



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



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

MONDAY, AUGUST 28, 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: Mayor Pro Tem Wayne Peters

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

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

PROCLAMATIONS:

A) National Payroll Week

1. MINUTES

A) Discuss and consider approval of the minutes of the regular City Council meeting of August 14, 2017, and the special City Council meetings of August 14, 15, and 16, 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 a Memorandum of Understanding with New Braunfels Utilities for the joint solicitation and administration of roadway and utilities projects.
Bryan Woods, Assistant City Manager
- B) Approval of a resolution authorizing the submission of a grant application to the Rifle-Resistant Body Armor Grant Program through the Criminal Justice Division of the Office of the Governor for \$4,499.70 to purchase eligible body armor and authorizing the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.
Tom Scheuermann, Police Sergeant
- C) Approval and ratification of the submission of the Helping Heroes Grant to the Flint Hills Resources and Koch Pipeline Company in the amount of \$4,078 to purchase MultiRAE Lite gas monitors and authorizing the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.
Patrick O'Connell, Fire Captain
- D) Approval of the submission of the Edward Byrne Memorial Justice Assistance Grant Program application to the US Department of Justice, Bureau of Justice Assistance for \$12,939, to purchase two pole cameras and authorizing the City Manager to accept funds and to execute all contract documents associated with grant, if awarded.
Craig Christopherson, Detective Lieutenant
- E) Authorization to enter into a contract with Host Compliance, LLC, for short term rental compliance monitoring and associated services.
Christopher J. Looney, Planning and Community Development Director
- F) Approval of a contract with E-Z Bel Construction and Raba Kistner Consultants for construction on Landa Street.
Bryan Woods, Assistant City Manager
- G) Approval of acquisition funds for purchasing Right of Way from Milestone Crest Investments, LTD, Parcels 36, 37, and 38 on the Klein Road Improvements Project.
Matthew Eckmann, Real Estate Manager
- H) Approval of acquisition funds for purchasing Right of Way from Select

Stop 2 Holding, LLC, Parcel 35-3 on the Klein Road Improvements Project.

Matthew Eckmann, Real Estate Manager

- I) Approval of acquisition funds for purchasing Right of Way from Laubach Partners, LLC, Parcel 16 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 an ordinance regarding the ratification and continuation of the Emergency Declaration of Local Disaster for the City of New Braunfels, Texas, ordered August 25, 2017.

Barron Casteel, Mayor

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of the Landa Park Master Plan.

Stacey Dicke, Parks and Recreation Director

- B) Public hearing and first reading of an ordinance regarding a proposed amendment to Section 2.2 of Ordinance No. 2016-77, a Type 1 Special Use Permit allowing a commercial tuber entrance and takeout in the "C-4" Resort Commercial District, to allow a two year postponement to the requirement for the business to comply with Federal Law ADA requirements for a public/commercial river access point on 0.2289 acres addressed at 444 East San Antonio Street.

Christopher J. Looney, Planning and Community Development Director

- C) Discuss and consider approval of the first reading of an ordinance granting the extension of rehabilitation tax relief for a second five year period to the property addressed as 193 W. San Antonio Street, a Local Historic Landmark known as the Jacob Schmidt Building.

Christopher J. Looney, Planning and Community Development Director

- D) Discuss and consider an appeal of the Non-Residential and Multifamily Design Standards for property addressed at 1287 Gruene Road.

Christopher J. Looney, Planning and Community Development Director

- E) Discuss and consider an appeal of the Non-Residential and Multifamily Design Standards and articulation requirements for a proposed diesel mechanic shop addressed at 556 Danken Lane in the "C-3" Commercial District.

Christopher J. Looney, Planning and Community Development Director

- F) Discuss and consider approval of the second and final reading of an

ordinance amending Ordinance 75-10 of the City of New Braunfels Code of Ordinances to prohibit through truck traffic on California Boulevard and Lakeview Boulevard.

Garry Ford, City Engineer

- G) Discuss and consider approval of the second and final reading of an ordinance amending Ordinance 75-10 of the City of New Braunfels Code of Ordinances to install an all-way stop at the intersection of Gruene Road and Gruene Lake Drive (private street) and a private driveway.

Garry Ford, City Engineer

- H) Discuss and consider approval of a Development Agreement and Settlement and Release Agreement authorizing offsets against roadway impact fees for The Silos Subdivision, and authorizing the City Manager to execute the agreements.

Garry Ford, City Engineer

- I) Discuss and consider approval of the first reading of an ordinance amending the City of New Braunfels Code of Ordinances, Chapter 118, Platting, Article III, General Platting Procedures.

Garry Ford, P.E., City Engineer

- J) Discuss and consider approval of the first reading of an ordinance amending the City of New Braunfels Code of Ordinances, Chapter 118, Platting, Article IV, Design Standards, Section 118-46 Streets.

Garry Ford, P.E., City Engineer

- K) Discuss and consider approval of proposed amendments to the City of New Braunfels Drainage and Erosion Control Design Manual.

Garry Ford, P.E., City Engineer

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:
- 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)
 - Condemnation of parcels related to Solms/Morningside/Rueckle Road Improvement Project.
- B) Deliberate the appointment, evaluation, duties, discipline, or removal of the Municipal Court Judge 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 August 25, 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 Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/28/2017

Agenda Item No. A)



Proclamation

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

WHEREAS, the American Payroll Association and its more than 23,000 members have launched a nationwide public awareness campaign that pays tribute to the more than 156 million people who work in the United States and the payroll professionals who support the American system by paying wages, reporting worker earnings and withholding federal employment taxes; and

WHEREAS, payroll professionals in New Braunfels, Texas play a key role in maintaining the economic health of New Braunfels, carrying out such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting and depositing; and

WHEREAS, payroll departments collectively spend more than \$2.2 trillion annually complying with myriad federal and state wage and tax laws; and

WHEREAS, payroll professionals play an increasingly important role ensuring the economic security of American families by helping to identify noncustodial parents and making sure they comply with their child support mandates; and

WHEREAS, payroll professionals have become increasingly proactive in educating both the business community and the public at large about the payroll tax withholding systems; and

WHEREAS, payroll professionals meet regularly with federal and state tax officials to discuss both improving compliance with government procedures and how compliance can be achieved at less cost to both government and businesses.

NOW, THEREFORE, I, BARRON CASTEEL, Mayor of the City of New Braunfels, do hereby proclaim the week of September 4th through September 8th, 2017, as

“NATIONAL PAYROLL WEEK”

and I hereby give additional support to efforts of the people who work in New Braunfels and of the payroll profession.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 28th day of August, 2017.

CITY OF NEW BRAUNFELS

BY: _____
BARRON CASTEEL, Mayor



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/28/2017

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 August 14, 2017, and the special City Council meetings of August 14, 15, and 16, 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 August 14, 2017, and the special City Council meetings of August 14, 15, and 16, 2017.

**SPECIAL MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
SPECIAL MEETING OF MONDAY, AUGUST 14, 2017**

The City Council of the City of New Braunfels, Texas, convened in a special session on August 14, 2017, at 4:30 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, Finance Director Martie Simpson, Assistant Finance Director Jared Werner, and Finance Analyst Greg Gutierrez

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 4:40 p.m. Mayor Pro Tem Peters gave the invocation; and Mayor Casteel led the Pledge of Allegiance and the Salute to the Texas Flag.

1. WORKSHOP

- A) Presentation and discussion regarding the Proposed Fiscal Year 2017-18 operating and capital budgets and the 2017 effective and rollback tax rates.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

Wayne Rudolph spoke on the item.

No action was taken.

- B) Discuss and consider approval of the Proposed 2017 Tax Rate.

Mayor Casteel read the aforementioned caption.

Martie Simpson presented the item.

Mayor Pro Tem Peters moved for the proposed tax rate be set at .48822 per \$100 of valuation, which is effectively a 6.5 percent increase in the tax rate. Councilmember Leah Garcia seconded the motion which passed unanimously via roll call vote.

In Favor:

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

C) Discuss and consider scheduling the public hearings on the 2017 tax rate and the FY 2017-18 Proposed Budget.

Mayor Casteel read the aforementioned caption.

Martie Simpson presented the item.

Mayor Pro Tem Peters moved to set the public hearings for the tax rate at a meeting beginning at 6:00 p.m. on Thursday, August 24, 2017, and Tuesday, September 5, 2017, and the public hearing on the FY 2017-18 Proposed Budget and Plan of Municipal Services on Thursday, August 24, 2017, at a meeting beginning at 6:00 pm – all in the City Council Chamber at 550 Landa Street. Councilmember Garcia seconded the motion which passed unanimously via roll call vote.

In Favor:

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

Mayor Casteel announced that the FY 2017-18 Proposed Budget along with the 2017 tax rate will be adopted on September 11, 2017, at a meeting beginning at 6:00 p.m. in Council Chambers located at 550 Landa Street, New Braunfels, Texas.

The special meeting adjourned at 5:41 p.m.

Date Approved: August 28, 2017

BARRON CASTEEL, MAYOR

Attest:

PATRICK ATEN, CITY SECRETARY

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, AUGUST 14, 2017**

The City Council of the City of New Braunfels, Texas, convened in a Regular Session on August 14, 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, City Attorney Valeria Acevedo, Assistant City Manager Kristi Aday, Assistant City Manager Bryan Woods, City Secretary Patrick Aten, Parks and Recreation Director Stacey Dicke, City Engineer Garry Ford, Finance Director Martie Simpson, Planning and Community Development Director Chris Looney, Buyer Jennifer Gates, and Real Estate Manager Matt Eckmann.

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:09 p.m. Councilmember Garcia gave the invocation, and Mayor Casteel led the Pledge of Allegiance and the Salute to the Texas Flag.

PRESENTATIONS:

A) Presentation on the Landa Park Master Plan.

Mayor Casteel read the aforementioned caption.

Stacey Dicke and Eric Leshinsky (of Asakura Robinson) presented the item.

No action was taken.

B) Presentation and direction to staff on recreation center branding.

This item was not discussed.

C) Presentation on proposed amendments to the City of New Braunfels Code of Ordinances, Chapter 118, Platting, Article III, General Platting Procedures.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

No action was taken.

- D) Presentation on proposed amendments to the City of New Braunfels Code of Ordinances, Chapter 118, Platting, Article IV, Design Standards, Section 118-46 Streets.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

No action was taken.

- E) Presentation on proposed amendments to the City of New Braunfels Drainage and Erosion Control Design Manual.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

Charles Chadwell and John Chadwell spoke about the item.

No action was taken.

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of July 24, 2017, and the special City Council meeting of July 25, 2017.

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

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

- A) Approval of the appointment of one individual to the Watershed Advisory Committee for a term ending April 18, 2020.
- B) Approval of a Microsoft Enterprise Agreement for citywide software licenses.
- C) Approval of a purchase from Dell of desktops and laptops through a State of Texas Department of Information Resources (DIR) Contract.
- D) 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.
- E) Approval of the temporary road closure of portions of N. Liberty Avenue, E. San Antonio Street, Main Plaza, N. Seguin Avenue, and Landa Street for the second Hometown Holiday Christmas Parade on December 9, 2017.
- F) Approval of a Memorandum of Understanding with New Braunfels Utilities for the installation and maintenance of decorative antique lighting standards as part of Phase 1 of the Downtown Sidewalk Improvements Project.
- G) Approval of a budget amendment in the 2015 Certificates of Obligation Capital Improvement Fund.
- I) Approval of the City of New Braunfels FY 2016-17 second quarter investment report.
- J) Approval of a contract with Belt Harris Pechacek, LLLP for auditing services.
- L) Approval of the second and final 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.
- M) Approval of the second and final 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.
- N) Approval of the second and final 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.

- O) Approval of the second and final reading of an ordinance amending Section 126-346 of the Code of Ordinances to amend the no parking zone on East Faust Street near the intersection with Comal Avenue.
- P) Approval of the second and final reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area F.
- Q) Approval of the second and final reading of an ordinance amending Ordinance 75-10 of the City of New Braunfels Code of Ordinances to amend the locations of traffic control devices in the Quail Valley Subdivision.

Approval of the Consent Agenda

Mayor Casteel read the aforementioned captions (items 3H and 3K were pulled from the Consent Agenda for further discussion. A motion was made by Councilmember Green, seconded by Councilmember Garcia, to approve the Consent Agenda. The motion passed unanimously via roll call vote.

- H) Approval of the renewal of annual contracts with multiple vendors for the installation of pavement markings, construction- and material-testing services, light vehicle purchases, cemetery maintenance, landscape maintenance for underdeveloped flood properties and right-of-ways, landscape maintenance for City facilities and parks, road construction work, litter cleanup services (non-river), and on-call traffic engineering consulting services.

Mayor Casteel read the aforementioned caption.

Jennifer Gates presented the item.

Councilmember Green moved to approve the item. Mayor Pro Tem Peters seconded the motion which passed unanimously.

- K) Approval of a resolution by the City Council delegating authority of best value procurement method under Chapter 2269 of the Texas

Government Code to the City Manager or his/her designee.

Mayor Casteel read the aforementioned caption.

Bryan Woods presented the item.

The item was withdrawn from consideration by staff.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of the appointment of three individuals to the Library Advisory Board for terms ending September 26, 2020.

Mayor Casteel read the aforementioned caption.

Patrick Aten presented the item.

Councilmember Green moved to appoint Deborah Wigington, Amy Stone, and Jane Cunningham to the Library Advisory Board. Councilmember Reaves seconded the motion, which passed unanimously.

- B) Discuss and consider possible action regarding a request by an individual to place a columbarium for private sales on a burial lot in the historic Comal Cemetery.

Mayor Casteel read the aforementioned caption.

Stacey Dicke presented the item.

Keith Gould spoke on the item.

Mayor Pro Tem Peters moved to deny the item. Councilmember Reaves seconded the motion, which passed unanimously. Mayor Pro Tem Peters asked staff to bring an ordinance to City Council to further clarify the current ordinance.

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

Mayor Casteel read the aforementioned caption.

Stacey Dicke presented the item.

Councilmember Monceballez moved to approve the item. Councilmember Meadows seconded the motion, which passed 6-1 via roll call vote.

In Favor:

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

Opposed:

Councilmember Green

- D) Discuss and consider authorizing the City Manager to execute a requested license agreement and negotiate an appropriate license fee between Security State Bank & Trust and the City of New Braunfels for signage in the right-of-way adjacent to property addressed at 501 Landa Street.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Gene Meyers spoke in favor of the item.

Mayor Pro Tem Peters moved to deny the item. Councilmember Green seconded the motion, which passed unanimously.

<City Council took a break.>

- E) Discuss and consider an appeal of the Non-Residential and Multifamily Design Standards for property on Alves Lane east of State Highway 46 South.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Paul Domanski spoke in favor of the item.

Mayor Pro Tem Peters moved to deny the item. Councilmember Green seconded the motion, which passed unanimously.

- F) Discuss and consider approval of the installation of speed humps on Gruene Road near Sunnybrook Drive and on Hunter Road near New Braunfels Street.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

Councilmember Monceballez moved to approve the item for speed humps to be located in both locations with staff discretion for precise placement. Councilmember Green seconded the motion, which passed 5-2.

In Favor:

Mayor Casteel, Councilmember Green, Councilmember Monceballez, Mayor Pro Tem Peters, and Councilmember García

Opposed:

Councilmember Meadows, and Councilmember Reaves

- G) Discuss and consider approval of the second and final reading of an ordinance to create school speed zones for Voss Farms Elementary and Veramendi Elementary.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

Councilmember Monceballez moved to approve the item. Councilmember Meadows seconded the motion, which passed unanimously via roll call vote.

- H) Discuss and consider approval of the first reading of an ordinance amending Ordinance 75-10 of the City of New Braunfels Code of Ordinances to install an all-way stop at the intersection of Northwest Boulevard and Crosspoint Drive.

Mayor Casteel read the aforementioned caption.

The item died due to no motion.

- I) Discuss and consider approval of the first reading of an ordinance amending Ordinance 75-10 of the City of New Braunfels Code of Ordinances to install an all-way stop at the intersection of Gruene Road and Gruene Lake Drive (private street) and a private driveway.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

Jerry Ford, Kendrick Kahler, Thom Ricks, Patsy Cover, Monique Tischer, Janet DuBose, Wayne DuBose, and Richard Skidmore spoke in favor of the item.

Councilmember Garcia moved to approve the item. Councilmember Monceballez seconded the motion, which passed 6-1.

In Favor:

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

Opposed:

Councilmember Green

- J) Discuss and consider approval of the first reading of an ordinance amending Ordinance 75-10 of the City of New Braunfels Code of Ordinances to prohibit through truck traffic on California Boulevard and Lakeview Boulevard.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

Councilmember Reaves moved to approve the item. Councilmember Meadows seconded the motion, which passed 6-1.

In Favor:

Mayor Casteel, Councilmember Green, Councilmember Meadows, Councilmember Reaves, Councilmember Monceballez, and Councilmember García

Opposed:

Mayor Pro Tem Peters

- K) Discuss and consider approval of a resolution relating to establishing the City's intention to reimburse itself for the prior lawful expenditure of funds relating to the construction of various city improvements from the proceeds of tax-exempt obligations to be issued by the city for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date.

Mayor Casteel read the aforementioned caption.

Martie Simpson presented the item.

Mayor Pro Tem Peters moved to approve the item. Councilmember Green seconded the motion, which passed unanimously via roll call vote.

5. EXECUTIVE SESSIONS

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

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

Mayor Casteel read the aforementioned caption.

City Council recessed into Executive Session from 9:15 p.m. to 9:45 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 in Open Session at 9:46 p.m.

No vote or action was taken.

The meeting adjourned at 9:46 p.m.

Date Approved: August 28, 2017

BARRON CASTEEL, MAYOR

Attest:

PATRICK ATEN, CITY SECRETARY

**SPECIAL MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
SPECIAL MEETING OF TUESDAY, AUGUST 15, 2017**

The City Council of the City of New Braunfels, Texas, convened in a special session on August 15, 2017, at 4:30 p.m.

City Councilmembers present were:

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

Absent 1 - Councilmember Chris Monceballez

City Staff present were: City Manager Robert Camareno, Assistant City Manager Bryan Woods, Assistant City Manager Kristi Aday, City Attorney Valeria Acevedo, City Secretary Patrick Aten, Finance Director Martie Simpson, Assistant Finance Director Jared Werner, and Information Technology Director Travis Cochrane.

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Tejas Room at 4:33 p.m. Mayor Casteel gave the invocation and led the Pledge of Alligiance and the Salute to the Texas Flag.

1. WORKSHOP

Discuss and consider possible action regarding the Fiscal Year 2017-18 operating and capital budgets and the proposed 2017 tax rate, and announce public hearings.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

No action was taken.

Mayor Casteel announced that the FY 2017-18 Proposed Budget along with the 2017 Tax rate will be adopted on September 11, 2017, at a meeting beginning at 6:00 p.m. in Council Chambers located at 550 Landa Street, New Braunfels, Texas.

The special meeting adjourned at 7:10 p.m.

Date Approved: August 28, 2017

BARRON CASTEEL, MAYOR

Attest:

PATRICK ATEN, CITY SECRETARY

**SPECIAL MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
SPECIAL MEETING OF WEDNESDAY, AUGUST 16, 2017**

The City Council of the City of New Braunfels, Texas, convened in a special session on August 16, 2017, at 4:30 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, Finance Director Martie Simpson, Assistant Finance Director Jared Werner, Finance Analyst Greg Gutierrez, Parks and Recreation Director Stacey Dicke, and Golf Manager Chad Donegan.

1. WORKSHOP

Discuss and consider possible action regarding the Fiscal Year 2017-18 operating and capital budgets and the proposed 2017 tax rate, and announce public hearings.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

Mike Poston, Wayne Rudolph, Jim Copakay, David Lamon, Melissa Smith, Laurie Shumard, and Richard Shumard spoke about the Landa Park Golf Course.

No action was taken.

Mayor Casteel announced that the FY 2017-18 Proposed Budget along with the 2017 Tax rate will be adopted on September 11, 2017, at a meeting beginning at 6:00 p.m. in Council Chambers located at 550 Landa Street, New Braunfels, Texas.

The special meeting adjourned at 6:29 p.m.

Date Approved: August 28, 2017

BARRON CASTEEL, MAYOR

Attest:

PATRICK ATEN, CITY SECRETARY

8/28/2017

Agenda Item No. A)

Presenter/Contact

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

SUBJECT:

Approval of a Memorandum of Understanding with New Braunfels Utilities for the joint solicitation and administration of roadway and utilities projects.

BACKGROUND / RATIONALE:

The memorandum of Understanding will allow the City of New Braunfels ("the City"), and New Braunfels Utility ("NBU"), to cooperatively purchase and administer construction services in the best interest of both parties. By coordinating the solicitation and administration processes of joint roadway and utility projects, the City and NBU can benefit from expediting project construction, realized cost savings, increased efficiencies, and improved quality of the projects.

The joint projects include, but are not limited to, the following:

1. Alves Lane - Street, Drainage, Water and Wastewater Project;
2. Post Road - Street and Water Project;
3. MSR (Morningside, Solms and Rueckle) - Street, Water and Wastewater Project;
4. Katy - Street, Drainage, Water and Wastewater Project; and
5. Live Oak - Street, Drainage, Water and Wastewater Project.

The Memorandum of Understanding with NBU will set forth the terms and conditions of the joint solicitation and administration of these projects.

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:

There is no fiscal impact stemming from the action described above.

COMMITTEE RECOMMENDATION:**STAFF RECOMMENDATION:**

Staff recommends approval of a Memorandum of Understanding with New Braunfels Utilities for the joint solicitation and administration of roadway and utilities projects.

MEMORANDUM OF UNDERSTANDING

This **MEMORANDUM OF UNDERSTANDING** (“MOU”) is entered into on this ____ day of August 28, 2017, by and between the **CITY OF NEW BRAUNFELS** (the “City”), a home-rule city under the laws of the State of Texas, and **NEW BRAUNFELS UTILITIES** (“NBU”), a municipally-owned water, wastewater, and electric utility (individually referred to as “Party” or collectively referred to as the “Parties”).

RECITALS

WHEREAS, NBU and the City intend to contribute certain infrastructure components to the Projects described in Exhibit A (collectively, the “Project”); and

WHEREAS, NBU and the City acknowledge the benefits of coordinating their respective roles and responsibilities in the Project in order to expedite construction, realize cost savings, increase efficiency, and improve the quality of the Project.

NOW THEREFORE, in consideration of the representations, covenants, and undertakings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

AGREEMENT

1. The Parties enter into this MOU to define the terms and conditions of the joint solicitation and administration of the Project.
2. The Project will be bid and awarded solely pursuant to the provisions set forth in the Competitive Sealed Proposal.
3. The City will use its standard Competitive Sealed Proposal documents as the instruments for solicitation and procurement for the Project. The Parties will mutually agree as to the final terms of the Competitive Sealed Proposal.
4. The Capital Programs Manager will act on behalf of the City as its designated representative. The Chief Engineer of Water System Engineering will act on behalf of NBU as its designated representative.
5. The Chief Engineer of Water System Engineering will coordinate and collaborate with the Capital Programs Manager to establish the qualifying criteria for the Project, and evaluate and rank respondents to the bid solicitation. However, the City will have primary responsibility for the Project solicitation and procurement in accordance with Texas Government Code, Chapter 2269.
6. The Project procurement and delivery timelines will begin with the finalization of the Project Contract Documents.

7. After the bid and the award of the Project, the City and NBU agree to apply the Post Award Funding Formula provided in Exhibit B as a basis for establishing each Party's allocation of contract compensation amount for the Project.
8. The City shall acquire all necessary rights-of-way prior to construction of the Project, and NBU shall acquire all necessary easements and applicable permits prior to construction of the Project.
9. The City will use its Project Contract Documents as the construction contracts for the Project. The Parties will mutually agree as to the final contract forms. The final contract forms will be modified to designate both the City and NBU as dual Project owners. The final contract forms will have separate signature blocks for the City and NBU in their capacity as dual Project owners.
10. The final contracts will establish separate payment obligations for NBU and the City. Such modifications shall require the prime contractor to submit separate applications for payment directly to the City or NBU for each Party's respective portion of the Project. Such modifications shall also require the City and NBU to make direct payments to the prime contractor for each Party's respective portion of the Project.
11. The City and NBU will approve any changes to the Project Contract Documents jointly.
12. NBU and the City each agree to provide timely inspections of completed infrastructure work by the contractor awarded a contract so as not to cause unnecessary Project delays. NBU and the City will be individually responsible for inspections of their respective portions of the Project. Each Party will also provide input on the construction completed for its respective portion of infrastructure work, and will review and approve construction completed throughout the construction period and attend all progress meetings. Upon request, the Parties shall make available to each other all Project-related communications, including, but not limited to, correspondence, submittals, requests for information, vouchers, payment requests and processing, amendments, change orders, engineering/design documents, construction documents, and other administrative communication activities as appropriate.
13. NBU and the City will designate one engineer with responsibility to serve as the initial arbiter of any disputes related to the Project.
14. Both parties agree to negotiate in good faith to reach a solution when there are any design conflicts between NBU utilities and any other utilities or roadwork.
15. To the extent there is a dispute or claims related to the Project, such disputes or claims will be arbitrated based on the respective scope of work. If such dispute comes along NBU's and the City's respective scopes of work, both Parties will participate equally to resolve such dispute. Upon resolution of any dispute, and if payment is due to one or both Parties, any such payment shall be distributed proportionately to satisfy the claim(s) and reimburse each Party for its proportionate share of legal fees, costs, and

expenses to resolve such dispute.

16. This MOU shall remain in effect until either party elects to terminate the joint endeavor by written notice.
17. This MOU shall become effective upon full execution of the MOU by both Parties.

[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, the City and NBU mutually consent to enter into this MOU on the date set forth above.

NEW BRAUNFELS UTILITIES

CITY OF NEW BRAUNFELS

Ian Taylor, CEO

Robert Camareno, City Manager

Date

Date

APPROVED AS TO FORM:

Valeria Acevedo, City Attorney

Connie C. Lock, NBU General Counsel

Exhibit A

The Project includes, but is not limited to, the following:

1. Alves Lane - Street, Drainage, Water and Wastewater Project;
2. Post Road - Street and Water Project;
3. MSR (Morningside, Solms and Rueckle) - Street, Water and Wastewater Project;
4. Katy - Street, Drainage, Water and Wastewater Project; and
5. Live Oak - Street, Drainage, Water and Wastewater Project.

Exhibit A

Exhibit B - Post Award Funding Formula

Background

The City of New Braunfels and NBU acknowledge that the bid that is the best value from a qualified bidder might not include the lowest construction costs for NBU's Water/Wastewater (W/WW) **and** the City's Roadway scope of work. Below is an example of how this could happen. Bidder A submitted the lowest total bid. While their Roadway cost is the lowest of the three bidders, the W/WW cost is not.

If this happens, the City or NBU will compensate the other entity using a predetermined method. This approach assumes the benefits of a joint bid process outweigh these potential negative bidding outcomes and using this method further mitigates the impact.

Method

The qualified bidder with the bid that is the best value will be selected to construct the Project. If the winning bidder submitted the lowest W/WW bid **and** the lowest Roadway bid, then no other consideration will be made and the following method will not be used.

- If the winning bidder did not submit the lowest bid for W/WW, NBU will be compensated by the City.
- If the winning bidder did not submit the lowest bid for Roadway, the City will be compensated by NBU.

Compensation will be calculated using the following method.

A bid tabulation will be created showing each bidder's cost for W/WW, Roadway, and overall bid. Then the average will be calculated for all W/WW and Roadway bids.

The average of all Roadway bids will be subtracted from the winning Roadway bid.

$$X = \text{Winning Roadway Bid} - \text{Average of Roadway Bids}$$

The average of all W/WW bids will be subtracted from the winning W/WW bid.

$$Y = \text{Winning W/WW Bid} - \text{Average of W/WW Bids}$$

If the winning bidder submitted the lowest Roadway bid, but not the lowest W/WW bid, the City will compensate NBU the value of X, or the amount required to bring the total amount paid for construction by the City to the value of the average of all Roadway bids. The City will pay the contractor for the cost of the Roadway work and pay NBU the difference between the average of all Roadway bids and the winning bidder's Roadway costs. The compensation paid by the City to NBU will never exceed the value of Y. In other words, the compensation paid to NBU will never reduce NBU's total costs below the average of all W/WW bids.

If the winning bidder submitted the lowest W/WW bid, but not the lowest Roadway bid, NBU will compensate the City the value of Y, or the amount required to bring the total amount paid for construction by NBU to the value of the average of all W/WW bids. NBU will pay the contractor for the cost of the W/WW work and pay the City the difference between the average of all W/WW bids and the winning bidders W/WW costs. The compensation paid by NBU to the City will never exceed the value of X. In other words, the compensation paid to the City will never reduce the City's total costs below the average of all Roadway bids.

In the event payment of the reimbursable average to either party exceeds the (budgeted amount or x) for either party, this MOU is voidable by either party.

8/28/2017

Agenda Item No. B)

Presenter/Contact

Tom Scheuermann, Police Sergeant
(830) 221-4579 - TScheuermann@nbtexas.org

SUBJECT:

Approval of a resolution authorizing the submission of a grant application to the Rifle-Resistant Body Armor Grant Program through the Criminal Justice Division of the Office of the Governor for \$4,499.70 to purchase eligible body armor and authorizing the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.

BACKGROUND / RATIONALE:

The purpose of this grant is to fund projects that equip law enforcement officers at risk of shootings with rifle-resistant body armor. The funding may only be utilized to purchase bullet-resistant personal body armor compliant with the National Institute of Justice (NIJ) standard for rifle protection.

Per application requirements, applicants can only purchase Type III or Type IV body armor with grant funds. The New Braunfels Police Department will request for ten (10) compliant rifle-resistant body armor vests that cost \$449.97 per unit.

The cost will cover the equipment purchase and shipping.

Application Submission Date: 09/06/2017
Anticipated Funding Selection Date: 01/01/2018
Anticipated Award Date: 03/01/2018

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

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

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

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a resolution authorizing the submission of a grant application to the Rifle-Resistant Body Armor Grant Program through the Criminal Justice Division of the Office of the Governor for \$4,499.70 to purchase eligible body armor and authorizing the City Manager to accept

funds and to execute all contract documents associated with the grant, if awarded.

RESOLUTION NO. 2017-R_____

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING UNDER THE RIFLE-RESISTANT BODY ARMOR GRANT PROGRAM THROUGH THE CRIMINAL JUSTICE DIVISION OF THE OFFICE OF THE GOVERNOR IN THE AMOUNT OF \$4,499.70 AND AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF NEW BRAUNFELS IN ALL MATTERS RELATED TO THIS GRANT, INCLUDING EXECUTION OF ALL REQUIRED DOCUMENTATION ASSOCIATED WITH ANY RESULTING AWARD.

Whereas, the City of New Braunfels finds it in the best interest of the citizens of New Braunfels, that the Rifle Resistant Body Armor Project be operated for the 2018; and

Whereas, the City of New Braunfels understands that there is no applicable matching funds under the said project as required by the Rifle-Resistant Body Armor Grant Program through the Office of the Governor – Criminal Justice Division; and

Whereas, the City of New Braunfels agrees that in the event of loss or misuse of the Office of the Governor funds, the City of New Braunfels assures that the funds will be returned to the Office of the Governor in full; and

Whereas, the City of New Braunfels designates Mr. Robert Camareno, City Manager, as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency; and

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

THAT, the City Council hereby authorizes the submission of the application for funding under the Rifle-Resistant Body Armor Grant Program through the Criminal Justice Division of the Office of the Governor in the amount of \$4,499.70 and authorizing the City Manager to act on behalf of the City of New Braunfels in all matters related to this grant, including execution of all required documentation associated with any resulting award.

PASSED, APPROVED AND ADOPTED this 28th day of August, 2017.

CITY OF NEW BRAUNFELS, TEXAS

BY: _____
BARRON CASTEEL, Mayor

ATTEST:

PATRICK ATEN, City Secretary

Grant Number: 3464901

8/28/2017

Agenda Item No. C)

Presenter/Contact

Patrick O'Connell, Fire Captain
(830) 221-4265 - POConnell@nbtexas.org

SUBJECT:

Approval and ratification of the submission of the Helping Heroes Grant to the Flint Hills Resources and Koch Pipeline Company in the amount of \$4,078 to purchase MultiRAE Lite gas monitors and authorizing the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.

BACKGROUND / RATIONALE:

In 2012, Flint Hills Resources and Koch Pipeline Company began the Helping Heroes program. This program provides grants for the training, education, equipment, and emergency notification needs of Texas fire departments and emergency responders.

Grants awarded range from \$1,000 to \$10,000 and will be determined by a team of internal safety professionals based on the specific needs submitted by applicants.

The City Council's strategic priorities include using a variety of funding sources for operational and capital needs. On August 15, 2017, staff submitted a grant application for the Helping HEROS Grant to the Flint Hills Resources and Koch Pipeline Company in the amount of \$4,078 to purchase two MultiRAE Lite gas monitors with mounts.

The cost will cover the equipment purchase, assembly/installation and shipping.

Application Submission Date: 08/15/2017

Anticipated Funding Selection Date: 11/01/2017

Anticipated Award Date: 12/01/2017

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

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

There is no match requirement under this grant program.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the submission of the Helping HEROS Grant to the Flint Hills Resources and Koch Pipeline Company in the amount of \$4,078 to purchase MultiRAE Lite gas monitors and authorizing the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.

8/28/2017

Agenda Item No. D)

Presenter/Contact

Craig Christopherson, Detective Lieutenant
(830) 221-4122 - CChristopherson@nbtexas.org

SUBJECT:

Approval of the submission of the Edward Byrne Memorial Justice Assistance Grant Program application to the US Department of Justice, Bureau of Justice Assistance for \$12,939, to purchase two pole cameras and authorizing the City Manager to accept funds and to execute all contract documents associated with grant, if awarded.

BACKGROUND / RATIONALE:

Eligible applicants for this grant are limited to the units of local government appearing on the FY2017 Justice Assistance Grant (JAG) Allocations List. The City of New Braunfels was identified to receive \$12,939 as a direct award and the New Braunfels Police Department (NBPD) identified the purchase of two covert pole cameras, as identified on our unmet needs list, as an eligible project. Each camera costs \$6,975 and the total project cost for two cameras will be \$13,950.

Per application requirements, NBPD will post a notice regarding the JAG Program FY 2017 Local Solicitation on the City of New Braunfels website at nbpdtxas.org for public review and is presenting to City Council for governing body review and approval.

The cost will cover the equipment purchase, assembly/installation and shipping.

Application Submission Date: 09/05/2017
Anticipated Funding Selection Date: 09/30/2017
Anticipated Award Date: 10/01/2017

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

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

There is no match requirement under this grant program. The City of New Braunfels was identified to receive \$12,939 as a direct award. The overage amount of \$1,011, will be absorbed into the budget of the Police Department.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the submission of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program application to the US Department of Justice, Bureau of Justice Assistance for \$12,939, to purchase two pole cameras and authorizing the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.

8/28/2017

Agenda Item No. E)

Presenter/Contact

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

SUBJECT:

Authorization to enter into a contract with Host Compliance, LLC, for short term rental compliance monitoring and associated services.

BACKGROUND / RATIONALE:

Case No.: CS-17-003

Additional Staff

Contacts:

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

Stacy Snell
Assistant Planning and Community Development Director
(830) 221-4051
ssnell@nbtexas.org

Bryan Ruiz
Environmental Services Manager
(830) 221-4073
bruiz@nbtexas.org

Background

The City of New Braunfels allows the rental of dwelling units for less than 30 days in several zoning districts. Additional standards are in place for "short term rentals": the rental of single family and duplex residences for less than 30 days when the owner does not reside onsite. Short term rentals have additional zoning district limitations, and requirements for permits and annual inspections to address health and safety concerns. The rental of any sleeping accommodation for less than 30 days is also subject to hotel occupancy tax.

In order for these rules to be effective, there must be community education, rapid response, definitive proof of illegal activity, and ramifications for noncompliance. Additionally, there must be appropriate tools and procedures in place to ensure lodging uses are remitting taxes pursuant to federal law, state statutes, and local ordinances.

During the past eight years the short term rental industry has experienced an increase in Internet-

based companies listing and booking overnight lodging accommodations, from single rooms to entire homes. These companies include firms such as Airbnb, VRBO, Home Away, and over 100 other Internet-based agencies.

Monitoring of vacation rental websites to ensure compliance has proven to be time consuming, expensive, and an unreliable tool for verification. Listings are constantly being added, updated or removed. Address data is typically hidden from web-based listings making it nearly impossible to locate the exact properties or identify owners. Internet-based rental or listing companies are reluctant to provide this information to government agencies and in many cases the collection and remittance of hotel occupancy tax is not being performed. Failure to remit hotel occupancy tax by Internet-based rentals provides an unfair competitive advantage over registered operators who strive to comply with local hotel occupancy tax ordinances.

This leaves drive-by observation or undercover bookings as a last resort for code enforcement staff. Observable activity is most often on weekend evenings, and often outside of view from the public right-of-way, adding to the complexity of monitoring and enforcement.

Solution

Host Compliance, LLC is a software, data and consulting services provider created specifically to assist local governments with short term/vacation rental challenges. They utilize data mining of the aforementioned online sites, along with city and county maps and records, to identify addresses and owners of rental properties. With this information, they can:

- Identify addresses of existing and potential overnight rentals;
- Establish a mobile-enabled permitting and registration process to improve efficiency for the proprietor;
- Monitor rentals for compliance with rules and regulations;
- Provide proactive and systematic outreach to illegal short-term rental operators;
- Operate a dedicated 24/7 hotline where neighbors can report non-emergency short-term rental problems, including the ability to upload photos/video;
- Provide tax collection support; and
- Issue regular reports on all data, statistics and trends.

Improvements and efficiencies to be gained through this third-party assistance include, but are not limited to:

- Reduced time spent manually searching for existing businesses;
- Outsourced administrative tasks such as the mailing of form notice of violation or warning letters;
- Increased resources for investigating and prosecuting violations, particularly the ability for complainants to attach images, audio or video of potential violations to their complaint calls, which would assist with both resolution of cases before trial;
- More time for staff to focus on additional enforcement efforts (bandit signs, weedy lots, property maintenance, SUP/PD conditions, etc) improving responsiveness to neighbor complaints/calls for service;
- Ensuring building and fire safety by identifying addresses to be inspected;
- Level the playing field between different types of lodging providers;
- Reduced tax fraud;
- Establishing a process to hold repeat offenders more accountable; and

- Reduced noise, parking issues, trash, party houses, impact on neighborhood character, and tension between neighbors.

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

	Yes	2006 Comprehensive Plan	Goal 5: <i>Have an effective code enforcement program.</i> Goal 20: <i>Protect character and boundaries of existing neighborhoods.</i> Objective A: Protect and improve each neighborhood of the City to be a desirable and attractive residential environment.
	Yes	Strategic Priorities	Quality of Life: <i>Protect the integrity of our neighborhoods.</i> Effective Management: <i>Maintain fiscal stability of City operations and establish ongoing program for improving customer service.</i>

FISCAL IMPACT:

This would be an annual contract renewable each year. The vendor does provide an initial, refundable trial period. The professional services are specialized and qualify as sole source. Services would be provided at an annual fixed fee based upon the estimated number of short term rental properties within the city. Subsequent renewal prices will be adjusted accordingly and subject to approval.

Based on the present estimate of rental properties, the cost of the short term rental compliance monitoring and related services for the first year would be \$38,129.00. This would be paid for by existing hotel occupancy taxes. Host Compliance estimates new revenues of permit and tax recovery through this effort to be approximately \$138,000.00.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval to authorize entering into a contract with Host Compliance for short term rental compliance monitoring and associated services. Existing enforcement and prosecution tools may still be required for complete follow-through; however the technical assistance provided by the subject vendor will improve the effectiveness of enforcement of the existing short term rental rules and regulations.

Attachment:

- Scope of Services

Host Compliance Scope of Services:

MOBILE ENABLED PERMITTING AND REGISTRATION

The development and hosting of an electronic web-based short term rental registration form.

The capabilities of the forms include:

- 24/7 availability
- Mobile adaptive design (if customer's website is also mobile adaptive)
- Embeddable into customer's website using an iframe (by customer IT personnel)
- The ability to validate inputs whenever possible as to minimize data-entry errors
- Electronic signature capabilities
- SSL encryption
- Data available through app.hostcompliance.com
- Data downloadable into CSV format via app.hostcompliance.com

ADDRESS IDENTIFICATION

- Live web-delivered dashboard with aggregate statistics on STR activity
- Detailed monthly report with:
 - Active monitoring of STR listings across websites
 - Analysis of STR activity scale, scope and trends
 - Up-to-date list of jurisdiction's active STR listings
 - High resolution screenshots of all active listings (captured weekly)
 - Full address and contact information for all identifiable STRs in jurisdiction
 - Downloadable into MS Excel or CSV files for portability or upload into other systems

COMPLIANCE MONITORING

- Ongoing monitoring of STRs for zoning and permit compliance
- Pro-active and systematic outreach to unpermitted and/or illegal short-term rental operators (using jurisdiction's form letters)
- Monthly staff report on jurisdiction's zoning and permit compliance:
 - Up-to-date list of STRs operating illegally or without the proper permits
 - Full case history for non-compliant listings

RENTAL ACTIVITY MONITORING AND TAX COLLECTION SUPPORT

- Automatic monitoring of calendar and review activity across STR websites
- Weekly screenshots of review and calendars for each active listing
- Quarterly pro-active, systematic and data-informed outreach to short-term rental operators regarding their tax remittance obligations (using jurisdiction's form letters)
- Quarterly staff report on jurisdiction's STR tax compliance:
 - Up-to-date list of STR landlords suspected of under-reporting taxes
 - Documentation of information that serves as the foundation for the suspicion of tax under-reporting
- Custom reports and analysis to support tax audits and other STR related investigations

24/7 HOTLINE

24/7 staffed telephone and email hotline for neighbors to report non-emergency problems related to STR properties

- Full documentation of all reported incidents
- Digital recordings and written transcripts of all calls
- Ability for neighbors to include photos, video footage and sound recordings to document complaints
- Real-time outreach to owners of problem properties (whenever owner's contact info is known)
- Weekly staff reports containing:
 - The number and types of reported incidents
 - List of properties for which incidents have been reported
- Custom reports and analysis of hotline related activities

8/28/2017

Agenda Item No. F)

Presenter/Contact*Bryan Woods, Assistant City Manager
(830) 221-4022 - BWoods@nbtexas.org***SUBJECT:**

Approval of a contract with E-Z Bel Construction and Raba Kistner Consultants for construction on Landa Street.

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 Landa Street (Walnut Avenue to Loop 337 Access) reconstruction project was designed by Vickrey & Associates. The City issued this project for bid on July 6th. A total of three bids were received on July 31st. Each of the submissions was scored based on cost, relevant experience, schedule, and financial capacity. Based on this criteria, E-Z Bel construction was selected as the best value bidder. They submitted a bid of \$1,087,049. The addition of contingency funding brings the amount for construction to \$1,163,143. Raba Kistner Consultants will be performing the materials testing for this project with a not to exceed amount of \$11,770.

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 E-Z Bel Construction for \$1,163,143 and materials testing contracts with Raba Kistner Consultants totaling \$11,770.

8/28/2017

Agenda Item No. G)

Presenter/Contact

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

SUBJECT:

Approval of acquisition funds for purchasing Right of Way from Milestone Crest Investments, LTD, Parcels 36, 37, and 38 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.

The following agreements have been reached with Milestone Crest Investments, LTD:

Parcel 36 - \$41,915.30 which includes \$41,130.00 for the acquisition of 8,921 square feet of right-of-way and \$785.30 for necessary title closing fees.

Parcel 37 - \$53,972.30 which includes \$53,144.00 for the acquisition of 13,147 square feet of right-of-way and \$828.30 for necessary title closing fees.

Parcel 38 - \$50,875.30 which includes \$50,027.00 for the acquisition of 13,778 square feet of right-of-way and \$848.30 for necessary title closing fees.

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.

8/28/2017

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 Select Stop 2 Holding, LLC, Parcel 35-3 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 Select Stop 2 Holding, LLC in the amount of \$49,532.40 for the purchase of 13,759 square feet of Right of Way.

In addition to the amount of money due to Select Stop 2 Holding, LLC, necessary title closing fees of \$810.30 have been added for a total amount of \$50,342.70.

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.

8/28/2017

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 Laubach Partners, LLC, Parcel 16 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 Laubach Partners, LLC in the amount of \$72,000.00 for the purchase of 35,379 square feet of Right of Way, 3,649 square feet of Drainage Easement and 11,030 square feet of Utility Easement.

In addition to the amount of money due to Select Stop 2 Holding, LLC, necessary title closing fees of \$923.30 have been added for a total amount of \$72,923.30.

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

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.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/28/2017

Agenda Item No. J)

Presenter/Contact

Barron Casteel, Mayor

mayor@nbtexas.org

SUBJECT:

Approval of an ordinance regarding the ratification and continuation of the Emergency Declaration of Local Disaster for the City of New Braunfels, Texas, ordered August 25, 2017.

ORDINANCE NO. 2017 - _____

AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS, DECLARING A STATE OF DISASTER AND EMERGENCY IN THE CITY OF NEW BRAUNFELS BECAUSE OF THE IMPACT OF HURRICANE HARVEY; CONFIRMING AND RATIFYING ANY EMERGENCY PROCLAMATIONS AND REGULATIONS ISSUED BY THE MAYOR IN RESPONSE TO THE DAMAGE, INJURY, OR LOSS OF LIFE AND PROPERTY RESULTING FROM SAID HURRICANE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Council finds that the ravages of Hurricane Harvey arising from its impact upon the property and inhabitants of the City of New Braunfels on or about August 25, 2017, created widespread and severe damage, injury, and loss of life and property that now requires extraordinary measures to alleviate the suffering of the people and to protect and rehabilitate property; and

WHEREAS, the City of New Braunfels's Emergency Management Plan has previously been activated by Declaration of Local Disaster By Proclamation of the Mayor of the City of New Braunfels, dated August 25, 2017.

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. In Accordance with Section 418.108 of the Texas Disaster Act of 1975, the City Council finds and declares a state of disaster and emergency in the City of New Braunfels as a result of the impact Hurricane Harvey.

SECTION 3. Any emergency proclamations, orders, regulations, curfews, issued by the Mayor or the Emergency Management Coordinator, if so designated by the Mayor, are hereby confirmed and ratified.

SECTION 4. The Mayor, as Director of Emergency Management, is hereby authorized to provide, or cause to be provided, all arrangements, provisions, and means necessary and proper to effect the coordination of relief and aid programs, and property restoration and rehabilitation programs, for the protection, preservation, and improvement of life and property within the City during the State of Emergency.

SECTION 5. This declaration of local disaster shall continue for a period of seven days unless renewed for a successive period by the City Council of the City of New Braunfels.

SECTION 6. This declaration of local disaster activates the recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorizes the furnishing of aid and assistance under the declaration. All aspects of the City of New Braunfels Emergency Management Plan not already activated are hereby activated as provided in the plan.

SECTION 7. 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 8. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 9. In accordance with the provisions of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 10. It is further ordained that, in view of the fact that it is for the best interest of the citizens of the City of New Braunfels, and one which requires the immediate declaration of said emergency thereby creating an imperative public necessity that the rule requiring ordinances to be read at two separate meetings of the City Council be suspended, the same is hereby suspended, and this ordinance shall take effect and be in full force from and after its passage as an emergency ordinance as made and provided by the Charter of the City of New Braunfels, Texas.

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

CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, Mayor

ATTEST:

Patrick D. Aten, City Secretary

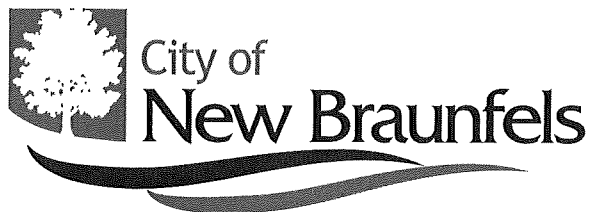
APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney

I, Patrick Aten, City Secretary of the City Council of the City of New Braunfels, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of New Braunfels at its regular meeting held on the ____ day of _____, 20____, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of New Braunfels this ____ day of _____, 20____.

Patrick Aten, City Secretary



OFFICE OF THE MAYOR

DECLARATION OF LOCAL DISASTER FOR NEW BRAUNFELS, TX

Whereas, the City of New Braunfels on the 25th day of August 2017, has suffered widespread or severe damage, injury, or loss of life or property (or there is imminent threat of same) resulting from Hurricane Harvey, including but not limited to potential flooding throughout the City and the evacuation and sheltering of our citizens, and

Whereas, the Mayor Pro Tem of the City of New Braunfels has determined that extraordinary measures must be taken to alleviate the suffering of people and to protect or rehabilitate property;

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF NEW BRAUNFELS, TX:

Section 1. That a local state of disaster is hereby declared for the City of New Braunfels.

Section 2. That the City's Emergency Management Plan has been implemented.

Section 3. Whereas Section 418.108 of the Texas Disaster Act of 1975, as amended, Vernon's Texas Codes Annotated, Government Code Chapter 418, provides that the state of disaster shall continue for a period of not more than seven days of the date hereof, unless the same is continued by consent of the City Council of New Braunfels, Texas.

Section 4. That this proclamation shall take effect immediately from and after its issuance.

ORDERED this the 25th day of August, 2017.

A handwritten signature in black ink that reads "Wayne Peters".

Wayne Peters, Mayor Pro Tem of New Braunfels, TX

8/28/2017

Agenda Item No. A)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the Landa Park Master Plan.

BACKGROUND / RATIONALE:

The City Council approved a contract with Asakura Robinson in January 2016 to complete a master plan for Landa Park. The preparation of the plan included a thorough public engagement effort and guidance from a seven member citizen steering committee.

In January 2017 the City Council had a joint workshop with the Parks and Recreation Advisory Board to review a draft of the plan. A final document was prepared and presented to the Council on August 14, 2017.

The plan development included 4 community forums, 6 steering committee meetings, 10 stakeholder meetings, 500+ community survey responses, 1,500 visits to the project website by the firm and many conversations with park users.

The plan addresses four major topic areas including circulation, program, landscape and ecology, and amenities. Major recommendations include:

Circulation:

- Circulation strategy
- Landa Park Drive festival street design
- Park promenade
- Gazebo Loop parking/ADA sidewalks
- Parking Management
- Connectivity

Program:

- Strategic program improvements
- New program options

Landscape and Ecology

- Green infrastructure framework
- Reinforce the arboretum

Amenities

- Site furnishing management and upgrades
- Signage management and upgrades

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

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

N/A

COMMITTEE RECOMMENDATION:

The Parks and Recreation Advisory Board unanimously approved the plan at their meeting on July 25, 2017.

STAFF RECOMMENDATION:

Staff recommends approval of the Landa Park Master Plan.

8/28/2017

Agenda Item No. B)

Presenter

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

SUBJECT:

Public hearing and first reading of an ordinance regarding a proposed amendment to Section 2.2 of Ordinance No. 2016-77, a Type 1 Special Use Permit allowing a commercial tuber entrance and takeout in the "C-4" Resort Commercial District, to allow a two year postponement to the requirement for the business to comply with Federal Law ADA requirements for a public/commercial river access point on 0.2289 acres addressed at 444 East San Antonio Street.

BACKGROUND / RATIONALE:

Case No.: PZ-17-029

Council District: 5

Owner/Applicant: IAKOBO Four LP (Gregg Weston)
690 Laurel Lane
New Braunfels, TX 78130
(210) 223-9141

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

The subject property is located on the northeast corner of the intersection of East San Antonio Street and South Gilbert Avenue adjacent to the Comal River and San Antonio Street Bridge. It is currently addressed as 444 East San Antonio Street. The property is zoned "C-4" Resort Commercial District, which allows various recreational and resort uses.

There is a 12,000 square-foot building on the property that is currently vacant, but housed a restaurant and other uses at various times in the past as well as a 921 square-foot outbuilding that has been utilized for tube rental and shuttling. Currently, customers of the tube rental business walk to or are shuttled to Prince Solms Park to enter the Comal River.

In 2016, the owner applied for a rezoning for a Special Use Permit (SUP) to utilize existing stairs on the property that go down into the Comal River as a commercial tuber entrance and takeout. The applicant stated he believed a commercial tuber entrance/takeout at 444 East San Antonio Street would relieve congestion from the entrance to the Comal River in Prince Solms Park and would provide tubers an opportunity to enter or exit the Comal River below the tube chute and Weir Dam (a.k.a. Stinky Falls); areas that tend to become congested and can be potentially unsafe.

On December 12, 2016, City Council approved the applicant's requested SUP with six conditions:

1. The SUP shall not become effective until the applicant completely resolves all outstanding City of New

Braunfels Municipal Court cases.

2. The business must comply with Federal Law ADA requirements for public/commercial access point at 444 East San Antonio Street.
3. The subject use shall provide parking to accommodate a minimum of 200 offstreet parking spaces, based on utilizing 800 tubes; if more than 800 tubes are utilized, an appropriate number of additional parking spaces will be required per existing City ordinances. Should the adjacent 12,000 square foot building and outdoor decks on the premises become commercially occupied, the 40 off-street parking spaces on the property will not be counted in the required 200 off-street parking spaces required for this SUP.
4. The owner/operator of the subject use shall cooperate and comply with requests, orders and/or ordinances related to crowd control management, including but not limited to queuing, staggered entry, cut-off times, and maximum entry/limits.
5. Any vehicular/shuttle transport used by owner/operator of the subject use from any off-site shared parking areas must be on streets classified as Collectors or higher in the City's Regional Transportation Plan, or be part of an existing approved shuttle route.
6. Should ownership of the subject property change, Staff will initiate a new rezoning case to review the SUP.

In regards to requirement number 2 above concerning ADA compliance, the owner intends to install a marine incline elevator to satisfy the accessibility requirement. Per the owner, the estimated cost of the equipment and construction is \$140,544. The owner is requesting an amendment to requirement number 2 above of the SUP ordinance **to allow postponement** of ADA compliance for river access for a period of **two years**. The owner believes this will give him enough time to cover the financial costs associated with bringing the access into ADA compliance.

The applicant applied to the Texas Department of Licensing and Regulation (TDLR) for a variance from the requirement to provide a compliant accessible route. TDLR disapproved the variance **but granted a postponement** to the installation of the accessible route to the river **until such time that future alterations or renovations are initiated or until a complaint is filed, whichever comes first** (Attachment 7).

General Information:

Size: SUP boundaries = 0.2289 acres
Parent Parcel = 1.608

Surrounding Zoning and Land Use:

North - Across the Comal River, R-2 and C-4/Prince Solms Park and Schlitterbahn
South - Across Gilbert Avenue, C-2/commercial office and single family residential
East - Across Tolle Street, C-4/parking lot, condominiums and single family residential
West - Across San Antonio Street, M-1/ADM Mill

Comprehensive Plan/ Future Land Use Designation:

Commercial

Floodplain:

A portion of the property is located within the 1% annual chance flood zone and the floodway.

A Special Use Permit may be granted to allow compatible and orderly development which may be suitable only if developed in a specific way or only for a limited period of time. The request should be evaluated on the extent to which the proposed use:

- is consistent with policies of the Comprehensive Plan;
- is consistent with the purpose and intent of zoning district regulations;
- meets all supplemental standards; and
- preserves the character and integrity of adjacent development and neighborhoods.

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

X	No	City Plan/Council Priority: 2006 Comprehensive Plan <i>Pros and Cons Based on Policies Plan</i>	N/A
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the requested SUP amendment to allow a two year postponement to the requirement for the business to comply with Federal Law ADA requirements for the public/commercial river access point **with the two year term starting on the day of TDLR authorization for postponement, June 23, 2017** (6-1-0).

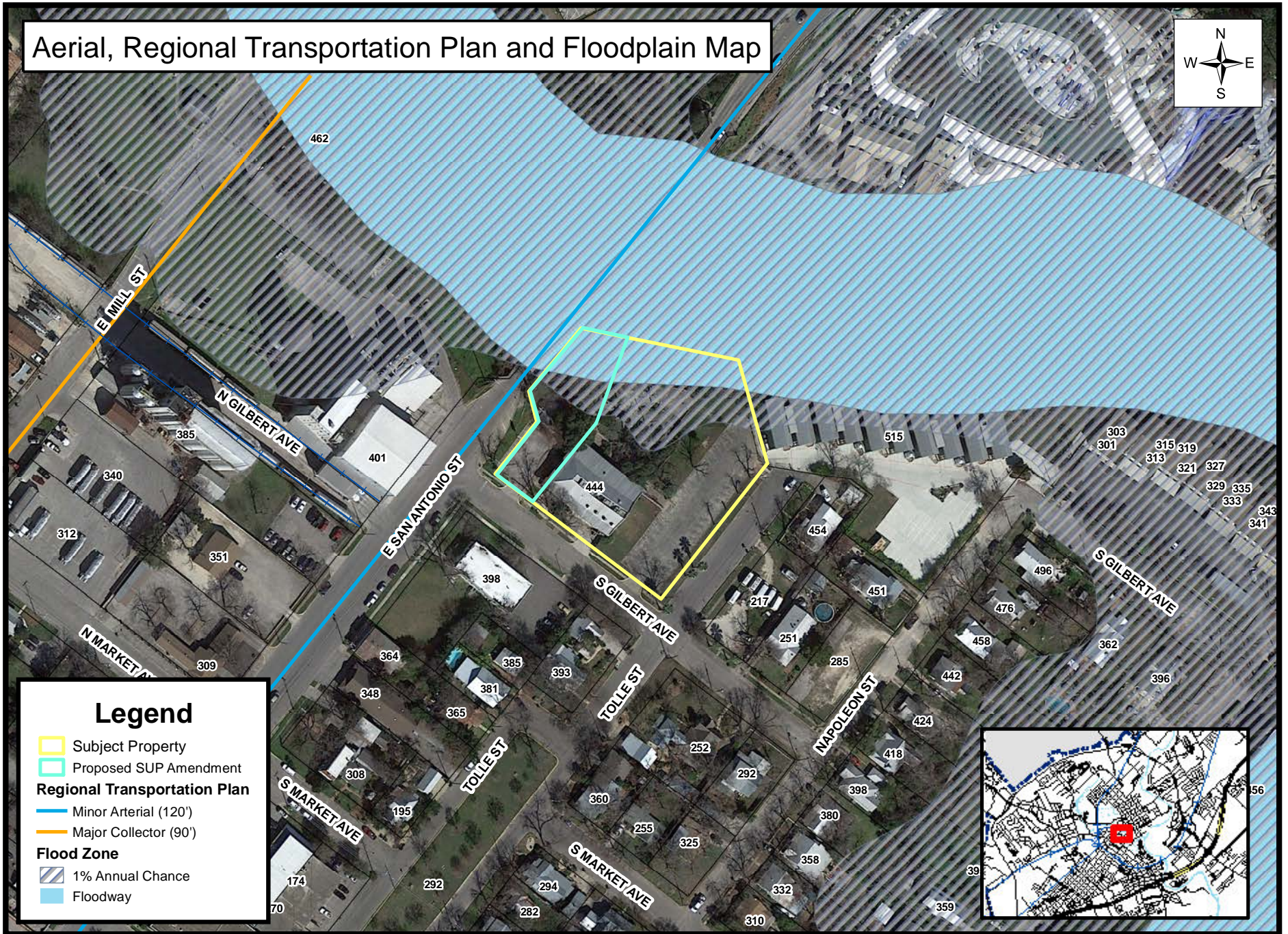
STAFF RECOMMENDATION:

Staff recommends approval of amending the existing SUP to allow the compliance of providing an ADA accessible route to the river to follow TDLR's postponement authorization for a maximum of two years. Staff's recommendation is based upon TDLR's authorization, and since the property owner has an ADA compliant shuttle to transport any persons with disabilities or special needs to and from the City's accessible river entrances/exits. Should TDLR receive any complaints, or if any alterations or renovations are initiated on the site prior to the end of two years of City Council approval, the applicant will immediately bring the river access into compliance with ADA standards at that time.

ATTACHMENTS:

1. Aerial Maps
2. Application
3. Zoning and Land Use Maps
4. Notification List and Notification Map
5. Photographs of Subject Property
6. Ordinance No. 2016-77
7. Texas Department of Licensing and Regulation Variance
8. Sec. 3.3-10 "C-4" Resort Commercial District
9. Sec. 3.6 Special Use Permits
10. Ordinance

Aerial, Regional Transportation Plan and Floodplain Map



Aerial Close Up Map



Legend

- Subject Property
- Proposed SUP Amendment



City of
New Braunfels

RECEIVED

JUN 30 2017

BY: K. Crome

APPLICATION FOR
SPECIAL USE PERMIT

550 LANDA STREET
NEW BRAUNFELS TX 78130

E-MAIL: planning@nbtexas.org

PHONE: (830) 221-4050

PLANNING

P2-17-029

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: IAKobo 4. L.P.
Mailing Address: 690 LAUREL LANE New Braunfels Tx 78130
Telephone: (210) 223-9141 Fax: (210) 223-9173 Mobile: (830) 237-3200
Email: gregg@westonentertainment.net

2. Property Address/Location: 444 E. San Antonio St. New Braunfels

3. Legal Description: City Block 1043. Lot P+ Block 1043
Name of Subdivision: _____
Lot(s): _____ Block(s): _____ Acreage: 1.608

4. Existing Use of Property: Tube Rental

5. Current Zoning: C-4

6. Check if Proposed Special Use Permit is: Type 1 _____ OR Type 2 _____

7. Proposed Use of Property and/or Reason for request (attach additional or supporting information if necessary): Requested Amendment to SUP to allow postponement of construction of ADA improvements for 2 years

8. ATTACHMENTS:

- _____ Metes and bounds description and survey if property is not platted.
_____ Map of property in relation to City limits/major roadways or surrounding area.
_____ If requesting a Type 2 Special Use Permit, applicant must attach a development/site plan as described on pages 2 and 3 of this application.
_____ Copy of deed showing current ownership.
_____ Mailed notification _____ x 2.15 each = _____ Notification signs _____ x \$15 each = _____
_____ Newspaper Notice 115.00 each

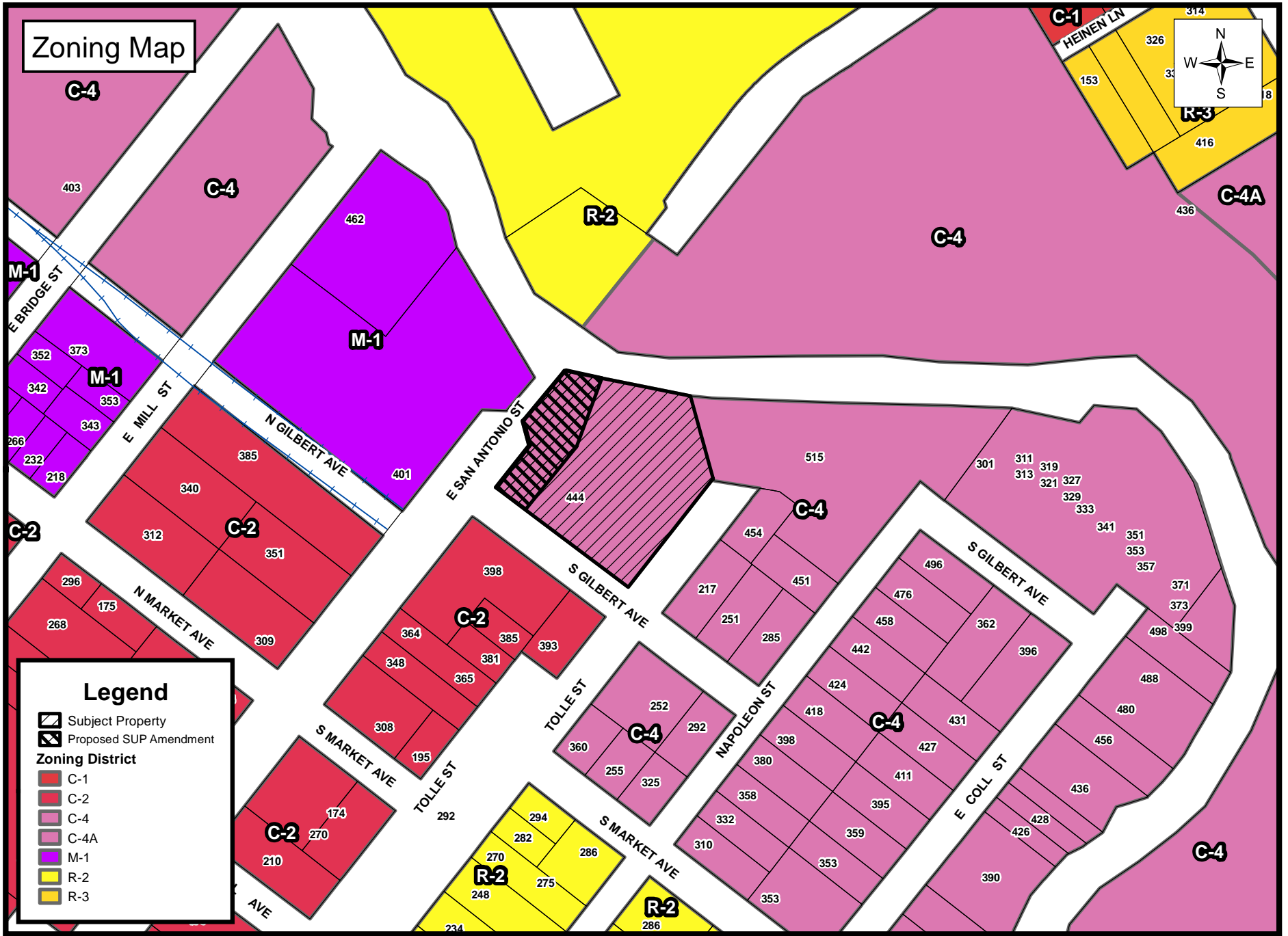
The undersigned hereby requests rezoning of the above described property as indicated.

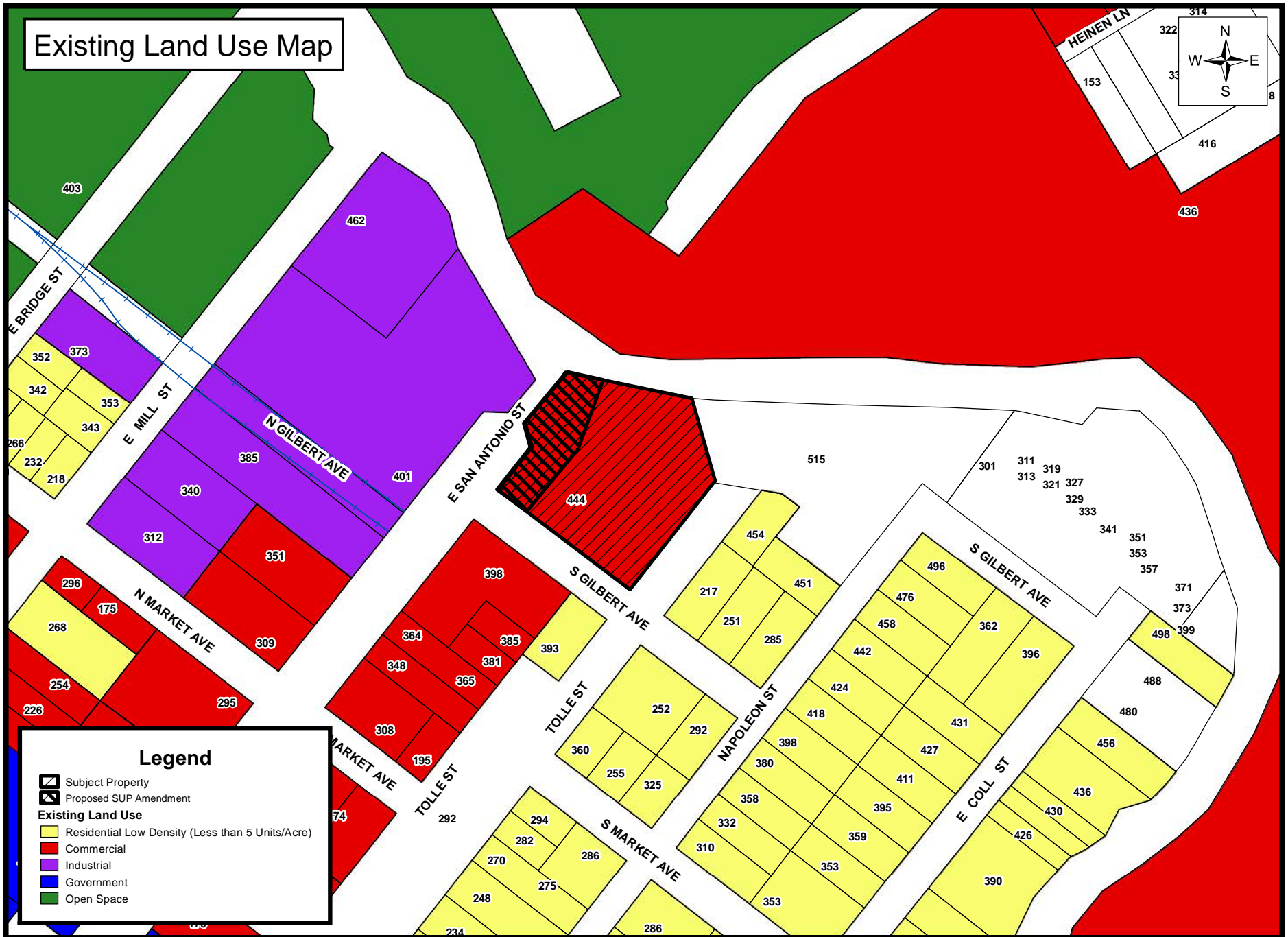
Gregg Weston = manager
Signature of Owner(s)/Agent

6/29/2017
Date
Gregg Weston, mgr
Print Name & Title

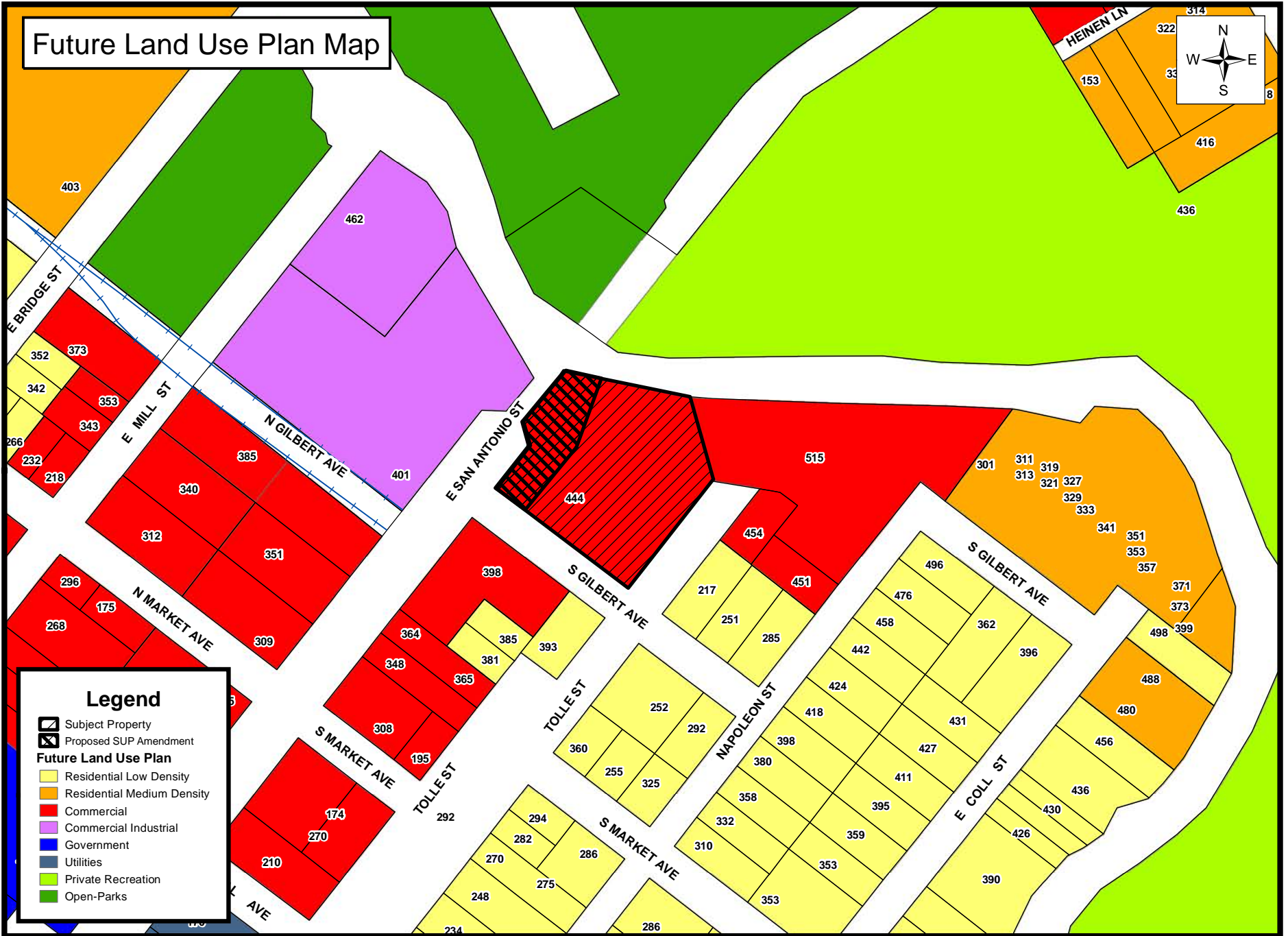
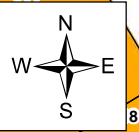
For Office Use Only

Fee Received By: KC Amount: 680. Receipt No.: 241109
Date Received: 6-30-17 Zoning signs issued: _____ Date: _____





Future Land Use Plan Map



Legend

- Subject Property
- Proposed SUP Amendment
- Future Land Use Plan**
- Residential Low Density
- Residential Medium Density
- Commercial
- Commercial Industrial
- Government
- Utilities
- Private Recreation
- Open-Parks

PLANNING COMMISSION – August 1, 2017 – 6:00PM

New Braunfels Municipal Building, Council Chambers

Applicant/ Owner: IAKOBO Four LP (Greg Weston)

Property: 444 E. San Antonio Street (0.2289 acres)

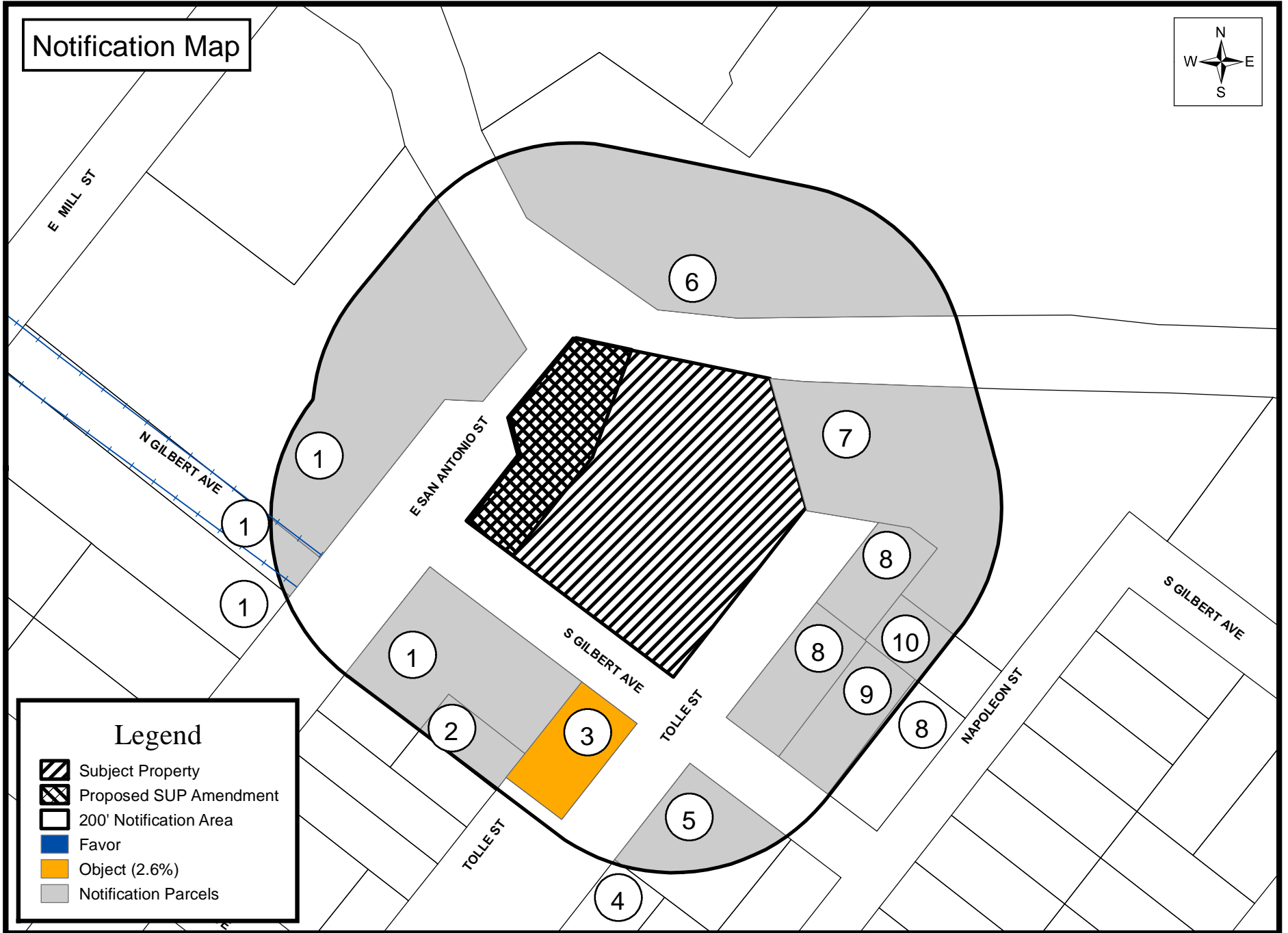
REQUEST FOR AN AMENDMENT TO AN EXISTING SPECIAL USE PERMIT – CASE #PZ-17-029

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. ADM Milling Co.
2. Korman, Greg
3. Kneuper, David & Emily
4. Chiles, Gene T & Rosalie B RVCBL TRST
5. Davis, Larry & Cathryn
6. Liberty Partnership LTD
7. Steinreal Comal Family LTD Partnership
8. IAKOBO Four LP
9. Womble, Melissa & Bobby
10. Newell, Debbie

SEE MAP

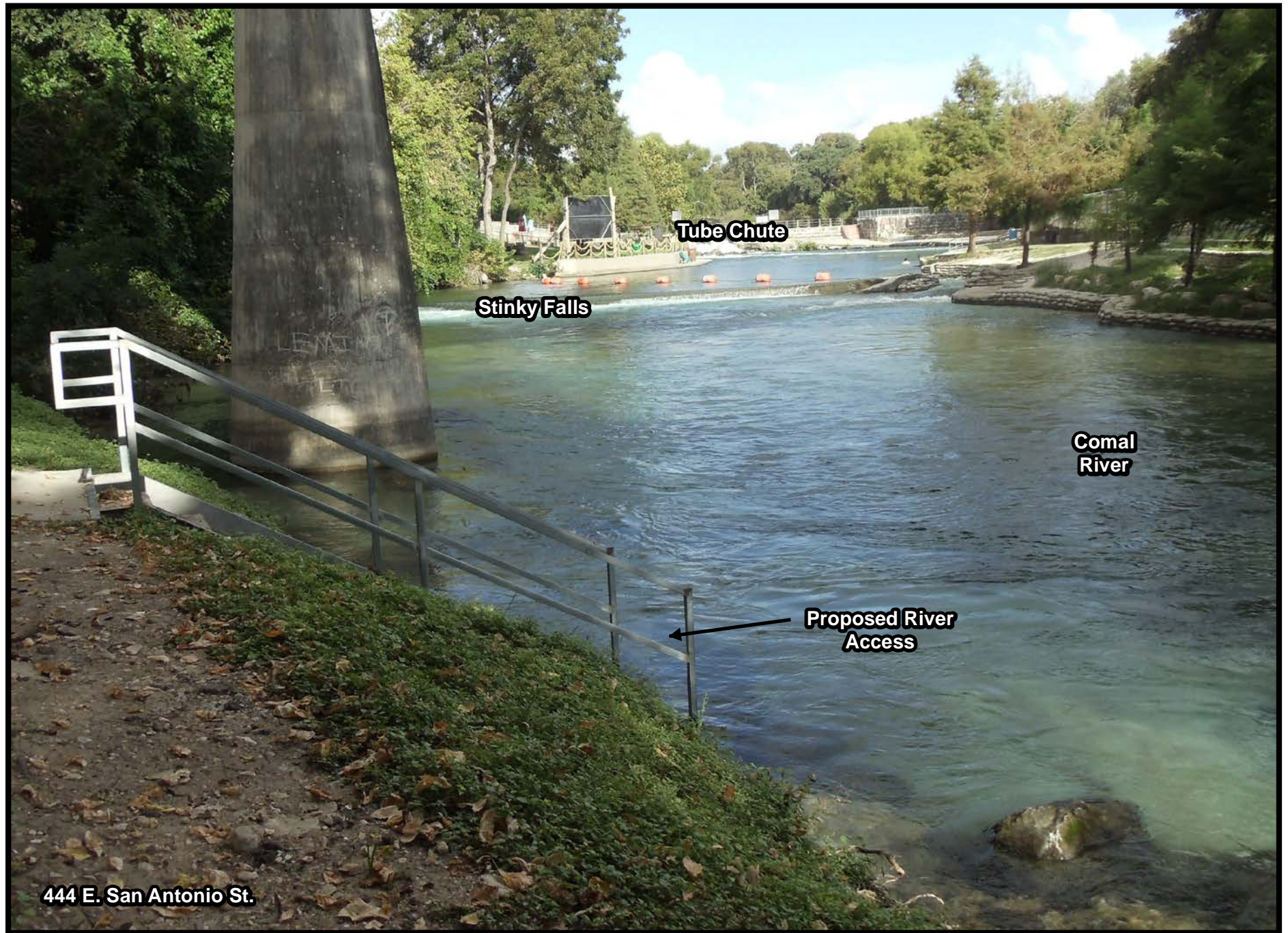
Notification Map



Legend

- Subject Property
- Proposed SUP Amendment
- 200' Notification Area
- Favor
- Object (2.6%)
- Notification Parcels







**444 E. San Antonio St.
(Subject Property)**

**Proposed River
Access**

**Comal
River**

ORDINANCE NO. 2016- 77

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, GRANTING A TYPE 1 SPECIAL USE PERMIT TO ALLOW A COMMERCIAL TUBER ENTRANCE AND TAKEOUT IN THE, IN THE "C-4" RESORT COMMERCIAL DISTRICT ADDRESSED AT 444 EAST SAN ANTONIO STREET; 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 a Special Use Permit, the City Council has given due consideration to all components of said permit; and

WHEREAS, the City also recognizes that granting such a permit is possible while promoting the health, safety, and general welfare of the public, by providing harmony between existing zoning districts and land uses; and

WHEREAS, it is the intent of the City to ensure for the health, safety and general welfare of the public by providing compatibility and orderly development, which may be suitable only in certain locations in a zoning district through the implementation of a Special Use Permit meeting those requirements cited in Sections 3.6-2 and 3.6-3, Chapter 144, of the New Braunfels Code of Ordinances; and

WHEREAS, the property is located in an area suitable for a commercial tuber entrance and takeout; and

WHEREAS, the City Council desires to grant a "Special Use Permit" to 444 East San Antonio Street to allow a commercial tuber entrance and exit in the "C-4" Resort Commercial District;

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

SECTION 1

THAT Sections 3.6-2 and 3.6-3, Chapter 144 of the New Braunfels Code of Ordinances and particularly the Zoning Map of the City of New Braunfels, are revised by adding the following described tract of land as a "Type 1 Special Use Permit" for the use and conditions herein described:

"Being 0.2289 acres out of a 1.608 acre tract of land described as being part of City Block 1043 J.M. Veramendi Two League Survey No. 1, Comal County, Texas, addressed at 444 East San Antonio Street, as delineated in Exhibit "A", to allow a commercial tuber entrance and exit in a "C-4" Resort Commercial District."

SECTION 2

THAT The Special Use Permit be subject to the following additional restrictions:

- 1. The Special Use Permit shall not become effective until the applicant completely resolves all outstanding City of New Braunfels Municipal Court cases.*
- 2. The business must comply with Federal Law ADA requirements for public/commercial access point at 444 East San Antonio Street.*
- 3. The subject use shall provide parking to accommodate a minimum of 200 off-street parking spaces, based on utilizing 800 tubes; if more than 800 tubes are utilized by the subject, an appropriate number of additional parking spaces will be required per existing City ordinances. Should the adjacent 12,000 square foot building and outdoor decks on the premises become commercially occupied, the 40 off-street parking spaces on the property will not be counted in the required 200 off-street parking spaces required for this Special Use Permit.*
- 4. The owner/operator of the subject use shall cooperate and comply with the City requests, orders and/or ordinances related to crowd control management, including but not limited to queuing, staggered entry, cut-off times, and maximum entry/limits.*
- 5. Any vehicular/shuttle transport used by owner/operator of the subject use from*

any off-site shared parking areas must be on streets classified as Collectors or higher in the City's Regional Transportation Plan, or be part of an existing approved shuttle route.

6. *Should ownership of the subject property change, Staff will initiate a new zoning case to review the Special Use Permit.*

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

EFFECTIVE DATE AND PUBLICATION:

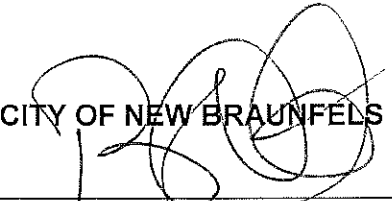
This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required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

SECTION 6

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

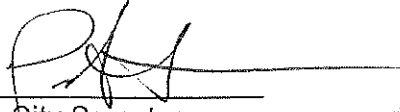
PASSED AND APPROVED: First Reading this the 28th day of November, 2016.

PASSED AND APPROVED: Second Reading this the 12th day of December, 2016.

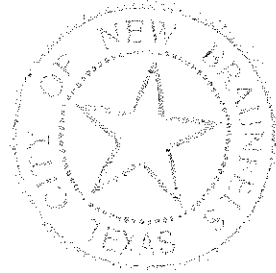

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:



PATRICK D. ATEN, City Secretary



APPROVED AS TO FORM:



VALERIA M. ACEVEDO, City Attorney

(CALLED 217.00')
N 38°07'01" E - 214.74'

PROPOSED AREA FOR
CONIAL RIVER TUBES, ET AL

S 38°07'01" W - 129.07'

COPIED 1,809 APR 28
POSTMASTER: RETURN TO
TO
TAYLOR & UP
BOSTON 110, BOSTON 155A, U.S.A.

CALLER 1.800.454.6666
RUPAKSHAKHAR, MD,
TO

J. N. VERAFENDI TWO LEAGUE SURVEY NO. 1

CALLED 1.855 ACRES
 (LOT 1R, SQUASH HOLE ADMICH)
 STEIRICAL CORPORATION
 TO
 STEIRICAL COAL FAMILY LIMITED PARTNERSHIP
 DEPARTMENT NO. 20770800078, D.P.R.C.7.

TOLLE STREET

SOUTH GILBERT AVENUE

42°31'59" N - 21°4.60' W

IN 52°34'58" N
52.37'

COMAL RIVER

MEASUREMENTS OF WATERS EDGE
MAD ON OCTOBER 24, 1953

MEMBERS OF FRANKS LODGE
JAN OF OCTOBER 29, 1945

SEP 15 2016

LINE	DESCRIPTION	DISAMOUNT
L1	\$ 710128 E	3.54
L2	\$ 562735 E	14.36

PLATTING NOTE:
THIS EASEMENT IS ISSUED FOR A SPECIAL USE PERMIT OBTAINING
THE TRACT SHOWING HEREON IS SUBJECT TO THE PLATTING ORDINANCE OF THE
CITY OF NEW BRUNSWICK, TEXAS.

**KOLODZIE
SURVEYING
COMPANY**

EXHIBIT

0.2289 ACRE

REC'D. 1043

J. M. VERABENDI TWO LEAGUE SLAVEY NO.
NEW BRAUNFELS, TEXAS

ISSUED COPY	DATE	BY
10/20/2010	10/20/2010	10/20/2010
JOB NO. 1278-001-10-800		

ATTACHMENT "A"



TEXAS DEPARTMENT OF LICENSING AND REGULATION

Compliance Division/Architectural Barriers Program

P.O. Box 12157 • Austin, Texas 78711 • (512)539-5669 • (877)278-0999

Fax: (512) 539-5690 • Email: techinfo.ab@tdlr.texas.gov • Web site: www.tdlr.texas.gov

VARIANCE RESULTS

This form is issued by the Texas Department of Licensing and Regulation (TDLR) to document the results of the formal application submitted to the Department for a waiver or modification to Texas Government Code, Chapter 469, the Texas Architectural Barriers Act; the Architectural Barriers Administrative Rules; or the Texas Accessibility Standards (TAS). The owner of the referenced building or facility and the person making the submission has been advised of this determination.

GREGG WESTON
LAKABO 4 LP
112 E PECAN ST 1212
SAN ANTONIO TX 78205

LAKABO 4 LP
ATTN GREGG WESTON
112 E PECAN ST 1212
SAN ANTONIO TX 78205

(1 of 1)

☐ New ☐ Addition
☒ Alteration ☐ Historic
☐ State Lease

(Person Making the Submission)

(Building / Facility Owner)

EABPRJ: B7000101

Project Information:	
Project Name:	444 BUILDING PROJECT 0012017
Facility:	444 BUILDING
Location:	444 E SAN ANTONIO ST
City:	NEW BRAUNFELS TX 78130
Item(s) Requested to Waive or Modify:	TAS Section #:
To waive the TAS requirement for an accessible route from the rental building to the water line of the river below based on disproportionate cost.	106.5.25 402

The following decision is based on the information and supporting documentation submitted to the department and has been issued in accordance with Chapter 469.151 and 469.152. It does not address compliance with the Americans with Disabilities Act (ADA) or any other local, state, or federal requirements. For information on the ADA, please contact the regional ADA Hotline at (800) 949-4232, or the United States Department of Justice at (202) 514-0301.

☐ Approved ☐ Disapproved ☒ Postponed ☐ Not Required ☐ Mixed

Comments:
<p>This variance application seeks relief from the TAS requirement to provide a compliant accessible route from the rental office to the edge of the river below. The nature of the terrain from the office to the river's edge is excessively steep and would not lend itself to a conventional accessible route such as a walking path or hiking trail.</p> <p>Based on Sec.469.152 (2), TAS 202.3, TAS 202.3.1 and TAS 402, it was not demonstrated that compliance with the applicable provisions of TAS could not have been achieved at the initial time of design and construction. Therefore, the request for a variance to waive compliance with TAS 402 is <u>disapproved</u>.</p> <p>However, based on Sec.469.151 (2), TAS 106.5.25, and information and documentation from the owner that compliance with TAS would be disproportionate to the cost of the overall alteration; this Department will allow compliance with TAS 404 to be <u>postponed</u>.</p> <p>The owner provided sufficient documentation detailing the cost to provide a Marine Incline Elevator as an accessible route to be \$130,544 based on a bid from Austin Dock & Tram Company. The project cost was approximately \$10,000.</p> <p>This postponement is valid only until such time that future alterations or renovations are initiated or until a complaint is filed, whichever comes first.</p>

This variance is applicable only to the referenced project number unless noted otherwise and is not intended to imply that similar or future projects will be issued the same results nor does it alleviate compliance with any other codes or standards.

A denial of a Variance Application may be appealed in writing within thirty (30) calendar days from issuance of the decision, upon payment of the \$200 appeal fee. Supporting documentation such as plans of all affected areas, photos, cost analyses, and code references not previously reviewed may be submitted for consideration. An appeal form is not required.

A decision made by the Department will not be changed based on a telephone call, email, meeting, or any other means of communication that is not submitted in writing as an appeal.

Signature: <i>Michael Fleharty</i>	Date: <i>June 23, 2017</i>
Printed Name: Michael Fleharty	Title: Program Specialist

ATTACHMENT 7

3.3-10. "C-4" resort commercial district. The following regulations shall apply in all "C-4" 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)
Bed and breakfast inn (see Sec. 5.6)
Boardinghouse/lodging house
Cabin or cottage – either separate or connected, for rental to tourists or vacationers, but shall not include mobile homes, or mobile home communities (parks).
Campgrounds
Community home (see definition)
Dormitory (in which individual rooms are for rental)

Duplex / two-family / duplex condominiums
Family home adult care
Family home child care
Home Occupation (See Sec. 5.5)
Multifamily (apartments/condominiums - for three or more families)
One family dwelling, detached
Rental or occupancy for less than one month (see Sec. 5.17)
Residential use in buildings with the following non-residential uses
Single family industrialized home (see Sec. 5.8)

Non-residential uses:

Accounting, auditing, bookkeeping, and tax preparations
Adult day care (no overnight stay)
Adult day care (with overnight stay)
Amphitheater
Amusement devices/arcade (four or more devices)
Amusement services or venues (indoors) (see Sec. 5.13)
Amusement services or venues (outdoors)
Answering and message services
Archery range
Armed services recruiting center
Art dealer / gallery
Artist or artisan's studio
Assembly/exhibition hall or areas
Bakery (retail)
Bank, savings and loan, or credit union
Bar/Tavern
Barns and farm equipment storage (related to agricultural uses)
Bicycle sales and/or repair
Billiard / pool facility
Bingo facility
Book store
Bowling alley/center (see Sec. 5.13)
Cafeteria / café / delicatessen
Campers' supplies
Car wash (self service; automated)
Car wash, full service (detail shop)
Caterer
Check cashing service

Child day care/children's nursery (business)
Church/place of religious assembly
Civic/conference center and facilities
Club (private)
Coffee shop
Commercial amusement concessions and facilities
Community building (associated with residential uses)
Confectionery store (retail)
Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)
Convenience store, with or without fuel sales
Country club (private)
Credit agency
Curio shops
Day camp
Driving range
Drug sales/pharmacy
Electrical substation
Farmers market (produce market - wholesale)
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)
Feed and grain store
Filling station (fuel tanks must be below the ground)
Florist
Food or grocery store with or without fuel sales
Fraternal organization/civic club (private club)

Golf course (miniature)	Plant nursery (no retail sales on site)
Golf course, public or private	Public recreation/services building for public park/playground areas
Governmental building or use	Quick lube/oil change/minor inspection
Handicraft shop	Rappelling facilities
Health club (physical fitness; indoors only)	Recreation buildings (public and private)
Hospital, general (acute care/chronic care)	Refreshment/beverage stand
Hospital, rehabilitation	Restaurant with drive-through
Hotel/motel	Restaurant/prepared food sales
Hotels/motels - extended stay (residence hotels)	Retirement home/home for the aged - public
Kiosk (providing a retail service)	Rodeo grounds
Laundromat and laundry pickup stations	RV park
Limousine / taxi service	RV/travel trailer sales
Micro brewery (onsite manufacturing and/or sales)	School, K-12 (public or private)
Motion picture studio, commercial film	Security monitoring company (no outside storage or installation)
Motion picture theater (indoors)	Specialty shops in support of project guests and tourists
Motion picture theater (outdoors, drive-in)	Tattoo or body piercing studio
Museum	Telemarketing agency
Nursing/convalescent home/sanitarium	Telephone exchange buildings (office only)
Offices, brokerage services	Tennis court (commercial)
Offices, business or professional	Theater (non-motion picture; live drama)
Offices, computer programming and data processing	Travel agency
Offices, consulting	University or college (public or private)
Offices, engineering, architecture, surveying or similar	Video rental / sales
Offices, health services	Waterfront amusement facilities - berthing facilities sales and rentals
Offices, insurance agency	Waterfront amusement facilities - boat fuel storage / dispensing facilities
Offices, legal services - including court reporting	Waterfront amusement facilities - boat landing piers / launching ramps
Offices, medical offices	Waterfront amusement facilities - swimming / wading pools / bathhouses
Offices, real estate	Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system
Offices, security/commodity brokers, dealers, exchanges and financial services	Woodworking shop (ornamental)
Park and/or playground (public or private)	
Parking lots (for passenger car only) (not as incidental to the main use)	
Parking structure/public garage	
Photographic studio (no sale of cameras or supplies)	

Any comparable business or 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) Commercial rental living units (short term):

- (i) *Height.* 75 feet.
- (ii) *Front building setback.* 25 feet.
- (iii) *Rear building setback.* 20 feet.
- (iv) *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 lot lines of the corner lots coincide with the side lot lines of the adjacent lots.

- (v) *Residential setback.* Effective November 8, 2006, where a multifamily dwelling abuts a one or two family use or zoning district, 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.
- (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, provided that where a lot has less width 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.
- (vii) *Sanitary facilities.* Each rental unit shall be provided with an individual enclosed space for sanitation, accessible from within the living unit, in which shall be located a water closet furnished with cold water, and a lavatory and bathtub or shower furnished with hot and cold water.
- (viii) *Lot depth.* 100 feet.
- (ix) *Parking.* See Sec. 5.1 for permitted uses parking.

(2) Non-residential.

- (i) *Height.* 75 feet.
- (ii) *Front building setback.* 25 feet.
- (iii) *Rear building setback.* 20 feet.
- (iv) *Side building setback.* No side building setback is required except that where a side line of a lot in this district abuts upon the side line of a lot in a "R" or "B-1" zone, a side building setback of not less than five feet shall be provided.
- (v) *Residential setback.* Effective November 8, 2006, where a non-residential building abuts a one or two family use or zoning district, 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.
- (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) *Corner lots.* A minimum 25-foot front yard and side building setback adjacent to streets shall be required on all corner lots. A canopy at least six feet in height, attached to the main building, may be built within 15 feet of the street line so long as such construction is not supported by columns which will obstruct the vision of vehicles driving upon adjacent streets.
- (viii) *Lot depth.* 100 feet.
- (ix) *Parking.* See Section 5.1 for other permitted uses' parking

(3) Non-commercial rental living units (not short term). Buildings hereinafter erected, constructed, reconstructed or altered in district "C-4," that are not for commercial or commercial-residential use but are for private residences, duplexes, or apartments, or for any use also permitted in the "R" districts, shall be subject to the following:

(a) One family dwellings.

- (i) *Height.* 45 feet.
- (ii) *Front building setback.* 25 feet.
- (iii) *Rear building setback.* 20 feet.
- (iv) *Side building setback.* 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 lot lines of the corner lots coincide with the side lot lines of the adjacent lots.
- (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) *Residential setback.* Effective November 8, 2006, where a multifamily dwelling abuts a one or two family use or zoning district, 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.
- (vii) *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, provided that where a lot has less width 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.
- (viii) *Lot area.* Every one family dwelling hereafter erected or altered shall have a lot area of not less than 6,600 square feet per family for interior lots, and 7,000 square feet per family for corner lots. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall not prohibit the erection of a one-family residence. Where a 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.
- (ix) *Lot depth.* 100 feet.
- (x) *Parking.* Two off-street parking spaces shall be provided for each one-family detached dwelling. See Section 5.1 for other permitted uses' parking.

(b) Duplexes.

- (i) *Height.* 45 feet.
- (ii) *Front building setback.* 25 feet.
- (iii) *Rear building setback.* 20 feet.
- (iv) *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 lot lines of the corner lots coincide with the side lot lines of the adjacent lots.
- (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) *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.* Duplexes hereafter erected or altered shall have a lot area of not less than 8,000 square feet for an interior lot and 8,500 square feet for a corner lot. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall prohibit the erection of a two-family residence. Where a 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 acre and approved by the City Sanitarian.
- (viii) *Lot depth.* 100 feet.
- (ix) *Parking.* Two off-street parking spaces shall be provided for each two-family dwelling unit. See Sec. 5.1 for other permitted uses' parking.

(c) Multifamily dwellings.

- (i) *Height.* 45 feet; 60 feet when a pitched roof is used (minimum 4:12 slope).
- (ii) *Front building setback.* 25 feet.
- (iii) *Rear building setback.* 25 feet.
- (iv) *Side building setback.* 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 lot lines of the corner lots coincide with the side lot lines of the adjacent lots.

- (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) *Residential setback.* Effective November 8, 2006, where a multifamily dwelling abuts a one or two family use or zoning district, 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.
- (vii) *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, provided that where a lot has less width 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.
- (viii) *Lot area.* The minimum lot area for a multifamily dwelling shall be 15,000 square feet; for each unit over ten an additional 1,500 square feet of lot area shall be required. Where public or community sewer is not available and in use, for the disposal of all sanitary sewage, multifamily developments shall be approved by the Planning Commission upon recommendation of the City Sanitarian.
- (ix) *Lot coverage.* For multifamily structures, the combined area of all yards shall be at least 55 percent of the total lot or tract; provided, however, that in the event enclosed parking is provided the minimum total yard area requirement shall be 40 percent of the total lot or tract.
- (x) *Distance between structures.* For multifamily structures, there shall be a minimum of ten feet between structures side by side; a minimum of 20 feet between structures side by front or rear; a minimum of 40 feet between structures front to front; and a minimum of ten feet between structures backing rear to rear, and a minimum of 20 feet front to rear. (See Illustration 1 in Sec. 3.3-3)
- (xi) *Lot depth.* 100 feet.
- (xii) *Parking.* For apartments, apartment hotel units and other multifamily dwellings, off-street parking spaces shall be provided in accord with the following schedule:
 - 1. One-bedroom apartment or unit . . . 1 1/2 spaces
 - 2. Two-bedroom apartment or unit . . . 2 spaces
 - 3. Each Additional bedroom . . . 1/2 space
 - 4. Each dwelling unit provided exclusively for low income elderly occupancy . . . 3/4 space ("Low income elderly" is defined as any person 55 years of age or older with low or moderate income, according to HUD standards.)

3.6. *Special Use Permits.*

- 3.6-1. *Compatible and orderly development.* A special use permit may be granted to allow compatible and orderly development which may be suitable only in certain locations and zoning districts if developed in a specific way or only for a limited period of time.
- 3.6-2. *Application processing.* Application for a Special Use Permit shall be processed in accordance with Section 2.1 of this Chapter and shall include the pertinent information as determined by the type of Special Use Permit and additional information as determined by the Planning Director, the Planning Commission or the City Council.

Types of Special Use Permit:

Type 1. Regulates land use only; does not require specific site plan or schedule. Construction within a Type 1 Special Use Permit will comply with all of the standard construction requirements for the approved use at the time of construction permit, including drainage plans, TIA, driveway location, and landscaping.

Type 2. Requires a site plan drawn to scale and shall show the arrangement of the project in detail, including parking facilities, locations of buildings, uses to be permitted, landscaping, and means of egress and ingress.

- 3.6-3. *Standards.* When considering applications for a special use permit, the Planning Commission in making its recommendation and the City Council in rendering its decision on the application shall, on the basis of the site plan, if a Type 2, and other information submitted, evaluate the impact of the special use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The Planning Commission and the City Council shall specifically consider the extent to which:
- (a) *Comprehensive plan consistency.* The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted Comprehensive Plan;
 - (b) *Zoning district consistency.* The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
 - (c) *Supplemental Standards.* The proposed use meets all supplemental standards specifically applicable to the use as set forth in this Chapter;
 - (d) *Character and integrity.* The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances.

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

- (1) Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
- (2) Off-street parking and loading areas;
- (3) Refuse and service areas;
- (4) Utilities with reference to location, availability, and compatibility;

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

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

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

- (a) Construction is not begun within five years of the date of approval of the permit.
- (b) Progress toward completion is not being made. Progress toward completion includes the following:
 - (1) An application for a final plat is submitted;
 - (2) A good faith effort is made to file with a regulatory agency an application for a permit necessary to begin or continue completion of the project;
 - (3) Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of 5% of the most recent appraised market value of the real property on which the project is located;
 - (4) Security is posted with the city to ensure performance of an obligation required by the city; or

- (5) Utility connection fees or impact fees for the project have been paid to the City or New Braunfels Utilities.
- (c) *Abandonment of the project.* Abandonment includes development of the property in a way other than provided for by the SUP.
- (d) Failure to satisfy the conditions of the SUP or follow the site plan made part of the SUP.
- (e) *Code violations.* Revocation may be considered if there are three or more code violations in a 720 day period.
 - (1) *Notice to property owner.* If the Planning Director finds no less than three violations of any code of ordinances on the property within a 360 day period, he shall advise the applicant of a revocation hearing. The Planning Director shall notify the property owner in writing of the violations and that an administrative hearing will be held concerning the violations. Such notice shall be given at least 10 days prior to the hearing. The Planning Director shall take evidence and conduct an administrative hearing to determine if a revocation procedure should be initiated. Such a determination is not subject to appeal to the Zoning Board of Adjustment.
 - (2) If the Planning Director finds that there is credible evidence that the code of ordinances has been violated, or there have been convictions or guilty pleas in any court of competent jurisdiction, on at least three separate occasions within a 720 day period, and after the administrative hearing, he shall initiate a SUP revocation process.
 - (3) *Appeal to Municipal Court.* Any code violation may be appealed to, or considered by, the Municipal Court Judge. The parties at interest in this appeal may cross examine witnesses.
- (f) *Revocation process.* The revocation process shall be the same as for a zoning district change, with notice to property owners within 200 feet, public hearing and recommendation by the Planning Commission, and public hearing and ordinance consideration by the City Council.
- (g) The City Council may deny the SUP revocation, approve the revocation, deny the revocation and add additional restrictions to the SUP, suspend the SUP for a period the Council determines, or amend the SUP with probationary requirements and terms the Council determines.
- (h) Upon revocation of a special use permit the property subject to the special use permit may be used for any permitted use within the applicable base zoning district.
- 3.6-6. *Compliance with conditions.* Conditions which may have been imposed by the City Council in granting such permit shall be complied with by the grantee before a Certificate of Occupancy may be issued by the Building Official for the use of the building on such property.
- 3.6-7. *Telecommunication towers and/or antennas.* See Sec. 5.7
- 3.6-8. *Deviation from Code.* The City Council may approve a special use permit with deviations to any provision of the Code of Ordinances. Such deviations shall be listed or shown in or as part of the Ordinance approving the special use permit.

Draft Minutes for the August 1, 2017 Planning Commission Regular Meeting

PZ-17-029 Public hearing and recommendation to City Council regarding a proposed amendment to Section 2.2 of Ordinance No.2016-77, a Special Use Permit allowing a commercial tuber entrance and takeout in the "C-4" Resort Commercial District, to allow a two year postponement to the requirement for the business to comply with Federal Law ADA requirements for a public/commercial river access point.

(Applicant: IAKOBO Four LP (Weston); Case Manager: M. Greene)

Mr. Greene presented the Staff report and recommended approval.

Commissioner Laskowski stated when the Special Use Permit was granted in 2016, it was with the agreement to make the location ADA compliant.

Commissioner Tubb requested clarification on the number of tubing seasons the business would operate without being ADA compliant.

Mr. Greene responded there would be two tubing seasons before the postponement expires.

Commissioner Bearden addressed Mr. Onion regarding the Federal ADA requirements interaction with the State level TDLR, and inquired which had precedent.

Mr. Onion responded the State implements the Federal Law, and in the current case, a postponement was granted by the State.

Discussion ensued.

Mr. Greene clarified the TDLR's postponement recommendation did not include a time limit, but Staff recommended a two year limit.

Commissioner Laskowski stated TDLR had denied the applicants request for a waiver.

Discussion followed regarding the requirement to comply to ADA standards if the business received a complaint, began construction on the property, or reached the two year limit.

Chair Elrod referenced the multiple tuber entrances and exits in the area, and inquired if the City owned locations were ADA compliant.

Mrs. Snell replied yes.

Discussion ensued.

Chair Elrod asked if anyone wished to speak in favor.

Charlotte Weston, 690 Laurel Lane, daughter and employee of the owner, wished to speak in favor. She stated they had every intention of becoming ADA compliant, and had requested the extension to generate the funds needed. Ms. Weston described previous experiences that current season where accommodations were made for those that required special assistance. She stated the shuttle is ADA compliant. She emphasized the extension is only to generate the funds needed, and that the business was dedicated to becoming ADA compliant.

Commissioner Laskowski inquired if they owned the property.

Ms. Weston responded yes.

Commissioner Tubb requested clarification about the intended timeline for the two year limit, he indicated when the tubing seasons were considered, it would be three years before the location was ADA compliant.

Discussion followed regarding possible end dates for the two year limit.

Chair Elrod inquired about the intended design of the ramp.

Ms. Weston provided details and a description of the more complex ramp system that is required on the property due to the topography.

Chair Elrod asked if any other similar ramps were located on the Comal River.

Ms. Weston responded no.

Discussion followed regarding the proposed ADA compliant ramp, and if the time extension validated the outcome.

Ms. Weston stated the company is open to working with the City in regulating crowding, and other issues that may arise.

Commissioner Bearden asked if drawings were completed for the project.

Ms. Weston indicated they were working with an engineering firm in Austin, and that drawings had been completed.

Commissioner Bearden inquired if the design of the ramp would account for flooding.

Ms. Weston responded the proper measures had been taken, and stated flooding is a big consideration with the subject property.

Chair Elrod asked if anyone wished to speak in opposition.

No one spoke.

Motion by Commissioner Bearden, seconded by Commissioner Nolte, to close the public hearing. The motion carried (7-0-0).

Motion by Commissioner Tubb, seconded by Commissioner Sonier, to recommend approval to City Council regarding a proposed amendment to Section 2.2 of Ordinance No.2016-77, a Special Use Permit allowing a commercial tuber entrance and takeout in the "C-4" Resort Commercial District, to allow a two year postponement to the requirement for the business to comply with Federal Law ADA requirements for a public/commercial river access point, with Staff recommendations and the two year term starting on the day of TDLR recommendation for postponement, June 23, 2017. Motion carried, with Commissioner Laskowski in opposition (6-1-0).

ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, GRANTING APPROVAL OF AN AMENDMENT TO ORDINANCE NUMBER 2016-77, A TYPE 1 SPECIAL USE PERMIT ALLOWING A COMMERCIAL TUBER ENTRANCE AND TAKEOUT IN THE “C-4” RESORT COMMERCIAL DISTRICT, TO ALLOW A TWO YEAR POSTPONEMENT TO THE REQUIREMENT FOR THE BUSINESS TO COMPLY WITH FEDERAL LAW ADA REQUIREMENTS FOR A PUBLIC/COMMERCIAL RIVER ACCESS POINT ON 0.2289 ACRES ADDRESSED AT 444 EAST SAN ANTONIO STREET; 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 a Special Use Permit, the City Council has given due consideration to all components of said permit; and

WHEREAS, the City also recognizes that granting such a permit is possible while promoting the health, safety, and general welfare of the public, by providing harmony between existing zoning districts and land uses; and

WHEREAS, it is the intent of the City to ensure for the health, safety and general welfare of the public by providing compatibility and orderly development, which may be suitable only in certain locations in a zoning district through the implementation of a Special Use Permit meeting those requirements cited in Sections 3.6-2 and 3.6-3, Chapter 144, of the New Braunfels Code of Ordinances; and

WHEREAS, the property is located in an area suitable for the proposed uses; and

WHEREAS, the City Council desires to grant approval of an amendment to a Type 1 Special Use Permit for 444 East San Antonio Street to allow a two year postponement to the requirement for the business to comply with Federal Law ADA requirements for a public/commercial river access point in the “C-4” Resort Commercial District.; **now therefore**,

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

SECTION 1

THAT the Type 1 Special Use Permit adopted December 12, 2016, Ordinance number 2016-77, is hereby amended for the uses and conditions herein described:

“Being 0.2289 acres addressed at 444 East San Antonio Street and delineated in Exhibit “A”, to allow a two year postponement to the requirement for the business to comply with Federal Law ADA requirements for a public/commercial river access point in the “C-4” Resort Commercial District.”

SECTION 2

THAT the Special Use Permit be subject to the following additional restrictions:

- 1. The Special Use Permit shall not become effective until the applicant completely resolves all outstanding City of New Braunfels Municipal Court cases.*
- 2. The business must comply with Federal Law ADA requirements for public/commercial access point at 444 East San Antonio Street no later than June 23, 2019.*
- 3. The subject use shall provide parking to accommodate a minimum of 200 off-street parking spaces, based on utilizing 800 tubes; if more than 800 tubes are utilized by the subject, an appropriate number of additional parking spaces will be required per existing City ordinances. Should the adjacent 12,000 square foot building and outdoor decks on the premises become commercially occupied, the 40 off-street parking spaces on the property will not be counted in the required 200 off-street parking spaces required for this Special Use Permit.*
- 4. The owner/operator of the subject use shall cooperate and comply with the City requests, orders and/or ordinances related to crowd control management, including but not limited to queuing, staggered entry, cut-off times, and maximum entry/limits.*
- 5. Any vehicular/shuttle transport used by owner/operator of the subject use from any off-site shared parking areas must be on streets classified as Collectors or*

higher in the City's Regional Transportation Plan, or be part of an existing approved shuttle route.

6. *Should ownership of the subject property change, Staff will initiate a new zoning case to review the Special Use Permit.*

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

EFFECTIVE DATE AND PUBLICATION:

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

SECTION 6

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

PASSED AND APPROVED: First Reading this the 28th day of August, 2017.

PASSED AND APPROVED: Second Reading this the 11th day of September, 2017.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

SOUTH GILBERT AVENUE

0.2289 ACRE

PROPOSED AREA FOR
CONAL RIVER TUBES, ET AL

S 36°07'01" N - 129.67'

1698 - 18,02,17 S

COMAL RIVER

J. N. VERBAANT - TWO REAGENTS SURVEY NO. 1

TOLLE STREET

Callum James Adams
(c/o The National Health Foundation)
111 West 100th Street
St. Louis, MO 63141-2000

QUEST 1010 AGREE
ACQUAINTANCE, WIL
TO
STUDIO K, 17
DECEMBER 20, 2000, 10:10 PM, 10:10 PM

SEP 15 2016

LINE	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	9.7100	1		4.47	
2	5.6775	2		11.35	

PLATING NOTE:
THIS IS DESIGNED TO BE USED WITH A SINGLE USE PAPER APPROPRIATE FOR THE TYPE OF PLATING. IT IS NOT TO BE USED FOR THE PLATING OF THE CITY OF NEW BRUNSWICK, TEXAS.

**KŁODZIE
SURVEYING
COMPANY**

EXHIBIT

0.2289 ACPE
NCEB 4019

N.C.B. 1043

J. M. VERAMENDI TWO LEAGUE SURVEY NO. 1
NEW BRAUNFELS, TEXAS

800 368-3888

ATTACHMENT "A"

8/28/2017

Agenda Item No. C)

Presenter

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

SUBJECT:

Discuss and consider approval of the first reading of an ordinance granting the extension of rehabilitation tax relief for a second five year period to the property addressed as 193 W. San Antonio Street, a Local Historic Landmark known as the Jacob Schmidt Building.

BACKGROUND / RATIONALE:

Case No.: HLC-17-014

Council District: 5

Owner/Applicant: Ross Fortune
193 W. San Antonio Street
New Braunfels, TX 78130
(830) 660-6002

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

The subject property is located at the northeast corner of Castell Avenue and San Antonio Street on Original Town Lot 3. The deed records reflect that Town Lot 3 was first deeded to Peter Gerlack on April 13 1847. The property was subsequently deeded/divided eight times between 1847 and 1900. A December 1, 1871 Zeitung Newspaper article stated that John Sippel completed his new two-story business building. He lived on the second floor and leased the first floor and basement.

In 1882 John Sippel built a bowling alley behind the saloon (confirmed on the 1885 Sanborn map). In May 1887 the Knights of Honor Lodge was established on the second floor above Ludwig's Saloon. It served as headquarters for the anti-prohibition movement of 1887.

This building was the site of the locally well known Phoenix Saloon where Willie Gebhardt ran a restaurant and served his first bowl of chili. He produced the first chili powder in 1896, and in 1908 canned the first chili con carne. He later moved to San Antonio to build his Tex-Mex food empire. On June 26, 1918, Phoenix Saloon was closed due to prohibition.

Originally this was a two-story building with a second floor balcony and stepped parapet. One-bay wide, the front façade had central doors flanked on either side by one window for both the first and second story. The building was remodeled in 1922, resulting in a structure three bays wide and three

stories high with a brick veneer on the front façade, full width canopy located just below transom windows and provided shade to store front windows.

In 1997, City Council designated the subject property a Local Historic Landmark. After the building was rehabilitated, City Council granted tax relief for the property for an initial five year period. The applicant is requesting an extension of that tax relief for a second five-year period, as allowed per City Code.

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 in 1997*).
- Whether the improvement(s), renovation(s) or restoration(s) to the structure total at least ten percent of the property value reflected on the appraisal district tax rolls. *The original renovation exceeded the 10 percent requirement and is in compliance with an approved Certificate of Alteration.*

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 Adopt historic preservation policies that encourage the responsible rehabilitation of substandard homes and the revitalization of existing neighborhoods. 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
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FISCAL IMPACT:

Approval would extend the appraised value “freeze” for City ad valorem tax collection for an additional 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 July 11, 2017 and recommended approval of the request (6-0-0, Commissioners Gonzalez, Davis and Poss were absent).

STAFF RECOMMENDATION:

Staff recommends approval of rehabilitation tax relief for the property addressed at 193 W. San Antonio 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. Application
 2. Location Map
 3. Before Photos
 4. After Photos
 5. Ordinance 97-1
 6. Ordinance 2010-54
 7. Excerpt from the July 11, 2017 Historic Landmark Commission minutes
 8. Ordinance



* Hold for July 11
HLC mtg.
HLC-17-013

APPLICATION FOR Tax Relief - Renewal

City of New Braunfels, Planning and Environmental Department
550 Landa Street, New Braunfels TX 78130 (830) 221-4057

1. Name of Landmark: PHOENIX SALOON
2. Address of Landmark: 193 W. SAN ANTONIO ST, NEW BRAUNFELS TX 78130
3. Legal Description: CITY BLOCK 1004, LOT W 50 LOT 3 (A), ACRES 0.11
4. Owner Name: ROSS FORTUNE
5. Owner Address: 193 W. SAN ANTONIO ST, NEW BRAUNFELS TX 78130
6. Contact information: (830) 660-6002 ross@thephoenixsaloon.com
7. Current photos required showing all facades of building.

I hereby request consideration for tax relief of the City of New Braunfels taxes on the above landmark for an additional five years. The Landmark continues to meet the requirements set forth in Article III, Section 66-57. This application shall be considered my written permission as owner of the above described property for continued tax relief by the New Braunfels City Council.

R. Fortune
Owner Signature

5/30/2017
Date

FOR OFFICE USE ONLY

Application received by: 5/30/2017 ALM

Date: 5/30/2017

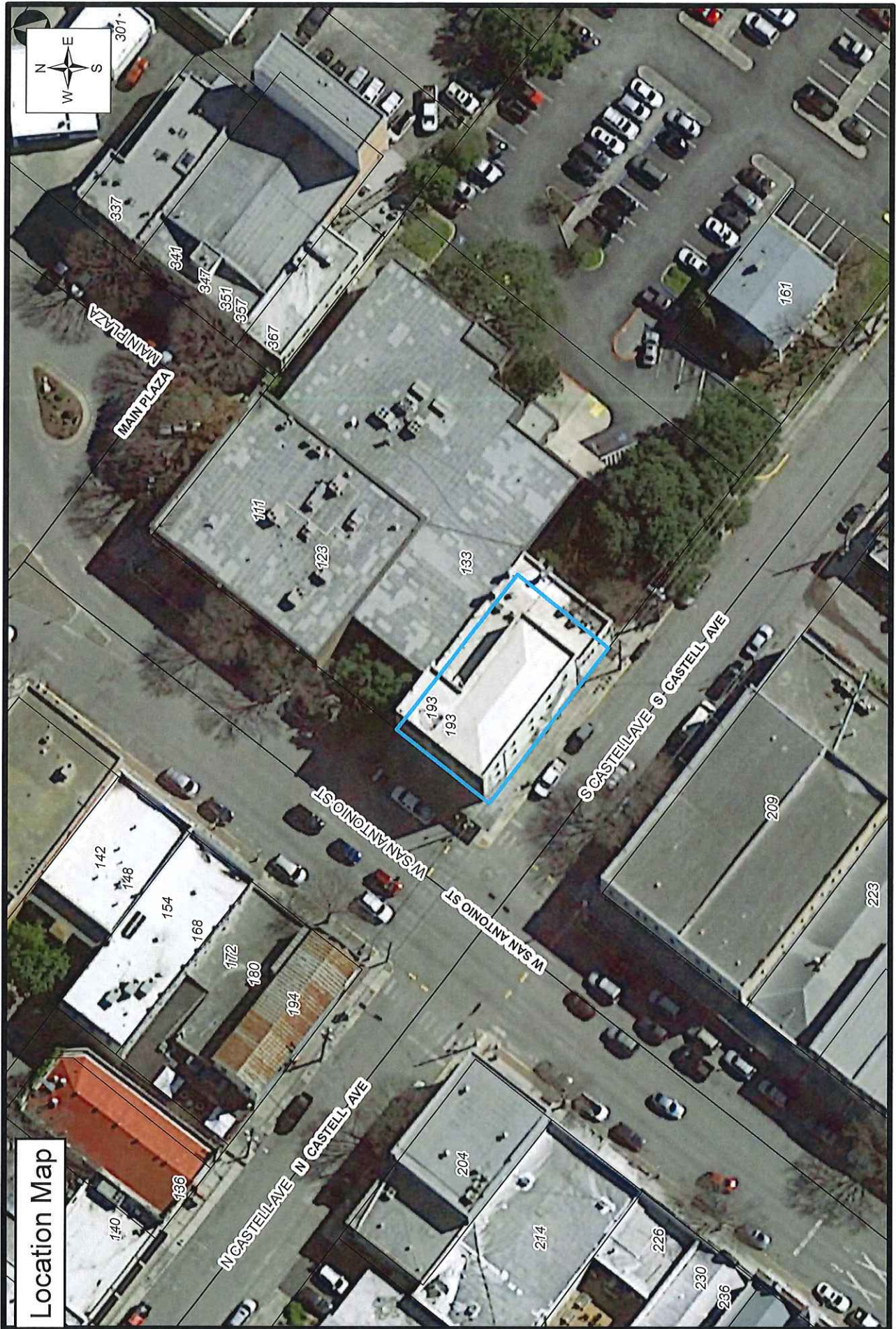
City Council ordinance approving Tax Relief: 2010-54

First year Tax Relief initiated by County: 2013

RECOMMENDATIONS FOR APPROVAL

STAFF RECOMMENDATION: Approval

HISTORIC LANDMARK COMMISSION: Date: July 11, 2017



Map created 7/2017

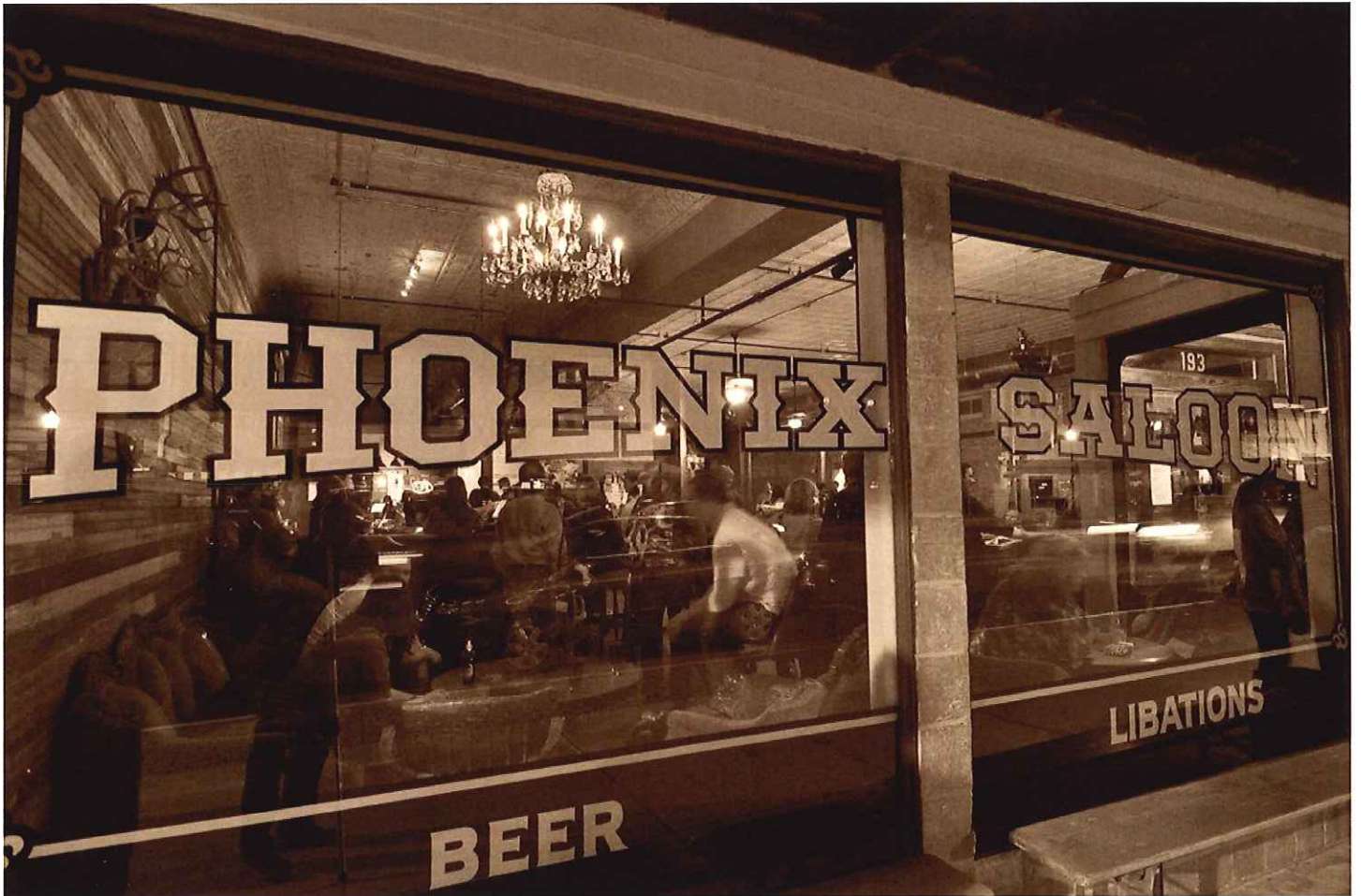
HLC-17-013
193 W. San Antonio Street





Schmidt Building / Phoenix Saloon
193 W. San Antonio St, New Braunfels TX 78130











THE GROOVY GRINGA
ANNETTE CRAWFORD

ORIGINALLY

est.

1871

BADGER FIGHTS

Gebhardt's
EAGLE

CHILI POWDER



TRADE MARK

REGISTERED



PHOENIX SALOON

BUILT IN 1871, THE ORIGINAL PHOENIX SALOON BUILDING WAS A TWO-STORY BRICK, ROCK, AND STUCCO BUILDING BUILT BY JOHN SIPPEL LOCATED ON THE CORNER OF WEST SAN ANTONIO STREET AND CASTELL AVENUE. A SALOON OPERATED ON THE FIRST FLOOR UNDER VARIOUS NAMES BEFORE IT FINALLY BECAME THE PHOENIX SALOON IN 1895. THE BUILDING NOT ONLY HOUSED A POPULAR SALOON BUT ALSO A BACK ROOM CAFÉ WHERE PROPRIETOR WILLIAM GEBHARDT SERVED A STEW SPICED WITH TAMPICO DUST, HIS OWN SPECIAL CONCOCTION OF HERBS AND DRIED CHILI PEPPERS. HIS TAMPICO DUST IS OFTEN REGARDED AS THE FIRST CHILI POWDER. IN 1896 GEBHARDT MOVED TO SAN ANTONIO TO MANUFACTURE HIS EAGLE BRAND CHILI POWDER.

ANOTHER ATTRACTION OF THE SALOON WAS THE BEER GARDEN FACING SAN ANTONIO STREET BETWEEN THE SALOON AND THE OLD COMAL COUNTY COURTHOUSE. UNUSUAL FOR THE TIMES, LADIES WERE WELCOME HERE. JOHN SIPPEL BUILT A SMALL POOL WITH A FOUNTAIN THAT CONTAINED FISH AND ALLIGATORS. SOME LEGENDS ABOUT THE SALOON CLAIM IT HELD BADGER FIGHTS AND FEATURED A PARROT INSIDE THE FRONT DOOR THAT WAS TAUGHT TO SAY, "HAVE YOU PAID YOUR BILL?" IN GERMAN. THE LIVELY NATURE OF THE PHOENIX SALOON WAS TEMPORARILY CLOSED DOWN WHEN PROHIBITION WAS INSTITUTED IN 1918, EVEN THOUGH COMAL COUNTY VOTED 100% AGAINST PROHIBITION. IN 1922 ALBERT LUDWIG OWNED THE BUILDING AND EXPANDED IT BY ADDING THE THIRD FLOOR FOR THE LOCAL MASONIC LODGE. IN 1927 JACOB SCHMIDT BOUGHT THE BUILDING AND CHANGED THE NAME DISPLAYED NEAR THE TOP OF THE FRONT FAÇADE FROM LUDWIG TO SCHMIDT. THE SCHMIDTS OPERATED A CLOTHING STORE IN THE BUILDING FROM 1935-1995. IN 2010 THE FIRST FLOOR WAS ONCE AGAIN OPERATING AS THE PHOENIX SALOON.

MARKER IS PROPERTY OF THE STATE OF TEXAS

(2015)

ORDINANCE NO. 97- 1

AN ORDINANCE DESIGNATING THE STRUCTURE AT 193 WEST SAN ANTONIO STREET, KNOWN AS THE JACOB SCHMIDT BUILDING, AS A HISTORIC LANDMARK ACCORDING TO SECTION 66-56, ARTICLE III, CHAPTER 66, AND AMENDING SECTIONS 4.1 AND 4.2, APPENDIX "A" OF THE CODE OF ORDINANCES, CITY OF NEW BRAUNFELS, TEXAS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING 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 Historic Preservation and Zoning Ordinances of the City of New Braunfels; and

WHEREAS, this structure has been recommended for historic designation by the owner, the Historic Landmark Commission, and the Planning Commission; and

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

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

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

I

That the following described structure is hereby designated as a "Historic Landmark" in accord with the provisions of Section 66-56, Article III, Chapter 66, of the Code of Ordinances of the City of New Braunfels, Texas:

"The structure located on the property at 193 W. San Antonio Street, lot A, NCB 1004, and known as the Jacob Schmidt building".

II

That the above described structure is hereby restricted as to the amount or method of change, construction, or demolition that can take place in accord with Section 66-55, Article III, Chapter 66, of the Code of Ordinances of the City of New Braunfels.

III

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

IV

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

V

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.

VI

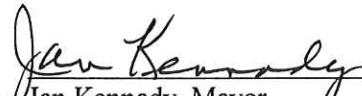
This ordinance will take effect upon the third and final reading of same.

PASSED AND APPROVED: First Reading this the 9th day of DECEMBER, 1996.

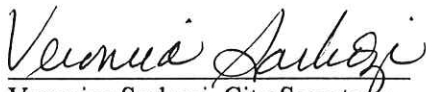
PASSED AND APPROVED: Second Reading this the 13th day of JANUARY, 1997.

PASSED AND APPROVED: Third and Final Reading this the 27th day of JANUARY, 1997.

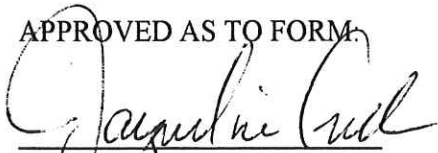
CITY OF NEW BRAUNFELS


Jan Kennady, Mayor

ATTEST:


Veronica Sarkozi, City Secretary

APPROVED AS TO FORM:


Jacqueline Cullom, City Attorney

ORDINANCE NO. 2010- 54

AN ORDINANCE GRANTING A TAX RELIEF TO THE OWNER OF THE DESIGNATED HISTORIC LANDMARK LOCATED AT 193 W. SAN ANTONIO STREET, KNOWN AS THE SCHMIDT STORE, 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 sites of historic and cultural importance and significance; and

WHEREAS, the City Council is aware of the numerous places, structures, buildings and sites having historic 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;

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;

WHEREAS, the City Council approved the initial tax relief per Ordinance 2003-11 on February 24, 2003,

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

SECTION 1

THAT the property owner of the designated historic structure located at 193 W. San Antonio Street, and known as the Schmidt Store, be granted the tax relief as outlined in Section 66-57.1, Historic 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 9th day of August, 2010.

PASSED AND APPROVED: Second reading this the 23rd day of August, 2010.



ATTEST:


Ann Smith, Interim City Secretary

CITY OF NEW BRAUNFELS

BY: 
R. BRUCE BOYER, Mayor

APPROVED AS TO FORM:


ALAN WAYLAND, City Attorney

U:\Planning\Ordinances\HistoricLandmarkComm\193 San Antonio tax ord

Excerpt from the July 11, 2017 Historic Landmark Commission Meeting Minutes

HLC-17-013: Discuss and consider a recommendation to City Council on an extension of Rehabilitation Tax Relief for the property addresses at 193 W. San Antonio Street, a local historic landmark known as the Jacob Schmidt Building for a second five years.

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

Chair Nichols inquired about the changes in the Tax Relief processes since Mrs. McWhorter became the Historic Preservation Officer.

Mrs. McWhorter responded there had been changes, stating that an audit done to the County's tax office had revealed that there had been issues with the 20% benefit for being in the Historic District and the Rehabilitation Tax credit. She stated the accounting is stricter regarding these items now.

Mrs. McWhorter stated a letter is provided to the applicant following approval of the Rehabilitation Tax Relief stating the applicant is responsible for filing it with the County Tax Office. She explained the previous Historic Preservation Office had been filing it for the applicant, but the City no longer files the paperwork since signatures from the applicant are required.

Discussion followed regarding the improvements to the process to provide clarity and ease to the applicant.

Motion by Commissioner Warnecke, seconded by Commissioner Hoffmann, to recommend approval to City Council on an extension of Rehabilitation Tax Relief for the property addresses at 193 W. San Antonio Street, a local historic landmark known as the Jacob Schmidt Building for a second five years Motion carried. (6-0-0)

ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, GRANTING AN EXTENSION OF TAX RELIEF FOR A SECOND FIVE YEAR PERIOD TO THE OWNER OF THE DESIGNATED HISTORIC LANDMARK LOCATED AT 193 W. SAN ANTONIO STREET ALSO BEING CITY BLOCK 1004, LOT W 50 LOT 3 (A), KNOWN AS THE JACOB SCHMIDT BUILDING, 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 landmark located at 193 W. San Antonio Street also being City Block 1004, Lot W 50 Lot 3 (A), known as the Jacob Schmidt Building, be granted the five year extension of 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 28th day of August, 2017.

PASSED AND APPROVED: Second reading this the 25th day of September 2017.

CITY OF NEW BRAUNFELS

BY: _____
Barron Casteel, Mayor

ATTEST:

Patrick Aten, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney

\\chfs-1\Departments\Planning\Ordinances\HistoricLandmarks\193 San Antonio Extension _tax relief.doc



8/28/2017

Agenda Item No. D)

Presenter

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

SUBJECT:

Discuss and consider an appeal of the Non-Residential and Multifamily Design Standards for property addressed at 1287 Gruene Road.

BACKGROUND / RATIONALE:

Case No.: CS-17-015

Council District: 4

Owner: Gruene Texas Partnership 90
1601 Hunter Road
New Braunfels, TX 78130

Applicant: Paul Mueller, authorized agent
1404 N. Camp St.
Seguin, TX 78155
(830) 303-6256

Staff Contact: Matthew Simmont
(830) 221-4058
msimmont@nbtexas.org

Background:

The subject property comprises 2.121 acres just west of the intersection of Hunter Road and Gruene Road, with approximately 100 feet of frontage on Gruene Road. Existing improvements on the property include the historic Gruene water tower and the Gristmill Restaurant. Zoned "C-2" Commercial District, the tract is approximately 350 feet deep and 370 feet wide at its maximum (see Attachment 1).

The subject property is adjacent to Gruene Hall, located at 1281 Gruene Road, which is under the same ownership.

Proposal:

The applicant intends to construct a new free-standing restroom facility on the subject property that would serve customers and events held at Gruene Hall. The building would be located immediately adjacent to the Gruene Hall property and new fencing would be constructed to delineate access to the restroom building (Attachment 3).

New Braunfels' Zoning Ordinance requires 80% of a commercial building facade, excluding doors and windows, to be clad in "primary materials" (see Attachment 8). The lower 4 feet of all walls are to be clad in brick, stone, cast stone, rock, marble, granite, split-face concrete block, pour-in-place concrete or tilt-wall concrete (Chapter 144, Section 5.22).

The proposed building does not conform to these requirements. The exterior of the proposed building is to be clad in reclaimed board and batten siding that is intended to be identical to the finish of the two other freestanding restrooms on the property near the Gristmill restaurant.

The applicant has indicated in their application that the proposed building will utilize materials that are complementary to and harmonious with the surrounding structures.

Lot Size:
2.121 acres

Surrounding Zoning & Land Use:

North	C-2	Commercial	Gruene Haus - retail Cantino Del Rio - restaurant
South	C-3	Commercial	Gruene Mansion Inn - bed & breakfast
East	C-2	Commercial	Gruene Hall
West	C-2	Undeveloped	Guadalupe River

Comprehensive Plan/Future Land Use Designation:
Commercial

Improvement(s):
Gristmill, Gruene water tower, restroom buildings, decking and additional improvements.

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

X	No	City Plan/Council Priority: Comprehensive Plan	Pros: Goal 12: <i>Protect and enhance the visual environment of the City.</i> The proposed building will be consistent with surrounding structures and architectural styling of this unique area within the City. Cons: None
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FISCAL IMPACT:
N/A

COMMITTEE RECOMMENDATION:
N/A

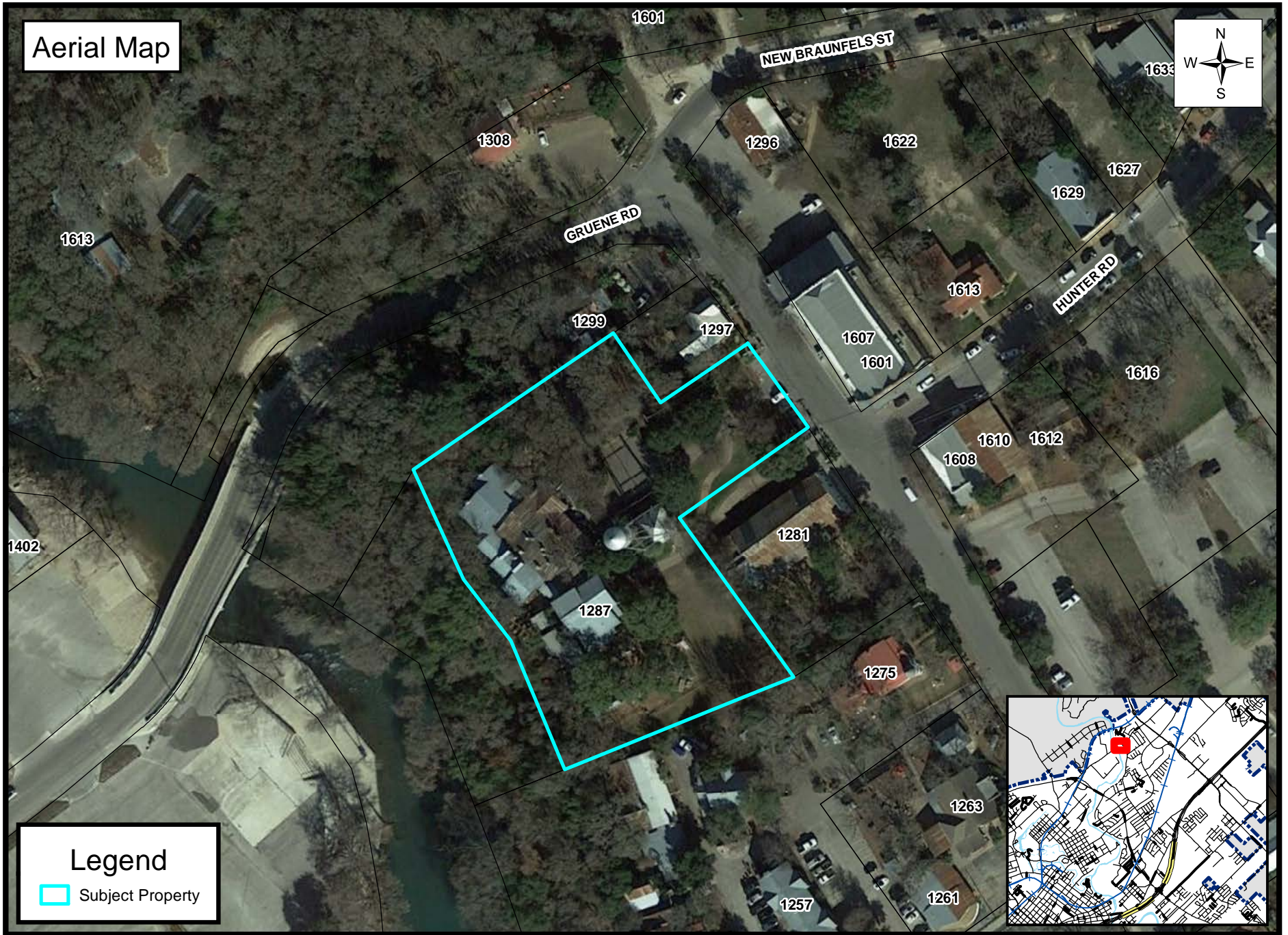
STAFF RECOMMENDATION:
Staff recommends approval of the applicant's request. The proposed structure is to be located within

an area of the City that is characterized by unique and historic architectural styling that the proposed restroom building would be consistent with. The proposed new building retains the authentic look by following the design methodology and materials of other nearby structures. The exterior wood material will be used in the board and batten style with exposed rafter tails and a reclaimed tin roofing material. The result will be a non-prefabricated building that is complimentary to Gruene Hall and surrounding properties.

Attachments:

1. Aerial
2. Application
3. Site Plan
4. Proposed Building Plans
5. Photographs of Proposed Finish Materials
6. Zoning Map
7. Existing Land Use Map
8. Section 5.22

Aerial Map



Legend

 Subject Property



CS-17-015
1287 Gruene Rd.
Appeal of Building Design Standards

Map Created 8/1/17

**APPEAL OF BUILDING DESIGN STANDARDS**

Planning and Community Development
550 Landa Street, New Braunfels TX 78130
Phone: (830) 221-4050

CS-17015
ms

PLANNING**1. Property Owner(s):**

Name: GRUENE TEXAS PARTNERSHIP 90
Mailing Address: 1601 HUNTER RD., N.B., TX 78130
Email: pat@gruene-texas.com
Telephone: 830-629-5077 Mobile: _____

2. Agent: (If the applicant is not the owner, a letter of authorization must be furnished from the owner(s) at the time the application is submitted.)

Name: PAUL MUELLER - THE KOEHLER COMPANY
Mailing Address: 1404 N. CAMP ST.
Email: pmueller@thekoehlercompany.com
Telephone: 830-303-6256 Mobile: 830-743-1141

3. Property Address/Location: 1287 GRUENE RD.**4. Detailed description of design standard(s) not in compliance with Sec. 5.22 Non-Residential and Multifamily Design Standards (use additional sheet if necessary):** THE EXTERIOR**5. Reason for request (use additional sheet if necessary):** THE PROPOSED NEW STRUCTURES MATERIALS REFLECT THE SURROUNDING/EXISTING STRUCTURES MATERIALS**6. Attachments:** The following items must be submitted with the application:

<input checked="" type="checkbox"/> Completed application.	<input checked="" type="checkbox"/> Site plan.
<input checked="" type="checkbox"/> \$300 application fee.	<input checked="" type="checkbox"/> Details of construction materials.
<input checked="" type="checkbox"/> Façade elevation drawing.	

The undersigned hereby requests City Council to consider an appeal to the Building Design Standards for the location(s) stated above.

PAUL A. MUELLER
Print Name of Owner/Agent

Paul Mueller
Signature of Owner/Agent

7-11-17
Date

FOR OFFICE USE ONLY:

Received by: ms Date Received: 7/14/17 Receipt No.: 242711
Council Meeting Date: 8/28/17 Case No.: _____

A CALLED 0.121 ACRE
VOL. 255, PG. 295
D.R.C.C.T.

A CALLED 0.743 ACRES
DOC. # 464943
O.P.R.C.C.T.

SEWER LINE EASEMENT
VOL. 243, PG. 642
D.R.C.C.T.

S34°29'53"E
20.00'

N55°30'05"E 339.91'

N55°30'05"E 100.00'

S55°30'05"W 100.07'

LOT 1, BLOCK N
CYPRESS RAPIDS
AT GRUENE
SECTION ONE
VOL. 5, PG. 38

OUTHOUSE

N55°29'47"E 100.00'

FIRE DEPT.
BOX

LOT 2

S34°33'26"E
80.00'

FND MAG NAIL

VINTAGE STRUCTURE

RAIN CATCHER

SHED

PUMP HOUSE

WOOD DECK

COV'D
DECK

COV'D
DECK

RESTROOM

RESTROOM

STAGE

BANDSTAND

TRACT ONE
(3.48 ACRES)

GRASSY LAWN
AREA

Restroom Bldg.

41'-0"

13'-0"

FND 1" PIPE

STORE

HOSTESS
STAND

WATER TOWER
LEGS

CONC. PLANTER

GRUENE HALL

LOT 3

FOUNTAIN
PLANTER

HORSESHOE PIT

LOT 4B-A
CYPRESS RAPIDS AT GRUENE
VOL. 11, PG. 21
M.P.R.C.C.T.

LOT 5A-R
CYPRESS RAPIDS AT GRUENE
VOL. 15, PG. 59
M.P.R.C.C.T.

0.069 ACRES
VOL. 543, PG. 345
O.P.R.C.C.T.

26.42'

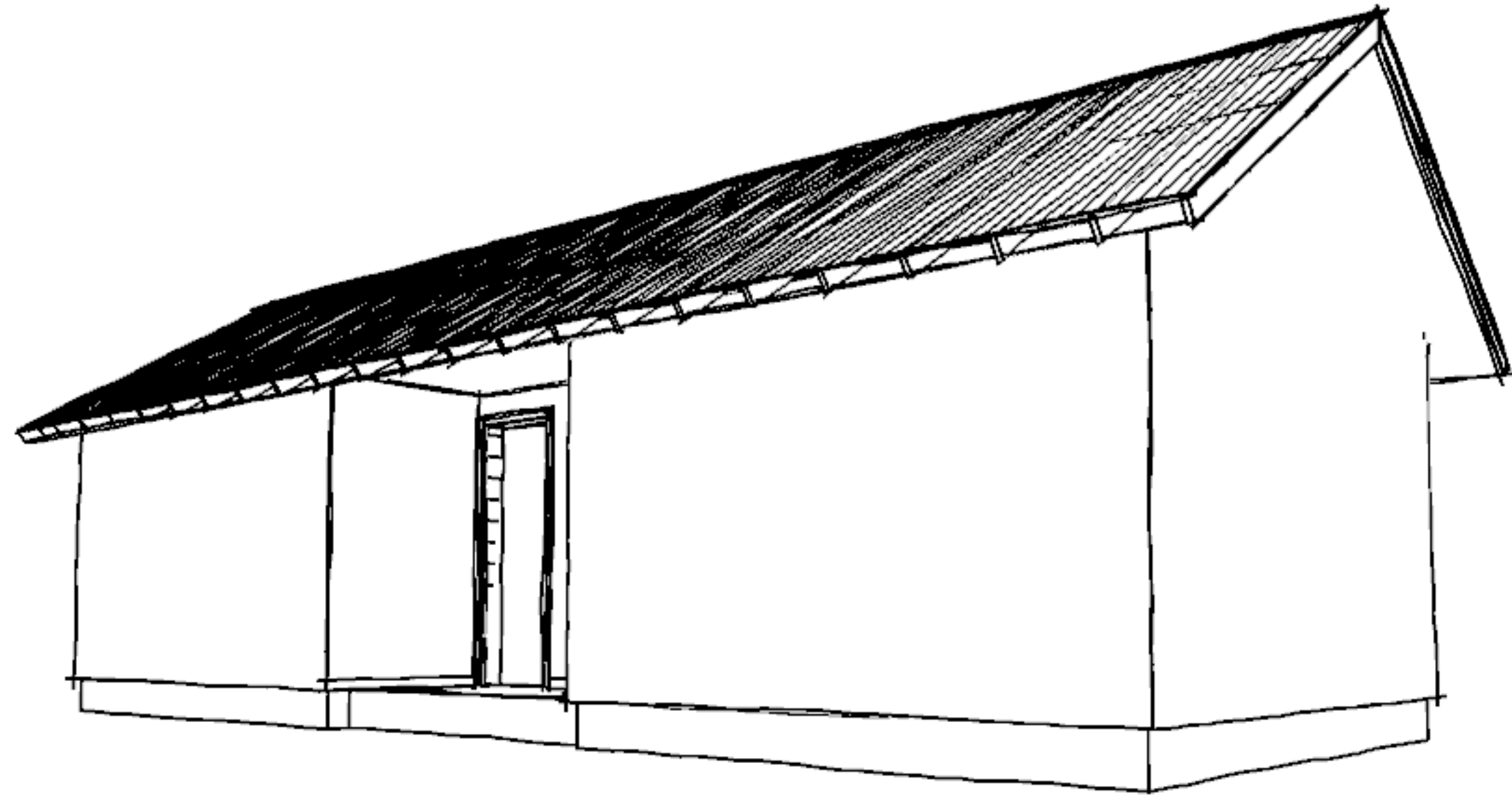
S67°12'34"W 326.24'

S56°21'34"W 142.56'

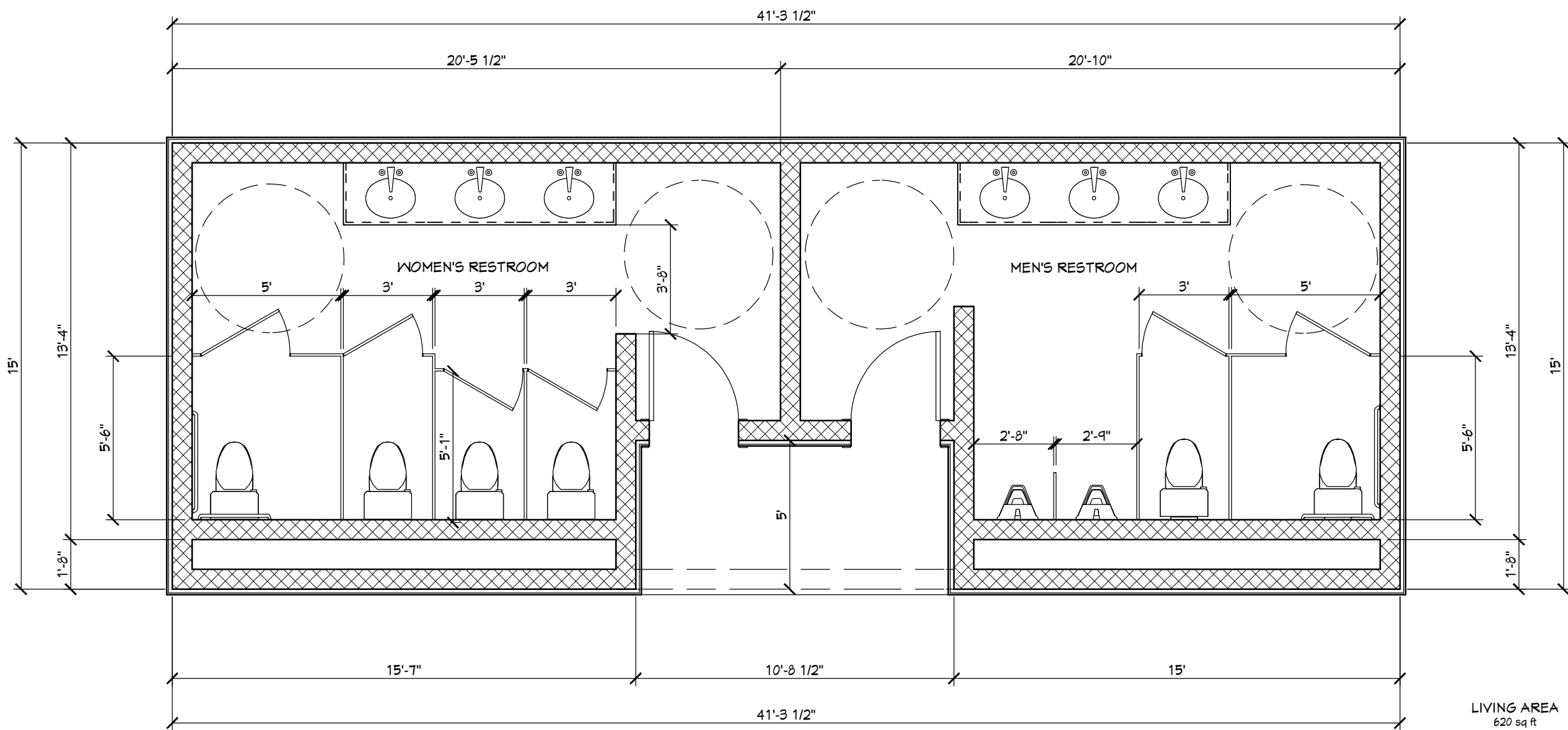
15' U.E.

S34°37'31"E 290.48'

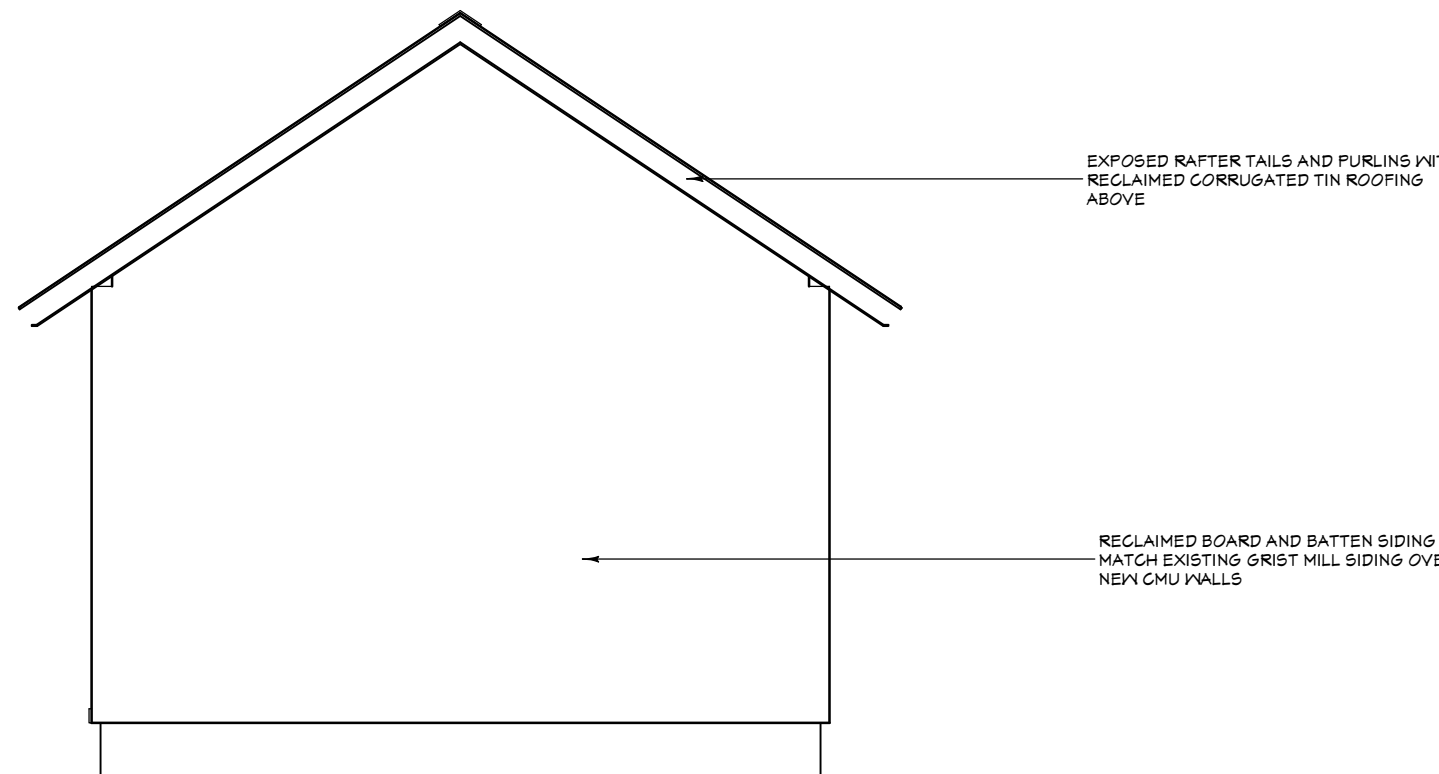
S34°29'55"E 2.00'



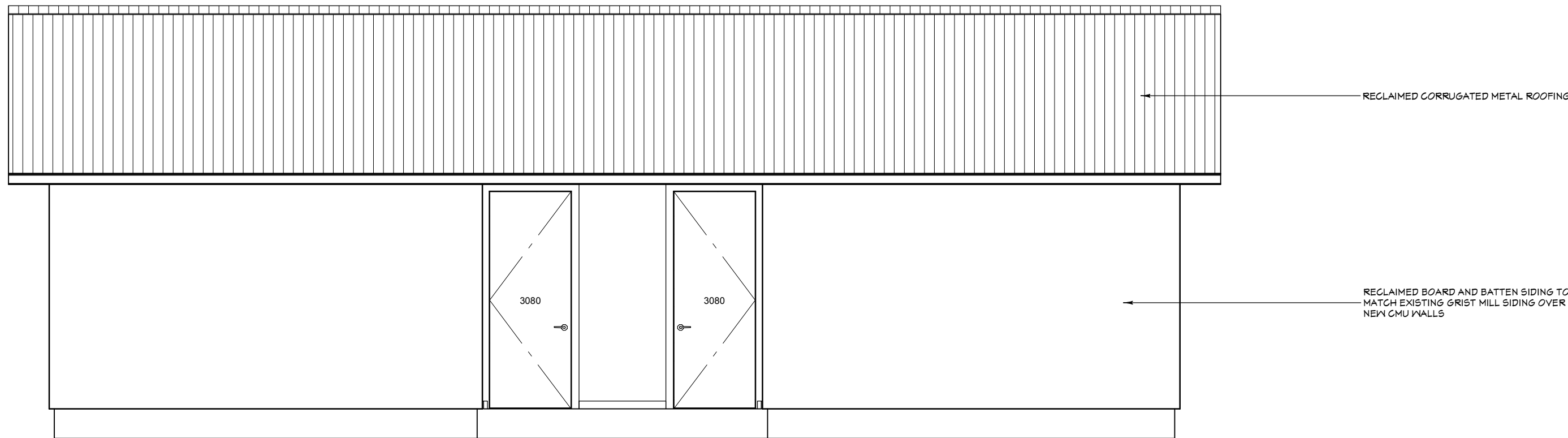
PERSPECTIVE



FLOOR PLAN



NORTH ELEVATION



EAST ELEVATION

NO. DESCRIPTION BY DATE

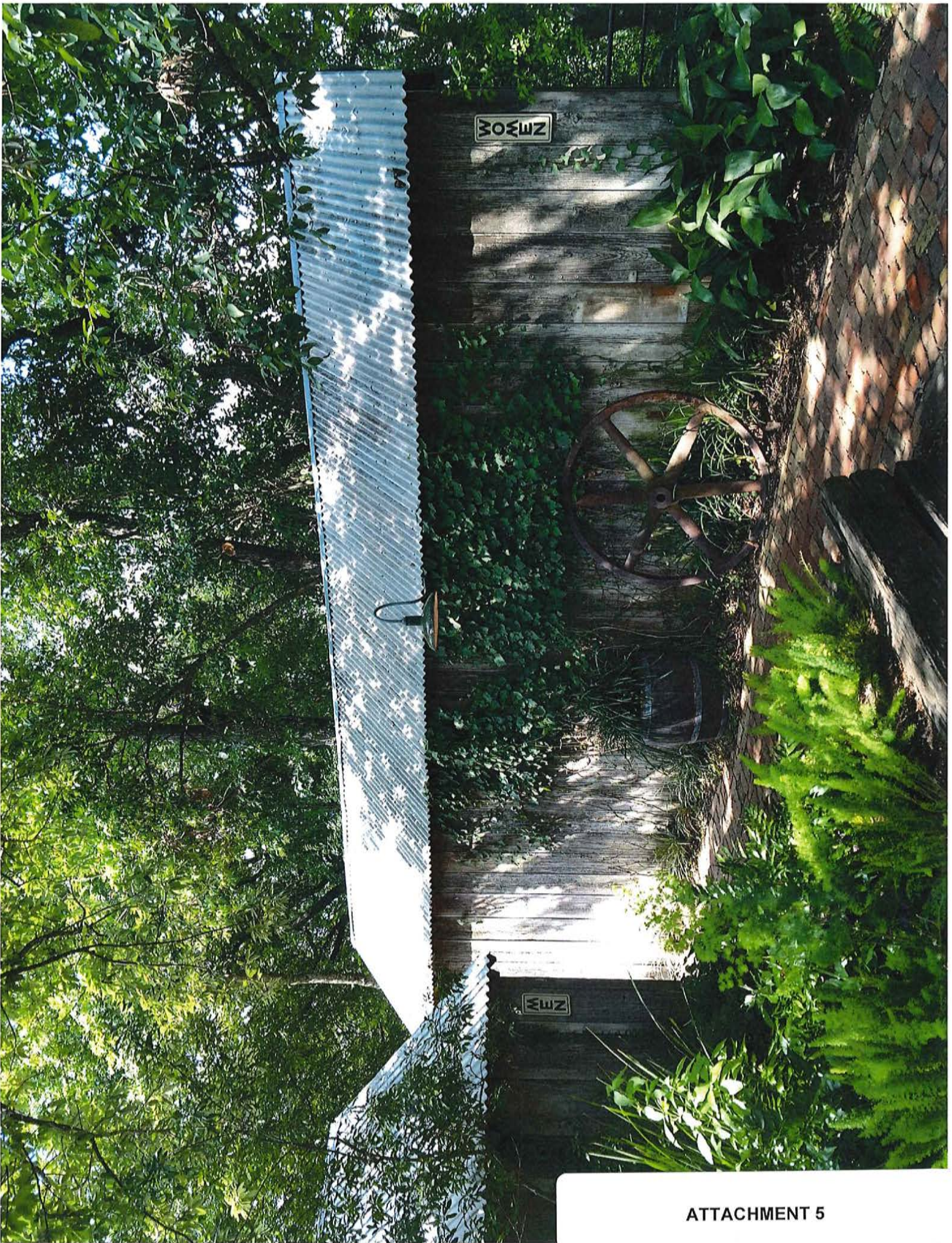
GRUENE HALL RESTROOM BUILDING

DRAWINGS BY:
THE KOEHLER COMPANY
1404 N. CAMP ST.
SEGUIN, TEXAS 78155

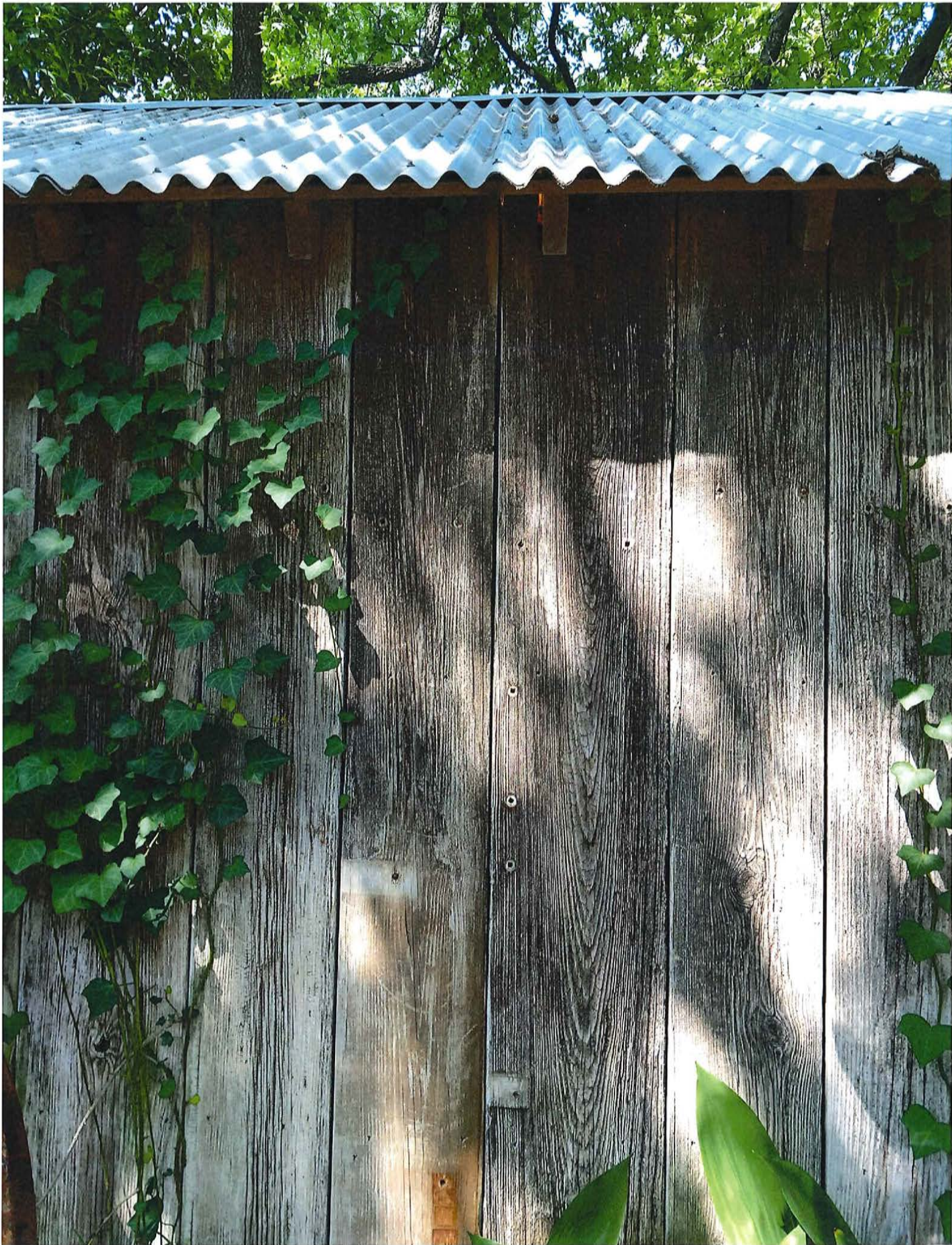
DATE:
5/24/2017

SCALE:

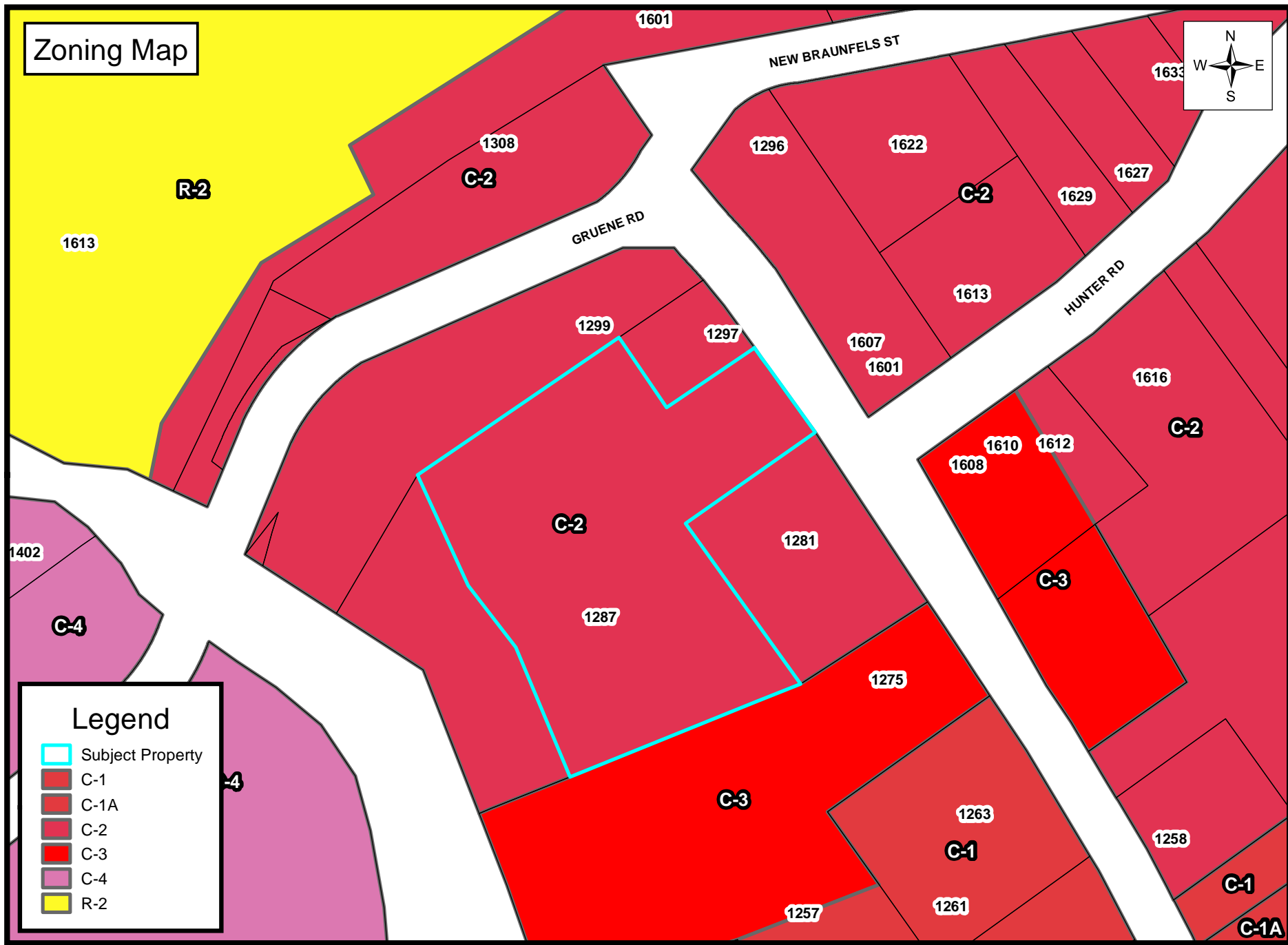
SHEET:
A-1



ATTACHMENT 5

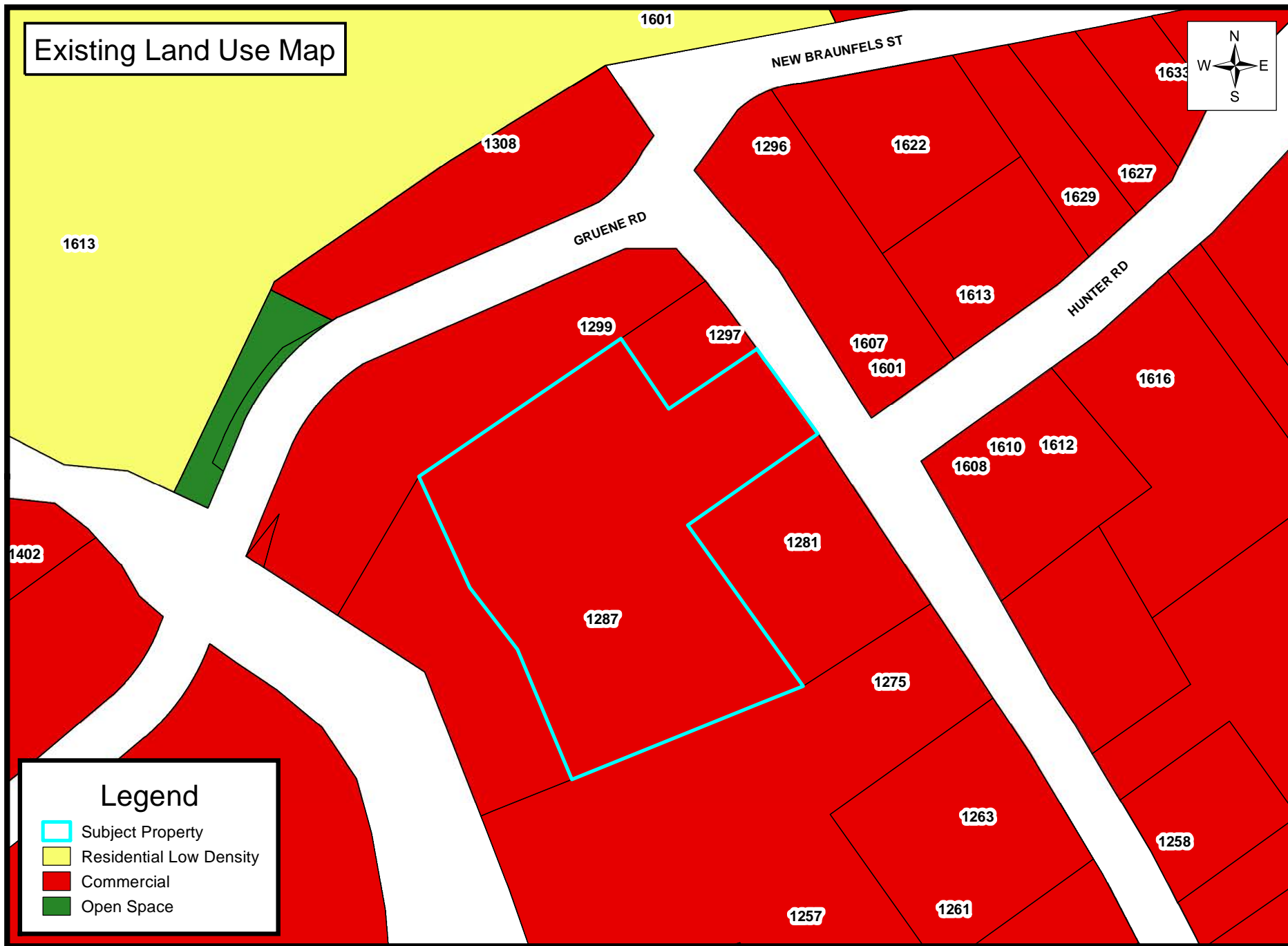


Zoning Map



Legend

- Subject Property
- C-1
- C-1A
- C-2
- C-3
- C-4
- R-2



5.22. Non-Residential and Multifamily Design Standards.

5.22-1 Applicability of Non-Residential Design Standards. All non-residential and multifamily buildings, with the exception of those described in Section 5.22-2, below, that are adjacent to or front a public roadway, public park or Residential District must comply with the standards of this Section.

5.22-2. Structures Exempt from Design Standards.

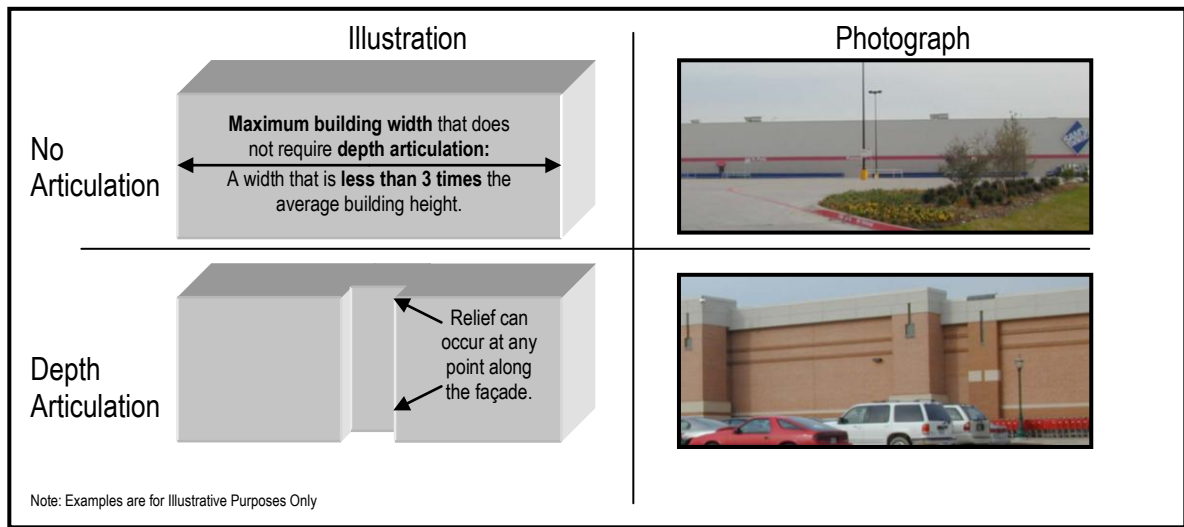
- (a) Industrial uses. Industrial Use buildings shall be exempt from the Design Standards when located in a zoning district that allows industrial use and where adjacent to other properties zoned and/or used for industrial purposes;
- (b) Expansions of existing buildings containing 10,000 sq. ft. or less gross floor area, if the expansion is no more than 40 percent of the existing building area;
- (c) Expansions of existing buildings containing more than 10,000 sq. ft gross floor area, if the expansion is no more than 20 percent of the existing building area;
- (d) Metal buildings used for industrial uses are not exempt from additional landscape standards as required in Section 5.22-3(e).
- (e) *Additional Landscaping for Metal Buildings for Industrial Uses.* All metal industrial buildings shall incorporate the following elements in addition to Section 5.3 of the Zoning Ordinance:
 - (1) A minimum of one tree and four shrubs for every 40 feet (or portion thereof) of building façade that is adjacent to or fronting a public roadway, public park or Residential District shall be installed using trees from the approved plant list (Zoning Ordinance: Chapter 144). The above requirements shall be planted within 40 feet of the building façade.
 - (2) Trees shall be planted no closer than 20 feet apart.
 - (3) In no event may trees other than ornamental trees listed in Appendix A of the Zoning Ordinance be planted under overhead power lines.
 - (4) All new trees shall be provided with a permeable surface of 60 square feet per tree under the drip line.
 - (5) All planting areas shall be a minimum of five feet in width.

5.22-3 Building Mass, Articulation and Building Elements.

- (a) *Purpose.* In order to provide building articulation and interest in design and human scale to the façade of a building, a variety of building techniques are required. The purpose of this section is to ensure that the front of non-residential and multifamily structures have a variety of offsets, relief, and insets to provide a more interesting façade appearance.
- (b) *Applicability.* The following articulation standards shall apply to building facades facing a public street.
- (c) *Building Articulation.*
 - (1) *Horizontal (or Depth) Articulation.*
 - (i) Maximum Distance between Offsets: No building façade shall extend for a distance greater than three times its average height without a perpendicular offset.
 - (ii) Minimum Depth of Offsets: Offset depth shall be a minimum 15 percent of the average building height.

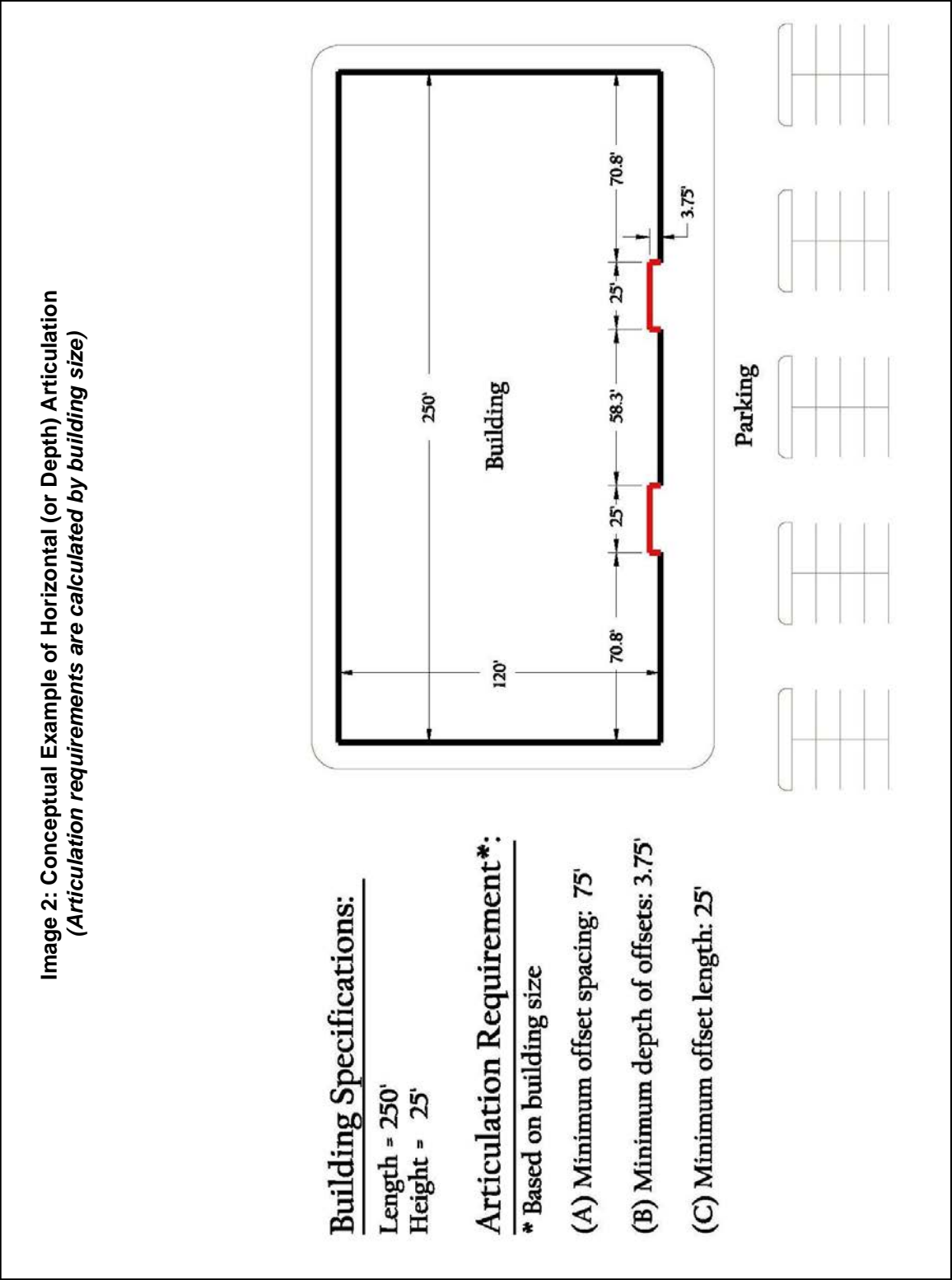
- (iii) Minimum Length of Offsets: Offset shall extend laterally for a distance equal to at least 10 percent of the entire façade.
- (iv) Offset Depth Variation: Offsets can be of varying depth as long as the minimal standard is satisfied.
- (v) Façade Calculation: For calculation purposes, the façade shall be considered the total distance of the building line.

Image 1 - Horizontal (or Depth) Articulation Examples



(continued on next page)

Image 2 – Conceptual Example of Horizontal (or Depth) Articulation



(2) *Vertical (or Height) Articulation.*

- (i) Maximum Distance between Elevation Changes: No wall shall extend horizontally for a distance greater than three times its average height without a change in elevation.
- (ii) Minimum Height of Elevation Changes: An elevation change height shall be a minimum 15 percent of the average building height.
- (iii) Minimum Length of Elevation Changes: An elevation change shall continue to extend laterally for a distance equal to at least 10 percent of the entire façade.
- (iv) Elevation Change Variation: Elevation changes can be of varying heights as long as the minimal standard is satisfied.
- (v) Façade Calculation: For calculation purposes, the façade shall be considered the total distance of the building façade.

Image 3 - Vertical (or Height) Articulation Examples

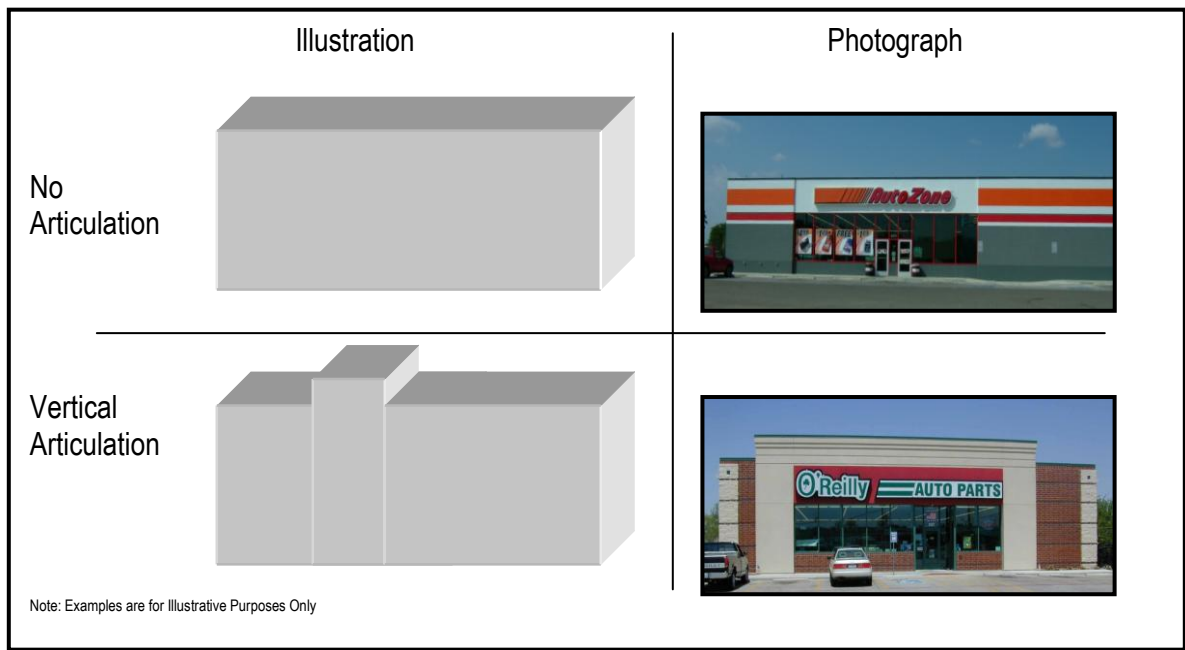
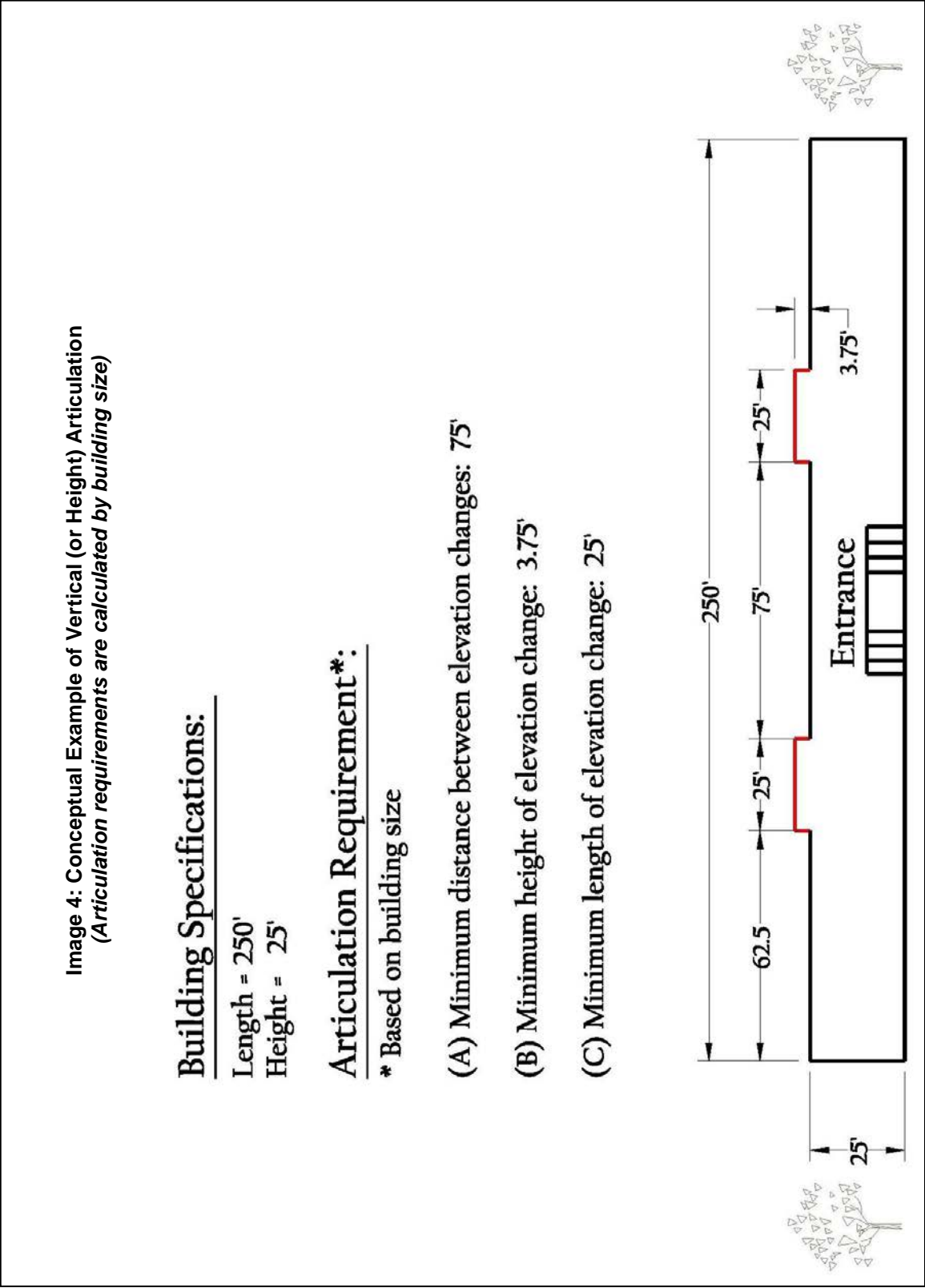


Image 4 - Horizontal (or Depth) Articulation Examples



(d) *Building Elements.*

All buildings shall incorporate at least four of the following building elements:

- (1) lighting features,
- (2) awnings,
- (3) canopies,
- (4) alcoves,
- (5) windows,
- (6) recessed entries,
- (7) ornamental cornices,
- (8) pillar posts,
- (9) other building elements that contribute to the human scale of a building.

(e) *Additional Landscaping for Metal Buildings for Industrial Uses.* All metal industrial buildings shall incorporate the following elements in addition to Section 5.3 of the Zoning Ordinance:

- (1) A minimum of one tree and four shrubs for every 40 feet (or portion thereof) of building façade shall be installed using trees from the approved plant list (Zoning Ordinance: Chapter 144). The above requirements shall be planted within 40 feet of the building façade.
- (2) Trees shall be planted no closer than 20 feet apart.
- (3) In no event may trees other than ornamental trees listed in Appendix A of the Zoning Ordinance be planted under overhead power lines.
- (4) All new trees shall be provided with a permeable surface of 60 square feet per tree under the drip line.
- (5) All planting areas shall be a minimum of five feet in width.

5.22-4 Exterior Building Materials.

Exterior Finish Requirement. At least 80 percent of the vertical walls of all buildings (excluding doors and windows) to which these standards apply, shall be finished in one or more primary materials. In every instance, the lower four feet of the vertical walls of all buildings must be finished in one or more of the primary materials.

(a) Primary Materials:

- (1) Brick, stone, cast stone, rock, marble, granite;
- (2) Glass block, tile;
- (3) Stucco or plaster;
- (4) Glass with less than 20 percent reflectance (however, only a maximum of 50 percent of a building may be constructed in glass);

(5) Split-face concrete block, poured-in-place concrete, and tilt-wall concrete. Any use of concrete products shall have an integrated color and be textured or patterned. Tilt-wall concrete structures shall include reveals, punch-outs, or other similar surface characteristics to enhance the façade on at least ten percent of each façade.

(6) Fiber cement, such as James Hardie brand products or equivalent.

(b) Masonry. In every instance, the lower four feet of the vertical walls of all buildings must be finished in one or more of the primary materials noted in subsection (a)(1) or (a)(5) above.

(c) Secondary Materials. The remaining 20 percent of the exterior finish is discretionary and may include, but is not limited to, Exterior Insulation and Finish System (EIFS), wood, metal (including stamped, embossed, or coated panels) or other non-reflective materials.

(d) Additions to existing structures with vertical walls made of wood, including shingles and siding, may utilize wood in an amount consistent with the percentage of wood on the original structure.

5.22-5. Consistent Façade Standard.

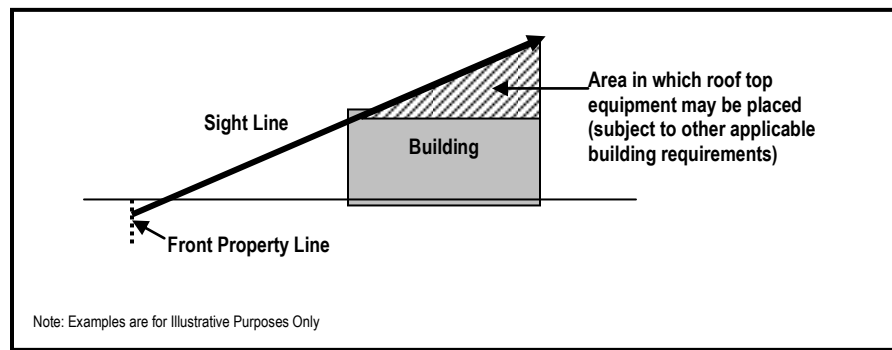
(a) All façades or sides of a building shall be designed with architectural style and building materials consistent with the front facade.

(b) Side or rear facing facades, not on a public roadway, are not required to meet the articulation standards in Section 5.22-3.

5.22-6 Roof Treatments.

(a) Parapets shall be used to conceal roof top equipment on flat roofs. If a sight line drawing is provided with the site plan showing that all roof top equipment will not be visible from the public right of way or adjacent property., then a parapet wall shall not be required.

Image 5 - Sight Line Example



(b) Where overhanging eaves are used, overhangs may be no less than two feet beyond the supporting walls.

(c) Any roof using shingles shall use dimensional shingles (shingles that have a shadow at the top exposure to give added depth and definition).

(d) Red Tile Roofs: Red tile roofs are not considered shingles for the purpose of the section.

5.22-7 Roof Types.

The following types of roofs are prohibited:

- (a) Mansard roofs and canopies without a minimum vertical distance of eight feet and at an angle not less than 25 degrees, and not greater than 70 degrees;
- (b) Back-lit awnings used as a mansard or canopy roof.

5.22-8 Entryways/Customer Entrance Treatments and Pedestrian Routes.

- (a) Any front entry shall be set back from the drive a minimum distance of 15 feet.
- (b) Single-use or multi-tenant buildings over 60,000 square feet in size must provide clearly defined, highly visible customer entrances that include an outdoor patio area, at least 200 square feet in area, that incorporates the following:
 - (1) Benches or other seating components;
 - (2) Decorative landscape planters or wing walls that incorporate landscaped areas;
 - (3) Structural or vegetative shading; and
 - (4) Pedestrian routes between parking areas and buildings.

5.22-9 Applications Procedures.

The above standards shall be required to be shown on a site plan that is part of a building permit application. Façade elevation drawings shall also be required.

5.22-10 Appeal Procedures.

- (a) Enforcement of this ordinance may be appealed to the City Council.
- (b) Appeal Procedures:
 - (1) All appeal actions for a site plan application denied by the Planning Director or his/her designee shall be submitted to and reviewed by the City Council, if requested by the applicant.
 - (2) An appeal must be made in writing on an application form available in the Planning Department, shall be accompanied by an application fee of \$300 and shall include a site plan, building elevation plan and landscape plan.
 - (3) The appeal shall be scheduled for consideration of the site plan on the regular agenda of the Council within 30 days after the appeal application is received, or, in the case of an incomplete application, 30 days after the submission is deemed complete.
 - (4) The Council shall review the site plan and shall recommend approval, approval subject to certain conditions, or disapproval of the concept plan or building site plan.
 - (5) The City Council shall determine final approval or disapproval of all site plan appeals.

8/28/2017

Agenda Item No. E)

Presenter

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

SUBJECT:

Discuss and consider an appeal of the Non-Residential and Multifamily Design Standards and articulation requirements for a proposed diesel mechanic shop addressed at 556 Danken Lane in the "C-3" Commercial District.

BACKGROUND / RATIONALE:

Case No.: CS-17-014

Council District: 6

Owner: Kahlig Enterprises
9207 San Pedro Avenue
San Antonio, TX 78216

Applicant: Bluebonnet Motors (Wes Studdard)
351 IH 35 S
New Braunfels, TX 78130
(830) 606-8011

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

Background:

The subject property comprises 1.53 acres at the northwest corner of the intersection of Danken Lane and Executive Drive, with approximately 265 feet of frontage on Executive Drive and 255 feet of frontage on Danken Lane and is zoned "C-3" Commercial District. The property is currently fully paved and utilized as a parking lot for Bluebonnet Motors employees and vehicle inventory.

Proposal:

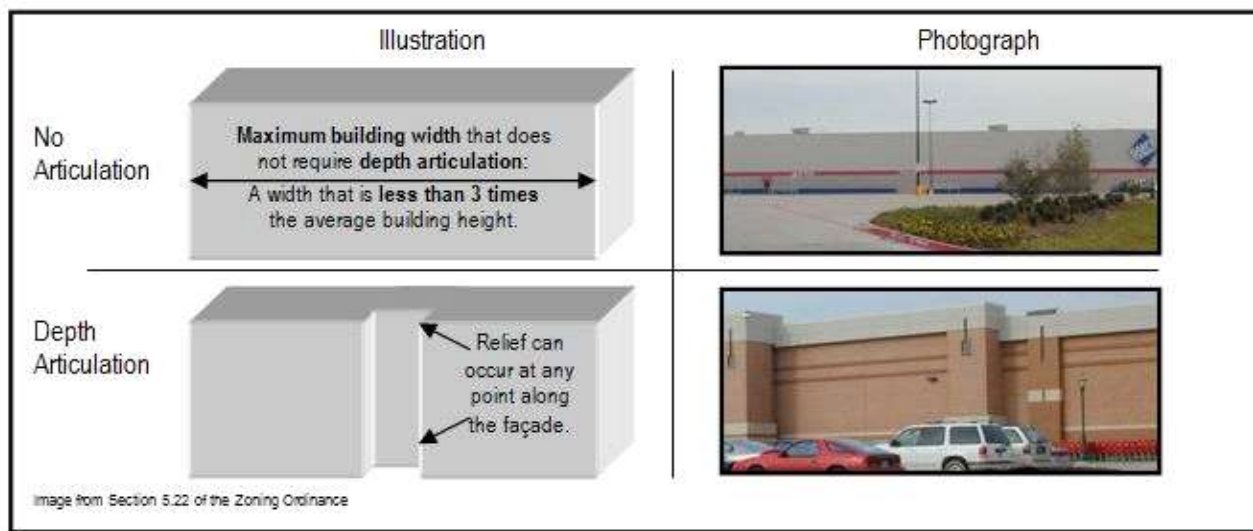
The applicant proposes to construct a new building on the property to be utilized as a diesel mechanic shop for Bluebonnet Motors (see Attachment 3). The proposed building would be 180 feet wide by 30 feet deep and 20 feet in height with 8 mechanic bays. The building is proposed to be constructed of metal and include a 100% exterior metal façade (see Attachment 4). The applicant's proposed building would not meet building design requirements adopted to improve the quality and aesthetics of new construction, help provide human scale to the façade of buildings, and provide a more interesting façade appearance.

Exterior Finish Material Requirement (Attachment 8, Chapter 144, Section 5.22):

New Braunfels' Zoning Ordinance requires 80% of facades, excluding doors and windows, to be clad in "primary materials". The lower 4 feet of all walls are to be clad in brick, stone, cast stone, rock, marble, granite, split-face concrete block, pour-in-place concrete or tilt-wall concrete.

Horizontal Articulation (Attachment 8, Chapter 144, Section 5.22-3(c)(1)):

The horizontal articulation requirements for the proposed building only apply to the building facades facing Danken Lane and Executive Drive. The front facade as proposed would not meet the minimum horizontal articulation requirements. The width of the front façade is 180 feet with an average height of 20 feet. According to the design standards, no portion of the façade shall extend for more than three times the average height (60 feet) without depth articulation. To meet the design standards, there would need to be a minimum of 2 horizontal offsets (relief) at least 3 feet deep (15% of the average building height), extending a width of at least 18 feet (10% of the width of the building façade), positioned on the façade so that no portion of the façade would extend for more than 60 feet without an offset. The required offsets could be an inset or a protrusion as depicted in the following illustration:

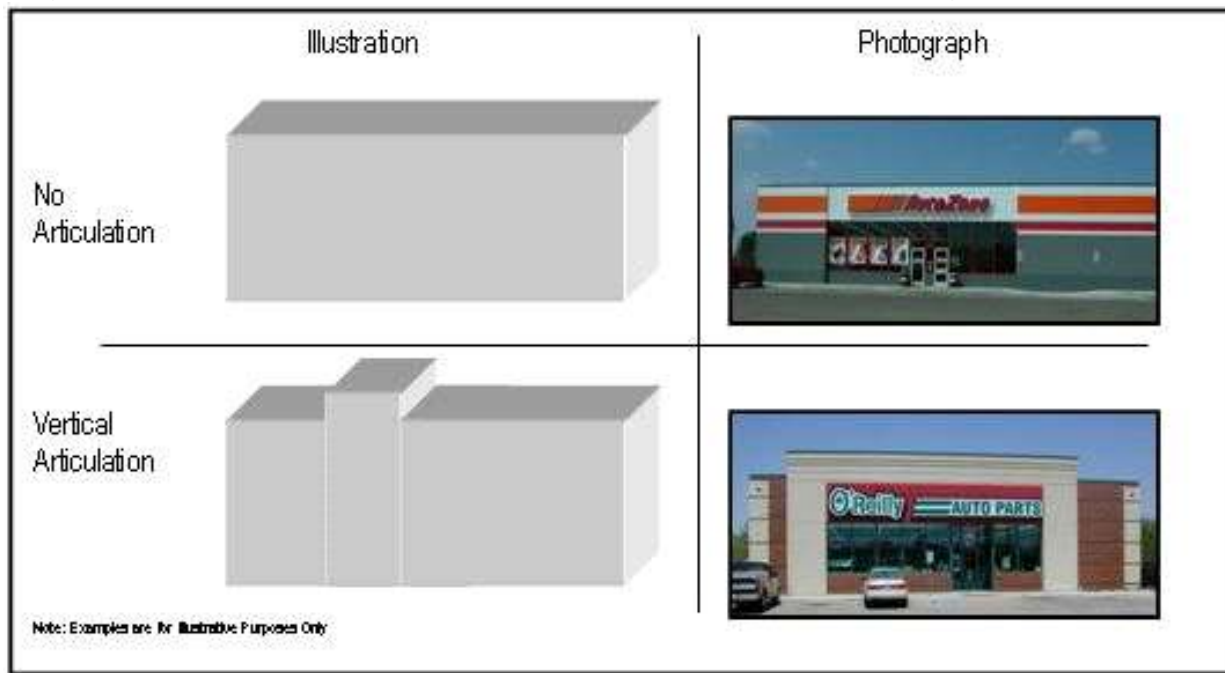


The width of the side façade is proposed to be 30 feet with an average height of 20 feet. According to the design standards, no horizontal articulation would be required as the width of the façade is less than 3 times the height of the building.

Vertical Articulation (Attachment 8, Chapter 144 Section 5.22-3(c)(2)):

The Vertical articulation requirements for the proposed building also only apply to the building facades facing Danken Lane and Executive Drive. The front facade as proposed would not meet the minimum vertical articulation requirements. The width of the front façade is 180 feet with an average height of 20 feet. According to the design standards, no portion of the façade shall extend for more than three times the average height (60 feet) without a change in façade elevation. To meet the design standards, there would need to be a minimum of 2 vertical offsets (relief) with a change in elevation height of at least 3 feet (15% of the average building height), extending a width of at least 18 feet (10% of the width of the building façade), positioned on the façade so that no portion of the

façade would extend for more than 60 feet without an offset. The offsets can be of varying heights as long as the minimal standard is satisfied as depicted in the following illustration:



The width of the side façade is 30 feet with an average height of 20 feet. According to the design standards, no horizontal articulation would be required as the width of the façade is less than 3 times the height of the building.

As for the location of the building on the property, the applicant is requesting approval for two potential locations on the site (see attachment 3). The applicant's preferred location (outlined in yellow) is adjacent to the side lot line on Danken Lane. The applicant has indicated he would like the building to be located as close to Danken Lane as possible and the site plan shows the building to encroach 10 feet into the 25-foot front setback. Neither staff nor City Council can approve a setback encroachment. The applicant would need to apply for a variance to be considered by the Zoning Board of Adjustment who would have to make a finding of physical hardship.

The alternative location (outlined in blue) is adjacent to the interior side lot line (adjacent to the City's detention lot). This location complies with all setback requirements.

Lot Size:
1.53 acres

Surrounding Zoning & Land Use:

North	C-3	Commercial	The Rush Building
South, across Danken Lane	C-3	Commercial	Parking Lot
East, across Executive Drive	C-1A & C-3	Commercial	Parking Lot

West	C-3	Undeveloped	City Drainage Detention
------	-----	-------------	-------------------------

Comprehensive Plan/Future Land Use Designation:
Commercial

Improvement(s):
Asphalt parking lot.

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

X	No	City Plan/Council Priority: Comprehensive Plan	Pros: None Cons: Goal 9A: <i>Consider establishing architectural standards and building material standards for nonresidential structures.</i> The proposed building does not comply with the minimum articulation and exterior building materials requirements established per Section 5.22, Chapter 144, New Braunfels Code of Ordinances. Goal 12: <i>Protect and enhance the visual environment of the City.</i> The proposed building will not be consistent with surrounding buildings in the area and will not comply with the City's adopted standards for building design.
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FISCAL IMPACT:
N/A

COMMITTEE RECOMMENDATION:
N/A

STAFF RECOMMENDATION:

Staff has not found a unique circumstance existing on the subject property that would justify an exemption from the Non-Residential and Multifamily Design Standards, and therefore recommends denial. However, if City Council is inclined to approve the applicant's request, staff recommends additional landscaping be planted in accordance with Chapter 144, Section 5.22-3(e)(1-5) - the same landscaping that would be required for a metal industrial use building (6 trees and 24 shrubs). Trees and shrubs would provide visual interest and a vegetative buffer between the facility and the public roadway.

Attachments:

1. Aerial
2. Application
3. Site Plan
4. Proposed Building Plans
5. Photographs of Subject Property
6. Zoning Map
7. Existing Land Use Map
8. Section 5.22 Building Design Standards



Map Created 8/9/17

CS-17-024
556 Danken Lane
Appeal of Building Design Standards



Legend
Subject Property





APPEAL OF BUILDING DESIGN STANDARDS

Planning and Community Development
550 Landa Street, New Braunfels TX 78130
Phone: (830) 221-4050

CS-17-014

JUL 12 2017

PLANNING

1. Property Owner(s):

Name: BLUEBONNET MOTORS
Mailing Address: 351 IH 35 S.
Email: wstuddard@bbmotors.com
Telephone: 830-606-8011 Mobile: 830-237-4077

2. Agent: (If the applicant is not the owner, a letter of authorization must be furnished from the owner(s) at the time the application is submitted.)

Name: _____
Mailing Address: _____
Email: _____
Telephone: _____ Mobile: _____

3. Property Address/Location: EXECUTIVE DR. @ DANKEN LANE

4. Detailed description of design standard(s) not in compliance with Sec. 5.22 Non-Residential and Multifamily Design Standards (use additional sheet if necessary):

75% MASONRY AND ARTICULATION AND
25' FEET SETBACK ADJACENT TO DANKEN LANE

5. Reason for request (use additional sheet if necessary):

BUILDING IS A MECHANICAL SHOP BEHIND THE RUSH
BUILDING AND ADJACENT TO CITY DETENTION/DRAINAGE
DITCH. PROPOSED CONSTRUCTION IDENTICAL TO BUILDING BEHIND GARMAN'S
MEAT MARKET

6. Attachments: The following items must be submitted with the application:

<input checked="" type="checkbox"/> Completed application.	<input checked="" type="checkbox"/> Site
<input checked="" type="checkbox"/> \$300 application fee.	<input checked="" type="checkbox"/> Deta
<input checked="" type="checkbox"/> Façade elevation drawing.	

The undersigned hereby requests City Council to consider an appeal to the Building Design Standards at the location(s) stated above.

WES STUDDARD

Print Name of Owner/Agent

Wes Studdard

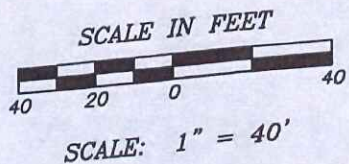
Signature of Owner/Agent

7/12/17

Date

FOR OFFICE USE ONLY:

Received by: MS Date Received: 7-12-17 Receipt No.: 242704
Council Meeting Date: August 28, 2017 Case No.: CS-17-014



LOT 1
EXECUTIVE PARK
UNIT ONE
(VOL. 8, PG. 106)

(N64°46'59"E, 261.77-PLAT)
N 64°14'58" E 261.77'

S 11°02'24" E 14.75'
(14.75-PLAT)

80' DRAINAGE EASEMENT
(VOL. 124, PG. 276)

(N23°45'29"W-265.00-PLAT)
N24°15'39"W 265.40'

PART 2
1.530 ACRES
(66,652 sq.ft.)

LOT 2
BLOCK 1
EXECUTIVE PARK
UNIT TWO
(VOL. 8, PG. 240)

ASPHALT

CHAINLINK FENCE

RETAINING WALL

15' UTILITY EASEMENT

EXECUTIVE DRIVE
(60' R.O.W.)

CUF

25' BUILDING SETBACK LINE

15' UTILITY EASEMENT

CHAINLINK FENCE

25' BUILDING SETBACK LINE

15' UTILITY EASEMENT

CHAINLINK FENCE

S 64°15'01" W 252.40'

(S64°53'07"W, 252.40-PLAT)

DANKEN LANE (60' R.O.W.)

(N64°53'07"E, 256.53-PLAT)

N64°15'01"E, 256.87'

15' UTILITY EASEMENT

25' BUILDING SETBACK LINE

(N25°06'52"W 184.20' - PLAT)
N25°44'56"W 184.09'

15' UTILITY EASEMENT

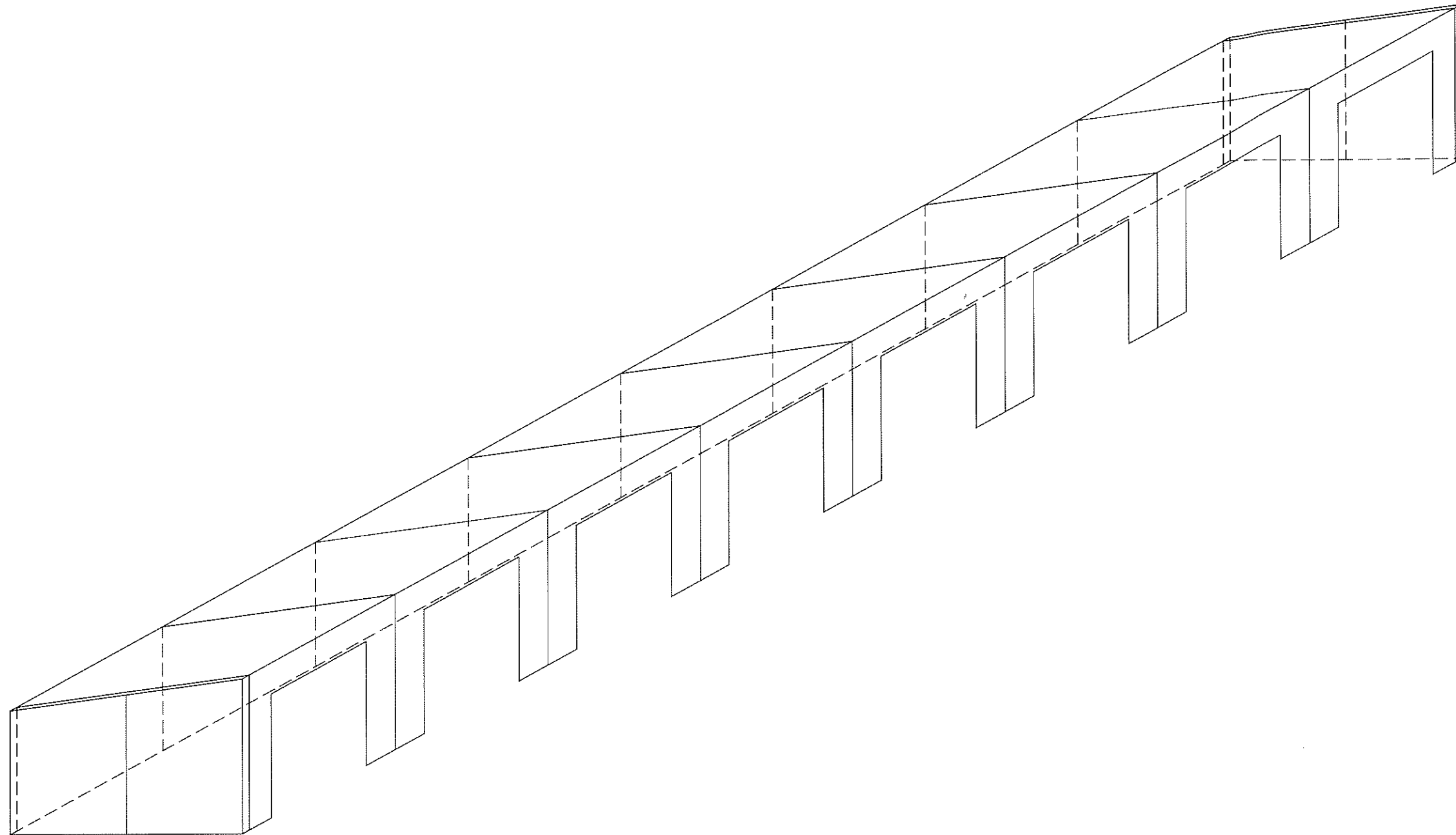
25' BUILDING SETBACK LINE

CHAINLINK FENCE

FND. 1/2" I.P.

(100.77' - PLAT)
S65°47'21"W 100.48'

LOT 4



NOT FOR CONSTRUCTION

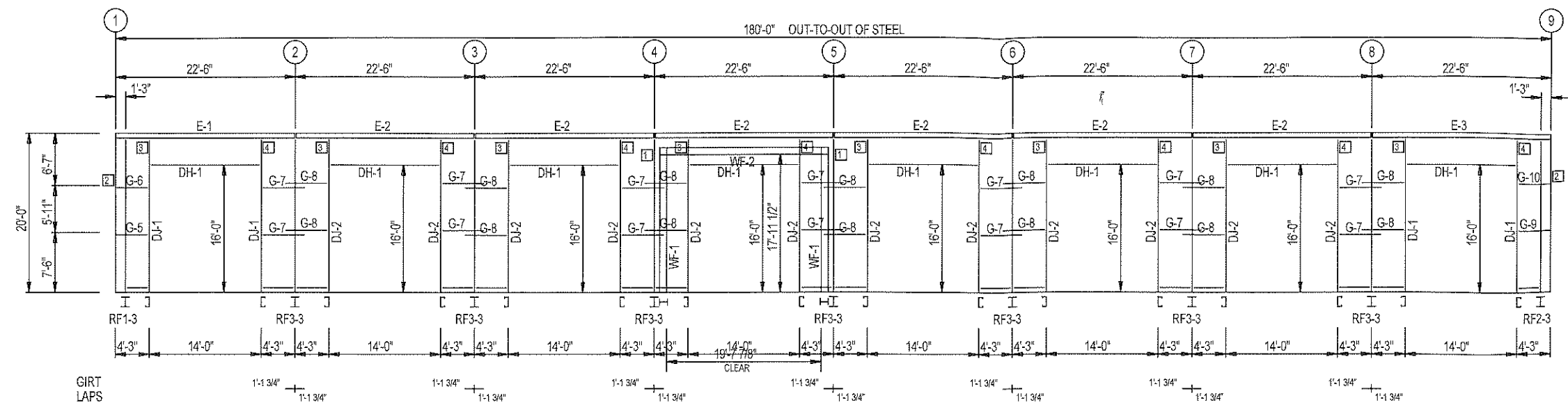
138720545

Building Layout

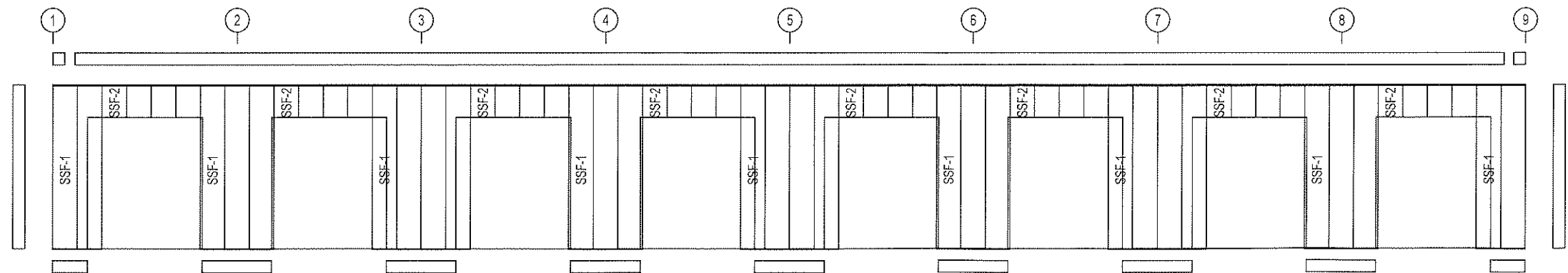
5/25/17

BOLT TABLE FRAME LINE A				
LOCATION	QUAN	TYPE	DIA	LENGTH
WF-1 - WF-2	8	A325	3/4"	1 3/4"
WF-1 - RF3-3	8	A325	5/8"	1 1/2"

CONNECTION PLATES FRAME LINE A	
ID	MARK/PART
1	SC-480
2	SC-5
3	e1
4	e2



SIDEWALL FRAMING: FRAME LINE A

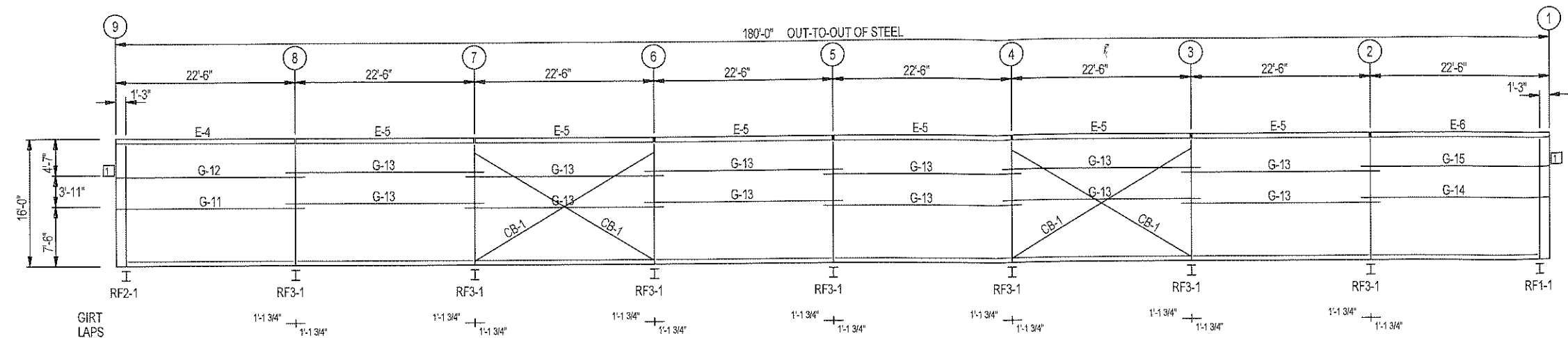


SIDEWALL SHEETING & TRIM: FRAME LINE A

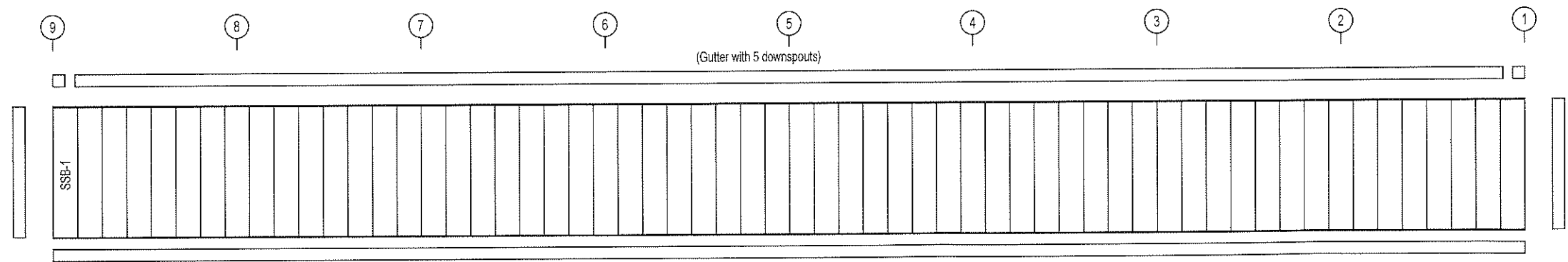
PANELS: 26 Ga. PR - Polar White

NOT FOR CONSTRUCTION

CONNECTION PLATES	
FRAME LINE C	
ID	MARK/PART
1	SC-5



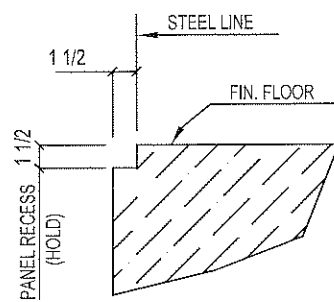
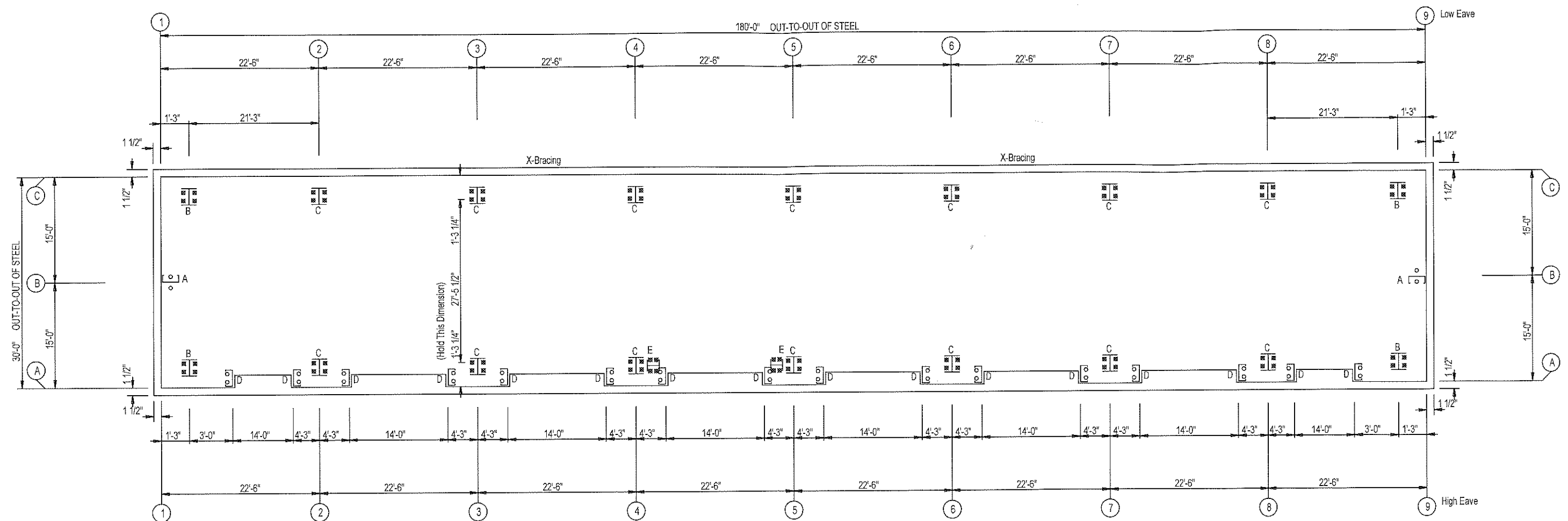
SIDEWALL FRAMING: FRAME LINE C



SIDEWALL SHEETING & TRIM: FRAME LINE C
 PANELS: 26 Ga. PR - Polar White

NOT FOR CONSTRUCTION

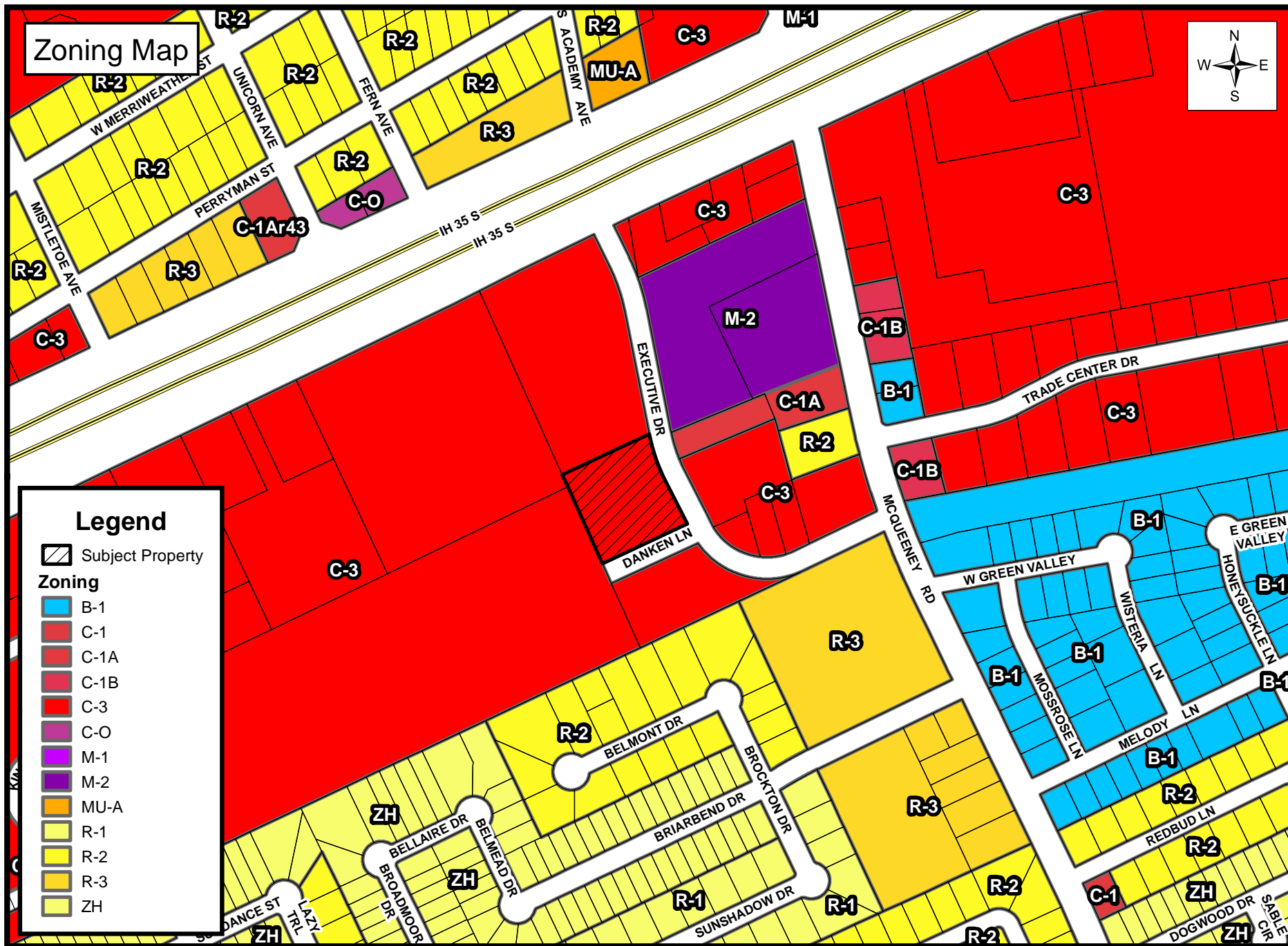
⊗ Dia= 3/4"



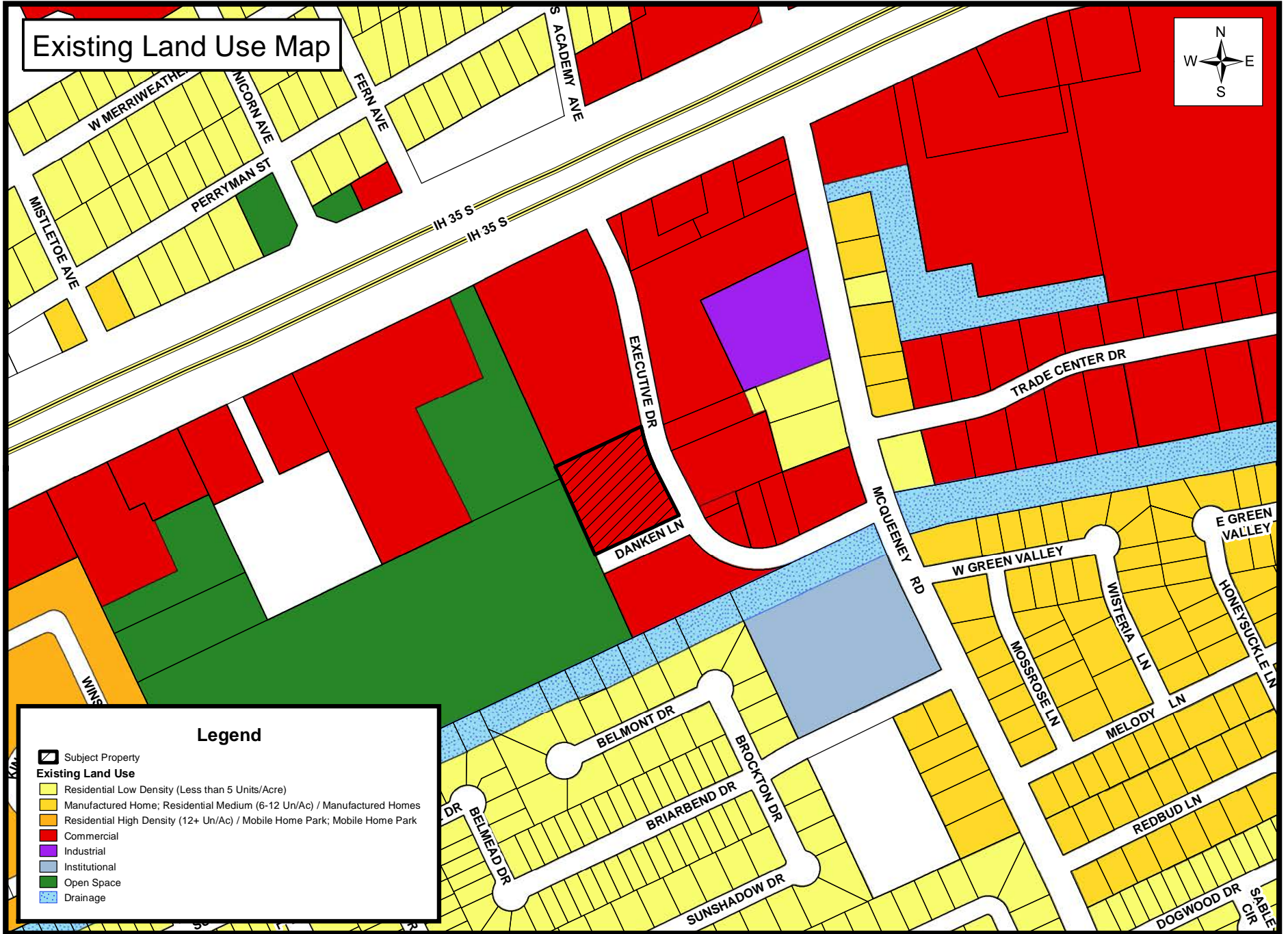
NOT FOR CONSTRUCTION







Existing Land Use Map



5.22. Non-Residential and Multifamily Design Standards.

5.22-1 Applicability of Non-Residential Design Standards. All non-residential and multifamily buildings, with the exception of those described in Section 5.22-2, below, that are adjacent to or front a public roadway, public park or Residential District must comply with the standards of this Section.

5.22-2. Structures Exempt from Design Standards.

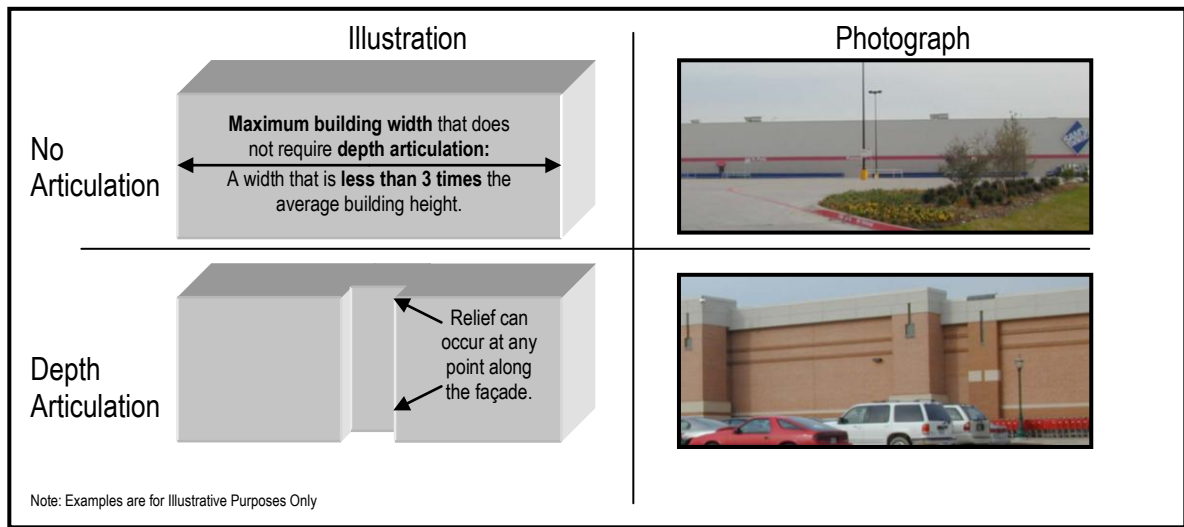
- (a) Industrial uses. Industrial Use buildings shall be exempt from the Design Standards when located in a zoning district that allows industrial use and where adjacent to other properties zoned and/or used for industrial purposes;
- (b) Expansions of existing buildings containing 10,000 sq. ft. or less gross floor area, if the expansion is no more than 40 percent of the existing building area;
- (c) Expansions of existing buildings containing more than 10,000 sq. ft gross floor area, if the expansion is no more than 20 percent of the existing building area;
- (d) Metal buildings used for industrial uses are not exempt from additional landscape standards as required in Section 5.22-3(e).
- (e) *Additional Landscaping for Metal Buildings for Industrial Uses.* All metal industrial buildings shall incorporate the following elements in addition to Section 5.3 of the Zoning Ordinance:
 - (1) A minimum of one tree and four shrubs for every 40 feet (or portion thereof) of building façade that is adjacent to or fronting a public roadway, public park or Residential District shall be installed using trees from the approved plant list (Zoning Ordinance: Chapter 144). The above requirements shall be planted within 40 feet of the building façade.
 - (2) Trees shall be planted no closer than 20 feet apart.
 - (3) In no event may trees other than ornamental trees listed in Appendix A of the Zoning Ordinance be planted under overhead power lines.
 - (4) All new trees shall be provided with a permeable surface of 60 square feet per tree under the drip line.
 - (5) All planting areas shall be a minimum of five feet in width.

5.22-3 Building Mass, Articulation and Building Elements.

- (a) *Purpose.* In order to provide building articulation and interest in design and human scale to the façade of a building, a variety of building techniques are required. The purpose of this section is to ensure that the front of non-residential and multifamily structures have a variety of offsets, relief, and insets to provide a more interesting façade appearance.
- (b) *Applicability.* The following articulation standards shall apply to building facades facing a public street.
- (c) *Building Articulation.*
 - (1) *Horizontal (or Depth) Articulation.*
 - (i) Maximum Distance between Offsets: No building façade shall extend for a distance greater than three times its average height without a perpendicular offset.
 - (ii) Minimum Depth of Offsets: Offset depth shall be a minimum 15 percent of the average building height.

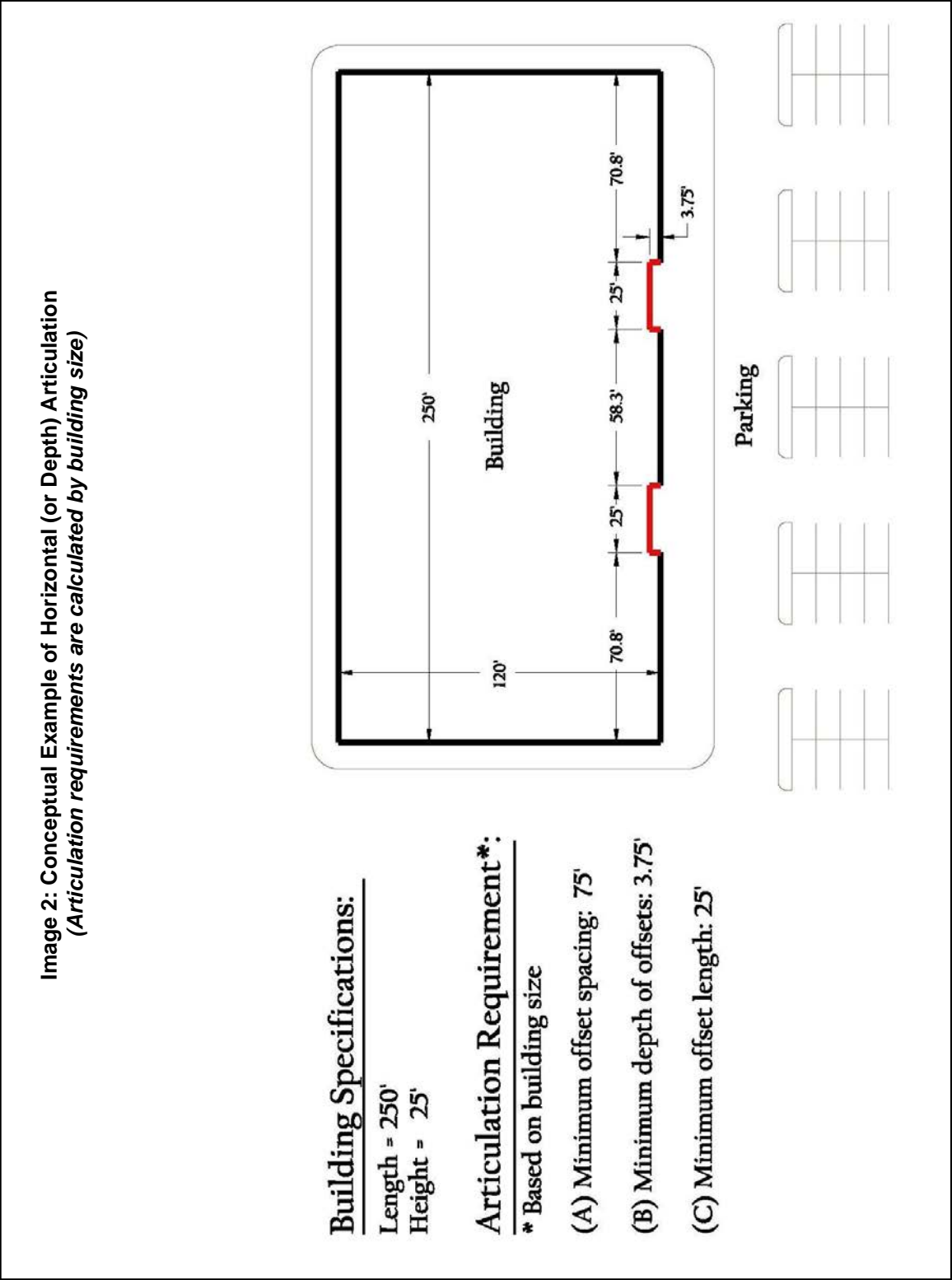
- (iii) Minimum Length of Offsets: Offset shall extend laterally for a distance equal to at least 10 percent of the entire façade.
- (iv) Offset Depth Variation: Offsets can be of varying depth as long as the minimal standard is satisfied.
- (v) Façade Calculation: For calculation purposes, the façade shall be considered the total distance of the building line.

Image 1 - Horizontal (or Depth) Articulation Examples



(continued on next page)

Image 2 – Conceptual Example of Horizontal (or Depth) Articulation



(2) *Vertical (or Height) Articulation.*

- (i) Maximum Distance between Elevation Changes: No wall shall extend horizontally for a distance greater than three times its average height without a change in elevation.
- (ii) Minimum Height of Elevation Changes: An elevation change height shall be a minimum 15 percent of the average building height.
- (iii) Minimum Length of Elevation Changes: An elevation change shall continue to extend laterally for a distance equal to at least 10 percent of the entire façade.
- (iv) Elevation Change Variation: Elevation changes can be of varying heights as long as the minimal standard is satisfied.
- (v) Façade Calculation: For calculation purposes, the façade shall be considered the total distance of the building façade.

Image 3 - Vertical (or Height) Articulation Examples

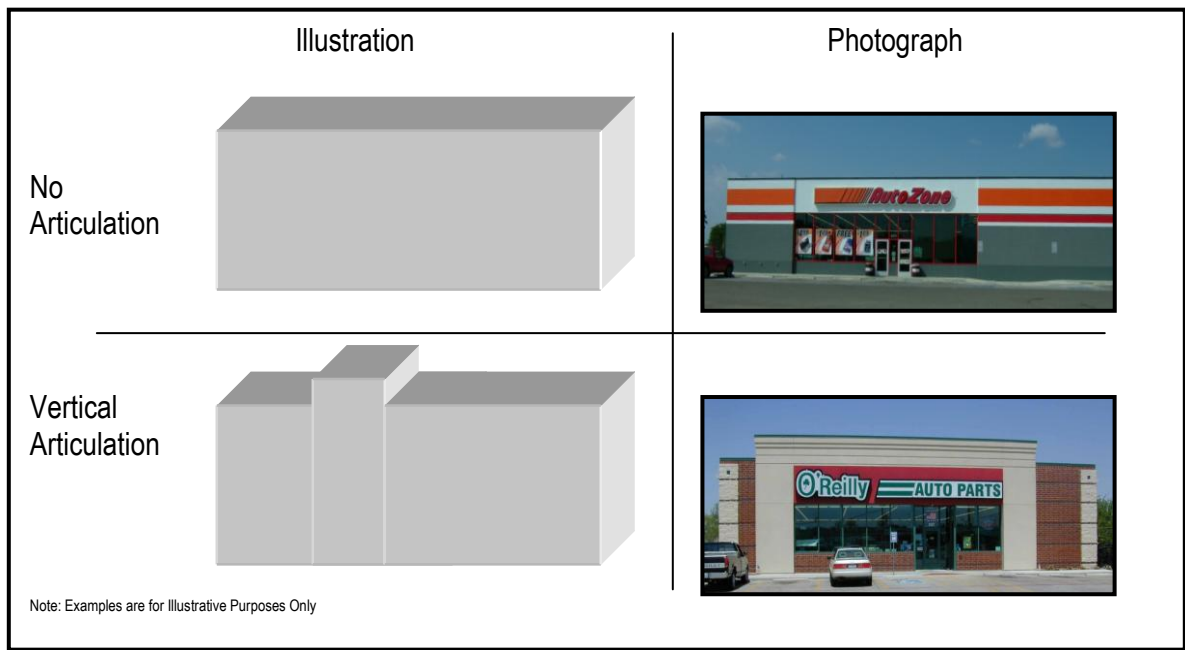
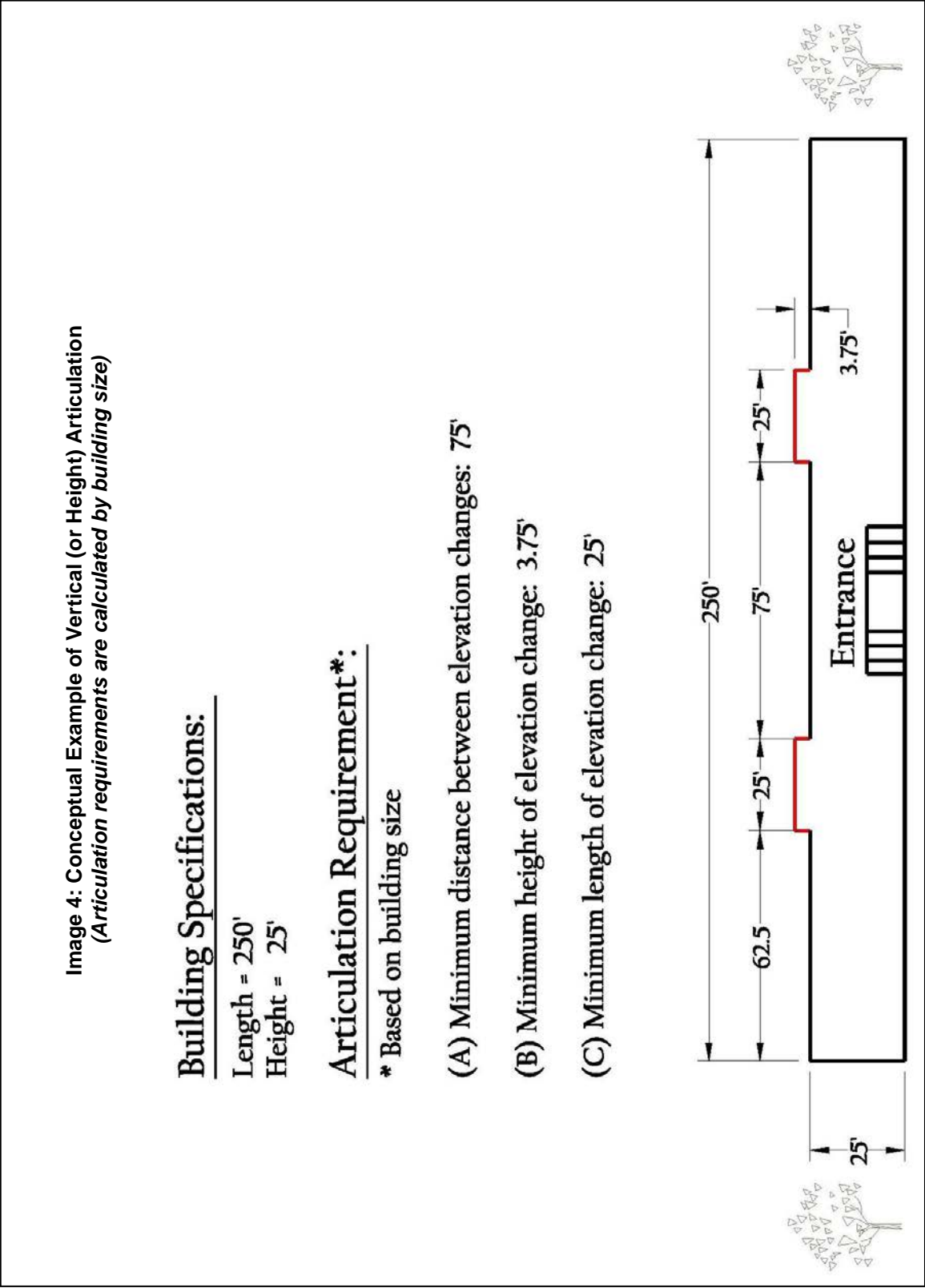


Image 4 - Horizontal (or Depth) Articulation Examples



(d) *Building Elements.*

All buildings shall incorporate at least four of the following building elements:

- (1) lighting features,
- (2) awnings,
- (3) canopies,
- (4) alcoves,
- (5) windows,
- (6) recessed entries,
- (7) ornamental cornices,
- (8) pillar posts,
- (9) other building elements that contribute to the human scale of a building.

(e) *Additional Landscaping for Metal Buildings for Industrial Uses.* All metal industrial buildings shall incorporate the following elements in addition to Section 5.3 of the Zoning Ordinance:

- (1) A minimum of one tree and four shrubs for every 40 feet (or portion thereof) of building façade shall be installed using trees from the approved plant list (Zoning Ordinance: Chapter 144). The above requirements shall be planted within 40 feet of the building façade.
- (2) Trees shall be planted no closer than 20 feet apart.
- (3) In no event may trees other than ornamental trees listed in Appendix A of the Zoning Ordinance be planted under overhead power lines.
- (4) All new trees shall be provided with a permeable surface of 60 square feet per tree under the drip line.
- (5) All planting areas shall be a minimum of five feet in width.

5.22-4 Exterior Building Materials.

Exterior Finish Requirement. At least 80 percent of the vertical walls of all buildings (excluding doors and windows) to which these standards apply, shall be finished in one or more primary materials. In every instance, the lower four feet of the vertical walls of all buildings must be finished in one or more of the primary materials.

(a) Primary Materials:

- (1) Brick, stone, cast stone, rock, marble, granite;
- (2) Glass block, tile;
- (3) Stucco or plaster;
- (4) Glass with less than 20 percent reflectance (however, only a maximum of 50 percent of a building may be constructed in glass);

(5) Split-face concrete block, poured-in-place concrete, and tilt-wall concrete. Any use of concrete products shall have an integrated color and be textured or patterned. Tilt-wall concrete structures shall include reveals, punch-outs, or other similar surface characteristics to enhance the façade on at least ten percent of each façade.

(6) Fiber cement, such as James Hardie brand products or equivalent.

(b) Masonry. In every instance, the lower four feet of the vertical walls of all buildings must be finished in one or more of the primary materials noted in subsection (a)(1) or (a)(5) above.

(c) Secondary Materials. The remaining 20 percent of the exterior finish is discretionary and may include, but is not limited to, Exterior Insulation and Finish System (EIFS), wood, metal (including stamped, embossed, or coated panels) or other non-reflective materials.

(d) Additions to existing structures with vertical walls made of wood, including shingles and siding, may utilize wood in an amount consistent with the percentage of wood on the original structure.

5.22-5. Consistent Façade Standard.

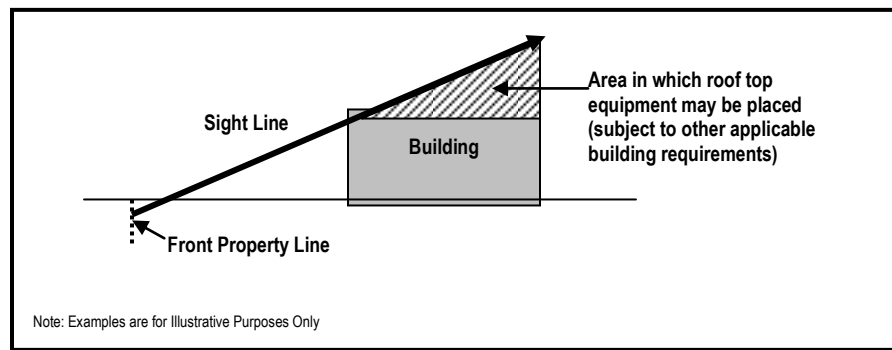
(a) All façades or sides of a building shall be designed with architectural style and building materials consistent with the front facade.

(b) Side or rear facing facades, not on a public roadway, are not required to meet the articulation standards in Section 5.22-3.

5.22-6 Roof Treatments.

(a) Parapets shall be used to conceal roof top equipment on flat roofs. If a sight line drawing is provided with the site plan showing that all roof top equipment will not be visible from the public right of way or adjacent property., then a parapet wall shall not be required.

Image 5 - Sight Line Example



(b) Where overhanging eaves are used, overhangs may be no less than two feet beyond the supporting walls.

(c) Any roof using shingles shall use dimensional shingles (shingles that have a shadow at the top exposure to give added depth and definition).

(d) Red Tile Roofs: Red tile roofs are not considered shingles for the purpose of the section.

5.22-7 Roof Types.

The following types of roofs are prohibited:

- (a) Mansard roofs and canopies without a minimum vertical distance of eight feet and at an angle not less than 25 degrees, and not greater than 70 degrees;
- (b) Back-lit awnings used as a mansard or canopy roof.

5.22-8 Entryways/Customer Entrance Treatments and Pedestrian Routes.

- (a) Any front entry shall be set back from the drive a minimum distance of 15 feet.
- (b) Single-use or multi-tenant buildings over 60,000 square feet in size must provide clearly defined, highly visible customer entrances that include an outdoor patio area, at least 200 square feet in area, that incorporates the following:
 - (1) Benches or other seating components;
 - (2) Decorative landscape planters or wing walls that incorporate landscaped areas;
 - (3) Structural or vegetative shading; and
 - (4) Pedestrian routes between parking areas and buildings.

5.22-9 Applications Procedures.

The above standards shall be required to be shown on a site plan that is part of a building permit application. Façade elevation drawings shall also be required.

5.22-10 Appeal Procedures.

- (a) Enforcement of this ordinance may be appealed to the City Council.
- (b) Appeal Procedures:
 - (1) All appeal actions for a site plan application denied by the Planning Director or his/her designee shall be submitted to and reviewed by the City Council, if requested by the applicant.
 - (2) An appeal must be made in writing on an application form available in the Planning Department, shall be accompanied by an application fee of \$300 and shall include a site plan, building elevation plan and landscape plan.
 - (3) The appeal shall be scheduled for consideration of the site plan on the regular agenda of the Council within 30 days after the appeal application is received, or, in the case of an incomplete application, 30 days after the submission is deemed complete.
 - (4) The Council shall review the site plan and shall recommend approval, approval subject to certain conditions, or disapproval of the concept plan or building site plan.
 - (5) The City Council shall determine final approval or disapproval of all site plan appeals.

8/28/2017

Agenda Item No. F)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the second and final reading of an ordinance amending Ordinance 75-10 of the City of New Braunfels Code of Ordinances to prohibit through truck traffic on California Boulevard and Lakeview Boulevard.

BACKGROUND / RATIONALE:

Council Districts: 3 and 4

City Council approved with a vote of six in favor and one opposed the first reading of the ordinance amending Ordinance 75-10 of the City of New Braunfels Code of Ordinances to prohibit through truck traffic on California Boulevard and Lakeview Boulevard.

The Engineering Division received a request from a citizen that lives on California Boulevard to establish a No Thru Truck restriction on California Boulevard from Loop 337 to Lakeview Boulevard and on Lakeview Boulevard from California Boulevard to East Klingemann Street. The chief complaints were due to use of these roadways for construction traffic traveling from Loop 337 to the new Eden Hill construction on Lakeview Boulevard and the NBU Headwaters at the Comal project.

Thru truck restrictions apply to any truck that is traveling on these roadways not bound for a destination along either California Boulevard or Lakeview Boulevard. Delivery or service trucks driving to a destination along this route are not prohibited from these roads because they are not through traffic.

Large trucks traveling through residential areas are discouraged due to safety and roadway constraints; however, city staff did not observe issues that would be addressed with the proposed truck restriction on California Boulevard and Lakeview Boulevard. Additionally, city staff spoke with contractors' drivers at both construction projects and requested that the trucks utilize River Road to travel to their projects from Loop 337 instead of traveling through a more densely populated residential area. It appeared that most trucks utilized River Road based on follow up observations.

If City Council is in favor of restricting truck traffic in this area, staff recommends that the restriction be placed on California Boulevard from Loop 337 to Lakeview Boulevard.

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:

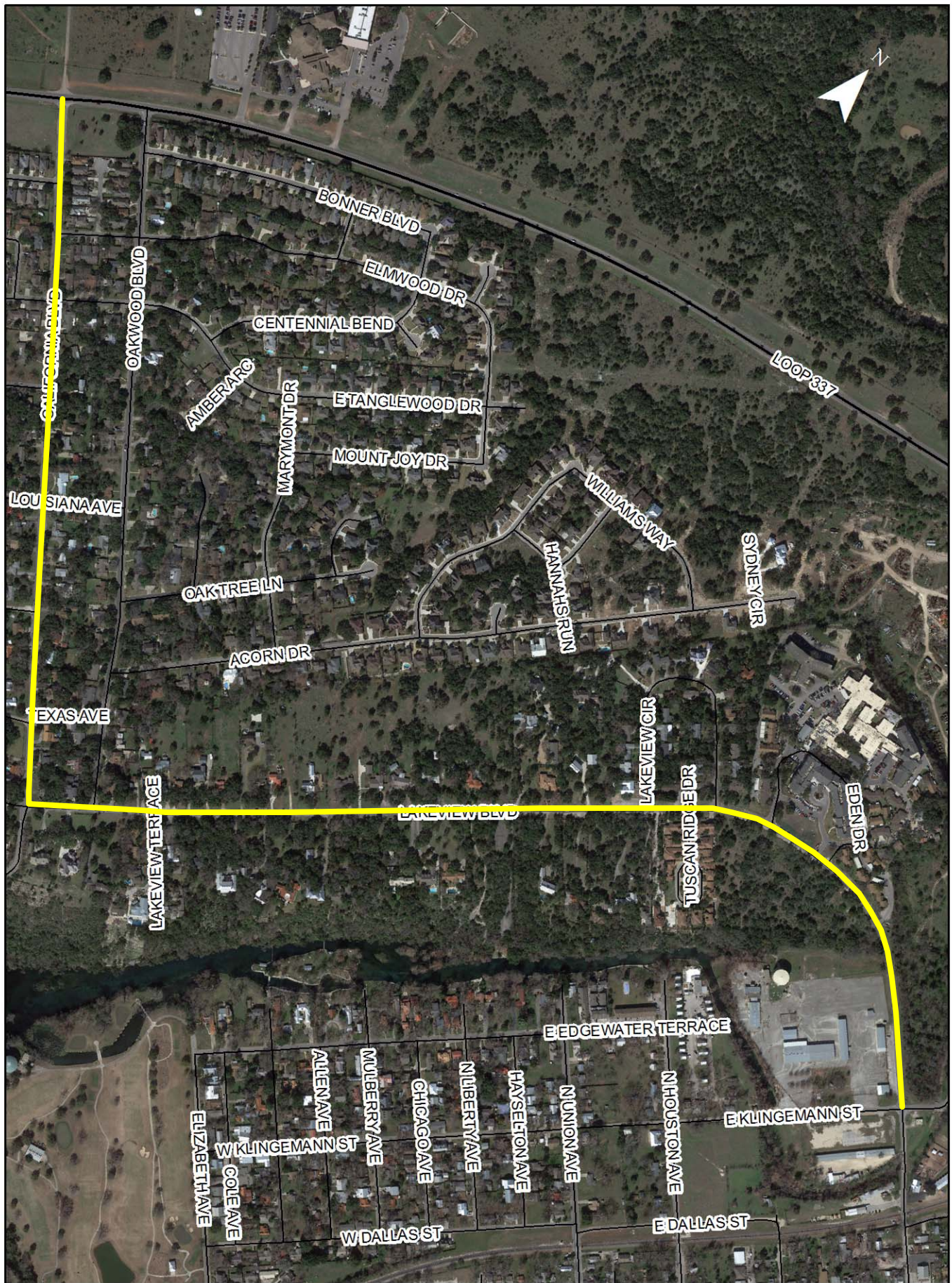
Traffic control signs cost approximately \$150 each. Sufficient funding is available in the FY16-17 approved Public Works budget.

COMMITTEE RECOMMENDATION:

This item was presented to the Transportation and Traffic Advisory Board at their meeting on July 13, 2017. The board did not recommend approval of restricting through truck traffic on California Boulevard between Loop 337 and Lakeview Boulevard, and on Lakeview Boulevard between California Boulevard and East Klingemann Street on a motion that carried unanimously.

STAFF RECOMMENDATION:

Staff does not recommend approval of restricting through truck traffic on California Boulevard between Loop 337 and Lakeview Boulevard, and on Lakeview Boulevard between California Boulevard and East Klingemann Street.



Requested No Thru Truck Restrictions on California Boulevard and Lakeview Boulevard

ORDINANCE NO. 2017-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING ORDINANCE NUMBER 75-10 DATED APRIL 28, 1975 TO PROHIBIT OVERSIZED VEHICLES ON CALIFORNIA BOULEVARD AND LAKEVIEW BOULEVARD.

WHEREAS, City Council has determined that traffic control signs be installed on certain streets, avenues, thoroughfares and boulevards within the corporate limits of the City of New Braunfels in order to protect the health, safety and welfare of the citizens.

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

I.

THAT Ordinance Number 75-10 dated April 28, 1975, is hereby amended to authorize the installation of additional traffic control signs to prohibit oversized vehicles at the following location in the corporate limits of the City of New Braunfels, Texas:

NO THRU TRUCK TRAFFIC:

- 1372. California Boulevard between Loop 337 and Lakeview Boulevard shall be designated as a NO THRU TRUCK TRAFFIC zone.
- 1373. Lakeview Boulevard between California Boulevard and East Klingemann Street shall be designated as a NO THRU TRUCK TRAFFIC zone.

II.

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

III.

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

IV.

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

V.

This Ordinance shall take effect from and after its second and final reading.

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

8/28/2017

Agenda Item No. G)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the second and final reading of an ordinance amending Ordinance 75-10 of the City of New Braunfels Code of Ordinances to install an all-way stop at the intersection of Gruene Road and Gruene Lake Drive (private street) and a private driveway.

BACKGROUND / RATIONALE:

Council District: 4

City Council approved with a vote of six in favor and one opposed the first reading of the ordinance amending Ordinance 75-10 of the City of New Braunfels Code of Ordinances to install an all-way stop at the intersection of Gruene Road and Gruene Lake Drive (private street) and a private driveway.

A citizen requested that an all-way stop be installed on Gruene Road at Gruene Lake Drive due to traffic safety concerns. This intersection has four approaches: two on Gruene Road; one from Gruene Lake Drive, which is a private street; and one private driveway. Gruene Road functions and is classified in the Regional Transportation Plan as a minor collector and is the major street at this intersection. There is currently a stop sign on Gruene Lake Drive at this intersection.

An engineering review was conducted in accordance with the Texas Manual on Uniform Traffic Control Devices (TMUTCD). Based on the stop sign criteria, this intersection did not meet the warrants for an all-way stop condition. The counts from the traffic study are shown in the attached Figure 1. The traffic from Gruene Road represents 84% at the intersection with 16% coming from Gruene Lake Drive and the private driveway.

The posted speed limit on Gruene Road is 30 miles per hour (mph). The Police Department collected speed data from November 28 to December 1, 2016 and found that the 85th percentile speed was 37 mph with the higher speed departing Gruene. The majority of traffic is traveling between 31-35 mph which is typical for a collector street.

The sight distance required for the posted speed limit at this intersection was previously obstructed by landscaping and private signs in the right-of-way, as shown in the attached Figure 2. These obstructions have been cleared and the sight distance at the intersection is unobstructed at this time. A photograph of the cleared sight distance is shown in the attached Figure 3.

In addition to the all-way stop warrant study, an analysis of the intersection was conducted using traffic analysis software to determine the change in delay if an all-way stop was installed. The results

demonstrate that the delay for the currently uncontrolled traffic on Gruene Road increases from almost no delay at the intersection to 8.8 seconds per vehicle with the addition of an all-way stop. It is important to note that this analysis does not account for future growth in the area, which is anticipated to increase traffic further on Gruene Road. Traffic volumes are not expected to increase by the same amount on Gruene Lake Drive.

An all-way stop is more appropriate at the proposed Waterway Lane collector-collector roadway network between Gruene Road and Common Street that is currently shown on the Regional Transportation Plan. This proposed collector is needed to alleviate some of the traffic delays at the intersections of Common Street and Gruene Road and FM 306 and Hunter Road. It will also assist in addressing some of the cut through issues on Hanz Drive and Gruene Vineyard Crossing, which both have residential frontage. While there is city right-of-way for the Waterway Lane collector, there are currently no plans or funding for a project at this time.

Staff does not recommend the installation of an all-way stop on a thoroughfare collector street at a private street/driveway with low traffic. Thoroughfare collector streets are moderate capacity roads that move traffic from local and arterial streets and other collectors. Speeds and traffic volumes are designed to be higher on collector streets. When stop signs are installed at locations where they are not warranted and unexpected, there is a likelihood of motorists disregarding or missing the stop sign which may create more serious traffic issues.

The recommended measure is an intersection warning sign on northbound Gruene Road to indicate the presence of the Gruene Lake private street and private driveway intersection and the possibility of turning or entering traffic.

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 and stop bar striping for Gruene Road costs approximately \$530. Sufficient funding is available in the FY16-17 approved street and drainage budget.

COMMITTEE RECOMMENDATION:

This request was considered by the Transportation and Traffic Advisory Board at their meeting on July 13, 2017. The motion passed with four members in favor and one opposed.

STAFF RECOMMENDATION:

Staff does not recommend the installation of an all-way stop at the intersection of Gruene Road and Gruene Lake Drive because this intersection did not meet the warrants for an all-way stop specified in the TMUTCD, the sight distance obstructions have been removed, the traffic control measure does not meet the appropriate traffic control for the transportation network, and an unwarranted stop sign at this location will result in compliance issues and possibly increase traffic crashes.

ORDINANCE NO. 2017-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING ORDINANCE NUMBER 75-10 DATED APRIL 28, 1975 TO APPROVE INSTALLATION OF AN ALL-WAY STOP AT THE INTERSECTION OF GRUENE ROAD AND GRUENE LAKE DRIVE.

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

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

I.

THAT Ordinance Number 75-10 dated April 28, 1975, is hereby amended to authorize the installation of additional traffic control sign at the following location in the corporate limits of the City of New Braunfels, Texas:

STOP SIGNS:

- 1431. On Gruene Road, north-bound at Gruene Lake Drive/private driveway.
- 1432. On Gruene Road, south-bound at Gruene Lake Drive/private driveway.
- 1433. On the private driveway across Gruene Road from Gruene Lake Drive, east-bound at Gruene Road.

II.

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

III.

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

IV.

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

V.

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

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

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

CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, MAYOR

ATTEST:

PATRICK D. ATEN, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY

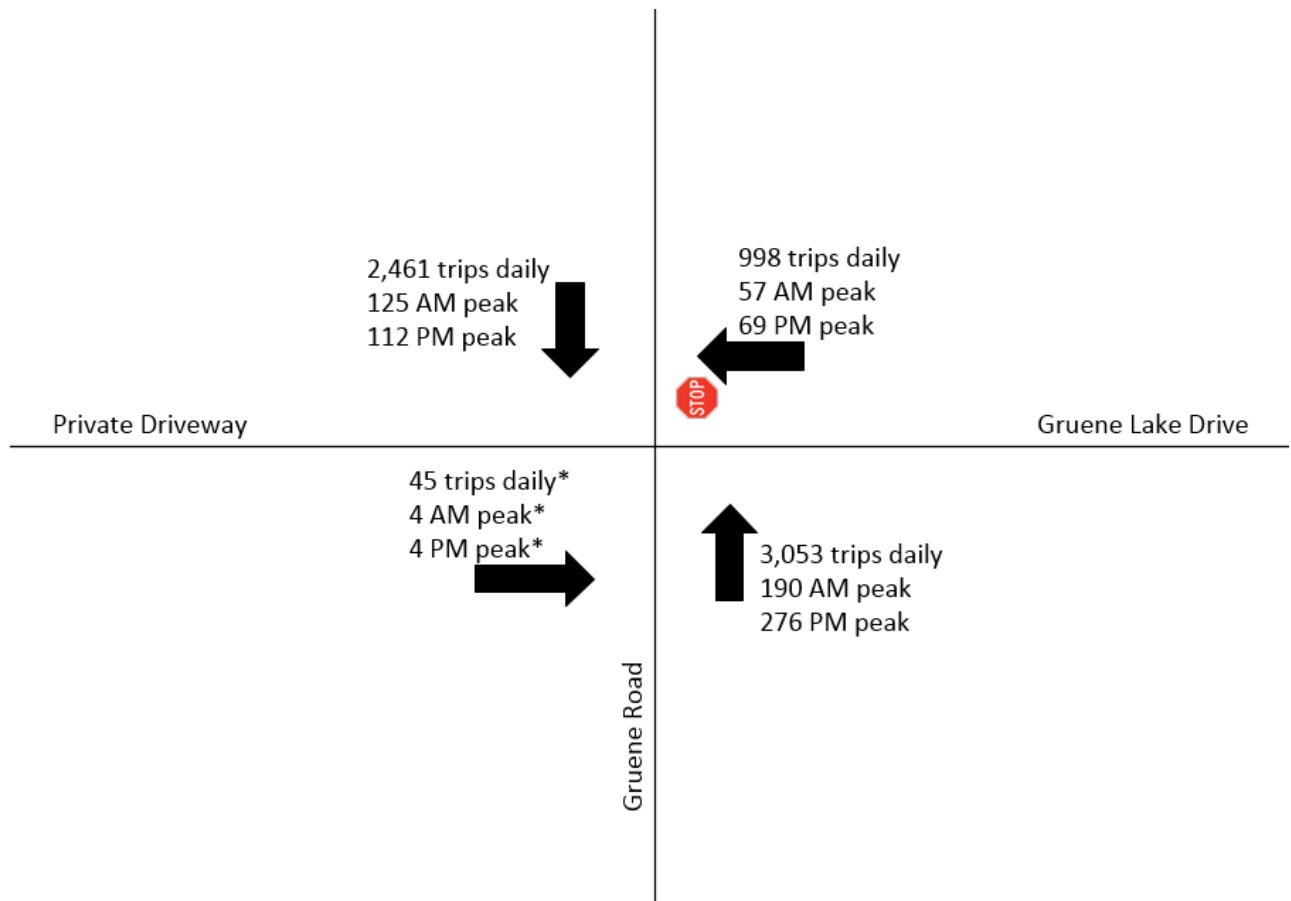


Figure 1. Traffic counts from September 2016 study.



Figure 2. Sight distance obstructions at the intersection in November 2016.

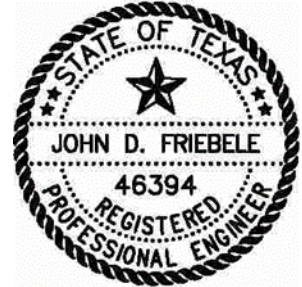


Figure 3. Cleared sight distance at the intersection in June 2017.



9901 IH 10 W
SUITE 680
SAN ANTONIO, TX 78230
210/564-5411 FAX 210/625-7421
www.LeeEngineering.com

LEE ENGINEERING



TECHNICAL MEMORANDUM

DATE: September 23, 2016
TO: Mr. Garry Ford, P.E., PTOE, City Engineer
City of New Braunfels, Texas
FROM: John Friebele, P.E., PTOE
Lee Engineering, LLC
SUBJECT: Task Order #6-D – All-way Stop Evaluation, Gruene Rd. & Gruene Lake Dr.
(Technical Memorandum 128.06-D)

SUBJECT

All-way stop evaluation for the intersection of Gruene Rd. and Gruene Lake Dr.

BACKGROUND

An all-way stop evaluation was performed for the intersection of Gruene Rd. and Gruene Lake Dr. The evaluation included an all-way stop warrant analysis along with the review of other characteristics of the intersection.

This intersection is located in the north-eastern part of the City east of the Loop 337/SH 46 and Hanz Dr. intersection. It is a four-legged intersection, with the east leg leading to Gruene Lake Village. Both streets have one approach lane. A site visit determined that the existing sight distance is acceptable for all approaches of the intersection and does not interfere drivers' ability to make a safe movement.

Crash information was obtained for this location, from the TxDOT Crash Records Information System (CRIS), for the 2-year period of January 1, 2013 through December 31, 2014. According to the data, there was two reported crashes at this intersection. One of the crashes that occurred is considered correctable, however five correctable crashes are required to meet the warrant criteria.

Traffic volumes were collected for this location over a 24-hour period on September 8, 2016. Based on the traffic volumes and roadway classifications, Gruene Rd. was selected as the "Major" street and Gruene Lake Dr. was selected as the "Minor" street. Total intersection volume is 6,582 vehicles per day (vpd) with Gruene Rd. having 5,514 daily approach vehicles (84% of total) and Gruene Lake Dr. having 1,068 vpd (16%). Hourly traffic volumes are modest with only one hour exceeding 300 approach vehicles on the major street (Gruene Rd.)

The all-way stop warrant analysis was conducted using recommendations made by the *Manual on Uniform Traffic Control Devices* (MUTCD) which include:

1. Review average volume for eight hours
 - a. Required volume for major street – 300 vehicles per hour
 - b. Required volume for minor street – 200 vehicles per hour
2. Review sight visibility at corners
3. Review number of correctable accidents within a 12-month period

CONCLUSION

The analysis concludes that none of the three warranting recommended criteria are met at the intersection.

ATTACHMENTS

1. All-way stop warrant analysis
2. 24-hr traffic volumes

TRAFFIC SIGNAL WARRANT STUDY
GRUENE RD and GRUENE LAKE DR
M. U. T. C. D. MULTIWAY STOP - WARRANT # C
Minimum Volume

REQUIRED AVERAGE VOLUME FOR 8 HOURS ON GRUENE RD	300
REQUIRED AVERAGE VOLUME FOR 8 HOURS ON GRUENE LAKE DR	200
REQUIRED PEAK HOUR DELAY ON GRUENE RD	30
REQUIRED PEAK HOUR DELAY ON GRUENE LAKE DR	Not Measured
NUMBER OF EIGHT-HOUR PERIODS SATISFIED:	0
WARRANT CRITERIA:	NOT SATISFIED

RANKING BY MAJOR STREET GRUENE RD HOURLY VOLUMES

HOURLY VOLUME				AVERAGE OF EIGHT HOURLY VOLUMES			
RANK	BEGIN TIME	MAJOR STREET	MINOR STREET	RANKED HOURS	MAJOR STREET	MINOR STREET	SATISFIED?
1	5:00 PM	489	85	1 to 8	407	78	NO
2	4:00 PM	447	114	2 to 9	385	79	NO
3	3:00 PM	439	69	3 to 10	369	74	NO
4	6:00 PM	424	93	4 to 11	350	73	NO
5	11:00 AM	396	88	5 to 12	329	67	NO
6	2:00 PM	368	63	6 to 13	307	63	NO
7	7:00 PM	357	42	7 to 14	287	56	NO
8	NOON	332	68	8 to 15	267	55	NO
9	1:00 PM	319	93	9 to 16	244	47	NO
10	10:00 AM	317	73	10 to 17	219	40	NO
11	9:00 AM	286	61	11 to 18	191	31	NO
12	8:00 PM	258	47	12 to 19	161	26	NO
13	8:00 AM	221	55	13 to 20	131	21	NO
14	10:00 PM	204	7	14 to 21	105	14	NO
15	9:00 PM	199	37	15 to 22	81	14	NO
16	11:00 PM	147	3	16 to 23	57	9	NO
17	7:00 AM	122	40	17 to 24	39	9	NO
18	MIDNITE	92	0				
19	6:00 AM	45	22				
20	1:00 AM	18	3				
21	5:00 AM	12	2				
22	2:00 AM	9	2				
23	3:00 AM	8	1				
24	4:00 AM	5	0				

1. The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour for any 8 hours of an average day, and
2. The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour, but
3. If the 85th-percentile approach speed of the major-street vehicular traffic exceeds 65 km/h or exceeds 40 mph, the minimum vehicular volume warrants are 70% of the above values.

ANALYST: MRM





Average Daily Traffic Data

Project No. : 91-16
 Station No. : 100
 Counter No. : 7589

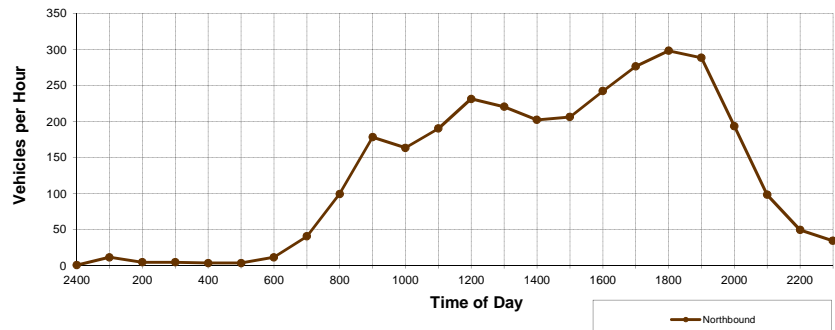
Day of Week: Thursday, September 08, 2016

Site: **Northbound
 Gruene Road**

Location: South of Gruene Lake Drive
 City/State: New Braunfels, Texas

Gruene Road and Gruene Lake Drive

Northbound Gruene Road



End Time	Northbound Gruene Road	
15	8	
30	0	
45	3	
100	0 11	
115	0	
130	1	
145	3	
200	0 4	
215	2	
230	0	
245	1	
300	1 4	
315	0	
330	1	
345	0	
400	2 3	
415	1	
430	0	
445	1	
500	1 3	
515	3	
530	0	
545	4	
600	4 11	
615	5	
630	14	
645	6	
700	15 40	
715	17	
730	25	
745	22	
800	35 99	
815	58	
830	44	
845	38	
900	38 178	
915	43	
930	35	
945	40	
1000	45 163	
1015	43	
1030	41	
1045	52	
1100	54 190	
1115	43	
1130	66	
1145	57	
1200	65 231	

End Time	Northbound Gruene Road	
1215	55	
1230	51	
1245	52	
1300	62 220	
1315	56	
1330	46	
1345	61	
1400	39 202	
1415	48	
1430	52	
1445	46	
1500	60 206	
1515	49	
1530	68	
1545	65	
1600	60 242	
1615	85	
1630	72	
1645	61	
1700	58 276	
1715	75	
1730	75	
1745	77	
1800	71 298	
1815	87	
1830	77	
1845	69	
1900	55 288	
1915	56	
1930	64	
1945	28	
2000	45 193	
2015	28	
2030	32	
2045	16	
2100	22 98	
2115	21	
2130	11	
2145	9	
2200	8 49	
2215	10	
2230	9	
2245	9	
2300	6 34	
2315	4	
2330	4	
2345	0	
2400	2 10	

Daily Traffic Data

Total ADT

3,053

3,053



Average Daily Traffic Data

Project No. : 91-16
 Station No. : 200
 Counter No. : 6343

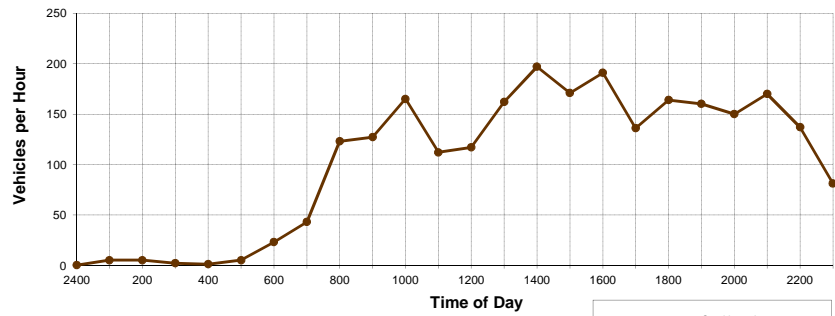
Day of Week: Thursday, September 08, 2016

Site: **Southbound
Gruene Road**

Location: North of Gruene Lake Drive
 City/State: New Braunfels, Texas

Gruene Road and Gruene Lake Drive

Southbound Gruene Road



End Time	Southbound Gruene Road	
15	3	
30	2	
45	0	
100	0 5	
115	2	
130	2	
145	1	
200	0 5	
215	0	
230	0	
245	1	
300	1 2	
315	1	
330	0	
345	0	
400	0 1	
415	1	
430	1	
445	1	
500	2 5	
515	1	
530	4	
545	2	
600	16 23	
615	8	
630	7	
645	9	
700	19 43	
715	19	
730	25	
745	43	
800	36 123	
815	42	
830	34	
845	24	
900	27 127	
915	24	
930	42	
945	47	
1000	52 165	
1015	23	
1030	34	
1045	29	
1100	26 112	
1115	22	
1130	28	
1145	37	
1200	30 117	

End Time	Southbound Gruene Road	
1215	35	
1230	36	
1245	43	
1300	48 162	
1315	48	
1330	55	
1345	41	
1400	53 197	
1415	55	
1430	29	
1445	47	
1500	40 171	
1515	64	
1530	37	
1545	43	
1600	47 191	
1615	30	
1630	42	
1645	40	
1700	24 136	
1715	39	
1730	46	
1745	43	
1800	36 164	
1815	28	
1830	43	
1845	47	
1900	42 160	
1915	46	
1930	28	
1945	48	
2000	28 150	
2015	38	
2030	56	
2045	43	
2100	33 170	
2115	52	
2130	41	
2145	25	
2200	19 137	
2215	35	
2230	17	
2245	19	
2300	10 81	
2315	6	
2330	4	
2345	1	
2400	3 14	

Daily Traffic Data

Total ADT

2,461

2,461



Average Daily Traffic Data

Project No. : 91-16
 Station No. : 300
 Counter No. : 4788

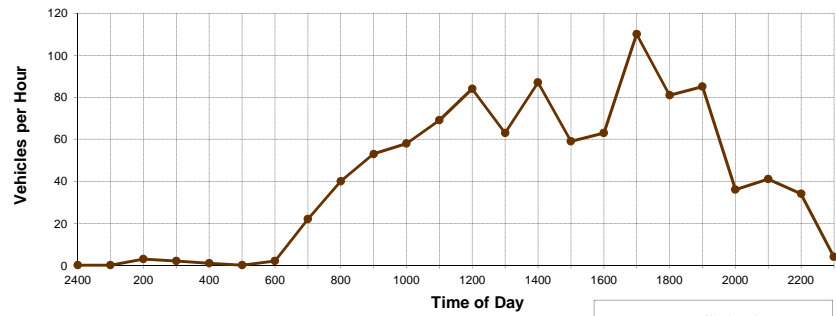
Day of Week: Thursday, September 08, 2016

Site: **Westbound**
Gruene Lake Drive

Location: East of Gruene Road
 City/State: New Braunfels, Texas

Gruene Road and Gruene Lake Drive

Westbound Gruene Lake Drive



End Time	Westbound Gruene Lake Drive	
15	0	
30	0	
45	0	
100	0 0	
115	0	
130	0	
145	3	
200	0 3	
215	2	
230	0	
245	0	
300	0 2	
315	0	
330	1	
345	0	
400	0 1	
415	0	
430	0	
445	0	
500	0 0	
515	0	
530	0	
545	0	
600	2 2	
615	4	
630	4	
645	7	
700	7 22	
715	4	
730	12	
745	12	
800	12 40	
815	12	
830	15	
845	10	
900	16 53	
915	14	
930	20	
945	12	
1000	12 58	
1015	16	
1030	24	
1045	13	
1100	16 69	
1115	25	
1130	19	
1145	21	
1200	19 84	

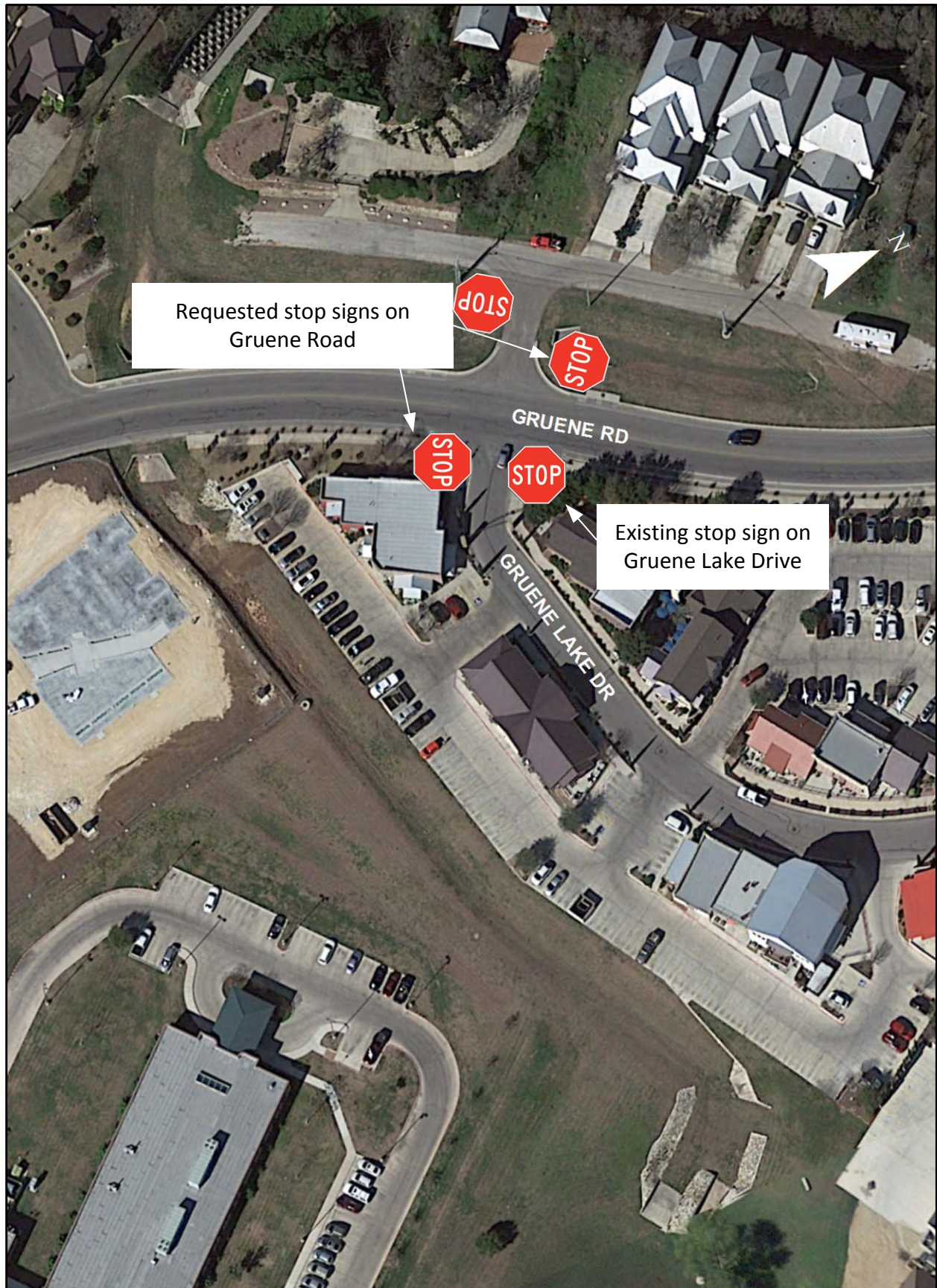
End Time	Westbound Gruene Lake Drive	
1215	18	
1230	20	
1245	7	
1300	18 63	
1315	31	
1330	28	
1345	15	
1400	13 87	
1415	12	
1430	19	
1445	13	
1500	15 59	
1515	13	
1530	20	
1545	13	
1600	17 63	
1615	26	
1630	32	
1645	35	
1700	17 110	
1715	23	
1730	15	
1745	25	
1800	18 81	
1815	22	
1830	17	
1845	24	
1900	22 85	
1915	14	
1930	9	
1945	10	
2000	3 36	
2015	5	
2030	14	
2045	14	
2100	8 41	
2115	14	
2130	8	
2145	7	
2200	5 34	
2215	2	
2230	0	
2245	0	
2300	2 4	
2315	0	
2330	0	
2345	1	
2400	0 1	

Daily Traffic Data

Total ADT

998

998



Existing and Requested Gruene Road and Gruene Lake Drive Stop Signs

8/28/2017

Agenda Item No. H)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of a Development Agreement and Settlement and Release Agreement authorizing offsets against roadway impact fees for The Silos Subdivision, and authorizing the City Manager to execute the agreements.

BACKGROUND / RATIONALE:

In 2007, the City of New Braunfels adopted Ordinance No. 2007-19, which was codified in the Code of Ordinances, in Chapter 100 entitled "Roadway Impact Fees". That ordinance established a procedure for an owner or developer to obtain an offset or credit based on construction of public infrastructure. The developer of The Silos Subdivision, Milestone Crest Investments, LTD, have petitioned the City of New Braunfels for offsets against roadway impact fees due for Pahmeyer Road. Pahmeyer Road within the subdivision is a collector street on the City of New Braunfels Regional Transportation Plan; however, the street is not included in the roadway impact fee capital improvements plan used to determine the roadway impact fees. Per Section 100-14(e)(3), the city council may authorize alternate credit or offset agreements upon petition by the developer.

The developer is requesting roadway impact fee offsets of \$174,454 for The Silos Units 1 and 2 subdivision plats, and entitlement to offsets for additional improvements to Pahmeyer Road in future subdivision units. The total amount of roadway impact fees due of 164 single-family residential lots subject to the plats is \$307,500. The offsets to be applied to roadway impact fees result from the excess cost of constructing a residential collector street from a local residential street as required by the Regional Transportation Plan. Per ordinance, a Development Agreement is required in order to establish terms of roadway impact fee offsets.

The Settlement and Release Agreement is a settlement and compromise of disputed proportionality claims.

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

N/A

FISCAL IMPACT:

Developer will receive \$174,454 and entitlement of offsets against roadway impact fees for additional improvements for the construction of Pahmeyer Road in The Silos Subdivision. The impact will be a reduction in the roadway impact fees collected by the City of New Braunfels in Service Area 5 designated for projects in the roadway impact fee capital improvement plan.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of authorizing the offsets against roadway impact fees for the The Silos Subdivision and authorizing the City Manager to execute the Development Agreement and Settlement and Release Agreement.

8/28/2017

Agenda Item No. I)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the first reading of an ordinance amending the City of New Braunfels Code of Ordinances, Chapter 118, Platting, Article III, General Platting Procedures.

BACKGROUND / RATIONALE:

This item was presented to City Council on August 14, 2017.

The amendments to Chapter 118, Article III, General Platting Procedures are proposed in order to require the following:

1. A drainage report during the master plan, planned development and preliminary plat;
2. Approved public infrastructure construction plans prior to final plat application; and
3. A statement on plat specifying finished floor elevations and lot grading.

Drainage Report and Public Infrastructure Construction Plans

To properly plan for development, minimize the time for approval and address community concerns on development impacts, staff is proposing to require a preliminary drainage report at master plan, planned development and preliminary plat, and approved public infrastructure construction plans prior to final plat application.

The City of New Braunfels Code of Ordinances currently requires a schematic layout of the entire tract including drainage if determined to be necessary by the planning director. Preliminary and final plats require a "preliminary" plan of the streets, water system, wastewater system, and drainage system with location of channels, storm sewers and detention or retention basins. The Code also specifies that construction plans and site improvement data including drainage report "may be submitted with final plat, but are not required to be submitted with the final plat." As such, the city processes very few preliminary plats; therefore, subdivision lots, right-of-way and drainage easements are being processed in final plats without review and approval of street, wastewater, water and storm drainage construction plans.

The following requirements are proposed to be added to the Platting Ordinance.

Subdivision Master Plan/Planned Development

A Master Drainage Plan Report shall be provided with a subdivision master plan/planned development. The Master Drainage Plan Report shall include the following:

1. Existing Drainage Site Plan including: development boundary; existing and proposed drainage

infrastructure, right-of-way and easements in and adjacent to the development; and floodplain and floodway boundaries. Drainage infrastructure includes channels, storm sewer, detention, retention and water quality facilities.

2. Existing Watershed Map including: development boundary; existing drainage area and all sub areas; 2-foot contours; and existing runoff flow directions.
3. Preliminary Drainage Site Plan including: development boundary; proposed drainage infrastructure, right-of-way and easements in and adjacent to the development; proposed stormwater connections and point(s) of development discharge; and proposed changes to floodplain and floodway boundaries.
4. Master Drainage Plan Summary including how drainage and water quality resulting from the proposed development will be managed and how proposed drainage infrastructure will impact adjacent property owners.

Preliminary Plat

Preliminary Drainage Report shall be provided with a preliminary plat. The Preliminary Drainage Report shall include the following:

1. Preliminary Drainage Site Plan including: plat boundary; proposed drainage infrastructure, right-of-way and easements in and adjacent to the plat; proposed stormwater connections and point(s) of development discharge; and proposed changes to floodplain and floodway boundaries. Drainage infrastructure includes channels, storm sewer, detention, retention and water quality facilities.
2. Conformance with the Master Drainage Plan Report (if applicable). The report may require updating for development plat submittals and changes in the drainage design.

If there are no improvements or changes to drainage with the preliminary plat, the property owner is required to submit a letter stating as such with the plat submittal.

Final Plat

Public infrastructure construction plans must be approved prior to the processing of a final plat. The requirements for construction plans are specified in Section 118-31 and include streets, alleys, and sidewalks; wastewater system; water system; and storm drainage.

The approval of the construction plans is necessary in order to properly identify the right-of-way, easements, water and wastewater services and any other requirements on the final plat. If there are no public improvements with the final plat, the property owner is required to submit a letter stating as such with the plat submittal.

Lot Grading

A statement shall be placed on all subdivision plats that finished floor elevations must be a minimum of ten (10) inches above final adjacent grade and the lot be graded in accordance with the approved grading plan. The statement is generally included on plats and the proposed amendment formalizes the requirement.

Presentations

Staff presented these items to area development engineers on March 23, 2017, Watershed Advisory Committee (WAC) on May 25, 2017 and Planning Commission on June 6, 2017. Key comments from the presentations include:

-
-
1. Require only conceptual information during master plan, planned development and preliminary plat.
 2. Require approved constructions drawings (street, drainage and utilities) for public infrastructure prior to final plat.
 3. Needed in order to address community drainage concerns.
 4. Concern on available staff resources.
 5. Approved drainage report at final plat will require approved street and utility plans.
 6. Address commercial plat and permitting process.
 7. Improvement to the development process to address citizen concerns early in the development process and in front of Planning Commission and City Council.
 8. Good improvement and in-line with surrounding communities.

Staff presented the ordinance amendments to Planning Commission on July 5, 2017 for a recommendation to City Council.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

Staff presented the amendments to the Watershed Advisory Committee on May 25, 2017; however, the WAC did not have a quorum and not action was taken. The Planning Commission recommended approval of the amendments to Chapter 118, Platting, Article III, General Platting Procedures on a motion that carried unanimously.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendments to the City of New Braunfels Code of Ordinances, Chapter 118, Platting, Article III, General Platting Procedures. Staff is recommending that the drainage and construction plan requirement amendments go into effect January 1, 2018.

CHAPTER 118 - PLATTING

ARTICLE III. - GENERAL PLATTING PROCEDURES

Sec. 118-22. - Subdivision master plan.

- a. *[Master plan submittal.]* Where the proposed subdivision constitutes a unit of a larger tract that is to be subsequently subdivided, the applicant is required to submit a subdivision master plan of the entire area. The subdivision master plan shall be submitted in sufficient copies as determined by the planning director and drawn at a scale of not less than one inch to 500 feet on a topographic map. The master plan shall include:
- (1) Names and addresses of the developers/subdividers, record owner, engineer and/or surveyor;
 - (2) Proposed name of the subdivision;
 - (3) Location in relation to the rest of the city and boundaries of proposed subdivision;
 - (4) A schematic layout of the entire tract and its relationship to adjacent property and existing adjoining development, including tentative proposed layouts of streets, blocks, drainage and utilities, if determined to be necessary by the planning director;
 - (5) The phases of development of the tract;
 - (6) Proposed major categories of land use and proposed zonings;
 - (7) Number of dwelling units per acre;
 - (8) Arterial, collector and local street layout;
 - (9) Location of sites for parks, schools and public uses as shown in the master plan where applicable;
 - (10) Significant natural features, including floodplains and wooded areas;
 - (11) Significant manmade features, such as railroads, buildings and utilities; ~~and~~
 - (12) Master drainage plan report including existing drainage site plan, existing watershed map, preliminary drainage site plan and master drainage plan summary.

Deleted: and

Deleted: .

Sec. 118-25. - Preliminary street and utility drawings; schematic layout.

In addition to that provided in section 118-24, the following shall be provided on the preliminary plat or on separate paper:

- (1) A preliminary street plan with right-of-way and paving widths of all streets, alleys and the location of all sidewalks.
- (2) A preliminary plan of the water system showing the approximate location and size of existing and proposed water lines, fire hydrants, and the location and size of existing mains to which the system will be connected.
- (3) A preliminary plan for wastewater disposal systems including the location of wastewater lines pipe size, and points of discharge or any disposal sites, including lands subject to flooding.
- (4) A preliminary drainage report including preliminary drainage site plan and conformance with the master drainage plan report as required in this chapter.

Deleted: plan of the drainage system with location of channels, storms sewer and detention or retention basins.

If a preliminary plat is not submitted, the information in this section and section 118-24 will be required to be submitted with a final plat.

Sec. 118-27. - Final plat.

Within the applicable period of the planning commission approval of the subdivision master plan or preliminary plat, the applicant shall cause to be prepared a final plat for all or part of that land shown on the subdivision master plan and/or preliminary plat, and incorporating any and all changes, modifications, alterations, corrections and conditions imposed by the planning commission in approving the subdivision master plan and/or preliminary plat. ~~The preliminary plat and final plat and all accompanying data and plans may be submitted together, or the applicant may submit a final plat and all accompanying data and plans required by this chapter without submitting a preliminary plat.~~

Deleted: construction plans and site improvement data if required by this chapter may be submitted with the final plat, but they are not required to be submitted with the final plat.

Sec. 118-28. - Filing and fees.

- (a) Formal application for final plat approval shall be made to the planning director by the applicant on forms prescribed by the planning director.
- (b) Copies of the final plat in sufficient quantities as determined by the planning director shall be tendered to the planning director in accordance with the commission's meeting calendar as approved by the planning commission.
- (c) The final plat shall be accompanied by an application fee, which is nonrefundable.
- (d) If the applicant proposes street names whose names have not been previously approved by the applicable street name approval authorities, the application shall include a street name approval letter from the applicable street name approval authorities.

(e) An application for a final plat shall be accompanied by a letter of approval from the city engineer and/or the public works director approving the public infrastructure improvement construction plans showing details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers and other engineering details of the proposed subdivision. Such plans shall be prepared by a registered professional engineer and shall conform to the standard specifications established by the city. Approval of any public infrastructure improvement plans is required prior to final plat application.

Sec. 118-30. - Certificates and statements.

- (a) A surveyor's certificate in the following form shall be placed on the subdivision plat:

KNOW ALL MEN BY THESE PRESENTS:

I, the undersigned _____, 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.

(Seal) _____

Registered Professional Land Surveyor No. _____

- (b) An engineer's certificate in the following form shall be placed on the subdivision construction plans:

KNOW ALL MEN BY THESE PRESENTS:

I, the undersigned, _____, a Professional Engineer Registered in the State of Texas, hereby certify that proper engineering consideration has been given to these plans and all engineering aspects are in compliance with City and State engineering regulations and laws.

(Engineer Seal) _____

Registered
P.E. Registration No. _____

Professional

Engineer

- (c) An owner's acknowledgement and certificate of dedication in the following form shall be placed on the subdivision plat:

Owner's acknowledgement:
State _____ of _____ Texas
County of _____

I (We) the undersigned owner(s) of the land shown on this plat, and designated herein as the _____ subdivision to the City of New Braunfels, County of _____, 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.

	_____ (Owner)
--	------------------

State _____ of _____ Texas
County _____ of _____
This instrument was acknowledged before me on this _____ day of _____, 20_____, by _____.

	_____ Notary Public
	State of _____
	My Commission Expires: _____

This owner's acknowledgement may be omitted if there is also filed with the plat a dedication deed adopting such plat as a part thereof, executed by such owner in recordable form and incorporating therein all of the pertinent provisions of such owner's acknowledgement.

- (d) A certificate of approval and acceptance by the planning commission shall be placed on the subdivision plat, as follows:

Approved this the _____ day of _____, 20_____, by the Planning Commission of the City of New Braunfels, Texas.

--	-------

	Chairman
--	----------

Approved for Acceptance

_____/_____/_____ Date	_____ Planning Director
_____/_____/_____ Date	_____ City Engineer
_____/_____/_____ Date	_____ New Braunfels Utilities

(e) A certificate of recordation in the following form shall be placed on the subdivision plat:

For Comal County

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 _____, 20_____, at _____ m.

Witness my hand official seal, this the _____ day of _____, 20_____.

	County Clerk, Comal County, Texas
	_____ Deputy

For State _____ and _____ County
County of _____ of _____ Texas

I, _____ County Clerk of said County, do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed for record in my office, on the _____ day of _____, A.D. 20_____ at _____ m. and duly recorded the _____ day of _____ A.D. 20_____ at _____ m. in the map and plat records of _____ County, Texas in Volume _____, Page _____, in

testimony whereof, witness my hand and official seal of office this _____ day of _____, A.D. 20 _____.

County Clerk, _____ County, Texas

- (f) Any certifications, acknowledgements, approvals or statements required by and in a format approved by the county or counties within which the subdivision lies shall be attached to the subdivision plat.
- (g) A statement or statements for any subdivision in which a lot or lots are not connected to water or wastewater system owned or franchised by the city shall be attached to the subdivision plat.
- (h) A statement shall be added on the subdivision plat declaring whether sidewalks are required, upon which streets sidewalks are required, and who is responsible for installation.
- (i) A statement shall be added on the subdivision plat stating whether all or a portion of the subdivision falls within the one percent chance floodplain, and if so, the engineer's or surveyor's statement of the minimum permissible floor elevation for each lot together with a statement that all buildings must be constructed above that minimum floor elevation.
- (j) If no portion of any lot on a plat is within an indicated special flood hazard zone, then the plat shall state this:

No portion of any lot on this plat is within an indicated special flood hazard zone according to the adopted flood maps of the City of New Braunfels.

(k) A statement shall be added on the subdivision plat stating that finished floor elevation must be a minimum of ten (10) inches above final adjacent grade and the lot be graded in accordance with the approved grading plan.

Formatted: Indent: Left: 0", Hanging: 0.31"

Sec. 118-32. - Processing of final plat.

- (a) The planning director shall check the final plat as to its conformity with the master plan, major street plan, land use plan, zoning districts, and the standards and specifications set forth in this chapter or referred to in this chapter.
- (b) The planning director shall submit the final plat to the city engineer, New Braunfels Utilities, and any other utility providers, and they shall check the same for conformity with the standards and specifications contained or referred to in this chapter.
- (c) The planning director shall make sure that all interested parties, including other governmental entities, regulatory agencies, and public utilities, shall review the plat and utility layout within ten days of their submission for the purpose of determining their conformity with this chapter and applicable city standards giving consideration to sound engineering practices and design criteria.
- (d) Within the applicable period of planning commission approval of the subdivision master plan or preliminary plat, the subdivider shall cause to be prepared a final plat for all or part of that land shown on the subdivision master plan and/or preliminary plat, and incorporating any and all changes, modifications, alterations, corrections, and conditions imposed by the planning commission in approving the subdivision master plan and/or preliminary plat.
- (e) Construction plans and site improvement data shall be approved by the city engineer and/or public works director prior to final plat application. ~~The applicant may submit a final plat without submitting a preliminary plat.~~
- (f) The planning director shall submit the final plat data to the planning commission with any recommendations as to modifications, additions or alterations of the plat data.

Deleted: , if required by this chapter, may be submitted with the final plat, but they are not required to be submitted with the final plat. The preliminary plat, final plat, and all accompanying data and plans may be submitted together, or

Deleted: t

Deleted: and all accompanying data and plans required by this chapter

- (g) The planning commission shall approve or disapprove such plat, or conditionally approve it with modifications in accordance with the planning commission approved meeting schedule.
- (h) If a plat is not disapproved within 30 days from the filing date, unless waived, or within the planning commission meeting schedule outlined below, it shall be deemed to have been approved by the planning commission. A certificate showing the filing date and the failure to take action thereon within the periods prescribed in this section shall, on demand by the applicant, be issued by the planning commission. Such certificate shall be sufficient in lieu of the written endorsement or other evidence of approval required in this section for recordation.
- (i) Meeting calendar. The commission shall approve a meeting calendar for every calendar year. Such calendar shall prescribe at minimum the "application deadline date" for submission of plans and plats, the "staff review meeting date", and the "commission's meeting date" on which plans and plats will be considered.
- (j) Approval or conditional approval of a final plat shall be effective for five years.
- (k) The plat shall expire and be void within five years of approval by the commission if progress toward completion is not being made. Progress towards completion of the development for which the final plat was approved includes the following:
 - (1) A good faith effort is made to file with a regulatory agency an application for a permit necessary to begin or continue towards completion of the project;
 - (2) Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
 - (3) Subdivision development has begun.
 - (4) Security is posted with the city to ensure performance of an obligation required by the city; or
 - (5) Utility connection fees or impact fees for the project have been paid to the city or New Braunfels Utilities.
- (l) The planning director may upon application extend approval of a final plat for an additional 12 months. At the end of this 12-month extension the final plat approval shall be revoked in writing by the city to the applicant unless:
 - (1) Extended by the planning commission upon application by the applicant in accordance with the planning commission approved meeting schedule;
 - (2) Subdivision development has begun; or
 - (3) Surety has been provided for in accordance with this chapter.
- (m) Revisions to approved final plat prior to filing at the county. Occasionally minor revisions are needed before the final plat can be filed at the applicable county(s). Such minor revisions as correction of bearings or distances, correction of minor labeling errors, addition of erroneously omitted informational items and labels, etc. may occur on the record plat prior to filing it without the planning commission having to re-approve the final plat. Determination of whether or not revisions are "minor" in nature is subject to the judgment of the city's planning director and the city engineer. Revisions such as obvious corrections, reconfiguration of lot lines or easements, relocation of roads or driveways or access easements, any modification to the perimeter or boundary of the property, and relocation or addition or deletion of any public improvement (including corresponding easement), may necessitate re-submission and re-approval of the plat as a "revised final plat" unless otherwise approved by the planning director and the city engineer as applicable. If the planning director or city engineer consider revisions to be other than minor revisions the plat shall be re-submitted to the planning commission as a "revised final plat".

Sec. 118-42. - Planned developments (PD).

- (a) *Regulations for PD subdivision.* The regulations set forth in this section or as set forth elsewhere in this chapter when referred to in this section are regulations in the planned development (PD) subdivision. They may be created only within the city limits.
- (b) *Purposes of planned development.* In certain instances the purposes of this chapter may be achieved by the development of planned developments which do not conform in all respects with the land use pattern designated on the zoning map, the district regulations prescribed by the zoning ordinance, or the requirements of this chapter. A planned development (PD) may include a combination of different dwelling types and/or a variety of land uses which creatively complement each other and harmonize with existing and proposed land uses in the vicinity. In order to encourage creative development of the land, provide locations for well-planned comprehensive developments, and provide for variety in the development pattern of the city which conform with the purposes of the comprehensive plan, the planning commission is empowered to approve planned development subdivisions.
- (c) *Planned development subdivision requirements.*
 - (1) It is the intent of this section that subdivision review under the subdivision regulations be carried out simultaneously with the review of a planned development plan under the zoning ordinance.
 - (2) The detail plans required in the zoning ordinance must be submitted in a form which will satisfy the requirements of this chapter for final plats.
 - (3) The final plat must be in conformance with the approved detail plans before they may be approved by the planning commission. Approval and recording of the final plat and construction of an approved subdivision shall be in accordance with the applicable provisions of this chapter.
 - (4) The planning commission may vary the specific requirements of this chapter if, on the basis of the PD concept and detail plan and the evidence submitted, the planning commission makes the following findings:
 - a. That the proposed modifications to the requirements of this chapter for the planned development are in accord with the purposes of this chapter and meet the objectives of the comprehensive plan;
 - b. That the proposed modification provides for better project design;
 - c. That the standards of population density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between structures, usable open space and off-street parking and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload the utilities;
 - d. That the development is planned with adequate provisions for light, air, vehicular and pedestrian circulation and recreational facilities equal to or better than the requirements of this chapter;
 - e. That the combination of different dwelling types and/or the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity;
 - f. Financial reasons shall not be the sole reason for modification of standards.

(5) Master drainage plan report including existing drainage site plan, existing watershed map, preliminary drainage site plan and master drainage plan summary.

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ORDINANCE NO. 2017-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING CHAPTER 118, PLATTING, ARTICLE III, GENERAL PLATTING PROCEDURES, RELATING TO REQUIRED DRAINAGE REPORT AT SUBDIVISION MASTER PLANS, PRELIMINARY PLAT AND PLANNED DEVELOPMENT; REQUIRED CONSTRUCTION PLAN APPROVAL PRIOR TO FINAL PLAT APPLICATION; AND REQUIRED STATEMENT SUBDIVISION PLAT RELATED TO FINISH FLOOR ELEVATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the State of Texas has enacted legislation empowering municipalities to exercise authority relating to subdivision regulation; and

WHEREAS, the Planning Commission unanimously recommends to the City Council adoption of amendments; and

WHEREAS, the City Council of the City of New Braunfels finds such amendments necessary in order to plan and construct public infrastructure improvements including streets, alleys, culverts, storm sewers and other engineering infrastructure details; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens of New Braunfels to amend Chapter 118; and

WHEREAS, the amendments apply to master plans, plats and planned developments filed with formal application after January 1, 2018;

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

SECTION 1.

THAT, Section 118-22, Subdivision Master Plan, is amended by adding a new paragraph (12) as follows:

- (12) Master drainage plan report including existing drainage site plan, existing watershed map, preliminary drainage site plan and master drainage plan summary.

THAT, Section 118-25, Preliminary street and utility drawings; schematic layout, is amended by deleting paragraph (4) and adding a new paragraph (4) as follows:

- (4) A preliminary drainage report including preliminary drainage site plan and conformance with the master drainage plan report as required in this chapter.

THAT, Section 118-27, Final plat, is amended by deleting Section 118-27 and adding a new Section 118-27 as follows:

Within the applicable period of the planning commission approval of the subdivision master plan or preliminary plat, the applicant shall cause to be prepared a final plat for all or part of that land shown on the subdivision master plan and/or preliminary plat, and incorporating any and all changes, modifications, alterations, corrections and conditions imposed by the planning commission in approving the subdivision master plan and/or preliminary plat. The preliminary plat and final plat and all accompanying data and plans may be submitted together, or the applicant may submit a final plat and all accompanying data and plans required by this chapter without submitting a preliminary plat.

THAT, Section 118-28, Filing and fees, is amended by adding a new paragraph (e) as follows:

- (e) An application for a final plat shall be accompanied by a letter of approval from the city engineer and/or the public works director approving the public infrastructure improvement construction plans showing details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers and other engineering details of the proposed subdivision. Such plans shall be prepared by a registered professional engineer and shall conform to the standard specifications established by the city. Approval of any public infrastructure improvement plans is required prior to final plat application.

THAT, Section 118-30, Certificates and statements, is amended by adding a new paragraph (k) as follows:

- (k) A statement shall be added on the subdivision plat stating that finished floor elevation must be a minimum of ten (10) inches above final adjacent grade and the lot be graded in accordance with the approved grading plan.

THAT, Section 118-32, Processing of final plat, is amended by deleting paragraph (e) adding a new paragraph (e) as follows:

- (e) Construction plans and site improvement data shall be approved by the city engineer and/or public works director prior to final plat application. The applicant may submit a final plat without submitting a preliminary plat.

THAT, Section 118-42, Planned development (PD), is amended by adding a new paragraph (c) (5) as follows:

- (5) Master drainage plan report including existing drainage site plan, existing watershed map, preliminary drainage site plan and master drainage plan summary.

SECTION 2.

This Ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to parking within the City of New Braunfels, and same shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this Ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

SECTION 3.

That if any provisions of this Ordinance shall be held void, illegal, or unconstitutional, it is hereby provided that all other parts of the same which are not held void, illegal or unconstitutional shall remain in full force and effect.

SECTION 4.

This Ordinance shall take effect for all master plans, plats and planned developments filed with formal application after January 1, 2018.

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

8/28/2017

Agenda Item No. J)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the first reading of an ordinance amending the City of New Braunfels Code of Ordinances, Chapter 118, Platting, Article IV, Design Standards, Section 118-46 Streets.

BACKGROUND / RATIONALE:

This item was presented to City Council on August 14, 2017.

The proposed amendments are considered “clean-up” items in order to address inconsistencies, issues and current practice. They are limited and are not intended as a major change to platting requirements. It is anticipated that staff will present additional amendments to the platting ordinance as staff resources permit.

A brief summary of the proposed sections and amendments is provided below and will be presented in more detail at the meeting. A detailed redlined ordinance with specific changes is attached.

Section 118-46 (l) Landscaped islands and traffic calming

- Redefine “landscape islands” to “medians” and specify traffic function and sight distance requirements.
- Remove traffic calming design information including figures as most information is incorrect and outdated.
- List acceptable traffic calming options and specify design to meet established standards.

Section 118-46 (s) Pavement and rights-of-way widths, street grades and horizontal curves for public streets

- Address inconsistencies between ordinance text, ordinance street sections, approved thoroughfare plan and engineering street sections.
- Remove “sub-collector” classification as its function and applicability are nonstandard and unknown as a standard roadway classification.
- Remove “no parking residential collector” classification as its applicability does not allow for parking and access, and is limited in adequate functional width.
- Specify that different right-of-way shall be determined by City Council with recommendation from Planning Commission and staff (current practice).
- Remove street section figures and specify street information in text.
- Add “parkway” classification in accordance with the approved thoroughfare plan.
- Minimum grade of 0.5% was added.

-
- Minimum centerline radius was updated to meet standard design guidance.
 - Text was added referencing AASHTO's A Policy on Geometric Design of Highways and Streets for design standards not referenced in the section.
 - Text was added requiring TxDOT requirements for state highways.

Section 118-46 (y) Traffic impact analysis

- Replace "project" with "building permit" to be consistent with Chapter 114.
- Replace "form" with "worksheet" and add Traffic Impact Analysis (TIA) to be consistent with Chapter 114.
- Remove TIA worksheet from the code as the trip generation reference is outdated and the worksheet includes misspellings. The worksheet will be kept on file with Public Works, available on the city's website and be updated accordingly.

Section 118-46 (z) Street signs

- The developer is responsible for all street signs in the city and extraterritorial jurisdiction with approved construction plans.

Staff presented these items to area development engineers on March 23, 2017 and Planning Commission on May 2, 2017. A public hearing and recommendation was made at Planning Commission on July 5, 2017.

This item is for presentation only. Action and further discussion is planned for a future city council meeting.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

Planning Commission recommended approval of the proposed amendments to the City of New Braunfels Code of Ordinances, Chapter 118, Platting, Article IV, Design Standards, Section 118-46 Streets on July 5, 2017 on a motion that carried unanimously.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendments to the City of New Braunfels Code of Ordinances, Chapter 118, Platting, Article IV, Design Standards, Section 118-46 Streets.

Chapter 118 - PLATTING

ARTICLE IV. - DESIGN STANDARDS

Sec. 118-46. - Streets.

- (a) *Street layout.* Adequate streets shall be provided by the subdivider and the arrangement, character, extent, width, grade and location of each shall be considered in their relation to existing and planned streets, topographical conditions, public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by such streets. Local residential streets should be laid out so as to discourage their use by through traffic. A waiver may be considered for local residential streets as defined in subsection (s). that may curve, meander, and otherwise deviate from the radius and tangent requirements set forth in subsection (s) when:
- (1) The developer's engineer designs streets that meet recognized standards, and
 - (2) The planning commission determines that such design is not contrary to the best interest of the city and the users of its street system.
- (b) *Streets on city comprehensive plan or thoroughfare plan.*
- (1) With regard to the comprehensive plan, the city council has adopted the city comprehensive plan as a guide for growth and development of the entire city and its extraterritorial jurisdiction. In particular the future land use plan, shall not be nor be considered a zoning map, nor constitute zoning regulations or establish zoning boundaries and shall not be site nor parcel specific and shall be used to illustrate generalized locations. The thoroughfare plan shall depict generalized locations of new alignments which are subject to modification to fit local conditions and are subject to refinement as development occurs.
 - (2) Whenever a tract to be platted borders on or embraces any part of any street shown on the thoroughfare plan, such part of such proposed street shall be shown on the master plan or the plat. All arterial and collector street locations, alignments, right-of-way widths, pavement widths, and cross sections shall be determined by the planning commission and city council in accordance with its adopted thoroughfare plan.

- (l) *Medians and traffic calming. A median is the portion of the roadway separating opposing directions of the traveled way. Medians are desirable on collectors and arterials carrying four or more lanes of traffic for operations, access management and safety. Other uses of a median are that it may offer an open green space, may provide a refuge area for pedestrians and may control the location of intersection traffic conflicts. Median design shall meet recognized engineering design standards. Landscaping, vegetation and other natural features in medians may constitute roadside obstacles and shall meet recognized roadside and sight distance standards. Traffic calming is the use of physical devices to influence vehicle operations in order to reduce anticipated speeds and through traffic, and increase driver awareness in residential areas. Traffic calming may be placed on local and residential collector streets adjacent to one and two family residential lots. Traffic calming measures may include road narrowing, midblock medians, cul-de-sac islands, curb extensions, traffic circles and roundabouts. Traffic calming measures shall meet recognized engineering design standards.*

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- (s) *Pavement and rights-of-way widths, street grades and horizontal curves for public streets.* Pavement widths shall be measured from the face of one curb to the face of the other curb. Pavement and rights-of-way widths, street grades, horizontal curves and sidewalks shall be in accordance with the adopted regional transportation plan and as follows, unless an exception is granted by the city council after review and recommendation by planning commission and the city engineer:

1. Interstate

a. Right-of-way (min.): 300-450'

2. Expressway

a. Right-of-way (min.): 200-300'

3. Parkway

a. Right-of-way (min.): 200'

4. Principal Arterial

a. Right-of-way (min.): 150'

b. Pavement width (min.): 72'

c. Centerline radius (min.): 1,200'

d. Tangent between reverse curves (min.): 375'

e. Minimum grade: 0.5%

f. Maximum grade: 5%

g. Design speed: 50 mph

h. Sidewalks: Yes

i. Parking allowed: No

5. Minor Arterial

a. Right-of-way (min.): 120'

b. Pavement width (min.): 48'

c. Centerline radius (min.): 1,200'

d. Tangent between reverse curves (min.): 375'

e. Minimum grade: 0.5%

f. Maximum grade: 5%

g. Design speed: 45 mph

h. Sidewalks: Yes

i. Parking allowed: No

6. Major Collector

a. Right-of-way (min.): 90'

b. Pavement width (min.): 48'

c. Centerline radius (min.): 770'

d. Tangent between reverse curves (min.): 250'

e. Minimum grade: 0.5%

f. Maximum grade: 6%

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- g. Design speed: 40 mph
- h. Sidewalks: Yes
- i. Parking allowed: Varies depending on lane configuration

7. Minor Collector.

- a. Right-of-way (min.): 60'
- b. Pavement width (min.): 40'
- c. Centerline radius (min.): 510'
- d. Tangent between reverse curves (min.): 100'
- e. Minimum grade: 0.5%
- f. Maximum grade: 8%
- g. Design speed: 35 mph
- h. Sidewalks: Yes
- i. Parking allowed: Varies depending on lane configuration

8. Residential Collector.

- a. Right-of-way (min.): 60'
- b. Pavement width (min.): 36'
- c. Centerline radius (min.): 340'
- d. Tangent between reverse curves (min.): 100'
- e. Minimum grade: 0.5%
- f. Maximum grade: 10%
- g. Design speed: 30 mph
- h. Sidewalks: Yes
- i. Parking allowed: Yes
- j. Average daily traffic: Less than 5,000

9. Local Street, Multifamily, Industrial and Commercial.

- a. Right-of-way (min.): 60'
- b. Pavement width (min.): 40'
- c. Centerline radius (min.): 340'
- d. Tangent between reverse curves (min.): 50'
- e. Minimum grade: 0.5%
- f. Maximum grade: 10%
- g. Design speed: 30 mph
- h. Sidewalks: Yes
- i. Parking allowed: Yes
- j. Average daily traffic: Less than 1,000

10. Local Street, One- and Two-Family Residential.

- a. Right-of-way (min.): 50'

- b. Pavement width (min.): 30'
- c. Centerline radius (min.): 125'
- d. Tangent between reverse curves (min.): 50'
- e. Minimum grade: 0.5%
- f. Maximum grade: 12%
- g. Design speed: 20 mph
- h. Sidewalks: Yes
- i. Parking allowed: Yes
- j. Average daily traffic: Less than 1,000

11. Local Street, One-Family Large Lot Residential (Minimum 100 feet lot frontage).

- a. Right-of-way (min.): 60'
- b. Pavement width (min.): 24'
- c. Centerline radius (min.): 125'
- d. Tangent between reverse curves (min.): 50'
- e. Minimum grade: 0.5%
- f. Maximum grade: 12%
- g. Design speed: 20 mph
- h. Sidewalks: No
- i. Parking allowed: No
- j. Average daily traffic: Less than 1,000

Design standards not specified in this section shall conform to the latest edition of the American Association of State Highway and Transportation Officials A Policy on Geometric Design of Highways and Streets. Design standards on state highways shall conform to the requirements of the Texas Department of Transportation.

Remove Figures

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 (1) . *150-foot highway.* ¶
 a. . Minimum right-of-way: 150 feet. ¶
 b. . Minimum pavement width: N/A. ¶
 c. . Minimum centerline radius of curve: 1,200 feet. ¶
 d. . Minimum tangent between reverse curves: 375 feet. ¶
 e. . Maximum sustained grade (shall not be over 300 feet): Five percent. ¶
 (2) . *120-foot highway.* ¶
 a. . Minimum right-of-way: 120 feet. ¶
 b. . Minimum pavement width: N/A. ¶
 c. . Minimum centerline radius of curve: 1,200 feet. ¶
 d. . Minimum tangent between reverse curves: 375 feet. ¶
 e. . Maximum sustained grade (shall not be over 300 feet): Five percent. ¶
 (3) . *Major arterial, five lanes.* ¶
 a. . Minimum right-of-way width: 80 feet. ¶
 b. . Minimum pavement width: 60 feet. ¶
 c. . Minimum centerline radius of curve: 1,000 feet. ¶
 d. . Minimum tangent between reverse curves: 250 feet. ¶
 e. . Maximum sustained grade (shall not be over 300 feet): Six percent. ¶
 (4) . *Major arterial, four lanes with median.* ¶
 a. . Minimum right-of-way width: 80 feet. ¶
 b. . Minimum pavement width: 48 feet. ¶
 c. . Minimum centerline radius of curve: 1,000 feet. ¶
 d. . Minimum tangent between reverse curves: 250 feet. ¶
 e. . Maximum sustained grade (shall not be over 300 feet): Six percent. ¶
 (5) . *Minor arterial.* ¶
 a. . Minimum right-of-way width: 70 feet. ¶
 b. . Minimum pavement width: 48 feet. ¶
 c. . Minimum centerline radius of curves: 600 feet. ¶
 d. . Minimum tangent between reverse curves: 200 feet. ¶
 e. . Maximum sustained grade (shall not be over 300 feet): Eight percent. ¶
 (6) . *Local streets serving multifamily, commercial or industrial property.* ¶
 a. . Minimum right-of-way width: 60 feet. ¶
 b. . Minimum pavement width: 40 feet. ¶
 c. . Minimum centerline radius of curves: 200 feet. ¶
 d. . Minimum tangent between reverse curves: 50 feet. ¶
 e. . Maximum sustained grade (shall not be over 300 feet): Ten percent. ¶
 (7) . *Collector streets serving one and two family residential development, parking on both sides of street.* ¶
 a. . Minimum right-of-way width: 60 feet. ¶
 b. . Minimum pavement width: 36 feet. ¶ (... [2])

(t) *Responsibility for right-of-way dedication and public street construction.*

1. *Internal streets.*

- a. The developer shall be responsible for the dedication and construction of all local and collector streets within his subdivision at his own expense. The developer may also be required to construct at least 2 lanes of an arterial street, if such is supported by a traffic impact analysis (TIA), and if such construction does not impose a disproportionate burden on the property owner or his property.
- b. The developer may be required to dedicate additional ROW and construct additional lanes of an arterial street or TxDOT road based on the planning commission's review of a traffic impact analysis (TIA), and if such construction does not impose a disproportionate burden on the property owner or his property.
- c. The planning commission may allow in lieu of construction an escrow be deposited for a period no longer than ten years equal to the developer's roughly proportionate share of the cost of constructing streets, the value of which shall be approved by the city engineer.
- d. Streets shall be constructed in accordance with this chapter.

(2) *Perimeter streets.*

- a. The developer shall, at his own cost, dedicate or reserve such right-of-way for approach and perimeter streets, if such dedication or reservation does not impose a disproportionate burden on the property owner or his property.
- b. The city may at the city's sole option pay for street right-of-way acquisition or street construction that is in excess of the demand caused by the subdivision or development.
- c. Adequate access.
 1. All subdivisions shall have access to an adequate perimeter or approach street. An adequate perimeter or approach street is a dedicated public street that has an average pavement width of at least 24 feet adjacent to the area being platted, even though such pavement is not to city standards at the time of platting. If the approach or perimeter street is adequate, the developer shall not be required to build additional approach or perimeter streets, but shall be required to dedicate or reserve right-of-way according to this section. If a subdivision does not have access to an adequate perimeter or approach street, as defined above, the planning commission may deny the plat, the developer may construct an adequate street as determined by the commission, or the developer may offer to enter into a development agreement with the city for sharing in the cost of constructing an adequate street. Such development agreement may be approved by the city council.
 2. If there is more than one perimeter or approach street adjacent to the area being platted, at least one of those streets must be adequate, or be constructed to be adequate, and improvement of the other(s) perimeter or approach street(s) is (are) not required to be adequate. However, right-of-way shall be dedicated or reserved according to this section for all perimeter or approach roads.
 3. If the area being platted has adequate access but is adjacent to other inadequate perimeter or approach street(s), the developer may either improve the inadequate street(s) to city specifications in the area adjacent to the area being platted or not take access to the inadequate street(s). The planning commission may require a "stub out" of an internal street to the inadequate perimeter or approach street and the developer may be required to provide a temporary turn around for a dead end street in accordance with this chapter.
 4. The construction of an adequate access shall be according to the standards of this chapter and chapter 114.

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- d. Based on a traffic impact analysis, the commission may require a developer to dedicate or reserve right-of-way and/or construct street improvements to mitigate adverse traffic impacts shown by the analysis which the commission deems appropriate and roughly proportionate to the development's impact.

(y) *Traffic impact analysis.*

- (1) *Requirements.* No master plan, plat, ~~building permit~~ or driveway access shall be approved unless a traffic impact analysis (TIA) ~~worksheet, or TIA~~, as provided for in this section, is completed by the developer and approved by the city engineer. A TIA may also be required by the planning director, the commission or the city council as part of a zoning change application.

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~~Remove Traffic Impact Analysis (TIA) Threshold Worksheet~~

- (z) *Street signs.* ~~Street signs shall be installed, at the cost of the developer and at no cost to the city, in accordance with approved construction plans.~~

Deleted: Within the corporate limits and ETJ of the city, on both public and private streets, street signs shall be erected and installed by the city. Before final approval and acceptance of the streets by the city, the developer shall pay the city such sum, as computed by the city engineer, for street sign materials, and the cost of labor for making and installing such signs.

ORDINANCE NO. 2017-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING CHAPTER 118, PLATTING, ARTICLE IV, DESIGN STANDARDS, SECTION 118-46, STREETS RELATING TO MEDIANS AND TRAFFIC CALMING; PAVEMENT AND RIGHT-OF-WAY WIDTHS; TRAFFIC IMPACT ANALYSIS; STREET SIGNS; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the State of Texas has enacted legislation empowering municipalities to exercise authority relating to subdivision regulation; and

WHEREAS, the Planning Commission unanimously recommends to the City Council adoption of amendments; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens of New Braunfels to amend Chapter 118, Section 118-46;

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

SECTION 1.

THAT, Section 118-46, Streets, is amended by deleting paragraphs (a), (b), (l), (s), (t), (y) subsection (1) and (z), and adding new paragraphs (a), (b), (l), (s), (t), (y) subsection (1) and (z) as follows:

(a) *Street layout.* Adequate streets shall be provided by the subdivider and the arrangement, character, extent, width, grade and location of each shall be considered in their relation to existing and planned streets, topographical conditions, public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by such streets. Local residential streets should be laid out so as to discourage their use by through traffic. A waiver may be considered for local residential streets as defined in subsection (s) that may curve, meander, and otherwise deviate from the radius and tangent requirements set forth in subsection (s) when:

- (1) The developer's engineer designs streets that meet recognized standards, and
- (2) The planning commission determines that such design is not contrary to the best interest of the city and the users of its street system.

(b) *Streets on city comprehensive plan or thoroughfare plan.*

- (1) With regard to the comprehensive plan, the city council has adopted the city comprehensive plan as a guide for growth and development of the entire city and its extraterritorial jurisdiction. In particular the future land use plan, shall not be nor be considered a zoning map, nor constitute zoning regulations or establish zoning boundaries and shall not be site nor parcel specific and shall be used to illustrate generalized locations. The thoroughfare plan shall depict generalized locations of new alignments which are subject to modification to fit local conditions and are subject to refinement as development occurs.
 - (2) Whenever a tract to be platted borders on or embraces any part of any street shown on the thoroughfare plan, such part of such proposed street shall be shown on the master plan or the plat. All arterial and collector street locations, alignments, right-of-way widths, pavement widths, and cross sections shall be determined by the planning commission and city council in accordance with its adopted thoroughfare plan.
- (l) *Medians and traffic calming.* A median is the portion of the roadway separating opposing directions of the traveled way. Medians are desirable on collectors and arterials carrying four or more lanes of traffic for operations, access management and safety. Other uses of a median are that it may offer an open green space, may provide a refuge area for pedestrians and may control the location of intersection traffic conflicts. Median design shall meet recognized engineering design standards. Landscaping, vegetation and other natural features in medians may constitute roadside obstacles and shall meet recognized roadside and sight distance standards. Traffic calming is the use of physical devices to influence vehicle operations in order to reduce anticipated speeds and through traffic, and increase driver awareness in residential areas. Traffic calming may be placed on local and residential collector streets adjacent to one and two family residential lots. Traffic calming measures may include road narrowing, midblock medians, cul-de-sac islands, curb extensions, traffic circles and roundabouts. Traffic calming measures shall meet recognized engineering design standards.
- (s) *Pavement and rights-of-way widths, street grades and horizontal curves for public streets.* Pavement widths shall be measured from the face of one curb to the face of the other curb. Pavement and rights-of-way widths, street grades, horizontal curves and sidewalks shall be in accordance with the adopted regional transportation plan and as follows, unless an exception is granted by the city council after review and recommendation by planning commission and the city engineer:
- (1) *Interstate.*
 - a. Right-of-way (min.): 300-450'
 - (2) *Expressway.*

- a. Right-of-way (min.): 200-300'
- (3) *Parkway.*
 - a. Right-of-way (min.): 200'
- (4) *Principal Arterial.*
 - a. Right-of-way (min.): 150'
 - b. Pavement width (min.): 72'
 - c. Centerline radius (min.): 1,200'
 - d. Tangent between reverse curves (min.): 375'
 - e. Minimum grade: 0.5%
 - f. Maximum grade: 5%
 - g. Design speed: 50 mph
 - h. Sidewalks: Yes
 - i. Parking allowed: No
- (5) *Minor Arterial.*
 - a. Right-of-way (min.): 120'
 - b. Pavement width (min.): 48'
 - c. Centerline radius (min.): 1,200'
 - d. Tangent between reverse curves (min.): 375'
 - e. Minimum grade: 0.5%
 - f. Maximum grade: 5%
 - g. Design speed: 45 mph
 - h. Sidewalks: Yes
 - i. Parking allowed: No
- (6) *Major Collector.*
 - a. Right-of-way (min.): 90'
 - b. Pavement width (min.): 48'
 - c. Centerline radius (min.): 770'
 - d. Tangent between reverse curves (min.): 250'
 - e. Minimum grade: 0.5%
 - f. Maximum grade: 6%
 - g. Design speed: 40 mph
 - h. Sidewalks: Yes
 - i. Parking allowed: Varies depending on lane configuration
- (7) *Minor Collector.*
 - a. Right-of-way (min.): 60'
 - b. Pavement width (min.): 40'
 - c. Centerline radius (min.): 510'
 - d. Tangent between reverse curves (min.): 100'
 - e. Minimum grade: 0.5%
 - f. Maximum grade: 8%
 - g. Design speed: 35 mph
 - h. Sidewalks: Yes
 - i. Parking allowed: Varies depending on lane configuration
- (8) *Residential Collector.*
 - a. Right-of-way (min.): 60'
 - b. Pavement width (min.): 36'

- c. Centerline radius (min.): 340'
- d. Tangent between reverse curves (min.): 100'
- e. Minimum grade: 0.5%
- f. Maximum grade: 10%
- g. Design speed: 30 mph
- h. Sidewalks: Yes
- i. Parking allowed: Yes
- j. Average daily traffic: Less than 5,000
- (9) *Local Street, Multifamily, Industrial and Commercial.*
 - a. Right-of-way (min.): 60'
 - b. Pavement width (min.): 40'
 - c. Centerline radius (min.): 340'
 - d. Tangent between reverse curves (min.): 50'
 - e. Minimum grade: 0.5%
 - f. Maximum grade: 10%
 - g. Design speed: 30 mph
 - h. Sidewalks: Yes
 - i. Parking allowed: Yes
 - j. Average daily traffic: Less than 1,000
- (10) *Local Street, One- and Two-Family Residential.*
 - a. Right-of-way (min.): 50'
 - b. Pavement width (min.): 30'
 - c. Centerline radius (min.): 125'
 - d. Tangent between reverse curves (min.): 50'
 - e. Minimum grade: 0.5%
 - f. Maximum grade: 12%
 - g. Design speed: 20 mph
 - h. Sidewalks: Yes
 - i. Parking allowed: Yes
 - j. Average daily traffic: Less than 1,000
- (11) *Local Street, One-Family Large Lot Residential (Minimum 100 feet lot frontage).*
 - a. Right-of-way (min.): 60'
 - b. Pavement width (min.): 24'
 - c. Centerline radius (min.): 125'
 - d. Tangent between reverse curves (min.): 50'
 - e. Minimum grade: 0.5%
 - f. Maximum grade: 12%
 - g. Design speed: 20 mph
 - h. Sidewalks: No
 - i. Parking allowed: No
 - j. Average daily traffic: Less than 1,000

Design standards not specified in this section shall conform to the latest edition of the American Association of State Highway and Transportation Officials A Policy on Geometric Design of Highways and Streets. Design

standards on state highways shall conform to the requirements of the Texas Department of Transportation.

(t) *Responsibility for right-of-way dedication and public street construction.*

(1) Internal streets.

- a. The developer shall be responsible for the dedication and construction of all local and collector streets within his subdivision at his own expense. The developer may also be required to construct at least 2 lanes of an arterial street, if such is supported by a traffic impact analysis (TIA), and if such construction does not impose a disproportionate burden on the property owner or his property.
- b. The developer may be required to dedicate additional ROW and construct additional lanes of an arterial street or TxDOT road based on the planning commission's review of a traffic impact analysis (TIA), and if such construction does not impose a disproportionate burden on the property owner or his property.
- c. The planning commission may allow in lieu of construction an escrow be deposited for a period no longer than ten years equal to the developer's roughly proportionate share of the cost of constructing streets, the value of which shall be approved by the city engineer.
- d. Streets shall be constructed in accordance with this chapter.

(2) Perimeter streets.

- a. The developer shall, at his own cost, dedicate or reserve such right-of-way for approach and perimeter streets, if such dedication or reservation does not impose a disproportionate burden on the property owner or his property.
- b. The city may at the city's sole option pay for street right-of-way acquisition or street construction that is in excess of the demand caused by the subdivision or development.
- c. Adequate access.
 1. All subdivisions shall have access to an adequate perimeter or approach street. An adequate perimeter or approach street is a dedicated public street that has an average pavement width of at least 24 feet adjacent to the area being platted, even though such pavement is not to city standards at the time of platting. If the approach or perimeter street is adequate, the developer shall not be required to build additional approach or perimeter streets, but shall be required to dedicate or reserve right-of-way according to this section. If a subdivision does not have access to an adequate perimeter or approach street, as defined above, the planning commission may deny the

plat, the developer may construct an adequate street as determined by the commission, or the developer may offer to enter into a development agreement with the city for sharing in the cost of constructing an adequate street. Such development agreement may be approved by the city council.

2. If there is more than one perimeter or approach street adjacent to the area being platted, at least one of those streets must be adequate, or be constructed to be adequate, and improvement of the other(s) perimeter or approach street(s) is (are) not required to be adequate. However, right-of-way shall be dedicated or reserved according to this section for all perimeter or approach roads.
 3. If the area being platted has adequate access but is adjacent to other inadequate perimeter or approach street(s), the developer may either improve the inadequate street(s) to city specifications in the area adjacent to the area being platted or not take access to the inadequate street(s). The planning commission may require a "stub out" of an internal street to the inadequate perimeter or approach street and the developer may be required to provide a temporary turn around for a dead end street in accordance with this chapter.
 4. The construction of an adequate access shall be according to the standards of this chapter and chapter 114.
- d. Based on a traffic impact analysis, the commission may require a developer to dedicate or reserve right-of-way and/or construct street improvements to mitigate adverse traffic impacts shown by the analysis which the commission deems appropriate and roughly proportionate to the development's impact.

(y) *Traffic impact analysis.*

- (1) Requirements. No master plan, plat, building permit or driveway access shall be approved unless a traffic impact analysis (TIA) worksheet or TIA, as provided for in this section, is completed by the developer and approved by the city engineer. A TIA may also be required by the planning director, the commission or the city council as part of a zoning change application.

TIA Table Submittal Type

Peak Hour Trips	Submittal Type
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100 or less	TIA Worksheet
101-500	Level 1 TIA
501-1,000	Level 2 TIA
1,001 or more	Level 3 TIA

When an activity on, or change occurs that varies from the activity on which a previous TIA was submitted and accepted, and the new activity places the project into a level different from that of the previous TIA or generates an increase of at least 100 PHT (or ten percent for a level 3 TIA) relative to the previous TIA, the property owner or its agent shall perform and submit to the city an amended TIA under the format described in this section.

- (z) *Street signs.* Street signs shall be installed, at the cost of the developer and at no cost to the city, in accordance with approved construction plans.

SECTION 2.

This Ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to parking within the City of New Braunfels, and same shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this Ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

SECTION 3.

That if any provisions of this Ordinance shall be held void, illegal, or unconstitutional, it is hereby provided that all other parts of the same which are not held void, illegal or unconstitutional shall remain in full force and effect.

SECTION 4.

This Ordinance shall take effect upon the second and final reading of the same.

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

8/28/2017

Agenda Item No. K)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of proposed amendments to the City of New Braunfels Drainage and Erosion Control Design Manual.

BACKGROUND / RATIONALE:

This item was presented to City Council on August 14, 2017.

In accordance with the Code of Ordinances, the city engineer is hereby authorized and directed to promulgate city standards for the design, construction, installation, location and arrangement of drainage facilities. The city engineer shall submit such standards to the planning commission for recommendation to city council and, thereafter, file such standards with the city secretary at least ten days before they become effective. The city engineer may amend the standards from time to time, upon the recommendation of the planning commission to city council, and such amendment shall be filed with the city secretary at least ten days before it becomes effective.

The Drainage and Erosion Control Design Manual (DCM) is intended to establish uniform design practices for the design and construction of storm drainage and erosion control in New Braunfels and its extraterritorial jurisdiction. The DCM is specified in Section 143-2(b) of the City of New Braunfels Code of Ordinances as part of the official stormwater management plan. The manual neither replaces the need for engineering judgment nor precludes the use of information not presented in the manual.

The following amendments are proposed to the DCM:

1. Section 2.1.4 - Specify requirements for Preliminary Drainage Report.
2. Section 2.1.5 - Specify requirements for Master Drainage Plan Report.
3. Section 2.5 - Specify that the elevation of the lowest floor shall be elevated to 10 inches above finished grade of the surrounding ground (in previous DCM).
4. Section 2.5 - Specify that the elevation of the lowest floor shall be elevated to 12 inches above adjacent stormwater conveyance structures (clarification).
5. Section 2.5 - Require and specify grading plan required at plat and building permit.
6. Section 2.5 - Specify that residential lots shall be graded to avoid water flowing over curb and driveway, and out of right-of-way.
7. Section 2.7 - Specify that if development activity changes runoff characteristics that creates point discharge or any increase in discharge rates or velocities, the flow shall outfall into right-of-way or drainage easement that has capacity and an impact analysis is required to verify capacity and no adverse impact.

-
8. Section 2.7 - Specify engineered retaining walls greater than three feet shall be designed to prevent freefall of stormwater.
 9. Section 2.11 - Specify pumped drainage facilities design, maintenance and operations requirements.
 10. Section 2.11 - Require feasibility analysis of pumped detention prior to permit application.

Staff presented the proposed amendments to area development engineers on March 23, 2017 and to the Watershed Advisory Committee (WAC) on May 25, 2017 with the exception of amendments to Section 2.7. Comments were considered in the development of the proposed amendments. Staff presented all the items to Planning Commission on June 6, 2017 and a recommendation was made at the July 5, 2017 meeting.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

Staff presented the amendments to the Watershed Advisory Committee on May 25, 2017; however, the WAC did not have a quorum and not action was taken. The Planning Commission recommended approval of the amendments to the City of New Braunfels Drainage and Erosion Control Design Manual on a motion that carried unanimously.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendments to the City of New Braunfels Drainage and Erosion Control Design Manual.

2 Drainage Policy and Criteria

2.1 Drainage and Water Quality Design Requirements

All drainage improvements and projects shall be designed and constructed in accordance with the current regulations, standards and specifications adopted by the City of New Braunfels. Any capital improvement or development project within the City of New Braunfels jurisdiction is required to comply with the requirements outlined in this manual. When necessary, properly sized easements shall be granted across all contiguous property owned by the property owner.

A drainage report is required to be submitted by the property owner or its agent according to the requirements of this manual. The Engineering Division prior to issuance of a permit must approve the report. The type of development and report shall be based on the location and additional impervious cover of the development as shown in Table 2-1.

Table 2-1: Development Categories

Category	Criteria
Type 1 Development	Less than one acre of land; and < 1,000 SF additional impervious cover
Type 2 Development	Less than one acre of land; and 1,000 – 4,999 SF additional impervious cover; or Agricultural development (not including feedlots)
Type 3 Development	≥ 5,000 SF additional impervious cover; or Development within FEMA designated Special Flood Hazard Area

If any onsite and offsite stormwater structure related to the development is known to be at or above design capacity, the development will be considered a Type 3 Development.

Drainage report requirements are outlined below. An electronic media copy of the report is required in addition to a paper copy at time of city acceptance of infrastructure improvements.

2.1.1 Type 1 Drainage Report

A Type 1 Development is any development or redevelopment that disturbs less than one acre of land and creates less than 1,000 square foot of additional impervious cover. The Type 1 Drainage Report shall be prepared by the property owner or its agent, and consist of the following:

- A. Applicant contact information (e.g. name, address, phone number, and email address)
- B. Site location map
- C. Detailed site drawing or sketch showing any existing features or infrastructure and proposed disturbance
- D. Temporary erosion control plan

2.1.2 Type 2 Drainage Report

A Type 2 Development is any development or redevelopment that disturbs less than one acre of land, and creates more than 1,000 but less than 5,000 square foot of additional impervious cover. Type 2 Developments also include any agricultural development not including feedlots. The Type 2 Drainage Report shall be prepared by the property owner or its agent, and consist of the following:

- A. Applicant contact information (e.g. name, address, phone number, and email address)
- B. Site location map
- C. Detailed site drawing or sketch of the affected area scaled to 1" = 50' (or less) on minimum 11" x 17" paper showing the following:
 - 1. Existing drainage ways and easements
 - 2. Runoff flow directions
 - 3. Floodplain boundaries
 - 4. Proposed grading and development
 - 5. Proposed drainage and erosion control facilities
 - 6. A copy of the survey plat showing the lot layout, streets, and utility and drainage easements
- D. Temporary erosion control plan
- E. If any on-site and off-site stormwater structure related to this development is known to be at or above design capacity, the development will be considered a Type 3 Development

2.1.3 Type 3 Drainage and Water Quality Report

A Type 3 Development is any development or redevelopment greater than or equal to 5,000 square feet of additional impervious cover, not Type 1 or Type 2, or any development within a Federal Emergency Management Agency (FEMA) designated Special Flood Hazard Area. A Type 3 Drainage and Water Quality Report shall be prepared by a professional engineer licensed in the State of Texas, experienced in civil engineering, and having a thorough knowledge of the hydraulic analysis and design. The report shall be signed and sealed, per Texas Board of Professional Engineers, by the person responsible for the report. The Type 3 Drainage and Water Quality Report shall consist of the following:

- A. Applicant contact information (e.g. name, address, phone number, and email address)
- B. Site location map
- C. A copy of the final plat showing the lot layout, streets, and utility and drainage easements
- D. Construction drawings adhering to all applicable codes and regulations including details and specifications
- E. Drainage and Water Quality Report as outlined in **Section 2.2 – Type 3 Drainage and Water Quality Report Criteria**
- F. Temporary and permanent erosion control plan as outlined in **Section 12 – Site Erosion Control**
- G. Approval letters from other agencies with jurisdiction or permit requirements for the site location

2.1.4 Preliminary Drainage Report

A Preliminary Drainage Report of the storm drainage system is required with a preliminary plat. The report shall include the following:

- A. Preliminary Drainage Site Plan including: plat boundary; existing and proposed drainage infrastructure, right-of-way and easements in and adjacent to the plat; proposed stormwater connections and point(s) of development discharge; and proposed changes to floodplain and floodway boundaries. Drainage infrastructure includes channels, storm sewer, detention, retention and water quality facilities.
- B. Conformance with the Master Drainage Plan Report (if applicable) specified in Section 2.1.5. The report may require updating for development plat submittals and changes in the drainage design.

2.1.5 Master Drainage Plan Report

A Master Drainage Plan Report shall be provided with a subdivision master plan and planned development. The report shall include the following:

- A. Existing Drainage Site Plan including: development boundary; existing and proposed drainage infrastructure, right-of-way and easements in and adjacent to the development; and floodplain and floodway boundaries. Drainage infrastructure includes channels, storm sewer, detention, retention and water quality facilities.
- B. Existing Watershed Map including: development boundary; existing drainage area and all sub areas; 2-foot contours; and existing runoff flow directions.
- C. Preliminary Drainage Site Plan including: development boundary; proposed drainage infrastructure, right-of-way and easements in and adjacent to the development; proposed stormwater connections and point(s) of development discharge; and proposed changes to floodplain and floodway boundaries.
- D. Master Drainage Plan Summary including how drainage and water quality resulting from the proposed development will be managed and how proposed drainage infrastructure will impact adjacent property owners.

2.2 Type 3 Drainage and Water Quality Report Criteria

The planning and design of drainage systems should ensure that problems are not transferred from one location to another. Grading and other construction activities may not change the terrain in such a way to cause damage to public or private property from drainage or flood problems, increased runoff, or increased erosion or sediment movement.

Existing drainage between developed lots will remain the responsibility of the affected property owners. Commercial developments are required to drain surface runoff from an individual lot to a public right-of-way or to a drainage system contained in an easement. Residential lot-to-lot drainage of sheet flows should be avoided, and residential developments are encouraged to direct surface runoff to a public right-of-way or to a drainage system contained in an easement.

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The Engineering Division shall not approve any drainage report pertaining to proposed construction, platting or other development where the proposed activity or change in the land would result in post-development discharge from the site exceeding discharge under pre-developed conditions (for new development) or existing conditions (for re-development). Downstream capacity shall not be exceeded as a result of development. Exemptions from this provision are as follows:

- A. Additional drainage improvements are not required if drainage improvements have been provided for the fully developed condition, which includes the proposed development.
- B. Prior written approval of a Stormwater Connection Fee from the City Engineer.

No proposed development shall be constructed which impedes or constricts runoff from an upstream watershed based on fully developed conditions. Therefore drainage computations shall be provided to verify no adverse impact upstream or downstream.

2.3 Freeboard

Freeboard is the vertical distance between the design water surface and the elevation of the drainage facility, such as the top of channel, ditch or detention pond. Freeboard is intended to provide a factor of safety and prevent the fluctuation of the water surface from overflowing the drainage facility. Freeboard requirements are shown in [Table 2-2](#). Freeboard is not required where parking areas are designed to serve as detention facilities; however, site design should consider safety and drainage overflow location.

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[Table 2-2: Freeboard Requirements](#)

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Drainage Facility	Frequency	Minimum Freeboard
Street right-of-way	100-year	None
Channels and creek improvements	100-year	1.0 ft
Swales and ditches ¹	25-year	0.5 ft
Detention ponds and reservoirs	100-year	1.0 ft
Bridges and culverts	25-year	See note 2
Floodways and floodplains	100-year	2.0 ft (See note 3)

¹ Swales or ditches are considered to have drainage areas of 128 acres or less.

² Bridges and culverts shall be designed to withstand the 100-year event, but the water level may reach roadway level at the 25-year design level if no public safety issues are involved.

³ Floodways and floodplains shall have a minimum of 2-feet freeboard or the minimum freeboard established in the most recently adopted Floodplain Ordinance.

2.4 Drainage Easements and Rights-of-way

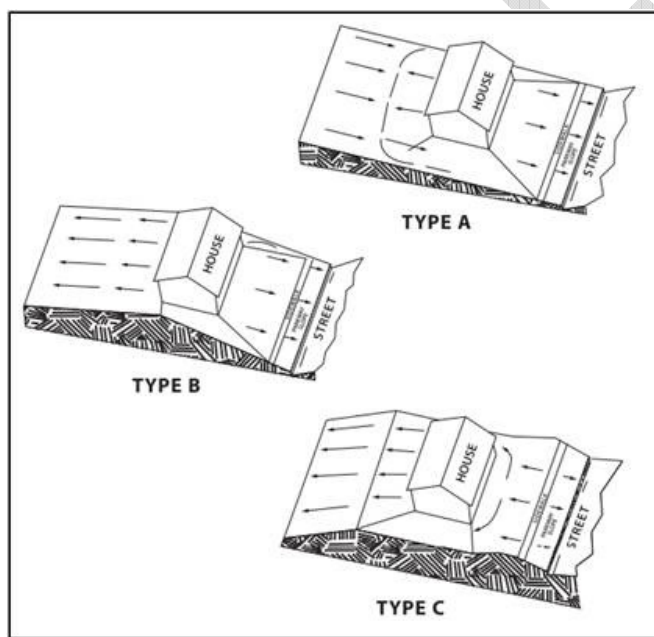
All private drainage and water quality facilities must have an associated drainage easement, restrictive covenant, or similar recorded instrument that clearly identifies ownership and the party responsible for maintenance. Drainage easements and rights-of-way shall be dedicated to the City as required in the Code of Ordinances.

2.5 Finished Floor Elevations

The elevation of the lowest floor shall be elevated 10 inches above the finished grade of the surrounding ground as prescribed in the building regulations and Code of Ordinances. Finished grades shall be sloped to direct stormwater away from the structure. Developments adjacent to stormwater conveyance structures must be elevated 12 inches above the 100-year water flow elevation (in the conveyance structure) to the same elevation that a development adjacent to a 100-year floodplain would be required to meet. Driveways serving houses on the downhill side of the street shall have properly sized swales before entering the garage.

A grading plan shall be prepared and submitted to the City at final plat and building permit, which indicates typical lot grading for all lots in the subdivision using typical Federal Housing Administration (FHA) lot grading types (A, B and C). See Figure 2-1. No more than two (2) residential lots may drain onto another lot unless a drainage easement is dedicated and free of obstructions to contain the runoff. An alternate grading plan may be submitted for large lot or commercial subdivisions.

Figure 2-1: Typical Federal Housing Administration Lot Grading



Where residential lots are located on the downhill side of a T-intersection, cul-de-sac, or elbow, the street intersection shall be graded so to avoid water flowing over the curb and driveway, and out of the right-of-way. Detailed calculations shall be required at permit to show that the discharges are contained within the right-of-way.

2.6 Stormwater Mitigation

It is the intent of this manual, in concert with applicable ordinances, to provide all development under its jurisdiction the option of providing mitigation or demonstrating that no mitigation is in the best interest of the watershed and paying a share of the cost to participate with a stormwater connection fee.

Mitigation through detention, retention, or some other technique must be designed, constructed, and maintained to reduce the post-development discharge rates to below that of pre-development/existing rates for the two (2), ten (10), twenty-five (25), and one-hundred (100) year design storms. Participation in neighborhood or regional mitigation is an acceptable option.

Demonstration that no mitigation is in the best interest of the watershed shall be accomplished by showing no adverse impact due to any increased runoff from the proposed development for the design storms. Approval of a Stormwater Connection Fee is required in compliance with Chapter 143 of the Code of Ordinances. The property owner, or his/her designee, shall meet with the Engineering Division to discuss mitigation and/or Stormwater Connection Fee options prior to commencing the project.

For stormwater mitigation, the following two development conditions shall be analyzed with each adverse impact analysis:

- A. Existing Conditions. This refers to current development conditions in the watershed and on site. This shall be used as the baseline for determining the impact of the development of the site, or the watershed, to other properties or drainage systems.
- B. Proposed Conditions. This refers to existing conditions with the proposed development added. This shall be used to determine if the increased runoff from the proposed development results in an adverse impact to other properties or drainage systems.

2.7 Drainage Facility Design

Drainage design in the urban environment should also consider appearance as an integral part of the design and structures should generally blend with the natural surroundings as much as possible to maintain the aesthetics of the natural area.

The City requires preservation of the natural floodplains. The protection of existing trees and vegetation should be maximized during development of drainage plans. Whenever possible, the replacement of the trees destroyed by drainage and flood protection procedures is encouraged.

Computations to support all drainage designs shall be submitted to the Engineering Division for review in an easy to follow format. On-site pre-development stormwater runoff computations shall be based upon conditions representing the existing land conditions with respect to soil type, percentage cover, and cover type as indicated by current aerial imagery and supporting documentation. Design of structures shall use fully developed sub-basin conditions for the prescribed design storms based on the sub-basin zoning. If zoning does not exist, then the engineer shall assume the ultimate development based on the most recently adopted Future Land Use Plan.

If a development activity changes stormwater runoff characteristics in a manner that creates a point or points of concentrated flow, where previously there was sheet flow or lesser intensity flow pattern, or any increase in discharge rates or velocities for the 2, 10, 25 and 100-year frequency storms, the flow shall outfall into right-of-way or drainage easement that has the capacity for the discharge. An impact analysis is required to verify the capacity and/or required size of the downstream facility clearly demonstrating no adverse impact.

In development of engineered retaining walls greater than three feet, drainage facilities shall be designed in such a manner as to prevent the freefall of stormwater from natural drainage patterns and sheet flow conditions.

The design requirements and criteria are specified in following chapters. Modeling and calculations shall be included in drainage report submittals to ensure the specified criteria are met for all drainage infrastructure improvements. Infrastructure that is within TxDOT right-of-way and requires dual permitting from both the City and TxDOT shall be designed in compliance with the more conservative requirements.

2.8 Stream Bank Erosion Hazard Setbacks

Erosion hazard setback zone determination is necessary for the banks of streams in which the natural channel is to be preserved. The purpose of the setbacks is to reduce the amount of structural damage and stream degradation caused by the erosion of the bank. With the application of stream bank erosion hazard setbacks, an easement is dedicated to the City such that no structure can be located, constructed, or maintained in the area encompassing the erosion hazard setback.

The City allows for stream bank stabilization as an alternative to dedicating the erosion hazard setback zone. Stream bank erosion hazard setbacks may extend beyond the limits of the regulatory floodplain and are shown in Table 2-3.

Table 2-3: Stream Bank Erosion Hazard Setbacks

Contributing Drainage Area (square miles)	Setback Distance from Stream Centerline (feet)
0-1	0
1-5	50
5 or more	100

A map delineating the contributing drainage area sizes along each stream in the City's jurisdiction is included for reference in **Appendix C**. For the purpose of this manual, any watercourse that was included in the rivers and stream data set published in the United States Geological Survey (USGS) National Hydrography Dataset (NHD) in 2013 was considered a stream.

2.9 Water Quality Controls

Temporary water quality best management practices (BMPs) shall be required when any disturbance could result in appreciable erosion that could result in measurable accumulation of sedimentation in

dedicated streets, alleys, any waterway or other private properties during construction activities. Site erosion control requirements are provided in **Section 12**.

Development and redevelopment located over the Edwards Aquifer regulatory zones shall comply with the latest TCEQ published rules and technical design guidance for the Edwards Aquifer. Permanent water quality BMPs for development outside of the Edwards Aquifer regulated zones shall be designed to provide adequate treatment of the water quality volume in the City's jurisdiction as defined in **Section 13**.

2.10 Maintenance of Drainage Facilities

The property owner or designee will maintain the hydraulic integrity of drainage systems not dedicated to the City. The City will maintain the hydraulic integrity of drainage systems dedicated to and accepted by the City. Maintenance of the floodplain, drainage easements, and water quality features shall be explicitly stated in a recorded instrument.

2.10.1 Maintenance Schedule

A maintenance schedule supported by engineering or scientific published documents shall be submitted to the Engineering Division prior to approval of construction plans for public and private facilities. The City has the right to conduct periodic inspections of privately owned and maintained drainage and water quality improvements to ensure that the maintenance schedule is being implemented.

2.10.2 Maintenance Access

Access shall be provided for all channels to allow equipment access for maintenance. Access shall have a width of at least 12 feet and a cross slope no greater than two percent. Maintenance ramps used for access shall have a vertical grade no steeper than 6:1. Access shall be provided within dedicated right-of-way or within the drainage easement dedicated for the channel.

2.11 Pumped Drainage Facilities

The City of New Braunfels discourages the use of Pumped Drainage Facilities. A Pumped Drainage Facility is defined as any drainage system not wholly utilizing gravity outflow. Facility designs considered under this section's guidelines must first demonstrate that a gravity system is not feasible from both an engineering and economic standpoint. A feasibility analysis is required to be submitted prior to permit application. The applicant must have expressed written approval from the City Engineer and Engineering Division with permit application.

Pumped Drainage Facilities will only be acceptable in commercial applications and must meet all other drainage requirements outlined in this manual. All approved Pumped Drainage Facilities must be privately owned and maintained. The owner assumes responsibility for any damage to property as a result of a system's normal operation or failure.

2.11.1 Design Requirements

If approved by the Engineering Division, Pumped Drainage Facilities design submittals should include the following items:

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- A. Pump discharge shall be used for a maximum of 50% of the total required basin capacity, not including freeboard. The remaining volume must discharge by gravity.
- B. A minimum of two (2) pumps will be provided, each of which is sized to pump the designed flow rate.
- C. Provide an emergency power source for the drainage facility pumps.
- D. Design should include but not be limited to controls, pumps, cycling and anti-vandalism measures.
- E. Facility discharge must be into an existing right-of-way or drainage easement that has the capacity for the increase discharge.
- F. Provide an armored gravity emergency outflow structure designed to allow the outflow of the 100-year design storm, assuming the pond is full and the discharge is 100% clogged. At minimum, the emergency overflow shall engage when ponding exceeds the 100-year water surface elevation plus freeboard.

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2.11.2 Maintenance and Operations

A maintenance and operations plan shall be submitted to the Engineering Division prior to approval of construction plans for all facilities. The City has the right to conduct periodic inspections of privately owned and maintained drainage improvements to ensure that the maintenance schedule is being implemented.

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Special City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/28/2017

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:

- 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)
- Condemnation of parcels related to Solms/Morningside/Rueckle Road Improvement Project.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/28/2017

Agenda Item No. B)

Deliberate the appointment, evaluation, duties, discipline, or removal of the Municipal Court Judge in accordance with Section 551.074 of the Texas Government Code.