CITY OF NEW BRAUNFELS, TEXAS
CITY COUNCIL MEETING

CITY HALL - COUNCIL CHAMBERS
550 LANDA STREET

MONDAY, FEBRUARY 12, 2018 at 6:00 PM

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

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

AGENDA

CALL TO ORDER

CALL OF ROLL: City Secretary

INVOCATION: Councilmember Justin Meadows

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

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

PROCLAMATIONS:

A) Teen Dating Violence Awareness Month

B) National LULAC Week

C) Love My Library Month

D) President George Washington Day

PRESENTATIONS:

A) Presentation to Parks and Recreation Aquatics Division for selection as the Texas Public Pool Council Agency of the Year.
Stacey Dicke, Parks and Recreation Director

B) Update on the Dry Comal Creek Watershed Protection Plan and water quality monitoring.
Mark Enders, Watershed Program Manager

C) Presentation on preparations for the 2018 River Season.

Amy Niles, River Operations Manager, & Judy Young, CVB

1. MINUTES

A) Discuss and consider approval of the minutes of the regular City Council meeting of January 22, 2018.
Patrick Aten, City Secretary

2. CITIZENS' COMMUNICATIONS

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

3. CONSENT AGENDA

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

Resolutions & Action Items

A) Approval of the appointment of two individuals to the Heritage Commission for terms ending March 11, 2021.
Patrick Aten, City Secretary

B) Approval of a land lease agreement between the City of New Braunfels and John Bordano for property located at the New Braunfels Regional Airport for the construction of a hangar.
Matthew Eckmann, Real Estate Manager

C) Approval of a contract with McCall, Parkhurst & Horton for bond counsel services.
Martie Simpson, Director of Finance

D) Approval of an annual contract with Revenue Optimization Solutions, LLC for the approval, modeling, and cost reporting for the Texas Ambulance Supplemental Payment Program in accordance with federal and state laws and regulations.
James Sellers, Fire Department Quartermaster

E) Approval of several vehicles to be declared as surplus prior to being sold at auction.
Jennifer Gates, Buyer

F) Approval of an amendment to the authorized position listing for the Das Rec New Braunfels Recreation Center
Jared Werner, Director of Human Resources

G) Approval of an expenditure to The AMMO Group for promotions and marketing of Das Rec, New Braunfels Recreation Center.
Stacey Dicke, Parks and Recreation Director

H) Approval of acquisition funds for purchasing Right of Way and Drainage Easement from Michael and Casey Wilkinson on the Live Oak Avenue/Katy Street Improvements Project.
Matthew Eckmann, Real Estate Manager

I) Approval of acquisition funds for purchasing Right of Way from Fellowship Bible Church of New Braunfels, Parcel 3 on the Solms/Morningside/Rueckle Road Reconstruction Project.
Matthew Eckmann, Real Estate Manager

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

J) Approval of the second 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

K) Approval of the first reading of an ordinance amending Section 126-346 of the Code of Ordinances to restrict parking on both sides of the Southbound IH-35 Frontage Road between Conrads Lane and Oak Creek Way.
Garry Ford, City Engineer

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

A) Discuss and consider approval of the first reading of an ordinance amending the City of New Braunfels Code of Ordinances, Chapter 114, Streets, Sidewalks and Other Public Places, Article IV, Right-Of-Way Access and Management, Relating to Section 94, Permit Required; Application, to allow for a Capital Projects Access Permit.
Matthew Eckmann, Real Estate Manager

B) Discuss and consider approval of the first reading of an ordinance to install an all-way stop at the intersection of Frances Street and Stonecrest Path.
Garry Ford, City Engineer

C) Public hearing and consideration of the first reading of an ordinance regarding a rezoning of approximately 52 acres out of the A.M. Esnaurizar Survey, Abstract 20, located on the north side of State

Highway 46 and approximately 1,100 feet southeast of the intersection of State Highway 46 and Prairie View Lane from "APD" Agricultural / Pre-Development District and "C-1" Local Business District to "Rippen Ranch" Planned Development District, with a Concept Plan.
Stacy Snell, Planning and Community Development Assistant Director

D) Public hearing and consideration of the first reading of an ordinance regarding the proposed rezoning of 14.87 acres out of the J. M. Veramendi A-2 Survey, addressed at 1656 Gruene Road, from "R-2" Single and Two-family District to Village at Gruene Planned Development District (VGPD) with a Concept Plan and Development Standards.
Christopher J. Looney, Planning and Community Development Director

E) Public hearing and consideration of the first reading of an ordinance regarding a request for rezoning to apply a Special Use Permit to allow the bulk storage of up to 36,000 gallons of fuel in aboveground tanks on approximately 3.6 acres out of the J.M. Veramendi Survey 1, Abstract 2, addressed at 1290 River Road.
Christopher J. Looney, Planning and Community Development Director

F) Discuss and consider approval of the first reading of an ordinance amending the bylaws of the New Braunfels Downtown Development Board to reflect the National Main Street Center's refreshed Four Point Approach.
Amy McWhorter, Downtown Development Coordinator/Historic Preservation Officer

G) Discuss and consider a waiver to allow the escrow of funds for sidewalk construction along Zipp Road associated with The Silos, Unit 3, Subdivision.
Christopher J. Looney, Planning and Community Development Director

H) Discuss and consider a request for a conditional sign permit for a multi-tenant monument sign for Christus Santa Rosa Physicians Ambulatory Surgery Center, located at 1750 East Common Street.
Stacy A.M. Snell, Planning and Community Development Assistant Director

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.

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 February 7, 2018, at 4:00 p.m.

_____

Patrick Aten, City Secretary

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

City of New Braunfels

Proclamation

THE STATE OF TEXAS §

COUNTY OF COMAL §

CITY OF NEW BRAUNFELS §

WHEREAS, nearly 1.5 million high school students nationwide experience physical abuse from a dating partner in a single year; and

WHEREAS, victimization increases teens' risk for injury, substance abuse, eating disorders, unwanted pregnancy and suicide; and

WHEREAS, one in three adolescents in the United States is a victim of physical, sexual, emotional, or verbal abuse from a dating partner, a figure that far exceeds rates of youth violence; and

WHEREAS, violent behavior typically begins between the ages of 12 and 18; and the severity of intimate partner violence is often greater in cases where the pattern of abuse was established in adolescence; and

WHEREAS, only 33% of teens who are in an abusive relationship ever tell anyone about the abuse, and 81% of parents surveyed either believe teen dating violence is not an issue or admit they do not know if it is one; and

WHEREAS, it is essential to raise community awareness and to provide training for teachers, counselors, and school staff so they may recognize when youth are exhibiting signs of dating violence.

NOW, THEREFORE, I, BARRON CASTEEL, Mayor of the City of New Braunfels, Texas, proclaim the month of February 2018 as

"TEEN DATING VIOLENCE AWARENESS MONTH"

And urge citizens to join the Crisis Center of Comal County in promoting healthy teen relationships.

FURTHERMORE, we call upon youth and adults to observe Teen Dating Violence Awareness Month with activities and conversations about respectful and non-violent relationships in their homes, schools, and communities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of New Braunfels to be affixed this 12th day of February, 2018.

CITY OF NEW BRAUNFELS, TEXAS

BY: _____
BARRON CASTEEL, Mayor

City of New Braunfels

Proclamation

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

WHEREAS, 89 years ago, the founders of the League of United Latin American Citizens, better known as LULAC, joined together to establish an organization that would become the largest, oldest and most successful Hispanic civil rights and service organization in the United States; and

WHEREAS, since its inception on February 17, 1929 in Corpus Christi, Texas, LULAC has championed the cause of Hispanic Americans in education, employment, economic development and civil rights; and

WHEREAS, LULAC has developed a comprehensive set of nationwide programs fostering educational attainment, job training, housing, scholarships, citizenship, and voter registration; and

WHEREAS, LULAC members throughout the nation have developed a tremendous track record of success advancing the economic condition, educational attainment, political influence, health and civil rights of the population of the United States; and

WHEREAS, LULAC has adopted a legislative platform that promotes humanitarian relief for citizens and immigrants, increased educational opportunities for our youth, and equal treatment for all in the United States and its territories including the Commonwealth of Puerto Rico; and

WHEREAS, this year, the League of United Latin American Citizens will celebrate eighty-nine years of community service to increase educational opportunities and improve the quality of life for Americans.

NOW, THEREFORE, I, BARRON CASTEEL, Mayor of the City of New Braunfels, Texas, do hereby proclaim the week of February 11-17, 2018 as

“NATIONAL LULAC WEEK”

And that the citizens of New Braunfels are asked to join the LULAC Membership in observing the organization’s eighty-nine years of service and the outstanding contributions LULAC has made to our country.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of New Braunfels to be affixed this 12th day of February, 2018.

CITY OF NEW BRAUNFELS

_____

BARRON CASTEEL, Mayor

City of New Braunfels

Proclamation

THE STATE OF TEXAS §

COUNTY OF COMAL §

CITY OF NEW BRAUNFELS §

WHEREAS, public libraries have historically served as our nation's great equalizers of knowledge by providing free access to all and are a cornerstone for our democratic society; enabling individuals to make informed decisions about their self-governance; and

WHEREAS, in a world undergoing constant change, public libraries provide enduring connections to the past and future of our communities, nations and civilizations; and

WHEREAS, the ability to read and process information in a variety of formats is a basic survival skill in our global information society; and

WHEREAS, libraries offer storytimes and summer reading programs to encourage children to begin a habit of reading that will serve to benefit their personal and professional lives; and

WHEREAS, public libraries support a competitive workforce with basic literacy programs, computers and other resources to help children and adults learn to find, evaluate and use information they need for their jobs, health, education and other needs; and

WHEREAS, public libraries and professional librarians work to meet the changing needs of their users, including building collections, expanding outreach services and increasing programming; and

WHEREAS, the City of New Braunfels Public Library serves 60,000 library card holders seven days a week throughout the year, both in person and virtually, through the main facility, the Westside Community Center branch and the mobile outreach unit – the RIOmobile.

NOW, THEREFORE, be it resolved that I, Barron Casteel, Mayor of the City of New Braunfels, Texas, proclaim the month of February 2018 as

"LOVE MY LIBRARY MONTH"

And I urge everyone to visit our public library and discover the wealth of resources waiting for them in our unique and wonderful institution.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of New Braunfels to be affixed this 12th day of February, 2018.

CITY OF NEW BRAUNFELS

_____

BARRON CASTEEL, Mayor

City of New Braunfels

Proclamation

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

WHEREAS, the United States of America was established following the War of Revolution from 1776 to 1783, a war won through the brilliant and courageous leadership of George Washington, revered as the Father of our Nation; and

WHEREAS, George Washington, who lived from 1732 to 1799, mobilized the continental army and led the American colonies against the most powerful country in the world, finally defeating the British at the famous Battle of Yorktown, Virginia; and

WHEREAS, this revered founder of our nation resisted the efforts of many supporters to make him a king or a dictator, instead using his influence and power to support the creation and adoption of the Constitution of the United States; and

WHEREAS, George Washington was elected as the First President of the United States, serving two terms of office from 1789 to 1797, and through his devotion, wisdom and vision, became the exemplar of distinguished leadership for all future presidents; and

WHEREAS, the William Hightower Chapter of the Sons of the American Revolution and the Captain Thomas Moore Chapter of the Daughter of the American Revolution wish to encourage all citizens to recognize the important contributions of George Washington to our Nation by celebrating his birth on Wednesday, February 22, 2018.

NOW, THEREFORE I, BARRON CASTEEL, by virtue of the authority vested in me as Mayor of the City of New Braunfels, Texas, do hereby proclaim the 22nd day of February, 2018 as

"PRESIDENT GEORGE WASHINGTON DAY"

and call upon all citizens to recognize the brilliance, courage and vision of the Father of our Nation and the relevance of his life to the preservation of our democracy in today's complex world.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 12th day of February, 2018.

CITY OF NEW BRAUNFELS

_____
BARRON CASTEEL, Mayor

City of New Braunfels

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/12/2018

Agenda Item No. A)

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

SUBJECT:
Presentation to Parks and Recreation Aquatics Division for selection as the Texas Public Pool Council Agency of the Year.

BACKGROUND / RATIONALE:
The Aquatics Division of the Parks and Recreation Department was awarded the 2018 Agency of the Year by the Texas Public Pool Council at their annual conference in January.

The Texas Public Pool Council is proud to present awards to agencies and individuals who demonstrate these qualities:

- Service to their community
- Service to the aquatic industry
- Reflect the values and further the goals of the Texas Public Pool Council

With a seasonal staff of fifty-five lifeguards, twenty four cashiers and eight management positions, the Aquatics Division provides both programming and recreation to the community.

Programming includes swimming lessons, Junior lifeguard camp and babysitter camp. On average, the learn to swim program has just over 800 participants per year.

The division also hosts several special events such as the Thru the Chute cardboard boat race, and Doggie Dip Day. Both events have very loyal participants who attend each year.

There are several unique challenges at our facilities for staff in the Aquatics Division including managing the tube chute, aging facilities at Landa Park and extremely high visitation (around 90,000 visitor each year). However, staff is committed to the impact they have on our residents and visitors.

This impact was uniquely represented in 2017 by a “chain of life”. Strips of colored paper were used to make links to create a visual representation of each save made by a lifeguard. By the end of the summer, the “chain of life” had evolved into a “safety net” that held over 1,860 links.

The accolade presented by the Texas Public Pool Council is well deserved by the seasonal staff and management team who provide an essential service to the community every summer.

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

FISCAL IMPACT:
n/a

COMMITTEE RECOMMENDATION:
n/a

STAFF RECOMMENDATION:
n/a

City of New Braunfels

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/12/2018

Agenda Item No. B)

Presenter/Contact
Mark Enders, Watershed Program Manager
(830) 221-4639 -menders@nbtexas.org

SUBJECT:
Update on the Dry Comal Creek Watershed Protection Plan and water quality monitoring.

BACKGROUND / RATIONALE:
The City, along with local stakeholders and technical advisors, have completed a Watershed Protection Plan (WPP) to address bacteria loading to the Dry Comal Creek and Comal River. The WPP has been submitted to TCEQ and EPA for review and approval. City staff and stakeholders will soon begin implementation of bacteria management measures identified in the WPP. These measures include, but are not limited to, urban wildlife management, pet waste management, and education/ outreach. Grant funding has been secured to help implement the management measures and will become available in the fall of 2018. Initial WPP implementation efforts will include public education and consideration of urban wildlife management initiatives. Staff is planning to work with the Texas Parks and Wildlife Department to hold public input meetings to gather input on potential urban wildlife management strategies such as wildlife feeding prohibitions.

Additional routine water quality monitoring stations have also been added into the existing monitoring program to help characterize bacteria conditions downstream of Hinman Island Park and during varied conditions.

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

FISCAL IMPACT:
N/A

COMMITTEE RECOMMENDATION:
N/A

STAFF RECOMMENDATION:
N/A

Dry Comal Creek & Comal River Watershed Protection Plan Status and Bacteria Monitoring Update

Mark Enders
Watershed Program Manager
February 12, 2018

Background

- A Watershed Protection Plan (WPP) has been developed in order to protect water quality and reduce bacteria loading to the Dry Comal Creek and Comal River.
- The WPP was developed with input from local stakeholders, agencies and technical advisors.
- The WPP has been reviewed by the Texas Commission on Environmental Quality (TCEQ) and will be submitted to EPA soon for final approval.
- The City applied to TCEQ for grant funding to implement measures identified in the WPP.

WPP Implementation

- City received a grant for $443,853 to implement Education/ Outreach and bacteria management measures identified in the WPP. 3 year grant term.
- Implementation of the WPP will begin in Feb 2018 with initial focus on education and outreach. Grant funding will become available Sept 2018.
- WPP implementation measures over the next 3-4 years will include:
  - Urban wildlife management
  - Education and Outreach
  - Installation of pet waste stations in Comal and Dry Comal Creek watersheds (within parks, multi-family housing units, etc.)
  - Surveillance of illegal dumping at Dry Comal Creek

WPP Implementation

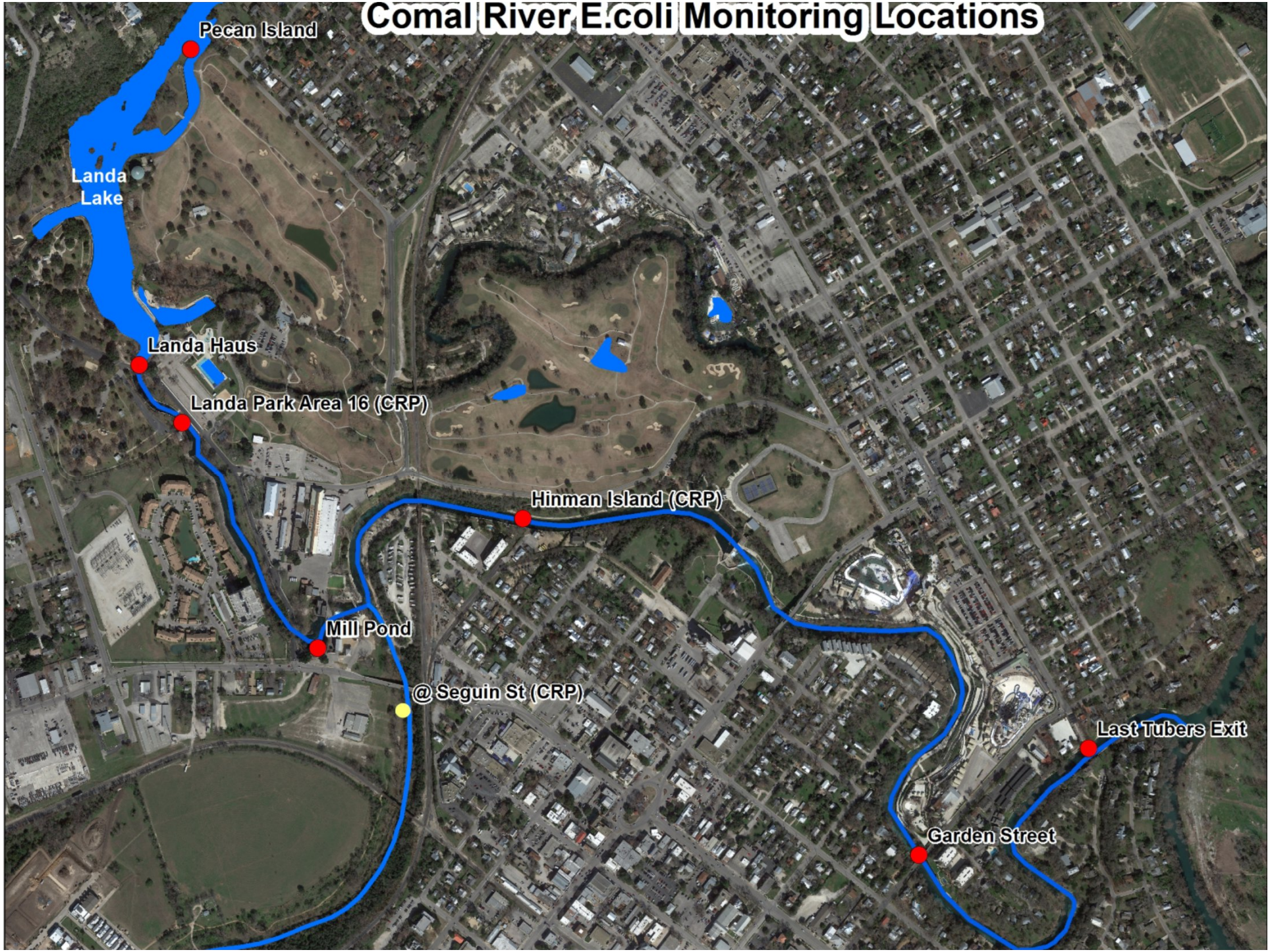
- City staff and Texas Parks & Wildlife Department will host an urban wildlife management informational workshop on Feb 28th @ 6pm in Council Chambers.

- The workshop will include a presentation on the need for urban wildlife management (i.e. water quality protection, wildlife/ auto collisions, animal health).

- Additional community meetings (Approx. 2-3) will be held as needed to inform residents and gather public input regarding urban wildlife management strategies.

Bacteria Monitoring

- The Guadalupe Blanco River Authority (GBRA) continues to perform routine bacteria and water quality monitoring on the Comal River, Dry Comal Creek and Guadalupe River.
- Two new bacteria monitoring stations added to the Comal River in December 2017 (@ Garden St and Last Tubers Exit).
- GBRA to perform monitoring at Garden St and Last Tubers Exit every other Saturday during summer (June-August) on behalf of the City.


Comal River E.coli Monitoring Locations
Pecan Island
Landa Lake
Landa Haus
Landa Park Area 16 (CRP)
Hinman Island (CRP)
Mill Pond
@ Seguin St (CRP)
Last Tubers Exit
Garden Street

City of New Braunfels

Questions?

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/12/2018

Agenda Item No. C)

Presenter/Contact
Amy Niles, River Operations Manager, & Judy Young, CVB
(830) 221-4628 - aniles@nbtexas.org

SUBJECT:
Presentation on preparations for the 2018 River Season.

BACKGROUND / RATIONALE:
[River Manager Amy Niles and CVB Vice President Judy Young will give an update on the preparations for the upcoming 2018 River Season along with several new programs that are being implemented.]

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

FISCAL IMPACT:
[Enter Fiscal Impact Here]

COMMITTEE RECOMMENDATION:
[Enter Committee Recommendation Here]

STAFF RECOMMENDATION:
[Enter Staff Recommendation Here]

2018 River Season Update

Amy Niles, River Operations Manager
Judy Young, Vice President – Convention and Visitors Bureau
February 12, 2018

2018 River Season Update

- Adopt-A-Spot Program
- River Marker Program
- Prince Solms Parking
- Resident River Pass
- Wayfinding
- Disposable Container Ordinance

Adopt-A-Spot Program

- Developed by River Manager and Watershed Department, seeking a partnership with Keep Texas Beautiful for support and supplies
- Civic groups, local businesses, clubs, etc. may adopt an area of our watershed to keep clean
- Locations will include all areas of the watershed: in and around both rivers and drainage areas.
- Requirements to participate include:
  - Submit application on our website
  - 3 organized cleanups per year in a City approved location
  - Participation in the Dos Rios Watershed Cleanup
- Visit www.nbtexas.org/watershed for more information

River Markers

- The River Recreation Public Input meeting provided strong support for a River Marker program, similar to highway markers
- Provides 911 callers a visual marker allowing emergency dispatchers to locate them for assistance.
- Combined with a “No Trespassing” warning for property owners benefit.
- The program will be voluntary and offered to Comal River property owners this year.
- Will be extended to the Guadalupe River properties next year.

Prince Solms Parking

- On January 8, Council approved an increase the parking fee to $20 per vehicle and for parking to be charged May 1- Labor Day
- Signage is being updated and will be installed before May.
- City staff is exploring the implementation of a pay-by-phone parking system, to improve parking administration.
- Elizabeth Street parking is currently being evaluated and will be brought to Council before the river season.

Resident River Pass

- Council approved an ordinance revision on January 8 changing the resident pass validity from one year to three years.
- Updated passes include an expiration date that will make the pass valid for three years.
- Residents have already started to get their new passes from the Parks office.
- The Parks and Recreation Department will release extended hours and advertisement for Resident River Passes soon

Wayfinding

As a result of Public Input, new signage will be installed at the Last Public Exit directing river visitors back to Prince Solms Park.

Disposable Container Ordinance

- Council directs staff to implement the Disposable Container Ban starting on November 1, 2017.
- Elements of the Implementation Plan
  - ✓ Education of City Staff
  - ✓ Education of the Public
  - ✓ Education and Support for Outfitters

Implementation Plan

Parks and Recreation

- Train all seasonal Park Rangers and cashiers with focus on messaging, education and compliance.
  - Rangers: March-August hiring with training following
  - Cashiers: March-May trainings and orientations

New Braunfels Police Department

Training held prior to November 1, 2017 implementation date. Additional training reinforcement prior to River Season. The focus will be on messaging and compliance.

Implementation Plan

River Operations Manager

- New River Rules signage installed in all City river parks.
- Work with CVB and PARD to get seasonal staff trained.
- Working with the CVB to provide Outfitters with:
  - Necessary signage for busses and businesses
  - Talking points and information for their websites
- Pre-Spring Break Outfitter meeting – review talking points, additional signage as needed, information.

Implementation Plan

City of New Braunfels

New Braunfels
Convention and Visitors Bureau

Trip Planning

Tubeinnewbraunfels.com

2017/18

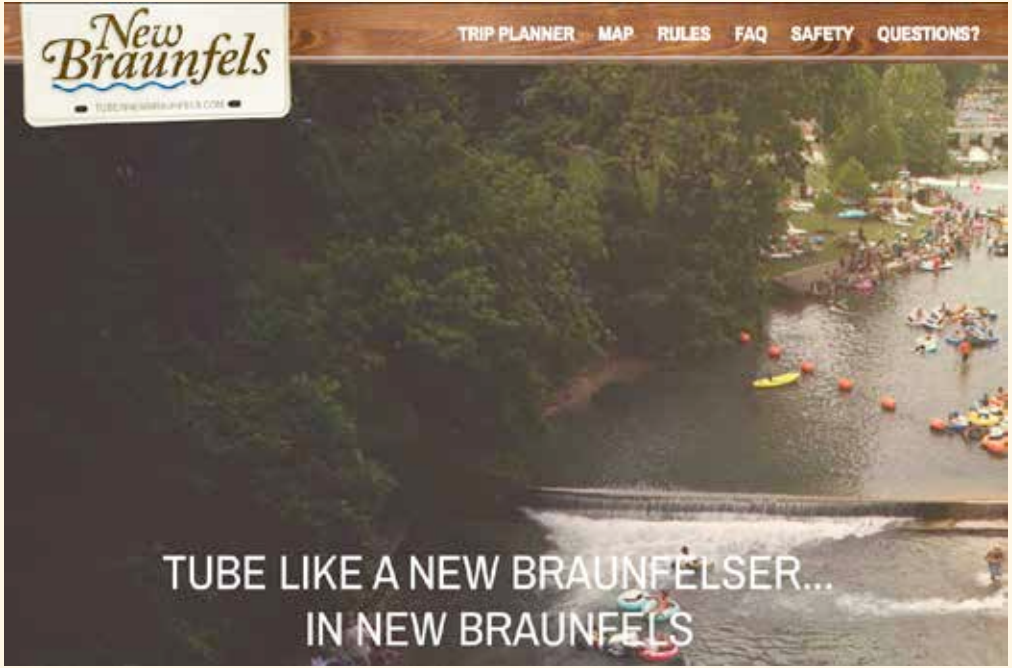
- All Texas Icons deserve respect and preservation. Cities across Texas are working to provide enhanced and environmentally sustainable experiences for all to enjoy.

- We welcome your visit to New Braunfels and would like everyone to be a part of:
    - Keeping New Braunfels Clean – in and out of the river.
    - Pack it in and pack it out to play your role in sustainable tubing.
    - Yes, you can bring your beverage of choice – just pack it appropriately
    - Disposable containers prohibited by City Ordinance. Cooler sizes not to exceed 16 qts.
    - Glass and Polystyrene are prohibited by State Law on all Texas waterways.
- Plan your Float at www.tubeinnewbraunfels.com

2017/18 Messaging

- “Float like a local (since the message will also impact the county) New Braunfelser” checklist within the website that includes information about flows, outfitters, and rules
- Drive questions and traffic to an updated tubeinnewbraunfels.com with interactive maps, trip planning information that includes a packing list for your tube trip
- Thank guests for helping to maintain and enhance our natural resource.

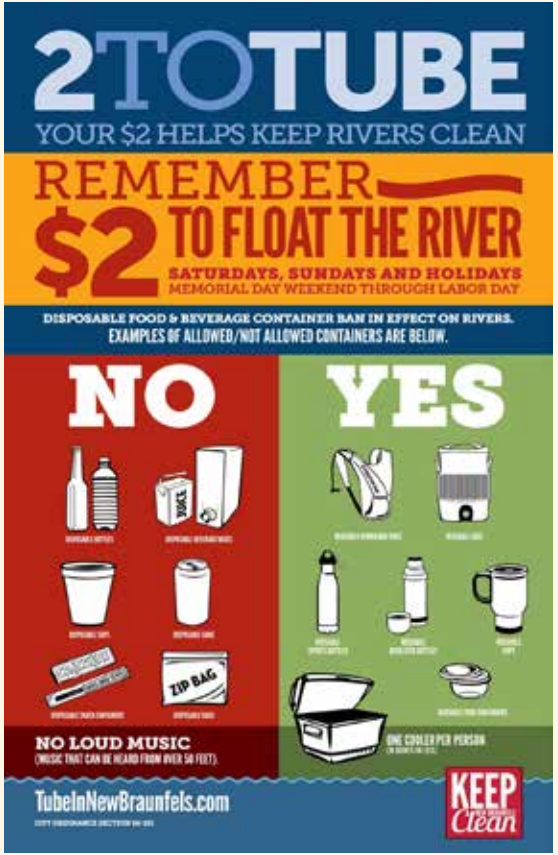
Website


New Braunfels
TRIP PLANNER
MAP
RULES
FAQ
SAFETY
QUESTIONS?
TUBE LIKE A NEW BRAUNFELSER...
IN NEW BRAUNFELS

River Signs

FOR RIVER RULES
& TIPS VISIT:
TubeInNewBraunfels.com
TubeInNewBraunfels.com
KEEP
NEW BRAUNFELS
Clean

Ranger Cards



KEEP NEW BRAUNFELS Clean

Banners

KEEP OUR
RIVERS CLEAN
in New Braunfels.
TUBE
in New
Braunfels
.com

Calendar

- Tubeinnewbraunfels.com website – ready.
- Beginning in February 2018:
  - General Education on Trip Planning elements for water recreation.
  - All questions driven to tubeinnewbraunfels.com
  - Communications with area higher education outlets
  - Communications and style guide to Point of Sale locations
  - Communications and style guide to River Outfitters
  - Street Teams
  - Secret Shopper program for 2018

Questions?

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/12/2018

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 22, 2018.

MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, JANUARY 22, 2018

The City Council of the City of New Braunfels, Texas, met in Regular Session on January 22, 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, Administrative Secretary Liz Ladshaw, Planning and Community Development Director Chris Looney, Parks and Recreation Director Stacey Dicke, City Engineer Garry Ford, 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 6:02 p.m. Councilmember Garcia gave the invocation and Mayor Casteel led the Pledge of Allegiance and Salute to the Texas Flag.

PRESENTATIONS:

A) Retiree Recognition - Liz Ladshaw

Mayor Casteel read the aforementioned caption.

Liz Ladshaw was recognized for her years of service to the City.

B) Presentation and possible action regarding Das Rec logo and signage.

Mayor Casteel read the aforementioned caption.

Stacey Dicke and Nathan Manlove, AMMO Advertising, presented the item.

Councilmember Monceballez moved to approve symbols for Das Rec logo and signage. Councilmember Meadows seconded the motion which passed unanimously.

1. MINUTES

A) Discuss and consider approval of the minutes of the regular City Council meeting of January 8, 2018.

Mayor Casteel read the aforementioned caption.

Councilmember Green moved to approve the minutes. 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.

David Warmke spoke.

3. CONSENT AGENDA

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

Resolutions & Action Items

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

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.

C) Approval of a resolution appointing election officers for the May 5, 2018 Regular Election.

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.

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

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.

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

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.

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.

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

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.

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.

Mayor Casteel read the aforementioned captions.

Mayor Pro Tem Peters moved to approve the Consent Agenda. Councilmember Garcia seconded the motion which passed unanimously via roll call vote.

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.

Mayor Casteel read the aforementioned caption.

Ian Taylor and Trino Pedraza presented the item.

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

B) Discuss and consider approval of the appointment of three individuals to the New Braunfels Housing Authority for terms ending January 22, 2020.

Mayor Casteel read the aforementioned caption.

Patrick Aten presented the item.

Councilmember Green moved to appoint Wanda Sandlin, Chris Willis, and Jeff Jewell to the Housing Authority Board for terms ending January 22, 2020. Councilmember Monceballez seconded the motion which passed unanimously.

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

Mayor Casteel read the aforementioned caption.

Mayor Pro Tem Peters moved to appoint Councilmember Garcia as the City representative to the AACOG Board of Directors, and Councilmember Meadows as the alternate, with both positions being effective in February 2018. Councilmember Monceballez seconded the motion which passed unanimously.

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.

Mayor Casteel read the aforementioned caption.

Stacey Dicke presented the item.

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

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.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

No one spoke during the public hearing.

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

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

Mayor Casteel read the aforementioned caption.

Stacy Snell presented the item.

Mayor Pro Tem Peters moved to approve the item with staff recommendations. Councilmember Monceballez seconded the motion which passed unanimously.

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.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

Councilmember Garcia moved to approve the item. Councilmember Green 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 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

Mayor Casteel read the aforementioned caption.

City Council recessed into executive Session from 8:09 p.m. - 9:19 p.m.

No vote or action was taken.

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

City Council reconvened into Open Session at 9:19 p.m.

No vote or action was taken.

The meeting adjourned at 9:20 p.m.

Date Approved: February 12, 2018

_____
Barron Casteel, Mayor

Attest:

_____
Patrick Aten, City Secretary

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/12/2018

Agenda Item No. A)

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

SUBJECT:
Approval of the appointment of two individuals to the Heritage Commission for terms ending March 11, 2021.

BACKGROUND / RATIONALE:
The Heritage Commission has seven members serving three year staggered terms. Three members serve at the recommendation of the Historic Museum Association (HMA), and four members serve at-large.

The following applicants were recommended by the HMA:

- Eberhart Moese (incumbent since approx. 2015)
- Rose Marie Zipp (incumbent since approx. 2015)

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

FISCAL IMPACT:
N/A

COMMITTEE RECOMMENDATION:
N/A

STAFF RECOMMENDATION:
Staff recommends the appointment of two individuals to the Heritage Commission for terms ending March 11, 2021.

City of New Braunfels

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/12/2018

Agenda Item No. B)

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

SUBJECT:
Approval of a land lease agreement between the City of New Braunfels and John Bordano for property located at the New Braunfels Regional Airport for the construction of a hangar.

BACKGROUND / RATIONALE:
Mr. John Bordano (Lessee) has requested to lease a 120' X 150' (18,000 square feet) site at the New Braunfels Regional Airport in order to construct an approximately 6,000 square foot hanger.

The lease agreement will be for 30 years with all improvements constructed on the property reverting to the City of New Braunfels at the end of the term. The Lessee will have the option to extend the hanger lease for an additional two terms of five years each.

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

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

FISCAL IMPACT:
The initial lease rate will be $3,600 annually with an escalation provision beginning at the end of the first year.

COMMITTEE RECOMMENDATION:
N/A

STAFF RECOMMENDATION:
Staff recommends approval of this lease agreement.

City of New Braunfels
New Braunfels Regional Airport
Land Lease Agreement
JOHN BORDANO

THE STATE OF TEXAS §

COUNTY OF GUADALUPE §

This lease agreement hereinafter referred to as the "Lease Agreement", by and between the City of New Braunfels, Texas, a Texas Municipal Corporation ("LESSOR") and John Bordano. ("LESSEE") is entered into this ___ day of _____**,** _____.

LESSOR is the owner of the City of New Braunfels Regional Airport (the "Airport"), situated in Guadalupe County, Texas, by virtue of deeds from the United States of America.

1. **Leased Property:** LESSOR hereby leases to LESSEE a parcel of land consisting of 18,000 square feet as depicted on the attached Exhibit "A" hereinafter referred to as the "Leased Premises" at the New Braunfels Regional Airport at 2333 FM 758, New Braunfels, Texas 78130.

2. **Construction and Improvements by LESSEE:** LESSEE shall construct upon the parcel of land (120' x 150') a hangar of approximately 6,000 square feet (100' x 60'), a ramp, entrance access, and an automobile parking area hereinafter referred to as the "Proposed Facilities" in accordance with Local, State, and Federal requirements. The LESSEE shall bear the entire cost and expense of the Proposed Facilities to be constructed and/or improved including the installation hereunder, which shall include all utility connections and any future metering that may be required, and shall bear all the risk of loss of and/or damage to any materials and/or partially completed facilities prior to the date of approval and acceptance by LESSOR. LESSOR shall approve the facilities as having been fully completed by LESSEE in accordance with the approved plans and specifications, by issuance of a Certificate of Occupancy to LESSEE; which approvals shall not be unreasonably withheld. LESSEE also shall provide all risk insurance coverage during the course of construction with LESSOR named as an additional Insured. Additionally, LESSEE shall deliver to LESSOR two (2) complete sets of as-built plans upon completion of construction and installation of all facilities.

   Should Lessee fail to complete construction and obtain a Certificate of Occupancy from the City of New Braunfels within 3 years from the commencement of this lease agreement, then this lease shall immediately terminate.

3. **Lease Term:** The term of this Land Lease Agreement is for a Thirty (30) year period of time commencing _____**,** _____ and expiring _____**,** _____. At the end of the Land Lease, **LESSEE** has the option to Lease the hanger from the City for Two (2) additional terms of Five (5) additional years each. It is important to state that these Five (5) year extensions are a hanger Lease and the price will be calculated based on the square footage of the hanger and office space. The rate of the hanger Lease will be calculated according to the Fair Market Value of the hanger at that point in time. The Lease rate will be figured out on the 29th year of the 30 year Land Lease by an independent aviation appraiser. For the purpose of escalating the five (5) year Lease options, paragraph six (6) **Rent Modification or Escalation** of this Lease Agreement applies.

4. **Reversion Clause:** At the end of the thirty (30) year Land Lease Term, or at the end of the renewal options, whichever occurs later, the parties hereto mutually agree that all real property, including, but not limited to, the Proposed Facilities, improvements, including but not limited to hangar(s), lighting, fences, protection devices, paved areas, and/or sidewalks constructed or installed by LESSEE shall become and remain the property of LESSOR.

5. **Rent:** LESSEE agrees to pay LESSOR annual rent in accordance with the New Braunfels Regional Airport Standard Rates and Charges for Property and Fees, as amended from time to time, which for purposes of this Lease Agreement equals **$ 3,600.00 per annum**. Rent is due annually on the effective date of the Lease and LESSEE shall deliver its annual rental payment to LESSOR at the New Braunfels Regional Airport Terminal office, without demand, and without counterclaim, deduction or setoff. Rent shall be considered late on the tenth (10th) day after the due date.

   Should LESSEE fail to pay any rent when due or any other sum payable to LESSOR under the terms of this Lease Agreement, and such rent or other sum payable remains unpaid for more than ten (10) days from the due date thereof, then, in that event, interest shall accrue at the maximum legal rate allowed by law from and after the date on which any such sum shall have become due and payable, and interest shall be paid by LESSEE to LESSOR at the time of payment of the sum upon which the interest shall have accrued.

   If LESSEE utilizes the property for Personal uses, then the remainder of this paragraph shall not apply. However, should LESSEE operate a commercial business on the Leased Premises, LESSEE shall pay LESSOR a Commercial Activity Fee ("CAF"). The current CAF is 1.05% of gross receipts. The CAF will be collected on a monthly basis and is due and payable on the last day of the month subsequent to the month in which said receipt was realized. For the purpose of "Commercial Activity Fee", "gross receipts" includes:

   a. The aggregate amount of all sales made, services performed, and

other income generated from aeronautical and non-aeronautical services performed on Airport for cash, credit or otherwise, of every kind, name and nature, regardless of when paid; and

b. The aggregate amount of all exchange of goods, wares, merchandise, and services for like property or services, at the retail selling price thereof, as if the same had been sold for cash or the reasonable value thereof, whichever is the greater.

Exemptions to the CAF:

As an airport commercial operator fulfills one or more of the performance thresholds outlined in the chart below, the required CAF percentage is reduced as follows:

Performance Threshold

1) Operator's yearly gross income is $2,000,000 or greater at the proposed facilities; ($5,000,000 for a full-service FBO); and/or

2) Total value of Operator's assets at the proposed facilities (ad valorem & personal property) based at the Airport is $1,000,000 or greater; and/or

3) Operator creates twelve (12) jobs with at least ten (10) considered full-time within twenty-four (24) months of receiving a Certificate of Occupancy from the City of New Braunfels at the proposed facilities.

Required CAF Payment if:

1 of 3 thresholds met: **.75% of gross revenues**

2 of 3 thresholds met: **.50% of gross revenues**

3 of 3 thresholds met: **0% of gross revenues**

The City understands that in order to maintain and operate the New Braunfels Regional Airport, all tenants must pay a reasonable share for the use of the facilities. For that reason, the City has enacted an Ordinance that applies to Commercial Operators that are exempt by the exemptions to the CAF. Such method of collected this reasonable share is known as the Fixed Commercial Activity Fee and it applies to CAF exempt Commercial Operators as follows:

Fixed commercial activity fee.

In the event that businesses approved by the City to conduct commercial activity on or at the Airport should qualify for exemption from the entire Commercial Activity Fee

based on the percentage of gross receipts, those persons shall be required to pay a fixed rate commercial activity fee.

The fixed commercial activity fee will be determined by the category of commercial operation. The fixed amounts are outlined in the following Table:

Category	Fixed CAF
Fixed Base Operator	$25,000
Corporate headquarters of affiliated KBAZ commercial operation	$10,000
Aircraft Maintenance Operator (SASO)	FAA Certified: $10,000 Non-FAA: $5,000
Avionics or Instrument Maintenance Operator (SASO)	FAA Certified: $10,000 Non-FAA: $5,000
Aircraft Rental, Flying Club, or Flight Training	FAA Certified: $2,000 Non-FAA: $1,000
Aircraft Charter or Aircraft Management Operator	$5,000
Aircraft Sales Operator	$1,000
Specialized Commercial Aeronautical Operator	$2,000
Temporary Specialized Aviation Service Operator	$500
Aircraft Storage Operator	$3,000
Non-commercial hangar operator (corporate hangars)	$2,000
Non-commercial self-service fueling operator	$500
Non-aeronautical use	$10,000

Multiple Commercial Categories

If a company is classified in more than one category, the fee is based upon the activity where a majority (greater than 50%) of the company's revenues is derived except in the case where the company is operating an aircraft storage operation to supplement its primary business.

If a company pays a fixed commercial activity fee as an aircraft storage operator, it must pay a fixed commercial activity fee for each hangar it owns and operates at the Airport.

Companies that have obtained higher certifications and/or licenses, such as but not limited to, Certified Repair Stations, Part 141 Flight Schools, Certified Maintenance Repair Overhaul shops (MRO), from the Federal Aviation Administration (FAA) to conduct commercial activities shall pay the fixed fee designated as "FAA Certified" in the fee table. Those Companies that possess certifications and/or licenses to operate as, but not limited to, Airframe and Powerplant shops (A&P), Part 61 Flight Schools that do not possess any certifications and/or licenses from the FAA shall pay the "Non-FAA" fixed fee

Fixed Fee Escalation Schedules

The fixed fee shall increase for all commercial operations by no greater than the annual Commercial Price Index-Urban Consumers (CPI-U) adjustment for the previous year. In no event shall the fixed fee increase more than 10% in a 3-year period, except as provided in other areas of this Code.

If a company enters into a new lease for an expansion of its operation, the percent increase in the fixed fee will be one-half proportionate to the percent increase in the amount of the land leased relative to the originating ground lease.

At no point will the Fixed CAF for LESSEE exceed any other operators of similar size or category of business.

Fixed Fee Payment Schedule

LESSEE will pay the fixed CAF for the first (1st) year according to LESSEE's purported uses within ten (10) days of receiving a Certificate of Occupancy (COO) from the City of New Braunfels. On the one-year anniversary of the issuance of the COO, LESSOR will evaluate whether LESSEE has met the income and assets requirement of the CAF ordinance. If not, the LESSEE's fixed CAF payment will be a credit towards payment of the CAF.

6. **Rent Modification or Escalation:** Effective on the first anniversary of the land lease, rent shall be adjusted annually based upon the percentage increase in the Consumer Price Index (CPI-U) all Urban Consumers, not seasonally adjusted for US City Average all items, as reported by the U.S. Department of Labor for the proceeding 12 months including as the 12th month, January of each year. Additionally, the parties further agree that should the CPI-U adjustment calculation(s) indicate a decrease in the rental rate the rent shall not decrease but shall instead remain the same as the prior year. Furthermore, the rate adjusted annually will not exceed 3%.

7. **Security Deposit:** LESSEE shall give LESSOR a refundable rent deposit in the amount of $600.00 the first and last month's rent, which shall be deposited by LESSOR in an interest-bearing account with the interest payable to LESSOR. The Deposit becomes non-refundable in the event that LESSEE cancels or breaches the Lease Agreement prior to the end of the thirty (30) year Lease Term.

8. **Books of Account, Records, and Audit:** If LESSEE utilizes the property for Personal uses, then the remainder of this paragraph shall not apply. However, should LESSEE operate a commercial business on the Leased Premises, LESSEE shall keep and maintain complete and accurate books of accounts and records, in accordance with generally accepted accounting principles and practices (GAAP), of its operations at the Airport throughout the term of this Lease Agreement and for four (4) years thereafter. Such books of accounts and records, shall be made available within five (5) business days of written notice to LESSOR for inspection by LESSEE or its authorized representatives by appointment during regular business hours Monday through Friday at the LESSEE's premises at the Airport. LESSOR shall have the right to examine, audit and make reports of said books of accounts and records (including electronic versions).

   LESSOR shall have the right to inspect and audit LESSEE's bills, receipts, and records pertaining to its operation at the Airport in support of gross revenues determination. Such audits shall be undertaken by LESSOR's staff or a firm of certified public accountants, satisfactory to LESSOR. The cost of such audit shall be paid by LESSOR, unless the results of such audit reveals a discrepancy of more than one percent (1%) between the amounts paid or reported by LESSEE and the amounts determined due for any fiscal year or pro rata fiscal year reported. If the discrepancy is greater than one percent (1%), the full cost of the audit shall be paid by LESSEE. Any additional expenses resulting from LESSEE's inability or refusal to provide records as required by LESSOR or auditor shall be paid by LESSEE. If the audit reveals a discrepancy, LESSEE shall forthwith pay to LESSOR the full amount shown in the discrepancy. LESSOR shall not audit LESSEE more than once during any twelve (12) consecutive calendar months.

9. **Use of Property:** LESSEE shall use and occupy the Leased Premises for the aeronautical purposes of operating as an aircraft hangar as defined in the New Braunfels Municipal Airport Minimum Standards in Exhibit "B" and for no other purpose without prior written approval by LESSOR.

   LESSEE acknowledges that it has inspected the Leased Premises and accepts the premises in its present condition. LESSEE takes the Leased Premises "AS IS" without warranty. LESSOR assumes no responsibility for determining whether the Leased Premises are suitable for LESSEE's purposes.

LESSEE shall not, without LESSOR's prior written consent, keep anything within the Leased Premises, or use the Leased Premises for any purpose, which increases the insurance premium cost or invalidates any insurance policy carried on the Leased Premises. All property kept, stored or maintained within the Leased Premises by LESSEE shall be at LESSEE' sole risk.

LESSEE shall not use, or permit the use of, the Leased Premises in any manner that could result in waste of the Leased Premises, or constitute a nuisance or violates any statute, ordinance or Policy of LESSOR. If any repairs required to be made by LESSEE are not made within thirty (30) days after written notice delivered to LESSEE by LESSOR, LESSOR may at its option make repairs without liability to LESSEE for any loss or damage by reason of such repairs, and LESSEE shall pay to LESSOR, upon demand as additional rental, the cost of the repairs. At the expiration of this Lease Agreement, LESSEE shall surrender the Leased Premises in good condition, reasonable wear and tear.

LESSEE shall maintain the Leased Premises in accordance with the minimum standards set forth in Exhibit "B" and keep the same free from waste at all times. LESSEE shall keep the Leased Premises, including but not limited to ramps, signs, sidewalks, service ways, and loading areas adjacent to the Leased Premises neat, clean, and free from dirt or rubbish at all times, and shall store all trash and garbage within the Leased Premises, arranging for the regular pick-up of such trash and garbage at LESSEE's expense.

LESSEE shall store all equipment and materials/supplies within the confines of the Hangar or repair shop. Outside storage is specifically prohibited unless separate written provisions are made with LESSOR.

During the term of this Lease, LESSOR agrees that LESSEE shall have unrestricted access to the runways, taxiways and ramps on the Airport to the same extent that any other parties may have use of the same. LESSOR's failure to continue the use of the Airport for airport and aviation purposes shall constitute a default, and upon LESSEE giving notice to LESSOR of such default, LESSOR will have ability to cure per Section twenty-four (24). LESSEE shall continue to pay rent during the time that it continues to occupy the Leased Premises after termination. The date upon which the Leased Premises are vacated by LESSEE shall be the date LESSEE is released from and relieved of all further rent obligations under this Lease.

10. **Minimum Standards/Compliance with Airport Regulations:** LESSEE acknowledges that it will comply with the New Braunfels Regional Airport Standard Operating Procedures and Regulations and the Airport Minimum Standards, as these now exist or may be amended during the term of this Lease Agreement, and any conflict between this Lease Agreement and these Procedures, Regulations and Standards will be resolved in favor of the Procedures, Regulations and Minimum Standards.

11. **Texas Department of Transportation Requirements:** The LESSOR, its successors and assigns hereby reserves for the use and benefit of the public, a right of flight for the passage of aircraft in the airspace above the surface of the real property herein described. This public right of flight shall include the right to cause in said airspace any noise inherent in the operation of aircraft, now known or hereafter used for navigation or flight through the said airspace or landing at, taking off from or operating on the New Braunfels Regional Airport.

The LESSEE expressly agrees for itself, its successors and assigns to prohibit the erection of structures or allow the growth of natural objects that would constitute an obstruction to air navigation, unless review by TxDOT and FAA determines an exception.

The LESSEE expressly agrees for itself, its successors and assigns to prevent any use of or activity on the real property herein described that would interfere with or be a hazard to the flight of aircraft over the land to and from the airport, operation of aircraft on the airport, or interfere with air navigation communication facilities serving the airport.

12. **Compliance with Laws and Regulations:**

A. LESSEE agrees to observe, comply with and conform to all laws, ordinances, rules and regulations of the United States Government, the State of Texas and all agencies thereof which may be applicable to LESSEE's operations or to the operation, management or administration of the Airport and which are now in effect or may be promulgated from time to time during the term of this Lease Agreement.

B. LESSEE agrees to send on a timely basis to LESSOR, and display to the public, if required, copies of any and all permits, licenses and other evidence of compliance with such laws, ordinances, rules and regulations as set forth in Section A hereinabove.

C. LESSEE hereby recognizes the authority of the Airport Director or his/her designated representative in supervising the conduct of aviation activities at the Airport, and agrees to comply with the Airport Director's rightful direction(s) which compliance is understood to be mandatory. The direction(s) may involve such matters as temporary relocation of parked Aircraft or other vehicles and equipment, and temporary use of associated ramp areas. Continual or repeated disregard of said rightful directions shall be deemed to be a default under this Lease Agreement and LESSOR reserves the right to terminate this Agreement in accordance with the provisions of Section 23 hereof.

D. It is understood and agreed by the parties hereto that LESSOR and other interested regulatory agencies shall have the right to enter the Leased Premises

at any time during emergency or crisis situations and at other reasonable times after due notice to LESSEE for inspection of its operations, facilities and equipment, for any purpose necessary, incidental to, or connected with the performance by any such agency of its obligations or the exercise of its governmental functions. Inspections provided for hereinabove will include but not be limited to investigation as to compliance by LESSEE with federal, state, and local regulations pertaining to building codes and repairs, safety, fire protection, sanitation, flight operations and maintenance, financial status and general bookkeeping as these apply to the terms of this Lease Agreement.

E. LESSEE shall comply strictly and in all respects with the requirements of the any local, state or federal environmental ordinances by the City of New Braunfels, Texas Commission on Environmental Quality and/or the Environmental Protection Agency. Furthermore, LESSEE shall not store, generate or use any Hazardous Substances at, on, or under the Leased Premises, in violation of applicable local, state or federal environmental laws.

All LESSEE's obligations in this Section 11- E, shall survive this Agreement or any other agreement or action, including, without limitation, any consent decree, or order, among the LESSOR, LESSEE and the government of the United States or any department or agency thereof, the State and/or the Municipality.

LESSEE shall protect, indemnify, defend, and hold harmless LESSOR and any of its officers, employees and agents and their respective heirs, legal representatives, successors and assigns, from and against any and all loss, damage, cost, charge, lien, debt, fine, penalty, injunctive relief, claim, demand, expense, suit, order, judgment, adjudication, liability, or injury to person, property or natural resources, including attorneys' fees and consultants' fees (any of the foregoing being referred to in this Lease Agreement as a "Claim") arising out of, attributable to, which may accrue out of, or which may result from any violation or alleged violation of the Environmental Laws by any person or entity or other source whether related or unrelated to LESSEE, except if said violation or alleged violation is by LESSOR, or the disposal or alleged disposal of Hazardous Substances (whether intentional or unintentional, direct or indirect, foreseeable or unforeseeable) by any person or entity or other source, whether related or unrelated to LESSEE except if said disposal or alleged disposal is by LESSOR.

13. **Assignment and Subletting:** LESSEE shall not assign, sublease, or in any manner transfer this Lease Agreement or any part or interest in the same without the prior written consent of LESSOR, which consent shall not be unreasonably withheld or delayed. Consent by LESSOR to one or more assignments or subletting shall not operate as a waiver of LESSOR’s right of approval as to any subsequent assignments and sublettings. Notwithstanding any assignment or subletting, LESSEE shall at all times remain fully responsible and liable for the payment of the rent specified and for compliance with all of its other obligations under this Lease Agreement, and specifically, the requirement that any assignee

or sublessee pay to LESSOR the CAF or the Fixed Commercial Activity Fee.

In the event of the transfer and assignment by LESSOR of its interest in this Lease Agreement and in the building on the Leased Premises to a person, firm or corporation, assuming LESSOR's obligations, LESSEE agrees to look solely to the responsibility of the successor in interest of LESSOR. Any security given by LESSEE to secure performance of its obligations may be assigned and transferred by LESSOR to the successor in interest of LESSOR and LESSOR shall be discharged of any further obligation.

In the event of a transfer or assignment LESSEE shall supply to LESSOR the information necessary for LESSOR to conduct background investigation of persons or firms who may become beneficiaries of any transfer or assignment for which approval is requested.

LESSOR may withhold, at its sole reasonable discretion, approval of any transfer or assignment for the existence of, but not limited to, the following conditions:

A. LESSEE or any of its successors or assigns are in default of any terms, covenants or conditions of this Lease Agreement, whether notice of default has or has not been given by LESSOR to LESSEE.

B. The prospective beneficiary of the transfer or assignment has not agreed under the provisions of the transfer or assignment document to keep, perform and be bound by all the terms, covenants and conditions of this Lease Agreement.

C. All terms, covenants and conditions of the transfer or assignment, including the consideration therefore of any and every kind, have not been revealed in writing to LESSOR.

14. **Utilities/Taxes:** LESSEE, at its sole cost and expense, shall obtain all utility services necessary for its operation. LESSEE shall promptly pay all charges for electricity, water and sewer, telephone service, and other utilities used at the Leased Premises.

LESSOR shall not be liable for any interruption or impairment whatsoever in utility services unless the interruption is caused solely by the negligence of LESSOR, its agents, officers or employees.

LESSEE shall be solely responsible for all Federal, State, and Local taxes as a result of LESSEE's use and/or occupancy of the Leased Premises and conducting business at the Airport. The Term "Taxes" shall mean all Federal, State, and Local Taxes which may be levied or assessed upon or with respect to all or any part of the Leased Premises by the County of Guadalupe or any taxing

authority having jurisdiction over the Leased Premises.

15. **Maintenance and Repairs**: LESSEE shall make all necessary repairs to the structure and systems of the premises including exterior maintenance, roof and structural maintenance, HVAC system, electric service and components, plumbing system, and ramps and parking area maintenance. All improvements made by LESSEE to the Leased Premises which become permanent attachments to the Leased Premises shall become the property of LESSOR upon termination of this Lease Agreement. Major structural repairs and maintenance, if necessary, shall be the LESSEE's responsibility and based upon LESSOR's appropriate review, inspection and approval, and at LESSEE's expense.

LESSEE shall make all necessary repairs to the Leased Premises. Interior repairs and normal maintenance including all tenant fit-ups and modifications, grass cutting (including all grassy areas within the Leased Premises which include 15 feet from the outer walls of the Proposed Facility and 15 feet from the edge of the aircraft ramp and automobile parking areas. Additionally, refuse removal shall be the responsibility of LESSEE at its cost and expense.) LESSEE shall provide routine maintenance on all buildings located on the Leased Premises, during the entire term of this agreement, at no cost to LESSOR in accordance with the standards set forth in Exhibit "B".

Improvements on the Leased premises shall be painted as needed, including the last year of this Lease Agreement. All bituminous surfaces shall be sealed with a rubberized coal-tar emulsion as needed, including the last year of this Lease Agreement. LESSOR shall be allowed to inspect the Leased Premises at all reasonable and convenient times with proper notice to LESSEE.

16. **LESSOR to Maintain the Airport:**

A. LESSOR agrees to maintain and keep in reasonable repair the landing areas, paved areas, taxiways, vehicular ways and other Airport areas, structures and other improvements on the Airport outside the Leased Premises, subject to the availability of funds. LESSOR shall maintain clear taxiway access to LESSEE'S facility.

B. LESSOR understands and accepts the obligation, without limitation, to maintain the Airport for Aircraft operations pursuant to Federal and State regulations, and to provide for cutting of grass, maintenance of drainage and any other service necessary to the daily operation of the Airport, except on the Leased Premises.

C. LESSOR shall have no obligation for maintenance or repairs to any facilities or improvements on the Leased Premises or to the Leased Premises.

D. Nothing herein contained shall require LESSOR to enlarge the Airport or to make extensions, additions or improvements to the landing areas, runways,

taxiways, or other appurtenances of the Airport. Further, it is understood and agreed that LESSOR may abandon certain common use facilities that are no longer reasonably justified for proper and adequate operation of the Airport.

17. **Surrender of Property:** Except as otherwise expressly provided in this Lease Agreement, at the termination of this Lease Agreement, title to all buildings and improvements constructed and/or installed hereafter on the Leased Premises shall remain in the LESSOR, and all fixtures attached to the Leased Premises or to buildings or structures on the Leased Premises shall become the property of LESSOR.

    LESSEE shall, not later than the last day of this Lease Agreement, surrender possession of the Leased Premises and remove all other property therefrom, and repair all damage done by or in connection with the installation or removal of property which has not become the property of the LESSOR. LESSEE shall surrender the Leased Premises in as good condition, reasonable wear is expected. All property of LESSEE remaining in or on the Leased Premises after the last day of the term of this lease shall be conclusively deemed abandoned and may be removed by LESSOR, and LESSEE shall reimburse LESSOR for the cost of such removal. LESSOR may store any such property at LESSEE's risk and expense.

18. **Improvements/Alterations/Signs**: LESSEE shall not make any alterations, additions, or improvements to the Leased Premises or building improvements without the prior written consent of LESSOR, which shall not be unreasonably withheld. All improvements, alterations, additions and fixtures (other than removable trade fixtures and equipment owned or leased by LESSEE) which may be made or installed by either party upon the Leased Premises shall become the property of LESSOR at the termination of this Lease Agreement, and at the termination of this Lease Agreement shall remain upon and be surrendered with the Leased Premises unless LESSOR requests their removal, in which event LESSEE shall remove the same and restore the Leased Premises to its original condition at LESSEE’s expense. In the event LESSEE’s removal of any trade fixtures, equipment or other improvements results in any damage to the Leased Premises, LESSEE shall restore the Leased Premises to its original condition at LESSEE’s expense prior to the Termination Date of the Lease Agreement.

    LESSEE shall prevent any lien or obligation from being credited against or imposed upon the Leased Premises by reason of an alteration, repair, labor performed or materials furnished to the Leased Premises for or on behalf of LESSEE, and LESSEE will discharge any lien or charge promptly after the lien occurs or charges become due and payable, provided that in the event LESSEE disputes the lien or the claim, LESSEE shall be entitled to contest such lien or charge and will not be required to discharge same until such time as the contest of the claim becomes final. LESSEE shall hold harmless, indemnify and defend

LESSOR, its officers, agents and employees from and against any claims related to such liens or charges.

LESSEE shall not, without LESSOR's prior written consent, and such consent will not be unreasonably withheld, (a) make any changes to the improvements or (b) install any exterior lighting, shades or awnings, or any exterior decorations or paintings or (c) erect, install or change any signs, window or door lettering, placards, decorations, or advertising of any type which can be viewed from the exterior of the Leased Premises.

19. **Fire Safety and Repairs:** LESSEE shall maintain the premises in accordance with the laws of the City of New Braunfels and the New Braunfels Municipal Airport Minimum Standards with regard to fire safety matters.

20. **Right of Inspection/Rights Reserved to the LESSOR:** LESSOR shall have the right to enter the Leased Premises at any reasonable time on reasonable notice (defined as 24-hour notice) to LESSEE for the purpose of inspection of the Leased Premises. In case of an emergency, no notice need be given to LESSEE prior to entering the Leased Premises. In no event shall LESSEE have a claim or cause of action against LESSOR by reason thereof.

    The LESSOR reserves the right to develop or improve the Airport as it deems appropriate, but will give due consideration to LESSEE's operations in performing these improvements. If such improvements restrict LESSEE's ability to perform its primary business, then LESSEE may serve notice of default to the LESSOR.

21. **Indemnification and Insurance**: LESSEE shall protect, indemnify, defend, and hold harmless the LESSOR, its officers, agents and employees from and against any and all suits, actions, liability, losses, claims or damage of any character, and from and against costs and expenses, including reasonable attorneys' fees and costs incidental to the defense of such suits, actions, losses claims or liability on account of any personal injuries (including wrongful death) or property damage occasioned wholly or in part by any act or omission of LESSEE, its officers, employees, agents, students, contractors, servants, invitees, licensees, or concessionaires in their use of the Leased Premises, the runways and taxiways or any other area within the Airport or resulting from the operations under this Lease Agreement.

    LESSEE shall, at its sole cost and expense, procure and maintain through the term of this Lease a policy or policies of insurance insuring against any and all liability for injury to or death of person or persons and for damage to or destruction of property occasioned by or arising out of or in connection with the use or occupancy of the Leased Premises, and the Airport Facilities (including the contractual liability of the LESSEE to indemnify LESSOR contained herein). The minimum limits of such liability policy or policies to be written by insurance

companies shall be in accordance with the requirements set forth in Appendix A of Exhibit “A” according to the Uses of Property described in Paragraph 9. This coverage must include:

a. Premises and operations;
b. Independent contractors and their subcontractors;
c. Real Property (fire)
d. Hangar Keepers
e. Personal Injury
f. Contractual Liability;
g. Worker’s compensation with statutory limits; and
h. Comprehensive automobile liability covering owned and non-owned automobiles, trucks and other vehicles.

The insurance policy or policies must be acceptable to the LESSOR and shall

contain a provision whereby LESSEE’s insurer shall provide written notice to LESSOR in the event of cancellation, restrictive amendment or non-renewal at least thirty (30) days prior to the date of such action.

All insurance required under this Section shall be written with LESSOR as an additional insured. In any event, LESSEE is fully responsible for all losses arising out of, resulting from or connected with operations under this Lease Agreement whether or not the losses are covered by insurance.

All insurance required under this Section shall be primary over any other insurance coverage the LESSOR may have.

Prior to commencement of this Lease Agreement, LESSEE shall deliver to LESSOR, certificates of insurance to LESSOR, c/o New Braunfels Regional Airport, 2333 FM 758, 78130. Any and all renewals of these policies of insurance or, the replacement thereof, shall be delivered to LESSOR at least thirty (30) days prior to expiration of the respective policy terms.

22. **Leasehold Mortgagee:**

A. LESSOR acknowledges that LESSEE is not seeking financing to construct and operate the facilities on the Leased Premises. LESSEE agrees that no mortgage shall be placed on the property without the prior authorization of LESSOR and amendment filed to this agreement.

B. The Bank, and lenders approved by LESSOR under Sections J, K and L of this Section (each shall be referred to hereinafter as "Leasehold Mortgagee"),

shall be entitled to assign their leasehold mortgage(s) or, in the event such Leasehold Mortgagee forecloses upon or otherwise acquires the leasehold interest of LESSEE, to sell, sublet, assign, or otherwise dispose of such leasehold interest, provided the assignee or other party acquiring the leasehold interest is approved by LESSOR, which approval shall not be unreasonably withheld nor decision delayed or conditioned. In the event LESSEE is in default under its agreement with its Leasehold Mortgagee, LESSOR and LESSEE expressly agree that the Leasehold Mortgagee shall be entitled to enter upon the

Leased Premises, to perform such curative acts as may be necessary, and/or to operate and manage the Leased Premises, either in its own name and right or on behalf of LESSEE. LESSEE is authorized to grant a Leasehold Mortgagee a collateral assignment of leases and rents, applicable to rents payable by subtenant(s) and Concessionaire(s) of LESSEE, provided such collateral assignment of leases and rents contain a provision substantially identical to the following:

"The Assignee hereby acknowledges and agrees that no rentals or other amounts received pursuant to this Agreement shall be applied for any purpose unless all amounts then due and payable to LESSOR under the Agreement between LESSOR and the Assignor shall have been paid, and provided that the Assignee agrees to make provisions for payment of amounts which will be payable to LESSOR under this Lease Agreement at the end of that current calendar month."

LESSEE shall not grant a collateral assignment of leases or rents unless a provision substantially identical to the foregoing is contained therein. Upon the payment of the indebtedness due to such lender, and the recordation of the lender's release of its leasehold mortgage, such lender shall no longer be deemed a "Leasehold Mortgagee" hereunder.

C. LESSOR shall send separate written notice by registered or certified mail, postage prepaid, to the Leasehold Mortgagee at such address as the Leasehold Mortgagee shall designate, of any of the following events:

1) The failure of LESEE to perform or comply with any of the provisions or covenants contained in this Lease Agreement, the cessation of business operations by LESSEE for reasons other than maintenance, replacement, or repair of the Leased Premises, the abandonment of the Leased Premises by LESSEE, or any other event which constitutes a default by LESSEE under this Lease Agreement or for which this Lease Agreement may be terminated (any of the foregoing shall constitute a "default" for purposes of this Section); or

2) The occurrence of any event which gives rise to an election by LESSEE to cancel or terminate this Lease Agreement. All notices shall be given promptly upon the occurrence of any event requiring notice.

D. In the event LESSEE fails to cure any default of this Agreement within the time allowed, as set forth in Section 23 of this Lease Agreement, LESSOR shall provide the Leasehold Mortgagee with separate written notice of the failure of LESSEE to cure such default within the time allowed, and the Leasehold Mortgagee shall be allowed an additional period of at least thirty (30) days to cure such default (including taking possession of the Leased Premises if necessary to effect the cure) or to institute foreclosure proceeding (or otherwise acquire title to the leasehold estate). If such default is one which cannot reasonably be cured within thirty (30) days, such default by LESSEE shall not result in a termination of this Lease Agreement provided the Leasehold Mortgagee is paying all rent and proceeding to cure such default by LESSEE or to foreclose upon the leasehold estate. The State grants the Leasehold Mortgagee the right to enter upon the Leased Premises to cure any default by LESSEE. LESSOR shall accept any curative acts performed by the Leasehold Mortgagee as though they were performed timely by LESSEE.

E. No amendment to this Lease Agreement shall be made without the prior express written consent of the Leasehold Mortgagee. LESSOR and LESSEE, unless prohibited by law, shall amend this Lease Agreement from time to time upon reasonable request by the Leasehold Mortgagee in order to comply with any law or regulation applicable to the Leasehold Mortgagee or to the lending or bond issuance activities of the Bank or lender to retain and maintain the status of the bonds issued by the bank or lender to protect the interests of the Leasehold Mortgagee. Any such amendment shall not adversely affect the LESSOR's position.

F. The Leasehold Mortgagee shall not be liable for LESSEE's obligations under this Lease Agreement unless and until the Leasehold Mortgagee becomes the owner of the leasehold estate by foreclosure or by deed in lieu of foreclosure, and thereafter shall remain liable for such monetary obligations accruing only during the period it remains the owner of the leasehold estate. Monetary obligations shall include payment of the following: rent, utilities, property taxes, insurance and maintenance in accordance with the maintenance of this lease and the Airport’s minimum standards.

G. The Leasehold Mortgagee shall enjoy the rights granted under this Article until such time as the loan to LESSEE is repaid and the leasehold mortgage securing such payment is released. The Leasehold Mortgagee shall be entitled but not required, to exercise such rights within its sole discretion.

I. There shall be no merger of the leasehold estate created hereby with the fee or any other estate or interest in the Leased Premises, or any part thereof by reason of

the fact that the same person may acquire, own or hold the leasehold estate and the fee or any other estate or interest.

J. In the event LESSEE is unable to obtain financing through the Bank and must obtain financing from another independent and qualified lender, such other lender shall be a Leasehold Mortgagee and shall be entitled to all of the rights and privileges granted to a Leasehold Mortgagee under this Agreement.

K. LESSOR acknowledges and agrees that LESSEE must obtain construction financing to enable LESSEE to construct the facilities contemplated under this Lease Agreement. LESSOR agrees and consents to the granting of a Leasehold Mortgage to Bank for construction financing. Such lender shall be a Leasehold Mortgagee under the terms of this Lease Agreement and entitled to all the rights and privileges granted to a Leasehold Mortgagee.

L. LESSOR acknowledges that during the term of this Lease Agreement, LESSEE may refinance its investment in the Leased Premises or assign its interest under this Lease Agreement to a secured party solely as security for its legal obligations. Such

refinancing Bank or lender shall be entitled to become a Leasehold Mortgagee and to exercise all of the rights and privileges granted to a Leasehold Mortgagee under the terms of this Lease Agreement, provided that the selection of the refinancing Bank or lender shall be subject to prior written approval by LESSOR, which approval shall not be unreasonably withheld nor decision delayed, time being of the essence.

M. LESSOR acknowledges that the contemplated financing is essential to the construction and completion of the Proposed Facilities and that the Leasehold Mortgagee may require certain changes or modifications in this Lease Agreement to protect its interests. Therefore, LESSOR agrees that it will make those changes or modifications requested by a proposed Leasehold Mortgagee in good faith, provided that they do not adversely affect the term of this Lease Agreement, or any of the economic benefits accruing to LESSOR under this Lease Agreement and that they do not increase any of the obligations or diminish any of the rights of LESSOR under this Lease Agreement.

23. **Force Majeure:** Any delays in or failure of performance by LESSOR or LESSEE shall not constitute default hereunder if and to the extent such delays or failures of performance are caused by occurrences beyond the control of LESSOR or LESSEE, as the case may be, including but not limited to: acts of God, terrorists or the public enemy; expropriation or confiscation of facilities; act of war, rebellion or sabotage or damage resulting there from; fire, floods, explosion, accidents; riots, strikes, labor disputes or other concerted acts of workmen, whether direct or indirect; or any cases, whether or not of the same class or kind as those

specifically above named, which are not within the control of LESSOR or LESSEE and which by the exercise of reasonable diligence LESSOR or LESSEE are unable to prevent.

24. **Default and Remedies**: The following events shall be deemed to be events of default by LESSEE under this Lease:

A. LESSEE fails to pay within ten (10) days when due any rental or any other sums or charges due under this Lease for three (3) consecutive periods.

B. LESSEE fails to comply with any other term, provision, or covenant of this Lease Agreement, and does not cure the failure within thirty (30) days after written notice to LESSEE of the default, the nature of the default, and the required action to cure the default. For any subsequent default by LESSEE for the same reason, LESSOR may terminate the Lease Agreement if that subsequent default continues for more than ten (10) days after notice of the subsequent default. In all cases, LESSEE is responsible for the performance of any sublessee.

C. LESSEE becomes insolvent, makes a transfer in fraud of creditors, or makes an assignment for the benefit of creditors.

D. A receiver or trustee is appointed for all or substantially all of the assets of LESSEE.

E. LESSEE deserts or vacates a substantial portion of the Leased Premises for a period of twenty (20) consecutive days.

F. Notwithstanding the foregoing, if the nature of any default by LESSEE, save and except for the payment of rent, is such that the same cannot be cured within the foregoing cure periods, despite the diligent efforts of LESSEE, then, in that event, such cure period shall be extended for such

G. reasonable period as is required for LESSEE to cure such default, provided LESSEE commences to cure such default within the foregoing cure period applicable and proceeds, thereafter, to cure such default with reasonable diligence.

Upon the occurrence of any of the events of default, LESSOR shall have the option to pursue any one or more of the following remedies without any further notice or demand;

A. Terminate this Lease Agreement, in which event LESSEE shall

immediately surrender the Leased Premises to LESSOR, and if LESSEE fails to do so, LESSOR may, without prejudice to any other remedy which it may have for possession or arrearages in rent or other monies due LESSOR, enter upon and take possession of the Leased Premises and expel or remove LESSEE and any other person who may be occupying the premises or part thereof, by force if necessary, without being liable for prosecution or any claim of damages; and LESSEE agree to pay to LESSOR on demand the amount of all loss and damage which LESSOR may suffer by reason of termination, whether through inability to relet the Leased Premises on satisfactory terms or otherwise.

B. Relet the Leased Premises and receive rent and LESSEE agrees to pay to LESSOR on demand any deficiency that may arise by reason of the reletting.

C. Enter upon the Leased Premises, by force if necessary, without being liable for prosecution or any claim for damages therefore, and perform such acts as LESSEE is obligated to perform under the terms of this Lease. LESSEE agrees to reimburse LESSOR on demand for any expenses which LESSOR may incur in effecting compliance with LESSEE's obligations under this Lease Agreement, and LESSEE further agrees that LESSOR shall not be liable for any damages resulting to LESSEE from any action, whether caused by the negligence of LESSOR or otherwise.

Pursuit of any of the foregoing remedies shall not preclude pursuit of any of the other remedies provided or any other remedies provided by law, nor shall pursuit of any of the other remedies provided constitute a forfeiture or waiver of any rent due to LESSOR or of any damages accruing to LESSOR by reason of the

violation of any of the terms, provisions and covenants of this Lease Agreement. Forbearance by LESSOR to enforce one or more of the remedies provided upon an event of default shall not be deemed or construed to constitute a waiver of default.

The following events shall be deemed to be events of default by LESSOR under this Lease:

A. LESSOR fails to comply with any term, provision, or covenant of this Lease Agreement, and does not cure the failure within thirty (30) days after written notice to LESSOR of the default, the nature of the default, and the required action to cure the default.

B. For any subsequent default by LESSOR for the same reason, LESSEE may terminate this Lease Agreement if that subsequent default continues for more than forty-five (45) days after notice of the subsequent default.

C. Notwithstanding the foregoing, if the nature of any default by LESSOR is such that the same cannot be cured within the foregoing cure periods, despite the diligent efforts of LESSOR, then, in that event, such cure period shall be extended for such reasonable period as is required for LESSOR to cure such default, provided LESSOR commences to cure such default within the foregoing cure period applicable and proceeds, thereafter, to cure such default with reasonable diligence. LESSEE has ability to cease making lease, any Commercial Activity Fee and continue to occupy the premises until LESSOR's default is cured.

25. **Rights on Default**:

Default on rent or other monies due to LESSOR entitles LESSOR, at its option, to take whatever lawful action reasonably necessary to protect LESSOR's interest in the Leased Premises including, but not limited to, the storing of liened goods for payment for a reasonable time, as well as the selling of such goods at public or private auction for monies due without waiving LESSOR's right to the total amount of money due to it.

26. **Condemnation:** LESSEE will not be responsible for any payments of rent or fees during the period where the Airport ceases to function as an airport for general commercial traffic if LESSEE is unable to conduct its operations. In the event that the Airport is taken over by any federal or state agency as a result of which the Airport ceases to function as an Airport for general commercial traffic for a period of sixty (60) days or more, the LESSEE may terminate this Agreement and such takeover will be deemed a condemnation under the power of eminent domain. If the LESSEE does not terminate this Agreement, the original term of this Agreement shall be extended for a period of time equal to that period during which the Airport has not functioned as an Airport for general commercial traffic.

27. **Venue**: The parties agree that the Laws of the State of Texas shall govern this Lease Agreement and that exclusive venue for any legal action under this Lease Agreement shall lie in Comal County, Texas.

28. **Notice**: Any notice given by one party to the other in connection with this Lease Agreement shall be in writing and shall be delivered personally or sent by certified mail, return receipt requested:

If to LESSOR, addressed to:	If to LESSEE, addressed to:
New Braunfels Regional Airport	_____
Airport Director	_____
2333 FM 758	_____
New Braunfels, TX. 78130	_____
Telephone: 830-221-4290	Telephone: _____

Notice shall be deemed to have been received three (3) days after the date of mailing or, in the case of personal delivery, on the date of such delivery.

29. **Miscellaneous**: This Lease Agreement constitutes the agreement relating to the leased premises between the parties, as of its effective date, and supersedes all prior agreements between the parties related to the leasing of the Leased Premises. Any change or modification hereof must be in writing signed by both parties.

It is specifically understood and agreed that nothing contained in this Lease Agreement shall be construed as a granting of or authorizing the granting of an exclusive right for exercising an aeronautical activity which is illegally discriminatory, and LESSEE specifically agrees to conduct its operations on the Leased Premises and operate the Leased Premises in a manner that does not discriminate against any person or entity and does not violate any regulations of the Federal Aviation Administration or Texas Department of Transportation's Aviation Division. LESSEE further agrees to comply with any enforcement procedures as might be required by the United States of America or the State of Texas.

If any clause or provision of this Lease Agreement is illegal, invalid or unenforceable under present or future laws, the remainder of this Lease shall not be affected, and the parties declare that this Lease Agreement would have been entered into without such unenforceable portion. This Lease Agreement shall be binding on and shall ensure to the benefit of the heirs, legal representatives, successors and assigns of the parties hereto.

Signed this _____day of _____, _____ to become effective on the _____ **day of** _____**,** _____.

LESSOR:
City of New Braunfels

By:_____
Robert Camareno, City Manager

STATE OF TEXAS

COUNTY OF _____

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas on this day personally appeared Michael Morrison, the City Manager of the City of New Braunfels, Texas known to me to be the person whose name is subscribed to the foregoing contract and acknowledged that he has the authority and consent to bind the City of New Braunfels, Texas to this Agreement that he executed the same for purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 2018

Notary Public, State of Texas

_____

LESSEE:
_____

By:_____
NAME

STATE OF Texas

COUNTY OF _____

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas on this day personally appeared _____, the _____ of _____, known to me to be the person whose name is subscribed to the foregoing contract and acknowledged that he has the authority and consent to bind _____ to this Agreement that he executed the same for purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, _____.

Notary Public, State of Texas

_____

DRAFT

Exhibit "A"

Airport Minimum Standards

City of New Braunfels

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/12/2018

Agenda Item No. C)

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

SUBJECT:
Approval of a contract with McCall, Parkhurst & Horton for bond counsel services.

BACKGROUND / RATIONALE:
The City's bond counsel services have been performed by Norton Rose Fulbright, formerly Fulbright & Jaworski, since 1996. Bond Counsel performs all usual and necessary legal services with reference to the authorization, sale, and delivery of the City's bonds, certificates and obligation, notes or other obligations.

On October 10, 2017, the City issued a solicitation for Bond Counsel Services. The city was very fortunate to receive responses from four (4) highly qualified firms: Andrews Kurth Kenyon, Bracewell, McCall Parkhurst & Horton, and Norton Rose Fulbright. After an initial review by the City's evaluation committee, the firms were interviewed and scored.

The review committee recommends award of the contract to the highest-ranking respondent, McCall, Parkhurst & Horton (hereafter "McCall"), as the firm is highly experienced in public finance laws and will provide in-depth support to the City.

McCall is one of the leading public finance law firms in the nation and is ranked in the top 10 by Thomson Reuters. McCall has served as bond counsel to more issuers of public debt than any other firm in Texas over the last 10 years. McCall is currently representing nearly 200 municipalities in Texas as Bond Counsel. Their attorneys have special expertise in legal matters, and practical matters, involving municipalities and their finances. They have represented all types and sizes of political subdivisions in the state regarding the issuance of bonds and associated services. They understand the needs and challenges faced by cities to provide essential services and capital improvements necessary to provide such services. McCall is properly staffed in Austin and San Antonio to satisfy the legal needs for New Braunfels relating to debt matters. McCall will support and provide legal advice as necessary to the City and its financial advisor regarding the appropriate debt program for New Braunfels and the appropriate financing structure for each transaction.

This is an annual contract with four (4) subsequent fiscal year renewals. Renewals will be awarded annually based on satisfactory performance.

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

Yes	**Strategic Priorities:**	Maintain fiscal stability of City operations

FISCAL IMPACT:
The funding for Bond Counsel services is incorporated and expended from bond sales and therefore, sufficient funds would be available when necessary.

COMMITTEE RECOMMENDATION:
N/A

STAFF RECOMMENDATION:
Staff recommends approval of a contract with McCall, Parkhurst & Horton for bond counsel services.

City of New Braunfels

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/12/2018

Agenda Item No. D)

Presenter/Contact
James Sellers, Fire Department Quartermaster
(830) 221-4201 - JSellers@nbtexas.org

SUBJECT:
Approval of an annual contract with Revenue Optimization Solutions, LLC for the approval, modeling, and cost reporting for the Texas Ambulance Supplemental Payment Program in accordance with federal and state laws and regulations.

BACKGROUND / RATIONALE:
The City of New Braunfels' Fire Department (NBFD) currently operates six front line, and two reserve, ambulances with highly trained Emergency Medical Services (EMS) personnel who provide emergency medical care to the City's residents, visitors, and surrounding community. NBFD currently receives standard-rate payments from Medicaid from the City's current billing provider; however, pursuant to the Texas Ambulance Supplemental Payment Program (ASPP), EMS providers are eligible to receive additional funds above the standard Medicaid rate to supplement transport costs for Medicaid and uninsured patients.

The City is seeking to enter into a multi-year contract with Revenue Optimization Solutions LLC, the incumbent contractor, to provide administrative services that support the above-referenced payment program. Services include, but are not limited to, cost accounting and reporting to the State's Health and Human Services Commission (HHSC) which is crucial to participation in the program.

The contract term will begin upon receipt of City Council approval through September 30, 2020. The contract will compensate the contractor at the rate of 4% of the revenue realized by NBFD from the Texas ASPP for the term of the contract. NBFD shall not make payment to contractor until NBFD receives payment from the State as part of the ASPP.

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

X	Yes	**Strategic Priorities 9:**	Maintain fiscal stability of City operations.

FISCAL IMPACT:
With the assistance of Revenue Optimization Solutions, LLC, the most recent payment received in 2017 from the State by the City was $708,432.50 for EMS services provided in FY 2016 - payments are issued after the close of the previous fiscal year.

The previous contract rate was 5.75%; therefore, the payment to the contractor in 2017 was $40,734.87. The compensation rate for the new contract will be 4% for the term; thereby increasing the amount that the City receives from the state.

COMMITTEE RECOMMENDATION:
N/A

STAFF RECOMMENDATION:
Staff recommends approval of an annual contract with Revenue Optimization Solutions, LLC for the provision of approval, modeling, and cost reporting for the Texas Ambulance Supplemental Payment Program, on behalf of the New Braunfels Fire Department, Emergency Medical Services program.

City of New Braunfels

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/12/2018

Agenda Item No. E)

Presenter/Contact
Jennifer Gates, Buyer
(830) 221-4383 - JGates@nbtexas.org

SUBJECT:
Approval of several vehicles to be declared as surplus prior to being sold at auction.

BACKGROUND / RATIONALE:
In October 2007, City Council approved an interlocal agreement with Ector County to allow the City to utilize contracts awarded by the county; such as online auctions of surplus vehicles and equipment via the County's awarded contractor, Rene Bates. The City of New Braunfels has since completed many successful online auctions - the City has sold 249 vehicles and miscellaneous items for a total of $1,666,120 since April 8, 2008.

The City Manager has the authority to declare vehicles and items to be considered surplus if their value is under $5,000. Staff anticipates that most of the vehicles currently designated for auction will ultimately be sold for less than this threshold. However, to ensure compliance with City code, staff requests that City Council declare a 1997 Ford F-750 fuel truck and a 2008 Ford F-350 flatbed utility truck to be considered surplus. All units will be sold "as is-no warranty" via online auction.

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

X	Yes	**Strategic Priorities:**	9. Maintain fiscal stability of City operations

FISCAL IMPACT:
All proceeds from the auction will be placed into the Equipment/Vehicle Replacement Fund to offset the cost of replacement vehicles and for other equipment purchases.

COMMITTEE RECOMMENDATION:
N/A

STAFF RECOMMENDATION:
Staff recommends the approval for several vehicles to be declared as surplus prior to being sold at auction.

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/12/2018

Agenda Item No. F)

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

SUBJECT:
Approval of an amendment to the authorized position listing for the Das Rec New Braunfels Recreation Center

BACKGROUND / RATIONALE:
As discussed at the City Council retreat on February 2, 2018, the FY 2017-18 Adopted Budget included funding for part time staff to operate the facility; however, staff had not completed the analysis needed to submit a full staffing proposal. Therefore, Council approval is needed to modify the additional number of part time positions and full time equivalent for the facility. There were four major considerations/resources utilized when developing the following proposal:

- 2016 Business Plan developed by Counsilman Hunsaker
- Benchmarking against comparable facilities
- Existing City of New Braunfels divisional hierarchy/structure
- Fair Labor Standards Act guidelines for employee classification

The following table summarizes the total number of positions and associated FTEs that will be added to the Parks and Recreation Department authorized position listing(s). Funding to support these positions are tied to scheduling requirements included in the business plan or program revenue recapture rates. However, a relief factor has been applied to many of these positions to provide an adequate “bench” of authorized positions so that we are able to ensure coverage of all facility operations and programs.

Position Title	Positions Authorized	Full Time Equivalent
Guest Services Representatives	21	10.5
Guest Services Leads*	8	4.0
Pool Managers	8	4.0
Lifeguards – Includes Water Safety Instructors	49	24.5
Slide/Party Attendants	*15*	*7.5*
Fitness Attendants	8	4.0
Gym Attendants	5	2.5
Child Care Attendants	9	4.5
Recreation/Program Instructors	12	6.0
Fitness Instructors – Group Exercise and Personal Training	16	8.0
Guest Services Specialist	1	.75
Fitness & Athletics Specialist	1	.75
Aquatics Specialist	1	.75
Total Part Time Positions	***154***	***77.75***

All but three of the part time positions on the previous table will be limited to 1,000 hours annually. Management at the recreation center will also schedule according to the function/program needs; that is, employees will not be guaranteed a set number of hours. And last, direct payroll expenditures will be tracked regularly to ensure they remain in line with the approved budget.

The attached presentation goes into greater detail on the position analysis, benefit costs of part time employees, legal considerations for employee/contractor classification as well as our projected staffing demographic and recruitment plan.

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

FISCAL IMPACT:
As stated above, funding is included in the FY 2017-18 Adopted Budget for part time staff of the Das Rec - New Braunfels Recreation Center. Therefore, there is no direct fiscal impact from the action described above.

COMMITTEE RECOMMENDATION:
N/A

STAFF RECOMMENDATION:
Staff recommends approval of the amendment to the authorized position listing.

DAS REC

Facility Staffing Plan

City of New Braunfels

DAS REC
NEW BRAUNFELS RECREATION CENTER

Das Rec Staffing

Presentation Objectives

- Full Time Positions Overview
- Legislation and guidelines for determining employee/contractor status
- Part Time Staff – benefits, scheduling and recommended staffing levels
- Recruitment Plan
- Review methods for tracking employee expenditures

City of New Braunfels

Das Rec

Hours of Operation

	Open	Close
Monday	5:00AM	9:30PM
Tuesday	5:00AM	9:30PM
Wednesday	5:00AM	9:30PM
Thursday	5:00AM	9:30PM
Friday	5:00AM	9:30PM
Saturday	7:00AM	8:00PM
Sunday	7:00AM	8:00PM

109 Hours

Total Weekly Operating Hours

City of New Braunfels

Das Rec Staffing – Authorized Full Time Positions

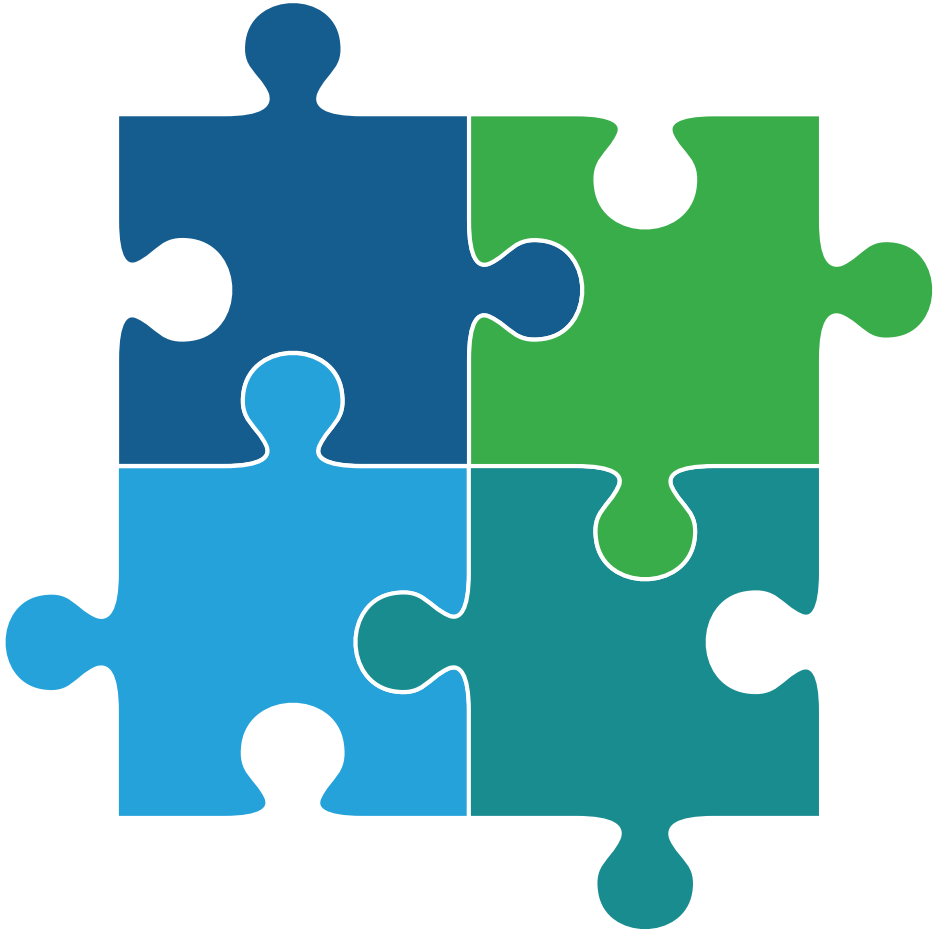
Position Title	Status	Funded Date	Projected/Actual Hire Date
Recreation Center Manager	**Hired**	**10/1/2017**	**11/18/2017**
Assistant Recreation Center Manager	**Hired**	**11/1/2017**	**12/30/2017**
Guest Service Supervisor	**Hired**	**10/1/2017**	**12/30/2017**
Aquatics Supervisor	*Vacant*	2/1/2018	3/1/2018
Fitness Supervisor	*Vacant*	2/1/2018	3/1/2018
Building Maint. Supervisor	*Vacant*	4/1/2018	4/1/2018
Building Maint. Technician	*Vacant*	5/1/2018	5/1/2018
Custodian	*Vacant*	5/1/2018	5/1/2018
Custodian	*Vacant*	5/1/2018	5/1/2018

City of New Braunfels

Das Rec Staffing
Part time staff proposal considerations

2016 Business Plan – Counsilman Hunsaker

Benchmarking against comparable facilities



Existing City of NB divisional structuring and hierarchy

Fair Labor Standards Act (FLSA) guidelines for employee classification

City of New Braunfels

Das Rec Staffing
Facility Operations Part Time Positions

Guest services Rep
Guest Services Leads
Pool Managers
Lifeguards
Slide/Party Attendants
Fitness Attendants
Gym Attendants
Child Care Attendants

Authorized to work up to *1,000* hours annually

Not Eligible for

- Healthcare
- TMRS
- Paid leave

Benefit Costs of 9% FICA/WC

Example: $10/hr=$10.90 total labor costs

City of New Braunfels

Das Rec Staffing
Facility Operations Part Time Positions

Projected Staffing Demographic

- High School
- College students
- Adults seeking second job
- Retirees

Projecting higher rates of attrition in comparison to other year round city operations

Funding included in budget for these positions

Position listing/ totals have not been authorized by Council

City of New Braunfels

Facility Operations Part Time Positions Business Plan Methodology

Guest Services Representatives – Summer Days (100)																			
Time	5:00	6:00	7:00	8:00	9:00	10:00	11:00	12:00	1:00	2:00	3:00	4:00	5:00	6:00	7:00	8:00	9:00	10:00	Total
staff	2	3	3	3	3	2	2	2	2	2	2	3	3	3	3	2	2	0	42

Guest Services Representatives – Winter Days (265)																			
Time	5:00	6:00	7:00	8:00	9:00	10:00	11:00	12:00	1:00	2:00	3:00	4:00	5:00	6:00	7:00	8:00	9:00	10:00	Total
staff	2	2	2	2	2	2	2	2	2	2	2	3	3	3	3	2	2	0	38

Guest Services Representatives – Minimum Position Needs	
Hours of daily coverage	38-42
Hours of annual coverage	14,270
Minimum number of positions ***funded*** to support annual coverage	14.3

City of New Braunfels

Facility Operations Part Time Positions

Business Plan Methodology Including Relief Factor

Projecting higher rates of attrition in comparison to other year round city operations

Guest Services Representatives – Minimum Position Needs	
Hours of daily coverage (summer-winter)	*38-42*
Hours of annual coverage	14,270
Minimum number of positions ***funded*** to support annual coverage	14
• *Relief Factor** of 1.5 to account for attrition, unforeseen scheduling circumstances, special events, etc.	7
Total positions authorized	21

***Relief factors are currently in use for: NBPD Patrol, NBFD Operation and several seasonal operations in the Parks Department**

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City of New Braunfels

Facility Operations Part Time Positions Strategies for Aligning Expenditures to Budget

Employee Hours

Hours will be tracked for each employee to ensure no one exceeds the 1,000 annual cap

Tracking by Function/Role

Using the previous methodology, each function's daily coverage requirement will align with scheduling

Expenditures

Staff will track payroll expenditures to align with adopted budget

City of New Braunfels

Facility Operations Part Time Positions Recommended Staffing Levels

Position Title	Positions Funded	Positions Authorized
Guest Services Representatives	14	21
Guest Services Leads	5	8
Pool Managers	5	8
Lifeguards	24	36
Slide/Party Attendants – *Not Included in Business Plan*	*10*	*15*
Fitness Attendants	5	8
Gym Attendants	3	5
Child Care Attendants	6	9
Maintenance/Custodial Positions – *Included in Business Plan*	*0*	*0*
Guest Services Specialist	1	1
Fitness & Athletics Specialist	1	1
Aquatics Specialist	1	1
Total Part Time Positions – Facility Operations	***75***	***113***

City of New Braunfels

Employee vs. Independent Contractor

FLSA Considerations

Studies suggest that 10% to 30% of employers misclassify employees as independent contractors

There is no single test to determine proper classification

An employee is economically dependent on the employer

An independent contractor is in business for himself or herself

City of New Braunfels

Employee vs. Independent Contractor

Economic Reality Test – US Supreme Court

Degree of Control

An Independant contractor typically works relatively free from control

Employees have less control over schedule, hours worked, pay, equipment, etc.

Extent of Investment

An Independant contractor makes an investment in the work performed

Employees rely upon the employer for facilities, equipment, marketing, etc.

Opportunity for Profit/Loss

An Independant contractor can make independant decisions to increase profit

Employees have less control over the profitability of activities

Skill and Initiative

An Independant contractor may have specialized skills, not necesssarily essential to the organization

Employees have less control over the profitability of activities

Permanency

If the permanence of the position is situational, seasonal or one time in nature, it may be more in line with an independant contractor

City of New Braunfels

Das Rec Program Staffing

Part Time Employees and Independent Contractors

- **Referees**
- **Water Safety Instructors**
- **Recreation/Program Instructors**
- **Fitness Instructors – *Group exercise***
- **Fitness Instructors – *Personal Training***

City of New Braunfels

Program Staff
Strategies for Aligning Expenditures to Budget

Employee Hours

Hours will be tracked for each employee to ensure no one exceeds the 1,000 annual cap

Program Costs

Employee expenditure costs or contractor revenue split will be tracked to align with established recapture rates

Expenditures

Staff will track payroll expenditures to align with adopted budget

City of New Braunfels

Program Staff
Recommended Staffing Levels

Position Title	Positions Authorized
Lifeguards - Water Safety Instructors	13
Recreation/Program Instructors	12
Fitness Instructors – *Group Exercise and Personal Training*	16
Total Part Time Positions – Program Staff	***41***

Contract Positions/Roles	Positions Authorized
Referees	**Based on demand and program participation**
Recreation Program Instructors – *Specialty Classes*	
Fitness Instructors – *Speciality Classes and Personal Training*	
Aquatic Program Instructors – *Specialty Classes*	

City of New Braunfels

Das Rec Staffing
Recruitment Plan

- Collegiate PT and Summer Job Fairs
- Senior Center
- High Schools
- Advertising in the Herald Zeitung
- Direct Recruitment – College Students studying Parks and Recreation, Kinesiology, etc.

City of New Braunfels

Part Time Positions – Facility Operations and Program Staff

Position Title	Positions Authorized	Full Time Equivalent
Guest Services Representatives	21	10.5
Guest Services Leads*	8	4.0
Pool Managers	8	4.0
Lifeguards – Includes Water Safety Instructors	49	24.5
Slide/Party Attendants	*15*	*7.5*
Fitness Attendants	8	4.0
Gym Attendants	5	2.5
Child Care Attendants	9	4.5
Recreation/Program Instructors	12	6.0
Fitness Instructors – Group Exercise and Personal Training	16	8.0
Guest Services Specialist	1	.75
Fitness & Athletics Specialist	1	.75
Aquatics Specialist	1	.75
Total Part Time Positions	***154***	***77.75***

City of New Braunfels

Das Rec Part Time Employees

Recap

- 151 of 154 PT employees will be limited to less than 1,000 hours annually
- Benefit percentage is approximately 9% for PT employees working less than 1,000 annually
- Tracking will be managed by employee hours, program/function and direct expenditures
- "Economic reality test" and current legislation used to determine correct classification of employee vs. contractor
- Multiple resources utilized in developing recommendations i.e. business plan, benchmarking, etc.
- February 12, 2018: Item brought to City Council to authorize Das Rec Part Time Employees

City of New Braunfels

Questions?

City of New Braunfels

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/12/2018

Agenda Item No. G)

Presenter/Contact
Stacey Dicke, Parks and Recreation Director
(830) 221-4355 - SDicke@nbtexas.org

SUBJECT:
Approval of an expenditure to The AMMO Group for promotions and marketing of Das Rec, New Braunfels Recreation Center.

BACKGROUND / RATIONALE:
The City issued a solicitation for Branding and Marketing of the New Braunfels Recreation Center/Das Rec in January 2017. The AMMO Group, LLC. was awarded the contract in March 2017. The initial contract included the development of the marketing plan, the name and logo development and branding standards development. The cost for the initial phase was $24,000. The second phase of the contract will include website development and social media management for multiple pre-opening and grand opening events. AMMO will work with our marketing staff to implement these strategies; however, website development is not an expertise we have on staff and so the assistance is necessary.

The cost for Phase 2 is $27,660 and requires City Council approval per section 9.17 of the City Charter, City Council approval is for annual purchases that exceed $25,000.

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

Yes	**City Plan/Council Priority:**	**Strategic Priorities**: 18. Expand recreational, arts and cultural enrichment opportunities

FISCAL IMPACT:
Funding for this project is incorporated into the 2017-18 Parks department budget, therefore, sufficient funds are available.

COMMITTEE RECOMMENDATION:
N/A

STAFF RECOMMENDATION:
Staff recommends approval of an expenditure to The AMMO Group for marketing and promotion services of the Community Recreation Center/Das Rec.

City of New Braunfels

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/12/2018

Agenda Item No. H)

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

SUBJECT:
Approval of acquisition funds for purchasing Right of Way and Drainage Easement from Michael and Casey Wilkinson on the Live Oak Avenue/Katy Street Improvements Project.

BACKGROUND / RATIONALE:
The Live Oak Ave./Katy St. Improvements Project is one of the approved Proposition Two projects included in the 2013 Bond Program. This project eliminates the low water crossing over the Dry Comal Creek, reconstructs a portion of Live Oak Ave. and includes the construction of a new drainage channel.

On February 13, 2017, City Council approved acquisition funds in the total amount of $50,000 to acquire the necessary parcels for the Live Oak Ave./Katy St. Improvements Project.

An agreement has been reached with Michael and Casey Wilkinson in the amount of $37,523.53 plus necessary closing costs for the purchase of 0.096 acres of Right of Way and 2.515 acres of Drainage Easement.

Additionally, staff would request City Council to authorize an additional 21,000.00 be added to the acquisition funds approved on February 13, 2017 to cover this settlement.

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

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

FISCAL IMPACT:
Expenditures associated with right-of-way acquisition are a component of the Live Oak Ave./Katy St. Improvements Project. Therefore, sufficient funds are available to approve the acquisition funds as described above.

COMMITTEE RECOMMENDATION:
N/A

STAFF RECOMMENDATION:
Staff recommends approval of acquisition funds for the Live Oak Ave./Katy St. Improvements Project.

City of New Braunfels

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/12/2018

Agenda Item No. I)

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

SUBJECT:
Approval of acquisition funds for purchasing Right of Way from Fellowship Bible Church of New Braunfels, Parcel 3 on the Solms/Morningside/Rueckle Road Reconstruction Project.

BACKGROUND / RATIONALE:
The Solms/Morningside/Rueckle Road Reconstruction Project is one of the approved Proposition One projects included in the 2013 Bond Program, which will include Sidewalks, Roadway and Drainage Improvements along Morningside Drive, Solms Road and Rueckle Road.

On February 13, 2017 and September 25, 2017, City Council approved acquisition funds in the total amount of $1,150,000.00 to acquire the necessary parcels for the Solms/Morningside/Rueckle Road Reconstruction Project.

An agreement has been reached with Fellowship Bible Church of New Braunfels in the amount of $30,601.00 plus necessary closing costs for the purchase of 1,207 square feet of Right of Way and 786 square feet of Temporary Construction Easement.

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

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

FISCAL IMPACT:
Expenditures associated with right-of-way acquisition are a component of the Solms/Morningside/Rueckle Road Reconstruction Project. Therefore, sufficient funds are available to approve the acquisition funds as described above.

COMMITTEE RECOMMENDATION:
N/A

STAFF RECOMMENDATION:
Staff recommends approval of acquisition funds for the Solms/Morningside/Rueckle Road Reconstruction Project.

City of New Braunfels

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/12/2018

Agenda Item No. J)

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

SUBJECT:
Approval of the second reading of an ordinance amending Chapter 86 by adopting membership and rental fees for Das Rec, New Braunfels Recreation Center.

BACKGROUND / RATIONALE:
City Council unanimously approved the first reading of this ordinance on January 22, 2018.

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.

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

2/12/2018

Agenda Item No. K)

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

SUBJECT:
Approval of the first reading of an ordinance amending Section 126-346 of the Code of Ordinances to restrict parking on both sides of the Southbound IH-35 Frontage Road between Conrads Lane and Oak Creek Way.

BACKGROUND / RATIONALE:
Council District: 4

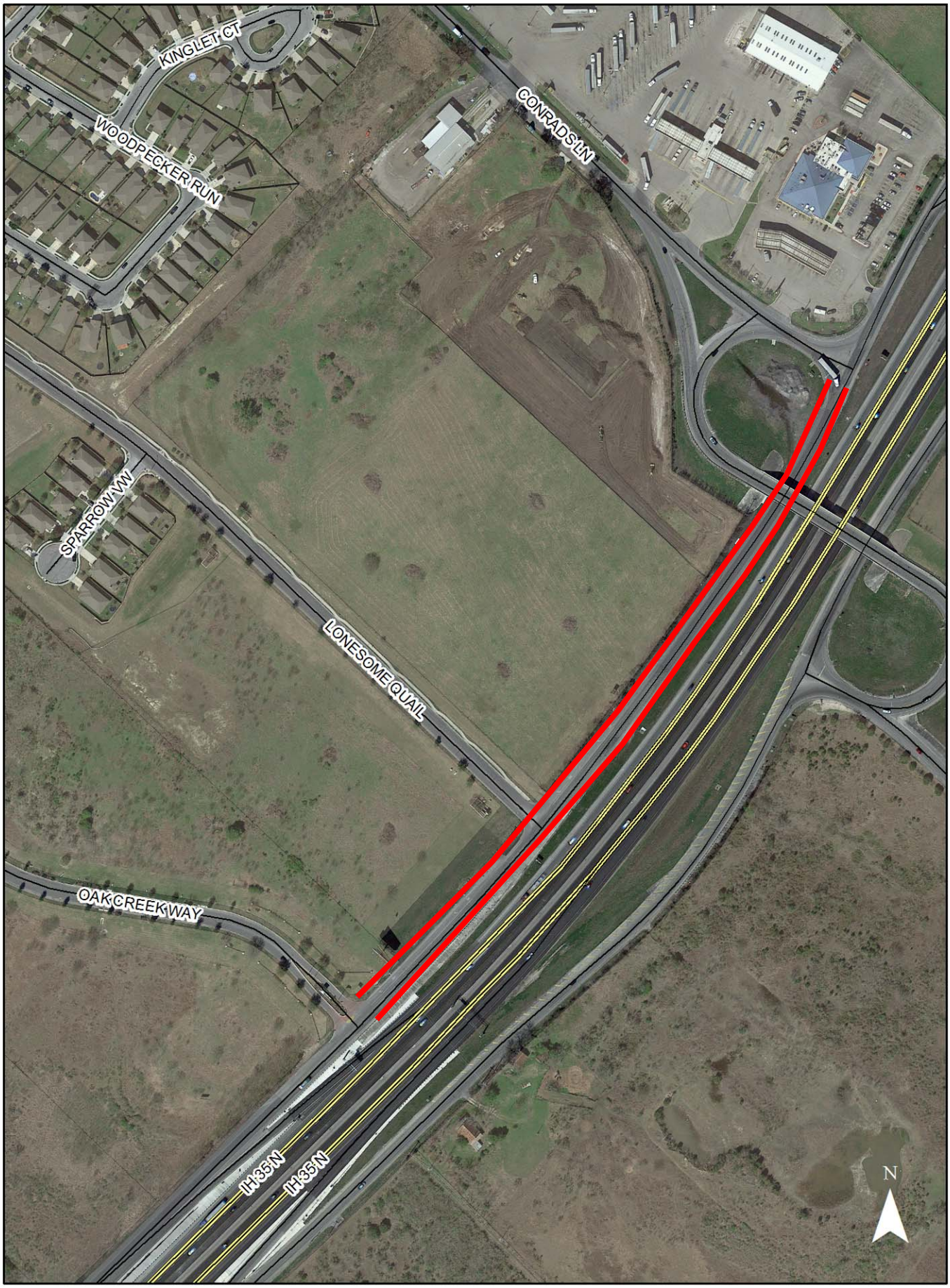
Engineering staff received a request from a citizen to restrict parking along the Southbound IH-35 Frontage Road between Conrads Lane and Oak Creek Way. This request is due to concerns about sight distance issues due to parked trucks along the frontage road. Staff confirmed the parking was occurring and no parking zone signs were authorized by Thomas Wibert, Chief of Police, on December 12, 2017 by a request from Garry Ford, P.E., City Engineer.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:
2006 Comprehensive Plan: Transportation Goal 21: Provide a system of convenient and safe transportation facilities through comprehensive, cooperative, and continuing transportation system planning and development.

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

COMMITTEE RECOMMENDATION:
The Transportation and Traffic Advisory Board unanimously approved the recommendation to City Council to amend Section 126-346 of the City of New Braunfels Code of Ordinances to restrict parking on both sides of the Southbound IH-35 Frontage Road between Conrads Lane and Oak Creek Way at their meeting on January 11, 2018.

STAFF RECOMMENDATION:
Staff recommends approval of restricting parking on both sides of the Southbound IH-35 Frontage Road between Conrads Lane and Oak Creek Way.



No Parking Zone along Southbound IH-35 Frontage Road
from Conrads Lane to Oak Creek Way

ORDINANCE NO. 2018-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-346 OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES TO RESTRICT PARKING ALONG A PORTION OF THE SOUTHBOUND IH-35 FRONTAGE ROAD.

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

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

I.

THAT the City of New Braunfels Code of Ordinances Section 126-346 (f) is hereby amended as follows:

(112) On both sides of the Southbound IH-35 Frontage Road from Conrads Lane to Oak Creek Way. Such no parking zone shall be designated as a tow away zone.

II.

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

III.

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

IV.

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

V.

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

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

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

CITY OF NEW BRAUNFELS, TEXAS

_____
BARRON CASTEEL, MAYOR

ATTEST:

_____
PATRICK D. ATEN, CITY SECRETARY

APPROVED AS TO FORM:

_____
VALERIA M. ACEVEDO, CITY ATTORNEY

City of New Braunfels

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/12/2018

Agenda Item No. A)

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

SUBJECT:
Discuss and consider approval of the first reading of an ordinance amending the City of New Braunfels Code of Ordinances, Chapter 114, Streets, Sidewalks and Other Public Places, Article IV, Right-Of-Way Access and Management, Relating to Section 94, Permit Required; Application, to allow for a Capital Projects Access Permit.

BACKGROUND / RATIONALE:
The Capital Programs Division of the City of New Braunfels, executes numerous roadway improvements projects throughout the City. As part of the design and construction process, only existing access to private property can be replaced as part of the construction project.

The Capital Programs Division has received several Citizen requests for the construction, addition, alteration, enlargement or movement of driveway access to private property as part of the roadway improvement project. To facilitate these requests, Staff has developed a defined plan and process to follow when making these requests.

If a Citizen desires to construct, add, alter, enlarge or move driveway access to their private property during a roadway improvement project, they must follow the following steps:

1. Submit application to the City Engineer specifying the type and location of access requested along with appropriate application fee and escrow fee.
2. City Engineer reviews the application to ensure all codes are met with regards to access placement.
3. City Engineer submits application to the appropriate Capital Project Manager who oversees the roadway improvement project for their review to determine if access can be constructed along with the roadway.
4. If approved, the escrow money will be deposited into the appropriate project account and the Capital Project Manager will proceed with having access added to the project.
5. If denied, the escrow money will be refunded to the applicant.

The application fee shall be $150 and will be non-refundable. The escrow fees are determined based on the average costs for engineering work to design and incorporate the access into construction plans and the average costs for the access to be constructed as part of the roadway improvement project. The escrow fees will be routinely reviewed and updated by Staff to ensure they remain in line with project costs.
If an application is approved, City contractors will construct access only to the edge of the right-of-way. It will be the applicant's responsibility to make any connections to existing infrastructure within

their private property. This responsibility also includes obtaining the necessary building permits for the work to be completed.

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

FISCAL IMPACT:
The application fee will be used to offset staff time in reviewing applications and the escrow fee will allow the access to be constructed as part of the roadway improvement project with no additional cost to the City.

COMMITTEE RECOMMENDATION:
N/A

STAFF RECOMMENDATION:
Staff recommends the approval of the first reading of this ordinance amendment.

ORDINANCE NO. 2018-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING CHAPTER 114, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE IV, RIGHT-OF-WAY ACCESS AND MANAGEMENT, RELATING TO SECTION 94, PERMIT REQUIRED; APPLICATION; TO ALLOW FOR A CAPITAL PROJECTS ACCESS PERMIT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Capital Programs Division of the City of New Braunfels, executes numerous roadway improvement projects throughout the City; and

WHEREAS, there have been several Citizen requests for the construction, addition, alteration, enlargement or movement of access across public property to abutting private property during the construction of the roadway improvement project; and

WHEREAS, the City of New Braunfels Capital Programs Division desires to have a defined method to accommodate these Citizen requests as part of the roadway improvement projects;

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

SECTION 1.

THAT, Section 114-94, Permit Required; Application, is amended by adding a new paragraph (e) as follows:

(e) Capital Projects Access Permit: Any owner or authorized agent, who desires to construct, add, alter, enlarge or move access across public property to abutting private property during the course of a project being performed by the City of New Braunfels Capital Programs Division shall make application to the City Engineer and obtain a Capital Projects Access Permit and pay all required fees to include escrowing the amount necessary for the City's Contractor to construct, add, alter, enlarge or move the access across public property. Said escrow funds shall be applied to the Capital Programs Division construction account for the respective project. All applications are subject to approval of the City Engineer or Public Works Director or their designee.

SECTION 2.

This Ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to right-of-way access and management within the City of New Braunfels, and same shall not operate to repeal or

affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this Ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

SECTION 3.

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

SECTION 4.

This Ordinance shall take effect upon the second and final reading of the same.

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

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

CITY OF NEW BRAUNFELS, TEXAS

_____
BARRON CASTEEL, MAYOR

ATTEST:

_____
PATRICK D. ATEN, CITY SECRETARY

APPROVED AS TO FORM:

_____
VALERIA M. ACEVEDO, CITY ATTORNEY

Sec. 114-94. - Permit required; application.

(a) Any owner, authorized agent, or contractor who desires to construct, add, alter, enlarge, repair, move or demolish access across public property to abutting private property shall make application to the building official and obtain a building permit and pay all required fees.

(b) Permit procedure for approval of access to all roadways.

(1) Any building permit applications submitted which include or involve driveways shall be referred to the city engineer for approval before a building permit is issued.

(2) A written separate driveway permit for a new development shall not be required. Approval of driveway location and design for new properties and other developments on a final plat, building plan or site plan shall be considered the permit for driveway installation.

(3) Any property owner desiring a new driveway or an improvement to an existing driveway at an existing residential or other property shall make application for a building permit, designate the contractor who will do the work, and provide a sketch or drawing showing clearly the driveway, parking area, or doorway to be connected and the location of the nearest existing driveways on the same and opposite sides of the roadway. The city engineer will prescribe the construction procedure to be followed.

(4) All permits granted for the use of public property under the terms of this section shall be revocable at the will of the city council.

(5) The contractor installing the access connection shall have a copy of the permit at the site.

(c) If access is to a TxDOT road, the application shall include a document showing TxDOT's approval of the access.

(d) Railroad quiet zones are established throughout the city at designated public highway-rail grade crossings per Title 49 of the Code of Federal Regulations. Supplementary safety measures, including "Gates with Medians or Channelization Devices" were installed for public highway-rail grade crossings in the established quiet zones in the city and should be referenced with all development permits within 100 feet of the gate arm of a crossing. No permit shall be issued that will alter the supplementary safety measures or risk removal of an established quiet zone crossing. New access shall not be granted within 100 feet of an existing or future railroad gate arm in order to maintain and plan for future quiet zones.

(e) Capital Projects Access Permit: Any owner or authorized agent, who desires to construct, add, alter, enlarge or move access across public property to abutting private property during the course of a project being performed by the City of New Braunfels Capital Programs Division shall make application to the City Engineer and obtain a Capital Projects Access Permit and pay all required fees to include escrowing the amount necessary for the City's Contractor to construct, add, alter, enlarge or move the access across public property. Said escrow funds shall be applied to the Capital Programs Division construction account for the respective project. All applications are subject to approval of the City Engineer or Public Works Director or their designee.

(Ord. No. 2005-75, § 1(Exh. A), 10-24-05; Ord. No. 2017-72, § I, 9-25-17)

Capital Projects Access Permit Process

1. Submittal of a complete application with the non-refundable $150 fee and necessary escrow fee identified in the application.
2. City Engineer or designee will review permit application to determine if requested access can be permitted in the requested location.
3. Capital Project Manager will review permit application to determine if access can be built as part of the Capital Programs Project.
4. Permit Approved:
    1. City Engineer, Capital Program Manager and Capital Project Manager execute the permit application.
    2. Escrow fee deposited into the designated project funding account for the Capital Programs project.
    3. Capital Project Manager coordinated with Design Engineer to draft plans for the approved access.
        1. If final construction plans have not been submitted to City, design engineer will add access to plans
        2. If final construction plans have been submitted to City, Capital Project Manager will coordinate with construction contractor to issue a change order.
    4. Construction contractor will build access only to the edge of the right-of-way. It is the applicant's responsibility to install remaining access on their private property.
5. Permit Denied:
    1. Escrow fee refunded to applicant.

DRAFT

APPLICATION FOR CAPITAL PROJECTS ACCESS PERMIT

Engineering Division
550 Landa Street
New Braunfels, Texas 78130
(830) 221-4020

1. Property Address: _____

   Legal Description: _____

   Boundaries: ☐ City Limits ☐ ETJ County: ☐ Comal ☐ Guadalupe

2. Owner (Name/Title): _____

   Address: _____

   Telephone:_____ Email: _____

3. Applicant (Name/Title): _____

   Address: _____

   Telephone:_____ Email: _____

4. Is there currently permitted access to the property? Yes No

5. If Yes, width of existing access (feet): _____

6. Describe your request: _____

   _____

   _____

7. Is this request for a new access? Yes No

   If yes, please attach site plan showing requested location

   How wide will the new access be? (min. 12 feet – max 30 feet) _____

8. Is this request for the relocation of existing access? Yes No

   If yes, please attach site plan showing requested location

9. Is this request for the modification of existing access? Yes No

   If yes, please attach site plan showing existing access and requested modification

   Please describe requested modification _____

   _____

10. Escrow fee worksheet:

    a. Application Fee (non-refundable): $150.00
    b. Engineering Fee (required): $750.00
    c. Construction Cost (per linear foot): $75.00 x _____ LF = $_____
    d. Total Fee (line a, b and c): $_____

Date Fee Received: _____
Received By: _____
Cash/Check No.:_____ Amount Recd. $_____
Receipt No.:_____
Permit No. _____

DRAFT

IMPORTANT NOTE:

This application for permit does guarantee the receipt of an approved permit. If the permit application is denied the Engineering Fee and Construction Cost (Escrow Fee Worksheet – Items b and c) will be refunded to you. The application fee is non-refundable. If application is approved, the City's Contractor will only construct access to the edge of the right-of-way. Applicant is responsible for any additional access needed on their private property including obtaining all necessary permits (see Sec. 114-94, B3).

I hereby confirm that this application is complete and all required information is attached.

Date

Signature of Owner/Applicant

Print Name & Title

PERMIT APPROVALS

☐ Approved ☐ Denied

Signature of City Engineer

Signature of Capital Programs Manager

Signature of Capital Project Manager

DRAFT

City of New Braunfels

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/12/2018

Agenda Item No. B)

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

SUBJECT:
Discuss and consider approval of the first reading of an ordinance to install an all-way stop at the intersection of Frances Street and Stonecrest Path.

BACKGROUND / RATIONALE:
Council District: 2

The Engineering Division received a request for an all-way stop at the intersection of Frances Street and Stonecrest Path. The intersection has four approaches and is currently controlled by stops on Frances Street. Both Frances Street and Stonecrest Path have posted speed limits of 30 mph and function as a residential street.

A sight distance investigation and engineering review was conducted in accordance with the Texas Manual on Uniform Traffic Control Devices (TMUTCD) and A Policy on Geometric Design of Highways and Streets. Additionally, traffic counts were conducted and the intersection crash history was reviewed. Based on the result of these investigations, an all-way stop is not warranted at this intersection at this time.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:
2006 Comprehensive Plan: Transportation Goal 21: Provide a system of convenient and safe transportation facilities through comprehensive, cooperative, and continuing transportation system planning and development.

FISCAL IMPACT:
Traffic control signs cost approximately $150 each. Sufficient funding is available in the FY17-18 approved street and drainage budget.

COMMITTEE RECOMMENDATION:
This request was considered by the Transportation and Traffic Advisory Board at their meeting on January 11, 2018. The motion passed with four members in favor and one opposed.

STAFF RECOMMENDATION:
Staff does not recommend the installation of an all-way stop at the intersection of Frances Street and Stonecrest Path because this intersection did not meet the warrants for an all-way stop specified in the TMUTCD.

ORDINANCE NO. 2017-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, TO APPROVE INSTALLATION OF TRAFFIC CONTROL DEVICES ON STONECREST PATH AT FRANCES STREET.

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

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

I.

THAT the installation of additional traffic control sign at the following location in the corporate limits of the City of New Braunfels, Texas authorizes:

STOP SIGNS:

1. On Stonecrest Path, southeast-bound at Frances Street, prior to entering Frances Street.
2. On Stonecrest Path, northwest-bound at Frances Street, prior to entering Frances Street.

II.

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

III.

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

IV.

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

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

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

CITY OF NEW BRAUNFELS, TEXAS

_____
BARRON CASTEEL, MAYOR

ATTEST:

_____
PATRICK D. ATEN, CITY SECRETARY

APPROVED AS TO FORM:

_____
VALERIA M. ACEVEDO, CITY ATTORNEY

Requested all-way stop at Stonecrest Path and Frances Street

Multi-way Stop Application Evaluation

Stonecrest Path at Frances Street – October 2017

Section 2B.07 of the Texas Manual on Uniform Traffic Control Devices (TMUTCD) provides support and guidance for the application of multi-way (all-way) stop applications. Table 1 provides the guidance criteria and current traffic data and Table 2 provides other criteria that may be considered in the engineering study.

Table 1. Multi-way Stop Guidance Criteria (TMUTCD Section 2B.07)

Criteria	Minimum Values	Current Values	Criteria Met?
A. Traffic signal • Interim measure for the installation of a traffic signal.	-	-	**No**
B. Crashes • Right- and left-turn and right-angle collisions • 12-month period	5	0	**No**
C.1. Major street volume • Total of both approaches • Average of any 8 hours of an average day; **and**	300	78	**No**
C.2. Minor street volume • Total of both approaches • Average of same 8 hours of major street with an average delay of at least 30 seconds per vehicle during the highest hour; but	200	51	
C.3. High-speed criteria • 85th-percentile approach speed of the major-street traffic exceeds 40 mph.	Major street 85th-percentile approach speed = **27/26 mph**		
• 70 percent of major street volume	210	78	**No**
• 70 percent of minor street volume	140	51	
D. Combination crash/volume criteria • Where no single criterion is satisfied	Criteria B, C.1 and C.2 Met? **No**		
80 percent of crashes	4	0	**No**
80 percent of major street volume	240	78	**No**
80 percent of minor street volume	160	51	

Table 2. Multi-way Stop Other Criteria (TMUTCD Section 2B.07)

Criteria	Criteria Met?
A. The need to control left-turn conflicts;	**No**
B. The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes;	**No**
C. Locations where a road user, after stopping, cannot see conflicting traffic and is not able to negotiate the intersection unless conflicting cross traffic is also required to stop; and	**No**
D. An intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where multi-way stop control would improve traffic operational characteristics of the intersection.	**No**

City of New Braunfels

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/12/2018

Agenda Item No. C)

Presenter
Stacy Snell, Planning and Community Development Assistant Director
ssnell@nbtexas.org

SUBJECT:
Public hearing and consideration of the first reading of an ordinance regarding a rezoning of approximately 52 acres out of the A.M. Esnaurizar Survey, Abstract 20, located on the north side of State Highway 46 and approximately 1,100 feet southeast of the intersection of State Highway 46 and Prairie View Lane from “APD” Agricultural / Pre-Development District and “C-1” Local Business District to “Rippen Ranch” Planned Development District, with a Concept Plan.

BACKGROUND / RATIONALE:

Case No.: PZ-17-052

Council District: 2

Owner/Applicant: Willard C. Rippen
195 High Country Dr.
Seguin, TX 78155

Engineer/ Representative: Pape-Dawson Engineers, Inc.
Allen Hoover
2000 NW Loop 410
San Antonio, TX 78213
(210) 375-9000

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

The subject property is approximately 52 acres with 470 feet of frontage along State Highway 46 and 400 feet of frontage along Prairie View Lane. It is located adjacent to lots fronting on SH 46 and the Urban Heights Subdivision that are currently developed with a variety of commercial and industrial uses. The subject property is presently used for agricultural production with an electric utility line running through the northwestern side of the property.

Planned Development (PD) zoning districts are designed to provide for the development of land as an integral unit for single or mixed uses, housing variety, height or density variations, or other projects, in accordance with a City Council approved plan that would vary from the established regulations of standard base zoning districts. PDs are intended to provide developers opportunities

for creative neighborhood designs and alternative development options through the creation of their own standards and layouts. Therefore, it is important to evaluate the design of a proposed PD to ensure compatibility with existing and future adjacent development as well as transportation, parks, schools, and other infrastructure impacts. Conditions can be placed on PDs.

The PD process in New Braunfels is two-fold: 1) A “concept plan” is considered by City Council after a recommendation from the Planning Commission via the standard rezoning process; and then 2) a “detail plan” is considered by the Planning Commission only. After step 1, the zoning of the land 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. It is also an option to combine these steps into one for expediency.

New Braunfels’ Zoning Ordinance indicates the purpose of a PD Concept Plan is to establish the most general guidelines for the district by identifying the land use types, development standards, approximate road locations and project boundaries, and illustrate the integration of these elements into a master plan for the whole district. Generally, the details of the lot layout and minor street configuration have not been being provided on PDs until the detail plan stage. The Zoning Ordinance indicates that illustrating local and collector streets on PDs at the concept plan stage is optional, and the Platting Ordinance indicates that the City may require a Traffic Impact Analysis (TIA) for rezoning requests; such would allow the evaluation of the advantages of creating a PD over a standard zoning district, and to evaluate impacts on roadway infrastructure and adjoining neighborhoods, so as to provide informed recommendations for mitigation. The submitted application includes an approximate roadway layout with connections to adjoining developments, but does not include a TIA.

The applicant is proposing a base zoning of R-1A-6.6 (Single-Family Residential District) for their PD, with some added development standards. Differences between R-1A-6.6 and their proposed RRPD development standards include:

- a reduced minimum lot width,
- reduced minimum lot area,
- reduced minimum front and rear setbacks, and
- a deeper minimum lot depth (see the comparison table below).

The RRPD also proposes minimum requirements for:

- landscaping,
- exterior finish,
- garage size, and
- identified number of lots and maximum density,

all of which are not required in the R-1A-6.6 District.

The following table compares R-1A-6.6 district zoning standards (proposed base zoning district) with those proposed by the applicant for the PD; the differences are shown in **bold**. More detail is included in the submitted Development Standards (Attachment 4).

Standard	**R-1A-6.6**	**RRPD**
Minimum Lot Width	60 feet - interior lot 70 feet - corner lot	**45 feet - up to 190 lots 50 feet - up to 29 lots**

Minimum Lot Area:	6,600 sq. ft. interior 7,000 sq. ft. corner	**5,175 sq. ft. - interior lots 5,750 sq. ft. - corner lots**
Minimum Lot Depth	100 feet	**115 feet**
Maximum Building Height	35 feet	35 feet
Front Setback Minimum	25 feet	**20 feet**
Rear Setback Minimum	20 feet	**15 feet**
Side Setback Minimum	Internal Lots - 5 Feet Corner Lots - The minimum side setback adjacent to the street for corner lots where the rear lines of the corner lot coincides with the rear lot line of the adjacent lot is 15 feet. The minimum side setback adjacent to the street for corner lots where the rear line of the corner lot coincides with the side lot line of the adjacent lot is 25 feet.	Internal Lots - 5 Feet Corner Lots - The minimum side setback adjacent to the street for corner lots where the rear lines of the corner lot coincides with the rear lot line of the adjacent lot is **10 feet**. The minimum side setback adjacent to the street for corner lots where the rear line of the corner lot coincides with the side lot line of the adjacent lot is **20 feet.**
Garages/Parking	Minimum 2 off-street parking spaces	**Minimum 2-car garage**
Exterior Finish	None	**Masonry on front and side elevations on the first floor**
Minimum Landscaping	None	**Two 1.5-inch caliper trees per residential lot**
Number of Lots	Approximately 240 considering 1/3 reserved for infrastructure, topography, drainage, amenities, etc.	**219**
Maximum Density	Approximately 4.6 units/acre	**4.2 units/acre**

General Information:

Size:

Approximately 52 acres

Surrounding Zoning and Land Use:

Northwest - APD and C-1 / single-family and commercial nursery

Northeast - APD / agricultural and open space

Southeast - M-1A and C-1 / industrial and commercial uses including electric supply, outdoor storage and fabrication along Lucinda Dr.

Southwest - C-1 and C-1B, Across SH 46, C-1 / church, landscaping business, auto-body repair and residential

Comprehensive Plan/ Future Land Use Designation:

Commercial

Floodplain:

No portion of the property is located within the 1% annual chance flood zone (100-year flood plain).

Transportation:
State Highway 46 South is identified on the adopted Regional Transportation Plan as a Principal Arterial, up to 150 feet in width. City Council determined the appropriate width for this section of the highway to be 120 feet in width. Right-of-way dedication is required and will be reviewed with platting of the property. Since a traffic impact analysis was not submitted with the PD application, a TIA will be reviewed at a later stage of the development. However, the applicant is illustrating an internal street network with connections to adjoining roadways and subdivisions for connectivity and increased mobility.

Hike and Bike Trails Plan:
This application complies with the City's Hike and Bike Trails Plan and no additional right-of-way dedication or trail construction will be required as there are no proposed trails within or adjacent to the property.

Parkland Dedication:
This development is subject to the adopted Parkland Dedication and Development requirements. The proposed Concept Plan land use table includes park area of 0.68 acres for the development. Staff does not believe the proposed amenities will meet the current ordinance requirements. The developer will be required to pay in lieu fees ($131,400 for 219 lots) or install amenities and pay in lieu fees for parkland dedication prior to recording any final plat. The Parks and Recreation Department staff will review any proposed amenities for credit toward the ordinance requirement.

Improvement(s):
None

Determination Factors:
In making a decision on zoning, the following factors are to be considered:

- Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole *(The proposed use of the property for single-family residential development and the proposed development standards are consistent with the single family residential neighborhoods in the general area. However, there are existing commercial and industrial uses located southwest and southeast of the subject property. The future homes may be buffered from the southeast uses by a proposed drainage easement and open space area. To reduce potential negative impacts to the future residents from the existing adjacent non-residential uses, Staff recommends the inclusion of the standard residential buffer (masonry wall and trees) to be constructed with this development.);*
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area *(The adequacy of public facilities and utilities to serve the additional demand is evaluated by each provider. NBISD and utility providers have been notified of this proposed rezoning. Without the submittal of a TIA at this stage, it is not yet known what mitigation can occur or would be needed to reduce the impact of traffic associated with the additional homes on the surrounding transportation network. Traffic impact will be evaluated with the platting of the property. An internal street network is illustrated on the concept plan which includes connections to adjoining roadways and subdivisions providing for improved mobility.)*;
- How other areas designated for similar development will be affected *(The Rippen Ranch PD should not negatively affect other areas designated for similar development; however, continued suburban style single-family detached residential development of the vacant tracts*

along State Highway 46 will contribute to utility demands and increased traffic as future residents travel to access goods and services. The strip commercialization along SH 46 will not be exacerbated by the proposed land use configuration of the Rippen Ranch PD as the tracts at the entrance at 46 are identified as open space);

- Any other factors that will substantially affect the public health, safety, morals, or general welfare *(There should be no other factors that will substantially affect the public health, safety, morals, or general welfare. Drainage, utility and traffic impact issues can be addressed with a PD request where the project can be modified to address possible negative impacts. Otherwise, compliance with associated code requirements will be reviewed and addressed through the platting process.)*; and
- Whether the request is consistent with the Comprehensive Plan *(The proposed zoning change is not consistent with the currently adopted Future Land Use Plan designation of the property. Therefore, the applicant submitted a request to amend the Future Land Use Plan category from Commercial to Residential Low-Density.)*

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

	Yes	**City Plan/Council Priority:** 2006 Comprehensive Plan *Pros and Cons Based on Policies Plan*	**Pros: Objective 1A:** *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.* The proposed zoning is consistent with the trends of existing and developing neighborhoods in the area. The homes in this proposed development would be compatible if the open space areas as proposed are maintained and if an appropriate buffer is established. **Goal 1C:** *Consider rezoning, as necessary, to ensure existing and future land use compatibility.* If approved the accompanying future land use plan change will reduce unnecessarily deep commercial land use lining Hwy 46. **Goal 17:** *Provide sufficient housing opportunities to meet the future needs and demands for people of all income levels in New Braunfels.* Rezoning from “APD” and “C-1” will allow development of additional single-family housing in this growing area of the city. **Cons: Objective 1G:** *Evaluate capacity and adequacy of existing and planned public facilities and services to determine feasibility of expansion.* The development of an additional 219 residential lots will result in increased traffic on State Highway 46 and surrounding intersections. **Neutral items of note: Objective 35G:** *Provide an adequate supply of appropriately zoned areas for future and existing business and industrial development and expansion.* Added residential neighborhoods in this location will need to be followed by new commercial uses or employment centers **at present or future nodes** in the area to ease strip commercialization of SH 46.

FISCAL IMPACT:
N/A

COMMITTEE RECOMMENDATION:
The Planning Commission held a public hearing on January 9, 2018, and recommended approval of the applicant’s requested PD, with a Future Land Use Plan amendment and with staff recommendations (6-2-0) with Commissioners Bearden and Tubb opposed and Commissioner Elrod absent.

STAFF RECOMMENDATION:
While the proposed uses/zoning are not consistent with the currently adopted Future Land Use Map in the Comprehensive Plan which calls for Commercial, such a large and deep area of commercial use outside of a node would be inappropriate at this location. Therefore, staff recommends approval of the applicant’s request. The proposed use of the property is consistent with residential

neighborhood trends in the area. Additionally, the proposed RRPD development standards exceed current minimum City zoning standards, and the applicant included an internal street network and connections that will improve mobility in the vicinity. Staff recommends the following technical condition:

1. Remove note #9 from the Concept Plan or delineate the location of all areas restricted for drainage on the property.

And, staff recommends the following conditions to make the proposed residential uses compatible with the nearby and surrounding existing uses:

2. Include requirements in the development standards to construct and maintain a residential buffer as outlined in Section 5.3 of the Zoning Ordinance adjacent to the surrounding commercial and industrial properties.
   a. Adjacent to the lots fronting SH 46, the masonry wall shall be eight (8) feet tall with the provision of shade trees. Both may be located on the residential lots or on the common lot between.
   b. Adjacent to the Urban Heights Subdivision shall be a masonry wall six (6) feet tall with the provision of shade trees. Both may be located on the residential lots or on the common lot between.
   c. Between SH 46 and the proposed residential lots shall be a masonry wall six (6) feet tall with the provision of shade trees. Both may be located on the residential lots or on the common lot between.

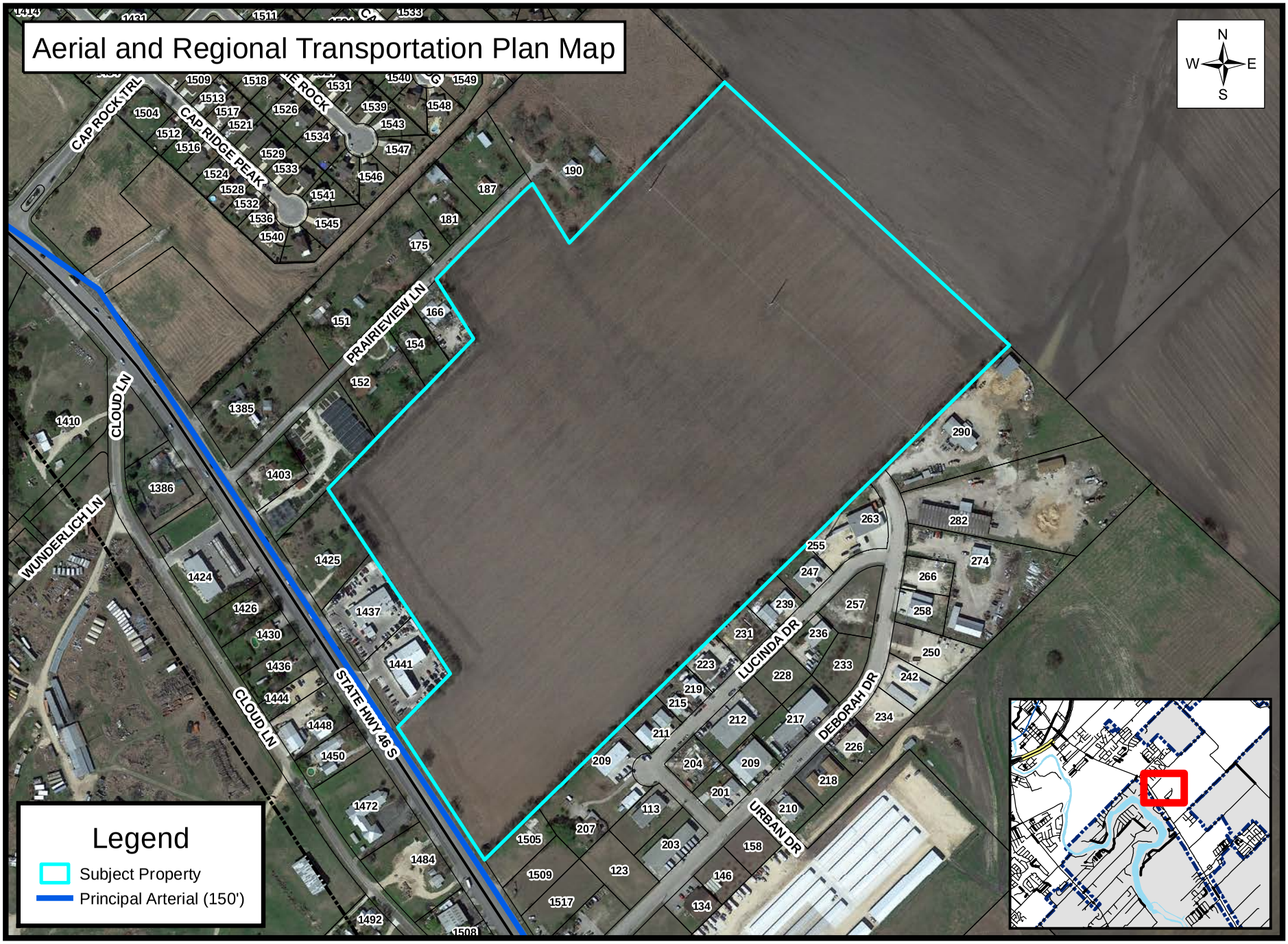
Staff also recommends approval of a Future Land Use Plan amendment of the subject property from “Commercial” to “Residential Low Density”, which would occur with the second reading of the rezoning ordinance. This amendment would be consistent with the proposed use of the property and would offer opportunities for staggered development along arterials as opposed to strip commercialization as currently depicted on the Future Land Use Plan map.

Since zoning changes are discretionary and the request is for a PD, City Council may require the inclusion of additional development standards or conditions to ensure quality development and compatibility with surrounding properties and the community as a whole.

Notification:
Public hearing notices were sent to 33 owners of property located within 200 feet. The Planning and Community Development Department has received no responses in favor and one response (#8) opposed.

ATTACHMENTS:

1. Aerial and Regional Transportation Plan Map
2. Application
3. Proposed Concept Plan and Development Standards
4. Zoning and Land Use Maps
5. Notification List, Map and Responses
6. Photograph
7. Zoning Sections 3.3-7, 3.4-1, 3.4-2, and 3.5.
8. Excerpt from the Planning Commission Meeting Minutes of January 9, 2018
9. Ordinance



City of New Braunfels

PZ-17-052
Rippen Ranch
Concept Plan

Map Created 12/27/17

City of New Braunfels
PLANNING

RECEIVED
NOV 20 2017
BY:

APPLICATION FOR A ZONING CHANGE

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

Case Number: P2-17-052

1. **Applicant - If owner(s), so state; If agent or other type of relationship, a letter of authorization must be furnished from owner(s) at the time submitted.**
   Name: Pape-Dawson Engineers, Inc.
   Mailing Address: 2000 NW Loop 410, San Antonio, TX 78213
   Telephone: 210-375-9000 *Fax:* 210-375-9010 *Mobile:* 210-232-2464
   Email: ahoover@pape-dawson.com
2. **Property Address/Location:** South of Saengerhalle Road and East of Highway 46 West
3. **Legal Description:**
   Name of Subdivision: Rippen Ranch
   Lot(s): 219 **Block(s):** 10 **Acreage:** 52.05
4. **Existing Use of Property:** Agricultural Purposes
5. **Proposed Use of Property (attach additional or supporting information if necessary):**
   Single Family Residential
6. **Zoning Change Request:** *Current Zoning:* APD & C-1 *Proposed Zoning:* PD
   For "PDD Planned Development District", check if: Concept Plan ☒ **OR Detail Plan** ☐
7. **Reason for request (please explain in detail and attach additional pages if needed):**
   For development of residential single family subdivision
8. **COUNTY:** ☐ COMAL ☒ GUADALUPE - **SCHOOL DIST:** ☒ CISD ☐ NBISD ☐ **OTHER**
9. **REQUIRED ATTACHMENTS:**
   - X Metes and bounds description and survey if property is not platted.
   - X 3 TIA worksheets and 2 Traffic Impact Analysis if required.
   - X 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.)
   - X Map of property in relation to City limits/major roadways or surrounding area.
   - X 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).
   - X Copy of deed showing current ownership.
   - ___ Mailed notification ___ x 2.15 each = ___
   - X Newspaper Notice 115.00 each
   - ___ Future Land Use Plan Update $500.00

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

Allen Hoover — Signature of Owner(s)/Agent

11/20/17 — Date

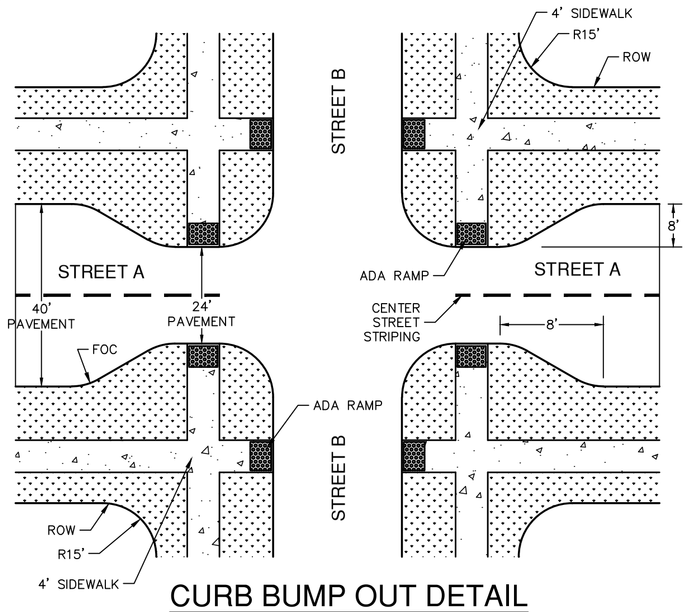
Allen Hoover Sr. PM — Print Name & Title

For Office Use Only

Fee Received By: ___ Amount: ___ Receipt No.: ___

Date Received: 11-20-17 Zoning signs issued: ___ Date: ___ No.: ___

Cash/Check Number: ___ Case Number: ___



CURB BUMP OUT DETAIL

NOT-TO-SCALE

NOTES:

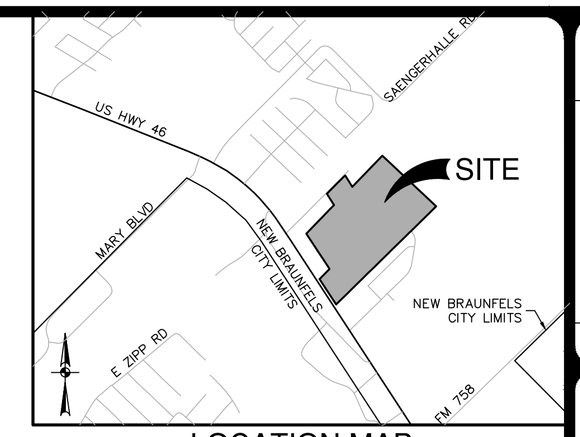
1. SCENARIO 1: PROPOSED CURB BUMP OUT LOCATIONS AT INTERSECTIONS OF STREET A/STREET E, STREET A/STREET B AND STREET B/STREET D
2. SCENARIO 2: PROPOSED CURB BUMP OUT LOCATIONS AT INTERSECTIONS OF STREET A/STREET F, STREETA/DEBORAH DR. AND STREET B/STREET D.

LAND USE SUMMARY

PHASE	ACRES	DRAINAGE ESMT/OPEN SPACE (AC)	PARK (AC)	ROW DEDICATION (AC)	RESIDENTIAL (AC)
RIPPEN RANCH	52.05	13.04	0.68	0.32	38.01
TOTAL NUMBER OF LOTS:	**≥ 45'**	**≥ 50'**	**LOT DENSITY (LOTS/ ACRE)**		
	190 (87%)	29 (13%)	4.2		

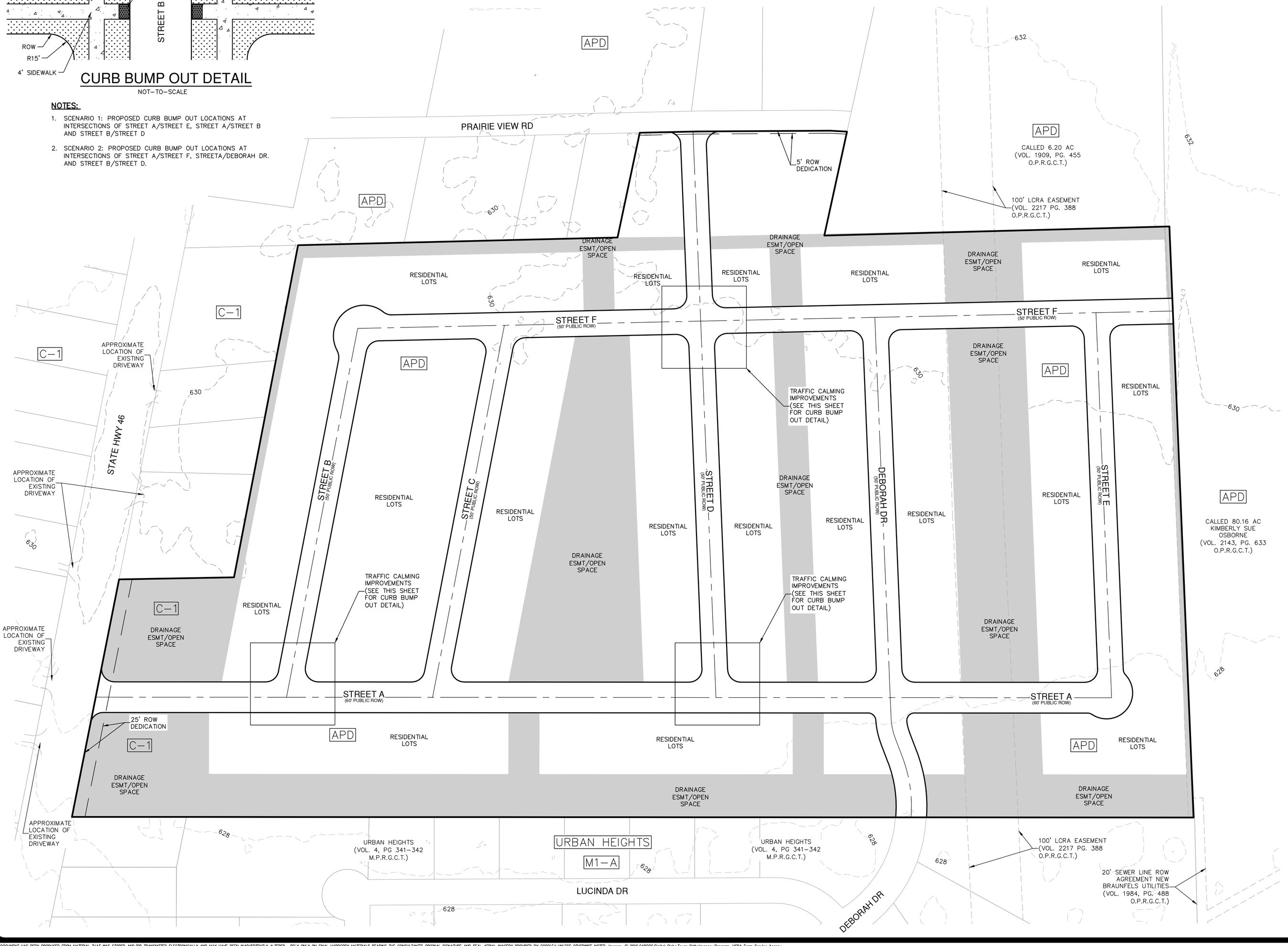
DEVELOPMENT STANDARDS NOTES

MINIMUM LOT AREA = 5,175 SF
MINIMUM LOT WIDTH = 45'
MINIMUM LOT DEPTH = 115'
MINIMUM SETBACKS
FRONT = 20'
SIDE = 5'
CORNER = 10'
BACK = 15'
MAXIMUM BUILDING HEIGHT = 35' (2 STORY)



LOCATION MAP

NOT-TO-SCALE



SCALE: 1"= 100'
0' 100' 200' 300'

NOTES:

1. THIS PROPERTY IS CURRENTLY ZONED AS APD.
2. THIS MASTER PLANNED COMMUNITY WILL BE A MULTI-PHASE DEVELOPMENT.
3. INTERIOR RESIDENTIAL LOTS SHALL HAVE A FRONT BUILDING SETBACK LINE OF 20'. A REAR BUILDING SETBACK LINE OF 15', AND A SIDE BUILDING SETBACK LINE OF 5' PER ZONING WITHIN THIS PLANNED DEVELOPMENT DISTRICT.
4. THERE SHALL BE A FIVE FEET MINIMUM SIDE YARD SETBACK FOR EACH BUILDING, UNLESS THE LOT SIDES PUBLIC STREET ROW ("CORNER LOT") IN WHICH CASE THE MINIMUM SIDE SETBACK WILL BE TEN FEET. IN THE EVENT THAT A CORNER LOTS STREET SIDE YARD COINCIDES WITH THE FRONT OR REAR SETBACK OF AN ADJACENT LOT, THE LOTS MINIMUM STREET SIDE YARD SETBACK WILL BE INCREASED TO MATCH THAT OF THE ADJACENT LOTS TWENTY-FOOT FRONT OR FIFTEEN FOOT REAR SETBACK.
5. ALL STREETS ARE PROPOSED TO BE OF LOCAL/COLLECTOR TYPE FUNCTIONAL CLASSIFICATION.
6. ALL STREETS WILL HAVE CURB AND GUTTER AND WILL PROVIDE STORMWATER CAPACITY PER CITY OF NEW BRAUNFELS DRAINAGE REQUIREMENTS.
7. ALL STANDARD CURB AND GUTTER WILL PROVIDE STORMWATER CAPACITY PER CITY OF NEW BRAUNFELS DRAINAGE REQUIREMENTS.
8. DRAINAGE AND UTILITY EASEMENTS SHALL BE DETERMINED AND DEDICATED AT THE SUBMITTAL OF THE SUBDIVISION PLAT.
9. ALL OPEN SPACES CAN ALSO BE USED FOR DRAINAGE CONVEYANCE.
10. DRAINAGE EASEMENTS, PARKS AND OPEN SPACES SHALL BE MAINTAINED BY THE HOME OWNER'S ASSOCIATION (HOA).
11. THIS PROPERTY LIES IN THE NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT.
12. THIS PROPERTY WILL BE SERVED BY THE FOLLOWING UTILITIES:
    A. NEW BRAUNFELS UTILITIES (NBU) (WATER)
    B. NEW BRAUNFELS UTILITIES (NBU) (SEWER.
    C. NEW BRAUNFELS UTILITIES ELECTRIC (NBU) (ELECTRIC)
    D. AT&T
    E. CHARTER COMMUNICATIONS
13. RESIDENTIAL USE HAS LAND DEDICATION AND PARK DEVELOPMENT FEE REQUIREMENTS PER THE PARK LAND ORDINANCE. THIS DEVELOPMENT IS APPROVED FOR ONE DWELLING UNIT PER LOT. AT SUCH TIME THAT ADDITIONAL DWELLING UNITS ARE CONSTRUCTED, THE OWNER OF THE LOT SHALL CONTACT THE CITY AND COMPLY WITH THE ORDINANCE FOR EACH NEW DWELLING UNIT.
14. SIDEWALKS WILL BE CONSTRUCTED ALONG SH HWY 46, PRAIRIE VIEW, AND WITHIN THIS DEVELOPMENT.
15. THIS PROPERTY DOES NOT LIE OVER THE RECHARGE ZONE OF THE EDWARDS AQUIFER.
16. REFERENCED PROPERTY DOES NOT LIE WITHIN THE FLOOD HAZARD ZONE AS DEFINED BY F.E.M.A. FLOOD INSURANCE RATE MAP, GUADALUPE COUNTY, TEXAS, COMMUNITY PANEL NUMBER 48187C0110F, 48187C0115F & 48187C0120F DATED NOVEMBER 2, 2007.
17. THE ZONING OF THE PROPERTY IS "RIPPEN RANCH PLANNED DEVELOPMENT DISTRICT."

RELATION TO COMPREHENSIVE PLAN NOTE:

THE PROPOSED R-1A-6.6 PD DISTRICT TO ALLOW FOR 45' 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.

CIVIL ENGINEER/DESIGNER
PAPE-DAWSON ENGINEERS, INC
ALLEN HOOVER, P.E.
2000 NW LOOP 410
SAN ANTONIO, TEXAS 78213
(210) 375-9000
AHOOVER@PAPE-DAWSON.COM

OWNER/DEVELOPER
SAN ANTONIO LD, LLC
JOHN MABERRY
4058 NORTH COLLEGE AVE. STE. 300, BOX 9
FAYETTEVILLE, ARKANSAS 72703
(479)455-9090

NO.	REVISION	DATE

"THIS DOCUMENT IS RELEASED FOR REVIEW PURPOSES" UNDER THE AUTHORIZATION OF JON D. ADAME, P.E. #82567.

PAPE-DAWSON ENGINEERS
SAN ANTONIO I AUSTIN I HOUSTON I FORT WORTH I DALLAS
2000 NW LOOP 410 I SAN ANTONIO, TX 78213 I 210.375.9000
TBPE FIRM REGISTRATION #470 I TBPLS FIRM REGISTRATION #10028800

RIPPEN RANCH
PLANNED DEVELOPMENT DISTRICT
NEW BRAUNFELS, TEXAS
CONCEPT PLAN

PLAT NO. -
JOB NO. 11100-95
DATE NOVEMBER 2017
DESIGNER WB
CHECKED AH DRAWN WB
SHEET 1 OF 1

Date: Dec 19, 2017, 1:39pm User ID: PDuvenet
File: P:\11\00\95\Design\Civil\Concept Plans\CP-1110095 (GRID).dwg

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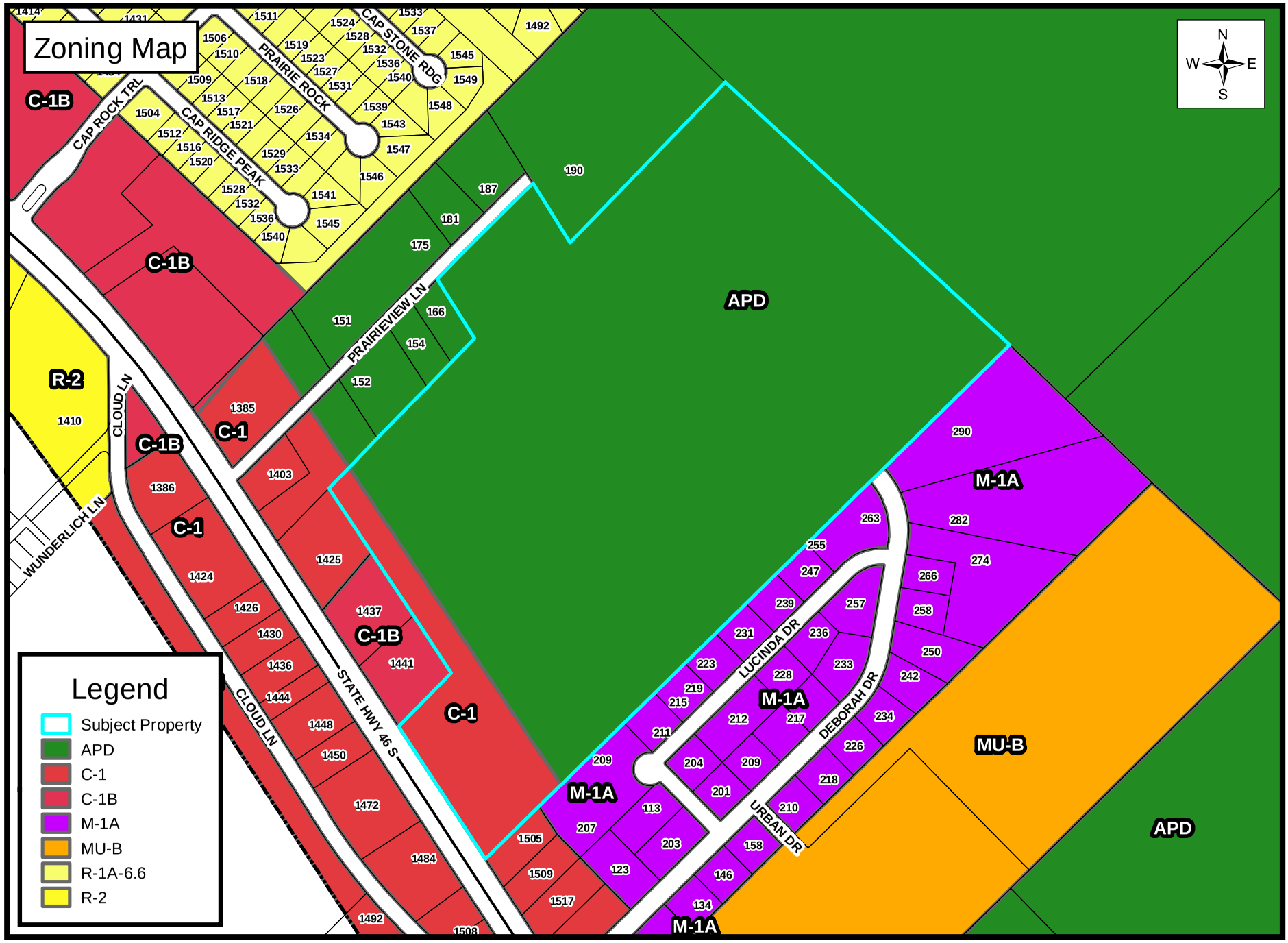
DEVELOPMENT STANDARDS

Utilities:	All New Utilities will be underground.
Amenities:	Open Space, Parks, Trails, Playscape
Perimeter Sidewalk:	Approximately: 470 LF along SH 46, 400 LF along Prairie View Rd. (Total 870 LF)
Internal Sidewalk:	Approximately 15,472 LF.
Connectivity:	There are 2 proposed street connections. The first tying into SH 46 and the second tying into Prairie View Rd. There is one proposed stub out to the adjacent property, along the northern property line of this tract.
Minimum Living Area (per house):	1,100 Sq. Ft.
Minimum Garage Size:	2 Cars
Exterior Masonry Requirements:	All houses will be constructed with front and side elevations, and 100% masonry on the first floor. Masonry products shall include hard-fired brick, stone, decorative concrete block, concrete pre-cast or tilt wall panel, three step hard coat stucco, glass blocks, or tiles.
House Elevations (exterior façade):	Homebuyers will have their choice of multi-dimensional exterior elevations that offer architectural styling, varied roof lines, and attention to detail. The home designs were designed to appeal to the residents in this area and what they expect in a new home. This neighborhood will feel like a community.
Elevation Conflict:	Each home must have a different elevation from the home on either side of it and directly across the street.
Minimum Landscaping Requirements:	Planting of two – 1.5” Caliper Trees, 100% coverage with sod, mulch or crushed granite, plant and shrub package installation all front yards, and optional upgraded xeriscape landscape package will be offered.
Land Use:	Single-Family Residential
Base Zoning:	R-1A-6.6
Maximum Total Number of Acres:	52.05 acres
Open Space/Drainage Acreage:	Approximately 13.04 acres
Park Acreage:	Approximately 0.68 acres
Residential Acreage:	Approximately 28.99 acres
R.O.W. Dedication Acreage:	Approximately 0.32 acres
Maximum Total Lots per Acre	4.21
Maximum Number of Total Lots:	219
Minimum Lot Width at Front Setback Line:	≥45 Feet = 190 Lots, ≥50 Feet = 29 Lots
Minimum Lot Depth:	115 Feet

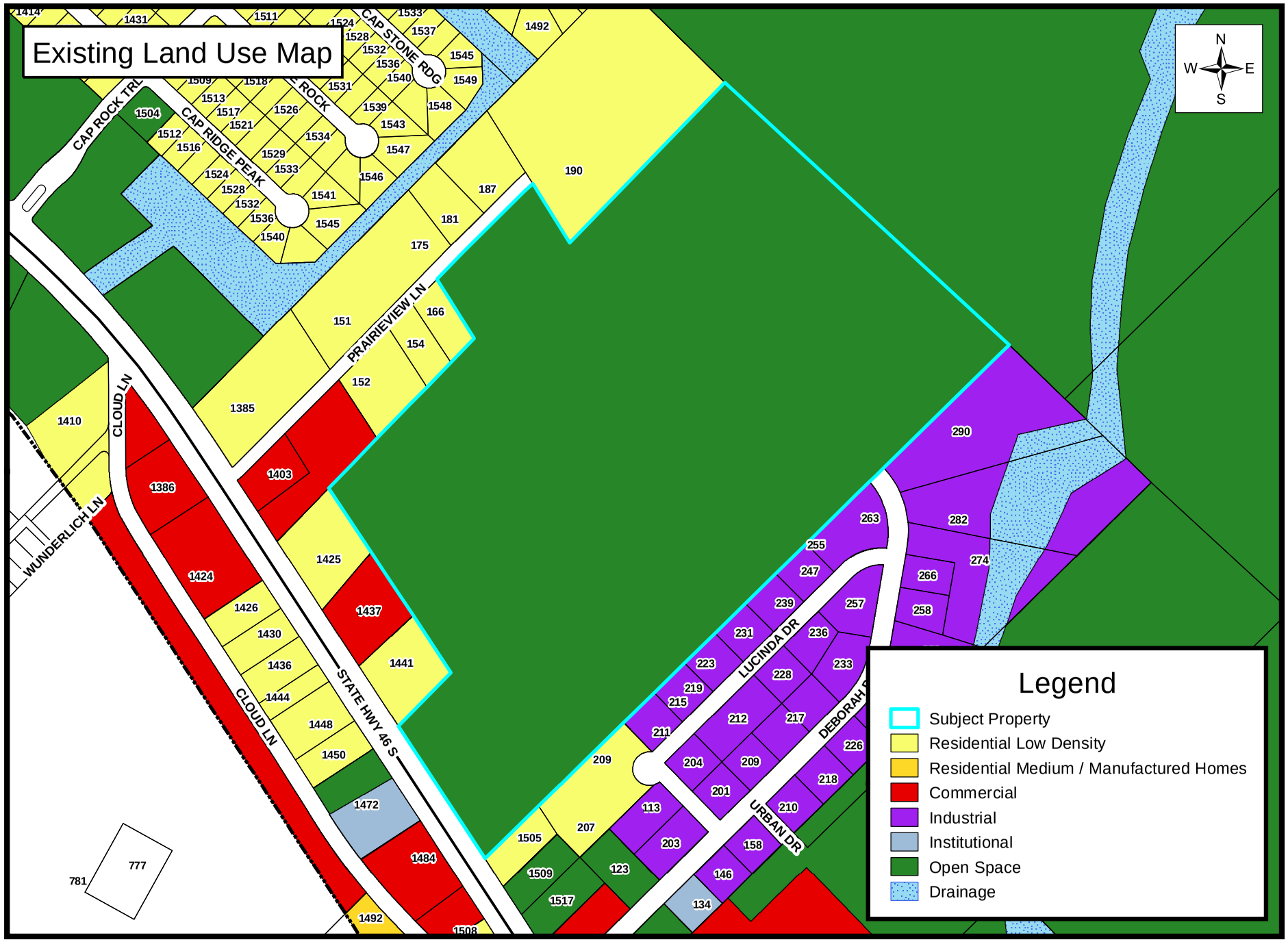
Minimum Lot Area:	5,175 Sq. Ft. interior. 5,750 Sq. Ft corner
Front Setback Minimum:	20 Feet
Rear Setback Minimum:	15 Feet
Side Setback Minimum:	Internal Lots – 5 Feet Corner Lots – The minimum side setback adjacent to the street for corner lots where the rear lines of the corner lot coincide with the rear lot of the adjacent lot is 10 feet. The minimum side setback adjacent to the street for corner lots where the rear line of the corner lot coincides with the side lot of the adjacent lot is 20 feet. Otherwise, the internal side setback for the corner lots is 5 feet. Garage Setbacks – Where a driveway is located in front of the garage, the garage shall have a setback 20 feet from the right-of-way or the driveway shall be at least 20 feet long.
Maximum Building Height:	35 Feet (2-Story)



City of New Braunfels

PZ-17-052
Rippen Ranch
Concept Plan

Map Created 12/27/17



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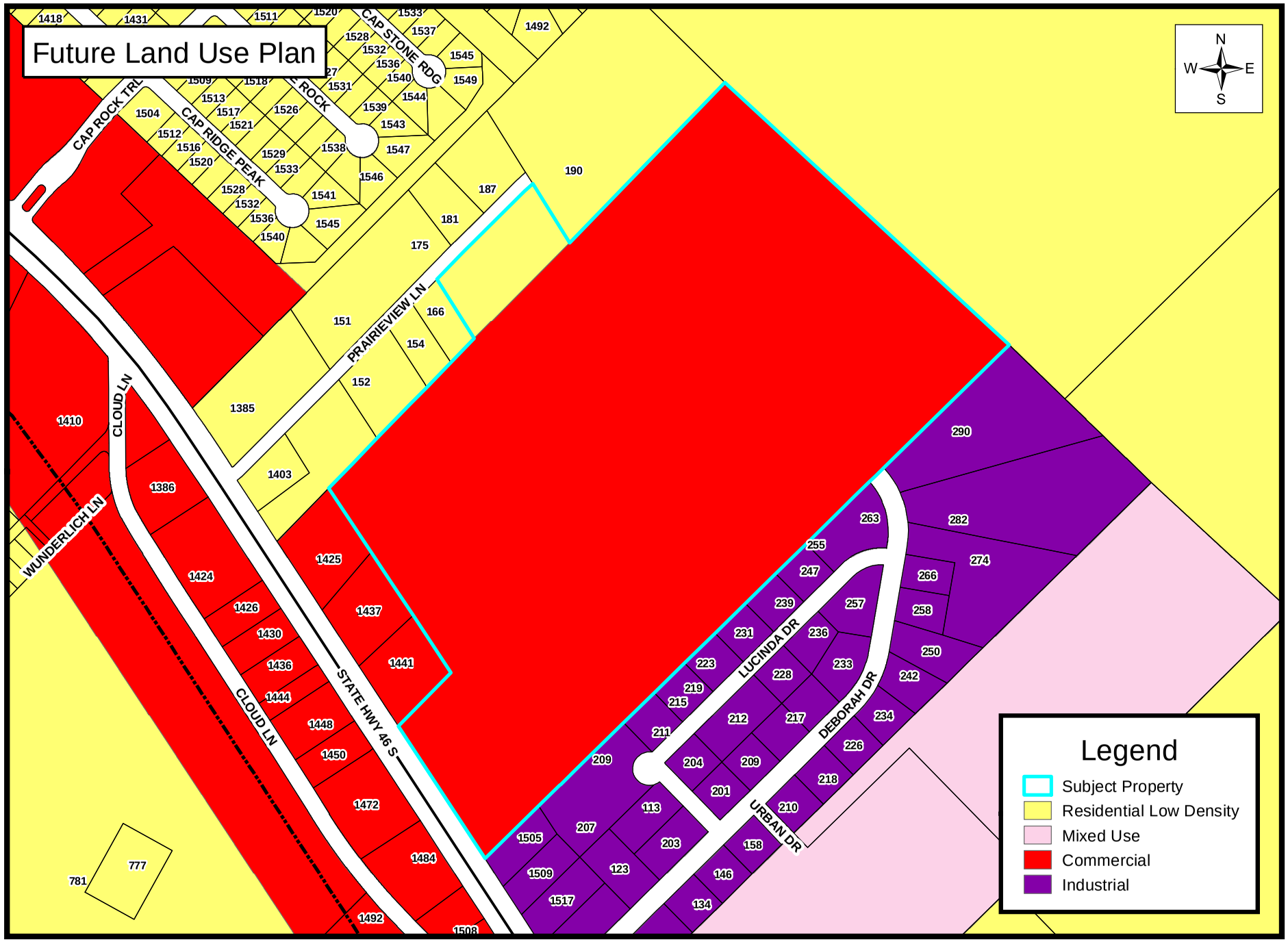


City of New Braunfels

PZ-17-052
Rippen Ranch
Concept Plan

Map Created 12/27/17

PLANNING COMMISSION – January 9, 2018 – 6:00PM

New Braunfels City Hall Council Chambers

Applicant/Owner: Pape-Dawson Engineers, Inc., agent for Willard Rippen

Address/Location: Approximately 52 acres out of the A.M. Esnaurizar Survey, Abstract 20, located on the north side of State Highway 46 South and approximately 1,100 feet southeast of the intersection of State Highway 46 and Prairie View Lane

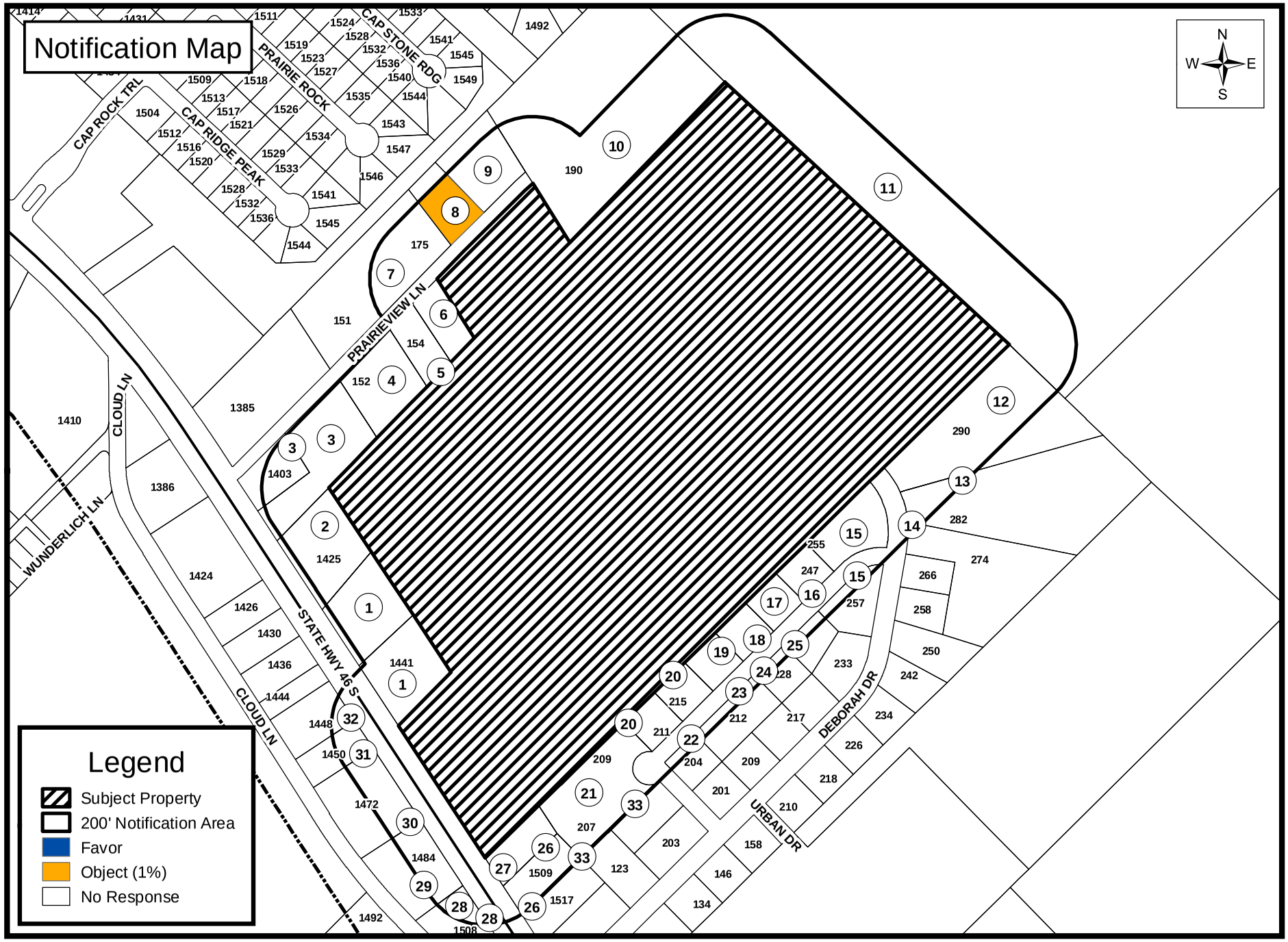
PROPOSED ZONE CHANGE – CASE #PZ-17-052

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 Property".

1 Rp Trout Holdings Llc
2 Forster Hazel Elizabeth
3 Schultz Fred A & Kampliw
4 Scott Robert E & Mary Ann Revocable Living Trust
5 Soto Andres & Martha & Julio Soto
6 Ott Bryan & Dallas
7 Pietsch Arlen W & J E
8 Mitchan Carolyn Lynd
9 Scott Dianna Lynn
10 Krueger Ronald Dale Etal
11 Osborne Kimberly- Guardian
12 Gonzales Benjamin Dba Diamond Gunite
13 Gonzalez Benjamin
14 Stuman Rhett & Penni
15 Brandale Properties Lp
16 Schindler Patrick
17 Milner Partners Ltd
18 Bostow Metal Works Llc
19 Lucindanb Llc
20 Krueger Duane
21 R & R Investments
22 Pieces Of Texas Llc
23 Elliott Partners Ltd
24 Mcguinness Catherine Ira
25 Schindler Cary
26 Richardson Kerry
27 Proma Llc
28 Moos John D & Cynthia S
29 Elkhorn Properties Llc
30 Harmony Baptist Church
31 Preiss Darline Ann
32 Varni Christopher & Angela
33 Hunter Creek Enterprises Lp

SEE MAP

ATTACHMENT 5



City of New Braunfels

PZ-17-052
Rippen Ranch
Concept Plan

Map Created 12/8/17

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-17-052 (RRPD) ms

Name: Ms. Carolyn Lynd-Mitchan
181 Prairie View Rd.
New Braunfels, TX 78130-2960

Address:

Property number on map: 8

RECEIVED
JAN 04 2018
BY:

I favor: _____

I object: TAXES will go up
(State reason for objection)

Comments: (Use additional sheets if necessary)

DON'T WANT ANY MORE TRAFFRIC ON ONWER Rd. HAVE ENOUGH HOUSES BHINDUS + FIRE CRAKER 3HRS AFTER 12AM 9-02001. Rd WILL NOT Hold ~~ANY~~ ANYMORE TRAFFIC.

Signature: Carolyn Lynd-Mitchan

Subject property from the northern terminus of Prairie View Lane

City of New Braunfels

3.3-7. *"C-1" local business district*. The following regulations shall apply in all "C-1" 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) U*ses permitted by right*:

Residential uses:
- Accessory building/structure
- Accessory dwelling (one accessory dwelling per lot, no kitchen)
- Assisted living facility/retirement home
- Boardinghouse/lodging house
- Community home (see definition)
- Duplex / two-family / duplex condominiums
- Family home adult care
- Family home child care
- Home Occupation (see Sec. 5.5)
- Multifamily (apartments/condominiums)
- One family dwelling, detached
- Rental or occupancy for less than one month (see Sec. 5.17)
- Residential use in buildings with the following non-residential uses
- Single or two family industrialized home (see Sec. 5.8)

Non-residential uses:
- Accounting, auditing, bookkeeping, and tax preparations
- Adult day care (no overnight stay)
- Adult day care with overnight stay
- Ambulance service (private)
- Animal grooming shop
- Answering and message services
- Antique shop
- Appliance repair
- Armed services recruiting center
- Art dealer / gallery
- Artist or artisan's studio
- Automobile driving school (including defensive driving)
- Bakery (retail)
- Bank, savings and loan, or credit union
- Bar/Tavern (No outdoor music)
- Barber/beauty college (barber or cosmetology school or college)
- Barber/beauty shop, haircutting (non-college)
- Barns and farm equipment storage (related to agricultural uses)
- Battery charging station
- Bicycle sales and/or repair
- Book binding
- Book store
- Cafeteria / café / delicatessen
- Campers' supplies
- 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 (medical)
Clinic (emergency care)
Club (private)
Coffee shop
Communication equipment (installation and/or repair)
Community building (associated with residential uses)
Computer and electronic sales
Computer repair
Consignment shop
Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)
Convenience store with or without fuel sales
Country club (private)
Credit agency
Curio shops
Custom work shops
Day camp
Department store
Drapery shop / blind shop
Drug sales/pharmacy
Electrical repair shop
Electrical substation
Exterminator service
Farmers market (produce market - wholesale)
Farms, general (crops) (see Chapter 6, Municipal Code and Sec. 5.9)
Farms, general (livestock/ranch) (see Chapter 6, Municipal Code and Sec. 5.9)
Filling station (fuel tanks must be below the ground)
Florist
Food or grocery store with or without fuel sales
Fraternal organization/civic club (private club)
Frozen food storage for individual or family use
Funeral home/mortuary
Furniture sales (indoor)
Garden shops and greenhouses
Golf course (miniature)
Golf course, public or private
Governmental building or use with no outside storage
Greenhouse (commercial)
Handicraft shop
Hardware store
Health club (physical fitness; indoors only)
Hospice
Hospital, general (acute care/chronic care)
Hospital, rehabilitation
Hotel/motel
Hotels/motels - extended stay (residence hotels)
Ice delivery stations (for storage and sale of ice at retail only)
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
Medical supplies and equipment
Mini-warehouse/self storage units (no boat / RV storage permitted; no outside storage)
Motion picture studio, commercial film
Motion picture theater (indoors)
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 (public or private)
Parking lots (for passenger car only) (not as incidental to the main use)
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 (growing for commercial purposes with retail sales on site)
Plant nursery (retail sales / outdoor storage)
Plumbing shop
Public recreation/services building for public park/playground areas
Radio/television shop, electronics, computer repair
Recreation buildings (public)
Refreshment/beverage stand
Restaurant/prepared food sales
Restaurant with drive through service
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
Shoe repair shops
Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)
Studio for radio or television (without tower)
Tailor shop (see home occupation)
Telecommunications towers/antennas (see Sec. 5.7)
Telemarketing agency
Telephone exchange buildings (office only)
Theater (non-motion picture; live drama)
Tool rental

Travel agency
University or college (public or private)
Upholstery shop (non-auto)
Vacuum cleaner sales and repair
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) Non-residential uses.

(i) *Height.* 35 feet.

(ii) *Front building setback.* 25 feet.

(iii) *Side building setback.* No side building setback is required except that where a side line of a lot in this district abuts upon the side line of a lot in a "R" or "B-1" zone, a side building setback of not less than six feet shall be provided.

(iv) *Rear building setback.* 20 feet.

(v) *Residential setback*. Effective November 8, 2006, where a non-residential building abuts a one or two family use or zoning district, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.

(vi) *Width of lot.* The minimum width of a lot shall be 40 feet, provided that where a lot has less width than required and such lot was in separate ownership prior to February 4, 1984, this requirement will not prohibit the construction of a use enumerated in this district.

(vii) *Corner lots.* A minimum 25-foot front yard and side building setback adjacent to streets shall be required on all corner lots. A canopy at least six feet in height, attached to the main building, may be built within 15 feet of the street line so long as such construction is not supported by columns which will obstruct the vision of vehicles driving upon adjacent streets.

(viii) *Parking.* See Section 5.1. for permitted uses parking.

(2) One family dwellings.

(i) *Height.* 35 feet.

(ii) *Front building setback.* 25 feet.

(iii) *Rear building setback*. 20 feet.

(iv) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.

(v) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)

(vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet, provided that where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.

(vii) *Lot area.* 6,600 square feet per family for interior lots, and 7,000 square feet per family for corner lots. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall not prohibit the erection of a one-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one half acre and one acre on the Edwards Aquifer Recharge Zone.

(viii) *Lot depth.* 100 feet.

(ix) *Parking.* Two off-street parking spaces shall be provided for each one family detached dwelling. See Section 5.1 for other permitted uses' parking.

(3) Duplexes.

(i) *Height.* 35 feet.

(ii) *Front building setback.* 25 feet.

(iii) *Rear building setback*. 20 feet.

(iv) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks

adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.

(v) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)

(vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet.

(vii) *Lot area.* Duplexes hereafter erected or altered shall have a lot area of not less than 8,000 square feet for an interior lot and 8,500 square feet for a corner lot. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall prohibit the erection of a two-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one acre and approved by the City Sanitarian.

(viii) *Lot depth.* 100 feet.

(ix) *Parking.* Two off-street parking spaces shall be provided for each two-family dwelling unit. See Section 5.1 for other permitted uses' parking.

(4) Multifamily dwellings.

(i) *Height.* 35 feet; 50 feet when a pitched roof is used (minimum 4:12 slope).

(ii) *Front building setback.* 25 feet.

(iii) *Rear building setback*. 25 feet.

(iv) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.

(v) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)

(vi) *Residential setback*. Effective November 8, 2006, where a multifamily dwelling abuts a one or two family use or zoning district, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.

(vii) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet, provided that where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.

(viii) *Lot area*. The minimum lot area for a multifamily dwelling shall be 15,000 square feet; for each unit over ten an additional 1,500 square feet of lot area shall be required. Where public or community sewer is not available and in use, for the disposal of all sanitary sewage, multifamily developments shall be approved by the City Sanitarian.

(ix) *Lot coverage.* For multifamily structures, the combined area of all yards shall be at least 55 percent of the total lot or tract; provided, however, that in the event enclosed parking is provided the minimum total yard area requirement shall be 40 percent of the total lot or tract.

(x) *Distance between structures.* For multifamily structures, there shall be a minimum of ten feet between structures side by side; a minimum of 20 feet between structures side by front or rear; a minimum of 40 feet between structures front to front; and a minimum of ten feet between structures backing rear to rear, and a minimum of 20 feet front to rear. (See Illustration 1)

(xi) *Lot depth.* 100 feet.

(xii) *Parking.* For apartments, apartment hotel units and other multifamily dwellings, off-street parking spaces shall be provided in accord with the following schedule:

1. One-bedroom apartment or unit . . . 1 1/2 spaces

2. Two-bedroom apartment or unit . . . 2 spaces

3. Each Additional bedroom . . . 1/2 space

4. Each dwelling unit provided exclusively for low income elderly occupancy . . . 3/4 space ("Low income elderly" is defined as any person 55 years of age or older with low or moderate income, according to HUD standards.)

See Section 5.1 for other permitted uses' parking.

3.4. *Zoning Districts and Regulations for Property Zoned Subsequent to June 22, 1987*.

3.4-1. *"APD" agricultural/pre-development district.*

Purpose. This district is designed for newly annexed areas, agricultural uses, and for areas where development is premature because of a lack of utilities, capacity, or service, or where the ultimate use has not been determined. The following regulations shall apply in all "APD" districts:

(a) *Authorized uses*. Uses permitted by right shall be those set forth in the Land Use Matrix in Section 4 of this Chapter. The allowed uses in the district, which are intended to be identical with those listed in the Land Use Matrix, are as follows

(1) *Uses permitted by right*:

Residential uses:
- Accessory building/structure
- Accessory dwelling (one accessory dwelling per lot, no kitchen)
- Community home (see definition)
- Family home adult care
- Family home child care
- Home Occupation (See Sec. 5.5)
- One family, dwelling, detached
- Single family industrialized home (see Sec. 5.8)

Non-residential uses:
- Barns and farm equipment storage (related to agricultural uses)
- Cemetery and/or mausoleum
- Church/place of religious assembly
- Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)
- Country club (private)
- Farmers market (produce market - wholesale)
- Farms, general (crops) (see Chapter 6, Municipal Code) (Sec. 5.9 is not applicable)
- Farms, general (livestock/ranch) (see Chapter 6, Municipal Code) (Sec. 5.9 is not applicable)
- Flour mills, feed mills, and grain processing
- Golf course, public or private
- Governmental building or use with no outside storage Grain elevator
- Hay, grain, and/or feed sales (wholesale)
- Livestock sales/auction
- Park and/or playground (public)
- Plant nursery (growing for commercial purposes but no retail sales on site)
- Recreation buildings (public)
- Rodeo grounds
- School, K-12 (public or private)
- Stables (as a business) (see Chapter 6, Municipal Code)
- Stables (private, accessory use) (see Chapter 6, Municipal Code)
- Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system

Any comparable use not included in or excluded from any other district described herein.

(2) *Conflict.* In the event of conflict between the uses listed in the Land Use Matrix and those listed in Subsection (1), the uses listed in this subsection shall be deemed those authorized in the district.

(b) *Maximum height, minimum area and setback requirements:*

(1) *Height.* 35 feet.

(2) *Front yards.* 25 feet.

(3) *Side building setbacks.* There shall be a side building setback on each side of a building not less than ten feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots.

(4) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)

(5) *Rear building setbacks.* 30 feet.

(6) *Width of lot.* 100 feet.

(7) *Lot area per family.* Every single-family dwelling hereafter erected or altered shall provide a lot area of not less than 15,000 square feet per dwelling, provided that where a lot has less area than herein required and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling. Where public or community sewer is not available and in use, for the disposal of all sanitary sewage, each lot shall provide not less than one half acre and one acre on the Edwards Aquifer Recharge Zone.

(8) *Lot depth*. 100 feet.

(9) *Parking.* See Section 5.1 for other permitted uses' parking.

3.4-2. *"R-1A-6.6" single-family district.*

Purpose. The R-1A-6.6 single-family district is intended for development of primarily detached, single-family residences and customary accessory uses on lots of at least 6,600 square feet in size. The following regulations shall apply in all "R-1A-6.6" districts:

"R-1A" district. The district called "R-1A" shall be renamed and shown on the zoning map as "R-1A-6.6".

(a) *Authorized uses*. Uses permitted by right shall be those set forth in the Land Use Matrix in Section 4 of this Chapter. The allowed uses in the district, which are intended to be identical with those listed in the Land Use Matrix, are as follows

(1) *Uses permitted by right*:

Residential uses:

Accessory building/structure
Accessory dwelling (one accessory dwelling per lot, no kitchen)
Community home (see definition)
Family home adult care
Family home child care
Home Occupation (See Sec. 5.5)
One family dwelling, detached
Single family industrialized home (see Sec. 5.8)

Non-residential uses:

Barns and farm equipment storage (related to agricultural uses)
Church/place of religious assembly
Community building (associated with residential uses)
Contractor's temporary on-site construction office (with permit from Building Official; Sec 5.10)
Farms, general (crops) (see Chapter 6, Municipal Code and Sec. 5.9)
Farms, general (livestock/ranch) (see Chapter 6, Municipal Code and Sec. 5.9)
Golf course, public or private
Governmental building or use with no outside storage
Park and/or playground (public)
Public recreation/services building for public park/playground areas
Recreation buildings (public)
School, K-12 (public or private)
Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system

(2) *Conflict.* In the event of conflict between the uses listed in the Land Use Matrix and those listed in Subsection (1), the uses listed in this subsection shall be deemed those authorized in the district.

(b) *Height and area requirements:*

(1) Residential uses.

(i) *Height.* 35 feet.

(ii) *Front building setback.* 25 feet.

(iii) *Side building setbacks.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots.

(iv) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)

(v) *Rear building setback.* 20 feet.

(vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet.

(vii) *Lot area per family.* Every single-family dwelling hereafter erected or altered shall provide a lot area of not less than 6,600 square feet per dwelling for interior lots, and 7,000 square feet per dwelling for corner lots, provided that where a lot has less area than herein required and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling. Where public or community sewer is not available and in use, for the disposal of all sanitary sewage, each lot shall provide not less than one half acre per dwelling unit not located over the recharge zone and one acre per dwelling unit located over the recharge zone.

(viii) *Lot depth*. 100 feet.

(ix) *Parking*. Two off-street parking spaces shall be provided for each one-family detached dwelling. See Section 5.1 for other permitted uses' parking.

(2) Non-residential uses.

(i) *Height.* 35 feet.

(ii) *Front building setback.* 25 feet.

(iii) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Where any building abuts a property with a one or two family use, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.

(iv) *Corner lots.* Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots. Where a minimum 25-foot setback is required, a canopy at least eight feet in height, attached to the main building, may be built within 15 feet of the property line so long as such construction will not obstruct the vision of vehicular or pedestrian traffic.

(v) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)

(vi) *Rear building setback.* 20 feet.

(vii) *Width of lot.* 60 feet.

(viii) *Lot depth*. 100 feet.

(ix) *Parking.* See Section 5.1 for permitted uses' parking.

3.5. *Planned Development Districts*.

3.5-1. *Purpose:* The planned development district is a free-standing district designed to provide for the development of land as an integral unit for single or mixed uses in accordance with a plan that may vary from the established regulations of other zoning districts. It is the intent in such a district to insure compliance with good zoning practices while allowing certain desirable departures from the strict provisions of specific zoning classifications.

3.5-2. *Application:* An application for a planned development district shall be processed in accordance with this Chapter. A pre-planning conference is required between the applicant and the Planning Director prior to the actual filing of the application.

3.5-3. *Base District.* A base zoning district shall be specified. The regulations in the base zoning district shall control unless specifically stated otherwise in the PD.

3.5-4. *District plans and requirements:* There are two types of plans that may be used in the planned development process. The general purpose and use of each plan is described as follows:

(a) *Concept plan.* This plan is intended to be used as the first step in the planned development process. It establishes the most general guidelines for the district by identifying the land use types, development standards, approximate road locations and project boundaries and illustrates the integration of these elements into a master plan for the whole district.

(b) *Detail plan.* The detail plan is the final step of the planned development process. It contains the details of development for the property. For smaller tracts or where final development plans are otherwise known, the detail plan may be used to establish the district and be the only required step in the planned development process.

3.5-5. *Concept plan requirements:* Said concept plan shall include the following:

(a) *Relation to the comprehensive plan.* A general statement setting forth how the proposed district will relate to the city's comprehensive plan and the degree to which it is or is not consistent with that plan and the proposed base zoning district.

(b) *Acreage.* The total acreage within the proposed district.

(c) *Survey.* An accurate survey of the boundaries of the district.

(d) *Land uses.* Proposed general land uses and the acreage for each use, including open space. For residential development, the total number of units and the number of units per acre.

(e) *General thoroughfare layout.* Proposed streets, as a minimum to arterial street level. (Showing collector and local streets is optional.)

(f) *Development standards.* Development standards, if different from the base zoning district, for each proposed land use, as follows:
(1) Minimum lot area.
(2) Minimum lot width and depth.
(3) Minimum front, side, and rear building setback areas.
(4) Maximum height of buildings.
(5) Maximum building coverage.
(6) Maximum floor to area ratios for nonresidential uses.
(7) Minimum parking standards for each general land use.
(8) Other standards as deemed appropriate.

(g) *Existing conditions.* On a scaled map sufficient to determine detail, the following shall be shown for the area within the proposed district.
(1) Topographic contours of ten feet or less.

(2) Existing streets.
(3) Existing 100-year floodplain, floodway and major drainage ways.
(4) City limits and E.T.J. boundaries.
(5) Zoning districts within and adjacent to the proposed district.
(6) Land use.
(7) Utilities, including water, wastewater and electric lines.

3.5-6. *Detail plan requirements:* The application for a planned development district shall include a detail plan consistent with the concept plan. Said detail plan shall include the following:

(a) *Acreage.* The acreage in the plan as shown by a survey, certified by a registered surveyor.

(b) *Land uses.* Permitted uses, specified in detail, and the acreage for each use.

(c) *Off-site information.* Adjacent or surrounding land uses, zoning, streets, drainage facilities and other existing or proposed off-site improvements, as specified by the department, sufficient to demonstrate the relationship and compatibility of the district to the surrounding properties, uses, and facilities.

(d) *Traffic and transportation.* The location and size of all streets, alleys, parking lots and parking spaces, loading areas or other areas to be used for vehicular traffic; the proposed access and connection to existing or proposed streets adjacent to the district; and the traffic generated by the proposed uses.

(e) *Buildings.* The locations, maximum height, maximum floor area and minimum setbacks for all nonresidential buildings.

(f) *Residential development.* The numbers, location, and dimensions of the lots, the minimum setbacks, the number of dwelling units, and number of units per acre (density).

(g) *Water and drainage.* The location of all creeks, ponds, lakes, floodplains or other water retention or major drainage facilities and improvements.

(h) *Utilities.* The location and route of all major sewer, water, or electrical lines and facilities necessary to serve the district.

(i) *Open space.* The approximate location and size of greenbelt, open, common, or recreation areas, the proposed use of such areas, and whether they are to be for public or private use.

(j) *Sidewalks and bike paths.* Sidewalks or other improved ways for pedestrian or bicycle use.

(k) If multifamily or non-residential development, a landscape plan.

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

3.5-7. *Phasing schedule:* PD districts larger than 350 acres shall provide a phasing schedule depicting the different construction phases.

3.5-8. *Approval of district:* The City Council may, after receiving a recommendation from the Planning Commission, approve by Ordinance the creation of a district based upon a concept plan or a detail plan. The approved plan shall be made part of the ordinance establishing the district. Upon approval said change shall be indicated on the zoning maps of the city.

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

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

3.5-9. *Planning Commission approval of detail plan:* The Planning Commission is authorized to approve a detail plan or the amendment of a detail plan for property for which a concept plan has been approved by the City Council. If the City Council initially approved a detail plan in establishing the district, the detail plan may only be amended by the City Council. The approved detail plan shall be permanently filed in the Planning Department. The Planning Commission shall approve the detail plan if it finds that:

(a) *Compliance.* The plan complies with the concept plan approved for that property and the standards and conditions of the PD district;

(b) *Compatibility.* The plan provides for a compatible arrangement of buildings and land uses and would not adversely affect adjoining neighborhood or properties outside the plan; and

(c) *Circulation of vehicular traffic.* The plan provides for the adequate and safe circulation of vehicular traffic.

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

3.5-10. *Expiration of detail plan:* A detail plan shall be valid for five years from the date of its approval. If a building permit has not been issued or construction begun on the detail plan within the five years, the detail plan shall automatically expire and no longer be valid. The Planning Commission may, prior to expiration of the detail plan, for good cause shown, extend for up to 24 months the time for which the detail plan is valid.

3.5-11. *Appeals from Planning Commission action:* If the Planning Commission disapproves a detail plan over which it has final approval authority, or imposes conditions, or refuses to grant an extension of time for which a detail plan is valid, the applicant may appeal the decision to the City Council by filing a written request with the Planning Director within ten days of the decision.

3.5-12. *Changes in detail plan:* Changes in the detail plan shall be considered the same as changes in the zoning ordinance and shall be processed as required in Section 2.3. Those changes which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, floor area ratio, height, or coverage of the site, or which do not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site, as indicated on the approved detail plan, may be authorized by the Planning Director. Any applicant may appeal the decision of the Planning Director to the Planning Commission for review and decision as to whether an amendment to the Planned Development District ordinance shall be required.

3.5-13. *Minimum development size:* The total initial development of any Planned Development District shall not be less than two acres for nonresidential developments and five acres for residential developments.

3.5-14. *Deviation from code standards:* The City Council may approve a PD concept plan with deviations from any provision in the Code of Ordinances. Such deviations shall be listed or shown as part of the Ordinance that approves the concept plan.

Draft Minutes for the January 9, 2018 Planning Commission Regular Meeting

PZ-17-052: Public hearing and recommendation to City Council regarding the proposed rezoning of approximately 52.05 acres out of the A.M. Esnaurizar Survey, Abstract 20, located on the north side is State Highway 46 South, approximately 1,100 feet southeast of the intersection of State Highway 46 and Prairie View Lane, from "APD" Agricultural/Pre-Development District and "C-1" Local Business District to Rippen Ranch Planned Development District (RRPD).
(Applicant: Pape; Case Manager: M. Simmont)

Mr. Simmont presented the Staff report and recommended approval with the following requirement:

1. Remove note #9 from the Concept Plan or delineate the location of all areas restricted for drainage on the property.

Staff also stated the following recommendations that the Rippen Ranch PD include requirements to:

1. Construct and maintain a residential buffer as outlined in Section 5.3 of the Zoning Ordinance adjacent to the surrounding commercial and industrial properties.
2. Construct an eight (8) foot tall masonry wall and the provision of shade trees be required.
3. Construct an eight (8) foot tall masonry wall and shade trees be provided along the portion of the project that fronts SH 46, between the roadway and the proposed residential lots.

Staff also recommended approval of a Future Land Use Plan amendment of the proposed Rippen Ranch PD adjacent to SH 46 from "Commercial" to "Residential Low Density", which would occur with the second reading of the ordinance.

Discussion followed regarding a connection to Prairie View Lane.

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

Allen Hoover, a representative with Pape-Dawson Engineering, explained the challenges of the elevation of the subject property in relation to drainage. He expressed his belief that the Staff recommendations for walls would complicate the drainage on the site. He requested the walls not be required, and explained that the drainage lots would act as buffers between the residential, industrial and commercial lots.

Mr. Simmont clarified the Staff recommendation can be amended at City Council to recommend an alternative to the layout of the buffer walls on the subject property.

Commissioner Bearden inquired to the length of the drainage lots on the subject property.

Discussion followed regarding the drainage lots, and the frontage on State Highway 46 South.

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

No one spoke.

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

Commission Hoyt inquired about the provisions regarding runoff and retaining walls.

Discussion followed, with Mr. Ford providing clarification regarding drainage control and relation to walls.

Discussion followed regarding the drainage lots acting as buffers from State Highway 46 South and the adjacent commercial and industrial lots.

Vice Chair Edwards stated that a masonry wall objection application is an option available for the developers and residential homeowners.

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Discussion followed.

Commissioner Bowers inquired if Staff would recommend buffer trees within the drainage easements, in lieu of the wall.

Mr. Ford clarified that trees should not be placed in drainage easements due to subsequent obstruction and maintenance issues.

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to recommend approval to City Council regarding the proposed rezoning of approximately 52.05 acres out of the A.M. Esnaurizar Survey, Abstract 20, located on the north side is State Highway 46 South, approximately 1,100 feet southeast of the intersection of State Highway 46 and Prairie View Lane, from “APD” Agricultural/Pre-Development District and “C-1” Local Business District to Rippen Ranch Planned Development District (RRPD), with Staff recommendations. Motion carried, with Commissioners Bearden and Tubb in opposition (6-2-0).

DRAFT

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 52.05 ACRES OUT OF THE A.M. ESNAURIZAR SURVEY, ABSTRACT 20, GUADALUPE COUNTY, TEXAS, LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 46 SOUTH AND APPROXIMATELY 1,100 FEET SOUTHEAST OF THE INTERSECTION OF STATE HIGHWAY 46 SOUTH AND PRARIE VIEW LANE FROM "APD" AGRICULTURAL / PRE-DEVELOPMENT DISTRICT AND "C-1" LOCAL BUSINESS DISTRICT TO RIPPEN RANCH PLANNED DEVELOPMENT DISTRICT (RRPD); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

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

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

WHEREAS, the planned development is in compliance with the Future Land Use Plan; and

WHEREAS, the City Council desires to amend the Zoning Map by changing the zoning of approximately 52.05 acres out of the A.M. Esnaurizar Survey, Abstract 20, Guadalupe County, Texas, located on the north side of State Highway 46 South and approximately 1,100 feet southeast of the intersection of State Highway 46 South and Prairie View Lane from "APD" Agricultural / Pre-Development District and "C-1" Local Business District to Rippen Ranch Planned Development District (RRPD); **now, therefore;**

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

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144, of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by changing the following described tract of land from "APD" Agricultural/Pre-Development District and "C-1" Local Business District to Rippen Ranch Planned Development District (RRPD):

> "Approximately 52.05 acres out of the A.M. Esnaurizar Survey, Abstract 20, Guadalupe County, Texas, located on the north side of State Highway 46 South and approximately 1,100 feet southeast of the intersection of State Highway 46 South and Prairie View Lane, as delineated on Exhibit 'A' attached."

SECTION 2

THAT Exhibit 'B' be adopted as the Rippen Ranch Planned Development Concept Plan.

SECTION 3

THAT Exhibit 'C' be adopted as the Rippen Ranch Planned Development – Development Standards.

SECTION 4

THAT approval of the "Rippen Ranch" Planned Development District is subject to the following conditions:

1. The developer is required to construct and maintain a residential buffer, to include an eight (8) foot tall masonry wall and the provision of shade trees, as outlined in Section 5.3 of the Zoning Ordinance adjacent to the surrounding commercial and industrial properties (zoning and/or use).
2. The developer is required to construct and maintain a residential buffer, to include an eight (8) foot tall masonry wall and the provision of shade trees, as outlined in Section 5.3 of the Zoning Ordinance along State Highway 46, between the roadway and the residential lots.

SECTION 5

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 6

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

SECTION 7

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 8

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

PASSED AND APPROVED: First Reading this the 12th day of February, 2018.

PASSED AND APPROVED: Second and Final Reading this the 26th day of February, 2018.

CITY OF NEW BRAUNFELS

_____

BARRON CASTEEL, Mayor

ATTEST:

_____

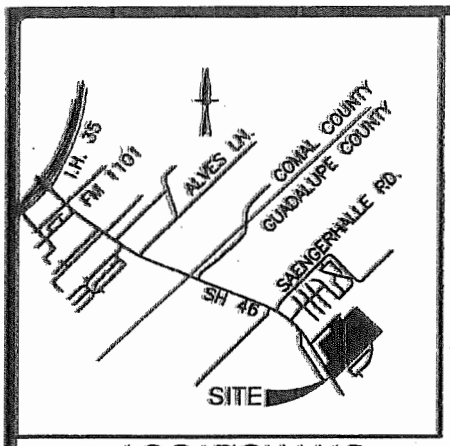
PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

_____

VALERIA M. ACEVEDO, City Attorney

\\chfs-1\Departments\Planning\Ordinances\Zone Changes\2017\PZ-17-052 Rippen Ranch PD.docx



LOCATION MAP

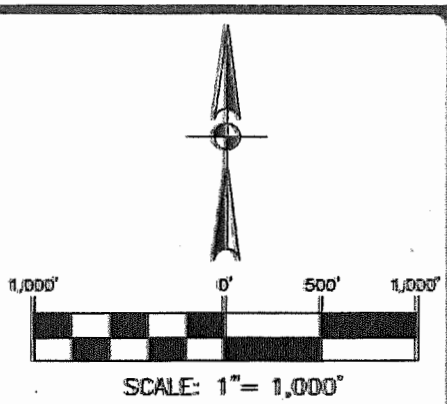
NOT-TO-SCALE

NOTES:

1. THE PROFESSIONAL SERVICES PROVIDED HEREWITH INCLUDE THE PREPARATION OF A FIELDNOTE DESCRIPTION.
2. THE BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE FROM THE NORTH AMERICAN DATUM OF 1983 NAD 83 ((NA2011) EPOCH 2010.00.
3. THIS DOCUMENT WAS PREPARED UNDER 22TAC663.21, 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.

LEGEND:

DR DEED RECORDS OF GUADALUPE COUNTY, TEXAS
OPR OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS
MPR MAP AND PLAT RECORDS OF GUADALUPE COUNTY, TEXAS



LINE TABLE		
LINE	BEARING	LENGTH
L1	N32°43'56"W	480.93'
L2	N45°36'14"E	208.10'
L3	N32°51'23"W	207.56'
L4	N32°40'08"W	207.84'
L5	N32°43'39"W	250.65'
L6	N44°37'35"E	207.48'
L7	N45°54'27"E	213.80'
L8	N44°53'00"E	101.10'
L9	N45°54'27"E	101.10'
L10	N32°29'33"W	208.00'
L11	N44°58'07"E	413.52'
L12	S33°34'21"E	205.40'
L13	N44°55'39"E	657.54'
L14	S45°51'57"W	214.86'

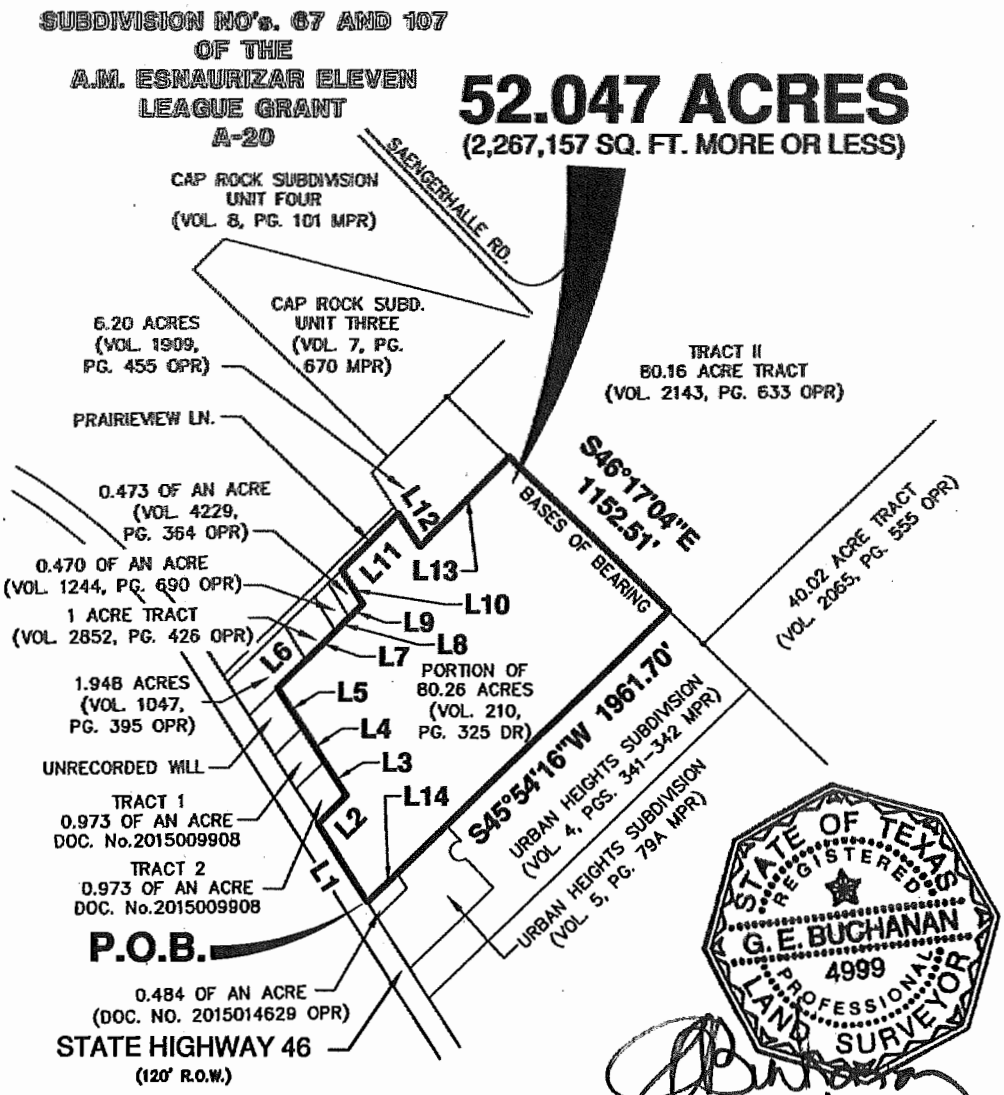


EXHIBIT
FOR
ZONING

PAPE-DAWSON ENGINEERS

SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #10028800

A 52.047 acre, 2,267,157 square feet more or less, tract of land out of the A.M. Esnaurizar Eleven League Grant, Abstract 20, Guadalupe County, Texas, comprised of an 80.16 acre tract recorded in Volume 2143, Page 633, of the Official Public Records of Guadalupe County, Texas and a portion of a 80.26 acre tract recorded in Volume 210, Page 325, Deed Records of Guadalupe County, Texas.

EXHIBIT 'A'

SHEET 1 OF 1

NOVEMBER 9, 2017 JOB No.: 11100-02

Date: Nov 09, 2017, 3:27pm User ID: JKramer
File: N:\CIVIL\11100-02\ZN 11100-02 132.142 AC.dwg

PAPE-DAWSON ENGINEERS

METES AND BOUNDS DESCRIPTION
FOR
ZONING

A 52.047 acre, or 2,267,157 square feet more or less, tract of land out of the A.M Esnaurizar Eleven League Grant, Abstract 20, Guadalupe County, Texas, a portion of a called 80.26 acre tract described in deed to William J. Rippen and wife Wilhemina Rippen, recorded in Volume 210, Page 325, Deed Records of Guadalupe County, Texas. Said 52.047 acre tract being more fully described as follows, with the bearings base on the northeast line of said called 80.26 acre tract:

BEGINNING: At a point on the northeast right-of-way line of State Highway 46, a 120-foot wide public right-of-way, the west corner of a 0.484 of an acre tract recorded in Document No.2015014629, Official Public Records of Guadalupe County, Texas;

THENCE: Over and across said portion of that called 80.26 acre tract the following bearings and distances:

N 32°43'56" W, along the northeast right-of-way line of said State Highway 46, a distance of 480.93 feet to a point for the south corner of a called 0.973 of an acre tract described as Tract 2 recorded in Document No.2015009908, Official Public Records of Guadalupe County Texas;

N 45°36'14" E, departing the northeast right-of-way line of said State Highway 46, along the southeast line of said called 0.973 of an acre tract, a distance of 208.10 feet to a point;

N 32°51'23" W, along the northeast line of said called 0.973 of an acre tract, a distance of 207.56 feet to a point for the north corner of said called 0.973 of an acre tract, the east corner of a called 0.973 of an acre described as Tract 1, recorded in said Document No.2015009908;

N 32°40'08" W, along the northeast line of said called 0.973 of an acre tract, a distance of 207.84 feet to a point for the north corner of said called 0.973 of an acre tract;

N 32°43'39" W, a distance of 250.65 feet to a point on the southeast line of a called 1.948 acre tract recorded in Volume 1047, Page 395, Official Public Records of Guadalupe County, Texas;

TBPE Firm Registration #470 | TBPLS Firm Registration #10028800
San Antonio | Austin | Houston | Fort Worth | Dallas
Transportation | Water Resources | Land Development | Surveying | Environmental
2000 NW Loop 410, San Antonio, TX 78213 T: 210.375.9000 www.Pape-Dawson.com

N 44°37'35" E, along said the southeast line of said called 1.948 acre tract, a distance of 207.48 feet to a point for the east corner of said called 1.948 acre tract, the south corner of a called 1 acre tract recorded in Volume 2852, Page 426, Official Public Records of Guadalupe County, Texas;

N 45°54'27" E, along the southeast line of said called 1 acre tract, a distance of 213.80 feet to a point for the east corner of said called 1 acre tract, the south corner of a called 0.470 of an acre tract recorded in Volume 1244, Page 690, Official Public Records of Guadalupe County, Texas;

N 44°53'00" E, along the southeast line of said called 0.470 of an acre tract, a distance of 101.10 feet to a point for the south corner of a called 0.473 of an acre tract recorded in Volume 4229, Page 364, Official Public Records of Guadalupe County Texas;

N 45°54'27" E, along the southeast line of said called 0.473 of an acre tract, a distance of 101.10 feet to a point for the east corner of said called 0.473 of an acre tract;

N 32°29'33" W, along the northeast line of said called 0.473 of an acre tract, a distance of 208.00 feet to a point on the southeast right-of-way line of Prairieview Lane, same being the north corner of said called 0.473 of an acre tract;

N 44°58'07" E, along the southeast right-of-way line of said Prairieview Lane, a distance of 413.52 feet to a point on the southwest line of a called 6.20 acre tract recorded in Volume 1909, Page 455, Official Public Records of Guadalupe County, Texas;

S 33°34'21" E, departing the southeast right-of-way line of said Prairieview Lane, along the southwest line of said called 6.20 acre tract, a distance of 205.40 feet to a point for the south corner of said called 6.20 acre tract;

N 44°55'39" E, along the southeast line of said called 6.20 acre tract, a distance of 657.54 feet to a point for the east corner of said called 6.20 acre tract on the southwest line of a called 80.16 acre tract of land described as Tract II in the administrator's deed to Kimberly Sue Osborne, Guardian of the Estate of Tyler Maverick Timmermann, a minor child, recorded in Volume 2143, Page 633 of the Official Public Records of Guadalupe County, Texas;

THENCE: S 46°17'04" E, along the southwest line of said called 80.16 acre tract, the northeast line of said portion of that called 80.26 acre tract, a distance of 1152.51 feet to a point for the northeast corner of said portion of that called 80.26 acre tract, the north corner of Urban Heights Subdivision recorded in Volume 4, Pages 341-342, Map and Plat Records of Guadalupe County, Texas;

THENCE: S 45°54'16" W, along the northwest line of said Urban Heights Subdivision, and continuing along the Resubdivision Plat of Urban Heights Subdivision, recorded in Volume 5, Page 79A, Map and Plat Records of Guadalupe County, Texas, a distance of 1961.70 feet to a point for a north corner of said called 0.484 of an acre, a west corner of said Resubdivsion Plat of Urban Heights;

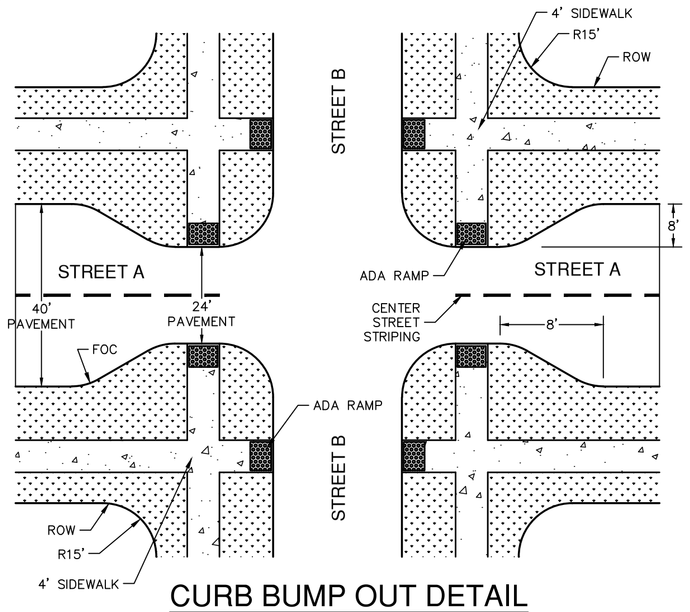
THENCE: S 45°51'57" W, along the northwest line of said called 0.484 of an acre tract, a distance of 214.86 feet to the POINT OF BEGINNING, and containing 52.047 acres in, Guadalupe County, Texas. Said tract being described in accordance with an exhibit prepared under job number 11100-02 by Pape-Dawson Engineers, Inc.

"This document was prepared under 22TAC663.21, 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."

PREPARED BY:	Pape-Dawson Engineers, Inc.
DATE:	November 9, 2017
JOB NO.	11100-02
DOC. ID.	N:\CIVIL\11100-02\Word\ZN11100-02 132.142 AC.docx

STATE OF TEXAS
REGISTERED
G. E. BUCHANAN
4999
PROFESSIONAL
LAND SURVEYOR

11/09/2017



CURB BUMP OUT DETAIL

NOT-TO-SCALE

NOTES:

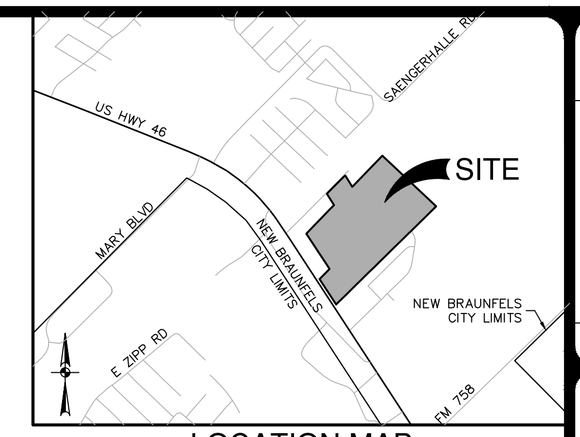
1. SCENARIO 1: PROPOSED CURB BUMP OUT LOCATIONS AT INTERSECTIONS OF STREET A/STREET E, STREET A/STREET B AND STREET B/STREET D
2. SCENARIO 2: PROPOSED CURB BUMP OUT LOCATIONS AT INTERSECTIONS OF STREET A/STREET F, STREETA/DEBORAH DR. AND STREET B/STREET D.

LAND USE SUMMARY

PHASE	ACRES	DRAINAGE ESMT/OPEN SPACE (AC)	PARK (AC)	ROW DEDICATION (AC)	RESIDENTIAL (AC)
RIPPEN RANCH	52.05	13.04	0.68	0.32	38.01
TOTAL NUMBER OF LOTS:	**≥ 45'**	**≥ 50'**	**LOT DENSITY (LOTS/ ACRE)**		
	190 (87%)	29 (13%)	4.2		

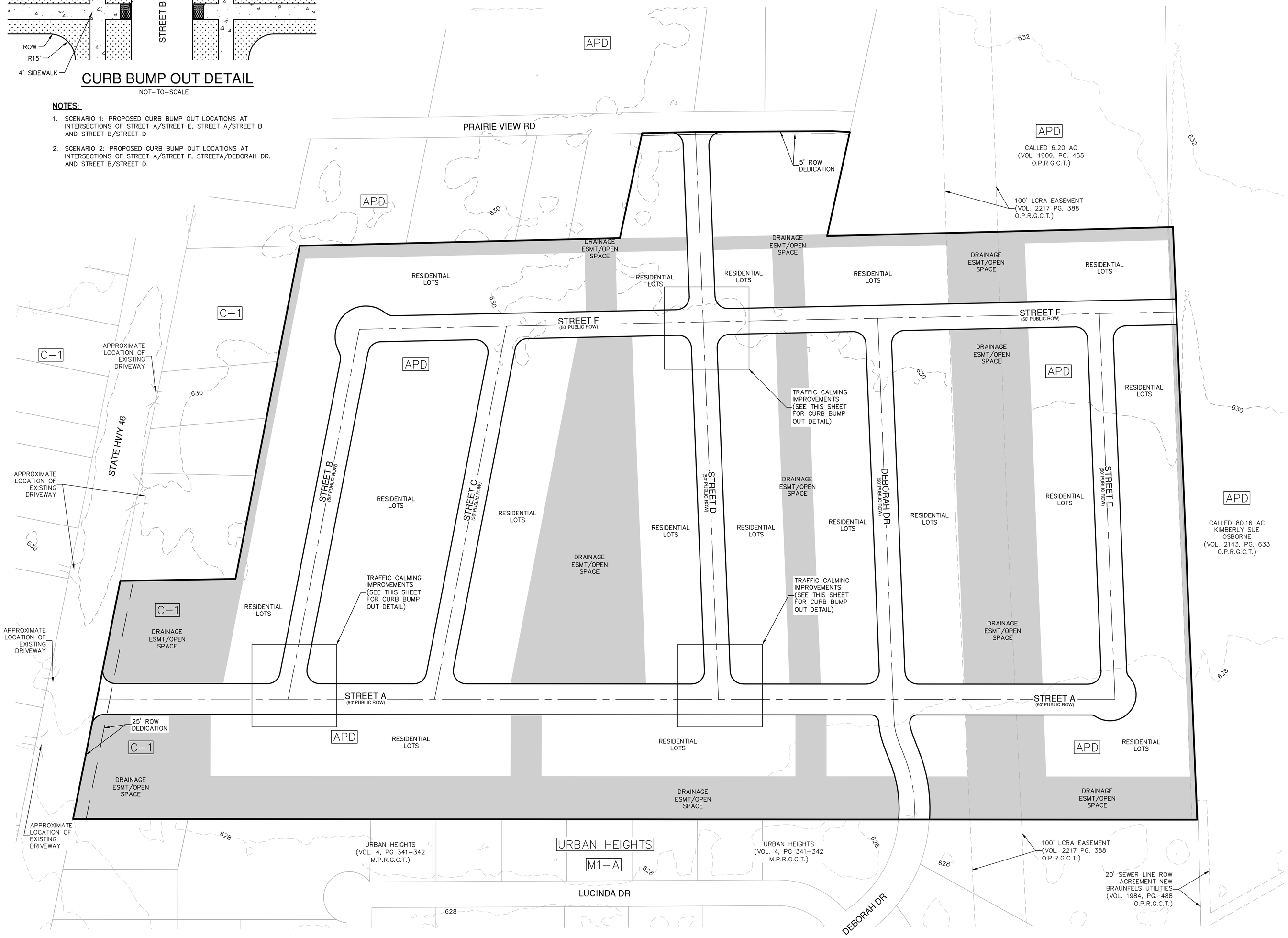
DEVELOPMENT STANDARDS NOTES

MINIMUM LOT AREA = 5,175 SF
MINIMUM LOT WIDTH = 45'
MINIMUM LOT DEPTH = 115'
MINIMUM SETBACKS
FRONT = 20'
SIDE = 5'
CORNER = 10'
BACK = 15'
MAXIMUM BUILDING HEIGHT = 35' (2 STORY)



LOCATION MAP

NOT-TO-SCALE



SCALE: 1"= 100'
0' 100' 200' 300'

NOTES:

1. THIS PROPERTY IS CURRENTLY ZONED AS APD.
2. THIS MASTER PLANNED COMMUNITY WILL BE A MULTI-PHASE DEVELOPMENT.
3. INTERIOR RESIDENTIAL LOTS SHALL HAVE A FRONT BUILDING SETBACK LINE OF 20'. A REAR BUILDING SETBACK LINE OF 15', AND A SIDE BUILDING SETBACK LINE OF 5' PER ZONING WITHIN THIS PLANNED DEVELOPMENT DISTRICT.
4. THERE SHALL BE A FIVE FEET MINIMUM SIDE YARD SETBACK FOR EACH BUILDING, UNLESS THE LOT SIDES PUBLIC STREET ROW ("CORNER LOT") IN WHICH CASE THE MINIMUM SIDE SETBACK WILL BE TEN FEET. IN THE EVENT THAT A CORNER LOTS STREET SIDE YARD COINCIDES WITH THE FRONT OR REAR SETBACK OF AN ADJACENT LOT, THE LOTS MINIMUM STREET SIDE YARD SETBACK WILL BE INCREASED TO MATCH THAT OF THE ADJACENT LOTS TWENTY-FOOT FRONT OR FIFTEEN FOOT REAR SETBACK.
5. ALL STREETS ARE PROPOSED TO BE OF LOCAL/COLLECTOR TYPE FUNCTIONAL CLASSIFICATION.
6. ALL STREETS WILL HAVE CURB AND GUTTER AND WILL PROVIDE STORMWATER CAPACITY PER CITY OF NEW BRAUNFELS DRAINAGE REQUIREMENTS.
7. ALL STANDARD CURB AND GUTTER WILL PROVIDE STORMWATER CAPACITY PER CITY OF NEW BRAUNFELS DRAINAGE REQUIREMENTS.
8. DRAINAGE AND UTILITY EASEMENTS SHALL BE DETERMINED AND DEDICATED AT THE SUBMITTAL OF THE SUBDIVISION PLAT.
9. ALL OPEN SPACES CAN ALSO BE USED FOR DRAINAGE CONVEYANCE.
10. DRAINAGE EASEMENTS, PARKS AND OPEN SPACES SHALL BE MAINTAINED BY THE HOME OWNER'S ASSOCIATION (HOA).
11. THIS PROPERTY LIES IN THE NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT.
12. THIS PROPERTY WILL BE SERVED BY THE FOLLOWING UTILITIES:
    A. NEW BRAUNFELS UTILITIES (NBU) (WATER)
    B. NEW BRAUNFELS UTILITIES (NBU) (SEWER.
    C. NEW BRAUNFELS UTILITIES ELECTRIC (NBU) (ELECTRIC)
    D. AT&T
    E. CHARTER COMMUNICATIONS
13. RESIDENTIAL USE HAS LAND DEDICATION AND PARK DEVELOPMENT FEE REQUIREMENTS PER THE PARK LAND ORDINANCE. THIS DEVELOPMENT IS APPROVED FOR ONE DWELLING UNIT PER LOT. AT SUCH TIME THAT ADDITIONAL DWELLING UNITS ARE CONSTRUCTED, THE OWNER OF THE LOT SHALL CONTACT THE CITY AND COMPLY WITH THE ORDINANCE FOR EACH NEW DWELLING UNIT.
14. SIDEWALKS WILL BE CONSTRUCTED ALONG SH HWY 46, PRAIRIE VIEW, AND WITHIN THIS DEVELOPMENT.
15. THIS PROPERTY DOES NOT LIE OVER THE RECHARGE ZONE OF THE EDWARDS AQUIFER.
16. REFERENCED PROPERTY DOES NOT LIE WITHIN THE FLOOD HAZARD ZONE AS DEFINED BY F.E.M.A. FLOOD INSURANCE RATE MAP, GUADALUPE COUNTY, TEXAS, COMMUNITY PANEL NUMBER 48187C0110F, 48187C0115F & 48187C0120F DATED NOVEMBER 2, 2007.
17. THE ZONING OF THE PROPERTY IS "RIPPEN RANCH PLANNED DEVELOPMENT DISTRICT."

RELATION TO COMPREHENSIVE PLAN NOTE:

THE PROPOSED R-1A-6.6 PD DISTRICT TO ALLOW FOR 45' 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.

CIVIL ENGINEER/DESIGNER
PAPE-DAWSON ENGINEERS, INC
ALLEN HOOVER, P.E.
2000 NW LOOP 410
SAN ANTONIO, TEXAS 78213
(210) 375-9000
AHOOVER@PAPE-DAWSON.COM

OWNER/DEVELOPER
SAN ANTONIO LD, LLC
JOHN MABERRY
4058 NORTH COLLEGE AVE. STE. 300, BOX 9
FAYETTEVILLE, ARKANSAS 72703
(479)455-9090

NO.	REVISION	DATE

"THIS DOCUMENT IS RELEASED FOR REVIEW PURPOSES" UNDER THE AUTHORIZATION OF JON D. ADAME, P.E. #82567.

PAPE-DAWSON ENGINEERS
SAN ANTONIO I AUSTIN I HOUSTON I FORT WORTH I DALLAS
2000 NW LOOP 410 I SAN ANTONIO, TX 78213 I 210.375.9000
TBPE FIRM REGISTRATION #470 I TBPLS FIRM REGISTRATION #10028800

RIPPEN RANCH
PLANNED DEVELOPMENT DISTRICT
NEW BRAUNFELS, TEXAS
CONCEPT PLAN

PLAT NO. -
JOB NO. 11100-95
DATE NOVEMBER 2017
DESIGNER WB
CHECKED AH DRAWN WB
SHEET 1 OF 1

EXHIBIT 'B'

Date: Dec 19, 2017, 1:39pm User ID: PDowner
File: P:\11\00\95\Design\Civil\Concept Plans\CP-1110095 (GRID).dwg

THIS DOCUMENT HAS BEEN PRODUCED FROM MATERIAL THAT WAS STORED AND/OR TRANSMITTED ELECTRONICALLY AND MAY HAVE BEEN INADVERTENTLY ALTERED. RELY ONLY ON FINAL HARDCOPY MATERIALS BEARING THE CONSULTANT'S ORIGINAL SIGNATURE AND SEAL. AERIAL IMAGERY PROVIDED BY GOOGLE© UNLESS OTHERWISE NOTED. Imagery © 2016,CAPCOG,Digital Globe,Texas Orthoimagery Program, USDA Farm Service Agency.

DEVELOPMENT STANDARDS

Utilities:	All New Utilities will be underground.
Amenities:	Open Space, Parks, Trails, Playscape
Perimeter Sidewalk:	Approximately: 470 LF along SH 46, 400 LF along Prairie View Rd. (Total 870 LF)
Internal Sidewalk:	Approximately 15,472 LF.
Connectivity:	There are 2 proposed street connections. The first tying into SH 46 and the second tying into Prairie View Rd. There is one proposed stub out to the adjacent property, along the northern property line of this tract.
Minimum Living Area (per house):	1,100 Sq. Ft.
Minimum Garage Size:	2 Cars
Exterior Masonry Requirements:	All houses will be constructed with front and side elevations, and 100% masonry on the first floor. Masonry products shall include hard-fired brick, stone, decorative concrete block, concrete pre-cast or tilt wall panel, three step hard coat stucco, glass blocks, or tiles.
House Elevations (exterior façade):	Homebuyers will have their choice of multi-dimensional exterior elevations that offer architectural styling, varied roof lines, and attention to detail. The home designs were designed to appeal to the residents in this area and what they expect in a new home. This neighborhood will feel like a community.
Elevation Conflict:	Each home must have a different elevation from the home on either side of it and directly across the street.
Minimum Landscaping Requirements:	Planting of two – 1.5” Caliper Trees, 100% coverage with sod, mulch or crushed granite, plant and shrub package installation all front yards, and optional upgraded xeriscape landscape package will be offered.
Land Use:	Single-Family Residential
Base Zoning:	R-1A-6.6
Maximum Total Number of Acres:	52.05 acres
Open Space/Drainage Acreage:	Approximately 13.04 acres
Park Acreage:	Approximately 0.68 acres
Residential Acreage:	Approximately 28.99 acres
R.O.W. Dedication Acreage:	Approximately 0.32 acres
Maximum Total Lots per Acre	4.21
Maximum Number of Total Lots:	219
Minimum Lot Width at Front Setback Line:	≥45 Feet = 190 Lots, ≥50 Feet = 29 Lots
Minimum Lot Depth:	115 Feet

EXHIBIT 'C'

Minimum Lot Area:	5,175 Sq. Ft. interior. 5,750 Sq. Ft corner
Front Setback Minimum:	20 Feet
Rear Setback Minimum:	15 Feet
Side Setback Minimum:	Internal Lots – 5 Feet Corner Lots – The minimum side setback adjacent to the street for corner lots where the rear lines of the corner lot coincide with the rear lot of the adjacent lot is 10 feet. The minimum side setback adjacent to the street for corner lots where the rear line of the corner lot coincides with the side lot of the adjacent lot is 20 feet. Otherwise, the internal side setback for the corner lots is 5 feet. Garage Setbacks – Where a driveway is located in front of the garage, the garage shall have a setback 20 feet from the right-of-way or the driveway shall be at least 20 feet long.
Maximum Building Height:	35 Feet (2-Story)

City of New Braunfels

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/12/2018

Agenda Item No. D)

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

SUBJECT:
Public hearing and consideration of the first reading of an ordinance regarding the proposed rezoning of 14.87 acres out of the J. M. Veramendi A-2 Survey, addressed at 1656 Gruene Road, from “R-2” Single and Two-family District to Village at Gruene Planned Development District (VGPD) with a Concept Plan and Development Standards.

BACKGROUND / RATIONALE:

Case No.: PZ-17-051

Council District: 4

Owner/Applicant: Darren Gerloff
Direct Assets, LLC
14955 Bulverde Road
San Antonio, TX 78247

Agent: Moeller & Associates
James Ingalls
2021 Highway 46 West #105
New Braunfels, TX 78132
(830) 358-7127

Staff Contact: Holly Mullins, Sr. Planner
(830) 221-4054
hmullins@nbtexas.org

The almost 15-acre unplatted subject tract is situated on Gruene Road between Loop 337 and the Guadalupe River. It is bordered by railroad tracks and the city limit line on its northwest side. A subdivision plat of the property that divided it into 48 duplex lots (96 units) was approved in 2013 but never recorded. In 2014, a rezoning to apply a special use permit (SUP) was approved to allow up to 96 detached residential units on the tract. A subdivision plat for that development proposal has not yet been submitted. The new owner is requesting to rezone the property to Village at Gruene Planned Development District (VGPD)

Planned Development (PD) zoning districts are designed to provide for the development of land as an integral unit for single or mixed uses, housing variety, height or density variations, or other projects, in accordance with a City Council approved plan that would vary from the established regulations of standard base zoning districts. PDs are intended to provide developers opportunities

for creative neighborhood designs and alternative development options through the creation of their own standards and layouts. Therefore, it is important to evaluate the design of a proposed PD to ensure compatibility with existing and future adjacent development as well as transportation, parks, schools, and other infrastructure impacts. Conditions can be placed on PDs.

The PD process in New Braunfels is two-fold: 1) A “concept plan” is considered by City Council after a recommendation from the Planning Commission via the standard rezoning process; and then 2) a “detail plan” is considered by the Planning Commission only. After step 1, the zoning of the land 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. It is also an option to combine these steps into one for expediency.

New Braunfels’ Zoning Ordinance indicates the purpose of a PD Concept Plan is to establish the most general guidelines for the district by identifying the land use types, development standards, approximate road locations and project boundaries, and illustrate the integration of these elements into a master plan for the whole district. Generally, the details of the lot layout and minor street configuration have not been being provided on PDs until the detail plan stage. The Zoning Ordinance indicates that illustrating local and collector streets on PDs at the concept plan stage is optional, and the Platting Ordinance indicates that the City may require a Traffic Impact Analysis (TIA) for rezoning requests; such would allow the evaluation of the advantages of creating a PD over a standard zoning district, and to evaluate impacts on roadway infrastructure and adjoining neighborhoods, so as to provide informed recommendations for mitigation. The submitted application does not include an approximate roadway network, stub-outs for connections to potential future adjoining developments, or a TIA.

The applicant is proposing a base zoning of R-1A-6.6 (Single-Family Residential District) for their PD, with some added development standards. Differences between the base and existing zoning district standards and their proposed VGPD development standards include:

- a reduced minimum lot width,
- reduced minimum lot area,
- a deeper minimum lot depth, and
- a maximum number of lots (see the comparison table below).

The VGPD also proposes minimum requirements for:

- house living area,
- garage size,
- landscaping, and
- trees,

all of which are not required in the R-1A-6.6 or R-2 Districts. Considering the location of the property, staff discussed with the applicant other possible enhancements to the proposed development standards, including:

- A preservation plan for existing trees,
- Edwards Aquifer-friendly or Low Impact Development (LID) practices, materials, or landscaping,
- Methods to minimize the impact of street parking in front of the narrower lots (e.g. rear alley loading), and
- Railroad mitigation techniques (deeper lots, berms, sound wall, tree buffer, etc.)

While the applicant declined to include additional standards, they can still be considered as optional conditions to be added.

The applicant is proposing a maximum of 72 single-family homes. This is fewer than the approved plat or the existing R-2 SUP, both of which allow up to 96 units. The proposed lots would be smaller/narrower, however, and would allow building envelopes of approximately 1,875 square feet, excluding a garage, to construct minimum 1,600 square foot homes. Sample elevations are included in the packet, but are not proposed to be a part of the development standards.

The following table compares the applicant's proposed development standards, their proposed base zoning, and the current zoning of the tract; the differences are shown in **bold**. Note: short-term rentals are prohibited under the R-1A-6.6 base zoning.

Standard	**R-2 SUP**	**R-1A6.6**	**VGPD**
Land Use:	S/F & Duplex	S/F residential	S/F residential
Total Acres:	14.87 acres	14.87 acres	14.87 acres
Open Space/Drainage Acres:	-	-	2.39 acres
Residential Acres:	-	-	12.48 acres
Min. Lot Width:	60 ft (70 ft corner)	60 ft (70 ft)	**40 ft (50 ft corner)**
Min. Lot Depth:	100 ft	100 ft	**120 ft**
Min. Lot Area in square feet:	6,600 (s/f) 8,000 (duplex)	6,600	**4,800**
Min. Lot Area in square feet (Corner):	7,000 (s/f) 8,500 (duplex)	7,000	**6,000**
Min. Front Setback:	25 ft	25 ft	25 ft
Min. Side Setback (internal):	5 ft	5 ft	5 ft
Min. Side Setback (corner):	15-25 (depends on lot configuration)	15-25 (depends on lot configuration)	15-25 ft (depends on lot configuration)
Min. Rear Setback:	20 ft	20 ft	20 ft
Min. Living Area:	None	None	**1,600 sq ft**
Min. Garage:	2 off-street parking spaces	2 off-street parking spaces	**2-car garage**
Min. Landscaping:	None	None	**Full sod (front & back) or Xeriscaping**
Max. Building Height:	35 ft	35 ft	35 ft
Trees:	None	None	**Min. one 2" shade tree per lot**
Drainage/detention:	Not part of standard zoning	Not part of standard zoning	Lots will be owned and maintained by the HOA

Number of lots	Approved plat and SUP would allow 48 (96 homes)	Approximately 70 considering 1/3 reserved for infrastructure, topography, drainage, amenities, etc.	**Proposing a maximum limit of 72**

General Information:
Size: 14.87 acres

Surrounding Zoning and Land Use:
North - R-3L/ undeveloped
South - Across Gruene Road, R-2/ undeveloped
East - R-2, R-3L/ single-family, SUP for multiple dwelling units, short term rental
West - R-3L, outside city limits/ single-family and short-term rental; railroad tracks

Comprehensive Plan / Future Land Use Designation: Commercial

School District: New Braunfels ISD

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

Improvement(s): None

Transportation:
Gruene Road is designated as a 60-foot wide Minor Collector. It is currently a rural-type street with 25 feet of pavement, and the right-of-way varies in width. A right-of-way dedication of up to five feet may be required at the time of platting. Sidewalks will also be required when the property is platted.

The property has street frontage only on Gruene Road. Secondary access is required by the International Fire Code for residential developments with more than 30 units. The application did not include a proposed internal roadway network or associated stub-outs to present or future adjacent development, so it is presently unknown how this issue will be addressed. Additionally, a TIA was not submitted with the application. Therefore, the street layout and TIA will need to be reviewed at a later stage.

Hike & Bike Trails Plan:
The Trails Plan indicates a future bike lane along Gruene Road, which will be constructed by the City with future street improvements.

Parkland Dedication:
This development is subject to the adopted Parkland Dedication and Development requirements. No park amenities have been identified as part of the PD application. Therefore, ordinance requirements will be reviewed at a later stage.

Determination Factors:
In making a decision on zoning, the following factors are to be considered:

- Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole *(The surrounding properties contain a mix of single-family residential, multifamily, vacation rentals, and commercial uses, typical of the Gruene area. The proposed development is considered low density residential (4.8 units per acre), which from a density perspective should be appropriate at this location. The proposal requests a deviation from the minimum lot size and width requirements of the base zoning which may be less in character with surrounding neighborhoods; staff suggests the applicant provide more information on enhancements that will be provided to achieve a better development than standard zoning allows.)*;
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area *(The adequacy of public facilities and utilities to serve the additional demand is evaluated by each provider. NBISD and utility providers have been notified of this proposed rezoning. Gruene Road experiences frequent congestion during peak summer months. Traffic impact will be reviewed at the platting stage to identify any Gruene Road improvements needed to accommodate the development and mitigate any impacts on the surrounding transportation network. An internal street network is not illustrated on the concept plan.)*;
- How other areas designated for similar development will be affected *(Other areas zoned R-2 (current zoning) or R-1A-6.6 (proposed base zoning) will be impacted by the narrower lot width character of this proposed PD which results in a different neighborhood aesthetic.);*
- Any other factors that will substantially affect the public health, safety, morals, or general welfare *(The use of this property as low density, single-family residential should not have a detrimental impact on the public health, safety, morals or general welfare. Drainage, utility and traffic impact issues can be addressed with a PD request where the project can be modified to address possible negative impacts. Otherwise, compliance with associated code requirements will be reviewed and addressed through the platting process.)*; and
- Whether the request is consistent with the Comprehensive Plan. *(The proposed zoning change is not consistent with the currently adopted Future Land Use Plan designation of the property. Therefore, the applicant submitted a request to amend the Future Land Use Plan category from Commercial to Residential Low-Density.)*

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

	Yes	**City Plan/Council Priority:** 2006 Comprehensive Plan *Pros and Cons Based on Policies Plan*	**Pros:** **Goal 1:** *Promote manageable growth to achieve a proper balance of economic expansion and environmental quality while maintaining the community's unique qualities.* The proposed development reduces the maximum number of homes by 24 (a 25% reduction) over the current zoning, in an area over the Edwards Aquifer Recharge Zone. **Objective 1A:** *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.* If approved, the proposed zoning and accompanying future land use plan change will reduce excessive commercial land use acreage for this area. **Goal 1C:** *Consider rezoning, as necessary, to ensure existing and future land use compatibility.* While neither the existing R-2 SUP zoning, nor the proposed VGPD, are consistent with the Future Land Use Plan designation of the subject property as Commercial, staff recognizes that Commercial land use for this tract would be incompatible with development trends in the vicinity and a change to that plan is appropriate. The applicant has submitted a Future Land Use Plan Amendment to Low Density Residential. **Goal 17:** *Provide sufficient housing opportunities to meet the future needs and demands for people of all income levels in New Braunfels.* The proposed rezoning will allow development of additional single-family housing in this unique area of the city. **Cons: Objective 1G:** *Evaluate capacity and adequacy of existing and planned public facilities and services to determine feasibility of expansion.* Gruene Road currently has only 25 feet of pavement with no sidewalks. The recommended street section consists of 60 feet of right-of-way with 40 feet of pavement. This road experiences frequent traffic congestion during the peak summer months. A Traffic Impact Analysis (TIA) worksheet will be required at platting and may identify needed improvements. Additionally, without a roadway layout of the tract, it is not yet known how the applicant will address Fire Code requirements for secondary access; however, it appears connectivity could be routed through adjacent tracts to Ervendberg Avenue.

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:
The Planning Commission held a public hearing on January 9, 2018, and recommended approval of the applicant's requested PD, and with a Future Land Use Plan amendment from "Commercial" to "Low Density Residential." (8-0-0 with Chair Elrod absent)

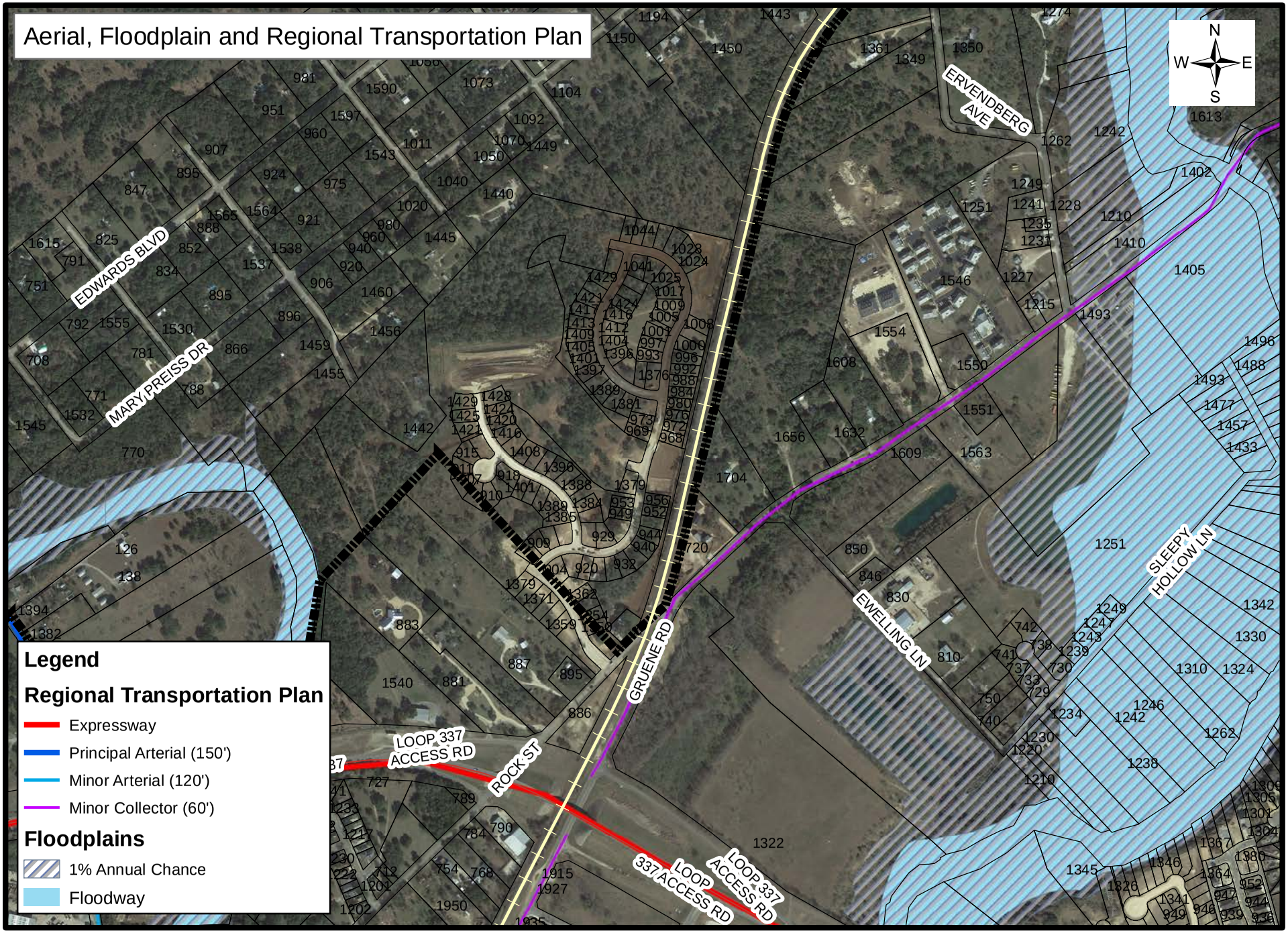
STAFF RECOMMENDATION:
The proposed use of the property as single-family residential with an overall residential density of 4.8 units per acre is appropriate for this location based upon existing surrounding uses. And, the proposed lower overall number of units would be an improvement from the number allowed in the current R-2 SUP zoning of the site. However, staff is unable to fully review the potential impacts of the proposed development without an understanding of the roadway layout and design. Additionally, the proposed narrower lots than are allowed in the current zoning would be out of character with other nearby neighborhoods. Staff cannot make the determination with the information provided that the standards of VGPD will result in a better development than could be achieved on similarly sized lots in the ZH-A (Zero Lot Line Home) District. Therefore, staff recommends denial.

Staff recommends approval of the Future Land Use Plan amendment of the subject property from "Commercial" to "Residential Low Density", which would occur with the second reading of the rezoning ordinance. This amendment would be appropriate for this area which could likely not accommodate added commercial at the size of this tract.

Since zoning changes are discretionary and the request is for a PD, City Council may require the inclusion of additional development standards or conditions to ensure quality development and compatibility with surrounding properties and the community as a whole.

Notification:
Public hearing notices were sent to 9 owners of property located within 200 feet. Two responses in favor (#1, 5) and no responses in objection were received.

Attachments:
1. Aerial & Regional Transportation Plan Map
2. Application, Concept Plan & Development Standards (and sample elevations)
3. Informational Maps and Notification Responses
4. Supporting Ordinances (R-1A-6.6; Planned Development Districts)
5. Planning Commission Meeting Minutes from January 9, 2018
6. Ordinance



City of New Braunfels

PZ-17-051
Village at Gruene PD
Concept Plan

City of New Braunfels

PLANNING

RECEIVED
NOV 20 2017
BY:

APPLICATION FOR A ZONING CHANGE

Planning and Community Development
550 Landa Street, New Braunfels, TX 78130
(830) 221-4050
www.nbtexas.org
Case Number: PZ-17-051

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: Direct Assets LLC (Darren Gerloff)
   Mailing Address: 14955 Bulverde Rd. San Antonio, TX 78247
   Telephone: 210-490-2777 ***Fax:*** ____ ***Mobile:*** ____
   Email: darren@gerloffinc.com
2. **Property Address/Location:** Gruene Road and Rock Street
3. **Legal Description:** See attached survey
   Name of Subdivision: Cabins at Gruene PDD (Village at Gruene)
   Lot(s): N/A **Block(s):** N/A **Acreage:** 14.87
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:*** SUP R2 ***Proposed Zoning:*** CAG 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):**
   Subdivision Development
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.

11/20/17
Date

Signature of Owner(s)/Agent

JAMES INGALLS, AGENT
Print Name & Title

For Office Use Only

Fee Received By: ____ Amount: ____ Receipt No.: ____

Date Received: ____ Zoning signs issued: ____ Date: ____ No.: ____

Cash/Check Number: ____ Case Number: ____

ATTACHMENT 2

Village at Gruene
Planned Development District (VaGPDD)
Narrative

REQUEST

In an effort to diversify the use and potential of a 14.87 acre tract of land currently zoned "R-2" Single and Two Family District located off of Gruene Rd, the applicant is requesting a Planned Development District ("PDD") with a Base Zoning R1A-6.6 to allow for the development of a single family residential community known as the Village at Gruene which will consist of 40'x120' lots. The current R-1A-6.6 zoning district requires a minimum 60' lot width with a corner lot width of 70' and a 6,600 square foot and 7,000 square foot lot area respectively. The proposed typical 40'x120' lot in Village at Gruene is 4,800 square feet in area. We are proposing to revise the current R-1A-6.6 district requirements to a minimum 40' lot width, 4,800 sf minimum lot area allowing one family detached dwellings along with the implementation of several other PDD standards with this PDD.

The property currently has an SUP with the ability to develop 96 dwelling units. We believe the revised minimum lot size, in conjunction with the implementation of several other PDD standards, will provide the area with a more complimentary community that offers a higher quality of life than the current standard permitted. The PDD will establish standards focused on the community's long term preservation and vitality. Such standards are not currently addressed in the Zoning Ordinance, but we believe that they are extremely important to future homeowners.

We respectfully request consideration of the proposed Planned Development District as the Highest and Best Use for the 14.87 acres of land located off Gruene Rd.

The proposed PDD will offer a higher end residential detached townhouse style product with direct access to Gruene and the Loop that is currently not offered in this area. The product is aimed at young professionals who want high quality, but without the high maintenance of a large yard that is typical of that price-point. The proposed PDD addresses Goals 1, 2, 3 of the Comprehensive plan.

BASE ZONING DISTRICT

The Village at Gruene will have the base zoning requirements of the R-1A-6.6 zoning district as described in the current zoning ordinance of the City of New Braunfels. The PDD will revise the minimum lot widths set forth in the current zoning standards for a R-1A-6.6 zoning district. These revised standards will accommodate a more vibrant, sustainable community that provides generous park space, a sense of place, lot diversity, and pedestrian-friendly circulation internal and external to the community.

Village at Gruene
Planned Development District (CaGPDD)
Development Standards

The general development standards are as follows:

Land Use:	Single-Family Residential - Standard Lot
Base Zoning:	PDD
Total Number of Acres	14.87
Open Space/Drainage Acreage:	2.39
Residential Acreage:	12.48
Minimum Lot Width:	40 Feet Wide (50' on Corner Lots)
Minimum Lot Depth:	120 Feet
Minimum Lot Area	4,800 Square Feet
Minimum Lot Area (Corner)	6,000 Square Feet
Minimum Front Setback:	25 Feet
Minimum Side Setback:	5 Feet
Minimum Side Setback (Corner):	15 Feet or 25 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
Trees:	A minimum of one (1) - 2" front yard shade tree per lot
Drainage and Detention Areas	Areas located on separate lots will be owned and maintained by the HOA

*All remaining standards not listed above will be based on R-1A-6.6 zoning.

CONCEPTUAL PLAN

The Village at Gruene Conceptual Plan is a proposed 14.87 acre Planned Development comprising of single-family residential lots with a typical size of 40'x120'. The property is currently zoned R-1A-6.6 and is located in the city limits.

NOTES:

1. THE PROPOSED USE OF THE SUBDIVISION IS FOR SINGLE FAMILY RESIDENTIAL.
2. SIDEWALKS WILL BE CONSTRUCTED FOR THIS DEVELOPMENT.
3. STREETS ARE PROPOSED TO BE OF A LOCAL TYPE AND COLLECTOR FUNCTIONAL CLASSIFICATION.
4. THE LOTS DESIGNATED AS OPEN SPACE (OS) WILL NOT BE AVAILABLE FOR RESIDENTIAL USE. THESE LOTS WILL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER'S ASSOCIATION.
5. ALL LOTS WITHIN THE SUBDIVISION WILL BE SERVED BY NEW BRAUNFELS UTILITIES (NBU) FOR PUBLIC WATER, SEWER SERVICE, AND ELECTRIC SERVICE. JOINT USE FOR PHONE SERVICE, AND TIME WARNER CABLE.
6. ALL OPEN SPACE AREAS CAN BE USED FOR DRAINAGE CONVEYANCE. ALL DRAINAGE AREAS NEEDED WITHIN OPEN SPACE AREAS WILL BE DESIGNATED BY EASEMENT DURING THE PLATTING PROCESS.
7. ALL STANDARD CURB AND GUTTER WILL PROVIDE STORM WATER CAPACITY PER CITY OF NEW BRAUNFELS DRAINAGE REQUIREMENTS.
8. THE ENTIRE SUBDIVISION FALLS WITHIN NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT.
9. BASE ZONING FOR VILLAGE AT GRUENE PLANNED DEVELOPMENT DISTRICT IS R-1A-6.5, SINGLE FAMILY DISTRICT.
10. RESIDENTIAL USE HAS LAND DEDICATION AND PARK DEVELOPMENT FEE REQUIREMENTS PER THE PARK LAND ORDINANCE. THIS DEVELOPMENT IS APPROVED FOR ONE DWELLING UNIT PER LOT AT WHICH TIME THAT ADDITIONAL DWELLING UNITS ARE CONSTRUCTED THE OWNER OF THE LOT SHALL CONTACT THE CITY AND COMPLY WITH THE ORDINANCE FOR EACH NEW DWELLING UNIT.

ACREAGE SUMMARY (APPROX.)

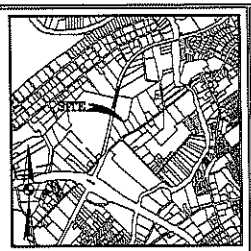
RESIDENTIAL LOTS AND STREETS:	12.48 ACRES
*OPEN SPACE (OS)/GREENBELT	1.19 ACRES
TOTAL ACREAGE:	14.67 ACRES
RESIDENTIAL LOT DENSITY (72 MAX/14.67):	4.87 LOTS/ACRE

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

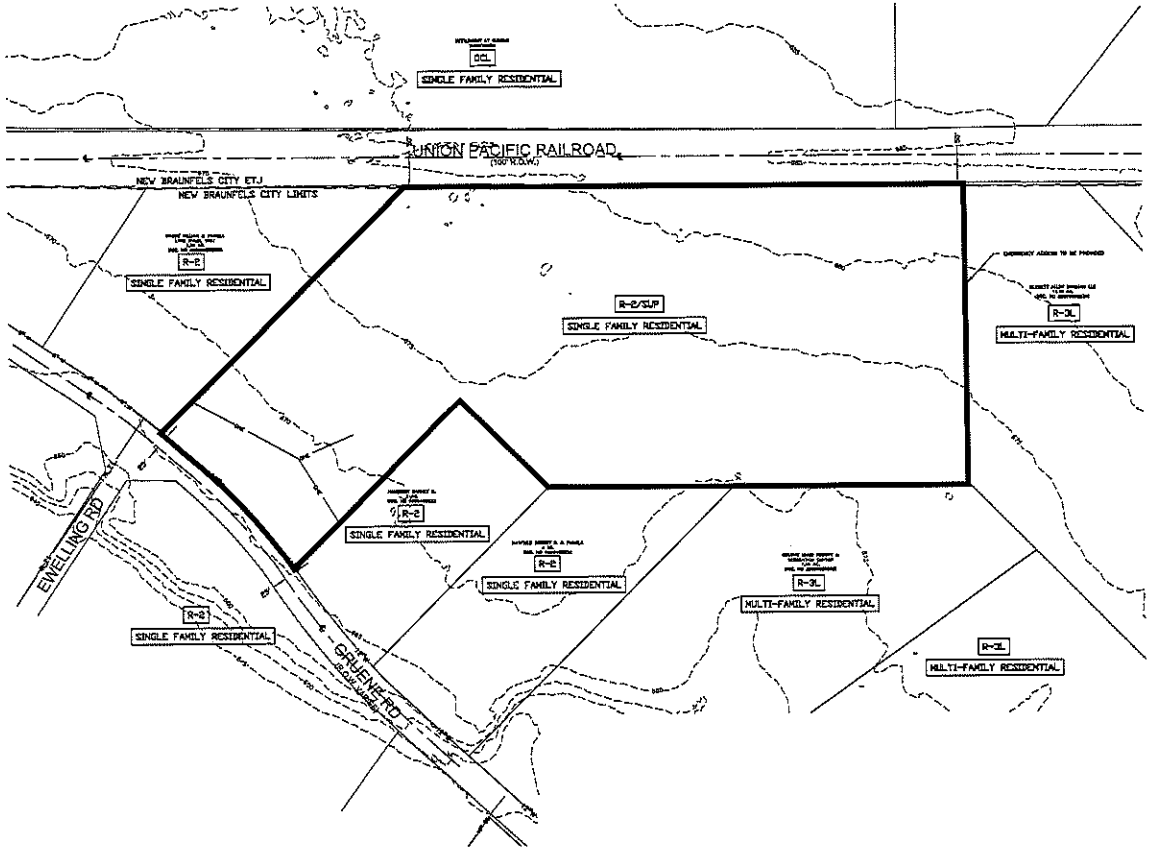
OWNER/DEVELOPER:
DIRECT ASSETS LLC
DARREN GERLOFF
14955 BULVERDE RD
SAN ANTONIO, TX 78247
(210) 490-2777

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

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



LOCATION MAP
SCALE: 1"=2,000'



SCALE 1" = 200'

LEGEND

BOUNDARY

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

THIS DOCUMENT IS AN ENGINEERING DRAWING AND IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF JAMES L. INGALLS, PE. 107419 ON January 11, 2018. IT IS NOT TO BE USED FOR BIDDING OR CONSTRUCTION PURPOSES.

NO	DATE	ISSUES AND REVISIONS

MOELLER & ASSOCIATES Engineering Solutions
2021 W SH 46, STE 105, NEW BRAUNFELS, TX. 78132
PH: 830-358-7127 www.ma-tx.com
TBPE FIRM #F-13001

CONCEPT PLAN

VILLAGE AT GRUENE

SHEET 1 OF 1

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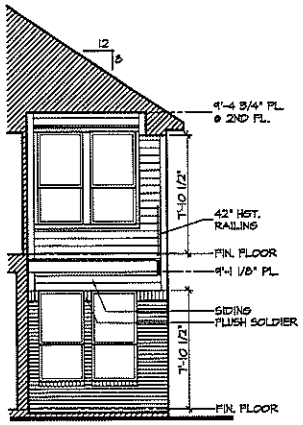
NOTE: INSTALL HARDIE-PANEL PRIOR TO TRIM BOARDS AND BATTENS. TRIM BOARDS TO BE INSET PRIOR TO INSTALLATION OF LAP SIDING.

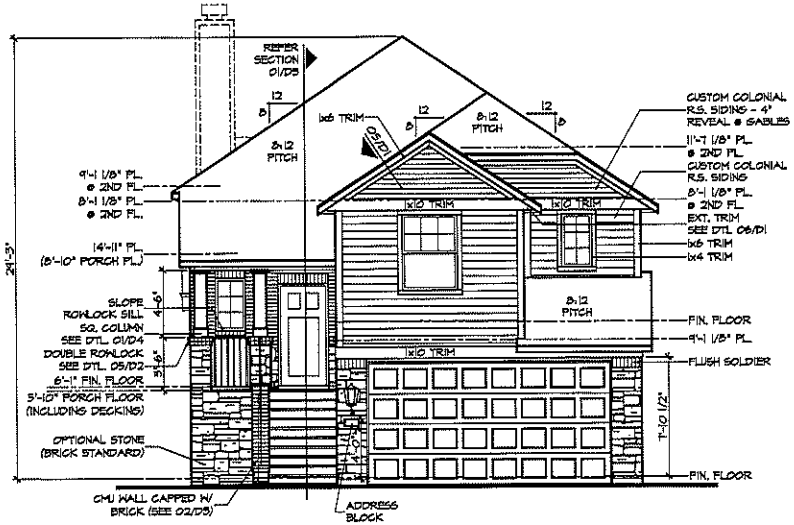
NOTE: SIDING TO BE FURRED OUT FLUSH W/ BRICK.

NOTE: ALL SIDING & TRIM SHALL BE OF CEMENTITIOUS MATERIAL



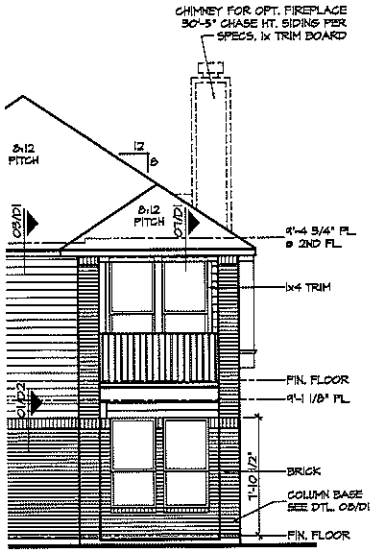
REAR PATIO/ BALCONY SECTION

SCALE: 1/8" = 1'-0"



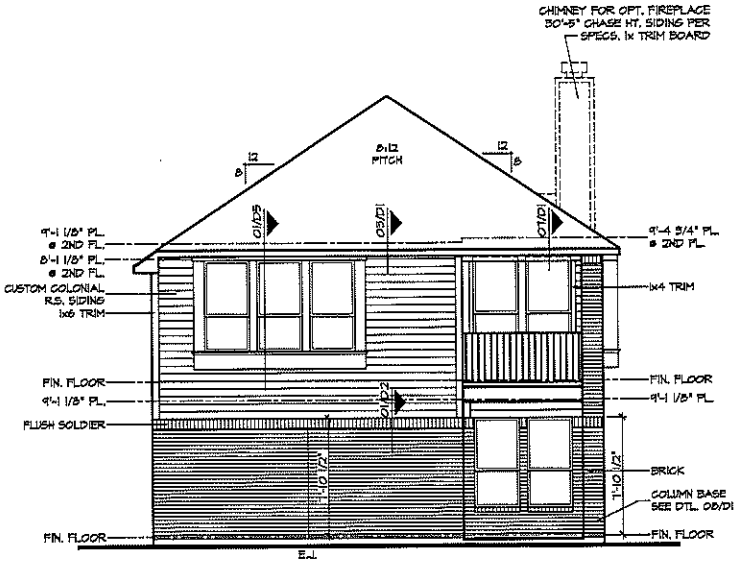
FRONT ELEVATION

SCALE: 1/8" = 1'-0"



OPT. EXTENDED PATIO/BALCONY

SCALE: 1/8" = 1'-0"



REAR ELEVATION

SCALE: 1/8" = 1'-0"

RELEASE FOR CONSTRUCTION

No.	Date	Description	By
1	12/23/16	RELEASE FOR CONSTRUCTION.	SC
2	03/27/17	RELEASE ELEV ABC	JK
3			
4			
5			

REVISIONS

HIGHLAND HOMES

5801 DEMOCRACY DRIVE, SUITE 300, PLANO, TEXAS 75024 (972) 789-3500

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DRAWN BY: SC

SHEET 1 OF 22

"G" ELEV.

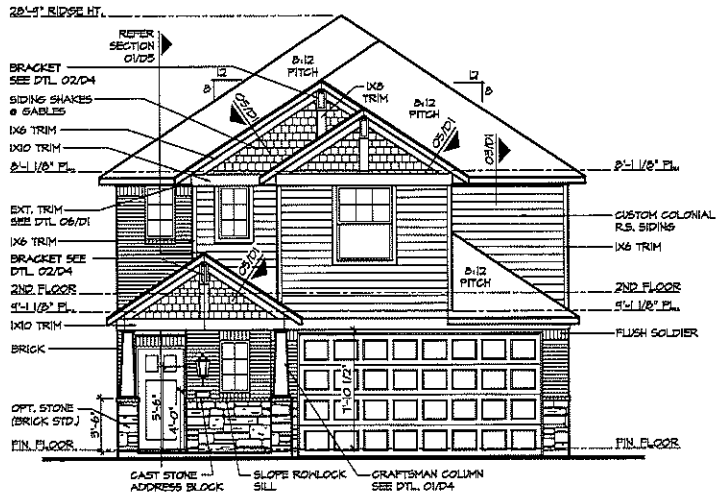
OPTION(S) 50.BRICK BASE

PLAN NAME WESTMINSTER

NOTE: INSTALL HARDIE-PANEL PRIOR TO TRIM BOARDS AND BATTENS. TRIM BOARDS TO BE INSET PRIOR TO INSTALLATION OF LAP SIDING.

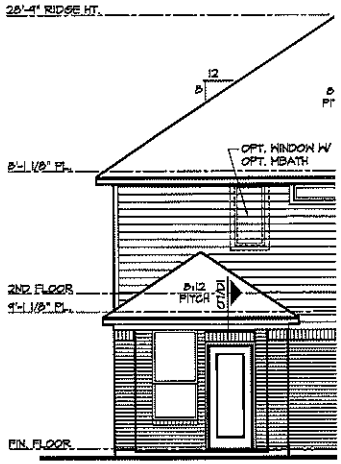
NOTE: SIDING TO BE FURRED OUT FLUSH W/ BRICK.

NOTE: ALL SIDING & TRIM SHALL BE OF CEMENTITIOUS MATERIAL.



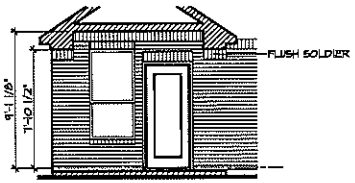
FRONT ELEVATION

SCALE: 1/8" = 1'-0"



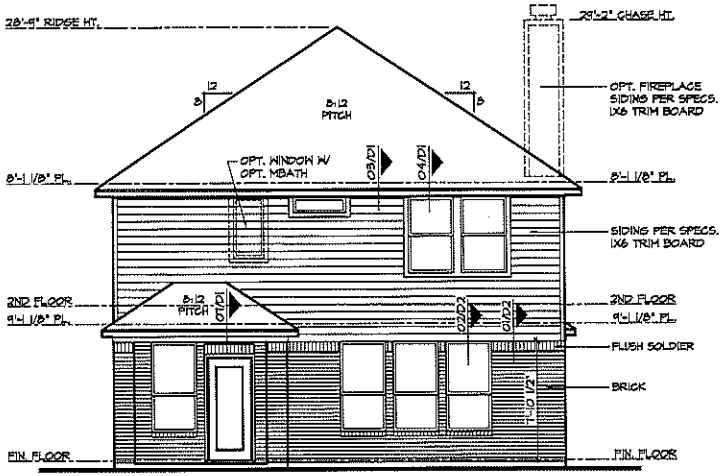
OPT. PATIO

SCALE: 1/8" = 1'-0"



REAT PATIO SECTION

SCALE: 1/8" = 1'-0"



REAR ELEVATION

SCALE: 1/8" = 1'-0"

RELEASE FOR CONSTRUCTION

No.	Date	Description	By
	12/22/16	RELEASE FOR CONSTRUCTION.	SC
1	3/08/17	REV. # 17-015 REVISED WINDOWS	mu
2	3/16/17	RELEASED ELEV'S. "A", "B" AND "C"	mu

REVISIONS

HORIZON HOMES
an affiliate of highland homes
5601 DEMOCRACY DRIVE, SUITE 300, PLANO, TEXAS 75024; (972) 392-3887

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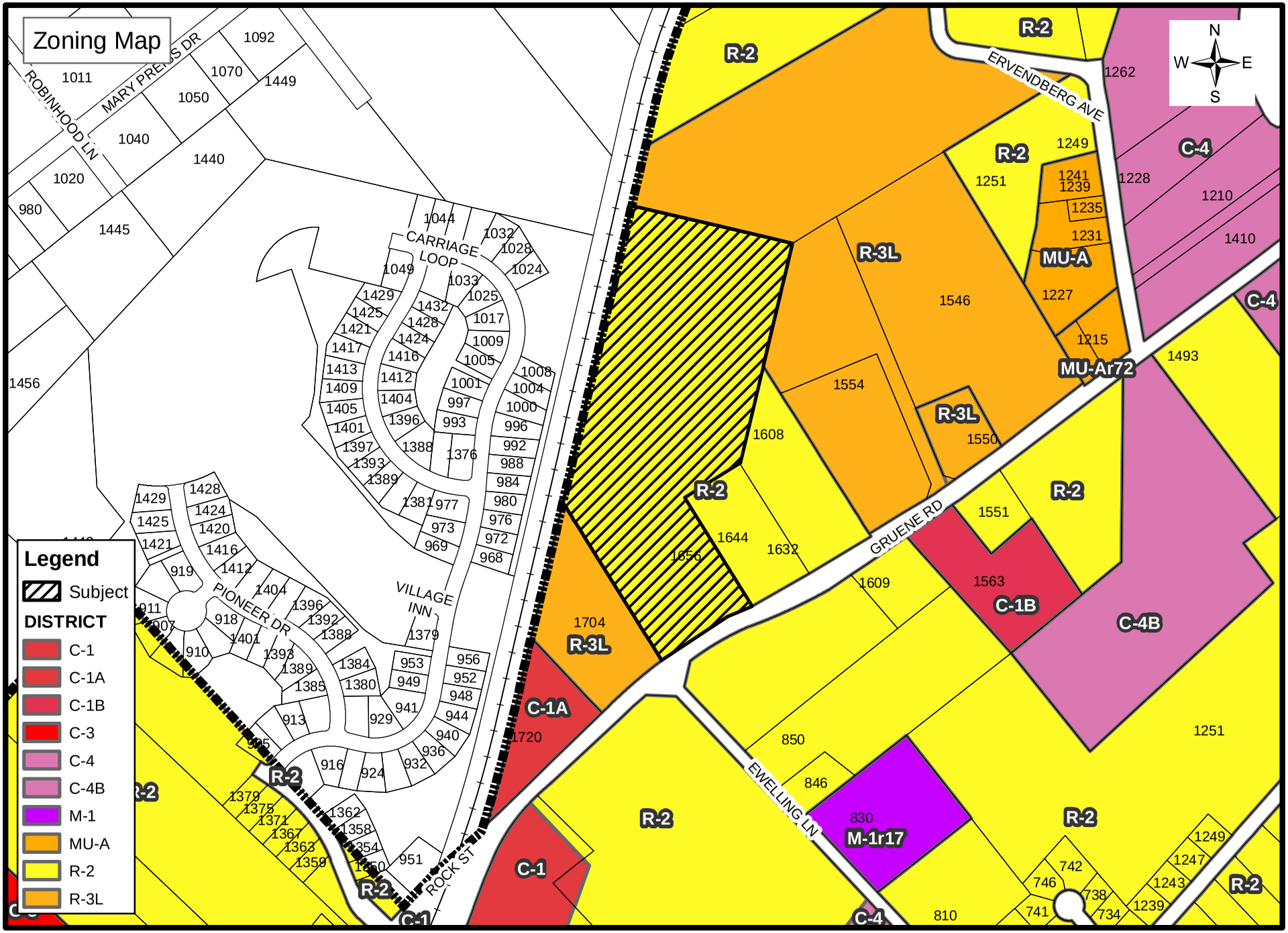
DRAWN BY: IDG

SHEET 1 OF 17

"K" ELEV.

OPTION(S)
50 BRICK
BASE

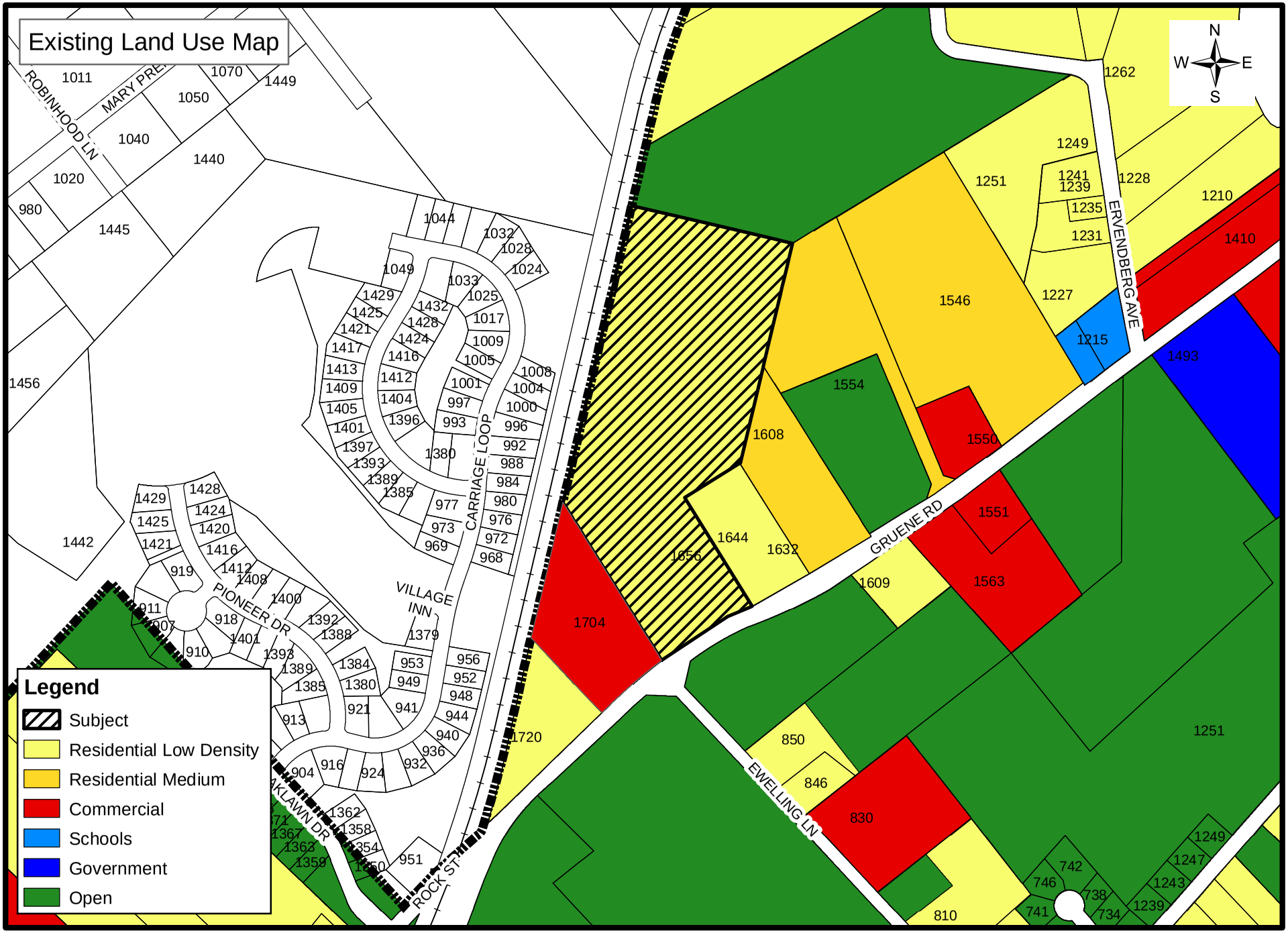
PLAN NAME
COTSWOLD



City of New Braunfels

PZ-17-051
Village at Gruene PD
Concept Plan

ATTACHMENT 3



City of New Braunfels

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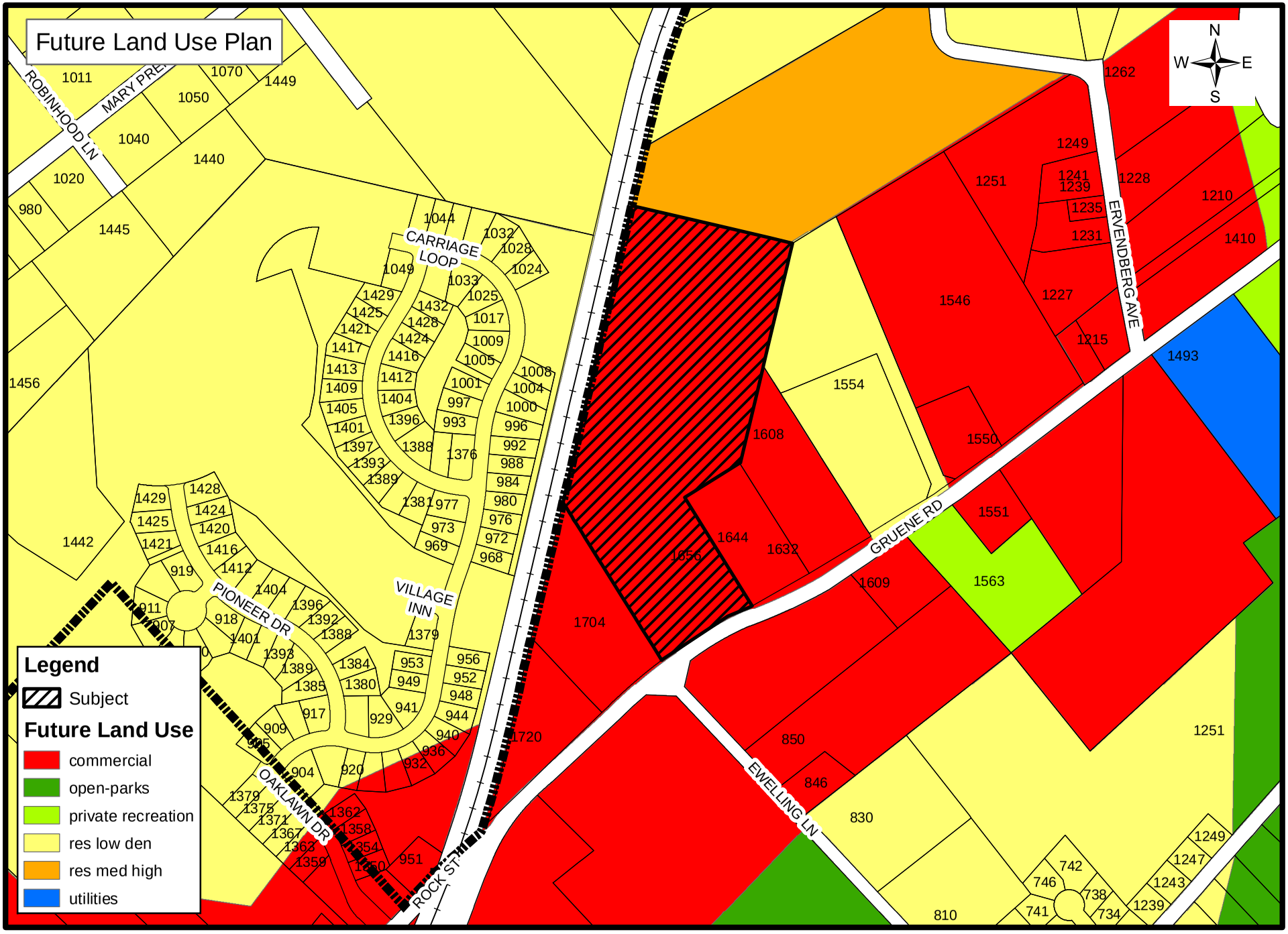
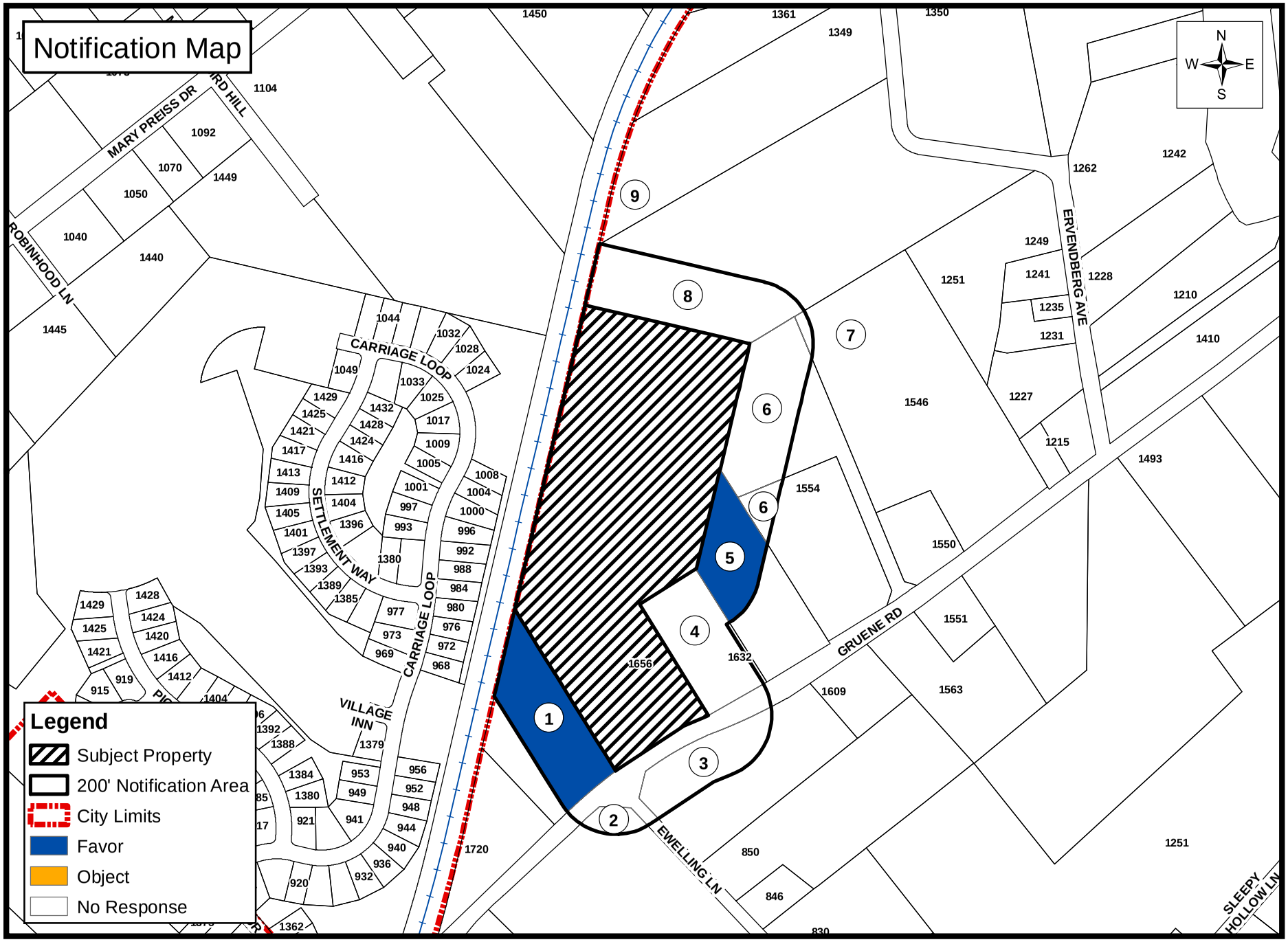


City of New Braunfels

PZ-17-051
Village at Gruene PD
Concept Plan



City of New Braunfels

PZ-17-051
Village at Gruene PD
Concept Plan

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ17-051 (Gerloff)

Name: PAM MAGEE
Address: 1704 GRUENE RD
Property number on map: #1

I favor: ✓

I object: _____
(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: _____

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ17-051 (Gerloff)

Name: Robert S. + Paula Mayfield
Address: 1608 Gruene Road
Property number on map: 5

I favor: ✓

I object: _____
(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Robert Scott Mayfield

3.4-2. *"R-1A-6.6" single-family district.*

Purpose. The R-1A-6.6 single-family district is intended for development of primarily detached, single-family residences and customary accessory uses on lots of at least 6,600 square feet in size. The following regulations shall apply in all "R-1A-6.6" districts:

"R-1A" district. The district called "R-1A" shall be renamed and shown on the zoning map as "R-1A-6.6".

(a) *Authorized uses*. Uses permitted by right shall be those set forth in the Land Use Matrix in Section 4 of this Chapter. The allowed uses in the district, which are intended to be identical with those listed in the Land Use Matrix, are as follows

(1) *Uses permitted by right*:

Residential uses:

Accessory building/structure
Accessory dwelling (one accessory dwelling per lot, no kitchen)
Community home (see definition)
Family home adult care
Family home child care
Home Occupation (See Sec. 5.5)
One family dwelling, detached
Single family industrialized home (see Sec. 5.8)

Non-residential uses:

Barns and farm equipment storage (related to agricultural uses)
Church/place of religious assembly
Community building (associated with residential uses)
Contractor's temporary on-site construction office (with permit from Building Official; Sec 5.10)
Farms, general (crops) (see Chapter 6, Municipal Code and Sec. 5.9)
Farms, general (livestock/ranch) (see Chapter 6, Municipal Code and Sec. 5.9)
Golf course, public or private
Governmental building or use with no outside storage
Park and/or playground (public)
Public recreation/services building for public park/playground areas
Recreation buildings (public)
School, K-12 (public or private)
Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system

(2) *Conflict.* In the event of conflict between the uses listed in the Land Use Matrix and those listed in Subsection (1), the uses listed in this subsection shall be deemed those authorized in the district.

(b) *Height and area requirements:*

(1) Residential uses.

(i) *Height.* 35 feet.

(ii) *Front building setback.* 25 feet.

(iii) *Side building setbacks.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots.

(iv) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)

(v) *Rear building setback.* 20 feet.

(vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet.

(vii) *Lot area per family.* Every single-family dwelling hereafter erected or altered shall provide a lot area of not less than 6,600 square feet per dwelling for interior lots, and 7,000 square feet per dwelling for corner lots, provided that where a lot has less area than herein required and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling. Where public or community sewer is not available and in use, for the disposal of all sanitary sewage, each lot shall provide not less than one half acre per dwelling unit not located over the recharge zone and one acre per dwelling unit located over the recharge zone.

(viii) *Lot depth*. 100 feet.

(ix) *Parking*. Two off-street parking spaces shall be provided for each one-family detached dwelling. See Section 5.1 for other permitted uses' parking.

(2) Non-residential uses.

(i) *Height.* 35 feet.

(ii) *Front building setback.* 25 feet.

(iii) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Where any building abuts a property with a one or two family use, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.

(iv) *Corner lots.* Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots. Where a minimum 25-foot setback is required, a canopy at least eight feet in height, attached to the main building, may be built within 15 feet of the property line so long as such construction will not obstruct the vision of vehicular or pedestrian traffic.

(v) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)

(vi) *Rear building setback.* 20 feet.

(vii) *Width of lot.* 60 feet.

(viii) *Lot depth*. 100 feet.

(ix) *Parking.* See Section 5.1 for permitted uses' parking.

3.5. *Planned Development Districts*.

3.5-1. *Purpose:* The planned development district is a free-standing district designed to provide for the development of land as an integral unit for single or mixed uses in accordance with a plan that may vary from the established regulations of other zoning districts. It is the intent in such a district to insure compliance with good zoning practices while allowing certain desirable departures from the strict provisions of specific zoning classifications.

3.5-2. *Application:* An application for a planned development district shall be processed in accordance with this Chapter. A pre-planning conference is required between the applicant and the Planning Director prior to the actual filing of the application.

3.5-3. *Base District.* A base zoning district shall be specified. The regulations in the base zoning district shall control unless specifically stated otherwise in the PD.

3.5-4. *District plans and requirements:* There are two types of plans that may be used in the planned development process. The general purpose and use of each plan is described as follows:

(a) *Concept plan.* This plan is intended to be used as the first step in the planned development process. It establishes the most general guidelines for the district by identifying the land use types, development standards, approximate road locations and project boundaries and illustrates the integration of these elements into a master plan for the whole district.

(b) *Detail plan.* The detail plan is the final step of the planned development process. It contains the details of development for the property. For smaller tracts or where final development plans are otherwise known, the detail plan may be used to establish the district and be the only required step in the planned development process.

3.5-5. *Concept plan requirements:* Said concept plan shall include the following:

(a) *Relation to the comprehensive plan.* A general statement setting forth how the proposed district will relate to the city's comprehensive plan and the degree to which it is or is not consistent with that plan and the proposed base zoning district.

(b) *Acreage.* The total acreage within the proposed district.

(c) *Survey.* An accurate survey of the boundaries of the district.

(d) *Land uses.* Proposed general land uses and the acreage for each use, including open space. For residential development, the total number of units and the number of units per acre.

(e) *General thoroughfare layout.* Proposed streets, as a minimum to arterial street level. (Showing collector and local streets is optional.)

(f) *Development standards.* Development standards, if different from the base zoning district, for each proposed land use, as follows:
(1) Minimum lot area.
(2) Minimum lot width and depth.
(3) Minimum front, side, and rear building setback areas.
(4) Maximum height of buildings.
(5) Maximum building coverage.
(6) Maximum floor to area ratios for nonresidential uses.
(7) Minimum parking standards for each general land use.
(8) Other standards as deemed appropriate.

(g) *Existing conditions.* On a scaled map sufficient to determine detail, the following shall be shown for the area within the proposed district.
(1) Topographic contours of ten feet or less.

(2) Existing streets.
(3) Existing 100-year floodplain, floodway and major drainage ways.
(4) City limits and E.T.J. boundaries.
(5) Zoning districts within and adjacent to the proposed district.
(6) Land use.
(7) Utilities, including water, wastewater and electric lines.

3.5-6. *Detail plan requirements:* The application for a planned development district shall include a detail plan consistent with the concept plan. Said detail plan shall include the following:

(a) *Acreage.* The acreage in the plan as shown by a survey, certified by a registered surveyor.

(b) *Land uses.* Permitted uses, specified in detail, and the acreage for each use.

(c) *Off-site information.* Adjacent or surrounding land uses, zoning, streets, drainage facilities and other existing or proposed off-site improvements, as specified by the department, sufficient to demonstrate the relationship and compatibility of the district to the surrounding properties, uses, and facilities.

(d) *Traffic and transportation.* The location and size of all streets, alleys, parking lots and parking spaces, loading areas or other areas to be used for vehicular traffic; the proposed access and connection to existing or proposed streets adjacent to the district; and the traffic generated by the proposed uses.

(e) *Buildings.* The locations, maximum height, maximum floor area and minimum setbacks for all nonresidential buildings.

(f) *Residential development.* The numbers, location, and dimensions of the lots, the minimum setbacks, the number of dwelling units, and number of units per acre (density).

(g) *Water and drainage.* The location of all creeks, ponds, lakes, floodplains or other water retention or major drainage facilities and improvements.

(h) *Utilities.* The location and route of all major sewer, water, or electrical lines and facilities necessary to serve the district.

(i) *Open space.* The approximate location and size of greenbelt, open, common, or recreation areas, the proposed use of such areas, and whether they are to be for public or private use.

(j) *Sidewalks and bike paths.* Sidewalks or other improved ways for pedestrian or bicycle use.

(k) If multifamily or non-residential development, a landscape plan.

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

3.5-7. *Phasing schedule:* PD districts larger than 350 acres shall provide a phasing schedule depicting the different construction phases.

3.5-8. *Approval of district:* The City Council may, after receiving a recommendation from the Planning Commission, approve by Ordinance the creation of a district based upon a concept plan or a detail plan. The approved plan shall be made part of the ordinance establishing the district. Upon approval said change shall be indicated on the zoning maps of the city.

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

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

3.5-9. *Planning Commission approval of detail plan:* The Planning Commission is authorized to approve a detail plan or the amendment of a detail plan for property for which a concept plan has been approved by the City Council. If the City Council initially approved a detail plan in establishing the district, the detail plan may only be amended by the City Council. The approved detail plan shall be permanently filed in the Planning Department. The Planning Commission shall approve the detail plan if it finds that:

(a) *Compliance.* The plan complies with the concept plan approved for that property and the standards and conditions of the PD district;

(b) *Compatibility.* The plan provides for a compatible arrangement of buildings and land uses and would not adversely affect adjoining neighborhood or properties outside the plan; and

(c) *Circulation of vehicular traffic.* The plan provides for the adequate and safe circulation of vehicular traffic.

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

3.5-10. *Expiration of detail plan:* A detail plan shall be valid for five years from the date of its approval. If a building permit has not been issued or construction begun on the detail plan within the five years, the detail plan shall automatically expire and no longer be valid. The Planning Commission may, prior to expiration of the detail plan, for good cause shown, extend for up to 24 months the time for which the detail plan is valid.

3.5-11. *Appeals from Planning Commission action:* If the Planning Commission disapproves a detail plan over which it has final approval authority, or imposes conditions, or refuses to grant an extension of time for which a detail plan is valid, the applicant may appeal the decision to the City Council by filing a written request with the Planning Director within ten days of the decision.

3.5-12. *Changes in detail plan:* Changes in the detail plan shall be considered the same as changes in the zoning ordinance and shall be processed as required in Section 2.3. Those changes which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, floor area ratio, height, or coverage of the site, or which do not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site, as indicated on the approved detail plan, may be authorized by the Planning Director. Any applicant may appeal the decision of the Planning Director to the Planning Commission for review and decision as to whether an amendment to the Planned Development District ordinance shall be required.

3.5-13. *Minimum development size:* The total initial development of any Planned Development District shall not be less than two acres for nonresidential developments and five acres for residential developments.

3.5-14. *Deviation from code standards:* The City Council may approve a PD concept plan with deviations from any provision in the Code of Ordinances. Such deviations shall be listed or shown as part of the Ordinance that approves the concept plan.

Draft Minutes for the January 9, 2018 Planning Commission Regular Meeting

PZ-17-051: Public hearing and recommendation to City Council regarding the proposed rezoning of 14.87 acres out of the J. M. Veramendi A-2 Survey, addressed at 1656 Gruene Road, from "R-2" Single and Two-family District to Cabins at Gruene Planned Development District (CGPD) with a Concept Plan and Development Standards.
(Applicant: Moeller; Case Manager: H. Mullins)

Mrs. Mullins presented the Staff report and recommended denial. She stated should the Planning Commission recommend approval of the rezoning, Staff recommended the applicant's request for a Future Land Use Plan amendment from Commercial to Low Density Residential also be approved.

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

James Ingalls, a representative with Moeller and Associates, provided a brief history of the project. He explained why they did not include the internal layout on the Concept Plan, and described the potential internal layout options. He stated they did not wish to zone the property as 'ZH-A' Zero Lot Line Home District, as more flexibility with the development standards are required for the proposed development type.

Commissioner Bearden inquired about the internal street width.

Mr. Ingalls stated the street would have the standard width.

Commissioner Bearden inquired if the structures would be two stories in height.

Mr. Ingalls responded that it was unknown at that time.

Discussion followed regarding buildable area.

Commissioner Bearden inquired if the lots would provide front in parking.

Mr. Ingalls responded yes.

Discussion followed regarding the property's location in the recharge zone.

Pam Magee, 1704 Gruene Road, wished to speak in favor. She stated her belief that the development would be a positive addition to the neighborhood and community. She described the neighborhood meeting held with the developers.

Pam Mayfield, 1608 Gruene Road, wished to speak in favor. She explained that as a neighboring property, she favored the single-family development rather than another development type.

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

No one spoke.

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

Vice Chair Edwards emphasized the importance of the neighboring property owners speaking in favor of the development. He stated that the proposed decreased density would be be more compatible with the character of the area compared to the other previously considered development types.

Commissioner Sonier asked if there were other developments in the City with 40-foot-wide lots.

DRAFT

Discussion followed.

Motion by Commissioner Bearden, seconded by Commissioner Sonier, to recommend approval to City Council regarding the proposed rezoning of 14.87 acres out of the J. M. Veramendi A-2 Survey, addressed at 1656 Gruene Road, from “R-2” Single and Two-family District to Cabins at Gruene Planned Development District (CGPD) with a Concept Plan and Development Standards, with Staff recommendations for a Future Land Use Plan amendment from Commercial to Low Density Residential also be approved. Motion carried (8-0-0).

DRAFT

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING 14.87 ACRES OUT OF THE J. M. VERAMENDI A-2 SURVEY, ADDRESSED AT 1656 GRUENE ROAD, FROM "R-2" SINGLE AND TWO-FAMILY DISTRICT TO VILLAGE AT GRUENE PLANNED DEVELOPMENT DISTRICT ("VGPD") WITH A CONCEPT PLAN AND 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 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 Zoning Map by changing the zoning of 14.87 acres out of the J. M. Veramendi A-2 Survey, addressed at 1656 Gruene Road, from "R-2" Single and Two-family District to "VGPD" Village at Gruene Planned Development District; **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 "VGPD" Village at Gruene Planned Development District:

> "Approximately 14.87 acres out of the J. M. Veramendi A-2 Survey addressed at 1656 Gruene Road, as delineated on Exhibit "A" and described in Exhibit "B" attached."

SECTION 2

THAT Exhibit “C” be adopted as the Village at Gruene Planned Development District Concept Plan.

SECTION 3

THAT Exhibit “D” be adopted as the Village at Gruene Planned Development District Development Standards.

SECTION 4

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

SECTION 5

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

SECTION 6

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

SECTION 7

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

PASSED AND APPROVED: First reading this 12th day of February, 2018.

PASSED AND APPROVED: Second reading this 28th day of February, 2018.

CITY OF NEW BRAUNFELS

_____

BARRON CASTEEL, Mayor

ATTEST:

_____

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

_____

VALERIA M. ACEVEDO, City Attorney

V:\ZoneChange-SUP-Replats\2017 cases\PZ-17-051 Village at Gruene Concept\PZ-17-051 Ordinance.docx

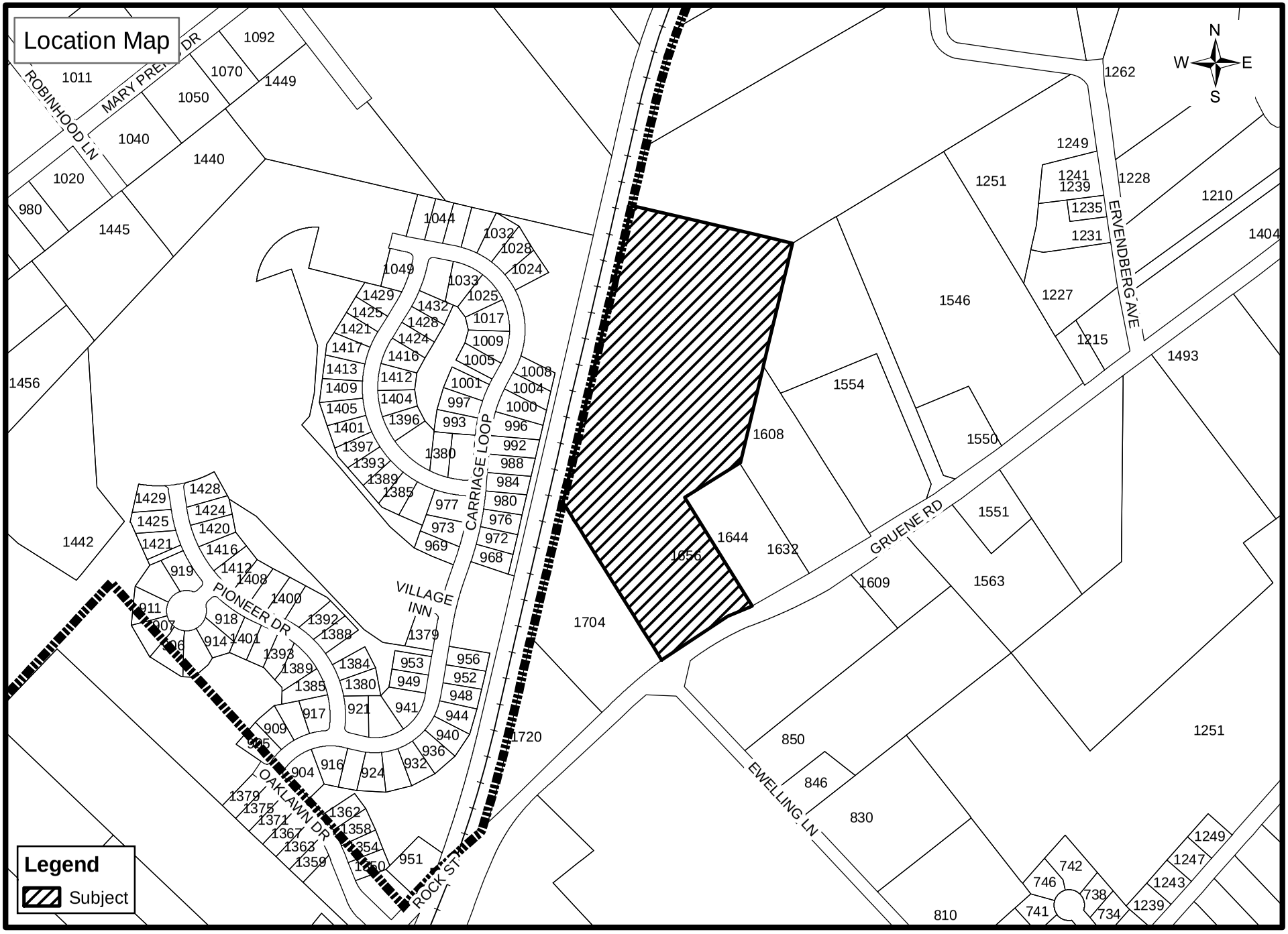


EXHIBIT "A"

City of New Braunfels

PZ-17-051
Village at Gruene PD
Concept Plan

HMT
ENGINEERING & SURVEYING

410 N. Seguin Ave.
New Braunfels, TX 78130
HMTNB.COM
830.625.8555 • FAX: 830.625.8556
TBPE FIRM F-10961

METES AND BOUNDS DESCRIPTION
FOR A
14.87 ACRE TRACT OF LAND

Being a 14.87 acre tract of land situated in the J.M. Veramendi Survey No. 1, Abstract No. 2, Comal County, Texas, and being all of a called 10 acre tract of land (Tract I), and all of a called 10 acre tract (Tract II), less and except a called 2 acre tract (Tract III), and a called 3.222 acre tract (Tract IV) as recorded in Document No. 201106022075, Official Public Records, Comal County, Texas, said 14.87 acre tract of land being more particularly described as follows:

BEGINNING at a 5/8" iron pin found in the Northwesterly right-of-way line of Gruene Road, for the East corner of a called 3.216 acre tract of land recorded in Document No. 200606052205, Official Public Records, Comal County, Texas, and the Southern corner of this herein described 14.87 acre tract of land;

THENCE along the Northeasterly line of said 3.216 acre tract of land, N 32°01'39" W a distance of 603.04 feet to a 1/2" iron pin found in the Southeasterly line of a M.K.&T. Railroad right-of-way for the Northerly corner of said 3.216 acre tract, and the Westerly corner of this herein described 14.87 acre tract of land;

THENCE along the Southeasterly line of said M.K.&T. Railroad right-of-way N 13°04'47" E a distance of 985.36 feet to a 1/2" iron pin found for a Southwesterly corner of a called 12.195 acre tract of land described in Document No. 200706026391, Official Public Records, Comal County, Texas, for the Northwesterly corner of this herein described 14.87 acre tract of land;

THENCE along the Southwesterly line of said 12.195 acre tract, S 76°54'43" E a distance of 532.92 feet to an 8" cedar fence corner found for a Southerly corner of said 12.195 acre tract, a Northwesterly corner of a called 7.16 acre tract recorded in Document No. 201006016961, Official Public Records, Comal County, Texas, for the Northeasterly corner of this herein described 14.87 acre tract of land;

THENCE along the Westerly line of said 7.16 acre tract, and a called 3 acre tract described in Document No. 9506480232, Official Public Records, Comal County, Texas, S 13°28'03" W a distance of 732.27 feet to a 1/2" iron pin found for a Westerly corner of said 3 acre tract, and the Northerly corner of a called 2 acre tract of land recorded in Volume 349, Page 623, Deed Records, Comal County, Texas, for a Southeasterly corner of this herein described 14.87 acre tract of land;

THENCE along the Northwesterly line of said 2 acre tract, S 57°35'39" W a distance of 208.98 feet to a 6" cedar fence corner found for the Westerly corner of said 2 acre tract, and an interior corner of this herein described 14.87 acre tract of land;

THENCE along the Southwesterly corner of said 2 acre tract, S 31°46'13" E a distance of 412.92 feet to a 6" cedar fence corner found in the Northwesterly right-of-way line of Gruene Road for the Southerly corner of said 2 acre tract, and a Southeasterly corner of this herein described 14.87 acre tract of land;

EXHIBIT "B"

THENCE along the Northwesterly right-of-way line of Gruene Road the following calls:

S 67°22'52" W a distance of 84.72 feet to a 1/2" iron pin (with cap stamped "HMT") set for a corner of this herein described 14.87 acre tract of land;

S 56°22'52" W a distance of 257.57 feet to the POINT OF BEGINNING and containing 14.87 acres of land in Comal County, Texas.

Bearings are based upon the Texas Coordinate System, South Central Zone (4204), NAD 83.

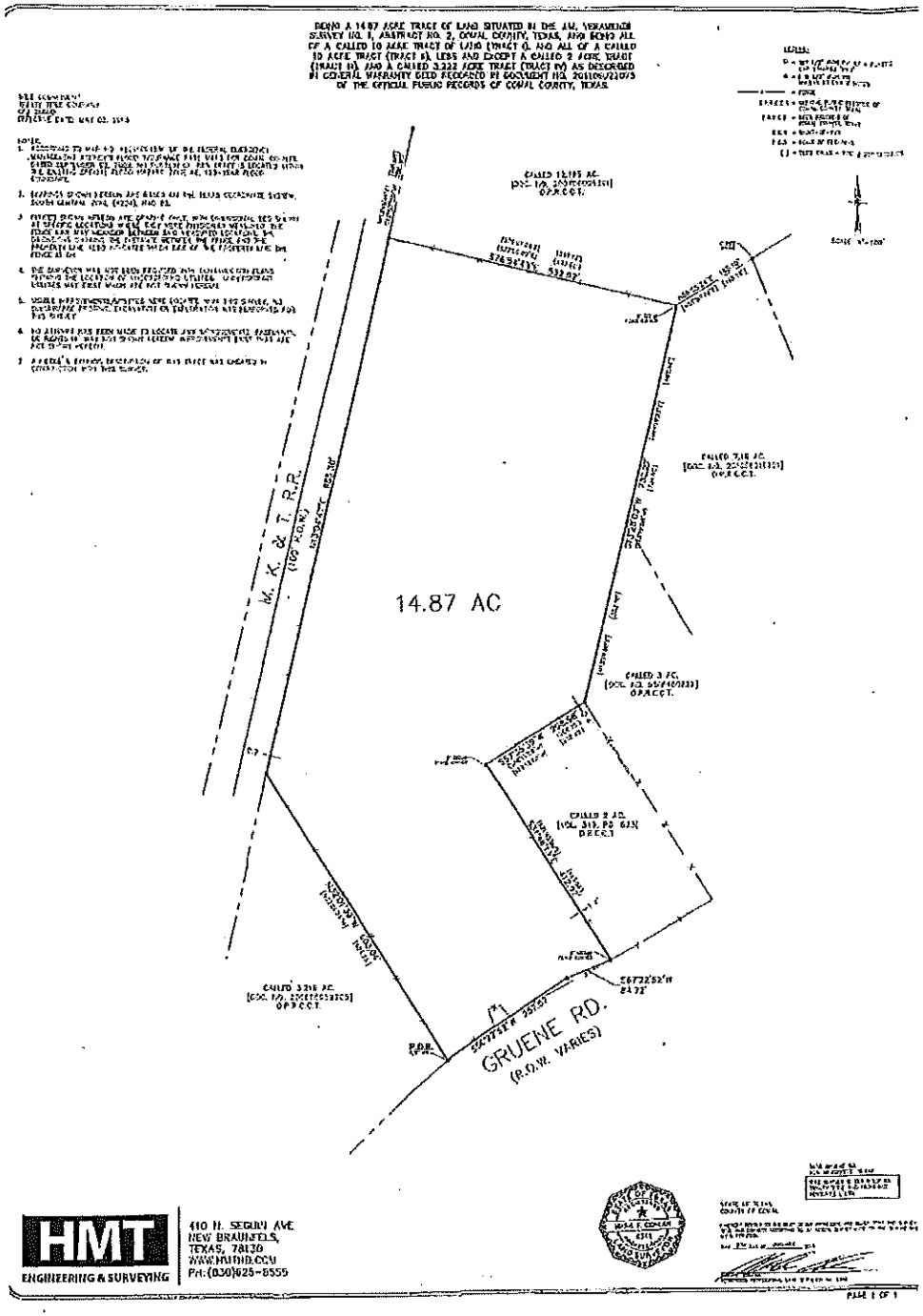
Surveyed this the 9th day of January, 2013.

Reference survey of said 14.87 tract of land prepared this same date.

STATE OF TEXAS
REGISTERED
MARK F. CONLAN
6342
PROFESSIONAL
LAND SURVEYOR

Mark F. Conlan
Registered Professional Land Surveyor No. 6342

N:_Projects\058 - Vinco Wood\058.001 - Veramendi, JM 14.778 ac\058.001.101-Conceptual Site Plan\14.87 M&B.doc


14.87 AC
M. K. & T. R.R.
(100' R.O.W.)
GRUENE RD.
(R.O.W. VARIES)
P.O.B.
HMT
ENGINEERING & SURVEYING
410 N. SEGUIN AVE
NEW BRAUNFELS,
TEXAS, 78130
WWW.HMTHD.COM
PH:(830)625-8555

NOTES:

1. THE PROPOSED USE OF THE SUBDIVISION IS FOR SINGLE FAMILY RESIDENTIAL.
2. SIDEWALKS WILL BE CONSTRUCTED FOR THIS DEVELOPMENT.
3. STREETS ARE PROPOSED TO BE OF A LOCAL TYPE AND COLLECTOR FUNCTIONAL CLASSIFICATION.
4. 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.
8. ALL LOTS WITHIN THE SUBDIVISION WILL BE SERVED BY NEW BRAUNFELS UTILITIES (NBU), FOR PUBLIC WATER, SEWER SERVICE, AND ELECTRIC SERVICE, AT&T FOR PHONE SERVICE, AND TIME WARNER CABLE.
6. ALL OPEN SPACE AREAS CAN BE USED FOR DRAINAGE CONVEYANCE. ALL DRAINAGE AREAS NEEDED WITHIN OPEN SPACE AREAS WILL BE DESIGNATED BY EASEMENT DURING THE PLATTING PROCESS.
7. ALL STANDARD CURB AND GUTTER WILL PROVIDE STORM WATER CAPACITY PER CITY OF NEW BRAUNFELS DRAINAGE REQUIREMENTS.
8. THE ENTIRE SUBDIVISION FALLS WITHIN NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT.
9. BASE ZONING FOR VILLAGE AT GRUENE PLANNED DEVELOPMENT DISTRICT IS R-1A-6.6, SINGLE FAMILY DISTRICT.
10. RESIDENTIAL USE HAS LAND DEDICATION AND PARK DEVELOPMENT FEE REQUIREMENTS PER THE PARK LAND ORDINANCE. THIS DEVELOPMENT IS APPROVED FOR ONE DWELLING UNIT PER LOT. AT SUCH TIME THAT ADDITIONAL DWELLING UNITS ARE CONSTRUCTED THE OWNER OF THE LOT SHALL CONTACT THE CITY AND COMPLY WITH THE ORDINANCE FOR EACH NEW DWELLING UNIT.

ACREAGE SUMMARY (APPROX.)

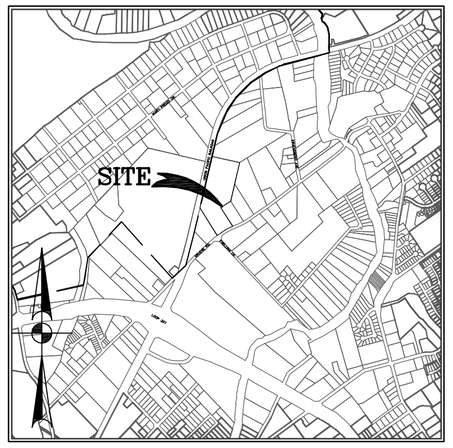
RESIDENTIAL LOTS AND STREETS:	12.48 ACRES
*OPEN SPACE (OS)/GREENBELT	2.39 ACRES
TOTAL ACREAGE:	14.87 ACRES
RESIDENTIAL LOT DENSITY (72 MAX/14.87):	4.87 LOTS/ACRE

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

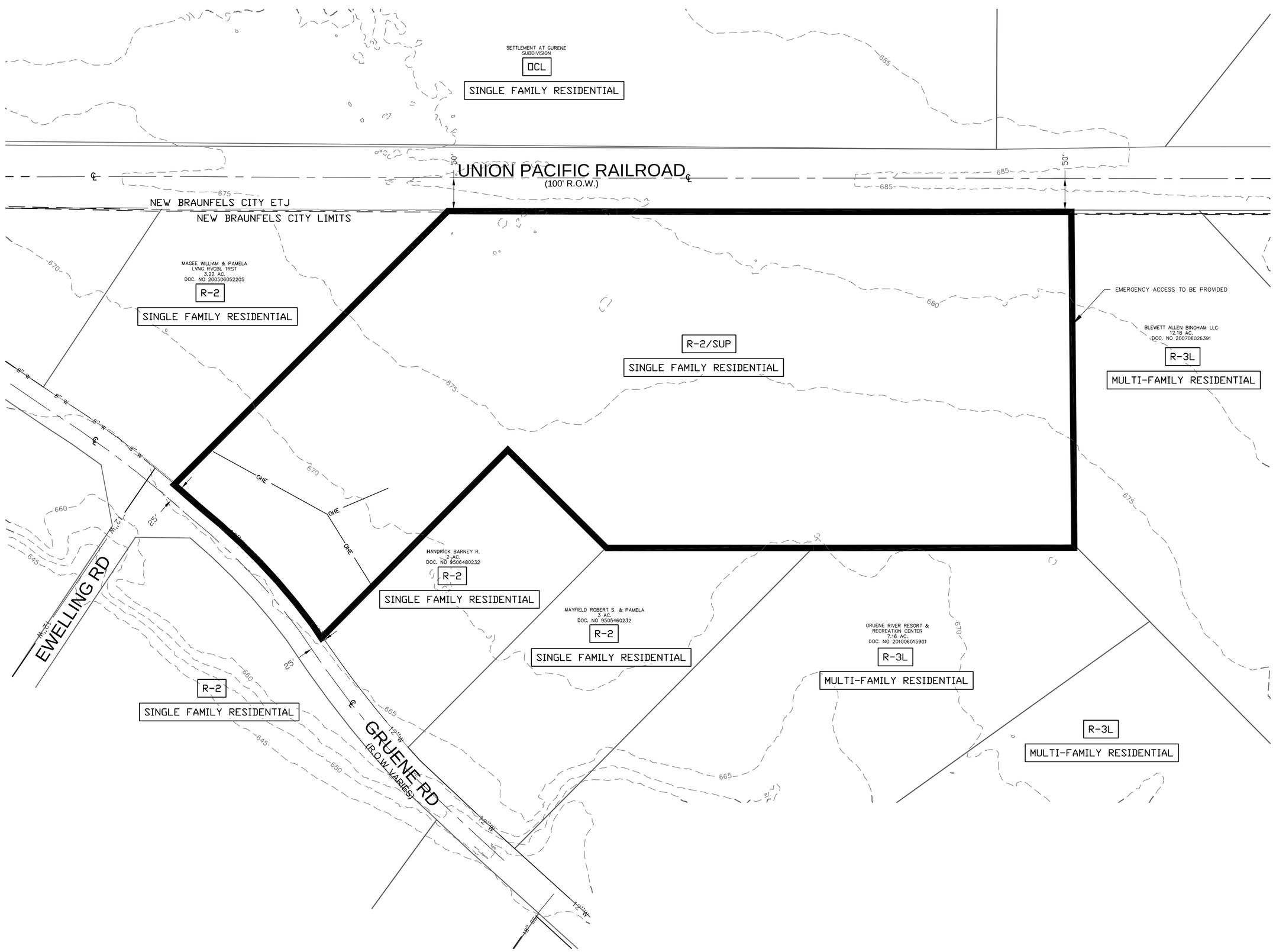
OWNER/DEVELOPER:
DIRECT ASSETS LLC
DARREN GERLOFF
14955 BULVERDE RD
SAN ANTONIO, TX 78247
(210) 490-2777

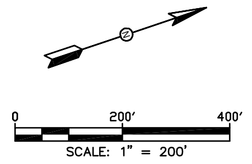
ENGINEER/SURVEYOR:
MOELLER & ASSOCIATES
JAMES INGALLS, P.E. - ENGINEER
2021 SH 46 W. STE 105.
NEW BRAUNFELS, TX. 78130
(830) 358-7127

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



LOCATION MAP
SCALE: 1"=2,000'





LEGEND

BOUNDARY

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

THIS DOCUMENT IS AN EXHIBIT AND IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF JAMES I. INGALLS, PE. 107416 ON January 11, 2018. IT IS NOT TO BE USED FOR BIDDING OR CONSTRUCTION PURPOSES.

NO	DATE	ISSUES AND REVISIONS

MOELLER & ASSOCIATES
Engineering Solutions
2021 W SH 46, STE 105, NEW BRAUNFELS, TX 78132
PH: 830-358-7127 www.ma-tx.com
TBPE FIRM F-13351

CONCEPT PLAN

VILLAGE AT GRUENE

SHEET 1 OF 1

EXHIBIT "C"

Drawing Name: N:\Projects\GERL001 15ac Gruene Rd\Planning\Zoning\Village at Gruene Concept Plan.dwg User: jamesingalls Jan 11, 2018 - 5:08am

© COPYRIGHT 2015

Village at Gruene
Planned Development District (VaGPDD)
Narrative

REQUEST

In an effort to diversify the use and potential of a 14.87 acre tract of land currently zoned ñR-2ò Single and Two Family District located off of Gruene Rd, the applicant is requesting a Planned Development District (ñPDDò) with a Base Zoning R1A-6.6 to allow for the development of a single family residential community known as the Village at Gruene which will consist of 40ôx120ôlots. The current R-1A-6.6 zoning district requires a minimum 60ôlot width with a corner lot width of 70ôand a 6,600 square foot and 7,000 square foot lot area respectively. The proposed typical 40ôx120ôlot in Village at Gruene is 4,800 square feet in area. We are proposing to revise the current R-1A-6.6 district requirements to a minimum 40ôlot width, 4,800 sf minimum lot area allowing one family detached dwellings along with the implementation of several other PDD standards with this PDD.

The property currently has an SUP with the ability to develop 96 dwelling units. We believe the revised minimum lot size, in conjunction with the implementation of several other PDD standards, will provide the area with a more complimentary community that offers a higher quality of life than the current standard permitted. The PDD will establish standards focused on the communityôs long term preservation and vitality. Such standards are not currently addressed in the Zoning Ordinance, but we believe that they are extremely important to future homeowners.

We respectfully request consideration of the proposed Planned Development District as the Highest and Best Use for the 14.87 acres of land located off Gruene Rd.

The proposed PDD will offer a higher end residential detached townhouse style product with direct access to Gruene and the Loop that is currently not offered in this area. The product is aimed at young professionals who want high quality, but without the high maintenance of a large yard that is typical of that price-point. The proposed PDD addresses Goals 1, 2, 3 of the Comprehensive plan.

BASE ZONING DISTRICT

The Village at Gruene will have the base zoning requirements of the R-1A-6.6 zoning district as described in the current zoning ordinance of the City of New Braunfels. The PDD will revise the minimum lot widths set forth in the current zoning standards for a R-1A-6.6 zoning district. These revised standards will accommodate a more vibrant, sustainable community that provides generous park space, a sense of place, lot diversity, and pedestrian-friendly circulation internal and external to the community.

EXHIBIT "D"

Village at Gruene
Planned Development District (CaGPDD)
Development Standards

The general development standards are as follows:

Land Use:	Single-Family Residential - Standard Lot
Base Zoning:	PDD
Total Number of Acres	14.87
Open Space/Drainage Acreage:	2.39
Residential Acreage:	12.48
Minimum Lot Width:	40 Feet Wide (50' on Corner Lots)
Minimum Lot Depth:	120 Feet
Minimum Lot Area	4,800 Square Feet
Minimum Lot Area (Corner)	6,000 Square Feet
Minimum Front Setback:	25 Feet
Minimum Side Setback:	5 Feet
Minimum Side Setback (Corner):	15 Feet or 25 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
Trees:	A minimum of one (1) - 2" front yard shade tree per lot
Drainage and Detention Areas	Areas located on separate lots will be owned and maintained by the HOA

*All remaining standards not listed above will be based on R-1A-6.6 zoning.

CONCEPTUAL PLAN

The Village at Gruene Conceptual Plan is a proposed 14.87 acre Planned Development comprising of single-family residential lots with a typical size of 40ôx120ô The property is currently zoned R-1A-6.6 and is located in the city limits.

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/12/2018

Agenda Item No. E)

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

SUBJECT:
Public hearing and consideration of the first reading of an ordinance regarding a request for rezoning to apply a Special Use Permit to allow the bulk storage of up to 36,000 gallons of fuel in aboveground tanks on approximately 3.6 acres out of the J.M. Veramendi Survey 1, Abstract 2, addressed at 1290 River Road.

BACKGROUND / RATIONALE:

Case #: PZ-17-053

Council District: 4

Owner/Applicant: RRNB 1290 LLC
Robert Kane
8511 River Road
New Braunfels, TX 78132
(713) 819-9634

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

The subject 3.6-acre property is located at the southeast corner of the intersection of Loop 337 and River Road, is zoned M-1 and was most recently an RV park. The property is situated over the Edwards Aquifer Recharge Zone and a portion (approximately the eastern 1/3rd) is located within the 100-year (1% annual chance) floodplain in close proximity to Blieders Creek.

The applicant is proposing to locate three 12,000-gallon aboveground fuel tanks on the property in conjunction with a retail convenience store and fueling station. He intends to place the tanks near the southern boundary of the property adjacent to the convenience store and parking area.

The installation of fuel storage tanks is regulated by the Texas Commission on Environmental Quality (TCEQ). The installation of new underground tanks that would increase capacity within the Edwards Aquifer Recharge Zone was capped in October 2012 and is prohibited by the State of Texas. The installation of aboveground tanks is allowed with secondary containment and must be approved through TCEQ to meet all environmental standards.

The applicant indicated that the secondary containment would be designed and built within the tanks,

plus they would include additional containment at the point of fuel delivery. This containment is required to be large enough to hold at least the volume of the tanks. When tanks are removed from a site, aboveground tanks are easier to mitigate than belowground tanks.

The tanks must also comply with all safety, electrical and construction regulations. The International Fire Code requires tanks be a minimum of 25 feet from the property lines and 15 feet from a building or public way (the setback applies to the tank only, not the containment).

In addition to the State regulations and Fire, Building and Electrical Code requirements, the City of New Braunfels' Zoning Ordinance also requires approval of a rezoning with a Special Use Permit (SUP) for aboveground tanks. The applicant is requesting a Type 2 SUP, which is subject to a site plan plus any conditions adopted by City Council. The applicant is proposing to conceal the tanks from view within a freestanding structure designed in compliance with the City's façade design standards that will complement other proposed structures on the property.

General Information:

Size: Approximately 3.6 acres

Surrounding Zoning and Land Use:

North -	Across Loop 337, C-3 / Shell gas station, R & H alcohol sales
South -	M-1 / Indoor recreation facility
East -	M-1 / Blieders Creek, drainage
West -	Across River Road, M-1 / Dean Word - construction contractors

Comprehensive Plan/ Future Land Use Designation:
Commercial

Floodplain:
Approximately the eastern 1/3rd of the property is within the 1% annual chance flood zone (100-year floodplain).

Regional Transportation Plan:
The property has frontage on Loop 337 that is indicated on the Regional Transportation Plan as an Expressway, up to 300 feet in width. The current right-of-way width along the subject property is approximately 200 feet. The potential requirement for dedication of property along Loop 337 will be reviewed with platting. If additional right-of-way is required to be dedicated with the platting of the property (up to approximately 50 feet may be required) the proposed location of the aboveground tanks would still meet the required setbacks.

River Road is designated as a Minor Arterial with 90 feet of right-of-way width. The current right-of-way width along the subject property is approximately 60 feet. Dedication of approximately 15 feet of right-of-way will be required with platting of the property.

Hike & Bike Trails Plan:
A 10-foot wide shared use path is to be constructed by the property owner along River Road to satisfy the requirements of the adopted Hike & Bike Trails Plan.

Improvement(s):
Restroom facility and RV parking sites to be removed.

Determination Factors:
In making a decision on zoning, the following factors are to be considered:

- Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole *(The proposed use of the property is suitable for the subject location at the intersection of an expressway and arterial roadway which serves as a commercial node. Commercial use is consistent with existing adjacent uses which would together serve the neighborhood as well as tourism related economic activity in the vicinity.)*;
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area *(The proposed zoning change should not negatively impact public schools or streets; the adequacy of utilities to serve the use will be evaluated by the providers.)*;
- How other areas designated for similar development will be affected *(There should be no negative impact on other areas designated for similar development; commercial property across Loop 337 is already developed with a similar use.)*;
- Any other factors that will substantially affect the public health, safety, morals, or general welfare *(The proposed fuel storage is strictly regulated by the State of Texas and, therefore, will not negatively affect public health, safety, morals, or general welfare. The applicant will be required to comply with all regulations.)*; and
- Whether the request is consistent with the Comprehensive Plan *(The request is consistent with the Future Land Use Plan designation of this site as Commercial.)*

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

	Yes	**City Plan/Council Priority:** 2006 Comprehensive Plan *Pros and Cons Based on Policies Plan*	**Pros: Goal 1:** *Promote manageable growth to achieve a proper balance of economic expansion and environmental quality while maintain the community's unique qualities.* The commercial use of this property as a gas station will be conveniently located to service the developing Loop 337 corridor and tourism traffic in the vicinity. **Objective 1A:** *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.* The proposed zoning and use is consistent with the Future Land Use Plan. **Goal 12:** *Protect and enhance the visual environment of the City.* The proposed screening of the aboveground fuel tanks will be consistent with adopted design standards and will shield the tanks from public view. **Cons: Goal 52:** *Safeguard natural resources through acquisition, preservation, and eco-friendly planning.* Bulk fuel storage can always pose a risk to groundwater as well as streams if a leak occurs. However, aboveground storage tanks are safer than belowground tanks since leaks can be seen. Additionally, they are required to provide secondary containment with an approved leak detection system. Mitigation for spills is less complicated with aboveground tanks as it's more difficult to detect underground leaks.

FISCAL IMPACT:
N/A

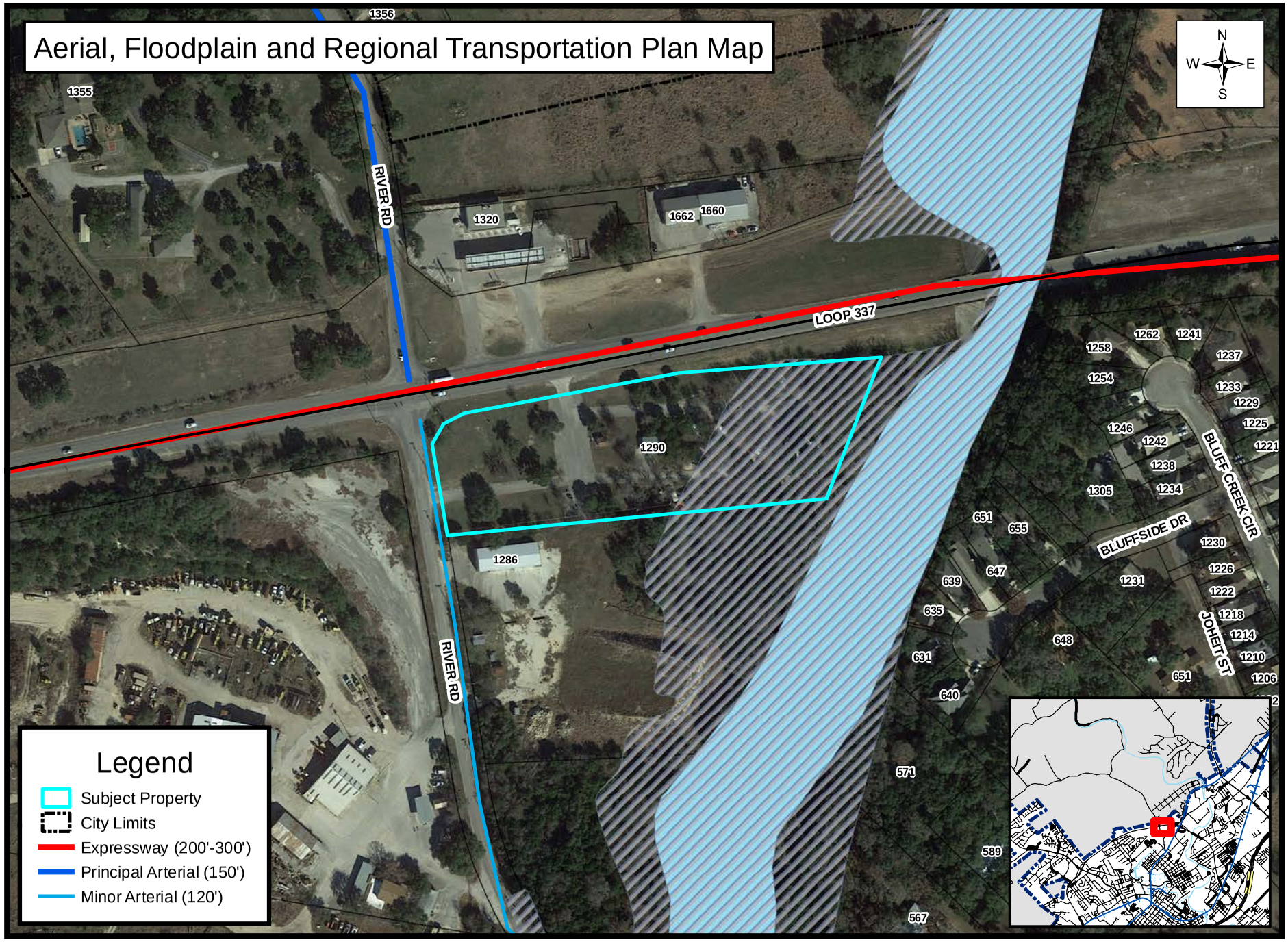
COMMITTEE RECOMMENDATION:
The Planning Commission held a public hearing on January 9, 2018, and recommended denial of the request (8-0-0) with Commissioner Elrod absent.

STAFF RECOMMENDATION:
Staff recommends approval of the applicant's request as the tanks will be required to meet all current safety construction standards, will be visually screened within a structure, and are consistent with the Future Land Use Plan designation of Commercial and several goals and objectives of the Comprehensive Plan. Furthermore, the tanks will still be required to obtain a TCEQ permit and meet all of the State's environmental standards.

Notification:
Public hearing notices were sent to 8 owners of property within 200 feet of the subject property. The Planning and Community Development Department has received no responses in favor or opposed.

Attachments:
1. Aerial & Regional Transportation Plan Map

2. Application
3. Site Plan, Structure Elevations and Proposed Tank Product Information
4. Zoning and Land Use Maps
5. Notification & Map
6. Photograph
7. Zoning Ordinance Sections 3.4-11 & 3.6, Bulk Storage Definition
8. Excerpt from the Planning Commission Meeting Minutes of January 9, 2018
9. Ordinance



City of New Braunfels

PZ-17-053
1290 River Road
SUP for Aboveground Fuel Storage

Map Created 12/27/17

RECEIVED
NOV 21 2017
BY:

City of New Braunfels

APPLICATION FOR SPECIAL USE PERMIT

550 LANDA STREET
NEW BRAUNFELS TX 78130
E-MAIL: planning@nbtexas.org
PHONE: (830) 221-4050

PLANNING

P2-17-053

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: RRNB Entertainment, LLC

   Mailing Address: 8511 River Road, New Braunfels TX, 78132

   Telephone: (713) 819-9634 ***Fax:*** _____ ***Mobile:*** (713) 819-9634

   Email: bob.rrnb@gmail.com

2. **Property Address/Location:** 1290 River Road, New Braunfels, TX 78132

3. **Legal Description:**
   Name of Subdivision: A-2 Sur-1 J.M. Veramindi, Acres 3.57878 Preiss Heights,

   Lot(s): _____ ***Block(s):*** _____ ***Acreage:*** 3.5787

4. **Existing Use of Property:** Storage and R.V. Rental

5. **Current Zoning:** M 1

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

7. **Proposed Use of Property and/or Reason for request (attach additional or supporting information if necessary):** Bulk Storage SUP. Above Ground Storage for Retail Convenience Store and Gas station.

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

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

11/14/2017
Date

Signature of Owner(s)/Agent

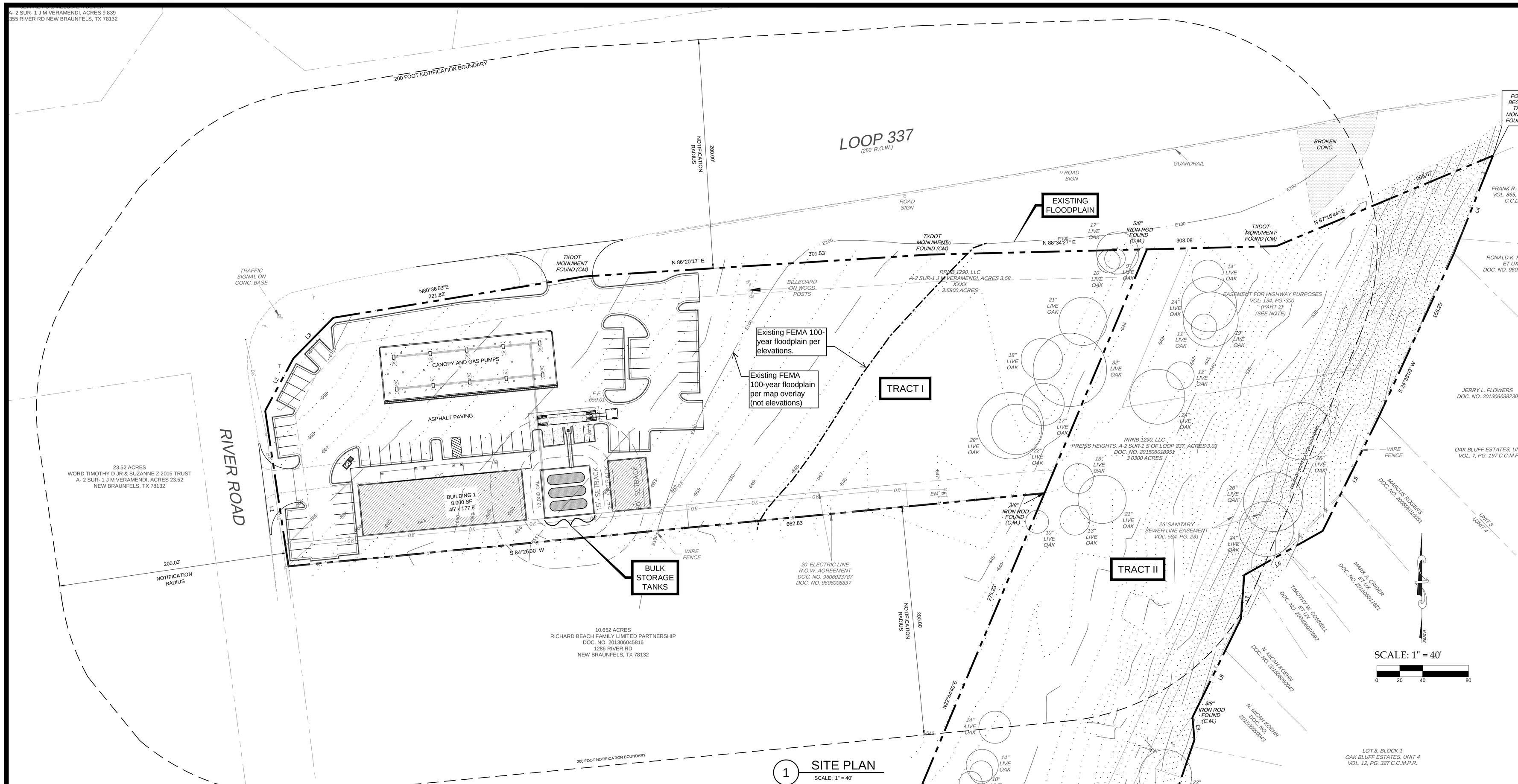
Robert Kane
Print Name & Title

For Office Use Only

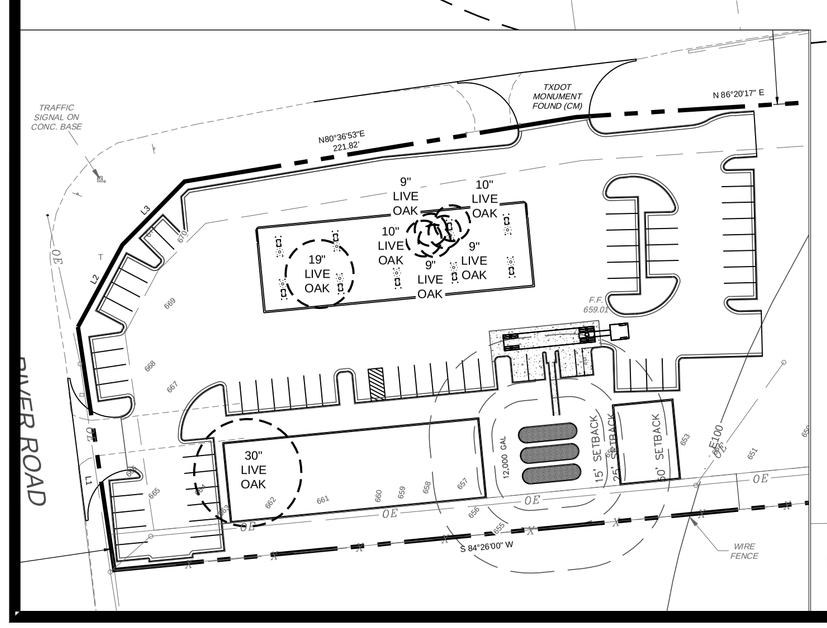
Fee Received By: Katherine Crowe Amount: $680 Receipt No.: 2391625

Date Received: 11/21/17 Zoning signs issued: _____ Date: _____ No.: _____

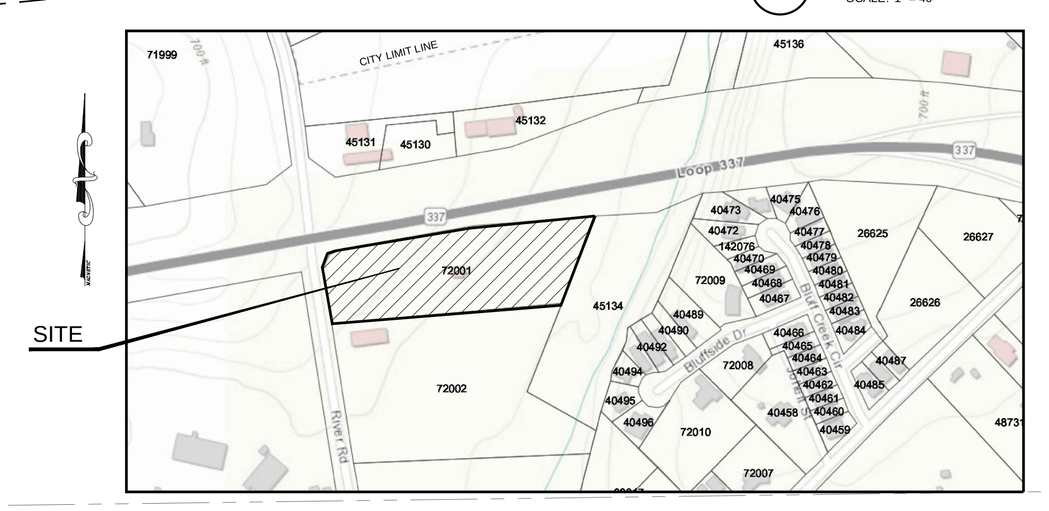
A- 2 SUR- 1 J M VERAMENDI, ACRES 9.839
355 RIVER RD NEW BRAUNFELS, TX 78132



1 SITE PLAN
SCALE: 1" = 40'



2 TREE REMOVAL
SCALE: 1" = 40'



LOCATION MAP

THOMPSON LAND ENGINEERING, LLC
Land Planning, Site Design, Subdivision Engineering
P.O. Box 160062, Austin, Texas 78716 (512-328-0002)
email: rt@tleng.net
www.tleng.net
Tbpls Reg. No. F-11020 © Copyright 2012

DATE	REVISION

337 "BULK STORAGE" S.U.P.
1290 RIVER ROAD, NEW BRAUNFELS, TX 78132

PROJECT: 337 BULK STORAGE S.U.P.
SHEET NAME

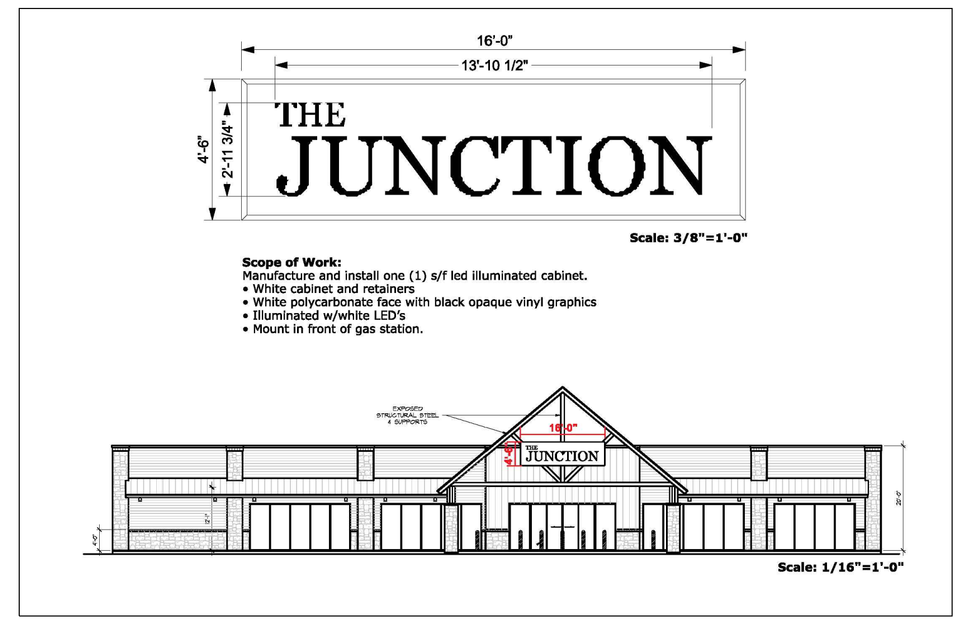
DATE ISSUED: January, 2018
DESIGNED BY: RCT
DRAFTED BY: MCG
JOB NUMBER: 1537
SHEET 1 OF 3

218

1 FRONT ELEVATION
1/8" = 1'-0"

1 CONCEPT FRONT ELEVATION
SCALE: 1:8

2 CONCEPT LIQUOR STORE SIGNAGE
SCALE: N.T.S.



3 CONCEPT CONVENIENCE STORE SIGNAGE
SCALE: N.T.S.

THOMPSON LAND ENGINEERING, LLC
Land Planning, Site Design, Subdivision Engineering
P.O. Box 160062, Austin, Texas 78716 (512-328-0002)
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DATE	REVISION

PROJECT
337 "BULK STORAGE" S.U.P.
1290 RIVER ROAD, NEW BRAUNFELS, TX 78132

SHEET NAME
CONCEPT ELEVATION PLAN

DATE ISSUED
November, 2017

DESIGNED BY	DRAFTED BY
RCT	MCG

JOB NUMBER
1537

SHEET
3 OF 3

FIREGUARD® double-wall fire-protected aboveground storage tank features an inner and outer steel tank with a unique lightweight thermal insulation material that exceeds the UL 2-hour fire test. Insulating material is 75% lighter than concrete, reducing shipping, installation and relocation costs.

Unique Thermal Insulating Material is 75% Lighter than Concrete

FIREGUARD® features:

- Insulates product in tank from ambient temperature variations, reducing emissions to the environment
- Primary and secondary tank can be tightness tested on site with standard testing procedures, unlike other designs
- Steel outer wall provides low cost maintenance and protection from weathering
- Primary storage tank and secondary containment compatible with a wide range of fuels and chemicals, including biodiesel and ethanol
- Support designs available for all seismic requirements
- Interstitial space can be monitored for leak detection
- Meets temperature requirements when the furnace test was extended to 4 hours

FIREGUARD® The only tank that meets all of these standards:

- UL 2085 Listed "Protected" tank
- Ballistics and Impact protection per UL 2085
- Both the inner and outer steel tanks are built to UL standards
- National Fire Protection Association (NFPA) 30 & 30A
- International Fire Code (IFC)
- California Air Resources Board (CARB) Standing Loss Control testing requirements for air emissions
- Steel Tank Institute (STI) Standard F941 for Protected Aboveground Storage Tanks

Compatible With a Wide Range of Fuels and Chemicals, Including Biodiesel and Ethanol

Additional features:

- Capacities range up to 75,000 gallons
- Steel construction allows for recycling
- Low cost compartments and customization
- Built to nationally-recognized STI standards with strict third-party quality control inspection program

Available Designs:

- **Horizontal**
- **Vertical**
- **Rectangular**

FIREGUARD® is available from a large network of STI Licensed Manufacturers • www.steeltank.com

FIREGUARD® SPECIFICATIONS

CYLINDRICAL DESIGN

Outer Tank Dimensions *(inches)**				Outer Tank Dimensions *(inches)**			
Gallons	Diameter	Length	Approx. Weight(lbs.)	Gallons	Diameter	Length	Approx. Weight(lbs.)
186	48	54	1,750	4,000	90	174	12,300
250	48	68	2,100	5,000	102	168	13,750
300	50	72	2,350	6,000	102	198	15,500
500	60	76	3,100	8,000	102	258	20,000
560	60	84	3,350	10,000	102	330	24,500
1,000	70	78	3,800	12,000	102	390	28,000
1,500	70	114	5,500	15,000	126	312	34,500
2,000	70	150	6,500	20,000	126	414	39,500
2,500	70	186	7,900	25,000	126	516	49,000
3,000	70	222	9,000	30,000	126	618	74,000

RECTANGULAR DESIGN

Outer Tank Dimensions *(inches)**

Gallons	Length	Width	Height	Approx. Weight (lbs.)
186	44	44	55	2,100
250	117	36	36	3,100
250	78	50	36	2,800
500	140	51	36	4,800
750	140	72	35	6,100
1,000	127	72	36	4,300
1,000	88	72	50	3,800
1,500	124	88	43	5,400
2,000	140	86	50	6,300
2,000	140	72	60	6,100
2,500	140	88	60	7,000
3,000	250	72	50	10,900
3,000	117	102	72	8,800
4,000	331	72	50	14,100
4,000	154	102	72	10,900
5,000	336	72	60	15,600
5,000	191	102	72	13,100
6,000	402	72	60	18,400
6,000	228	102	72	15,200
8,000	370	102	60	21,500
8,000	302	102	72	19,400
10,000	460	102	60	26,300
10,000	376	102	72	23,700
12,000	451	102	72	27,900
15,000	386	102	102	36,500
18,000	462	102	102	42,900
24,700	465	137	102	51,650

*Dimensions and weights are sample sizes. Individual manufacturers may have alternate dimensions.

Is Your Aboveground Tank Everything It's Cracked Up to Be?

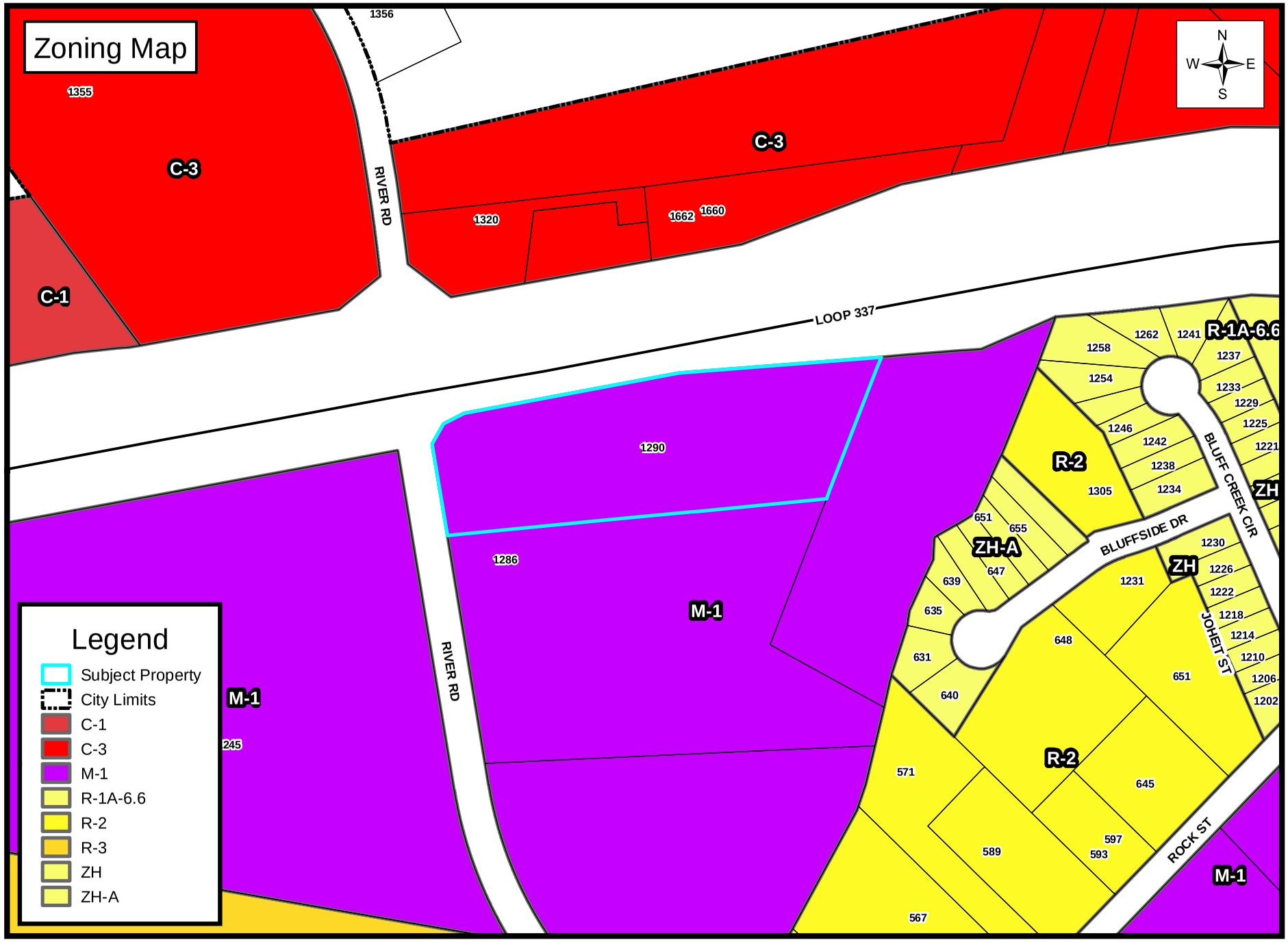
FIREGUARD®	VS	Concrete Encased
• Secondary containment is testable on-site using standard, economical testing procedures		• The secondary containment on certain designs may require elaborate and expensive procedures to be tested on-site
• Impermeable, crack resistant steel outer tank which encloses the concrete encased primary tank		• Exposed concrete outer wall is susceptible to cracking, spalling and weathering - problems that are expensive to correct and are typically not covered by warranty
• Steel secondary containment provides added strength, security and is easily recycled		• Polyethylene sheeting depends on concrete for strength and takes years to decompose
• The lightweight monolithic thermal insulation material Fireguard® uses is a specialized concrete that is part of a patented process resulting in a lighter material weight than concrete alone		• An average 12,000 gallon concrete-encased tank weighs approximately 100,000 pounds - increasing costs in transporting and setting the tank in a new location

Fireguard® is available from an extensive group of Steel Tank Institute fabricators who participate in the STI Quality Assurance Program.
Under the program, independent quality control inspectors make unannounced visits to STI members, ensuring fabrication to the highest possible standards.

STI SPFA

A division of STI/SPFA **944 Donata Court Lake Zurich, IL 60047 Ph: (847)438-8265 Fx: (847)438-8766 Web: www.steeltank.com**

9/15-2M-Item #130-50-0001



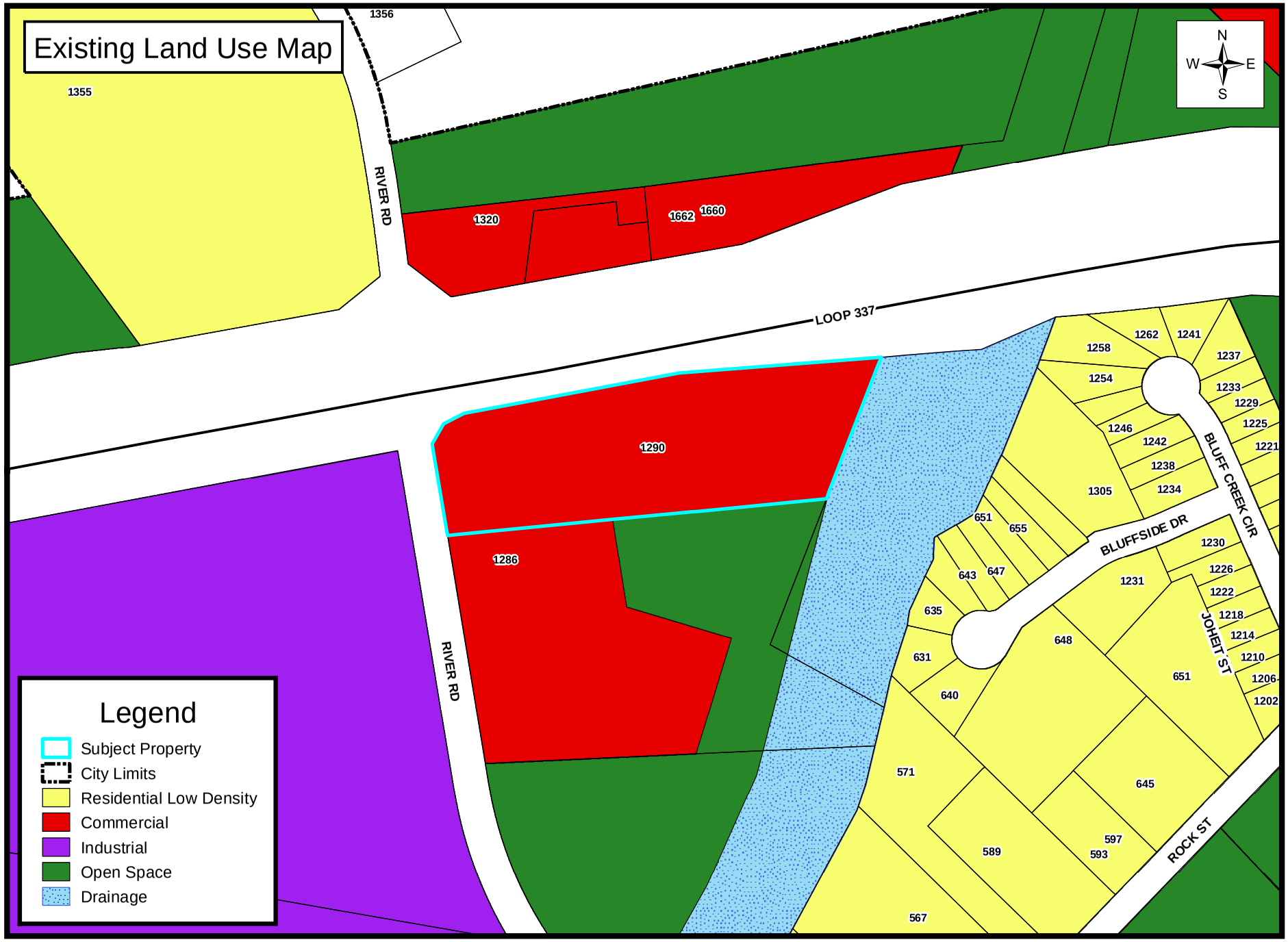
Legend

- Subject Property
- City Limits
- C-1
- C-3
- M-1
- R-1A-6.6
- R-2
- R-3
- ZH
- ZH-A

City of New Braunfels

PZ-17-053
1290 River Road
SUP for Aboveground Fuel Storage

Map Created 12/27/17



City of New Braunfels

PZ-17-053
1290 River Road
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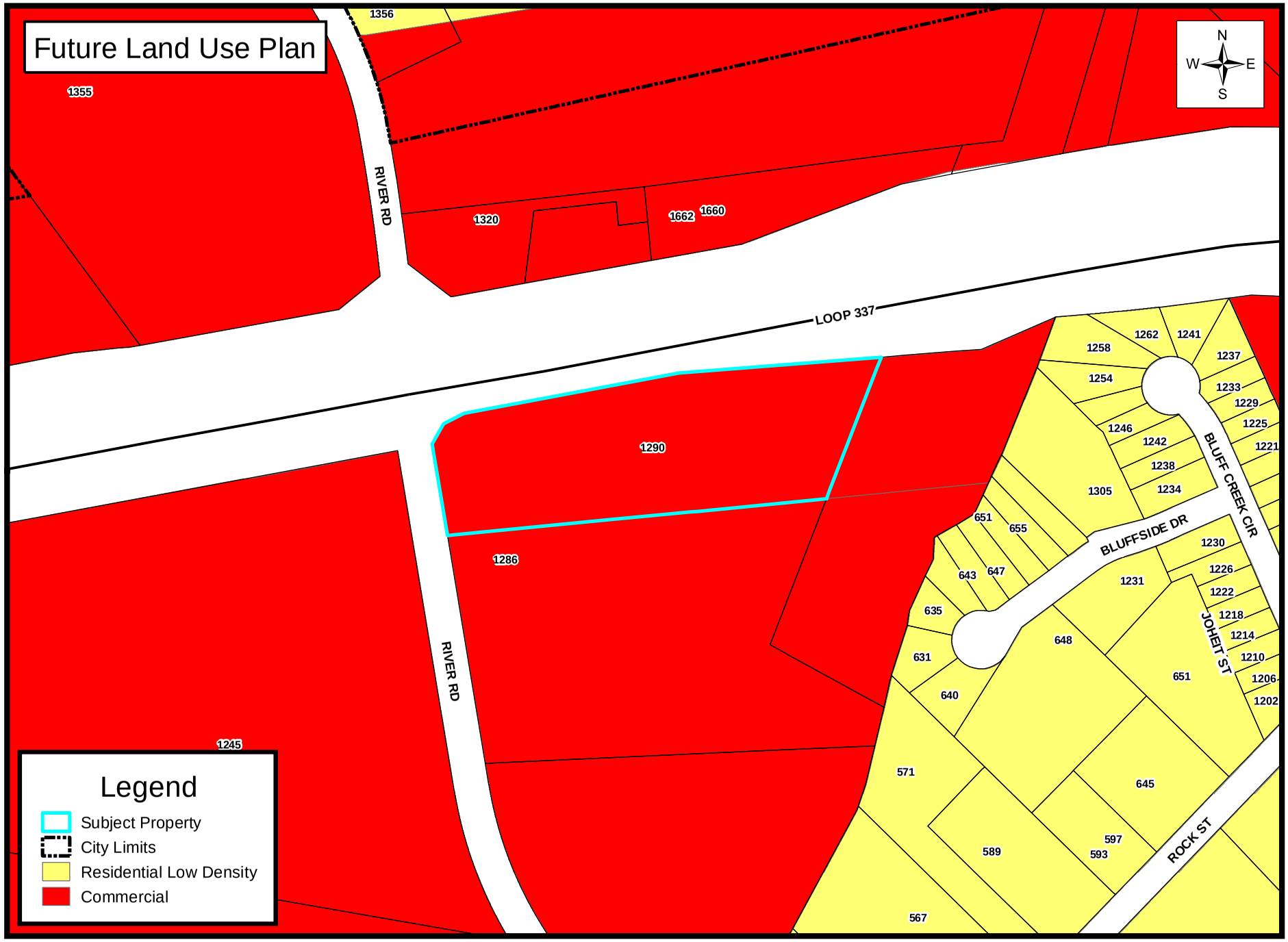
Map Created 12/27/17



City of New Braunfels

PZ-17-053
1290 River Road
SUP for Aboveground Fuel Storage

Map Created 12/27/17

PLANNING COMMISSION – January 9, 2018 – 6:00PM

New Braunfels City Hall Council Chambers

Applicant/Owner: Robert Kane

Address/Location: 1290 River Road, southwest corner of the intersection of Loop 337 and River Road

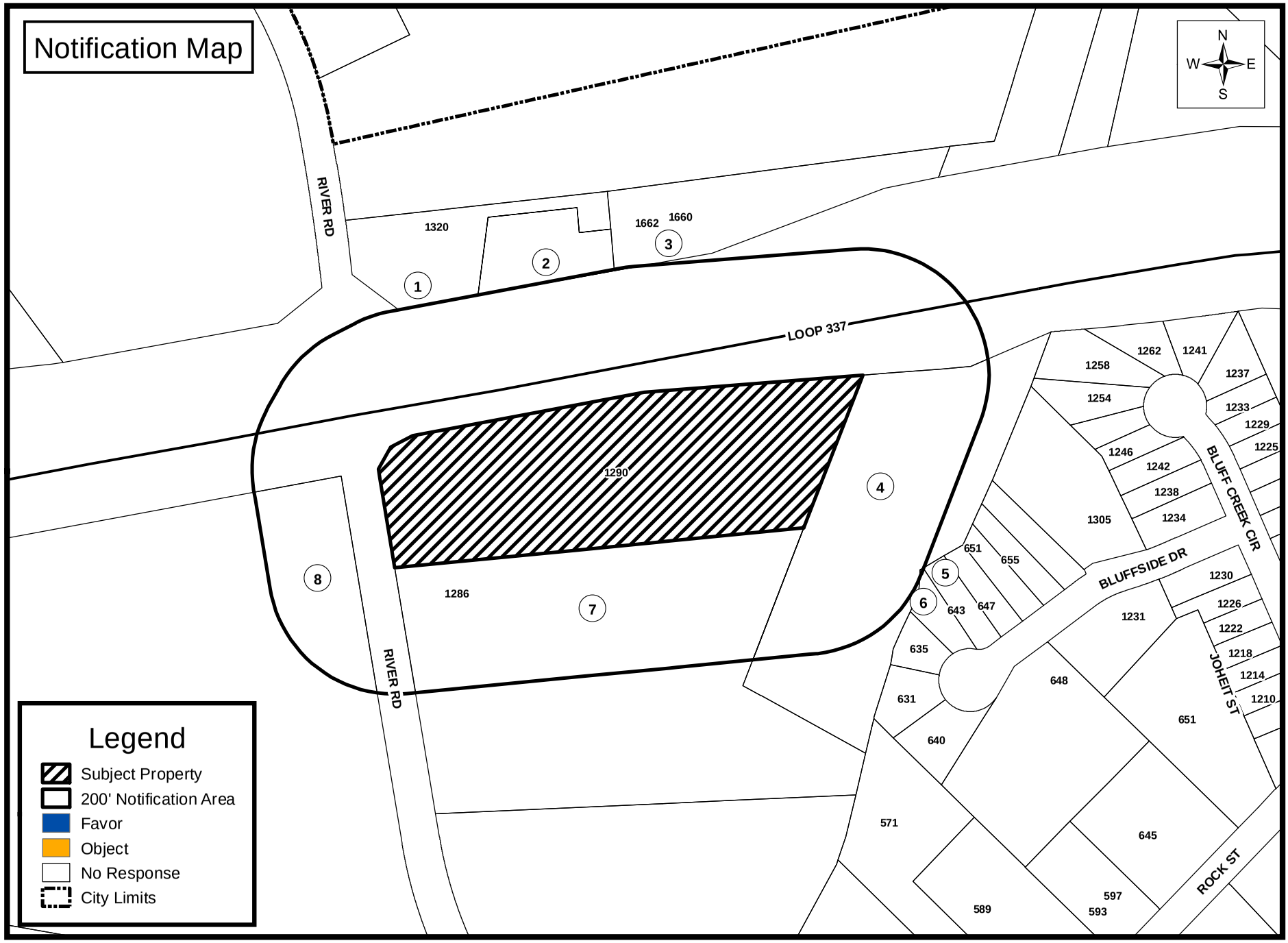
PROPOSED SPECIAL USE PERMIT – CASE #PZ-17-053

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 Property".

1 Char Mar Ltd Ptnrshp
2 Fischer, M D & Charlene
3 Couser, Jacquelyn S
4 Rrnb 1290 Llc
5 Connell, Timothy W & Sheridan M
6 Saddler, David
7 Richard Beach Family Ltd Prtnrshp
8 Word, Timothy D Jr & Suzanne Z 2015 Trust

SEE MAP

ATTACHMENT 5



City of New Braunfels

PZ-17-053
1290 River Road
SUP for Aboveground Fuel Storage

Map Created 12/27/17

Subject property from the intersection of Loop 337 and River Road

ATTACHMENT 6

City of New Braunfels

3.3-11. *"M-1" light industrial district*. The following regulations shall apply in all "M-1" districts:

(a) *Authorized uses*. Uses permitted by right shall be those set forth in the Land Use Matrix in Section 4 of this Chapter. The allowed uses in the district, which are intended to be identical with those listed in the Land Use Matrix, are as follows:

(1) *Uses permitted by right*:

Residential uses:
- Accessory building/structure
- Accessory dwelling (one accessory dwelling per lot, no kitchen)
- Bed and breakfast inn
- Boardinghouse/lodging house
- Cabin or cottage (rental for more than 30 days)
- Community home (see definition)
- Dormitory (in which individual rooms are for rental)
- Duplex / two-family / duplex condominiums
- Home Occupation (See Sec. 5.5)
- Multifamily (apartments/condominiums)
- One family dwelling, detached
- Rental or occupancy for less than one month-(see Sec. 5.17)
- Residential use in buildings with the following non-residential uses
- Single family industrialized home (see Sec. 5.8)
- Townhouse (attached)

Non-residential uses:
- Accounting, auditing, bookkeeping, and tax preparations
- Adult day care (no overnight stay)
- Adult day care (with overnight stay)
- Aircraft support and related services
- Airport
- All terrain vehicle (ATV) dealer / sales
- Ambulance service (private)
- Amphitheater
- Amusement devices/arcade (four or more devices)
- Amusement services or venues (indoors) (see Sec. 5.13)
- Amusement services or venues (outdoors)
- Animal grooming shop
- Answering and message services
- Antique shop
- Appliance repair
- Archery range
- Armed services recruiting center
- Art dealer / gallery
- Artist or artisan's studio
- Assembly/exhibition hall or areas
- Athletic fields
- Auction sales (non-vehicle)
- Auto body repair, garages (see Sec. 5.11)
- Auto glass repair/tinting (see Sec. 5.11)
- Auto interior shop / upholstery (see Sec. 5.11)
- Auto leasing
- Auto muffler shop
- Auto or trailer sales rooms or yards (see Sec. 5.12)
- Auto or truck sales rooms or yards - primarily new (see Sec. 5.12)
- Auto paint shop (see Sec. 5.11)

Auto repair as an accessory use to retail sales (see Sec. 5.11)
Auto repair garage (general) (see Sec. 5.11)
Auto supply store for new and factory rebuilt parts
Auto tire repair /sales (indoor)
Automobile driving school (including defensive driving)
Bakery (retail)
Bank, savings and loan, or credit union
Bar/Tavern
Barber/beauty college (barber or cosmetology school or college)
Barber/beauty shop, haircutting (non-college)
Barns and farm equipment storage (related to agricultural uses)
Battery charging station
Bicycle sales and/or repair
Billiard / pool facility
Bingo facility
Bio-medical facilities
Blacksmith or wagon shops
Book binding
Book store
Bottling or distribution plants (milk)
Bottling works
Bowling alley/center (see Sec. 5.13)
Broadcast station (with tower) (see Sec. 5.7)
Bus barns or lots
Bus passenger stations
Cafeteria / café / delicatessen
Campers' supplies
Car wash (self service; automated)
Car wash, full service (detail shop)
Carpenter, cabinet, or pattern shops
Carpet cleaning establishments
Caterer
Cemetery and/or mausoleum
Check cashing service
Chemical laboratories (not producing noxious fumes or odors)
Child day care/children's nursery (business)
Church/place of religious assembly
Civic/conference center and facilities
Cleaning, pressing and dyeing (non-explosive fluids used)
Clinic (dental)
Clinic (emergency care)
Clinic (medical)
Club (private)
Coffee shop
Cold storage plant
Commercial amusement concessions and facilities
Communication equipment (installation and/or repair)
Community building (associated with residential uses)
Computer and electronic sales
Computer repair
Confectionery store (retail)
Consignment shop
Contractor’s office/sales, with outside storage including vehicles
Contractor’s temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)
Convenience store with or without fuel sales

Country club (private)
Credit agency
Curio shops
Custom work shops
Dance hall / dancing facility
Day camp
Department store
Drapery shop / blind shop
Driving range
Drug sales/pharmacy
Electrical repair shop
Electrical substation
Electronic assembly/high tech manufacturing
Electroplating works
Engine repair/motor manufacturing re-manufacturing and/or repair
Exterminator service (with outside storage)
Fair ground
Farmers market (produce market - wholesale)
Farms, general (crops) (see Chapter 6, Municipal Code)
Farms, general (livestock/ranch) (see Chapter 6, Municipal Code)
Feed and grain store
Filling station (fuel tanks must be below the ground)
Florist
Flour mills, feed mills, and grain processing
Food or grocery store with or without fuel sales
Food processing (no outside public consumption)
Forge (hand)
Forge (power)
Fraternal organization/civic club (private club)
Freight terminal, rail/truck (when any storage of freight is wholly outside an enclosed building)
Freight terminal, truck (all storage of freight in an enclosed building)
Frozen food storage for individual or family use
Funeral home/mortuary
Furniture manufacture
Furniture sales (indoor)
Galvanizing works
Garden shops and greenhouses
Golf course (miniature)
Golf course, public or private
Grain elevator
Greenhouse (commercial)
Handicraft shop
Hardware store
Health club (physical fitness; indoors only)
Heating and air-conditioning sales / services
Heavy load (farm) vehicle sales/repair (see Sec. 5.14)
Heliport
Home repair and yard equipment retail and rental outlets
Hospital, general (acute care/chronic care)
Hospital, rehabilitation
Hotel/motel
Hotels/motels - extended stay (residence hotels)
Ice delivery stations (for storage and sale of ice at retail only)
Ice plants
Industrial laundries
Kiosk (providing a retail service)

Laboratory equipment manufacturing
Laundromat and laundry pickup stations
Laundry, commercial (w/o self serve)
Laundry/dry cleaning (drop off/pick up)
Laundry/washateria (self serve)
Lawnmower sales and/or repair
Leather products manufacturing
Light manufacturing
Limousine / taxi service
Locksmith
Lumberyard (see Sec. 5.15)
Lumberyard or building material sales (see Sec. 5.15)
Machine shop
Maintenance/janitorial service
Major appliance sales (indoor)
Manufactured home sales
Manufacturing and processes
Market (public, flea)
Martial arts school
Medical supplies and equipment
Metal fabrication shop
Micro brewery (onsite manufacturing and/or sales)
Mini-warehouse/self storage units (no outside boat and RV storage permitted)
Mini-warehouse/self-storage units (with outside boat and RV storage permitted)
Motion picture studio, commercial film
Motion picture theater (indoors)
Motion picture theater (outdoors, drive-in)
Motorcycle dealer (primarily new / repair)
Moving storage company
Moving, transfer, or storage plant
Museum
Needlework shop
Non-bulk storage of fuel, petroleum products and liquefied petroleum
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
Outside storage (as primary use)
Park and/or playground (public or private)
Parking lots (for passenger car only) (not as incidental to the main use)
Parking structure/public garage
Pawn shop
Personal watercraft sales (primarily new / repair)
Pet shop / supplies (10,000 sq. ft. or less)
Pet store (more than 10,000 sq. ft.)
Photo engraving plant
Photographic printing/duplicating/copy shop or printing shop
Photographic studio (no sale of cameras or supplies)

Photographic supply
Plant nursery (no retail sales on site)
Plant nursery (growing for commercial purposes with retail sales on site)
Plastic products molding/reshaping
Plumbing shop
Portable building sales
Poultry killing or dressing for commercial purposes
Propane sales (retail)
Public recreation/services building for public park/playground areas
Publishing/printing company (e.g., newspaper)
Quick lube/oil change/minor inspection
Radio/television shop, electronics, computer repair
Recreation buildings (public or private)
Recycling kiosk
Refreshment/beverage stand
Research lab (non-hazardous)
Restaurant with drive through service
Restaurant/prepared food sales
Retail store and shopping center
Retirement home/home for the aged - public
Rodeo grounds
RV park
RV/Travel Trailer Sales
School, K-12 (public or private)
School, vocational (business/commercial trade)
Security monitoring company (no outside storage or installation)
Security systems installation company (with outside storage)
Sheet metal shop
Shoe repair shops
Shooting gallery - indoor (see Sec. 5.13)
Sign manufacturing/painting plant
Stone/clay/glass manufacturing
Storage - exterior storage for boats and recreational vehicles
Storage in bulk
Studio for radio or television (with tower) (see Sec. 5.7)
Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)
Tailor shop
Tattoo or body piercing studio
Taxidermist
Telemarketing agency
Telephone exchange buildings (office only)
Tennis court (commercial)
Theater (non-motion picture; live drama)
Tire sales (outdoors)
Tool rental
Transfer station (refuse/pick-up)
Travel agency
Truck or transit terminal
Truck Stop
University or college (public or private)
Upholstery shop (non-auto)
Used or second hand merchandise/furniture store
Vacuum cleaner sales and repair
Veterinary hospital (with or without outside animal runs or kennels) with the exception that outdoor kennels may not be used between the hours of 9:00 p.m. and 7:00 a.m. and are prohibited adjacent to residential

Video rental / sales
Warehouse / office and storage / distribution center
Waterfront amusement facilities - berthing facilities sales and rentals
Waterfront amusement facilities - boat fuel storage / dispensing facilities
Waterfront amusement facilities - boat landing piers / launching ramps
Waterfront amusement facilities – swimming / wading pools / bathhouses
Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system
Welding shop
Wholesale sales offices and sample rooms
Woodworking shop (ornamental)

Any comparable business or use not included in or excluded from any other district described herein, provided that such use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

(1) *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) Non-residential.

(i) *Height.* 120 feet.

(ii) *Front building setback.* 25 feet.

(iii) *Side building setback.* No side building setback is required except that where a side line of a lot in this district abuts upon the side line of a lot in a “R” or “B-1” zone, a side building setback of not less than six feet shall be provided.

(iv) *Rear building setback.* 20 feet.

(v) *Residential setback*. Effective November 8, 2006, where a non-residential building abuts a one or two family use or zoning district, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.

(vi) *Width of lot*. The minimum width of a lot shall be 60 feet, provided that where a lot has less width than required and such lot was in separate ownership prior to February 4, 1984, this requirement will not prohibit the construction of a use enumerated in this district.

(vii) *Corner lots*. A minimum 25-foot front yard setback and side building setback adjacent to streets shall be required on all corner lots. A canopy at least six feet in height, attached to the main building, may be built within 15 feet of the street line so long as such construction is not supported by columns which will obstruct the vision of vehicles driving upon adjacent streets.

(viii) *Lot depth*. 100 feet.

(2) One family dwellings.

(i) *Height.* 45 feet.

(ii) *Front building setback.* 25 feet.

(iii) *Rear building setback*. 20 feet.

(iv) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.

(v) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)

(vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet, provided that where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.

(vii) *Lot area.* Every single-family dwelling hereafter erected or altered shall have a lot area of not less than 6,600 square feet per family for interior lots, and 7,000 square feet per family for corner lots. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall not prohibit the erection of a one-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one half acre and one acre on the Edwards Aquifer Recharge Zone.

(viii) *Lot depth.* 100 feet.

(ix) *Parking.* Two off-street parking spaces shall be provided for each one-family detached dwelling. See Section 5.1 for other permitted uses' parking.

(3) Duplexes.

(i) *Height.* 45 feet.

(ii) *Front building setback.* 25 feet.

(iii) *Rear building setback*. 20 feet.

(iv) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.

(v) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)

(vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet

(vii) *Lot area.* Duplexes hereafter erected or altered shall have a lot area of not less than 8,000 square feet for an interior lot and 8,500 square feet for a corner lot. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall prohibit the erection of a two-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one acre and approved by the City Sanitarian.

(viii) *Lot depth.* 100 feet.

(viii) *Parking.* Two off-street parking spaces shall be provided for each two-family dwelling unit. See Sec. 5.1 for other permitted uses' parking.

(4) Multifamily dwellings.

(i) *Height.* 45 feet; 60 feet when a pitched roof is used (minimum 4:12 slope).

(ii) *Front building setback.* 25 feet.

(iii) *Rear building setback*. 25 feet.

(iv) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.

(v) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)

(vi) *Residential setback*. Effective November 8, 2006, where a multifamily dwelling abuts a one or two family use or zoning district, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.

(vii) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet, provided that where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.

(viii) *Lot area.* The minimum lot area for a multifamily dwelling shall be 15,000 square feet; for each unit over ten an additional 1,500 square feet of lot area shall be required. Where public or community sewer is not available and in use, for the disposal of all sanitary sewage, multifamily developments shall be approved by the City Sanitarian.

(ix) *Lot coverage.* For multifamily structures, the combined area of all yards shall be at least 55 percent of the total lot or tract; provided, however, that in the event enclosed parking is provided the minimum total yard area requirement shall be 40 percent of the total lot or tract.

(x) *Distance between structures.* For multifamily structures, there shall be a minimum of ten feet between structures side by side; a minimum of 20 feet between structures side by front or rear; a minimum of 40 feet between structures front to front; and a minimum of

ten feet between structures backing rear to rear, and a minimum of 20 feet front to rear. (See Illustration 1 in Sec. 3.3-3)

(xi) *Lot depth.* 100 feet.

(xii) *Parking*. For apartments, apartment hotel units and other multifamily dwellings, off-street parking spaces shall be provided in accord with the following schedule:

1. One-bedroom apartment or unit . . . 1 1/2 spaces

2. Two-bedroom apartment or unit . . . 2 spaces

3. Each Additional bedroom . . . 1/2 space

4. Each dwelling unit provided exclusively for low income elderly occupancy . . . 3/4 space ("Low income elderly" is defined as any person 55 years of age or older with low or moderate income, according to HUD standards.)

3.6. *Special Use Permits*.

3.6-1. *Compatible and orderly development.* A special use permit may be granted to allow compatible and orderly development which may be suitable only in certain locations and zoning districts if developed in a specific way or only for a limited period of time.

3.6-2. *Application processing.* Application for a Special Use Permit shall be processed in accordance with Section 2.1 of this Chapter and shall include the pertinent information as determined by the type of Special Use Permit and additional information as determined by the Planning Director, the Planning Commission or the City Council.

Types of Special Use Permit:

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

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

3.6-3. *Standards.* When considering applications for a special use permit, the Planning Commission in making its recommendation and the City Council in rendering its decision on the application shall, on the basis of the site plan, if a Type 2, and other information submitted, evaluate the impact of the special use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The Planning Commission and the City Council shall specifically consider the extent to which:

(a) *Comprehensive plan consistency.* The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted Comprehensive Plan;

(b) *Zoning district consistency.* The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;

(c) *Supplemental Standards.* The proposed use meets all supplemental standards specifically applicable to the use as set forth in this Chapter;

(d) *Character and integrity.* The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances.

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

(1) Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;

(2) Off-street parking and loading areas;

(3) Refuse and service areas;

(4) Utilities with reference to location, availability, and compatibility;

(5) Screening and buffering, features to minimize visual impacts, and/or set-backs from adjacent uses;

(6) Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

(7) Required yards and open space;

(8) Height and bulk of structures;

(9) Hours of operation;

(10) Paving of streets, alleys, and sidewalks,

(11) Provisions for drainage,

(12) Exterior construction material and building design; and

(13) Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.

(e) *Public health, safety, convenience and welfare.* The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.

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

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

(a) Construction is not begun within five years of the date of approval of the permit.

(b) Progress toward completion is not being made. Progress toward completion includes the following:

(1) An application for a final plat is submitted;

(2) A good faith effort is made to file with a regulatory agency an application for a permit necessary to begin or continue completion of the project;

(3) Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of 5% of the most recent appraised market value of the real property on which the project is located;

(4) Security is posted with the city to ensure performance of an obligation required by the city; or

(5) Utility connection fees or impact fees for the project have been paid to the City or New Braunfels Utilities.

(c) *Abandonment of the project*. Abandonment includes development of the property in a way other than provided for by the SUP.

(d) Failure to satisfy the conditions of the SUP or follow the site plan made part of the SUP.

(e) *Code violations*. Revocation may be considered if there are three or more code violations in a 720 day period.

(1) *Notice to property owner*. If the Planning Director finds no less than three violations of any code of ordinances on the property within a 360 day period, he shall advise the applicant of a revocation hearing. The Planning Director shall notify the property owner in writing of the violations and that an administrative hearing will be held concerning the violations. Such notice shall be given at least 10 days prior to the hearing. The Planning Director shall take evidence and conduct an administrative hearing to determine if a revocation procedure should be initiated. Such a determination is not subject to appeal to the Zoning Board of Adjustment.

(2) If the Planning Director finds that there is credible evidence that the code of ordinances has been violated, or there have been convictions or guilty pleas in any court of competent jurisdiction, on at least three separate occasions within a 720 day period, and after the administrative hearing, he shall initiate a SUP revocation process.

(3) *Appeal to Municipal Court.* Any code violation may be appealed to, or considered by, the Municipal Court Judge. The parties at interest in this appeal may cross examine witnesses.

(f) *Revocation process*. The revocation process shall be the same as for a zoning district change, with notice to property owners within 200 feet, public hearing and recommendation by the Planning Commission, and public hearing and ordinance consideration by the City Council.

(g) The City Council may deny the SUP revocation, approve the revocation, deny the revocation and add additional restrictions to the SUP, suspend the SUP for a period the Council determines, or amend the SUP with probationary requirements and terms the Council determines.

(h) Upon revocation of a special use permit the property subject to the special use permit may be used for any permitted use within the applicable base zoning district.

3.6-6. *Compliance with conditions.* Conditions which may have been imposed by the City Council in granting such permit shall be complied with by the grantee before a Certificate of Occupancy may be issued by the Building Official for the use of the building on such property.

3.6-7. *Telecommunication towers and/or antennas*. See Sec. 5.7

3.6-8. *Deviation from Code.* The City Council may approve a special use permit with deviations to any provision of the Code of Ordinances. Such deviations shall be listed or shown in or as part of the Ordinance approving the special use permit.

Sec. 1.3 *Definitions*

Bulk storage. Bulk storage of fuel and flammable liquids (except liquefied petroleum gas) shall be any aboveground tank for storage of subject liquids which exceeds 500 gallons water capacity, or any facility for which the total aggregate capacity of belowground storage tanks shall exceed 50,000 gallons. Bulk storage of liquefied petroleum gas shall be any facility for which the total aggregate capacity of storage tanks (including truck and/or trailer tanks) exceeds 2,000 gallons water capacity.

Draft Minutes for the January 9, 2018 Planning Commission Regular Meeting

PZ-17-053: Public hearing and recommendation to City Council regarding a request for rezoning to apply a Special Use Permit to allow the bulk storage of up to 36,000 gallons of fuel in aboveground tanks on approximately 3.6 acres out of the J.M. Veramendi Survey 1, Abstract 2, addressed at 1290 River Road.
(Applicant: RRND Entertainment; Case Manager: M. Simmont)

Mr. Simmont presented the Staff report and recommended approval of the Type 2 Special Use Permit request for bulk storage of up to 36,000 gallons of fuel in aboveground tanks as the tanks will be visually screened within a structure and it is consistent with the Future Land Use Plan designation of Commercial, and several goals and objectives of the Comprehensive Plan.

Commissioner Laskowski inquired how far the wall of the fuel containment area would be from the property line.

Mr. Simmont responded that the applicant was present and could answer that question.

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

Commissioner Sonier left the dais at 7:03 pm.

Mickey Stratton, a representative with RRND Entertainment, wished to speak in favor.

Bob Vesin, a representative with Petroleum Solutions, wished to speak in favor.

David Watson, a representative with Watco Tanks, wished to speak in favor.

Mr. Stratton stated the containment area is for dispensing fuel. He explained the tanks have separate fuel containment.

Mr. Vesin described the fuel tanks, and the safety requirements for the above ground tanks.

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

Rodney Fischer, 409 Acorn Cove, owner of the convenience store and fueling station across the street, wished to speak.

Commissioner Sonier returned to the dais at 7:09 pm.

Mr. Fischer explained his experiences with the fueling station industry in New Braunfels. He expressed his concerns about the subject property's adjacency to the floodplain. He inquired if the operators for the business had any previous experience with above ground fuel tanks. He expressed concerns regarding the distance the fire hoses would need to be extended to reach the fuel tanks, the number of trees to be removed to develop the property and the precedent that would be set for future above ground fuel tank requests if this request were granted.

Dean Word, 220 Lakeview Boulevard, wished to speak. He described his previous experience with above ground fuel tanks, and explained his concerns about the hazards they can pose to the Edwards Aquifer. He expressed his concerns about the impact to water wells in the surrounding area. He inquired if a Traffic Impact Analysis had been done on the intersection of River Road and Loop 337. He expressed concerns about the potential for the Loop 337 widening to potentially bring traffic closer to the above ground fuel tanks. He expressed concerns about increasing land prices.

Thor Thornhill, 410 N. Seguin, wished to speak in opposition. He stated previous requests for similar Special Use Permits had been denied. He expressed his concerns regarding safety and the precedent that

would be set for future above ground fuel tank requests if this request were granted. He expressed his belief that the surrounding residents would be in opposition.

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

Motion by Commissioner Laskowski, seconded by Commissioner Nolte, to recommend denial to City Council regarding the request for rezoning to apply a Special Use Permit to allow the bulk storage of up to 36,000 gallons of fuel in aboveground tanks on approximately 3.6 acres out of the J.M. Veramendi Survey 1, Abstract 2, addressed at 1290 River Road. Motion carried (8-0-0).

DRAFT

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, GRANTING A SPECIAL USE PERMIT TO APPROXIMATELY 3.58 ACRES OUT OF THE J.M. VERAMENDI SURVEY 1, ABSTRACT 2, COMAL COUNTY, TEXAS, TO ALLOW THE BULK STORAGE OF UP TO 36,000 GALLONS OF FUEL IN ABOVEGROUND TANKS IN THE "M-1" LIGHT INDUSTRIAL DISTRICT, ADDRESSED AT 1290 RIVER ROAD; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

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

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

WHEREAS, the planned development is in compliance with the Future Land Use Plan; and

WHEREAS, the City Council desires to grant a Type 2 special use permit to approximately 3.58 acres out of the J.M. Veramendi Suvey 1, Abstract 2, Comal County, Texas, to allow the bulk storage of up to 36,000 gallons of fuel in aboveground tanks in the "M-1" Light Industrial District, addressed at 1290 River Road; **now, therefore;**

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

SECTION 1

THAT pursuant to Sections 3.6-2 and 3.6-3, Chapter 144, of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by adding the following described tract of land as a "Special Use Permit" for the uses and

conditions herein described:

"Approximately 3.58 acres out of the J.M. Veramendi Survey 1, Abstract 2, Comal County, Texas, addressed at 1290 River Road, as delineated on Exhibit 'A' attached."

SECTION 2

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

1. The property will be platted prior to the issuance of a certificate of occupancy.
2. Exhibit 'B' shall be the adopted Type 2 Special Use Permit site plan. The property will be developed in accordance with the approved site plan regarding the location and concealment of the aboveground fuel tanks and will meet all applicable zoning requirements prior to the issuance of a certificate of occupancy.
3. No building additions or changes specific to the structure concealing the aboveground fuel tanks may be constructed, other than those shown on the approved site plan, unless the Special Use Permit is amended through the rezoning process.
4. Additional improvements to the subject property shall be in compliance with current zoning requirements and not impact or affect the location and structure concealing the aboveground storage tanks.

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 of same.

PASSED AND APPROVED: First Reading this the 12th day of February, 2018.

PASSED AND APPROVED: Second and Final Reading this the 26th day of February, 2018.

CITY OF NEW BRAUNFELS

_____

BARRON CASTEEL, Mayor

ATTEST:

_____

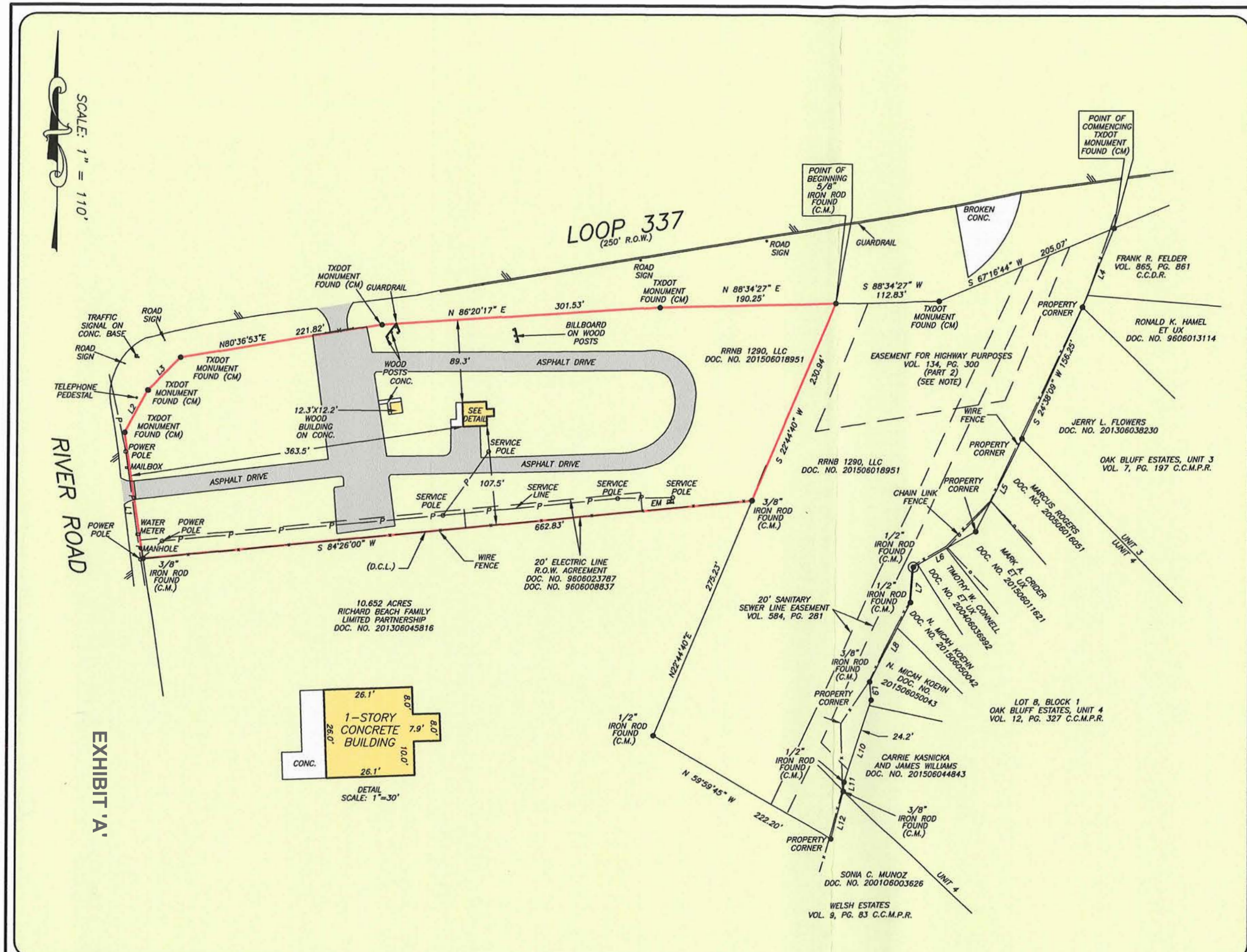
PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

_____

VALERIA M. ACEVEDO, City Attorney

\\chfs-1\Departments\Planning\ZoneChange-SUP-Replats\2017 cases\PZ-17-053 River Road Fuel Tanks SUP\Draft Ordinance.docx



GF NO. 130982 CHARTER TITLE
ADDRESS: 1290 RIVER ROAD
NEW BRAUNFELS, TEXAS 78130
BORROWER: RRNB 8400, LLC AND
RRNB 1290, LLC

3.5787 ACRES SITUATED IN THE J.M. VERAMENDI SURVEY NO. 1

COMAL COUNTY, TEXAS

(SEE ATTACHED METES AND BOUNDS DESCRIPTION)

NOTE: EASEMENT TO THE STATE OF TEXAS PER VOL. 134 PG. 300. (FOR THE PURPOSE OF OPENING, CONSTRUCTING AND MAINTAINING A PERMENANT CHANNEL OR DRAINAGE EASEMENT)

NOTE: EASEMENT TO THE CITY OF NEW BRAUNFELS PER VOL. 584, PG. 281. (AS SHOWN)

NOTE: EASEMENT(S) GRANTED TO NEW BRAUNFELS UTILITIES PER DOC. NOS. 9606023787 AND 9606008837.

LINE TABLE		
LINE	LENGTH	BEARING
L1	137.40	N08°34'22"W
L2	51.99	N28°20'56"E
L3	49.73	N44°27'21"E
L4	92.00	S21°45'13"W
L5	111.77	S26°07'08"W
L6	78.45	S60°37'06"W
L7	38.27	S04°24'51"W
L8	95.84	S26°06'28"W
L9	19.74	S04°50'36"E
L10	93.77	S18°50'05"W
L11	10.00	S05°09'46"W
L12	52.85	S15°07'52"W

THIS PROPERTY IS AFFECTED BY THE 100 YEAR FLOOD PLAIN AS PER FIRM PANEL NO. 48091C 0455 F MAP REVISION: 09/02/2009 ZONE AE BASED ONLY ON VISUAL EXAMINATION OF MAPS. INACCURACIES OF FEMA MAPS PREVENT EXACT DETERMINATION WITHOUT DETAILED FIELD STUDY.

A SUBSURFACE INVESTIGATION WAS BEYOND THE SCOPE OF THIS SURVEY

RECEIVED
NOV 21 2017
BY:

D.C.L.=DIRECTIONAL CONTROL LINE
RECORD BEARING: DOC. NO. 9606004971 C.C.D.R.

DRAWN BY: MM/BR

CERTIFIED TO BRIAR CAPTIAL REAL ESTATE FUND, LLC, CHARTER TITLE COMPANY, RRNB 8400, LLC AND RRNB 1290, LLC:
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY AND THAT THIS PROFESSIONAL SERVICE SUBSTANTIALLY CONFORMS TO THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A CONDITION II SURVEY.

TERRANCE MISH
PROFESSIONAL LAND SURVEYOR
NO. 4981
JOB NO. SA2017-02030
JUNE 29, 2017
REVISED: JULY 05, 2017 (LOCATE EASEMENTS)
REVISED: NOVEMBER 21, 2017 (SEPERATE TRACT)

STATE OF TEXAS REGISTERED TERRANCE MISH 4981 PROFESSIONAL LAND SURVEYOR

JEFFREY WELLS OPPEL
713-659-9200

PRECISION surveyors
1-800-LANDSURVEY
www.precisionsurveyors.com
281-496-1586 FAX 281-496-1867 950 THREADNEEDLE STREET SUITE 150 HOUSTON, TEXAS 77079
210-829-4941 FAX 210-829-1555 1777 NE LOOP 410 SUITE 600 SAN ANTONIO, TEXAS 78217
FIRM NO. 10063700

STATE OF TEXAS §
§
§
§
COUNTY OF COMAL §

A TRACT OR PARCEL OF LAND CONTAINING 3.5787 ACRES, BEING PART OF THE SAME TRACT CONVEYED TO RRNB 1290, LLC., RECORDED IN DOCUMENT No. (Doc. No.) 201506018951 OFFICIAL RECORDS COMAL COUNTY, TEXAS (O.R.C.C.T.), SITUATED IN THE J.M. VERAMENDI SURVEY No. 1, COMAL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BEARINGS ARE BASED IN Doc. No. 9606004971, O.R.C.C.T.)

BEGINNING at a found Texas Department of Transportation Monument (hereinafter called "TXDot Mon.") in the south right-of-way (R.O.W.) line of Loop 337 for the northwest corner of Oak Bluff Estates, Unit 3, recorded in Volume 7, Page 197, Map and Plat Records Comal County, Texas (M.P.R.C.C.T.);

THENCE, SOUTH 67°16'44" WEST, 205.07 Feet, along the North line of herein described tract and the south R.O.W. line of said Loop 337 to TXDot Mon;

THENCE, SOUTH 88°34'27" WEST, 112.83 Feet continuing along the North line of herein described tract and the south R.O.W. line of said Loop 337, to a found 5/8 Inch iron rod for the northeast corner and POINT OF BEGINNING of herein described tract;

THENCE, SOUTH 22°44'40" WEST, 230.94 Feet, across and through said RRNB 1290, LLC. Tract with the East line of herein described tract to a found 3/8 Inch iron rod for a the southeast corner of herein described tract and the northeast corner of said tract conveyed to said Richard Beach Family Limited Partnership recorded in Doc. No. 201306045816, O.R.C.C.T.;

THENCE, SOUTH 84°26'00" WEST, 662.83 Feet (Basis of Bearings), along a common South line of herein described tract and the north line of said tract conveyed to said Richard Beach Family Limited Partnership to a found 3/8 Inch iron rod in the east R.O.W. line of River Road for the Southwest corner of herein described tract and the northwest corner of said tract conveyed to Richard Beach Family Limited Partnership;

THENCE, NORTH 08°34'22" WEST, 137.40 Feet, along the common West line of herein described tract and the east R.O.W. line of said River Road, to a found TXDot Mon. at the beginning of a cut-back line from River Road to Loop 337, for a corner of herein described tract;

THENCE, NORTH 28°20'56" EAST, 51.99 Feet, along the common West line of herein described tract and the east R.O.W. line of said River Road, and said cut-back line to a found TXDot Mon., for a corner of herein described tract;

THENCE, NORTH 44°27'21" EAST, 49.73 Feet, along the common West line of herein described tract and the east R.O.W. line of said River Road, and said cut-back line to a found TXDot Mon., for the Northwest corner of herein described tract in the south R.O.W. line of said Loop 337;

THENCE, NORTH 80°36'53" EAST, 221.82 Feet, along the North line of herein described tract and the south R.O.W. line of said Loop 337, to a found TXDot Mon. for a corner of herein described tract;

THENCE, NORTH 86°20'17" EAST, 301.53 Feet, continuing along the North line of herein described tract and the south R.O.W. line of said Loop 337, to a found TXDot Mon. for a corner of herein described tract;

THENCE, NORTH 88°34'27" EAST, 190.25 Feet continuing along the North line of herein described tract and the south R.O.W. line of said Loop 337 to the POINT OF BEGINNING containing 3.5787 Acres of land.

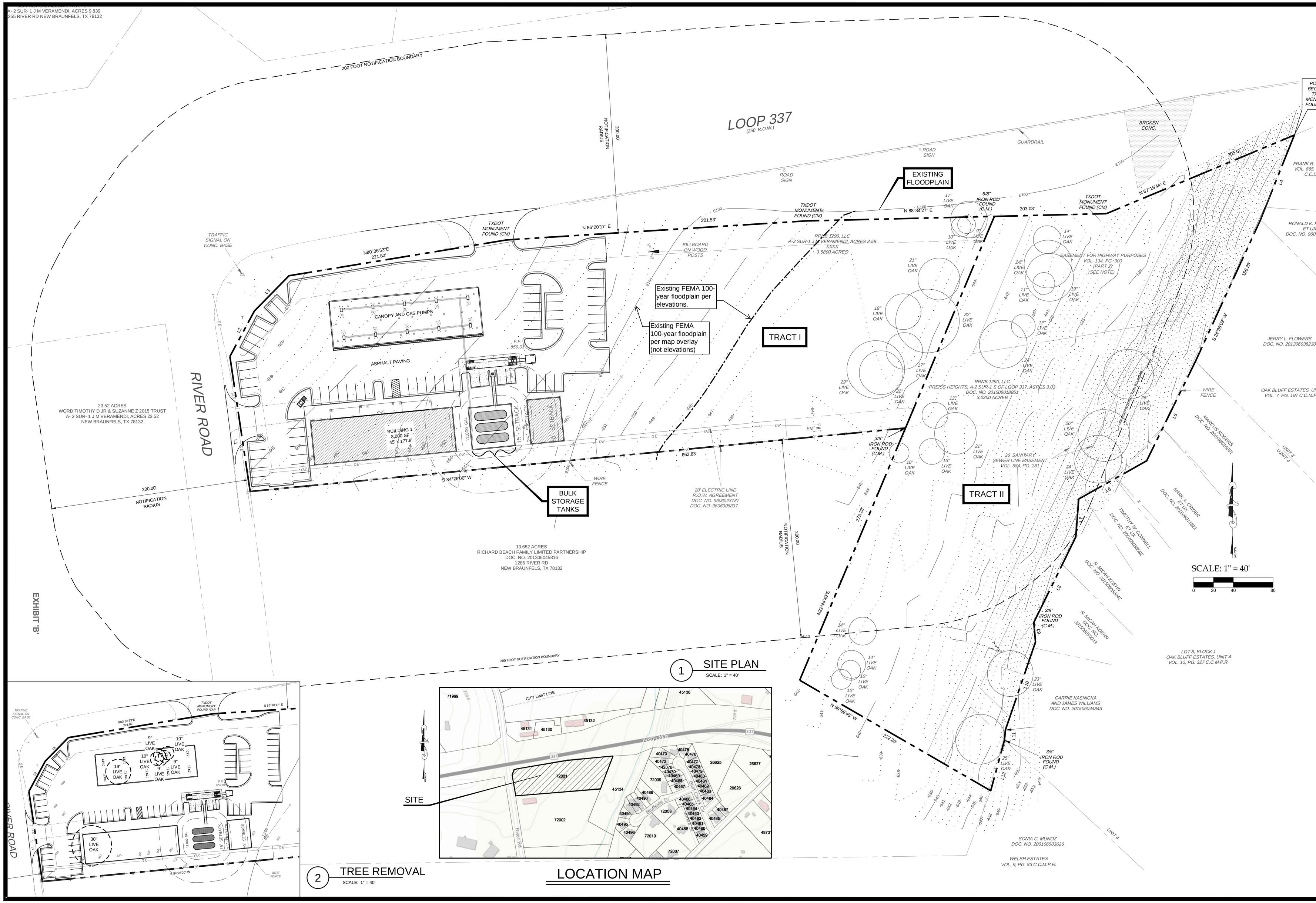
(See attached drawing)

STATE OF TEXAS
REGISTERED
TERRANCE MISH
4981
PROFESSIONAL
LAND SURVEYOR

Terrance Mish
Registered Professional Land Surveyor, No. 4981
Job No. SA2017-02030
November 21, 2017

RECEIVED
NOV 21 2017
BY:

A- 2 SUR- 1 J M VERAMENDI, ACRES 9.839
355 RIVER RD NEW BRAUNFELS, TX 78132



1 SITE PLAN
SCALE: 1" = 40'

2 TREE REMOVAL
SCALE: 1" = 40'

LOCATION MAP

THOMPSON LAND ENGINEERING, LLC
Land Planning, Site Design, Subdivision Engineering
P.O. Box 160062, Austin, Texas 78716 (512-328-0002)
email: rc@tleng.net
www.tleng.net
TBPE Reg. No. F-11020 © Copyright 2012

REVISION	DATE

337 "BULK STORAGE" S.U.P.
1290 RIVER ROAD, NEW BRAUNFELS, TX 78132

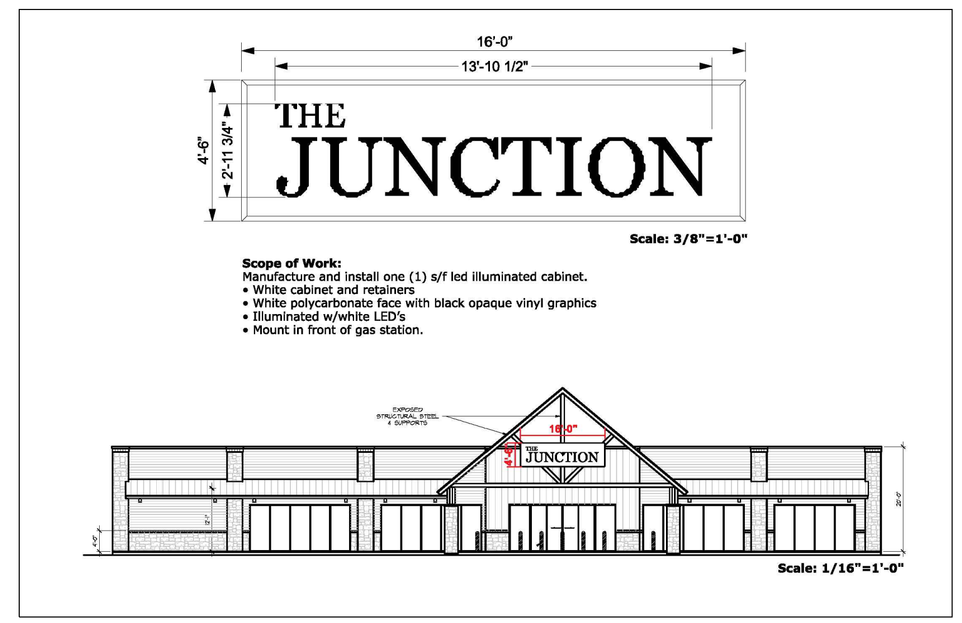
PROJECT: 337 BULK STORAGE S.U.P.
SHEET NAME

DATE ISSUED: January, 2018
DESIGNED BY: RCT
DRAFTED BY: MCG
JOB NUMBER: 1537
SHEET 1 OF 3

1 FRONT ELEVATION
1/8" = 1'-0"

1 CONCEPT FRONT ELEVATION
SCALE: 1:8

2 CONCEPT LIQUOR STORE SIGNAGE
SCALE: N.T.S.



3 CONCEPT CONVENIENCE STORE SIGNAGE
SCALE: N.T.S.

THOMPSON LAND ENGINEERING, LLC
Land Planning, Site Design, Subdivision Engineering
P.O. Box 160062, Austin, Texas 78716 (512-328-0002)
www.tleng.net email: rc@tleng.net
TBPE Reg. No. F-10220 © Copyright 2012

REVISION	DATE

PROJECT
337 "BULK STORAGE" S.U.P.
1290 RIVER ROAD, NEW BRAUNFELS, TX 78132

SHEET NAME
CONCEPT ELEVATION PLAN

DATE ISSUED
November, 2017

DESIGNED BY	DRAFTED BY
RCT	MCG

JOB NUMBER
1537

SHEET
3 OF 3

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/12/2018

Agenda Item No. F)

Presenter/Contact
Amy McWhorter, Downtown Development Coordinator/Historic Preservation Officer
(830) 221-4057 - amcwhorter@nbtexas.org

SUBJECT:
Discuss and consider approval of the first reading of an ordinance amending the bylaws of the New Braunfels Downtown Development Board to reflect the National Main Street Center's refreshed Four Point Approach.

BACKGROUND / RATIONALE:
In 2017, the National Main Street Center unveiled a new administrative model for Main Street programs that allows local programs added flexibility to plan their work using a task-based committee structure instead of following the traditional four point standing committee structure. The proposed updates to the Downtown Board's bylaws reflect this refreshed approach and remove remnant language from the previous bylaws revision regarding the board structure and size.

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

FISCAL IMPACT:
[None]

COMMITTEE RECOMMENDATION:
The Downtown Board met on December 15, 2017 and voted in favor of the amended bylaws.

STAFF RECOMMENDATION:
Staff recommends approval and adoption of the amended bylaws.

BYLAWS OF

NEW BRAUNFELS DOWNTOWN BOARD

FOR THE CITY OF

NEW BRAUNFELS, TEXAS

ARTICLE I

Name

The name of this organization shall be the New Braunfels Downtown Board ("NBDB").

ARTICLE II

Purposes

The purposes for which this Board is organized are to stimulate downtown economic development in New Braunfels, Texas by following the ~~Texas Main Street Program~~National Main Street Center's Four-Point Approach; encouraging cooperation and building leadership in the business community; creating a positive image for downtown by promoting the downtown as an exciting place to live, shop, work and invest; guide and assist in improving the downtown appearance; to champion implementation of the Downtown Implementation Plan; to receive, administer and distribute funds in connection with any activities related to the purposes stated herein; and to take all other actions and activities that implement and advance the purposes stated herein.

ARTICLE III

Membership

Section 3.1 Appointments

The NBDB shall be composed of eleven (11) members who shall be appointed by the City Council of the City of New Braunfels ("City Council"). The Downtown Development Coordinator shall serve as staff liaison for the City of New Braunfels, but shall not have a vote. ~~The current (March 2015) board roster of seventeen (17) members will be reduced to eleven (11) through voluntary resignations as terms expire and attendance violations.~~ The members are appointed, to the extent available in the community, by the City Council as described in Section 3.2.

Section 3.2 Qualifications

A member of the NBDB shall have a known and demonstrated interest, knowledge or expertise relevant to the development and revitalization of Downtown. No business or professional interest shall constitute a majority membership of the board. The board shall be composed of the following:

(1) Four (4) members from the following with a maximum of one (1) designated representative per entity: Comal County, Schlitterbahn Water Park, New Braunfels Chamber of Commerce Board, New Braunfels Convention and Visitors Bureau Board, Downtown Association (DTA), Historic Landmark Commission (HLC), Planning Commission, New Braunfels Industrial Development Corporation (4B Board), New Braunfels Economic Development Foundation Board, Main Street Partners, or any recognized arts and heritage organization,

(2) Five (5) Downtown property owners or business owners (Downtown New Braunfels shall be defined as the area ~~encompassed by the designated Main Street District and the Downtown Implementation Plan area~~depicted in Exhibit A) or residents of the Downtown Residential Area (Exhibit ~~A~~B). No more than one member shall represent a single business.

(3) Two (2) members at large selected from within the New Braunfels City limits

Applicants to the NBDB shall demonstrate qualifications for their designated position to the City Secretary prior to appointment. City Council will consider nominations from the qualified applicants. If a member does not retain the said qualification during his or her term, such failure shall constitute a resignation from the Board. By filing an application with the City Council each applicant agrees to abide by these bylaws, ordinances, rules and regulations of the City of New Braunfels (including its Code of Ethics) and county, state and federal laws, rules and regulations related to the activities of the NBDB and further agrees to participate in committee work, required trainings, and volunteer activities of the NBDB.

Section 3.3 Terms

The initial term for each Board member shall be for three (3) years with one-third (1/3) of the NBDB rotating off each year. ~~Upon achieving a board roster of eleven (11) members, term limits will be randomly assigned to ensure that one-third (1/3) of the NBDB will rotate off each year.~~

Section 3.4 Resignations

Any member resigning shall submit a letter of resignation to the Chair of the NBDB and the City Secretary's Office. The City Council will be notified by the City Secretary's Office of such resignation with a request that a new member be appointed.

Section 3.5 Attendance

A member of the NBDB shall be assumed to have resigned his or her position as a member of the NBDB thereby forfeiting his or her unexpired term of office if he or she accrues three (3) consecutive unexcused absences or a total of any four (4) unexcused absences during a calendar year, not including special or committee meetings, provided that said meetings were posted in accordance with the Texas Open Meetings Act at least 72 hours in advance of the meeting. An excused absence shall be determined by a majority vote of a quorum of the board. The Downtown Development Coordinator shall notify the membership and the City Secretary's Office of such resignation. The City Council will be notified by the City Secretary's Office of such action with a request that a new member be appointed to the NBDB with the

understanding that nothing contained herein shall be construed as limiting City Council's appointment or reappointment of any individual.

ARTICLE IV

Officers

Section 4.1 Election of Officers

On or before June 1 after the new members have been appointed by City Council, the NBDB with a quorum in attendance shall elect from its members a Chair and Vice-Chair.

Section 4.2 Term of Office

Each officer shall hold his or her office for one (1) year. All resignations from an office shall be submitted in writing to the Chair. Any resignation or removal from the NBDB shall constitute a resignation from an office. Officers cannot serve in the same position for more than three (3) consecutive terms. No member may serve in more than one officer position at a time.

Section 4.3 Duties of Officers

Section 4.3.1 Chair

The Chair shall preside and participate at all meetings of the NBDB, shall recruit and approve standing and special committee chairs, and shall have voting power.

Section 4.3.2 Vice-Chair

The Vice-Chair shall assist the Chair as needed and shall serve as the presiding officer in the absence of the Chair. The Vice-Chair shall have the right to vote on all issues that come before the NBDB.

Section 4.4 Vacancies

Any vacancy in an office shall be filled by the NBDB at its next regular or special meeting.

ARTICLE V

Meetings

Section 5.1 Date, Time and Place of Meetings

The NBDB shall meet on the third Tuesday morning of months January through December at 8:30 o'clock A.M. Meetings shall be held in the municipal building of the City of New Braunfels unless notice of a different location is given. The NBDB may change the meeting day, time and place upon a majority vote of a quorum.

Section 5.2 Open Meetings

All meetings shall be held in accordance with the Texas Open Meetings Act.

Section 5.3 Special Meetings

The Chair or one-third (1/3) of the Members of the NBDB may call a special meeting of the NBDB with at least five (5) days written notice to all members specifying the purpose of such meeting.

Section 5.4 Quorum

A majority of the members of the NBDB shall constitute a quorum.

ARTICLE VI

Committees

Section 6.1 Standing Committees

~~The following shall be standing committees if the Board: Design, Promotion, Economic Restructuring and Organization.~~ The Board may create ~~additional~~ standing committees and shall delineate the duties of such committees. In consultation with Standing Committee Chairs, the Chair shall recruit and approve members from the NBDB and interested residents of the City of New Braunfels to be members of the Standing Committees. Each Standing Committee shall have a member or members from the NBDB. The rules governing the conduct of the NBDB's meetings shall also govern those of the Standing Committees.

Section 6.2 Special Committees

The Board may create special committees with limited purposes or goals to perform specific functions and activities specified by the Board. At the beginning of each calendar year the Board shall determine if any Special Committees then in existence need to continue the work assigned to them. The Chair shall recruit and approve members from the Board and interested residents of the City of New Braunfels to be members of the Special Committees. The rules governing the conduct of the Board's meetings shall also govern those of the Special Committees.

ARTICLE VII

Procedures

Section 7.1 Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the NBDB in all cases in which they are applicable and in which they are not inconsistent with these bylaws. The NBDB shall conduct themselves in accordance with the City Charter of the City of New Braunfels and the laws of the State of Texas.

Section 7.2 Notices

Any notice required herein shall be given in writing and shall be given when deposited in the U.S. mail, by facsimile, e-mail, or personal delivery.

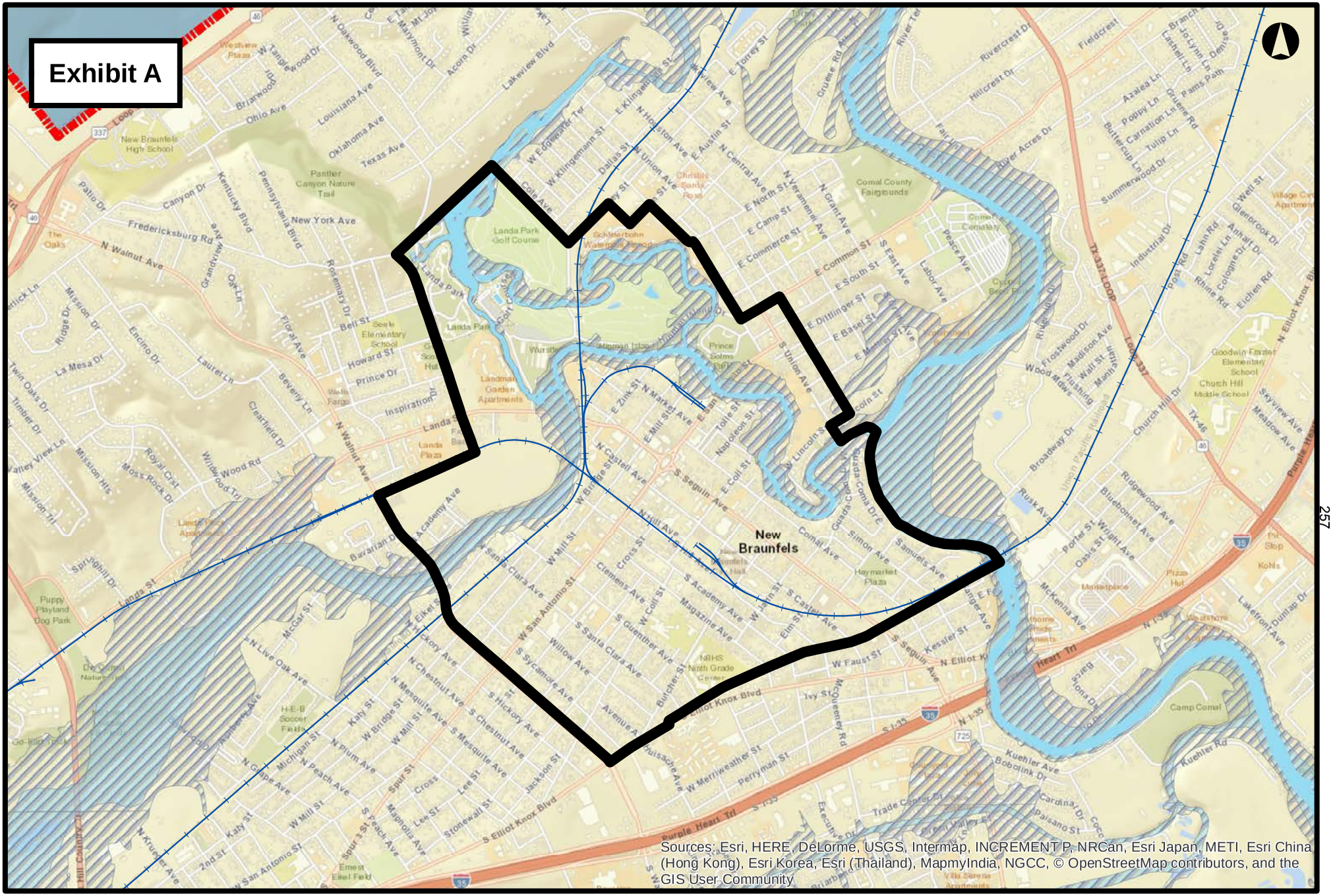
ARTICLE IIX

Amendment to Bylaws

These bylaws may be amended at any regular or special meeting of the NBDB by a quorum and provided that all of the members were given fifteen (15) days prior written notice of the amendment. No amendment adopted by the DDB shall become effective until approved by the City Council.

ADOPTED this _____ day of_____, 2018~~5~~.

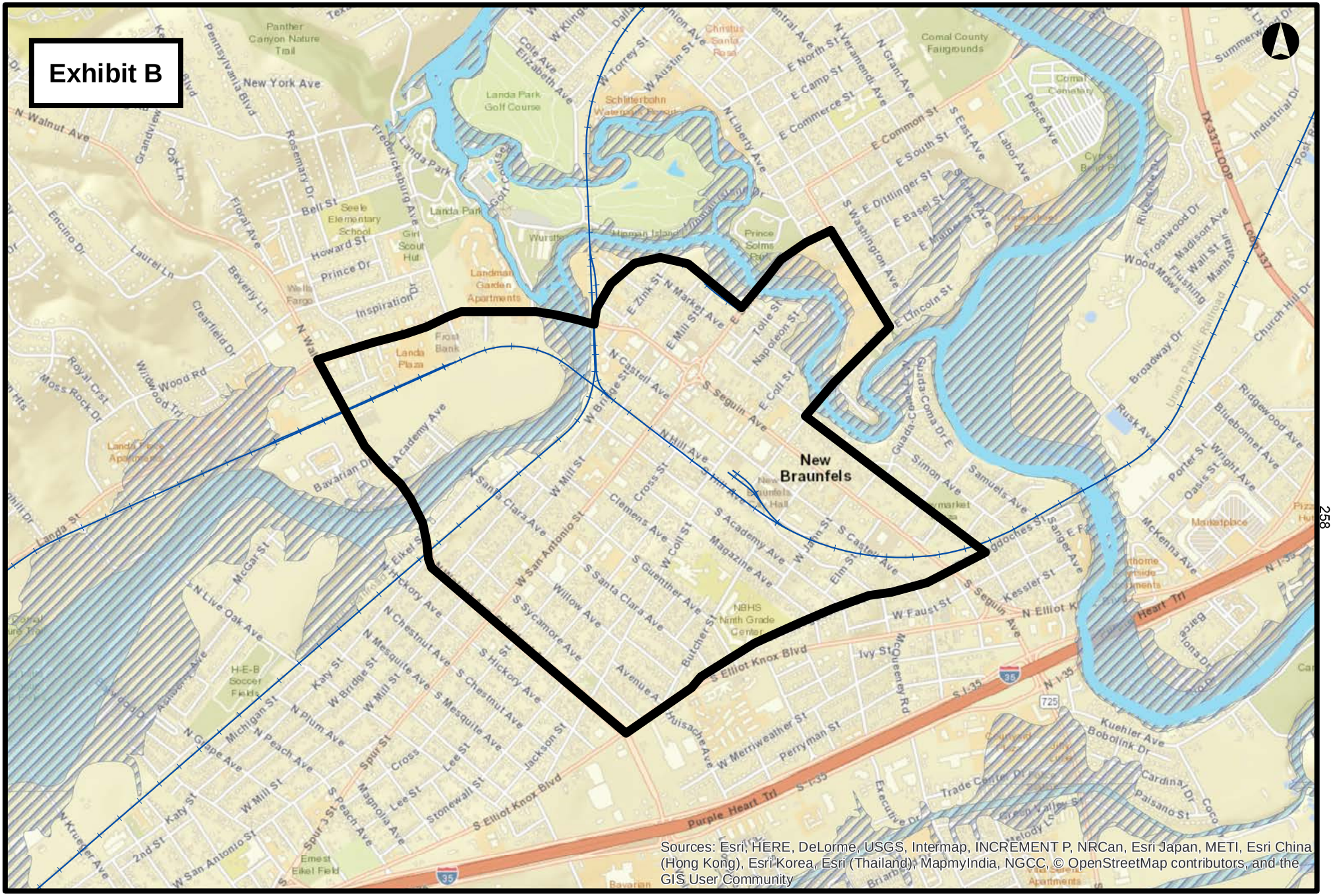
Chair



City of New Braunfels

Downtown Area Map

Map created 5/19/2016



City of New Braunfels

Downtown Residential Area Map

Map created 5/19/2016

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, AMENDING ARTICLE II, SECTION 38-51, AMENDING THE BYLAWS OF THE NEW BRAUNFELS DOWNTOWN BOARD; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels formed the New Braunfels Downtown Board through a merger of the Main Street Advisory Board and the New Braunfels Downtown Development Board; and

WHEREAS, the City Council of the City of New Braunfels seeks to align the operations of the City's Main Street program with those of the National Main Street Program and more clearly articulate the boundaries of the Downtown area; **now, therefore;**

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

SECTION 1

THAT the bylaws of the New Braunfels Downtown Board shall be amended as depicted in the revised bylaws as attached in Attachment A.

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 12th day of February, 2018.

PASSED AND APPROVED: Second and Final Reading this the 26th day of February, 2018.

CITY OF NEW BRAUNFELS

_____

BARRON CASTEEL, Mayor

ATTEST:

_____

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

_____

VALERIA M. ACEVEDO, City Attorney

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BYLAWS OF

NEW BRAUNFELS DOWNTOWN BOARD

FOR THE CITY OF

NEW BRAUNFELS, TEXAS

ARTICLE I

Name

The name of this organization shall be the New Braunfels Downtown Board ("NBDB").

ARTICLE II

Purposes

The purposes for which this Board is organized are to stimulate downtown economic development in New Braunfels, Texas by following the ~~Texas Main Street Program~~National Main Street Center's Four-Point Approach; encouraging cooperation and building leadership in the business community; creating a positive image for downtown by promoting the downtown as an exciting place to live, shop, work and invest; guide and assist in improving the downtown appearance; to champion implementation of the Downtown Implementation Plan; to receive, administer and distribute funds in connection with any activities related to the purposes stated herein; and to take all other actions and activities that implement and advance the purposes stated herein.

ARTICLE III

Membership

Section 3.1 Appointments

The NBDB shall be composed of eleven (11) members who shall be appointed by the City Council of the City of New Braunfels ("City Council"). The Downtown Development Coordinator shall serve as staff liaison for the City of New Braunfels, but shall not have a vote. ~~The current (March 2015) board roster of seventeen (17) members will be reduced to eleven (11) through voluntary resignations as terms expire and attendance violations.~~ The members are appointed, to the extent available in the community, by the City Council as described in Section 3.2.

Section 3.2 Qualifications

A member of the NBDB shall have a known and demonstrated interest, knowledge or expertise relevant to the development and revitalization of Downtown. No business or professional interest shall constitute a majority membership of the board. The board shall be composed of the following:

(1) Four (4) members from the following with a maximum of one (1) designated representative per entity: Comal County, Schlitterbahn Water Park, New Braunfels Chamber of Commerce Board, New Braunfels Convention and Visitors Bureau Board, Downtown Association (DTA), Historic Landmark Commission (HLC), Planning Commission, New Braunfels Industrial Development Corporation (4B Board), New Braunfels Economic Development Foundation Board, Main Street Partners, or any recognized arts and heritage organization,

(2) Five (5) Downtown property owners or business owners (Downtown New Braunfels shall be defined as the area ~~encompassed by the designated Main Street District and the Downtown Implementation Plan area~~depicted in Exhibit A) or residents of the Downtown Residential Area (Exhibit ~~A~~B). No more than one member shall represent a single business.

(3) Two (2) members at large selected from within the New Braunfels City limits

Applicants to the NBDB shall demonstrate qualifications for their designated position to the City Secretary prior to appointment. City Council will consider nominations from the qualified applicants. If a member does not retain the said qualification during his or her term, such failure shall constitute a resignation from the Board. By filing an application with the City Council each applicant agrees to abide by these bylaws, ordinances, rules and regulations of the City of New Braunfels (including its Code of Ethics) and county, state and federal laws, rules and regulations related to the activities of the NBDB and further agrees to participate in committee work, required trainings, and volunteer activities of the NBDB.

Section 3.3 Terms

The initial term for each Board member shall be for three (3) years with one-third (1/3) of the NBDB rotating off each year. ~~Upon achieving a board roster of eleven (11) members, term limits will be randomly assigned to ensure that one-third (1/3) of the NBDB will rotate off each year.~~

Section 3.4 Resignations

Any member resigning shall submit a letter of resignation to the Chair of the NBDB and the City Secretary's Office. The City Council will be notified by the City Secretary's Office of such resignation with a request that a new member be appointed.

Section 3.5 Attendance

A member of the NBDB shall be assumed to have resigned his or her position as a member of the NBDB thereby forfeiting his or her unexpired term of office if he or she accrues three (3) consecutive unexcused absences or a total of any four (4) unexcused absences during a calendar year, not including special or committee meetings, provided that said meetings were posted in accordance with the Texas Open Meetings Act at least 72 hours in advance of the meeting. An excused absence shall be determined by a majority vote of a quorum of the board. The Downtown Development Coordinator shall notify the membership and the City Secretary's Office of such resignation. The City Council will be notified by the City Secretary's Office of such action with a request that a new member be appointed to the NBDB with the

understanding that nothing contained herein shall be construed as limiting City Council's appointment or reappointment of any individual.

ARTICLE IV

Officers

Section 4.1 Election of Officers

On or before June 1 after the new members have been appointed by City Council, the NBDB with a quorum in attendance shall elect from its members a Chair and Vice-Chair.

Section 4.2 Term of Office

Each officer shall hold his or her office for one (1) year. All resignations from an office shall be submitted in writing to the Chair. Any resignation or removal from the NBDB shall constitute a resignation from an office. Officers cannot serve in the same position for more than three (3) consecutive terms. No member may serve in more than one officer position at a time.

Section 4.3 Duties of Officers

Section 4.3.1 Chair

The Chair shall preside and participate at all meetings of the NBDB, shall recruit and approve standing and special committee chairs, and shall have voting power.

Section 4.3.2 Vice-Chair

The Vice-Chair shall assist the Chair as needed and shall serve as the presiding officer in the absence of the Chair. The Vice-Chair shall have the right to vote on all issues that come before the NBDB.

Section 4.4 Vacancies

Any vacancy in an office shall be filled by the NBDB at its next regular or special meeting.

ARTICLE V

Meetings

Section 5.1 Date, Time and Place of Meetings

The NBDB shall meet on the third Tuesday morning of months January through December at 8:30 o'clock A.M. Meetings shall be held in the municipal building of the City of New Braunfels unless notice of a different location is given. The NBDB may change the meeting day, time and place upon a majority vote of a quorum.

Section 5.2 Open Meetings

All meetings shall be held in accordance with the Texas Open Meetings Act.

Section 5.3 Special Meetings

The Chair or one-third (1/3) of the Members of the NBDB may call a special meeting of the NBDB with at least five (5) days written notice to all members specifying the purpose of such meeting.

Section 5.4 Quorum

A majority of the members of the NBDB shall constitute a quorum.

ARTICLE VI

Committees

Section 6.1 Standing Committees

~~The following shall be standing committees if the Board: Design, Promotion, Economic Restructuring and Organization.~~ The Board may create ~~additional~~ standing committees and shall delineate the duties of such committees. In consultation with Standing Committee Chairs, the Chair shall recruit and approve members from the NBDB and interested residents of the City of New Braunfels to be members of the Standing Committees. Each Standing Committee shall have a member or members from the NBDB. The rules governing the conduct of the NBDB's meetings shall also govern those of the Standing Committees.

Section 6.2 Special Committees

The Board may create special committees with limited purposes or goals to perform specific functions and activities specified by the Board. At the beginning of each calendar year the Board shall determine if any Special Committees then in existence need to continue the work assigned to them. The Chair shall recruit and approve members from the Board and interested residents of the City of New Braunfels to be members of the Special Committees. The rules governing the conduct of the Board's meetings shall also govern those of the Special Committees.

ARTICLE VII

Procedures

Section 7.1 Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the NBDB in all cases in which they are applicable and in which they are not inconsistent with these bylaws. The NBDB shall conduct themselves in accordance with the City Charter of the City of New Braunfels and the laws of the State of Texas.

Section 7.2 Notices

Any notice required herein shall be given in writing and shall be given when deposited in the U.S. mail, by facsimile, e-mail, or personal delivery.

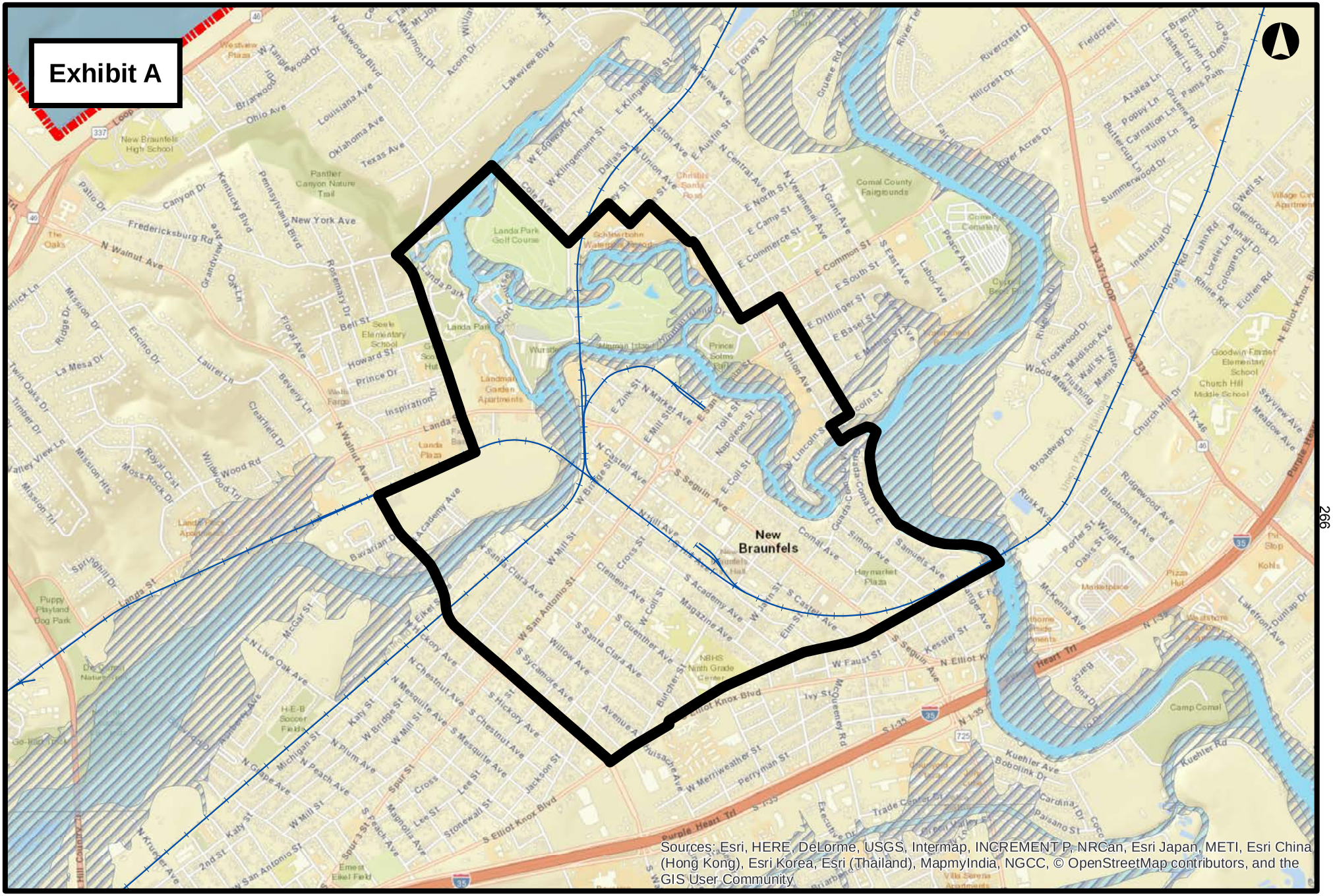
ARTICLE IIX

Amendment to Bylaws

These bylaws may be amended at any regular or special meeting of the NBDB by a quorum and provided that all of the members were given fifteen (15) days prior written notice of the amendment. No amendment adopted by the DDB shall become effective until approved by the City Council.

ADOPTED this _____ day of_____, 2018~~5~~.

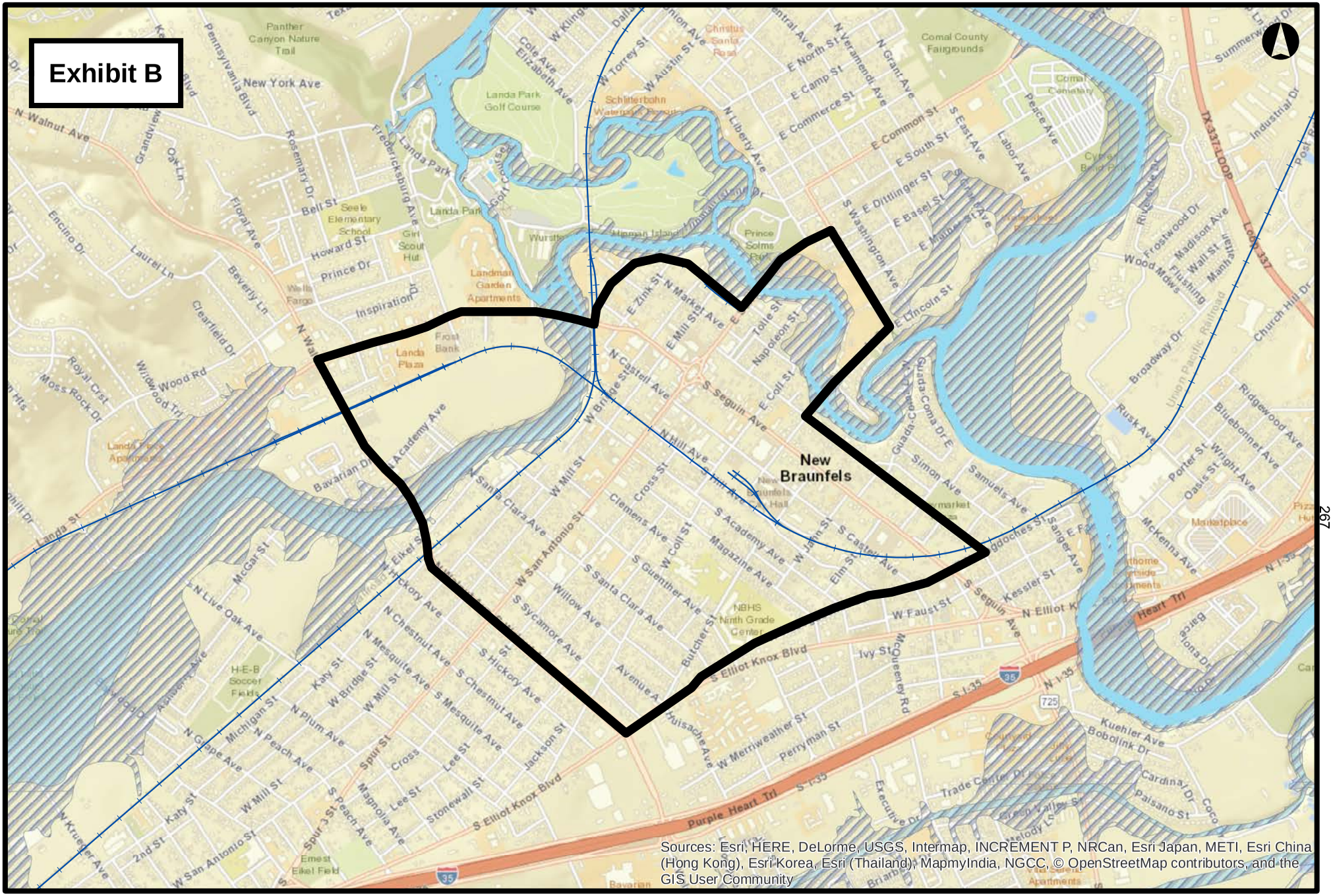
Chair



City of New Braunfels

Downtown Area Map

Map created 5/19/2016



City of New Braunfels

Downtown Residential Area Map

Map created 5/19/2016

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/12/2018

Agenda Item No. G)

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

SUBJECT:
Discuss and consider a waiver to allow the escrow of funds for sidewalk construction along Zipp Road associated with The Silos, Unit 3, Subdivision.

BACKGROUND / RATIONALE:
Case #: PL-17-152

Council District: 2

Owner/Applicant: Milestone Crest Investments, Ltd.
Chesley Swann III
543 Busby
San Antonio, Texas 78209
(210) 541-1413

Engineer/ Representative: HMT Engineering & Surveying
410 N. Seguin Avenue
New Braunfels, TX 78130
(830) 625-8555

Staff Contact: Holly Mullins, Senior Planner
(830) 221-4054
hmullins@nbtexas.org

The Silos is a single-family residential subdivision under construction between Klein Road and W. Zipp Road along a future extension of Pahmeyer Road in the southern part of New Braunfels. A Master Plan for the subdivision was approved by the Planning Commission in 2015. Units 1 and 2 have been approved and are under construction. Unit 3 was reviewed by the Planning Commission at their January 9, 2018 meeting.

Unit 3 is adjacent to Zipp Road. Four-foot wide sidewalks will be constructed by the developer as required by the adopted ordinance along all internal streets in the subdivision. The applicant is requesting a waiver to allow the required sidewalks along Zipp Road to be escrowed.

Zipp Road currently makes three 90 degree turns (see Attachment 1). It is considered an inadequate street because the existing pavement width is less than 24 feet. Existing pavement varies in width from 10 to about 20 feet. The adopted Regional Transportation Plan calls for a Minor Collector

extension to straighten the east-west portion of Zipp Road adjacent to The Silos subdivision.

Sidewalks installed along Zipp Road today will likely need to be removed and re-installed when street improvements occur in the future. Therefore, the applicant's request would allow the City of New Braunfels to use the applicant's escrowed funds for sidewalk construction along Zipp Road with the future road improvement project.

The Platting Ordinance authorizes waivers to be approved when an undue hardship will result from strict compliance with a provision of the Ordinance, or where the purpose of the regulation may be served to a greater extent by an alternative proposal, so that substantial justice may be done and the public interest secured. A waiver may not be approved unless it is found that:

1. Granting the waiver will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver will not prevent the orderly subdivision of other property in the vicinity;
2. Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; or an alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein; and
3. The waiver will not in any manner vary the provisions of the Zoning Ordinance or other ordinance (s) of the City.

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

Yes	**City Plan/Council Priority:** 2006 Comprehensive Plan *Pros and Cons Based on Policies Plan*	**Pros:** **Goal 25B-11:** *Ensure that pedestrian traffic is addressed as part of the platting process.* By escrowing funds, the applicant intends to meet his obligation to address pedestrian mobility without constructing sidewalks that may need to be removed and reconstructed with a future street project. **Cons:** **Goal 25B-6:** *Sidewalks should be provided for all new development, offset from the street whenever possible.* If approved, sidewalks would be constructed at an undetermined future date, leaving time without safe pedestrian access.

FISCAL IMPACT:

If this request is approved, the amount of escrow will be approved by the Public Works Department and submitted to the City prior to plat recordation in accordance with the adopted Platting Ordinance. Construction utilizing the escrowed funds must occur within the next 10 years, or the funds are to be returned to the applicant.

COMMITTEE RECOMMENDATION:

On January 9, 2018, the Planning Commission recommended approval of the applicant's request (7-1-0) with Commissioner Tubb in opposition and Commissioner Elrod absent.

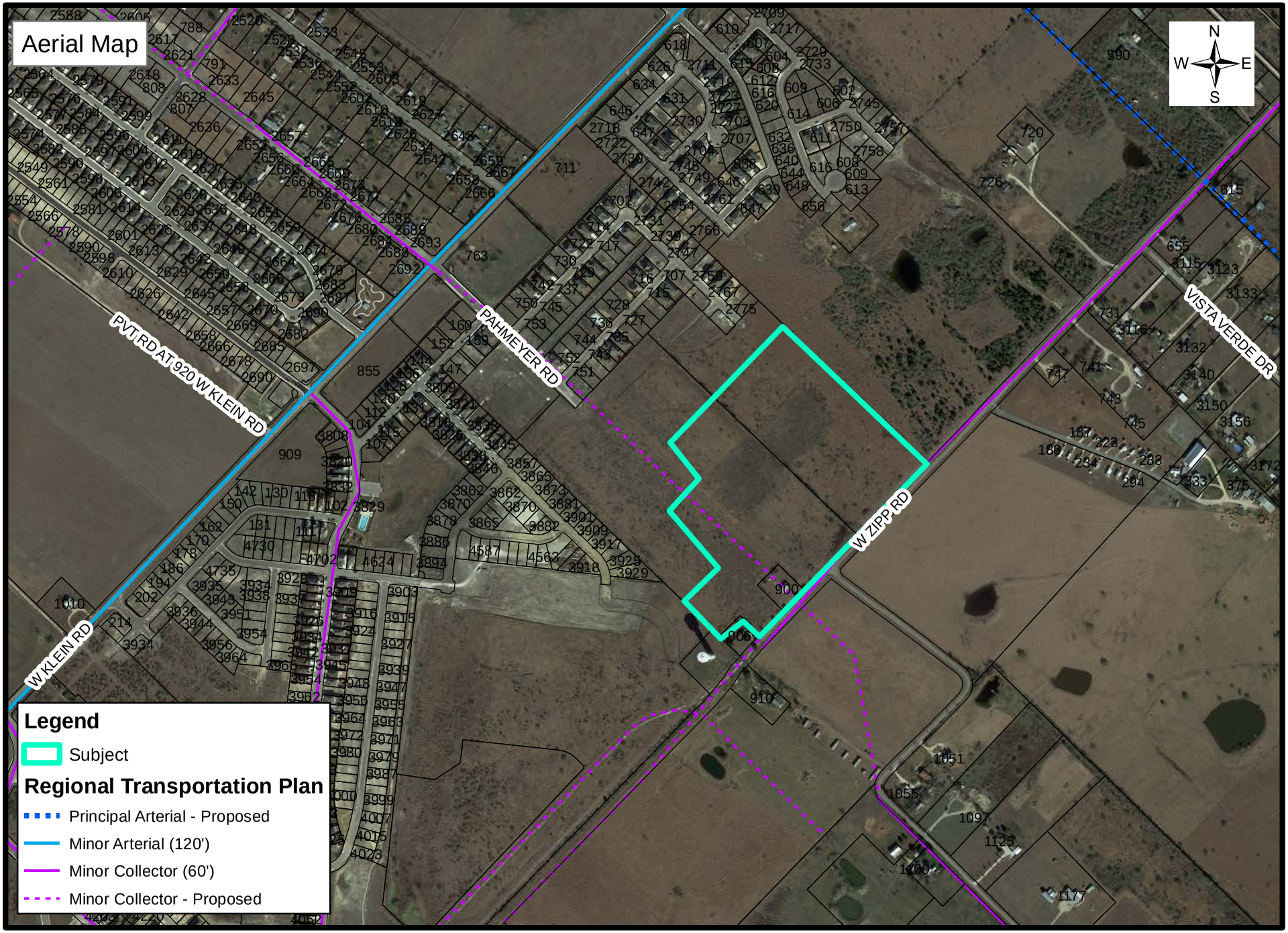
STAFF RECOMMENDATION:

Staff recommends approval of the applicant's request to allow escrow of funds for future sidewalk

construction along Zipp Road.

Attachments:

1. Aerial and Regional Transportation Plan Map
2. Application and Waiver Request
3. Plat
4. Draft Minutes from the Planning Commission Meeting of January 9, 2018.
5. Photographs of Zipp Road



City of New Braunfels

PL-17-152
The Silos Unit 3
Final Plat

City of New Braunfels

PLANNING

APPLICATION FOR LAND SUBDIVISION (PLAT)

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

RECEIVED NOV 20 2017 BY

Case No.: PL-17-152

CHECK ONE: ☐Master Plan ☐Prelim./Final Plat ☐Prelim. Plat ☑Final Plat ☐Replat ☐Amended ☐Minor

1. PROPOSED SUBDIVISION NAME: The Silos UNIT NO.: 3
   LOCATION DESCRIPTION / NEAREST INTERSECTION: Near intersection of Klein Road and Pahmeyer Road
   ACREAGE: 23.65 NO. OF LOTS - EXISTING: 0 PROPOSED: 101 res. and 2 other
   REASON(S) FOR PLATTING/REPLATTING: Continue development of subdivision
2. OWNER/APPLICANT*: Milestone Crest Investments, LTD, Chesley Swann III
   (* If applicant is person other than owner, a letter of authorization must be provided from owner.)
   ADDRESS: 543 Busby, San Antonio, Texas 78209
   TELEPHONE: (210) 541.1413 MOBILE:
   EMAIL: ciswann@sbcglobal.net
3. LICENSED ENGINEER/SURVEYOR: HMT Engineering and Surveying, Arnold Martinez PE
   MAILING ADDRESS: 410 N. Seguin Ave., New Braunfels, Texas 78130
   TELEPHONE: (830) 625.8555 MOBILE:
   EMAIL: plats@hmtnb.com
4. LIST ANY VARIANCES / WAIVERS REQUESTED($150-$300 EACH): Escrow sidewalks
   REASON FOR REQUEST (LIST ANY HARDSHIPS): see attached
5. PRESENT USE OF THE PROPERTY: Open with two residents CURRENT ZONING: R-1A-6.6
6. CITY LIMITS: ☑ IN ☐ OUT - COUNTY: ☐ COMAL ☑ GUADALUPE - SCHOOL DIST: ☐ CISD ☑ NBISD ☐ _____ (specify)
7. IS ANY PART OF THE PROPERTY IN A FLOODPLAIN? ☐ YES ☑ NO
8. DOES PLAT FALL IN THE BOUNDARY FOR: ☑ NBU ☐ GVEC ☐ AT&T ☐ OTHER: _____ ☐ TXDOT ROAD
9. **Is the property subject to any liens, encumbrances, or judgments? If so, give details. (Provide separate sheet if needed.) Permission from any lien holders and/or removal of any encumbrances or judgments will be necessary prior to filing of said plat with the County Clerk's office.**

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

- ☐ Completed application, including signature of owner/applicant and signed waiver.
- ☐ Fee (see reverse)
- ☐ 3 copies of TIA worksheets, reviewed by City Engineer, and appropriate Level TIA if required.
- ☐ Copy of deed showing current ownership.
- ☐ 17 copies of the plat, collated and folded so that the subdivision name is visible.
- ☐ 5 copies of Preliminary utilities plan including wastewater and water system showing the approximate location and size of onsite and offsite existing and proposed water lines and fire hydrants.
- ☐ 2 copies of the preliminary drainage plan
- ☐ Current deed restrictions for Vacating Plats, Replats, and Townhouse and Zero Lot Line Subdivisions.
- ☐ Survey showing any existing structures on the subject property.
- ☐ List of approved street names by the appropriate county.
- ☐ Mailed notification _____ x 2.15 each = _____ - residential replat
- ☐ Newspaper Notice 115.00 each - residential replat

I agree to comply with all platting and subdivision requirements of the City of New Braunfels. I understand that the plat will NOT be forwarded to the Planning Commission unless staff comments are satisfactorily addressed by the plat correction due date. I voluntarily waive my right to request a certificate stating the date the plat was filed and that the Planning Commission failed to act on the plat within thirty days. I do not object to consideration of the plat on 1/8/18 (date of Planning Commission meeting). This waiver expires after 1/8/18 (date of Planning Commission meeting). (The waiver statement above is not applicable to Minor Plats.)

11-20-17
Date

Signature of Owner/Applicant

Chesley Swann VP
Print Name & Title

**If applicant is person other than owner, a letter of authorization must be provided from owner. Signature indicates authorization for plat application and acceptance of waiver statement.

ATTACHMENT 2

RECEIVED
NOV 20 2017
BY:

Novbemer 11, 2017

City of New Braunfels
Planning Department
550 Landa Street
New Braunfels, TX 78130

RE: Wavier Request – The Silos Subdivision Unit 3
Section 118-49. – Sidewalks

To Whom It May Concern:

Please accept this letter as a waiver request for the escrow of sidewalks along Zipp Road. This site is located at the bend in W. Zipp Road near it's intersection with Schum Zipp Lane. Per the City of New Braunfels Ordinance, Section 118-49 (c) Escrow, I am requesting to escrow funds for the sidewalk construction at a later date. I feel this waiver request is within reason as this street is a unique case in that it is in poor shape and there is no significant development in the area. By escrowing the funds for a sidewalk, the City will be able to construct sidewalks at a later date that makes more sense for the development of this area of the community.

In my opinion, the granting of this waiver will not adversely affect the health, welfare and safety of our New Braunfels residents and visitors. I feel this wavier request is in harmony with the intent of the City of New Braunfels Platting Ordinance.

Please contact me if you have any questions or comments.

Thank you,

Chesley Swann III
Owner

FINAL PLAT ESTABLISHING

THE SILOS, UNIT THREE

BEING 23.65 ACRES OUT OF THE SARAH DE WITT SURVEY NO. 48, ABSTRACT NO. 103, GUADALUPE COUNTY, TEXAS, AND BEING A PORTION OUT OF A TRACT OF LAND CALLED 49.483 ACRES, DESCRIBED IN VOLUME 4194, PAGE 453, OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS, AND A PORTION OF A TRACT OF LAND CALLED 29.990 ACRES DESCRIBED IN VOLUME 4194, PAGE 488, OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS.

PLAT NOTES:

1. ALL LOTS WITHIN THE SUBDIVISION WILL BE PROVIDED WATER AND SEWER SERVICE BY NEW BRAUNFELS UTILITIES. ELECTRIC WILL BE PROVIDED BY GVEC. TELEPHONE AND CABLE SERVICES FOR THE SUBDIVISION WILL BE PROVIDED BY AT&T COMMUNICATIONS AND/OR SPECTRUM.

2. ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983, GRID. DISTANCES SHOWN HEREON ARE BASED UPON SURFACE MEASUREMENTS. TO CONVERT SURFACE DISTANCES TO GRID, APPLY A COMBINED SCALE FACTOR OF 1.00015.

3. MONUMENTS WERE FOUND OR SET AT EACH CORNER OF THE SURVEY BOUNDARY OF THE SUBDIVISION. MONUMENTS AND LOT MARKERS WILL BE SET WITH 1/2" IRON PINS WITH PLASTIC CAP STAMPED "HMT" IMMEDIATELY AFTER COMPLETION OF UTILITY INSTALLATION AND STREET CONSTRUCTION UNLESS NOTED OTHERWISE.

4. THIS SUBDIVISION IS NOT WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.

5. THIS SUBDIVISION IS WITHIN THE CITY LIMITS OF NEW BRAUNFELS, TEXAS.

6. THIS SUBDIVISION IS WITHIN THE NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT.

7. NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN ANY SPECIAL FLOOD HAZARD AREA (100 YR. FLOOD), AS DEFINED BY THE GUADALUPE COUNTY, TEXAS, FLOOD INSURANCE RATE MAP NUMBER 48187C0115F, EFFECTIVE DATE SEPTEMBER 2, 2007 AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

8. NO STRUCTURES, WALLS OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO LANDSCAPING, FENCES, OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE EASEMENTS OR DECREASE THE HYDRAULIC CAPACITY OF THE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY ENGINEER. THE CITY OF NEW BRAUNFELS SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE EASEMENTS.

9. FUTURE DEVELOPMENT IS SUBJECT TO CHAPTER 114 (STREETS, SIDEWALKS AND OTHER PUBLIC SPACES) OF THE NEW BRAUNFELS CODE OF ORDINANCES.

10. 4' WIDE SIDEWALKS WILL BE CONSTRUCTED PER CITY STANDARDS ALONGSIDE AND ADJACENT TO THE CURB BY THE HOME BUILDER AT THE TIME OF DEVELOPMENT ALONG TUPELO TANK DR, RED BARN BEND, WHEATFIELD WAY, AND FARMERS DELL. 6' WIDE SIDEWALKS WILL BE CONSTRUCTED PER CITY STANDARDS ALONGSIDE AND ADJACENT TO THE CURB BY THE HOME BUILDER AT THE TIME OF DEVELOPMENT ALONG PAHMEYER RD. 6' WIDE SIDEWALKS WILL BE CONSTRUCTED PER CITY STANDARDS ALONGSIDE AND ADJACENT TO THE CURB BY THE DEVELOPER AT THE TIME OF STREET CONSTRUCTION ON LOT 502 ALONG PAHMEYER RD. 4' WIDE SIDEWALKS WILL BE CONSTRUCTED PER CITY STANDARDS ALONGSIDE AND ADJACENT TO THE CURB BY THE DEVELOPER AT THE TIME OF STREET CONSTRUCTION ON LOT 503 ALONG RED BARN BEND AND FARMERS DELL.

11. THE ELEVATION OF THE LOWEST FLOOR OF A STRUCTURE SHALL BE AT LEAST 10 INCHES ABOVE THE FINISHED GRADE OF THE SURROUNDING GROUND, WHICH SHALL BE SLOPED IN A FASHION SO AS TO DIRECT STORMWATER AWAY FROM THE STRUCTURE. PROPERTIES ADJACENT TO STORMWATER CONVEYANCE STRUCTURES MUST HAVE A FLOOR SLAB ELEVATION OR BOTTOM OF FLOOR JOISTS A MINIMUM OF ONE FOOT ABOVE THE 100-YEAR WATER FLOW ELEVATION IN THE STRUCTURE. DRIVEWAYS SERVING HOUSES ON THE DOWNHILL SIDE OF THE STREET SHALL HAVE A PROPERLY SIZED CROSS SWALE PREVENTING RUNOFF FROM ENTERING THE GARAGE AND SHALL PREVENT WATER FROM LEAVING THE STREET.

12. THIS SUBDIVISION IS SUBJECT TO THE CITY OF NEW BRAUNFELS PARK LAND DEDICATION AND DEVELOPMENT ORDINANCE. THIS PLAT IS APPROVED FOR 101 DWELLING UNITS. ONE DWELLING UNIT PER BUILDABLE LOT WHERE FEES ARE DUE AT THE TIME OF PLATTING. AT SUCH TIME THAT ADDITIONAL DWELLING UNITS ARE CONSTRUCTED, THE OWNER OF THE LOT(S) SHALL NOTIFY THE CITY AND COMPLY WITH THE ORDINANCE FOR EACH DWELLING UNIT.

13. THIS UNIT CONTAINS 101 BUILDABLE RESIDENTIAL LOTS. ALL LOTS MEET THE MINIMUM SQUARE FOOTAGE REQUIREMENT ACCORDING TO THE ZONING ORDINANCE.

14. LOTS 502 AND 503 (DRAINAGE) WILL BE OWNED AND MAINTAINED BY THE SILOS HOMEOWNERS ASSOCIATION.

NEW BRAUNFELS UTILITIES NOTES:

1. MAINTENANCE OF DEDICATED UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. ANY USE OF AN EASEMENT, OR ANY PORTION OF IT, INCLUDING LANDSCAPING OR DRAINAGE FEATURES, IS SUBJECT TO AND SHALL NOT CONFLICT WITH THE TERMS AND CONDITIONS IN THE EASEMENT, MUST NOT ENDANGER OR INTERFERE WITH THE RIGHTS GRANTED BY THE EASEMENT TO NEW BRAUNFELS UTILITIES, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE SUBJECT TO APPLICABLE PERMIT REQUIREMENTS OF THE CITY OF NEW BRAUNFELS OR ANY OTHER GOVERNING BODY. THE PROPERTY OWNER MUST OBTAIN, IN ADVANCE, WRITTEN AGREEMENT WITH THE UTILITIES TO UTILIZE THE EASEMENT, OR ANY PART OF IT.

2. UTILITIES WILL POSSESS A 5' WIDE SERVICE EASEMENT TO THE DWELLING ALONG THE SERVICE LINE TO THE SERVICE ENTRANCE. THIS EASEMENT WILL VARY DEPENDING UPON LOCATION OF DWELLING AND SERVICE.

3. UTILITIES SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARD AND METER LOCATIONS SHALL NOT BE LOCATED WITHIN A FENCED AREA.

4. EACH LOT MUST HAVE ITS OWN WATER AND SEWER SERVICE AT THE OWNER'S/DEVELOPER'S EXPENSE.

5. DO NOT COMBINE ANY NEW UTILITY EASEMENTS (U.E.) WITH DRAINAGE EASEMENTS (D.E.) OR MAKE CHANGES IN GRADE WITHIN THE UTILITY EASEMENTS (U.E.) WITHOUT WRITTEN APPROVAL FROM NEW BRAUNFELS UTILITIES.

KNOW ALL MEN BY THESE PRESENTS:

I, THE UNDERSIGNED MARK F. CONLAN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE ON THE GROUND UNDER MY SUPERVISION AND IN COMPLIANCE WITH CITY AND STATE SURVEY REGULATIONS AND LAWS AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.

_____

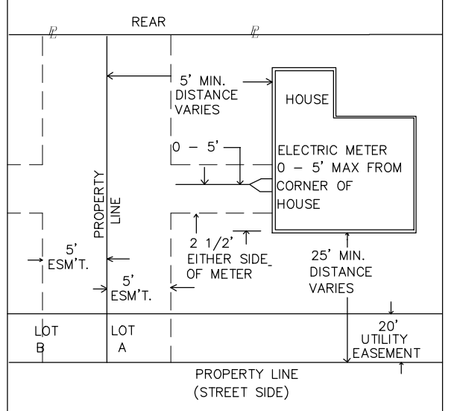
MARK F. CONLAN
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6342
410 N. SEGUIN AVE., NEW BRAUNFELS, TEXAS 78130

PLAT REVISED DECEMBER 19, 2017
PLAT PREPARED NOVEMBER 20, 2017

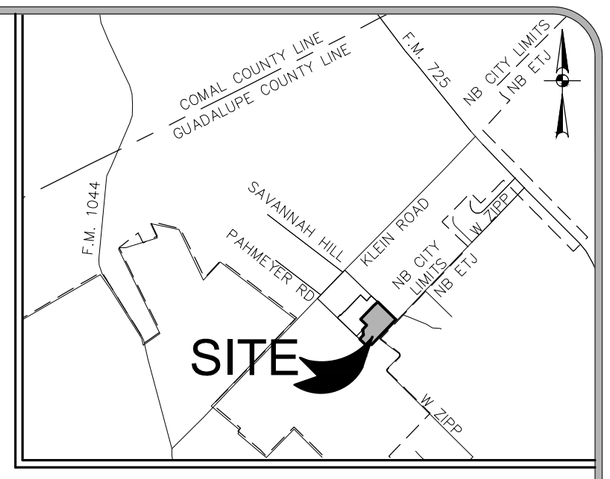
HMT
ENGINEERING & SURVEYING

410 N. SEGUIN AVE.
NEW BRAUNFELS,
TEXAS 78130
WWW.HMTNB.COM
PH: (830)625-8555
TBPE FIRM F-10961
TBPLS FIRM 10153600

NOTE: G.V.E.C. WILL MAINTAIN 5' EASEMENT FOR SERVICE ENTRANCE TO DWELLING. THIS EASEMENT WILL VARY DEPENDING UPON LOCATION OF DWELLING.	G.V.E.C. SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARDS WITH THE METER LOCATIONS NOT BEING LOCATED WITHIN A FENCED AREA.



TYPICAL EASEMENT ON INTERIOR PROPERTY LINE



LOCATION MAP
NOT TO SCALE

GVEC NOTES:

1. GVEC TO HAVE A 5' WIDE EASEMENT ON ALL ROAD CROSSINGS IN WHICH ELECTRIC OR COMMUNICATION LINES ARE LOCATED.

2. GVEC WILL POSSESS A 5' WIDE EASEMENT TO THE SERVICE METER LOCATION. EASEMENT TO FOLLOW SERVICE LINE AND WILL VARY DEPENDING ON LOCATION OF BUILDING OR STRUCTURE.

3. GVEC SHALL HAVE ACCESS TO METER LOCATIONS FROM THE FRONT YARD WITH THE LOCATION NOT BEING WITHIN A FENCED AREA.

4. ALL UTILITY EASEMENTS ARE FOR THE CONSTRUCTION, MAINTENANCE (INCLUDING BUT NOT LIMITED TO REMOVAL OF TREES AND OTHER OBSTRUCTIONS), READING OF METERS, AND REPAIR OF ALL OVERHEAD AND UNDERGROUND UTILITIES.

STATE OF TEXAS
COUNTY OF GUADALUPE

I, THE UNDERSIGNED OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE SILOS, UNIT THREE, A SUBDIVISION TO THE CITY OF NEW BRAUNFELS, COUNTY OF GUADALUPE, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY SUBDIVIDE SUCH PROPERTY AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

_____

MILESTONE CREST INVESTMENTS, LTD.
CHESLEY SWANN III - AUTHORIZED AGENT
543 BUSBY
SAN ANTONIO, TEXAS 78209

STATE OF TEXAS
COUNTY OF _____.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS
_____ DAY OF _____, 20___,
BY _____

_____

NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES: _____

APPROVED THIS THE _____ DAY OF _____, 20___,
BY THE PLANNING COMMISSION OF THE CITY OF NEW BRAUNFELS, TEXAS.

_____.
CHAIRMAN

APPROVED FOR ACCEPTANCE

_____ _____
DATE PLANNING DIRECTOR

_____ _____
DATE CITY ENGINEER

_____ _____
DATE NEW BRAUNFELS UTILITIES

STATE OF TEXAS
COUNTY OF GUADALUPE

I, _____, COUNTY CLERK OF GUADALUPE COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON
THE _____ DAY OF _____, A.D., 20___,
AT _____ _____M. AND DULY RECORDED
THE _____ DAY OF _____, A.D. 20___,
AT _____ _____M. IN THE MAP AND PLAT RECORDS OF GUADALUPE COUNTY IN BOOK VOLUME _____, ON PAGE _____. IN TESTIMONY WHEREOF WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS _____ DAY OF _____, 20___.

COUNTY CLERK, GUADALUPE COUNTY, TEXAS

_____
DEPUTY

Drawing Name: N:_Projects\056 - Milestone Properties\056.013 - The Silos Unit 3\Platting\The Silos Unit 3 Plat.dwg User: kelljk Dec 12, 2017 - 5:32pm

FINAL PLAT ESTABLISHING

THE SILOS, UNIT THREE

BEING 23.65 ACRES OUT OF THE SARAH DE WITT SURVEY NO. 48, ABSTRACT NO. 103, GUADALUPE COUNTY, TEXAS, AND BEING A PORTION OUT OF A TRACT OF LAND CALLED 49.483 ACRES, DESCRIBED IN VOLUME 4194, PAGE 453, OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS, AND A PORTION OF A TRACT OF LAND CALLED 29.990 ACRES DESCRIBED IN VOLUME 4194, PAGE 488, OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS.

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD LENGTH	CHORD BEARING
C1	29.00'	330.00'	005°02'04"	14.51'	28.99'	N11°40'01"W
C2	55.22'	270.00'	011°43'02"	27.70'	55.12'	N15°00'31"W
C3	91.68'	330.00'	015°55'05"	46.14'	91.39'	N18°38'46"W
C4	23.16'	15.00'	088°27'46"	14.60'	20.93'	S54°55'06"E
C5	64.45'	100.00'	036°55'36"	33.39'	63.34'	N62°23'13"E
C6	23.56'	15.00'	090°00'00"	15.00'	21.21'	N01°04'36"W
C7	23.56'	15.00'	090°00'00"	15.00'	21.21'	S88°55'24"W
C8	23.56'	15.00'	090°00'00"	15.00'	21.21'	N01°04'36"W
C9	10.18'	15.00'	038°52'15"	5.29'	9.98'	S65°30'43"E
C10	146.38'	50.00'	167°44'30"	465.62'	99.43'	N01°04'36"W
C11	10.18'	15.00'	038°52'15"	5.29'	9.98'	S63°21'32"W
C12	23.56'	15.00'	090°00'00"	15.00'	21.21'	S01°04'36"E
C13	23.56'	15.00'	090°00'00"	15.00'	21.21'	N88°55'24"E
C14	174.01'	270.00'	036°55'43"	90.15'	171.02'	N27°36'47"W
C16	23.56'	15.00'	090°00'00"	15.00'	21.21'	N35°51'01"E
C18	96.67'	150.00'	036°55'36"	50.08'	95.01'	N62°23'13"E
C19	23.56'	15.00'	090°00'00"	15.00'	21.21'	S88°55'24"W
C20	23.56'	15.00'	090°00'00"	15.00'	21.21'	N01°04'36"W
C21	212.68'	330.00'	036°55'36"	110.18'	209.02'	S27°36'47"E

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	5.24'	S80°51'01"W
L2	29.26'	N09°08'59"W
L3	5.12'	N80°51'01"E

SCALE: 1"=100'

0 50 100 200

HORIZONTAL SCALE: 1:100

LEGEND:

- ● = FND 1/2" IRON PIN W/ PLASTIC CAP STAMPED "HMT" (UNLESS NOTED OTHERWISE)
- ○ = SET 1/2" IRON PIN W/ PLASTIC CAP STAMPED "HMT"
- B.L. = BUILDING SETBACK LINE
- U.E. = UTILITY EASEMENT
- D.E. = DRAINAGE EASEMENT
- R.O.W. = RIGHT-OF-WAY
- M.P.R.G.C.T. = MAP AND PLAT RECORDS, GUADALUPE COUNTY, TEXAS
- O.P.R.G.C.T. = OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS

HMT ENGINEERING & SURVEYING

410 N. SEGUIN AVE.
NEW BRAUNFELS,
TEXAS 78130
WWW.HMTNB.COM
PH: (830)625-8555
TBPE FIRM F-10961
TBPLS FIRM 10153600

Drawing Name: N:_Projects\056 - Milestone Properties\056.013 - The Silos Unit 3\Plating\The Silos Unit 3 Plat.dwg User: kellyk Dec 12, 2017 - 5:45pm

Draft Minutes for the January 9, 2018 Planning Commission Regular Meeting

PL-17-152: Discuss and consider the final plat for The Silos Subdivision Unit 3, with a waiver.
(Applicant: HMT; Case Manager: H. Mullins)

Waiver: 1. To escrow for sidewalk construction along Zipp Road

Mrs. Mullins presented the Staff report and recommended approval, with a waiver to allow escrow of funds for future sidewalk construction along Zipp Road, with the following requirements:

1. Update Note 1 to reflect the correct utility providers.
2. Approval of construction plans for public improvements.
3. Payment of park fees, unless the HOA park is complete and accepted by City staff.
4. Include plat note indicating that circular driveways will be utilized on Lots 235 – 239.
5. Remove the labels 21.17' and 2.39' from C16 and L3.

Vice Chair Edwards stated this was not a public hearing.

Discussion followed regarding Pahmeyer Road and Zipp Road.

Commissioner Tubb inquired as to the required width of the sidewalk.

Mr. Ford responded that the recommendation is 4 feet at that time, due to the current code requirements, but they would be considering 6-foot sidewalks along collector roads in a future code amendment.

Discussion followed regarding sidewalk location.

Commissioner Laskowski requested clarification on the width of the sidewalk being escrowed.

Mr. Ford clarified the current code requirement is for 4-foot sidewalks, therefore the escrow would be for 4-foot sidewalks.

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to approve the final plat for The Silos Subdivision Unit 3, with Staff recommendations and a waiver to allow escrow of funds for future sidewalk construction along Zipp Road. Motion carried, with Commissioner Tubb in opposition (7-1-0).

DRAFT

Subject Property

Subject Property

ATTACHMENT 5

City of New Braunfels

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

2/12/2018

Agenda Item No. H)

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 a multi-tenant monument sign for Christus Santa Rosa Physicians Ambulatory Surgery Center, located at 1750 East Common Street.

BACKGROUND / RATIONALE:

Case No.:	CS-18-001
Council District:	4
Applicant/Owner:	East Common Development Partners, LLC 5608 Parkcrest, Suite 325 Austin, TX 78731 (512) 632-6484 rburnett@matadorps.com
Staff Contact:	Katherine Crowe, Planning Technician (830) 221-4086 kcrowe@nbtexas.org

Location and Current Code Requirements
The subject property is comprised of four individual lots totaling 8.2 acres located on East Common Street, between Gruene Road and Hanz Drive, zoned C-1, Local Business District. The combined street frontage of the four lots is approximately 360 feet. The northern and southern lots provide entry to all the lots. Three of the four lots are currently being developed with three shell buildings that will be finished out with various tenants such as restaurants, medical facilities and retail. The fourth lot includes the existing surgical center located at the rear of the subject property.

The acreage also includes a nonconforming off-premise billboard sign which the applicant does not intend to remove. The former 80 square foot Surgical Center sign on the southern lot has been removed. The subject site is considered a multi-tenant property since it will contain two or more businesses in multiple buildings where the lots involved are contiguous with one another and constitute a single cohesive development.

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

- The C-1 zoning district is allowed one free standing monument sign or one low-profile pole sign per lot. Monument signs are limited to 8 feet in height and 32 square feet. Low profile pole signs are limited to 6 feet in height and 20 square feet. Both sign types require a minimum 10-

foot setback. Each of the four lots are allowed one free standing sign for a total of four signs.

- Multi-tenant properties are required to share a sign structure which may be any sign type allowed. When four or more tenants are included on a monument sign, the sign may be up to 64 square feet in area. Additionally, multi-tenant properties are also allowed one 32 square foot monument sign at a maximum height of 5 feet at each driveway to direct traffic to various areas and businesses within the development.

Additional design standards for monument signs specify that the sign face shall not exceed 50 percent of the overall sign structure. And tenants identified on a free standing sign cannot be included on the multi-tenant sign.

To summarize, the subject property is allowed by the currently adopted Sign Ordinance to have: **one multi-tenant sign, four free standing signs and two directional monument signs.**

Proposal:
The applicant is proposing to construct a single multi-tenant monument sign, and one directional monument sign. The proposed multi-tenant monument sign will identify up to 10 of the tenants in the four buildings on the four lots. The proposed multi-tenant monument is to be centrally located on the subject property to be visible from both north and south bound traffic on East Common Street.

The multi-tenant monument sign would be 12 feet in height and 12 feet in width for a total sign area of 144 square feet. The Christus Santa Rosa Ambulatory Surgical Center would have a larger presence in the top portion of the sign with up to ten tenants identified in two columns of panels below. The Sign Ordinance stipulates that such multi-tenant monument signs cannot have a sign area greater than 64 square feet. Therefore, the proposed sign would exceed the maximum sign area by 80 square feet or 125% larger, and, would exceed the maximum height by four feet or 50% taller.

Furthermore, sign faces of monument signs cannot exceed 50 percent of the overall area of the sign structure. A 64 square foot sign would be allowed 32 square feet of sign face. The proposed 144 square foot sign structure is limited to a maximum sign face of 72 square feet. The proposed sign has a sign face of approximately 92.35 square feet, exceeding the maximum sign face area by 20.35 square feet or 28% larger.

The applicant is also requesting approval of a 40 square foot tall directional monument sign, 5 feet tall, to be located at the southern entrance for purposes of directing traffic to the Christus Santa Rosa Surgical Center, located at the rear of the subject property. The proposed directional sign would include ground mounted lighting due to the high volume of patients arriving before daylight. The proposed directional sign would exceed the maximum allowed sign area of 32 square feet by 8 square feet or 25% larger.

As stated above, the Sign Ordinance stipulates that sign faces of monument signs cannot exceed 50 percent of the overall area of the sign structure. A directional sign meeting the ordinance standards would have a sign face of 16 square feet (50% of 32 sq. ft.). The proposed 40 square foot sign structure is allowed a maximum sign face of 20 square feet. The proposed sign has a sign face of approximately 32 square feet, exceeding the maximum sign face area by 12 square feet or 60% larger and is 166% larger than the adopted code allows.

In August 2015, City Council denied a conditional sign permit request to replace an 80 square foot, 7-foot tall non-conforming monument sign (since removed) with a 92 square foot, 8-foot tall monument sign on the southern lot for the Surgical Center located at the rear of the lot.

Existing Signs in the Vicinity:

Sign Location	Sign Type	Approximate Height
Cross Lutheran	Electronic Message	8 ft.
Central Texas Imaging	Monument	5.5 ft.
NB Counseling Center	Monument	6 ft.
Spine Center	Monument	9 ft.
The Village at Gruene Park	Monument	8 ft.
NB Orthopedic Surgery	Monument	6 ft.
Hill Country Ear, Nose & Throat	Monument	10 ft.
State Farm	Pole	7.5 ft.
10 Minute Pharmacy	Pole	7 ft.
Through A Child's Eyes	Monument	9 ft.
NB Cardiology	Monument	8.5 ft.
Canyon Vista Office Condominiums	Multi-tenant	6 ft.
Cotton Crossing Apartment Homes	Monument	6 ft.
Gruene Senior Living	Monument	6 ft.
NB Veterinary Clinic	Pole	15.5 ft.
Billboard on Subject Property	Billboard	35 ft.

Lot Size:
1738 E. Common St. - 4.33 acres
1744 E. Common St. - 1.09 acres
1750 E. Common St. - 1.35 acres
1762 E. Common St. - 1.43 acres
Total for all lots - 8.20 acres

Surrounding Zoning and Land Use:
North - C-1, M-1 and R-1A-6.6/Commercial, drainage and low density residential
South - C-1 and M-1/Commercial
East - M-1/Drainage and railroad tracks
West - Across E. Common St., C-1/Institutional

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

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

FISCAL IMPACT:
N/A

COMMITTEE RECOMMENDATION:
N/A

STAFF RECOMMENDATION:
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. The subject property, four individual lots, could construct four separate monument signs and an additional directional sign, in addition to the existing billboard sign. Limiting the quantity of signs along the street could be seen as reducing sign clutter; however, the average height of the free-standing signs (excluding the billboard) in the near vicinity along Common is 7.9 feet tall making the proposed 12-foot tall multi-tenant sign more than 51% taller than the other signs.

Staff recommends **denial** of the proposed size increase of the directional sign, including the area of the sign face, as there are no justifying circumstances for the enlargements above the adopted sign standards as there are no topographical or physical hardships of the site. Additionally, the speed limit of Common is only 35 mph.

However, staff recommends **approval** of the increased sign area, sign face and height for the multi-tenant sign, with the following conditions:

1. That no additional free standing signs be allowed on the subject property, including all four lots.
2. An easement encroachment must be granted by NBU to allow the sign to be located within the 20-foot wide utility easement. Otherwise the signs will need to be set back further, situated outside of NBU's easement.
3. The multi-tenant sign shall provide an opaque background for the sign face or a background in a non-white color, or be externally illuminated with lights not visible from the street right-of-way, to reduce the brightness and glare of the sign at night, and pointed downward.
4. Correct the address on the sign to reflect the address of the property, 1750.

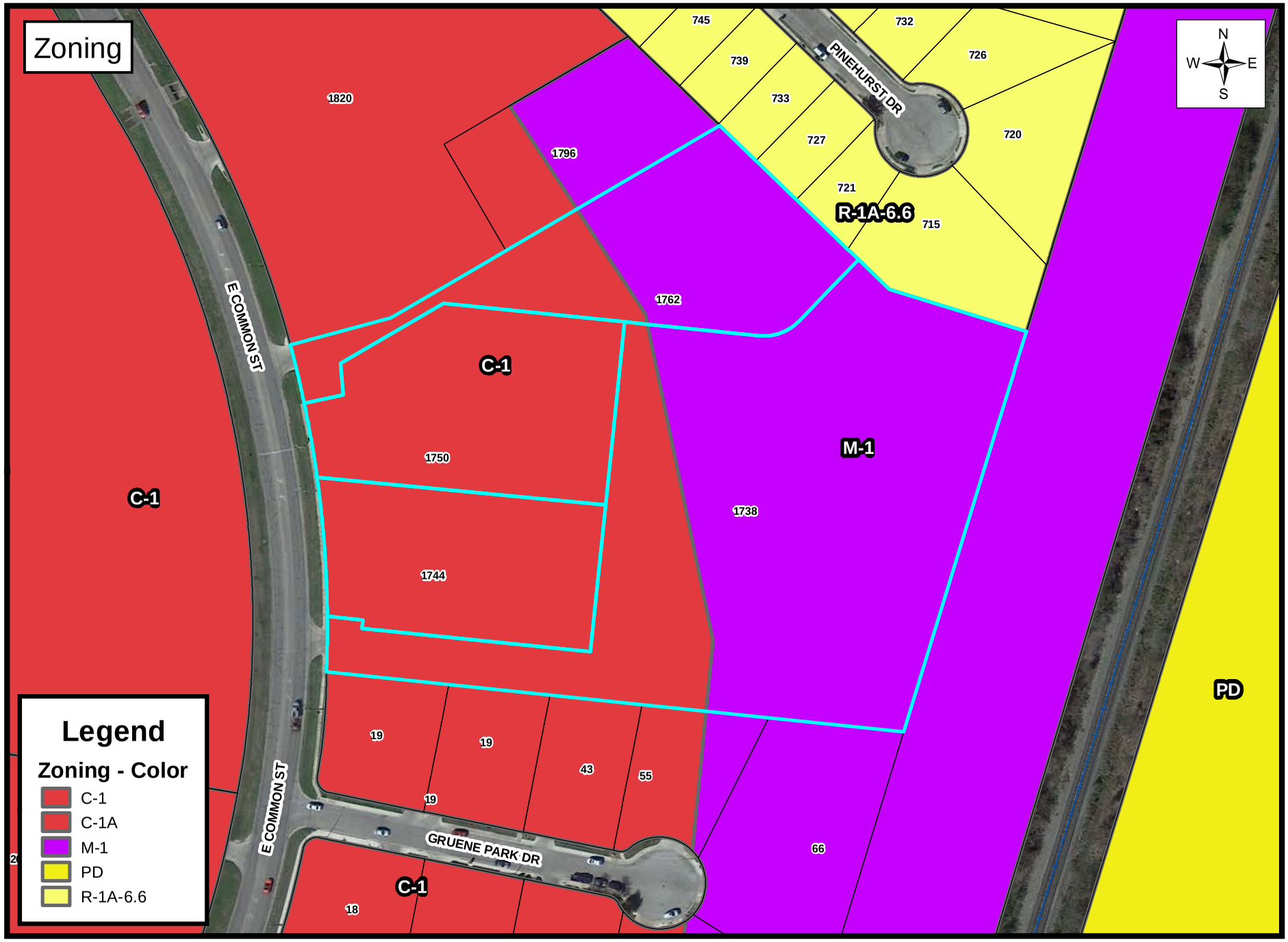
Attachments:

1. Aerial Map
2. Zoning Map
3. Regional Transportation Plan
4. Application
5. Proposed Site Plan
6. Proposed Sign Elevation Plan
7. Comparison Table Showing Allowable Signs Vs. Requested Signs
8. Map of Existing Signs in the Vicinity
9. Photos of Site and Surrounding Area
10. Excerpt from the Sign Ordinance

City of New Braunfels

CS-18-001
Christus Santa Rosa Surgical Center
1750 East Common Street

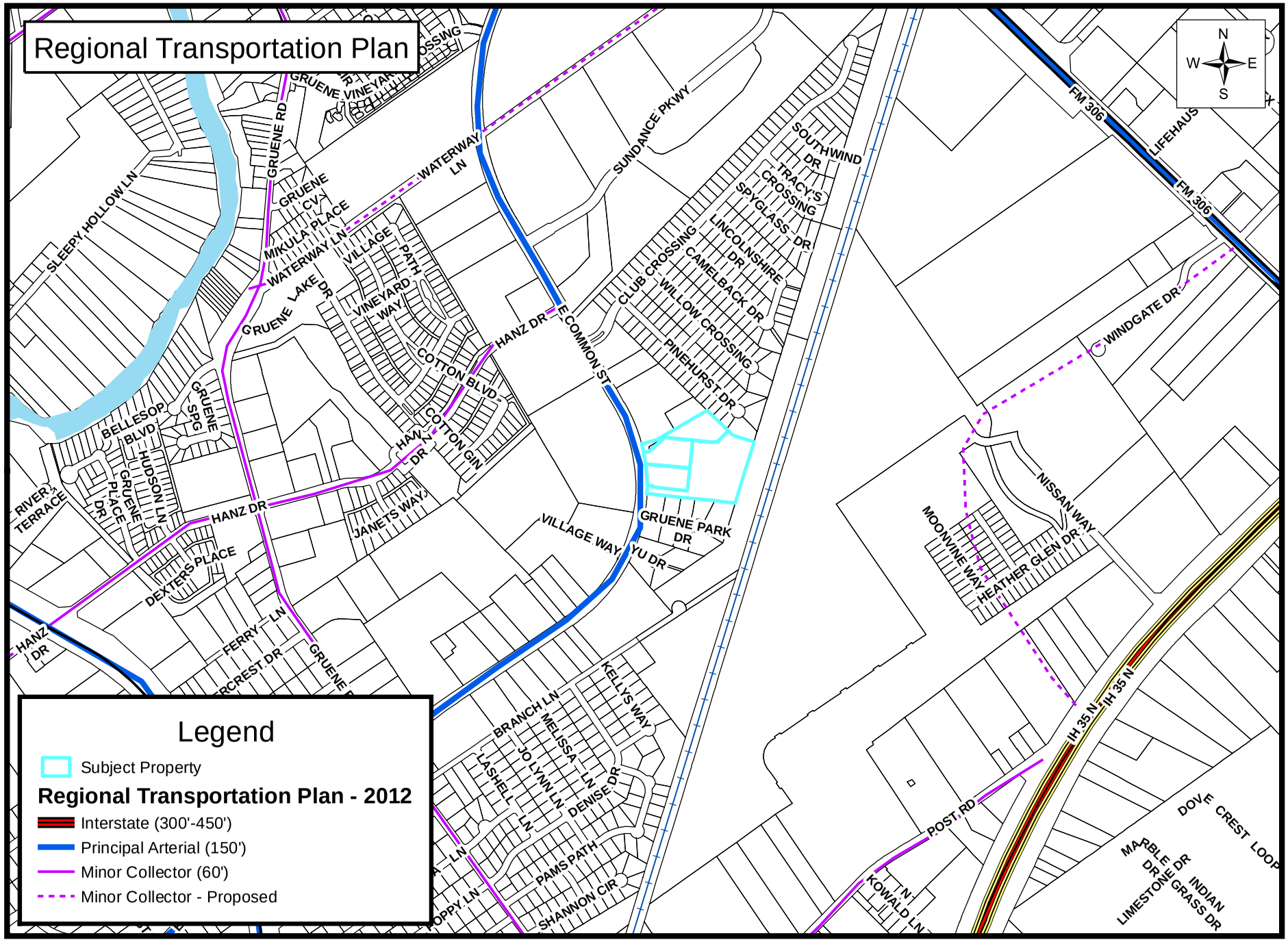
Map Created: 1/24/2018



City of New Braunfels

CS-18-001
Christus Santa Rosa Surgical Center
1750 East Common Street

Map Created 12/4/17



City of New Braunfels

CS-18-001
Christus Santa Rosa Surgical Center
1750 East Common Street

Map Created: 1/24/2018

City of New Braunfels

PLANNING

APPLICATION FOR CONDITIONAL SIGN PERMIT

Planning and Community Development
550 Landa Street, New Braunfels, TX 78130
Phone: (830) 221-4050
Case No. CS-18-001

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: EAST COMMON DEVELOPMENT PARTNERS, LLC

   Mailing Address: 5608 PARKCREST, SUITE 325, AUSTIN, TX 78731

   Email Address: RBURNETT@MATADORPS.COM

   Telephone: 512-632-6484 *Mobile:* SAME

2. **Property Address/Location:** 1738, 1744, 1750, 1762 E COMMON, NEW BRUNFELS
3. **Existing signs on property:** 1 (CURRENTLY REMOVED)
4. **Number of requested signs:** 2
5. **Dimension & height of sign(s):** SEE ATTACHED PACKET
6. **Business or event to be advertised:** MULTI-TENANT, MULTI-BUILDING RETAIL & OFFICE
7. **Reason for request (please explain in detail and attach additional pages if needed):**

   SEE ATTACHED PACKET

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.

Chip McCharen — 12-18-2017

Signature of Owner(s)/Agent — **Date**

For Office Use Only

Fee Received By: _____ Amount: _____ Receipt No : _____

Date Received: _____ Cash/Check Number: _____

Council Meeting Date: _____

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

ATTACHMENT 4

MATADOR PROJECT SOLUTIONS

APPLICATION FOR CONDITIONAL SIGN PERMIT

1738, 1744, 1750, AND 1762 EAST COMMON STREET, NEW BRAUNFELS 78130

The landowner / developer is requesting a conditional sign permit for the above addresses based on the following site specific conditions.

It is the developer's desire to provide a single multi-tenant berm sign to identify all tenants in the four buildings to be located on the four lots being developed as a single contiguous and interconnected property.
Based on our understanding of the CoNB Sign Regulations, each of the four lots is allowed to have a single multi-tenant sign not to exceed 64 square feet. This would result in four separate multi-tenant berm signs dispersed along the 360 feet of property fronting East Common Street (See attached plan – OPTION A).

The development's preference is to have a single berm sign centrally placed in a location visible from both north and south bound traffic on East Common Street. The Christus Santa Rosa Ambulatory Surgical Center would have a larger presence in the top portion of the sign with up to ten tenants identified in two rows of panels below that. See attached plan – OPTION B and sign rendering.
To try and accomplish this based on the existing sign regulations would not allow for the individual tenant panels to be of an adequate size to be legible from vehicles passing on East Common Street and could possibly cause traffic issues with drivers having to slow down or turn around to access the businesses located in the development.
In addition to the single berm sign, Christus Santa Rosa would require a smaller sign near the south entrance identifying access to the Surgical Center since they are located at the back of the property with limited visibility.

Also included for a point of reference are several photos of other berm signs along East Common near this property that appear to exceed the current sign regulations.

We would be more than willing to come and meet with CoNB staff to discuss the specifics further to come up with the best solution for all parties. Please feel free to contact me by phone or email listed below.

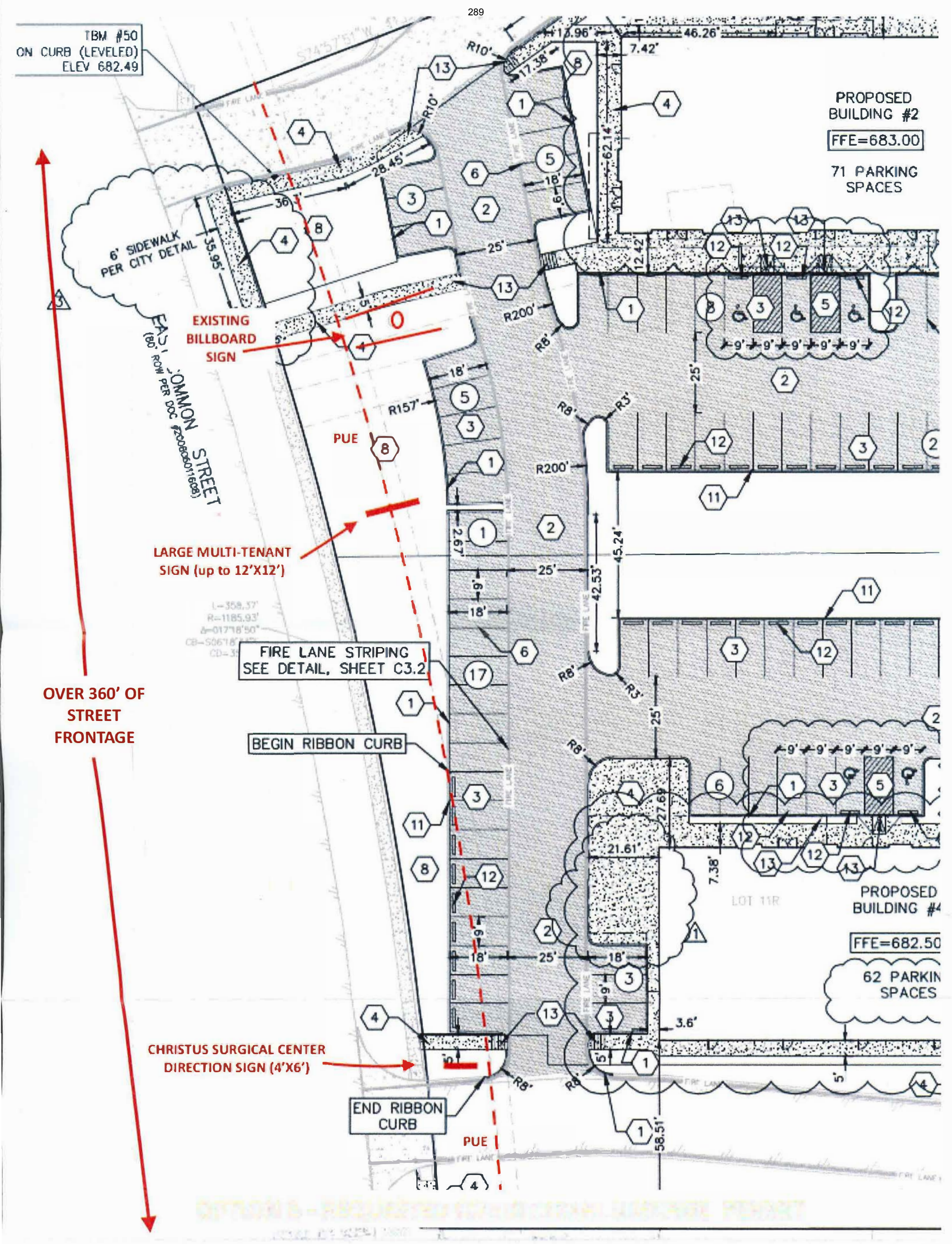
Rusty Burnett
Matador Project Solutions
rburnett@matadorps.com
512-632-6484

ATTACHMENT 4

COMPARISON CHART OF ALLOWED AND PROPOSED SIGNAGE

	Allowed per Sign Ordinance (Total of 4)		Allowed per Sign Ordinance (Total of 2)		Conditional Sign Permit (Total of 2)	
SIGN TYPE	**Monument**	**Low Profile Pole**	**Multi-tenant Monument**	**Directional Monument**	**Proposed Multi-tenant Monument**	**Proposed Directional Monument**
DISTRICT	C-1					
AREA	32 sf	20 sf	64 sf	32 sf	144 sf	40 sf
HEIGHT	8 ft	6 ft	8 ft	5 ft	12 ft	5 ft
SETBACK	10 ft	10 ft	10 ft	-	10 ft	10 ft
NUMBER	1 monument **or** low-profile pole sign **per lot**		1 per development with 4 or more tenants	1 at each intersection of public roadways and/or private roadways	1	1

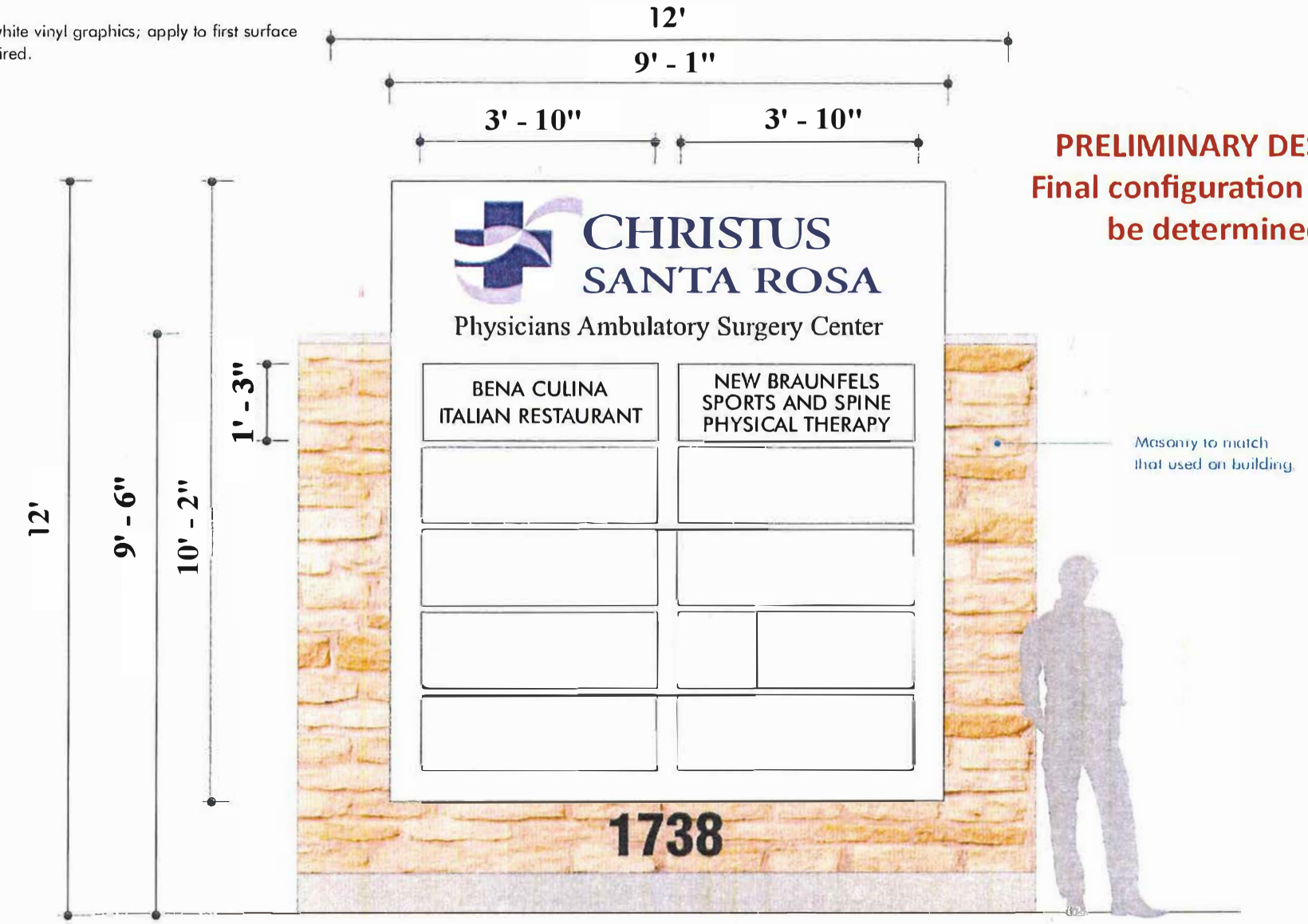
ATTACHMENT 5



ATTACHMENT 5

SPECIFICATIONS

High performance white vinyl graphics; apply to first surface of sidelights as required.



PRELIMINARY DESIGN
Final configuration still to be determined

Face View

BIG
BUILDING IMAGE GROUP
www.buildingimagegroup.com

Building Image Group, Inc.
1200 E. Third St. | Studio One
Austin, TX 78702

TESCL 18350

© Building Image Group, Inc.

PROPOSAL # P7379

DATE 12.15.2017

DRAWN BY MHP

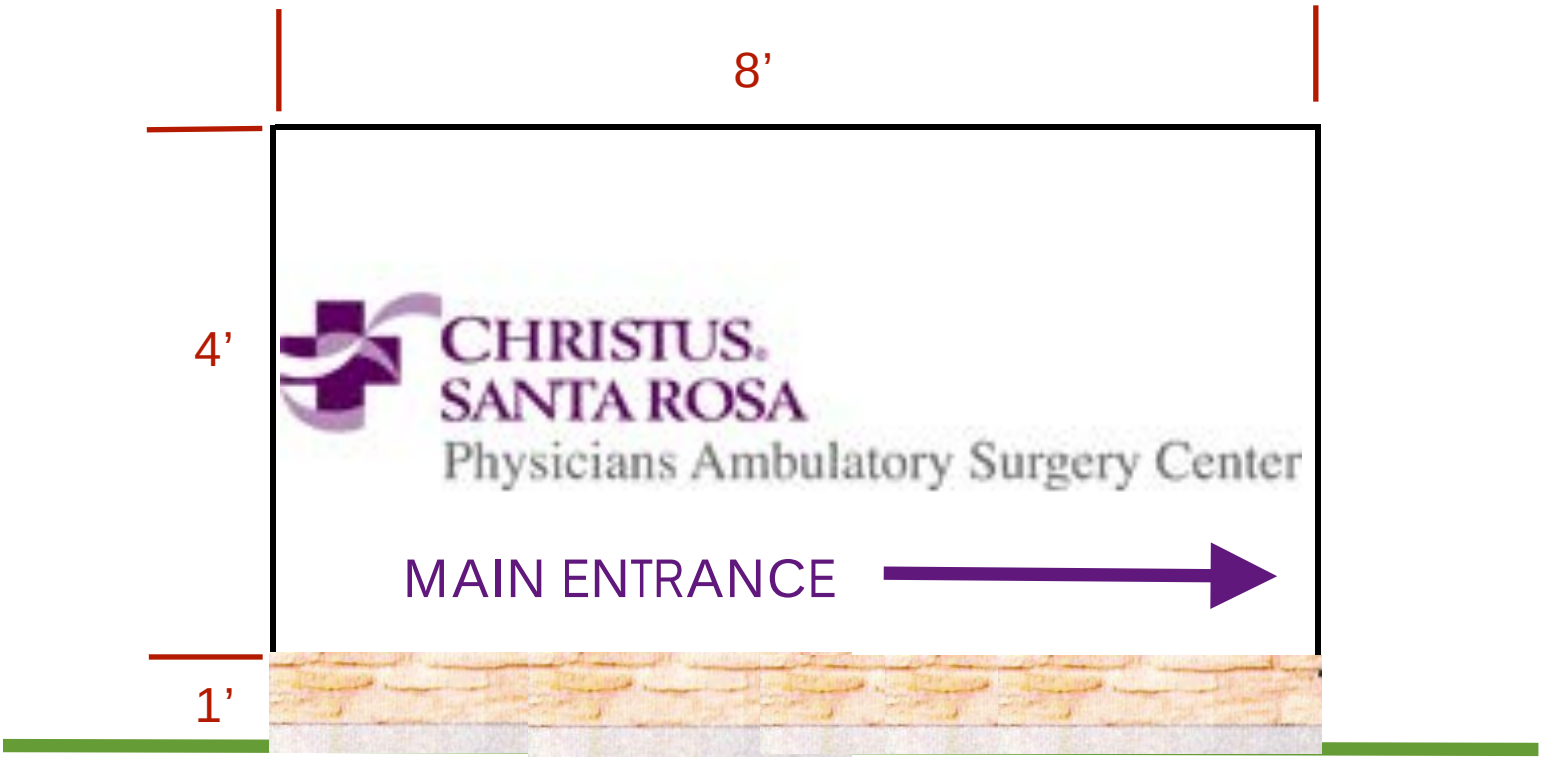
PROJECT
CHRISTUS SANTA ROSA
Exterior Sign Package

INTELLECTUAL PROPERTY OF BUILDING IMAGE GROUP

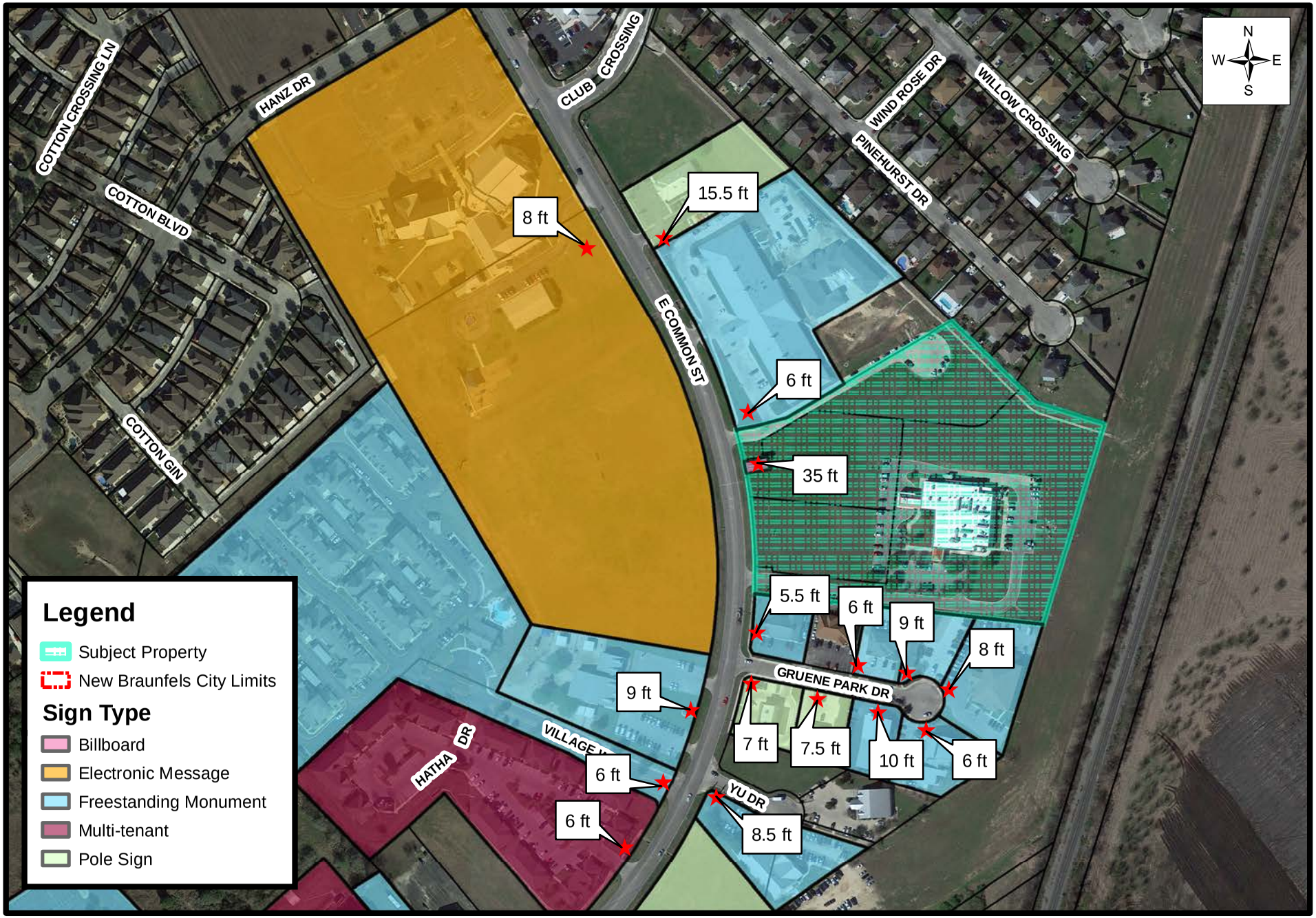
Qty. 1

E.1

ATTACHMENT 6



ATTACHMENT 6



City of New Braunfels

CS-18-001
Existing Signs in the Vicinity
Please note: The height measurements are approximate.

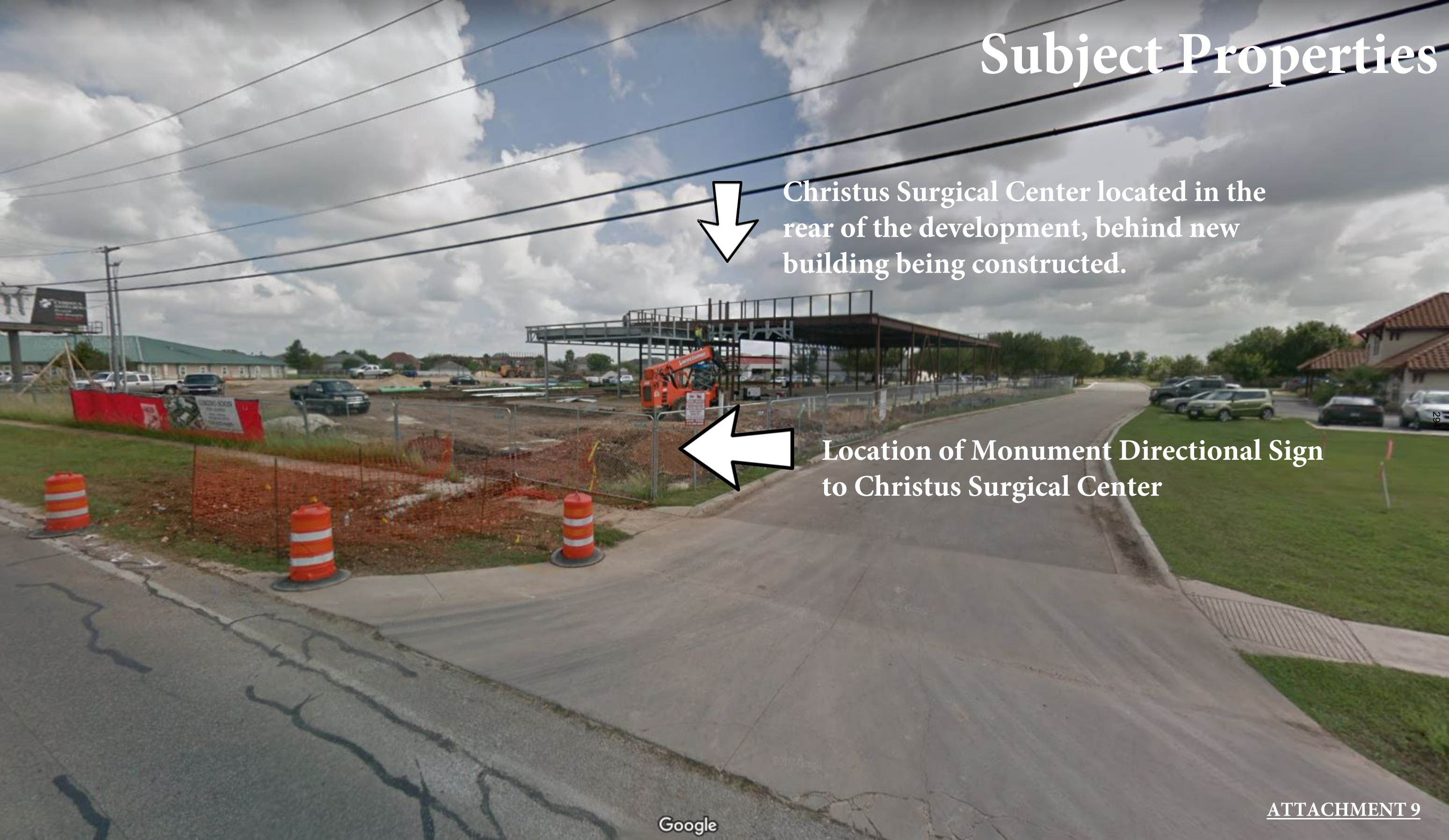
Map Created: 1/29/2018

Subject Properties

View from E. Common St.

ATTACHMENT 9

Subject Properties



ATTACHMENT 9

Subject Properties

View from E. Common St. towards Gruene Rd.

ATTACHMENT 9

Subject Properties

View from E. Common St. towards Hanz Dr.

ATTACHMENT 9

CHAPTER 106
SIGNS

Section 106-14 Permanent On-premise Sign Regulations

(b) *Design requirements.*

(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

2/12/2018

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.