



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



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

MONDAY, JUNE 26, 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.***

AMENDED AGENDA

CALL TO ORDER

CALL OF ROLL: City Secretary

INVOCATION: Mayor Barron Casteel

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

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

PROCLAMATIONS:

A) Pat's Place

1. MINUTES

A) Discuss and consider approval of the minutes of the special City Council meeting of June 1, 2017, and the regular City Council meeting of June 12, 2017.

Patrick Aten, City Secretary

2. CITIZENS' COMMUNICATIONS

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

3. CONSENT AGENDA

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

Resolutions & Action Items

- A) Approval of the appointment of one individual to the Airport Advisory Board for a term ending May 12, 2019.
Patrick Aten, City Secretary
- B) Approval of a budget transfer in the Enterprise Maintenance and Equipment Replacement Fund.
Jared Werner, Assistant Director of Finance
- C) Approval of a Memorandum of Understanding between the City of New Braunfels and the Comal County Integrated Response Committee regarding inter-agency cooperation and response to active threats.
Kenneth Jacks, Fire Chief
- D) Approval of the ratification of a grant application to the FY2016 Fire Prevention and Safety Grant under the Federal Emergency Management Agency in the amount of \$132,560 for the purchase of a fire demonstration trailer with educational equipment, and authorizing the City Manager to accept funds and execute all contract documents associated with the grant if awarded.
Greg Guenther, Fire Lieutenant
- E) Approval of the submission of a grant application to the U.S. Department of Justice FY 2017 Bulletproof Vest Partnership program for \$52,507.50 and authorizing the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.
Tom Scheuermann, Police Administrative Sergeant
- F) Approval to apply for a sub-award of the Grants to States Program from the Texas State Library and Archives Commission's federal funder, Institute of Museum and Library Services to be applied to Interlibrary Loan Lends program costs incurred during State Fiscal Year 2017, and authorizing the City Manager to execute all contract documents associated with the grant and accept funds if awarded.
Gretchen Pruett, Library Director
- G) Approval of a resolution supporting a request from Guadalupe-Blanco River Authority (GBRA) to the Public Utility Commission (PUC) to expand GBRA's Certificate of Convenience and Necessity (CCN) into areas of New Braunfels' city limits and extraterritorial jurisdiction (ETJ).
Christopher J. Looney, Director of Planning and Community Development

- H) Approval of a grant application to the National Park Service for technical assistance with community trail planning and authorizing the City Manager to execute all contract documents associated with the grant if awarded.

Ylida Capriccioso, Parks Development Manager

- I) Approval to authorize City Staff and SAMCO Capital Markets, Inc to proceed with the potential issuance of General Obligation Refunding Bonds, Series 2017 for debt service savings.

Martie Simpson, Finance Director

- J) Approval of the issuance of an invitation for competitive sealed proposals for the Alves Lane Project since the City Council finds that this delivery method will provide the best value to the City.

Barbara Coleman, Purchasing Manager

Ordinances

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

- K) Approval of the first reading of an ordinance amending Section 126-346 of the Code of Ordinances to amend the no parking zone on East Faust Street near the intersection with Comal Avenue.

Garry Ford, City Engineer

- L) Approval of the first reading of an ordinance amending Ordinance 75-10 of the City of New Braunfels Code of Ordinances to amend the locations of traffic control devices in the Quail Valley Subdivision.

Garry Ford, City Engineer

- M) Approval of the second and final reading of an ordinance to create a regulatory construction speed zone on portions of Loop 337.

Garry Ford, City Engineer

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Presentation, discussion, and possible action on the 2018 Comal Appraisal District Budget.

Hector Lozano, Comal Appraisal District Chief Appraiser

- B) Discuss and consider the appointment of one individual to the Community Development Advisory Committee for a term ending December 13, 2017.

Patrick Aten, City Secretary

- C) Discuss and consider possible direction to city staff on amending Section 126-354 of the City of New Braunfels Code of Ordinances to remove a portion of Parking by Permit Area I and create a loading zone on East Coll Street.

Garry Ford, City Engineer

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

Garry Ford, City Engineer

- E) Discuss and consider possible action regarding an amendment to the authorized position listing for the the Parks and Recreation Department for the addition of a full time Recreation Center Manager.

Stacey Dicke, Parks and Recreation Director

- F) Discuss and consider approval of a resolution authorizing an expenditure of up to \$250,000 to the New Braunfels Independent School District for a project to make qualified improvements to Oak Run Middle School and New Braunfels Middle School sports fields.

Robert Camareno, City Manager

- G) Public hearing and consideration of the first reading of an ordinance regarding the proposed rezoning of approximately 74 acres comprising a 60.579 acre tract out of the A-20, A M Esnaurizar Survey, addressed at 1584 and 1568 Weltner Road, and the 13.421 acre Countryville Subdivision, from "APD" Agricultural/Pre-Development District and "R-1A-6.6" Single-Family District to Weltner Farms Planned Development District (WFPD).

Christopher Looney, Planning & Community Development Director

- H) Public hearing and consideration of the first reading of an ordinance regarding the proposed designation of approximately 0.158 acre, the northeast parts of Lots 1 and 2 of City Block 4066, addressed as 475 Butcher Street, as a local historic landmark to be known as the Boenig-Hartmann House.

Christopher Looney, Director of Planning and Community Development

- I) Public hearing and consideration of the first reading of an ordinance regarding the proposed designation of approximately 0.241 acres, Lots 14 and 16 of City Block 1024, addressed as 564 Hill Avenue, as a local historic landmark to be known as the Kopplin-Leitch House.

Christopher Looney, Director of Planning and Community Development

- J) 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

- K) Discuss and consider approval of a resolution authorizing the use of Eminent Domain Proceedings under Chapter 251 of the Texas Local Government Code and Section 2.03 and Section 11.08 of the City of New Braunfels Municipal Charter, on that Parcel owned by Joyce T. Weltner Living Trust, being a 3.564-acre tract situated in the A.M. Esnaurizar Eleven League Grant, Guadalupe County, Texas out of that certain 65 acre tract (tract two) described in Volume 1315, page 280 of the Official Real Property Records of Guadalupe County, Texas as part of New Braunfels Utilities electric system's substation and related appurtenances expansion.

Ian Taylor, NBU Chief Executive Officer

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 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
- 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:
- Condemnation of an approximate 3.564 acres along Weltner Road related to the expansion of NBU's electric system.

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 23, 2017, at 2:00 p.m.

Patrick Aten, City Secretary

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



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/26/2017

Agenda Item No. A)

City of New Braunfels



Proclamation

THE STATE OF TEXAS §
COUNTY OF COMAL §
CITY OF NEW BRAUNFELS §

WHEREAS, Pat’s Place has been an iconic restaurant of New Braunfels for forty years; and

WHEREAS, Carol Guerdy and Pat Cantrell started with a little burger joint on the weekend of July 4, 1977, at the corner of Union Avenue and South Street; and

WHEREAS, Pat’s Place is where you get great food with great service at a reasonable price; and

WHEREAS, their policy of “if you wouldn’t serve it to your family, don’t serve it to our customers” is why customers keep coming back; and

WHEREAS, although they get a lot of tourists to visit their establishment, the locals are the ones who keep coming back for more.

NOW, THEREFORE, I, BARRON CASTEEL, Mayor of the City of New Braunfels, do hereby recognize the Fortieth Anniversary of Pat’s Place and wish them many more successful years.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 26th day of June, 2017.

CITY OF NEW BRAUNFELS

BY: _____
BARRON CASTEEL, Mayor



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/26/2017

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 special City Council meeting of June 1, 2017, and the regular City Council meeting of June 12, 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 special City Council meeting of June 1, 2017, and the regular City Council meeting of June 12, 2017.

**SPECIAL MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
SPECIAL MEETING OF THURSDAY, JUNE 1, 2017**

The City Council of the City of New Braunfels, Texas, convened in a Special Session on June 1, 2017, at 8:00 a.m.

City Councilmembers present were:

Present 5 - Mayor Barron Casteel, Councilmember Justin Meadows, Councilmember Ron Reaves, Councilmember Chris Monceballez, and Mayor Pro Tem Wayne Peters

Absent 2 - Councilmember George Green, and Councilmember Leah García

City Staff present were:

City Manager Robert Camareno, Assistant City Manager Kristi Aday, Capital Programs Manager Bryan Woods, Economic Development Manager Jeff Jewel, Public Information Officer Sheri Masterson, City Attorney Valeria Acevedo, City Secretary Patrick Aten, Finance Director Martie Simpson, Assistant Finance Director Jared Werner, Information Technology Director Travis Cochrane, Interim Airport Director Ken Wilson, Public Works Director Greg Malatek, Assistant Police Chief Joe Vargas, Planning and Community Development Director Christopher Looney, Fire Chief Kenneth Jacks, Library Director Gretchen Pruett, and Parks and Recreation Director Stacey Dicke.

The meeting was called to order by Mayor Casteel in the Milltown District Grande Room at 8:34 a.m. Mayor Pro Tem Peters gave the invocation; and Mayor Casteel led the Pledge of Allegiance and the Salute to the Texas Flag.

1. WORKSHOP

- A) Presentation and discussion of the Five Year Financial Forecast.
- B) Presentation, discussion, and possible direction regarding the development of the FY 2017-18 Budget.

Mayor Casteel read the aforementioned captions.

Robert Camareno presented the items.

No action was taken.

This special meeting adjourned at 3:14 p.m.

Date Approved: June 26, 2017

BARRON CASTEEL, MAYOR

Attest:

PATRICK ATEN, CITY SECRETARY

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, JUNE 12, 2017**

The City Council of the City of New Braunfels, Texas, convened in a Regular Session on June 12, 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, City Secretary Patrick Aten, Assistant City Secretary Andrea Cunningham, City Engineer Garry Ford, Assistant City Engineer Jerry Pavliska, Graduate Engineer Jeff Prato, Planning and Community Development Director Christopher Looney, Senior Planner Holly Mullins, Parks and Recreation Director Stacey Dicke, Recreation Manager Robin Kunkel, Interim Human Resources Director Janet Melançon, and Assistant City Attorney Frank Onion.

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:02 p.m. Councilmember García gave the invocation; and Mayor Casteel led the Pledge of Allegiance and the Salute to the Texas Flag.

PROCLAMATIONS:

Mayor Casteel proclaimed June 19, 2017, as Juneteenth.

PRESENTATIONS:

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

Garry Ford, Jeff Prato, and Jerry Pavliska presented the item.

Wayne Rudolph, Don Pickett, Ian Perez, and Bob Wolf spoke regarding the presentation.

1. MINUTES

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

Mayor Casteel read the aforementioned caption. A motion was made by Councilmember García, seconded by Councilmember Meadows, that this item be approved. The motion passed unanimously.

2. CITIZENS' COMMUNICATIONS

Wayne Rudolph and Don Pickett spoke regarding the Landa Park Golf Course at Comal Springs.

3. CONSENT AGENDA

- 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.
- B) Approval of annual recurring expenditures for FY 2016-17.
- 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.
- 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.
- E) Approval of an annual contract with ABM Texas General Services, Inc. to perform custodial services for the City of New Braunfels.
- 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.
- 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.
- 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).

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

Approval of the Consent Agenda

Mayor Casteel read the aforementioned captions. A motion was made by Councilmember Green, seconded by Mayor Pro Tem Peters, to approve the Consent Agenda. The motion passed unanimously via roll call vote.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

A motion was made by Councilmember Reaves, seconded by Councilmember Monceballez, to take Item 2B out of order. The motion passed unanimously.

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

Mayor Casteel read the aforementioned caption.

Kristi Aday and New Braunfels Hispanic Business Alliance Chair Shelley Bujnoch presented the item.

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

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

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

Don Pickett, Shane Wolf, and Kris Bolstad spoke regarding the item.

City Council directed staff to develop a plan related to the disposable container ordinance for review at the Regular City Council meeting of July 10, 2017.

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

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

Jay Gambrell spoke regarding the item.

A motion was made by Councilmember Meadows, seconded by Councilmember Monceballez, that this item be approved. The motion passed via the following vote:

In Favor:

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

Opposed:

Councilmember García

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

Mayor Casteel read the aforementioned caption.

Robin Kunkel presented the item.

No one spoke during the public hearing.

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

- 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.

Mayor Casteel read the aforementioned caption.

Christopher Looney presented the item.

Bob Wolf, Ruth Franks, and Jeff Moeller spoke during the public hearing.

A motion was made by Councilmember Green, seconded by Councilmember Reaves, that this item be approved with staff recommendations. Upon further discussion from the City Council, Councilmember Green withdrew his motion to approve this item and Councilmember Reaves withdrew his second.

A motion was made by Councilmember Green, seconded by Councilmember Monceballez, that this item be postponed to the Regular City Council meeting of June 26, 2017. The motion passed unanimously.

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.

Mayor Casteel read the aforementioned caption.

Christopher Looney presented the item.

A motion was made by Councilmember Green, seconded by Councilmember Meadows, that this item be approved. The motion passed unanimously via roll call vote.

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.

Mayor Casteel read the aforementioned caption.

Christopher Looney presented the item.

Ryan Buck 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 unanimously via roll call vote.

H) Discuss and consider approval of a contract with Freese and Nichols for professional engineering services in development of the Comal River Improvements Project.

Mayor Casteel read the aforementioned caption.

Kristi Aday presented the item.

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

5. EXECUTIVE SESSIONS

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.
- Personnel.

Mayor Casteel read the aforementioned caption with the exception of the following:

- New Braunfels Housing Authority and New Braunfels Community Resources; and

- Stop the Ordinances Please, et.al. v. City of New Braunfels.

The City Council recessed into Executive Session from 8:33 - 9:26 p.m.

No vote or action was taken.

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

City Council reconvened into Open Session at 9:26 p.m.

No vote or action was taken.

This regular meeting adjourned at 9:26 p.m.

Date Approved: June 26, 2017

BARRON CASTEEL, MAYOR

Attest:

PATRICK ATEN, CITY SECRETARY

6/26/2017

Agenda Item No. A)

Presenter/Contact

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

SUBJECT:

Approval of the appointment of one individual to the Airport Advisory Board for a term ending May 12, 2019.

BACKGROUND / RATIONALE:

The Airport Advisory Board is made up of seven members serving three year staggered terms. Five members serve at-large, and two members serve as city/ETJ residents with aviation experience.

Board member Mike Short resigned his seat with a term ending May 12, 2019.

The vacancy for this position was posted from May 17, 2017, through June 15, 2017

The following qualified application was submitted:

- Thomas Meyer

Applicant's current & prior service on Boards and Commissions

Thomas Meyer has no prior City of New Braunfels board of commission experience.

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 one individual to the Airport Advisory Board for a term ending May 12, 2019.

6/26/2017

Agenda Item No. B)

Presenter/Contact

*Jared Werner, Assistant Director of Finance
(830) 221-4387 -jwerner@nbtexas.org*

SUBJECT:

Approval of a budget transfer in the Enterprise Maintenance and Equipment Replacement Fund.

BACKGROUND / RATIONALE:

In the FY 2017-18 Enterprise Maintenance and Equipment Replacement Fund, there are funds budgeted in a capital allocation that were intended for some minor facility renovations at the Civic and Convention center. However, Parks and Recreation and the City Manager's Office have identified several supply/equipment needs for the facility that would benefit the facility and the services of the Center, such as additional trade show tables, the replacement of holiday décor, and some other minor items. To account for these revised expenditures in the correct expenditure category a budget transfer is necessary to move the funds from the capital allocation to the operating allocation. Therefore, the following budget transfer is recommended for City Council consideration.

Budget Transfer - Enterprise Maintenance and Equipment Replacement Fund

From: Capital Expenditures \$28,408

To: Operating Expenditures \$28,408

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

--	--	--	--

FISCAL IMPACT:

The transfer does not increase the budget nor draw from fund balance, the action simply allows for expenditures to be accounted for in the appropriate expenditure category.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the budget transfer.

6/26/2017

Agenda Item No. C)

Presenter/Contact

Kenneth Jacks, Fire Chief

(830) 221-4100 - kjacks@nbtexas.org

SUBJECT:

Approval of a Memorandum of Understanding between the City of New Braunfels and the Comal County Integrated Response Committee regarding inter-agency cooperation and response to active threats.

BACKGROUND / RATIONALE:

This Memorandum of Understanding is the result of a several years-long collaborative effort involving our local school districts and the many emergency response agencies located in Comal County (New Braunfels Police Department, New Braunfels Fire Department, Comal County Sheriff, Comal County Constable Precinct 3, Garden Ridge Police Department, Bracken Fire Department, Bulverde-Spring Branch Fire/EMS, Canyon Lake Fire/EMS, Schertz EMS, Comal ISD, and New Braunfels ISD). The purpose of this document is to provide the signatory agencies with uniform direction, and to maximize inter-agency cooperation, when addressing the most common challenges that occur when responding to an active threat.

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 Memorandum of Understanding between the City of New Braunfels and the Comal County Integrated Response Committee regarding inter-agency cooperation and response to active threats.

1. PARTIES

To the extent permitted by law this Memorandum of Understanding (MOU) is entered into by and between all undersigned agencies/departments, hereinafter collectively referred to as the "Parties."

2. AUTHORITIES

Authority for the Parties to enter into this agreement is pursuant to the Interlocal Cooperation Act, Texas Government Code Chapter 791. Pursuant to Section 791.011(d), Texas Government Code, and other applicable law, any party paying for the performance of governmental functions or services hereunder shall make those payments from current revenues available to the paying party and this MOU shall be authorized by the governing body of each party hereto before execution by the Department Head of that party.

3. PURPOSE

The purpose of this MOU is to give first responders of all agencies within Comal County the proper direction and maximize inter-agency cooperation when addressing the five common challenges occurring in a multi agency response to an active threat. These five common challenges consist of stopping the threat, integrating the response, staging of resources, medical care, and transportation of the injured. This MOU will also formalize relationships between the participating agencies for policy guidance, planning, training, public and media relations, and funding. This MOU is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law or otherwise by any third party against the Parties, the State of Texas, the County of Comal, the Cities of New Braunfels, Garden Ridge, and Bulverde, or the officers, employees, agents or other associated personnel thereof. By entering into this MOU, no party waives, nor shall be deemed to have waived any right, immunity or defense that party may have under applicable statute, law, rule, or regulation.

4. MISSION

The mission of this MOU is to establish baseline department protocols and best practices across Comal County for the response and mitigation of active threat situations.

5. SUPERVISION AND CONTROL

a. Supervision

Overall supervision of the personnel at an active threat event shall be the shared responsibility of the participants, and to the extent possible, all parties shall utilize the incident command system.

Responsibility for conduct of each party, both personally and professionally, shall remain with the respective agency head, and each agency shall be responsible for the actions of its respective employees. Each party member will be subject to the personnel rules, regulations, laws, and policies applicable to those of his or her respective agency. By entering into this agreement, or otherwise participating in any incident, no party shall be deemed a partner, joint venture, or otherwise responsible for the acts or omissions on any other parties' personnel.

b. Resource Control

Specific control of resources, including personnel, and the continual dedication of resources shall be retained by the participating agency heads, who will be kept fully apprised of all developments, requirements, and needs by their respective subordinates.

6. OPERATIONS

a. Stopping The Threat:

Comal County is composed of multiple law enforcement agencies with different degrees of training and tactics. During an active threat event, these agencies will respond and work together. A commonality of training is essential.

To accomplish this, Comal County first responders will utilize the current concepts and best practices recommended by Advanced Law Enforcement Rapid Response Training (ALERTT).

b. Integrating the Response:

The cooperation of multiple agencies with different types and makeups is necessary to resolve an active threat event. All responding agencies need to have and utilize a practical incident command system that addresses the common elements of integration:

These common elements consist of Command, Staging, Span of Control and Radio ID.

To accomplish this, Comal County first responders will utilize the ALERTT/C3 Pathways Active Shooter Incident Management Checklist for an active threat event.

c. Staging:

A common problem with active threat events is over-convergence, or a lack of organization with multiple first responders flooding into the operational area. To prevent this, all responding agencies after the initial contact team (including follow on law enforcement units) must practice good staging concepts. Everyone on scene should have a task or purpose.

Staging has three primary functions: Resource Utilization, Accountability, and Ingress/Egress

After the initial contact team, the next arriving law enforcement officer will act as staging manager and utilize the ALERTT/C3 Pathways Active Shooter Incident Management Checklist.

d. Medical Care:

All responding agencies might be tasked with providing emergency medical care at any stage or area of an active threat event. A common system of mass casualty care must be practiced and applied with the following goals: Prevention of further casualties, Treatment of casualties, and Completion of mission

To accomplish this Comal County first responders will utilize concepts and best practices recommended by the Tactical Emergency Casualty Care Committee (TECC). These procedures allow for three phases of care: Direct Threat Care, Indirect Threat Care, and Evac Care.

In addition, first responders must establish safe zones or corridors and utilize rescue task force models to provide medical care during active threat events as quickly as possible. To accomplish this, Comal County first responders will utilize concepts and guidelines recommended through ALERTT's Active Threat Integrated Response Course (ATIRC).

e. Transport of Injured:

The successful transportation of injured persons in an active threat event depends on the first responders properly addressing the first four challenges mentioned above, (stopping the threat, integration, staging, and medical).

In addition to the above guidelines, all responding agencies in Comal County must have a clear understanding and the ability to establish casualty collection points, ambulance exchange points, and conduct simple triage.

To accomplish this, Comal County first responders will utilize concepts and guidelines recommended through ALERRT's Active Threat Integrated Response Course (ATIRC).

7. INVESTIGATIONS

All investigative procedure's are to comply with the policies of the agency with jurisdiction over an event. In investigations, the Parties agree to utilize the standards practiced by the participating agency pertaining to evidence handling and electronic surveillance activities. The use of other investigative methods (search warrants, interceptions of oral communications, etc.) and reporting procedures in connection therewith will be consistent with the policies and procedures for the participating agencies.

8. DEADLY FORCE AND SHOOTING INCIDENT POLICIES

All parties will follow their own agency's policy concerning firearms discharge and use of deadly force.

9. VEHICLES

Each agency will be responsible for vehicles, maintenance, gas and supplies of their respective employees responding to an or participating in an active threat event.

The responsibility for all other liability attributed to the participating agencies resulting from the use of agency vehicles by their employees rests with the individual participating agency.

To the extent permitted by law the participating agencies agree to be responsible for any damage incurred to agency vehicles caused by an act or omission on the part of their respective employees, and participating agencies agree to assume financial responsibility for property damage to said vehicles, but the participating agencies, by entering into this agreement do not waive, and shall not be deemed to waive, any right, immunity, or defense that participating agency may have in entering into this agreement under any applicable statute, law, rule, or regulation.

10. SALARY/OVERTIME COMPENSATION

Salary and overtime compensation for responding parties shall be determined by the participating agency.

11. PROPERTY AND EQUIPMENT

Property utilized by responding agencies in connection with authorized investigations and operations, which is in the custody and control and used at the direction of responding agencies, will be maintained in accordance with the policies and procedures of the agency supplying the equipment.

12. FUNDING

This MOU is not an obligation or commitment of funds, nor a basis for transfer of funds, but rather is a basic statement of the understanding between the parties hereto of the tasks and methods for performing the task described herein. Unless otherwise agreed in writing, each party shall bear its own costs in relation to this MOU. Expenditures by each party will be subject to its budgetary processes and to the availability of funds and resources pursuant to applicable law, regulations, and policies. The parties expressly acknowledge that the

DATE: 6/7/2017

above language in no way implies or requires that the governing bodies will appropriate funds for such expenditures.

13. DISPUTE RESOLUTION

In cases overlapping jurisdiction, the participating agencies agree to work in concert to achieve this MOU's objectives.

The Parties agree to attempt to resolve any disputes regarding jurisdiction, tasking, workload, etc., at the field level first before referring the matter to supervisory personnel for resolution.

14. MEDIA RELEASES

All media releases and statements will be mutually agreed upon by the Parties and jointly handled according participating agencies guidelines.

15. LIABILITY

To the extent permitted by law, unless specifically addressed by the terms of this MOU, the Parties agree to be responsible for the intentional, negligent and wrongful acts or omissions of their respective employees, but the participating agencies, by entering into this agreement do not waive, and shall not be deemed to waive, any right, immunity, or defense, to third parties or otherwise, that participating agency may have in entering into this agreement under any applicable statute, law, rule, or regulation. As set forth above, to the extent permitted by law. Liability for negligent or willful acts of employees and/or personnel, undertaken outside the terms of this MOU will be the sole responsibility of the respective employee and agency involved. It is the intent of this MOU that each party shall be solely responsible for its acts or omissions as governmental unit, but only to the extent permitted by law.

In the event that any person performing law enforcement or medical services pursuant to this MOU is cited as a party to any civil suit, State or Federal, becomes a party to any such lawsuit, or becomes responsible to answer for damages in any judgment arising out of the performance of those services, the same benefits that he or she would be entitled to the extent authorized by the Constitution and laws of the State of Texas as if such civil action or actions had arisen out of the performance of his or her regular duties for his or her regular employer.

Third party claims against participating parties or agencies shall be governed by the Texas Tort Claims Act or other appropriate statutes, ordinances, or law of the State of Texas.

It is expressly understood and agreed that in the execution of this MOU, no party hereto waives nor shall be deemed hereby to waive any immunity or defense that would otherwise be available to it or him or her against claims arising in the exercise of governmental powers and functions.

16. DURATION

The term of this MOU is for the duration of operations, but may be terminated at any time upon written mutual consent of the agencies involved.

Any participating agency may withdraw from this MOU at any time by written notification to the head of the other participating agencies at least 30 days prior to withdrawal.

17. ENTIRE AGREEMENT

This is the complete and entire Agreement between the Parties with respect to the matters herein and supersedes all prior negotiations, agreements, representations, and understandings, if any.

18. MODIFICATIONS

This MOU may be modified at any time by written consent of all participating agencies. Modifications to this MOU shall have no force and effect unless such modifications are reduced to writing and signed by an authorized representative of each participating agency.

19. VENUE

This MOU and any of its terms and provisions, as well as the rights and duties of the parties hereunder, shall be governed by the laws of the State of Texas. Exclusive venue shall lie in a court of competent jurisdiction in Comal County, Texas. Any suits relating to this MOU will be filed in a district court in Comal County, Texas.

20. SEVERABILITY

In case any one or more provisions contained in this agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such validity, illegality, or unenforceability shall not affect any other provision contained herein, and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

This MOU shall be in effect on the date of the last signed participating agency below.

Comal County Integrated Response Committee
MEMORANDUM OF UNDERSTANDING (MOU)

DATE: 6/7/2017

DEPARTMENT	DEPARTMENT HEAD	SIGNATURE AND DATE
DEPARTMENT	DEPARTMENT HEAD	SIGNATURE AND DATE
DEPARTMENT	DEPARTMENT HEAD	SIGNATURE AND DATE
DEPARTMENT	DEPARTMENT HEAD	SIGNATURE AND DATE
DEPARTMENT	DEPARTMENT HEAD	SIGNATURE AND DATE
DEPARTMENT	DEPARTMENT HEAD	SIGNATURE AND DATE
DEPARTMENT	DEPARTMENT HEAD	SIGNATURE AND DATE
DEPARTMENT	DEPARTMENT HEAD	SIGNATURE AND DATE
DEPARTMENT	DEPARTMENT HEAD	SIGNATURE AND DATE
DEPARTMENT	DEPARTMENT HEAD	SIGNATURE AND DATE
DEPARTMENT	DEPARTMENT HEAD	SIGNATURE AND DATE
DEPARTMENT	DEPARTMENT HEAD	SIGNATURE AND DATE
DEPARTMENT	DEPARTMENT HEAD	SIGNATURE AND DATE
DEPARTMENT	DEPARTMENT HEAD	SIGNATURE AND DATE
DEPARTMENT	DEPARTMENT HEAD	SIGNATURE AND DATE
DEPARTMENT	DEPARTMENT HEAD	SIGNATURE AND DATE
DEPARTMENT	DEPARTMENT HEAD	SIGNATURE AND DATE
DEPARTMENT	DEPARTMENT HEAD	SIGNATURE AND DATE
DEPARTMENT	DEPARTMENT HEAD	SIGNATURE AND DATE
DEPARTMENT	DEPARTMENT HEAD	SIGNATURE AND DATE
DEPARTMENT	DEPARTMENT HEAD	SIGNATURE AND DATE
DEPARTMENT	DEPARTMENT HEAD	SIGNATURE AND DATE
DEPARTMENT	DEPARTMENT HEAD	SIGNATURE AND DATE

6/26/2017

Agenda Item No. D)

Presenter/Contact*Greg Guenther, Fire Lieutenant*
(830) 221-4203 - gguenther@nbtexas.org**SUBJECT:**

Approval of the ratification of a grant application to the FY2016 Fire Prevention and Safety Grant under the Federal Emergency Management Agency in the amount of \$132,560 for the purchase of a fire demonstration trailer with educational equipment, and authorizing the City Manager to accept funds and execute all contract documents associated with the grant if awarded.

BACKGROUND / RATIONALE:

City Council's strategic priorities include using a variety of funding sources for operational and capital needs. Staff submitted a grant application on October 30, 2016 to State Farm requesting funding for the acquisition of a residential fire demonstration trailer. Unfortunately, the Fire Department was not awarded for funding due to the scale of the project.

The Department feels that this is still a viable project and has submitted a grant application to the FY2016 Fire Prevention and Safety Grant under the Federal Emergency Management Agency (FEMA) in the amount of \$132,560 for the same project. The grant would fund the purchase of a fire demonstration trailer and educational robot which will be used to demonstrate residential home safety and fire prevention.

Application Submission Date: 05/19/2017

Anticipated Funding Selection Date: 07/01/2017

Anticipated Award Date: 08/01/2017

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

X	Yes	City Plan/Council Priority	Strategic Priorities: Infrastructure 2 - Use a variety of funding sources for operational and capital needs. Public Safety 4 - Continue to ensure the protection of citizens' lives and property.
----------	-----	-----------------------------------	--

FISCAL IMPACT:

The FY2016 Fire Prevention and Safety Grant total project cost is \$132,560. The match requirement of for this grant is 5 percent of the project: \$6,312. The match funds will be supported by the General Fund via a transfer to the Grant Fund.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the ratification of the submission of a grant application to the FY2016 Fire Prevention and Safety Grant under the Federal Emergency Management Agency in the amount of \$132,560 for the purchase of a fire demonstration trailer with educational equipment and authorizing the City Manager to accept funds and execute all contract documents associated with the grant if awarded.

6/26/2017

Agenda Item No. E)

Presenter/Contact

*Tom Scheuermann, Police Administrative Sergeant
(830) 221-4579 - tscheuermann@nbtexas.org*

SUBJECT:

Approval of the submission of a grant application to the U.S. Department of Justice FY 2017 Bulletproof Vest Partnership program for \$52,507.50 and authorizing the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.

BACKGROUND / RATIONALE:

The New Braunfels City Council strategic priorities include using a variety of funding sources for operational and capital needs. If approved, staff will submit a grant application to the U. S. Department of Justice FY 2017 Bulletproof Vest Partnership program for \$52,507.50 towards the purchase of 50 bulletproof vests. The cost per vest is approximately \$1,050.15 and the grant will reimburse 50 percent of the cost. The 50 percent matching requirement for this grant equals \$26,253.75.

Application Submission Date: 06/28/2017
Anticipated Funding Selection Date: 10/01/2017

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.
---	-----	------------------------------------	--

FISCAL IMPACT:

There is a 50 percent matching requirement for this grant equaling \$26,253.75. The match funds will be supported by the General Fund via a transfer to the Grant Fund.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the submission of a grant application to the U.S. Department of Justice FY 2017 Bulletproof Vest Partnership program for \$52,507.50 and authorizing the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.

6/26/2017

Agenda Item No. F)

Presenter/Contact

Gretchen Pruett, Library Director
(830) 221-4300 - gpruett@nbtexas.org

SUBJECT:

Approval to apply for a sub-award of the Grants to States Program from the Texas State Library and Archives Commission's federal funder, Institute of Museum and Library Services to be applied to Interlibrary Loan Lends program costs incurred during State Fiscal Year 2017, and authorizing the City Manager to execute all contract documents associated with the grant and accept funds if awarded.

BACKGROUND / RATIONALE:

The New Braunfels Public Library continues to participate in statewide resource sharing and helping meet the information needs of Texans through participating in interlibrary loan lends (ILL). The New Braunfels Public Library is eligible to receive a reimbursement payment from the Texas State Library and Archives Commission for interlibrary loan lends made to Texas public libraries in State Fiscal Year 2017.

Based on the number of lends provided by our library last year (743), and the available funding of \$7.07 per lend, the New Braunfels Public Library estimates to receive a reimbursement payment of \$5,253.01.

The deadline to participate is June 30, 2017, and payment will be dispersed electronically to by December 2017. These funds are to offset expenditures that took place during the State Fiscal Year which runs from September 1, 2016 through August 31, 2017.

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

<input checked="" type="checkbox"/>	Yes	City Plan/Council Priority:	Strategic Priorities: Infrastructure Objective 1a - Use a variety of funding sources for operational and capital needs.
-------------------------------------	-----	------------------------------------	--

FISCAL IMPACT:

These funds are to offset expenditures and there is no match requirement.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval to apply for a sub-award (or pass through award) of the Grants to States program from the Texas State Library and Archives Commission's federal funder, Institute of

Museum and Library Services (IMLS) to be applied to ILL costs incurred during SFY2017 (September 1, 2016 through August 31, 2017) and authorizing the City Manager to accept funds and to execute all contract documents associated with the grant if awarded.

6/26/2017

Agenda Item No. G)

Presenter

*Christopher J. Looney, Director of Planning and Community Development
clooney@nbtexas.org*

SUBJECT:

Approval of a resolution supporting a request from Guadalupe-Blanco River Authority (GBRA) to the Public Utility Commission (PUC) to expand GBRA's Certificate of Convenience and Necessity (CCN) into areas of New Braunfels' city limits and extraterritorial jurisdiction (ETJ).

BACKGROUND / RATIONALE:

Council District: 2, and outside city limits

Applicant: Guadalupe-Blanco River Authority

Representative: Patrick Lackey, PE
Senior Engineer/Business Unit Manager
Trihydro Corporation
1011 West County Line Road
New Braunfels, TX 78130
830.626.3588
plackey@trihydro.com

Staff Contact: Christopher J. Looney, AICP
Planning and Community Development Director
830.221.4055
clooney@nbtexas.org

The subject area is generally located southeast of IH 35, on the east side of the Guadalupe River, and includes territory on both sides of State Highway 46 between Clear Springs and Seguin. It overlaps areas of New Braunfels' city limits and ETJ (see attached maps).

This area is not currently served by a wastewater infrastructure provider, but rather is served by individually installed septic systems or "package" wastewater treatment plants. GBRA is applying to the Public Utility Commission (PUC) for permission to include the subject area within their CCN so that they may provide centralized wastewater treatment service to an area that is presently un-served or under-served. As part of their application process, GBRA is seeking support from New Braunfels since the subject area, as noted above, includes portions of the city limits and ETJ.

If approved by the PUC, GBRA plans to contract with New Braunfels Utilities (NBU) for use of their existing treatment plant(s). Therefore, sewer lines will not cross the Guadalupe River.

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 1: Promote manageable growth to achieve a proper balance of economic expansion and environmental quality while maintaining the community's unique qualities. The applicant's request, if ultimately approved by the PUC, would provide the subject area ready access to wastewater infrastructure, removing an existing development constraint. Continued development of this area, presently popular with single-family subdivisions of varying sizes and densities, can help relieve development pressure on more environmentally sensitive areas on the west side of IH-35. Goal 35: Address community infrastructure improvement and expansion related to economic development. Providing additional infrastructure to the subject area increases capacity facilitating development, not only of residential subdivisions, but of commercial expansion in the area near New Braunfels Municipal Airport. Goal 45: Coordinate the provision of utilities with NBU and other public utilities in a timely and efficient manner to help guide development and adequately serve the demands of a growing city. As a rapidly growing area of both New Braunfels and Seguin, this area requires adequate infrastructure capacity to develop in a managed and appropriate fashion commensurate with the demand and popularity of the area.
--	-----	--	--

FISCAL IMPACT:

None.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the applicant's request at their June 6, 2017 regular meeting. The vote was unanimous.

STAFF RECOMMENDATION:

Staff recommends approval of the resolution of support. Ready access to sewer infrastructure will hasten development, which will result in additional traffic and demands on existing infrastructure along State Highway 46. However, developers will counter with roughly proportionate improvements to mitigate that impact. Additionally, providing centralized wastewater service in this area will serve as a tool to better manage water quality within the reaches and watersheds of the Guadalupe River Basin than occurs with individual septic systems and private treatment plants.

Attachments:

-
- Applicant's request letter and submitted map
 - Map of the subject area
 - Map of CCN boundaries
 - Draft resolution



June 2, 2017

Mr. Christopher Looney, AICP
Director of Planning Services
City of New Braunfels
550 Landa Street
New Braunfels, Texas 78130

**RE: GBRA CCN Amendment Application – Letter of Support
Sewer CCN #20892**

Dear Mr. Looney,

GBRA appreciates the City's consideration of our pending application before the PUC, to serve a presently unserved area with centralized wastewater service. This area, approximately 7300 acres, is located between New Braunfels and Seguin. See attached map. A portion is within the City Limits of New Braunfels, the remainder is within the ETJ of the two Cities. GBRA is requesting a letter of support: for GBRA's action in addressing this matter.

We are available to answer any questions or provide additional information.

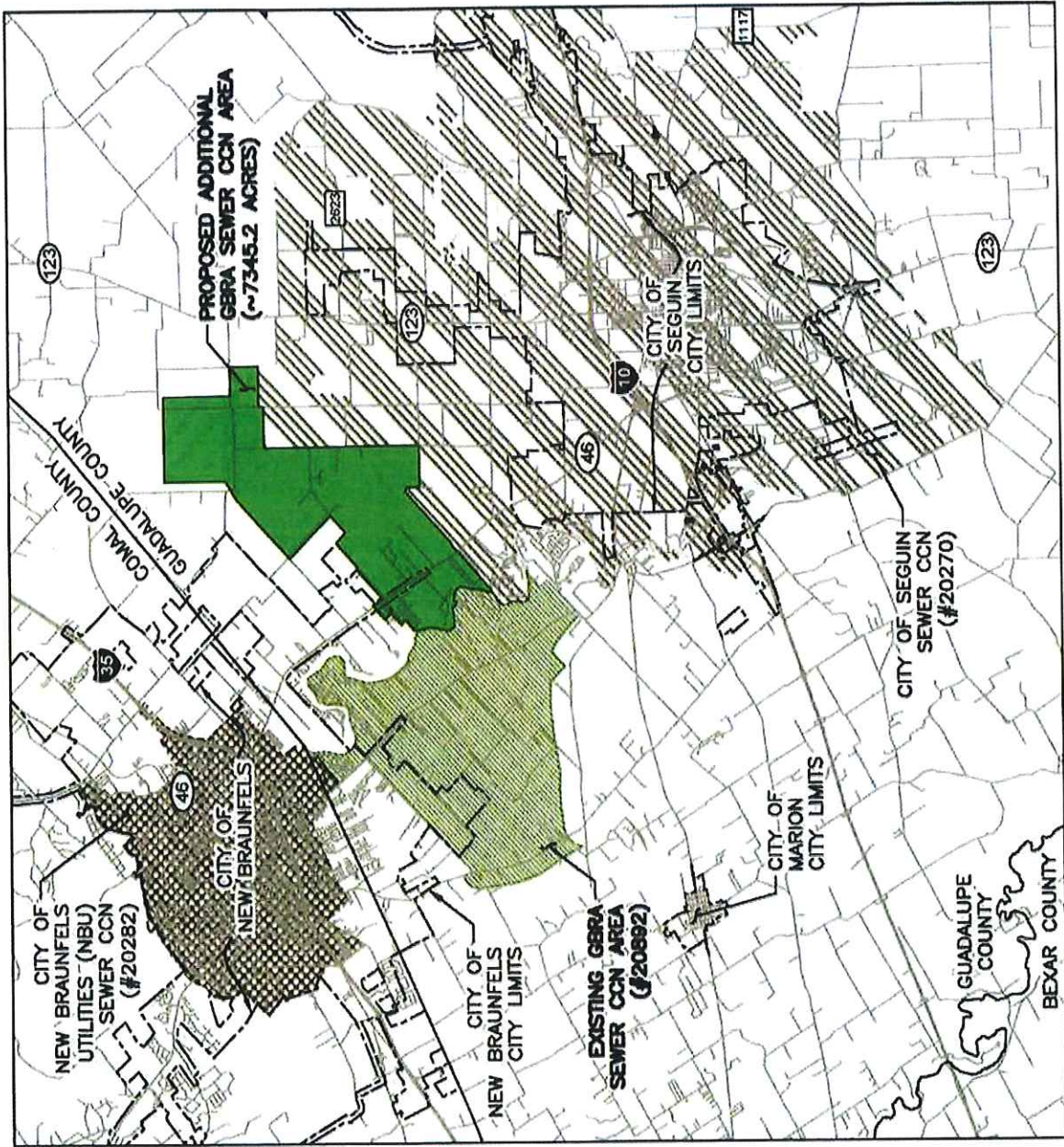
Sincerely,

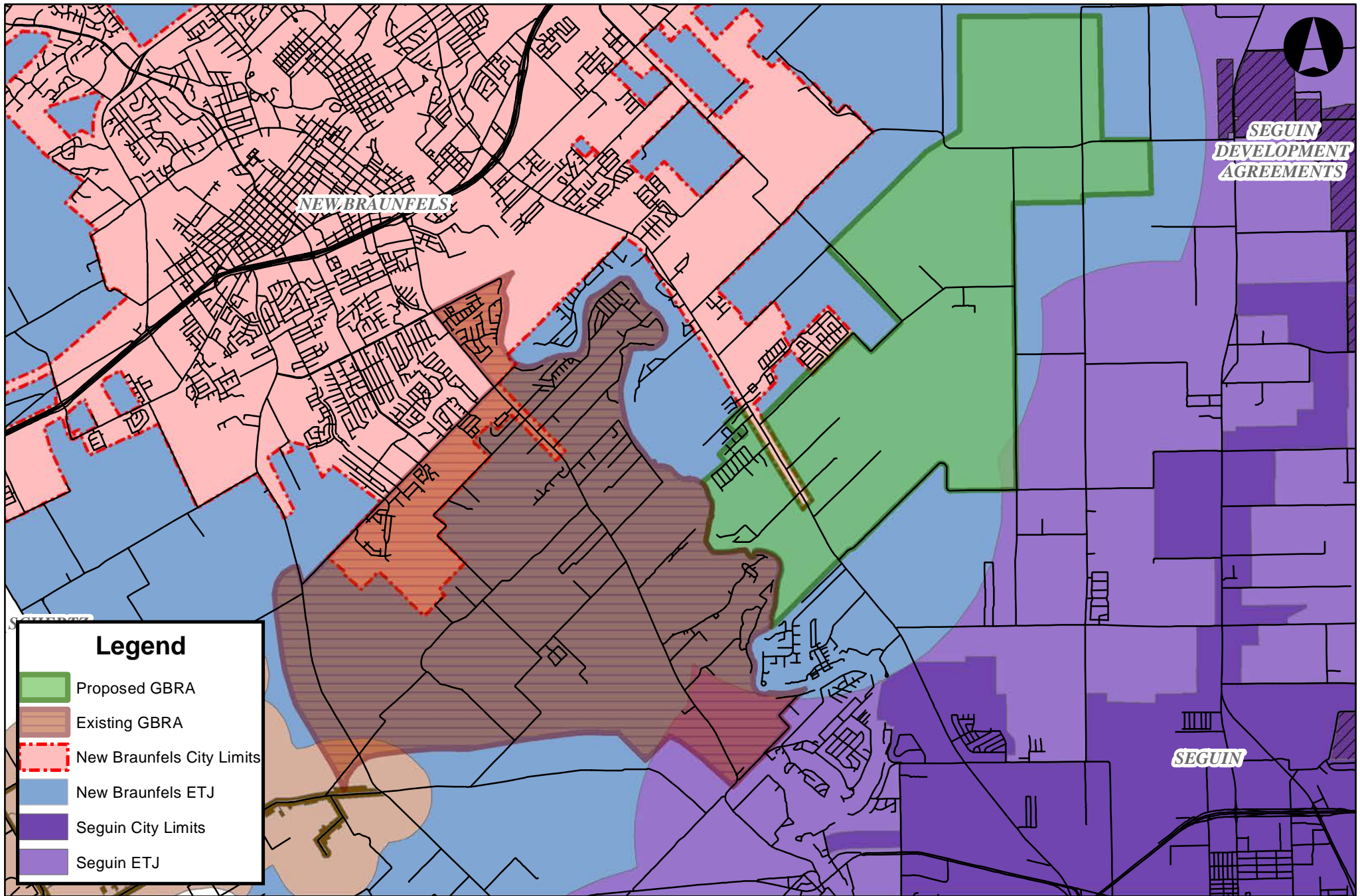
A handwritten signature in black ink, appearing to read "Patrick Lackey", with a stylized flourish at the end.

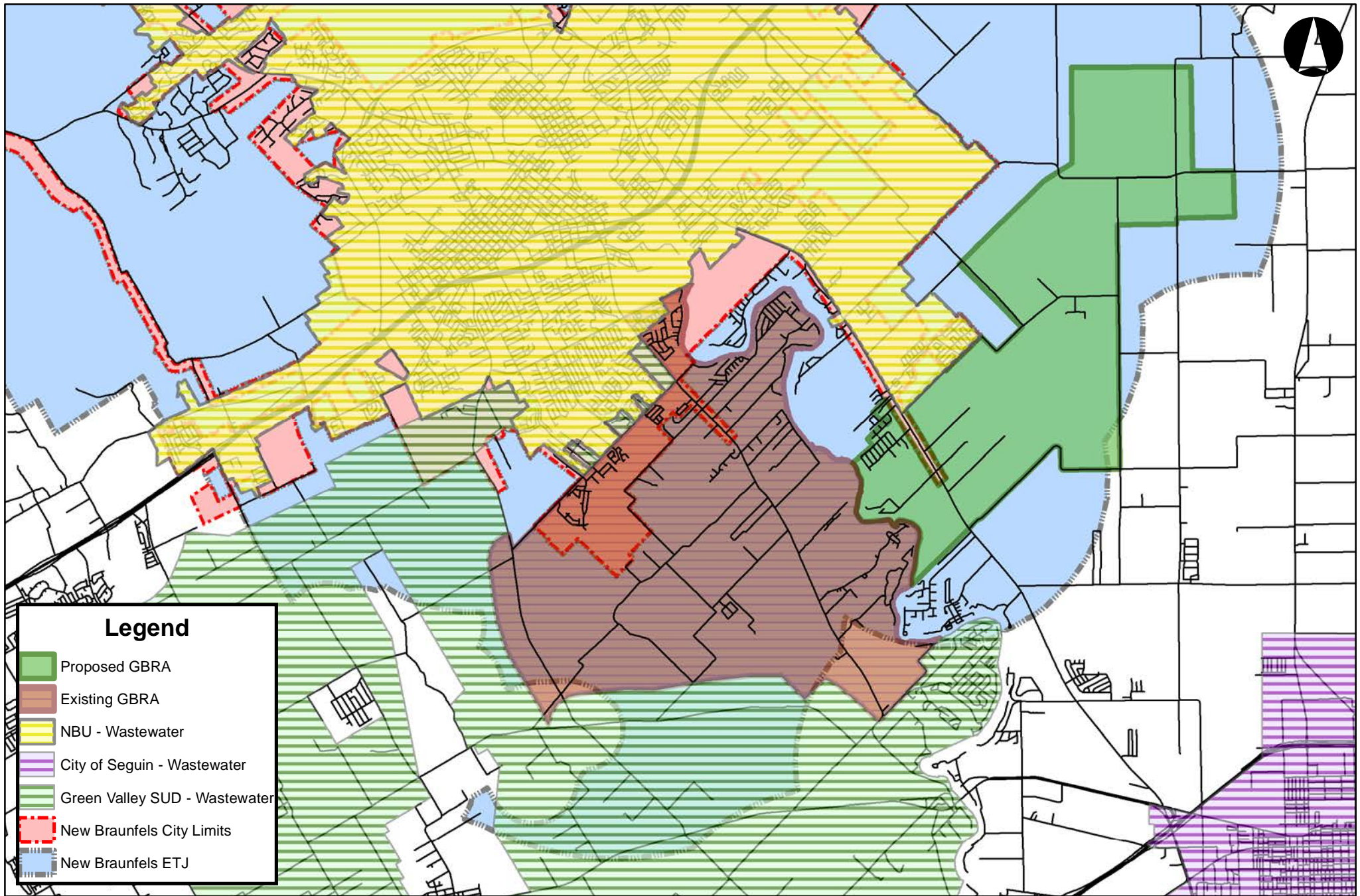
Patrick Lackey, P.E.
Trihydro Corporation

Attachments

Cc: Darrell Nichols, P.E., GBRA







RESOLUTION 2017-R_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, IN SUPPORT OF THE GUADALUPE BLANCO RIVER AUTHORITY (GBRA) APPLYING TO THE PUBLIC UTILITY COMMISSION OF TEXAS FOR AUTHORIZATION TO EXPAND THEIR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE CENTRALIZED WASTEWATER SERVICES IN AREAS OF NEW BRAUNFELS' CITY LIMITS AND ETJ ON THE EAST SIDE OF THE GUADALUPE RIVER/LAKE DUNLAP.

WHEREAS, the subject expansion area, as depicted on the attached map, is a rapidly developing area between New Braunfels and Seguin; and

WHEREAS, the subject expansion area is not presently served by centralized wastewater services; and

WHEREAS, centralized wastewater services are an important tool for communities to manage growth, development and water quality; and

WHEREAS, centralized wastewater services are an efficient, environmentally sound, and sprawl-reducing alternative to individual septic systems and private package sewer treatment plants; and

WHEREAS, GBRA's plans for expansion into the subject area do not include sewer lines crossing either above, through or under the Guadalupe River/Lake Dunlap; and

WHEREAS, with approval of GBRA's request by the PUC of Texas current and future residents and business owners in the subject area will have more efficient and reliable wastewater services.

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

That the City of New Braunfels supports GBRA's request for expansion of their wastewater/sewer CCN into the subject area as depicted on the attached map.

Passed and approved this the 26th of June, 2017.

Barron Casteel, Mayor

ATTEST:

Patrick Aten, City Secretary

6/26/2017

Agenda Item No. H)

Presenter/Contact

*Ylida Capriccioso, Parks Development Manager
(830) 221-4358 - ycapriccioso@nbtexas.org*

SUBJECT:

Approval of a grant application to the National Park Service for technical assistance with community trail planning and authorizing the City Manager to execute all contract documents associated with the grant if awarded.

BACKGROUND / RATIONALE:

The National Park Service Rivers, Trails and conservation Assistance program supports successful partnerships with communities across America in achieving their conservation and outdoor recreation visions.

The Parks and Recreation Department is seeking technical assistance to achieve three goals:

1. Engage the community in trail planning for three trail segments identified in the City Hike and Bike Trail: Dry Comal Creek, Alligator Creek watershed, and FM 306 to Gruene Road
2. Develop a brand for each community trail
3. Develop a master plan design for each trail segment community trail

There is no match required for the program, however city staff will assist the NPS as the trail program is developed with items such as community notifications, identification of stakeholders, maps, and sharing of relevant data regarding the area.

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

X	Yes	Strategic Priorities:	Use a variety of funding sources for operational and capital needs.
---	-----	------------------------------	---

FISCAL IMPACT:

This technical assistance grant does not require a match from the City of New Braunfels.

COMMITTEE RECOMMENDATION:

The Parks and Recreation Advisory Board voted to support the application to the National Park Service at their meeting on June 20, 2017.

STAFF RECOMMENDATION:

Staff recommends approval of a grant application to the National Park Service for technical assistance with community trail planning and authorizing the City Manager to execute all contract documents associated with the grant, if awarded.

6/26/2017

Agenda Item No. I)

Presenter/Contact

Martie Simpson, Finance Director
(830) 221-4385 - msimpson@nbtexas.org

SUBJECT:

Approval to authorize City Staff and SAMCO Capital Markets, Inc to proceed with the potential issuance of General Obligation Refunding Bonds, Series 2017 for debt service savings.

BACKGROUND / RATIONALE:

The City's financial advisors, SAMCO Capital Markets Inc., have identified potential debt service savings as a result of refunding or refinancing Certificates, Series 2009. Upon approval of this action, staff and SAMCO will solicit interest rate bids. If savings are sufficient to proceed, staff will bring forward an ordinance for City Council approval at the July 10, 2017 regular City Council meeting to issue refunding bonds.

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

<input checked="" type="checkbox"/>	Yes	City Plan/Council Priority:	Strategic Priorities: 1- Use a variety of funding sources for operational and capital needs; 8-Maintain fiscal stability of City operations
-------------------------------------	-----	------------------------------------	--

FISCAL IMPACT:

The direct fiscal impact from the refunding will reduce the annual debt service payment for a portion of the 2009 Certificates of Obligation, creating the savings mentioned above.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends authorization to proceed with the potential issuance of General Obligation Refunding Bonds, Series 2017 for debt service savings.

6/26/2017

Agenda Item No. J)

Presenter/Contact

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

SUBJECT:

Approval of the issuance of an invitation for competitive sealed proposals for the Alves Lane Project since the City Council finds that this delivery method will provide the best value to the City.

BACKGROUND / RATIONALE:

Alves Lane Improvements is one of the approved Proposition Two projects included in the 2013 Bond Program, which will improve drainage adjacent to Alves Lane from SH-46 to Barbarosa Road. The project also includes the reconstruction of Alves Lane. Moreover, the project includes sidewalks on both sides of the roadway and ultimately has a positive impact on traffic congestion on SH-46.

On December 8, 2014 City Council approved a contract task order with M&S Engineering to provide engineering design, bid phase, construction phase and surveying services for the final design of the proposed improvements. The construction documents have been completed and this project will be joint bid with NBU who will pay for the utility improvements.

City staff recommends issuing an invitation for a Competitive Sealed Proposal (CSP) as the procurement method for the contract to construct this project. The CSP method allows the City to evaluate the most qualified contractors and the best value for the project. The evaluation of the proposals received by City staff will be presented to City Council for direction regarding the approval of a contract for construction.

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

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

FISCAL IMPACT:

The total funds allocated to this project equal approximately \$15.78M. The amount allocated for professional services is \$1.3M. The total allocated for ROW is \$1M. The total allocated for utility adjustments for Enterprise natural gas lines is \$535,000. The construction cost will be paid through a combination of bond proceeds and roadway impact fees. However, this particular action requested of the City Council has no fiscal impact.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the issuance of an invitation for competitive sealed proposals for the Alves Lane Project since the City Council finds that this delivery method will provide the best value to the City.

6/26/2017

Agenda Item No. K)

Presenter/Contact

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

SUBJECT:

Approval of the first reading of an ordinance amending Section 126-346 of the Code of Ordinances to amend the no parking zone on East Faust Street near the intersection with Comal Avenue.

BACKGROUND / RATIONALE:

Council District: 5

After the installation of the no parking zone signs on East Faust Street near the intersection with Comal Avenue that were approved by City Council in February 2017 to remove the sight distance obstructions from parked vehicles, the Engineering Division received comments from business owners on East Faust Street with concerns about the removal of on-street parking spaces.

Based on the sight distance investigation and engineering review that was conducted in accordance with the *Texas Manual on Uniform Traffic Control Devices* (TMUTCD) and *A Policy on Geometric Design of Highways and Streets*, removal of all restrictions in the intersection sight distance requires restricting parking along both sides of East Faust Street from the intersection with Comal Avenue to 63 feet in a westerly direction. However, in order to improve the sight distance at the intersection of East Faust Street and Comal Avenue and continue to allow for additional on-street parking for the businesses in this area, the no parking zone can be revised to along both sides of East Faust Street from the intersection with Comal Avenue to 40 feet in a westerly direction.

Revising the no parking zone is consistent with the zone recently established at East Jahn Street at Comal Avenue. The no parking zone will improve the intersection sight distance while maintain on-street parking for adjacent businesses.

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 amending the no parking zone on both sides of East Faust Street from

the intersection with Comal Avenue to 40 feet in a westerly direction.

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 ON EAST FAUST STREET.

WHEREAS, the City Council has 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:

- (99) On the north and south sides of East Faust Street from the intersection with Comal Avenue to a point 40 feet west. 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 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.

IV.

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

6/26/2017

Agenda Item No. L)

Presenter/Contact

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

SUBJECT:

Approval of the first reading of an ordinance amending Ordinance 75-10 of the City of New Braunfels Code of Ordinances to amend the locations of traffic control devices in the Quail Valley Subdivision.

BACKGROUND / RATIONALE:

Council District: 4

As a part of a review of the amendments to Ordinance 75-10, it was determined that the locations of multiple stop signs in the Quail Valley Subdivision that were authorized by Ordinance 2015-54 were not described correctly. The map attachment to Ordinance 2015-54 had the correct locations of these stop signs; however, the text does not accurately describe the locations.

After consulting with the City of New Braunfels Legal Department, staff was advised to amend the text of the previously issued ordinance to list the correct locations of the stop signs. No other changes are proposed at this time.

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 amendment of the locations of the traffic control signs in the Quail Valley Subdivision.

ORDINANCE NO. 2017-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS, AMENDING ORDINANCE NUMBER 75-10
DATED APRIL 28, 1975 TO AMEND THE LOCATIONS OF TRAFFIC
CONTROL DEVICES IN THE QUAIL VALLEY SUBDIVISION.**

WHEREAS, after engineering and field investigation, the City Engineer has 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 Ordinance Number 75-10 dated April 28, 1975, is hereby amended to amend the locations of traffic control devices at the following location in the corporate limits of the City of New Braunfels, Texas:

Quail Valley Subdivision:

- 1289. On the south corner of Sanderling Way at Ibis Falls Drive to stop traffic prior to Ibis Falls Drive.
- 1290. On the south corner of Sparrow View at Lonesome Quail to stop traffic prior to Lonesome Quail.
- 1292. On the north corner of Blue Bird Ridge at Ibis Falls Drive to stop traffic prior to Ibis Falls Drive.
- 1293. On the north corner of Kinglet Court at Woodpecker Run to stop traffic prior to Woodpecker Run.
- 1294. On the north corner of Falcon Grove at Woodpecker Run to stop traffic prior to Woodpecker Run.

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 as set forth in Ordinance Number 75-10 dated April 28, 1975, will be and remain in full force and effect as though written in full in this ordinance.

IV.

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.

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

6/26/2017

Agenda Item No. M)

Presenter/Contact

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

SUBJECT:

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

BACKGROUND / RATIONALE:

Council Districts: 1, 3, and 4

City Council unanimously approved the first reading of an ordinance creating a regulatory construction speed zone on portions of Loop 337 on June 12, 2017.

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

6/26/2017

Agenda Item No. A)

Presenter/Contact

*Hector Lozano, Comal Appraisal District Chief Appraiser
lozanr@co.comal.tx.us*

SUBJECT:

Presentation, discussion, and possible action on the 2018 Comal Appraisal District Budget.

BACKGROUND / RATIONALE:

This item has been placed on the agenda at the request of Mayor Pro Tem Peters.

Section 6.01 of the Texas Property Tax Code establishes an appraisal district in each county in Texas. The district is responsible for appraising property in the district for ad valorem tax purposes on property within the district.

Section 6.02 establishes the boundaries as the same as the boundaries of each county.

Section 6.03 establishes that the appraisal district is governed by a board of directors. Five directors are appointed by the taxing units that participate in the district. If the county tax assessor-collector is not appointed to the board, the tax assessor-collector serves as a nonvoting director.

As per Section 6.06 of the Texas Property Tax Code, each year the chief appraiser shall prepare a proposed budget for the operations of the district for the following tax year and shall submit copies to each taxing unit participating in the district and to the district board of directors before June 15.

If the governing bodies of a majority of the taxing units entitled to vote on the appointment of board members adopt resolutions disapproving a budget and file them with the secretary of the board within 30 days after its adoption, the budget does not take effect and the board shall adopt a new budget within 30 days of the disapproval.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

N/A



2018 CAD Budget & Project Presentation to the City of New Braunfels

June 26, 2017



2018 Budget Proposal and Areas of Increase





2018 Budget Proposal and Areas of Increase

- Overall Budget from 2017 to 2018 increased by \$476K



2018 Budget Proposal and Areas of Increase

- Overall Budget from 2017 to 2018 increased by \$476K
 - Total Budget increases to \$3,106,711



2018 Budget Proposal and Areas of Increase

- Overall Budget from 2017 to 2018 increased by \$476K
 - Total Budget increases to \$3,106,711
 - Estimated Allocation (8.68%) increase for the City = \$41,363



2018 Budget Proposal and Areas of Increase

- Overall Budget from 2017 to 2018 increased by \$476K
 - What prompted this increase:
- 



2018 Budget Proposal and Areas of Increase

- Overall Budget from 2017 to 2018 increased by \$476K
- What prompted this increase:
 - Contract Services (\$235K)

2018 Budget Proposal and Areas of Increase

- Overall Budget from 2017 to 2018 increased by \$476K
- What prompted this increase:
 - Contract Services (\$235K)
 - Homestead Audit



2018 Budget Proposal and Areas of Increase

- Overall Budget from 2017 to 2018 increased by \$476K
- What prompted this increase:
 - Contract Services (\$235K)
 - Homestead Audit

 Deceased	 Rentals	 Multiple Homes
 Non-resident	 Multiple Exemptions	 Data Entry Errors

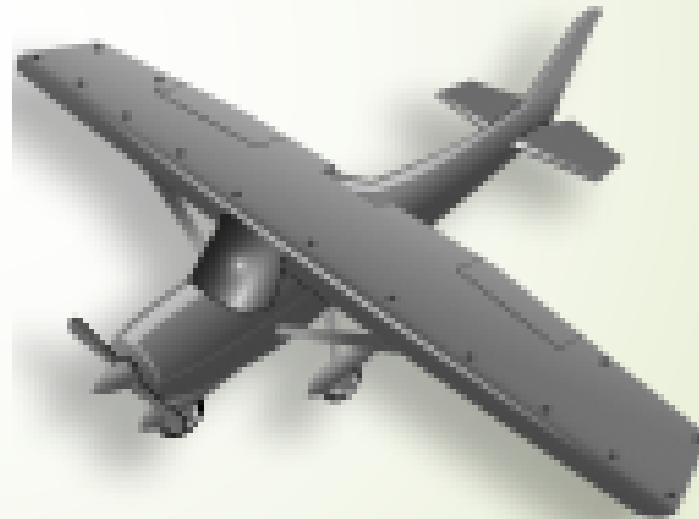


2018 Budget Proposal and Areas of Increase

- Overall Budget from 2017 to 2018 increased by \$476K
- What prompted this increase:
 - Contract Services (\$235K)
 - Homestead Audit
 - Currently there are 34,292 county-wide
 - Within the City of New Braunfels alone there are 11,695
 - Estimated Return on Investment between \$71K to \$105K
 - Both companies have guaranteed cost will not be great than actual Return on Investment
 - First results should be available 1Q2018 if project started in 4Q2017

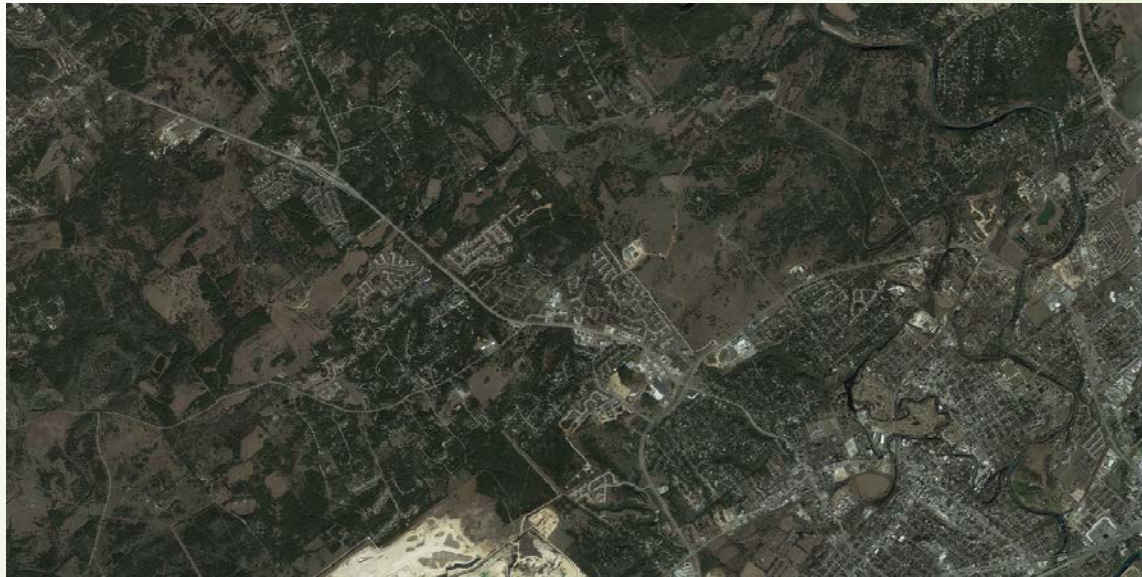
2018 Budget Proposal and Areas of Increase

- Overall Budget from 2017 to 2018 increased by \$476K
- What prompted this increase:
 - Contract Services (\$235K)
 - Aerial Imagery



2018 Budget Proposal and Areas of Increase

- Overall Budget from 2017 to 2018 increased by \$476K
- What prompted this increase:
 - Contract Services (\$235K)
 - Aerial Imagery



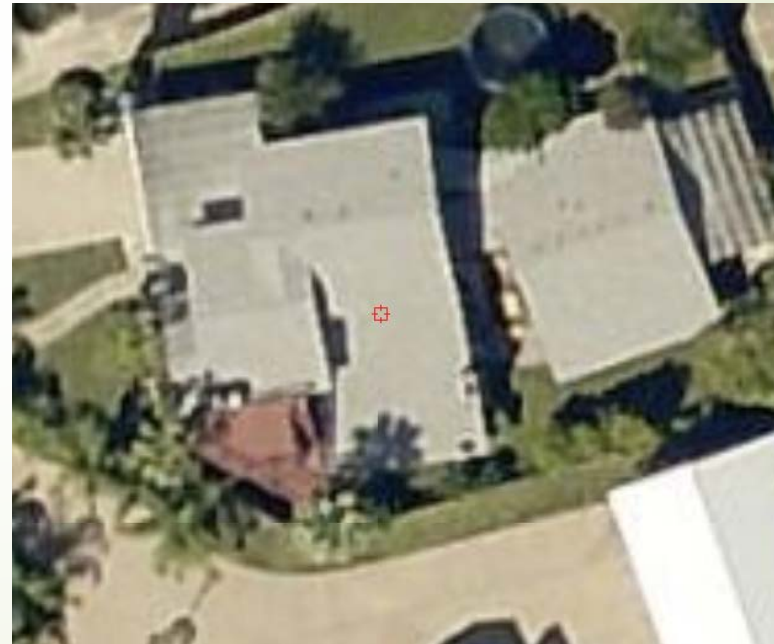
2018 Budget Proposal and Areas of Increase

- Overall Budget from 2017 to 2018 increased by \$476K
- What prompted this increase:
 - Contract Services (\$235K)
 - Aerial Imagery



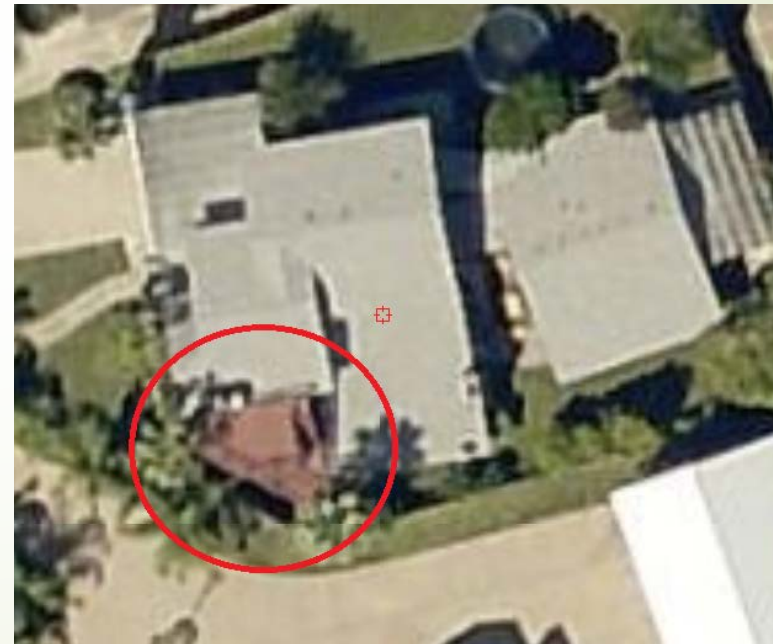
2018 Budget Proposal and Areas of Increase

- Overall Budget from 2017 to 2018 increased by \$476K
- What prompted this increase:
 - Contract Services (\$235K)
 - Aerial Imagery



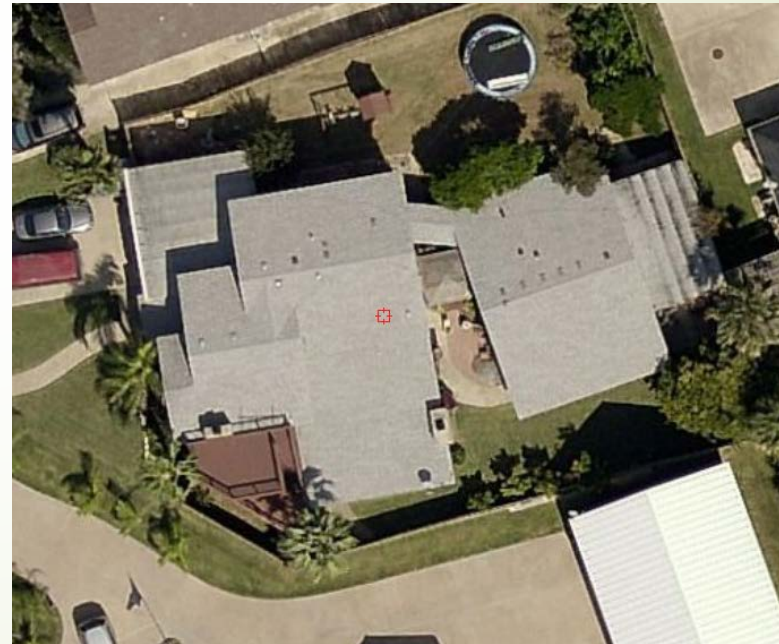
2018 Budget Proposal and Areas of Increase

- Overall Budget from 2017 to 2018 increased by \$476K
- What prompted this increase:
 - Contract Services (\$235K)
 - Aerial Imagery



2018 Budget Proposal and Areas of Increase

- Overall Budget from 2017 to 2018 increased by \$476K
- What prompted this increase:
 - Contract Services (\$235K)
 - Aerial Imagery



2018 Budget Proposal and Areas of Increase

- Overall Budget from 2017 to 2018 increased by \$476K
- What prompted this increase:
 - Contract Services (\$235K)
 - Aerial Imagery



2018 Budget Proposal and Areas of Increase

- Overall Budget from 2017 to 2018 increased by \$476K
- What prompted this increase:
 - Contract Services (\$235K)
 - Aerial Imagery



2018 Budget Proposal and Areas of Increase

- Overall Budget from 2017 to 2018 increased by \$476K
- What prompted this increase:
 - Contract Services (\$235K)
 - Aerial Imagery



2018 Budget Proposal and Areas of Increase

- Overall Budget from 2017 to 2018 increased by \$476K
- What prompted this increase:
 - Contract Services (\$235K)
 - Aerial Imagery





2018 Budget Proposal and Areas of Increase

- Overall Budget from 2017 to 2018 increased by \$476K
- What prompted this increase:
 - Contract Services (\$235K)
 - Increase in staff size (\$210K)

2018 Budget Proposal and Areas of Increase

- Overall Budget from 2017 to 2018 increased by \$476K
- What prompted this increase:
 - Contract Services (\$235K)
 - Increase in staff size (\$210K)





2018 Budget Proposal and Areas of Increase

- Overall Budget from 2017 to 2018 increased by \$476K
- What prompted this increase:
 - Contract Services (\$235K)
 - Increase in staff size (\$210K)
- Also minor increases in:



2018 Budget Proposal and Areas of Increase

- Overall Budget from 2017 to 2018 increased by \$476K
- What prompted this increase:
 - Contract Services (\$235K)
 - Increase in staff size (\$210K)
- Also minor increases in:
 - Telephone and Utilities (\$4K)
 - Dues and Subscriptions (\$13K)
 - Capital Expenditures (\$10K)
 - Postage (\$8K)





Rufino H Lozano, RPA-RTA
900 South Seguin Avenue
New Braunfels
830-625-8597
comalad@co.comal.tx.us

6/26/2017

Agenda Item No. B)

Presenter/Contact

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

SUBJECT:

Discuss and consider the appointment of one individual to the Community Development Advisory Committee for a term ending December 13, 2017.

BACKGROUND / RATIONALE:

The Community Development Advisory Committee (CDAC) has nine at-large members serving three year staggered terms.

Patrick Guinn resigned his seat with a term ending December 13, 2017.

The vacancy for this seat was posted August 14 through June 15, 2017.

The following qualified applications were submitted:

- Thomas Meyer
- Jeffrey Fulmer
- Rebecca Wilson
- Marc Hamilton
- John Goodwin

Applicant's current & prior service on Boards and Commissions

Thomas Meyer has no prior City of New Bruanfels board or commission experience.

Jeffrey Fulmer has no prior City of New Bruanfels board or commission experience.

Rebecca Wilson has no prior City of New Bruanfels board or commission experience.

Marc Hamilton has no prior City of New Bruanfels board or commission experience.

John Goodwin has no prior City of New Braunfels board or commission experience, he is a graduate of City University.

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 approval of the appointment of one individual to the Community Development Advisory Committee for a term ending December 13, 2017.

6/26/2017

Agenda Item No. C)

Presenter/Contact

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

SUBJECT:

Discuss and consider possible direction to city staff on amending Section 126-354 of the City of New Braunfels Code of Ordinances to remove a portion of Parking by Permit Area I and create a loading zone on East Coll Street.

BACKGROUND / RATIONALE:

Council District: 5

City Council directed staff to evaluate the removal of a portion of Parking by Permit Area I on East Coll Street to create a five minute loading zone. This is a result of citizen concerns about being able to access the river for kayaking near the city-owned Boy Scout Hut. The proposed loading zone would extend from the intersection of East Coll Street and South Market Street in a southeasterly direction for 60 feet. Parking by Permit Area I consists of single-family homes and one city-owned property.

Staff and the Transportation and Traffic Advisory Board do not recommend approval of a loading zone in Parking by Permit Area I. Staff will provide an update to City Council on the item and request direction on the item.

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

Strategic Priority: Public Safety; Objective 5: Develop comprehensive program for river related issues which includes addressing river related issues in a timely manner and reviewing options to address river related activities and quality of life issues.

FISCAL IMPACT:

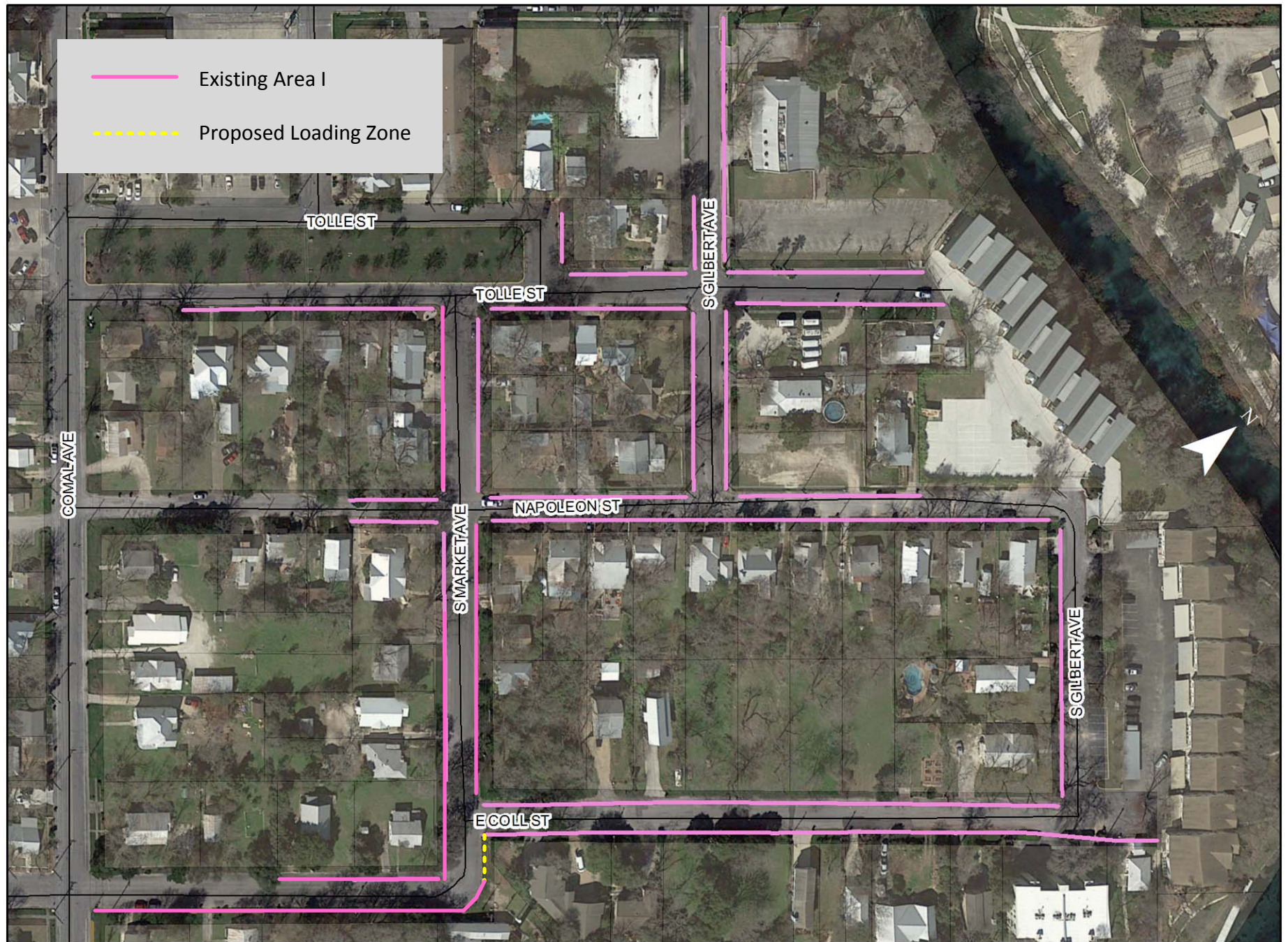
N/A

COMMITTEE RECOMMENDATION:

The Transportation and Traffic Advisory Board unanimously denied the recommendation to City Council to remove a portion of Parking by Permit Area I and create a loading zone on East Coll Street on April 13, 2017.

STAFF RECOMMENDATION:

Staff does not recommend the removal of a portion of Parking by Permit Area I on East Coll Street near the Boy Scout Hut to create a five minute loading zone. Staff anticipates loading and unloading issues similar to those experienced on E. Lincoln Street, S. Washington Avenue, and Cross River Street where loading and unloading including water-oriented equipment were recently prohibited.



Proposed Amendment to Parking by Permit Area I and Proposed Loading Zone

6/26/2017

Agenda Item No. D)

Presenter/Contact

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

SUBJECT:

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

BACKGROUND / RATIONALE:

Council District: 2

City Council approved (6-1) the first reading of the ordinance prohibiting parking along both sides of a portion of Saengerhalle Road on June 12, 2017.

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

6/26/2017

Agenda Item No. E)

Presenter/Contact

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

SUBJECT:

Discuss and consider possible action regarding an amendment to the authorized position listing for the the Parks and Recreation Department for the addition of a full time Recreation Center Manager.

BACKGROUND / RATIONALE:

The new Community Recreation Center is scheduled to open in summer 2018. The Business Plan that was presented to City Council in April, 2017 listed all full time positions needed to operate the facility. The Business Plan identified the need to hire a Recreation Center Manager at least a year in advance.

The Recreation Center Manager will begin working on the critical items to prepare for the facility opening such as developing facility policies and procedures; development of staffing plans; staff recruitment, hiring and training; program selection; curriculum development and scheduling; development of key performance indicators; procurement of equipment; and development and implementation of membership sales plans.

Staff is requesting to hire this position in August 2017, during the current fiscal year. As this position was not authorized in the FY2016-17 budget, a budget amendment would be required to fund this position for the remainder of the current fiscal year.

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

<input checked="" type="checkbox"/>	Yes	Strategic Priorities:	Provide effective project management.
-------------------------------------	-----	------------------------------	---------------------------------------

FISCAL IMPACT:

There is no funding included in the FY 2016-17 Parks and Recreation budget for this position; however, there have been vacancy savings that have occurred throughout the fiscal year which allows this position to be added without the need to increase the employee expenditure allocation the department. Therefore, sufficient funds are available to add the position as described above.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of an amendment to the authorized position listing for the Parks and Recreation Department for the addition of a full time Recreation Center Manager.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/26/2017

Agenda Item No. F)

Presenter/Contact

Robert Camareno, City Manager
(830) 221-4621 - rcamareno@nbtexas.org

SUBJECT:

Discuss and consider approval of a resolution authorizing an expenditure of up to \$250,000 to the New Braunfels Independent School District for a project to make qualified improvements to Oak Run Middle School and New Braunfels Middle School sports fields.

BACKGROUND / RATIONALE:

This resolution authorizes up to \$250,000 to the New Braunfels Independent School District for professional and related design services to make the following improvements to the sports fields at Oak Run Middle School and New Braunfels Middle School:

- Install artificial turf and lighting; and
- Convert the asphalt track to all weather.

This Sports Complex and Athletic Fields Master Plan identified opportunities for the New Braunfels Independent School District and City of New Braunfels to partner together to improve School District athletic fields to expand recreation opportunities in our community. This project would allow the local soccer associations' additional space for soccer practice and games. It would also provide expanded opportunities for other growing local sports such as lacrosse and track.

Approval of this resolution would provide funding by the NBIDC (4B) for NBISD to enter into a contract with Stantec to move into preliminary and final design. This agreement and scope of services is being collaboratively prepared between NBISD and City staff with NBISD being the contracting entity with Stantec. The NBIDC will reimburse or pay the invoices on NBISD's behalf.

NBIDC and NBISD will enter into an interlocal agreement that will govern and stipulate the use of the funds for this purpose. The preliminary schedule has the construction documents being completed by the end of this summer, with construction expected to commence in the spring of 2018. It is approximately a four month construction process and the fields will be available for public use by the beginning of the 2018-2019 school year.

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

--	--	--	--

FISCAL IMPACT:

Up to \$250,000 from the NBIDC.

COMMITTEE RECOMMENDATION:

The NBIDC met on June 15, 2017, and voted 6-1 to approve this project expenditure.

STAFF RECOMMENDATION:

Staff recommends approval of the resolution.

RESOLUTION NO. 2017-R _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, APPROVING A RECOMMENDATION OF THE NEW BRAUNFELS INDUSTRIAL DEVELOPMENT CORPORATION TO PROVIDE FUNDS UP TO THE AMOUNT OF \$250,000 TO NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT FOR A PROJECT TO MAKE QUALIFIED IMPROVEMENTS TO SPORTS AND ATHLETIC FIELDS; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels Industrial Development Corporation (“IDC”) Board of Directors met on June 15, 2017, to consider a request from the New Braunfels Independent School District (“NBISD”) for up to \$250,000 for a project to make improvements to the sports and athletic fields at Oak Run Middle School and New Braunfels Middle School; and

WHEREAS, the project was identified in the Sports Complex and Athletic Fields Master Plan, which recommend the community investigate how best to expand the availability of existing athletic field assets owned by public agencies such as the NBISD; and

WHEREAS, the IDC is an economic development corporation formed by the City of New Braunfels pursuant to the Local Government Code, Chapters 501-505 that is authorized by Chapter 505.152 to undertake a project for public park purposes and park facilities and related improvements; and

WHEREAS, the estimated total cost of the financial contribution is \$250,000 and the funds will be utilized for design and related professional services for the project; and

WHEREAS, the IDC Board of Directors held a public hearing on June 15, 2017, to solicit public comment with regard to the City’s funding request; and

WHEREAS, the IDC Board of Directors, after discussing the request, voted to approve a grant in an amount of up to \$250,000 to the NBISD for a project to make qualified improvements to the athletic and sports fields at its two middle schools;

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

SECTION 1: That the recommendation of the New Braunfels Industrial Development Corporation to provide a grant to the New Braunfels Independent School District in an amount up to \$250,000 for a project to install artificial turf, lighting and convert the asphalt tracks to all weather tracks is hereby approved.

SECTION 2: That a contract between the IDC and the NBISD will be executed to fulfill the terms and conditions of the grant.

SECTION 3: That this Resolution shall become effective from and after the date of its passage.

PASSED, ADOPTED AND APPROVED this 26th day of June, 2017.

CITY OF NEW BRAUNFELS, TEXAS

By: _____
Barron Casteel, Mayor

ATTEST:

Patrick D. Aten, City Secretary



NEW BRAUNFELS, TEXAS SPORTS COMPLEX AND ATHLETIC FIELD MASTER PLAN



LUCK DESIGN TEAM

Monday November 28, 2016

pros
consulting
LLC

Middle School Athletic Facilities

Sports Complex Feasibility Study & Athletic Fields Master Plan recommends:

- ISD fields get artificial turf & lights
 - Youth Soccer Association would jointly use for soccer practice/games

Middle School Facilities

Athletic Field Master Plan Recommended Sequencing

PHASE OF IMPROVEMENT	ATHLETIC FIELD IMPROVEMENT PROJECT	COST ESTIMATE
Phase 1	CONSTRUCTION OF SPORTS COMPLEX	\$25,000,000
Phase 1	NBISD MIDDLE SCHOOL FIELDS (2) - SYNTHETIC TURF	\$2,500,000
Phase 2	HEB FIELD IMPROVEMENTS	\$1,000,000
Phase 3	CAMP COMAL - GIRLS SOFTBALL COMPLEX RENOVATIONS	\$5,000,000
Phase 4	BASEBALL FIELD EXPANSION ADJACENT TO LITTLE LEAGUE	\$2,500,000
Phase 5	FREDERICKSBURG FIELD RENOVATIONS	\$1,000,000
TOTAL		\$37,000,000

Middle School Facilities

New Braunfels Middle School

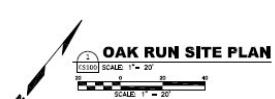
Oak Run Middle School

Current Facilities

- Field
- Track
- Concessions
- Restrooms
- Bleachers
- Parking



SERVICE



REVISIONS

Middle School Facilities

Facility Availability During School Year:

- All Weekends
- Weekdays after 5:30 pm, except on football game days

Facility Availability During Summer:

- All access

City will be responsible for scheduling/programming during available times.

Potential Uses for Turf Fields & Track

Youth Soccer (+900 youth)

La Crosse (fastest growing outdoor sport)

City Summer Track Program (+60 youth)

Public Use of Track for exercise



NBISD Investment

- Land (3 acres)
- Field, track, concession, restrooms, bleachers, parking
- \$2,129,486 for each facility at current pricing
- \$4,000,000+ total investment

Proposed Project

- Project to include:
 - Artificial Turf
 - Lights
 - Convert asphalt track to all weather
- Estimated Cost:
 - \$2,930,000 (total for both fields)
- Estimated Timeline:
 - Begin construction summer 2018

Next Steps

- 4B Consideration of investment
- Establish contractual relationship between 4B & NBISD
- Design Improvements
- Award Contract
- Construct Improvements



New Braunfels Independent School District

New Braunfels Athletic Field upgrades at Oak Run MS and New Braunfels MS

[illegible]

6/26/2017

Agenda Item No. G)

Presenter

*Christopher Looney, Planning & Community Development Director
clooney@nbtexas.org*

SUBJECT:

Public hearing and consideration of the first reading of an ordinance regarding the proposed rezoning of approximately 74 acres comprising a 60.579 acre tract out of the A-20, A M Esnaurizar Survey, addressed at 1584 and 1568 Weltner Road, and the 13.421 acre Countryville Subdivision, from "APD" Agricultural/Pre-Development District and "R-1A-6.6" Single-Family District to Weltner Farms Planned Development District (WFPD).

BACKGROUND / RATIONALE:

Case No.: PZ-17-024

Council District: 2

Applicant: Scanio Development, John Scanio
660 Lakefront Avenue
New Braunfels, TX 78130
(210) 496-7775

Owners: Weltner Land Ventures, LLC, John Scanio
18618 Tuscany Stone Drive, Suite 210
San Antonio, TX 78258
(210) 723-1693

Nolte Land & Dev. Co.
Melvin Nolte, Jr.
175 N. Market Avenue
New Braunfels, TX 78130
(830) 625-7306

Agent: Moeller & Associates
James Ingalls
2021 State Highway 46 West
New Braunfels, TX 78130
(830) 358-7127

Staff Contact: Benjamin Campbell, Planner
(830) 221-4056
bcampbell@nbtexas.org

The subject property is located on Weltner Road less than half-a-mile east of State Highway 46 South. It is on the edge of the city limits between Clear Springs and Seguin in an area popular for new home development. The property is occupied by two homes and several outbuildings; it has been used agriculturally. The current zoning is "R-1A-6.6" Single-Family District and "APD" Agricultural/Pre-Development District.

A Master Plan for Weltner Farms was approved by the Planning Commission on October 5, 2016 (Attachment 3). This plan covered a smaller area than the proposed planned development district (61.0 acres rather than 74.25 acres). The 61 acres included in the master plan plus a 1-acre adjacent lot were rezoned to R-1A-6.6 from APD on July 11, 2016.

The applicant is requesting to rezone the property to Weltner Farms Planned Development District (WFPD) with a base district of "R-1A-6.6" Single-Family District. The primary difference between the base district and the proposed planned development district is the inclusion of 180, 45-foot wide lots with a minimum size of 4,500 square feet (Area 1 on the Concept Plan Map - Attachment 2). The remainder of the 107 lots will be a minimum of 60 feet wide with a minimum size of 6,600 square feet (Area 2 on the Concept Plan Map - Attachment 2). All setbacks will be the same as R-1A-6.6.

<i>Land Use:</i>	Area 1 (Single Fam.) - 45' Lot	Area 2 (Single Fam.) - 60' Lot	Existing R-1A-6.6	Existing APD
<i>Base Zoning:</i>	R-1A-6.6	R-1A-6.6	-	-
<i>Total Number of Acres:</i>	35.27	38.98	61.041	13.368
<i>Open Spaces/Drainage/Un-encumbered Greenspace Acreage:</i>	8.35 acres		-	-
<i>Easement Acreage:</i>	6.94 acres		-	-
<i>Maximum Number of Buildable Lots:</i>	180	107	219 (approximate number of units)	21 (approximate number of units)
<i>Minimum Lot Width:</i>	45 Feet Wide (55 Feet Corner)	60 Feet Wide (70 Feet Corner)	60 Feet	100 Feet
<i>Minimum Lot Depth:</i>	100 Feet	100 Feet	100 Feet	100 Feet
<i>Typical Lot Depth:</i>	120 Feet	120 Feet	N/A	N/A
<i>Minimum Lot Area:</i>	5,400 Square Feet	6,600 Square Feet	6,600 Square Feet	15,000 Square Feet
<i>Minimum Front Setback:</i>	25 Feet	25 Feet	25 Feet	25 Feet
<i>Minimum Side Setback:</i>	5 Feet	5 Feet	5 Feet	10 Feet
<i>Minimum Side Setback (Corner):</i>	15 Feet	15 Feet	15 Feet	15 Feet

<i>Minimum Side Setback (Rear Lot Line Abuts Side Lot Line Adjacent to Street):</i>	25 Feet	25 Feet	25 Feet	25 Feet
<i>Minimum Rear Setback:</i>	20 Feet	20 Feet	20 Feet	30 Feet
<i>Minimum Living Area:</i>	1,400 Square Feet	1,700 Square Feet	N/A	N/A
<i>Maximum Building Area:</i>	12,000 Square Feet	12,000 Square Feet	N/A	N/A
<i>Minimum Garage:</i>	2 Car Garage	2 Car Garage	Space for 2 cars on property	Space for 2 cars on property
<i>Minimum Landscaping:</i>	Full Sod (front & back) or Xeriscaping & 2 (2" trees)	Full Sod (front & back) or Xeriscaping & 2 (2" trees)	N/A	N/A
<i>Maximum Building Height:</i>	35 Feet	35 Feet	35 Feet	35 Feet
<i>Access Road:</i>	Internal Streets	Internal Streets	N/A	N/A

The majority of this property lies within the Airport Hazard Zoning Overlay District. Approximately 32.7 acres of Weltner Farms falls within the Approach 2 Zone where residential densities are prohibited from exceeding 3 dwelling units per acre. Approximately 35.5 acres falls within the Approach 3 Zone where residential densities are prohibited from exceeding 6 dwelling units per acre. The remainder of the development, approximately 6.1 acres, falls outside of the Airport Hazard Overlay for land use (Attachment 4 - Zoning Map).

The applicant proposes to limit their WFPD residential density in Approach 2 Zone to 2.99 units per acre and in Approach 3 Zone to 4.35 units per acre. If this rezoning request is approved, this density will be verified at the time of platting.

Additional development standards include the following requirements per lot: a two-car garage, sod or xeriscaping, and two trees. The applicant has indicated they will also construct an amenity center.

General Information:

Size: 74.25 acres

Surrounding Zoning and Land Use:

Northwest (across Weltner Road) - Outside of City Limits - Agricultural
 Northeast - Outside of City Limits - Agricultural
 Southeast - Outside of City Limits - Agricultural &
 PD (Avery Park) / Residential - Single-Family Residential
 Southwest - APD / Agricultural - Agricultural

Comprehensive Plan / Future Land Use Designation:

Residential - Low Density Residential

School District: Comal ISD

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

Improvement(s): Two single-family houses & several agricultural outbuildings

Regional Transportation Plan:

Weltner Road is dedicated as a 60-foot wide Minor Collector. The current right-of-way is 50 feet wide and 5 feet will be dedicated at the time of platting.

Hike & Bike Trails Plan:

There are no designated paths within the boundaries of this development.

Parkland Dedication:

This development is subject to the Parkland Dedication and Development Ordinance. The development will be required to pay dedication and development fees of \$600 for the each residential lot prior to recording the final plat.

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 property is located in an area that is adjacent to single-family residences or designated as low density residential on the Future Land Use Plan. The proposed zoning limits the density beneath the Airport Hazard Overlay to less than 3 units/acre in Approach 2 Zone and to less than 6 units/acre in Approach 3 Zone. Goal 1C: <i>Consider rezoning, as necessary, to ensure existing and future land use compatibility.</i> The proposed Weltner Farms Concept Plan is compatible with the Future Land Use Plan category of Low Density Residential. 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 property is bordered on three sides by agricultural property. On the fourth side there is more agricultural property and the Avery Park neighborhood. The property is designated as residential on the Future Land Use Plan.*);
- 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 residential use of the property should not conflict with existing and proposed streets, water supply, sanitary sewer and other utilities in the area. Pursuant to state statute, Comal ISD was notified of this rezoning request.*);
- How other areas designated for similar development will be affected (*Weltner Farms will connect to Avery Park at Bitters Lane. Other street projections to surrounding, unplatted property will be addressed at the time of the master plan. Five-feet of right-of-way will be dedicated along Weltner Road per the Regional Transportation Plan which designates Weltner Road as a Minor Collector with a minimum R-O-W of 60 feet (the R-O-W is currently 50 feet wide.)*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*The use of this property as single-family residential should not have a detrimental impact on the public health, safety, morals or general welfare of the nearby property or of the City as a whole.*); and
- Whether the request is consistent with the Comprehensive Plan. (*The request is consistent with the Future Land Use Plan designation of the property as Residential Low Density.*)

COMMITTEE RECOMMENDATION:

On June 6, 2017, the Planning Commission recommended approval of the applicant's requested zoning change and the applicant's additional request for the minimum living area to be changed from 1,600 square feet for both areas to:

- 1,400 square feet for the 45-foot wide lots, and
- 1,700 square feet for the 60-foot wide lots.

(7-0-0) Commissioner Nolte recused; Commissioner Bearden was absent.

STAFF RECOMMENDATION:

Staff recommends approval of the requested zoning change to Weltner Farms Planned Development District with the applicant's additional revision noted above and as recommended by the Planning Commission. The property and the surrounding area are designated as low density residential on the Future Land Use Plan and the planned development district ensures that the densities will comply with the Airport Hazard Zoning Overlay.

Notification:

Public hearing notices were sent to 43 owners of property within 200 feet of the subject site. A notice was also sent to the Comal Independent School District. Staff has received no responses in favor and three responses in objection (#3, 31 & 35) representing 40.9% of the territory within 200 feet. As the percentage of the notified property in objection exceeds 20%, a $\frac{3}{4}$ supermajority vote of City Council is required for approval.

Attachments:

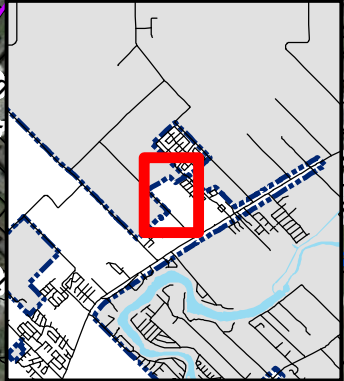
-
1. Aerial & Regional Transportation Plan Map
 2. Application & Narrative
 3. Current Master Plan
 4. Zoning Map, Existing Land Use Map & Future Land Use Plan Map
 5. Notification, Map & Responses
 6. Photograph of Subject Property
 7. Sec. 3.5 Planned Development Districts
 8. Draft Minutes from the June 6, 2017 Planning Commission Meeting
 9. Ordinance

Aerial & Regional Transportation Plan Map



Legend

- Subject Property
- City Limits
- Parkway - Proposed
- Minor Collector (60')
- Minor Collector - Proposed



Map Created 5/19/17

PZ-17-024
APD & R-1A-6.6 to Weltner Farms Planned Development District
1568 & 1584 Weltner Road





PLANNING

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

PHONE: (830) 221-4050

Case Number: P2-17-024

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 John ScanioMailing Address: 660 Lakefront Avenue, New Braunfels, TX 78130Telephone: (210) 496-7775 Fax: (210) 496-3256 Mobile: (210) 723-1693Email: jscanio@dirdealers.com

2. Property Address/Location: 1584 Weltner Rd.

3. Legal Description:

Name of Subdivision: ABS 20, Survey A. M. Esnaurizar 60.0790 ac, lots 1-4 Countryville SubdivisionLot(s): _____ Block(s): _____ Acreage: 74.25

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: 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): _____

Single Family Residential Subdivision Development

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

4-26-17

Date

James Ingalls, P.E.

Print Name & Title

For Office Use Only

Fee Received By: MS Amount: 1200.- Receipt No.: 242110Date Received: 4-26-17 Zoning signs issued: _____ Date: _____ No.: _____Cash/Check Number: 3583 Case Number: P2-17-024

Weltner Farms Subdivision

Planned Development District

Narrative

REQUEST

The applicant is requesting a Planned Development District (~~PDD~~) with a Base Zoning R-1A-6.6 of the proposed 74.25ac tract to allow for the development of a single family residential community known as the Weltner Farms Subdivision. The current R-1A-6.6 zoning district requires a minimum 60' lot width with a 6,600 square foot lot area. The proposed community will consist of lots consistent with the R-1A-6.6 zoning, only with a 45ft lot width minimum only for the area shown on the Concept Plan to be 45' widths. The proposed typical 45'x120' lot in the Weltner Farms Subdivision is 5,400 square feet in area. We are proposing to revise the current R-1A-6.6 district requirements to a minimum 45' lot width, 5,400 sf minimum lot area allowing one family detached dwellings along with the implementation of several other PDD standards with this PDD.

We believe the revised lot size, in conjunction with the implementation of several other PDD standards, increased open space, and an amenity center will provide the area with a more complementary community that offers a higher quality of life than the current standards permitted. The PDD will establish standards focused on the community's long term preservation and vitality. Such standards are not currently addressed in the Zoning Ordinance, but we believe that they are extremely important to the future homeowners. These standards are included in the development standards. This property is within the Airport Hazard Overlay Zones 2 and 3, and the restrictions for those overlay zones still apply. The proposed density does comply with the density constraints of the Airport Hazard Overlay zones.

We respectfully request consideration of the proposed Planned Development District for the 74.25 acres of land located along Weltner Road.

BASE ZONING DISTRICT

The Weltner Farms Subdivision will have the base zoning requirements of the R-1A-6.6 zoning district as described in the current zoning ordinance of the City of New Braunfels. The PDD will revise the minimum lot widths set forth in the current zoning standards for an R-1A-6.6 zoning district. Due to increased open space, an amenity center, revised lot sizes, and the implementation of several other PDD standards; the Weltner Farms subdivision will accommodate a more vibrant, sustainable community that provides generous park space, a sense of place, lot diversity, and pedestrian-friendly circulation internal and external to the community.

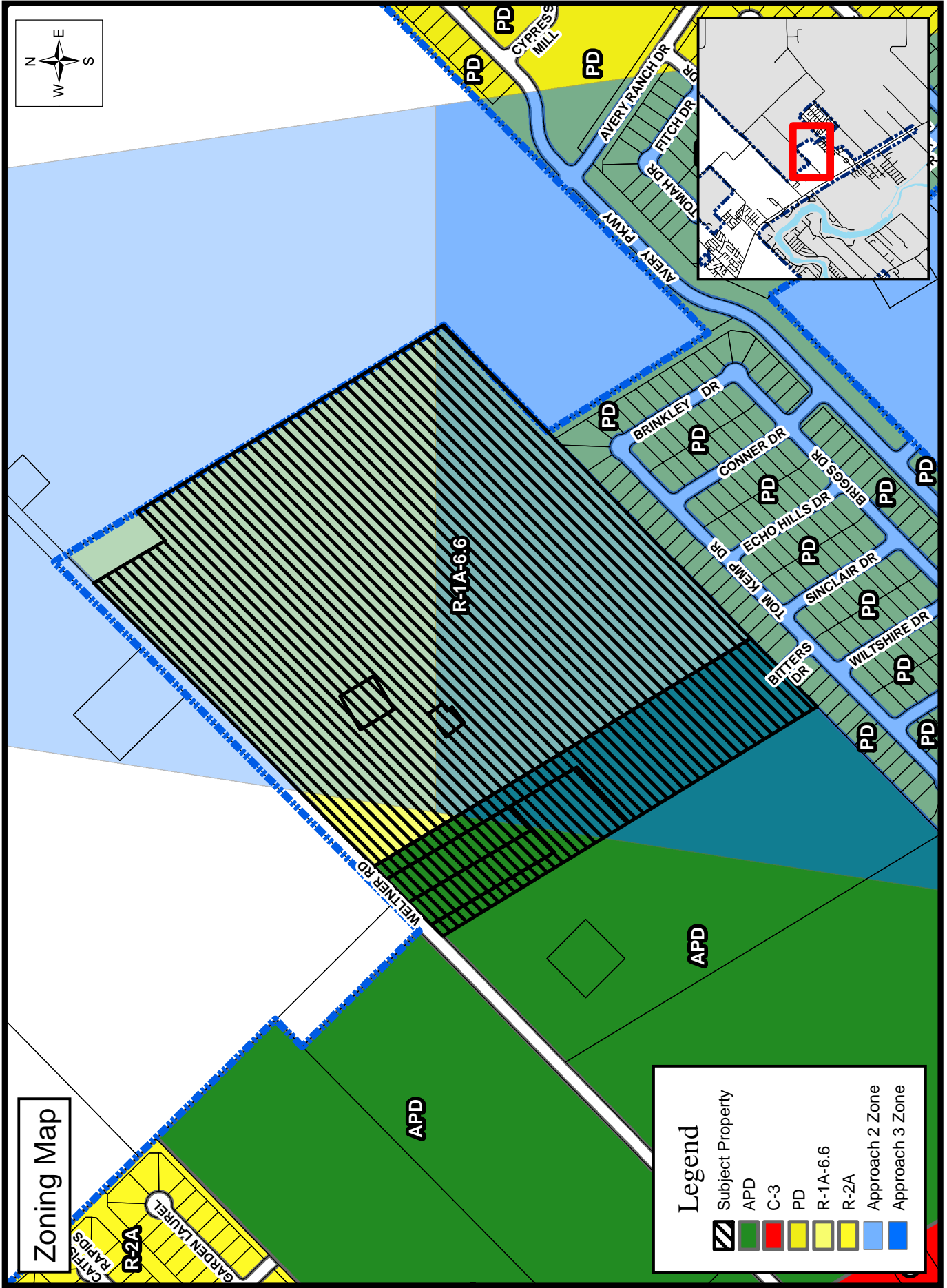


OWNER/DEVELOPER:
JOHN SCAMO
WELTRON LAND VENTURES, LLC
660 LAKEFRONT AVE.
NEW BRANDELF, TX, 78130

ENGINEER/SURVEYOR:
MOELLER & ASSOCIATES
JAMES MOELLER, P.E., ENGINEER
1040 N WALNUT AVE, STE B
NEW BRANDELF, TX, 78130
(830) 358-7127

D.A. WATKINS LAND SURVEYING, INC.
DAN WATKINS, L.S., SURVEYOR
2750 ROLLING CREEK
SPRING BRANCH, TEXAS 76070
(214) 325-0658

- [illegible]



Map Created 5/19/17

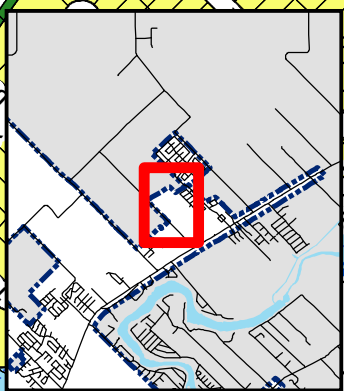
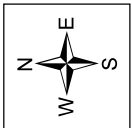
PZ-17-024
APD & R-1A-6.6 to Weltner Farms Planned Development District
1568 & 1584 Weltner Road



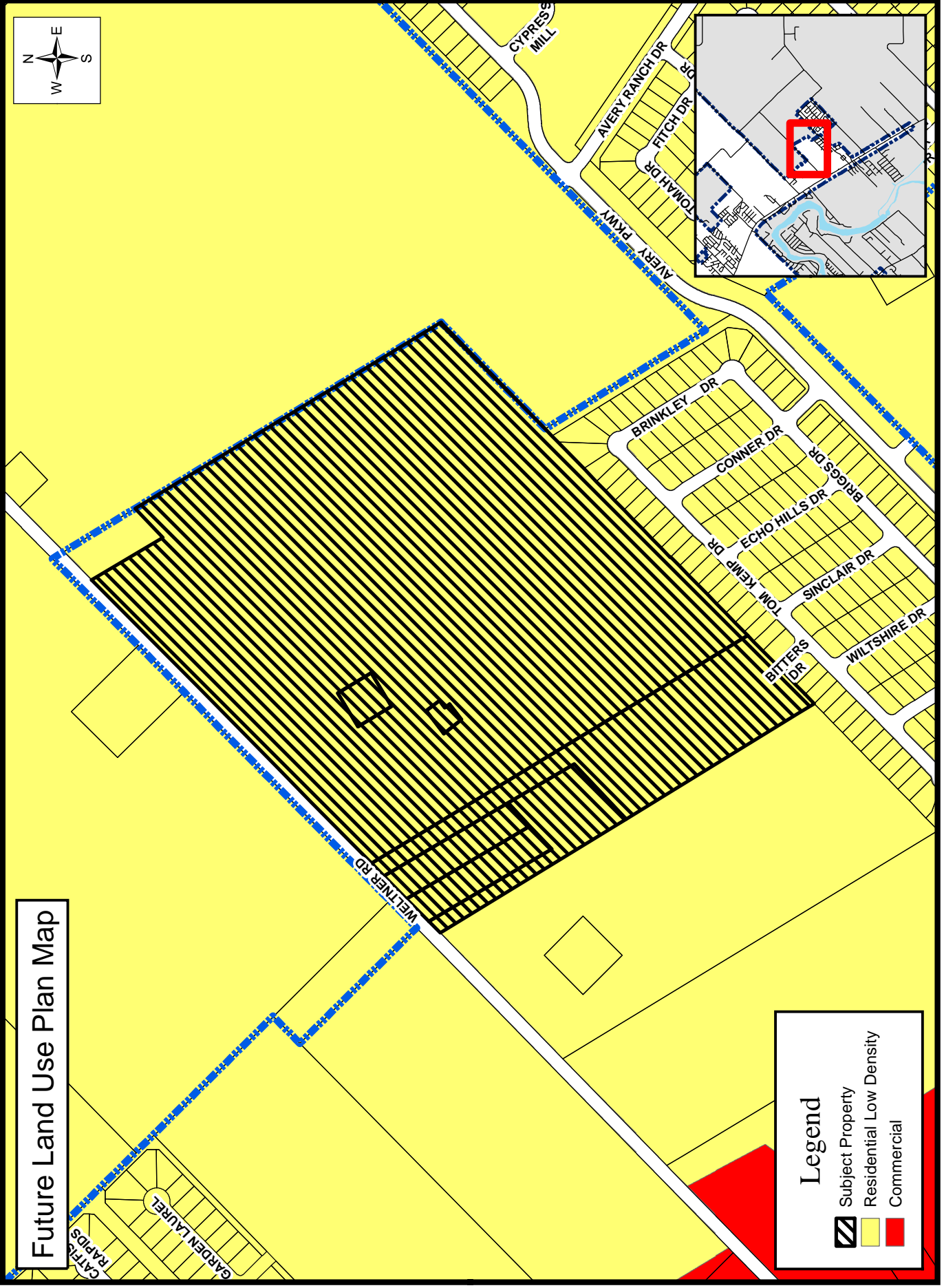


Legend

- Subject Property
- Residential Low Density
- Commercial
- Private Recreation
- Open Space
- Drainage



Existing Land Use Map



Map Created 5/19/17

PZ-17-024
APD & R-1A-6.6 to Weltner Farms Planned Development District
1568 & 1584 Weltner Road



PLANNING COMMISSION – June 6, 2017 – 6:00PM

New Braunfels City Hall, Council Chambers

Owners: Nolte Land & Dev. Co. and Weltner Land Ventures, LLC

Applicant: Scanio Development c/o John Scanio

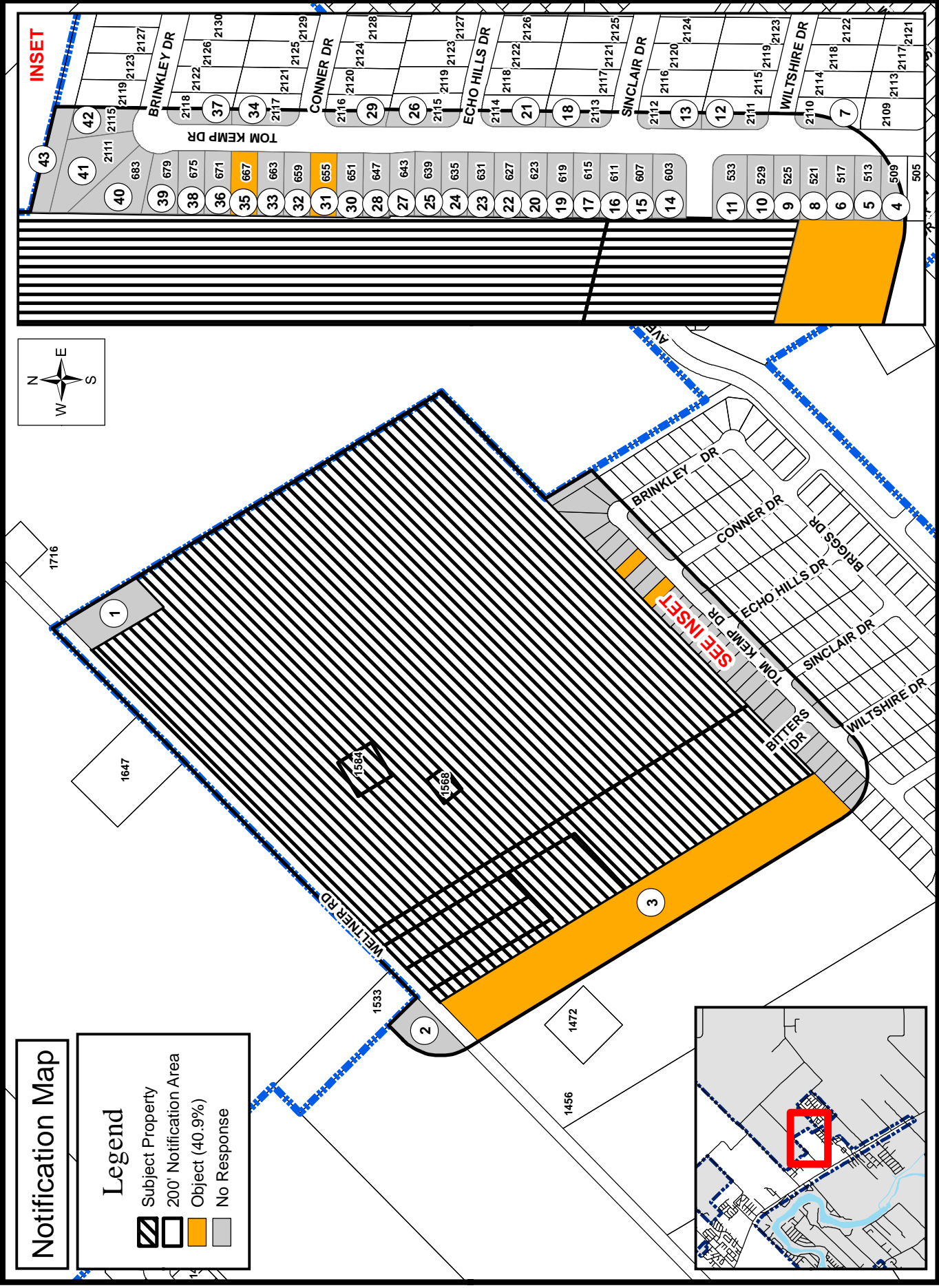
Property Location: 60.579 acre tract out of the A-20, A M Esnaurizar Survey, addressed at 1584 and 1568 Weltner Road & the 13.421 acre Countryville Subdivision

Proposed Zone Change – Case #PZ-17-024

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. Hemsell, Catherine Jean Nolte & Miki Louise Nolte G | 23. American Homes 4 Rent Properties Eight LLC |
| 2. Garland, Ted H & Jacquilin | 24. Allen, Melissa E & William Brett |
| 3. Altwein, Raymond A & Bertha L | 25. Montemayor, Mario E & Annette |
| 4. Barrow, Thomas J & Tricia A | 26. Silver Date Palm Properties LLC |
| 5. Mercer, Michael D | 27. Daigle, Kathy L |
| 6. Owner | 28. Wheeler, Kara & Clifford |
| 7. Ybarra, Roy & Sandra Valenzuela | 29. Forbus, Noemi Del Bosque |
| 8. Jetton, Shannon | 30. Lewis, Randall H & Destiny H |
| 9. New Braunfels Muffler & Hitch Center LLC | 31. Wolter, Jesica L & Morgan B |
| 10. Varga, Joseph, III & Karissa | 32. Stuart, Michael L |
| 11. Schlameus, Susan | 33. Granzin, Derek & Alexis Ellis |
| 12. Atzenhoffer, Susan & Jason | 34. Stanton, Vanessa & Mitchell Lee |
| 13. Ramirez, Steven, Jr. | 35. Langland, Anton L & Catherine P |
| 14. Friend Michael H | 36. Shearrow, Chris James & Georgina Marie |
| 15. Martin Sedley H Jr & Julia C | 37. Hinojosa, Anthony |
| 16. Jaroszewski, Nicholas A | 38. Owner |
| 17. Pawelek, Brandon | 39. Boultinghouse, Stoney L & Sandra Michelle |
| 18. Diaz, William Vance, Jr. & Whitney Paige Douglas-Dia | 40. David, Elva Herrmann |
| 19. Guerin, Holly S | 41. Owner |
| 20. McCleese, Sam | 42. Wallace, Jeremy E |
| 21. Sabedra, Joe D Sr & Veronica | 43. N B Avery Park Home Owners Association, Inc. |
| 22. Navarro, Jesus, III | |

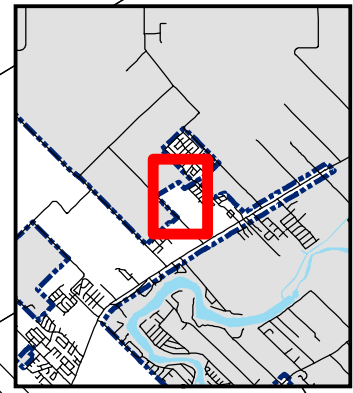
SEE MAP ON REVERSE



Notification Map

Legend

- Subject Property
- 200' Notification Area
- Object (40.9%)
- No Response



If this subdivision is approved, then my whole farm will flood, in a heavy rain. My whole farm then, will become worthless.

I do not want to give up my land, because of another subdivision, which will drain 70 or 80% more runoff than before, because of all the concrete and pavement needed for housing.

P.S. Map enclosed.

Owner: Raymond Altwein

RAYMOND ALTWEIN



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-024 (Weltner) - BWC

Date notice sent: 5/19/2017

Name: RAYMOND ALTWEIN

I favor: _____

Address: 1472 WELTNER RD, NB Tex. 78130

Circled number on map: 3

I object: ✓

Comments: (Use additional sheets if necessary)

(State reason for objection)

Signature: Raymond Altwein



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-024 (Weltner) - BWC

Date notice sent: 5/19/2017

Name: Jessica L. Zunker (Wolter)

Address: 655 Tom Kemp

Circled number on map: 31

Comments: (Use additional sheets if necessary)

Signature: [Signature]

\\chfs-1\Departments\Planning\ZoneChange-SUP-Replats\2017 cases\PZ-17-024 Weltner Farms PD Concept Plan\PZ-17-024
nph.docx

I favor: _____

I object: X

(State reason for objection)

RECEIVED

JUN 01 2017

BY: _____

Was not supposed to be
developed for 10+ years.
Purchased home in 2011 under
this premise!

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-024 (Weltner) - BWC

Date notice sent: 5/19/2017

Name: Catherine Langland

Address: 667 Tom Kemp

Circled number on map: 35

Comments: (Use additional sheets if necessary)

We like having the field behind the
house. That was the main reason for buying it. To
have no one behind us.

Signature: Cathy Langland

\\chfs-1\Departments\Planning\ZoneChange-SUP-Replats\2017 cases\PZ-17-024 Weltner Farms PD Concept Plan\PZ-17-024
nph.docx

RECEIVED

JUN 05 2017

BY: _____

I favor: _____

I object: ✓

(State reason for objection)

Benjamin W. Campbell

From: Betty Pittman [bettypittman81309@gmail.com]
Sent: Monday, June 05, 2017 2:57 PM
To: Benjamin W. Campbell
Subject: PZ-17-024 Weltner Rd

i

My daughter and son-in law bought the home at 667 Tom Kemp for me.
This home was my choice because there were no homes behind it.
I'm a country girl at heart and having the cattle and farm land was and is ideal. I am
hoping that this land will remain agricultural not another housing development.
There is enough housing and apartments in NB.
Perhaps a moritorium should be placed on apartments and housing.

I retired here from the sidewalk city
For the small town that is becoming
Another sidewalk city

Please save the cows ☺
Regards
Betty Pittman

Sent from my iPhone

Benjamin W. Campbell

From: Cathy Langland [clangland@beacon-gas.com]
Sent: Monday, June 05, 2017 1:24 PM
To: Benjamin W. Campbell
Cc: Anton Langland; pittman_cathy@yahoo.com
Subject: Case #PZ-17-024(Weltner)-BWC
Attachments: New Braunfels.pdf

Mr. Campbell,
Please find attached the Notice of Public Hearing for Case #PZ-17-024(Weltner)-BWC.

There is already so many new homes being built along this stretch of 46 and 46 is not equipped to handle the traffic that
is being forced on it now. We bought this house because it didn't have any homes behind it. A little bit of country in
the city. New Bruanfels is growing so fast and I don't want to see it lose the small town feel that most of have grown to
love.

I do not want to see a neighborhood be built behind our house.

Thank you so much,

Cathy Langland



Subject Property

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 June 6, 2017 Planning Commission Regular Meeting

PZ-17-024: Public Hearing and recommendation to City Council regarding the proposed rezoning of approximately 74 acres comprising a 60.579 acre tract out of the A-20, A M Esnaurizar Survey, addressed at 1584 and 1568 Weltner Road, and the 13.421 acre Countryville Subdivision, from “APD” Agricultural/Pre-Development District and “R-1A-6.6” Single-Family District to Weltner Farms Planned Development District (WFPD).

(Applicant: Moeller; Case Manager: B. Campbell)

Mr. Campbell distributed additional notification responses that had been submitted earlier that day.

Mr. Campbell presented the Staff report and recommended approval, noting that a super majority vote was required due to over 20% of the notification responses being in objection.

Chair Elrod asked if anyone wished to speak in favor.

James Ingalls, 2021 SH 46 W., spoke on behalf of the property owner. Mr. Ingalls presented an overview map of the property to indicate the boundary lines where it is the intention of the developer to create drainage channels.

Mr. Ingalls also indicated that the developer wishes to alter the proposed development standards. The first proposed alteration is regarding the minimum building square footage. The developer is proposing to lower the 45' Lots' to 1400sf and increase the 60' Lots' to 1700sf, rather than the previously proposed 1600sf minimum. The second proposal is the addition of a maximum building square footage of 12,000sf to both lot types.

Chair Elrod Edwards 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 (8-0-0).

Motion by Commissioner Laskowski, seconded by Commissioner Hoyt, to recommend approval to City Council regarding the proposed rezoning of approximately 74 acres comprising a 60.579 acre tract out of the A-20, A M Esnaurizar Survey, addressed at 1584 and 1568 Weltner Road, and the 13.421 acre Countryville Subdivision, from “APD” Agricultural/Pre-Development District and “R-1A-6.6” Single-Family District to Weltner Farms Planned Development District (WFPD), with staff recommendations and proposed alterations to the Development Standards regarding maximum and minimum living area and lot coverage. Motion carried (7-0-0).

ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, APPROXIMATELY 74 ACRES COMPRISING A 60.579 ACRE TRACT OUT OF THE A-20, A M ESNAURIZAR SURVEY, ADDRESSED AT 1584 AND 1568 WELTNER ROAD, AND THE 13.421 ACRE COUNTRYVILLE SUBDIVISION, FROM “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT AND “R-1A-6.6” SINGLE-FAMILY DISTRICT TO WELTNER FARMS PLANNED DEVELOPMENT DISTRICT (WFPD); 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 planned development is in compliance with the Future Land Use Plan; and

WHEREAS, the City Council desires to amend the Zoning Map by changing 60.579 acre tract out of the A-20, A M Esnaurizar Survey, addressed at 1584 and 1568 Weltner Road, and the 13.421 acre Countryville Subdivision, from “APD” Agricultural/Pre-Development District and “R-1A-6.6” Single-Family District to Weltner Farms Planned Development District (WFPD); **now, therefore,**

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

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144, of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels, is revised by changing the following described tract of land from “APD” Agricultural/Pre-Development District and “R-1A-6.6” Single-Family District to Weltner Farms Planned Development District

(WFPD):

“Being 60.579 acre tract out of the A-20, A M Esnaurizar Survey, addressed at 1584 and 1568 Weltner Road, and the 13.421 acre Countryville Subdivision, as described in Exhibit ‘A’ and delineated on Exhibit ‘B’.”

SECTION 2

THAT Exhibit ‘C’ be adopted as the Weltner Farms Planned Development Concept Plan.

SECTION 3

THAT Exhibit ‘D’ be adopted as the Weltner Farms Planned Development – Development Standards.

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

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

PASSED AND APPROVED: First Reading this the 26th day of June, 2017.

PASSED AND APPROVED: Second and Final Reading this the 10th day of July, 2017.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



SCALE: 1"=200'

LEGEND:
O = (1/2" SET 1/2" BOM PIN W/ A PLASTIC CAP STAMPED "TOM #548 PROP. CON" UNLESS OTHERWISE NOTED
● = (1/2" SET 1/2" BOM PIN UNLESS OTHERWISE NOTED
// = WOOD FENCE
- - - = BARBED FENCE
- - - = OVERHEAD ELECTRIC
X = POWER POLE
Y = GUY WIRE
△ = TELEPHONE PEDESTAL
⊙ = WELL/MONITORING WELL
- - - = SIGN
R.O.W. = RIGHT-OF-WAY

TITLE COMMITMENT:
ALAMO TITLE INSURANCE COMPANY
PROPOSED INSURED: JHFS HOLDINGS, LLC AND/OR ASSIGNS
OFF# 4041008519
EFFECTIVE DATE: APRIL 7, 2016

REFERENCES:
1. EASEMENT, LOWER COLORADO RIVER AUTHORITY, ABSTRACT NO. 20, GUADALUPE COUNTY, TEXAS, AND BEING OUT OF A 75.0 ACRE TRACT OF LAND AS RECORDED IN VOLUME 4166, PAGE 154 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS.
2. 917, PG. 287, OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS, CONSTRUCTION AND RITCH-OF-WAY EASEMENT, DOC. NO. 2015000440, OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS.



132 CARROLL
NEW BRAUNFELS, TX 78130
PH: (830) 632-5592
dmayner@damayner.com
new braunfels

DATE: MAY 2016, JOB SCA001

WELTNER RD.

10' R.O.W. ROAD DEDICATION VOL. 6, PG. 107

POWER POLE

TELEPHONE PEDESTAL

MAIL BOX

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

10' R.O.W. ROAD DEDICATION VOL. 6, PG. 107

POWER POLE

TELEPHONE PEDESTAL

MAIL BOX

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

10' R.O.W. ROAD DEDICATION VOL. 6, PG. 107

POWER POLE

TELEPHONE PEDESTAL

MAIL BOX

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

10' R.O.W. ROAD DEDICATION VOL. 6, PG. 107

POWER POLE

TELEPHONE PEDESTAL

MAIL BOX

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

10' R.O.W. ROAD DEDICATION VOL. 6, PG. 107

POWER POLE

TELEPHONE PEDESTAL

MAIL BOX

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

POWER POLE

GUADALUPE COUNTY PLAT VOLUME 6 PAGE 107

NOTES:

1. Plat prepared February 25, 1999. REVISED 3/10/99 RETISED 3/25/99
2. Reference Bearing - S 30° 30' E
3. As related off of the STEEL Flood Insurance Rate Map, Community-Panel #400006 0500 B, dated March 1, 1976, this property does not lie in Zone A.
4. Certain lines shown herein were located and interpolated off of a USGS Map and not from an on-the-ground survey.
5. 1/4" iron pins set at all lot corners, unless otherwise noted
6. This property lies in the Extra Territorial Jurisdiction (ETJ) of the City of New Braunfels.
7. This property lies in the Central Independent School District.
8. This property lies in Guadalupe County Commissioners Precinct #2.
9. This property will be served by the following:
Electric - New Braunfels Utilities
Gas - New Braunfels Utilities
Water - New Braunfels Utilities
Sewer - Individual on-site sewage facility
10. P.O.B. = Point of Beginning
B.L. = Building, School Line
U.E. = Utility Easement

Approved this 16 day of April, 1999,
by the Planning and Zoning Commission of the City of New Braunfels, Texas.

APPROVED FOR ACCEPTANCE
4/16/99
Date
Director of Planning

4/16/99
Date
City Engineer

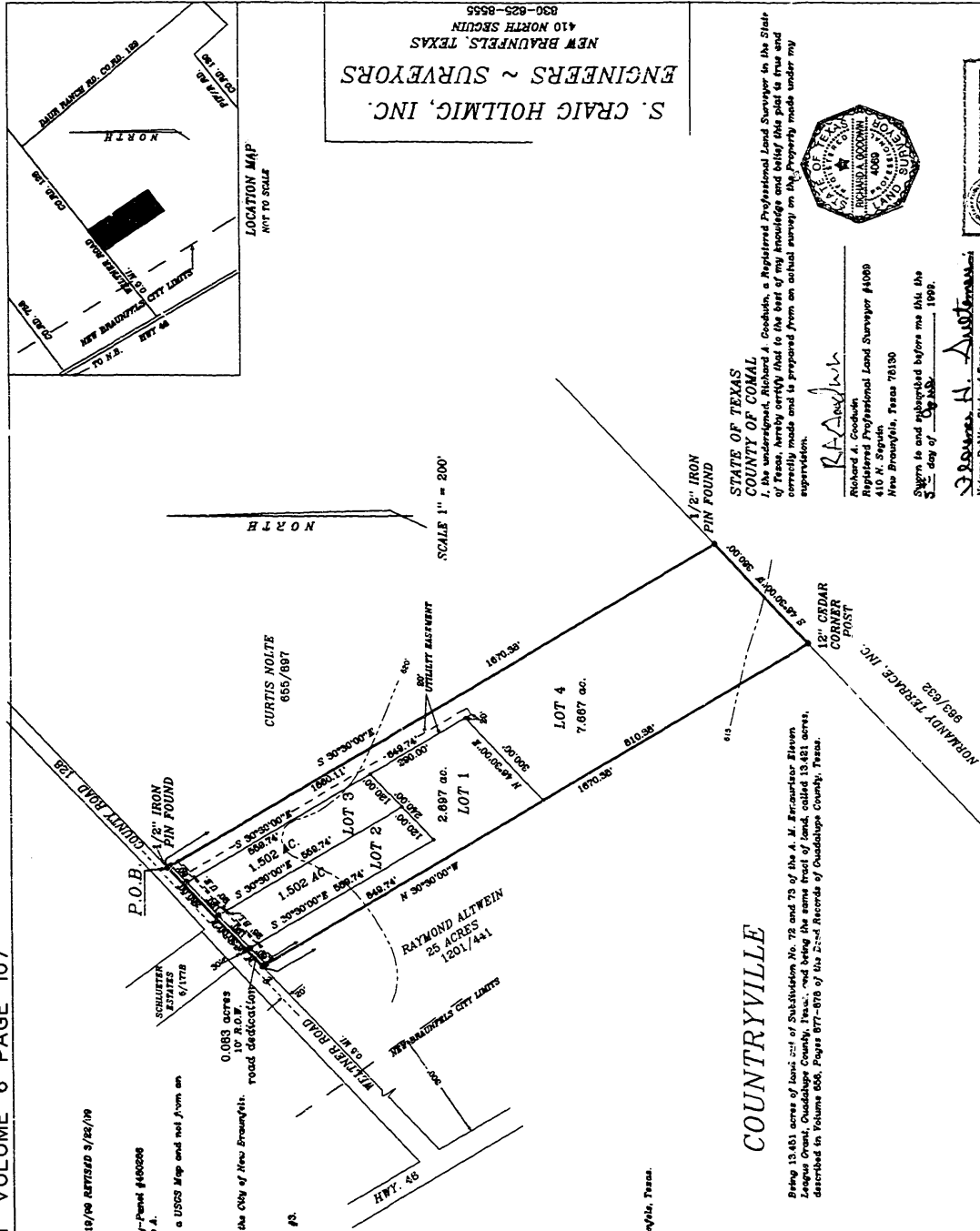
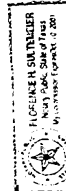
4-8-99
Date
Notary Public, State of Texas

STATE OF TEXAS
COUNTY OF GUADALUPE

I, the undersigned, Clerk of the County of Guadalupe, do hereby certify that the foregoing instrument of writing, with its exhibits of authentication, was filed for record in my office on the 21 day of April, A.D., 1999, at 11:19 A.M., and duly recorded on the 21 day of April, A.D., 1999, at 11:19 A.M. in the Map and Plat Records of Guadalupe County, in Book Volume 6, on Page 107, in testimony whereof I have hereunto set my hand and office seal, this 21 day of April, 1999.

NOTES: LAND AND DEVELOPMENT CORPORATION

BY: Richard A. Goodwin
170 N. Main
New Braunfels, Texas 78130
This instrument was acknowledged before me on this 5th day of April, 1999, by REITH NOLTE, JR.
Notary Public, State of Texas

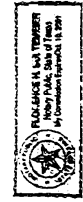
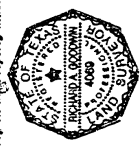


S. CRAIG HOLLMIC, INC.
NEW BRAUNFELS, TEXAS
410 NORTH SECUR
830-825-8555
ENGINEERS ~ SURVEYORS

STATE OF TEXAS
COUNTY OF COMAL
I, the undersigned, Richard A. Goodwin, a Registered Professional Land Surveyor in the State of Texas, hereby certify that to the best of my knowledge and belief this plat is true and correct, and it is prepared from an actual survey on the property made under my supervision.

Richard A. Goodwin
Registered Professional Land Surveyor #4089
410 N. Securin
New Braunfels, Texas 78130
Signed and published before me this 5th day of April, 1999.

Notary Public, State of Texas



STATE OF TEXAS
COUNTY OF GUADALUPE

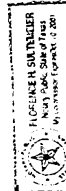
I, LEBIE LORENE, County Clerk of Guadalupe County, do hereby certify that the foregoing instrument of writing, with its exhibits of authentication, was filed for record in my office on the 21 day of April, A.D., 1999, at 11:19 A.M., and duly recorded on the 21 day of April, A.D., 1999, at 11:19 A.M. in the Map and Plat Records of Guadalupe County, in Book Volume 6, on Page 107, in testimony whereof I have hereunto set my hand and office seal, this 21 day of April, 1999.

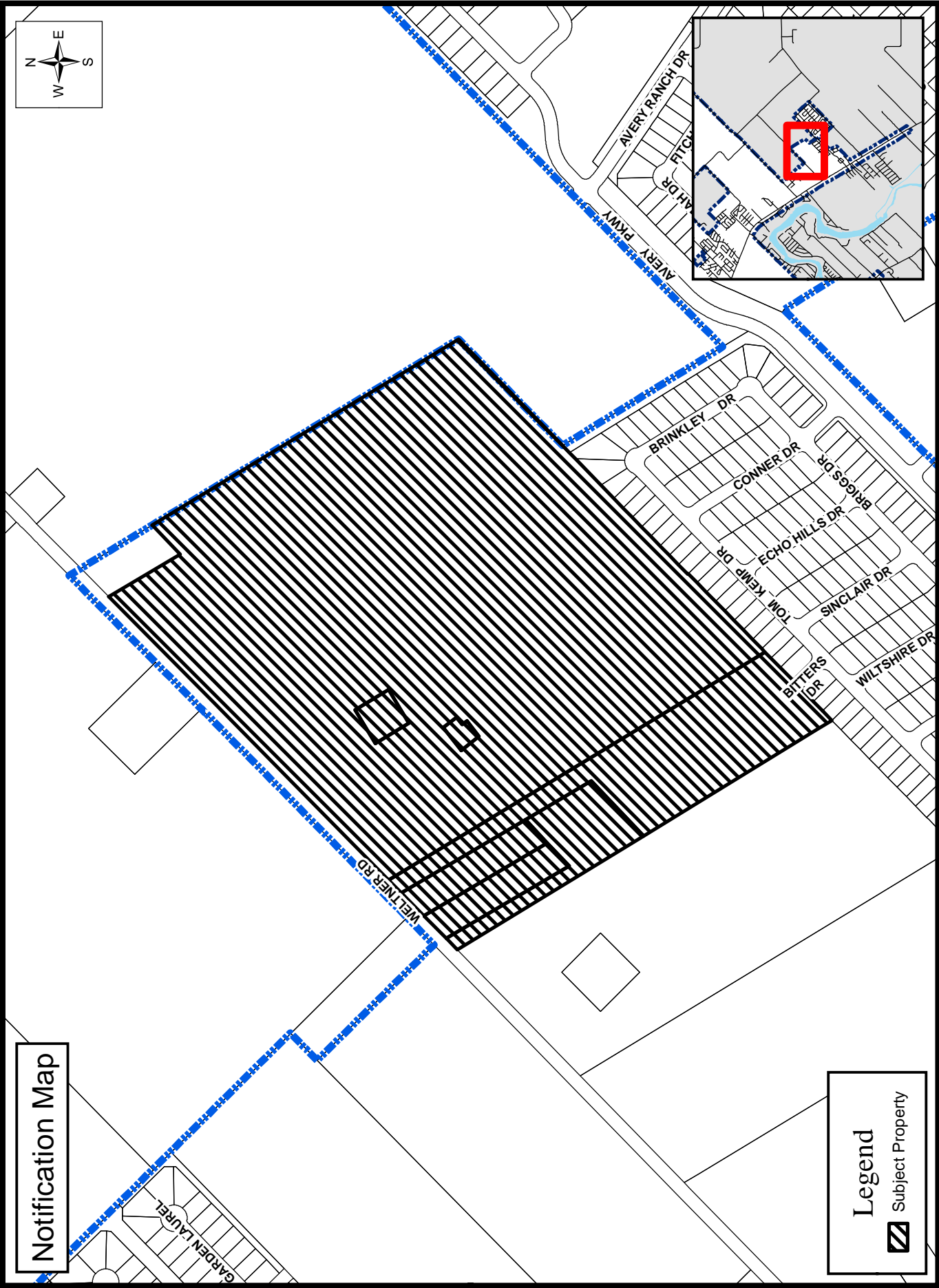


COUNTY CLERK, GUADALUPE COUNTY, TEXAS
Lebie Lorene
DEPUTY

This plat of COUNTRYVILLE has been submitted to and considered by the Guadalupe County Commissioners Court and is hereby approved by said Court.

Dated this 21 day of April, A.D., 1999
By: Richard A. Goodwin
170 N. Main
New Braunfels, Texas 78130
This instrument was acknowledged before me on this 5th day of April, 1999, by REITH NOLTE, JR.
Notary Public, State of Texas





Notification Map

Legend

 Subject Property



PZ-17-024

APD & R-1A-6.6 to Weltner Farms Planned Development District
1568 & 1584 Weltner Road

Map Created 5/19/17

Weltner Farms Subdivision Planned Development District Development Standards

The general development standards are per land use areas as follows:

Land Use:	Area 1 (Single Fam.) - 45' Lot	Area 2 (Single Fam.) - 60' Lot
Base Zoning:	R-1A-6.6	R-1A-6.6
Total Number of Acres:	35.27 acres	38.98 acres
Open Space/Drainage/Un-encumbered Greenspace Acreage:	8.35 acres	
Easement Acreage:	6.94 acres	
Maximum Number of Buildable Lots:	180	107
Minimum Lot Width:	45 Feet Wide (55 Feet Corner)	60 Feet (70 Feet Corner)
Minimum Lot Depth:	100 Feet	100 Feet
Typical Lot Depth:	120 Feet	120 Feet
Minimum Lot Area:	5,400 Square Feet	6,600 Square Feet
Minimum Front Setback:	25 Feet	25 Feet
Minimum Side Setback:	5 Feet	5 Feet
Minimum Side Setback (Corner):	15 Feet	15 Feet
Minimum Side Setback (Rear Lot Line abuts Side Lot Line adjacent to street):	25 Feet	25 Feet
Minimum Rear Setback:	20 Feet	20 Feet
Minimum Living Area:	1,400 Square Feet	1,700 Square Feet
Maximum Building Area:	12,000 Square Feet	12,000 Square Feet
Minimum Garage:	2 Car Garage	2 Car Garage
Minimum Landscaping:	Full Sod (front & back) or Xeriscaping, two 2-inch trees	Full Sod (front & back) or Xeriscaping, two 2-inch trees
Maximum Building Height:	35 Feet	35 Feet
Access Road:	Internal Streets	Internal Streets

6/26/2017

Agenda Item No. H)

Presenter

Christopher Looney, Director of Planning and Community Development
clooney@nbtexas.org

SUBJECT:

Public hearing and consideration of the first reading of an ordinance regarding the proposed designation of approximately 0.158 acre, the northeast parts of Lots 1 and 2 of City Block 4066, addressed as 475 Butcher Street, as a local historic landmark to be known as the Boenig-Hartmann House.

BACKGROUND / RATIONALE:

Case No.: HLC-17-008

Council District: 6

Owner/Applicant: Mark McLean
503 Magazine Avenue
New Braunfels, TX 78130
(830) 221-4057

Staff Contact: Amy McWhorter, Historic Preservation Officer
(830) 221-4057
amcwhorter@nbtexas.org

The subject property, consisting of approximately 0.158 of an acre of land, is located at the corner of Braddock Avenue (formerly known as Boenig Street) and Butcher Street. The property is zoned "SND-1" (Special Neighborhood District 1) and includes a circa 1870 farm house and accessory structure. The farm house, which is constructed of 12-inch baked brick walls and has a continuous stone foundation, was once a part of a dairy farm. Although the exact date of construction is unknown, the style and materials used in the dwelling highly suggest is to be from circa 1870 or earlier, since in the 1870s lumber milling technology began to displace the need for adobe and fachwerk construction in the region.

Prior to 1870, Wilhelm Boenig owned the property. Census records indicate that Boenig, who emigrated from Brunswick, Germany in 1857, was a farmer and tailor. In 1871, Boenig sold the property to Wilhelm Hartmann. Although Hartmann is listed as a worker at a saw mill on the 1870 census, the relatively high value of his real estate holdings noted on the Census indicate that he likely was also engaged in farming in 1870. Hartmann retained the property until 1879, when he sold it to Eva Grimm Maurer a widow from Schumansville in Guadalupe County. Census records indicate the Maurer family did not reside at the house and in 1887 the property was deeded to Eva's daughter Emma Maurer, who married Edward Schneider.

Edward and Emma Schneider resided at the property, which included adjacent acreage and operated a dairy farm. In 1910, the Schneiders sold the subject property (a portion of their large land holdings in the vicinity) to Walter and Meta Elbel, who lived in the subject property until 1926, when they built a new dwelling adjacent to the subject property at 503 Magazine Avenue. The Elbels retained the property as storage or rental property from 1926 until 1972, when they sold it to Crystal Ragsdale who restored the dwelling. In 2016, the applicant purchased the property.

The dwelling on the subject property is a small single-family dwelling dating to circa 1870. The structure has a side-gabled roof clad in seamed metal and with a single internal masonry chimney. The structure is constructed of adobe brick with a cut stone foundation and two historic-age additions (one on the rear façade and one on the lateral façade, both indicated on the 1930 Sanborn Map). The original fenestration pattern is intact and the primary façade has a symmetrical arrangement with a central hinges door flanked by two 6/6 wooden framed windows. The structure is an excellent local example of the German Vernacular building style as applied to a modest farm house.

General Information:

Size:

0.158 acres

Surrounding Zoning and Land Use:

North - SND-1 - Single-family residences

East - SND-1 - Single-family residences

South - SND-1 - Single-family residences

West - SND-1 - Single-family residences

Comprehensive Plan / Future Land Use Designation:

Residential - Low Density

Floodplain:

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

Improvement(s):

ca. 1870 dwelling

ca. 1900 accessory structure

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 historic landmark designation is a zoning overlay and does not change the base zoning of the property*).
- 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 historic landmark designation is a zoning overlay and therefore does not impact the existing conditions*).
- How other areas designated for similar development will be affected (*There should be no negative effect on other properties in the vicinity as historic preservation has been demonstrated to have a positive, stabilizing impact on neighborhoods.*);
- Any other factors that will substantially affect the public health, safety, morals, or general

welfare (*The historic landmark designation of the property should contribute to retention of historically significant structures, which provides a community benefit.*); and

- Whether the request is consistent with the Comprehensive Plan (*Comprehensive Plan Goal 69 recommends that the City enhance the heritage image of the City by designating historic areas and structures that should be preserved, restored, and used for adaptive reuse.*)

]

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

	Yes	City Plan/Council Priority: 2006 Comprehensive Plan Pros and Cons Based on Policies Plan	Pros: Goal 69: Enhance the heritage image of the City by <u>designating historic areas and structures that should be preserved, restored, and used for adaptive reuse</u> . The designation of this property will enhance the heritage image of the City and encourage the preservation and adaptive reuse of the property. Cons: None
--	-----	---	--

FISCAL IMPACT:

N/A

HISTORIC LANDMARK COMMISSION RECOMMENDATION:

The Historic Landmark Commission held a public hearing on April 11, 2017 and recommended approval of the designation (6-0-0). Commissioners Gonzalez, Davis and Kammerer were absent.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a public hearing on June 6, 2017 and unanimously recommended approval of the designation (7-0-0).

STAFF RECOMMENDATION:

Staff recommends approval of the Historic Landmark Designation as the subject structure meets four of the six criteria for approval (criteria 1, 2, 4, and 6) as stated in the City's Code of Ordinances, Article III, Section 66-56 which states: a historic landmark or district may be designated if it meets at least one of the following criteria:

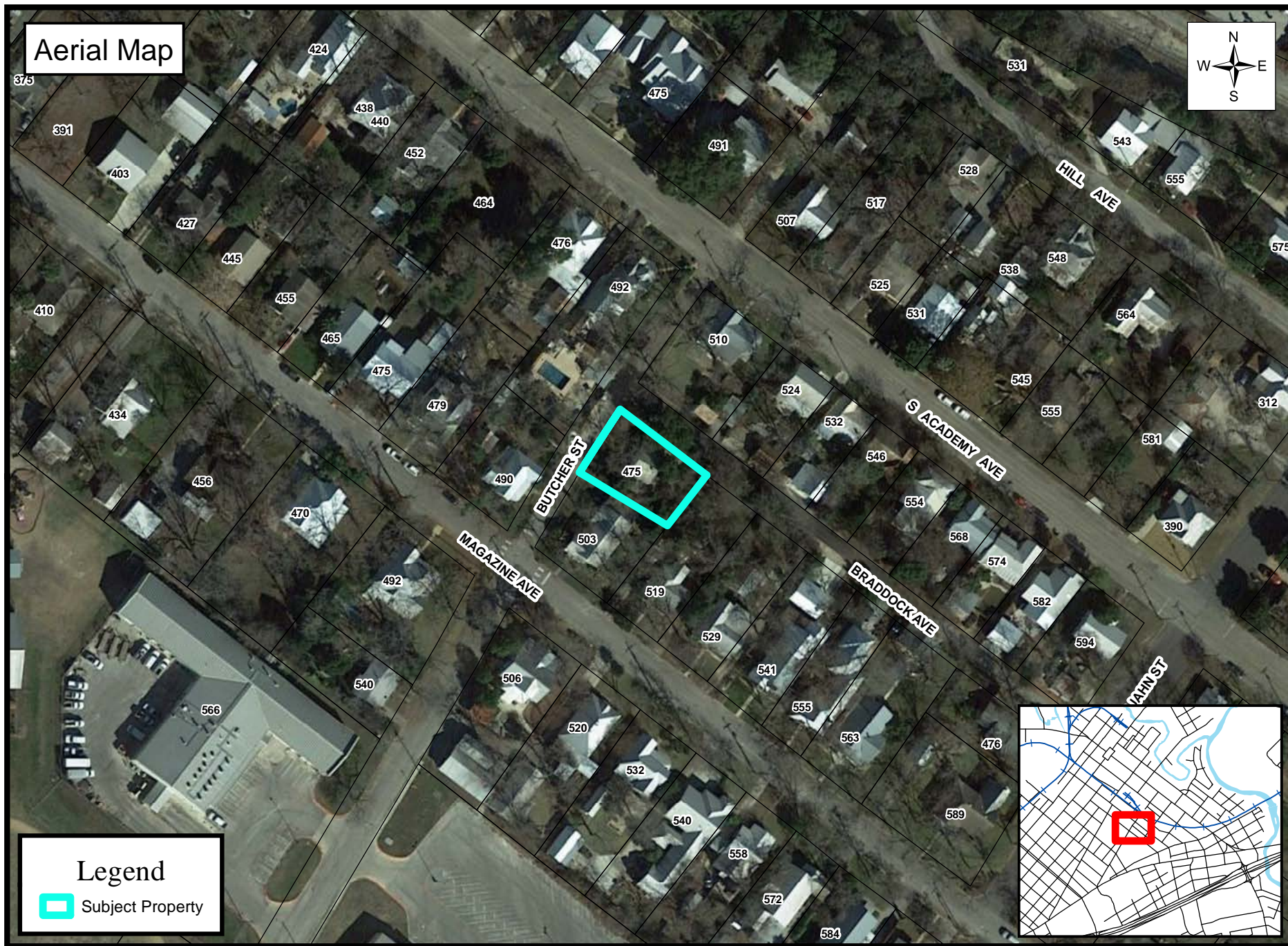
- (1) Possesses significance in history, architecture, archeology, or culture. *The structure is an excellent local example of the traditional German Vernacular Style, reflecting the craftsmanship, materials, and technology of early German farmers in the area.*
- (2) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history. *This dwelling, one of the oldest extant structures in the Sophienburg Hill Historic District, is evocative of early community development trends as it represents the historic agricultural use that formerly dominated the area.*
- (3) Is associated with the lives of persons significant in our past. *No such associations are known.*
- (4) Embodies the distinctive characteristics of a type, period, or method of construction. *The subject structure's characteristic features and style include the retention of the overall form and original materials.*
- (5) Represents the work of a master designer, builder, or craftsman. *No such representation is known.*
- (6) Represents an established and familiar visual feature of the neighborhood or city. *The structure has been located at this site since circa 1870.*

Notification:

Public hearing notices were sent to 25 owners of property representing 24 tracts of land within 200 feet of the subject site. Staff has received four responses in favor (#2, 5, 18, & 23) and one in objection (#15).

Attachments:

1. Maps
2. Notification & Responses
3. Photographs of Subject Property
4. Article III, Section 66-54
5. Article III, Section 66-56
6. Excerpt from the April 11, 2017 Historic Landmark Commission Minutes
7. Excerpt from the June 6, 2017 Planning Commission Minutes
8. Ordinance





Map Created 5/19/17



PLANNING COMMISSION – June 6, 2017 – 6:00PM

New Braunfels City Hall, Council Chambers

Owner/Applicant: Mark McLean

Property Location: 475 Butcher Street

Historic Landmark Designation - Case #HLC-17-008

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. Stock, Irene | 14. McLean, Mark |
| 2. Brown, Newton A & Betty M | 15. Hillyer, Consulting Svs Inc |
| 3. Butler, Kristin & Keith | 16. Mary Owens Tr |
| 4. Barnes, Polly A | 17. Owens, James A & Elizabeth A |
| 5. Weldy, Billy V & Gail S | 18. Newman, Donald G & Cheri |
| 6. Schirmer, Kristi D | 19. Triesch, Bernice Marie |
| 7. Schuck, Carol J | 20. Toomey, Darren & Misty |
| 8. Charles B & Jean Johnson Tr | 21. Collins, Jeffrey D & Deborah H |
| 9. Frazell, Richard | 22. Garcia, Ricardo C & Lisa L |
| 10. Moses, Clifford A & Mary C | 23. Cooper, Jonathan M & Debra B |
| 11. Krause, Sherman & Melissa | 24. Leonhardt, Curtis Gene & Denise
Phelan |
| 12. Rayborn, John K | 25. Cobb, Kenneth C & Kimberly A |
| 13. Owner | |

SEE MAP ON REVERSE





Sec. 66-54. Designation of historic landmarks.

(a) These provisions pertaining to the designation of historic landmarks constitute a part of the comprehensive zoning plan of the city. Each historic landmark shall bear the words "Historic Landmark" (HL) in its zoning designation. Such designation shall indicate that such property is subject to the terms of this article; however, with regard to site plans, uses, setbacks, and other development land use regulations, such property shall be governed by its zoning district.

(b) A historic landmark shall be considered by the commission only with the written application of the property owner expressly requesting that the property be so designated. Property owners of proposed historic landmarks shall be notified prior to the commission hearing on the recommended designation. At the commission's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic landmark.

(c) Upon recommendation of the commission, the proposed historic landmark shall be submitted to the planning and zoning commission within 30 days from the date of submittal of designation request. The planning and zoning commission shall give notice and conduct its hearing on the proposed designation within 45 days of receipt of such recommendation from the commission. Such hearing shall be in the same manner and according to the same procedures as specifically provided in the general zoning ordinance of the city. The planning and zoning commission shall make its recommendation to the city council within 45 days subsequent to the hearing on the proposed designation.

(d) The city council shall schedule a hearing on the commission's recommendation to be held within 45 days of receipt of the recommendation of the planning and zoning commission. The city council shall give notice, follow the publication procedure, hold hearing, and make its determination in the same manner as provided in the general zoning ordinance of the city.

(e) Upon designation of a building, object, site, or structure as a historic landmark or district, the city council shall cause the designation to be recorded in the Official Public Records of Real Property of Comal County, the tax records of the city and the Comal Appraisal District as well as the official zoning maps of the city.

(Ord. No. 96-9, § 1, 2-26-96; Ord. No. 2005-53, § 2, 6-27-05)

Sec. 66-56. Criteria for the designation of historic landmarks and districts.

A historic landmark or district may be designated if it meets at least one of the following criteria:

- (1) Possesses significance in history, architecture, archeology, or culture.
 - (2) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.
 - (3) Is associated with the lives of persons significant in our past.
 - (4) Embodies the distinctive characteristics of a type, period, or method of construction.
 - (5) Represents the work of a master designer, builder, or craftsman.
 - (6) Represents an established and familiar visual feature of the neighborhood or city.
- (Ord. No. 96-9, § I, 2-26-96)

Excerpt from the April 11, 2017 Historic Landmark Commission Draft Meeting Minutes

B. HLC-17-008 Public hearing and recommendation to the Planning Commission and City Council on an application for Historic Landmark designation for the property addressed as 475 Butcher Street, located in the Sophienburg Hill Historic District, to be known as the Boenig-Maurer House.

Mrs. McWhorter presented the staff report, described the history of the property, and listed the previous property owners. She concluded by stating her recommendation of approval based on the following criteria:

- The property possesses significance in history, architecture, archeology, or culture. Mrs. McWhorter said the structure is an excellent local example of the traditional German Vernacular Style, reflecting the craftsmanship, materials, and technology of early German farmers in the area.
- The property is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history. Mrs. McWhorter said the dwelling, possibly the oldest structure in the Sophienburg Hill Historic District, is evocative of early community development trends as it represents the historic agricultural use that formerly dominated the area.
- The property embodies the distinctive characteristics of a type, period, or method of construction. Mrs. McWhorter said the subject structure characteristic features of its style including the retention of the overall form and original materials.
- The property represents an established and familiar visual feature of the neighborhood or city. Mrs. McWhorter said the structure has been located at this site since circa 1870.

Discussion ensued in regards to the age of the house.

Motion by Commissioner Hoffmann, seconded by Commissioner Leitch, to recommend approval to the Planning Commission and City Council on an application for Historic Landmark Designation for 475 Butcher Street, to be known as the Boenig-Maurer House. The motion carried. (6-0-0)

Draft Minutes for the June 6, 2017 Planning Commission Regular Meeting

HLC-17-008: Public Hearing and recommendation to City Council regarding the proposed Historic Landmark designation for the property addressed at 475 Butcher Street, which is located in the Sophienburg Hill Historic District.

(Applicant: Mark & Linda Mclean; Case Manager: A. McWhorter)

Mrs. McWhorter presented the Staff report and recommended approval of the Historic Landmark Designation.

Chair Elrod asked if anyone wished to speak in favor.

No one spoke.

Chair Elrod Edwards asked if anyone wished to speak in opposition.

No one spoke.

Motion by Commissioner Laskowski, seconded by Commissioner Conkright, to close the public hearing. The motion carried (8-0-0).

Motion by Commissioner Laskowski, seconded by Commissioner Nolte, to recommend approval to City Council regarding the proposed Historic Landmark designation for the property addressed at 475 Butcher Street, which is located in the Sophienburg Hill Historic District. Motion carried (8-0-0).

ORDINANCE NO. 2017-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, DESIGNATING APPROXIMATELY 0.158 ACRE, THE NORTHEAST PARTS OF LOTS 1 AND 2 OF CITY BLOCK 4066, ADDRESSED AS 475 BUTCHER AS A HISTORIC LANDMARK TO BE KNOWN AS THE BOENIG-MAURER HOUSE ACCORDING TO CHAPTER 66, ARTICLE III, AND AMENDING THE ZONING MAP; 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, this property has been recommended for historic designation by the Historic Landmark Commission; and

WHEREAS, the City Council wishes to protect this structure as a part of the heritage of New Braunfels for future generations; and

WHEREAS, the City Council desires to amend the Zoning Map by designating the suffix "HL" in addition to the conventional zoning designation established by the zoning ordinance; **now, therefore;**

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

SECTION 1

THAT the following described property is hereby designated as a Historic Landmark to be known as the Baoenig-Maurer House in accord with the provisions of Chapter 66, Article III of the Code of Ordinances of the City of New Braunfels, Texas:

"Approximately 0.158 acre, the northeast parts of Lots 1 and 2 of City Block 4066, addressed as 475 Butcher Street, as shown on the attached map, marked as Exhibit A".

SECTION 2

THAT the above property is hereby restricted as to the amount or method of change, construction, or demolition that can take place in accord with Chapter 66, Article III of the Code of Ordinances of the City of New Braunfels.

SECTION 3

THAT the above described property is hereby entitled to all rights and privileges that are accorded to historically designated structures or sites, or which may be accorded those structures or sites in the future.

SECTION 4

THAT, the zoning map is amended by designating the tract the subject structure is located upon, to add "HL".

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

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

PASSED AND APPROVED: First Reading this the 26th day of June, 2017.

PASSED AND APPROVED: Second Reading this the 10th day of July,
2017.

CITY OF NEW BRAUNFELS

Barron Casteel, Mayor

ATTEST:

Patrick Aten, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney



6/26/2017

Agenda Item No. I)

Presenter

Christopher Looney, Director of Planning and Community Development
clooney@nbtexas.org

SUBJECT:

Public hearing and consideration of the first reading of an ordinance regarding the proposed designation of approximately 0.241 acres, Lots 14 and 16 of City Block 1024, addressed as 564 Hill Avenue, as a local historic landmark to be known as the Kopplin-Leitch House.

BACKGROUND / RATIONALE:

Case No.: HLC-17-007

Council District: 6

Owner/Applicant: Bonnie Leitch
548 Hill Avenue
New Braunfels, TX 78130

Staff Contact: Amy McWhorter, Historic Preservation Officer
(830) 221-4057
amcwhorter@nbtexas.org

The subject property, consisting of approximately 0.24 acre of land, is located on South Hill Avenue between Jahn and Butcher Streets and is zoned "SND-1" (Special Neighborhood District 1). It includes a single-family dwelling dating to circa 1890, and accessory structure.

In 1891, Albert Kopplin purchased Lots 13, 14, 15, and 16, of Block 2 of the Jahn Addition from Emma Jahn. The deed records specify Lot 13 and 15 fronted onto the "extension of Academy Street" and Lots 14 and 16 fronted onto Grand Avenue (now known as Hill Avenue.) The subject structure is located on Lots 14 and 16 and fronts onto Hill Avenue.

According to his obituary published in 1929, Albert Kopplin came to New Braunfels in 1892. Prior to that he resided in the Bulverde and Schoenthal areas where he was a successful rancher and stock farmer. According to the 1900 Census, Kopplin lived on "Union Hill" (also known as Hill Avenue) with his wife Marie, daughter Emma Pfeuffer and grand-daughter Etekla Pfeuffer. This document lists his occupation as capitalist, which referred to someone living off of income from stocks, land, or other similar investments. The year prior to his death, Kopplin sold the property to his daughter Emma, who deeded it to her children in 1929. It appears that the property was used as a rental property or part-time home following Kopplin's death as census records and anecdotal details provided by descendants show that it was not a homestead property between 1930-1945. In 1945 Pfeuffer's children sold the property to Tom C. Adare, whose heirs sold it to Ernesto and Christina Solis in

1971.

The dwelling is a t-plan with a cross-gabled roof clad in corrugated metal with a shed-roof entry porch. The exterior is clad in wooden siding and the original 4/4 wooden windows are intact. The front gable projection has a concave window canopy with saw-tooth millwork. The front porch is supported by chamfered wooden porch posts and has an intricately carved wooden gingerbread frieze and balustrade. The primary entry is located at the junction of the front gable and wing and consists of a single, hinged door with a fixed stained glass transom. Secondary entrances on the rear façade also have transom windows. There is one internal brick chimney. The accessory structure was constructed circa 1925.

The structure is an excellent local example of Folk Victorian architecture which was a popular residential building style in New Braunfels from circa 1885-1900. During this period, the advent of the railroad and advances in steam engine technology made the use of decorative wooden elements less expensive and more common. Character-defining features of the style include the gable front and wing form, exuberant wooden decorative elements.

General Information:

Size:

0.24 acres

Surrounding Zoning and Land Use:

North - SND-1 - Single-family residences

East - SND-1 - Single-family residences

South - SND-1 - Single-family residences

West - SND-1 - Single-family residences

Comprehensive Plan / Future Land Use Designation:

Residential - Low Density

Floodplain:

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

Improvement(s):

ca. 1891 wood house

ca. 1925 garage

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 historic landmark designation is a zoning overlay and does not change the base zoning of the property*).
- 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 historic landmark designation is a zoning overlay which does not impact the existing conditions*).
- How other areas designated for similar development will be affected (*There should be no negative effect on other properties in the vicinity as historic preservation has been demonstrated to have a positive stabilizing impact on neighborhoods.*);

- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*The historic landmark designation of the property should contribute to retention of historically significant structures, which provides a community benefit.*); and
- Whether the request is consistent with the Comprehensive Plan (*Comprehensive Plan Goal 69 recommends that the City enhance the heritage image of the City by designating historic areas and structures that should be preserved, restored, and used for adaptive reuse.*)

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 69: Enhance the heritage image of the City by <u>designating historic areas and structures that should be preserved, restored, and used for adaptive reuse.</u> The designation of this property will enhance the heritage image of the City and encourage the preservation and adaptive reuse of the property.
--	-----	--	---

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Historic Landmark Commission held a public hearing on April 11, 2017 and recommended approval of the designation (5-0-0). Commissioners Gonzalez, Davis, Kammerer were absent and Commissioner Leitch recused.

The Planning Commission held a public hearing on June 6, 2017 and recommended approval (7-0-0).

STAFF RECOMMENDATION:

Staff recommends approval of the Historic Landmark Designation as the subject structure meets three of the three of the six criteria for approval (criteria 1, 4, and 6) as stated in the City's Code of Ordinances, Article III, Section 66-56 which states: a historic landmark or district may be designated if it meets at least one of the following criteria:

- (1) Possesses significance in history, architecture, archeology, or culture. *The structure reflects early subdivision development patterns as one of the early structures built in the Jahn addition and advances in building technology in circa 1890 New Braunfels due to advances in transportation and manufacturing technology.*
- (2) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history. *No such associations are known.*
- (3) Is associated with the lives of persons significant in our past. *No such associations are known.*
- (4) Embodies the distinctive characteristics of a type, period, or method of construction. *The subject structure retains characteristic features of its style including the retention of the overall form and decorative features.*
- (5) Represents the work of a master designer, builder, or craftsman. *No such representation is known.*
- (6) Represents an established and familiar visual feature of the neighborhood or city. *The*

structure has been located at this site since circa 1890.

Notification:

Public hearing notices were sent to 20 owners of property representing 24 tracts of land within 200 feet of the subject property. Staff has received five responses in favor (#1, 5, 6, 7 and 12) and none in objection.

Attachments:

1. Application
2. Maps
3. Notification & Responses
4. Photographs of Subject Property
5. Article III, Section 66-54
6. Article III, Section 66-56
7. Excerpt from the April 11, 2017 Historic Landmark Commission Meeting
8. Excerpt from the June 6, 2017 Planning Commission Meeting
9. Ordinance

CERTIFICATE OF ALTERATION

HLC-17-007

Name of Applicant/Agent: BONNIE LEITCHApplicant/Agent Mailing Address: 548 Hill Ave., NB 78130Applicant Phone/Email: bk.leitch@gmail.comProperty Address: 564 Hill Avenue

Owner Name and Address (if different than Applicant): _____

Historic landmark designation:

Individual Landmark? ☒ District? ☐ (include district name) _____

Please check the appropriate construction activity that applies:

☐ Restoration
 ☐ New Construction/Additions
 ☒ Demolition
 ☐ Sign
 ☐ Other

Estimated cost of improvement? _____

 A. Current and intended use of the building or property? RENTAL RESIDENCE
TO BECOME HOMESTEAD FOR POTENTIAL OWNER

B. Description the proposed external alteration. Attach detailed descriptions and scaled drawings, 8 1/2" x 11" in recognizable scale and photographs of current building. This includes fencing and color samples if applicable. _____

C. Intended start and finish dates: Start _____ Finish _____

 D. The presence of the applicant or his/her agent as designated herein is necessary at the Historic Landmark Commission meeting **Please initial to acknowledge receipt of this reminder.** B.L.

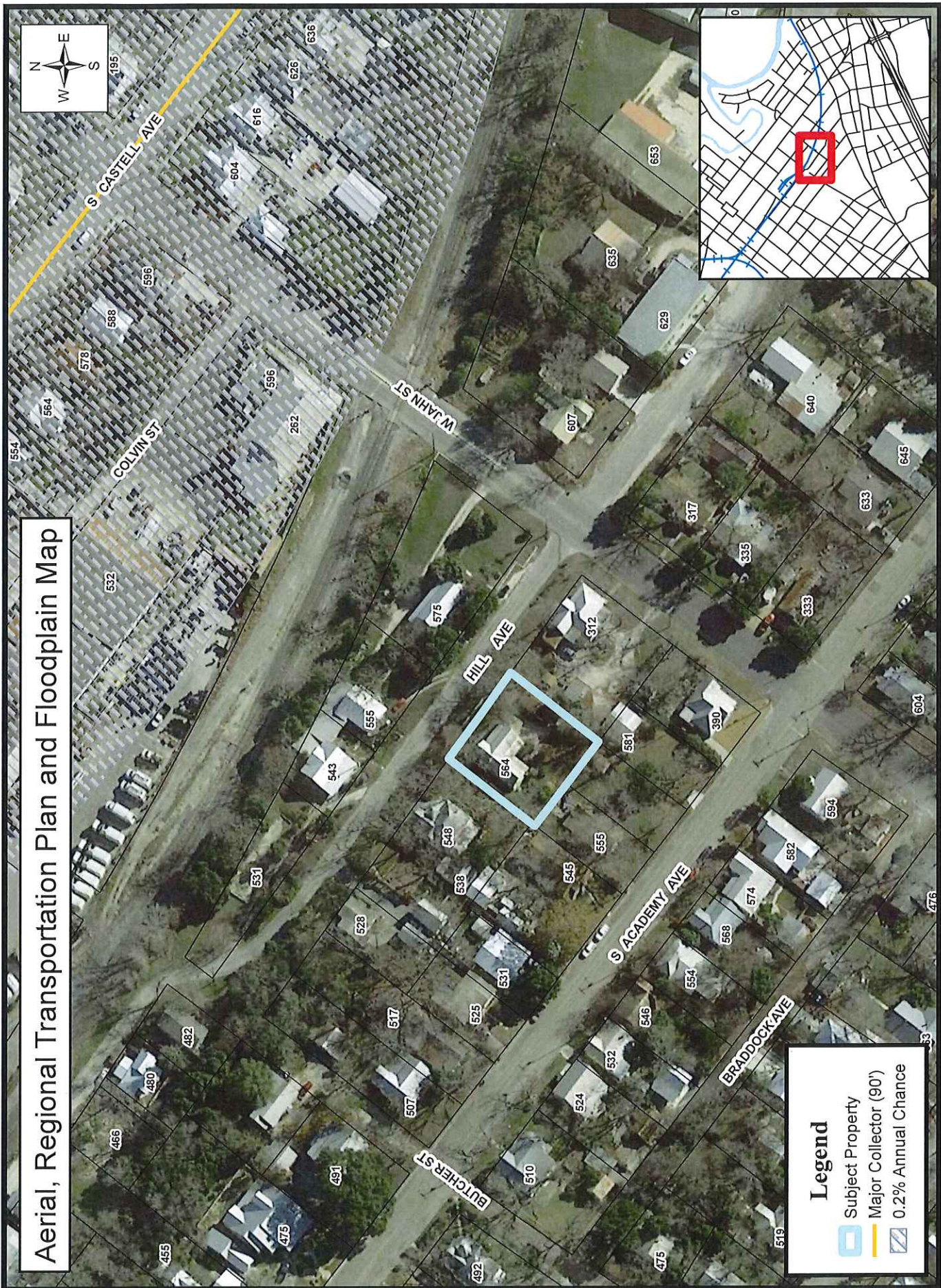
 Signature: Bonnie Leitch (if signed by agent, a letter of authorization must be furnished by the property owner).
Date and Received by: 3/15/17

Before any work is done, to include but not limited to restoring, renovating, demolishing or erecting a building or sign in the district, neighborhood or on a historic landmark property, a Certificate of Alteration must be presented, approved, and signed by the Historic Landmark Commission and presented to the City Building Department to issue a building permit.

Historic Landmark Commission date: _____

HPO Approval: _____

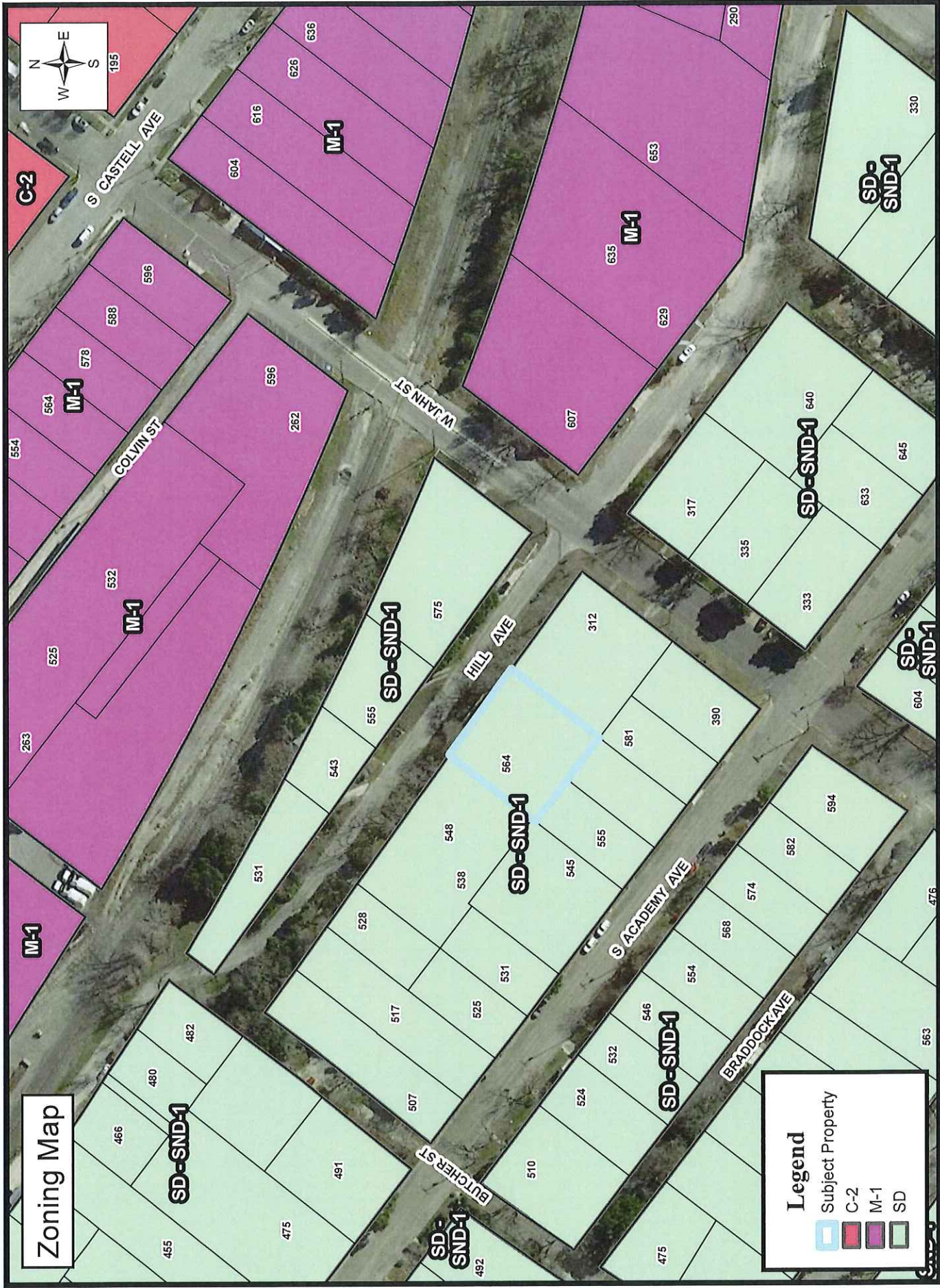
Aerial, Regional Transportation Plan and Floodplain Map



Map Created 5/19/17

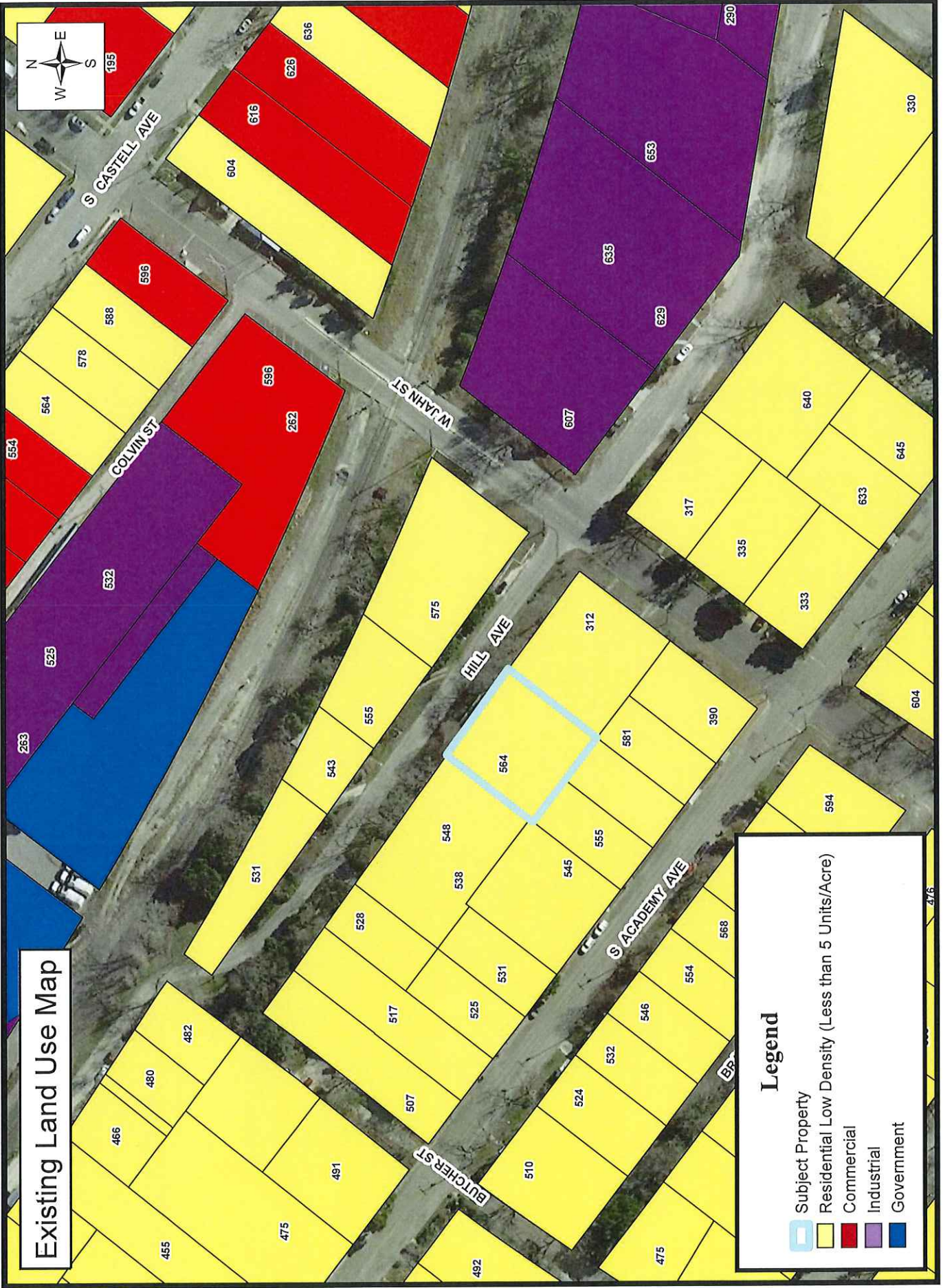
HLC-17-007
Historic Landmark Designation
564 Hill Avenue





Map Created 5/19/17

HLC-17-007 Historic Landmark Designation 564 Hill Avenue



PLANNING COMMISSION – June 6, 2017 – 6:00PM

New Braunfels City Hall, Council Chambers

Owner/Applicant: Bonnie Leitch

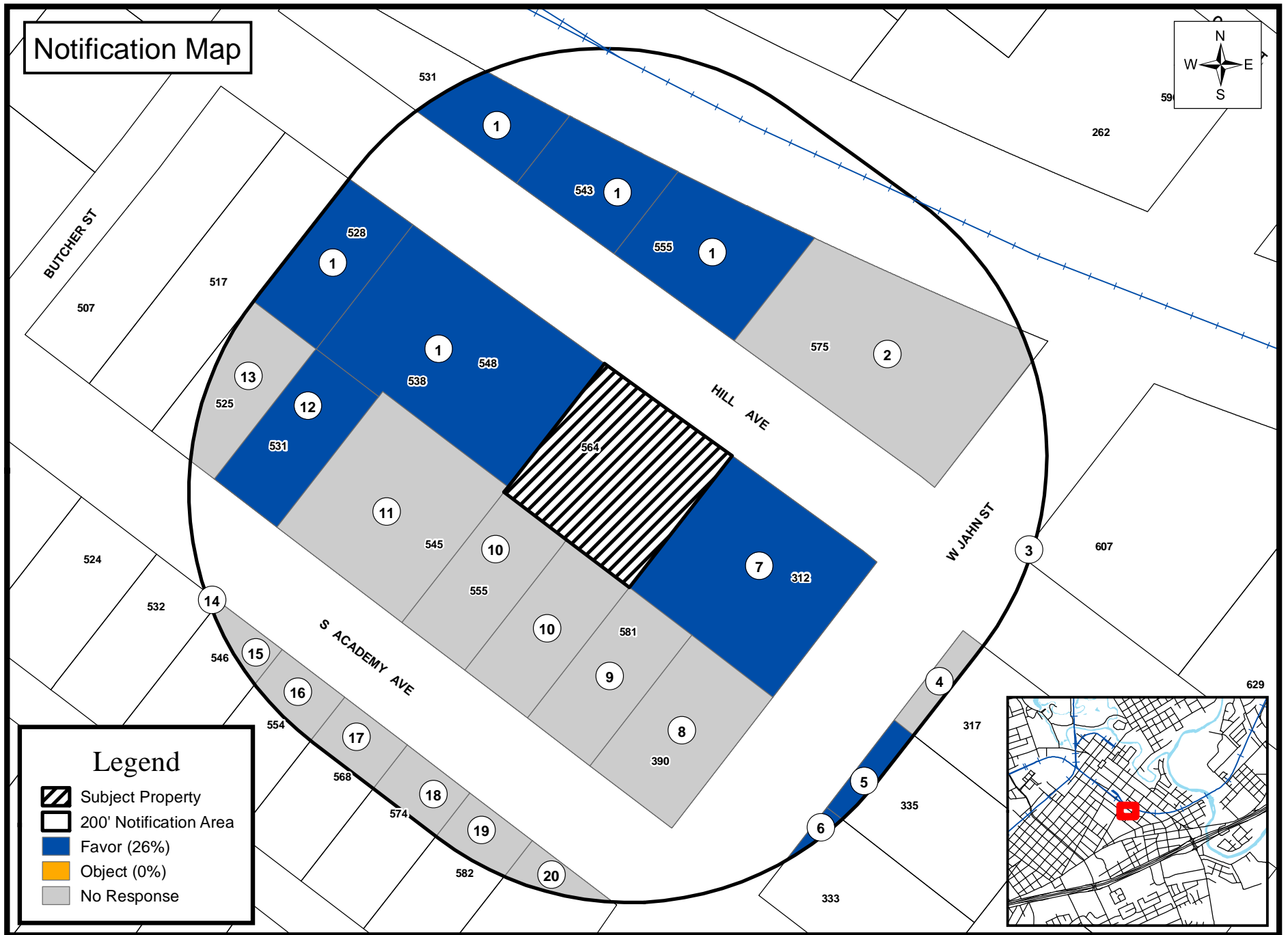
Property Location: 564 Hill Avenue

Historic Landmark Designation - Case #HLC-17-007

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. Leitch, William A & Bonnie | 14. Williams, Drew E |
| 2. Leitch, William A & Bonnie | 15. Williams, Drew E |
| 3. Leitch, William A & Bonnie | 16. McMahon, James & Jeanette |
| 4. Leitch, William A & Bonnie | 17. Slater, Stanley W & Mary A |
| 5. Leitch, William A & Bonnie | 18. Butler, Kristin & Keith |
| 6. Santoni, Daniel Jr | 19. Schirmer, Kristi D |
| 7. Woods, Clint W & Marcella | 20. Schuck, Carol J |
| 8. Gonzales, Ninfa G & George R | 21. Charles B & Jean Johnson Tr |
| 9. Norris, Tracey | 22. Frazell, Richard |
| 10. Jurica, William S & Lezlee B | 23. Brawner, Patrick Lee |
| 11. Venavides, Lupe | 24. Ketchmark, Patricia Kathleen |
| 12. Hansen, John W | 25. Adams, Velma L |
| 13. Tornquist, Pery L & Kandace K | |

SEE MAP ON REVERSE







Sec. 66-54. Designation of historic landmarks.

(a) These provisions pertaining to the designation of historic landmarks constitute a part of the comprehensive zoning plan of the city. Each historic landmark shall bear the words "Historic Landmark" (HL) in its zoning designation. Such designation shall indicate that such property is subject to the terms of this article; however, with regard to site plans, uses, setbacks, and other development land use regulations, such property shall be governed by its zoning district.

(b) A historic landmark shall be considered by the commission only with the written application of the property owner expressly requesting that the property be so designated. Property owners of proposed historic landmarks shall be notified prior to the commission hearing on the recommended designation. At the commission's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic landmark.

(c) Upon recommendation of the commission, the proposed historic landmark shall be submitted to the planning and zoning commission within 30 days from the date of submittal of designation request. The planning and zoning commission shall give notice and conduct its hearing on the proposed designation within 45 days of receipt of such recommendation from the commission. Such hearing shall be in the same manner and according to the same procedures as specifically provided in the general zoning ordinance of the city. The planning and zoning commission shall make its recommendation to the city council within 45 days subsequent to the hearing on the proposed designation.

(d) The city council shall schedule a hearing on the commission's recommendation to be held within 45 days of receipt of the recommendation of the planning and zoning commission. The city council shall give notice, follow the publication procedure, hold hearing, and make its determination in the same manner as provided in the general zoning ordinance of the city.

(e) Upon designation of a building, object, site, or structure as a historic landmark or district, the city council shall cause the designation to be recorded in the Official Public Records of Real Property of Comal County, the tax records of the city and the Comal Appraisal District as well as the official zoning maps of the city.

(Ord. No. 96-9, § 1, 2-26-96; Ord. No. 2005-53, § 2, 6-27-05)

Sec. 66-56. Criteria for the designation of historic landmarks and districts.

A historic landmark or district may be designated if it meets at least one of the following criteria:

- (1) Possesses significance in history, architecture, archeology, or culture.
 - (2) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.
 - (3) Is associated with the lives of persons significant in our past.
 - (4) Embodies the distinctive characteristics of a type, period, or method of construction.
 - (5) Represents the work of a master designer, builder, or craftsman.
 - (6) Represents an established and familiar visual feature of the neighborhood or city.
- (Ord. No. 96-9, § I, 2-26-96)

Excerpt from the April 11, 2017 Historic Landmark Commission Draft Meeting Minutes

A. HLC-17-007: Public hearing and recommendation to the Planning Commission and City Council on an application for Historic Landmark designation for the property addressed as 564 Hill Avenue, located in the Sophienburg Hill Historic District, to be known as the Kopplin-Leitch House.

Mrs. McWhorter presented the staff report, described the history of the property, and listed the previous property owners. She concluded by stating her recommendation of approval based on the following criteria:

- The property is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history. Mrs. McWhorter said the structure reflects early subdivision development patterns, as one of the early structures built in the Jahn Addition and advances in building technology in circa 1890 New Braunfels due to advances in transportation and manufacturing technology.
- The property embodies the distinctive characteristics of a type, period, or method of construction. Mrs. McWhorter said the subject structure retains characteristic features of its style including the retention of the overall form and decorative features.
- The property represents an established and familiar visual feature of the neighborhood or city. Mrs. McWhorter said the structure has been located at this site since circa 1890.

Discussion ensued in regards to roofs.

Motion by Commissioner Hoffmann, seconded by Commissioner Poss, to recommend approval to the Planning Commission and City Council on an application for Historic Landmark Designation for 564 Hill Avenue, to be known as the Kopplin-Leitch House. The motion carried. (5-0-0)

Commissioner Leitch returned at 8:44 a.m.

Draft Minutes for the June 6, 2017 Planning Commission Regular Meeting

HLC-17-007: Public Hearing and recommendation to City Council regarding the proposed Historic Landmark designation for the property addressed at 564 Hill Avenue, which is within the Sophienburg Hill Historic District.

(Applicant: Bonnie Leitch; Case Manager: A. McWhorter)

Mrs. McWhorter presented the Staff report and recommended approval of the Historic Landmark Designation.

Chair Elrod asked if anyone wished to speak in favor.

No one spoke.

Chair Elrod Edwards asked if anyone wished to speak in opposition.

No one spoke.

Motion by Commissioner Tubb, seconded by Commissioner Sonier, to close the public hearing. The motion carried (8-0-0).

Motion by Commissioner Sonier, seconded by Commissioner Hoyt, to recommend approval to City Council regarding the proposed Historic Landmark designation for the property addressed at 564 Hill Avenue, which is within the Sophienburg Hill Historic District. Motion carried (8-0-0).

ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, DESIGNATING 0.241 ACRE, LOTS 14 AND 16 OF CITY BLOCK 1024, ADDRESSED AS 564 HILL AVENUE AS A HISTORIC LANDMARK TO BE KNOWN AS THE KOPPLIN-LEITCH HOUSE ACCORDING TO CHAPTER 66, ARTICLE III, AND AMENDING THE ZONING MAP; 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, this property has been recommended for historic designation by the Historic Landmark Commission; and

WHEREAS, the City Council wishes to protect this structure as a part of the heritage of New Braunfels for future generations; and

WHEREAS, the City Council desires to amend the Zoning Map by designating the suffix "HL" in addition to the conventional zoning designation established by the zoning ordinance; **now, therefore**;

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

SECTION 1

THAT the following described property is hereby designated as a Historic Landmark to be known as the Kopplin-Leitch House in accord with the provisions of Chapter 66, Article III of the Code of Ordinances of the City of New Braunfels, Texas:

"Approximately 0.241 acre, Lots 14 and 16 of City Block 1024, addressed as 564 Hill Avenue, as shown on the attached map, marked as Exhibit A".

SECTION 2

THAT the above property is hereby restricted as to the amount or method of change, construction, or demolition that can take place in accord with Chapter 66, Article III of the Code of Ordinances of the City of New Braunfels.

SECTION 3

THAT the above described property is hereby entitled to all rights and privileges that are accorded to historically designated structures or sites, or which may be accorded those structures or sites in the future.

SECTION 4

THAT, the zoning map is amended by designating the tract the subject structure is located upon, to add "HL".

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

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

PASSED AND APPROVED: First Reading this the 26th day of June, 2017.

PASSED AND APPROVED: Second Reading this the 10th day of July,
2017.

CITY OF NEW BRAUNFELS

Barron Casteel, Mayor

ATTEST:

Patrick Aten, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney



6/26/2017

Agenda Item No. J)

Presenter

*Christopher Looney, Planning and Community Development Director
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. This item was postponed at the request of the applicant at the second reading on June 12, 2017 to allow time to address drainage concerns, which might result in additional conditions as necessary.

- * 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. The area designated for Highland Gardens is occupied by 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. Other surrounding property continues to be in agricultural operation. 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 residential development and development standards of the Highland Grove Subdivision and proposed Highland Gardens Subdivision. Cons: N/A
---	-----	--	---

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 aviation easement on the Highland Gardens Master Plan, Final Plats and Detail Plan(s). An aviation 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):

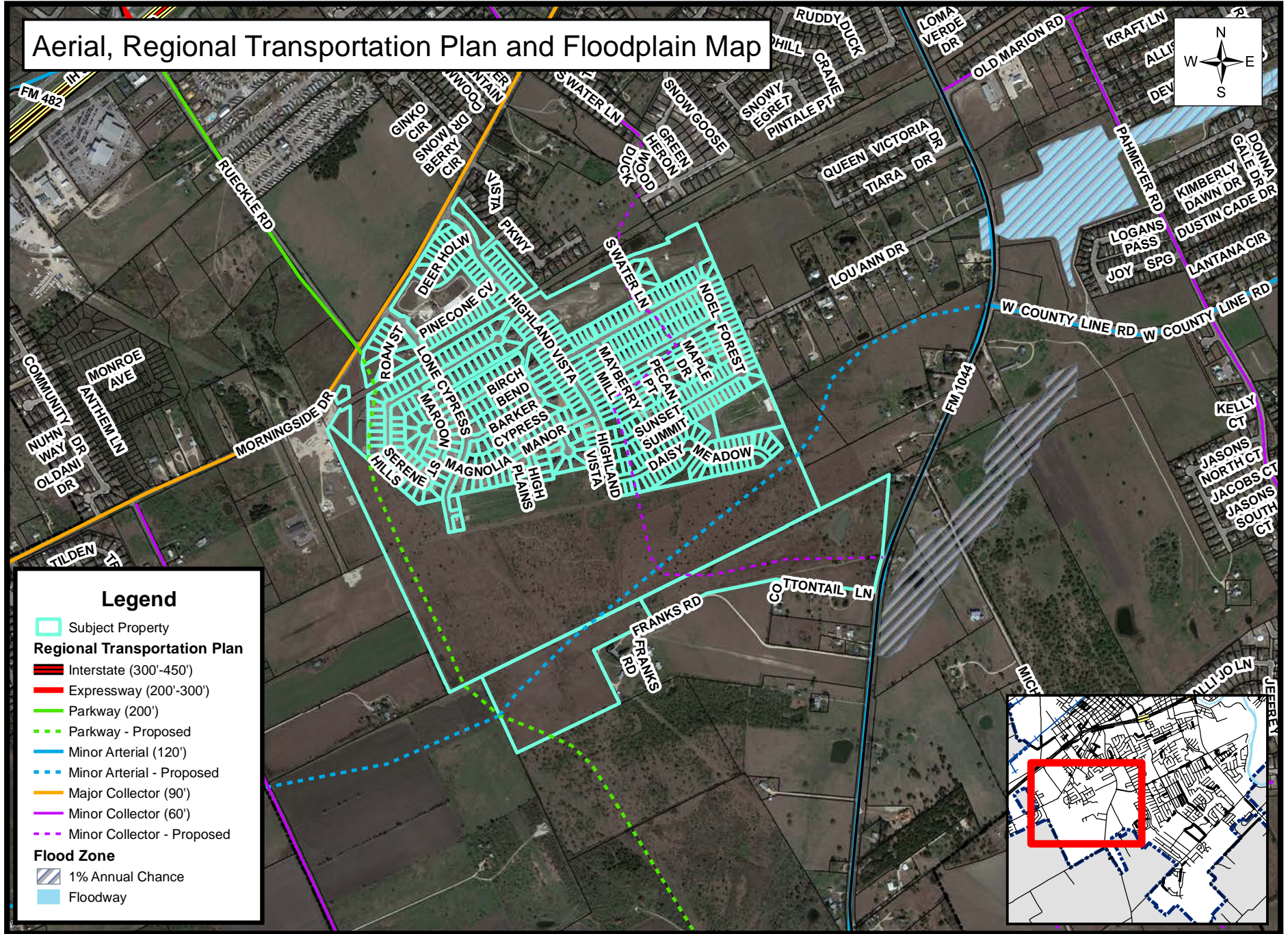
Staff has received 4 responses in favor (#’s 28, 42, 51 & 178) and 5 opposed (#’s 11, 49, 52, 54, & 120). Opposition represents 30% of the notification area. With objection in excess of 20%, a $\frac{3}{4}$ majority of City Council (6 votes) is required for approval of the requested rezoning.

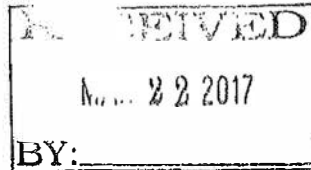
Some responses include concerns about maintaining the fencing that is currently in place to help contain livestock. Staff suggests the developer and home builders be required to provide a solid screening wall or fence adjacent to the properties zoned APD to help minimize possible interference between 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

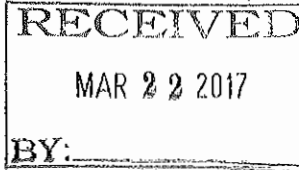
Signature of Owner(s)/Agent

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



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.

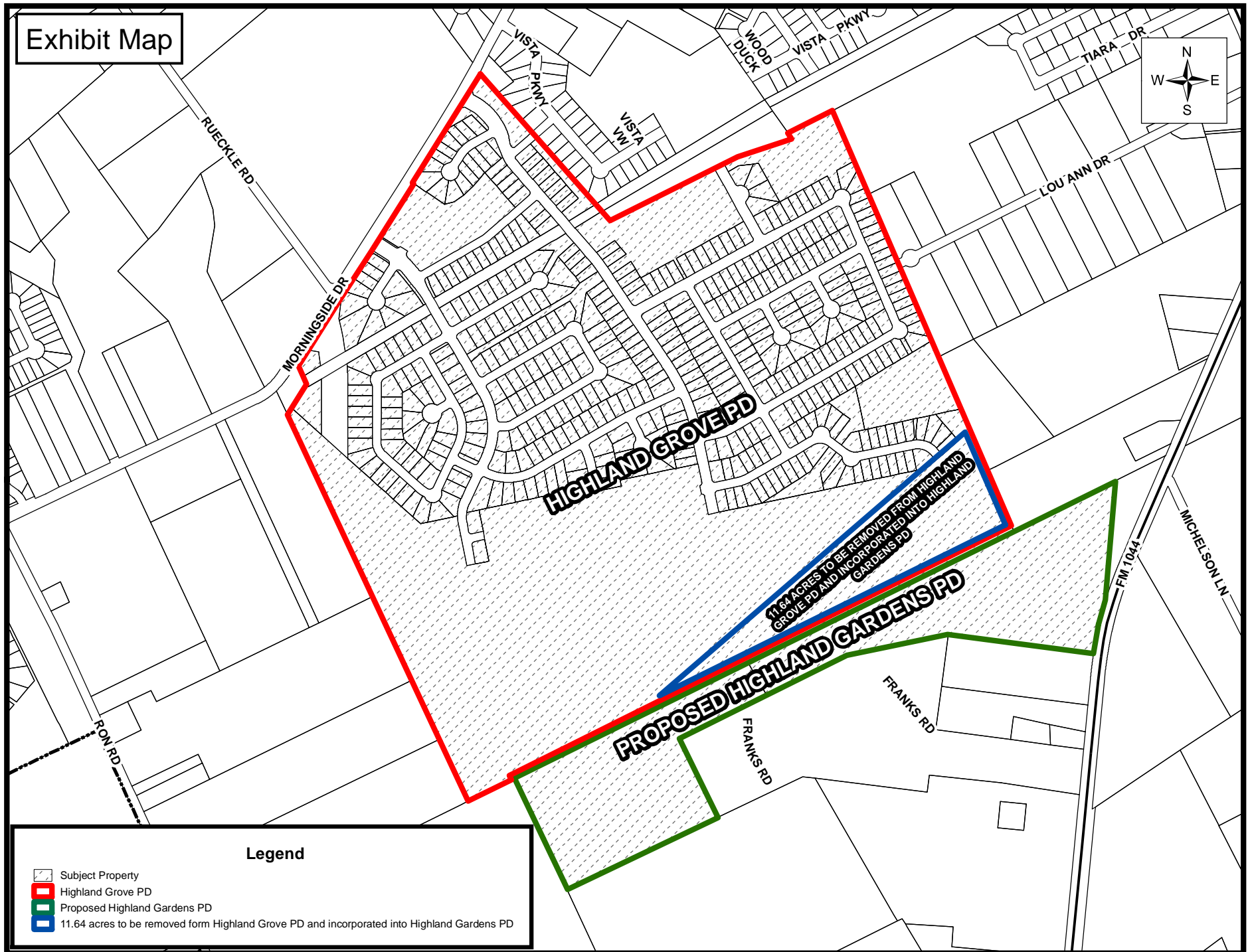
The undersigned hereby requests rezoning of the above described property as indicated.

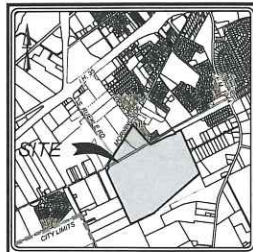
[Signature]
Signature of Owner(s)/Agent

3/22/17
Date
Nash Noel, E.I.T.
Print Name & Title

For Office Use Only

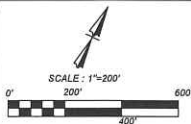
Fee Received By: [Signature] Amount: 1,200.00 Receipt No.: 236201
Date Received: 3-22-17 Zoning signs issued: _____ Date: _____ No.: _____
Cash/Check Number: 3522 Case Number: P2-17-022





LOCATION MAP
NOT-TO-SCALE

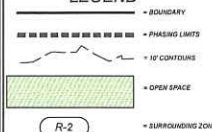
NOTE: UTILITIES SHOWN ALONG MORNING SIDE ARE SHOWN FOR GRAPHICAL PURPOSES ONLY AND ARE NOT BASED ON FIELD LOCATIONS.



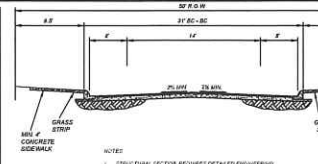
OWNER/DEVELOPER:
VELMA DEVELOPMENT, LLC
1202 W. BITTERS RD.
BLDG. 1 SUITE 1200
SAN ANTONIO, TX 78216
PHONE: (727) 734-8700
FAX: (727) 734-8772

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

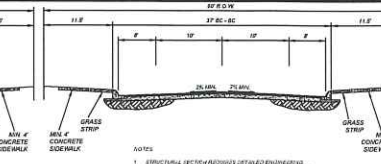
LEGEND



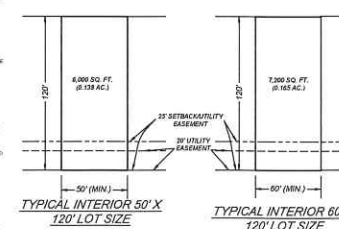
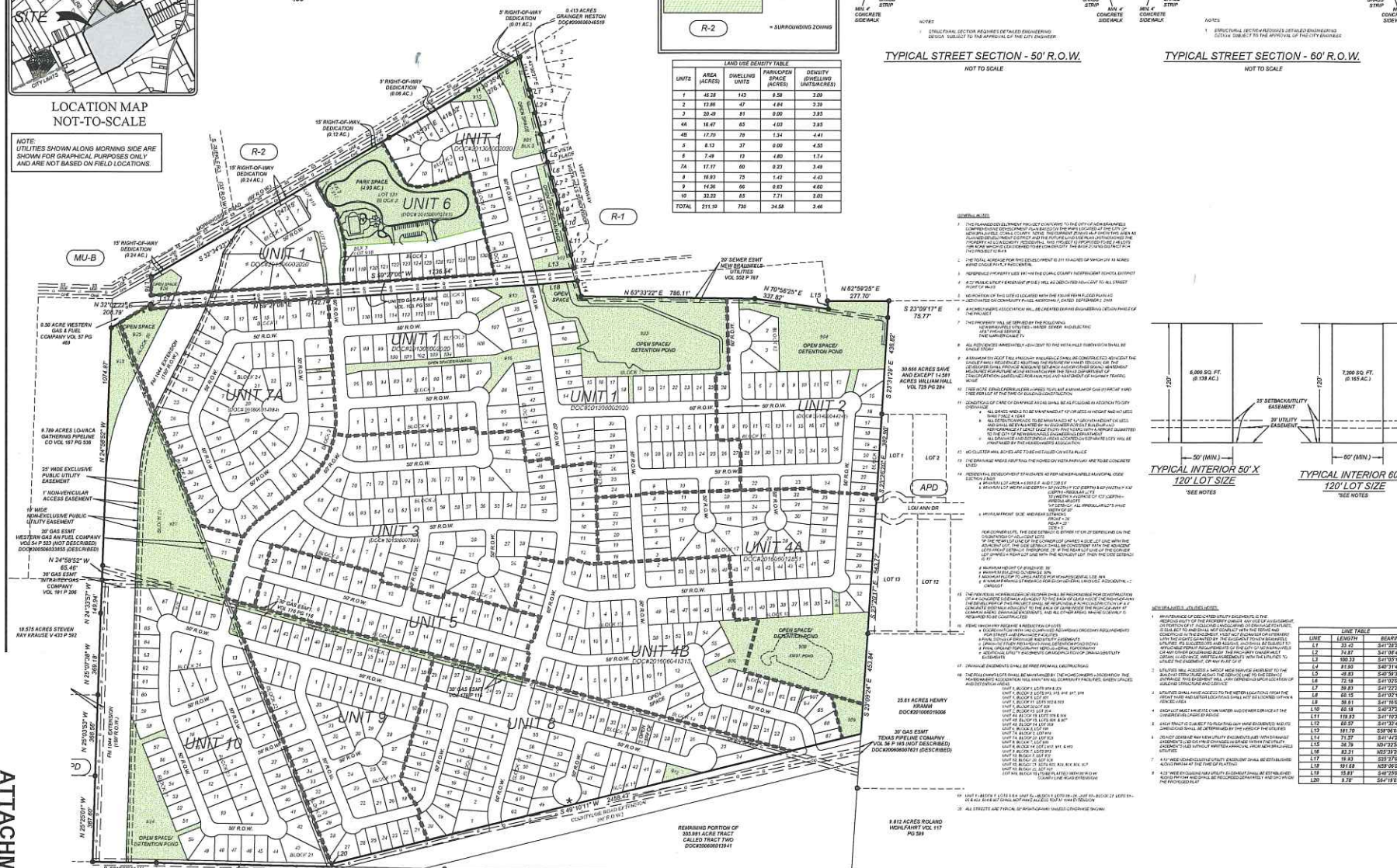
UNITS	AREA (ACRES)	DWELLING UNITS	PARKING SPACES (ACRES)	DENSITY (DUELLING UNITS/ACRE)
1	16.28	142	6.58	2.08
2	17.88	47	4.81	3.39
3	20.47	31	9.00	2.85
4A	16.47	63	4.97	3.95
4B	17.79	79	1.34	4.41
5	8.13	37	0.60	4.85
6	7.48	12	4.80	1.24
7A	17.17	60	0.23	3.40
8	19.97	25	7.18	4.40
9	14.36	66	0.82	4.60
10	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
TYPICAL INTERIOR 60' X 120' LOT SIZE
SEE NOTES

LINE	LENGTH	BEARING
1.1	33.37	S 41° 55' 15" E
1.2	74.87	S 41° 55' 15" E
1.3	11.00	S 41° 55' 15" E
1.4	81.80	S 41° 55' 15" E
1.5	68.33	S 41° 55' 15" E
1.6	72.18	S 41° 55' 15" E
1.7	39.83	S 41° 55' 15" E
1.8	68.33	S 41° 55' 15" E
1.9	68.33	S 41° 55' 15" E
1.10	118.93	S 41° 55' 15" E
1.11	68.33	S 41° 55' 15" E
1.12	107.70	S 41° 55' 15" E
1.13	71.27	S 41° 55' 15" E
1.14	71.27	S 41° 55' 15" E
1.15	28.39	S 41° 55' 15" E
1.16	82.31	S 41° 55' 15" E
1.17	19.81	S 41° 55' 15" E
1.18	191.48	S 41° 55' 15" E
1.19	19.81	S 41° 55' 15" E
1.20	9.70	S 41° 55' 15" E

1. MAINTENANCE OF EXISTING UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. NO UTILITY EASEMENTS SHALL BE PLACED ON THE PROPERTY WITHOUT THE WRITTEN CONSENT OF THE PROPERTY OWNER. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL UTILITY EASEMENTS. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL UTILITY EASEMENTS. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL UTILITY EASEMENTS.



CONCEPT PLAN AMENDMENT
HIGHLAND GROVE PLANNED DEVELOPMENT DISTRICT
NEW BRAUNFELS, TX

JOB NO: 2004-040
DATE: DECEMBER, 2016
DRAWN BY: CHECKED BY:
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.

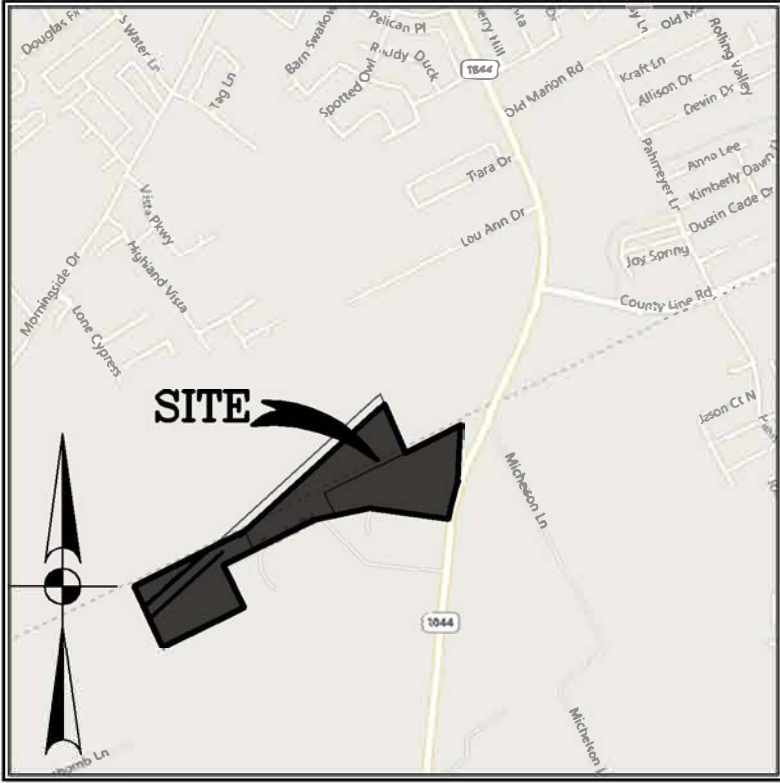
DEVELOPMENT STANDARDS

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

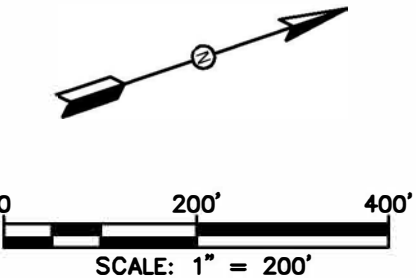
OWNER/DEVELOPER:
DIRT DEALERS XII, LTD
JACK SCANIO
660 LAKEFRONT AVE
NEW BRAUNFELS, TX 78130
(210) 496-7775

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'



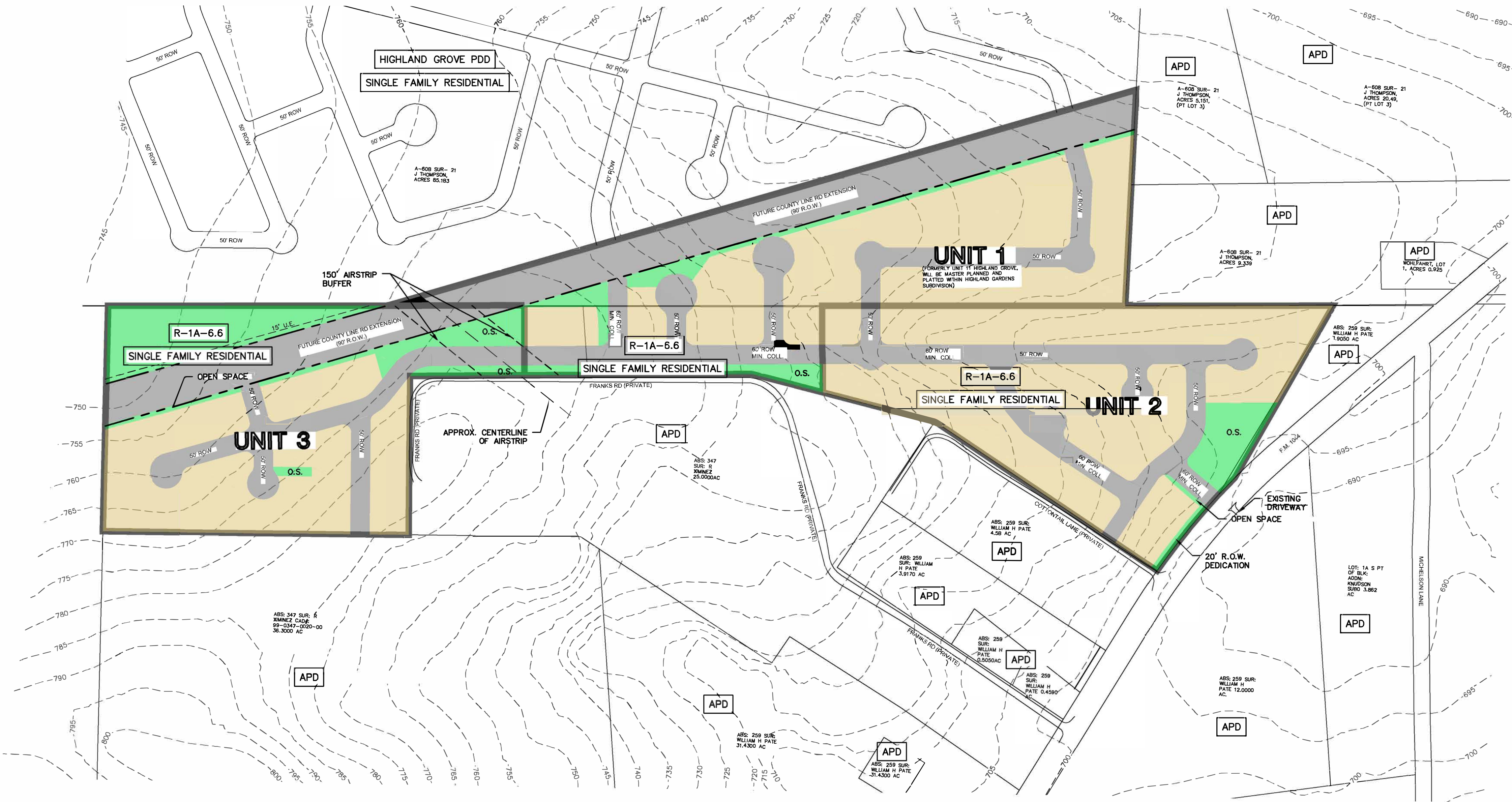
LEGEND

- 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



Know what's below.
Call before you dig.

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.moeller-tx.com
TABLE FIRM E-13351

CONCEPT PLAN
AMENDMENT

HIGHLAND GARDENS
PLANNED DEVELOPMENT
DISTRICT
NEW BRAUNFELS, TEXAS

SHEET

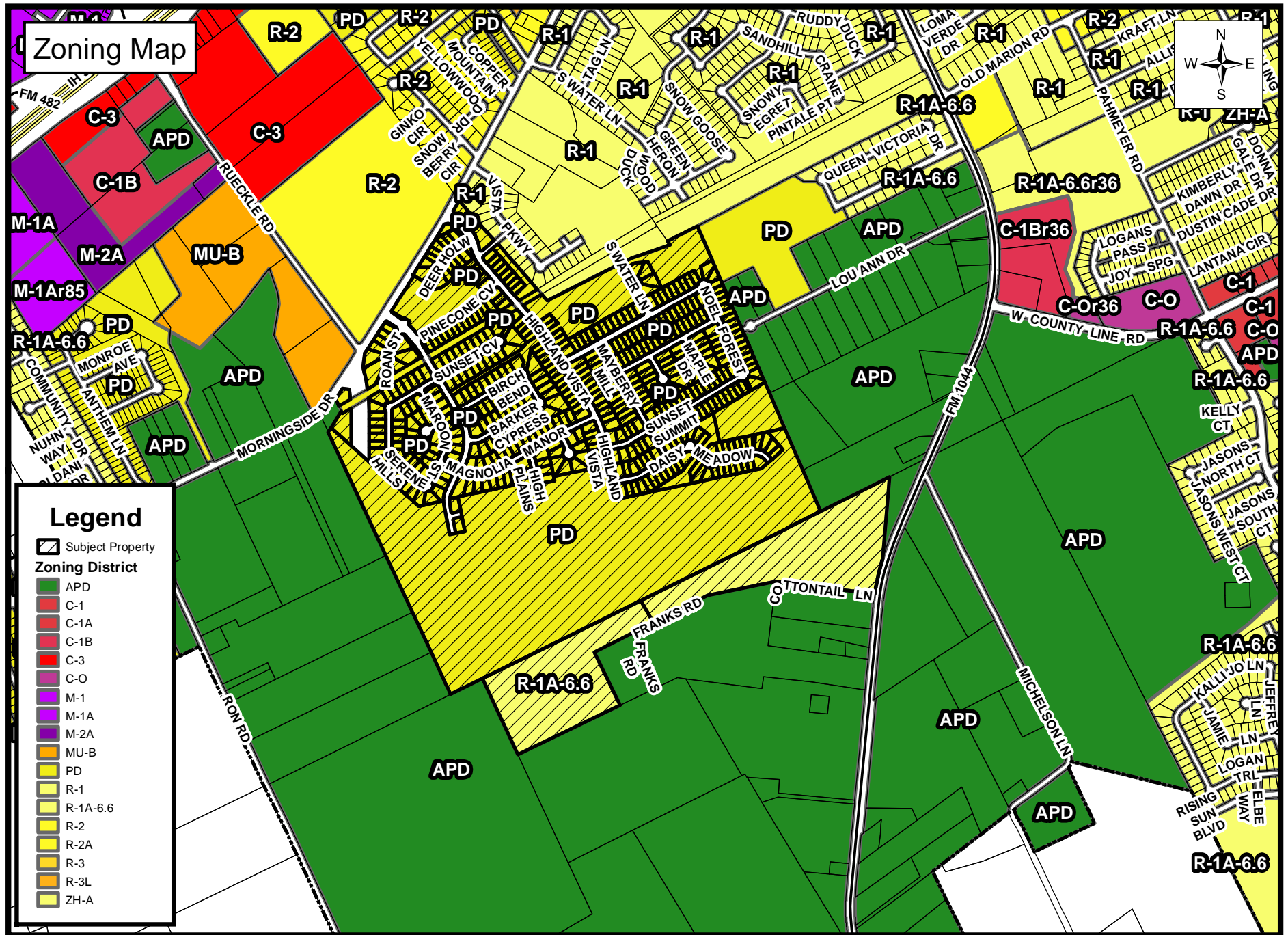
1
OF 1

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.





Map Created 4/27/17

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

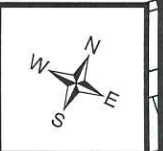
Address/Location: Highland Grove & Proposed Highland Gardens Subdivision

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 object: _____

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.

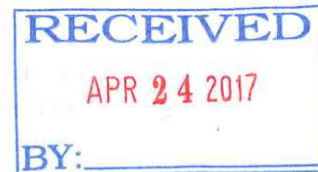
Jerry Searight # 210-835-6819

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.
Circled number on map: 52 I object: XX
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

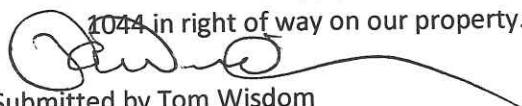
Planning Commission
City of New Braunfels

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 (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, 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 (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, 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 26th day of June, 2017.

CITY OF NEW BRAUNFELS

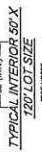
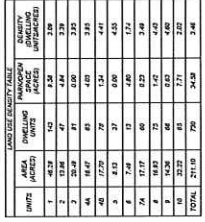
BARRON CASTEEL, Mayor

ATTEST:

PATRICK ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

[illegible]

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.

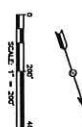
8. In the event that Applicant fails to rectify the specified problems in the drainage improvements for the Drainage Area in question within the ninety (90)-day period, subject to force majeure or City action causing delay, under either Paragraph "6" or "7" above, the City shall have the right to utilize 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.

\\chfs-1\Departments\Planning\ZoneChange-SUP-Replats\2016 cases\PZ-16-066 Highland Grove PD
Amendment\170124_Development standards - Final.docx

- [illegible]

ENGINEERS/ARCHITECTS
MOLLER ASSOCIATES
 JAMES MOLLER, P.E., ENGINEER
 2021 SW 46th ST. 105
 NEW BRAUNFELS, TX 78130
 (800) 256-7127

D. MAYNOR LAND SURVEYING, INC.
 DEBBIE MAYNOR, P.L.S., SURVEYOR
 112 CADDILLAC LANE
 NEW BRAUNFELS, TEXAS 78130
 (210) 252-0658



LEGEND

BROWDER
OPEN SPACE
DRAINAGE ELEVATION
D.L.
SINGLE FAMILY RESIDENTIAL

OPEN SPACE (05)/WOODSLOT	7.02 ACRES
TOTAL ACREAGE	48.74 ACRES
RESIDENTIAL LOT DENSITY (165 MAX/48.74)	3.32
LOTS/ACRE	

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

PLAN
ENT

RELATION TO CONVENTION PLAN NOTE

1. THE PROPOSED R-4-600 ZONING FOR SINGLE LOT RESIDING IS A WHOLE FULLY 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 NON-BUSINESS ZONING IN THE AREA.

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 26th day of June, 2017.

CITY OF NEW BRAUNFELS

BY: _____
BARRON CASTEEL, Mayor

ATTEST:

PATRICK ATEN, City Secretary

Amendment to 2006 Future Land Use Plan

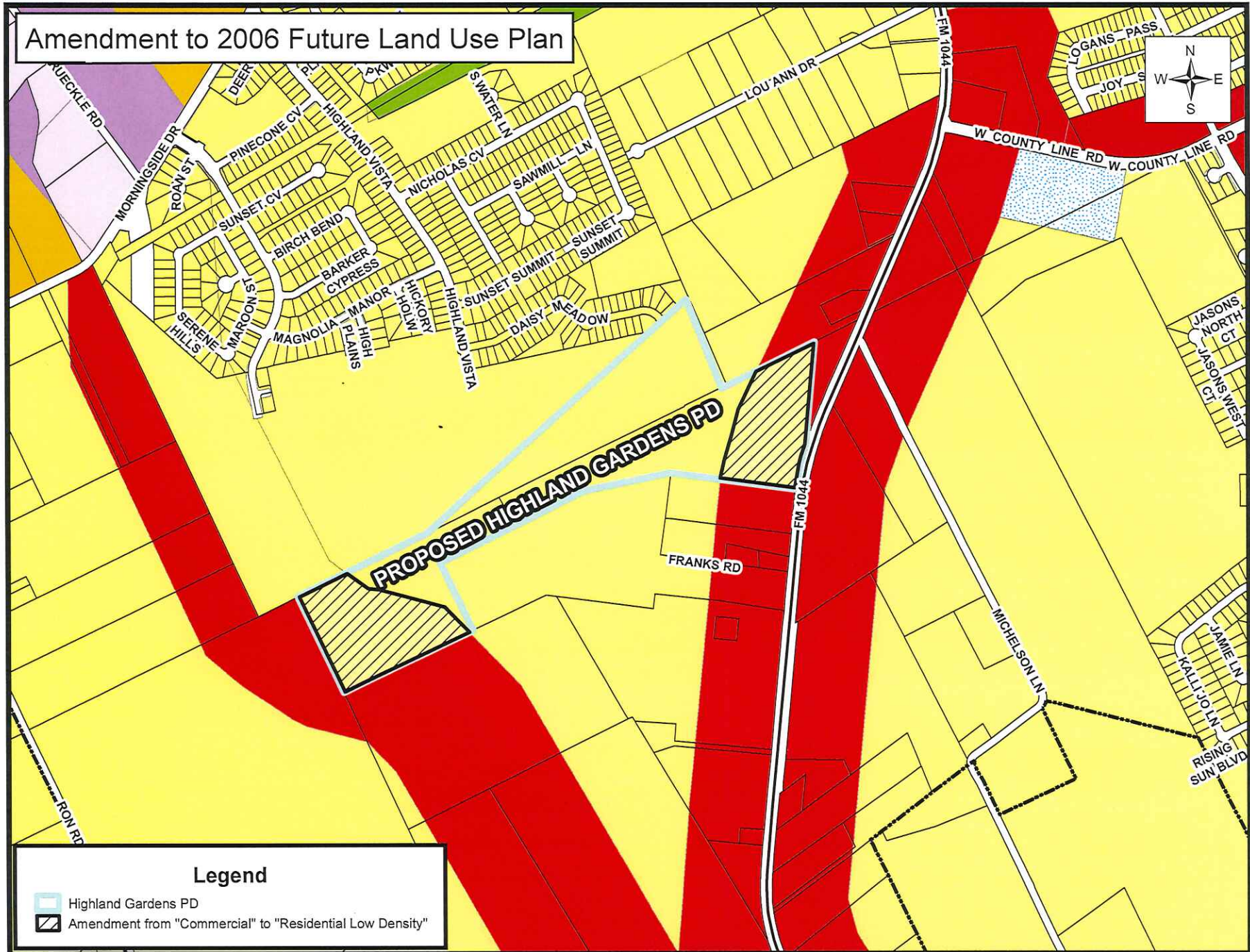


EXHIBIT "A"



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

6/26/2017

Agenda Item No. K)

Presenter/Contact

*Ian Taylor, NBU Chief Executive Officer
(830) 629-8496- itaylor@nbutexas.com*

SUBJECT:

Discuss and consider approval of a resolution authorizing the use of Eminent Domain Proceedings under Chapter 251 of the Texas Local Government Code and Section 2.03 and Section 11.08 of the City of New Braunfels Municipal Charter, on that Parcel owned by Joyce T. Weltner Living Trust, being a 3.564-acre tract situated in the A.M. Esnaurizar Eleven League Grant, Guadalupe County, Texas out of that certain 65 acre tract (tract two) described in Volume 1315, page 280 of the Official Real Property Records of Guadalupe County, Texas as part of New Braunfels Utilities electric system's substation and related appurtenances expansion.

BACKGROUND / RATIONALE:

NBU has experienced significant residential and commercial growth in the Highway 46 South corridor between New Braunfels and Seguin. Currently, NBU distributes power from its Freiheit Substation located on FM 1101 to the Highway South 46 corridor. NBU anticipates that the Freiheit Substation will exceed 90% capacity, a critical point, by summer 2019. As such, NBU must begin design of a new substation by the fall of 2017 to have the substation constructed and energized to meet the demand for power beginning in summer 2019 along the Highway South 46 corridor.

In 2015, NBU Engineering began analyzing different potential locations for a substation. NBU primarily identified the sites with the overriding goal of being constructed underneath the LCRA T-264 transmission line. This approach would eliminate costly transmission line extensions. By December 2015, NBU identified four sites for the proposed substation. These sites are located on or between FM 758 and Avery Park subdivision.

Of the four sites, NBU decide that the 3.564 acre tract ("Site #2") owned by the Joyce T. Weltner Living Trust (the "Property Owners") was the most suitable for the proposed substation for the following reasons:

- Property Owners expressed a desire to sell a portion of their property to NBU
- Investment in infrastructure for Site #2 is less costly than other sites
- Site #2 is not a proposed site for immediate development
- Site #2 lies in airport approach zone 2
- The City has redirected FM 758 adjacent to Site #2 in its 2012 Regional Transportation Plan

NBU explored three other sites, but two of the three sites were significantly more expensive than Site #2. These two sites would also require NBU to obtain easements from various property owners for

transmission and distribution line extensions, including an easement from the Property Owners of Site #2. The owner of the third site expressed a strong desire not to sell his property because he has already master planned it for development.

Based on this analysis, NBU has worked with the Property Owners of Site #2 since the summer of 2015. The Property Owners are open to selling a portion of Site #2. Consequently, NBU made an initial offer of \$75,962.00 for Site #2 to the Property Owners on January 4, 2017 based on an appraisal from October 2016. The initial offer was more than the appraised amount of the property. The Property Owners did not respond to the initial offer.

On March 1, 2017, NBU sent a final offer letter to the Property Owners to acquire the necessary property rights for the NBU substation expansion.

To date, NBU has been unable to reach an agreement with the Property Owners with regard to compensation. In fact, the only offer NBU has received from the Property Owners' attorney was to sell the 3.564-acre site for \$500,000.00.

NBU has only acquired property through condemnation twice in seventy-five years. Consequently, NBU will continue to work with the Property Owners to reach an agreement. However, because NBU must begin the design and construction of the proposed substation to meet the needs of the City in the summer 2019, NBU believes it is necessary to begin condemnation proceedings at this time.

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.
-------------------------------------	-----	------------------------------------	--

FISCAL IMPACT:

NBU is responsible for payment of all necessary costs associated with Eminent Domain Proceedings.

COMMITTEE RECOMMENDATION:

On March 30, 2017, the NBU Board of Trustees adopted a resolution recommending that the City acquire the subject property in fee simple interest, by purchase or through the use of eminent domain.

NBU STAFF RECOMMENDATION:

NBU staff recommends initiating Eminent Domain Proceedings to acquire the necessary property rights from the Property Owners.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF NEW BRAUNFELS, TEXAS, AUTHORIZING THE ACQUISITION IN FEE SIMPLE OF A TRACT OF LAND GENERALLY DEPICTED IN EXHIBIT “A” WHICH IS ATTACHED HERETO AND IS INCORPORATED HEREIN FOR ALL PURPOSES. SUCH ACQUISITION IS NECESSARY TO ADVANCE AND ACHIEVE THE PUBLIC USE OF EXPANDING THE NEW BRAUNFELS UTILITIES’ ELECTRIC SYSTEM TO SERVE ADDITIONAL LOAD GROWTH. THIS RESOLUTION AUTHORIZES THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE THE NECESSARY LAND RIGHTS TO THE EXTENT NEGOTIATIONS ARE UNSUCCESSFUL.

WHEREAS, the Board of Trustees of New Braunfels Utilities (“NBU”) is charged with the management and operation of the water, sanitary sewer, and electric systems of the City of New Braunfels (the “City”) pursuant to Chapter 130, Article II, Section 130-26 of the City Code of Ordinances;

WHEREAS, as provided in Section 11.08 of the City’s Home Rule Charter, the City has reserved the right to exercise the power of eminent domain to acquire NBU utility property; and

WHEREAS, the Board of Trustee of NBU adopted a resolution on March 30, 2017, recommending that the City acquire in fee simple interest, by purchase or through the use of eminent domain, that certain privately-owned real property described in **Exhibit A** for the construction of the Weltner Road Substation Project (the “Project”); and

WHEREAS, the Project and acquisition of such property is necessary to locate, construct, utilize, and maintain an electric substation, which shall advance and achieve the public use of expanding NBU’s electric system to serve additional load growth; and

WHEREAS, the Project is in the best interest of the health, safety, and welfare of the public;

WHEREAS, NBU, acting as an agent of the City, has been unable to acquire said land by negotiation and/or further negotiations may become futile, and therefore, the City may be compelled to exercise its power of eminent domain; and

WHEREAS, in connection with the acquisition of such land, it may be necessary for the City and/or NBU or one of its agents or contractors to enter upon the property to investigate and survey the needed land so that it may be defined and described with specificity for inclusion in any deed, easement, or, if necessary, as part of any filings to institute proceedings in eminent domain to acquire the necessary land.

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

SECTION 1.

The above caption and recitals are incorporated herein for all purposes.

SECTION 2.

The City Council declares a public use and necessity for the City of New Braunfels, acting by and through NBU, to locate, construct, utilize, and maintain the Project and to acquire fee simple interest of the property described in **Exhibit A**, which is needed for the Project.

SECTION 3.

The City Council declares that the acquisition of such property is necessary to complete the Project, which has the public use of expanding NBU's electric system to serve additional load growth.

The City Council authorizes the utilization of the power of eminent domain to acquire the necessary land, to the extent that the City and/or NBU, acting as the City's agent, is unable to acquire said land by negotiation and/or further negotiations with the landowner become futile.

SECTION 4.

The City Council authorizes NBU and its authorized officers or their designees and retained attorneys, to create, execute, and deliver such further documents, instruments, certificates, opinions, consents, pleadings, and other papers, for and on behalf of the City, and to do and cause to be done such further acts and things as may be necessary, appropriate, or advisable to effect the intent of this Resolution, including, but not limited to (a) filing temporary injunctions or other causes of action necessary to obtain access to the property impacted by the acquisitions; (b) performing lineal surveys for metes and bounds purposes and conducting archaeological, species and environmental walk-throughs, inspections and/or testing (including obtaining water and soil samples, if necessary), as required by applicable state and federal laws (collectively the "Preliminary Surveys"), appraising, designing, planning, obtaining title information, and specifying the preparation, location, and routing or re-rerouting of the Project should such become necessary for any reason; (c) entering into good-faith negotiations with the landowner to make a bona fide offer for the property; (d) appraising the property; (e) causing eminent domain proceedings to be filed should the bona-fide offer and good-faith negotiations fail; and (f) obtaining, or causing to be applied for and obtained, surety bonds as may be necessary or desirable regarding any eminent domain proceedings hereinabove authorized or any injunctive proceedings necessary or related to or as a condition precedent to any such eminent domain proceedings. Such documents, instruments, certificates, opinions, consents, pleadings, and other papers, and any amendments, supplements, or modifications thereto shall be in such form and contain such terms and conditions, whether material or non-material, as such officers,

or any of them, shall deem necessary, appropriate, or advisable, and all that such officers, their designees, employees, and retained attorneys have done or may do under or by reason of this and any foregoing resolutions are hereby approved, confirmed, and ratified. The City Council finds that it is in the best interest to obtain the fee simple interest from whomever holds legal and equitable title as identified according to the procedure adopted through this Resolution and if necessary, the Director of Finance or NBU, acting as an agent of the City, is directed to disburse funds to acquire the land identified herein and pay the costs associated therewith.

SECTION 5.

The determination of necessity to exercise the power of eminent domain in this matter is made according to reason and judgment with due regard and consideration of the relevant facts, circumstances, and alternatives, and the knowledge, which existed at this time. Therefore, the City, acting by and through NBU and its contractual eminent domain attorneys, is hereby directed and authorized to institute and prosecute to conclusion all necessary proceedings in eminent domain to condemn the land described herein and to acquire such interest in land if the City and/or NBU, acting as an agent of the City, is unable to acquire such through negotiation, and to take any other legal action necessary or incidental to such acquisition or eminent domain proceeding to investigate, survey, specify, define, and secure the necessary property right.

All acts and proceedings done or initiated by the employees, agents, and attorneys of the City and NBU, acting as an agent for the City, for the acquisition of such land are hereby authorized, ratified, approved, confirmed and validated and declared to be valid in all respects as of the respective dates of such acts and proceedings, with and in regard to the grantors from whom such land is being purchased or acquired.

SECTION 6.

Severability: If any provision, section, subsection, sentence, clause, or phrase of this Resolution, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Resolution shall not be affected thereby, it being the intent of the Commissioners Court in adopting this Resolution that no portion hereof, or provisions, or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion hereof and all provisions of this Resolution are declared to be severable for that purpose.

SECTION 7.

This Resolution shall become effective from and after its passage.

PASSED AND APPROVED this the _____ day of _____, 2017.

CITY OF NEW BRAUNFELS

Barron Casteel, Mayor

ATTEST:

Patrick Aten, City Secretary

Exhibit A



6477 FM 311 | PO BOX 992
SPRING BRANCH, TX 78070
830.228.5788 P | 830.885.2170 F
WWW.MSENGR.COM | TBPLS #10044200

3.564 ACRE TRACT
16MS030.DWG

FN NO. 16MS030
JUNE 6, 2016

FIELD NOTES
3.564 ACRE TRACT
WELTNER ROAD SUBSTATION

BEING A 3.564 ACRE TRACT OF LAND SITUATED IN THE A.M. ESNAURIZAR ELEVEN LEAGUE GRANT, GUADALUPE COUNTY, TEXAS, OUT OF THAT CERTAIN 65.00 ACRE TRACT (TRACT TWO) CONVEYED TO JOYCE T. WELTNER, SOLE TRUSTEE, OF THE JOYCE T. WELTNER LIVING TRUST, RECORDED IN VOLUME 1315, PAGE 280, OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS, SAID 3.564 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A SET ½-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING" IN THE NORTHWESTERLY RIGHT OF WAY LINE OF WELTNER ROAD, BEING LOCATED N 45° 36' 29" E, 817.94 FEET FROM A ½ INCH IRON ROD FOUND AT THE SOUTH CORNER OF SAID 65.00 ACRE TRACT, FOR THE SOUTHERLY CORNER AND **POINT OF BEGINNING** HEREOF;

THENCE, INTO SAID 65.00 ACRE TRACT, THE FOLLOWING COURSES:

N 55° 41' 18" W, A DISTANCE OF 458.96 FEET TO A SET ½-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING" FOR THE WESTERLY CORNER HEREOF;

N 45° 37' 06" E, A DISTANCE OF 390.0 FEET TO A SET ½-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING" FOR THE NORTHERLY CORNER HEREOF;

THENCE, S 44° 22' 54" E, AT 87.20 FEET, A FOUND ½ INCH IRON ROD MARKING THE WESTERLY CORNER OF THAT CERTAIN 2.00 ACRE TRACT CONVEYED TO ANDREW TUREK, VOLUME 4139, PAGE 468, OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS, IN ALL, A TOTAL DISTANCE OF 450.00 TO A ½ INCH IRON ROD FOUND SITUATED ON THE NORTHWESTERLY RIGHT OF WAY LINE OF WELTNER ROAD FOR THE SOUTHERLY CORNER OF SAID 2.00 ACRE TRACT AND THE EASTERLY CORNER HEREOF;

THENCE, S 45° 36' 29" W, ALONG THE COMMON NORTHWESTERLY RIGHT OF WAY LINE OF WELTNER ROAD AND THE SOUTHEASTERLY LINE OF SAID 65.00 ACRE TRACT, A DISTANCE OF 300.02 FEET TO THE **POINT OF BEGINNING**, CONTAINING AN AREA OF 3.564 ACRES OF LAND, MORE OR LESS.

EXHIBIT "A"

A SURVEY EXHIBIT WAS PREPARED ON THIS SAME DATE. BASIS OF BEARING IS
NAD 83 TEXAS STATE PLANE COORDINATES, SOUTH CENTRAL ZONE.

I, RICHARD A GOODWIN, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY
CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED FROM A SURVEY
MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

SHERWOOD SURVEYING & S.U.E.
P.O. BOX 992
SPRING BRANCH, TEXAS 78070
TBPLS FIRM #10044200

RA Goodwin 6/6/16
RICHARD A. GOODWIN DATE
R.P.L.S. #4069 STATE OF TEXAS



LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- 1/2" IRON ROD SET

JOYCE T. WELTNER, SOLE TRUSTEE
OF THE JOYCE T. WELTNER LIVING TRUST
TRACT TWO
65.00 ACRES
VOLUME 1315 PAGE 280
PROPP. ID. NO. 56396

GRID COORDINATES:
N:13795236.49
E:2270833.78

0 50 100 200
SCALE (FEET)

ANDREW TUREK
2.00 ACRES
VOLUME 4139, PAGE 468
OPRG
PROP. ID NO. 54793

GRID COORDINATES:
N 13794914.88
E:2271148.53

3.564 Acres

EXISTING LCRA
100' WIDE EASEMENT
VOL. 314 PG. 583

JOYCE T. WELTNER, SOLE TRUSTEE
OF THE JOYCE T. WELTNER LIVING TRUST
TRACT TWO
65.00 ACRES
VOLUME 1315 PAGE 280
PROPP. ID NO. 56396

SURVEYOR NOTES:
THIS BOUNDARY SURVEY WAS COMPLETED
WITHOUT ADDITIONAL RESEARCH TO
DETERMINE IF OTHER MATTERS OF RECORD,
IF ANY, MIGHT AFFECT THIS PROPERTY,
SUCH AS EASEMENTS, SETBACKS, OR OTHER
ENCUMBRANCES.

BASIS OF BEARING IS NAD83 TEXAS STATE
PLANE COORDINATES, SOUTH CENTRAL ZONE
DATE OF FIELDWORK: 5-26-16

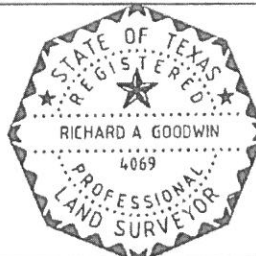
TO SOUTH CORNER
OF 65.00 ACRE TRACT
S 45°36'29" W
817.94

P.O.B.

LEGAL DESCRIPTION
BEING A 3.564 ACRE TRACT SITUATED IN THE A.M.
ESNAURIZER ELEVEN LEAGUE GRANT,
GUADALUPE COUNTY, TEXAS, OUT OF THAT
CERTAIN 65 ACRE TRACT (TRACT TWO)
DESCRIBED IN VOLUME 1315, PAGE 280, OFFICIAL
PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS



**SHERWOOD
SURVEYING & S.U.E.**
UTILITIES | RESIDENTIAL | COMMERCIAL | INDUSTRIAL
8477 FM 311, P.O. BOX 092 TBPLS FIRM#10044200
SPRING BRANCH, TEXAS 78070
PHONE (830) 228-5788 FAX (830) 885-2170



I, RICHARD A. GOODWIN, A REGISTERED
PROFESSIONAL LAND SURVEYOR IN THE STATE
OF TEXAS, REGISTRATION NUMBER 4069, HEREBY
STATE THAT DURING THE MONTH OF MAY, 2016
A SURVEY OF THE REAL PROPERTY SHOWN
HEREON WAS MADE UPON THE GROUND UNDER
MY DIRECTION AND SUPERVISION.

R. A. Goodwin 6/6/16
RICHARD A. GOODWIN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 4069

DATE: 6/6/16 DRAWN BY: RG PROJECT No. 16MS030



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/26/2017

Agenda Item No. A)

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



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/26/2017

Agenda Item No. 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:

- Condemnation of an approximate 3.564 acres along Weltner Road related to the expansion of NBU's electric system.