

CITY OF NEW BRAUNFELS, TEXAS CITY COUNCIL MEETING



CITY HALL - COUNCIL CHAMBERS 550 LANDA STREET

MONDAY, JANUARY 8, 2018 at 6:00 PM

Barron Casteel, Mayor George Green, Councilmember (District 1) Justin Meadows, Councilmember (District 2) Ron Reaves, Councilmember (District 3) Chris Monceballez, Councilmember (District 4)
Wayne Peters, Mayor Pro Tem (District 5)
Leah A. García, Councilmember (District 6)
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 Mentoring Month
 National Mentoring Month
- B) 2017 Wassail Meister Champions Wassail Winners (4)

PRESENTATIONS:

- A) Presentation to Ken Wilson for award of the Texas Recreation and Park Society Central Region Professional of the Year.

 Stacey Dicke, Parks and Recreation Director
- B) Presentation and possible direction regarding membership and rental fees for Das Rec, New Braunfels Recreation Center.

 Stacey Dicke, Parks and Recreation Director

<u>Das Rec Fees 1 8 18</u> Das Rec Fees Ordinance

C) Update on downtown parking improvements.

Robert Camareno, City Manager, and Bryan Woods, Assistant City Manager

1. MINUTES

A) Discuss and consider approval of the minutes of the regular City Council meeting of December 11, 2017, and the special City Council meeting of December 18, 2017.

Patrick Aten, City Secretary

Dec 11 minutes

Dec 18 special

2. CITIZENS' COMMUNICATIONS

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

3. CONSENT AGENDA

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

Resolutions & Action Items

- A) Approval of the appointment of one individual to the Historic Landmark Commission for a term ending April 7, 2020.

 Patrick Aten, City Secretary
- B) Approval of the appointment of three individuals to the Construction Board of Appeals for terms ending February 24, 2023.

 Patrick Aten, City Secretary
- C) Approval of a resolution appointing election officers for the February 17, 2018 special election.

Patrick Aten, City Secretary

election judges resolution

- Approval of a contract with Raba Kistner Consultants, Inc. for construction materials observation and testing services on the Alves Lane Improvements Project
 - Bryan Woods, Assistant City Manager
- E) Approval to provide Roadway Impact Fee funds to the Texas

Department of Transportation for a third-party funding change order for the construction of the FM 1101 and FM 306 (Creekside Crossing) traffic signal and authorize the City Manager to execute the associated third-party Advance Funding Agreement Amendment as part of the FM 1101 Improvement Project.

Garry Ford, City Engineer

F) Approval of a Development Agreement between the City of New Braunfels and August Fields, LP for the August Fields Subdivision.

Matthew Eckmann, Real Estate Manager

<u>August Fields Development Agreement for Roadway Impact Fee</u> Offsets...

Ordinances

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

G) Approval of the second and final reading of an ordinance amending Article VI Section 86-101 through 86-119 of the Code of Ordinances to change the date when used wristbands must be returned, clarify staff responsibilities, add a definition for holiday, and change the resident pass validity from one year to three years.

Amy Niles, River Operations Manager

Final adjustments 86-101 to 119.docx

H) 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 B.

Garry Ford, City Engineer

Ordinance - Amend Parking by Permit Area B

Area B map

Sec. 126-354 - Area B Redlines

I) Approval of the second and final reading of an ordinance establishing a school speed zone on a portion of Klein Meadows for New Braunfels Middle School.

Garry Ford, City Engineer

Ordinance - NBMS School Zone

Sec. 126-136 NBMS Redlines

NBMS School Zone Map

J) Approval of the second and final reading of an ordinance revising the school speed zone at Lone Star Early Childhood Center.

Garry Ford, City Engineer

Ordinance - Lone Star School Zone

2017-11 Sec 126-136 Redlines

Lone Star map

4. <u>INDIVIDUAL ITEMS FOR CONSIDERATION</u>

A) Discuss and consider approval of the appointment of three individuals to the Arts Commission for terms ending January 31, 2021.

Patrick Aten, City Secretary

B) Discuss and consider approval of the second and final reading of an ordinance amending Article V Section 86-7(d) of the Code of Ordinances to expand paid parking at Prince Solms Park to begin on May 1 and end on Labor Day, and to change the parking fee from \$10.00 to \$20.00.

Amy Niles, River Operations Manager

Parking Price Map.pdf

Amendments 86-7 Prince Solms Parking Fees

C) Discuss and consider approval of the 2017 Parks and Recreation Strategic Master Plan.

Stacey Dicke, Parks and Recreation Director

Parks and Rec Strategic Master Plan ppt

D) Public hearing and first reading of an ordinance regarding the proposed rezoning request from "R-2" Single and Two-Family District to "C-1A" Neighborhood Business District with a Special Use Permit to allow a commercial contractor's office with outdoor storage on Lots 8 and 9, Seidels Subdivision, addressed at 1133 State Highway 46.

Christopher J. Looney, Planning & Community Development Director

Aerial, Regional Transportation Plan and Floodplain Map

Application

Existing Site Plan and Proposed Site Plan

Zoning and Land Use Maps

Notification Map, List and Response and Applicant Letter to

Opposing Neighbors

Photographs

Sec. 3.4-12 "C-1A" Neighborhood Business District

Sec. 3.6 Special Use Permits

Draft Oct 4 Planning Commission minutes

ordinance

E) Public hearing and first reading of an ordinance regarding the proposed amendment to Ordinance No. 2017-43, the "Highland Gardens" Planned Development District Concept Plan, located on FM 1044, south of the Highland Grove Subdivision.

Christopher J. Looney, Planning and Community Development Director

Aerial, Regional Transportation Plan and Floodplain Map

Application

Current Highland Gardens PD Concept Plan

Proposed Highland Gardens PD Concept Plan and Proposed Master

Plan

Zoning and Land Use Maps

Notification List, Notification Map and Response

Photographs of Subject Property

Ordinance No. 2017-43 (Highland Gardens PD)

Hghland Gardens Proposed Master Plan

Sec. 3.5 Planned Development Districts

Excerpt of Minutes from the Planning Commission 12-5-17 Regualr

Meeting

Ordinance

F) Public hearing and first reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow specific commercial uses on 2.937 acres out of the Sarah Dewitt Survey No. 48, Abstract No. 103. Guadalupe County. Texas. located at the southwest intersection of Klein Road and Klein Meadows in the "APD" Agricultural/Pre-Development District.

Christopher J. Looney, Planning and Community Development Director

Aerial, Regional Transportation Plan and Floodplain Map

Application

Zoning and Land Use Maps

Notification List, Notification Map and Notification Responses

Photographs of Subject Property

Proposed List of SUP Uses

Comparison of C-1A and Proposed SUP Uses

Sec. 3.6 Special Use Perimits

Excerpt of Minutes from the Planning Commission 12-5-17 Regular

Meeting

Ordinance

G) Discuss and consider a request for a Conditional Sign Permit for a pole

sign at Amish Oaks of Texas, addressed at 1145 Loop 337.

Stacy Snell, Assistant Planning and Community Development Director

Aerial Map

Application

Proposed Site Plan

Proposed Sign Elevation Plan

Comparison Table Showing Allowable Signs Vs. Requested Sign

Maps of Existing Signs in Vicinity

Excerpt from the Sign Ordinance

Zoning Map

CS-17-039 Photo 2

5. EXECUTIVE SESSIONS

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

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

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. <u>RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.</u>

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at the New Braunfels City Hall on January 3, 2018, at 3:00 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

1/8/2018

Agenda Item No. A)

City of New Braunfels



Proclamation

THE STATE OF TEXAS	8
--------------------	---

COUNTY OF COMAL §

CITY OF NEW BRAUNFELS §

WHEREAS, in 2002, the Harvard T. H. Chan School of Public Health and MENTOR: The National Mentoring Partnership created National Mentoring Month; and

WHEREAS, every day quality mentoring programs in New Braunfels connect thousands of mentors to our young people and cultivate relationships that provide crucial support and guidance as these young adults grow and develop into our next generation; and

WHEREAS, mentors can play a powerful role in providing young people with the tools to make responsible decisions, stay focused and engaged in schools, and reduce or avoid risky behavior like skipping school, drug use, and other negative activities; and

WHEREAS, in a recent report of "The Mentoring Effect", young people who were at-risk for not completing high school but who had a mentor were 55 percent more likely to be enrolled in college, 81 percent more likely to participate regularly in sports or extracurricular activities, 78 percent were more likely to volunteer in their communities and more than twice as likely to say they held a leadership position in a club or sports team; and

WHEREAS, many of us are fortunate to have one or more mentors throughout our lives, and we carry their wisdom with us as a constant reminder of the unique and timeless gift of mentorship; and

WHEREAS, mentoring programs and supporters have leveraged National Mentoring Month as an opportunity to not only raise awareness but to get their communities engaged in this effort to provide critical support to our young people and it's only with this level of commitment and involvement that we can ensure every young person has the supportive relationships they need to grow and develop into thriving, productive and engaged adults.

NOW, THEREFORE, I, BARRON CASTEEL, Mayor of the City of New Braunfels, do hereby proclaim the month of January, 2018 as

"NATIONAL MENTORING MONTH"

and call upon public officials, business and community leaders, and educators, and encourage our constituents to observe this month with appropriate ceremonies, activities and programs.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed on this the 8th day of January, 2018.

В	ARRON C	ASTEEL.	Mavor	

CITY OF NEW BRAUNFELS



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

1/8/2018Agenda Item No. B)

City of New Braunfels



Proclamation

THE STAT	E OF TEXAS	§
----------	------------	---

COUNTY OF COMAL §

CITY OF NEW BRAUNFELS §

WHEREAS, The City of New Braunfels celebrated the 25th Annual Wassailfest on December 7, 2017 to capture holiday spirit of New Braunfels and, as a part of this celebration, hosted the annual Wassail Meister Competition; and

WHEREAS, 23 competitors entered their unique Wassail recipes in the Wassail Meister Competition.

NOW, THEREFORE, I, BARRON CASTEEL, Mayor of the City of New Braunfels, Texas, do hereby proclaim the following winners of the 2017 Wassail Meister Competition.

WASSAIL MEISTER COMPETITION

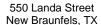
3rd Place – New Braunfels Jaycees & Goosehead Insurance Team

2nd Place - VFW Post 7110

1st Place – Keller Williams Heritage

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of New Braunfels to be affixed this 8th day of January, 2018.

CIT	Y OF NEW BRAUNFELS, TEXAS
BY:	
ы.	BARRON CASTEEL, Mayor





City Council Agenda Item Report

1/8/2018

Agenda Item No. A)

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

SUBJECT:

Presentation to Ken Wilson for award of the Texas Recreation and Park Society Central Region Professional of the Year.

BACKGROUND / RATIONALE:

On November 2, 2017, Ken Wilson was presented with the Professional of the Year award for the Central Region from the Texas Recreation and Park Society.

Ken Wilson is the Assistant Director of Parks and Recreation for the City of New Braunfels. He has been in the position since 2011. He has served the profession for over 25 years in several communities including Burnet and Copperas Cove. Ken has been a member of TRAPS for virtually all his professional career, as well as an active membership in TAAF. Ken earned his Certified Public Manager designation for further development as a professional.

While in Burnet, Ken was an integral part of the opening of the city's recreation and aquatics facility, the Galloway-Hammond Recreation Center in 2001. The center was a cutting-edge facility for the hill country area and continues to serve the community well.

Ken has been an active member of the Texas Amateur Athletic Federation for over 20 years. He has hosted many local, regional and state tournaments in the communities where he has worked.

Ken has been instrumental within the Central Region in strengthening relationships with our vendors and leveraging commercial support for the regional workshops. These ongoing relationships help to cover workshop expenses. He also encourages staff participation in the Maintenance Rodeo and is an enthusiastic cheerleader during competitions.

Ken's legacy is best described in as a mentor and coach for many young professionals over the years. Ken has an innate ability to work with his staff to bring out the very best in the individual. He has helped to shape many outstanding leaders within his staff who have gone on to serve the Parks and Recreation field as leaders throughout the state.

Ken sees the very best in people. His encouraging approach, along with high standards and visionary leadership, has been an asset to the communities where he has served. In New Braunfels, he quickly transformed the park operations division in to a high performing and cohesive team. Ken recognizes the strengths of his team members and works to further develop individuals to progress their service to the department as well as their personal development.

Ken has served as the department contact for capital improvement projects in New Braunfels that add up to over \$40 million in park system development and improvements. His cooperative attitude and attention to detail have contributed to these projects being successful. Some of the projects include construction of Fischer Park, development of Morningside Park, renovation of Landa Park and the Landa Park Golf Course and the current construction of a new \$23 million recreation center.

Rarely does Ken miss an opportunity to recognize outstanding work by our staff as he graciously gives recognition and praise for a job well done. It is this servant leadership attitude that earned him the designation as the 2017 Central Region Professional of the Year.

<u>ADD</u>	ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:				

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

N/A



City Council Agenda Item Report

1/8/2018

Agenda Item No. B)

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

SUBJECT:

Presentation and possible direction regarding membership and rental fees for Das Rec, New Braunfels Recreation Center.

BACKGROUND / RATIONALE:

Staff has worked on proposed pricing for rental rates and membership rates at Das Rec based on information from the business plan.

City Council was shown proposed rates at the February Financial Workshop and at the joint City Council/Parks and Recreation Advisory Board Workshop in March 2017. On both occasions, general direction was provided to staff to establish rates based on "Option C" which was predicted to yield a 90% cost recovery.

In order to maintain a slightly more conservative approach, Staff proposes slightly increasing monthly rates for adults, youth & seniors by \$2.00. The family membership would retain a 53% discount from the individual rates (2 adults + 2 youth - 52%).

It is also proposed to offer discounts on annual rates during the opening of the facility including:

- Founding Members: 10% discount on annual rate if signed up prior to building opening
- Grand Opening Rate: 5% discount on annual rate if signed up within first three months of building opening

Staff feels these "specials" will generate excitement and activity from the community.

Member Type - Resident	Annual Fee	Daily Fee
Youth/Senior	\$288 (\$24/month)	\$10
Adult	\$420 (\$35/month)	\$12
Family	\$708 (\$59/month)	\$24
Member Type - Non-resident		
Youth/Senior	\$324 (\$27/month)	\$10
Adult	\$504 (\$42/month)	\$15
Family	\$900 (\$75 month)	n/a

(Note: all memberships will be annual memberships)

Rental rates are also taken from the Business Plan as follows:

Recreation Center Area	Fee	Deposit Required
½ Basketball Court	\$50.00 per hour	None
Full Basketball Court	\$100.00 per hour	None
Meeting Rooms A&B	\$100.00 per hour	None
Meeting Room A or B	\$50.00 per hour	None
Kitchen	\$20.00 per hour	\$100.00
Leisure Pool	\$400.00 per hour	\$200.00
Competition Pool	\$400.00 per hour	\$200.00
Competition Pool Lane Rental	\$15 per hour	None
Entire building	\$3,000.00	\$1,000.00

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

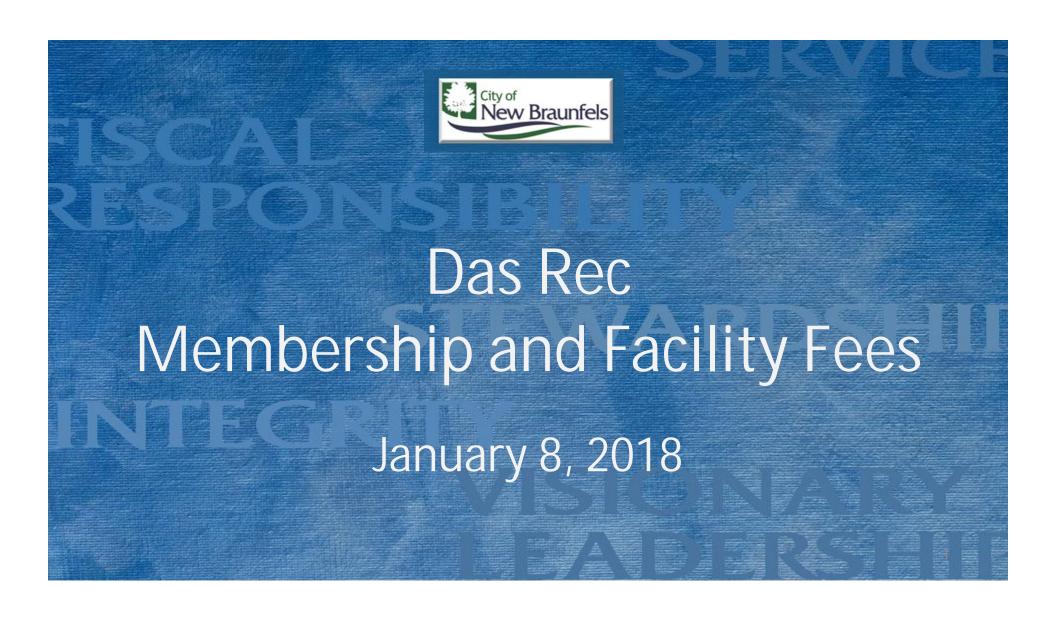
FISCAL IMPACT:

The proposed fees are in line with recommendations from the Business Plan and therefore should generate sufficient revenue for a 90% cost recovery in the first year of operations.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION: N/A



Business Plan

The City Council has directed staff to implement membership rates that will achieve a 90-99% cost recovery based on the analysis provided by Counselman Hunsaker.

Monthly Membership Rates	Resident	Non Resident	
Adult (16-59 yrs)	\$33.00	\$40.00	
Youth (Under 16)	\$22.00	\$25.00	
Senior (60+)	\$22.00	\$25.00	
Family	\$53.00	\$70.00	
Cost Recovery 2018-2022	91-99%		
Year 1 Projected Subsidy	\$184,000		

Business Plan

In addition to the rates detailed in the business plan, a scholarship fund will be created that will aid residents who meet certain criteria to assist with cost of membership and program fees.

- Details on that policy and criteria are being developed.
- The fund will be created and seeded through the Das Rec Opening Gala.

As a marketing initiative, staff proposes slightly restructuring and expanding the fee structure to entice people to purchase memberships in advance.

New Membership Options

	Approve	d Memb	ership Rate	Ne	Proposed w Annual F	· ·ee		nding Mem Rate (-10%)			and Oper Rate (-5%	0
	Daily	Annual	Annual per month	Daily	Annual	Annual per month		Annual per month		Annual	Annual per month	Annual Savings
RESIDENTS	j			,								Ŭ
Adult	\$12	\$396	\$33	\$12	\$420	\$35	\$378	\$32	\$42	\$399	\$33	\$21
Youth (under 16)	\$10			\$10	\$288	·		·				\$14
Senior (60+)	\$10	\$264	\$22	\$10	\$288	\$24	\$260	\$22	\$28	\$274	\$23	\$14
Family	\$24	\$636	\$53	\$24	\$708	\$59	\$616	\$51	\$68	\$650	\$54	\$34
NON RESIDENTS												
Adult	\$15	\$480	\$40	\$15	\$504	\$42	\$454	\$38	\$50	\$479	\$40	\$25
Youth (under 16)	\$10		· ·	\$10	\$324	·	\$292			\$308	\$26	\$16
Senior (60+)	\$11	\$300	\$25	\$11	\$324	\$27	\$292	\$24	\$32	\$308	\$26	\$16
Family	n/a	\$840	\$70	n/a	\$900	\$75	\$810	\$68	\$90	\$855	\$71	\$45

- Family Option 50% discount/2 adult + 2 youth (4 household members eligible)
- Founding Member sign up prior to facility opening
- Grand Opening Rate sign up within first three months of opening
- City Manager authorized to allow special pricing for marketing and promotions (department wide)

Proposed Rental Fees

Recreation Center Area	Fee	Deposit Required
1/2 Basketball Court	\$50.00 per hour	None
Full Basketball Court	\$100.00 per hour	None
Meeting Rooms A&B	\$100.00 per hour	None
Meeting Room A or B	\$50.00 per hour	None
Kitchen	\$20.00 per hour	\$100.00
Leisure Pool	\$400.00 per hour	\$200.00
Competition Pool	\$400.00 per hour	\$200.00
Competition Pool Lane Rental	\$15 per hour	None
Entire building	\$3,000.00	\$1,000.00

Next Steps

- Council approval of Ordinance (1/22 & 2/12)
- Advertise rates on Das Rec web page following approval
- Begin promotions for memberships and facility opening
- Begin selling memberships in Spring



ORDINANCE NO. 20)10 -
------------------	-------

AN ORDINANCE AMENDING CHAPTER 86 SECTION 86-2, 86-9, 86-91, 86-95, 86-96, 86-97 AND SECTION 86-98 OF THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS REGARDING PARK USAGE FEES; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, fees for Parks and Recreation facilities and services are currently set both by ordinance and by staff; and

WHEREAS, the need to add new fees for Das Rec, New Braunfels Recreation Center has arisen; and

WHEREAS, the Parks and Recreation staff is recommending authorizing that fees be set as recommended by the Parks and Recreation Advisory Board and approved by the City Council to set certain parks and recreation usage fees;

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

T.

THAT Chapter 86 is hereby amended by adopting a new Article VII, Section 86-122, which shall read as follows:

Article VII, Sec. 86-102. – Das Rec, New Braunfels Recreation Center rental and use fees.

- a) Definitions. The following definitions shall apply to this section:
 - New Braunfels resident. Any person whose permanent domicile is within the city limits of New Braunfels.
 - (2) *Junior*. Any person 15 years of age or younger, currently enrolled in high school or below. A junior under the age of 14 must be accompanied by an adult.
 - (3) Senior. Any person who is 60 years of age or older.
 - (4) Family. A family membership includes a maximum of four family members living in the same household, at least one of which shall be the parent or legal guardian of any children on the pass. Family members are defined as children under the age of 18 and their father, mother or legal guardian. Additional children may be added to the pass for \$20.00 each for residents and \$23 each for non-residents.
- b) The following schedule of fees shall be paid by users of the Das Rec, New Braunfels Recreation Center when reserved for exclusive usage.

Recreation Center Area	Fee	Deposit Required
½ Basketball Court	\$50.00 per hour	None
Full Basketball Court	\$100.00 per hour	None
Meeting Rooms A&B	\$100.00 per hour	None
Meeting Room A or B	\$50.00 per hour	None
Kitchen	\$20.00 per hour	\$100.00
Leisure Pool	\$400.00 per hour	\$200.00
Competition Pool	\$400.00 per hour	\$200.00
Competition Pool Lane Rental	\$15 per hour	None
Entire building	\$3,000.00	\$1,000.00

- 1) Gymnasium and/or meeting room rental/use fees paid by users of Das Rec, New Braunfels Recreation Center may be refunded under the following conditions:
 - Full refund of appropriate rental/use fees in those cases wherein the parks and recreation director or a designated representative is notified in writing of cancellation of rental/use not less than 14 days prior to the date of use of the facility less any handling fees.

- Refund of one-half of the appropriate rental/use fees may be authorized if the
 cancellation is received by the parks and recreation director or a designated
 representative in writing between 14 days and the date prior to the date of use of
 the facility less any handling fees.
- 2) All rental/use agreements for the use of all or any portion of the facility known as the Das Rec, New Braunfels Recreation Center shall be completed on the parks and recreation department's Das Rec, New Braunfels Recreation Center rental/use agreement form designed for such use. All such rental/use agreements shall be executed on behalf of the city by and through a duly designated member of the parks and recreation department. Such designated representative shall represent the city in all rental/use negotiations for this recreation facility.
- 3) All payments and charges pursuant to the rental/use agreements shall be due and payable to the city. The city, acting through its parks and recreation department, reserves the right to refuse to rent or allow the use of the Das Rec, New Braunfels Recreation Center facility or any part thereof to any individual, organization or group when it is deemed by the city that such rental would not be in the best interest of the city; provided, however, that any person denied use of the Das Rec, New Braunfels Recreation Center may appeal such decision to the city council, and the action taken thereon by the city council shall be final.
- c) The following schedule of fees shall be paid by users of the Das Rec, New Braunfels Recreation Center for memberships.

Member Type - Resident	Annual Fee	Daily Fee
Youth/Senior	\$288 (\$24/month)	\$10
Adult	\$420 (\$35/month)	\$12
Family	\$708 (\$59/month)	\$24
Member Type – Non-resident		
Youth/Senior	\$324 (\$27/month)	\$10
Adult	\$504 (\$42/month)	\$15
Family	\$900 (\$75 month)	n/a

Article VII, Sec. 86-103. – Parks and Recreation Fees

The City Manager, or designee, may from time to time adjust fees for specials and coupons to market and promote services.

II.

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

III.

THAT if any provision 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.

CITY OF NEW RRALINEELS TEXAS

PASSED AND APPROVED: First reading this the 11th day of January 22, 2018 **PASSED AND APPROVED**: Second reading this the 8th day of February 12, 2018.

	CITT OF NEW BRAUNFELS, TEXAS	
	BARRON CASTEEL, Mayor	
ATTEST:		
Patrick D. Aten, City Secretary		
APPROVED AS TO FORM:		

Valeria M. Acevedo, City Attorney



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

1/8/2018

Agenda Item No. C)

Presenter/Contact

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

SUBJECT:

Update on downtown parking improvements.



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

1/8/2018

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 December 11, 2017, and the special City Council meeting of December 18, 2017.

MINUTES OF THE NEW BRAUNFELS CITY COUNCIL REGULAR MEETING OF MONDAY, DECEMBER 11, 2017

The City Council of the City of New Braunfels, Texas, met in Regular Session on December 11, 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 Manager Robert Camareno, City Attorney Valeria City Staff present were: Acevedo, Assistant City Manager Kristi Aday, Assistant City Manager Bryan Woods, City Secretary Patrick Aten, Assistant City Secretary Drew Lyons, Planning and Chris Plans Examiner Community Development Director Looney, Adriana McDonald, Park Ranger Assistant Superintendent William Curro, Urban Forester Jess Divin, Parks and Recreation Director Stacey Dicke, Real Estate Manager Matt Eckmann, River Operations Manager Amy Niles, Downtown Development Coordinator Amy McWhorter, and Public Works Director Greg Malatek.

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

PRESENTATIONS:

A) Retiree Recognitions - Adriana McDonald & William Curro

Mayor Casteel read the aforementioned caption.

Adriana McDonald and William Curro were recognized for their retirement from the City of New Braunfels.

<Councilmember Green left the City Council meeting.>

B) Annual Economic Benchmarks Report.

Mayor Casteel read the aforementioned caption.

Michael Meek presented the item.

Monday, December 11, 2017 New Braunfels City Council Regular Meeting

C) Presentation and possible direction to staff regarding possible amendments to the City's Code of Ordinances regarding sidewalk cafes in Downtown.

Mayor Casteel read the aforementioned caption.

Amy McWhorter presented the item.

No action was taken.

D) Presentation and possible direction to staff regarding the South Castell Avenue Visioning Plan survey results from the November 15 Public Input Meeting.

Mayor Casteel read the aforementioned caption.

Robert Camareno, Andrew Douglas, and Geoff Bley presented the item.

No action was taken.

1. MINUTES

A) Discuss and consider approval of the minutes of the regular City Council meeting of November 27, 2017, and the special City Council meetings of November 28, 2017, and December 4, 2017.

Mayor Casteel read the aforementioned caption.

Councilmember Garcia moved to approve the item. Councilmember Monceballez seconded the motion which passed unanimously.

2. <u>CITIZENS' COMMUNICATIONS</u>

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.

Mayor Casteel read the aforementioned caption.

No one spoke.

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

- Approval of the cancellation of the second regular City Council meeting of December.
- B) Approval of contracts and contract renewals associated with the Edwards Aquifer Habitat Conservation Plan program. Authorize the City Manager to execute contracts and contract modifications for the following EAHCP projects: Old Channel Restoration. Aquatic Vegetation Restoration. Dissolved Oxygen Management Gill and Parasite Control with BIO-WEST, Inc.; Non-native Animal Species Control with SWCA; and Riparian Restoration (Old Channel) with EBR Enterprises.
- C) Approval of acquisition funds for purchasing Right of Way from Doris and Leonard Kraft, Parcel 19 on the Klein Road Improvements Project.
- E) Approval to provide Roadway Impact Fee funds to the Texas Department of Transportation for the construction of the Loop 337 and Hanz Drive traffic signal as part of the Loop 337 Improvement Project.
- F) Approval to submit the 2016 Community Development Block Grant Consolidated Annual Performance and Evaluation Report to the Department of Housing and Urban Development.
- G) Approval of a resolution authorizing the City Manager to enter into an Agreement with Richard J. Leidl, P.C. for federal legislative services on behalf of the City of New Braunfels.
- H) Approval of an annual contract with Clean Harbors Environmental Services, Inc. for the collection, management, and disposal of household hazardous waste accepted at City-sponsored events.

Ordinances

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

l) Approval of the first reading of an ordinance revising the school speed Monday, December 11, 2017 New Braunfels City Council Regular Meeting

zone at Lone Star Early Childhood Center.

- J) Approval of the first reading of an ordinance establishing a school speed zone on a portion of Klein Meadows for New Braunfels Middle School.
- K) Approval of the first reading of an ordinance amending Article VI Section 86-101 through 86-119 of the Code of Ordinances to change the date when used wristbands must be returned, clarify staff responsibilities, add a definition for holiday, and change the resident pass validity from one year to three years.
- L) Approval of the second and final reading of an ordinance regarding the proposed rezoning of Lot 1, Gruene Sunday Haus Addition addressed at 1950 Hunter Road, from "R-3" Multifamily District and "C-1" Local Business District to "C-4A" Resort Commercial District.
- M) Approval of the second and final reading of an ordinance revising Chapter 86-91 of the Code of Ordinances to amend fees at the Landa Park Golf Course.

Mayor Casteel read the aforementioned captions, except Item D which was pulled from the Consent Agenda for further discussion by Mayor Pro Tem Peters.

Councilmember Meadows moved to approve the Consent Agenda except item D. Councilmember Garcia seconded the motion which passed unanimously via roll call vote.

D) Approval of a billboard sign lease agreement between the City of New Braunfels and Natural Bridge Caverns, Inc.

Mayor Casteel read the aforementioned caption.

Matt Eckmann presented the item.

Travis Wuest spoke in favor of the item.

Councilmember Monceballez moved to approve the item with the lease expiring August 1, 2025. Councilmember Garcia seconded the motion which passed 5-1, with Mayor Pro Tem Peters opposed.

4. <u>INDIVIDUAL ITEMS FOR CONSIDERATION</u>

A) Discuss and consider approval of the appointment of three individuals to the Landa Park Golf Course Advisory Board for terms ending December 31, 2020.

Mayor Casteel read the aforementioned caption.

Patrick Aten presented the item.

Councilmember Reaves moved to appoint Rene Sasser, Rob Smith, and Patrick Hollis to the Landa Park Golf Course Advisory Board. Councilmember Garcia seconded the motion which passed unanimously.

B) Discuss and reconsider a waiver from the sidewalk requirement for the replat of a portion of Lots 13, 14, 18, and 19, City Block 1015, Establishing Lots 18R and 19R, City Block 1015, that was previously voted on by the City Council on November 27, 2017.

Mayor Casteel read the aforementioned caption.

Mayor Pro Tem Peters moved to reconsider the item. Councilmember Reaves seconded the motion which passed unanimously.

Chris Looney presented the item.

Mayor Pro Tem Peters moved to approve the sidewalk waiver with no escrow required. Councilmember Garcia seconded the motion which passed unanimously.

<Councilmember Green returned to the City Council meeting.>

C) Discuss and consider approval of the first reading of an ordinance amending Article V Section 86-7(d) of the Code of Ordinances to expand paid parking at Prince Solms Park to begin on May 1 and end on Labor Day, and to change the parking fee from \$10.00 to either \$15.00 or \$20.00.

Mayor Casteel read the aforementioned caption.

Amy Niles and Kristi Aday presented the item.

Mayor Pro Tem Peters moved to begin paid parking in Prince Solms Park on May 1, and increase the fee to \$20. Councilmember Reaves seconded the motion which passed 6-1 with Councilmember Green opposed.

D) Discuss and consider approval of a resolution authorizing the City's intervention in proceedings at the Railroad Commission of Texas regarding CenterPoint Energy's proposed increase in rates filed on November 16, 2017; authorizing the City Manager to execute an agreement with Herrera Law & Associates, PLLC for representation in this rate increase application and intervention; and supporting the Citv's continued participation in the Alliance of CenterPoint Municipalities.

Mayor Casteel read the aforementioned caption.

Valeria Acevedo introduced the item. Albert Herrera presented the item.

Councilmember Meadows moved to approve the item. Councilmember Reaves seconded the motion which passed 5-2 with Councilmembers Green and Garcia opposed.

E) Discuss and consider approval of a development agreement between the City of New Braunfels and Oak Run Property Owners' Association, Inc. for the abandonment of a portion of Timber Hollow Drive in the Oak Run Subdivision.

Mayor Casteel read the aforementioned caption.

Matt Eckmann presented the item.

Harry Bowers and Jim Collins spoke on the item.

Councilmember Reaves moved to approve the item. Councilmember Garcia seconded the motion which passed unanimously.

F) Discuss and consider approval of a resolution for the determination of right-of-way of E. Common Street, identified as a principal arterial in the City of New Braunfels Regional Transportation Plan, from the intersection with Loop 337 to 400 feet to the east.

Mayor Casteel read the aforementioned caption.

Greg Malatek presented the item.

Chris Van Heerde spoke in favor of the item.

Councilmember Garcia moved to approve the item. Councilmember Green seconded the motion which passed unanimously.

<City Council took a break.>

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

Mayor Casteel read the aforementioned caption.

Greg Malatek presented the item.

No one spoke during the public hearing.

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

H) Public hearing and consideration of the first reading of an ordinance regarding the proposed rezoning request to apply a Special Use Permit to allow a vehicle storage facility in the "C-3" Commercial District on 0.716 acres out of Subdivision No. 101 of the A.M. Esnaurizar Eleven League Grant, Abstract No. 20, Guadalupe County, Texas, addressed at 2635 S. Highway 46.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Dan McCarthy, Jeremy Hernandez, DL Schraub, Art Partida, Serapio Herrera, and Matt Engel spoke during the public hearing.

Councilmember Green moved item with staff to approve the recommendations. Councilmember Monceballez seconded the motion 1-4-2, Councilmember which failed with Green votina favor. Councilmembers Reaves, Garcia Meadows, Monceballez. and

opposed, and Mayor Pro Tem Peters and Mayor Casteel abstaining.

Public hearing and consideration of the first reading of an ordinance regarding the proposed rezoning request from "R-2" Single and Two-Family District to "C-1A" Neighborhood Business District with a Special Use Permit to allow a commercial contractor's office with outdoor storage on Lots 8 and 9, Seidels Subdivision, addressed at 1133 State Highway 46.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Mark Stewart and Linda Wolfreid spoke during the public hearing.

Mark Stewart, applicant, requested the item be postponed to the January 8 City Council meeting.

Councilmember Monceballez moved to postpone the item to January 8, 2018. Councilmember Reaves seconded the motion which passed unanimously.

J) Public hearing and consideration of a resolution amending the 2006 Future Land Use Plan and approval of the second and final reading of an ordinance amending Ordinance No. 2016-36, the "Avery Park" Planned Development District Detail Plan, by removing 5.57 acres (Lots 43 & 44, Block A, Avery Park, Unit 1) from the "Avery Park" Planned Development District (APPD) and rezone the 5.57 acres and 21.80 acres out of the Antonio M. Esnaurizar Survey, Abstract No. 20, Guadalupe County, Texas, from "APD" Agricultural Pre-development and "C-3" Commercial District to "Avery Park 13" Planned Concept Plan District (AP13PD), adopting Development а and associated Development Standards, located north of the intersection of Avery Park Drive and State Highway 46 South.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

No one spoke during the public hearing.

Councilmember Green moved to approve the item. Councilmember

Meadows seconded the motion which passed unanimously via roll call vote.

K) Public hearing and consideration of the first reading of an ordinance regarding the proposed rezoning of 9.27 acres out of Lot 1, Block 1, Starlight Terrace, Unit 2, located within the Live Oak Mobile Home Community on Ashberry Avenue, from "M-1" Light Industrial District to "B-1B" Manufactured Home Park District.

This item was pulled from the agenda by the requestor. No action was taken.

L) Discuss and consider a request for a conditional sign permit for an electronic message sign at Today's Smile, addressed at 1592 E. Common Street.

Mayor Casteel read the aforementioned caption.

Stacy Snell presented the item.

Daniel McCutcheon spoke in favor of the item.

Councilmember Monceballez moved to approve the item with staff recomendations with the sign being a static sign. Councilmember Reaves seconded the motion.

Mayor Pro Tem Peters moved to amend the motion to include staff recommendations with a smaller monument sign but without an electronic sign. Councilmember Green seconded the motion. The motion to amend failed 2-5 with Councilmembers Meadows, Reaves, Monceballez, Garcia, and Mayor Casteel opposed.

The original main motion passed 6-1 with Mayor Pro Tem Peters opposed.

M) Discuss and consider a request for a conditional sign permit for subdivision entry signage for Wasser Ranch Subdivision, located on Goodwin Lane at the entrances of Pader and Wipper.

Mayor Casteel read the aforementioned caption.

Stacy Snell presented the item.

Bart Swider spoke on the item.

Councilmember Green moved to approve the item with the requirement that the Wasser Ranch Planned Development District will be amended to include the subdivision entry design. Councilmember Meadows seconded the motion which passed unanimously.

N) Discuss and consider a request for an appeal of the Non-Residential and Multifamily Design Standards for a proposed drive-through bank addressed at 1292 Loop 337.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Andrew Staskavage spoke in favor of the item.

Mayor Pro Tem Peters moved to deny the item. Councilmember Green seconded the motion which passed 5-2, with Councilmember Meadows and Monceballez opposed.

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

Mayor Casteel read the aforementioned captions.

City Council recessed into Executive Session from 10:42 p.m. - 10:55 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 10:56 p.m. No vote or action was taken. The meeting adjourned at 10:56 p.m. Date Approved: January 8, 2018 Barron Casteel, Mayor

Monday, December 11, 2017 New Braunfels City Council Regular Meeting

Attest:

Patrick Aten, City Secretary

SPECIAL MINUTES OF THE NEW BRAUNFELS CITY COUNCIL SPECIAL MEETING OF MONDAY, DECEMBER 18, 2017

The City Council of the City of New Braunfels, Texas, met in a Special Meeting on December 18, 2017, at 6:00 p.m.

City Councilmembers present were:

Present 6 - Mavor Barron Casteel. Councilmember Justin Meadows. Councilmember Ron Reaves. Councilmember Chris Monceballez. Pro Mavor Tem Wavne Peters. and Councilmember Leah García

Absent 1 - Councilmember George Green

City Staff present were: Robert Camareno City Manager, City Attorney Valeria Acevedo, City Secretary Patrick Aten, Assistant City Secretary Drew Lyons, Real Estate Manager Matt Eckmann.

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:00 p.m. Councilmember Monceballez gave the invocation and Mayor Casteel led the Pledge of Allegiance and the Salute to the Texas Flag.

1. WORKSHOP

A) Discuss and consider approval of a resolution of the City Council of the City of New Braunfels, Texas, ordering a special election to be held in the City of New Braunfels, Texas, on February 17, 2018, to fill the unexpired term for Councilmember, District 1; establishing an early voting location and a polling place for this election; and making provisions for the conduct of the election.

Mayor Casteel read the aforementioned caption.

Patrick Aten presented the item.

Councilmember Meadows moved to approve the item. Councilmember Garcia seconded the motion which passed unanimously (6-0) via roll call vote.

2. EXECUTIVE SESSION

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

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

Mayor Casteel read the aforementioned caption.

City Council recessed into Executive Session from 6:12 p.m. - 6:34 p.m.

No vote or action was taken.

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

City Council reconvened into Open Session at 6:34 p.m.

No vote or action was taken.

The meeting adjourned at 6:34 p.m.

Patrick Aten, City Secretary

Attest:



550 Landa Street New Braunfels, TX

1/8/2018

Agenda Item No. A)

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

SUBJECT:

Approval of the appointment of one individual to the Historic Landmark Commission for a term ending April 7, 2020.

BACKGROUND / RATIONALE:

The Historic Landmark Commission is a nine-member board with four-year terms. A vacancy was posted due to a resignation in October for an at-large position.

One application was received for the vacancy:

Nathan Feingold

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 appointment of one individual to the Historic Landmark Commission for a term ending April 7, 2020.



550 Landa Street New Braunfels, TX

1/8/2018

Agenda Item No. B)

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

SUBJECT:

Approval of the appointment of three individuals to the Construction Board of Appeals for terms ending February 24, 2023.

BACKGROUND / RATIONALE:

The Construction Board of Appeals is a seven-member position-specific board with four alternate positions, each with five-year terms.

The following applications were received:

- Brad Bechtol (incumbent) for general contractor first appointed 2013
- Scott Morris (incumbent) for general contractor first appointed 2017
- Drew Cain (incumbent) for alternate first appointed 2015

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 appointment of three individuals to the Construction Board of Appeals for terms ending February 24, 2023.



550 Landa Street New Braunfels, TX

1/8/2018

Agenda Item No. C)

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

SUBJECT:

Approval of a resolution appointing election officers for the February 17, 2018 special election.

BACKGROUND / RATIONALE:

The Texas Election Code provides that municipal elections are to be administered by special officers called Election Judges. These judges are paid, independent officers who oversee the balloting on Election Day in a particular precinct, and are assisted by an alternate judge and election clerks. The City Council is vested with the authority to appoint Election Judges and Alternate Election Judges.

The Election Code also provides for a special board, the Early Voting Ballot Board, to oversee mailin balloting and provisional voting. This board reviews all mail-in ballots to ensure that they were properly cast by the voter who requested them. They will also determine the validity of votes cast by provisional voters on Election Day. The City Council is vested with the authority to appoint the Presiding Judge of the Board.

The City Secretary's Office makes the following recommendations regarding the appointment of the following officers to administer the February 17, 2018 Special Election for the City of New Braunfels:

<u>Early Voting Ballot Board Presiding Judge</u> Terry Davis

<u>District 1 Presiding & Alternate Judges</u> Presiding Judge: Soila Maldonado Alternate Judge: Rocky Villareal

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

N/A

FISCAL IMPACT:

Approximately \$7,000.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a resolution appointing election officers for the February 17, 2018

special election	า.			

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, APPOINTING PRESIDING JUDGES AND ALTERNATE JUDGES FOR THE SPECIAL ELECTION TO BE HELD ON FEBRUARY 17, 2018.

WHEREAS, by the City Council has set the date of February 17, 2018, for the Special Election to elect a Councilmember from District 1; and

WHEREAS, residents of New Braunfels have been contacted and have indicated they would be willing to serve as presiding judges and alternate judges during the Special Election on February 17, 2018.

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

THAT the following residents of New Braunfels are hereby approved as presiding judges and alternate judges for the Special Election on February 17, 2018, at the polling sites herein listed.

<u>DISTRICT NUMBER ONE (1) – WESTSIDE COMMUNITY CENTER,</u> 2932 S IH35

Presiding Judge: Soila Maldonado Alternate Judge: Rocky Villareal

THAT each presiding judge shall appoint qualified clerks to serve and assist in holding said election; provided that if the presiding judge herein appointed actually serves, the alternate presiding judge shall be one of the clerks.

THAT an Early Voting Ballot Board shall be used for this election in relation to absentee and provisional voting and Terry Davis is hereby appointed Presiding Judge of the Early Voting Ballot Board.

BE IT FURTHER RESOLVED THAT City Secretary Patrick Aten is hereby appointed Judge of the Central Counting Station;

PASSED AND APPROVED this 8th day of January, 2018.

CITY OF NEW BRAUNFELS, TEXAS

	BARRON CASTEEL, Mayor
Attest:	
PATRICK ATEN, City Secretary	



550 Landa Street New Braunfels, TX

1/8/2018

Agenda Item No. D)

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

SUBJECT:

Approval of a contract with Raba Kistner Consultants, Inc. for construction materials observation and testing services on the Alves Lane Improvements Project

BACKGROUND / RATIONALE:

The Alves Lane Improvement Project was approved under Proposition Two of the 2013 Bond Program. The project will improve drainage adjacent to Alves Lane from SH-46 to Barbarosa Road and includes the reconstruction of Alves Lane. Moreover, the project includes sidewalks on both sides of the roadway and ultimately has a positive impact on traffic congestion on SH-46.

City Council approved a joint contract with NBU to Capital Excavation for the construction of the Alves Ln. improvements on October 23rd 2017. The contract with Raba Kistner is for construction material observation and testing services and will be billed for the actual services rendered with an estimated project total of \$100,400. These professional services were procured through the City's IDIQ which pre-qualified professional services vendors.

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

X	Yes	City Plan/Council Priority:	Strategic Priorities: Continue an ongoing program of
			infrastructure construction and maintenance.

FISCAL IMPACT:

Proposition Two of the 2013 bond program includes \$15.7 Million for Alves Lane improvements. Todate \$11.8 Million has been encumbered for ROW, design and construction services leaving \$3.9 Million available to fund proposed \$100,400 contract with Raba Kistner.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval.



550 Landa Street New Braunfels, TX

1/8/2018

Agenda Item No. E)

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

SUBJECT:

Approval to provide Roadway Impact Fee funds to the Texas Department of Transportation for a third-party funding change order for the construction of the FM 1101 and FM 306 (Creekside Crossing) traffic signal and authorize the City Manager to execute the associated third-party Advance Funding Agreement Amendment as part of the FM 1101 Improvement Project.

BACKGROUND / RATIONALE:

The Texas Department of Transportation (TxDOT) designed the traffic signal at FM 1101 and FM 306 (Creekside Crossing) to be included as a change order in TxDOT's FM 1101 Improvement Project. The project included the basic infrastructure for a future traffic signal and the change order includes items for a fully functional traffic signal including signal cabinet and controller, signal heads, vehicle detection, and pedestrian poles and signals. The cost of the change order was \$115,096.29 and approved by City Council on January 12, 2015.

The TxDOT FM 1101 Improvement Project was delayed due to utility installation and the City of New Braunfels traffic signal equipment requirements have changed since the change order for the traffic signal at FM 306 was approved in 2015. The change in equipment requirements result in an increase of \$6,753.68 to the approved change order. The City is responsible for the cost of the new traffic signal and has identified Roadway Impact Fee funds to transfer to TxDOT as part of the FM 1101 Improvement Project Advanced Funding Agreement.

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:

Roadway Impact Fee funds of \$6,753.68 from Service Area 6 will be transferred to the TxDOT to fund the change order of the traffic signal equipment at FM 1101 & FM 306. There is adequate fund balance in the service area.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval to provide roadway impact fee funds to TxDOT for the change order of the FM 1101 and FM 306 traffic signal equipment as part of the FM 1101 Improvement Project.



550 Landa Street New Braunfels, TX

1/8/2018

Agenda Item No. F)

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

SUBJECT:

Approval of a Development Agreement between the City of New Braunfels and August Fields, LP for the August Fields Subdivision.

BACKGROUND / RATIONALE:

August Fields, LP who is the Developer of the August Fields Subdivision has petitioned the City of New Braunfels to enter into a development agreement in order to address several items within the Development.

Upon review of the Developer's initial Master Plan, the City requested a redesign of the subdivision to allow for Brook Avenue to be constructed as a Minor Collector and for the necessary right-of-way for the Alves Lane project to be dedicated. Upon redesigning the road section, it was determined that the excess cost to the developer would be approximately \$388,080.00. The excess cost also includes the purchase of \$63,000 of Alves Lane right-of-way. The Developer has requested that these excess costs be used to offset the amount of Roadway Impact Fees that would be due.

Additionally as part of this agreement, in lieu of Park Development Fees, the Developer will donate park land as well as hike and bike trail property to the City which will include \$250,000 of "Phase 1 Park Improvements" constructed by the Developer. Upon completion of the park improvements and the hike and bike trail, the City will reimburse the developer \$35,400 for the park improvements and \$85,000 for the hike and bike trail improvements.

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

X	Yes	City Plan/Council Priority: Strategic Priorities: Use a variety of funding sources
		for operational and capital needs. Preserve and
		improve our open space.

FISCAL IMPACT:

Minimal - Roadway impact fees from the development estimated at 547,500 will pay for the developer's excess costs including the \$63,000 for the Alves Lane right-of-way purchase. Reimbursements to the Developer for park improvements will come from the Park Development Fund - Quadrant 2.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION: Staff recommends approval of this Development Agreement.	
Staff recommends approval of this Development Agreement.	

DEVELOPMENT AGREEMENT

This Development Agreement (the "<u>Agreement</u>") is made and entered into by and between the CITY OF NEW BRAUNFELS, TEXAS, a Texas municipal corporation (the "<u>City</u>"), and AUGUST FIELDS, LP, a Texas limited partnership ("<u>Developer</u>"), effective as of the ______ day of _______, 2017 ("<u>Effective Date</u>").

WHEREAS, on October 22, 2015, Developer submitted a "Master Plan" and "Concept Plan" for the proposed development of the August Fields Subdivision, such Subdivision being more particularly described on the attached **Exhibit "A"** (the "Subdivision");

WHEREAS, the City asked Developer to redesign the Subdivision so that Brook Ave (the "*Roadway*") would be constructed to minor collector roadway specifications pursuant to the City Code of Ordinances, Section 118-46-Streets;

WHEREAS, Developer redesigned the Subdivision plans to accommodate the Roadway to minor collector roadway specifications and the revised Master Plan and Detail Plan were approved by the City Planning Commission on May 2, 2017, and the City Council approved the Amended Concept Plan on June 12, 2017;

WHEREAS, the City has adopted a roadway impact fees program, which requirements are codified as Chapter 100, City Code of Ordinances, as amended (the "*Ordinance*");

WHEREAS, the Ordinance currently requires the payment of roadway impact fees adopted for Service Area No. 6 in the amount of \$1,875 per dwelling unit ("*Roadway Impact Fees*") upon the issuance of a building permit for construction of dwelling units on the lots within Phase 1 of the Subdivision;

WHEREAS, all other phases of development within the Subdivision will be assessed the then current amount of Roadway Impact Fees when such phases are platted;

WHEREAS, the Ordinance provides that an owner/developer of a tract of land can petition the City Council for offsets for the costs of capital improvements that provide additional capacity to the City's thoroughfare system against the Roadway Impact Fees to be charged to the Subdivision development;

WHEREAS, the Ordinance authorizes the City to enter into an agreement with an owner / developer of a tract of land for the construction and/or financing of such capital improvements that provide additional capacity for the City's thoroughfare system;

WHEREAS, although the Roadway was not included on the City's thoroughfare plan, the City has determined that upgrading such Roadway to become a minor collector roadway will meet the need for greater roadway improvements generated by the Subdivision and is eligible for impact fees expenditure;

WHEREAS, the excess cost of constructing the Roadway to minor collector roadway specifications over the costs of constructing a local street section is approximately \$388,080.00, as more precisely set forth in **Exhibit "B"** attached hereto and incorporated herein by reference

(the "<u>Excess Costs</u>");

WHEREAS, Developer has petitioned the City Council for approval for offsets against Roadway Impact Fees due the City for the Excess Costs of the Roadway;

WHEREAS, the expected total amount of Roadway Impact Fees due by the builders of lots subject to the Subdivision is \$547,500.00, as shown on the Roadway Impact Fee Calculation Worksheet attached hereto as **Exhibit "C"**;

WHEREAS, the City desires to offset the Excess Costs against Roadway Impact Fees due upon the construction, dedication to the City and acceptance by the City of the Roadway;

WHEREAS, the City has adopted certain park land dedication and park development fee assessments pursuant to Section 118 of the City Code of Ordinances, as amended (collectively, the "<u>Park Land Dedication and Park Land Fee Ordinance</u>") pertaining to development of real property; and

WHEREAS, the City desires to accept a combination of park improvements and park land for full satisfaction of all park land dedication and park development fee requirements under the Park Land Dedication and Park Land Fee Ordinance for the Subdivision.

NOW, THEREFORE, the City and Developer agree as follows:

- 1. <u>Construction of the Roadway</u>. Developer shall construct the Roadway to the City's minor collector specifications, and shall offer, in writing, to dedicate such Roadway to the City (the "<u>Dedication Offer</u>").
- 2. Reimbursement of Excess Costs. A credit pool will be established for the Roadway Impact Fees collected when the residential building permits are issued. Once Developer has constructed the entire Roadway to the City's specification and issued the Dedication Offer, subject to Paragraph 3 below, the Excess Costs will be refunded to Developer within 90 days of the date of the Dedication Offer to the extent of all Roadway Impact Fees collected by the City for the Subdivision as of the date of the Dedication Offer. If the total amount of Roadway Impact Fees collected by the City as of the date of the Dedication Offer notice is less than the Excess Costs, then the City shall credit the Developer the amount of any future collected Roadway Impact Fees until Developer has received the total Excess Costs. In the event, the entire Roadway is not completed, dedicated and accepted by the City within 10 years of the Effective Date of this Agreement, then the City's obligation to reimburse the Developer for the Excess Costs will be fully extinguished.
- 3. <u>Conveyance of Alves Lane Right-of-Way</u>. The City and Developer agree that Developer will convey the Alves Lane Right-of-Way to the City for \$63,000. The City will pay such consideration to Developer within 90 days of execution of this Agreement. In the event the City has funded the \$63,000 set forth in this paragraph prior to the payment of the Excess Costs, the Excess Costs due Developer will be reduced by \$63,000.
- 4. <u>Park Land Dedication and Park Development Fees</u>. The Developer and City have worked together to create a "Concept Plan" for proposed improvements to park land areas within the Subdivision, such park land improvements being conceptually shown on the attached

Exhibit "D" ("*Park Concept Plan*"). Developer and City hereby agree that Developer will make park improvements and dedicate park land in accordance with the following:

- Developer will dedicate to the City after the expenditure of at least a. \$250,000 in park improvements, in fee simple: (i) that certain two acre tract, more or less, described as "Lot 907R" on the attached Exhibit "A" (the "Two Acre Park"), for use as a public linear trail park to be named by the City at a later date; and (ii) that certain channel lot (referred to as Lot 909 on **Exhibit "A"**) (the "Hike and Bike Trail Tract) to be used in part for a 10' wide concrete hike and bike trail ("Hike and Bike Trail Improvements") from FM 1101 to the trail park at Alves Lane, as generally shown on the attached Exhibit "A". The Hike and Bike Trail Improvements will be constructed in accordance with the City's Greenway Trail Standards that were in effect as of February 6, 2017. Further, in connection with the Hike and Bike Trail Tract, Developer will execute an open space easement for the benefit of the City covering an eight foot strip of land along the rear boundaries of Lots 275-286 in Phase 1, which will provide a safety buffer for the said trail (the "Open Space Easement"). The Open Space Easement will be in a form reasonably acceptable to Developer and City and will provide that the owners of Lots 275-286 will not be permitted to construct any fences or place obstructions within the easement tract. The Open Space Easement will be filed in the Comal County Public Records prior to the sale of any of the referenced lots to a third party homeowner, but in no event later than the acceptance of the infrastructure in Phase 1.
- b. In lieu of additional park development fees that would be due for development of the Subdivision, the Developer will: (i) construct and install \$250,000 of the "Phase 1 Park Improvements," on the Two Acre Park, such Developer constructed Phase 1 Park Improvements being selected by Developer from the park improvements more particularly described on the attached Exhibit "E" (the Developer Installed Park Improvements"); and (ii) construct the Hike and Bike Trail Improvements, at its sole cost and expense, over and across the Hike and Bike Trail Tract. Notwithstanding anything contained in this Agreement to the contrary, Developer is under no obligation to spend more than \$250,000 for the construction of the Developer Installed Park Improvements unless the Subdivision exceeds 309 residential lots. Further, Developer shall complete the Developer Installed Park Improvements and Hike and Bike Trail Improvements on or before the earlier to occur of: (a) 18 months after the acceptance of the public infrastructure in Phase 1 of the Subdivision; or (b) the date that the utility and public infrastructure improvement construction in Phase 2 or any other phase of the Subdivision is substantially complete. If Developer fails to achieve the foregoing, the City will not issue any further building permits in the Subdivision until such time as the Developer Installed Park Improvements and Hike and Bike Trail Improvements are completed.

- c. Upon completion and City approval of the Developer Installed Park Improvements, the Developer will receive reimbursement of the park fees Developer previously paid for the Unit 1 development in the amount of \$35,400.
- d. Upon completion, approval, and acceptance of the Hike and Bike Trail Improvements, the City will reimburse Developer \$85,000 for a portion of the costs of the Hike and Bike Trail Improvements incurred by the Developer.
- e. All Developer reimbursements and payments under this Section 4 will require proof of payment (i.e., copies of checks and related invoices) and an affidavit from the Developer for the benefit of the City that indicates the amount spent on the Developer Installed Park Improvements and the Hike and Bike Trail Improvements.
- f. Within one year after the Phase I Park Improvements have been completed and accepted, the City Parks and Recreation Department will request the use of City park development fees to fund additional park improvements for the Two Acre Park and/or the Hike and Bike Trail, as generally shown on the Park Concept Plan. City and Developer acknowledge and agree that any proposed park improvements using park development funds are dependent on available funds and City Council approval.

Provided Developer complies with this Section 4, no additional park fees will be charged to Developer related to the construction and development of the Subdivision unless the Developer exceeds 309 residential lots in the Subdivision.

- Improvements. The City will own the Two Acre Park and Hike and Bike Trail Improvements. The City will own the Two Acre Park and Hike and Bike Trail Tract and will be solely responsible for all required capital improvements to such facilities that are not expressly obligations of Developer under this Agreement. The Developer and City have generally agreed upon the maintenance obligations regarding the Phase 1 Park Improvement, such maintenance obligations being described on the attached **Exhibit "F"**. The City plans to enter into a license agreement with the local homeowners' association for operations and maintenance of certain aspects of the Two Acre Park, the Hike and Bike Trail Tract and the land covered by the Open Space Easement, such homeowner's maintenance responsibilities being set forth on **Exhibit "F"**. Maintenance standards for the Two Acre Park and Hike and Bike Trail Improvements will conform to the City's best standards and practices for park maintenance and will apply when the applicable improvements have been accepted by the City Park's Department.
- 6. <u>Construction Standards</u>. The Developer Installed Park Improvements and the Hike and Bike Trail Improvements must meet the minimum requirements set forth in the New Braunfels Parks, Recreation and Strategic Master Plan, as amended. All development plans and specifications for the construction of the Developer Installed Park Improvements and the Hike and Bike Trail Improvements must meet the minimum design and construction standards as provided by the City Parks and Recreation Department, be sealed by a landscape architect

registered in the State of Texas and be reviewed and approved by the Parks Director prior to construction.

- 7. <u>Construction Inspections</u>. The Developer Installed Park Improvements and the Hike and Bike Trail Improvements shall be inspected by the City while construction is in progress. Once the Developer Installed Park Improvements and the Hike and Bike Trail Improvements are constructed, and after the Park Director has accepted such improvements, the Developer will deed the Two Acre Park tract to the City, by special warranty deed, in a form reasonably acceptable to Developer and the City and convey the Developer Installed Park Improvements and the Hike and Bike Trail Improvements, AS IS, WHERE IS, AND WITH ALL FAULTS, by bill of sale, with such conveyances to the City to be free and clear of any liens on such conveyed property. Within 15 days after acceptance by the City, the Developer will provide and obtain a one-year warranty for workmanship for the benefit of the City and provide the City a one year transferable warranty from all manufacturers for the warrantable equipment in the Developer Installed Park Improvements and the Hike and Bike Trail Improvements.
- <u>Default</u>. It will be an "Event of Default" if either party fails to comply with any term, provision or covenant of this Agreement. A defaulting party shall have 30 days after receiving written notice of an Event of Default from the non-defaulting party to cure the default, or such longer period as may be reasonably necessary if such default is not subject to cure within 30 days so long as the defaulting party commences activities to cure such default within 30 days and continues to diligently pursue such cure (such period of 30 days or longer as may be applicable, the "Cure Period"). If the defaulting entity does not cure the default within the applicable Cure Period, and if a non-defaulting entity has not waived the default in writing, then after the expiration of the applicable Cure Period, the non-defaulting entity may, in its sole discretion, and without prejudice to any other right or remedy allowed under this Agreement, terminate this Agreement by written notice to the defaulting party or seek any other relief available at law or in equity, all of which are cumulative and are in addition to any other right or remedy given under this Agreement which may now or subsequently exist in law or in equity by statute or otherwise, and the exercise of any one remedy does not preclude the exercise of another. Notwithstanding any provision herein to the contrary, if notice of default has been given by one party to the other party, and the other party believes that it is not in default or there is a dispute as to whether the default has been cured, then the parties shall make a good faith effort to resolve the dispute before the Agreement is declared terminated or in default.
- 9. <u>City Code of Ordinances/Enforcement</u>. This Agreement is made subject to the existing provisions of the Charter of the City of New Braunfels, its rules and regulations, procedures, and ordinances, present and future, and all applicable laws of the State of Texas and the United States. The parties agree that this Agreement will be performable in New Braunfels, Texas, and that if legal action is necessary to enforce this Agreement, exclusive venue shall lie in Comal County, Texas.
- 10. <u>Notice</u>. Any notice, communication, request, demand, reply or advice (severally and collectively referred to as "<u>Notice</u>") in this Agreement required or permitted to be given, made or accepted must be in writing. Notice may, unless otherwise specifically provided herein, be given or served (a) by depositing the same in a receptacle regularly maintained and serviced by the United States Postal Service, postage pre-paid, registered or certified, and addressed to the

party to be notified, with return receipt requested, (b) by delivering the same to such party, or an agent of such party, in person or by commercial courier or (c) by regular mail, facsimile transmission, email or other commercially reasonable means addressed to the party to be notified. Notice sent by registered or certified mail in the manner hereinabove described shall be effective on the date of deposit as evidenced by the mail receipt stamped by the post office. Notice given in any other manner shall be effective only if and when received by the party to be notified. Seller's and Purchaser's respective legal counsel may give any notice on its client's behalf. For the purposes of Notice, the addresses of the parties shall, until changed as provided below, be as follows:

<u>City</u>: City Engineer

City of New Braunfels P.O. Box 311747

New Braunfels, Texas 78131-1747

With a copy to: City Attorney

City of New Braunfels P.O. Box 311747

New Braunfels, Texas 78131-1747

Developer: August Fields, LP

501 Vale Street Austin, Texas 78746

Attention: Barth Timmermann Email: barthtimm@aol.com

With a copy to: Kimberly S. Beckham

Armbrust & Brown, PLLC 100 Congress, Suite 1300 Austin, Toyon 78701

Austin, Texas 78701

Telephone: (512) 435-2382 Facsimile: (512) 435-2360

Email: kbeckham@abaustin.com

11. Miscellaneous.

- a. This Agreement may be amended only by the written agreement of the City and Developer.
- b. In the event that any one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof, and this Agreement shall be considered as if such invalid, illegal, or unenforceable provision had never been contained in this Agreement.

- c. The findings and recitals in the recitals of this Agreement are hereby found to be true and correct and are hereby incorporated by reference as is set out in full.
- d. This Agreement shall be effective upon the signature of all parties hereto. The City shall be the last Party to execute the Agreement.
- e. Developer and City hereby covenant and agree that this Agreement cannot be assigned, transferred or conveyed, in whole or in part, to a third party without the prior written consent of the other party.

(CITY OF NEW BI	RAUNFELS,	TEXAS	
F	Printed Name:			
rney				
§				
§				
				New
city, on behalf	of the City.		ý	
	Notary Publ	ic Signature		
§				
§				
]	rney \$ knowledged becity, on behalf	By: Printed Name: Title: rney standard printed Name: Printed Name: Standard printed Name: Standard printed Name: Notary Puble standard printed Name: Notary Puble	By: Printed Name: Title: s knowledged before me on the day of of the city, on behalf of the City. Notary Public Signature	Printed Name: Title: day of of the City of city, on behalf of the City. Notary Public Signature

7

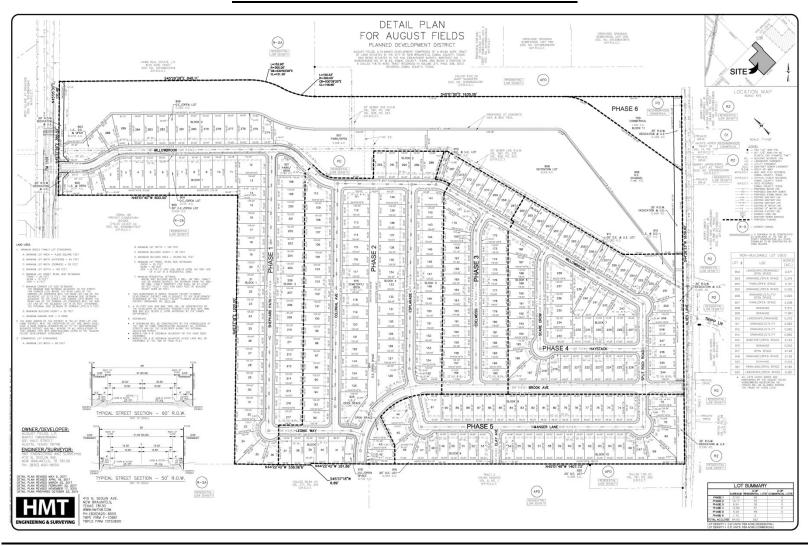
This instrument was acknowledged before n	ne on the day of	,
2017, by Valeria M. Acevedo, City Attorney of the	City of New Braunfels, Texas, a ho	me-rule
city, on behalf of the City.		
(seal)	Notary Public Signature	

DEVELOPER :	AUGUST FIELDS, L.P., a Texas limited partnershi				
	By:	Greenview Development Corp., a Texas corporation, General Partner			
		By:			
		·	Barth Timmermann, President		
STATE OF TEXAS §					
COUNTY OF §					
This instrument was acknowledged 2017, by Barth Timmermann, President of General Partner of August Fields, L.P., a Tand limited partnership.	f Greenv	view De			
(seal)		Notar	y Public Signature		

9

EXHIBIT "A"

LEGAL DESCRIPTION OF THE SUBDIVISION



{W0744244.8} Exhibit "A"

EXHIBIT "B"

DESCRIPTION OF EXCESS COSTS

SW3P & SITEWORK

ITEM	DESCRIPTION	UNIT	EST/QTY		\$/UNIT	` /	AMOUNT
1	Site Excavation	CY	2,500	\$	5.00	\$	12,500.00
2	Site Embankment	CY	2,500	\$	5.00	\$	12,500.00
3	Curb Inlet Protection (Filter Dike)	EA	2	\$	200.00	\$	400.00
4	Construction Entrance	EA	1	\$	1,500.00	\$	1,500.00
5	Silt Fence	LF	1,680	\$	2.00	\$	3,360.00
6	Concrete Washout Pit	EA	1	\$	800.00	\$	800.00
7	Clear & Grub/Strip Top Soil	SY	11,200	\$	0.50	\$	5,600.00
				SUBTO	OTAL	\$	36,660.00

1:46 PM 5/25/2017 N:_Projects\096 - Barth Timmermann\096.003 -2015 August Fields - 69 Lots Unit 1 Plat & Unit 1 Construction Drawings\096.003.106 - OPC\OPC Land Opt 3R\OPC Thoroughfare ROW Only As Per Bryan Woods.xlsx

ESTIMATED STREET QUANTITIES

ITEM	DESCRIPTION	UNIT	EST/QTY	\$	UNIT		AMOUNT
1	2" HMAC	SY	-5,040	\$	11.00	\$	(55,440.00)
2	3" HMAC	SY	6,620	\$	18.00	\$	119,152.98
3	10" Flex Base (50' ROW)	SY	-6,160	\$	10.50	\$	(64,680.00)
4	16.5" Flex Base (60' ROW)	SY	7,723	\$	13.50	\$	104,260.50
5	Prime Coat	GAL	313	\$	5.00	\$	1,563.00
6	6" Lime Stabilized Subgrade	SY	1,563	\$	7.50	. \$	11,722.50
7	Tensar Geogrid	SY	1,563	\$	6.50	\$	10,159.50
8	4" Sidewalks (Drains and Public Areas)	SY	873	\$	40.00	\$	34,920.00
				SUBTO	ΓAL	\$	161,658.48

Note: 1) It is assumed that the street section will be 2" asphalt, 16.5" of base, 6" lime subgrade, and Tensar Geogrid.

MISCELLANEOUS COSTS

ITEM	DESCRIPTION	UNIT	EST/QTY		\$/UNIT		AMOUNT
1	Engineering Fees	LS	1	\$	46,500.00		\$ 46,500.00
2	Bonds, Mobilization, Prep ROW, Insurance	%	12%		N/A		\$ 23,798.22
3	Contingency	%	20%		N/A		\$ 39,663.70
4	Additional ROW Collector	LS	1	\$	16,800.00		\$ 16,800.00
5	Alves Lane ROW	LS	1	\$	63,000.00	,	\$ 63,000.00
				SUBT	OTAL		\$ 189,761.91
				TOTA	AL COST		\$ 388,080.39

1:46 PM 5/25/2017 N:_Projects\096 - Barth Timmermann\096.003 -2015 August Fields - 69 Lots Unit 1 Plat & Unit 1 Construction Drawings\096.003.106 - OPC\OPC Land Opt 3R\OPC Thoroughfare ROW Only As Per Bryan Woods.xlsx

EXHIBIT "C"

ROADWAY IMPACT FEE CALCULATION WORKSHEET

{W0744244.8} Exhibit "C"

EXHIBIT "D" PARK CONCEPT PLAN



{W0744244.8} Exhibit "D"

EXHIBIT "E"

DESCRIPTION OF DEVELOPER INSTALLED PARK IMPROVEMENTS



August Fields - Park Concept Opinion of Probable Construction Costs Prepared by TBG Partners April 28, 2017 S15544

ITEM	UNIT	QTY.	UNIT COST		TOTAL REMARKS
Mobilization	Allow	1	\$ 20,000.00	S	20,000.00 Setup and mobilization
Pavillion	EA	1	\$ 25,000.00	S	25,000.00 20'x20' single Tier square steel frame shelter
Playground	Allow	1	\$ 60,000.00	\$	60,000.00 Playground equipment & accessories with fibar mulch surfacing
Site furniture	Allow	1	\$ 5,000.00	\$	5,000.00 Picnic Tables/Benches/Trash Receptacles
Concrete Walk	SF	6,700	\$ 5.00	\$	33,500.00 4" Thick concrete, 6' wide
Lighting & Electrical	Allow	1	\$ 10,000.00	\$	10,000.00 Pavillion/Pergola/Landscape lighting + Transformer
Shade Trees	EA	45	\$ 650.00	\$	29,250.00 4" Caliper 12' height
Landscape Planting Bed	SF	1,300	\$ 5.00	\$	6,500.00 Various shrubs and groundcover
Turf Lawn / Sod	SF	11,940	\$ 0.75	\$	8,955.00 Solid bermuda sod
Seeded / Hydromulch	SF	64,240	\$ 0.15	\$	9,636.00 Bermuda seed and Native seed mix
Plant Mix	CY	160	\$ 28.00	\$	4,480.00 6" Soil amendments for planting beds, 2" for sod/seeded areas
Irrigation	SF	41,700	\$ 1.00	\$	41,700.00 Complete irrigation system necessary for turf and planting areas
Fine Grading	Allow	1	\$ 5,000.00	\$	5,000.00 Fine grading in landscape areas
Drainage	Allow	1	\$ 7,500.00	\$	7,500.00 Landscape/Playground drainage
Design Fees	Allow	1	\$ 25,000.00	8	25,000.00 Estimate for Landscape Architectural Services
			 pt 2 Subtotal	\$	291,521.00
			GENCY 20% ncept 2 Total	\$	58,304.20 349,825.20

EXCLUDESRegional Trail, Permits, Tap Fees,

Page 1 of 1

Exhibit "E" {W0744244.8}

EXHIBIT "F"

Phase 1 Park Improvements and Maintenance Responsibilities for Public Park and Trail

Item Description	Installation	Maintenance	Agreement
Irrigation system	Phase 1–Developer*	August Fields HOA	City to pay for water HOA to operate and repair
Trails	Phase 1–Developer*	City	Maintenance and repairs
Playground equipment	Phase 1–Developer*	City	Maintenance and repairs
Turf	Phase 1–Developer*	August Fields HOA	HOA – Mowing and fertilization
Trees	Phase 1–Developer*	August Fields HOA	HOA – Maintenance
Landscaping flower beds, native species	Phase 1–Developer*	August Fields HOA	HOA at their discretion
Benches, tables, drinking fountains, and trash	Phase 1– Developer*	City	Maintain and replace park furnishings.
Pet waste and trash receptacles	Phase 1– Developer*	August Fields HOA	HOA –garbage collection and pet waste supplies
Signage	Phase 1– Developer*	City	Maintenance and repairs
Lighting, conduit, poles, fixtures, and railings	Phase 1– Developer*	City	City will maintain, repair and replace lightbulbs for all lighting fixtures. City to pay for electricity

^{*}Developer's obligations with respect to construction of the Phase 1 Park Improvements in the Subdivision are expressly limited in Paragraph 4(b) of this Agreement.

{W0744244.8} Exhibit "F"



550 Landa Street New Braunfels, TX

1/8/2018

Agenda Item No. G)

Presenter/Contact

Amy Niles, River Operations Manager (830) 221-4628 - aniles @nbtexas.org

SUBJECT:

Approval of the second and final reading of an ordinance amending Article VI Section 86-101 through 86-119 of the Code of Ordinances to change the date when used wristbands must be returned, clarify staff responsibilities, add a definition for holiday, and change the resident pass validity from one year to three years.

BACKGROUND / RATIONALE:

Under current procedures, river outfitters turn in their unused wristbands and payments by September 15, to ensure that all river activity funds are finalized in the current fiscal year. This ordinance as currently written requires that all wristbands and final payments be due by October 15. This change will align the ordinance with current practice.

A definition for holiday is recommended to help offset extra expenses when a holiday lands on a Tuesday or a Thursday. Typically, when a holiday lands on one of these days, the previous Monday or following Friday will be busy days and require extra staff to be out on the river. Most visitor consider this as part of their holiday weekend. The recommended holiday definition would include the Monday before a Tuesday holiday, and the Friday following a Thursday holiday for river management fee collection.

The River Advisory Committee has recommended that this ordinance be updated to change the validity of the resident pass from one year to three years. This recommendation comes as a result of river recreation public input meetings where citizens voiced a request to expand the resident pass validity, so they would not have to come get a new pass every year. This recommendation will result in less staff time to produce passes.

There are additional "housekeeping" or administrative changes to the ordinance that align it with current practices.

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

FISCAL IMPACT:

It is not possible to make an accurate estimate of additional revenue or expenses at this time.

COMMITTEE RECOMMENDATION:

At its meeting on May 18, 2017 the River Advisory Committee unanimously recommended the Council change the validity of the resident pass from one year to three years.

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance revisions to change the date when used wristbands must be returned, clarify staff responsibilities, add a definition for holiday, and change the resident pass validity from one year to three years.

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 86 OF THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS, ARTICLES V AND VI, SECTIONS 86-101 THROUGH 86-119 BY CLARIFYING DAYS WRISTBANDS ARE REQUIRED; AMENDING SECTION 86-104 CHANGING THE DATE BY WHICH UNUSED WRISTBANDS MUST BE RETURNED; AMENDING SECTION 86-105 CLARIFYING STAFF RESPONSIBILITY; AND AMENDING SECTION 86-116 BY ADDING A DEFINITION FOR HOLIDAY AND CHANGING RESIDENT PASS VALIDITY FROM ONE YEAR TO THREE YEARS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels, Texas has determined that there are serious health and safety issues relating to the portions of the Comal and Guadalupe rivers located within the corporate territorial limits of the City of New Braunfels, Texas; and

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

WHEREAS, the City Council of the City of New Braunfels, Texas has determined that certain conduct, including, but not limited to: that which is lewd and rowdy; that which contributes to litter; and that which otherwise violates the lawfully enacted ordinances of the City of New Braunfels, Texas or the laws of the State of Texas is unsafe and unhealthy; and

WHEREAS, the City Council of the City of New Braunfels, Texas has determined that excessively large crowds in areas where there exist water recreation facilities create a potential human health and safety hazard and is unsafe and unhealthy; and

WHEREAS, the City Council of the City of New Braunfels, Texas has determined that regulating certain unsafe and unhealthy conduct on the portions of the Comal and Guadalupe rivers located within the corporate territorial limits of the City of New Braunfels, Texas bears a substantial relationship to the public health, safety, morals, or general welfare; and

WHEREAS, the City Council of the City of New Braunfels, Texas has determined that the costs associated with regulating certain unsafe and unhealthy conduct on the portions of the Comal and Guadalupe rivers located within the corporate territorial limits of the City of New Braunfels, Texas places an unfair burden on the residents of the City of New Braunfels, Texas; and

WHEREAS, the City Council of the City of New Braunfels, Texas has determined that the costs associated with regulating certain unsafe and unhealthy conduct on the portions of the Comal and Guadalupe rivers located within the corporate territorial limits of the City of New Braunfels, Texas should be borne by the individuals necessitating said costs; and

WHEREAS, in 2011, the City Council of the City of New Braunfels, Texas determined that it was necessary to implement a river management fee intended to be paid by the individuals renting water-oriented recreational equipment, using water recreation shuttle vehicles, utilizing public river exits or certain public park property located within the corporate territorial limits of the City of New Braunfels, Texas in order to generate funds to offset costs associated with and attributable to the regulation of certain unsafe and unhealthy conduct on said rivers within the corporate territorial limits of the City of New Braunfels, Texas; and

WHEREAS, the City Council has previously found it necessary to extend the river management fee to non-resident private tubers that utilize certain City owned public park property and public river exits.

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. AMENDMENTS.

That Chapter 86, Articles V and VI, of the New Braunfels Code of Ordinances shall be amended to read as follows, with new language indicated below by use of underlined font:

ARTICLE V. - RIVER ACTIVITY WRISTBANDS

Sec. 86-99. - Definitions.

Public exit means Cypress Bend Park, Lincoln Street River Exit, Garden Street River Exit and the City Tube Chute.

Water-oriented recreational equipment means tubes, kayaks, rafts, canoes and all other forms of personal watercraft.

Sec. 86-100. - Requirements for rental of water-oriented recreational equipment.

It shall be the duty and responsibility of any person, firm, partnership or corporation in the City of New Braunfels that rents water-oriented recreational equipment for use on the Comal and Guadalupe rivers to mark that equipment to prominently display the name and/or logo of the person, firm, partnership or corporation renting the equipment.

- (1) All lettering and logos must be at least four inches in height and be easily visible from a distance of more than 20 feet.
- (2) Any person, firm, partnership or corporation renting water-oriented recreational equipment shall keep a written record of the name, date of birth and address of all customers renting said equipment and shall provide such information to the City upon written request with five days notice.

Sec. 86-101. - Wristband; public exits, City Tube Chute, Prince Solms Park, Hinman Island Park.

Beginning Memorial Day weekend and concluding Labor Day of each year, all persons in possession of water-oriented recreational equipment on the premises known as the City Tube Chute, Prince Solms Park, Hinman Island Park or using public exits on the Comal or Guadalupe Rivers, must be wearing a city-issued wristband signifying their payment of the river management fee that is charged on holidays and weekends. An individual bearer of a wristband is strictly prohibited from transferring said wristband to any other individual or business for reuse. Failure to comply with these provisions shall result in criminal and civil penalties.

- (1) It shall be the duty and responsibility of any person, firm, partnership or corporation renting water oriented recreational equipment to make certain their customers pay the required river management fee and are issued and wearing a city-issued wristbands when entering the City Tube Chute, Prince Solms Park, Hinman Island Park or using public exits on the Comal and Guadalupe Rivers. If an outfitter or operator runs out of city issued wristbands but continues to operate, they will be in violation of this section and will be subject to criminal and civil penalties.
- (2) Residents with a valid resident pass and outfitter guests, (friends and family who do not pay a fee for rental of water-oriented recreational equipment or shuttle transportation,) will be issued a wristband, specified by the city, to show that they are considered a non-paying guest or New Braunfels resident. The proper city-issued wristband must be worn when entering the City Tube Chute, Prince Solms Park, Hinman Island Park or using public exits on the Comal and Guadalupe Rivers. Failure to comply with these provisions shall result in criminal and civil penalties.
- (3) Guests in possession of non-rented water-oriented recreational equipment entering the City Tube Chute, Prince Solms Park, Hinman Island Park will be issued a wristband, specified by the city, to show that they are considered a non-paying guest or New Braunfels resident and charged a river management fee if appropriate.

Sec. 86-102. - Wristbands; water recreation shuttles.

All persons riding in a city-permitted water recreation shuttle being transported from locations on the Comal River and Guadalupe River down river from the Gruene Road Bridge within the city limits of New Braunfels, on holidays and weekends beginning Memorial Day weekend and concluding Labor Day of each year, shall be wearing a city-issued wristband.

- (1) It shall be the duty and responsibility of shuttle outfitters and operators to make sure that all passengers are wearing city-issued wristbands. If an outfitter or operator runs out of city-issued wristbands but continues to operate, they will be in violation of this section and will be subject to criminal and civil penalties.
- (2) Outfitter guests, friends and family who do not pay a fee for rental of equipment or shuttle transportation, will be issued a wristband, specified by the city, to show that they are considered a non-paying guest. The proper city-issued wristband must be worn by the individual while on the shuttle and when entering the City Tube Chute, Prince Solms Park, Hinman Island Park or using public exits on the Comal and Guadalupe Rivers. Failure to comply with these provisions shall result in criminal and civil penalties.
- (3) Water recreation shuttles may be stopped and audited at any time to ensure compliance with this provision.

Sec. 86-103. - Wristband; design, consignment.

It shall be the duty and responsibility of the city to determine the color, design and type of the required wristbands. The cost of the city-issued wristbands shall be set by the city to allow for change from time to time. Wristbands will be issued to water-oriented recreational businesses on a consignment basis. City staff will establish procedures for the distribution of wristbands, collection of fees, and return of unused wristbands. The city has the right to limit liability of consignment.

Sec. 86-104. - Wristband; distribution, payment.

The city shall be the sole distributor of the city-issued wristbands. Any water-oriented recreational business, which shall include a person, firm, partnership or corporation, can obtain the city-issued wristbands on a consignment basis at specified city offices during regular business hours (Monday through Friday, 8:00 a.m.—5:00 p.m.) as established in the city's written procedures. The outfitter or operator who receives distribution of consignment wristbands is strictly prohibited from transferring or selling any of their city-issued wristbands to any other outfitter or operator of a water-oriented recreational business. Any such person, firm, partnership or corporation that receives consignment wristbands must remit payment calculated by multiplying the number of wristbands unreturned to the city by the deadline by the effective rate of river management fees. Payment is due the 15th of the month following receipt of consignment wristbands. Failure to pay timely shall result in suspension of participation in the city's consignment wristband program, as well as criminal and civil penalties.

All unused wristbands must be returned to the city by September 15th. Failure to comply with this provision shall result in suspension of further participation in the city's consignment wristband program, as well as criminal and civil penalties.

Sec. 86-105. - Civil penalty.

- (a) Any person, firm, partnership or corporation who shall violate any provision of this section or who fails to comply therewith shall be subject to a fine of \$100.00 per person found to be without a proper city-approved wristband. Any person, firm, partnership or corporation failing to pay civil penalties within seven calendar days of receipt of notice will be prohibited from further participation in the city's consignment wristband program, as determined by the River Operations Manager. In addition, their water recreation shuttle permit shall be immediately suspended or revoked, as determined by the City Manager or designee. Notice shall be deemed received if sent certified mail return receipt requested.
- (b) If any person, firm, partnership or corporation disputes any alleged violation under subsection 86-105(a), they shall have the right to appeal the decision of the city. Application for appeal shall be filed by the applicant in writing to the city secretary's office within five business days of the adverse decision. A nonrefundable appeal fee in the amount of \$50.00 shall be paid before an appeal may be heard. If a timely appeal is made, the prohibition, suspension or revocation shall be stayed until the city manager has made a final determination.

Sec. 86-106. - Criminal penalty.

- a) No culpable mental state required. The culpable mental state required by chapter 6.02 of the Texas Penal Code is hereby specifically negated. The offenses under this article shall be strict liability offenses.
- b) In addition to any above stated prohibitions, suspensions or revocations, any person, firm, partnership or corporation who shall violate any provision of this article or who failed to comply therewith shall be deemed guilty of a Class C misdemeanor and upon conviction, shall be subject to a fine. Nothing in this section shall be construed as to limit any civil action the city may take to enforce the terms of this article.
- (c) A person convicted of an offense under any portion of this article shall be fined in accordance with the following:
 - (1) First offense shall have a minimum fine of \$100.00 and a maximum fine of \$500.00;
 - (2) Second offense shall have a minimum fine of \$200.00 and a maximum fine of \$500.00; and
 - (3) Third and subsequent offenses shall have a minimum fine of \$500.00.

Each day's violations shall constitute a separate and distinct offense. Any prior conviction under this article will count towards a second and third charge regardless of when it occurred.

Secs. 86-107—86-115. - Reserved.

ARTICLE VI. - RIVER MANAGEMENT FEE

Sec. 86-116. - Definitions.

Holiday means any City-recognized holiday. If the holiday is on a Tuesday, then the previous Monday will be considered a holiday as well. If the holiday is on a Thursday, then the following Friday will be considered a holiday as well.

Outfitter means any person, firm, partnership, or corporation that rents water-oriented recreational equipment for use on the Comal and Guadalupe Rivers within the city limits.

Passenger means any person transported on a city-permitted water recreation shuttle.

Public river exit means Cypress Bend Park, Lincoln Street River Exit, Garden Street River Exit, Hinman Island Park, City Tube Chute and any other city-owned right-of-way or property with frontage on the Comal or Guadalupe Rivers currently not leased to another entity.

Rental customer means any person who rents water-oriented recreational equipment.

Resident means any person residing within the corporate city limits of the city.

Resident pass means a pass issued by the City of New Braunfels to a resident of the city. A resident pass is valid for three calendar years.

River management fee means that fee which is paid by the individuals using water recreation shuttle vehicles, public river exits or certain public park property located within the corporate territorial limits of the city and which shall be collected by river outfitters and remitted to the city.

River outfitter means any outfitter lawfully authorized to operate water recreation shuttles on the Comal and Guadalupe Rivers in the city.

Shuttle operator means any person, firm, partnership, or corporation that is required by city ordinance to hold a city issued water recreation shuttle permit who transports passengers from locations on the Comal River and Guadalupe River down river from the Gruene Road bridge within the city limits.

Water-oriented recreational equipment means tubes, kayaks, rafts, canoes and all other forms of personal watercraft.

Water recreation shuttle shall have the meaning as described by chapter 138, article VI.

Sec. 86-117. - Public river exits.

An outfitter that rents water-oriented recreational equipment for use on the Comal and Guadalupe Rivers within the city limits shall collect from each rental customer, except customers that present a valid resident pass, and remit to the city \$2.00 for each such customer utilizing any public river exit, unless said outfitter has already collected from that customer, the river management fee as a shuttle passenger. No rental customer or shuttle passenger shall be required to pay a river management fee in excess of \$2.00 a day. A river management fee is valid only for the date that it is collected. The river management fee will only be charged on holidays and weekends beginning Memorial Day weekend and concluding on Labor Day.

Sec. 86-118. - Water recreation shuttles.

Any shuttle operator operating within the city limits shall collect from each shuttle passenger, except customers that present a valid resident pass, and remit to the city \$2.00 for each shuttle passenger transported from locations on the Comal River and Guadalupe River down river from the Gruene Road bridge within the city limits, unless said shuttle operator has already collected from said customer a river management fee for the rental of water-oriented recreational equipment. No rental customer or shuttle passenger shall be required to pay a river management fee in excess of \$2.00 a day. A river management fee is valid only for the date that it is collected. The river management fee will only be charged on holidays and weekends beginning Memorial Day weekend and concluding Labor Day.

Sec. 86-119. - Fee payment; reports.

Fees shall be remitted to the city and a report filed for each month beginning Memorial Day weekend and concluding Labor Day of each year. Any person, firm, partnership or corporation subject to this article shall prepare a written monthly report containing a numerical count for each calendar day of its rental customers or passengers, as well as a total count for each month, together with a calculation of the amount due based on \$2.00 per person. Any person, firm, partnership or corporation subject to this article shall maintain a written daily log of resident passes for which wristbands were issued which will be collected by or electronically submitted to a representative of the River Operations Manager. The appropriate fee must be delivered to the parks and recreation department office no later than 15 calendar days following the end of each monthly reporting period. All fees remitted under this section shall be placed in a separate fund for the purpose of protecting and maintaining the health, safety, morals and general welfare of persons, and

regulating unsafe or unhealthy activities on those portions of the Comal and Guadalupe Rivers located within the corporate territorial limits of the city.

Sec. 86-120. - Suspension of use of public river exits; suspension or revocation shuttle permit; hearing.

- (a) Suspension. Any person, firm, partnership or corporation ("violator") failing to remit fees, timely submit the monthly report, or violates any other provision of this article shall be prohibited from using any public river exit and if the violator is a shuttle operator it shall have its water recreation shuttle permit suspended or revoked by the city secretary until such time the violator comes into compliance.
- (b) *Notice*. Prior to this, the city secretary shall issue written notice of the proposed action. The notice shall include the date of the violation as well as a brief description of the facts giving rise to the propose action. The notice shall also include the effective date of the revocation or suspension. The notice will also advise the violator of the right to appeal his decision to the city manager as outlined below.
- (c) Appeal. Any decision to deny use of public river exit or to suspend or revoke a shuttle permit may be appealed to the city manager for final determination. The appeal must be made in writing ten calendar days from receipt of the notice of revocation or suspension and filed with the city manager's office. The filing of a notice of appeal shall stay the revocation or suspension until a final decision is rendered by the city manager.
- (d) *Hearing*. Upon notice of appeal, the city manager shall schedule a hearing as soon as reasonably practical. The hearing shall be held at the New Braunfels Municipal Building. The parties may appeal pro se (representing themselves) or be represented by an attorney. The only issue to be decided at the hearing is whether any violation of this article occurred that would justify the prohibition of use of public river exits, or suspension or revocation of shuttle permit. The standard review shall be a preponderance of the evidence. All decisions made by the city manager shall be in writing and considered a final decision. The Texas Rules of Evidence, Texas Rules of Civil Procedure and the Texas Administrative Procedures Act do not apply to the hearing.

Sec. 86-121. – Criminal Penalty.

- (a) No culpable mental state required. The culpable mental state required by chapter 6.02 of the Texas Penal Code is hereby specifically negated. The offenses under this article shall be strict liability offenses.
- (b) In addition to any above stated prohibitions, suspensions or revocations, any person, firm, partnership or corporation who shall violate any provision of this article or who failed to comply therewith shall be deemed guilty of a Class C misdemeanor and upon conviction, shall be subject to a fine. Nothing in this section shall be construed as to limit any civil action the city may take to enforce the terms of this article.
- (c) A person convicted of an offense under any portion of this article shall be fined in accordance with the following:
 - (1) First offense shall have a minimum fine of \$100.00 and a maximum fine of \$500.00;

- Second offense shall have a minimum fine of \$200.00 and a maximum fine of \$500.00; (2) and
- (3) Third and subsequent offenses shall have a minimum fine of \$500.00.

Each day's violations shall constitute a separate and distinct offense. Any prior conviction under this article will count towards a second and third charge regardless of when it occurred.

SECTION 3: All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 4: 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 5: In accordance with the provisions of Section 3.10 of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

SECTION 6: This Ordinance shall become adopted and effective upon its final reading and must be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First Read	ding on the	day of	, 2018.
PASSED AND APPROVED: Second R	Reading on the _	day of	, 2018
	CITY OF	NEW BRAUNFEI	S, TEXAS
	By:	Casteel, Mayor	
	Barron	Casteel, Mayor	
ATTEST:			
Patrick Aten, City Secretary			
APPROVED AS TO FORM:			
Valeria M. Acevedo, City Attorney			



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

1/8/2018

Agenda Item No. H)

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

SUBJECT:

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 B.

BACKGROUND / RATIONALE:

Council District: 5

City Council unanimously approved the first reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area B on December 11, 2017.

As a part of staff's review of Parking by Permit Area B, typographical errors were found and are proposed to be corrected at this time. Additionally, the property at 416 East Mather Street is proposed to be added to Area B due to a hardship for the property owners. There is limited parking availability at this lot due to a fire hydrant, so only one parking spot is available in front of this address. If this parking spot is taken by another vehicle, it forces the resident to park down the street, which is a hardship due to a handicap of a resident of this address.

The proposed designated parking by permit area is a contiguous residential area and matches the schedule of existing parking by permit areas. The permit area meets the petition requirement in the City of New Braunfels Code of Ordinances.

A public hearing on the application shall be conducted by City Council. Notices of the public hearing were mailed to all property owners (as shown on the latest tax roll) and residents within the designated permit area.

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

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

FISCAL IMPACT:

Traffic control signs cost approximately \$150 each. Sufficient funding is available in the FY17-18 approved streets and drainage budget.

COMMITTEE RECOMMENDATION:

The Transportation and Traffic Advisory Board unanimously approved the recommendation to City

Council to amend Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area B at their meeting on October 12, 2017.

<u>STAFF RECOMMENDATION:</u>
Staff recommends approval of amending Parking by Permit Area B to include the property at 416 East Mather Street and correcting typographical errors.

ORDINANCE NO. 2018-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-354 (c) TO AMEND PARKING BY PERMIT AREA B.

WHEREAS, the City Council has determined that Section 126-354 (c)(2) and Section 126-354 (c)(6) Parking by Permit Only, Designated Permit Areas, Area B be amended in order to protect the health, safety and welfare of the citizens.

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

Ī.

THAT Section 126-354 (c) is hereby amended to read:

- (2) Area B, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.
 - a. On both sides of E. Mather Street from the intersection of S. Union Avenue to S. Central Avenue.
 - b. On both sides of E. Basel Street from the intersection of S. Union Avenue to S. Central Avenue.
 - c. On both sides of E. Dittlinger Street from the intersection of S. Washington Avenue to S. Central Avenue.
 - d. On both sides of Heinen Lane from the intersection of S. Union Avenue to S. Washington Avenue.
 - e. On both sides of E. South Street from the intersection of Union Avenue to S. Central Avenue.
 - f. On both sides of Central Avenue from the intersection of E. Common Street to E. Mather Street.
 - g. On both sides of S. Houston Avenue from the intersection of E. Common Street to E. South Street and from E. Dittlinger Street to E. Mather Street.
 - h. On both sides of S. Washington Avenue from the intersection of E. Common Street to E. Mather Street.
 - i. On east side of S. Union Avenue from the intersection of E. Basel Street to E. Mather Street.
 - j. On east side of S. Liberty Avenue from the intersection of W. Common Street to E. San Antonio Street.
 - k. On the north side of E. San Antonio Street from the intersection of S. Liberty Avenue to S. Union Avenue.
 - I. On the north side of E. Mather Street from S. Central Avenue to Labor Avenue.
 - m. On the west side of S. Grant Avenue from E. Basel Street to Cross River Street.

- n. On the east side of S. Grant Avenue from 333 S. Grant Avenue to E. Mather Street.
- o. On the east side of S. Veramendi Avenue from E. Mather Street to Cross River.
- p. On the south side of E. Mather Street at 416 E. Mather Street.
- (6) Area B, between the hours of 8:00 a.m. and 6:00 p.m. from May 1st through September 30th.
 - a. On both sides of W. South Street from the intersection of Liberty Avenue to S. Union Avenue.

II.

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

III.

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

IV.

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

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

PASSED AND APPROVED: Second reading this the _____ day of _____, 2018.

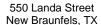
	CITY OF NEW BRAUNFELS, TEXAS
	BARRON CASTEEL, MAYOR
ATTEST:	
PATRICK D. ATEN, CITY SECRETAR	RY
APPROVED AS TO FORM:	
VALERIA M. ACEVEDO, CITY ATTOR	 RNEY



Proposed Addition to Parking by Permit Area B

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

- (c) Designated permit areas. No person shall park and leave standing any vehicle whether attended or unattended between the times listed and locations designated below without first having obtained a valid parking permit for the designated permit area from the city. Said designated permit area shall be designated as a tow-away zone:
 - (2) Area B, between the hours of 8:00 a.m. and 8:00 p.m. from May 1 st through September 30 th.
 - On both sides of E. Mather Street from the intersection of S. Union Avenue to S. Central Avenue.
 - b. On both sides of E. Basel Street from the intersection of S. Union Avenue to S. Central Avenue.
 - On both sides of E. Dittlinger Street from the intersection of S. Washington Avenue to S. Central Avenue.
 - d. On both sides of Heinen Lane from the intersection of S. Union Avenue to S. Washington Avenue.
 - e. On both sides of WE. South Street from the intersection of Union Avenue to S. Central Avenue.
 - On both sides of Central Avenue from the intersection of E. Common Street to E. Mather Street.
 - g. On both sides of S. Houston Avenue from the intersection of E. Common Street to E. South Street and from E. Dittlinger Street to E. Mather Street.
 - h. On both sides of S. Washington Avenue from the intersection of E. Common Street to E. Mather Street.
 - On east side of S. Union Avenue from the intersection of E. <u>Based_Basel_Street</u> to E. Mather Street.
 - On east side of S. Liberty Avenue from the intersection of W. Common Street to E. San Antonio Street.
 - k. On the north side of E. San Antonio Street from the intersection of S. Liberty Avenue to S. Union Avenue.
 - I. On the north side of E. Mather Street from S. Central Avenue to Labor Avenue.
 - m. On the west side of S. Grant Avenue From E. Basel Street to Cross River Street.
 - n. On the east side of S. Grant Avenue from 333 S. Grant Avenue to E. Mather Street.
 - o. On the east side of S. Veramendi Avenue from E. Mather Street to Cross River.
 - p. On the south side of E. Mather Street at 416 E. Mather Street.
 - (6) Area B, between the hours of 8:00 a.m. and 6:00 p.m. from May 1 st through September 30 th.
 - a. On both sides of <u>EW</u>. South Street from the intersection of Liberty Avenue to S. Union Avenue.





City Council Agenda Item Report

1/8/2018

Agenda Item No. I)

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

SUBJECT:

Approval of the second and final reading of an ordinance establishing a school speed zone on a portion of Klein Meadows for New Braunfels Middle School.

BACKGROUND / RATIONALE:

Council District: 2

City Council unanimously approved the first reading of an ordinance establishing a school speed zone on a portion of Klein Meadows for New Braunfels Middle School on December 11, 2017.

A citizen submitted a request to the City of New Braunfels Engineering Division for a 20 miles per hour (mph) school speed zone on a portion of Klein Meadows near New Braunfels Middle School. Klein Meadows provides inbound and outbound access during school drop-off and pick-up operations. The intersection of Klein Meadows and Legend Pass provides pedestrian access during drop-off and pick-up operations and is the bus driveway. Additionally, there are vehicles that park along Klein Meadows near Legend Pass for drop-off and pick-up operations. There is no existing school speed zone for New Braunfels Middle School.

A school zone is a section of roadway adjacent to a school or a school crosswalk where signs designating a school are present. A school speed zone is a special reduced speed zone for schools allowed by ordinance and defined by school speed signs. Ideally, school speed zones should be kept short to enhance driver compliance. School speed zones are intended for pedestrian safety and not to facilitate vehicle movements. The Texas Manual on Uniform Traffic Control Devices (TMUTCD) provides guidance that the point of a school speed zone should be at least 200 feet in advance of a school crossing if the school speed limit is less than 30 mph.

An engineering evaluation was conducted during school operations during both morning and afternoon times. School pedestrian and bicycle activity was observed on Klein Meadows. Klein Meadows is adjacent to the school grounds and the existing speed limit is posted at 30 mph. There is currently no crosswalk striped on Klein Meadows, so staff is recommending that a crosswalk be striped at this time. The request is supported by the Police Department who will enforce the school speed zone as well as New Braunfels ISD.

If the school speed zone is approved, times of 7:45 - 8:30 a.m. and 3:15 - 4:00 p.m. will be posted. These times have been approved by the principal at New Braunfels Middle School.

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 FY17-18 approved streets and drainage budget.

COMMITTEE RECOMMENDATION:

The Transportation and Traffic Advisory Board unanimously approved the recommendation to City Council to create a school speed zone on Klein Meadows on November 16, 2017.

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance establishing a school speed zone on Klein Meadows from 225 feet northwest of the intersection with Legend Pass to 240 feet southeast of the intersection with Legend Pass. Additionally, staff recommends striping a crosswalk on Klein Meadows.

ORDINANCE NO. 2018-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-136 (a) OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES TO CREATE A SCHOOL SPEED ZONE ON KLEIN MEADOWS.

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

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

I.

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

(a) No person shall drive any vehicle on the following streets within the areas designated in this subsection during the posted hours or when the school zone flashing lights are operating from 7:00 a.m. to 5:00 p.m. on each scheduled school day during every authorized school term, in excess of 20 miles per hour; and 30 miles per hour at every other time:

Klein Meadows from 225 feet northwest of the intersection with Legend Pass to 240 feet southeast of the intersection with Legend Pass.

II.

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

III.

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

IV.

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

City of New Braunfels.	
PASSED AND APPROVED: First reading this the day of	
PASSED AND APPROVED: Second reading this the day of, 2018.	
CITY OF NEW BRAUNFELS, TEXAS	
BARRON CASTEEL, MAYOR	
ATTEST:	
PATRICK D. ATEN CITY SECRETARY	
APPROVED AS TO FORM:	
VALERIA M. ACEVEDO, CITY ATTORNEY	

Sec. 126-136. - Speed zones—Twenty miles per hour on school days—Thirty miles per hour at other times.

(a) No person shall drive any vehicle on the following streets within the areas designated in this subsection during the posted hours or when the school zone flashing lights are operating from 7:00 a.m. to 5:00 p.m. on each scheduled school day during every authorized school term, in excess of 20 miles per hour; and 30 miles per hour at every other time:

Guenther Avenue between Business 35 and Butcher Street;

Butcher Street between Magazine Avenue and Santa Clara Avenue;

Magazine Avenue between Butcher Street and Business 35;

Nacogdoches Street between Magazine Avenue and Santa Clara Avenue;

Church Hill Drive between 0.225/10th of a mile north or Ridgewood Avenue and one-tenth of a mile southeast of the intersection of Post Road;

Loop 337 Frontage Road between Loop 337 and Church Hill Drive;

Oak Run Point between State Highway 46 to dead end;

Ohio Avenue between 200 feet east of Brentwood Drive and its end southwest of Kentucky Boulevard;

Guenther Avenue between Butcher Street and W. Coll Street;

Magazine Avenue between Butcher Street and W. Coll Street;

W Coll Street between Magazine Avenue and Santa Clara Avenue;

Howard Street between Fredericksburg Road and 190 feet east of N. Walnut Avenue;

Fredericksburg Road between 150 feet north of Wood Road and 50 feet south of Oakcrest Drive;

Bell Street between 180 feet west of Rosemary Drive and Fredericksburg Road;

Rosemary Drive between Howard Street and Starcrest Drive;

Parkview Drive between Oakcrest Drive and Bell Street;

Avery Parkway between 0.1 mile south of Whispering Way and 0.1 mile north of Conner Drive;

Goodwin Lane between 0.1 mile north of Orion Drive and 0.1 mile north of Dove Hollow Drive;

Settler's Crossing between S. Walnut Avenue and Savannah Hill Circle;

Klein Way between Klein Road and Settler's Crossing;

Hidalgo Avenue between W. San Antonio Street and Spur No. 3;

Lone Star Avenue between W. San Antonio Street and IH 35 Frontage Road;

W San Antonio Street between Grape Avenue and Lone Star Avenue;

Zamora Street between Hidalgo Avenue and Lone Star Avenue;

Main Street between Houston Avenue and Veramendi Avenue;

Commerce Street between Houston Avenue and Veramendi Avenue;

Veramendi Avenue between Common Street and Camp Street;

Houston Avenue between Common Street and Camp Street;

Central Avenue between Common Street and Main Street and between Commerce Street and Camp Street:

W Bridge Street between N. Seguin Avenue and Academy Avenue;

Castell Avenue between W. Mill Street and Zink Street;

Cross Street between Guenther Avenue and Santa Clara Avenue;

Santa Clara Avenue between Cross Street and W. San Antonio Street;

Kerlick Lane from the intersection of Mission Hills Drive easterly for a distance of 1,500 feet;

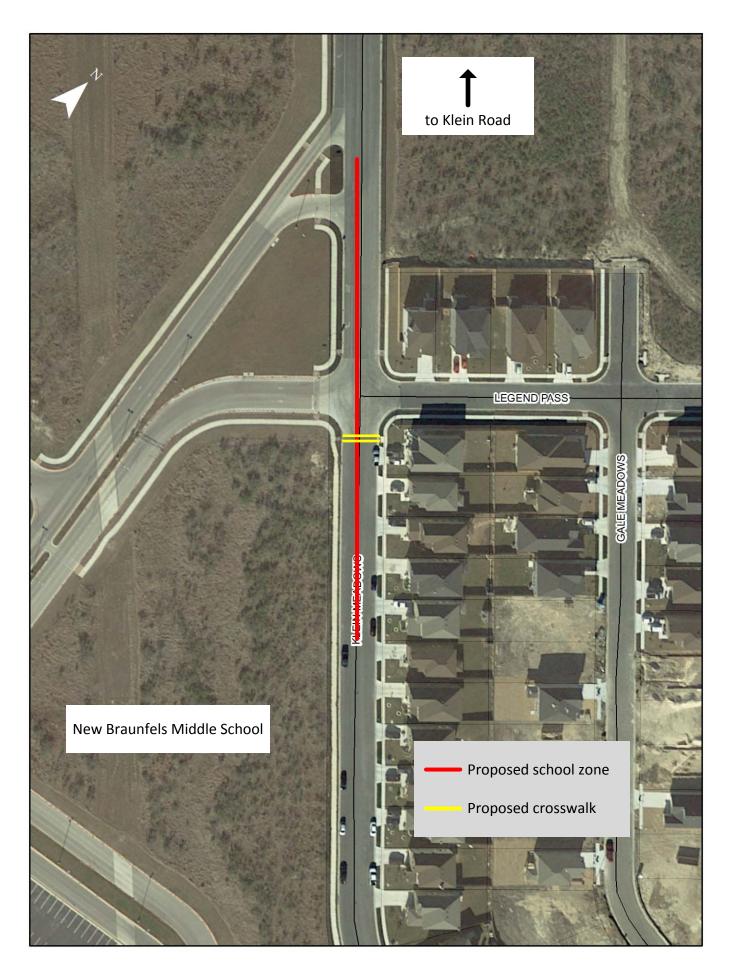
Mission Hills Drive from the intersection of Kerlick Lane southwesterly for a distance of 1,500 feet;

Old Austin Road between Loop 337 and Post Road;

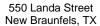
Broadway between Post Road and dead end; and

Hanz Drive from the intersection of East Common Street westerly for a distance of 610 feet; and-

<u>Klein Meadows from 225 feet northwest of the intersection with Legend Pass to 240 feet southeast of the intersection with Legend Pass.</u>



Proposed school speed zone on Klein Meadows at New Braunfels Middle School





City Council Agenda Item Report

1/8/2018

Agenda Item No. J)

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

SUBJECT:

Approval of the second and final reading of an ordinance revising the school speed zone at Lone Star Early Childhood Center.

BACKGROUND / RATIONALE:

Council District: 1

City Council unanimously approved the first reading of an ordinance revising the school speed zone at Lone Star Early Childhood Center on December 11, 2017.

Staff is conducting a review of the school speed zones for the existing schools in the city. As a result of this review, changes are proposed for Lone Star Early Childhood Center, as well as removing two existing locations that are not a part of a school speed zone.

A school zone is a section of roadway adjacent to a school or a school crosswalk where signs designating a school are present. A school speed zone is a special reduced speed zone for schools allowed by ordinance and defined by school speed signs. Ideally, school speed zones should be kept short to enhance driver compliance. School speed zones are intended for pedestrian safety and not to facilitate vehicle movements. The Texas Manual on Uniform Traffic Control Devices (TMUTCD) provides guidance that the point of a school speed zone should be at least 200 feet in advance of a school crossing if the school speed limit is less than 30 mph.

Lone Star Early Childhood Center is bordered by an existing school speed zone on all four sides. There are marked crosswalks on N. Lone Star Avenue, S. Lone Star Avenue, W. San Antonio Street, and S. Hidalgo Avenue. The changes proposed for the school speed zone locations are to adjust the distance covered by the school speed zone to the school crossing locations to be consistent with the TMUTCD guidance of at least 200 feet in advance of the school crossing locations, which is consistent with the existing school speed zone signs. The school speed zone locations on N. Lone Star Avenue, W. San Antonio Street near the intersection with S. Lone Star Avenue, and N. Hidalgo Avenue will be extended and W. San Antonio Street near the intersection with Concepcion Avenue and S. Lone Star Avenue near Zamora Avenue will be shortened to be consistent with the existing signs and the guidance in the TMUTCD.

Additionally, removing the school speed zone for Old Austin Road and Broadway that is currently listed in the ordinance (but no signs are posted) is proposed at this time.

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

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

FISCAL IMPACT:

N/A. No new signs will need to be posted as a result of the proposed changes.

COMMITTEE RECOMMENDATION:

The Transportation and Traffic Advisory Board unanimously approved the recommendation to City Council to revise the school speed zone locations at Lone Star Early Childhood Center, as well as removing school speed zones listed in the ordinance for Old Austin Road and Broadway on November 16, 2017.

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance to update the school speed zone locations at Lone Star Early Childhood Center, as well as removing Old Austin Road and Broadway from the school speed zone ordinance that are not a part of a school speed zone.

ORDINANCE NO. 2018-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-136 (a) OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES TO AMEND THE SCHOOL SPEED ZONE AT LONE STAR EARLY CHILDHOOD CENTER.

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

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

I.

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

(a) No person shall drive any vehicle on the following streets within the areas designated in this subsection during the posted hours or when the school zone flashing lights are operating from 7:00 a.m. to 5:00 p.m. on each scheduled school day during every authorized school term, in excess of 20 miles per hour; and 30 miles per hour at every other time:

Guenther Avenue between Business 35 and Butcher Street;

Butcher Street between Magazine Avenue and Santa Clara Avenue;

Magazine Avenue between Butcher Street and Business 35;

Nacogdoches Street between 200 feet east of Magazine Avenue and Santa Clara Avenue;

Church Hill Drive between 116 feet southwest of the Loop 337 Frontage Road and the intersection with Broadway;

Loop 337 Frontage Road between Loop 337 and Church Hill Drive;

Oak Run Point between State Highway 46 to dead end;

Ohio Avenue between 200 feet east of Brentwood Drive and its end southwest of Kentucky Boulevard;

Guenther Avenue between Butcher Street and 200 feet northwest of W. Coll Street;

Clemens Avenue between W. Coll Street and 200 feet northwest of W. Coll Street;

Magazine Avenue between Butcher Street and 200 feet northwest of W. Coll Street;

W. Coll Street between 200 feet northeast of Magazine Avenue and 200 feet south of S. Guenther Avenue:

Howard Street between Fredericksburg Road and 190 feet east of N. Walnut Avenue:

Fredericksburg Road between 150 feet north of Wood Road and 50 feet south of Oakcrest Drive;

Bell Street between 180 feet west of Rosemary Drive and Fredericksburg Road;

Rosemary Drive between Howard Street and Starcrest Drive;

Parkview Drive between Oakcrest Drive and Bell Street;

Avery Parkway between 570 feet south of Whispering Way and 535 feet north of Conner Drive;

Goodwin Lane between 528 feet north of Orion Drive and 530 feet north of Dove Hollow Drive;

Escarpment Oak from the intersection at Goodwin Lane southeasterly for a distance of 880 feet;

Settlers Crossing between S. Walnut Avenue and Savannah Hill Circle;

Klein Way between Klein Road and Settler's Crossing;

Hidalgo Avenue between 190 feet northwest of W. San Antonio Street to Spur No. 3;

Lone Star Avenue between 280 feet northwest of W. San Antonio Street to the intersection with Zamora Avenue;

W. San Antonio Street between 440 feet northeast of Hidalgo Avenue to 140 feet southwest of Lone Star Avenue:

Zamora Street between Hidalgo Avenue and Lone Star Avenue;

Main Street between Houston Avenue and Veramendi Avenue;

Commerce Street between Houston Avenue and Veramendi Avenue:

Veramendi Avenue between Common Street and Camp Street;

Houston Avenue between Common Street and Camp Street;

Central Avenue between Common Street and Main Street and between Commerce Street and Camp Street;

W. Bridge Street between N. Seguin Avenue and Academy Avenue;

Castell Avenue between W. Mill Street and W. Bridge Street;

W. Zink Street between Landa Street and dead end;

Cross Street between Guenther Avenue and Santa Clara Avenue;

Santa Clara Avenue between Cross Street and W. San Antonio Street;

Kerlick Lane from the intersection of Mission Hills Drive easterly for a distance of 1,500 feet;

Mission Hills Drive from the intersection of Kerlick Lane southwesterly for a distance of 1,500 feet; and

Hanz Drive from the intersection of East Common Street westerly for a distance of 610 feet.

II.

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

III.

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

IV.

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

PASSED AND APPROVED: Fir 2017.	st reading this the day of
PASSED AND APPROVED: Se , 2018.	econd reading this the day of
	CITY OF NEW BRAUNFELS, TEXAS
	BARRON CASTEEL, MAYOR
ATTEST:	
PATRICK D. ATEN CITY SECRETAR	Y
APPROVED AS TO FORM:	
VALERIA M. ACEVEDO, CITY ATTOR	

Sec. 126-136. - Speed zones—Twenty miles per hour on school days—Thirty miles per hour at other times.

(a) No person shall drive any vehicle on the following streets within the areas designated in this subsection during the posted hours or when the school zone flashing lights are operating from 7:00 a.m. to 5:00 p.m. on each scheduled school day during every authorized school term, in excess of 20 miles per hour; and 30 miles per hour at every other time:

Guenther Avenue between Business 35 and Butcher Street;

Butcher Street between Magazine Avenue and Santa Clara Avenue;

Magazine Avenue between Butcher Street and Business 35;

Nacogdoches Street between Magazine Avenue and Santa Clara Avenue;

Church Hill Drive between 0.225/10th of a mile north or Ridgewood Avenue and one-tenth of a mile southeast of the intersection of Post Road;

Loop 337 Frontage Road between Loop 337 and Church Hill Drive;

Oak Run Point between State Highway 46 to dead end;

Ohio Avenue between 200 feet east of Brentwood Drive and its end southwest of Kentucky Boulevard;

Guenther Avenue between Butcher Street and W. Coll Street;

Magazine Avenue between Butcher Street and W. Coll Street;

W Coll Street between Magazine Avenue and Santa Clara Avenue;

Howard Street between Fredericksburg Road and 190 feet east of N. Walnut Avenue;

Fredericksburg Road between 150 feet north of Wood Road and 50 feet south of Oakcrest Drive;

Bell Street between 180 feet west of Rosemary Drive and Fredericksburg Road;

Rosemary Drive between Howard Street and Starcrest Drive;

Parkview Drive between Oakcrest Drive and Bell Street;

Avery Parkway between 0.1 mile south of Whispering Way and 0.1 mile north of Conner Drive;

Goodwin Lane between 0.1 mile north of Orion Drive and 0.1 mile north of Dove Hollow Drive;

Settler's Crossing between S. Walnut Avenue and Savannah Hill Circle;

Klein Way between Klein Road and Settler's Crossing;

Hidalgo Avenue between 190 feet northwest of W. San Antonio Street and to Spur No. 3;

Lone Star Avenue between <u>280 feet northwest of W. San Antonio Street to and IH 35 Frontage</u>
Roadthe intersection with Zamora Avenue;

W San Antonio Street between 440 feet northeast of Hidalgo Avenue to 140 feet southwest of Grape Avenue and Lone Star Avenue:

Zamora Street between Hidalgo Avenue and Lone Star Avenue;

Main Street between Houston Avenue and Veramendi Avenue;

Commerce Street between Houston Avenue and Veramendi Avenue;

Veramendi Avenue between Common Street and Camp Street;

Houston Avenue between Common Street and Camp Street;

Central Avenue between Common Street and Main Street and between Commerce Street and Camp Street;

W Bridge Street between N. Seguin Avenue and Academy Avenue;

Castell Avenue between W. Mill Street and Zink Street;

Cross Street between Guenther Avenue and Santa Clara Avenue;

Santa Clara Avenue between Cross Street and W. San Antonio Street;

Kerlick Lane from the intersection of Mission Hills Drive easterly for a distance of 1,500 feet;

Mission Hills Drive from the intersection of Kerlick Lane southwesterly for a distance of 1,500 feet; and

Old Austin Road between Loop 337 and Post Road;

Broadway between Post Road and dead end; and

Hanz Drive from the intersection of East Common Street westerly for a distance of 610 feet.



Proposed Changes to School Speed Zone at Lone Star Early Childhood Center



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

1/8/2018

Agenda Item No. A)

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

SUBJECT:

Discuss and consider approval of the appointment of three individuals to the Arts Commission for terms ending January 31, 2021.

BACKGROUND / RATIONALE:

The Arts Commission is a seven-member board with three-year alternating terms. Two positions expire January 31, 2018, and one position is open due to a resignation with a term expiring January 31, 2019.

The following applications were received:

- Dee Buck (incumbent) for the Greater New Braunfels Arts Council representative position. first appointed 2012
- John Magness (incumbent) first appointed 2005
- Pauline Stevens
- Crystal Carter

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 appointment of three individuals to the Arts Commission for a term ending January 31, 2021.



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

1/8/2018

Agenda Item No. B)

Presenter/Contact

Amy Niles, River Operations Manager (830) 221-4628 - aniles @nbtexas.org

SUBJECT:

Discuss and consider approval of the second and final reading of an ordinance amending Article V Section 86-7(d) of the Code of Ordinances to expand paid parking at Prince Solms Park to begin on May 1 and end on Labor Day, and to change the parking fee from \$10.00 to \$20.00.

BACKGROUND / RATIONALE:

At the December 11, 2017 City Council meeting, the City Council approved the first reading of the ordinance revision to increase the parking fee to \$20.00 and extend the parking season to begin on May 1 and end on Labor Day with a vote of 6-1.

The River Advisory Committee has been adjusting river related fees, working towards making the River Activities Fund revenue neutral and passing the cost of river management onto the users/customers of the service. Increasing the parking fee gives the City a predicted revenue increase with minimal changes to staff or operations. The increased fee would primarily be realized by the visitor population. The City of New Braunfels currently charges ten dollars per parking space, seven days a week, beginning Memorial Day weekend and ending on Labor Day. The surrounding river related privately owned parking lots charge a range from fifteen dollars to twenty-five dollars per parking space. A chart detailing the surrounding lots and charges is attached. Expanding the paid parking season to include all of May and raising the parking fee to fifteen or twenty dollars will move the River Activities Fund to be close to revenue neutral, or potentially fully revenue neutral with the start of a reserve fund for infrastructure and equipment replacement. Of course, revenue collection is affected by weather during the river season.

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

N/A

FISCAL IMPACT:

The fiscal year 2017-2018 budgeted general fund transfer to the river activities fund is \$217,736. The proposed parking fee increase, and parking fee season expansion will work to bring the river activities fund to revenue neutral, and potentially create an opportunity for a reserve fund.

The following chart outlines the projected revenue impact:

FY 2016-17 YTD	FY 2017-18 Budget

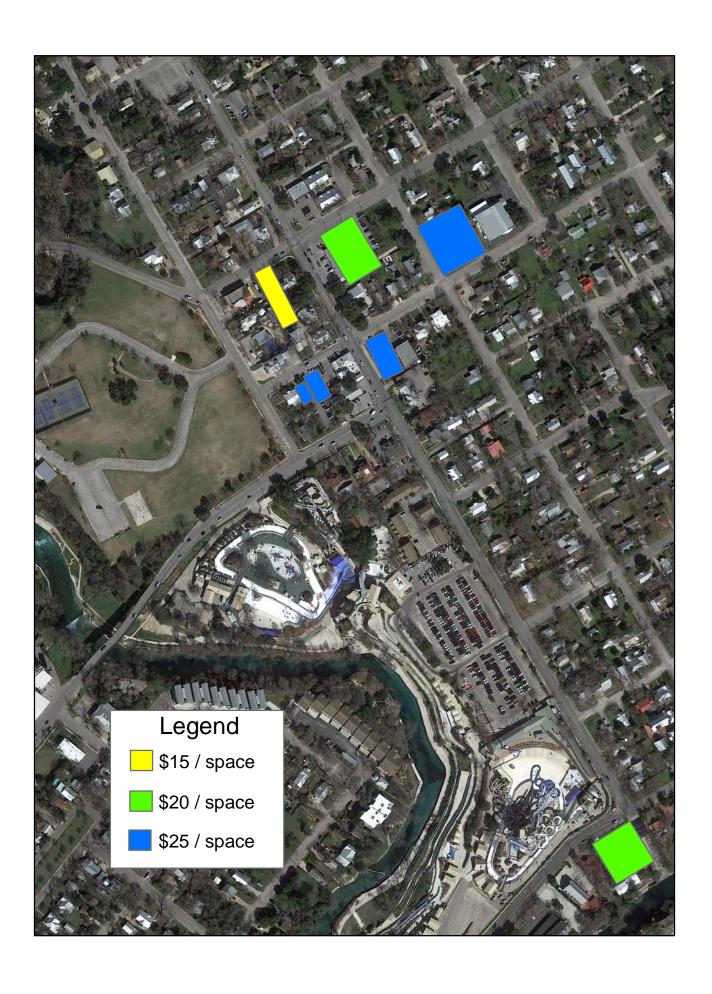
Estimated Number of Cars Parked	22,303	21,750
Revenue	\$223,030	\$217,500
\$20 Parking Fee		
FY 2017-18 Parking Revenue Budget		\$217,500
Increase Parking Rate to \$20.00		\$217,500
2. Extend Parking Collections to all of May at \$20.00		\$43,861
Estimated Total Parking Revenue		\$478,861

COMMITTEE RECOMMENDATION:

The River Advisory Committee unanimously recommends that the City Council increase the parking fee at Prince Solms Park to \$20 from a period of May 1 to Labor Day.

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance revisions allowing for parking fees to be collected starting May 1 through Labor Day and for the parking fee to be raised to \$20.00.



ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 86 OF THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS, ARTICLE 1, SECTION 86-7 BY INCREASING THE FEE FOR PARKING IN PRINCE SOLMS PARK; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels, Texas has determined that there is a public benefit to the collection of fees for parking; and

WHEREAS, the City Council of the City of New Braunfels, Texas has determined that certain parking areas have value that should be recognized; and

WHEREAS, the City Council of the City of New Braunfels, Texas has determined that parking in Prince Solms Park, near the Comal river during the period of May 1 to Labor Day represents an opportunity to collect revenue that supports the funding for management of river operations; and

WHEREAS, the City Council of the City of New Braunfels, Texas has determined that increasing the parking fee at Prince Solms Park during this time period would be born primarily by visitors to the community and would remove some of the burden of funding river operations from the residents of the City of New Braunfels, Texas; and

WHEREAS, the River Advisory Committee has unanimously recommended to the City Council on December 11, 2017 that the fees for parking at Prince Solms Park during this time period be increased to properly recognize the value of these parking spaces within such close proximity to the Comal River and the City Tube Chute.

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. AMENDMENTS.

That Chapter 86, Article I, Section 86-7 of the New Braunfels Code of Ordinances shall be amended to read as follows, with new language indicated below by use of underlined font:

Sec. 86-7. - Operation of vehicles in parks.

- (a) Landa Park. It shall be unlawful for any person to operate a motor vehicle of any kind on that portion of Landa Park Drive as designated by signage and/or barricades between the hours of 7:00 a.m. and 8:00 p.m. on Saturdays, Sundays, and legal holidays from the Saturday prior to Easter Sunday through Labor Day. Notwithstanding the above provision, such prohibition shall apply on Easter Sunday of each year between the hours of 6:00 a.m. and 8:00 p.m. The location of such signage and/or barricades indicating the portion of Landa Park Drive that shall be subject to this section may be changed from time to time upon order of the city manager.
- (b) *Hinman Island*. It shall be unlawful for any person to operate a motor vehicle of any kind on that portion of Hinman Island Drive from its west side intersection with Liberty Avenue in a westerly direction to its east side intersection with Elizabeth Avenue between the hours of 7:00 a.m. and 8:00 p.m. on Saturdays, Sundays and legal holidays from the Saturday prior to Easter Sunday through Labor Day when the barricades on Hinman Island Drive are closed, unless determined by the parks and recreation director or designee allows for authorized shuttle traffic. Notwithstanding the above provision, such prohibition shall apply on Easter Sunday of each year between the hours of 6:00 a.m. and 8:00 p.m. when the barricades on Hinman Island Drive are closed.
- (c) *Barricades authorized*. The director of parks and recreation is hereby authorized and directed to install barricades at the locations designated in this section in order to prohibit vehicular traffic on designated streets.

(d) Prince Solms Park.

(1) Parking fees in Prince Solms Park. There shall be a parking fee charged for all parking spaces in Prince Solms Park between the hours of 8:00 a.m. and 7:00 p.m. daily from the Saturday before Memorial Day May 1 through Labor Day. Such parking fee shall be paid by the operator of each vehicle at the designated locations and shall be charged \$10.00 \$20.00 for every parking space utilized by a vehicle of any size. If city personnel determine that a vehicle is using more than one parking space, then an additional \$10.00 \$20.00 fee will be charged. Once paid by the operator, the space is not transferable to another vehicle. If a vehicle leaves and then returns later in the same day when the fee is applicable, a new \$10.00 \$20.00 fee will be charged to park in one space.

(2) Exceptions.

- a. A resident tennis player-parking pass shall be made available for users of the Prince Solms Park tennis courts. For the purpose of this section, the term "resident" applies to persons who reside within the city limits. The term of the resident tennis player-parking pass is Memorial Day weekend through Labor Day in the same year the pass was purchased. The annual fee for the resident tennis player-parking pass shall be \$20.00. All holders of a resident tennis player parking pass shall be entitled entry into Prince Solms Park parking area at no additional charge, seven days a week, excluding holidays, from Memorial Day weekend through Labor Day for the purpose of parking their vehicles to utilize the tennis courts in the park.
- b. Vehicles with disabled veteran license plates will be exempt from parking fees.

- c. When it has been determined by the city manager or his designated representative that weather or other conditions do not warrant charging such a fee, it may be temporarily suspended.
- (3) a. *Penalties*. Any person who shall violate any provision of this section or fail to comply with any of the provisions herein, shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not exceeding \$200.00. Each day any violation of this section continues shall constitute a separate and distinct offense.
 - b. Towing of vehicles. In addition to being cited for violations of this section, such vehicles can be towed at the discretion of the city manager, the chief of police, or the parks and recreation director, or their designated representatives. All towing costs incurred shall be the responsibility of the vehicle owner or operator. The installation and erection of appropriate signs is hereby authorized.
- (e) No through truck traffic. It shall be unlawful for any person to operate a truck upon the roads or streets entering, within, or immediately adjacent to Landa Park or Hinman Island Park, specifically including Landa Park Drive; Hinman Island Drive; Golf Course Drive; Aquatic Circle; Paddle Boat Lane; Gazebo Circle; Playground Drive; Monument Drive; E.P. Nowotny Drive; Mill Race Road; that portion of Elizabeth Avenue that lies within and immediately adjacent to Landa Park; and all other unmarked streets within Landa Park and Hinman Island Park, all such streets being within the city limits of New Braunfels, Texas. "Trucks," for purposes of this subsection, means every motor vehicle designed, used or maintained primarily for the transportation of property.

Exception to the provisions of this subsection (e) shall be:

- (1) Light trucks including any truck with a manufacturer's rated carrying capacity not to exceed 2,000 pounds and including those trucks commonly known as pickup trucks, panel delivery trucks, vans and carryall trucks shall be excluded from the provisions of this section.
- (2) Recreational vehicles and passenger buses shall be excluded from the provisions of this subsection.
- (3) Any truck which has a destination point, for commercial purposes, within Landa Park or Hinman Island Park shall be permitted to proceed by the shortest route through such parks to its destination, and shall exit by the same route.

None of the exceptions created under this subsection (e) shall be construed so as to permit any violation by any vehicles of the maximum weight limit restrictions for bridges created in subsection (f) of this section.

- (f) Maximum weight limits for bridges in Landa Park. It shall be unlawful for any person to operate a motor vehicle of any kind upon the bridges that are in or near the entrance to Landa Park, within the city limits, which vehicle's and/or loaded vehicle's weight exceeds the maximum safe load limit posted upon or near such bridge:
 - (1) Bridge on Landa Park Drive at the Comal River and Landa Railroad Train Depot, TxDOT location number 15-046-8403-15-004, shall have a maximum safe load limit of 12,500 pounds, axle or tandem;

- (2) Bridge in Landa Park at the main spring flow from Panther Canyon area nearest the wading pool, TxDOT location number 15-046-8403-15-003, shall have a maximum safe load limit of 24,000 pounds tandem;
- (3) Arched bridge on Landa Park Drive at the Comal River Springs closest to California Street, TxDOT location number 15-046-8403-15-002, shall have a maximum safe load limit of 24,000 pounds tandem.

(g) Penalties.

- (1) The culpable mental state required by chapter 6.02 of the Texas Penal Code is hereby specifically negated. The offenses under this section 86-7 shall be strict liability offenses.
- (2) In addition to any other legal remedies available to the City, any person, firm, partnership or corporation who shall violate any provision of this section or who failed to comply therewith shall be deemed guilty of a Class C misdemeanor and upon conviction, shall be subject to a fine not exceeding \$200.00. Each day any violation of this ordinance continues shall constitute a separate and distinct offense. Nothing in this ordinance shall be construed as to limit any civil action the City may take to enforce the terms of this section.
- (3) Towing of vehicles. In addition to prosecution of violations of this section, such vehicles can be towed at the discretion of the city manager, the chief of police, or the parks and recreation director, or their designated representatives. All towing costs incurred shall be the responsibility of the vehicle owner or operator. The installation and erection of appropriate signs is hereby authorized.

<u>SECTION 3:</u> All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

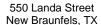
<u>SECTION 4:</u> If any provisions of this Ordinance shall be held void, illegal, or unconstitutional, it is hereby provided that all other parts of the same which are not held void, illegal or unconstitutional shall remain in full force and effect.

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

<u>SECTION 6:</u> This Ordinance shall become adopted and effective upon its final reading and must be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED:	First Reading on the 11 day of	of December, 2017.	
PASSED AND APPROVED:	Second Reading on the	day of	_, 2018.

	By:	
	Barron Casteel, Mayor	
ATTEST:		
Patrick Aten, City Secretary		
APPROVED AS TO FORM:		
Valeria M. Acevedo, City Attorney		





City Council Agenda Item Report

1/8/2018

Agenda Item No. C)

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

SUBJECT:

Discuss and consider approval of the 2017 Parks and Recreation Strategic Master Plan.

BACKGROUND / RATIONALE:

The 2017 Parks and Recreation Strategic Master Plan was developed concurrently with the Citywide Comprehensive Plan. The plan is an update to the 2010 Parks, Recreation, and Open Space Master Plan as is required every five years by Texas Parks and Wildlife for grant eligibility.

The purpose of the plan is to provide guidelines and strategies for future acquisition and development of recreational facilities and opportunities for the City of New Braunfels.

This new plan contains the following:

- Community Needs Assessment
- Facility Assessments and Service Levels Analysis
- Capital Improvements
- Funding Options
- Strategic Implementation Recommendations including:
 - Increase the proportion of park acres per population through a variety of park type amenities, and open space options.
 - o Establish connectivity between parks and greenways that is accessible by pedestrians, bikes and parks and open space in New Braunfels.
 - Provide a park system offering the community a variety of parks and services that integrate environmental design, safety, emerging trends and local culture and history.
 - o Invest in infrastructure and services along the Guadalupe and Comal rivers to ensure safety and guest comfort.
 - o Continue to plan, develop and operate a variety of indoor and outdoor facilities that support multiple activities.
 - o Increase community participation in programs from 38% 40%.
 - Empower and train the Department employees.
 - o Pursue adequate funding to support existing parks, new parks, and other park types.

The recommended priority projects were revised based on City Council and Parks and Recreation Advisory Board comments to include Comal River Projects (Tube chute and Last Tubers Exit) and Cypress Bend Park Master Planning.

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

X	Yes	Strategic Priorities	Effective Management
---	-----	----------------------	----------------------

FISCAL IMPACT:

This is a planning document only and therefore has no fiscal impact.

COMMITTEE RECOMMENDATION:

The Parks and Recreation Advisory Board recommended approval of the Parks and Recreation Strategic Master Plan at their meeting on December 19, 2017.

STAFF RECOMMENDATION:

Staff recommends approval of the 2017 Parks and Recreation Strategic Master Plan.



Nationally Recognized, Uniquely Local



Community Input

2



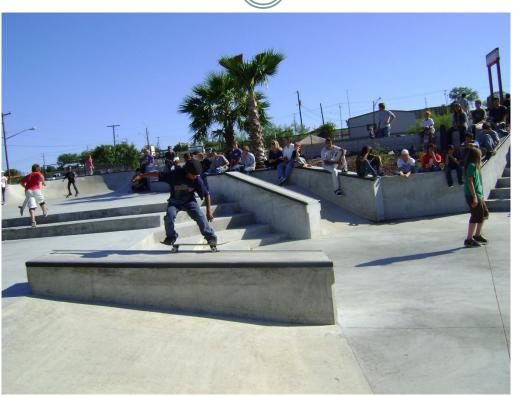
Key Themes



- Public Values the Parks and Recreation System
- Parks Provide Community Connectivity
- High Growth Areas are Underserved
- Increased Awareness is Needed
- Parks and Recreation should Play a Role in Economic Development
- Fund and Maintain New Parks as We Grow

Program and Services





Prioritization MethodolOgy

Data Source	Component	Weighting
Quantitative Data	Unmet Needs Reported by the Community Survey – This is used as a factor from the total number of households stating whether they have a need for a facility/program and the extent to which their need for facilities and recreation programs has been met. Survey participants were asked to identify this for 29 different facilities and 29 recreation programs.	35%
	Importance Rankings Reported by the Community Survey – This is used as a factor from the importance allocated to a facility or program by the community. Each respondent was asked to identify the top four most important facilities and recreation programs.	35%
Qualitative Data	Synthesis of Trends and Anecdotal Information – This factor is derived from the planning team's evaluation of program and facility priority based on survey results, community input, stakeholder interviews, staff input, local demographics, and recreation trends.	30%

Prioritized Programs and Services

Program	Priority
River /Water Sports (canoe, kayak, paddleboard)	
Family Outdoor Adventure Trips (hiking, rafting, etc.)	
Walking Track Programs for all ages	
Family Recreation Events	
Family Recreation Swimming (Waterslides, spray features, etc.)	
Environmental Learning Classes for Youth	
Outdoor Fitness Programs for Active Older Adult (age 55-70)	High
Outdoor Adventure Camps / Instructional Programs for Children	
Outdoor Adventure Programs for Active Older Adult (age 55-70)	
Special Interest Tours for Active Older Adult (age 55-70)	
Active Older Adult (age 55-70) Fitness and Exercise Programs	
Adult Water Fitness Programs (Aqua Zumba, Water Aerobics)	
Learn to Swim Programs for Children	
Indoor Youth Basketball / Volleyball Leagues and Tournaments	
Pickelball Instruction and Leagues for all ages	
Golf Instruction and Programs for Youth	
Preschool Weekday Sports Classes	Medium
Indoor Youth Basketball / Volleyball Camps and Practice	
Active Older Adult (age 55-70) Basketball / Volleyball Leagues	
Tennis Instructional Lessons and Camps for all ages	
Youth Sports Instructional Camps (football, soccer, etc.)	
Preschool Weekday Learning Classes	
Birthday Party Packages at Park Facilities	
Adult Sand Volleyball Leagues and Tournaments	
Golf Instruction and Programs for Adults	Low
Competitive Swimming Practice and Meets	
Indoor Adult Basketball / Volleyball Open Gym and Games	
Indoor Adult Basketball / Volleyball Leagues and Tournaments	
Adult Flag Football Leagues	

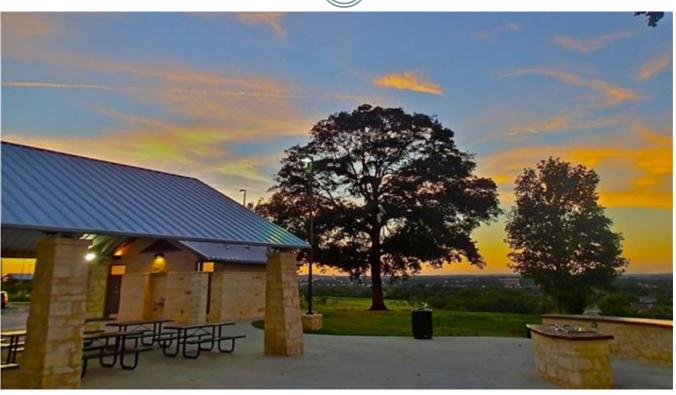
Programs and Services Strategy

	7/
7	-))
_ /	
	//

PROGRAM	ACTION	TIMELINE
River /Water Sports (canoe, kayak, paddleboard)	CONTINUE/EXPAND	SHORT-TERM
Family Outdoor Adventure Trips (hiking, rafting, etc.)	CONTINUE/EXPAND	SHORT-TERM
Walking Track Programs for all ages	IMPLEMENT	SHORT-TERM (recreation center completion)
Family Recreation Events	EXP∧ND	SHORT-TERM
Family Recreation Swimming (Waterslides, spray features, etc.)	CONTINUE/EXPAND	SHORT-TERM (recreation center completion)
Environmental Learning Classes for Youth	CONTINUE/EXPAND	SHORT-TERM
Outdoor Fitness Programs for Active Older Adult (age 55-70)	IMPLEMENT	SHORT-TERM
Outdoor Adventure Camps / Instructional Programs for Children	IMPLEMENT	SHORT-TERM
Outdoor Adventure Programs for Active Older Adult (age 55-70)	IMPLEMENT	SHORT-TERM
Special Interest Tours for Active Older Adult (age 55-70)	IMPLEMENT	SHORT-TERM (recreation center completion)
Active Older Adult (age 55-70) Fitness and Exercise Programs	IMPLEMENT	SHORT-TERM (recreation center completion)
Adult Water Fitness Programs (Aqua Zumba, Water Aerobics)	CONTINUE/EXPAND	SHORT-TERM (recreation center completion)
Learn to Swim Programs for Children	CONTINUE/EXPAND	SHORT-TERM (recreation center completion)
Indoor Youth Basketball / Volleyball Leagues and Tournaments	EXPAND	SHORT-TERM (recreation center completion)
Pickelball Instruction and Leagues for all ages	IMPLEMENT	SHORT-TERM (recreation center completion)
Golf Instruction and Programs for Youth	CONTINUE	IMMEDIATELY through partnerships
Preschool Weekday Sports Classes	IMPLEMENT	SHORT-TERM (recreation center completion)
Indoor Youth Basketball / Volleyball Camps and Practice	IMPLEMENT	SHORT-TERM (recreation center completion)
Active Older Adult (age 55-70) Basketball / Volleyball Leagues	IMPLEMENT	SHORT-TERM (recreation center completion)
Tennis Instructional Lessons and Camps for all ages	CONTINUE	SHORT-TERM (through partnership)
Youth Sports Instructional Camps (football, soccer, etc.)	CONTINUE	SHORT-TERM (through partnership)
Preschool Weekday Learning Classes	CONTINUE	SHORT-TERM
Birthday Party Packages at Park Facilities	EXPAND	SHORT-TERM (recreation center completion)
Adult Sand Volleyball Leagues and Tournaments	CONTINUE	SHORT-TERM
Golf Instruction and Programs for Adults	CONTINUE	SHORT-TERM
Competitive Swimming Practice and Meets	IMPLEMENT	SHORT-TERM (recreation center completion)
Indoor Adult Basketball / Volleyball Open Gym and Games	IMPLEMENT	SHORT-TERM (recreation center completion)
Indoor Adult Basketball / Volleyball Leagues and Tournaments	IMPLEMENT	SHORT-TERM (recreation center completion)
Adult Flag Football Leagues	CONTINUE	SHORT-TERM

Parks, Facilities and Amenities





Prioritization MethodolOgy

Data Source	Component	Weighting
Quantitative Data	Unmet Needs Reported by the Community Survey – This is used as a factor from the total number of households stating whether they have a need for a facility/program and the extent to which their need for facilities and recreation programs has been met. Survey participants were asked to identify this for 29 different facilities and 29 recreation programs.	35%
	Importance Rankings Reported by the Community Survey – This is used as a factor from the importance allocated to a facility or program by the community. Each respondent was asked to identify the top four most important facilities and recreation programs.	35%
Qualitative Data	Synthesis of Trends and Anecdotal Information – This factor is derived from the planning team's evaluation of program and facility priority based on survey results, community input, stakeholder interviews, staff input, local demographics, and recreation trends.	30%

Prioritized Facilities and Amenities

Facility/Amenity	Priority				
River Access/Canoe/Kayak launch areas					
Walking and biking trails					
Adventure area (ropes course, zipline, etc.)					
Paved/unpaved trails					
Outdoor exercise/fitness area					
Open space conservation areas/trails	High				
Community gardens					
Mountain biking trails					
Indoor Cardio/Fitness facility					
Small neighborhood parks					
Covered picnic areas					
Conservation/Demonstration Gardens					
Outdoor swimming pools/waterparks					
Multi-Sports Complex (many fields at one location)					
Nature Education Center					
Indoor Basketball/Volleyball courts					
All Ability/Accessible playgrounds and parks	Medium				
Tennis courts					
Splash Pads					
Soccer /Football/Lacrosse fields					
Playgrounds					
Off-leash dog park					
BMX bike course					
Youth baseball fields					
Youth softball fields					
Large community parks	Low				
Golf Course					
Pickle ball courts					
Skateboarding parks					

Level of Service Standards

11



Park Acreage

12

	2017 Inventory	Service Levels					2017	ds	2027 Standards				
Park Type	Total Inventory	Current Service Level based upon City + ETJ population (91,611)		on City + ETJ population Revised for Local Service			Meet Standard/ Need Exists			Meet Standard/ Need Exists		nal Facilities/ ties Needed	
Pocket Parks	0.70	0.01	acres per	1,000	0.10	acres per	1,000	Need Exists	8	Acre(s)	Need Exists	10	Acre(s)
Neighborhood Parks	24.93	0.27	acres per	1,000	2.00	acres per	1,000	Need Exists	158	Acre(s)	Need Exists	189	Acre(s)
Community Parks	110.80	1.21	acres per	1,000	2.50	acres per	1,000	Need Exists	118	Acre(s)	Need Exists	156	Acre(s)
Regional Parks	130.00	1.42	acres per	1,000	2.00	acres per	1,000	Need Exists	53	Acre(s)	Need Exists	84	Acre(s)
Sports Complex	64.40	0.70	acres per	1,000	2.00	acres per	1,000	Need Exists	119	Acre(s)	Need Exists	149	Acre(s)
Speciality Use Areas (including Cemeteries)	43.90	0.48	acres per	1,000	0.50	acres per	1,000	Need Exists	2	Acre(s)	Need Exists	9	Acre(s)
Greenbelt and Conservation Parks	54.52	0.60	acres per	1,000	1.00	acres per	1,000	Need Exists	37	Acre(s)	Need Exists	52	Acre(s)
Total Park Acres	429.25	4.69	acres per	1,000	10.10	acres per	1,000	Need Exists	496	Acre(s)	Need Exists	649	Acre(s)

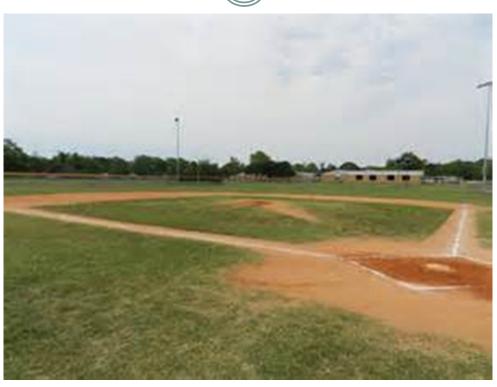
Outdoor Amenities and Indoor Facilities



	2017 Inventory	Service Levels					2017	' Standar	ds	2027 Standards			
	Total Inventory		nt Service L City + ETJ (91,611)	oopulation		ommended Levels; ed for Loca Area		Meet Standard/ Need Exists		nal Facilities/ ties Needed	Meet Standard/ Need Exists		nal Facilities/ ies Needed
OUTDOOR AMENITIES													
Diamond, Baseball (Teen/Adult)	1.00	1.00	field per	91,611	1.00	field per	15,000	Need Exists	5	Field	Need Exists	6	Field
Diamond, Girls Fast Pitch Softball	5.00	1.00	field per	18,322	1.00	field per	10,000	Need Exists	4	Field	Need Exists	6	Field
Diamond, Little League	2.00	1.00	field per	45,806	1.00	field per	8,000	Need Exists	9	Field	Need Exists	11	Field
Diamond, Softball (Adult)	2.00	1.00	field per	45,806	1.00	field per	20,000	Need Exists	3	Field	Need Exists	3	Field
Rectangle Fields (Soccer)	3.00	1.00	field per	30,537	1.00	field per	7,000	Need Exists	10	Field	Need Exists	12	Field
Rectangle Fields (Football/Lacrosse/Rugby)	2.00	1.00	field per	45,806	1.00	field per	25,000	Need Exists	2	Field	Need Exists	2	Field
Golf Course (18 hole)	1.00	1.00	course per	91,611	1.00	course per	100,000	Meets Standard	-	Course	Meets Standard	-	Course
Disc Golf Course (18 hole)	0.50	1.00	course per	183,222	1.00	course per	100,000	Meets Standard	-	Course	Need Exists	1	Course
Playground	12.00	1.00	site per	7,634	1.00	site per	5,000	Need Exists	6	Site	Need Exists	9	Site
Dog Park	1.00	1.00	site per	91,611	1.00	site per	50,000	Need Exists	1	Site	Need Exists	1	Site
Tennis Court	12.00	1.00	court per	7,634	1.00	court per	7,500	Need Exists	0	Court	Need Exists	2	Court
Basketball Court	7.00	1.00	court per	13,087	1.00	court per	10,000	Need Exists	2	Court	Need Exists	4	Court
Sand Volleyball Court	3.00	1.00	court per	30,537	1.00	court per	30,000	Meets Standard	-	Court	Need Exists	1	Court
Reservable Picnic Shelters	37.00	1.00	site per	2,476	1.00	site per	2,500	Meets Standard	-	Site	Need Exists	6	Site
Outdoor Pools	2.00	1.00	pool per	45,806	1.00	pool per	50,000	Meets Standard	-	Pool	Meets Standard	-	Pool
Skate Park	1.00	1.00	site per	91,611	1.00	site per	50,000	Need Exists	1	Site	Need Exists	1	Site
INDOOR RECREATION CENTER										•	•		
Recreation Center (Square Feet)*	94290	1.03	SF per	person	1	SF per	Person	Meets Standard	-	Square Feet	Need Exists	12,460	Square Feet

Capital Improvements

(14)



Capital Improvements "Buckets"



Understanding Cost "Buckets"

BUCKET 1



Sustainable

\$ For critical maintenance projects (lifecycle replacement & repair of existing facilities)

BUCKET 2



Expanded Services

\$ For sustainable projects (strategic changes to park system)

BUCKET 3



Visionary

\$ For complete park renovation, acquisition, & new parks

Sustainable Projects Summary



SUSTAINABLE PROJECTS (Repair Existing)

TOTAL

\$14,052,300

\$ 8 million or 57% is for River/Tubing improvements

\$ 2.6 Million or 19% is for Comal Cemetery Wall Stabilization

* Cost estimates are based on year study was completed

Capital Improvement Program Summary



EXPANDED SERVICE PROJECTS (Upgrade and Renovation)

TOTAL \$23,240,000

 \$12 million or 52% is for implementation of improvements to existing fields per the Athletic Field Master Plan

\$6.7 million or 29% is for Landa Spring Fed Pool renovations

* Cost estimates are based on year study was completed

Capital Improvement Program Summary



VISIONARY PROJECTS (New/Major Upgrade)

TOTAL

\$67,436,250

- . \$25 Million or 37% is for Sports Complex
- \$14.3 Million or 21% is for Landa Park Master Plan Implementation
- \$12 million or 18% is for Land Acquisition for new parks
- * Cost estimates are based on year study was completed

Capital Improvement Program Summary



SUMMARY BY TIER

Tier	Estimated Total Project Cost
Sustainable Projects	\$14,052,300
Expanded Service Projects	\$23,240,000
Visionary Projects	\$67,436,250
TOTAL	\$104,728,550

CIP Prioritization



- Based on an evaluation of the projects in the three-tiered plan 16 projects are recommended as the highest priority projects by the Consulting Team.
- The recommendations are based on the synthesis of data that considers community input, existing park specific master plans/studies and level of service standards

Capital Improvement Recommended Priorities

21

RECOMMENDED PRIORITY PROJECTS								
Asset	Project Type	Brief Description	Estimated Total Project Cost					
Callen's Castle	New	All Accessible Playground Development	\$4,000,000					
Comal Cemetery	Repair	Comal Cemetery Wall Stabilization	\$2,640,000					
Comal River Improvements	Repair	Last Tuber's Exit Improvements and Tube Chute Renovations	\$8,000,000					
Cypress Bend	Master Plan	Cypress Bend Park Master Plan	\$80,000					
Dry Comal Trail	New	Dry Comal Trail Extension	\$1,500,000					
Guadalupe River Parks	New	Master Plan Implementation	\$4,800,000					
Kerlick Avenue Park	New	Master Plan Implementation	\$250,000					
Land Acquistion	New	Community Parks - 152 acres	\$5,300,000					
Land Acquistion	New	Neighborhood Parks - 189 acres	\$6,600,000					
Landa Park	Major Upgrade	Master Plan Implementation	\$14,363,250					
Market Plaza	Major Upgrade	Master Plan Implementation	\$200,000					
Mission Hill	New	Master Plan Implementation	\$3,000,000					
New Braunfels and Oak Run Middle Schools	Upgrade	NBISD Middle School Fields (2) Synthetic Turf	\$2,500,000					
Sports Complex	New	Sports Fields Complex Construction	\$25,000,000					
Trail	Master Plan	Trail Master Plan	\$250,000					
	TOTAL \$78,483,250							

^{*} Cost estimates are based on year study was completed

Capital Improvement Funding



PRIMARY SOURCES:

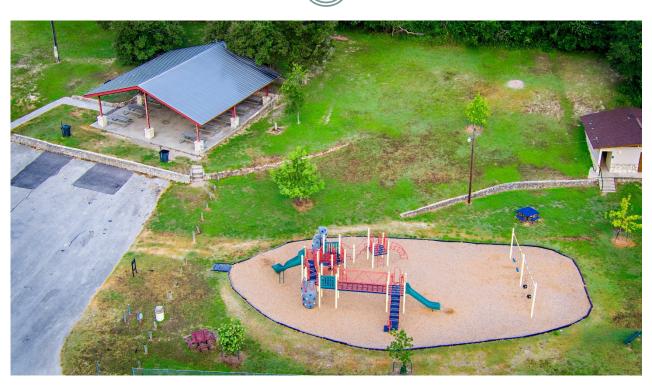
- City Capital Improvement Program
- NBIDC
- Grants
- Parks Foundation
- Park Development Fees
- Bond Referendum

OTHER SOURCES:

A variety of other sources have been identified in the Master Plan
Document that correspond to the improvement type

Park Maintenance Staffing

23



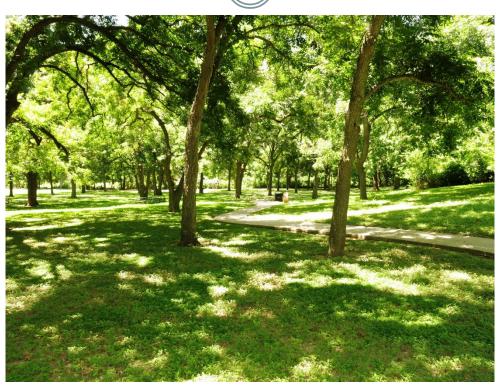
Parks Maintenance Division Staffing



- The Parks Division is comprised of 24.63 FTEs.
- Best practice ratio of staff per park acres maintained at a best practice Level 2 maintenance standard for pocket, neighborhood, greenways, and community parks is 1:15 acres (does not include golf courses, cemeteries, etc.)
- Current ratio of FTEs to park acres is 1:17.4 acres
- Staffing levels are deficient by at least 4 FTE's in order to meet the staffing requirements for Best Practice Staff Levels.
- Recommendation that the 4 FTEs be assigned as a crew dedicated to the operations and maintenance of Landa Park

Implementation of the Strategic Master Plan

25



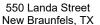
Objectives to Achieve

- ☐ Increase the proportion of park acres per population
- Establish connectivity between parks and greenways
- Provide a park system offering the community a variety of parks and services

Objectives to Achieve

- ☐ Invest in infrastructure and services along the Guadalupe and Comal rivers
- Continue to plan, develop and operate a variety of indoor and outdoor facilities
- ☐ Increase community participation in programs from 38% to 40%.
- Empower and train the Department employees.
- □ Pursue adequate funding to support objectives

Questions





City Council Agenda Item Report

1/8/2018

Agenda Item No. D)

Presenter

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

SUBJECT:

Public hearing and first reading of an ordinance regarding the proposed rezoning request from "R-2" Single and Two-Family District to "C-1A" Neighborhood Business District with a Special Use Permit to allow a commercial contractor's office with outdoor storage on Lots 8 and 9, Seidels Subdivision, addressed at 1133 State Highway 46.

BACKGROUND / RATIONALE:

Case No.: PZ-17-039

Council District: 2

Owner/Applicant: Justin Alcorn

3410 Rosetti Dr.

San Antonio, TX 78247

(210) 319-8205

Staff Contact: Matt Greene, Planner

(830) 221-4053

mgreene@nbtexas.org

This item was postponed from the City Council's December 11, 2017 meeting to provide the applicant an opportunity to resolve concerns raised by the neighbors. The applicant sent a letter to the two property owners on December 12, 2017 stating he would address their concerns through the construction of fences and walls as they requested, and that he would address storm drainage as well, in an effort to encourage the neighbors to rescind their official opposition (see Attachment 5). As of press time, the applicant indicated he had not yet received a response.

The subject property is comprised of 2.26 acres situated on the east side of State Highway 46 South, approximately 75 feet south of the intersection of Stone Gate Drive. The property is currently zoned "R-2" Single and Two-Family District, is platted as Lots 8 and 9, Seidels Subdivision and improved with a one-story single-family dwelling.

The applicant is a masonry contractor and recently purchased the property intending to convert the existing residential building into an office for his business and utilize a portion of the rear yard for outdoor storage of business equipment and supplies. Improvements proposed by the applicant also include the addition of office space added to the existing structure and two new covered storage/parking structures; one of which would include a small attached maintenance shop.

The applicant is requesting a zoning change of the base district from R-2 to C-1A. Contractor's offices with <u>no</u> outside storage are allowed in the following zoning districts: C-1, C-2, C-3, C-4, M-1, M-2, MU-A, MU-B, C-1A, C-1B, C-2A, C-4A,

C-4B, CO, M-1A and M-2A. Contractor's offices <u>with</u> outside storage are permitted by right only in the following districts: C-3, M-1, M-2, MU-B, C-2A, M-1A and M-2A; **or**, by approval of a Special Use Permit (SUP). The applicant is requesting an SUP in conjunction with C-1A in order to accommodate outside storage of equipment and materials.

New Braunfels has two types of SUPs: Type 1 regulates land use only and does not require a specific site plan or development schedule. Type 2 requires a site plan illustrating the arrangement of the project in detail, including parking facilities, locations of buildings, uses to be permitted, landscaping and means of egress and ingress. The applicant is requesting a Type 2 SUP illustrating the portion of the rear yard he is proposing to use for outdoor storage.

In addition to the proposed use of outside storage, the applicant's original SUP application included requests for deviations from the Zoning Ordinance to allow the existing 6-foot tall wooden privacy fences adjacent to the single and two-family residential lots to remain rather than construct a 6-foot to 8-foot tall masonry wall along the common property lines; and to allow base material to be utilized for the equipment and material storage area rather than paving it with concrete or asphalt. At the Planning Commission meeting on October 4, 2017, the applicant withdrew his requests for the code deviations and stated he would build the required masonry walls and pave the equipment and material storage area. He has also since submitted additional proposals that go beyond the code requirements in an effort to address his neighbors' concerns.

General Information:

Size: = 2.26 acres

Surrounding Zoning and Land Use:

North - R-2A / single family dwellings

South - Across S. Hwy 46, C-3 / undeveloped

East - R-3H / undeveloped

West - C-3 / dentist office, duplexes and undeveloped

Comprehensive Plan/ Future Land Use Designation:

Commercial

Floodplain:

No portion of the property is located within the 100-year floodplain.

Regional Transportation Plan:

The subject property is in compliance with the City's Regional Transportation Plan as State Highway 46 is identified as a 120-foot wide Principal Arterial and the current right-of-way width of State Highway 46 at the subject property location is 120 feet.

Improvement(s):

The subject property is improved with a one story single family home.

Determination Factors:

In making a decision on rezoning, the following factors are to be considered:

- Whether the permitted uses will be appropriate in the immediate area and their relationship to the area and to the City as a whole (The subject property is located along State Highway 46, a Principal Arterial, characterized by a mix of zoning districts; C-3, R-3H and R-2A. The proposed uses would be allowed by right on the adjacent C-3 properties. The proposed office use is compatible; the storage of equipment and materials could also be considered compatible but only with the materials and equipment properly screened with a solid masonry wall and with the storage/parking area paved per adopted Code.)
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary

sewers, and other utilities to the area (There do not appear to be any conflicts with these elements.)

- How other areas designated for similar development will be affected (There should be no negative effects on areas designated for similar development.)
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (None so long as all development code requirements are met.)
- Whether the request is consistent with the Comprehensive Plan. (The proposed use is consistent with the Future Land Use Plan designation of the subject site as Commercial.)

SUPs 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:

\checkmark		<u>Pros</u> : The proposed use is compatible with the Future Land Use Plan designation of the property as Commercial. Goal 1C :
	Cons Based on Policies Plan	Consider rezoning, as necessary, to ensure existing and future land use compatibility. Rezoning of the property to C-1A is in accordance with the Future Land Use Plan. Goal 1I: Industrial and commercial development should be planned and designed to avoid truck access through residential neighborhoods. This property has direct access onto State Highway 46. Cons: Without proper screening as recommended, the proposed outside storage would have negative impacts on adjacent residences.

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

At their October 4, 2017 meeting, the Planning Commission recommended approval of the applicant's request with Staff recommendations <u>plus a requirement that the residential buffer masonry wall be 8 feet in height adjacent to the one- and two-family properties</u> in order to protect the adjacent residential uses that may be at a higher grade. (4-1-0).

STAFF RECOMMENDATION:

Staff recommends approval of the base rezoning as C-1A at this location is consistent with the Future Land Use Plan. Staff's recommendation of approval includes the proposed SUP site plan as submitted by the applicant in their negotiations with the neighbors (Attachment 5). This includes:

- 1. The amendments by the applicant at the October 4th Planning Commission meeting which includes the buffer wall and paving of the storage and drive aisles;
- 2. The Planning Commission's additional recommendation regarding the buffer wall height; and
- 3. The applicant's extensions of the 8-foot tall masonry buffer wall along all 3 sides, and associated site improvements.

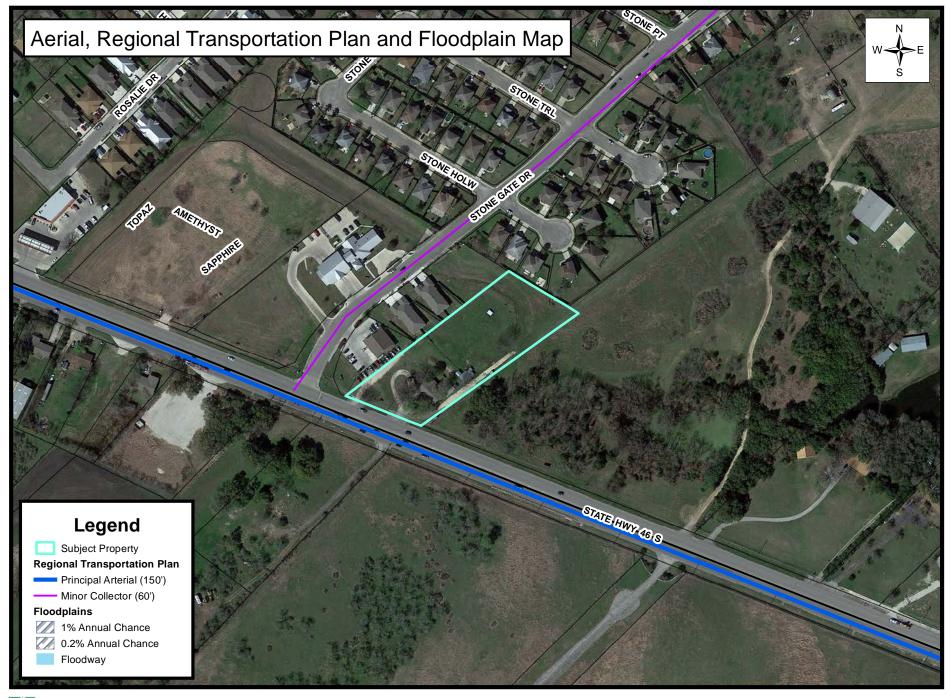
Notification:

Public hearing notices were sent to 17 owners of property within 200 feet of the request. The Planning and Community Development Department has received no responses in favor and 2

responses opposed from numbers 6 and 17. Opposition represents 33.28% of the notification area. Pursuant to state law, with objection in excess of 20% of the property within 200 feet, a ¾ majority of City Council (6 votes) is required for approval of this rezoning request.

ATTACHMENTS:

- 1. Aerial, Regional Transportation Plan and Floodplain Map
- 2. Application
- 3. Existing Site Plan and Proposed Site Plan
- 4. Zoning and Land Use Maps
- 5. Notification List, Map and Response and Applicant Letter to Opposing Neighbors
- 6. Photographs
- 7. Sec. 3.4-12 "C-1A" Neighborhood Business District
- 8. Sec. 3.6 Special Use Permits
- 9. Draft Minutes for the October 4, 2017 Planning Commission Meeting
- 10. Ordinance







AUG 2 3 2017

BY:

APPLICATION FOR A ZONING CHANGE

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

www.nbtexas.org

Case Number: P2 17-039

1.	ľ.	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:Justin Alcorn (Owner)
		Mailing Address: 3410 Rosetti Drive, San Antonio, Texas 78247
		Telephone: 210-319-8205 Fax: Mobile:
		Email: Justinra73@gmail.com
2.		Property Address/Location: 1133 State Highway 46, New Braunfels, TX 78130
3.		Legal Description: Lots 8 & 9 of Seidel's Subdivision
		Name of Subdivision: Seidels
		Lot(s): 8 & 9 Block(s): Acreage:
4.		Existing Use of Property: Home Office and Vehicle Parking
5.		Proposed Use of Property (attach additional or supporting information if necessary): Contractor Commercial Office (C1A) with SUP for Material Storage
6.		Zoning Change Request: Current Zoning: R2 Proposed Zoning: C1A with SUP
		For "PDD Planned Development District", check if: Concept Plan OR Detail Plan TYPE 2 WITH
7.		Reason for request (please explain in detail and attach additional pages if needed): To operate contractor business on property with material storage
8.		COUNTY: GOMAL GUADALUPE - SCHOOL DIST: GOISD GOTHER_
	he ur	Metes and bounds description and survey if property is not platted. X
31	gnatt	
		Received By: Amount: So Sugar Receipt No.: 242 776
	Date	Received: 6-05-17 Zoning signs issued: 6-05 Date: 9-18-17 No.: 2
	Cash	/Check Number: 4031

Address: 1133 TX 46 GF No. 115002630 NEW BRAUNFELS, LIANCE 13300 Old Blanco Rd #301 San Antonio, TX 78216 This survey is hereby accepted with all encroachments, overlaps, conflicts, and discrepancies in improvements, boundary lines, and/or land area. (210)369-9509 AND SURVEYORS LEGAL DESCRIPTION Being Lots 8 and 9 , of SEIDEL'S SUBDIVISION, an addition to Comal/Guadalupe of thereof recrded in Volume 4, Page 33, of the Plat Records of Comal County, Texas. ty, Texas, according to the map or plat i in Volums 4, Page 9, of the Plat Records **EXISTING SITE PLAN** N 58*10'00" W 212.80' (S 58*10'00" E 212.60') ESINT. 107 6 18 MINIMARY POLINES 5'0, N 49°24'31" W 139.46 VOLLOT 8 & 9 9854,53 \$9,65 2.28 \$9,56 \$2.6 \$9,59 /ig 2000 550 00,0 497 208 53.38'00" S 5435'00" N 24 SHED 50 WOOD 013.9 9.3'.4.3 ONE STORY BRICK/WOOD 100 HOUSE 400 30.1 15/18/19 GRAVEL/ DRIVE SENSE 100 222.00 (S 67'34'00" E 221.54 N 67'30'39" W STATE HIGHWAY 46 LEGEND BOUNDARY BUILDING SET-BACK 50' R.O.W EASEMENTS MISC-CONCRETE ADJOINER CHAINLINK FENCE NOTES WOOD FENCE WIRE FENCE 1. BEARINGS AND DISTANCES IN () BASED ON RECORD PLAT VOLUME 4, PAGE , PLAT RECORDS COMAL COUNTY, TEXAS. CONTROL MONUMENT 0 CALCULATED POINT Item No. 1, Schedule B, has been deleted in its entirety. FOUND IRON ROD

SURVEY	: A.S.	DATE	03/31/17
	RAWN	E.P.T.	
C	HECKED	AR	
А	PP'D	JBC	
SCALE	1"=80'	PAGE 1	OF 1

TEXAS FIRM #10194244

10a) 30 foot Easement along the easterly propert line of Lot 9, as shown on plat and as granted to Intratex Gas Company, a Texas corporation recorded in Volume 429, Page 115, Deed Records of Guadalupe County, Texas.

10b) A 20.0 foot Utility and acces easement out of your Lot (8) Eight of the Seidel Subdivision and conveyed to Lawrence W. Bundwick and wife Joyce Bundwick as recorded in Vol. 557 Pg. 751 of the Guadalupe County, Texas.

ACCORDING TO FEMA MAP NO.48091C0455F
WITH AN EFECTIVE DATE OF SEPTEMBER 02, 2009,
THIS PROPERTY LIES WITHIN ZOUE X AND
IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA.
THIS INFORMATION IS SUBJECT TO CHANGE
AS A RESULT OF FUTURE MAP REVISIONS BY FEMA.
THE TEMAS REGISTRATION NO. 5566

I Joseph Byron Crosby, a Registered Professional Land Surveyor do hereby certify that the above plat represents an actual on the ground survey performed under my direct supervision and is true and correct to the best of my knowledge and belief and that there are no visible encroachments, overlapping of improvements and no discrepencies, shortages of area and conflicts in the boundary lines except as shown. I further certify that this survey meets the minimum standards established by the Texas Board of Professional Land Surveying. P. GISTER JOSEPH BYRON CROSBY OFESSION SURVE

•

(E)

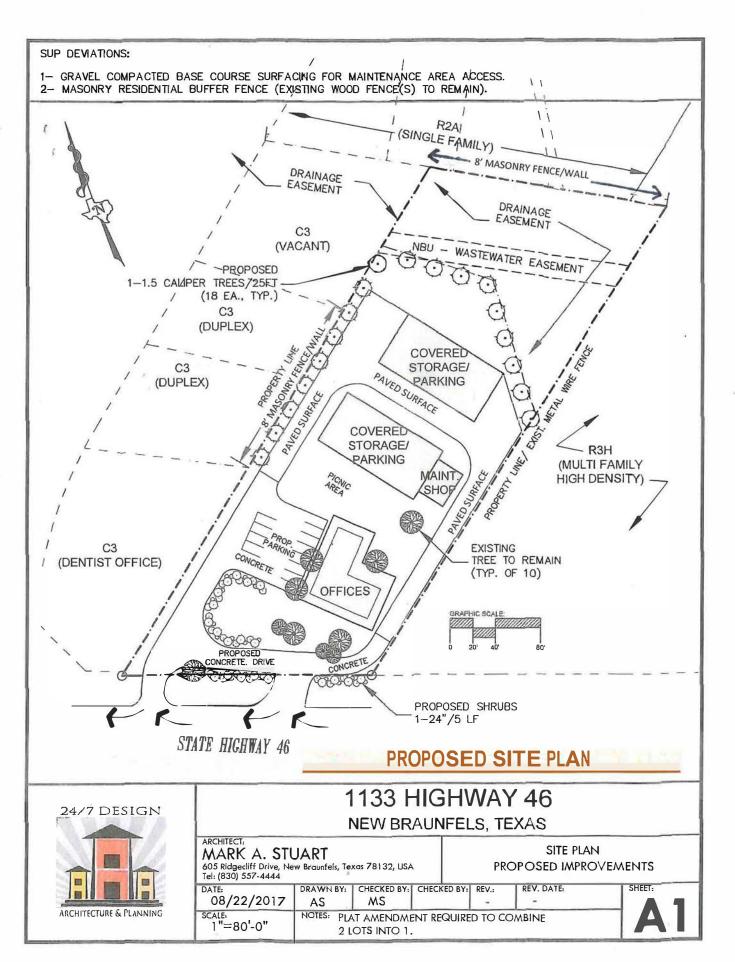
FENCE POST PP (POWER POLE)

EM (ELECTRIC METER)

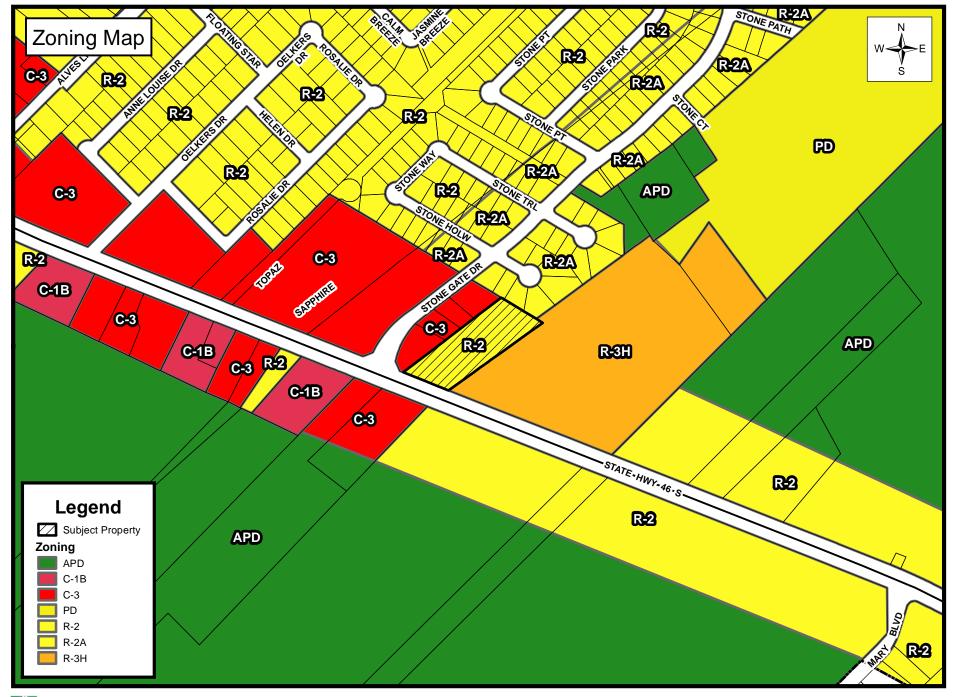
OF

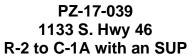
SCALE

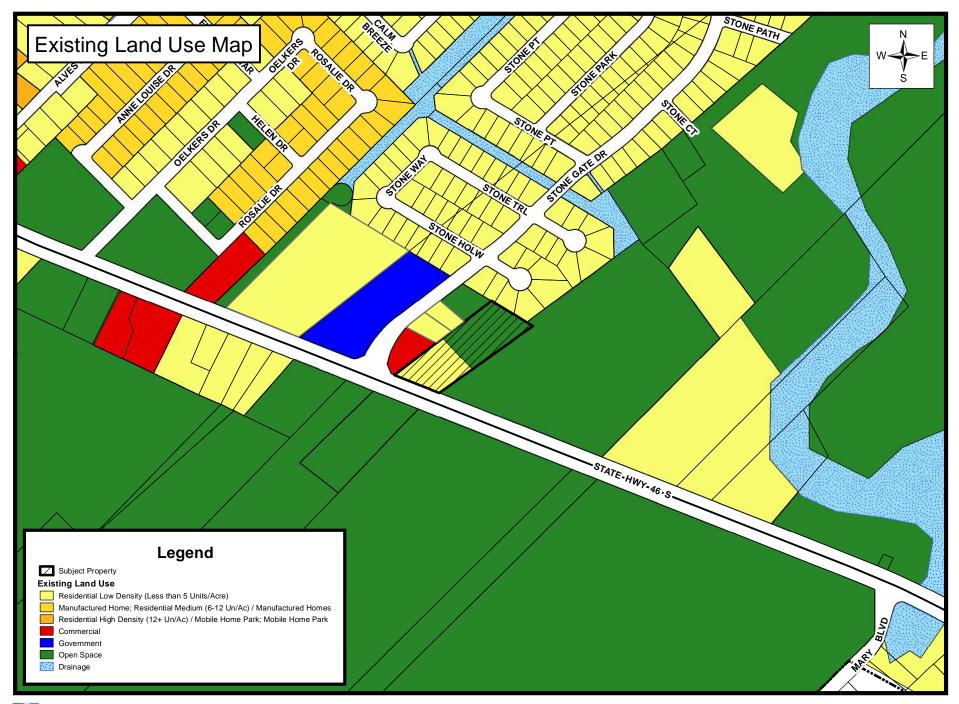
1" = 80'



City of New Braunfels

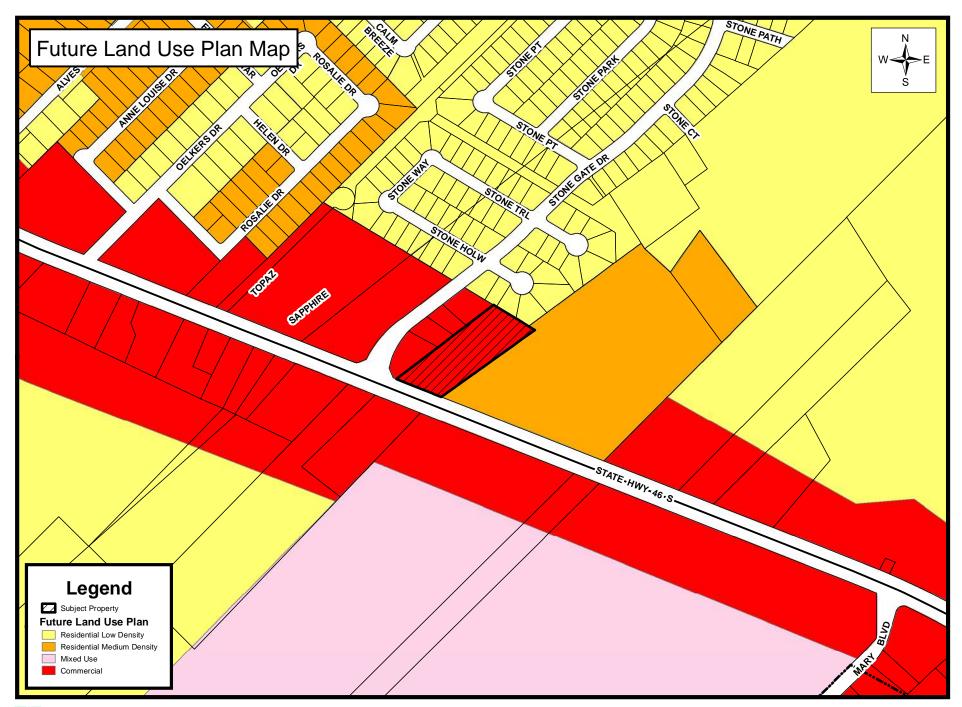








Map Created 9/14/17





Map Created 9/14/17

PLANNING COMMISSION - October 4, 2017 - 6:00PM

New Braunfels Municipal Building, Council Chambers

Applicant: Justin Alcorn

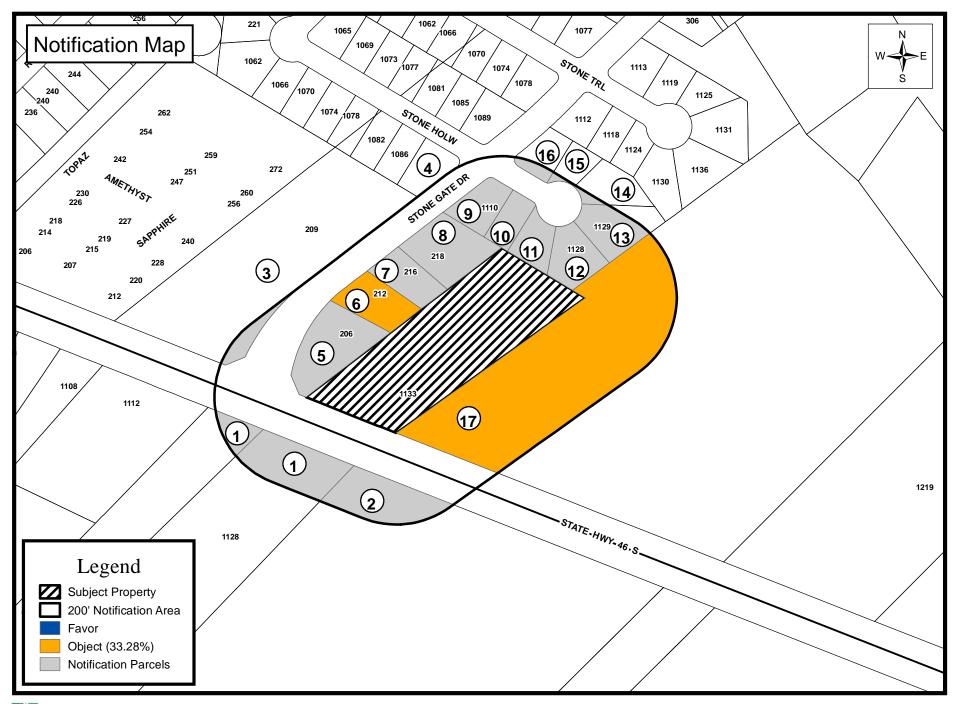
Property: Lots 8 and 9, Seidels Subdivision, addressed at 1133 S. Hwy 46

PROPOSED REZONING AND SPECIAL USE PERMIT - CASE #PZ-17-039

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

- 1. Wind River valley Ltd.
- 2. Guadalupe River Ranch LP
- 3. City of New Braunfels
- 4. Vera, Marisoline
- 5. CDSN Enterprises LLC
- 6. Wolfe-Freed, Linda Sue & F William Freed & Sarah Elizabeth Freed
- 7. Mundt, lan
- 8. Dirt Dealers X
- 9. Orona, Orlando
- 10. Balouch, Brock
- 11. Alvizo, Manuel & Norma
- 12. Ruiz. Jose & Veronica Parra
- 13. Gray, Robert & Elena
- 14. De Alba, Jorge Garcia & Anna Ruth Garcia
- 15. Scandale Properties, LLC
- 16. Garcia, Donald & Carmela
- 17. Gillette Holdings, Ltd.

SEE MAP





Map Created 9/14/17

YOUR OPINION MATTERS - DETACH AND	RECEIVED
Case: #PZ17-039 (Alcorn) MG) Date Sent: 9/15/17	SEP 1 9 2017
Name: James Stewart, agent for Gill+He Holdings, 4td.	I favor: BY:
Address: 10010 San Redro Ave, surte 105 San Automo, 77 18216	I object:
Comments: (Use additional sheets if necessary)	
We plan to develop a multifamily site on our tract. Impact our development since it would be adjacents. CNOT cham link) were to be built by Applicant that we signature:	A construction yard would negatively That said, if ansolid fence ould screen their yard from our would consider removing objection.

YOUR OPINION MATTERS - DETACH AND	RETURN
Case: #PZ17-039 (Alcorn) MG) Date Sent: 9/15/17	
Name: Lindus WOIFE Freeze	l favor:
Address: WY-C & BUSINGS IH35, NB	
Property number on map: 6	I object: (State reason for objection)
Comments: (Use additional sheets if necessary) RECEIVE	D 22 24 24 25 25 25 25 25 25 25 25 25 25 25 25 25
OCT 0 4 2017	ceel
per to a local to a lo	274-4076
Signature: Will Color	(230) 500-3314

Justin Alcorn 1133 State Hwy 46 New Braunfels, Texas 78130 210-319-8205

Justinra73@gmail.com Mark@MarkStuartArchitect.Com

SUBJECT: Zoning and SUP Request for 1133 State Highway 46 - Request to Remove Objection

James Stewart Agent for Gillette Holdings, LTD. 10010 San Pedro Ave, Suite 105 San Antonio, Texas 78216 Linda Wolfe Freed
614-C Business IH 35

New Braunfels Texas 78130

Date: 12 December, 2017

New Braunfels, Texas 78130

Phone: 626-274-4076 / 830-500-3314

Hello Neighbors,

To Address your concerns on the subject Zoning and SUP request, if you remove your objections, I am agreeing to perform the stipulations stated herein and shown on the attached site plan exhibit.

- Perform Site Improvements to address storm drainage from the West side of the site (and in
 particular the West Side Adjacent Duplex Lots) in compliance with the city's development standards
 and as required and set forth by the approved civil engineer's drainage study and engineered civil
 site improvements.
- Repair Existing Sections of wood fence of the West Side Duplex Lots- damaged as a result of Site Improvements.
- 3. Extend the Perimeter Masonry Fence to run also along the East Side of the Site as shown on the attached Proposed Site Plan.

If you agree, please indicate your removal of your objections so that I can proceed with the Zoning Request accordingly, and email and/or mail this letter signed to my address above.

Thank you so much for your support. If you have any questions feel free to call me at my number above or my architect, Mark Stuart at 830-557-4444. We are looking to have this matter resolved prior to the January 8, 2018 City Council meeting.

Parties agree to stipulations and to remove objections:

Justin Alcorn (Owner) 1133 State Highway 46 New Braunfels, Texas 78130 James Stewart Agent for Gillette Holdings, LTD. 10010 San Pedro Ave, Suite 105 San Antonio, Texas 78216 Linda Wolfe Freed 614-C Business IH 35 New Braunfels, Texas 78130

2 Attachments

- 1-Objections
- 2-Existing and Proposed Site Plan

Address: 1133 TX 46 GF No. 115002630 NEW BRAUNFELS, LIANCE 13300 Old Blanco Rd #301 San Antonio, TX 78216 This survey is hereby accepted with all encroachments, overlaps, conflicts, and discrepancies in improvements, boundary lines, and/or land area. (210)369-9509 AND SURVEYORS LEGAL DESCRIPTION Being Lots 8 and 9 , of SEIDEL'S SUBDIVISION, an addition to Comal/Guadalupe of thereof recrded in Volume 4, Page 33, of the Plat Records of Comal County, Texas. ty, Texas, according to the map or plat i in Volums 4, Page 9, of the Plat Records **EXISTING SITE PLAN** N 58*10'00" W 212.80' (S 58*10'00" E 212.60') ESINT. 107 6 18 MINIMARY POLINES 5'0, N 49°24'31" W 139.46 VOLLOT 8 & 9 9854,53 \$9,65 2.28 \$9,56 \$2.6 \$9,59 /ig 2000 550 00,0 497 208 53.38'00" S 5435'00" N 24 SHED 50 WOOD 013.9 9.3'.4.3 ONE STORY BRICK/WOOD 100 HOUSE 400 30.1 15/18/19 GRAVEL/ DRIVE SENSE 100 222.00 (S 67'34'00" E 221.54 N 67'30'39" W STATE HIGHWAY 46 LEGEND BOUNDARY BUILDING SET-BACK 50' R.O.W EASEMENTS MISC-CONCRETE ADJOINER CHAINLINK FENCE NOTES WOOD FENCE WIRE FENCE 1. BEARINGS AND DISTANCES IN () BASED ON RECORD PLAT VOLUME 4, PAGE , PLAT RECORDS COMAL COUNTY, TEXAS. CONTROL MONUMENT 0 CALCULATED POINT Item No. 1, Schedule B, has been deleted in its entirety. FOUND IRON ROD

SURVEY	: A.S.	DATE	03/31/17
	RAWN	E.P.T.	
C	HECKED	AR	
А	PP'D	JBC	
SCALE	1"=80'	PAGE 1	OF 1

TEXAS FIRM #10194244

10a) 30 foot Easement along the easterly propert line of Lot 9, as shown on plat and as granted to Intratex Gas Company, a Texas corporation recorded in Volume 429, Page 115, Deed Records of Guadalupe County, Texas.

10b) A 20.0 foot Utility and acces easement out of your Lot (8) Eight of the Seidel Subdivision and conveyed to Lawrence W. Bundwick and wife Joyce Bundwick as recorded in Vol. 557 Pg. 751 of the Guadalupe County, Texas.

ACCORDING TO FEMA MAP NO.48091C0455F
WITH AN EFECTIVE DATE OF SEPTEMBER 02, 2009,
THIS PROPERTY LIES WITHIN ZOUE X AND
IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA.
THIS INFORMATION IS SUBJECT TO CHANGE
AS A RESULT OF FUTURE MAP REVISIONS BY FEMA.
THE TEMAS REGISTRATION NO. 5566

I Joseph Byron Crosby, a Registered Professional Land Surveyor do hereby certify that the above plat represents an actual on the ground survey performed under my direct supervision and is true and correct to the best of my knowledge and belief and that there are no visible encroachments, overlapping of improvements and no discrepencies, shortages of area and conflicts in the boundary lines except as shown. I further certify that this survey meets the minimum standards established by the Texas Board of Professional Land Surveying. P. GISTER JOSEPH BYRON CROSBY OFESSION SURVE

•

(E)

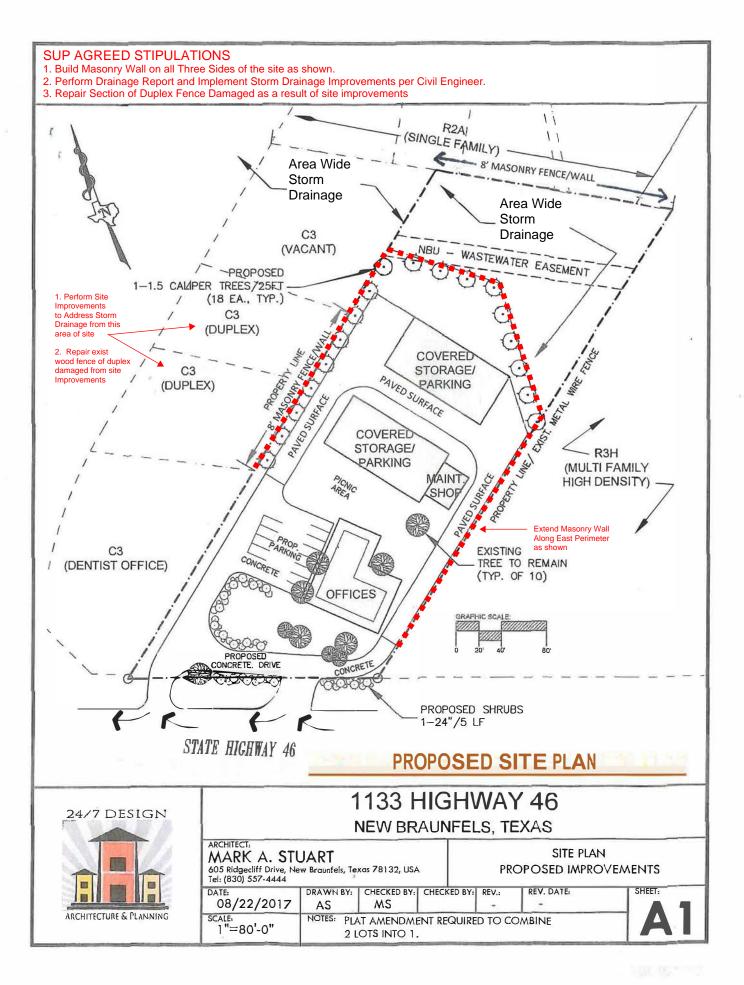
FENCE POST PP (POWER POLE)

EM (ELECTRIC METER)

OF

SCALE

1" = 80'



YOUR OPINION MATTERS - DETACH AND	RECEIVED
Case: #PZ17-039 (Alcorn) MG) Date Sent: 9/15/17	SEP 1 9 2017
Name: James Stewart, agent for Gill+He Holdings, 4td.	I favor: BY:
Address: 10010 San Redro Ave, surte 105 San Automo, 77 18216	I object:
Comments: (Use additional sheets if necessary)	
We plan to develop a multifamily site on our tract. Impact our development since it would be adjacents. CNOT cham link) were to be built by Applicant that we signature:	A construction yard would negatively That said, if ansolid fence ould screen their yard from our would consider removing objection.

YOUR OPINION MATTERS - DETACH AND	RETURN
Case: #PZ17-039 (Alcorn) MG) Date Sent: 9/15/17	
Name: Lindus WOIFE Freeze	l favor:
Address: WY-C & BUSINGS IH35, NB	
Property number on map: 6	I object: (State reason for objection)
Comments: (Use additional sheets if necessary) RECEIVE	D 22 24 24 25 25 25 25 25 25 25 25 25 25 25 25 25
OCT 0 4 2017	ceel
per to a local to a lo	274-4076
Signature: Will Color	(230) 500-3314









Photograph taken 9/21/17









Photograph taken 9/21/17





Photograph taken 9/21/17

3.4-12. "C-1A" neighborhood business district.

Purpose. This district is established to provide office, business and professional services, and light retail and commercial uses to serve adjacent neighborhoods. The uses found in the neighborhood business district are generally clustered at major intersections of collector streets near the perimeters of residential neighborhoods. No major shopping or office centers are included in this district. No use that is noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas shall be included in this district. The following regulations shall apply in all "C-1A" 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
Assisted living facility/retirement home
Bed and breakfast inn (see Sec. 5.6)
Community home (see definition)
Hospice

Non-residential uses:

Accounting, auditing, bookkeeping, and tax preparations

Adult day care (no overnight stay)
Adult day care (with overnight stay)

Amusement devices/arcade (four or more devices)

Animal grooming shop

Answering and message services

Antique shop
Appliance repair

Armed services recruiting center

Art dealer / gallery

Artist or artisan's studio

Auto leasing

Auto supply store for new and factory rebuilt parts

Auto tire repair /sales (indoor)

Bakery (retail)

Bank, savings and loan, or credit union

Bars and taverns (no outdoor music)

Barber/beauty shop, haircutting (non-college)

Barns and farm equipment storage (related to agricultural uses)

Battery charging station

Bicycle sales and/or repair

Bingo facility

Book binding

Book store

Cafeteria / café / delicatessen

Campers' supplies

Caterer

Cemetery and/or mausoleum

Check cashing service

Child day care/children's nursery (business)

Church/place of religious assembly

Cleaning, pressing and dyeing (non-explosive fluids used)

Clinic (dental)

Clinic (emergency care)

Clinic (medical)

Coffee shop

Communication equipment - installation and/or repair

Computer and electronic sales

Computer repair

Confectionery store (retail)

Consignment shop

Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)

Convenience store without fuel sales

Credit agency

Curio shops

Custom work shops

Department store

Drapery shop / blind shop

Drug sales/pharmacy

Electrical repair shop

Electrical substation

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)

Florist

Food or grocery store without fuel sales (50,000 sq. ft. or less)

Frozen food storage for individual or family use

Garden shops and greenhouses

Golf course (public or private)

Governmental building or use

Greenhouse (commercial)

Handicraft shop

Hardware store

Health club (physical fitness; indoors only)

Heating and air-conditioning sales / services

Hospital, rehabilitation

Kiosk (providing a retail service)

Laundromat and laundry pickup stations

Laundry/dry cleaning (drop off/pick up)

Laundry/washateria (self serve)

Lawnmower sales and/or repair

Locksmith

Martial arts school

Museum

Needlework shop

Nursing/convalescent home/sanitarium

Offices, brokerage services

Offices, business or professional

Offices, computer programming and data processing

Offices, consulting

Offices, engineering, architecture, surveying or similar

Offices, health services

Offices, insurance agency

Offices, legal services - including court reporting

Offices, medical offices

Offices, real estate

Offices, security/commodity brokers, dealers, exchanges and financial services

Park and/or playground (private or public)

Parking lots (for passenger car only) (not as incidental to the main use)

Parking structure / public garage

Pawn shop

Pet shop / supplies (10,000 sq. ft. or less)

Photographic printing/duplicating/copy shop or printing shop

Photographic studio (no sale of cameras or supplies)

Photographic supply

Plant nursery

Plant nursery (retail sales / outdoor storage)

Public recreation/services building for public park/playground areas

Quick lube/oil change/minor inspection

Radio/television shop, electronics, computer repair

Recreation buildings (private or public)

Recycling kiosk

Refreshment/beverage stand

Restaurant

Restaurant/prepared food sales with drive throughs

Retail store and shopping center with drive through service (50,000 sq. ft. bldg. or less)

Retirement home / home for the aged

School, K-12 (public or private)

School, vocational (business/commercial trade)

Security monitoring company

Security systems installation company

Shoe repair shops

Shopping center

Specialty shops in support of project quests and tourists

Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)

Tailor shop

Telemarketing agency

Telephone exchange buildings (office only)

Theater (non-motion picture; live drama)

Tool rental

Travel agency

University or college (public or private)

Vacuum cleaner sales and repair

Veterinary hospital (no outside animal runs or kennels)

Video rental / sales

Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system

Woodworking shop (ornamental)

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) *Height.* 35 feet.
 - (2) Front building setback. 25 feet.
 - (3) 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 any residential zone, a side building setback of not less than six feet shall be provided.

- (4) Residential/nonresidential garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
- (5) Rear building setback. 20 feet.
- (6) Residential setback. Effective November 8, 2006, where any 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.
- (7) Width of lot. 60 feet.
- (8) Corner lots. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots. Where a minimum 25-foot setback is required, a canopy at least eight feet in height, attached to the main building, may be built within 15 feet of the property line so long as such construction will not obstruct the vision of vehicular or pedestrian traffic.
- (9) Lot depth. 100 feet.
- (10) Parking. See Section 5.1 for permitted uses' parking.
- (11) Size. Any building on a lot shall be 50,000 square feet or less in size.

- 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:

- 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;
- 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 developmentgenerated 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 October 4, 2017 Planning Commission Regular Meeting

PZ-17-039: Public Hearing and recommendation to City Council regarding the proposed rezone from "R-2" Single and Two-Family District To "C-1A" Neighborhood Business District with a Special Use Permit to allow a commercial contractor's office with outdoor material storage, on Lots 8 and 9, Seidels Subdivision, addressed at 1133 State Hwy 46.

(Applicant: J. Alcorn; Case Manager: M. Greene)

Mr. Greene presented the Staff report and recommended approval of the Type 2 Special Use Permit to allow the outside storage of contractor's equipment and materials per the proposed site plan, but only with the following requirements, as Staff was unable to identify a unique circumstance or hardship to justify non-compliance with the City's development standards:

- 1. The masonry residential buffer walls required in the Zoning Ordinance be constructed adjacent to the one and two-family properties.
- 2. The storage areas and drive aisles to the storage areas be paved with asphalt or concrete as required by the Zoning Ordinance.

Mr. Greene indicated the percentage in objection exceeded 20%, therefore a super-majority was required for approval at City Council.

Vice Chair Edwards referenced the additional residential uses in the area.

Vice Chair Edwards asked if anyone wished to speak in favor.

Justin Alcorn, 1133 State Highway 46 South, stated he was there to represent the applicant, and the applicant stated they would comply with development standards to build the residential buffer and pave the parking and driveways.

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

Linda Sewellfree, 651 S. Walnut Ave., wished to speak in opposition. She stated she owned the residential property adjacent to the subject property. She stated she was concerned about drainage and lighting issues associated with the property. She indicated she'd like an 8-foot tall wall to protect her privacy.

Discussion followed.

Motion by Commissioner Laskowski, seconded by Commissioner Tubb, to close the public hearing. The motion carried (5-0-0).

Motion by Commissioner Laskowski, seconded by Commissioner Hoyt, to recommend approval to City Council regarding the proposed rezone from "R-2" Single and Two-Family District To "C-1A" Neighborhood Business District with a Special Use Permit to allow a commercial contractor's office with outdoor material storage, on Lots 8 and 9, Seidels Subdivision, addressed at 1133 State Hwy 46, with Staff recommendations and the requirement the residential buffer wall be eight feet tall. Motion carried, with Vice Chair Edwards in opposition (4-1-0).

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 2.26 ACRES, COMPRISED OF LOTS 8 AND 9, SEIDELS SUBDIVISION, ADDRESSED AT 1133 STATE HIGHWAY 46, FROM "R-2" SINGLE AND TWO-FAMILY DISTRICT TO "C-1A" NEIGHBORHOOD BUSINESS DISTRICT; AND GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW A COMMERCIAL CONTRACTOR'S OFFICE WITH OUTDOOR STORAGE; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of the "C-1A" Neighborhood Business District, the City Council has given due consideration to all components of said district; and

WHEREAS, the rezoning is in compliance with the Future Land Use Plan; and WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the City Council desires to amend the Zoning Map by changing the zoning of approximately 2.26 acres comprised of Lots 8 and 9, Seidels Subdivision, addressed at 1133 State Highway 46, from "R-2" Single and Two-Family District to "C-1A" Neighborhood Business District; and

WHEREAS, the City Council recognizes that granting a Special Use permit for a commercial contractor's office with outdoor storage 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 Council to ensure 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 a "Type 2 Special Use Permit" to allow a contractor's office with outdoor storage on Lots 8 and 9, Seidels Subdivision, addressed at 1133 State Highway 46; **now**, **therefore**;

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

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by changing the following described tract of land from "R-2" Single and Two-Family District to "C-1A" Neighborhood Business District and designating said property with a Type 2 Special Use Permit (SUP) to allow a contractor's office with outdoor storage:

"Approximately 2.26 acres comprised of Lots 8 and 9, Seidels Subdivision, addressed at 1133 State Highway 46, as delineated on Exhibit 'A' attached."

SECTION 2

THAT the "Type 2 Special Use Permit" be subject to the following additional restrictions:

- 1. Exhibit 'B' shall be considered the adopted site plan. Any significant alterations to the site plan will require approval of an amendment to the "Type 2 Special Use Permit" by City Council.
- 2. The residential buffer wall will be 8 feet in height.

SECTION 3

THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

SECTION 4

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

SECTION 5

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 6

THIS ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

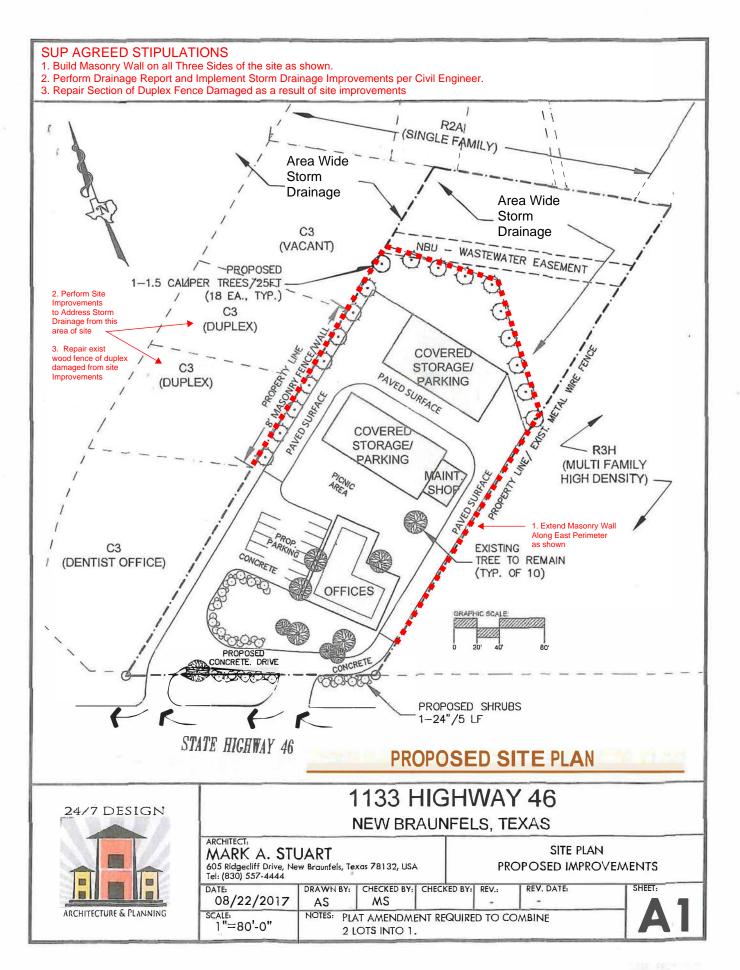
CITY OF NEW REALINEELS

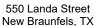
PASSED AND APPROVED: First reading this 8th day of January, 2018.

PASSED AND APPROVED: Second reading this 22nd day of January, 2018.

	OTT OF NEW BRACKIELS
ATTEST:	BARRON CASTEEL, Mayor
PATRICK D. ATEN, City Secretary	
APPROVED AS TO FORM:	
VALERIA M. ACEVEDO, City Attorney	









City Council Agenda Item Report

1/8/2018

Agenda Item No. E)

Presenter

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

SUBJECT:

Public hearing and first reading of an ordinance regarding the proposed amendment to Ordinance No. 2017-43, the "Highland Gardens" Planned Development District Concept Plan, located on FM 1044, south of the Highland Grove Subdivision.

BACKGROUND / RATIONALE:

Case No.: PZ-17-045

Council District: 1

Applicant: Moeller & Associates (James Ingalls, P.E.)

2021 W SH 46, Ste 105 New Braunfels, TX 78132

(830) 358-7127

Owners: Dirt Dealers XII, Ltd. (Jack Scanio)

660 Lakefront Ave.

New Braunfels, TX 78130

(830) 496-7775

Staff Contact: Matt Greene, Planner

(830) 221-4053

mgreene@nbtexas.org

Planned Developments (PDs) are intended to provide developers an opportunity for creative neighborhood designs with alternative options not typically allowed in base zoning districts. New Braunfels' PD process includes two steps: 1) Consideration of a "Concept Plan" by the Planning Commission and City Council via the typical rezoning process; and then 2) consideration of a consistent "Detail Plan" by Planning Commission. After step 1, the zoning is technically considered changed, however only after the Detail Plan is approved by the Planning Commission can the developer proceed to the next step which is often the Master Plan stage.

The 55.48-acre "Highland Gardens" Planned Development District (HGARDPD) Concept Plan was

approved by City Council in June 2017. It is located on the west side of FM 1044, south of the Highland Grove Subdivision. The base zoning district of the HGARDPD is "R-1A-6.6" (Single Family Residential) with residential being the permitted use.

The currently adopted HGARDPD Concept Plan includes the entire proposed street network. However, when the Detail Plan and Master Plan were subsequently submitted in August 2017, the proposed collector alignment was not functional as a Collector as there were too many off-set intersections. Off-sets are encouraged, usually with Local streets, when the goal is to calm traffic; however, a Collector is to be designed to efficiently *collect* traffic from a neighborhood to nearby arterials.

To resolve, the applicant has submitted this amending Concept Plan which removes the internal local street network and adds in a revised the Collector. The associated Master Plan will be considered at the January 9, 2018 Planning Commission meeting and includes a revised internal street network in its entirety (see attachments).

The applicant is not proposing any changes to the HGARDPD Development Standards.

General Information:

Size: 55.48 acres

Surrounding Zoning and Land Use:

North - "Highland Grove" PD / Single family dwellings

South - APD / Single family dwellings and a private aviation runway

East - Across FM 1044, APD / Single family dwellings and agricultural land

West - APD / Undeveloped land

Comprehensive Plan/ Future Land Use Designation:

The Future Land Use designation of the property is Residential Low Density.

Floodplain:

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

Regional Transportation Plan:

There is a proposed 220-foot wide Parkway along the western boundary of the proposed subdivision that will be constructed as a future extension of FM 1044. An extension of County Line Road as a Minor Arterial with 120 feet of right-of-way width is also adopted on the Regional Transportation Plan and illustrated on the applicant's proposed plan. The aforementioned Minor Collector with a 60-foot right-of-way width is planned to be located central to the Highland Gardens subdivision.

Improvement(s):

A small agricultural building and agricultural land.

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

$\sqrt{}$	Yes	City Plan/Council Priority:	Pros: Objective 1A: Evaluate proposed zone
		2006 Comprehensive Plan	changes to maintain land use compatibility, as
		Pros and Cons Based on	well as the integration of mixed land uses as a
		Policies Plan	component of achieving better places to live.
			Goal 1C: Consider rezoning, as necessary, to
			ensure existing and future land use
			compatibility.

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

At their December 5, 2017 regular meeting, the Planning commission recommended approval of this rezoning request with Staff recommendations (8-0-0).

STAFF RECOMMENDATION:

Staff recommends approval of the applicant's proposed amendment to the "Highland Gardens" Planned Development District Concept Plan. The Concept Plan is in compliance with the HGARDPD Development Standards, and the Master Plan and Detail Plan will be required to comply with the City's adopted Regional Transportation Plan and TxDOT regulations for the connection to FM 1044. Staff's recommendation for approval includes the following conditions:

 Incorporate the street network as illustrated on the proposed Master Plan scheduled for Planning Commission on January 9, 2018 (if approved by the Planning Commission).

Staff had also originally included the additional following conditions that, after the Planning Commission meeting, the applicant has already complied with:

- 2. Illustrate and label the proposed open space areas on the Concept Plan.
- 3. Remove the Development Standards Table from the Concept Plan.
- 4. Remove the Relation to Comprehensive Plan Note from the Concept Plan.

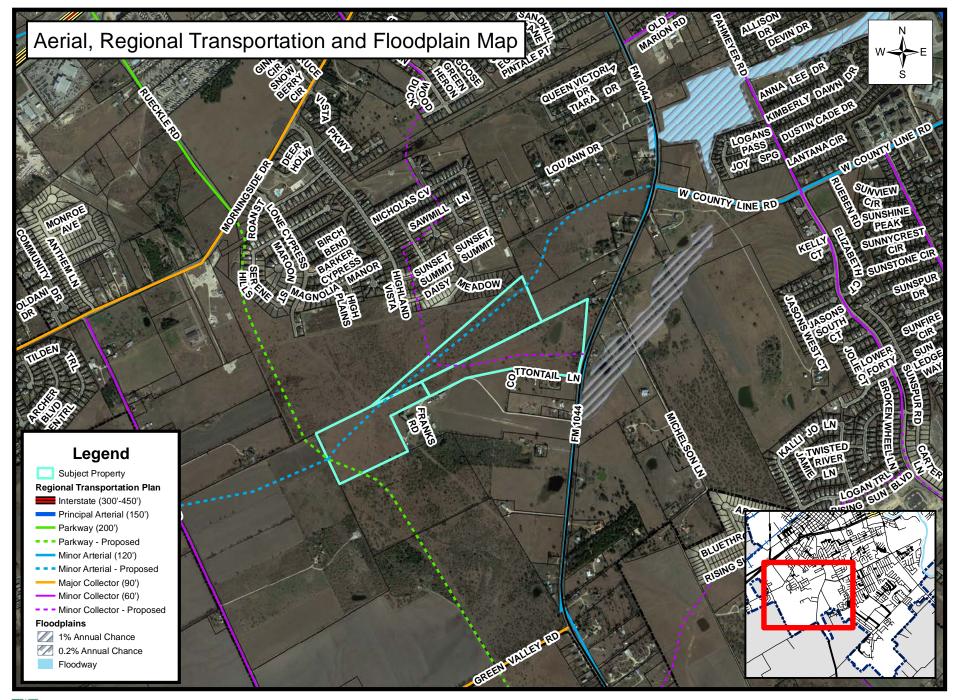
Notification:

Public hearing notices were sent to 11 owners of property within 200 feet of the rezoning request. Staff has received no responses in favor and one opposed from #10.

Attachments:

- 1. Aerial, Regional Transportation Plan and Floodplain Map
- 2. Application
- 3. Current Highland Gardens PD Concept Plan
- 4. Proposed Amending Highland Gardens PD Concept Plan and Proposed Master Plan
- 5. Zoning and Land Use Maps
- 6. Notification List, Notification Map and Responses
- 7. Photographs of Subject Property
- 8. Ordinance No. 2017-43 (Highland Gardens PD)
- 9. Proposed Highland Gardens Master Plan
- 10. Sec. 3.5 Planned Development Districts

11. 12.	Excerpt from the December 5, 2017 Planning Commission regular meeting Ordinance





City of New Braunfels

APPLICATION FOR A ZONING CHANGE

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

www.nbtexas.org
Case Number: [2-17-045

OCT 25 2017

PLANNING

	Mailing Address: 2021 SH 46 W, Ste 105, New Braunfels, TX 78132				
	Telephone: 830-358-7127	Fax:	Mobile:		
	Email: plats@ma-tx.com				
Property Address/Location: Off FM 1044 between Lou Ann and Franks Rd in New Braunf					
	Legal Description: See Survey				
	Name of Subdivision: Highland				
	Lot(s): 160	Block(s):	Acreage: 56.09		
	Existing Use of Property: Unde	eveloped	AND THE RESIDENCE OF THE PROPERTY OF THE PROPE		
	Proposed Use of Property (attach additional or supporting information if necessary):				
	Zoning Change Request: Currer	nt Zoning:PDD	Proposed Zoning: PDD		
	For "PDD Planned Development				
	•		additional pages if needed):		
	REQUIRED ATTACHMENTS: Metes and bounds description 3 TIA worksheets and 2 Traft	n and survey if property is r	not platted.		
	Metes and bounds description 3 TIA worksheets and 2 Traft Location in 100-year floodplat zoning or, at a minimum, a maps are those most recent! Map of property in relation to If requesting a Planned Deventy plan and/or provide the stant 3.5; Provide 17 copies of the (1":200") (if preparing revision Copy of deed showing currenty Mailed notification 8 x 2 Newspaper Notice 115.00 each Future Land Use Plan Update	on and survey if property is refic Impact Analysis if required in: Please provide a map of copy of the proper FEMA y adopted by the City County City limits/major roadways elopment (PD), applicant middrds in a separate docume standards and Concept part to existing Planned Devent ownership. 15 each = 17.20 ch	ed. of the floodplain overlaying the property proposed for flood map, with panel number. (Current floodplair cil.) or surrounding area. flust provide 17 development standards on the detai ment as described in the Zoning Ordinance, Section plan (1":200') for distribution; 4 copies of the survey elopment (PD) please provide one legible 11x17).		
e <i>ui</i>	Metes and bounds description 3 TIA worksheets and 2 Traft Location in 100-year floodplat zoning or, at a minimum, a maps are those most recently Map of property in relation to If requesting a Planned Developlan and/or provide the stant 3.5; Provide 17 copies of the (1":200") (if preparing revision Copy of deed showing current Mailed notification 8 x 2	on and survey if property is refic Impact Analysis if required in: Please provide a map of copy of the proper FEMA y adopted by the City County City limits/major roadways elopment (PD), applicant middrds in a separate docume standards and Concept part to existing Planned Devent ownership. 15 each = 17.20 ch	not platted. ed. of the floodplain overlaying the property proposed for flood map, with panel number. (Current floodplain cil.) or surrounding area. sust provide 17 development standards on the detail nent as described in the Zoning Ordinance, Section plan (1":200') for distribution; 4 copies of the survey elopment (PD) please provide one legible 11x17).		
	Metes and bounds description 3 TIA worksheets and 2 Traft Location in 100-year floodplat zoning or, at a minimum, a maps are those most recent! Map of property in relation to If requesting a Planned Deventy plan and/or provide the stant 3.5; Provide 17 copies of the (1":200") (if preparing revision Copy of deed showing currenty Mailed notification 8 x 2 Newspaper Notice 115.00 each Future Land Use Plan Update	in and survey if property is ric Impact Analysis if require in: Please provide a map of copy of the proper FEMA y adopted by the City Country limits/major roadways elopment (PD), applicant middrds in a separate docume standards and Concept property of the existing Planned Devent ownership. 15 each = 17.20 oh e \$500.00 ning of the above description of the above descrip	not platted. ed. of the floodplain overlaying the property proposed for flood map, with panel number. (Current floodplain cil.) or surrounding area. nust provide 17 development standards on the detail nent as described in the Zoning Ordinance, Section clan (1":200") for distribution; 4 copies of the survey elopment (PD) please provide one legible 11x17). Tibed property as indicated.		
	Metes and bounds description 3 TIA worksheets and 2 Traff Location in 100-year floodplate zoning or, at a minimum, a maps are those most recently Map of property in relation to lift requesting a Planned Deventual plan and/or provide the stant 3.5; Provide 17 copies of the (1":200") (if preparing revision Copy of deed showing currer Mailed notification 8 x 2 Newspaper Notice 115.00 each Future Land Use Plan Update Indersigned hereby requests rezonal standard processing the standard process of the complex of the	in and survey if property is ric Impact Analysis if require in: Please provide a map of copy of the proper FEMA y adopted by the City Country limits/major roadways elopment (PD), applicant middrds in a separate docume standards and Concept property of the existing Planned Devent ownership. 15 each = 17.20 oh e \$500.00 ohing of the above description of the above descri	not platted. ed. of the floodplain overlaying the property proposed for flood map, with panel number. (Current floodplair cil.) or surrounding area. nust provide 17 development standards on the detail nent as described in the Zoning Ordinance, Section plan (1":200") for distribution; 4 copies of the surveyelopment (PD) please provide one legible 11x17). Tribed property as indicated.		
nati	Metes and bounds description 3 TIA worksheets and 2 Traff Location in 100-year floodplate zoning or, at a minimum, a maps are those most recently Map of property in relation to lift requesting a Planned Deventual plan and/or provide the stant 3.5; Provide 17 copies of the (1":200") (if preparing revision Copy of deed showing currer Mailed notification 8 x 2 Newspaper Notice 115.00 each Future Land Use Plan Update Indersigned hereby requests rezonal standard processing the standard process of the complex of the	in and survey if property is ric Impact Analysis if require in: Please provide a map of copy of the proper FEMA y adopted by the City Count City limits/major roadways elopment (PD), applicant midards in a separate docume standards and Concept property in the control of the control of the control of the control of the above described in the control of the cont	not platted. ed. of the floodplain overlaying the property proposed for flood map, with panel number. (Current floodplain cil.) or surrounding area. lust provide 17 development standards on the detail nent as described in the Zoning Ordinance, Section clan (1":200") for distribution; 4 copies of the survey elopment (PD) please provide one legible 11x17). Tribed property as indicated.		

ATTACHMENT

1. THE PROPOSED USE OF THE SUBDIVISION IS FOR SINGLE FAMILY RESIDENTIAL.

- 2. THE UNIT NUMBERS SHOWN REPRESENT THE ORDER IN WHICH THE UNITS WILL BE DEVELOPED AND PLATTED.
- 3. SIDEWALKS WILL BE CONSTRUCTED FOR THIS DEVELOPMENT.
- 4. ALL STREETS ARE PROPOSED TO BE OF A LOCAL TYPE FUNCTIONAL
- 5. THE LOTS DESIGNATED AS OPEN SPACE (O.S.) WILL NOT BE AVAILABLE FOR RESIDENTIAL USE. THESE LOTS WILL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER'S ASSOCIATION.
- B. ALL LOTS WITHIN THE SUBDIMISION WILL BE SERVED BY NEW BRAUNFELS UTILITIES (NBU), A PUBLIC WATER AND SEWER SERVICE, AT&T FOR PHONE SERVICE, AND TIME WARNER CABLE.
- 6. ALL OPEN SPACE AREAS CAN BE USED FOR DRAINAGE CONVEYANCE.
- 7. ALL STANDARD CURB AND GUTTER WILL PROVIDE STORMWATER CAPACITY PER CITY OF NEW BRAUNFELS DRAINAGE REQUIREMENTS.

B. THE ENTIRE SUBDIVISION FALLS WITHIN COMAL INDEPENDENT SCHOOL DISTRICT.

- 9. BASE ZONING FOR HIGHLAND GARDENS PLANNED DEVELOPMENT DISTRICT IS R-1A-6.6, SINGLE FAMILY DISTRICT.
- 10. NO DWELLING UNITS OR HABITABLE STRUCTURES WILL BE CONSTRUCTED WITHIN AN APPROXIMATE OFFSET OF 75' BOTH SIDES OF THE EXISTING AIRSTRIP CENTERLINE.

DEVELOPMENT STANDARDS

Land Use:	Single-Family Residential - Standard Lot
Base Zoning:	R-1A-6.6
Total Number of Acres	47.02
Open Space/Drainage Acreage:	7,02
Residential Acreage:	40.00
Minimum Lot Width:	50 Feet Wide (60' on Comer Lots)
Typical Lot Depth:	120 Feet
Minimum Lot Area	6,000 and 7,200 Square Feet
Minimum Lot Area (Corner)	7,200 Square Feet
Minimum Front Setback:	25 Feet
Minimum Side Setback:	5 Feet
Minimum Rear Setback:	20 Feet
Minimum Living Area	1600sf
Minimum Garage	2 Car Garage
Minimum Landscaping	Full Sod (front & back) or Xeriscape
Maximum Building Height:	35ft
Noise Mitigation:	A minimum 6' tall masonry wall/fence adjacent to single family residences abutting FM 1044

Drainage and Detention Areas

50' ROW

UNIT 3

R-1A-6.6

SINGLE FAMILY RESIDENTIAL

A minimum of one (1) front yard shade tree per lot Areas located on separate lots will be owned and

HIGHLAND GROVE PDD

SINGLE FAMILY RESIDENTIAL

maintained by the HOA

BUFFER

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

ENGINEER/SURVEYOR:

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

APD

ABS: 259 SUR: WILLIAM H PATE 1.9050 AC

APD

APD

DEDICATION

ABS: 259 SUR: WILLIAM H PATE 12.0000 AC.

APD

APD

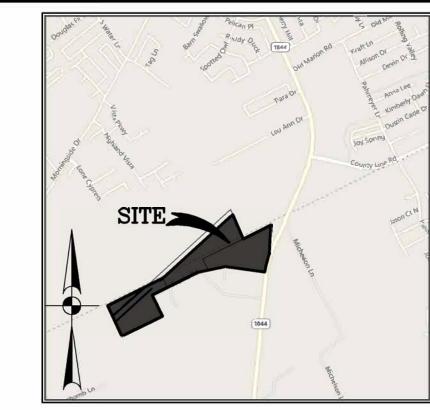
R-1A-6.6

SINGLE FAMILY RESIDENTIAL

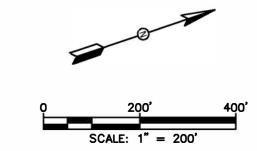
APD

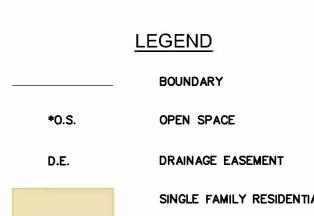
A-608 SUR- 2 J THOMPSON, ACRES 5.151, (PT LOT 3)

D.A. MAWYER LAND SURVEYING, INC. DREW MAWYER, R.P.L.S. - SURVEYOR 132 CADDELL LANE NEW BRAUNFELS, TEXAS 781:30 (210) 325-0858



LOCATION MAP









42.72 ACRES RESIDENTIAL LOTS AND STREETS: _7.02_ACRES *OPEN SPACE (OS)/GREENBELT 49.74 ACRES TOTAL ACREAGE: RESIDENTIAL LOT DENSITY (165 MAX/49.74):

SINGLE FAMILY RESIDENTIAL

OPEN SPACE/GREENBELT

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

RELATION TO COMPREHENSIVE PLAN NOTE:

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

APD

CURRENT HIGHLAND GARDENS PD CONCEPT PLAN

R-1A-6.6

SINGLE FAMILY RESIDENTIAL

Know what's below. Call before you dig.

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

BKKKKKKK

1. THE PROPOSED USE OF THE SUBDIVISION IS FOR SINGLE FAMILY RESIDENTIAL.

- 3. SIDEWALKS WILL BE CONSTRUCTED FOR THIS DEVELOPMENT.
- 4. STREETS ARE PROPOSED TO BE OF A LOCAL TYPE, ARTERIAL, AND COLLECTOR FUNCTIONAL CLASSIFICATION.
- 5. THE LOTS DESIGNATED AS OPEN SPACE (0.S.) WILL NOT BE AVAILABLE FOR RESIDENTIAL USE. THESE LOTS WILL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER'S ASSOCIATION.
- 8. ALL LOTS WITHIN THE SUBDIVISION WILL BE SERVED BY NEW BRAUNFELS UTILITIES (NBU), A PUBLIC WATER AND SEWER SERVICE, AT&T FOR PHONE SERVICE, AND TIME WARNER CABLE.
- 6. ALL OPEN SPACE AREAS CAN BE USED FOR DRAINAGE CONVEYANCE.
- 8. THE ENTIRE SUBDIVISION FALLS WITHIN COMAL INDEPENDENT SCHOOL DISTRICT.
- 10. NO DWELLING UNITS OR HABITABLE STRUCTURES WILL BE CONSTRUCTED WITHIN AN

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

APD

APD WOHLFAHRT, LOT 1, ACRES 0,925

APD

EXISTING DRIVEWAY

ABS: 259 SUR: WILLIAM H PATE 12.0000 AC.

APD

APD

APD

— 60' R.O.W.
MINOR
COLLECTOR

APD

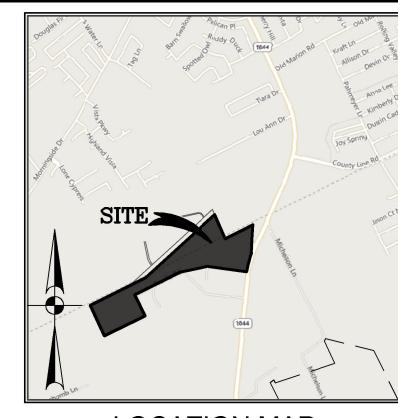
APD

APD

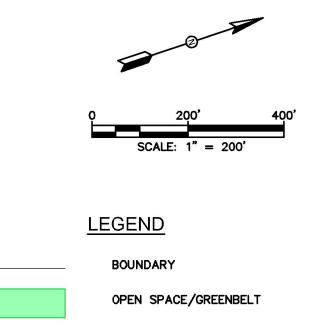
ABS: 259 SUR:
WILLIAM H PATE
-31.4300 AC

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

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



LOCATION MAP
SCALE: 1"=2,000'



RESIDENTIAL LOTS AND STREETS: *OPEN SPACE (OS)/GREENBELT TOTAL ACREAGE:

16.44 ACRES 55.48 ACRES

ACREAGE SUMMARY (APPROX.)

39.04 ACRES RESIDENTIAL LOT DENSITY (160 MAX/55.48):

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

Know what's below.

Call before you dig.

THIS DOCUMENT IS

RELEASED FOR THE

PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF JAMES I.

INGALLS, PE. 107416 ON

December 19, 2017. IT IS TO

BE USED FOR BIDDING AND

PERMITTING PURPOSES

ONLY. NOT TO BE USED FOR

CONSTRUCTION.

HIGHLAND GARDENS PLANNED DEVELOPMENT DISTRICT

2. THE UNIT NUMBERS SHOWN REPRESENT THE ORDER IN WHICH THE UNITS WILL BE DEVELOPED AND PLATTED.

7. ALL STANDARD CURB AND GUTTER WILL PROVIDE STORMWATER CAPACITY PER CITY OF NEW BRAUNFELS DRAINAGE REQUIREMENTS.

9. BASE ZONING FOR HIGHLAND GARDENS PLANNED DEVELOPMENT DISTRICT IS R-1A-6.6, SINGLE FAMILY DISTRICT.

APPROXIMATE OFFSET OF 75' BOTH SIDES OF THE EXISTING AIRSTRIP CENTERLINE.

ATTACHMENT

PROPOSED AMENDING CONCEPT PLAN

PDD

SINGLE FAMILY RESIDENTIAL

MINOR COLLECTOR

APPROX. CENTERLINE —

HIGHLAND GROVE PDD

SINGLE FAMILY RESIDENTIAL

A-608 SUR- 21 J THOMPSON, ACRES 85.183

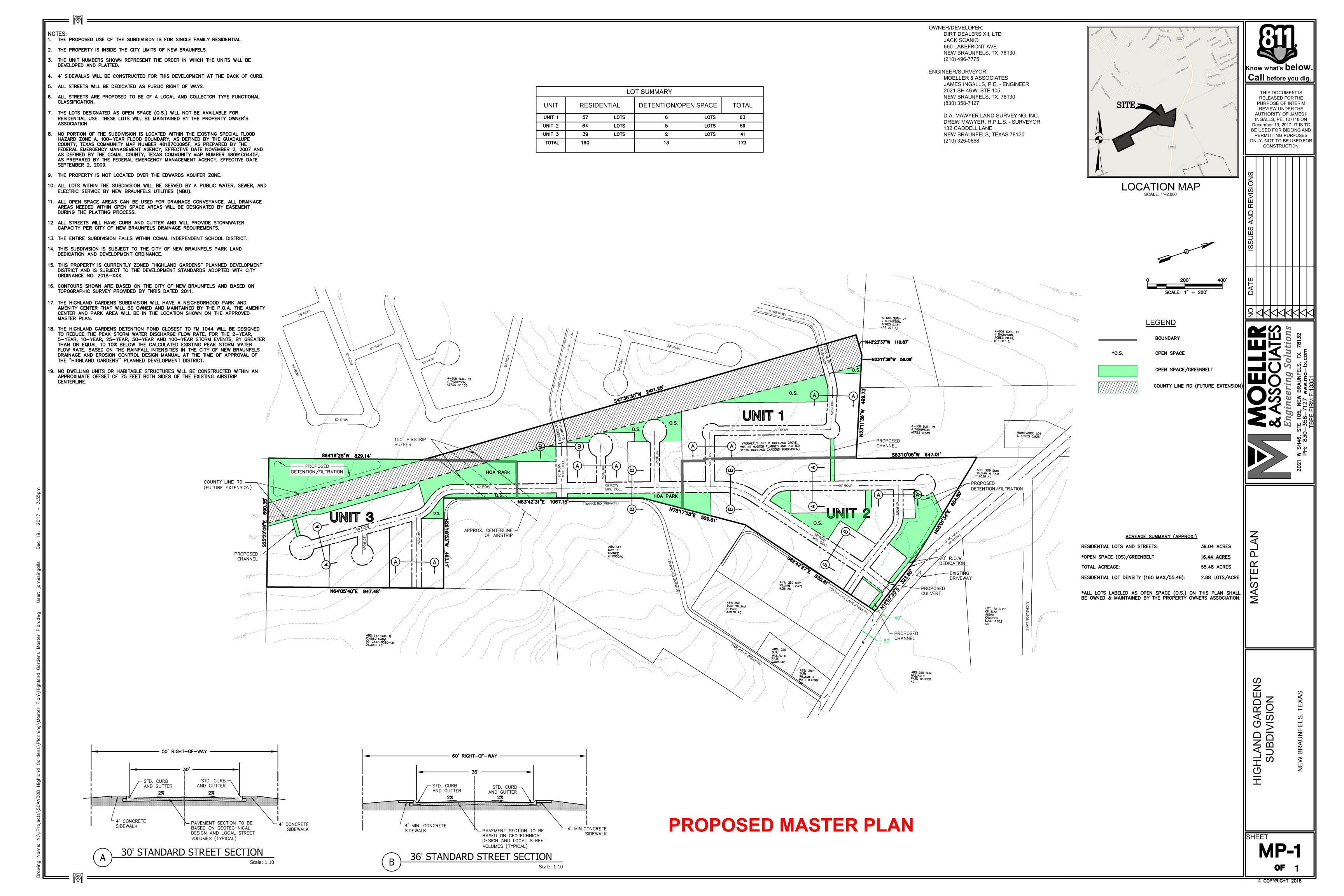
150' AIRSTRIP

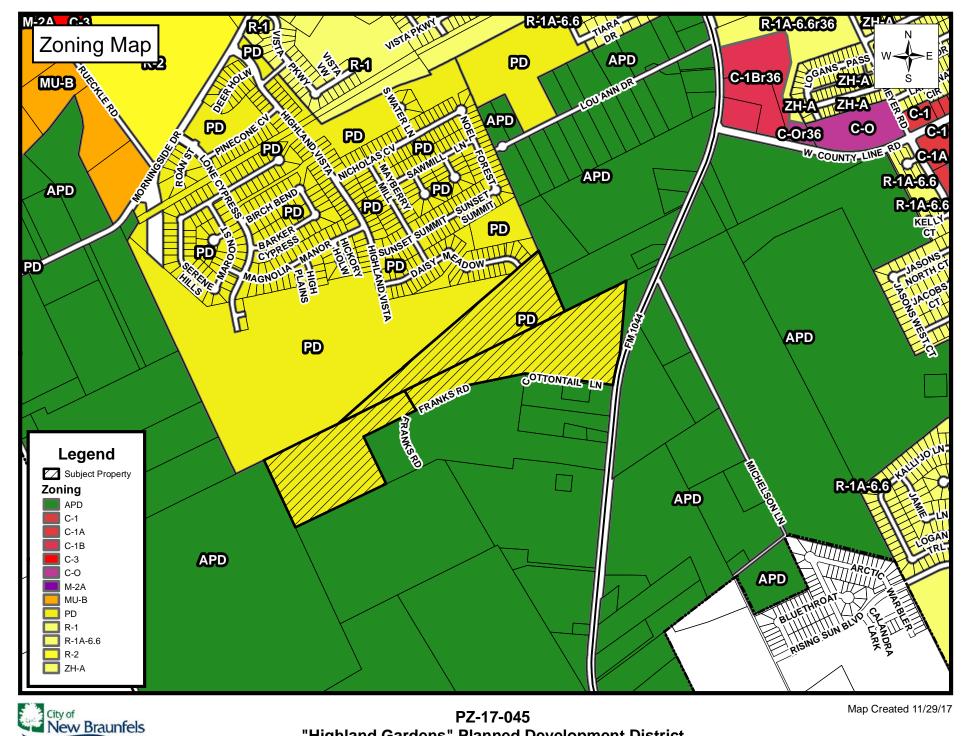
BUFFER

APD

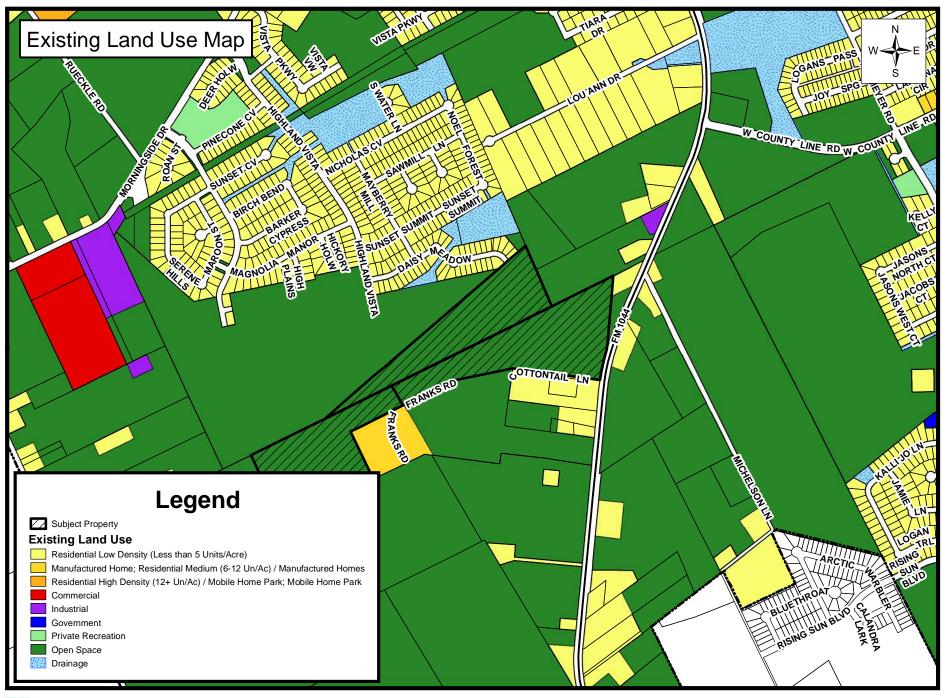
50' ROW

COUNTY LINE RD ——
(FUTURE EXTENSION)



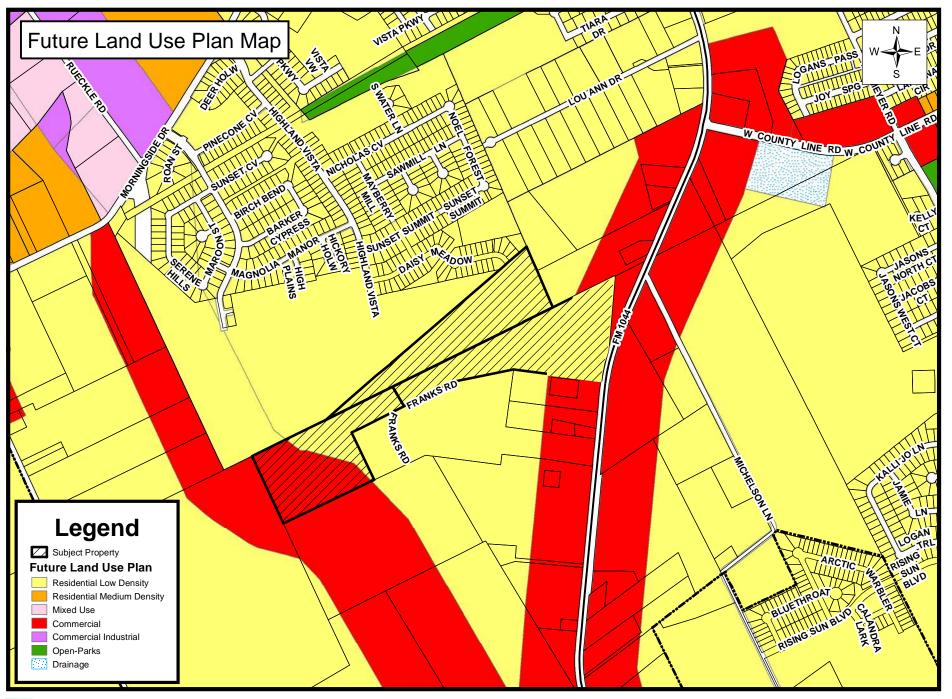








Map Created 11/29/17





Map Created 11/29/17

PLANNING COMMISSION - December 5, 2017 - 6:00PM

New Braunfels Municipal Building, Council Chambers

Applicant: Moeller & Associates (James Ingalls, P.E.)

Property Location: Approximately 56 acres of land out of the William H. Pate Survey, Abstract

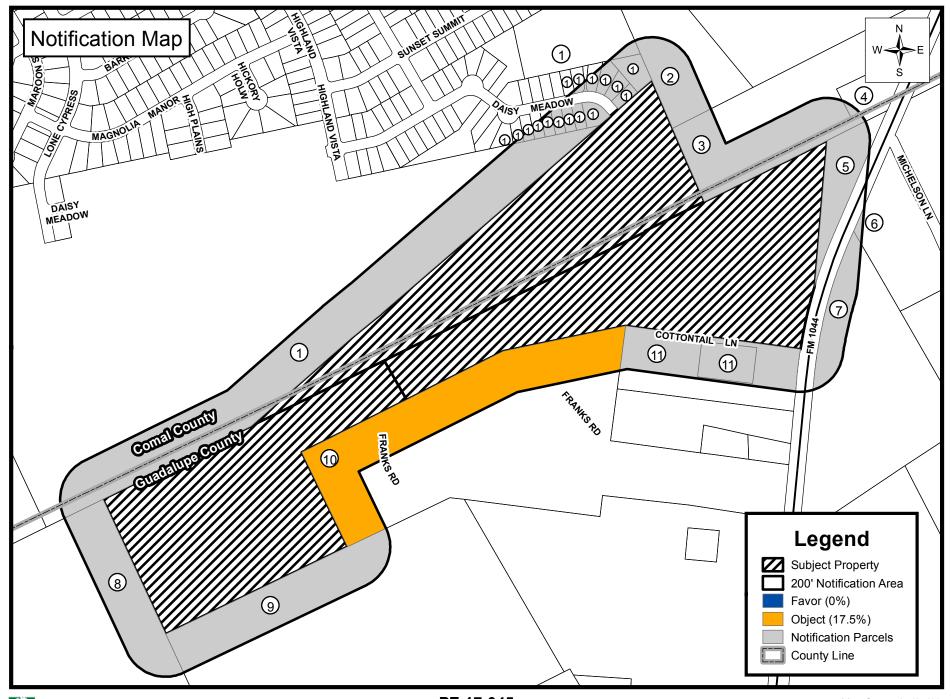
No. 259, the R. Ximenez Survey, abstract No. 347 and the J. Thompson Survey, Abstract No. 608, Guadalupe County, Texas, located on FM 1044

PROPOSED REZONING - CASE #PZ17-045

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. Velma Development LLC
- 2. Kramm, Henry
- 3. Wohlfahrt, Adeline
- 4. Wohlfahrt, Rodger
- 5. Aguilar, Jose & Laura
- 6. Langen, Margaret
- 7. Wisdom, T E Jr. & J A
- 8. Schaefer, William
- 9. Searight, O C Jr. & J M
- 10. Estate of Howard Franks
- 11. Williams, John F & D E

SEE MAP





PZ-17-045
"Highland Gardens" Planned Development District
Concept Plan Amendment

Map Created 7/25/16

YOUR OPINION MATTERS - DETACH AND RETURN

*Case: #PZ-17-045 Amendment to the "Highland Gardens" Planned Development District (HGARDPD) Concept Plan. (Moeller & Associates) MG

Date notice sent: 11/17/2017

Name: Ruth M. FRANKS

ddress: 400 FRANKS RD

Circled number on map:

Comments: (Use additional sheets if necessary)

I favor:

I object:

NOV 29 2017

Signature: Ruth M. Franks

MOV 29 2017

November 29, 2017

- The mailing sent out did not reveal that by signing the form if the city councle approves no longer makes the developer responsible to tnyone as long as they meet city code. This is the height of non-transparency.
- 2. I can see how this ploy was used before we resulting in the parking dilemma on Sangerhalle Rd.
- 3. I do not understand how lay people can see problems that might arise (one example-traffic safety) and the "experts" cannot.

Ouestions:

- 1. Why would city council want to relinquish their control?
- 2. When is city council going to consider the well-being of their constituents and their quality of life?
- 3. Are the members of the planning commission required to physically visit each site they are considering?

Ruth M. Franks

Highland Gardens PD



View from FM 1044 Northbound



View from FM 1044 Southbound



ORDINANCE NO. 2017-43

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING ORDINANCE NO. 2017-29, THE "HIGHLAND GROVE" PLANNED DEVELOPMENT DISTRICT CONCEPT PLAN, BY REMOVING 11.64 ACRES FROM "HIGHLAND GROVE" PLANNED DEVELOPMENT DISTRICT (HGPD) AND REZONE THE 11.64 ACRES AND 38.1 ACRES OUT OF THE WILLIAM H. PATE SURVEY, ABSTRACT NO. 259 AND R. XIMENEZ SURVEY, ABSTRACT NO. 347, GUADALUPE COUNTY, TEXAS, FROM "R-1A-6.6" SINGLE FAMILY DISTRICT TO "HIGHLAND GARDENS" PLANNED DEVELOPMENT CONCEPT (HGARDPD), ADOPTING PLAN DISTRICT Α **ASSOCIATED** DEVELOPMENT STANDARDS; REPEALING ORDINANCES IN CONFLICT: CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of the "PD" Planned Development District, the City Council has given due consideration to all components of said districts; and

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

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

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

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

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

SECTION 4

THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

SECTION 5

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

SECTION 6

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

SECTION 7

EFFECTIVE DATE AND PUBLICATION:

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

SECTION 8

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

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

PASSED AND APPROVED: Second and Final Reading this the 26th day of June, 2017.

CITY OF NEW BRAUNFELS

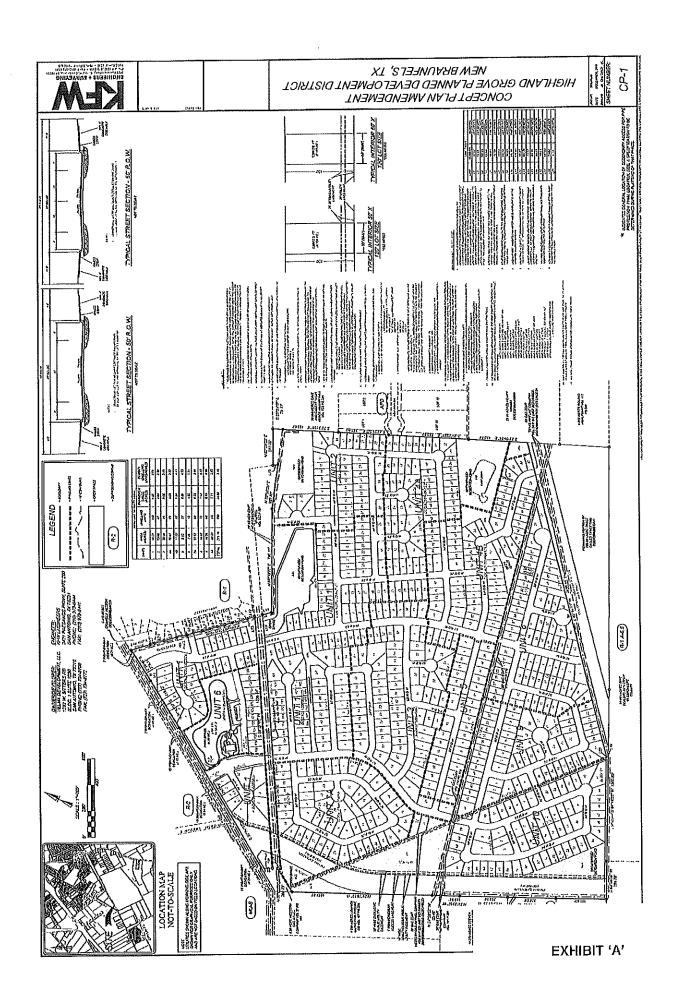
BARRON CASTEEL, Mayor

ATTEST:

PATRICK ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



Highland Grove Planned Development District Development Standards

- 1. This planned development project conforms to the City of New Braunfels comprehensive development plan based on the maps located at the City of New Braunfels, Comal County, Texas. The current zoning map shows this area as Planned Development District and the Future Land Use Plan distinguishes the property as Low Density Residential. This project is proposed to be 3.45 lots per acre which is considered to be low density. The base zoning district for this project is R-1A.
- The total acreage for this development is 228.685 acres of which 228.685 acres being single family residential.
- Reference property lies within the Comal County Independent School District.
- A 20' public utility easement (PUE) will be dedicated adjacent to all street right of ways.
- No portion of this site is located with the 100-yr FEMA flood plain as designated on Community Panel 48091c0445 f, dated: September 2, 2009.
- A Homeowner's Association will be created during engineering design phase of the project.
- 7. This property will be served by the following:

 New Braunfels Utilities water, sewer, and electric

 AT&T phone service

 Time Warner Cable TV

Design Regulations

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

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

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

16. Items which may require a reduction of lots:

 a. Coordination with gas companies regarding crossing requirements for street and drainage facilities.

b. Final sizing of drainage and utility easements.

c. Drainage study regarding final detention pond sizing.

d. Final ground topography versus aerial topography.

e. Additional utility easements or modification of drainage/utility easements.

Drainage Related

- 17. Drainage easements shall be free from all obstructions.
- 18. The following lots shall be maintained by the Homeowner's Association. The Homeowner's Association will maintain all community facilities, green spaces, and detention areas:

Unit 1, Block 1, Lots 919 & 920

Unit 1, Block 3, Lots 913, 915, 916, 917, 918

Unit 1, Block 5, Lot 901

Unit 1, Block 11, Lots 902 & 903

Unit 1, Block 20, Lot 926

Unit 2, Block 15, Lot 904

Unit 4A, Block 15, Lots 905 & 906

Unit 4B, Block 15, Lots 906 & 907

Unit 4B, Block 14, Lot 908

Unit 6, Block 3, Lot 131

Unit 7A, Block 2, Lot 916

Unit 7A, Block 20, Lot 925

Unit 8, Block 7, Lot 936

Unit 8, Block 14, Lots 910, 911, & 912

Unit 9, Block 7, Lots 913 & 920

Unit 10, Block 21, Lots 923, 924, 926, & 927

Unit 10, Block 20, Lot 928

Unit 10, Block 7, Lot 920

Unit 11, Block 15, Lots 909 & 929

Unit 11, Block 14, Lot 928

Unit 11, Block 8, Lot 927

Unit 11, Block 18, Lots 931, 932, & 933

Unit 11, Block 19, Lots 930 & 935

Unit 11, Block 22, Lot 934

19. Unit 1 – Block 1, Lots 5 & 6; Unit 7A – Block 1, Lots 18 – 26; Unit 10 – Block 21, Lots 59 – 66, 923, 924, & 927 shall not have access to F.M. 1044 extension.

Transportation Related

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

Performance Guarantee

ſ

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

Terms:

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

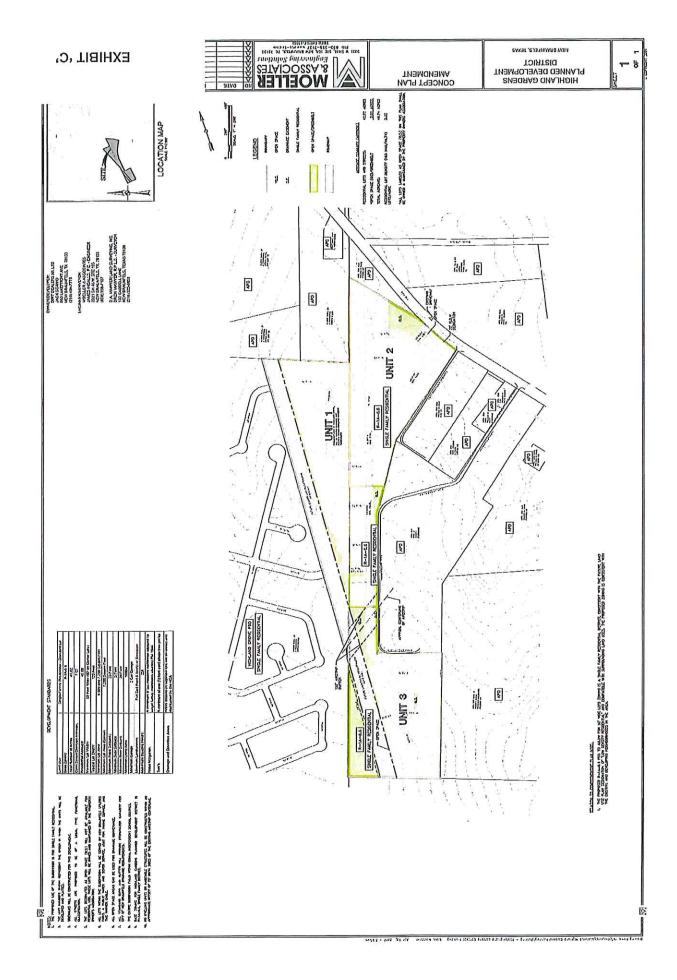
statement of construction value shall be provided to the City Engineer to support the Cash Surety Amount.

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

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

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

\\chis-1\Departments\Planning\ZoneChange-SUP-Replats\2018 cases\PZ-18-066 Highland Grove PD Amendment\170124_Development standards - Final.docx



HIGHLAND GARDENS PLANNED DEVELOPMENT DISTRICT (HGARDPD) DEVELOPMENT STANDARDS

The general development standards are as follows:

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

Minimum Fencing:

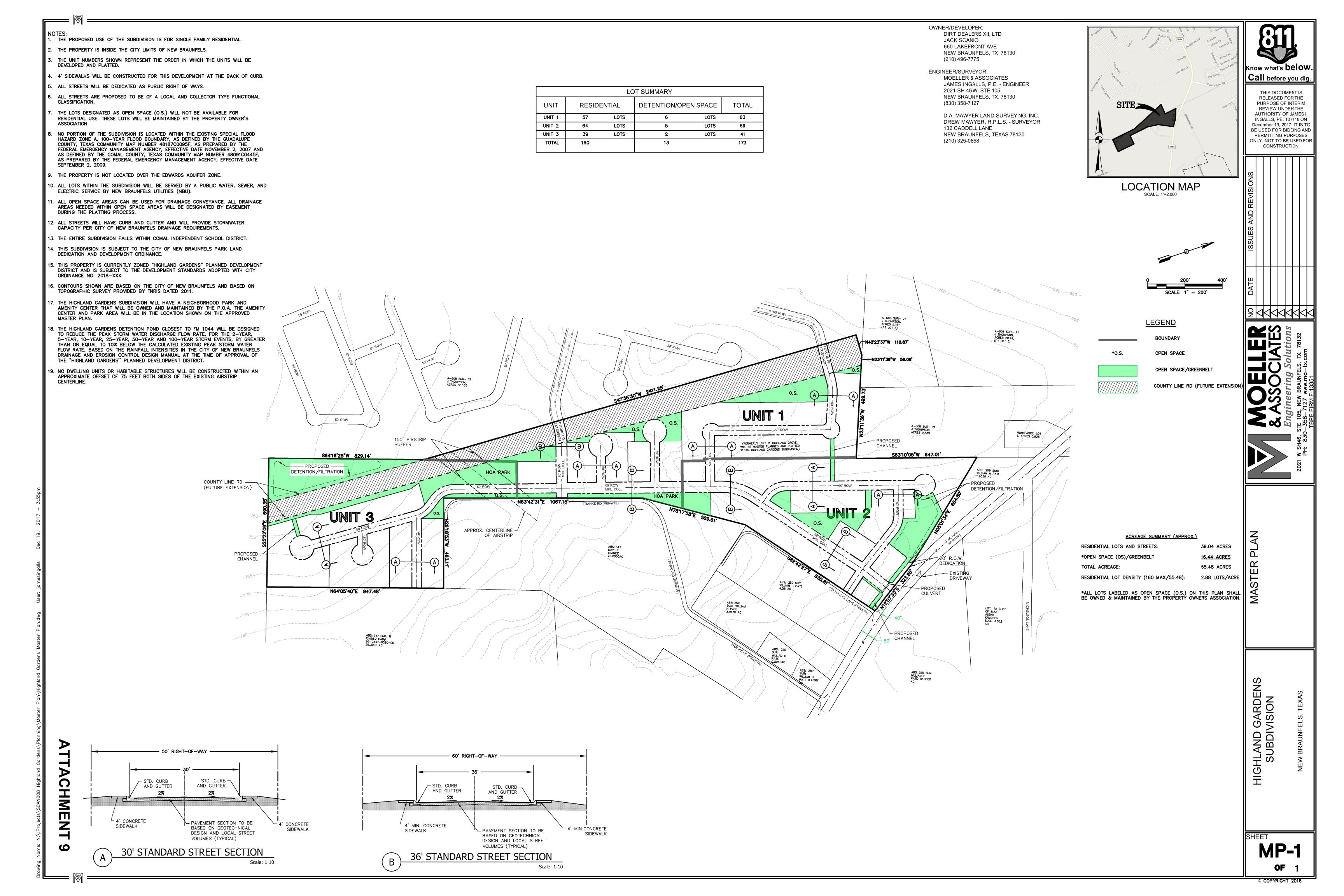
- 6 ft. masonry wall/fence adjacent to single family residences abutting future FM 1044 extensions are required.
- Installation of a solid screening fence or wall is required to be installed by the developer along open spaces and by the developer and/or home builder along residential lots where adjacent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

Airstrip Buffer:

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

<u>Drainage:</u>

- The Highland Gardens detention pond closest to FM 1044 will be designed to reduce the peak storm water discharge flow rate, for the 2 yr, 5yr, 10yr, 25 yr, 50 yr and 100 yr storm events, by greater than or equal to 10% below the calculated existing peak storm water flow rate, based on the rainfall intensities in the current City of New Braunfels Drainage and Erosion Control Design Manual at the time of the approval of this PDD.
 - *All remaining standards not listed above will be based on R-1A-6.6 zoning.



- 3.5. Planned Development Districts.
- 3.5-1. Purpose: The planned development district is a free-standing district designed to provide for the development of land as an integral unit for single or mixed uses in accordance with a plan that may vary from the established regulations of other zoning districts. It is the intent in such a district to insure compliance with good zoning practices while allowing certain desirable departures from the strict provisions of specific zoning classifications.
- 3.5-2. *Application:* An application for a planned development district shall be processed in accordance with this Chapter. A pre-planning conference is required between the applicant and the Planning Director prior to the actual filing of the application.
- 3.5-3. *Base District.* A base zoning district shall be specified. The regulations in the base zoning district shall control unless specifically stated otherwise in the PD.
- 3.5-4. *District plans and requirements:* There are two types of plans that may be used in the planned development process. The general purpose and use of each plan is described as follows:
 - (a) Concept plan. This plan is intended to be used as the first step in the planned development process. It establishes the most general guidelines for the district by identifying the land use types, development standards, approximate road locations and project boundaries and illustrates the integration of these elements into a master plan for the whole district.
 - (b) Detail plan. The detail plan is the final step of the planned development process. It contains the details of development for the property. For smaller tracts or where final development plans are otherwise known, the detail plan may be used to establish the district and be the only required step in the planned development process.
- 3.5-5. Concept plan requirements: Said concept plan shall include the following:
 - (a) Relation to the comprehensive plan. A general statement setting forth how the proposed district will relate to the city's comprehensive plan and the degree to which it is or is not consistent with that plan and the proposed base zoning district.
 - (b) Acreage. The total acreage within the proposed district.
 - (c) Survey. An accurate survey of the boundaries of the district.
 - (d) Land uses. Proposed general land uses and the acreage for each use, including open space. For residential development, the total number of units and the number of units per acre.
 - (e) General thoroughfare layout. Proposed streets, as a minimum to arterial street level. (Showing collector and local streets is optional.)
 - (f) Development standards. Development standards, if different from the base zoning district, for each proposed land use, as follows:
 - (1) Minimum lot area.
 - (2) Minimum lot width and depth.
 - (3) Minimum front, side, and rear building setback areas.
 - (4) Maximum height of buildings.
 - (5) Maximum building coverage.
 - (6) Maximum floor to area ratios for nonresidential uses.
 - (7) Minimum parking standards for each general land use.
 - (8) Other standards as deemed appropriate.
 - (g) Existing conditions. On a scaled map sufficient to determine detail, the following shall be shown for the area within the proposed district.
 - (1) Topographic contours of ten feet or less.

- (2) Existing streets.
- (3) Existing 100-year floodplain, floodway and major drainage ways.
- (4) City limits and E.T.J. boundaries.
- (5) Zoning districts within and adjacent to the proposed district.
- (6) Land use.
- (7) Utilities, including water, wastewater and electric lines.
- 3.5-6. *Detail plan requirements:* The application for a planned development district shall include a detail plan consistent with the concept plan. Said detail plan shall include the following:
 - (a) Acreage. The acreage in the plan as shown by a survey, certified by a registered surveyor.
 - (b) Land uses. Permitted uses, specified in detail, and the acreage for each use.
 - (c) Off-site information. Adjacent or surrounding land uses, zoning, streets, drainage facilities and other existing or proposed off-site improvements, as specified by the department, sufficient to demonstrate the relationship and compatibility of the district to the surrounding properties, uses, and facilities.
 - (d) Traffic and transportation. The location and size of all streets, alleys, parking lots and parking spaces, loading areas or other areas to be used for vehicular traffic; the proposed access and connection to existing or proposed streets adjacent to the district; and the traffic generated by the proposed uses.
 - (e) Buildings. The locations, maximum height, maximum floor area and minimum setbacks for all nonresidential buildings.
 - (f) Residential development. The numbers, location, and dimensions of the lots, the minimum setbacks, the number of dwelling units, and number of units per acre (density).
 - (g) Water and drainage. The location of all creeks, ponds, lakes, floodplains or other water retention or major drainage facilities and improvements.
 - (h) *Utilities*. The location and route of all major sewer, water, or electrical lines and facilities necessary to serve the district.
 - (i) Open space. The approximate location and size of greenbelt, open, common, or recreation areas, the proposed use of such areas, and whether they are to be for public or private use.
 - (j) Sidewalks and bike paths. Sidewalks or other improved ways for pedestrian or bicycle use.
 - (k) If multifamily or non-residential development, a landscape plan.

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

- 3.5-7. *Phasing schedule:* PD districts larger than 350 acres shall provide a phasing schedule depicting the different construction phases.
- 3.5-8. Approval of district: The City Council may, after receiving a recommendation from the Planning Commission, approve by Ordinance the creation of a district based upon a concept plan or a detail plan. The approved plan shall be made part of the ordinance establishing the district. Upon approval said change shall be indicated on the zoning maps of the city.

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

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

- 3.5-9. Planning Commission approval of detail plan: The Planning Commission is authorized to approve a detail plan or the amendment of a detail plan for property for which a concept plan has been approved by the City Council. If the City Council initially approved a detail plan in establishing the district, the detail plan may only be amended by the City Council. The approved detail plan shall be permanently filed in the Planning Department. The Planning Commission shall approve the detail plan if it finds that:
 - (a) Compliance. The plan complies with the concept plan approved for that property and the standards and conditions of the PD district;
 - (b) Compatibility. The plan provides for a compatible arrangement of buildings and land uses and would not adversely affect adjoining neighborhood or properties outside the plan; and
 - (c) Circulation of vehicular traffic. The plan provides for the adequate and safe circulation of vehicular traffic.

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

- 3.5-10. Expiration of detail plan: A detail plan shall be valid for five years from the date of its approval. If a building permit has not been issued or construction begun on the detail plan within the five years, the detail plan shall automatically expire and no longer be valid. The Planning Commission may, prior to expiration of the detail plan, for good cause shown, extend for up to 24 months the time for which the detail plan is valid.
- 3.5-11. Appeals from Planning Commission action: If the Planning Commission disapproves a detail plan over which it has final approval authority, or imposes conditions, or refuses to grant an extension of time for which a detail plan is valid, the applicant may appeal the decision to the City Council by filing a written request with the Planning Director within ten days of the decision.
- 3.5-12. Changes in detail plan: Changes in the detail plan shall be considered the same as changes in the zoning ordinance and shall be processed as required in Section 2.3. Those changes which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, floor area ratio, height, or coverage of the site, or which do not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site, as indicated on the approved detail plan, may be authorized by the Planning Director. Any applicant may appeal the decision of the Planning Director to the Planning Commission for review and decision as to whether an amendment to the Planned Development District ordinance shall be required.
- 3.5-13. *Minimum development size:* The total initial development of any Planned Development District shall not be less than two acres for nonresidential developments and five acres for residential developments.
- 3.5-14. *Deviation from code standards:* The City Council may approve a PD concept plan with deviations from any provision in the Code of Ordinances. Such deviations shall be listed or shown as part of the Ordinance that approves the concept plan.

Excerpt from the December 5, 2017 Planning Commission Regular Meeting

PZ-17-045: Public hearing and recommendation to City Council regarding a requested amendment to Ordinance No. 2017-43, the "Highland Gardens" Planned Development District Concept Plan, located on FM 1044, south of the Highland Grove Subdivision.

(Applicant: Moeller; Case Manager: M. Greene)

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

- 1. Incorporate an approved collector street layout into the Concept Plan prior to the City Council meeting.
- 2. Show and label the proposed open space areas on the Concept Plan
- 3. Remove the Development Standards Table from the Concept Plan
- 4. Remove the Relation to Comprehensive Plan Note from the Concept Plan

Chair Elrod asked if anyone wished to speak in favor.

No one spoke.

Chair Elrod asked if anyone wished to speak in opposition.

No one spoke.

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

Motion by Commissioner Laskowski, seconded by Vice Chair Edwards, to recommend approval to City Council regarding a requested amendment to Ordinance No. 2017-43, the "Highland Gardens" Planned Development District Concept Plan, located on FM 1044, south of the Highland Grove Subdivision, with Staff recommendations. Motion carried (8-0-0).

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS AMENDING ORDINANCE NO. 2017-43, THE "HIGHLAND GARDENS" PLANNED DEVELOPMENT DISTRICT CONCEPT PLAN; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of the "PDD" Planned Development District, the City Council has given due consideration to all components of said district; and

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

WHEREAS, the City Council desires to amend the "Highland Gardens" Planned Development District Concept Plan; **now**, **therefore**,

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

SECTION 1

THAT the Concept Plan adopted June 26, 2017 by Ordinance Number 2017-43, is hereby replaced with the following described Amending Concept Plan: "Being 55.48 acres as delineated on Exhibit 'A', attached."

SECTION 2

THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

SECTION 3

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

SECTION 4

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

SECTION 5

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

PASSED AND APPROVED: First Reading this the 8th day of January, 2018.

PASSED AND APPROVED: Second and Final Reading this the 22nd day of January, 2018.

	CITY OF NEW BRAUNFELS
	BARRON CASTEEL, Mayor
ATTEST:	
PATRICK D. ATEN, City Secretary	
APPROVED AS TO FORM:	
VALERIA M. ACEVEDO, City Attorney	

1. THE PROPOSED USE OF THE SUBDIVISION IS FOR SINGLE FAMILY RESIDENTIAL.

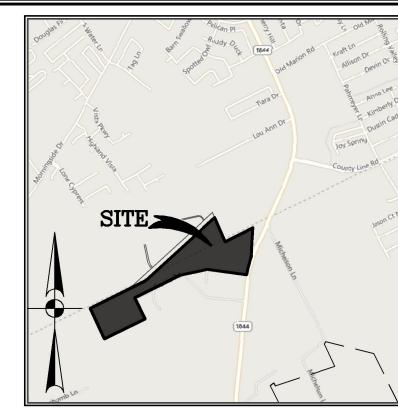
- 2. THE UNIT NUMBERS SHOWN REPRESENT THE ORDER IN WHICH THE UNITS WILL BE DEVELOPED AND PLATTED.
- 3. SIDEWALKS WILL BE CONSTRUCTED FOR THIS DEVELOPMENT.

R-1A-6.6, SINGLE FAMILY DISTRICT.

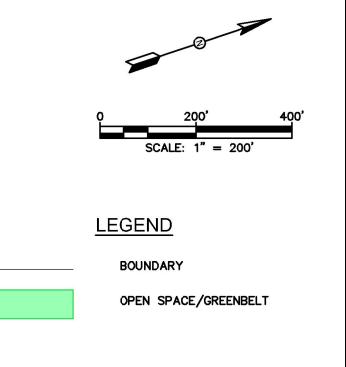
- 4. STREETS ARE PROPOSED TO BE OF A LOCAL TYPE, ARTERIAL, AND COLLECTOR FUNCTIONAL CLASSIFICATION.
- 5. THE LOTS DESIGNATED AS OPEN SPACE (0.S.) WILL NOT BE AVAILABLE FOR RESIDENTIAL USE. THESE LOTS WILL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER'S ASSOCIATION.
- 8. ALL LOTS WITHIN THE SUBDIVISION WILL BE SERVED BY NEW BRAUNFELS UTILITIES (NBU), A PUBLIC WATER AND SEWER SERVICE, AT&T FOR PHONE SERVICE, AND TIME WARNER CABLE.
- 6. ALL OPEN SPACE AREAS CAN BE USED FOR DRAINAGE CONVEYANCE.
- 7. ALL STANDARD CURB AND GUTTER WILL PROVIDE STORMWATER CAPACITY PER CITY OF NEW BRAUNFELS DRAINAGE REQUIREMENTS.
- 8. THE ENTIRE SUBDIVISION FALLS WITHIN COMAL INDEPENDENT SCHOOL DISTRICT. 9. BASE ZONING FOR HIGHLAND GARDENS PLANNED DEVELOPMENT DISTRICT IS
- 10. NO DWELLING UNITS OR HABITABLE STRUCTURES WILL BE CONSTRUCTED WITHIN AN APPROXIMATE OFFSET OF 75' BOTH SIDES OF THE EXISTING AIRSTRIP CENTERLINE.

MOELLER & ASSOCIATES 2021 SH 46 W. STE 105. NEW BRAUNFELS, TX. 78130 (830) 358-7127

> 132 CADDELL LANE NEW BRAUNFELS, TEXAS 78130 (210) 325-0858



LOCATION MAP

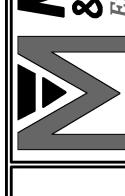


ACREAGE SUMMARY (APPROX.)

RESIDENTIAL LOTS AND STREETS: *OPEN SPACE (OS)/GREENBELT

16.44 ACRES

39.04 ACRES



Know what's below.

Call before you dig.

THIS DOCUMENT IS

RELEASED FOR THE

PURPOSE OF INTERIM

REVIEW UNDER THE AUTHORITY OF JAMES I.

INGALLS, PE. 107416 ON

December 19, 2017. IT IS TO

BE USED FOR BIDDING AND

PERMITTING PURPOSES

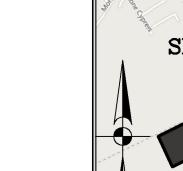
ONLY. NOT TO BE USED FOR

CONSTRUCTION.

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

ENGINEER/SURVEYOR: JAMES INGALLS, P.E. - ENGINEER

> D.A. MAWYER LAND SURVEYING, INC. DREW MAWYER, R.P.L.S. - SURVEYOR



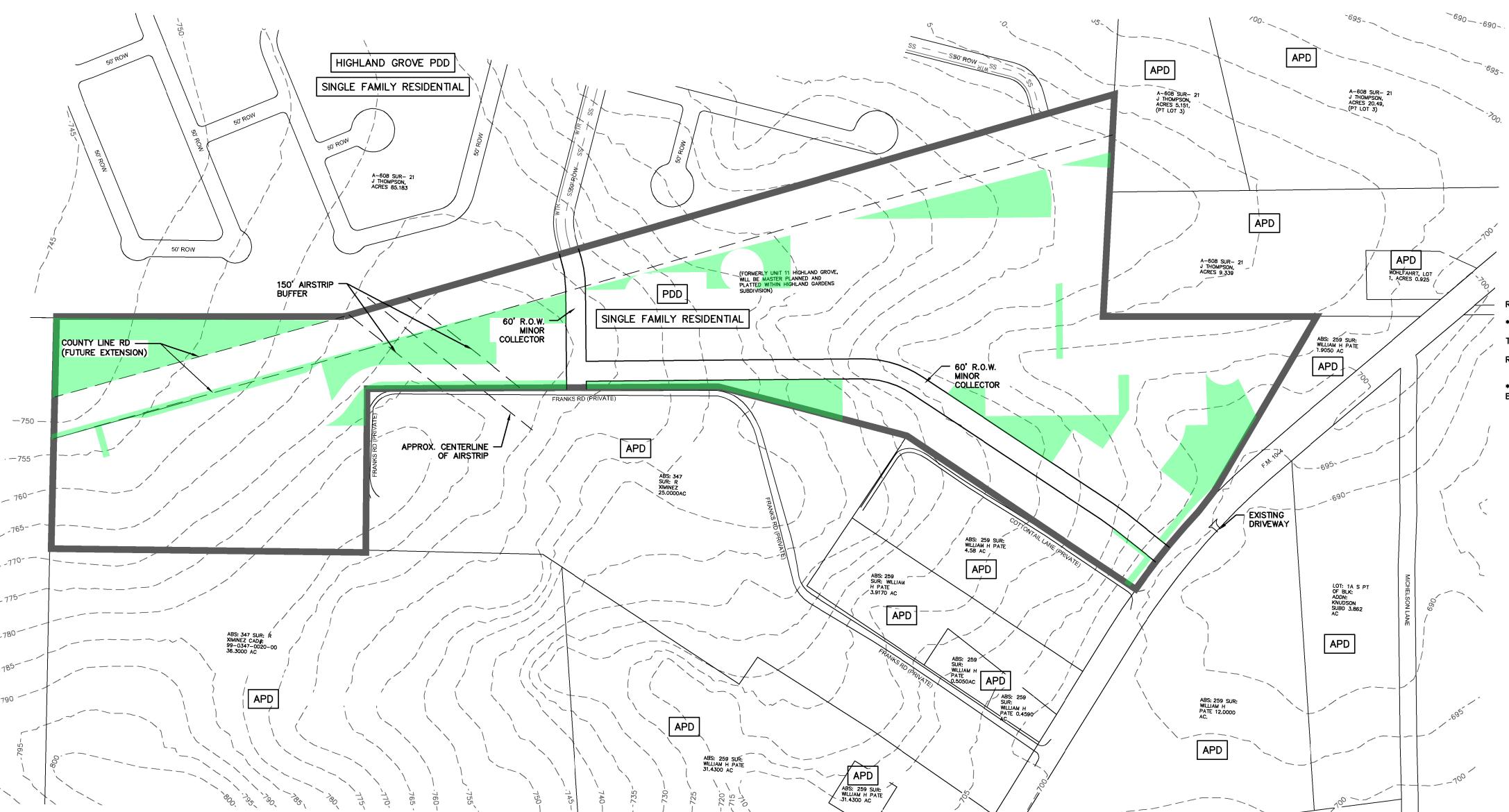
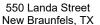


EXHIBIT 'A' HIGHLAND GARDENS AMENDING CONCEPT PLAN





City Council Agenda Item Report

1/8/2018

Agenda Item No. F)

Presenter

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

SUBJECT:

Public hearing and first reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow specific commercial uses on 2.937 acres out of the Sarah Dewitt Survey No. 48, Abstract No. 103, Guadalupe County, Texas, located at the southwest intersection of Klein Road and Klein Meadows in the "APD" Agricultural/Pre-Development District.

BACKGROUND / RATIONALE:

Case No.: PZ-17-047

Council District: 2

Owner/Applicant: New Leaf Homes, LLC (Fred Ghavidel, President)

6735 IH 10W, Ste 103 San Antonio, TX 78201

(210) 559-1888

Staff Contact: Matt Greene, Planner

(830) 221-4053

mgreene@nbtexas.org

The subject property is situated at the intersection of Klein Road and Klein Meadows. It was zoned "APD" Agricultural/Pre-Development District when annexed in 2007. The property was identified by the original developer as a commercial tract on the Legend Pond Master Plan, but was not included within the boundaries of the "Legend Pond" Planned Development (PD) Zoning District, which focused on single family residential. The subject property shares a boundary with New Braunfels Middle School which is zoned C-1B (General Business District).

In 2013, the original developer of the Legend Pond subdivision requested a zoning change on the subject property from APD to C-1A (Neighborhood Business District) with a Type 1 Special Use Permit (SUP) to allow: convenience store with fuel sales, automated car wash, and full-service car wash (detail shop). That request was denied by City Council.

In October of 2017, the applicant requested a zoning change on this property from APD to C-1A (no additional uses requested as part of an SUP); the Planning Commission recommended approval (5-0 -0). At the October 23, 2017 City Council meeting the applicant withdrew his request as several

residents from the nearby neighborhoods expressed concerns about some of the commercial uses allowed in C-1A.

In response to resident concerns, the applicant discussed further with the neighborhood representatives and then submitted a Type 1 SUP application requesting approval for specific commercial uses of the property. The list of his proposed uses was derived from the list of permitted C-1A uses, but with the removal of more intense uses based on his conversations with the neighborhood (see Attachment 7).

The Future Land Use Plan calls for Low Density Residential on the subject property and surrounding area. If the applicant's request is approved, Staff recommends a concurrent Future Land Use Plan amendment to Commercial with the second and final reading of the rezoning ordinance.

General Information:

Size: = 2.937

Surrounding Zoning and Land Use:

North - Across Klein Rd., outside City Limits / undeveloped agricultural land

South - Across Klein Meadows, "Legend Pond" PD / undeveloped, proposed for single family dwellings

East - Across Klein Meadows, C-1A and "Legend Pond" PD / undeveloped, proposed for commercial and single family dwellings

West - C-1B / NBISD Klein Road Elementary School

Comprehensive Plan/ Future Land Use Designation:

Open Space

Floodplain:

A small portion of the property is located in a Special Flood Hazard Area Zone A.

Regional Transportation Plan:

The section of Klein Road adjacent to the subject property is identified as a 94-foot wide Minor Arterial on the 2012 Regional Transportation Plan. The City has completed right-of-way acquisition in the immediate area for the Klein Road widening project called out in the 2103 Bond.

Klein Meadows is designated as a 60-foot wide Minor Collector. The right-of-way width of Klein Meadows currently meets or exceeds 60 feet and no additional right-of-way dedication will be required with platting.

Improvement(s):

None

Determination Factors:

In making a decision on rezoning, the following factors are to be considered:

- Whether the permitted uses will be appropriate in the immediate area and their relationship to the area and to the City as a whole (The subject property is located at the intersection of Klein Road, a Minor Arterial, and Klein Meadows, a Minor Collector. The proposed SUP uses are in keeping with the intent to allow less intense neighborhood-scale commercial uses near residential areas, while remaining consistent with the existing C-1A zoning of 3 other commercial tracts along Klein Road.);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (There do not appear to be any conflicts with these elements.)
- How other areas designated for similar development will be affected (The applicant's proposal is intended to complement those properties designated for similar development.)
- Any other factors that will substantially affect the public health, safety, morals, or general
 welfare (None as development of the property will be required to comply with adopted
 development standards intended to protect the public interest.) and
- Whether the request is consistent with the Comprehensive Plan. (The proposed use is not consistent with the Future Land Use designation of the subject site as Low Density Residential. If the rezoning request is approved, Staff recommends a concurrent Future Land Use Plan amendment to Commercial with the second and final reading of the ordinance by City Council.)

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

$\sqrt{}$	Yes	City Plan/Council Priority:	Pros: Objective 1A: Evaluate proposed zone
		2006 Comprehensive Plan	changes to maintain land use compatibility, as well as
		Pros and Cons Based on	the integration of mixed land uses as a component of
		Policies Plan	achieving better places to live. Objective 20G:
			Discourage incompatible uses from abutting
			residential areas.

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

At their December 5, 2017 regular meeting, the Planning Commission recommended approval of the applicant's request with Staff's recommendation for the future land use plan amendment (8-0-0).

STAFF RECOMMENDATION:

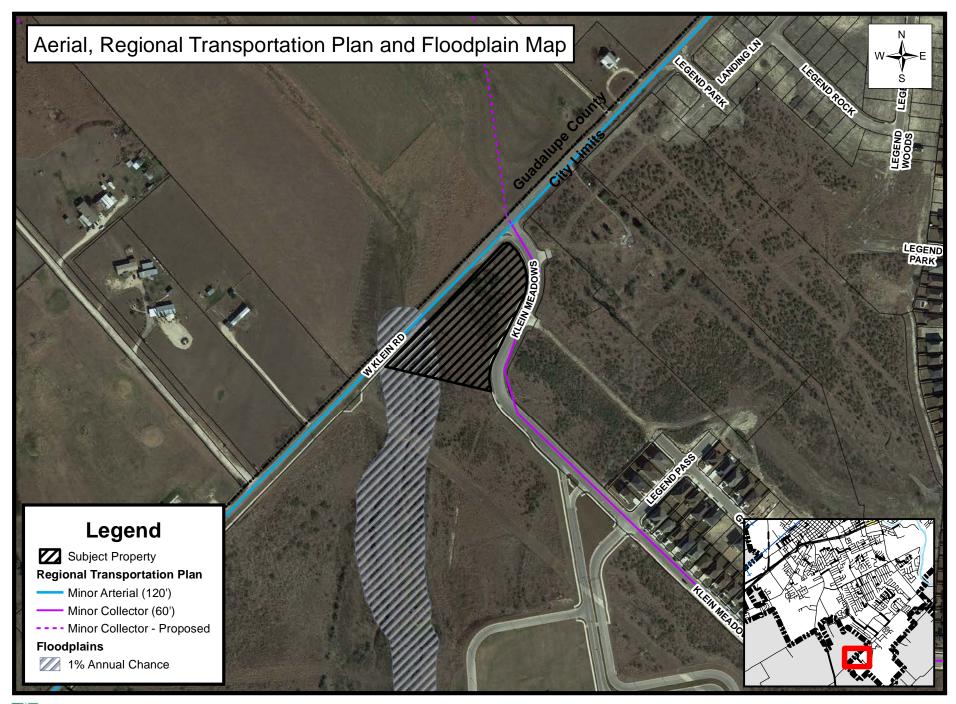
Staff recommends approval of the applicant's request. The subject property is located at the intersection of a Minor Arterial and Minor Collector and is adjacent to property zoned C-1B, as well as a C-1A tract across Klein Meadows. While there are presently no abutting residential uses, the requested SUP uses would offer neighborhood-scale commercial uses within walking distance of the nearby neighborhood. The proposed uses would also be consistent with existing commercially zoned pockets along Klein Road.

Staff also recommends a concurrent Future Land Use Plan amendment from Low Density Residential to Commercial with the second and final reading of the ordinance by City Council in order to ensure the zoning remains consistent with the Comprehensive Plan per state law.

Notification:

Public hearing notices were sent to 2 owners of property within 200 feet of the request and inside the City Limits. The Planning and Community Development Department has received one response in favor (#2) and none opposed.

- 1. Aerial, Regional Transportation Plan and Floodplain Map
- 2. Application
- 3. Zoning and Land Use Maps
- 4. Notification List, Notification Map and Notification Responses
- 5. Photographs
- 6. Proposed List of SUP Uses
- 7. Comparison of C-1A and Proposed SUP Uses
- 8. Sec. 3.6 Special Use Permits
- 9. Excerpt of Minutes from the December 5, 2017 Planning Commission regular meeting
- 10. Ordinance





APPLICATION FOR A ZONING CHANGE

(830) 221-4050

Case Number: ____

Planning and Community Development 550 Landa Street, New Braunfels, TX 78130 www.nbtexas.org PLANNING

1. Applicant - If owner(s), so state; If agent or other type of relationship, a letter of authorization must be furnished from owner(s) at the time submitted.		
	Name: New Leaf Homes, LLc (Fred Ghavidel, Pres.)	
	Mailing Address: 6735 IH-10 West, Ste 103, San Antonio, TEXAS 78201	
	Telephone: 210-559-1888 Fax: Mobile:	
	Email: fred@newleafhomes.com	
2.	Property Address/Location: West Klein Rd (CR-368) CoNB, Guadalupe County	
3.	Legal Description: Sarah Dewitt Survey No103, Abst No58 Vol1652/Pq667	
	Name of Subdivision: Legend Pond-Legend Meadows Subdivision	
	Lot(s): Block(s): Acreage: 3.14 ac	
4.	Existing Use of Property: Zoned APD (Undeveloped)	
5.	Proposed Use of Property (attach additional or supporting information if necessary):	
	Zoned APD (Special Use Permit) ~ See attached documentation	
6.	Zoning Change Request: Current Zoning: APD Proposed Zoning: APD- (SUP)	
	For "PDD Planned Development District", check if: Concept Plan ☒ OR Detail Plan ☐	
7.	Reason for request (please explain in detail and attach additional pages if needed):	
	To develop for use due to Multiple Residential Subdivisions in area	
8.	COUNTY: COMAL AGUADALUPE - SCHOOL DIST: CISD AND OTHER	
ř.	Metes and bounds description and survey if property is not platted. 3 TIA worksheets and 2 Traffic Impact Analysis if required. Location in 100-year floodplain: Please provide a map of the floodplain overlaying the property proposed for zoning or, at a minimum, a copy of the proper FEMA flood map, with panel number. (Current floodplain maps are those most recently adopted by the City Council.) Map of property in relation to City limits/major roadways or surrounding area. If requesting a Planned Development (PD), applicant must provide 17 development standards on the detail plan and/or provide the standards in a separate document as described in the Zoning Ordinance, Section 3.5; Provide 17 copies of the standards and Concept plan (1":200") for distribution; 4 copies of the survey (1":200") (if preparing revisions to existing Planned Development (PD) please provide one legible 11x17). Copy of deed showing current ownership. Mailed notificationx 2.15 each = Newspaper Notice 115.00 each Future Land Use Plan Update \$500.00 The undersigned hereby requests rezoning of the above described property as indicated.	
Signati	For Office Use Only	
Fee	Received By: Amount: 8 690, Page Receipt No.: 242 76	
Date	Received: 8-4-17 Zoning signs issued: Q Date: 9:18-17 No.:	
Cash	n/Check Number: Nex (and Case Number: P2-17-047	

Seda Consulting Engineers, Inc. 6735 I.H. 10 West San Antonio, TX 78201

E-MAIL:seda@satx.rr.com

FAX:

Phone: (210) 308-0057

(210) 308-8842

Date: October 25, 2017

To: Mr.Matt Greene, CFM

Planning and Community Development

City of New Braunfels 550 Landa Street

New Braunfels, Texas 78130

Re: Comprehensive list for (SUP) Zoning request for Legend Meadow Subdivision

Dear Mr Greene,

Under Sec, 144-3.4-12 "C-1A" neighborhood business district, below please find the authorized Non-residential uses. We have noted and stricken the non-residential uses for which we would not like to be considered for use under our proposed zoning change for the current "APD" use, they are as follows;

Accounting, auditing, bookkeeping, and tax preparations.

Adult day care (no overnight stay).

Adult day care (with overnight stay).

Amusement devices/arcade (four or more devices). (TO BE REMOVED FOR ALLOWABLE USE)

Animal grooming shop.

Answering and message services.

Antique shop.

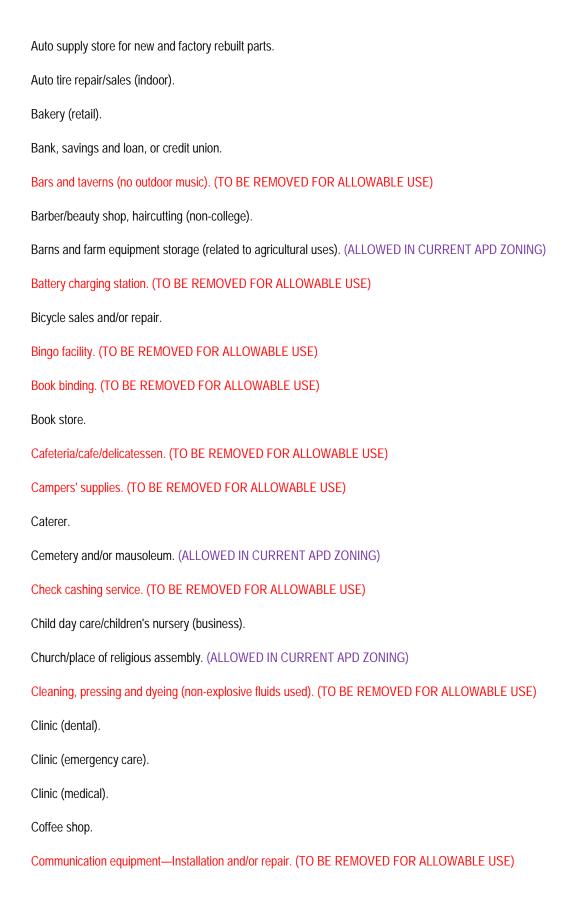
Appliance repair. (TO BE REMOVED FOR ALLOWABLE USE)

Armed services recruiting center.

Art dealer/gallery.

Artist or artisan's studio.

Auto leasing. (TO BE REMOVED FOR ALLOWABLR USE)



	Computer and electronic sales.
	Computer repair.
	Confectionery store (retail).
	Consignment shop.
С	Contractor's temporary on-site construction office (only with permit from building official; see section 144-5.10). (ALLOWED IN URRENT APD ZONING)
	Convenience store without fuel sales. (TO BE REMOVED FOR ALLOWABLE USE)
	Credit agency. (TO BE REMOVED FOR ALLOWABLE USE)
	Curio shops.
	Custom work shops.
	Department store. (TO BE REMOVED FOR ALLOWABLE USE)
	Drapery shop/blind shop.
	Drug sales/pharmacy.
	Electrical repair shop.
	Electrical substation.
	Farms, general (crops) (see <u>chapter 6</u> and <u>section 144-5.9</u>). (ALLOWED IN CURRENT APD ZONING)
	Farms, general (livestock/ranch) (see chapter 6 and section 144-5.9). (ALLOWED IN CURRENT APD ZONING)
	Florist.
	Food or grocery store without fuel sales (50,000 square feet or less). (TO BE REMOVED FOR ALLOWABLE USE)
	Frozen food storage for individual or family use. (TO BE REMOVED FOR ALLOWABLE USE)
	Garden shops and greenhouses.
	Golf course (public or private). (ALLOWED IN CURRENT APD ZONING)
	Governmental building or use. (ALLOWED IN CURRENT APD ZONING)
	Greenhouse (commercial). (TO BE REMOVED FOR ALLOWABLE USE)
	Handicraft shop.
	Hardware store.

Health club (physical fitness; indoors only). Heating and air-conditioning sales/services. (TO BE REMOVED FOR ALLOWABLE USE) Hospital, rehabilitation. Kiosk (providing a retail service). (TO BE REMOVED FOR ALLOWABLE USE) Laundromat and laundry pickup stations. Laundry/dry cleaning (drop off/pick up). Laundry/washateria (self serve). (TO BE REMOVED FOR ALLOWABLE USE) Lawnmower sales and/or repair. (TO BE REMOVED FOR ALLOWABLE USE) Locksmith. (TO BE REMOVED FOR ALLOWABLE USE) Martial arts school. Museum. Needlework shop. Nursing/convalescent home/sanitarium. (TO BE REMOVED FOR ALLOWABLE USE) Offices, brokerage services. Offices, business or professional. Offices, computer programming and data processing. Offices, consulting. Offices, engineering, architecture, surveying or similar. Offices, health services. Offices, insurance agency. Offices, legal services, including court reporting. Offices, medical offices. Offices, real estate. Offices, security/commodity brokers, dealers, exchanges and financial services. Park and/or playground (private or public).

	Parking lots (for passenger car only) (not as incidental to the main use). (TO BE REMOVED FOR ALLOWABLE USE)
	Parking structure/public garage. (TO BE REMOVED FOR ALLOWABLE USE)
	Pawn shop. (TO BE REMOVED FOR ALLOWABLE USE)
	Pet shop/supplies (10,000 square feet or less).
	Photographic printing/duplicating/copy shop or printing shop.
	Photographic studio (no sale of cameras or supplies).
	Photographic supply.
	Plant nursery.
	Plant nursery (retail sales/outdoor storage).
	Public recreation/services building for public park/playground areas.
	Quick lube/oil change/minor inspection. (TO BE REMOVED FOR ALLOWABLE USE)
	Radio/television shop, electronics, computer repair.
	Recreation buildings (private or public).
	Recycling kiosk.
	Refreshment/beverage stand.
	Restaurant.
	Restaurant/prepared food sales with drive-throughs. (TO BE REMOVED FOR ALLOWABLE USE)
Al	Retail store and shopping center with drive-through service (50,000 square foot building or less). (TO BE REMOVED FOR LLOWABLE USE)
Al	
Al	LLOWABLE USE)
Al	Retirement home/home for the aged.
Al	Retirement home/home for the aged. School, K-12 (public or private).
Al	Retirement home/home for the aged. School, K-12 (public or private). School, vocational (business/commercial trade).
Al	Retirement home/home for the aged. School, K-12 (public or private). School, vocational (business/commercial trade). Security monitoring company.

Specialty shops in support of project guests and tourists.

Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.).

Tailor shop.

Telemarketing agency. (TO BE REMOVED FOR ALLOWABLE USE)

Telephone exchange buildings (office only). (TO BE REMOVED FOR ALLOWABLE USE)

Theater (non-motion picture; live drama).

Tool rental. (TO BE REMOVED FOR ALLOWABLE USE)

Travel agency.

University or college (public or private).

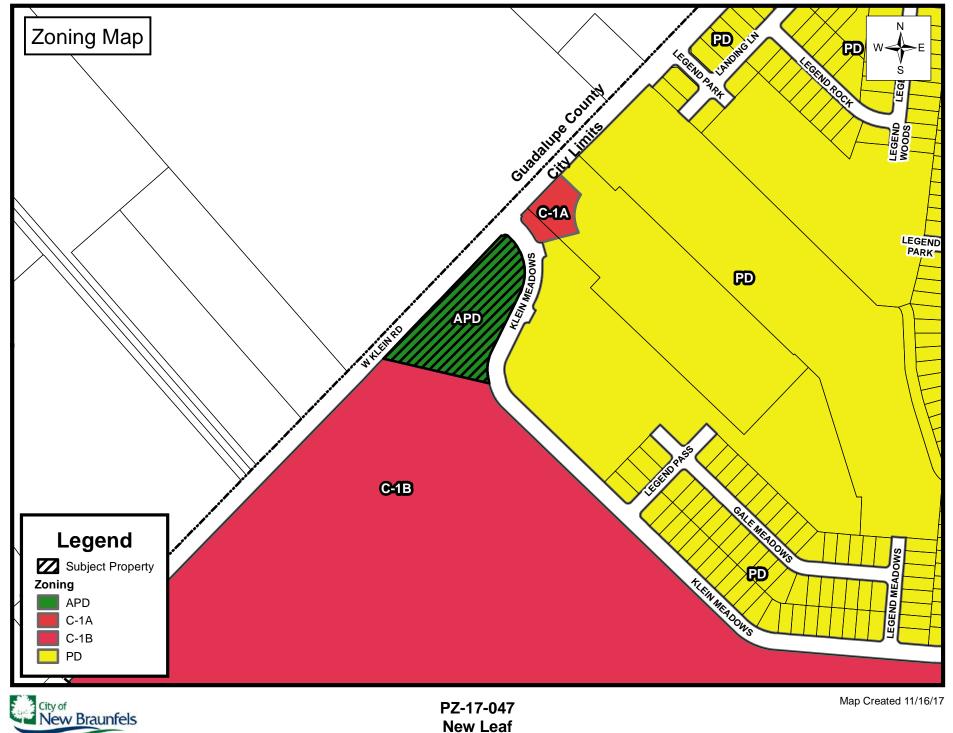
Vacuum cleaner sales and repair. (TO BE REMOVED FOR ALLOWABLE USE)

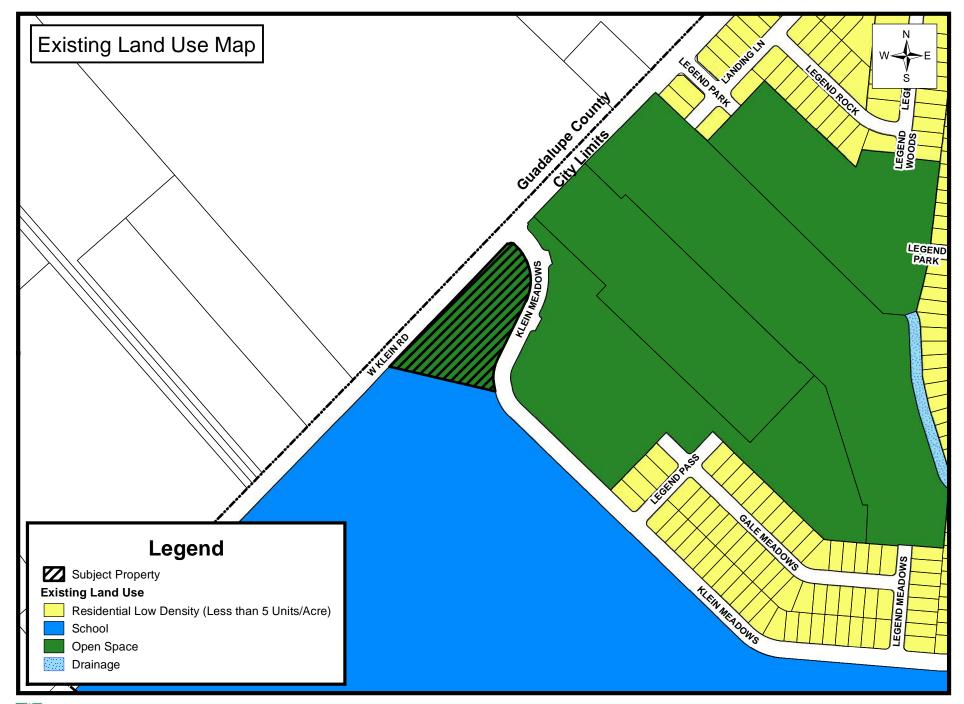
Veterinary hospital (no outside animal runs or kennels).

Video rental/sales. (TO BE REMOVED FOR ALLOWABLE USE)

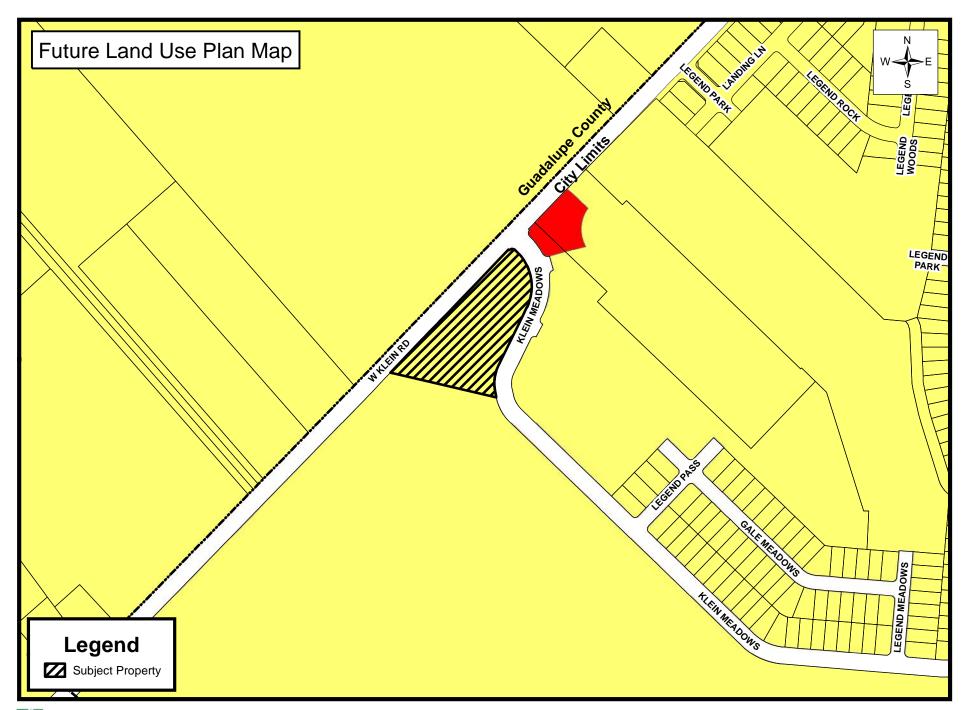
Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system. (ALLOWED IN CURRENT APD ZONING)

Woodworking shop (ornamental).

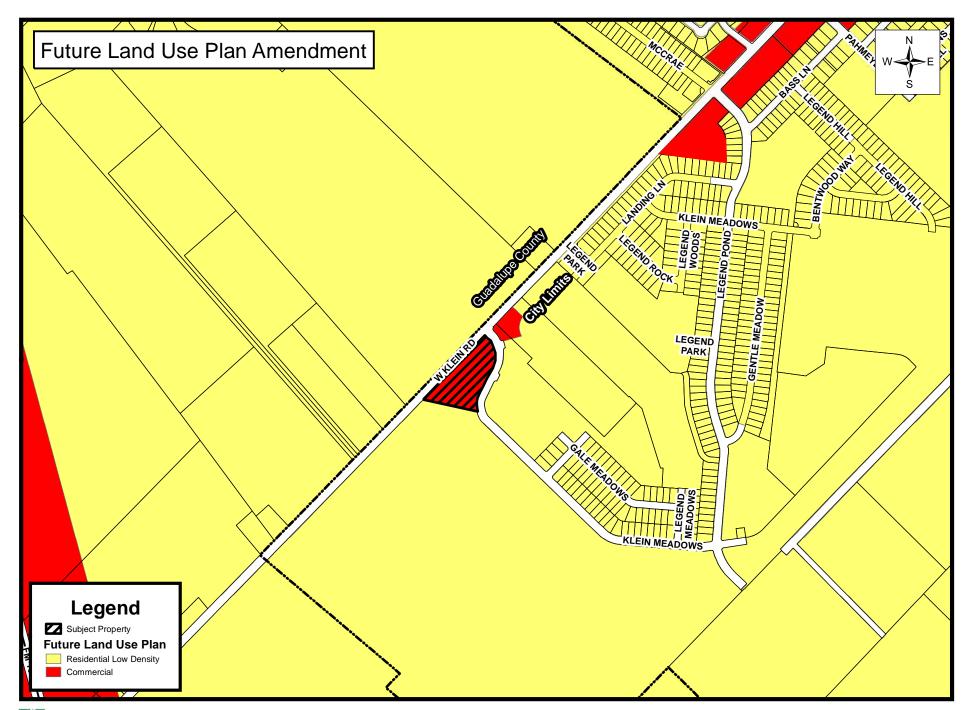














PLANNING COMMISSION - December 5, 2017 - 6:00PM

New Braunfels Municipal Building, Council Chambers

Applicant: New Leaf Homes, LLC (Fred Ghavidel)

Property Location: 2.937 acres of land located at the southwest intersection of Klein Road

and Klein Meadow

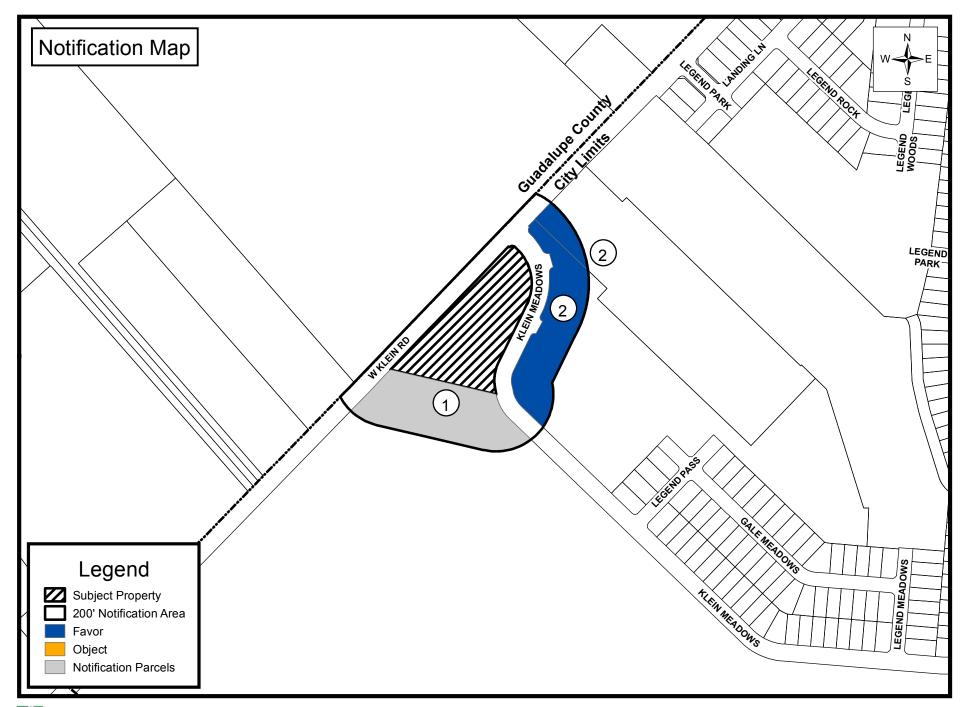
PROPOSED REZONING - CASE #PZ17-047

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. New Braunfels Independent School District

2. New Leaf Homes, LLC

SEE MAP





YOUR OPINION MATTERS - DETAC	H AND RETURN
Case: #PZ17-047 (New Leaf Homes, LLC) MG) Date Sent: 11/17/17	
Name: Newloof Homes L.L.C. Address: 6735 IH-10 West ste 103.5A.T.	I favor:
Address: 6735 IH-10 West ste 103 S.A. T.	٠,
Property number on map: 2 & 2	l object:
Comments: (Use additional sheets if necessary)	(State reason for objection)

Signature









Proposed list of permitted uses for (SUP) Zoning request

Accounting, auditing, bookkeeping, and tax

preparations.

Adult day care (no overnight stay).

Adult day care (with overnight stay).

Animal grooming shop.

Answering and message services.

Antique shop.

Armed services recruiting center.

Art dealer/gallery.

Artist or artisan's studio.

Auto supply store for new and factory rebuilt parts.

Auto tire repair/sales (indoor).

Bakery (retail).

Bank, savings and loan, or credit union.

Barber/beauty shop, haircutting (non-college).

Barns and farm equipment storage (related to agricultural uses). (ALLOWED IN CURRENT APD ZONING)

Bicycle sales and/or repair.

Book store.

Caterer.

Cemetery and/or mausoleum. (ALLOWED IN **CURRENT APD ZONING)**

Child day care/children's nursery (business).

Church/place of religious assembly. (ALLOWED IN CURRENT APD ZONING)

Clinic (dental).

Clinic (emergency care).

Clinic (medical).

Coffee shop.

Computer and electronic sales.

Computer repair.

Confectionery store (retail).

Consignment shop.

Contractor's temporary on-site construction office (only with permit from building official; see section 144-5.10). (ALLOWED IN CURRENT APD ZONING)

Curio shops.

Custom work shops.

Drapery shop/blind shop.

Drug sales/pharmacy.

Electrical repair shop.

Electrical substation.

Farms, general (crops) (see chapter 6 and section 144-5.9). (ALLOWED IN CURRENT APD ZONING)

Farms, general (livestock/ranch) (see chapter 6 and section 144-5.9). (ALLOWED IN CURRENT APD ZONING)

Florist.

Garden shops and greenhouses.

Golf course (public or private). (ALLOWED IN **CURRENT APD ZONING)**

Governmental building or use. (ALLOWED IN **CURRENT APD ZONING)**

Handicraft shop.

Hardware store.

Health club (physical fitness; indoors only).

Hospital, rehabilitation.

Laundromat and laundry pickup stations.

Laundry/dry cleaning (drop off/pick up).

Museum.

Needlework shop.

Offices, brokerage services.

Offices, business or professional.

Offices, computer programming and data processing.

Offices, consulting.

Offices, engineering, architecture, surveying or similar.

Offices, health services.

Offices, insurance agency.

Offices, legal services, including court reporting.

Offices, medical offices.

Offices, real estate.

Offices, security/commodity brokers, dealers, exchanges and financial services.

Park and/or playground (private or public).

Pet shop/supplies (10,000 square feet or less).

Photographic printing/duplicating/copy shop or printing shop.

Photographic studio (no sale of cameras or supplies).

Photographic supply.

Plant nursery.

Plant nursery (retail sales/outdoor storage).

Public recreation/services building for public park/playground areas.

Radio/television shop, electronics, computer repair.

Recreation buildings (private or public).

Recycling kiosk.

Refreshment/beverage stand.

Restaurant.

Retirement home/home for the aged.

School, K-12 (public or private).

School, vocational (business/commercial trade). Security monitoring company.

Security systems installation company.

Shoe repair shops.

Shopping center.

Specialty shops in support of project guests and tourists.

Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.).

Tailor shop.

Theater (non-motion picture; live drama).

Travel agency.

University or college (public or private).

Veterinary hospital (no outside animal runs or kennels).

Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal

COMPARISON OF C-1A & PROPOSED SUP USES

	*denotes uses not permitted with SUP	
	C-1A	SUP
	Residential uses:	Residential uses:
*	Accessory building/structure	N/A
	Assisted living facility/retirement home	
	Bed and breakfast inn (see Sec. 5.5)	
*	Community home (see definition)	
	Hospice	<u>n</u>
	·	
	Non-residential uses:	Non-residential uses:
	Accounting, auditing, bookkeeping, tax prep	Accounting, auditing, bookkeeping, tax prep
	Adult day care (no overnight stay)	Adult day care (no overnight stay)
	Adult day care (with overnight stay)	Adult day care (with overnight stay)
	Amusement devices/arcade (four or more devices)	
*		
	Animal grooming shop	Animal grooming shop
	Answering and message services	Answering and message services
	Antique shop	Antique shop
*	Appliance repair	
	Armed services recruiting center	Armed services recruiting center
	Art dealer / gallery	Art dealer / gallery
	Artist or artisan's studio	Artist or artisan's studio
*	Auto leasing	
	Auto supply store for new and factory rebuilt parts	Auto supply store for new and factory rebuilt parts
		And the second of the land
	Auto tire repair /sales (indoor)	Auto tire repair /sales (indoor)
	Bakery (retail)	Bakery (retail) Bank, savings and loan, or credit union
	Bank, savings and loan, or credit union	Barber/beauty shop, haircutting (non-college)
	Barber/beauty shop, haircutting (non-college)	
	Barns and farm equipment storage	Barns and farm equipment storage
*	Battery station	buttis and farm equipment storage
	Bicycle sales and/or repair	Bicycle sales and/or repair
*	Bingo facility	
	Book binding	
	Book store	Book store
*	Cafeteria / café / delicatessen	18
*	Campers' supplies	
	Caterer	Caterer
	Cemetery and/or mausoleum	Cemetery and/or mausoleum
*	Check cashing service	
	Child day care/children's nursery (business)	Child day care/children's nursery (business)
	Church/place of religious assembly	Church/place of religious assembly
	Cleaning, pressing, dyeing (non-explosive fluids)	Cleaning, pressing, dyeing (non-explosive fluids)
	Clinic (dental)	Clinic (dental)
	Clinic (emergency care)	Clinic (emergency care)
	Clinic (medical)	Clinic (medical)
	Coffee shop	Coffee shop
	Communication equipment - installation and/or repair	
*		

Computer and electronic sales

Computer repair

Confectionery store (retail)

Consignment shop

Contractor's temporary on-site construction office

- * Convenience store without gas sales
- * Credit agency

Curio shops

Custom work shops

* Department store

Drapery shop / blind shop

Drug sales/pharmacy

Electrical repair shop

Electrical substation

Farms, general (crops)

Farms, general (livestock/ranch)

Florist

- * Food/grocery store no gasoline sales (≤ 50,000 sf)
- * Frozen food storage for individual or family use

Garden shops and greenhouses

Golf course (public or private)

Governmental building or use

* Greenhouse (commercial)

Handicraft shop

Hardware store

Health club (physical fitness; indoors only)

* Heating and air-conditioning sales / services

Hospital, rehabilitation

- Kiosk (providing a retail service)
 Laundromat and laundry pickup stations
 Laundry/dry cleaning (drop off/pick up)
- * Laundry/washateria (self serve)
- * Lawnmower sales and/or repair
- Locksmith
- Martial arts school
- * Municipal use

Museum

Needlework shop

* Nursing/convalescent home/sanitarium

Offices, brokerage services

Offices, business or professional

Offices, computer programming and data processing

Offices, consulting

Offices, engineering, architecture, surveying

Offices, health services

Offices, insurance agency

Offices, legal services - including court reporting

Offices, medical offices

Offices, real estate

Offices, brokers, dealers, financial services

Computer and electronic sales

Computer repair

Confectionery store (retail)

Consignment shop

Contractor's temporary on-site construction office

Curio shops

Custom work shops

Drapery shop / blind shop

Drug sales/pharmacy

Electrical repair shop

Electrical substation

Farms, general (crops)

Farms, general (livestock/ranch)

Florist

Garden shops and greenhouses

Golf course (public or private)

Governmental building or use

Handicraft shop

Hardware store

Health club (physical fitness; indoors only)

Hospital, rehabilitation

Laundromat and laundry pickup stations
Laundry/dry cleaning (drop off/pick up)

Museum

Needlework shop

Offices, brokerage services

Offices, business or professional

Offices, computer programming and data processing

Offices, consulting

Offices, engineering, architecture, surveying

Offices, health services

Offices, insurance agency

Offices, legal services - including court reporting

Offices, medical offices

Offices, real estate

Offices, brokers, dealers, financial services

Park and/or playground (private) Park and/or playground (private) Park and/or playground (public) Park and/or playground (public) Parking lots (for passenger car only) (not as incidental to the main use) Parking structure / public garage Pawn shop Pet shop / supplies (10,000 sq. ft. or less) Pet shop / supplies (10,000 sq. ft. or less) Photographic duplicating/copy shop or printing shop Photographic duplicating/copy shop or printing shop Photographic studio (no sale of cameras or supplies) Photographic studio (no sale of cameras or supplies) Photographic supply Photographic supply Plant nursery Plant nursery Plant nursery (retail sales / outdoor storage) Plant nursery (retail sales / outdoor storage) Public recreation/services building/playground areas Public recreation/services building/playground areas Quick lube/oil change/minor inspection Radio/television shop, electronics, computer repair Radio/television shop, electronics, computer repair Recreation buildings (private) Recreation buildings (private) Recreation buildings (public) Recreation buildings (public) Recycling kiosk Recycling kiosk Refreshment/beverage stand Refreshment/beverage stand Restaurant Restaurant Restaurant/prepared food sales Retail store and shopping center w/o drive thru (<50,000 sf) Retirement home / home for the aged Retirement home / home for the aged School, K-12 (public or private) School, K-12 (public or private) School, vocational (business/commercial trade) School, vocational (business/commercial trade) Security monitoring company Security systems installation company Security systems installation company Shoe repair shops Shoe repair shops Shopping center Shopping center Specialty shops in suppport of guests and tourists Specialty shops in suppport of guests and tourists Studios (art, dance, music, drama, reducing, photo, Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.) interior decorating, etc.) Tailor shop Tailor shop Telemarketing agency Telephone exchange buildings (office only) Theater (non-motion picture; live drama) Theater (non-motion picture; live drama) Tool rental Travel agency Travel agency Truck garden (no retail sales) Truck garden (no retail sales) University or college (public or private) University or college (public or private) Vacuum cleaner sales and repair Veterinary hospital (no outside runs or kennels) Veterinary hospital (no outside runs or kennels) Video rental / sales Water storage, wells, pump stations public or muni Water storage, wells, pump stations public or muni system system

Woodworking shop (ornamental)

- 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:

- 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;
- 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 developmentgenerated 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.

Excerpt from the December 5, 2017 Planning Commission Regular Meeting

PZ-17-047: Public hearing and recommendation to City Council regarding the proposed rezoning to apply a Special Use Permit to allow specific commercial uses on 2.937 acres located at the southwest intersection of Klein Road and Klein Meadows in the "APD" Agricultural/Pre-Development District.

(Applicant: Ghadivel: Case Manager: M. Greene)

Mr. Greene presented the Staff report and recommended approval, with a recommendation for a concurrent Future Land Use Plan amendment from Low Density Residential to Commercial with the second and final reading of the ordinance by City Council.

Commissioner Bearden requested clarification regarding the previous denial from City Council.

Mr. Greene clarified it was recommended the applicant request a Special Use Permit.

Discussion followed regarding alcohol sales.

Chair Elrod asked if anyone wished to speak in favor.

Sarah Ward, 4235 Klein Meadows, wished to speak in favor. She expressed gratitude to the developers for working with the neighborhood. She described commercial uses the neighborhood had been previously concerned by.

Jerry Feagans, 254 Logans Way, a representative for the applicant, wished to speak in favor. He described the process of selecting the uses requested in the Special Use Permit.

Chair Elrod asked if anyone wished to speak in opposition.

No one spoke.

Motion by Vice Chair Edwards, seconded by Commissioner Nolte, to close the public hearing. The motion carried (8-0-0).

Motion by Vice Chair Edwards, seconded by Commissioner Hoyt, to recommend approval to City Council regarding the proposed rezoning to apply a Special Use Permit to allow specific commercial uses on 2.937 acres located at the southwest intersection of Klein Road and Klein Meadows in the "APD" Agricultural/Pre-Development District, with Staff recommendations. Motion carried (8-0-0).

Commissioner Bowers noted case PZ-17-047 exemplified developers successfully working with neighbors to address concerns, and commended the collaboration.

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A TYPE 1 SPECIAL USE PERMIT TO ALLOW SPECIFIC COMMERCIAL USES ON 2.937 ACRES OUT OF THE SARAH DEWITT SURVEY NO. 48, ABSTRACT NO. 103, GUADALUPE COUNTY, TEXAS, LOCATED AT THE SOUTHWEST INTERSECTION OF KLEIN ROAD AND KLEIN MEADOWS, IN THE "APD" AGRICULTURAL/PRE-DEVELOPMENT DISTRICT; 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 a Type 1 Special Use Permit to 2.937 acres out of the Sarah Dewitt Survey No. 48, Abstract No. 103, Guadalupe County, Texas, to allow specific commercial uses in the "APD" Agricultural/Pre-Development District, located at the southwest intersection of Klein Road and Klein Meadows in the "APD" Agricultural/Pre-Development 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 uses herein described:

"Being 2.937 acres out of the Sarah Dewitt Survey No. 48, Abstract No. 103, Guadalupe County, Texas, located at the southwest intersection of Klein Road and Klein Meadows, as described in the attached Exhibit 'A' and delineated on Exhibit 'B', to allow the specified commercial uses listed in Exhibit 'C' in the "APD" Agricultural/Pre-Development District."

SECTION 3

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

SECTION 4

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

SECTION 5

THIS ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this 8th day of January, 2018.

PASSED AND APPROVED: Second reading this 22nd day of January, 2018.

	CITY OF NEW BRAUNFELS
	BARRON CASTEEL, Mayor
ATTEST:	
PATRICK D. ATEN, City Secretary	
APPROVED AS TO FORM:	
VALERIA M. ACEVEDO. City Attorney	

FIELD NOTES April 17, 2013

BEING 2.937 acres of land, more or less, out of the Sarah DeWitt Survey No. 48, Abstract 103, Guadalupe County, Texas and also being out of a 146.502 acre tract described in Volume 1652, Page 626 of the Official Records of Guadalupe County, Texas and being more particularly described as follows:

BEGINNING at a point at the intersection of the existing southeast R.O.W. line of Klein Road (County Road 368) and the southwest R.O.W. line of Klein Meadow for the most northerly corner of this tract, said point being approximately S 44°52'10" W, 1482.40 feet from the most northerly corner of the above referenced 146.502 acre tract;

THENCE, S 45°07'50" E, 10.00 feet along said southwest R.O.W. line to a point in same for the beginning of a curve to the right;

THENCE, in an easterly direction along said curve having a central angle of 89°57'16", a radius of 15.00 feet, a tangent distance of 14.99 feet, an arc length of 23.55 feet and a chord bearing and distance of N 89°50'01" E, 21.20 feet to a point for the end of this curve;

THENCE, S 45°11'21" E, 9.53 feet along said R.O.W. line to a point in same for the beginning of a curve to the right;

THENCE, in a southerly direction along said curve having a central angle of 72°06'38", a radius of 167'50 feet, a tangent distance of 121.94 feet, an arc length of 210.81 feet and a chord bearing and distance of S 09°08'02" E, 197.17 feet to a point for the end of this curve;

THENCE, S 26°55'17" W, 228.19 feet along the west R.O.W. line of Klein Meadow to a point in same for the beginning of curve to the left;

THENCE, in a southerly direction along said curve having a central angle of 36°54'25", a radius of 135.00 feet, a tangent distance of 45.05 feet, an arc length of 86.96 feet and a chord bearing and distance of S 08°28'11" W, 85.46 feet to a point for the end of this curve;

THENCE, S 09°59'02" E, 24.99 feet along said west R.O.W. line to a point in same for the most southerly corner of this tract;

THENCE, N 78°10'39' W, 400.25 feet crossing a portion of said 146.502 acre tract to a point in the existing southeast R.O.W. line of Klein Road for the most westerly corner of this tract;

THENCE, N 44°52'10" E, 619.40 feet along said southeast R.O.W. line to the POINT OF BEGINNING and containing 2.937 acres of land, more or less.

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Note: Exhibit also prepared this day

M. Butz, Jr.

Registered Professional Land Surveyor

No. 2024

FN13-122.1

MOTES This survey is being provided solely for the use of the current parties and no ficeness has been created, express or implied, to copy the survey except as is As scaled from the following referenced map, this property is located in Zone "A" & "X" according to the N.F.I.P. Map No. 485493 0115 f. necessory in conjunction with this transcotton. Effective Date November 2, 2007, 23.65 308.08,01 E 15.00 210,81 197.17 KLEIN ROAD (COUNTY ROAD 386) N44°52'10"E 619.40" 10.00' 2.937 ACRES S45°11'21"E 9.53' " KLEIN MEADOW S26°55'17"W 228.19 This document was prepared under 22 TAC 663.21, does not INTENTED USE: reflect the results of on on the ground survey, and is not to be used to convey or establish interests in real property except FUTURE COMMERCIAL those rights and interests implied or established by the creation TRACT or reconfiguration of the boundary of the political subdivision for which it was prepared. ZONING EXHIBIT This the 17th day of April 2013. Field Notes else prepared this BUTZ BEING 2,837 acres of land, more or less out of the Sarah DaWitt LAND Survey No. 48, Abstract 103, Guadalupe County, Texas and being out of a 146,502 gare tract described in Volume 1652, Page 626 SURVEYING of the Official Records of Guadalupe County, Texas, 3630 KUGMERZ RD. BT HEDWIO, TX. 76162-9718 PHONE 210-667-1399 FAX: 210-667-1334 JOB NO. 13-122,1 DRAWN BY: R.C.C.

Proposed list of permitted uses for (SUP) Zoning request

Accounting, auditing, bookkeeping, and tax preparations.

Adult day care (no overnight stay).

Adult day care (with overnight stay).

Animal grooming shop.

Answering and message services.

Antique shop.

Armed services recruiting center.

Art dealer/gallery.

Artist or artisan's studio.

Auto supply store for new and factory rebuilt parts.

Auto tire repair/sales (indoor).

Bakery (retail).

Bank, savings and loan, or credit union.

Barber/beauty shop, haircutting (non-college).

Barns and farm equipment storage (related to agricultural uses). (ALLOWED IN CURRENT APD ZONING)

Bicycle sales and/or repair.

Book store.

Caterer.

Cemetery and/or mausoleum. (ALLOWED IN CURRENT APD ZONING)

Child day care/children's nursery (business).

Church/place of religious assembly. (ALLOWED IN CURRENT APD ZONING)

Clinic (dental).

Clinic (emergency care).

Clinic (medical).

Coffee shop.

Computer and electronic sales.

Computer repair.

Confectionery store (retail).

Consignment shop.

Contractor's temporary on-site construction office (only with permit from building official; see section 144-5.10). (ALLOWED IN CURRENT APD ZONING)

Curio shops.

Custom work shops.

Drapery shop/blind shop.

Drug sales/pharmacy.

Electrical repair shop.

Electrical substation.

Farms, general (crops) (see chapter 6 and section 144-5.9). (ALLOWED IN CURRENT APD ZONING)

Farms, general (livestock/ranch) (see chapter 6 and section 144-5.9). (ALLOWED IN CURRENT APD ZONING)

Florist.

Garden shops and greenhouses.

Golf course (public or private). (ALLOWED IN CURRENT APD ZONING)

Governmental building or use. (ALLOWED IN CURRENT APD ZONING)

Handicraft shop.

Hardware store.

Health club (physical fitness; indoors only).

Hospital, rehabilitation.

Laundromat and laundry pickup stations.

Laundry/dry cleaning (drop off/pick up).

Museum.

Needlework shop.

Offices, brokerage services.

Offices, business or professional.

Offices, computer programming and data processing.

Offices, consulting.

Offices, engineering, architecture, surveying or similar.

Offices, health services.

Offices, insurance agency.

Offices, legal services, including court reporting.

Offices, medical offices.

Offices, real estate.

Offices, security/commodity brokers, dealers, exchanges and financial services.

Park and/or playground (private or public).

Pet shop/supplies (10,000 square feet or less).

Photographic printing/duplicating/copy shop or printing shop.

Photographic studio (no sale of cameras or supplies).

Photographic supply.

Plant nursery.

Plant nursery (retail sales/outdoor storage).

Public recreation/services building for public park/playground areas.

Radio/television shop, electronics, computer repair.

Recreation buildings (private or public).

Recycling kiosk.

Refreshment/beverage stand.

Restaurant.

Retirement home/home for the aged.

School, K-12 (public or private).

School, vocational (business/commercial trade). Security monitoring company.

Security systems installation company.

Shoe repair shops.

Shopping center.

Specialty shops in support of project guests and tourists.

Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.).

Tailor shop.

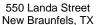
Theater (non-motion picture; live drama).

Travel agency.

University or college (public or private).

Veterinary hospital (no outside animal runs or kennels).

Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal





City Council Agenda Item Report

1/8/2018

Agenda Item No. G)

Presenter

Stacy Snell, Assistant Planning and Community Development Director ssnell@nbtexas.org

SUBJECT:

Discuss and consider a request for a Conditional Sign Permit for a pole sign at Amish Oaks of Texas, addressed at 1145 Loop 337.

BACKGROUND / RATIONALE:

Case No.: CS-17-039

Council District: 4

Owner: Blackmon and Blackmon, LP (Ernie Blackmon)

2141 NW Loop 410 San Antonio, TX 78213

Applicant: U.S. Signs (Lydell Toye)

258 Trade Center Drive New Braunfels, TX 78130

(830) 629-4411

Staff Contact: Matt Greene, Planner

(830) 221-4053

mgreene@nbtexas.org

Location and Current Code Requirements

The subject property is the location of Amish Oaks of Texas and The Jumpy Place and is zoned "C-1", the "pre-1987" Local Business zoning district. The subject property is a 1.98-acre parcel with approximately 221 feet of street frontage on the southwest side of Loop 337 (*inside the loop*). Access to the site is from Loop 337 between Hanz Drive and Rivercrest Drive.

Sign types and sizes are allowed based on zoning and specific street frontage:

- The C-1 zoning district is allowed one free standing monument sign <u>or</u> one low-profile pole sign per lot. Monument signs are limited to 8 feet in height and 32 square feet. Low-profile pole signs are limited to 6 feet in height and 20 square feet. Both sign types require a minimum 10-foot setback.
- Properties with frontage on Loop 337 are allowed one high profile monument sign per 300 feet
 of frontage with a maximum height of 28 feet and maximum area of 225 square feet.
 Properties with frontage on Loop 337 are also permitted to have a 28-foot tall, 200 square-foot

(maximum of 100 square-foot sign face) electronic message sign in the form of a monument type sign. Street frontage does not limit this type of sign, **but** no other free-standing signs would be allowed on the property if it has an electronic message sign.

 Multi-tenant properties are required to share a sign structure and multi-tenant signs may be any sign type allowed. Additionally, multi-tenant properties are also allowed one 32 square-foot monument sign at a maximum height of 5 feet at each driveway to direct traffic to various areas and businesses within the development.

The subject property currently has no free-standing signs; only wall signs, which are not regulated by the City's Sign Ordinance. It is allowed to have a free-standing monument sign, a low-profile pole sign, or an electronic message sign.

Proposal:

The applicant is proposing to construct a multi-tenant pole sign at the front of the property, adjacent to the driveway approach (see Attachment 3). The proposed pole sign would:

- be 28 feet tall,
- have a 10-foot by 10-foot sign face (100 square feet),
- include a 5-foot wide by 4-foot tall masonry base (20 square feet), and
- have a 3-foot wide by 14-foot tall aluminum pole cover (42 square feet).

Per the Sign Ordinance, the sign base and pole cover are included in the sign area calculation; therefore, the total area of the proposed sign would be 162 square feet.

The applicant's proposal would exceed the maximum height and area of pole signs in the C-1 District (but, would not exceed the maximum height or area allowed if it were an electronic message sign on the Loop). The proposed sign would be internally illuminated with a white background. Such signs are brighter at night than are signs with dark/opaque backgrounds where only the lettering or logo is illuminated.

The conditional sign permit process is intended to offer applicants opportunities to request alternative sign sizes and/or heights in lieu of multiple signs they would otherwise be allowed by right, due to unusual constraints associated with the property or the applicant's desire to create a distinctive sign or sign plan. Under those circumstances the applicant typically offers some form of a reduction in the overall number or size of signage on the property in exchange for the allowance.

The subject application does not propose a reduction in the number of signs allowed on the property, but does propose a maximum sign area that would be less than what would be permitted if it were an electronic message sign. The applicant has indicated that the landscaping required by the Zoning Ordinance has grown and is blocking the wall signage, necessitating the proposed sign, which the applicant would like to be visible to passing motorists from both directions.

Existing Signs in the Vicinity:

Sign Location	Sign Type	Approximate Height
El Napalito	Pole	15 ft.
Cooper's	Pole	38 ft.
Natural Bridge Caverns	Off-premises Billboard	27 ft.

AA Aarons Mini Storage	Pole	13 ft.
Billy's Ice	Pole	20 ft.
Harley-Davidson	Pole	40 ft.
*D & D	Electronic Message Pole	28 ft.
Cube Smart Storage Facility	Pole	24 ft.
Crisis Pregnancy Center of New Braunfels	Monument	10 ft.

^{*}City Council Approved Conditional Sign Permit - 2014

Lot Size:

1.98 acres

Surrounding Zoning and Land Use:

North - C-1 / AA Aarons Mini Storage South - C-1 & C-1Br65 / Cooper's

East - Across Loop 337, C-1 / Cube Smart storage facility

West - C-1B / AA Aarons Mini Storage

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

City Plan/Council Priority:	Goal 12: Protect and enhance the visual
	environment of the City. Objective A: Maintain fair
	and reasonable regulations for signs so that signs
	harmonize with the special qualities and
	appearance of New Braunfels (specifying size,
	height, locations).

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

As noted above, the conditional sign permit process is intended to allow an applicant flexibility to create alternative signage designs to complement a development's unique characteristics, and for City Council to consider such designs in the context of a specific location. While there do not appear to be significant topographic features or hardships associated with the subject property, staff does recognize the applicant's proposed sign would be 38 square feet less than the 200 square-foot electronic message center sign that is otherwise allowed at this location. Staff also notes the proposed sign is in keeping with the characteristics of the conditional sign permit approved across Loop 337 in the same C-1 zoning district in 2014.

If approved, staff recommends the following conditions in accordance with the Comprehensive Plan Goal 12, Objective A:

1. No other free-standing sign would be allowed without the approval of a new conditional sign permit by City Council; and

2. Provide an opaque background for the sign face or a background in a non-white color to reduce brightness of the sign at night.

Attachments:

- 1. Aerial Map
- 2. Application
- 3. Proposed Site Plan
- 4. Proposed Sign Elevation Plan
- 5. Comparison Table Showing Allowable Signs vs. Requested Sign
- 6. Map and photos of Existing Signs in the vicinity
- 7. Excerpt from Sign Ordinance
- 8. Zoning Map
- 9. Photographs of the subject property and signs in the vicinity



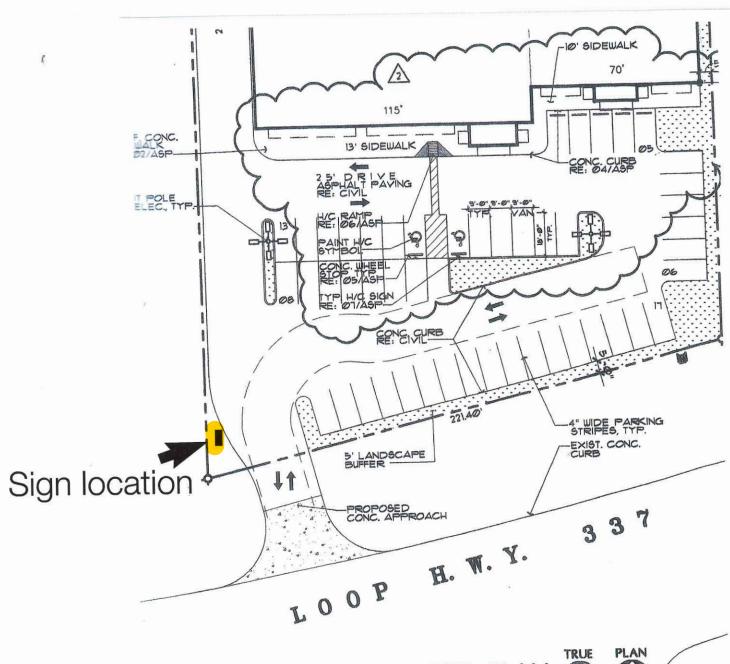


Map Created 12/22/17



PLANNING

1.	Applicant - If business owner or coordinator of special event, so state. If agent or other relationship, a letter of authorization must be furnished from owner when application is submitted.							
	Name:Lydell Toye							
	Mailing Address: 258 Trade Center Drive New Braunfels							
	Email Address:_ussigns@sbcglobal.net							
	Telephone: 830-629-4411 Mobile: 830-743-1599							
2.	Property Address/Location: 1145 Loop 337							
3.	Existing signs on property:							
4.	Number of requested signs:							
5.	Dimension & height of sign(s): 10'x10' sign cabinet 28' in height							
6.	Business or event to be advertised: Amish Oaks of Texas and tenant							
7.	Reason for request (please explain in detail and attach additional pages if needed):							
•								
	Trees planted in front of build as per city are blocking building signage visibility due to growth. Customer would like signage on pylon for visibility from either direction on Loop 337							
8.	ATTACHMENTS: (The following items must be submitted with the application)							
	A \$300.00 application fee. A scaled site plan showing the proposed location of the sign(s) on the property.							
	A map showing the distance from sign(s) to business or event if signs are off-premise.							
	A sketch showing the contents, dimensions and construction materials of the sign(s).							
	Photographs of the property where the sign(s) will be located. Agent letter (if applicable).							
	The undersigned hereby requests a conditional sign permit for the location(s) described above.							
>	Nov.17, 2017							
Sig	nature of Owner(s)/Agent Date							
Fee	For Office Use Only Amount: 300 Receipt No.: 239605							
	Received: Amount: Receipt No.:							
Cour	cil Meeting Date: 1-8 · 18							
\chfs	-1\departments\planning\applications\conditional sign permit.docx							



01 ARCHITECTURAL SITE PLAN
SCALE: 1" = 30'-0"

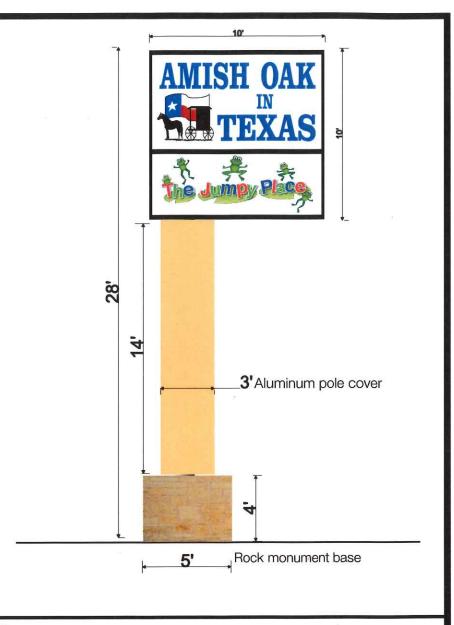


PARETE SIDEWALK

- SAW-CUT C.J. TYP. 1/4" WIDE 9 5'-0" O.C.E.W. 5" CONCRETE SIDEWALK
W/6x6 W7.9xW7.9 WJF
5% MAX RANN & SLOPE
25 MAX CROSS SLOPE

- CONT. - 1/2" CI O.C.





258 TRADE CENTER DRIVE
NEW BRAUNFELS, TEXAS 78130
830.629.4411 FAX 830.629.8099
ussigns@sbcglobal.net • www.ussignsnb.com





Client Amish Oaks 1145 Loop 337

Approval

Date

All drawings submitted are property of U.S. Signs until purchased by The Client. No alterations or distributions can be made without written consent from U.S. Signs THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES, THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

COMPARISON CHART OF ALLOWED AND PROPOSED SIGNAGE

A	Allowed per Sig (Total			Conditional Sign Permit (Total of 1)
SIGN TYPE	Monument o	Low Profile Pole	Electronic Message Sign	Proposed Pole Sign
DISTRICT or Thoroughfare	C	-i	Loop 337	
AREA	32 sf	20 sf	200 sf (Max 100 sf sign face)	162 sf
HEIGHT	8 ft	6 ft	28 ft	28 ft
SETBACK	10 ft	10 ft	15 ft	10 ft
NUMBER		l or low profile n per lot	1 (no other free standing signs allowed)	1

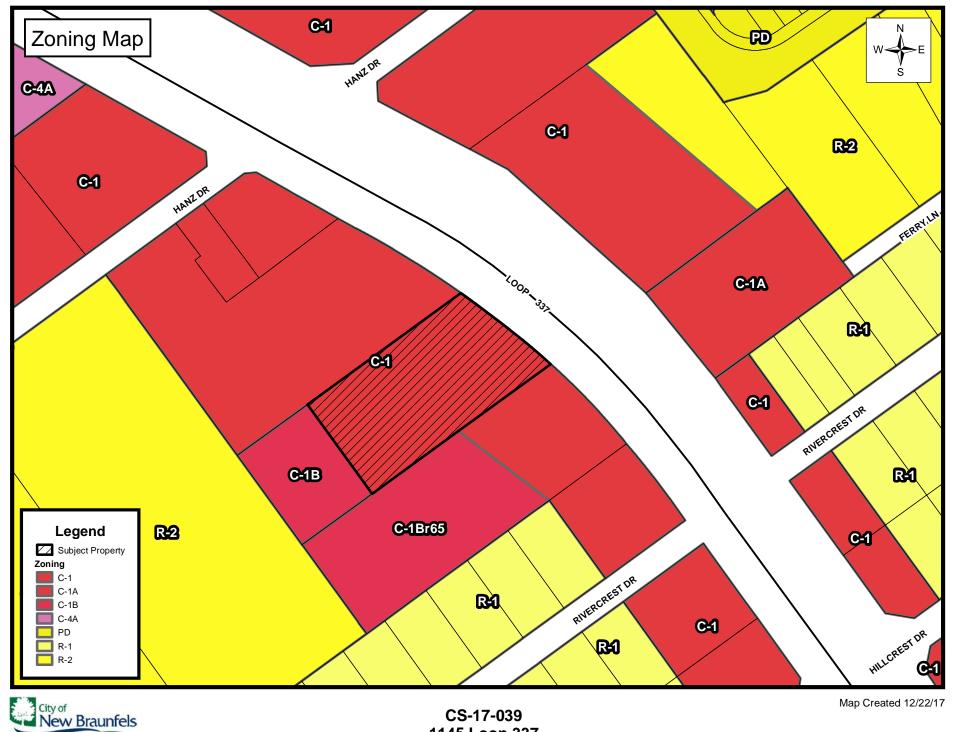


Sec. 106-14. Permanent On-Premises Sign Regulations. 106-14.1. Sign Dimensional Standards

ZONING DISTRICT	CLASSIFICATIONS	MAX. AREA PER SIGN	MAX. HEIGHT (feet)	MIN. SETBACK (feet)	MAX. NUMBER PER LOT	CONDITIONS
R-1 R-1A-6.6 R-1A-8 R-1A-12 R-1A-43.5	Freestanding Monument Sign	-	-	-	-	-
R-2 R-2A B-1 B-1A B-1B ZH ZH-A (Non- Residential uses only)	Flag/Flag Pole	40	25	5	-	106-14.2d
C-1 C-1A (Non- Residential	Freestanding Monument Sign or Low Profile Pole Sign	32 20	8 6	10 10	1	106-14.2a
uses only)	Flag/Flag Pole	40	25	5	-	106-14.2d
APD R-3 R-3L R-3H TH	Freestanding Monument Sign or Low Profile Pole Sign	32 20	8 6	5 5	1 per 300' of frontage	106-14.2a
TH-A (Non- Residential uses only)	Flag/Flag Pole	40	25	5	-	106-14.2d
	Freestanding Monument Sign or Low Profile Pole Sign	32 20	8 6	5 5	1 per 300' of frontage	106-14.2a
C-O (Non- Residential	Flag/Flag Pole	40	25	5	-	106-14.2d
uses only)	Electronic Message Sign	100 square feet with a maximum of 50 square feet sign face	10	15	1	106.14.3
C-1B C-2 C-2A C-3 C-4	Freestanding Monument Sign	1 per linear foot of primary facade not to exceed a	10	5 (10) in M districts (industrial)	1 per 300' of frontage	106-14.2a

ZONING DISTRICT	CLASSIFICATIONS	MAX. AREA PER SIGN	MAX. HEIGHT (feet)	MIN. SETBACK (feet)	MAX. NUMBER PER LOT	CONDITIONS
C-4A C-4B MU-A MU-B		maximum of 48 square feet per sign face	X = 2,	()	-	
M-1 M-1A M-2 M-2A	Low Profile Pole Sign	20	10	5 (10) in M districts (industrial)	1 per 300' of frontage	106-14.2a
(Non- Residential uses only)	Flag/Flag Pole	40	25	5	1	106-14.2d
	Electronic Message Sign	100 square feet with a maximum of 50 square foot sign face	10	15	1	106.14.3
	Freestanding Monument Sign	<mark>60</mark>	<mark>10</mark>	<mark>5</mark>	1 per 300' of frontage	106-14.2a
LOOP 337 SH 46	High Profile Monument Sign	225	<mark>28</mark>	<u>5</u>	1 per 400' of frontage	106.14.2e
BUS. 35 FM 306	Flag/Flag Pole	40	25	5	-	106-14.2d
FM 725	Electronic Message Sign	200 square feet with a maximum of 100 square foot sign face	28	<mark>15</mark>	1	106.14.3
	Pole Signs on property with IH 35 frontage	400	40	5	1 per 400' of IH 35 frontage	106-14.2c-
IH 35	Electronic Message Sign	200 square feet with a maximum of 100 square foot sign face	40	15	1	106.14.3
Downtown Business Corridor	Electronic Message Sign	50 square feet with a maximum 24 square foot face if the lot has less than 100 foot of frontage and 100 square feet with a	5	10	1	106.14.3

ZONING DISTRICT	CLASSIFICATIONS	MAX. AREA PER SIGN	MAX. HEIGHT (feet)	MIN. SETBACK (feet)	MAX. NUMBER PER LOT	CONDITIONS
		maximum				
		50 square				
		foot face if				
		the lot has				
		more than				
		100 foot of				
		frontage				









Photograph Taken 12/29/17





Photograph Taken 12/29/17





Photograph Taken 12/29/17





Photograph Taken 12/29/17



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

1/8/2018

Agenda Item No. A)

Deliberate and consider the purchase of, exchange, lease or value of real property, in accordance with Section 551.072, of the Texas Government Code, including but not limited to:

• acquisition of land for city facilities