



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



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

MONDAY, JANUARY 22, 2018 at 6:00 PM

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

MISSION STATEMENT

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

AGENDA

CALL TO ORDER

CALL OF ROLL: City Secretary

INVOCATION: Councilmember Leah Garcia

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

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

PRESENTATIONS:

- A) Retiree Recognition - Liz Ladshaw
- B) Presentation and possible action regarding Das Rec logo and signage.
Stacey Dicke, Director of Parks and Recreation
Das Rec Logo

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of January 8, 2018.
Patrick Aten, City Secretary
[Jan 8 minutes](#)

2. CITIZENS' COMMUNICATIONS

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

3. **CONSENT AGENDA**

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

Resolutions & Action Items

- A) Confirmation of the appointment of one individual to the Civil Service Commission for a term ending August 10, 2020.
Patrick Aten, City Secretary
- B) Approval of a resolution ordering a Regular Election to be held in the City of New Braunfels on May 5, 2018, for Regular City Officers; and establishing an Early Voting Location and Polling Places for this Election; and making provisions for the conduct of the Election.
Patrick Aten, City Secretary
[May 2018 election RES](#)
- C) Approval of a resolution appointing election officers for the May 5, 2018 Regular Election.
Patrick Aten, City Secretary
[election judges resolution](#)
- D) Approval to authorize the City Manager to enter into joint election agreements between the City of New Braunfels and the New Braunfels Independent School District and the Comal Independent School District.
Patrick Aten, City Secretary
[NBISD joint election agreement](#)
[CISD Joint Election Agreement](#)
- E) Approval of a modification to the number of authorized positions authorized in the Airport Fund.
Jared Werner, Director of Human Resources
- F) Approval of the purchase of chemical identification equipment from Fisher Safety America, Inc., a part of Fisher Scientific Company LLC, for the Fire Department under the State Homeland Security Program.
Kenneth Jacks, Fire Chief
- G) Approval of a purchase with Dell for technology equipment and supplies through the State of Texas Department of Information Resources (DIR) Contract.
Travis Cochrane, Director of Information Technology

- H) Approval of the purchase of furniture and equipment for Das Rec, New Braunfels Recreation Center from Wilson Office Interiors LLC, Comm-Fit and Marathon Fitness utilizing various cooperative contracts.
Jennifer Cain, Capital Projects Manager
- I) Approval of a resolution authorizing the City Manager to enter into an Interlocal Agreement with Comal County to provide Household Hazardous Waste Collection events for the City of New Braunfels and Comal County.
Michael Mundell, Solid Waste Manager
[2018 Resolution HHWC Interlocal agreement](#)
- J) Approval of budget transfers in the FY 2016-17 General Fund.
Greg Gutierrez, Financial Analyst

Ordinances

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

- K) Approval of the second and final 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](#)
[Zoning and Land Use Maps](#)
[Notification list, map and response correspondence](#)
[Photographs](#)
[Sec. 3.4-12 "C-1A" Neighborhood Business District](#)
[Sec. 3.6 Special Use Permits](#)
[Draft Oct 4 Planning Commission minutes](#)
[pz-17-039 ordinance final SUP](#)
- L) Approval of the second and final 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 Amending Highland Gardens Concept Plan](#)
[Zoning and Land Use Maps](#)
[Notification List, Notification Map and Response](#)
[Photographs of Subject Property](#)
[Ordinance No. 2017-43 \(Highland Gardens PD\)](#)
[Proposed Highland Gardens Master Plan](#)
[Sec. 3.5 Planned Development Districts](#)
[Excerpt from Planning Commission 12-5-17 Regular Meeting](#)
[Ordinance](#)

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider authorization for New Braunfels Utilities to enter into a Wholesale Wastewater Supply Contract with Guadalupe Blanco River Authority (GBRA) for the treatment of GBRA wastewater within the McKenzie Reclamation Facility Region.
Trino Pedraza, NBU Director of Water Services
[Wastewater Treatment Contract NBU GBRA DRAFT 12.4.2017 w final LG revisions \(3\)](#)
- B) Discuss and consider approval of the appointment of three individuals to the New Braunfels Housing Authority for terms ending January 22, 2020.
Patrick Aten, City Secretary
- C) Discuss and consider approval of a resolution naming a representative and an alternate to the Alamo Area Council of Governments Board of Directors.
Robert Camareno, City Manager
[RES AACOG appt](#)
- D) Discuss and consider approval of the first reading of an ordinance amending Chapter 86 by adopting membership and rental fees for Das Rec, New Braunfels Recreation Center.
Stacey Dicke, Parks and Recreation Director
[Das Rec Fees Ordinance](#)
- E) Public hearing and consideration of a resolution amending the 2006 Future Land Use Plan and the second and final reading of an ordinance regarding the proposed rezoning to apply 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.

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](#)

[PZ-17-047 Resolution and Ordinance](#)

- F) Discuss and consider a request for a conditional sign permit for two high profile monument signs located at 1687 Hwy 46 South.

Stacy A.M. Snell, Planning and Community Development Assistant Director

[Aerial Map](#)

[Zoning Map](#)

[Application](#)

[Proposed Site Plan](#)

[Proposed Sign Elevation Plan](#)

[Comparison Table Showing Allowable Signs Vs. Requested Signs](#)

[Existing Signs in Vicinity](#)

[Subject Property Visibility Before and After Installation of TxDOT Pole and Box](#)

[Photos of Site and Surrounding Area](#)

[Excerpt from Sign Ordinance](#)

[Regional Transportation Plan](#)

- G) Discuss and consider approval of proposed amendments to the City of New Braunfels Drainage and Erosion Control Design Manual regarding channel and channel access requirements.

Garry Ford, P.E., City Engineer

[NB DCM Final 2016 U2018-1 Proposed](#)

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 151.43 acres located at southeast corner of FM 1044 and Klein Road legally known as 151.43 acres out of the Sarah Dewitt Survey No. 48, Abstract No. 103 in Guadalupe County for a project related to recreational or community facilities.
- B) Deliberate issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code, including but not limited to:
 - Project New Balance

NOTE: The City Council reserves the right to retire into executive session concerning any of the items listed on this Agenda whenever it is considered necessary and legally justified under the Open Meetings Act (Chapter 551 of the Texas Government Code).

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

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at the New Braunfels City Hall on January 19, 2018, at 12:00 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

1/22/2018

Agenda Item No. A)



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/22/2018

Agenda Item No. B)

Presenter/Contact

*Stacey Dicke, Director of Parks and Recreation
(830) 221-4355 - sdicke@nbtexas.org*

SUBJECT:

Presentation and possible action regarding Das Rec logo and signage.





City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/22/2018

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 January 8, 2018.

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, JANUARY 8, 2018**

The City Council of the City of New Braunfels, Texas, met in Regular Session on January 8, 2018, at 6:00 p.m.

City Councilmembers present were:

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

City Staff present were: City Manager Robert Camareno, City Attorney Valeria Acevedo, Assistant City Manager Kristi Aday, Assistant City Manager Bryan Woods, City Secretary Patrick Aten, Assistant City Secretary Drew Lyons, Planning and Community Development Director Chris Looney, Parks and Recreation Director Stacey Dicke, Assistant Parks and Recreation Director Ken Wilson, Real Estate Manager Matt Eckmann, River Operations Manager Amy Niles, and Assistant Planning and Community Development Director Stacy Snell.

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:01 p.m. Mayor Pro Tem Peters gave the invocation and Mayor Casteel led the Pledge of Allegiance and Salute to the Texas Flag.

PROCLAMATIONS:

A) National Mentoring Month

Mayor Casteel proclaimed January 2018 as National Mentoring Month.

B) 2017 Wassail Meister Champions

Mayor Casteel presented proclamations to the Wassailfest Winners.

PRESENTATIONS:

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

Mayor Casteel read the aforementioned caption.

Stacey Dicke recognized Ken Wilson for his achievement.

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

Mayor Casteel read the aforementioned caption.

Stacey Dicke presented the item.

No action was taken.

- C) Update on downtown parking improvements.

Mayor Casteel read the aforementioned caption.

Robert Camareno introduced the item. Bryan Woods presented the item.

Nathan Manlove and Wayne Rudolph spoke about downtown parking.

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.

Mayor Casteel read the aforementioned caption.

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

2. CITIZENS' COMMUNICATIONS

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

Mayor Casteel read the aforementioned caption.

Wayne Rudolph spoke about the South Castell Avenue Visioning Plan.

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.
- B) Approval of the appointment of three individuals to the Construction Board of Appeals for terms ending February 24, 2023.
- C) Approval of a resolution appointing election officers for the February 17, 2018 special election.
- D) Approval of a contract with Raba Kistner Consultants, Inc. for construction materials observation and testing services on the Alves Lane Improvements Project
- 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.

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.
- 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.
- 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.

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

Mayor Casteel read the aforementioned captions, except item F which was pulled from the Consent Agenda by a citizen for further discussion.

Councilmember Garcia moved to approve the Consent Agenda. Councilmember Monceballez seconded the motion which passed unanimously via roll call vote.

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

Mayor Casteel read the aforementioned caption.

Matt Eckmann presented the item.

Jeff Jewell spoke on the item.

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

<City Council took a break.>

4. INDIVIDUAL ITEMS FOR CONSIDERATION

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

Mayor Casteel read the aforementioned caption.

Patrick Aten presented the item.

Mayor Pro Tem Peters moved to appoint Dee Buck, Crystal Carter, and Pauline Stevens to the Arts Commission. Councilmember Monceballez seconded the motion which passed unanimously.

- 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.

Mayor Casteel read the aforementioned caption.

Kristi Aday presented the item.

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

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

Mayor Casteel read the aforementioned caption.

Stacey Dicke introduced the item. Mike Svetz presented the item.

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

- 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.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Linda Freed and Mark Stuart spoke during the public hearing.

Councilmember Monceballez moved to approve the item with staff recommendations, the covered storage area to be enclosed on three sides with the open side facing Highway 46, the off-site fence be repaired, and the drainage easement maintained per Code requirements. Mayor Pro Tem Peters seconded the motion which passed unanimously.

- 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.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

No one spoke during the public hearing.

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

- 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.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Sara Ward and Jerry Fagans spoke during the public hearing.

Councilmember Meadows moved to approve the item with certain additional uses eliminated. Councilmember Reaves seconded the motion which passed unanimously.

- 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.

Mayor Casteel read the aforementioned caption.

Stacy Snell presented the item.

Lydell Toye spoke in favor of the item.

Councilmember Reaves moved to approve the item with staff recommendations. Councilmember Garcia seconded the motion

which passed unanimously.

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

Mayor Casteel read the aforementioned caption.

City Council recessed into Executive Session from 8:55 p.m. - 8:58 p.m.

No vote or action was taken.

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

City Council reconvened into Open Session at 8:58 p.m.

No vote or action was taken.

The meeting adjourned at 8:59 p.m.

Date Approved: January 22, 2018

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/22/2018

Agenda Item No. A)

Presenter/Contact

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

SUBJECT:

Confirmation of the appointment of one individual to the Civil Service Commission for a term ending August 10, 2020.

BACKGROUND / RATIONALE:

The Civil Service Commission is governed by Texas Local Government Code, Chapter 143, which states that the members are appointed by the City Manager and confirmed by the City Council.

The City Manager has appointed Heidi Aleman to the City's Civil Service Commission for a term ending August 10, 2020.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the confirmation of the appointment of Heidi Aleman to the Civil Service Commission for a term ending August 10, 2020.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/22/2018

Agenda Item No. B)

Presenter/Contact

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

SUBJECT:

Approval of a resolution ordering a Regular Election to be held in the City of New Braunfels on May 5, 2018, for Regular City Officers; and establishing an Early Voting Location and Polling Places for this Election; and making provisions for the conduct of the Election.

BACKGROUND / RATIONALE:

The uniform election date in May for municipal elections is May 5, 2018. Terms for Councilmembers in Districts 3 and 4 will expire on May 29, 2018.

Early voting will occur at the Comal County Elections Office, 396 N. Seguin Avenue.

Election Day locations will be at:

District 3 - Seele Elementary School, 540 Howard Street

District 4 - Faith United Church of Christ, 970 N. Loop 337

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

N/A

FISCAL IMPACT:

The cost for an election is approximately \$12,000 for election workers, supplies, and training.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the resolution.

RESOLUTION NO. 2018-R_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS ORDERING A REGULAR ELECTION TO BE HELD IN THE CITY OF NEW BRAUNFELS, TEXAS, ON MAY 5, 2018, FOR REGULAR CITY OFFICERS, AND ESTABLISHING AN EARLY VOTING LOCATION AND POLLING PLACES FOR THIS ELECTION; AND MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION.

WHEREAS, the laws of the State of Texas, provide that the next ensuing first Saturday in May, there shall be elected the following officials for this City.

One City Councilmember from District Number 3 to be elected by a majority of those votes cast.

One City Councilmember from District Number 4 to be elected by a majority of those votes cast.

WHEREAS, said laws of the State of Texas further provide that the Election Code of the State of Texas is applicable to said election and it is the desire of City Council to establish the procedure to be followed in said election.

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

SECTION I CALLING OF A REGULAR MUNICIPAL ELECTION

THAT a regular election be held on the 5th day of May, 2018, in the City of New Braunfels, Texas, for the purpose of electing regular City officers as listed below.

One City Councilmember from District Number 3 to be elected by a majority of those votes cast.

One City Councilmember from District Number 4 to be elected by a majority of those votes cast.

SECTION II EARLY VOTING BY PERSONAL APPEARANCE

THAT the main polling place for early voting by personal appearance for the election is the Comal County Elections Office, 396 N. Seguin Avenue. Early voting by personal appearance shall be conducted between the hours of 8:00

a.m. and 5:00 p.m., beginning on April 23, 2018, and ending on May 1, 2018, Monday through Friday, with extended hours from 7:00 a.m. until 7:00 p.m. on Wednesday, April 25th and Monday, April 30th. Early Voting by personal appearance shall be additionally conducted on Saturday, April 28, 2018, from 9:00 a.m. until 1:00 p.m.

SECTION III EARLY VOTING BY MAIL

THAT early voting by mail ballot shall be conducted in accordance with applicable provisions of the Texas Election Code. The address of City Secretary, 550 Landa Street, New Braunfels, Texas 78130, shall be the early voting clerk's mailing address to which ballot applications and ballots voted by mail may be sent for the City. Applications for ballots by mail must be received not later than the close of business on April 24, 2018.

SECTION IV POLLING PLACES

THAT the polling places listed below shall be open on Election Day from 7:00 a.m. to 7:00 p.m. on Saturday, May 5, 2018:

LOCATION OF POLLING PLACES

District 3 – Seele Elementary School, 540 Howard Street
District 4 – Faith United Church of Christ, 970 N. Loop 337

SECTION V METHOD OF VOTING

THAT use of ES&S iVotronic Touch Screen voting system, as the term is defined in the Texas Election Code, shall be utilized in connection with the election. This system shall be utilized for early voting as well as for district voting conducted on Election Day. Patrick Aten is appointed as programmer, and he shall prepare a program for the automatic tabulating equipment. Ample voting equipment shall be provided for early voting and in the specific districts on Election Day. The central counting station is established as the office of the City Secretary of the City of New Braunfels, City Hall.

SECTION VI APPOINTMENT OF PRESIDING JUDGES

THAT the City Council of the City of New Braunfels will, by resolution, appoint the Early Voting Ballot Board, a Presiding Judge for the Early Voting Ballot Board, and a Presiding Judge for the Central Counting Station.

SECTION VII GOVERNING LAW

THAT the election will be held in accordance with the provisions of the Charter of the City of New Braunfels and the laws of the State of Texas. Notice of the election, including a Spanish translation thereof, will be published at least once in the local newspaper in accordance with the Texas Election Code and will be posted on the bulletin board at the City's Municipal Building at 550 Landa Street, New Braunfels, Texas.

SECTION VIII TESTING OF AUTOMATIC TABULATING EQUIPMENT

THAT testing of the automatic tabulating equipment will be performed and notice thereof will be given in accordance with the Texas Election Code.

SECTION IX COMPENSATION FOR ELECTION WORKERS

THAT the rate of compensation for polling location judges and the Alternate Deputy Early Voting Clerk is established at \$12.00 per hour. The rate of compensation for clerks, and assistants and any personnel assisting the Central Counting Station Presiding Judge and Tabulation Supervisor for services rendered during the election is established at \$10.00 per hour. The additional compensation to be paid to polling location judges who deliver returns and election equipment is established at \$25.00.

PASSED, ADOPTED, AND APPROVED this the 222nd day of January, 2018

CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS

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, Councilmember District 5

LEAH GARCIA,
Councilmember District 6

Attest:

PATRICK ATEN, City Secretary



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/22/2018

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 May 5, 2018 Regular 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 mail-in 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 May 5, 2018 Regular Election for the City of New Braunfels:

Early Voting Ballot Board Presiding Judge

Terry Davis

District 3 Presiding & Alternate Judges

Presiding Judge: Tom Orr

Alternate Judge: Rocky Villareal

District 4 Presiding & Alternate Judges

Presiding Judge: Susan Barrett

Alternate Judge: Angela Clifton

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

N/A

FISCAL IMPACT:

Approximately \$12,000.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a resolution appointing election officers for the May 5, 2018 regular election.

RESOLUTION NO. 2018-R _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, APPOINTING PRESIDING JUDGES AND ALTERNATE JUDGES FOR THE REGULAR ELECTION TO BE HELD ON MAY 5, 2018.

WHEREAS, by the City Council has set the date of May 5, 2018, for the Regular Election to elect Councilmembers from District 3 and 4; 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 Regular Election on May 5, 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 Regular Election on May 5, 2018, at the polling sites herein listed.

DISTRICT NUMBER THREE (3) – SEELE ELEMENTARY SCHOOL, 540 HOWARD STREET

Presiding Judge: Tom Orr

Alternate Judge: Rocky Villareal

DISTRICT NUMBER FOUR (4) – FAITH UNITED CHURCH OF CHRIST, 970 N. LOOP 337

Presiding Judge: Susan Barrett

Alternate Judge: Angela Clifton

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 22nd day of January, 2018.

CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, Mayor

Attest:

PATRICK ATEN, City Secretary



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/22/2018

Agenda Item No. D)

Presenter/Contact

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

SUBJECT:

Approval to authorize the City Manager to enter into joint election agreements between the City of New Braunfels and the New Braunfels Independent School District and the Comal Independent School District.

BACKGROUND / RATIONALE:

The Texas Election Code and the Texas Education Code provide provisions for school districts to enter into agreements with municipalities to hold elections jointly to adequately and conveniently serve voters by providing common polling locations. The attached agreements will allow for the City and NBISD and CISD to share a common early voting polling location for the May 5, 2018 Election at the Comal County Elections Office, 396 N. Seguin Avenue. Additionally, the agreements provide for common Election Day polling locations, if necessary.

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

N/A

FISCAL IMPACT:

None.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval.

**AGREEMENT TO CONDUCT JOINT ELECTIONS
BETWEEN NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT
AND THE CITY OF NEW BRAUNFELS
FOR MAY 5, 2018 ELECTIONS**

WHEREAS:

1. The New Braunfels Independent School District and the City of New Braunfels will lawfully order and hold a joint election on May 5, 2018; and
2. Texas Government Code, Chapter 791, authorizes local governments to contract with one another and with agencies of the state for various governmental functions including those in which the contracting parties are mutually interested; and
3. Pursuant to Section 271.002, Texas Election Code, political subdivisions of the State of Texas are authorized to hold elections jointly in voting precincts that can be served by common polling places if elections are ordered by the authorities of two or more political subdivisions to be held on the same day in all or part of the same territory; and
4. Texas Education Code, Section 11.0581, requires the District to hold its general trustee elections jointly with a municipality located wholly or partially within the boundaries of the District on the May uniform election date; and
5. It would encourage greater voter participation and be convenient to the voters for the District and the City, (collectively referred to hereinafter as the Entities or Participating Entities), to hold a joint election in the election precincts that can be served by common polling places insofar as possible.

NOW, THEREFORE, pursuant to Sections 271.002, and 271.003, Texas Election Code, Texas Education Code Section 11.0581 and Chapter 791 of the Texas Government Code, the Joint Election Agreement set forth below is entered into by and between the Participating Entities acting by and through their respective governing bodies, agree as follows:

I. Scope of the Election Agreement

- A. The District and the City will share common Election Day polling locations for the May 5, 2018 elections as follows, and as necessary:

Westside Community Center, 2932 S. IH 35 Frontage Road
New Braunfels First Church of the Nazarene, 210 W. Klein Road
Seele Elementary School, 540 Howard Street
Faith United Church of Christ, 970 N. Loop 337
Lamar Elementary School, 240 N. Central Avenue

Walnut Springs Elementary School, 1900 S. Walnut Avenue

Each entity will have separate ballots.

- B. Each of the Entities shall be individually responsible for the preparation and/or publication of election ballots, orders, resolutions, notices and other pertinent documents for adoption or execution by its own respective governing board as required by law.
- C. Each of the Entities shall be individually responsible for posting and publishing its election notices.

II. Election Judge, Officer, and Clerks

- A. Each Entity shall appoint its own Election Judge, Alternate Election Judge, and Election Clerks.

III. Early Voting

- A. The District and the City will share a common early voting polling location for the May 5, 2018 elections as follows:

Comal County Elections Office
396 N. Seguin Avenue
New Braunfels, TX

Each entity will have separate ballots.

- B. The District and the City will each contract individually with early voting personnel.

IV. Election Day

- A. The entities will share the common election-day voting locations as provided in this Agreement. Each Entity will conduct its own respective election at the Joint Election-Day Polling Location and shall be responsible for compliance with all state and federal laws applicable to their respective elections.

V. Joint Election Costs: Payment

- A. Costs. The District and the City will each be responsible for all costs associated with their respective elections.

All funds expended by each Entity will be from current revenues.

- B. Cancellation. In the event any of the Participating Entities cancels their election because of unopposed candidates under Subchapter C of Title I of the Texas

Election Code, the remaining Entity shall be responsible for 100% of the election costs incurred after the date of cancellation.

VII. General Provisions

- A. Communications. Throughout the term of this Agreement, the Participating Entities will engage in ongoing communications concerning the conduct of the elections and discuss and resolve any problems which might arise.
- B. Effective Date. This Agreement takes effect upon the complete execution of this Agreement by all Participating Entities.
- C. Custodian of Records. Each Participating Entity will serve as their individual custodian for purposes of election records as required by law. Each Participating Entity shall appoint a qualified person to act as Custodian of Records for the Entity to perform the duties imposed by the Election Code on the custodian of records for its respective entity.

VIII. Miscellaneous Provisions

- A. Venue and Choice of Law. The Entities agree that the venue for any dispute arising under this Agreement will lie in the appropriate courts of Comal County, Texas. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas and the United States of America.
- B. Entire Agreement. This Agreement contains the entire agreement of the parties relating to the rights herein granted and the obligations herein assumed and supersede all prior agreements. Any prior agreements, promises, negotiations, or representations not expressly contained in this Agreement are of no force and effect. Any oral representations or modifications concerning this Agreement shall be of no force or effect, excepting a subsequent modification in writing as provided herein.
- C. Severability. If any provision of this Agreement is found to be invalid, illegal or unenforceable by a court of competent jurisdiction, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this Agreement; and, parties to this Agreement shall perform their obligations under this Agreement in accordance with the intent of the parties to this Agreement as expressed in the terms and provisions of this Agreement.
- D. Breach. In the event that any Participating Entity or County breaches any of its obligations under this Agreement, the non-breaching party shall be entitled to pursue any and all rights and remedies allowed by law. Nothing in this Agreement shall be construed as a waiver of any immunity or defense to which any Participating Entity is entitled under statutory or common law.

- E.** Other Instruments. The Entities agree that they will execute other and further instruments or any documents as may become necessary or convenient to effectuate and carry out the purposes of this Agreement.
- F.** Mediation. When mediation is acceptable to both parties in resolving a dispute arising under this Agreement, the parties agree to use a mutually agreed upon mediator, or a person appointed by a court of competent jurisdiction, for mediation as described in Section 154.023 of the Texas Civil Practice and Remedies Code. Unless both parties are satisfied with the result of the mediation, the mediation will not constitute a final and binding resolution of the dispute. All communications within the scope of the mediation shall remain confidential as described in Section 154.023 of the Texas Civil Practice and Remedies Code unless both parties agree, in writing, to waive the confidentiality. Notwithstanding the foregoing, the parties intend to fully comply with the Texas Open Meetings Act and the Texas Public Information Act whenever applicable. The term confidential as used in this Agreement has the same meanings as defined and construed under the Texas Public Information Act and the Texas Open Meetings Act.
- G.** Amendment/Modification. Except as otherwise provided, this Agreement may not be amended, modified, or changed in any respect whatsoever, except by a further Agreement in writing, duly executed by the parties hereto. No official, representative, agent, or employee of any Participating Entity has any authority to modify this Agreement except pursuant to such expressed authorization as may be granted by the governing body of the respective Participating Entity.
- H.** Counterparts. This Agreement may be executed in multiple counterparts, all of which shall be deemed originals and with the same effect as if all parties hereto had signed the same document. All of such counterparts shall be construed together and shall constitute one and the same Agreement.

IN TESTIMONY WHEREOF, the Participating Entities have executed this Agreement in multiple copies, each of equal dignity, on this ____ day of _____, 2018.

Randy Moczygemba, Superintendent
on behalf of New Braunfels ISD

Date

Robert Camareno, City Manager
on behalf of the City of New Braunfels

Date

**AGREEMENT TO CONDUCT JOINT ELECTIONS
BETWEEN COMAL INDEPENDENT SCHOOL DISTRICT
AND THE CITY OF NEW BRAUNFELS
FOR MAY 5, 2018 ELECTIONS**

WHEREAS:

1. The Comal Independent School District and the City of New Braunfels will lawfully order and hold a joint election on May 5, 2018; and
2. Texas Government Code, Chapter 791, authorizes local governments to contract with one another and with agencies of the state for various governmental functions including those in which the contracting parties are mutually interested; and
3. Pursuant to Section 271.002, Texas Election Code, political subdivisions of the State of Texas are authorized to hold elections jointly in voting precincts that can be served by common polling places if elections are ordered by the authorities of two or more political subdivisions to be held on the same day in all or part of the same territory; and
4. A provision of the Texas Education Code, Section 11.0581, requires the District to hold its general trustee elections jointly with a municipality located wholly or partially within the boundaries of the District on the May uniform election date, or jointly with the county(ies) in which the District is located on the November uniform election date; and
5. It would encourage greater voter participation and be convenient to the voters for the District and the City, (collectively referred to hereinafter as the Entities or Participating Entities), to hold a joint election in the election precincts that can be served by common polling places insofar as possible.

NOW, THEREFORE, pursuant to Sections 271.002, and 271.003, Texas Election Code, Texas Education Code Section 11.0581 and Chapter 791 of the Texas Government Code, the Joint Election Agreement set forth below is entered into by and between the Participating Entities acting by and through their respective governing bodies, agree as follows:

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Lamar Elementary School, 240 N. Central Avenue

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Each entity will have separate ballots.

- B. Each of the Entities shall be individually responsible for the preparation and/or publication of election ballots, orders, resolutions, notices and other pertinent documents for adoption or execution by its own respective governing board as required by law.
- C. Each of the Entities shall be individually responsible for posting and publishing its election notices.

II. Election Judge, Officer, and Clerks

- A. Each Entity shall appoint its own Election Judge, Alternate Election Judge, and Election Clerks.

III. Early Voting

- A. The District and the City will share a common early voting polling location for the May 5, 2018 joint election as follows:

Comal County Elections Office
396 N. Seguin Avenue
New Braunfels, TX

Each entity will have separate ballots.

- B. The District and the City will each contract individually with early voting personnel.

IV. Election Day

- A. The entities will share the common election-day voting locations as provided in this Agreement if necessary. Each Entity will conduct its own respective election at the Joint Election-Day Polling Location and shall be responsible for compliance with all state and federal laws applicable to their respective elections.

V. Joint Election Costs: Payment

- A. Costs. The District and the City will each be responsible for all costs associated with their respective elections.

All funds expended by each Entity will be from current revenues.

- B. Cancellation. In the event any of the Participating Entities cancels their election because of unopposed candidates under Subchapter C of Title I of the Texas

Election Code, the remaining Entity shall be responsible for 100% of the election costs incurred after the date of cancellation.

VI. General Provisions

- A. Communications. Throughout the term of this Agreement, the Participating Entities will engage in ongoing communications concerning the conduct of the elections and discuss and resolve any problems which might arise.
- B. Effective Date. This Agreement takes effect upon the complete execution of this Agreement by all Participating Entities.
- C. Custodian of Records. Each Participating Entity will serve as their individual custodian for purposes of election records as required by law. Each Participating Entity shall appoint a qualified person to act as Custodian of Records for the Entity to perform the duties imposed by the Election Code on the custodian of records for its respective entity.

VII. Miscellaneous Provisions

- A. Venue and Choice of Law. The Entities agree that the venue for any dispute arising under this Agreement will lie in the appropriate courts of Comal County, Texas. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas and the United States of America.
- B. Entire Agreement. This Agreement contains the entire agreement of the parties relating to the rights herein granted and the obligations herein assumed and supersede all prior agreements. Any prior agreements, promises, negotiations, or representations not expressly contained in this Agreement are of no force and effect. Any oral representations or modifications concerning this Agreement shall be of no force or effect, excepting a subsequent modification in writing as provided herein.
- C. Severability. If any provision of this Agreement is found to be invalid, illegal or unenforceable by a court of competent jurisdiction, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this Agreement; and, parties to this Agreement shall perform their obligations under this Agreement in accordance with the intent of the parties to this Agreement as expressed in the terms and provisions of this Agreement.
- D. Breach. In the event that any Participating Entity or County breaches any of its obligations under this Agreement, the non-breaching party shall be entitled to pursue any and all rights and remedies allowed by law. Nothing in this Agreement shall be construed as a waiver of any immunity or defense to which any Participating Entity is entitled under statutory or common law.

- E.** Other Instruments. The Entities agree that they will execute other and further instruments or any documents as may become necessary or convenient to effectuate and carry out the purposes of this Agreement.
- F.** Mediation. When mediation is acceptable to both parties in resolving a dispute arising under this Agreement, the parties agree to use a mutually agreed upon mediator, or a person appointed by a court of competent jurisdiction, for mediation as described in Section 154.023 of the Texas Civil Practice and Remedies Code. Unless both parties are satisfied with the result of the mediation, the mediation will not constitute a final and binding resolution of the dispute. All communications within the scope of the mediation shall remain confidential as described in Section 154.023 of the Texas Civil Practice and Remedies Code unless both parties agree, in writing, to waive the confidentiality. Notwithstanding the foregoing, the parties intend to fully comply with the Texas Open Meetings Act and the Texas Public Information Act whenever applicable. The term confidential as used in this Agreement has the same meanings as defined and construed under the Texas Public Information Act and the Texas Open Meetings Act.
- G.** Amendment/Modification. Except as otherwise provided, this Agreement may not be amended, modified, or changed in any respect whatsoever, except by a further Agreement in writing, duly executed by the parties hereto. No official, representative, agent, or employee of any Participating Entity has any authority to modify this Agreement except pursuant to such expressed authorization as may be granted by the governing body of the respective Participating Entity.
- H.** Counterparts. This Agreement may be executed in multiple counterparts, all of which shall be deemed originals and with the same effect as if all parties hereto had signed the same document. All of such counterparts shall be construed together and shall constitute one and the same Agreement.

IN TESTIMONY WHEREOF, the Participating Entities have executed this Agreement in multiple copies, each of equal dignity, on this _____ day of _____, 2018.

Andrew Kim, Superintendent
on behalf of Comal ISD

Date

Robert Camareno, City Manager
on behalf of the City of New Braunfels

Date



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/22/2018

Agenda Item No. E)

Presenter/Contact

*Jared Werner, Director of Human Resources
(830) 221-4395 - jwerner@nbtexas.org*

SUBJECT:

Approval of a modification to the number of authorized positions authorized in the Airport Fund.

BACKGROUND / RATIONALE:

The New Braunfels Regional Airport has recently expanded operating hours to increase customer service, ensure adequate staffing levels are in place at all times and reduce non-operating hour service calls. To ensure that there is always a team of two operational personnel available during the new hours, an additional Airport Maintenance Technician is recommended. Traditionally, the airport only had one technician on site at the beginning of the day; this made completing daily inspections and providing customer service problematic. It also presents a safety concern for staff. The additional technician along with the expanded hours will allow one technician to be focused on completing daily quality control inspections while the second technician can be available to support fuel and ground services for early departures. This model is currently in operation however, the airport is utilizing a temporary employee to support the staffing and scheduling needs. Without that temporary employee, these enhancements in customer service and efficiency would not be possible. Therefore, the following modification to the authorized positions is recommended.

FY 2017-18 Authorized Positions

	FY 2017-18 Budgeted	FY 2017-18 Amended
Airport Director	1	1
Administrative Assistant	1	1
<i>Airport Maintenance Technician</i>	4	5
Operations Supervisor	1	1
Total Authorized FTE	7	8

The cost of adding this position can be absorbed by the existing FY 2017-18 operating budget. There are some attrition savings as well that have occurred to this point in the fiscal year. In addition, there are operational savings from a discontinuation of a dedicated phone line utility service from New Braunfels Regional Airport Tower to San Antonio International Airport. The line is no longer required as the FAA has installed their own infrastructure that will not have a financial impact on the Airport Fund. This resulted in an annual savings of approximately \$68,000, which is approximately \$25,000 more than the annual cost of the additional Airport Maintenance Technician (\$48,300 in salary and benefits).

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

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FISCAL IMPACT:

Based on the information provided above, the annual operational savings of \$68,000 provide sufficient funds available to support this additional personnel not only in the current fiscal year, but also on a recurring basis beginning in FY 2018-19 and beyond

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the modification to the number of authorized positions in the Airport Fund.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/22/2018

Agenda Item No. F)

Presenter/Contact

Kenneth Jacks, Fire Chief
(830) 221-4200 - kjacks@nbtexas.org

SUBJECT:

Approval of the purchase of chemical identification equipment from Fisher Safety America, Inc., a part of Fisher Scientific Company LLC, for the Fire Department under the State Homeland Security Program.

BACKGROUND / RATIONALE:

In October 2016, City Council approved the ratification for the submission of a grant application to the State Homeland Security Program (SHSP) from Office of the Governor - Homeland Security Grants Division, for up to \$52,500, to purchase First Defender RM S1 Product Identification Equipment. Notification for approval of the project by the granting agency was received by the City in January 2017 with a request for a subsequent resolution confirming City Council approval of the grant application. The associated resolution was approved by City Council on February 13, 2017.

The Fire Department is requesting the purchase of a "FirstDefender RM Chemical Identification System" which is a rugged, handheld chemical identification system for solids and liquids. The system allows for non-contact, non-destructive chemical analysis that enables emergency first responders to obtain accurate identification of chemicals, explosives and hazardous materials in seconds, including through sealed translucent containers, thereby enhancing the effectiveness and efficiency of the Fire Department.

The purchase price for the chemical identification equipment is \$51,450; therefore, the City is eligible for full reimbursement by the granting agency. The equipment is being purchased from Fisher Safety America, Inc., a part of Fisher Scientific Company LLC, utilizing an H-GAC contract.

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

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

There is no match requirement for the grant. The purchase price for the equipment is \$51,450; the grant will fund up to \$52,500. The purchase is initially supported by the funding incorporated into the City's FY 2017-18 Adopted Budget; however, the City will receive reimbursement from the granting agency upon the receipt and full payment of the equipment. Therefore, sufficient funds are available to purchase the system as described above.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval for the purchase of chemical identification equipment from Fisher Safety America, Inc., a part of Fisher Scientific Company LLC, for the Fire Department under the State Homeland Security Program.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/22/2018

Agenda Item No. G)

Presenter/Contact

*Travis Cochran, Director of Information Technology
(830) 221-4339 - tcochrane@nbtexas.org*

SUBJECT:

Approval of a purchase with Dell for technology equipment and supplies through the State of Texas Department of Information Resources (DIR) Contract.

BACKGROUND / RATIONALE:

Currently the City's Information Technology (IT) Department operates two data centers supporting 81 virtual servers and 25 physical servers. Staff utilizes the virtual server infrastructure to provide reliable and cost-effective services for the needs of the city. The virtual servers support traditional city operations such as email, file storage, financial software, human resources software and public safety in-car and body camera video processing. In addition to these traditional internal systems, the virtual servers support public applications including Accela, our permitting and land management software, RecTrac, our Parks and Recreation management software, and our GIS mapping applications. The original virtual server infrastructure was purchased in April 2012 and is past its life expectancy. The second virtual server infrastructure was purchased in 2014 and its resources are currently at capacity. With the number critical systems that run on the virtual platforms, a proactive approach was taken to find a replacement system.

In January 2017, city staff began the process of researching new technologies that would meet specific goals for updating our virtual server systems:

1. Provide redundancy to keep critical systems available
2. Allow for updates throughout the day without impact to operations
3. Standardize the virtual infrastructure onto a single platform
4. Increase backup retention storage

After reviewing a myriad of options available, staff has determined that utilizing server hardware from Dell Technologies coupled with virtualization software from VMWare and backup software through Quest provides the City with the best overall solution.

The solution will provide new host servers at both data center locations. Our primary data center will have the capability to go fully offline and migrate, in real time, all systems to the secondary data center. Users of these technology systems will be unaware and unimpacted by this type of transition. Similarly, the servers at the secondary site can live migrate to the primary site without impacting our users. This redundancy is critical to continuity of municipal operations.

Additionally, we will add new backup software that will enhance our current backup capabilities increasing the time we store our backups by over 300% and will shorten the amount of time it takes to recover lost or deleted files.

The total price for this purchase is \$775,000. Staff has developed a financing strategy that minimizes the impact to the equipment replacement fund through a 2.1% capital financing agreement with Dell.

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

Yes, Strategic Priorities: Maintain an ongoing program for improving customer service, Use a variety of funding sources for operational and capital needs

FISCAL IMPACT:

The FY 2017-18 Equipment Replacement Fund allocated \$200,000 for technology related replacements. We will utilize \$175,000 to fund the first-year finance payment. The remaining annual payments over four years will need to be incorporated into the FY 2018-19 Budget for the Equipment Replacement Fund.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a purchase from Dell for network equipment through a State of Texas Department of Information Resources (DIR) contract in an amount not to exceed \$775,000, financed over a four-year period at 0% through Dell Technologies



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/22/2018

Agenda Item No. H)

Presenter/Contact

Jennifer Cain, Capital Projects Manager
(830) 221-4646 - JCain@nbtexas.org

SUBJECT:

Approval of the purchase of furniture and equipment for Das Rec, New Braunfels Recreation Center from Wilson Office Interiors LLC, Comm-Fit and Marathon Fitness utilizing various cooperative contracts.

BACKGROUND / RATIONALE:

The 2013 Bond Program included a Community Recreation Center under Proposition 3. The recreation center will include two double gymnasiums, classrooms, a fitness area, an indoor walking track, locker room, and shower facilities. The center's water recreation area will include a competition pool, leisure lap lanes, a resistance/current channel, play/spray features and a slide

Design: The City of New Braunfels entered into a contract with Brinkley Sargent Wiginton Architects (BSW) for design services for the new recreation center.

Construction: Council approved a contract with Byrne Construction Services for pre-construction services. Following that, Council approved a Guaranteed Maximum Price (GMP) with Byrne for construction of the new recreation center based on the 100% Construction Documents. A Notice to Proceed was issued to Byrne for October 10, 2016 and construction is underway.

The furniture and equipment recommendations have been developed through the cooperation of city staff, BSW and Wilson Office Interiors LLC, Comm-Fit and Marathon Fitness in consideration of design esthetics, durability, availability, maintainability and pricing. Furniture and equipment selections include, but are not limited to, cardio equipment, weights, lounge seating, modular workspaces, office furniture, and moveable bleachers.

These selections have been vetted by the design team and are recommended based on the conformance to the criteria listed above. The furniture and equipment will be primarily procured using Texas Multiple Award Schedule (TXMAS), a state cooperative contract; and National IPA, a national cooperative contract for a total cost that will not exceed \$570,000.

Once Council has approved the purchase, the project team will begin the process of ordering the furniture and equipment. Following any manufacturing and delivery lead times, the products will be installed by Wilson Office Interiors LLC, Comm-Fit, Marathon Fitness and their subcontractors. Once the furniture and equipment has been delivered and installed, the City's Information Technology Department will make the necessary technology connections in preparation for ultimate use.

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

Yes	Continue an ongoing program of infrastructure construction and maintenance.
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FISCAL IMPACT:

The project budget includes \$506,000 for FFE purchases. The remaining funding (\$64,000) will come from the available/uncommitted contingencies in the construction project. Therefore, sufficient funds are available to award the purchase as described above.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the approval of the purchase of furniture and equipment for Das Rec, New Braunfels Recreation Center from Wilson Office Interiors LLC, Comm-Fit and Marathon Fitness utilizing various cooperative contracts.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/22/2018

Agenda Item No. I)

Presenter/Contact

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

SUBJECT:

Approval of a resolution authorizing the City Manager to enter into an Interlocal Agreement with Comal County to provide Household Hazardous Waste Collection events for the City of New Braunfels and Comal County.

BACKGROUND / RATIONALE:

In October of 2017 the City partnered with Comal County in providing a Household Hazardous Waste Collection (HHWC) event in the parking lot of City Hall at 550 Landa St. During the event there were 253 participants, 11.5 tons of household hazardous waste diverted from the landfill and safely disposed of or recycled. The City of New Braunfels and Comal County wish to renew the agreement through September 31, 2018. The next HHWC will be held February 10, 2018, at 550 Landa St. from 8:00 am to 12:00 pm. This Interlocal Agreement will allow the City of New Braunfels and Comal County to share in the cost of providing these services to their residents.

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

<input checked="" type="checkbox"/>	Yes	City Plan/Council Priority: Strategic Priorities: Quality of life - 16. Protect the Integrity of Our Neighborhoods.
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FISCAL IMPACT:

There is \$95,000 in the FY 18 Solid Waste Budget for Environmental Services.

COMMITTEE RECOMMENDATION:

[Enter Committee Recommendation Here]

STAFF RECOMMENDATION:

Staff recommends approval of the Resolution.

RESOLUTION 2018-R_____

A RESOLUTION OF THE CITY COUNCIL OF NEW BRAUNFELS, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH COMAL COUNTY TO PROVIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENTS FOR THE CITY OF NEW BRAUNFELS AND COMAL COUNTY.

WHEREAS, The City of New Braunfels and Comal County wish to provide an environmentally sound household hazardous waste collection and disposal method for their residents; and

WHEREAS, the City of New Braunfels, and Comal County, on October 25, 2016 entered into an agreement to participate in and fund household hazardous waste collection events; and

WHEREAS, the City of New Braunfels and Comal County wish to continue to encourage the environmentally sound collection and disposal of household hazardous waste;

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

THAT, the City of New Braunfels City Council authorizes its City Manager to enter into an Interlocal Agreement with Comal County for the purpose of providing and funding household hazardous waste collection events.

ADOPTED AND APPROVED on this the 22nd day of January 2018.

City of New Braunfels, Texas

BARRON CASTEEL, Mayor

Attest:

PATRICK D. ATEN, City Secretary



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/22/2018

Agenda Item No. J)

Presenter/Contact

Greg Gutierrez, Financial Analyst
(830) 221-4398 - ggutierrez@nbtexas.org

SUBJECT:

Approval of budget transfers in the FY 2016-17 General Fund.

BACKGROUND / RATIONALE:

The current financial policies establish budget control at the expenditure category. For example, in the General Fund, even though a department may be under budget when looking at total expenditures (employee, operating and capital), if one expenditure category, such as operating expenditures has or is anticipated to exceed the allocation for that category, a budget transfer must be approved by City Council. As we begin the process of closing out the fiscal year, budget transfers are routinely necessary to maintain compliance with current financial policies, even though most of these transfers do not result in an increase to budgeted expenditures, rather a shifting of allocation to the appropriate category in which the expenditures have occurred or anticipated until all costs have been posted for the fiscal year.

General Fund -

Three departments require an amendment to their employee expenditures. All of which are minimal in costs and due entirely to a slight under-estimate to the adjustments and transfers approved at the last City Council meeting. Staff tries to estimate transfers as accurately as possible to avoid inflating departmental budgets at year end. Four departments require amendments to their operating budgets. City Council and HR are related to underestimating the September P-Card purchases. The Planning Department requires a transfer to operating expenditures as well, driven almost entirely by the comprehensive plan and third-party inspections. The Police Department requires an amendment due to higher than anticipated automotive maintenance and repair expenditures as well as several unbudgeted initiatives that occurred this fiscal year. The following transfers are recommended for City Council consideration

From:

City Council - Employee Expenditures: **\$1,033**
 City Attorney - Operating Expenditures: **\$105**
 Human Resources - Employee Expenditures: **\$2,093**
 Finance - Operating Expenditures: **\$64**
 Planning - Employee Expenditures: **\$35,083**
 Police - Employee Expenditures: **\$21,574**
 Fire - Operating Expenditures: **\$12,287**
Total \$72,239

To:

City Council - Operating Expenditures: **\$1,033**
 City Attorney - Employee Expenditures: **\$105**
 Human Resources - Operating Expenditures: **\$2,093**
 Finance - Employee Expenditures: **\$64**
 Planning - Operating Expenditures: **\$35,083**
 Police - Operating Expenditures: **\$21,574**
 Fire - Employee Expenditures: **\$12,287**
Total \$72,239

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

<input checked="" type="checkbox"/>	Yes	Strategic Priorities 9:	Maintain fiscal stability of City operations.
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FISCAL IMPACT:

These transfers do not increase the current budget for expenditures in the General Fund. There is no impact to fund balance. This action transfers allocation to the categories in which expenditures have occurred or are anticipated to occur before we close out the fiscal year in accordance with current financial policies.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of budget transfers in the FY 2016-17 General Fund.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/22/2018

Agenda Item No. K)

Presenter

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

SUBJECT:

Approval of the second and final 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

City Council held a public hearing on January 8, 2018 and unanimously approved the first reading of the ordinance with staff and Planning Commission recommendations including the paved storage and drive aisles, 8-ft tall masonry buffer wall along 3 sides and associated site improvements; plus, the covered storage is to be enclosed on three sides with the open side facing SH 46; the fence between Ms. Freed and dentist will be repaired; the drainage easements shall be properly maintained or violations shall subject the SUP to revocation procedures; and, in accordance with the revised site plan presented at the January 8, 2018 City Council meeting (7-0-0).

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 no 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 with 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, and has continued to be willing to comply with additional "conditions" requested by the Commission, City Council and adjacent residents in an effort to address his neighbor's 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 applicant's 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** 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:

✓	No	City Plan/Council Priority: 2006 Comprehensive Plan <i>Pros and Cons Based on Policies Plan</i>	Pros: The proposed use is compatible with the Future Land Use Plan designation of the property as Commercial. Goal 1C: <i>Consider rezoning, as necessary, to ensure existing and future land use compatibility.</i> Rezoning of the property to C-1A will bring the property into conformance with the Future Land Use Plan. Goal 1I: <i>Industrial and commercial development should be planned and designed to avoid truck access through residential neighborhoods.</i> This property has direct access to State Highway 46 and will not require or have access through the residential neighborhood. Cons: Without proper screening, the proposed outside storage would have negative impacts on adjacent residences.
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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 plus a requirement that the residential buffer masonry wall be 8 feet in height adjacent to the one- and two-family properties 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 district rezoning as C-1A at this location is consistent with the Future Land Use Plan. Staff's recommendation of approval includes the most recently proposed SUP site plan, with:

- conditions originally recommended by staff related to paving and the masonry wall;
- recommendations made by the Planning Commission related to masonry wall height;
- additional revisions made by the applicant pursuant to requests by the adjacent residents and illustrated on the revised site plan related to extended masonry wall locations and site improvements; and
- additional conditions stipulated by the City Council at the first reading on January 8, 2018

related to covered storage walls, site improvements, drainage easement maintenance and revocation procedures triggers.

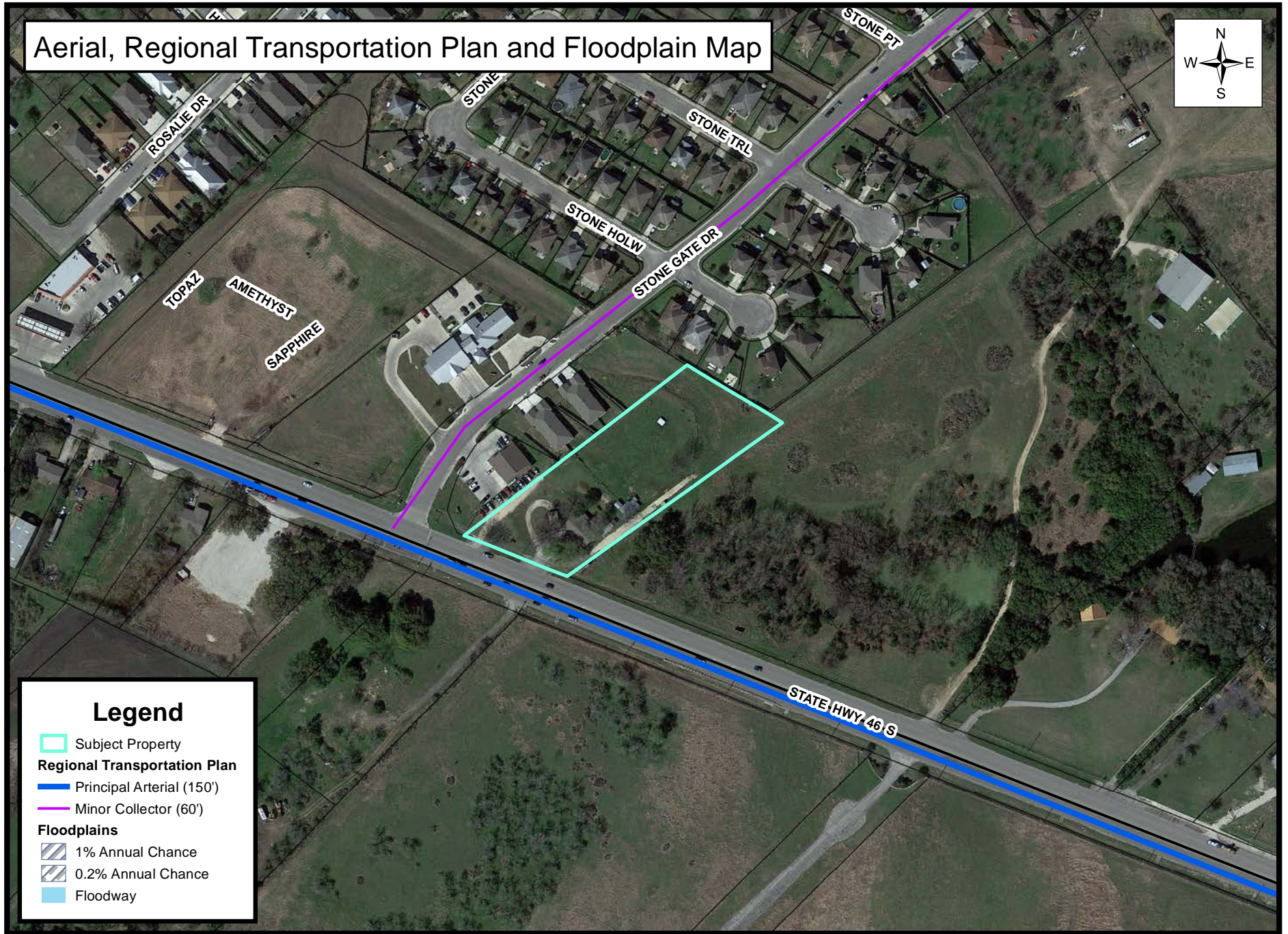
Notification:

Public hearing notices were sent to 17 owners of property within 200 feet of the request. The Planning and Community Development Department has received 1 response in favor and 1 response in opposition from number 6. Number 17 was originally in opposition, however with changes to the site plan proposed by the applicant, that neighbor reversed their opposition.

ATTACHMENTS:

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

Aerial, Regional Transportation Plan and Floodplain Map





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. 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 SITE PLAN

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: ☐ COMAL ☐ GUADALUPE - SCHOOL DIST: ☐ CISD ☐ NBISD ☐ OTHER _____

9. REQUIRED ATTACHMENTS:

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

☒ 3 TIA worksheets and 2 Traffic Impact Analysis if required.

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

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

_____ If requesting a Planned Development (PD), applicant must provide 17 development standards on the detail plan and/or provide the standards in a separate document as described in the Zoning Ordinance, Section 3.5; Provide 17 copies of the standards and Concept plan (1":200') for distribution; 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 notification _____ x 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.

10 August 2017

Date

Justin Alcorn - Owner

Signature of Owner(s)/Agent

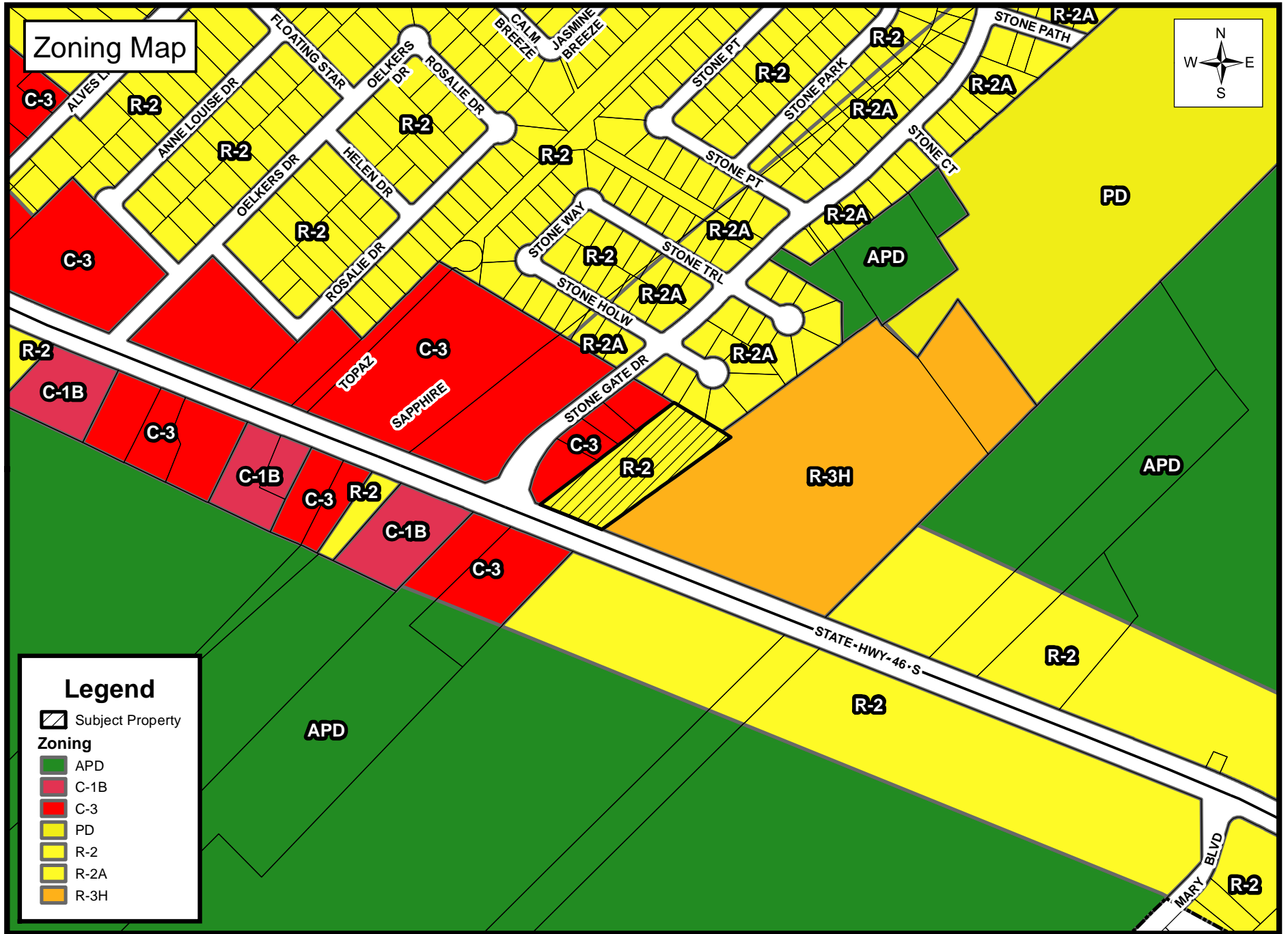
Print Name & Title

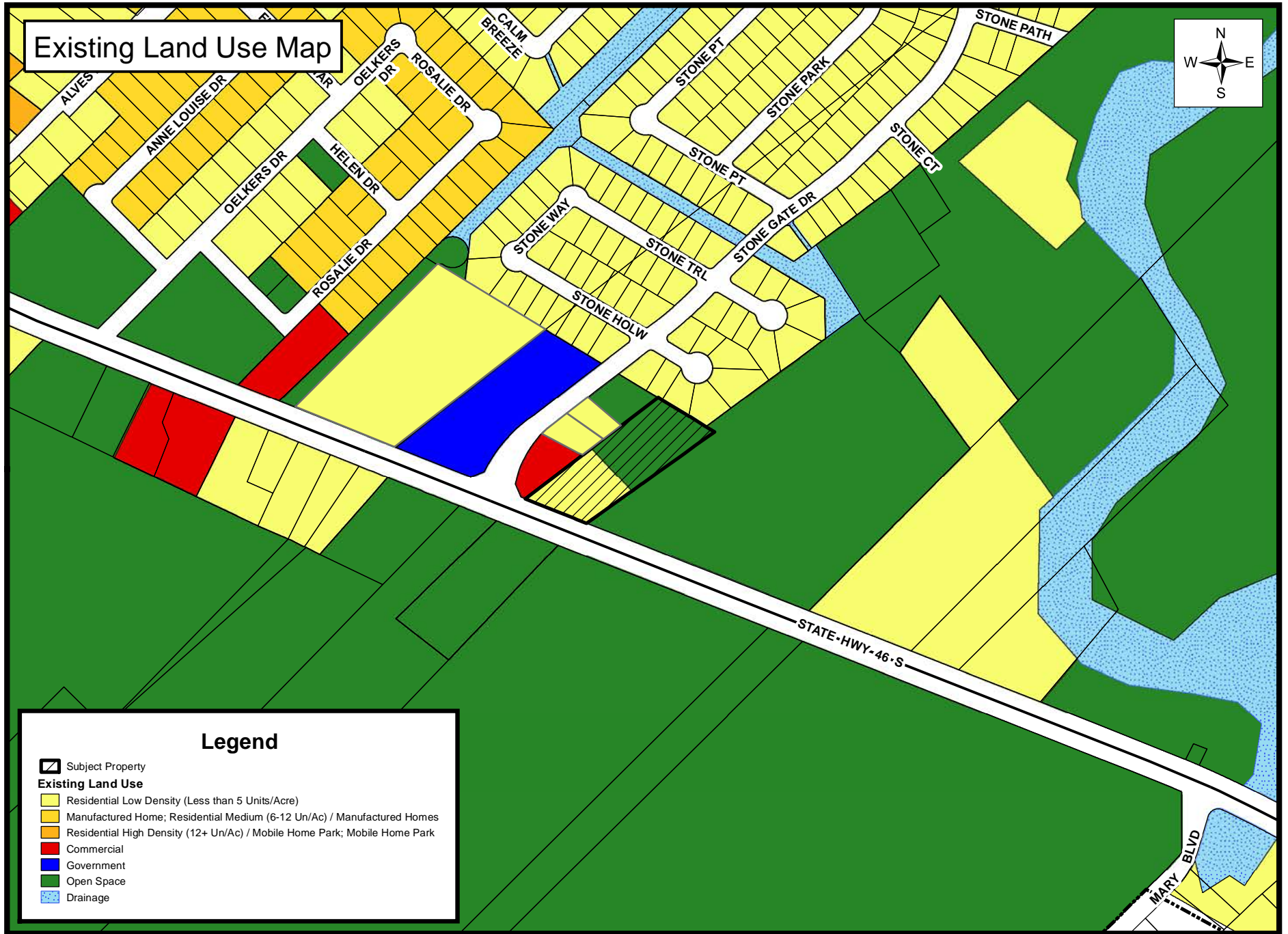
For Office Use Only

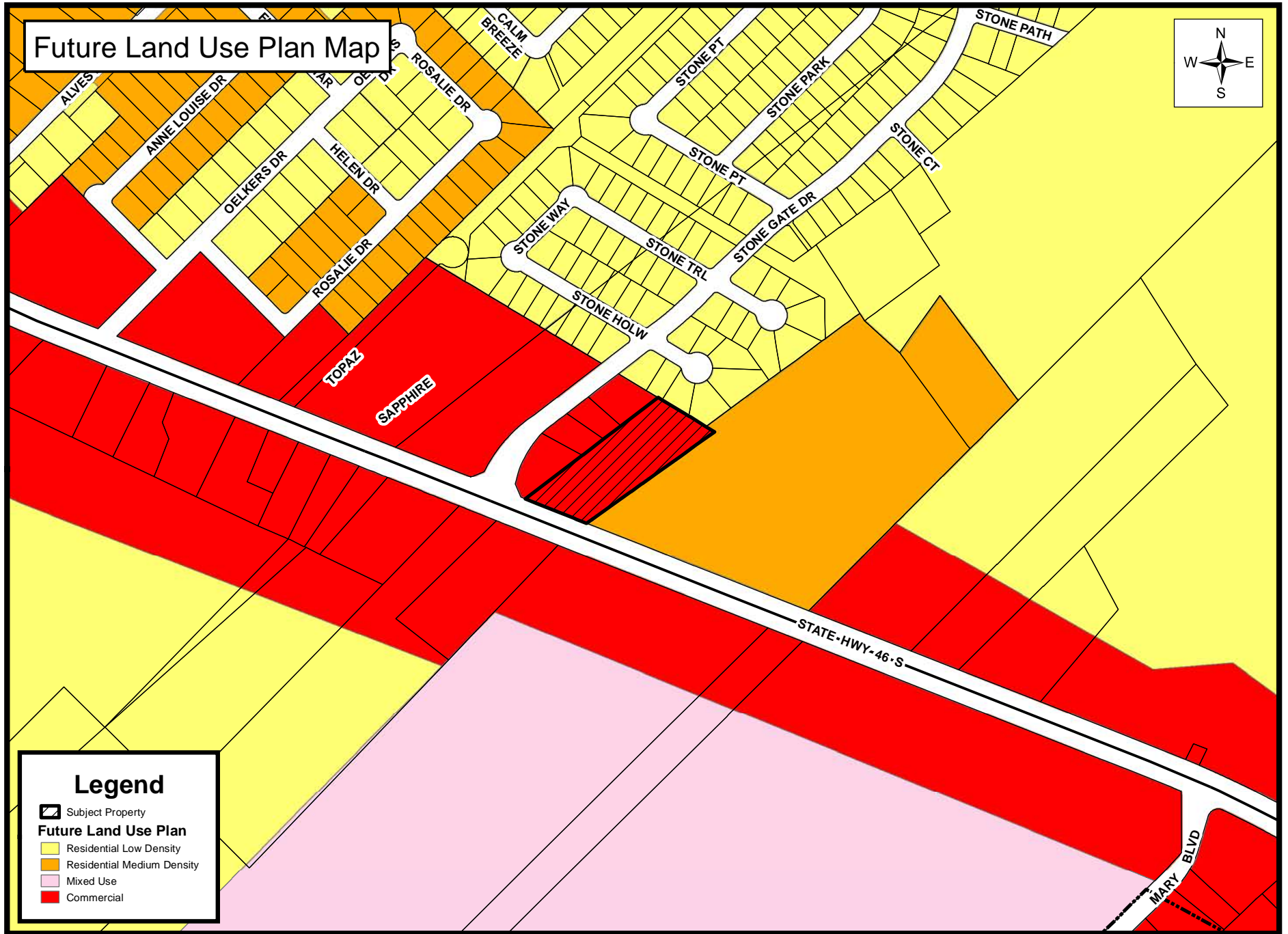
Fee Received By: HMA Amount: 680 30 sign Receipt No.: 242776

Date Received: 8-23-17 Zoning signs issued: yes Date: 9-18-17 No.: 2

Cash/Check Number: 4031 Case Number: P2-17-039







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

New Braunfels Municipal Building, Council Chambers

Applicant: Justin Alcorn

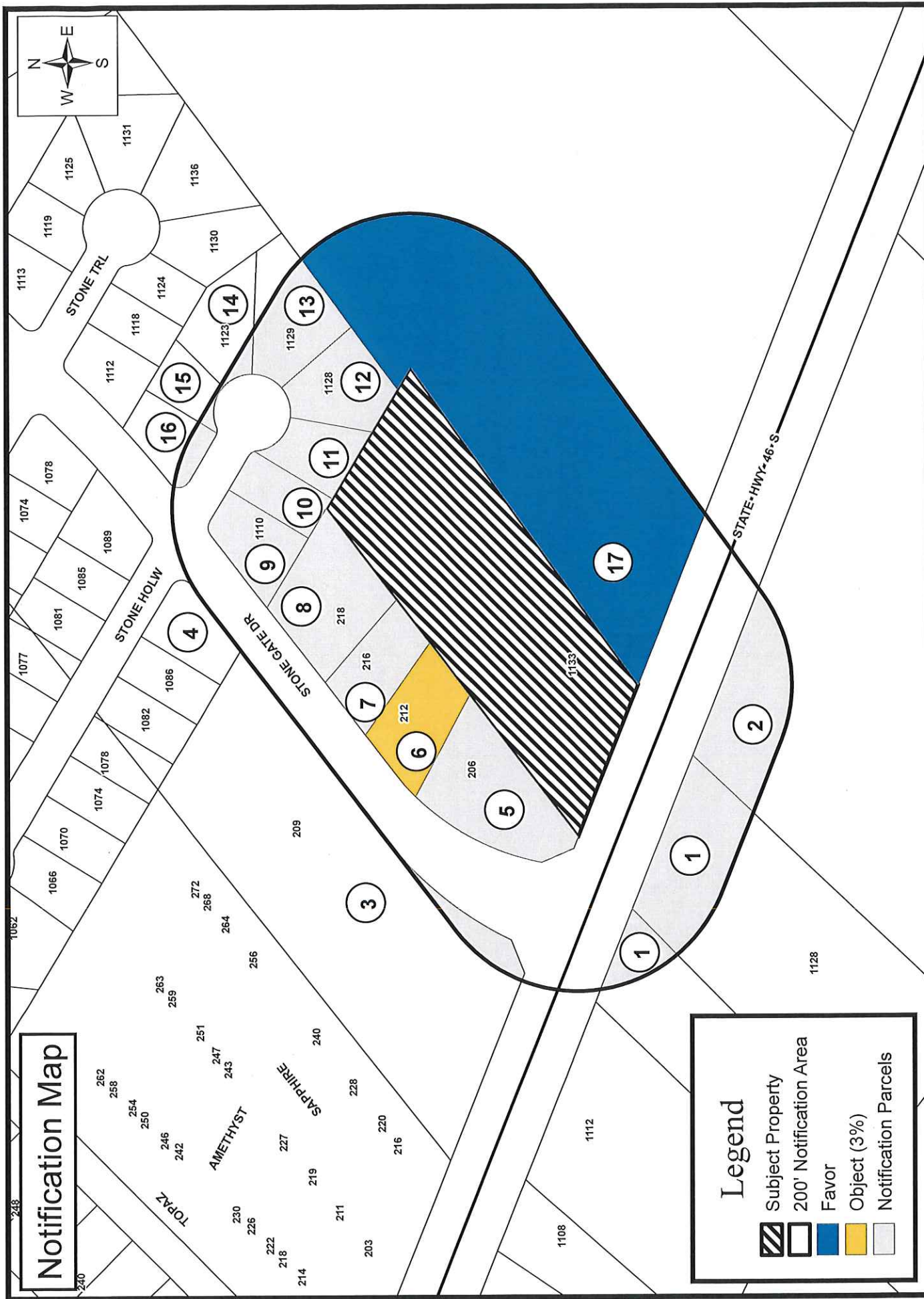
Property: Lots 8 and 9, Seidels Subdivision, addressed at 1133 S. Hwy 46

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, Ian
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



PZ-17-039
1133 S. Hwy 46
R-2 to C-1A with an SUP

Justin Alcorn
 1133 State Hwy 46
 New Braunfels, Texas 78130
 210-319-8205
Justinra73@gmail.com
Mark@MarkStuartArchitect.Com

Date: 12 December, 2017

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

Business
(614-C S. IH 35)

Hello Neighbors,

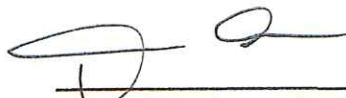
To Address your concerns on the subject Zoning and SUP request, if you remove your objections, I am agreeing to perform the stipulations stated herein and shown on the attached site plan exhibit.

1. 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.
2. 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



13300 Old Blanco Rd #301
San Antonio, TX 78216
(210)369-9509

Surveyor/Owner: JUSTIN ALCORN

Address: 1133 TX 48

GP No. 115002830

NEW BRAUNFELS, TX 78130

This survey is hereby accepted with all encroachments, overlaps, conflicts, and discrepancies in improvements, boundary lines, and/or land area.

X

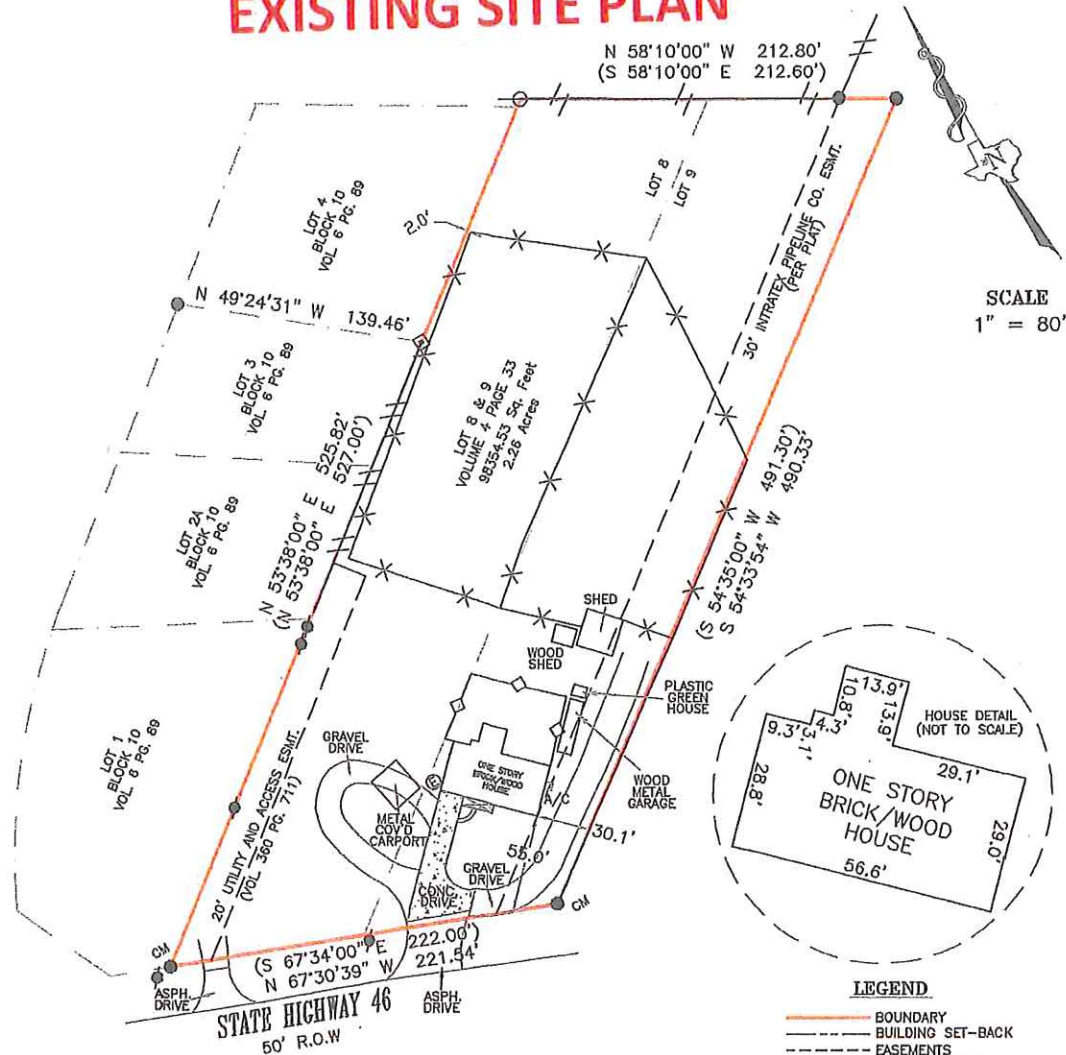
X



LEGAL DESCRIPTION

Being Lots 8 and 9, of SEIDEL'S SUBDIVISION, an addition to Comal/Guadalupe County, Texas, according to the map or plat thereof recorded in Volume 4, Page 83, of the Plat Records of Comal County, Texas and in Volume 4, Page 9, of the Plat Records of Guadalupe County, Texas.

EXISTING SITE PLAN



SCALE
1" = 80'

LEGEND

- BOUNDARY
- - - BUILDING SET-BACK
- - - EASEMENTS
- - - MISC-CONCRETE
- - - ADJONER
- CHAINLINK FENCE
- WOOD FENCE
- WIRE FENCE
- CM CONTROL MONUMENT
- CALCULATED POINT
- FOUND IRON ROD
- FENCE POST
- PP (POWER POLE)
- EM (ELECTRIC METER)

NOTES

1. BEARINGS AND DISTANCES IN () BASED ON RECORD PLAT VOLUME 4, PAGE , PLAT RECORDS COMAL COUNTY, TEXAS.

Item No. 1, Schedule B, has been deleted in its entirety.

10a) 30 foot Easement along the easterly property 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 access 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.

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 discrepancies, 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.



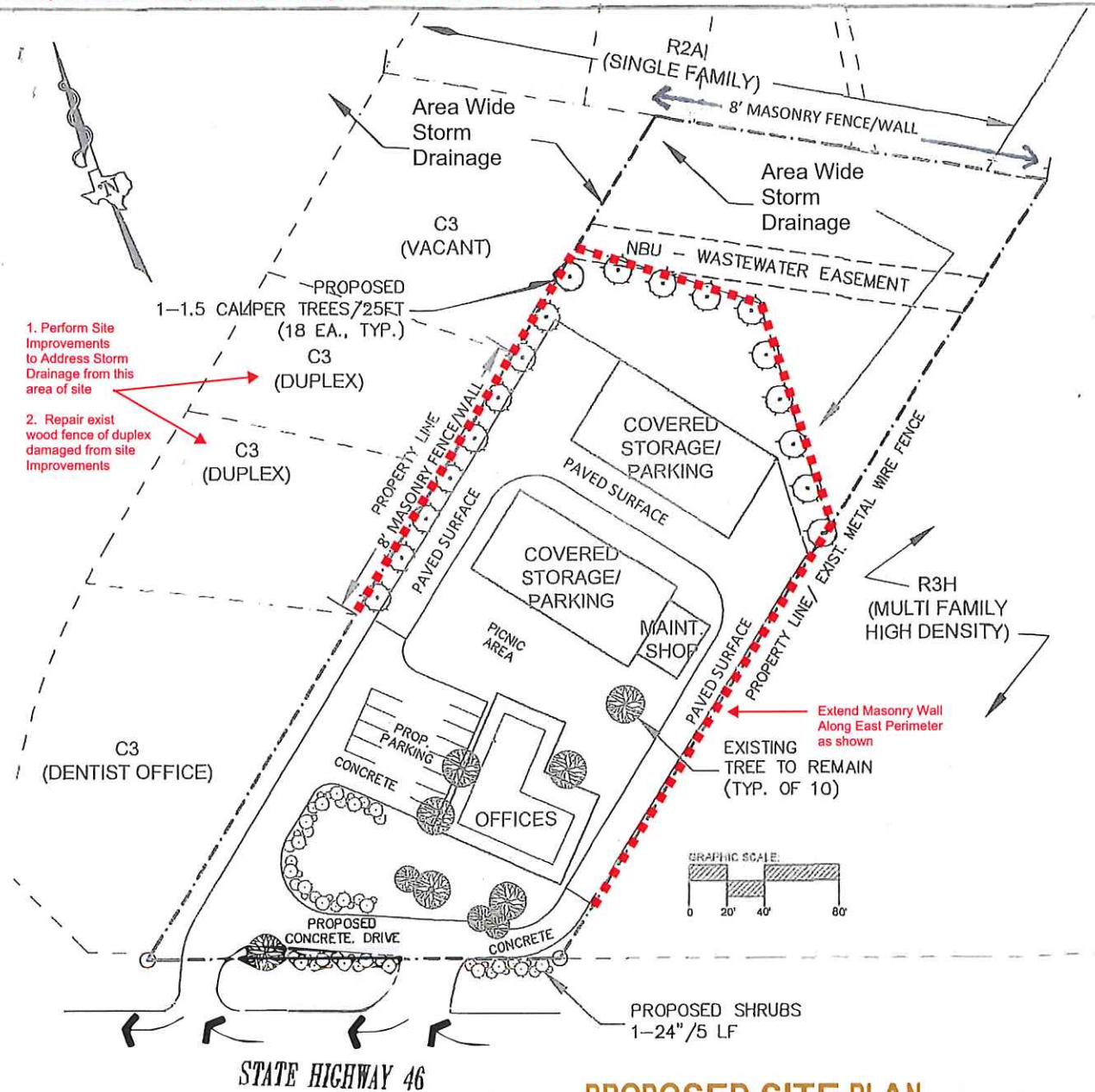
SURVEY: A.S.	DATE	03/31/17
DRAWN	E.P.T.	
CHECKED	AR	
APP'D	JBC	
SCALE	1"=80'	PAGE 1 OF 1
JOB NO.	170302154	
TEXAS FIRM #10194244		

ACCORDING TO FEMA MAP NO.48091C0455F WITH AN EFFECTIVE DATE OF SEPTEMBER 02, 2009, THIS PROPERTY LIES WITHIN ZONE 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.

JOSEPH BYRON CROSBY
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 5566

SUP AGREED STIPULATIONS

1. Build Masonry Wall on all Three Sides of the site as shown.
2. Perform Drainage Report and Implement Storm Drainage Improvements per Civil Engineer.
3. Repair Section of Duplex Fence Damaged as a result of site improvements



PROPOSED SITE PLAN

24/7 DESIGN



1133 HIGHWAY 46
NEW BRAUNFELS, TEXAS

ARCHITECT:
MARK A. STUART
605 Ridgcliff Drive, New Braunfels, Texas 78132, USA
Tel: (830) 557-4444

SITE PLAN
PROPOSED IMPROVEMENTS

DATE:
08/22/2017

DRAWN BY:
AS

CHECKED BY:
MS

CHECKED BY:

REV.:

REV. DATE:

SHEET:

SCALE:
1"=80'-0"

NOTES: PLAT AMENDMENT REQUIRED TO COMBINE
2 LOTS INTO 1.

A1

Mark Stuart Architect

From: James Stewart <James@brass.us>
Sent: Wednesday, January 3, 2018 1:49 PM
To: Mark Stuart Architect
Cc: 'Justin Alcorn'; Rick Rodriguez; Charles Duffley; Kelly Bishop
Subject: RE: 1133 Hwy 46 - New Braunfels - Zoning Request

Mark

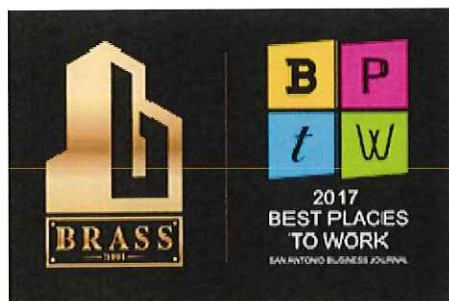
Thank you for our discussion today regarding your proposed development.

Our CEO at Brass is the Managing Member of the partnership, Gillette Holdings, LTD and I am the Asset Manager for all real estate owned and or managed by Brass.

As discussed, I would be in favor of supporting your development adjacent to the West of our tract (the tract owned by Gillette Holdings, LTD), provided there is a City of New Braunfels mandated requirement for you to build an 8' masonry fence to separate your development from our tract of land as shown in the Site Plan Proposed Improvements (Architect Mark Stuart) provided to me, dated 08/22/17.

Should you have any questions, please feel free to reach out to me.

Respectfully,
 James Stewart, CCIM CPM
 COO/Asset Manager
 BRASS
 10010 San Pedro, Suite 105
 San Antonio, TX 78216
 (p): 210-340-5500 ext 106
 (f): 210-499-5495
 email: james@brass.us



Stay Connected!



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From: Mark Stuart Architect [mailto:mark@markstuartarchitect.com]
Sent: Wednesday, January 3, 2018 12:03 PM

To: James Stewart <James@brass.us>
Cc: 'Justin Alcorn' <justinra73@gmail.com>
Subject: 1133 Hwy 46 - New Braunfels - Zoning Request

James Stewart
Gillette Holdings. Ltd
210-340-5500

Hello James,

We are requesting that you remove your objection to the Zoning Change Request at the subject property. The Owner of the subject property has agreed to construct a masonry fence along the east perimeter adjacent to your property as you requested. See attached letter and site plan.

Thank You for your consideration,

Mark Stuart
Architect
24/7 Design, PLLC
605 Ridgecliff Drive
New Braunfels, Texas 78130
830-557-4444

Holly Mullins

From: Mark Stuart Architect <mark@markstuartarchitect.com>
Sent: Thursday, January 04, 2018 10:44 AM
To: Holly Mullins
Cc: 'Justin Alcorn'
Subject: RE: Automatic reply: 1133 Hwy 46 - New Braunfels - Zoning Request
Attachments: 1133-Hwy46-Neighbor-Linda-Freed2.pdf

Hi Holly

Attached is the coordination letter with the other neighbor who objected. She stated today she will remove her objection the night of the meeting after we sign this letter.

Mark Sturt
 Architect
 830-557-4444

From: Mark Stuart Architect [mailto:mark@markstuartarchitect.com]
Sent: Thursday, January 4, 2018 10:08 AM
To: 'Holly Mullins' <HMullins@nbtexas.org>
Cc: 'Justin Alcorn' <justinra73@gmail.com>
Subject: RE: Automatic reply: 1133 Hwy 46 - New Braunfels - Zoning Request

Holly

Attached is the email from Gillette Holdings

Mark Stuart
 Architect
 830-557-4444

From: Holly Mullins [mailto:HMullins@nbtexas.org]
Sent: Thursday, January 4, 2018 8:20 AM
To: Mark Stuart <mark@markstuartarchitect.com>
Subject: RE: Automatic reply: 1133 Hwy 46 - New Braunfels - Zoning Request

Mark,
 Are these two property owners removing their objection? I didn't see that in writing from them.

Please take a moment to complete the City of New Braunfels [Customer Satisfaction Survey](#).



Holly Mullins, AICP
 Neighborhood Senior Planner | Planning and Community Development
 550 Landa St | New Braunfels, TX 78130
 830-221-4054 | HMullins@nbtexas.org | www.nbtexas.org/planning

We encourage you to keep up with the progress on our new comprehensive plan by visiting www.envisionnewbraunfels.org a liking our [facebook page](#).

Justin Alcorn
 1133 State Hwy 46
 New Braunfels, Texas 78130
 210-319-8205
Justinra73@gmail.com
Mark@MarkStuartArchitect.Com

Date: 4 Jan, 2018

SUBJECT: Zoning & SUP Request for 1133 State Highway 46 – Request to Remove Objection -Coordinated.

Linda Wolfe Freed
 614-C Business IH 35
 New Braunfels, Texas 78130
 Phone: 626-274-4076 / 830-500-3314

Hello Linda

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.

1. 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.
2. Repair Existing Sections of wood fence of the West Side Duplex Lots- damaged as a result of Site Improvements.
3. Replace south side section of fence at duplex lot 210 (adjacent to Dentist Office) with solid fence with concrete post supports/foundation.

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:

Mark Stuart

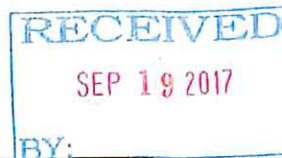
Digitally signed by Mark Stuart
 DN: C=US,
 E=mark.247design@gmail.com,
 O="247 Design, PLLC",
 OU=Architect, CN=Mark Stuart
 Reason: I am the author of this
 document
 Date: 2018.01.04
 10:40:59-0600

**Mark Sturt Architect for
 Justin Alcorn (Owner)
 1133 State Highway 46
 New Braunfels, Texas 78130**

**Linda Wolfe Freed
 614-C Business IH 35
 New Braunfels, Texas 78130**

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ17-039 (Alcorn) MG)
Date Sent: 9/15/17



Name: James Stewart, agent for Gillette Holdings, Ltd.

I favor: BY:

Address: 10010 San Pedro Ave, suite 105 San Antonio, TX 78216

Property number on map: 17

I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)

We plan to develop a multi family site on our tract. A construction yard would negatively impact our development since it would be adjacent. That said, if a ^{new} solid fence (not chain link) were to be built by Applicant that would screen their yard from our development, we would consider removing objection.

Signature: [Signature]

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ17-039 (Alcorn) MG)
Date Sent: 9/15/17

Name: Linda S Wolfe-Freed

I favor: _____

Address: 614-C S Business IH 35, MB

Property number on map: 6

I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)



Signature: [Signature]

(626) 274-4070
274-4070
(830) 500-3314











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 guests 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:

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

- (5) Screening and buffering, features to minimize visual impacts, and/or set-backs from adjacent uses;
 - (6) Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - (7) Required yards and open space;
 - (8) Height and bulk of structures;
 - (9) Hours of operation;
 - (10) Paving of streets, alleys, and sidewalks,
 - (11) Provisions for drainage,
 - (12) Exterior construction material and building design; and
 - (13) Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.
- (e) *Public health, safety, convenience and welfare.* The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.
- 3.6-4. *Procedures for special use permit (SUP).* Granting of an SUP is considered zoning and as such, all the procedures for changing a zoning district apply to an application for an SUP. After a public hearing and upon the recommendation of the Planning Commission, the City Council may approve, deny or modify the site plan and issue a special use permit containing such requirements and safeguards as necessary to protect adjoining property, including conditions addressing the standards in Section 3.6-3(d).
- 3.6-5. *Revocation.* The SUP for a Type 1 permit may be considered for revocation if a use other than the use approved in the SUP or in the underlying zoning district is developed or other stated requirements are not met. The SUP for a Type 2 permit may be considered for revocation for the following reasons:
- (a) Construction is not begun within five years of the date of approval of the permit.
 - (b) Progress toward completion is not being made. Progress toward completion includes the following:
 - (1) An application for a final plat is submitted;
 - (2) A good faith effort is made to file with a regulatory agency an application for a permit necessary to begin or continue completion of the project;
 - (3) Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of 5% of the most recent appraised market value of the real property on which the project is located;
 - (4) Security is posted with the city to ensure performance of an obligation required by the city; or

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

Draft Minutes for the 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 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 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 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, the 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 designated said property with a "Type 2 Special Use Permit" to allow a contractor's office with outdoor storage:

"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. Storage areas and drive aisles must be paved.
3. An 8-ft masonry buffer wall along all 3 sides of property adjacent the one- and two-family properties with the associated landscape residential buffer improvements:
 - a. At least one tree per 25 linear feet of property, or part thereof, a minimum one and one-half inches (1½") in diameter, shall be planted along the common property line. Shade trees must be used, unless near utility lines where ornamental trees must be used, as required in subsection 144-5.3-1(b)(6)(vii). All new trees shall be provided with a permeable surface of 60 square feet per tree under the drip line. All planting areas shall be a minimum of five feet in width.
4. The covered storage shall be enclosed on three sides in accordance with approved Non-Residential and Multifamily Design Standards with the open side facing SH 46.

5. Repair the fence between Lot 2A, Block 10 and Lot 1, Block 10, Stone Gate Subdivision, Unit 1.
6. The drainage easements shall be properly maintained in perpetuity. Violations of proper maintenance shall subject the SUP to revocation procedures.

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.

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

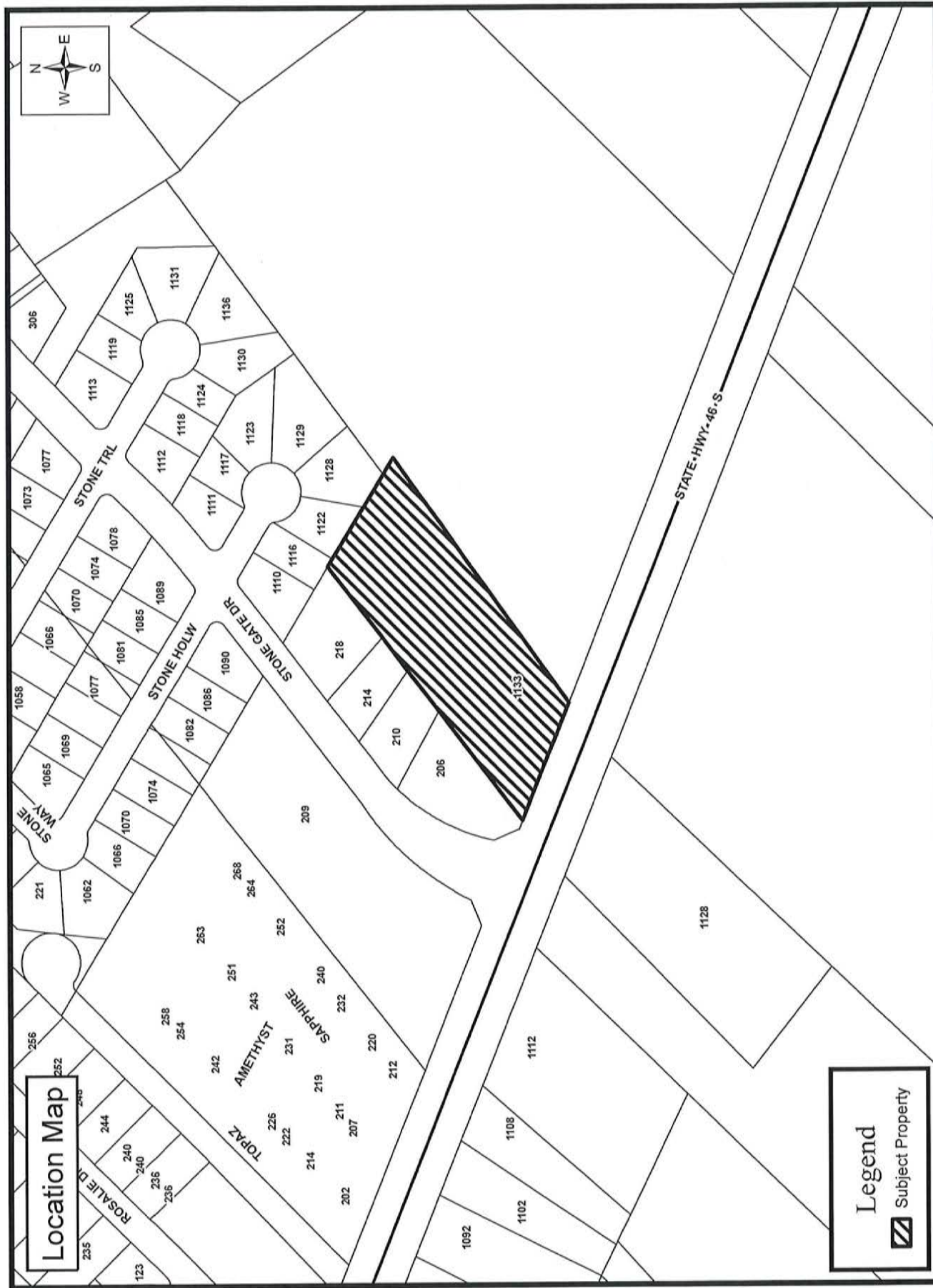
ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

\\chfs-1\Departments\Planning\ZoneChange-SUP-Replats\2017 cases\IPZ-17-039 Alcorn C-1A SUP\IPZ-17-039 Ordinance.docx



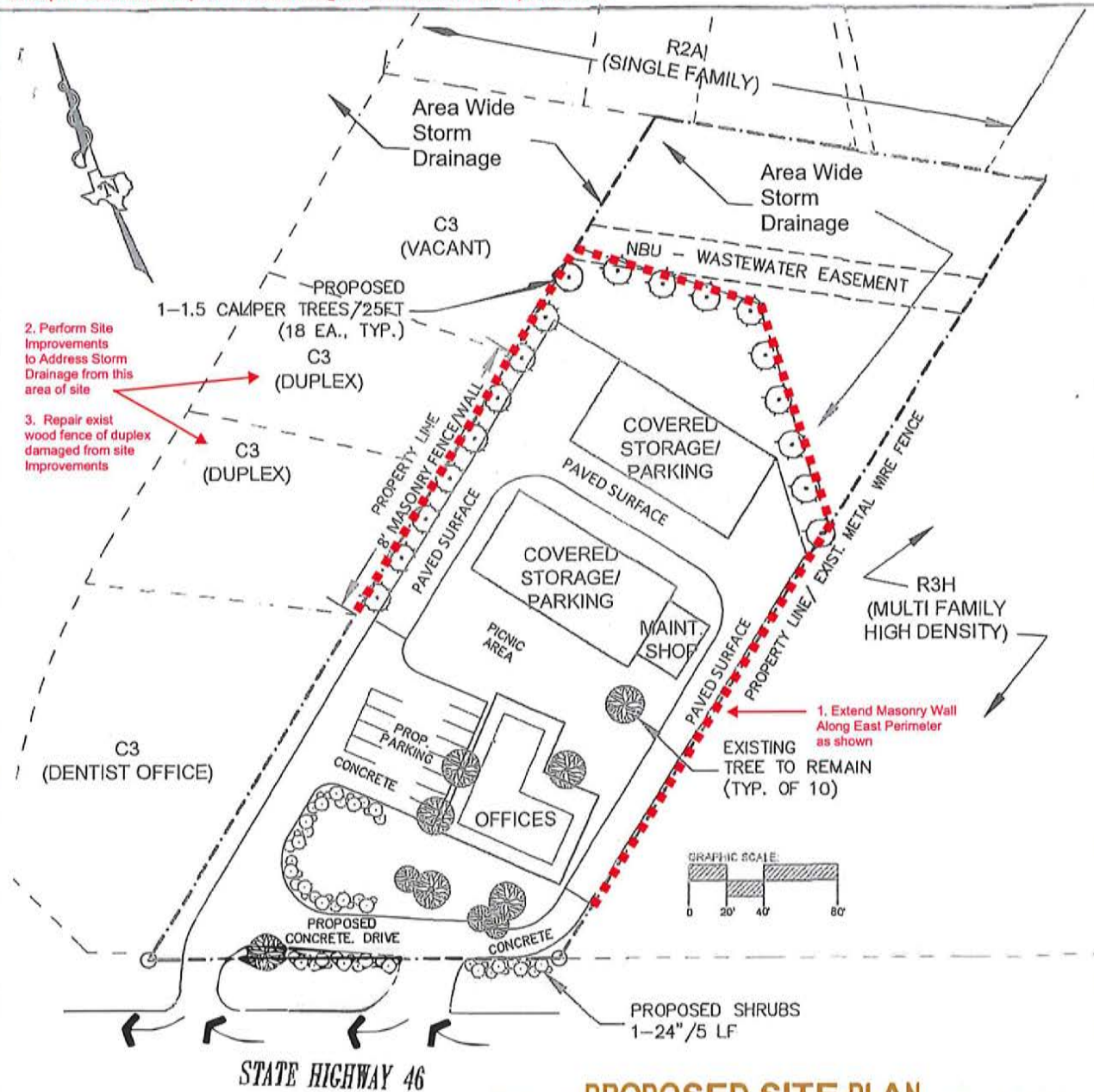
Map Created 9/14/17

PZ-17-039
1133 S. Hwy 46
R-2 to C-1A with an SUP



SUP AGREED STIPULATIONS

1. Build Masonry Wall on all Three Sides of the site as shown.
2. Perform Drainage Report and Implement Storm Drainage Improvements per Civil Engineer.
3. Repair Section of Duplex Fence Damaged as a result of site improvements



PROPOSED SITE PLAN

24/7 DESIGN



ARCHITECTURE & PLANNING

1133 HIGHWAY 46
NEW BRAUNFELS, TEXAS

ARCHITECT:
MARK A. STUART
605 Ridgcliff Drive, New Braunfels, Texas 78132, USA
Tel: (830) 557-4444

SITE PLAN
PROPOSED IMPROVEMENTS

DATE:
08/22/2017

DRAWN BY:
AS

CHECKED BY:
MS

CHECKED BY:

REV.:

REV. DATE:

SHEET:

SCALE:
1"=80'-0"

NOTES: PLAT AMENDMENT REQUIRED TO COMBINE
2 LOTS INTO 1.

A1

EXHIBIT 'B'



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/22/2018

Agenda Item No. L)

Presenter

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

SUBJECT:

Approval of the second and final reading of an ordinance regarding the proposed 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

City Council held a public hearing on January 8, 2018 and unanimously approved the first reading of the requested rezoning ordinance with staff recommended conditions as presented (7-0-0).

Planned Developments (PDs) are intended to provide developers and 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 rezoning process; and then 2) consideration of a consistent “Detail Plan” by the Planning Commission. After step 1, the zoning is technically 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 or Subdivision Platting 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 Collector. The associated Master Plan was approved at the January 9, 2018 Planning Commission meeting. This Master Plan includes a revised internal street network in its entirety (see attachments). Staff’s preliminary review of the revised street layout on the revised Detail Plan and Master Plan is favorable, but will still need to be approved by the Public Works Department and TxDOT.

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:

A proposed 220-foot wide Parkway is located 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:

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

N/A

COMMITTEE RECOMMENDATION:

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

STAFF RECOMMENDATION:

Staff recommends approval of the applicant's proposed amendment to the "Highland Gardens" Planned Development District Concept Plan. The proposed revisions are 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:

1. Incorporate the street network as illustrated on the Master Plan approved by the Planning Commission at their January 9, 2018 meeting.

Staff had also originally included the additional following technical 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.

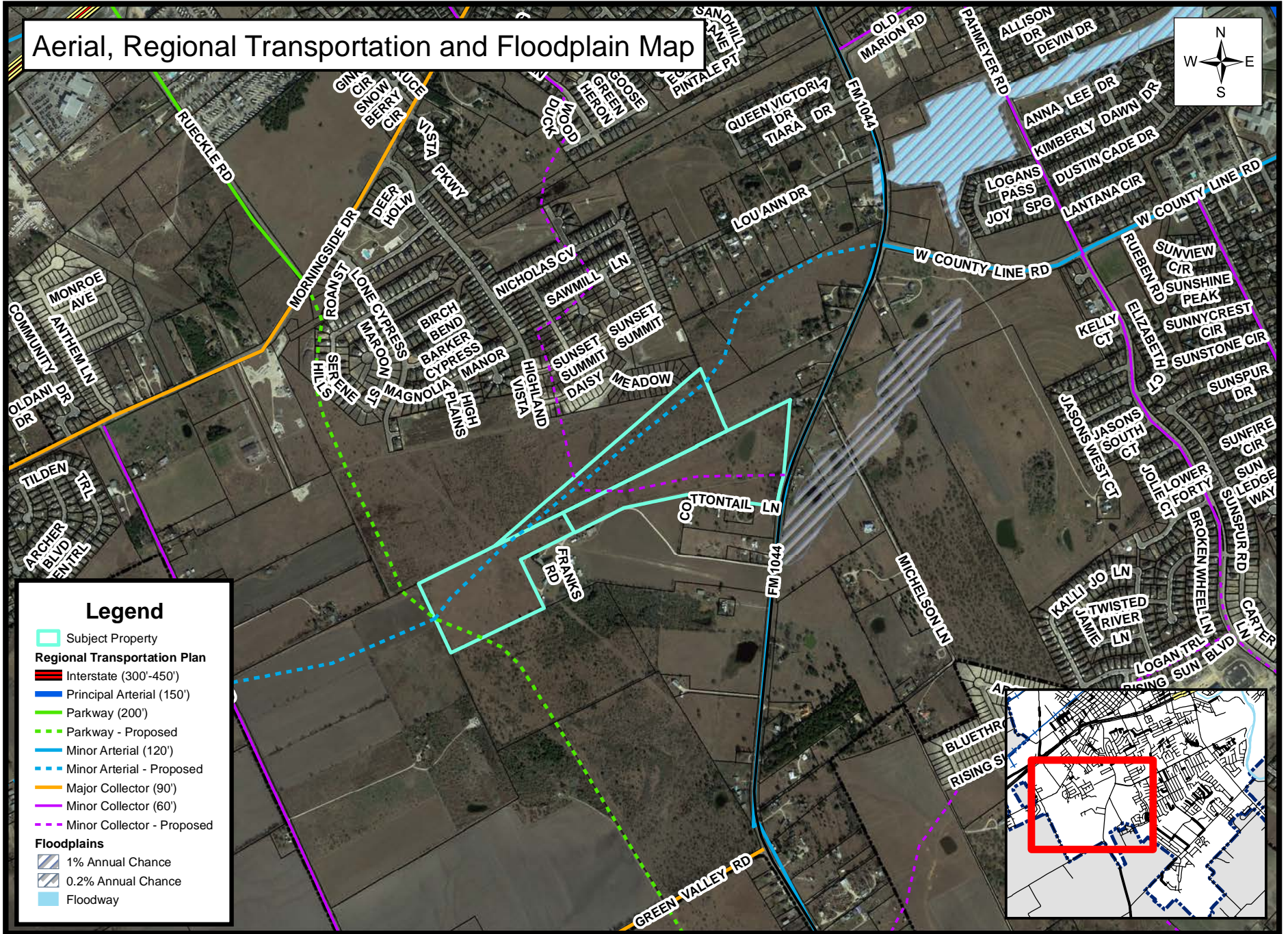
Notification:

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

Aerial, Regional Transportation and Floodplain Map





PLANNING

APPLICATION FOR A ZONING CHANGE

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

OCT 25 2017

Case Number: P2-17-045

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: Moeller & Associates c/o James IngallsMailing Address: 2021 SH 46 W, Ste 105, New Braunfels, TX 78132Telephone: 830-358-7127

Fax: _____

Mobile: _____

Email: plats@ma-tx.com

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

3. Legal Description: See Survey

Name of Subdivision: Highland GardensLot(s): 160

Block(s): _____

Acreage: 56.09

4. Existing Use of Property: Undeveloped

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

Single Family Residential

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

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

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

8. COUNTY: ☒ COMAL ☐ GUADALUPE - SCHOOL DIST: ☒ CISD ☐ NBISD ☐ OTHER _____

9. REQUIRED ATTACHMENTS:



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



3 TIA worksheets and 2 Traffic Impact Analysis if required.



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



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



If requesting a Planned Development (PD), applicant must provide 17 development standards on the detail plan and/or provide the standards in a separate document as described in the Zoning Ordinance, Section 3.5; Provide 17 copies of the standards and Concept plan (1":200') for distribution; 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.

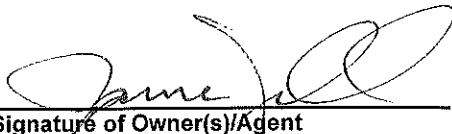
Mailed notification 8 x 2.15 each = 17.20

Newspaper Notice 115.00 each



Future Land Use Plan Update \$500.00

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


Signature of Owner(s)/Agent

10/25/17

Date

James Ingalls, PE - Agent

Print Name & Title

For Office Use Only

Fee Received By: RSAmount: 2,477.20Receipt No.: 239574Date Received: 10.25.17Zoning signs issued: 2405Date: 11.16.17No.: 2Cash/Check Number: 3903Case Number: P2-17-045

NOTES:

NOTES:

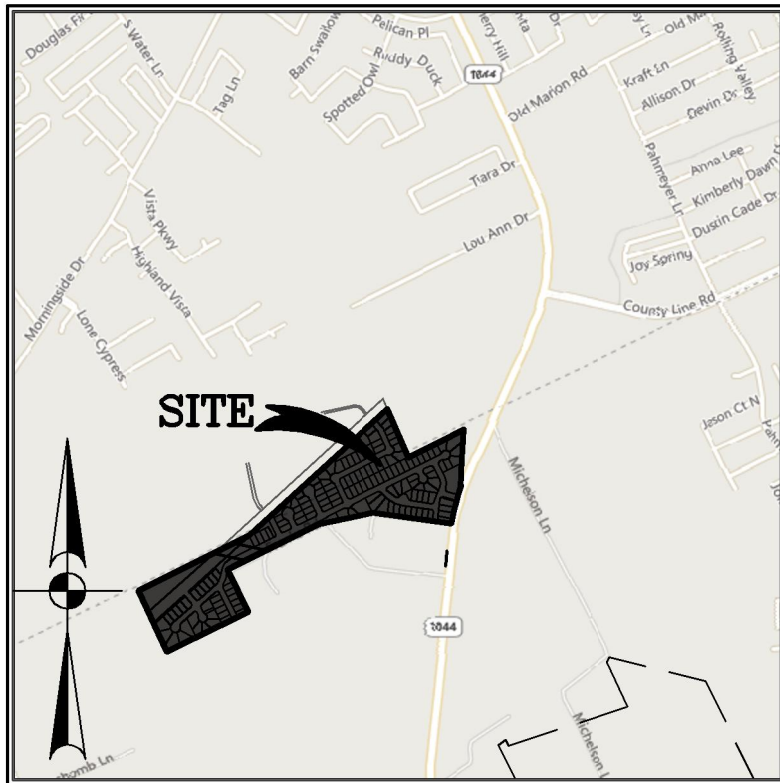
1. THE PROPOSED USE OF THE SUBDIVISION IS FOR SINGLE FAMILY RESIDENTIAL.
2. THE UNIT NUMBERS SHOWN REPRESENT THE ORDER IN WHICH THE UNITS WILL BE DEVELOPED AND PLATTED.
3. SIDEWALKS WILL BE CONSTRUCTED FOR THIS DEVELOPMENT.
4. STREETS ARE PROPOSED TO BE OF A LOCAL TYPE, ARTERIAL, AND COLLECTOR FUNCTIONAL CLASSIFICATION.
5. THE LOTS DESIGNATED AS OPEN SPACE (O.S.) WILL NOT BE AVAILABLE FOR RESIDENTIAL USE. THESE LOTS WILL BE OWNED AND MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION.
6. ALL LOTS WITHIN THE SUBDIVISION WILL BE SERVED BY NEW BRAUNFELS UTILITIES (NBU), A PUBLIC WATER AND SEWER SERVICE, AT&T FOR PHONE SERVICE, AND TIME WARNER CABLE.
7. ALL OPEN SPACE AREAS CAN BE USED FOR DRAINAGE CONVEYANCE.
8. ALL STANDARD CURB AND GUTTER WILL PROVIDE STORMWATER CAPACITY PER CITY OF NEW BRAUNFELS DRAINAGE REQUIREMENTS.
9. THE ENTIRE SUBDIVISION FALLS WITHIN COAL INDEPENDENT SCHOOL DISTRICT.
10. BASE ZONING FOR HIGHLAND GARDENS PLANNED DEVELOPMENT DISTRICT IS R-1A--6.6, SINGLE FAMILY DISTRICT.
11. 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:	PDD
Total Number of Acres	55.48
Open Space/Drainage Acreage:	16.44
Residential Acreage:	39.04
Minimum Lot Width:	50 Feet Wide (60' on Corner Lots)
Typical Lot Depth:	120 Feet
Minimum Lot Area	6,000 and 7,200 Square Feet
Minimum Lot Area (Corner)	7,200 Square Feet
Minimum Front Setback:	25 Feet
Minimum Side Setback:	5 Feet
Minimum Rear Setback:	20 Feet
Minimum Living Area	1600sf
Minimum Garage	2 Car Garage
Minimum Landscaping	Full Sod (front & back) or Xeriscape
Maximum Building Height:	35ft
Noise Mitigation:	A minimum 6' tall masonry wall/fence adjacent to single family residences abutting FM 1044
Tree's:	A minimum of one (1) front yard shade tree per lot
Drainage and Detention Areas	Areas located on separate lots will be owned and maintained by the HOA

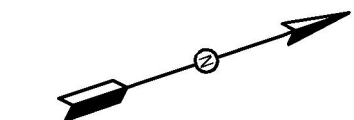
OWNER/DEVELOPER:
DIRT DEALERS XII, LTD
JACK SCANIO
660 LAKEFRONT AVE
NEW BRAUNFELS, TX 78130
(210) 496-7775

ENGINEER/SURVEYOR:
MOELLER & ASSOCIATES
JAMES INGALLS, P.E. - ENGINEER
2021 SH 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

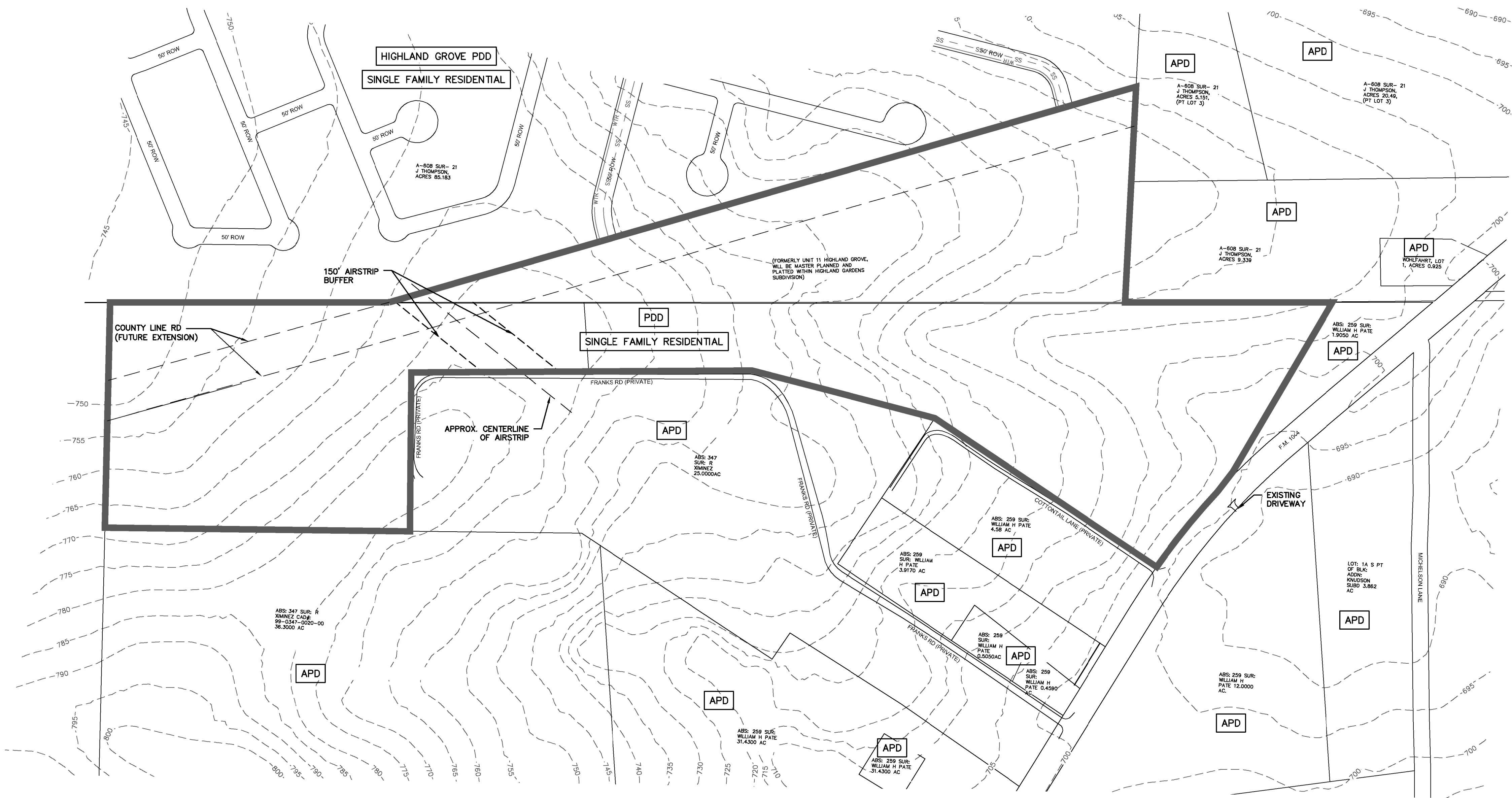


LOCATION MAP
SCALE: 1"=2,000'



LEGEND

BOUNDARY



ACREAGE SUMMARY (APPROX.)

RESIDENTIAL LOTS AND STREETS:	39.04 ACRES
*OPEN SPACE (OS)/GREENBELT	<u>16.44 ACRES</u>
TOTAL ACREAGE:	55.48 ACRES
RESIDENTIAL LOT DENSITY (160 MAX/55.48):	2.88 LOTS/ACRE

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

RELATION TO COMPREHENSIVE PLAN NOTE:

1. THE PROPOSED 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.



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
November 17, 2017. IT IS TO
BE USED FOR BIDDING AND
PERMITTING PURPOSES
ONLY. NOT TO BE USED FOR
CONSTRUCTION.

[illegible]

**MOELLER
& ASSOCIATES**
Engineering Solutions

2021 W SH46, STE 105, NEW BRAUNFELS, TX. 78132
PH: 830-358-7127 www.mog-tx.com
TBDP FIRM F-13351

AMENDING CONCEPT PLAN

HIGHLAND GARDENS
PLANNED DEVELOPMENT
DISTRICT
NEW BRAUNFELS, TEXAS

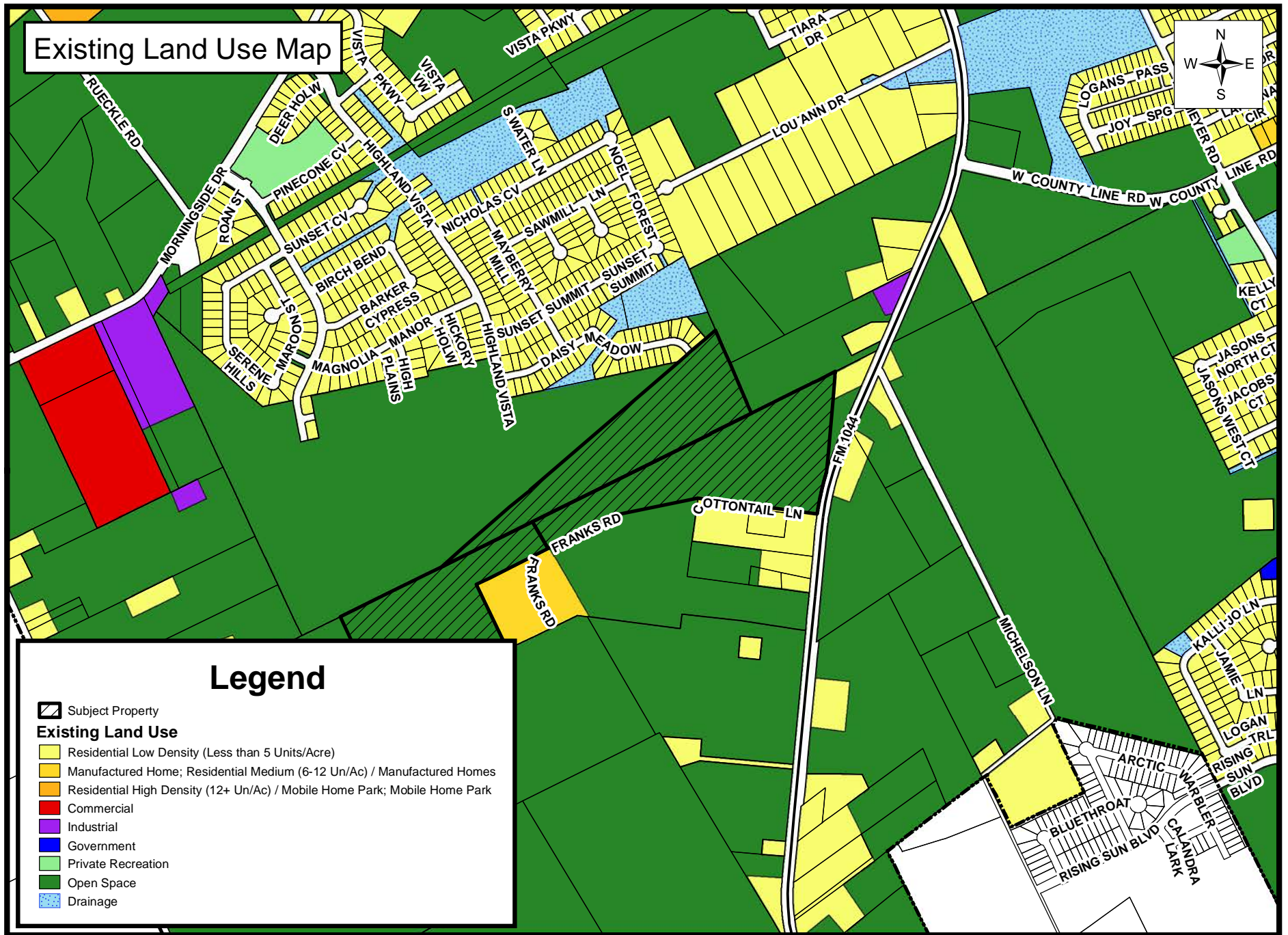
SHEET

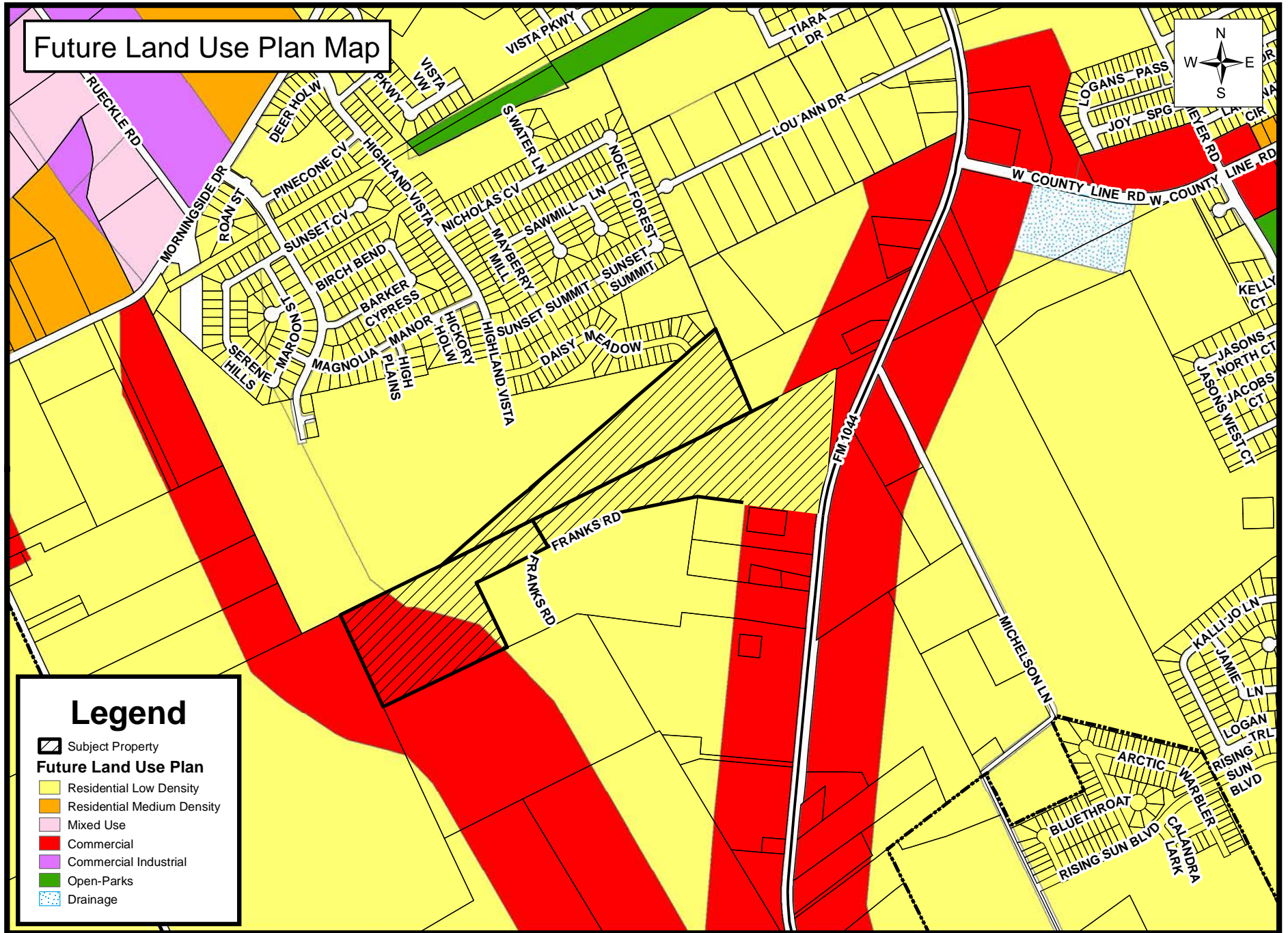
1
OF 1



Map Created 11/29/17

"Highland Gardens" Planned Development District Concept Plan Amendment





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

New Braunfels Municipal Building, Council Chambers

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

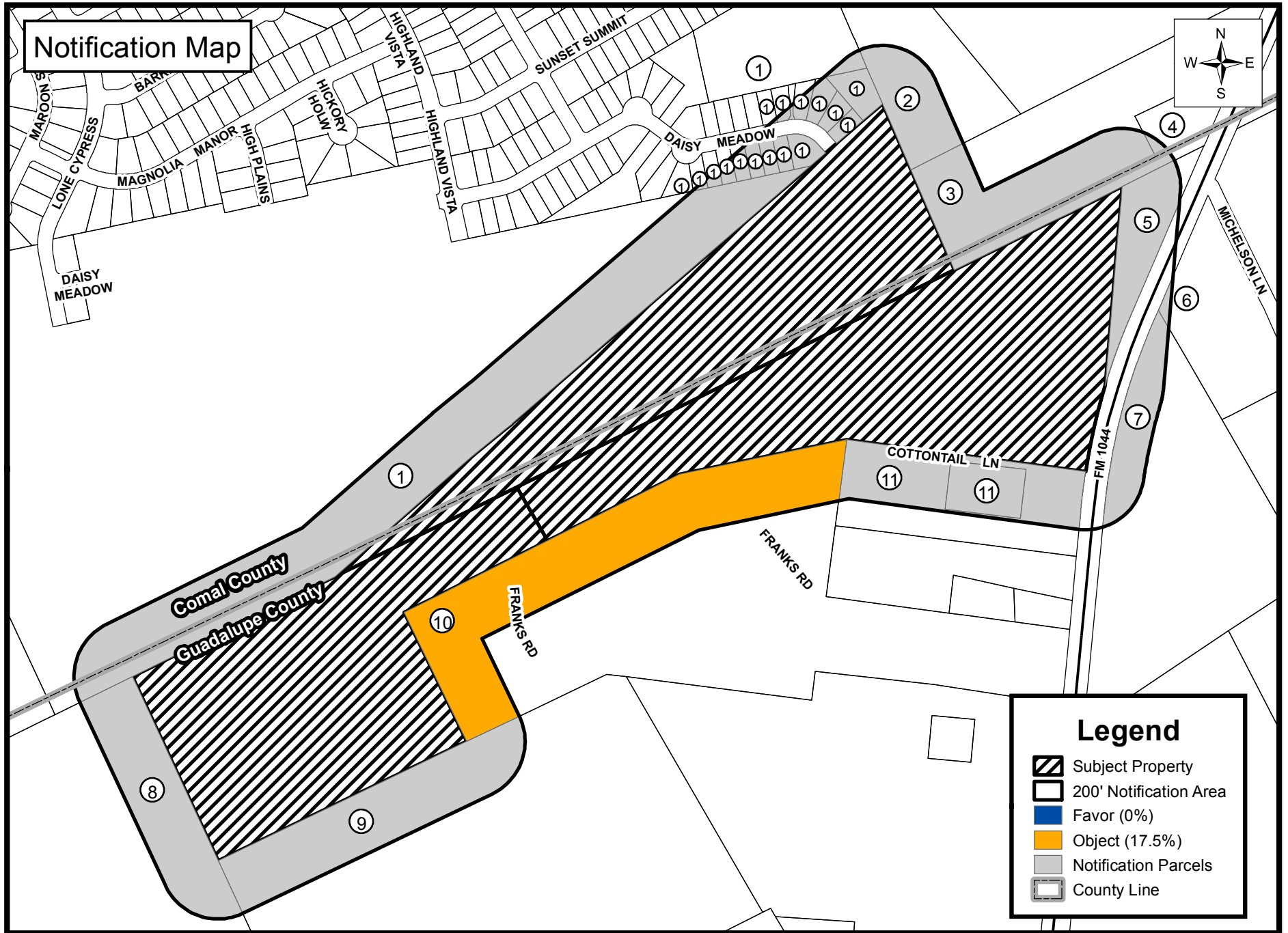
Property Location: Approximately 56 acres of land out of the William H. Pate Survey, Abstract No. 259, the R. Ximenez Survey, abstract No. 347 and the J. Thompson Survey, Abstract No. 608, Guadalupe County, Texas, located on FM 1044

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



YOUR OPINION MATTERS ⁹⁴ - 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

I favor: _____

Address: 400 FRANKS RD

Circled number on map: 10

I object: ☒ _____

Comments: (Use additional sheets if necessary)

RECEIVED

NOV 29 2017

Signature: Ruth M. Franks

NOV 29 2017

November 29, 2017

1. The mailing sent out did not reveal that by signing the form if the city council approves no longer makes the developer responsible to anyone 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.

Questions:

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 DISTRICT (HGARDPD), ADOPTING A CONCEPT PLAN AND ASSOCIATED DEVELOPMENT STANDARDS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

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

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

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

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

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

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

SECTION 4

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

SECTION 5

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

SECTION 6

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

SECTION 7

EFFECTIVE DATE AND PUBLICATION:

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

SECTION 8

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

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

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

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK ATEN, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo
VALERIA M. ACEVEDO, City Attorney



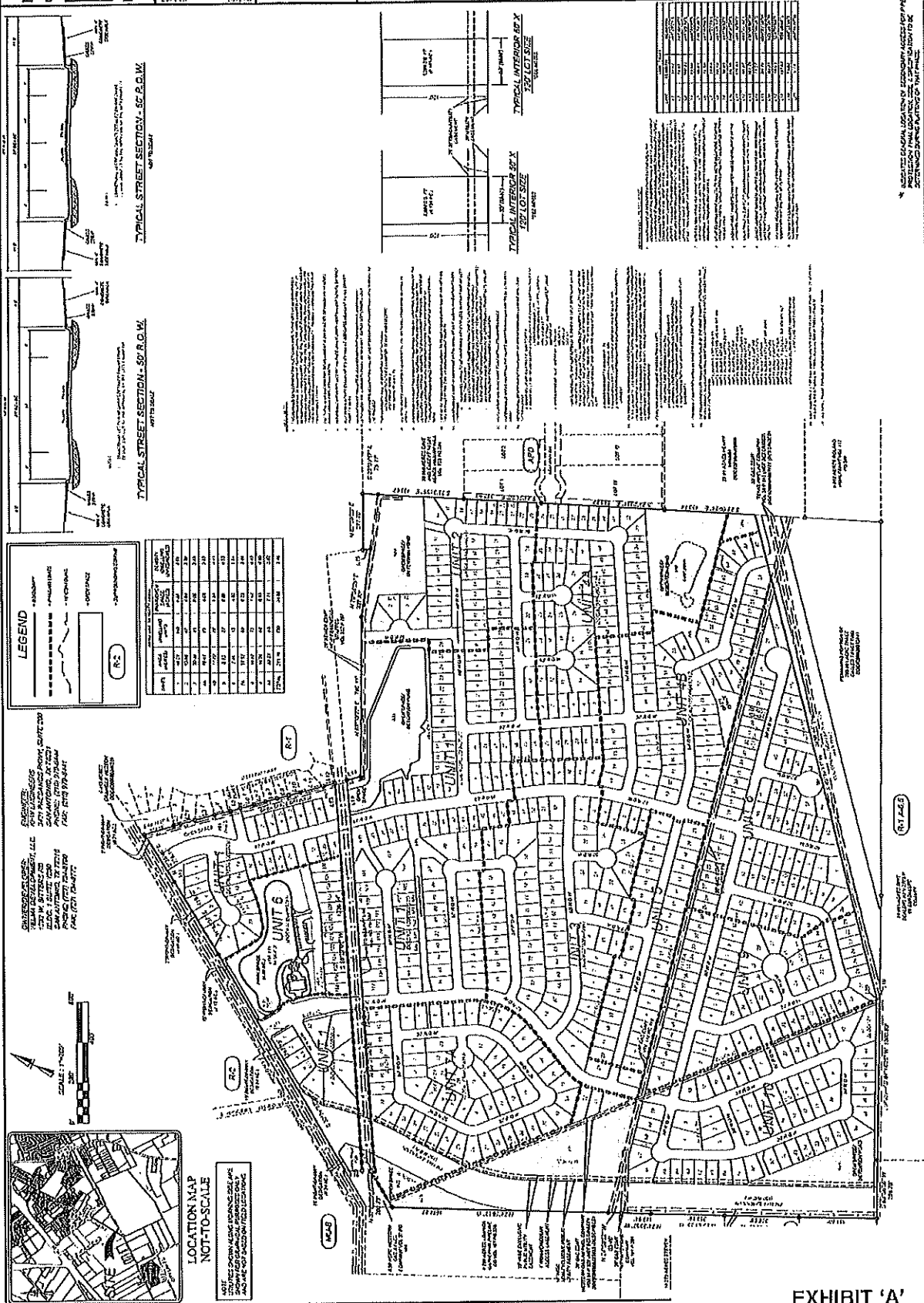


EXHIBIT 'A'

Highland Grove Planned Development District Development Standards

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

Design Regulations

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

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

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

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

Drainage Related

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

Transportation Related

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

Performance Guarantee

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

Terms:

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

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

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

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

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

\\chfs-1\Departments\Planning\ZoneChange-SUP-Replals\2018 cases\IPZ-16-066 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:	120 ft.
Minimum Lot Area:	6,000 sq. ft.
Minimum Front Setback	25 ft.
Minimum Rear Setback	20 ft.
Minimum Side Setbacks	5 ft. interior; The minimum side setback adjacent to the street for corner lots where the rear lines of the corner lot coincides with the rear lot line of the adjacent lot is 15 feet. The minimum side setback adjacent to the street for corner lots where the rear line of the corner lot coincides with the side lot line of the adjacent lot is 25 feet. Otherwise, the internal side setback for corner lots is 5 feet.
Maximum Building Height	35 ft.
Minimum Parking	2 spaces
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."

Drainage:

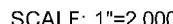
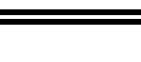
- The Highland Gardens detention pond closest to FM 1044 will be designed to reduce the peak storm water discharge flow rate, for the 2 yr, 5yr, 10yr, 25 yr, 50 yr and 100 yr storm events, by greater than or equal to 10% below the calculated existing peak storm water flow rate, based on the rainfall 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.

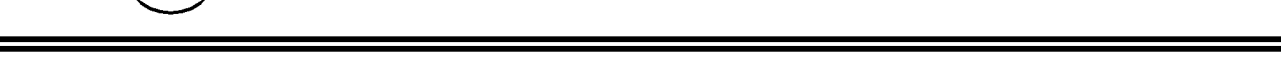
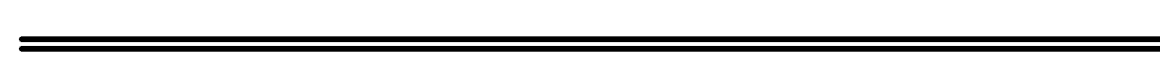
19. NO DWELLING UNITS OR HABITABLE STRUCTURES WILL BE CONSTRUCTED WITHIN AN APPROXIMATE OFFSET OF 75 FEET BOTH SIDES OF THE EXISTING AIRSTRIP CENTERLINE

TOTAL	100	10	170
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D.A. MAWYER LAND SURVEYING, INC.
DREW MAWYER, R.P.L.S. - SURVEYOR
132 CADDELL LANE
NEW BRAUNFELS, TEXAS 78130
(210) 325-0858

 COUNTY LINE RD (FUTURE EXTENSION)

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



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:

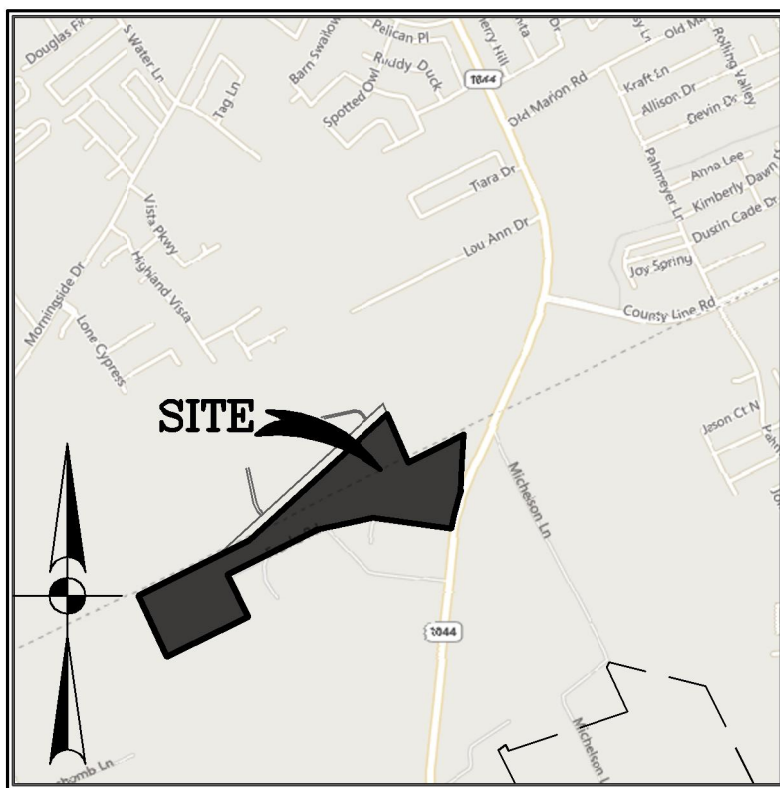
VALERIA M. ACEVEDO, City Attorney

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

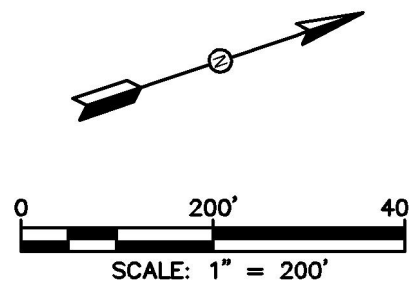
OWNER/DEVELOPER:
DIRT DEALERS XII, LTD
JACK SCANIO
660 LAKEFRONT AVE
NEW BRAUNFELS, TX. 78130
(210) 496-7775

ENGINEER/SURVEYOR:
MOELLER & ASSOCIATES
JAMES INGALLS, P.E. - ENGINEER
2021 SH 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) 325-0658



LOCATION MAP
SCALE: 1"=200'



LEGEND

- BOUNDARY
- OPEN SPACE/GREENBELT

ACREAGE SUMMARY (APPROX.)

RESIDENTIAL LOTS AND STREETS:	39.04 ACRES
*OPEN SPACE (OS)/GREENBELT	16.44 ACRES
TOTAL ACREAGE:	55.48 ACRES
RESIDENTIAL LOT DENSITY (160 MAX/55.48):	2.88 LOTS/ACRE

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

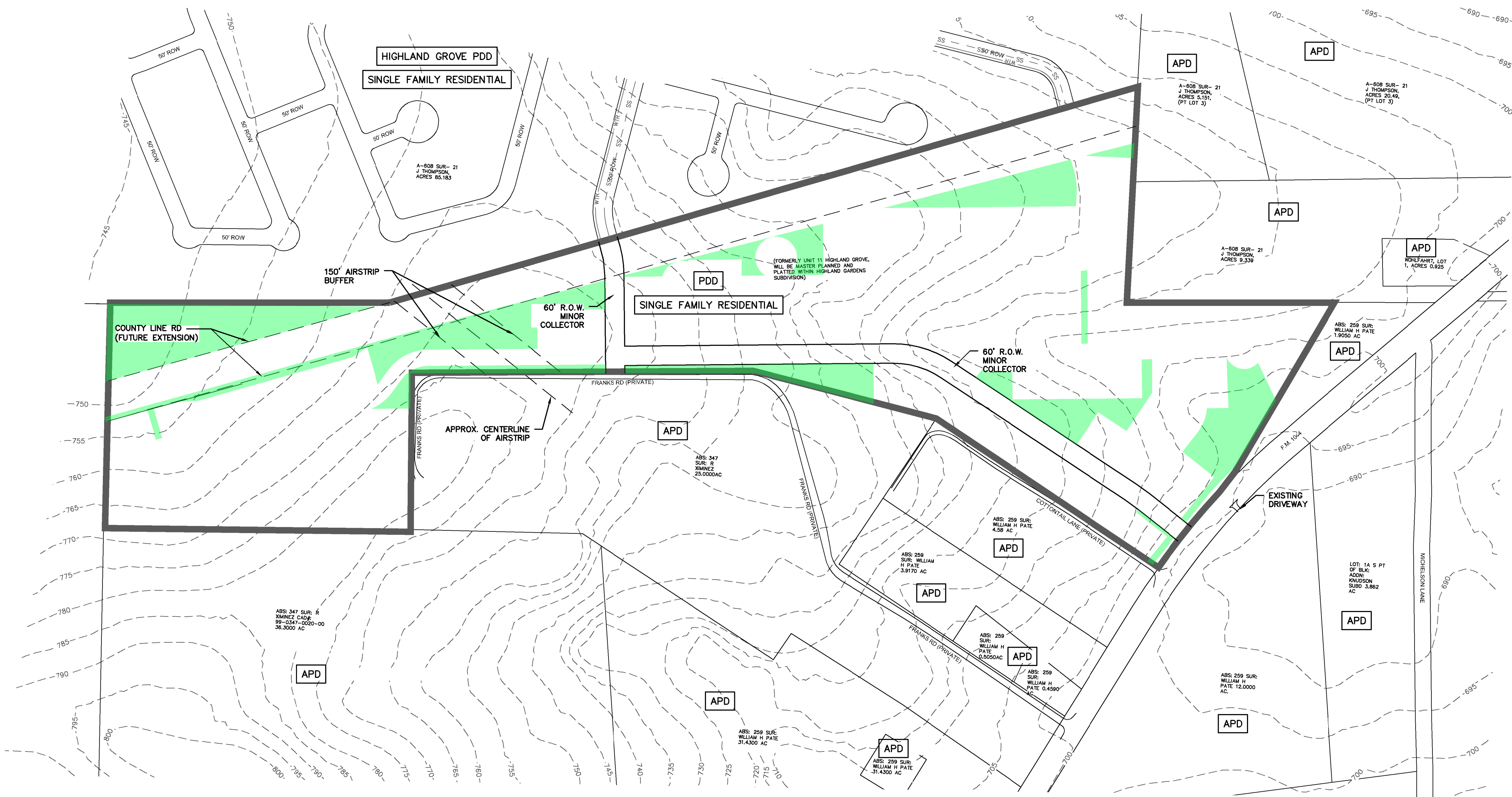


EXHIBIT 'A'

HIGHLAND GARDENS AMENDING CONCEPT PLAN

811
Know what's below.
Call before you dig.

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

NO.	DATE	ISSUES AND REVISIONS
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

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

AMENDING CONCEPT PLAN

HIGHLAND GARDENS
PLANNED DEVELOPMENT
DISTRICT
NEW BRAUNFELS, TEXAS

SHEET

1
OF 1



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/22/2018

Agenda Item No. A)

Presenter/Contact

*Trino Pedraza, NBU Director of Water Services
tpedraza@nbutexas.com*

SUBJECT:

Discuss and consider authorization for New Braunfels Utilities to enter into a Wholesale Wastewater Supply Contract with Guadalupe Blanco River Authority (GBRA) for the treatment of GBRA wastewater within the McKenzie Reclamation Facility Region.

BACKGROUND / RATIONALE:

NBU approved a Memorandum of Understanding (MOU) at its August 2017 Board Meeting. Pursuant to the MOU, New Braunfels Utilities (NBU), and GBRA agreed to negotiate a wholesale wastewater supply contract for the treatment of the GBRA wastewater within the McKenzie Reclamation Facility region.

NBU currently has available treatment capacity in the McKenzie Plant to provide permanent wholesale wastewater treatment service to GBRA. The plant has been designed for total treatment capacity of 2.5 million gallons per day (MGD). At this time, it is treating approximately 1.0 MGD. NBU proposes to provide wholesale wastewater treatment to GBRA for the GBRA service area by permitting connection to NBU's wastewater trunk main. NBU will reserve and make available treatment capacity totaling up to 25% of the as-built treatment capacity of the McKenzie Plant or an equivalent flow rate sufficient to serve a fixed number of Living Unit Equivalents (LUEs) to GBRA for service within their CCN. At this time, NBU calculates that 25% of the current as-built treatment capacity to be the lesser of 0.625 MGD or 2,083 LUEs. GBRA will pay a Capital Participation Fee prior to service being provided in order to reserve capacity. This fee will only be applicable if capacity exists at the time of reservation.

For any future expansion of the McKenzie Plant, NBU will establish a new Capital Participation Fee per LUE and apply it to any additional LUE connections into the expanded facility. Capacity may grow up to the lesser of 2.5 MGD or 8,333 LUE connections at full plant expansion of 10 MGD.

Section 130-257(g) of the City Code of Ordinances requires NBU to obtain approval from the City Council prior to entering into any sewage treatment contracts. In accordance with this Section, NBU has (i) calculate the sewage treatment charges as specified in the Code of Ordinances and (ii) negotiated with GBRA that the sewage treatment charge will never be less than the cost of service. GBRA anticipates that its initial retail wastewater customer rate for the service area as of the effective date will be no less than \$7.80 per 1,000 gallons. GBRA agrees that, to the extent allowed by applicable regulations and regulatory authorities, their customer rate for retail wastewater service in the service area will be greater than the rate charged by NBU to NBU's retail wastewater service customers during the life and term of this agreement.

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

N/A

FISCAL IMPACT:

GBRA will pay to NBU \$4,081 per LUE for capital participation in the existing facilities (the McKenzie Plant and related infrastructure). GBRA will pay \$4.527 per 1,000 gallons of wholesale wastewater collected by NBU. NBU rates may increase from time to time based on actual operating expenses and these will be reflected in increased wholesale rates to GBRA.

COMMITTEE RECOMMENDATION:

The NBU Board of Trustees approved this contract on December 14, 2017, and recommends approval by the City of New Braunfels City Council.

STAFF RECOMMENDATION:

NBU staff recommends approval.

**CONTRACT FOR WASTEWATER TREATMENT
NEW BRAUNFELS UTILITIES AND GUADALUPE-BLANCO RIVER AUTHORITY**

This Contract and Agreement (“Agreement”) is made and entered into by and between New Braunfels Utilities (“NBU”), an agency of the City of New Braunfels, Texas, and the Guadalupe-Blanco River Authority (“GBRA”), a Conservation and Reclamation District created pursuant to Article 16, Section 59, of the Texas Constitution (collectively, the “Parties”). This Agreement is effective on the later date indicated in the signature blocks below (the “Effective Date”).

RECITALS

A. NBU is an agency of the City of New Braunfels, Texas charged with complete management and control of its electric, water, and wastewater utility systems to serve properties within NBU’s service areas.

B. GBRA is a conservation and reclamation district created by the Texas Legislature under Article 16, Section 59, of the Texas Constitution, that has, among other powers, authority to develop collection, transportation, treatment, disposal, and handling of any waste, including sanitary sewer facilities and sewage.

C. GBRA will be providing retail wastewater or sewer service in an area in the general vicinity of State Highway 46 east of Lake Dunlap within the Guadalupe River Basin, which is more specifically illustrated in “Exhibit A” attached hereto (the “Service Area”), that is currently not certificated for sewer service under a certificate of convenience and necessity.

D. GBRA has submitted an application for a sewer certificate of convenience and necessity with the Public Utilities Commission that includes the Service Area illustrated in Exhibit

A.

E. GBRA currently does not own or operate a wastewater treatment plant in or adjacent to the Service Area to provide wastewater treatment that would be required by development in the Service Area.

F. Portions of the Service Area are generally within the same drainage basin as NBU's existing Sam C. McKenzie Water Reclamation Facility (the "McKenzie Plant"), authorized by the Texas Commission on Environmental Quality ("TCEQ") under Water Quality Permit No. WQ0010232004 to dispose of up to 9.9 million gallons per day ("MGD") of treated wastewater effluent.

G. As of the date of signing of this Agreement by the Parties, the McKenzie plant is constructed to dispose of 2.5 MGD of treated wastewater effluent; NBU intends to expand the McKenzie plant to the full 9.9 MGD rate at an undetermined date in the future.

H. NBU currently has available treatment capacity in the McKenzie Plant to provide permanent wholesale wastewater treatment service to GBRA.

I. On September 21, 2017, GBRA and NBU executed a Memorandum of Understanding (the September 21 MOU), outlining issues that the Parties wanted to resolve between themselves, including wastewater treatment, additional water supplies for NBU, and a resolution of a pending application for a bed and banks authorization under Texas Water Code § 11.042 now pending before the State Office of Administrative Hearings. This Agreement is intended to address the wastewater treatment component of the September 21 MOU. It is the intent of the Parties to address the other issues in subsequent agreements and to work diligently to finalize those agreements.

AGREEMENTS

1. **Wastewater Treatment Service; Living Unit Equivalents.**

(a) Subject to the terms and conditions of this agreement, NBU agrees to provide wholesale wastewater treatment and disposal services to GBRA for the Service Area by permitting connections to NBU's wastewater trunk mains at the following locations: _____, which are more specifically illustrated in "Exhibit B" attached hereto (the "Points of Delivery"). NBU will reserve and make available, on a take-and-pay basis, treatment capacity totaling the lesser of twenty five (25) percent of the as-built treatment capacity of the McKenzie Plant or an equivalent flow rate sufficient to serve a fixed number of "living unit equivalents" ("LUE") to GBRA for service of the Service Area. At the time of execution of this Agreement, NBU calculates that 25 percent of the as-built treatment capacity (2.5 MGD) is 0.625 MGD or 2,083 LUEs.

(b) It is agreed and understood that, for purposes of this Agreement, one LUE will generate 300 gallons of sewage per day, which is NBU's current established rate. The Parties may, from time to time, recalculate or adjust the stipulated amount of sewage generated daily for an LUE, provided that they agree to do so in writing.

2. **Measuring Equipment.**

(a) NBU shall furnish and install, at GBRA's expense, a meter or other equipment and devices at the Points of Delivery to measure quantity of wastewater delivered under this Agreement (the "Meters"). The Meters shall remain the property of NBU. NBU shall operate and maintain all Meters in good operating condition. NBU shall provide the GBRA with written notice at least ten (10) days in advance of any replacement of any existing Meter. The written notice will include a description of the new Meter that will be installed.

(b) The reading, calibration and adjustment of all Meters shall be done only by the employees or agents of NBU. The results of each reading of the Meters shall be recorded in a journal or other record book maintained in NBU's office. Representatives of the GBRA may inspect the same at any time during reasonable business hours.

(c) NBU will calibrate all Meters at least annually. NBU shall give GBRA reasonable notice of not less than 48 hours when any such calibration shall occur, and at the request of GBRA, conduct the calibration in the presence of the GBRA. In addition to the annual calibration, GBRA shall have the right to request that NBU calibrate the Meters not more than once in each year, in the presence of a representative of GBRA. If, upon any test, the percentage of inaccuracy of any metering equipment is found to be in excess of five percent (5%), the registration thereof shall be corrected, and accounts adjusted, for a period extending back to the time when such inaccuracy began, if such time is ascertainable; and if such time is not ascertainable, then for a period extending back one-half ($1/2$) of the time elapsed since the last date of calibration, but in no event further back than a period of six (6) months. If, for any reason, any Meter is out of service or out of repair so that the amount of wastewater received by NBU under the terms of this Agreement cannot be ascertained or computed from the reading thereof, the wastewater received during the period the Meter is out of service or out of repair shall be estimated and agreed upon by the Parties based upon the best data available. For such purpose, the best data available shall be deemed to be the registration of any check meter or meters if same have been installed and are accurately registering. Otherwise, the amount of wastewater received by NBU during such period may be estimated (a) by correcting the error if the percentage of the error is ascertainable by calibration tests or mathematical calculation, or (b) by estimating the quantity of wastewater delivered during the preceding period under similar conditions when the Meter was registering accurately.

3. **Title and Responsibility for, and Reuse of, Effluent.** Title to and responsibility for all effluent received by NBU under this Agreement shall be GBRA's to the Point of Delivery, at which point title shall pass to NBU. NBU shall have the exclusive right to directly reuse any effluent received, collected, and treated from GBRA under the terms of this Agreement.

4. **Reservation of Wastewater Capacity and Capital Participation Fee.**

(a) The Parties agree that GBRA may provide written requests to NBU from time-to-time related to the reservation of wastewater treatment plant capacity in the initial McKenzie Plant and related infrastructure. Such requests may be for 1 or more LUEs but may not exceed in the aggregate 2,083 LUEs which is the equivalent of 0.625 MGD of capacity using NBU's standard of 300 gallons per day per LUE (GPD / LUE). Following NBU's written agreement to such capacity reservation request(s), GBRA agrees to pay NBU \$4,081.00 per reserved LUE (the "Capital Participation Fee"). The Parties agree that GBRA's payment of each Capital Participation Fee shall be due to NBU within 60 days of GBRA receiving NBU's written consent to each capacity reservation request.

(b) The Parties further agree that, at the time of any expansion of the McKenzie Plant subsequent to the Effective Date, NBU will recalculate the Capital Participation Fee per LUE and said Fee will be based on costs incurred by NBU to design and construct each successive McKenzie Plant expansion (the "Secondary Capital Participation Fee"). GBRA agrees that it will pay NBU a Secondary Capital Participation Fee for each LUE of reserved capacity in the expanded Plant that is granted by NBU to GBRA and such payment will be made in the same manner as described in the preceding paragraph. At no time shall GBRA's reserve of the McKenzie Plant capacity constitute more than 25% of the capacity of any phase without written consent from NBU. For example, if the next expansion of the McKenzie Plant expands the plant to the fully permitted 9.9

MGD treatment capacity, GBRA will have the option to reserve up to approximately 2.5 MGD of available treatment capacity for wholesale service if available. In that case, GBRA may request that NBU reserve 1.875 MGD equaling 6,250 LUEs (assuming 300 GPD / LUE) in addition to the 0.625 MGD or 2,083 LUEs that may be reserved in the initial Plant capacity. NBU estimates that 2.5 MGD will create capacity to serve a total of 8,333 LUE. However, the parties recognize that unforeseeable circumstances may cause the actual number of LUE supported by the expanded McKenzie Plant to differ from that estimate. The Parties agree that the actual number of LUEs that can be served by the expanded facility will be determined at the time of expansion, and that the total dollar amount owed by GBRA to NBU per LUE will also be determined at the time the expansion is designed and/or completed.

5. **Wholesale Gallonage Rate.**

(a) GBRA also agrees that NBU will charge, and GBRA will pay to NBU, a monthly charge for the actual wholesale wastewater service provided by NBU to GBRA. The charge shall be at an initial rate of \$4.527 per 1,000 gallons (“Wholesale Gallonage Rate”) of wastewater actually delivered by GBRA to NBU at the Points of Delivery for treatment and disposal. NBU will provide monthly billing statements or invoices to GBRA for all charges to GBRA.

(b) The Wholesale Gallonage Rate may increase from time to time based on NBU’s actual operating expenses. If NBU increases the Wholesale Gallonage Rate, it shall provide GBRA no less than 30-days’ advanced notice of such change. NBU may charge GBRA the increased Wholesale Gallonage Rate for all wastewater delivered to NBU for treatment and disposal after 30 days following such notice.

6. **Non-Competing Retail Sewer Service Rates.** GBRA anticipates that its initial retail wastewater customer rate for the Service Area as of the Effective Date will be no less than

\$7.80 per 1,000 gallons. GBRA agrees that, to the extent allowed by applicable regulations and regulatory authorities, GBRA's customer rate for retail wastewater service in the Service Area will be greater than the rate charged by NBU to NBU's retail wastewater service customers during the life and term of this Agreement and any amendments thereto.

7. **Wastewater Quality.**

(a) Wastewater delivered to NBU shall meet, on a six-month running average, the following qualitative parameters:

330 mg/L Biological Oxygen Demand (BOD)

330 mg/L Total Suspended Solids (TSS)

(b) To the extent consistent with Section 7(a), wastewater must also meet any technically-based local limits as established by NBU. GBRA also agrees to make good faith and reasonable efforts to control inflow and infiltration to the GBRA system.

8. **Commercial or Industrial Wastes.**

(a) GBRA agrees that it will authorize discharge of commercial or industrial wastes only with specific approval by NBU of each individual source. Such approvals shall not be unreasonably withheld, and shall be upon the terms and conditions as NBU may prescribe from time to time, which terms and conditions shall be no more restrictive than the terms and conditions placed upon commercial or industrial wastes within the CCN of NBU. NBU shall not be required to approve any discharge of commercial or industrial wastes prior to the filing by the applicant industry or commercial enterprise of an application, a copy of which shall be forwarded to NBU.

The application shall contain the following information:

- (i) Name and address of applicant;
- (ii) Type of industry, business activity or other waste creative process;

- (iii) Quantity of wastewater to be discharged;
- (iv) Typical analysis of the wastewater;
- (v) Type of pretreatment proposed; and
- (vi) Such other information as NBU may from time to time request by written notice.

(b) NBU shall act on such request within thirty (30) days after receipt of all information required by this Agreement. The applicant may appeal the decision to the NBU Board of Trustees.

(c) GBRA agrees that, during the life and term of this Agreement and any amendments thereto, GBRA will make all reasonable efforts to ensure that influent from GBRA's commercial and industrial customers fully, and at all times, complies with all pretreatment requirements of NBU's wastewater treatment system and permits as well as any applicable pretreatment requirements or standards set by ordinance of the City of New Braunfels, regulation of the State of Texas, and/or regulations as set forth by the federal government.

9. **Testing of Wastewater.** NBU shall be entitled to collect samples at the Points of Delivery and cause the same to be analyzed pursuant to approved TCEQ methods to determine if such samples are within the qualities specified above. If analysis discloses that a sample does not comply with the qualities specified, and the source is determined to be a retail customer of GBRA, it will be the obligation of GBRA to require the offending person or entity to cease discharging or to pretreat its discharge.

10. **Surcharges.** GBRA agrees that any wastewater delivered to the Points of Delivery in excess of normal domestic strength will incur a surcharge based on the current rate structure used to surcharge industries in NBU's CCN. Samples collected for surcharge purposes will be composite samples and will be collected at NBU's discretion. NBU will give GBRA 24-hour

notice of such samples and will split samples if requested. If more than one sample is collected during the month, TSS and BOD values will be averaged for surcharge calculations.

11. **Chemical Addition to Sanitary Sewer.** GBRA must obtain written approval from NBU prior to any chemical additions to the sanitary sewer system, such as the addition of chemicals for odor or grease control. GBRA agrees to adopt any policies or standard retail wastewater service contract terms necessary to implement this agreement.

12. **Operational Issues and Emergencies.** In the event maintenance is required or NBU has an operational problem with the wastewater system, McKenzie Plant, or related infrastructure that affects NBU's wholesale wastewater service to GBRA, NBU agrees to notify GBRA and GBRA must in turn notify its retail wastewater service customers as soon as reasonably possible. Within _____ days of the Effective Date of this Agreement, NBU and GBRA agree to provide one another lists of emergency contact information for on-call operators and will maintain current contact information for the life and term of this Agreement and all amendments thereto.

13. **Term of Agreement.** Subject to all other terms and conditions of this Agreement, the term of this Agreement begins on the Effective Date and will remain in effect for a period of thirty (30) years from the Effective Date (the "Termination Date"); provided that the Agreement shall automatically renew for three successive periods of 10 years each from and after the original Termination Date unless either Party gives written notice of termination to the other Party at least two years prior to the original Termination Date in the case of the original 30-year term and thereafter at least two years prior to the end of the then-current 10-year renewal term.

14. **Notice.** Any notice to be given under this Agreement, except for notice of emergencies, shall be writing and sent by certified mail, return receipt requested, as indicated below. Emergency notices shall be given as provided in Section 9 hereof and followed by notice

under this Section. Each Party shall change the recipient of notice or the address as needed, by notifying the other Party in writing as required by this Section:

(a) Notice to NBU:

Chief Executive Officer
New Braunfels Utilities
263 E. Main Plaza
New Braunfels, TX 78130

(b) Notice to GBRA:

General Manager/CEO
Guadalupe-Blanco River Authority
933 East Court Street
Seguin, Texas 78155

15. Computation of Time.

(a) In computing any period of time prescribed or allowed under this Agreement for giving notice or any other act, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday. Saturdays,

(b) Any document to be send by United States mail that in an envelope, properly addressed and with all postage pre-paid that is deposited in the mail on or before the last day for sending same, if received not more than three business days tardy, shall be deemed received on time.

16. Assignment. Neither Party may assign this Agreement or its rights thereunder without the written consent of the other Party.

17. Termination. GBRA shall have a right to terminate this agreement upon one-year's written notice. If GBRA, for any reason, wishes to terminate this agreement, they must provide NBU with written notice, and all terms and conditions of this Agreement will remain in effect for

365 days from the date of such notice unless the parties mutually agree to amend this Agreement to terminate on an earlier date.

18. No Third-Party Beneficiaries. Nothing herein shall be construed to create third-party beneficiaries to this Agreement or confer rights on any Third Parties.

19. Entire Agreement; Construction and Venue.

(a) The recitals to this Agreement and any attachments referenced in the Agreement are made a part of this Agreement for all purposes. This Agreement constitutes the entire agreement between the Parties with respect to the subject matter of the Agreement and supersedes all prior and contemporaneous agreements and understandings of the Parties with respect to the subject matter of the Agreement—specifically, provision of wholesale wastewater service in the Service Area, if any. Section headings are included for convenience only and do not affect any interpretation of the Agreement.

(b) If any provision of this Agreement is held to be illegal or unenforceable, except for any essential term, the remainder of the Agreement will remain in full force and effect, and the Parties agree to reform the illegal or unenforceable provision to be legal and enforceable and to reflect the intention of the Parties as closely as possible.

(c) This Agreement will be construed in accordance with the laws of the State of Texas, and venue for any dispute will be in Comal County, Texas.

20. Amendments; Waivers.

(a) This Agreement may only be modified by a written agreement signed by authorized representatives of both Parties. Any waiver of a condition or obligation under this Agreement will only be effective if provided in writing signed by the authorized representative of the Party waiving the condition or obligation.

(b) Any waiver provided by a Party under this Agreement will constitute a one-time waiver, unless otherwise specified in writing, and any such one-time waiver of a condition or obligation in any particular instance will not create a waiver of any future non-compliance with the same condition or obligation.

21. Counterpart Execution. To facilitate execution, this Agreement may be executed in multiple counterparts, each of which will constitute an original, and all of which will constitute a single instrument.

22. Further Assurances. NBU and GBRA each agree to do, execute, acknowledge, and deliver all further reasonable acts, instruments, and assurances and to take all further reasonable action necessary or desirable to fully carry out this Agreement and to fully consummate and effect the actions contemplated herein and hereby.

GUADALUPE BLANCO RIVER
AUTHORITY

NEW BRAUNFELS UTILITIES

Kevin Patteson
General Manager / CEO
Guadalupe-Blanco River Authority

Ian Taylor
CEO
New Braunfels Utilities

Dated: _____

Dated: _____



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/22/2018

Agenda Item No. B)

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 New Braunfels Housing Authority for terms ending January 22, 2020.

BACKGROUND / RATIONALE:

The New Braunfels Housing Authority is a five-member board with two-year alternating terms. Three positions expire January 22, 2018.

The following applications were received:

- Wanda Sandlin
- Kay Scott (incumbent since 2012)
- Janet Sprayue (incumbent since 2016)
- Lucille Garcia (incumbent since approximately 1980)
- Christopher Willis
- Jeff Jewell

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 New Braunfels Housing Authority for terms ending January 22, 2020.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/22/2018

Agenda Item No. C)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of a resolution naming a representative and an alternate to the Alamo Area Council of Governments Board of Directors.

BACKGROUND / RATIONALE:

This item was added to the agenda by Mayor Pro Tem Peters.

Currently, Councilmember George Green is the representative for the City of New Braunfels to the Alamo Area Council of Governments (AACOG) Board of Directors. With Councilmember Green stepping down from his Council seat, this resolution designates the City's representative and alternate to the AACOG Board of Directors. The current alternate is Councilmember Leah Garcia.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the resolution.

RESOLUTION NO. 2018-R _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS, APPOINTING A REPRESENTATIVE AND AN
ALTERNATE TO THE ALAMO AREA COUNCIL OF GOVERNMENTS
BOARD OF DIRECTORS.**

WHEREAS, the City of New Braunfels is classified as 'Urbanized' situated outside of Bexar County; and

WHEREAS, Councilmember Green is the current representative for the City of the Alamo Area Council of Governments and Councilmember Garcia is the alternate.

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

THAT the following elected officials of New Braunfels are hereby appointed to serve as the representative and alternate representative on the Alamo Area Council of Governments Board of Directors.

representative: _____

alternate: _____

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

CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, Mayor

Attest:

PATRICK ATEN, City Secretary



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/22/2018

Agenda Item No. D)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the first reading of an ordinance amending Chapter 86 by adopting 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 be set as a 50% discount from the individual rates (2 adults + 2 youth - 50%).

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
- These special rates would be valid for up to the first two years of membership.

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	\$828 (\$69/month)	n/a

(Note: all memberships will be annual memberships)

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

Recreation Center Area	Resident/Member Fee	Non-resident Fee	Deposit Required
½ Basketball Court	\$50.00 per hour	\$75 per hour	None
Full Basketball Court	\$100.00 per hour	\$150 per hour	None
Meeting Rooms A&B	\$100.00 per hour	\$150 per hour	None
Meeting Room A or B	\$50.00 per hour	\$75 per hour	None
Kitchen	\$20.00 per hour	\$30 per hour	\$100.00
Leisure Pool	\$400.00 per hour	\$600 per hour	\$200.00
Competition Pool	\$400.00 per hour	\$600 per hour	\$200.00
Competition Pool Lane Rental	\$15 per hour	\$22.50 per hour	None
Entire building	\$3,000.00	\$4,500 per hour	\$1,000.00

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

X	Yes	City Plan/Council Priority	Strategic Priorities: Effective Management: Update user fees.
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FISCAL IMPACT:

The proposed fees were recommended in the Facility Business Plan for a 90% cost recovery goal. These rates were adopted as a part of the FY2017-2018 budget for the recreation center revenues.

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATION:

Staff recommends approval of the proposed rental and membership fees.

ORDINANCE NO. 2018 - _____

AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS CHAPTER 86, BY ADDING ARTICLES VII AND VIII, SECTIONS 86-122 AND SECTION 86-125, REGARDING PARK USAGE FEES THAT INCLUDE RENTAL AND MEMBERSHIP FEES FOR DAS REC, NEW BRAUNFELS RECREATION CENTER; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council must adopt rental and membership fees for Das Rec, New Braunfels Recreation Center; and

WHEREAS, the Parks and Recreation staff is recommending that such fees as recommended by the Parks and Recreation Advisory Board be adopted by the City Council; and

WHEREAS, the City Council finds it is in the City's interests to grant the City Manager the authority to market and promote programs and services from time to time that may require special pricing as determined by the City Manager.

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

I.

THAT Chapter 86 is hereby amended by adopting a new Article VII, Section 86-122, and new Article VIII, Section 86-125, which shall read as follows:

Sec. 86-122. – Das Rec, New Braunfels Recreation Center rental and use fees.

- a) Definitions. The following definitions shall apply to this section:
 - (1) *New Braunfels resident*. Any person whose permanent domicile is within the city limits of New Braunfels.
 - (2) *Adult*: Any person over the age of 15.
 - (3) *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.
 - (4) *Senior*. Any person who is 60 years of age or older.
- 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	Hours	Member/Resident Fee	Non-Resident/Non Member Fee	Deposit Required
½ Basketball Court	Regular operating hours	\$50.00 per hour	\$75 per hour	None
Full Basketball Court	Regular operating hours	\$100.00 per hour	\$150 per hour	None
Meeting Rooms A&B	Regular operating hours	\$100.00 per hour	\$150 per hour	None
Meeting Room A or B	Regular operating hours	\$50.00 per hour	\$75 per hour	None
Kitchen	Regular operating hours	\$30.00 per hour	\$45 per hour	\$100.00
Leisure Pool	Regular operating hours	\$400.00 per hour	\$600 per hour	\$200.00
Competition Pool	Regular operating hours	\$400.00 per hour	\$600 per hour	\$200.00
Competition Pool Lane Rental	Regular operating hours	\$15 per hour	\$45 per hour	None
Entire building	After operating hours	\$3,000.00	\$4,500 per hour	\$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	\$684 (\$57/month)	\$24
Member Type – Non-resident		
Youth/Senior	\$324 (\$27/month)	\$10
Adult	\$504 (\$42/month)	\$15
Family	\$828 (\$69 month)	n/a

Article VIII- Sec. 86-125. – Parks and Recreation fees

- a) The City Manager, or designee, may from time to time set special pricing for parks and recreation fees for promotional and marketing purposes.

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.

PASSED AND APPROVED: First reading this the 22nd day of January 2018

PASSED AND APPROVED: Second reading this the 12th day of February 2018.

CITY 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

1/22/2018

Agenda Item No. E)

Presenter

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

SUBJECT:

Public hearing and consideration of a resolution amending the 2006 Future Land Use Plan and the second and final reading of an ordinance regarding the proposed rezoning to apply 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.

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

City Council held a public hearing on January 8, 2018 and unanimously approved the first reading of the applicant's requested rezoning ordinance to apply a Type 1 Special Use Permit as recommended by the Planning Commission with the additional elimination of several uses (adult day care with overnight stay; 24-hr emergency clinic; hospital; retirement home; live drama theater; auto tire repair/sales; drapery/blind shop; custom work shop; woodworking shop) as finalized in the attached ordinance. (7-0-0).

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 their 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 the site of 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 applicant derived his list of proposed uses from the list of uses allowed in C-1A, but with the removal of more intense uses based on his conversations with the neighborhood (see Attachment 7). **The list in the attached ordinance has been updated pursuant to City Council's vote on January 8 to remove additional uses from the list.**

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 2013 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 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 Plan designation of the subject site as Low Density Residential. If the rezoning 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:

✓	Yes	City Plan/Council Priority: 2006 Comprehensive Plan <i>Pros and Cons Based on Policies Plan</i>	Pros: Objective 1A: <i>Evaluate proposed zone changes to maintain land use compatibility, as well as the integration of mixed land uses as a component of achieving better places to live.</i> Objective 20G: <i>Discourage incompatible uses from abutting residential areas.</i> C-1A is intended to be compatible with residential areas by encouraging small-scale, neighborhood friendly uses within walking distance of neighborhoods. The applicant's proposed SUP with list of allowed uses is more restrictive than C-1A further limiting the intensity of allowed uses. A Future Land Use Plan amendment will keep the zoning consistent with the Comprehensive Plan per State Law. Cons: None.
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

At their December 5, 2017 meeting, the Planning Commission recommended approval of the applicant's request with staff 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 requested rezoning ordinance by City Council. This will ensure the zoning remains consistent with the Comprehensive Plan per state law.

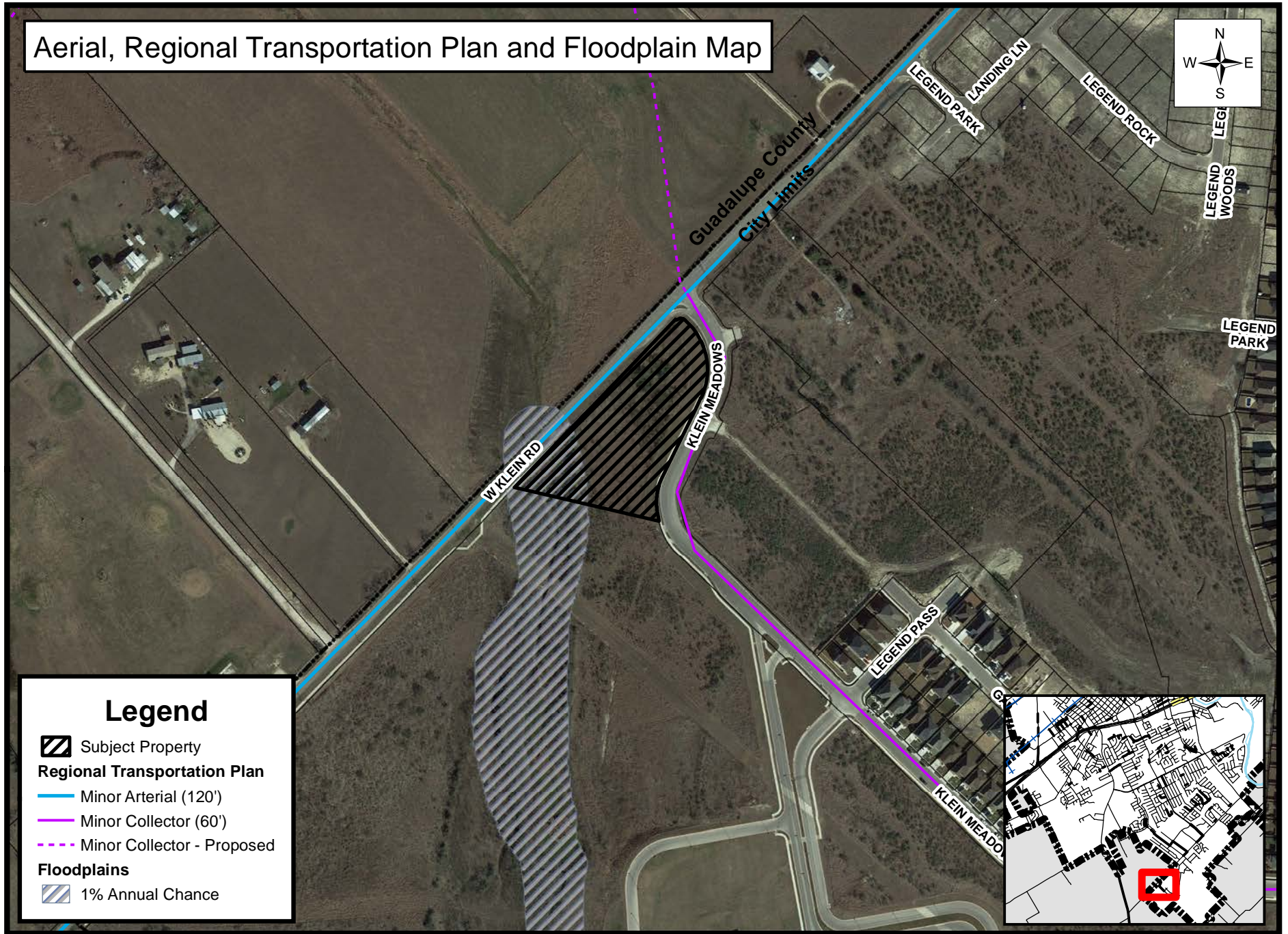
Notification:

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 with updated list of uses, and Future Land Use Plan Resolution

Aerial, Regional Transportation Plan and Floodplain Map





APPLICATION FOR A ZONING CHANGE

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

Case Number: _____

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 ☒ GUADALUPE - SCHOOL DIST: ☐ CISD ☒ NBISD ☐ OTHER _____
9. REQUIRED ATTACHMENTS:
☒ Metes and bounds description and survey if property is not platted.
☒ 3 TIA worksheets and 2 Traffic Impact Analysis if required.
☒ Location in 100-year floodplain: Please provide a map of the floodplain overlaying the property proposed for zoning or, at a minimum, a copy of the proper FEMA flood map, with panel number. (Current floodplain maps are those most recently adopted by the City Council.)
☒ Map of property in relation to City limits/major roadways or surrounding area.
If requesting a Planned Development (PD), applicant must provide 17 development standards on the detail plan and/or provide the standards in a separate document as described in the Zoning Ordinance, Section 3.5; Provide 17 copies of the standards and Concept plan (1":200') for distribution; 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 notification _____ x 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.


Signature of Owner(s)/Agent

10/25/17
Date
SALAH DIAB, P.E. Owner's Engineer
Print Name & Title

For Office Use Only

Fee Received By: gpd Amount: \$680.00 Receipt No.: 242761
Date Received: 8-4-17 Zoning signs issued: 0 Date: 9-18-17 No.: 6
Cash/Check Number: Amex card Case Number: P2-17-047



TBPE FIRM No., F-1601

Seda Consulting Engineers, Inc.
6735 I.H. 10 West
San Antonio, TX 78201

Phone: (210) 308-0057

FAX: (210) 308-8842

E-MAIL:seda@satx.rr.com

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 ALLOWABLE USE)

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). (TO BE REMOVED FOR ALLOWABLE USE)

Barber/beauty shop, haircutting (non-college).

Barns and farm equipment storage (related to agricultural uses). (ALLOWED IN CURRENT APD ZONING)

Battery charging station. (TO BE REMOVED FOR ALLOWABLE USE)

Bicycle sales and/or repair.

Bingo facility. (TO BE REMOVED FOR ALLOWABLE USE)

Book binding. (TO BE REMOVED FOR ALLOWABLE USE)

Book store.

Cafeteria/cafe/delicatessen. (TO BE REMOVED FOR ALLOWABLE USE)

Campers' supplies. (TO BE REMOVED FOR ALLOWABLE USE)

Caterer.

Cemetery and/or mausoleum. (ALLOWED IN CURRENT APD ZONING)

Check cashing service. (TO BE REMOVED FOR ALLOWABLE USE)

Child day care/children's nursery (business).

Church/place of religious assembly. (ALLOWED IN CURRENT APD ZONING)

Cleaning, pressing and dyeing (non-explosive fluids used). (TO BE REMOVED FOR ALLOWABLE USE)

Clinic (dental).

Clinic (emergency care).

Clinic (medical).

Coffee shop.

Communication equipment—Installation and/or repair. (TO BE REMOVED FOR ALLOWABLE USE)

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)

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 [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.

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)

Retail store and shopping center with drive-through service (50,000 square foot building or less). (TO BE REMOVED FOR ALLOWABLE USE)

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.

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).

Zoning Map



Subject Property

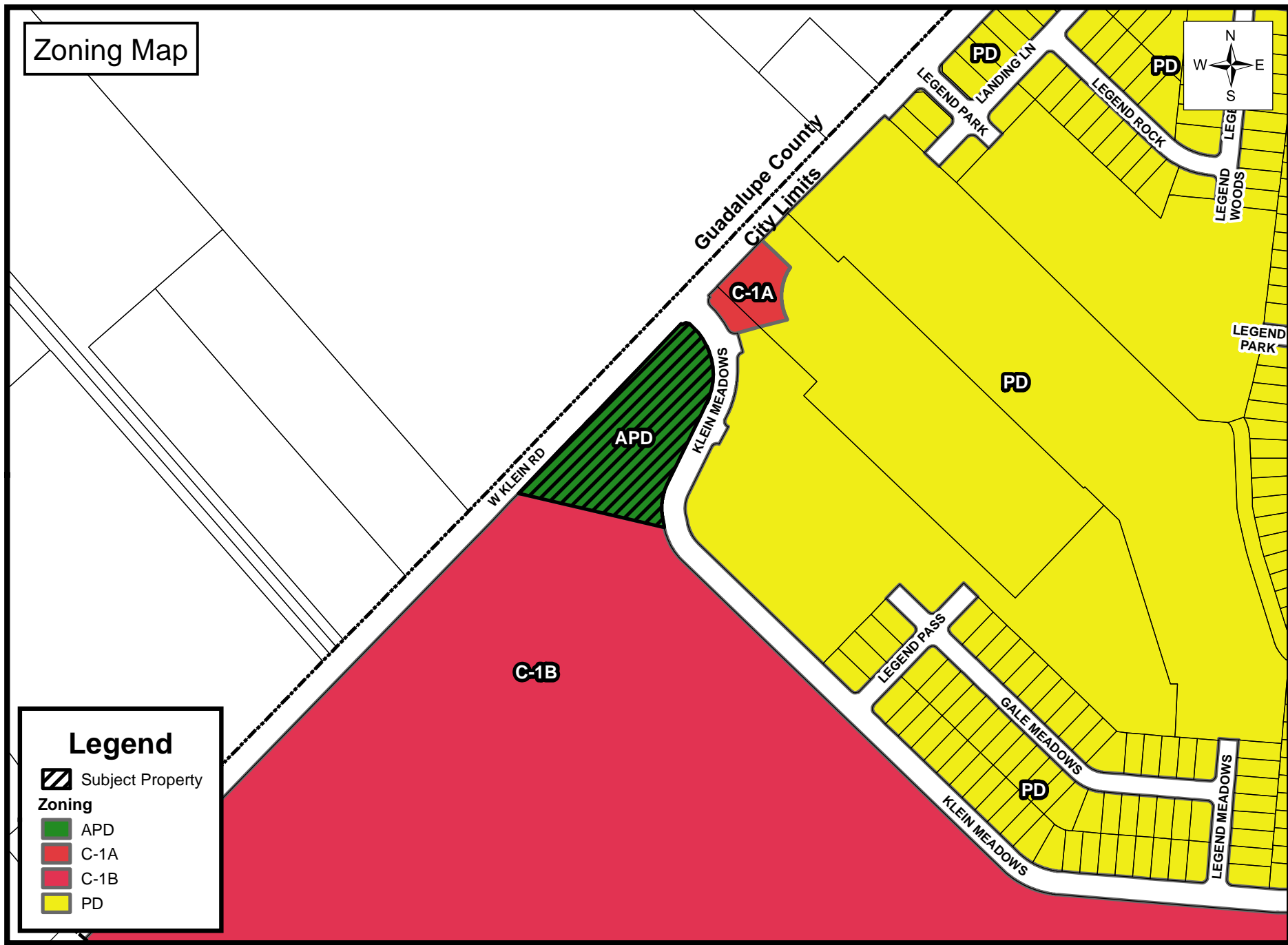
Zoning

APD

C-1A

C-1B

PD

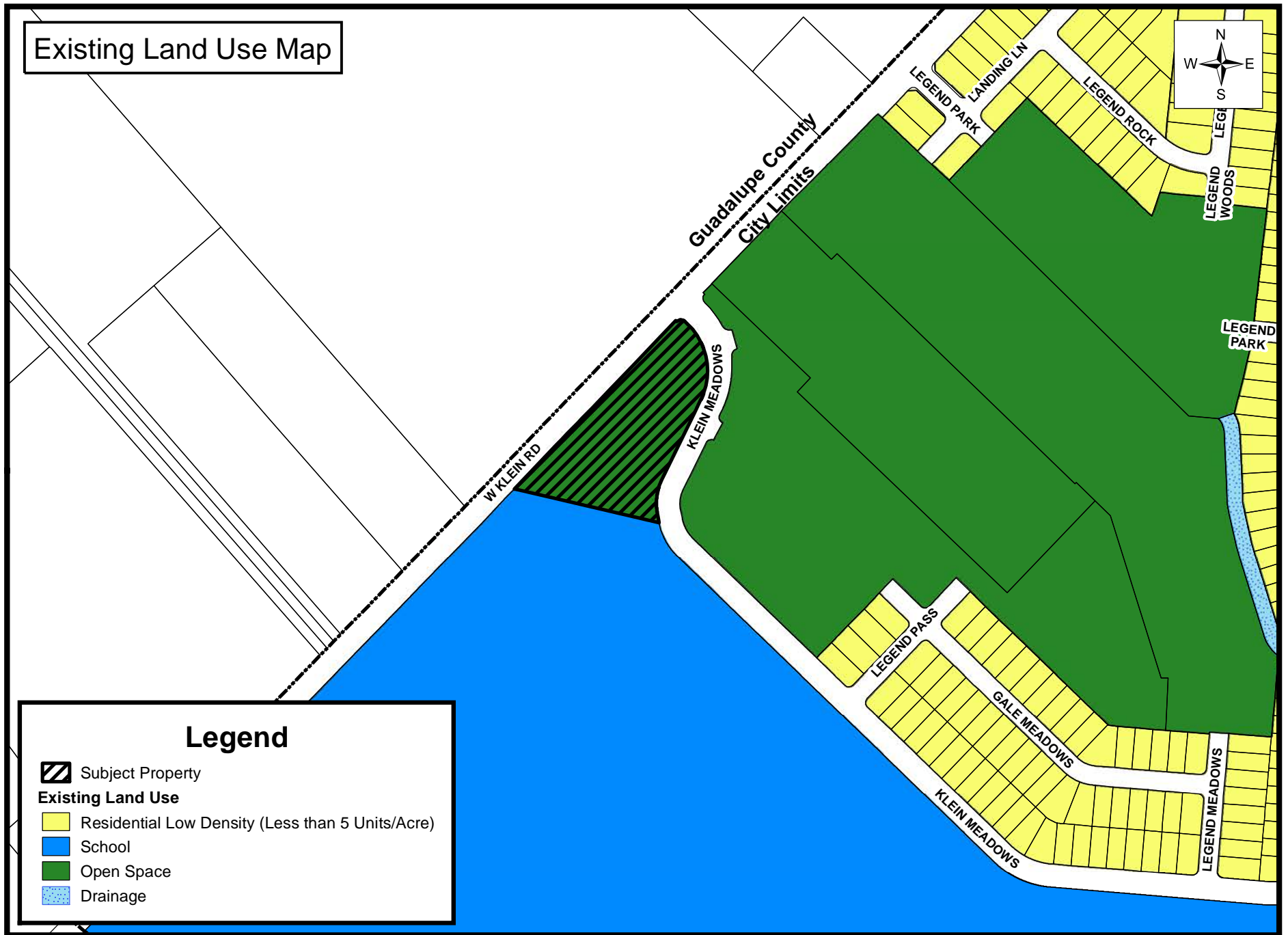


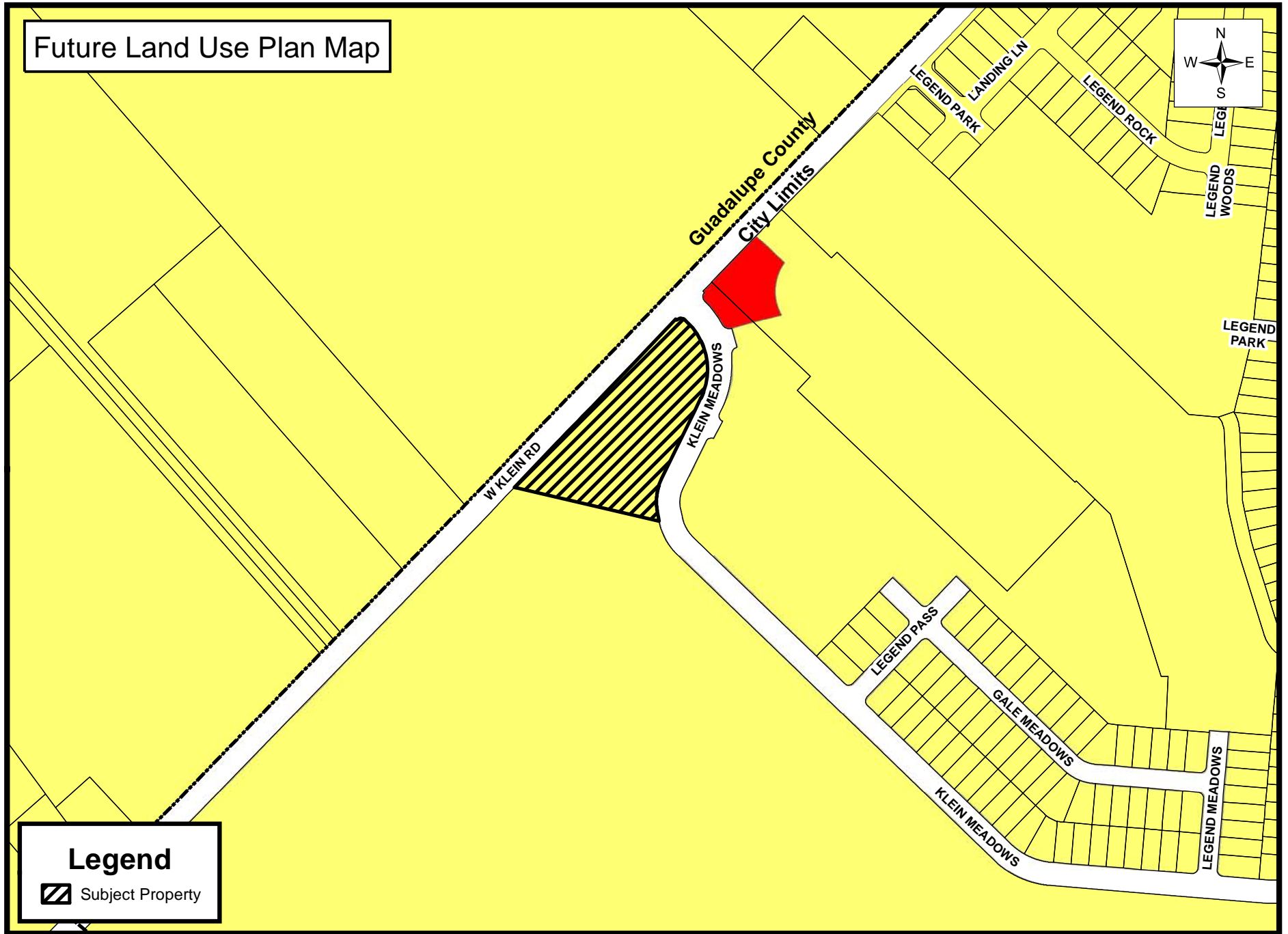
ATTACHMENT 3



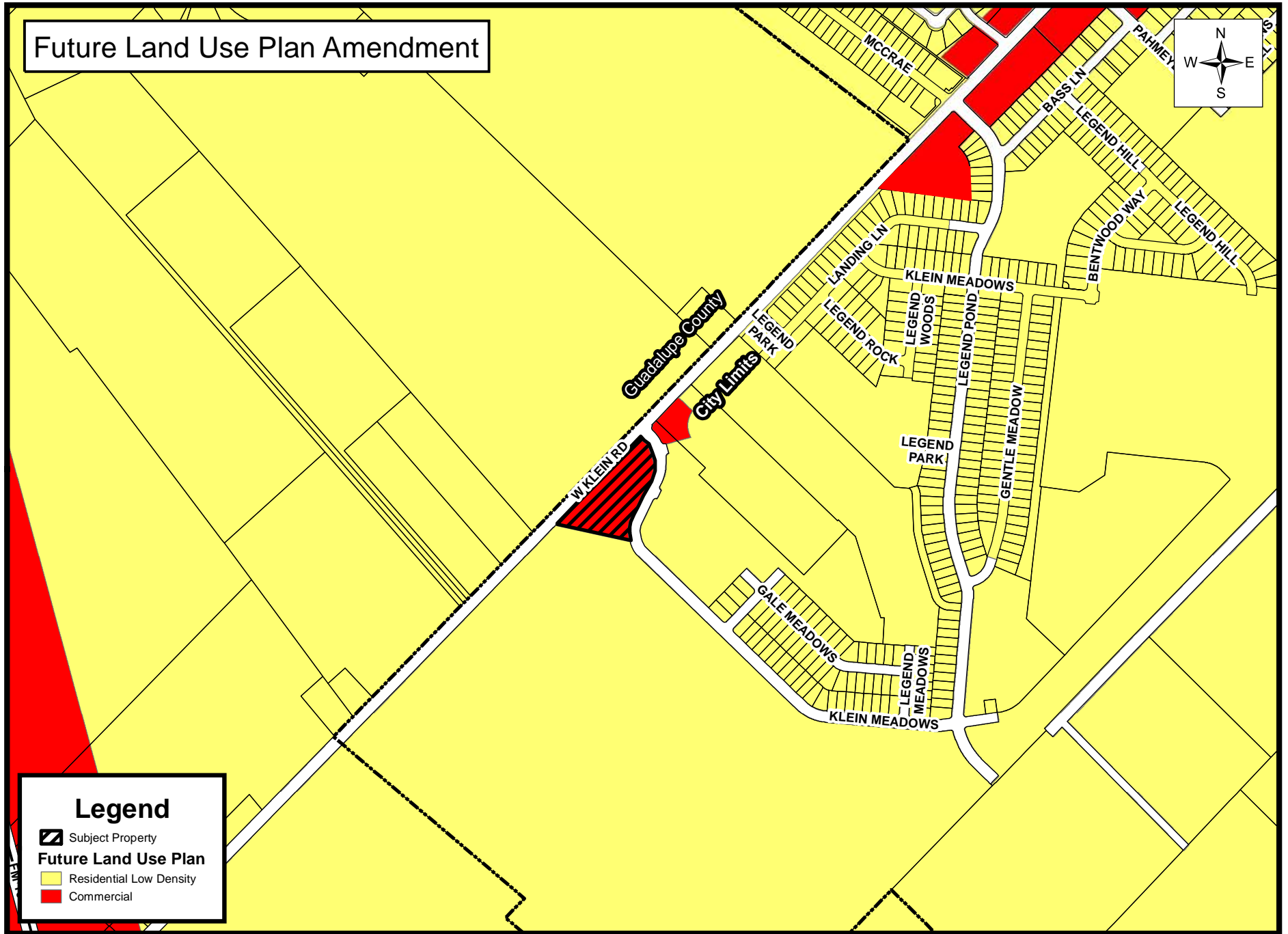
PZ-17-047
New Leaf
APD to SUP

Map Created 11/16/17





Future Land Use Plan Amendment



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

New Braunfels Municipal Building, Council Chambers

Applicant: New Leaf Homes, LLC (Fred Ghavidel)

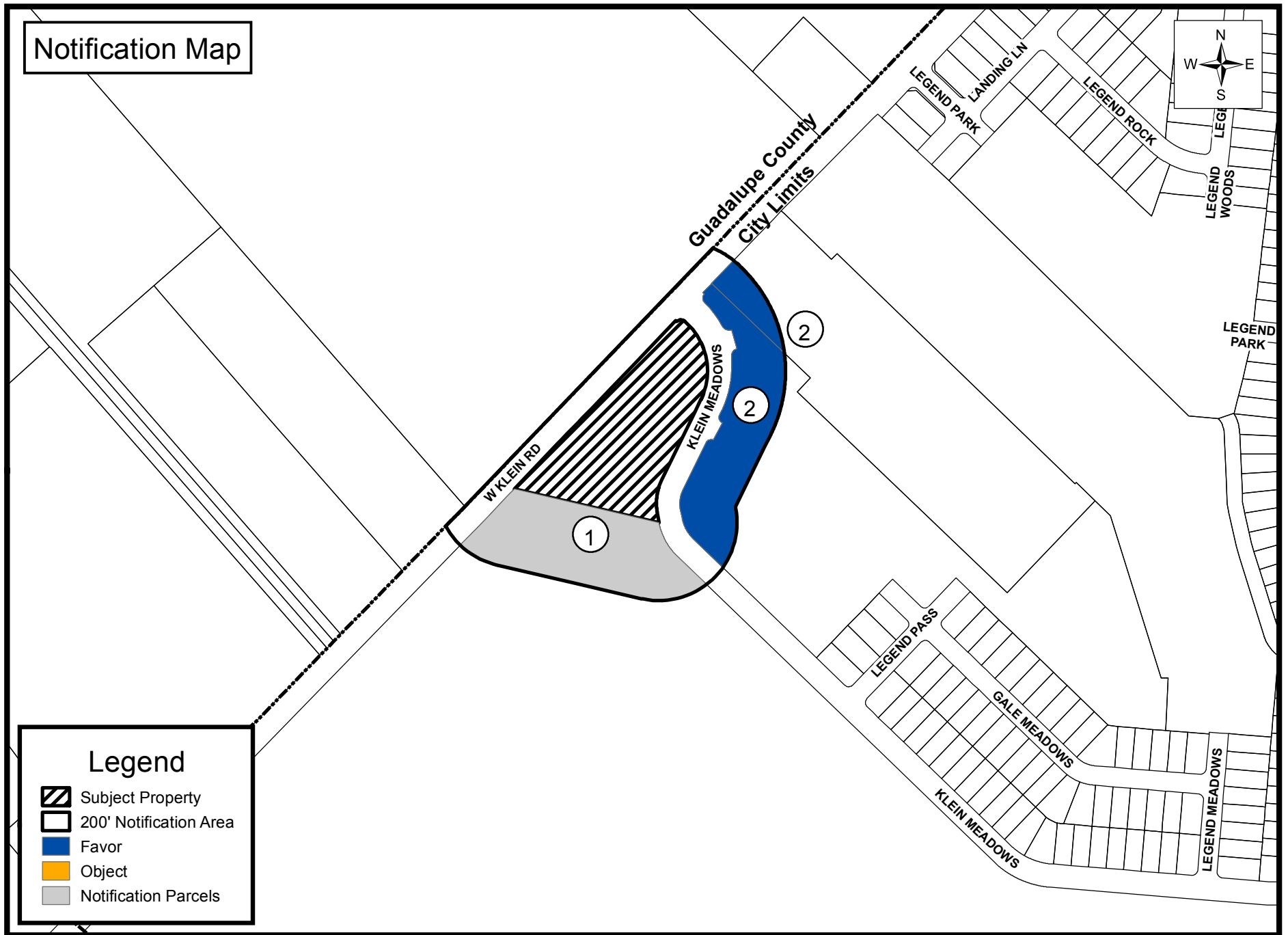
Property Location: 2.937 acres of land located at the southwest intersection of Klein Road and Klein Meadow

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 - DETACH AND RETURN

Case: #PZ17-047 (New Leaf Homes, LLC) MG)

Date Sent: 11/17/17


Name: Newleaf Homes L.L.C.Address: 6735 IH-10 West Ste. 103 S.A. TX.Property number on map: 2 & 2 18201

Comments: (Use additional sheets if necessary)

I favor: ✓

I object: _____

(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	
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
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	
Bicycle sales and/or repair	Bicycle sales and/or repair
* Bingo facility	
* Book binding	
Book store	Book store
* Cafeteria / café / delicatessen	
* 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 and electronic sales
Computer repair	Computer repair
Confectionery store (retail)	Confectionery store (retail)
Consignment shop	Consignment shop
Contractor's temporary on-site construction office	Contractor's temporary on-site construction office
* Convenience store without gas sales	
* Credit agency	
Curio shops	Curio shops
Custom work shops	Custom work shops
* Department store	
Drapery shop / blind shop	Drapery shop / blind shop
Drug sales/pharmacy	Drug sales/pharmacy
Electrical repair shop	Electrical repair shop
Electrical substation	Electrical substation
Farms, general (crops)	Farms, general (crops)
Farms, general (livestock/ranch)	Farms, general (livestock/ranch)
Florist	Florist
* Food/grocery store no gasoline sales ($\leq 50,000$ sf)	
* Frozen food storage for individual or family use	
Garden shops and greenhouses	Garden shops and greenhouses
Golf course (public or private)	Golf course (public or private)
Governmental building or use	Governmental building or use
* Greenhouse (commercial)	
Handicraft shop	Handicraft shop
Hardware store	Hardware store
Health club (physical fitness; indoors only)	Health club (physical fitness; indoors only)
* Heating and air-conditioning sales / services	
Hospital, rehabilitation	Hospital, rehabilitation
* Kiosk (providing a retail service)	
Laundromat and laundry pickup stations	Laundromat and laundry pickup stations
Laundry/dry cleaning (drop off/pick up)	Laundry/dry cleaning (drop off/pick up)
* Laundry/washateria (self serve)	
* Lawnmower sales and/or repair	
* Locksmith	
* Martial arts school	
* Municipal use	
Museum	Museum
Needlework shop	Needlework shop
* Nursing/convalescent home/sanitarium	
Offices, brokerage services	Offices, brokerage services
Offices, business or professional	Offices, business or professional
Offices, computer programming and data processing	Offices, computer programming and data processing
Offices, consulting	Offices, consulting
Offices, engineering, architecture, surveying	Offices, engineering, architecture, surveying
Offices, health services	Offices, health services
Offices, insurance agency	Offices, insurance agency
Offices, legal services - including court reporting	Offices, legal services - including court reporting
Offices, medical offices	Offices, medical offices
Offices, real estate	Offices, real estate
Offices, brokers, dealers, financial services	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 support of guests and tourists	Specialty shops in support of guests and tourists
Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)	Studios (art, dance, music, drama, reducing, photo, 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 system	Water storage, wells, pump stations public or muni 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:

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

- (5) Screening and buffering, features to minimize visual impacts, and/or set-backs from adjacent uses;
 - (6) Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - (7) Required yards and open space;
 - (8) Height and bulk of structures;
 - (9) Hours of operation;
 - (10) Paving of streets, alleys, and sidewalks,
 - (11) Provisions for drainage,
 - (12) Exterior construction material and building design; and
 - (13) Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.
- (e) *Public health, safety, convenience and welfare.* The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.
- 3.6-4. *Procedures for special use permit (SUP).* Granting of an SUP is considered zoning and as such, all the procedures for changing a zoning district apply to an application for an SUP. After a public hearing and upon the recommendation of the Planning Commission, the City Council may approve, deny or modify the site plan and issue a special use permit containing such requirements and safeguards as necessary to protect adjoining property, including conditions addressing the standards in Section 3.6-3(d).
- 3.6-5. *Revocation.* The SUP for a Type 1 permit may be considered for revocation if a use other than the use approved in the SUP or in the underlying zoning district is developed or other stated requirements are not met. The SUP for a Type 2 permit may be considered for revocation for the following reasons:
- (a) Construction is not begun within five years of the date of approval of the permit.
 - (b) Progress toward completion is not being made. Progress toward completion includes the following:
 - (1) An application for a final plat is submitted;
 - (2) A good faith effort is made to file with a regulatory agency an application for a permit necessary to begin or continue completion of the project;
 - (3) Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of 5% of the most recent appraised market value of the real property on which the project is located;
 - (4) Security is posted with the city to ensure performance of an obligation required by the city; or

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

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.

RESOLUTION NO. 2018R-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE 2006 FUTURE LAND USE PLAN BY CHANGING THE DESIGNATION ON APPROXIMATELY 2.937 ACRES OUT OF THE SARAH DEWITT SURVEY NO. 48, ABSTRACT NO. 103, GUADALUPE COUNTY, TEXAS, FROM “RESIDENTIAL LOW DENSITY” TO “COMMERCIAL”.

WHEREAS, the property owners submitted an application requesting a change of zoning to apply a Type 1 Special Use Permit on 2.937 acres of land out of the Sarah Dewitt Survey No. 48 Survey, Abstract No. 103, Comal County, Texas, to allow specific commercial uses in the “APD” Agricultural/Pre-Development District, which is designated as “Residential Low Density” on the City’s Future Land Use Plan.

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

WHEREAS, the Planning Commission held a public hearing and made recommendations to approve the Type 1 Special Use Permit and amend the Future Land Use Plan on December 5, 2017; and

WHEREAS, the City Council held a public hearing to amend the Future Land Use Plan on January 22, 2018; and

WHEREAS, the property is proposed for commercial use; **now, therefore;**

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

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

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

development;

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

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

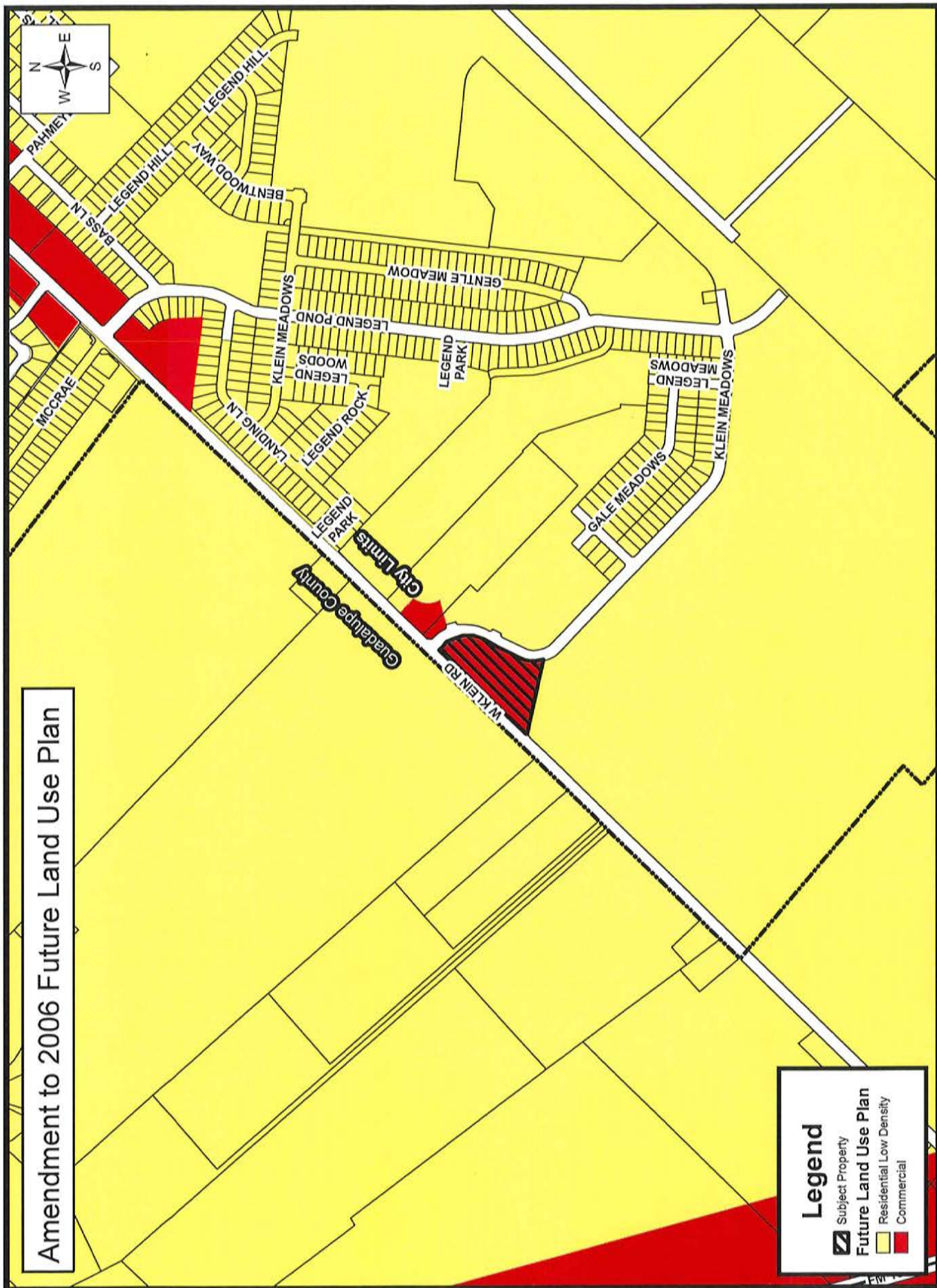
PASSED, ADOPTED AND APPROVED this the 22nd day of January, 2018.

CITY OF NEW BRAUNFELS

BY: _____
BARRON CASTEEL, Mayor

ATTEST:

PATRICK ATEN, City Secretary



Map Created 11/27/17

PZ-17-047
New Leaf
APD to SUP

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 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;

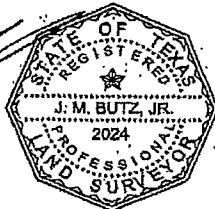
THENCE, N 78°10'39" W, 400.25 feet crossing a portion of said 146.502 acre tract to a point in the existing southeast R.O.W. line of Klein Road for the most westerly corner of this tract;

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.

J. M. Butz, Jr.
Registered Professional Land Surveyor
No. 2024



FN13-122.1

As scaled from the following referenced map, this property is located in Zone "A" & "X" according to the N.P.L.P. Map No. 483-493 0115 f, Effective Date November 2, 2007.

CURVE DATA			
CURVE	DATA	DATA	DATA
1	120°07'16"	14.99'	83.65'
2	120°07'58"	107.60'	121.84'
3	120°08'58"	136.00'	146.00'
4	120°09'58"	100.00'	100.00'
5	120°10'58"	100.00'	100.00'

NOTE: This survey is being provided solely for the use of the current parties and no further use has been created, agreed or implied, in copy the survey except as is necessary in conjunction with this transaction.

SCALE: 1" = 100'

KLEIN ROAD
(COUNTY ROAD 386)

N44°52'10"E
619.40'

P.O.B.

2.937
ACRES

Abstract 103

S45°07'50"E
10.00'

S45°11'21"E
9.53'

N78°10'39"W
400.25'

REMARKS: PORTION OF
TRACT 103, SURVEY
(1552/128)

KLEIN MEADOW

S26°55'17"W
228.19'

S30°59'02"E
24.99'

INTENDED USE:
FUTURE COMMERCIAL
TRACT

ZONING EXHIBIT

BENS 2.937 acres of land, more or less out of the Surch DeWitt Survey No. 48, Abstract 103, Guadalupe County, Texas and being out of 6 148,502 acre tract described in Volume 1652, Page 628 of the Official Records of Guadalupe County, Texas.

BUTZ
LAND
SURVEYING

3000 KUMMER RD.
DALLAS, TX 75246-4778
PHONE 214-657-8354
FAX 214-657-8354



This document was prepared under 22 TAC 603.21, 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.

This the 17th day of April 2013,
Field Notes also prepared this day.

J.W. Butz, Jr., R.P.L.S. #19-122-1
109 NO. 19-122-1

DRAWN BY: R.C.C.

List of permitted uses

Accounting, auditing, bookkeeping, and tax preparations.	Curio shops.
Adult day care (no overnight stay).	Drug sales/pharmacy.
Animal grooming shop.	Electrical repair shop.
Answering and message services.	Electrical substation.
Antique shop.	Farms, general (crops) (see chapter 6 and section 144-5.9).
Armed services recruiting center.	Farms, general (livestock/ranch) (see chapter 6 and section 144-5.9).
Art dealer/gallery.	Florist.
Artist or artisan ¹ s studio.	Garden shops and greenhouses.
Auto supply store for new and factory rebuilt parts.	Golf course (public or private).
Bakery (retail).	Governmental building or use.
Bank, savings and loan, or credit union.	Handicraft shop.
Barber/beauty shop, haircutting (non-college).	Hardware store.
Barns and farm equipment storage (related to agricultural uses).	Health club (physical fitness; indoors only).
Bicycle sales and/or repair. Book store.	Laundromat and laundry pickup stations.
Caterer.	Laundry/dry cleaning (drop off/pick up).
Cemetery and/or mausoleum.	Museum.
Child day care/children's nursery (business).	Needlework shop.
Church/place of religious assembly	Offices, brokerage services.
Clinic (dental).	Offices, business or professional.
Clinic (medical).	Offices, computer programming and data processing.
Coffee shop.	Offices, consulting.
Computer and electronic sales.	Offices engineering, architecture, surveying or similar.
Computer repair.	Offices, health services.
Confectionery store (retail).	Offices, insurance agency.
Consignment shop.	Offices, legal services, including court reporting.
Contractor's temporary on-site construction office (only with permit from building official; see section 144-5.10).	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.

School, K-12 (public or private).

School, vocational (business/commercial trade).

Security monitoring company.

Security systems installation company.

Shoe repair shops.

Shopping center. (Includes only allowed uses)

Specialty shops in support of project guests and tourists.

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

Tailor shop.

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

550 Landa Street
New Braunfels, TX

1/22/2018

Agenda Item No. F)

Presenter

*Stacy A.M. Snell, Planning and Community Development Assistant Director
ssnell@nbtexas.org*

SUBJECT:

Discuss and consider a request for a conditional sign permit for two high profile monument signs located at 1687 Hwy 46 South.

BACKGROUND / RATIONALE:

Case No.: CS-17-035

Council District: 2

Applicant/Owner: Lydell Towe (U.S. Signs)
258 Trade Center Drive
New Braunfels, TX 78130
(830) 629-4411
ussigns@sbcglobal.net

Staff Contact: Katherine Crowe, Planning Technician
(830) 221-4086
kcrowe@nbtexas.org

Location and Current Code Requirements

The subject property is 2.98 acres located on the north corner of State Highway 46 South and F.M. 758 with approximately 362 feet of frontage along State Highway 46 South, and approximately 365 feet along F.M. 758 and zoned "MU-B" High Intensity Mixed Use District. The subject property is currently being developed with a Shell gas station and convenience store with an attached Wendy's restaurant making it a multi-tenant property.

Sign types and sizes are allowed based on zoning and specific street frontage:

- The MU-B zoning district is allowed one freestanding monument sign **or** one low profile pole sign per 300 feet of frontage, **or** one electronic message sign in lieu of any other freestanding signs. Monument signs are limited to 10 feet in height and 48 square feet. Low Profile pole signs are limited to 10 feet in height and 25 square feet. Both sign types require a minimum 5-foot setback.
- Properties with frontage on State Highway 46 are also allowed one free standing monument sign **and** one *high profile* monument sign per 300 feet of frontage. Monument signs are limited to 10 feet in height and 60 square feet. High profile monument signs are limited to 28 feet in

height and 225 square feet. Properties with State Highway 46 frontage are allowed one electronic message sign in lieu of **all** other free standing signs, limited to 28 feet in height and 200 square feet, including a maximum 100 square-foot sign face. The freestanding monument sign and high profile monument sign types require a minimum 5-foot setback; an electronic message sign requires a minimum 15-foot setback.

- Multi-tenant properties are required to share a sign structure which 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 business within the development.

Additional design standards for monument signs specify that the sign face shall not exceed 50 percent of the overall sign structure, and the sign base shall not be more than 50 percent wider than the sign structure.

The subject property is under construction, so no other signage currently exists and any future wall signs are not regulated by the City's Sign Ordinance. To summarize, the subject property is allowed by the currently adopted Sign Ordinance to have: **one high profile monument sign and one monument sign along SH 46, and two additional free-standing signs (either monument or low profile pole), OR one electronic message sign in lieu of all of the otherwise allowed free standing signage.**

Proposal:

The applicant is proposing to construct two high profile monument signs. However, the property is allowed only one *high profile* monument sign based upon the 362 feet of frontage along State Highway 46. High profile monument signs are allowed along the following thoroughfares: Loop 337, State Highway 46, Business IH 35, FM 306, FM 725 and IH 35. FM 758 is not included within this group; therefore, the frontage along FM 758 does not qualify the subject property for a high profile monument sign along FM 758. Signage along FM 758 is limited to the signage allowed based on the "MU-B" zoning.

The two proposed high profile monument signs are identical. The sign structures consist of five stacked sign cabinets on top of a sign base resulting in an overall height of 28 feet. The dimensions for the stacked sign cabinets are 27 feet in height by 8 feet in width (216 square feet of sign face) and a sign base of 1 foot by 8 feet (8 square feet). A sign base is included in the total area of a sign, so the proposed sign would be 224 square feet. Both proposed signs are at the maximum allowed height of 28 feet and just under the maximum allowed area of 225 square feet for high profile monument sign structures.

The Sign Ordinance stipulates that sign faces of monument signs cannot exceed 50 percent of the overall area of the sign structure. Therefore, the proposed 224 square foot sign structures are allowed a maximum sign face of 112 square feet. The proposed signs have sign faces of approximately 216 square feet, exceeding the maximum allowed sign face area by 104 square feet (192.86%).

Additionally, the proposed signs 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 that 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 reduction in the overall number or size of signage on the property in exchange for the allowance.

The subject application does not include the following allowed signs on the site.

SH 46:

- A 60-square foot monument sign 10 feet in height
- A 32-square foot multi-tenant directional signs at the driveway entrance

FM 758:

- Two free standing signs - 48-square foot monument signs 10 feet tall or 25-square foot low profile pole signs 10 feet tall
- Any 32-square foot multi-tenant directional signs at the driveway entrance

A sign permit was issued for the subject property on March 27, 2017. However, the applicant indicated the previously permitted sign would no longer be visible in the original size and configuration due to the NBU power poles and new TxDOT signal boxes located in the utility easement along State Highway 46 and F.M. 758. The applicant stated the obstructions and road signage modifications to the intersection of State Highway 46 and F.M. 758 has created visibility issues for the subject property. The two proposed high profile monument signs are intended to alleviate the long term visibility issues and are an attempt to meet both food service partner and oil company supplier needs. The applicant stated advertising of the facility and its fueling options are very important, as well as required by the food service partner and gasoline supplier.

Existing Signs in the Vicinity:

Sign Location	Sign Type	Approximate Height
Chicken Express	Electronic Message	27.5 ft.
Clear Springs Restaurant	Low Profile Pole	23 ft.
Residential Property	Billboard	25 ft.
Vacant	Billboard	61 ft.
Ridgway Used Automobiles	Low Profile Pole	6 ft.
Rust Game Place	Monument	14 ft.

Lot Size:

2.98 acres

Surrounding Zoning and Land Use:

North - C-1 and APD/ Residential low density

South - Across the intersection of State Highway 46 S. and FM 758, C-1 and C-1B/Commercial and residential low density

East - Across FM 758, APD and MU-B/ Open space and residential low density

West - Across State Highway 46 S., C-1 and M-1/ Commercial

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

Yes	City Plan/ Council Priority: 2006 Comprehensive Plan <i>Pros and Cons Based on Policies Plan</i>	Pros: Goal 12: Protect and enhance the visual environment of the City. Objective A: <i>Maintain fair and reasonable regulations for signs so that signs harmonize with the special qualities and appearance of New Braunfels (specifying size, height, locations).</i>
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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.

Staff recommends **denial** of the requested high profile monument sign along FM 758. Staff recommends signage along FM 758 be allowed as required by Code; this roadway does not carry the same volume of traffic as the roadways included in the High Profile Monument group and is a standard commercial road on the City's Regional Transportation Plan. Additionally, while there are visual obstructions at the intersection, there does not appear to be significant topographic features or hardships associated with the subject property to justify the *additional* sign height and area for this proposed sign.

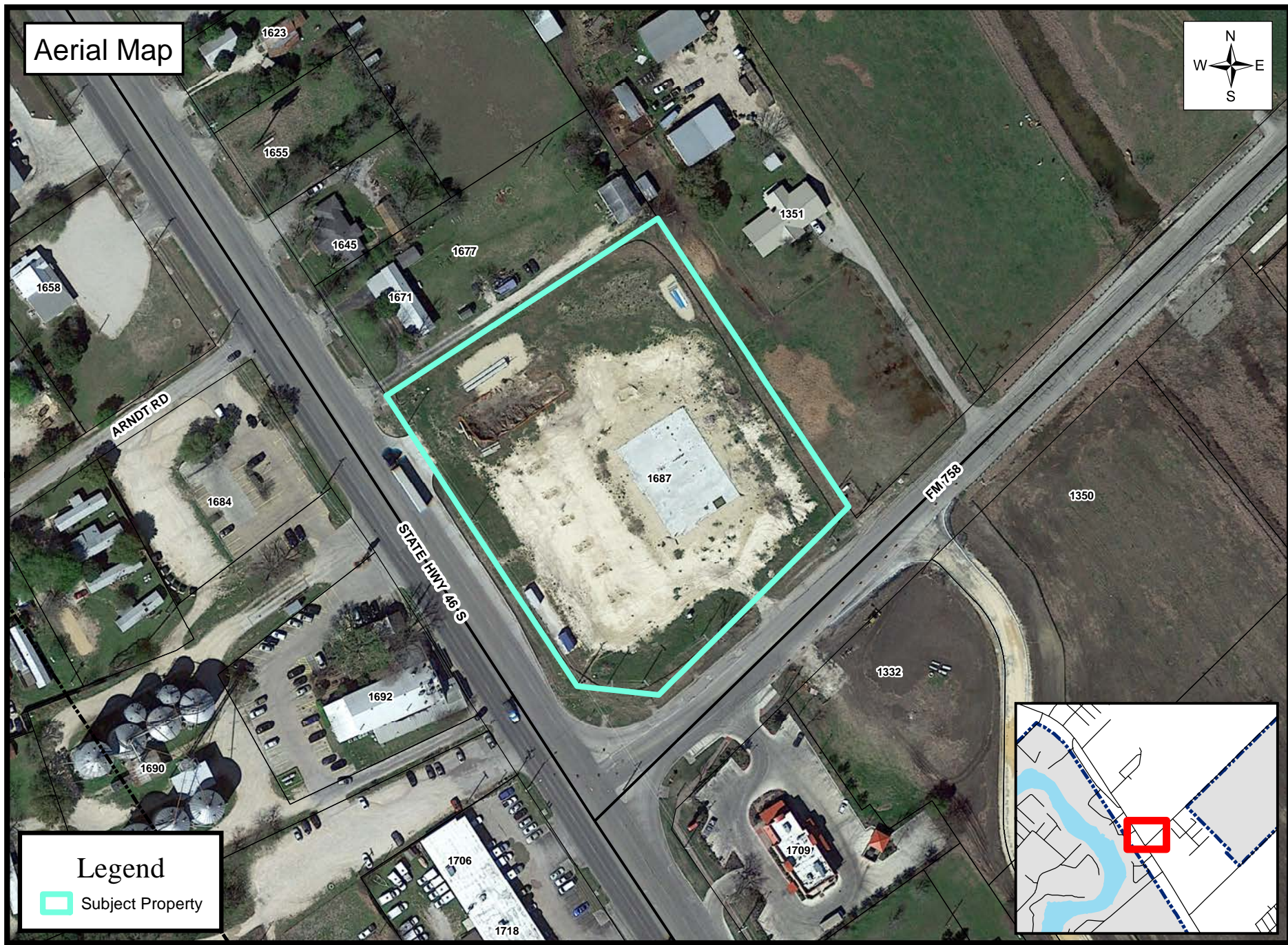
However, Staff recommends **approval** of the increased sign face area on the single high profile monument sign along SH 46 as it is a multi-tenant sign and includes the necessary fuel sale prices, with the following conditions:

1. An easement encroachment must be granted by NBU to allow the sign to be located within the 20-foot wide utility easement. Otherwise the sign would need to be set back further, situated outside of NBU's easement.
2. With this sign and a conforming sign along FM 758, that no other free-standing sign be allowed without the approval of a new conditional sign permit by the City Council.
3. Provide an opaque background for the sign face or a background in a non-white color to reduce the brightness and glare of the sign at night.

Attachments:

1. Aerial Map
2. Zoning Map
3. Application
4. Proposed Site Plan
5. Proposed Sign Elevation Plan
6. Comparison Table Showing Allowable Signs Vs. Requested Signs
7. Map of Existing Signs in the Vicinity
8. Subject Property Visibility Before and After Installation of TxDOT Pole and Box

-
9. Photos of Site and Surrounding Area
 10. Excerpt from the Sign Ordinance
 11. Regional Transportation Plan



ATTACHMENT 1



CS-17-035
Shell Station
1687 State Hwy 46 S.

Map Created 11/20/17



CS-17-035
Shell Station
1687 State Hwy 46 S.

Map Created 12/4/17



PLANNING

APPLICATION FOR CONDITIONAL SIGN PERMIT

Planning and Community Development
550 Landa Street, New Braunfels, TX 78130

Phone: (830) 221-4050

Case No. CS-17035

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 U.S. SignsMailing Address: 258 Trade Center DriveEmail Address: ussigns@sbcglobal.netTelephone: 830-629-4411 Mobile: 830-743-1599

2. Property Address/Location: 1687 Hwy 46 South

3. Existing signs on property: None

4. Number of requested signs: 2

5. Dimension & height of sign(s): Height 28' 224 sq ft sign area

6. Business or event to be advertised: Shell, Wendy's and LED pricer cabinets

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

Original sign that was permitted is now blocked by NBU power poles and TXDOT signal boxes. Cannot relocate sign on 46 frontage due to length.

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.

Lydell Toye
Signature of Owner(s)/Agent

11/09/17.
Date

For Office Use Only

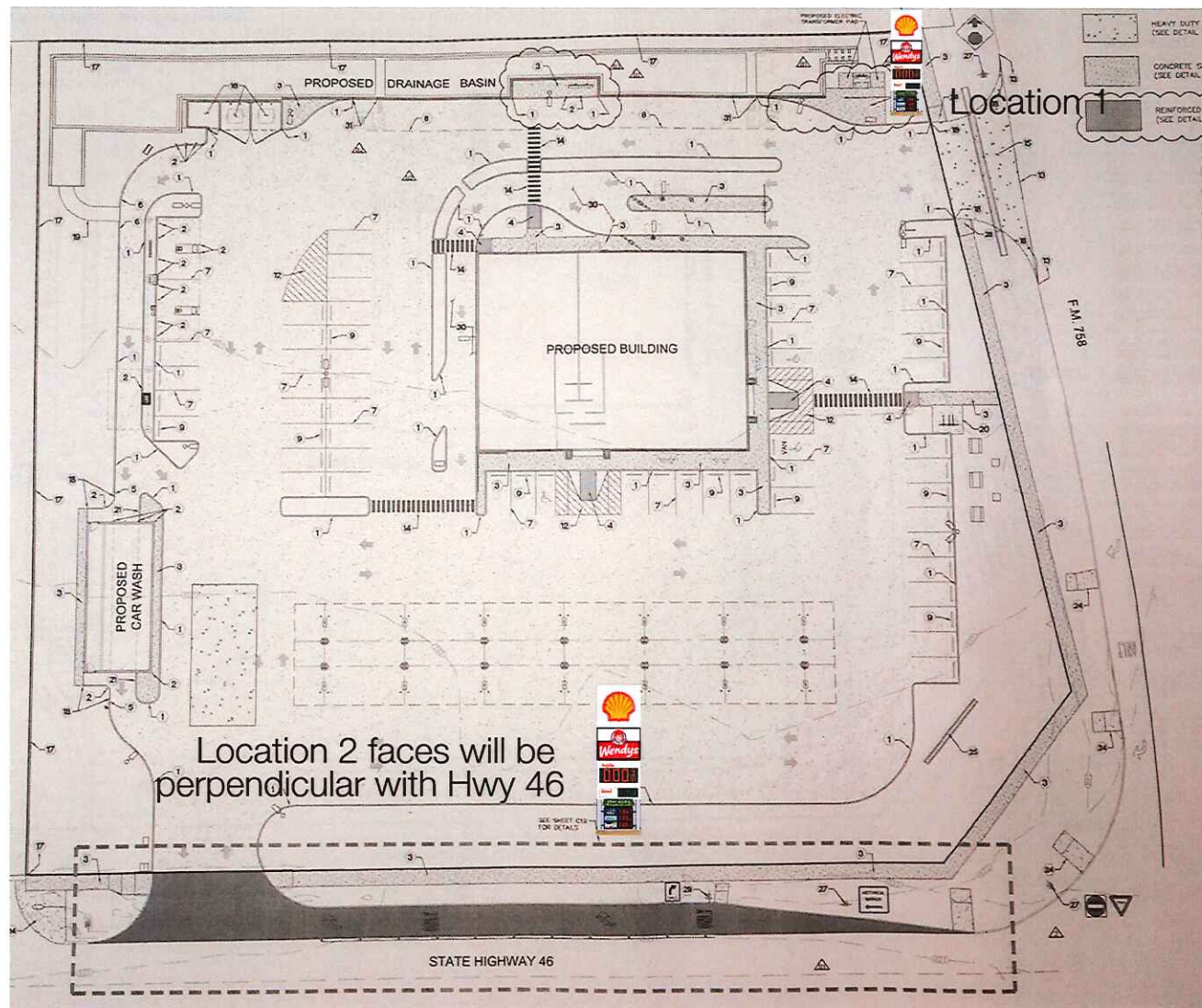
Fee Received By: KC Amount: \$300 Receipt No.: 239597

Date Received: 11/10/17 Cash/Check Number: CH 10744

Council Meeting Date: 1/8/18

\\chfs-1\departments\planning\applications\conditional sign permit.docx





State License TSCL 18159
 Registered by The Texas Dept. of Licensing & Regulation, P.O. Box 12187, Austin, TX 78711
 1-800-451-4522 www.ussigns.com

258 TRADE CENTER DRIVE
 NEW BRAUNFELS, TEXAS 78130
 830.629.4411 FAX 830.629.8099
 ussigns@sbcglobal.net • www.ussigns.com



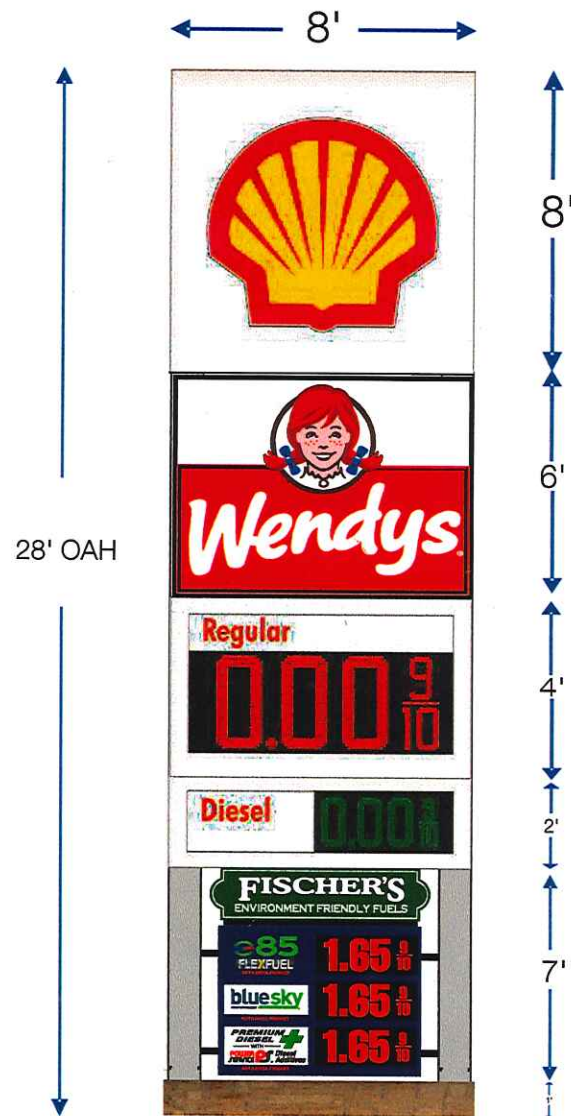
Client Fischer #34 1687 Hwy 46 S.

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.



Total sq ft with base 224

FRONT VIEW



State License TSCL 18159
Regulated by The Texas Dept. of Licensing & Regulation, P.O. Box 12187, Austin, TX 78711
 1-800-832-6222 www.commerce.state.tx.us/021818159

258 TRADE CENTER DRIVE
 NEW BRAUNFELS, TEXAS 78130
 830.629.4411 FAX 830.629.8099
 ussigns@sbcglobal.net • www.ussignsnb.com



Client Fischer #34 1687 Hwy 46 S.

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COMPARISON CHART OF ALLOWED AND PROPOSED SIGNAGE

Allowed per Sign Ordinance (Up to 2)				Conditional Sign Permit (1 of 2)		
SIGN TYPE	Electronic Message	OR	Freestanding Monument	AND	High Profile Monument	High Profile Monument
DISTRICT	State Hwy 46					
AREA	200 sf		60 sf		225 sf	224 sf
HEIGHT	28 ft.		10 ft.		28 ft.	28 ft.
SETBACK	15 ft.		5 ft.		5 ft.	10 ft.
NUMBER	1 (with no other freestanding signs)		1 per 300' of frontage (1 max)		1 per 300' of frontage (1 max)	1

Allowed per Sign Ordinance (Up to 2)				Conditional Sign Permit (2 of 2)		
SIGN TYPE	Electronic Message	OR	Freestanding Monument	OR	Low Profile Pole	High Profile Monument
DISTRICT	MU-B					
AREA	100 sf		48 sf		20 sf	224 sf
HEIGHT	10 ft.		10 ft.		10 ft.	28 ft.
SETBACK	15 ft.		5 ft.		5 ft.	10 ft.
NUMBER	1 (with no other freestanding signs)		1 per 300' of frontage (2 max)		1 per 300' of frontage (2 max)	1



December 2016
No traffic signal boxes or pole



December 2017

Traffic Signal Box

Traffic Signal Pole



Subject Property

TX-46
TX-46

Hwy 46 toward Seguin



Subject Property



Subject Property

Subject Property

CHAPTER 106 SIGNS

Section 106-14 Permanent On-premise Sign Regulations

(b) *Design requirements.*

(5) *High profile monument signs on properties with Loop 337, SH 46, FM 306, FM 725 and Business 35 Frontage.* High profile monument signs are permitted on properties with Loop 337, SH 46, FM 306, FM 725 and Business 35 frontage, and which have commercial or industrial zoning provided they meet the following requirements:

- a. Height limit shall be 28 feet. For signs on properties with Loop 337, SH 46, FM 306, FM 725 and Business 35 frontage, additional height may be allowed.
 1. This additional allowance will be determined by measuring the difference between the elevation of the property at the proposed location of the sign and the elevation of the main lanes of Loop 337, SH 46, FM 306, FM 725 and Business 35.
 2. Determination of the elevation difference shall be measured by projecting a perpendicular line from the center line of the proposed location of the sign to the center line of the main lanes of Loop 337, SH 46, FM 306, FM 725 and Business 35 nearest the sign.
 3. The allowance will only apply for properties and sign locations that are determined to be lower in elevation than the main lanes of Loop 337, SH 46, FM 306, FM 725 and Business 35, as measured by b. above.
- b. Maximum area shall be 225 square feet per face.
- c. High profile monument signs shall have only two sign faces.
- d. Properties with Loop 337, SH 46, FM 306, FM 725 and Business 35 frontage may have only one high profile monument sign for each 300 feet of frontage. High profile monument signs shall be spaced a minimum of 300 feet apart. If a property or commercial or industrial subdivision has less than 300 feet of frontage on Loop 337, SH 46, FM 306, FM 725 and Business 35 a high profile monument sign shall not be permitted.
- e. All signs shall maintain a minimum clearance from electric power lines of ten feet horizontally and 15 feet vertically or as otherwise may be required by the utility provider. Any relocation of power lines to provide this clearance will be at the expense of the sign owner. Such signs are allowed in addition to permitted signage on the tract.
- f. Alternative construction methods, may be considered by the planning director as long as the sign construction is compatible with the architectural design of the primary building or master architectural design of the commercial or industrial subdivision.

(7) *Multi-tenant signs.* Developments containing two or more businesses, whether in a single building or multiple buildings, shall share a sign structure for advertisement of multiple businesses located within the development. This provision is applicable to businesses located on the same lot upon which the sign is located as well as to businesses located upon different lots within the development. Such signs shall comply with the following:

- a. The lot or lots involved must be contiguous with one another, and constitute a single cohesive development;
- b. The sign(s) must be located on a lot that one of the advertised businesses occupies;
- c. The sign shall be designed in the overall architectural style of the buildings within the development;
- d. The signs may be any sign type that is otherwise allowed by this chapter;
- e. Private streets within the boundaries of the development are treated as public rights-of-way for purposes of determining allowable signage;
- f. Individual pad or lease sites, defined in the approved site plan, are treated as separate lots for purposes of determining allowable signage;
 1. Businesses shall not be allowed advertising on both the multiple tenant (shared) sign and another free standing business identification sign;
 2. Monument signs, used as multi-tenant signs for developments with four or more tenants, may have an allowable sign area not to exceed 64 square feet.
- g. In addition to signage that would otherwise be allowed on a lot for business identification purposes, one additional monument sign not exceeding five feet in height and 32 square feet in area may be located at each intersection of public roadways and/or private roadways for purposes of directing traffic to various areas and businesses within the development;
- h. All other provisions of this chapter shall be applicable to this sign category, including but not limited to, allowed number based on road frontage (multiple lot developments are treated as a single lot for this purpose), allowable size as a function of zoning district, spacing, illumination, materials, etc.

Sec. 106-15. - Principles of sign area computation.

The following principles shall control the computation of sign area and sign height.

(1) *Computation of area of individual signs.*

- a. The area of a sign shall be computed as the entire advertising area of the sign, including any framing or trim, contained within the respective sign cabinet. For the purposes of this computation the sign cabinet shall be defined as the structure or

border used to differentiate a sign face from the structure against which a sign face is placed.

- b. Where a sign consists of individual letters, words or symbols attached to a surface, building, canopy, awning or wall and all such elements are located in the same plane; the sign area shall be the area of the smallest geometrical shape that completely encompasses all such letters, words or symbols. Where such sign includes multiple words, each word located in the same plane shall be computed separately.
- c. Embellishments that do not exceed 15 percent of the sign face area are allowed and are not counted toward the area of a sign.
- d. The permitted area for all monument signs, pursuant to table 106.14.1, shall be inclusive of the sign structure. In no case shall the overall sign structure, exceed the maximum allowed height nor the maximum allowed sign area. In no case shall the sign face of a monument sign exceed 50 percent of the overall sign structure and the sign base shall not be more than 50 percent wider than the sign structure.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/22/2018

Agenda Item No. G)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of proposed amendments to the City of New Braunfels Drainage and Erosion Control Design Manual regarding channel and channel access requirements.

BACKGROUND / RATIONALE:

In accordance with the Code of Ordinances, the city engineer is hereby authorized and directed to promulgate city standards for the design, construction, installation, location and arrangement of drainage facilities. The city engineer shall submit such standards to the planning commission for recommendation to city council and, thereafter, file such standards with the city secretary at least ten days before they become effective. The city engineer may amend the standards from time to time, upon the recommendation of the planning commission to city council, and such amendment shall be filed with the city secretary at least ten days before it becomes effective.

The Drainage and Erosion Control Design Manual (DCM) is intended to establish uniform design practices for the design and construction of storm drainage and erosion control in New Braunfels and its extraterritorial jurisdiction. The DCM is specified in Section 143-2(b) of the City of New Braunfels Code of Ordinances as part of the official stormwater management plan. The manual neither replaces the need for engineering judgment nor precludes the use of information not presented in the manual.

The following amendments are proposed to the DCM to address frequent review comments, maintenance issues and clarify design criteria to improve the development process:

Section 2.3 - Clarify and revise channel definition, design frequency and freeboard requirements.

Freeboard requirements are specified in Section 2.3. Freeboard is the factor of safety above a design flood level to compensate for many unknown factors that could contribute to stormwater heights greater than the height calculated. Design frequency and minimum freeboard for drainage facilities, including channels and creek improvements, are provided in Table 2-2. Footnote and definition text in the DCM has led to uncertainty on the freeboard requirements for channels; therefore, staff is proposing to clarify and revise definitions, design frequency and minimum freeboard requirements.

The channel drainage facility is proposed to be separated from creek improvements and swale and ditches removed. Channels with drainage areas greater than 128 acres shall meet the current requirement of a 100-year storm event plus 1 foot of freeboard. Channels with drainage areas less than or equal to 128 acres shall be designed to contain the 100-year storm event or 25-year storm event plus minimum freeboard, whichever is greater.

Sections 2.10.2 and 8.1 - Clarify easement and maintenance access criteria.

Access to channels is critical for maintenance, inspection and repair. The DCM provides the following criteria on easement and maintenance access:

- Maintenance access shall be provided for all channels and have a width of 12 feet and a cross slope no greater than 2 percent.
- Easement width shall be the width of the 100-year water surface and a clear width of 14 feet, minimum, shall be included for access.

The Platting Ordinance also states that easements along open channels shall provide sufficient width for the channel and such additional width for maintenance equipment.

Staff is proposing to clarify the requirements by specifying that easements for channels shall extend 2 feet on one side and 12 feet on the other side for maintenance access. Easements that parallel and adjoin a roadway shall extend out 2 feet on both sides of the channel. That clarification supports the current requirements and will includes figures. Additionally, it is proposed that maintenance access shall be provided at a minimum spacing of one access at 1,000 foot intervals and that the bottom of the channel cannot be considered for maintenance access.

Section 8.1 - Specify when a concrete pilot channel is required.

Staff is proposing to specify that a 4 foot, minimum, concrete pilot channel is required for a channel when the longitudinal slope is less than 0.5 percent and when the bottom width of a channel is greater than 30 feet. This generally follows standard practice and City of San Antonio requirements, and address anticipated maintenance issues based on existing drainage complaints.

Section 8.1 - Specify when fencing is required for concrete channels.

Staff is proposing to specify that a 42 inch, minimum, fence or rail be required adjacent to a concrete channel where vertical walls exceed 2 feet and where side slopes exceed 2:1 and the depth is greater than 2 feet.

Staff considers the proposed amendments to the DCM necessary to protect the public health, safety and welfare, and adhere to standard engineering practice. The amendments also clarify drainage infrastructure requirements to assist in the development review process.

Staff notified the engineering community of the proposed changes on December 27, 2017 and posted them online on January 4, 2018. Staff presented the item to Planning Commission on January 9, 2018.

Staff received one request to consider increasing the vertical wall and side slope requirement to 30 inches (2.5 feet) to be consistent with International Building Code railing requirements. Staff is not opposed to the request.

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

2006 Comprehensive Plan: Goal 31: Develop a regional drainage system that protects personal property, traffic flow, and the environment.

2006 Comprehensive Plan: Goal 33: Protect citizens and existing and future development from flood damage.

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the amendments to the City of New Braunfels Drainage and Erosion Control Design Manual on January 9, 2018, on a motion that carried unanimously.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendments to the City of New Braunfels Drainage and Erosion Control Design Manual.

The Engineering Division shall not approve any drainage report pertaining to proposed construction, platting or other development where the proposed activity or change in the land would result in post-development discharge from the site exceeding discharge under pre-developed conditions (for new development) or existing conditions (for re-development). Downstream capacity shall not be exceeded as a result of development. Exemptions from this provision are as follows:

- A. Additional drainage improvements are not required if drainage improvements have been provided for the fully developed condition, which includes the proposed development.
- B. Prior written approval of a Stormwater Connection Fee from the City Engineer.

No proposed development shall be constructed which impedes or constricts runoff from an upstream watershed based on fully developed conditions. Therefore drainage computations shall be provided to verify no adverse impact upstream or downstream.

2.3 Freeboard

Freeboard is the vertical distance between the design water surface and the elevation of the drainage facility, such as the top of channel, ditch or detention pond. Freeboard is intended to provide a factor of safety and prevent the fluctuation of the water surface from overflowing the drainage facility. Freeboard requirements are shown in [Table 2-2](#). Freeboard is not required where parking areas are designed to serve as detention facilities; however, site design should consider safety and drainage overflow location.

Table 2-2: Freeboard Requirements

Drainage Facility	Design Frequency	Minimum Freeboard
Street right-of-way	100-year	None
Channels and creek improvements	100-year	1.0 ft
Channels with drainage area > 128 acres	100-year	1.0 ft
Channels with drainage area ≤ 128 acres		
• 100-year design depth < 5 ft	100-year	25-year + 0.5 ft
• 100-year design depth 5-10 ft	100-year	25-year + 10% design depth
• 100-year design depth > 10 ft	100-year	25-year + 1.0 ft
Swales and ditches ¹	25-year	0.5 ft
Detention ponds and reservoirs	100-year	1.0 ft
Bridges and culverts	25-year	See note 2
Floodways and floodplains	100-year	2.0 ft (See note 3)

¹ Channels with drainage area ≤ 128 acres shall be designed to contain the 100-year storm event or 25-year storm event plus freeboard, whichever is greater. Swales or ditches are considered to have drainage areas of 128 acres or less.

² Bridges and culverts shall be designed to withstand the 100-year event, but the water level may reach roadway level at the 25-year design level if no public safety issues are involved.

³ Floodways and floodplains shall have a minimum of 2-feet freeboard or the minimum freeboard established in the most recently adopted Floodplain Ordinance.

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included in the rivers and stream data set published in the United States Geological Survey (USGS) National Hydrography Dataset (NHD) in 2013 was considered a stream.

2.9 Water Quality Controls

Temporary water quality best management practices (BMPs) shall be required when any disturbance could result in appreciable erosion that could result in measurable accumulation of sedimentation in dedicated streets, alleys, any waterway or other private properties during construction activities. Site erosion control requirements are provided in **Section 12**.

Development and redevelopment located over the Edwards Aquifer regulatory zones shall comply with the latest TCEQ published rules and technical design guidance for the Edwards Aquifer. Permanent water quality BMPs for development outside of the Edwards Aquifer regulated zones shall be designed to provide adequate treatment of the water quality volume in the City's jurisdiction as defined in **Section 13**.

2.10 Maintenance of Drainage Facilities

The property owner or designee will maintain the hydraulic integrity of drainage systems not dedicated to the City. The City will maintain the hydraulic integrity of drainage systems dedicated to and accepted by the City. Maintenance of the floodplain, drainage easements, and water quality features shall be explicitly stated in a recorded instrument.

2.10.1 Maintenance Schedule

A maintenance schedule supported by engineering or scientific published documents shall be submitted to the Engineering Division prior to approval of construction plans for public and private facilities. The City has the right to conduct periodic inspections of privately owned and maintained drainage and water quality improvements to ensure that the maintenance schedule is being implemented.

2.10.2 Maintenance Access

Access shall be provided for all channels to allow equipment access for maintenance. Access shall have a width of at least 12 feet and a cross slope no greater than two percent. Maintenance ramps used for access shall have a vertical grade no steeper than 6:1. An unobstructed access easement connecting the channel drainage easement with a roadway parallel to or near the easement shall be provided at a minimum spacing of one access easement at a minimum of 1,000 feet intervals. Access shall be provided within dedicated right-of-way or within the drainage easement dedicated for the channel. The bottom of the channel cannot be considered as maintenance access.

2.11 Pumped Drainage Facilities

The City of New Braunfels discourages the use of Pumped Drainage Facilities. A Pumped Drainage Facility is defined as any drainage system not wholly utilizing gravity outflow. Facility designs considered under this section's guidelines must first demonstrate that a gravity system is not feasible from both an engineering and economic standpoint. A feasibility analysis is required to be submitted prior to permit application. The applicant must have expressed written approval from the City Engineer and Engineering Division with permit application.

8 Open Channels

8.1 General Requirements

The general classifications for open channels are: (1) Natural channels, which include all watercourses that have been carved by nature through erosion; and (2) Engineered channels, which are constructed or existing channels that have been significantly altered by human effort.

- A. The City of New Braunfels encourages the preservation of natural channels and drainage patterns. Developed drainage flows must enter and depart from a developed area in the same manner and location as under pre-development conditions. Any concentration of previous over-land flow is required to leave the developed site into a receivable body such as a drainage easement or city right-of-way in a manner so as to not impact downstream properties and/or facilities.
- B. Easements or drainage rights-of-way shall be provided for all open channels such that the 100-year runoff ~~and maintenance access are~~ contained within drainage easements and/or right-of-way. Drainage easements shall be designated on plats for recording. For properties with existing structural development on previously platted lots, additional drainage easements shall be dedicated by separate recorded instrument or an amended plat. Easements and FEMA floodways shall not be encroached upon with fill materials or structures, which would reduce the channel's ability to carry the 100-year flood.
 - a. Easement width shall be at least the width of the water surface from the 100-year design storm runoff under post-development conditions ~~plus maintenance access. Maintenance access shall extend 2 feet from one side of the channel and 12 feet on the other side of the channel. If a channel is located parallel and adjoining a roadway, maintenance access shall extend 2 feet from both sides of the channel. A clear width of 14 feet, minimum, shall be included in the drainage easement width for access.~~
 - b. Additional easement width should be provided to allow for channel meandering near bends of channels
- C. Engineered channels ~~and swales~~ shall be designed to meet the applicable design, freeboard and easement requirements. Freeboard along the outside of channel bends shall include the increased water surface due to superelevation.
- D. Fencing and/or warning signs should be required to prevent public access where flowing water would pose a safety hazard. Fencing shall be designed in such a way as to not pose a drainage obstruction.
- E. Shear stress shall be computed for all open channels and adequate protection provided in accordance with *Hydraulic Engineering Circular 15: Design of Roadway Channels with Flexible Linings (HEC 15)* [9]. Channels shall be designed to be stable and to not create safety hazards. Side slopes of vegetative lined channels should be 3:1 or flatter (4:1 or flatter along roadways) in channels with depths greater than 2 feet. Recommended maximum water velocities for earthen channels are given in Table 8-1. Erosion control or energy dissipation devices should be used to control velocities such

that channel degradation does not occur. Bank stabilization measures shall not reduce channel capacity and shall follow sound engineering practices

Table 8-1: Maximum Velocity in Open Channels

Channel Lining Material ¹	Channel Slope (%)	Maximum Velocity (fps)
Earthen Channels	0 – 5	6
	5 – 10	5
	> 10	4
Rock (native subgrades)		10
Gabion Lined		12
Reinforced concrete lining		20
Rock Riprap (placed rock)		12
Prefabricated lining products		Use 90% of manufacturer's recommended velocity limits

¹ Uniform, in well-maintained condition.

F. Should diversion of a natural drainage way be required, sufficient work shall be done upstream and/or downstream to provide all affected properties at least the same level of flood protection and erosion control that existed prior to the diversion. The time length of a diversion channel must be at least as long as the segment of natural channel being replaced so that velocity is not increased.

G. Fencing shall be required adjacent to the channel where channel vertical wall heights exceed 2 feet and where channel side slopes exceed 2:1 and the depth is greater than 2 feet. Fencing shall be a minimum of 42" high, provide for maintenance access and not hinder sight distance for traffic. Fence type and location shall be determined by the design engineer.

F.H. Concrete pilot channels shall be provided for channels with longitudinal slopes less than 0.5 percent or bottom widths greater than 30 feet. The minimum bottom width of the pilot channel shall be 4 feet and the minimum earthen slope draining toward the pilot channel shall be 1 percent.

8.2 Design Criteria

A. The depth and velocity of flow are necessary for the design and analysis of channel linings and structures. The depth and velocity at which a given discharge flows in a channel of known geometry, roughness, and slope can be determined through hydraulic analysis. The following two methods are commonly used in the hydraulic analysis of open channels:

1. Slope Conveyance Method
2. Standard Step Backwater Method

The Slope Conveyance and Standard Step Backwater Methods have been summarized from the *TxDOT HDM*.

B. Channels should have sufficient gradient, depending upon the type of soil or channel lining material, to provide velocities that will be self-cleaning (greater than 2 feet per second for the 2-year storm event) but not cause erosion due to excessive shear stress.

Appendix B: Definition of Terms

Abstractions. The fractions of precipitation lost to evaporation, transpiration, interception, depression storage and infiltration.

Abutment. A wall supporting the end of a bridge or span, and sustaining the pressure of the abutting earth.

Apron. A floor or lining of concrete, timber, or other suitable material at the toe of a dam, entrance or discharge side of spillway, a chute, or other discharge structure, to protect the waterway from erosion from falling water or turbulent flow.

Backwater. The rise of the water level upstream due to an obstruction or constriction in the channel.

Backwater Curve. The term applied to the longitudinal profile of the water surface in an open channel when flow is steady but non uniform.

Baffle Chute. A drop structure in a channel with baffles for energy dissipation to permit the lowering of the hydraulic energy gradient in a short distance to accommodate topography.

Baffles. Deflector vanes, guides, grids, gratings, or similar devices constructed or placed in flowing water, to: (a) check or effect a more uniform distribution of velocities; (b) absorb energy; (c) divert, guide, or agitate the liquids; and (d) check eddy currents.

Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year.

Calibration. Process of checking, adjusting, or standardizing operating characteristics of instruments and model appurtenances on a physical model or coefficients in a mathematical model. The process of evaluating the scale readings of an instrument in terms of the physical quantity to be measured.

Channel. Natural or engineered open waterway designed to convey stormwater runoff. ~~Any path of concentrated flow that conveys storm runoff from a drainage area greater than 128 acres.~~

Channel Roughness. Irregularities in channel configuration which retard the flow of water and dissipate its energy.

Channel stability. A condition in which a channel neither degrades to the degree that structures, utilities or private property are endangered, nor aggrades to the degree that flow capacity is significantly diminished as a result of one or more storm runoff events or moves laterally to the degree that adjacent property is endangered.

Channel treatment measure. A physical alteration of a channel for any purpose.

Chute. An inclined conduit or structure used for conveying water to a lower level.

- b. **On site detention.** A detention pond which is located within and serves only a specific site or subdivision.
- c. **On stream detention.** Detention facilities provided to control excess runoff based on a watershed wide hydrologic analysis.

Developed land. Any lot or parcel of land occupied by any structure intended for human occupation, including structures intended for commercial or industrial enterprise.

Developer. Any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate or other entity engaging in platting, subdivision, filling, grading, excavating, or construction of structures.

Ditch. Open waterway typically used to convey stormwater runoff alongside roadways.

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Downstream capacity. The ability of downstream drainage facilities to accept and safely convey runoff generated upstream.

Drainage basin. The storm water catchment area above a point on a channel to which waters drain and collect. Watershed has the same meaning.

Drainage control. The treatment and/or management of surface runoff.

Drainage easement. A platted area reserved for the primary purpose of stormwater drainage and maintenance.

Drainage System. Drainage systems shall include streets, alleys, storm drains, drainage channels, culverts, bridges, overflow swales and any other facility through which or over which storm water flows.

Drop Inlet. A storm drain intake structure typically located in unpaved areas. The inlet may extend above the ground level with openings on one or more sides or it may be flush with the ground with a grated cover.

Drop Structures. A sloping or vertical section of a channel designed to reduce the elevation of flowing water without increasing its velocity.

Entrance Head. The head required to cause flow into a conduit or other structure; it includes both entrance loss and velocity head.

Entrance Loss. Head lost in eddies or friction at the inlet to a conduit, headwall or structure.

Erosion control. Treatment measures for the prevention of damages due to soil movement and to deposition.

Evaporation. Process by which water is transferred from land and water masses to the atmosphere.

Excavation. Digging and removal of earth by mechanical means.

Stilling Basin. Pool of water conventionally used, as part of a drop structure or other structure, to dissipate energy.

Storm Hydrology. The branch of hydrology that concentrates on the calculation of runoff from storm rainfall.

Stormwater Management. The control of storm runoff by means of land use restrictions, detention storage, erosion control, and/or drainage systems

Stormwater Model. Mathematical method of solving stormwater problems by computer technology.

Streets. The classifications and descriptions of streets, such as alley, arterial, collector, freeway, local, parkway, etc., established by the City of New Braunfels in the Thoroughfare/Transportation Plan.

Subcritical Flow. Relatively deep, tranquil flow with low flow velocities. The Froude Number is less than 1.0 for subcritical flow conditions.

Supercritical Flow. Relatively shallow, turbulent flow with high velocities. The Froude Number is greater than 1.0 for supercritical flow conditions.

Swale. A low lying or depressed stretch of land without a defined channel or tributary.

Tailwater. The depth of flow in the stream directly downstream of a drainage facility or other man made control structure.

Temporary drainage facility. A non-permanent drainage control, flood control or erosion control facility constructed as part of a phased project or to serve until such time that a permanent facility is in place, including but not limited to desilting ponds, berms, diversions, channels, detention ponds, erosion control measures, bank protection and channel stabilization measures.

Time of Concentration. The estimated time in minutes required for runoff to flow from the most hydraulically remote section of the drainage area to the point at which the flow is to be determined. Hydraulically remote refer to the travel path with the longest flow travel time, not necessarily the longest linear distance.

Total Head Line. A line representing the energy in flowing water. The elevation of the energy line is equal to the elevation of the flow line plus the depth plus the velocity head plus the pressure head.

Trash Rack. Racks, gratings, or mesh designed so as to prevent tree limbs, water borne debris and rubbish from plugging the outlets from a dam or detention basin.

Trunk Line. The main line of a storm drain system, extending from manhole to manhole or from manhole to outlet structure.

Ultimate Development. The condition of the watershed after the entire watershed has undergone development.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/22/2018

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 151.43 acres located at southeast corner of FM 1044 and Klein Road legally known as 151.43 acres out of the Sarah Dewitt Survey No. 48, Abstract No. 103 in Guadalupe County for a project related to recreational or community facilities.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/22/2018

Agenda Item No. B)

Deliberate issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code, including but not limited to:

- Project New Balance