



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



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

MONDAY, JUNE 25, 2018 at 6:00 PM

Barron Casteel, Mayor

Shane Hines, Councilmember (District 1)

Justin Meadows, Councilmember (District 2)

Harry Bowers, Councilmember (District 3)

Matthew E. Hoyt, Councilmember (District 4)

Wayne Peters, Mayor Pro Tem (District 5)

Leah A. García, Councilmember (District 6)

Robert Camareno, City Manager

MISSION STATEMENT

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

AGENDA

CALL TO ORDER

CALL OF ROLL: City Secretary

INVOCATION: Mayor Barron Casteel

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

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

PRESENTATIONS:

- A) Police Department Online Reporting
Tom Wibert, Chief of Police

1. MINUTES

- A) Discuss and consider approval of the minutes of the special City Council meeting of June 5, 2018, and the regular City Council meeting of June 11, 2018.
Patrick Aten, City Secretary

2. CITIZENS' COMMUNICATIONS

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

3. CONSENT AGENDA

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

Resolutions & Action Items

- A) Approval of a resolution amending authorized City representatives to perform activities associated with the City's investment accounts in TexPool.
Sandy Paulos, Assistant Director of Finance
- B) Approval of a change order for E-Z Bel Construction on the Landa Street Project as part of the 2013 Bond Citywide Streets Program.
Jennifer Cain, Capital Programs Manager
- C) Approval of a contract with UnitedHealthcare for healthcare administrative services for the City's self-funded medical, prescription, and vision employee benefit plans; and a contract with Cigna Dental Health of Texas, Inc. for the City's fully-insured dental employee benefit plan.
Jared Werner, Director of Human Resources, Interim Director of Finance
- D) Approval of the acceptance of the semiannual report from the Water and Wastewater Impact Fee Advisory Committee for the period of July 1, 2017 to December 31, 2017.
Stacy A. M. Snell, Planning and Community Development Assistant Director

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider possible scenarios for preliminary project analysis related to the Proposed 2019 Bond Projects and approval of the associated design and cost estimating firm contracts as well as direction on the selection of professional design services for any additional projects.
Robert Camareno, City Manager, and Bryan Woods, Assistant City Manager
- B) Public hearing on the draft Community Development Block Grant (CDBG) Annual Action Plan and funding recommendations for Program Year 2018.
Robin Shellard, Interim Grants Administrator
- C) Public hearing and consideration of the first reading of an ordinance regarding the request for rezoning to apply a Special Use Permit to allow a mini storage facility with an on-site caretaker's residence in the "C-1B" General Business District on 1.43 acres, Lot 1, Block 1, Sam's

Place Subdivision, addressed at 1705 S. Walnut Avenue.

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

- D) Public hearing and consideration of the first reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow multifamily (three residential units) on one lot in the "R-2" Single and Two-family District at 509 W. Mill Street.

Christopher J. Looney, Planning and Community Development Director

- E) Public hearing and consideration of the first reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the "C-3" Commercial District, on Lot 8, City Block 1073, addressed at 123 W. Merriweather Street.

Christopher J. Looney, Planning and Community Development Director

- F) Discuss and consider approval of a Fee Assistance Program policy for Das Rec, New Braunfels Recreation Center.

Stacey Dicke, Parks and Recreation Director

- G) Discuss and consider approval of the sale price and sale for lots at the Comal Cemetery.

Stacey Dicke, Parks and Recreation Director

- H) Discuss and consider approval of a contract with the law firm of Terrill & Waldrop for legal services in Stop the Ordinances Please, et al. v. City of New Braunfels, Texas.

Valeria Acevedo, City Attorney

5. EXECUTIVE SESSIONS

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

- A) Deliberate pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:
- Stop the Ordinances Please, et. al. v. City of New Braunfels
 - Floating Vegetation Management
- B) Deliberate and consider the purchase of, exchange, lease or value of real property in accordance with Section 551.072, of the Texas Government Code, including but not limited to:

- acquisition of land for city facilities

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.**
7. **ADJOURNMENT**

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at the New Braunfels City Hall on June 20, 2018, at 3:30 p.m.

Patrick Aten, City Secretary

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



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/25/2018

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 special City Council meeting of June 5, 2018, and the regular City Council meeting of June 11, 2018.

**SPECIAL MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
SPECIAL MEETING OF TUESDAY, JUNE 5, 2018**

The City Council of the City of New Braunfels, Texas, met in a Special Session on June 5, 2018, at 5:00 p.m.

City Councilmembers present were:

Present 6 - Mayor Barron Casteel, Councilmember Shane Hines, Councilmember Justin Meadows, Councilmember Harry Bowers, Mayor Pro Tem Wayne Peters, and Councilmember Leah García

Absent 1 - Councilmember Matthew E. Hoyt

City staff members present were: City Manager Robert Camareno, Assistant City Manager Kristi Aday, Assistant City Manager Bryan Woods, City Secretary Patrick Aten, Interim Finance Director Jared Werner, and River Operations Manager Amy Niles.

The meeting was called to order by Mayor Casteel in the Civic Center Garden Rooms at 5:06 p.m. Mayor Pro Tem Peters gave the invocation and Mayor Casteel led the Pledge of Allegiance and Salute to the Texas Flag.

1. WORKSHOP

A) Discuss and consider acceptance of the FY 2016-17 Audit and Comprehensive Annual Financial Report performed by Belt Harris Pechacek, LLLP.

Mayor Casteel read the aforementioned caption.

Jared Werner introduced the item. Robert Belt presented the item.

Mayor Pro Tem Peters moved to accept the Audit and Comprehensive Annual Financial Report. Councilmember Bowers seconded the motion which passed unanimously.

B) Presentation and discussion on the Comal River Improvements Project, Existing Conditions Assessment, by Freese and Nichols, Inc.

Mayor Casteel read the aforementioned caption.

Kristi Aday introduced the item. Tina Stanard and Arin Gray presented the item.

No action was taken.

The meeting adjourned at 6:05 p.m.

Approved: June 25, 2018

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, JUNE 11, 2018**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on June 11, 2018, at 6:00 p.m.

City Councilmembers present were:

Present: 6 - Mayor Barron Casteel, Councilmember Shane Hines, Councilmember Justin Meadows, Councilmember Matthew E. Hoyt, Mayor Pro Tem Wayne Peters, and Councilmember Leah García

Absent: 1 - Councilmember Harry Bowers

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, Planning and Community Development Director Chris Looney, Solid Waste Manager Mike Mundell, and Watershed Program Manager Mark Enders.

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.

PROCLAMATIONS:

A) Garbage Man Week

Mayor Casteel proclaimed June 17-23, 2018, as Garbage Man Week.

B) Juneteenth

Mayor Casteel proclaimed June 19, 2018, as Juneteenth.

PRESENTATIONS:

A) Presentation and direction on urban wildlife management.

Mayor Casteel read the aforementioned caption.

Mark Enders presented the item.

Mimi Nail Garver and Jim Pope spoke on the item.

City Council's direction included educating the public on the issues and bringing back more information at a later date.

- B) Presentation and possible action on Design and Cost Estimating Firm Contracts for Preliminary Design for the Proposed 2019 Bond Projects and an associated funding strategy.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

Nancy Serebrenik, Dawson Pickett, Michael Meek, and Patricia Boucher spoke on the item.

No action was taken.

- C) Presentation and possible direction to City staff on beginning design for Citywide Streets for the Proposed 2019 Bond Program.

Mayor Casteel read the aforementioned caption.

Bryan Woods presented the item.

No action was taken.

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of May 29, 2018.

Mayor Casteel read the aforementioned caption.

Councilmember Garcia moved to approve the minutes. Councilmember Hines seconded the motion which passed unanimously.

2. CITIZENS' COMMUNICATIONS

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

Mayor Casteel read the aforementioned caption.

No one spoke.

3. CONSENT AGENDA

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

Resolutions & Action Items

- A) Approval of the appointment of one individual to the Downtown Board for a term ending May 31, 2019.
- B) Approval of the appointment of one individual to the Reinvestment Zone No.1 (TIRZ) Board for a term ending May 29, 2020.
- C) Approval of the appointment of one individual to the Building Standards Commission for a term ending October 26, 2018.
- D) Approval of the appointment of one individual to the Arts Commission for a term ending January 31, 2019.
- E) Approval of the appointment of Mayor Pro Tem Wayne Peters as member and Councilmember Justin Meadows as alternate member to the Alamo Area Metropolitan Planning Organization's Transportation Policy Board.
- F) Approval of a resolution setting a public hearing to amend the water and wastewater impact fees.
- G) Approval of the City of New Braunfels FY 2017-18 second quarter investment report.
- H) Approval for the City Manager to execute an agreement with Epic Aviation for the lease of a Jet A refueling vehicle.
- I) Approval of a contract with Freese and Nichols for engineering services associated with preventative maintenance design of for the Fischer Park No. 1 Dam Spillway.
- J) Approval of an updated contract with Cartegraph Systems LLC expanding the use of their asset management software.

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 to apply a Special Use Permit to allow the short-term rental of a single-family residence in the "C-3" Commercial District addressed at 481 East Torrey Street.
- L) Approval of the second and final reading of an ordinance amending Chapter 126-186, Traffic and Vehicles to prohibit through truck traffic on Old FM 306 between East Common Street and Hunter Road.
- M) Approval of the second and final reading of an ordinance amending Section 126-346 of the Code of Ordinances to restrict parking in the cul-de-sac of Evergreen Lane.
- N) Approval of the second and final reading of an ordinance amending Section 126-346 of the Code of Ordinances to restrict parking on a portion of Trade Center Drive.

Mayor Casteel read the aforementioned captions.

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

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of the second and final reading of an ordinance regarding the proposed rezoning to apply a Type 2 Special Use Permit to allow the short-term rental of a single-family residence in the "C-2" Central Business District, addressed at 657 South Castell Avenue.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

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

5. EXECUTIVE SESSIONS

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

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

7. ADJOURNMENT

The meeting adjourned at 8:24 p.m.

Date Approved: June 25, 2018

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/25/2018

Agenda Item No. A)

Presenter/Contact

*Sandy Paulos, Assistant Director of Finance
(830) 221-4387 -spaulos@nbtexas.org*

SUBJECT:

Approval of a resolution amending authorized City representatives to perform activities associated with the City's investment accounts in TexPool.

BACKGROUND / RATIONALE:

The City's participates in the Texas Local Government Investment Pool (TexPool), a state-wide investment pool for cities, counties, and school districts operated by the State Comptroller. In order to amend the list of authorized representatives of the City, TexPool requires that the City Council adopt a resolution that names all authorized representatives. The attached resolution authorizes the addition of Assistant Director of Finance - Sandy Paulos, Interim Director of Finance - Jared Werner, and Senior Accountant - Melinda Slusser as representatives.

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

--	--	--	--

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the attached resolution amending authorized City representatives to perform activities associated with the City's investment accounts in TexPool.

RESOLUTION NO. 2018-R_____**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, DESIGNATING AUTHORIZED REPRESENTATIVES ON THE BEHALF OF THE CITY OF NEW BRAUNFELS (THE PARTICIPANT) IN ITS PARTICIPATION IN TEXPOOL/TEXPOOL PRIME**

Whereas, is in the best interest of the participant to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the public funds investment act; and

Whereas, the Texas Local government investment pool ("Texpool/ Texpool Prime"), a public funds investment pool, were created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity, and yield consistent with the public funds investment act

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

That, the individuals, whose signatures appear in this resolution, are authorized representatives of the participant and are each hereby authorized to transmit funds for investment in Texpool / Texpool Prime and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.

That, that an authorized representative of the participant may be deleted by a written instrument signed by two remaining authorized representatives provided that the deleted authorized representative (1) is assigned job duties that no longer require access to the participant's Texpool / Texpool Prime account or (2) is no longer employed by the participant; and

That the participant may by amending resolution signed by the participant add an authorized representative provided the additional authorized representative is an officer, employee, or agent of the participant;

List of Authorized Representatives of the Participant. These individuals will be issued P.I.N. numbers to transact business with TexPool Participant Services.

1. Name:	Sandy Paulos	Title:	Assistant Director of Finance
Phone:	830-221-4387	Fax:	830-608-2112
Email:	spaulos@nbtexas.org		

Signature:_____

2. Name: Jared Werner Title: Interim Finance Director
 Phone: 830-221-4395 Fax: 830-608-2112
 Email: jwerner@nbtexas.org

Signature: _____

3. Name: Melinda Slusser Title: Senior Accountant
 Phone: 830-221-4386 Fax: 830-608-2112
 Email: mslusser@nbtexas.org

Signature: _____

List the name of the Authorized Representative listed above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Name: Sandy Paulos

PASSED, APPROVED AND ADOPTED this 25th day of June, 2018.

CITY OF NEW BRAUNFELS, TEXAS

BY: _____
 BARRON CASTEEL, Mayor

ATTEST:

 PATRICK ATEN, City Secretary



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/25/2018

Agenda Item No. B)

Presenter/Contact

*Jennifer Cain, Capital Programs Manager
(830) 221-4646 - jcain@nbtexas.org*

SUBJECT:

Approval of a change order for E-Z Bel Construction on the Landa Street Project as part of the 2013 Bond Citywide Streets Program.

BACKGROUND / RATIONALE:

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

The Landa Street (Walnut Avenue to Loop 337 Access) reconstruction project was designed by Vickrey & Associates. The City issued this project for bid on July 6, 2017. A total of three bids were received on July 31, 2017. Each of the submissions was scored based on cost, relevant experience, schedule, and financial capacity. Based on this criterion, E-Z Bel construction was selected as the best value bidder. They submitted a bid of \$1,087,049. The addition of contingency funding brings the amount for construction to \$1,163,143. Raba Kistner Consultants performed the materials testing for this project with a not to exceed amount of \$11,770.

During construction the project called for greater paving quantities than originally identified in design in order to increase the crown of the roadway. The crown of a roadway pushes water to the gutters that then moves to the nearest drainage inlet. The change order is based on the unit costs provided in the original bid tab. The larger paving quantities resulted in an additional cost of \$87,000.

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

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

FISCAL IMPACT:

The 2013 bond program includes \$10 million for citywide street improvement projects that will provide funding for engineering services, construction and testing on these projects. There is sufficient funding remaining for this change order.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the change order for E-Z Bel Construction on the Landa Street

Project.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/25/2018

Agenda Item No. C)

Presenter/Contact

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

SUBJECT:

Approval of a contract with UnitedHealthcare for healthcare administrative services for the City's self-funded medical, prescription, and vision employee benefit plans; and a contract with Cigna Dental Health of Texas, Inc. for the City's fully-insured dental employee benefit plan.

BACKGROUND / RATIONALE:

The City of New Braunfels is currently self-funded for health insurance, and utilizes a health plan administrator to process, review, any pay claims out of the City's Self-Insurance Fund. Additionally, the City utilizes the carrier's health provider network, including associated discounts.

As the contract with the current carrier will conclude in September, City staff, with the assistance of the City's Employee Benefits Advisor, Holmes Murphy & Associates, released a solicitation in February 2018 seeking proposals from qualified vendors to provide Healthcare Administrative Services for the City's self-funded medical, pharmacy, and vision employee benefits plans; and the City's fully-insured dental employee benefit plan.

A Request for Proposal (RFP) was issued on February 20, 2018, to obtain proposals from vendors capable of providing healthcare administrative services. The City received a total of 16 proposals, for varying types of healthcare benefits, which were opened on April 9, 2018.

The proposals were evaluated based upon criteria such as Administrative Flexibility and Reporting; Similar Contract Related Experience and References; Network Capabilities, Design and Claims Administration; Performance Standards/Guarantees; Cost/Pricing, and other considerations. The top-ranked respondents provided presentations to City Management, Human Resources and Finance Department staff, five employees who serve on the City's benefits and wellness committee and a representative from Holmes Murphy on May 30, 2018.

After extensive discussion and consideration, UnitedHealthcare is the top-ranked provider for the medical and prescription plan administration. Cigna Dental Health of Texas, Inc. is the top-ranked provider for the dental employee benefit plan for the best overall value and services. Due to the solicitation process and subsequent negotiation, the City is anticipated to generate cost savings with the move to UnitedHealthcare not only from administration charges, but through greater network savings and cost control strategies..

Cost: UnitedHealthcare's administration charge will be on a per employee per month rate of approximately \$26.25 per employee per month. Therefore, the annual spend will be dynamic each month based on the total number of employees enrolled in the plan. However, we anticipate the

annual cost to range between \$166,000-\$185,000.

There will be no administrative costs associated with Cigna Dental as this is a voluntary, fully insured product supported by employees.

The base term of the contracts will begin October 1, 2018 through September 30, 2019. Additionally, there are four, one-year options to renew for a combined total of five years.

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

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

FISCAL IMPACT:

As described above, the cost is a fixed fee for claims administration. Funding for administrative costs will be incorporated into the FY 2018-19 Proposed Budget. Actual health claims costs vary, based on utilization of the plan benefits and as stated above, will be paid through the Self Insurance Fund. Again, there will be no administrative costs associated with Cigna Dental as this is a voluntary, fully insured product supported by employees.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a contract with UnitedHealthcare for healthcare administrative services for the City's self-funded medical, prescription, and vision employee benefit plans; and a contract with Cigna Dental Health of Texas, Inc. for the City's fully-insured dental employee benefit plan.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/25/2018

Agenda Item No. D)

Presenter

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

SUBJECT:

Approval of the acceptance of the semiannual report from the Water and Wastewater Impact Fee Advisory Committee for the period of July 1, 2017 to December 31, 2017.

BACKGROUND / RATIONALE:

Contact: Dawn Butrym
Chief Financial Officer
New Braunfels Utilities
(830) 629-8460
dbutrym@nbutexas.com

Chapter 395 of the Texas Local Government Code requires a report showing impact fee collection activity to be filed semiannually with the Impact Fee Advisory Committee who then forwards such report to the City Council. On June 5, 2018, Dawn Butrym, representing New Braunfels Utilities (NBU), presented the attached report for the period of July 1, 2017 to December 31, 2017 to the Water and Wastewater Impact Fee Advisory Committee.

Section 2-101 under Division 4 of the City of New Braunfels Charter describes the Impact Fee Advisory Committee:

There is here and now established a committee to be known as the New Braunfels Impact Fee Advisory Committee (the "advisory committee"), which shall be under the jurisdiction of New Braunfels Utilities. The planning commission of the city as expanded hereby shall act as the advisory committee. The planning commission when it acts as the advisory committee shall be comprised of the following members: The nine members of such commission as appointed by the city council pursuant to section 10.01 of the Charter and four ad hoc members, being the mayor, general manager of New Braunfels Utilities, president of the board of trustees of New Braunfels Utilities and one representative who resides in the extraterritorial jurisdiction of the city. The planning commission when it acts as the advisory committee must include at least one representative of the real estate, development or building industry who is not an employee or official of a political subdivision or governmental entity, including New Braunfels Utilities. The ad hoc member of the planning commission when it acts as the advisory committee who resides in the extraterritorial jurisdiction shall be appointed by a majority vote of the city council for a term of three years.

The Water and Wastewater Impact Fee Advisory Committee is currently composed of the following

individuals:

Lee Edwards
Troy Bearden
Stanley Laskowski
Chad Nolte
Jerry Sonier
Creighton Tubb
Frank Yannuzzi

Ex-Officio members are:

Barron Casteel - Mayor
Ian Taylor - CEO, NBU
Atanacio Campos - President of the NBU Board of Trustees

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

On June 5, 2018, the Water and Wastewater Impact Fee Advisory Committee unanimously recommended the City Council accept the report, (6-0-0 with 3 open seats for members).

STAFF RECOMMENDATION:

N/A



April 6, 2018

Mr. Chris Looney, AICP
 Director of Planning and Community Development
 City of New Braunfels
 550 Landa Street
 New Braunfels, TX 78130

Re: New Braunfels Utilities Impact Fee Advisory Committee Report for the period of July 1, 2017 through December 31, 2017

Dear Mr. Looney:

According to Chapter 395 of the State Government Code a report should be filed semiannually with the New Braunfels Impact Fee Advisory Committee ("Advisory Committee") that was established to advise the New Braunfels City Council on the Impact Fee program. Pursuant to this report filing requirement, this is New Braunfels Utilities report submission to the Advisory Committee for the City of New Braunfels.

Impact Fee balances and activity for the six months ended December 31, 2017 were as follows:

	Water	Sewer	Total
Impact Fee Balance at 06/30/17	\$ 5,024,266.67	\$ 100.36	\$ 5,024,367.03
(Includes net interest income since inception)			
<i>Impact Fee Activity for the period 07/01/17 - 12/31/17:</i>			
<i>Receipts:</i>			
Impact Fees Collected	\$ 5,393,621.44	\$ 3,721,545.00	\$ 9,115,166.44
Interest Earned	36,249.07	458.07	36,707.14
Net Receipts	\$ 5,429,870.51	\$ 3,722,003.07	\$ 9,151,873.58
<i>Expenditures:</i>			
Adj Morningside Dr	\$ 3,452.40	\$ -	\$ 3,452.40
Copper Ridge Rebate	(198,894.00)	-	(198,894.00)
Reimb AC Pipe Replace-Balcones	(55,772.49)	-	(55,772.49)
Reimb Alves Ln	(30,013.30)	-	(30,013.30)
Reimb Avery Park	(516,040.69)	-	(516,040.69)
Reimb Live Oak & Katy	(11,974.13)	-	(11,974.13)
Reimb Morningside Dr	(62,295.99)	-	(62,295.99)
Reimb Old FM 306 Ground Storage	(146,254.72)	-	(146,254.72)
Reimb Trinity	(1,982,962.80)	-	(1,982,962.80)
Reimb Well 4 Discharge	(9,655.14)	-	(9,655.14)
Westpoint Rebate	(20,802.60)	-	(20,802.60)
Adj N Kuehler 36"	-	4,520.48	4,520.48
Reimb Dove Crossing	-	(77,626.46)	(77,626.46)
Reimb Gruene WWTP	-	(207,923.52)	(207,923.52)
Reimb N Kuehler 36"	-	(75,251.77)	(75,251.77)
Reimb Sam McKenzie	-	(2,970,011.82)	(2,970,011.82)
Net Expenditures	\$ (3,031,213.46)	\$ (3,326,293.09)	\$ (6,357,506.55)
Net Change in Impact Fee Balance	\$ 2,398,657.05	\$ 395,709.98	\$ 2,794,367.03
Impact Fee Balance at 12/31/17	\$ 7,422,923.72	\$ 395,810.34	\$ 7,818,734.06

New Braunfels Utilities • 263 E. Main Plaza • P.O. Box 310289 • New Braunfels, Texas 78131-0289
 Bus: 830-629-8400 • Metro: 830-606-2074 • Fax: 830-629-2119



Costs for line extensions in the system are expected to be paid for directly by the developments requiring the extensions. The infrastructure improvements included in the CIP were limited to sewer trunk mains greater than 12 inches in diameter, centralized facilities such as expansion to water and wastewater treatment plants, elevated storage tanks, ground storage tanks, booster stations and lift stations.

If there are any questions regarding this report, please do not hesitate to call me at 830-629-8468.

Sincerely,

A handwritten signature in blue ink that reads "Dawn Butrym".

Dawn Butrym
Chief Financial Officer
New Braunfels Utilities

copy: Melissa Krause, Executive Director of Communications and External Affairs, NBU
Al Kaufmann, Chief Operating Officer, NBU
Trino Pedraza, Director of Water & Wastewater Services, NBU
Michael Short, Chief Engineer of Water Systems, NBU



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/25/2018

Agenda Item No. A)

Presenter/Contact

Robert Camareno, City Manager, and Bryan Woods, Assistant City Manager
rcamareno@nbtexas.org

SUBJECT:

Discuss and consider possible scenarios for preliminary project analysis related to the Proposed 2019 Bond Projects and approval of the associated design and cost estimating firm contracts as well as direction on the selection of professional design services for any additional projects.

BACKGROUND / RATIONALE:

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:

There are currently no funds allocated in the FY 2017-18 Adopted Budget for the preliminary design and cost estimating services contracts. However, for professional services such as these, the City is able to take advantage of utilizing existing General Fund reserves and reimbursing ourselves with a debt instrument at a later date. To be conservative, staff recommends that we target a total issuance amount up to \$3,000,000 for the tax note. However, this amount can be increased or decreased based on City Council direction.

The tax note would be issued concurrently with the already planned 2013 bond issuance. Our current cash flow need for the 2013 bond projects is approximately \$23,000,000. Therefore, the total issuance amount would be \$26,000,000. The first-year principal and interest payment(s) for both issuances would be structured in such a way that it will fit within the current tax rate of 48.822 cents. Tax notes carry a lower interest rate and shorter maturity (7 years) in comparison to the General Obligation bonds and Certificates of Obligation (20 years) that we have issued in the past.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends City Council consider possible scenarios for preliminary project analysis related to the Proposed 2019 Bond Projects and associated design and cost estimating firm contracts as well as direction on the selection of professional design services for any additional projects.

Proposed 2019 Bond Projects: Design & Cost Estimating Firms						
RFQ ISSUED	STREETS/MOBILITY	DESIGN FIRMS	SUBCONSULTANTS	PRELIMINARY DESIGN FEES	COST ESTIMATING FIRMS	COST ESTIMATING FEES
	City-Wide Streets & Sidewalks Improvements					
✓	Klein Road Phase 2	Pape Dawson	M&S Engineering, Raba Kistner	\$104,886	Civil Engineering Consultants	\$7,830
✓	North South Collector	LJA Engineering	McGray & McGray, Rodriguez Engineering Laboratories	\$97,993	Civil Engineering Consultants	\$11,800
	Transportation Matching Funds (ex. MPO Projects)					
	DRAINAGE					
	Wood Road/Landa Street Drainage Area Improvements	Freese & Nichols (completed the 2013 Bond PER)				
	PARKS & RECREATION					
✓	Callen's Castle All Abilities Park	Luck Design (completed master plan)	M&S Engineering, Powers Goolsby Architects, Sherwood Surveying, James Pole Irrigation, Raba Kistner, Orlando Torres	\$89,015	Vermeulens	\$9,125
	Comal Cemetery Wall Stabilization	Freese & Nichols (completed 95% construction documents)				
	Comal River Improvements	Freese & Nichols (currently on-going)				
✓	Dry Comal Hike and Bike Trail (removed schematic design)	Ford, Powell & Carson	Work5Shop, TBG Partners, Pape-Dawson, Raba Kistner, Project Cost Resources	\$88,000	AG CM, Inc.	\$10,000
✓	Guadalupe River Properties Park	Freese & Nichols (completed master plan)	Maestas, Moeller & Associates, Urban Civil, Raba Kistner	\$196,914	CCS International, Inc.	\$14,700
✓	Kerlick Ave Park	Rialto	Cude Engineering	\$28,040	Vermeulens	\$3,508
✓	Landa Park - Pedestrian Improvements	Asakura Robinson (completed master plan)	Jones Carter, SWCA, Altura Solution, Raba Kistner	\$153,960	Precision Estimating	\$12,800
✓	Mission Hill Park	Schrickel, Rollins and Associates (completed master plan)	Yaggi Engineering, Urban Civil, TTL, Integrated Environmental Solutions	\$91,600	CCS International, Inc.	\$13,200
✓	Sports Fields Complex	Norris Group	Barker Rinker Seacat, Walker Partners, Holt Engineering, Cumming, Cox McInain	\$368,885	AG CM, Inc.	\$25,752
	Veteran's Memorial	Luck Design (completed some design previously)	M&S Engineering	\$14,000	CCS International, Inc.	\$9,300
	OTHER MUNICIPAL IMPROVEMENTS					
✓	Fire Station No. 2 Replacement	BRW Architects	Gessner Engineering, Dawson Van Orden, Strand Associates	\$104,800	Byrne Construction Services	\$12,240
✓	Fire Station No. 3 Replacement	BRW Architects	Gessner Engineering, Dawson Van Orden, Strand Associates	\$68,320	AG CM, Inc.	\$15,088
✓	Fire Training Facility	BRW Architects	Gessner Engineering, Dawson Van Orden, Strand Associates	\$83,200	Byrne Construction Services	\$12,240
✓	Public Works Municipal Service Center	SBV Architects	JQ + TSEN Engineering, DBR Engineering, Stansberry Engineering, Braun & Butler, Delta Survey Group, Arias & Associates	\$92,100	Byrne Construction Services	\$9,500
✓	Police Department Facility (removed full schematic design)	Architects Design Group	M&S Engineering, JQ Engineering, HMT Engineering, Terracon, TLC Engineering	\$98,904	Byrne Construction Services	\$12,240
✓	Solid Waste Recycling Center	Negrete & Kolar	HMT Engineering, JQ&TSEN Engineering, H2MG, Arias, and Halford Busby	\$119,500	Precision Estimating	\$8,800
✓	Southeast Library Branch	720 Design	Arias & Associates, M&S Engineering, Byrne Construction Services, Sherwood Surveying, PGAL, Carson Block	\$216,091	AG CM, Inc.	\$20,448
✓	Westside Community Center Expansion	Komatsu	TLC Engineering, JQ engineering, HMT Engineering, Alpha Testing, Rvi Landscape Architecture, CCM Construction Services	\$139,795	Vermeulens	\$5,440
		Total	Total	\$2,156,003	Total	\$223,921
						GRAND TOTAL FOR PRELIMINARY DESIGN: \$2,379,924



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/25/2018

Agenda Item No. B)

Presenter/Contact

*Robin Shellard, Interim Grants Administrator
(830) 221-4081- rshellard@nbtexas.org*

SUBJECT:

Public hearing on the draft Community Development Block Grant (CDBG) Annual Action Plan and funding recommendations for Program Year 2018.

BACKGROUND / RATIONALE:

The City of New Braunfels is preparing to submit the annual Housing and Community Development Action Plan to the U.S. Department of Housing and Urban Development (HUD). The annual action plan outlines the projects and programs the City will support with CDBG funds during the 2018 HUD Program Year to further the goals of the Consolidated Plan. To receive HUD entitlement funds, the City annually submits a one-year, annual action plan, including proposed projects and federal certifications. The action plan is developed in accordance with the City's Citizen Participation Plan. After submission, projects are implemented in accordance with the approved one-year budget and certifications. The City's allocation for Plan Year (PY) 2018 is \$378,454, which will begin October 1, 2018.

By HUD CDBG requirements, of the total \$378,454 in CDBG funding, up to 15 percent can be allocated for public service activities, 20 percent for program administration and the remaining sixty-five percent can be used for housing and public facilities projects. A balance of public facilities funds from the previous years allocation is recommended to be added to the Westside Community Center project.

Public hearings are required to receive citizen's comments on a proposed annual action plan. The first public hearing was held on June 6, 2018 at Torrey Haus, 776 E. Torrey Street, New Braunfels. The City of New Braunfels draft 2018 annual action plan for the Community Development Block Grant (CDBG) program will be available for a 30-day public review period beginning June 11, 2018 and ending on July 12, 2018.

The Community Development Advisory Committee (CDAC) is a City Council appointed board that provides community input on the CDBG program including review of requests for funding and recommendations for funding allocations for City Council consideration and approval. The following allocations are being recommended by the Community Development Advisory Committee:

CASA	Salaries for Case Managers	18,000
SA Food Bank for NB Food Bank	Emergency food distribution program	8,000
Salvation Army	Community Kitchen Operations	10,117

Comal County Senior Citizens Foundation	Meals on Wheels	20,651
	Public Services Activities	\$56,861
City of New Braunfels	CDBG Program Administration	
	Administration	\$75,691
Comal County Habitat for Humanity	Home building program	8,500
Comal County Senior Citizens Foundation	Minor home repair program	100,000
Westside Community Center	2 nd Floor Fire Exits and AC Unit Replacement	*152,500
	Housing and Public Facilities Projects	\$261,000

**a portion of uncommitted funds (\$15,098) from previous PY funds is eligible and available for this project*

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

X	YES	City Plan/Council Priority	Strategic Priorities: Growth and development Comprehensive Plan: Affordable housing, historic preservation, education and youth.
----------	-----	----------------------------	---

FISCAL IMPACT:

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

COMMITTEE RECOMMENDATION:

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

STAFF RECOMMENDATION:

No action is required. This is a public hearing to allow citizens to make comments on the recommendations as required by HUD.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/25/2018

Agenda Item No. C)

Presenter

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

SUBJECT:

Public hearing and consideration of the first reading of an ordinance regarding the request for rezoning to apply a Special Use Permit to allow a mini storage facility with an on-site caretaker's residence in the "C-1B" General Business District on 1.43 acres, Lot 1, Block 1, Sam's Place Subdivision, addressed at 1705 S. Walnut Avenue.

BACKGROUND / RATIONALE:

Case No.: PZ-18-012

Council District: 6

Owner/Applicant: Shashi Patel
P.O. Box 310358
New Braunfels, TX 78131

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

The subject property is located on the east side of S. Walnut Avenue, between Rolling Path and Camellia Lane and is zoned "C-1B" General Business District. The property is 1.43 acres in size and is undeveloped.

C-1B allows for mini-warehouse/self-service storage units with no boat and RV storage permitted. However, C-1B does not allow for a caretaker's residence, hence the applicant's request for a Special Use Permit (SUP).

The applicant is requesting approval of a Type 2 SUP (subject to a site plan) that will allow the subject property to be used as a mini-warehouse/self-service storage facility with an on-site caretaker's residence. The applicant's site plan illustrates specific improvements to the subject property with a narrative that also outlines requested modifications to code requirements.

The submitted site plan indicates 7 proposed storage structures in addition to a multi-use structure (Building A) that would contain office space and a second story caretaker's residence. The south side of the subject property is adjacent to the County Line Memorial Trail. The paved surface of the trail is approximately 5 feet away from the southern property line where the applicant is proposing the storage buildings be set back approximately 15 feet with a tree buffer and exterior lighting for the hike

and bike trail. The proposed lights are to be installed on the side of the storage buildings and would be spaced to avoid being blocked by the trees as they grow. The applicant has not yet provided information specifying lighting fixture types or the extent of illumination. However, they will be required to meet the City's exterior lighting standards which requires full shielding to reduce glare that could negatively affect the vision of those on the trail. At the Planning Commission hearing, the applicant's representative stated they would be willing to remove the proposed lighting if it is not acceptable.

In addition to the requested onsite caretaker's residence, the following modifications to the zoning ordinance requirements are being requested with the submitted site plan through this SUP process:

1. Waiver from the masonry wall requirement for the rear boundary of the property.
2. A rear building setback of 5 feet instead of the required minimum of 20 feet.
3. That the exterior building finish materials requirements would only apply to the front facing walls of buildings B and F and all walls of building A.

The applicant has indicated that the rear setback and residential buffer requirement to install a masonry wall along the rear boundary of the property are unnecessary as the City-owned abutting property will not be developed for residential use. In addition, the applicant does not believe the exterior finish materials requirement for portions of buildings behind the front facades will provide a significant benefit and would like to be released from those requirements. The project renderings submitted by the applicant appear to show the remainder of the proposed buildings would be finished with a painted metal exterior.

General Information:

Size: = 1.34 acres

Surrounding Zoning and Land Use:

North - C-1B / Enterprise Pipeline, undeveloped

South - C-1B / County Line Memorial Trail

East - R-2 / County Line Memorial Trail, reforestation area

West - Across S. Walnut Ave., Providence Place Planned Development District / Single-family development

Comprehensive Plan / Future Land Use Designation

Commercial

Floodplain:

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

Regional Transportation Plan:

S. Walnut Avenue was determined to be a 100-foot wide Principal Arterial by City Council on May 9, 2016. A 10-foot wide right-of-way dedication was made with the platting of the subject property.

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 subject property is zoned C-1B in an area of mixed neighborhood-scale uses along an arterial corridor bordering well-established single-family neighborhoods: residential, commercial and civic uses nearby. Allowing a caretaker to reside on the property would be an appropriate use in this area. The reduction in exterior design standards, however, would not be appropriate or complementary of the surrounding development. Increased landscaping and trees could provide some visual relief.*);
 - Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*There do not appear to be any conflicts with these elements.*);
 - How other areas designated for similar development will be affected (*The proposed residential component would not have a negative impact. However, the requested reduction in exterior design standards resulting in metal-clad commercial structures would negatively impact other commercial properties that are compliant, and it would impact the surrounding residential properties.*);
 - Any other factors that will substantially affect the public health, safety, morals, or general welfare. (*The addition of a residence for an on-site caretaker should improve the public health, safety, morals, and general welfare through the continuous presence of a responsible person(s) residing on the property. The reduction in building aesthetics would have a negative impact on the general welfare of the public, which could be lessened with the inclusion of heavy landscaping.*); and
 - Whether the request is consistent with the Comprehensive Plan. (*The proposed use of the property is consistent with the Future Land Use designation of the subject site as Commercial. The reduction in exterior design standards is not consistent with the Comprehensive Plan.*)

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

X	Yes	City Plan/Council Priority: 2006 Comprehensive Plan <i>Pros and Cons Based on Policies Plan</i>	Pros: Goal 1A: <i>Evaluate proposed zone changes to maintain land use compatibility, as well as the integration of mixed land uses as a component of achieving better places to live.</i> The proposed residential component will be compatible with the existing land uses and provides for a mix of uses in an appropriate area of the City. Goal 3B: <i>Work with developers to make a more efficient use of land and resources and discourage sprawl.</i> The ability to provide an on-site caretaker's residence with this commercial use is a measure that can reduce demand on residential development and create an opportunity for workforce housing. Cons: Goal 12: <i>Protect and enhance the visual environment of the City.</i> The exterior walls of proposed Buildings B, E & D will be visible by passersby on Walnut Avenue. In addition, the exterior walls of proposed Buildings C, D & E would be visible to those on the County Line Memorial Trail. A metal exterior finish would detract from the overall community appearance and the experience of utilizing the hike & bike trail. It would be in conflict with the Zoning Ordinance requirements for improved building materials intended to implement this section of the Comprehensive Plan.
---	-----	--	--

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on June 5, 2018 and recommended approval of the residential use component (on-site caretaker's residence) of the requested SUP but without any other deviations from the development standards (6-0-0).

STAFF RECOMMENDATION:

Staff recommends approval of the proposed Type 2 SUP to allow a mini storage facility with an on-site caretaker's residence for this location. The proposed use of the property is consistent with the Future Land Use Plan designation of Commercial, will enhance safety of the proposed facility with a residential element, and would achieve goals of the Comprehensive Plan related to mixed use.

Staff is not opposed to the removal of the masonry wall requirement for the rear of the property. This requirement is intended to protect abutting residential uses; the abutting City-owned tract is a reforestation area along the trail, and the applicant will be required to plant additional "buffer" trees along the property line.

Staff **does not support** modifications to the exterior building requirements due to the significant visual impact that this property will have on Walnut Avenue, the County Line Memorial Trail, and

nearby residential neighborhoods. A requirement of additional landscaping over and above the code requirements could serve to mitigate the visual impact if a waiver of the building materials standards is approved.

Should City Council approve the applicant's request, Staff recommends the following conditions:

1. Shade trees from the Approved Plant List (Chapter 144, Appendix A) a minimum of 3 inches in diameter (dbh) be planted no more than 25 feet apart between Buildings C, D & E and the southern property boundary.
2. Shade trees from the Approved Plant List (Chapter 144, Appendix A) a minimum of 3 inches in diameter (dbh) be planted no more than 25 feet apart between Buildings B, C & H and the northern property boundary.
3. All required landscaping must be irrigated with an automatic underground system.
4. Parkland Dedication and Development Fees are required prior to the issuance of a building permit.
5. Lighting for the County Line Memorial Trail and along the rear boundary of the property is not required but may be provided subject to review and approval of the proposed fixtures for compliance with the City's lighting standards.
6. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP through the rezoning process.

Notification:

Public hearing notices were sent to 16 owners of property within 200 feet of the request. The Planning Division has received two responses (#'s 1 & 16) in objection to the rezoning request.

Attachments:

1. Aerial and Regional Transportation Plan Map
2. Application
3. Site Plan and project renderings
4. Parks and Recreation Department project review
5. Maps and Notification Information
6. Photograph
7. Zoning Ordinance Sections 3.4-13 & 3.6
8. Excerpt from the Planning Commission Meeting Minutes of June 5, 2018
9. Ordinance



Map Created 5/15/18

PZ-18-012
1705 S. Walnut Ave.
 SUP to allow a mini storage facility w. a caretakers residence on-site & modifications to zoning requirements





PLANNING



APPLICATION FOR SPECIAL USE PERMIT

550 LANDA STREET
NEW BRAUNFELS TX 78130
E-MAIL: planning@nbtexas.org
PHONE: (830) 221-4050

P2-18-012

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: Shashi Patel

Mailing Address: P.O. Box 310358, New Braunfels, Texas 78131

Telephone: _____ Fax: _____ Mobile: _____

Email: badamptista@yahoo.com

2. Property Address/Location: 1705 S. Walnut Ave, New Braunfels, Texas

3. Legal Description:

Name of Subdivision: Sam's Place

Lot(s): 1 Block(s): 1 Acreage: 1.37 AC

4. Existing Use of Property: Open lot/field

5. Current Zoning: C1-B general commercial

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): (see attachment)

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 10 x 2.15 each = \$21.50 Notification signs 2 x \$15 each = \$30
☒ Newspaper Notice 115.00 each

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

Signature of Owner(s)/Agent

4/25/18
Date
SHASHI PATEL
Print Name & Title

For Office Use Only

Fee Received By: WG Amount: \$846.50 Receipt No.: 244992

Date Received: 4-25-18 Zoning signs issued: _____ Date: _____ No.: _____



410 N. Seguin Ave.
 New Braunfels, TX 78130
 HMTNB.COM
 830.625.8555 • FAX: 830.625.8556
 TBPE FIRM F-10961



Type II Special Use Permit

Project: Walnut Mini Storage

Date: April 25, 2018

The reasons for this Special Use Permit Request are:

1. We would like to have a caretaker that lives on site, which is not allowed in a C1-B zoning.
2. The masonry wall requirement for the rear boundary to be removed.
3. Rear building setback line to be 5'.
4. Masonry requirement to only apply to front facing walls of buildings B and F and all walls on building A.

Explanation:

1. A caretaker would help keep the site clean, well maintained, and safe.
2. The lot adjacent to the rear of the proposed mini storage is owned by the City of New Braunfels. The lot has a residential zoning and is isolated and landlocked, meaning there will never be any residential development on it. The masonry wall will add costs and have no purpose.
3. As stated above, with no development ever being able to occur on that lot, the building setback does not need to be more than 5'.
4. The masonry wall requirement on all sides of the buildings is a high cost burden and will not even be visible to passers-by. The proposed material (see renderings) looks nice and is less than half the cost and will not even be noticeable.

Additional information:

- The client is willing to set up lights on the exterior of his buildings facing the hike and bike trail in order to provide lighting there. Also, there will be lights on the rear wall for public safety concerns.
- The client is also going to plant trees about every 40 feet along the hike and bike trail to provide shade to pedestrians. The trees are strategically planted as to avoid blocking the lights at night. All lights and trees will be maintained by the on-site caretaker.

WALNUT MINI STORAGE — TYPE 2 SPECIAL USE PERMIT

- LEGEND**
- EXISTING CONTOURS
 - B.L. BUILDING SETBACK LINE
 - U.E. UTILITY EASEMENT
 - D.E. DRAINAGE EASEMENT
 - FIRE LANE STRIPING
 - PROPERTY LINE
 - CONCRETE
 - TUBULAR STEEL FENCE



NEW BRAUNFELS LODGE
VOL. 10, PG. 256
M.P.F.A.C.C.T.

CALLED 4.03 AC
CITY OF NEW BRAUNFELS
DOC. 00000003992
M.P.F.A.C.C.T.

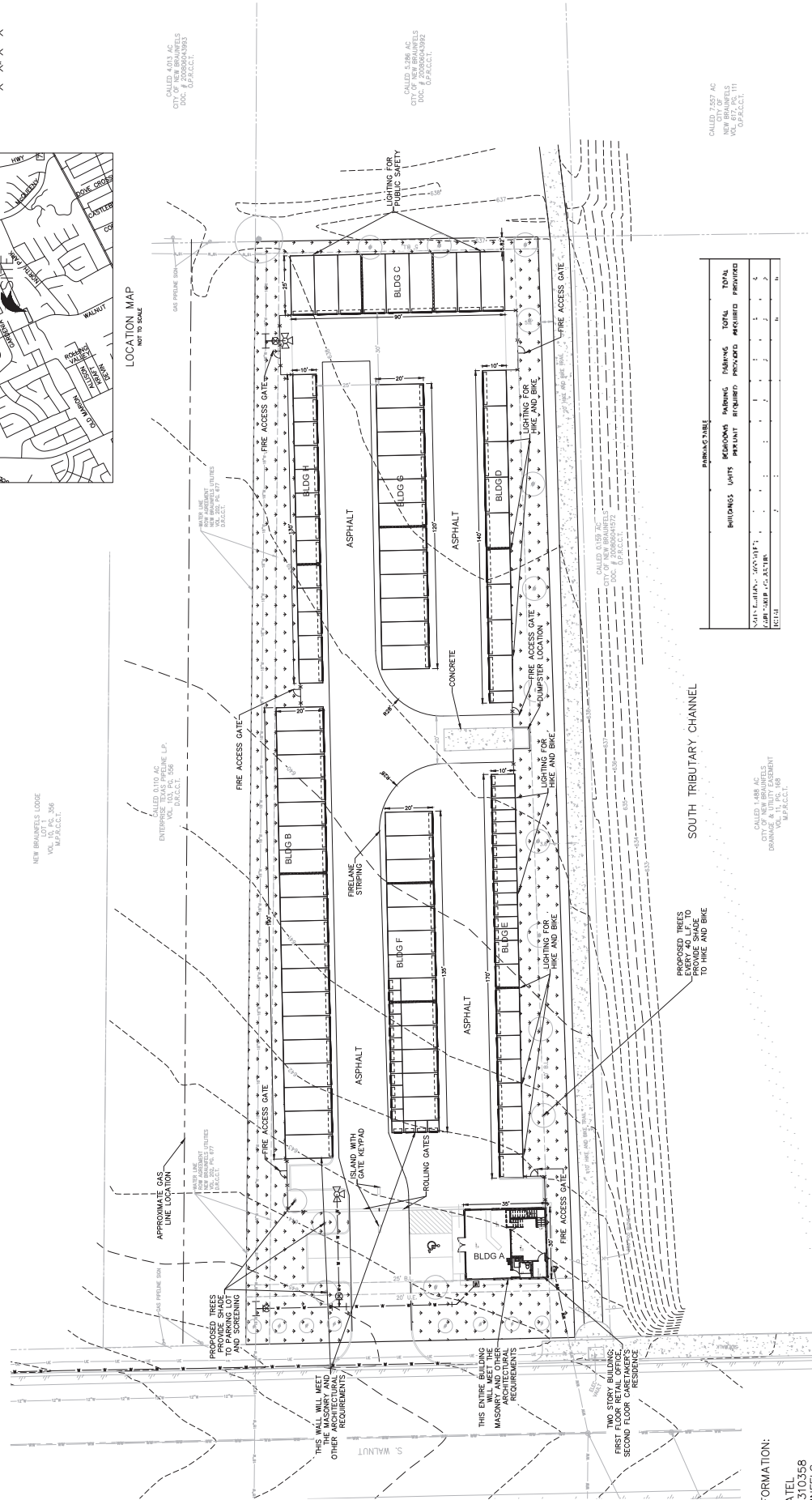
CALLED 7.557 AC
CITY OF NEW BRAUNFELS
DOC. 00000003992
M.P.F.A.C.C.T.

CALLED 7.557 AC
CITY OF NEW BRAUNFELS
DOC. 00000003992
M.P.F.A.C.C.T.

CALLED 1.430 AC
CITY OF NEW BRAUNFELS
DOC. 00000003992
M.P.F.A.C.C.T.

SOUTH TRIBUTARY CHANNEL

PARAMETERS				
BUILDINGS	UNITS	ROOMS	PARKING	TOTAL
1	1	1	1	1
2	2	2	2	2
3	3	3	3	3
4	4	4	4	4
5	5	5	5	5
6	6	6	6	6
7	7	7	7	7
8	8	8	8	8
9	9	9	9	9
10	10	10	10	10
11	11	11	11	11
12	12	12	12	12
13	13	13	13	13
14	14	14	14	14
15	15	15	15	15
16	16	16	16	16
17	17	17	17	17
18	18	18	18	18
19	19	19	19	19
20	20	20	20	20
21	21	21	21	21
22	22	22	22	22
23	23	23	23	23
24	24	24	24	24
25	25	25	25	25
26	26	26	26	26
27	27	27	27	27
28	28	28	28	28
29	29	29	29	29
30	30	30	30	30
31	31	31	31	31
32	32	32	32	32
33	33	33	33	33
34	34	34	34	34
35	35	35	35	35
36	36	36	36	36
37	37	37	37	37
38	38	38	38	38
39	39	39	39	39
40	40	40	40	40
41	41	41	41	41
42	42	42	42	42
43	43	43	43	43
44	44	44	44	44
45	45	45	45	45
46	46	46	46	46
47	47	47	47	47
48	48	48	48	48
49	49	49	49	49
50	50	50	50	50
51	51	51	51	51
52	52	52	52	52
53	53	53	53	53
54	54	54	54	54
55	55	55	55	55
56	56	56	56	56
57	57	57	57	57
58	58	58	58	58
59	59	59	59	59
60	60	60	60	60
61	61	61	61	61
62	62	62	62	62
63	63	63	63	63
64	64	64	64	64
65	65	65	65	65
66	66	66	66	66
67	67	67	67	67
68	68	68	68	68
69	69	69	69	69
70	70	70	70	70
71	71	71	71	71
72	72	72	72	72
73	73	73	73	73
74	74	74	74	74
75	75	75	75	75
76	76	76	76	76
77	77	77	77	77
78	78	78	78	78
79	79	79	79	79
80	80	80	80	80
81	81	81	81	81
82	82	82	82	82
83	83	83	83	83
84	84	84	84	84
85	85	85	85	85
86	86	86	86	86
87	87	87	87	87
88	88	88	88	88
89	89	89	89	89
90	90	90	90	90
91	91	91	91	91
92	92	92	92	92
93	93	93	93	93
94	94	94	94	94
95	95	95	95	95
96	96	96	96	96
97	97	97	97	97
98	98	98	98	98
99	99	99	99	99
100	100	100	100	100



ATTACHMENT 3

CLIENT INFORMATION:

SHASHI PATEL
P.O. BOX 310358
NEW BRAUNFELS,
TEXAS, 78131
+1 830-708-1030
BADAMPISTA@YAHOO.COM

AGENT:
410 N. SEQUIN AVE.
NEW BRAUNFELS,
TEXAS 78130
WWW.HMTB.COM
PH: (830)825-8555





PERSPECTIVE | EAST BIRDS EYE

NOTE: COLORS OF FINISHES ARE
PRELIMINARY AND ARE
SUBJECT TO CHANGE

open
studio
architecture

MINI STORAGE DEVELOPMENT

WALNUT AVE.
NEW BRAUNFELS, TX

PROJECT#: 17.261
DATE: 04.25.18



PERSPECTIVE | WEST BIRDS EYE

NOTE: COLORS OF FINISHES ARE
PRELIMINARY AND ARE
SUBJECT TO CHANGE

MINI STORAGE DEVELOPMENT

WALNUT AVE.
NEW BRAUNFELS, TX

PROJECT#: 17.261
DATE: 04.25.18

PERSPECTIVE | FRONT ENTRANCE

NOTE: COLORS OF FINISHES ARE
PRELIMINARY AND ARE
SUBJECT TO CHANGE



open
studio
architecture

MINI STORAGE DEVELOPMENT
WALNUT AVE.
NEW BRAUNFELS, TX

PROJECT#: 17.261
DATE: 04.25.18



PARKS AND RECREATION DEPARTMENT

110 Golf Course Road
New Braunfels, TX 78130
830.221.4350 (o)
830.608.2162 (f)
www.nbtexas.org/parks

Special Use Permit – PZ-18-012

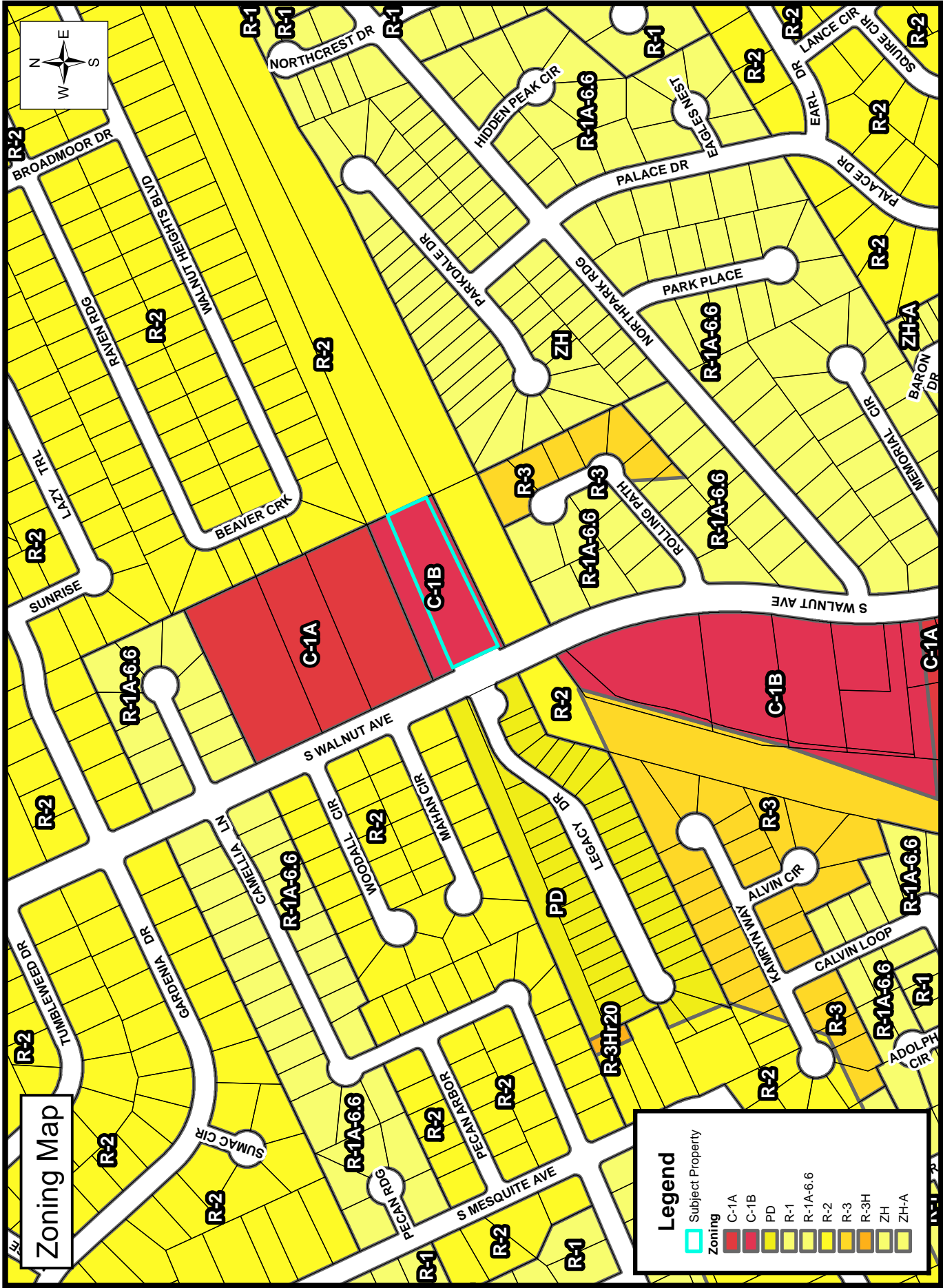
Walnut Mini-Storage – PZ-18-012

This property is adjacent to the County Line Memorial Trail. This is an active multi-use trail. It is important to maintain a scenic view and pleasant experience for trail users.

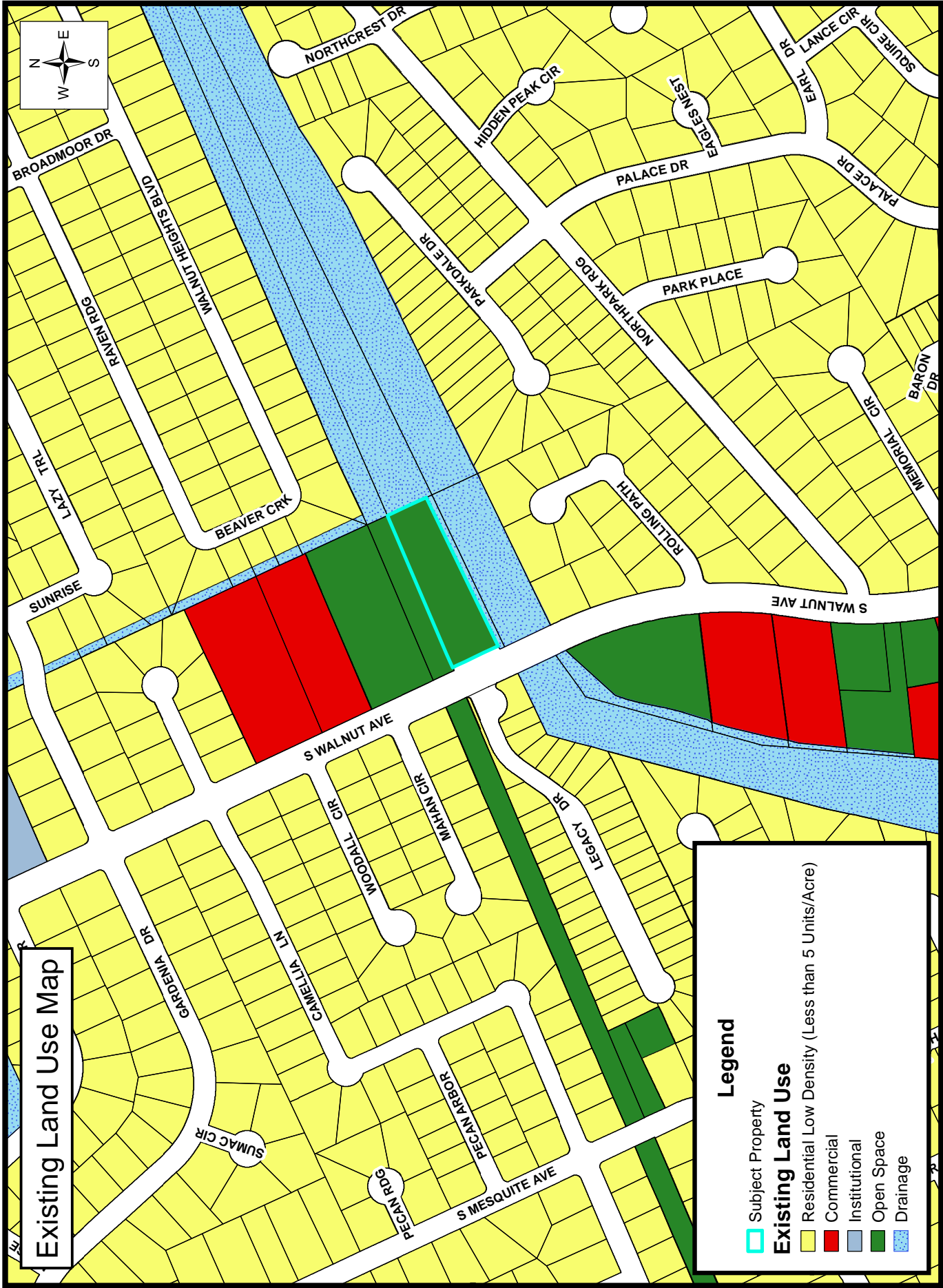
PARD has reviewed the proposed use of the property and the suggestions provided by the owner. Please see PARD comments below.

1. PARD requests approximately 15-20' of buffer (green space) from the building property and the hike and bike trail. As proposed PARD supports the larger side set-back from the mini-storage buildings A, D and E to the trail/city's property to maintain a trail-like experience.
2. The proposed rear set-back of 5' is sufficient for PARD because the area adjacent is not directly accessing the hike and bike trail but the tree grove.
3. PARD supports the planting of trees to the perimeter of the property particularly the area adjacent to the hike and bike trail, however requests the planting of trees every 20-25' and that these be irrigated. The request is in line with the current tree grove along the trail in order to maintain continuity and preserve the scenic-like experience for trail users. Irrigation will ensure successful tree planting and preserve the life of the trees over time. Additional tree should be added to narrower areas of the trail, near building A.
4. The County Line Memorial Trail does not have lighting. Lighting is not a necessary feature for the trail. PARD has no objections if the property owner chooses to add lights on the exterior of the buildings facing the trail property.
5. The property will include one dwelling unit and is subject to the 2006 Park Land Dedication requirements of \$100 (fee in-lieu-of-land) and \$500 (park development). A total of \$600 will be due at time of recordation or before the construction permit is issued.

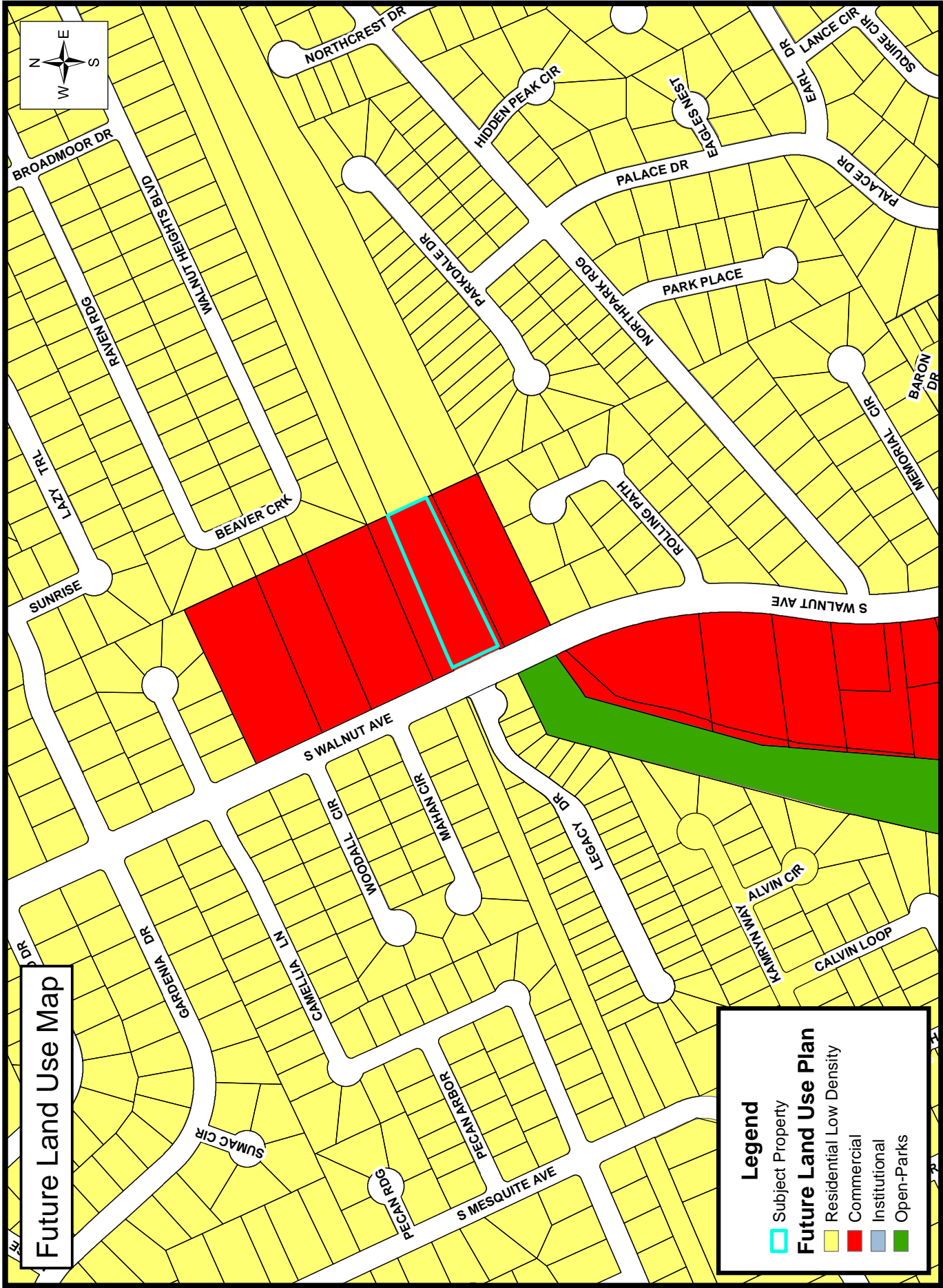
If you have any questions please contact Ylida Capriccioso, Park Development Manager at 830-221-4358 or ycapriccioso@nbtexas.org



PZ-18-012
1705 S. Walnut Ave.
SUP to allow a mini storage facility w. a caretakers residence on-site & modifications to zoning requirements



PZ-18-012
1705 S. Walnut Ave.
SUP to allow a mini storage facility w. a caretakers residence on-site & modifications to zoning requirements



PZ-18-012
1705 S. Walnut Ave.
SUP to allow a mini storage facility w. a caretakers residence on-site & modifications to zoning requirements

PLANNING COMMISSION – June 5, 2018 – 6:00PM

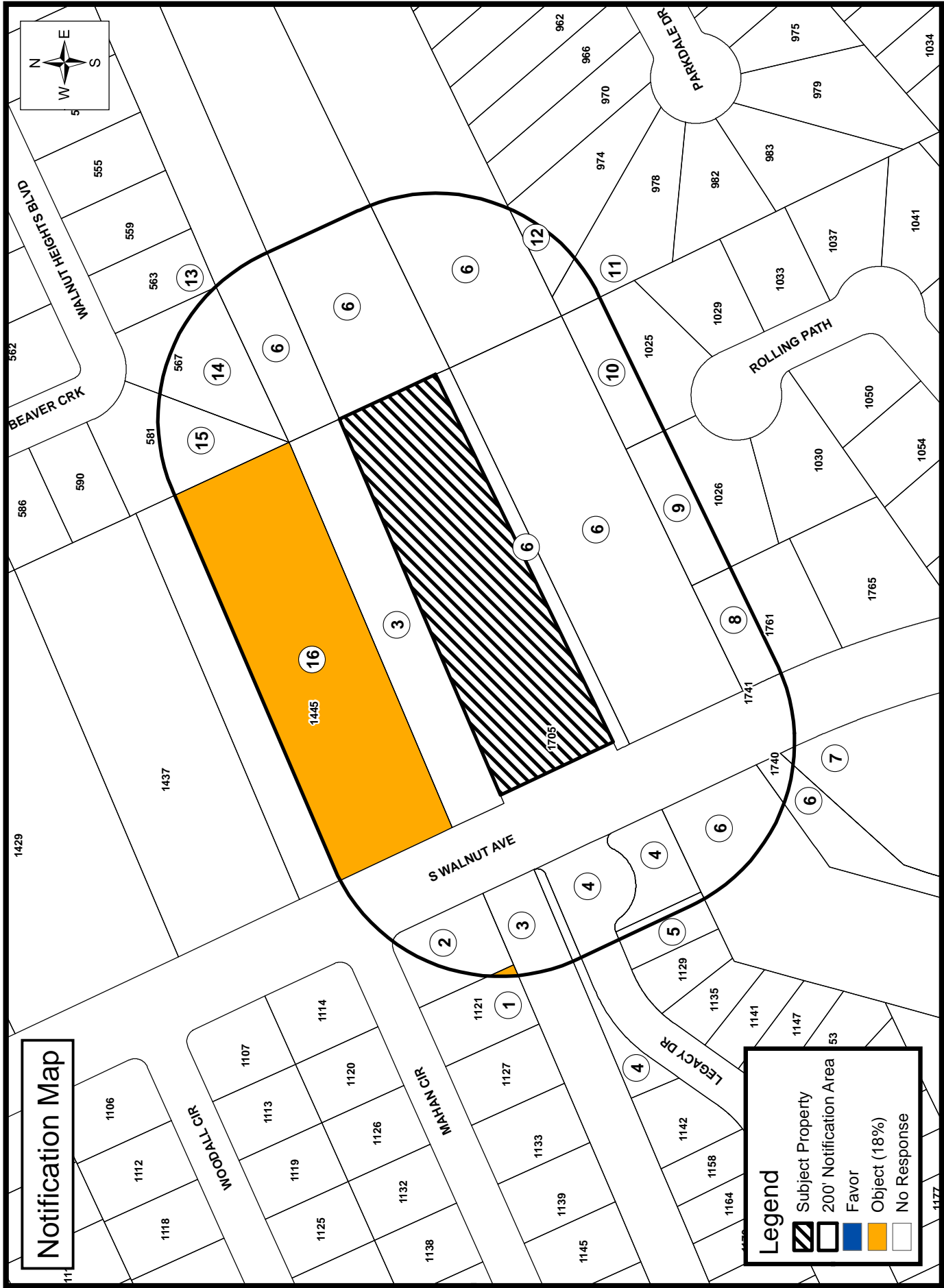
New Braunfels City Hall Council Chambers

Applicant/Owner: Shashi Patel**Address/Location:** 1705 S. Walnut Ave.**PROPOSED SPECIAL USE PERMIT – CASE #PZ-18-012**

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 Property Owner | 9 Gonzales Gilbert R & Mary E |
| 2 Olvera Antonio G & Dora | 10 Peters Gerhart J & Rozella |
| 3 Enterprise Texas Pipeline LP | 11 Houston Gary N |
| 4 NB Providence Place HOA Inc | 12 Bode Amanda R & Jonathan D |
| 5 Stanberg LLC | 13 Baum Mark S & Frances Humphrey |
| 6 City of New Braunfels | 14 Arcos Hector V Jr & Carolyn J |
| 7 First Presbyterian Church of New Braunfels | 15 Gorden Bryan K & Pamela A |
| 8 Dillon Sherrie Denise | 16 Ebet Enterprises LLC |

SEE MAP



PZ-18-012
1705 S. Walnut Avenue
Special Use Permit



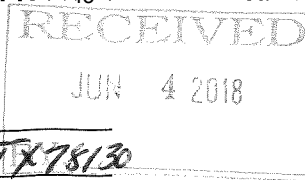
YOUR OPINION MATTERS³ - DETACH AND RETURN

Case: #PZ-18-012 ms

Name: MICHAEL HAMMES

Address: 1121 MAHAN CIR. NB, TX 78130

Property number on map: 1



I favor: _____

I object: ☒

(State reason for objection)

Comments: (Use additional sheets if necessary)

TRAFFIC IS ALREADY TOO HEAVY ON WALNUT. ANOTHER BUSINESS HERE JUST WORSENS THAT PROBLEM. SOME TIMES IT TAKES AS LONG AS 8 MINUTES TO GET OUT ON WALNUT FROM MY STREET. THIS CITY HAS VERY POOR TRAFFIC CONTROL PATTERNS !!

Signature: Michael Hammes

Matthew W. Simmont

From: Michael Hammes <mmh7779@gmail.com>
Sent: Tuesday, June 5, 2018 11:32 AM
To: Matthew W. Simmont
Subject: Save Our Neighborhood

My name is Michael Hammes and I reside at 1121 Mahan Cir. I strongly protest and am against allowing the development of a mini storage facility next to J & R Gymnastics on Walnut.

The traffic in this area is already horrendous and it can sometimes take as long as 8 minutes to enter Walnut from any of the nearby cross streets. Also the aesthetics of the area is already blighted by "some" of the area businesses. This is a residential area of the city and we don't need more businesses.....especially those that generate more traffic.

I vote NO NO NO to allowing this business to proceed.

Thank you.

Sent from Mail for Windows 10

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED

JUN 4 2018

Case: #PZ-18-012 ms

Name: Elizabeth Fowler

I favor: _____

Address: 1445 S. Walnut


BY: _____

Property number on map: 16

I object: ✓

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: 

I am in opposition to the special use permit for 1705 S. Walnut Ave.

1. Request to remove masonry wall requirement.
 - a. My residential neighbors had asked that this request be removed from my property. My wall is now in place as a single unit butted up to an older wooden fence. This requirement is standard throughout our city. I think for continuity of improved building codes and aesthetics in the area this code should remain in place.
2. Request to modify building finish materials requirements.
 - a. The city has put codes in place to improve the overall appearance of commercial buildings in our town. I believe this unit should also have to follow those codes.
 - i. Mini storage has a reputation of reducing property values of its neighbors
 1. By holding to a higher standard of building code hopefully we can preserve our property values
 2. My property sits adjacent to this and I do not want the sides facing my business to be allowed to have a lower standard of materials than I used.

**The following responses/information was provided to the
Planning Division from residents outside of the
notification area.**

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-012 ms

Name: MARTIN CHRISTENSEN

Address: 1219 LEGACY DR

Property number on map: 5

RECEIVED

JUN 11 2018

BY: _____

I favor: _____

I object: X

(State reason for objection)

Comments: (Use additional sheets if necessary)

THE PROPOSED USE ADDS NOTHING DISTINCT (WE'VE GOT MORE STORAGE DOWN THE
BLOCK), IT WOULD INCREASE TRAFFIC AND CREATE AN ATTRACTIVE AVOIDANCE FOR TRAVEL.

Signature: [Signature]

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-012 ms

Name: LINDA CAST

Address: 1219 LEGACY DRIVE

Property number on map: 5

RECEIVED

JUN 11 2018

BY: _____

I favor: _____

I object: ✓

(State reason for objection)

Comments: (Use additional sheets if necessary)

see Patel property
(ATTACHED)

Signature: [Signature]

Is not compatible with
and does not preserve
the character of the
neighborhood.



June 7, 2018

Susan Gray
1132 Mahan Circle
N. B., La 78130

To: Y & Z Commission
REF: Special Permit PZ-18-012

I am submitting my objection to the granting of Special Permit PZ-18-012 requested by Mr. Patel to construct a mini storage/residence on S. Walnut due to the negative impact it will have on our neighborhood.

Please register my objection during your consideration process.

Respectfully,
Susan Gray

Save Our Neighborhood
 P.O. Box 311273
 New Braunfels, TX 78131

Homeowner

New Braunfels, TX)

STOP this development on S. Walnut, next to J&R Gymnastics. Sashi Patel has applied to the N.B. Planning and Zoning Commission for a SPECIAL USE PERMIT, PZ-18-012 to develop this tiny 1.36 acre tract into a mini storage with an onsite residence. Look at his track record of what he has developed in New Braunfels. The Texas Tobacco, 275 Landa Street is a typical building for Mr. Patel. Is this the way we want our neighborhood to look!

Mr. Patel also built a self storage at 705 N Highway 123 Bypass in Seguin. Imagine that nightmare here on our Walnut Street.

Contact Planning and Zoning Commission today and express your opinion to the them at 830-221-4058, email at msimmont@nbtexas.org and ATTEND THE MEETING AND SPEAK YOUR MIND, Tuesday June 5 and Tuesday June 25 at the City Council meeting. Both are located at 550 Landa Street and start at 6pm

This will ONLY be stopped if you and our neighbors step up to the plate. Please help save our precious neighborhood.

CALL TODAY

EMAIL TODAY

CONTACT ALL YOUR NEIGHBORS AND FRIENDS

SHOW UP AND SPEEK UP JUNE 5 & JUNE 25.

Sashi Patel built building, 275 Landa Street, New Braunfels



Sashi Patel build mini storage , 705 N Highway123 Bypass, Seguin



Matthew W. Simmont

From: Gary Shipp <gwshipp@yahoo.com>
Sent: Saturday, June 9, 2018 4:46 PM
To: Matthew W. Simmont
Subject: STOP SPECIAL USE PERMIT PZ-18-012

STOP SPECIAL USE PERMIT PZ-18-012

I am a homeowner in Providence Place, a gated community of 39 upscale homes in the near - \$300,000 value range, which is located directly across S. Walnut St. from this proposed mini storage facility planned by Sashi Patel. Mr. Patel has also built the "Texas Tobacco" located at 275 Landa Street which I understand is a typical building for Mr. Patel. He has also built a self storage at 705 N. Highway 123 Bypass in Seguin.

This is not the way I want my neighborhood to look! Furthermore, this would increase traffic in an already congested area. It is often difficult to get out of Providence Place due to the traffic! Nor do I want the decreased home value likely due to this proposed development. And, what do you think the reduced Comal and New Braunfels tax valuations would be for 39 upscale homes, as compared to the tax income from one mini storage facility?

This is a no-brainer. Please stop this proposed development!

Sincerely,

Gary Shipp
1213 Legacy Dr.
New Braunfels, TX 78130

Matthew W. Simmont

From: Laurel Currie <saraider@gmail.com>
Sent: Saturday, June 16, 2018 6:24 PM
To: Matthew W. Simmont
Subject: Strongly against special use permit PZ-18-012

Please refuse the application for the Special Use Permit PZ-18-012! We are very, very against the development of a mini storage unit on S. Walnut. This would be right across the street from our houses - it would increase traffic and be a horrible eyesore. It would very negatively lower our property values.

Thanks,
Laurel Currie
1135 Legacy Drive
New Braunfels

Matthew W. Simmont

From: Dainett Swan <swan0130psa@live.com>
Sent: Monday, June 18, 2018 3:23 PM
To: Matthew W. Simmont
Cc: hughswan7@gmail.com
Subject: Re: Special Use Permit, PZ-18-012

To Whom It May Concern:

PLEASE DO NOT RE-ZONE!

We enjoy our community walks. The development Mr. Patel is proposing sits near the cross walk on Walnut, right after the stop light for traffic from the cross walk. Within two blocks then there is another three-way stop, this will quickly become a traffic nightmare once school and dance, etc. is in full swing during the school year. Not to mention the fact, Walnut is a well traveled road to begin with.

Thus it is simply the fact, for my husband and I, we do not want/need any more businesses along this beautiful thoroughfare to be causing more traffic. Simply because there are numerous other opportunities, with like-minded businesses (e.g. in strip malls off of I-35 frontage roads, various strip malls off of County Line Road, by where the old Police Station used to be; etc.).

An argument could be made, Mr. Patel could well find another piece of property that could adequately meet both his financial and residential needs without it costing the City of New Braunfels a dime.

As any business owner knows well. When you are in the business of making money, in a community, it behooves one "to listen well what [the community] is saying . . .for thereby does one prosper . . ."

Hugh and Dainett Swan
 1042 Northpark Ridge
 New Braunfels, TX 78130
 208 403 9191
 208 589 0588

Sent from Mail for Windows 10



Subject property along Walnut Ave.

3.4-13. "C-1B" general business district.

Purpose. The general business district is established to provide areas for a broad range of office and retail uses. This district should generally consist of retail nodes located along or at the intersection of major collectors or thoroughfares to accommodate high traffic volumes generated by general retail uses. The following regulations shall apply in all "C-1B" districts:

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

(1) *Uses permitted by right:*

Residential uses:

- Accessory building/structure
- Assisted living facility/retirement home
- Bed and breakfast inn (see Sec. 5.6)
- Community home (see definition)
- Hospice

Non-residential uses:

- Accounting, auditing, bookkeeping, and tax preparations
- Adult day care (no overnight stay)
- Adult day care (with overnight stay)
- All terrain vehicle (ATV) dealer / sales
- Ambulance service (private)
- Amphitheater
- Amusement devices/arcade (four or more devices)
- Amusement services or venues (indoors)
- Amusement services or venues (outdoors)
- Animal grooming shop
- Answering and message services
- Antique shop
- Appliance repair
- 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 (see Sec. 5.11)
- Auto or trailer sales rooms or yards ((see Sec. 5.11)
- 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
- 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
 Book binding
 Book store
 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
 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
 Commercial amusement concessions and facilities
 Communication equipment - installation and/or repair
 Computer and electronic sales
 Computer repair
 Confectionery store (retail)
 Consignment shop
 Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)
 Convenience store with or without fuel sales
 Country club (private)
 Credit agency
 Curio shops
 Custom work shops
 Dance hall / dancing facility (see Sec. 5.13)
 Day camp
 Department store
 Drapery shop / blind shop
 Driving range
 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)
 Feed and grain store
 Filling station (fuel tanks must be below the ground)
 Florist
 Food or grocery store with or without fuel sales
 Fraternal organization/civic club (private club)
 Frozen food storage for individual or family use
 Funeral home/mortuary
 Furniture sales (indoor)
 Garden shops and greenhouses
 Golf course (public or private)
 Golf course (miniature)
 Greenhouse
 Handicraft shop
 Hardware store
 Health club (physical fitness; indoors only)
 Heavy load (farm) vehicle sales/repair (see Sec. 5.14)
 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)
 Kiosk (providing a retail service)
 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
 Limousine / taxi service
 Locksmith
 Maintenance/janitorial service
 Major appliance sales (indoor)
 Martial arts school
 Medical supplies and equipment
 Micro brewery (onsite manufacturing and / or sales)
 Mini-warehouse/self storage units with outside boat and RV storage
 Mini-warehouse/self storage units (no 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
 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)
 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.)
 Photographic printing/duplicating/copy shop or printing shop
 Photographic studio (no sale of cameras or supplies)
 Photographic supply
 Plant nursery
 Plant nursery (retail sales / outdoor storage)
 Plumbing shop
 Portable building sales
 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 (private)
 Recreation buildings (public)
 Recycling kiosk
 Refreshment/beverage stand
 Research lab (non-hazardous)
 Restaurant
 Restaurant/prepared food sales
 Retail store and shopping center
 Retirement home/home for the aged
 RV park
 RV/travel trailer sales
 School, K-12 (public or private)
 School, vocational (business/commercial trade)
 Security monitoring company
 Security systems installation company (with outside storage)
 Shoe repair shops
 Shooting gallery - indoor (see Sec. 5.13)
 Shopping center
 Sign manufacturing/painting plant
 Specialty shops in support of project guests and tourists
 Storage – exterior storage for boats and recreational vehicles
 Studio for radio or television (without tower)
 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
 Travel agency
 University or college (public or private)
 Upholstery shop (non-auto)
 Used or second hand merchandise/furniture store
 Vacuum cleaner sales and repair

Vehicle storage facility
 Veterinary hospital (no outside animal runs or kennels)
 Video rental / sales
 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
 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.

- (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.* 75 feet.
- (2) *Front building setback.* 25 feet.
- (3) *Side building setback.* No side building setback is required except that where a side line of a lot in this district abuts upon the side line of a lot in any residential zone, a side building setback of not less than six feet shall be provided.
- (4) *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.
- (5) *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)
- (6) *Residential setback.* Effective November 8, 2006, where any building abuts a one or two family use or zoning district, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
- (7) *Rear building setback.* 20 feet.
- (8) *Width of lot.* 60 feet.
- (9) *Lot depth.* 100 feet.
- (10) *Parking.* See Section 5.1 for permitted uses' parking.

3.6. *Special Use Permits.*

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

Types of Special Use Permit:

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

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

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

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

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

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

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

Draft Minutes for the June 5, 2018 Planning Commission Regular Meeting

PZ-18-012: Public hearing and recommendation to City Council regarding the proposed rezoning to apply a Special Use Permit to allow a mini storage facility with an on-site caretaker's residence in the "C-1B" General Business District on 1.43 acres, Lot 1, Block 1, Sam's Place Subdivision, addressed at 1705 S. Walnut Ave.

(Applicant: Patel; Case Manager: M. Simmont)

Mrs. Snell presented the Staff report and stated Staff recommended approval of the proposed Type 2 Special Use Permit to allow a mini storage facility with an on-site caretaker's residence for this location. She stated Staff was not opposed to the removal of the masonry wall requirement for the rear of the property as there would be no benefit to screen the City owned reforestation area. She stated Staff did not support approval of the modifications to the exterior building requirements due to the significant visual impact that this property would have on Walnut Avenue and the County Line Memorial Trail. She stated should the Planning Commission recommend approval of the request, Staff recommends the following additional requirements:

1. Shade trees from the Approved Plant List (Chapter 144, Appendix A) a minimum of 3 inches in diameter (dbh) are planted no more than 25 feet apart between Buildings C, D & E and the southern property boundary.
2. Shade trees from the Approved Plant List (Chapter 144, Appendix A) a minimum of 3 inches in diameter (dbh) are planted no more than 25 feet apart between Buildings B, C & H and the northern property boundary.
3. All required landscaping must be irrigated with an automatic underground system.
4. Parkland Dedication and Development Fees are required prior to the issuance of a building permit.
5. Lighting for the County Line Memorial Trail and along the rear boundary of the property is not required but may be provided subject to review and approval of the proposed fixtures for compliance with the City's lighting standards.
6. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.

Chair Edwards asked if anyone wished to speak in favor.

Thor Thornhill, representative from HMT representing the applicant, described the intent of the request for deviations from the zoning ordinance requirements.

Chair Edwards asked if anyone wished to speak in opposition.

Gerhart Peters, represented as property number 10 on the notice of public hearing, wished to speak in opposition. He explained the property was visible from his residential home and expressed concerns regarding the visual impact of the proposed development not meeting the minimum zoning ordinance requirements. He inquired about the increased number of the mini-storage facilities in the surrounding area.

Devlon Hoge, represented as property number 16 on the notice of public hearing, wished to speak in opposition. He expressed concerns regarding the visual impact of the proposed development not meeting the minimum zoning ordinance requirements. He stated the proposed exterior building materials could create a negative visual impact to their commercial business adjacent to the subject property. He stated the masonry wall component was important for continuity of the existing masonry wall buffer located on their adjacent commercial property.

Elizabeth Fowler, also represented as property number 16 on the notice of public hearing, wished to speak in opposition. She expressed concerns regarding proposed exterior building materials. She stated the City put the required exterior building material requirements in place to improve the overall appearance of commercial buildings in town. She expressed concerns regarding the visual impact the proposed development could have on her customers at their commercial business adjacent to the subject property. She expressed concerns regarding the property values of the surrounding properties.

Motion by Vice Chair Sonier, seconded by Commissioner Bearden, to close the public hearing. The motion carried (6-0-0).

Discussion followed regarding the requested deviations from the zoning ordinance requirements.

Motion by Commissioner Laskowski, seconded by Vice Chair Sonier, to recommend approval to City Council regarding the proposed rezoning to apply a Special Use Permit to allow a mini storage facility with an on-site caretaker's residence, and to recommend denial of the requested deviations from the zoning ordinance requirements, in the "C-1B" General Business District on 1.43 acres, Lot 1, Block 1, Sam's Place Subdivision, addressed at 1705 S. Walnut Ave. Motion carried (6-0-0).

DRAFT

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, GRANTING A TYPE 2 SPECIAL USE PERMIT TO 1.34 ACRES CONSISTING OF LOT 1, BLOCK 1, SAM'S PLACE SUBDIVISION, COMAL COUNTY, TEXAS, TO ALLOW A MINI-STORAGE FACILITY WITH AN ON-SITE CARETAKER'S RESIDENCE IN THE "C-1B" GENERAL BUSINESS DISTRICT, ADDRESSED AT 1705 S. WALNUT AVE.; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

WHEREAS, in keeping with the spirit and objectives of a Special Use Permit, the City Council has given due consideration to all components of said permit; and

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

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

WHEREAS, the City Council desires to grant a Type 2 Special Use Permit to approximately 1.34 acres consisting of Lot 1, Block 1, Sam's Place Subdivision, Comal County, Texas, to allow a mini-storage facility with an on-site caretaker's residence in the "C-1B" General Business District, addressed at 1705 S. Walnut Ave.; **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:

“1.34 acres consisting of Lot 1, Block 1, Sam’s Place Subdivision, Comal County, Texas, addressed at 1705 S. Walnut Ave., as delineated on Exhibit ‘A’ attached.”

SECTION 2

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

1. Exhibit ‘B’ shall be the adopted Special Use Permit site plan. Any significant alterations to the site plan will require approval of an amendment to the “Type 2 Special Use Permit” by City Council.
2. Shade trees from the Approved Plant List (Chapter 144, Appendix A) a minimum of 3 inches in diameter (dbh) are planted no more than 25 feet apart between Buildings C, D & E and the southern property boundary.
3. Shade trees from the Approved Plant List (Chapter 144, Appendix A) a minimum of 3 inches in diameter (dbh) are planted no more than 25 feet apart between Buildings B, C & H and the northern property boundary.
4. All required landscaping must be irrigated with an automatic underground system.
5. Parkland Dedication and Development Fees are required prior to the issuance of a building permit.
6. Lighting for the County Line Memorial Trail and along the rear boundary of the property is not required but may be provided subject to review and approval of the proposed fixtures for compliance with the City’s lighting standards.

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 25th day of June, 2018.

PASSED AND APPROVED: Second and Final Reading this the 9th day of July, 2018.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

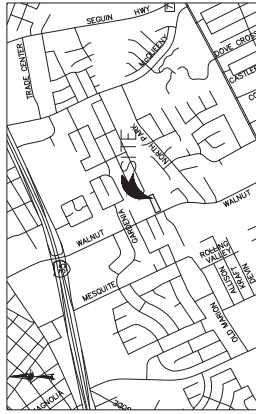
VALERIA M. ACEVEDO, City Attorney

\\chfs-1\Departments\Planning\ZoneChange-SUP-Replats\2018 cases\PZ-18-012 Walnut mini storage\Ordinance.docx

WALNUT MINI STORAGE — TYPE 2 SPECIAL USE PERMIT

LEGEND

---	EXISTING CONTOURS
BL	BUILDING SETBACK LINE
U.E.	UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
---	FIRE LANE STRIPING
---	PROPERTY LINE
---	CONCRETE
---	TUBULAR STEEL FENCE



NEW BRAUNFELS LODGE
VOL. 10, PG. 256
M.F.A.C.C.T.

CALLED 4.03 AC
CITY OF NEW BRAUNFELS
DOC. 00000003992
M.F.A.C.C.T.

CALLED 7.557 AC
CITY OF NEW BRAUNFELS
DOC. 00000003992
M.F.A.C.C.T.

CALLED 7.557 AC
CITY OF NEW BRAUNFELS
DOC. 00000003992
M.F.A.C.C.T.

PARAMETER TABLE

PARAMETER	UNITS	REQUIRED	PROVIDED	TOTAL
BUILDINGS	UNITS	1	1	1
PARKING	SPACES	1	1	1
LANDSCAPE	SPACES	1	1	1
TOTAL		1	1	1

CALLED 1.430 AC
CITY OF NEW BRAUNFELS
DOC. 00000003992
M.F.A.C.C.T.

SOUTH TRIBUTARY CHANNEL

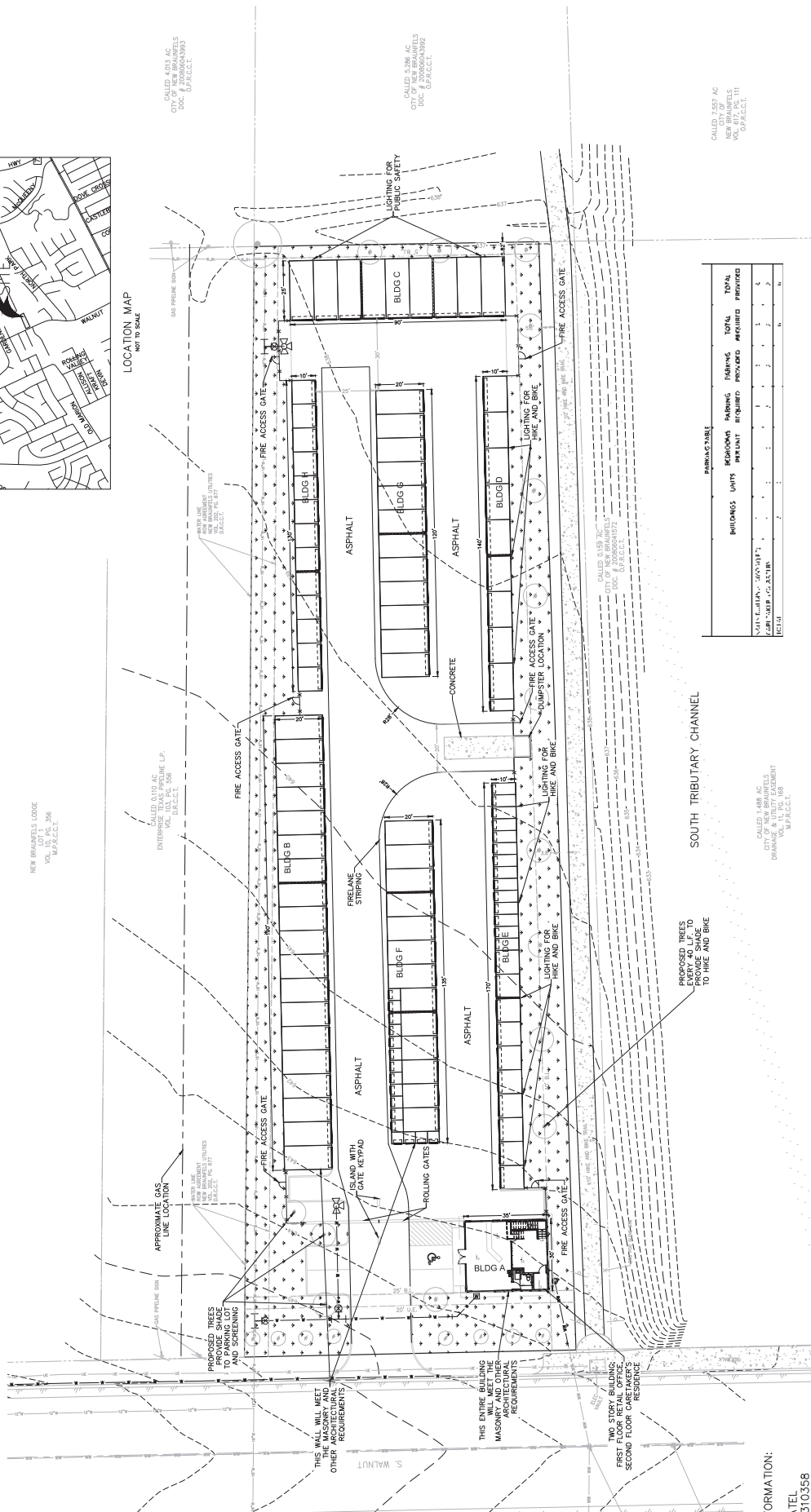


EXHIBIT 'B'

CLIENT INFORMATION:

SHASHI PATEL
P.O. BOX 310358
NEW BRAUNFELS,
TEXAS, 78131
+1 830-708-1030
BADAMPISTA@YAHOO.COM

AGENT:
410 N. SEQUIN AVE.
NEW BRAUNFELS,
TEXAS 78130
WWW.HMTB.COM
PH: (830)825-8555

HMT
ENGINEERING & SURVEYING



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/25/2018

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 to apply a Special Use Permit to allow multifamily (three residential units) on one lot in the “R-2” Single and Two-family District at 509 W. Mill Street.

BACKGROUND / RATIONALE:

Case No.: PZ-18-013

Council District: 6

Owner/Applicant: Leslie Lammers & Tom Tumlinson
480 W. Mill Street
New Braunfels, TX 78130
(830) 715-9300
ljlammers@yahoo.com

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

The subject property, located on West Mill Street between Academy Avenue and Ferguson Street, is presently zoned “R-2” Single and Two Family Residential. It is within the Mill Street Historic District where external changes to the structure must be reviewed by the City’s Historic Preservation Officer and may require a Certificate of Alteration from the Historic Landmark Commission. Internal remodeling, however, is not regulated by the historic district zoning overlay.

Existing buildings on the site include a 1,500 square foot two-bedroom residence built in 1920 with 356 square feet of subsequent additions, and a 576 square foot one-bedroom guest house constructed in 1986.

A maximum of two dwelling units per lot is allowed in the “R-2” zoning district. The applicants are requesting a Special Use Permit (SUP) to allow three units (a tri-plex) which is considered a multifamily use in New Braunfels’ Zoning Ordinance. They are proposing to separate the existing house into two units: the original two-bedroom residence and a one-bedroom unit in the additions. The detached guest house would become the third unit. These units would be rented long-term, 30 days or more. The applicants are not proposing short-term rental (less than 30 days), which is not allowed in the R-2 district.

The subject property is located within the downtown area where additional off-street parking above what is currently provided is not required when the use is changed but the building is not being enlarged. No expansion of the existing buildings is proposed so no additional parking is required by ordinance. However, an SUP allows City Council to consider conditions or safeguards that ensure appropriate and compatible development. Parking calculations for multifamily are 1.5 spaces per 1 bedroom unit and 2 spaces for a 2-bedroom unit equaling a minimum of 5 spaces for the identified dwelling units.

Existing parking consists of a paved driveway 24 feet wide by 72 feet long. The parking area can easily accommodate four to six vehicles, although they would be stacked (parking spaces are 9 feet wide x 18 feet deep, absent maneuvering space). The applicants state the tenants will be contractually limited to a maximum number of vehicles. The one-bedroom units will be limited to one vehicle, and the two-bedroom unit will be limited to two vehicles. The applicants are requesting approval of the parking configuration as it exists, rather than paving additional space to meet dimensional and maneuvering requirements. They propose this to help maintain the historic and residential character of the property, and so it may be returned to single-family use in the future if desired.

Where multifamily use is adjacent to single or two-family residential, a masonry wall and tree buffer are required along the common property line. The subject property is adjacent to a single-family residence on its east side. The applicants are requesting a waiver from this residential buffer requirement, also to maintain the existing historic and single-family character of the property. The applicants have not pursued a masonry wall objection from the adjacent residential property owner who submitted a public hearing notice response in objection. The detached guest house is on the west side of the property. There is a short white picket fence along the western boundary of the subject property adjacent to the church parking lot next door.

A summary of deviations from the zoning ordinance requested with this SUP are:

- Three dwelling units on one lot in the R-2 Single and Two-family district;
- Approval of the existing driveway for off-street parking; and
- Waiver of the masonry wall and tree buffer adjacent to single-family use.

General Information:

Size: 17,424 square feet (0.40 acres)

Surrounding Zoning and Land Use:

North - Across Mill Street, R-2/ Single-family residence

South - C-2/ Church, Mixed-use (commercial/multifamily condominium)

East - R-2/ Single-family residence

West - R-2/ Church

Comprehensive Plan / Future Land Use Designation: Low Density Residential

Floodplain:

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

Regional Transportation Plan:

The subject property has frontage on Mill Street, which is classified as a Minor Collector. Adequate right-of-way exists to meet the 60-foot width standard.

Improvement(s): Single-family residence and guest house

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 (*This block is characterized by a mix of uses including single-family residential, the Methodist Church and associated parking lots, NBISD administrative offices, commercial, and multifamily condominiums. Downtown is suitable for residential development of the proposed density due to its proximity to employment, shopping and entertainment venues.*);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*There do not appear to be any conflicts with these elements.*);
- How other areas designated for similar development will be affected (*There should be no negative impact on other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare. (*The intent of the residential wall and tree buffer is to mitigate the impact of noise and light from incompatible uses. It is anticipated that three residential units located within a mixed-use area will not have a negative impact on adjacent property. The applicants' intent is to preserve as much of the single-family character of the property as possible.*); and
- Whether the request is consistent with the Comprehensive Plan. (*The Future Land Use Plan designation for the subject property is Low Density Residential, which is typically 6 or fewer units per acre. Three units on this lot translates to 7.5 units per acre. The applicant points out that, when averaged with adjacent land (single-family and parking), the gross density is substantially lower. The request does meet several Objectives of the Comprehensive Plan as noted below.*)

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

Yes	City Plan/Council Priority: 2006 Comprehensive Plan <i>Pros and Cons Based on Policies Plan</i>	Pros: Objective 2A: Allow differing uses in close proximity to help streets, public spaces and pedestrian-oriented retail become places where people meet, attracting pedestrians back onto the street and helping to revitalize community life. Downtown is an appropriate area to provide opportunities for additional residential densities and a mix of uses that support a vibrant central business district.
-----	--	---

		Objective 20D: <i>Respond to changing market trends, consumer preferences, economic realities, and design technology relating to housing types and densities.</i> Market trends show an increasing demand for residential in close proximity to employment, shopping and entertainment destinations of the downtown area.
		Goal 67: <i>Preserve the unique character of downtown and historic New Braunfels through the combination of neighborhood revitalization, façade restoration and sensitive infill.</i> Adaptive reuse of historic homes, under the auspices of the historic preservation officer, can help preserve the character of the neighborhood and individual structures.

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on June 5, 2018 and voted to recommend denial of the applicants' request (4-2-0).

STAFF RECOMMENDATION:

Staff recommends approval of the proposed Type 1 SUP to allow three residential units on one lot in the R-2 District, maintaining the current parking area, and not requiring a masonry wall and tree buffer along the property line of the adjacent single-family residence. The proposed use of three small dwelling units on the subject property will complement the mixed uses in the area while maintaining a single-family appearance and historic character. The proposal also meets Objectives of the City's Comprehensive Plan, encourages additional residential in close proximity to an employment and entertainment center, and creates opportunities for affordable housing.

Staff's recommendation of approval includes a condition that the applicants contractually limit the maximum number of vehicles as they have proposed (one vehicle for each one-bedroom unit, and two vehicles for the two-bedroom unit).

Notification:

Public hearing notices were sent to 19 owners of property within 200 feet of the request. The Planning Division received four responses in favor (#3, 4, 6, 12c) and one in objection (#1).

ATTACHMENTS:


1. Aerial, Regional Transportation Plan Map
2. Application
3. Land Use Maps (Zoning, Existing and Future Land Use)
4. Notification Map and Responses
5. Photograph
6. Sec. 3.6 Special Use Permits
7. Excerpt from Planning Commission Minutes

8. Ordinance



Aerial Map

Legend

 Subject Property



PZ-18-013
509 W. Mill Street
Special Use Permit



APPLICATION FOR SPECIAL USE PERMIT

550 LANDA STREET
NEW BRAUNFELS TX 78130

E-MAIL: planning@nbtexas.org

PHONE: (830) 221-4050

PLANNING

1. Applicant - If owner(s), so state; If agent or other type of relationship, a letter of authorization must be furnished from owner(s) at the time submitted.

Name: Leslie Lammers & Tom Tomlinson

Mailing Address: 480 W MILL ST

Telephone: 715-9300 Fax: - Mobile: 715-9300

Email: LLammers@yahoo.com

2. Property Address/Location: 509 W MILL ST (across street from our residence)

3. Legal Description:
Name of Subdivision: BLOCK 3001, lot 14
Lot(s): 14 Block(s): 3001 Acreage: .4 acre

4. Existing Use of Property: Residence

5. Current Zoning: R2

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

7. Proposed Use of Property and/or Reason for request (attach additional or supporting information if necessary): Residential rental

see attached description

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.

Thomas Tomlinson
Signature of Owner(s)/Agent

5/
Date
OWNERS
Print Name & Title
Leslie Lammers
Tom Tomlinson

For Office Use Only

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

Date Received: _____ Zoning signs issued: _____ Date: _____ No.: _____

Zoning Change Request for 509 W Mill St.

509 W Mill was built in 1920 as a two-bedroom, one bath house. The façade was altered in the 1960s with a concrete / wrought iron front porch added (see attached photo) and a large room stuck on the back. In 1993, another addition was stuck on the back. The house has 1,856 square feet but is still just a two-bedroom house with extra rooms attached.

We bought the property last year to improve the neighborhood. We live across the street. We intend to return the façade to a traditional look. Leslie grew up in a family of architects and Tom's career was in construction.

We will be renting the house out. *long term*

In the mid-1990s, the garage was converted to a day care center. It operated as a day care center for 20 years. At some point, a special use permit was granted for that.

The property is zoned R-2. We are a special use permit to allow three units on the property. We want to separate the front of the house from the back of the house (the additions) and rent them two separate units. The front unit would be the original two-bedroom, one bath. The back unit would be a one-bedroom, one bath. The child care center would become a one-bedroom, one bath casita. It is 576 sq ft. We have a similar size one-bedroom house rental in the neighborhood on Guenther.

The properties behind the house are zoned commercial. The main building behind it holds seven condos. The block that the house is on has only two other houses on it. The rest of the block on that side of the street is commercial and parking lots. The house is adjacent to the Methodist's church's parking lot which is about 1.6 acres of parking so the housing density in this area is low.

Parking for tenants

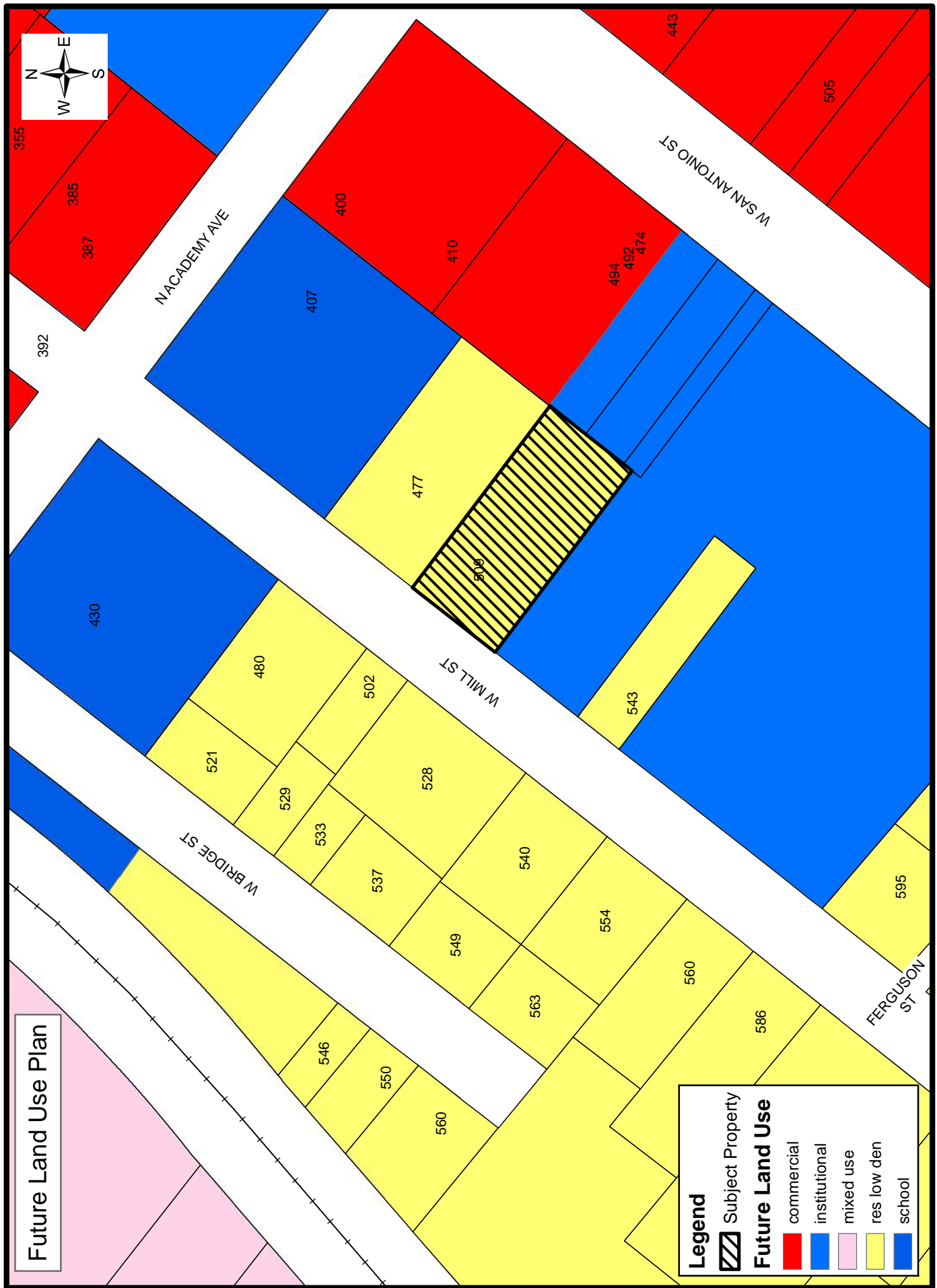
The concrete drive is 24' 2" by 72'. 4 cars can be parked there.



PZ-18-013
509 W. Mill Street
Special Use Permit



PZ-18-013
509 W. Mill Street
Special Use Permit



PZ-18-013
509 W. Mill Street
Special Use Permit

PLANNING COMMISSION – June 5, 2018
City Hall Council Chambers, 550 Landa Street

Address/Location: 509 W. Mill Street – SUP for three residential units on one lot

Applicant: Leslie Lammers & Tom Tumlinson

Case #: Z-18-013

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

1. Allen Neil T & Debbe Jo
 2. New Braunfels I S D
 3. Lammers Leslie & Thomas Tumlinson
 4. Lanham Cindy D
 5. Forres Donald E & Lynn S
 6. Giambernardi Marvin L & Ann C
 7. Sanchez Alicia Aleman
 8. Ortiz Maria
 9. Owner
 10. First United Methodist Church New Braunfels
 11. Lebenschoen LLC
 12.
 - a. Landmark Property Holdings LLC
 - b. Mooney Ern & Elizabeth
 - c. Butler Patricia & Billy
 - d. Walker Nicci
 - e. Thompson John & Kathryn
 - f. Henry Elizabeth
 - g. Vestal Katherine
 - h. Pfof Properties LLC
-

SEE NOTIFICATION MAP



PZ-18-013
509 W. Mill Street
Special Use Permit



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-013 hm

Name:

Leslie Lammers

I favor:

✓

Address:

480 W Mill St.

Property number on map:

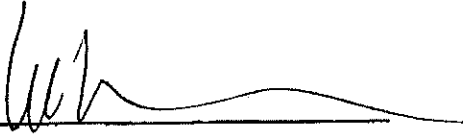
3

I object:

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature:



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-013 hm

Name:

Patricia Butler

I favor:

✓

Address:

474 W. San Antonio St.

Property number on map:

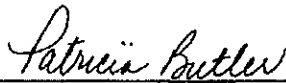
12 C

I object:

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature:



84
YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-013 hm

Name:

Cindy Lanham

Address:

521 W Bridge St

Property number on map:

4

I favor:

CL

I object:

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature:

Cindy Lanham

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-013 hm

Name:

Morris + Orr Giambernardi

Address:

528 W. 7th St.

Property number on map:

6

I favor:

✓

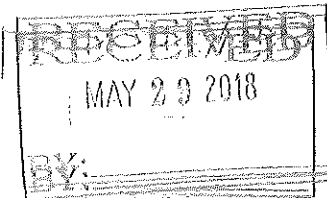
I object:

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature:

Orr Giambernardi



Case: #PZ-18-013 hm

Name:

NOEL ALLEN

Address:

477 W. MILL STREET

Property number on map:

#1

I favor:

I object:

X

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature:

NOEL ALLEN

SEE ATTACHED SHEET

Neil & Debbe Jo Allen
477 W. Mill St
New Braunfels, TX 78730

1 Jun 2018

To Holly Mullins, New Braunfels Planning & Community Development,

Thank you for the opportunity to respond to Special Use Permit (SUP) proposal #PZ-18-013. My wife, Debbe Jo Allen, and I purchased the property at 477 West Mill Street, New Braunfels, Texas in May 2016 and intend to retire to our new home in the next few years. Our property is next door to the subject property of this SUP proposal and is the only residential property that is directly adjacent to it.

In preparing our response to the proposal, Debbe and I carefully weighed several considerations. First, we want to promote a spirit of fairness and understanding with the proposal's sponsors, Leslie Lammers and Tom Tumlinson, as well as other future neighbors near our new home and around New Braunfels. Second, we considered the purpose and evaluation criteria outlined in New Braunfels Zoning Ordinance, Chapter 144, Zoning, Section 1, General Provisions, Purpose and Definitions, as well as the considerations for evaluating Special Use Permits, as outlined in the Notice of Public Hearing for SUP PZ-18-013, postmarked 18 May 2018. Finally, we want to do our part to protect the historic significance of our home at 477 West Mill Street.

An important consideration for us is being good neighbors. During my twenty-seven years in the military, Debbe and I moved our family of five fourteen times to locations around the world. We always did our best to fit in and contribute to our new communities. New Braunfels is of course no different. We certainly appreciate Tom and Leslie's investment goals at 509 W. Mill St and understand well from years of first hand experience the challenges of achieving such goals in real estate. We sincerely hope that our response is received as intended from grateful new members of the New Braunfels community.

Our second consideration includes the evaluation criteria for this and similar proposals. New Braunfels Zoning Ordinance, Chapter 144, Section 1 states:

The purpose of this Chapter is to zone the entire area of the city limits of the City of New Braunfels and the districts in accordance with a comprehensive plan for the purpose of promoting health, safety, and the general welfare of the public. The regulations and districts herein have been established in accordance with Chapter 211 of the Texas Local Government Code and have been designed to lessen congestion in the streets; to provide safety from fire, panic, and other dangers; to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to provide and facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements. Said districts have been established with reasonable consideration for the character of the district and its peculiar suitability for the particular uses, and with the view of conserving the

value of buildings and encouraging the most appropriate use of land throughout the community.

Additionally, the Planning Commission and City Council evaluation criteria for Special Use Permits include four areas consistency with and adherence to: 1) Comprehensive plan consistency, 2) Zoning district, 3) Supplemental Standards; and 4) Character and integrity.

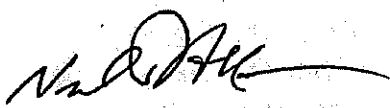
Considering the above purpose and evaluation criteria, it is our position that allowing three residential units on one lot in the "R-2" Single and Two-family District—which is also in the New Braunfels Historic District—will:

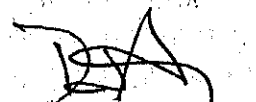
- 1. Likely increase congestion on the streets,**
- 2. Not enhance safety related to fire, panic, and other dangers,**
- 3. Likely contribute to overcrowding of land due to undue concentration of population,**
- 4. Likely contribute to undue stress on provisions such as transportation, water, sewerage, schools, parks and other public requirements,**
- 5. Not conserve the value of buildings and encourage the most appropriate use of land throughout the community,**
- 6. Not be consistent with the goals, objectives and policies contained in the Comprehensive Plan,**
- 7. Not be consistent with the general purpose and intent of the applicable zoning district regulations, and;**
- 8. Not preserve the character and integrity of adjacent development and neighborhoods.**

Our third consideration includes our significant financial and personal investment in the Historic Home at 477 West Mill. As stated, Debbe Jo and I are humbled to have the opportunity to own and care for the home that generations from our New Braunfels community called the Henne House. When we purchased the home, we did so with a profound appreciation for the history of the home and the sincere intent to care for it in a responsible manner. Our appreciation for our home includes others that are designated by the Historic District as well. West Mill Street includes a dense concentration of such homes and we feel strongly about doing our part to preserve the district. Agreeing to a Special Use Permit that does not abide by established Planning and Development regulations runs contrary to our desire to protect the history and integrity of the New Braunfels Historic District, including our home at 477 West Mill Street.

Thank you for the opportunity to present our response. We respectfully object to SUP PZ-18-013 on the grounds presented herein.

Sincerely,


Neil Thomas Allen


Debbe Jo Allen



3.6. *Special Use Permits.*

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

Types of Special Use Permit:

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

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

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

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

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

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

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

Draft Minutes for the June 5, 2018 Planning Commission Regular Meeting

PZ-18-013: Public hearing and recommendation to City Council regarding the proposed rezoning to apply a Special Use Permit to allow three residential units on one lot in the “R-2” Single and Two-family District addressed at 509 W. Mill Street.

(Applicant: Lammers; Case Manager: H. Mullins)

Mrs. Mullins presented the Staff report and stated Staff recommended approval.

Vice Chair Sonier left the dais at 6:43 p.m.

Vice Chair Sonier returned to the dais at 6:48 p.m.

Chair Edwards asked if anyone wished to speak in favor.

Leslie Lammers, the applicant, provided the history of the property and described the building and the intent of the request. She stated an observation of an increased trend in the demand for rentals in the downtown area

Chair Edwards asked if anyone wished to speak in opposition.

Neil Allen, represented as property number 1 on the notice of public hearing, wished to speak in opposition. He provided their history of their property adjacent to the subject property and described their considerations prior to submitting their opposition. He expressed an understanding of the request but stated their concerns regarding the proposed use. He stated the property is located within a historic district and he wished to protect the historic significance of his property and the surrounding properties. He stated his belief that the request goes against the intent of the zoning ordinance. He expressed concerns regarding increased density, traffic and decreased property values. He stated the proposed use would not preserve the character and integrity of the historic neighborhood.

Motion by Commissioner Laskowski, seconded by Commissioner Tubb, to close the public hearing. The motion carried (6-0-0).

Discussion followed regarding the existing property use and the required parking with the proposed use.

Commissioner Bearden expressed concerns regarding a precedent being set for the neighborhood.

Discussion followed regarding multiple dwelling unit developments types on residential properties and the current development on West Mill Street.

Motion by Vice Chair Sonier, seconded by Commissioner Bearden, to recommend denial to City Council regarding the proposed rezoning to apply a Special Use Permit to allow three residential units on one lot in the “R-2” Single and Two-family District addressed at 509 W. Mill Street. Motion carried, with Chair Edwards and Commissioner Nolte in opposition (4-2-0).

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A SPECIAL USE PERMIT TO ALLOW MULTIFAMILY (THREE RESIDENTIAL UNITS) ON ONE LOT IN THE "R-2" SINGLE AND TWO-FAMILY DISTRICT ON LOT 14, CITY BLOCK 3001, ADDRESSED AT 509 W. MILL STREET; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

WHEREAS, in keeping with the spirit and objectives of a Special Use Permit, the City Council has given due consideration to all components of said permit; and

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

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

WHEREAS, the property is located in an area suitable for multifamily use; and

WHEREAS, the City Council desires to grant a Type 1 Special Use Permit for Lot 14, City Block 3001, addressed at 509 W. Mill Street, to allow multifamily (three residential units) on one lot in the "R-2" Single and Two-family 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 adding the following described tract of land as a "Type 1 Special Use Permit" for the uses and conditions herein described:

"Being Lot 14, City Block 3001, addressed at 509 W. Mill Street, as delineated in the attached Exhibit 'A', to allow multifamily (three residential units) on one lot in the "R-2" Single and Two-family District."

SECTION 2

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

1. The current parking configuration will be maintained.
2. A masonry wall and tree buffer are not required along the adjacent residential use.
3. The one-bedroom units will be contractually limited to one vehicle each and the two-bedroom unit will be contractually limited to a maximum of two vehicles.

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 25th day of June, 2018.

PASSED AND APPROVED: Second Reading this the 9th day of July, 2018.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



PZ-18-013
509 W. Mill Street
Special Use Permit





City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/25/2018

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 the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the "C-3" Commercial District, on Lot 8, City Block 1073, addressed at 123 W. Merriweather Street.

BACKGROUND / RATIONALE:

Case No.: PZ-18-011

Council District: 6

Owner/Applicant: Tony and Judy Dickerson
301 Main Plaza
PMP 366
New Braunfels, TX 78130
(512) 431-8078

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

The subject property is located on the south side Merriweather Street, between South Castell and South Seguin Avenues, and is presently zoned "C-3" Commercial District. The subject property is 9,445 square feet in area and contains a 1,144 square-foot single-family residence constructed in 1966.

C-3 zoning allows rental or occupancy for less than one month. However, the structure on the subject property is a single-family dwelling requiring approval of a Special Use Permit (SUP) before it can be used as a short-term rental (STR). If the SUP is approved, an administrative Short-Term Rental Permit will also be required along with annual fire inspections.

The subject neighborhood was part of the City's "appropriate zoning" efforts, and meetings with the neighborhood were held in 2011/2012. At that time, residents of this neighborhood declined the City's offer to rezone their neighborhood from the current commercial zoning to a residential zoning district stating they wanted to "keep their options open". Therefore, the City did not pursue rezoning the area to a residential zoning district.

The applicant indicates the one-story dwelling on the subject site has three sleeping areas (3 bedrooms). New Braunfels' Zoning Ordinance standards limits occupancy of an STR unit to 2 adults per sleeping area plus 4 additional adults. Although the subject structure would qualify for a maximum of 10 adults, the applicant states she will limit the maximum adult occupancy to 6.

The minimum required off-street parking for an STR is one space per sleeping area, and the maximum is the number of sleeping areas plus one. This property would require a minimum of 3 with a maximum of 4 paved parking spaces. The applicant is proposing to utilize the existing gravel parking spaces located in front of the house as the required parking. The gravel parking area is large enough to accommodate 3 to 4 vehicles.

General Information:

Size: = 9,445 square feet

Surrounding Zoning and Land Use:

North - Across Merriweather St., C-3 / Retail, bar and parking lot

South - C-3 / Chiropractor's office

East - C-3 / Single-family residence

West - C-3/ Single-family residence

Comprehensive Plan / Future Land Use Designation:

Commercial

Floodplain:

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

Regional Transportation Plan:

Merriweather Street is identified as a 50-foot wide Local Street on the 2012 Regional Transportation Plan. The current right-of-way width of Merriweather meets or exceeds 50 feet and no additional right-of-way dedication will be required with use of the property as an STR.

Improvement(s):

Single-family residence

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 subject property is zoned "C-3" Commercial District within an area of mixed-uses and is one block from IH 35, Seguin Avenue and Castell Avenue.*);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*There do not appear to be any conflicts with these elements.*);
- How other areas designated for similar development will be affected (*There should be no negative effects on other properties within the general vicinity as the property would be*

required to comply with the STR standards and Staff's recommendation includes maintaining the residential appearance of the structure.);

- Any other factors that will substantially affect the public health, safety, morals, or general welfare. *(The use of this property as an STR will be subject to the standards as required in Section 5.17 of the Zoning Ordinance. These standards help to ensure that proper measures are in place to protect public health and to encourage appropriate use of the property.);* and
- Whether the request is consistent with the Comprehensive Plan. *(The proposed STR is consistent with the Future Land Use designation of the subject site as Commercial.)*

Supplemental standards for short term rentals are attached, and include:

- an administrative Short-Term Rental Permit and annual inspections are required, in addition to the SUP;
- a maximum of two (2) adults per sleeping area plus an additional four (4) adults per residence **(three (3) sleeping areas plus four (4) additional adults allows for a maximum total of 10 adults)** ;
- display of a short-term rental decal;
- a minimum of one (1) off-street parking space per sleeping area, not including a garage, and not to exceed the number of sleeping areas plus one (1) **(minimum of three (3) spaces and a maximum of four (4) spaces)**;
- adherence to the City's adopted building codes regarding life safety issues;
- compliance with City codes related to conduct on premises;
- signage in compliance with the current Sign Ordinance (no monument or freestanding pole signs; attached signage is not regulated); and
- required tenant information posted indoors and attached to the rental agreement including quiet hours, parking limitations and emergency information.

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

✓	Yes	City Plan/Council Priority: 2006 Comprehensive Plan <i>Pros and Cons Based on Policies Plan</i>	Pros: <i>Goal 1 Promote manageable growth to achieve a proper balance of economic expansion and environmental quality while maintaining the community's unique qualities.</i> Authorized short-term rentals contribute to economic expansion through the collection of occupancy tax and visitor dollars spent within the community. Impacts are managed through the SUP and Short-Term Rental Permit process. Goal 10: Objective D. <i>Respond to changing market trends, consumer preferences, economic realities, and design technology relating to housing types and densities.</i> The requested STR would be consistent with other STRs in and near the downtown area. Goal 63: Objective B. <i>Special zoning regulations and incentives should be created to promote retail, eating and drinking establishments, bed and breakfast, lodging and entertainment.</i> The requested SUP would provide lodging in relatively close proximity to dining, drinking and entertainment businesses located downtown. Cons: None.
---	-----	--	---

FISCAL IMPACT:

If approved, the property will be subject to state and local hotel occupancy tax (HOT).

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on June 5, 2018, and recommended denial of the applicant's request (4-2-0), Commissioners Tubb and Nolte in opposition.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed Type 2 SUP to allow an STR in a single-family dwelling as submitted for this location, including the existing unpaved gravel parking area. The gravel parking is accessed via a paved driveway approach recently added in conjunction with City roadway improvements to Merriweather Street. The gravel parking is existing and will blend with the characteristics of the neighborhood as there are mixtures of paved and unpaved parking on this block of Merriweather Street. The proposed use of the property will complement the mixed uses in the area while maintaining a single family residential appearance. The proposal also meets Objectives of the City's Comprehensive Plan. Staff's recommendation of approval includes the following conditions:

1. The existing residential character and appearance of the building must be maintained.
2. The SUP will be in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.
3. The occupancy of the short-term rental unit is limited to 6 adults total, as intended by the applicant.

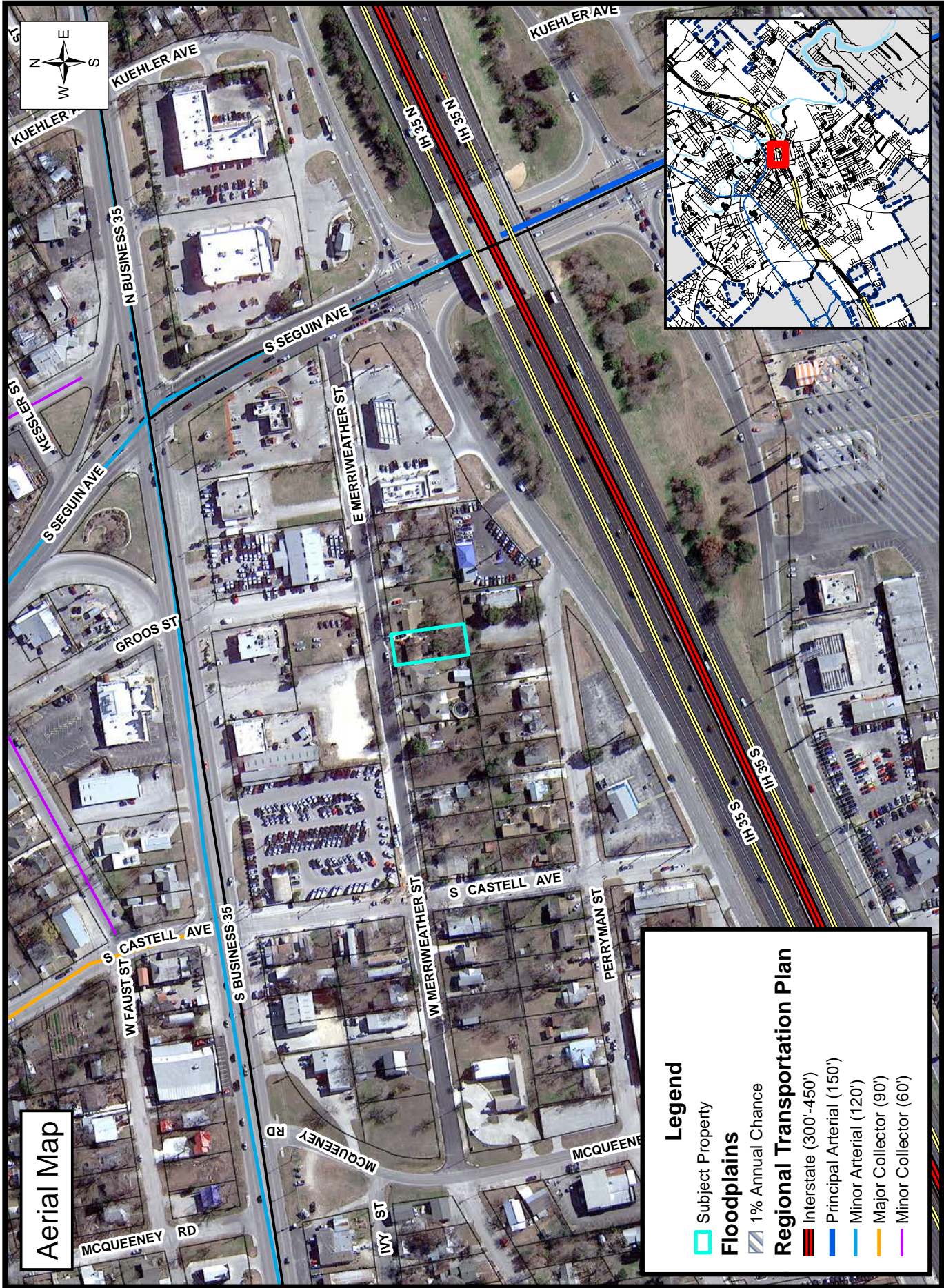
Notification:

Public hearing notices were sent to 13 owners of property within 200 feet of the request. The Planning Division has received no responses in favor and 2 opposed from numbers 7 and 12. The

applicant has provided a response addressing the neighbor's concerns that is part of Attachment 6.

ATTACHMENTS:

1. Aerial Maps
2. Application
3. Site Plan and Floor Plan
4. Zoning Map and Land Use Maps
5. Short Term Rental Vicinity Map
6. Notification List, Notification Map and Notification Responses
7. Photographs
8. Sec. 3.3-9 "C-3" Commercial District, Sec. 3.6 Special Use Permits, Sec. 5.17 Short Term Rentals
9. Excerpt from the June 5, 2018 Planning Commission Regular Meeting
10. Ordinance



Map Created 5/15/18

PZ-18-011
123 W. Merriweather St.
SUP to Short Term Rentals in C-3





P2-18-011



APPLICATION FOR SPECIAL USE PERMIT

550 LANDA STREET
NEW BRAUNFELS TX 78130

E-MAIL: planning@nbtexas.org
PHONE: (830) 221-4050

PLANNING

1. Applicant - If owner(s), so state; If agent or other type of relationship, a letter of authorization must be furnished from owner(s) at the time submitted.

Name: Tony + Judy Dickerson (Tony + Judy Dickerson)
Mailing Address: 301 Main Plaza PMP 366 NB TX 78130
Telephone: 512 431-8078 Fax: N/A Mobile: Same
Email: judyadickerson@gmail.com

2. Property Address/Location: 123 W. Merriweather NB TX 78130

3. Legal Description:
Name of Subdivision: City Block 1073
Lot(s): 8 Block(s): _____ Acreage: .2169

4. Existing Use of Property: purchased for short term

5. Current Zoning: C3

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

7. Proposed Use of Property and/or Reason for request (attach additional or supporting information if necessary): short term

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.

[Signature]
Signature of Owner(s)/Agent

4/3/18
Date
Judy Dickerson-towner
Print Name & Title

For Office Use Only

Fee Received By: MO/HM Amount: \$500.00 Receipt No.: 238047
Date Received: 4-2-18 Zoning signs issued: _____ Date: _____ No.: _____

SITE PLAN

LEGEND:

W	COVERED CONCRETE
E	WATER METER BOX
EP	ELECTRIC METER
PP	EDGE OF PAVEMENT
OU	POWER POLE
MB	OVERHEAD UTILITIES
AC	MAILBOX
	AIR CONDITIONER
	CHAINLINK FENCE
X	WIRE FENCE
	FOUND 1/2" REBAR

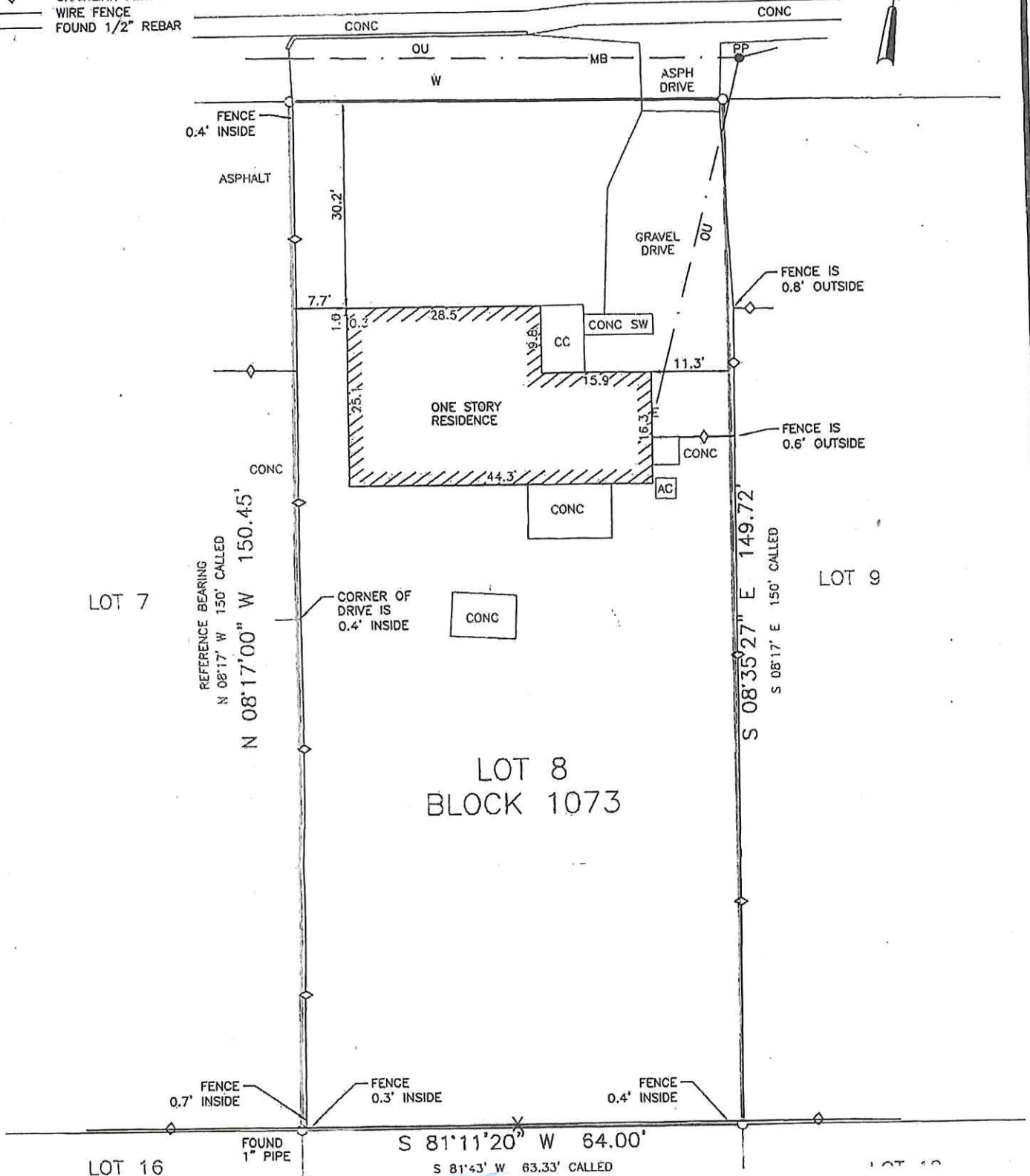
Scale: 1" = 20'

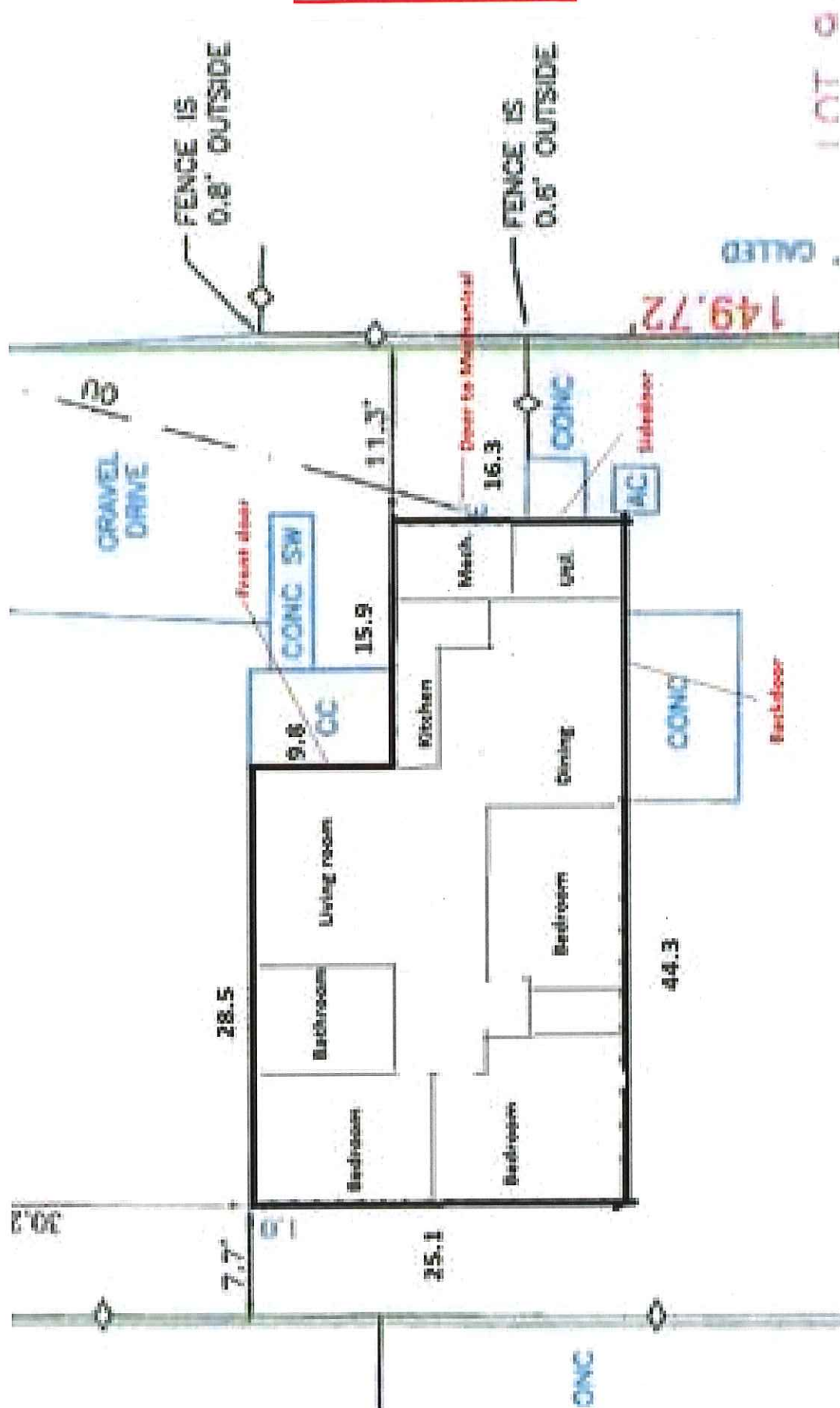
MERRIWEATHER ST.

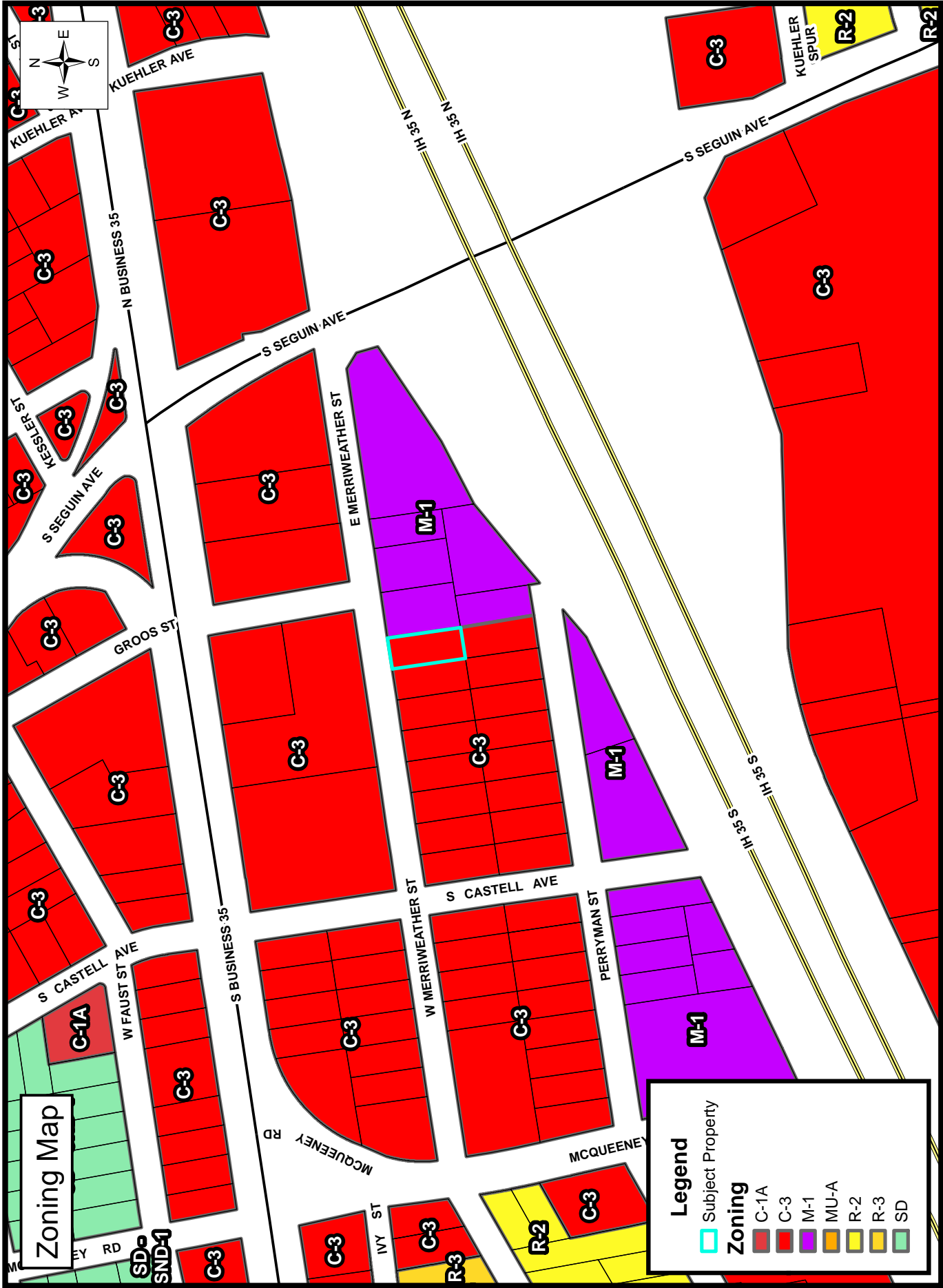
60' R.O.W.

N 81°43' E 63.33' CALLED

N 81°50'33" E 63.20'



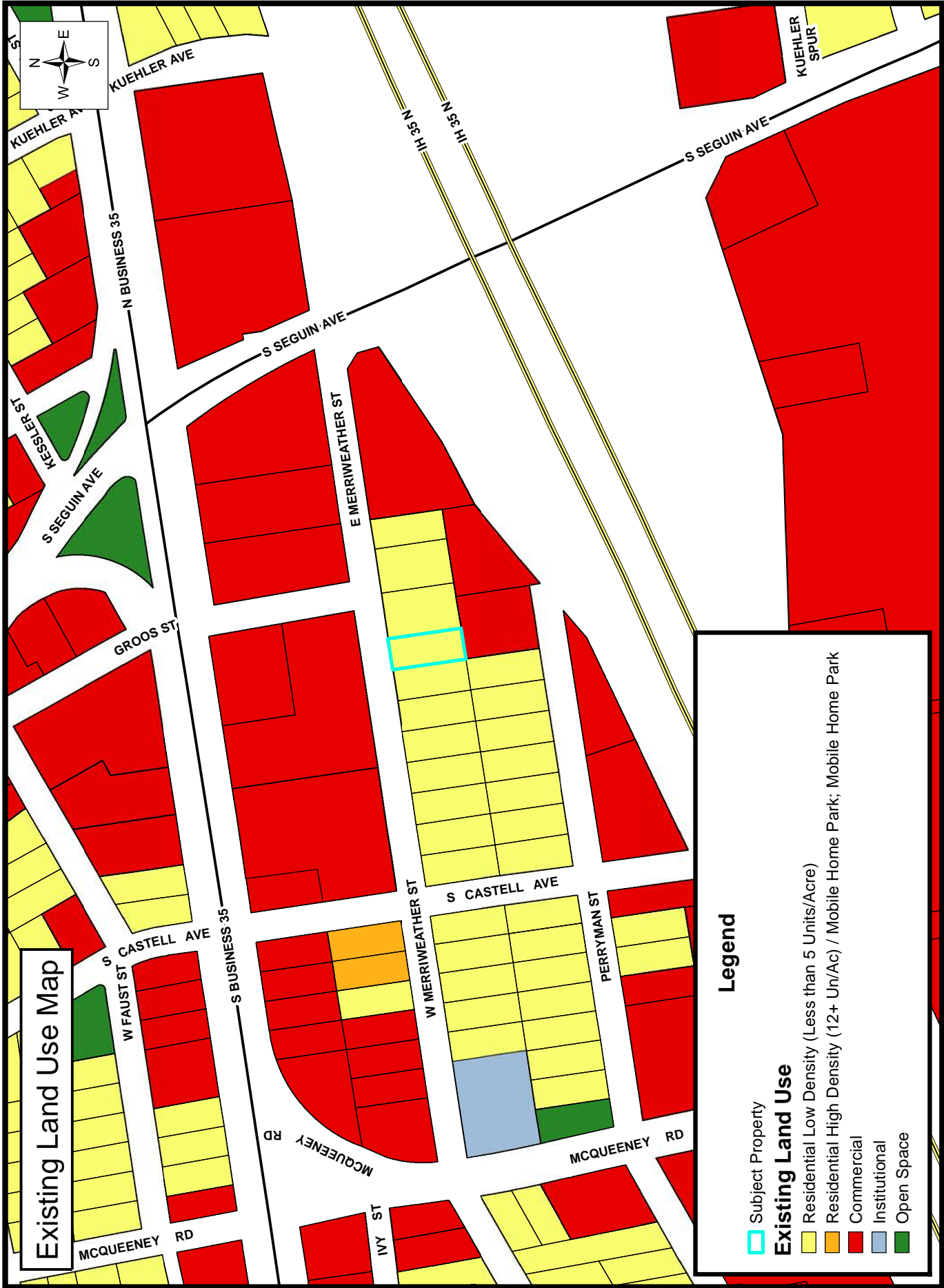


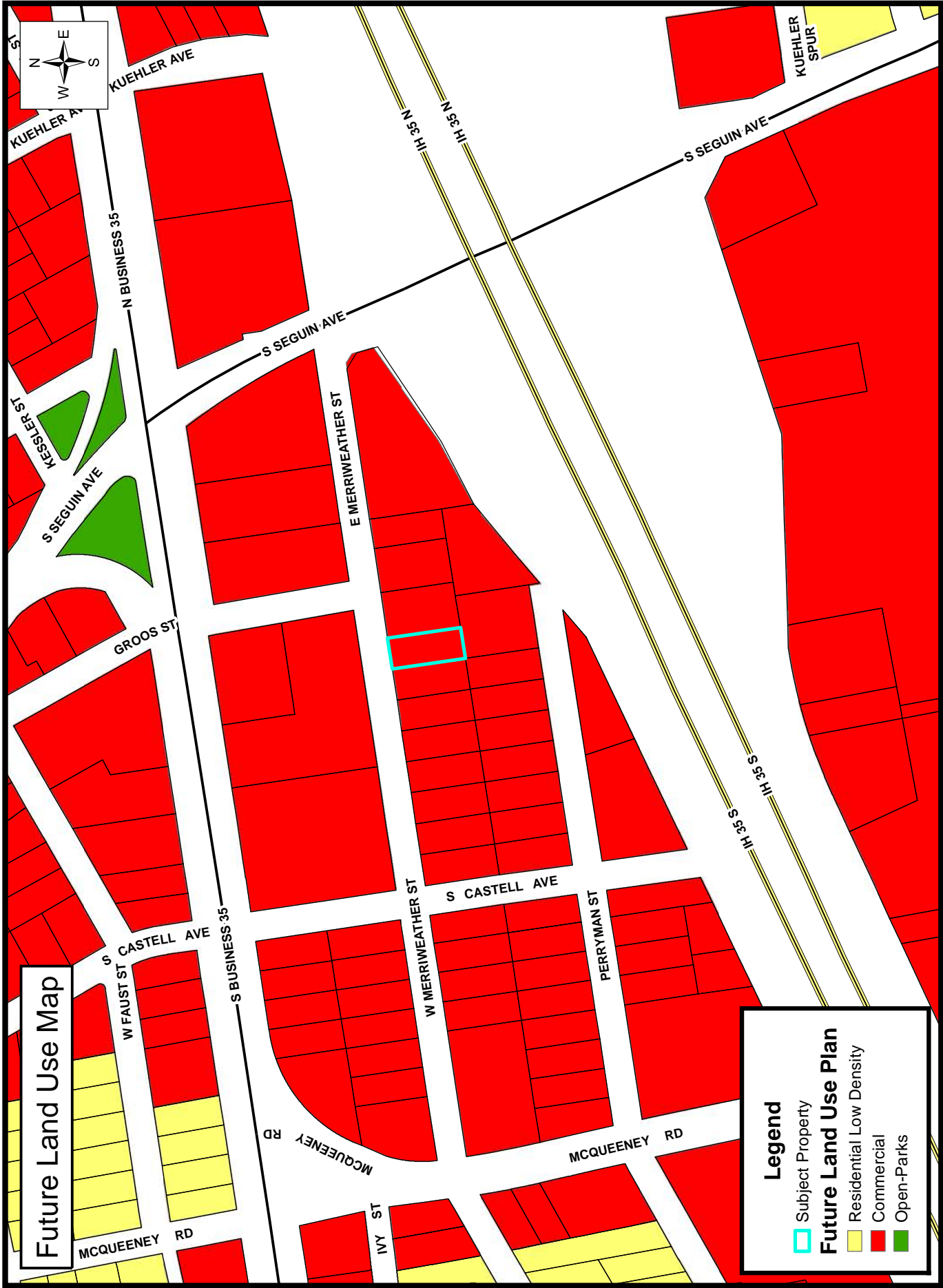


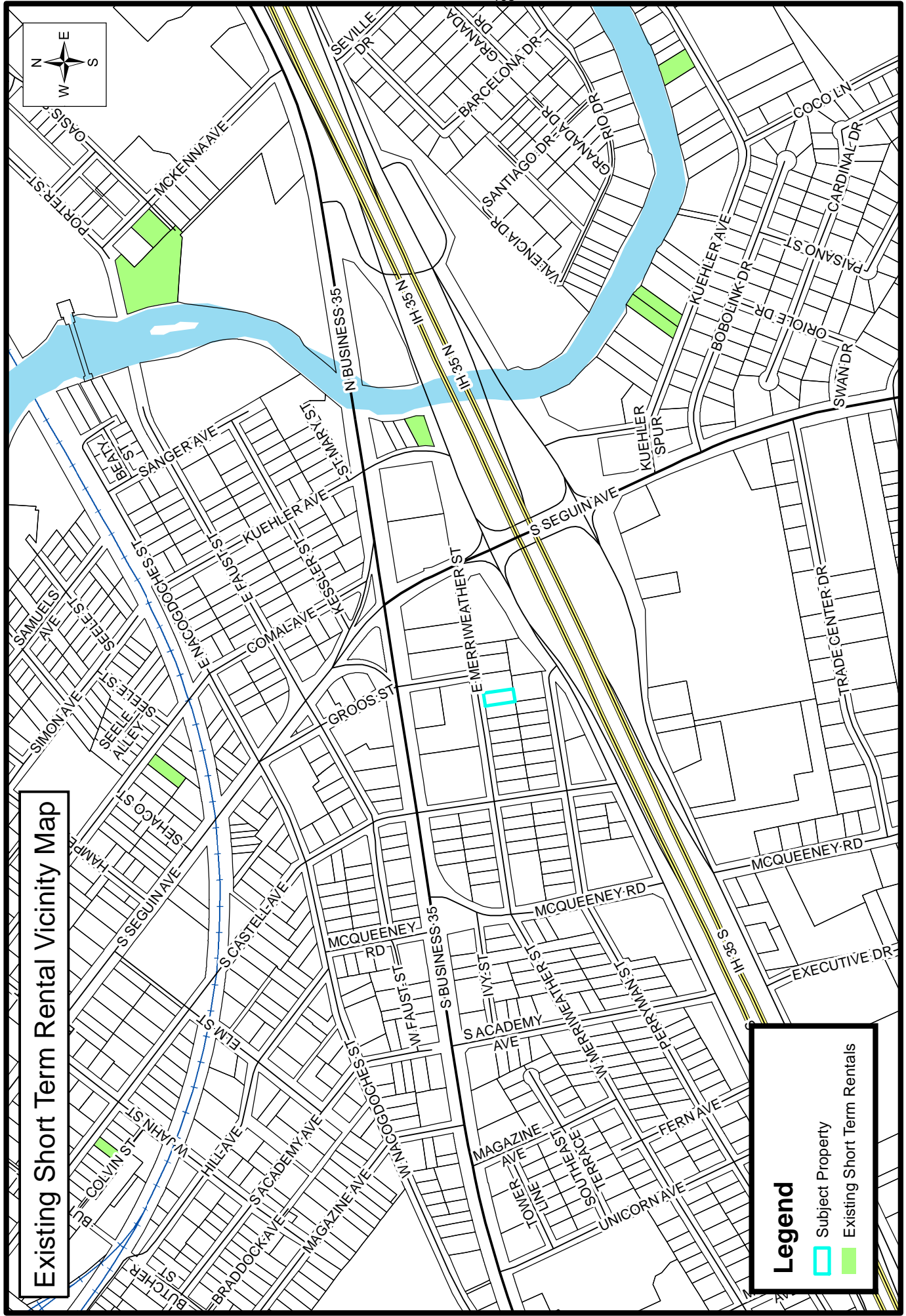
Map Created 5/15/18

PZ-18-011
123 W. Merriweather St.
SUP to Short Term Rentals in C-3









PLANNING COMMISSION – June 5, 2018 – 6:00PM

New Braunfels City Hall Council Chambers

Applicant/Owner: Tony and Judy Dickerson**Address/Location:** 123 W. Merriweather Street**PROPOSED SPECIAL USE PERMIT – CASE #PZ-18-011**

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 Stella NB Investments LLC | 8 Kle Properties LLC |
| 2 Kahlig Enterprises Inc | 9 Hayes, Joe & Ted W Alexander |
| 3 Watson, Larry D Rvcbl Trst | 10 Wunderlich Properties LLC |
| 4 Gomez, Alfonso & Atanacia | 11 Altland Properties LLC |
| 5 Sierra, Victor P & Rebecca | 12 McGrath, Debra Denise |
| 6 Sierra, Juan G & Guadalupe | 13 Long Real Estate Holdings LLC |
| 7 Sierra, Joe D & Raquel | |

SEE MAP



Case: #PZ18-011 (Dickerson) (MG)

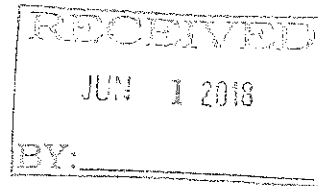
Date Sent: 5/18/18

Name: JOSE D. SIERRA

I favor: _____

Address: 111 W. MERRIWEATHERProperty number on map: 7I object: X
(State reason for objection)

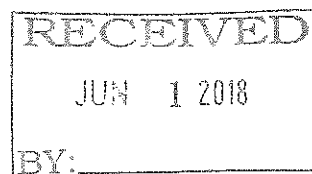
Comments: (Use additional sheets if necessary)

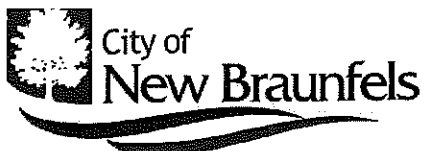
Signature: Jose D. Sierra

29 May 2018

I object to the Special Use Permit for a short term rental at 123 W. MERRIWEATHER. I object because this will create a nuisance in that: (1) It will create a fraternity party atmosphere (2) It will allow for drunkenness (3) It will allow for loud music and other noise. (4) Individuals renting this property will invite other individuals to spend the night thru word of mouth or thru social media. (5) This mixture will allow for rude behavior and possibly escalate into violence. (6) This type of rude behavior will place an extra burden on the New Braunfels Police Department. (7) There are plenty of motels with plenty of rooms for rent. (8) We will have problems with automobile parking. (9) This type of permit will not bring progress to New Braunfels.

Thank you
Jose D. Sierra





PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF PUBLIC HEARING

The New Braunfels Planning Commission will hold a public hearing at the request of Tony and Judy Dickerson, **owners**, to consider the following rezoning request:

Property: 123 W. Merriweather Street (Lot 8, City Block 1073)

Request: To apply a Special Use Permit in the "C-3" Commercial District to allow the short term rental of a single family dwelling

Your property is located within 200 feet of the property being considered for rezoning; however, **THE ZONING OF YOUR PROPERTY WILL NOT BE AFFECTED**. State law requires you be notified of this proposed change to give you and property owners like you an opportunity to provide your written opinion of the requested zone change. This will also aid the Planning Commission in making a recommendation to the City Council.

The public hearings for this request are scheduled before the Planning Commission on **Tuesday, June 5, 2018**, and tentatively before City Council on **Monday, June 25, 2018**. Both meetings begin at **6:00 p.m.** in the New Braunfels City Hall Council Chambers, located at 550 Landa Street, New Braunfels, Texas, and are open to the public. You are invited to attend these meetings. If you wish to submit written comment, please complete ALL of the information below, including your name, address and signature, and return by September 8th to:

Mail: City of New Braunfels
Planning Commission
550 Landa Street
New Braunfels, TX 78130

By E-mail: mgreene@nbtexas.org

If you have questions, please call Matt Greene at (830) 221-4053


Matt Greene, CFM

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ18-011 (Dickerson) (MG)
Date Sent: 5/18/18

Name: Debra Denise McGrath

Address: 120 Perryman St.

Property number on map: 12

Comments: (Use additional sheets if necessary)

I favor: _____

I object: ☒
(State reason for objection)

Signature: Debra McGrath

This is Debra Denise McGrath, owner of 120 Perryman street, property #12 on your map.

We strongly object to the zoning request for short term rental on the on the Merriweather property.

There are plenty of hotels, motels, campgrounds, and places along the river for tourists to stay...

We are adjacent to the back property line of the property in question at 123 W. Merriweather Street in New Braunfels.

My husband, Dr. Michael Quadlander, D.C. and I have owned our property for **27 years, since 1991.**

We have a quiet chiropractic clinic, and full-time residence quarters there.

We strongly object to the zoning request for short term rental on the on the Merriweather property.

All of the neighborhood is generally single family residences. It is a quiet neighborhood of long term residents.

To my knowledge, none of my adjacent neighbors are in favor of short-term rental at this Merriweather property.

Having lived in New Braunfels for almost 30 years at my location, I am aware of the noise and leftover trash that comes with short term renters.

Short term renters do not own the property. They do not take the same pride in ownership as long term renters.

They are generally in town to have a good time, float the river, enjoy the food, see the town, whatever.

It is my experience that they stay up later with the lots of loud music and very often beer cans and beer bottles, liquor, food and utensil items, and other trash has been thrown over my fence and into my property from such short term renters.

I do not want to have an escalating conflict with the new owners at the Merriweather property if this type of trash-dumping and loud noise in the late evening is brought in to our quiet and peaceful neighborhood.

Not just staying for a few days or the weekend, having no concern for neighbors they don't even know, **aware that there is no security officers around, and partying late into the evening.**

And then leaving their mess, all to start over again when the next group comes in...

Long Motors is a used car sales business adjacent to me on my east side.

However they are great neighbors, very clean and quiet.

And they are not open in the late evenings.

Please don't allow our long-term residential neighborhood to be destroyed by the wrong decision.

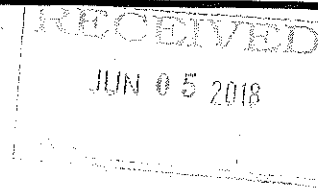
Thank you,

Debra Denise McGrath and Dr. Michael Quadlander

Applicant's Response

Matt Greene

From: Judy <judyadickerson@gmail.com>
Sent: Tuesday, June 05, 2018 6:08 AM
To: Matt Greene
Cc: beckyllynn@goformission.com
Subject: Re: Planning Commission Staff Report



Hello Matt, I have work in Houston that will not allow me to attend the meeting in person, however I have a representative that will attend the meeting in my place. I understand that no phones will be allowed during the meeting. Is it possible for my representative to call me and phone me in during the meeting?

I see out of all the letters that went out to my surrounding neighbors we have 1 with concerns. I would like to address this issue personally.

As you can see the letters that went out, 80% went to businesses, so that proves that the majority of the people that the letters went to are all LLC's which means they all have the option to make money, just as long term.

The one opposed neighbors letter is concerning, he apparently doesn't know the rules of Airbnb or other rental sites. You as a rental property must maintain a 3 strike policy, if your renters give negative reviews you are not allowed to rent your property through Airbnb and it works the same way as a renter, I can also give a strike to a renter and once they receive 3 strikes they also would not be able to rent from us again.

I take a lot of pride in my property and intend on maintaining the value of what I own, I intend on keeping it with in guidelines that would be consider it to my neighbors and have a curfew outside noise time.

All this said, would the rental have negative effects, it's not possible to say, but we have no intention on it being a fraternity house, and if there are renters that come in and party with noise issues. I would address this immediately, we rent from Airbnb on a regular basis, and will continue to rent from them as opposed to a hotel, mainly due to the fact we have a full house with a kitchen and can save money by cooking and enjoying our lodging over a hotel room. I have never gone into any rental and acted like a fraternity kid like this 1 property owner mentions in his letter.

Thank you for time on this issue!

Sincerely
 Judy Dickerson

Sent from my iPhone

On Jun 4, 2018, at 2:06 PM, Matt Greene <MGreene@nbtexas.org> wrote:

Good afternoon Judy,

Attached is the Planning Commission meeting agenda for the meeting tomorrow and the Staff report for your application. Your request is item 7a. on the agenda. I have also attached a notification response I just received Friday afternoon. Please let me know if you have any questions.

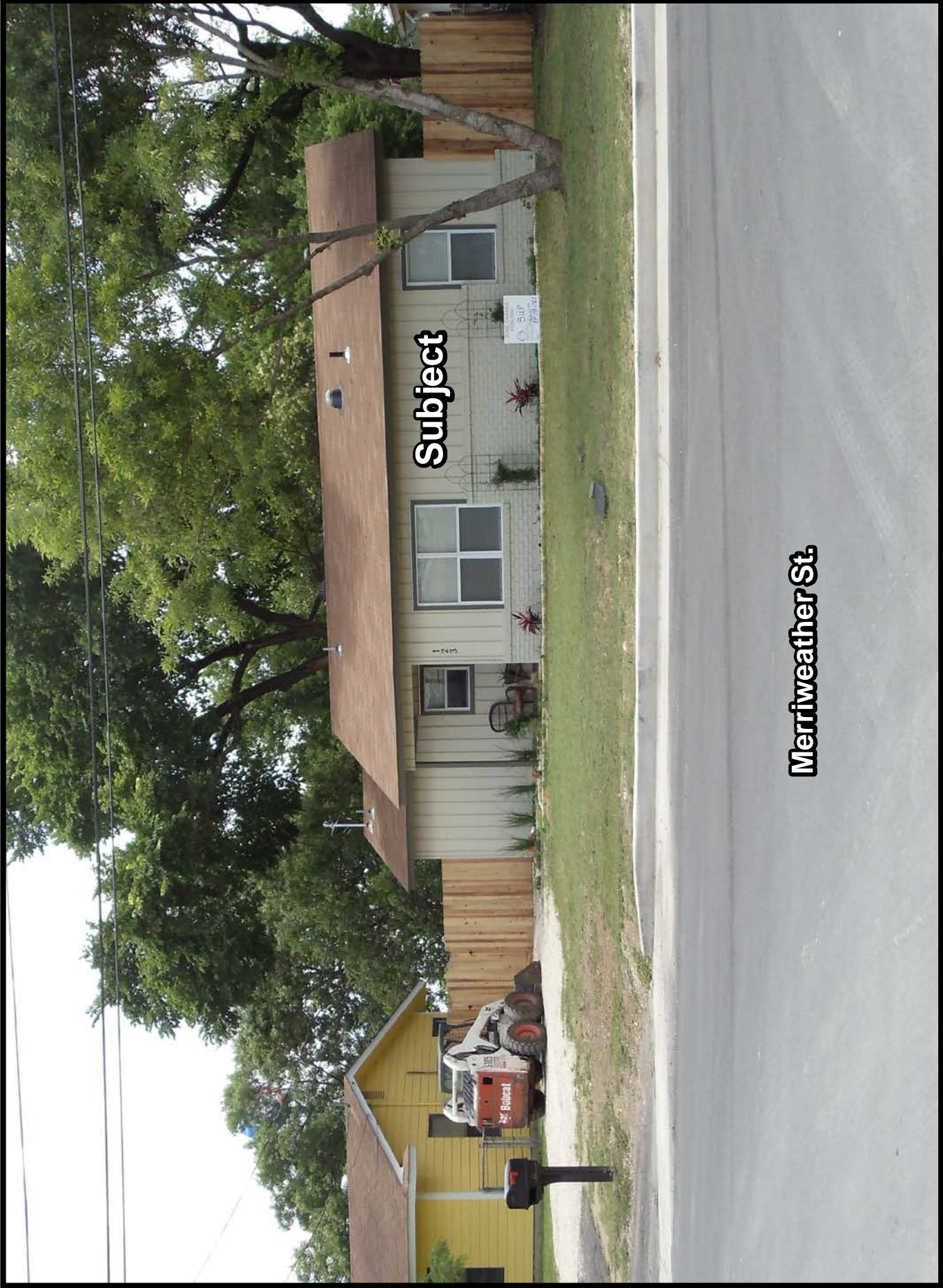
Thank you,

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

Do you have a question about a permit? Check out the [Citizen Portal](#).

<EmailLogo-Small_c6d86cff-0062-47bb-89b0-351933562e2d.png>
 <Facebook_small_aac7de18-83ac-45d3-9979-

Matt Greene, CFM
 Planner | Planning and Community Development

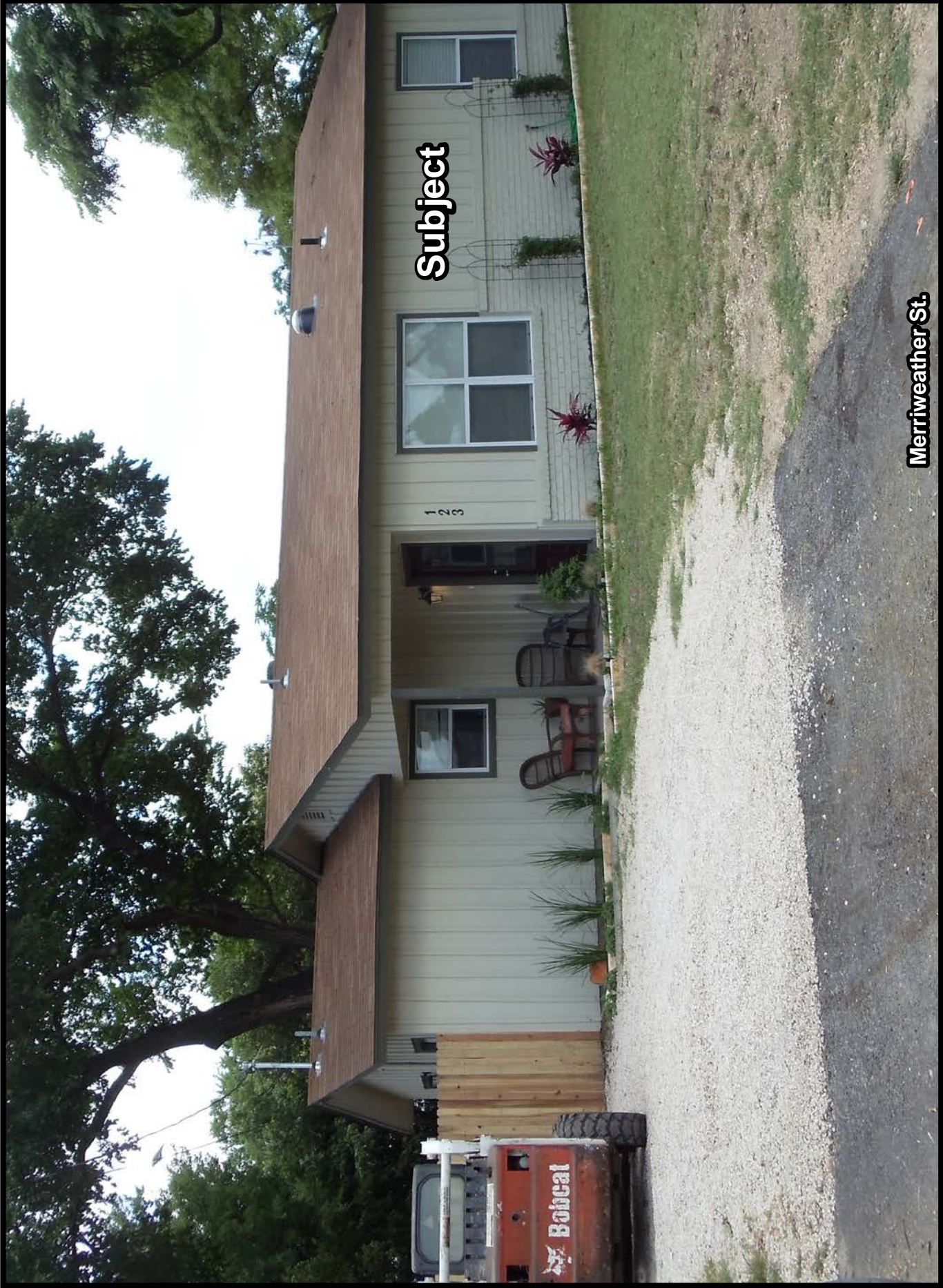


Merriweather St.

Photograph taken 5/23/18

PZ-18-011
123 W. Merriweather St.
SUP to Short Term Rentals in C-3

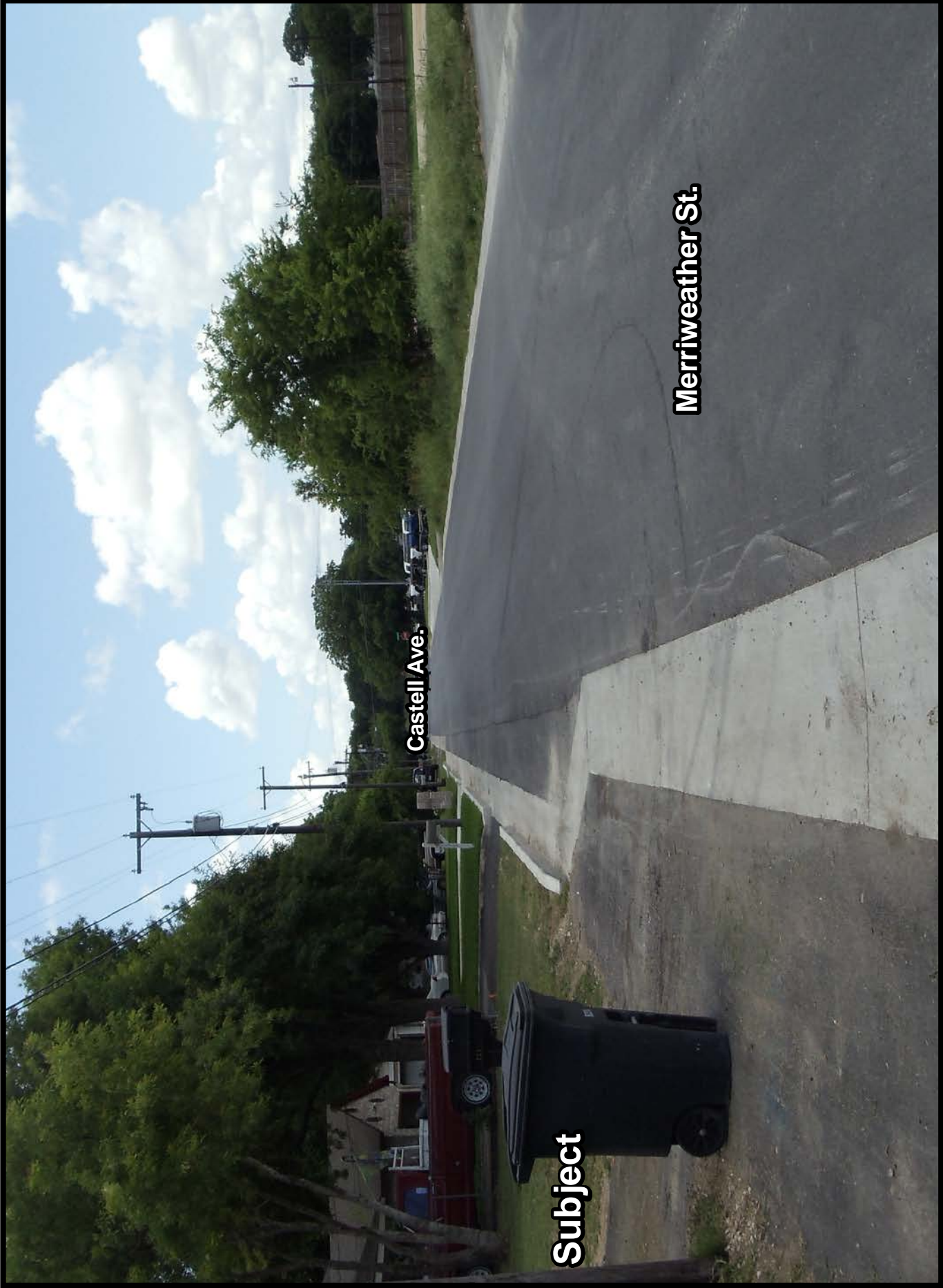




Photograph taken 5/23/18

PZ-18-011
123 W. Merriweather St.
SUP to Short Term Rentals in C-3





3.3-9. "C-3" commercial district. The following regulations shall apply in all "C-3" districts:

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

(1) *Uses permitted by right:*

Residential uses:

- Accessory building/structure
- Accessory dwelling (one accessory dwelling per lot, no kitchen)
- Bed and breakfast inn (see Sec. 5.6)
- Boardinghouse/lodging house
- 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 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)
- Aircraft support and related services
- 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
- 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 (see Sec. 5.11)
- 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
- 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
 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
 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)
 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
 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 (see Sec. 5.13)
 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)
 Feed and grain store
 Filling station (fuel tanks must be below the ground)
 Florist
 Food or grocery store with or without fuel sales
 Fraternal organization/civic club (private club)
 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)
 Garden shops and greenhouses
 Golf course (miniature)
 Golf course, public or private
 Governmental building or use
 Greenhouse (commercial)
 Handicraft shop
 Hardware store
 Health club (physical fitness; indoors only)
 Heating and air-conditioning sales / services
 Heavy load (farm) vehicle sales/repair (see Sec. 5.14)
 Home repair and yard equipment retail and rental outlets (no outside storage)
 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, commercial (w/o self serve)
 Laundry/dry cleaning (drop off/pick up)
 Laundry/washateria (self serve)
 Lawnmower sales and/or repair
 Limousine / taxi service
 Locksmith
 Lumberyard (see Sec. 5.15)
 Lumberyard or building material sales (see Sec. 5.15)
 Maintenance/janitorial service
 Major appliance sales (indoor)
 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 with outside boat and RV storage
 Mini-warehouse/self storage units (no 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
 Park and/or playground (private or public)
 Parking lots (for passenger car only) (not as incidental to the main use)
 Parking structure/public garage
 Pawn shop
 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
 Plant nursery, with retail sales
 Plumbing shop
 Portable building sales
 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 (private or public)
 Recycling kiosk
 Refreshment/beverage stand
 Research lab (non-hazardous)
 Restaurant with drive-through
 Restaurant/prepared food sales
 Retail store and shopping center
 Retirement home/home for the aged (public)
 RV park
 RV/travel trailer sales
 School, K-12 (public or private)
 School, vocational (business/commercial trade)
 Security monitoring company
 Security systems installation company
 Shoe repair shops
 Sign manufacturing/painting plant

Storage - exterior storage for boats and recreational vehicles
 Storage in bulk
 Studio for radio or television (without tower)
 Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)
 Tailor shop
 Tattoo and 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 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.

- (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.* 120 feet.
- (ii) *Front building setback.* No building setback required.
- (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 five 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 requirements will not prohibit the construction of a use enumerated in this district.
 - (vii) *Lot depth.* 100 feet.
 - (viii) *Parking.* See Section 5.1 for permitted uses' parking.
- (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.

- (i) *Side building setbacks.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.
 - (v) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
 - (vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet
 - (vii) *Lot area.* Duplexes hereafter erected or altered shall have a lot area of not less than 8,000 square feet for an interior lot and 8,500 square feet for a corner lot. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall prohibit the erection of a two-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one acre and approved by the City Sanitarian.
 - (viii) *Lot depth.* 100 feet.
 - (ix) *Parking.* Two off-street parking spaces shall be provided for each two-family dwelling unit. See Sec. 5.1 for other permitted uses' parking.
- (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.

5.17. Short term rental or occupancy.

5.17-1 Purpose This section is intended to provide a procedure to allow the rental of private residences to visitors on a short-term basis, while ensuring that such rental use does not create adverse impacts to residential neighborhoods due to excessive traffic, noise, and density. Additionally, this section is intended to ensure that the number of occupants within such rental units does not exceed the design capacity of the structure to cause health and safety concerns, and that minimum health and safety standards are maintained in such units to protect visitors from unsafe or unsanitary conditions.

5.17-2 Definitions:

“Adult” means an individual 17 years of age or older.

“Bedroom” means a room designated and used primarily for sleeping and rest on a bed.

“Floodway” means the channel for a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

“Non-Residential District” means the following zoning districts: R-3, R-3L, R-3H, MU-A, MU-B, C-1, C-1A, C-1B, C-2, C-2A, C-3, C-4, C-4A, C-4B, C-O, M-1, M-1A, and M-2A. This includes all subsequently approved Special Districts identified as Non-Residential unless otherwise specified within the Special District.

“Occupant” means the person or persons who have rented the Short Term Rental and their guest(s).

“Operator” means every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit who is the proprietor of a Short Term Rental, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, license or any capacity. Where the operator performs his or her functions through a managing agent of any type of character, other than an employee, or where the operator performs his or her functions through a rental agent, the managing agent or the rental agent shall have the same duties as his or her principal.

“Owner” means the person or entity that holds legal and/or equitable title to the private property.

“Residential District” means the following zoning districts: R-1, R-1A-43.5, R-1A-12, R-1A-8, R-1A-6.6, R-2, R-2A, B-1, B-1A, B-1B, TH, TH-A, ZH, ZH-A and SND-1. This includes all Special and Planned Development Districts identified as Residential unless otherwise specified within the Special District.

“Resort Condominiums” means a form of housing tenure and other real property where a specified part of a piece of real estate (usually of an apartment house) is individually owned and rented out for use of persons for less than 30 days while use of and access to common facilities in the piece such as hallways, heating system, elevators, exterior areas is executed under legal rights associated with the individual ownership and controlled by the association of owners that jointly represent ownership of the whole piece.

“Resort Property” means a compound of buildings and facilities located together that provides lodging, entertainment and a relaxing environment to people on vacation. This includes 24 hour security and 24 hour front desk personnel. These units comply with all commercial building code standards.

“Short Term Rental” means the rental for compensation of one- or two -family dwellings, as defined in the IRC (International Residential Code), for the purpose of overnight lodging for a period of not less than one (1) night and not more than thirty (30) days other than ongoing month-to-month tenancy granted to the same renter for the same unit. This is not applicable to hotels, motels, bed and breakfasts, resort properties as defined in this ordinance or resort condominiums.

“Short Term Rental Decal” means the decal issued by the City as part of a Short Term Rental permit that identifies the subject property as a Short Term Rental, the Short Term Rental permit number, the owner or rental agent’s name and 24-hour emergency contact phone number of either the owner or the rental agent.

“Sleeping Area” means a room or other space within a Dwelling designed or used for sleeping, including a Bedroom. Tents and Recreational Vehicles shall not be considered a Sleeping Area.

5.17-3 Applicability.

- (a) Short Term Rental within Residential Districts is prohibited.
- (b) Short Term Rental is prohibited in any floodway located within the city limits, regardless of zoning district.
- (c) A Short Term Rental Permit is required prior to the use of a one family or two family dwelling as a Short Term Rental located within a Non-Residential District. Subject to Subsection (d), Standards, of this Section, an Owner shall obtain and maintain a current permit whenever a dwelling is used as a Short Term Rental. Annual inspection is required as specified in Subsection (f), Inspections, of this Chapter. A Special Use Permit is required in all zoning districts except C-4, C-4A and C-4B.
- (d) Within one hundred and eighty (180) days of the effective date of this Ordinance, the Owner or Operator of each existing legally established short term rental shall apply for and pay the permit fee for a Short Term Rental Permit. Within forty-five (45) days of receipt of a completed application, the permit fee and compliance with Subsection (e), Short Term Rental Permit, of this Section, a permit shall be issued to the Owner or Operator that will be good for one (1) year from the date issued and subject to the annual renewal inspection by the Fire Marshal. Ability to approve said permit is predicated on verification that the short term rental is in compliance with Section 2.3(b, c, d), Nonconforming Use.

5.17-4 Standards. All Short Term Rentals permitted pursuant to this Chapter are subject to the following standard requirements:

- (a) **Occupancy.** The maximum number of persons allowed to reside in a Short Term Rental is two (2) adults per Sleeping Area plus an additional four (4) adults per residence.
- (b) **Short Term Rental Decal Display.** As part of a Short Term Rental Permit, the City issued Short Term Rental Decal shall be posted on the front of each Short Term Rental in a location that is accessible and legible to an individual at the entry of the Short Term Rental.
- (c) **Parking.** A minimum of one (1) off-street parking space, not including the garage, per Sleeping Area shall be provided with a minimum of two (2) and a maximum not to exceed the number of Sleeping Areas plus one (1). No required parking shall be permitted within public right-of-way or access easements as defined by City and State regulations regarding parking.
- (d) **Life Safety.**
 - (1) All building and fire related construction shall conform to the City’s adopted IRC (International Residential Code) building code.
 - (2) A 2A:10B:C type fire extinguisher (a standard 5 lb. extinguisher) shall be properly mounted within 75 feet of all portions of the structure on each floor.
 - (3) Every sleeping room shall have at least one operable emergency escape and rescue opening.
 - (4) An evacuation plan posted conspicuously in each Sleeping Area.
 - (5) Every bedroom / sleeping area in a Short Term Rental that does not comply with Subsection (d)(4), Life Safety, of this Section shall not be used as a Sleeping Area and where equipped with a door, shall remain locked at all times when the Dwelling is being

used as a Short Term Rental. Such a non-compliant sleeping area shall not be included in the maximum occupancy calculation for the Short Term Rental. The owner / operator shall notify every Occupant, in writing, that the non-compliant Sleeping Area may not be used for sleeping.

(e) *Conduct on premises.*

- (1) Each occupant and visitor to a Short Term Rental shall comply with all applicable provisions of the City's Code, including, without limitation: noise and disorderly conduct restrictions from Chapter 82, Offenses and Miscellaneous Provisions; litter prohibition from Chapter 50, Environment; and others such as parking, and trespassing provisions. No occupant of or visitor to a Short Term Rental shall cause or permit a public nuisance to be maintained on such property. This information shall be included in the rental agreement and inside the Short Term Rental as specified in Subsection (7), Tenant Indoor Notification, below.
- (2) All Occupants shall be informed in writing of relevant City ordinance including, but not limited to, the City's nuisance and water conservation ordinances by the Owner/Operator of the Short Term Rental.
- (3) Excessive noise or other disturbance outside the Short Term Rental is prohibited between the hours of 10:00 p.m. and 8:00 a.m. This includes, but is not limited to, decks, portals, porches, balconies, patios, hot tubs, pools, saunas or spas.
- (4) No sleeping outdoors.

(f) *Signage.* Signage shall be in compliance with the City's current Sign Code.

(g) *Tenant Indoor Notification.* The Operator shall post in a conspicuous location of the Dwelling the following minimum information:

- (1) Maximum number of occupants.
- (2) Location of required off-street parking, other available parking and prohibition of parking on landscaped areas.
- (3) Quiet hours and noise restrictions.
- (4) Restrictions of outdoor facilities.
- (5) 24 hour contact person and phone number.
- (6) Property cleanliness requirements.
- (7) Trash pick-up requirements, including location of trash cans.
- (8) Flooding hazards and evacuation routes. Including information on the emergency siren system.
- (9) Emergency numbers.
- (10) Notice that failure to conform to the occupancy and parking requirements is a violation of the City's Municipal Code and occupant or visitor can be cited.
- (11) Other useful information about the community.

(h) *Rental Agreement Notification.* The rental agreement between the owner/operator of the Short Term Rental and the occupant shall include by attachment, all of the information provided on the Tenant Indoor Notification signage.

5.17-5 Short Term Rental Permit.

(a) *Application.* Application for a Short Term Rental Permit shall be in writing on an application form available in the Planning Director's office, shall be accompanied by a one-time payment of the fee of \$50 and shall include the following information, at a minimum:

- (1) A list of all Owners of the short term rental including names, address and telephone numbers.
- (2) A sketch or narrative describing the location of the available parking spaces as required by Subsection d(3), Parking, of this Section.
- (3) A sketch of the floor plan.
- (4) The name, address and 24 hour telephone numbers of a contact person who shall be responsible and authorized to respond to complaints concerning the use of the Short Term Rental.
- (5) Proof of Hotel Occupancy Tax compliance with Chapter 351 of the Tax Code, before permit is granted.

- (6) A statement that the Owner of the Short Term Rental has met and will continue to comply with the standards and other requirements of this Ordinance.
- (7) Provide current email address of Owner/Operator, if applicable.
- (8) If Owner/Operator has a property management or agent, Owner/Operator shall provide property management or agent phone number, mailing address and email address.
- (b) *Completeness of Application.* If the application is incomplete or the full fee has not been paid, the Planning Director shall notify the applicant in writing, within 10 business days of the date of the application, that the application is incomplete and will not be considered by the City until the application is complete and/or the full fee is paid. If the full fee is not paid or the application is not complete within 45 days of the date of the application, the application shall expire.
- (c) *Annual Renewal.* A Short Term Rental Permit will be renewed annually through an inspection conducted by the Fire Marshal to verify continued compliance with Subsection 17-4, Standards, of this Section.
- (d) *Transferability.* A Short Term Rental Permit is transferable to a new property owner, if the new property owner submits a Short Term Rental Permit application and agrees in writing to comply with the requirements of this Ordinance. A new Owner must apply for a Short Term Rental Permit within ninety (90) days from the closing date of the purchase. The new Owner must provide a copy of the closing statement with the Short Term Rental Permit application form. Failure of the new property owner to apply for permit within ninety (90) days from the closing date will revoke the Short Term Rental Permit. Short Term Rentals existing prior to the effective date of this ordinance that are non-conforming to the zoning for which property is located, but obtained a permit in compliance with Subsection 17-3(d), Applicability, shall become null and void if the new Owner fails to apply for the Short Term Rental Permit within ninety (90) days from the date of the deed of the new Owner's purchase.
- (e) *Appeal.* If an application for a Short Term Rental Permit or renewal is denied, the Owner or Operator may appeal to the Planning and Zoning Commission by written notice delivered within thirty (30) days of denial or revocation.

5.17-6 *Inspections.* To ensure continued compliance with the requirements of this Section a Short Term Rental shall be inspected in the following methods:

- (a) *Transfer Inspection.* As part of the transfer of a Short Term Rental Permit to a new Owner, in accordance with Subsection (e)(4), Transferability, and the issuance of a new Short Term Rental Permit the City's Fire Marshal shall conduct an inspection to verify compliance with this Ordinance.
- (b) *Fire Extinguishers.* The Owner/Operator is responsible for obtaining annual independent inspections of the fire extinguishers in compliance with the City's current Fire Code.
- (c) *Immediate Inspection.* The City will perform inspections immediately when a violation is suspected.
- (d) *Annual Fire Inspection.* The City's Fire Marshal's Office will perform annual inspections for compliance with this Ordinance.

5.17-7 *Enforcement/Penalty.*

- (a) *Emergency Contact.* The Owner/Operator of the Short Term Rental shall provide the City with a twenty-four (24) hour contact number. Should a law enforcement officer respond to the Short Term Rental and issue a citation for any violation of City Ordinances, the Owner/Operator shall be called by the officer. The Owner/Operator shall attempt to contact the occupants within one hour of the call to address the occupants about the complaints. Should a second complaint be filed and citation issued to any part of the occupants or guests, the Owner/Operator must take appropriate step, in accordance with the individual rental agreement, to assure future complaints do not occur. Should three (3) separate citations be issued to an occupant or their guest(s), involving separate occupants under separate rental agreements within a six (6) month period, the Short Term Rental Permit may be revoked in accordance with the revocation process specified in Subsection (h), Revocation.
- (b) Violations of any Subsection of this Section may revoke the Short Term Rental Permit in accordance with Subsection (h), Revocation.

- (c) Failure to pay Hotel Occupancy Tax timely is considered a violation of this Section and may result in revocation of the Short Term Rental Permit in accordance with Subsection (h), Revocation. Owner shall have 30 days from the date the City or State issue a notice of delinquency to submit delinquent Hotel Occupancy Tax to City and State before revocation of the Short Term Rental Permit begins.
- (d) Failure to successfully complete the renewal process of a Short Term Rental Permit is considered a violation of this Section. Owner shall have 45 days from the date City issues notice of denial to gain compliance of noncompliant items before the revocation of the Short Term Rental Permit begins.
- (e) The provisions of this Subsection are in addition to and not in lieu of any criminal prosecution or penalties as provided by City Ordinances or County or State Law.
- (f) *Proof.* Prima facie proof of occupancy of a Dwelling is established in any prosecution for violation of this Section if it is shown that vehicles with registrations to persons having different surnames and addresses were parked overnight at the Dwelling. Establishment of a prima facie level of proof in this Subsection does not preclude a showing of illegal "occupancy" of a Dwelling by a person in any other manner.
- (g) *Offense.* It is an offense for the property owner, any agent of the property owner, or the occupant(s) to directly occupy or indirectly allow, permit, cause, or fail to prohibit an occupancy in violation of this Ordinance 144-5.17. Each day that a unit is occupied in violation of this ordinance shall be considered a separate offense, and, upon conviction, shall be subject to a minimum fine of \$500.00 to a maximum fine of \$2,000.00 per violation.
- (h) Each day of violation of said Standards and provisions of this Section constitutes a separate offense and is separately punishable, but may be joined in a single prosecution.

5.17-8 *Revocation.* If any violations stated in Subsection (g), Enforcement/Penalty, of this Section have been committed and not corrected within the time specified the Planning Director shall begin the procedures to revoke the Short Term Rental Permit in accordance with the following:

- (a) The City shall give thirty (30) day written notice to the Owner/Operator regarding the public hearing date and recommendation by the Planning Commission, and public hearing and decision by the City Council.
- (b) The City shall provide written notice to property owners within 200 feet of the subject property at least 15 days prior to the hearing.
- (c) If a Short Term Rental Permit is revoked, the Owner/Operator may not reapply for the same property for a period of twelve (12) months.

5.17-9 *Abrogation and Greater Restrictions.* This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Draft Minutes for the June 5, 2018 Planning Commission Regular Meeting

PZ-18-011: Public hearing and recommendation to City Council regarding the proposed rezoning to apply a Special Use Permit to allow the short term rental of a single-family residence in the “C-3” Commercial District addressed at 123 W. Merriweather Street.

(Applicant: Tony Dickerson; Case Manager: M. Greene)

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

1. The existing residential character and appearance of the building must be maintained.
2. The SUP will be in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.

Chair Edwards asked if anyone wished to speak in favor.

Beckylynn Street, 1745 Mission Valley Road, stated she was representing the applicant. She provided a history of the property. She indicated the applicant resided on the same street as the subject property. She described the proposed vetting process for the short term rental.

Chair Edwards asked if anyone wished to speak in opposition.

Michael Quadlander, represented as property number 12 on the notice of public hearing, wished to speak in opposition. He indicated the short term rental would not be compatible with the existing neighborhood and expressed his belief that it would threaten the preservation of the quiet neighborhood. He expressed concerns regarding noise and trash. He expressed a desire to preserve the residential neighborhood.

Joe Sierra, represented as property number 7 on the notice of public hearing, wished to speak in opposition. He provided his history of his home in the neighborhood. He expressed concern regarding noise levels, the preservation of the existing neighborhood, and the potential issues regarding public intoxication.

Motion by Commissioner Laskowski, seconded by Commissioner Tubb, to close the public hearing. The motion carried (6-0-0).

Commissioner Laskowski expressed concerns regarding the amount of parking available on the property and speculated that the existing parking may not be able to accommodate the required four off street parking spaces. He expressed concerns regarding the allowable occupancy with only one restroom available on the property. He suggested the code be amended to address the concern.

Commissioner Bearden expressed concerns regarding commercial zoning districts allowing residential uses to be permitted by right. He stated that consideration should be taken regarding the existing neighborhood.

Motion by Commissioner Laskowski, seconded by Commissioner Bearden, to recommend denial to City Council regarding the proposed rezoning to apply a Special Use Permit to allow the short term rental of a single-family residence in the “C-3” Commercial District addressed at 123 W. Merriweather Street. Motion carried, with Commissioners Nolte and Tubb in opposition (4-2-0).

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW SHORT TERM RENTAL OF A SINGLE FAMILY DWELLING IN THE "C-3" COMMERCIAL DISTRICT, ON LOT 8, CITY BLOCK 1073, ADDRESSED AT 123 WEST MERRIWEATHER STREET; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

WHEREAS, in keeping with the spirit and objectives of a Special Use Permit, the City Council has given due consideration to all components of said permit; and

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

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

WHEREAS, the property is located in an area suitable for short term rentals; and

WHEREAS, the City Council desires to grant a Type 2 Special Use Permit for Lot 8, City Block 1073, addressed at 123 West Merriweather Street, to allow the short term rental of a single family dwelling in the "C -3" Commercial 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 adding the following described tract of land as a "Special Use Permit" for the uses and conditions herein described:

"Being Lot 8, City Block 1073, addressed at 123 West Merriweather Street, as delineated in the attached Exhibit 'A', to allow the short term rental of a single family dwelling in the "C-3" Commercial District."

SECTION 2

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

1. The residential character and appearance of the building must be maintained.
2. The property will remain in compliance with the approved site plan attached as Exhibit 'B'. Any significant changes to the site plan will require a revision to the SUP
3. The maximum occupancy of the short term rental is limited to 6 guests.

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 25th day of June, 2018.

PASSED AND APPROVED: Second Reading this the 9th day of July, 2018.

CITY OF NEW BRAUNFELS

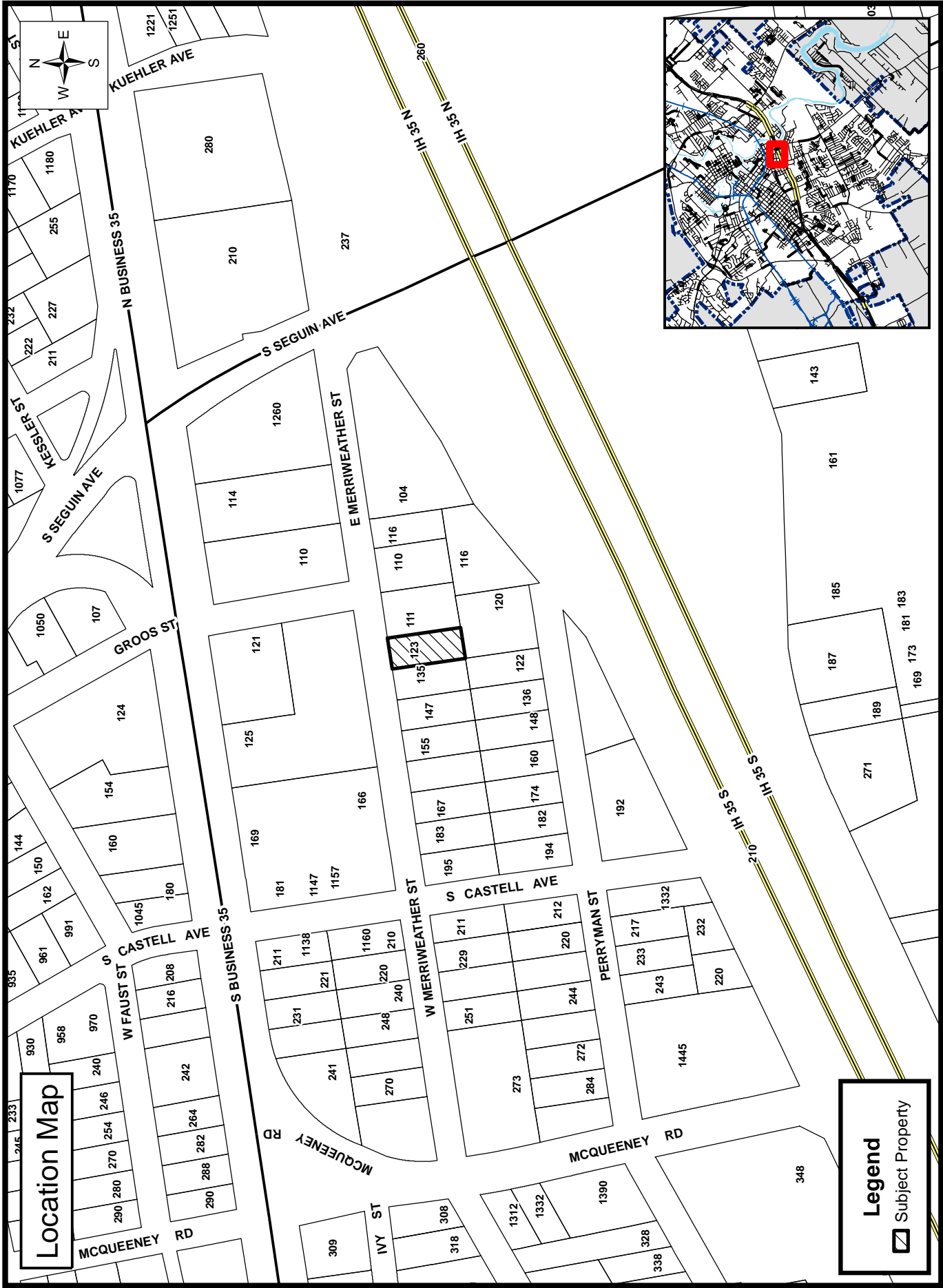
BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



LEGEND:

COVERED CONCRETE
WATER METER BOX
ELECTRIC METER
EDGE OF PAVEMENT
POWER POLE
OVERHEAD UTILITIES
MAILBOX
AIR CONDITIONER
CHAINLINK FENCE
WIRE FENCE
FOUND 1/2" REBAR

Scale: 1" = 20'

MERRIWEATHER ST.

60' R.O.W.

N 81°43' E 63.33' CALLED

N 81°50'33" E 63.20'

EP
PP
OU
MB
AC

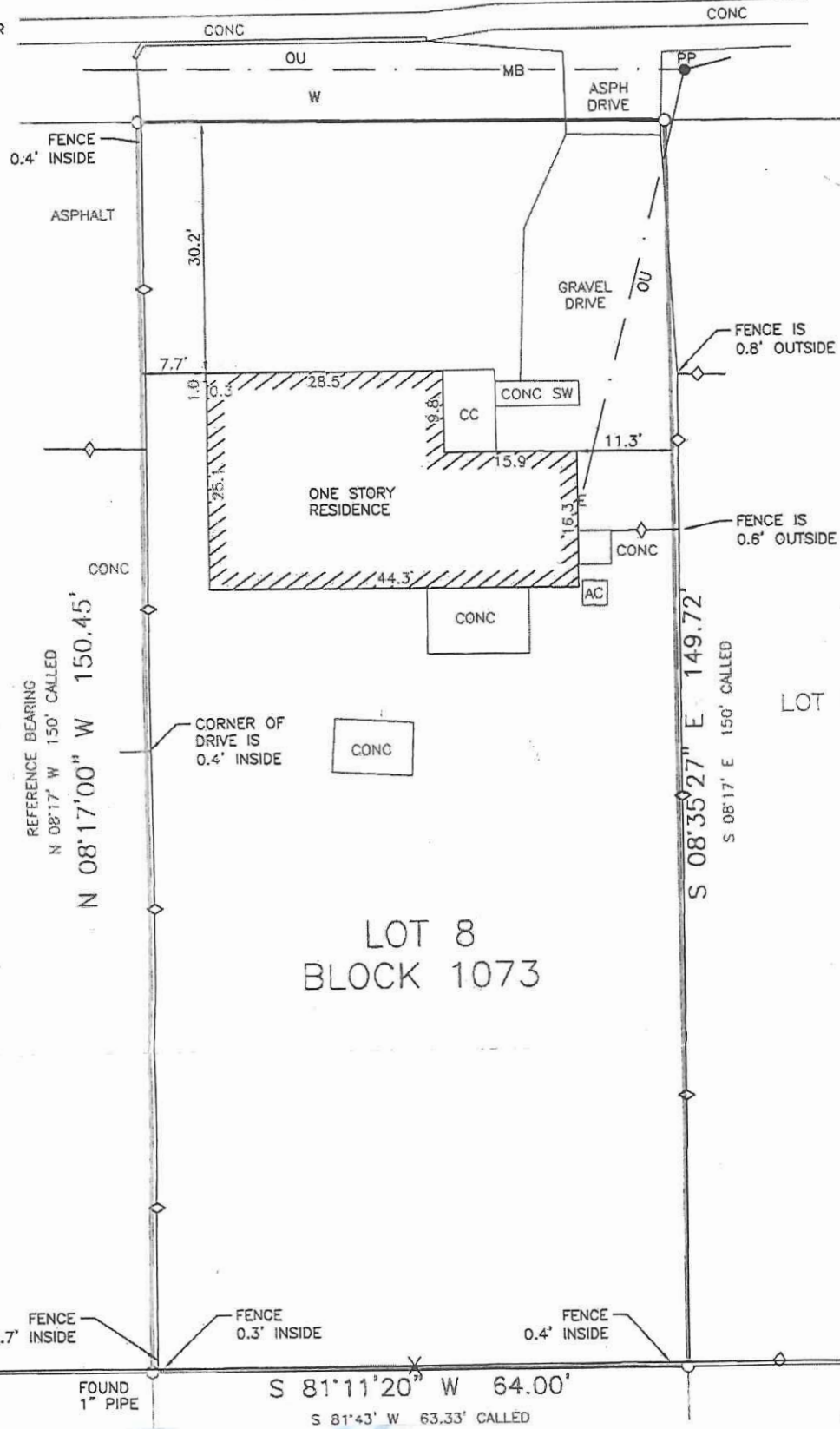
**SITE PLAN**

EXHIBIT 'B'



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/25/2018

Agenda Item No. F)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of a Fee Assistance Program policy for Das Rec, New Braunfels Recreation Center.

BACKGROUND / RATIONALE:

Staff has researched and developed a Fee Assistance Program policy for Das Rec. The Fee Assistance Program will allow residents with a verified financial hardship the opportunity to participate in Das Rec programs and services at a reduced rate. Discounts range from 20% to 75%, depending on the level of need as determined by the Housing and Urban Development (HUD) income guidelines.

DISCOUNT	75% Extremely Low	50% Very Low	20% Low
Household Size	Total Annual Income		
1	\$0 - \$13,350	\$13,351 - \$22,250	\$ 22,251 - \$35,600
2	\$0 - \$16,240	\$16,240 - \$25,400	\$25,400 - \$40,650
3	\$0 - \$20,420	\$20,420 - \$28,600	\$28,600 - \$45,750
4	\$0 - \$24,600	\$24,600 - \$31,750	\$31,750 - \$50,800
5	\$0 - \$28,780	\$28,780 - \$34,300	\$34,300 - \$54,900
6	\$0 - \$32,960	\$32,960 - \$36,850	\$36,850 - \$58,950
7	\$0 - \$37,140	\$37,140 - \$39,400	\$39,400 - \$63,000
8	\$0 - \$41,320	\$41,320 - \$41,950	\$41,950 - \$67,100

The Das Rec Fee Assistance Program can be used to supplement the applicant's and eligible household members' annual membership(s) and/or programs. Fee assistance will not be allowed for facility rentals, birthday party packages, or adult league sports.

To be approved, the applicant must reside within the corporate city limits of New Braunfels and provide proof of residency.

Applicants must re-apply for fee assistance each year. To accurately assess the level of financial assistance each family needs, it is important to have the financial need verified each year with current income and family size information.

Funding for this program is being raised by the New Braunfels Parks Foundation beginning with the Black Ties and Tennies Gala to be held at Das Rec on July 14, 2018. We will also give members the opportunity to donate to the fund through their own memberships.

Staff will work with the City Manager's Office on an annual basis to set the overall funding amount and the maximum family award. The amount of award to each family will be dependent on available funding and Fee Assistance Program participation each year.

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

N/A

FISCAL IMPACT:

The Fee Assistance Program will be funding through donations through the New Braunfels Parks Foundation. Funding in the amount awarded will be paid to the City of New Braunfels and recognized as revenue for Das Rec programs.

COMMITTEE RECOMMENDATION:

The Parks and Recreation Advisory Board recommended approval of the Fee Assistance Program at their meeting on June 19, 2018.

STAFF RECOMMENDATION:

Staff recommends approval of the Fee Assistance Program policy for Das Rec.



City of New Braunfels Parks and Recreation Department Application for Das Rec Fee Assistance Program

Application for Das Rec Fee Assistance Program

Purpose

The Das Rec Fee Assistance Program allows New Braunfels residents with financial hardship the opportunity to experience our programs and services at a reduced rate. Discounts range from 20% to 75%, depending on the level of need as determined by the Housing and Urban Development (HUD) income guidelines.

Guidelines & Eligibility Requirements

Approved applicants will be granted fee assistance discounts at rates of 20%, 50% or 75%, depending on their level of financial need. The Das Rec Fee Assistance Program can be used to supplement the applicants and eligible household members annual membership(s) and/or programs. Fee assistance cannot be used for facility rentals, birthday party packages or adult sport leagues.

Applicants must reside in corporate limits of the City of New Braunfels and show proof of residency.

Applicants must document through the application process that the household income meets the Housing and Urban Development (HUD) low to extremely-low income guidelines.

Applicants must re-apply for fee assistance each year. In order to accurately assess the level of financial assistance each family needs, it is important to have financial need verified each year with current income and family size information.

Application Process

- Applicant will submit a written application and their most recent Tax Return Transcript.
 - The IRS Return Transcript can be obtained in several ways:
 - **Online** Click here to visit [IRS.gov](https://www.irs.gov); select "Get Your Tax Record" then select "Get Transcript Online." Follow the directions to obtain the transcript online.
 - **By Phone** Call 1-800-908-9946 and follow the voice-activated prompts or speak with an IRS representative.
 - **By Mail** Download a [Request for Transcript of Tax Return](#) and send it in by mail or fax as directed.
- If an applicant does not have proof of tax filings, proof of participation in the NBISD or CISD free or reduced lunch program will be accepted. The fee reduction will be based on the level of the reduced lunch program; reduced meal participants will receive the 50% discount and free meal participants will receive the 20% discount based on the Department of Agriculture Child Nutrition Programs Income and Eligibility Guidelines. Das Rec Management will review and process applications within seven (7) business days after receipt of application materials.
- Applications must be received and approved prior to program registration to receive the scholarship discount.
- Scholarship discount recipients are not given program registration priority and are subject to program minimum and maximum participant registrations.

Termination of Fee Assistance

The City of New Braunfels reserves the right to revoke fee assistance offered to an individual or family. All recipients are expected to abide by rules, regulations and Das Rec code of conduct. Applicants who have a history of program non-attendance after receiving fee assistance are subject to have the scholarship revoked.

Applicants who provide incorrect, incomplete or false eligibility information to the City will not be eligible for fee assistance and are subject to have assistance funding revoked.



City of New Braunfels Parks and Recreation Department
Application for Das Rec Fee Assistance Program

Section 1: Personal Information			
Applicant Name:			
Street Address:			
City, State, Zip:			
Primary Phone:		Secondary Phone:	
Email Address:			
Birth Date (mm/dd/yyyy):			
Section 2: Tax Information			
The following section is to be completed using the most recent IRS Return Transcript. Please attach IRS Return Transcript to application (transcript will be returned).			
Tax Year:		Adjusted Gross Income:	
Spouse Name:		<input type="checkbox"/> N/A	
Number of Family Members Listed on Transcript:			
<input type="checkbox"/> Check if applicant is considered a dependent on another IRS Return for tax year.			
Additional Family Members Listed on Transcript:			
Name:	Date of Birth:	Relationship to Applicant:	RecTrac Barcode # (staff will fill in):
1.			
2.			
3.			
4.			
5.			
6.			
Section 3: Certification			
I certify that the above information is true and correct. I understand that Das Rec management staff may verify the information on the application, and applicants who provide incorrect, incomplete or false information to the City will not be eligible for fee assistance and are subject to have assistance funds revoked. I understand that I am responsible for all remaining charges that my discount may not cover.			
Applicant Signature:		Date:	
For Office Use Only			
Document the submission of this Fee Assistance Application and fill in the application reception information. Update the client's alert text with the appropriate "Fee Assistance Application Received" notation.			
Date Received:		Staff Member:	
<input type="checkbox"/> Approve ____ % Approval Date: _____ Expiration: _____		<input type="checkbox"/> Disapprove	
Alert text updated to "Approved" or "Denied" <input type="checkbox"/>		Rec Trac Barcode:	

Das Rec, New Braunfels Recreation Center

Fee Assistance Program Policies and Procedures

Effective: 7/23/2018

Revision: 6/7/2018

Purpose

The Fee Assistance Program, funded by the Das Rec Scholarship Fund, allows New Braunfels residents with financial hardship the opportunity to experience Das Rec programs and services at a reduced rate. Discounts range from 20% to 75%, depending on the level of need as determined by the Housing and Urban Development (HUD) income guidelines.

Guidelines & Eligibility Requirements

Approved applicants will be granted fee assistance discounts at rates of 20%, 50% or 75%, depending on their level of financial need, not to exceed a maximum award amount. Approved applicants will be eligible for a maximum award per household established by the budget for each fiscal year (October 1 – September 31).

The Das Rec Fee Assistance Program can be used to supplement the applicants and eligible household members annual membership(s) and/or programs. Fee assistance cannot be used for facility rentals, birthday party packages or adult sport leagues.

Applicants must reside in corporate limits of the City of New Braunfels and show proof of residency.

Applicants must document through the application process that the household income meets the Housing and Urban Development (HUD) low to extremely-low income guidelines.

Applicants must re-apply for fee assistance each year. To accurately assess the level of financial assistance each family needs, it is important to have financial need verified each year with current income and family size information.

Application Process

- Applicant will submit a written application and their most recent Tax Return Transcript (Staff will verify the income amount and return the Tax Return Transcript, we will not store a copy.)
 - The IRS Return Transcript can be obtained in several ways:
 - **Online** Click here to visit [IRS.gov](https://www.irs.gov); select “Get Your Tax Record” then select “Get Transcript Online.” Follow the directions to obtain the transcript online.
 - **By Phone** Call 1-800-908-9946 and follow the voice-activated prompts or speak with an IRS representative.
 - **By Mail** Download a [Request for Transcript of Tax Return](#) and send it in by mail or fax as directed.
- If an applicant does not have proof of tax filings, proof of participation in the NBISD or CISD free or reduced lunch program will be accepted. The fee reduction will be based on the level of the reduced lunch program; reduced meal participants will receive the 50% discount and free meal participants will receive the 20% discount based on the Department of Agriculture Child Nutrition Programs Income and Eligibility Guidelines.
- Das Rec Management will review and process applications within seven (7) business days after receipt of application materials.
- Applications must be received and approved prior to program registration to receive fee assistance.
- Fee assistance recipients are not given program registration priority and are subject to program minimum and maximum participant registrations.

Termination of Fee Assistance

The City of New Braunfels reserves the right to revoke fee assistance offered to an individual or family. All recipients are expected to abide by rules, regulations and Das Rec code of conduct. Applicants who have a history of program non-attendance after receiving fee assistance are subject to have the assistance revoked.

Das Rec, New Braunfels Recreation Center

Fee Assistance Program Policies and Procedures

Applicants who provide incorrect, incomplete or false eligibility information to the City will not be eligible for fee assistance and are subject to have assistance funding revoked.

2018 Housing and Urban Development (HUD) low to extremely-low income guidelines:

DISCOUNT	75% <i>Extremely Low</i>	50% <i>Very Low</i>	20% <i>Low</i>
Household Size	Total Annual Income		
1	\$0 - \$13,350	\$13,351 - \$22,250	\$ 22,251 - \$35,600
2	\$0 - \$16,240	\$16,240 - \$25,400	\$25,400 - \$40,650
3	\$0 - \$20,420	\$20,420 - \$28,600	\$28,600 - \$45,750
4	\$0 - \$24,600	\$24,600 - \$31,750	\$31,750 - \$50,800
5	\$0 - \$28,780	\$28,780 - \$34,300	\$34,300 - \$54,900
6	\$0 - \$32,960	\$32,960 - \$36,850	\$36,850 - \$58,950
7	\$0 - \$37,140	\$37,140 - \$39,400	\$39,400 - \$63,000
8	\$0 - \$41,320	\$41,320 - \$41,950	\$41,950 - \$67,100

Example:

A family of 4 with an income of \$49,000 would receive a 20% fee reduction.

A family of 6 with an income of \$33,000 would receive a 50% fee reduction.



Internal Revenue Service

United States Department of the Treasury

This Product Contains Sensitive Taxpayer Data

Request Date: 06-07-2018

Response Date: 06-07-2018

Tracking Number: [REDACTED]

Tax Return Transcript

SSN Provided: [REDACTED]

Tax Period Ending: Dec. 31, 2017

The following items reflect the amount as shown on the return (PR), and the amount as adjusted (PC), if applicable. They do not show subsequent activity on the account.

SSN: [REDACTED]

SPOUSE SSN: [REDACTED]

NAME(S) SHOWN ON RETURN: [REDACTED]

ADDRESS: [REDACTED]

FILING STATUS:	Married Filing Joint
FORM NUMBER:	1040
CYCLE POSTED:	20180805
RECEIVED DATE:	Apr. 15, 2018
REMITTANCE:	\$0.00
EXEMPTION NUMBER:	5
DEPENDENT 1 NAME CTRL:	[REDACTED]
DEPENDENT 1 SSN:	[REDACTED]
DEPENDENT 2 NAME CTRL:	[REDACTED]
DEPENDENT 2 SSN:	[REDACTED]
DEPENDENT 3 NAME CTRL:	[REDACTED]
DEPENDENT 3 SSN:	[REDACTED]
DEPENDENT 4 NAME CTRL:	[REDACTED]
DEPENDENT 4 SSN:	[REDACTED]
PTIN:	[REDACTED]
PREPARER EIN:	[REDACTED]

Income

WAGES, SALARIES, TIPS, ETC:.....	[REDACTED]
TAXABLE INTEREST INCOME: SCH B:.....	[REDACTED]
TAX-EXEMPT INTEREST:.....	\$0.00
ORDINARY DIVIDEND INCOME: SCH B:.....	\$0.00
QUALIFIED DIVIDENDS:.....	\$0.00
REFUNDS OF STATE/LOCAL TAXES:.....	\$0.00
ALIMONY RECEIVED:.....	\$0.00
BUSINESS INCOME OR LOSS (Schedule C):.....	\$0.00
BUSINESS INCOME OR LOSS: SCH C PER COMPUTER:.....	\$0.00
CAPITAL GAIN OR LOSS: (Schedule D):.....	\$0.00
CAPITAL GAINS OR LOSS: SCH D PER COMPUTER:.....	\$0.00
OTHER GAINS OR LOSSES (Form 4797):.....	\$0.00
TOTAL IRA DISTRIBUTIONS:.....	\$0.00
TAXABLE IRA DISTRIBUTIONS:.....	\$0.00
TOTAL PENSIONS AND ANNUITIES:.....	\$0.00
TAXABLE PENSION/ANNUITY AMOUNT:.....	\$0.00
RENT/ROYALTY/PARTNERSHIP/ESTATE (Schedule E):.....	\$0.00
RENT/ROYALTY/PARTNERSHIP/ESTATE (Schedule E) PER COMPUTER:.....	\$0.00
RENT/ROYALTY INCOME/LOSS PER COMPUTER:.....	\$0.00
ESTATE/TRUST INCOME/LOSS PER COMPUTER:.....	\$0.00
PARTNERSHIP/S-CORP INCOME/LOSS PER COMPUTER:.....	\$0.00
FARM INCOME OR LOSS (Schedule F):.....	\$0.00
FARM INCOME OR LOSS (Schedule F) PER COMPUTER:.....	\$0.00
UNEMPLOYMENT COMPENSATION:.....	\$0.00
TOTAL SOCIAL SECURITY BENEFITS:.....	\$0.00
TAXABLE SOCIAL SECURITY BENEFITS:.....	\$0.00
TAXABLE SOCIAL SECURITY BENEFITS PER COMPUTER:.....	\$0.00
OTHER INCOME:.....	\$0.00
SCHEDULE EIC SE INCOME PER COMPUTER:.....	\$0.00
SCHEDULE EIC EARNED INCOME PER COMPUTER:.....	\$0.00
SCH EIC DISQUALIFIED INC COMPUTER:.....	\$0.00
TOTAL INCOME:.....	[REDACTED]
TOTAL INCOME PER COMPUTER:.....	[REDACTED]

Adjustments to Income

EDUCATOR EXPENSES:.....	\$0.00
EDUCATOR EXPENSES PER COMPUTER:.....	\$0.00
RESERVIST AND OTHER BUSINESS EXPENSE:.....	\$0.00
HEALTH SAVINGS ACCT DEDUCTION:.....	\$0.00

HEALTH SAVINGS ACCT DEDUCTION PER COMPTR:	\$0.00
MOVING EXPENSES: F3903:	\$0.00
SELF EMPLOYMENT TAX DEDUCTION:	\$0.00
SELF EMPLOYMENT TAX DEDUCTION PER COMPUTER:	\$0.00
SELF EMPLOYMENT TAX DEDUCTION VERIFIED:	\$0.00
KEOGH/SEP CONTRIBUTION DEDUCTION:	\$0.00
SELF-EMP HEALTH INS DEDUCTION:	\$0.00
EARLY WITHDRAWAL OF SAVINGS PENALTY:	\$0.00
ALIMONY PAID SSN:	
ALIMONY PAID:	\$0.00
IRA DEDUCTION:	\$0.00
IRA DEDUCTION PER COMPUTER:	\$0.00
STUDENT LOAN INTEREST DEDUCTION:	\$0.00
STUDENT LOAN INTEREST DEDUCTION PER COMPUTER:	\$0.00
STUDENT LOAN INTEREST DEDUCTION VERIFIED:	\$0.00
TUITION AND FEES DEDUCTION:	\$0.00
TUITION AND FEES DEDUCTION PER COMPUTER:	\$0.00
DOMESTIC PRODUCTION ACTIVITIES DEDUCTION:	\$0.00
DOMESTIC PRODUCTION ACTIVITIES DEDUCTION PER COMPUTER:	\$0.00
OTHER ADJUSTMENTS:	\$0.00
ARCHER MSA DEDUCTION:	\$0.00
ARCHER MSA DEDUCTION PER COMPUTER:	\$0.00
TOTAL ADJUSTMENTS:	\$0.00
TOTAL ADJUSTMENTS PER COMPUTER:	\$0.00
ADJUSTED GROSS INCOME:	
ADJUSTED GROSS INCOME PER COMPUTER:	

Tax and Credits

65-OR-OVER:	NO
BLIND:	NO
SPOUSE 65-OR-OVER:	NO
SPOUSE BLIND:	NO
STANDARD DEDUCTION PER COMPUTER:	\$0.00
ADDITIONAL STANDARD DEDUCTION PER COMPUTER:	\$0.00
TAX TABLE INCOME PER COMPUTER:	
EXEMPTION AMOUNT PER COMPUTER:	
TAXABLE INCOME:	
TAXABLE INCOME PER COMPUTER:	
TOTAL POSITIVE INCOME PER COMPUTER:	
TENTATIVE TAX:	
TENTATIVE TAX PER COMPUTER:	
FORM 8814 ADDITIONAL TAX AMOUNT:	\$0.00
TAX ON INCOME LESS SOC SEC INCOME PER COMPUTER:	\$0.00
FORM 6251 ALTERNATIVE MINIMUM TAX:	\$0.00
FORM 6251 ALTERNATIVE MINIMUM TAX PER COMPUTER:	\$0.00
FOREIGN TAX CREDIT:	\$0.00
FOREIGN TAX CREDIT PER COMPUTER:	\$0.00
FOREIGN INCOME EXCLUSION PER COMPUTER:	\$0.00
FOREIGN INCOME EXCLUSION TAX PER COMPUTER:	\$0.00
EXCESS ADVANCE PREMIUM TAX CREDIT REPAYMENT AMOUNT:	\$0.00
EXCESS ADVANCE PREMIUM TAX CREDIT REPAYMENT VERIFIED AMOUNT:	\$0.00
CHILD & DEPENDENT CARE CREDIT:	\$0.00
CHILD & DEPENDENT CARE CREDIT PER COMPUTER:	\$0.00
CREDIT FOR ELDERLY AND DISABLED:	\$0.00
CREDIT FOR ELDERLY AND DISABLED PER COMPUTER:	\$0.00
EDUCATION CREDIT:	\$0.00
EDUCATION CREDIT PER COMPUTER:	\$0.00
GROSS EDUCATION CREDIT PER COMPUTER:	\$0.00
RETIREMENT SAVINGS CNTRB CREDIT:	\$0.00
RETIREMENT SAVINGS CNTRB CREDIT PER COMPUTER:	\$0.00
PRIM RET SAV CNTRB: F8880 LN6A:	\$0.00
SEC RET SAV CNTRB: F8880 LN6B:	\$0.00
TOTAL RETIREMENT SAVINGS CONTRIBUTION: F8880 CMPTR:	\$0.00
RESIDENTIAL ENERGY CREDIT:	\$0.00
RESIDENTIAL ENERGY CREDIT PER COMPUTER:	\$0.00
CHILD TAX CREDIT:	\$0.00
CHILD TAX CREDIT PER COMPUTER:	\$0.00
ADOPTION CREDIT: F8839:	\$0.00
ADOPTION CREDIT PER COMPUTER:	\$0.00
FORM 8396 MORTGAGE CERTIFICATE CREDIT:	\$0.00
FORM 8396 MORTGAGE CERTIFICATE CREDIT PER COMPUTER:	\$0.00
F3800, F8801 AND OTHER CREDIT AMOUNT:	\$0.00
FORM 3800 GENERAL BUSINESS CREDITS:	\$0.00
FORM 3800 GENERAL BUSINESS CREDITS PER COMPUTER:	\$0.00
PRIOR YR MIN TAX CREDIT: F8801:	\$0.00
PRIOR YR MIN TAX CREDIT: F8801 PER COMPUTER:	\$0.00
F8936 ELECTRIC MOTOR VEHICLE CREDIT AMOUNT:	\$0.00
F8936 ELECTRIC MOTOR VEHICLE CREDIT PER COMPUTER:	\$0.00
F8910 ALTERNATIVE MOTOR VEHICLE CREDIT AMOUNT:	\$0.00
F8910 ALTERNATIVE MOTOR VEHICLE CREDIT PER COMPUTER:	\$0.00
OTHER CREDITS:	\$0.00
TOTAL CREDITS:	\$0.00
TOTAL CREDITS PER COMPUTER:	\$0.00
INCOME TAX AFTER CREDITS PER COMPUTER:	

Other Taxes

SE TAX:	\$0.00
SE TAX PER COMPUTER:	\$0.00
SOCIAL SECURITY AND MEDICARE TAX ON UNREPORTED TIPS:	\$0.00

SOCIAL SECURITY AND MEDICARE TAX ON UNREPORTED TIPS PER COMPUTER:.....\$0.00
 TAX ON QUALIFIED PLANS F5329 (PR):.....\$0.00
 TAX ON QUALIFIED PLANS F5329 PER COMPUTER:.....\$0.00
 IRAF TAX PER COMPUTER:.....\$0.00
 TP TAX FIGURES (REDUCED BY IRAF) PER COMPUTER:.....
 IMF TOTAL TAX (REDUCED BY IRAF) PER COMPUTER:.....
 OTHER TAXES PER COMPUTER:.....
 UNPAID FICA ON REPORTED TIPS:.....\$0.00
 OTHER TAXES:.....
 RECAPTURE TAX; F8611:.....\$0.00
 HOUSEHOLD EMPLOYMENT TAXES:.....\$0.00
 HOUSEHOLD EMPLOYMENT TAXES PER COMPUTER:.....\$0.00
 HEALTH CARE RESPONSIBILITY PENALTY:.....\$0.00
 HEALTH CARE RESPONSIBILITY PENALTY VERIFIED:.....\$0.00
 HEALTH COVERAGE RECAPTURE: F8885:.....\$0.00
 RECAPTURE TAXES:.....\$0.00
 TOTAL ASSESSMENT PER COMPUTER:.....
 TOTAL TAX LIABILITY TP FIGURES:.....
 TOTAL TAX LIABILITY TP FIGURES PER COMPUTER:.....

Payments

FEDERAL INCOME TAX WITHHELD:.....
 HEALTH CARE: INDIVIDUAL RESPONSIBILITY:.....\$0.00
 HEALTH CARE FULL-YEAR COVERAGE INDICATOR:.....1
 ESTIMATED TAX PAYMENTS:.....\$0.00
 OTHER PAYMENT CREDIT:.....\$0.00
 REFUNDABLE EDUCATION CREDIT:.....\$0.00
 REFUNDABLE EDUCATION CREDIT PER COMPUTER:.....\$0.00
 REFUNDABLE EDUCATION CREDIT VERIFIED:.....\$0.00
 EARNED INCOME CREDIT:.....\$0.00
 EARNED INCOME CREDIT PER COMPUTER:.....\$0.00
 EARNED INCOME CREDIT NONTAXABLE COMBAT PAY:.....\$0.00
 SCHEDULE 8812 NONTAXABLE COMBAT PAY:.....\$0.00
 EXCESS SOCIAL SECURITY & RRTA TAX WITHHELD:.....\$0.00
 SCHEDULE 8812 TOT SS/MEDICARE WITHHELD:.....\$0.00
 SCHEDULE 8812 ADDITIONAL CHILD TAX CREDIT:.....\$0.00
 SCHEDULE 8812 ADDITIONAL CHILD TAX CREDIT PER COMPUTER:.....\$0.00
 SCHEDULE 8812 ADDITIONAL CHILD TAX CREDIT VERIFIED:.....\$0.00
 AMOUNT PAID WITH FORM 4868:.....\$0.00
 FORM 2439 REGULATED INVESTMENT COMPANY CREDIT:.....\$0.00
 FORM 4136 CREDIT FOR FEDERAL TAX ON FUELS:.....\$0.00
 FORM 4136 CREDIT FOR FEDERAL TAX ON FUELS PER COMPUTER:.....\$0.00
 HEALTH COVERAGE TX CR: F8885:.....\$0.00
 PREMIUM TAX CREDIT AMOUNT:.....\$0.00
 PREMIUM TAX CREDIT VERIFIED AMOUNT:.....\$0.00
 PRIMARY NAP FIRST TIME HOME BUYER INSTALLMENT AMT:.....\$0.00
 SECONDARY NAP FIRST TIME HOME BUYER INSTALLMENT AMT:.....\$0.00
 FIRST TIME HOMEBUYER CREDIT REPAYMENT AMOUNT:.....\$0.00
 FORM 5405 TOTAL HOMEBUYERS CREDIT REPAYMENT PER COMPUTER:.....\$0.00
 SMALL EMPLOYER HEALTH INSURANCE PER COMPUTER:.....\$0.00
 SMALL EMPLOYER HEALTH INSURANCE PER COMPUTER (2):.....\$0.00
 FORM 2439 AND OTHER CREDITS:.....\$0.00
 TOTAL PAYMENTS:.....
 TOTAL PAYMENTS PER COMPUTER:.....

Refund or Amount Owed

AMOUNT YOU OWE:.....
 APPLIED TO NEXT YEAR'S ESTIMATED TAX:.....\$0.00
 ESTIMATED TAX PENALTY:.....\$0.00
 TAX ON INCOME LESS STATE REFUND PER COMPUTER:.....\$0.00
 BAL DUE/OVER PYMT USING TP FIG PER COMPUTER:.....
 BAL DUE/OVER PYMT USING COMPUTER FIGURES:.....
 FORM 8888 TOTAL REFUND PER COMPUTER:.....\$0.00

Third Party Designee

THIRD PARTY DESIGNEE ID NUMBER:.....
 AUTHORIZATION INDICATOR:.....0
 THIRD PARTY DESIGNEE NAME:.....

Schedule A--Itemized Deductions

MEDICAL/DENTAL

MEDICAL AND DENTAL EXPENSES:.....\$0.00
 ADJUSTED GROSS INCOME PERCENTAGE:.....\$0.00
 ADJUSTED GROSS INCOME PERCENTAGE PER COMPUTER 10 PERCENT:.....\$0.00
 ADJUSTED GROSS INCOME PERCENTAGE PER COMPUTER 7.5 PERCENT:.....
 NET MEDICAL DEDUCTION:.....\$0.00
 NET MEDICAL DEDUCTION PER COMPUTER:.....\$0.00

TAXES PAID

STATE AND LOCAL INCOME TAXES:.....
 INCOME TAX OR GENERAL SALES TAX:..... General Sales Tax
 REAL ESTATE TAXES:.....
 PERSONAL PROPERTY TAXES:.....\$0.00
 OTHER TAXES AMOUNT:.....\$0.00

SCH A TAX DEDUCTIONS:.....
 SCH A TAX PER COMPUTER:.....

INTEREST PAID

MORTGAGE INTEREST (FINANCIAL):.....
 MORTGAGE INTEREST (INDIVIDUAL):.....\$0.00
 DEDUCTIBLE POINTS:.....\$0.00
 QUALIFIED MORTGAGE INSURANCE PREMIUMS:.....\$0.00
 DEDUCTIBLE INVESTMENT INTEREST:.....\$0.00
 TOTAL INTEREST DEDUCTION:.....
 TOTAL INTEREST DEDUCTION PER COMPUTER:.....

CHARITABLE CONTRIBUTIONS

CASH CONTRIBUTIONS:.....
 OTHER THAN CASH: Form 8283:.....
 CARRYOVER FROM PRIOR YEAR:.....\$0.00
 SCH A TOTAL CONTRIBUTIONS:.....
 SCH A TOTAL CONTRIBUTIONS PER COMPUTER:.....

CASUALTY AND THEFT LOSS

CASUALTY OR THEFT LOSS:.....\$0.00

JOBS AND MISCELLANEOUS

UNREIMBURSED EMPLOYEE EXPENSE AMOUNT:.....\$0.00
 TOTAL LIMITED MISC EXPENSES:.....\$0.00
 NET LIMITED MISC DEDUCTION:.....\$0.00
 NET LIMITED MISC DEDUCTION PER COMPUTER:.....\$0.00

OTHER MISCELLANEOUS

OTHER THAN GAMBLING AMOUNT:.....\$0.00
 OTHER MISC DEDUCTIONS:.....\$0.00

TOTAL ITEMIZED DEDUCTIONS

TOTAL ITEMIZED DEDUCTIONS:.....
 TOTAL ITEMIZED DEDUCTIONS PER COMPUTER:.....
 RECOMPUTED TOTAL ITEMIZED DEDUCTIONS PER COMPUTER:.....\$0.00
 ELECT ITEMIZED DEDUCTION INDICATOR:.....
 SCH A ITEMIZED PERCENTAGE PER COMPUTER:.....\$0.00

Form 8863 - Education Credits (Hope and Lifetime Learning Credits)

PART III - ALLOWABLE EDUCATION CREDITS

GROSS EDUCATION CR PER COMPUTER:.....\$0.00
 TOTAL EDUCATION CREDIT AMOUNT:.....\$0.00
 TOTAL EDUCATION CREDIT AMOUNT PER COMPUTER:.....\$0.00

Form 8889 - Health Savings Account

HIGH DEDUCTIBLE HLTH PLAN IND:.....
 HSA CONTRIBUTIONS:.....\$0.00
 HSA LIMITED ANNUAL DEDUCTION:.....
 TOT ARCHER MSA CONTRIBUTIONS:.....\$0.00
 HSA LIMITED DEDUCTIBLE ALLOWED:.....
 HALF HSA LTD DEDUCTIBLE ALLOWED:.....
 ADDITIONAL HSA CONTRIBUTIONS AMT:.....\$0.00
 GROSS HSA CONTRIBUTIONS LIMIT:.....
 EMPLOYER HSA CONTRIBUTIONS:.....
 QUALIFIED HSA FUNDING DISTRIBUTION:.....\$0.00
 TOT QUALIFIED HSA FUNDING DISTRIBUTION:.....
 HSA CONTRIBUTIONS LIMIT AMT:.....
 HSA DEDUCTION AMT:.....\$0.00
 HSA DEDUCTION AMT CMPTR:.....\$0.00
 TOTAL HSA DISTRIBUTIONS:.....\$0.00
 HSA DISTRIBUTION ROLLOVER AMT:.....\$0.00
 NET HSA DISTRIBUTIONS AMT:.....\$0.00
 UNREIMBURSED QUALIFIED MED EXPNS:.....\$0.00
 TAXABLE HSA DISTRIBUTIONS:.....\$0.00
 EXCEPTIONS TO ADDITIONAL TAX IND:.....0
 ADDITIONAL TAX:.....\$0.00
 ADDITIONAL 10% TAX COMPUTER:.....\$0.00
 PART-YEAR COVERAGE AMOUNT:.....\$0.00
 QUALIFIED HSA FUNDING DISTRIBUTION:.....\$0.00
 TOTAL INCOME:.....\$0.00
 ADDITIONAL HSA TAX AMOUNT:.....\$0.00

Form 8959 Additional Medicare Tax

MEDICARE WAGES:.....
 UNREPORTED TIPS:.....\$0.00
 WAGES FROM FORM 8919:.....\$0.00
 ADDITIONAL MEDICARE TAX ON MEDICARE WAGES:.....
 ADDITIONAL MEDICARE TAX ON MEDICARE WAGES PER COMPUTER:.....
 SELF EMPLOYMENT INCOME:.....\$0.00

ADDITIONAL MEDICARE TAX ON SELF-EMPLOYMENT INCOME:.....\$0.00
ADDITIONAL MEDICARE TAX ON SELF-EMPLOYMENT INCOME PER COMPUTER:.....\$0.00
RAILROAD RETIREMENT COMPENSATION:.....\$0.00
TIER I EMPLOYEE ADDITIONAL MEDICARE TAX ON RAILROAD COMPENSATION:.....\$0.00
TIER I EMPLOYEE ADDITIONAL MEDICARE TAX ON RAILROAD COMPENSATION PER COMPUTER:
.....\$0.00
MEDICARE TAX WITHHELD W-2 BOX 6:.....
ADDITIONAL MEDICARE TAX W-2 BOX 14:.....\$0.00
TOTAL ADDITIONAL MEDICARE TAX:.....
TOTAL ADDITIONAL MEDICARE TAX WITHHOLDING:.....\$0.00
TOTAL ADDITIONAL MEDICARE TAX WITHHOLDING VERIFIED:.....\$0.00
TOTAL ADDITIONAL MEDICARE TAX WITHHOLDING PER COMPUTER:.....\$0.00

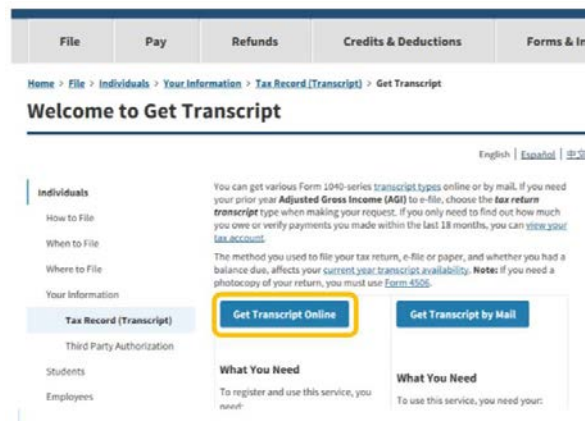
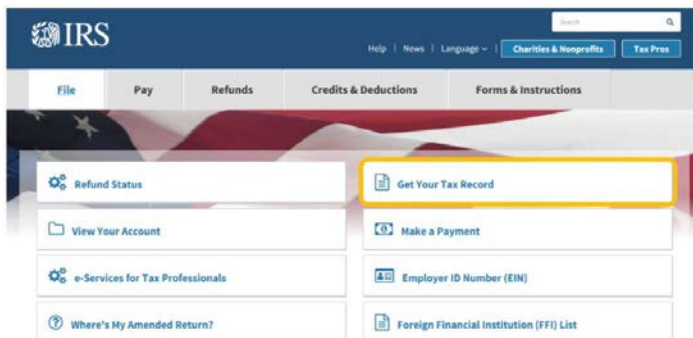
This Product Contains Sensitive Taxpayer Data

IRS Tax Transcript Instruction Document

The IRS Return Transcript can be obtained in several ways:

Online

Click here to visit [IRS.gov](https://www.irs.gov); select “Get Your Tax Record” then select “Get Transcript Online.” Follow the directions to obtain the transcript online.



By Phone

Call 1-800-908-9946 and follow the voice-activated prompts or speak with an IRS representative.

By Mail

Download a [Request for Transcript of Tax Return](#) and send it in by mail or fax as directed.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/25/2018

Agenda Item No. G)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the sale price and sale for lots at the Comal Cemetery.

BACKGROUND / RATIONALE:

The Comal Cemetery has had a number of unsold lots left “on-hold” since the early 1990s. Working through the City’s Cemetery Committee, City staff identified and sent letters to 96 lot-holders giving them the opportunity to officially secure their lot within 90 days by paying the fee required, or to forfeit their plot back to the City. Fifteen lots were sold through this process.

Following the responses, the City now retains 81 lots available for sale in the Comal Cemetery.

- Block 684 contains 53 plots available for resale
- Block 687 contains 28 plots available for resale

Proposed Fees:

Chapter 26 of the Code of Ordinances authorizes the City Manager to set the price for the sale of lots with City Council approval.

Sec. 26-5. - Sale of cemetery lots.

(a) Sale; price. Lots in the cemetery shall be sold to persons applying therefor, at such price and in such place or part of such cemetery as the city manager may from time to time direct. All prices fixed by the city manager for such lots shall be approved by the city council.

The Cemetery Committee recommends placing these lots for sale and setting the fee to \$2,500 for residents and \$3,000 for non-residents. The previous fee for the sale of the lots was \$375.00. The recommended rate was determined through a survey of other municipal and private cemeteries:

Location	Fee per Lot
City of San Marcos	\$1,400 (resident) \$2,500 (non-resident)
City of Boerne	\$3,000
City of Georgetown	\$1,325 (resident) \$1,575 (non-resident)
Guadalupe Valley	Starts at \$2,500
Hill Country Memorial Garden	\$750 - \$2,750

The sale of the plots could generate up to \$202,500. The Cemetery Committee recommends that this revenue be set aside for proposed improvements identified in the Historic Preservation Plan for the Comal Cemetery.

Proposed Recommended Process:

- Sales for the Comal Cemetery will be set for Saturday, September 8, 2018, 9:00 a.m.
- Sales are on a first-come basis. They must be made in-person and paid in full.
- Sales are limited to two (2) lots per household (two burials per lot are permissible).

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

N/A

FISCAL IMPACT:

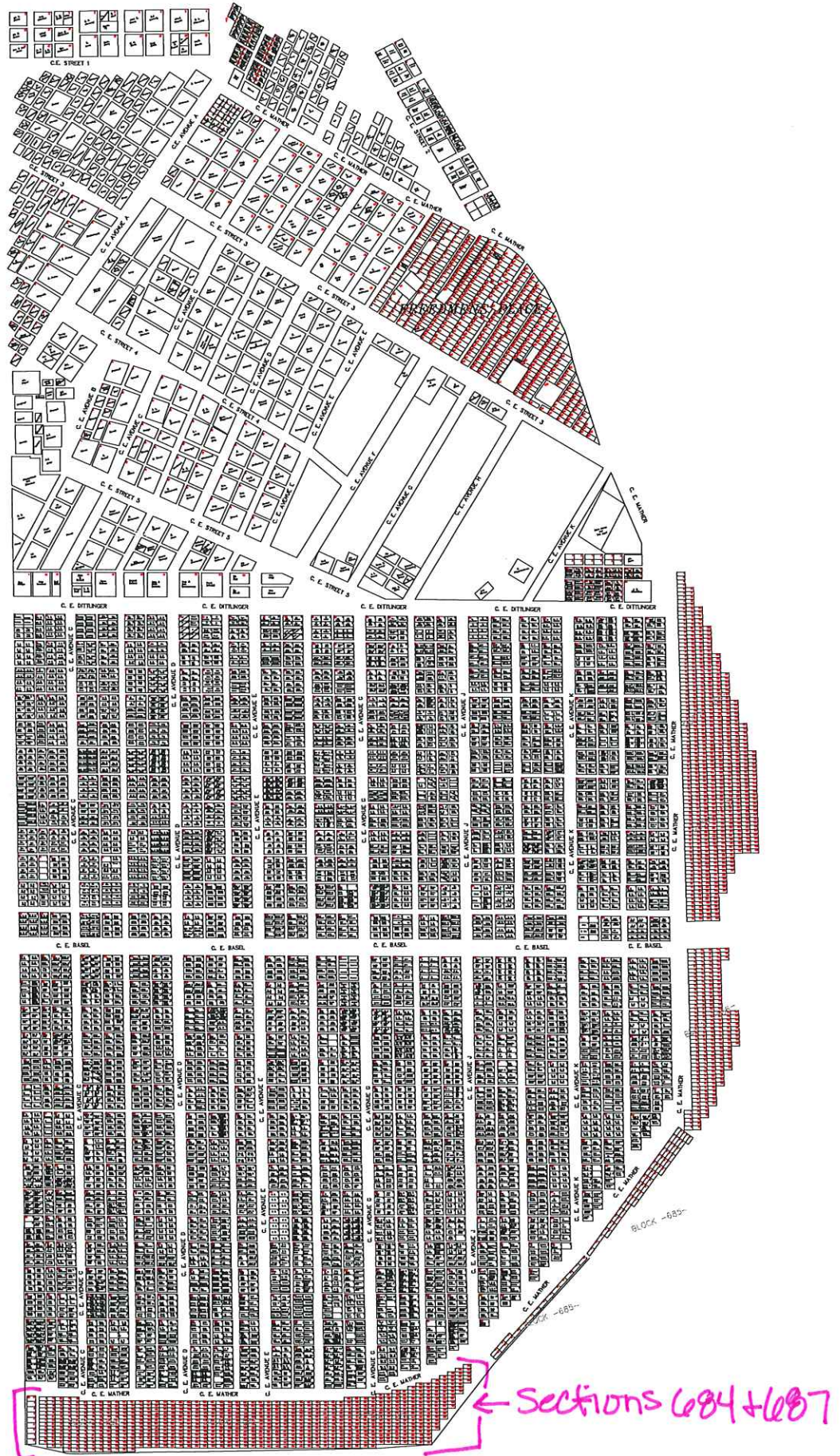
The sale of the plots could generate up to \$202,500. These funds will be deposited into the City's Cemetery Improvements Fund. The Cemetery Committee recommends that this revenue be set aside for proposed improvements identified in the Historic Preservation Plan for the Comal Cemetery.

COMMITTEE RECOMMENDATION:

The Cemetery Committee recommended the sale of the lots, the associated fee and process, and setting the revenue aside for cemetery improvements at their meeting on March 22, 2018. The Parks and Recreation Advisory Board agreed with their recommendations at their meeting on April 16, 2018.

STAFF RECOMMENDATION:

Staff recommends approval of the sale of lots, the associated fees and sale process, and setting the revenue aside for cemetery improvements.



DATE: 3-1-2010

SCALE: N.T.S.

DRAWN BY: RAS
CHECKED BY: JK

SHEET: 1 OF 1



COMAL CEMETERY MASTER PLAN

P:\Cemetery\Comal Cemetery Master Plan 01

P.O. BOX 211747
NEW BRAUNFELS, TEXAS 78131
PHONE: (A&D) 221-4000
FAX: (A&D) 858-2158



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/25/2018

Agenda Item No. H)

Presenter/Contact

Valeria Acevedo, City Attorney
(830) 221-4281 - vacevedo@nbtexas.org

SUBJECT:

Discuss and consider approval of a contract with the law firm of Terrill & Waldrop for legal services in Stop the Ordinances Please, et al. v. City of New Braunfels, Texas.

BACKGROUND / RATIONALE:

This lawsuit was filed against the City in 2011, as a challenge to the City's disposable container ordinance which was approved by election. The case also includes a challenge to the City's cooler restriction ordinance. In 2014, the plaintiffs, known as STOP, prevailed at the trial court level. In 2017, the city prevailed on appeal to the Third Court of Appeals in Austin. STOP appealed that decision to the Texas Supreme Court. The Court is still considering whether to accept the appeal. On June 8th issued an order for the parties to submit full briefing on the merits within the next two months. At this time the City seeks to engage appellate counsel to assist the City in this appeal. The law firm of Terrill & Waldrop currently represents the City in the 2015 Carowest appeal.

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

N/A

FISCAL IMPACT:

The cost of these services will likely span over this year and next fiscal year. There is currently funding allocated for outside legal services in the City Attorney's Office General Fund budget. If these legal costs exceed the funding currently available, a budget amendment will be brought forward for City Council consideration. However, funding is currently available to award this contract.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the contract.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/25/2018

Agenda Item No. A)

Deliberate pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:

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



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/25/2018

Agenda Item No. B)

Deliberate and consider the purchase of, exchange, lease or value of real property in accordance with Section 551.072, of the Texas Government Code, including but not limited to:

- acquisition of land for city facilities

