and 38.1 acres out of the William H. Pate Survey, Abstract No. 259 and R. Ximenez Survey, Abstract No. 347, Guadalupe County, Texas, to “Highland Gardens” Planned Development District (HGARDPD), adopting a Concept Plan and associated Development Standards, located on FM 1044, with staff recommendations. The Motion carried (6-0-0).

ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING ORDINANCE NO. 2017-29, THE "HIGHLAND GROVE" PLANNED DEVELOPMENT DISTRICT CONCEPT PLAN, BY REMOVING 11.64 ACRES FROM "HIGHLAND GROVE" PLANNED DEVELOPMENT DISTRICT (HGPD) AND REZONE THE 11.64 ACRES AND 38.1 ACRES OUT OF THE WILLIAM H. PATE SURVEY, ABSTRACT NO. 259 AND R. XIMENEZ SURVEY, ABSTRACT NO. 347, GUADALUPE COUNTY, TEXAS, FROM "R-1A-6.6" SINGLE FAMILY DISTRICT TO "HIGHLAND GARDENS" PLANNED DEVELOPMENT DISTRICT (HGARDPD), ADOPTING A CONCEPT PLAN AND ASSOCIATED DEVELOPMENT STANDARDS; 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 "PD" Planned Development District, the City Council has given due consideration to all components of said districts; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the City Council desires to amend the "Highland Grove" Planned Development District Concept Plan, by removing 11.64 acres from "Highland Grove" Planned Development District and rezone the 11.64 acres from "Highland Grove" Planned Development District and 38.1 acres out of the William H. Pate Survey, Abstract No. 259 and R. Ximenez Survey, Abstract No. 347, Guadalupe County, Texas, from "R-1A-6.6" Single Family District to "Highland Gardens" Planned Development District (HGARDPD), adopting a Concept Plan and associated Development Standards; **now, therefore,**

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

SECTION 1

THAT the "Highland Grove" Planned Development District Concept Plan adopted March 13, 2017, Ordinance Number 2017-29, is hereby amended by adopting the following described Concept Plan:

"Being approximately 211.10 acres as delineated on Exhibit 'A, being the Concept Plan'".

SECTION 2

THAT Exhibit 'B' remain the effective "Highland Grove" Planned Development District Development Standards.

SECTION 3

THAT Sections 1.2-1 and 1.2-2, Chapter 144, of the New Braunfels Code of Ordinances and particularly the Zoning Map of the City of New Braunfels, are amended by changing the following described tracts of land from "Highland Grove" Planned Development District and "R-1A-6.6" Single-Family District to "Highland Gardens" Planned Development District:

"Being approximately 11.64 acres out of the J. Thompson Survey, Abstract No. 608, Guadalupe County, Texas, approximately 21.46 acres out of the William H. Pate Survey, Abstract No. 259, and approximately 16.61 acres out of the R. Ximenez Survey, abstract No. 347, located on FM 1044, as delineated on Exhibit 'C,' being the "Highland Gardens" Planned Development District Concept Plan and adopting the Highland Gardens Development Standards as stated in Exhibit 'D'.

SECTION 4

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 5

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 6

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 7

EFFECTIVE DATE AND PUBLICATION:

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

SECTION 8

THIS ordinance will take effect upon the second and final reading of same.

PASSED AND APPROVED: First Reading this the 22nd day of May, 2017.

PASSED AND APPROVED: Second and Final Reading this the 12th day of June, 2017.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



ENGINEERS & SURVEYING
KFW
1202 W. BITTERS RD.
SUITE 200
SAN ANTONIO, TX 78216
PHONE: (727) 734-4720
FAX: (727) 734-4772

OWNER/DEVELOPER:
KELMA DEVELOPMENT, L.L.C.
3621 PRAIRIES PKWY, SUITE 200
SAN ANTONIO, TX 78217
PHONE: (727) 734-4720
FAX: (727) 734-4772

PROJECT NO. 17-007
DATE: 12/15/17
SHEET NO. 1 OF 1

PROJECT NO. 17-007
DATE: 12/15/17
SHEET NO. 1 OF 1

PROJECT NO. 17-007
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PROJECT NO. 17-007
DATE: 12/15/17
SHEET NO. 1 OF 1

CONCEPT PLAN AMENDMENT
HIGHLAND GROVE PLANNED DEVELOPMENT
NEW BRAUNFELS, TX

CONCEPT PLAN AMENDMENT
HIGHLAND GROVE PLANNED DEVELOPMENT
NEW BRAUNFELS, TX

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CONCEPT PLAN AMENDMENT
HIGHLAND GROVE PLANNED DEVELOPMENT
NEW BRAUNFELS, TX

Highland Grove Planned Development District

Development Standards

1. This planned development project conforms to the City of New Braunfels comprehensive development plan based on the maps located at the City of New Braunfels, Comal County, Texas. The current zoning map shows this area as Planned Development District and the Future Land Use Plan distinguishes the property as Low Density Residential. This project is proposed to be 3.45 lots per acre which is considered to be low density. The base zoning district for this project is R-1A.
2. The total acreage for this development is 228.685 acres of which 228.685 acres being single family residential.
3. Reference property lies within the Comal County Independent School District.
4. A 20' public utility easement (PUE) will be dedicated adjacent to all street right of ways.
5. No portion of this site is located with the 100-yr FEMA flood plain as designated on Community Panel 48091c0445 f, dated: September 2, 2009.
6. A Homeowner's Association will be created during engineering design phase of the project.
7. This property will be served by the following:
 - New Braunfels Utilities - water, sewer, and electric
 - AT&T phone service
 - Time Warner Cable TV

Design Regulations

8. All residences immediately adjacent to the Vista Hills Subdivision shall be single story.
9. A minimum six foot tall masonry wall/fence shall be constructed adjacent the single family residences abutting the future FM 1044 extension, or, the developer shall provide adequate set-back and/or other sound abatement measures for future noise mitigation per the Texas Department of Transportation Guidelines for Analysis and Abatement of Highway Traffic Noise.
10. Tree Note: Developer/Builder agrees to plant a minimum of one (1) front yard tree per lot at the time of building construction.

11. Conditions of care of drainage areas shall be as follows and in addition to City ordinance:
 - a. All grass areas to be maintained at 12" or less in height and no less than twice a year.
 - b. All detention ponds to be maintained at 12" growth height or less and shall be evaluated by an engineer for silt build-up and performance at least once every five years with a report submitted to the City of New Braunfels engineering department.
 - c. All drainage and detention areas located on separate lots will be maintained by the Homeowner's Association.
12. No cluster mail boxes are to be installed on Vista Place.
13. The drainage areas abutting the homes on Vista Parkway are to be concrete lined.
14. Residential development standards as per New Braunfels Municipal Code Section 3.5-5(f):
 - a. Minimum lot area = 6,000 s.f. and 7,200 s.f.
 - b. Minimum lot width and depth = 50' (width) x 120' (depth) & 60' (width) x 120' (depth) - regular lots
35' (width) x average of 120' (depth) - irregular lots
*At setback, all irregular lots have width of 50' minimum
 - c. Minimum front, side, and rear setbacks:
Front = 25'
Rear = 20'
Side = 5'; For corner lots, the side setback is either 15' or 25' depending on the orientation of adjacent lots*.
*If the rear lot line of the corner lot shares a side lot line with the adjacent lot, the side setback shall be consistent with the adjacent lots front setback, therefore, 25'. If the rear lot line of the corner lot shares a rear lot line with the adjacent lot, then the side setback is 15'.
 - d. Maximum height of buildings: 35'
 - e. Maximum building coverage: 50%
 - f. Maximum floor to area ratios for non-residential use: n/a
 - g. Minimum parking standards for each general land use: residential - 2 cars/lot
15. The individual homebuilder/developer shall be responsible for construction of a 4-foot concrete sidewalk adjacent to the back of curb inside the right-of-way. The developer of this project shall be responsible for construction of a 4' concrete sidewalk adjacent to the back of curb inside the right-of-way at common areas,

drainage easements, and all other areas where sidewalk is required to be constructed.

16. Items which may require a reduction of lots:
 - a. Coordination with gas companies regarding crossing requirements for street and drainage facilities.
 - b. Final sizing of drainage and utility easements.
 - c. Drainage study regarding final detention pond sizing.
 - d. Final ground topography versus aerial topography.
 - e. Additional utility easements or modification of drainage/utility easements.

Drainage Related

17. Drainage easements shall be free from all obstructions.
18. The following lots shall be maintained by the Homeowner's Association. The Homeowner's Association will maintain all community facilities, green spaces, and detention areas:
 - Unit 1, Block 1, Lots 919 & 920
 - Unit 1, Block 3, Lots 913, 915, 916, 917, 918
 - Unit 1, Block 5, Lot 901
 - Unit 1, Block 11, Lots 902 & 903
 - Unit 1, Block 20, Lot 926
 - Unit 2, Block 15, Lot 904
 - Unit 4A, Block 15, Lots 905 & 906
 - Unit 4B, Block 15, Lots 906 & 907
 - Unit 4B, Block 14, Lot 908
 - Unit 6, Block 3, Lot 131
 - Unit 7A, Block 2, Lot 916
 - Unit 7A, Block 20, Lot 925
 - Unit 8, Block 7, Lot 936
 - Unit 8, Block 14, Lots 910, 911, & 912
 - Unit 9, Block 7, Lots 913 & 920
 - Unit 10, Block 21, Lots 923, 924, 926, & 927
 - Unit 10, Block 20, Lot 928
 - Unit 10, Block 7, Lot 920
 - Unit 11, Block 15, Lots 909 & 929
 - Unit 11, Block 14, Lot 928
 - Unit 11, Block 8, Lot 927
 - Unit 11, Block 18, Lots 931, 932, & 933
 - Unit 11, Block 19, Lots 930 & 935
 - Unit 11, Block 22, Lot 934
19. Unit 1 – Block 1, Lots 5 & 6; Unit 7A – Block 1, Lots 18 – 26; Unit 10 – Block 21, Lots 59 – 66, 923, 924, & 927 shall not have access to F.M. 1044 extension.

Transportation Related

20. All streets are typical 50' right-of-way unless otherwise shown.
21. In lieu of construction of County Line Road, the estimated costs of such construction may instead be applied to offsite improvements, as determined at the completion of the TIA and under the construction and financing guidelines applicable to such offsite improvements, through a development agreement approved by City Council before approval of final plat.

Performance Guarantee

The purpose for this Performance Guarantee is to ensure that drainage facilities for the Highland Grove Subdivision are constructed in accordance with the approved design criteria (as detailed in the approved drainage report) and all applicable City of New Braunfels ("City") rules and regulations in effect at the time the Highland Grove Planned Development District Concept Plan (the "Concept Plan") is approved by City Council.

Terms:

1. All drainage facilities required to be constructed within the Highland Grove Subdivision shall operate to meet or exceed the approved design criteria for their respective Coverage Periods (defined below), provided, however, any drainage ponds and appurtenances for each Drainage Area (as defined on the attached Drainage Area map) may not fully meet the approved design criteria until all streets within that Drainage Area are fully constructed. In the event the City determines that drainage facilities are not required for any Drainage Area, this section of the Development Standards shall be considered null and void in regard to such Drainage Area (or in the whole if drainage facilities are not required for any Drainage Area).
2. As used herein, the term "Coverage Period" shall mean a two (2)-year period of time commencing upon the date that forty percent (40%) of the homes within a given Drainage Area, as illustrated in the attached Drainage Area Map, have been issued certificates of occupancy and one-hundred percent (100%) of the streets and drainage infrastructure has been constructed to service those homes making-up the forty percent (40%) within the Drainage Area (the "Commencement Date"), and ending on the second annual anniversary of such Commencement Date. Each drainage facility within the Highland Grove Subdivision shall be subject to separate Coverage Periods and shall require separate Cash Sureties as described below.
3. In order to provide financial security for the obligation described in Paragraph "1" above, Applicant (as listed on the approved Concept Plan), or his successors and assigns, shall post with the City Cash Surety (as defined below) within thirty (30) calendar days of the Commencement Date for each Coverage Period in the amount of ten percent (10%) of the cost of drainage improvements for that particular Drainage Area. A

statement of construction value shall be provided to the City Engineer to support the Cash Surety Amount.

4. As used herein, the term "Cash Surety" shall mean one of the following, which the Applicant may chose at its own discretion:
 - a. Cash, or its equivalent, delivered to the City and to be held by the City in a separate, interest-bearing account with all interest thereon belonging to the Applicant;
 - b. An irrevocable letter of credit issued by a financial institution reasonably acceptable to the City; or
 - c. A performance bond issued in the name of the City on terms reasonably acceptable to the City.
5. If, during the Coverage Period, the City Engineer, or a third party engineer selected by the City, sends a written notice to Applicant stating in that notice that the drainage improvements for any Drainage Area within the Highland Grove Subdivision is not operating to meet the design criteria specified in the approved design documents (and specifying in such notice the specific deficiencies in such operation), within thirty (30) days thereafter Applicant shall do one of the following: (a) notify the City in writing that the Applicant shall rectify the problems specified by the City Engineer or City's third party engineer, or (b) notify the City in writing that Applicant disagrees with the conclusion of the City Engineer or City's third party engineer. In the event that Applicant fails to send either of the two written notices specified above within such thirty (30)-day period, Applicant shall be deemed to have selected option (a) above.
6. In the event that Applicant notifies the City that Applicant will rectify the problems specified by the City Engineer or City's third party engineer as contemplated in Paragraph "5" above, Applicant shall be required to complete such necessary work in a reasonably expeditious manner, not to exceed ninety (90) days from the date Applicant provides such notice (or, if any permit is required to begin such work, ninety (90) days from the date of issuance of such permit), subject to force majeure and/or any action by the City causing delay.
7. In the event that Applicant notifies the City that Applicant disagrees with the conclusion of the City Engineer or City's third party engineer, the City and Applicant shall agree on another independent third party engineer within fifteen (15) days of the City's receipt of Applicant's written notice. In the event that the City and Applicant fail to agree on the designation of such independent third party engineer within such fifteen (15)-day period, the City shall select such independent third party engineer. The

independent third party engineer shall determine if the drainage improvements for the Drainage Area in question are operating to meet the design criteria in the approved design documents, and the conclusion of the independent third party engineer in that regard shall be binding on the Applicant, its successors and assigns, and the City; provided, however, nothing is intended to modify or reduce Applicant's obligations pursuant to State law (regulatory or common law) with respect to drainage from the Highland Grove Subdivision onto adjoining properties. In the event that the independent third party engineer specifies in a written notice to Applicant that the drainage improvements for the Drainage Area in question are not operating to meet the design criteria in the approved design documents (and specifying in such notice the specific deficiencies in such operation), Applicant shall be required to complete such necessary work in a reasonably expeditious manner, not to exceed ninety (90) days, subject to force majeure or City action causing delay, from the receipt by Applicant of the written notice from the independent third party engineer. Applicant shall be responsible for paying the inspection costs of such independent third party engineer, not to exceed \$3,000.

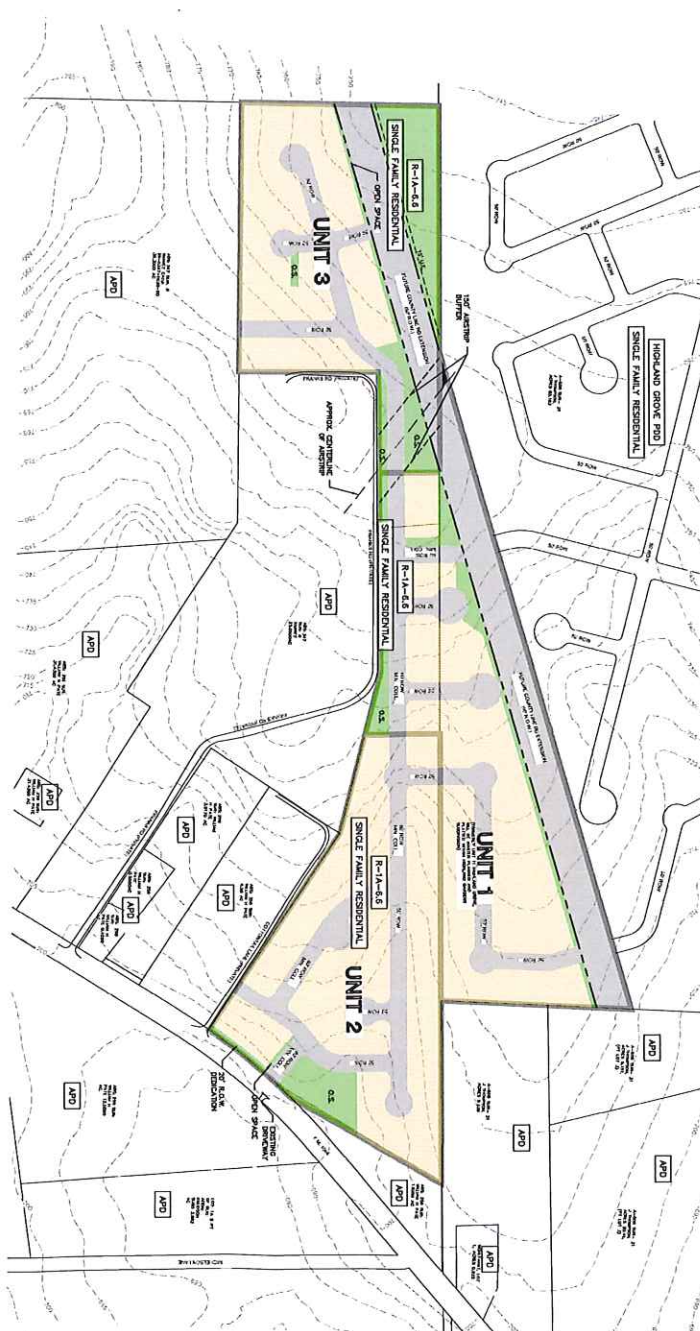
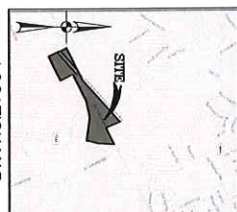
8. In the event that Applicant fails to rectify the specified problems in the drainage improvements for the Drainage Area in question within the ninety (90)-day period, subject to force majeure or City action causing delay, under either Paragraph "6" or "7" above, the City shall have the right to utilize the Cash Surety to rectify the specified problems in the drainage improvements for that Drainage Area. The City shall be required to notify Applicant in writing of the City's election to utilize the Cash Surety for this purpose.
9. Within 30 days following the expiration of each Coverage Period, the City shall return to Applicant any unused Cash Surety.

Change and Exterior Areas	Interior	Exterior
Living Room:	100 sq ft	50 sq ft
Dining Room:	100 sq ft	50 sq ft
Kitchen:	100 sq ft	50 sq ft
Bath:	100 sq ft	50 sq ft
Bedroom:	100 sq ft	50 sq ft
Garage:	100 sq ft	50 sq ft
Front Porch:	100 sq ft	50 sq ft
Back Porch:	100 sq ft	50 sq ft
Side Yard:	100 sq ft	50 sq ft
Driveway:	100 sq ft	50 sq ft
Foundation:	100 sq ft	50 sq ft
Roof:	100 sq ft	50 sq ft
Windows:	100 sq ft	50 sq ft
Doors:	100 sq ft	50 sq ft
Stairs:	100 sq ft	50 sq ft
Hallways:	100 sq ft	50 sq ft
Storage:	100 sq ft	50 sq ft
Landscaping:	100 sq ft	50 sq ft
Lighting:	100 sq ft	50 sq ft
Paint:	100 sq ft	50 sq ft
Plumbing:	100 sq ft	50 sq ft
Electrical:	100 sq ft	50 sq ft
HVAC:	100 sq ft	50 sq ft
Other:	100 sq ft	50 sq ft
Total:	1000 sq ft	500 sq ft

OWNER/DEVELOPER
DAVE SCARNO, AIA, LTD.
860 LAKEFRONT AVE.
NEW BRUNSWICK, TX 77530
(214) 486-7775

ENGINEER/SURVEYOR
MOELLER & ASSOCIATES
JAMES MOELLER, P.E., ENGINEER
3021 SH 40th, STE 105
DALLAS, TX 75133
(214) 356-7127

D.A. MAYER LAND SURVEYING, INC.
BENJAMIN R. MAYER, S.D.S. - SURVEYOR
NEW BRUNSWICK, TEXAS 77130
(214) 324-0854



REASON TO CONSIDER IT AS A LULU:

1. THE PROPOSED B-1-A POOL TO ALLOW FOR SO MUCH LOT ZONING IS A SINGLE FAMILY RESIDENTIAL DISTRICT, CONSISTENT WITH THE FUTURE LAND USE PLAN DESIGNATION OF "LOW DENSITY RESIDENTIAL," AND COMPATIBLE WITH SURROUNDING LAND USES. THE PROPOSED ZONING IS CONSISTENT WITH THE EXISTING AND DEVELOPING NEIGHBORHOODS IN THE AREA.

APRAXE SHALWAT LOTS/BLVD	
RECREATIONAL LOTS AND STREETS	42.72 ACRES
OPEN SPACE (60% OPEN/SHALWAT)	3.02 ACRES
TOTAL ACRES	45.74 ACRES
RECREATIONAL LOT DENSITY (185 MAX/48.74)	3.32
LOTS/ACRE	

*ALL LOT LARGED AS OPEN SPACE (60.5) ON THIS PLAN SHALL BE OWNED & MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION

LEGEND

NO	DATE
△	
△	
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MOELLER
& ASSOCIATES
Engineering Solutions

2021 W 54th, STE 105, NEW BRAUNFELS, TX. 78132
 PIt: 830-358-7127 www.ma-tx.com

CONCEPT PLAN
AMENDMENT

HIGHLAND GARDENS
PLANNED DEVELOPMENT
DISTRICT
NEW BRAUNFELS, TEXAS

HIGHLAND GARDENS PLANNED DEVELOPMENT DISTRICT (HGARDPD) DEVELOPMENT STANDARDS

The general development standards are as follows:

Land Use:	Single family residential
Base Zoning:	R-1A-6.6
Minimum Lot Width:	50 ft. interior; 60 ft. corner
Minimum Lot Depth:	120 ft.
Minimum Lot Area:	6,000 sq. ft.
Minimum Front Setback	25 ft.
Minimum Rear Setback	20 ft.
Minimum Side Setbacks	5 ft. interior; The minimum side setback adjacent to the street for corner lots where the rear lines of the corner lot coincides with the rear lot line of the adjacent lot is 15 feet. The minimum side setback adjacent to the street for corner lots where the rear line of the corner lot coincides with the side lot line of the adjacent lot is 25 feet. Otherwise, the internal side setback for corner lots is 5 feet.
Maximum Building Height	35 ft.
Minimum Parking	2 spaces
Tree's:	A minimum of one (1) front yard tree per lot
Minimum Landscaping:	Full sod or xeriscape (front & back)

Minimum Fencing:

- 6 ft. masonry wall/fence adjacent to single family residences abutting future FM 1044 extensions are required.
- Installation of a solid screening fence or wall is required to be installed by the developer along open spaces and by the developer and/or home builder along residential lots where adjacent APD zoned properties.

Airstrip Buffer:

- The 150-foot airstrip buffer will be required to be labeled as an avigation easement on the Highland Gardens Master Plan, Final Plats and Detail Plan(s).
- An avigation easement note shall be provided on the Master Plan, Final Plats and Detail Plan(s) stating "no dwelling units or habitable structures will be constructed within an approximate offset of 75 feet both sides of the existing airstrip centerline."

*All remaining standards not listed above will be based on R-1A-6.6 zoning.

RESOLUTION NO. 2017R-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE 2006 FUTURE LAND USE PLAN BY CHANGING THE DESIGNATION ON APPROXIMATELY 19.5 ACRES OUT OF THE WILLIAM PATE SURVEY, ABSTRACT NO. 259 AND R. XIMENEZ SURVEY, ABSTRACT NO. 347, GUADALUPE COUNTY, TEXAS, FROM “COMMERCIAL” TO “RESIDENTIAL LOW DENSITY”.

WHEREAS, the property owners submitted an application requesting a change of zoning on 49.74 acres of land out of the William H. Pate Survey, Abstract No. 259 and R. Ximenez Survey, Abstract No. 347, Guadalupe County, Texas, from "Highland Grove" Planned Development District (HGPD) and "R-1A-6.6" Single Family District to "Highland Gardens" Planned Development District (HGARDPD), which is designated as "Residential Low Density" and "Commercial" on the City's Future Land Use Plan.

WHEREAS, the proposed amendment to the Future Land Use Plan on said property is consistent with the goals and objectives of the 2006 Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing and made recommendations to approve the zoning change and amend the Future Land Use Plan on May 2, 2017; and

WHEREAS, the City Council held a public hearing to amend the Future Land Use Plan on June 12, 2017; and

WHEREAS, the property is proposed for residential low density use; **now, therefore;**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

THAT, Future Land Use designation of approximately 19.5 acres of land out of the William H. Pate Survey, Abstract No. 259 and R. Ximenez Survey, Abstract No. 347, Guadalupe County, Texas, as identified on Exhibit 'A', is hereby changed from "Commercial" to "Residential Low Density";

THAT, the document titled Amendment to 2006 Future Land Use Plan and attached hereto as Exhibit "A", is hereby adopted as part of the City of New Braunfels Official Comprehensive Plan. A copy of said map along with a copy of this resolution shall be maintained in the permanent records of the City of New Braunfels;

THAT, said document shall be used as a guide to facilitate other development and master plans that the City deems necessary for systematic growth and development;

THAT, said document shall depict generalized locations of land uses which are subject to modifications to fit local conditions and are subject to refinement as development occurs;

BE IT FURTHER RESOLVED that all recommendations to amend the New Braunfels Future Land Use Plan are first submitted to the New Braunfels Planning Commission for study and a recommendation prior to being presented to the New Braunfels City Council for consideration.

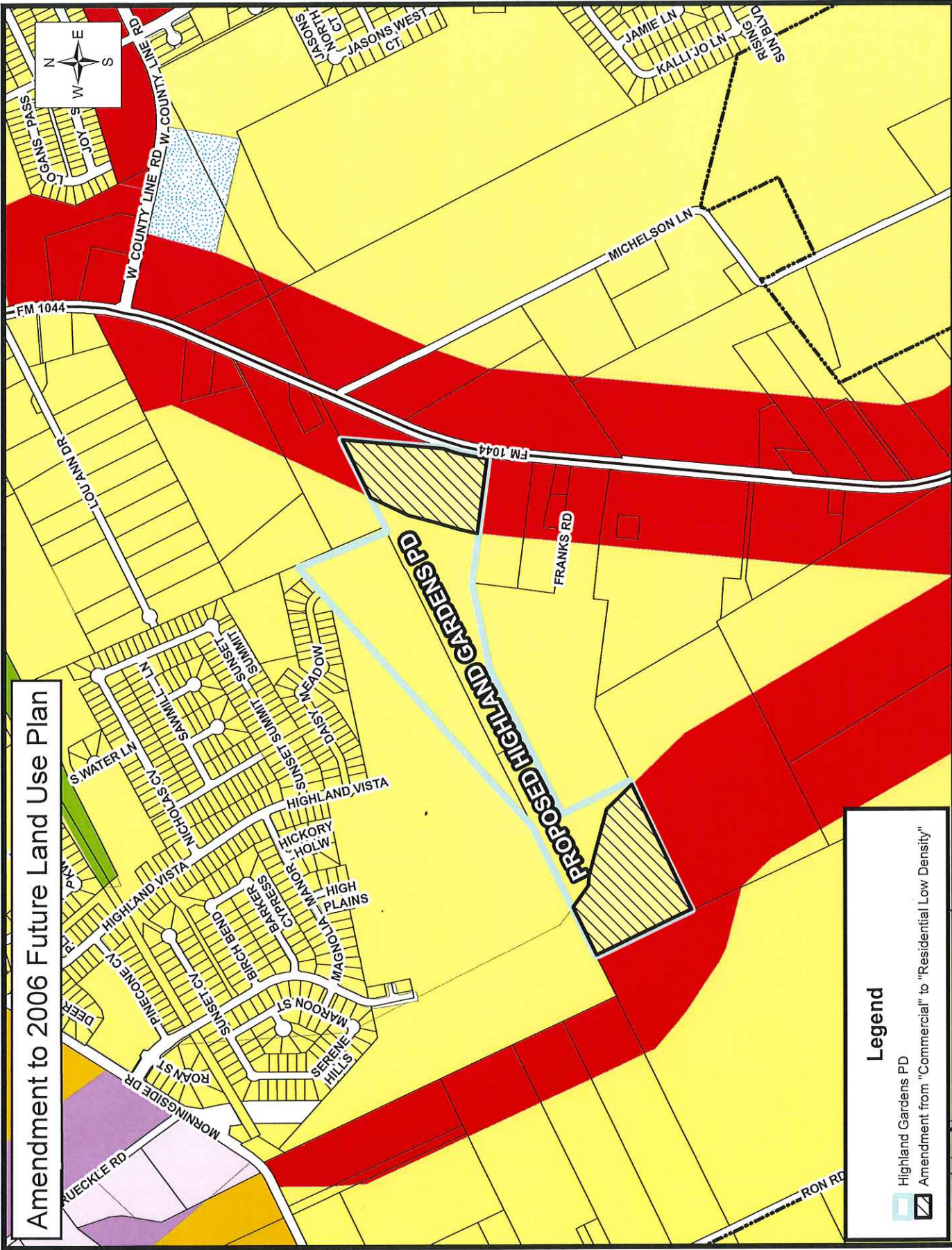
PASSED, ADOPTED AND APPROVED this the 12th day of June, 2017.

CITY OF NEW BRAUNFELS

BY: _____
BARRON CASTEEL, Mayor

ATTEST:

PATRICK ATEN, City Secretary



Amendment to 2006 Future Land Use Plan

PROPOSED HIGHLAND GARDENS PD

Legend

- Highland Gardens PD
- Amendment from "Commercial" to "Residential Low Density"



Case #PZ-17-021 and Case #PZ-17-022
 Amendment to the Highland Grove PD Concept Plan
 and rezoning of approximately 49.74 acres to Highland Gardens PD

Map Created 5/17/17

6/12/2017

Agenda Item No. F)

Presenter

*Christopher J. Looney, Planning and Community Development Director
(830) 221-4050 - clooney@nbtexas.org*

SUBJECT:

Discuss and consider the second and final reading of an ordinance regarding a proposed amendment to the "Reserve at Mockingbird Heights 2" Planned Development District (RMH2PD) Concept Plan on approximately 16.085 acres out of the A-608 J Thompson Survey 21, addressed at 1964 Lou Ann Drive.

BACKGROUND / RATIONALE:

Case No.: PZ-17-017

Council District: 1

Applicant: Scanio Development (Jack Scanio)
660 Lakefront Avenue
New Braunfels, TX 78130
(210) 496-7775 Jscanio@dirtydealers.com

Owner: R & V Perry Second Family Ltd.
624 S. Seguin Avenue, Suite A
New Braunfels, TX 78130
(830) 624-5272 perrychiro2k@yahoo.com

Staff Contact: Holly Mullins, Sr. Planner
(830) 221-4054
hmullins@nbtexas.org

City Council held a public hearing on May 22, 2017 and approved the first reading of the ordinance without the pedestrian connection condition recommended by the Planning Commission (6-1).

The subject property consists of approximately 16 acres of unplatted land, located west of FM 1044. The property is adjacent to Crown Ridge Subdivision to the east and the undeveloped Reserve at Mockingbird Heights Subdivision to the north.

The RMH2PD (Planned Development) zoning district was approved by City Council in December, 2016. The applicant is proposing a change to the internal street layout for the subdivision. Because the street layout is approved as part of the PD, the amended concept plan must be submitted to the Planning Commission and City Council for approval.

The current and amended street layouts are illustrated in Attachment 3. No changes to the number of residential lots or the approved Development Standards for RMH2PD are proposed. The applicant states the revised layout better accommodates the home builder's plan.

A PD concept plan establishes general guidelines for the Planned Development and will be followed by a detail plan. The Planning Commission has final approval authority of detail plans.

General Information:

Size: Approximately 16 acres

Surrounding Zoning and Land Use:

North - R-1/ Undeveloped; approved plat for 25 residential lots

South - APD/ Single-family residences

East - R-1A-6.6 / Single-family residences

West - Highland Grove PD/ Single-family residences

Comprehensive Plan/ Future Land Use Designation:

Low Density Residential

Floodplain:

No portion of the property is within the 1% annual chance flood zone (100-year floodplain).

Regional Transportation Plan:

The property has frontage on Lou Ann Drive. However, only the two larger acreage lots will have access to Lou Ann Drive. The rest of the property will be accessed from the future extension of Street "A" in the adjacent, yet to be built, Reserve at Mockingbird Heights Subdivision. A 20-foot wide emergency access drive from Lou Ann is provided to meet the secondary access requirement for subdivisions with more than 30 dwelling units. The access drive is proposed for emergency use only and will be gated where it meets the internal street. An emergency access lock (Knox box or similar) will be installed as approved by the Fire Department and Public Works Department.

The approved PD contains a looped street. The City's Solid Waste Division of the Public Works Department notes that the proposed new street configuration with cul-de-sacs will be more efficient, as City crews can access all homes with one trip through the subdivision rather than two on the looped street. New Braunfels ISD has advised they will not be able to provide bus service into the subdivision. This determination is not due to the revised street layout, but is based on the 30-foot pavement width of typical residential streets with parking allowed on both sides, and has been applied to other subdivisions in the area. The NBISD transportation director reported buses do service Lou Ann Drive, and there are existing bus stops along FM 1044.

Improvement(s):

No existing improvements

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

Yes	City Plan/Council Priority: 2006 Comprehensive Plan <i>Pros and Cons Based on Policies Plan</i>	Pros: Object 1A: <i>Evaluate proposed zone changes to maintain land use compatibility, as well as the integration of mixed land uses as a component of achieving better places to live. The RMH2PD has single-family residential base zoning, consistent with the Future Land Use Plan designation of "Low Density Residential" and compatible with surrounding land uses. The proposed amendment to street layout complies with the City's Platting Ordinance requirements for street design.</i>
		Cons: None

FISCAL IMPACT:

N/A

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 amendment does not increase residential density or change any of the permitted uses or access points approved with the RMH2PD zoning.*);
- 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 proposed amendment should not negatively impact public infrastructure. NBISD was notified and provided the aforementioned comments regarding bus service.*);
- How other areas designated for similar development will be affected (*There should be no negative impact on other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*Drainage and utility issues will be addressed through the platting process.*); and
- Whether the request is consistent with the Comprehensive Plan (*The proposed amendment remains consistent with the Future Land Use Plan designation of Low Density Residential.*)

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on May 2, 2017, and recommended approval of the requested rezoning, with a condition that pedestrian access be provided to Lou Ann Drive so children may catch the bus there rather than on FM 1044.

STAFF RECOMMENDATION:

The street configuration proposed with the concept plan amendment meets City standards for street width, cul-de-sac radius and block length, and is acceptable to the City Engineering and Solid Waste Divisions, and staff recommends approval of the requested rezoning.

Notification:

Public hearing notices were sent to 33 owners of property within 200 feet of the request. As of the date of this report preparation, the Planning Division received no responses in favor and five in objection (#10, 14, 15, 19, 22) representing 27% of the notification area.

Attachments:

1. Aerial Map
2. Application
3. Approved Concept Plan and Proposed Amendment
4. Land Use Maps
5. Notification Map and Responses
6. Planning Commission Minutes
7. Ordinance

Aerial, Regional Transportation Plan and Floodplain Map



Legend

 Subject Property

Regional Transportation Plan

Minor Arterial (120')

Minor Arterial - Proposed

Major Collector (90')

Minor Collector (60')

Minor Collector - Proposed

Floodplains

1% Annual Chance

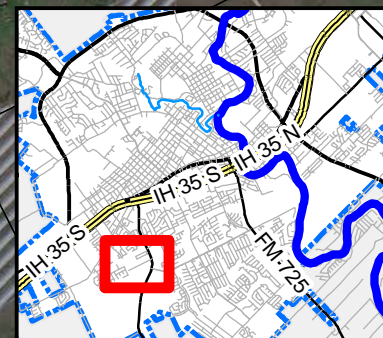
Floodway

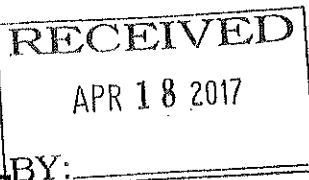
ATTACHMENT 1



PZ-17-017

Reserve at Mockingbird Heights 2 Planned Development
Amended Concept Plan





APPLICATION FOR
ZONE CHANGE
550 LANDA STREET
NEW BRAUNFELS TX 78130
E-MAIL: planning@nbtexas.org
PHONE: (830) 221-4050
Case Number: _____

PLANNING

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: Scanio Development/ C/O Jack Scanio
Mailing Address: 660 Lakefront Avenue, New Braunfels, TX 78130
Telephone: (210) 496-7775 Fax: (210) 496-3256 Mobile: (210) 723-1693
Email: jscanio@dirdealers.com

2. Property Address/Location: Off FM 1044 between Schmidt & Lou Ann Streets in New Braunfels, TX

3. Legal Description:
Name of Subdivision: 608-SU R-Q1 J Thompson Acres 16.085
Lot(s): _____ Block(s): _____ Acreage: 16.086

4. Existing Use of Property: Undeveloped

5. Proposed Use of Property (attach additional or supporting information if necessary): _____
Single Family Residential

6. Zoning Change Request: Current Zoning: RMH2PDD Proposed Zoning: RMH2PDD

For "PDD Planned Development District", check if: Concept Plan ☒ OR Detail Plan _____

7. Reason for request (please explain in detail and attach additional pages if needed): _____
Removal of proposed street

8. ATTACHMENTS:



Metes and bounds description and survey if property is not platted.



TIA worksheet and Traffic Impact Analysis if required.



Location in 100-year floodplain: Please provide a map of the floodplain overlaying the property proposed for zoning or, at a minimum, a copy of the proper FEMA flood map, with panel number. (Current floodplain maps are those most recently adopted by the City Council.)



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



If requesting a Planned Development (PD), applicant must provide development standards on the detail plan and/or provide the standards in a separate document as described in the Zoning Ordinance, Section 3.5. Provide 14 copies of the standards and Concept plan (1":200') for distribution with 4 copies of the survey (1":200') (if preparing revisions to existing Planned Development (PD) please provide one legible 11x17).



Copy of deed showing current ownership.

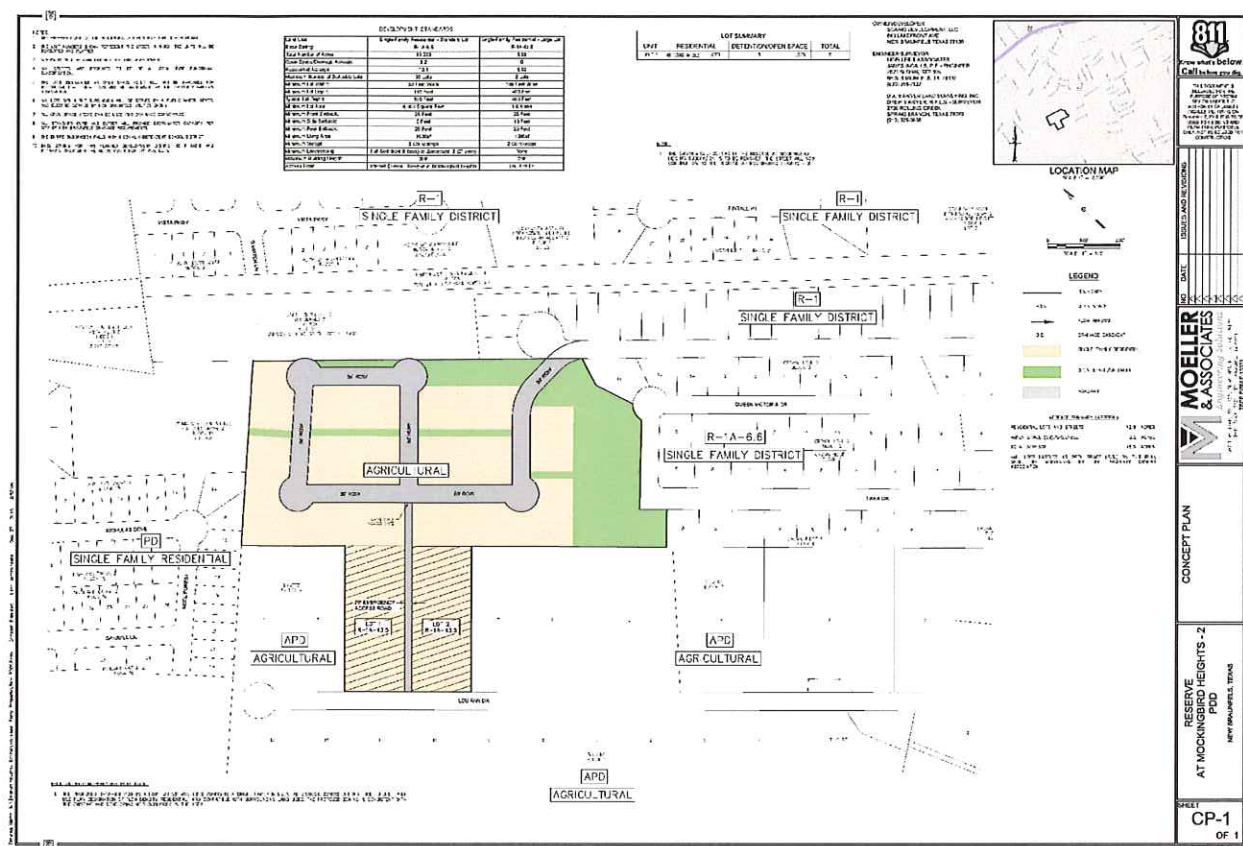
The undersigned hereby requests rezoning of the above described property as indicated.


Signature of Owner(s)/Agent

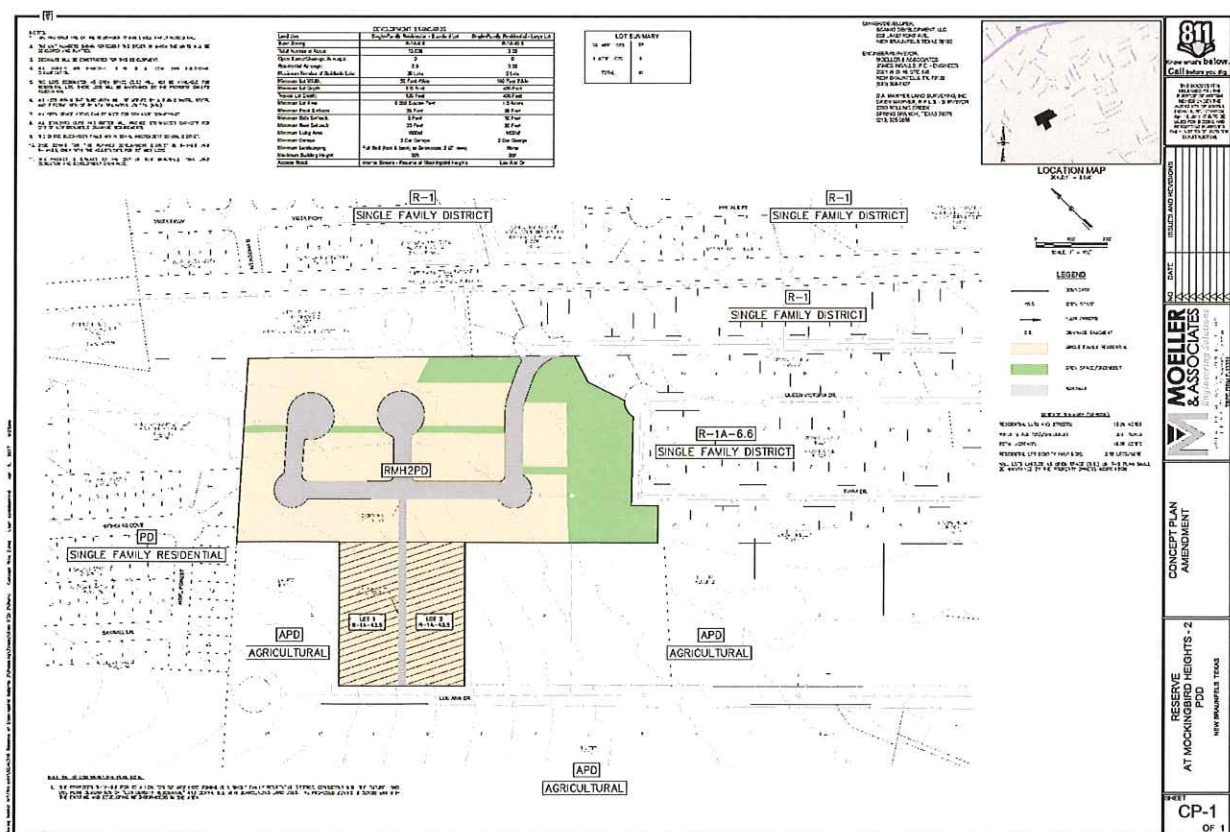
4-18-17
Date
Nash Noel, EIT
Print Name & Title

For Office Use Only

Fee Received By: _____ Amount: _____ Receipt No.: _____
Date Received: _____ Zoning signs issued: _____ Date: _____ No.: _____
Cash/Check Number: _____ Case Number: _____



Approved Concept Plan



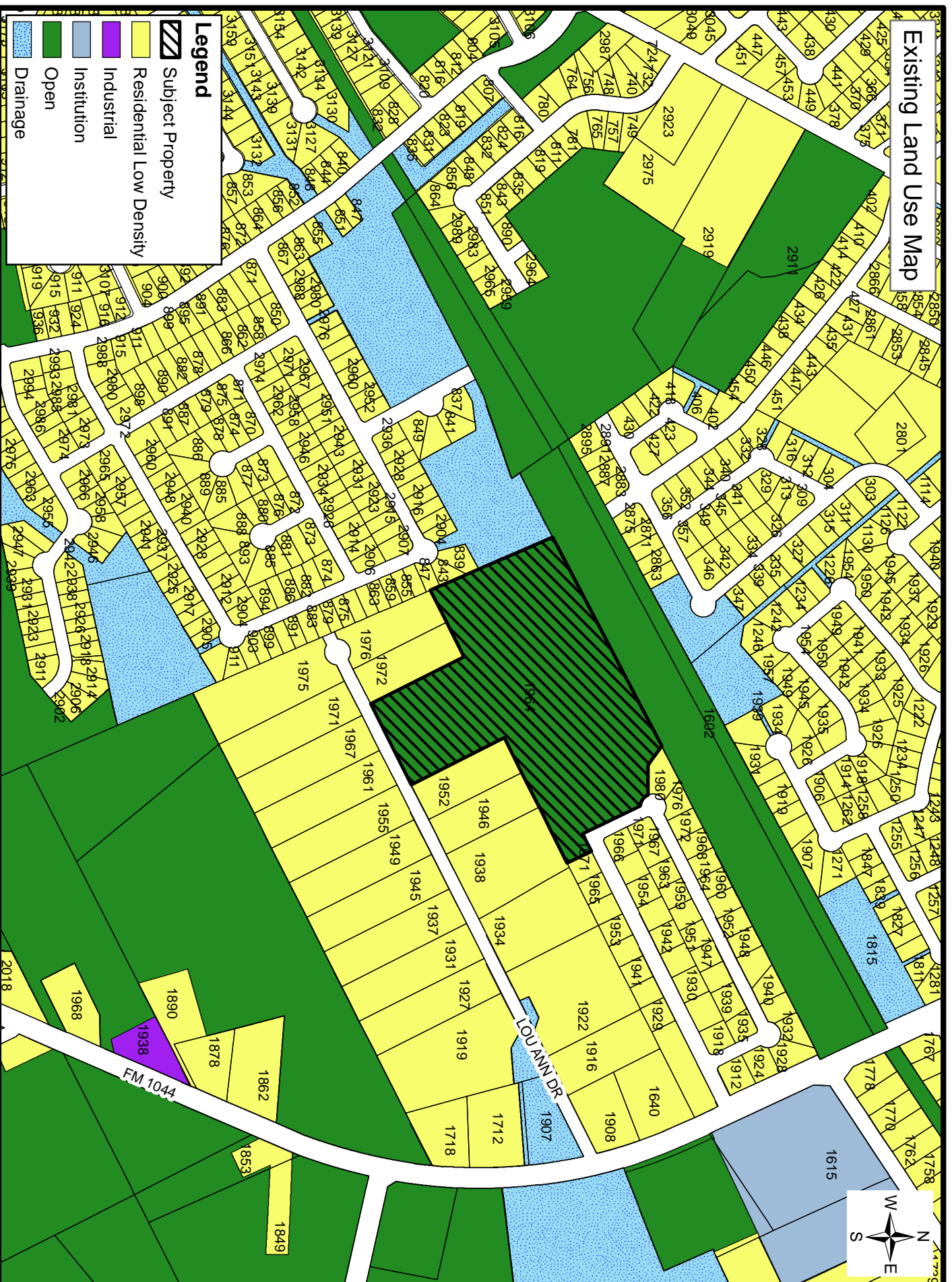
Proposed Revision

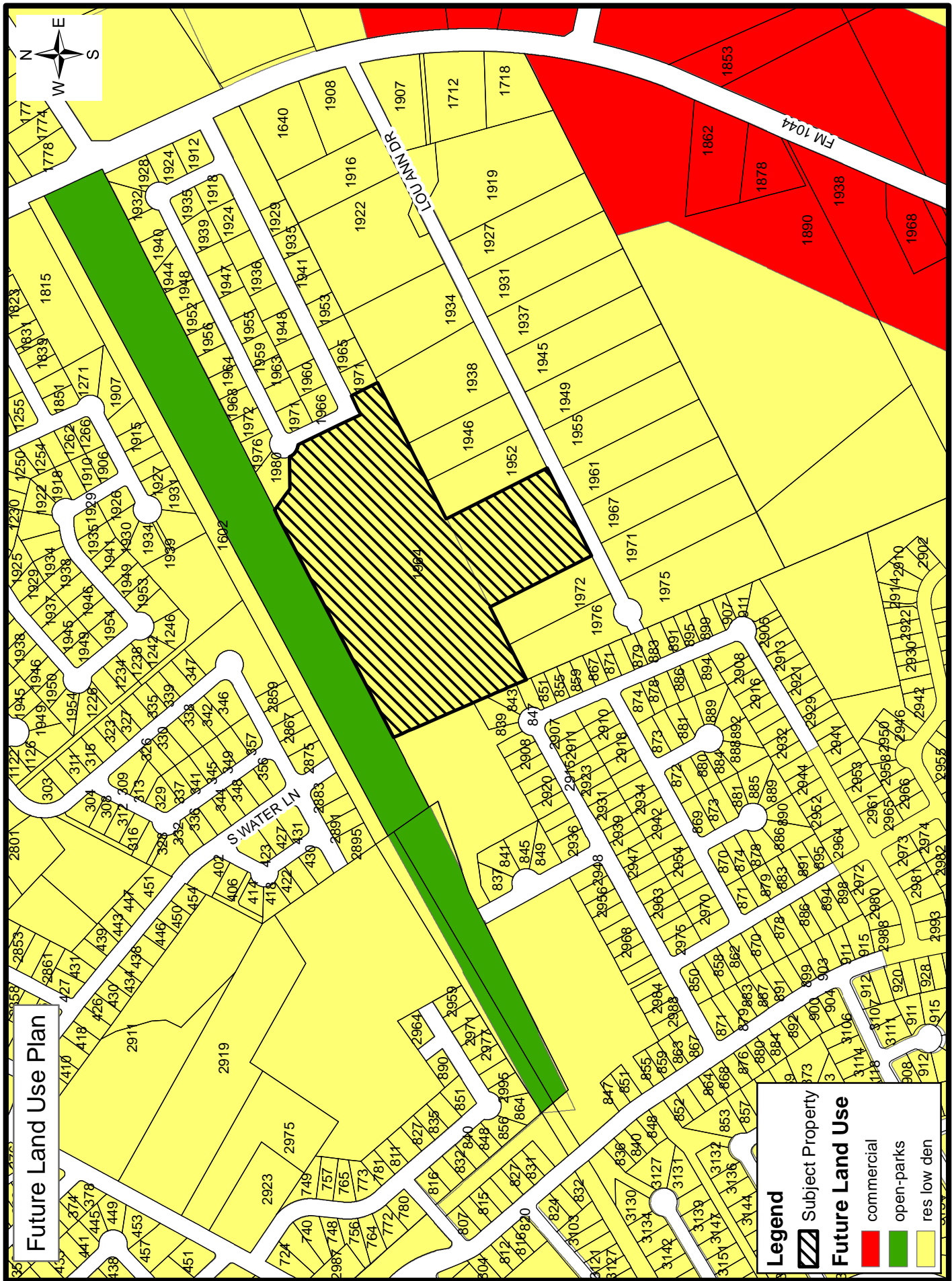
Existing Land Use Map



Legend

- Subject Property
- Residential Low Density
- Industrial
- Institution
- Open
- Drainage





PZ-17-017
Reserve at Mockingbird Heights 2 Planned Development
Amended Concept Plan

PLANNING COMMISSION – May 2, 2017 - 6:00PM

New Braunfels Municipal Building, Council Chambers

Applicant: Scanio Development

Address/Location: 1964 Lou Ann Drive

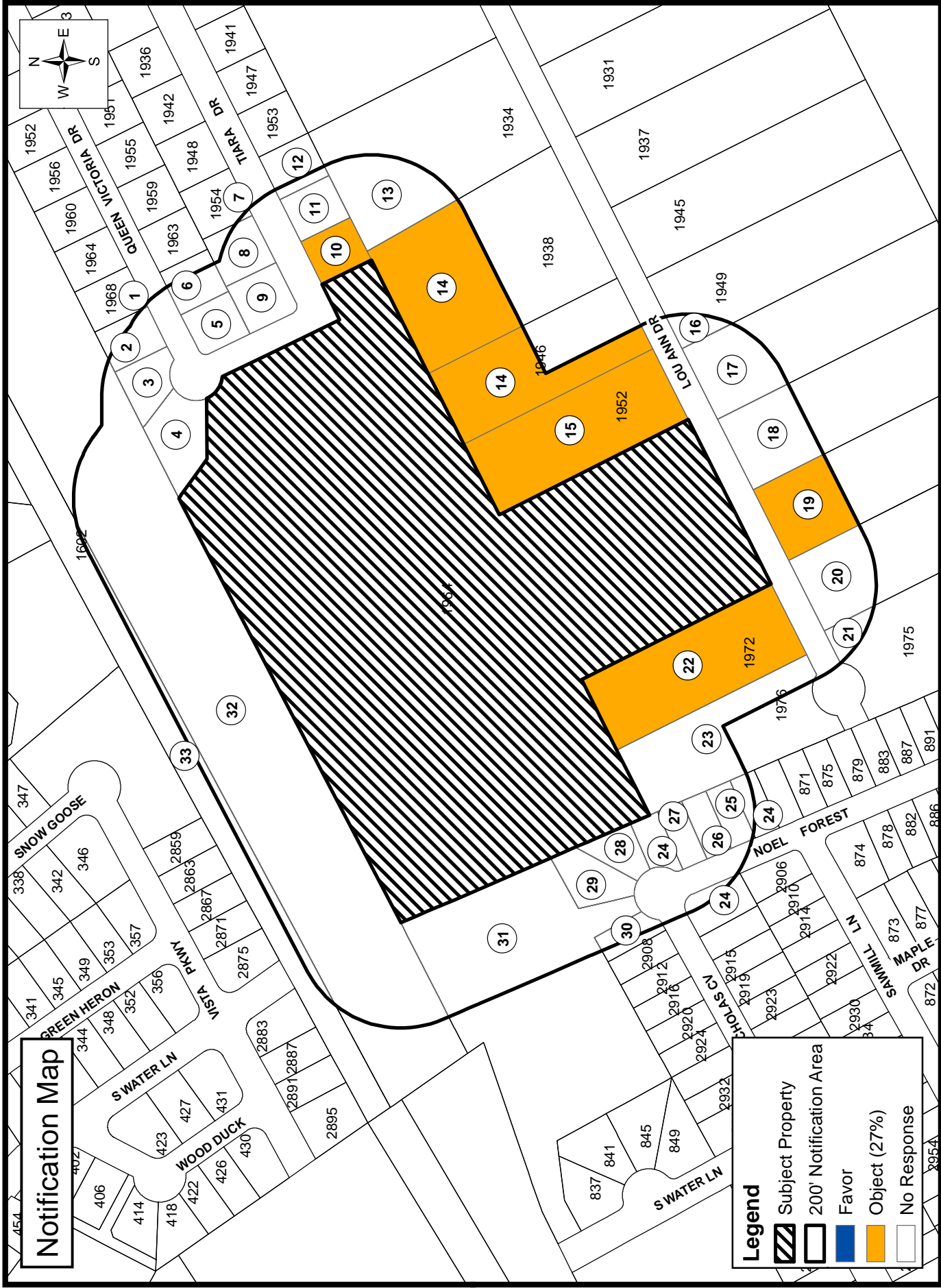
Reserve at Mockingbird Heights 2 Planned Development Concept Plan Amendment

The circled numbers on the map correspond to the property owners listed below.

All information is from the Comal Appraisal District Records.

1. Smith Landus & Marla
2. Rowe David T & Toni R
3. Nieto Javier J Sr & Romona G
4. Hinrichs Andrew P & Kathleen V
5. Collins Robert J & Maria T
6. Dokken Gregory L & Laura A
7. Nemec Michael W & Stacie Albright
8. Weitz Frank
9. Reininger Christopher & Barbara
10. Bees Nolan Jr
11. Ward Elizabeth
12. Winn Henry E
13. Warner Robert E
14. Patton Family Trust
15. Blanchard Joanne H & Gene J
16. Haley Derrik W & Katie
17. Fahrni Gary C & Melissa D
18. Persons Brent & Dionne
19. Delgado Jesus Jr & Karma
20. Cheney Beverly
21. Winslow Kenneth Eugene
22. Sliwinski Zbigniew & Edith
23. Hoffman Heidi Marie
24. Bella Vista CMI Ltd
25. M I Homes Of San Antonio LLC
26. French Raymond A & Renate R
27. Thornton Brian Dale
28. Gillespie Sean D & Felicia M
29. Lowther James E et al
30. Felan Christopher J & Sarah A
31. Highland Grove HOA
32. JHFS Holdings LLC
33. Enterprise Texas Pipeline LP

SEE MAP ATTACHED



PZ-17-017
Reserve at Mockingbird Heights 2
Amended Concept Plan



RECEIVED

Case: #PZ17-017 (Scanio)

Date Sent: 4/12/17

MAY 1 2017

The Patton Family Trust

Name: Robert F. Patton - TTE

I favor: _____

Address: 1938 LOUANN DR., N.B. TX

Property number on map: 14

I object: ☒

(State reason for objection)

Comments: (Use additional sheets if necessary)

the north and east boundaries of the property are in a natural
 drainage channel which routinely turns into a floodway
 during even moderate rain events. topography, and the proposed
 property layout, make designing an acceptable rainwater
 floodway, questionable.

Signature: _____

Robert F. Patton

Holly Mullins, AICP

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ17-017 (Scanio) hm

Date Sent: 4/12/17

RECEIVED

MAY 08 2017

Name: Nolan Bees

I favor: _____

Address: 1971 TIARA DR.

Property number on map: 10

I object: ☒

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: _____

I LIVE NEXT TO THE
 VACANT LOT THAT HAS
 A DRY CREEK. I DO NOT
 WANT FLOODING PROBLEMS
 FROM THE RUN OFF OF
 ANOTHER SUBDIVISION.

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ17-017 (Scanio)

Date Sent: 4/12/17

RECEIVED

MAY 19 2017

Name: Karma Delgado, Jesse Delgado

Address: 1967 Lou Ann Dr

Property number on map: # 19

I favor: _____

BY: _____

I object: ☒

(State reason for objection)

Comments: (Use additional sheets if necessary)

This request was not part of the original agreement discussed during the City Council meetings. The agreement made during approval was to have NO pedestrian access to Lou Ann Drive

Signature: _____

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ17-017 (Scanio)

Date Sent: 4/12/17

Name: Zbigniew and Edith Slowinski

Address: 1972 LOU ANN DR. NEW BRUNSWICK NJ 08901

Property number on map: # 22

I favor: _____

I object: ☒

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: _____

RECEIVED

MAY 19 2017

BY: _____

YOUR OPINION MATTERS - DETACH AND

RECEIVED

Case: #PZ17-017 (Scanio)

Date Sent: 4/12/17

MAY 18 2017

PATTON FAMILY TRUST
 Name: ROBERT PATTON TTE
 Address: 1938 LOU ANN DR
 Property number on map: 14

BY: _____

I favor: _____

I object: 1

(State reason for objection)

Comments: (Use additional sheets if necessary)

The commission will pass to Council
 an amended Request that was not arrived
 at by due process. see attached sheets

Signature: Robert Patton

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ17-017 (Scanio)

Date Sent: 4/12/17

RECEIVED

MAY 18 2017

NAME: GENE BLANCHARD
 Address: 1952 LOU ANN DR
 Property number on map: #15

I favor: _____

BY: _____

I object: X

(State reason for objection)

Comments: (Use additional sheets if necessary)

I object to Planning's recommendation that the emergency
 access be used as a pathway for children to ingress/egress Lou Ann
 Dr.

Signature: Gene Blanchard

If what Mr Gibson says "he will only be picking up and dropping off on FM1044" then I contend that it is no safer or convenient for the children to go up the EMERGENCY ACCESS and down Lou Ann to FM1044 for pickup/dropoff then it would be to walk up their own streets to FM1044 for pickup/dropoff. If what he is saying is he already has pickup and dropoff on Lou Ann then that is an exception and if he can make an exception for Lou Ann then he can make an exception for the Reserve at Mockingbird Hights as well. If he is saying that his buses cannot turn around in the cul de sac in the new subdivision then they somehow manage to turn around on the Lou Ann Cul de Sac. It was always our understanding that the EMERGENCY ACCESS was just that and EMERGENCY ACCESS period.

Not until this request to rearrange the layout of the streets did this become an issue.

MAY 18 2017

BY: _____

Subj: # P217-017 (Scanio)

1. This case was heard before the Planning Commission on May 2, 2017, and passed with no comments.
2. Immediately after the Commission vote, and with no protocol in effect, an open discussion began with a comment "you know, NBISD won't send a school bus in there" - this was backed up with a comment "they wouldn't have sent a bus in under the old plan either" (Labeled Existing Layout). There then ensued an extended open discussion between Commission members, city staff, and eventually the Developer (Mr. Scanio - who spoke from the audience) Pick-up of school children from FM-1044 was a workable option. Some didn't like that - "too far"
3. Questions arose concerning the "Emergency Access Lane" that begins on Lou Ann Dr. with a control gate. Mr. Scanio was addressed twice to comment on the feasibility (etc) of students using that roadway to walk up to Lou Ann Dr. and load there. Comments generally agreed that looked like a good option, followed by a comment from a committee member to the effect - "OK, let's vote on

it" and present it to City Council as an amendment to The approved "Revised Concept Plan. That passed without comment.

4. No comment from Commission members or Staff to the effect that this pretty well destroys The efforts of a year's worth of work and meetings of Council, Commission, Mr. Greer, Mr. Scanio and Lou Ann Dr. residents which produced the two large residential lots facing Lou Ann Dr. and carry different zoning; This as a consideration to the reality that Lou Ann Dr. is a one street subdivision platted in 1980 with large lots and well-defined deed restrictions. The area where the emergency access road meets Lou Ann Dr. is surrounded on three sides by real estate worth about two million dollars. Property values would likely be adversely affected by the confusion of children, from sixty-some odd homes, school buses that must do a back-up turn around at the top of Lou Ann Dr., and all of the vehicles that bring and pick-up children.

5. Bottom line was that the amendment to the request was arrived at without proper consideration and "a public hearing."

Draft Minutes for the May 2nd, 2017 Planning Commission Regular Meeting

PZ-17-017: Public Hearing and recommendation to City Council regarding the proposed amendment to the “Reserve at Mockingbird Heights 2” Planned Development Concept Plan and associated development standards, located at 1964 Lou Ann Drive.

(Applicant: Moeller; Case Manager: H. Mullins)

Mrs. Mullins presented the Staff report and recommended approval.

Mrs. Mullins noted that NBISD stated that school busses would not be able to enter the subdivision, with either street layout, therefore students must use the bus stop located at 1044.

Discussion followed regarding existing school bus access, and right of way street widths.

Chair Elrod asked if anyone wished to speak in favor.

No one spoke.

Chair Elrod asked if anyone wished to speak in opposition.

No one spoke.

Motion by Commissioner Sonier, seconded by Commissioner Laskowski, to close the public hearing. The motion carried (6-0-0).

Discussion followed regarding prohibiting on-street parking in a Planned Development district, and possible utilization of emergency access road as a pedestrian path to the school bus stop located on Lou Ann Drive.

Motion by Commissioner Sonier, seconded by Commissioner Laskowski, to approve the proposed amendment to the “Reserve at Mockingbird Heights 2” Planned Development Concept Plan and associated development standards, located at 1964 Lou Ann Drive, with staff recommendations.

Motion tied, and failed (3-3-0) with Commissioners Laskowski, Hoyt and Tubb opposing.

Applicant expressed consent with providing pedestrian access through the emergency access road to Lou Ann Drive.

Motion by Commissioner Hoyt, seconded by Commissioner Sonier, to approve the proposed amendment to the “Reserve at Mockingbird Heights 2” Planned Development Concept Plan and associated development standards, located at 1964 Lou Ann Drive, with following condition and staff recommendations.

1. Provide public pedestrian access to Lou Ann Drive.

The Motion carried (6-0-0).

ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE “RESERVE AT MOCKINGBIRD HEIGHTS 2” (RMH2PD) PLANNED DEVELOPMENT DISTRICT CONCEPT PLAN; 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 City Council desires to amend the “Reserve at Mockingbird Heights 2” Planned Development District Concept Plan; **now, therefore**,

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

SECTION 1

THAT the Concept Plan adopted December 12, 2016, Ordinance Number 2016-076, is hereby amended by adopting the Concept Plan described below on the following described tract of land:

Being 16.09 acres out of the A-608 J Thompson Survey 21, addressed at 1964 Lou Ann Drive, as delineated on Exhibit ‘A’ and adopting the amended Concept Plan 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 of same.

PASSED AND APPROVED: First reading this the 22nd day of May, 2017.

PASSED AND APPROVED: Second and final reading this the 12th day of June, 2017.

CITY OF NEW BRAUNFELS

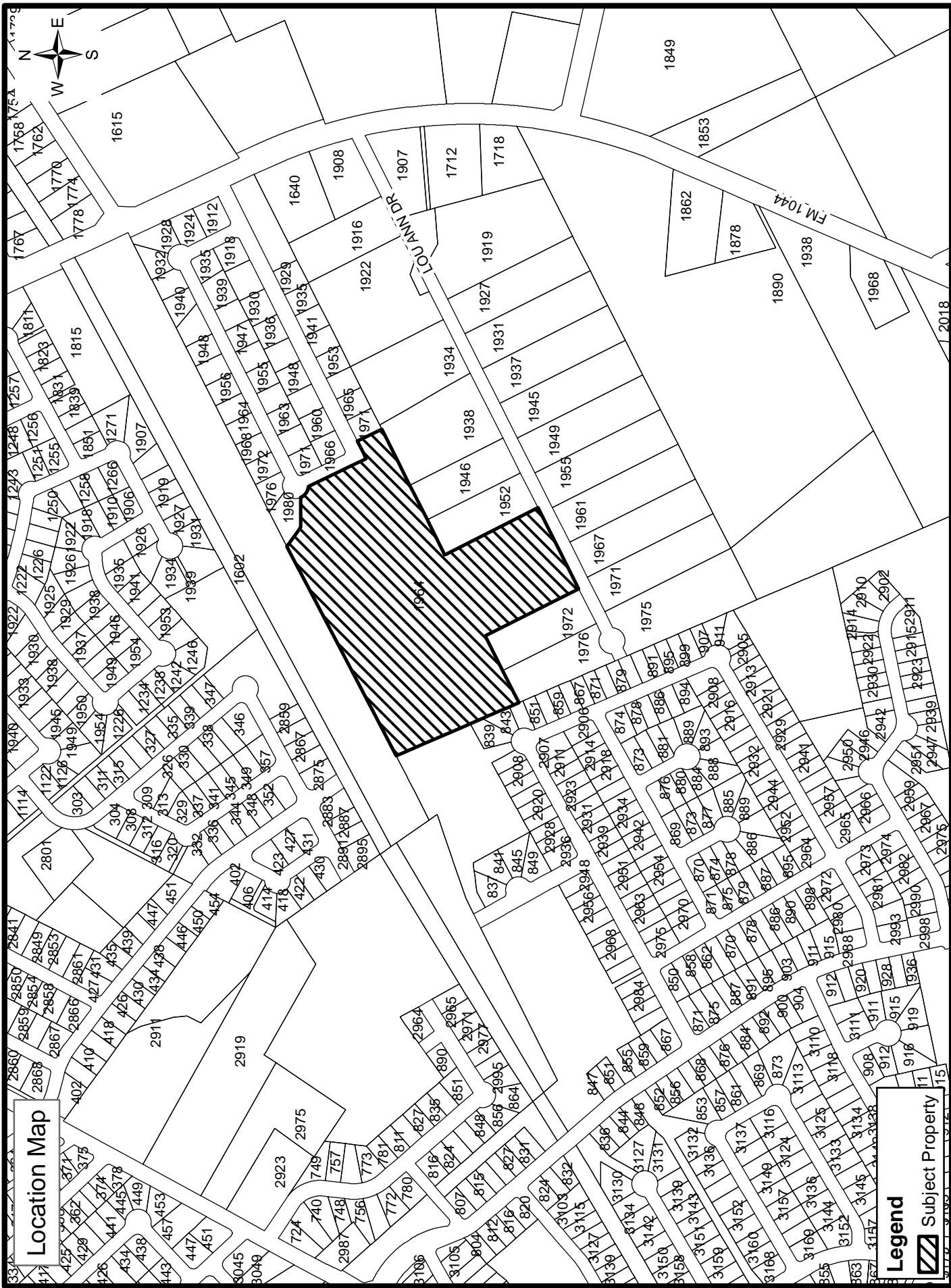
BARRON CASTEEL, Mayor

ATTEST:

PATRICK ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



PZ-17-017
Reserve at Mockingbird Heights 2 Planned Development
Amended Concept Plan

6/12/2017

Agenda Item No. G)

Presenter

*Christopher J. Looney, Planning and Community Development Director
(830) 221-4050 - clooney@nbtexas.org*

SUBJECT:

Discuss and consider the second and final reading of an ordinance regarding proposed amendments to the "Town Creek" Planned Development District (TCPD) Concept Plan and related development standards, located at N. Academy Avenue and N. Walnut Avenue.

BACKGROUND / RATIONALE:

Case No.: PZ-17-006

Council District: 1

Owner/Applicant: David Wolters, General Partner
TC Town Creek Texas LP
979 N. Academy Avenue
New Braunfels, TX 78130
(512) 633-2245
david@towncreektexas.com

Staff Contact: Holly Mullins, Sr. Planner
(830) 221-4054
hmullins@nbtexas.org

City Council held a public hearing on May 22, 2017, and approved the first reading of the applicant's proposed rezoning ordinance, with revised Staff recommendations, and the stipulation that no building permits be issued for Phases 3 or 4 until a secondary access is constructed at either Guenther Avenue, Fredericksburg Road, or Academy Avenue and accepted by the City Engineer for public use (5-2).

Town Creek is a 66-acre mixed use, walkable development surrounded by Walnut Avenue, Dry Comal Creek, and the Union Pacific railroad tracks. Town Creek's planned development zoning district was approved in 2006 to create a new urbanist style walkable, mixed-use community with a range of unique housing and business opportunities. Uses are determined by transect zone and lot type as opposed to either cumulative or Euclidean zoning districts. As construction continues in Town Creek, the developer has identified revisions to their street layout and minor changes to their development standards.

The transects and street network were originally based on the anticipated extension of N. Academy Avenue across the Dry Comal Creek and railroad tracks into Downtown. The applicant is proposing

to remove the Academy Avenue connection and include a connection to Guenther Avenue across the Dry Comal Creek instead. This would provide the secondary access the International Fire Code requires for subdivisions with more than 30 residential units. Exhibits B and C have been revised to reflect this proposed configuration (Attachment 3). The applicant has indicated that discussions with Union Pacific Railroad regarding a crossing at Fredericksburg Road or Paradise Alley are ongoing.

The applicant's proposed revisions are detailed in Attachment 4 and include:

- removal of the roadway connection to N. Academy Avenue across the railroad tracks;
- a new road connection to Guenther Avenue across the Dry Comal Creek;
- reconfiguration of the N. Academy Avenue and Fredericksburg Road intersection (removal of traffic circle);
- a statement in Section V of the Development Standards that fire sprinklers will be installed in all buildings in Phases 3 and 4 if a secondary access is not in place at the time of construction;
- the addition of street cross sections for street type 4A (Neighborhood Connector) and 9 (Local Street) (Exhibit D);
- the inclusion of small houses as an allowed use within Transect Zone 6 (Exhibit E);
- clarification that parking is not allowed in alleys;
- documentation of NBU's consent for second-story encroachment into an easement in Phases 1 and 2 only (Section VI.D.9);
- An increased allowance for blade signs in Block 6 Phase 1 and Block 2 Phase 2 (properties along Walnut Avenue); and
- the addition of a definition for "Unit," which applies to residential uses only.

General Information:

Size: 65.919 acres

Surrounding Zoning and Land Use:

North - M-1, M-2/ Auto repair, self-storage

South - R-2, M-1/ Residential, industrial

East - R-2, M-2 / KC Hall, self-storage, vacant

West - Across Walnut, C-1, C-1A/ Hope Hospice, commercial

Comprehensive Plan/ Future Land Use Designation:

Mixed Use

Floodplain:

A small portion of the property along Dry Comal Creek is within the floodway and 1% annual chance floodplain.

Regional Transportation Plan/Transportation:

An extension of Fredericksburg Road across the railroad tracks is proposed on the Regional Transportation Plan. This connection is under discussion between the developer and UPRR.

A Traffic Impact Analysis (TIA) has been scoped with the City and will be submitted by the applicant with their revised master plan.

The proposed Guenther Avenue connection will require construction of a bridge, built to City

standards including the required elevation above the floodway and 25-year storm requirements. Construction plans have not yet been submitted to the City for review.

The Hike and Bike Trails Plan includes a trail along the Dry Comal Creek. The applicant is currently working with the City's Parks and Recreation Department to include the trail as part of the overall Town Creek development.

Improvement(s):

Various residential, commercial, and mixed use structures

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

Yes	City Plan/Council Priority: 2006 Comprehensive Plan <i>Pros and Cons Based on Policies Plan</i>	Pros: Goal 2: <i>Encourage the mixing of land uses to create a sense of community in the neighborhoods.</i> Town Creek is a mixed use development with a distinctive neighborhood feel due to the creative new housing types introduced with the subdivision.
		Objective 3B: <i>Work with developers to make more efficient use of land and resources and discourage sprawl.</i> The Town Creek concept plan incorporates higher density residential with commercial and live-work units near Downtown.
		Objective 17I: <i>Encourage a range of housing opportunities including varied lot sizes and housing choices.</i> Town Creek incorporates single-family detached and attached housing with loft apartments and live-work units.
		Goal 25: <i>Encourage pedestrian and bicycle transportation including provision of safe transportation facilities.</i> With a mix of uses, Town Creek encourages walking and biking within the development, along trails, and to Downtown.
		Cons: None.

FISCAL IMPACT:

N/A

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 revisions do not change the permitted uses within the planned development but the proposed revisions do reduce the overall density and mixture of residential types originally intended and potentially reduces the overall mix of land uses.*);
- 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 proposed revisions should not negatively impact existing or proposed public facilities in the area and reflect previous community resistance to the Academy Avenue connection into Downtown.*);
- How other areas designated for similar development will be affected (*Other areas should not be affected as they have already been developed.*);

-
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*The proposed street network amendment provides an alternative connection to achieve secondary access.*); and
 - Whether the request is consistent with the Comprehensive Plan (*The permitted land uses are consistent with the Future Land Use Plan designation of Mixed Use.*)

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on May 2, 2017, and voted to recommend approval of the request with staff recommendations and a condition that Phase 3 and 4 infrastructure may be constructed but no building permits may be issued in Phases 3 or 4 until the Guenther Avenue bridge connection is accepted by the City Engineer for public use.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendments to the “Town Creek” Concept Plan and related Development Standards as they incorporate development trends and realities that have changed since the original plan was approved, and are still consistent with the intent of the project to provide a walkable development with a mixture of uses in the neighborhood. Staff agrees with the Planning Commission’s recommendation and concurs with City Council’s condition stipulated at the first reading. Additionally, staff’s recommendation is subject to the following conditions:

1. Revise Section VI.F.8 to state one 64 square foot blade sign is allowed with frontage on Walnut Avenue and sign must be attached to the building façade facing Walnut Avenue.
2. Revise Section VI.D.9 to read: “Encroachment **beyond** the ‘build to’ line...”
3. Amend the Detail Plan and Master Plan to reflect changes approved to the Planned Development.
4. Guenther Avenue connection must be constructed to City standards including the required elevation above the floodway and 25-year storm requirements.

Notification:


Public hearing notices were sent to owners of 77 properties in Town Creek Subdivision and within 200 feet of the request. As of the date this report was prepared, the Planning Division had received one response in favor (37), 13 in objection (#7, 8, 11, 18, 25, 29, 30, 31, 33, 36, 41, 63, 67) and two neutral (#21, 49). Objection represents 2% of the notification area.

Attachments:


1. Aerial Map
2. Application
3. Current and Proposed Transect Map and Master Street Network (Exhibits B & C)
4. Amended Concept Plan and Development Standards
5. Land Use Maps (Zoning, Existing, Future)
6. Notification Map and Responses
7. Photographs
8. Planning Commission Minutes
9. Ordinance


[illegible]


Legend


 Subject Property


Regional Transportation Plan

 Principal Arterial (150')

 Minor Arterial (120')

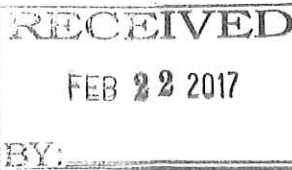
 Major Collector (90')

 Minor Collector (60')

 Minor Collector - Proposed



PLANNING

APPLICATION FOR
ZONE CHANGE550 LANDA STREET
NEW BRAUNFELS TX 78130E-MAIL: planning@nbtexas.org

PHONE: (830) 221-4050

Case Number: P2-17-006

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: TC Town Creek Texas LPMailing Address: 979 N Academy Ave, New Braunfels, TX 78130Telephone: 512.633.2245

Fax: _____

Mobile: _____

Email: david@towncreektexas.com

2. Property Address/Location: 602 N Walnut Avenue

3. Legal Description:

Name of Subdivision: A-2SUR- 1 J M VERAMENDI

Lot(s): _____

Block(s): _____

Acreage: _____

4. Existing Use of Property: Open, Residential Medium Density, Residential Low Density, Commercial

5. Proposed Use of Property (attach additional or supporting information if necessary): _____

Residential

6. Zoning Change Request: Current Zoning: Town Creek PD Proposed Zoning: Town Creek PD

For "PDD Planned Development District", check if: Concept Plan ☒ OR Detail Plan _____

7. Reason for request (please explain in detail and attach additional pages if needed): _____

Amend current PD

8. ATTACHMENTS:

☒

Metes and bounds description and survey if property is not platted.

☒

TIA worksheet and Traffic Impact Analysis if required.

☒

Location in 100-year floodplain: Please provide a map of the floodplain overlaying the property proposed for zoning or, at a minimum, a copy of the proper FEMA flood map, with panel number. (Current floodplain maps are those most recently adopted by the City Council.)

☒

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

☒

If requesting a Planned Development (PD), applicant must provide development standards on the detail plan and/or provide the standards in a separate document as described in the Zoning Ordinance, Section 3.5. Provide 14 copies of the standards and Concept plan (1":200') for distribution with 4 copies of the survey (1":200') (if preparing revisions to existing Planned Development (PD) please provide one legible 11x17).

☒

Copy of deed showing current ownership.

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

2017-2-21

Date

Signature of Owner(s)/Agent

DAVID WOLTERS, GP

Print Name & Title

For Office Use Only

Fee Received By: meAmount: 1,200.00Receipt No.: 236145Date Received: 2-22-17

Zoning signs issued: _____

Date: _____

No.: _____

Cash/Check Number: 5704Case Number: P2-17-006

Page 1

City of New Braunfels – Planning
Attn: Holly Mullins
550 Landa Street
New Braunfels, Texas 78130

Dear Holly,

Based on the denial of the at-grade railroad crossing at Academy St by Union Pacific Railroad and other concerns with a grade separation crossing at that location, we do not anticipate there to be a market for development of more intense commercial uses within in the Town Creek project. Therefore, we have proceeded with the requested revisions on the Town Creek PDD to allow for that eventuality.

The changes are as follows:

1. One street running north to south on Block 13 has been added with minor alleys to allow access to Cottage homes.
2. Academy St has been shifted approximately 100' to the south to allow for a possible future overpass connection to Fredericksburg Rd on the north side of the Union Pacific Railroad. The round-about that was located at the intersection of Academy St and Fredericksburg Rd was removed due to the geometric complication that this could cause with the potential future overpass.
3. Comal Creek Trail has been shifted to the north enough to allow homes to back up to the creek. Turning radii between streets and alleys is in conformance with NBU requirements. Additional language added to the draft PDD will ensure that there are no conflicts between buildings and transformer locations.
4. Additional Street sections have been added as necessary to address the road network change.
5. A blade sign size change was added for the Dos Rios Restaurant Lot.

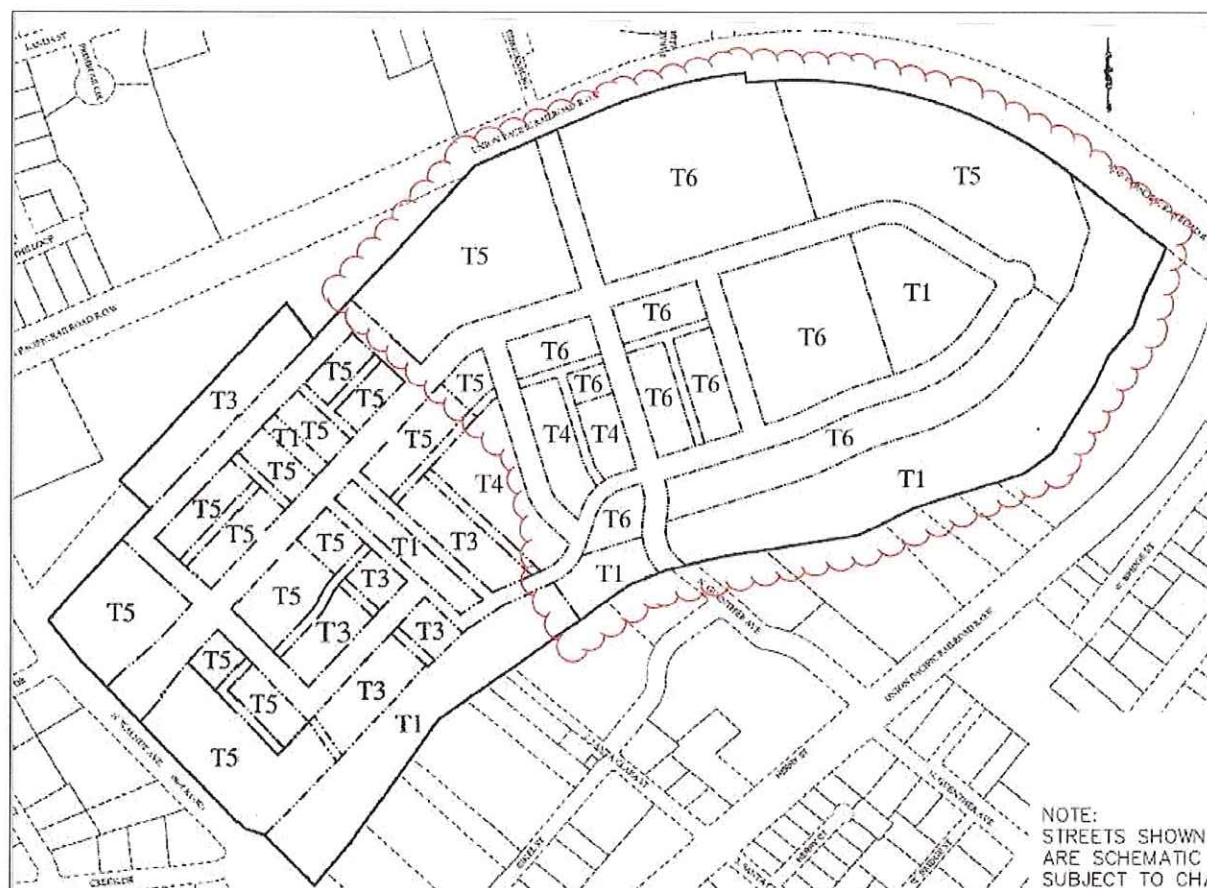
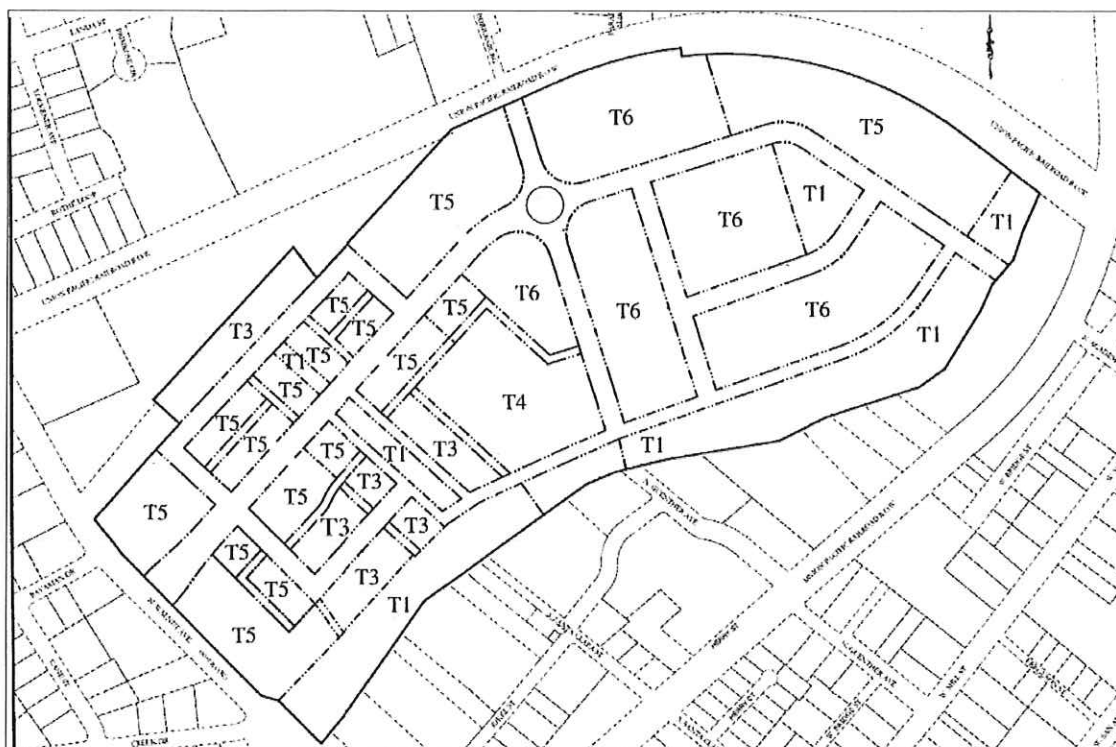
We feel that the character and alignment of the streets/alleys/parks conform to the character and intent of the original master plan – to provide a walkable neighborhood that benefits the current and future residents of Town Creek.

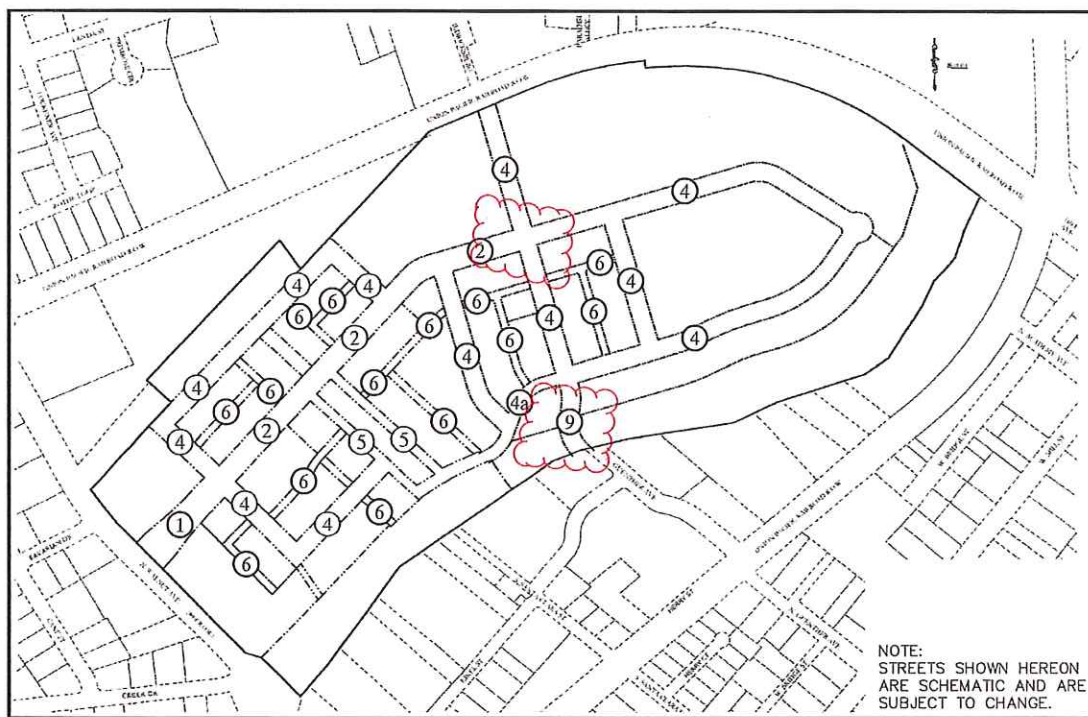
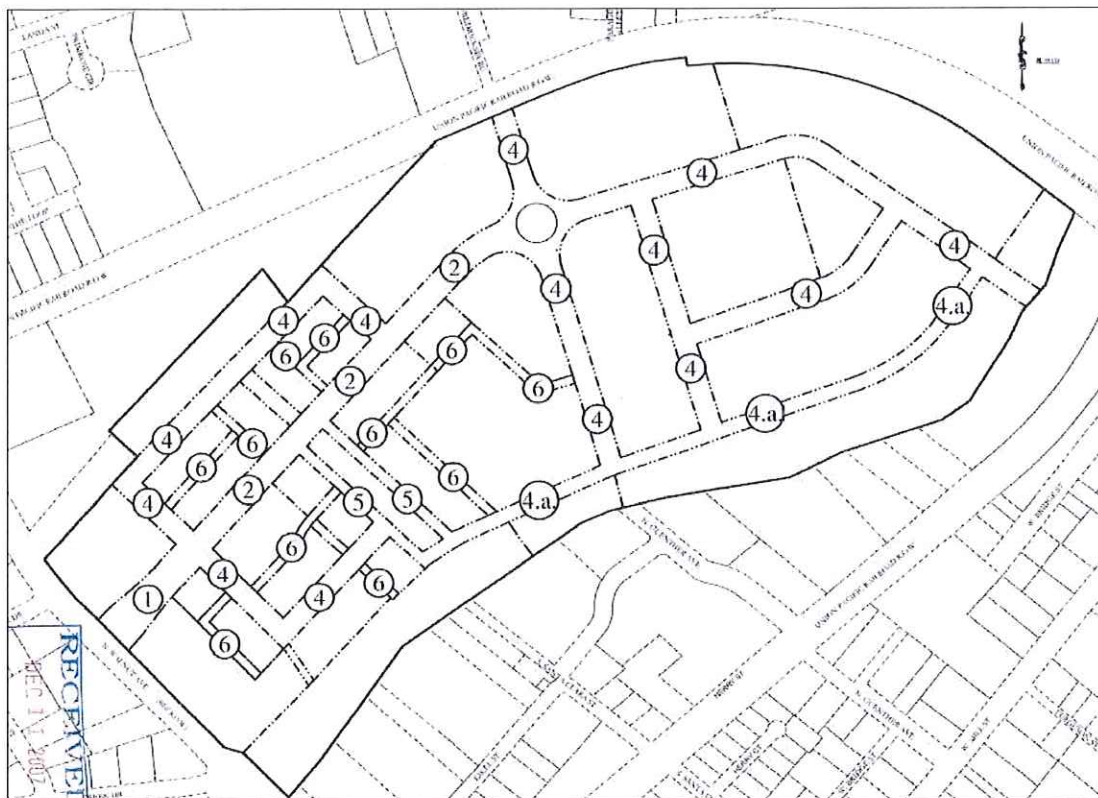
Please let me know if you have any questions.

Thank you,



David Wolters
TC Town Creek Texas, LP





Town Creek Planned Development District Concept Plan



Table of Contents

- I. Relation to the Development Plan**
- II. Acreage**
- III. Survey**
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- VII. Definitions**

Exhibits

- A. Survey**
- B. Transect Map**
- C. Street Network**
- D. Street Cross-Sections**
- E. Building Type Matrix**
- F. Transect Matrix**
- G. Preferred Plant Pallet**

I. Relation to the Development Plan

Town Creek is a mixed use walk able neighborhood complementing the historic downtown of the City and is planned to be consistent with the New Braunfels Comprehensive Plan. The Town Creek Concept Plan is based on the vision created during the Community Design Charrette held June 7 -9, 2006. Town Creek finds its roots in the enduring qualities of New Braunfels —its small town ambience, its traditional downtown and its strong heritage. Town Creek will promote walk ability, providing a range of housing opportunities, protect and enhance existing surrounding neighborhoods, promote economic growth through a positive fiscal impact, enhance the visual environment of the City, enhance the green appearance and the parks system of the City, improve connectivity, encourage use of transit and walking, link major surrounding destinations, promote a lively downtown, and expand market opportunities for the core of New Braunfels.

II. Acreage

The total Acreage of the project is 65.9 acres.

III. Survey

A survey of the project is attached hereto as Exhibit A.

IV. Land Uses

A. Relationship to Development Standards

Land Uses allowed herein shall conform to the development standards set forth in Section VI below according to the Transect Map attached hereto as Exhibit B.

B. The following residential land uses shall be allowed:

1. Single Family House (Large, Medium, Small, Cottage)
2. Multi-Unit House (2 to 6 Units)
3. Town House
4. Courtyard Apartment
5. Loft/Commercial Building
6. Live-Work

See the Building Type Matrix attached hereto as Exhibit E for complete description of these building types.

C. Total Residential Units

Total residential units shall not exceed 1,500.

D. The following non-residential uses shall be allowed in any building except Single Family Houses, Multi-Unit Houses, and Courtyard Apartments:

1. Retail services
2. Pharmacy
3. Dry cleaners
4. Retail goods sales
5. Art, antique, furniture or electronics studio (retail, repair or fabrication)
6. Restaurant, café, deli or coffee shop (beer, wine or other alcoholic beverage on premises sales shall be allowed)
7. Coffee roasting
8. Bakery
9. Beer, wine or other alcoholic beverage on premises sales
10. Movie theater
11. Performance theater
12. Museum, philanthropic, civic or governmental institutions

13. Fraternal or other private social club (beer, wine or other alcoholic beverage on premises sales shall be allowed provided that no more than 25 percent of the total floor area of any building may be utilized for the exclusive sale of alcoholic beverages)
14. Surface parking
15. Structured parking garage provided that the frontage on the ground floor addressing the primary street is not parking
16. Hotel (beer, wine or other alcoholic beverage on premises sales shall be allowed)
17. Single-room rental bed & breakfast (beer, wine or other alcoholic beverage on premises sales shall be allowed)
18. Professional offices
19. Health services office, clinic, hospital or laboratory
20. Government/civic offices
21. Transit
22. Farmer's market, parade, cultural events (requires special use permit)
23. Home occupation
24. Church or other places of worship
25. Greenhouse (e.g. – retail nursery)
26. School (public or private, any level)
27. Studio (dance, athletic, performance, etc.)
28. Indoor showroom (wholesale or retail)
29. Drive-through services (parcels adjacent to Walnut Avenue only)

E. Similar and Prohibited Uses

Uses not specifically enumerated in the Town Creek District, but are substantially similar, may be permitted upon the approval of the Planning Director, subject to appeal to the Zoning Board of Adjustment. All other uses shall be prohibited including but not limited to the following:

1. Daily house rentals
2. Vehicular services/repair
3. Heavy manufacturing
4. Drive-through services (except parcels adjacent to Walnut Avenue)
5. Warehousing
6. Automotive & machinery repair (as primary use)
7. Automotive & machinery washes
8. Automotive rental
9. Automotive sales
10. Boat sales
11. Bulk distribution centers (provided that this shall not prohibit warehouse use that is ancillary to a permitted primary use)
12. Camper sales
13. Campgrounds
14. Donation centers
15. Eating establishment with drive-through services
16. Flea markets
17. Heavy equipment sales, rental & leasing
18. Industrial building sales
19. Kennels, manufactured home sales
20. Mini warehouses
21. Portable building sales (as a primary use)
22. Recreational vehicle parks

23. Recycling centers (provided that this prohibition shall not prevent use of temporary collection and storage bins for recyclable materials generated by a permitted use during the ordinary course of business)
24. Self-Storage
25. Shooting ranges
26. Truck service or repair
27. Truck stops
28. Wholesale nurseries (as a primary use)
29. Wrecking yards

F. Outdoor Displays

Outdoor displays for non-residential uses shall be limited to no more than 50% of the building's private frontage. Displays shall be allowed with functional restrictions within the building's public frontage (i.e., the public right-of-way) by license upon the approval of the Planning Director, subject to appeal to the Zoning Board of Adjustment.

G. Café Seating

Outdoor café seating for restaurant, café, deli or coffee shop uses shall be limited to the building's private frontage unless café seating is approved by the Planning Director within the building's public frontage (i.e., the public right-of-way), subject to appeal to the Zoning Board of Adjustment.

H. Open Spaces/Parks

Town Creek shall provide (i) no less than 9.0 acres of dedicated contiguous land for the Dry Comal Creek Trail Park within the flood plain of Dry Comal Cree. Town Creek shall dedicate to the City the land for the Dry Comal Creek Trail Park. The City shall hold and maintain that park.

Town Creek shall also provide no less than 6.5 acres total (10% of the gross site area) of the following elements: community gardens, pocket parks, greens, squares, plazas and playgrounds dispersed throughout the remainder of the neighborhood. These open spaces shall be held privately for public access, unless a written request from the City is made and accepted for a particular space to be dedicated to the City. The open spaces held privately shall be maintained either by a foundation or homeowners association, or by a Special District if created by the City for the purpose of maintaining the open space.

V. General Thoroughfare Layout

A. The Street Network

The Street layout shall be based on the Street Network attached hereto as Exhibit C. Upon request by the applicant, street locations, street cross-section type and intersection design may be modified to a reasonable extent with approval of staff and without amendment to the Concept Plan or a prior Detail Plan (if applicable), in order to (i) accommodate configuration of open space, (ii) save specimen trees, (iii) maintain the integrity and vision of the charrette plan, (iv) accommodate drainage, or (v) facilitate the design of the station area if a commuter rail transit stop is implemented adjacent to Town Creek. Additional streets shall be designed and constructed according to the street cross-sections below.

All residential and commercial buildings within Phase 3 and 4 will be required to be sprinkled if a secondary means of access is not in place at the time of construction. Potential access locations include Guenther Road, Fredericksburg Road, or Paradise Alley.

1. Guenther bridge access will be required to meet all city requirements
2. Fredericksburg and Paradise Alley must have a signed access agreement with Union Pacific Railroad and all property owners involved. Improvements to Paradise Alley to facilitate access will be the responsibility of the Town Creek Development.

B. Street Cross-Sections

The "Arterial," "Collector," and "Local" Streets allowed are delineated in the respective Street Types Cross-Sections attached hereto as Exhibit D and referenced on the Master Street Network, Exhibit C. Street types and cross-sections are established herein to facilitate an integrated set of transportation choices – driving, walking, cycling and transit, as well as to form a place bounded by building facades creating "street walls."

C. Additional Streets Not Shown on General Plan

1. Based on the concept plan, additional streets shall be located so that all streets terminate at other streets unless constrained by natural or perimeter site conditions. Cul-de-sacs shall be permitted only when warranted by natural site conditions.
2. All lots regardless of use may be served by alleys. Alleys are required for all single-family houses unless the building utilizes a pull through garage.

D. Curb Return Radii

Curb return radii shall be from 10 feet to 15 feet, unless required to be larger due to public safety considerations as determined by the City Engineer for a specific location; in which case, the radius shall not exceed 25 feet.

VI. Development Standards

A. General

1. Walkability

In order to facilitate walkability and livability, all streets (excluding alleys) shall provide accessible sidewalks with "street" trees or adjacent trails, and carefully designed civic spaces such as greens, squares, plazas and trails shall be integrated within the neighborhood. Sidewalks shall have a minimum width as shown in the Street Cross Sections, Exhibit D. Furthermore, pedestrian bulbouts shall be allowed at all intersections if the bulb does not interfere with required turn lanes.

2. Subdivision Standards

The Town Creek PD shall establish the street network, street cross-section, and intersection design criteria as well as lot standards for subdivision platting within the PD area.

3. PD Standards Supersede

If conflicts arise with the New Braunfels Code of Ordinances for zoning, subdivision or other development standards, the Town Creek PD shall control unless stated otherwise herein.

B. Transect Standards and Building Types

1. The Building Types allowed are delineated in the Building Type Matrix attached hereto as Exhibit E. The development standards not contained in the Building Type Matrix are established in the Transect Matrix attached hereto as Exhibit F, including those standards for primarily non-residential buildings. The Building Type Matrix, Exhibits E, and the Transect Matrix, Exhibit F, shall be used in conjunction with the Transect Map, Exhibit B.
2. Buildings intended for all non-residential use, located T5 and T6 Zones, may be constructed with zero side and rear yards and such that the side yard requirement shall adhere to the particular build-to-line established for the street facing the side.

C. Parking Standards

1. Off-Street Parking Requirements

a. Residential

The Building Type Matrix attached hereto as Exhibit E establishes the off-street parking requirements for residential uses.

b. Non-Residential

Off-street parking requirements for all non-residential uses shall be no less than 1 space per 500 square feet of gross office or retail floor space in the T6 Zone and no less than 1 space per 333 square feet of gross office or retail floor space in all other T-Zones.

2. Off-Street Parking Location

- a. Off-street parking for uses on lots with the T4, T5, and T6 Zones shall not be located between the front of the building and the public right-of-way, except along Walnut Avenue.
- b. In the T5 and T6 Zones, surface parking lots located on the side of a building shall be configured such that the side of the parking bays closest to the street shall be screened by a wall or landscaped ornamental metal fence no less than 3 feet and no more than 4.5 feet in height or in accordance with existing ordinances.

3. On-Street Parking

As on-street parking promotes walkable mixed-use neighborhoods, including entertainment, retail, restaurants and live-work housing, subject to public safety considerations for a particular location, on-street parking shall be allowed as shown on the Street Cross Sections, Exhibit D, and will not be allowed within alleys.

4. Promotion of Neighborhood Business – Entertainment, Retail and Restaurant Uses

The number of off-street parking spaces required for neighborhood businesses, including retail services, retail goods sales; pharmacies; dry cleaners; art, antique, furniture or electronic studios (retail, repair or fabrication); restaurants, cafes, delis or coffee shops; and retail bakeries shall be waived for the first 1000 square feet of gross use space in all buildings.

5. Promotion of Live-Work

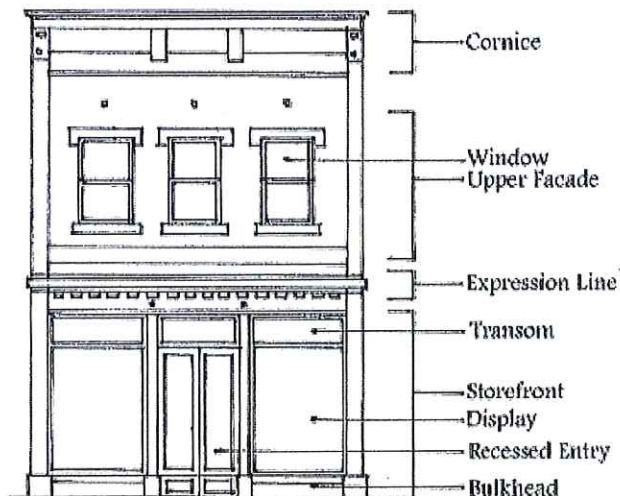
For all non-residential uses allowed, the first 500 square feet of gross use space shall be exempt from off-street parking requirements in Live-Work Units.

6. Shared Parking

Off-street parking requirements for uses permitted in the Town Creek Planned District may be reduced or waived subject to a shared parking agreement or a coordinated parking plan in accordance with the ULI Protocol, or any other accepted industry standard, and as approved by the Planning Director, subject to appeal to the Zoning Board of Adjustment.

D. Architectural Standards

1. Except for detached single family houses, an expression line shall delineate divisions between floors of all buildings, and a cornice shall delineate the tops of facades that do not utilize a pitched roof, for retail storefronts, a transom, display window area and bulkhead at the base shall be utilized.
2. Rooftop mechanical equipment shall be screened by a parapet, or by a screen on pitched roofs.



3. Ground floor retail building plate heights shall be at least 12 feet in height except for live-work units.
4. Windows shall be oriented vertically, windows on single family or town house residential buildings shall also utilize surrounds or shutters, as well as mullions between grouped windows.
5. Columns and piers visible from the street shall be spaced no farther apart than they are tall, unless approved in writing by the Town Creek Architectural Control Committee.
6. Transparency: Each floor of any building façade, except for houses, facing a park, plaza or street shall contain transparent windows covering from 15 percent of the façade area. In order to provide clear views of merchandise and to provide natural surveillance of exterior street spaces, the street-level floor along streets in T5 and T6 zones shall have transparent windows covering no less than 25% of the façade area.
7. Permitted finishes for commercial or mixed use buildings – At least 80% of the exterior of all new buildings (excluding doors and windows) shall be finished in one or more of the following materials:
 - a. Brick, stone, cast stone, rock, marble, granite, glass block, tile or stucco
 - b. Exterior Insulating Finishing System (EIFS) as an accent (abuse resistant EIFS shall be utilized below 8 feet above grade)
 - c. Cementitious-fiber siding (no visible seams) with at least a 50-year warranty
 - d. Split face concrete block, poured-in-place concrete, and tilt-wall concrete (only adjacent to Walnut Street). Any use of concrete products shall have an integrated color and be textured or patterned. Tilt-wall concrete structures shall include reveals, punch-outs, or other similar surface characteristics to enhance the façade on at least 25 percent of each façade.
8. The following permitted finishes for residential buildings and live/work units shall be allowed: Cementitious-fiber siding (no visible seams); corrugated metal; brick; stone; man-made stone and stucco. The following shall be allowed up to 30% as an accent material: wood, Exterior Insulated Finishing System (EIFS) (abuse resistant EIFS below 8 feet above grade) or similar material over a cementitious base, rock, glass block and tile.
9. Architectural elements, including porches, roof overhangs, verandas, stoops, bay windows, window shutters, balconies, masonry clad chimneys, picket fences or other decorative non-opaque front-yard fence, attached pergolas or colonnades. On single-family residences, porches and at least two additional elements from the preceding list shall be utilized. Balconies, verandas and roof overhangs may encroach beyond the build-to-line into the public sidewalk, provided the encroachment is less than 9 feet, and any support columns do not come within 4 feet of the curb or otherwise obstruct the view of drivers. Balconies, verandas, and roof overhangs shall provide at least 8 feet of clearance and shall not protrude over paved roadway. Single-family houses on corner lots shall have porches facing onto both street sides, whether two separate porches or wrap-around porch. Encroachment into the "build to" line where the permanent building structure, as specified above, can extend into the UE will be allowed with Town Creek Phases 1 and 2 if coordinated with NBU, but will not be allowed in subsequent phases.
10. Plate Heights for single-family residential homes shall be no less than 10 feet for the first floor and 9 feet for the second or higher floors.
11. All garage doors facing the street shall be divided into single bays separated by at least an 18-inch column.
12. All buildings shall be designed such that no mechanical equipment (HVAC, etc.), except vents or stacks, is visible from the public right-of-way or open space, whether the equipment is located on the ground, exterior walls or the roof.

E. Landscape

1. General

- a. The landscape will complement the urban design and architecture in defining the character of Town Creek. The functional role of the landscape is to identify and define

view corridors and sightlines, major open spaces, pedestrian movement patterns and gathering spaces; to create and control microclimates and reduce energy consumption; to screen unsightly features; and to help provide an appropriate sense of scale for all phases of the built environment. The ecological role of the landscape is to ensure the seamless integration of the built environment into the natural environment, while minimizing impacts of development on the local ecosystem.

2. Trees

- a. Landscapes shall emphasize large shade tree canopy coverage, particularly in open spaces and pedestrian walks and gathering spaces such as plazas and exterior courtyards. Year-round visual interest shall be attained through the use of approved species per the Preferred Plant Pallet, Exhibit G.
- b. Trees shall be planted in a continuous strip adjacent to all public streets, spaced approximately 30 feet on center in order to create a full canopy effect at mature height. Trees shall either be planted in a green space strip no less than 5 feet in width or within an irrigated tree grate consistent with the architectural character of the campus or adjacent development. Street trees shall be located no closer than 3 feet from the back of curb. Root containment technology, as approved by the City Engineer, shall be used if the species and location poses a potential hazard to curb and sidewalk infrastructure.
- c. Trees shall be planted in a continuous pattern where feasible within all street medians.
- d. All trees shall be selected from the tree list contained in Exhibit G attached hereto.

3. Shrubs and Other Plants

- a. Shrubs shall be selected from the plant list contained in Exhibit G attached hereto.

4. Beds and Turf

- a. The use of St. Augustine turf grass shall not be permitted.
- b. Grasses and turf shall be selected from Exhibit G attached hereto.

5. Buffers and Screening

- a. Trash and dumpster screening shall be provided in accordance with Section 191.7.B of the New Braunfels Code of Ordinances.
- b. Residential Buffer between multi-family or non-residential development and single or two family development, per Section 191.7.A.5 of the New Braunfels Code of Ordinances, does not apply to the Town Creek Planned Development because adequate buffers are already accounted for in the design and added buffers would degrade the mixed-use, walkable aspects of the project.

6. Maintenance

- a. Landscapes maintenance shall be in accordance with Section 191.9 of the New Braunfels Code of Ordinances.

7. Parking

- a. A minimum of 15 square feet of landscaping per surface parking space, including tree islands, shall be provided within the paved boundaries of a surface parking lot.
- b. Any portion of each surface parking space shall be located within 60 feet of the trunk of a tree, and pavement shall not be allowed within 3 feet of the trunk of trees.
- c. The landscaped areas shall be protected by raised curbs except where wheel stops are utilized at the front of parking spaces along a landscaped median between parking bays.
- d. Landscaped islands of a minimum of 8 feet in width and extending the entire length of the parking stall shall be located at the terminus of all rows of surface parking and shall contain at least one tree consistent with Exhibit G.
- e. The requirements in this section shall be waived for structured parking and for temporary (less than one year) parking lots in undeveloped areas of the Town Creek Planned Development area.

F. Signage

1. One address number shall be attached to the building in proximity to the principal entrance or at a mailbox according to city specifications.

2. One blade sign for each business may be permanently installed perpendicular to the façade and may extend over the sidewalk with 8 feet of clearance. Such a sign shall not exceed a total of 6 square feet.
3. Signage may be lit externally only with full-spectrum source.
4. Business signs attached to buildings may be a maximum of 4'x8'. The signs may be lighted, and neon is permitted or signs within shop front windows.
5. Pole signs shall not be allowed.
6. Group signs for 2-10 businesses shall be allowed upon approval of the Planning Director, subject to appeal to the Zoning Board of Adjustment. The size of such signs shall be a maximum of 6 feet in height and 60 square feet.
7. Monument signs shall be allowed at Walnut Street, Academy Street and Fredericksburg Street at the perimeter of the district, and shall not exceed 6 feet in height and 60 square feet.
8. Block 2 and Block 6 shall allow blade signs up to 64 square feet in size.

VII. Definitions

Accessory or Ancillary Building

A building that is a separate 400 to 800 square foot dwelling unit connected to the garage with cooking facilities and bathroom, but shall not require a separate water meter or additional off street parking; or a building that serves for recreation, utilities or maintenance support in a park or civic space

Blade Sign

Tenant identification sign that uses letterforms, logo, and /or graphic elements, projects at right angle from the face of the building, is located on a pier adjacent to the transom windows, and has a maximum height equal to the height of the transom windows. Blade signs can be aluminum, stainless steel, painted wood, sandblasted glass, or translucent acrylic. A blade sign identifies a tenant on a pedestrian level.

Build -to -Line

The line to which the primary building shall be constructed as opposed to a set -back line; the build -to -line is established on the applicable street type cross - section and may have a range such as " 10 to 15 feet" from the right -of -way line. A side of a building on a corner lot may encroach the build -to -line.

Full Spectrum Source

Incandescent or fluorescent lights that emit white light, as opposed to another color.

Home Occupation

A residential unit providing for a combination of uses in which home occupation activity can occur. The occupation function shall be incidental to the primary function of the building as residence. No person outside the residence may be employed unless the residence is a Live -Work unit. There shall be no exterior display, no exterior storage of materials and no other variation from the residential character of the principal building, unless the residential unit is a Live -Work Unit

Live Work Lot

Lots in T5 or T6, of the size required by the Building Type Matrix, and as specified by the owner at time of building permit.

Live Work Unit

A unit on a Live Work Lot. One upstairs residential unit and one street -level commercial unit required on each lot. Additional units on the lot may be residential or commercial, and separate entrances shall be

provided for the residential and commercial components. The maximum number of units allowed on a lot is determined by the Transect Matrix Exhibit F.

Loft

A dwelling unit contained in an office, retail or other commercial building with interior entrances into the living units or common interior or exterior corridor entrances.

Off Street Parking

A requirement for parking a vehicle in a space not within the public right-of-way, and which can be satisfied with or without a covered parking space.

Pergola

An arbor or passageway of columns supporting a roof of trelliswork on which climbing plants are trained to grow.

Plate Height

The height of the horizontal member capping exterior wall studs, as measured at the bottom of the horizontal member.

Pull Through Garage

A garage set back behind a house that is either a separate structure or connected by breezeway, accessory building or ancillary building, and which is accessed by a driveway from the front address.

Raised Basement

A building level whose floor level is partly below grade, but which is much higher than usual so that its ceiling is well above ground level.

Stacked Townhouse

A townhouse with an additional living unit above.

Story

A constructed horizontal division of a building providing habitable space or structured parking. Attics (including improved attics with slanted ceilings), rooftop decks, rooftop solariums, and raised basements are not considered stories for the purposes of determining building height based on stories.

Surround

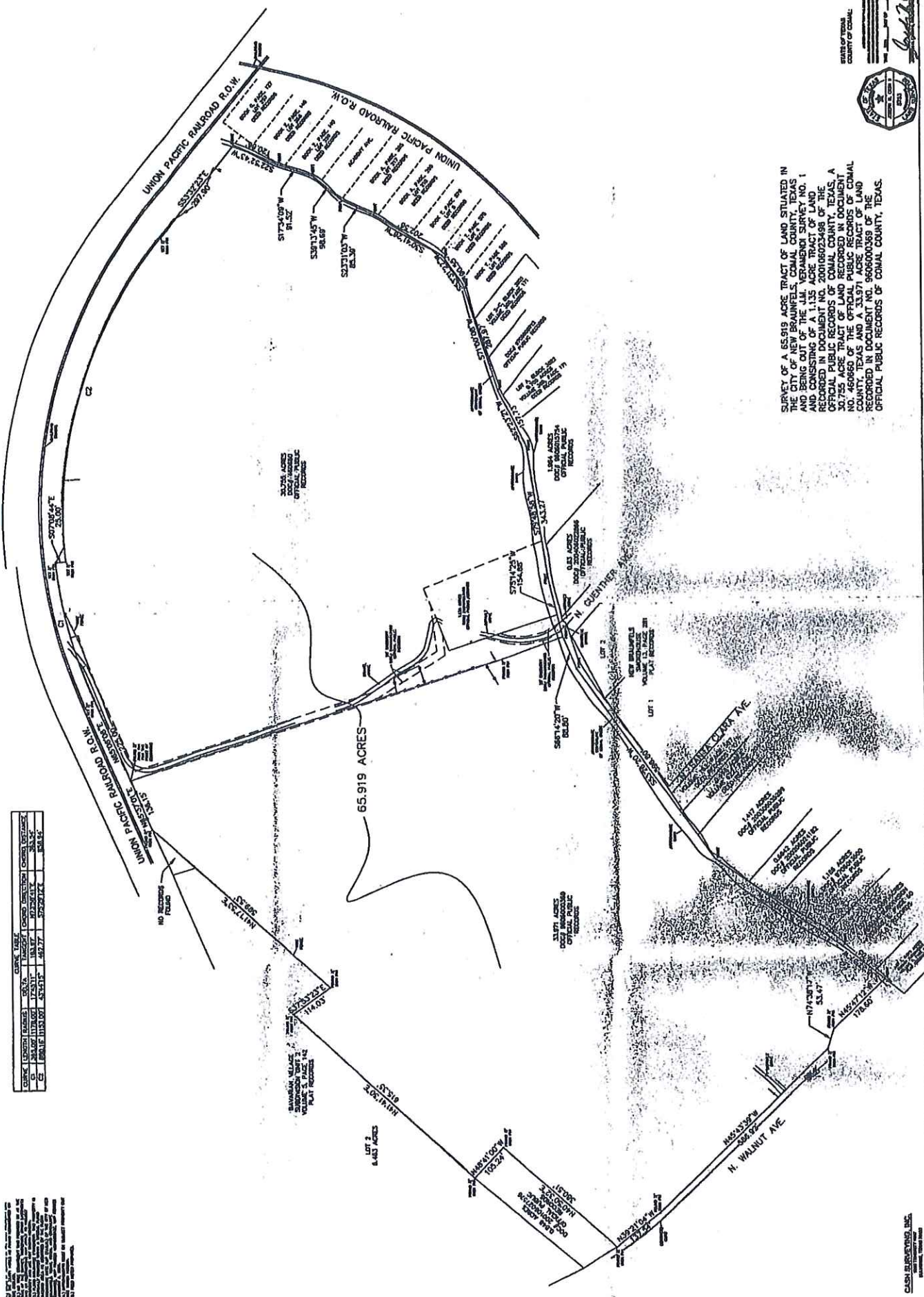
A continuous concrete, wooden, brick, or stone border around a window, door or other opening that is designed to complement the style of the building.

Townhouse

A single-family house of two or more stories that is connected to a similar house by a common

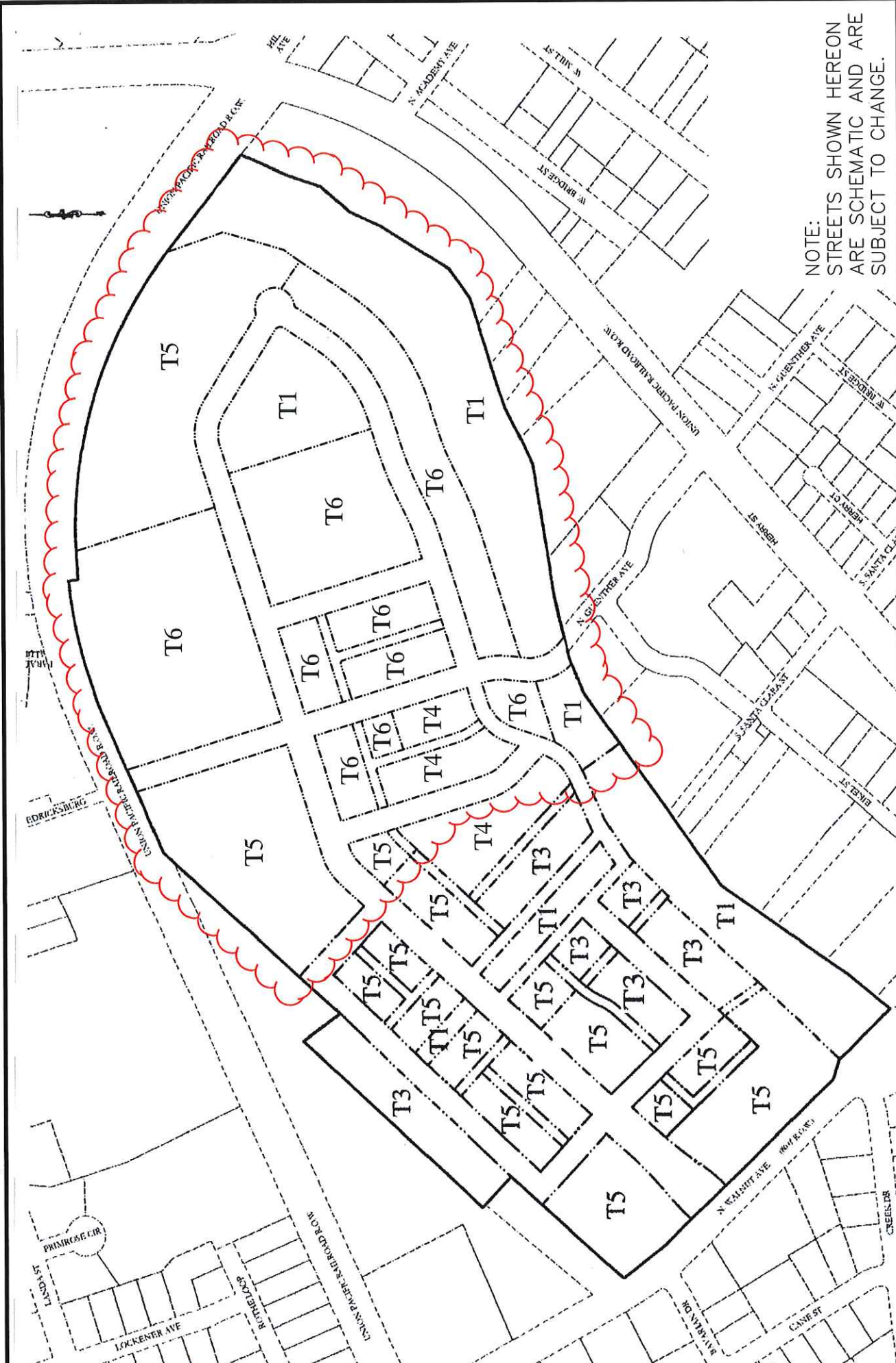
Unit

A residential unit



SURVEY OF A 65.919 ACRE TRACT OF LAND SITUATED IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, AND BEING OUT OF THE J.M. VERAMENDO SURVEY, NOS. 1 AND 2, BEING PART OF A 1.135 ACRE TRACT OF LAND RECORDED IN DOCUMENT NO. 200108623498 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS. A 30.735 ACRE TRACT OF LAND RECORDED IN DOCUMENT NO. 96960003359 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, AND A 35.179 ACRE TRACT OF LAND RECORDED IN DOCUMENT NO. 96960003359 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS.

CASH SURVEYING, INC.
800 THURSTON WAY
PALMER, TEXAS 76063



NOTE:
STREETS SHOWN HEREON
ARE SCHEMATIC AND ARE
SUBJECT TO CHANGE.

NOT TO SCALE

REVISED: FEB 21, 2017

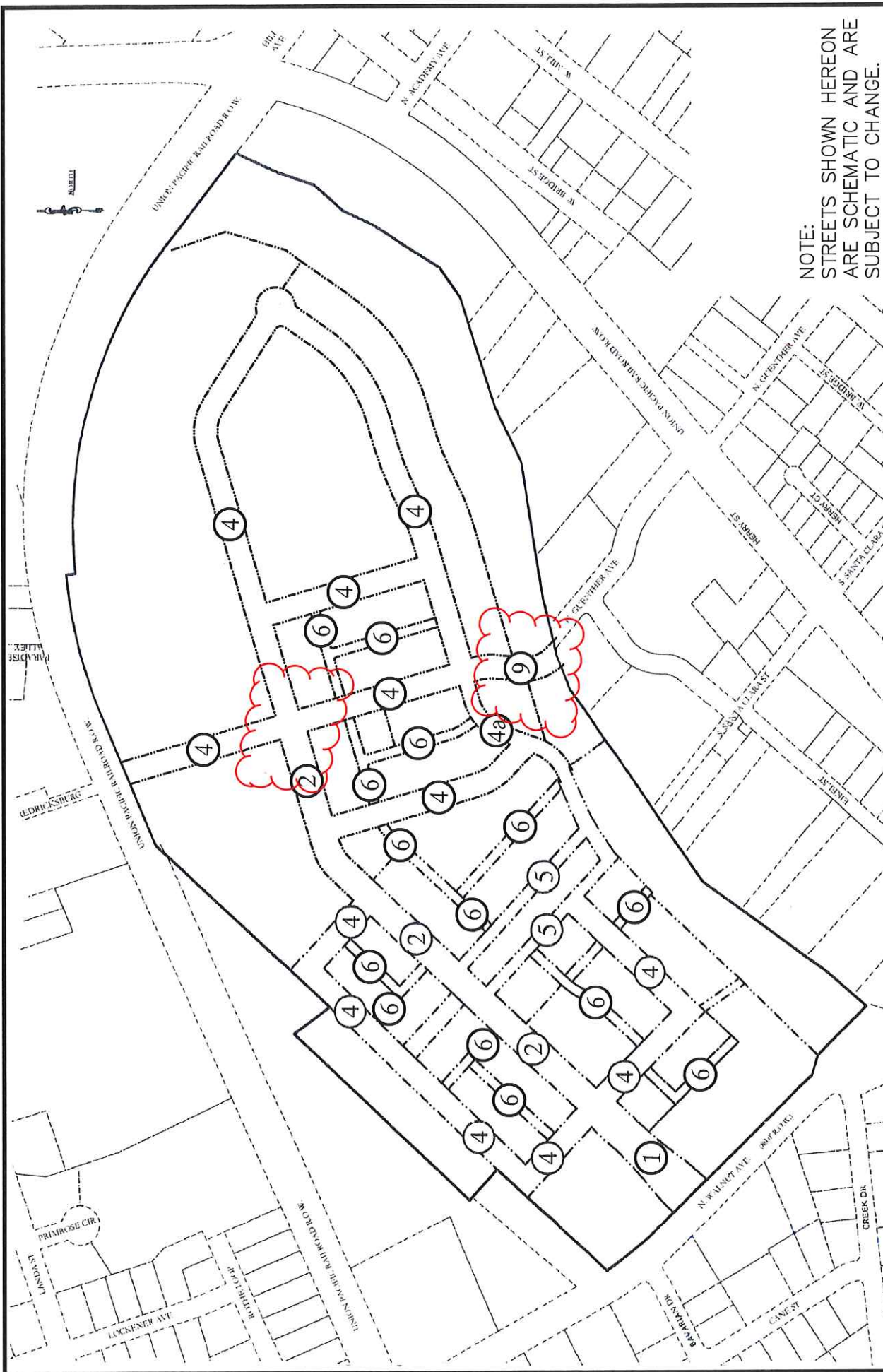
SHT: 1 OF 1

410 N. SEQUIN AVE.
NEW BRAUNFELS,
TEXAS, 78130
PH: (830)625-8555
FAX: (830)625-8556
WWW.HMTNB.COM
TBPE FIRM F-10961



EXHIBIT B TRANSECT MAP (AMENDED)





NOT TO SCALE

REVISED: FEB 21, 2017
REVISED: APR 27, 2017

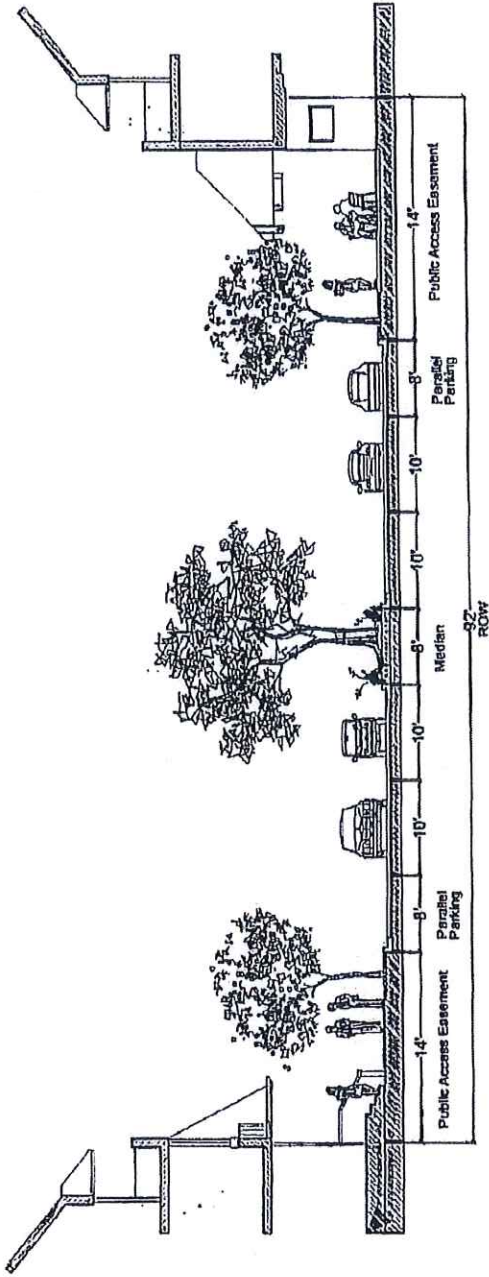
SHT: 1 OF 1

410 N. SEGUIN AVE.
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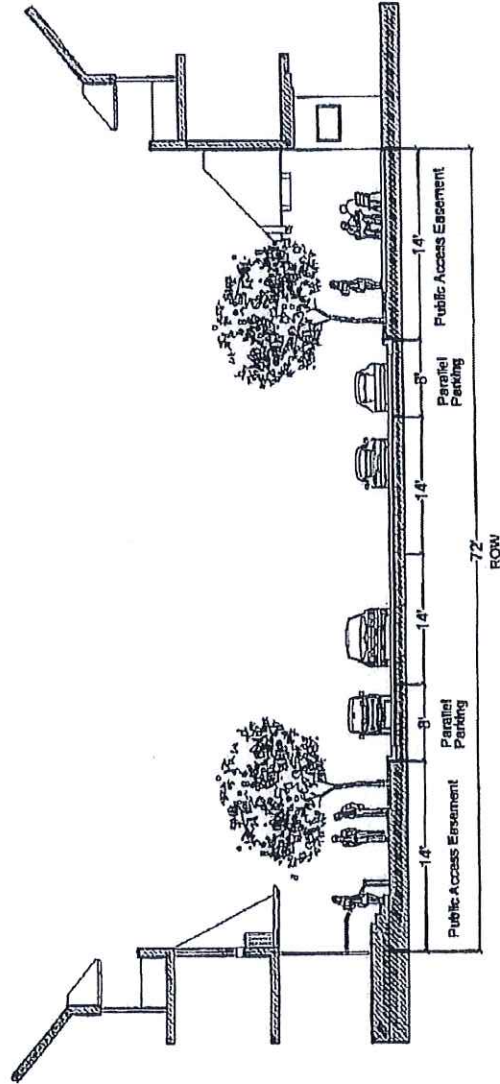


EXHIBIT C
MASTER STREET
NETWORK
(AMENDED)

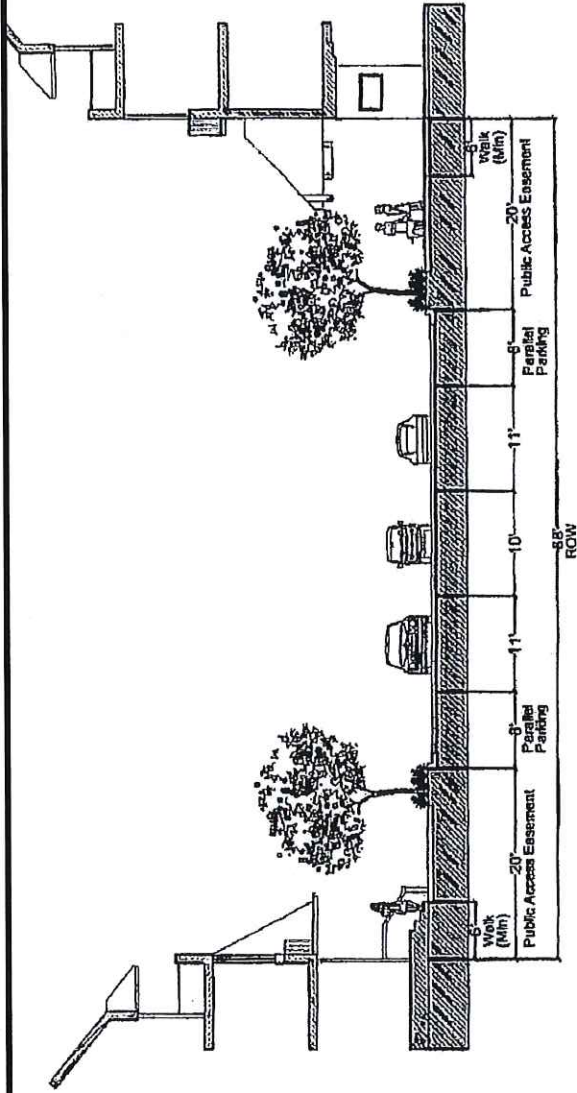




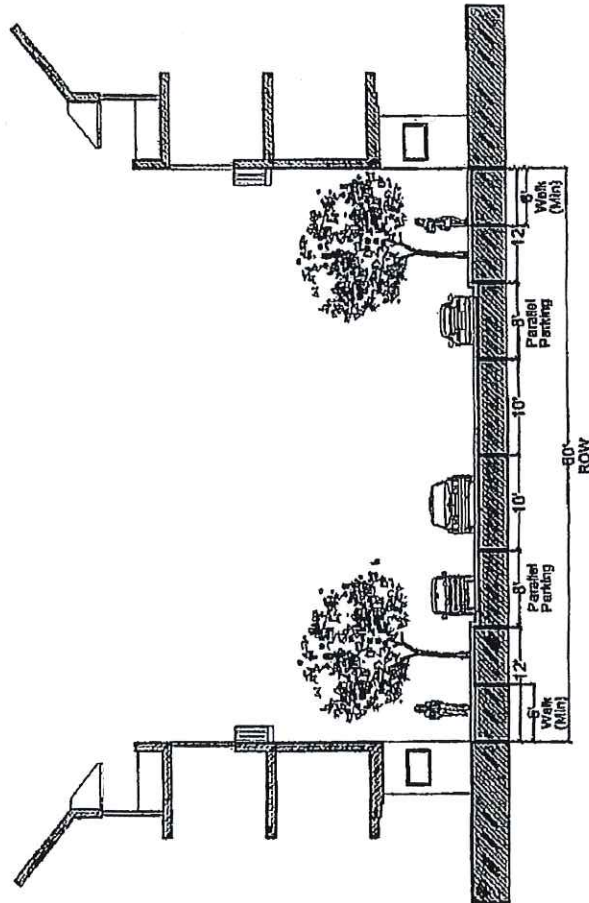
① Boulevard (Commercial Collector)



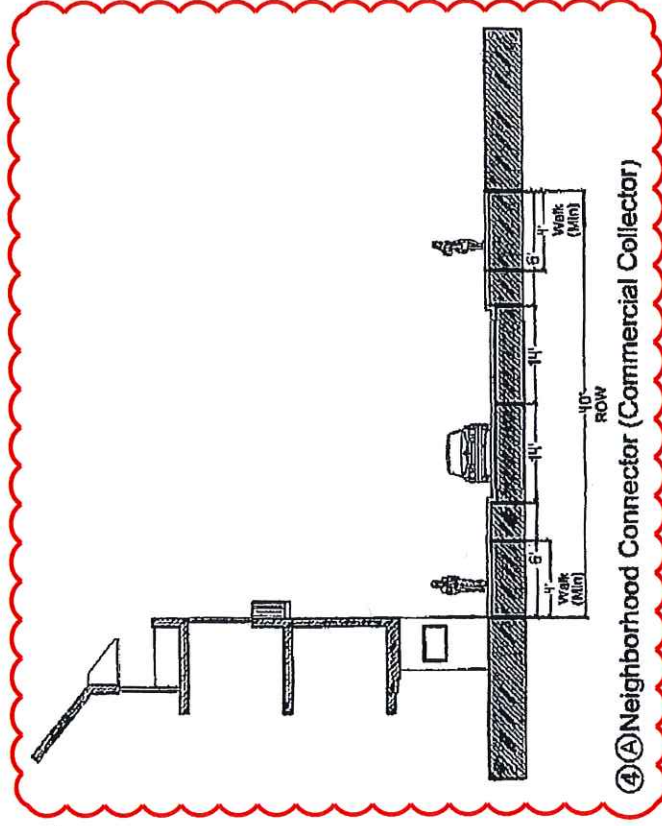
② Boulevard (Commercial Collector)



③ Town Center Streets (Commercial Collector)



④ Neighborhood Connector (Commercial Collector)



④ Neighborhood Connector (Commercial Collector)

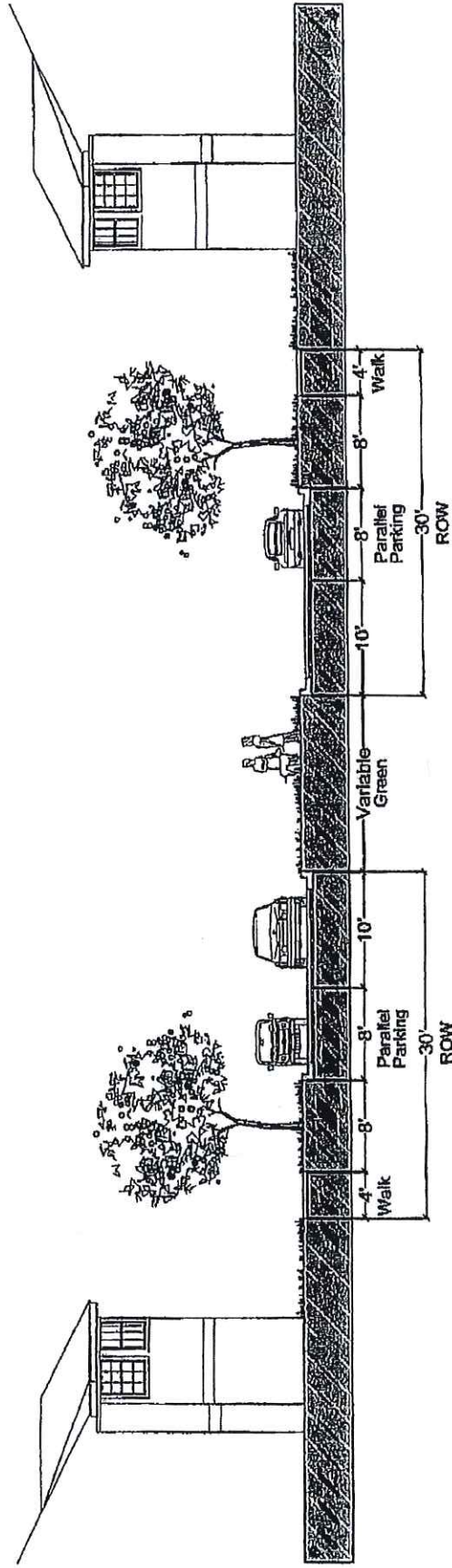
NOT TO SCALE
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SHT: 2 OF 4

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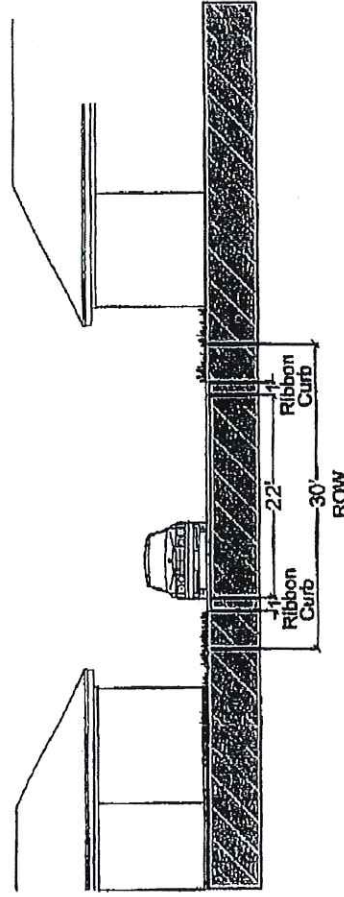


EXHIBIT D
STREET CROSS
SECTIONS
(AMENDED)





⑤ Lane (One Way Paired)



⑥ Alley (Alley - Residential)

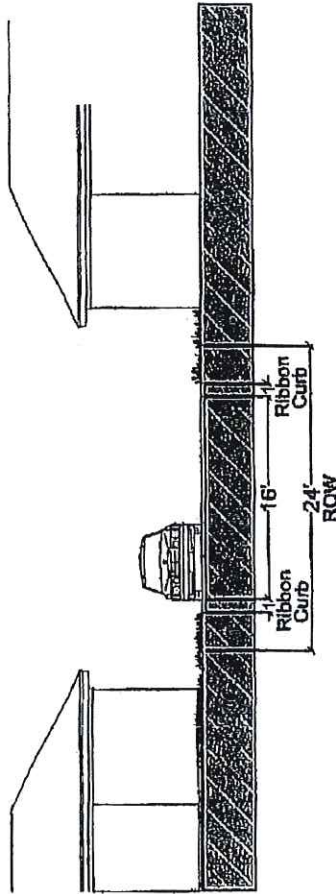
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 SHT: 3 OF 4

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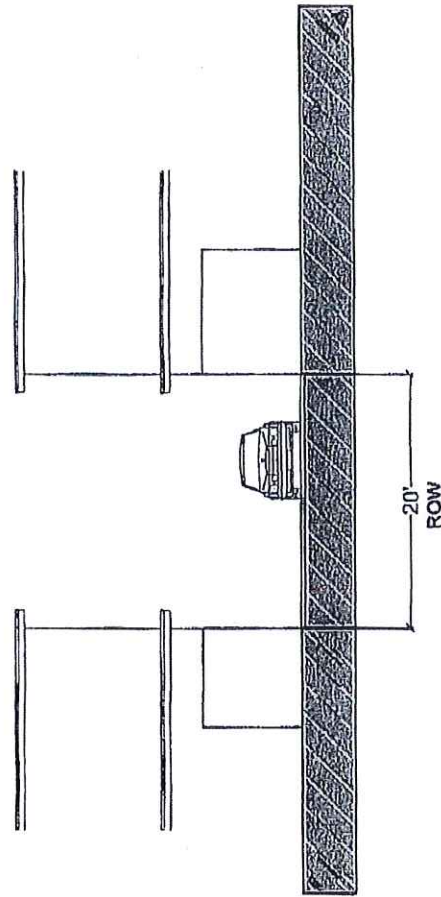


EXHIBIT D
 STREET CROSS
 SECTIONS
 (AMENDED)

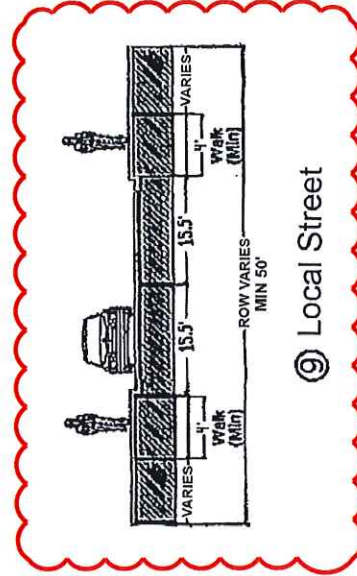




⑦ Alley (Alley - Residential)



⑧ Alley (Alley - Commercial)



⑨ Local Street

NOT TO SCALE
 REVISED: APR 18, 2017
 SHT: 4 OF 4



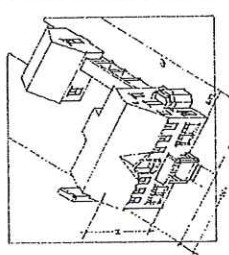
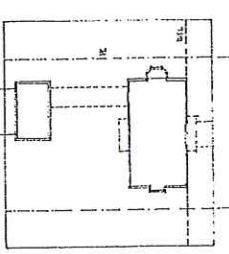
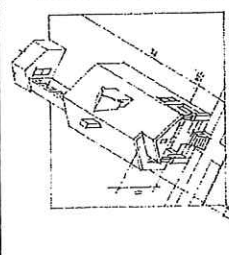
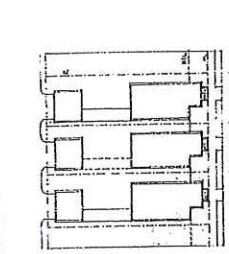
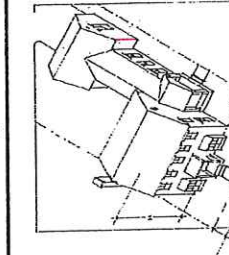
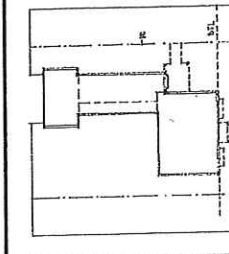
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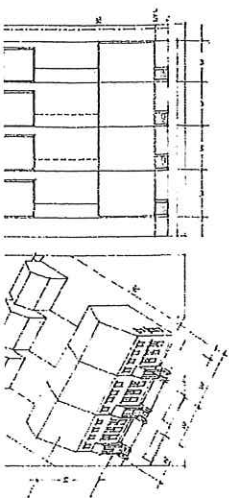
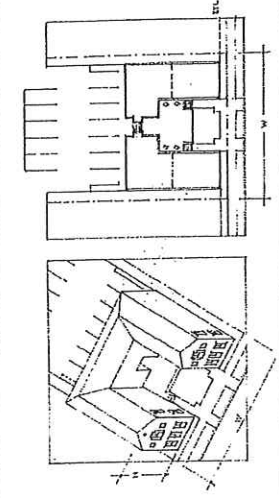
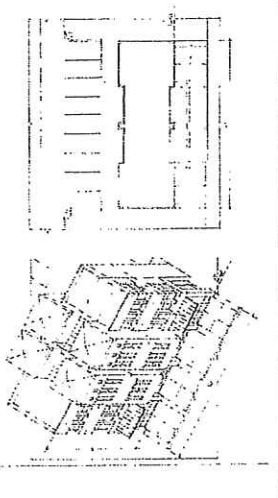
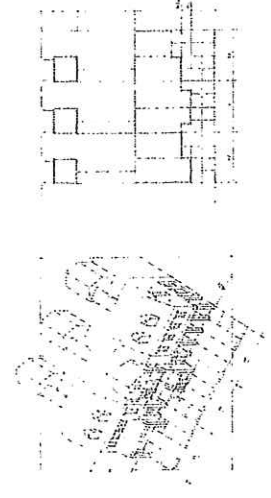
EXHIBIT D
 STREET CROSS
 SECTIONS
 (AMENDED)



Exhibit E

Building Types Town Creek PD

Types	Lot Width Minimum (W)	Lot Depth Minimum (D)	Build-to Line (BTL)	Minimum Side Yard (1)	Minimum Rear Yard	Minimum Lot Area	Allowed Transect Zones	Covered Parking (2)	Off Street Parking Spaces Minimum Per Dwelling Unit	Accessory Building	Prototypical Building Configurations
Large House	60'+	100'		5'	5'	6000'	T3	R	2	A (3)(4)	
Medium House	50'-59'	90'		5'	5'	4500'	T3, T4	R	2	A (3)(4)	
Small House	40'-49'	80'		0-8' (6)	5'	3200'	T3, T4, T5, T6	R	2	A (3)(4)	
Cottage	20'-39'	80'		0-6' (6)	0'	1600'	T3, T4, T5, T6	R	2	A (3)(4)	
Multi-Unit House (7)	60'-100'	100'		5'	5'	6000'	T4, T5, T6	A	1.5	A (4)	
Townhouse or Stacked Townhouse	20'-30'	80'	See Transect Matrix (Exhibit F) for Build-to Line	0'	0'	1600'	T4, T5, T6	R	2	A (4)	

Townhouse or Stacked Townhouse	20'-30'	80'	See Transact Matrix (Exhibit F) for Build-to Line Standards	0'	0'	1600'	T4, T5, T6	R	2	A ⁽⁴⁾	
Courtyard Apartment ⁽⁸⁾	100'	100'		0'	0'	10,000'	T4, T5	A	1	N	
Loft/Commercial Building ^{(9) (10)}	100'	100'		0'	0'	10,000'	T5, T6	A	1	N	
Live-Work ⁽¹¹⁾	20'-30'	80'		0'	0'	1600'	T5, T6	A	1	A ⁽⁴⁾	

A - Allowed N - Not Allowed R - Required

Explanatory Regulations:

- (1) For attached buildings, side yard minimum requirement shall apply to exterior side of corner lots only; for side of buildings on corner lots, the side yard requirement may adhere to the particular build-to-line established for the street facing the side.
- (2) An enclosed garage or a carport shall be constructed of same material as main residential structure. Rear-loaded garages may be attached at side property line. Carports shall not be allowed for front-loaded parking.
- "Pull-through" garages shall be allowed if the front façade of the garage is set back behind the rear façade of the house. Covered breezeways connecting the garage and the house shall be allowed.
- with only up to 150 square feet constructed to enable air-conditioned space.
- (3) Accessory units above the garage shall be required for all single family houses on corner lots.
- (4) Accessory unit is a separate 400 to 800 square foot dwelling unit connected to or above the garage with cooking facilities and bathroom; but shall not require a separate water meter or additional off street parking.
- (5) Side yard 4', but it can be shifted up to 0' if the total distance between buildings is at least 8'.
- (6) Side yard 3', but it can be shifted up to 0' if the total distance between buildings is at least 6'.
- (7) 2 to 6 units shall be allowed; the design of the building shall make the multi-unit structure appear as a large single-family house.
- (8) Courtyard(s) shall face street and provide at least 100 square feet of courtyard space per unit.
- (9) All Non-residential Uses shall be allowed on any floor.
- (10) Structured Parking shall be allowed within the building if enclosed on at least 3 sides on the ground floor.
- (11) Non-residential uses allowed on ground floor level with separate outside entrances for residential and non-residential uses.

Town Creek Transect Zoning

T-Zone:	T1	T3	T4	T5	T6
Standard:	Green Space	Residential	Residential	Vertical mixed use	Vertical mixed use
Build-to-Line	n/a	10 to 30 feet	5 to 20 feet	0 to 15 feet	0 to 15 feet
Building Height	1 story max for ancillary buildings	2 story (max.)	1 to 3 stories	2 (min.) to 4 (max.)	2 (min.) to 5 (max.)
Maximum Floor to Area Ratio (non-res.)	n/a	1.5	3.0	4.0	5.0
Maximum Lot Coverage	n/a	70%	80%	100%	100%
Parking -- Minimum Off-Street per 1000 sq. ft (non-res.)	n/a	3.0	3.0	3.0	2.0
Maximum Residential Density per acre	n/a	20 units	30 units	40 units	60 units

ALLOWED USES IN TOWN CREEK

The permitted uses within Town Creek were chosen for their neighborhood and pedestrian-friendly character. Here are the permitted uses within Town Creek:

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. retail services 2. pharmacy 3. dry cleaners 4. retail goods sales 5. art, antique, furniture or electronics studio (retail) 6. restaurant, café, deli or coffee shop 7. coffee roasting 8. bakery 9. beer, wine or other alcoholic beverage on premises sales 10. movie theater 11. performance theater 12. museum, philanthropic, civic or governmental institutions 13. fraternal or other private social club | <ol style="list-style-type: none"> 14. surface parking 15. structured parking garage 16. hotel 17. single-room rental bed & breakfast 18. professional offices 19. health services office, clinic, hospital or laboratory 20. government/civic offices 21. transit 22. farmer's market, cultural events (special permit) 23. home occupation 24. church or other places of worship 25. greenhouse (e.g. -- retail nursery) 26. school (public or private, any level) 27. studio (dance, athletic, performance, etc.) |
|---|--|

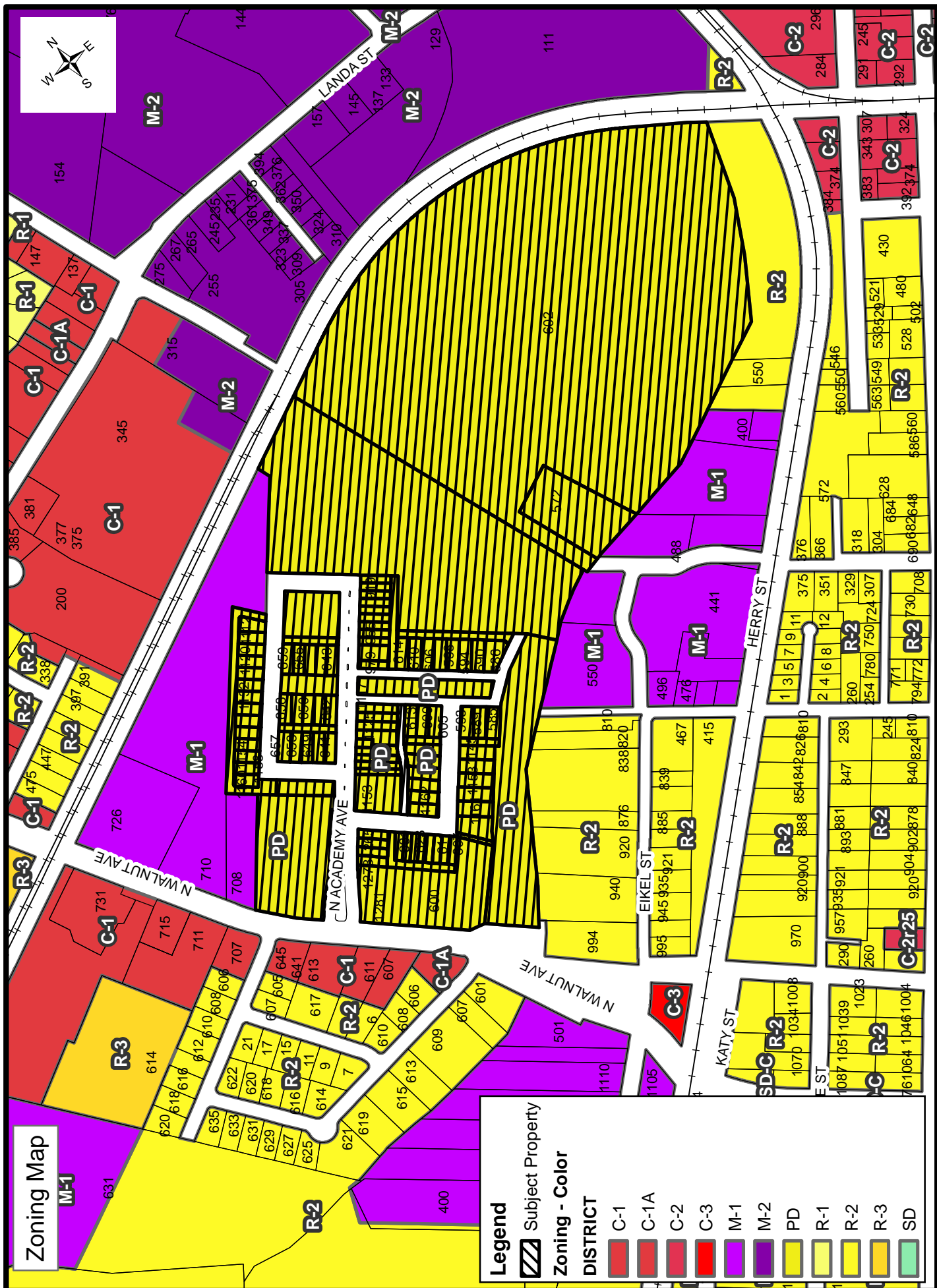
Town Creek New Braunfels, Texas**EXHIBIT G – Preferred Plant Pallet**

		T1	T2	T3	T4	T5	T6	Street
Shade Trees:								
Bigtooth Maple	<i>Acer grandidentatum</i>		x	x	x	x	x	x
River Birch	<i>Betula nigra</i>	x	x	x	x			x
Osage Orange	<i>Bois d'arc</i>		x	x	x	x		
Pecan	<i>Carya illinoensis</i>	x	x	x	x			
Texas Ash	<i>Fraxinus texensis</i>	x	x	x	x	x		
Arizona Walnut	<i>Juglans major</i>	x	x	x	x			
Black Walnut	<i>Juglans nigra</i>	x	x	x	x			
Magnolia	<i>Magnolia grandiflora</i>	x	x	x	x	x		
Texas Pistache	<i>Pistacia texana</i>	x	x	x	x			
Texas Sycamore	<i>Platanus occidentalis</i>		x	x	x	x		
Cottonwood	<i>Populus deltoides</i>	x	x	x				
Candy's Oak	<i>Quercas canbyi</i>							
Burr Oak	<i>Quercas macrocarpa</i>	x	x	x	x	x	x	x
Chinquapin Oak	<i>Quercas muhlenbergii</i>	x	x	x	x	x	x	x
Mexican White Oak	<i>Quercas polymorpha</i>	x	x	x	x	x	x	x
Shin Oak	<i>Quercas mohriana</i>	x	x	x	x	x		
Shumard Red Oak	<i>Quercas shumardii</i>			x	x			
Texas Red Oak	<i>Quercas texana</i>			x	x			
Live Oak	<i>Quercas virginiana</i>			x	x	x	x	x
Western Soapberry	<i>Sapindus drummondii</i>				x	x	x	
Montezuma Cypress	<i>Taxodium mucronatum</i>	x	x	x				
American Elm	<i>Ulmus americana</i>	x	x	x	x	x	x	x
Cedar Elm	<i>Ulmus crassifolia</i>	x	x	x	x	x	x	x
Lacebark Elm	<i>Ulmus parvifolia</i>		x	x	x	x	x	x
Drake Elm	<i>Ulmus parvifolia "Drake"</i>			x	x	x	x	x
Lacey Oak	<i>Quercas glaucooides</i>	x	x	x	x	x	x	x
Bald Cypress	<i>Taxodium distichum</i>	x	x	x	x			
Ornamental Trees:								
Guajillo	<i>Acacia berlandieri</i>	x	x	x	x			
Roemer's Acacia	<i>Acacia roemeriana</i>	x	x	x	x			
Wright Acacia	<i>Acacia wrightii</i>	x	x	x	x			
Texas Madrone	<i>Arbutulus xalapensis</i>	x	x	x				
Anacacho Orchid Tree	<i>Bauhinia congesta</i>	x	x	x				
Paloverde Tree	<i>Cercidium macrum</i>	x	x					
Texas Redbud	<i>Cercis canadensis 'texana'</i>	x	x	x	x	x	x	x
Desert Willow	<i>Chilopsis linearis</i>	x	x	x	x	x	x	x
Condalia	<i>Condalia hookeri</i>	x	x	x	x			
Smoke Tree	<i>Gontinus obovatus</i>	x	x	x	x			
Wild Olive	<i>Cordia boissieri</i>	x	x	x	x			
Roughleaf Dogwood	<i>Cornus drummondii</i>		x	x	x	x	x	x
American Smoketree	<i>Cotinius obovatus</i>	x	x	x				
Texas Persimmon	<i>Diospyros texana</i>	x	x	x				
Sandpaper Tree	<i>Ehretia anacua</i>	x	x	x				
Kidneywood	<i>Eysenhardtia texana</i>	x	x	x	x			

Soapbush	<i>Guajacum angustifolium</i>	x	x	x				
Witch Hazel	<i>Hamamelis virginiana</i>	x	x	x				
Possumhaw Holly	<i>Ilex decidua</i>	x	x	x	x	x	x	
Yaupon Holly	<i>Ilex vomitoria</i>	x	x	x	x	x	x	
Little Texas Walnut	<i>Juglans microcarpa</i>	x	x	x				
Coyotillo	<i>Karwinskia humboldtiana</i>	x	x	x				
Crepe Myrtle	<i>Lagerstroemia indica</i>		x	x	x	x	x	x
Golden Leadball Tree	<i>Leucaena retusa</i>	x	x	x	x	x		
Blanco Crabapple	<i>Malus ioensis</i> var. <i>texana</i>	x	x	x	x	x	x	
Wax Myrtle	<i>Myrica cerifera</i>		x	x	x	x	x	x
Arroyo Sweetwood	<i>Myrospermum sousanum</i>	x	x	x	x			
Retama	<i>Parkinsonia aculeate</i>	x	x					
Cherry Laurel	<i>Prunus caroliniana</i>		x	x	x	x	x	
Mexican Plum	<i>Prunus mexicana</i>	x	x	x	x	x	x	x
Chokeberry	<i>Prunus virginiana</i>	x	x	x				
Carolina Buckthorn	<i>Rhamnus Carolinian</i>	x	x	x	x	x		
Lanceleaf Sumac	<i>Rhus lanceolata</i>	x	x	x	x			
Evergreen Sumac	<i>Rhus virens</i>	x	x	x				
Weeping Willow	<i>Salix babylonica</i> *			x	x	x		
Eve's Necklace	<i>Sophora affinis</i>	x	x	x	x	x	x	
Texas Mountain Laurel	<i>Sophora secundiflora</i>	x	x	x	x	x	x	x
Mexican Buckeye	<i>Ungnadia speciosa</i>	x	x	x	x	x	x	x
Rusty Blackhaw Viburnum	<i>Viburnum rufidulum</i>	x	x	x	x			
Vitex	<i>Vitex agnus-castus</i>		x	x	x	x	x	
Toothache Tree	<i>Zanthoxylum hirtum</i>	x	x	x				
Shrubs:								
Glossy Abelia	<i>Abelia grandiflora</i>			x	x	x	x	
Flame Acanthus	<i>Anisacanthus quadrifidus</i> 'wrightii'	x	x	x	x	x	x	
Agarita	<i>Berberis trifoliata</i>	x	x	x				
Bougainvillea	<i>Biuganvillea</i> spp.				x	x	x	
Butterfly Bush	<i>Buddleia</i> spp.		x	x	x	x		
American Beautyberry	<i>Callicarpa americana</i>	x	x	x	x	x	x	
Bottlebrush	<i>Callistemon citrinus</i>	x	x	x	x	x	x	
Chile Pequin	<i>Capsicum annuum</i> 'aviculare'	x	x	x	x			
Candlestick Tree	<i>Cassia alata</i>		x	x	x			
Bird of Paradise	<i>Ceaselpinia gilliesi</i>				x	x	x	
Pride of Barbados	<i>Ceaselpinia pulcherrima</i>	x	x	x	x	x		
Snakewood	<i>Colubrina texensis</i>	x	x	x				
Cotoneaster	<i>Cotoneaster</i> spp.	x	x	x	x	x	x	
Crinum Lily	<i>Crinum</i> spp.			x	x	x	x	
Cigar Plant	<i>Cuphea</i> spp.	x	x	x	x	x	x	
Black Dalea	<i>Dalea frutescens</i>	x	x	x	x	x	x	
Sotol	<i>Dasyllirion</i> spp.	x	x	x				
Silverberry	<i>Eleagnus pungens</i>				x	x		
Eleagnus	<i>Eleagnus</i> spp.				x	x	x	
Coral Bean	<i>Erythia cisti-galli</i>	x	x	x	x	x	x	
Coralbean	<i>Erythrina herbacea</i>	x	x	x	x	x	x	
Texas Elbow Bush	<i>Foresteria pubescebs</i>	x	x	x	x	x		
Silk Tassel	<i>Garrya ovata</i>	x	x	x	x	x	x	
Red Yucca	<i>Hesperaloe parvifolia</i>	x	x	x	x			

Texas Star Hibiscus	<i>Hibiscus coccineus</i>			x	x	x	x	
Burford Holly	<i>Ilex cornuta</i> 'Burfordii'				x	x	x	
Primrose Jasmine	<i>Jasminum mesneyi</i>			x	x	x	x	
Dwarf Crepe Myrtle	<i>Lagerstroemia indica</i>			x	x	x	x	
Texas Sage	<i>Leucophyllum frutescens</i>	x	x	x	x	x	x	
Green Cloud Sage	<i>Leucophyllum frutescens</i> 'green cloud'			x	x	x	x	
Silverado Sage	<i>Leucophyllum frutescens</i> 'silverado'		x	x	x	x	x	
White Honeysuckle	<i>Lonicera albiflora</i> var. <i>albiflora</i>	x	x	x	x	x	x	
Barbados Cherry	<i>Malpighia glabra</i>	x	x	x	x	x	x	
Turk's Cap	<i>Malvaviscus drummondii</i>	x	x	x	x	x	x	
Dwarf Wax Myrtle	<i>Myrica pusilla</i>	x	x	x	x	x	x	
Nandina	<i>Nandina domestica</i>				x	x	x	
Oleander	<i>Nerium oleander</i>			x	x	x	x	
Nolina	<i>Nolina texana</i>	x	x	x	x			
Prickly Pear	<i>Opuntia engelmannii</i> 'lindheimeri'	x	x	x				
Pavonia	<i>Pavonia lasiopetala</i>	x	x	x	x	x	x	
Texas Mock Orange	<i>Philadelphus texensis</i>	x	x	x	x	x	x	
Yew	<i>Podocarpus macrophyllum</i>		x	x	x	x		
Mexican Oregano	<i>Poliomintha longiflora</i>	x	x	x	x	x	x	
Pyracantha	<i>Pyracantha</i> spp.	x	x	x				
Indian Hawthorne	<i>Raphiolepis indica</i>				x	x	x	
Aromatic Sumac	<i>Rhus aromatica</i>	x	x	x	x			
Smooth Sumac	<i>Rhus glabra</i>	x	x	x	x	x	x	
Evergreen Sumac	<i>Rhus virens</i>	x	x	x	x			
Rosemary	<i>Rosmarinus officinalis</i>	x	x	x	x	x	x	
Trailing Rosemary	<i>Rosmarinus prostrata</i>	x	x	x	x	x	x	
Dwarf palmetto	<i>Sabal minor</i>	x	x	x	x	x	x	
Autumn Sage	<i>Salvia greggii</i>	x	x	x	x	x	x	
Elderberry	<i>Samucus canadensis</i>	x	x	x	x	x	x	
Coralberry	<i>Symphoricarpos orbiculatus</i>	x	x	x	x	x	x	
Blackhaw Viburnum	<i>Viburnum prunifolium</i>				x	x	x	
Buckley Yucca	<i>Yucca constricta</i>	x	x	x	x			
Twisted-Leaf Yucca	<i>Yucca rupicola</i>	x	x	x	x			
Softleaf Yucca	<i>Yucca rupicola</i>	x	x	x				
Spanish Dagger	<i>Yucca</i> spp.	x	x	x				
Ornamental Grasses:								
Western Wheatgrass	<i>Agropyron smithii</i>	x	x	x	x			
Big Bluestem	<i>Andropogan gerardi</i>	x	x	x	x	x		
Brushy Bluestem	<i>Andropogan glomeratus</i>	x	x	x	x	x		
Sideoats Grama	<i>Bouteloua curtipendula</i>	x	x	x	x	x	x	
Inland Sea oats	<i>Chasmanthium latifolium</i>	x	x	x	x	x	x	
Umbrella Grass	<i>Cyperus alternifolius</i>		x	x	x	x	x	
Sugarcane Plume Grass	<i>Erianthus giganteus</i>	x	x	x	x	x	x	
Curly Mesquite	<i>Hilaria belangeri</i>	x	x	x				
Monkey Grass	<i>Liriope muscari</i>				x	x	x	
Miscanthus	<i>Miscanthus</i> spp.				x	x	x	
Ear Muhly	<i>Muhlenbergia arenacea</i>	x	x	x	x	x		
Gulf Muhly	<i>Muhlenbergia capillaris</i>	x	x	x	x	x	x	
Lindheimer Muhly	<i>Muhlenbergia lindheimeri</i>	x	x	x	x	x	x	
Weeping Muhly	<i>Muhlenbergii duboides</i>	x	x	x	x	x	x	

Seep Muhly	<i>Muhlenbergii reverchonii</i>	x	x	x	x	x		
Deer Muhly	<i>Muhlenbergii rigens</i>	x	x	x	x	x	x	
Beargrass	<i>Nolina spp.</i>	x	x	x	x	x	x	
Switchgrass	<i>Panicum virgatum</i>	x	x	x	x	x	x	
Little Bluestem	<i>Schizachyium scoparium</i>	x	x	x	x	x	x	
Green Lily	<i>Schoenocaulon texanum</i>		x	x	x	x		
Indiangrass	<i>Sorghastrum nutans</i>	x	x	x	x	x		
Mexican Feathergrass	<i>Stipa tenuissima</i>	x	x	x	x	x	x	
Eastern Grama Grass	<i>Tripsacum dactyloides</i>	x	x	x	x	x	x	
Vines:								
Crossvine	<i>Bignonia capreolata</i>	x	x	x	x	x	x	
Trumpet Vine	<i>Campsis radicans</i>	x	x	x	x	x	x	
Carolina jessamine	<i>Gelsemium sempervirens</i>	x	x	x	x	x	x	
English Ivy	<i>Hedera helix</i>				x	x	x	
Morning Glory	<i>Ipomoea spp.</i>	x	x	x	x	x	x	
Coral Honeysuckle	<i>Lonicera sempervirens</i>	x	x	x	x	x	x	
Virginia Creeper	<i>Parthenocissus quinquefolia</i>	x	x	x	x	x		
Boston Ivy	<i>Parthenocissus tricuspidata</i>				x	x	x	
Passionflower	<i>Passiflora alatocaerulea</i>			x	x	x	x	
Cypress Vine	<i>Quamoclit pennata</i>		x	x	x			
Lady Banksia Rose	<i>Rosa banksiae 'Lutea'</i>				x	x	x	
Santolina	<i>Santolina virens</i>				x	x	x	
Dwarf periwinkle	<i>Vinca major</i>	x	x	x	x	x	x	
Texas Wisteria	<i>Wisteria macrostachya</i>	x	x	x	x	x	x	
Turf Grasses:								
Buffalograss	<i>Buchloe dactyloides</i>	x	x	x	x	x	x	
Bermuda Grass	<i>Cynodon dactylon</i>	x	x	x	x	x	x	
Zoysiagrass	<i>Zoysia spp.</i>	x	x	x	x	x	x	



PZ-17-006
Town Creek Planned Development
Concept Plan Amendment

Future Land Use Plan

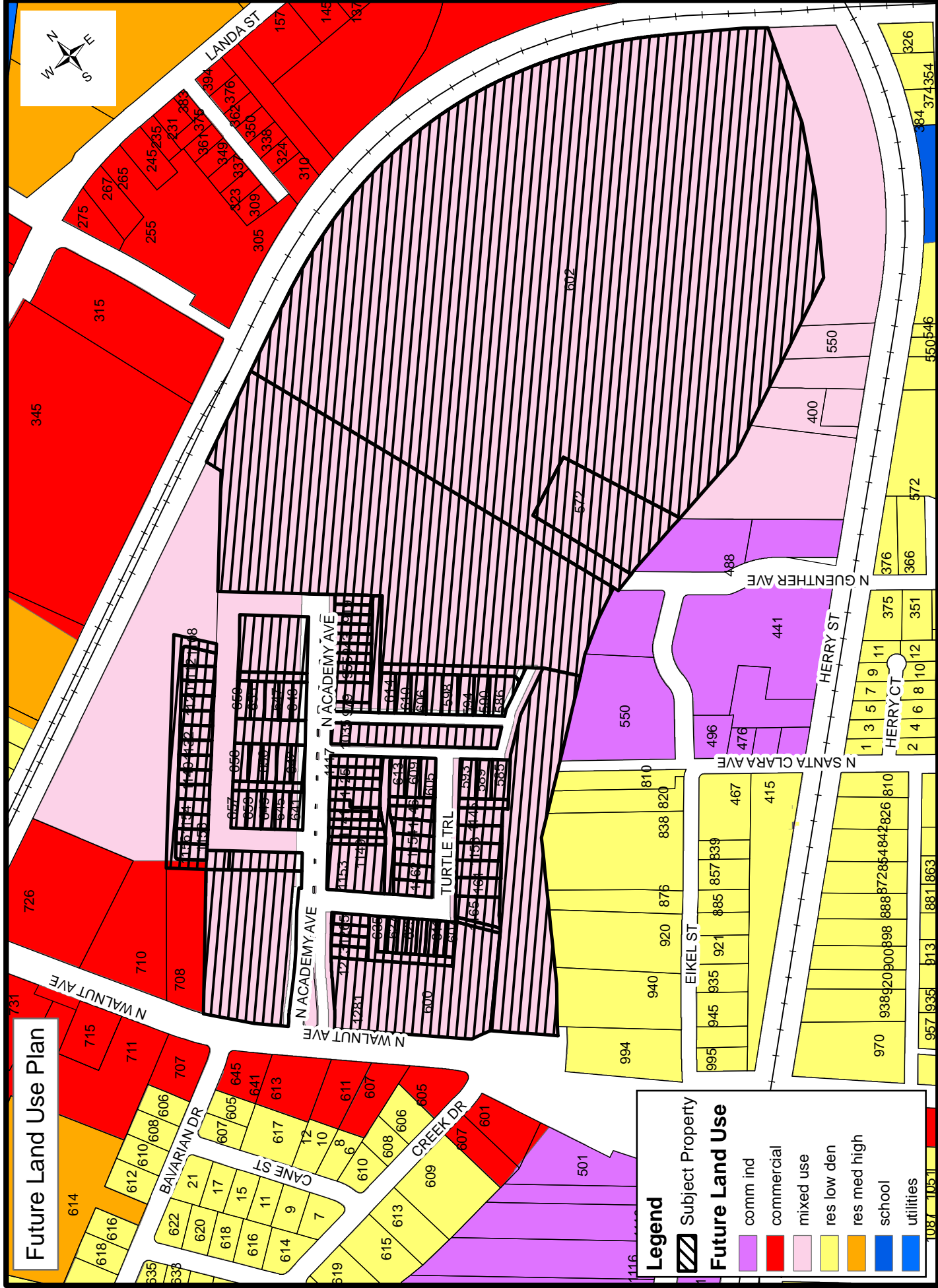


Legend

Subject Property

Future Land Use

- comm ind
- commercial
- mixed use
- res low den
- res med high
- school
- utilities



Proposed Rezoning – Case #PZ-17-006

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".

Inside Town Creek:

1. TC Town Creek Texas LP
2. KPM Investments Inc
3. Sierra Classic Homes Inc
4. Boulevard Townhomes Two LLC
5. 1778 Photography LLC
Marciniak William & Deborah
6. Campbell Nancy B & John C Seestedt
7. Henderson Marilyn & C L Brooke Perkins
8. Rose James G & Nancy L
9. Garcia Lucas & Susan
10. Nelson Barbara Lackner
11. Gansle Richard C & Susan L
12. Bischoff James C & Patricia E
13. King Robert M & Julie A
14. Randy Martin CPA
Castillo Jonathan
Schlabach Larry & Donna
15. 1157 Turtle Trail LLC
16. Devaney Brian & Laura
Clark Christian
17. Town Creek Lofts LLC
18. Town Creek Texas Properties LLC
19. Sandl Investments LLC
20. Thompson Lisa
21. Brunsky Michael & Connie
22. Hines Shane E & Mallory S
23. Wallace Megan M
24. Slovak Ronald W & Allison Wernet-Slovak
25. Jurica William S & Lezlee B
26. Wristers Jos & Nancy
27. Reitz J R & Pamela
28. Yarrito Fernando A
29. Jefferson Delbert R & Patricia J
30. Fogg Sharon
31. Reitz J R & Pamela
32. Lambert Gregory & Rosemary
33. Renegar Valerie R & Jeremy J West
34. Osborne Michael & Elaine Weichsel
35. Williams-Hirsch Custom Builders Inc
36. Jewell Jeff & Alice
37. Comal Creek Retail LLC
38. Gilman Rebecca V

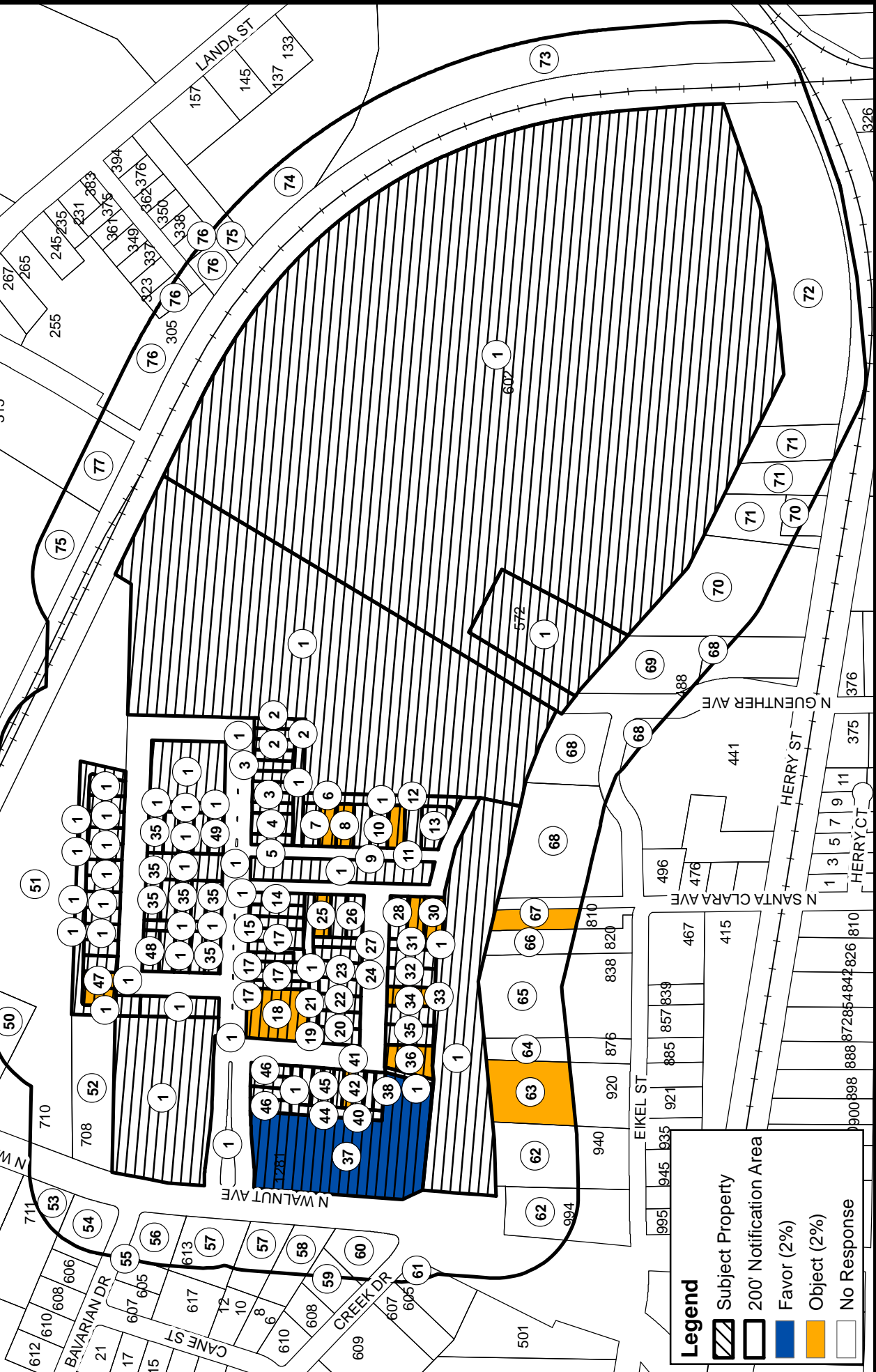
39. Eubank Erik & Jill
40. Govind Kalpesh
41. Buck Ryan D & Haley A Parsons
42. Hartung Phil & Nanette
43. Keyser Mike T
44. Treadwell Jesselyn & Alan
45. Barlow Cynthia H
46. TLP RT LLC
47. Timarc LLC
48. Rawley M Outlaw
49. Gruene Valley Ventures

Outside Town Creek:

50. Schriewer Properties LLC
51. Walnut Centre LLC
52. Vanstory Randy & Roxi
53. Hansmann Roy L et al
54. KMNB LLC
55. Triesch Wayne E & Linda
56. Twofold LLC
57. Hospice New Braunfels
58. Smithers Michael B & Jemela Donald J
59. Hander Lex T & Jennifer E
60. Evans Paul Et Al
61. Creek Plaza LLC
62. Turner Michael S & Pauline D
63. Neckar Milton Jr & Charlaine
64. Kowalski Darren G & Tamara D
65. King David R & Patricia
66. Machuca Patricia A
67. Lamm Michele
68. N B Smokehouse Inc
69. Hinton Vance
70. Turner John W
71. Borchers William H Trustee
72. Union Pacific Railroad Co
73. Columbus Club Assn NB
74. Wursthfest Association of New Braunfels
75. New Braunfels City of
76. Bremer Curtis W
77. Frost National Bank

SEE MAP ON REVERSE

Notification Map



PZ-17-006 Town Creek Planned Development Concept Plan Amendment



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ17-006 (Town Creek) hm

Date Sent: 3/20/17

Name: Town Creek Texas Properties LLC

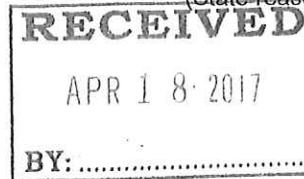
Address: 1147 N. Academy

Property number on map: 18

Comments: (Use additional sheets if necessary)

I favor: ☒

I object: ☒
(State reason for objection)



Signature: [Signature] manager

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ17-006 (Town Creek) hm

Date Sent: 3/20/17

Name: Canal Creek Retail, LLC

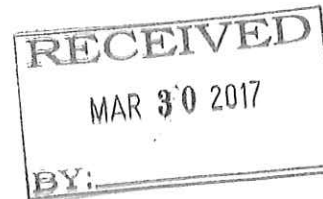
Address: 1281 N. Academy

Property number on map: 37

Comments: (Use additional sheets if necessary)

I favor: ☒

I object: ☐
(State reason for objection)



Signature: [Signature]

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ17-006 (Town Creek) hm

Date Sent: 3/20/17

Name: Marilyn S. Henderson

Address: 610 Springs Nursery

Property number on map: #7

RECEIVED

APR 26 2017

BY:

I favor: _____

I object: ☒
(State reason for objection)

Comments: (Use additional sheets if necessary)

Object because of unfinished issues from Phase I & II and there is no need to proceed with Phase III & IV until proposed solutions are implemented.

Signature: Marilyn S. Henderson

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ17-006 (Town Creek) hm

Date Sent: 3/20/17

Name: James & Nancy Rose

Address: 606 Springs Nursery Road

Property number on map: #8

RECEIVED

APR 26 2017

BY:

I favor: _____

I object: ☒
(State reason for objection)

Comments: (Use additional sheets if necessary)

We Object until additional access is provided and parking concerns resolved. We must not allow decisions to be made about future projects and phases when first phases are unfinished and issues have not been resolved by TCP.

Signature: James & Nancy Rose

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ17-006 (Town Creek) hm

Date Sent: 3/20/17

Name: D. RICHARD & PAT JEFFERSON

Address: 589 SPRINGS Nursery NB 78130

Property number on map: 29

RECEIVED

APR 26 2017

I favor: BY:

I object: ☒
(State reason for objection)

Comments: (Use additional sheets if necessary)

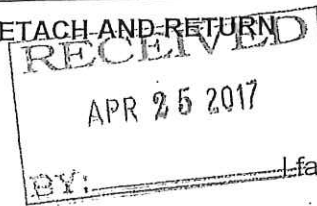
Phase 1 owners need emergency access in place and a definite secondary access (public) plan (or in place) to ease traffic issue at singular entrance before further development.

Signature: Richard & Pat Jefferson

550 Landa Street
New Braunfels, TX 78130

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ17-006 (Town Creek) hm
Date Sent: 3/20/17



Name: Sharon Fogg

Address: 585 Springs Nursery

Property number on map: 30

I favor: _____

I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)

The proposed amendment advances development in TC, but does not adequately address the current issues for access, raised on emergency services, add'l parking issues, traffic issues, secondary entrance exits. Continued building & development without adequate advances for current home owners.

Signature: Sharon Fogg

Good morning, here is our vote objecting to the proposed [repeated] Town Creek ammendments for Phase 3 and 4. As indicated there has been no measureable progress or realistic plan for a second egress for residents of NB after years of debate and stalling; the ammendment undermines the original intent of the subdivision by reducing density and the opportunity to have mixed use space; the ammendment was previously rejected by city council on safety and quality of life concerns therefore we again vote NO.

We hope to see progress in NB and connectors with Town Creek and Landa and Downtown. These could be vehicular or bike/ped paths. Lets make NB greater than its ever been and plan properly as the original founders so prudently did. Lets support downtown, our city center, the same way we support new developments outside the loop

Thank you and have a lovely weekend.

Ryan Buck, PhD

619 Stadtbach
NBTX

#41

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ17-006 (Town Creek) hm

Date Sent: 3/20/17

RECEIVED

Name: RICHARD & SUSAN GANSLE APR 21 2017Address: 594 SPRINGS NURSERY BY:Property number on map: 11

I favor: _____

I object: RCN
(State reason for objection)

Comments: (Use additional sheets if necessary)

WE NEED ANOTHER POINT OF ACCESS TO OUR SUBDIVISION
AND WE NEED IT BEFORE THERE IS FURTHER DEVELOPMENT.
PRIOR PROMISES BY THE DEVELOPER
HAVE GONE UNFULFILLED.

Signature: R. Gansle

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ17-006 (Town Creek) hm

Date Sent: 3/20/17

RECEIVED

MAR 30 2017

Name: Michele Lamm SwartlandAddress: 13922 Emerald Forest Ct. TX 77498Property number on map: 67

I favor: _____

I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)

I think a exit community @ Academy (Back of community
would be better than one @ Gunther. Are they Putting
a bridge over Dry Comal River?

Signature: Michele Lamm

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ17-006 (Town Creek) hm

Date Sent: 3/20/17

RECEIVED

APR 07 2017

Name: Milton Jr & Charlaime NeekarAddress: 920 Eikel St NB, TX 78130Property number on map: 63

I favor: _____

I object: to crowded
(State reason for objection)

Comments: (Use additional sheets if necessary)

This development has brought problems to my side of "Dry Comal"
in several ways: Increased traffic speeding or less than 5 miles
to bypass SA st/Walnut intersection; their backyard lights shine
straight into my bedroom; the

Signature: Charlaime Neekar

metal roofs reflect sunlight into West windows of my home with strong intensity; calls from Town Creek to code enforcement with complaints about my backyard. Complaints from realtors trying to sell Town Creek about my front yard.

I lived in my home 20 yrs in July. I enjoyed watching deer and birds roam the land on both sides of Creek. Since Town Creek development, the deer population dwindles more every year.

Now, People come across Creek and feel free to trespass across the lawns on our side of Creek. We don't appreciate them taking pictures of our home, letting their dog poop on our yard, leave trash in our yard. We are NOT going to fence it as each time significant rain falls, our back yard floods halfway up. That's why we have no structures or furniture there.

We are disabled and have a metal ramp. Use walker or riding mowers to get around our property. It is not welcomed to have 4 wheelers going up and down our hill at midnight. These people DO NOT have our permission to be on our property at all. If they can't stay on their side of the creek, we have a problem.

We have tolerated all this intrusion and trespass without calling code enforcement or police. That will change if these rude, obnoxious "neighbors" don't stop.

Sincerely,
Charlaine Neckar

From: Shawn Jurica [mailto:jshawna@gmail.com]
Sent: Monday, May 01, 2017 12:56 PM
To: Benjamin W. Campbell; Trace Jurica
Subject: Re: RE: Fwd: Town Creek Replat - - staff recommendations

Hi Benjamin. Echoing trace's sentiment, please add my vote as an objection for the Town Creek PD changes. I own property #25 on the map.

Thank you,

Shawn

On Mon, May 1, 2017 at 12:52 PM, Trace Jurica <notrace@gmail.com> wrote:

----- Forwarded message -----

From: "Trace Jurica" <notrace@gmail.com>

i8

Date: May 1, 2017 12:46

Subject: RE: Fwd: Town Creek Replat - - staff recommendations

To: "Benjamin W. Campbell" <BCampbell@nbtexas.org>

Please change my vote to disagree for the Town Creek PD changes. I wasn't aware of the changes to the Accessory unit definition. We have units under construction that were permitted with the existing definition and the new definition will adversely affect our intended use.

Trace

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ17-006 (Town Creek) hm

Date Sent: 3/20/17

Name: Alice and Jeff Jewell

I favor: _____

Address: 1165 Turtle Trail

Property number on map: 36

I object: ☒
(State reason for objection)

Comments: (Use additional sheets if necessary)

Town Creek developers have yet to satisfy requirements of Phase 1; looking ahead to Phases 3 and 4 seem premature considering our current challenges.

Signature: 

Valerie Renegar and Jeremy West
1153 Turtle Trail
New Braunfels, TX 78130

City of New Braunfels Planning Commission
550 Landa Street
New Braunfels, TX 78130

4/24/2017

Re: Case # PZ17-006 Town Creek

We object to the proposed amendments to the concept plan for Town Creek and any rezoning that accompanies it.

We are concerned that the developers of Town Creek seek to grow the neighborhood without providing an emergency exit or secondary entrance for the current neighborhood. The newly opened Dos Rios restaurant has heightened the need for an alternative entrance to the neighborhood as well as some sort of parking solution, but the developers have only made vague nods toward some sort of future plans that may or may not come to fruition. As a result, we oppose any plans to further the development of the neighborhood or to allow more single family homes to be built on the creek.

As residents of the neighborhood, we believe that the developers should first satisfy their commitments to the existing neighborhood by providing an alternative entrance at either Guenther Road, Fredericksburg, or Academy for residents and emergency vehicles. We cannot, in good conscious, invite new residents as well as additional construction traffic until there is some alternative to the single entrance at Academy and Walnut. This entrance has become so clogged with restaurant patron parking most hours of the day, as well as the existing Alpha Crossfit traffic and parking, that we have serious concerns that emergency vehicles would be able to navigate the entrance as it currently exists. This one entrance is not enough to support the neighborhood in its present form and adding more residents would only compound the problem.

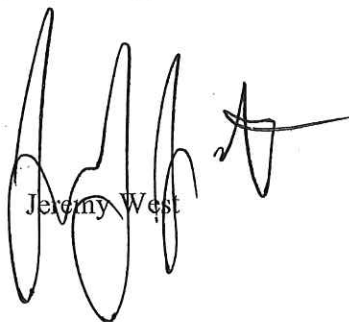
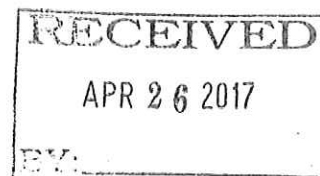
We joined this community with the hope that it would be a vibrant mixed-use area. The only possibility for attracting commercial interests, and the increased tax base that they bring with them, is for there to be more connections to the greater New Braunfels community. These changes to the concept plan seem to abandon this hope for commercial interests in favor of more single-family homes. Phase 1 was intended to be the least dense of the housing areas, but the proposed changes would allow for more homes on larger lots which is in direct contradiction to the developer's previous claims. We understand that the neighborhood may turn out differently than we had envisioned, but shifting from mixed-use to primarily housing is a radical change that will affect current residents as well as the surrounding community.

We hope that this change to the plan will be denied and the developers will be encouraged to honor their commitments to provide alternative entrances to the neighborhood. We would happily support whatever modest zoning changes are required to support an additional entrance at Guenther, Academy, or Fredericksburg.

Sincerely,



Valerie Renegar
1153 Turtle Trail


Jeremy West

YOUR OPINION MATTERS - DETACH AND RETURN

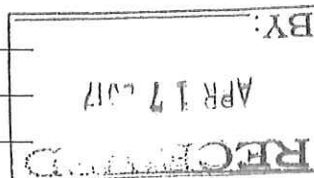
Case: #PZ17-006 (Town Creek) hm

Date Sent: 3/20/17

Name: Mike Brinsky

Address: 1158 Turtle Trail

Property number on map: 21



I favor: _____

I object: _____
(State reason for objection)

Comments: (Use additional sheets if necessary)

Whatever Holly thinks is best. (seriously)

Signature: Mike Brinsky

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ17-006 (Town Creek) hm

Date Sent: 3/20/17

Name: Greene Valley Ventures Mike Brinsky

Address: 643 Prospect Way

Property number on map: 49

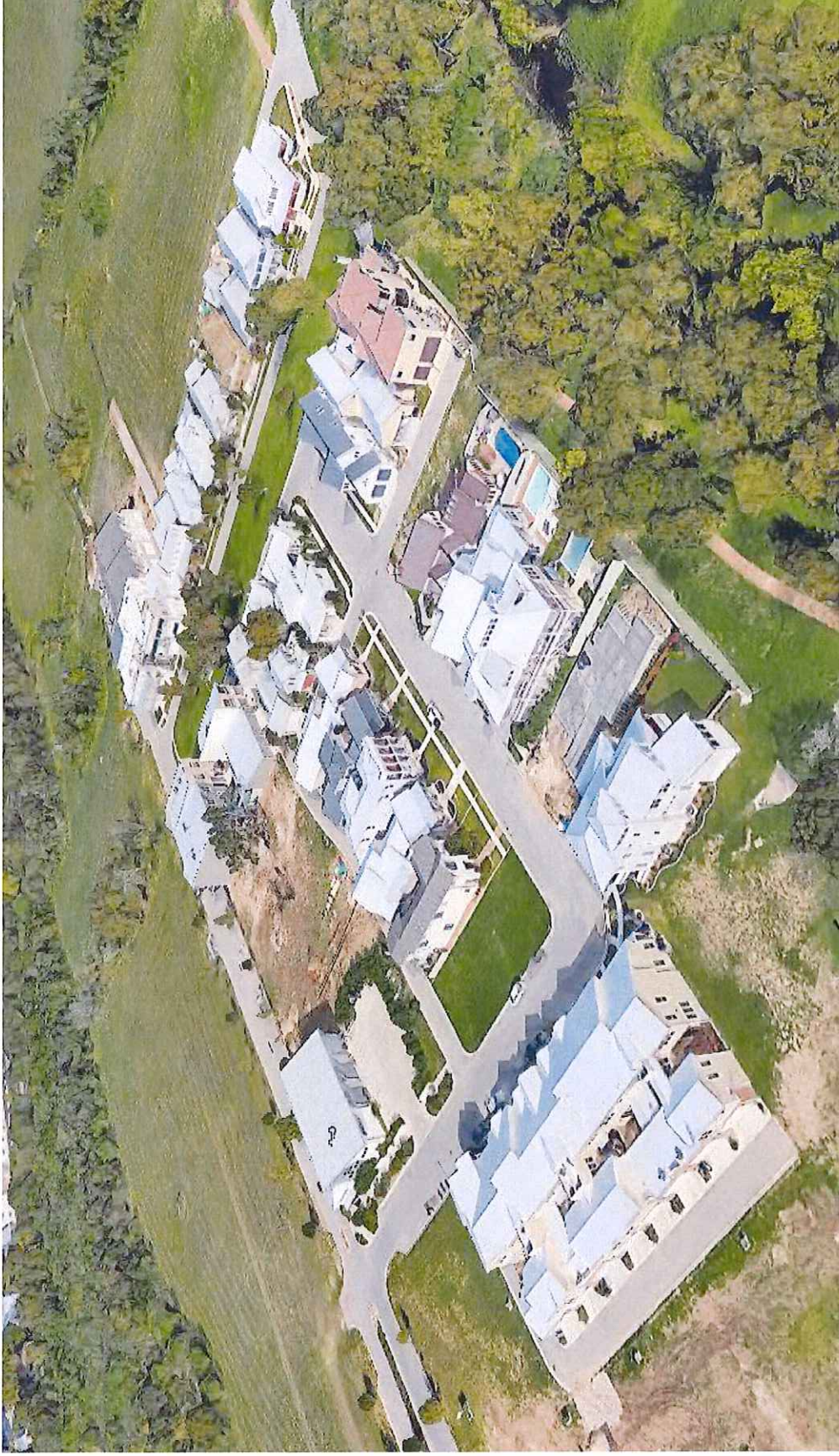
I favor: _____

I object: _____
(State reason for objection)

Comments: (Use additional sheets if necessary)

I favor whatever Holly believes is best.

Signature: Mike Brinsky



Town Creek Planned Development



Guenther right-of-way from the Smokehouse side of Dry Comal



Low water crossing over Dry Comal



Guenther Street towards Town Creek

Draft Minutes for the May 2nd, 2017 Planning Commission Regular Meeting

PZ-17-006: Public Hearing and recommendation to City Council regarding the proposed amendment to the “Town Creek” Planned Development Concept Plan and associated development standards, located at N. Academy Avenue and N. Walnut Avenue.

(Applicant: David Wolters; Case Manager: H. Mullins)

Mrs. Mullins presented the Staff report and recommended approval with the following conditions:

1. Revise Section VI.F.8 to state one 64 square foot blade sign is allowed with frontage on Walnut Avenue and sign must be attached to the building façade facing Walnut Avenue.
2. Include in the definition of “Accessory or Ancillary Building” that an accessory dwelling may not be sold or rented as a separate unit unless additional parking is provided to meet the minimum off-street parking requirement and the maximum density is not exceeded.
3. Amend the Detail Plan and Master Plan to reflect changes approved to the Planned Development.
4. Guenther Avenue connection must be constructed to City standards including the required elevation above the floodplain and 25-year storm requirements.

Brief discussion regarding required sprinklers and the Guenther connection.

Chair Elrod asked if anyone wished to speak in favor.

Applicant David Wolters, 979 N. Academy, discussed the possible alternative emergency access at Paradise Alley.

Engineer, Steven Ham, 410 N. Seguin, discussed the estimated time line for bridge construction. Also discussed that the development will have a second access or would have to install sprinklers.

Discussion followed regarding the time line of bridge construction, and if anything prevented the developers from increasing density before, or without installing a secondary access point.

Chair Elrod asked if anyone wished to speak in opposition.

Haley Parsans, 619 Stadtbach, stated that the development had not provided what they said they would in regards to a connection to Downtown, and overall layout of development. Expressed concern regarding increased density before the existing residents were given a secondary access road, for traffic flow and emergency vehicles. Also stated that the parking for Dos Rios is overflowing to an unpaved field that could be utilized for green space.

Rick Reitz, 605 Springs Nursery, inquired who would be responsible for financing the bridge construction.

Discussion followed regarding the burden of paying for the bridge falls upon the developers, and that no request has been submitted asking the city to contribute to construction costs.

Mr. Reitz then expressed concern that the bridge will not be built once the amended concept plan is approved, believing that the developers will default to the smaller access through Paradise Alley Crossing.

Juan Martinez, 810 W. Mill St., expressed concerns regarding increased traffic on Mill, and requested protection for nearby trails if the Guenther bridge is constructed.

Brian Smith, 921 W. Bridge, inquired if an environmental study is required, due to concerns regarding negative environmental effects. Staff replied that no study is required.

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to close the public hearing. The motion carried (6-0-0).

Discussion followed regarding the need to provide for connections downtown and overall connectivity within the development. Citing the importance of having the bridge, it was then discussed what would hold the developers accountable for constructing the bridge. It was suggested that escrow be used, Engineering staff stated that they would need final plans and funds to approve escrow, which would take months.

Motion by Commissioner Tubb, seconded by Commissioner Sonier, to approve the proposed amendment to the "Town Creek" Planned Development Concept Plan and associated development standards, located at N. Academy Avenue and N. Walnut Ave. with the following condition and staff recommendations.

1. No building permits for Units 3 or 4 will be issued until the bridge at Guenther is accepted by City Engineer for public use.

The Motion carried (6-0-0).

ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE "TOWN CREEK" PLANNED DEVELOPMENT DISTRICT CONCEPT PLAN AND RELATED DEVELOPMENT STANDARDS; 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 City Council desires to amend the "Town Creek" Planned Development District Concept Plan and related Development Standards; **now, therefore**,

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

SECTION 1

THAT the Concept Plan and Development Standards adopted June 9, 2014, Ordinance Number 2014-038, are hereby amended by adopting the Concept Plan and Development Standards described below on the following described tract of land:

Being 65.90 acres located on Walnut Avenue as delineated on Exhibit 'A' with the amended Concept Plan and Development Standards in Exhibit 'B' attached.

And with the added requirement that no building permits shall be issued for vertical construction in Phases 3 and 4 until a secondary access is constructed at Guenther Avenue, Fredericksburg Road or Academy Avenue and accepted by the City Engineer for public use.

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 of same.

PASSED AND APPROVED: First reading this the 22nd day of May, 2017.

PASSED AND APPROVED: Second and final reading this the 12th day of June, 2017.

CITY OF NEW BRAUNFELS

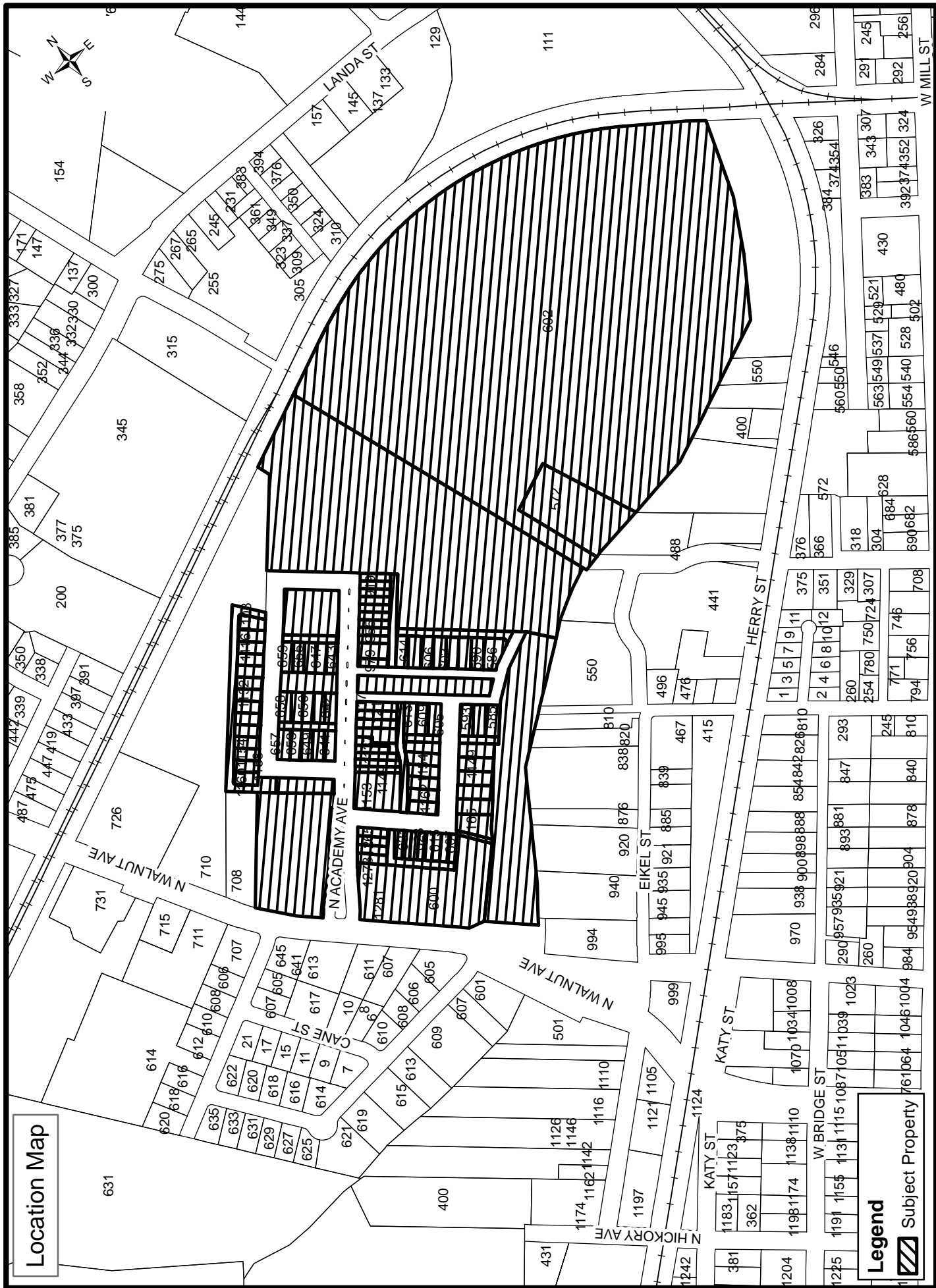
BARRON CASTEEL, Mayor

ATTEST:

PATRICK ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



PZ-17-006
Town Creek Planned Development
Concept Plan Amendment



Town Creek Planned Development District Concept Plan

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- I. Relation to the Development Plan**
- II. Acreage**
- III. Survey**
- IV. Land Uses**
- V. General Thoroughfare Layout**
- VI. Development Standards**
- VII. Definitions**

Exhibits

- A. Survey**
- B. Transect Map**
- C. Street Network**
- D. Street Cross-Sections**
- E. Building Type Matrix**
- F. Transect Matrix**
- G. Preferred Plant Pallet**

I. Relation to the Development Plan

Town Creek is a mixed use walk able neighborhood complementing the historic downtown of the City and is planned to be consistent with the New Braunfels Comprehensive Plan. The Town Creek Concept Plan is based on the vision created during the Community Design Charrette held June 7 -9, 2006. Town Creek finds its roots in the enduring qualities of New Braunfels —its small town ambience, its traditional downtown and its strong heritage. Town Creek will promote walk ability, providing a range of housing opportunities, protect and enhance existing surrounding neighborhoods, promote economic growth through a positive fiscal impact, enhance the visual environment of the City, enhance the green appearance and the parks system of the City, improve connectivity, encourage use of transit and walking, link major surrounding destinations, promote a lively downtown, and expand market opportunities for the core of New Braunfels.

II. Acreage

The total Acreage of the project is 65.9 acres.

III. Survey

A survey of the project is attached hereto as Exhibit A.

IV. Land Uses

A. Relationship to Development Standards

Land Uses allowed herein shall conform to the development standards set forth in Section VI below according to the Transect Map attached hereto as Exhibit B.

B. The following residential land uses shall be allowed:

1. Single Family House (Large, Medium, Small, Cottage)
2. Multi-Unit House (2 to 6 Units)
3. Town House
4. Courtyard Apartment
5. Loft/Commercial Building
6. Live-Work

See the Building Type Matrix attached hereto as Exhibit E for complete description of these building types.

C. Total Residential Units

Total residential units shall not exceed 1,500.

D. The following non-residential uses shall be allowed in any building except Single Family Houses, Multi-Unit Houses, and Courtyard Apartments:

1. Retail services
2. Pharmacy
3. Dry cleaners
4. Retail goods sales
5. Art, antique, furniture or electronics studio (retail, repair or fabrication)
6. Restaurant, café, deli or coffee shop)beer, wine or other alcoholic beverage on premises sales shall be allowed)
7. Coffee roasting
8. Bakery
9. Beer, wine or other alcoholic beverage on premises sales
10. Movie theater
11. Performance theater
12. Museum, philanthropic, civic or governmental institutions

13. Fraternal or other private social club (beer, wine or other alcoholic beverage on premises sales shall be allowed provided that no more than 25 percent of the total floor area of any building may be utilized for the exclusive sale of alcoholic beverages)
14. Surface parking
15. Structured parking garage provided that the frontage on the ground floor addressing the primary street is not parking
16. Hotel (beer, wine or other alcoholic beverage on premises sales shall be allowed)
17. Single-room rental bed & breakfast (beer, wine or other alcoholic beverage on premises sales shall be allowed)
18. Professional offices
19. Health services office, clinic, hospital or laboratory
20. Government/civic offices
21. Transit
22. Farmer's market, parade, cultural events (requires special use permit)
23. Home occupation
24. Church or other places of worship
25. Greenhouse (e.g. – retail nursery)
26. School (public or private, any level)
27. Studio (dance, athletic, performance, etc.)
28. Indoor showroom (wholesale or retail)
29. Drive-through services (parcels adjacent to Walnut Avenue only)

E. Similar and Prohibited Uses

Uses not specifically enumerated in the Town Creek District, but are substantially similar, may be permitted upon the approval of the Planning Director, subject to appeal to the Zoning Board of Adjustment. All other uses shall be prohibited including but not limited to the following:

1. Daily house rentals
2. Vehicular services/repair
3. Heavy manufacturing
4. Drive-through services (except parcels adjacent to Walnut Avenue)
5. Warehousing
6. Automotive & machinery repair (as primary use)
7. Automotive & machinery washes
8. Automotive rental
9. Automotive sales
10. Boat sales
11. Bulk distribution centers (provided that this shall not prohibit warehouse use that is ancillary to a permitted primary use)
12. Camper sales
13. Campgrounds
14. Donation centers
15. Eating establishment with drive-through services
16. Flea markets
17. Heavy equipment sales, rental & leasing
18. Industrial building sales
19. Kennels, manufactured home sales
20. Mini warehouses
21. Portable building sales (as a primary use)
22. Recreational vehicle parks

23. Recycling centers (provided that this prohibition shall not prevent use of temporary collection and storage bins for recyclable materials generated by a permitted use during the ordinary course of business)
24. Self-Storage
25. Shooting ranges
26. Truck service or repair
27. Truck stops
28. Wholesale nurseries (as a primary use)
29. Wrecking yards

F. Outdoor Displays

Outdoor displays for non-residential uses shall be limited to no more than 50% of the building's private frontage. Displays shall be allowed with functional restrictions within the building's public frontage (i.e., the public right-of-way) by license upon the approval of the Planning Director, subject to appeal to the Zoning Board of Adjustment.

G. Café Seating

Outdoor café seating for restaurant, café, deli or coffee shop uses shall be limited to the building's private frontage unless café seating is approved by the Planning Director within the building's public frontage (i.e., the public right-of-way), subject to appeal to the Zoning Board of Adjustment.

H. Open Spaces/Parks

Town Creek shall provide (i) no less than 9.0 acres of dedicated contiguous land for the Dry Comal Creek Trail Park within the flood plain of Dry Comal Cree. Town Creek shall dedicate to the City the land for the Dry Comal Creek Trail Park. The City shall hold and maintain that park.

Town Creek shall also provide no less than 6.5 acres total (10% of the gross site area) of the following elements: community gardens, pocket parks, greens, squares, plazas and playgrounds dispersed throughout the remainder of the neighborhood. These open spaces shall be held privately for public access, unless a written request from the City is made and accepted for a particular space to be dedicated to the City. The open spaces held privately shall be maintained either by a foundation or homeowners association, or by a Special District if created by the City for the purpose of maintaining the open space.

V. General Thoroughfare Layout

A. The Street Network

The Street layout shall be based on the Street Network attached hereto as Exhibit C. Upon request by the applicant, street locations, street cross-section type and intersection design may be modified to a reasonable extent with approval of staff and without amendment to the Concept Plan or a prior Detail Plan (if applicable), in order to (i) accommodate configuration of open space, (ii) save specimen trees, (iii) maintain the integrity and vision of the charrette plan, (iv) accommodate drainage, or (v) facilitate the design of the station area if a commuter rail transit stop is implemented adjacent to Town Creek. Additional streets shall be designed and constructed according to the street cross-sections below.

All residential and commercial buildings within Phase 3 and 4 will be required to be sprinkled if a secondary means of access is not in place at the time of construction. Potential access locations include Guenther Road, Fredericksburg Road, or Paradise Alley.

1. Guenther bridge access will be required to meet all city requirements
2. Fredericksburg and Paradise Alley must have a signed access agreement with Union Pacific Railroad and all property owners involved. Improvements to Paradise Alley to facilitate access will be the responsibility of the Town Creek Development.

B. Street Cross-Sections

The “Arterial,” “Collector,” and “Local” Streets allowed are delineated in the respective Street Types Cross-Sections attached hereto as Exhibit D and referenced on the Master Street Network, Exhibit C. Street types and cross-sections are established herein to facilitate an integrated set of transportation choices – driving, walking, cycling and transit, as well as to form a place bounded by building facades creating “street walls.”

C. Additional Streets Not Shown on General Plan

1. Based on the concept plan, additional streets shall be located so that all streets terminate at other streets unless constrained by natural or perimeter site conditions. Cul-de-sacs shall be permitted only when warranted by natural site conditions.
2. All lots regardless of use may be served by alleys. Alleys are required for all single-family houses unless the building utilizes a pull through garage.

D. Curb Return Radii

Curb return radii shall be from 10 feet to 15 feet, unless required to be larger due to public safety considerations as determined by the City Engineer for a specific location; in which case, the radius shall not exceed 25 feet.

VI. Development Standards

A. General

1. Walkability

In order to facilitate walkability and livability, all streets (excluding alleys) shall provide accessible sidewalks with “street” trees or adjacent trails, and carefully designed civic spaces such as greens, squares, plazas and trails shall be integrated within the neighborhood. Sidewalks shall have a minimum width as shown in the Street Cross Sections, Exhibit D. Furthermore, pedestrian bulbouts shall be allowed at all intersections if the bulb does not interfere with required turn lanes.

2. Subdivision Standards

The Town Creek PD shall establish the street network, street cross-section, and intersection design criteria as well as lot standards for subdivision platting within the PD area.

3. PD Standards Supersede

If conflicts arise with the New Braunfels Code of Ordinances for zoning, subdivision or other development standards, the Town Creek PD shall control unless stated otherwise herein.

B. Transect Standards and Building Types

1. The Building Types allowed are delineated in the Building Type Matrix attached hereto as Exhibit E. The development standards not contained in the Building Type Matrix are established in the Transect Matrix attached hereto as Exhibit F, including those standards for primarily non-residential buildings. The Building Type Matrix, Exhibits E, and the Transect Matrix, Exhibit F, shall be used in conjunction with the Transect Map, Exhibit B.
2. Buildings intended for all non-residential use, located T5 and T6 Zones, may be constructed with zero side and rear yards and such that the side yard requirement shall adhere to the particular build-to-line established for the street facing the side.

C. Parking Standards

1. Off-Street Parking Requirements

a. Residential

The Building Type Matrix attached hereto as Exhibit E establishes the off-street parking requirements for residential uses.

b. Non-Residential

Off-street parking requirements for all non-residential uses shall be no less than 1 space per 500 square feet of gross office or retail floor space in the T6 Zone and no less than 1 space per 333 square feet of gross office or retail floor space in all other T-Zones.

2. Off-Street Parking Location

- a. Off-street parking for uses on lots with the T4, T5, and T6 Zones shall not be located between the front of the building and the public right-of-way, except along Walnut Avenue.
- b. In the T5 and T6 Zones, surface parking lots located on the side of a building shall be configured such that the side of the parking bays closest to the street shall be screened by a wall or landscaped ornamental metal fence no less than 3 feet and no more than 4.5 feet in height or in accordance with existing ordinances.

3. On-Street Parking

As on-street parking promotes walkable mixed-use neighborhoods, including entertainment, retail, restaurants and live-work housing, subject to public safety considerations for a particular location, on-street parking shall be allowed as shown on the Street Cross Sections, Exhibit D, and will not be allowed within alleys.

4. Promotion of Neighborhood Business – Entertainment, Retail and Restaurant Uses

The number of off-street parking spaces required for neighborhood businesses, including retail services, retail goods sales; pharmacies; dry cleaners; art, antique, furniture or electronic studios (retail, repair or fabrication); restaurants, cafes, delis or coffee shops; and retail bakeries shall be waived for the first 1000 square feet of gross use space in all buildings.

5. Promotion of Live-Work

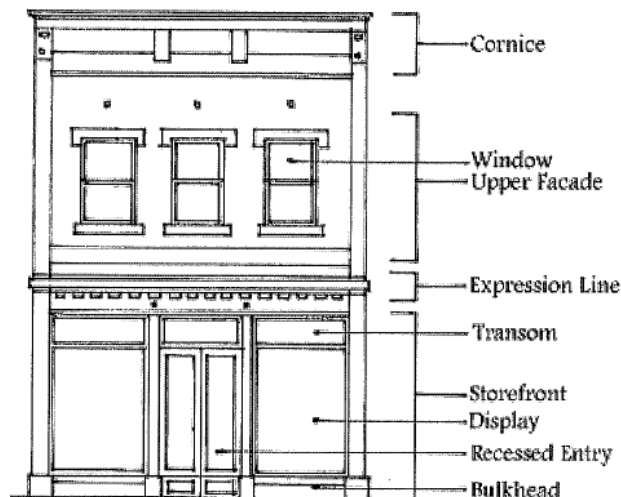
For all non-residential uses allowed, the first 500 square feet of gross use space shall be exempt from off-street parking requirements in Live-Work Units.

6. Shared Parking

Off-street parking requirements for uses permitted in the Town Creek Planned District may be reduced or waived subject to a shared parking agreement or a coordinated parking plan in accordance with the ULI Protocol, or any other accepted industry standard, and as approved by the Planning Director, subject to appeal to the Zoning Board of Adjustment.

D. Architectural Standards

1. Except for detached single family houses, an expression line shall delineate divisions between floors of all buildings, and a cornice shall delineate the tops of facades that do not utilize a pitched roof, for retail storefronts, a transom, display window area and bulkhead at the base shall be utilized.
2. Rooftop mechanical equipment shall be screened by a parapet, or by a screen on pitched roofs.



3. Ground floor retail building plate heights shall be at least 12 feet in height except for live-work units.
4. Windows shall be oriented vertically, windows on single family or town house residential buildings shall also utilize surrounds or shutters, as well as mullions between grouped windows.
5. Columns and piers visible from the street shall be spaced no farther apart than they are tall, unless approved in writing by the Town Creek Architectural Control Committee.
6. Transparency: Each floor of any building façade, except for houses, facing a park, plaza or street shall contain transparent windows covering from 15 percent of the façade area. In order to provide clear views of merchandise and to provide natural surveillance of exterior street spaces, the street-level floor along streets in T5 and T6 zones shall have transparent windows covering no less than 25% of the façade area.
7. Permitted finishes for commercial or mixed use buildings – At least 80% of the exterior of all new buildings (excluding doors and windows) shall be finished in one or more of the following materials:
 - a. Brick, stone, cast stone, rock, marble, granite, glass block, tile or stucco
 - b. Exterior Insulating Finishing System (EIFS) as an accent (abuse resistant EIFS shall be utilized below 8 feet above grade)
 - c. Cementitious-fiber siding (no Visible seams) with at least a 50-year warranty
 - d. Split face concrete block, poured-in-place concrete, and tilt-wall concrete (only adjacent to Walnut Street). Any use of concrete products shall have an integrated color and be textured or patterned. Tilt-wall concrete structures shall include reveals, punch-outs, or other similar surface characteristics to enhance the façade on at least 25 percent of each façade.
8. The following permitted finishes for residential buildings and live/work units shall be allowed: Cementitious-fibersiding (no visible seams); corrugated metal; brick' stone; man-made stone and stucco. The following shall be allowed up to 30% as an accent material: wood, Exterior Insulated Finishing System (EIFS) (abuse resistant EIFS below 8 feet above grade) or similar material over a cementitious base, rock, glass block and tile.
9. Architectural elements, including porches, roof overhangs, verandas, stoops, bay windows, window shutters, balconies, masonry clad chimneys, picket fences or other decorative non-opaque front-yard fence, attached pergolas or colonnades. On single-family residences, porches and at least two additional elements from the preceding list shall be utilized. Balconies, verandas and roof overhangs may encroach beyond the build-to-line into the public sidewalk, provided the encroachment is less than 9 feet, and any support columns do not come within 4 feet of the curb or otherwise obstruct the view of drivers. Balconies, verandas, and roof overhangs shall provide at least 8 feet of clearance and shall not protrude over paved roadway. Single-family houses on corner lots shall have porches facing onto both street sides, whether two separate porches or wrap-around porch. Encroachment beyond the "build to" line where the permanent building structure, as specified above, can extend into the UE will be allowed with Town Creek Phases 1 and 2 if coordinated with NBU, but will not be allowed in subsequent phases.
10. Plate Heights for single-family residential homes shall be no less than 10 feet for the first floor and 9 feet for the second or higher floors.
11. All garage doors facing the street shall be divided into single bays separated by at least an 18-inch column.
12. All buildings shall be designed such that no mechanical equipment (HVAC, etc.), except vents or stacks, is visible from the public right-of-way or open space, whether the equipment is located on the ground, exterior walls or the roof.

E. Landscape

1. General

- a. The landscape will complement the urban design and architecture in defining the character of Town Creek. The functional role of the landscape is to identify and define

view corridors and sightlines, major open spaces, pedestrian movement patterns and gathering spaces; to create and control microclimates and reduce energy consumption; to screen unsightly features; and to help provide an appropriate sense of scale for all phases of the built environment. The ecological role of the landscape is to ensure the seamless integration of the built environment into the natural environment, while minimizing impacts of development on the local ecosystem.

2. Trees

- a. Landscapes shall emphasize large shade tree canopy coverage, particularly in open spaces and pedestrian walks and gathering spaces such as plazas and exterior courtyards. Year-round visual interest shall be attained through the use of approved species per the Preferred Plant Pallet, Exhibit G.
- b. Trees shall be planted in a continuous strip adjacent to all public streets, spaced approximately 30 feet on center in order to create a full canopy effect at mature height. Trees shall either be planted in a green space strip no less than 5 feet in width or within an irrigated tree gate consistent with the architectural character of the campus or adjacent development. Street trees shall be located no closer than 3 feet from the back of curb. Root containment technology, as approved by the City Engineer, shall be used if the species and location poses a potential hazard to curb and sidewalk infrastructure.
- c. Trees shall be planted in a continuous pattern where feasible within all street medians.
- d. All trees shall be selected from the tree list contained in Exhibit G attached hereto.

3. Shrubs and Other Plants

- a. Shrubs shall be selected from the plant list contained in Exhibit G attached hereto.

4. Beds and Turf

- a. The use of St. Augustine turf grass shall not be permitted.
- b. Grasses and turf shall be selected from Exhibit G attached hereto.

5. Buffers and Screening

- a. Trash and dumpster screening shall be provided in accordance with Section 191.7.B of the New Braunfels Code of Ordinances.
- b. Residential Buffer between multi-family or non-residential development and single or two family development, per Section 191.7.A.5 of the New Braunfels Code of Ordinances, does not apply to the Town Creek Planned Development because adequate buffers are already accounted for in the design and added buffers would degrade the mixed-use, walkable aspects of the project.

6. Maintenance

- a. Landscapes maintenance shall be in accordance with Section 191.9 of the New Braunfels Code of Ordinances.

7. Parking

- a. A minimum of 15 square feet of landscaping per surface parking space, including tree islands, shall be provided within the paved boundaries of a surface parking lot.
- b. Any portion of each surface parking space shall be located within 60 feet of the trunk of a tree, and pavement shall not be allowed within 3 feet of the trunk of trees.
- c. The landscaped areas shall be protected by raised curbs except where wheel stops are utilized as the front of parking spaces along a landscaped median between parking bays.
- d. Landscaped islands of a minimum of 8 feet in width and extending the entire length of the parking stall shall be located at the terminus of all rows of surface parking and shall contain at least one tree consistent with Exhibit G.
- e. The requirements in this section shall be waived for structured parking and for temporary (less than one year) parking lots in undeveloped areas of the Town Creek Planned Development area.

F. Signage

1. One address number shall be attached to the building in proximity to the principal entrance or at a mailbox according to city specifications.

2. One blade sign for each business may be permanently installed perpendicular to the façade and may extend over the sidewalk with 8 feet of clearance. Such a sign shall not exceed a total of 6 square feet.
3. Signage may be lit externally only with full-spectrum source.
4. Business signs attached to buildings may be a maximum of 4'x8'. The signs may be lighted, and neon is permitted or signs within shop front windows.
5. Pole signs shall not be allowed.
6. Group signs for 2-10 businesses shall be allowed upon approval of the Planning Director, subject to appeal to the Zoning Board of Adjustment. The size of such signs shall be a maximum of 6 feet in height and 60 square feet.
7. Monument signs shall be allowed at Walnut Street, Academy Street and Fredericksburg Street at the perimeter of the district, and shall not exceed 6 feet in height and 60 square feet.
8. For Lots within Block 2 and Block 6 that front onto Walnut Street, one 64 foot blade sign is allowed with frontage on Walnut Avenue and sign must be attached to the building façade facing Walnut Avenue.

VII. Definitions

Accessory or Ancillary Building

A building that is a separate 400 to 800 square foot dwelling unit connected to the garage with cooking facilities and bathroom, but shall not require a separate water meter or additional off street parking; or a building that serves for recreation, utilities or maintenance support in a park or civic space

Blade Sign

Tenant identification sign that uses letterforms, logo, and /or graphic elements, projects at right angle from the face of the building, is located on a pier adjacent to the transom windows, and has a maximum height equal to the height of the transom windows. Blade signs can be aluminum, stainless steel, painted wood, sandblasted glass, or translucent acrylic. A blade sign identifies a tenant on a pedestrian level.

Build -to -Line

The line to which the primary building shall be constructed as opposed to a set -back line; the build -to -line is established on the applicable street type cross - section and may have a range such as " 10 to 15 feet" from the right -of -way line. A side of a building on a corner lot may encroach the build -to -line.

Full Spectrum Source

Incandescent or fluorescent lights that emit white light, as opposed to another color.

Home Occupation

A residential unit providing for a combination of uses in which home occupation activity can occur. The occupation function shall be incidental to the primary function of the building as residence. No person outside the residence may be employed unless the residence is a Live -Work unit. There shall be no exterior display, no exterior storage of materials and no other variation from the residential character of the principal building, unless the residential unit is a Live -Work Unit

Live Work Lot

Lots in T5 or T6, of the size required by the Building Type Matrix, and as specified by the owner at time of building permit.

Live Work Unit

A unit on a Live Work Lot. One upstairs residential unit and one street -level commercial unit required on each lot. Additional units on the lot may be residential or commercial, and separate entrances shall be provided for the residential and commercial components. The maximum number of units allowed on a lot is determined by the Transect Matrix Exhibit F.

Loft

A dwelling unit contained in an office, retail or other commercial building with interior entrances into the living units or common interior or exterior corridor entrances.

Off Street Parking

A requirement for parking a vehicle in a space not within the public right-of-way, and which can be satisfied with or without a covered parking space.

Pergola

An arbor or passageway of columns supporting a roof of trelliswork on which climbing plants are trained to grow.

Plate Height

The height of the horizontal member capping exterior wall studs, as measured at the bottom of the horizontal member.

Pull Through Garage

A garage set back behind a house that is either a separate structure or connected by breezeway, accessory building or ancillary building, and which is accessed by a driveway from the front address.

Raised Basement

A building level whose floor level is partly below grade, but which is much higher than usual so that its ceiling is well above ground level.

Stacked Townhouse

A townhouse with an additional living unit above.

Story

A constructed horizontal division of a building providing habitable space or structured parking. Attics (including improved attics with slanted ceilings), rooftop decks, rooftop solariums, and raised basements are not considered stories for the purposes of determining building height based on stories.

Surround

A continuous concrete, wooden, brick, or stone border around a window, door or other opening that is designed to complement the style of the building.

Townhouse

A single-family house of two or more stories that is connected to a similar house by a common.

Unit

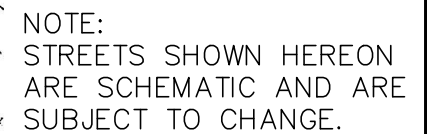
A residential unit.

SURVEY OF A 65.919 ACRE TRACT OF LAND SITUATED IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS AND BEING OUT OF THE J.M. VERAMENDO SURVEY NO. 1 AND CONSISTING OF A 1.135 ACRE TRACT OF LAND AND RECORDED IN DOCUMENT NO. 200108023498 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, A 30.755 ACRE TRACT OF LAND RECORDED IN DOCUMENT NO. 4068068 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS AND A 33.971 ACRE TRACT OF LAND RECORDED IN DOCUMENT NO. 9608000398 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS.

CURVE TABLE				
CURVE	RADIUS	DELTA	TANGENT	CHORD DISTANCE
C1	384.00'	1178.00'	103.87'	473.28' ±17"
C2	890.15'	1133.00'	43.44' ±5"	442.77'
C3	890.15'	1133.00'	43.44' ±5"	573.28' ±17"

[illegible]

CASH SURVEYING, INC.
9000 122nd ST NW
BAYNEUM, TEXAS 75023
CASH 409-4712



HMT

ENGINEERING & SURVEYING

410 N. SEGUIN AVE.
NEW BRAUNFELS,
TEXAS, 78130
PH: (830)625-8555
FAX: (830)625-8556
www.HMTNB.com
TBPE FIRM F-10961

NOT TO SCALE

REVISÉ: FEB 21, 2017

SHT: 1 OF 1



NOTE:
STREETS SHOWN HEREON
ARE SCHEMATIC AND ARE
SUBJECT TO CHANGE.



EXHIBIT C **MASTER STREET** **NETWORK** **(AMENDED)**

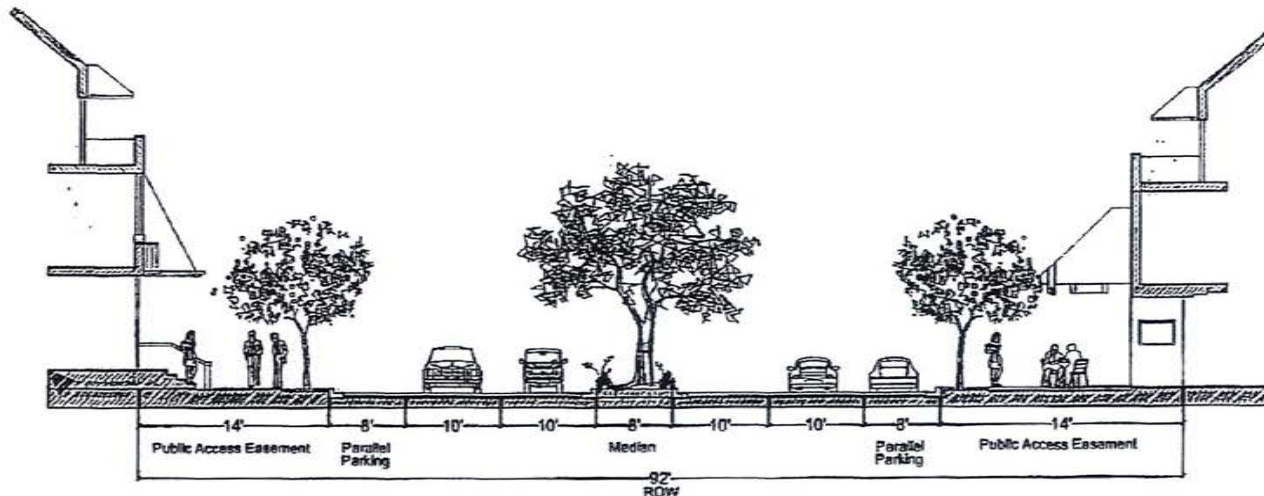


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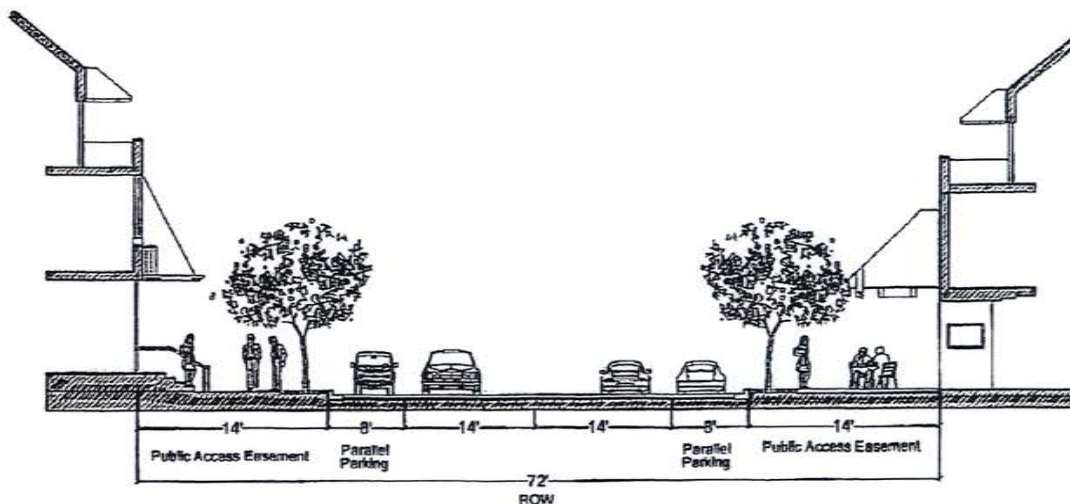
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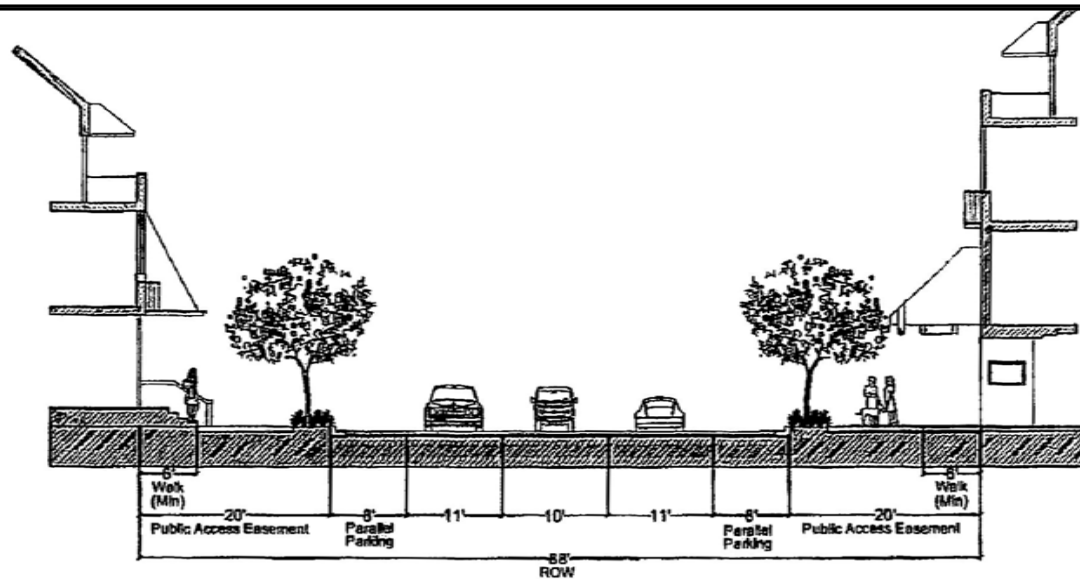
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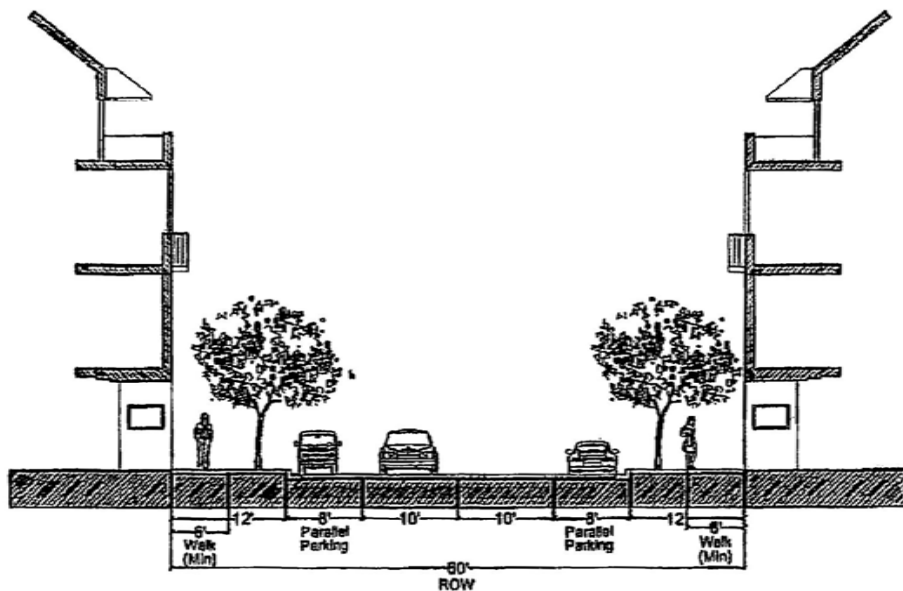
① Boulevard (Commercial Collector)



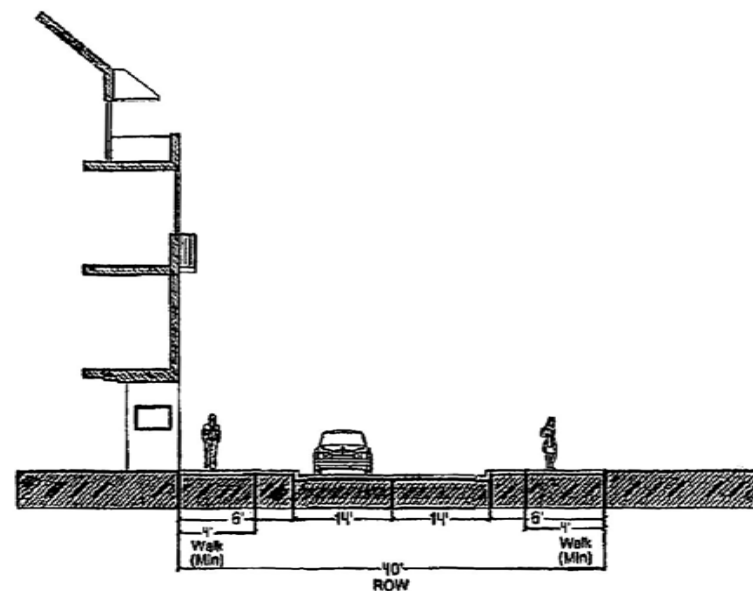
② Boulevard (Commercial Collector)



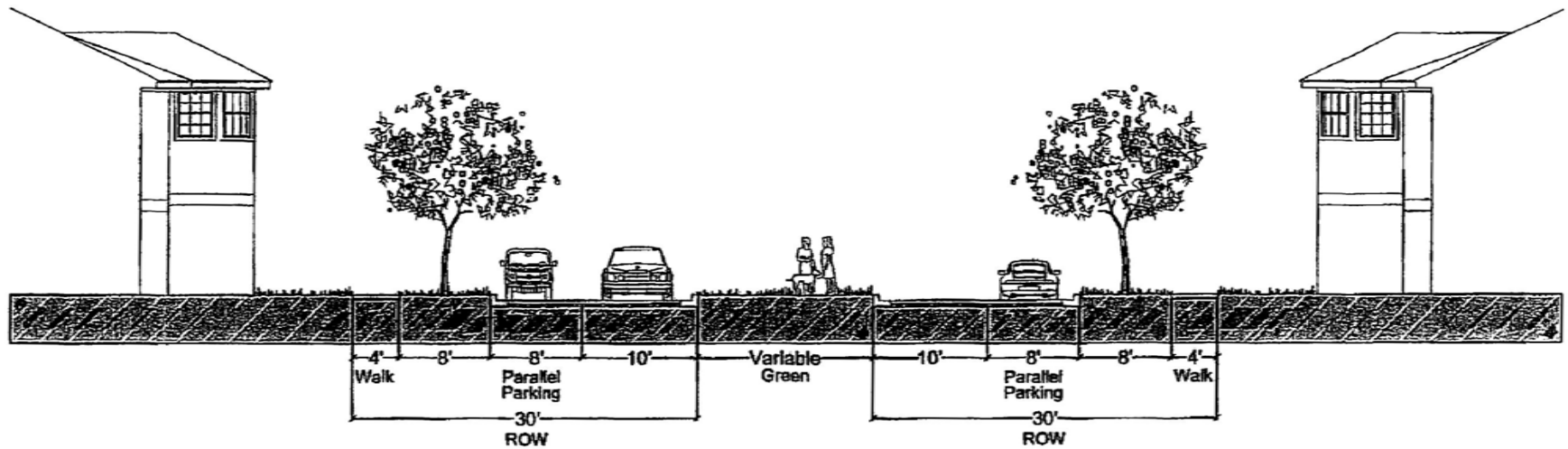
③ Town Center Streets (Commercial Collector)



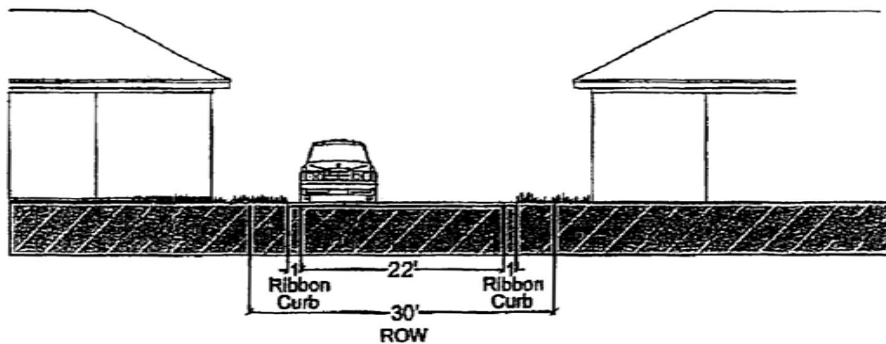
④ Neighborhood Connector (Commercial Collector)



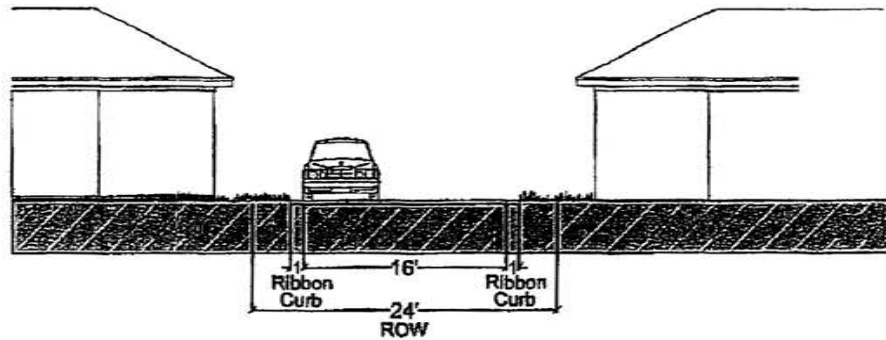
④(A) Neighborhood Connector (Commercial Collector)



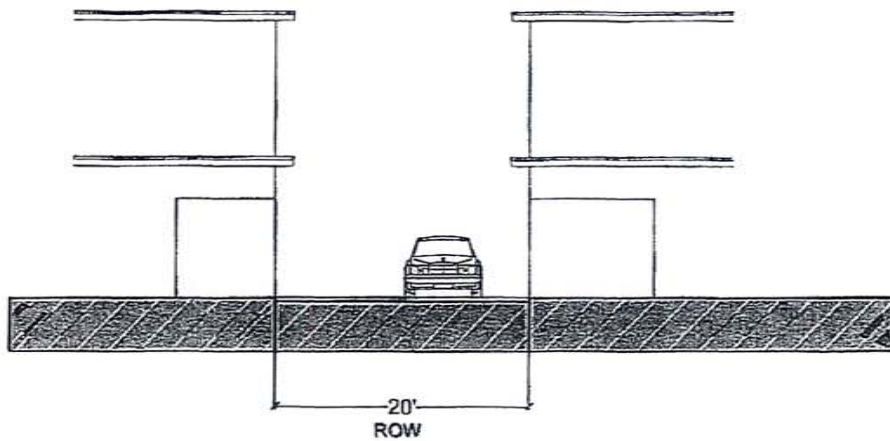
⑤ Lane (One Way Paired)



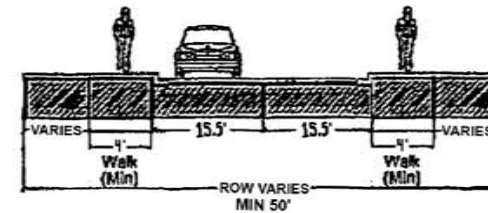
⑥ Alley (Alley - Residential)



⑦ Alley (Alley - Residential)



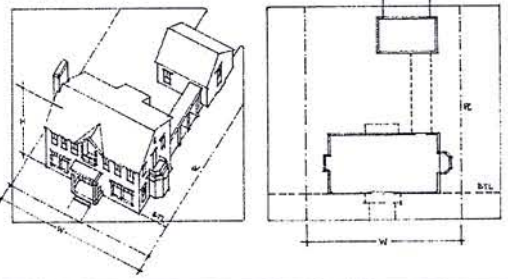
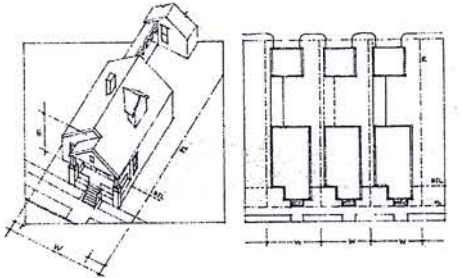
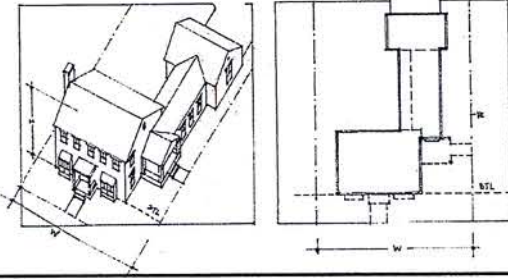
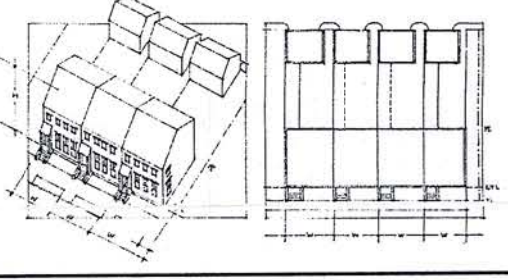
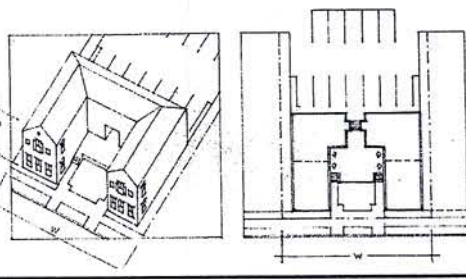
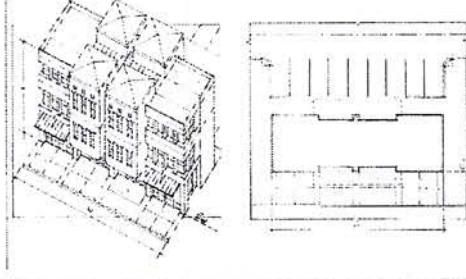
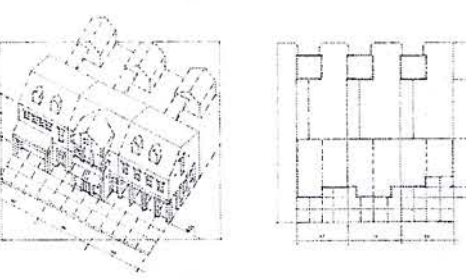
⑧ Alley (Alley - Commercial)



⑨ Local Street

Exhibit E

Building Types
Town Creek PD

Types	Lot Width Minimum (W)	Lot Depth Minimum (D)	Build-to Line (BTL)	Minimum Side Yard (1)	Minimum Rear Yard	Minimum Lot Area	Allowed Transect Zones	Covered Parking	Off Street Parking Spaces (2)	Minimum Per Dwelling Unit Accessory Building	Prototypical Building Configurations
Large House	60'+	100'	See Transect Matrix (Exhibit F) for Build-to Line Standards	5'	5'	6000'	T3	R	2	A ⁽³⁾⁽⁴⁾	
Medium House	50'-59'	90'		5'	5'	4500'	T3, T4	R	2	A ⁽³⁾⁽⁴⁾	
Small House	40'-49'	80'		0-8' (5)	5'	3200'	T3, T4, T5, T6	R	2	A ⁽³⁾⁽⁴⁾	
Cottage	20'-39'	80'		0-6' (6)	0'	1600'	T3, T4, T5, T6	R	2	A ⁽³⁾⁽⁴⁾	
Multi-Unit House ⁽⁷⁾	60'-100'	100'		5'	5'	6000'	T4, T5, T6	A	1.5	A ⁽⁴⁾	
Townhouse or Stacked Townhouse	20'-30'	80'		0'	0'	1600'	T4, T5, T6	R	2	A ⁽⁴⁾	
Courtyard Apartment ⁽⁸⁾	100'	100'		0'	0'	10,000'	T4, T5	A	1	N	
Loft/ Commercial Building ^{(9) (10)}	100'	100'		0'	0'	10,000'	T5, T6	A	1	N	
Live-Work ⁽¹¹⁾	20'-30'	80'		0'	0'	1600'	T5, T6	A	1	A ⁽⁴⁾	

A - Allowed

N - Not Allowed

R - Required

Explanatory Regulations:

- (1) For attached buildings, side yard minimum requirement shall apply to exterior side of corner lots only; for side of buildings on corner lots, the side yard requirement may adhere to the particular build-to-line established for the street facing the side.
- (2) An enclosed garage or a carport shall be constructed of same material as main residential structure.
Rear-loaded garages may be attached at side property line. Carports shall not be allowed for front-loaded parking.
"Pull-through" garages shall be allowed if the front façade of the garage is set back behind the rear façade of the house.
Covered breezeways connecting the garage and the house shall be allowed.
with only up to 150 square feet constructed to enable air-conditioned space.
- (3) Accessory units above the garage shall be required for all single family houses on corner lots.
- (4) Accessory unit is a separate 400 to 800 square foot dwelling unit connected to or above the garage with cooking facilities and bathroom; but shall not require a separate water meter or additional off street parking.
- (5) Side yard 4', but it can be shifted up to 0' if the total distance between buildings is at least 8'.
- (6) Side yard 3', but it can be shifted up to 0' if the total distance between buildings is at least 6'.
- (7) 2 to 6 units shall be allowed; the design of the building shall make the multi-unit structure appear as a large single-family house.
- (8) Courtyard(s) shall face street and provide at least 100 square feet of courtyard space per unit.
- (9) All Non-residential Uses shall be allowed on any floor
- (10) Structured Parking shall be allowed within the building if enclosed on at least 3 sides on the ground floor.
- (11) Non-residential uses allowed on ground floor level with separate outside entrances for residential and non-residential uses.

Town Creek Transect Zoning

T-Zone:	T1	T3	T4	T5	T6
Standard:	Green Space	Residential	Residential	Vertical mixed use	Vertical mixed use
Build-to-Line	n/a	10 to 30 feet	5 to 20 feet	0 to 15 feet	0 to 15 feet
Building Height	1 story max for ancillary buildings	2 story (max.)	1 to 3 stories	2 (min.) to 4 (max.)	2 (min.) to 5 (max.)
Maximum Floor to Area Ratio (non-res.)	n/a	1.5	3.0	4.0	5.0
Maximum Lot Coverage	n/a	70%	80%	100%	100%
Parking -- Minimum Off-Street per 1000 sq. ft (non-res.)	n/a	3.0	3.0	3.0	2.0
Maximum Residential Density per acre	n/a	20 units	30 units	40 units	60 units

ALLOWED USES IN TOWN CREEK

The permitted uses within Town Creek were chosen for their neighborhood and pedestrian-friendly character. Here are the permitted uses within Town Creek:

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. retail services 2. pharmacy 3. dry cleaners 4. retail goods sales 5. art, antique, furniture or electronics studio (retail) 6. restaurant, café, deli or coffee shop 7. coffee roasting 8. bakery 9. beer, wine or other alcoholic beverage on premises sales 10. movie theater 11. performance theater 12. museum, philanthropic, civic or governmental institutions 13. fraternal or other private social club | <ol style="list-style-type: none"> 14. surface parking 15. structured parking garage 16. hotel 17. single-room rental bed & breakfast 18. professional offices 19. health services office, clinic, hospital or laboratory 20. government/civic offices 21. transit 22. farmer's market, cultural events (special permit) 23. home occupation 24. church or other places of worship 25. greenhouse (e.g. -- retail nursery) 26. school (public or private, any level) 27. studio (dance, athletic, performance, etc.) |
|---|--|

Town Creek New Braunfels, Texas**EXHIBIT G – Preferred Plant Pallet**

		T1	T2	T3	T4	T5	T6	Street
Shade Trees:								
Bigtooth Maple	<i>Acer grandidentatum</i>		x	x	x	x	x	x
River Birch	<i>Betula nigra</i>	x	x	x	x			x
Osage Orange	<i>Bois d'arc</i>		x	x	x	x		
Pecan	<i>Carya illinoensis</i>	x	x	x	x			
Texas Ash	<i>Fraxinus texensis</i>	x	x	x	x	x		
Arizona Walnut	<i>Juglans major</i>	x	x	x	x			
Black Walnut	<i>Juglans nigra</i>	x	x	x	x			
Magnolia	<i>Magnolia grandiflora</i>	x	x	x	x	x		
Texas Pistache	<i>Pistacia texana</i>	x	x	x	x			
Texas Sycamore	<i>Platanus occidentalis</i>		x	x	x	x		
Cottonwood	<i>Populus deltoides</i>	x	x	x				
Candy's Oak	<i>Quercas canbyi</i>							
Burr Oak	<i>Quercas macrocarpa</i>	x	x	x	x	x	x	x
Chinquapin Oak	<i>Quercas muhlenbergii</i>	x	x	x	x	x	x	x
Mexican White Oak	<i>Quercas polymorpha</i>	x	x	x	x	x	x	x
Shin Oak	<i>Quercas mohriana</i>	x	x	x	x	x		
Shumard Red Oak	<i>Quercas shumardii</i>			x	x			
Texas Red Oak	<i>Quercas texana</i>			x	x			
Live Oak	<i>Quercas virginiana</i>			x	x	x	x	x
Western Soapberry	<i>Sapindus drummondii</i>				x	x	x	
Montezuma Cypress	<i>Taxodium mucronatum</i>	x	x	x				
American Elm	<i>Ulmus americana</i>	x	x	x	x	x	x	x
Cedar Elm	<i>Ulmus crassifolia</i>	x	x	x	x	x	x	x
Lacebark Elm	<i>Ulmus parvifolia</i>		x	x	x	x	x	x
Drake Elm	<i>Ulmus parvifolia</i> "Drake"			x	x	x	x	x
Lacey Oak	<i>Quercas glaucoides</i>	x	x	x	x	x	x	x
Bald Cypress	<i>Taxodium distichum</i>	x	x	x	x			
Ornamental Trees:								
Guajillo	<i>Acacia berlandieri</i>	x	x	x	x			
Roemer's Acacia	<i>Acacia roemeriana</i>	x	x	x	x			
Wright Acacia	<i>Acacia wrightii</i>	x	x	x	x			
Texas Madrone	<i>Arbutulus xalapensis</i>	x	x	x				
Anacacho Orchid Tree	<i>Bauhinia congesta</i>	x	x	x				
Paloverde Tree	<i>Cercidium macrum</i>	x	x					
Texas Redbud	<i>Cercis canadensis 'texana'</i>	x	x	x	x	x	x	x
Desert Willow	<i>Chilopsis linearis</i>	x	x	x	x	x	x	x
Condalia	<i>Condalia hookeri</i>	x	x	x	x			
Smoke Tree	<i>Continus obovatus</i>	x	x	x	x			
Wild Olive	<i>Cordia boissieri</i>	x	x	x	x			
Roughleaf Dogwood	<i>Cornus drummondii</i>		x	x	x	x	x	x
American Smoketree	<i>Cotinius obovatus</i>	x	x	x				
Texas Persimmon	<i>Diospyros texana</i>	x	x	x				
Sandpaper Tree	<i>Ehretia anacua</i>	x	x	x				
Kidneywood	<i>Eysenhardtia texana</i>	x	x	x	x			

Soapbush	<i>Guajacum angustifolium</i>	x	x	x				
Witch Hazel	<i>Hamamelis virginiana</i>	x	x	x				
Possumhaw Holly	<i>Ilex decidua</i>	x	x	x	x	x	x	
Yaupon Holly	<i>Ilex vomitoria</i>	x	x	x	x	x	x	
Little Texas Walnut	<i>Juglans microcarpa</i>	x	x	x				
Coyotillo	<i>Karwinskia humboltiana</i>	x	x	x				
Crepe Myrtle	<i>Lagerstroemia indica</i>		x	x	x	x	x	x
Golden Leadball Tree	<i>Leucaena retusa</i>	x	x	x	x	x		
Blanco Crabapple	<i>Malus ioensis var. texana</i>	x	x	x	x	x	x	
Wax Myrtle	<i>Myrica cerifera</i>		x	x	x	x	x	x
Arroyo Sweetwood	<i>Myrospermum sousanum</i>	x	x	x	x			
Retama	<i>Parkinsonia aculeate</i>	x	x					
Cherry Laurel	<i>Prunus caroliniana</i>		x	x	x	x	x	
Mexican Plum	<i>Prunus mexicana</i>	x	x	x	x	x	x	x
Chokeberry	<i>Prunus virginiana</i>	x	x	x				
Carolina Buckthorn	<i>Rhamnus Carolingian</i>	x	x	x	x	x		
Lanceleaf Sumac	<i>Rhus lanceolata</i>	x	x	x	x			
Evergreen Sumac	<i>Rhus virens</i>	x	x	x				
Weeping Willow	<i>Salix babylonica*</i>			x	x	x		
Eve's Necklace	<i>Sophora affinis</i>	x	x	x	x	x	x	
Texas Mountain Laurel	<i>Sophora secundiflora</i>	x	x	x	x	x	x	x
Mexican Buckeye	<i>Ungnadia speciosa</i>	x	x	x	x	x	x	x
Rusty Blackhaw Viburnum	<i>Viburnum rufidulum</i>	x	x	x	x			
Vitex	<i>Vitex agnus-castus</i>		x	x	x	x	x	
Toothache Tree	<i>Zanthoxylum hirtum</i>	x	x	x				
Shrubs:								
Glossy Abelia	<i>Abelia grandiflora</i>			x	x	x	x	
Flame Acanthus	<i>Anisacanthus quadrifidus 'wrightii'</i>	x	x	x	x	x	x	
Agarita	<i>Berberis trifoliata</i>	x	x	x				
Bougainvillea	<i>Biuganvillea spp.</i>				x	x	x	
Butterfly Bush	<i>Buddelia spp.</i>		x	x	x	x		
American Beautyberry	<i>Callicarpa americana</i>	x	x	x	x	x	x	
Bottlebrush	<i>Callistemon citrinus</i>	x	x	x	x	x	x	
Chile Pequin	<i>Capsicum annuum 'aviculare'</i>	x	x	x	x			
Candlestick Tree	<i>Cassia alata</i>		x	x	x			
Bird of Paradise	<i>Ceaselpinia gilliesi</i>				x	x	x	
Pride of Barbados	<i>Ceaselpinia pulcherrima</i>	x	x	x	x	x		
Snakewood	<i>Colubrina texensis</i>	x	x	x				
Cotoneaster	<i>Cotoneaster spp.</i>	x	x	x	x	x	x	
Crinum Lily	<i>Crinum spp.</i>			x	x	x	x	
Cigar Plant	<i>Cuphea spp.</i>	x	x	x	x	x	x	
Black Dalea	<i>Dalea frutescens</i>	x	x	x	x	x	x	
Sotol	<i>Dasyliirion spp.</i>	x	x	x				
Silverberry	<i>Eleagnus pungens</i>				x	x		
Eleagnus	<i>Eleagnus spp.</i>				x	x	x	
Coral Bean	<i>Erythia cisti-galli</i>	x	x	x	x	x	x	
Coralbean	<i>Erythrina herbacea</i>	x	x	x	x	x	x	
Texas Elbow Bush	<i>Foresteria pubescebs</i>	x	x	x	x	x		
Silk Tassel	<i>Garrya ovata</i>	x	x	x	x	x	x	
Red Yucca	<i>Hesperaloe parvifolia</i>	x	x	x	x			

Texas Star Hibiscus	<i>Hibiscus coccineus</i>			x	x	x	x	
Burford Holly	<i>Ilex cornuta 'Burfordii'</i>				x	x	x	
Primrose Jasmine	<i>Jasminum mesneyi</i>			x	x	x	x	
Dwarf Crepe Myrtle	<i>Lagerstroemia indica</i>			x	x	x	x	
Texas Sage	<i>Leucophyllum frutescens</i>	x	x	x	x	x	x	
Green Cloud Sage	<i>Leucophyllum frutescens 'green cloud'</i>			x	x	x	x	
Silverado Sage	<i>Leucophyllum frutescens 'silverado'</i>		x	x	x	x	x	
White Honeysuckle	<i>Lonicera albiflora</i> var. <i>albiflora</i>	x	x	x	x	x	x	
Barbados Cherry	<i>Malpighia glabra</i>	x	x	x	x	x	x	
Turk's Cap	<i>Malvaviscus drummondii</i>	x	x	x	x	x	x	
Dwarf Wax Myrtle	<i>Myrica pusilla</i>	x	x	x	x	x	x	
Nandina	<i>Nandina domestica</i>				x	x	x	
Oleander	<i>Nerium oleander</i>			x	x	x	x	
Nolina	<i>Nolina texana</i>	x	x	x	x			
Prickly Pear	<i>Opuntia engelmannii 'lindheimeri'</i>	x	x	x				
Pavonia	<i>Pavonia lasiopetala</i>	x	x	x	x	x	x	
Texas Mock Orange	<i>Philadelphus texensis</i>	x	x	x	x	x	x	
Yew	<i>Podocarpus macrophyllum</i>		x	x	x	x		
Mexican Oregano	<i>Poliomintha longiflora</i>	x	x	x	x	x	x	
Pyracantha	<i>Pyracantha</i> spp.	x	x	x				
Indian Hawthorne	<i>Raphiolepis indica</i>				x	x	x	
Aromatic Sumac	<i>Rhus aromatica</i>	x	x	x	x			
Smooth Sumac	<i>Rhus glabra</i>	x	x	x	x	x	x	
Evergreen Sumac	<i>Rhus virens</i>	x	x	x	x			
Rosemary	<i>Rosmarinus officinalis</i>	x	x	x	x	x	x	
Trailing Rosemary	<i>Rosmarinus prostrata</i>	x	x	x	x	x	x	
Dwarf palmetto	<i>Sabal minor</i>	x	x	x	x	x	x	
Autumn Sage	<i>Salvia greggii</i>	x	x	x	x	x	x	
Elderberry	<i>Samucus canadensis</i>	x	x	x	x	x	x	
Coralberry	<i>Symphoricarpos orbiculatus</i>	x	x	x	x	x	x	
Blackhaw Viburnum	<i>Viburnum prunifolium</i>				x	x	x	
Buckley Yucca	<i>Yucca constricta</i>	x	x	x	x			
Twisted-Leaf Yucca	<i>Yucca rupicola</i>	x	x	x	x			
Softleaf Yucca	<i>Yucca rupicola</i>	x	x	x				
Spanish Dagger	<i>Yucca</i> spp.	x	x	x				
Ornamental Grasses:								
Western Wheatgrass	<i>Agropyron smithii</i>	x	x	x	x			
Big Bluestem	<i>Andropogan gerardi</i>	x	x	x	x	x		
Brushy Bluestem	<i>Andropogan glomeratus</i>	x	x	x	x	x		
Sideoats Grama	<i>Bouteloua curtipendula</i>	x	x	x	x	x	x	
Inland Seaoats	<i>Chasmanthium latifolium</i>	x	x	x	x	x	x	
Umbrella Grass	<i>Cyperus alternifolius</i>		x	x	x	x	x	
Sugarcane Plume Grass	<i>Erianthus giganteus</i>	x	x	x	x	x	x	
Curly Mesquite	<i>Hilaria belangeri</i>	x	x	x				
Monky Grass	<i>Liriope muscari</i>				x	x	x	
Miscanthus	<i>Miscanthus</i> spp.				x	x	x	
Ear Muhly	<i>Muhlenbergia arenacea</i>	x	x	x	x	x		
Gulf Muhly	<i>Muhlenbergia capillaris</i>	x	x	x	x	x	x	
Lindhiemer Muhly	<i>Muhlenbergia lindheimeri</i>	x	x	x	x	x	x	
Weeping Muhly	<i>Muhlenbergii duboides</i>	x	x	x	x	x	x	

Seep Muhly	<i>Muhlenbergii reverchonii</i>	x	x	x	x	x		
Deer Muhly	<i>Muhlenbergii rigens</i>	x	x	x	x	x	x	
Beargrass	<i>Nolina spp.</i>	x	x	x	x	x	x	
Switchgrass	<i>Panicum virgatum</i>	x	x	x	x	x	x	
Little Bluestem	<i>Schizachyium scoparium</i>	x	x	x	x	x	x	
Green Lily	<i>Schoenocaulon texanum</i>		x	x	x	x		
Indiangrass	<i>Sorghastrum nutans</i>	x	x	x	x	x		
Mexican Feathergrass	<i>Stipa tenuissima</i>	x	x	x	x	x	x	
Eastern Grama Grass	<i>Tripsacum dactyloides</i>	x	x	x	x	x	x	
Vines:								
Crossvine	<i>Bignonia capreolata</i>	x	x	x	x	x	x	
Trumpet Vine	<i>Campsis radicans</i>	x	x	x	x	x	x	
Carolina jessamine	<i>Gelsemium sempervirens</i>	x	x	x	x	x	x	
English Ivy	<i>Hedera helix</i>				x	x	x	
Morning Glory	<i>Ipomoea spp.</i>	x	x	x	x	x	x	
Coral Honeysuckle	<i>Lonicera sempervirens</i>	x	x	x	x	x	x	
Virginia Creeper	<i>Parthenocissus quinquefolia</i>	x	x	x	x	x		
Boston Ivy	<i>Parthenocissus tricuspidata</i>				x	x	x	
Passionflower	<i>Passiflora alatocaerulea</i>			x	x	x	x	
Cypress Vine	<i>Quamoclit pennata</i>		x	x	x			
Lady Banksia Rose	<i>Rosa banksiae 'Lutea'</i>				x	x	x	
Santolina	<i>Santolina virens</i>				x	x	x	
Dwarf periwinkle	<i>Vinca major</i>	x	x	x	x	x	x	
Texas Wisteria	<i>Wisteria macrostachya</i>	x	x	x	x	x	x	
Turf Grasses:								
Buffalograss	<i>Buchloe dactyloides</i>	x	x	x	x	x	x	
Bermuda Grass	<i>Cynodon dactylon</i>	x	x	x	x	x	x	
Zoysiagrass	<i>Zoysia spp.</i>	x	x	x	x	x	x	

6/12/2017

Agenda Item No. H)

Presenter/Contact

Kristi Aday, Assistant City Manager
(830) 221-4285 - KAday@nbtexas.org

SUBJECT:

Discuss and consider approval of a contract with Freese and Nichols for professional engineering services in development of the Comal River Improvements Project.

BACKGROUND / RATIONALE:

Last year, the City solicited Statements of Qualifications from qualified professional firms interested in providing preliminary design services for the Comal River Improvements Project. Five responses were received from:

- Bid Red Dog
- Freese and Nichols
- Mask Landscape Architecture
- Merrick & Company
- Tetra Tech

An evaluation team consisting of the Assistant City Manager, Parks and Recreation Assistant Director, Capital Programs Manager, City Engineer, River Manager and the Chair of the River Advisory Committee met to evaluate the firms and proposals on qualifications, capability, capacity, similar project experience and references, and their proposed work program. Following initial scoring, the group invited three finalists for an interview and presentation: Freese and Nichols, Merrick and Company, and Tetra Tech. Of the six evaluation panel members, Freese and Nichols was the first choice of five evaluators. Therefore, staff proceeded to develop a scope and plan with Freese and Nichols.

The scope of work for this project involves two phases. The first phase will address the preliminary engineering portion of the project - site investigation and analysis. The consultants will perform a comprehensive review of the Comal River's public facilities, with a focus on the structural integrity of all the infrastructure. The areas included are shown in the map in the proposal, but generally include the Last Public Exit, Hinman Island, Prince Solms Park, the Tube Chute, "Stinky Falls," and the city-owned Mill Street property. A prioritization of any recommended high priority immediate repairs will be provided, along with the overall condition assessment.

The second phase will focus on public input and developing the ultimate vision. The public participation component is key to this project, and will include community meetings, focus groups and committee/stakeholder meetings. The participation component will help us determine what the stakeholders' interests are in improvements to the public facilities. Having the analysis portion

complete first, will help inform the discussion on what may or may not be possible.

The culmination of the two phases will result in a conceptual design with an initial emphasis on any structural and safety repairs, then any enhancements resulting from the public participation process. Included in this proposal are additional proposed services to provide an opinion of probable cost of construction and a planning meeting should we decide to move forward with final design and construction. The amount included is an estimate, as the final cost of this will be dependent on the ultimate design. It is staff's recommendation that we proceed with the additional services.

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

<input checked="" type="checkbox"/>	Yes	City Plan/Council Priority:	Strategic Plan: Infrastructure - 6. Develop and maintain a comprehensive program for water issues.
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FISCAL IMPACT:

The FY 2016-17 Hotel/Motel Tax Fund Budget includes \$250,000 for this project. The proposed cost for this contract is \$216,000. Therefore, sufficient funds are available to award the contract as described above. A portion of the work will likely occur next fiscal year; therefore, adequate funding to support this effort will be incorporated into the development of the FY 2017-18 Hotel/Motel Proposed Budget.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a contract with Freese and Nichols for professional engineering services in development of the Comal River Project.

May 18, 2017

Barbara Coleman
Purchasing Manager, City of New Braunfels
550 Landa Street, New Braunfels, Texas 78130
Delivered via email to BColeman@nbtexas.org

Re: Proposal for Professional Engineering Services: **Comal River Improvements Project
Phase 1: Existing Conditions Assessment and Phase 2: Developing Ultimate Vision**

Dear Ms. Coleman:

Freese and Nichols, Inc. (FNI) is pleased to submit this revised proposal for providing professional engineering services to the City of New Braunfels (City) for the Comal River Improvements project. This proposal includes our understanding of the project, our proposed scope of basic services, special services and additional services, as well as services to be provided by the City. The proposal reflects our conversations during the proposal review meetings on March 14, 2017 and May 10, 2017.

PROJECT UNDERSTANDING

One of the most popular water recreation destinations in Texas, the Comal River is a beautiful river originating in Landa Park and flowing through downtown New Braunfels. The tube chute is one of the premier attractions on the river. The City's goal for the project is to perform a comprehensive evaluation of and improvements to the City's infrastructure on the Comal River. This project will be high-profile due to widespread use of the Comal River and the businesses that rely on the river; therefore, public involvement will be critical to the success of the project. The City envisions a phased approach to the project to gather public input that shapes the final product to create a project that is understood and supported by the community.

The purpose of the first phase of the project is to evaluate the existing condition of the City's infrastructure and prioritize any necessary repairs. The purpose of the second phase is to formally gather public input on other potential improvements to develop the ultimate plan for the project. Subsequent phases may include preliminary design, final design, additional public outreach, and construction support.

The existing condition assessment will include a site visit, underwater investigation, and recommendations for potential repairs and improvements to the access, usability, aesthetics, maintenance, safety, and resiliency. The limits of the evaluation are from Hinman Island at the upstream end to San Antonio Street on the downstream end, as well as the Last Public Tuber's Exit just before the confluence with the Guadalupe River. The limits are shown in Figures 1 and 2.

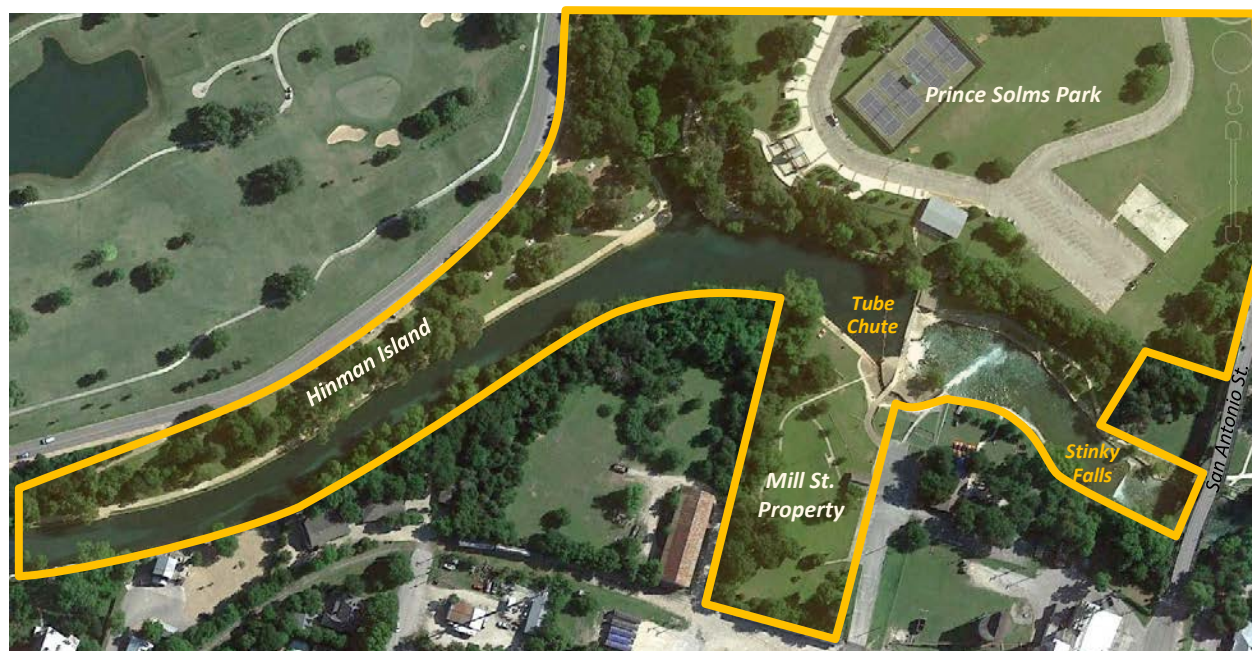


Figure 1: Limits of evaluation area around the Tube Chute



Figure 2: Last Public Exit area

FNI will render the following professional services in connection with the **Comal River Improvements Project, Phase 1 – Existing Conditions Assessment and Phase 2 – Developing Ultimate Vision.**

SCOPE OF SERVICES – BASIC SERVICES

PHASE 1 – EXISTING CONDITIONS ASSESSMENT

- A. Project Update Meetings and Reporting: The project team (project coordinator, technical lead, and relevant key subconsultants) will participate in biweekly phone calls with the City's project manager to discuss the project status for the assumed duration of Phase 1 (assumed 4 months). The first meeting will be a kickoff meeting at the City's offices. FNI will provide monthly status reports, updated project schedule, and invoices for the assumed duration of Phase 1.
- B. Meetings
 - i. TxDOT Meeting: Meet with TxDOT and the City to discuss timing of San Antonio Bridge project to coordinate overall project timing and implementation of future phases.
 - ii. Other Meetings: Attend and document up to 2 other meetings as requested by the City (City Council, River Committee, key stakeholders, HOA's, etc.) to share information and/or make presentations.
- C. Data Collection and Review: Gather historic documents on the Comal River structures, including but not limited to the City archives, Texas Historic Commission, Sophienburg Museum, and TCEQ Dam Safety Records. Review available historic documents and previous reports prepared by others for design background information. Perform precedent research on similar assets in other communities.
- D. Site Investigation Plan: Develop site investigation plan to observe the existing conditions of the following project components:
 - a) Access to the river from Hinman Island, Prince Solms Park and Mill Street (including tube chute office building, stairs, handrails, signage)
 - b) Tube Chute Dam (tube chute, gates, sidewalks/platforms, abutments, stairs, dam, retaining walls along river)
 - c) Stinky Falls (structure, exposed foundation, signage)
 - d) Last Tuber's Exit (structure, retaining walls, staircase, handrails, and
 - e) Access to the bus staging areas at Prince Solms Park and the Last Tuber's ExitSubmit draft Site Investigation Plan to City for review. Revise draft based on City comments and Public Meeting #1 feedback, and submit final to City.
- E. Underwater Inspection: Perform underwater inspection of the following structures to make observations on condition of the concrete and locate possible voids or seepage along the structures and/or foundation undermining.
 - a) Upstream of Tube Chute: Inspect the river banks/retaining walls from Hinman Island to the dam (approximately 1,400')
 - b) Tube Chute Dam: Upstream and downstream face of the dam, and the downstream river banks (retaining walls) between the Tube Chute Dam and Stinky Falls (approximately 330' – 400')
 - c) Stinky Falls: Upstream and downstream face of weir, and river banks downstream of weir for approximately 110' to San Antonio Bridge)

- d) Last Tuber's Exit: Underwater portion of exit stairs and foundation (approximately 50' distance along river bank).

It is noted this is scheduled to be performed over the course of 4 weekdays (Monday – Thursday) in July/August.

- F. Site Investigation: Perform site visit (one day on site) and observe the existing condition of the project components based on visually observable surface features. Photograph and document observations. The project components (structures/areas) will be reviewed for the following:
 - a) Access and ADA compliance
 - b) Aesthetics
 - c) User experience (tubers, park users, customer service)
 - d) Safety (tubers, park users, City staff including lifeguards, rangers, police, bus staging, traffic control)
 - e) Structural integrity
 - f) Geology and foundation
 - g) Resiliency to flooding (clean up required post-flood)
- G. Condition Assessment: Evaluate the condition of the existing structures based on historic documentation, existing geologic and geotechnical data, existing hydraulics, and site observations.
- H. On-site Surveys: Conduct one round of on-site surveys at the park to collect input from park users (estimated 4 hours on site during high use times). This effort will be performed in advance of Phase 2 to occur during the busy season for river and park users. Compile and document findings in a memorandum.
- I. Recommendations and Prioritization: Develop recommendations based on observations from the site investigation. Identify high-priority recommendations to address safety or stability issues. Prioritize recommendations for City consideration. Potential prioritization may include: (1.) High priority repairs to address safety or stability issues; (2.) Recommended repairs and improvements for maintenance, access or user experience; and (3.) Aesthetic and other improvements.
- J. Draft Report: Prepare Existing Conditions Assessment Report documenting site observations, and recommendations, including high-priority repairs to address any stability or safety concerns.
- K. Final Report: Address City comments and prepare final version of report.
- L. Review Workshop: Prepare for and participate in a workshop at the City to discuss findings of the Existing Condition Assessment. Kickoff Phase 2 of the project. Provide meeting minutes and action items for the workshop.

PHASE 2 – DEVELOPING ULTIMATE VISION

- A. Project Update Meetings and Reporting: The project team (project coordinator, technical lead, and relevant key subconsultants) will participate in biweekly phone calls with the City's project manager to discuss the project status for the assumed duration of Phase 2 (assumed 4 months). FNI will provide monthly status reports, updated project schedule, and invoices for the assumed duration of Phase 2.

- B. Stakeholder Review and Public Engagement Plan: Obtain existing list of stakeholders from the City. Add additional stakeholders based on research of the project area, including City contacts, property owners, neighborhood contacts, park users, community groups, businesses, elected/public officials, agencies, and any interested individuals. Develop a draft plan that defines methods of informing and collecting input from stakeholders, timeline of the process, and distribution of responsibilities. Submit the draft plan for City review. Address City comments and prepare the final plan. Update the stakeholder database throughout the project and provide updated versions to the City.
- C. Project Materials: Develop project materials such as handouts, flyers, FAQs, or factsheets for general information, stakeholder outreach or other group meetings. Provide website content to the City (general project information and photos). Provide two (2) updates to website content to reflect project progress (public meeting information, materials from public meetings).
- D. Meetings:
 - i. Key Stakeholders: Coordinate with the City to identify and contact key stakeholders for one-on-one meetings or focus groups. These meetings will provide the opportunity to visit openly about concerns, needs, and desires associated with the project and river. Facilitate meetings over a two-day period.
 - ii. Other Meetings: Attend and document up to 2 other meetings as requested by the City (City Council, River Committee, key stakeholders, HOA's, etc.) to share information and/or make presentations.
- E. Outreach: Prepare up to three media releases for the City to distribute to announce project launch, public meeting, and project update. Prepare up to three email project status updates (outside of media releases) for the City to send to stakeholders in the database (eg. summaries of feedback received from the public meeting, surveys, etc.). Develop content for social media posts and send to the appropriate contacts for posting to existing City and other relevant groups' social media accounts.
- F. Electronic Surveys: Develop content for two electronic surveys (distribute to City for review and comment) and distribute survey to public to gather input.
- G. Public Meeting: The purpose of Public Meeting #1 will be to introduce the project to the community, discuss the findings of the condition assessment, and collect feedback from citizens and stakeholders to develop the ultimate plan. Coordinate and schedule the date of the meeting with the City. Prepare for the meeting and develop meeting materials including the email invitation, signage, exhibits/displays/visuals, project handouts, and PowerPoint presentations. Facilitate the public meeting.
- H. Draft Report: Prepare a summary report to document feedback received from the public meeting and include an update to the recommendations developed in Phase 1.
- I. Final Report: Address City comments and prepare final version of report.

SPECIAL SERVICES

Engineer will perform the following tasks upon request and written authorization from the City.

Phase 1 – Existing Conditions Assessment

- M. Budgetary Cost Estimates: Develop conceptual design and opinion of probable construction costs (OPCC) for budgetary purposes for identified high-priority recommendations to address safety or stability issues. Incorporate into Existing Conditions Assessment Report. Recommendations are unknown at this time; therefore, the amount included is an estimated not-to-exceed assuming 40 hours of effort. Upon determination of recommendations, FNI and the City will refine the special services scope of work and fee.

Phase 2 – Developing Ultimate Vision

- J. Review Workshop and Phase 3 Planning: Prepare for and participate in a workshop at the City to discuss the findings of Public Meeting #1, recommendations, and discuss approach for the next phase of the project. Provide meeting minutes and action items for the workshop and develop approach for the next phase of the project.

SERVICES PROVIDED BY CITY OF NEW BRAUNFELS

- A. Assist FNI by placing at FNI's disposal all available information pertinent to the Project including previous studies and reports, river usage data and safety statistics, stakeholder database, and any other data relative to the Project.
- B. Public Outreach and Communication:
 - i. Setup a project webpage to allow access for the public and stakeholders to project information. Update the website as needed with content provided by FNI.
 - ii. Set up and monitor a project email address and phone number to reply to questions and comments from the public.
 - iii. Prepare social media posts and press releases based on content provided by FNI. The media outreach will be utilized to distribute project information, projects updates, and notification for public meetings.
 - iv. Provide public meeting venue and perform setup.
- C. Site Access and Visibility: Remove/trim vegetation adjacent to the Tube Chute Dam, Stinky Falls and Last Tuber's Exit prior to the site investigation to allow for visual inspection. Coordinate and arrange for FNI to access the site as required for FNI to perform services.
- D. Provide input and comments on reports, as appropriate.

TIME OF COMPLETION

FNI agrees to complete the services in accordance with the attached schedule. FNI will commence work upon execution of an Agreement and receipt of a notice to proceed. As shown in the schedule, Phase 1 – Existing Conditions Assessment will be completed within 5 months from the notice to proceed. Phase 2 will be commenced upon completion of Phase 1 and will be completed within 5 months.

If FNI's services are delayed through no fault of FNI, FNI shall be entitled to equitable adjustment of compensation and to adjust contract schedule consistent with the number of days of delay.

COMPENSATION

The total fee for the basic scope of services shall be the lump sum fee of \$200,000.

The total fee for special services is the lump sum fee of \$16,000 to be authorized by the City as needed.

ADDITIONAL SERVICES

The following services are not included in the Scope of Services and will be considered Additional Services, if requested by the City:

- 1) Stability Analysis: Perform detailed stability analysis of structures.
- 2) Preliminary Design: Develop design schematics or drawings of proposed recommendations. Evaluate potential regulatory and permitting considerations for the proposed recommendations. Prepare Opinion of Probable Construction Costs for proposed recommendations other than the high-priority recommendations addressed in Special Services.
- 3) H&H modeling: Perform hydrologic and hydraulic modeling of existing conditions or proposed recommendations.
- 4) Environmental Permitting: Preparation and submission of state, federal and/or local permits.

CONCLUSION

We appreciate this opportunity to assist the City with this project. If additional information or clarification is desired, please do not hesitate to contact us.



Yours very truly,

FREESE AND NICHOLS, INC.

Victor M. Vasquez, P.E.
Principal

Tina Stanard, P.E.
Project Coordinator

Comal River Improvements Project Schedule for Phases 1 and 2

ID	Task Name	Duration	Start	Finish	June	July	August	Septem	October	Novem	Decemb	January	Februa	March	April
1	PHASE 1 - EXISTING CONDITION ASSESSMENT	103 days	Mon 6/19/17	Wed 11/8/17	 PHASE 1										
2	<i>Phase 1 Notice to Proceed (assumed)</i>	<i>0 days</i>	<i>Mon 6/19/17</i>	<i>Mon 6/19/17</i>	◆ 6/19										
3	<i>Phase 1 Kickoff Meeting</i>	<i>0 days</i>	<i>Tue 6/27/17</i>	<i>Tue 6/27/17</i>	◆ 6/27										
4	Data Collection and Review	4 wks	Mon 6/19/17	Fri 7/14/17	■										
5	Meetings (TxDOT and Other) - dates TBD	4 wks	Wed 7/12/17	Tue 8/8/17		■									
6	Prepare Site Investigation Plan	3 wks	Mon 7/17/17	Fri 8/4/17		■									
7	Underwater Inspection	4 days	Mon 8/7/17	Thu 8/10/17			■ Underwater Inspection								
8	Site Investigation	1 day	Tue 8/8/17	Tue 8/8/17			■ Site Investigation								
9	Condition Assessment	2 wks	Mon 8/14/17	Fri 8/25/17			■								
10	On-site surveys	1 wk	Mon 8/28/17	Fri 9/1/17			■ On-site surveys								
11	Recommendations	3 wks	Mon 8/28/17	Fri 9/15/17			■								
12	Draft Assessment Report	3 wks	Mon 9/18/17	Fri 10/6/17				■ Draft Assessment Report							
13	<i>City Review Report</i>	<i>2 wks</i>	<i>Mon 10/9/17</i>	<i>Fri 10/20/17</i>					■						
14	<i>Review Workshop with City (exact date TBD)</i>	<i>0 days</i>	<i>Wed 10/25/17</i>	<i>Wed 10/25/17</i>					◆ 10/25 Workshop #1						
15	Final Assessment Report	2 wks	Thu 10/26/17	Wed 11/8/17					■						
16	PHASE 2 - DEVELOPING ULTIMATE VISION	103 days	Wed 10/25/17	Mon 3/19/18	 PHASE 2										
17	<i>Kickoff Task 2</i>	<i>0 days</i>	<i>Wed 10/25/17</i>	<i>Wed 10/25/17</i>					◆ 10/25 Kickoff Task 2						
18	Stakeholders / Public Engagement Plan	2 wks	Thu 10/26/17	Wed 11/8/17					■						
19	Develop Project Materials	2 wks	Thu 11/9/17	Wed 11/22/17					■						
20	Key Stakeholder Meetings	4 wks	Thu 11/23/17	Wed 12/20/17					■ Stakeholder Meetings						
21	Electronic Surveys	2 wks	Thu 11/30/17	Wed 12/13/17					■						
22	<i>Public Meeting #1 (exact date TBD)</i>	<i>0 days</i>	<i>Wed 1/17/18</i>	<i>Wed 1/17/18</i>						◆ 1/17 Public Meeting #1					
23	Draft Summary Report	4 wks	Thu 1/18/18	Wed 2/14/18						■					
24	<i>City Review Report</i>	<i>2 wks</i>	<i>Thu 2/15/18</i>	<i>Wed 2/28/18</i>							■				
25	<i>Review Workshop with City (if requested)</i>	<i>0 days</i>	<i>Mon 3/5/18</i>	<i>Mon 3/5/18</i>								◆ 3/5 Workshop #2			
26	Final Summary Report	2 wks	Tue 3/6/18	Mon 3/19/18								■			



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/12/2017

Agenda Item No. A)

Deliberate pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:

- New Braunfels Housing Authority and New Braunfels Community Resources, Inc.
- Stop the Ordinances Please, et. al. v. City of New Braunfels.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/12/2017

Agenda Item No. B)

Deliberate and consider the purchase of, exchange, lease or value of real property, in accordance with Section 551.072, of the Texas Government Code, including but not limited to:

- acquisition of land for city facilities