



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



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

MONDAY, JULY 24, 2017 at 6:00 PM

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

MISSION STATEMENT

***The City of New Braunfels will add value to our community
by planning for the future, providing quality services, encouraging
community involvement and being responsive to those we serve.***

AGENDA

CALL TO ORDER

CALL OF ROLL: City Secretary

INVOCATION: Councilmember Ron Reaves

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

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

PROCLAMATIONS:

- A) Dr. Fred B. Willard

PRESENTATIONS:

- A) Retiree Recognition - Michael Garcia
- B) Presentation on the Dry Comal Creek/Comal River Watershed
Protection Plan.
Mark Enders, Watershed Program Manager

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City
Council meeting of July 10, 2017, and the special City Council meeting
of July 17, 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 Mayoral appointment of five individuals to the New Braunfels Partnership Committee for terms ending August 1, 2020.
Patrick Aten, City Secretary
- B) Approval of a lease agreement between the City of New Braunfels and West San Antonio 111, LLC. to provide public parking in Downtown New Braunfels.
Matthew Eckmann, Real Estate Manager
- C) Approval of a resolution for the determination of right-of-way of S. Castell Avenue, identified as a Major Collector in the City of New Braunfels Regional Transportation Plan, between W. Coll Street and W. Mill Street.
Garry Ford, P.E., City Engineer
- D) Approval of annual expenditures with Strategic Government Resources Inc. for FY 2016-17 in an amount not to exceed \$100,000.
Kristi Aday, Assistant City Manager
- E) Approval of a contract with Alpha Testing and Terracon for materials testing and Lone Star Paving for construction on South Castell Avenue and Live Oak Avenue reconstruction.
Bryan Woods, Assistant City Manager
- F) Approval of a contract with EIB Contractors for the construction and remodel of Fire Station #1 to include the base project as well as Additive Alternates 1, 2, 3, 4, and 5A.
Bryan Woods, Assistant City Manager
- G) Approval of a contract with Petroleum Solutions, Inc. for the removal and disposal of three underground fuel storage tanks located at the New Braunfels Regional Airport.
Jennifer Gates, Buyer
- H) Approval of acquisition funds for purchasing Right of Way from NBL 300 Group, LTD, Parcel 35-2 on the Klein Road Improvements Project.
Matthew Eckmann, Real Estate Manager

- I) Approval of acquisition funds for purchasing Right of Way from V L & Betty McCart, #1 Trust, Parcel 1 on the Klein Road Improvements Project.

Matthew Eckmann, Real Estate 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.)

- J) Approval of the first reading of an ordinance repealing portions of the Code of Ordinances, Chapter 138, Article I - Vehicles for Hire, to comply with new state legislation that regulates transportation network companies.

Patrick Aten, City Secretary

- K) Approval of the first reading of an ordinance to create school speed zones for Voss Farms Elementary and Veramendi Elementary.

Garry Ford, City Engineer

- L) Approval of the second and final reading of an ordinance granting rehabilitation tax relief to the property addressed as 195 Jahn Street, a Local Historic Landmark known as the Brietzke Haus.

Christopher J. Looney, Director of Planning and Community Development

- M) Approval of the second and final 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 J. Looney, Planning and Community Development Director

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of a grant application to the FY2018 Clean Water Act Section 319(h) Grant through the Texas Commission on Environmental Quality for \$1,415,300 to implement management measures identified in the Dry Comal Creek/ Comal River Watershed Protection Plan and authorizing the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.

Mark Enders, Watershed Program Manager

- B) Discuss and consider approval of the 2017 Community Development Block Grant One-Year Action Plan and Fair Housing Plan.

Martie Simpson, Finance Director

- C) Discuss and consider approval of the first reading of an ordinance modifying Chapter 86-4, Additional rules and regulations for control of parks and recreation areas and facilities, to restrict the possession of personal grills in city parks.
Stacey Dicke, Parks and Recreation Director
- D) Discuss and consider approval of a resolution authorizing an expenditure of up to \$125,000 to Boon Chapman, Ltd. for a project to create and retain 80 jobs.
Jeff Jewell, Economic Development Manager
- E) Public hearing and first reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area F.
Garry Ford, City Engineer
- F) Public hearing and consideration of the first reading of an ordinance regarding a proposed amendment to the Parkridge Estates Planned Development District Concept Plan and related Development Standards on property comprising 49.52 acres located on the south side of W. County Line Road between North Ranch Estates Boulevard and Cornerstone Drive.
Christopher J. Looney, Planning and Community Development Director
- G) Public hearing and consideration of the first reading of an ordinance regarding a rezoning of approximately 25.98 acres consisting of Lot 4B, Moeller Subdivision, Unit 3, addressed as 381 W. Klein Road from "APD" Agricultural / Pre-Development District to "White Wing Enclave" Planned Development District, with a Concept Plan.
Christopher J. Looney, Planning and Community Development Director
- H) Discuss and consider possible action regarding a proposed new Downtown logo and tagline as recommended by the New Braunfels Downtown Board.
Christopher J. Looney, Planning and Community Development Director
- I) Discuss and consider a waiver from the requirement to construct sidewalks along Herbelin Road for the replat of Lots 1A and 1B, Herbelin Ranch Subdivision
Christopher J. Looney, Planning and Community Development Director
- J) Discuss and consider a waiver from the requirement to construct sidewalks along FM 1101 and internal to the proposed Mesquite Business Park Subdivision.
Christopher J. Looney, Director of Planning and Community Development
- K) Discuss and consider approval of a resolution naming an alternate to

the Alamo Area Council of Governments (AACOG) Board of Directors.
Robert Camareno, City Manager

5. EXECUTIVE SESSIONS

In accordance with Texas Government Code, Subchapter D, the City Council may convene in a closed session to discuss any of the following items; any final action or vote taken will be in public.

- A) Deliberate pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:
 - Carowest Land, Ltd. v. Yantis Company and the City of New Braunfels (2010, 2015, and 2017 cases)
- B) Deliberate and consider the purchase of, exchange, lease or value of real property, in accordance with Section 551.072, of the Texas Government Code, including but not limited to:
 - acquisition of land for city facilities
- C) Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Attorney in accordance with Section 551.074 of the Texas Government Code.

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 July 21, 2017, at 4:00 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 of New Braunfels



Proclamation

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

WHEREAS, Dr. Fred B. Willard, a sixth generation Texan, is a 52 year resident of New Braunfels since moving here in 1965; and

WHEREAS, Dr. Willard has been a longtime business owner and volunteer in this community, including participation in community choirs, barbershop quartets, the New Braunfels Area Car Club, the New Braunfels Chamber of Commerce, the Heritage Society, and the Sophienberg Museum, among others; and

WHEREAS, Dr. Willard joined the Rotary Club of New Braunfels in the year of his arrival, and has maintained his membership in this service organization for 52 consecutive years and through this membership has made a significant impact on this community; and

WHEREAS, Dr. Willard has lived by the Rotary motto "Service Above Self"; and

WHEREAS, Dr. Willard has spearheaded projects that benefit the city through this membership; most recently shepherding the Downtown Restroom Project to completion; and

WHEREAS, Dr. Willard was recently honored by the Rotary Club of New Braunfels and Rotary District 5840 for achieving 50 consecutive years of perfect attendance; a record for this Rotary Club, and an achievement that is rarely surpassed; and

WHEREAS, Dr. Willard has lived by the Rotary principals of the "Four-Way Test, of the things we think, say or do: 1) Is it the truth? 2) Is it fair to all concerned? 3) Will it build goodwill and better friendships? and 4) Will it be beneficial to all concerned?"

NOW, THEREFORE, I, BARRON CASTEEL, Mayor of the City of New Braunfels, do hereby recognize the achievement by Dr. Fred B. Willard of 50 years of perfect attendance in the Rotary Club of New Braunfels and wish him many more successful years of membership and community service.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 24th day of July, 2017.

CITY OF NEW BRAUNFELS

BY: _____
BARRON CASTEEL, Mayor



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

7/24/2017

Agenda Item No. B)

Presenter/Contact

Mark Enders, Watershed Program Manager
(830) 221-4020- menders@nbtexas.org

SUBJECT:

Presentation on the Dry Comal Creek/Comal River Watershed Protection Plan.

BACKGROUND / RATIONALE:

In 2010, the Dry Comal Creek was listed on the Texas 303(d) list due to bacteria levels that exceeded the state water quality standard. The Dry Comal Creek has remained on the 303(d) list since 2010. Mean bacteria concentrations in the Comal River have also increased over the past several years and are nearing the state water standard for bacteria.

In 2015 and 2016, the City received grant funding from the Texas Commission on Environmental Quality (TCEQ) for the development of a Watershed Protection Plan (WPP) to address bacteria loading to both the Dry Comal Creek and the Comal River.

City staff has been working with local stakeholders and technical advisors since 2015 to develop the WPP. The Dry Comal Creek/Comal River WPP identifies sources of bacteria pollution, provides estimates of the load reduction needed to meet applicable state water quality standards, and describes the management measures needed to reduce bacteria loading. The WPP also includes an Outreach and Education Plan, an implementation schedule and an estimate of the financial resources needed to implement the plan.

The WPP includes voluntary bacteria management measures that specifically reduce bacteria loading to the Dry Comal Creek and Comal River. These management measures include wildlife, livestock, and stormwater/infrastructure management measures.

The WPP will be submitted to the TCEQ and the Environmental Protection Agency (EPA) for approval. An EPA-approved WPP will aid the City in obtaining Clean Water Act Section 319 grant funds to implement management measures identified in the WPP.

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

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FISCAL IMPACT:

None

COMMITTEE RECOMMENDATION:

The stakeholder group provided input and supports the Dry Comal Creek/Comal River Watershed Protection Plan.

STAFF RECOMMENDATION:

None



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

7/24/2017

Agenda Item No. A)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the minutes of the regular City Council meeting of July 10, 2017, and the special City Council meeting of July 17, 2017.

BACKGROUND / RATIONALE:

N/A

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the minutes of the regular City Council meeting of July 10, 2017, and the special City Council meeting of July 17, 2017.

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, JULY 10, 2017**

The City Council of the City of New Braunfels, Texas, convened in a Regular Session on July 10, 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, Assistant City Manager Bryan Woods, City Attorney Valeria Acevedo, City Secretary Patrick Aten, Assistant City Secretary Andrea Cunningham, Economic Development Manager Jeff Jewell, Planning and Community Development Director Christopher Looney, Planner Matthew Simmont, Finance Director Martie Simpson, and Grants Coordinator Michele Valadez.

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

PRESENTATIONS:

B) Presentation and discussion on the New Braunfels Police Department's 2016 racial profiling report.

Dr. Alex Del Carmen of Del Carmen Consulting, LLC, presented the New Braunfels Police Department's 2016 Racial Profiling Report.

A) Recognition of partners for the Loop 337 Project.

Mayor Casteel recognized the various partners involved in the Loop 337 Project.

C) Presentation and direction to staff concerning the formulation of a draft policy for the creation of Public Improvement Districts.

Jeff Jewell introduced the item. Managing Principal at Development Planning and Financing Group Rick Rosenberg presented on the creation of Public Improvement Districts.

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of June 26, 2017.

Mayor Casteel read the aforementioned caption.

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

2. CITIZENS' COMMUNICATIONS

No one spoke during Citizens' Communications.

3. CONSENT AGENDA

- A) Approval of a contract with D&M Owens, Inc., for an amount not to exceed \$44,150, for the construction of back-up flow control gates between Landa Lake and the Old Channel of the Comal River.
- B) Approval of acquisition funds for purchasing Right of Way from Sarah W. Edison, Parcel 112 on the Solms/Morningside/Reuckle Road Improvements Project.
- C) Approval of a ratification for the purchase of a propane-fueled pneumatic tire forklift utilizing a grant from the Texas Commission on Environmental Quality through the Alamo Area Council of Governments from Briggs Equipment using a BuyBoard contract.
- D) Approval for the purchase of a traffic signal bucket truck from Chastang Enterprises - Angleton, LLC utilizing a BuyBoard contract.
- E) Approval of the second and final reading of an ordinance to revise the school speed zone on FM 1863 for the New Braunfels Christian Academy.
- F) Approval of the second and final 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.

- G) Approval of the second and final reading of an ordinance regarding Youth Programs Standards of Care for the Parks and Recreation Department.

Approval of the Consent Agenda

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

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider a plan to implement the rules related to the disposable container ordinance.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

Mike Meek, Shane Wolf, and James Reno spoke regarding the item.

City Council directed staff to prepare and make ready educational materials and signage with consistent messaging, with a goal of compliance. City Council directed staff to also implement a date certain of when enforcement will begin. City Council directed staff to increase education and enforcement of the ordinance in all areas with river access.

- B) Discuss and consider approval of the first reading of an ordinance granting rehabilitation tax relief to the property addressed as 195 Jahn Street, a Local Historic Landmark known as the Brietzke Haus.

Mayor Casteel read the aforementioned caption.

Christopher Looney presented the item.

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

- C) Discuss and consider approval of the second and final 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.

Mayor Casteel read the aforementioned caption.

Christopher Looney presented the item.

A motion was made by Councilmember García, seconded by Councilmember Reaves, that this item be approved with the historic landmark to be named the Boenig-Maurer House. The motion passed unanimously via roll call vote.

- D) 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).

Mayor Casteel read the aforementioned caption.

Christopher Looney presented the item.

James Ingalls and Jack Scanio spoke during the public hearing.

A motion was made by Councilmember Meadows, seconded by Councilmember Reaves, that this item be approved with the condition that lots located in Area 1 have a minimum lot width of fifty feet. The motion passed unanimously.

- E) Public hearing on the draft 2017 Community Development Block Grant One-Year Action Plan and Fair Housing Plan.

Mayor Casteel read the aforementioned caption.

Martie Simpson, Michele Valadez, Community Development Block Grant Consultant Paula Harper, and Community Development Advisory Committee Chair Harry Bowers presented the item.

Tricia Schneider, Mario Obledo Jr., and Ken Lowery spoke during the

public hearing.

- F) Discuss and consider approval of an ordinance of the City Council of the City of New Braunfels, Texas authorizing the issuance of "City of New Braunfels, Texas General Obligation Refunding Bonds, Series 2017", levying an annual Ad Valorem Tax, within the limitations prescribed by law, for the payment of the bonds, prescribing the form, terms, conditions and resolving other matters incident and related to the issuance, sale and delivery of the bonds; authorizing the execution of a paying agent/registrar agreement , a purchase and investment letter, and an escrow and trust agreement, complying with the letter of representation on file with the depository trust company, authorizing the execution of any necessary engagement agreements with the City's financial advisors and/or bond counsel; and providing an effective date.

Mayor Casteel read the aforementioned caption.

Martie Simpson and SAMCO Capital Markets Managing Director Andrew Friedman presented the item.

A motion was made by Councilmember Reaves, seconded by Mayor Pro Tem Peters, that this item be approved. The motion passed unanimously via roll call vote.

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:
- Alta Towers, LLC v. City of New Braunfels and City of New Braunfels Zoning Board of Adjustment
 - Carowest Land, Ltd. v. Yantis Company and the City of New Braunfels, (2010, 2015, and 2017 cases)
 - Yantis Company vs. City of New Braunfels, et. al. (2014 case)
 - Stop the Ordinances Please, et. al. v. City of New Braunfels.
- B) Deliberate and consider the purchase of, exchange, lease or value of real property, in accordance with Section 551.072, of the Texas Government Code, including but not limited to:
- acquisition of land for city facilities

Mayor Casteel read the aforementioned captions with the exception of:

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

City Council recessed into Executive Session from 8:42 p.m. - 9:57 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 9:57 p.m.

No vote or action was taken.

This regular meeting adjourned at 9:58 p.m.

Date Approved: July 24, 2017

BARRON CASTEEL, MAYOR

Attest:

PATRICK ATEN, CITY SECRETARY

**SPECIAL MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
SPECIAL MEETING OF MONDAY, JULY 17, 2017**

The City Council of the City of New Braunfels, Texas, convened in a Special Session on June 17, 2017, at 5:30 p.m.

City Councilmembers present were:

Present 6 - Mayor Barron Casteel, Councilmember Justin Meadows, Councilmember Ron Reaves, Councilmember Chris Monceballez, Mayor Pro Tem Wayne Peters, and Councilmember Leah García

Absent 1 - Councilmember George Green

New Braunfels Industrial Development Corporation Board of Directors present were:

John Archer, Brian Cox, Ashley Davison, Neal Linnartz, Stuart Hansmann, and Kathy Meurin.

City Staff present were:

City Manager Robert Camareno, Assistant City Manager Kristi Aday, Assistant City Manager Bryan Woods, City Attorney Valeria Acevedo, City Secretary Patrick Aten, and Economic Development Manager Jeff Jewell.

The meeting was called to order by Mayor Casteel in New Braunfels City Hall Council Chambers at 5:36 p.m. Councilmember Meadows gave the invocation; and Mayor Casteel led the Pledge of Allegiance and the Salute to the Texas Flag.

1. WORKSHOP

Presentation and discussion regarding the South Castell Avenue Master Plan.

Mayor Casteel read the aforementioned caption.

Robert Camareno and Jeff Jewell introduced the item. Douglas Architects President Andrew Douglas and Presidian Hotels and Resorts Chief Development Officer Geoff Bley presented the item.

City Council took a short break before hearing public comment.

The following individuals spoke regarding the item: Carola Davis, Kyle Polk, April Weilbacher, Lynn Norvell, Randy Simbro, Bob Wolf, Nathan Manlove, Ian Perez, Thor Thornhill, Lee Edwards, Wayne Rudolph, Pat Wiggins, David Huddleston, Ray Davidson, Bob Gray, Sandy Payson, Tom Jones, Jim Gabbard, Denice Fugitt, Doug Miller, David Hubbard, Mary Jane Nalley, Kat Wilson, Andrea Davis, Dick Hillyer, Alice Wightman, Krissa Fikac, Fred Willard, David Warmke, Joyce Yannuzzi, and Deric Garza.

No vote or action was taken on this item.

This special meeting adjourned at 9:22 p.m.

Date Approved: August 14, 2017

BARRON CASTEEL, MAYOR

Attest:

PATRICK ATEN, CITY SECRETARY

7/24/2017

Agenda Item No. A)

Presenter/Contact

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

SUBJECT:

Approval of the Mayoral appointment of five individuals to the New Braunfels Partnership Committee for terms ending August 1, 2020.

BACKGROUND / RATIONALE:

Per Section 30-61 of the New Braunfels Code of Ordinances, the Mayor appoints members to the New Braunfels Partnership Committee with City Council approval. The Partnership Committee has 15 members serving three year staggered terms, where members can reside in the city limits or in the ETJ. The Mayor shall attempt to assure that Wurstfest, the German American Society, and a representative from the Historic Museums Association are represented on the Committee.

Five vacancies were posted April 18 - June 15, 2017.

The Mayor has appointed the qualifying following individuals for City Council approval:

- Amber Beard
- Helgard Suhr-Hollis
- Benno Engel
- David Hartmann
- Michael Dietert

Applicant's current & prior service on Boards and Commissions

Amber Beard has no prior City of New Braunfels board or commission experience.

Helgard Suhr-Hollis is a current member of the New Braunfels Partnership Committee.

Benno Engel is a current member of the New Braunfels Partnership Committee.

David Hartmann is a current member of the New Braunfels Partnership Committee.

Michael Dietert is a current member of the New Braunfels Partnership Committee.

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 City Council approval of the Mayoral appointment of five individuals to the New Braunfels Partnership Committee for terms ending August 1, 2020.

7/24/2017

Agenda Item No. B)

Presenter/Contact

Matthew Eckmann, Real Estate Manager
(830) 221-4089 - meckmann@nbtexas.org

SUBJECT:

Approval of a lease agreement between the City of New Braunfels and West San Antonio 111, LLC. to provide public parking in Downtown New Braunfels.

BACKGROUND / RATIONALE:

The 1.1 acre site (Exhibit A) is currently used as a private lot to provide parking for the office building's tenants. Given downtown visitors' propensity to use the property as a public parking lot, the property owner recently took to install warning signs about the lot being a tow-away zone. The owner, West San Antonio 111, LLC, managed by Mr. R. Mike Gribble, has also provided enforcement on Saturday mornings to prevent parking, primarily from the Farmer's Market, on the lot until the office building closes at around 1pm. If approved, this proposed lease agreement between the City of New Braunfels and the property owner this private parking lot will provide free public parking on a limited basis. The lot has approximately 120 parking spaces, all of which are included in the lease, except on Saturdays when the number of spaces is reduced as specified below.

The proposed lease would make the lot available for public parking on the following days and times:

- Every weekday starting at 5:01 p.m. until 12:00 a.m.; and
- Approximately 75 spaces would be available on Saturday morning beginning at 7:00 am until 1:30 p.m.; and
- Saturday from 1:30 p.m. until 12:00 a.m. Monday.

If approved, the City would be able to designate free public parking according to the above stated conditions and times. Additionally, the City would have use of approximately 75 spaces on Saturday to supplement parking demands created by events and uses on Saturday mornings. The City's rent will be made in the form of an annual payment of \$10,000 with an additional commitment to improve the parking lot. Improvements include a seal coat treatment and restriping. The City must also post signage that informs the public that parking is only permitted Monday through Friday from 5:01 p.m. until 12:00 a.m.

The initial lease term is for three years with a one year renewal upon Lessee's request and at Lessor's option. After the first year of the lease, it may be terminated by mutual agreement in writing between Lessor and Lessee. At any time, if the City is in default, the Lessor can give a default notice to the City at which time the City will have thirty (30) days to cure the default. If the owner chooses to end the lease after the first anniversary, then the owner will be legally responsible for reimbursing the City an amount equal to the residual value of the City's improvements to the parking lot. This will be determined by amortizing the cost of the improvement over the lease term. For example, if the City's

restripe and reseal is valued at \$20,000 the improvement would depreciate at \$6,666 per year over the life of the lease (three years).

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

N/A

FISCAL IMPACT:

The total fiscal impact of the parking lot lease is approximately \$50,000. In reciprocity for the lot, the City will provide the following:

- The City will indemnify the owner from liability arising from the public's use of the lot; and
- Reseal and restripe the parking lot during the 2017-2018 fiscal year at a cost not to exceed \$20,000.

Spread over a three year term, the lease costs approximately \$16,666 annually.

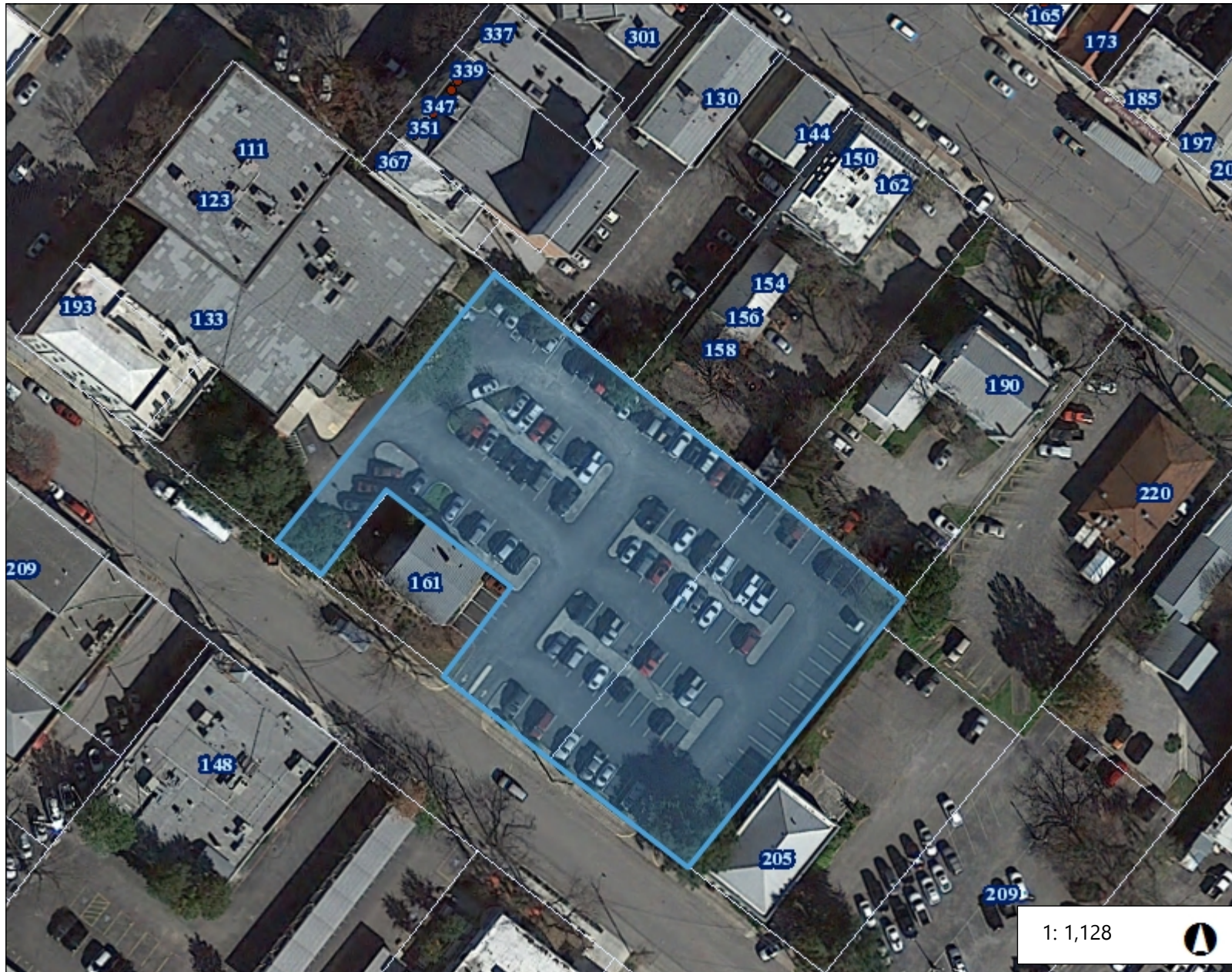
COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the lease.

Leased Property



1: 1,128



0.0 0 0.02 0.0 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
City of New Braunfels GIS Division

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

New Braunfels

Legend

- Address Points
- Parcels
- City Limits
- Counties
- Citations

Notes

Map notes

LEASE AGREEMENT

STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF COMAL §

WHEREAS, WEST SAN ANTONIO 111 LLC., (the “Lessor” or “Owner”) a Texas limited liability company, hereinafter referred to as Lessor, and the CITY OF NEW BRAUNFELS, TEXAS (the “Lessee” or “City”), a home rule municipal corporation, hereinafter referred to as Lessee, have entered into the following lease agreement (the “Lease”) effective as of the date indicated below:

WITNESSETH:

I. Leased Premises

A. The Lessor owns the following described property (the “Property”), to wit:

approximately 1.143 acres of land consisting of .722 acres, Lot 76A, City Block 1004 and .421 acres, Lot 74, City Block 1004, New Braunfels, Comal County, Texas.

B. The Lessee in consideration and subject to the conditions set out below, agrees to lease from Lessor, all of the following described property (the “Leased Premises”), to wit:

120 parking spaces located on the Property, as shown on Exhibit “A” attached hereto and incorporated herein-,

together with all rights, privileges, easements and appurtenances belonging to or in any way pertaining to the Leased Premises.

II. Lease Term

The term of this Lease shall be for a period of three (3) years commencing on the ____ day of July, 2017 and ending on the 30th day of July, 2020. If Lessor agrees, in Lessor’s discretion, the Lease may be extended for an additional one year under the terms and conditions agreed to by the parties as set forth in IV. N. below.

III. Rent

As consideration for this Lease, the Lessee agrees and the Lessor accepts the following obligations in connection to the Leased Premises:

Lessee agrees to make an annual lease payment in the amount of \$10,000.00 to Lessor. Said lease payment shall be made on or before July 1st of each year.

Maintain the entire parking lot, including drive areas and parking spaces, within the Leased Premises (the "Parking Lot") in good order, free, clean and clear of rubbish and debris. Additionally, Lessee shall place signs in the Parking Lot, which signage states that public parking is only permitted Monday through Friday from 5:01 p.m. until 12:00 a.m. (midnight) and Saturday from 1:31 p.m. until 12:00 a.m. (midnight). The number, size and location of such signs shall be mutually agreed by Lessor and Lessee.

Lessee shall, at a time mutually deemed appropriate by Lessor and Lessee, undertake the following repairs before May 31, 2018:

A one time Reseal and Restripe of the surface of the Parking Lot. Lessor and Lessee shall cooperate regarding the time at which such resealing and restriping can be pursued so as to minimize the disturbance of Lessor's other tenants in the Property.

IV. Terms and Conditions

The Lessor agrees to lease the Leased Premises to the Lessee and the Lessee agrees to lease the Leased Premises from the Lessor pursuant to the following terms and conditions:

- A. The Leased Premises shall be used only as a parking lot. No other uses are permitted without the prior written approval from the Lessor;
- B. The Leased Premises will be available for public parking from Monday through Friday of each week from 5:01 p.m. until 12 a.m. (midnight). On each Saturday, approximately one half of the parking lot (more accurately shown on Exhibit B) will be available to the Lessee for public parking starting at 7:00 a.m. and continue until 1:30 p.m. At 1:31 p.m., all the Leased Premises will be available to the Lessee as public parking until 12:00 a.m. (midnight) Monday morning.
- C. The Lessee shall obey all laws, ordinances, orders, rules, regulations, and covenants applicable to the use, condition, and occupancy of the Leased Premises;

- D. The Lessee shall not sublease the Leased Premises to any other person or entity without the express prior written consent of the Lessor. Other than the improvements referenced in Article III above, no other improvements, changes, or modifications to the Property may be made without the express prior written consent of the Lessor, which consent shall be in Lessor's sole discretion. All approved improvements, changes, or modifications to the Leased Premises shall be in accordance with all City codes, ordinances and regulations;
- E. The Lessee acknowledges that the Parking Lot provides the parking for the building owned by the Lessor, which building is immediately adjacent to the Parking Lot. All tenants located in such building have the right to park in the Parking Lot. Should Lessor, as lessor of the building, lease additional space in such building, the tenants under such new lease shall have the right to park in the Parking Lot. However, notwithstanding the Lessor's rights to give new tenants in the building the right to park in the Parking Lot, Lessor shall not provide any such new tenant with parking rights that would materially interfere with the rights granted to Lessee in this Lease;
- F. No debt, lien, or encumbrance of any kind shall be allowed to be placed against the Leased Premises or improvements thereon;
- G. Lessee may not store any personal property on the Leased Premises. Notwithstanding the foregoing, during Lessee's replacement of the Parking Lot, Lessee may store needed construction equipment and/or supplies on the Leased Premises, provided that such storage is at the sole risk and liability of Lessee and such storage shall not utilize more than two parking spaces for a period of no more than five consecutive (5) days. Subject to the above, the Lessor may retain, destroy, or dispose of any property left on the Leased Premises by Lessee at the end of the Lease term;
- H. After the first anniversary of this Lease, Lessor may terminate this Lease upon 60 days written notice to Lessee, provided that if Lessee replaced the Parking Lot in part or in whole prior to such termination, Lessor shall reimburse the Lessee for unamortized portion of the cost of so replacing the Parking Lot. In connection to such reimbursement, Lessor's obligation shall be based upon the following: the initial cost of such parking lot resurfacing shall not exceed \$20,000 to Lessor and the Lessee shall amortize the cost in three (3) year straight line amortization schedule. Other than the foregoing, this Lease may only be terminated by mutual agreement in writing between Lessor and Lessee. Should Lessor request termination of this lease, Lessee shall be reimbursed on a prorated basis, all reasonable expenses incurred by Lessee in the performance of the terms and conditions of this Lease;

- I. Lessee shall not be liable for claims that result from occurrences when the Lessor has use of the Leased Premises unless such claim results from the negligence of the Lessee;
- J. The Lessee shall maintain and keep in force liability insurance and shall protect the Lessor from claims which may arise out of or in connection with Lessee's use of the Property: The minimum amounts of liability insurance required are as follows:

Bodily Injury:

Per Person	\$500,000.00
Per Accident	\$1,000,000.00

Property Damage Liability:

Per Accident	\$250,000.00
Aggregate	\$250,000.00

The required insurance shall be written so that the Lessor will be notified in writing, in the event of cancellation, restrictive amendment or non-renewal at least thirty (30) days prior to action. Certificates of Insurance shall be filed with the Lessor. All required insurance shall be written with the Lessor as an additional insured. In any event, the Lessee is fully responsible for all losses arising out of, resulting from or connected with its (and by extension the public's) use of the Leased Premises under this Lease whether or not the losses are covered by insurance. All insurance required under this section shall be primary over any other insurance coverage the City may have. The burden of maintaining proper insurance coverage and compliance with this subsection lies solely with the Lessee;

- K. Notwithstanding anything to the contrary herein, the City does not waive any of its rights, defenses, or immunity provided under the Texas Tort Claims Act, but to the extent possible contractually agrees to responsibilities as stated herein; and
- L. As a condition to renew the Lease, Lessee shall repair or replace all failing asphalt within the Parking Lot, and based upon the useful life and condition of the existing Parking Lot, reseal the surface of the Parking Lot and restripe the entire Parking Lot. The responsibility of Lessee pursuant to this provision shall not exceed \$5,000.

V. Acceptance of Property; Repair

The Lessee accepts the Property in its present condition "AS IS," the Leased Premises being currently suitable for the Lessee's intended use and agrees to take good care of the Parking Lot. Lessee agrees to make no alterations, additions, repairs, or improvements without the prior written consent of Lessor, based upon the negotiated terms of this Lease. Lessee knowingly and voluntarily agrees that Lessee, at Lessee's sole expense, shall be responsible for making agreed resealing to all portions of the Parking Lot.

VI. Default

In the event of default by the Lessee of any condition set out herein, the Lessor will notify the Lessee of such default and the Lessee will have thirty (30)) days to correct the default. In the event the Lessee fails or refuses to correct the default or if the particular default is repeated, the Lessor may immediately terminate the Lease. Upon termination of the Lease, the Lessee agrees to immediately surrender possession of the Leased Premises to the Lessor without further notice.

VII. Binding Effect

The terms, conditions and covenants contained in this Lease shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

VIII. Notices

All notices required to be furnished in writing under the terms of this Lease shall be furnished to the City at the following address:

City of New Braunfels, Texas
550 Landa Street
New Braunfels, TX 78130
Attention: City Manager

and shall be provided to the Lessor/Owner at the following address:

West San Antonio 111, LLC.
111 W San Antonio St, Ste. 150
New Braunfels, TX 78130
Attention: R. Mike Gribble

Any notice sent to any other address shall be insufficient to comply with the provisions of this Lease. Notices will be deemed furnished when deposited in the United States mail postage prepaid.

IX. Miscellaneous

- A. *Attorney Fees.* If either party retains an attorney to enforce this Lease, the Party prevailing in litigation is entitled to recover reasonable attorney's fees and court or other reasonable costs.
- B. *Venue.* Venue is in Comal County, the county in which the Property is located.
- C. *Entire Agreement.* This Lease is the entire agreement of the parties, and there are no oral representations, warranties, agreements, or promises pertaining to this Lease.
- D. *Invalid Provisions.* If any provision or condition of this Agreement shall be held to be invalid or unenforceable by any Court, or regulatory or self-regulatory agency or body, such invalidity or unenforceability shall attach only to such provision or condition. The validity of the remaining provisions and conditions shall not be affected, and this Agreement shall be carried out as if any such invalid or unenforceable provision or condition were not contained herein.
- E. *Amendment of Lease.* The Lease may be amended only by an instrument in writing approved and signed by the Owner and the City by and through its City Manager.

EXECUTED on this the _____ day of _____, 2017.

WEST SAN ANTONIO 111, LLC, LESSOR

By: _____

Name: R. Mike Gribble

Title: Manager of West San Antonio 111, LLC

CITY OF NEW BRAUNFELS, LESSEE

By: _____

Robert Camareno, City Manager

ATTEST:

Patrick D. Aten, City Secretary

APPROVED AS TO FORM:

Valeria Acevedo, City Attorney

Parking Area Available Saturday Morning



1: 1,128



0.0 0 0.02 0.0 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
City of New Braunfels GIS Division

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

New Braunfels

Legend

- Address Points
- Parcels
- City Limits
- Counties
- Citations

Notes

Map notes

7/24/2017

Agenda Item No. C)

Presenter/Contact

Garry Ford, P.E., City Engineer
(830) 221-4020 - gford@btexas.org

SUBJECT:

Approval of a resolution for the determination of right-of-way of S. Castell Avenue, identified as a Major Collector in the City of New Braunfels Regional Transportation Plan, between W. Coll Street and W. Mill Street.

BACKGROUND / RATIONALE:

Staff reviewed the right-of-way requirements on S. Castell Avenue between W. Coll Street and W. Mill Street with the plat of First Protestant School New Braunfels located at 205 & 209 S. Castell Avenue.

S. Castell Avenue is identified as a major collector in the City of New Braunfels Regional Transportation Plan (RTP) approved by City Council on March 12, 2012. The RTP provides a long term vision of the major street network necessary to meet future travel needs. A major collector is a roadway that provides a higher degree of access and is intended to move traffic between local and arterials streets and other collectors. Major collectors include up to four lanes and have a right-of-way width of up to 90 feet.

The S. Castell Avenue segment is approximately 1,500 feet between W. Coll Street and W. Mill Street. The segment includes an intersection with W. San Antonio St which is designated as a minor arterial. The existing right-of-way is approximately 65 feet with 44 feet of pavement. The typical section is a two-lane roadway with on-street parallel parking and sidewalks adjacent to the street in most locations. The roadway is located primarily in the downtown area and serves various land uses.

Based on existing and future land use, constraints, traffic activity and context of the downtown area, the existing 65 feet of right-of-way is sufficient and no additional right-of-way is recommended.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

On July 5, 2017, the Planning Commission made a recommendation of approval regarding the right-of-way determination. (9-0-0)

STAFF RECOMMENDATION:

Staff recommends establishing a right-of-way width of 65 feet for S. Castell Avenue between W. Coll Street and W. Mill Street.

Attachments:

1. Right-of-way determination exhibit, S. Castell Avenue between W. Coll Street and W. Mill Street, with plat highlighted
2. Draft Minutes from the July 5, 2017 Planning Commission Meeting

Draft Minutes for the July 5, 2017 Planning Commission Regular Meeting

Discuss and consider a recommendation to City Council regarding the determination of right-of-way of S. Castell Avenue, identified as a Major Collector in the City of New Braunfels Regional Transportation Plan, between W. Coll Street and W. Mill Street.

(Applicant: HMT; Presenter: Garry Ford)

Mr. Ford stated the city received a request for a determination of right-of-way of S. Castell Avenue. City staff evaluated the portion between Coll Street north towards Mill Street, including the intersection of W. San Antonio Street. Mr. Ford indicated S. Castell Avenue is identified as a Major Collector in the City's Regional Transportation Plan. Mr. Ford states a Major Collector could require a right-of-way of up to 90 feet, and the existing right-of-way is 65 feet.

City Staff reviewed the constraints, traffic, and context of the area, and concluded that the existing right-of-way of 65 feet is adequate, and does not request any additional right-of-way.

Chair Elrod declared the item was not a public hearing.

Motion by Commissioner Sonier, seconded by Commissioner Laskowski, to recommend approval to City Council regarding the determination of right-of-way of S. Castell Avenue, identified as a Major Collector in the City of New Braunfels Regional Transportation Plan, between W. Coll Street and W. Mill Street. Motion carried (9-0-0).

RESOLUTION NO. 2017-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, ESTABLISHING 65 FEET AS THE REGIONAL TRANSPORTATION PLAN RIGHT-OF-WAY WIDTH FOR SOUTH CASTELL AVENUE BETWEEN WEST COLL STREET TO WEST SAN ANTONIO STREET AND FOR NORTH CASTELL AVENUE BETWEEN WEST SAN ANTONIO STREET AND WEST MILL STREET.

WHEREAS, on March 12, 2012, the City Council of the City of New Braunfels adopted the City of New Braunfels Regional Transportation Plan as the thoroughfare plan; and

WHEREAS, the City of New Braunfels Regional Transportation Plan designated Major Collector thoroughfares requiring up to 90 feet of right-of-way; and

WHEREAS, the City of New Braunfels Regional Transportation Plan shows Castell Avenue between West Coll Street and West Mill Street as a Major Collector; and

WHEREAS, Castell Avenue between West Coll Street and West Mill Street is currently a two-lane street with parking within approximately 65 feet of right-of-way; and

WHEREAS, the Planning Commission and City staff reviewed and recommend that South Castell Avenue between West Coll Street and West San Antonio Street, and North Castell Avenue between West San Antonio Street and West Mill Street for subdivision platting requirements.

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

THAT, the Regional Transportation Plan right-of-way for South Castell Avenue between West Coll Street and West San Antonio Street, and North Castell Avenue between West San Antonio Street and West Mill Street is established at 65 feet for the purpose of subdivision platting requirements specified in Chapter 118 of the City of New Braunfels Code of Ordinances.

PASSED, ADOPTED AND APPROVED this 24th day of July, 2017.

City of New Braunfels, Texas

BARRON CASTEEL, Mayor

Attest:

PATRICK D. ATEN, City Secretary



Exhibit 1 – Right-of-way determination exhibit, S. Castell Ave between W. Coll St and W. Mill St, with plat highlighted.

7/24/2017

Agenda Item No. D)

Presenter/Contact

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

SUBJECT:

Approval of annual expenditures with Strategic Government Resources Inc. for FY 2016-17 in an amount not to exceed \$100,000.

BACKGROUND / RATIONALE:

The City utilizes Strategic Government Resources Inc. for professional temporary employment services.. The Contract has supported the temporary placement of the Municipal Court Administrator and is currently supporting the temporary placement of the Director of Human Resources. City Council approved the expenditure of \$35,000 for the Municipal Court Administrator on February 27, 2017. Staff is requesting approval of additional expenditures to support the temporary placement of the Human Resources Director and any other unanticipated needs as they arise.

Staff is asking to approve an estimated expenditure not to exceed \$100,000 for FY 16-17 with Strategic Government Resources.

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

Yes	Strategic Priorities:	Maintain an ongoing program to provide exemplary customer service.
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FISCAL IMPACT:

This expenditure will be absorbed in the appropriate budget - operating expenditure allocation. While this expenditure was unbudgeted, vacancy savings are generated while utilizing this contract position. Therefore, if a budget transfer is needed later in the year, funds are available to support these one time expenditures.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Approval of annual expenditures with Strategic Government Resources Inc. for FY 2016-17 in an amount not to exceed \$100,000.

7/24/2017

Agenda Item No. E)

Presenter/Contact

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

SUBJECT:

Approval of a contract with Alpha Testing and Terracon for materials testing and Lone Star Paving for construction on South Castell Avenue and Live Oak Avenue reconstruction.

BACKGROUND / RATIONALE:

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

The South Castell Avenue (I-35 frontage road to Business 35) and Live Oak Avenue (San Antonio St. to Katy St.) reconstruction projects were designed by Bain Medina Bain and Pawelek and Moy Engineering, respectfully. The City issued these projects for bid on May 9th. A total of three bids were received on June 6th. Each of the submissions was scored based on cost, relevant experience, schedule, and financial capacity. Based on this criteria, Lone Star Paving was selected as the best value bidder. Lone Star submitted a bid of \$239,116. The addition of contingency funding brings the amount for construction to \$255,854. Alpha Testing will be performing the materials testing for South Castell Avenue with a not to exceed amount of \$2,350. Terracon will be performing the testing on Live Oak Avenue with a not to exceed amount of \$9,662.

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

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

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

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a construction contract with Lone Star Paving for \$255,854 and materials testing contracts with Alpha Testing and Terracon totaling \$12,012.

7/24/2017

Agenda Item No. F)

Presenter/Contact

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

SUBJECT:

Approval of a contract with EIB Contractors for the construction and remodel of Fire Station #1 to include the base project as well as Additive Alternates 1, 2, 3, 4, and 5A.

BACKGROUND / RATIONALE:

Fire Station #1 was originally built in 1988. There have been numerous modifications to the facility through the years in effort to accommodate the additional staff & services required to service the growing community. The current configuration does not comply with current building codes & is not conducive to efficient use of the staff.

In July 2015, the City of New Braunfels contracted with the architectural firm Brown Reynolds Watford (BRW) to evaluate the condition of the existing building & develop an improvement plan. With the budget in mind the design team has focused on issues relating to life safety, structural integrity, and accessibility deficiencies within the living quarters of the building.

The City issued an invitation for Competitive Sealed Proposals on April 25th and received responses from six contractors. EIB has been selected based on their qualifications and cost proposal as the best value for the project. The cost proposal for the project including the additive alternates and a \$50,000 contingency is \$446,805. As the proposal provided by EIB is significantly below the allocation for the project, the City and the project architect (BRW) will seek opportunities to ensure and enhance the quality of the project at a net cost not to exceed \$514,343.

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

X	Yes	City Plan/Council Priority:	Strategic Priorities: (Infrastructure) - Continue and ongoing program of infrastructure construction and maintenance.
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FISCAL IMPACT:

The City's budget for this project has been \$633,943 allocated from 2007, 2009 and 2012 certificates of obligations. To date, \$119,600 has been encumbered for professional services to evaluate the building & design the proposed improvements. The remaining budget for professional services, construction, and project management is \$514,343.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a contract with EIB for the remodel of Fire Station #1 including the additive alternates 1, 2, 3, 4, and 5A in the amount \$446,805 with a not to exceed project budget of \$514,343.

7/24/2017

Agenda Item No. G)

Presenter/Contact

Jennifer Gates, Buyer

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

SUBJECT:

Approval of a contract with Petroleum Solutions, Inc. for the removal and disposal of three underground fuel storage tanks located at the New Braunfels Regional Airport.

BACKGROUND / RATIONALE:

The City of New Braunfels solicited a bid to obtain the services of a qualified contractor to remove and dispose of three (3) underground storage tanks located at the New Braunfels Regional Airport. The purpose of the 12,000-gallon fiberglass tanks is for the onsite storage of aviation fuel and they have received routine, recommended maintenance since their installation. However, the tanks were removed from service several years ago so it has been advised to dispose of the tanks for environmental health and safety.

The turn-key project includes, but is not limited to, the awarded contractor meeting proper licensing and permitting requirements, demolition services to remove and dispose of three (3) underground tanks, piping and accessories, remediation of contaminated soil if applicable, and restoring excavations with backfill to grade.

A request for Competitive Sealed Proposals was issued on June 16, 2017 and responses were opened on July 6, 2017. The City received three (3) proposals which were evaluated upon price, project scheduling, and relevant experience of the respondents.

The highest ranking vendor is Petroleum Solutions, Inc. based upon all evaluation factors as they submitted the lowest bid price but are also very qualified and experienced in similar projects. All work assigned shall be completed prior to September 30, 2017.

The base cost of the project is \$33,867. Due to the type of work being performed, during the course of the project it may be necessary to remove residual liquids in the tanks and/or contaminated soil from the work site for an additional estimated cost of \$8,000. Therefore, the total award for the project is \$41,867.

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

Yes	Strategic Priorities: 19. Preserve and improve our open space.
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FISCAL IMPACT:

The cost of these services was included with the FY 2016-17 Airport Fund Adopted Budget for the department. Therefore, there are sufficient funds for the project as described above.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a contract with Petroleum Solutions, Inc. for the removal and disposal of three (3) underground fuel storage tanks located at the New Braunfels Regional Airport.

7/24/2017

Agenda Item No. H)

Presenter/Contact

Matthew Eckmann, Real Estate Manager
(830) 221-4089 - meckmann@nbtexas.org

SUBJECT:

Approval of acquisition funds for purchasing Right of Way from NBL 300 Group, LTD, Parcel 35-2 on the Klein Road Improvements Project.

BACKGROUND / RATIONALE:

The Klein Road Reconstruction Project is one of the approved Proposition One projects included in the 2013 Bond Program, which will include Sidewalks, Roadway and Drainage Improvements along Klein Road.

On March 27, 2017 City Council approved acquisition funds in the amount of \$300,000.00 to acquire the necessary parcels for the Klein Road Improvements Project.

An agreement has been reached with NBL 300 Group, LTD in the amount of \$56,588.40 for the purchase of 15,500 square feet of Right of Way and 438 square feet of Public Utility Easement.

In addition to the amount of money due to NBL 300 Group, LTD, necessary title closing fees of \$871.30 have been added for a total amount of \$57,459.70.

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

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

Expenditures associated with right-of-way acquisition are a component of the Klein Road Improvements Project. Therefore, sufficient funds are available to approve the acquisition funds as described above.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of acquisition funds for the Klein Road Improvements Project.

7/24/2017

Agenda Item No. I)

Presenter/Contact

*Matthew Eckmann, Real Estate Manager
(830) 221-4089 - meckmann@nbtexas.org*

SUBJECT:

Approval of acquisition funds for purchasing Right of Way from V L & Betty McCart, #1 Trust, Parcel 1 on the Klein Road Improvements Project.

BACKGROUND / RATIONALE:

The Klein Road Reconstruction Project is one of the approved Proposition One projects included in the 2013 Bond Program, which will include Sidewalks, Roadway and Drainage Improvements along Klein Road.

On March 27, 2017 City Council approved acquisition funds in the amount of \$300,000.00 to acquire the necessary parcels for the Klein Road Improvements Project.

An agreement has been reached with V L & Betty McCart, #1 Trust in the amount of \$35,020.00 for the purchase of 8,755 square feet of Right of Way.

In addition to the amount of money due to V L & Betty McCart, #1 Trust, necessary title closing fees of \$665.30 have been added for a total amount of \$35,685.30.

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

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

Expenditures associated with right-of-way acquisition are a component of the Klein Road Improvements Project. Therefore, sufficient funds are available to approve the acquisition funds as described above.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of acquisition funds for the Klein Road Improvements Project.

7/24/2017

Agenda Item No. J)

Presenter/Contact

Patrick Aten, City Secretary
(830) 221-4006 - paten@nbtexas.org

SUBJECT:

Approval of the first reading of an ordinance repealing portions of the Code of Ordinances, Chapter 138, Article I - Vehicles for Hire, to comply with new state legislation that regulates transportation network companies.

BACKGROUND / RATIONALE:

The City Council adopted Ordinance 2016-42 on August 1, 2016, which updated Chapter 138 (Vehicles for Hire) of the Code of Ordinances to include regulations for Transportation Network Companies (TNCs) including permits and fees.

During the 85th Session of the Texas Legislature, House Bill 100 was adopted and became effective immediately. House Bill 100 regulates TNCs at the state level, and specifically states that municipalities are not to regulate TNCs. Therefore, the proposed ordinance removes language from our Code of ordinances regarding TNCs.

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

N/A

FISCAL IMPACT:

Currently, there are two TNCs (Uber and Lyft) with operating permits in New Braunfels. Those permits will expire sometime over the next few months. Without the regulatory ordinance, there will not be \$500 permit fees paid to the City.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance.

ORDINANCE NO. 2016 - 42

AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE CODE OF ORDINANCES CHAPTER 138, "VEHICLES FOR HIRE," BY REPEALING ARTICLE I AND REPLACING IT WITH A NEW ARTICLE I; REPEALING ALL LAWS IN CONFLICT; PROVIDING A SAVINGS CLAUSE AND SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council directed staff to amend the Code of Ordinances regarding vehicles for hire; and

WHEREAS, City staff communicated with transportation network companies and local taxicab companies to improve the vehicles for hire ordinance; and

WHEREAS, City staff finds these recommendations both reasonable and necessary.

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

SECTION 1: The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2: That Chapter 138 Article I of the New Braunfels Code of Ordinances shall be amended to hereinafter read as displayed in Attachment A.

SECTION 3: All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only. 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 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.


SECTION 5: In accordance with the provisions of Section 3.10 of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

SECTION 6: This Ordinance shall become adopted and effective upon October 1, 2016, and must 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.

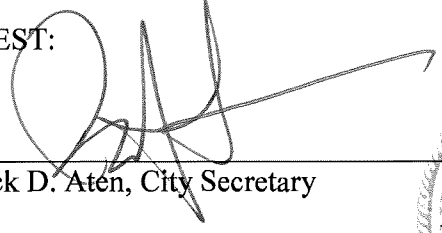
PASSED AND APPROVED: First reading this 25th day of July, 2016.

PASSED AND APPROVED: Second reading this 1st day of August, 2016.

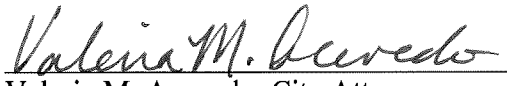
CITY OF NEW BRAUNFELS, TEXAS

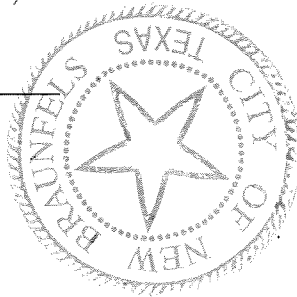

Barron Castee, Mayor

ATTEST:


Patrick D. Aten, City Secretary

APPROVED AS TO FORM:


Valeria M. Acevedo, City Attorney



Chapter 138 - VEHICLES FOR HIRE^[1]

Footnotes:

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Cross reference— Businesses, ch. 18; floods, ch. 58; signs, ch. 106; streets, sidewalks and other public places, ch. 114; traffic and vehicles, ch. 126.

State Law reference— Home rule powers, Vernon's Ann. Civ. St. art. 1175; municipal regulation of taxicabs, V.T.C.A., Local Government Code § 215.004; driver's license, Vernon's Ann. Civ. St. art. 6687b; municipal regulation of vehicles carrying passengers or freight for compensation, V.T.C.A., Local Government Code § 215.073; permit fee or street rental charge based on gross receipts, Vernon's Ann. Civ. St. art. 6698.

ARTICLE I. - IN GENERAL – Taxicabs, Pedicabs, and Transportation Network Companies

Sec. 138-1. - Definitions.

For the purpose of this section the following words and phrases have the meanings respectively ascribed to them:

Applicant. Any individual, firm or corporation in the process of attaining either a license to operate or a city taxi or pedicab driver permit.

City. The City of New Braunfels, Texas.

Cruise or cruising. The movement of unoccupied taxicabs over the public streets of the city, or pedicabs operating within their defined and limited geographical service area as defined in section 138-16, in search of or soliciting prospective passengers for hire; provided however unoccupied taxicabs or pedicabs proceeding to answer a telephone call for taxicab or pedicab service from an intending passenger, and taxicabs or pedicabs returning to the place where such taxicabs or pedicabs are housed or to the place of discharge of the passenger or passengers, shall not be considered to be cruising.

Digital network. Any online-enabled application software, website, or system offered or used by a transportation network company that enables a prearranged ride with a transportation network company driver.

Driver. An individual who drives or operates a taxicab, pedicab, or transportation network company vehicle.

Holder. A person or company that is granted an annual operating permit to operate a taxicab, pedicab, or Transportation Network Company (TNC) service under the provisions of this chapter.

Limousine. A luxury motor vehicle as defined by the original manufacturer with a partition separating the driver from the passenger compartment and it is considered a taxicab for the purposes of this ordinance.

Limousine service. A business providing luxury ground transportation with a stretch limousine.

Manifest. A daily record prepared by a taxicab or pedicab driver of all trips made by such driver showing time and place of origin, destination, number of passengers and the amount of fare for passengers.

Operate. To drive or be in physical control of a taxicab, pedicab, or TNC vehicle.

Operating permit. Permission granted by the city to operate a taxicab, pedicab, or TNC service inside the city for a period of one year, renewable under the provisions of this chapter.

Operator. The driver of a taxicab or pedicab, the owner of a taxicab or pedicab, or the holder of an annual operating permit.

Overcrowding. Transporting a greater number of people in the vehicle than has been recommended by the manufacturer of the vehicle or for whom there is no seat belt, inclusive of the driver.

Person. An individual, corporation, agency, trust, partnership, or two or more persons having a joint or common economic interest.

Personal vehicle. Also referred to as TNC vehicle, it is a vehicle that is used by a transportation network company driver and is owned, leased, or otherwise authorized for use by the driver; and not a taxicab, pedicab or similar vehicle for hire.

Pedicab. A device with three or more wheels propelled exclusively by human power exerted through a belt, chain, or gears capable of carrying a driver and one or more passengers on a platform made a part of the device.

Pedicab service. A ground transportation service operated for hire, operating within a defined and limited geographical service area as defined in section 138-16, which uses pedicabs in the operation of the service and includes, but is not limited to, a facility from which the service is operated, pedicabs used in the operation of the service, and a person who owns and/or operates said service.

Prearranged ride. Transportation provided by a transportation network company driver to a transportation network company rider, beginning at the time a driver accepts a ride requested by a rider through a digital network controlled by a transportation network and ending at the time the last requesting rider departs from the driver's personal vehicle. The term does not include:

- (a) a shared expense carpool or vanpool arrangement or service; or
- (b) transportation provided using a taxicab, pedicab or similar vehicle for hire.

Taxicab. A chauffeured motor vehicle used to transport persons for hire on a call or demand basis, or in the case of limousine service by prior appointment, upon the streets of the city with the following exceptions:

- (1) A vehicle being operated pursuant to a permit issued by the city, or pursuant to a franchise or permit legally issued by the railroad commission of the state, or pursuant to permission duly granted by the proper authority of the city for a

vehicle to operate over a regular route, upon a set schedule or pursuant to any permission duly granted by the city council, or a vehicle being operated as a chartered bus under a contract to carry 15 or more passengers;

- (2) A vehicle being operated as a "water recreation shuttle" pursuant to sections 138-166 through 138-170 of this Code;
- (3) Vehicles being used as ambulances;
- (4) Vehicles rented or leased for self-operation by the person actually driving the same, unless such a vehicle is transporting for compensation persons other than the one who actually rented or leased the same;
- (5) Horse drawn carriages; or
- (6) Pedicabs.

Taxicab service operator. Any person who has the control, direction, maintenance and the benefit of the revenue derived from the operation of taxicabs on or over the streets of the city.

Taximeter. A device that automatically computes a taxi fare based upon the distances traveled or the time the taxicab is engaged or both.

Terminal. The depot at which place the taxicabs or pedicabs shall be housed or parked, and at which place the telephone calls and requests for service shall be made, and at which place a dispatcher shall control the movements of the taxicabs or pedicabs to the points of request for taxicab or pedicab service; this word shall likewise be synonymous with taxi or pedicab terminal and shall mean and embrace that space and area of land and buildings off of the streets of the city, and upon private property and shall be and constitute the main office of the owner and taxicab or pedicab operator.

Transportation Network Company (TNC). An organization whether a corporation, partnership, sole proprietor, or other form, that provides on-demand transportation services for compensation using an online-enabled application (app) or platform to connect passengers with drivers.

Transportation Network Company (TNC) Driver. An individual who operates a motor vehicle that is:

- (1) Owned, leased or otherwise authorized for use by the individual;
- (2) Used to provide Transportation Network Company services.

Transportation Network Company (TNC) Services. Transportation of a passenger between points chosen by the passenger and prearranged with a TNC driver through the use of a TNC digital network or software application. TNC services shall begin when a TNC driver accepts a request for transportation received through the TNC's digital network or software application service, continue while the TNC driver transports the passenger in the TNC driver's vehicle, and end when the passenger exits the TNC driver's vehicle. TNC service is not a taxicab or street hail service.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-2. - Annual permit required.

- (a) No person shall drive, operate or cause to be operated, nor shall any person employ, permit or allow another to drive, operate or cause to be operated, any taxicab, or pedicab upon any street in the city for the purpose of transporting a passenger or passengers for compensation, nor shall any person accept compensation for the transportation of passengers without first having obtained from the city under the provisions of this chapter, an operating permit authorizing such operation and acts.
- (b) No person shall operate a digital network which connects prospective passengers with TNC drivers who without first having obtained from the city under the provisions of this chapter a TNC operating permit authorizing such operation and acts.
- (c) Exception: A vehicle which is lawfully transporting a passenger or passengers from a point outside the city to a destination within the city, or, after discharging such a passenger within the city, is returning empty by the most direct route to its regular place of business outside the city is not required to obtain an operating permit from the City; provided, however, that no such vehicle for hire without such operating permit shall solicit or accept a passenger or passengers from any point within the city for transportation to any destination whatsoever, and no such vehicle for hire without such operating permit shall remain waiting for more than 60 minutes at any point in the city for a passenger brought in by it for the purpose of continuing the journey of such passenger or for any other purpose except to have repairs made upon it at a garage or other place where automotive repairs are customarily made.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-3. - Transferability of operating permit.

Permits issued under the provisions of this chapter may not be transferred to another person or entity.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-4. - Application for operating permit.

- (a) Application for a taxicab, pedicab, or TNC permit shall be filed with the city secretary on a form provided by the city secretary. That applicant must be the person who will own, control or operate the proposed taxicab, pedicab service, or TNC service. Completed applications shall be filed annually with the city secretary

or else the applicant will not be permitted to operate while the permit is being renewed. All applications must be received by the City Secretary at least 30 calendar days before the expiration of the current permit, or else the application may not be processed in time and may cause a lapse in the permit cycle. Applications will not be accepted from December 23 through December 31.

The applicant shall provide the following information on the form provided by the city secretary; however, a TNC applicant need only provide information required in (a)(1) through (7):

- (1) Name of owner, or person by whom such permit is desired;
 - (2) Name, address and telephone number of company;
 - (3) If corporation, name and address of major officers of corporation and major stockholders;
 - (4) If partnership or association, trade, partnership, or association name, name and address of partners;
 - (5) If sole proprietorship, name and address of owner;
 - (6) Documentary evidence from an insurance company, authorized to do business in the State of Texas, indicating a willingness to provide liability insurance required by this section;
 - (7) A statement that the applicant and its drivers has not been finally convicted of any felony or other offense involving moral turpitude which adversely affects the applicant's ability to provide safe and reliable passenger transportation;
 - (8) Description of make, horsepower, vehicle identification or factory number, the seating capacity, vehicle owner's name and address, and license number of every vehicle to be used as a taxicab or pedicab;
 - (9) Names, addresses, date of birth, driver's license number, and a current Texas Department of Public Safety 3A Driving Record for each driver operating vehicles for the company. Such information shall be kept current during the year. Failure to provide such information to the city secretary for each driver operating a taxicab within the city shall be grounds for revoking the taxicab service permit;
 - (10) A schedule of rates to be charged to passengers;
 - (11) Description of any past business experience of the applicant, particularly in providing passenger transportation services, identification and description of any revocation or suspension of a franchise or permit held by the applicant or business before the date of filing the application;
 - (12) The description of the proposed insignia and color scheme for the applicant's taxicabs or pedicab.
- (b) The application shall include a sworn statement by the applicant that all information provided in the application is true and correct.

- (c) Each taxicab and pedicab application shall be accompanied by an annual nonrefundable permit fee of \$150.00 plus an additional fee of \$50.00 per vehicle for taxicabs and pedicabs to defray the expense of carrying out the provisions of this article. Total fees for taxicab and pedicab companies shall not exceed \$500.00 annually.
- (d) Each TNC application shall be accompanied by an annual nonrefundable permit fee of \$500.00 to defray the expense of carrying out the provisions of this article.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-5. - Issuance of permit.

- (a) **Taxicabs and Pedicabs.** The city secretary shall issue to each applicant a service permit for each vehicle upon the filing of written proof of insurance as required herein and upon a determination that all requirements of this article have been met. The service permit shall be issued for 12 months. The taxicab or pedicab service permit shall state the 12-month time period for which it is valid; that said vehicle is a taxicab or pedicab; the make of the vehicle, the vehicle identification number, and the current license plate number; and that all city taxes on the vehicle have been paid. No permit will be granted unless:
 - (1) The holder of the operating taxicab permit provides taxicab service to the entire city; pedicab permit holders provide pedicab service within their defined geographical area of service as defined in section 138-16; and
 - (2) The holder of the operating permit provides taxicab or pedicab service at a minimum between the hours of 7:00 a.m. and 11:00 p.m. seven days a week, except when the services provided are limousine services by prior appointment; and
 - (3) The holder of the operating permit provides proof of minimum insurance for each taxicab or pedicab.
 - (4) The holder of an operating permit pays the annual operating permit fee.
- (b) **Transportation Network Companies.** The city secretary shall issue to each TNC applicant an operating permit upon a determination that all requirements of this chapter have been met. The service permit shall be issued for no more than 12 months. The TNC service permit shall state the 12-month time period for which it is valid. No permit will be granted unless:
 - (1) The holder of an operating permit pays the annual operating permit fee of \$500.
 - (2) The holder of the operating permit complies with the insurance requirements as described in Section 138-6.
 - (3) For the sole purpose of verifying that a TNC is in compliance with the requirements of this Chapter, the holder of the operating permit agrees to be audited annually by the City's Finance Department. The City shall have the

right to visually inspect a sample of records regarding TNC drivers and vehicles in New Braunfels, chosen randomly by the City, that the TNC is required to maintain, including but not limited to:

- a. maintenance of insurance requirements;
- b. completion of background checks and maintenance of said records;
- c. timely communication by the TNC to the city regarding any noncompliance of this Chapter;
- d. compliance with mandatory vehicle standards as follows:
 1. 2002 model vehicle, or newer;
 2. current Texas inspection sticker;
 3. four door vehicle;
 4. insured as required by state law and the standards of this Chapter; and
 5. vehicle may not be towing a trailer, camper, or another vehicle

(4) The audit shall take place in in a mutually agreed location. Any record furnished to the city may exclude information that would tend to identify specific riders.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-6. - Insurance policy.

(a) Any applicant for a taxicab, pedicab, or TNC permit under this article shall before the permit can be issued deliver to the city secretary a certificate of insurance reflecting insurance coverage as herein prescribed and, in the case of multiple vehicles, applications for taxicabs and pedicabs shall include a schedule of vehicles covered by the policy. Said applicant shall keep in full force and effect during the term of the permit a policy of general liability insurance issued by an insurance company fully authorized to do business in this state and performable in this county, insuring the public against any loss or damage that may result to any person or property from the operation of such vehicle or vehicles. The certificates of insurance shall contain a provision that coverage under such policy shall not be canceled or materially changed until at least 30 days prior written notice has been given to the city. Passenger liability exclusions are expressly prohibited. Insurance shall be in the following minimum amounts:

(b) Insurance for taxicabs and pedicabs shall be in the following minimum amounts:

- (1) General liability coverage in the amount of combined single limit of \$500,000.00 per occurrence with an aggregate amount of \$1,000,000.00 covering property damage, bodily injury and personal injury, to secure payment of all lawful and proper claims arising out of the operations of the vehicle for hire service authorized hereunder.

- (2) Automobile insurance policy in the minimum amounts of \$30,000.00 due to bodily injury or death to any one person in any one accident, \$60,000.00 due to such damages or two or more people per accident, and \$25,000.00 because of property damage of others in any one accident. And personal injury property coverage in the amount of \$5,000.00 or the maximum amount available through state assigned risk pool.
- (c) Insurance for TNCs shall be in accordance with Texas Insurance Code, Chapter 1954, Subchapter B, including and as amended from time to time.
 - (1) Between Prearranged Rides. The following automobile liability insurance requirements shall apply during the time that a TNC driver has logged into a TNC's digital network and is available to receive requests for transportation but is not engaged in a prearranged ride:
 - a. Automobile insurance policy in the minimum amounts of \$50,000.00 for bodily injury to or death of one person for one incident, \$100,000.00 for bodily injury to or death of two or more people per accident, and \$25,000.00 for damage or destruction of property of others in any one accident. Personal injury property coverage is required in the amount of \$5,000.00 or the maximum amount available through state assigned risk pool.
 - b. uninsured or underinsured motorist coverage and personal injury protection where required by the Texas Insurance Code, Sections 1952.101, and 1952.152, respectively and as amended.
 - (2) During Prearranged Rides. At the time the TNC driver is engaged in a prearranged ride, the automobile insurance policy must provide at a minimum:
 - a. General Liability coverage in the amount of combined single limit of \$500,000.00 per occurrence with a total aggregate limit of liability of \$1,000,000.00 for death, bodily injury, and property damage for each incident;
 - b. uninsured or underinsured motorist coverage and personal injury protection where required by Texas Insurance Code Sections 1952.101, and 1952.152, respectively and as amended.
 - (3) The coverage requirements of this subsection (c) applicable to TNCs and TNC drivers may be satisfied by any of the following:
 - a. Automobile liability insurance maintained by the TNC driver; or
 - b. Automobile liability insurance maintained by the TNC; or
 - c. Any combination of subparagraphs (a) and (b).
 - (4) In every instance where insurance maintained by a TNC driver to fulfill the insurance requirements of this section has lapsed, failed to provide the required coverage, denied a claim for the required coverage or otherwise ceased to

exist, insurance maintained by a TNC shall provide the coverage required by this section beginning with the first dollar of a claim.

- (c) Insurance required by this section may be satisfied by an insurer authorized to do business in the state or with a surplus lines insurer eligible under V.T.C.A., Insurance Code, Ch. 981.
- (d) In the event that any insurance policy is canceled upon request of the surety or insured, and no insurance policy is filed by the permit holder before cancellation date, the taxicab, pedicab, or TNC service permit shall be automatically suspended until such time the permit holder obtains the required insurance and a copy of the certificate of insurance is delivered to the city secretary.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-7. - Termination; operating permit.

- (a) The city secretary or his designee may revoke or suspend an operating permit upon delivery of written notice to the service operator for any of the following reasons:
 - (1) Failed to comply with any provision of this chapter;
 - (2) Breached any of the terms of the operating permit;
- (b) If the decision is made to revoke or suspend an operating permit, the city secretary or his designee shall issue written notice of such decision. The notice shall include the date of the violation as well as a brief description of the facts giving rise to the revocation or suspension. The notice shall also include the effective date of the revocation or suspension.
- (c) Any decision to revoke or suspend an operating permit may be appealed to the city manager for final determination. The appeal must be made in writing ten days from receipt of the notice of revocation or suspension and filed with the city secretary's office. The filing of a notice of appeal shall stay the revocation or suspension until a final decision is rendered by the city manager.
- (d) Upon notice of appeal the city manager shall schedule a hearing as soon as reasonably practical. The parties may appeal pro se or be represented by counsel. The only issue to be decided at the hearing is whether any violation of this article occurred that would justify revocation or suspension. The standard review shall be a preponderance of the evidence. All decisions made by the city manager shall be in writing and considered a final decision.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-8. - Drivers.

- (a) While on duty, a driver shall conduct himself in a reasonable, prudent and courteous manner.

- (b) All drivers of taxicabs shall be duly licensed under the general laws of the state. No driver or operator of any taxicab or pedicab shall be permitted to drive or operate a taxicab or pedicab unless they have provided a proper and complete driver/operator application and remitted a nonrefundable fee of \$10.00 to the city for processing the application.
- (c) All drivers must possess within the vehicle they are operating their name and color photograph; and readily accessible to be viewed or inspected by the city.
- (d) No driver or operator of any taxicab, pedicab, or TNC vehicle shall permit or allow any more persons to ride in such vehicle than is provided for by its normal seating capacity.
- (e) No driver or operator of any taxicab or pedicab shall have been finally convicted of a felony or the following offenses involving moral turpitude which adversely affects the applicant's ability to provide safe and reliable passenger transportation:
 - (1) Prostitution or related offenses;
 - (2) Driving while intoxicated;
 - (3) Driving while under the influence of drugs;
 - (4) Violations of the Controlled Substances Act;
 - (5) Rape, murder, attempted murder, aggravated assault;
 - (6) Any other felony or other offense such as theft, involving moral turpitude or any other offense which adversely affects the driver's ability to provide safe and reliable passenger transportation.
- (f) All drivers or operators of any taxicab, pedicab, or TNC vehicle shall abide by Section 126-104 of the Code of Ordinances prohibiting the use of hand-held wireless communication devices while driving.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-9. - Inspection and qualification of taxicabs.

Before being allowed to operate upon the streets of the city, each taxicab shall be inspected and approved annually by the chief of police or his representative. No taxicab shall be driven or operated upon the streets of the city unless the same is in safe condition and free from mechanical defects and it must further meet the following requirements:

- (1) Have a current valid state inspection sticker and be in compliance with the safety requirements of the Texas Motor Vehicle Code as amended.
- (2) Have a seat belt for each passenger.
- (3) Have an operating heater and air conditioner.
- (4) Have painted on both sides the trade name of the organization under whose operating permit such taxicab is being operated, the taxicab unit number, and

the business telephone number of the holder of the operating permit. Such letters and numbers shall be not less than three inches high with one-half-inch stroke, painted on each taxicab with permanent, non-washable paint of a color sharply contrasting to the color of the taxicab so that the same will be readily apparent. Vehicles which provide limousine service by prior appointment are not required to have the aforementioned signage.

- (5) Be reasonably free from dirt or rubbish and shall be otherwise clean and sanitary.
- (6) The vehicle identification number and license number of each taxicab must match the numbers listed for that taxicab on the permit application.
- (7) Have a taxi-top light. Vehicles which provide limousine service by prior appointment are not required to have the aforementioned taxi-top light.
- (8) Insignia of taxicab must be the same as that indicated on the permit application. Vehicles which provide limousine service by prior appointment are not required to have insignia.
- (9) Have the name and photograph properly identifying the driver of the vehicle.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-9.5. - Inspection and qualification of pedicabs.

- (a) Before being allowed to operate upon the streets of the city, each pedicab shall be inspected and approved annually by the city. No pedicab shall be driven or operated upon the streets of the city unless the same is in safe condition and free from mechanical defects and it must further meet the following requirements:
 - (1) Battery-operated headlights capable of projecting a beam of light for a distance of 300 feet;
 - (2) Battery-operated taillights which are visible from 500 feet;
 - (3) Turn signals;
 - (4) Rear and side reflective devices, that is approved by the department, and is visible when directly in front of lawful upper beams of motor vehicle headlamps from 50 to 300 feet to the rear of the pedicab;
 - (5) A braking system;
 - (6) A horn, which emits a sound audible under normal conditions at a distance of at least 200 feet;
 - (7) A rearview mirror;
 - (8) A safety flag;
 - (9) A slow moving vehicle emblem; and
 - (10) Reflective vest worn by operator.

- (b) The name of the company operating a pedicab, the telephone number of that company, the manufacturer-recommended maximum number of passenger capacity, and the vehicle unit number approved by the city shall be conspicuously posted on each pedicab at a location designated by the city.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-10. - Color scheme and markings.

Every taxicab or pedicab service shall have its own insignia that is different from those utilized by other permitted taxicab or pedicab services in the city. Vehicles which provide limousine service by prior appointment are not required to have the aforementioned taxi-top light and taximeter.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-11. - Terminal.

Every taxicab and pedicab service operator shall maintain an off street terminal of sufficient size to accommodate all of the taxicabs or pedicabs utilized in the service. The terminal must be located in a properly zoned area located within the corporate limits of the city and must pass inspection with a certificate of occupancy.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-12. - Rates.

- (a) No driver, owner or corporation licensed by the city as a taxicab or pedicab operator or hereinafter granted a license for such operation shall fix or charge a greater or lesser rate of fare than that submitted with the application for permit in the city secretary's office. Such rates must also be prominently published on the applicant's website. Scheduled rates may encompass the following: Mileage; waiting time; extra passengers, if applicable; charter; excessive baggage (exclusive of medically necessary devices); animals, exclusive of animals specially trained to assist the disabled when accompanying such persons. Licensed operators providing planned tours or limousine service by prior appointment will be permitted to establish their own fees for these services, but must inform passengers of the fees when the service is scheduled.
- (b) There shall be posted in a conspicuous place in each licensed taxicab or pedicab a card showing the rates charged by such taxicab or pedicab.
- (c) It shall be unlawful for any person to refuse to pay the legal fare of any of the vehicles mentioned in this chapter after having hired the same.
- (d) If any owner, driver, or operator of any taxicab or pedicab shall refuse to convey a passenger at the rate specified, or shall demand or receive an amount in excess of the posted rates, he shall be guilty of a misdemeanor.

- (e) Changes in any taxicab or pedicab rate schedule shall require notification of the city through the city secretary's office along with justification for any increase 30 days prior to changes being enacted. Rates may not be increased more often than semiannually except for events beyond the control of the owner of the license to operate.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-13. - Refusal to convey passengers.

While operating a taxicab, pedicab, or TNC, a driver shall not refuse to convey a person who requests service unless:

- (1) The person is disorderly;
- (2) The driver is engaged in answering a previous request for service;
- (3) The driver is in fear of his personal safety; or
- (4) The driver believes that transporting the person would damage the vehicle.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-14. - Articles left in taxicabs, pedicabs, or TNC vehicles.

All property left in vehicles by passengers and not returned directly to the passenger(s) shall promptly be delivered to the New Braunfels Police Department, and all such property shall be held by the Police Department until reclaimed by the owner, or disposed of in accordance with state law requirements regarding the disposition of abandoned property.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-15. - Miscellaneous offenses.

- (a) It shall be unlawful for any person engaged in the vehicle for hire business to overcrowd the taxicab, pedicab or TNC vehicle. For the purpose of this section, overcrowded shall mean having more passengers than seat belts in the vehicle or pedicab, or transporting more than the manufacturer-recommended maximum number of passengers in a pedicab.
- (b) It shall be unlawful for any taxicab or pedicab driver to cruise at any time within the city.
- (c) It shall be unlawful for any driver of any taxicab, pedicab or TNC vehicle, or for any other person acting for the driver to seek or solicit patrons or passengers for any such taxicab, pedicab or TNC vehicle by word or sign, directly, or indirectly, while driving any such vehicle for hire over, through, or on any public street or public

place of the city, or while same is parked on any public street or alley of the city, or to repeatedly or persistently drive any taxicab, pedicab or TNC vehicle through, over or on, any public street or places of the city, except in response to calls of prospective passengers or while actually transporting passengers therein.

- (d) It shall be unlawful for a taxicab, pedicab or TNC driver to receive or discharge passengers in the roadway of any street. It is a defense to this section that said driver drove to the right-hand sidewalk, the extreme right-hand side of the road as nearly as practical, or into a driveway or parking lot for such purposes.
- (e) It shall be unlawful for a taxicab, pedicab or TNC driver employed to carry passengers to a definite point to fail to take the most direct route that will carry such passengers safely and expeditiously to their destination.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-16. - Zero tolerance for alcohol or drug use.

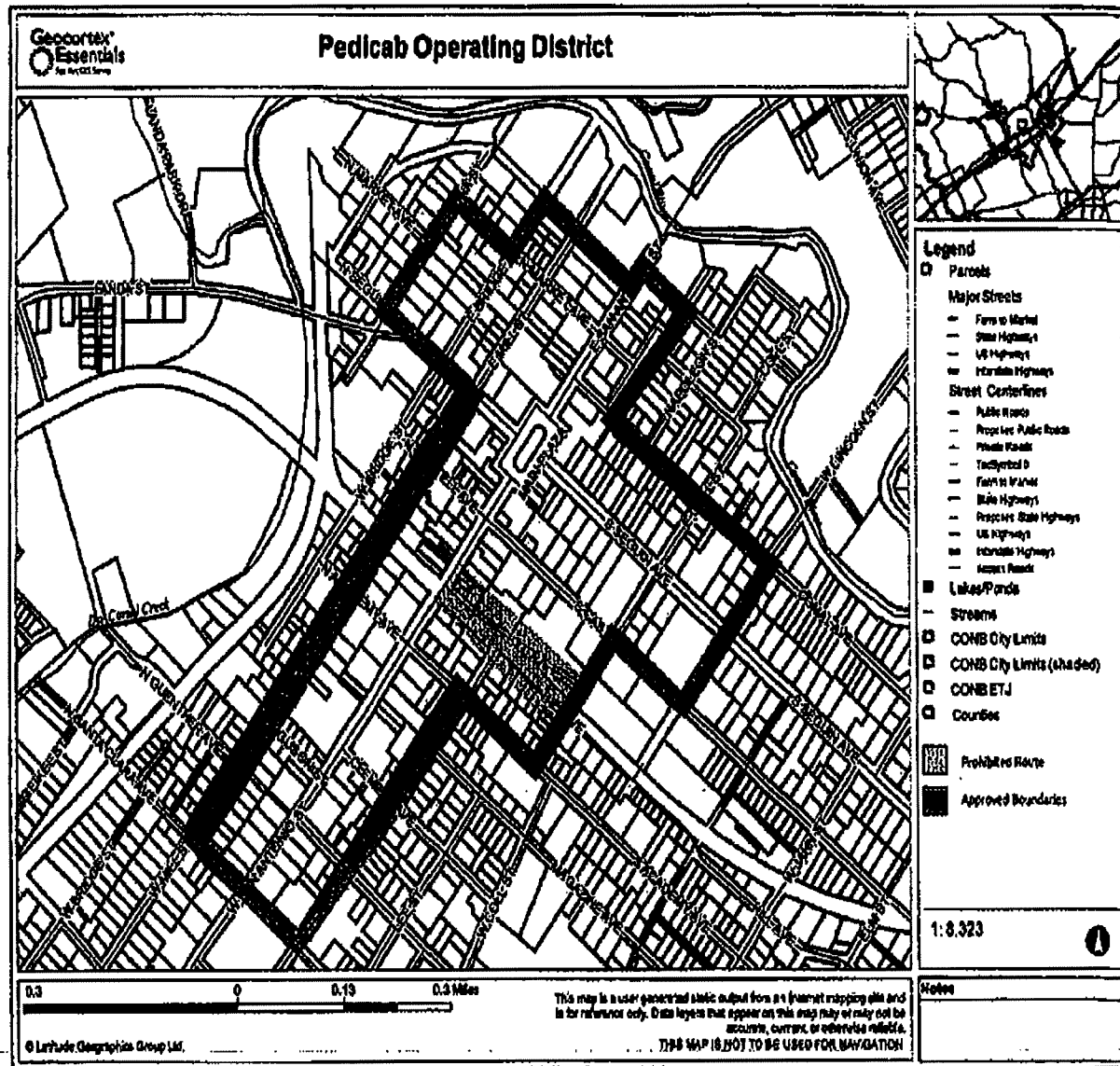
- (a) Taxicabs, Pedicabs, and TNCs shall implement a zero tolerance policy on the use of drugs or alcohol while a driver is providing transportation services and shall provide notice of this policy on its website, as well as procedures to report a complaint about a driver.
- (b) Upon receipt of such passenger complaint alleging a violation of the zero tolerance policy, the taxicab or pedicab company shall immediately suspend such driver, and shall conduct an investigation into the reported incident. The suspension shall last at least for the duration of the investigation.
- (c) A vehicle for hire company shall maintain records relevant to the enforcement of this requirement for a period of at least two years from the date that a passenger complaint is received by the taxicab or pedicab company.

Sec. 138-17. - Pedicab geographical area of service.

Pedicabs shall be permitted to operate, and shall be restricted geographically to the following limited and delineated area, hereafter referred as the "pedicab operating district." the "pedicab operating district" means that area of the city depicted on the following drawing.

No pedicab shall be operated outside of the defined "pedicab operating district" area. However, the city may prohibit operation on any street; if in the opinion of the city manager or his designee conditions warrant such prohibition.

Additional "pedicab operating district" areas of service may be approved and introduced by the city manager or his designee when it would be in the best interest and safety of the general public. This change, development, expansion or removal of "Pedicab Operating District" areas of service may be made with or without notice.



(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-18. – TNC driver background check required.

- (a) Prior to permitting an individual to act as a TNC driver on its digital platform, the TNC shall:
- (1) Require the individual to submit an application to the TNC which includes information regarding his or her address, age, driver's license, driving history, motor vehicle registration, automobile liability insurance, and other information required by the TNC;

- (2) Conduct, or have a third party conduct, a local and national criminal background check for each applicant that shall include:
 - a. Multi-state/Multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search); and
 - b. National Sex Offender Registry database; and
- (3) Obtain and review a driving history research report for such individual.
- (b) The TNC shall not permit an individual to act as a TNC driver on its digital platform who:
 - (1) Has had more than three moving violations in the prior three-year period, or one major violation in the prior three-year period (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license);
 - (2) Has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, and/or class B misdemeanor or higher theft, acts of violence, or acts of terror;
 - (3) Is a match in the National Sex Offender Registry database;
 - (4) Does not possess a valid driver's license;
 - (5) Does not possess proof of registration for the motor vehicle(s) used to provide TNC services;
 - (6) Does not possess proof of automobile liability insurance for the motor vehicle(s) used to provide TNC services; or
 - (7) Is not at least 19 years of age.
- (c) Notification. In the event that a TNC becomes aware of a driver being involved in criminal conduct or driving violations or otherwise becomes ineligible to serve as a driver by virtue of no longer meeting the criteria listed above, the TNC shall immediately terminate the driver's ability to access the platform's application.
- (d) An individual who is authorized to act as a TNC driver on a TNC's digital platform pursuant to the provisions of this section is not required to obtain any operating authority from the City, provided that the TNC whose digital platform it will access holds a TNC operating permit.

Sec. 138-19. - Identification of TNC vehicles and drivers.

Before a TNC ride is accepted, the TNC's software application or website shall display the driver's first name, an accurate picture of the TNC driver, a picture or description of the vehicle, and the license plate number of the motor vehicle utilized for providing the TNC service.

Sec. 138-20. - Zero tolerance for alcohol or drug use.

- (a) The TNC shall implement a zero tolerance policy on the use of drugs or alcohol while a TNC driver is providing TNC services or is logged into the TNC's digital network but is not providing TNC services, and shall provide notice of this policy on its website, as well as procedures to report a complaint about a driver with whom a passenger was matched and whom the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the trip.
- (b) Upon receipt of such passenger complaint alleging a violation of the zero tolerance policy, the TNC shall immediately suspend such TNC driver's access to the TNC's digital platform, and shall conduct an investigation into the reported incident. The suspension shall last at least for the duration of the investigation.
- (c) The TNC shall maintain records relevant to the enforcement of this requirement for a period of at least two years from the date that a passenger complaint is received by the TNC.

Sec. 138-21. - Records required.

- (a) A TNC shall maintain:
 - (1) Individual trip records which must include driver and passenger identity information for at least one year from the date each trip was provided; and
 - (2) TNC driver records at least until the one year anniversary of the date on which a TNC driver's activation on the TNC digital network has ended.
 - (3) Records indicating the make and models of all TNC vehicles operating in the city.
 - (4) Records of background checks for all TNC drivers.
- (b) Within seven business days of the receipt of a duly issued subpoena, court order or warrant relating to investigation of a criminal matter, or within a longer period of time if agreed to by the parties, the TNC shall furnish the requested records to the chief of police. For any non-criminal investigations conducted by the chief of police in his administrative capacity, a TNC will conduct an internal investigation and shall within seven business days or within a longer period of time if agreed to by the parties furnish records in response to a written request related to the underlying complaint, in accordance with its publicly posted privacy policies.

Secs. 138-22—138-30. - Reserved.

ARTICLE II. – RESERVED^[2]

Footnotes:

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Editor's note—Ord. No. 01-10, § II, adopted Feb. 12, 2001, repealed art. II in its entirety. Formerly, art. II pertained to licenses and derived from Code 1961, §§ 25-9—25-21.

AN ACT

relating to the regulation of transportation network companies;
requiring an occupational permit; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 14, Occupations Code, is
amended by adding Chapter 2402 to read as follows:

CHAPTER 2402. TRANSPORTATION NETWORK COMPANIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2402.001. DEFINITIONS. In this chapter:

(1) "Department" means the Texas Department of
Licensing and Regulation.

(2) "Digital network" means any online-enabled
application, website, or system offered or used by a transportation
network company that enables the prearrangement of rides between
passengers and drivers.

(3) "Digitally prearranged ride" means a ride in a
personal vehicle between points chosen by the passenger that is
prearranged through a digital network.

(4) "Personal vehicle" means a vehicle that:
(A) is owned, leased, or otherwise authorized for
use by a driver; and

(B) is not a taxicab, limousine, or other vehicle
regulated by a municipality under Section 215.004, Local Government
Code, or a joint airport board under Section 22.081, Transportation

Code.

(5) "Transportation network company" means a corporation, partnership, sole proprietorship, or other entity that, for compensation, enables a passenger to prearrange with a driver, exclusively through the entity's digital network, a digitally prearranged ride. The term does not include an entity that provides:

(A) street-hail taxicab services;

(B) limousine or other car services arranged by a method other than through a digital network;

(C) shared expense carpool or vanpool arrangements; or

(D) a type of ride service for which:

(i) the fee received by the driver does not exceed the driver's costs of providing the ride; or

(ii) the driver receives a fee that exceeds the driver's costs associated with providing the ride but makes not more than three round-trips per day between the driver's or passenger's place of employment and the driver's or passenger's home.

Sec. 2402.002. NATURE OF TRANSPORTATION NETWORK COMPANIES, DRIVERS, AND VEHICLES. Transportation network companies and drivers logged in to the company's digital network are not common carriers, contract carriers, or motor carriers.

Sec. 2402.003. CONTROLLING AUTHORITY. (a) Notwithstanding any other provision of law, and except as provided by Subsections (b) and (c), the regulation of transportation network companies,

drivers logged in to a digital network, and vehicles used to provide digitally prearranged rides:

(1) is an exclusive power and function of this state;
and

(2) may not be regulated by a municipality or other local entity, including by:

- (A) imposing a tax;
 - (B) requiring an additional license or permit;
 - (C) setting rates;
 - (D) imposing operational or entry requirements;
- or
- (E) imposing other requirements.

(b) An airport owner or operator may impose regulations, including a reasonable fee, on a transportation network company that provides digitally prearranged rides to or from the airport.

(c) The governing body of a governmental entity with jurisdiction over a cruise ship terminal may impose regulations, including a reasonable fee, on a transportation network company that provides digitally prearranged rides to or from the terminal.

(d) Regulations under Subsections (b) and (c) may not:

- (1) conflict with the requirements of this chapter; or
- (2) include requirements for drivers in addition to those under Section 2402.107.

(e) This chapter does not affect the ability of a local authority, as defined by Section 541.002, Transportation Code, to:

- (1) take an action described by Section 542.202, Transportation Code, or otherwise authorized by Subtitle C, Title

1 7, Transportation Code, that allows the local authority to adopt
2 traffic rules in the jurisdiction of the authority if the rules are
3 applied to transportation network company vehicles and drivers in
4 the same manner as non-transportation network company vehicles and
5 drivers; or

6 (2) enforce a provision of Subtitle C, Title 7,
7 Transportation Code, or any other state law relating to the
8 operation of traffic on public roads.

9 Sec. 2402.004. PROVISIONS APPLICABLE TO DRIVERS LOGGED IN
10 TO DIGITAL NETWORK. A provision of this chapter that applies to a
11 driver logged in to a digital network applies while the driver is
12 logged in to receive requests for digitally prearranged rides and
13 while the driver is logged in and providing a digitally prearranged
14 ride.

15 SUBCHAPTER B. PERMIT REQUIRED

16 Sec. 2402.051. PERMIT REQUIRED. (a) A person may not
17 operate a transportation network company in this state without
18 obtaining and maintaining a permit issued under this chapter.

19 (b) The department shall issue a permit to each applicant
20 that meets the requirements of this chapter and pays the fee
21 required by Section 2402.052.

22 Sec. 2402.052. FEE. (a) A transportation network company
23 shall annually pay to the department a fee to maintain a permit
24 under this chapter in an amount determined by department rule to
25 cover the costs of administering this chapter.

26 (b) The department may not impose a fee for:

27 (1) drivers authorized to use a transportation network

1 company's digital network; or

2 (2) vehicles used to provide digitally prearranged
3 rides.

4 SUBCHAPTER C. OPERATION OF TRANSPORTATION NETWORK COMPANIES

5 Sec. 2402.101. INSURANCE REQUIRED. The requirements of
6 Chapter 1954, Insurance Code, apply to transportation network
7 companies and drivers logged in to a digital network.

8 Sec. 2402.102. SHARED RIDES. A digitally prearranged ride
9 may be wholly or partly shared by multiple passengers if the
10 passengers consent to sharing the ride.

11 Sec. 2402.103. FARES. A transportation network company
12 that charges a fare for a digitally prearranged ride shall:

13 (1) disclose to passengers the fare calculation method
14 on the digital network; and

15 (2) before the passenger enters the vehicle for the
16 ride, provide through the digital network to the passenger
17 requesting the ride:

18 (A) the applicable rates being charged; and

19 (B) the option to receive an estimated fare.

20 Sec. 2402.104. DIGITAL NETWORK IDENTIFICATION OF DRIVERS
21 AND VEHICLES TO PASSENGERS. A transportation network company
22 shall, before a passenger enters a vehicle for a digitally
23 prearranged ride, provide through the company's digital network to
24 the passenger requesting the ride:

25 (1) the driver's first name and picture; and

26 (2) the make, model, and license plate number of the
27 driver's vehicle.

1 Sec. 2402.105. ELECTRONIC RECEIPT. Within a reasonable
2 time following the completion of a digitally prearranged ride, the
3 transportation network company whose digital network was used to
4 prearrange the ride shall transmit, through electronic mail or text
5 message, a receipt to the passenger who requested the ride that
6 includes:

- 7 (1) the origin and destination of the ride;
8 (2) the total time and distance of the ride; and
9 (3) an itemization of the total fare paid, if any.

10 Sec. 2402.106. INTOXICATING SUBSTANCE POLICY. (a) A
11 transportation network company shall implement an intoxicating
12 substance policy that prohibits a driver who is logged in to the
13 company's digital network from any amount of intoxication.

14 (b) A transportation network company shall include on its
15 Internet website:

- 16 (1) a notice concerning the company's intoxicating
17 substance policy; and
18 (2) the means to make a complaint about a suspected
19 violation of the policy.

20 (c) On receipt of a passenger complaint alleging a violation
21 of the intoxicating substance policy, a transportation network
22 company shall:

- 23 (1) conduct an investigation into the reported
24 incident; and
25 (2) immediately suspend the driver's access to the
26 company's digital network for the duration of the investigation.

27 (d) A transportation network company shall maintain records

1 relevant to a complaint for a period of at least two years after the
2 date the complaint is received.

3 Sec. 2402.107. DRIVER REQUIREMENTS. (a) Before permitting
4 an individual to log in as a driver on the company's digital
5 network, a transportation network company must:

6 (1) confirm that the individual:

7 (A) is at least 18 years of age;

8 (B) maintains a valid driver's license issued by
9 this state, another state, or the District of Columbia; and

10 (C) possesses proof of registration and
11 automobile financial responsibility for each motor vehicle to be
12 used to provide digitally prearranged rides;

13 (2) conduct, or cause to be conducted, a local, state,
14 and national criminal background check for the individual that
15 includes the use of:

16 (A) a commercial multistate and
17 multijurisdiction criminal records locator or other similar
18 commercial nationwide database; and

19 (B) the national sex offender public website
20 maintained by the United States Department of Justice or a
21 successor agency; and

22 (3) obtain and review the individual's driving record.

23 (b) A transportation network company may not permit an
24 individual to log in as a driver on the company's digital network if
25 the individual:

26 (1) has been convicted in the three-year period
27 preceding the issue date of the driving record obtained under

Subsection (a)(3) of:

(A) more than three offenses classified by the Department of Public Safety as moving violations; or

(B) one or more of the following offenses:

(i) fleeing or attempting to elude a police officer under Section 545.421, Transportation Code;

(ii) reckless driving under Section 545.401, Transportation Code;

(iii) driving without a valid driver's license under Section 521.025, Transportation Code; or

(iv) driving with an invalid driver's license under Section 521.457, Transportation Code;

(2) has been convicted in the preceding seven-year period of any of the following:

(A) driving while intoxicated under Section 49.04 or 49.045, Penal Code;

(B) use of a motor vehicle to commit a felony;

(C) a felony crime involving property damage;

(D) fraud;

(E) theft;

(F) an act of violence; or

(G) an act of terrorism; or

(3) is found to be registered in the national sex offender public website maintained by the United States Department of Justice or a successor agency.

(c) A transportation network company shall conduct or cause to be conducted an annual criminal background check described by

1 Subsection (a)(2) for each driver authorized to access the
2 company's digital network.

3 Sec. 2402.108. DIGITALLY PREARRANGED RIDES ONLY. A driver
4 who is logged in to a digital network may not solicit or provide a
5 ride for compensation unless the passenger has been matched to the
6 driver through the digital network.

7 Sec. 2402.109. PASSENGER ACTING IN UNLAWFUL, DISORDERLY, OR
8 ENDANGERING MANNER. A driver who has accepted a digitally
9 prearranged ride may refuse to transport a passenger acting in an
10 unlawful, disorderly, or endangering manner.

11 Sec. 2402.110. DISPLAY OF DIGITAL IDENTIFICATION. (a) In
12 this section, "digital identification" means information stored on
13 a digital network that may be accessed by a driver and that:

- 14 (1) serves as proof of the identity of the driver;
15 (2) serves as proof that the insurance coverage
16 requirements of Chapter 1954, Insurance Code, are satisfied;
17 (3) displays a photo of the driver;
18 (4) displays an image of the driver's vehicle; and
19 (5) identifies the make, model, and license plate
20 number of the vehicle used by the driver.

21 (b) On request of a law enforcement officer or a government
22 official enforcing or administering this chapter, a driver
23 providing a digitally prearranged ride shall:

- 24 (1) display the driver's digital identification; and
25 (2) display electronic proof that the ride was matched
26 through the digital network.

27 (c) This section does not require a driver to relinquish

possession of the electronic device containing the digital identification.

Sec. 2402.111. VEHICLE REQUIREMENTS. (a) A transportation network company shall, for each motor vehicle used by a driver to provide digitally prearranged rides through the company's digital network:

(1) require the vehicle to meet the requirements of Chapter 548, Transportation Code; and

(2) confirm that the vehicle has:

(A) four doors; and

(B) a maximum passenger capacity of not more than eight people, including the driver.

(b) A vehicle used to provide digitally prearranged rides may be owned, leased, or rented by, or otherwise made available to, the driver.

(c) Section 547.607, Transportation Code, does not apply to a personal vehicle used to provide digitally prearranged rides.

Sec. 2402.112. NONDISCRIMINATION; ACCESSIBILITY. (a) A transportation network company shall adopt a policy that prohibits a driver logged in to the company's digital network from:

(1) discriminating on the basis of a passenger's or potential passenger's location or destination, race, color, national origin, religious belief or affiliation, sex, disability, or age; and

(2) refusing to provide service to a potential passenger with a service animal.

(b) For the purposes of Subsection (a), "sex" means the

1 physical condition of being male or female.

2 (c) A transportation network company shall notify each
3 person authorized to log in as a driver on the company's digital
4 network of the nondiscrimination policy. A driver logged in to the
5 company's digital network shall comply with the nondiscrimination
6 policy.

7 (d) A transportation network company may not impose an
8 additional charge for transportation of individuals with physical
9 disabilities because of those disabilities.

10 (e) A transportation network company shall provide a
11 passenger an opportunity to indicate whether the passenger requires
12 a wheelchair-accessible vehicle. If a wheelchair-accessible
13 vehicle cannot be provided, the company shall direct the requesting
14 passenger to an alternate provider of wheelchair-accessible
15 service, if available.

16 Sec. 2402.113. ACCESSIBILITY PILOT PROGRAM. (a) Each
17 transportation network company shall conduct, for a period of two
18 years beginning not later than the 90th day after the date the
19 company is issued a permit under Section 2402.051, an accessibility
20 pilot program in one of the four largest markets in which the
21 company operates in this state to:

22 (1) offer their services to disabled persons,
23 including disabled persons using a fixed-frame wheelchair; and

24 (2) ensure that, if necessary, referrals to alternate
25 providers of wheelchair-accessible service are made in a manner
26 that does not unreasonably delay the provision of service.

27 (a-1) Notwithstanding Subsection (a), a transportation

1 network company that is issued a permit under Section 2402.051 on or
2 before January 1, 2018, shall begin the pilot program under
3 Subsection (a) not later than that date. This subsection expires
4 January 1, 2020.

5 (b) Not later than the 100th day after the date a
6 transportation network company begins a pilot program under
7 Subsection (a), the company shall submit to the department a report
8 demonstrating the company's compliance with Subsection (a).

9 (c) A transportation network company shall provide a report
10 on the findings of the company's pilot program to each legislative
11 standing committee with primary jurisdiction over transportation
12 not later than the 75th day after the date the program ends. At a
13 minimum, the report must include information regarding:

14 (1) the number of vehicles equipped to accommodate a
15 passenger with a fixed-frame wheelchair that were available through
16 the company's digital network in the market in which the pilot
17 program was conducted at the time the program ended;

18 (2) the average time elapsed between the time a
19 fixed-frame wheelchair-bound passenger requested a ride and the
20 time the ride began;

21 (3) the number of rides provided to fixed-frame
22 wheelchair-bound passengers during the duration of the program; and

23 (4) the number of instances in which the company
24 referred a fixed-frame wheelchair-bound passenger to another
25 provider because the passenger could not be accommodated by the
26 company.

27 (d) The department:

1 (1) shall:

2 (A) by rule establish requirements for a report
3 under Subsection (b); and

4 (B) provide the transportation network company
5 with notice of those requirements at the time the department issues
6 the company's permit; and

7 (2) may revoke the company's permit for failure to
8 timely submit a report required under this section.

9 Sec. 2402.114. DRIVERS AS INDEPENDENT CONTRACTORS. A
10 driver who is authorized to log in to a transportation network
11 company's digital network is considered an independent contractor
12 for all purposes, and not an employee of the company in any manner,
13 if:

14 (1) the company does not:

15 (A) prescribe the specific hours during which the
16 driver is required to be logged in to the company's digital network;

17 (B) impose restrictions on the driver's ability
18 to use other transportation network companies' digital networks;

19 (C) limit the territory within which the driver
20 may provide digitally prearranged rides; or

21 (D) restrict the driver from engaging in another
22 occupation or business; and

23 (2) the company and the driver agree in writing that
24 the driver is an independent contractor.

25 Sec. 2402.115. AGREEMENTS WITH LOCAL ENTITIES FOR LARGE
26 EVENTS. Notwithstanding Section 2402.003, a municipality or other
27 local entity may contract with a transportation network company

operating in the municipality's or entity's jurisdiction for the coordination of large events occurring in the municipality's or entity's jurisdiction. An agreement under this section:

(1) may not exclude a transportation network company holding a permit under this chapter from providing services at the event; and

(2) must have comparable terms for each company providing services at the event.

SUBCHAPTER D. RECORDS AND OTHER INFORMATION

Sec. 2402.151. RETENTION AND SUBMISSION OF RECORDS. (a) A transportation network company shall maintain:

(1) records evidencing compliance with the requirements of this chapter for a period of two years;

(2) individual ride records for at least five years after the date the ride was provided; and

(3) driver records for at least five years after the date the driver ceases to be authorized to log in as a driver on the company's digital network.

(b) The department shall provide a means for information required to be submitted for the purposes of this chapter to be submitted electronically.

Sec. 2402.152. COLLECTION, USE, OR DISCLOSURE OF RECORDS AND OTHER COMPANY INFORMATION. (a) Any records, data, or other information disclosed to a public entity in this state, including the department, by a transportation network company, including names, addresses, and any other personally identifiable information of drivers is not subject to disclosure under Chapter

1 [552](#), Government Code.

2 **(b) A public entity, including the department, may not**
3 **disclose any records, data, or other information provided by a**
4 **transportation network company under this chapter to a third party**
5 **except in compliance with a court order or subpoena. If information**
6 **provided under this chapter is sought through a court order or**
7 **subpoena, the public entity shall promptly notify the**
8 **transportation network company to afford the company the**
9 **opportunity to take actions to prevent disclosure.**

10 **(c) In collecting, using, or disclosing any records, data,**
11 **or other information submitted by a transportation network company**
12 **under this chapter, a public entity, including the department,**
13 **shall:**

14 **(1) consider the potential risks to the privacy of the**
15 **individuals whose information is being collected, used, or**
16 **disclosed;**

17 **(2) ensure that the information to be collected, used,**
18 **or disclosed is necessary, relevant, and appropriate to the proper**
19 **administration of this chapter; and**

20 **(3) take all reasonable measures and make all**
21 **reasonable efforts to protect, secure, and, where appropriate,**
22 **encrypt or limit access to the information.**

23 **(d) A transportation network company required to submit,**
24 **disclose, or otherwise provide personally identifiable information**
25 **of drivers to a public entity of this state, including the**
26 **department, is not liable in any civil or criminal action for any**
27 **unauthorized disclosure, misuse, alteration, destruction, access**

or acquisition, or use of the information that occurs while the information is in the possession of any public entity of this state.

Sec. 2402.153. DISCLOSURE OF PASSENGER INFORMATION. (a) A transportation network company may disclose a passenger's personal identifying information to a third party only if:

(1) the passenger consents;

(2) the disclosure is required by a legal obligation;

or

(3) the disclosure is required to:

(A) protect or defend the terms of use of the transportation network company service; or

(B) investigate a violation of those terms.

(b) Notwithstanding Subsection (a), a transportation network company may share a passenger's name with a driver accessing the company's digital network to facilitate:

(1) identification of the passenger by the driver; or

(2) communication between the passenger and the driver.

Sec. 2402.154. DATA SHARING WITH MUNICIPALITY. A municipality and a transportation network company may voluntarily enter into an agreement under which the company shares the company's data with the municipality.

SUBCHAPTER E. ENFORCEMENT

Sec. 2402.201. PERMIT SUSPENSION OR REVOCATION. The department may suspend or revoke a permit issued to a transportation network company that violates a provision of this chapter.

1 SECTION 2. A transportation network company operating under
2 a municipal ordinance in a municipality of this state immediately
3 before the effective date of this Act may operate at any location in
4 this state without the permit required under Section 2402.051,
5 Occupations Code, as added by this Act, until the later of:

6 (1) the 30th day after the date rules adopted by the
7 Texas Department of Licensing and Regulation to administer Section
8 2402.051 become effective; or

9 (2) the date the company's application for a permit
10 under Section 2402.051 submitted to the department before the date
11 described by Subdivision (1) of this section is approved or denied.

12 SECTION 3. On the effective date of this Act, any
13 municipality's or other local entity's ordinance or policy related
14 to transportation network companies or drivers authorized to access
15 transportation network companies' digital networks is void and has
16 no effect.

17 SECTION 4. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 100 was passed by the House on April 20, 2017, by the following vote: Yeas 110, Nays 35, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 100 was passed by the Senate on May 17, 2017, by the following vote: Yeas 21, Nays 9.

Secretary of the Senate

APPROVED: _____
Date

Governor

ORDINANCE NO. 2017 - ____

AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE CODE OF ORDINANCES CHAPTER 138, "VEHICLES FOR HIRE," BY REPEALING PORTIONS OF ARTICLE I AND REPLACING IT WITH A NEW ARTICLE I; REPEALING ALL LAWS IN CONFLICT; PROVIDING A SAVINGS CLAUSE AND SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the State Legislature adopted House Bill 100 which states that regulation of transportation network companies, drivers, and vehicles, is an exclusive power and function of the state and may not be regulated by a municipality.

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

SECTION 1: The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2: That Chapter 138 Article I of the New Braunfels Code of Ordinances shall be amended to hereinafter read as displayed in Attachment A.

SECTION 3: All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only. 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 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 5: In accordance with the provisions of Section 3.10 of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

SECTION 6: This Ordinance shall become adopted and effective immediately.

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

PASSED AND APPROVED: Second reading this ____ 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

Chapter 138 - VEHICLES FOR HIRE^[1]

Footnotes:

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Cross reference— Businesses, ch. 18; floods, ch. 58; signs, ch. 106; streets, sidewalks and other public places, ch. 114; traffic and vehicles, ch. 126.

State Law reference— Home rule powers, Vernon's Ann. Civ. St. art. 1175; municipal regulation of taxicabs, V.T.C.A., Local Government Code § 215.004; driver's license, Vernon's Ann. Civ. St. art. 6687b; municipal regulation of vehicles carrying passengers or freight for compensation, V.T.C.A., Local Government Code § 215.073; permit fee or street rental charge based on gross receipts, Vernon's Ann. Civ. St. art. 6698.

ARTICLE I. - IN GENERAL – Taxicabs ~~and~~ Pedicabs.

Sec. 138-1. - Definitions.

For the purpose of this section the following words and phrases have the meanings respectively ascribed to them:

Applicant. Any individual, firm or corporation in the process of attaining either a license to operate or a city taxi or pedicab driver permit.

City. The City of New Braunfels, Texas.

Cruise or cruising. The movement of unoccupied taxicabs over the public streets of the city, or pedicabs operating within their defined and limited geographical service area as defined in section 138-16, in search of or soliciting prospective passengers for hire; provided however unoccupied taxicabs or pedicabs proceeding to answer a telephone call for taxicab or pedicab service from an intending passenger, and taxicabs or pedicabs returning to the place where such taxicabs or pedicabs are housed or to the place of discharge of the passenger or passengers, shall not be considered to be cruising.

Digital network. Any online-enabled application software, website, or system offered or used by a transportation network company that enables a prearranged ride with a transportation network company driver.

Driver. An individual who drives or operates a taxicab ~~or~~ pedicab.

Holder. A person or company that is granted an annual operating permit to operate a taxicab ~~or~~ pedicab service under the provisions of this chapter.

Limousine. A luxury motor vehicle as defined by the original manufacturer with a partition separating the driver from the passenger compartment and is considered a taxicab for the purposes of this ordinance.

Limousine service. A business providing luxury ground transportation with a stretch limousine.

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Manifest. A daily record prepared by a taxicab or pedicab driver of all trips made by such driver showing time and place of origin, destination, number of passengers and the amount of fare for passengers.

Operate. To drive or be in physical control of a taxicab or pedicab.

Operating permit. Permission granted by the city to operate a taxicab or pedicab service inside the city for a period of one year, renewable under the provisions of this chapter.

Operator. The driver of a taxicab or pedicab, the owner of a taxicab or pedicab, or the holder of an annual operating permit.

Overcrowding. Transporting a greater number of people in the vehicle than has been recommended by the manufacturer of the vehicle or for whom there is no seat belt, inclusive of the driver.

Person. An individual, corporation, agency, trust, partnership, or two or more persons having a joint or common economic interest.

Pedicab. A device with three or more wheels propelled exclusively by human power exerted through a belt, chain, or gears capable of carrying a driver and one or more passengers on a platform made a part of the device.

Pedicab service. A ground transportation service operated for hire, operating within a defined and limited geographical service area as defined in section 138-16, which uses pedicabs in the operation of the service and includes, but is not limited to, a facility from which the service is operated, pedicabs used in the operation of the service, and a person who owns and/or operates said service.

Taxicab. A chauffeured motor vehicle used to transport persons for hire on a call or demand basis, or in the case of limousine service by prior appointment, upon the streets of the city with the following exceptions:

- (1) A vehicle being operated pursuant to a permit issued by the city, or pursuant to a franchise or permit legally issued by the railroad commission of the state, or pursuant to permission duly granted by the proper authority of the city for a vehicle to operate over a regular route, upon a set schedule or pursuant to any permission duly granted by the city council, or a vehicle being operated as a chartered bus under a contract to carry 15 or more passengers;
- (2) A vehicle being operated as a "water recreation shuttle" pursuant to sections 138-166 through 138-170 of this Code;
- (3) Vehicles being used as ambulances;
- (4) Vehicles rented or leased for self-operation by the person actually driving the same, unless such a vehicle is transporting for compensation persons other than the one who actually rented or leased the same;
- (5) Horse drawn carriages; or
- (6) Pedicabs.

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Deleted: Personal vehicle. Also referred to as TNC vehicle, it is a vehicle that is used by a transportation network company driver and is owned, leased, or otherwise authorized for use by the driver; and not a taxicab, pedicab or similar vehicle for hire. ¶

Deleted: . Prearranged ride. Transportation provided by a transportation network company driver to a transportation network company rider, beginning at the time a driver accepts a ride requested by a rider through a digital network controlled by a transportation network and ending at the time the last requesting rider departs from the driver's personal vehicle. The term does not include: ¶
- (a) a shared expense carpool or vanpool arrangement or service; or ¶
- (b) transportation provided using a taxicab, pedicab or similar vehicle for hire.¶

Taxicab service operator. Any person who has the control, direction, maintenance and the benefit of the revenue derived from the operation of taxicabs on or over the streets of the city.

Taximeter. A device that automatically computes a taxi fare based upon the distances traveled or the time the taxicab is engaged or both.

Terminal. The depot at which place the taxicabs or pedicabs shall be housed or parked, and at which place the telephone calls and requests for service shall be made, and at which place a dispatcher shall control the movements of the taxicabs or pedicabs to the points of request for taxicab or pedicab service; this word shall likewise be synonymous with taxi or pedicab terminal and shall mean and embrace that space and area of land and buildings off of the streets of the city, and upon private property and shall be and constitute the main office of the owner and taxicab or pedicab operator.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-2. - Annual permit required.

- (a) No person shall drive, operate, or cause to be operated, nor shall any person employ, permit or allow another to drive, operate, or cause to be operated, any taxicab, or pedicab upon any street in the city for the purpose of transporting a passenger or passengers for compensation, nor shall any person accept compensation for the transportation of passengers without first having obtained from the city under the provisions of this chapter, an operating permit authorizing such operation and acts.
- (b) Exception: A vehicle which is lawfully transporting a passenger or passengers from a point outside the city to a destination within the city, or, after discharging such a passenger within the city, is returning empty by the most direct route to its regular place of business outside the city is not required to obtain an operating permit from the City; provided, however, that no such vehicle for hire without such operating permit shall solicit or accept a passenger or passengers from any point within the city for transportation to any destination whatsoever, and no such vehicle for hire without such operating permit shall remain waiting for more than 60 minutes at any point in the city for a passenger brought in by it for the purpose of continuing the journey of such passenger or for any other purpose except to have repairs made upon it at a garage or other place where automotive repairs are customarily made.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-3. - Transferability of operating permit.

Deleted: Transportation Network Company (TNC). An organization whether a corporation, partnership, sole proprietor, or other form, that provides on-demand transportation services for compensation using an online-enabled application (app) or platform to connect passengers with drivers. ¶

Transportation Network Company (TNC) Driver. An individual who operates a motor vehicle that is: ¶

(1) . Owned, leased or otherwise authorized for use by the individual;¶

(2) . Used to provide Transportation Network Company services.¶

Transportation Network Company (TNC) Services. Transportation of a passenger between points chosen by the passenger and prearranged with a TNC driver through the use of a TNC digital network or software application. TNC services shall begin when a TNC driver accepts a request for transportation received through the TNC's digital network or software application service, continue while the TNC driver transports the passenger in the TNC driver's vehicle, and end when the passenger exits the TNC driver's vehicle. TNC service is not a taxicab or street hail service.¶

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Deleted: No person shall operate a digital network which connects prospective passengers with TNC drivers who without first having obtained from the city under the provisions of this chapter a TNC operating permit authorizing such operation and acts.¶
(c) .

Permits issued under the provisions of this chapter may not be transferred to another person or entity.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-4. - Application for operating permit.

- (a) Application for a taxicab ~~or pedicab~~ permit shall be filed with the city secretary on a form provided by the city secretary. That applicant must be the person who will own, control, or operate the proposed taxicab ~~or pedicab~~ service. Completed applications shall be filed annually with the city secretary or else the applicant will not be permitted to operate while the permit is being renewed. All applications must be received by the City Secretary at least 30 calendar days before the expiration of the current permit, or else the application may not be processed in time and may cause a lapse in the permit cycle. Applications will not be accepted from December 23 through December 31.

The applicant shall provide the following information on the form provided by the city secretary:

- (1) Name of owner, or person by whom such permit is desired;
- (2) Name, address and telephone number of company;
- (3) If corporation, name and address of major officers of corporation and major stockholders;
- (4) If partnership or association, trade, partnership, or association name, name and address of partners;
- (5) If sole proprietorship, name and address of owner;
- (6) Documentary evidence from an insurance company, authorized to do business in the State of Texas, indicating a willingness to provide liability insurance required by this section;
- (7) A statement that the applicant and its drivers has not been finally convicted of any felony or other offense involving moral turpitude which adversely affects the applicant's ability to provide safe and reliable passenger transportation;
- (8) Description of make, horsepower, vehicle identification or factory number, the seating capacity, vehicle owner's name and address, and license number of every vehicle to be used as a taxicab or pedicab;
- (9) Names, addresses, date of birth, driver's license number, and a current Texas Department of Public Safety 3A Driving Record for each driver operating vehicles for the company. Such information shall be kept current during the year. Failure to provide such information to the city secretary for each driver operating a taxicab within the city shall be grounds for revoking the taxicab service permit;
- (10) A schedule of rates to be charged to passengers;

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(11) Description of any past business experience of the applicant, particularly in providing passenger transportation services, identification and description of any revocation or suspension of a franchise or permit held by the applicant or business before the date of filing the applicant;

(12) The description of the proposed insignia and color scheme for the applicant's taxicabs or pedicab.

- (b) The application shall include a sworn statement by the applicant that all information provided in the application is true and correct.
- (c) Each taxicab and pedicab application shall be accompanied by an annual nonrefundable permit fee of \$150.00 plus an additional fee of \$50.00 per vehicle to defray the expense of carrying out the provisions of this article.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-5. - Issuance of permit.

(a) Taxicabs and Pedicabs. The city secretary shall issue to each applicant a service permit for each vehicle upon the filing of written proof of insurance as required herein and upon a determination that all requirements of this article have been met. The service permit shall be issued for 12 months. The taxicab or pedicab service permit shall state the 12-month time period for which it is valid; that said vehicle is a taxicab or pedicab; the make of the vehicle, the vehicle identification number, and the current license plate number; and that all city taxes on the vehicle have been paid. No permit will be granted unless:

- (1) The holder of the operating taxicab permit provides taxicab service to the entire city; pedicab permit holders provide pedicab service within their defined geographical area of service as defined in section 138-16; and
- (2) The holder of the operating permit provides taxicab or pedicab service at a minimum between the hours of 7:00 a.m. and 11:00 p.m. seven days a week, except when the services provided are limousine services by prior appointment; and
- (3) The holder of the operating permit provides proof of minimum insurance for each taxicab or pedicab.
- (4) The holder of an operating permit pays the annual operating permit fee.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-6. - Insurance policy.

- (a) Any applicant for a taxicab or pedicab permit under this article shall before the permit can be issued deliver to the city secretary a certificate of insurance reflecting insurance coverage as herein prescribed and, in the case of multiple vehicles,

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Deleted: (d) . Each TNC application shall be accompanied by an annual nonrefundable permit fee of \$500.00 to defray the expense of carrying out the provisions of this article.¶

Deleted: (b) Transportation Network Companies. The city secretary shall issue to each TNC applicant an operating permit upon a determination that all requirements of this chapter have been met. The service permit shall be issued for no more than 12 months. The TNC service permit shall state the 12-month time period for which it is valid. No permit will be granted unless:¶
(1) . The holder of an operating permit pays the annual operating permit fee of \$500.¶
(2) . The holder of the operating permit complies with the insurance requirements as described in Section 138-6.¶
(3) . For the sole purpose of verifying that a TNC is in compliance with the requirements of this Chapter, the holder of the operating permit agrees to be audited annually by the City's Finance Department. The City shall have the right to visually inspect a sample of records regarding TNC drivers and vehicles in New Braunfels, chosen randomly by the City, that the TNC is required to maintain, including but not limited to:¶
a. maintenance of insurance requirements;¶
b. completion of background checks and maintenance of said records;¶
c. timely communication by the TNC to the city regarding any noncompliance of this Chapter;¶
d. compliance with mandatory vehicle standards as follows:¶
1. 2002 model vehicle, or newer;¶
2. current Texas inspection sticker;¶
3. four door vehicle;¶
4. insured as required by state law and the standards of this Chapter; and ¶
5. vehicle may not be towing a trailer, camper, or another vehicle¶
(4) . The audit shall take place in a mutually agreed location. Any record furnished to the city may exclude information that would tend to identify specific riders.¶

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applications for taxicabs and pedicabs shall include a schedule of vehicles covered by the policy. Said applicant shall keep in full force and effect during the term of the permit a policy of general liability insurance issued by an insurance company fully authorized to do business in this state and performable in this county, insuring the public against any loss or damage that may result to any person or property from the operation of such vehicle or vehicles. The certificates of insurance shall contain a provision that coverage under such policy shall not be canceled or materially changed until at least 30 days prior written notice has been given to the city. Passenger liability exclusions are expressly prohibited. Insurance shall be in the following minimum amounts:

(b) Insurance for taxicabs and pedicabs shall be in the following minimum amounts:

- (1) General liability coverage in the amount of combined single limit of \$500,000.00 per occurrence with an aggregate amount of \$1,000,000.00 covering property damage, bodily injury and personal injury, to secure payment of all lawful and proper claims arising out of the operations of the vehicle for hire service authorized hereunder.
- (2) Automobile insurance policy in the minimum amounts of \$30,000.00 due to bodily injury or death to any one person in any one accident, \$60,000.00 due to such damages or two or more people per accident, and \$25,000.00 because of property damage of others in any one accident. And personal injury property coverage in the amount of \$5,000.00 or the maximum amount available through state assigned risk pool.

(c) Insurance required by this section may be satisfied by an insurer authorized to do business in the state or with a surplus lines insurer eligible under V.T.C.A., Insurance Code, Ch. 981.

(d) In the event that any insurance policy is canceled upon request of the surety or insured, and no insurance policy is filed by the permit holder before cancellation date, the taxicab, pedicab, or TNC service permit shall be automatically suspended until such time the permit holder obtains the required insurance and a copy of the certificate of insurance is delivered to the city secretary.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-7. - Termination; operating permit.

(a) The city secretary or his designee may revoke or suspend an operating permit upon delivery of written notice to the service operator for any of the following reasons:

- (1) Failed to comply with any provision of this chapter;
- (2) Breached any of the terms of the operating permit;

(b) If the decision is made to revoke or suspend an operating permit, the city secretary or his designee shall issue written notice of such decision. The notice shall include the date of the violation as well as a brief description of the facts giving rise to the

Deleted: (c) Insurance for TNCs shall be in accordance with Texas Insurance Code, Chapter 1954, Subchapter B, including and as amended from time to time.¶

(1) . Between Prearranged Rides. The following automobile liability insurance requirements shall apply during the time that a TNC driver has logged into a TNC's digital network and is available to receive requests for transportation but is not engaged in a prearranged ride: ¶

a. . Automobile insurance policy in the minimum amounts of \$50,000.00 for bodily injury to or death of one person for one incident, \$100,000.00 for bodily injury to or death of two or more people per accident, and \$25,000.00 for damage or destruction of property of others in any one accident. Personal injury property coverage is required in the amount of \$5,000.00 or the maximum amount available through state assigned risk pool. ¶

b. . uninsured or underinsured motorist coverage and personal injury protection where required by the Texas Insurance Code, Sections 1952.101, and 1952.152, respectively and as amended.¶

(2) . During Prearranged Rides. At the time the TNC driver is engaged in a prearranged ride, the automobile insurance policy must provide at a minimum:¶

a. . General Liability coverage in the amount of combined single limit of \$500,000.00 per occurrence with a total aggregate limit of liability of \$1,000,000.00 for death, bodily injury, and property damage for each incident; ¶

b. . uninsured or underinsured motorist coverage and personal injury protection where required by Texas Insurance Code Sections 1952.101, and 1952.152, respectively and as amended.¶

(3) . The coverage requirements of this subsection (c) applicable to TNCs and TNC drivers may be satisfied by any of the following:¶

a. . Automobile liability insurance maintained by the TNC driver; or¶

b. . Automobile liability insurance maintained by the TNC; or¶

c. . Any combination of subparagraphs (a) and (b).¶

(4) In every instance where insurance maintained by a TNC driver to fulfill the insurance requirements of this section has lapsed, failed to provide the required coverage, denied a claim for the required coverage or otherwise ceased to exist, insurance maintained by a TNC shall provide the coverage required by this section beginning with the first dollar of a claim. ¶

revocation or suspension. The notice shall also include the effective date of the revocation or suspension.

- (c) Any decision to revoke or suspend an operating permit may be appealed to the city manager for final determination. The appeal must be made in writing ten days from receipt of the notice of revocation or suspension and filed with the city secretary's office. The filing of a notice of appeal shall stay the revocation or suspension until a final decision is rendered by the city manager.
- (d) Upon notice of appeal the city manager shall schedule a hearing as soon as reasonably practical. The parties may appeal pro se or be represented by counsel. The only issue to be decided at the hearing is whether any violation of this article occurred that would justify revocation or suspension. The standard review shall be a preponderance of the evidence. All decisions made by the city manager shall be in writing and considered a final decision.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-8. - Drivers.

- (a) While on duty, a driver shall conduct himself in a reasonable, prudent and courteous manner.
- (b) All drivers of taxicabs shall be duly licensed under the general laws of the state. No driver or operator of any taxicab or pedicab shall be permitted to drive or operate a taxicab or pedicab unless they have provided a proper and complete driver/operator application and remitted a nonrefundable fee of \$10.00 to the city for processing the application.
- (c) All drivers must possess within the vehicle they are operating their name and color photograph; and readily accessible to be viewed or inspected by the city.
- (d) No driver or operator of any taxicab, pedicab, or TNC vehicle shall permit or allow any more persons to ride in such vehicle than is provided for by its normal seating capacity.
- (e) No driver or operator of any taxicab or pedicab shall have been finally convicted of a felony or the following offenses involving moral turpitude which adversely affects the applicant's ability to provide safe and reliable passenger transportation:
 - (1) Prostitution or related offenses;
 - (2) Driving while intoxicated;
 - (3) Driving while under the influence of drugs;
 - (4) Violations of the Controlled Substances Act;
 - (5) Rape, murder, attempted murder, aggravated assault;
 - (6) Any other felony or other offense such as theft, involving moral turpitude or any other offense which adversely affects the driver's ability to provide safe and reliable passenger transportation.

- (f) All drivers or operators of any taxicab, pedicab, or TNC vehicle shall abide by Section 126-104 of the Code of Ordinances prohibiting the use of hand-held wireless communication devices while driving.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-9. - Inspection and qualification of taxicabs.

Before being allowed to operate upon the streets of the city, each taxicab shall be inspected and approved annually by the chief of police or his representative. No taxicab shall be driven or operated upon the streets of the city unless the same is in safe condition and free from mechanical defects and it must further meet the following requirements:

- (1) Have a current valid state inspection sticker and be in compliance with the safety requirements of the Texas Motor Vehicle Code as amended.
- (2) Have a seat belt for each passenger.
- (3) Have an operating heater and air conditioner.
- (4) Have painted on both sides the trade name of the organization under whose operating permit such taxicab is being operated, the taxicab unit number, and the business telephone number of the holder of the operating permit. Such letters and numbers shall be not less than three inches high with one-half-inch stroke, painted on each taxicab with permanent, non-washable paint of a color sharply contrasting to the color of the taxicab so that the same will be readily apparent. Vehicles which provide limousine service by prior appointment are not required to have the aforementioned signage.
- (5) Be reasonably free from dirt or rubbish and shall be otherwise clean and sanitary.
- (6) The vehicle identification number and license number of each taxicab must match the numbers listed for that taxicab on the permit application.
- (7) Have a taxi-top light. Vehicles which provide limousine service by prior appointment are not required to have the aforementioned taxi-top light.
- (8) Insignia of taxicab must be the same as that indicated on the permit application. Vehicles which provide limousine service by prior appointment are not required to have insignia.
- (9) Have the name and photograph properly identifying the driver of the vehicle.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-9.5. - Inspection and qualification of pedicabs.

- (a) Before being allowed to operate upon the streets of the city, each pedicab shall be inspected and approved annually by the city. No pedicab shall be driven or

operated upon the streets of the city unless the same is in safe condition and free from mechanical defects and it must further meet the following requirements:

- (1) Battery-operated headlights capable of projecting a beam of light for a distance of 300 feet;
 - (2) Battery-operated taillights which are visible from 500 feet;
 - (3) Turn signals;
 - (4) Rear and side reflective devices, that is approved by the department, and is visible when directly in front of lawful upper beams of motor vehicle headlamps from 50 to 300 feet to the rear of the pedicab;
 - (5) A braking system;
 - (6) A horn, which emits a sound audible under normal conditions at a distance of at least 200 feet;
 - (7) A rearview mirror;
 - (8) A safety flag;
 - (9) A slow moving vehicle emblem; and
 - (10) Reflective vest worn by operator.
- (b) The name of the company operating a pedicab, the telephone number of that company, the manufacturer-recommended maximum number of passenger capacity, and the vehicle unit number approved by the city shall be conspicuously posted on each pedicab at a location designated by the city.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-10. - Color scheme and markings.

Every taxicab or pedicab service shall have its own insignia that is different from those utilized by other permitted taxicab or pedicab services in the city. Vehicles which provide limousine service by prior appointment are not required to have the aforementioned taxi-top light and taximeter.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-11. - Terminal.

Every taxicab and pedicab service operator shall maintain an off street terminal of sufficient size to accommodate all of the taxicabs or pedicabs utilized in the service. The terminal must be located in a properly zoned area located within the corporate limits of the city and must pass inspection with a certificate of occupancy.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-12. - Rates.

- (a) No driver, owner or corporation licensed by the city as a taxicab or pedicab operator or hereinafter granted a license for such operation shall fix or charge a greater or lesser rate of fare than that submitted with the application for permit in the city secretary's office. Such rates must also be prominently published on the applicant's website. Scheduled rates may encompass the following: Mileage; waiting time; extra passengers, if applicable; charter; excessive baggage (exclusive of medically necessary devices); animals, exclusive of animals specially trained to assist the disabled when accompanying such persons. Licensed operators providing planned tours or limousine service by prior appointment will be permitted to establish their own fees for these services, but must inform passengers of the fees when the service is scheduled.
- (b) There shall be posted in a conspicuous place in each licensed taxicab or pedicab a card showing the rates charged by such taxicab or pedicab.
- (c) It shall be unlawful for any person to refuse to pay the legal fare of any of the vehicles mentioned in this chapter after having hired the same.
- (d) If any owner, driver, or operator of any taxicab or pedicab shall refuse to convey a passenger at the rate specified, or shall demand or receive an amount in excess of the posted rates, he shall be guilty of a misdemeanor.
- (e) Any change in any taxicab or pedicab rate schedule shall require notification of the city through the city secretary's office along with justification for any increase 30 days prior to changes being enacted. Rates may not be increased more often than semiannually except for events beyond the control of the owner of the license to operate.

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(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-13. - Refusal to convey passengers.

While operating a taxicab or pedicab, a driver shall not refuse to convey a person who requests service unless:

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- (1) The person is disorderly;
- (2) The driver is engaged in answering a previous request for service;
- (3) The driver is in fear of his personal safety; or
- (4) The driver believes that transporting the person would damage the vehicle.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-14. - Articles left in taxicabs or pedicabs.

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All property left in vehicles by passengers and not returned directly to the passenger(s) shall promptly be delivered to the New Braunfels Police Department, and

all such property shall be held by the Police Department until reclaimed by the owner, or disposed of in accordance with state law requirements regarding the disposition of abandoned property.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-15. - Miscellaneous offenses.

- (a) It shall be unlawful for any person engaged in the vehicle for hire business to overcrowd the taxicab or pedicab vehicle. For the purpose of this section, overcrowded shall mean having more passengers than seat belts in the vehicle or pedicab, or transporting more than the manufacturer-recommended maximum number of passengers in a pedicab.
- (b) It shall be unlawful for any taxicab or pedicab driver to cruise at any time within the city.
- (c) It shall be unlawful for any driver of any taxicab or pedicab vehicle, or for any other person acting for the driver to seek or solicit patrons or passengers for any such taxicab or pedicab vehicle by word or sign, directly, or indirectly, while driving any such vehicle for hire over, through, or on any public street or public place of the city, or while same is parked on any public street or alley of the city, or to repeatedly or persistently drive any taxicab or pedicab vehicle through, over or on, any public street or places of the city, except in response to calls of prospective passengers or while actually transporting passengers therein.
- (d) It shall be unlawful for a taxicab, pedicab or TNC driver to receive or discharge passengers in the roadway of any street. It is a defense to this section that said driver drove to the right-hand sidewalk, the extreme right-hand side of the road as nearly as practical, or into a driveway or parking lot for such purposes.
- (e) It shall be unlawful for a taxicab or pedicab driver employed to carry passengers to a definite point to fail to take the most direct route that will carry such passengers safely and expeditiously to their destination.

(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)

Sec. 138-16. - Zero tolerance for alcohol or drug use.

- (a) Taxicabs and Pedicabs shall implement a zero tolerance policy on the use of drugs or alcohol while a driver is providing transportation services and shall provide notice of this policy on its website, as well as procedures to report a complaint about a driver.
- (b) Upon receipt of such passenger complaint alleging a violation of the zero tolerance policy, the taxicab or pedicab company shall immediately suspend such driver, and shall conduct an investigation into the reported incident. The suspension shall last at least for the duration of the investigation.

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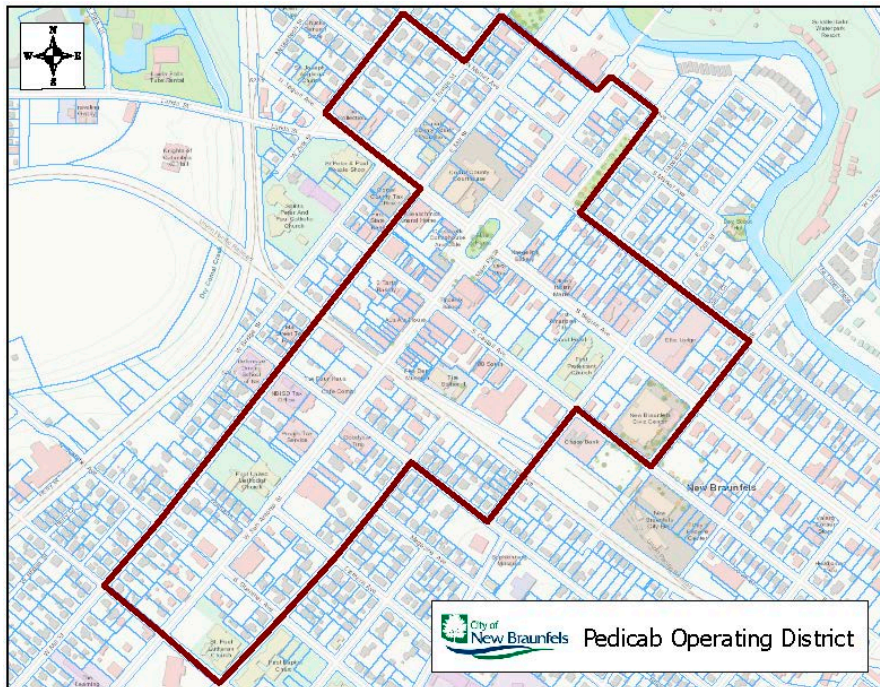
- (c) A vehicle for hire company shall maintain records relevant to the enforcement of this requirement for a period of at least two years from the date that a passenger complaint is received by the taxicab or pedicab company.

Sec. 138-17. - Pedicab geographical area of service.

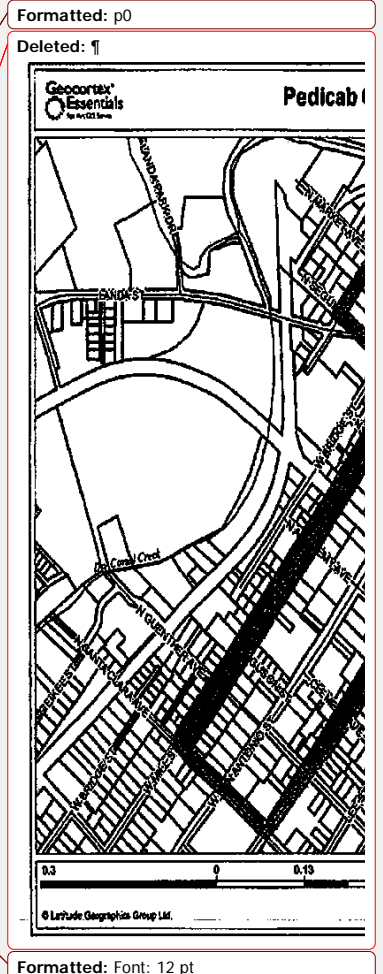
Pedicabs shall be permitted to operate, and shall be restricted geographically to the following limited and delineated area, hereafter referred as the "pedicab operating district." the "pedicab operating district" means that area of the city depicted on the following drawing.

No pedicab shall be operated outside of the defined "pedicab operating district" area. However, the city may prohibit operation on any street; if in the opinion of the city manager or his designee conditions warrant such prohibition.

Additional "pedicab operating district" areas of service may be approved and introduced by the city manager or his designee when it would be in the best interest and safety of the general public. This change, development, expansion or removal of "Pedicab Operating District" areas of service may be made with or without notice.



(Ord. No. 2014-32, § 2(Exh. A), 4-28-14)



Secs. 138-~~18~~—138-30. - Reserved.

ARTICLE II. – RESERVED^[2]

Footnotes:

--- (2) ---

Editor's note—Ord. No. 01-10, § II, adopted Feb. 12, 2001, repealed art. II in its entirety. Formerly, art. II pertained to licenses and derived from Code 1961, §§ 25-9—25-21.

Deleted: ¶

Sec. 138-18. – TNC driver background check required. ¶

(a) . Prior to permitting an individual to act as a TNC driver on its digital platform, the TNC shall: ¶

(1) . Require the individual to submit an application to the TNC which includes information regarding his or her address, age, driver's license, driving history, motor vehicle registration, automobile liability insurance, and other information required by the TNC; ¶

(2) . Conduct, or have a third party conduct, a local and national criminal background check for each applicant that shall include: ¶

a. . Multi-state/Multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search); and ¶

b. . National Sex Offender Registry database; and¶

(3) . Obtain and review a driving history research report for such individual.¶

(b) . The TNC shall not permit an individual to act as a TNC driver on its digital platform who: ¶

(1) . Has had more than three moving violations in the prior three-year period, or one major violation in the prior three-year period (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license); ¶

(2) . Has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, and/or class B misdemeanor or higher theft, acts of violence, or acts of terror; ¶

(3) . Is a match in the National Sex Offender Registry database;¶

(4) . Does not possess a valid driver's license;¶

(5) . Does not possess proof of registration for the motor vehicle(s) used to provide TNC services; ¶

(6) . Does not possess proof of automobile liability insurance for the motor vehicle(s) used to provide TNC services; or ¶

(7) . Is not at least 19 years of age.¶

(c) . Notification. In the event that a TNC becomes aware of a driver being involved in criminal conduct or driving violations or otherwise becomes ineligible to serve as a driver by virtue of no longer meeting the criteria listed above, the TNC shall immediately terminate the driver's ability to access the platform's application.¶

(d) . An individual who is authorized to act as a TNC driver on a TNC's digital platform pursuant to the provisions of this section is not required to obtain any operating authority from the City, provided that the TNC whose digital platform it will access holds a TNC operating permit.¶

¶

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7/24/2017

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 to create school speed zones for Voss Farms Elementary and Veramendi Elementary.

BACKGROUND / RATIONALE:

Council Districts: 2 and 3

The new Voss Farms and Veramendi Elementary Schools will open in Fall 2017. School speed zones for each school are proposed to be created at this time. A school zone is a section of roadway adjacent to a school or a school crosswalk where signs designating a school are present. A school speed zone is a special reduced speed zone for schools allowed by ordinance and defined by school speed signs. Ideally, school speed zones should be kept short to enhance driver compliance. School speed zones are intended for pedestrian safety and not to facilitate vehicle movements.

An amendment to the school speed zone in Section 126-136 (a) to create school speed zones for both schools is recommended. Twenty mph school speed zones are proposed on Pahmeyer Road and Rising Sun Boulevard for Voss Farms Elementary and on Oak Run Parkway for Veramendi Elementary. The regulatory school zone for a portion of Oak Run Parkway and Eskola will be processed through Comal County as it is outside the city limits.

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:

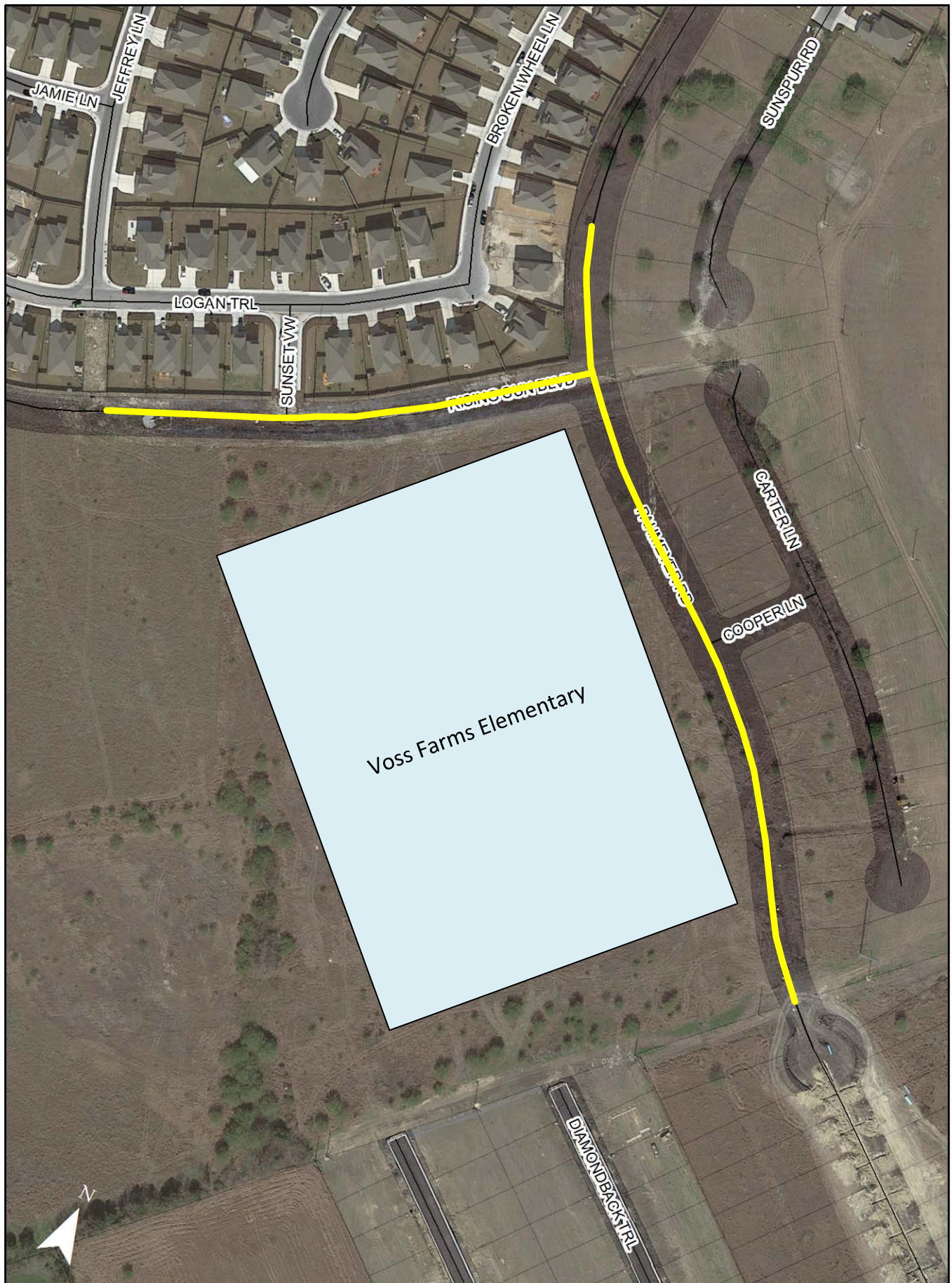
Traffic control signs cost approximately \$150 each. Sufficient funding is available in the FY16-17 approved street and drainage budget.

COMMITTEE RECOMMENDATION:

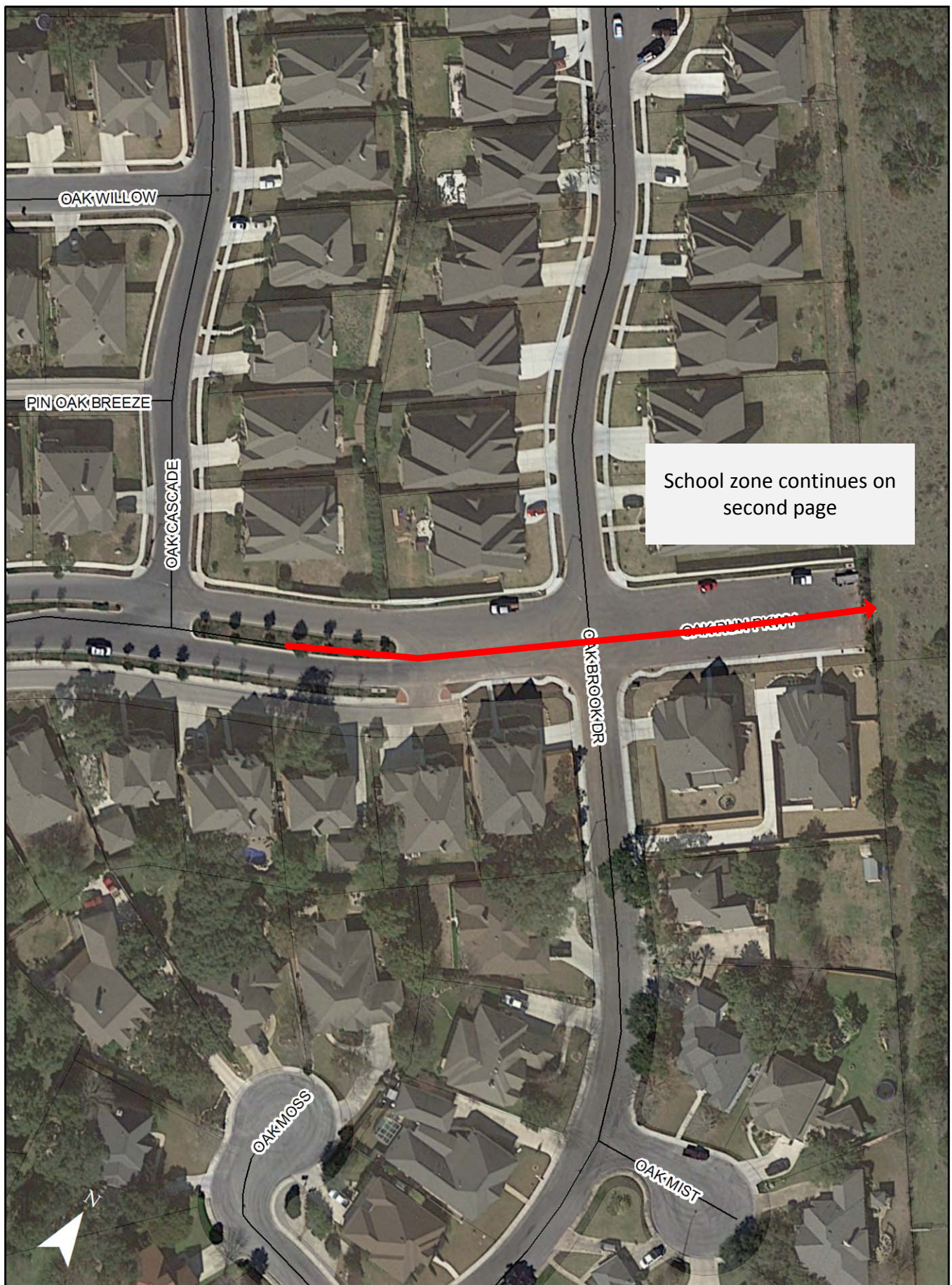
The Transportation and Traffic Advisory Board unanimously approved the recommendation to City Council to create the school speed zones for Voss Farms Elementary and Veramendi Elementary on July 13, 2017.

STAFF RECOMMENDATION:

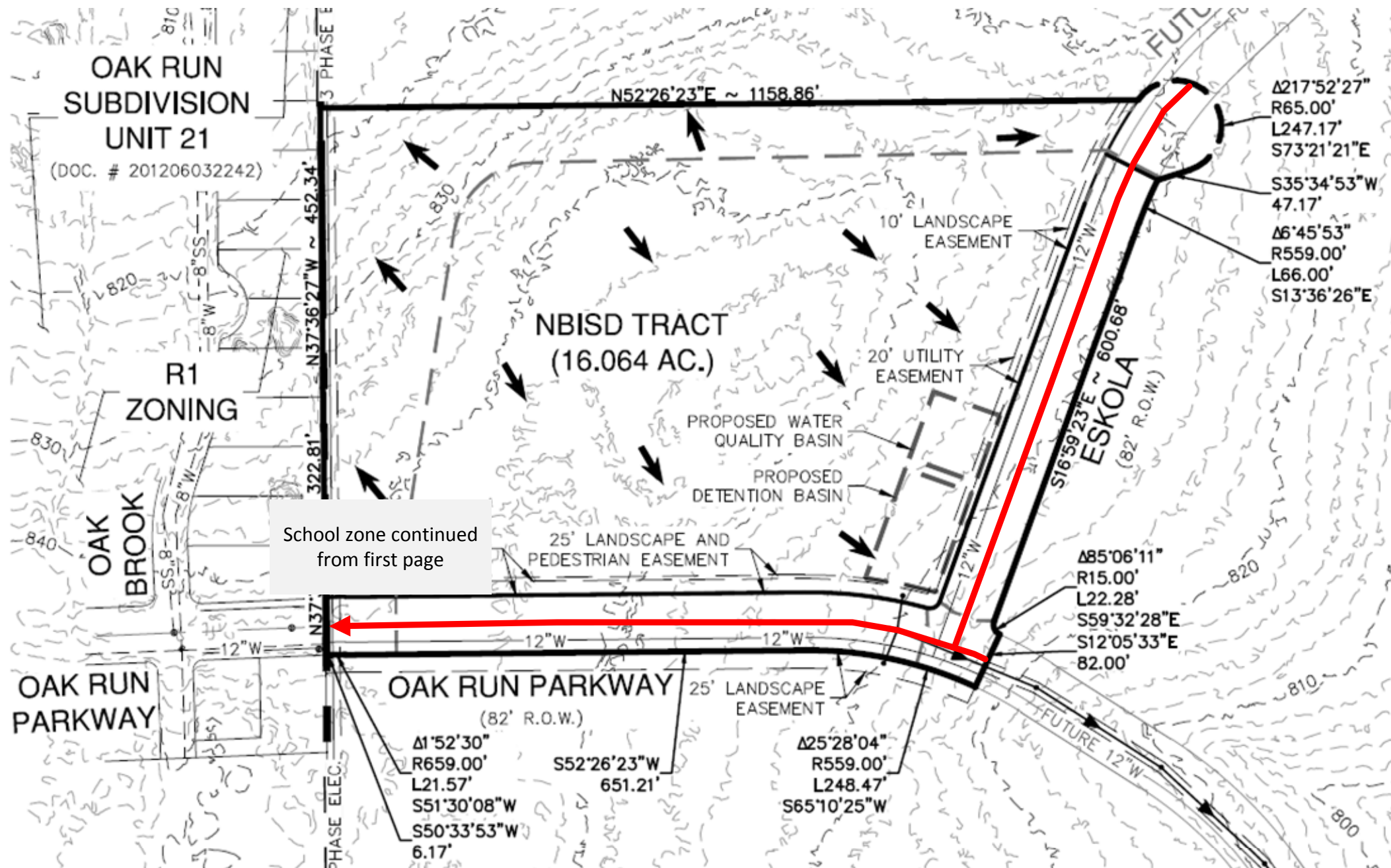
Staff recommends creating 20 mph school speed zones on Pahmeyer Road and Rising Sun Boulevard for Voss Farms Elementary and on Oak Run Parkway for Veramendi Elementary.



Proposed school zone locations for Voss Farms Elementary



Portion of proposed school zone on Oak Run Parkway for Veramendi Elementary



Portion of proposed school zone on Oak Run Parkway for Veramendi Elementary

ORDINANCE NO. 2017-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-136 (a) OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES TO CREATE A SCHOOL SPEED ZONE FOR VOSS FARMS ELEMENTARY AND VERAMENDI ELEMENTARY.

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 the City of New Braunfels Code of Ordinances Section 126-136 (a) is hereby amended as follows:

- (a) No person shall drive any vehicle on the following streets within the areas designated in this subsection during the posted hours or when the school zone flashing lights are operating from 7:00 a.m. to 5:00 p.m. on each scheduled school day during every authorized school term, in excess of 20 miles per hour; and 40 miles per hour at every other time:

Pahmeyer Road from 200 feet north of the intersection with Rising Sun Boulevard to a point 540 feet southeast of the intersection with Cooper Lane.

Rising Sun Boulevard from the intersection with Pahmeyer Road to a point 260 feet west of the intersection with Sunset View.

Oak Run Parkway from 225 feet west of the intersection with Oak Brook Drive to the city limit east of the intersection with Oak Brook Drive.

II.

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.

III.

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

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

7/24/2017

Agenda Item No. L)

Presenter

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

SUBJECT:

Approval of the second and final reading of an ordinance granting rehabilitation tax relief to the property addressed as 195 Jahn Street, a Local Historic Landmark known as the Brietzke Haus.

BACKGROUND / RATIONALE:

Case No.: HLC-17-014

Council District: 6

Owner/Applicant: David A. & Sandra K. Huddleston
P.O. Box 310647
New Braunfels, TX 78131
(830) 625-7502

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

On July 10, 2017, City Council held a public hearing and voted unanimously (7-0-0) to approve the first reading of the requested ordinance.

The subject property comprises 0.24 of an acre and is situated at the corner of South Castell Avenue and Jahn Street. It is currently zoned "C-2" (Central Business District), but is occupied by the original 1902 Brietzke family home.

The structure is a t-plan dwelling formed by a central hipped block with projecting wings with Queen Anne stylistic influences. The structure has a metal roof with narrow eave overhang and decorative milled brackets. The front-facing gable end has a cut-away bay window with decorative millwork in the cut away sections and fish scale shingles in the gable end. The secondary gable end (facing Castell Avenue) has a returned eave and shuttered window with a decorative wooden pediment above. Character-defining features of the structure include the overall form of the structure, the cut away bay window, the original wooden windows and the decorative mill work that is characteristic of the Queen Anne style.

In April of 2017, City Council designated the property a local historic landmark known as the Brietzke Haus. The applicant has completed substantial repairs to the property and is requesting

rehabilitation tax relief pursuant to Section 66-57.1 of the City's Code of Ordinances. The qualified repairs completed by the applicant include the following:

- Limited demolition
- Electrical Wiring
- Plumbing
- Repair of walls and subfloors
- Exterior Paint
- Exterior Doors
- Mechanical Equipment (HVAC)
- Replacement Roof
- Foundation repair

Determination Factors:

In making a determination on rehabilitation tax relief, the following factors are to be considered:

- Whether the subject property has been designated as a local historic landmark (*City Council approved the designation of the subject property on April 10, 2017*).
- Whether the improvement(s), renovation(s) or restoration(s) to the structure total at least ten percent of the property value reflected on the tax rolls of the Comal or Guadalupe Appraisal District (*The property is currently appraised at \$175,570, requiring a minimum expenditure of \$17,570. The applicant has provided receipts totaling more than this required expenditure on eligible expenses*).

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 64D <i>Adopt historic preservation policies that encourage the responsible rehabilitation of substandard homes and the revitalization of existing neighborhoods.</i> The proposed tax relief is offered to encourage the rehabilitation of historic landmark properties. The applicant has completed substantial rehabilitation of the property and successfully applied to have the property designated as a local landmark. Cons: None
--	-----	---	--

FISCAL IMPACT:

The tax relief will freeze the appraised value of the structure for City ad valorem tax collection for a period of five years. Therefore, exact value of the fiscal impact is contingent upon future, undetermined appraised values.

COMMITTEE RECOMMENDATION:

The Historic Landmark Commission held a public hearing on June 13, 2017 and recommended approval of the request (7-0-0, Commissioners Hoffmann and Gonzalez absent).

STAFF RECOMMENDATION:

Staff recommends approval of rehabilitation tax relief for the property addressed at 195 W. Jahn

Street as the property meets all requirements for such relief as specified in the City's Code of Ordinances, Article III, Section 66-57.1. This tax relief tool continues to provide an incentive for property owners to rehabilitate, designate and protect historic structures which maintains the heritage of our community.

Attachments:

1. Map
2. Application
3. Before and after Photos
4. Article III, Sec. 66-57-1
5. Excerpt from the June 13, 2017 Historic Landmark Commission minutes
6. Ordinance



HLC 17-014?

Tax Incentive Application - Certification

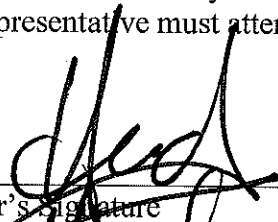
City of New Braunfels Planning and Community Development Department
424 S. Castell Avenue, New Braunfels, TX 78130 (830) 221-4057

1. Property Address: 195 West Jahn St, New Braunfels, Tx 78130
2. Legal Description: City Block 1034, LOT 1 & 2 - N 105
3. Historic Designation: Brietzke Haus
4. Owner's Name & Signature: David A. Huddleston,
5. Owner's Address: 838 Oak Lane, New Braunfels, Tx 78130
6. Contact Information: 830 237 9195 or 830 237 9214
7. Applicant's Name: David A. Huddleston
8. Applicant's Contact Information: 830 237 9195 or 830 237 9214
9. Current County Appraised Value: 2016 - \$175,570, 2017 Proposed - \$286,960
10. Cost of Improvement: ~\$180,000.00 (Gen contract + foundation rep)
11. The following items are considered Eligible Costs. Total See attached


Cost	Eligible Item	Cost	Eligible Item
	Structural walls		Roof and gutter
	Structural subfloors		Façade items
	Structural ceilings		Elevators
	Exterior doors		Foundation
	Exterior paint		Termite damage treatment
	Mechanical equipment		Security/fire systems
	Windows		Architectural/engineer services
	Exterior brick treatment		Plumbing & electric fixtures (historic)
	Plumbing		Limited demolition
	Electrical wiring		

Note: Ineligible cost: Overhead, Taxes, Supervisor payroll, repairs of construction equipment, tools, and any other items not directly related to the exterior appearance or structural integrity or viability of the structure.

I hereby request consideration for Historic Tax Incentive on the above described structure/Site According to the provisions of the Tax Incentive Ordinance. I have read this ordinance and fully understand and its effect on my property. I understand that I or my representative must attend the Historic Landmark Commission meeting.


Owner's Signature

5/17/17
Date:


Applicant's Signature

5/17/17
Date:

HLC Meeting Date: June 13, 2017



Photograph of subject structure before/during rehabilitation, camera facing northeast



Photograph of subject structure after rehabilitation, camera facing northeast



Photograph of subject structure after rehabilitation, camera facing southeast

(b) Rehabilitation Tax relief. From the date of passage of this section, the owner of property (structure and land) having historic, architectural, and cultural significance, and so designated by the City's Historic Landmark Commission, Planning Commission, and City Council, as a historical landmark or located within a local historic district shall be eligible to apply for relief in property taxes for a period of five years. Said property, whether owned by the same individual or not, shall be eligible for such relief an additional five years. The total period of time that any one property shall be eligible to receive such tax relief shall be ten years, whether such relief is granted for two consecutive five-year periods or separate terms. For a property to be considered for a consecutive five-year period, an application shall be made during the fourth year of the original request. Whether the application is for consecutive or future periods each request shall be considered separately and must qualify as outlined below. Upon the expiration of a relief period, the property shall be placed on the tax rolls at the new appraised value and taxed accordingly. Provided, however, that should an application be received and approved during the fourth year of the first request no new appraised value will be assessed or taxed.

An application for tax relief pursuant to this section shall be made prior to the first of July of the tax year in which the relief would be granted. Application shall be made to the City's Historic Landmark Commission with a recommendation to the New Braunfels City Council for final action. If requested, the historic preservation officer may assist the owner in filing for such relief. A structure must be designated as a historic landmark as provided for in section 66-54 or located within a local historic district as provided for in section 66-55 in the New Braunfels Code of Ordinances.

1. Qualification for tax relief. The owner of a property, applying for tax relief, shall be entitled to such, provided that the improvement(s), renovation(s), or restoration(s) to the structure is at least ten percent of the value of the property value reflected on the tax rolls of the Comal or Guadalupe Appraisal District office. The tax relief shall commence after the first of January in the tax year immediately following the year in which the work is completed.

The tax relief shall be determined in the following manner. The Comal or Guadalupe Appraisal District shall cause said improvement(s), renovation(s), or restoration(s) to the structure to be appraised on or before December 31 the year the work was completed. This new appraised value less the present property value shall be shown on the tax rolls of the Comal or Guadalupe Appraisal District as the new property value. However, said improvement(s), renovation(s), or restoration(s) shall not cause the value of the property to be less than the present value prior to completion of the work.

2. Eligible costs. Eligible costs shall include exterior and interior improvements to the frame, walls, floor, ceiling, plumbing, electrical wiring and mechanical items, such as heating and air conditioning systems. Fixtures, decorative items, and/or fencing shall not be eligible for consideration unless such items were original fixtures and/or decorative items of the structure. Materials and labor for repairing, replacing or adding any of the following shall be eligible:

(1) Structural walls;

(2) Structural subfloors;

- (3) Structural ceilings;
- (4) Exterior doors;
- (5) Exterior paint (consistent with those colors available during the time period the structure was built);
- (6) Mechanical equipment;
- (7) Windows;
- (8) Exterior brick veneers or treatments;
- (9) Plumbing;
- (10) Electrical wiring;
- (11) Roof and gutter where necessary for structural integrity;
- (12) Facade items;
- (13) Elevators;
- (14) Foundations;
- (15) Termite damage and treatment;
- (16) Security and/or fire protection systems;
- (17) Architectural and engineering services if directly related to the eligible costs described above;
- (18) Plumbing and electrical fixtures documented as historic fixtures; and
- (19) Limited demolition, not more than 15 percent of the original structure, and cleanup related to the eligible costs described above.

3. Ineligible costs. Ineligible costs include the following:

- (1) Overhead;
- (2) Taxes;
- (3) Supervisor payroll;
- (4) Repairs of construction equipment;
- (5) Tools; and
- (6) Any other items not directly related to the exterior appearance or the structural integrity or viability of the structure.

(c) Tax exemption for historic districts. For properties located within a city designated historic district, property owners in the historic district will qualify for an ad valorem tax exemption of 20 percent of the assessed city ad valorem property tax. This tax exemption shall begin on the first day of the first tax year after designation of the historic district.

(d) Building Permit Fees waived. Upon approval of a Certificate of Alteration, the property owner will present said certificate to the Building Department and all building permit fees will be waived.

(Ord. No. 98-25, § 1, 9-14-98; Ord. No. 2007-24, § 1, 3-26-07, Ord. No. 2010-64)

Excerpt from the June 13, 2017 Historic Landmark Commission Draft Minutes

HLC-17-014: Public hearing and recommendation to City Council regarding an application for Historic Rehabilitation Tax Relief for the property addressed as 195 W. Jahn Street, a local historic landmark known as the Brietzke Haus.

Mrs. McWhorter presented the staff report, displaying the before and after pictures of the subject property. Mrs. McWhorter said Staff recommends approval of the Rehabilitation Tax Relief as it meets all the criteria for approval.

Board Member Leitch commented that she had gone through a similar process with the Tax Relief. She also thanked the applicant for the tour he provided of the subject property.

Discussion followed regarding the improvements to the subject property.

Motion by Commissioner Davis, seconded by Chair Nichols, to recommend approval to the Planning Commission and City Council on an application for Historic Rehabilitation Tax Relief for the property addressed as 195 W. Jahn Street, a local historic landmark known as the Brietzke Haus. The motion carried. (7-0-0)

ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, GRANTING A TAX RELIEF TO THE OWNER OF THE DESIGNATED HISTORIC LANDMARK LOCATED AT 195 W. JAHN STREET ALSO BEING CITY BLOCK 1034, LOTS 1 AND 2 – N. 105, KNOWN AS THE BRIETZKE HAUS, FOR A PERIOD OF FIVE YEARS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE

WHEREAS, the State of Texas has enacted legislation empowering municipalities to preserve and protect historic places, structures, buildings, and areas of historical and cultural importance and significance and

WHEREAS, the City Council is aware of the numerous places, structures, buildings and areas having historical and cultural importance and significance which reflect the heritage of the City, State and its people, and is committed to promote and protect the heritage of New Braunfels for the future and

WHEREAS, the City Council, on September 14, 1998, adopted an ordinance to provide a tax relief/incentive for the stabilization, rehabilitation and renovation of properties and/or structures designated as historic landmarks, by the City of New Braunfels and

WHEREAS, the property owner has met all the requirements set forth in the ordinance adopted September 14, 1998, and the application has been approved by the Historic Landmark Commission of the City of New Braunfels;

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

SECTION 1

THAT the property owner of the designated historic property located at 195 W. Jahn Street, City Block 1034, Lot 1&2 N-105, known as the Brietzke Haus, be granted the five year tax relief as outlined in Section 66-57.1, Incentives, Historic Landmark Preservation, of the New Braunfels Code of Ordinances, City of New Braunfels, Texas.

SECTION 2

THAT should any paragraph, sentence, clause, phrase or word of this ordinance is held unconstitutional or otherwise invalid, such infirmity shall not affect the validity of this ordinance, and any portions in conflict are hereby repealed.

SECTION 3

THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative means of publication provided by law.

SECTION 4

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

PASSED AND APPROVED: First reading this the 10th day of July, 2017.

PASSED AND APPROVED: Second reading this the 24th day of July 2017.

CITY OF NEW BRAUNFELS

BY: _____
Barron Casteel, Mayor

ATTEST:

Patrick Aten, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney



7/24/2017

Agenda Item No. M)

Presenter

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

SUBJECT:

Approval of the second and final 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

On July 10, 2017, City Council voted unanimously (7-0-0) to approve the first reading of this requested rezoning ordinance with the condition that all lots within proposed Area 1 be a minimum of 50 feet in width instead of the applicant's original proposal of 45 feet. The development standards attached to the ordinance have been updated accordingly.

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 accessory structures; it has been used agriculturally. The current zoning is "R-1A-6.6" Single-Family District and "APD" Agricultural/Pre-Development District.

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 zoning district and the proposed planned development district is the inclusion of 130 minimum 50-foot wide lots with a minimum size of 5,400 square feet (Area 1 on the Concept Plan Map - Attachment 2). The remainder of the 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>	45 130	140	219 (approximate number of units)	21 (approximate number of units)
<i>Minimum Lot Width:</i>	45 50 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 (Attachment 4 - Zoning Map). If this rezoning request is approved, it will **not** replace or remove the Airport Hazard Overlay Zoning District. Densities 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 accessory buildings

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

STAFF RECOMMENDATION:

Staff recommends approval of the requested rezoning. The property and the surrounding area are designated as low density residential on the Future Land Use Plan and the planned development will still need to comply with the density limitations mandated by the Airport Hazard Zoning Overlay which will remain in place.

Notification:

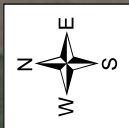
Public hearing notices were sent to 43 owners of property within 200 feet of the subject site. A notice was also sent to the Comal Independent School District. Staff has received no responses in favor and two responses in objection (#31 & 35) representing 1.4% of the territory within 200 feet. The response for #3 was initially in objection, but has since been rescinded.

Attachments:

1. Aerial & Regional Transportation Plan Map
2. Application
3. Planned Development Narrative
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



PZ-17-024

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

Map Created 5/19/17



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.

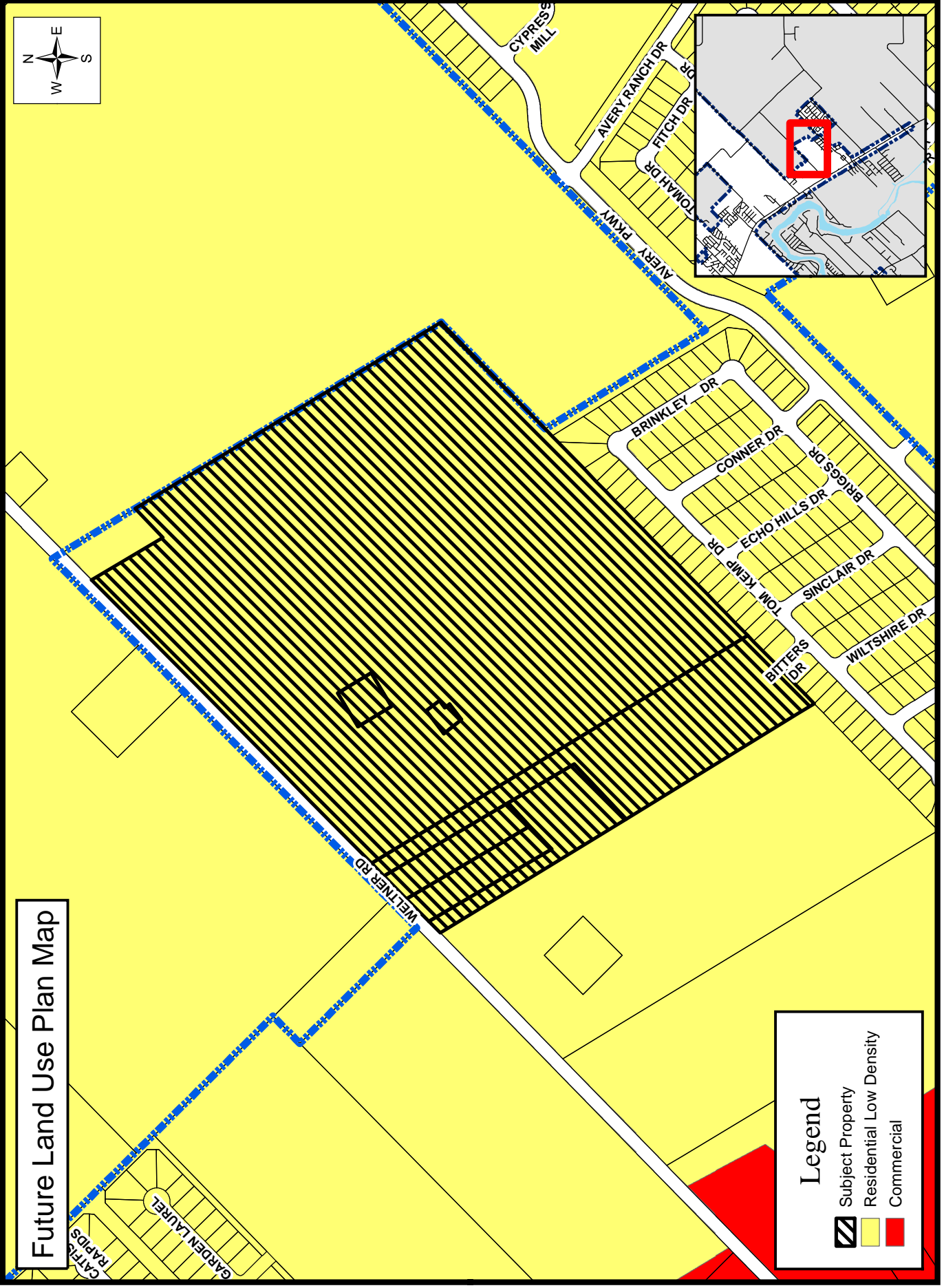
We believe the revised lot size, in conjunction with the implementation of several other PDD standards, increased open space, and an amenity center will provide the area with a more complementary community that offers a higher quality of life than the current standards permitted. The PDD will establish 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.





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

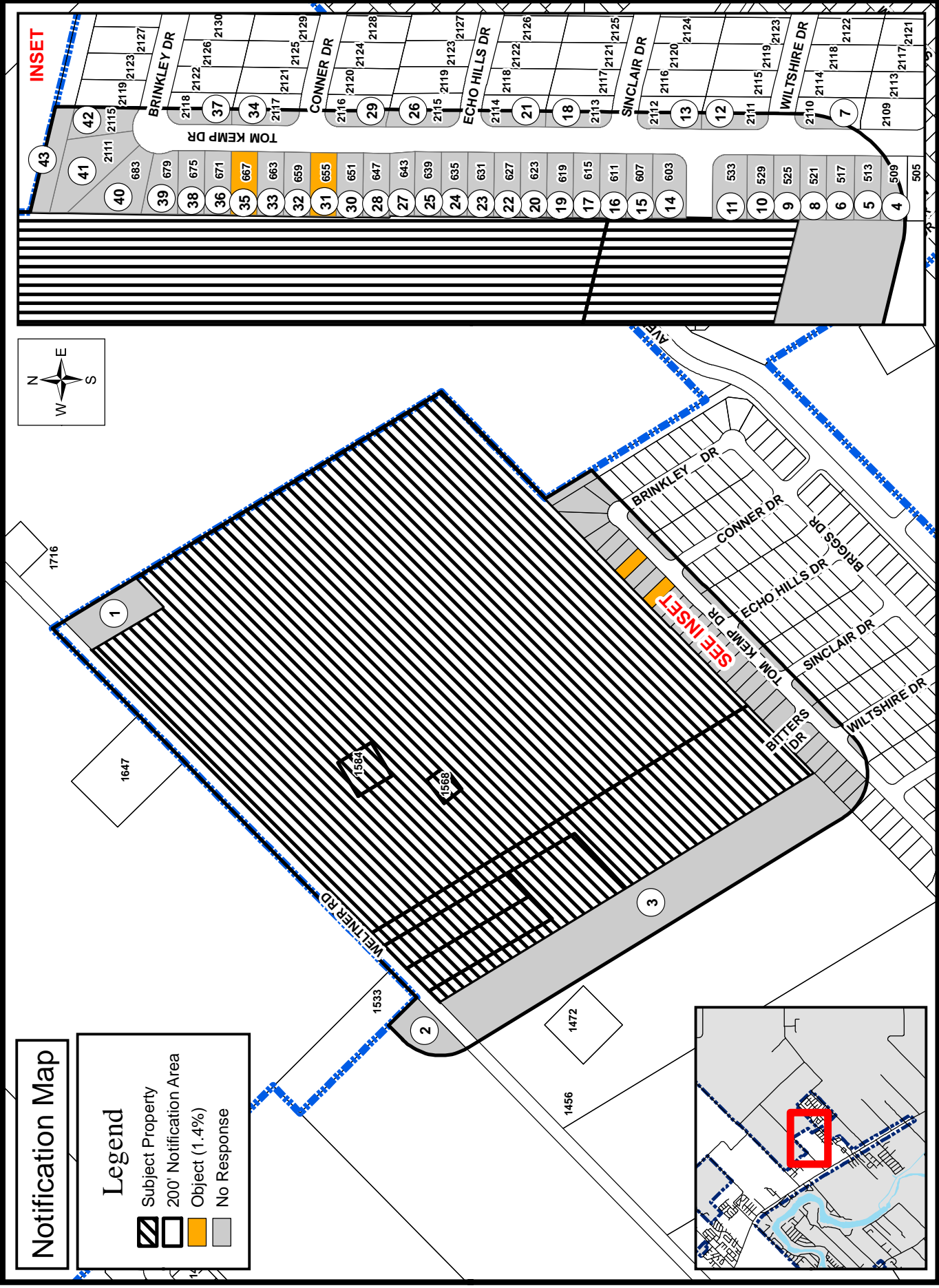
Property Location: 60.579 acre tract out of the A-20, A M Esnaurizar Survey, addressed at 1584 and 1568 Weltner Road & the 13.421 acre Countryville Subdivision

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



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



July 3, 2017
City of New Braunfels
Attn: Benjamin Campbell
Planning Division
550 Landa Street
New Braunfels, TX 78130

RE: Weltner Farms PDD – Rescinding of Objection

This letter is to inform the City of New Braunfels that I own the property immediately south southwest of the proposed Weltner Farms PDD. I would like to rescind my objection to the proposed re-zoning of the property.

Sincerely,

A handwritten signature in blue ink, appearing to read "Raymond Altwein", with a long horizontal flourish extending to the right.

Raymond Altwein
1472 Weltner Rd
New Braunfels, TX 78130

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 10th day of July, 2017.

PASSED AND APPROVED: Second and Final Reading this the 24th 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
dmayyer@damayyer.com
new braunfels

DATE: MAY 2016, JOB SCA001

WELTNER RD.

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

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TELEPHONE PEDESTAL

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20' UTILITY EASEMENT VOL. 6, PG. 107

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10' R.O.W. ROAD DEDICATION VOL. 6, PG. 630

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

City Engineer
4/16/99
Date

City Engineer
4-8-99
Date

City Engineer
4-8-99
Date

STATE OF TEXAS

COUNTY OF GUADALUPE

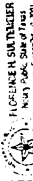
I, the undersigned, Clerk of the County of Guadalupe, do hereby certify that the foregoing instrument of writing, with its exhibits of authentication, was filed for record in my office on the 21 day of April, A.D., 1999, at 11:19 A.M., and duly recorded on the 21 day of April, A.D., 1999, at 11:19 A.M. 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



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

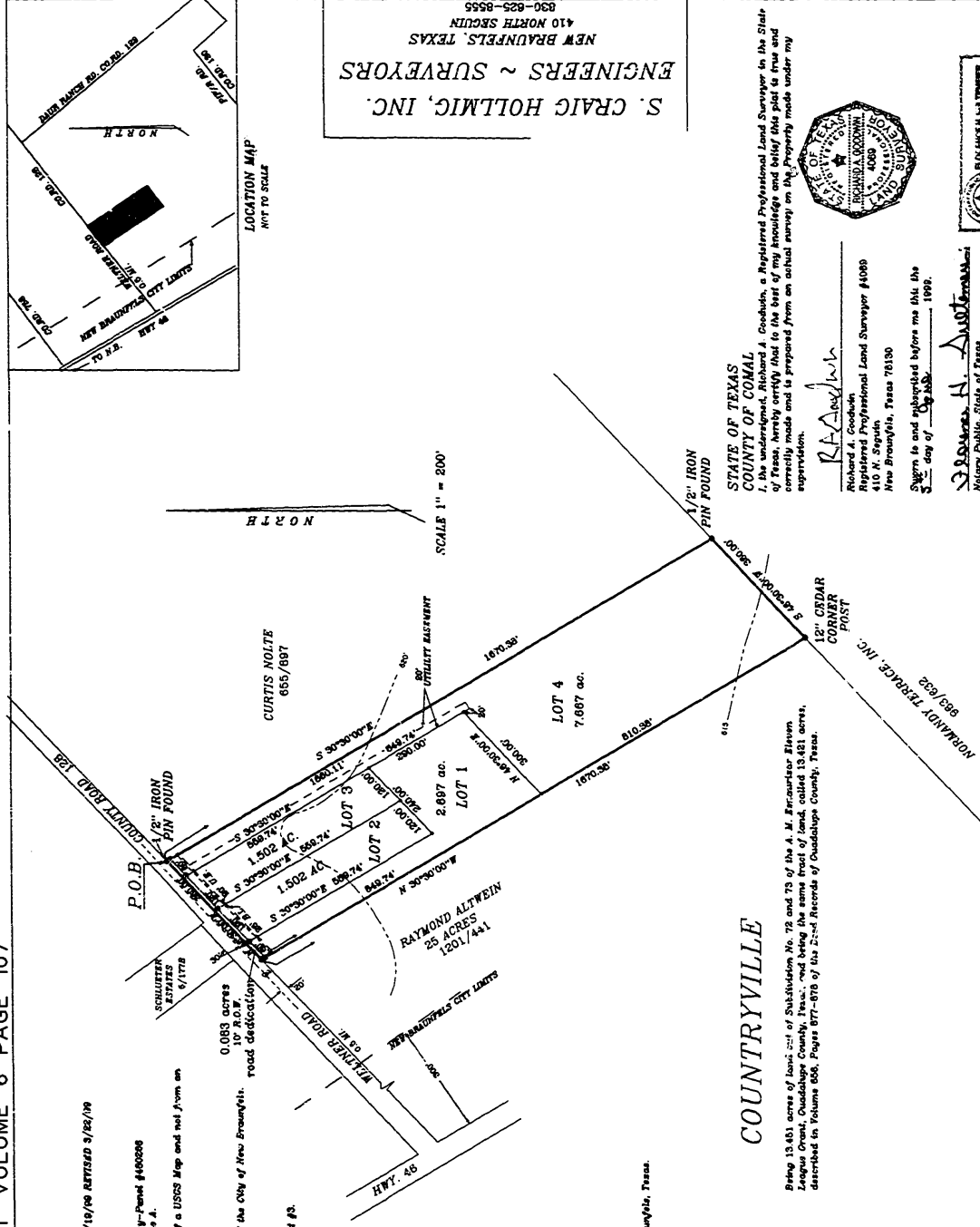
Richard A. Goodwin
COMMISSIONER PRECINCT #1

Reith Nolte, Jr.
COMMISSIONER PRECINCT #2

James E. Satterfield
COMMISSIONER PRECINCT #3

James E. Satterfield
COMMISSIONER PRECINCT #4

James E. Satterfield
GUADALUPE COUNTY CLERK



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

COUNTRYVILLE

Being 13.481 acres of land, out of Subdivision No. 72 and 73 of the A. M. Encarnacion Elvira Land Grant, Guadalupe County, Texas, and being the same tract of land, called 13.481 acres, described in Volume 656, Page 877-878 of the 2nd Records of Guadalupe County, Texas.

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 was made and is prepared from an actual survey on the property made under my supervision.

Richard A. Goodwin
Registered Professional Land Surveyor #4089
410 N. Main
New Braunfels, Texas 78130

Survey is and published before me this 21 day of April, 1999.

Notary Public, State of Texas

Reith Nolte, Jr.
Notary Public, State of Texas

Reith Nolte, Jr.
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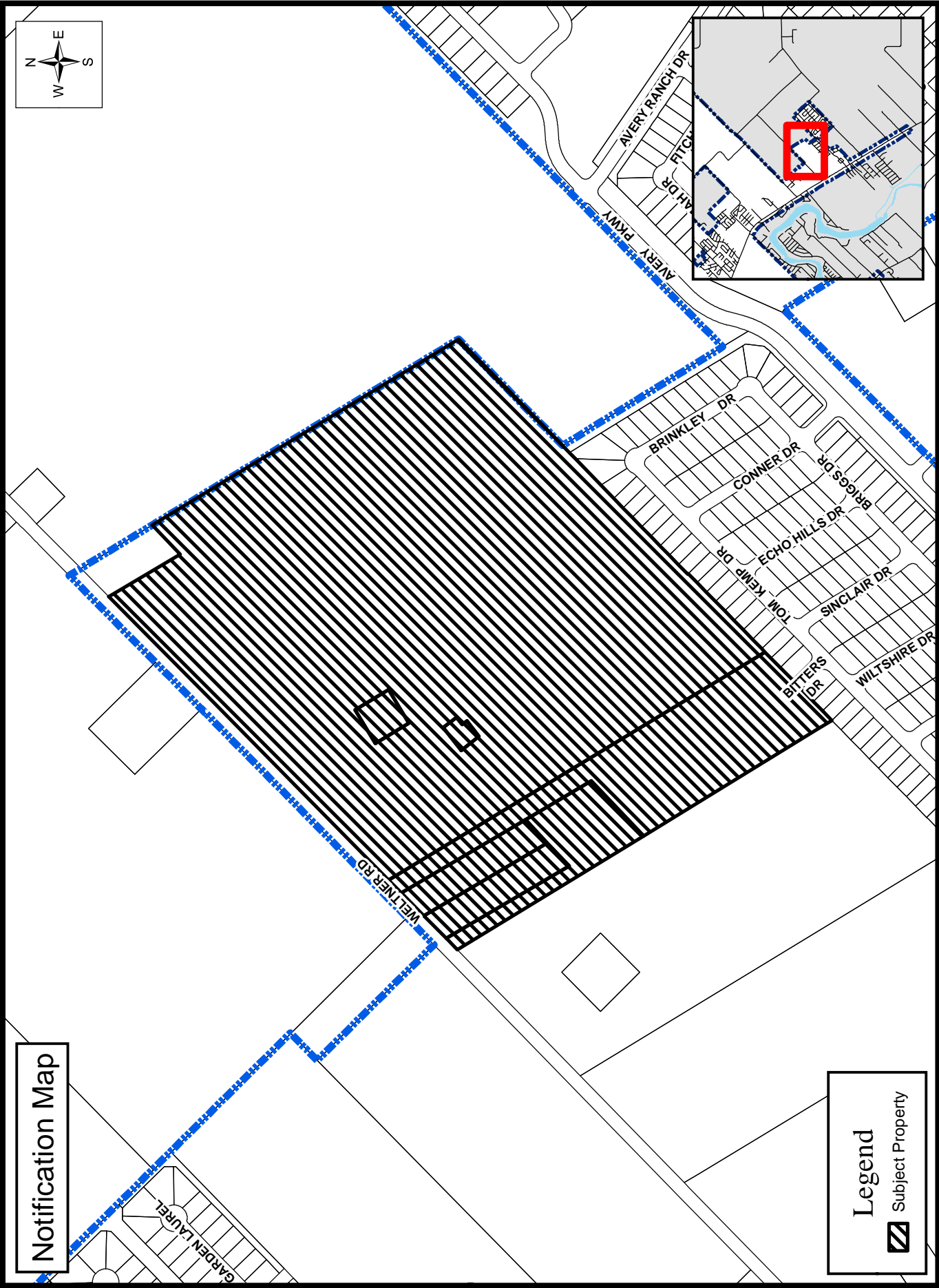
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Notification Map

Legend

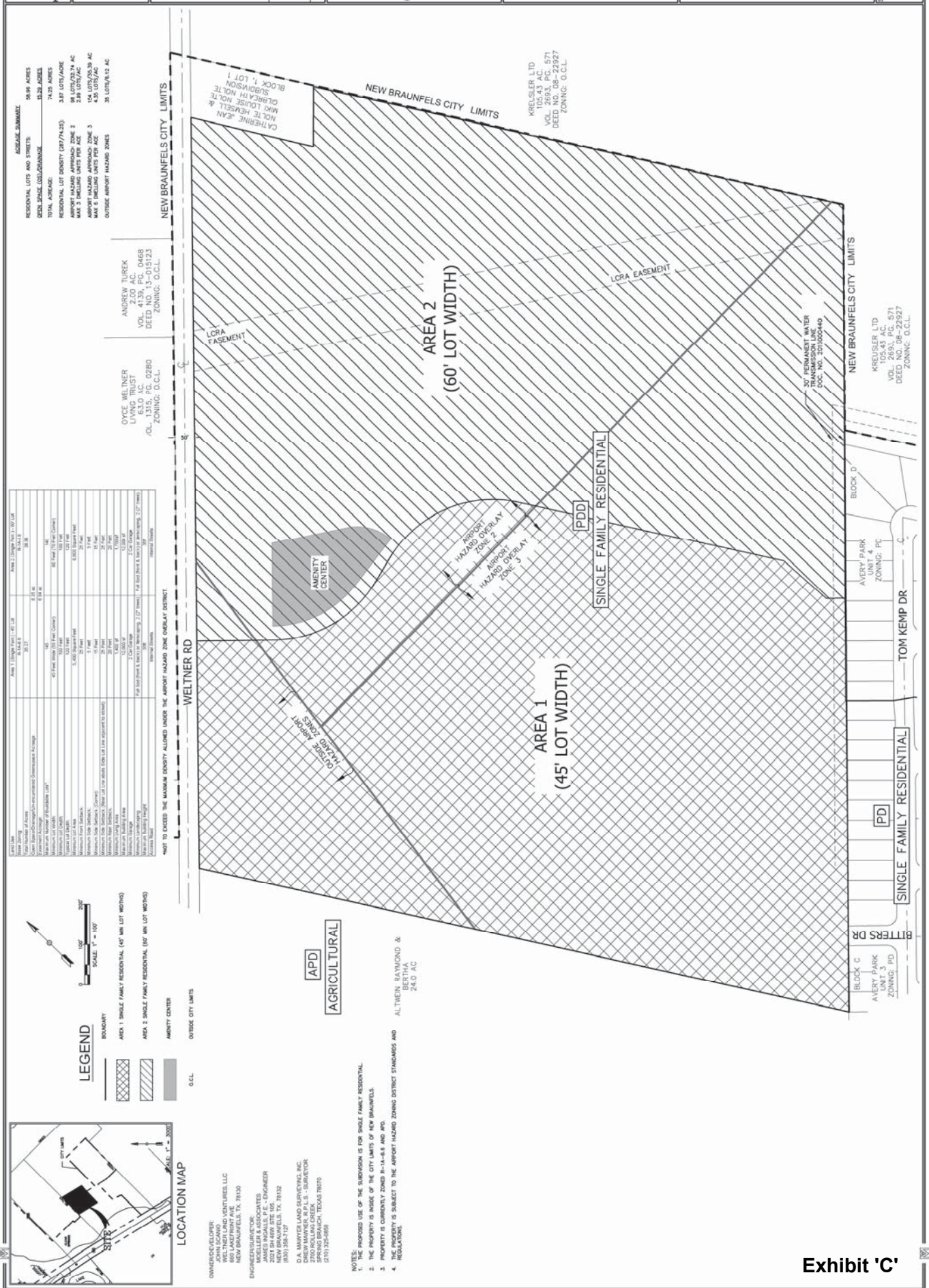
 Subject Property



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.) - 50' 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*:	130	140
Minimum Lot Width:	50 Feet Wide (60 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

* Not to exceed the maximum density allowed under the Airport Hazard Zoning District Overlay.

7/24/2017

Agenda Item No. A)

Presenter/Contact

*Mark Enders, Watershed Program Manager
(830) 221-4020 - menders@nbtexas.org*

SUBJECT:

Discuss and consider approval of a grant application to the FY2018 Clean Water Act Section 319(h) Grant through the Texas Commission on Environmental Quality for \$1,415,300 to implement management measures identified in the Dry Comal Creek/ Comal River Watershed Protection Plan and authorizing the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.

BACKGROUND / RATIONALE:

The Dry Comal Creek/ Comal River Watershed Protection Plan (WPP) was developed with the help of local stakeholders and technical advisors to address bacteria loading to both the Dry Comal Creek and Comal River.

The WPP identifies sources of bacteria pollution, estimates the bacteria load reductions needed to achieve state water quality standards, and includes management measures to reduce bacteria loading. The WPP also includes an Outreach and Education Plan for educating the community of the water quality concerns at hand. The WPP also includes a 10-year implementation schedule and an estimate of financial assistance needed to implement the WPP.

A grant application has been prepared in order to request \$1,415,300 in funding from the Texas Commission on Environmental Quality (TCEQ) to implement management measures identified in the WPP over a three year period.

Application Submission Date: 07/31/2017
Anticipated Funding Selection Date: 10/27/2017
Anticipated Award Date: September 2018

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

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

The WPP Implementation Grant total project cost is \$1,415,300. The match requirement for this grant is 40% of the project cost: \$566,120. The match funds will be supported with in-kind contributions from City staff, Edwards Aquifer Habitat Conservation Plan project costs and with in-kind contributions from project partners (i.e. Guadalupe Blanco River Authority, Comal County, Texas A&M AgriLife Extension & Edwards Aquifer Authority).

COMMITTEE RECOMMENDATION:

A WPP stakeholder group composed of approx. 20 local stakeholders has provided input and support during the development of the Dry Comal Creek/ Comal River WPP.

STAFF RECOMMENDATION:

Staff recommends approval of a grant application to the Texas Commission on Environmental Quality for \$1,415,300 to implement management measures identified in the Dry Comal Creek/ Comal River Watershed Protection Plan and authorization for the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.

7/24/2017

Agenda Item No. B)

Presenter/Contact*Martie Simpson, Finance Director*
(830) 221-4388 - msimpson@nbtexas.org**SUBJECT:**

Discuss and consider approval of the 2017 Community Development Block Grant One-Year Action Plan and Fair Housing Plan.

BACKGROUND / RATIONALE:

A public hearing on the draft Community Development Block Grant (CDBG) Program Year (PY) 2017 One Year Action Plan and Fair Housing Plan took place on July 10 and July 17 that allowed citizens to make comments on the recommendations as required by U.S. Department of Housing and Urban Development (HUD). Below are the recommendations from our Community Development Advisory Committee (CDAC):

PY 2017 CDBG	
Total Grant:	\$ 379,073
- 20% Administration	\$ 75,815
- 15% Public Services	\$ 56,861
- Housing/Public Facilities	\$ 246,397
Program Administration at 20% of Total Grant	
Total Funding:	\$ 75,815
- Admin/Consultant Services	\$ 75,815
Public Services at 15% of Total Grant	
Total Funding:	\$ 56,861
- CASA	\$16,500
- Family Life Center	\$10,000
- SA Food Bank	\$5,000
- Senior Center	\$15,361
- STEPS	\$10,000
Housing and Public Facilities	
Total Funding:	\$ 246,397
- Habitat for Humanity	\$ 8,500
- Senior Center	\$ 100,000
- Comal County Crisis Center	\$ 85,000
- Solms Park	\$ 35,000

- Westside Community Center	\$ 17,897
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City Council has the authority to amend any of the funding allocations recommended by CDAC and must ensure that allocations do not exceed the funding capacity percentage within Program Administration (20%) and Public Services (15%).

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

<input checked="" type="checkbox"/>	Yes	City Plan/Council Priority:	Strategic Priorities: Growth and development. Comprehensive Plan: Affordable housing, historic preservation, education, and youth.
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FISCAL IMPACT:

These funds constitute a grant to the City from U.S. Department of Housing and Urban Development (HUD) - Community Development Block Grant (CDBG), and there is no match requirement.

COMMITTEE RECOMMENDATION:

The Community Development Advisory Committee (CDAC) has approved these recommendations for City Council consideration.

STAFF RECOMMENDATION:

Staff recommends approval of the 2017 Community Development Block Grant One-Year Action Plan and Fair Housing Plan, to include any funding allocation amendments agreed upon by City Council.

7/24/2017

Agenda Item No. C)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the first reading of an ordinance modifying Chapter 86-4, Additional rules and regulations for control of parks and recreation areas and facilities, to restrict the possession of personal grills in city parks.

BACKGROUND / RATIONALE:

The City currently prohibits the use of personal grills in city parks. Over the past couple of summers, and again this year, staff has witnessed an increased number of visitors bringing personal grills to city parks and grilling on public sidewalks or streets adjacent to city parks, or on the river banks. This is being done to circumvent the City's park rules on grills.

This behavior is making enforcement of park rules increasingly difficult. Staff recommends prohibiting both the possession and use of personal grills in city parks in order to gain control over this issue.

The current ordinance allows the use of personal grills on Easter Weekend currently. Due to overcrowding that occurs on this weekend, staff recommends extending the prohibition to year round.

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

<input checked="" type="checkbox"/>	Yes	City Plan/Council Priority	Quality of Life: Preserve and improve our open space.
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATION:

Staff recommends approval of the first reading of an ordinance modifying Chapter 86-4 Additional rules and regulations for control of parks and recreation areas and facilities.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 86-PARKS AND RECREATION, ARTICLE I-GENERAL, SECTION 86-4 BE AMENDED TO PROHIBIT POSSESSION OF GRILLS IN CITY PARKS, INCLUDING ON EASTER WEEKEND; DEFINING CATERING STYLE GRILLS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the existing park rules prohibit the use of personal grills in city parks but not actual possession of such grills; and

WHEREAS, there have been an increasing number of visitors bringing personal grills to city parks even though use is not allowed; and

WHEREAS, there have been an increasing number of visitors bringing personal grills to city parks and grilling on property adjacent to city parks to circumvent the City's park rules on grills; and

WHEREAS, City Council finds that this behavior is making staff enforcement of park rules increasingly difficult and that part of the solution is to prohibit possession of personal grills in city parks; and

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

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

I.

The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

II.

That Chapter 86-Parks and Recreation, Article I-General, Section 86-4, of the Code of Ordinances, City of New Braunfels be hereby amended to read as follows:

Sec. 86-4. Additional rules and regulations for control of parks and recreation areas and facilities.

(r) Possession or use of all types of portable grills is not allowed in city parks. Only permanently installed park grills may be used. ~~[Exception is allowed on Easter Weekend~~

~~(Saturday and Sunday).~~ Catering style grills ~~may be~~ are allowed for limited special events with a permit issued at the discretion of the Parks and Recreation Department in certain limited areas. A catering style grill means a large barbecue grill or pit that is located on a trailer or on wheels and that is pulled by a motor vehicle.

III.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

IV.

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.

V.

All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

VI.

In accordance with the provisions of Section 3.10 of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

VII.

This Ordinance shall become adopted and effective upon its final reading and must 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 on the _____ day of _____, 2017.

PASSED AND APPROVED: Second Reading on the _____ day of _____, 2017.

CITY OF NEW BRAUNFELS, TEXAS

By: _____
Barron Casteel, Mayor

ATTEST:

Patrick Aten, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney

7/24/2017

Agenda Item No. D)

Presenter/Contact

*Jeff Jewell, Economic Development Manager
(830) 221-4621 - jjewell@nbtexas.org*

SUBJECT:

Discuss and consider approval of a resolution authorizing an expenditure of up to \$125,000 to Boon Chapman, Ltd. for a project to create and retain 80 jobs.

BACKGROUND / RATIONALE:

Boon Chapman is a Third Party Administrator serving the needs of insurance companies and insurance related programs. The Company provides benefits administration and services for more than 100 self-funded employer sponsored health plans. They also provide benefit administration services to 1,200 employers for ongoing enrollment, billing and collections. They also provide services such as call center support, medical, dental and vision claims processing, employer billing/collections, financial reporting and enrollment services. In addition, they founded a software and technology advisory company that has since grown to 50 technology professionals. The Company has seen significant growth in recent years and operates small sales and service offices in the Houston and Dallas markets in addition to the corporate office in Austin. Recruitment and retention of employees in the operations division has been challenging in the north Austin market. In late 2016, the Company began looking for a new location to expand its operations center. The Company selected New Braunfels for an initial test of the labor market and to determine if it could recruit and retain the talent needed to continue meeting its growing workforce demands. The initial investment was in a 2,500 square foot facility and eight new employees. The Company has doubled its employee base in New Braunfels and is looking for a larger office space with a longer lease term.

The Company is proposing to occupy approximately 20,000 square feet at the Heritage Business Center main office building on or around December 1, 2017. By December 31, 2018, the Company is required to have at least 100 full-time employees. The Company will spend approximately \$800,000 on business personal property and leasehold improvements.

Employment

The Company will add 80 new employees to the existing 16 by the second quarter of 2018 and expects to employ approximately 118 full-time employees by the end of 2018. As the operations division attritions in Austin, those additional employees will be hired in New Braunfels. Over the longer term, the company will scale core operations in two locations: New Braunfels and Oklahoma City. Overall, the company will grow by approximately 300 employees, of which 100 to 150 of those new employees will be hired in New Braunfels. That would place total employee count in New Braunfels at 200 to 250 by 2022.

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

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N/A

FISCAL IMPACT:

The company will generate \$270,000 in net benefits to the City and NBIDC over a 10 year period. The \$125,000 incentive provides a payback period of 5 years. The NBIDC has adequate funds for this project expenditure.

COMMITTEE RECOMMENDATION:

The NBIDC met at a special called meeting on June 30th and voted 5-0 to approve the project expenditure with the following terms:

- By December 31, 2018, the Company will employ a minimum of 100 employees.
- The NBIDC will deliver up to \$125,000 to the Company on a reimbursement basis after the Company has created and retained 100 positions.
 - As long as the minimum number of jobs are fulfilled (100), the NBIDC will reimburse the Company \$1,562.50 per job created.
- In the event the NBIDC or City ascertain there are less than eighty (80) employees between January 1, 2019 and June 1, 2021 of the contract term, the Company will provide a one-time reimbursement payment to the NBIDC of \$1,562.50 per job below the 100 employee threshold.
- If the NBIDC or City ascertain there are less than 80 employees between June 1, 2021 to December 1, 2022, Boon Chapman agrees to reimburse the NBIDC \$500 for each position below the 100 employee threshold and will provide a \$50,000 letter of credit beginning June 1, 2021 to secure the commitment.

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 FINANCIAL INCENTIVES FOR THE CREATION AND RETENTION OF UP TO 80 NEW JOBS FOR BOON CHAPMAN, LTD.; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels Industrial Development Corporation ("IDC") Board of Directors met on June 30, 2017 to consider financial incentives to Boon Chapman, Ltd. ("Company") for the creation of up to 80 new jobs; and

WHEREAS, the IDC Board of Directors held a public hearing on June 30, 2017, to solicit public comment with regard to the request; and

WHEREAS, the IDC Board of Directors, after discussing the request, voted to approve a project expenditure of up to \$125,000 if the Company meets certain performance conditions during the compliance period;

WHEREAS, on or before December 31, 2018, the Company shall submit a Request for Reimbursement to the IDC and will be eligible to receive the Reimbursement if the Company's total number of full-time positions is one hundred (100) or greater;

WHEREAS, after receiving and verifying the accuracy by audit of the Request for Reimbursement, the City shall provide up to \$1,562.50 for each position submitted as long as total employment at the facility is one hundred (100) employees or greater; and

WHEREAS, if the City determines there are less than eighty (80) employees at the Company between January 1, 2019 and June 1, 2021, the Company will provide a one-time reimbursement payment to the NBIDC of \$1,562.50 per job below the one hundred (100) employee threshold; and

WHEREAS, if the City ascertains there are fewer than eighty (80) employees between June 1, 2021 to December 1, 2022, the Company will provide a one-time reimbursement payment to the NBIDC of \$500 per job below the one hundred (100) employee threshold; and

WHEREAS, the NBIDC will not provide more than \$125,000 in total reimbursement to the Company over a five year period; and

WHEREAS, the NBIDC and/or its agents are permitted to audit the employment records prior to any payment made to the Company and the Company is required to submit to an annual audit by the City to verify the employment records and history of the Company; and

WHEREAS, the Agreement shall encourage the Company to hire employees from the Comal, Guadalupe and Hays counties area; and

WHEREAS, the IDC Board of Directors will enter into an economic development agreement as authorized by the Texas Local Government Code Sections 501.101 and 505.155 with Boon Chapman, Ltd. to create and retain up to 80 new jobs by December 31, 2018.

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 financial incentives Boon Chapman, Ltd. is hereby approved.

SECTION 2: That this Resolution shall become effective from and after the date of its passage.

PASSED, ADOPTED AND APPROVED this 24th day of July, 2017.

CITY OF NEW BRAUNFELS, TEXAS

By: _____
Barron Casteel, Mayor

ATTEST:

Patrick D. Aten, City Secretary

7/24/2017

Agenda Item No. E)

Presenter/Contact

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

SUBJECT:

Public hearing and first reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area F.

BACKGROUND / RATIONALE:

Council District: 5

The property owner and resident at 292 East Main Street have requested that the portion of their property along North Houston Avenue be added into Parking by Permit Area F. They are located on a corner lot and the portion of their property that is on East Main Street is already in Parking by Permit Area F. The area consists of single-family homes.

A signed petition has been received from both the property owner and resident requesting parking by permit on the North Houston Avenue frontage for the property at 292 East Main Street between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th, which is consistent with the existing Parking by Permit Area F ordinance.

The proposed designated parking by permit area addition is part of a contiguous residential area and matches the schedule of existing parking by permit areas.

A public hearing on the application shall be conducted by City Council. Notices of the public hearing were mailed to all persons listed on the petition as being an occupant of each of the single family homes and to any other persons who may not be listed in the petition but are shown on the latest tax roll as owning property within the designated permit area.

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:

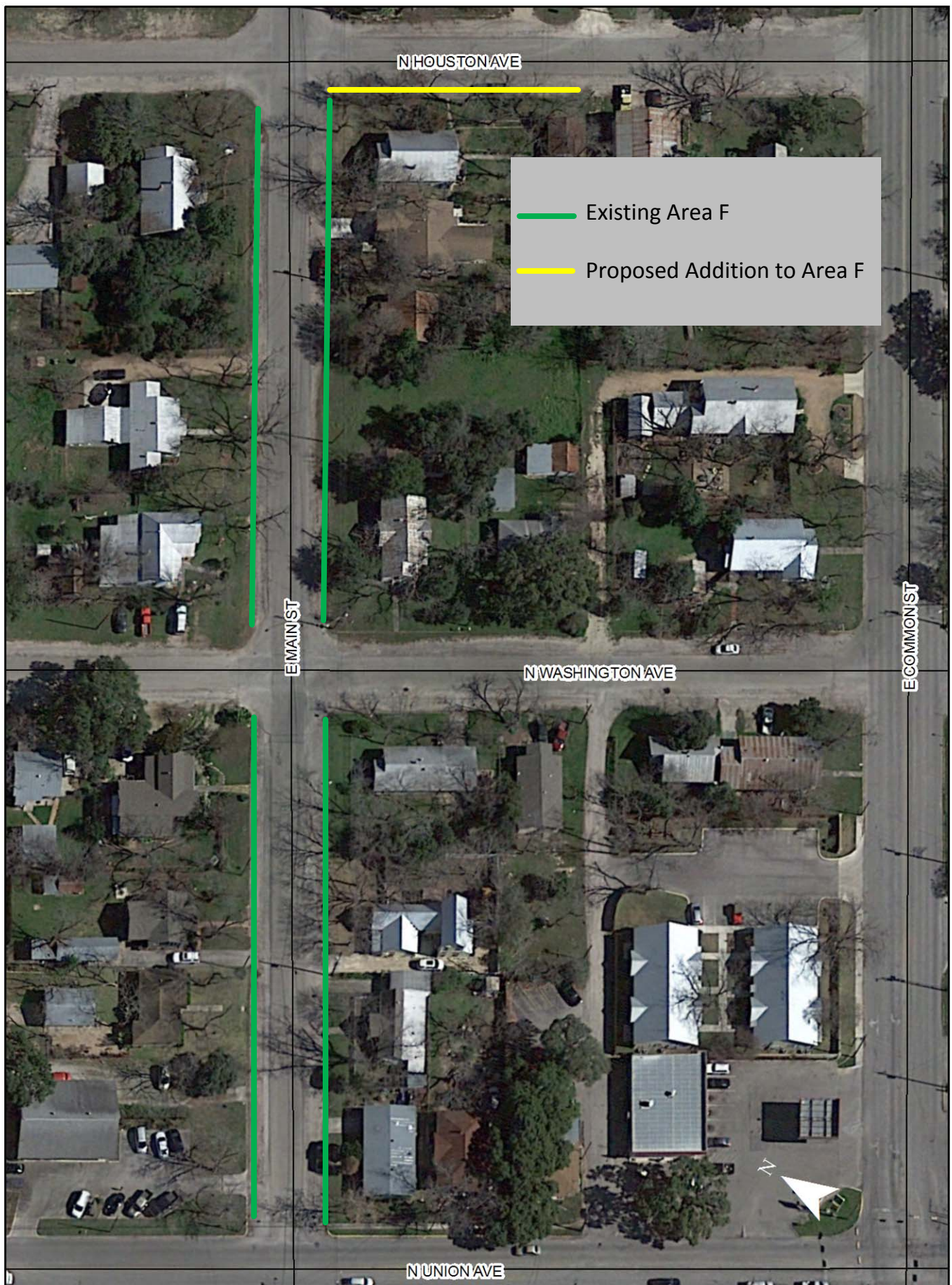
Traffic control signs cost approximately \$150 each. Sufficient funding is available in the FY16-17 approved streets and drainage budget.

COMMITTEE RECOMMENDATION:

The Transportation and Traffic Advisory Board unanimously approved the recommendation to City Council to amend Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area F at their meeting on July 13, 2017.

STAFF RECOMMENDATION:

Staff recommends approval of amending Parking by Permit Area F.



Requested amendments to Parking by Permit Area F

Sec. 126-354. - Parking by permit only.

- (c) *Designated permit areas.* No person shall park and leave standing any vehicle whether attended or unattended between the times listed and locations designated below without first having obtained a valid parking permit for the designated permit area from the city. Said designated permit area shall be designated as a tow-away zone:

(7) Area F, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.

- a. On both sides of Main Street from its intersection with Union Avenue northeasterly to its intersection with Houston Avenue.

b. On the west side of North Houston Avenue along the property located at 292 East Main Street.

ORDINANCE NO. 2017-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS, AMENDING SECTION 126-354 (c) TO AMEND
PARKING BY PERMIT AREA F.**

WHEREAS, the City Council has determined that Section 126-354 (c)(7) Parking by Permit Only, Designated Permit Areas, Area F be amended 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 Section 126-354 (c) is hereby amended to read:

- (7) Area F, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.
 - a. On both sides of Main Street from its intersection with Union Avenue northeasterly to its intersection with Houston Avenue.
 - b. On the west side of North Houston Avenue along the property located at 292 East Main Street.

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

7/24/2017

Agenda Item No. F)

Presenter

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

SUBJECT:

Public hearing and consideration of the first reading of an ordinance regarding a proposed amendment to the Parkridge Estates Planned Development District Concept Plan and related Development Standards on property comprising 49.52 acres located on the south side of W. County Line Road between North Ranch Estates Boulevard and Cornerstone Drive.

BACKGROUND / RATIONALE:

Case No.: PZ-17-025

Council District: 2

Applicant: EBIB, LLC
Becky Hill, Agent
PO Box 311240
New Braunfels, TX 78131
(830) 625-8933

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

The 49.52 acre subject property is located on the south side of W. County Line Road between North Ranch Estates Boulevard and Cornerstone Drive and is zoned "Parkridge Estates" Planned Development District (PREPD). The base zoning is "R-1A-6.6" Single-Family District. The property was rezoned to PREPD from C-1 and R-1A-6.6 on January 26, 2015. A detail plan was approved by the Planning Commission on January 6, 2015. A subsequent amendment to the development standards amending the minimum lot widths and depths for lots on a cul-de-sac or street knuckle was approved by City Council on April 11, 2016.

Parkridge Estates contains 3 units. The plats for Units 1 and 2 are recorded with the County Clerk; The Unit 3 plat is approved but not yet recorded. Infrastructure construction is complete for Unit 1 and home building has commenced. Infrastructure construction is currently underway on Unit 2. Parkridge Estates will have 204 residential lots overall: Unit 1 has 82, Unit 2 has 61 and Unit 3 will have 61.

A master plan for the subdivision and plats for Units 1, 2 and 3 were approved by the Planning

Commission in 2006 under the subdivision name Castle Ridge II.

With this subject request, the only proposed change to this PD is a reduction in the minimum living area (per house) from 1,600 square feet to 1,500 square feet. No other changes are proposed to the Development Standards, the use or layout of the development. The change request will enable the homebuilder, DR Horton, to build a smaller home than is currently allowed per the PD. Minimum living area is not a standard required by the current Zoning Ordinance.

Standards:

The following table lists the existing standards for Parkridge Estates that compare to the R-1A-6.6 Zoning District, the base zoning. The proposed change is shown in red.

Standard	R-1A-6.6	PREPD
Minimum Lot Width (interior lots)	60 feet	60 feet (with the exception of cul-de-sac & street knuckle lots measured at the front building line as 47 feet minimum)
Minimum Lot Width (corner lots)	70 feet	60 feet
Minimum Lot Area (interior lot)	6,600 square feet	6,000 square feet
Minimum Lot Area (corner lot)	7,000 square feet	6,000 square feet
Minimum Lot Depth	100 feet	100 feet (with the exception of cul-de-sac & street knuckle lots measured from the midpoint of front and rear lot lines as 86 feet minimum)
Front Setback Minimum	25 feet	20 feet
Rear Setback Minimum	20 feet	20 feet

Side Setback Minimum	<p><u>Internal Lots - 5 Feet</u> <u>Corner Lots</u> - The 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.</p>	<p><u>Internal Lots - 5 Feet</u> <u>Corner Lots</u> - The 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 20 feet. Fences on corner lots will not extend more than one-half (1/2) the distance of the total lot length to insure adequate line of sight for safety.</p>
Fences	No fence or wall shall be constructed in any required front yard, except fences and walls no taller than 36 inches unless the fence is at least 50% open, in which case the fence may be 4-½ feet tall.	No fence or wall shall be constructed in any required front yard, except fences and walls no taller than 36 inches unless the fence is at least 50% open, in which case the fence may be 4-½ feet tall. Fences on corner lots will not extend more than one-half (1/2) the distance of the total lot length to insure adequate line of sight for safety.
Maximum Building Height	35 feet	35 feet
Max Building Cover (per lot)	2,772 square feet (based on 6,600 square foot lot and minimum setback standards)	3,750 square feet
Minimum Living Area (per house)	n/a	<i>1,500 square feet</i>
Minimum Garage Size	n/a	2 cars
Masonry Requirements	n/a	All houses will be constructed using 100% masonry (i.e. brick, rock and/or stucco) and any masonry product referenced in 5.21-4(a), Chapter 144, Zoning, City of New Braunfels Code of Ordinances.

Elevation Conflict	n/a	The same elevation cannot be built within two lots of each other as illustrated in the Elevation Conflict Exhibit (pg. 5 of Development Standards). This does not apply to the floor plan - only the elevation.
Minimum Landscaping Requirements	n/a	Planting of two 2-Inch Caliper Trees, three 5-gallon shrubs, and five 1-gallon shrubs per lot in the front yard.

General Information:

Size:

49.52 acres

Surrounding Zoning and Land Use:

North (across W. County Line Road) - C-1 / Residential - single-family residences

East - R-1A-6.6 / Residential - single-family residences

Southeast - Dove Crossing PD / Residential - single-family residences

South - R-1A-6.6 / Residential - single-family residences & drainage

West - R-1A-6.6 & C-O / Residential - single-family residences

Comprehensive Plan / Future Land Use Designation:

Low Density Residential

Floodplain:

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

Regional Transportation Plan:

County Line Road is designated as a 120-foot-wide Minor Arterial on the City's Regional Transportation Plan; the current right-of-way width is 80 feet. The development is not required to dedicate any further right-of-way for W. County Line Road under the current, approved master plan.

The Concept Plan is in compliance with the City's Hike and Bike Trails Plan as there are no existing or proposed trails on or adjacent to the property.

Improvement(s):

Residential Neighborhood

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 single-family use of the property is consistent with the adjacent and nearby single-family residential developments. Parkridge Estates is an infill housing development and serves to connect the adjacent street stubs to one another. The proposed change to the PREPD will have a minimal impact on the subject property and on the surrounding area: the number of lots will remain the same.*);
- Whether the change is in accord with any existing or proposed public schools, streets, water

supply, sanitary sewers, and other utilities to the area *(The proposed amendment to the PREPD will not negatively affect public schools, streets, water supply, sanitary sewers and other utilities as there will be no increase in density or alteration of the street layout from what has already been approved.);*

- How other areas designated for similar development will be affected *(There should be no effect on other areas designated for similar development.);*
- Any other factors that will substantially affect the public health, safety, morals, or general welfare *(There should be no other factors that will substantially affect the public health, safety, morals or general welfare.);* and
- Whether the request is consistent with the Comprehensive Plan. *(The request is consistent with the Future Land Use Plan designation of the property as Residential Low Density.)*

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>	<u>Pros:</u> Goal 17: Provide sufficient housing opportunities to meet the future needs and demands for people of all income levels in New Braunfels. Objective I <i>Encourage a range of housing opportunities, including varied lot sizes and housing choices.</i> The Planned Development provides alternative lot size and setback standards as compared to the R-1A-6.6 Zoning District standards. The proposed change to the minimum living area will allow for smaller houses, providing an increased variety of housing choices. <u>Cons:</u> None.
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

On July 5, 2017, the Planning Commission held a public hearing and recommended approval of the proposed change to “Parkridge Estates” Planned Development District to City Council. (9-0-0)

STAFF RECOMMENDATION:

Staff recommends approval of the amendment to the “Parkridge Estates” Planned Development District (PREPD) Development Standards as the proposed change will maintain the use of the property as single-family residential with negligible impact on the existing PREPD neighborhood or on the surrounding neighborhoods.

Notification:

Public hearing notices were sent to 197 property owners (representing 348 lots or parcels) located inside the neighborhood and within 200 feet of it. Notice was also sent to the New Braunfels Independent School District. Staff has received seven responses in favor (#1, 2, 4, 6, 155, 158 & 197) representing 42% of the notified area and five responses in objection (#27, 88, 123, 150 & 170) representing 1% of the notified area.

Attachments:

1. Aerial & Regional Transportation Plan Map
2. Application & Proposed Development Standards
3. Existing Concept Plan Map
4. Zoning, Existing Land Use and Future Land Use Plan Maps
5. Notification & Map
6. Photograph of Subject Property
7. Sec. 3.5 Planned Development Districts
8. Draft Minutes from the July 5, 2017 Planning Commission Meeting
9. Ordinance



PLANNING



APPLICATION FOR A ZONING CHANGE

Planning and Community Development
550 Landa Street, New Braunfels TX 78130

(830) 221-4050

www.nbtexas.orgCase Number: **P2-17-025**

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: EBIB, LLCMailing Address: P.O. Box 311240, New Braunfels, TX 78131-1240Telephone: 830/625-8933

Fax: _____

Mobile: _____

Email: blhill@satx.rr.com

2. Property Address/Location: along County Line Rd. at intersection w/North Ranch Estates

3. Legal Description:
Name of Subdivision: 49.52 acres out of Wm. H. Pate Survey, Guadalupe Co.

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

4. Existing Use of Property: Open

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

6. Zoning Change Request: Current Zoning: Park Ridge Estates PDD Proposed Zoning: Park Ridge Estates 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): To amend current PDD to reflect a change in minimum sq. footage

8. COUNTY: ☐ COMAL ☒ GUADALUPE - SCHOOL DIST: ☐ CISD ☒ NBISD ☐ OTHER _____

9. ATTACHMENTS:

☒ Metes and bounds description and survey if property is not platted.☒ 3 TIA worksheets and 2 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 17 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 17 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

5/11/17

Date

Becky Hill, authorized agent

Print Name & Title

For Office Use Only

Fee Received By: MG Amount: \$1,200.00 Receipt No.: 242157Date Received: 5-12-17 Zoning signs issued: _____ Date: _____ No.: _____Cash/Check Number: 1189 Case Number: P2-17-025

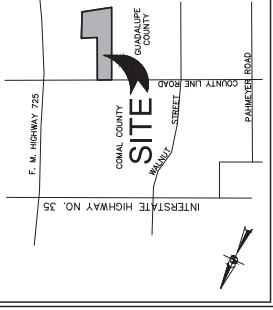
DEVELOPMENT STANDARDS

The general development standards are as follows (change is highlighted):

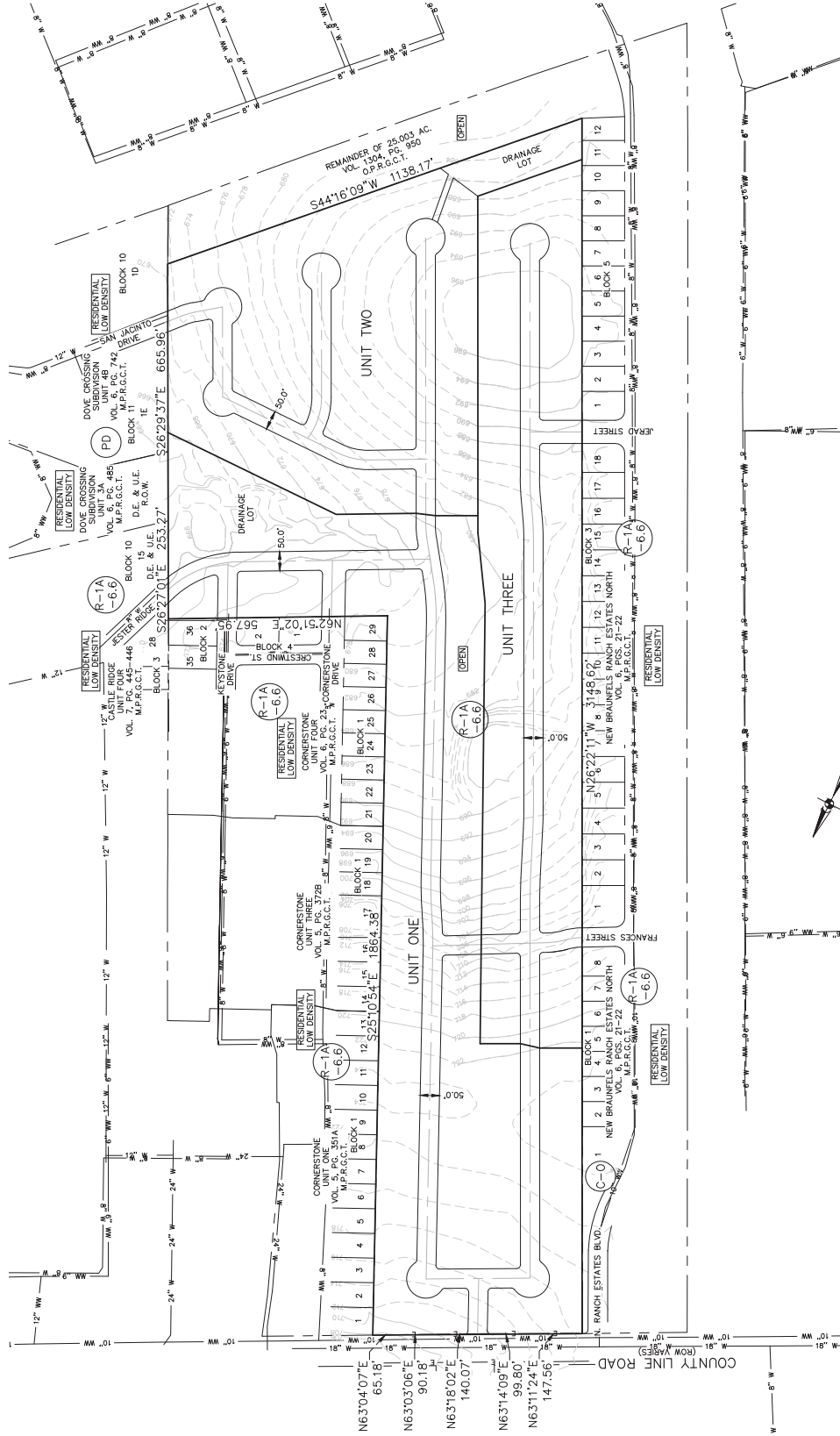
Land Use:	Single-Family Residential
Base Zoning:	R-1A-6.6
Total Number of Acres	49.52 Acres
Drainage Acreage:	3.27 Acres
Residential Acreage:	46.26 Acres
Maximum Number of Total Lots:	211 Lots
Minimum Lot Width (interior):	60 Feet (With the exception of cul-de-sac & street knuckle lots measured at the front building line as 47 feet minimum)
Minimum Lot Width (corner):	60 Feet
Minimum Lot Depth:	100 Feet (With the exception of cul-de-sac & street knuckle lots measured from midpoint of front and rear lot lines as 86 feet minimum)
Minimum Lot Area (interior):	6,000 Square Feet
Minimum Lot Area (corner):	6,000 Square Feet
Front Setback Minimum:	20 Feet
Rear Setback Minimum:	20 Feet
Side Setback Minimum:	<p><u>Internal Lots</u> – 5 Feet</p> <p><u>Corner Lots</u> – 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 20 feet. Otherwise, the required side setback for corner lots is 5 feet.</p> <p>Fences on corner lots will not extend more than one-half (1/2) the distance of the total lot length to insure adequate line of sight for safety.</p>
Maximum Building Coverage:	3,750 Square Feet
Maximum Building Height:	35 Feet

Utilities:	All New Utilities will be Underground
Minimum Living Area (per house):	1,500 Square Feet
Minimum Garage Size:	2 Cars
Masonry Requirements:	All Houses will be Constructed Using 100% Masonry (i.e. brick, rock and/or stucco) and Masonry Products.
Elevation Conflict	The same elevation cannot be built within two lots of each other as illustrated in the Elevation Conflict Exhibit (this does not apply to the floor plan – only the elevation).
Minimum Landscaping Requirements:	Planting of two 2-Inch Caliper Trees, three 5-gallon shrubs, and five 1-gallon shrubs per lot

PARKRIDGE ESTATES PLANNED DEVELOPMENT DISTRICT CONCEPT PLAN AMENDMENT



LOCATION MAP
NOT TO SCALE



SCALE: 1"=200'

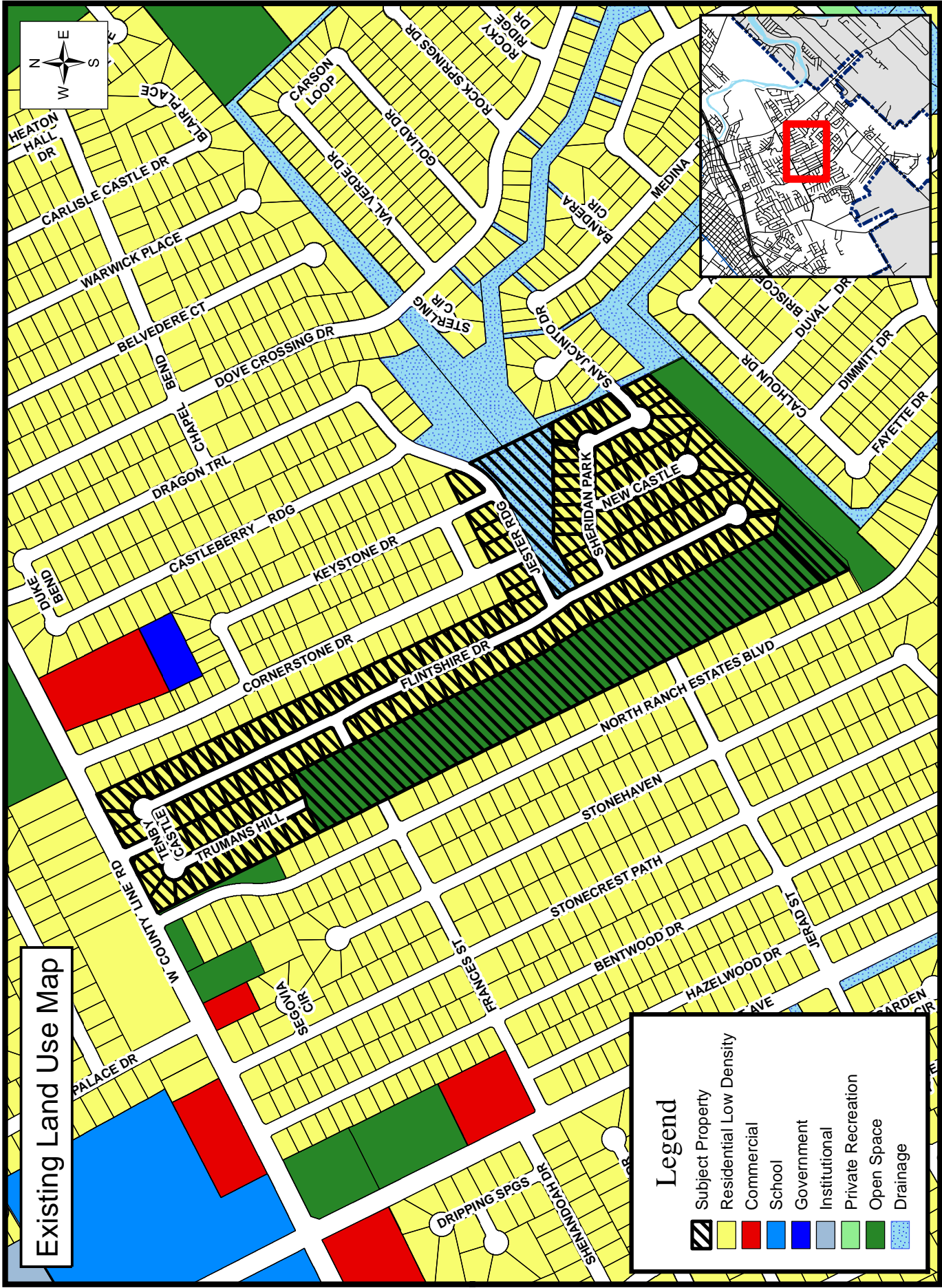
- LEGEND:
- R.O.W. = RIGHT-OF-WAY
 - M.P.R.G.C.T. = MOUNTAIN PLYERS, TEXAS
 - O.P.R.G.C.T. = OFFICIAL PUBLIC RECORDS, GARZA COUNTY, TEXAS
 - X- = EXISTING WATER LINE
 - X- = EXISTING SEWER LINE
 - X- = OVERHEAD ELECTRIC
 - (XX) = ZONING TYPE
 - (XXX) = LANDUSE

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

REVISED JANUARY 19, 2016
PREPARED OCTOBER 3, 2014



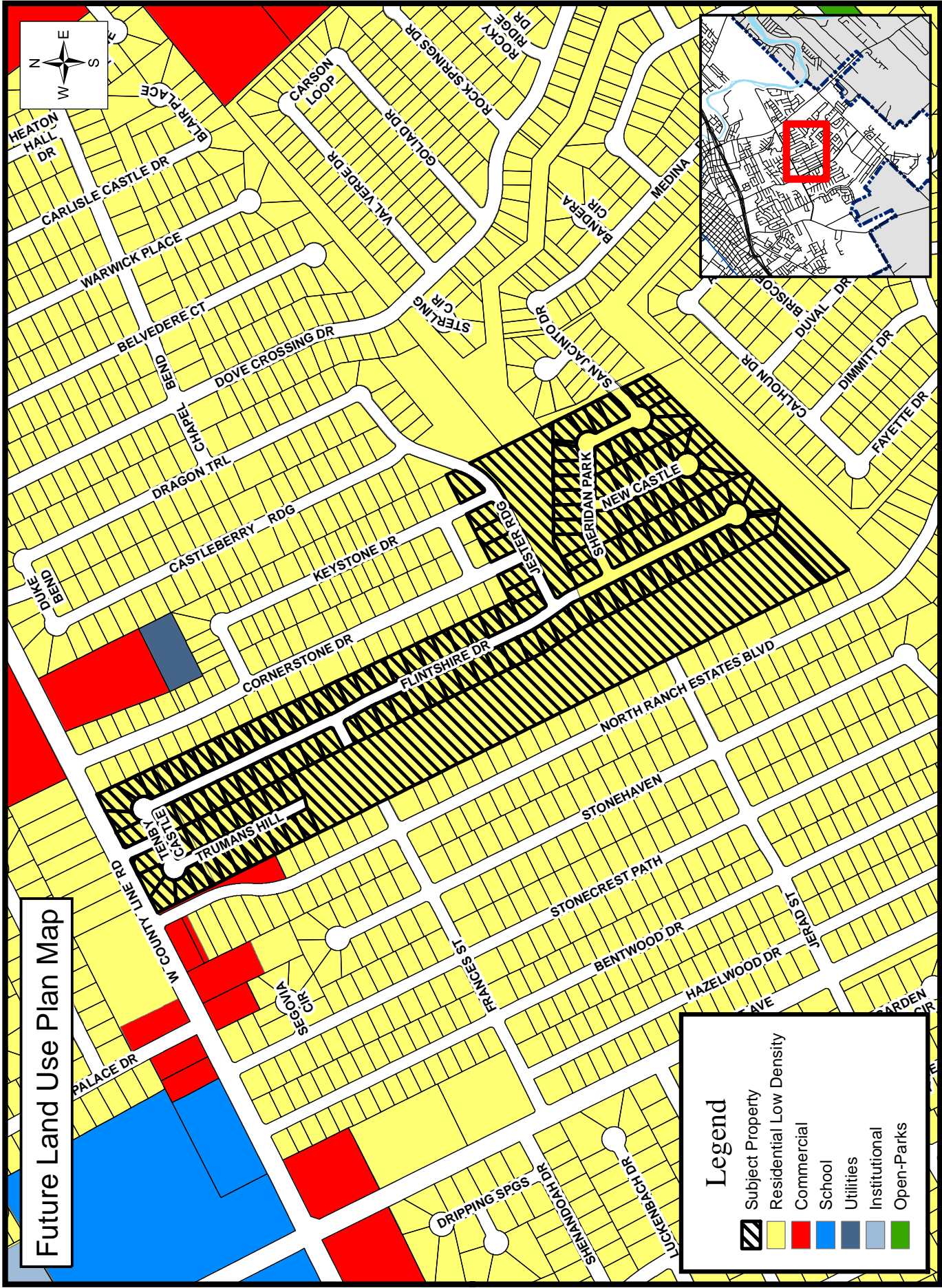
PRELIMINARY LOT COUNT	
LOT SIZE	MAX. # OF LOTS
TOTAL RESIDENTIAL LOTS	211
DRAINAGE LOTS	2
PRELIMINARY LOT DATA	
MINIMUM LOT AREA	6,000 S.F.
MINIMUM LOT WIDTH (INTERIOR)	60'
MINIMUM LOT WIDTH (CORNER)	(CUL-DE-SAC 47 MIN)
MINIMUM LOT DEPTH	100'
MINIMUM FRONT SETBACK	(CUL-DE-SAC 86 MIN)
MINIMUM SIDE SETBACK	20'
MINIMUM REAR SETBACK	20'
PRELIMINARY PROJECT DATA	
PROJECT ACREAGE	49.92 AC
RESIDENTIAL ACREAGE	46.26 AC
LOT DENSITY = 5:15 UNITS PER ACRE	



Existing Land Use Map

Legend

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



Map Created 6/12/17

PL-17-025
Parkridge Estates PD - Concept Plan & Development Standards Amendment
W. County Line Road



PLANNING COMMISSION – July 5, 2017 – 6:00PM

New Braunfels City Hall, Council Chambers

Applicant: EBIB, LLC – Becky Hill, Agent

Property Location: Parkridge Estates
W. County Line Road

Proposed Zone Change – Case #PZ-17-025

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.”

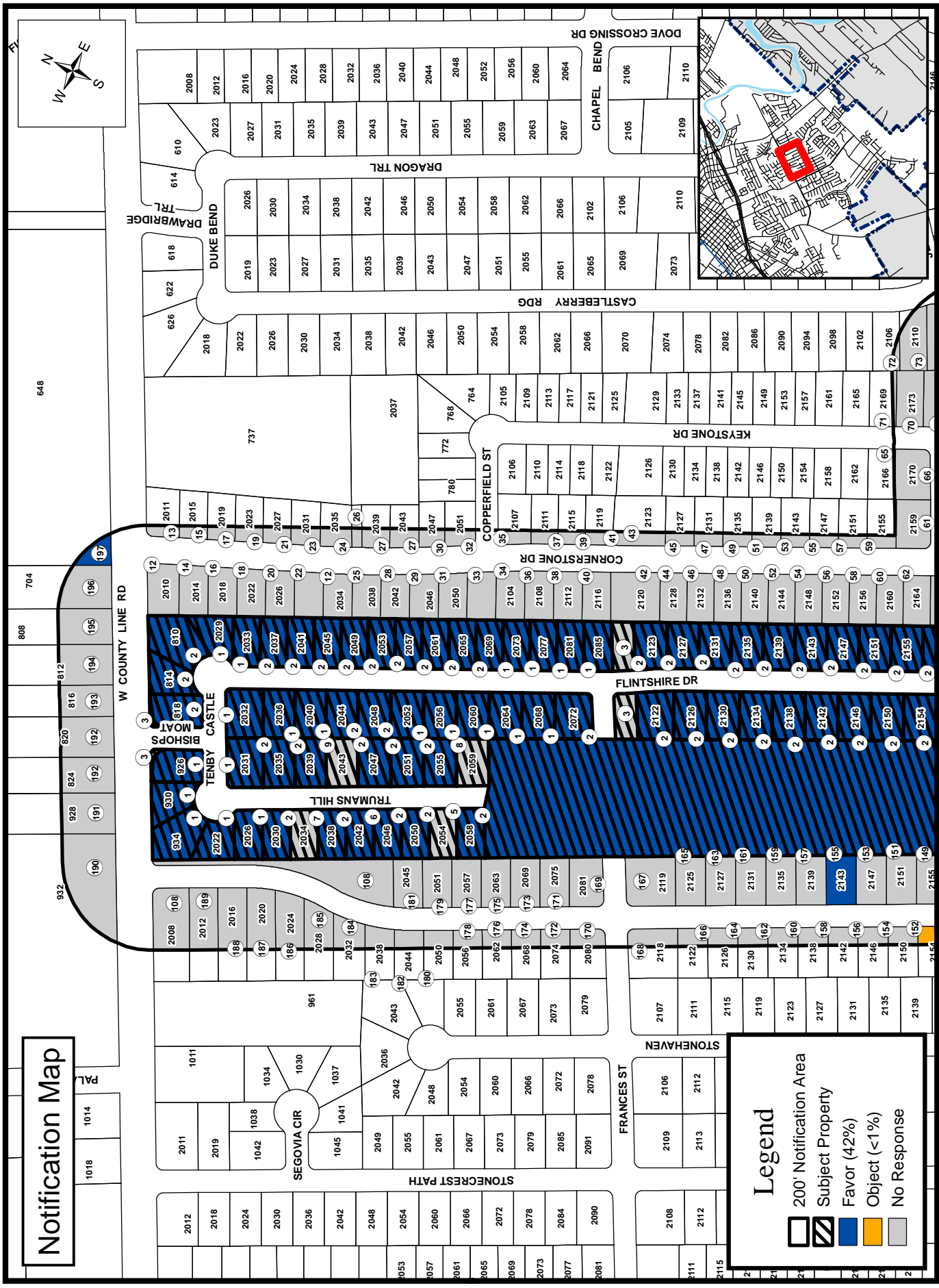
- | | |
|--|---|
| 1. NB Park Ridge Estates Property Ltd | 36. Shook-Hughes Gaye |
| 2. Continental Homes Of Texas LP | 37. Kienlen Marie E |
| 3. Park Ridge Estates Homeowners Association Inc | 38. Gonzales Yvette Ellen |
| 4. AML Properties Ltd & EBIB LLC | 39. Simone Rocco |
| 5. Asencio Michelle | 40. LaPointe Kimberly D |
| 6. Dunning Christopher J & Annette M | 41. Ferraro Ross James & Nancy E |
| 7. Veliz Melchor Jr & Yolanda | 42. Lanum Dawn |
| 8. Carter Jennifer A | 43. Wayland Gregory Alan & Frances Feeser |
| 9. Wells Lavenda | 44. Altamirano Jose A & Leonides Laura |
| 10. Villagomez Juan & Jessica Deni | 45. Kirkpatrick T A & Beverly |
| 11. Edgar Douglas L & Teresa L | 46. Medellin Domingo |
| 12. Briggs NB Rental I LLC | 47. Cantu Iracema L |
| 13. Cano Ramona | 48. McGinty Billy Ross |
| 14. Martinez Florentino C & Maria | 49. Kylo Gena Et. al. |
| 15. Moore Neoma Lynn | 50. Holmes Richard J |
| 16. Rosinbaum Sandra S | 51. Paicurich Margaret A |
| 17. Thompson Ralph O & Dorothy | 52. Hamel Jerid & Tracy |
| 18. Welch Sandra R | 53. Denton Rebecca S |
| 19. Brown William S & Patricia O | 54. Holden Joshua & Heather Moore |
| 20. Hay Donald P & K Elaine Kandeler | 55. Myers Richard & Julia |
| 21. Leverett Cary L & Paula A | 56. Worley Joyce L |
| 22. Juarez Gracie G | 57. Hasler Adam T & Renee P |
| 23. Simons Tim | 58. Depasqual Ryan |
| 24. Ochoa Bertha | 59. Paratore Deborah S |
| 25. Albach Shane A & Angela S | 60. Ebert Anissa |
| 26. New Braunfels Utilities | 61. Nieto Joe Jr & Elida |
| 27. Tummers Nicholas G | 62. Schuetz Stacy A |
| 28. Molina Rocky & Tina C | 63. Lee Carolyn Sue & Edgar Brian |
| 29. Bowden Charles T | 64. Moreno Basilio |
| 30. Furlow Vivian K | 65. Jeffers Marlisa Kay |
| 31. Newsom Randal E & Laura K | 66. Morales Emma |
| 32. Womack Ronald L & Ramona | 67. Jardo Enterprises LLC |
| 33. Mawyer Mandi & Christa Mawyer | 68. Cox Knack & April |
| 34. Leach Ray | 69. Zapata Elma C |
| 35. Biggs Rosemary | |

70. Braun William H & Lauren Rouquette
71. 2169 Keystone Series
72. Rossbach Aaron & Ashley
73. Tran Thanh Thao Ngoc
74. Hibernia LLC & Carbon Pacer LLC
75. Hodell Hans & Deanna
76. Phelps Woody & Katie
77. Dove Crossing Homeowners Association Inc
78. Bedford John L & Krystal A Bedford
79. Plumb Sandra & Calvin W
80. Murra Farrus Fernando Elias
81. Dubicki Jeremy John & Mindy Kate Moser
82. Zamora Fabian Gaytan
83. Watts William Perry
84. Pairett Michael F li & Jessica M
85. Stavinoha Keith
86. Munoz Chad & Melissa
87. Michaels Marlene C
88. Duncan Donald R & Jessamy
89. De Los Santos David & Cinthya Castillo
90. American Homes 4 Rent
91. Santana William D Jr & Amanda D
92. Anderson Mary J & Chad William
93. Tiemann Brian
94. Wilson Evonne L & Keith
95. King Aaron David & Mauri Jane
96. Chinake Colleen C
97. Montgomery Lance Whitelaw
98. Dunn Ricky L & Ina
99. Jennings Katherine
100. Williams Paula & Damian
101. Goodwin Nathan & Kierra
102. Juarez Raymundo H & Katia A
103. Puente Lidia G & Rene Gomez
104. Monroe Francis & Donna J
105. Farrow Melvin Troy & Becky L
106. Bostick Nathan L & Stephanie Annmarie
107. Naymik Paul J Jr & Judith E
108. New Braunfels Ranch Estates Ltd
109. Hack Caroline Lee
110. Villarreal Roberto & Mary Jane
111. Mock Tommy Douglas Jr & Gilda R
112. Kraft Lonnie Dale
113. Echols Caren C
114. Dickman Eric M & Lyndsey W
115. Vanzant Loyd & Patricia A
116. Kendall Willie Darrell & Mitzi L
117. Briggs Robert A Jr
118. Fulfer Sabrina A
119. Barrett Anne R & Larry W Winans
120. McDearman Jack M & Janice E
121. Steele James William Jr
122. Shine Julien C & Robert M
123. Mentzer Richard & Jeannie
124. Menges John Michael & Samantha Nichole
125. Melton Albert E & Jenet
126. Beamer Roger Dale & Janis Davis Beamer
127. Stirl Lynette K
128. Strausbaugh Tamara J Revocable Liv. Trst.
129. Newkirk Calvin
130. Wood Katherine M
131. Owens Darrel Dean li & Teresa L
132. Torres Daniel
133. Marlow Patricia Camille
134. Bueche Mark R
135. Castillo Richard Delgado & Argelia
136. Heaton Andrew P
137. Cowey Amanda C Lanik
138. Covington Jeffrey S
139. Harris Larry & Carmen
140. Gibbens Bradley & Ryane
141. Regino Alvaro & Veronica
142. Seegers Edgar F & Patricia L
143. Greathouse Kashen W & Alejandra
144. Jackson William A
145. Woehler Andrea Lee
146. McNeill Rita Owens
147. Cole Michelle
148. Pless Nathan G & Kristen
149. Frias Isabel M & John E Yarbrough
150. Hunt Gilbert Eugene Jr & Janice Lee
151. Phelps Sarah H
152. Zink Jacob
153. Pfluger Sandra K
154. Ybarra Abraham & Ann Phelps
155. Hahn Deborah Ann
156. Wiley James & Shanna
157. Graham Jonathan & Elizabeth
158. Burgess Jeri
159. Evans Paul M
160. Copeland Kerstan J & Andrea
161. Brockman Rachel C
162. McCamey Helen P
163. Garrison Donald D & Laurie S
164. Sudduth Carolyn
165. Martini Raymond J & Bernice B
166. Loyola Erick J
167. Scott Brady & Jennifer Abbe
168. Briggs Robert A Jr

169. Zamora Reynaldo & Criselda B
170. Brady David L & Kay N
171. Pusateri Steven C
172. Tiller Yancy James
173. Hahn Henry L & Janet E
174. Denney Gary & Norma
175. Doege Vance Dwayne
176. 2062 North Ranch Estates - Series
 W/In Lyntex Part
177. Rhodes Arlene
178. Fey Tammy L & Kelly D Ellis
179. Nichols Daniel Lee & Karen Kim
180. Sudduth Mark Charles & Cynthia
 Ann
181. Johnson Jake
182. Hester Lloyd

183. Heiser Randall Todd
184. Bandy Paul E & Jacqueline M
185. Cano Miguel & Adriana
186. Rodgers Robert L & Dorothy A
187. Fryar Teri L
188. Strakos Tammy J
189. Kunz John D Jr
190. Randow Jeffrey Evan
191. Jentsch Mitchell & Shirley Ann
192. Dietze Weldon W
193. Helmly Rentals LLC
194. Michelson Joyce Marie
195. Feller Roofing Of New Braunfels
 LLC
196. Villanueva Reynaldo & Ester
197. JAC North Property Holdings Ltd

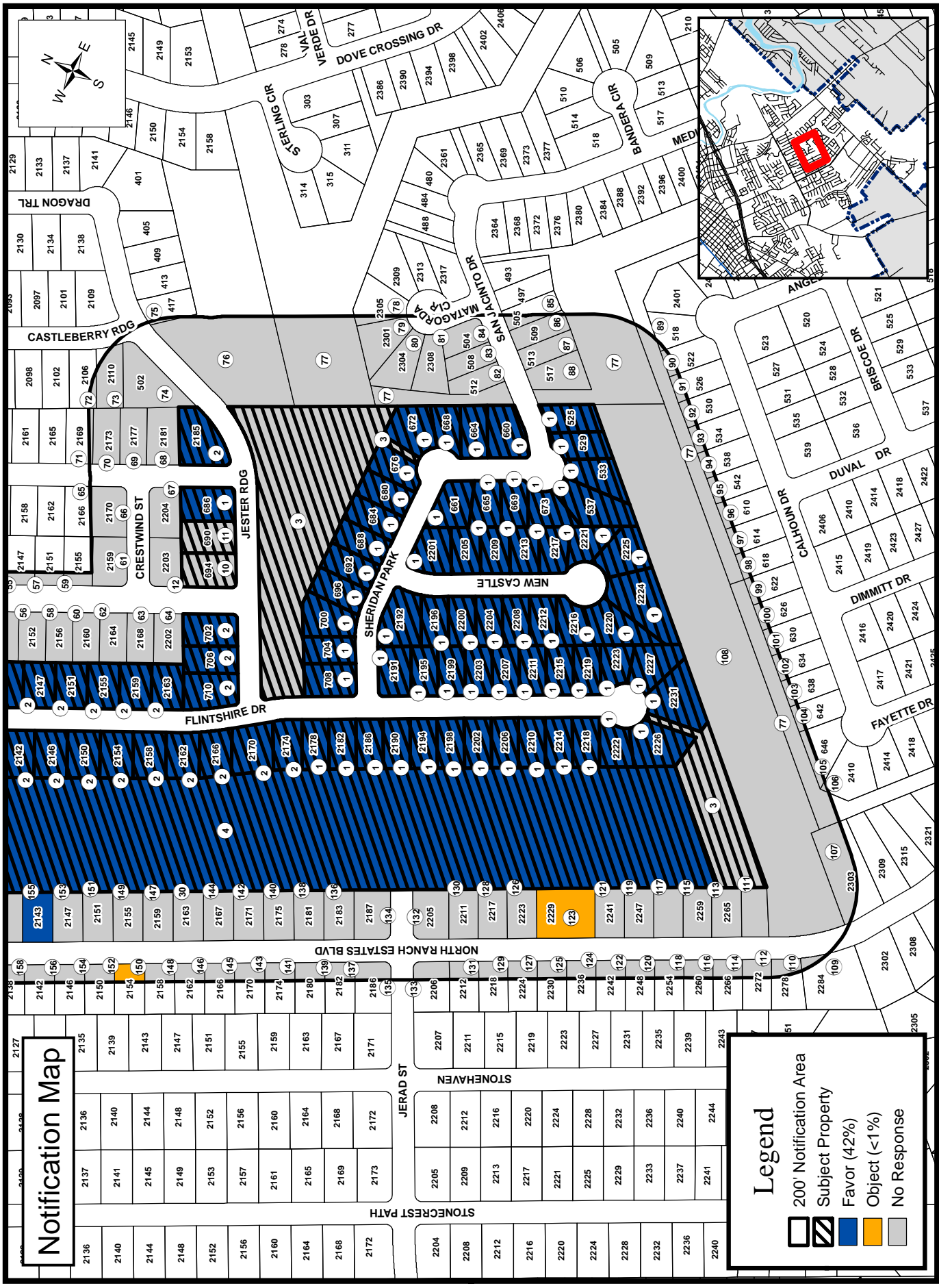
SEE MAP



Map Created 6/21/17

PL-17-025
Parkridge Estates PD - Concept Plan & Development Standards Amendment
W. County Line Road





Map Created 6/21/17

PL-17-025
Parkridge Estates PD - Concept Plan & Development Standards Amendment
W. County Line Road



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-025 (EBIB - Parkridge) - BWC

Date notice sent: 6/20/2017

Name: NB Park Ridge Estates Property, Ltd.

Address: P.O. Box 311240

Circled number on map: 1

Comments: (Use additional sheets if necessary)

I favor: ☒

I object: ☐

(State reason for objection)

Signature: [Signature]



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YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-025 (EBIB - Parkridge) - BWC

Date notice sent: 6/20/2017

Name: Continental Homes of Texas LP (Tu-Anh Cloteaux)

Address: 210 W Hutchison St. San Marcos, TX 78666

Circled number on map: 2

Comments: (Use additional sheets if necessary)

I favor: ☒

I object: ☐

(State reason for objection)

Signature: [Signature]



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YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-025 (EBIB - Parkridge) - BWC

Date notice sent: 6/20/2017

Name: AML Properties, Ltd.

Address: P.O. Box 311240

Circled number on map: 4

Comments: (Use additional sheets if necessary)

I favor: ☒

I object: ☐

(State reason for objection)

Signature: [Signature]



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YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-025 (EBIB - Parkridge) - BWC

Date notice sent: 6/20/2017

Name: EBIB

Address: P.O. Box 311240

Circled number on map: 4

Comments: (Use additional sheets if necessary)

I favor: ☒

I object: ☐

(State reason for objection)

Signature: [Signature]



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YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-025 (EBIB - Parkridge) - BWC

Date notice sent: 6/20/2017

Name: Annette Dunning + Chris

Address: 2042 Trumans Hill

Circled number on map: 6

Comments: (Use additional sheets if necessary)

I favor: ☒

I object: ☐

(State reason for objection)

Signature: [Signature]



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YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-025 (EBIB - Parkridge) - BWC

Date notice sent: 6/20/2017

Name: Nick Tummers

Address: 2039 & 2043 Cornerstone

Circled number on map: 27

Comments: (Use additional sheets if necessary)

I favor: _____

I object: Too Congested

(State reason for objection)



Signature: [Signature]

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YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-025 (EBIB - Parkridge) - BWC

Date notice sent: 6/20/2017

Name: Donald & Jessamy Duncan

Address: 517 San Jacinto Dr

Circled number on map: 88

Comments: (Use additional sheets if necessary)

I favor: _____

I object: ✓

(State reason for objection)



Don't want 1500 sq ft homes around me.

Signature: Jessamy Duncan

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YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-025 (EBIB - Parkridge) - BWC

Date notice sent: 6/20/2017

Name: Gilbert E. Hunt

Address: 2154 N. Ranch Est. Blvd.

Circled number on map: ~~2154~~ 150

Comments: (Use additional sheets if necessary)

I favor: _____

I object: X

(State reason for objection)



DON'T NEED ANY SMALL HOUSES
IN THE NEIGHBORHOOD

Signature: Gilbert E. Hunt

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Benjamin W. Campbell

From: richard mentzer [richard.mentzer@sbcglobal.net]
Sent: Saturday, July 01, 2017 12:52 PM
To: Benjamin W. Campbell
Subject: EBIB, LLC (BECKY HILL)

my name is richard and jeannie mentzer and we live at 2229 n. ranch estates blvd new braunfels texas 78130 phone 830-6265561 if you have a ? please call
when these people had a meeting to tell us what they wanted to built next to our neighborhood i said find it will keep our investment O.K. now they want to change that. they will say there is a need for smaller homes and we all know there will always be a need for smaller homes. but i was talking to people who work there and i was told the reason they want to go to smaller homes is because the ones they have now are not moving fast enough. anyone who has any knowledge will know if you put a small home on each side of a lg. home the value of the lg. home goes down it is that simple. we moved here from san antonio 17 (our home there was 1100 sq. ft.) years ago to this home we were not in the city then but you took us in to be part of this city. now doing that i expect this city to protect our investment and not let people come in say one thing get a foot in the door then ask for change it is not right and if these people made a bad chose do not let them of the hook at the expense of the tax payers here. thank you for letting voice my concerns.

richard & jeannie mentzer

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-025 (EBIB - Parkridge) - BWC

Date notice sent: 6/20/2017

Name: Richard Mentzer
Address: 2229 N. Ranch Estates Blvd
Circled number on map: 123

Comments: (Use additional sheets if necessary)

I sent a detail email

Signature: [Signature]

I favor: _____

I object: ✓

(State reason for objection)



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YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-025 (EBIB - Parkridge) - BWC

Date notice sent: 6/20/2017

Name: Deborah Ann Hahn
Address: 2143 N. Ranch Estates Blvd.
Circled number on map: 155

Comments: (Use additional sheets if necessary)

Signature: Deborah Ann Hahn

I favor: ✓

I object: _____

(State reason for objection)



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YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-025 (EBIB - Parkridge) - BWC
Date notice sent: 6/20/2017



Name: Jeri Burgess

I favor: Yes

Address: 2138 N. Ranch Estates Blvd.

Circled number on map: 158

I object: _____

Comments: (Use additional sheets if necessary)

(State reason for objection)

Signature: [Signature]

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YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-025 (EBIB - Parkridge) - BWC
Date notice sent: 6/20/2017



Name: David & Kay Brady

I favor: _____

Address: 2080 North Ranch Estates Blvd.

Circled number on map: 170

I object: X smaller homes will decrease property values

Comments: (Use additional sheets if necessary)

(State reason for objection) crowded subdivision

* In addition - Fence along County Line Road is a hazard to Pedestrians - motorists cannot see sidewalk as you exit North Ranch onto City Line Road - school children or adults -

Signature: [Signature]

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YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-025 (EBIB - Parkridge) - BWC
Date notice sent: 6/20/2017

Name: Jorge D. Cedillo

I favor: ✓

Address: 9823 Sweetwind Dr.

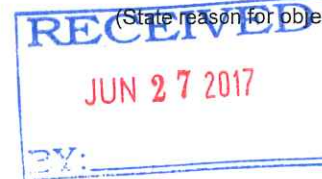
Circled number on map: 197

I object: _____

Comments: (Use additional sheets if necessary)

(State reason for objection)

Signature: [Signature]



T:\Planning\ZoneChange-SUP-Replats\2017 cases\PZ-17-025 Parkridge Estates PD Concept Plan\PZ-17-025 nph.docx



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 July 5, 2017 Planning Commission Regular Meeting

PZ-17-025: Public hearing and recommendation to City Council regarding a proposed amendment to the Parkridge Estates Planned Development District Concept Plan and related Development Standards on property comprising approximately 49.52 acres located on the south side of W. County Line Road between North Ranch Estates Boulevard and Cornerstone Drive.

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

Mr. Campbell distributed additional notification responses that had been submitted after the packet was distributed.

Mr. Campbell presented the Staff report and recommended approval, as the proposed change will maintain the use of the property as single-family residential with negligible impact on the existing PREPD neighborhood or on the surrounding neighborhoods.

Commissioner Laskowski inquired about the number of lots in Unit 1 that had been fully developed.

Mr. Campbell responded that Unit 1 includes 86 lots, but a precise calculation had not been done for the percentage of completed construction at that time. Mr. Campbell provided an estimation of approximately 25 fully developed lots. Mr. Campbell stated the applicant was present if the Commission had any additional questions.

Chair Elrod asked if anyone wished to speak in favor.

No one spoke.

Chair Elrod asked if anyone wished to speak in opposition.

No one spoke.

Motion by Commissioner Sonier, seconded by Commissioner Laskowski, to close the public hearing. The motion carried (9-0-0).

Motion by Commissioner Sonier, seconded by Commissioner Conkright, to recommend approval to City Council regarding a proposed amendment to the Parkridge Estates Planned Development District Concept Plan and related Development Standards on property comprising approximately 49.52 acres located on the south side of W. County Line Road between North Ranch Estates Boulevard and Cornerstone Drive. Motion carried (9-0-0).

ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE “PARKRIDGE ESTATES” PLANNED DEVELOPMENT DISTRICT WITH A CONCEPT PLAN AND CONTAINING 49.52 ACRES OUT OF THE WILLIAM H. PATE SURVEY NO. 22, ABSTRACT NO. 259 IN GUADALUPE COUNTY, TEXAS, LOCATED ON THE SOUTH SIDE OF W. COUNTY LINE ROAD BETWEEN NORTH RANCH ESTATES BOULEVARD AND CORNERSTONE DRIVE; 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 “Parkridge Estates” Planned Development District Development Standards; **now, therefore**,

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

SECTION 1

THAT the “Parkridge Estates” Planned Development District, adopted on January 26, 2015 (Ordinance Number 2015-006) and amended on April 11, 2016 (Ordinance Number 2016-017), is hereby amended on the following described tract of land:

“49.52 acres out of the William H. Pate Survey No. 22, Abstract No. 259 in Guadalupe County, Texas, located on the south side of W. County Line Road between North Ranch Estates Boulevard and Cornerstone Drive, as delineated on Exhibit ‘A,’ and shown on the Parkridge Estates Concept

Plan as depicted on Exhibit 'B' and amending the Development Standards as stated in Exhibit 'C'.

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 24th day of July, 2017.

PASSED AND APPROVED: Second and Final Reading this the 14th day of August, 2017.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

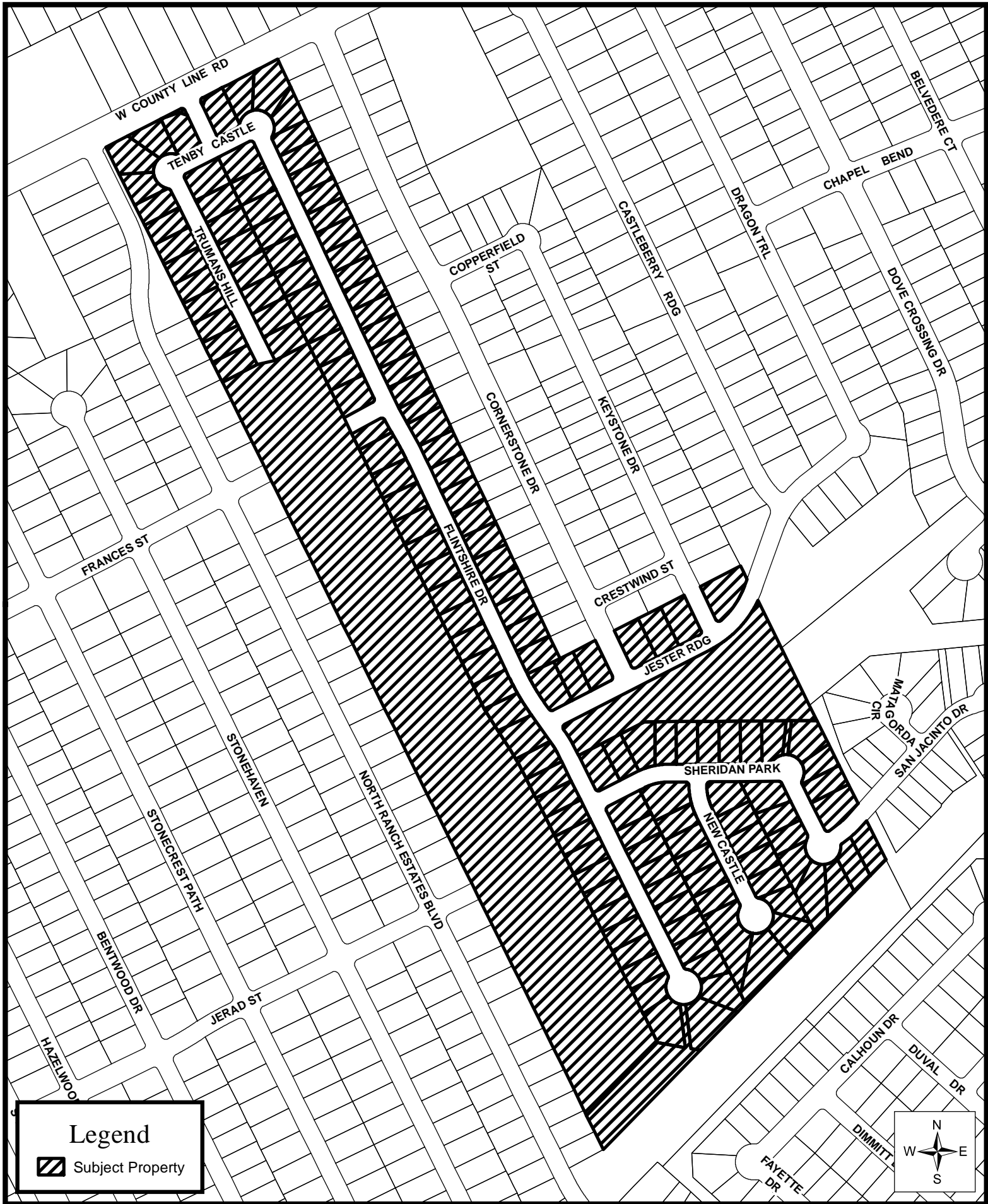
ATTEST:

PATRICK ATEN, City Secretary

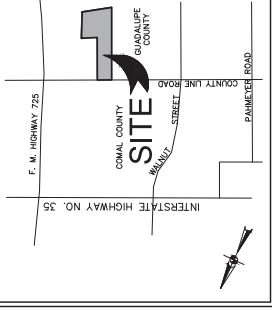
APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

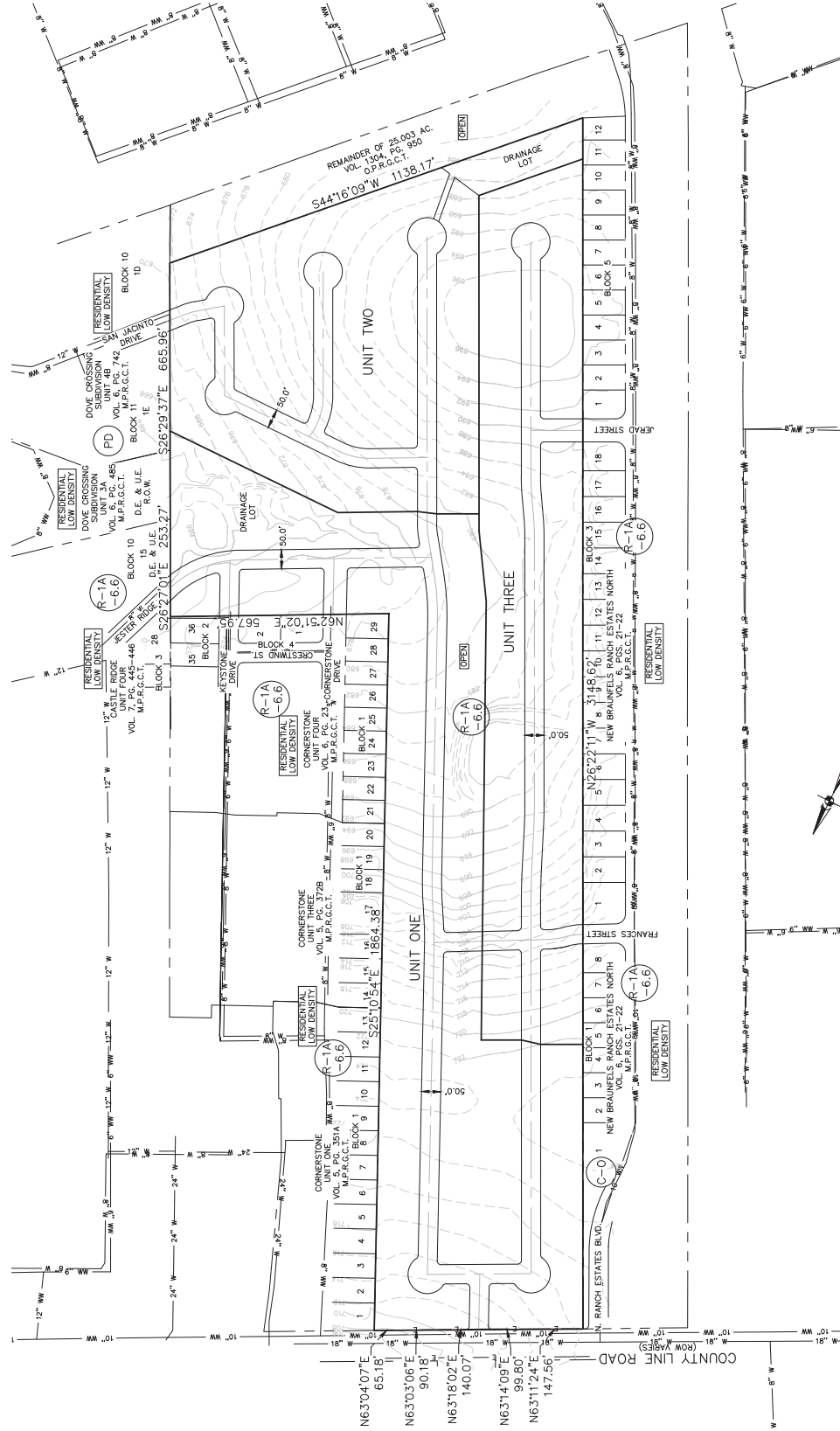
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PARKRIDGE ESTATES PLANNED DEVELOPMENT DISTRICT CONCEPT PLAN AMENDMENT



LOCATION MAP
NOT TO SCALE



REVISED JANUARY 19, 2016
PREPARED OCTOBER 3, 2014

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



PRELIMINARY LOT COUNT	
LOT SIZE	MAX. # OF LOTS
TOTAL RESIDENTIAL LOTS	211
DRAINAGE LOTS	2
PRELIMINARY LOT DATA	
MINIMUM LOT AREA	6,000 S.F.
MINIMUM LOT WIDTH (INTERIOR)	60'
MINIMUM LOT WIDTH (CORNER)	(CUL-DE-SAC 47 MIN)
MINIMUM LOT DEPTH	100'
MINIMUM FRONT SETBACK	(CUL-DE-SAC 86 MIN)
MINIMUM SIDE SETBACK	20'
MINIMUM REAR SETBACK	5'
PRELIMINARY PROJECT DATA	
PROJECT ACREAGE	49.92 AC
RESIDENTIAL ACREAGE	46.26 AC
LOT DENSITY = 5:15 UNITS PER ACRE	

DEVELOPMENT STANDARDS

The general development standards are as follows:

Land Use:	Single-Family Residential
Base Zoning:	R-1A-6.6
Total Number of Acres	49.52 Acres
Drainage Acreage:	3.27 Acres
Residential Acreage:	46.26 Acres
Maximum Number of Total Lots:	211 Lots
Minimum Lot Width (interior):	60 Feet (With the exception of cul-de-sac & street knuckle lots measured at the front building line as 47 feet minimum)
Minimum Lot Width (corner):	60 Feet
Minimum Lot Depth:	100 Feet (With the exception of cul-de-sac & street knuckle lots measured from midpoint of front and rear lot lines as 86 feet minimum)
Minimum Lot Area (interior):	6,000 Square Feet
Minimum Lot Area (corner):	6,000 Square Feet
Front Setback Minimum:	20 Feet
Rear Setback Minimum:	20 Feet
Side Setback Minimum:	<p><u>Internal Lots</u> – 5 Feet</p> <p><u>Corner Lots</u> – 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 20 feet. Otherwise, the required side setback for corner lots is 5 feet.</p> <p>Fences on corner lots will not extend more than one-half (1/2) the distance of the total lot length to insure adequate line of sight for safety.</p>
Maximum Building Coverage:	3,750 Square Feet
Maximum Building Height:	35 Feet
Utilities:	All New Utilities will be Underground

Minimum Living Area (per house):	1,500 Square Feet
Minimum Garage Size:	2 Cars
Masonry Requirements:	All Houses will be Constructed Using 100% Masonry (i.e. brick, rock and/or stucco) and Masonry Products.
Elevation Conflict	The same elevation cannot be built within two lots of each other as illustrated in the Elevation Conflict Exhibit (this does not apply to the floor plan – only the elevation).
Minimum Landscaping Requirements:	Planting of two 2-Inch Caliper Trees, three 5-gallon shrubs, and five 1-gallon shrubs per lot

7/24/2017

Agenda Item No. G)

Presenter

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

SUBJECT:

Public hearing and consideration of the first reading of an ordinance regarding a rezoning of approximately 25.98 acres consisting of Lot 4B, Moeller Subdivision, Unit 3, addressed as 381 W. Klein Road from "APD" Agricultural / Pre-Development District to "White Wing Enclave" Planned Development District, with a Concept Plan.

BACKGROUND / RATIONALE:

Case No.: PZ-17-026

Council District: 2

Applicant: Allen Hoover, P.E.
Pape-Dawson Engineers, Inc.
2000 NW Loop 410
San Antonio, TX 78213
(210) 375-9000

Owners: Delores Ann O'Dell
381 W. Klein Road
New Braunfels, TX 78130

Staff Contact: Matthew Simmont, Planner
(830) 221-4058
msimmont@nbtexas.org

The subject property is approximately 26 acres in area with approximately 315 feet of frontage along W. Klein Road located along the edge of the city limits southeast of the intersection of W. Klein Road and Wise Owl. The subject property is currently occupied by a single-family dwelling and two accessory structures related to the current agricultural use of the property.

A request for rezoning of this property from "APD" Agricultural / Pre-Development to "ZH-A" Zero Lot Line Home District was denied by City Council on May 22, 2017. During the same meeting, City Council also discussed the applicant's option to consider requesting a planned development district that could result in more thoughtful development of the acreage.

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 proposed “White Wing Enclave” Planned Development District” (WWEPD) is “R-1A-6.6” Single-Family District. The proposed residential development standards are slightly different than those of the standard R-1A-6.6 District. The variations between the R-1A-6.6 zoning district standards and the proposed PD Development Standards are the minimum lot width, minimum lot area and the minimum front and rear setbacks (see the comparison table in the report). The WWEPD also proposes to include minimum requirements for the houses including minimum square footage, minimum masonry and aesthetic features as well as landscaping requirements, which are not required in the R-1A-6.6 District.

The following table compares R-1A-6.6 district zoning standards (proposed base zoning district) with those proposed by the applicant for the Planned Development; the differences are shown in **bold**. More detail is included in the submitted Development Standards (Attachment 4).

Standard	R-1A-6.6	WWEPD
Minimum Lot Width	60 feet	50 feet; Lots abutting White Wing Subdivision, Phases 1 & 2 will have a minimum lot width of 60 feet
Minimum Lot Frontage (irregular lots, i.e. cul-de-sac)	36 feet	36 feet
Minimum Lot Area:	6,600 sq. ft. interior 7,000 sq. ft. corner	5,250 sq. ft. interior 5,775 sq. ft. corner
Minimum Lot Depth	100 feet	105 feet
Maximum Building Height	35 feet	35 feet
Front Setback Minimum	25 feet	20 feet
Rear Setback Minimum	20 feet	15 feet

Side Setback Minimum	Internal Lots - 5 Feet Corner Lots - 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.	Internal Lots - 5 Feet Corner Lots - 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 10 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 20 feet .
Minimum Dwelling Area	None	1,100 square feet
Garages/Parking	Minimum 2 off-street parking spaces	Minimum 2-car garage
Building Elevation Requirements	None	Each home must have a different elevation from the home on either side of it and directly across the street.
Minimum Masonry Requirements	None	All houses will be constructed with front and side elevations 100% masonry on the first floor. Masonry products shall include hard fired brick, stone, decorative concrete block, concrete pre-cast or tilt wall panel, three step hard coat stucco, fiber cement, glass blocks, or tiles.
Minimum Landscaping	None	Two 1.5-inch caliper trees per residential lot
Number of Lots	104 (estimated when accounting for easements, streets and drainage)	109
Maximum Density	4.0 dwelling units per acre (estimated when accounting for easements, streets and drainage)	4.2 units per acre

General Information:

Size:

Approximately 26 acres

Surrounding Zoning and Land Use:

North - Across W. Klein Road, R-1A-6.6 and R-2A / Whispering Valley Subdivision, single-family development

South - APD / Single-family residences and utilities
East - R-1A-6.6 and outside City Limits / White Wing Subdivision and single-family residences
West - APD / Single-family residences and agricultural

Comprehensive Plan/ Future Land Use Designation:
Residential Low-Density

Floodplain:
No portion of the property is located within the 1% annual chance flood zone (100-year flood plain).

Regional Transportation Plan:
The property has frontage on W. Klein Road which is designated as a 120-foot wide Minor Arterial. The widening of W. Klein Road from S. Walnut Avenue to FM 1044 has been approved as a City bond project. Plans for the project are 95% complete and the City is in the process of right-of-way and easement acquisition. It is anticipated the project will go out to bid this summer with construction beginning in the Fall. Platting of the property will require up to 30 feet of right-of-way dedication.

Hike and Bike Trails Plan:
The City's Hike and Bike Trails Plan includes an off-street trail along W. Klein Road. The proposed trail will be incorporated into widening projects as a 10 foot wide shared use path on the north side of the roadway.

Improvement(s):
Single-family dwelling and two accessory buildings

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 use of the property for single-family development and the proposed development standards are generally compatible with the neighboring single family developments. Surrounding developed subdivisions are zoned R-1A 6.6 - some have 60 foot minimum lot widths while others are larger. This being the case, the applicant plans to include 60-foot wide lots where abutting existing similar size lots in the residential development to the east.*);
- 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 zoning change is in accordance with the Future Land Use Plan designation of the property. The adequacy of public facilities and utilities to serve the additional demand is evaluated by each provider. NBISD and utility providers have been notified of the proposed development.*);
- How other areas designated for similar development will be affected (*Continued suburban style single-family detached residential development of the large vacant tracts along Klein Road will contribute to increased traffic and utility demands. The forthcoming widening of the larger segment of Klein Road will contribute to congestion relief in the area, but lower residential densities, with some small neighborhood commercial, may be a preferable scenario for future development of nearby tracts, particularly northeast of Walnut Avenue.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*There should be no other factors that will substantially affect the public health, safety,*

morals, or general welfare. Drainage, utility and traffic impact issues will be reviewed and addressed through the platting process.); and

- Whether the request is consistent with the Comprehensive Plan (*The proposed zoning is consistent with the Future Land Use Plan designation of Low Density Residential and with several objectives of the Comprehensive Plan.*)

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

Yes	City Plan/Council Priority: 2006 Comprehensive Plan <i>Pros and Cons Based on Policies Plan</i>	Pros: Object 1A: <i>Evaluate proposed zone changes to maintain land use compatibility, as well as the integration of mixed land uses as a component of achieving better places to live.</i> The proposed Planned Development District 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. Goal 17: <i>Provide sufficient housing opportunities to meet the future needs and demands for people of all income levels in New Braunfels.</i> Rezoning from “APD” will allow development of additional single-family housing in this growing area of the city. Cons: Residential development will result in increased traffic on the two lane portion of W. Klein Road.
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the requested Planned Development at their public hearing on July 5, 2017 (9-0-0).

STAFF RECOMMENDATION:

Staff recommends approval of the “White Wing Enclave” Planned Development District (WWEPD) Concept Plan and Development Standards, as the proposed use of the property for single-family development is generally compatible with the surrounding residential neighborhoods and land uses, and is consistent with the Future Land Use designation of the property as Residential Low Density. The proposed WWEPD also includes additional development standards that exceed current minimum City standards, such as:

- tree planting requirements,
- garage size minimums,
- residential masonry standards,
- elevation variety, etc.

All of these additional quality standards should ameliorate any negative impacts of smaller home and lot sizes while allowing opportunities for variety of housing options and choices in the community.

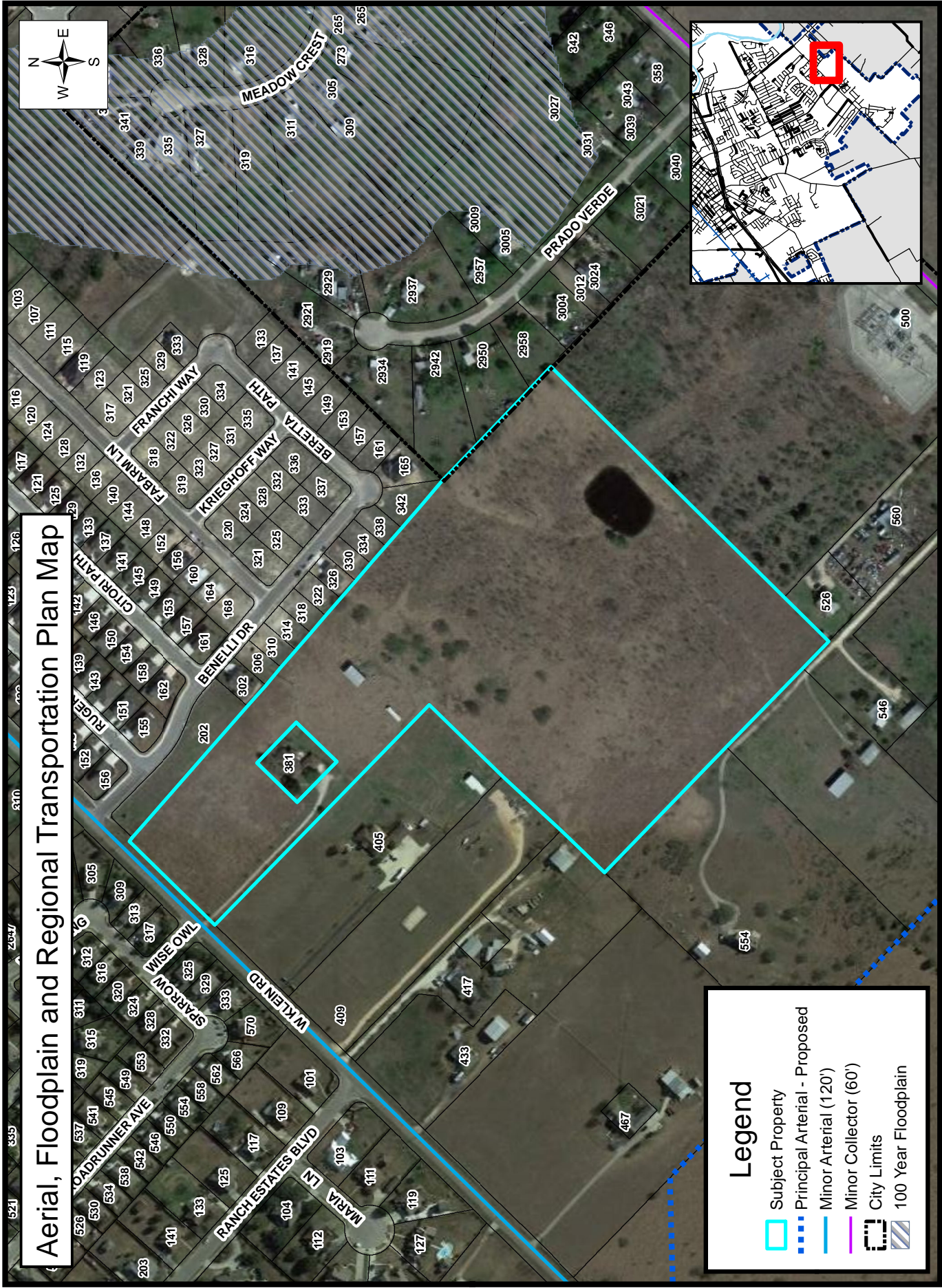
Since zoning changes are discretionary and the request is for a planned development district, City Council may require the inclusion of additional development standards or conditions to ensure quality development and compatibility with the neighborhood.

Notification:

Public hearing notices were sent to 29 owners of property located within 200 feet. The Planning Division has received three responses in favor (# 23, 24, 25) and three in opposition (# 27, 28, 29) representing 25% of the notification area.

ATTACHMENTS:

1. Aerial, Floodplain and Regional Transportation Plan Map
2. Application
3. Proposed Concept Plan & Development Standards
4. Zoning & Land Use Maps
5. Notification & Responses
6. Photograph
7. Code Sections (3.5 PD's, 3.4-1 APD, 3.4-2 R-1A-6.6)
8. Draft Planning Commission Meeting Minutes
9. Ordinance



Aerial, Floodplain and Regional Transportation Plan Map

Legend

- Subject Property
- Principal Arterial - Proposed
- Minor Arterial (120')
- Minor Collector (60')
- City Limits
- 100 Year Floodplain

Map Created 6/22/17

PZ-17-026
 Zone Change
 APD to White Wing Enclave Planned Development District





PLANNING

RECEIVED

MAY 24 2017

APPLICATION FOR
ZONE CHANGE

550 LANDA STREET

NEW BRAUNFELS TX 78130

E-MAIL: planning@nbtexas.org

PHONE: (830) 221-4050

Case Number: P2-17-026

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: Pape-Dawson Engineers, Inc.

Mailing Address: 2000 NW Loop 410, San Antonio, TX 78213

Telephone: 210-375-9000 Fax: 210-375-9010 Mobile: 210-232-2464

Email: ahooover@pape-dawson.com

2. Property Address/Location: Adjacent to the Subdivision White Wing to the West along Klein Rd.

3. Legal Description:

Name of Subdivision: White Wing Enclave

Lot(s): 1 Block(s): 1 Acreage: 25.91

4. Existing Use of Property: Agricultural Purposes

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

Single Family Residential

6. Zoning Change Request: Current Zoning: APD Proposed Zoning: PD

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

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

Reduction in Lot Frontage to 45' Wide

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.

5-24-2017

Date

Allen Hoover, P.E.

Print Name & Title

Signature of Owner(s)/Agent

For Office Use Only

Fee Received By: MG Amount: 1230. Receipt No.: 242181

Date Received: 5.24.17 Zoning signs issued: _____ Date: _____ No.: _____

Cash/Check Number: 120521 Case Number: P2-17-026

NEW BRAUNFELS, TEXAS
CONCEPT PLAN

SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #100288800

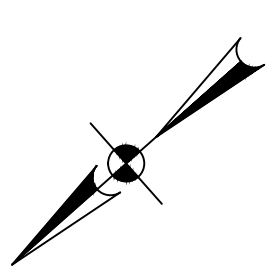
"THIS DOCUMENT IS
RELEASED FOR REVIEW
PURPOSES" UNDER THE
AUTHORIZATION OF
JON D. ADAME,
P.E. #82567.

[illegible]


DEVELOPMENT STANDARDS NOTES

MINIMUM LOT AREA = 5,250 SF
MINIMUM LOT WIDTH = 50'
MINIMUM LOT DEPTH = 105'
MINIMUM SETBACKS
FRONT = 20'
SIDE = 5'
CORNER = 10'
BACK = 15'
MAXIMUM BUILDING HEIGHT = 35'

LOCATION MAP



SCALE: 1" = 100'



A horizontal graphic scale bar with tick marks at 0', 100', 200', and 300'. The bar is divided into alternating black and white segments, with the first 100 feet being a checkerboard pattern and the remaining 200 feet being solid black.

NOTES:

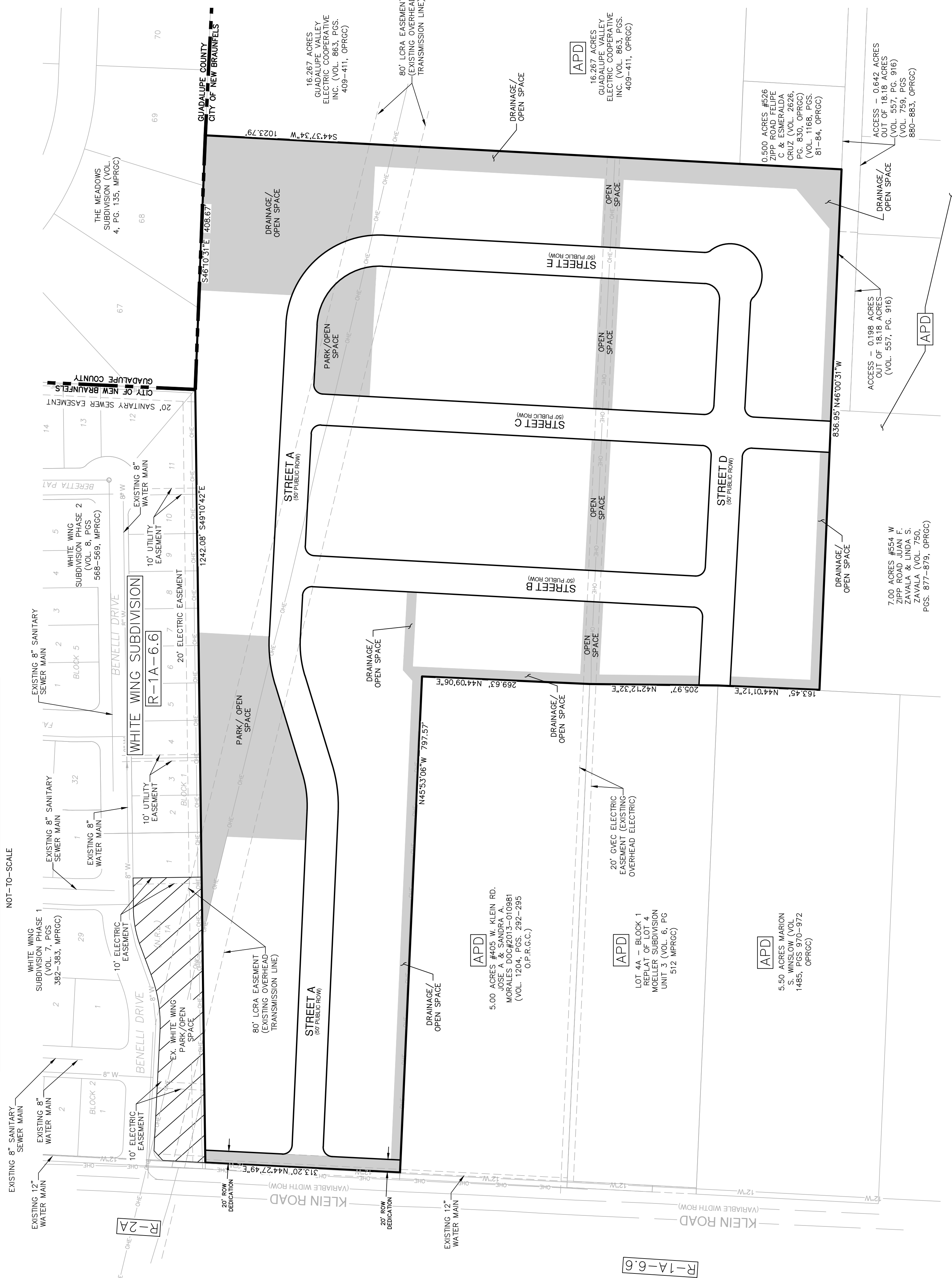
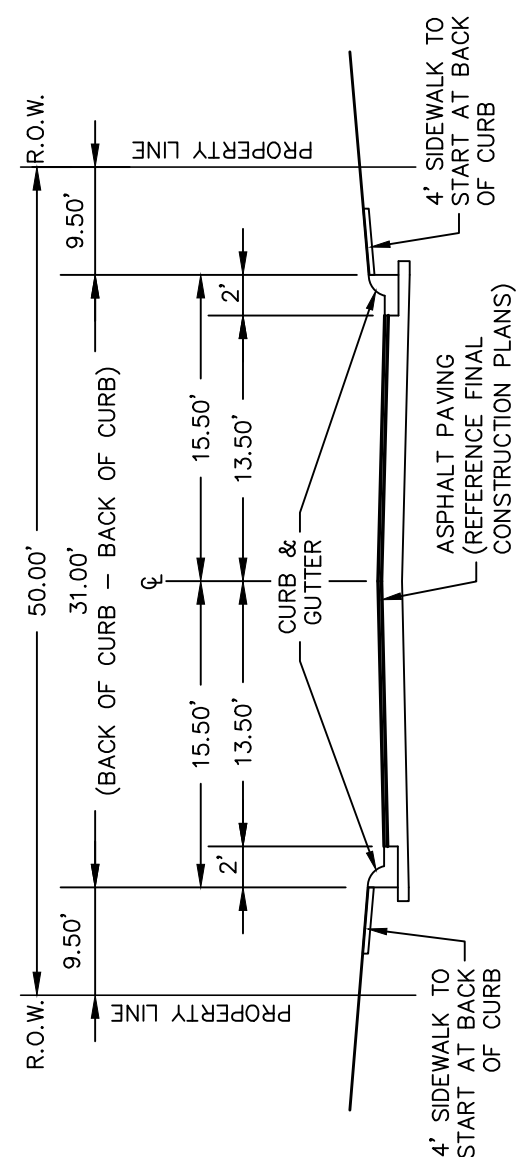
1. THIS PROPERTY IS CURRENTLY ZONED AS APD.
2. THIS DEVELOPMENT IS PLANNED TO BE A SINGLE PHASE DEVELOPMENT.
3. INTERIOR RESIDENTIAL LOTS SHALL HAVE A FRONT BUILDING SETBACK LINE OF 20' A REAR BUILDING SETBACK LINE OF 15', AND A SIDE BUILDING SETBACK LINE OF 5' PER ZONING WITHIN THIS PLANNED DEVELOPMENT DISTRICT.
4. THERE SHALL BE A SIDE YARD ON EACH OF A BUILDING NOT LESS THAN FIVE FEET IN WIDTH, ON BOTH SIDES OF THE LOT LINES. THE SIDE YARD SHALL BE ADJACENT TO THE REAR LOT LINE OF THE BUILDING. THE REAR LOT LINE OF THE BUILDING SHALL BE ADJACENT TO THE REAR LOT LINE OF THE CORNER SIDE YARD ADJACENT TO THE STREET WHERE THE REAR LOT LINES OF THE CORNER SIDE YARDS COINCIDE WITH THE SIDE LOT LINES OF THE ADJACENT LOTS.
5. ALL STREETS ARE PROPOSED TO BE OF A LOCAL TYPE FUNCTIONAL CLASSIFICATION.
6. ALL STREETS WILL HAVE CURB AND GUTTER AND WILL PROVIDE STORMWATER CAPACITY PER CITY OF NEW BRAUNFELS DRAINAGE REQUIREMENTS.
7. ALL STANDARD CURB AND GUTTER WILL PROVIDE STORMWATER CAPACITY PER CITY OF NEW BRAUNFELS DRAINAGE REQUIREMENTS.
8. DRAINAGE AND UTILITY EASEMENTS SHALL BE DETERMINED AND DEDICATED AT THE SUBMITTAL OF THE SUBDIVISION PLAN.
9. ALL OPEN SPACES CAN ALSO BE USED FOR DRAINAGE CONVEYANCE.
10. DRAINAGE EASEMENTS, PARKS AND OPEN SPACES SHALL BE MAINTAINED BY THE HOME OWNER'S ASSOCIATION (HOA).
11. THIS PROPERTY LIES IN THE NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT.
12. THIS PROPERTY WILL BE SERVED BY THE FOLLOWING UTILITIES:
 - a. GREEN VALLEY SPECIAL UTILITY DISTRICT (GVSUD) (SEWER).
 - b. GUADALUPE-BLANCO RIVER AUTHORITY (GBRA) (WATER).
 - c. GUADALUPE VALLEY ELECTRIC COOPERATIVE, INC. (GVEC).
 - d. AT&T
 - e. CHARTER COMMUNICATIONS.
13. THIS SUBDIVISION IS SUBJECT TO THE CITY OF NEW BRAUNFELS PARK LAND DEDICATION AND DEVELOPMENT ORDINANCE.
14. A CRUSHED GRANITE TRAIL FOR RECREATIONAL USE WILL BE INSTALLED WITHIN THE LARGER PARK/OPEN SPACE ADJACENT TO THE COMMON BOUNDARY OF THE WHITE WING SUBDIVISION.
15. IN ADDITION TO THE CRUSHED GRANITE TRAIL THE DEVELOPER WILL INSTALL A PLAYSCAPE STRUCTURE.
16. NOTE THAT THE LARGER PARK/OPEN SPACE ADJACENT TO THE WHITE WING SUBDIVISION HAS BEEN EXTENDED TO PROVIDE CONNECTION TO THE EXISTING WHITE WING SUBDIVISION'S OPEN SPACE AREA.
17. THE DEVELOPER PLANS TO EXTEND THE CRUSHED GRANITE TRAIL THROUGH THE EXISTING WHITE WING OPEN SPACE TO PROVIDE PEDESTRIAN ACCESS TO THE SIDEWALK ROAD TRAIL NETWORK. THIS WILL ALSO SERVE AS A CONNECTION TO THE FUTURE ALEN ROAD TRAIL NETWORK.
18. SIDEWALKS WILL BE CONSTRUCTED ALONG THE KLEIN RD FRONTAGE AND WITHIN THIS DEVELOPMENT.
19. THIS PROPERTY DOES NOT LIE OVER THE RECHARGE ZONE OF THE EDWARDS AQUIFER.
20. REFERENCED PROPERTY DOES NOT LIE WITHIN THE FLOOD HAZARD ZONE AS DEFINED BY THE FLOOD INSURANCE RATE MAP OF DALLAS COUNTY, TEXAS, COMMUNITY PANEL NUMBER 498703015F, DATED NOVEMBER 2, 2007.
21. THE ZONING OF THE PROPERTY IS "WHITE WING ENCLAVE PLANNED DEVELOPMENT DISTRICT."
22. LOTS ABUTTING THE EXISTING WHITE WING SUBDIVISION (PHASE 1 & 2), WILL HAVE 60' MIN FRONT LOT WIDTHS.

RELATION TO COMPREHENSIVE PLAN NOTE:

THE PROPOSED R-1A-6.6 PD DISTRICT 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.

LAND					
PHASE	ACRES	OPEN SPACE/ DRAINAGE	PARK (AC)	ROW DEDICATION	RESIDENTIAL
ENCLAVE	25.91	3.22	1.55	0.14	21.00
TOTAL					
560'		350' FRONTS		# OF LOTS	LOT DENSITY
35' (32%)		74' (68%)		109	4.2

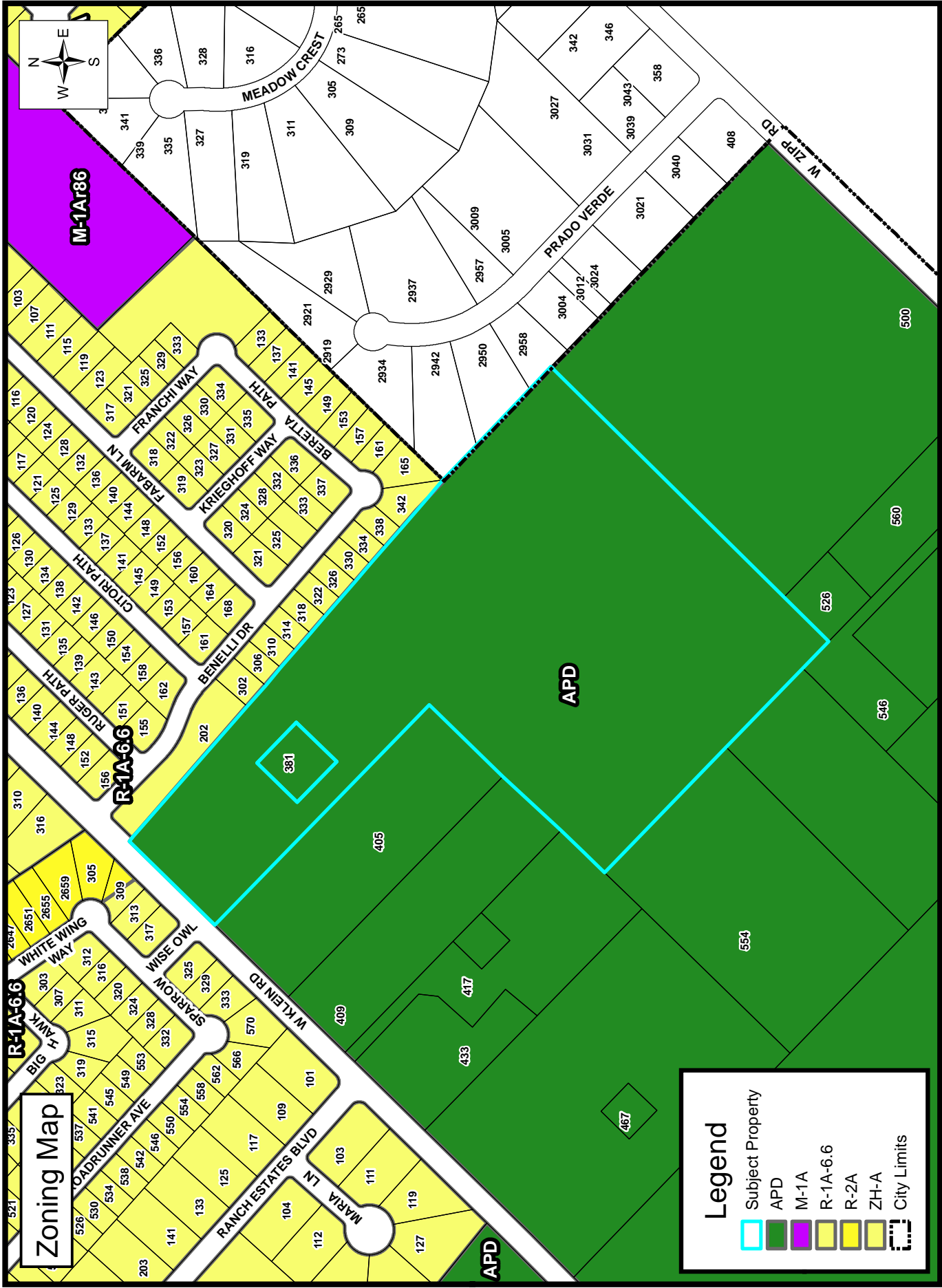
TYPICAL STREET SECTION - 50' R.O.W. (LOCAL)



DEVELOPMENT STANDARDS

Utilities:	All New Utilities will be underground.
Amenities:	Open Space, Parks, Trails, Playscape.
Sidewalk along Klein Road:	Approximately 234 Linear Feet
Internal Sidewalk:	Approximately 8,097 Linear Feet A 4' wide crushed granite trail for recreational use will be installed within the larger park/open space designated on this plan. The Developer also plans to extend this trail to provide pedestrian access to the sidewalk along Benelli drive.
Connectivity:	The Entrance will be off Klein Road. A stub out street will be provided to undeveloped property to the East. This stub out could provide future connectivity to the Walnut Road extension.
Minimum Living Area (per house):	1100 Square Feet
Minimum Garage Size:	2 Cars
Exterior Masonry Requirements:	All houses will be constructed with front and side elevations 100% masonry on the first floor. Masonry products shall include hard fired brick, stone, decorative concrete block, concrete pre-cast or tilt wall panel, three step hard coat stucco, fiber cement, glass blocks, or tiles.
House Elevations (exterior façade):	Homebuyers will have their choice of multi-dimensional exterior elevations that offer architectural styling, varied roof lines, and attention to detail. The home designs were designed to appeal to the residents in this area and what they expect in a new home. This neighborhood will feel like a community.
Elevation Conflict:	Each home must have a different elevation from the home on either side of it and directly across the street.
Minimum Landscaping Requirements:	Planting of two – 1.5" Caliper Trees, 100% coverage with sod, mulch or crushed granite, plant and shrub package installation all front yards, optional upgraded xeriscape landscape package will be offered.
Land Use:	Single-Family Residential Lots abutting the existing White Wing Subdivision (Phases 1 & 2), will have 60' min. front lot widths.
Base Zoning:	R-1A-6.6

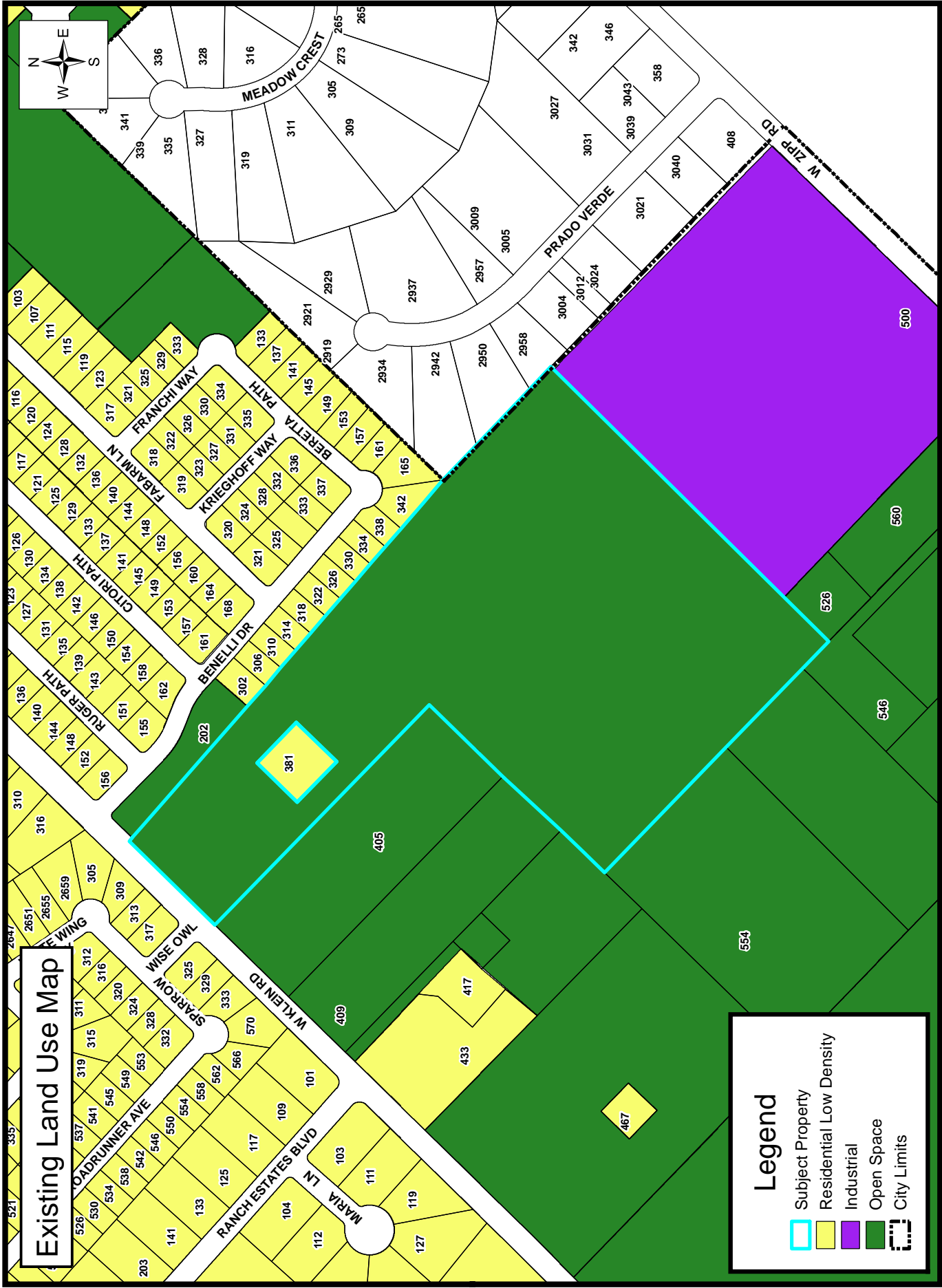
Maximum Total Number of Acres:	25.91 Acres
Open Space/Drainage Acreage:	Approximately 3.22 acres
Park Acreage:	Approximately 1.55 acres
Residential Acreage:	Approximately 21.00 acres
R.O.W. Dedication Acreage:	Approximately 0.14 acres
Maximum Total Lots per Acre	4.2
Maximum Number of Total Lots:	109 (35 w/ 60' min. Fronts) (74 w/ 50' min. Fronts)
Minimum Lot Width At Front Setback Line:	50 Feet
Minimum Lot Depth:	105 Feet
Minimum Lot Area:	5,250 Sq. Ft. interior. 5,775 Sq. Ft corner
Front Setback Minimum:	20 Feet
Rear Setback Minimum:	15 Feet
Side Setback Minimum:	<u>Internal Lots</u> – 5 Feet <u>Corner Lots</u> – The minimum side setback adjacent to the street for corner lots where the rear lines of the corner lot coincides with the rear lot of the adjacent lot is 10 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 of the adjacent lot is 20 feet. Otherwise, the internal side setback for the corner lots is 5 feet. <u>Garage Setbacks</u> – Where a driveway is located in front of the garage, the garage shall have a setback 20 feet from the right-of-way or the driveway shall be at least 20 feet long.
Maximum Building Height:	35 Feet (2-Story)



Map Created 6/22/17

PZ-17-026
Zone Change
APD to White Wing Enclave Planned Development District

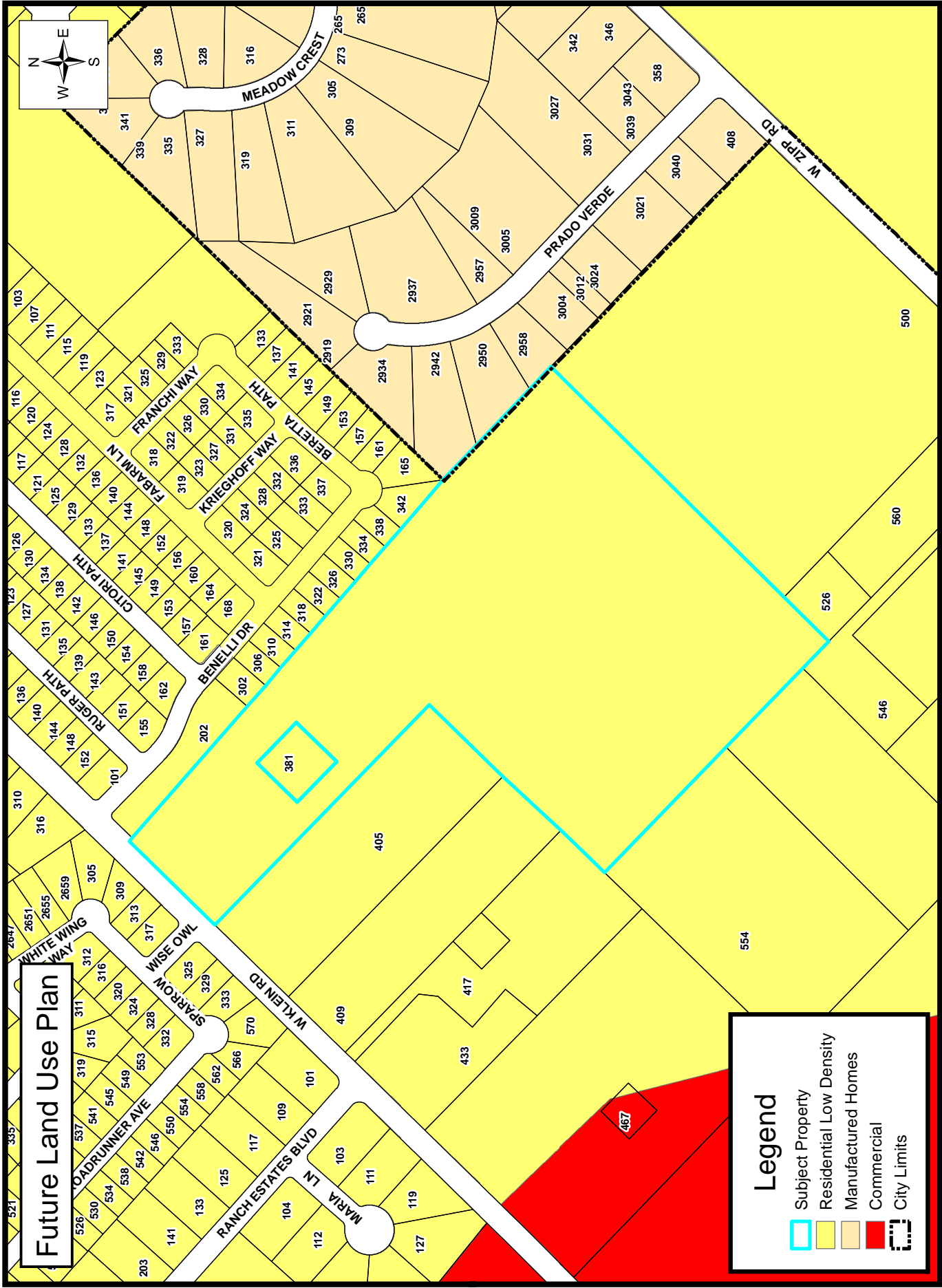




Map Created 6/22/17

PZ-17-026
Zone Change
APD to White Wing Enclave Planned Development District

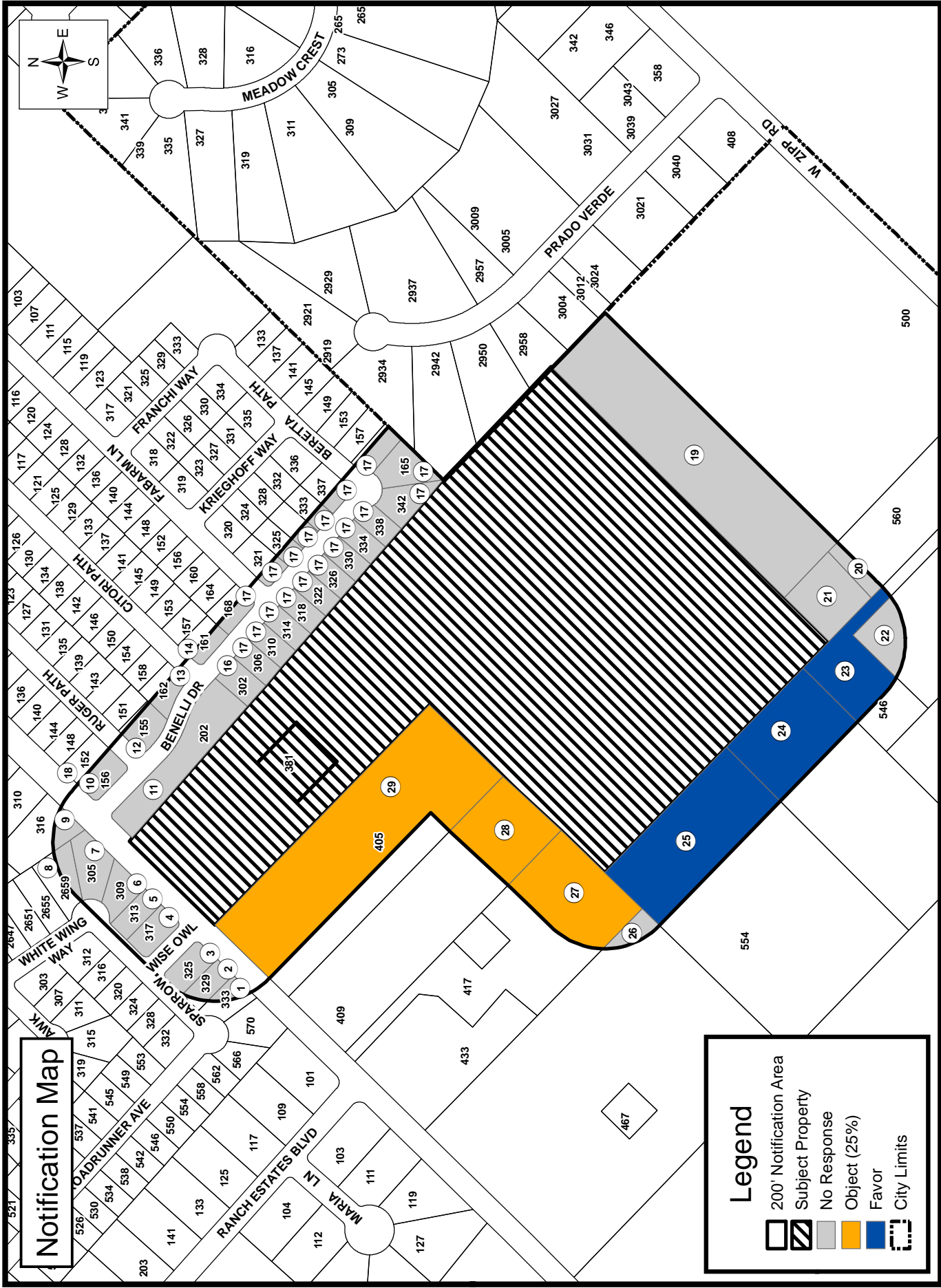




Map Created 6/22/17

PZ-17-026
Zone Change
APD to White Wing Enclave Planned Development District





Map Created 6/15/17

PZ-17-026
Zone Change
APD to White Wing Enclave Planned Development District



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-026 (WWEPD) ms

Date Sent: 6/16/17

Name: William H. Kretzmeier

I favor: ✓

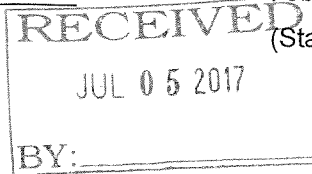
Address: 546 W. Zipp Rd.

Property number on map: 23

I object: _____

(State reason for objection)

Comments: (Use additional sheets if necessary)



Signature: William H. Kretzmeier

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-026 (WWEPD) ms

Date Sent: 6/16/17

Name: Paul H. Kretzmeier

I favor: ✓

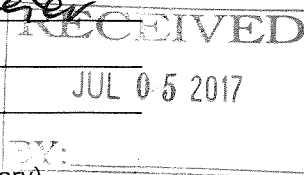
Address: _____

Property number on map: 24

I object: _____

(State reason for objection)

Comments: (Use additional sheets if necessary)



Signature: Paul H. Kretzmeier

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-026 (WWEPD) ms

Date Sent: 6/16/17

Name: Juan + Linda Zanda

I favor: ✓

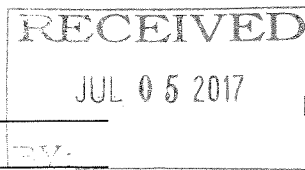
Address: 554 W. Zipp Rd.

Property number on map: 25

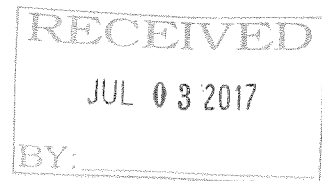
I object: _____

(State reason for objection)

Comments: (Use additional sheets if necessary)



Will be in favor as long as proper drainage is addressed -
Please open up more roads to access to Klein Rd especially
looking forward to Walnut Street access from Zipp Rd.
 Signature: Juan Zanda Linda A. Zanda
Thank You!



To Whom It May Concern,

Frist of all, I would like to thank you for not allowing a Zero Lot Line Home District on the 25.98 acres consisting of Lot 4B, Moeller Subdivision, Unit 3, address at 381 West Klein Road.

I object to the rezoning unless a contiguous of Public Improvements be made before the development/construction occurs of the White Wing Enclave Planned Development District (WWEPD)- a single-family residential subdivision with 45 X 105 typical lot size occurs.

1. Klein Road needs to be leveled out and widen in order to sustain the traffic.
2. Drainage problems on Klein Road: The road coming from FM 725 overflows with water when the creek overflows or when it rains, which cause the traffic to convert to Walnut Street, resulting in only one exit in and out causing a surplus of traffic. You need to remember you have an elementary school and a middle school on Klein Road.
3. Requesting an 8 feet fence using non porous material to be placed around all conjoining property lines due to agriculture interest with a 3 feet offset from property lines for drainage allowance of new subdivision going downhill from surrounding properties.
4. Utility easements exclusively on their side of property lines.
5. There is a pond on that property have you looked at the TECQ Storm Water Pollution Protection Plan?

I hope that you take my request into consideration before allowing any development/construction to happen if you approve the rezoning.

Respectfully,

Debbie Lee Winslow
417 West Klein Road
New Braunfels, Texas 78130

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-026 (WWEPD) ms

Date Sent: 6/16/17

Name:

Debbie Lee Winslow

Address:

417 W. Klein Road, New Braunfels, TX

Property number on map:

27

78130

I favor:

I object:

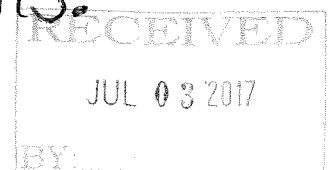


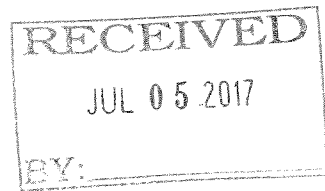
(State reason for objection)

Comments: (Use additional sheets if necessary)

See attached paper with concerns.

Signature:





To Whom It May Concern,

Frist of all, I would like to thank you for not allowing a Zero Lot Line Home District on the 25.98 acres consisting of Lot 4B, Moeller Subdivision, Unit 3, address at 381 West Klein Road.

I object to the rezoning unless a contiguous of Public Improvements be made before the development/construction occurs of the White Wing Enclave Planned Development District (WWEPD)- a single-family residential subdivision with 45 X 105 typical lot size occurs.

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3. Requesting an 8 feet fence using non porous material to be placed around all conjoining property lines due to agriculture interest with a 3 feet offset from property lines for drainage allowance of new subdivision going downhill from surrounding properties.
4. Utility easements exclusively on their side of property lines.
5. There is a pond on that property have you looked at the TECQ Storm Water Pollution Protection Plan?

I hope that you take my request into consideration before allowing any development/construction to happen if you approve the rezoning.

Respectfully,


Domingo and Claudia Villarreal

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-026 (WWEPD) ms
Date Sent: 6/16/17

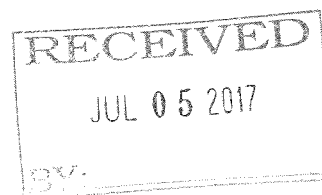
Name: Domingo Villarreal
Address: 409 W KLEIN RD
Property number on map: 28

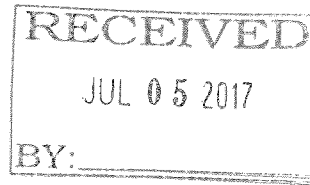
Comments: (Use additional sheets if necessary)

I favor: _____

I object: ✓
(State reason for objection)

Signature: 





To Whom It May Concern,

Frist of all, I would like to thank you for not allowing a Zero Lot Line Home District on the 25.98 acres consisting of Lot 4B, Moeller Subdivision, Unit 3, address at 381 West Klein Road.

I object to the rezoning unless a contiguous of Public Improvements be made before the development/construction occurs of the White Wing Enclave Planned Development District (WWEPD)- a single-family residential subdivision with 45 X 105 typical lot size occurs.

1. Klein Road needs to be leveled out and widen in order to sustain the traffic.
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3. Requesting an 8 feet fence using non porous material to be placed around all conjoining property lines due to agriculture interest with a 3 feet offset from property lines for drainage allowance of new subdivision going downhill from surrounding properties.
4. Utility easements exclusively on their side of property lines.
5. There is a pond on that property have you looked at the TECQ Storm Water Pollution Protection Plan?

I hope that you take my request into consideration before allowing any development/construction to happen if you approve the rezoning.

Respectfully,

Jose and Sandra Morales

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-026 (WWEPD) ms

Date Sent: 6/16/17

Name: JOSE & SANDRA MORALES

Address: 405 W. KLEIN RD

Property number on map: 29

Comments: (Use additional sheets if necessary)

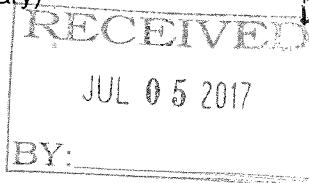
I favor: _____

I object: ☒

(State reason for objection)

**DRAINAGE OVERFLOWED
STREETS**

Signature:





Facing southeast from the intersection of W. Klein Road and Wise Owl.



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. Zoning Districts and Regulations for Property Zoned Subsequent to June 22, 1987.

3.4-1. "APD" agricultural/pre-development district.

Purpose. This district is designed for newly annexed areas, agricultural uses, and for areas where development is premature because of a lack of utilities, capacity, or service, or where the ultimate use has not been determined. The following regulations shall apply in all "APD" districts:

(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)
- Cemetery and/or mausoleum
- Church/place of religious assembly
- Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)
- Country club (private)
- Farmers market (produce market - wholesale)
- Farms, general (crops) (see Chapter 6, Municipal Code) (Sec. 5.9 is not applicable)
- Farms, general (livestock/ranch) (see Chapter 6, Municipal Code) (Sec. 5.9 is not applicable)
- Flour mills, feed mills, and grain processing
- Golf course, public or private
- Governmental building or use with no outside storage Grain elevator
- Hay, grain, and/or feed sales (wholesale)
- Livestock sales/auction
- Park and/or playground (public)
- Plant nursery (growing for commercial purposes but no retail sales on site)
- Recreation buildings (public)
- Rodeo grounds
- School, K-12 (public or private)
- Stables (as a business) (see Chapter 6, Municipal Code)
- Stables (private, accessory use) (see Chapter 6, Municipal Code)
- Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system

Any comparable use not included in or excluded from any other district described herein.

(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) *Maximum height, minimum area and setback requirements:*

(1) *Height.* 35 feet.

(2) *Front yards.* 25 feet.

(3) *Side building setbacks.* There shall be a side building setback on each side of a building not less than ten 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.

(4) *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)

(5) *Rear building setbacks.* 30 feet.

(6) *Width of lot.* 100 feet.

(7) *Lot area per family.* Every single-family dwelling hereafter erected or altered shall provide a lot area of not less than 15,000 square feet per dwelling, 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 and one acre on the Edwards Aquifer Recharge Zone.

(8) *Lot depth.* 100 feet.

(9) *Parking.* See Section 5.1 for other permitted uses' parking.

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 July 5, 2017 Planning Commission Regular Meeting

PZ-17-026: Public hearing and recommendation to City Council regarding the proposed rezoning of approximately 25.98 acres consisting of Lot 4B, Moeller Subdivision, Unit 3, addressed at 381 W. Klein Road from "APD" Agricultural / Pre-Development District to "White Wing Enclave" Planned Development District, with a Concept Plan.

(Applicant: Pape; Case Manager: M. Simmont)

Mr. Simmont stated a previous request to rezone the subject property to 'ZH-A' Zero Lot Line Home District was approved by the Planning Commission in May 2017, but failed due to lack of motion at the following City Council meeting. Mr. Simmont stated City Council discussed the applicants' option of pursuing a Planned Development District that would better regulate development and density on the site.

Mr. Simmont presented the Staff report and recommended approval, as the proposed use of the property for single-family development is compatible with the surrounding residential neighborhoods and land uses in the area, the Future Land Use designation of the property as Residential Low Density and the WWEPD includes additional development standards that exceed current minimum City standards.

Mr. Simmont indicated the percentage in objection exceeded 20%, therefore a super-majority approval was required at City Council.

Commissioner Sonier inquired about the previous case that was brought before the Planning Commission in May 2017.

Mr. Simmont provided the history of the previous case, stating that the request for a rezoning to the 'ZH-A' Zero Lot Line Home District failed due to a lack of motion by City Council.

Chair Elrod requested clarification of the previous Planning Commission motion.

Mr. Simmont responded that the Planning Commission recommended approval to the City Council on the previous rezoning request to the 'ZH-A' Zero Lot Line Home District. Mr. Simmont stated the City Council's concern was the lot size was not consistent with surrounding developments.

Commissioner Tubb inquired if a hike and bike trail would be constructed or funds escrowed for the widening of W. Klein Road.

Mr. Simmont responded that the hike and bike trail is required on the opposite side of the road, and would occur with a future widening of the street.

Chair Elrod asked if anyone wished to speak in favor.

No one spoke.

Chair Elrod asked if anyone wished to speak in opposition.

Debbie Lee Winslow, 417 W. Klein Road, also representing 405 and 409 W. Klein Road, objected to the rezoning of the property until public improvements were completed on W. Klein Road. Ms. Winslow indicated an existing high volume of traffic on W. Klein Road due to the two schools located in the area has congested the area already, and expressed concerns regarding the increase in traffic. Ms. Winslow stated the current drainage issues on the subject property, and into the public right-of-way, would need to be addressed and easement and fence requirements to be a part of the development. Ms. Winslow also asked for consideration be given to the existing pond on the subject property when drainage plans are submitted.

Applicant Allen Hoover, with Pape-Dawson Engineers, Inc., wished to speak in favor. Mr. Hoover reiterated the details that had been changed since the previous case was considered by the Commission

in May 2017. Mr. Hoover addressed Ms. Winslow's concerns, stating drainage easements will be put in place to intercept water flow issues.

Motion by Vice Chair Edwards, seconded by Commissioner Laskowski, to close the public hearing. The motion carried (9-0-0).

Motion by Vice Chair Edwards, seconded by Commissioner Hoyt, to recommend approval to City Council regarding the proposed rezoning of approximately 25.98 acres consisting of Lot 4B, Moeller Subdivision, Unit 3, addressed at 381 W. Klein Road from "APD" Agricultural / Pre-Development District to "White Wing Enclave" Planned Development District, with a Concept Plan. Motion carried (9-0-0).

DRAFT

ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 25.89 ACRES CONSISTING OF LOT 4B, BLOCK 1, MOELLER SUBDIVISION, UNIT 3, GUADALUPE COUNTY, TEXAS, ADDRESSED AT 381 W. KLEIN ROAD FROM “APD” AGRICULTURAL / PRE-DEVELOPMENT DISTRICT TO WHITE WING ENCLAVE PLANNED DEVELOPMENT DISTRICT (WWEPD); 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 the zoning of approximately 25.89 acres, consisting of Lot 4B, Block 1, Moeller Subdivision , Unit 3, addressed at 381 W. Klein Road from “APD” Agricultural / Pre-Development District to White Wing Enclave Planned Development District (WWEPD); **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 to White Wing Enclave Planned Development District (WWEPD):

“Lot 4B, Block 1, Moeller Subdivision, Unit 3, described in Book Volume 6 on Page 512 in the Official Public Records of Guadalupe County, Texas, addressed at 381 W. Klein Road, as delineated on Exhibit “A” attached.”

SECTION 2

THAT Exhibit "B" be adopted as the White Wing Enclave Planned Development Concept Plan.

SECTION 3

THAT Exhibit "C" be adopted as the White Wing Enclave 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 24th day of July, 2017.

PASSED AND APPROVED: Second and Final Reading this the 14th day of August, 2017.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

X:\Planning\Ordinances\Zone Changes\2017\PZ-17-026 White Wing Enclave PD.docx

- NOTES:
1. Plat prepared October 8, 2002, Revised October 24, 2002.
 2. Reference Bearing: S 54°21'16"E
 3. According to the FIRM Flood Insurance Rate Map, Community-Panel #480268 0050 B, dated March 1, 1979, this property does not lie in Zone A.
 4. This property lies in the ETJ of the City of New Braunfels.
 5. 1/2" iron pins are found at all lot corners and angle points, unless otherwise noted.
 6. This property lies in the New Braunfels Independent School District.
 7. This property is served by the following:
Electric - Guadalupe Valley Electric
Telephone - Southwestern Bell Telephone
Water - Green Valley Water Supply
Sewer - private septic systems
 8. All tracts are subject to a 10' electric easement along all sides, front and rear lines.
 9. Each lot is subject to a floating 10' wide by 30' long electric guy easement to be located by CVEC.
 10. All utility easements are for the construction, maintenance (including but not limited to removal of trees and other obstructions), reading of meters, and repair of all overhead and underground utilities.
 11. Contour lines shown hereon were scaled and interpolated off of a USGS Map and not from an on-the-ground survey.
 12. Guadalupe County is not responsible for maintenance of sidewalks or curbs.

STATE OF TEXAS
COUNTY OF COMAL

I, (We) the undersigned owner of the land shown on this plat, and designated herein to the County of Guadalupe, Texas, and whose name is subscribed hereto, do hereby subdivide such property and dedicate to the use of the public all streets, alleys, parks, water courses, drains, easements and public places thereon shown for the purposes and considerations therein expressed.

Henry R. Johnson
Henry R. Johnson
825 Ferry Boat Lane
New Braunfels, Texas 78130

STATE OF TEXAS
COUNTY OF COMAL

I, the undersigned, R. 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 correctly made and is made under my supervision.

Given under my hand and seal of office this 15th day of November, 2002.

Florence H. Sultemeier
Florence H. Sultemeier
Notary Public, State of Texas
My Commission Expires 10/10/2005

STATE OF TEXAS
COUNTY OF COMAL

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Michael O'Dell
Michael O'Dell
Delores O'Dell
381 W. Klein Road
New Braunfels, Texas 78130

STATE OF TEXAS
COUNTY OF COMAL

Before me, a Notary Public, on this day personally appeared Michael O'Dell and Delores O'Dell, known to me to be the persons whose signatures and whose marks are made on the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 15th day of November, 2002.

Florence H. Sultemeier
Florence H. Sultemeier
Notary Public, State of Texas
My Commission Expires 10/10/2005

STATE OF TEXAS
COUNTY OF COMAL

Before me, a Notary Public, on this day personally appeared Michael O'Dell and Delores O'Dell, known to me to be the persons whose signatures and whose marks are made on the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 15th day of November, 2002.

Florence H. Sultemeier
Florence H. Sultemeier
Notary Public, State of Texas
My Commission Expires 10/10/2005

Approved this the 12th day of November, 2002
by the Planning Commission of the City of New Braunfels, Texas:

James Johnson
James Johnson
City Engineer

Michael O'Dell
Michael O'Dell
Director of Planning

Delores O'Dell
Delores O'Dell
City Engineer

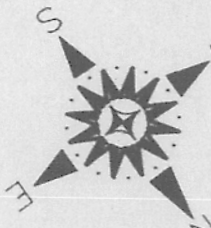
VACATING PLAT OF LOT 4 MOELLER SUBDIVISION
UNIT THREE, RECORDED IN VOLUME 5, PAGE 141B
OF THE MAP AND PLAT RECORDS OF GUADALUPE
COUNTY, TEXAS.

KLEIN ROAD

N 36°20'17"E
70.06'

MARION S. WINSLOW
5.50 AC.
(1485/970)

Scale: 1" = 200'



JUAN F. ZAVALA
CALLED 7.00 ACRES
(750/877)

P.H. KRETZMEIER
CALLED 4.478 ACRES
(756/880-882)

E.B. WENDELL
CALLED 5.037 AC.
(694/834)

O'Dell Tract

N 54°10'11"W

1656.92'

1646.17'

1243.37'

S 54°10'11"E

1254.12'

Jahnsen Tract

BILLY G. FORD
CALLED 5.00 AC.
(1204/292)

DARRELL W. MOELLER
REMAINDER OF A TRACT
CALLED 59.923 ACRES
(1158/192)

N 36°00'20"E 789.12'

LOT 4
10.000 ACRES

O'Dell Tract

S 54°21'16"E 408.21'

THE MEADOWS
(4/135)

S 36°23'34"W 860.53'

GUADALUPE VALLEY ELECTRIC CO-OP
CALLED 16.267 ACRES
(863/409)

F. CABALLERO, JR.
called 3.122 Ac.
(1168/81)

O'Dell Tract

N 54°12'07"W

163.01'

S 36°38'49"W

837.59'

E.B. WENDELL
CALLED 5.037 AC.
(694/834)

PAUL H. KRETZMEIER
CALLED 4.478 ACRES
(756/880-882)

JUAN F. ZAVALA
CALLED 7.00 ACRES
(750/877)

MARION S. WINSLOW
5.50 AC.
(1485/970)

BILLY G. FORD
CALLED 5.00 AC.
(1204/292)

DARRELL W. MOELLER
REMAINDER OF A TRACT
CALLED 59.923 ACRES
(1158/192)

LOT 4
3.815 ACRES

798.77'

S 54°04'52"E

809.52'

N 54°13'52"W

807.00'

STATE OF TEXAS
COUNTY OF COMAL

I, the undersigned, R. 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 correctly made and is made under my supervision.

Given under my hand and seal of office this 15th day of November, 2002.

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DEVELOPMENT STANDARDS

Utilities:	All New Utilities will be underground.
Amenities:	Open Space, Parks, Trails, Playscape.
Sidewalk along Klein Road:	Approximately 234 Linear Feet
Internal Sidewalk:	Approximately 8,097 Linear Feet A 4' wide crushed granite trail for recreational use will be installed within the larger park/open space designated on this plan. The Developer also plans to extend this trail to provide pedestrian access to the sidewalk along Benelli drive.
Connectivity:	The Entrance will be off Klein Road. A stub out street will be provided to undeveloped property to the East. This stub out could provide future connectivity to the Walnut Road extension.
Minimum Living Area (per house):	1100 Square Feet
Minimum Garage Size:	2 Cars
Exterior Masonry Requirements:	All houses will be constructed with front and side elevations 100% masonry on the first floor. Masonry products shall include hard fired brick, stone, decorative concrete block, concrete pre-cast or tilt wall panel, three step hard coat stucco, fiber cement, glass blocks, or tiles.
House Elevations (exterior façade):	Homebuyers will have their choice of multi-dimensional exterior elevations that offer architectural styling, varied roof lines, and attention to detail. The home designs were designed to appeal to the residents in this area and what they expect in a new home. This neighborhood will feel like a community.
Elevation Conflict:	Each home must have a different elevation from the home on either side of it and directly across the street.
Minimum Landscaping Requirements:	Planting of two – 1.5" Caliper Trees, 100% coverage with sod, mulch or crushed granite, plant and shrub package installation all front yards, optional upgraded xeriscape landscape package will be offered.
Land Use:	Single-Family Residential Lots abutting the existing White Wing Subdivision (Phases 1 & 2), will have 60' min. front lot widths.
Base Zoning:	R-1A-6.6

Maximum Total Number of Acres:	25.91 Acres
Open Space/Drainage Acreage:	Approximately 3.22 acres
Park Acreage:	Approximately 1.55 acres
Residential Acreage:	Approximately 21.00 acres
R.O.W. Dedication Acreage:	Approximately 0.14 acres
Maximum Total Lots per Acre	4.2
Maximum Number of Total Lots:	109 (35 w/ 60' min. Fronts) (74 w/ 50' min. Fronts)
Minimum Lot Width At Front Setback Line:	50 Feet
Minimum Lot Depth:	105 Feet
Minimum Lot Area:	5,250 Sq. Ft. interior. 5,775 Sq. Ft corner
Front Setback Minimum:	20 Feet
Rear Setback Minimum:	15 Feet
Side Setback Minimum:	<u>Internal Lots</u> – 5 Feet <u>Corner Lots</u> – The minimum side setback adjacent to the street for corner lots where the rear lines of the corner lot coincides with the rear lot of the adjacent lot is 10 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 of the adjacent lot is 20 feet. Otherwise, the internal side setback for the corner lots is 5 feet. <u>Garage Setbacks</u> – Where a driveway is located in front of the garage, the garage shall have a setback 20 feet from the right-of-way or the driveway shall be at least 20 feet long.
Maximum Building Height:	35 Feet (2-Story)

7/24/2017

Agenda Item No. H)

Presenter

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

SUBJECT:

Discuss and consider possible action regarding a proposed new Downtown logo and tagline as recommended by the New Braunfels Downtown Board.

BACKGROUND / RATIONALE:

Case No.: N/A

Council District: 1, 5, & 6

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

The adopted 2010 Downtown Implementation Plan recommended that a brand and marketing plan be developed for Downtown New Braunfels. In 2011, City Council approved a logo for Downtown New Braunfels. In 2013, City Council adopted the tagline "Explore and Indulge" to accompany the approved logo (see attachments).

In 2017, the New Braunfels Downtown Association (DTA) approached the City regarding partnering on a unified branding effort for Downtown New Braunfels. The intent of the joint branding effort was to create a unified logo, tagline, and brand standards (print and online) to be used in both the City and the DTA's efforts in revitalizing Downtown. The Downtown Board and DTA have worked cooperatively over the past few months to create the proposed new Downtown logo and tagline to be used in lieu of the two individual logos and taglines currently used by each entity.

The new logo and tagline with associated standards, will be used across all platforms to identify and promote Downtown in a cohesive and uniform manner. Logos and taglines are commonly used in wayfinding, light pole banners, custom street signs, printed materials, social media and other items and can be produced jointly or independently by the City or the Association. The goal of presenting a unified theme for Downtown branding is to increase public recognition of Downtown New Braunfels with the expanded use of a common logo and tagline through each entity's marketing efforts.

Associated with the colorful new logo is the new tagline "Discover the Wunder" proposed as the main tagline that could be adapted for specific promotions. For example, in targeted marketing about special events, this tagline could be adapted to read "Discover the Fun".

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

	Yes	City Plan/Council Priority: 2010 Downtown Implementation Plan <i>Pros</i> <i>and Cons Based on</i> <i>Policies Plan</i>	Pros: Develop a brand and marketing plan for Downtown. Cons: None
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FISCAL IMPACT:

N/A

DOWNTOWN BOARD RECOMMENDATION:

The Downtown Board held a special meeting on June 26, 2017 and voted unanimously to approve the proposed logo and tagline (6-0-0, Board members Perez, Talcott, Miller, and Johnson absent).

STAFF RECOMMENDATION:

Staff recommends approval. The consolidation of efforts into a unified logo, strategy, and tagline will produce higher visibility and cohesion in the marketing and placemaking efforts Downtown.

Attachments:

1. Current City Downtown Logo and Tagline
2. Current Downtown Association Logo
3. Proposed consolidated Downtown logo and tagline
4. Excerpt from the June 26, 2017 Historic Landmark Commission minutes



Current City Downtown Logo

Explore and Indulge

Current City Downtown Tagline



Current Downtown Association logo



Proposed consolidated logo and tagline



Proposed consolidated simple logo for social media and similar use

Excerpt from the June 26, 2016 New Braunfels Downtown Board Special Meeting Minutes

Vice Chair Hines introduced the item and board members viewed proofs of the proposed logo.

Downtown Coordinator Amy McWhorter explained the purpose of the new logo and the benefits of consolidated, unified branding.

Board member Winn noted the proposed design is an improvement on the current design. Discussion ensued about the staggered lettering. Board reached consensus that the staggered lettering should remain.

Further discussion ensued about the logo and tagline and the need to differentiate New Braunfels from the rest of the City as a unique destination. Discussion continued regarding the German character of the tagline.

Board member Winn motioned to approve the logo and tagline as presented. The motioned was seconded by board member Butler. Motion passed 6-0-0, Board members Perez, Talcott, Johnson, and Miller absent.

7/24/2017

Agenda Item No. I)

Presenter

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

SUBJECT:

Discuss and consider a waiver from the requirement to construct sidewalks along Herbelin Road for the replat of Lots 1A and 1B, Herbelin Ranch Subdivision

BACKGROUND / RATIONALE:

Case No.: PL-17-051

Council District: Outside the City Limits

Owner: Kenneth & Victoria Laubach
633 Herbelin Road
New Braunfels, TX 78132

**Engineer/
Applicant:** Moeller & Associates
2021 SH 46 W, Ste 105
New Braunfels, TX 78132
(830) 358-7127

Staff Contact: Matthew Simmont, Planner
(830) 221-4058
msimmont@nbtexas.org

Section 118-49 of New Braunfels' Platting Ordinance requires the construction of a 4-foot wide sidewalk at the time of individual residential lot improvement both inside the city limits as well as in the Extraterritorial Jurisdiction (ETJ).

The subject property consists of two platted lots, totaling approximately 25 acres within the ETJ. The property has approximately 84 feet of street frontage along Herbelin Road. The proposed plat creates three lots intended for residential use. Each of the proposed Lots 1AR and 1B1 is occupied by an existing home and associated accessory structures; proposed Lot 1B2 is currently undeveloped. The applicant has indicated no plans for the development of proposed Lot 1B2 at this time.

The applicant is requesting a waiver from the requirement to construct a 4-foot wide sidewalk along Herbelin Road. Sidewalks and sidewalk connectivity are important for mobility as well as for community health. However, the Platting Ordinance authorizes waivers to be approved when an undue hardship will result from strict compliance with a provision of the Ordinance, or where the

purpose of the regulation may be served to a greater extent by an alternative proposal, so that substantial justice may be done and the public interest is secured. A waiver may not be approved unless it is found that:

1. Granting the waiver will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver will not prevent the orderly subdivision of other property in the vicinity;
2. Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; or an alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein; and
3. The waiver will not in any manner vary the provisions of the Zoning Ordinance or other ordinance(s) of the City.

Sidewalk waivers can only be granted by City Council after a recommendation from the Planning Commission. If the waiver is approved, construction will not be required. If the waiver is denied, then sidewalk construction will be required by the owner/developer/builder at the time of new development on each lot, such as the construction of a new residential dwelling or a change in use from residential to commercial.

The applicant states that sidewalks should not be required due to the rural residential nature of the area, the absence of sidewalks in the community, and the lack of roadside "trails" in the grass which is often indicative of people walking along the road. The nearest sidewalks are approximately 3.3 miles away at the intersection of Highway 46 and FM 2722 (Attachment 4).

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

X	No	City Plan/Council Priority: Comprehensive Plan	Goal 25B-6: Sidewalks should be provided for all new development, offset from street wherever possible. The Comprehensive Plan encourages sidewalk construction.
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FISCAL IMPACT:

If the waiver request is approved, sidewalk construction would not likely occur unless and until the area is re-subdivided into smaller suburban lots. Replatting the property will again trigger the sidewalk requirement.

COMMITTEE RECOMMENDATION:

In considering this waiver request, the Planning Commission had three options:

1. To deny the waiver and require sidewalk construction at the time of new development on the property;
2. To recommend the applicant escrow the estimated amount of a sidewalk for construction by the City at a later date; or
3. To recommend waiving the sidewalk requirement.

On July 5, 2017, the Planning Commission:

- Approved the Replat of Lots 1A and 1B of the Herbelin Ranch Subdivision with Staff's technical recommendations and applicant corrections,

-
- Approved a waiver to allow a lot with no street frontage,
 - Approved a waiver to allow the plat scale at 1 inch = 200 feet,
 - Approved a waiver to not require a water availability certification, and
 - Recommended approval of the waiver request to not have to build the 4-foot wide sidewalk along Herbelin Road.

The vote was unanimous (9-0).

STAFF RECOMMENDATION:

Staff has studied the applicant's rationale and recommends approval of the requested sidewalk waiver. Requiring sidewalks at this subject location, near the very edge of the ETJ, would not meet the intent of the regulations as the character of the subject and surrounding property is rural, and it is located along a county road where lots and front setbacks are very large.

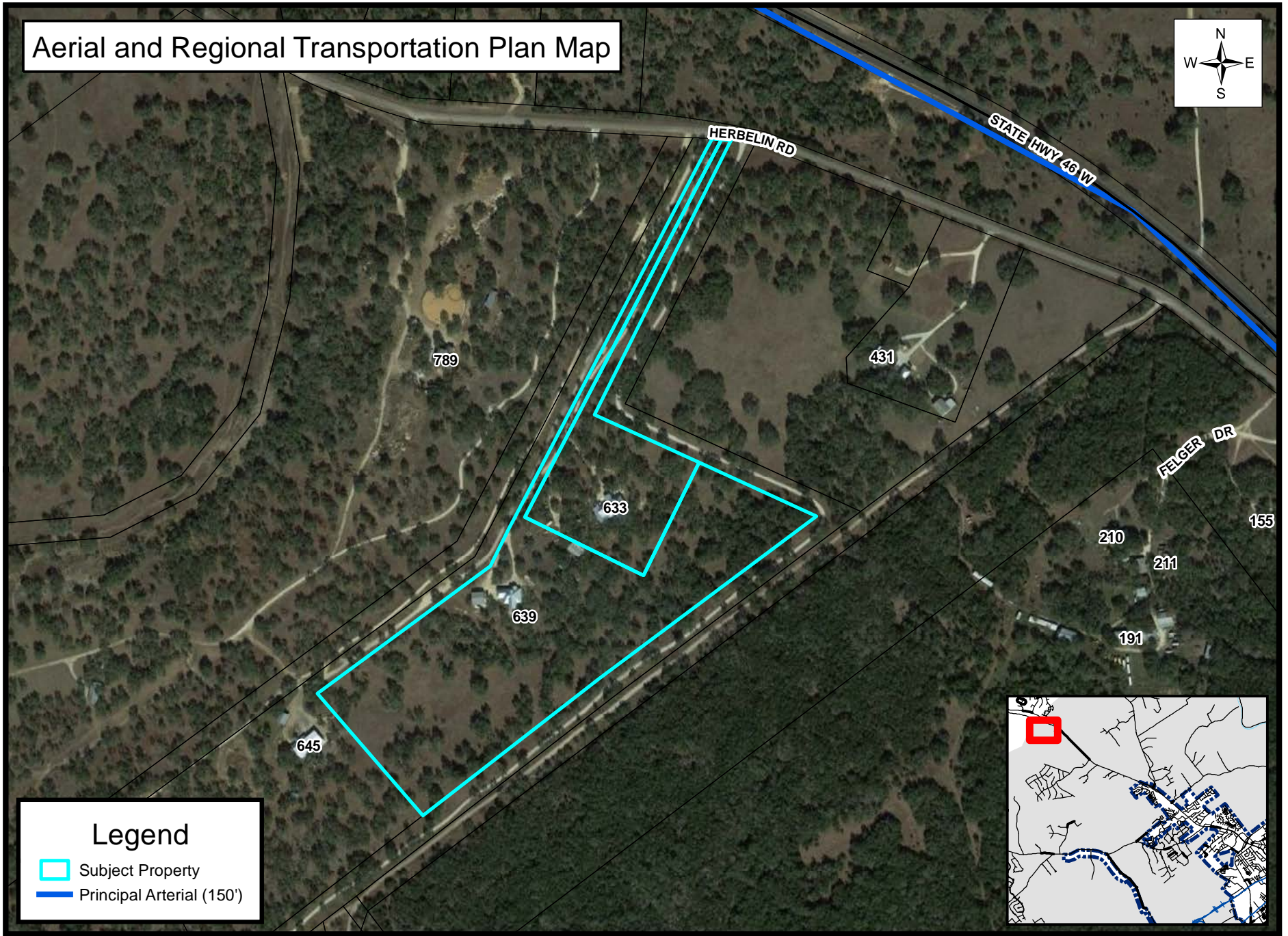
If City Council denies the waiver, the applicant must construct the sidewalk at the time of development on each lot. Alternatively, City Council may approve placing funds in escrow for future sidewalk construction. If escrow is approved, the applicant must meet the following City Code requirement:

Per Section 118-52 of the Platting Ordinance, the amount to be escrowed is to be an amount of the costs of "turnkey" design, construction, permits, reviews and approvals, inspection and any additional land acquisition, and an appropriate inflation factor to be determined by the City Engineer to ensure that the actual "future dollar" costs will be covered when actual bid pricing and construction occur in the future. Such amount shall be reviewed by the City Engineer, and shall be paid prior to the release of the construction plans by the City Engineer, or if there are no construction plans, prior to recording the plat.

ATTACHMENTS:

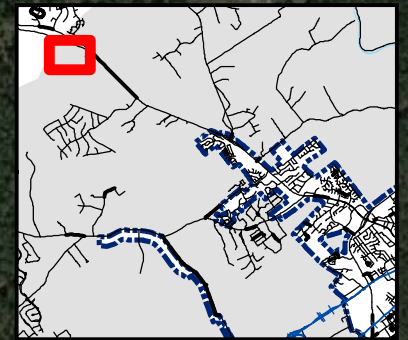
1. Aerial & Regional Transportation Plan
2. Application and Waiver Requests
3. Reduced Plat
4. Sidewalk Exhibit
5. Photograph of Subject Property
6. Draft Planning Commission Meeting Minutes
7. Sec. 118-11 Waiver
8. Sec. 118-49 Sidewalks

Aerial and Regional Transportation Plan Map



Legend

- Subject Property
- Principal Arterial (150')





PLANNING



APPLICATION FOR LAND SUBDIVISION (PLAT)

Planning and Community Development
550 Landa Street, New Braunfels TX 78130
(830) 221-4050
www.nbtexas.org

Case No. PL-17-051

CHECK ONE: ☐ Master Plan ☐ Prelim./Final Plat ☐ Prelim. Plat ☐ Final Plat ☒ Replat ☐ Amended ☐ Minor

- PROPOSED SUBDIVISION NAME: Herbelin Ranch UNIT NO. _____
LOCATION DESCRIPTION / NEAREST INTERSECTION: Southwest of Herbelin Rd.
ACREAGE: 24.999 NO. OF LOTS: EXISTING 2 PROPOSED 3
REASON(S) FOR PLATTING/REPLATTING To subdivide land into lots
- OWNER/APPLICANT*: Moeller & Associates
(* If applicant is person other than owner, a letter of authorization must be provided from owner.)
ADDRESS: 2021 SH 46 W. Ste 105, New Braunfels, TX 78132
TELEPHONE: (830) 358-7127 FAX: (830) 515-5611 MOBILE: _____
EMAIL plats@ma-tx.com
- LICENSED ENGINEER/SURVEYOR: James Ingalls, P.E., Moeller & Associates
MAILING ADDRESS: 2021 SH 46 W, Ste 105, New Braunfels, TX 78132
TELEPHONE: (830) 358-7127 FAX: (830) 515-5611 MOBILE: _____
EMAIL plats@ma-tx.com
- LIST ANY VARIANCES REQUESTED: N/A
REASON FOR REQUEST (LIST ANY HARDSHIPS): _____
- PRESENT USE OF THE PROPERTY Developed CURRENT ZONING: OCCL
- CITY LIMITS: ☐ IN ☒ OUT - COUNTY: ☒ COMAL ☐ GUADALUPE - SCHOOL DIST: ☐ CISD ☒ NIBSD ☐ _____
- IS ANY PART OF THE PROPERTY IN A FLOODPLAIN? ☐ YES ☒ NO (specify)
- DOES PLAT FALL IN THE BOUNDARY FOR: ☒ NBU ☐ GVEC ☐ AT&T ☐ OTHER _____ ☐ TXDOT ROAD
- Is the property subject to any liens, encumbrances, or judgments? If so, give details. (Provide separate sheet if needed.) Permission from any lien holders and/or removal of any encumbrances or judgments will be necessary prior to filing of said plat with the County Clerk's office.

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

- ☒ Completed application, including signature of owner/applicant and signed waiver.
- ☒ Fee (see reverse)
- ☒ 3 copies of TIA worksheets, reviewed by City Engineer, and appropriate Level TIA if required.
- ☒ Copy of deed showing current ownership.
- ☒ 17 copies of the plat, collated and folded so that the subdivision name is visible.
- ☒ 4 copies of Preliminary utilities plan including wastewater and water system showing the approximate location and size of onsite and offsite existing and proposed water lines and fire hydrants.
- ☒ 2 copies of the preliminary drainage plan
- ☒ Current deed restrictions for Vacating Plats, Replats, and Townhouse and Zero Lot Line Subdivisions.
- ☒ Survey showing any existing structures on the subject property.
- ☒ List of approved street names by the appropriate county.

PLEASE READ "IMPORTANT NOTES" ON THE REVERSE SIDE OF THIS APPLICATION

I agree to comply with all platting and subdivision requirements of the City of New Braunfels. I understand that the plat will NOT be forwarded to the Planning Commission unless staff comments are satisfactorily addressed by the plat correction due date. I voluntarily waive my right to request a certificate stating the date the plat was filed and that the Planning Commission failed to act on the plat within thirty days. I do not object to consideration of the plat on 6/6/17 (date of Planning Commission meeting). This waiver expires after 6/6/17 (date of Planning Commission meeting). (The waiver statement above is not applicable to Minor Plats).

April 26, 2017

Date

Signature of Owner/Applicant

James Ingalls, P.E.

Print Name & Title

**If applicant is person other than owner, a letter of authorization must be provided from owner. Signature indicates authorization for plat application and acceptance of waiver statement.



May 24, 2017

Planning and Community Development
City of New Braunfels
550 Landa St.
New Braunfels, Texas 78130

RE: Replat Establishing Lot 1A and 1B Herbelin Ranch— Waiver Request Letter

Please accept this letter as a formal request for a waiver to:

- Plat being drawn to a known engineering scale of 1"=200' instead of 1"=100'
 - The plat is visible on a scale of 1"=200' as there are only three lots to detail.
- Waive the requirement for sidewalks in the subdivision
 - The subdivision is a rural subdivision (+5ac min lot size) and if required, this subdivision would only be required to construct 84' of sidewalk that would be approximately 3.3 miles to the closest sidewalk at SH 46 and FM 2722. In our opinion, this would not provide any pedestrian connectivity for the foreseeable future and is inconsistent with the neighboring area.
- Water Availability
 - The current City code requires a ground water availability certification of any new lots within the ETJ not served by a public water supply. The Comal County requirement is only for subdividing 5 or more lots. We ask that the City waive their requirement and allow this plat to follow the requirement of Comal county related to this groundwater requirement. The existing property current has a private water well serving the home and in our opinion, a full blow water certification study is excessive in this case when adding only 2 additional lots for their children.
- Lot Frontage
 - The proposed configuration splits the existing frontage of 84.40' evening between Lot 1A and Lot 1B2. The owner is Lot 1 is proposing this configuration to allow his two children to construct their homes on the 25ac property. All three properties would share the existing driveway the is currently in place serving Lot 1A, and would extend the driveway to the common line of Lots 1B1 and 1B2 within the shared access easement.

Please let me know if you have any questions or comments.

Thank you,

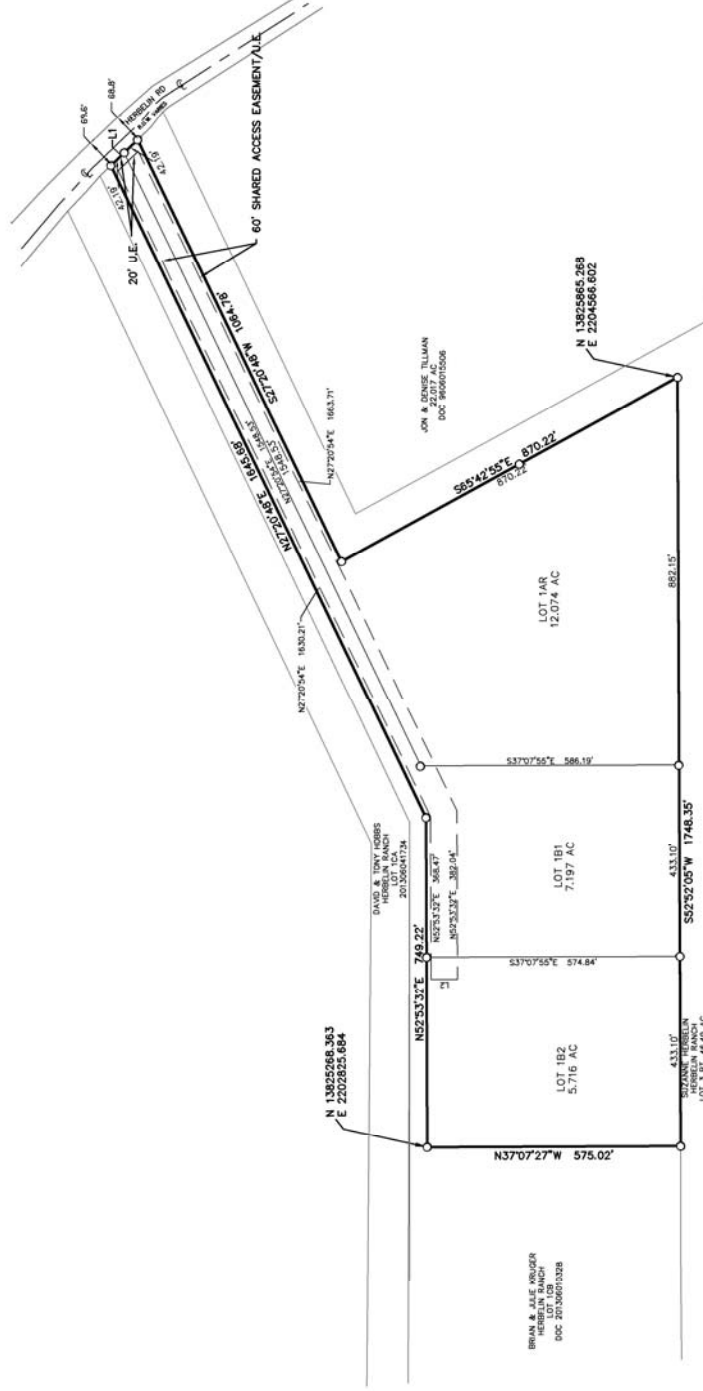
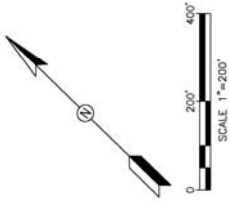
A handwritten signature in blue ink that appears to read "James Ingalls". The signature is fluid and cursive.

James Ingalls, P.E.

REPLAT ESTABLISHING LOT 1A, LOT 1B1 AND LOT 1B2

HERBELIN RANCH

BEING 24.999 ACRES OF LAND, OUT OF THE C.W.T. & P.R. CO. SURVEY NO. 837 ABSTRACT 697, AND BEING THAT SAME PROPERTY RECORDED AS LOT 1A AND 1B HERBELIN RANCH, IN PLAT 134 OF THE MAP AND PLAT RECORDS OF COMAL COUNTY, TEXAS



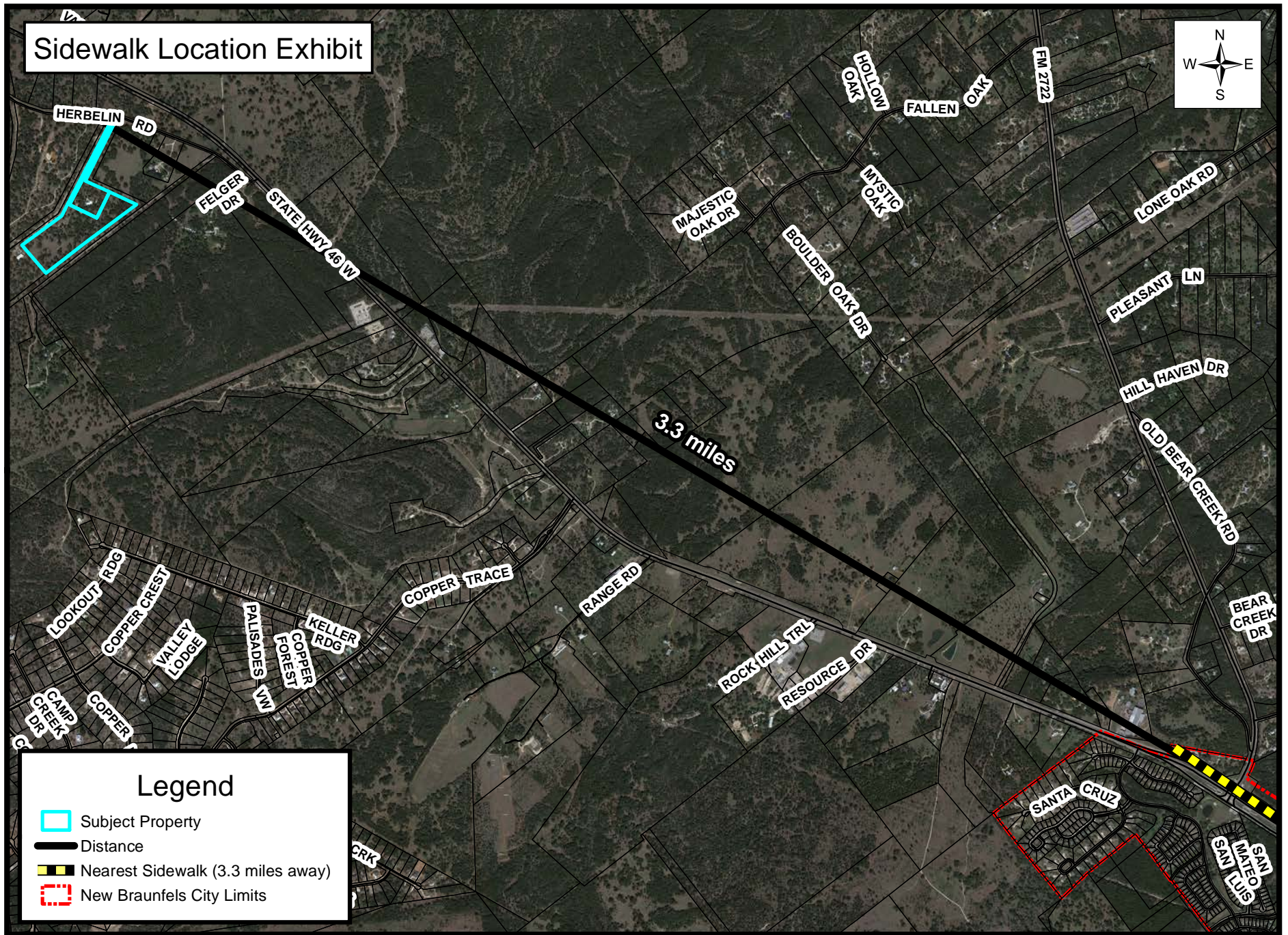
LINE TABLE	
LINE	BEARING
L1	S60°55'57\"/>
L2	N37°07'55\"/>

LEGEND:
P.O.B. = POINT OF BEGINNING
D.E. = DRAINAGE EASEMENT
U.E. = UTILITY EASEMENT
O = 1/2\"/>

MOELLER & ASSOCIATES
Engineering Solutions
2021 SH 46W, Ste. 105
New Braunfels, TX 78132
Ph: (830) 358-7127
www.mack.com 1BPE FIRM F-13351

PREPARED: June 21, 2017

PAGE 2 OF 2





Subject property.

Draft Minutes for the July 5, 2017 Planning Commission Regular Meeting

PL-17-051: Public hearing and consideration of the replat of Lots 1A & 1B, Herbelin Ranch Subdivision, establishing Lots 1AR, 1B1, and 1B2, Herbelin Ranch Subdivision, with waivers.

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

Waivers

1. To allow a lot with no street frontage.
2. To allow the plat scale at 1 inch = 200 feet.
3. To not require a water availability certification.
4. To not construct public sidewalks.

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

1. Provide any additional utility easements as requested and approved by NBU.
2. Show the dimension for the centerline of Herbelin Road.
3. Correct plat note #10 to include Lot 1AR.
4. The sidewalk plat note is revised in accordance with City Council decision regarding the sidewalk waiver request.
5. Payment of \$600 Parkland Dedication and Development Fees.

Staff did not oppose any of the waiver requests as outlined in the report.

Chair Elrod asked if anyone wished to speak in favor.

No one spoke.

Chair Elrod asked if anyone wished to speak in opposition.

No one spoke.

Motion by Vice Chair Edwards, seconded by Commissioner Tubb, to close the public hearing. The motion carried (9-0-0).

Motion by Vice Chair Edwards, seconded by Commissioner Bearden, to recommend approval to City Council regarding the replat of Lots 1A & 1B, Herbelin Ranch Subdivision, establishing Lots 1AR, 1B1, and 1B2, Herbelin Ranch Subdivision, with Staff requirements and waivers. Motion carried (9-0-0).

Sec. 118-11. Waiver

- a. General. Where the Planning Commission finds that undue hardships will result from strict compliance with a certain provision(s) of this Ordinance, or where the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve a waiver from any portion of these regulations so that substantial justice may be done and the public interest is secured, provided that the waiver shall not have the effect of nullifying the intent and purpose of these regulations, and further provided that the Planning Commission shall not approve a waiver unless it shall make findings based upon the evidence presented to it in each specific case that:
 1. Granting the waiver will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver will not prevent the orderly subdivision of other property in the vicinity;
 2. Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; or an alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein;
 3. The waiver will not in any manner vary the provisions of the Zoning Ordinance or other ordinance(s) of the City.
- b. Zoning Variance. If a zoning variance is requested on a particular parcel of property, then it may be decided concurrently with the submittal and consideration of any request for a waiver from any provision of this Chapter.
- c. Zoning District Change. The Commission may consider a Master Plan or any type of plat simultaneously with a zoning district change application and may condition approval of a Master Plan or any type of plat upon final City Council approval of the zoning district change that would cause the Master Plan or plat to be consistent with the zoning.
- d. Conditions. In approving a waiver from any provision of this Chapter, the Planning Commission may require such conditions as will secure substantially the purposes described in this Chapter.
- e. Procedures:
 1. A petition for a waiver shall be submitted in writing to the Planning Department by the property owner or agent before the plat is submitted for the consideration of the Planning Commission. The petition for a waiver can be submitted with the application at any time before the "plat corrections due date" provided for on the approved Commission meeting calendar. The petition shall explain the purpose of the waiver, state fully the grounds for the waiver, and all of the facts relied upon by the petitioner.
 2. Waivers may be approved, disapproved or approved with conditions by the Planning Commission. All waivers for sidewalks approved and approved with conditions, including the approval of the escrowing funds for the construction of sidewalks on perimeter streets to be built at a later date as prescribed in section 118-49(c), will be forwarded to City Council for final approval.
 3. The findings of the Planning Commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Planning Commission meeting at which a waiver is considered, approved or disapproved.

Sec. 118-49. Sidewalks.

- a. *Requirement for installation.* Sidewalks shall be required, unless an exception is granted by the Planning Commission, in accordance with the following:
 1. On the subdivision or development side or sides of all major thoroughfares or arterial streets as indicated on the City's Thoroughfare Plan, or a major thoroughfare as determined by the Planning Commission, and on perimeter streets.
 2. On both sides of a street that serves as a local or collector street, except (i) no sidewalks are required along a local residential large-lot street section, as shown in this Chapter, where there is no parking on the street and where each lot has at least 100 feet of frontage, (ii) when a alternative pedestrian access plan is approved by the Planning Commission, and (iii) when an exception is granted by the Planning Commission.
 3. As deemed necessary by the Planning Commission in any area based on uniformity along the street and conformity with the surrounding area.
- b. *Installation.* Sidewalks shall be installed at the street front of lots, along the street side of corner lots, and as required on perimeter streets. Sidewalks shall be constructed in accordance with City standards and specifications at such time as the lot is improved unless otherwise determined by the Planning Commission. For instance, where there would be no building improvement to the area adjacent to the sidewalk.
- c. *Escrow.* With regard to sidewalks on perimeter streets, the Planning Commission, upon request of the applicant, may allow the applicant to deposit in escrow the cost of sidewalks, as approved by the City Engineer, for installation of sidewalks at a later date. The escrow money or letter of credit shall be deposited with the City prior to filing of the final plat.
- d. *Plat note.* A plat note shall be placed on the final plat indicating that sidewalks were required, upon which streets sidewalks were required and who is responsible for installation.
- e. *Location of Sidewalks.*
 1. Sidewalks shall usually be constructed in the right-of-way of the adjacent street, but may be in easements as approved by the Planning Commission. For instance, along TxDOT ROW where future improvements would damage the sidewalk or where the walk is not adjacent to a street.
 2. Sidewalks adjacent to single family or two family lots, along a local street, shall be placed in the right-of-way at least three feet from the curb or adjacent to the curb.
 3. All sidewalks adjacent to collector streets, arterial streets, or TxDOT highways shall be separated by at least 4 feet from the curb or edge of the shoulder.
- f. *Pedestrian and bikeways.* Pedestrian and bikeways, six feet in width, located in the right-of-way or in a public access easement, shall be dedicated and constructed where deemed necessary by the Planning Commission, to provide circulation or access to schools, playgrounds, parks, shopping centers, arterial streets and community facilities, or to provide pedestrian circulation within the subdivision. For instance, the Commission may require such pedestrian or bikeways between lots at the end of culs-de-sac. Pedestrian and bikeways shall be constructed by the developer with a surface approved by the Planning Commission. Such pedestrian and bikeways may be required along perimeter streets.
- g. *Sidewalk widths* shall be as follows:
 1. Along one or two family lots: four feet.
 2. Along multifamily or non-residential lots: six feet.

3. In front of a commercial or multifamily building(s) where there is less than a 10 foot building setback: 10 feet.
-
- h. *Alternate pedestrian access plan.* Rather than requiring sidewalks on both sides of all streets within a subdivision, or along a perimeter street, the applicant may present for Commission approval an alternate plan showing pedestrian access within and to destinations outside the subdivision such as schools and shopping. Such a plan might provide for no sidewalks on cul-de-sac bubbles, on both sides of all streets, or where the street was wider than the minimum standards.

7/24/2017

Agenda Item No. J)

Presenter

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

SUBJECT:

Discuss and consider a waiver from the requirement to construct sidewalks along FM 1101 and internal to the proposed Mesquite Business Park Subdivision.

BACKGROUND / RATIONALE:

Plat Information:

Case No.: PL-17-066

Council District: Outside the City Limits

Owner/Applicant: Mesquite Business Park, LLC (Roger Tuttle)
1661 S. Seguin Avenue
New Braunfels, TX 78130
(830) 606-4419

Surveyor: D A Mawyer Land Surveying (Drew Mawyer)
5151 W. SH 46
New Braunfels, TX 78132
(210) 325-0858

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

Section 118-49 of New Braunfels' Platting Ordinance requires the construction of a 6-foot wide sidewalk at the time of individual non-residential lot improvement, and at the time of subdivision construction adjacent to non-buildable lots. This is a requirement both inside the city limits and within the Extraterritorial Jurisdiction (ETJ).

The subject property is located in the ETJ approximately 1,000 feet north of Watson Lane on FM 1101. The proposed subdivision consists of 31.461 acres to be subdivided into 22 commercial/industrial lots and 2 drainage lots. All buildable lots are approximately 1 acre in size.

The applicant is requesting a waiver from the requirement to construct 6-foot wide public sidewalks along FM 1101 and along the internal streets. Sidewalks and sidewalk connectivity are important for mobility and community health. However, the Platting Ordinance authorizes waiver requests to be approved when an undue hardship will result from strict compliance with a provision of the Ordinance, or where the purpose of the regulation may be served to a greater extent by an alternative proposal, so that substantial justice may be done and the public interest is secured. A waiver may not be approved unless it is found that:

1. Granting the waiver will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver will not prevent the orderly subdivision of other property in the vicinity;
2. Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; or an alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein; and
3. The waiver will not in any manner vary the provisions of the Zoning Ordinance or other ordinance(s) of the City.

Sidewalk waivers can only be granted by City Council after a recommendation from the Planning Commission. If the waiver is approved, construction will not be required. If the waiver is denied, then sidewalk construction will be required by the owner/developer/builder at the time of new development on each lot, and at the time of subdivision construction adjacent to non-buildable lots. City Council may also approve an escrow payment for the cost of sidewalk construction so that they may be installed at a future date.

The applicant maintains sidewalks are not necessary since this project is located in the ETJ with the intent to develop one acre office/warehouse lots where there will be no connectivity to any other development. He also points out that the nearest sidewalk is 3 miles away in the Quail Valley Subdivision located on the west side of IH 35 south of Conrads Road (see Attachment 4).

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

X	No	City Plan/Council Priority: Comprehensive Plan	Goal 25B-6: <i>Sidewalks should be provided for all new development, offset from street wherever possible.</i> The Comprehensive Plan encourages sidewalk construction.
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FISCAL IMPACT:

If the waiver request is approved and sidewalks are desired in the future, the cost may have to be paid by another entity or the taxpayer. If escrow is approved, the cost of construction would be covered by the escrow collected from the applicant.

COMMITTEE RECOMMENDATION:

In considering this waiver request, the Planning Commission had three options:

1. To deny the waiver and require sidewalk construction at the time of new development on the property;
2. To recommend the applicant escrow the estimated amount of a sidewalk for construction by the City at a later date; or
3. To recommend waiving the sidewalk requirement.

On July 5, 2017, the Planning Commission:

- Approved the Final Plat of the Mesquite Business Park Subdivision with Staff's technical recommendations and applicant corrections,
- Approved a waiver request to not have to provide street projections to adjacent undeveloped properties,
- Recommended escrowing the required sidewalk adjacent to FM 1101, and

-
- Recommended approval of a waiver from the sidewalks required on the internal subdivision streets

The vote was unanimous (9-0).

STAFF RECOMMENDATION:

The subject property is presently within the ETJ without land use control and the ultimate land use of the area is unknown. The developer is also platting the adjacent southern portion of the parent tract into acreage lots for mobile homes. This is the first tract to develop within this predominantly rural area, but sidewalk connectivity between developments will become important as this area continues to develop. Therefore, staff recommends the applicant escrow the cost of construction of the required sidewalk adjacent to FM 1101; improvements will be made to FM 1101 in the near future and these escrowed dollars can pay for sidewalks as part of those improvements.

Staff recommends approval of the requested waiver from the requirement to construct internal sidewalks given there are no pedestrian destinations within the proposed development, nor will there be any street projections to adjacent development. Sidewalks within large industrial/warehouse developments on acreage lots are not common in many cities because, as indicated above, there are typically no pedestrian destinations within such developments and industrial/warehouse development attracts large commercial trucks presenting dangers to pedestrians.

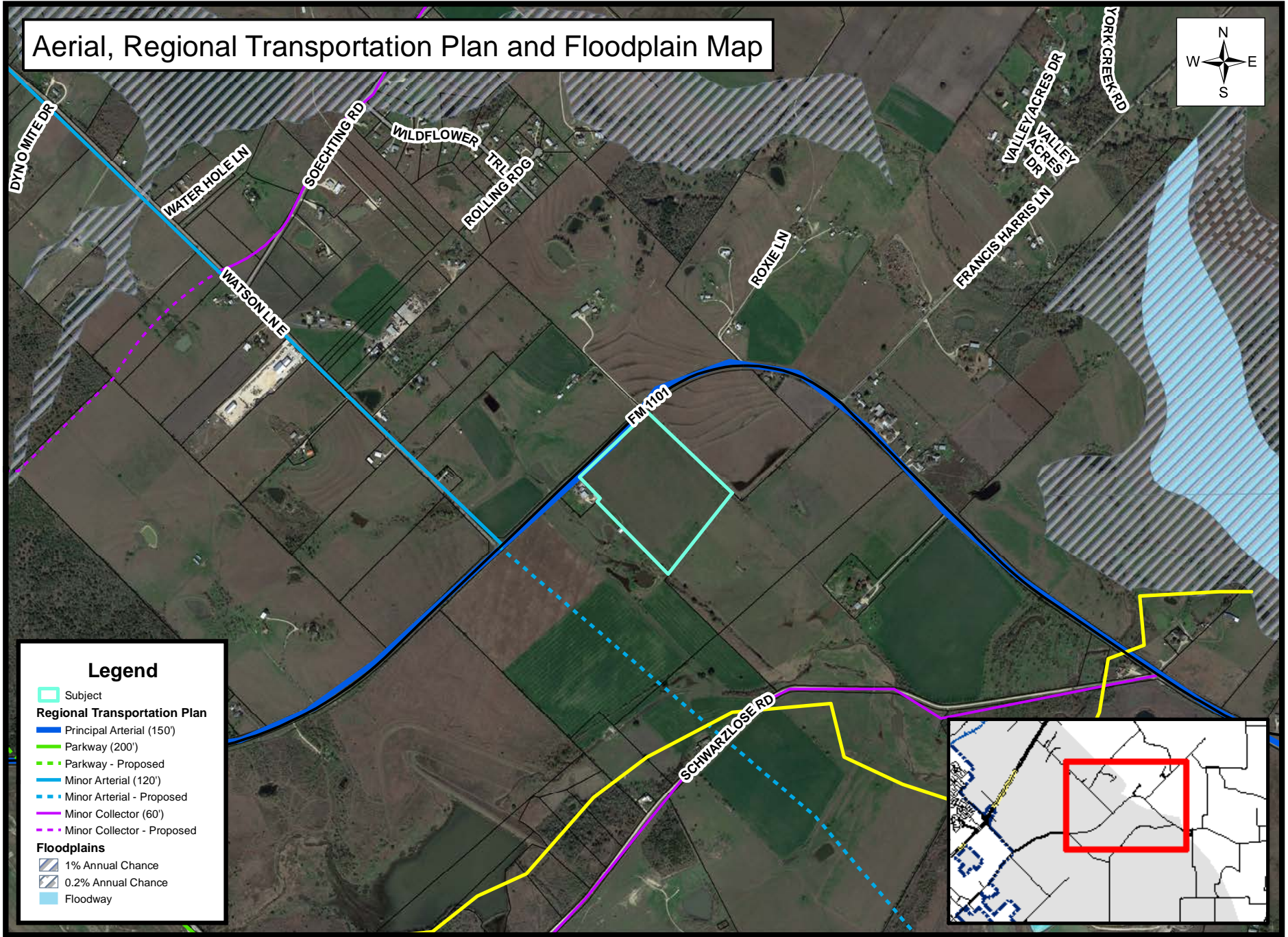
If City Council denies the applicant's requests, the applicant must construct the sidewalks at the time of development on each lot and at the time of subdivision construction adjacent to non-buildable lots. Alternatively, City Council may approve placing funds in escrow for future sidewalk construction. If escrow is approved, the applicant must meet the following City Code requirement:

Per Section 118-52 of the Platting Ordinance, the amount to be escrowed is to be an amount of the costs of "turnkey" design, construction, permits, reviews and approvals, inspection and any additional land acquisition, and an appropriate inflation factor to be determined by the City Engineer to ensure that the actual "future dollar" costs will be covered when actual bid pricing and construction occur in the future. Such amount shall be reviewed by the City Engineer, and shall be paid prior to the release of the construction plans by the City Engineer, or if there are no construction plans, prior to recording the plat.

ATTACHMENTS:

1. Aerial & Regional Transportation Plan and Floodplain Map
2. Application and Waiver Request
3. Reduced Plat
4. Sidewalk Exhibit
5. Photographs of Subject Property
6. Excerpt of the Planning Commission Meeting Minutes of July 5, 2016
7. Sec. 118-11 Waiver
8. Sec. 118-49 Sidewalks
9. Sec. 118-52 Escrow Policies and Procedures

Aerial, Regional Transportation Plan and Floodplain Map



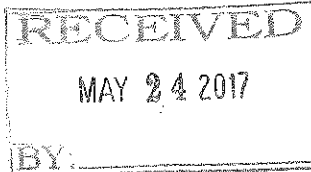


PLANNING

APPLICATION FOR LAND SUBDIVISION (PLAT)

Planning and Community Development
550 Landa Street, New Braunfels TX 78130
(830) 221-4050
www.nbtexas.org

Case No. PL-17-066



CHECK ONE: ☐ Master Plan ☐ Prelim./Final Plat ☐ Prelim. Plat ☒ Final Plat ☐ Replat ☐ Amended ☐ Minor

- PROPOSED SUBDIVISION NAME: MESQUITE BUSINESS PARK UNIT NO. N/A
LOCATION DESCRIPTION / NEAREST INTERSECTION: FM 1101
ACREAGE: 31.461 NO. OF LOTS: EXISTING 0 PROPOSED 24
REASON(S) FOR PLATTING/REPLATTING create a business park
- OWNER/APPLICANT*: MESQUITE BUSINESS PARK, LLC
(* If applicant is person other than owner, a letter of authorization must be provided from owner.)
ADDRESS: 1661 South Seguin Ave, New Braunfels, Texas 78130
TELEPHONE: 830-606-4419 FAX: NA MOBILE: _____
EMAIL rtut@gap1.com
- LICENSED ENGINEER/SURVEYOR: Drew A. Mawyer, R.P.L.S.
MAILING ADDRESS: 5151 W SH 46, New Braunfels, Texas 78132
TELEPHONE: 210.325.0858 FAX: _____ MOBILE: _____
EMAIL DrewM@dam-tx.com
- LIST ANY VARIANCES REQUESTED: Waiver for sidewalks along FM 1101 and within business park
REASON FOR REQUEST (LIST ANY HARDSHIPS): See attached Waiver for projection of streets
- PRESENT USE OF THE PROPERTY Undeveloped CURRENT ZONING: None
- CITY LIMITS: ☐ IN ☒ OUT - COUNTY: ☒ COMAL ☐ GUADALUPE - SCHOOL DIST: ☒ CISD ☐ NBISD ☐ _____
- IS ANY PART OF THE PROPERTY IN A FLOODPLAIN? ☐ YES ☒ NO (specify)
- DOES PLAT FALL IN THE BOUNDARY FOR: ☐ NBU ☐ GVEC ☐ AT&T ☒ OTHER PEC, CCSUD ☐ TXDOT ROAD
- Is the property subject to any liens, encumbrances, or judgments? If so, give details. (Provide separate sheet if needed.) Permission from any lien holders and/or removal of any encumbrances or judgments will be necessary prior to filing of said plat with the County Clerk's office.

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

- ☐ Completed application, including signature of owner/applicant and signed waiver.
- ☐ Fee (see reverse)
- ☐ 3 copies of TIA worksheets, reviewed by City Engineer, and appropriate Level TIA if required.
- ☐ Copy of deed showing current ownership.
- ☐ 17 copies of the plat, collated and folded so that the subdivision name is visible.
- ☐ 4 copies of Preliminary utilities plan including wastewater and water system showing the approximate location and size of onsite and offsite existing and proposed water lines and fire hydrants.
- ☐ 2 copies of the preliminary drainage plan
- ☐ Current deed restrictions for Vacating Plats, Replats, and Townhouse and Zero Lot Line Subdivisions.
- ☐ Survey showing any existing structures on the subject property.
- ☐ List of approved street names by the appropriate county.

PLEASE READ "IMPORTANT NOTES" ON THE REVERSE SIDE OF THIS APPLICATION

I agree to comply with all platting and subdivision requirements of the City of New Braunfels. I understand that the plat will NOT be forwarded to the Planning Commission unless staff comments are satisfactorily addressed by the plat correction due date. I voluntarily waive my right to request a certificate stating the date the plat was filed and that the Planning Commission failed to act on the plat within thirty days. I do not object to consideration of the plat on July 5, 2017 (date of Planning Commission meeting). This waiver expires after July 5, 2017 (date of Planning Commission meeting). (The waiver statement above is not applicable to Minor Plats).

Date

5/23/17

Signature of Owner/Applicant

Drew A. Mawyer

Print Name & Title

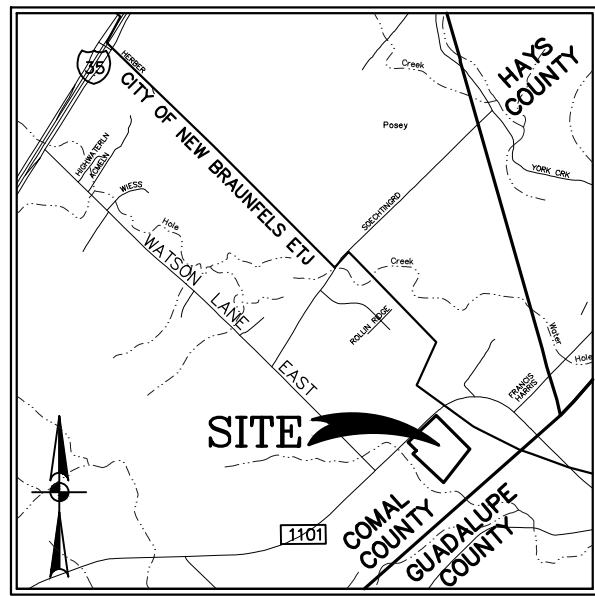
DREW A. MAWYER PRESIDENT

**If applicant is person other than owner, a letter of authorization must be provided from owner. Signature indicate acceptance of waiver statement.

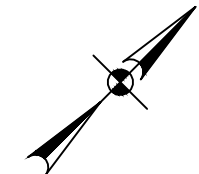
ATTACHMENT 2

Reason for Request for Sidewalk Waiver

One acre industrial rural lot sizes located in the ETJ of The City of New Braunfels. This Industrial Park has no connectivity to any other development and is further disconnected to the south by the Waste Management property which is a nature conservation property, not to be developed.



LOCATION MAP
N.T.S.



SCALE: 1"=100'



STATE OF TEXAS
COUNTY OF COMAL

I, THE UNDERSIGNED OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS MESQUITE BUSINESS PARK, TO THE CITY OF NEW BRAUNFELS, COUNTY OF COMAL, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY SUBDIVIDE SUCH PROPERTY AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

MESQUITE BUSINESS PARK, LLC.

ROGER R. TUTTLE, GENERAL PARTNER
1661 SOUTH SEGUIN AVE.
NEW BRAUNFELS, TX 78130

STATE OF TEXAS
COUNTY OF COMAL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON
THIS ____ DAY OF ____, 2017,

BY _____

NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES: ____

KNOW ALL MEN BY THESE PRESENTS:

I, THE UNDERSIGNED, DREW A. MAWYER, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE UNDER MY SUPERVISION AND IN COMPLIANCE WITH CITY AND STATE SURVEY REGULATIONS AND LAWS AND MADE ON THE GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

DREW A. MAWYER
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5348
D.A. MAWYER LAND SURVEYING
2700 ROLLING CREEK, SPRING BRANCH, TX 78070

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD LENGTH	CHORD BEARING
C1	33.64'	40.00'	48°11'23"	17.89'	32.66'	S68°58'35"E
C2	211.44'	65.00'	186°22'46"	1166.38'	129.80'	S00°07'06"W
C3	33.64'	40.00'	48°11'23"	17.89'	32.66'	N69°12'47"E
C4	33.64'	40.00'	48°11'23"	17.89'	32.66'	S21°01'25"W
C5	211.44'	65.00'	186°22'32"	1167.07'	129.80'	N89°53'01"W
C6	33.67'	40.00'	48°13'18"	17.90'	32.68'	N20°48'24"W
C7	62.83'	40.00'	90°00'00"	40.00'	56.57'	N89°52'54"W
C8	62.83'	40.00'	90°00'00"	40.00'	56.57'	S00°07'06"W



5151 W. SH 46
NEW BRAUNFELS, TX 78132
PH: 210.325.0858
drawn@dam-ls.com
fpm 6/10/1500

DATE: MAY 2017 JOB P&M101

LEGEND:

- P.O.B. = POINT OF BEGINNING
U.E. = UTILITY EASEMENT
R.O.W. = RIGHT-OF-WAY
○ = 1/2" IRON PIN SET
● = IRON PIN FOUND

MESQUITE BUSINESS PARK

FINAL PLAT

BEING 31.461 ACRES OF OUT OF THE A. M. ESNAURIZAR ELEVEN LEAGUE GRANT, ABSTRACT NO. 1, COMAL COUNTY, TEXAS, AND BEING ALL OF A 31.461 ACRES OF LAND DESCRIBED IN DOCUMENT NO. 201706025925, OFFICIAL RECORDS OF COMAL COUNTY, TEXAS.



NOTES:

- LOTS 1-22 WITHIN THE SUBDIVISION WILL BE PROVIDED WATER BY CRYSTAL CLEAR SPECIAL UTILITY DISTRICT, SEWER BY OFF SITE SEWER FACILITY (OSSF), AND ELECTRIC BY PEDERNALES ELECTRIC COOPERATIVE. TELEPHONE SERVICE FOR THE SUBDIVISION WILL BE PROVIDED BY AT&T.
- BEARINGS AND DISTANCES BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983. DISTANCES SHOWN ARE STATE PLANE GRID. TO CONVERT DISTANCES ON THE PLAT TO ON-THE-GROUND DISTANCES MULTIPLY BY A COMBINED SCALE FACTOR OF 1.00017.
- MONUMENTS WERE FOUND OR SET AT EACH CORNER OF THE SURVEY BOUNDARY OF THE SUBDIVISION. MONUMENTS AND LOT MARKERS WILL BE SET WITH PLASTIC CAP STAMPED "DAM #5348 PROP. COR." IMMEDIATELY AFTER COMPLETION OF UTILITY INSTALLATION AND STREET CONSTRUCTION UNLESS NOTED OTHERWISE.
- NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN THE EXISTING SPECIAL FLOOD HAZARD ZONE A, 100-YEAR FLOOD BOUNDARY, AS DEFINED BY THE COMAL COUNTY, TEXAS COMMUNITY PANEL NUMBER 48091C0295F AND 48091C0460F, AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, EFFECTIVE DATE SEPTEMBER 2, 2009.
- MESQUITE BUSINESS PARK, FALLS WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF NEW BRAUNFELS.
- THE SUBDIVISION IS WITHIN THE COMAL INDEPENDENT SCHOOL DISTRICT.
- MESQUITE BUSINESS PARK ESTABLISHING A TOTAL OF 22 BUILDABLE LOTS.
- NO STRUCTURES IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC WATER AND OSSF WHICH HAS BEEN APPROVED BY CRYSTAL CLEAR SPECIAL UTILITY DISTRICT AND COMAL COUNTY.
- MAINTENANCE OF DRAINAGE LOTS DESIGNATED AS LOTS 23 AND 24 SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER'S ASSOCIATION.
- LOTS 23 AND 24 ARE UNBUILDABLE LOTS.
- FUTURE DEVELOPMENT IS SUBJECT TO CHAPTER 114 (STREETS, SIDEWALKS AND OTHER PUBLIC SPACES) OF THE NEW BRAUNFELS CODE OF ORDINANCES.
- NO STRUCTURES, WALLS OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO LANDSCAPING, FENCES, OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE EASEMENTS OR DECREASES THE HYDRAULIC CAPACITY OF THE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE ENGINEER AND DIRECTOR OF THE PUBLIC WORKS. THE CITY OF NEW BRAUNFELS SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTORS ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE EASEMENTS.
- NO DIRECT ACCESS IS PERMITTED TO LOTS 1, 14, 15, 22 AND 23 FROM FM 1101.
- COMMERCIAL AND NON-RESIDENTIAL SUBDIVISIONS ARE NOT SUBJECT TO THE NEW BRAUNFELS PARK LAND DEDICATION AND DEVELOPMENT ORDINANCE. AT SUCH TIME ANY RESIDENTIAL DWELLING UNITS ARE CONSTRUCTED, THE OWNER/DEVELOPER SHALL NOTIFY THE CITY AND COMPLY WITH THE ORDINANCE FOR EACH DWELLING UNIT.

TXDOT NOTES:

- FOR RESIDENTIAL DEVELOPMENT DIRECTLY ADJACENT TO STATE RIGHT-OF-WAY, THE DEVELOPER SHALL BE RESPONSIBLE FOR ADEQUATE SETBACK AND/OR SOUND ABATEMENT MEASURES FOR FUTURE NOISE MITIGATION.
- OWNER/DEVELOPER IS RESPONSIBLE FOR PREVENTING ANY ADVERSE IMPACT TO THE EXISTING DRAINAGE SYSTEM WITHIN THE HIGHWAY RIGHT-OF-WAY. FOR PROJECTS IN THE EDWARDS AQUIFER RECHARGE OR CONTRIBUTING ZONES, OUTFALLS FOR WATER QUALITY AND/OR DETENTION PONDS TREATING IMPERVIOUS COVER RELATED TO THE DEVELOPMENT, WILL NOT ENCRDACH BY STRUCTURE OR GRADING INTO STATE ROW. PLACEMENT OF PERMANENT STRUCTURAL BEST MANAGEMENT PRACTICE DEVICES OR VEGETATIVE FILTER STRIPS WITHIN STATE ROW WILL NOT BE ALLOWED.
- MAXIMUM ACCESS POINTS TO STATE HIGHWAY FROM THIS PROPERTY WILL BE REGULATED AS DIRECTED BY TXDOT'S, "ACCESS MANAGEMENT MANUAL". THE PROPERTY IS ELIGIBLE FOR MAXIMUM COMBINED TOTAL OF 2 ACCESS POINT, BASED ON AN OVERALL PLATTED HIGHWAY FRONTAGE OF APPROXIMATELY 988.25 FEET.
- IF SIDEWALKS ARE REQUIRED BY APPROPRIATE CITY ORDINANCE, A SIDEWALK PERMIT MUST BE APPROVED BY TXDOT, PRIOR TO CONSTRUCTION WITHIN STATE RIGHT-OF-WAY. LOCATIONS OF SIDEWALKS WITHIN STATE RIGHT OF WAY SHALL BE AS DIRECTED BY TXDOT.
- ANY TRAFFIC CONTROL MEASURES (LEFT-TURN LANE, RIGHT-TURN LANE SIGNAL, ETC.) FOR ANY ACCESS FRONTING A STATE MAINTAINED ROADWAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER/OWNER

APPROVED THIS THE ____ DAY OF ____, 2017, BY THE
PLANNING COMMISSION OF THE CITY OF NEW BRAUNFELS, TEXAS.

PLANNING COMMISSION CHAIRMAN

APPROVED FOR ACCEPTANCE

____ DATE _____ DIRECTOR OF PLANNING

____ DATE _____ CITY ENGINEER

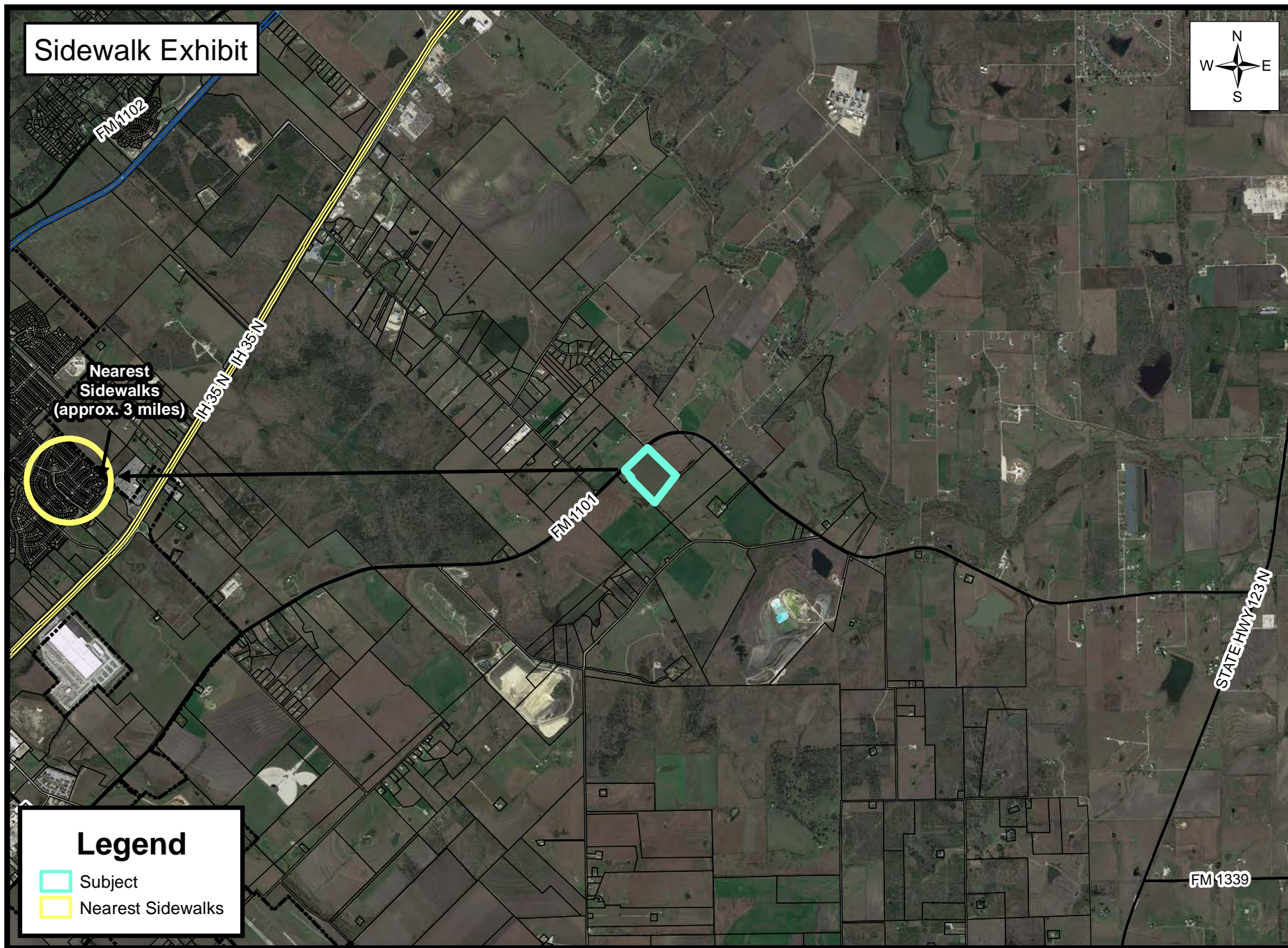
STATE OF TEXAS
COUNTY OF COMAL

I, _____ DO HEREBY CERTIFY THAT THE FOREGOING
INSTRUMENT WAS FILED FOR RECORD IN THE MAP AND PLAT RECORDS,
DOC# _____ OF COMAL COUNTY ON THE ____ DAY
OF ____, 2017, AT ____ M.

WITNESS MY HAND AND OFFICIAL SEAL, THIS THE ____ DAY
OF ____, 2017.

COUNTY CLERK, COMAL COUNTY, TEXAS

DEPUTY





Subject

FM 1101



Draft Minutes for the July 5, 2017 Planning Commission Regular Meeting

PL-17-066 Discuss and consider the final plat of Mesquite Business Park, with waivers.

(Applicant: Mawyer; Case Manager M. Greene)

- Waivers:**
1. To not construct 6-foot public sidewalks adjacent to FM 1101 or within the subdivision.
 2. To not provide street projections to adjacent undeveloped properties.

Mr. Greene presented the Staff report and did not recommend approval of the plat as submitted since it is not in compliance with the code requirement to include street projections to the adjacent and undeveloped 94 acre and 42 acre parcels and no sidewalks adjacent to FM 1101. Should the Planning Commission approve the plat as presented with the waivers, Staff recommended the additional requirements prior to plat recordation:

1. Subdivision construction plans must be approved.
2. Revise "off site" to "on site" in plat note number 1.
3. The sidewalk waiver must be approved by City Council.
4. Identify and label block numbers.
5. Provide a street name approval letter and label street names on the plat.
6. Add Lot 24 and the block numbers to plat note number 13.
7. If the sidewalk waivers are approved, add a plat note stating the construction of 6-foot public sidewalks is not required with this subdivision along FM 1101 and/or the internal streets per waiver approved by the City Council on _____, 2017. If the sidewalk waiver(s) is denied, add a plat note stating 6-foot public sidewalks will be constructed 1-foot inside the right-of-way along on FM 1101, Street A, Street B and Street C by the owner/builder at the time of building construction. The developer will construct 6-foot public sidewalks 1-foot inside the right-of-way adjacent to Lot 23, Block __ and Lot 24, Block __ at the time of subdivision construction.

Staff opposed the sidewalk waiver adjacent to FM 1101, stating that funds should be escrowed for costs to improvements on FM 1101. Staff did not oppose the internal sidewalk waiver. Staff opposed the waiver to not provide street projections to adjacent undeveloped properties, as the proposed street patterns do not provide travelers with alternate paths to complete their trips and would result with higher concentration of traffic on arterial roads at street intersections.

Chair Elrod inquired if the surrounding properties would be residential developments.

Mr. Greene responded that without zoning there cannot be a definite prediction.

Chair Elrod inquired about existing trends of development in the area.

Vice Chair Edwards stated one of the tracts, owned by the wastewater company, would remain undeveloped.

Mr. Greene responded that the area is not directly adjacent to the subject property

Discussion ensued regarding future Watson Lane extension.

Chair Elrod stated if residential were developed adjacent to the subject property, street projections from industrial to residential could cause future issues of large industrial vehicles through a residential development.

Chair Elrod requested the applicant address the Commission.

Applicant, Patrick Lynch, 201 Briarwood Drive, presented a statement from the owner of the property, Robert Tuttle, requesting the street projection waiver be granted. Mr. Lynch provided a history of the property, and elaborated on the conservation area that Vice Chair Edwards had previously mentioned. Mr. Lynch showed the subdivision proposed directly adjacent to the subject property, with the proposed extension of Watson Lane.

Discussion ensued regarding the adjacent subdivision development.

Mr. Lynch explained the request for the waiver to not build the street projection is to ensure security for the industrial development, and prevention of large trucks driving through the adjacent future residential subdivision.

Mr. Lynch presented multiple industrial developments that do not incorporate additional street projections.

Mr. Lynch requested clarification on the number of readings by City Council required for the sidewalk waiver.

Mrs. Snell responded the sidewalk waiver decision was made with one motion as the decision did not involve an ordinance, which does require two readings .

Chair Elrod declared the item was not a public hearing.

Motion by Vice Chair Edwards, seconded by Commissioner Bearden, to approve the final plat of Mesquite Business Park, with Staff requirements and waivers for sidewalks and street projections. Motion carried (9-0-0).

Sec. 118-11. Waiver

- a. General. Where the Planning Commission finds that undue hardships will result from strict compliance with a certain provision(s) of this Ordinance, or where the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve a waiver from any portion of these regulations so that substantial justice may be done and the public interest is secured, provided that the waiver shall not have the effect of nullifying the intent and purpose of these regulations, and further provided that the Planning Commission shall not approve a waiver unless it shall make findings based upon the evidence presented to it in each specific case that:
 1. Granting the waiver will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver will not prevent the orderly subdivision of other property in the vicinity;
 2. Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; or an alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein;
 3. The waiver will not in any manner vary the provisions of the Zoning Ordinance or other ordinance(s) of the City.
- b. Zoning Variance. If a zoning variance is requested on a particular parcel of property, then it may be decided concurrently with the submittal and consideration of any request for a waiver from any provision of this Chapter.
- c. Zoning District Change. The Commission may consider a Master Plan or any type of plat simultaneously with a zoning district change application and may condition approval of a Master Plan or any type of plat upon final City Council approval of the zoning district change that would cause the Master Plan or plat to be consistent with the zoning.
- d. Conditions. In approving a waiver from any provision of this Chapter, the Planning Commission may require such conditions as will secure substantially the purposes described in this Chapter.
- e. Procedures:
 1. A petition for a waiver shall be submitted in writing to the Planning Department by the property owner or agent before the plat is submitted for the consideration of the Planning Commission. The petition for a waiver can be submitted with the application at any time before the "plat corrections due date" provided for on the approved Commission meeting calendar. The petition shall explain the purpose of the waiver, state fully the grounds for the waiver, and all of the facts relied upon by the petitioner.
 2. Waivers may be approved, disapproved or approved with conditions by the Planning Commission. All waivers for sidewalks approved and approved with conditions, including the approval of the escrowing funds for the construction of sidewalks on perimeter streets to be built at a later date as prescribed in section 118-49(c), will be forwarded to City Council for final approval.
 3. The findings of the Planning Commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Planning Commission meeting at which a waiver is considered, approved or disapproved.

Sec. 118-49. Sidewalks.

- a. *Requirement for installation.* Sidewalks shall be required, unless an exception is granted by the Planning Commission, in accordance with the following:
 1. On the subdivision or development side or sides of all major thoroughfares or arterial streets as indicated on the City's Thoroughfare Plan, or a major thoroughfare as determined by the Planning Commission, and on perimeter streets.
 2. On both sides of a street that serves as a local or collector street, except (i) no sidewalks are required along a local residential large-lot street section, as shown in this Chapter, where there is no parking on the street and where each lot has at least 100 feet of frontage, (ii) when a alternative pedestrian access plan is approved by the Planning Commission, and (iii) when an exception is granted by the Planning Commission.
 3. As deemed necessary by the Planning Commission in any area based on uniformity along the street and conformity with the surrounding area.
- b. *Installation.* Sidewalks shall be installed at the street front of lots, along the street side of corner lots, and as required on perimeter streets. Sidewalks shall be constructed in accordance with City standards and specifications at such time as the lot is improved unless otherwise determined by the Planning Commission. For instance, where there would be no building improvement to the area adjacent to the sidewalk.
- c. *Escrow.* With regard to sidewalks on perimeter streets, the Planning Commission, upon request of the applicant, may allow the applicant to deposit in escrow the cost of sidewalks, as approved by the City Engineer, for installation of sidewalks at a later date. The escrow money or letter of credit shall be deposited with the City prior to filing of the final plat.
- d. *Plat note.* A plat note shall be placed on the final plat indicating that sidewalks were required, upon which streets sidewalks were required and who is responsible for installation.
- e. *Location of Sidewalks.*
 1. Sidewalks shall usually be constructed in the right-of-way of the adjacent street, but may be in easements as approved by the Planning Commission. For instance, along TxDOT ROW where future improvements would damage the sidewalk or where the walk is not adjacent to a street.
 2. Sidewalks adjacent to single family or two family lots, along a local street, shall be placed in the right-of-way at least three feet from the curb or adjacent to the curb.
 3. All sidewalks adjacent to collector streets, arterial streets, or TxDOT highways shall be separated by at least 4 feet from the curb or edge of the shoulder.
- f. *Pedestrian and bikeways.* Pedestrian and bikeways, six feet in width, located in the right-of-way or in a public access easement, shall be dedicated and constructed where deemed necessary by the Planning Commission, to provide circulation or access to schools, playgrounds, parks, shopping centers, arterial streets and community facilities, or to provide pedestrian circulation within the subdivision. For instance, the Commission may require such pedestrian or bikeways between lots at the end of culs-de-sac. Pedestrian and bikeways shall be constructed by the developer with a surface approved by the Planning Commission. Such pedestrian and bikeways may be required along perimeter streets.
- g. *Sidewalk widths* shall be as follows:
 1. Along one or two family lots: four feet.
 2. Along multifamily or non-residential lots: six feet.

3. In front of a commercial or multifamily building(s) where there is less than a 10 foot building setback: 10 feet.
-
- h. *Alternate pedestrian access plan.* Rather than requiring sidewalks on both sides of all streets within a subdivision, or along a perimeter street, the applicant may present for Commission approval an alternate plan showing pedestrian access within and to destinations outside the subdivision such as schools and shopping. Such a plan might provide for no sidewalks on cul-de-sac bubbles, on both sides of all streets, or where the street was wider than the minimum standards.

Sec. 118-52. Escrow Policies and Procedures.

- a. *Request for escrow.* Whenever this Chapter requires a property owner to construct a street, sidewalk, drainage improvement, or other type of public improvement, the property owner may petition the City to construct the street or other public improvement, at a later date, in exchange for deposit of escrow as established in this Section, if there exists unusual circumstances, such as a timing issue due to pending roadway improvements by another agency such as TxDOT or the applicable County, that would present undue hardships or that would impede public infrastructure coordination or timing. If more than one street or thoroughfare must be constructed in order to meet adequacy requirements for roadways, for instance as demonstrated by a traffic impact analysis, the Planning Commission may prioritize roadways for which escrow is to be accepted and require the deposit of all funds attributable to the development in escrow accounts for one or more of such affected roadways. The City Engineer shall review the particular circumstances involved (a traffic impact analysis may be required to facilitate the City Engineer's deliberations on the matter), and shall determine, at its sole discretion, whether or not provision of escrow deposits will be acceptable in lieu of the property owner's obligation to construct the street, sidewalk or other public improvement with his or her development.
- b. *Escrow deposit with the City.* Whenever the Commission agrees to accept escrow deposits in lieu of construction by the owner of the property under this Chapter, the property owner or developer shall deposit in escrow with the City an amount equal to his or her share of the costs of "turnkey" design, construction, permits, reviews and approvals, inspections, any additional land acquisition, and an appropriate inflation factor to be determined by the City Engineer to ensure that the actual "future dollar" costs will be covered when actual bid pricing and construction occur in the future. Such amount shall be reviewed by the City Engineer, and shall be paid prior to release of construction plans by the City Engineer, or if there are no construction plans, prior to recording the plat. The obligations and responsibilities of the property owner shall become those of the property owner's transferees, successors and assigns; and the liability therefore shall be joint and several.
- c. *Termination of escrow.* Escrows or portions of escrowed amounts, which have been placed with the City under this Section and which have been held for a period of 10 years from the date of such payment or agreement, in the event that the City has not authorized the preparation of plans and specifications for construction of such roadway facilities for which the escrow was made, shall, upon written request, be returned to the property owner along with one-half of its accrued interest. Such return does not remove any obligations of the property owner for construction of the required facilities if a building permit has not been issued on the subject lot or if a new building permit is applied for.
- d. *Refund.* If any street or highway for which escrow is deposited is constructed by a party other than the City or is reconstructed by another governmental authority at no cost to the City, the escrowed funds and accrued interest shall be refunded to the property owner or applicant who originally paid the escrow amount after completion and acceptance of the public improvements. In the event that a portion of the cost is borne by the City and the other portion of the cost by another party or governmental authority, the difference between the property owner's actual proportionate cost and the escrowed funds, including accrued interest, if any, shall be refunded after completion and acceptance of the improvements.
- e. *Interest limitation.* If money is refunded within six months of deposit, only the principal will be refunded. Monies returned after this date will be refunded with one-half of its accrued interest.
- f. *Credit toward impact fees.* All escrowed funds may be subject to credits against applicable impact fees.
- g. *Petition for relief.* The requirements of this Section are subject to a petition for relief from a dedication or construction requirement, pursuant to this Chapter.

7/24/2017

Agenda Item No. K)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of a resolution naming an alternate to the Alamo Area Council of Governments (AACOG) Board of Directors.

BACKGROUND / RATIONALE:

Councilmember George Green is the representative for the City of New Braunfels to the AACOG Board of Directors. This resolution designates the City's alternate to the AACOG Board of Directors in case Councilmember Green is unable to attend an AACOG meeting. The alternate should be an elected official.

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 resolution.

RESOLUTION NO. 2017-R_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS, APPOINTING AN ALTERNATE TO THE ALAMO
AREA COUNCIL OF GOVERNMENTS BOARD OF DIRECTORS.**

WHEREAS, the City of New Braunfels is classified as 'Urbanized' situated outside of Bexar County; and

WHEREAS, the City of New Braunfels does not have an alternate at this time.

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

THAT the following elected official of New Braunfels is hereby appointed to serve as an alternate representative on the Alamo Area Council of Governments Board of Directors.

PASSED AND APPROVED this 24th day of July, 2017.

CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, Mayor

Attest:

PATRICK ATEN, City Secretary



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

7/24/2017

Agenda Item No. A)

Deliberate pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:

- Carowest Land, Ltd. v. Yantis Company and the City of New Braunfels (2010, 2015, and 2017 cases)



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

7/24/2017

Agenda Item No. B)

Deliberate and consider the purchase of, exchange, lease or value of real property, in accordance with Section 551.072, of the Texas Government Code, including but not limited to:

- acquisition of land for city facilities



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

7/24/2017

Agenda Item No. C)

Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Attorney in accordance with Section 551.074 of the Texas Government Code.