



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



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

MONDAY, JULY 9, 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: Councilmember Harry Bowers

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

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

PRESENTATIONS:

- A) Texas Economic Development Council's 2017 Economic Excellence Recognition
Victor Garza, Economic Development Manager
- B) Envision New Braunfels: the Community's Comprehensive Plan
Christopher J. Looney, AICP, Planning and Community Development Director
- C) Presentation on proposed policies and procedures for obtaining and applying offsets and credits against roadway impact fees.
Garry Ford, City Engineer

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of June 25, 2018, and the special City Council meetings of June 26 and July 2, 2018.
Patrick Aten, City Secretary

2. CITIZENS' COMMUNICATIONS

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

3. CONSENT AGENDA

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

Resolutions & Action Items

- A) Confirmation of the appointment of one individual to the City of New Braunfels Civil Service Commission for a term ending August 10, 2021.
Robert Camareno, City Manager
- B) Approval of the appointment of one individual to the Landa Park Golf Course Advisory Board for a term ending December 31, 2019.
Patrick Aten, City Secretary
- C) Approval of the appointment of one individual to the Construction Board of Appeals for a term ending February 24, 2023.
Patrick Aten, City Secretary
- D) Approval of the appointment of two individuals to the Watershed Advisory Committee for terms ending April 18, 2021.
Patrick Aten, City Secretary
- E) Approval of the appointment of one individual to the River Advisory Committee for a term ending December 8, 2020.
Patrick Aten, City Secretary
- F) Approval of a resolution designating the investment officers for the City of New Braunfels.
Sandy Paulos, Assistant Director of Finance

Ordinances

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

- G) Approval of the second and final reading of an ordinance 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, AICP, Planning and Community Development Director

4. **INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Discuss and consider approval of the appointment of one individual to the Community Development Advisory Committee for a term ending December 13, 2019.
Patrick Aten, City Secretary
- B) Discuss and consider approval of the appointment of three individuals to the Downtown Board for terms ending May 31, 2021.
Patrick Aten, City Secretary
- C) Discuss and consider approval of the solicitation criteria for professional services for Preliminary Engineering on Goodwin Lane/Conrads Lane, Barbarosa (FM 1101 to Alves Ln) and Kohlenberg Road (IH 35 to FM 1101) as part of the proposed 2019 Bond Program.
Jennifer Cain, Capital Programs Manager
- D) Public hearing and first reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area N and revise the parking restriction on the 500 block of S. Hill Avenue.
Garry Ford, City Engineer
- E) Discuss and consider approval of the first reading of an ordinance amending Section 126-185 of the City of New Braunfels Code of Ordinances to prohibit through truck traffic, establishing one-way traffic, and amending Section 126-346 of the City of New Braunfels Code of Ordinances to restrict parking on one side on Ferguson Street.
Garry Ford, City Engineer
- F) Discuss and consider approval of the installation of speed humps on Tulip Lane.
Garry Ford, City Engineer
- G) Discuss and consider approval of the installation of speed humps on San Fernando Lane.
Garry Ford, City Engineer
- H) Discuss and consider approval of the second and final 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

- I) Discuss and consider acceptance of the petition and approval of a resolution setting a schedule for public hearings regarding the annexation of approximately 154 acres of land located on the southeast corner of the intersection of FM 1044 and Klein Road, including the adjacent Klein Road right-of-way, adjacent to the existing city limits.

Christopher J. Looney, AICP, Planning and Community Development Director

5. EXECUTIVE SESSIONS

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

- A) Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Attorney in accordance with Section 551.074 of the Texas Government Code.

Valeria M. Acevedo, City Attorney

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 July 5, 2018, at 9:00 a.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

7/9/2018

Agenda Item No. A)

Presenter/Contact

Victor Garza, *Economic Development Manager*
(830) 221-4621 - vgarza@nbtexas.org

SUBJECT:

Texas Economic Development Council's 2017 Economic Excellence Recognition

BACKGROUND / RATIONALE:

Texas Economic Development Council (TEDC) has announced the recipients of its annual Economic Excellence Recognition program for 2017. The awards were presented at a special awards breakfast held June 14, 2018 at TEDC's Mid-Year Conference in Galveston, Texas.

The Economic Excellence Recognition program provides recognition to economic development organizations that meet a desired threshold of professionalism. Recipients qualify for recognition based on training taken by their governing board/council as well as the economic development director and professional staff. Certifications, professional memberships and activities, and organization effectiveness of the economic development staff also contribute to the standards for qualifications.

Thirty nine organizations (of the more than 700 Texas EDC organizations) received the 2017 Economic Excellence Recognition, including the New Braunfels Economic Development Council (NBEDC).

In addition, New Braunfels and Seguin Economic Development Corporations partnered and received Merit Recognition in the Workforce Excellence Award Regional Category. The Workforce Excellence Award program recognizes exceptional contributions by a Texas community or region that has implemented successful workforce initiatives. The TEDC's Workforce Development Committee reviewed applications from nineteen (19) communities and organizations. Nominees were then judged on five criteria: innovativeness, transferability, community commitment and leverage, measured objectives, and secondary benefits.

The Workforce Excellence Award nomination package was submitted for the regional collaboration (NBEDC, SEDC, and TWC) grant that led to obtaining CNC training equipment at the CTTC to train for high demand regional jobs. This equipment grant for \$130,000 purchased two CNC Milling and Drilling Machines and two CNC Lathe Machines that include interchangeable face plates to emulate multiple different industry standard CNC Machines used within the industry. The CTTC estimates that they will be able to train up to 24 students from the region with these machines before the end of 2018.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

N/A



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

7/9/2018

Agenda Item No. B)

Presenter/Contact

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

SUBJECT:

Envision New Braunfels: the Community's Comprehensive Plan

BACKGROUND / RATIONALE:

Council District: Citywide

A comprehensive plan is an over-arching, policy document that guides decision making to reach end-goals. Driven by citizen and stakeholder input, it informs all other plans communities engage in at different hierarchical levels. Time horizons for comprehensive plans range from 15 to 40 years depending on population growth rate. As New Braunfels is presently the 2nd fastest growing city in the nation, much will change (and has been changing) from year to year. Therefore, updates to our plan should be frequent to keep pace with growth.

Envision New Braunfels is an update to the 1999 Comprehensive Plan, which was last updated in 2006. It is a community-driven planning initiative that will guide strategic decision making around core issues such as housing, transportation, urban design, natural resource protection, etc., all to sustain our quality of life in the face of tremendous growth over the next 15-plus years.

Envision New Braunfels has been developed over an almost 2-year process that included data collection; population/demographic analysis; technical expertise from stakeholders throughout the community; City staff, community leaders, and consultant team assistance; and continuous public input. The plan addresses projected growth through goals, strategies and actions that will drive policies, projects and partnerships to improve the built environment, guide development patterns, enhance mobility, increase housing options, and incent regional collaboration.

Process

In the fall of 2016, Design Workshop was hired to assist the community with development of Envision New Braunfels. City Council created a 9 member Steering Committee made up of representatives of the following entities:

- City Council
- NBU
- Comal County
- Guadalupe County
- New Braunfels Chamber of Commerce
- New Braunfels Planning Commission
- New Braunfels Economic Development Corporation (4B Board)
- New Braunfels Independent School District
- Comal Independent School District

The role of the Steering Committee was to guide the process and review work of the advisory groups and consultant.

City Council also established 9 Plan Element Advisory Groups:

- Growth and Future Land Use
- Urban Design & Cultural, Heritage and Historic Preservation
- Parks and Recreation
- Transportation
- Economic Competitiveness
- Tourism
- Natural Resources and Infrastructure
- Education and Youth
- Facilities, Services and Capital Improvements

Over 200 Citizens, residents, property owners, business owners and other stakeholders volunteered to serve on these advisory groups. The role of the advisory groups was to meet, write and review content of the plan itself.

Four community-wide dialogues were held using various different input gathering methods and engagement tools:

- November 2016 - Visioning
- March 2017 - Goals and Growth Scenarios
- October 2017 - Key Findings
- January 2018 - Actions

The Plan Element Advisory Groups met individually via 9 meetings over the summer of 2017. At these meetings, group members wrote strategies and actions intended to achieve the goals established at the March 2017 community-wide dialogue. The Advisory Groups also spent considerable time corresponding via email on drafts and edits over the Fall 2017 and Spring 2018.

Several online polls were set up to gather input, as well as feedback on work done. A Facebook page was established to provide information on events and activities, and to generate conversations about core long range planning issues and topics <https://www.facebook.com/NBCompPlan/>. Additionally, a project website, www.envisionnewbraunfels.org <http://www.envisionnewbraunfels.org>, was established for the general public to follow along with the process.

Throughout the process, City staff engaged the general public in a variety of venues and with innovative methods including interactive presentations, discussions, and activities. Groups engaged included:

- Ministerial Alliance
- Breakfast Lions Club
- Rotary Club
- Downtown Rotary Club
- Kiwanis Club
- National Active and Retired Federal Employees Association
- Chamber of Commerce Board
- Economic Development Foundation
- Hispanic Business Alliance
- Chamber's RAP Council
- Several realtor groups and associations

Creative outreach activities at various events included:

-
- Family Fun Day at Eikel Park
 - City University
 - Movies in Landa Park
 - Memorial Early College High School Careers Class
 - Comal ISD's Student Advisory Committee Meeting

The open process included information push and interactive exercises with the advisory groups and the general public along the way. In mid-June 2018, the “public hearing draft” of the plan was completed and sent to all groups, including the Planning Commission. A press release informed the general public. This draft is posted on the Envision New Braunfels website and will be up for public comment throughout the entire public hearing adoption process.

Highlights

Envision New Braunfels has 3 main components: an introduction and process overview, existing conditions chapters, and an implementation section. The Implementation Roadmap includes a layered future land use map generated out of the scenario planning and goals development exercises conducted by the advisory groups. It also includes the advisory group drafted strategies and actions.

The building blocks of the future land use plan include:

- Sub Areas - geographic areas with special characteristics based on existing conditions or future vision
- Existing Centers - current points of activity and vitality
- Corridors - linear connections that stitch the community together and that should, therefore, have special attention to design
- Future Centers - strategic placement of future growth that supports the community's vision and goals

Various different types of Centers are identified:

- Employment
- Market
- Medical
- Civic
- Outdoor Recreation
- Education
- Tourist/Entertainment

With a Center/Corridor approach, New Braunfels can preserve and protect existing and future neighborhoods, historic resources, parks, open space, natural resources, and trails by guiding future growth and development in centers and create attractive multi-modal corridors. The plan identifies those centers and corridors where appropriate mixed use transitions currently and should occur which can include appropriate locations for infill housing.

Eight overall Strategies follow the future land use plan. When implemented, these strategies will achieve the goals outlined in the introduction. Each Strategy is then followed by categorized Actions - steps toward ultimate implementation of the Comprehensive Plan.

Finally, a regional planning section outlines ways our community can collaborate with our regional partners, whether they are other cities, agencies or the private sector, to achieve broader goals. Collaborative partnerships is a running theme throughout the plan as an approach to accommodating the projected growth of the community and the region while sustaining New Braunfels' exceptional quality of life.

Next Steps

-
- Public Review: June through August, 2018
 - Planning Commission public hearing and recommendation: July 3, 2018
 - City Council Presentation: July 9, 2018
 - City Council Public Hearing and 1st Reading: August 13, 2018
 - City Council 2nd Reading: August 27, 2018

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

Creates the overarching policy plan with a framework that informs all other city plans and priorities.

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

This is a presentation, therefore no action is required.

STAFF RECOMMENDATION:

As a presentation, no action is required.

The draft Comprehensive Plan can be viewed here: www.envisionnewbraunfels.org
<<http://www.envisionnewbraunfels.org>>



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

7/9/2018

Agenda Item No. C)

Presenter/Contact

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

SUBJECT:

Presentation on proposed policies and procedures for obtaining and applying offsets and credits against roadway impact fees.

BACKGROUND / RATIONALE:

In 2007, the City of New Braunfels adopted Ordinance No. 2007-19, which was codified in the Code of Ordinances, in Chapter 100 entitled "Roadway Impact Fees". Section 100-14 specifies the general requirements and procedures for an owner or developer to obtain an offset or credit for roadway improvements. The city may offset the present value of system improvements that have been dedicated to and received by the city. System improvements are roadway improvements identified in the Roadway Impact Fee Capital Improvement Program.

Section 100-14 outlines the following limitations for offsets and credits against roadway impact fees. Additional policies and procedures promulgated by the city may be adopted as administrative guidelines.

1. No offset or credit shall be given for the dedication or construction of improvements required by a traffic impact analysis, unless the city engineer determines that such improvements are not development specific and add capacity to the roadway beyond the benefit of the development.
2. Unit costs shall not exceed the actual cost of the improvements as approved by the public works director.
3. Offset or credit shall lapse if it has not been exhausted within ten years from the date of the plat approval or otherwise designated by agreement.
4. In no event will the city reimburse the property owner or developer for an offset or credit when no impact fees can be collected or for any value exceeding the total impact fees due for the development, unless agreed by the city council.
5. The value of credit for capital improvements made by the developer shall be approved by the public works director.
6. The value of credit for dedicated right-of-way shall be the greater of value of the dedicated land as shown on the appraisals district's rolls or the value as determined by appraisal hired by the city and reimbursed by the owner as of the date of dedication.

The code specifies that an applicant for new development must apply for an offset or credit against impact fees due for the development at or before the time of fee payment, unless the city council agrees to a different time. The applicant shall file a petition with the public works director on a form

provided for such purpose and the director must provide an applicant a decision on the offset or credit request.

The intent is to formally establish the policies and procedures for obtaining offsets and credits against impact fees. Many property owners and developers have had difficulty understanding the city's requirements, particularly the timing and in instances where platting takes place over time in multiple phases. The policies and procedures will provide a better understanding of offset eligibility and what information is required to process a request. Furthermore, it will assist staff in processing requests in a timely manner.

The presentation is intended to provide an introduction and steps to establishing the policies and procedures for offsetting roadway impact fees. The policies and procedures will be presented for action at the July 23, 2018 City Council meeting.

Roadway impact fees are assessed at final plat and paid at time of building permit; therefore, an offset agreement is created after final plat approval. In many cases, the property owner or developer requests offsets during earlier phases of development prior to filing a final plat or during preliminary plat or master plan. The city can determine if the facilities are eligible for offsets at the time of request but cannot enter in an agreement until the final plat, traffic impact analysis and construction plans are approved.

The proposed policies and procedures will supplement the roadway impact fee ordinance and provide information required to determine eligibility and develop an agreement. It will address the relationship to a proportionality appeal, changes to impact fee rates, method of applying offsets and master plan subdivisions.

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

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

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The proposed policies and procedures for obtaining and applying offsets and credits against roadway impact fees was presented to the Roadway Impact Fee Advisory Committee on March 6, 2018 and April 3, 2018. The committee unanimously approved a recommendation to City Council to accept the proposed policies and procedures at their meeting on April 3, 2018.

STAFF RECOMMENDATION:

Staff recommends eventual approval of the proposed policies and procedures for obtaining and applying offsets and credits against roadway impact fees.

New Braunfels Policies and Procedures for Obtaining and Applying Offsets and Credits Against Roadway Impact Fees

City Policy Statement and Rules Concerning Offsets and Credits Against Roadway Impact Fees.

Offset and Credit Agreements.

A property owner or authorized applicant for plat approval (the “applicant”), who is subject to the payment of roadway impact fees under New Braunfels Municipal Code Chapter 100, may obtain offsets and credits (“offsets”) against such fees for construction and/or dedication of right-of-way for a roadway capital improvement serving a new development that has been included in the roadway impact fee capital improvements plan. The verified costs of such contributions will be applied against roadway impact fees otherwise due for a new development pursuant to a written offset and credit agreement (“offset agreement”) in a form promulgated by the City Engineer.

Timing of Agreement

1. Preliminary Plat. The applicant may file a request for offset eligibility with the City Engineer at the time of application for preliminary plat approval, or if a preliminary plat is not required, at the time of application for final plat approval. The City Engineer will notify the applicant whether the facilities to be dedicated or constructed have been included in the roadway impact fee capital improvements plan (“eligible capital improvements”) and if the facilities are eligible for offsets at the time of the request. A request for offset eligibility does not vest the applicant’s rights to any subsequently acquired benefits under the agreement. The applicant shall provide the following information in order to review offset eligibility:
 - a. Completed offset eligibility request
 - b. Eligible capital improvements including project number and service area
 - c. Proposed capital improvements to be dedicated or constructed
 - d. Preliminary or final plat submitted with application for approval
 - e. Approved traffic impact analysis including analysis demonstrating the capacity of the proposed improvements that are beyond the benefit of the development
2. Final Plat. The applicant shall file a petition for offsets with the City Engineer either at the time of application for final plat approval or before the time of fee payment. The City Engineer will provide the applicant, in writing, a decision on eligible offsets and maximum value of offsets which may be applied against the impact fees due with the final plat in an offset agreement. The offset agreement will be created after final plat approval and finalized at the time of final plat recordation. The offset agreement shall be approved by City Council and executed by the City Manager. The offsets included in the agreement cannot be applied to impact fees due until the time of building permit application for a new development subject to the final plat. The applicant shall provide the following information in order to determine the maximum value of offsets and to process an offset agreement:

- a. Completed petition for offsets
- b. Eligible capital improvements including project number and service area
- c. Proposed capital improvements to be dedicated or constructed
- d. Final plat submitted with application for approval
- e. Approved traffic impact analysis including analysis demonstrating the capacity of the proposed improvements that are beyond the benefit of the development
- f. Approved construction plans for the proposed capital improvements
- g. Approved construction estimate for the proposed capital improvements
- h. Value of right-of-way dedication for the proposed capital improvements on the appraisal district's latest records

Relationship to Proportionality Appeal

An appeal undertaken by a property owner who seeks to contest a dedication or construction requirement imposed under the subdivision regulations pursuant to section 118-13 on grounds of proportionality normally is determined prior to execution of any impact fee offset agreement. The City Engineer in submitting his response to a proportionality appeal shall take into account the eligibility of the facilities which are the subject of the appeal for impact fee offsets and shall estimate the amount of such offsets due the property owner. Such preliminary determination shall not affect the amount of the offsets included in an impact fee offset agreement, which must be based on verified costs.

Changes in Impact Fee Rates

1. Roadway impact fees shall be assessed against new developments subject to the approval of final plat or replat in accordance with the provisions of Chapter 100.
2. The roadway impact fees to be charged against a new development (subject to offsets) are those in effect at the time a building permit is issued, provided that the impact fee per service unit does not exceed the impact fee per service unit assessed against the subdivision.
3. Following assessment of impact fees, no additional impact fees or increases shall be assessed unless the number of service units increases.

Method of Applying Offsets

1. Retention of Offset Agreement. With a complete and approved petition for offsets, an executed offset agreement shall be developed and retained by the City in the file for the final plat associated with the agreement.
2. Offset Pool. The total verified costs of eligible capital improvements contributed by the applicant for a subdivision shall constitute the initial offset pool associated with a recorded final plat.
3. Application of Offsets Against Impact Fees Due. The City shall apply offsets against the roadway impact fees due for the first building permit subject to the recorded final plat, and thereafter, against roadway impact fees due for each building permit subsequently issued, until the offset pool has been exhausted.
4. No Payment for Excess Offsets. In the event that offsets have been applied against impact fees due for all lots in the subdivision, and unused offsets remain in the offset pool, in no circumstances will the value of such excess offsets be paid to the property owner.
5. Expiration of Offsets. Unused offsets associated with a recorded final plat will expire 10 ten (10) years after the date of recordation, unless such offsets are extended in accordance with Chapter 100 or these rules.
6. Transfer of Offsets Prohibited. Offsets associated with a final plat cannot be transferred to to different land, unless the land is subject to a multi-phase offset agreement that provides for such transfer.

Replats

1. If land subject to a final recorded plat is replatted, a new assessment will be performed at the time the replat is recorded in accordance with Chapter 100. Unused offsets created by an offset agreement may be used to reduce impact fees for new development subject to the replat.
2. If additional eligible capital improvements are contributed by an applicant as a condition of approval of the replat, the verified costs of such improvements will augment the remaining offset pool if an addendum is executed to the original offset agreement.

Multi-Phase Subdivisions

1. **Master Plan Subdivision.** Where an applicant proposes a master plan for a multi-phase subdivision that includes eligible capital improvements in one or multiple phases, the applicant may request that the City Engineer identify the capital improvements associated with the proposed master plan that are eligible for offsets against roadway impact fees otherwise due. The applicant may apply for an offset agreement in accordance with this policy at the time of application for the final plat for the first phase of the approved master plan for which the applicant contributes eligible capital improvements.
2. **Multi-phase Subdivision Addendum.** When an applicant proposes a subsequent final plat for a multi-phase subdivision, the applicant may apply for an addendum to the original offset agreement. If agreed to by the City, the verified costs of the improvement(s) may be applied to reduce impact fees due for lots or uses subject to an earlier or later phase of the subdivision. As additional phases of the subdivision are finally platted, the amended offset agreement for the subdivision may be further amended by additional addenda containing like provisions.
3. **Multiple Approved Final Plats.** Where the original offset agreement applies to more than one approved final plat for a multi-phase subdivision, the verified costs of all eligible capital improvements dedicated, constructed and accepted by the City may be offset against impact fees due for any lots or uses within such phases.
4. **Offset Improvements by Phase.** As eligible capital improvements are dedicated, constructed and accepted by the City for each additional phase of a multi-phase subdivision, the verified costs of such improvements shall be added to the offset pool once an addendum to the original offset agreement for the subdivision is executed.
5. **Offsets Applied to Subsequent Phases.** Excess offsets obtained through contributions of eligible capital improvements for prior recorded phases of a multi-phase subdivision may be used to reduce roadway impact fees due for new developments in subsequently approved phases of the subdivision.
6. **Reimbursement of Impact Fees Where Offsets Exceed Impact Fees Due.** In the event that the verified costs of eligible capital improvements for a phase will exceed the amount of impact fees due for lots in that and prior phases of a multi-phase subdivision, the subdivider may apply for reimbursement of impact fees previously paid to which no offsets were applied. In its sole discretion, the City may approve a reimbursement request, or, in the alternative, may provide for reservation of the offsets to be applied against impact fees due for lots in one or more subsequent phases of the multi-phase subdivision.

Cost Participation by the City

An offset agreement may contain provisions for the City's participation in the costs of an eligible roadway improvement. The amount of the City's participation shall be subtracted from the verified costs of the roadway improvement.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

7/9/2018

Agenda Item No. A)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the minutes of the regular City Council meeting of June 25, 2018, and the special City Council meetings of June 26 and July 2, 2018.

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, JUNE 25, 2018**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on June 25, 2018, at 6:00 p.m.

City Councilmembers present were:

Present: 7 - Mayor Barron Casteel, Councilmember Shane Hines, Councilmember Justin Meadows, Councilmember Harry Bowers, Councilmember Matthew E. Hoyt, Mayor Pro Tem Wayne Peters, and Councilmember Leah García

City staff present were: City Manager Robert Camareno, City Attorney Valeria Acevedo, Assistant City Manager Kristi Aday, Assistant City Manager Bryan Woods, City Secretary Patrick Aten, Assistant City Secretary Drew Lyons, Police Chief Tom Wibert, Grants Coordinator Robin Shellard, Planning and Community Development Director Chris Looney, Planning and Community Development Assistant Director Stacy Snell, and Parks and Recreation Director Stacey Dicke.

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:02 p.m. Mayor Casteel gave the invocation and led the Pledge of Allegiance and Salute to the Texas Flag.

PRESENTATIONS:

A) Police Department Online Reporting

Mayor Casteel read the aforementioned caption.

Tom Wibert gave the presentation.

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.

Mayor Casteel read the aforementioned caption.

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

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.

Mayor Casteel read the aforementioned caption.

Ronald Savage spoke about roads.

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.
- 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.
- 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.
- 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.

Mayor Casteel read the aforementioned captions except item B.

Item B was pulled from the agenda and no action was taken.

Councilmember Garcia moved to approve the Consent Agenda, except item B. Councilmember Hines seconded the motion which passed unanimously.

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.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

Jeff Rhodes, Ken Heebner, Ron Savage, Susie Waters, and John Davis spoke on the item.

Councilmember Meadows moved to approve Scenario A. Mayor Pro Tem Peters seconded the motion.

Councilmember Garcia moved to amend the motion to include moving forward with a PER for the components of an all abilities park on the existing site or perhaps another site. Councilmember Hines seconded the motion to amend which passed unanimously. The amended main motion passed unanimously.

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

Mayor Casteel read the aforementioned caption.

Robin Shellard presented the item.

Mario Obledo and Tricia Schneider spoke during the public hearing.

- 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.

Mayor Pro Tem Peters moved to take item H out of order. Councilmember Garcia seconded the motion which passed unanimously.

Mayor Casteel read the aforementioned caption.

Valeria Acevedo presented the item.

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

- 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.

Mayor Casteel read the aforementioned caption.

Stacy Snell presented the item.

Chris Van Heerde spoke in favor of the item.

Devlon Hogue spoke against the item during the public hearing.

Councilmember Meadows moved to approve the item with staff recommendations and the following conditions:

- 1. In addition to Building A, all exterior building facades must meet the City's minimum masonry requirements including the bottom 4 feet of masonry wainscoting.**
- 2. A minimum 5-foot rear setback.**
- 3. No masonry wall required on the rear property line.**
- 4. The property is limited to one monument sign with a maximum area of 32 square feet per sign face, a maximum height of 6 feet and a minimum setback of 6 feet with the following additional requirements:**
 - a. Signage shall be in compliance with Chapter 106, Signs, of the City of New Braunfels Code of Ordinances. The most restrictive rule prevails.**
 - b. Illumination of monument signage shall be restricted to internal illumination where only the lettering or the logo is illuminated. Logos where more than 50% of the image is white or light in color shall be restricted to 25% of the sign face.**
 - c. Flashing or chasing lights are prohibited.**
 - d. Electronic message boards are prohibited.**
 - e. There shall be no wall signs allowed (signs attached to the buildings).**
 - f. Temporary A-Frame or T-Frame sign must be stored indoors when**

business is closed.

g. All other forms of temporary signage are prohibited including, but not limited to, banners, streamers, pennants, yard flags and inflatable signs.

5. Shade trees from the Approved Plant List (Chapter 144, Appendix A) a minimum of 3 inches in diameter (dbh) are planted no more than 40 feet apart along the County Line Memorial Trail.

6. Lighting for the County Line Memorial Trail is required subject to review and approval of the proposed fixtures for compliance with the City's lighting standards. Lighting along the rear of boundary of the property is not required, but may be provided with the same standards.

7. 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.

8. All required landscaping must be irrigated with an automatic underground system.

9. Parkland Dedication and Development Fees are required prior to the issuance of a building permit.

10. 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.

Councilmember Hoyt seconded the motion which passed 6-1, with Councilmember Garcia opposed.

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.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Tom Tumlinson spoke during the public hearing.

Councilmember Hines moved to approve the item with staff recommendations including a maximum of five vehicles. Councilmember Garcia seconded the motion which passed unanimously.

- 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.

Mayor Casteel read the aforementioned caption.

Judy Dickerson, Joe Sierra, and Michael Quadlander spoke during the public hearing.

Councilmember Hines moved to approve the item with staff recommendations.

The item failed due to no second to the motion.

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

Mayor Casteel read the aforementioned caption.

Stacey Dicke presented the item.

Councilmember Hines moved to approve the item with staff recommendations. Councilmember Meadows seconded the item which passed unanimously.

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

Mayor Casteel read the aforementioned caption.

Stacey Dicke presented the item.

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

5. EXECUTIVE SESSIONS

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

- A) Deliberate 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

Mayor Casteel read the aforementioned caption before item 4C.

The City Council recessed into Executive Session from 8:17 p.m. - 9:25 p.m.

City Council reconvened into Open Session at 9:25 p.m.

No vote or action was taken.

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

Mayor Casteel read the aforementioned caption.

The City Council recessed into Executive Session from 11:05 p.m. - 11:13 p.m.

No vote or action was taken.

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.**

City Council reconvened into Open Session at 11:13 p.m.

No vote or action was taken.

7. **ADJOURNMENT**

The meeting adjourned at 11:13 p.m.

Date Approved: July 9, 2018

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary

**SPECIAL MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
SPECIAL MEETING OF TUESDAY, JUNE 26, 2018**

The City Council of the City of New Braunfels, Texas, met in Special Session on June 26, 2018, at 5:00 p.m.

City Councilmembers present were:

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

Absent 1 - Mayor Barron Casteel

Staff members present were: City Manager Robert Camareno, City Attorney Valeria Acevedo, City Secretary Patrick Aten.

The meeting was called to order by Mayor Pro Tem Peters in City Hall Council Chambers at 5:01 p.m. Councilmember Hines gave the invocation and Mayor Pro Tem Peters led the Pledge of Allegiance and Salute to the Texas Flag.

1. WORKSHOP

A) Interview applicants for the Planning Commission for terms ending May 31, 2019, and May 31, 2021.

Mayor Pro Tem Peters read the aforementioned caption.

City Council interviewed applicants. No action was taken.

C) Discuss and consider approval of the appointment to the Planning Commission of two individuals for terms ending May 31, 2019, and three individuals for terms ending May 31, 2021.

Mayor Pro Tem Peters read the aforementioned caption.

Patrick Aten presented the item.

Councilmember Garcia moved to appoint Lee Edwards, Ron Reaves, and Tom Meyer to the Planning Commission for terms ending May 31, 2021. Councilmember Hoyt seconded the motion which passed unanimously.

Councilmember Garcia moved to appoint John Mathis and Shaun Gibson to the Planning Commission for terms ending May 31, 2019. Councilmember Hoyt seconded the motion which passed unanimously.

- B) Interview applicants for the Zoning Board of Adjustment for terms ending May 31, 2020.

Mayor Pro Tem Peters read the aforementioned caption.

City Council interviewed applicants. No action was taken.

- D) Discuss and consider approval of the appointment of three regular and two alternate members to the Zoning Board of Adjustment for terms ending May 31, 2020.

Mayor Pro Tem Peters read the aforementioned caption.

Patrick Aten presented the item.

Councilmember Hoyt moved to appoint Brandon Mund, Susie Barrett, and Tody Sindelar as regular members of the Zoning Board of Adjustment for terms ending May 31, 2020. Councilmember Meadows seconded the motion which passed unanimously.

Councilmember Hines moved to appoint Andy Hillyer and Lawrence Spradley as alternate members of the Zoning Board of Adjustment for terms ending May 31, 2020. Councilmember Bowers seconded the motion which passed unanimously.

The meeting adjourned at 8:03 p.m.

Date Approved: July 9, 2018

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary

**SPECIAL MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
SPECIAL MEETING OF MONDAY, JULY 2, 2018**

The City Council of the City of New Braunfels, Texas, met in Special Session on July 2, 2018, at 9:00 a.m.

City Councilmembers present were:

Present 7 - Mayor Barron Casteel, Councilmember Shane Hines, Councilmember Justin Meadows, Councilmember Harry Bowers, Councilmember Matthew E. Hoyt, Mayor Pro Tem Wayne Peters, and Councilmember Leah García

City Staff present were: City Manager Robert Camareno, City Attorney Valeria Acevedo, Assistant City Manager Kristi Aday, Assistant City Manager Bryan Woods, City Secretary Patrick Aten, Library Director Gretchen Pruett, Fire Chief Kenneth Jacks, Police Chief Tom Wibert, Recreation Center Manager Kelsey Heiden, Parks and Recreation Director Stacey Dicke, Interim Finance Director Jared Werner, Information Technology Director Travis Cochrane, Public Information Officer Sheri Masterson, Public Works Director Greg Malatek, Airport Director Robert Lee, Fire Chief Kenneth Jacks, and Planning and Community Development Director Chris Looney.

The meeting was called to order by Mayor Pro Tem Peters in the Multipurpose Room of Das Rec at 9:18 a.m. Councilmember Meadows gave the invocation and Mayor Pro Tem Peters led the Pledge of Allegiance and Salute to the Texas Flag.

1. CITY COUNCIL RETREAT AGENDA ITEMS

A) Facility tour for City Council.

Mayor Pro Tem Peters read the aforementioned caption.

Kelsey Heiden led a tour of Das Rec.

No action was taken.

B) Presentation and discussion of the Five Year Financial Forecast.

C) Presentation, discussion, and possible direction regarding the development of the FY 2018-19 Budget.

- D) Presentation and discussion regarding debt management strategies.
- E) Presentation and possible direction regarding the RFQ process and selection criteria.

Mayor Casteel read the aforementioned captions (B-E).

Robert Camareno, Jared Werner, Kristi Aday, and Bryan Woods presented the items.

No action was taken, but City Council's direction regarding the RFQ process was to use a modified version of the City of Austin's evaluation criteria.

Date Approved: July 9, 2018

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

7/9/2018

Agenda Item No. A)

Presenter/Contact

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

SUBJECT:

Confirmation of the appointment of one individual to the City of New Braunfels Civil Service Commission for a term ending August 10, 2021.

BACKGROUND / RATIONALE:

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

The City Manager has reappointed Paul Ericksen to the City's Civil Service Commission for a term ending August 10, 2021.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the confirmation of the appointment of Paul Ericksen to the Civil Service Commission for a term ending August 10, 2021.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

7/9/2018

Agenda Item No. B)

Presenter/Contact

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

SUBJECT:

Approval of the appointment of one individual to the Landa Park Golf Course Advisory Board for a term ending December 31, 2019.

BACKGROUND / RATIONALE:

The Landa Park Golf Course Advisory Board is made up of seven members serving three-year staggered terms; one member from the Landa Ladies Golf Association, one member from the New Braunfels Golf Association, and five at-large members.

Due to a resignation, the New Braunfels Golf Association seat has become vacant. The New Braunfels Golf Association recommends Doug Clute as their representative.

The following qualified application was submitted:

- Doug Clute, New Braunfels Golf Association representative

Doug Clute has no prior City of New Braunfels board or commission experience.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the approval of Doug Clute to the Landa Park Golf Course Advisory Board for a term ending December 31, 2019.



May 24, 2018

To: City of New Braunfels and Landa Park Golf Course,

This is to inform you that the New Braunfels Golf Association has selected Mr. Douglas Clute to replace Mr. Jim Davis as our Golf Course Advisory Board representative. We would like Mr. Clute to be able to start in this role as soon as possible. His contact information is below.

Please let me know if you have any questions or need additional information.

Thank you,

A handwritten signature in black ink, which appears to read "John Clish". The signature is fluid and cursive, with a large loop at the end.

John Clish, Tournament Director, NBGA

Douglas Clute



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

7/9/2018

Agenda Item No. C)

Presenter/Contact

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

SUBJECT:

Approval of the appointment of one individual to the Construction Board of Appeals for a term ending February 24, 2023.

BACKGROUND / RATIONALE:

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

The following applications were received:

- Aaron Clark for architect

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the appointment of one individual to the Construction Board of Appeals for a term ending February 24, 2023.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

7/9/2018

Agenda Item No. D)

Presenter/Contact

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

SUBJECT:

Approval of the appointment of two individuals to the Watershed Advisory Committee for terms ending April 18, 2021.

BACKGROUND / RATIONALE:

The Watershed Advisory Committee is comprised of nine stakeholder representatives and a Chair. The two position-specific seats are for a landscaper/architect/arborist and developer.

The seats were advertised from May 15 to June 14, 2018. Two applicants applied:

- Chris Brockman - for the landscaper/architect/arborist
- Brad Bechtol (incumbent) - for the developer

Chris Brockman has no previous experience on City boards.

Brad Bechtol has served on the WAC since 2012. He also serves on the Construction Board of Appeals.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

7/9/2018

Agenda Item No. E)

Presenter/Contact

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

SUBJECT:

Approval of the appointment of one individual to the River Advisory Committee for a term ending December 8, 2020.

BACKGROUND / RATIONALE:

The River Advisory Committee is a seven-member committee comprised of position-specific seats. A river/tourism professional seat was vacated in May, so the seat was advertised May 16 to June 14, 2018. One qualified application was received:

- Shane Wolf

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

7/9/2018

Agenda Item No. F)

Presenter/Contact

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

SUBJECT:

Approval of a resolution designating the investment officers for the City of New Braunfels.

BACKGROUND / RATIONALE:

The Public Funds Investment Act and the City of New Braunfels Investment Policy require that the City designate investment officers by resolution. Since recent changes in staff have occurred, this action is necessary to bring the City into compliance. The resolution designates the following individuals to serve as investment officers for the City:

Robert Camareno, City Manager
Jared Werner, Interim Director of Finance
Sandy Paulos, Assistant Director of Finance

These individuals will be authorized to deposit, withdraw, transfer, open accounts and manage the funds of the City while exercising the judgment and care that a prudent person would exercise in the management of the person's own affairs and to perform all the requirements of the Public Funds Investment Act.

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

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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the resolution designating the investment officers for the City of New Braunfels.

RESOLUTION NO. 2018-R_____**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, DESIGNATING THE INVESTMENT OFFICERS FOR THE CITY OF NEW BRAUNFELS.**

Whereas, the Public Funds Investment Act codified in Government Code Chapter 2256 governs local government investment; and

Whereas, the Public Funds Investment Act (Section 2256.005(f)) and the City's Investment Policy, require the City to designate one or more investment officer(s) by rule, ordinance or resolution; and

Whereas, the Public Funds Investment Act and the City's Investment Policy, require the investment officer(s) to perform certain duties and report regularly to the City Council on the investment program.

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

That, the City has complied with the requirements of the Public Funds Investment Act and the City's Investment Policy and designates the following individuals to serve as Investment Officers of the City:

Robert Camareno, City Manager
 Jared Werner, Interim Director of Finance
 Sandy Paulos, Assistant Director of Finance

To be responsible for the investment of its funds consistent with the City's policy. The Investment Officer(s) is authorized to deposit, withdraw, transfer, open investment accounts and manage the funds while exercising the judgement and care, under circumstances then prevailing, that a prudent person would exercise in the management of the person's own affairs and to perform all the requirements of the Act.

PASSED, APPROVED AND ADOPTED this 9th day of July, 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

7/9/2018

Agenda Item No. G)

Presenter

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

SUBJECT:

Approval of the second and final 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

City Council held a public hearing on June 25, 2018 and unanimously approved the first reading of the ordinance with staff recommendations.

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.
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		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*

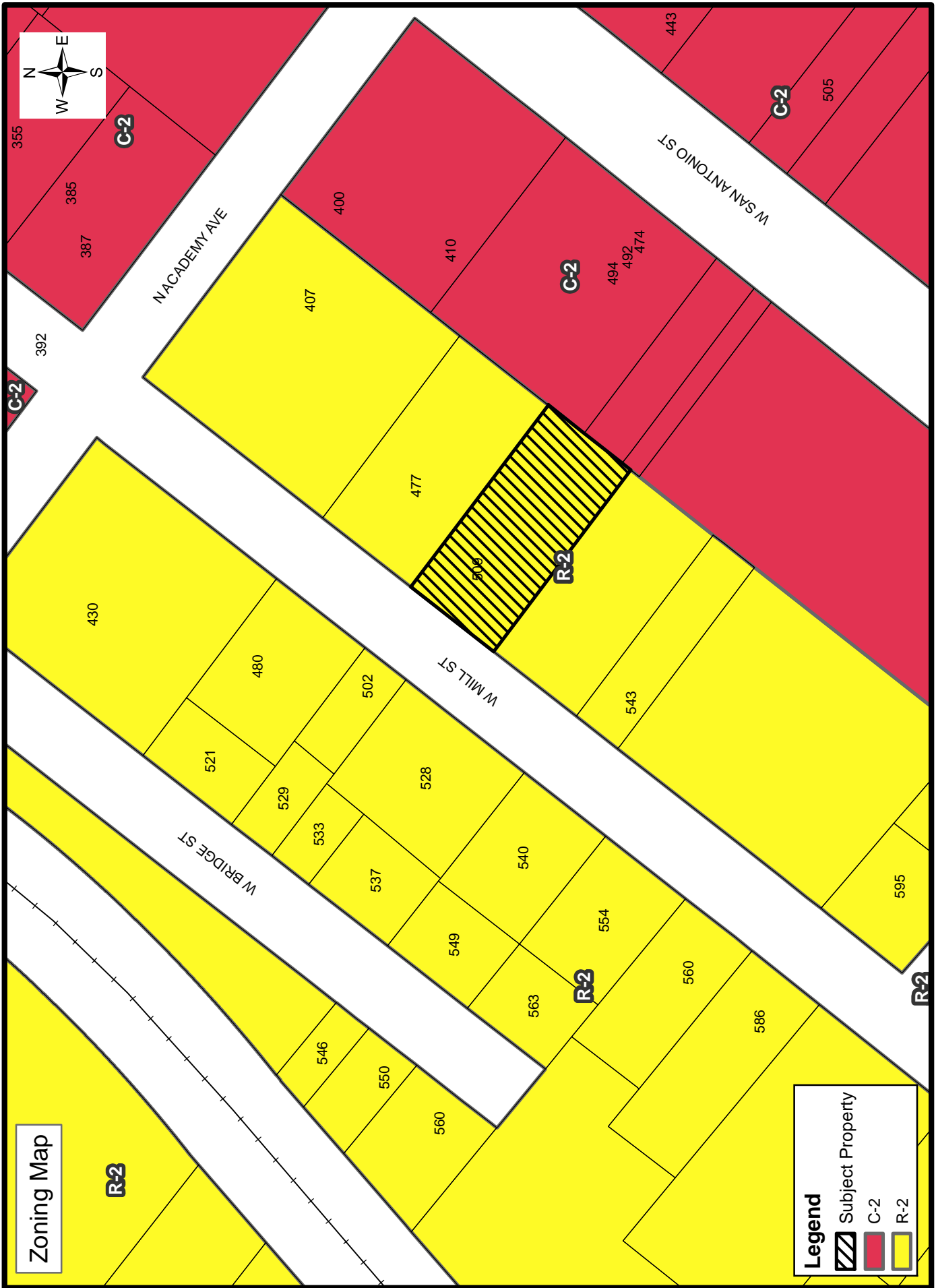
In the mid-1990s, the garage was converted to a day care center. It operated as a day care center for 20 years. At some point, a special use permit was granted for that.

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

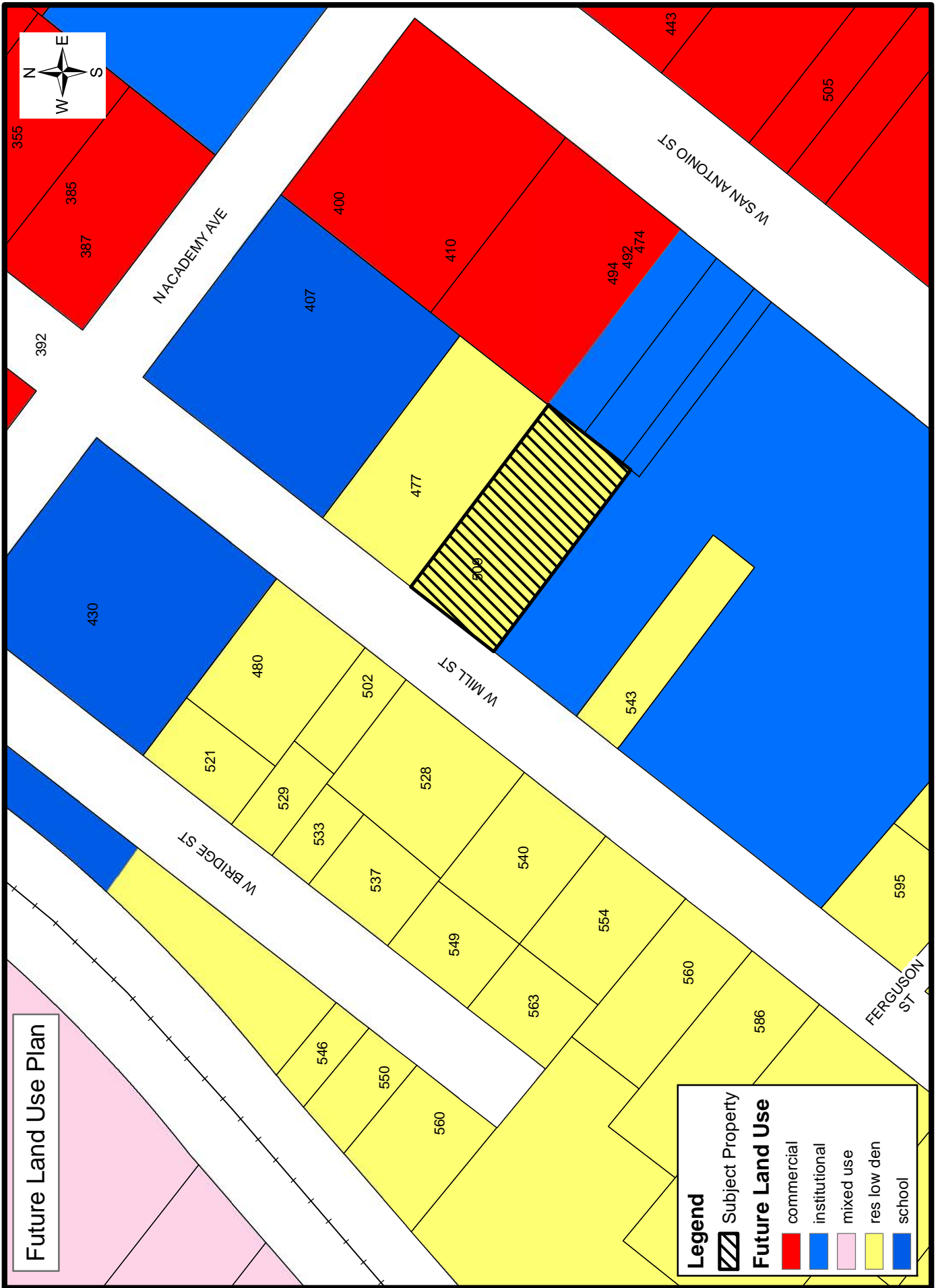
The concrete drive is 24' 2" by 72'. 4 cars can be parked there.



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. Pfoest Properties LLC
-

SEE NOTIFICATION MAP

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-013 hm

Name: Leslie LammersAddress: 480 W Mill St.Property number on map: 3

Comments: (Use additional sheets if necessary)

I favor: ✓

I object: _____

(State reason for objection)

Signature: 

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-013 hm

Name: Patricia ButlerAddress: 474 W. San Antonio St.Property number on map: 12 C

Comments: (Use additional sheets if necessary)

I favor: ✓

I object: _____

(State reason for objection)

Signature: 

54
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:

Maria + Alex Giambardino

Address:

528 W. 7th St.

Property number on map:

6

I favor:

✓

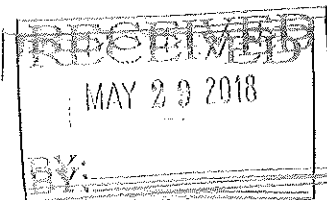
I object:

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature:

Alex Giambardino



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

7/9/2018

Agenda Item No. A)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the appointment of one individual to the Community Development Advisory Committee for a term ending December 13, 2019.

BACKGROUND / RATIONALE:

The Community Development Advisory Committee (CDAC) has nine at-large members serving three-year staggered terms.

Due to resignation, a vacancy was posted May 17 to June 14, 2018.

The following qualified applications were submitted:

- Tracy Gibbons
- Lawrence Spradley
- Emily Lane
- Chris Evers

Applicant's current & prior service on Boards and Commissions

Tracy Gibbons has no prior City of New Bruanfels board or commission experience.

Lawrence Spradley has no prior City of New Bruanfels board or commission experience. He was recently appointed to the ZBA.

Emily Lane has no prior City of New Bruanfels board or commission experience. She is a graduate of City University.

Chris Evers has no prior City of New Bruanfels board or commission experience.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the approval of the appointment of one individual to the Community Development Advisory Committee for a term ending December 13, 2019.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

7/9/2018

Agenda Item No. B)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the appointment of three individuals to the Downtown Board for terms ending May 31, 2021.

BACKGROUND / RATIONALE:

The Downtown Board has eleven members serving three-year staggered terms. Four members serves as representatives of downtown entities; five members serve as downtown property owners or downtown business owners; and two members serving at-large.

Two positions for a downtown business owner or downtown resident were advertised April 16 to June 14, 2018. The following qualified applications were submitted:

- Patrick Winn (incumbent) - downtown business owner
- Curtis Leonhardt (incumbent) - downtown business owner
- Mary Flint - downtown resident
- Pamela Johnson - downtown resident

Patrick Winn has served on the Downtown Board since 2016.

Curtis Leonhardt has served on the Downtown Board since 2017.

Mary Flint has no prior City of New Braunfels board or commission experience.

Pamela Johnson has no prior City of New Braunfels board or commission experience.

One position for an at-large seat was advertised March 16 to June 14, 2018. The following applications were submitted:

- Jill Poirier
- Brett Davidson
- David Warmke

Jill Poirier has no prior City of New Braunfels board or commission experience.

Brett Davidson has no prior City of New Braunfels board or commission experience.

David Warmke has no prior City of New Braunfels board or commission experience.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the appointment of three individuals to the Downtown Board for terms ending May 31, 2021.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

7/9/2018

Agenda Item No. C)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the solicitation criteria for professional services for Preliminary Engineering on Goodwin Lane/Conrads Lane, Barbarosa (FM 1101 to Alves Ln) and Kohlenberg Road (IH 35 to FM 1101) as part of the proposed 2019 Bond Program.

BACKGROUND / RATIONALE:

On April 25, 2018, City Council approved the design contracts for preliminary engineering for the proposed 2019 Bond projects. In addition to those projects, Council voted to add three street projects to the proposed 2019 Bond Program to be evaluated through preliminary engineering. These three streets are: Goodwin Lane/Conrads Lane, Barbarosa (FM 1101 to Alves Ln) and Kohlenberg Road (IH 35 to FM 1101).

Council directed staff to review neighboring municipalities professional services solicitation criteria prior to releasing the RFQ (request for qualifications) for these three new street projects. On July 2, 2018, staff presented professional services solicitation criteria to Council for direction on which items to incorporate. Based on Council's direction, staff has revised the City's RFQ document.

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:

There is no fiscal impact. All design contracts will be brought back to Council for approval.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the solicitation criteria for professional services for Preliminary Engineering on Goodwin Lane/Conrads Lane, Barbarosa (FM 1101 to Alves Ln) and Kohlenberg Road (IH 35 to FM 1101) as part of the proposed 2019 Bond Program.

PROPOSED EVALUATION CRITERIA REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES

EVALUATION CRITERIA:

Evaluation Standard; Evaluation Committee. A committee comprised of City of New Braunfels staff will evaluate the SOQs submitted. SOQs will be evaluated on evidence of understanding of the issues and challenges, the objectives to be achieved, and the technical and administrative capabilities in relation to the needs of the project. The following criteria are those that will be applied in the evaluation of responses for providing professional consulting services to the City of New Braunfels.

Following each description are the evaluation points associated with the item. Total possible points equal 100 (plus 15 points for interviews, if conducted).

ITEM 1 - TURNED IN ALL REQUIRED DOCUMENTS

Did respondent turn in the requested documents as required by this Consideration Item and the forms and submittal requirements for all other consideration items?

No - Response **will not** be evaluated.

Yes - Evaluation of the response will continue.

Respondent must attach the following for Consideration:

- **Tab 1 Solicitation and Offer Form**
- **Tab 1 Addenda**
- **Tab 2 Letter of Interest**
- **Tab 3 Item 2a - Team's Structure, Experience, and Availability**
- **Tab 3 Item 2b - Teams Project Approach**
- **Tab 4 Item 3 - Experience of Project Manager and Project Principal**
- **Tab 5 Item 4 - Team Comparable Project Experience**
- **Tab 6 Item 5 - Major Scopes of Work – Comparable Project Experience**
- **Tab 6 Item 6 - Teams Experience with New Braunfels Issues**
- **Tab 7 Item 7 - City of New Braunfels Experience with Team**
- **Tab 8 Other Support & Attachments: Vendor Certifications and Non-Conflict of Interest**

ITEM 2a - TEAM'S STRUCTURE, EXPERIENCE, AND AVAILABILITY

10 Points Maximum

City is interested in team's organizational structure. Identify project leadership, reporting responsibilities, how the team will interface with City's project manager, and how subconsultants will work within the team structure. Team and subconsultants must have adequate and experienced current staff (including professionals registered in applicable fields, other professionals, and technicians) to competently and efficiently perform the work.

- Indicate activities, responsibilities and key personnel on the organizational chart.
- Describe the roles of the key individuals proposed to work on this project. Key personnel included in this section are expected to be the same personnel that will be assigned to the contract if awarded.

- Indexed and Labeled as Tab "3"
- Provide an organizational chart

PROPOSED EVALUATION CRITERIA REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES

- ☐ Provide a brief narrative.

ITEM 2b – - TEAM’S PROJECT APPROACH

20 Points Maximum

City is interested in team's overall understanding of the project scope, phasing, and issues.

- Describe any significant project issues and the team’s approach in addressing those issues.
- Reference issues seen on similar scoped projects, and the overall approach to mitigate those and other issues.
- Describe your team’s methods to successfully complete the work; your team’s understanding of the techniques and sequencing required; and how the team and subconsultant will interface with the City’s appointed representative team.
- Describe the major subconsultants’ placement in the overall approach to the project.
- Describe approaches the team will use to support the City remaining in the role of project owner throughout the life of the project.
- The City encourages the Consultant team to identify alternative approaches, phasing, steps, deliverables, or tasks in all major and other scopes based upon their experience with similar projects that facilitate and/or accelerate project delivery.

- Indexed and Labeled as Tab “3”
- Provide a narrative not to exceed four (4) pages.

ITEM 3 - EXPERIENCE OF PROJECT MANAGER AND PROJECT PRINCIPAL (past 10 Years)

20 Points Maximum

(Project Manager – 15 points; Project Principal – 5 points)

City is interested in the experience of the Project Manager and Project Principal that demonstrates history and success with projects of similar scope, budgets, and/or clients as the project described in this solicitation.

- Points will be awarded as indicated above.
- Only one individual per job responsibility should be designated.
- The prime consultant must employ the Project Manager and Project Principal.
- The Project Manager and Project Principal may be the same individual.
- The Project Manager must be licensed as a professional engineer, architect or land surveyor in the State of Texas at the time of submittal.
- List three (3) projects meeting these criteria which have been completed in the past ten (10) years for each individual.

- Indexed and Labeled as Tab “4”
- Experience of Project Manager. Please provide no more than one (1) page per project.
- Experience of Project Principal. Please provide no more than one (1) page per project.
- Attach a resume of no more than one (1) page for each individual.

Resumes – Respondent shall submit one-page resumes for all key team members. Resumes should link to project sheets and may also include additional previously completed relevant projects not highlighted in the project sheets. Resumes shall also include the license type (if applicable), number of years licensed, location of office, number of years’ experience in proposed role and experience with the Firm.

PROPOSED EVALUATION CRITERIA REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES

- Indexed and Labeled as Tab “4”
- Attach a resume of no more than one (1) pages for each individual.

ITEM 4 - TEAM COMPARABLE PROJECT EXPERIENCE (past 10 years)

15 points maximum

City is interested in the team's history and success with projects of similar scope, budgets, and/or clients as the projects described in this solicitation.

- List three (3) projects meeting these criteria which have been completed in the past ten years.
 - In addition, City may consider history of firm in complying with projects, projects, schedules, and budgets on previous City projects and projects.
- Indexed and Labeled as Tab “5”
 - Provide a narrative not to exceed one (1) page.

ITEM 5a - MAJOR SCOPES OF WORK - COMPARABLE PROJECT EXPERIENCE (past 10 years)

15 points maximum

The City has identified Major Scopes of Work to be provided for this project, which are included in the Scope of Services. Each scope of work can be accomplished through sub-consulting other firms or utilizing the teams. The City is interested in the history and success of the firm proposed to perform the scope of work (subconsultant or prime), with similar projects, budgets, and/or clients as the areas identified.

- List three (3) projects per Major Scope of Work meeting these criteria which have been completed in the past ten years.
 - City may consider history of firms in complying with projects, projects, schedules, and budgets based on previous City projects and projects.
 - If more than one firm is listed for a particular Major Scope of Work,
 - the City expects the work will be divided evenly among them;
 - list three (3) projects per firm per scope of work.
 - Provide no more than one page per firm per scope.
- Indexed and Labeled as Tab “6”
 - Complete Project Sheet (see tab 5b) for each Major Scope of Work listed in the Scope of Services. Provide no more than one page per Major Scope of Work, per firm

ITEM 5b – Respondent's submittal shall include a maximum of three (3) project sheets, limited to one (1) page for each project, which describe similar projects the respondent has completed within the last five years. Each project sheet should include the following:

- Name and Description of the project;
- Scope of the project;
- Project Principal and note whether this person will work on this contract and his/her role planned for this contract;
- Project Manager and note whether this person will work on this contract and his/her role planned for this contract;

PROPOSED EVALUATION CRITERIA REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES

- Project budget, and final project costs e.g. history of accomplishing services within established budget, include planned versus actual.
- Project's proposed design start and completion date and actual completion date (explain inconsistencies);
- Names of the Team members who worked with on the project. Please indicate if they are still retained by the Respondent.
- The owner's name and the name of the representative (if different) who served as the day-to-day liaison for the project in the following format:
 - Name of Owner
 - Name of Owner's representative
 - Representative's Phone Number
 - Representative's E-mail

- Indexed and Labeled as Tab "6"

ITEM 6 - TEAM'S EXPERIENCE WITH NEW BRAUNFELS ISSUES **10 Points Maximum**

City is interested in the team's (including subconsultants) experience with New Braunfels issues, as may be evidenced by work in New Braunfels and/or the surrounding area during the past ten (10) years. Briefly describe experience in the following areas and reference projects relating to that experience:

- City of New Braunfels area development and/or project requirements.
- Local area construction in the public (City, State, etc.) right-of-way.
- Local area construction costs and practices.
- Local environmental community, conditions and constraints.
- Firm's experience with private and public utilities within the New Braunfels or surrounding area;
- Building code requirements; and City of New Braunfels Design Criteria
- Responsiveness due to proximity of projects to local office.
- Local area historical, civic and cultural values.
- Public awareness and involvement in projects development in the Local area.

- Indexed and Labeled as Tab "7"
- Provide a brief narrative of no more than four (4) pages.

ITEM 7 - CITY OF NEW BRAUNFEL'S EXPERIENCE WITH TEAM (past 10 years) **10 Points Maximum**

The City will consider the history of the firm in complying with projects, projects, schedules, and budgets on previous City of New Braunfels projects and projects within the last ten (10) years.

Firms with previous projects or projects with the City of New Braunfels and have had no issues will receive 10 points. Points will be deducted if the City has had negative experience with the team's performance on City projects or projects. Deductions are based on Consultant Evaluations completed by Project Managers at the end of each phase of the project.

Specific consideration items by phase may include:

PROPOSED EVALUATION CRITERIA REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES

- Timely completion of projects and projects and timeliness of performance per PSA and authorized amendments.
 - Timely, accurate, and complete payment applications and payments to subconsultants.
 - Deliverables met criteria established in contract / resolution of significant issues in writing.
 - Compliance with City ordinances on substitution/addition/deletion of subconsultants.
 - Compliance with City standards, including regulatory compliance and permitting requirements.
 - Conformance to City budget/cost requirements.
 - Preliminary, Design, and Bid/Award - estimates were within Fixed Construction Budget.
 - Construction - dollar value of change orders were $\leq 5\%$ of construction contract amount.
 - Quality of work performed.
- Indexed and Labeled as Tab "8"
 - Provide a narrative not to exceed seven (7) pages.

Firms who have had no previous projects or projects with the City of New Braunfels will receive a score equal to the average of all engineering firms in the data base with previous City projects.

ITEM 7 - INTERVIEWS (OPTIONAL) 15 Points Maximum

The City may determine that it is necessary to interview short-listed firms prior to making a recommendation to the City Council. Staff intends to use the following guidelines for the option process:

- The number of firms interviewed will depend on the closeness of the scores following evaluation of the written proposals.
- Staff will consider significant gaps in point separation between the top ranked firms in determining the number of firms to be interviewed.
- Only firms that are considered qualified to perform the work, on the basis of their written proposal, will be invited for interviews.
- No more than five firms will be interviewed.
- Staff may conduct interviews in other cases where staff believes it is in the best interest of the City.
- The City reserves the right to determine whether an interview will be conducted for every solicitation/project.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

7/9/2018

Agenda Item No. D)

Presenter/Contact

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

SUBJECT:

Public hearing and first reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area N and revise the parking restriction on the 500 block of S. Hill Avenue.

BACKGROUND / RATIONALE:

Council District: 6

Staff received a request from property owners along S. Hill Avenue to be included in the existing Parking by Permit Area N. The requested area consists of single-family homes. In addition the request to be included in Parking by Permit Area N, the property owner at 575 S. Hill Avenue requested that the parking restriction on S. Hill Avenue in front of their house be replaced with Parking by Permit to allow the property owner to park there.

Signed petitions have been received from the property owners and residents requesting addition into Parking by Permit Area N on the east side of S. Hill Avenue at 575 and 607 S. Hill Avenue and on the west side of S. Hill Avenue from W. Jahn Street to 640 S. Hill Avenue. This request is for daily between 6:00 p.m. to 6:00 a.m., year-round, which is consistent with the existing Parking by Permit Area N ordinance.

The proposed designated parking by permit area is a contiguous residential area and matches the schedule of existing parking by permit areas. All of the affected residents have submitted a signed statement of the following for the initial requested area:

We the undersigned are residents and/or property owners of the proposed designated permit area described in this application. We understand that: (i) if this area is designated, certain restrictions will be placed upon on-street parking within the area; (ii) residents and/or residential property owners of the area will be entitled to obtain a limited number of parking permits exempting their vehicles from such parking restrictions, but if a resident and/or property owner owns a vehicle without having a permit displayed, that vehicle will be subject to the parking restrictions; (iii) parking permits will be issued for a term of one year and require replacement each year; (iv) the cost of issuing the annual parking permits will be paid by the residents and/or property owners.

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

designated permit area.

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

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

FISCAL IMPACT:

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

COMMITTEE RECOMMENDATION:

The Transportation and Traffic Advisory Board unanimously approved a recommendation to City Council to amend Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area N to the areas requested by citizens at their meeting on June 14, 2018.

STAFF RECOMMENDATION:

Staff recommends approval of amending Parking by Permit Area N to include the east side of S. Hill Avenue at 575 and 607 S. Hill Avenue and on the west side of S. Hill Avenue from W. Jahn Street to 640 S. Hill Avenue. Staff also recommends approval of removing the parking restriction at 575 S. Hill Avenue to be replaced with Parking by Permit Area N.

ORDINANCE NO. 2018-_____**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-354 (c) TO AMEND PARKING BY PERMIT AREA N AND AMENDING SECTION 126-346 (f) TO REMOVE THE PARKING RESTRICTION AT 575 S. HILL AVENUE.**

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

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

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

I.

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

- (15) Area N, daily between the hours of 6:00 p.m. and 6:00 a.m., year-round.
 - b. On the east side of South Hill Avenue at 575 and 607 South Hill Avenue.
 - c. On the west side of South Hill Avenue from West Jahn Street to 640 South Hill Avenue.

II.

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

- (113) On both sides of the 500 block of South Hill Avenue, excluding 575 South Hill Avenue. Such no parking zone shall be designated as a tow away zone.

III.

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

IV.

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

V.

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

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

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

CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, MAYOR

ATTEST:

PATRICK D. ATEN, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY



Proposed addition to Parking by Permit Area N



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

7/9/2018

Agenda Item No. E)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the first reading of an ordinance amending Section 126-185 of the City of New Braunfels Code of Ordinances to prohibit through truck traffic, establishing one-way traffic, and amending Section 126-346 of the City of New Braunfels Code of Ordinances to restrict parking on one side on Ferguson Street.

BACKGROUND / RATIONALE:

Council District: 6

The Engineering Division received a request from citizens on West Mill Street to establish a No Through Truck restriction on Ferguson Street due to concerns related to truck traffic on a narrow road. Ferguson Street is an 18-foot wide residential street that extends between West San Antonio Street and West Mill Street. The concerns are with large trucks on northbound Ferguson Street not being able to turn onto West Mill Street without driving over the curb or into the right of way on the opposite side of West Mill Street. Specific concerns about trucks driving to and from New Braunfels Smokehouse were raised.

Through truck restrictions

Through truck restrictions apply to any truck that is traveling on these roadways not bound for a destination along Ferguson Street. Delivery or service trucks driving to a destination along this route are not prohibited from these roads because they are not through traffic. "Truck" is defined in the Texas Transportation Code and means a motor vehicle designed, used, or maintained primarily to transport property.

Traffic counts were conducted for over one week in early December 2017. During that week, there were a total of 1,136 vehicles that travelled on Ferguson Street. Of that total, 34 vehicles (3% of total vehicles) were classified as 2-axle, 6-tire vehicles, which would be indicative of solid waste vehicles, standard vehicles with trailers, delivery trucks such as UPS or FedEx trucks, and large commercial trucks that the requestors are concerned about. Relative to other local streets, overall traffic on Ferguson Street is considered very low.

Large commercial trucks should not be driving in residential areas and are discouraged on all local residential streets. Authorizing and recommending a through truck restriction should be based on observed issues, traffic data and other supporting information. City staff did not observe specific issues when conducting site visits and the traffic data did not clearly show a large percentage of trucks considering the truck data includes various types of multi-axle vehicles. Residents provided additional information with photographs and during public input at the Transportation and Traffic

Advisory Board and City Council meetings regarding commercial truck activity and issues. Based on the additional information and discussion, staff recommends a through truck restriction if Ferguson Street is maintained for two-way traffic. If Ferguson Street is changes to one-way traffic, staff recommends reevaluating the roadway to determine if through truck traffic is still an issue and implement a restriction only at that time.

One-way traffic

Establishing one-way traffic on Ferguson Street from West Mill Street to West San Antonio Street was proposed due to the difficulty that some vehicles have with turning from Ferguson Street onto West Mill Street and the narrow roadway.

If one-way traffic is approved, signs will be posted in accordance with the Texas Manual on Uniform Traffic Control Devices (TMUTCD). Additionally, a curb will need to be constructed at the right-of-way line at the northeast corner of the intersection of Ferguson Street and West San Antonio Street to deter drivers from driving the wrong way from West San Antonio Street. The installation will require coordination with the adjacent property and business owners. Staff recommends establishing one-way traffic once this curb is constructed at West San Antonio Street.

Parking Restrictions

Due to the width of Ferguson Street, the Transportation and Traffic Advisory Board has recommended parking restrictions to allow for better traffic flow. Because this is a residential street, staff recommends restricting parking only on one side of the street to allow for additional parking. The northeast side of Ferguson Street is proposed to have a parking restriction. This side was selected because it has more driveways and therefore, less parking spaces than the southwest side of the road. Based on a roadway width of 18 feet, approximately 7 feet will be provided for parking and 11 feet will be provided for one-way traffic.

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

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

FISCAL IMPACT:

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

The curb to be constructed at the intersection of Ferguson Street and West San Antonio Street will cost approximately \$3,100. Funding for this project will need to be identified in the FY18-19 budget.

COMMITTEE RECOMMENDATION:

The original request for through truck restrictions was presented at the Transportation and Traffic Advisory Board meeting on March 8, 2018. The Board recommended approval of the through truck restriction and that staff evaluate one-way traffic on Ferguson Street from West Mill Street to West San Antonio Street and/or the possibility of restricting parking on Ferguson Street on a motion that carried unanimously. These requests were presented to City Council on April 9, 2018, and staff was directed to take the request for one-way traffic and parking restrictions back to the Transportation and Traffic Advisory Board.

This request for through truck restrictions, one-way traffic, and parking restrictions was presented at the Transportation and Traffic Advisory Board meeting on June 14, 2018. The Board recommended approval of restricting through trucks, establishing one-way traffic from West Mill Street to West San Antonio Street, and restricting parking on the northeast side of Ferguson Street on a motion that carried unanimously.

STAFF RECOMMENDATION:

Staff recommends establishing one-way traffic on Ferguson Street in the direction of West Mill Street to West San Antonio Street once the curb at West San Antonio Street is constructed and restricting parking on the northeast side of Ferguson Street. Staff does not recommend restricting through truck traffic on Ferguson Street with one-way operations at this time. Staff recommends a through truck restriction if Ferguson Street is maintained for two-way traffic.



Ferguson Street Area Map

ORDINANCE NO. 2018-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-186 OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES TO RESTRICT THROUGH TRUCK TRAFFIC, ESTABLISHING ONE-WAY TRAFFIC, AND AMENDING SECTION 126-346 OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES TO RESTRICT PARKING ON ONE SIDE OF FERGUSON STREET.

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

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

I.

THAT the City of New Braunfels Code of Ordinances Section 126-186, Through trucks prohibited, is amended as follows:

(a) Through trucks are prohibited on the following roads:

(7) Ferguson Street from West San Antonio Street to West Mill Street.

II.

THAT it shall be unlawful for any person to operate a motor vehicle or a vehicle of any kind or type upon Ferguson Street between West Mill Street and West San Antonio Street except in a one-way eastbound direction.

III.

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

(117) On the northeast side of Ferguson Street. Such no parking zone shall be designated as a tow away zone.

IV.

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

V.

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

VI.

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

VII.

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

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

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

CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, MAYOR

ATTEST:

PATRICK D. ATEN, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

7/9/2018

Agenda Item No. F)

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

SUBJECT:

Discuss and consider approval of the installation of speed humps on Tulip Lane.

BACKGROUND / RATIONALE:

Council District: 4

Citizens submitted a request for the installation of speed humps on Tulip Lane between Buttercup Lane and Gruene Road. Tulip Lane functions as a residential street and provides direct access to residential properties. The request was evaluated based on petition, operational and geometric requirements established in the City of New Braunfels Speed Hump Policy approved in 1999. Fourteen signatures were required to meet the two-thirds requirement, and 14 signatures were received. An operational requirement in the policy is that the 85th percentile speed must be at least 5 miles per hour over the regulatory speed limit of 30 mph. Traffic data collected over a six-day period, including the weekend, showed the 85th percentile speed of 28 miles per hour. These requirements are listed in the attachment to this report.

If the request is approved, the street will be placed on the list of streets eligible for speed hump installation for up to three years. Speed hump projects will be prioritized according to the criteria established in the Speed Hump Policy. The Speed Hump Policy also states that the alteration or removal of speed humps requires the same petition process as the installation request, with at least two-thirds of all adjacent households and businesses in favor of speed hump removal. The city will not provide any funding for the removal of speed humps if it is requested.

Funding

The City has specific funding for the installation of speed humps. This is the ninth speed hump request for the FY 2017-2018 fiscal year.

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

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

FISCAL IMPACT:

Speed hump installation cost including speed cushions, signing and pavement markings for two sets of speed humps costs approximately \$14,000 to \$18,000 depending on location.

COMMITTEE RECOMMENDATION:

This item was considered and unanimously not approved by the Transportation and Traffic Advisory Board at their meeting on May 10, 2018.

STAFF RECOMMENDATION:

Staff does not recommend approval of speed humps on Tulip Lane as it does not meet the speed criteria established in the Speed Hump Policy.

Petition

Requirement		Satisfied?
1.	A petition from the residents and business owners documenting that at least two-thirds support the installation of speed humps.	Yes
2.	Verification statement from contact person confirming signatures are valid and represent at least two-thirds support.	Yes
3.	A statement from the neighborhood association endorsing speed hump installation.	N/A

Operational and Geometric Characteristics of the Street

Requirement		Satisfied?
1.	The street shall provide access to abutting residential and/or commercial properties.	Yes
2.	The street shall not have more than one lane of traffic in each direction.	Yes
3.	The street shall have a regulatory speed limit of 30 mph or less as determined in accordance with State Law.	Yes: 30 mph
4.	The 85 th percentile speed on the street must be at least 35 mph or 5 mph over the regulatory speed limit.	No: 28 mph
5.	The speed humps should not be located on a horizontal curve, on vertical curves where visibility of the hump is restricted, or on approaches to these curves.	Yes
6.	The street should have curb and gutter. Considerations may be given to street without curb and gutter to accommodate drainage and prevent vehicle run-arounds.	Yes
7.	The street must be approved by the emergency services departments.	Yes ^a
8.	The street must have a 24-hour traffic volume of at least 800 vehicles.	Yes: 882 vpd average

^a Parking may be restricted at speed hump locations to maintain emergency response.

Speed and Volume Data (Thursday, March 22 to Wednesday, March 28, 2018)

	≤25 mph	26-30 mph	31-35 mph	36+ mph
Average vpd	574	214	78	16

Project Prioritization Criteria

Criteria		Points Assigned
1. Accident	0 reported crashes over a period of 3 consecutive years	0
2. Speed	-2 mph difference between 85 th percentile speed and regulatory speed limit	0
3. Traffic Volume	Two-way peak hour volume of 80 vph	1
4. Type of Neighborhood	Absence of sidewalks on the project street.	1
Total:		2



Proposed Tulip Lane Speed Hump Locations



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

7/9/2018

Agenda Item No. G)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the installation of speed humps on San Fernando Lane.

BACKGROUND / RATIONALE:

Council District: 3

Citizens submitted a request for the installation of speed humps on San Fernando Lane between 857 San Fernando Lane and the end of the cul-de-sac on San Fernando Lane. San Fernando Lane functions as a residential street and provides direct access to residential properties. The request was evaluated based on petition, operational and geometric requirements established in the City of New Braunfels Speed Hump Policy approved in 1999. Twelve signatures were required to meet the two-thirds requirement, and 17 signatures were received. An operational requirement in the policy is that the 85th percentile speed must be at least 5 miles per hour over the regulatory speed limit of 30 mph. Traffic data collected over a six-day period, including Saturday, showed the 85th percentile speed of 24 miles per hour. An additional operations requirement is that the street must have a 24-hour traffic volume of at least 800 vehicles per day. The average daily traffic volume was 250 vehicles per day. These requirements are listed in the attachment to this report.

If the request is approved, the street will be placed on the list of streets eligible for speed hump installation for up to three years. Speed hump projects will be prioritized according to the criteria established in the Speed Hump Policy. The Speed Hump Policy also states that the alteration or removal of speed humps requires the same petition process as the installation request, with at least two-thirds of all adjacent households and businesses in favor of speed hump removal. The city will not provide any funding for the removal of speed humps if it is requested.

Funding

The City has specific funding for the installation of speed humps. This is the tenth speed hump request for the FY 2017-2018 fiscal year.

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

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

FISCAL IMPACT:

Speed hump installation cost including speed cushions, signing and pavement markings for one set of speed humps costs approximately \$7,000 to \$9,000 depending on location.

COMMITTEE RECOMMENDATION:

This item was considered and not approved by the Transportation and Traffic Advisory Board at their meeting on May 10, 2018 by a vote of 4-1.

STAFF RECOMMENDATION:

Staff does not recommend approval of speed humps on San Fernando Lane as it does not meet the speed or volume criteria established in the Speed Hump Policy.

Petition

Requirement		Satisfied?
1.	A petition from the residents and business owners documenting that at least two-thirds support the installation of speed humps.	Yes
2.	Verification statement from contact person confirming signatures are valid and represent at least two-thirds support.	Yes
3.	A statement from the neighborhood association endorsing speed hump installation.	Yes

Operational and Geometric Characteristics of the Street

Requirement		Satisfied?
1.	The street shall provide access to abutting residential and/or commercial properties.	Yes
2.	The street shall not have more than one lane of traffic in each direction.	Yes
3.	The street shall have a regulatory speed limit of 30 mph or less as determined in accordance with State Law.	Yes: 30 mph
4.	The 85 th percentile speed on the street must be at least 35 mph or 5 mph over the regulatory speed limit.	No: 24 mph
5.	The speed humps should not be located on a horizontal curve, on vertical curves where visibility of the hump is restricted, or on approaches to these curves.	Yes
6.	The street should have curb and gutter. Considerations may be given to street without curb and gutter to accommodate drainage and prevent vehicle run-arounds.	Yes
7.	The street must be approved by the emergency services departments.	Yes ^a
8.	The street must have a 24-hour traffic volume of at least 800 vehicles.	No: 250 vpd average

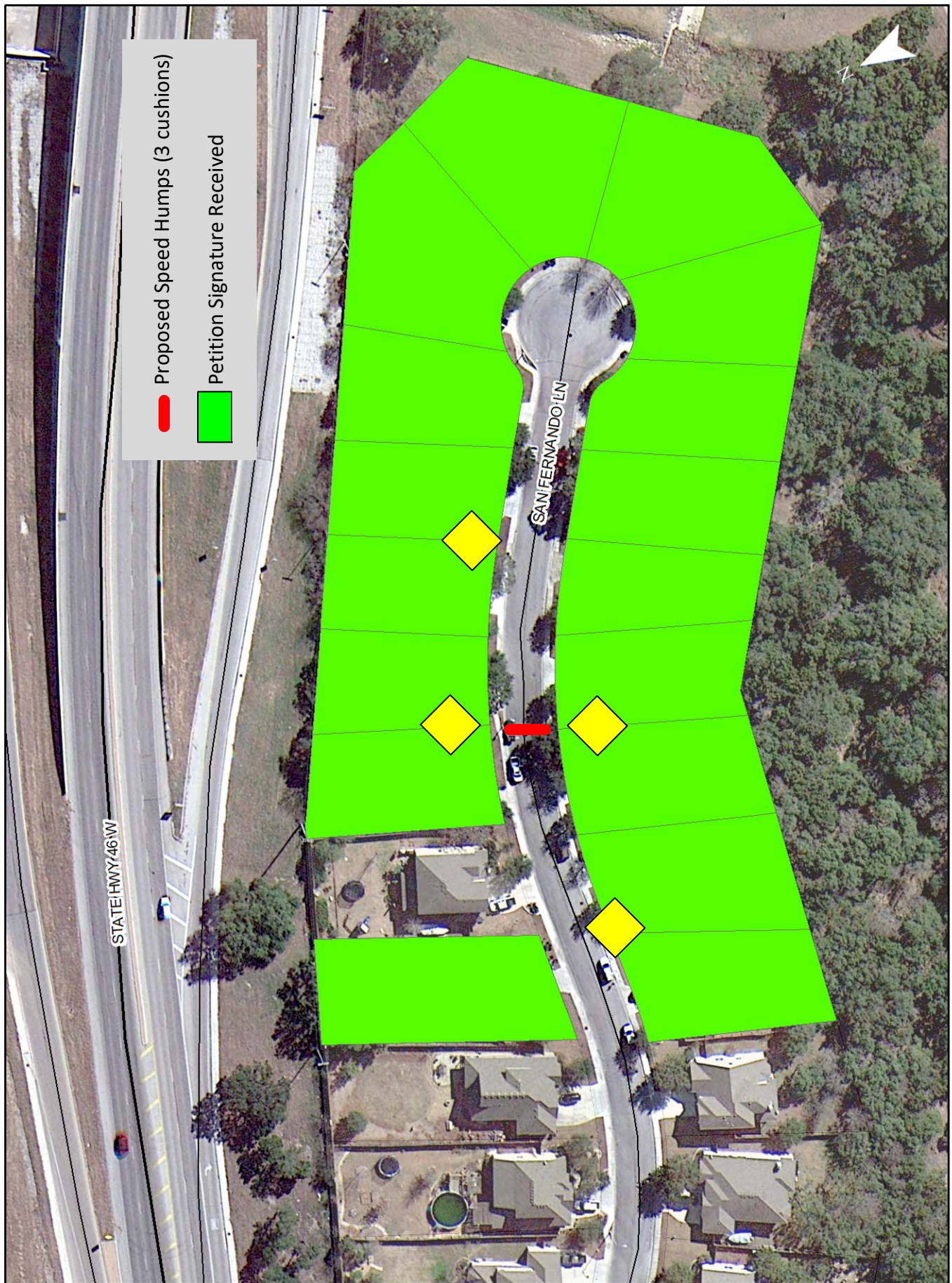
^a Parking may be restricted at speed hump locations to maintain emergency response.

Speed and Volume Data (Monday, April 30 to Saturday, May 5, 2018)

	≤25 mph	26-30 mph	31-35 mph	36+ mph
Average vpd	230	18	2	0

Project Prioritization Criteria

Criteria		Points Assigned
1. Accident	1 reported crash over a period of 3 consecutive years	0
2. Speed	-6 mph difference between 85 th percentile speed and regulatory speed limit	0
3. Traffic Volume	Two-way peak hour volume of 26 vph	1
4. Type of Neighborhood	None	0
Total:		1



Proposed San Fernando Lane Speed Hump Location



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

7/9/2018

Agenda Item No. H)

Presenter

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

SUBJECT:

Discuss and consider approval of the second and final 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

City Council held a public hearing to consider the first reading of this requested rezoning ordinance on June 25, 2018, and approved (6-1) the applicant's request with the following conditions:

1. In addition to Building A, all exterior building facades must meet the City's minimum masonry requirements including the bottom 4 feet of masonry wainscoting.
2. A minimum 5-foot rear setback.
3. No masonry wall required on the rear property line.
4. The property is limited to one monument sign consistent with the Walnut Neighborhood Special District with a maximum area of 32 square feet per sign face, a maximum height of 6 feet and a minimum setback of 6 feet with the following additional requirements:
 - a. Signage shall be in compliance with Chapter 106, Signs, of the City of New Braunfels Code of Ordinances. The most restrictive rule prevails.
 - b. Illumination of monument signage shall be restricted to internal illumination where only the lettering or the logo is illuminated. Logos where more than 50% of the image is white or light in color shall be restricted to 25% of the sign face.
 - c. Flashing or chasing lights are prohibited.

- d. **Electronic message boards are prohibited.**
- e. **There shall be no wall signs allowed (signs attached to the buildings).**
- f. **Temporary A-Frame or T-Frame sign must be stored indoors when business is closed.**
- g. **All other forms of temporary signage are prohibited including, but not limited to, banners, streamers, pennants, yard flags and inflatable signs.**
5. **Shade trees from the Approved Plant List (Chapter 144, Appendix A) a minimum of 3 inches in diameter (dbh) are planted no more than 40 feet apart along the County Line Memorial Trail.**
6. **Lighting for the County Line Memorial Trail is required subject to review and approval of the proposed fixtures for compliance with the City's lighting standards. Lighting along the rear of boundary of the property is not required, but may be provided with the same standards.**
7. **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.**
8. **All required landscaping must be irrigated with an automatic underground system.**
9. **Parkland Dedication and Development Fees are required prior to the issuance of a building permit.**
10. **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.**

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.
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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





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 PatelMailing 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 PlaceLot(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]
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.

CALLED 5.286 AC
 CITY OF NEW BRAUNFELS
 DOC. # 200806043992

CALLED 1.488 AC
 CITY OF NEW BRAUNFELS
 DRAINAGE & UTILITY EASEMENT
 VOL. 11, PG. 168
 SPECT.

PARKING TABLE					TOTAL PROVIDED
BUILDINGS	UNITS	BEDROOMS REQUIRE PAYMENT	PARKING REQUIRE	TOTAL REQUIRED	
SOUS-ETALAGE, 300 UNITS	1	1	1	1	1
SOUS-ETALAGE, 200 UNITS	1	1	1	1	1

CLIENT INFORMATION:

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

+1 830-708-1030
BADAMPISTA@YAHOO.COM



HMT
ENGINEERING & SURVEYING

ATTACHMENT 3



PERSPECTIVE | EAST 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 | WEST BIRDS EYE

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



PERSPECTIVE | FRONT ENTRANCE

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



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

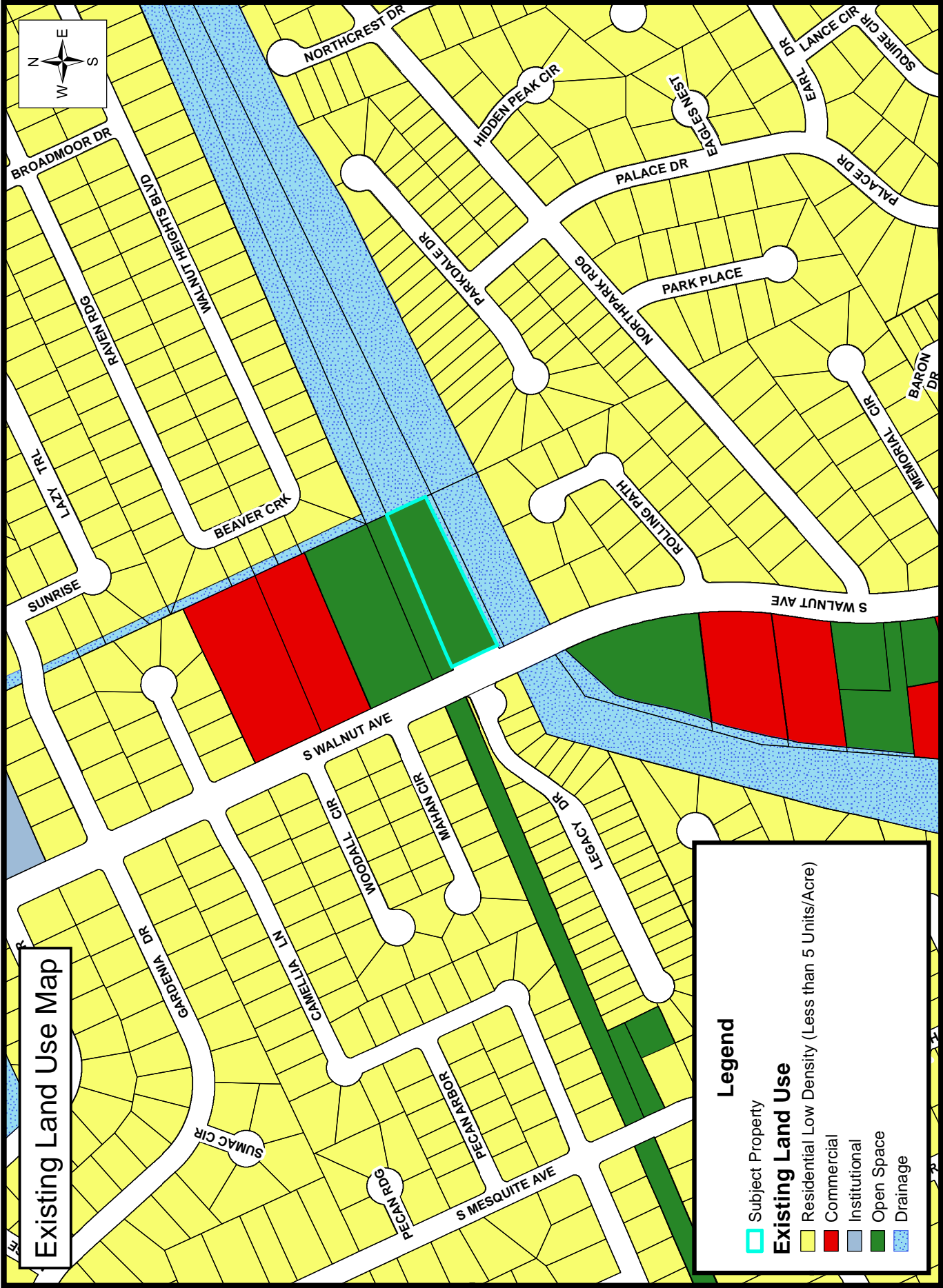
Walnut Mini-Storage – PZ-18-012

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.

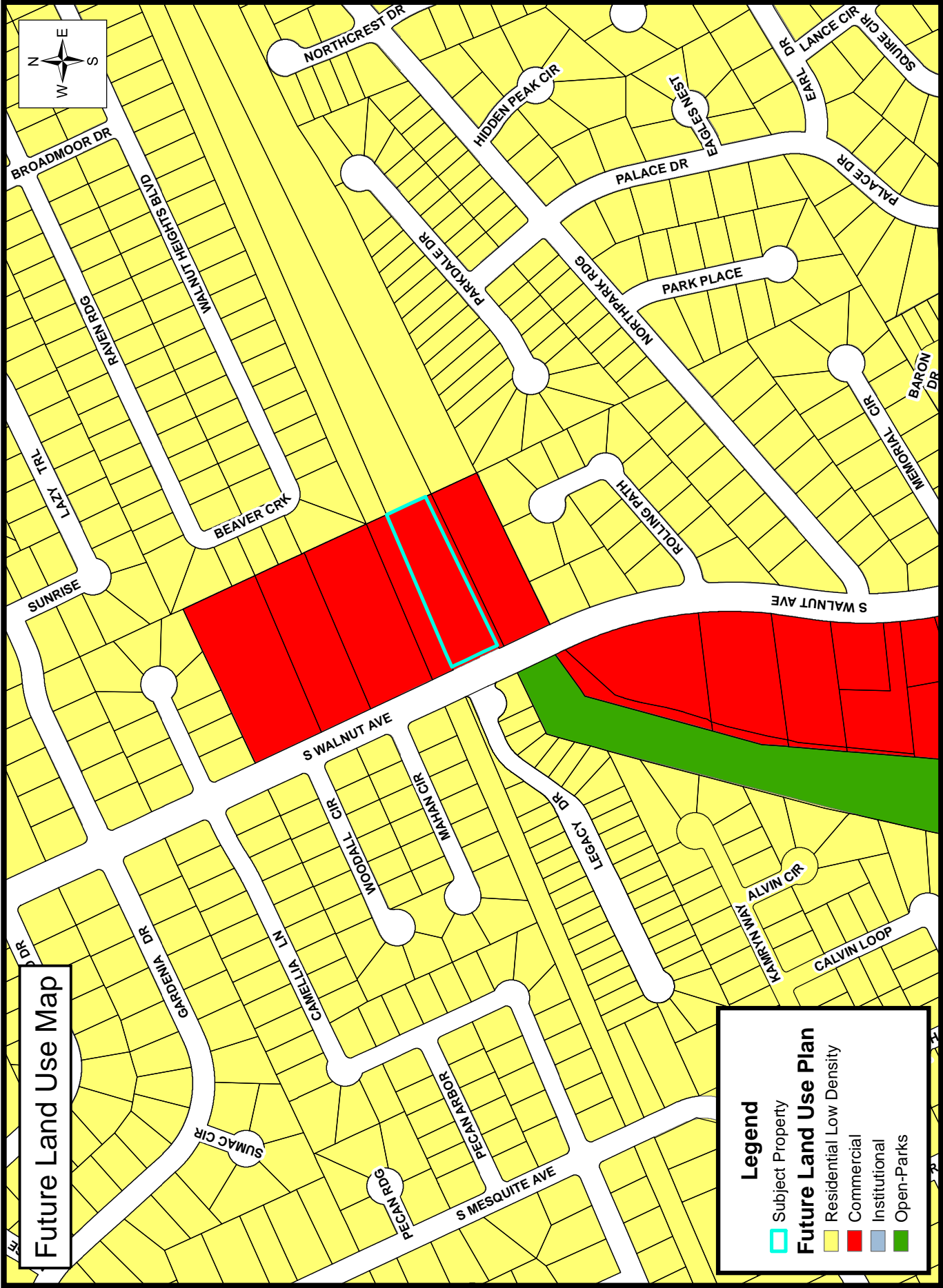
PARD has reviewed the proposed use of the property and the suggestions provided by the owner. Please see PARD comments below.

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

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

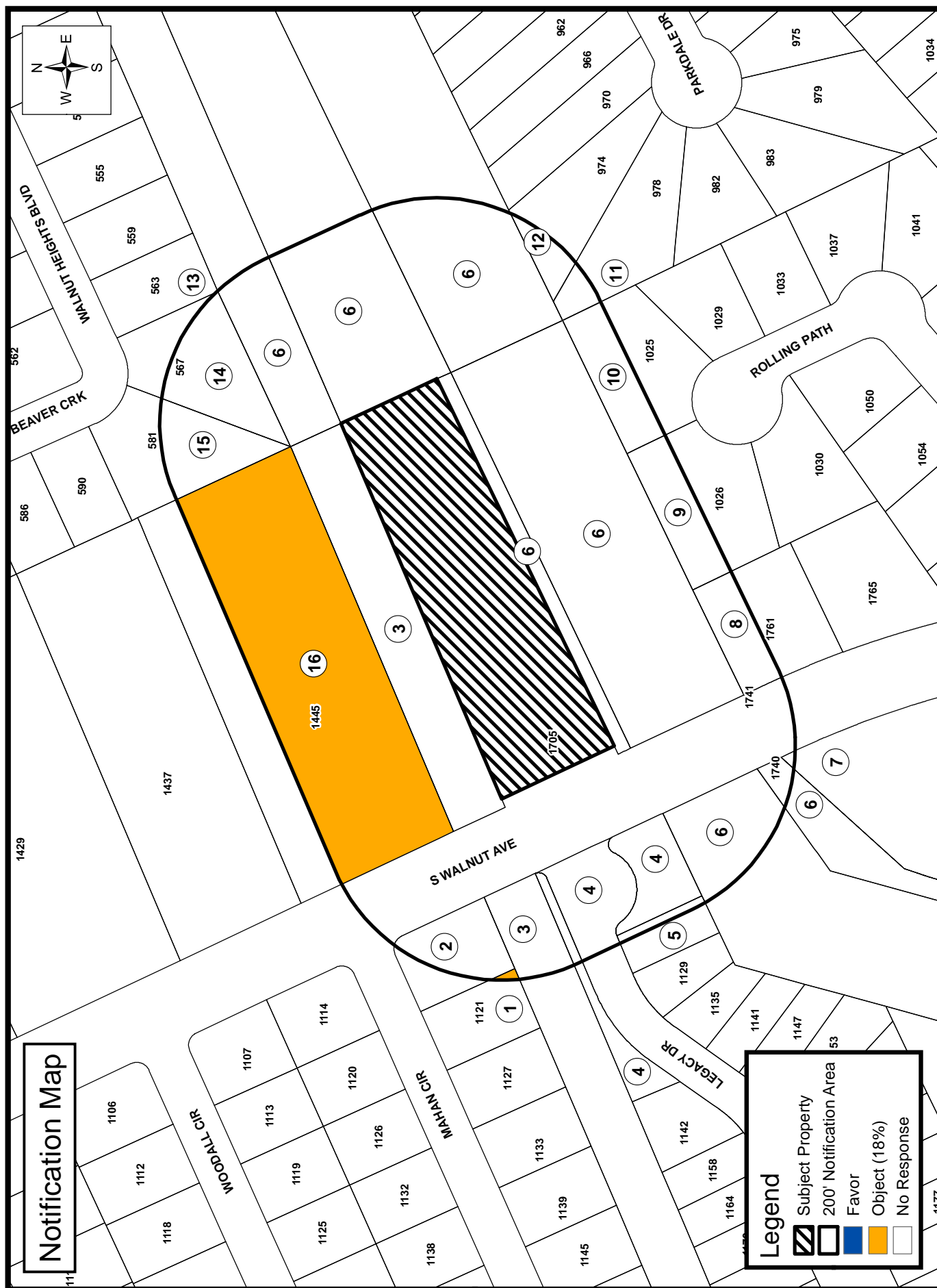
New Braunfels City Hall Council Chambers

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



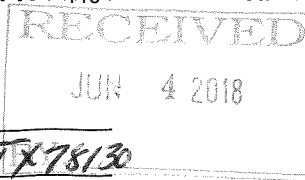
YOUR OPINION MATTERS ⁶ DETACH AND RETURN

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: M 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 procede.

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: _____

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: Linda J. Cast

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 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.; 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 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 “Type 2 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 conditions:

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. Exhibit ‘C’ shall be the elevation perspective of the Special Use Permit that is subject to the conditions listed within this Section. Improvements on the property shall be in general compliance with the elevation perspective including fencing style and entry building design.
3. In addition to Building A, all exterior building facades must meet the City’s minimum masonry requirements including the bottom 4 feet of masonry wainscoting.
4. A minimum 5-foot rear setback.
5. No masonry wall required on the rear property line.
6. The property is limited to one monument sign consistent with the Walnut Neighborhood Special District with a maximum area of 32 square feet per sign face, a maximum height of 6 feet and a minimum setback of 6 feet with the following additional requirements:
 - a. Signage shall be in compliance with Chapter 106, Signs, of the City of New Braunfels Code of Ordinances. The most restrictive rule prevails.
 - b. Illumination of monument signage shall be restricted to internal illumination where only the lettering or the logo is illuminated. Logos where more than 50% of the image is white or light in color shall be restricted to 25% of the sign face.
 - c. Flashing or chasing lights are prohibited.
 - d. Electronic message boards are prohibited.
 - e. There shall be no wall signs allowed (signs attached to the buildings).

- f. Temporary A-Frame or T-Frame sign must be stored indoors when business is closed.
 - g. All other forms of temporary signage are prohibited including, but not limited to, banners, streamers, pennants, yard flags and inflatable signs.
- 7. Shade trees from the Approved Plant List (Chapter 144, Appendix A) a minimum of 3 inches in diameter (dbh) are planted no more than 40 feet apart along the County Line Memorial Trail.
- 8. Lighting for the County Line Memorial Trail is required subject to review and approval of the proposed fixtures for compliance with the City's lighting standards. Lighting along the rear boundary of the property is not required, but may be provided with the same standards.
- 9. 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.
- 10. All required landscaping must be irrigated with an automatic underground system.
- 11. Parkland Dedication and Development Fees are required prior to the issuance of a building permit.

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

1. ALL LOTS WITHIN THE SUBDIVISION WILL BE PROVIDED WATER, SEWER AND ELECTRIC SERVICE.
2. SURVEY INFORMATION FOR THIS PROJECT WAS OBTAINED FROM THE TARRANT COUNTY RECORDS DEPARTMENT.
3. THE SUBDIVISION WILL BE PROVIDED BY AT&T COMMUNICATIONS AND/OR TIME WARNER CABLE.
4. ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204.1) NORTH AMERICAN DATUM 1983.
5. CORRODISTANCES SHOWN HEREON ARE BASED UPON SURFACE MEASUREMENTS TO THE CENTER OF SURFACE BENCHMARKS TO WHICH APPLICABLE CURVED SUEWAGE FACES OF 1'000FT
6. MONUMENTS WERE FOUND OR SET AT EACH CORNER OF THE SURVEY BOUNDARY OF THE SUBDIVISION. MONUMENTS AND LOT MARKERS WILL BE SET WITH A 1/4" IRON PIN IN THE CORNERS OF THE LOTS. THERE SHALL BE NO STREET CONSTRUCTION UNLESS NOTED OTHERWISE.
7. THIS SUBDIVISION IS NOT WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.
8. THIS SUBDIVISION IS WITHIN THE CITY LIMITS OF NEW BRAUNFELS, TEXAS.
9. THE SUBDIVISION IS WITHIN THE NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT.
10. NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN ANY SPECIAL FLOOD HAZARD AREA ("100 YR. FLOOD") AS DEFINED BY THE COVAL COUNTY, TEXAS FLOOD INSURANCE RATE MAP NUMBER 4606C46H5P, EFFECTIVE DATE SEPTEMBER 2, 2009 PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

[illegible]

NEW BRAUNFELS UTILITIES NOTES

1. MAINTENANCE OF DEDICATED UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. ANY USE OF AN EASEMENT, OR ANY PORTION OF IT, INCLUDING LANDSCAPING OR ORNAMENTAL PLANTINGS, IS SUBJECT TO THE REQUIREMENTS OF THE UTILITY EASEMENT. THE EASEMENT SHALL BE REVERSED TO THE CITY OF NEW BRANFLEWIS UTILITIES, ITS SUCCESSORS, OR ITS ASSIGNEES, IF THE UTILITY EASEMENT IS NOT MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF NEW BRANFLEWIS OR ANY OTHER GOVERNING BODY. THE PROPERTY OWNER MUST OBTAIN IN ADVANCE, WRITTEN AGREEMENT WITH THE UTILITY EASEMENT, ON ANY PART OF IT.
2. UTILITIES WILL POSSESS THE UTILITY SERVICE EASEMENT TO THE DWELING ALONG THE FRONT YARD. THE UTILITY SERVICE EASEMENT SHALL BE REVERSED TO THE CITY OF NEW BRANFLEWIS UTILITIES, ITS SUCCESSORS, OR ITS ASSIGNEES, IF THE UTILITY SERVICE EASEMENT IS NOT MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS OF DWELLING AND SERVICE.
3. UTILITIES SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARD AND METER LOCATIONS SHALL NOT BE LOCATED WITHIN A FENCED AREA.
4. EACH LOT MUST HAVE ITS OWN WATER AND SEWER SERVICE AT THE OWNERS/DEVELOPERS EXPENSE.
5. DO NOT COMBINE ANY NEW UTILITY EASEMENTS (I.E., WITH DRAINAGE EASEMENTS (O.E.) OR WITH EXISTING UTILITY EASEMENTS (U.E.) UNLESS WRITTEN APPROVAL FROM NEW BRANFLEWIS UTILITIES.
6. NEW IS NOT RESPONSIBLE FOR DAMAGES TO PROPERTY, IMPROVEMENTS (IE, LANDSCAPING, TREES, FURNITURE, SIGN, DRAINAGE STRUCTURES, PRIVATE UTILITIES, ETC.) THAT ARE PLACED IN FRONT OF A UTILITY SERVICE EASEMENT TO INHIBIT OR CONFLICT WITH THE UTILITY SERVICE EASEMENT. ANY DAMAGE TO PROPERTY OR IMPROVEMENTS PLACED IN ANY TYPE OF UTILITY EASEMENT MUST BE REVERSED AND APPROVED BY THE CITY OF NEW BRANFLEWIS UTILITIES. THE REVERSAL PROCESS SHALL BE FACILITATED BY THE CITY OF NEW BRANFLEWIS UTILITIES.

SCALE: 1"=50'

LEGEND:

- = FND 1/2" IRON PIN
- = SET 1/2" IRON PIN W/ PLASTIC CAP STAMPED "HMT"
- = RIGHT-OF-WAY
- U.E. = UTILITY EASEMENT
- D.R.C.C.T. = DEED RECORDS, COVAL COUNTY, TEXAS
- M.P.R.C.C.T. = MAP AND PLAT RECORDS, COVAL COUNTY, TEXAS
- O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS, COVAL COUNTY, TEXAS

410 N. SEGUIN AVE.
NEW BRAUNFELS,
TEXAS 78130
WWW.HMTNB.COM
PH: (830) 625-8555
TBPE FIRM F-10961
TBPLS FIRM 10153600

HMT
ENGINEERING & SURVEYING

STATE OF TEXAS
COUNTY OF COMAL

SHASHI PATEL-OWNER
1952 SHIELD DR.
NEW BRAUNFELS, TX 78130-8379

STATE OF TEXAS
COUNTY OF COMAL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS
2nd DAY OF FEBRUARY, 2011.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS
2nd DAY OF February 2012
 BY Shashi Patel
Notary Public, State of Texas
 MY COMMISSION EXPIRES: 1-21-20

WITNESS MY HAND AND OFFICIAL SEAL. THIS THE 14 DAY OF

WITNESS MY HAND AND OFFICIAL SEAL, THIS 20th day of March, 2017.
COUNTY CLERK, COMAL COUNTY, TEXAS
Amme Kowalski
DEPUTY

STATE OF TEXAS
COUNTY OF COMAL

DO HEREBY CERTIFY THAT THE FOREGOING
INSTRUMENT WAS FILED FOR RECORD IN THE MAP AND PLAT RECORDS,
BOOK # 201706013248 OF COMAL COUNTY ON THE 14 DAY
OF March, 2017 AT

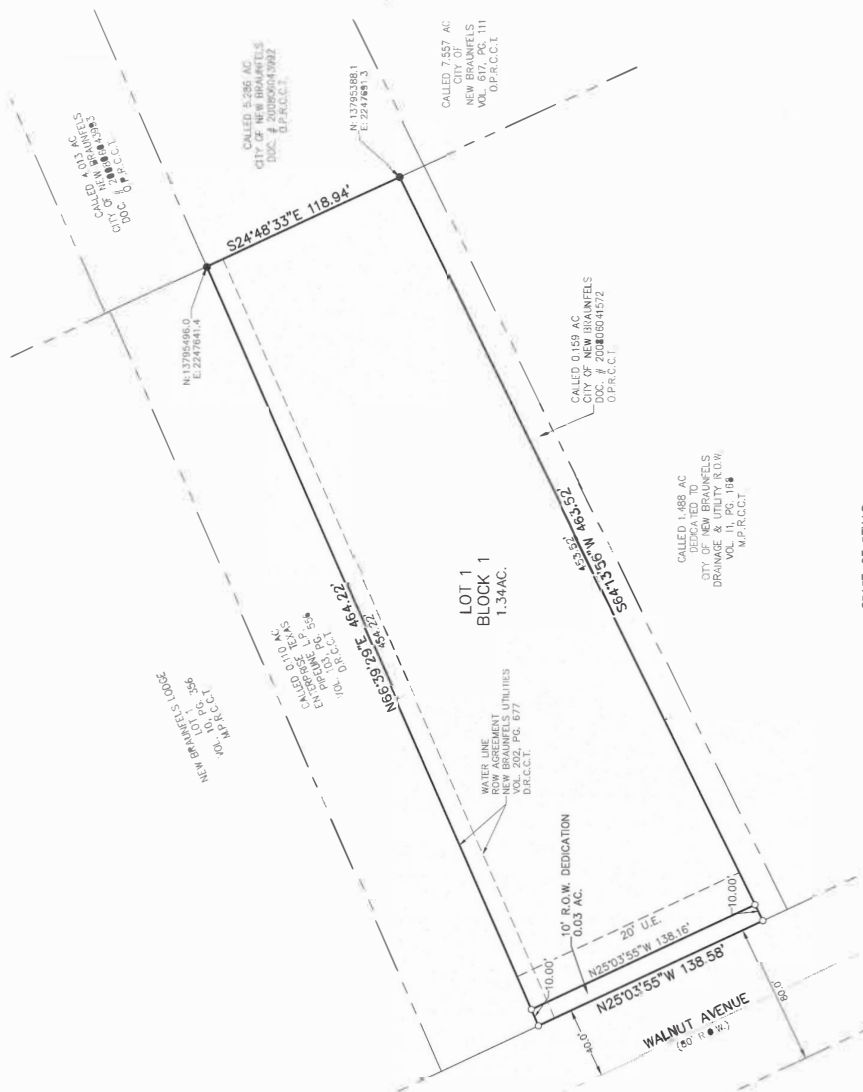
WITNESS MY HAND AND OFFICIAL SEAL, THIS THE 14 DAY OF

March 20th 1964
COUNTY CLERK, COMAL COUNTY, TEXAS
Tammi Kowalski
DEPUTY

PAGE 1 OF 1



LOCATION MAP
NOT TO SCALE



KNOW ALL MEN BY THESE PRESENTS:

I, THE UNDERSIGNED, MARK F. CONLAN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE ON THE GROUND UNDER MY SUPERVISION AND IN COMPLIANCE WITH CITY AND STATE SURVEY REGULATIONS AND LAWS AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

MARK E. CONLAN
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6342
4410 N. SEQUIN AVE., NEW BRAUNFELS, TEXAS 78130



CALLED 7.557 AC
 CITY OF
 NEW BRAUNFELS
 VOL. 617, PG. 111
 O.P.R.C.C.I.

LOT 1
BLOCK 1
1.34AC.

CALLED 0.159 AC
 CITY OF NEW BRAUNFELS
 DOC. # 200806041572
 O.P.R.C.C.T.

CALL 1.488 AC
DEDICATED TO
CITY OF NEW BRAUNFEL

SCALE: 1"=50'

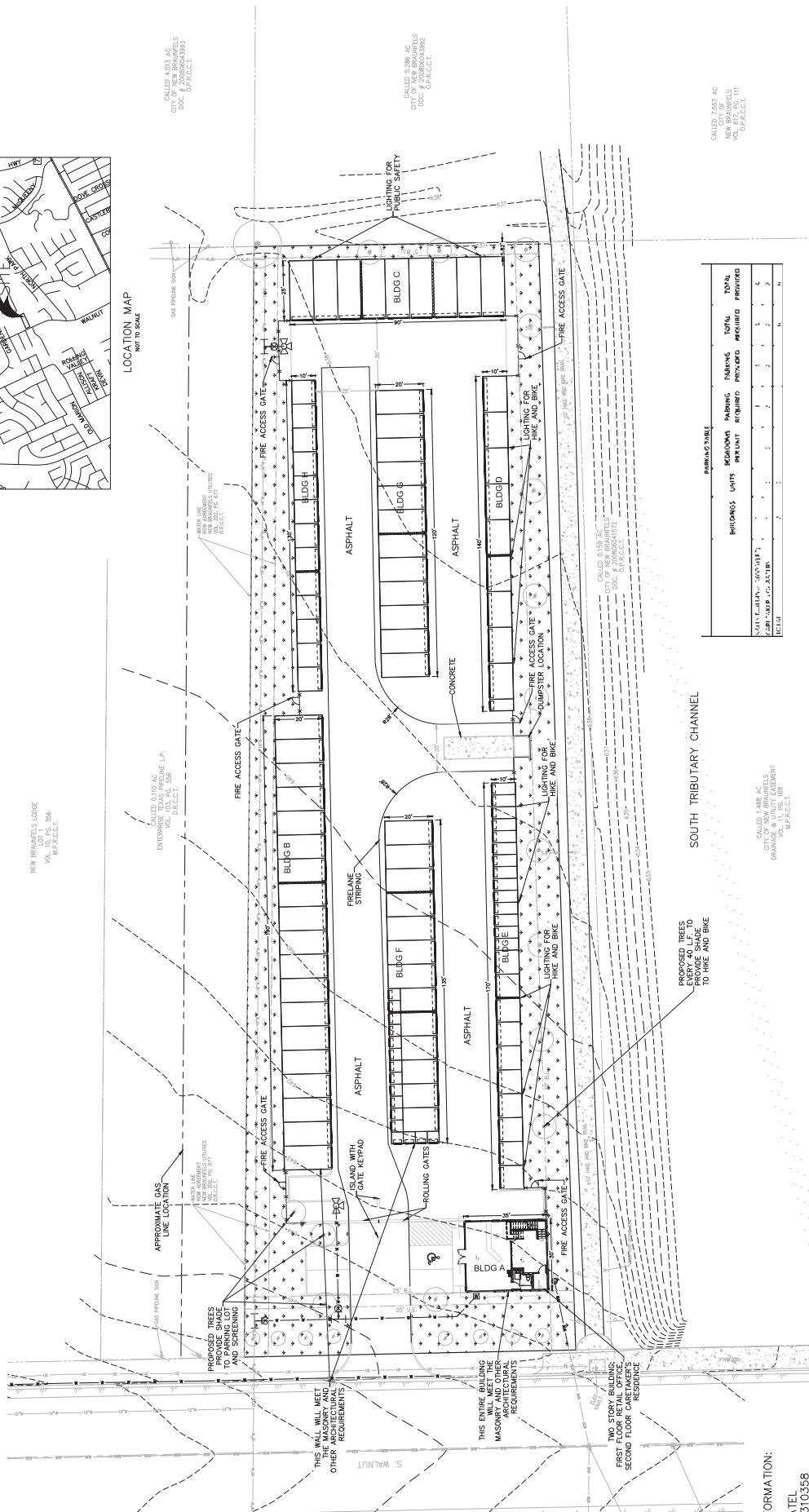
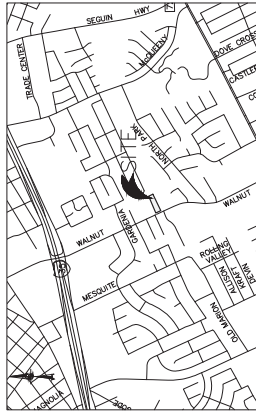
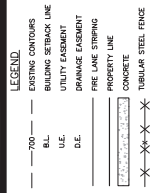
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WALNUT MINI STORAGE — TYPE 2 SPECIAL USE PERMIT



PARAMETER

PARAMETER	UNITS	REQUIRED	PROVIDED	TOTAL
STORAGE	UNITS	100	100	100
PARKING	SPACES	100	100	100
LANDSCAPING	SQ. FT.	100	100	100
CONCRETE	SQ. FT.	100	100	100
ASPHALT	SQ. FT.	100	100	100
TUBULAR STEEL FENCE	LINEAL FT.	100	100	100
CONCRETE	SQ. FT.	100	100	100
ASPHALT	SQ. FT.	100	100	100
TUBULAR STEEL FENCE	LINEAL FT.	100	100	100

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
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PH: (830) 825-8555

HMT
ENGINEERING & SURVEYING

EXHIBIT 'B'



PERSPECTIVE | EAST BIRDS EYE

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

EXHIBIT 'C'



PERSPECTIVE | WEST BIRDS EYE

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



PERSPECTIVE | FRONT ENTRANCE

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



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

7/9/2018

Agenda Item No. I)

Presenter

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

SUBJECT:

Discuss and consider acceptance of the petition and approval of a resolution setting a schedule for public hearings regarding the annexation of approximately 154 acres of land located on the southeast corner of the intersection of FM 1044 and Klein Road, including the adjacent Klein Road right-of-way, adjacent to the existing city limits.

BACKGROUND / RATIONALE:

Case No.: CS-18-019

Council District: 2

Owner/Petitioners: City of New Braunfels and New Braunfels Parks Foundation
550 Landa Street
New Braunfels, TX 78130

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

The City of New Braunfels and the New Braunfels Parks Foundation have submitted a request for voluntary annexation of approximately 151 acres of land at the intersection of FM 1044 and Klein Road, in Guadalupe County. The property is owned by the petitioners and is adjacent and contiguous to the existing corporate City Limits. The petitioners have consented to the annexation by the City and further agreed to be bound by all acts, ordinances, and all other legal action now in force and effect within the corporate limits of the City, and all those which may be hereafter adopted. The area of annexation will also include the adjacent Klein Road right-of-way, approximately 3 acres.

A proposed schedule for annexation is as follows:

Annexation petition filed:

June 11, 2018

City Council accepts petition and sets public hearing dates:

July 9, 2018

Planning Commission recommendation:

August 7, 2018

First Public Hearing:

August 13, 2018

Second Public Hearing:

August 14, 2018

First Reading of Ordinance:

September 10, 2018

Second Reading of Ordinance:

September 24, 2018

General Information:

Size: approximately 153 acres

Comprehensive Plan / Future Land Use Designation:
Low Density Residential and Commercial

Population: 0

County: Guadalupe

Census Tract: 2106.08

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</i> <i>Policies Plan</i>	Objective 8B: Annex areas to assure consistent land use controls.
-----	---	--

FISCAL IMPACT:

Increased demand for City services, including police and fire protection, emergency medical services, solid waste collection, street maintenance, permit issuance, inspections, code enforcement, animal control, library, parks and recreation, court, and general administration. Further analysis will be completed as part of the annexation review.

COMMITTEE RECOMMENDATION:

N/A

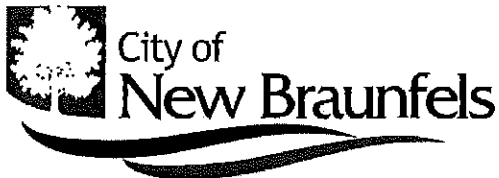
STAFF RECOMMENDATION:

Staff recommends acceptance of the petition for voluntary annexation and approval of the resolution setting the public hearing schedule.

Attachments:

1. Petition for Annexation
2. Aerial Map
3. Resolution

CS-18-019



APPLICATION FOR VOLUNTARY ANNEXATION

550 LANDA STREET
NEW BRAUNFELS TX 78130

E-MAIL: planning@nbtexas.org

PHONE: (830) 221-4050

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

Case Number: CS-18-019

1. Property Owner(s) – Each person having an interest in the property requesting annexation must acknowledge this request. If more than one owner, attach a separate list and signature page.

Name: City of New Braunfels and the New Braunfels Parks Foundation

Mailing Address: 550 Landa Street, New Braunfels, TX 78130

Telephone: 830-221-4089 Fax: _____ Mobile: _____

Email: meckmann@nbtexas.org

2. Property Address/Location: Southeast Corner of FM 1044 and Klein Rd. Guadalupe County Property ID No. 62456
3. Legal Description: 125.99 Acres and 25.00 Acres, Sarah Dewitt Survey, A-103, Guadalupe County, TX
If platted - Subdivision: _____ Lot(s): _____ Block(s): _____
4. Acreage: 150.99 Acres
5. Existing Use of Property: Vacant/Agriculture
6. Proposed Use of Property: Proposed City of New Braunfels Sports Complex with commercial reserve
7. If a Zoning Change is being requested: Proposed Zoning: APD
8. Reason for request (please explain in detail and attach additional pages if needed): _____
Property was purchased utilizing 2013 City of New Braunfels Bond Funds. Property purchased to build a proposed regional sports complex and therefore will need to be located within the city limits of the City of New Braunfels.

9. ATTACHMENTS:

- _____ A survey of the property to be annexed; include a metes and bounds description if property is not platted.
_____ Map of property in relation to City limits/major roadways or surrounding area.
_____ Copy of deed showing current ownership.
_____ Application fee: \$1,000
_____ **Note:** The annexation process is set by State Law and requires a number of public meetings. Please allow 12 to 15 weeks for completion of the process.

The undersigned property owner hereby requests annexation of the above described property (attach a separate signature page if more than one property owner).

City of New Braunfels

Signature of Owner(s)

Print Name (Title)

Date

New Braunfels Parks Foundation

Signature of Owner(s)

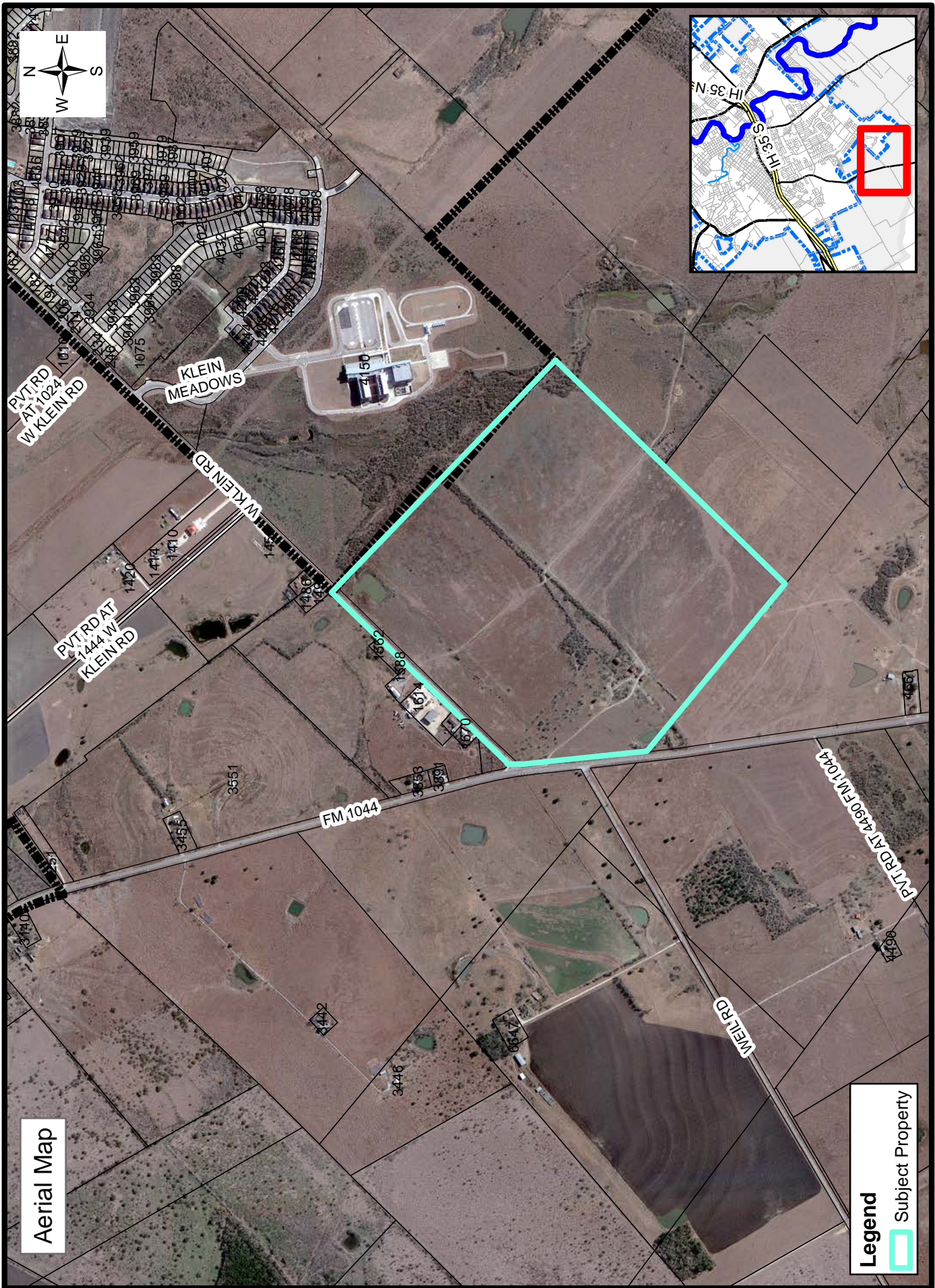
Print Name (Title)

Date

For Office Use Only


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

Date Received: 6/11/18 Cash/Check Number: _____ Case Number: CS-18-019



CS-18-019
Proposed Annexation



Legend
 Subject Property

RESOLUTION NO. 2018R-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, SETTING A SCHEDULE FOR PUBLIC HEARINGS TO BE HELD TO CONSIDER ANNEXATION OF APPROXIMATELY 154 ACRES OF LAND AT THE SOUTHEAST CORNER OF THE INTERSECTION OF FM 1044 AND KLEIN ROAD, INCLUDING THE ADJACENT KLEIN ROAD RIGHT-OF-WAY, ADJACENT TO THE EXISTING CITY LIMITS; PROVIDING FOR NOTICE; PROVIDING OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of New Braunfels and the New Braunfels Parks Foundation (herein the "petitioners"), being the owners of a certain tract of property located within Guadalupe County, Texas, have petitioned the City of New Braunfels, Texas, (herein the "City") a home-rule City for annexation of said tract into the City limits;

WHEREAS, the subject property is contiguous and adjacent to the effective corporate limits of the City and more than 50 percent of the real property owners in the proposed area have petitioned for annexation; and,

WHEREAS, the petitioners have agreed and consented to the annexation of the subject property by the City and further agreed to be bound by all acts, ordinances, and all other legal action now in force and effect within the corporate limits of the City and all those which may be hereafter adopted;

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

Section 1.

Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2.

Proceedings. The petition for annexation submitted by the City of New Braunfels and the New Braunfels Parks Foundation is hereby accepted and two public hearings are set for the dates of August 13, 2018 and August 14, 2018. Notice of such hearings shall be posted and the hearings shall be open to the public to accept public comment on the annexation request.

Section 3.

Severability. Should any section or part of this resolution be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 4.

Open Meetings. It is hereby officially found and determined that the meeting at which this resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chap. 551, Tex. Gov't. Code*.

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

CITY OF NEW BRAUNFELS, TEXAS

BY: _____
Barron Casteel, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

7/9/2018

Agenda Item No. A)

Presenter/Contact

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

SUBJECT:

Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Attorney in accordance with Section 551.074 of the Texas Government Code.

