



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



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

MONDAY, SEPTEMBER 24, 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.**

PROCLAMATIONS:

- A) Living Legends
- B) Gruene Music & Wine Fest Weekend
- C) German-American Day
- D) 2018 River Season Teamwork

PRESENTATIONS:

- A) 2018 River Season Report
Amy Niles, River Operations Manager
- B) Update on the 175th Anniversary Celebration
Judy Young, CVB
- C) Comprehensive Solid Waste Management Plan
Michael Mundell, Solid Waste Manager

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of September 10, 2018, and the special meetings of September 4 and September 17, 2018.

Patrick Aten, City Secretary

2. CITIZENS' COMMUNICATIONS

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

3. CONSENT AGENDA

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

Resolutions & Action Items

- A) Approval of a resolution recommended by the Guadalupe Appraisal District approving roof repairs, exterior repairs, and parking expansion.
Robert Camareno, City Manager
- B) Approval for reassignment of contracts with Schrickel, Rollins and Associates, Inc. to Parkhill, Smith, and Cooper, Inc.
Barbara Coleman, Purchasing Manager
- C) Approval of an annual expenditure with Galls Inc. for uniforms for the Fire and Police Departments for \$62,000.
Barbara Coleman, Purchasing Manager
- D) Approval of an annual contract with UnitedHealthcare for the provision of stop loss insurance for the City of New Braunfels.
Jared Werner, Chief Financial Officer
- E) Approval to ratify a contract modification to The AMMO Group for Marketing of the Community Recreation Center/Das Rec for additional website development and social media efforts for \$23,600.
Stacey Dicke, Parks and Recreation Director
- F) Approval of a budget transfer in the FY 2017-18 General Fund, within the Parks and Recreation Department.
Greg Gutierrez, Financial Analyst
- G) Approval for the City Manager to enter into an interlocal agreement with New Braunfels Independent School District for cost participation and City use of Oak Run and New Braunfels Middle Schools' athletic fields for community recreation programming.

Kristi Aday, Assistant City Manager

- H) Approval of an amendment to the contract between the City of New Braunfels and the Greater New Braunfels Chamber of Commerce Inc. concerning the use of Hotel Occupancy Tax and the appropriate budget amendment in the Hotel/Motel Tax Fund.

Jared Werner, Chief Financial Officer

- I) Approval of a recommendation from the New Braunfels Utilities Board of Trustees to use Governmental Accounting Standards Board Statement 62 to defer a one-time pension expense that was incurred due to the Texas Municipal Retirement Plan benefit plan change.

Dawn Schriewer, NBU CFO

- J) Approval of a recommendation from the New Braunfels Utilities Board of Trustees to use Governmental Accounting Standards Board Statement 62 to defer lease payments associated with the Guadalupe-Blanco River Authority Mid-Basin Water Project.

Dawn Schriewer, NBU CFO

Ordinances

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

- K) Approval of the first reading of an ordinance amending Ordinance 2011-93, specifically Section IV, by eliminating assignment pay for Criminal Investigator-Detective assignment within the Police Department.

Jared Werner, Chief Financial Officer

- L) Approval of the first reading of an ordinance authorizing the assignment pay for Support Services assignments within the Fire Department.

Jared Werner, Chief Financial Officer

- M) Approval of the second and final reading of an ordinance establishing the number of positions in each classification in the New Braunfels Fire Department and Police Department pursuant to Local Government Code, Chapter 143.

Jared Werner, Chief Financial Officer

- N) Approval of the second and final reading of an ordinance annexing approximately 154 acres of land 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, Planning and Community Development Director

- O) Approval of the second and final reading of an ordinance amending the City of New Braunfels Code of Ordinances, Chapter 122-Taxation, Article II - Hotel Occupancy Tax, Section 122-36-Use of Proceeds, to allow use of hotel tax revenues to meet the Convention and Tourism Fund reserve balance of the Greater New Braunfels Chamber of Commerce.

Jared Werner, Chief Financial Officer

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of the appointment of two individuals to the Library Advisory Board for terms ending September 26, 2021.

Patrick Aten, City Secretary

- B) Discuss and consider possible action regarding the FY 2019 Street Improvement Plan.

Greg Malatek, Public Works Director

- C) Discuss and consider approval of an ordinance authorizing the issuance of the City of New Braunfels, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2018; levying an ad valorem tax and pledging certain surplus revenues in support of the certificates; approving an official statement, a paying agent/registrar agreement and other agreements relating to the sale and issuance of the certificates; and ordaining other matters relating to the issuance of the certificates.

Jared Werner, Chief Financial Officer

- D) Discuss and consider approval to authorize the City Manager to enter into an interlocal agreement for the Biblioteka cloudLibrary cloudLink services with the member cities' Coordinating Committee of the cloudLibrary.

Gretchen Pruett, Library Director

- E) Public hearing and first reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow short-term rental of a single-family residence in the "C-3" Commercial District addressed at 730 S. Mesquite Avenue.

Christopher J. Looney, Planning and Community Development Director

- F) Public hearing and first reading of an ordinance regarding the proposed rezoning to apply a Special Use permit to allow short-term rental of a single-family residence in the "R-3" Multifamily District addressed at 274 N. Liberty Avenue.

Christopher J. Looney, Planning and Community Development Director

- G) Public hearing and first reading of an ordinance regarding the proposed

rezoning of approximately 40.9 acres out of the A M Esnaurizar Survey, Abstract 20, located on the northwest corner of the intersection of State Highway 46 South and Saengerhalle Road from "APD" Agricultural/Pre-Development District and "R-2" Single-Family and Two-Family District to "C-1B" General Business District and "ZH-A" Zero Lot Line Home District.

Christopher J. Looney, Planning and Community Development Director

- H) Public hearing and first reading of an ordinance regarding the proposed rezoning of 1 acre out of the L. Salinas Survey-458, Abstract 531, Comal County, Texas, addressed at 318 FM 1863, from "APD" Agricultural/Pre-Development District to "C-1A" Neighborhood Business District.

Christopher J. Looney, Planning and Community Development Director

- I) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow the short term rental of a single family residence in the "C-1" Local Business District addressed at 132 East North Street.

Christopher J. Looney, Planning and Community Development Director

- J) Discuss and consider a waiver from the requirement to construct sidewalks along Schumanns Beach Road for the proposed final plat of E & S Subdivision.

Christopher J. Looney, Planning and Community Development Director

- K) Discuss and consider an appeal of the Non-Residential and Multifamily Design Standards, Articulation and Exterior Building Material requirements for a proposed office/warehouse development in the "C-1B" General Business District at 1913 Post Road.

Christopher J. Looney, 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 issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code, including but not limited to:
- Project Rethread
- B) Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code
- Property for city facilities

- C) 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.

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 September 19, 2018, at 3:15 p.m.

Patrick Aten, City Secretary

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

City of New Braunfels



Proclamation

THE STATE OF TEXAS §

COUNTY OF COMAL §

CITY OF NEW BRAUNFELS §

WHEREAS, Mike Dietert, Jackie Heitkamp, and Tobin Hoffmann have been named Living Legends of New Braunfels by the Braunfels Foundation Trust; and

WHEREAS, Mike Dietert was born in Comal County and grew up on the family farm. He graduated from Canyon High School, attended Texas A&M University, and graduated from Southwest Texas State University with a degree in Industrial Arts. Mike married his high school sweetheart Linda Pfannstiel in 1969, and they are proud parents to Brandon Dietert and Allison Humphries. Mike has a passion for the history and culture of New Braunfels and has restored the Pfannstiel family's 1852 home in Comaltown, his great grandfather's 1860s farmhouse, and several other old homes. A founding member and two-time president of the Heritage Society, he helped kick-start the Conservation Society, serving as president for three terms. Mike is currently on the Finance/Building Committee and the Verein membership group for the Sophienburg Museum. Mike was a member of the City of New Braunfels Planning and Zoning Commission for many years and continues to serve on the City's Partnership Committee. A forty-year Life Member of the Greater New Braunfels Chamber of Commerce and a Blue Coat, Mike served as chair and vice-chair of numerous committees over the years and as Chair of the Board. Mike has been a member of the Wurstfest Association since 1971, serving as President in 1992. He is a forty-plus-year member of the New Braunfels Rotary Club and a Paul Harris Fellow. He has served on the boards of the Hummel Museum, Chase Bank, Citizens Bank, the New Braunfels ISD Education Foundation, the McKenna Hospital Advisory Board and as the Major Gifts Chair for the Comal Healthcare Foundation supporting McKenna Hospital in 1997. The New Braunfels Jaycees named Mike their "Outstanding New Braunfelser" in 1988. In 1986, the Greater New Braunfels Chamber of Commerce recognized Mike with the President's Award for Historic Preservation, and the Comal Independent School District named him one of their "Outstanding Alumni" in 2010. Mike is probably best known for his 53-year employment with the New Braunfels Smokehouse. As a high school bus boy, a college student, and ultimately Vice President and General Manager, Mike has participated in the growth and prosperity of the New Braunfels Smokehouse.

WHEREAS, Jackie Heitkamp was born in Iowa, Louisiana, and attended McNeese State University, earning a B.A. in Speech and English. Jackie taught English at Lake Charles High School until marrying Lieutenant Dennis Heitkamp and beginning their twenty-seven-year Air Force career. After retiring from the Air Force in 1984, the Heitkamps moved to New Braunfels and Jackie jumped in with both feet to begin her career of service. She volunteered for many years at Weihnachtsmarkt and for the Conservation Society as Board Secretary, Historian, and a Lindheimer House docent. She is a charter member of the Heritage Society and has served more than 30 years, including 13 years as Board Secretary and 25 years as Board Historian. Jackie has been a docent for more than 30 years, a docent trainer for 20 years, and

has been recognized five times as Docent Chair of the Year and Docent Trainer of the Year. She also served as Chair of the Folkfest Antiques and Collectibles and as Conservator at the Museum of Texas Handmade Furniture. Jackie and Dennis chaired both the New Braunfels Sesquicentennial Heritage Exhibit and Folkfest and were recognized with the Heritage Society's Outstanding Service Award in 2017. Jackie is a Senior Blue Coat in the Greater New Braunfels Chamber of Commerce, further recognized with placement in the Chamber of Commerce's Hall of Honor in 2000. As a member of the Braunfels Foundation Trust Jackie has worked on the Arrangements Committee for the Trust's Living Legends celebration from its inaugural event through 2017. She is a thirty-one-year associate member of the Ferdinand Lindheimer Chapter of the Daughters of the Republic of Texas and a member of the New Braunfels Garden Club, serving in all leadership positions at least once. She has been with the Friends of the Library for the past thirty years. As a Lions Club State Certified Vision screener, Jackie continues to provide vision screenings for an average of 5000 NBISD and CISD elementary school children at 24 campuses each year. In addition to raising two children, Mark and Denise, Jackie assisted her husband in countless ways during their Air Force career. As an officer's wife she was instrumental in helping new wives adjust to the demands of service life in remote duty stations.

WHEREAS, Tobin Hoffmann has deep hometown roots, with German ancestry in New Braunfels from the 1840s. For years, the Hoffmann family has decorated the Plaza for the annual July 4th celebration, with Tobin's Boy Scout Troop 133 carrying the large United States flag in the parade. Tobin and his wife, Judy, and their three children, Catherine, Caleb, and Canaan, did the planting, watering, and care of the four island flowerbeds that circled the Plaza until the City took over. Tobin is a Rotarian with a 34-year perfect attendance record, a Paul Harris Fellow, and the 2007-2008 Rotarian of the Year. In addition to his career as a certified financial planner, Tobin is a member of and past Chair for the Board of the Greater New Braunfels Chamber of Commerce, was inducted into the Chamber's Hall of Honor and recognized with the Chamber's President's Award. He is a member of the Braunfels Foundation Trust, the Wurstfest Association (serving on the Scholarship Committee) and the National Voluntary Organizations Active in Disasters. Tobin has served on the Board of Directors of the Sophienburg Museum and Archives and participated in the restoration of the Emmie Seele Faust Library. He served as a member of the City's Bond Advisory Committee and the Downtown Advisory Board. Tobin was also selected as the United Way's 2018 Volunteer of the Year, the NBISD Education Foundation's Distinguished Alumni award, and the NBISD's Silver Unicorn award. His volunteer work was recognized by Ameritas with their Rosen Award. Tobin also leads and trains young men to be good citizens and leaders through Boy Scouts. As a Boy Scout in Troop 133, Tobin earned his Eagle Scout in 1975. Then, after graduating from Texas State in 1981, he returned to New Braunfels and has helped hundreds of boys earn their Eagle Scout Award, benefitting our community greatly from their many finished projects. In 2007, the Boys Scouts of America bestowed on Tobin their highest volunteer honor, the Silver Beaver.

WHEREAS, the Braunfels Foundation Trust will honor these Living Legends at their festive event at the New Braunfels McKenna Events Center on October 1, 2018.

NOW, THEREFORE, I, BARRON CASTEEL, by virtue of the authority vested in me as Mayor of the City of New Braunfels, do hereby proclaim Mike Dietert, Jackie Heitkamp, and Tobin Hoffmann as

LIVING LEGENDS OF NEW BRAUNFELS

and urge all citizens to join the Braunfels Foundation Trust in honoring New Braunfels' Living Legends.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 24th day of September 2018.

CITY OF NEW BRAUNFELS

**BY: _____
BARRON CASTEEL, Mayor**

City of New Braunfels



Proclamation

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

WHEREAS, the Gruene Music & Wine Fest is a four-day event which began in 1987 in the Gruene Historic District located on the northern end of New Braunfels as a means of providing funds for United Way of Comal County and to help celebrate Texas Wine Month; and

WHEREAS, the festival features the best in live Texas & Americana music and brings together a wide selection of wine, food & beer producers from across the state for sampling by event patrons, alongside a handmade artisan market; and

WHEREAS, the Gruene Music & Wine Fest promotes the beautiful and National Register designated historic district of Gruene, and the businesses therein; and

WHEREAS, the 32nd Annual Gruene Music & Wine Fest will be held Thursday, October 4th through Sunday, October 7th of 2018 at Gruene Hall and The Grapevine grounds in Gruene, and will again benefit United Way of Comal County; and

WHEREAS, the festival will feature music by Aaron Watson, Michael Martin Murphey, Hal Ketchum, Jason Boland, Parker McCollum, Micky & The Motorcars, Dalton Domino, Jamie Lin Wilson, Mike & The Moonpies, Jesse Dayton, Guy Forsyth, Dirty River Dixie Band, Beat Root Revival, Sophia Band, Aaron Stephens, Courtney Patton and more, a catered dinner by Gristmill River Restaurant & Bar, a silent auction, the "Great Guitar Auction", wine and food samplings, food trucks, an artisan market, prize drawings, and the "Craft Beer Event & Music Fest" with more than 75 Texas craft beers for tasting; and

WHEREAS, the local community is welcome to attend the festival and participate in all the fun that the event has to offer.

NOW, THEREFORE, I, BARRON CASTEEL, Mayor of the City of New Braunfels, Texas, do hereby proclaim Thursday October 4th through Sunday October 7th of 2018, as

GRUENE MUSIC & WINE FEST WEEKEND

in New Braunfels and I urge all citizens to participate in and enjoy the fun activities planned for the occasion, and extend our appreciation to all who have worked so hard to make this festival one of the highlights of Texas Wine Month and the United Way Campaign of Comal County which supports health & human services in our county.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of New Braunfels to be affixed this 24th day of September 2018.

CITY OF NEW BRAUNFELS, TEXAS

BY: _____
BARRON CASTEEL, Mayor

City of New Braunfels



Proclamation

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

WHEREAS, 335 years ago, on October 6, 1683, the first German immigrants, a group of 13 families from Krefeld, Germany, came to America and founded Germantown, Pennsylvania; and

WHEREAS, in 1883, “German Day” was first celebrated in Philadelphia for the 200th anniversary of the first immigration of German families to America, spreading to New Braunfels and other German communities in the United States and celebrated for decades afterwards; and

WHEREAS, President Reagan issued a proclamation on October 6, 1983, honoring the tricentennial of the arrival of the first German immigrants, and in 1987, Public Law 100-104 designated October 6, 1987, as “German-American Day”; and

WHEREAS, October 6 has been proclaimed by the President every year since 1987 to be “German-American Day” in honor of the contributions made by German immigrants to the life and culture of the United States, including models derived from Germany such as America’s kindergartens, graduate schools, the social security system, and labor unions; and

WHEREAS, outstanding patriots such as General Pershing, Admiral Nimitz, President Eisenhower, and Molly Pitcher are of German descent, and Christmas celebrations invariably include the German tradition of Christmas trees and songs first sung in German, “O Christmas Tree” and “Silent Night”; and

WHEREAS, as we near the 175th anniversary of New Braunfels’ founding in 2020 by German Prince Carl zu Solms-Braunfels for German immigrants seeking a better life for themselves and their children despite overwhelming hardships, we recognize their successes in farming, business and industry, making New Braunfels one of the most beautiful areas in Texas.

NOW, THEREFORE I, BARRON CASTEEL, by virtue of the authority vested in me as Mayor of the City of New Braunfels, Texas, do hereby proclaim the 6th day of October 2018 as

GERMAN-AMERICAN DAY

and call upon all citizens to recognize the contributions that German-Americans have made, not only to the founding and development of New Braunfels, but also the contributions made throughout the history of this great nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 24th day of September 2018.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

City of New Braunfels



Proclamation

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

WHEREAS, New Braunfels is a gem in the crown of the Texas Hill Country, offering beautiful natural attractions to a growing number of residents and tourists; and

WHEREAS, the City of New Braunfels has been dedicated to reversing the negative impacts on our rivers and natural areas, minimizing the need for emergency responder resources and lowering disruptions to residents while encouraging blooming tourism and economic growth; and

WHEREAS, river outfitters and river-related businesses play an important role in the management of river recreation for the thousands of visitors each summer, providing education about the rules and best ways to navigate our rivers; and

WHEREAS, the New Braunfels Convention and Visitors Bureau provides marketing and travel planning guidance that helps prepare our visitors to enjoy their time in New Braunfels and all our City has to offer; and

WHEREAS, the City Council appointed River Advisory Committee is made up of residents and business owners who meet monthly to develop sound and reasonable policy recommendations to the City Council; and

WHEREAS, many City departments including the City Manager's Office, New Braunfels Police Department, the New Braunfels Fire Department, the Parks and Recreation Department, and the River Activities Manager worked together with river outfitters, the Convention and Visitors Bureau, and the River Advisory Committee to bring the best of New Braunfels to visitors while keeping small town charm for our residents; and

WHEREAS, 2018 was an especially challenging year with the implementation of new rules and regulations requiring unprecedented collaboration and communication.

NOW, THEREFORE, be it resolved that I, Barron Casteel, Mayor of the City of New Braunfels, Texas, recognize the combined efforts within the City of New Braunfels to meet the 2018 river season with unparalleled cooperation and in a manner that greatly benefits the residents and visitors of New Braunfels.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of New Braunfels to be affixed this 24th day of September 2018.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. A)

Presenter/Contact

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

SUBJECT:

2018 River Season Report



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. B)

Presenter/Contact

Judy Young, CVB

judy@innewbraunfels.com

SUBJECT:

Update on the 175th Anniversary Celebration





175th Commission

- 147 Meetings
- Determined Anchor Projects
- Draft Anchor Projects
- Commission Approved Seal
- Approved and Successfully Implemented 1st Phase Fundraising
- Coffee Table Book nears completion
- Since1845.com build out
- Funding Friendship Plaque
- Draft Calendar of Events Presented

Since 1845 Seal

- Sponsor Recognition
- Medals, Markers, Memorials
- Gateway Project – IH 35
- Street Sign Toppers
- Website
- Coffee Table Book
- Shirts
- Glasses/Steins
- Many more...







City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. C)

Presenter/Contact

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

SUBJECT:

Comprehensive Solid Waste Management Plan

City of New Braunfels

Solid Waste Management Plan

Presentation to City Council
September 24, 2018



SCS ENGINEERS

Agenda

- Plan Vision
- Goals and Objectives
- Existing Conditions
- Projections
- Needs Assessment
- Project Schedule

Vision

- Evaluate and report on the effectiveness of the SWRD's current programs and operations.
- Address the City's constantly growing population and the resulting potential capacity issues at facilities used by the City.
- Provide economically and technologically feasible management methods for solid waste, based on the hierarchy of: 1) waste reduction and minimization; 2) reuse and recycling; 3) waste treatment or reprocessing for energy or resource recovery and 4) land disposal.
- Recommend new strategies and goals that allow the City to make further progress in maximizing waste reduction, diversion, and resource recovery, and extending landfill life.
- Serve as a guide for the City to make fiscally responsible and environmentally focused budgeting, services, and planning decisions.

Goals and Objectives

1. Achieve further progress in waste reduction, minimization, and reuse.
2. Maximize resource recovery and diversion
3. Ensure available capacity at solid waste facilities utilized by the City.
4. Maintain sufficient funding mechanisms to support SWRD programs
5. Encourage and expand coordination and communications regarding solid waste issues among all agencies and private firms in the City of New Braunfels and the region.

The Plan will establish the foundation for cost-effective, long-term management of solid waste in the City of New Braunfels for the 20-year planning horizon, 2019-2039.

Existing Conditions

- Waste generation and composition
- City programs
- Other government agencies
- Private sector activities

Waste Generation (tons per year)

Year	Disposal	Diversion	Generated
2010	44,878	2,695	47,573
2011	38,967	6,613	45,580
2012	42,975	6,989	49,965
2013	46,433	7,786	54,218
2014	47,646	8,032	55,678
2015	52,092	8,638	60,730
2016	54,692	9,606	64,298
2017	57,333	10,549	67,882

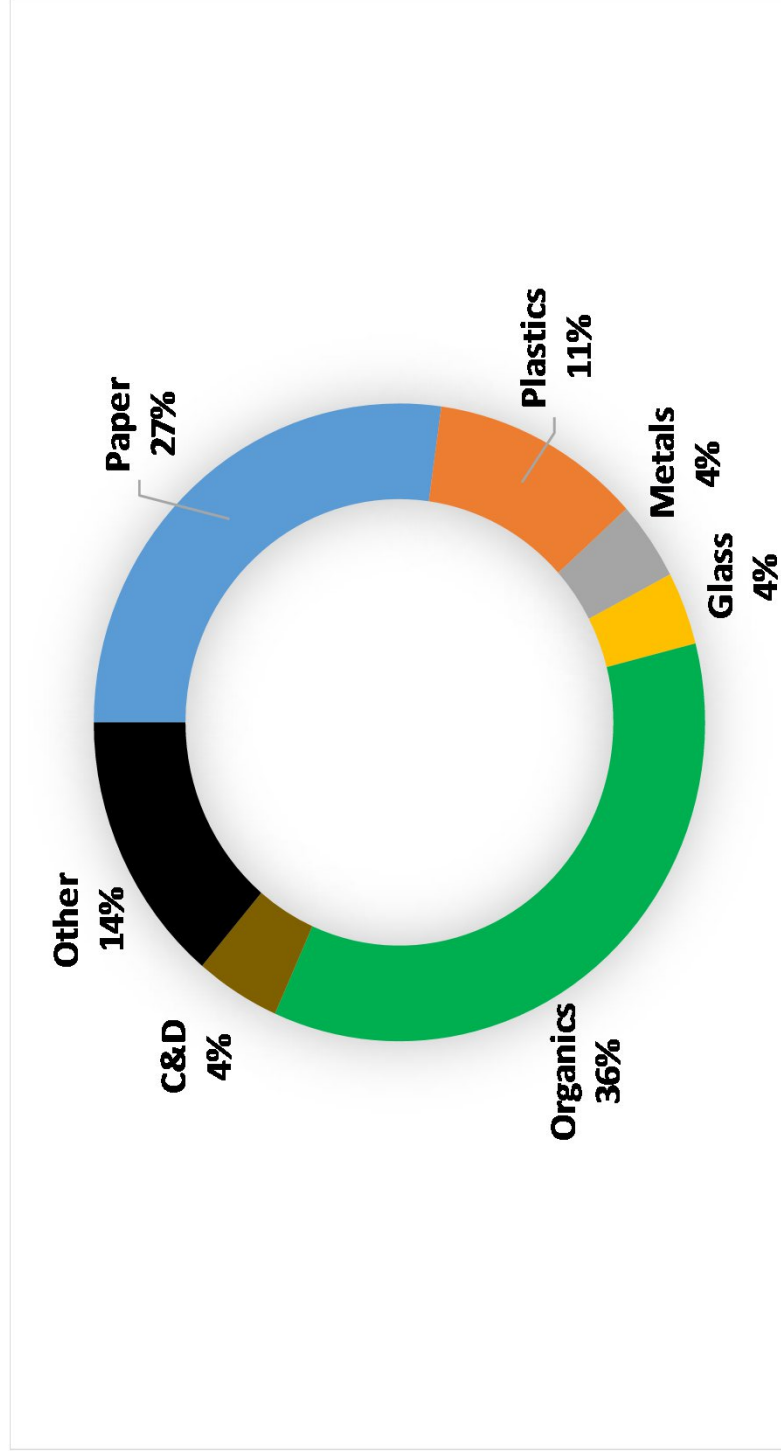
Waste Disposal (tons/year)

Year	Residential	Commercial	Special Programs	Total
2010	21,049	23,645	183	44,878
2011	15,290	23,500	177	38,967
2012	17,259	25,435	280	42,975
2013	17,737	27,266	1,430	46,433
2014	18,382	27,898	1,365	47,646
2015	19,604	31,163	1,325	52,092
2016	21,131	31,858	1,703	54,692
2017	22,133	33,620	1,580	57,333

Diversion

Year	Recyclables	Green Waste, Brush	Total
2010	2,695	0	2,695
2011	4,376	2,237	6,613
2012	5,015	1,975	6,989
2013	5,192	2,593	7,786
2014	5,423	2,609	8,032
2015	5,920	2,718	8,638
2016	6,260	3,346	9,606
2017	6,223	4,326	10,549

Waste Composition



Existing Solid Waste Program

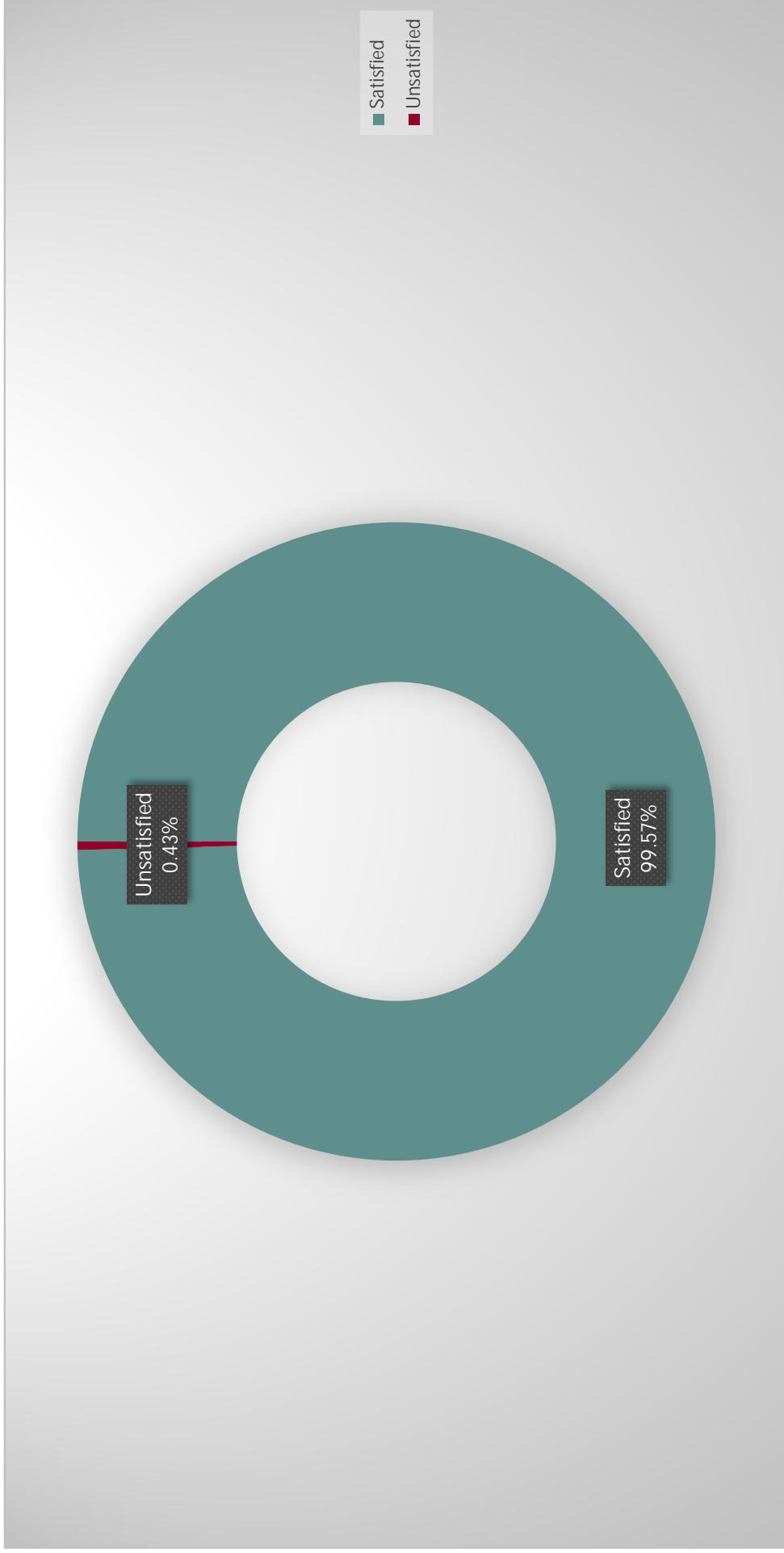
SWRD manages the City's solid waste system

Five core services:

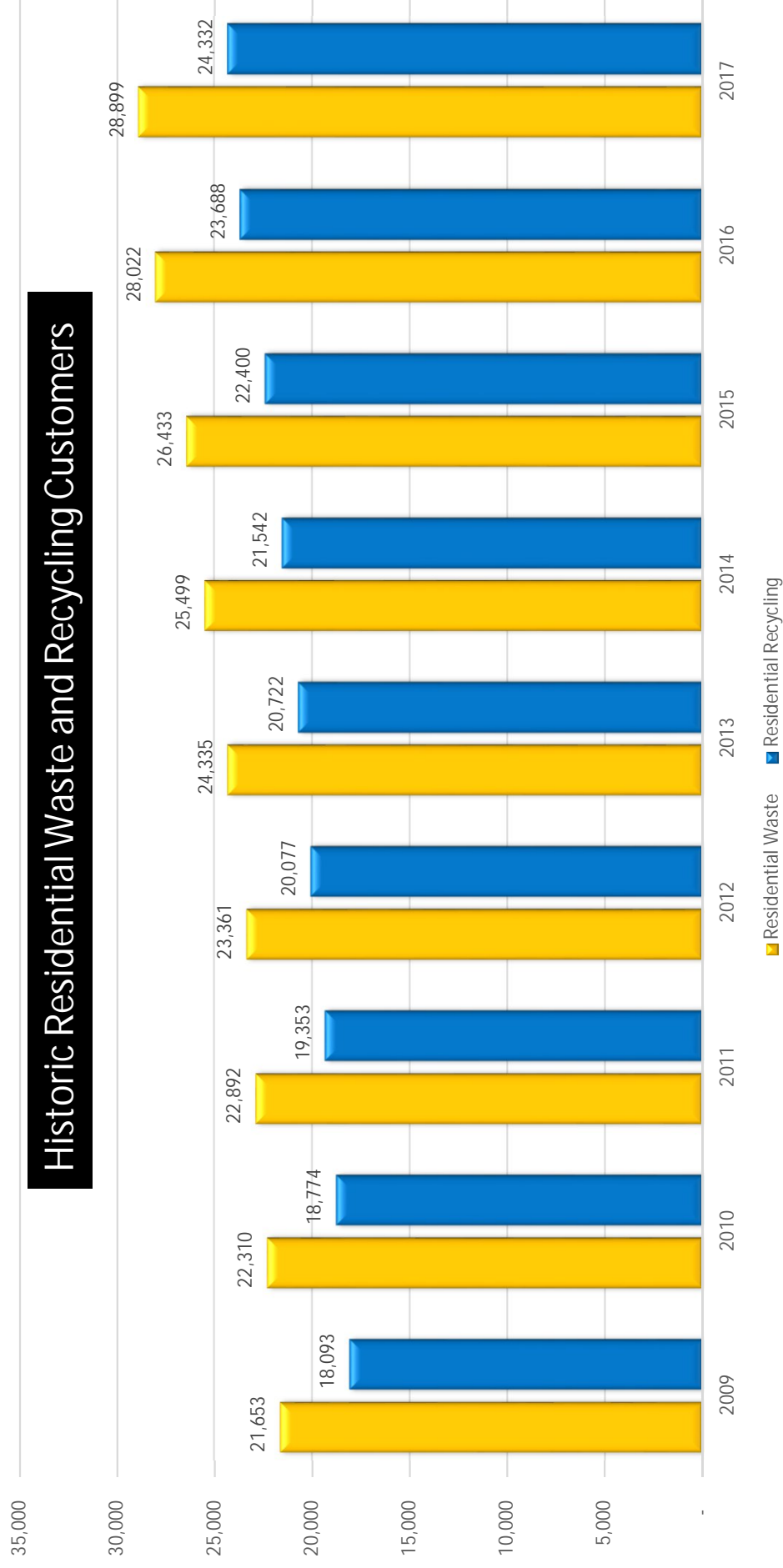
1. Support services
2. Residential
3. Recycling and green waste
4. Commercial
5. Fleet services



Customer Satisfaction



Residential Waste and Recycling



City Recycle Center

- 36,889 visitors
- 146/day
- 214 tons recyclables
- 74 tons cardboard
- 4,500 tons metal



Other Programs

- Bulky Goods
- HHW
- E-Waste
- Green Waste



Commercial Waste



Other Government Agencies

- Comal County
 - Rural Recycling and Chipping Facility
 - SWRD does not pay for greenwaste and brush disposal
 - Free mulch provided to County residents
- NBU and GVEC
 - Billing of solid waste customers
 - SWRD working on better access to account information
- NB River Activity Fund
 - SWRD funds litter pickup along and in the Guadalupe and Comal Rivers
 - \$145,000 annually
- General Fund
 - SWRD payments for street maintenance and repair and administrative services
 - \$722,000 in baseline year

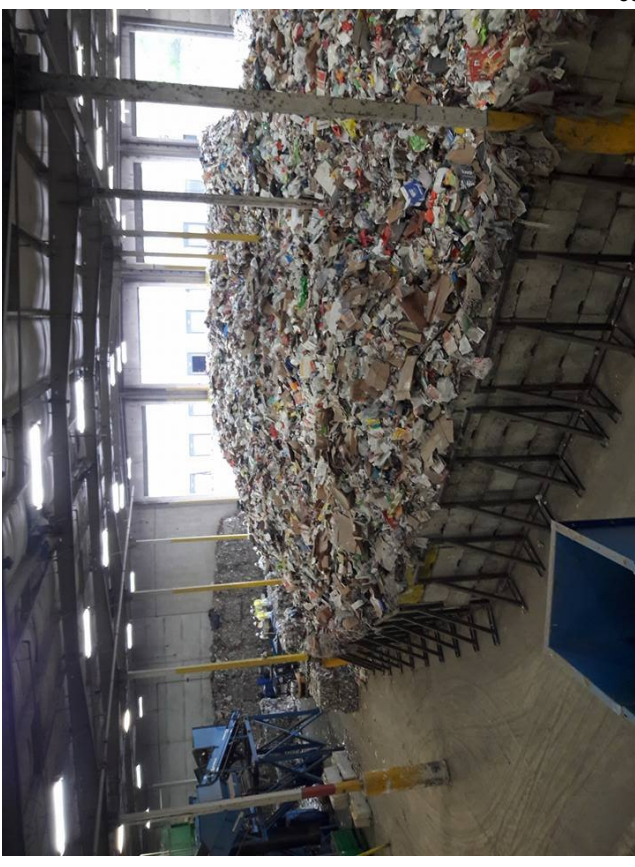
Private Sector

- Commercial Collection
 - 6 permitted haulers
 - Serve some commercial accounts and C&D waste
 - Some private recycling
- Disposal
 - SWRD contracts with Waste Management of Texas (WMT) to dispose City waste at Mesquite Creek Landfill, City pays \$26.60/ton
 - New contract expires 2023
 - 20 years remaining capacity
 - Adequate regional disposal capacity

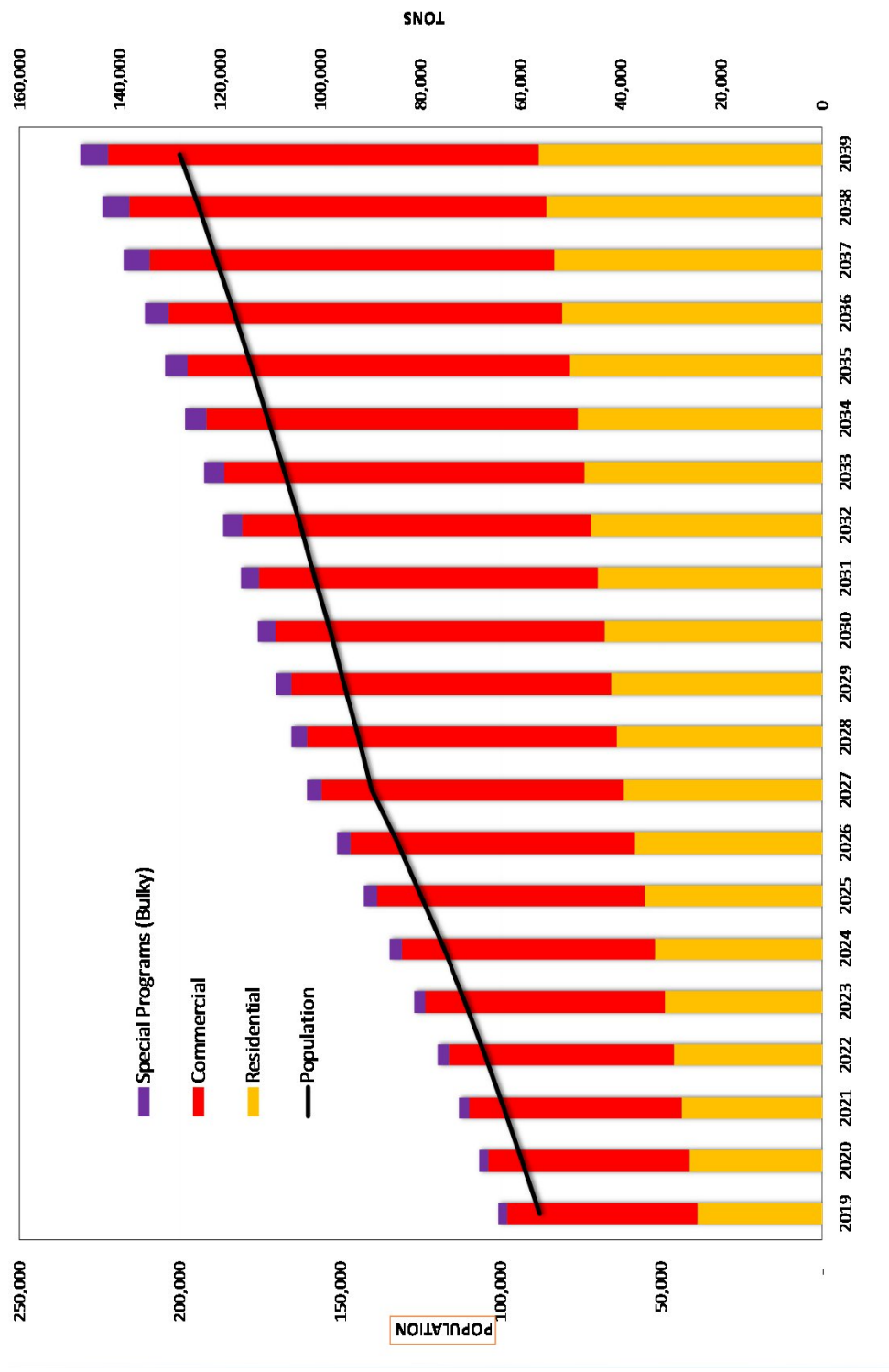


Private Sector

- Recyclable Processing
 - SWRD takes commingled recyclables to Republic Recycling Center in San Antonio
 - 3-year contract expires in 2019
 - \$57/ton processing fee
 - 85% share of recycling revenue
 - \$1.9 million cost in baseline year
 - \$44,000 revenue in baseline year
 - 24% average contamination rate
- Adequate capacity to handle existing and new materials



Projections



Needs Assessment

Short-term considerations: 1-5 years

1. Increase diversion
2. Increase recycling participation
3. Reduce residuals in commingled recyclables
4. Secure long-term processing contract for recyclables
5. Enhance reduction and recycling opportunities in recreational areas
6. Expand commercial recycling opportunities
7. Reduce the need for external HHW processing
8. Improve data gathering and information exchange
9. Secure new disposal capacity

Needs Assessment

Medium-term considerations: 6-10 years

1. Monitor disposal capacity within the AACOG
2. Reduce waste food
3. Expand organic waste infrastructure
4. Increase recycling capture rate
5. Facilitate development of new C&D infrastructure

Needs Assessment

Long-term considerations: 11-20 years

1. Develop access to regional disposal capacity
2. Reduce greenhouse gas emissions with energy from waste technologies

Project Schedule



TASK	2018												2019		
	Apr	May	Jun	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar			
1. Data Gathering and Analysis of Services and Programs															
2. Forecast Waste Streams															
3. Identify Needs and Evaluate Options															
4. Public Outreach															
5. Strategic Planning Recommendations															
6. Present and Future Funding Strategies and Analysis															
7. 20-Year Implementation Plan/CIP															
Meeting															
Presentation															
Draft and Final Plan															



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

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 September 10, 2018, and the special meetings of September 4 and September 17, 2018.

**SPECIAL MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
SPECIAL MEETING OF TUESDAY, SEPTEMBER 4, 2018**

The City Council of the City of New Braunfels, Texas, met in Special Session on September 4, 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

Staff members present were: City Manager Robert Camareno, City Attorney Valeria Acevedo, Assistant City Manager Bryan Woods, City Secretary Patrick Aten, and Chief Financial Officer Jared Werner.

The meeting was called to order by Mayor Casteel in 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.

1. ITEMS FOR CONSIDERATION

- A) Discuss and consider approval to authorize the City Manager to enter into a license agreement between the City of New Braunfels and Springfed Investments, LLC for encroachments in the public right-of-way at 290 South Castell Avenue.

Mayor Casteel read the aforementioned caption.

Bryan Woods presented the item.

Councilmember Meadows moved to approve the item with staff recommendations and to waive the fee for encroachments in the public right-of-way at 290 South Castell Avenue because the City Council has determined that the project will provide added benefit to the City properties rather than a burden. Councilmember Hoyt seconded the motion which passed unanimously.

- B) Discuss and consider approval of the first reading of an ordinance amending the City of New Braunfels Code of Ordinances, Chapter 122-Taxation, Article II - Hotel Occupancy Tax, Section 122-36-Use of

Proceeds, to allow use of hotel tax revenues to meet the Convention and Tourism Fund reserve balance of the Greater New Braunfels Chamber of Commerce.

Mayor Casteel read the aforementioned caption.

Jared Werner presented the item.

Wayne Rudolph and Michael Meek spoke on the item.

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

- C) Second public hearing on the proposed tax rate for the City of New Braunfels for the 2018 tax year and announce the meeting date and time of adoption.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

No one spoke during the public hearing.

No action was taken.

- D) Second public hearing on the FY 2018-19 Operating Budget and Plan of Municipal Services.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

No one spoke during the public hearing.

No action was taken.

Mayor Casteel announced that the FY2018-19 Proposed Budget along with the 2018 tax rate will be adopted on September 10, 2018, at a meeting beginning at 6:00 p.m. in Council Chambers located at 550 Landa Street, New Braunfels, Texas.

- E) Discuss and consider approval of the first reading of an ordinance

adopting the FY 2018-19 Operating Budget and Plan of Municipal Services.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

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

- F) Discuss and consider approval of the first reading of an ordinance adopting the 2018 ad valorem tax rates.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

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

- G) Discuss and consider possible direction to staff regarding policies related to the Code of Ordinances, Chapter 114 - Streets, Sidewalks and other Public Places.

Mayor Casteel read the aforementioned caption.

Bryan Woods presented the item.

City Council's discussion and direction regarding policy included consistency in certain areas of the city, ADA compliance, and fees for right-of-way use.

No action was taken.

The meeting adjourned at 6:55 p.m.

Date Approved: September 24, 2018

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, SEPTEMBER 10, 2018**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on September 10, 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, City Engineer Garry Ford, Planning and Community Development Director Chris Looney, Assistant Planning and Community Development Director Stacy Snell, Watershed Program Manager Mark Enders, and Economic Development Manager Victor Garza.

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:05 p.m. Councilmember Hines gave the invocation and Mayor Casteel led the Pledge of Allegiance and Salute to the Texas Flag.

PROCLAMATIONS:

A) Circle Arts Theatre 50th Anniversary

Mayor Casteel recognized the 50th Anniversary of the Circle Arts Theatre.

B) Community Wildfire Protection Plan

Mayor Casteel issued a proclamation encouraging the development of a Community Wildfire Protection Plan.

C) Hunger Action Month

Mayor Casteel proclaimed September 2018 as Hunger Action Month.

PRESENTATIONS:

A) Presentation, discussion, and possible direction to staff regarding proposed amendments to Section 126-354 of the Code of Ordinances regarding Parking by Permit.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

No action was taken.

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of August 27, 2018, and the special meetings of August 20, and August 23, 2018.

Mayor Casteel read the aforementioned caption.

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

2. CITIZENS' COMMUNICATIONS

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

Mayor Casteel read the aforementioned caption.

Susan Raine spoke about downtown parking.

3. CONSENT AGENDA

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

Resolutions & Action Items

- A) Approval of the appointment of one individual to the Historic Landmark Commission for a term ending April 7, 2020.
- B) Approval of the City of New Braunfels FY 2017-18 Third Quarter Investment Report.
- C) Approval to authorize the City Manager to enter into a development agreement between the City of New Braunfels and Laubach Partners,

LLC for traffic mitigation improvements to the Laubach Subdivision as part of the Klein Road Reconstruction Project.

- D) Approval of the grant contract for the Routine Airport Maintenance Program through the Texas Department of Transportation in the amount of up to \$50,000 for eligible maintenance expenses; and authorizing the City Manager to accept funds and to execute all contract documents associated with grant.
- E) Approval of a contract with Capital Excavation for roadway and drainage construction services; authority for the City Manager to approve any changes up the contingency amount for project expenditures; a contract with Raba Kistner Consultants for materials testing services; and approval for additional design and ROW services with Pawelek & Moy for the Live Oak/Katy Street Improvements Project as part of the 2013 Bond Program.

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 first reading of an ordinance annexing approximately 154 acres of land 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.
- H) Approval of the first reading of an ordinance establishing the number of positions in each classification in the New Braunfels Fire Department and Police Department pursuant to Local Government Code, Chapter 143.
- I) Approval of the second and final reading of an ordinance rezoning 0.953 acres out of the JM Veramendi A-20 Survey, addressed at 1671 State Highway 46 South, from "APD" Agricultural/Pre-Development and "C-1" Local Business Districts to "MU-B" High Intensity Mixed Use District.
- J) Approval of the second and final reading of an ordinance designating 0.2475 acres out of City Block 4029, Lot 3, addressed as 941 Lee Street, as a Historic Landmark to be known as the Schulz-Johnson House.
- K) Approval of the second and final reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow a bed and

breakfast in the "R-2" Single-Family and Two-Family District on approximately 0.32 acres, on property addressed at 612 E. Common Street.

- L) Approval of the second and final reading of an ordinance amending Chapter 106 - Signs, to move the location of Subdivision Entry Signs from Sec. 106-10(b)(13) to Sec. 106-14(b)(8) Permanent On-Premise Sign Regulations.

Mayor Casteel read the aforementioned Consent Agenda captions, except item F.

Mayor Pro Tem Peters moved to approve the Consent Agenda, except item F. Councilmember Bowers seconded the motion which passed unanimously via roll call vote.

- F) Approval to authorize the City Manager to sign an acceptance letter for a change in the regulatory floodplain onto a City-owned property associated with the Wurstfest Expansion Project located at 178 Landa Park Drive.

Mayor Casteel read the aforementioned caption.

Bryan Woods presented the item.

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

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of the second and final reading of an ordinance prohibiting the intentional feeding of wildlife within city limits.

Mayor Casteel read the aforementioned caption.

Mark Enders presented the item.

Marilyn McDonald, Dorothy Duke, Willie Mae Coffman, Regina Norwand, Tim Lookingbill, Josephine Fulgham, Mary Whitehead, Allen Wagers, and Dawson Pickett spoke on the item.

Councilmember Meadows moved to approve the item along with the prohibition of feeding any wildlife within any city park or city property,

and prohibit the feeding of deer within the city limits. Mayor Pro Tem Peters seconded the motion. Councilmember Hines moved to amend the motion to the original ordinance as presented. Councilmember Garcia seconded the motion to amend which passed 5-2 with Councilmember Meadows and Mayor Casteel opposed.

The amended main motion passed unanimously via roll call vote.

- B) Discuss and consider approval of the second and final reading of an ordinance adopting the FY 2018-19 Operating Budget and Plan of Municipal Services.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

Mayor Pro Tem Peters moved to adopt the FY 2018-19 Operating Budget and Plan of Municipal Services including the Budget Order and attachments included in that order. Councilmember Hoyt seconded the motion which passed unanimously via roll call vote.

- C) Discuss and consider approval of a resolution of the City of New Braunfels ratifying the increase in revenue generated by the 2018 property tax rate included in the FY 2018-19 Annual Budget.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

Councilmember Bowers moved to ratify the property tax revenue increase reflected in the FY 2018-19 Operating Budget and Plan of Municipal Services. Councilmember Meadows seconded the motion which passed unanimously via roll call vote.

- D) Discuss and consider approval of the second and final reading of an ordinance adopting the 2018 ad valorem tax rates.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

Councilmember Hoyt moved that the property tax rate for tax year

2018 remain unchanged by the adoption of a total ad valorem property tax rate of .48822 per \$100 of assessed taxable valuation, which is effectively a 6.0% increase in the tax rate, with .20985 for debt service and .27837 for operations and maintenance. Councilmember Garcia seconded the motion which passed unanimously via roll call vote.

Councilmember Hines moved to take item 4I out of order. Mayor Pro Tem Peters seconded the motion which passed unanimously.

- I) Discuss and consider approval of a resolution recommended by the New Braunfels Economic Development Corporation for a \$550,000 incentive agreement with Calendar Holdings LLC for the creation of 66 primary jobs.

Mayor Casteel read the aforementioned caption.

Victor Garza presented the item.

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

<City Council took a break.>

- E) Discuss and consider approval of the second and final reading of an ordinance regarding the proposed zone change from "C-3" Commercial District to "MU-B" High Intensity Mixed Use District for Lot 2, Block 1, Executive Park, Unit 2, containing 1.53 acres, and addressed at 556 Danken Lane.

Mayor Casteel read the aforementioned caption.

Councilmember Garcia recused from the item.

Chris Looney presented the item.

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

- F) Public hearing and consideration of a resolution amending the future land use plan, and the second and final reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to 8.33 acres to allow self-storage warehouses including an onsite manager's

living quarters, outside boat and RV storage, and/or single story office buildings in the “APD” Agricultural/Pre-Development District and the proposed rezoning of one acre from “APD” Agricultural/Pre-Development District to “C-1B” General Business District, addressed at 1938 FM 1044.

Mayor Casteel read the aforementioned caption.

Stacy Snell presented the item.

Michael Kramm and Paul Williams spoke during the public hearing.

Councilmember Hines moved to approve the item. Councilmember Meadows seconded the motion. Councilmember Bowers moved to amend the motion to define masonry by excluding any hardiplank material. Councilmember Hoyt seconded the motion which passed unanimously. Councilmember Hines moved to amend the motion that the fence be allowed to be built on the property line described as N 87, 43’ 27”, E 177.60’. Councilmember Meadows seconded the motion which passed unanimously.

The amended main motion passed unanimously via roll call vote.

- G) Discuss and consider approval of design contracts for the proposed 2019 Bond Citywide Street Projects.

Mayor Casteel read the aforementioned caption.

Bryan Woods presented the item.

Councilmember Bowers moved to approve the item with the addition of funding for design and engineering of sidewalk gaps along Oak Glen and Timber Hollow to Oak Run Middle School. Councilmember Hoyt seconded the motion which passed unanimously.

- H) Discuss and consider approval of a resolution designating the Mayor Pro Tem as the official responsible for working with City Council and staff in the implementation, maintenance, and coordination of the annual evaluations of the city manager, city attorney, and municipal court judge.

Mayor Casteel read the aforementioned caption and introduced the

item.

Councilmember Meadows moved to approve the item. Councilmember Bowers 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 the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code
 - Property for City Facilities
- B) Deliberate the appointment, evaluation, duties, discipline, or removal of the Municipal Court Judge in accordance with Section 551.074 of the Texas Government Code.
- C) 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.

Mayor Casteel read the aforementioned captions.

City Council recessed into Executive Session from 9:22 p.m. - 10:52 p.m.

No vote or action was taken.

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

City Council reconvened into Open Session at 10:52 p.m.

Mayor Pro Tem Peters moved to give a vote of confidence to the Municipal Court Judge, extend her contract in compliance with Section 2 of the Employment Agreement dated September 13, 2013, and increase her salary to \$103,890 effective October 1, 2018. Councilmember Garcia seconded the motion which passed unanimously.

7. ADJOURNMENT

The meeting adjourned at 10:53 p.m.

Date Approved: September 24, 2018

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary

**SPECIAL MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
SPECIAL MEETING OF MONDAY, SEPTEMBER 17, 2018**

The City Council of the City of New Braunfels, Texas, met in a Special Session on September 17, 2018, at 5:00 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, and City Secretary Patrick Aten.

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 5:03 p.m. Councilmember Meadows gave the invocation and Mayor Casteel led the Pledge of Allegiance and Salute to the Texas Flag.

1. WORKSHOP

A) Presentation and update on the South Castell Avenue Visioning Plan.

Mayor Casteel read the aforementioned caption.

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

Tom Jones spoke on the item.

No action was taken.

B) Presentation regarding the New Braunfels Utilities Financial Operating Plan and Update on Key Initiatives from New Braunfels Utilities.

Mayor Casteel read the aforementioned caption.

Ian Taylor, Dawn Schriewer, and Duane Westerman presented the item.

No action was taken.

The meeting adjourned at 7:11 p.m.

Date Approved: September 24, 2018

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. A)

Presenter/Contact

Robert Camareno, City Manager
rcamareno@nbtexas.org

SUBJECT:

Approval of a resolution recommended by the Guadalupe Appraisal District approving roof repairs, exterior repairs, and parking expansion.

BACKGROUND / RATIONALE:

The Guadalupe Appraisal District is requesting repairs to their facilities (roof, exterior, and parking lot expansion). Texas Property Tax Code states that each governing body (within Guadalupe County) must approve or disapprove by way of resolution the proposed project.

Additional information is attached.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Guadalupe Appraisal District recommends approval.

STAFF RECOMMENDATION:

N/A

GUADALUPE APPRAISAL DISTRICT



Main Office
3000 N. Austin St.
Seguin, Texas 78155
(830)303-3313
(830)372-2874 (Fax)

Schertz Substation
1101 Elbel Rd.
Schertz, Texas 78154
(210)945-9708 Option 8

September 6, 2018

Presiding Officer

Dear Presiding Officer,

The Guadalupe Appraisal District (G.A.D.) Board of Directors would like to move forward with building renovations of roof and exterior repairs and expansion of the parking facility (the project). The location of this project is at 3000 N. Austin St., Seguin, Texas 78155. Design development of this project has been substantially completed. As you know from our recent notification of requested budget amendments sent on November 2, 2017 and on June 7, 2018, our office is in need of these roof repairs and parking expansion. It has been determined that the associated costs with alternatives such as a new roof of the original building (1984) would be more expensive option to proceed with, and thus repairs to the roof of the original building would be the best option to proceed with at this time. The parking expansion is proposed to accommodate current spacing needs with the facility master plan expanding this parking in the future. Before this necessary project can be pursued, **your action is required to approve this project.**

§6.051(b) of the Texas Property Tax Code prescribes this approval process. The first step of the approval process requires that the Board of Directors (B.O.D.) approve a resolution proposing the project. During the regular meeting of the B.O.D. held September 5, 2018 the B.O.D. approved a resolution proposing this project.

Upon approval of said resolution, the chief appraiser is required to notify the Presiding Officer of each entities governing body of the approved resolution, which is the purpose of this letter. The resolution passed proposes the building cost of the project shall not exceed \$160,000. Enclosed you will find a copy of the approved resolution by the B.O.D.

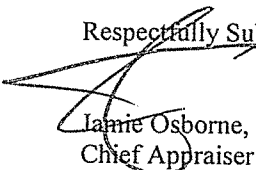
§6.051(b) states that upon receiving notification of the approved resolution by the B.O.D, the governing body of each taxing unit served by G.A.D. **must approve or disapprove by way of resolution the proposed project no later than 30 days after receiving notification of the approved resolution.**

With that being said, the Board of Directors of the Guadalupe Appraisal District respectfully requests that an action item be placed upon your action agenda as soon as possible and no later than **OCTOBER 5, 2018** to approve a resolution of the proposed project. Enclosed you will find a sample resolution that your governing body may use for the approval process.

§6.051(b) also requires that each entity file with the Chief Appraiser the resolution that was approved by the governing body no later than OCTOBER 15, 2018. If this is not filed timely, we will have to treat the resolution as if it were disapproved.

An appraisal district representative can be available to discuss with you this process or answer any questions you might have and or to attend the meeting in which this resolution will be discussed and acted upon. Please notify our office as soon as possible in this regard, so we may accommodate your entity in the manner you wish.

Respectfully Submitted,


Janie Osborne, R.P.A., C.C.A.
Chief Appraiser

RESOLUTION PROPOSING ROOF &
EXTERIOR REPAIRS AND PARKING
EXPANSION PROJECT OF FACILITIES OF THE
GUADALUPE APPRAISAL DISTRICT

20

GUADALUPE APPRAISAL DISTRICT

Mr. Daryl Johns, Secretary

RESOLUTION 2018-R_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, APPROVING FACILITY IMPROVEMENTS AS RECOMMENDED BY THE GUADALUPE APPRAISAL DISTRICT.

WHEREAS, the Guadalupe Appraisal District has determined that it is necessary and in the best interest of the Guadalupe Appraisal District, the taxing entities, and the public to proceed with roof and exterior repairs and to expand the present facility parking; and

WHEREAS, on September 5, 2018, the Guadalupe Appraisal District Board of Directors passed a resolution proposing the roof and exterior repairs and parking expansion project not to exceed \$160,000; and

WHEREAS, in accordance with Section 6.051 of the Texas Property Tax Code, the City of New Braunfels, a taxing entity within the Guadalupe Appraisal District, is entitled to vote upon the project;

WHEREAS, less than thirty days have passed after the date the taxing entity received notice of the proposal from the Guadalupe Appraisal District;

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

THAT, the City Council of the City of New Braunfels approves of the facility projects and shall notify the Guadalupe Appraisal District of the adoption of this resolution.

ADOPTED AND APPROVED on this the 24th day of September 2018.

City of New Braunfels, Texas

BARRON CASTEEL, Mayor

Attest:

PATRICK D. ATEN, City Secretary



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. B)

Presenter/Contact

Barbara Coleman, Purchasing Manager
(830) 221-4389 - Bcoleman@nbtexas.org

SUBJECT:

Approval for reassignment of contracts with Schrickel, Rollins and Associates, Inc. to Parkhill, Smith, and Cooper, Inc.

BACKGROUND / RATIONALE:

Schricket, Rollins and Associates, Inc. is a pre-approved vendor through the City's IDIQ for Professional Services. They were also awarded the contract through the 2019 bond Preliminary Engineering RFQ for the Mission Hill Project. Schrickel, Rollins and Associates, Inc. ("SRA") has made notice of a merger with Parkhill Smith, and Cooper, Inc. ("PSC") effective on July 25, 2018. The contract terms and conditions require City approval for a request of reassignment.

With this assignment, PSC (dba Schrickel, Rollin/PSC) assumes and agrees to perform the obligations under the contracts. PSC has committed to assuming the existing terms and conditions of the contracts with the City including pertinent scope, budget and fee schedule for the Mission Hill Project. The same Project Manager and team of professionals will remain with the Mission Hill Project.

Staff is recommending approval of assignment change for the Professional Services Agreement for the Mission Hill Project and the IDIQ for pre-qualified professional Services.

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

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

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval for reassignment of contracts with Schrickel, Rollins and Associates, Inc. to Parkhill, Smith, and Cooper, Inc.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. C)

Presenter/Contact

*Barbara Coleman, Purchasing Manager
(830) 221-4389 - bcoleman@nbtexas.org*

SUBJECT:

Approval of an annual expenditure with Galls Inc. for uniforms for the Fire and Police Departments for \$62,000.

BACKGROUND / RATIONALE:

The Fire and Police Departments have individual contracts with Galls, Inc. for uniforms. Primarily the uniforms purchased are boots, rain jackets, polos and safety vests. The FY 2017-18 contracts were initially issued with estimated expenditures below \$25,000 for each department. However, as the year end approaches the contracts need to be increased to support additional departmental uniform needs.

The estimated contract expenditures are \$30,000 for Police and \$32,000 for Fire. Total expenditures for FY 2017-18 fiscal year with Galls is estimated to total \$62,000. Per section 9.17 of the City Charter, City Council approval is required for annual purchases that exceed \$25,000. This expenditure occurs every year, is routine and part of normal ongoing municipal operations.

Galls is a Buyboard vendor and fulfills the procurement requirements.

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

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

Funding for the expenditures described above are incorporated into the appropriate FY 2017-18 department budget(s). Therefore, sufficient funds are available.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of an annual expenditure with Galls Inc. for uniforms for the Fire and Police Departments for \$62,000.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. D)

Presenter/Contact

Jared Werner, Chief Financial Officer
(830) 221-4395 - Jwerner@nbtexas.org

SUBJECT:

Approval of an annual contract with UnitedHealthcare for the provision of stop loss insurance for the City of New Braunfels.

BACKGROUND / RATIONALE:

The City of New Braunfels solicited a bid in July 2018 seeking a qualified company to provide stop loss insurance coverage for the City. As the City's medical and pharmacy services are provided through a self-funded plan, stop loss insurance allows for reimbursement when individual or aggregate claims exceed a specified limit, thus protecting the City from the financial impact of large claims. The specified limit for the pending annual is \$150,000 per individual claim.

A Request for Proposal solicitation was issued on July 24, 2018, to obtain proposals from companies capable of providing stop loss insurance. As healthcare costs are increasing nationwide, the solicitation offered the City the opportunity to obtain competitive pricing, thereby ensuring greater value to the City.

Proposals were opened on August 23, 2018, and six responses were received. The proposals were evaluated based upon the company's financial stability, experience, the terms of the contract, and cost of services.

After extensive review and discussion, the highest-ranking vendor is UnitedHealthcare.

The base term of the contract is October 1, 2018, through September 30, 2019. Additionally, there are four, one-year options to renew for a combined total of five years at City-negotiated rates. Actual health claims costs vary; however, the estimated annual contract cost is \$880,503 based on claims history. The annual costs is essentially flat in comparison to FY 2017-18.

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

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

Funding for the contract described above has been incorporated into the FY 2018-19 Adopted Budget; costs are paid through the Self Insurance Fund. Therefore, sufficient funds are available for the referenced annual contract.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of an annual contract with UnitedHealthcare for the provision of stop loss insurance for the City of New Braunfels.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. E)

Presenter/Contact

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

SUBJECT:

Approval to ratify a contract modification to The AMMO Group for Marketing of the Community Recreation Center/Das Rec for additional website development and social media efforts for \$23,600.

BACKGROUND / RATIONALE:

The City issued a solicitation for Branding and Marketing of the Community Recreation Center/Das Rec January 2017. The AMMO Group, LLC. was awarded the contract in March of 2017. The initial contract included the development of the marketing plan, the name and logo development and branding standards development. The cost for the initial phase was \$24,000. The second phase of the contract included website development and provide social media postings for multiple pre-opening and grand opening events for \$27,660. City Council approved phases one and two. Additional support was needed for social media efforts including targeted ads, banner advertising, and website development.

Staff is requesting a ratification to modify the contract to support these changes. The cost of these changes is \$23,600. This modification exceeds 25 percent of the contract value and therefore requires City Council approval. Staff recommends ratification to the contract to support these changes to the contract.

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

<input checked="" type="checkbox"/>	Yes	City Plan/Council Priority:	Strategic Priorities: 18. Expand recreational, arts and cultural enrichment opportunities
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FISCAL IMPACT:

Funding for the expenditures described above can be absorbed by the FY 2017-18 Parks and Recreation operating budget; therefore, sufficient funds are available.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of an expenditure to The AMMO Group for Marketing of the Community Recreation Center/Das Rec.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. F)

Presenter/Contact

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

SUBJECT:

Approval of a budget transfer in the FY 2017-18 General Fund, within the Parks and Recreation Department.

BACKGROUND / RATIONALE:

General Fund - A budget transfer is necessary in the Parks - Das Rec Division for a capital expenditure to cover the purchase of two floor scrubbers. Both pieces of equipment will help minimize the wear and tear in high foot traffic areas. The equipment will also increase the efficiency of cleaning and polishing all floor surfaces at Das Rec, which will reduce the risk of slips and falls. Funds within the employee expenditure allocation are available to support the transfer as vacancy savings have been generated throughout the year.

Budget Transfer - General Fund Parks and Recreation Department

From: Employee Expenditures \$17,193

To: Capital Expenditures \$17,193

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

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

There are allocated funds in the Parks Department employee expenditure allocation that are not projected to be spent before the end of the fiscal year, which is why a transfer is recommended as opposed to a budget amendment. This action will not increase the budget, nor will it draw from fund balance.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of budget transfer in the FY 2017-18 General Fund.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. G)

Presenter/Contact

Kristi Aday, Assistant City Manager
(830) 221-4280 - kaday@nbtexas.org

SUBJECT:

Approval for the City Manager to enter into an interlocal agreement with New Braunfels Independent School District for cost participation and City use of Oak Run and New Braunfels Middle Schools' athletic fields for community recreation programming.

BACKGROUND / RATIONALE:

The New Braunfels Economic Development Corporation (NBEDC) partnered with the City and the New Braunfels Independent School District to improve the Oak Run and New Braunfels Middle Schools athletic fields with artificial turf. The NBEDC authorized \$250,000 for design and up to \$2.5 million in construction funds for this project. The City Council approved these expenditures in 2017. This is one project in a potential series of projects to improve and construct sports fields throughout our community to help meet the demand for youth sports.

City staff has worked with NBISD staff to develop a weekly schedule in which the New Braunfels Youth Soccer Leagues will practice and use the fields for games at both campuses. The City will also be holding Adult Flag Football league games on the weekends. The contract also allows for additional special events to be scheduled, as long as they do not conflict with NBISD events. NBISD has priority use of the fields at all other times not included in the City's scheduled dates. City and NBISD staff will meet yearly to develop and amend the schedule as needed. The term of the agreement is twenty years.

In addition, under the proposed agreement, the City is responsible for:

- Full costs of clean up, lighting and security for city sponsored activities
- 50% costs for turf maintenance, replacement and repair
- 50% costs for light repair/maintenance

NBISD would be responsible for:

- 50% turf maintenance, replacement and repair
- 50% costs for light repair/maintenance

The lighting system is under a 25-year warranty and therefore little expense is anticipated. The turf system is also under warranty, but we will monitor its usage to determine future budget needs.

A ribbon cutting for the athletic field improvements was held on Wednesday, September 12, 2018.

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

X		City Council Plan/Priority	Quality of Life-Expand recreational, arts and cultural enrichment opportunities
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FISCAL IMPACT:

Costs for maintenance and operation were not included in the budget since they are unknown at the time of developing the budget. Staff will monitor expenses and should they exceed an amount that could not be absorbed in the current budget, we will come back to Council for a budget amendment later in the 2018-19 Fiscal Year.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the City Council authorize the City Manager to enter into an interlocal agreement with New Braunfels Independent School District for the use of Oak Run and New Braunfels Middle Schools' athletic fields for community recreation programming



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. H)

Presenter/Contact

Jared Werner, Chief Financial Officer
(830) 221-4395 - jwerner@nbtexas.org

SUBJECT:

Approval of an amendment to the contract between the City of New Braunfels and the Greater New Braunfels Chamber of Commerce Inc. concerning the use of Hotel Occupancy Tax and the appropriate budget amendment in the Hotel/Motel Tax Fund.

BACKGROUND / RATIONALE:

The City contracts with the Greater New Braunfels Chamber of Commerce for the provision of marketing, tourism support and convention activities. As part of this agreement, the chamber receives 50 percent of the City's hotel/motel tax revenue (HOT) to support these activities. The City Council approved a new contract on June 9, 2014. In March of 2017, the contract was amended to modify the process in which the 50 percent portion of occupancy tax was remitted to the Chamber by the City. As we are aware, the collection of hotel/motel taxes is seasonally impacted. Therefore, during the first six months of the fiscal year (approximately), the payments were much smaller than those remitted during the summer months. Over the past couple of years, the chamber has shifted to more digital and on-line promotional modes and methods of advertisement, which require either partial of full payment up front. Prior to, print media and publications was the main mode of advertisements, which didn't require payment until those goods were received (later in the fiscal year).

To attempt to address the cash flow issue, the contract was amended. The change modified remittance of hotel/motel proceeds in a way that allowed up to 50 percent of the budgeted expenditures to be reimbursed during the first six months of the fiscal year. For the remainder of the fiscal year (April-September), payments would only be remitted that reconcile with 50 percent of the actual fiscal year to date total hotel/motel proceeds. While the latest amendment helped to address the cash flow problems, it did not do effectively enough to eliminate the issue altogether. This is driven by the continued necessity to outlay funds earlier in the fiscal year as well as the recent stagnation/low growth of occupancy tax revenue collections.

At the FY 2018-19 City Council Budget Workshop, The Convention and Tourism Fund Budget was presented by Judy Young, Vice President-Convention & Visitors Bureau, of the Greater New Braunfels Chamber of Commerce to allow for the establishment of a \$700,000 reserve (or 30% of annual expenditures) to address the cash flow problem. The current contract allows for a \$100,000 reserve (or 5% of annual expenditures). The Finance Department, City Attorney's Office and Chamber of Commerce leadership have been working together on the ordinance and contract amendment (attached) to support the higher reserve level(s) and reconciliation process.

Budget Amendment - Hotel/Motel Tax Fund

The ordinance has been amended to allow the City to use funds from the 35% of total tax revenues

for maintaining the Chamber's Convention and Tourism Fund reserve balance. To establish this reserve prior to the end of the fiscal year, a budget amendment is necessary. Therefore, the following budget amendment is recommended for City Council consideration.

Increase - Hotel/Motel Tax Fund Operating Expenditures

\$700,000

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

N/A

FISCAL IMPACT:

There is sufficient fund balance in the Hotel/Motel Tax Fund to support the budget amendment as described above.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the contract amendment.

**AMENDMENT TO THE 2014 AGREEMENT BETWEEN THE CITY OF NEW BRAUNFELS AND
THE GREATER NEW BRAUNFELS CHAMBER OF COMMERCE, INC.
CONCERNING THE USE OF HOTEL OCCUPANCY TAX FUNDS**

STATE OF TEXAS §
 §
COUNTY OF COMAL §

This Amendment is entered into on the _____ day of September, 2018 by and between the City of New Braunfels, a Municipal Corporation of the State of Texas, hereinafter called "City", acting herein by and through its City Manager, and the Greater New Braunfels Chamber of Commerce, Inc., a private non-profit corporation hereinafter called "Chamber", acting by and through its duly elected officers.

The Agreement originally entered into June, 2014, and subsequently amended November, 2014, and March, 2017, is hereby amended as indicated below in Section 6 and Section 11 using underlined font for new language and strike through font for deleted language.

SECTION 6. TRANSFER OF FUNDS

6.1 Payments. For the first six months of ~~the~~ each fiscal year (October-March), the City shall remit monthly payments to the Chamber in an cumulative amount not to exceed fifty percent (50%) of the City Council approved annual budgeted expenditures. The monthly payments from October-March will be based on the projected cash flow requirement of the convention and tourism fund activities. The Chamber ~~staff~~ will submit a funding/payment request to the ~~Director of Finance~~ Chief Financial Officer no later than 10 business days prior to the beginning of the month. Beginning in April and continuing through the end of the fiscal year, monthly payments will be submitted that reconcile the actual and late amounts remitted to fifty percent (50%) of the actual hotel/motel collections fiscal year to date (including late ~~quarter ending~~ payments when applicable). The last monthly payment of the fiscal year shall be in an amount that reconciles, in accordance with Section 6.2, actual Convention and Tourist Fund (CTF) operations and maintenance expenditures against total actual City Hotel Occupancy Tax receipts, including late payments in the fiscal year plus the required reserve as defined in this section with the amount paid into the CTF in the first ~~twelve~~ eleven months of the fiscal year. City shall remit the monthly payments to the Chamber within forty-five (45) days after the end of each month.

6.2 Fiscal Reconciliation. ~~Within forty-five (45) days after the end of each fiscal year, City and Chamber will reconcile the payments made during the year with actual CTF expenditures as well as the required reserve as defined in Section 6.1, and either a reimbursement from the Chamber to City or an additional payment from City to Chamber will be made in order to reflect the true monetary payments required to be made pursuant to this Agreement for the preceding calendar year. In no case shall the total payment to the CTF exceed 50 percent of the total local hotel occupancy tax received by the City in a fiscal year.~~ Within forty-five (45) days after the end of each fiscal year, City and Chamber

will reconcile the actual CTF operating/maintenance budget with actual City Hotel Occupancy Tax receipts, including late payments. The CTF balance/reserve will also be reconciled so that a reserve balance is maintained that is equal to \$700,000 or 30% of the approved budget. The cash flow reserve is calculated as \$700,000 or thirty percent (30%) of the annual operating and maintenance expenditures adopted in the current fiscal year budget, whichever is greater. The cash flow reserve is not part of the adopted budget for operating and maintenance expenditures. The purpose of the cash flow reserve is to allow for effective cash flow of operating expenditures. In the event the Chamber needs to utilize the cash reserves for expenditures not in the adopted annual budget, City Council approval is required.

6.3 If, in any fiscal year, fifty 50 percent (50%) of the local hotel occupancy tax revenue exceeded the CTF's actual operating and maintenance expenditures ~~plus the required reserve (as defined in Section 6.1)~~, then the Chamber will submit to the City Council an amended budget that addresses the use of those funds.

SECTION 11. NOTICE

Wherever notice is required or permitted, the notice shall be in writing and deposited in the United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the parties at the respective addresses set out below, or at other addresses they have specified by written notice delivered in accordance herein:

City of New Braunfels
Attn: City Manager and Mayor
550 Landa Street
New Braunfels, TX 78130

Greater New Braunfels Chamber of Commerce
Attn: President and Chair of the Board
P.O. Box 311417
New Braunfels, TX 78131-141

ALL OTHER TERMS AND CONDITIONS PREVIOUSLY APPROVED REMAIN UNCHANGED.

IN WITNESS WHEREOF, the parties have hereunto set their hands in duplicate originals, in the City of New Braunfels, Comal County, Texas on this _____ day of _____ 2018.

CITY OF NEW BRAUNFELS

BY:

Robert Camareno, City Manager

ATTEST:

Patrick Aten, City Secretary

THE GREATER NEW BRAUNFELS CHAMBER OF COMMERCE, INC.

BY:

Chair of the Board

ATTEST:

Michael Meek, President



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. I)

Presenter/Contact

Dawn Schriewer, NBU CFO
dschriewer@nbutexas.com

SUBJECT:

Approval of a recommendation from the New Braunfels Utilities Board of Trustees to use Governmental Accounting Standards Board Statement 62 to defer a one-time pension expense that was incurred due to the Texas Municipal Retirement Plan benefit plan change.

BACKGROUND / RATIONALE:

GASB Statement 62 is a governmental accounting standard that applies to regulated municipal utilities that allows them to defer costs until the revenue is captured through rates (GASB 62). GASB 62 requires the municipal utility to receive approval to use GASB 62 from its rate setting authority.

The Board of Trustees of New Braunfels Utilities approved a change in the Texas Municipal Retirement Plan (TMRS) plan match from 1.5:1 to 2:1 on August 31, 2017. NBU recently received the TMRS Employer Reporting Package for GASB 62, which includes an actuarial valuation of NBU's participation in the pension plan. Included in the report was a one-time charge of \$6,881,135, which was included in pension expense. The charge was due to the change in the TMRS benefit plan match and brought all active employees and inactive vested employees to the 2:1 match level. As this is a one-time charge, NBU recommends using GASB 62 to recognize the expense over 5 years. NBU would expense \$1,376,227 each year beginning in fiscal year 2018 and ending in fiscal year 2022.

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

N/A

FISCAL IMPACT:

Additional Exp. Due to Changes in TMRS Benefits	\$ 6,881,135
Amortization Period	5 years
FY 2018	\$ 1,376,227
FY 2019	1,376,227
FY 2020	1,376,227
FY 2021	1,376,227
FY 2022	1,376,227
Total Deferral	\$ 6,881,135

COMMITTEE RECOMMENDATION:

The NBU Board of Trustees approved their resolution on August 30, 2018.

STAFF RECOMMENDATION:

N/A

R #2018-121

A RESOLUTION BY THE BOARD OF TRUSTEES OF THE NEW BRAUNFELS UTILITIES APPROVING PROPOSED USE OF GASB 62 TO DEFER COSTS AND AUTHORIZING THE PRESENTATION OF THE SAME TO THE CITY COUNCIL OF NEW BRAUNFELS FOR ITS CONSIDERATION AND PASSAGE

WHEREAS, the Council of the City of New Braunfels is the rate setting authority for New Braunfels Utilities;

WHEREAS, the Board of Trustees of the New Braunfels Utilities is of the opinion that it is now necessary and advisable that the use of GASB 62 be approved to defer certain costs that will be recovered in future rates;

WHEREAS, the Board of Trustees has reviewed the proposed use of GASB 62, and is of the opinion that the same should be approved and submitted to the City Council of New Braunfels, for its consideration and passage;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF NEW BRAUNFELS UTILITIES:

SECTION 1.: That the proposed use of GASB 62 be approved and used to defer \$5,504,908 of a portion of a one- time TMRS expense for a change in plan benefits which will be expensed FY2019-FY2022.

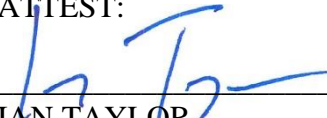
SECTION 2.: That the Chief Executive Officer of New Braunfels Utilities is hereby authorized and directed to present said use of GASB 62 for its consideration and passage as provided by law.

PASSED AND APPROVED this the 30th day of August, 2018.



ANTONACIO CAMPOS
President, Board of Trustees
New Braunfels Utilities

ATTEST:



IAN TAYLOR
Secretary to the Board
New Braunfels Utilities



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. J)

Presenter/Contact

Dawn Schriewer, NBU CFO
dschriewer@nbutexas.com

SUBJECT:

Approval of a recommendation from the New Braunfels Utilities Board of Trustees to use Governmental Accounting Standards Board Statement 62 to defer lease payments associated with the Guadalupe-Blanco River Authority Mid-Basin Water Project.

BACKGROUND / RATIONALE:

Guadalupe-Blanco River Authority (GBRA) is constructing and operating facilities to pump, treat, and transport water supply out of the Carrizo-Wilcox Aquifer to interested participants (the "Mid-Basin Project"). GBRA is financing the Mid-Basin Project through the Texas Water Development Board (TWDB) State Water Implementation Fund for Texas (SWIFT). The TWDB SWIFT program was created to provide affordable, alternative financing options to develop projects that are recommended water management strategies in the State of Texas Water Plan. The TWDB will issue bonds under the SWIFT program to finance the Mid-Basin Project and each participant will enter into an agreement with GBRA to pay for their portion of the funding.

NBU and GBRA entered into the Gonzales Carrizo Water Supply Project Treated Water Supply Agreement on February 6, 2018 (the "Water Supply Agreement") to purchase treated water supply through the Mid-Basin Project. Under the Water Supply Agreement, NBU has agreed to purchase at least 8,000 acre-feet per year of treated water supply. The lease payments to pay for NBU's portion of the Mid-Basin Project will begin in January 2019, but NBU will not receive the treated water supply until 2023.

GASB Statement 62 is a governmental accounting standard that applies to regulated municipal utilities that allows them to defer costs until the revenue is captured through rates (GASB 62). GASB 62 requires the municipal utility to receive approval to use GASB 62 from its rate setting authority.

In the budget NBU presented to the Board on June 28, 2018, NBU deferred \$5,653,520 million in water lease payments associated with the Mid-Basin project for fiscal years 2019-2023. The deferral of this amount is based on NBU's purchase of 8,000 acre-feet per year of water at \$200 per acre foot for a total of \$1,600,000 per year for 3.5 years. Since calculating the deferral amount of the lease payments, GBRA realized that it overestimated the lease payments per acre foot of water. The lease payments will be less than \$80 per acre foot of water, which requires NBU to update the deferral amount for the Mid-Basin Project. NBU is planning to purchase 8,000 acre-feet per year at \$80 per acre foot for an updated deferral amount of \$2,240,000. If the Council approves the use of GASB 62, NBU will begin recognizing approximately \$224,000 in expense per year for 10 years beginning in fiscal year 2023, which is when NBU expects to receive water from the Mid-Basin Project.

NBU requests approval of the use of GASB 62 to defer the lease payment costs for the Mid-Basin Project.

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

N/A

FISCAL IMPACT:

Total Acre Feet	8,000	
Lease Amount per Acre Foot	\$ 80.00	
FY 2019 (Starting in January)	\$ 320,000	
FY 2020	640,000	
FY 2021	640,000	
FY 2022	640,000	
Total Deferral	\$ 2,240,000	
Amortization Period	10 years	
Annual Expense Starting in FY 2023	224,000	

COMMITTEE RECOMMENDATION:

The NBU Board of Trustees approved a resolution on August 30, 2018.

STAFF RECOMMENDATION:

N/A

R #2018-122

A RESOLUTION BY THE BOARD OF TRUSTEES OF THE NEW BRAUNFELS UTILITIES APPROVING PROPOSED USE OF GASB 62 TO DEFER COSTS AND AUTHORIZING THE PRESENTATION OF THE SAME TO THE CITY COUNCIL OF NEW BRAUNFELS FOR ITS CONSIDERATION AND PASSAGE

WHEREAS, the Council of the City of New Braunfels is the rate setting authority for New Braunfels Utilities;

WHEREAS, the Board of Trustees of the New Braunfels Utilities is of the opinion that it is now necessary and advisable that the use of GASB 62 be approved to defer certain costs that will be recovered in future rates;


WHEREAS, the Board of Trustees has reviewed the proposed use of GASB 62, and is of the opinion that the same should be approved and submitted to the City Council of New Braunfels, for its consideration and passage;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF NEW BRAUNFELS UTILITIES:

SECTION 1.: That the proposed use of GASB 62 be approved and used to defer GBRA Mid-Basin costs of \$2,293,520 which will be expensed over a 10-year period beginning in FY2023.

SECTION 2.: That the Chief Executive Officer of New Braunfels Utilities is hereby authorized and directed to present said use of GASB 62 for its consideration and passage as provided by law.

PASSED AND APPROVED this the 30th day of August, 2018.



ATANACIO CAMPOS
President, Board of Trustees
New Braunfels Utilities

ATTEST:


IAN TAYLOR
Secretary to the Board
New Braunfels Utilities



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. K)

Presenter/Contact

Jared Werner, Chief Financial Officer
(830) 221-4395 - jwerner@nbtexas.org

SUBJECT:

Approval of the first reading of an ordinance amending Ordinance 2011-93, specifically Section IV, by eliminating assignment pay for Criminal Investigator-Detective assignment within the Police Department.

BACKGROUND / RATIONALE:

In 2007, criminal investigation-detective (CID) assignment pay was established as a result of combining the existing ranks of detective and corporal. The Detective position had traditionally been a rank that existed between Corporal and Sergeant. Once all the detectives were consolidated into the Corporal rank, a criminal investigations division assignment pay was established to ensure that existing detectives did not see a decrease in take home pay.

Over the past ten years, as new step plans have been introduced and implemented, the CID assignment pay has resulted in several unintended consequences, such as difficulty in promotional interest for the rank of sergeant (the rank above corporal). This is mainly due to the fact that a corporal at the highest step in the range (max base salary plus assignment pay) earns more than the entry level salary or step for a sergeant.

During the FY 2017-18 Budget Development process, the City Manager's Office, Finance Department, and Human Resources Department staff worked with the Police Department on developing a step plan that would allow for the CID assignment pay to be completely removed, ensuring that the existing employees that receive the assignment pay wouldn't see a decrease in pay and that there was a true increase in take home pay for Corporals that promote to Sergeant.

The updated step plans developed accomplish the objectives described above. In FY 2017-18, 50 percent of the costs to implement the updates plans are included. Therefore, the authorized assignment pay in the Police Department was amended to consistently decrease the current CID assignment pay by 50 percent. In FY 2018-19, staff recommends following through with this strategy described above and removing the assignment pay completely.

Police Department Rank	FY 2016-17 Assignment Pay	FY 2017-18 Assignment Pay	FY 2018-19 Assignment Pay
Police Officer and Corporal	\$5,800 annually	\$2,900 annually	N/A
Sergeant and Lieutenant	\$4,800 annually	\$2,400 annually	N/A

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

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FISCAL IMPACT:

The funding to support the updated step plans and decreased assignment pay has been incorporated into the FY 2018-19 Adopted Budget. Therefore, sufficient funds are available to support the financial impact from amending the attached ordinance.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the amendment to the ordinance.

ORDINANCE NO. 2018-

AN ORDINANCE AMENDING ORDINANCE 2011-93 BY ELIMINATING ASSIGNMENT PAY FOR CRIMINAL INVESTIGATOR-DETECTIVE (CID) WITHIN THE POLICE DEPARTMENT; PROVIDING FOR SEVERABILITY AND REPEALER; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels adopted Chapter 143 of the Texas Local Government Code for its police and fire departments; and

WHEREAS, there are specialized assignments within the Police Departments that certain police officers perform that are not performed by every police officer; and

WHEREAS, §143.042 of the Texas Local Government Code states that the governing body of a municipality may authorize assignment pay for fire fighters or police officers who perform specialized functions in the Fire or Police Department; and

WHEREAS, §143.042 (c) of the Texas Local Government Code requires that the governing body must set forth in an ordinance the amount of assignment pay and the conditions under which it is to be payable to members of the Fire and Police Department; and

WHEREAS, Criminal Investigations Division (CID) has traditionally discouraged Corporals/Detectives from promoting to Sergeant as a result of losing CID assignment pay, resulting in decreased pay; and

WHEREAS, this amendment eliminates CID assignment pay without a decrease in pay for those who had previously been receiving it and that there will be an actual increase in take home pay for Corporals/Detectives that promote to Sergeant.

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

I.

That the matters and facts set forth in the preamble are hereby found to be true.

II.

That Ordinance 2011-93 is amended by deleting section IV that established Criminal Investigator-Detective Assignment Pay and the remainder of the ordinance is unchanged. The changes to Ordinance 2011-93 will be as follows with the deleted language indicated using strikethrough font:

~~IV.~~

~~That the assignment of "Criminal Investigator Detective" is a specialized function within the New Braunfels Police Department and that assignment involves investigating higher grade misdemeanors and felonies for prosecution in County and District Court. When a member is designated by the Police Chief or his designee to serve as "Criminal Investigator Detective" for the Department, that member is entitled to receive \$2,900 per year as assignment pay if the member holds the rank of Police Officer or Corporal; or, \$2,400 per year as assignment pay if the member holds the rank of Sergeant or Lieutenant. That member~~

~~must be “actively engaged” in performing the assignment of “Criminal Investigator—Detective” to be entitled to this Assignment Pay. “Actively engaged,” for the purposes of this ordinance, means that the employee has actually been at work and performed these duties. An employee does not earn this Criminal Investigator—Detective” Assignment Pay if he or she is absent from work for an extended period of time.~~

III.

Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or un-enforced, the validity of the remainder of this ordinance or its application shall not be affected, it being the intent of the City Council in adopting and of the Mayor in approving this ordinance that no portion, provision, or regulation contained herein shall become inoperative or fail by way of reasons of any unconstitutionality or invalidity of any other portion, provision, or regulation.

IV.

Repealer: That all other ordinances, section, or parts of ordinances heretofore adopted by the City of New Braunfels in conflict with the provisions set out above in this ordinance are hereby repealed or amended as indicated.

V.

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

VI.

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

PASSED AND APPROVED: First reading this 24th day of September, 2018.

PASSED AND APPROVED: Second reading this 8th day of October , 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

9/24/2018

Agenda Item No. L)

Presenter/Contact

Jared Werner, Chief Financial Officer
(830) 221-4395 - jwerner@nbtexas.org

SUBJECT:

Approval of the first reading of an ordinance authorizing the assignment pay for Support Services assignments within the Fire Department.

BACKGROUND / RATIONALE:

There are assignments within the New Braunfels Fire Department that certain personnel perform that are not performed by every Fire Department civil service employee. Section 143.042(c) of the Texas Local Government Code requires that the governing body set forth in an ordinance the amount of assignment pay and the conditions under which it is to be payable to members of the Fire Department that meet the stated criteria.

Assignment pay was originally implemented in 2014 to begin addressing a long-term morale and internal recruitment issue within the Fire Department. When a sworn Fire Department employee is assigned to Support Services from the Operations Division, they experience a reduction in take home pay. The reduction is caused by mandatory overtime generated by the Operations Division scheduling system - *24 hours on/48 hours off*. When assigned to the Support Services Division, employees are scheduled to work a standard 40-hour work week (Monday-Friday), which nearly eliminates the opportunity to sign up for discretionary overtime shifts. As mentioned above, the reduction in pay as well as the lost opportunity to earn discretionary overtime has had significant impacts to morale and recruitment for support services positions.

When the assignment pay was initially implemented in 2014, it represented approximately 50 percent of the amount of pay "lost" when an employee was reassigned to Support Services. The assignment pay has not been adjusted as the step plans have increased based on recent market studies. The long term goal has been to adjust the Support Services assignment pay to align with the annual earnings of their counterparts assigned to the Operations Division. The FY 2018-19 Adopted Budget includes the funding to adjust the assignment pay to a level that includes the automatic overtime generated by the shift scheduling. We are confident that this will ease the transition, and improve recruitment and morale for employees that are ultimately assigned to Support Services.

The table below reflects the assignment pay schedule to be adopted with approval of this ordinance.

Support Services - Annual Assignment Pay

		Firefighter	Engineer	Lieutenant	Captain	Battalion Chief
Step 1	\$	4,881	\$ 6,372	\$ 7,248	\$ 8,082	\$ 9,188
Step 2	\$	5,027	\$ 6,500	\$ 7,393	\$ 8,325	\$ 9,464
Step 3	\$	5,177	\$ 6,630	\$ 7,541	\$ 8,575	\$ 9,747
Step 4	\$	5,333	\$ 6,762	\$ 7,692	\$ 8,832	\$ 10,040
Step 5	\$	5,493	\$ 6,898	\$ 7,846	\$ 9,097	
Step 6	\$	5,602	\$ 7,036	\$ 8,002		
Step 7	\$	5,715	\$ 7,176			
Step 8	\$	5,829				
Step 9	\$	5,945				
Step 10	\$	6,064				
Step 11	\$	6,186				
Step 12	\$	6,309				

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

<input checked="" type="checkbox"/>	N/A		
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FISCAL IMPACT

Funds to support the increased assignment pay have been incorporated into the FY 2018-19 Proposed Budget.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance.

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AUTHORIZING ASSIGNMENT PAY FOR CERTAIN SUPPORT SERVICES ASSIGNMENTS WITHIN THE FIRE DEPARTMENT; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels adopted Chapter 143 of the Texas Local Government Code for its Police and Fire Departments; and

WHEREAS, there are assignments within the Fire Department that certain personnel perform that are not performed by every Fire Department civil service employee; and

WHEREAS, Section 143.042(b) of the Texas Local Government Code states that the governing body of a municipality may authorize assignment pay for fire fighters who perform specialized functions in the Fire Department; and

WHEREAS, Section 143.042 (c) of the Texas Local Government Code requires that the governing body set forth in an ordinance the amount of assignment pay and the conditions under which it is to be payable to members of the Fire Department that meet the criteria; and

WHEREAS, the City Council desires to provide assignment pay for the duties of fire fighters assigned to the Support Services Division.

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

I.

That the matters and facts set forth in the preamble are hereby found to be true.

II.

That the assignment of being Support Services is a specialized function within the New Braunfels Fire Department and that assignment involves the Fire Chief designating a member of the Fire Department to be responsible for continuing education and the maintenance and renewals of all fire and EMS certifications, conducting fire investigations, life safety inspections, emergency operations center assignments, provide personal protective clothing, equipment and uniforms to fire department personnel, maintain EMS inventory, assist with I.T. Support for the computer aided dispatch system, perform as liaisons to outside agencies and to the medical director and serve as Fire Marshall. When a member is designated by the Fire Chief or his designee to serve as Support Services, that member is entitled to receive payment dependent upon rank as follows:

Support Services - Annual Assignment Pay

						Battallion
	Firefighter	Engineer	Lieutenant	Captain		Chief
Step 1	\$ 4,881	\$ 6,372	\$ 7,248	\$ 8,082	\$	9,188
Step 2	\$ 5,027	\$ 6,500	\$ 7,393	\$ 8,325	\$	9,464
Step 3	\$ 5,177	\$ 6,630	\$ 7,541	\$ 8,575	\$	9,747
Step 4	\$ 5,333	\$ 6,762	\$ 7,692	\$ 8,832	\$	10,040
Step 5	\$ 5,493	\$ 6,898	\$ 7,846	\$ 9,097		
Step 6	\$ 5,602	\$ 7,036	\$ 8,002			
Step 7	\$ 5,715	\$ 7,176				
Step 8	\$ 5,829					
Step 9	\$ 5,945					
Step 10	\$ 6,064					
Step 11	\$ 6,186					
Step 12	\$ 6,309					

III.

The following conditions or criteria apply to the payment of Support Services Assignment Pay:

- 1) Only an employee covered by Civil Service state law is eligible to receive Support Services Assignment Pay.
- 2) The employee shall be designated by the Department Head or his designee of the Fire Department to perform the duties of the Support Services. With the exception of the Fire Marshal, all the employees who has been designated with the Support Service Assignment are entitled to receive this Assignment Pay.

IV.

Assignment pay of any type may be increased, reduced or eliminated in future fiscal years as deemed necessary by the City Council.

V.

Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or un-enforced, the validity of the remainder of this ordinance or its application shall not be affected, it being the intent of the City Council in adopting and of the Mayor in approving this ordinance that no portion, provision, or regulation contained herein shall become inoperative or fail by way of reasons of any unconstitutionality or invalidity of any other portion, provision, or regulation.

VI.

Repealer: That all other ordinances, section, or parts of ordinances heretofore adopted by the City of New Braunfels in conflict with the provisions set out above in this ordinance are hereby repealed or amended as indicated.

VII.

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

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

PASSED AND APPROVED: First reading this 24th day of September, 2018.

PASSED AND APPROVED: Second reading this 8th day of October, 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

9/24/2018

Agenda Item No. M)

Presenter/Contact

Jared Werner, Chief Financial Officer
(830) 221-4295 - jwerner@nbtexas.org

SUBJECT:

Approval of the second and final reading of an ordinance establishing the number of positions in each classification in the New Braunfels Fire Department and Police Department pursuant to Local Government Code, Chapter 143.

BACKGROUND / RATIONALE:

Police Department

In FY 2016-17, Finance Dept., Human Resources Dept., and City Manager's Office staff completed a comprehensive salary study. The data was reviewed collaboratively with a Police Department staffed compensation committee and resulted in a revised step plan that not only supports the new market data but address several recruitment and career progression limitations that existed within our previous step plans. Traditionally, corporals are either assigned to the Criminal Investigations Division (CID) or serve as a supervisor in the Patrol Division. Most of the corporals in the department are assigned to CID (16 out of 22) as a detective. The supervision and leadership that the current six corporals provide to the Patrol Division is still a need moving forward. Therefore, the compensation committee (along with HR, Finance and CMO) recommend replacing the six corporals assigned to the Patrol Division with six sergeants as well as replacing the rank/title of corporal with detective. To go through this process in accordance with civil service statutes, the City Council increased the number of sergeant positions temporarily. The attached ordinance adjusts the FY 2017-18 total to the original number of positions authorized (122).

FY 2018-19 Police Department additional positions - The total number of authorized positions in the Police Department in the attached ordinance fluctuates throughout the fiscal year in accordance with the funding included in the proposed budget.

Fire Department

Included in the proposed budget are several reclassifications for the Fire Department. Similar to the Police Department in FY 2017-18, the total number of positions will need to be temporarily increased to support the reclassification process. Therefore, while there were no additional positions included in the proposed budget for the Fire Department, the first step of processing the reclassifications includes adding four Captain positions. Once all the reclassifications have been completed, the ordinance will be amended once again to adjust down the total number of positions authorized in accordance with the FY 2018-19 budget.

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

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FISCAL IMPACT:

Funding for all new positions and reclassifications has been incorporated into the FY 2018-19 Proposed Budget. Therefore, sufficient funds are available.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance.

ORDINANCE 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, ESTABLISHING THE CLASSIFICATION OF EMPLOYEES WITHIN THE NEW BRAUNFELS FIRE AND POLICE DEPARTMENTS AND AUTHORIZING THE NUMBER OF EMPLOYEES IN EACH CLASSIFICATION; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCES AND PROVISIONS IN CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels has adopted Civil Service, Chapter 143 of the Texas Local Government Code for its Police and Fire Department employees; and

WHEREAS, pursuant to Chapter 143, the City Council shall establish the classifications of employees and prescribe the number of positions in each classification pursuant to Section 143.021(a) of the Texas Local Government Code; and

WHEREAS, the City Council has approved the number of employees listed below in the appropriate classifications in the Police and Fire Department as a part of the annual budget process; and

WHEREAS, this ordinance modifies the authorized number of positions in each rank consistent with the FY 2018-19 Proposed Budget, including new positions and reclassifications.

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

I.

The Civil Service classifications and number of positions in each classification in the Fire Department shall be approved and effective as indicated below:

<u>Classification</u>	<u>Effective 09/30/2018</u>	<u>Effective 10/01/2018</u>
1. Assistant Fire Chief	1	1
2. Battalion Chief	5	5
3. Captain	5	9
4. Lieutenant	25	25
5. Engineer	41	41
6. Firefighter	57	57
<i>Totals</i>	<i>134</i>	<i>138</i>

The classification of Assistant Fire Chief is the rank/classification immediately below the Department Head. As such, that position is both established by the

City Council and will remain a position to which the Department Head may appoint the occupant, in accordance with §143.014 of the Texas Local Government Code.

II.

The Civil Service classifications and number of positions in each classification in the Police Department shall be approved as follows:

<u>Classification</u>	<u>Effective 6/1/18</u>	<u>Effective 9/25/18</u>	<u>Effective 10/1/18</u>	<u>Effective 1/1/19</u>	<u>Effective 4/1/19</u>
1. Assistant Police Chief	1	1	1	1	1
2. Captain	3	3	3	3	3
3. Lieutenant	5	5	5	5	5
4. Sergeant	17	17	18	18	18
5. Corporal/ Detective	22	16	16	16	16
6. Police Officer	80	80	80	84	88
Totals	128	122	123	127	131

The classification of Assistant Police Chief is the rank/classification immediately below the Department Head. As such, that position is both established by the City Council and will remain a position to which the Department Head may appoint the occupant, in accordance with §143.014 of the Texas Local Government Code.

III.

Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or unenforced, the validity of the remainder of this ordinance or its application shall not be affected, it being the intent of the City Council in adopting and of the Mayor or Mayor Pro Tem in approving this ordinance that no portion, provision, or regulation contained herein shall become inoperative or fail by way of reasons of any unconstitutionality or invalidity of any other portion, provision, or regulation.

IV.

Inconsistent Provisions: All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

V.

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

VI.

This amended Ordinance shall take effect on September 25th, 2018, unless otherwise noted.

PASSED AND APPROVED: First reading this _10th day of September, 2018.

PASSED AND APPROVED: Second reading this _24th_ day of September, 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

9/24/2018

Agenda Item No. N)

Presenter

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

SUBJECT:

Approval of the second and final reading of an ordinance annexing approximately 154 acres of land 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

Holly Mullins, Senior Planner
(830) 221-4054
hmullins@nbtexas.org

City Council approved the first reading of the proposed ordinance at their regular meeting on September 10, 2018.

The City of New Braunfels and the New Braunfels Parks Foundation submitted a request for voluntary annexation of approximately 151 acres 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 proposed area of annexation will also include the adjacent Klein Road right-of-way, approximately 3 acres.

City Council adopted the following schedule for annexation pursuant to state statute:

- ✓ Annexation petition filed: **June 11, 2018**
- ✓ City Council accepted petition and set public hearing dates: **July 9, 2018**
- ✓ Planning Commission recommendation: **August 7, 2018**

- ✓ Second Public Hearing:
- ✓ First Public Hearing:
- ✓ First Reading of Ordinance:
- Second Reading of Ordinance:

August 14, 2018
August 13, 2018
September 10, 2018
September 24, 2018

General Information:

Size: approximately 154 acres

Comprehensive Plan / Future Land Use Designations:

Low Density Residential and Commercial

- Walnut Springs Sub Area
- Future Market Center and Civic Center
- Along a Transitional Mixed-Use Corridor

Population: 0

County: Guadalupe

Census Tract: 2106.08

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

Yes	City Plan/Council Priority: Envision New Braunfels <i>Pros and Cons Based on Policies Plan</i>	Regional Planning: Annexation Policy Considerations <ul style="list-style-type: none"> • Consider annexing areas having the greatest potential to protect natural, cultural, historic, and economic assets while reinforcing regional goals.
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FISCAL IMPACT:

Increased demand for City services, including but not limited to police and fire protection, emergency medical services, solid waste collection, street maintenance, plan review against adopted city codes for permits, inspections, code enforcement, animal control, library, parks and recreation, court, and general administration.

COMMITTEE RECOMMENDATION:

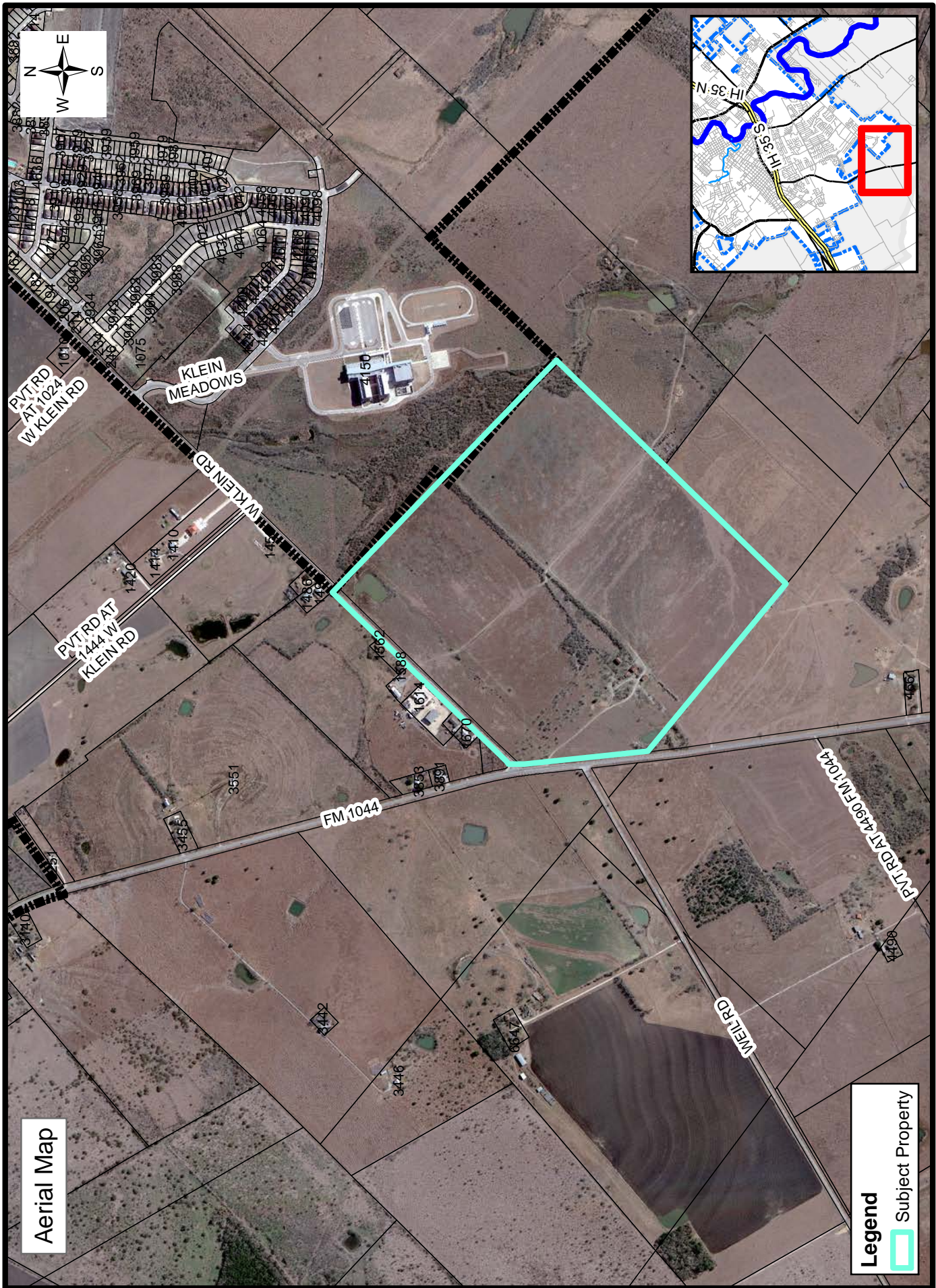
The Planning Commission held a public hearing on August 7, 2018 and recommended approval of the proposed annexation.

STAFF RECOMMENDATION:

Staff recommends annexation of the subject City-owned land.

Attachments:

1. Aerial Map
2. Petition for Annexation
3. Service Plan
4. Ordinance



CS-18-019
Proposed Annexation



Legend
Subject Property

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



SERVICE PLAN FOR 2018 ANNEXATION

Upon annexation of the area described below and as identified on Exhibit A, the City of New Braunfels will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

Approximately 154 acres of land on the southeast corner of the intersection of FM 1044 and Klein Road, including the adjacent Klein Road right-of-way.

SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION

1. **Police Protection**

The City of New Braunfels, Texas and its Police Department will provide police protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed areas. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed areas.

2. **Fire Protection and Emergency Medical Services**

The City of New Braunfels, Texas and its Fire Department will provide fire protection and EMS to newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed areas. The Fire Department will have the responsibility to respond to all dispatched calls and requests for service or assistance within the newly annexed areas.

3. **Maintenance of Water and Wastewater Facilities**

The subject property is currently with the Water CCN of Green Valley Special Utility District (GVSUD) and the Wastewater CCN of Guadalupe-Blanco River Authority (GBRA). Any and all water or wastewater facilities owned or maintained by the certified purveyor at the time of the proposed annexation shall continue to be maintained by said purveyor. Any and all water and wastewater facilities which may be acquired subsequent to the annexation of the proposed areas shall be maintained by the purveyor to the extent of its ownership. The now existing water and wastewater mains at existing locations shall be available for the point of use extension based upon the water purveyor standard extension policy now existing or as may be amended. Existing on-site sewerage systems may be maintained in accordance with Chapter 130 of the City Code of Ordinances.

4. **Solid Waste Collection**

The City of New Braunfels, Texas collects solid waste and refuse within the corporate limits of the City. Solid waste collection and residential recycling will be provided to citizens in the newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed areas. The City may negotiate with annexed areas to allow continued services with an existing solid waste management provider. After the second anniversary of the annexation date, the City will impose fees and provide the service.

If areas with private roads and/or gates are arranged so that garbage may be collected without creating a safety hazard, the City, at its discretion, may collect the garbage provided proper indemnification is received from the community association or individual property owners. The City will then impose fees and provide the service. Garbage collection locations shall be subject to the approval of the Sanitation Manager. In the event the City does not collect garbage within the areas with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

5. **Maintenance of Roads and Streets**

Any and all public roads, streets or alleyways shall be maintained to the same degree and extent that other public roads, streets, and alleyways are maintained in areas of the City with like topography, land use and density as those found within the newly annexed areas. Private roads will remain under the ownership of the homeowners association and as such maintained by the association.

6. **Maintenance of Parks, Playgrounds, and Swimming Pools**

The City of New Braunfels, Texas is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed areas of annexation. In the event any such parks, playgrounds, or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas. Private facilities will remain under the ownership of the homeowners association and as such maintained by the association.

7. **Maintenance of any Publicly Owned Facility, Building or Municipal Service**

The City of New Braunfels, Texas is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed areas of annexation. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas.

8. **Other Services**

The City of New Braunfels, Texas finds and determines that such services as planning, code enforcement, animal control, library, parks and recreation, court and general administration will be made available after the effective date of annexation at the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed areas.

CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE COMPLETED WITHIN 2 ½ YEARS

1. **Police and Fire Protection and Solid Waste Collection**

The City of New Braunfels, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2-½ years of the effective date of the annexation of the particular annexed areas for the purpose of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of New Braunfels, Texas with like topography, land use and population density as those found within the newly annexed areas.

2. **Water and Wastewater Facilities**

Water and wastewater service will continue to be provided at or above current levels following annexation.

3. **Roads and Streets**

The City of New Braunfels, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2-½ years of the effective date of the annexation of the particular annexed areas.

4. **Maintenance of Parks, Playgrounds, and Swimming Pools and Any Other Publicly Owned Facility, Building, or Service**

The City of New Braunfels, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2-½ years of the effective date of the annexation of the particular annexed areas for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

SPECIFIC FINDINGS

The City of New Braunfels, Texas, finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the areas being considered for annexation than were in existence in the proposed areas at the time immediately preceding the annexation process. Given the proposed annexation areas' topography, land utilization and population density, the service levels to be provided in the newly annexed areas will be equivalent to those provided to other areas of the City with similar characteristics.

TERMS

This plan shall be valid for a term of ten (10) years. Renewal of the Service Plan is at the discretion of the City of New Braunfels.

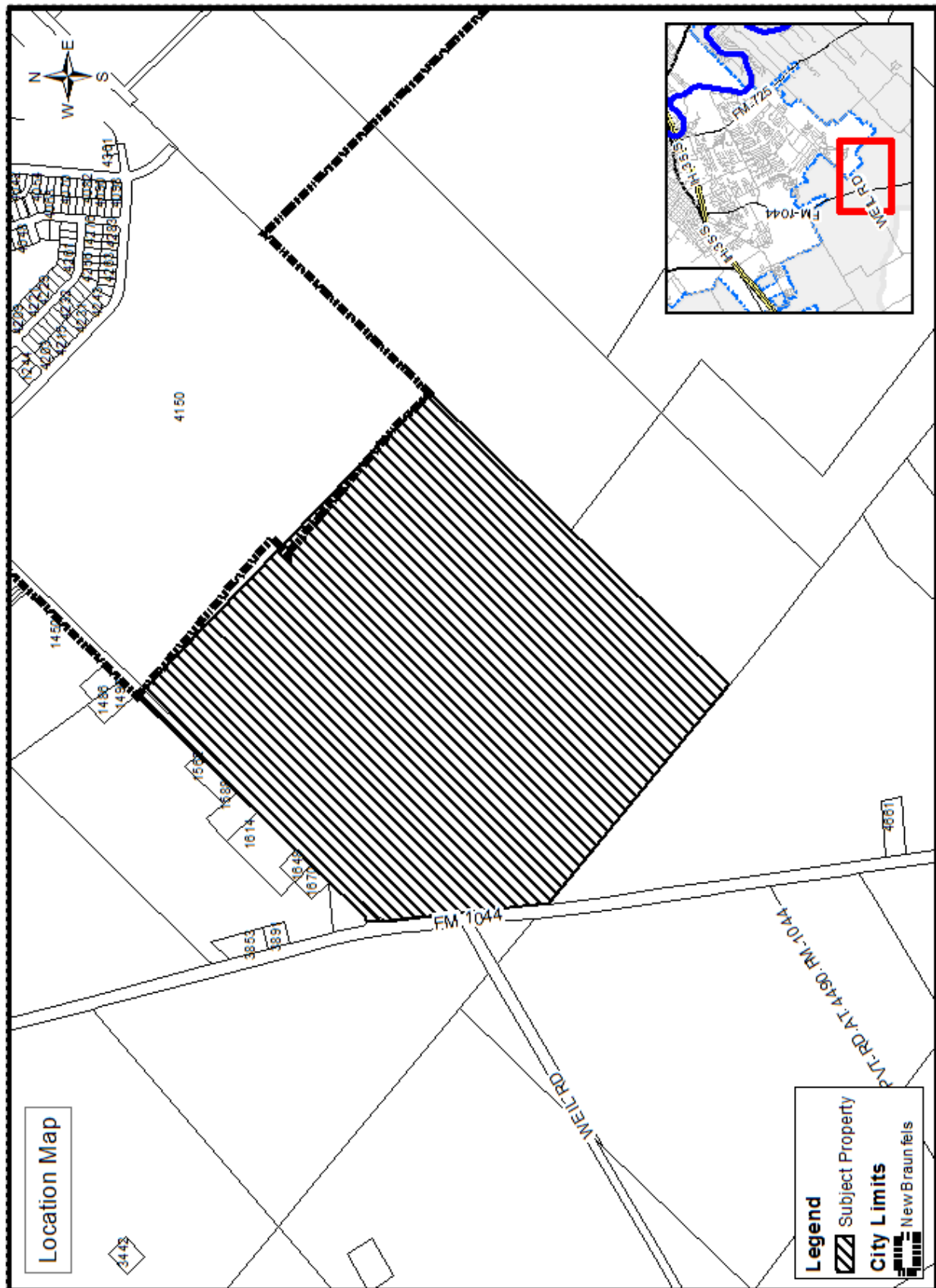
LEVEL OF SERVICE

Nothing in this plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed areas, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

AMENDMENTS

The plan shall not be amended unless public hearings are held in accordance with Chapter 43 of the Texas Local Government Code.

\\CHFS-1\Departments\Planning\Annexation\2018 Annexations\CS-18-019 CONB\Service Plan.docx



ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, ANNEXING APPROXIMATELY 154 ACRES OF LAND ON THE SOUTHEAST CORNER OF THE INTERSECTION OF FM 1044 AND KLEIN ROAD, INCLUDING THE KLEIN ROAD RIGHT-OF-WAY, ADJACENT TO THE EXISTING CITY LIMIT; GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID TERRITORY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF THE CITY OF NEW BRAUNFELS; ADOPTING A SERVICE PLAN; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the city is authorized to annex territory in accordance with the Texas Local Government Code, Chapter 43 and the City of New Braunfels, Texas home-rule charter and by statute; and

WHEREAS, said territory proposed to be annexed is within the city's extraterritorial jurisdiction and is contiguous to the corporate limits of city; and

WHEREAS, the City of New Braunfels has prepared a service plan for said territory which is attached as Exhibit "C" to this ordinance; and

WHEREAS, the city has published notice of hearings on said annexation and held hearings as required by state law; **now, therefore:**

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

SECTION 1

That the following described territory, shown on a map which is attached as Exhibit "A" and described in Exhibit "B", is hereby annexed into the city, and that the boundary limits of the city are hereby extended to include said territory within the city limits and the same shall hereafter be included within the territorial limits of said city, and said land and the future inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the city and shall be bound by the acts and ordinances of said city;

SECTION 2

That the municipal service plan for the herein annexed territory provided for in Exhibit "C" attached hereto is hereby adopted.

SECTION 3

That the city secretary is hereby directed to file with the county clerk and other appropriate officials and agencies, as required by state and federal law and city annexation procedures, a certified copy of this ordinance.

SECTION 4

This ordinance will take effect upon the second and final reading of same and upon publication as required by law.

PASSED AND APPROVED: First Reading this the 10th day of September, 2018.

PASSED AND APPROVED: Second and Final Reading this the 24th day of September, 2018.

CITY OF NEW BRAUNFELS, TEXAS

BY:

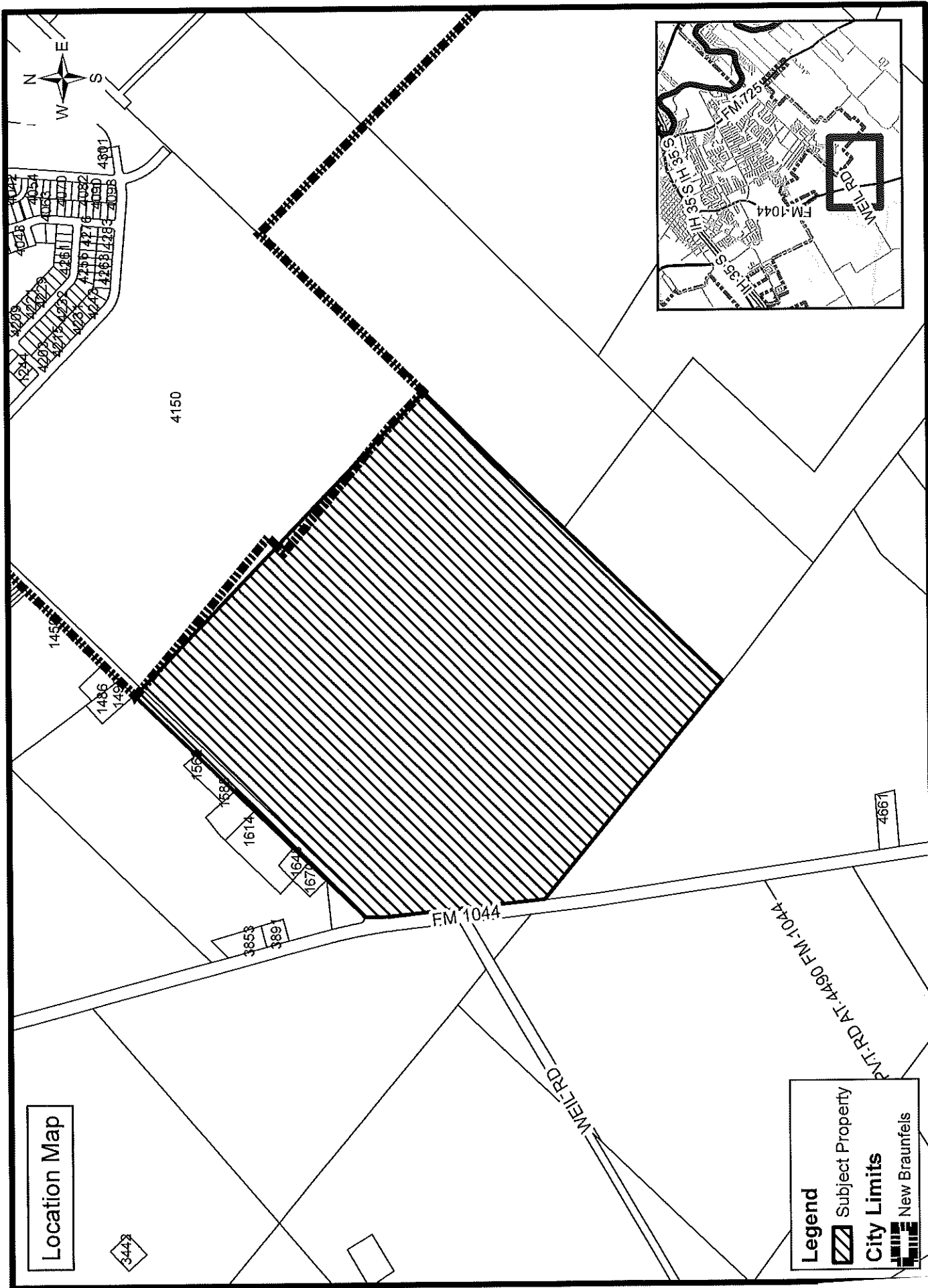
BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



CS-18-019
Proposed Annexation
FM 1044 at Klein Road





410 N. Seguin Ave.
New Braunfels, TX 78130
HMTNB.COM
830.625.8555 • FAX: 830.625.8556
TBPLS FIRM 10153600

METES AND BOUNDS DESCRIPTION FOR A 25.00 ACRE TRACT OF LAND

Being 25.00 acres of land located in the Sarah Dewitt Survey, A-103, Guadalupe County, Texas. Said tract being a part of that same land described as the residue of 152.82 acres in a deed to Karl Henry Zipp & Helen Elizabeth Kypefer Zipp, recorded in Volume 919, Page 224 of the Guadalupe County Deed Records. Said tract being more particularly described as follows:

COMMENCING at a ½" iron rod found in the East line of F.M. 1044 and the Southeast corner of Parcel A, Called 0.420 of an acre, R.O.W. recorded in Volume 279, Page of the Guadalupe County Deed Records, also lying at the present Northwest corner of said 152.82 acre tract and the North line of a tract conveyed in Volume 4255, Page 680 of the Guadalupe County Deed Records, thence with the West line of said 152.82 acre tract, North 55°31'40"East, 242.99 feet to a fence corner, and South 51°10'02"East, a distance of 468.46 feet to a ½" iron rod set for the Northwest corner herein described tract and a 125.99 acre tract being surveyed this same date also being the POINT OF BEGINNING;

THENCE into and across said 152.82 acre tract, with the common line of the herein described 25.00 acre tract and said 125.99 acre tract, the following two courses:

1. North 44°06'18"East, a distance of 1148.83 feet to a ½" iron rod with cap "HMT" set for the Northeast corner of the herein described tract;
2. South 51°10'02"East, a distance of 953.59 feet to a ½" iron rod with cap "HMT" set for the Southeast corner of the herein described tract, lying in the South line of said 185.82 acre tract, and the North line of said tract conveyed in Volume 4255, Page 680 of the Guadalupe County Deed Records;

THENCE with the South line of said 152.82 acre tract, South 44°16'48"West, a distance of 1149.16 feet to a fence corner post found for the Southwest corner of said 152.82 acre tract;

THENCE with the West line of said 152.82 acre tract, North 51°10'02"West, a distance of 950.07 feet to the POINT OF BEGINNING and containing 25.00 acres of land in Guadalupe County, Texas.

Bearings are based upon the Texas State Plane Coordinate System, South Central Zone (4204) NAD 1983.

Surveyed this the 26th day of February, 2018.

Reference survey of said 125.99 tract of land prepared this same date.

Dorothy J. Taylor 2-28-18
Dorothy J. Taylor
Registered Professional Land Surveyor No. 6295
Job No. 040.024



EXHIBIT "B"



410 N. Seguin Ave.
 New Braunfels, TX 78130
 HMTNB.COM
 830.625.8555 • FAX: 830.625.8556
 TBPLS FIRM 10153600

METES AND BOUNDS DESCRIPTION FOR A 125.99 ACRE TRACT OF LAND

Being 125.99 acres of land located in the Sarah Dewitt Survey, A-103, Guadalupe County, Texas. Said tract being a part of that same land described as the residue of 152.82 acres in a deed to Karl Henry Zipp & Helen Elizabeth Kypefer Zipp, recorded in Volume 919, Page 224 of the Guadalupe County Deed Records. Said tract being more particularly described as follows:

BEGINNING at a TxDOT concrete monument found at the intersection of Klein Road and F.M. 1044 for the Northeast corner of Parcel B, Called 0.022 of an acre, R.O.W. dedication recorded in Volume 279, Page 524 of the Guadalupe County Deed Records for a Northwest corner of the residue of said 152.82 acre tract, also being the South line of a called 0.95 of an acre tract, 20' wide strip dedicated to Guadalupe County for road widening in Volume 166, Page 268 of the Guadalupe County Deed Records.

THENCE with the South line of Klein Road and said 20' strip, North 44°16'19"East, a distance of 2009.79 feet to a PK nail found for the Northeast corner of the herein described tract, from which the Northeast corner of said 152.82 acre tract bears North 46°03'27"West, approximately 20 feet;

THENCE with the East line of said 152.82 acre tract, South 46°03'27"East, at a distance of 8.96 feet passing a ½" iron rod found for the Northwest corner of Lot 1, NBISD Legend Pond Subdivision, recorded in Volume 8, Page 6-8 of the Map Records of Guadalupe County, Texas, and continuing a total distance of 2541.32 feet to a 60d nail in a 8" fence corner post found for the Southeast corner of said 152.82 acre tract, lying in the North line of a called 54.75 acre tract, recorded in Volume 966, Page 244 of the Official Public Records of Guadalupe County, Texas;

THENCE with the South line of said 152.82 acre tract and the North line of said 54.75 acre tract and as well as a tract conveyed in Volume 4255, Page 680 of the Official Public Records of Guadalupe County, Texas, South 44°16'48"West, a distance of 1432.20 feet to a ½" iron rod with cap "HMT" set for a Southwest corner of the herein described tract, also being the Southeast corner of a 25.00 acre being surveyed this same date;

THENCE into and across said 152.82 acre tract, with the common line of the herein described tract and said 25.00 acre tract the following two courses:

1. North 51°10'02"West, a distance of 953.59 feet to a ½" iron rod with cap "HMT" set;
2. South 44°06'18"West, a distance of 1148.83 feet to a ½" iron rod with cap "HMT" set in the West line of said 152.82 acre tract and the East line of a tract conveyed in volume 4255, Page 680 of the Guadalupe County Deed Records;

THENCE with the West line of said 152.82 acre tract, North 51°10'02"West, a distance of 468.46 feet to a fence corner post for an interior ell corner of said 152.82 acre tract;

THENCE with a South line of said 152.82 acre tract, South 55°31'40"West, a distance of 242.99 feet to a ½" iron rod found in the East margin of F.M. 1044 and the East line of Parcel A, Called 0.420 of an acre, R.O.W. recorded in Volume 279, Page of the Guadalupe County Deed Records;

THENCE with the East line of F.M. 1044 and the East line of said 0.420 of an acre tract, the following four courses:

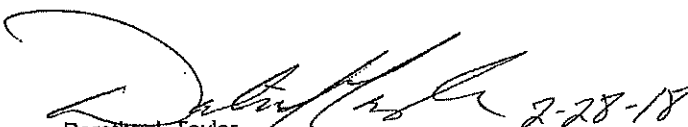
1. North 08°12'15"West, a distance of 37.44 feet to a TxDOT concrete monument found for PC Station 213+31.0;
2. With a curve to the right, with a radius of 5694.74 feet, arc length of 174.71 feet, and a chord bearing North 07°29'24"West, 174.71 feet to a TxDOT concrete monument found for PT Station 215+07.7;
3. North 06°24'03"West, a distance of 1122.56 feet to a TxDOT concrete monument found for PC Station 226+29.5, from which another TxDOT concrete monument bears North 06°10'27"East, 1.90 feet;
4. With a curve to the left, with a radius of 2905.10 feet, arc length of 10.00 feet, and a chord bearing North 06°29'58"West, a distance of 10.00 feet to a ½" Iron rod with cap "HMT" set for Station 226+39.5 at the flare corner intersection of F.M. 1044 and Klein Road for the Southwest corner of said Parcel B;

THENCE with the flare corner of the road intersection and the South line of Parcel B, North 18°57'41"East, a distance of 89.66 feet to the POINT OF BEGINNING and containing 125.99 acres of land in Guadalupe County, Texas.

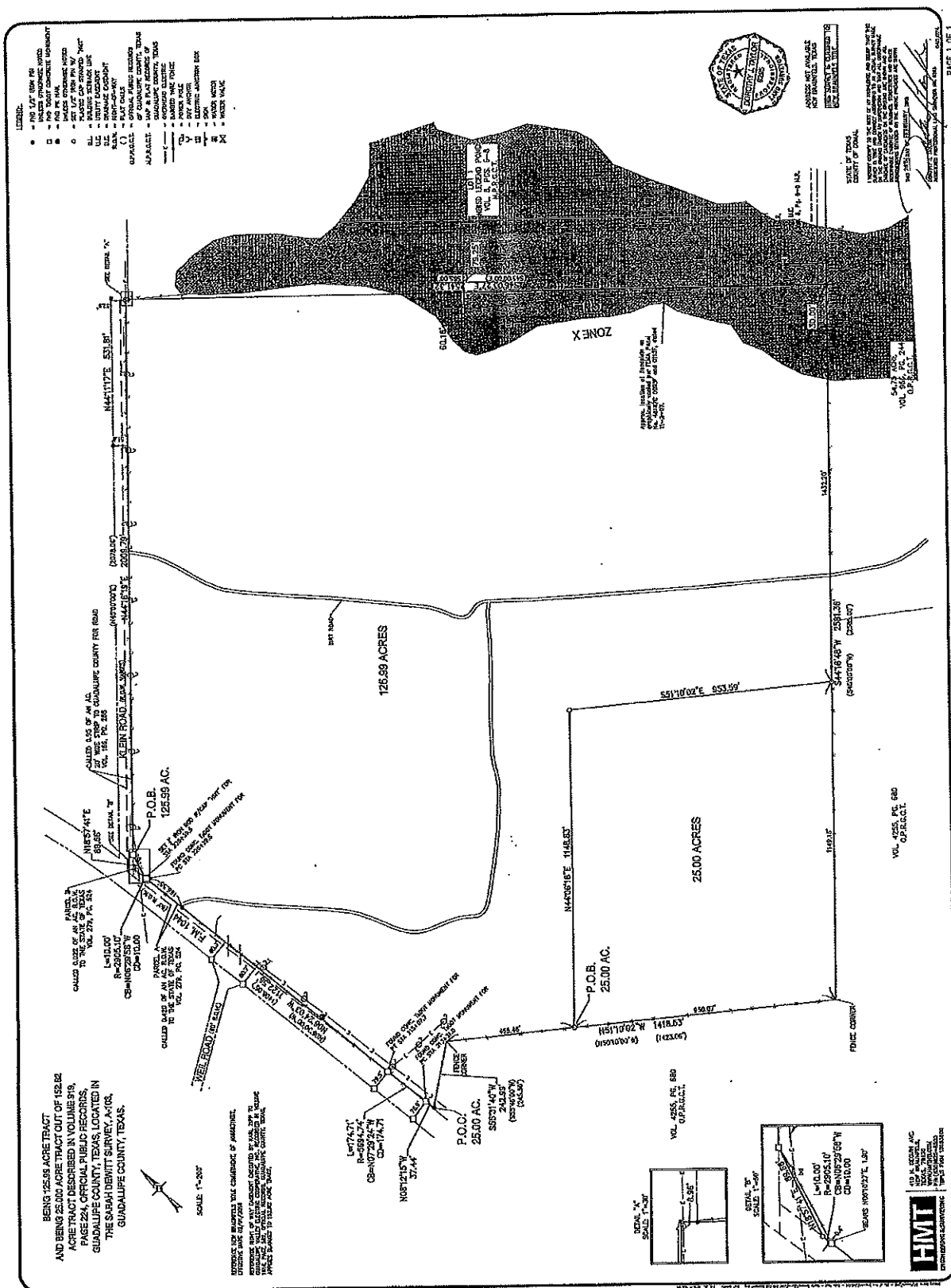
Bearings are based upon the Texas State Plane Coordinate System, South Central Zone (4204) NAD 1983.

Surveyed this the 26th day of February, 2018.

Reference survey of said 125.99 tract of land prepared this same date.

 2-28-18
Dorothy J. Taylor
Registered Professional Land Surveyor No. 6295
Job No. 040.024





Trihydro Corporation

1011 W. County Line Road * NEW BRAUNFELS, TX. 78130

PHONE (830) 625-0337 FAX (830) 625-0858

dlamberts@rcetx.com

Firm Registration #10194320

Annexation Parcel

2.53 Acres

All that certain tract or parcel of land containing 2.53 acres out of the Sarah DeWitt Survey, Abstract No. 103, Guadalupe County, Texas, being a portion of the existing right-of-way of Klein Road, as surveyed on the ground under my supervision and all of that certain 0.201 of an acre parcel of land conveyed to the City of New Braunfels by deed recorded in Document No. 2017018012 of the Official Public Records of Guadalupe County, Texas; Said 2.53 acre parcel being more particularly described by metes and bounds as follows:

BEGINNING at a ½ inch rebar found on the existing monumented northwesterly right-of-way line of Klein Road for the most northerly corner and POINT OF BEGINNING of this parcel, same being the easterly corner of that certain called 30.6624 acre parcel described in Document No. 2015021970 and the southerly corner of that certain called 0.887 of an acre parcel described in Document No. 2017023172, both of said Official Public Records;

THENCE crossing said right-of-way, South 42 deg 36' 54" East, a distance of 52.35 feet to the easterly corner of this parcel, same being the northerly corner of that certain called 125.99 acre parcel described in Document No. 20189005552 of said Official Public Records and being located on the monumented southeasterly right-of-way line of Klein Road;

THENCE with said right-of-way line, South 44 deg 15' 29" West, a distance of 2009.79 feet to a TXDOT Concrete Monument found at the northerly end of a cut-off at the intersection of said right-of-way line of Klein Road with the easterly right-of-way line of F.M. 1044 for the most southerly corner of this parcel;

THENCE crossing said right-of-way line of Klein Road, North 13 deg 00' 01" West, a distance of 65.93 feet to a point for the southeasterly end of a cut-off at the intersection of the northwesterly right-of-way line of Klein Road with said easterly right-of-way line of F.M. 1044, same being the southeasterly corner of said 0.201 of an acre parcel;

THENCE with said cut-off, North 71 deg 44' 57" West, a distance of 44.85 feet to a point on said right-of-way line of F.M. 1044 for the southwesterly corner of said 0.201 of an acre parcel;

THENCE with said right-of-way line of F.M. 1044, along the arc of a curve to the left having a radius of 2905.00 feet, a delta angle of 01 deg 35' 42", a chord bearing of North 09 deg 41' 24" West, and a chord distance of 80.87 feet, an arc length of 80.87 feet to the northwesterly corner of said 0.201 of an acre parcel;

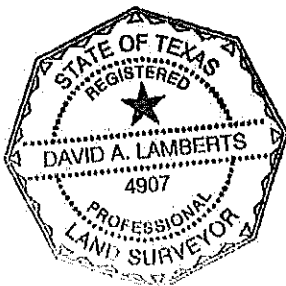
Annexation Parcel
2.53 Acres (cont.)


THENCE South 68 deg 21' 52" East, a distance of 45.46 feet to the beginning of a curve to the left;

THENCE along the arc of said curve having a radius of 575.00 feet, a delta angle of 17 deg 52' 36", a chord bearing of North 65 deg 58' 13" East, and a chord distance of 178.68 feet, an arc length of 179.40 feet to a point on the existing northwesterly right-of-way line of Klein Road;

THENCE with said right-of-way line, the following seven (7) courses:

- 1). North 44 deg 54' 05" East, a distance of 123.76 feet to northeasterly corner of that certain called 1.0 acre parcel described in Volume 2493, Page 72 of said Official Public Records, same being a southeasterly corner of that certain called 0.453 of an acre parcel described in Volume 4023, Page 385 of said Official Public Records;
- 2). North 45 deg 21' 28" East, a distance of 144.73 feet to the easterly corner of said 0.453 of an acre parcel, same being the southerly corner of that certain called 0.45 of an acre parcel described in Volume 3179, Page 770 of said Official Public Records;
- 3). North 44 deg 16' 26" East, a distance of 129.65 feet to the easterly corner of said 0.45 of an acre parcel, same being the southerly corner of that certain called 2.428 acre parcel described in said Volume 3179, Page 770;
- 4). North 44 deg 14' 39" East, a distance of 337.31 feet to the easterly corner of said 2.428 acre parcel, same being the southerly corner of that certain called 1.048 acre parcel described in said Volume 3179, Page 770;
- 5). North 44 deg 21' 25" East, a distance of 168.81 feet to the easterly corner of said 1.048 acre parcel, same being the southerly corner of that certain called 0.827 of an acre parcel described in Document No. 2017019054 of said Official Public Records;
- 6). North 43 deg 45' 19" East, a distance of 329.63 feet to the easterly corner of said 0.827 of an acre parcel, same being an exterior corner of the aforementioned 30.6624 acre parcel;
- 7). North 44 deg 10' 54" East, a distance of 531.72 feet to the POINT OF BEGINNING and containing 2.53 acres of land.



 08-28-2018
David A. Lamberts
R.P.L.S. No. 4907



SERVICE PLAN FOR 2018 ANNEXATION

Upon annexation of the area described below and as identified on Exhibit A, the City of New Braunfels will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

Approximately 154 acres of land on the southeast corner of the intersection of FM 1044 and Klein Road, including the adjacent Klein Road right-of-way.

SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION

1. **Police Protection**

The City of New Braunfels, Texas and its Police Department will provide police protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed areas. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed areas.

2. **Fire Protection and Emergency Medical Services**

The City of New Braunfels, Texas and its Fire Department will provide fire protection and EMS to newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed areas. The Fire Department will have the responsibility to respond to all dispatched calls and requests for service or assistance within the newly annexed areas.

3. **Maintenance of Water and Wastewater Facilities**

The subject property is currently with the Water CCN of Green Valley Special Utility District (GVSUD) and the Wastewater CCN of Guadalupe-Blanco River Authority (GBRA). Any and all water or wastewater facilities owned or maintained by the certified purveyor at the time of the proposed annexation shall continue to be maintained by said purveyor. Any and all water and wastewater facilities which may be acquired subsequent to the annexation of the proposed areas shall be maintained by the purveyor to the extent of its ownership. The now existing water and wastewater mains at existing locations shall be available for the point of use extension based upon the water purveyor standard extension policy now existing or as may be amended. Existing on-site sewerage systems may be maintained in accordance with Chapter 130 of the City Code of Ordinances.

4. **Solid Waste Collection**

The City of New Braunfels, Texas collects solid waste and refuse within the corporate limits of the City. Solid waste collection and residential recycling will be provided to citizens in the newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed areas. The City may negotiate with annexed areas to allow continued services with an existing solid waste management provider. After the second anniversary of the annexation date, the City will impose fees and provide the service.

If areas with private roads and/or gates are arranged so that garbage may be collected without creating a safety hazard, the City, at its discretion, may collect the garbage provided proper indemnification is received from the community association or individual property owners. The City will then impose fees and provide the service. Garbage collection locations shall be subject to the approval of the Sanitation Manager. In the event the City does not collect garbage within the areas with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

5. **Maintenance of Roads and Streets**

Any and all public roads, streets or alleyways shall be maintained to the same degree and extent that other public roads, streets, and alleyways are maintained in areas of the City with like topography, land use and density as those found within the newly annexed areas. Private roads will remain under the ownership of the homeowners association and as such maintained by the association.

6. **Maintenance of Parks, Playgrounds, and Swimming Pools**

The City of New Braunfels, Texas is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed areas of annexation. In the event any such parks, playgrounds, or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas. Private facilities will remain under the ownership of the homeowners association and as such maintained by the association.

7. **Maintenance of any Publicly Owned Facility, Building or Municipal Service**

The City of New Braunfels, Texas is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed areas of annexation. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas.

8. **Other Services**

The City of New Braunfels, Texas finds and determines that such services as planning, code enforcement, animal control, library, parks and recreation, court and general administration will be made available after the effective date of annexation at the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed areas.

CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE COMPLETED WITHIN 2 ½ YEARS

1. **Police and Fire Protection and Solid Waste Collection**

The City of New Braunfels, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2-½ years of the effective date of the annexation of the particular annexed areas for the purpose of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of New Braunfels, Texas with like topography, land use and population density as those found within the newly annexed areas.

2. **Water and Wastewater Facilities**

Water and wastewater service will continue to be provided at or above current levels following annexation.

3. **Roads and Streets**

The City of New Braunfels, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2-½ years of the effective date of the annexation of the particular annexed areas.

4. **Maintenance of Parks, Playgrounds, and Swimming Pools and Any Other Publicly Owned Facility, Building, or Service**

The City of New Braunfels, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2-½ years of the effective date of the annexation of the particular annexed areas for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

SPECIFIC FINDINGS

The City of New Braunfels, Texas, finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the areas being considered for annexation than were in existence in the proposed areas at the time immediately preceding the annexation process. Given the proposed annexation areas' topography, land utilization and population density, the service levels to be provided in the newly annexed areas will be equivalent to those provided to other areas of the City with similar characteristics.

TERMS

This plan shall be valid for a term of ten (10) years. Renewal of the Service Plan is at the discretion of the City of New Braunfels.

LEVEL OF SERVICE

Nothing in this plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed areas, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

AMENDMENTS

The plan shall not be amended unless public hearings are held in accordance with Chapter 43 of the Texas Local Government Code.

\\CHFS-1\Departments\Planning\Annexation\2018 Annexations\CS-18-019 CONB\Service Plan.docx



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. O)

Presenter/Contact

Jared Werner, Chief Financial Officer
(830) 221-4395 - jwerner@nbtexas.org

SUBJECT:

Approval of the second and final reading of an ordinance amending the City of New Braunfels Code of Ordinances, Chapter 122-Taxation, Article II - Hotel Occupancy Tax, Section 122-36-Use of Proceeds, to allow use of hotel tax revenues to meet the Convention and Tourism Fund reserve balance of the Greater New Braunfels Chamber of Commerce.

BACKGROUND / RATIONALE:

At the FY 2018-19 City Council Budget Workshop, the Convention and Tourism Fund Budget was presented by Judy Young, Vice President-Convention & Visitors Bureau, of the Greater New Braunfels Chamber of Commerce ("Chamber"). A component of that presentation was a request to amend the current contract between the City and the Chamber to allow for a larger reserve balance within the Convention and Tourism Fund. The need for the larger reserve is to provide the Chamber with the funds necessary to manage its cash flow effectively throughout the fiscal year.

The collection of hotel occupancy tax revenue is seasonal. Moreover, the Chamber and advertising business continues to shift a larger portion of their cash outlay in the earlier months of the fiscal year. In addition, growth in hotel occupancy tax revenues continues to level off in comparison to prior fiscal years. As a result, the CVB does not have the sufficient funds to pay its payables during the latter part of the fiscal year.

The Finance Department, City Attorney's Office, and Chamber of Commerce leadership have worked together on an amendment to the ordinance, the current contract as well as a budget amendment in the FY 2017-18 Hotel/Motel Tax Fund that would allow for the establishment of the \$700,000 cash flow reserve for the Chamber's Convention and Tourism Fund. The following timeline summarizes required City Council approval to establish the ordinance, contractual and budgetary modifications:

- September 4th First reading amending the hotel occupancy tax ordinance
- September 24th Second reading amending the hotel occupancy tax ordinance
- September 24th Contract amendment between City and Chamber
- September 24th Budget Amendment for FY 2017-18 Hotel/Motel Tax Fund

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

N/A

FISCAL IMPACT:

While there is no direct fiscal impact from the amendment to the ordinance, the Hotel/Motel Tax Fund does have sufficient reserves available to establish the \$700,000 cash flow reserve for the

Convention and Tourism Fund described above.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 122-TAXATION, ARTICLE II- HOTEL OCCUPANCY TAX, SECTION 122-36-USE OF PROCEEDS, TO ALLOW USE OF HOTEL TAX REVENUES TO MEET THE CONVENTION AND TOURISM FUND RESERVE BALANCE OF THE GREATER NEW BRAUNFELS CHAMBER OF COMMERCE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Chapter 122 of the Code of Ordinances contains regulations regarding collection and use of hotel occupancy taxes, in accordance with applicable state Tax Code requirements; and

WHEREAS, the current ordinance requires that a minimum of 15% of these funds must be used for artistic/cultural programs, a minimum of 35% for civic center, historical preservation, and promotional programs solely city operated and controlled, and the remaining 50% towards contracts authorized by the Texas Tax Code governing hotel occupancy taxes, which includes the contract between the City and the Greater New Braunfels Chamber of Commerce; and

WHEREAS, the City Council contracts with the Greater New Braunfels Chamber of Commerce (the “Chamber”) for services allowed by the Texas Tax Code, Chapter 351, related to use of hotel tax revenues; and

WHEREAS, the Chamber requires an increase to its Convention and Tourism Fund Reserve Balance from \$100,000 to \$700,000, however, the current ordinance limits funding for this type of contract to 50% of collections which is insufficient to meet this reserve requirement; and

WHEREAS, this amendment will allow the City to use funds from the 35% of total tax revenues described above for the purpose of maintaining the Chamber’s Convention and Tourism Fund Reserve Balance.

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

SECTION 1: That Chapter 122-Taxation, Article II, Hotel Occupancy Tax, of the City Code of Ordinances, Section 122-36-Use of Proceeds, is hereby amended to read as follows:

Sec. 122-36. Use of Proceeds.

The proceeds of the hotel occupancy tax levied by this article shall be used by the city council for the purpose of advertising and encouraging the growth of tourist and convention activity in the city, including the financial support of the civic center, and those purposes set forth in the Texas Tax Code; provided, however that the city shall use a minimum of 15 percent of the total hotel occupancy tax revenue for the enhancement of the arts and cultural organizations and programs.

Additionally, the city shall use a minimum of 35 percent of the total hotel occupancy tax revenue for the following: maintenance and improvement of the civic center; funding of historical preservation of the historic downtown area and other buildings with historic significance; solely city operated and controlled promotional programs that are allowed by state law; and to meet the annual fund balance/reserve requirement of the Convention and Tourism Fund in accordance with the contract between the City and the Greater New Braunfels Chamber of Commerce for the use of hotel occupancy tax. The remaining proceeds of the hotel occupancy tax shall be allocated by contract in accordance with the provisions of the city charter and the Texas Tax Code, as amended. Any contract may be for a period of time not to exceed five (5) years in duration. No later than 60 days after the end of each funding year of the contract, all recipients of any occupancy tax receipts under this article, other than the amounts deposited in city funds, shall submit an audited report to the city council, showing in detail the disbursement and use of all such amounts paid to each and the services or goods and/or merchandise received for the same. Thirty (30) days prior to the end of the contract period, each recipient shall forward to the city manager evidence of justification for the granting of a new contract by the city council for the future contract period. The receipt of any funds by any recipient shall not imply any right of automatic renewal of such contract for the ensuing years; such option under the charter of the city and the laws of the state shall rest exclusively with the city council.

SECTION 2: This Ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to a municipal hotel occupancy tax within the City limits, and same shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this Ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

SECTION 3: That if any provisions of this Ordinance shall be held void, illegal, or unconstitutional, it is hereby provided that all other parts of the same which are not held void, illegal or unconstitutional shall remain in full force and effect.

SECTION 4: This Ordinance shall take effect upon the second and final reading of the same.

PASSED AND APPROVED: First reading this 4th day of September, 2018.

PASSED AND APPROVED: Second reading this 10th day of September, 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

9/24/2018

Agenda Item No. A)

Presenter/Contact

*Patrick Aten, City Secretary
(830) 221-4006 - paten@nbtexas.org*

SUBJECT:

Discuss and consider approval of the appointment of two individuals to the Library Advisory Board for terms ending September 26, 2021.

BACKGROUND / RATIONALE:

The Library Advisory Board has seven members serving three-year staggered terms. Notice of vacancies were advertised from June 15 to July 15, 2018.

Three qualified applications were submitted for the vacancies:

- Jeffery Ayers
- Rylan "Ky" Slone
- Vincent Lape

Applicants' current & prior service on Boards and Commissions

Jeffery Ayers has served on the Community Development Advisory Committee since May 2018.

Rylan "Ky" Slone has no prior experience on City boards.

Vincent Lape has no prior experience on City boards.

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 two individuals to the Library Advisory Board for terms ending September 26, 2021.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. B)

Presenter/Contact

*Greg Malatek, Public Works Director
(830) 221-4020 - gmalatek@nbtexas.org*

SUBJECT:

Discuss and consider possible action regarding the FY 2019 Street Improvement Plan.

BACKGROUND / RATIONALE:

Annual street maintenance program is budgeted through the City's General Fund. Details of the proposed annual street maintenance program will be presented to city council. The plan was developed through public input with final staff recommendation.

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

Maintain public infrastructure.

FISCAL IMPACT:

Funded program for the FY 2019 City Council approved budget.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the FY 2019 Street Improvement Plan.

SMP (Mill & Overlay, Reclaim, Limited Overlay Seal and Crack Seal) - FY 2014

Street	Segment to Segment		Functional Classification	Description of Work	District	PCR	Length (LF)	Area (Yd2)	Cost per Yd2	Estimated Resurfacing Cost	Additional Repairs	Additional Cost	Total SMP Cost	Notes
	From	To												
Limited Overlay - City Forces (material only)														
Bridge St	Sycamore Ave	Walnut Ave	Local	Mill and Overlay	1	36	465	1,860	NA	NA			\$ -	Completed as part of Walnut Project
KRUEGER CANYON	CITY LIMIT	TERMINUS	Local	Limited Overlay	1	63	3,335	8,783	NA	NA			\$ -	Chip Seal completed FY 2013 - No overlay
RUSCH LN	IH 35	CITY LIMIT	Local	Limited Overlay	1	36	503	893	NA	NA			\$ -	Chip Seal completed FY 2013 - No overlay
Quail Ridge	Roadrunner Ave	W Kilen Rd	Local	Limited Overlay	2	56	1,302	4,340	\$ 3.50	\$ 15,190			\$ 15,190	
Roadrunner Ave	Ridge Rock	Whitewing Way	Local	Limited Overlay	2	70	661	1,983	\$ 3.50	\$ 6,941			\$ 6,941	Chip Seal completed FY 2013
Oakwood Blvd	Lakeview Blvd	Loop 337	Local	Limited Overlay	3	71	1,037	4,494	\$ 3.50	\$ 15,729	ADA Curb		\$ 15,729	Completed 12/4/13
Moss Rock Dr	Wood Rd	Trail View	Local	Limited Overlay	3	48	1,003	3,900	\$ 3.50	\$ 13,650			\$ 13,650	
Boonville Ave	Dallas St	Edgewater Terrace	Local	Limited Overlay	4	68	953	2,425	\$ 3.50	\$ 8,488			\$ 8,488	
Hanz Dr	Loop 337	GRUENE RD	Collector	Limited Overlay	4	34	1,736	5,594	\$ 3.50	\$ 19,579			\$ 19,579	Chip Seal completed FY 2013
Kellys Way	Branch Ln	Amy Ave	Local	Limited Overlay	4	66	575	2,236	\$ 3.50	\$ 7,826			\$ 7,826	Chip Seal completed FY 2013
Amy Ave	Kellys Way	Denise Dr	Local	Limited Overlay	4	91	278	1,112	\$ 3.50	\$ 3,892			\$ 3,892	Chip Seal completed FY 2013
Camp St	Grant Ave	East Ave	Local	Limited Overlay	4	88	370	1,110	\$ 3.50	\$ 3,885			\$ 3,885	Chip Seal completed FY 2013
East Ave	Camp St	North	Local	Limited Overlay	4	83	331	810	\$ 3.50	\$ 2,835			\$ 2,835	Chip Seal completed FY 2013
American St	Torrey St	Lakeview Blvd	Local	Limited Overlay	4	66	703	1,562	NA	NA			\$ -	Chip Seal completed FY 2013 - No overlay
North ST	East Ave	Grant Ave	Local	Limited Overlay	4 & 5	65	355	789	\$ 3.50	\$ 2,762			\$ 2,762	Chip Seal completed FY 2013
Houston Ave	Dittlinger St	Mather St	Local	Limited Overlay	5	63	811	2,073	\$ 3.50	\$ 7,256			\$ 7,256	Chip Seal completed FY2011
Valero Dr	Ventura Cir	end	Local	Limited Overlay	5	81	977	4,125	\$ 3.50	\$ 14,438			\$ 14,438	Chip Seal completed FY 2013
Broadmoor Dr	Bellaire Dr	Raven Ridge	Local	Limited Overlay	6	69	852	3,787	\$ 3.50	\$ 13,255			\$ 13,255	Chip Seal completed FY 2013
Briarstead Dr	Raven Ridge	Sunshadow Dr	Local	Limited Overlay	6	55	305	1,017	\$ 3.50	\$ 3,560			\$ 3,560	
Redbud Ln	McQueeny Rd	Honeysuckle Ln	Local	Limited Overlay	6	68	720	2,400	\$ 3.50	\$ 8,400			\$ 8,400	
Honeysuckle Ln	Redbud Ln	Melody Ln	Local	Limited Overlay	6	48	273	910	\$ 3.50	\$ 3,185			\$ 3,185	
Kuehler Ave	Kuehler Spur	Ball Field	Local	Limited Overlay	6	66	2,661	7,096	\$ 3.50	\$ 24,836			\$ 24,836	Chip Seal completed FY 2013
Coco Ln	Kuehler Ave	Low Water Cross	Local	Limited Overlay	6	53	2,387	5,835	\$ 3.50	\$ 20,423			\$ 20,423	Chip Seal completed FY 2013
Palace Dr	County Line Rd	Northpark Rdg	Local	Limited Overlay	6	85	1,622	7,342	\$ 3.50	\$ 25,697	ADA Curb		\$ 25,697	Chip Seal completed FY 2013
Iris Ln	Gardenia Dr	Marigold Dr	Local	Limited Overlay	6	65	297	1,320	\$ 3.50	\$ 4,620			\$ 4,620	Chip Seal completed FY 2013
Subtotal							24,512		\$	226,443	\$	-	\$ 226,443	

Subtotal

24,512 \$ 226,443 \$ - \$ 226,443

Street	Segment to Segment		Functional Classification	Description of Work	District	PCR	Length (LF)	Area (Yd2)	Cost per Yd2	Estimated Resurfacing Cost	Additional Repairs	Additional Cost	Total SMP Cost	Notes
	From	To												

Seal Coat - Contract Services

Qual Ridge	Roadrunner Ave	W Kilien Rd	Local	Seal Coat	2	56	1,302	4,340	\$ 4.50	\$ 19,530			\$ 19,530	
Moss Rock Dr	Wood Rd	Trail View	Local	Seal Coat	3	48	1,003	3,900	\$ 4.50	\$ 17,550			\$ 17,550	
Boonville Ave	Dallas St	Edgewater Terrace	Local	Seal Coat	4	68	953	2,425	\$ 4.50	\$ 10,913			\$ 10,913	
Redbud Ln	McQueeny Rd	Honeysuckle Ln	Local	Seal Coat	6	68	720	2,400	\$ 4.50	\$ 10,800			\$ 10,800	
Honeysuckle Ln	Redbud Ln	Melody Ln	Local	Seal Coat	6	48	273	910	\$ 4.50	\$ 4,095			\$ 4,095	
Subtotal							4,251			\$ 62,888		\$ -	\$ 62,888	

Concrete - Curb

Oakwood Blvd	Bonner Blvd		Local	ADA Curb Ramp	3	71					ADA Curb	\$ 2,550	\$ 2,550	Limited Overlay Completed 12/4/13
Beil	Parkview Blvd	Rosemary Dr	Local	ADA Curb Ramp	3	76					ADA Curb	\$ 11,475	\$ 11,475	Resurfacing completed FY2013
Palace Dr	County Line Rd		Local	ADA Curb Ramp	6	85					ADA Curb	\$ 2,550	\$ 2,550	Chip Seal completed FY 2013
TOILE ST	S GILBERT AVE		Local	ADA Curb Ramp	5	47					ADA curb	\$ 3,000	\$ 3,000	Rcvd Complaints
Subtotal									\$ -	\$		\$ 19,575	\$ 19,575	

Mill and Overlay - Contract Services

Chestnut Ave	Coll St	Gross St	Local	Mill and Overlay	1	53	1,488	6,613	\$ 19.25	\$ 127,300			\$ 127,300	Rcvd Complaints (5% - 8" dig out)
Hillview	Mesquite Ave	Live Oak Ave	Local	Mill and Overlay	1	43	474	2,107	\$ 15.00	\$ 31,605			\$ 31,605	
Seidel St	Live Oak Ave	End	Local	Mill and Overlay	1	61	876	3,700	\$ 15.00	\$ 55,500	Curb	\$ 2,000	\$ 57,500	
Fredericksburg Rd	Deer Trot St	Grandview	Collector	Mill and Overlay	3	66	926	4,013	\$ 15.00	\$ 60,195			\$ 60,195	
POPPY LN	BUTTERCUP LN	GRUENE RD	Local	Mill and Overlay	4	32	1,155	3,851	\$ 15.00	\$ 57,765			\$ 57,765	
Mulberry Ave	Dallas St	Klingmann St	Local	Mill and Overlay	4	52	464	1,186	\$ 15.00	\$ 17,790			\$ 17,790	Completed 11/11/13
GLENBROOK DR	GRUENE RD & GLENBRO	POST RD	Local	Mill and Overlay	5	58	1,468	4,403	\$ 15.00	\$ 66,045			\$ 66,045	
GRUENE RD	POST RD	Glenbrook Dr	Local	Mill and Overlay	5	53	1,151	4,860	\$ 15.00	\$ 72,900			\$ 72,900	Rcvd Complaints
TOILE ST	S GILBERT AVE	END	Local	Mill and Overlay	5	47	256	931	\$ 15.00	\$ 13,965	ADA curb		\$ 13,965	Rcvd Complaints
Academy	Faust St / End	Nacogdoches	Local	Mill and Overlay	6	57	371	1,236	\$ 15.00	\$ 18,540			\$ 18,540	
Faust St	McQueeney RD	Academy Ave	Local	Limited Overlay	6	51	568	1,515	\$ 15.00	\$ 22,725			\$ 22,725	Drainage project
Hollyhock Ln	Narcissus Blvd	Gardenia Dr	Local	Mill and Overlay	6	58	1,131	5,027	\$ 15.00	\$ 75,405			\$ 75,405	
Subtotal							10,328			\$ 619,735		\$ 2,000	\$ 621,735	

Blade Levelup - City Forces (material only)

PRAIRIEVIEW LN	SH 46	Dead End	Local	Blade Levelup	2	26	1,386	2,463	\$ 7.50	\$ 18,473			\$ 18,473	Completed 2/17/14
Kohlenberg Rd	IH-35	FM-1101	Collector	Blade Levelup	4	56	3,873	10,341	\$ 7.50	\$ 77,558			\$ 77,558	Completed 10/8/13
Subtotal							5,259			\$ 96,030		\$ -	\$ 96,030	

Street	Segment to Segment		Functional Classification	Description of Work	District	PCR	Length (LF)	Area (Yd2)	Cost per Yd2	Estimated Resurfacing Cost	Additional Repairs	Additional Cost	Total SMP Cost	Notes
	From	To												

Reclaim/Rehabilitation

Bridge St	Mesquite Ave	Walnut Ave	Local	Mill and Overlay	1	51	1,251	5,282	\$ 40.00	\$ 211,280	600' gutter	\$ 9,480	\$ 220,760	Mill & haul completed FY13
GRUENE RD	Glenbrook Dr	End	Local	Reclaim	5	28	533	2,250	\$ 45.00	\$ 101,250	Curb & gutter	\$ 1,580	\$ 102,830	Recvd Complaints
Subtotal							1,784		\$	\$ 312,530		\$ 11,060	\$ 323,590	

Crack Seal - City Forces (material only)

S LIVE OAK AVE	N LIVE OAK AVE & W SA	BUSINESS 35	Collector	CRACK SEAL	1	91	1,893	8,413	\$ 0.20	\$ 1,683				
JEAN	MCGAR ST	TERMINUS	Local	CRACK SEAL	1	86	376	1,426	\$ 0.20	\$ 285				
DOVE CROSSING Front	County Line Rd	Rocksprings Dr	Collector	CRACK SEAL	2	91	2,959	11,690	\$ 0.20	\$ 2,338				
DOVE CROSSING DR	ROCK SPRINGS DR	EAGLE PASS DR	Collector	CRACK SEAL	2	91	909	3,635	\$ 0.20	\$ 727				
DOVE CROSSING DR	EAGLE PASS DR	W KLEIN RD	Collector	CRACK SEAL	2	91	2,434	10,073	\$ 0.20	\$ 2,015				
EAGLE PASS	DOVE CROSSING DR	DIVINE WAY	Collector	CRACK SEAL	2	91	407	1,674	\$ 0.20	\$ 335				
HONDO DR	HUNT ST	DOVE CROSSING DR	Local	CRACK SEAL	2	86	589	1,701	\$ 0.20	\$ 340				
BLAZEWOOD DR	BENTWOOD DR	HAZELWOOD DR	Local	CRACK SEAL	2	86	267	801	\$ 0.20	\$ 160				
WELSCH LN	WINDSOR LN	CANTERBERRY DR	Local	CRACK SEAL	3	86	1,034	2,643	\$ 0.20	\$ 529				
WATERWAY LN	Dead End	E COMMON ST	Collector	CRACK SEAL	4	91	316	1,300	\$ 0.20	\$ 260				
NORTHLAKE DR	OLD COACH DR	NORTHWEST BLVD	Local	CRACK SEAL	4	86	836	2,507	\$ 0.20	\$ 501				
GRANITE CV	CREEKVIEW WAY	Dead End	Local	CRACK SEAL	4	86	431	1,534	\$ 0.20	\$ 307				
OAK BRANCH RDG	CREEKVIEW WAY	OAK CREEK WAY	Local	CRACK SEAL	4	86	1,270	4,232	\$ 0.20	\$ 846				
GRUENE	POST RD	INDUSTRIAL DR	Collector	CRACK SEAL	5	91	668	2,078	\$ 0.20	\$ 416				
BROADWAY	CHURCH HILL	TERMINUS	Local	CRACK SEAL	5	86	1,036	2,302	\$ 0.20	\$ 460				
S HOUSTON AVE	E COMMON ST & N HO	E SOUTH ST	Local	CRACK SEAL	5	86	374	1,204	\$ 0.20	\$ 241				
COUNTY LINE - WB	W COUNTY LINE RD (173	FM 1044	Arterial	CRACK SEAL	2 & 6	91	1,492	4,642	\$ 0.20	\$ 928				
WINSTON AVE	SUNDANCE ST	Dead End	Local	CRACK SEAL	6	86	114	380	\$ 0.20	\$ 76				
MILL	WALNUT	HICKORY	Collector	CRACK SEAL	6	91	421	1,776	\$ 0.20	\$ 355				
COUNTY LINE - EB	PAHMEYER RD	FM 1044	Arterial	CRACK SEAL	6	86	1,866	5,806	\$ 0.20	\$ 1,161				

Subtotal

19,692 \$ 13,963 \$ - \$ 13,963

Total

46,134 \$ 1,331,589 \$ 32,635 \$ 1,364,224

Special Projects

Oak Tree Development																	
Protestanat Church Parking Lot																	complete 10/27/13

Deferred SMP

WATER LN	W SAN ANTONIO ST	IH 35		Local	Blade Levelup	1	39	1,176	2,613	\$ 10.00	\$ 26,130				\$ 26,130	
Camp Willow Rd	SH 46	City Limit		Local	Mill and Overlay	2	33	398	884	\$ 15.00	\$ 13,260				\$ 13,260	
KERICK LN	Walnut Ave	MISSION DR		Collector	Mill and Overlay	3	47	814	3,618	\$ 20.00	\$ 72,360				\$ 72,360	NBU Scheduled Improvements - HOLD
MADRID AVE	GRANADA DR	RIO DR		Local	Limited Overlay	5	66	321	1,353	\$ 3.50	\$ 4,736				\$ 4,736	Future add Granada & Barcelona
MADRID AVE	GRANADA DR	RIO DR		Local	Limited Overlay	5	66	321	1,353	\$ 4.50	\$ 6,089				\$ 6,089	Future add Granada & Barcelona
Sycamore Ave	Business 35	Mill St		Local	Mill and Overlay	6	39	2,923	12,594	\$ 15.00	\$ 188,910	ADA curb			\$ 188,910	
KUEHLER AVE	Ball Field	Low Water Crossing		Local	Blade Levelup	6	28	903	2,207	\$ 10.00	\$ 22,070				\$ 22,070	
MARIGOLD DR	IRIS LN	HOLLYHOCK LN		Local	Reclaim	6	25	1,144	5,084	\$ 40.00	\$ 203,360				\$ 203,360	Deferred - NBU
Hollyhock Ln	Gardenia Dr	Camalia Ln		Local	Mill and Overlay	6	69	1,049	4,662	\$ 15.00	\$ 69,930				\$ 69,930	
Larkspur	Hollyhock Ln	Loma Verde Dr		Local	Mill and Overlay	6	51	342	1,596	\$ 15.00	\$ 23,940				\$ 23,940	

2019 Street Maintenance Plan

Year	Street	Segment to Segment		District	Description of Work	Functional Classification	OCI	Lane Miles	Length (LF)	Width (FT)	Area (Yd2)	Cost per Yd2	Estimated Cost		
		From	To												
BLADE LEVEL UP															
2019	DEVIN DR	TERMINUS	ROLLING VALLEY DRIVE	6	BLADE LEVEL UP	LOCAL	50	0.21	450	30	1,501	\$ 7.00	\$ 10,504		
2019	E MAIN ST	S WASHINGTON AVE	S HOUSTON AVE	5	BLADE LEVEL UP	LOCAL	86	0.23	376	38	1,590	\$ 7.00	\$ 11,127		
2019	RIVER RD	LOOP 337	RIVER RD	4	BLADE LEVEL UP	MINOR ARTERIAL	48	0.44	1,222	23	3,122	\$ 7.00	\$ 21,857		
2019	RIVER RD	RIVER RD	ROCK ST	4	BLADE LEVEL UP	MINOR ARTERIAL	56	0.18	489	23	1,249	\$ 7.00	\$ 8,743		
2019	RON RD	RON RD	MORNINGSIDE DR	1	BLADE LEVEL UP	MINOR COLLECTOR	58	0.41	1,312	20	2,916	\$ 7.00	\$ 20,413		
2019	S LONE STAR AVE	ZAMORA AVE	W SAN ANTONIO ST	1	BLADE LEVEL UP	LOCAL	43	0.21	415	32	1,477	\$ 7.00	\$ 10,339		
2019	S LONE STAR AVE	IH 35 S ACCESS RD	ZAMORA AVE	1	BLADE LEVEL UP	LOCAL	49	0.27	544	32	1,936	\$ 7.00	\$ 13,550		
2019	W ZIPP RD	VISTA VERDE DR	CITY LIMIT	2	BLADE LEVEL UP	MINOR COLLECTOR	50	0.68	2,159	20	4,798	\$ 7.00	\$ 33,587		
Subtotal - Blade Level Up												2.63	6,967		\$ 130,120

Year	Street	Segment to Segment		District	Description of Work	Functional Classification	OCI	Lane Miles	Length (LF)	Width (FT)	Area (Yd2)	Cost per Yd2	Estimated Cost		
		From	To												
LIMITED OVERLAY															
2019	CAMELLIA LN	CAMELLIA LN	DAISY LN	6	LIMITED OVERLAY	LOCAL	45	0.3	502	38	2,118	\$ 8.50	\$ 18,000		
2019	DEER TROT	N WALNUT AVE	FREDERICKSBURG RD	3	LIMITED OVERLAY	LOCAL	60	0.35	534	41	2,432	\$ 8.50	\$ 20,668		
2019	EARL DR	LANCE CIRCLE	SHIELD DR	6	LIMITED OVERLAY	LOCAL	49	0.17	302	36	1,206	\$ 8.50	\$ 10,254		
2019	EARL DR	PALACE DR	LANCE CIRCLE	6	LIMITED OVERLAY	LOCAL	64	0.15	257	36	1,027	\$ 8.50	\$ 8,729		
2019	HOLLYHOCK LN	MARIGOLD DR	HEATHER LN	6	LIMITED OVERLAY	LOCAL	43	0.25	424	38	1,788	\$ 8.50	\$ 15,201		
2019	HOLLYHOCK LN	GARDENIA DR	MARIGOLD DR	6	LIMITED OVERLAY	LOCAL	50	0.18	295	38	1,247	\$ 8.50	\$ 10,601		
2019	HOLLYHOCK LN	PETUNIA LN	CAMELLIA LN	6	LIMITED OVERLAY	LOCAL	44	0.09	155	38	654	\$ 8.50	\$ 5,558		
2019	HOLLYHOCK LN	HEATHER LN	PETUNIA LN	6	LIMITED OVERLAY	LOCAL	47	0.11	175	38	739	\$ 8.50	\$ 6,285		
2019	KENTUCKY BLVD	CANYON DR	KENTUCKY BLVD	3	LIMITED OVERLAY	LOCAL	52	0.14	308	28	959	\$ 8.50	\$ 8,151		
2019	KENTUCKY BLVD	KENTUCKY BLVD	OHIO AVE	3	LIMITED OVERLAY	LOCAL	69	0.13	289	28	899	\$ 8.50	\$ 7,645		
2019	KENTUCKY BLVD	FREDERICKSBURG RD	CANYON DR	3	LIMITED OVERLAY	LOCAL	57	0.65	1,461	28	4,547	\$ 8.50	\$ 38,646		
2019	MCKENNA AVE	OASIS ST	PORTER ST	5	LIMITED OVERLAY	MINOR COLLECTOR	56	0.17	320	33	1,174	\$ 8.50	\$ 9,978		
2019	LANDA PARK DR	GAZEBO CIRCLE	LAKEVIEW	3	LIMITED OVERLAY	MINOR COLLECTOR	56	0.56	1,480	30	4,933	\$ 8.50	\$ 39,661		
2019	MCKENNA AVE	S ELLIOT KNOX BLVD	OASIS ST	5	LIMITED OVERLAY	MINOR COLLECTOR	62	0.49	934	33	3,424	\$ 8.50	\$ 29,103		
2019	TIMBER DR	EVERGREEN LN	KERLUCK LN	3	LIMITED OVERLAY	LOCAL	62	0.43	911	30	3,036	\$ 8.50	\$ 25,806		
2019	W AUSTIN ST	N UNION AVE	N LIBERTY AVE	5	LIMITED OVERLAY	LOCAL	45	0.25	491	32	1,746	\$ 8.50	\$ 14,843		
2019	W AUSTIN ST	N LIBERTY AVE	MULBERRY AVE	5	LIMITED OVERLAY	LOCAL	53	0.23	454	32	1,614	\$ 8.50	\$ 13,717		
2019	PORTER ST	CONSOLIDATED	WRIGHT AVE	5	LIMITED OVERLAY	LOCAL	63	0.18	504	23	1,288	\$ 15.00	\$ 19,320		
Subtotal - Limited Overlay - Contract Services / City Forces												4.83	9,796		\$ 302,166

2019 Street Maintenance Plan

Year	Street	Segment to Segment		Functional Classification	Description of Work	District	OCI	Lane Miles	Length (LF)	Width (FT)	Area (Yd2)	Cost per Yd2	Estimated Cost
		From	To										
MILL & OVERLAY W/2" HMA													
2019	BUTCHER ST	S ACADEMY AVE	BRADDOCK AVE	LOCAL	MILL & OVERLAY W/ 2" HMA	6	47	0.05	453	20	340	\$ 15.00	\$ 5,097
2019	BUTCHER ST	BRADDOCK AVE	MAGAZINE AVE	LOCAL	MILL & OVERLAY W/ 2" HMA	6	48	0.08	206	25	571	\$ 15.00	\$ 8,568
2019	BUTCHER ST	MAGAZINE AVE	S GUENTHER AVE	LOCAL	MILL & OVERLAY W/ 2" HMA	6	64	0.36	902	25	2,506	\$ 15.00	\$ 37,597
2019	CROSS ST	S WALNUT AVE	S SYCAMORE AVE	LOCAL	MILL & OVERLAY W/ 2" HMA	6	99	0.2	351	36	1,404	\$ 15.00	\$ 21,065
2019	CROSS ST	S SYCAMORE AVE	WILLOW AVE	LOCAL	MILL & OVERLAY W/ 2" HMA	6	46	0.31	492	40	2,188	\$ 15.00	\$ 32,816
2019	CROSS ST	WILLOW AVE	SANTA CLARA AVE	LOCAL	MILL & OVERLAY W/ 2" HMA	6	56	0.29	463	40	2,057	\$ 15.00	\$ 30,858
2019	MULBERRY AVE	W KLINGEMANN ST	W EDGEWATER TERRACE	LOCAL	MILL & OVERLAY W/ 2" HMA	4	46	0.15	487	20	1,083	\$ 15.00	\$ 16,238
2019	N LIBERTY AVE	W KLINGEMANN ST	W EDGEWATER TERRACE	LOCAL	MILL & OVERLAY W/ 2" HMA	4	45	0.15	477	20	1,061	\$ 15.00	\$ 15,912
2019	N LIBERTY AVE	W DALLAS ST	W KLINGEMANN ST	LOCAL	MILL & OVERLAY W/ 2" HMA	4	46	0.15	472	20	1,048	\$ 15.00	\$ 15,724
2019	N MARKET AVE	E BRIDGE ST	E ZINK ST	LOCAL	MILL & OVERLAY W/ 2" HMA	5	56	0.29	454	40	2,017	\$ 15.00	\$ 30,250
2019	N MARKET AVE	E SAN ANTONIO ST	E MILL ST	LOCAL	MILL & OVERLAY W/ 2" HMA	5	47	0.29	466	40	2,071	\$ 15.00	\$ 31,066
2019	TIARA DR	QUEEN VICTORIA DR	QUEEN VICTORIA DR	LOCAL	MILL & OVERLAY W/ 2" HMA	1	70	0.5	988	32	3,513	\$ 15.00	\$ 52,688
2019	TIARA DR	QUEEN VICTORIA DR	FM 1044	LOCAL	MILL & OVERLAY W/ 2" HMA	1	80	0.1	201	32	714	\$ 15.00	\$ 10,710
2019	WILLOW AVE	CROSS ST	W SAN ANTONIO ST	LOCAL	MILL & OVERLAY W/ 2" HMA	6	48	0.28	436	40	1,938	\$ 15.00	\$ 29,070
2019	WILLOW AVE	W COLL ST	STONEWALL ST	LOCAL	MILL & OVERLAY W/ 2" HMA	6	45	0.14	227	39	983	\$ 15.00	\$ 14,747
2019	WILLOW AVE	LEE ST	CROSS ST	LOCAL	MILL & OVERLAY W/ 2" HMA	6	57	0.28	453	39	1,961	\$ 15.00	\$ 29,421
2019	WILLOW AVE	STONEWALL ST	LEE ST	LOCAL	MILL & OVERLAY W/ 2" HMA	6	55	0.28	452	39	1,960	\$ 15.00	\$ 29,399
2019	PALACE DR	Duke Dr.	300' North	LOCAL	MILL & OVERLAY W/ 2" HMA	6	84	0.17	300	38	1,266	\$ 15.00	\$ 20,000
Subtotal - Mill & Overlay w/ 2" HMA											28,681		\$ 431,226

2019 Street Maintenance Plan

Year	Street	Segment to Segment		District	OCI	Lane Miles	Length (LF)	Width (FT)	Area (Yd ²)	Cost per Yd2	Estimated Cost
		From	To								
REHAB											
2019	KATY ST	N KRUEGER LN	MCGAUGH AVE	1	47	0.10	199	32	706	\$ 8.00	\$ 5,648
2019	KATY ST	TERMINUS	N WATER LN	1	54	0.07	125	38	527	\$ 8.00	\$ 4,215
2019	KATY ST	BERGFELD AVE	N LONE STAR AVE	1	43	0.19	354	34	1,338	\$ 8.00	\$ 10,705
2019	KATY ST	BERGFELD AVE	BERGFELD AVE	1	65	0.02	42	34	157	\$ 8.00	\$ 1,257
2019	KATY ST	N WATER LN	N KRUEGER AVE	1	57	0.34	568	38	2,398	\$ 8.00	\$ 19,181
2019	KATY ST	N WEST END AVE	BERGFELD AVE	1	49	0.22	410	34	1,549	\$ 8.00	\$ 12,391
2019	KATY ST	MCGAUGH AVE	N WEST END AVE	1	44	0.21	419	32	1,489	\$ 8.00	\$ 11,910
2019	MCQUEENEY RD	S ELLIOTT KNOX BLVD	W FAUST ST	6	36	0.10	220	28	684	\$ 8.00	\$ 5,469
2019	N CHESNUT AVE	KATY ST	W BRIDGE ST	1	41	0.21	355	38	1,498	\$ 8.00	\$ 11,988
2019	N CHESNUT AVE	W BRIDGE ST	W MILL ST	1	39	0.22	374	38	1,580	\$ 8.00	\$ 12,636
2019	N CHESNUT AVE	W SAN ANTONIO ST	W MILL ST	1	33	0.27	444	38	1,873	\$ 8.00	\$ 14,986
2019	N HACKBERRY AVE	W MILL ST	W SAN ANTONIO ST	1	42	0.27	444	38	1,874	\$ 8.00	\$ 14,991
2019	N HACKBERRY AVE	W BRIDGE ST	W MILL ST	1	38	0.22	373	38	1,577	\$ 8.00	\$ 12,613
2019	N KOWALD LN	IH 35 SB	POST RD	5	32	0.27	849	20	1,887	\$ 8.00	\$ 15,094
2019	S WATER LN	PINE VALLEY DR	DOUGLAS FIR DR	1	61	0.13	251	32	893	\$ 8.00	\$ 7,145
2019	S WATER LN	DOUGLAS FIR DR	LODGEPOLE LN	1	65	0.15	289	32	1,026	\$ 8.00	\$ 8,210
2019	S WATER LN	LODGEPOLE LN	IH 35 NB FR	1	55	0.30	594	32	2,112	\$ 8.00	\$ 16,895
2019	W COLL ST	S SANTA CLARA AVE	S GUENTHER AVE	6	36	0.31	510	39	2,209	\$ 8.00	\$ 17,668
2019	W COLL ST	S WALNUT AVE	S SYCAMORE AVE	6	44	0.19	310	39	1,342	\$ 8.00	\$ 10,734
2019	SUNDANCE	LAZY TRAIL	SUNRISE	6	44	0.45	794	38	3,352	\$ 35.00	\$ 117,320
2019	KRUEGER LN	KATY ST	DEAD END	1	43	0.62	1,640	21	3,440	\$ 8.00	\$ 25,000
2019	W COLL ST	WILLOW AVE	WILLOW AVE	6	46	0.06	103	39	446	\$ 8.00	\$ 3,564
2019	W COLL ST	WILLOW AVE	S SANTA CLARA AVE	6	43	0.25	406	39	1,757	\$ 8.00	\$ 14,058
2019	W COLL ST	S GUENTHER AVE	CLEMENS AVE	6	45	0.30	491	39	2,128	\$ 8.00	\$ 17,028
2019	W COLL ST	S SYCAMORE AVE	AVENUE A	6	42	0.18	294	39	1,272	\$ 8.00	\$ 10,178
2019	W COLL ST	AVENUE A	WILLOW AVE	6	50	0.17	269	39	1,164	\$ 8.00	\$ 9,315
Subtotal-Rehab							5.82	11,127	40,278		\$ 410,199

Year	Street	Segment to Segment		District	OCI	Lane Miles	Length (LF)	Width (FT)	Area (Yd ²)	Cost per Yd2	Estimated Cost
		From	To								
REHAB	CONTRACTOR										
2019	WRIGHT AVE	PORTER ST	HOLLY ST	5	58	0.13	306	26	885	\$ 35.00	\$ 30,976
2019	WRIGHT AVE	S ELLIOTT KNOX BLVD	MEYER ST	5	59	0.20	492	26	1,421	\$ 35.00	\$ 49,727
2019	WRIGHT AVE	MEYER ST	PINE ST	5	56	0.13	327	26	943	\$ 35.00	\$ 33,014
2019	WRIGHT AVE	HOLLY ST	CHURCH HILL DR	5	54	0.08	189	26	547	\$ 35.00	\$ 19,157
2019	WRIGHT AVE	OASIS ST	PORTER ST	5	56	0.12	301	26	871	\$ 35.00	\$ 30,476
2019	WRIGHT AVE	PINE ST	OASIS ST	5	56	0.14	331	26	956	\$ 35.00	\$ 33,448
2019	FAUST ST	CASTELL	MCQUEENEY	6	44	0.21	577	25	1,602	\$ 32.00	\$ 30,000
Subtotal -Rehab Contractor							1.01	2,523	7,225		\$ 226,798

Year	Street	Segment to Segment		District	OCI	Lane Miles	Length (LF)	Width (FT)	Area (Yd ²)	Cost per Yd2	Estimated Cost
		From	To								

CRACK SEAL

2019	Various Street work										\$ 10,000
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2019 Street Maintenance Plan													
Year	Street	Segment to Segment		Functional Classification	Description of Work	District	OCI	Lane Miles	Length (LF)	Width (FT)	Area (Yd ²)	Cost per Yd2	Estimated Cost
		From	To										
NBU and Other Patching													
2019	Various Street work/Miscellaneous												\$ 129,491

Total FY 2019 - Proposed

\$ 1,640,000



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. C)

Presenter/Contact

Jared Werner, Chief Financial Officer
(830) 221-4395 - jwerner@nbtexas.org

SUBJECT:

Discuss and consider approval of an ordinance authorizing the issuance of the City of New Braunfels, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2018; levying an ad valorem tax and pledging certain surplus revenues in support of the certificates; approving an official statement, a paying agent/registrar agreement and other agreements relating to the sale and issuance of the certificates; and ordaining other matters relating to the issuance of the certificates.

BACKGROUND / RATIONALE:

The New Braunfels Economic Development Corporation (NBEDC) has been working with City staff to finalize a funding strategy for two current commitments: \$5,800,000 contribution to the community recreation center known as Das Rec, and \$2,500,000 for the NBISD field improvements. The board provided consensus to move forward with a certificate of obligation debt issuance to support these two projects and associated expenditures. This provides the NBEDC to maintain reserves in FY 2017-18 and FY 2018-19 more in line with traditional levels. Annual debt service to support these projects will be approximately \$640,000 and will be fully supported by the NBEDC (sales taxes). While the debt service will be supported by the NBEDC, the Certificates of Obligation will be issued with the City's credit rating. Doing so, the EDC can take advantage of better interest rates. Prior to the issuance of the certificates of obligation, the NBEDC will adopt an agreement to repay to annual debt service payment(s).

Attached for Council consideration is the ordinance related to the issuance of \$8.3 million in certificates of obligation for the public purpose of paying contractual obligations incurred or to be incurred for: (i) expansion of recreational facilities and related improvements at the New Braunfels Community Recreation Center, including gymnasium, aquatic facilities and meeting space; and construction of sports fields artificial turf and field lighting including the construction, replacement or improvement to the land consisting of buildings, equipment, facilities, infrastructure or other expenditures connected therewith and (ii) the payment of professional services in connection therewith including legal, fiscal and engineering fees and the costs of issuing the certificates of obligation.

The Certificates of Obligation will be wired to the City's Depository bank on October 24, 2018. On the date of the sale (September 24, 2018) the final details of the transaction including the actual interest rate will be presented by the City's financial advisor - SAMCO Capital Markets.

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

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FISCAL IMPACT:

The proceeds will reimburse the NBEDC for the projects described above. Annual debt service will be supported completely by the NBEDC.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance.

ORDINANCE NO. _____

ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF NEW BRAUNFELS, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2018; LEVYING AN AD VALOREM TAX AND PLEDGING CERTAIN SURPLUS REVENUES IN SUPPORT OF THE CERTIFICATES; APPROVING AN OFFICIAL STATEMENT, A PAYING AGENT/REGISTRAR AGREEMENT AND OTHER AGREEMENTS RELATING TO THE SALE AND ISSUANCE OF THE CERTIFICATES; AND ORDAINING OTHER MATTERS RELATING TO THE ISSUANCE OF THE CERTIFICATES

THE STATE OF TEXAS	§
COUNTIES OF COMAL AND GUADALUPE	§
CITY OF NEW BRAUNFELS	§

WHEREAS, the City Council of the City of New Braunfels, Texas (the "City") deems it advisable to issue certificates of obligation in the amount of \$8,300,000 (the "Certificates") for the purpose of paying contractual obligations incurred or to be incurred for (i) expansion of recreational facilities and related improvements at Das Rec, New Braunfels Recreation Center, including gymnasium, aquatic facilities and meeting space; and construction of sports fields artificial turf and field lighting including the construction, replacement or improvement to the land consisting of buildings, equipment, facilities, infrastructure or other expenditures connected therewith and (ii) the payment of professional services in connection therewith including legal, fiscal and engineering fees and the costs of issuing the certificates of obligation; and

WHEREAS, the Certificates hereinafter authorized and designated are to be issued and delivered for cash pursuant to Subchapter C of Chapter 271, Local Government Code and Chapter 1502, Texas Government Code, as amended; and

WHEREAS, on August 13, 2018 the City Council passed a resolution authorizing and directing the City Secretary to give notice of intention to issue the Certificates; and

WHEREAS, the notice was published on August 15, 2018 and August 22, 2018 in *New Braunfels Herald-Zeitung*, a newspaper of general circulation in the City and a "newspaper" as defined in Section 2051.044, Government Code; and

WHEREAS, the City has not received a valid petition from the qualified voters of the City protesting the issuance of the Certificates; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of the meeting was given, all as required by Chapter 551, Texas Government Code; and

WHEREAS, it is considered to be in the best interest of the City that the interest bearing Certificates be issued; therefore,

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

Section 1. RECITALS, AMOUNT AND PURPOSE OF THE CERTIFICATES. The recitals set forth in the preamble hereof are incorporated herein and shall have the same force and effect as if set forth in this Section. The Certificates of the City of New Braunfels, Texas (the "City") are hereby authorized to be issued and delivered in the aggregate principal amount of \$8,300,000 for the purpose of paying contractual obligations incurred or to be incurred for (i) expansion of recreational facilities and related improvements at Das Rec, New Braunfels Recreation Center, including gymnasium, aquatic facilities and meeting space; and construction of sports fields artificial turf and field lighting including the construction, replacement or improvement to the land consisting of buildings, equipment, facilities, infrastructure or other expenditures connected therewith and (ii) the payment of professional services in connection therewith including legal, fiscal and engineering fees and the costs of issuing the certificates of obligation.

Section 2. DESIGNATION, DATE, DENOMINATIONS, NUMBERS, AND MATURITIES OF CERTIFICATES. Each certificate issued pursuant to this Ordinance shall be designated: "CITY OF NEW BRAUNFELS, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2018", and initially there shall be issued, sold, and delivered hereunder fully registered certificates, without interest coupons, dated October 1, 2018, in the denomination and principal amount hereinafter stated, numbered consecutively from R-1 upward (except the initial Certificate delivered to the Attorney General of the State of Texas which shall be numbered T-1), payable to the respective initial registered owners thereof (as designated in Section 12 hereof), or to the registered assignee or assignees of said Certificates or any portion or portions thereof (in each case, the "Registered Owner"), and the outstanding principal amount of the Certificates shall mature and be payable on February 1 in each of the years and in the principal amount, respectively, as set forth in the following schedule:

<u>YEAR</u>	<u>PRINCIPAL AMOUNT</u>	<u>YEAR</u>	<u>PRINCIPAL AMOUNT</u>
2019		2029	
2020		2030	
2021		2031	
2022		2032	
2023		2033	
2024		2034	
2025		2035	
2026		2036	
2027		2037	
2028		2038	

The term "Certificate" as used in this Ordinance shall mean and include collectively the Certificates initially issued and delivered pursuant to this Ordinance and all substitute Certificates exchanged therefor, as well as all other substitute Certificates and replacement Certificates issued pursuant hereto.

SECTION 3. INTEREST. The Certificates scheduled to mature during the years, respectively, set forth below shall bear interest from the dates specified in the FORM OF CERTIFICATE set forth in this Ordinance to their respective dates of maturity at the following rates per annum:

<u>YEAR</u>	<u>RATE</u>	<u>YEAR</u>	<u>RATE</u>
2019		2029	
2020		2030	
2021		2031	
2022		2032	
2023		2033	
2024		2034	
2025		2035	
2026		2036	
2027		2037	
2028		2038	

Interest shall be payable in the manner provided and on the dates stated in the FORM OF CERTIFICATE set forth in this Ordinance.

Section 4. CHARACTERISTICS OF THE CERTIFICATES. (a) Registration, Transfer, Conversion and Exchange; Authentication. The City shall keep or cause to be kept at UMB Bank, N.A., Austin, Texas (the "Paying Agent/Registrar") books or records for the registration of the transfer, conversion and exchange of the Certificates (the "Registration Books"), and the City hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers, conversions and exchanges under such reasonable regulations as the City and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, conversions and exchanges as herein provided. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the Registered Owner of each Certificate to which payments with respect to the Certificates shall be mailed, as herein provided; but it shall be the duty of each Registered Owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The City shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Paying Agent/Registrar shall make the Registration Books available within the State of Texas. The City shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, conversion, exchange and delivery of a substitute Certificate or Certificates. Registration of assignments, transfers, conversions and exchanges of Certificates shall be made in

the manner provided and with the effect stated in the FORM OF CERTIFICATE set forth in this Ordinance. Each substitute Certificate shall bear a letter and/or number to distinguish it from each other Certificate.

Except as provided in Section 4(c) of this Ordinance, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Certificate, date and manually sign said Certificate, and no such Certificate shall be deemed to be issued or outstanding unless such Certificate is so executed. The Paying Agent/Registrar promptly shall cancel all paid Certificates and Certificates surrendered for conversion and exchange. No additional ordinances, orders, or resolutions need be passed or adopted by the governing body of the City or any other body or person so as to accomplish the foregoing conversion and exchange of any Certificate or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Certificates in the manner prescribed herein, and said Certificates shall be printed or typed on paper of customary weight and strength. Pursuant to Chapter 1201, Texas Government Code, as amended, and particularly Subchapter D thereof, the duty of conversion and exchange of Certificates as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Certificate, the converted and exchanged Certificate shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Certificate which initially was issued and delivered pursuant to this Ordinance, approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

(b) Payment of Certificates and Interest. The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Certificates, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Certificates, and of all conversions and exchanges of Certificates, and all replacements of Certificates, as provided in this Ordinance. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the past due interest shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each Registered Owner appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

(c) In General. The Certificate (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Certificate to be payable only to the Registered Owners thereof, (ii) may be redeemed prior to their scheduled maturities (notice of which shall be given to the Paying Agent/Registrar by the City at least 45 days prior to any such redemption date which shall indicate to which principal installments the redemption shall be applied), (iii) may be converted and exchanged for other Certificates, (iv) may be transferred and assigned in whole, but not in part, (v) shall have the characteristics, (vi) shall be signed, sealed, executed and authenticated, (vii) the principal of and interest on the Certificates shall be payable, and (viii) shall be administered and the Paying Agent/Registrar and the City shall have certain duties and responsibilities with respect to the Certificates, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF CERTIFICATE set forth in this Ordinance. The Certificate initially issued

and delivered pursuant to this Ordinance is not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Certificate issued in conversion of and exchange or substitute for any Certificate or Certificates issued under this Ordinance the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF CERTIFICATE.

(d) Substitute Paying Agent/Registrar. The City covenants with the Registered Owners of the Certificates that at all times while the Certificates are outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other agency to act as and perform the services of Paying Agent/Registrar for the Certificates under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 30 days written notice to the Paying Agent/Registrar, to be effective at such time which will not disrupt or delay payment on the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Certificates, to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each Registered Owner of the Certificates, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(e) Book-Entry-Only System. The Certificates issued in exchange for the Certificates initially issued as provided in Section 4(i) shall be issued in the form of a separate single fully registered Certificate for each of the maturities thereof registered in the name of Cede & Co., as nominee of The Depository Trust Company of New York ("DTC") and except as provided in subsection (f) hereof, all of the outstanding Certificates shall be registered in the name of Cede & Co., as nominee of DTC.

With respect to Certificates registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC participants (the "DTC Participant") or to any person on behalf of whom such a DTC Participant holds an interest in the Certificates. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Certificates, (ii) the delivery to any DTC

Participant or any other person, other than a Registered Owner, as shown on the Registration Books, of any notice with respect to the Certificates, or (iii) the payment to any DTC Participant or any person, other than a Registered Owner, as shown on the Registration Books of any amount with respect to principal of or interest on the Certificates. Notwithstanding any other provision of this Ordinance to the contrary, but to the extent permitted by law, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Certificate is registered in the Registration Books as the absolute owner of such Certificate for the purpose of payment of principal of and interest, with respect to such Certificate, for the purposes of registering transfers with respect to such Certificate, and for all other purposes of registering transfers with respect to such Certificates, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Certificates only to or upon the order of the respective Registered Owners, as shown in the Registration Books as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of principal of and interest on the Certificates to the extent of the sum or sums so paid. No person other than a Registered Owner, as shown in the Registration Books, shall receive a Certificate evidencing the obligation of the City to make payments of principal, and interest pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks being mailed to the registered owner at the close of business on the Record Date the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(f) Successor Securities Depository; Transfer Outside Book-Entry-Only System. In the event that the City determines to discontinue the book-entry system through DTC or a successor or DTC determines to discontinue providing its services with respect to the Certificate, the City shall either (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Certificates to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Certificates and transfer one or more separate Certificates to DTC Participants having Certificates credited to their DTC accounts. In such event, the Certificates shall no longer be restricted to being registered in the Registration Books in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names the Registered Owner transferring or exchanging Certificate shall designate, in accordance with the provisions of this Ordinance.

(g) Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Certificate is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, and interest on such Certificate and all notices with respect to such Certificate shall be made and given, respectively, in the manner provided in the Letter of Representations of the City to DTC.

(h) DTC Blanket Letter of Representations. The City confirms execution of a Blanket Issuer Letter of Representations with DTC establishing the Book-Entry-Only System which will be utilized with respect to the Certificates.

(i) Cancellation of Initial Certificate. On the closing date, one Initial Certificate representing the entire principal amount of the Certificates, payable in stated installments to the order of the purchaser of the Certificates or its designee set forth in Section 12 of this Ordinance, executed by manual or facsimile signature of the Mayor or Mayor Pro-tem and City Secretary, approved by the Attorney General of Texas, and registered and manually signed by the Comptroller of Public Accounts of the State of Texas, will be delivered to such Underwriters set forth in Section 12 of this Ordinance or its designee. Upon payment for the Initial Certificate, the Paying Agent/Registrar shall cancel the Initial Certificate and deliver to DTC on behalf of such Underwriters one registered definitive Certificate for each year of maturity of the Certificates, in the aggregate principal amount of all the Certificates for such maturity.

Section 5. FORM OF CERTIFICATE. The form of the Certificate, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be attached to the Certificate initially issued and delivered pursuant to this Ordinance, shall be, respectively, substantially as follows, with such appropriate variations, omissions or insertions as are permitted or required by this Ordinance.

FORM OF CERTIFICATE

NO. R-	UNITED STATES OF AMERICA STATE OF TEXAS	PRINCIPAL
AMOUNT	COUNTIES OF COMAL AND GUADALUPE CITY OF NEW BRAUNFELS, TEXAS	\$_____
	COMBINATION TAX AND REVENUE CERTIFICATE OF OBLIGATION SERIES 2018	

INTEREST RATE	DATE OF CERTIFICATE	MATURITY DATE	CUSIP NO.
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October 1, 2018

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DOLLARS

ON THE MATURITY DATE specified above, the CITY OF NEW BRAUNFELS, in the Counties of Comal and Guadalupe, State of Texas (the "City"), being a political subdivision of the State of Texas, hereby promises to pay to the Registered Owner set forth above, or registered assigns (hereinafter called the "Registered Owner") the principal amount set forth above, and to pay interest thereon from the Date of Certificate, on February 1, 2019 and semiannually on each August 1 and February 1 thereafter to the maturity date specified above, or the date of redemption prior to maturity, at the interest rate per annum specified above; except that if this Certificate is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Certificate or Certificates, if any, for which this Certificate is being exchanged or converted from is due but has not been paid, then this Certificate shall bear interest from the date to which such interest has been paid in full.

THE PRINCIPAL OF AND INTEREST ON this Certificate are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Certificate shall be paid to the Registered Owner hereof upon presentation and surrender of this Certificate at maturity, or upon the date fixed for its redemption prior to maturity, at UMB Bank, N.A. which is the "Paying Agent/Registrar" for this Certificate at its designated office for payment currently, Austin, Texas (the "Designated Payment/Transfer Office"). The payment of interest on this Certificate shall be made by the Paying Agent/Registrar to the Registered Owner hereof on each interest payment date by check or draft, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required by the ordinance authorizing the issuance of this Certificate (the "Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the Registered Owner hereof, at its address as it appeared at the close of business on the 15th day of the preceding month each such date (the "Record Date") on the registration books kept by the Paying Agent/Registrar (the "Registration Books"). In addition, interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each owner of a Certificate appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice. Notwithstanding the foregoing, during any period in which ownership of the Certificate is determined only by a book entry at a securities depository for the Certificate, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

ANY ACCRUED INTEREST due at maturity or upon the redemption of this Certificate prior to maturity as provided herein shall be paid to the Registered Owner upon presentation and surrender of this Certificate for redemption and payment at the Designated Payment/Transfer Office of the Paying Agent/Registrar. The City covenants with the Registered Owner of this Certificate that on or before each principal payment date, interest payment date, and accrued interest payment date for this Certificate it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Certificates, when due.

IF THE DATE for the payment of the principal of or interest on this Certificate shall be a Saturday, Sunday, a legal holiday or a day on which banking institutions in the city where the principal corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS CERTIFICATE is dated October 1, 2018, authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of \$8,300,000, for the purpose of paying contractual obligations incurred or to be incurred by the City for: (i) expansion of recreational facilities and related improvements at Das Rec, New Braunfels Recreation Center, including gymnasium, aquatic facilities and meeting space; and construction of sports fields artificial turf and field lighting including the construction, replacement or improvement to the land consisting of buildings, equipment, facilities, infrastructure or other expenditures connected therewith and (ii) payment of professional services in connection therewith including legal, engineering, architectural and fiscal fees and the costs of issuing the Certificates.

ON FEBRUARY 1, 2028, or on any date thereafter, the Certificates of this Series maturing on and after February 1, 2029 may be redeemed prior to their scheduled maturities, at the option of the City, with funds derived from any available and lawful source, at par plus accrued interest to the date fixed for redemption as a whole, or in part, and, if in part, the particular maturities to be redeemed shall be selected and designated by the City and if less than all of a maturity is to be redeemed, the Paying Agent/Registrar shall determine by lot the Certificates, or a portion thereof, within such maturity to be redeemed (provided that a portion of a Certificate may be redeemed only in an integral multiple of \$5,000).

WITH RESPECT TO any optional redemption of the Certificates, unless certain prerequisites to such redemption required by the Ordinance have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Certificates to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the City, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of

redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Certificates and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Certificates have not been redeemed.

NO LESS THAN 30 days prior to the date fixed for any such redemption, unless the Purchaser (as defined in the Ordinance) is the sole Registered Owner of all of the outstanding principal amount of the Certificates, the City shall cause the Paying Agent/Registrar to send notice by United States mail, first-class postage prepaid to the Registered Owner of each Certificate to be redeemed at its address as it appeared on the Registration Books of the Paying Agent/Registrar at the close of business on the business day next preceding the date of mailing such notice and to major securities depositories, national bond rating agencies and bond information services; provided, however, that the failure to send, mail or receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of the Certificates. By the date fixed for any such redemption due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Certificates. If due provision for such payment is made, all as provided above, the Certificates thereby automatically shall be treated as redeemed prior to its scheduled maturity, and it shall not bear interest after the date fixed for redemption, and it shall not be regarded as being outstanding except for the right of the Registered Owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment.

ALL CERTIFICATES OF THIS SERIES are issuable solely as fully registered certificates, without interest coupons, in the denomination of \$5,000 and any integral multiple of \$5,000 in excess thereof. As provided in the Ordinance, this Certificate may, at the request of the Registered Owner or the assignee or assignees hereof, be assigned, transferred, converted into and exchanged for a like aggregate principal amount of fully registered certificate, without interest coupons, payable to the appropriate Registered Owner, assignee or assignees, as the case may be, having the same denomination or denominations of \$5,000 and in any integral multiple of \$5,000 in excess thereof as requested in writing by the appropriate Registered Owner, assignee or assignees, as the case may be, upon surrender of this Certificate to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Ordinance. Among other requirements for such assignment and transfer, this Certificate must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Certificate or any portion or portions hereof in any denomination of \$5,000 and any integral multiple of \$5,000 in excess thereof to the assignee or assignees in whose name or names this Certificate or any such portion or portions hereof is or are to be registered. The form of Assignment printed or endorsed on this Certificate may be executed by the Registered Owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Certificate or any portion or portions hereof from time to time by the Registered Owner. The Paying Agent/Registrar's reasonable standard or customary fees and charges for assigning, transferring, converting and exchanging any Certificate or portion thereof will be paid by the City. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such

assignment, transfer, conversion or exchange, as a condition precedent to the exercise of such privilege. The Paying Agent/Registrar shall not be required to make any such transfer, conversion, or exchange (i) during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date, or (ii) with respect to any Certificate or any portion thereof called for redemption prior to maturity, within 45 days prior to its redemption date; provided, however, such limitation of transfer shall not be applicable to an exchange by the Registered Owner of the unredeemed balance of the Certificates.

WHENEVER the beneficial ownership of this Certificate is determined by a book entry at a securities depository for the Certificate, the foregoing requirements of holding, delivering or transferring this Certificate shall be modified to require the appropriate person or entity to meet the requirements of the securities depository as to registering or transferring the book entry to produce the same effect.

IN THE EVENT any Paying Agent/Registrar for the Certificates is changed by the City, resigns, or otherwise ceases to act as such, the City has covenanted in the Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and cause written notice thereof to be mailed to the Registered Owner of the Certificates.

IT IS FURTHER CERTIFIED that the City has designated the Certificates as "qualified tax-exempt obligations" within the meaning of Section 265(b) of the Internal Revenue Code of 1986.

IT IS HEREBY certified, recited and covenanted that this Certificate has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Certificate have been performed, existed and been done in accordance with law; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Certificate, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said City, and have been pledged for such payment, within the limit prescribed by law, and that this Certificate, together with other obligations of the City, is additionally secured by and payable from the surplus revenues of the City's solid waste system, remaining after payment of all operation and maintenance expenses thereof, and all debt service, reserve and other requirements in connection with all of the City's revenue bonds or other obligations (now or hereafter outstanding), which are payable from all or part of the Net Revenues of the City's solid waste system, which amount shall not exceed \$1,000 all as provided in the Ordinance.

BY BECOMING the Registered Owner of this Certificate, the Registered Owner thereby acknowledges all of the terms and provisions of the Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Ordinance is duly recorded and available for inspection in the official minutes and records of the governing body of the City, and agrees that the terms and provisions of this Certificate and the Ordinance constitute a contract between each Registered Owner hereof and the City.

IN WITNESS WHEREOF, the City has caused this Certificate to be signed with the manual or facsimile signature of the Mayor of the City and countersigned with the manual or facsimile signature of the City Secretary of said City, and has caused the official seal of the City to be duly impressed, or placed in facsimile, on this Certificate.

City Secretary

Mayor

(CITY SEAL)

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE**PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE**

(To be executed if this Certificate is not accompanied by an
executed Registration Certificate of the Comptroller
of Public Accounts of the State of Texas)

It is hereby certified that this Certificate has been issued under the provisions of the Ordinance described in the text of this Certificate; and that this Certificate has been issued in conversion or replacement of, or in exchange for, a certificate, certificates, or a portion of a certificate or certificates of a Series which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated

UMB BANK, N.A.
Paying Agent/Registrar

By: _____
Authorized Representative

FORM OF ASSIGNMENT:**ASSIGNMENT**

For value received, the undersigned hereby sells, assigns and transfers unto

Please insert Social Security or Taxpayer
Identification Number of Transferee

(Please print or typewrite name and address,
including zip code, of Transferee)

the within Certificate and all rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney, to register the transfer of the within Certificate on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

NOTICE: The signature above must correspond with the name of the Registered Owner as it appears upon the front of this Certificate in every particular, without alteration or enlargement or any change whatsoever.

**FORM OF REGISTRATION CERTIFICATE OF
THE COMPTROLLER OF PUBLIC ACCOUNTS:**

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO.

I hereby certify that this Certificate has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and that this Certificate has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this

Comptroller of Public Accounts
of the State of Texas

(COMPTROLLER'S SEAL)

INSERTIONS FOR THE INITIAL CERTIFICATE

The Initial Certificate shall be in the form set forth in this Section, except that:

A. immediately under the name of the Certificates, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As Shown Below" and "CUSIP NO." shall be deleted.

B. the first paragraph shall be deleted and the following will be inserted:

"ON THE DATE SPECIFIED BELOW, the City of NEW BRAUNFELS, Texas (the "City"), being a political subdivision, hereby promises to pay the annual installments set forth below to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on August 1 in each of the years, in the principal installments in the following schedule and bearing interest at the per annum rate stated above:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rates</u>
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(Information from Sections 2 and 3 to be inserted)

The City promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from the Date of Certificate at the respective Interest Rate per annum specified above. Interest is payable on February 1, 2019 and semiannually on each February 1 and August 1 thereafter to the date of payment of the principal installment specified above; except, that if this Certificate is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Certificate or Certificates, if any, for which this Certificate is being exchanged is due but has not been paid, then this Certificate shall bear interest from the date to which such interest has been paid in full."

C. The Initial Certificate shall be numbered "T-1."

Section 6. INTEREST AND SINKING FUND. A special "Interest and Sinking Fund" is hereby created and shall be established and maintained by the City at an official depository bank of said City. Said Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of said City, and shall be used only for paying the interest on and principal of said Certificates. All ad valorem taxes levied and collected for and on account of said Certificates shall be deposited, as collected, to the credit of said Interest and Sinking Fund. During each year while any of said Certificates are outstanding and unpaid, the governing body of said City shall compute and ascertain a rate and amount of ad valorem tax which will be sufficient to raise and produce the money required to pay the interest on said Certificates as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of said Certificates as such principal matures (but never less than 2% of the original amount of said Certificates as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of said City, with full allowances being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in said City, for each year while any of said Certificates are outstanding and unpaid, and said tax shall be assessed and collected each such year and deposited to the credit of the aforesaid Interest and Sinking Fund. Said ad valorem taxes sufficient to provide for the payment of the interest on and principal of said Certificates, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law. Accrued interest and any premium on the Certificates shall be deposited in the Interest and Sinking Fund and used to pay interest on the Certificates.

Section 7. REVENUES. The Certificates together with other obligations of the City, are additionally secured by and shall be payable from a limited pledge of the surplus revenues of the City's solid waste system remaining after payment of all operation and maintenance expenses thereof, and all debt service, reserve, and other requirements in connection with all of the City's revenue bonds or other obligation (now or hereafter outstanding) which are payable from all or any part of the net revenues of the City's solid waste system, with such amount not to exceed \$1,000 constituting "Surplus Revenues." The City shall deposit such Surplus Revenues to the credit of the Interest and Sinking Fund created pursuant to Section 6, to the extent necessary to pay the principal and interest on the Certificates. Notwithstanding the requirements of Section 6, if Surplus Revenues are actually on deposit or budgeted for deposit in the Interest and Sinking Fund in advance of the time when ad valorem taxes are scheduled to be levied for any year, then the amount of taxes which otherwise would have been required to be levied pursuant to Section 6 may be reduced to the extent and by the amount of the Surplus Revenues then on deposit in the Interest and Sinking Fund or budgeted for deposit therein.

The Mayor of the City Council of the City and the City Secretary of the City are hereby ordered to do any and all things necessary to accomplish the transfer of monies to the Interest and Sinking Fund of this issue in ample time to pay such items of principal and interest.

Section 8. DEFEASANCE OF CERTIFICATES. (a) Any Certificate and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Certificate") within the meaning of this Ordinance, except to the extent provided in subsections (c) and (e) of this Section 8, when payment of the principal of such Certificate, plus interest thereon to the due date or dates (whether such due date or dates be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption or the establishment of irrevocable provisions for the giving of such notice) or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar or an eligible trust company or commercial bank for such payment (1) lawful money of the United States of America sufficient to make such payment, (2) Defeasance Securities, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment and when proper arrangements have been made by the City with the Paying Agent/Registrar or an eligible trust company or commercial bank for the payment of its services until all Defeased Certificates shall have become due and payable or (3) any combination of (1) and (2). At such time as a Certificate shall be deemed to be a Defeased Certificate hereunder, as aforesaid, such Certificate and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes or revenues herein levied and pledged as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities.

(b) The deposit under clause (ii) of subsection (a) shall be deemed a payment of a Certificate as aforesaid when proper notice of redemption of such Certificates shall have been given or upon the establishment of irrevocable provisions for the giving of such notice, in accordance with this Ordinance. Any money so deposited with the Paying Agent/Registrar or an eligible trust company or commercial bank as provided in this Section may at the discretion of the City Council of the City also be invested in Defeasance Securities, maturing in the amounts and at the times as hereinbefore

set forth, and all income from all Defeasance Securities in possession of the Paying Agent/Registrar or an eligible trust company or commercial bank pursuant to this Section which is not required for the payment of such Certificate and premium, if any, and interest thereon with respect to which such money has been so deposited, shall be remitted to the City Council of the City.

(c) Notwithstanding any provision of any other Section of this Ordinance which may be contrary to the provisions of this Section, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of principal of the Certificates and premium, if any, and interest thereon, shall be applied to and used solely for the payment of the particular Certificates and premium, if any, and interest thereon, with respect to which such money or Defeasance Securities have been so set aside in trust. Until all Defeased Certificates shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Certificates the same as if they had not been defeased, and the City shall make proper arrangements to provide and pay for such services as required by this Ordinance.

(d) Notwithstanding anything elsewhere in this Ordinance, if money or Defeasance Securities have been deposited or set aside with the Paying Agent/Registrar or an eligible trust company or commercial bank pursuant to this Section for the payment of Certificates and such Certificates shall not have in fact been actually paid in full, no amendment of the provisions of this Section shall be made without the consent of the registered owner of each Certificate affected thereby.

(e) Notwithstanding the provisions of subsection (a) immediately above, to the extent that, upon the defeasance of any Defeased Certificate to be paid at its maturity, the City retains the right under Texas law to later call that Defeased Certificate for redemption in accordance with the provisions of this Ordinance, the City may call such Defeased Certificate for redemption upon complying with the provisions of Texas law and upon the satisfaction of the provisions of subsection (a) immediately above with respect to such Defeased Certificate as though it was being defeased at the time of the exercise of the option to redeem the Defeased Certificate and the effect of the redemption is taken into account in determining the sufficiency of the provisions made for the payment of the Defeased Certificate.

As used in this Section, "Defeasance Securities" means (i) Federal Securities, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City Council of the City adopts or approves proceedings authorizing the issuance of refunding bonds or otherwise provide for the funding of an escrow to effect the defeasance of the Certificates are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent, and (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the City Council of the City adopts or approves proceedings authorizing the issuance of refunding bonds or otherwise provide for the funding of an escrow to effect the defeasance of the Certificates, are rated as to investment quality by a nationally recognized investment rating firm no less than "AAA" or its equivalent. "Federal Securities" as used herein means direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America (including Interest Strips of the Resolution Funding Corporation).

Section 9. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED CERTIFICATES. (a) Replacement Certificates. In the event any outstanding Certificate is damaged, mutilated, lost, stolen or destroyed, the Paying Agent/Registrar shall cause to be printed, executed and delivered, a new certificate of the same principal amount, maturity and interest rate, as the damaged, mutilated, lost, stolen or destroyed Certificate, in replacement for such Certificate in the manner hereinafter provided.

(b) Application for Replacement Certificates. Application for replacement of damaged, mutilated, lost, stolen or destroyed Certificates shall be made by the Registered Owner thereof to the Paying Agent/Registrar. In every case of loss, theft or destruction of a Certificate, the Registered Owner applying for a replacement certificate shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft or destruction of a Certificate, the Registered Owner shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft or destruction of such Certificate, as the case may be. In every case of damage or mutilation of a Certificate, the Registered Owner shall surrender to the Paying Agent/Registrar for cancellation the Certificate so damaged or mutilated.

(c) No Default Occurred. Notwithstanding the foregoing provisions of this Section, in the event any such Certificates shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Certificates, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Certificate) instead of issuing a replacement Certificate, provided security or indemnity is furnished as above provided in this Section.

(d) Charge for Issuing Replacement Certificates. Prior to the issuance of any replacement certificate, the Paying Agent/Registrar shall charge the Registered Owner of such Certificate with all legal, printing, and other expenses in connection therewith. Every replacement Certificate issued pursuant to the provisions of this Section by virtue of the fact that any Certificate is lost, stolen or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen or destroyed Certificate shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Certificates duly issued under this Ordinance.

(e) Authority for Issuing Replacement Certificates. In accordance with Subchapter B of Chapter 1206, Texas Government Code, this Section 9 of this Ordinance shall constitute authority for the issuance of any such replacement Certificate without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such Certificate is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Certificate in the form and manner and with the effect, as provided in Section 4(a) of this Ordinance for the Certificates issued in conversion and exchange for other Certificates.

Section 10. CUSTODY, APPROVAL, AND REGISTRATION OF THE CERTIFICATE; BOND COUNSEL'S OPINION; CUSIP NUMBERS AND CONTINGENT INSURANCE PROVISION, IF OBTAINED. The Mayor of the City Council of the City is hereby

authorized to have control of the Certificate initially issued and delivered hereunder and all necessary records and proceedings pertaining to the Certificate pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Certificate said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Certificate, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Certificate. The approving legal opinion of the City's Bond Counsel and the assigned CUSIP numbers, if any, may, at the option of the City, be printed on the Certificate issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the Registered Owners of the Certificate. In addition, if bond insurance is obtained, the Certificate may bear an appropriate legend as provided by the insurer.

Section 11. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE CERTIFICATES. (a) Covenants. The City covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Certificates as obligations described in section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Certificates or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds of the Certificates or the projects financed therewith are so used, such amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Certificates, in contravention of section 141(b)(2) of the Code;

(3) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Certificates or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(4) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Certificates (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(5) to refrain from taking any action which would otherwise result in the Certificates being treated as "private activity bonds" within the meaning of section 141(b) of the Code;

(6) to refrain from taking any action that would result in the Certificates being "federally guaranteed" within the meaning of section 149(b) of the Code;

(7) to refrain from using any portion of the proceeds of the Certificates, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Certificates, other than investment property acquired with --

(A) proceeds of the Certificates invested for a reasonable temporary period of 3 years or less or, in the case of a refunding bond, for a period of 90 days,

(B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Certificates;

(8) to otherwise restrict the use of the proceeds of the Certificates or amounts treated as proceeds of the Certificates, as may be necessary, so that the Certificates do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage) and, to the extent applicable, section 149(d) of the Code (relating to advance refundings);

(9) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Certificates) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Certificates have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code; and

(10) to assure that the proceeds of the Certificates will be used solely for new money projects.

(b) Rebate Fund. In order to facilitate compliance with the above covenant (8), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such fund shall not be subject to the claim of any other person, including without limitation the bondholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) Proceeds. The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) [and] proceeds of the refunded bonds expended prior to the date of issuance of the Certificates. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Certificates, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Certificates under section 103 of the Code. In the event

that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Certificates, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Certificates under section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the City Manager or Director of Finance to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Certificates. This Ordinance is intended to satisfy the official intent requirements set forth in Section 1.150-2 of the Treasury Regulations.

(d) Allocation Of, and Limitation On, Expenditures for the Project. The City covenants to account for the expenditure of sale proceeds and investment earnings to be used for the purposes described in Section 1 of this Ordinance (the "Project") on its books and records in accordance with the requirements of the Internal Revenue Code. The City recognizes that in order for proceeds to be expended under the Internal Revenue Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of (1) the fifth anniversary of the delivery of the Certificates, or (2) the date the Certificates are retired. The City agrees to obtain the advice of nationally-recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Certificates. For purposes hereof, the City shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(e) Disposition of Project. The City covenants that the property constituting the projects financed with the proceeds of the Certificates will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless the City obtains an opinion of nationally-recognized bond counsel that such sale or other disposition will not adversely affect the tax-exempt status of the Certificates. For purposes of the foregoing, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes hereof, the City shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

Section 12. SALE OF CERTIFICATES. The Certificates are hereby sold to the bidder whose bid produced the lowest net effective interest rate, pursuant to the taking of public bids therefor, on this date, and shall be delivered to a syndicate of the purchaser represented by _____ (collectively, the "Purchaser") at a price of \$_____, representing the par amount of the Certificates, plus a net reoffering premium of \$_____, less an underwriter's discount of \$_____. The Certificates shall initially be registered in the name of CEDE & Co.

Section 13. DEFAULT AND REMEDIES.

(a) Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default: (i) the failure to make payment of the principal of or interest on any of the Certificates when the same becomes due and payable; or (ii) default in the performance or observance of any other covenant, agreement or obligation of the City,

the failure to perform which materially, adversely affects the rights of the Registered Owners of the Certificates, and the continuation thereof for a period of 60 days after notice of such default is given by any Registered Owner to the City.

(b) Remedies for Default. (i) Upon the happening of any Event of Default, then and in every case, any Registered Owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the City, or any official, officer or employee of the City in their official capacity, for the purpose of protecting and enforcing the rights of the Registered Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Registered Owners hereunder or any combination of such remedies; (ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Registered Owners of Certificates then outstanding.

(c) Remedies Not Exclusive. (i) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Certificates or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Certificates shall not be available as a remedy under this Ordinance. (ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy. (iii) By accepting the delivery of a Certificate authorized under this Ordinance, such Registered Owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or trustees of the City or the City Council. (iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the Registered Owners with any liability, or be held personally liable to the Registered Owners under any term or provision of this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

Section 14. ESTABLISHMENT OF CONSTRUCTION FUND AND INTEREST EARNINGS. (a) Construction Fund. A special fund or account, to be designated the City of New Braunfels Series 2018 Certificate of Obligation Construction Fund (the "2018 Construction Fund") is hereby created and shall be established and maintained by the City at a depository bank of the City. The 2018 Construction Fund shall be kept separate and apart from all other funds and accounts of the City. The Construction Fund and the Interest and Sinking Fund shall be invested in accordance with the Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended, and the City's Investment Policy.

(b) Interest Earnings. Interest earnings derived from the investment of proceeds from the sale of the Certificates shall be used along with the Certificate proceeds for the purpose for which the Certificates are issued as set forth in Section 1 hereof or to pay principal or interest payments on the Certificates; provided that after completion of such purpose, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on bond proceeds which are required to be rebated to the United States of America pursuant to Section 11 hereof in order to prevent the

Certificates from being arbitrage bonds shall be so rebated and not considered as interest earnings for the purposes of this Section.

Section 15. APPROVAL OF OFFICIAL STATEMENT. The City hereby approves the form and content of the Official Statement relating to the Certificates and any addenda, supplement or amendment thereto, and approves the distribution of such Official Statement in the reoffering of the Certificates by the Purchaser in final form, with such changes therein or additions thereto as the officer executing the same may deem advisable, such determination to be conclusively evidenced by his execution thereof. The distribution and use of the Preliminary Official Statement dated July 3, 2018 prior to the date hereof is confirmed, approved and ratified. The City Council hereby finds and determines that the Preliminary Official Statement and final Official Statement were "deemed final" (as that term is defined in 17 CFR Section 240.15c(2)-12) as of their respective dates.

Section 16. APPROVAL OF PAYING AGENT/REGISTRAR AGREEMENT. Attached hereto as Exhibit "A" is a substantially final form of the Paying Agent/Registrar Agreement with an attached Blanket Issuer Letter of Representation. The Mayor of the City Council of the City is hereby authorized to amend, complete or modify such agreement as necessary and is further authorized to execute such agreement and the City Secretary is hereby authorized to attest such agreement.

Section 17. CONTINUING DISCLOSURE UNDERTAKING. (a) Annual Reports. (i) The City shall provide annually to the MSRB, (i) within six months after the end of each fiscal year of the City ending in or after 2018, financial information and operating data with respect to the City of the general type included in this Official Statement being the information of the type included in Table 1 of the Official Statement and Tables 1 through 10 of Appendix A to the Official Statement and the financial statements included in Appendix D to the Official Statement if audited financial statements are then available, and (ii) if not provided as part of such financial information and operating data, audited financial statements of the City, when and if available. Any financial statements to be provided shall be (i) prepared in accordance with the accounting principles described in Appendix D to the Official Statement and (ii) audited, if the City commissions an audit of such financial statements and the audit is completed within the period during which they must be provided. If the audit of such financial statement is not complete within 12 months after any such fiscal year end, then the City shall file unaudited financial statements within such 12-month period and audited financial statements for the applicable fiscal year, when and if the audit report on such statements becomes available. Such information shall be transmitted electronically to the MSRB, in such format and accompanied by such identifying information as prescribed by the MSRB.

(ii) If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section. The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB or filed with the SEC.

(b) Material Event Notices. The City shall notify the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner not in excess of ten business days after the occurrence of the event, of any of the following events with respect to the Certificates:

- A. Principal and interest payment delinquencies;
- B. Non-payment related defaults, if material within the meaning of the federal securities laws;
- C. Unscheduled draws on debt service reserves reflecting financial difficulties;
- D. Unscheduled draws on credit enhancements reflecting financial difficulties;
- E. Substitution of credit or liquidity providers, or their failure to perform;
- F. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Certificates, or other events affecting the tax status of the Certificates
- G. Modifications to rights of holders of the Certificates, if material within the meaning of the federal securities laws;
- H. Certificate calls, if material within the meaning of the federal securities laws;
- I. Defeasances;
- J. Release, substitution, or sale of property securing repayment of the Certificates, if material within the meaning of the federal securities laws;
- K. Rating changes;
- L. Bankruptcy, insolvency, receivership or similar event of the City;
- M. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material within the meaning of the federal securities laws; and
- N. Appointment of a successor or additional trustee or the change of name of a trustee, if material within the meaning of the federal securities laws.

The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (a) of this Section by the time required by such subsection.

(c) Limitations, Disclaimers, and Amendments. (i) The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Certificates within the meaning of the Rule, except that the City in any event will give notice required by Subsection (b) hereof of any Certificate calls and defeasance that cause the City to no longer be such an "obligated person".

(ii) The provisions of this Section are for the sole benefit of the registered owners and beneficial owners of the Certificates, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Certificates at any future date.

(iii) UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE REGISTERED OWNER OR BENEFICIAL OWNER OF ANY CERTIFICATE OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(iv) No default by the City in observing or performing its obligations under this Section shall comprise a breach of or default under this Ordinance for purposes of any other provision of this Ordinance. Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(v) The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Certificates in the primary offering of the Certificates in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (a) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Certificates consents to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determined that such amendment will not materially impair the interest of the registered owners and beneficial owners of the Certificates. If the City so amends the provisions of this Section, it shall include with any amended financial information or

operating data next provided in accordance with paragraph (a) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Certificates in the primary offering of the Certificates.

(d) **Definitions.** As used in this Section, the following terms have the meanings ascribed to such terms below:

"MSRB" means the municipal Securities Rulemaking Board.

"Rule" means SEC Rule 15c2-12, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

Section 19. NO RECOURSE AGAINST CITY OFFICIALS. No recourse shall be had for the payment of principal of or interest on the Certificates or for any claim based thereon or on this Ordinance against any official of the City or any person executing any Certificates.

Section 20. FURTHER ACTIONS. The officers and employees of the City are hereby authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Certificates, the initial sale and delivery of the Certificates, the Paying Agent/Registrar Agreement, and any insurance commitment letter or insurance policy. In addition, prior to the initial delivery of the Certificates, the Mayor, the City Secretary, the City Manager or Assistant City Manager, the City Attorney and Bond Counsel are hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance and as described in the Official Statement, (ii) obtain a rating from any of the national bond rating agencies or satisfy requirements of any bond insurer, or (iii) obtain the approval of the Certificates by the Attorney General's office.

In case any officer of the City whose signature shall appear on any Certificate shall cease to be such officer before the delivery of such Certificate, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 21. INTERPRETATIONS. All terms defined herein and all pronouns used in this Ordinance shall be deemed to apply equally to singular and plural and to all genders. The titles and headings of the articles and sections of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof. This Ordinance and all the terms and provisions hereof shall

be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the Certificates and the validity of the lien on and pledge to secure the payment of the Certificates.

Section 22. INCONSISTENT PROVISIONS. All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provisions of this Ordinance are hereby repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

Section 23. INTERESTED PARTIES. Nothing in this Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the City and the Registered Owners of the Certificates, any right, remedy or claim under or by reason of this Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City and the registered owners of the Certificates.

Section 24. INCORPORATION OF RECITALS. The City hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City hereby incorporates such recitals as a part of this Ordinance.

Section 25. REPEALER. All orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 26. SEVERABILITY. The provisions of this Ordinance are severable; and in case any one or more of the provisions of this Ordinance or the application thereof to any person or circumstance should be held to be invalid, unconstitutional, or ineffective as to any person or circumstance, the remainder of this Ordinance nevertheless shall be valid, and the application of any such invalid provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Section 27. PERFECTION. Chapter 1208, Government Code, applies to the issuance of the Certificates and the pledge of ad valorem taxes and revenues granted by the City under Sections 6 and 7 of this Ordinance, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Certificates are outstanding and unpaid such that the pledge of ad valorem taxes and revenues granted by the City under Sections 6 and 7 of this Ordinance is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, then in order to preserve to the registered owners of the Certificates the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

Section 28. EFFECTIVE DATE. This Ordinance shall become effect immediately from and after its passage on first and final reading in accordance with Section 1201.028, Texas Government Code, as amended.

Section 29. NO PERSONAL LIABILITY. No covenant or agreement contained in the Certificates, this Ordinance or any corollary instrument shall be deemed to be the covenant or agreement of any member of the City Council or any officer, agent, employee or representative of

the City Council in his individual capacity, and neither the directors, officers, agents, employees or representatives of the City Council nor any person executing the Certificates shall be personally liable thereon or be subject to any personal liability for damages or otherwise or accountability by reason of the issuance thereof, or any actions taken or duties performed, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any assessment or penalty, or otherwise, all such liability being expressly released and waived as a condition of and in consideration for the issuance of the Certificates.

Section 30. CUSTODY, APPROVAL, AND REGISTRATION OF CERTIFICATE; BOND COUNSEL'S OPINION; AND CONTINGENT INSURANCE PROVISION, IF OBTAINED. The Mayor of the City is hereby authorized to have control of the Certificate initially issued and delivered hereunder and all necessary records and proceedings pertaining to the Certificate pending its delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Certificate said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Certificate, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Certificate. The approving legal opinion of the City's Bond Counsel, at the option of the City, be printed on the Certificate issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the Registered Owner of the Certificate. In addition, if bond insurance is obtained, the Certificate may bear an appropriate legend as provided by the insurer.

IN ACCORDANCE WITH SECTION 1201.028, Texas Government Code, passed and approved on the final reading on the 24th day of September, 2018.

Mayor, City of New Braunfels, Texas

ATTEST:

City Secretary, City of New Braunfels, Texas

EXHIBIT "A"

PAYING AGENT/REGISTRAR AGREEMENT



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. D)

Presenter/Contact

Gretchen Pruett, Library Director
(830) 221-4322 gpruett@nbtexas.org

SUBJECT:

Discuss and consider approval to authorize the City Manager to enter into an interlocal agreement for the Bibliotheca cloudLibrary cloudLink services with the member cities' Coordinating Committee of the cloudLibrary.

BACKGROUND / RATIONALE:

The library wishes to provide easy access to a broad range of public library services to their citizens, including Bibliotheca cloudLibrary digital resources, and to further expand public access to digital content by sharing their respective Cloud Resources among the other member libraries. The interlocal agreement allows the New Braunfels Public Library to access over 110,000 titles owned by members of the cloudLibrary and allows the library, via the Texas Interlocal Cooperation Act, to contract with all member libraries for this service.

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

N/A

FISCAL IMPACT:

The cloudLink provides access to resources at no additional cost valued in excess of \$3,000,000.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of this item.

SECOND AMENDED INTERLOCAL AGREEMENT FOR MUTUAL ACCESS TO CLOUDLIBRARY DIGITAL RESOURCES

This Interlocal Agreement (“Agreement”) is made and entered into by and among the local governments which have executed it (“Parties”). The Parties, acting by and through their authorized officers execute this Agreement pursuant to Texas Government Code, Chapter 791, known as the Interlocal Cooperation Act (the “Act”).

WHEREAS, the Parties are local governments engaged in promotion of public health and welfare by providing easy access to the broad range of public library services to their citizens, including Bibliotheca cloudLibrary digital resources; and

WHEREAS, the Parties desire to further expand public access to digital content by sharing their respective Cloud Resources, as hereinafter defined, among their respective libraries; and

WHEREAS, the Bibliotheca cloudLink service allows libraries using the service to share their Cloud Resources with each other; and

WHEREAS, the Act provides authorization for local governments to contract with one another to provide governmental functions and services; and

WHEREAS, provision of public library services are governmental functions and services under the terms of the Act;

WHEREAS, the governing body of each local government believes that the Agreement is necessary for the benefit of the public and that each party has the legal authority to provide governmental functions and services that are the subject of the Agreement; and

NOW, THEREFORE, upon and for the mutual consideration stated herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

ARTICLE I Definitions

Unless the context clearly indicates otherwise, the following words and phrases used in this Agreement shall have the following meaning:

“Cloud Resources” shall mean all library content provided by the Parties for upload into the Bibliotheca cloudLibrary for the mutual benefit, access and/or use of the Parties and their Libraries.

“Coordinating Committee” shall mean the representatives selected to represent each Party from the participating Parties in this Agreement.

“Library or Libraries” shall mean the library/ies and resources thereof of the Parties.

“Local Government” shall have the meaning given in Section 791.003 of the Act, as amended.

ARTICLE II

Term

2.1 The initial term of this Agreement shall be for a period of ten (10) years beginning on May 31, 2017, unless sooner terminated as provided herein (“Initial Term”). The Initial Term may be extended by written agreement of the Parties for one or more five (5) year renewal terms (each a “Renewal Term”); provided that any such renewal occurs not less than 30 days prior to the end of the then current term.

ARTICLE III

Responsibilities of the Parties

3.1 Access. Each Library shall allow cardholders of the other Libraries to access and check out its Cloud Resources through the Bibliotheca cloudLink service under the terms and conditions of the cardholder’s Library, unless otherwise specified in the Agreement.

3.2 Policies and Procedures. The current policies and procedures of each Library shall remain in effect, with no coordination or standardization required, except that the following procedures shall be followed for shared Cloud Resources:

- a. Cloud Resources may only be placed on hold by cardholders of the Library which owns the Cloud Resource in question.
- b. Available Cloud Resources may be checked out by any cardholder of a participating Library.
- c. The circulation period of the Cloud Resources are determined by the circulation policies of the cardholder’s Library and may vary among Libraries.
- d. Each Library shall track the number of items checked out from their respective Libraries and create an annual report by fiscal year of such data for review by the Coordinating Committee. These reports shall be provided to the Coordinating Committee annually by not later than January 1st.
- e. Each Library shall submit an annual report of expenditures on Cloud Resources in the preceding fiscal year as set by that Party to the Coordinating Committee annually by not later than January 1st.

- f. Each Library shall submit an annual report of their overall materials budget if their expenditure on Cloud Resources is less than \$10,000 per fiscal year. This report shall be provided to the Coordinating Committee annually by not later than January 1st.

3.3 Liaison Designated. By this Agreement, each Party designates its director of library services or equivalent, as listed on each Party's signature page hereto attached, to act on behalf of the Party to ensure the performance of all duties and obligations of the designee's Party as herein stated, to serve as a liaison for the Party with and among the Parties, and, if necessary, to serve on the Coordinating Committee.

3.4 Participation Requirements. Each Library shall spend a minimum of \$10,000 or 10% of its overall materials budget, whichever is less, on Cloud Resources during each fiscal year as set by that Party. Compliance with this section will not be required for any fiscal year during which a Party did not participate in this Agreement for the entire fiscal year. Compliance with this and other requirements will be determined by the Coordinating Committee on an annual basis, based on reports required by Article III.

3.5 Addition of Members. Any local government in the state of Texas which has contracted for the use of the Bibliotheca cloudLibrary cloudLink service and agrees to abide by the terms of this Agreement may join this Agreement as a Party upon approval by a majority of all of the members of the Coordinating Committee. If approval is given, the new participating entity shall join the Parties by adopting and executing this Agreement through an action of the Party's governing body.

3.6 Cost. Each Party will bear its own cost of performance under this Agreement.

ARTICLE IV

The Coordinating Committee

4.1 Coordinating Committee.

- a. The Coordinating Committee membership shall be the designated liaisons from the following local governments:
 - i. City of Lewisville
 - ii. City of Burleson
 - iii. City of Carrollton
 - iv. City of Colleyville
 - v. City of Coppell
 - vi. City of Euless
 - vii. Town of Flower Mound
 - viii. City of McKinney
 - ix. City of Sachse
 - x. City of Southlake

- xi. Town of Little Elm
- xii. Bexar County

- b. The Coordinating Committee shall have only the duties specifically outlined in this Agreement. The Coordinating Committee shall have the authority to adopt its own rules of procedure that are consistent with Article III, Section 3.2 and in compliance with terms of this Agreement.
- c. A simple majority of all members of the Coordinating Committee shall constitute a quorum to perform. A quorum of the Coordinating Committee must participate in any decision made by the Coordinating Committee under this Agreement.
- d. The Coordinating Committee shall meet at least once every six (6) months. Meetings shall be held in person, by conference call, or by another live remote meeting access service.
- e. A simple majority vote of all members of the Coordinating Committee shall select a member to receive any reports and send any notices required under this Agreement. This individual's name and contact information shall be provided to all Parties within thirty (30) days of the individual's selection.
- f. A simple majority vote of the Coordinating Committee members present shall select a member to draft minutes outlining the items discussed and decisions made by the Coordinating Committee at any given meeting. The minutes shall be sent to the Coordinating Committee for approval within thirty (30) days of the meeting, and must be approved by a majority of all members of the Coordinating Committee within thirty (30) days of its distribution. The minutes may be distributed and approval of the minutes provided to the drafter via e-mail. These minutes shall be distributed to all Parties within ten (10) days of their approval.
- g. The Parties understand and agree that the Coordinating Committee shall not be construed as a board or committee appointed by a governing body and shall not be required to comply with the provisions of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

ARTICLE V

Termination

5.1 This Agreement may be terminated as follows:

- a. Any Party may choose to terminate its participation in the Agreement with sixty (60) days' written notice to each of the members of the Coordinating Committee at the notice address provided in this Agreement. The

termination of a Party's participation in this Agreement shall not affect the continuation of this Agreement in full force and effect with respect to the remaining Parties.

- b. A Party's participation in the Agreement may be terminated for any reason, including failure to comply with the terms of this Agreement, by an affirmative vote of two-thirds (2/3) of all of the members of the Coordinating Committee to remove the Party. Upon termination under this section, the Coordinating Committee shall provide thirty (30) days' written notice to the Party which has been removed following the Committee's decision. The Coordinating Committee will contact Bibliotheca and notify them of the Party's removal.
- c. In the event that the Bibliotheca cloudLibrary cloudLink program is no longer available, this Agreement shall automatically terminate.

5.2 Upon termination, each Party will retain its rights, title and interest to all Cloud Resources purchased by the Party during its time as a Party to this Agreement.

ARTICLE VI

Liability and Immunity

6.1 Liability and Immunity.

- a. *Handling of Claims.* The Parties agree, to the extent authorized under the constitution and laws of the State of Texas and without waiving any immunity, right, protection, or defense therein, that each shall be individually responsible for any and all claims for damages, cost, and expenses to person or persons and property that may arise out of or be occasioned by the intentional or negligent act or omission of its respective officials, agents, representatives, and employees in the performance of this Agreement, including but not limited to their acts of negligence or omission in the provision of public library services, including the cloud based services that are the subject to this Agreement. The Parties agree that each shall be liable only for damages, including attorneys' fees and costs, related to or arising out of the intentional or negligent act or omission of their respective officials, agents, representatives, and employees in the performance of this Agreement.
- b. *Joint Liability.* In the event of joint or concurrent negligence of the Parties, responsibility, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas without, however, waiving any governmental immunity, right, protection, or defense available to any party

individually under Texas law. The provisions of this section are solely for the benefit of the Parties hereto and are not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

- c. *No Waiver of Immunity.* It is expressly understood and agreed that in execution of this Agreement, no Party waives, nor shall be deemed to have waived, immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the Parties do not create any obligations, express or implied, other than those set forth herein, and this Agreement shall not create any rights in parties not signatories hereto.

ARTICLE VII

Miscellaneous

7.1 Assignment. This Agreement may not be assigned by any Party hereto without the prior written unanimous consent of the other parties. No assignment, delegation of duties or subcontract under this Agreement shall be effective without the prior written unanimous consent of all Parties hereto.

7.2 Governing Law. The validity of this Agreement and any of its terms and provisions, as well as the rights and duties of the parties, shall be governed by the laws of the State of Texas; and venue for any action arising as a result of this Agreement shall be in the state court of Denton County, Texas, except when state law requires otherwise.

7.3 Legal Construction. In the event that any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect the other provisions, and the Agreement shall be construed as if such invalid, illegal or unenforceable provisions had never been contained in this Agreement.

7.4 Amendment. This Agreement may be amended by a simple majority vote of all members of the Coordinating Committee.

7.5 Entire Agreement. This Agreement represents the entire Agreement among the Parties with respect to the subject matter covered by this Agreement.

7.6 No Relationship Created. The Parties agree and acknowledge that no Party is an agent of any other Party under this Agreement and that each Party is responsible for its own acts, forbearance, negligence, and deeds, and for those of its agents or employees. The purposes for which each Party has entered into this Agreement are separate and distinct. It is not the intent of any of the Parties that a joint enterprise relationship is being entered into and the Parties hereto specifically disclaim such relationship.

7.7 Rights of Third Parties. Nothing contained in this Agreement shall be construed to create, and the Parties do not intend to create, any rights in or for the benefit of third parties.

7.8 Force Majeure. In the event that any party shall be prevented from performing any of its obligations under this Agreement by any act of God, war, right, civil commotion, strikes, fires, flood or by the occurrence of any other event beyond the control of such party, then such party shall be excused from the performance of the obligations in this Agreement but only during such periods of Force Majeure.

7.9 Current Revenues. All costs or expenses incurred by any Party as result of this Agreement shall be paid from the current revenues available to the Party.

7.10 Recitals. The recitals of this Agreement are incorporated herein.

7.11 Severability. The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation having the force and effect of the law, the remaining portions of the Agreement shall be enforced as if the invalid provision had never been included.

7.12 Notice. All notices pertaining to this Agreement shall be in writing and shall be deemed delivered (i) when received at a Party's address if hand delivered or sent via overnight delivery service by way of USPS, UPS, FedEx, or similar carrier, or (ii) on the third (3rd) business day after being deposited in the United States mail, postage prepaid, certified mail, return receipt requested, addressed to the Parties at the respective notice addresses set forth below or at other addresses as may have been previously specified by written notice delivered in accordance with this Agreement.

[SIGNATURE PAGES ATTACHED]



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. E)

Presenter

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

SUBJECT:

Public hearing and first reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow short-term rental of a single-family residence in the "C-3" Commercial District addressed at 730 S. Mesquite Avenue.

BACKGROUND / RATIONALE:

Case No.: PZ-18-026

Council District: 1

Owner/Applicant: Robert Hudson
730 S. Mesquite Avenue
New Braunfels, TX 78130
(830) 632-5067
rhrconstruction@msn.com

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

The subject property is located at the southwest corner of Mesquite Avenue and Hillview Avenue, between IH-35 South and Business 35. The property is approximately 5,900 square feet in area and contains a 1,500 square foot residential structure built in 1952. The applicant currently resides in the house and utilizes a portion of it as a home office for his real estate and home construction business, as allowed under the Home Occupation section of the Zoning Ordinance (144-5.5) (Home Occupations are authorized commercial activity out a home limited by performance standards to prevent negative impact to neighbors.)

The "C-3" zoning district allows rental or occupancy for less than one month. However, the structure is a single-family dwelling which requires approval of a Special Use Permit (SUP) before it can be used as a short-term rental. If the SUP is approved, an administrative Short Term Rental Permit is also required prior to the first rental, along with annual fire inspections.

The residence currently contains three bedrooms and two bathrooms. The applicant is proposing to rent only a suite consisting of the master bedroom, one bath, kitchen, living and utility rooms, approximately 925 square feet, on a short-term basis. The remaining rooms will be accessed through a separate entrance and contain his office and personal belongings. The request does not qualify as

a bed & breakfast because the owner/applicant may not be present when the suite is rented.

Minimum required off-street parking is one space per sleeping area (1) and the maximum is that number plus one (2 spaces). Two additional spaces are required for the office/residential use of the remaining 600 square feet of the house, for a minimum total of 3 spaces and a maximum of 4. The applicant's site plan indicates paved parking for three vehicles on the Hillview Avenue side, and a permit was recently issued for one additional space on the side of the house from Mesquite Avenue. The applicant will not construct the new driveway unless the SUP is approved.

The Zoning Ordinance sets maximum occupancy of the rental portion at two adults per bedroom plus an additional 4 adults (6 adults total).

General Information:

Size: = 5,895 square feet

Surrounding Zoning and Land Use:

North - Across Hillview, C-3/ Unimproved parking

South - C-3/ Single-family residence

East - Across Mesquite, C-3/ Undeveloped

West - C-3/ Single-family residence

Comprehensive Plan / Future Land Use Designation:

Commercial

- New Braunfels Sub Area
- Proximity to a Future Market Center
- Between two Transitional Mixed-Use Corridors

Floodplain: No portion of the property is located within the 1% chance floodplain.

Improvement(s): Single-family residence with home occupation office

Determination Factors:

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

- Whether the permitted uses will be appropriate in the immediate area and their relationship to the area and to the City as a whole *(The subject property is zoned C-3 in an area of mixed commercial and residential uses. Although not in the immediate area of major visitor attractions, the property is centrally located with easy vehicular access to arterial roadways.);*
- 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 use of this property as a short term rental will be subject to the supplemental standards as required in Section 5.17 of the Zoning Ordinance. These standards help to ensure that proper measures are in place to protect public health and to encourage appropriate use of the property.);* and

- Whether the request is consistent with the Comprehensive Plan. (*The Future Land Use Plan places the subject property between two Transitional Mixed-Use Corridors, and in close proximity to a Market Center.*)

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

- An administrative Short-Term Rental Permit and annual inspections are required, in addition to the SUP;
- a maximum of two (2) adults per sleeping area plus an additional four (4) adults per residence **(one (1) sleeping area plus four (4) additional adults allows for a maximum total of 6 adults)**;
- display of a short-term rental decal;
- a minimum of one (1) off-street parking space per sleeping area, not including a garage, and not to exceed the number of sleeping areas plus one (1) **(minimum of one (1) and maximum of two (2) spaces not counting requirements mentioned above for the residential/office use)**;
- adherence to the City's adopted building codes regarding life safety issues;
- compliance with City codes related to conduct on premises;
- signage in compliance with the current Sign Ordinance (no monument or freestanding pole signs; attached signage is not regulated); and
- required tenant information posted indoors and attached to the rental agreement including quiet hours, parking limitations and emergency information.

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

Yes	City Plan/Council Priority: Envision New Braunfels Pros and Cons Based on Strategies/Actions	Pros: Action 1.14 <i>Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions.</i> Use of the subject property for a short term rental will create a flexible lodging option in a central portion of the City with easy access to main thoroughfares, limiting traffic through the neighborhood. Action 3.3 <i>Balance commercial centers with stable neighborhoods.</i> The subject property is along an area of mixed commercial and residential uses. Authorized short term rentals can create an appropriate transition of uses on the periphery of a neighborhood. Potential impacts are managed through the SUP process and associated development standards.
		Cons: None

FISCAL IMPACT:

If approved, the property will be subject to state and local hotel occupancy tax (HOT). The property owner will be responsible for remitting the local portion of taxes to the City as specified by the Finance Department.

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on September 5, 2018 and recommended approval of the applicant's request with staff recommended conditions. (8-0 with Commissioner Sonier absent)

STAFF RECOMMENDATION:

Staff recommends approval of the applicant's requested rezoning. The proposed use of the property will complement the mixed uses in the area while maintaining a residential appearance and would be in accordance with the Comprehensive Plan. Staff's recommendation includes the following conditions:

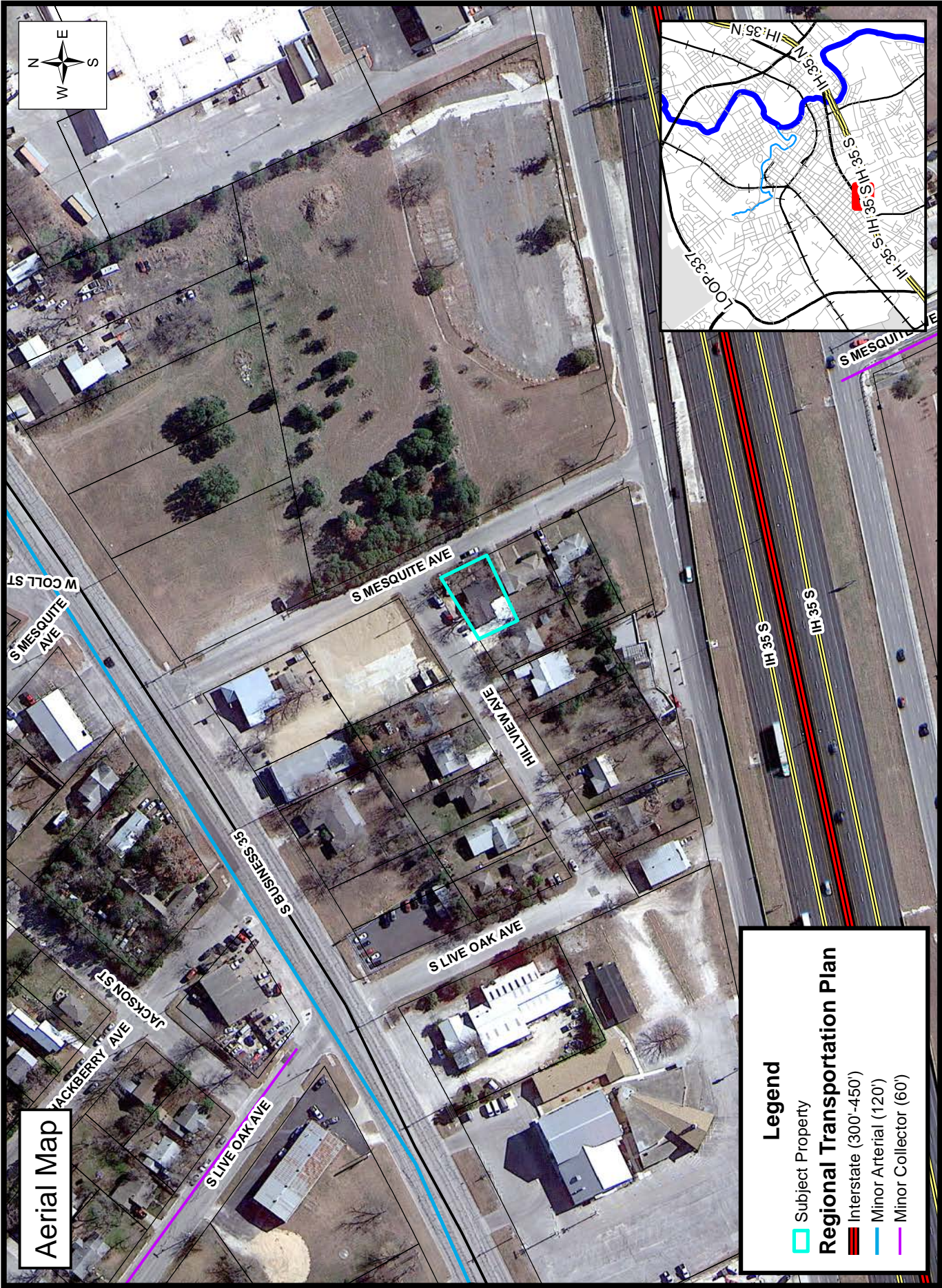
1. The applicant will complete construction of the paved driveway on Mesquite Avenue.
2. The residential character of the property must be maintained.
3. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.

Notification:

Public hearing notices were sent to 11 owners of property within 200 feet of the request. The Planning Division received two responses in favor (#2, 3) and none in objection.

ATTACHMENTS:

1. Aerial, Regional Transportation Plan Map
2. Application
3. Land Use Maps (Zoning, Existing and Future Land Use, Short-term Rental)
4. Site Plan and Floor Plan
5. Notification Map
6. Photographs
7. Draft Minutes from Planning Commission
8. Ordinances:
 - Sec. 3.3-9 "C-3" Commercial District
 - Sec. 3.6 Special Use Permits
 - Sec. 5.17 Short Term Rentals
9. Ordinance





Planning & Community Development Department
Planning Division

550 Landa St. New Braunfels, Tx 78130
(830) 221-4050 www.nbtexas.org

CC/Cash/Check No.: card
Amount Recd. \$ 1,559
Receipt No.: 215130

Case No.: PZ-18-026

RECEIVED

JUL 27 2018

BY: K. CROWE

Submission date = office use only

Special Use Permit Application to Allow Short Term Rental

Any application that is missing information will be considered incomplete and will not be processed.

- 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: Robert Hudson

Mailing Address: 730 S. Mesquite New Braunfels TX 78130

Telephone: 830-632-5067 Fax: _____ Mobile: 210-558-1723

Email: rhr.construction@msn.com

- Property Address/Location: 730 S. Mesquite

- Legal Description:

Name of Subdivision: N/A

Lot(s): _____ Block(s): _____ Acreage: 1353

- Existing Use of Property: Home/office

- Current Zoning: C3

*Please note Short Term Rentals are prohibited in the following residential districts, & a Special Use Permit could not be requested:

- R-1 • R-3 • TH • R-1A-43.5 • R-1A-8 • R-2A • B-1B • ZH-A
- R-2 • B-1 • ZH • R-1A-12 • R-1A-6.6 • B-1A • TH-A

- Proposed Special Use Permit*: Type 1 OR Type 2 ☒

*see page 4 for information regarding Type 1 and Type 2 Special Use Permits

- Explain how the proposed Short Term Rental use will be well suited for the neighborhood (attach additional or supporting information if necessary):

I am already in
commercial location that has mixed use with
Tire shops, Bars, churches, & car dealerships. This
location will not burden the traffic or city
& since already in commercial location with
Bar noise should not be a issue. Perfect
location for short term rentals.

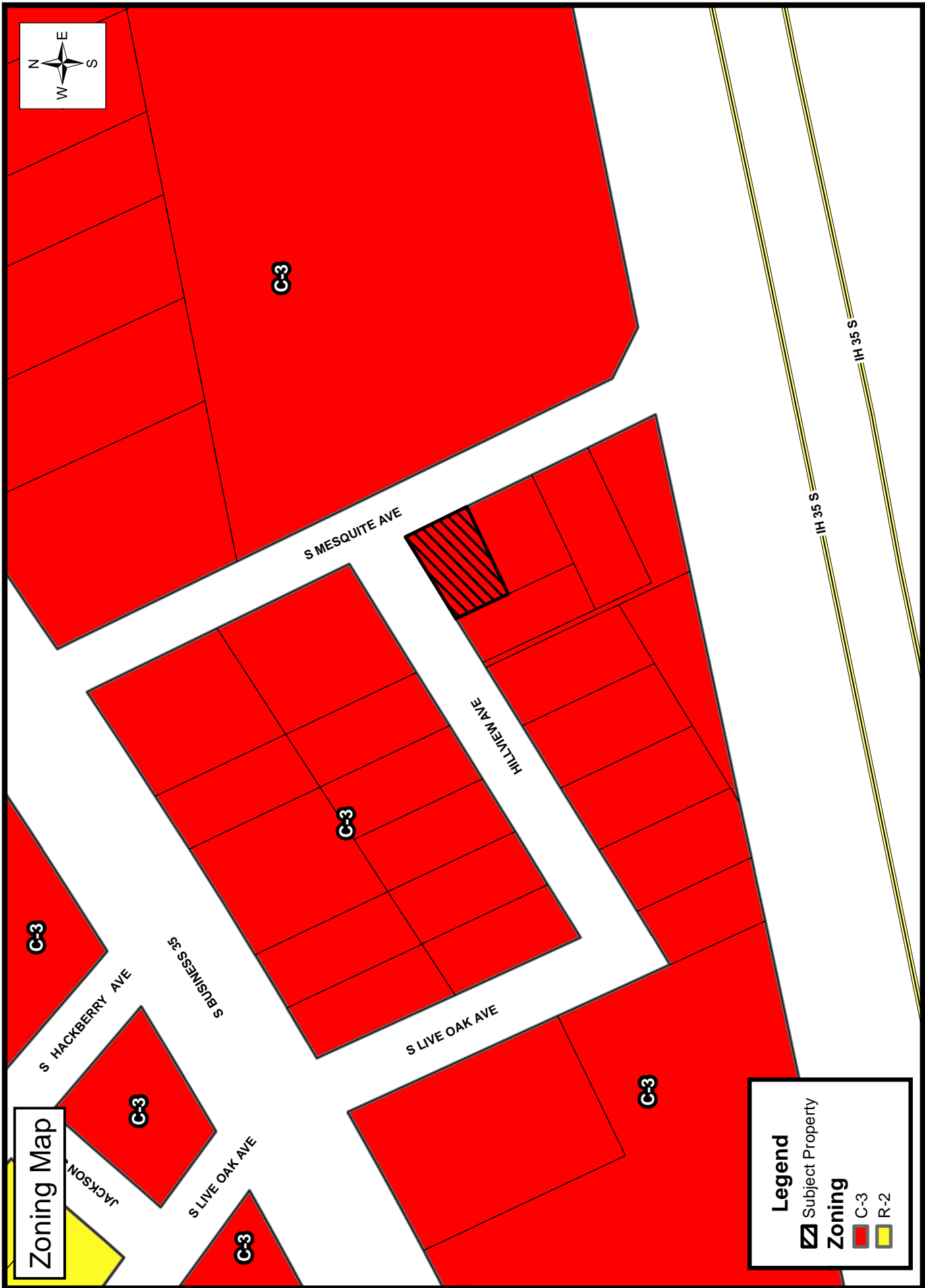
SUBMITTAL CHECKLIST:

STAFF:	APPLICANT:									
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	A survey and/or metes and bounds description of the property with an exhibit illustrating property boundaries (if property is not platted).								
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Letter of Authorization for appointed agent (if applicable).								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Map of property in relation to City limits/major roadways or surrounding area.								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Copy of deed showing current ownership.								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Floor plan with the following information: <table border="0"> <tr> <td><input type="checkbox"/> Layout of the building</td> <td><input type="checkbox"/> Sleeping areas</td> </tr> <tr> <td><input type="checkbox"/> Dimensions of each room</td> <td><input type="checkbox"/> Doors and windows</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Room Labels (kitchen, bathroom, dining room, garage, etc.)</td> </tr> </table>	<input type="checkbox"/> Layout of the building	<input type="checkbox"/> Sleeping areas	<input type="checkbox"/> Dimensions of each room	<input type="checkbox"/> Doors and windows	<input type="checkbox"/> Room Labels (kitchen, bathroom, dining room, garage, etc.)			
<input type="checkbox"/> Layout of the building	<input type="checkbox"/> Sleeping areas									
<input type="checkbox"/> Dimensions of each room	<input type="checkbox"/> Doors and windows									
<input type="checkbox"/> Room Labels (kitchen, bathroom, dining room, garage, etc.)										
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	(Type 2) Development/site plan with the following information: (*Please note: Additional information may be requested.) <table border="0"> <tr> <td><input type="checkbox"/> Drawn to scale</td> <td><input type="checkbox"/> Location of all buildings</td> </tr> <tr> <td><input type="checkbox"/> North arrow</td> <td><input type="checkbox"/> Number of parking spaces (parking calculation table required)</td> </tr> <tr> <td><input type="checkbox"/> Property lines</td> <td><input type="checkbox"/> Dimensions of parking space and maneuvering space</td> </tr> <tr> <td><input type="checkbox"/> Adjacent street names</td> <td><input type="checkbox"/> Driveways (means of ingress/egress)</td> </tr> </table>	<input type="checkbox"/> Drawn to scale	<input type="checkbox"/> Location of all buildings	<input type="checkbox"/> North arrow	<input type="checkbox"/> Number of parking spaces (parking calculation table required)	<input type="checkbox"/> Property lines	<input type="checkbox"/> Dimensions of parking space and maneuvering space	<input type="checkbox"/> Adjacent street names	<input type="checkbox"/> Driveways (means of ingress/egress)
<input type="checkbox"/> Drawn to scale	<input type="checkbox"/> Location of all buildings									
<input type="checkbox"/> North arrow	<input type="checkbox"/> Number of parking spaces (parking calculation table required)									
<input type="checkbox"/> Property lines	<input type="checkbox"/> Dimensions of parking space and maneuvering space									
<input type="checkbox"/> Adjacent street names	<input type="checkbox"/> Driveways (means of ingress/egress)									
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Application Fee: \$ <u>1,513.53</u> $\$1,500 + (.1353 \text{ acres} \times \$100) = \$1,513.53$ (max. \$4,000)								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Technology Fee: \$ <u>45</u> $3\% \text{ of application fee} \rightarrow \$ \text{_____} (\text{application fee}) \times .03 = \$ \text{_____}$								
<input type="checkbox"/>	<input type="checkbox"/>	Public Hearing Newspaper Notice: \$230 (\$115 each for Planning Commission and City Council)								
<input type="checkbox"/>	<input type="checkbox"/>	Public Hearing Mail Notifications and Signage. *Please note: The total fee will be calculated by Staff after application submittal based on the quantity of mailed notices and signs and must be paid when sign(s) are picked up by the applicant when sign(s) are picked up by the applicant.								

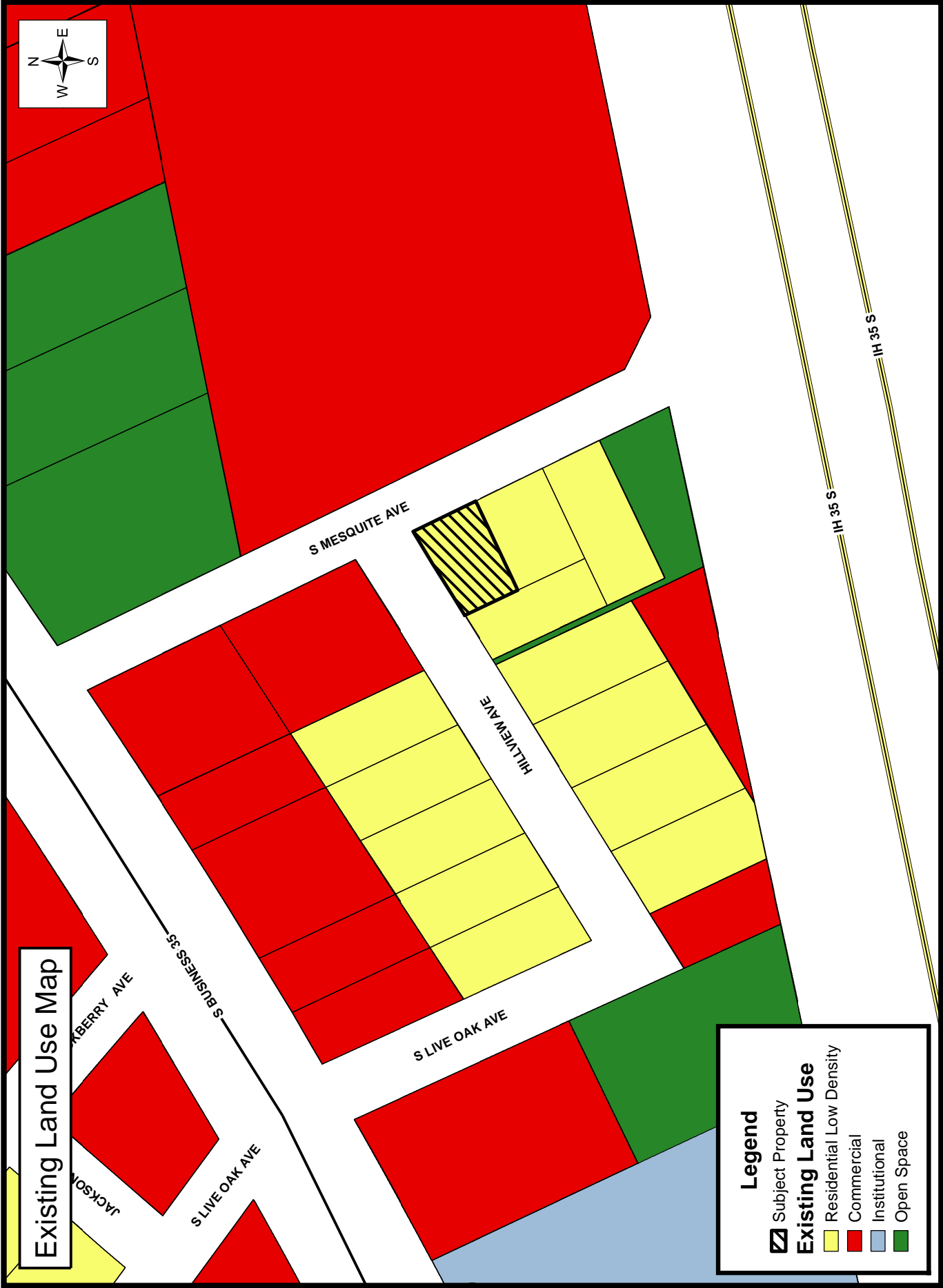
Please note: The signature indicates that the owner or an authorized agent has reviewed the requirements of this application and attached checklist, and all items on this checklist have been addressed and complied with. The owner/authorized agent understands that an incomplete application will **not** be accepted, and this application will **not** be accepted after the 4 p.m. deadline on an application deadline date, as outlined on the calendar attached to this application. The signature authorizes City of New Braunfels staff to visit and inspect the property for which this application is being submitted.

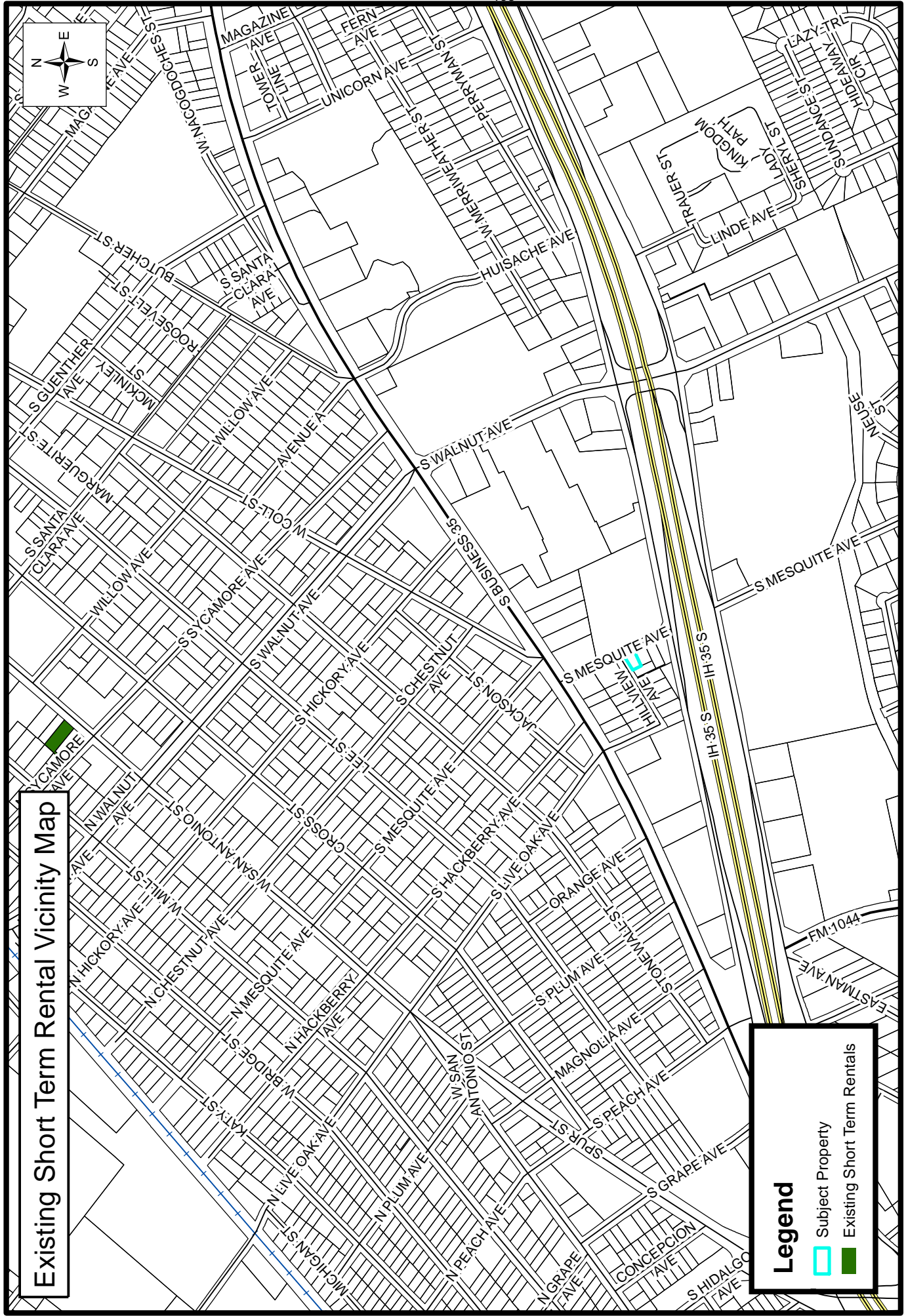
The undersigned hereby requests rezoning of the above described property as indicated.

<u>Robert Hudson</u>	<u>210-559-1723</u>	<u>rhrconstruction@msh.com</u>
Owner's Name (Printed)	Phone Number	Email
<u>730 S. Mesquite</u>	<u>New Braunfels TX</u>	<u>78130</u>
Owner's Mailing Address		
<u>Robert Hudson</u>	<u>7/27/18</u>	
Signature of Owner	Date	



PZ-18-026
730 S. Mesquite Ave.
SUP to Short Term Rentals in C-3





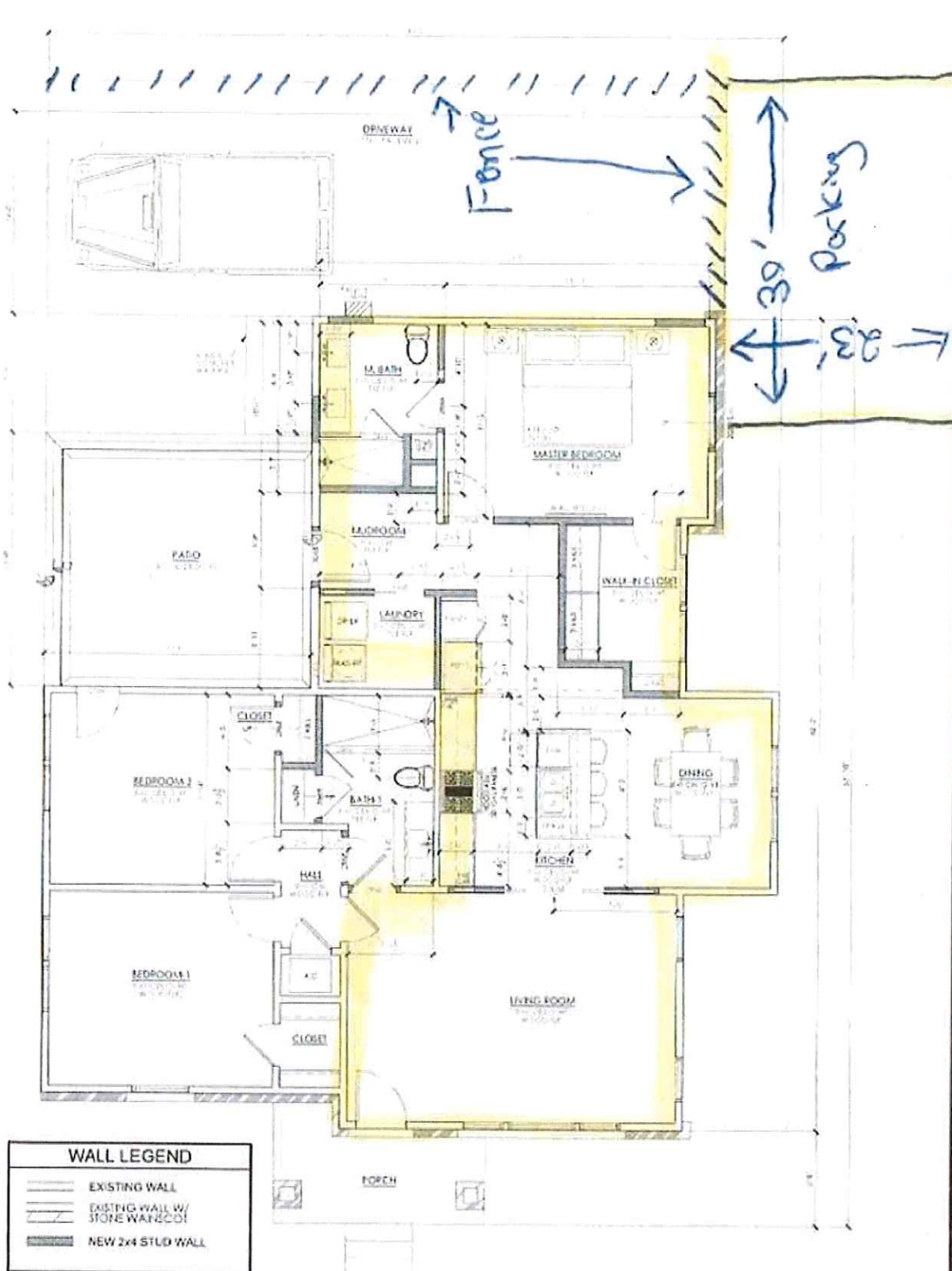
Existing Short Term Rental Vicinity Map

Legend

- Subject Property
- Existing Short Term Rentals



PZ-18-026
730 S. Mesquite Ave.
SUP to Short Term Rentals in C-3



HUDSON RESIDENCE INTERIOR REMODEL

730 S. MESQUITE AVE.
NEW BRAUNFELS, TEXAS 78130

SHEET TITLE:
EXISTING/DEMO &
PROPOSED FLOOR
PLANS

JOB: HUDSON
SCALE: AS SHOWN
DATE: 9/14/16
DRAWN BY: PDM

A-1.0

*Proposed Daily rental
area + parking area*

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

New Braunfels City Hall Council Chambers

Applicant/Owner: Robert Hudson**Address/Location:** 730 S. Mesquite Ave.**PROPOSED SPECIAL USE PERMIT – CASE #PZ-18-026**

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 | KAHLIG ENTERPRISES INC | 10 | AYALA GERARDO C |
| 2 | ALVES JACK | 11 | BENAVIDES MARIA G |
| 3 | ZU HAUSE LLC | | |
| 4 | TORRES MELISSA ANN | | |
| 5 | GARCIA CLARO A III & JOANNA G | | |
| 6 | JOHNSON OLIVIA | | |
| 7 | WILLIAMS JEFFREY S | | |
| 8 | AMARO FLORENTINA D | | |
| 9 | HARRISS MERRI S | | |

SEE MAP



Map Created 8/2/18

PZ-18-026
730 S. Mesquite Ave.
SUP to Short Term Rentals in C-3



Case: #PZ-18-026 (HUDSON) (HM)


Name: TRACY FORE, Zuhus LLCAddress: 1464 Hillview AveProperty 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-18-026 (HUDSON) (HM)

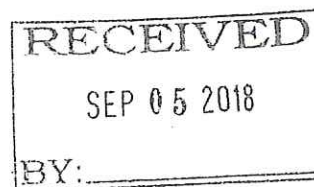
Name: Jade AlvesAddress: ~~2537~~ 1407 Bys 35 SProperty number on map: 2

Comments: (Use additional sheets if necessary)

I favor: yes

I object: _____

(State reason for objection)

Signature: 



Subject Property from Hillview Avenue



Parking area from Hillview Avenue

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

PZ-18-026 Public hearing and recommendation to City Council regarding the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the “C-3” Commercial District addressed at 730 S. Mesquite Avenue.

(Applicant: Robert Hudson; Case Manager: H. Mullins)

Mrs. Mullins presented the Staff report and recommended approval.

Chair Edwards invited the applicant to speak.

Rob Hudson, 730 S. Mesquite, stated he was the applicant. He said he believes a short-term rental facility would be the best use of the property and described how he would comply with the City's short-term rental policy.

Chair Edwards asked if anyone wished to speak in favor.

Tracy Ford, 1464 Hillview Avenue, stated she was in favor.

Chair Edwards asked if anyone wished to speak in opposition.

No one spoke.

Motion by Commissioner Laskowski, seconded by Commissioner Meyer, to close the public hearing.

Discussion followed regarding the regulation of short-term rental facilities.

Motion by Commissioner Meyer, seconded by Commissioner Gibson, to recommend approval to City Council regarding the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the “C-3” Commercial District addressed at 730 S. Mesquite Avenue. Motion carried (8-0-0).

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

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

(1) *Uses permitted by right:*

Residential uses:

- Accessory building/structure
- Accessory dwelling (one accessory dwelling per lot, no kitchen)
- Bed and breakfast inn (see Sec. 5.6)
- Boardinghouse/lodging house
- Community home (see definition)
- Duplex / two-family / duplex condominiums
- Family home adult care
- Family home child care
- Home Occupation (See Sec. 5.5)
- Multifamily (apartments/condominiums)
- One family dwelling, detached
- Rental or occupancy for less than one month (see Sec. 5.17)
- Residential use in buildings with the following non-residential uses
- Single family industrialized home (see Sec. 5.8)

Non-residential uses:

- Accounting, auditing, bookkeeping, and tax preparations
- Adult day care (no overnight stay)
- Adult day care (with overnight stay)
- Aircraft support and related services
- All terrain vehicle (ATV) dealer / sales
- Ambulance service (private)
- Amphitheater
- Amusement devices/arcade (four or more devices)
- Amusement services or venues (indoors) (see Sec. 5.13)
- Amusement services or venues (outdoors)
- Animal grooming shop
- Answering and message services
- Antique shop
- Appliance repair
- Armed services recruiting center
- Art dealer / gallery
- Artist or artisan's studio
- Assembly/exhibition hall or areas
- Athletic fields
- Auction sales (non-vehicle)
- Auto body repair, garages (see Sec. 5.11)
- Auto glass repair/tinting (see Sec. 5.11)
- Auto interior shop / upholstery (see Sec. 5.11)
- Auto leasing
- Auto muffler shop (see Sec. 5.11)
- Auto or trailer sales rooms or yards (see Sec. 5.12)
- Auto or truck sales rooms or yards - primarily new (see Sec. 5.12)
- Auto paint shop
- Auto repair as an accessory use to retail sales (see Sec. 5.11)
- Auto repair garage (general) (see Sec. 5.11)
- Auto supply store for new and factory rebuilt parts

Auto tire repair /sales (indoor)
 Automobile driving school (including defensive driving)
 Bakery (retail)
 Bank, savings and loan, or credit
 Bar/Tavern
 Barber/beauty college (barber or cosmetology school or college)
 Barber/beauty shop, haircutting (non-college)
 Barns and farm equipment storage (related to agricultural uses)
 Battery Charging station
 Bicycle sales and/or repair
 Billiard / pool facility
 Bingo facility
 Bio-medical facilities
 Book binding
 Book store
 Bottling or distribution plants (milk)
 Bottling works
 Bowling alley/center (see Sec. 5.13)
 Broadcast station (with tower) (see Sec. 5.7)
 Bus barns or lots
 Bus passenger stations
 Cafeteria / café / delicatessen
 Campers' supplies
 Car wash (self service; automated)
 Car wash, full service (detail shop)
 Carpet cleaning establishments
 Caterer
 Cemetery and/or mausoleum
 Check cashing service
 Chemical laboratories (not producing noxious fumes or odors)
 Child day care/children's nursery (business)
 Church/place of religious assembly
 Civic/conference center and facilities
 Cleaning, pressing and dyeing (non-explosive fluids used)
 Clinic (dental)
 Clinic (emergency care)
 Clinic (medical)
 Club (private)
 Coffee shop
 Commercial amusement concessions and facilities
 Communication equipment installation and/or repair
 Community building (associated with residential uses)
 Computer and electronic sales
 Computer repair
 Confectionery store (retail)
 Consignment shop
 Contractor's office/sales, with outside storage including vehicles
 Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)
 Convenience store with or without fuel sales
 Country club (private)
 Credit agency
 Curio shops
 Custom work shops
 Dance hall / dancing facility (see Sec. 5.13)
 Day camp

Department store
 Drapery shop / blind shop
 Drug sales/pharmacy
 Electrical repair shop
 Electrical substation
 Exterminator service
 Farmers market (produce market - wholesale)
 Farms, general (crops) (see Chapter 6, Municipal Code and Sec. 5.9)
 Farms, general (livestock/ranch) (see Chapter 6, Municipal Code and Sec. 5.9)
 Feed and grain store
 Filling station (fuel tanks must be below the ground)
 Florist
 Food or grocery store with or without fuel sales
 Fraternal organization/civic club (private club)
 Freight terminal, truck (all storage of freight in an enclosed building)
 Frozen food storage for individual or family use
 Funeral home/mortuary
 Furniture manufacture
 Furniture sales (indoor)
 Garden shops and greenhouses
 Golf course (miniature)
 Golf course, public or private
 Governmental building or use
 Greenhouse (commercial)
 Handicraft shop
 Hardware store
 Health club (physical fitness; indoors only)
 Heating and air-conditioning sales / services
 Heavy load (farm) vehicle sales/repair (see Sec. 5.14)
 Home repair and yard equipment retail and rental outlets (no outside storage)
 Hospice
 Hospital, general (acute care/chronic care)
 Hospital, rehabilitation
 Hotel/motel
 Hotels/motels - extended stay (residence hotels)
 Ice delivery stations (for storage and sale of ice at retail only)
 Kiosk (providing a retail service)
 Laundromat and laundry pickup stations
 Laundry, commercial (w/o self serve)
 Laundry/dry cleaning (drop off/pick up)
 Laundry/washateria (self serve)
 Lawnmower sales and/or repair
 Limousine / taxi service
 Locksmith
 Lumberyard (see Sec. 5.15)
 Lumberyard or building material sales (see Sec. 5.15)
 Maintenance/janitorial service
 Major appliance sales (indoor)
 Market (public, flea)
 Martial arts school
 Medical supplies and equipment
 Metal fabrication shop
 Micro brewery (onsite manufacturing and/or sales)
 Mini-warehouse/self storage units with outside boat and RV storage
 Mini-warehouse/self storage units (no outside boat and /RV storage permitted)
 Motion picture studio, commercial film

Motion picture theater (indoors)
 Motion picture theater (outdoors, drive-in)
 Motorcycle dealer (primarily new / repair)
 Moving storage company
 Moving, transfer, or storage plant
 Museum
 Needlework shop
 Non-bulk storage of fuel, petroleum products and liquefied petroleum
 Nursing/convalescent home/sanitarium
 Offices, brokerage services
 Offices, business or professional
 Offices, computer programming and data processing
 Offices, consulting
 Offices, engineering, architecture, surveying or similar
 Offices, health services
 Offices, insurance agency
 Offices, legal services - including court reporting
 Offices, medical offices
 Offices, real estate
 Offices, security/commodity brokers, dealers, exchanges and financial services
 Park and/or playground (private or public)
 Parking lots (for passenger car only) (not as incidental to the main use)
 Parking structure/public garage
 Pawn shop
 Personal watercraft sales (primarily new / repair)
 Pet shop / supplies (10,000 sq. ft. or less)
 Pet store (more than 10,000 sq. ft.)
 Photo engraving plant
 Photographic printing/duplicating/copy shop or printing shop
 Photographic studio (no sale of cameras or supplies)
 Photographic supply
 Plant nursery
 Plant nursery, with retail sales
 Plumbing shop
 Portable building sales
 Propane sales (retail)
 Public recreation/services building for public park/playground areas
 Publishing/printing company (e.g., newspaper)
 Quick lube/oil change/minor inspection
 Radio/television shop, electronics, computer repair
 Recreation Buildings (private or public)
 Recycling kiosk
 Refreshment/beverage stand
 Research lab (non-hazardous)
 Restaurant with drive-through
 Restaurant/prepared food sales
 Retail store and shopping center
 Retirement home/home for the aged (public)
 RV park
 RV/travel trailer sales
 School, K-12 (public or private)
 School, vocational (business/commercial trade)
 Security monitoring company
 Security systems installation company
 Shoe repair shops
 Sign manufacturing/painting plant

Storage - exterior storage for boats and recreational vehicles
 Storage in bulk
 Studio for radio or television (without tower)
 Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)
 Tailor shop
 Tattoo and body piercing studio
 Taxidermist
 Telemarketing agency
 Telephone exchange buildings (office only)
 Tennis court (commercial)
 Theater (non-motion picture; live drama)
 Tire sales (outdoors)
 Tool rental
 Transfer station (refuse/pick-up)
 Travel agency
 Truck Stop
 University or college (public or private)
 Upholstery shop (non-auto)
 Used or second hand merchandise/furniture store
 Vacuum cleaner sales and repair
 Veterinary hospital (with or without outside animal runs or kennels) with the exception that outdoor kennels may not be used between the hours of 9:00 p.m. and 7:00 a.m. and are prohibited adjacent to residential
 Video rental / sales
 Warehouse / office and storage / distribution center
 Waterfront amusement facilities - berthing facilities sales and rentals
 Waterfront amusement facilities - boat fuel storage / dispensing facilities
 Waterfront amusement facilities - boat landing piers / launching ramps
 Waterfront amusement facilities - swimming / wading pools / bathhouses
 Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system
 Welding shop
 Wholesale sales offices and sample rooms
 Woodworking shop (ornamental)

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

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

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

- (1) Non-residential uses.

(i) *Height.* 120 feet.

(ii) *Front building setback.* No building setback required.

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

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

- (v) *Residential setback.* Effective November 8, 2006, where a non-residential building abuts a one or two family use or zoning district, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
 - (vi) *Width of lot.* The minimum width of a lot shall be 60 feet, provided that where a lot has less width than required and such lot was in separate ownership prior to February 4, 1984, this requirements will not prohibit the construction of a use enumerated in this district.
 - (vii) *Lot depth.* 100 feet.
 - (viii) *Parking.* See Section 5.1 for permitted uses' parking.
- (2) One family dwellings.
- (i) *Height.* 45 feet.
 - (ii) *Front building setback.* 25 feet.
 - (iii) *Rear building setback.* 20 feet.
 - (iv) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.
 - (v) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
 - (vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet, provided that where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.
 - (vii) *Lot area.* Every single-family dwelling hereafter erected or altered shall have a lot area of not less than 6,600 square feet per family for interior lots, and 7,000 square feet per family for corner lots. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall not prohibit the erection of a one-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one half acre and one acre on the Edwards Aquifer Recharge Zone.
 - (viii) *Lot depth.* 100 feet.
 - (ix) *Parking.* Two off-street parking spaces shall be provided for each one-family detached dwelling. See Section 5.1 for other permitted uses' parking.
- (3) Duplexes.
- (i) *Height.* 45 feet.
 - (ii) *Front building setback.* 25 feet.
 - (iii) *Rear building setback.* 20 feet.

- (i) *Side building setbacks.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.
 - (v) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
 - (vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet
 - (vii) *Lot area.* Duplexes hereafter erected or altered shall have a lot area of not less than 8,000 square feet for an interior lot and 8,500 square feet for a corner lot. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall prohibit the erection of a two-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one acre and approved by the City Sanitarian.
 - (viii) *Lot depth.* 100 feet.
 - (ix) *Parking.* Two off-street parking spaces shall be provided for each two-family dwelling unit. See Sec. 5.1 for other permitted uses' parking.
- (4) Multifamily dwellings.
- (i) *Height.* 45 feet; 60 feet when a pitched roof is used (minimum 4:12 slope).
 - (ii) *Front building setback.* 25 feet.
 - (iii) *Rear building setback.* 25 feet.
 - (iv) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.
 - (v) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
 - (vi) *Residential setback.* Effective November 8, 2006, where a multifamily dwelling abuts a one or two family use or zoning district, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
 - (vii) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet, provided that where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.

- (viii) *Lot area.* The minimum lot area for a multifamily dwelling shall be 15,000 square feet; for each unit over ten an additional 1,500 square feet of lot area shall be required. Where public or community sewer is not available and in use, for the disposal of all sanitary sewage, multifamily developments shall be approved by the City Sanitarian.
- (ix) *Lot coverage.* For multifamily structures, the combined area of all yards shall be at least 55 percent of the total lot or tract; provided, however, that in the event enclosed parking is provided the minimum total yard area requirement shall be 40 percent of the total lot or tract.
- (x) *Distance between structures.* For multifamily structures, there shall be a minimum of ten feet between structures side by side; a minimum of 20 feet between structures side by front or rear; a minimum of 40 feet between structures front to front; and a minimum of ten feet between structures backing rear to rear, and a minimum of 20 feet front to rear. (See Illustration 1 in Sec. 3.3-3)
- (xi) *Lot depth.* 100 feet.
- (xii) *Parking.* For apartments, apartment hotel units and other multifamily dwellings, off-street parking spaces shall be provided in accord with the following schedule:
 1. One-bedroom apartment or unit . . . 1 1/2 spaces
 2. Two-bedroom apartment or unit . . . 2 spaces
 3. Each Additional bedroom . . . 1/2 space
 4. Each dwelling unit provided exclusively for low income elderly occupancy . . . 3/4 space ("Low income elderly" is defined as any person 55 years of age or older with low or moderate income, according to HUD standards.)

3.6. *Special Use Permits.*

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

Types of Special Use Permit:

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

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

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

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

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

- (5) Screening and buffering, features to minimize visual impacts, and/or set-backs from adjacent uses;
 - (6) Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - (7) Required yards and open space;
 - (8) Height and bulk of structures;
 - (9) Hours of operation;
 - (10) Paving of streets, alleys, and sidewalks,
 - (11) Provisions for drainage,
 - (12) Exterior construction material and building design; and
 - (13) Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.
- (e) *Public health, safety, convenience and welfare.* The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.

3.6-4. *Procedures for special use permit (SUP).* Granting of an SUP is considered zoning and as such, all the procedures for changing a zoning district apply to an application for an SUP. After a public hearing and upon the recommendation of the Planning Commission, the City Council may approve, deny or modify the site plan and issue a special use permit containing such requirements and safeguards as necessary to protect adjoining property, including conditions addressing the standards in Section 3.6-3(d).

3.6-5. *Revocation.* The SUP for a Type 1 permit may be considered for revocation if a use other than the use approved in the SUP or in the underlying zoning district is developed or other stated requirements are not met. The SUP for a Type 2 permit may be considered for revocation for the following reasons:

- (a) Construction is not begun within five years of the date of approval of the permit.
- (b) Progress toward completion is not being made. Progress toward completion includes the following:
 - (1) An application for a final plat is submitted;
 - (2) A good faith effort is made to file with a regulatory agency an application for a permit necessary to begin or continue completion of the project;
 - (3) Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of 5% of the most recent appraised market value of the real property on which the project is located;
 - (4) Security is posted with the city to ensure performance of an obligation required by the city; or

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

5.17. *Short term rental or occupancy.*

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

5.17-2 *Definitions:*

"Adult" means an individual 17 years of age or older.

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

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

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

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

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

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

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

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

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

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

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

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

5.17-3 Applicability.

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

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

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

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

(e) *Conduct on premises.*

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

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

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

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

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

5.17-5 *Short Term Rental Permit.*

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

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

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

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

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

5.17-7 Enforcement/Penalty.

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

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

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

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

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

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW SHORT TERM RENTAL OF A SINGLE-FAMILY DWELLING IN THE “C-3” COMMERCIAL DISTRICT, ON 0.139 ACRES OUT OF THE JOHN THOMPSON SURVEY NO. 21 ABSTRACT 608, ADDRESSED AT 730 S. MESQUITE AVENUE; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

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

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

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

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

WHEREAS, the City Council desires to grant a Type 2 Special Use Permit for 0.139 acres out of the John Thompson Survey No. 21, Abstract 608, addressed at 730 S. Mesquite Avenue, to allow the short-term rental of a single-family dwelling in the “C-3” Commercial District; **now therefore**,

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

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by adding the following described tract of land as a "Special Use Permit" for the uses and conditions herein described:

“Being 0.139 acres out of the John Thompson Survey No. 21, Abstract 608, addressed at 720 S. Mesquite Avenue, as delineated in Exhibit ‘A’ and described in Exhibit ‘B’ attached, to allow the short-term rental of a single-family dwelling in the “C-3” Commercial District.”

SECTION 2

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

1. The applicant will complete construction of the paved driveway on Mesquite Avenue.
2. The residential character of the building must be maintained.
3. The property will remain in compliance with the approved site plat attached as Exhibit 'C'. Any significant changes to the site plan will require a revision to the SUP.

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 24th day of September, 2018.

PASSED AND APPROVED: Second Reading this the 8th day of October, 2018.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



PZ-18-026
730 S. Mesquite Ave.
SUP to Short Term Rentals in C-3

Property (including any improvements):

All that certain tract or parcel of land containing 0.139 of an acre of land, more or less, out of the John Thompson Survey No. 21, Abstract No. 608, City of New Braunfels, Comal County, Texas, further being the same land, as surveyed and found on the ground on May 18, 2016, as that certain 0.139 of an acre parcel described in Document No. 200606022161 of the Official Public Records of Comal County, Texas; Said 0.139 of an acre parcel being more particularly described by metes and bounds in Exhibit "A" which is attached to this instrument and made a part of it by reference for all purposes.

EXHIBIT "A"

All that certain tract or parcel of land containing 0.139 of an acre of land, more or less, out of the John Thompson Survey No. 21, Abstract No. 608, City of New Braunfels, Comal County, Texas, further being the same land, as surveyed and found on the ground on May 18, 2016, as that certain 0.139 of an acre parcel described in Document No. 200606022161 of the Official Public Records of Comal County, Texas; Said 0.139 of an acre parcel being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8 inch rebar found at the intersection of the southwesterly right-of-way line of S. Mesquite Avenue and the southeasterly right-of-way line of Hillview Avenue for the most northerly corner and POINT OF BEGINNING of this parcel;

THENCE with said right-of-way line of S. Mesquite Avenue, South 25 deg 02' 00" East (basis of bearings (obtained from said Document No. 200606022161)), a distance of 71.94 feet (called South 25 deg 02' 00" East, 72.10 feet) to a 1/2 inch rebar found for the most easterly corner of this parcel, same being the most northerly corner of the Ayala parcel described in Document No. 200206040392 of said Official Public Records;

THENCE departing said right-of-way line and with the common line of this parcel with said Ayala parcel, South 64 deg 47' 27" West, a distance of 90.04 feet (called South 64 deg 10' 15" West, 89.54 feet to the exterior corner of a concrete curb found for the most southerly corner of this parcel, same being the most westerly corner of said Ayala parcel and being located in the northeasterly line of the Florentina parcel described in Document No. 200306013117 of said Official Public Records;

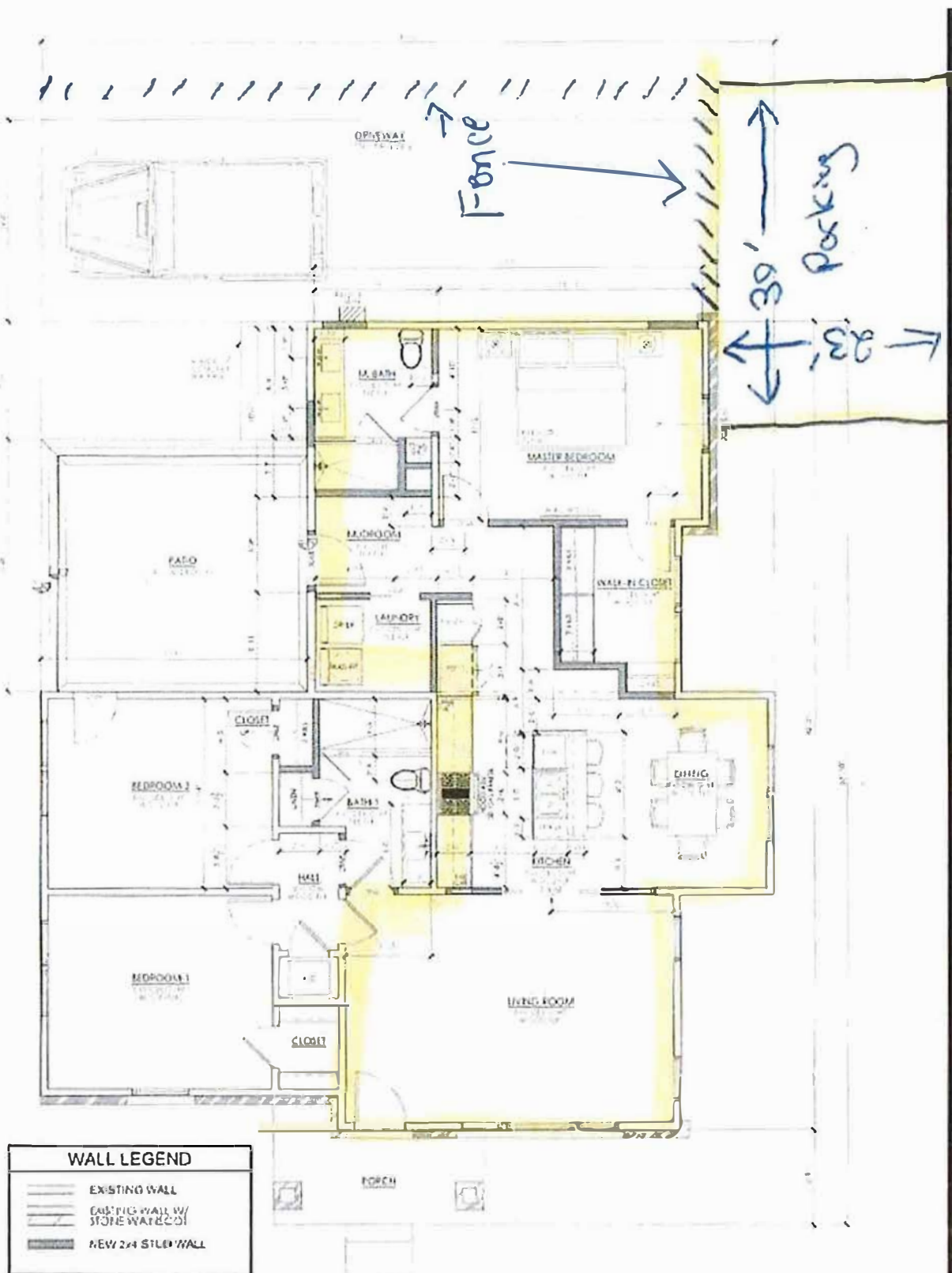
THENCE with the common line of this parcel with said Florentina parcel, North 25 deg 57' 06" West, a distance of 61.54 feet (called North 26 deg 21' 40" West, 62.20 feet) to a 1/2 inch rebar set (capped "RPLS 4907") on the aforementioned right-of-way line of Hillview Avenue for the most westerly corner of this parcel, same being the most northerly corner of said Florentina parcel;

THENCE with said right-of-way line, North 58 deg 16' 15" East, a distance of 91.65 feet (called North 57 deg 58' 20" East, 91.65 feet) to the POINT OF BEGINNING and containing 0.139 of an acre of land, more or less.

Filed and Recorded
 Official Public Records
 Bobbie Koepf, County Clerk
 Comal County, Texas
 07/12/2016 04:15:52 PM
 CHRISTY 3 Page(s)
 201606027715



Bobbie Koepf



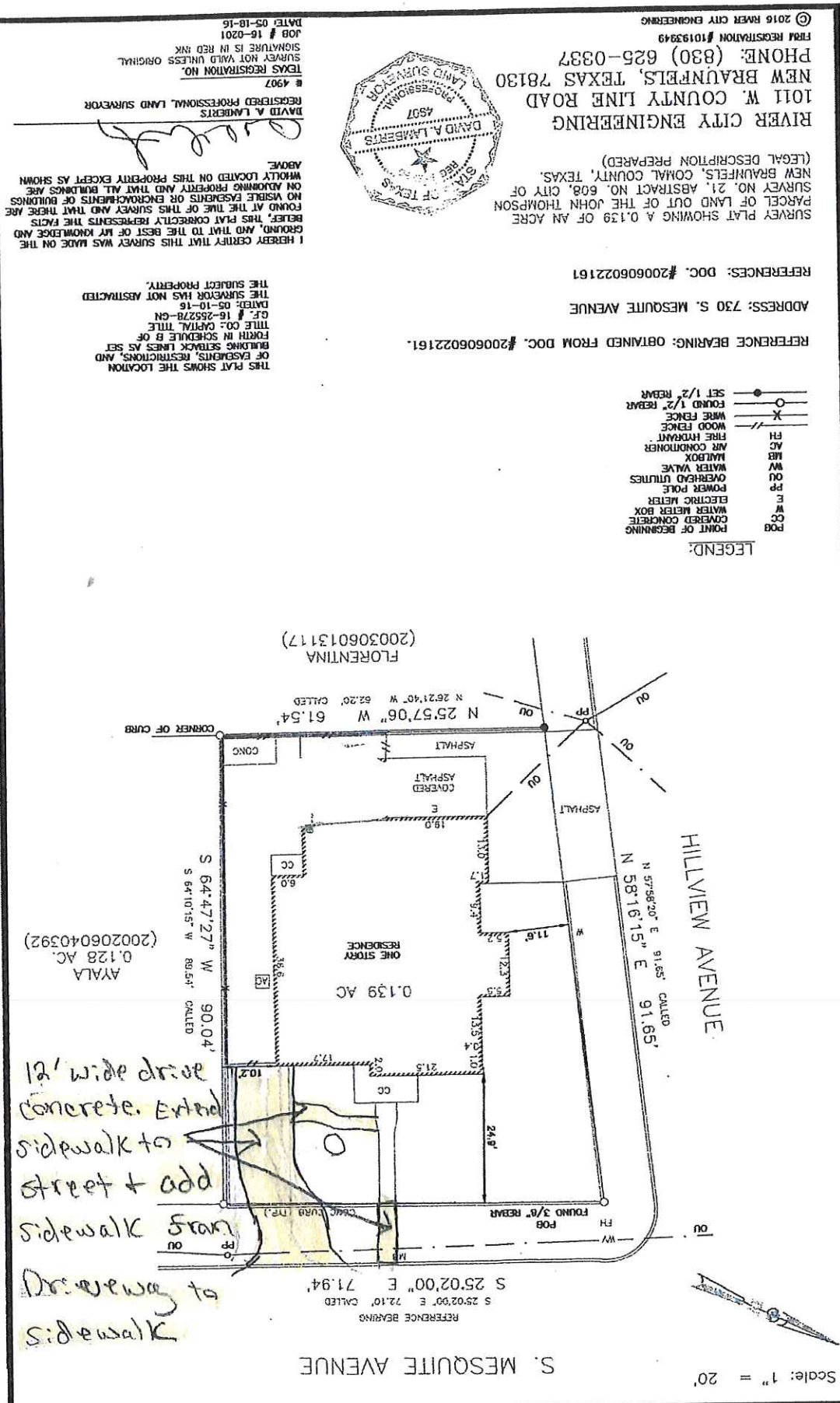
HUDSON RESIDENCE INTERIOR REMODEL

730 S. MESQUITE AVE.
NEW BRAUNFELS, TEXAS 78130

SHEET TITLE:
EXISTING/DEMO &
PROPOSED FLOOR
PLANS

JOB: HUDSON
SCALE: AS SHOWN
DATE: 9/14/10
DRAWN BY: PDM

A-1.0





City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. F)

Presenter

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

SUBJECT:

Public hearing and first reading of an ordinance regarding the proposed rezoning to apply a Special Use permit to allow short-term rental of a single-family residence in the "R-3" Multifamily District addressed at 274 N. Liberty Avenue.

BACKGROUND / RATIONALE:

Case No.: PZ-18-030

Council District: 5

Owner/Applicant: Meadows Investments, LLC (B. M. Adams)
174 Hidden Meadows Drive
New Braunfels, TX 78132
(830) 608-4901
sea7@satx.rr.com

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

The subject property is located on North Liberty Avenue, between Main and Commerce Streets, and across from Schlitterbahn Waterpark. The property is approximately 15,000 square feet in area and, according to the appraisal district, contains a 1,160 square foot residential structure built in 1920.

The property is zoned "R-3" Multifamily District which allows rental or occupancy for less than one month. However, the structure is a single-family dwelling which requires approval of a Special Use Permit (SUP) before it can be used as a short-term rental. If the SUP is approved, an administrative Short Term Rental Permit is also required prior to first rental along with annual fire inspections.

The applicants recently purchased the property, which is in a state of disrepair. They indicate the existing structure will be rehabilitated into a three-bedroom, one-bath dwelling, which would allow a maximum occupancy of 10 adults for a short-term rental. Minimum required off-street parking is one space per sleeping area (3), with a maximum of 4 spaces. The applicant's site plan includes 4 parking spaces that will be paved with concrete or asphalt.

There are a number of short-term rental properties in the area, including three residential structures across the street that belong to Schlitterbahn.

General Information:

Size: = 15,450 square feet (0.355 acres)

Surrounding Zoning and Land Use:

North - R-3/Single-family residence

South - R-3/ Single-family residence with short term rental

East - C-1/ Retail, professional office

West - Across Liberty, C-4/ Schlitterbahn Waterpark

Comprehensive Plan / Future Land Use Designation:

Commercial

- New Braunfels Sub Area
- Close proximity to a Scenic River Corridor
- Near an existing Outdoor Recreation Center and Tourism/Entertainment Center

Floodplain:

No portion of the property is located within the 1% chance (100-year) floodplain.

Improvement(s):

Single-family residence

Determination Factors:

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

- Whether the permitted uses will be appropriate in the immediate area and their relationship to the area and to the City as a whole *(The subject property is zoned R-3 in an area of mixed commercial and residential uses. The property is located across Liberty Avenue from Schlitterbahn and in close proximity to Prince Solms Park, Christus Santa Rosa Hospital, and the Downtown Historic District.);*
- 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 use of this property as a short term rental will be subject to the supplemental standards as required in Section 5.17 of the Zoning Ordinance. These standards help to ensure that proper measures are in place to protect public health and to encourage appropriate use of the property. Structural repairs and improvements planned for the property should benefit the neighborhood as a whole.);* and
- Whether the request is consistent with the Comprehensive Plan. *(The Comprehensive Plan identifies the subject property as lying in close proximity to a Scenic River Corridor (Comal River) and existing Outdoor Recreation and Tourist/Entertainment Centers.)*

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

- An administrative Short-Term Rental Permit is required, and annual inspections are required in addition to the SUP;

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

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

Yes	City Plan/Council Priority: Envision New Braunfels Pros and Cons Based on Policies Plan	Pros: <i>Action 3.3 Balance commercial centers with stable neighborhoods.</i> The subject property is in an area of mixed commercial and residential uses. Authorized short term rentals can provide a balance in transition neighborhoods such as this due to potential impacts being managed through the SUP process and associated development standards. Action 1.14 <i>Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions.</i> Use of the subject property for a Short Term Rental will create a flexible lodging option near Schlitterbahn and the Christus Santa Rosa Hospital.
		Cons: None

FISCAL IMPACT:

If approved, the property will be subject to state and local hotel occupancy tax (HOT). The property owner will be responsible for remitting the local portion of taxes to the City as specified by the Finance Department.

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on September 5, 2018 and recommended approval of the applicant's request with staff recommended conditions. (7-1-0 with Commissioner Sonier absent).

STAFF RECOMMENDATION:

Staff recommends approval of the applicant's requested rezoning. The proposed use of the property will complement the mixed uses in the area while improving the property and maintaining a residential appearance. The proposal would also be in accordance with the Comprehensive Plan. Staff's recommendation includes the following conditions:

1. The applicant will obtain building permits and complete necessary repairs to make the

structure safe to occupy.

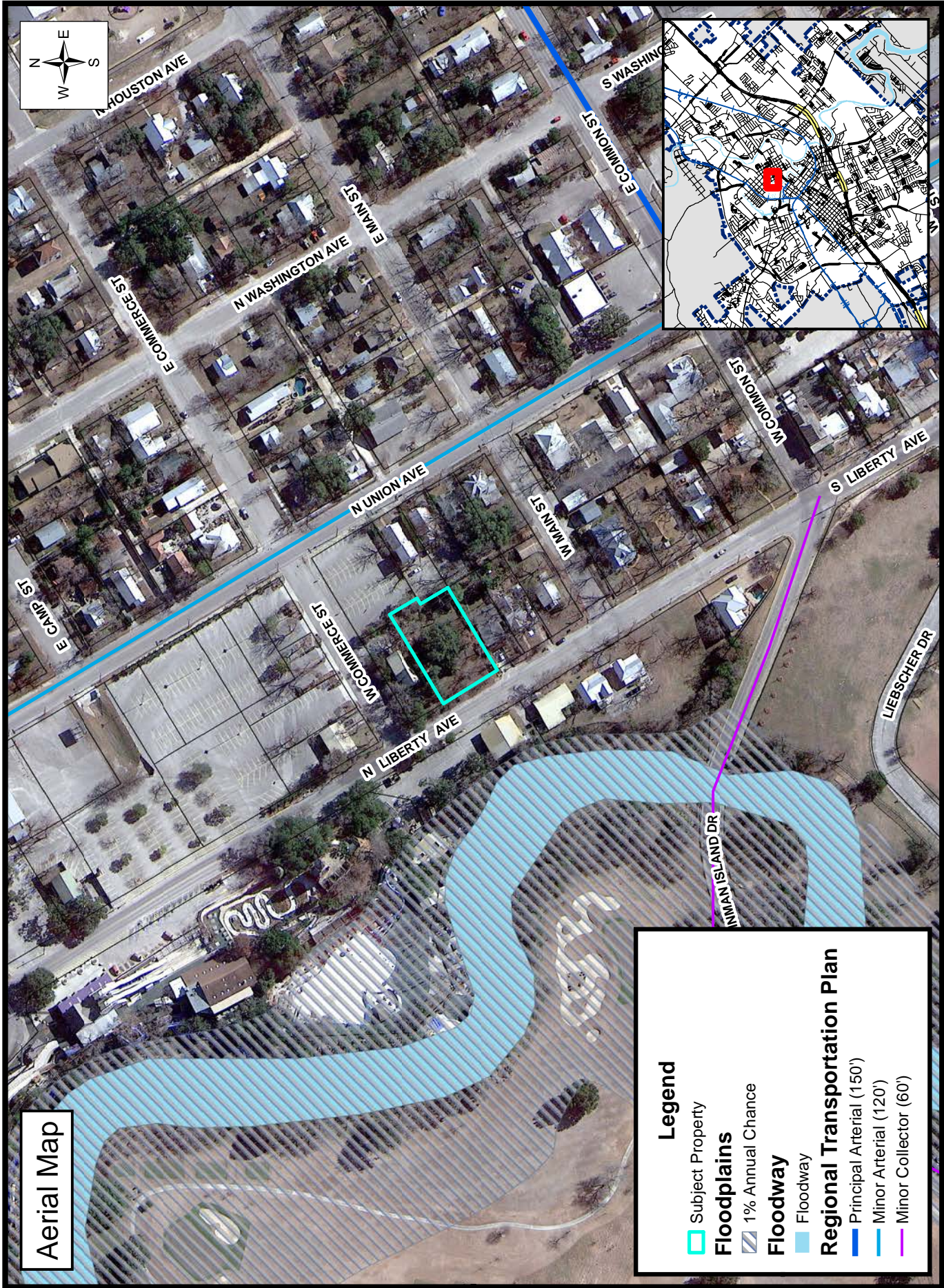
2. The residential character of the property must be maintained.
3. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.

Notification:

Public hearing notices were sent to 12 owners of property within 200 feet of the request. The Planning Division has received seven responses in favor (#1, 2, 3, 4, 10, 11, 12) and none in objection.

ATTACHMENTS:

1. Aerial, Regional Transportation Plan Map
2. Application
3. Land Use Maps (Zoning, Existing and Future Land Use, Short-term Rental)
4. Site Plan and Floor Plan
5. Notification and Responses
6. Photographs
7. Draft Minutes from Planning Commission
8. Ordinances Sections:
 - Sec. 3.3-3 "R-3" Multifamily District
 - Sec. 3.6 Special Use Permits
 - Sec. 5.17 Short Term Rentals
9. Ordinance



Map Created: 8/6/2018

PZ-18-030
274 N. Liberty
SUP to allow Short Term Rentals in R-3



Planning & Community Development Department
Planning Division

550 Landa St. New Braunfels, Tx 78130
(830) 221-4050 www.nbtexas.org

Cash/Check No.: <u>102</u>	Case No.: <u>P2-18-030</u>
Amount Recd. \$ <u>1,563</u>	
Receipt No.: <u>215303</u>	
RECEIVED AUG 01 2018 BY: <u> </u> Submittal date - office use only	

Special Use Permit Application to Allow Short Term Rental

Any application that is missing information will be considered incomplete and will not be processed.

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: Meadows Investments LLC
Mailing Address: 174 Hidden Meadows Dr.
Telephone: 830-608-4901 Fax: Mobile: 830-608-4901
Email: Sea7@satx.rr.com

2. Property Address/Location: 274 N. Liberty Ave.

3. Legal Description:
Name of Subdivision:
Lot(s): 2, 3, and W 9' of 11 Block(s): 5068 Acreage: .1825

4. Existing Use of Property: residential

5. Current Zoning: R3

*Please note Short Term Rentals are prohibited in the following residential districts, & a Special Use Permit could not be requested:

- R-1 • ZH • TH • R-1A-43.5 • R-1A-8 • R-2A • B-1B
- R-2 • ZH-A • B-1 • R-1A-12 • R-1A-6.6 • B-1A • TH-A

6. Proposed Special Use Permit*: Type 1 ✓ OR Type 2

*see page 4 for information regarding Type 1 and Type 2 Special Use Permits


7. Explain how the proposed Short Term Rental use will be well suited for the neighborhood (attach additional or supporting information if necessary): Neighborhood around
274 N. Liberty has multiple STR homes. Home
has STR on both sides and across street.
Rental will be great addition to neighborhood.

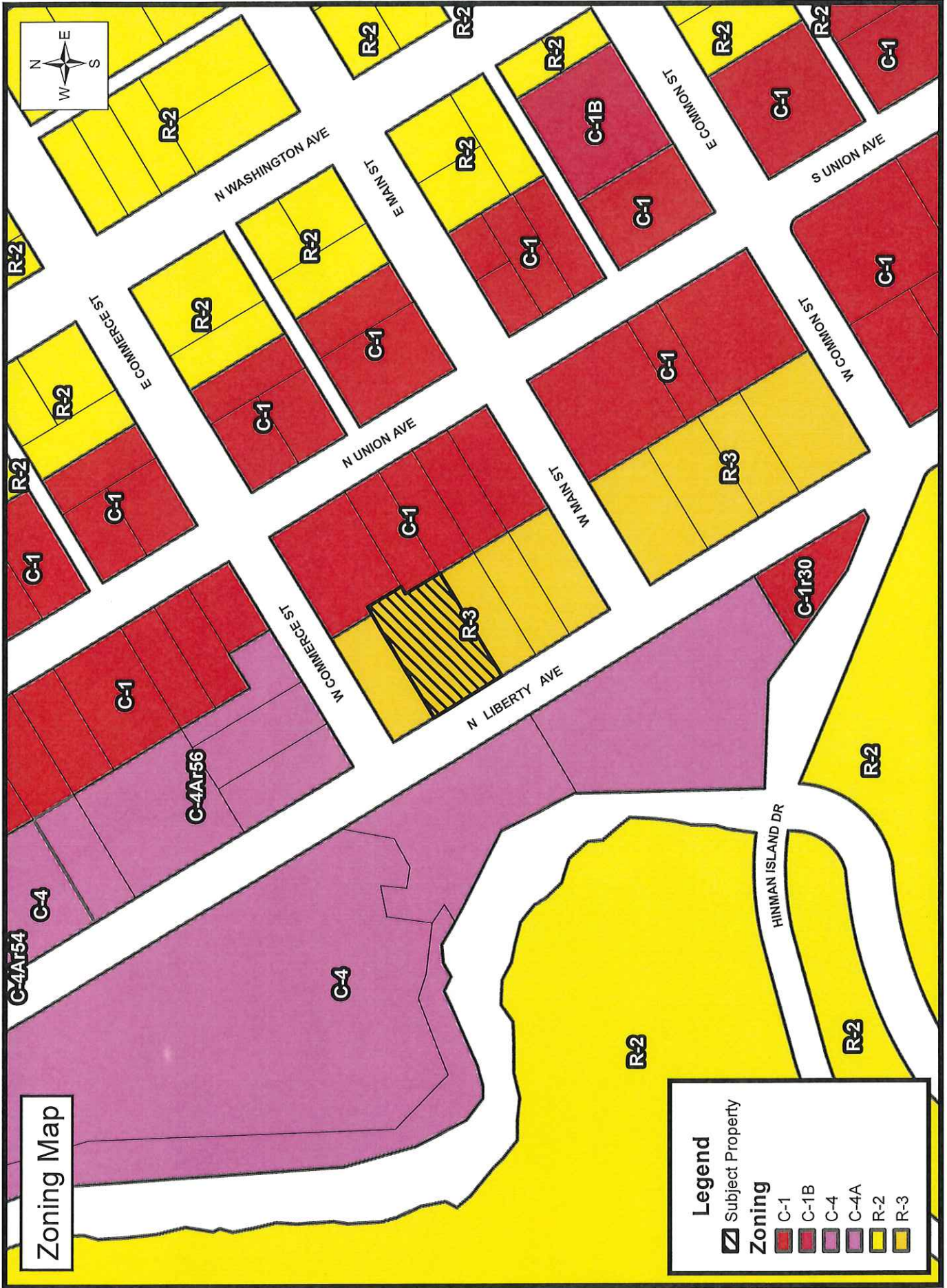
SUBMITTAL CHECKLIST:

STAFF: <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPLICANT: <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>A survey and/or metes and bounds description of the property with an exhibit illustrating property boundaries <i>(if property is not platted)</i>.</p> <p>Letter of Authorization for appointed agent <i>(if applicable)</i>.</p> <p>Map of property in relation to City limits/major roadways or surrounding area.</p> <p>Copy of deed showing current ownership.</p> <p>Floor plan with the following information:</p> <table border="0"> <tr> <td><input checked="" type="checkbox"/> Layout of the building</td> <td><input checked="" type="checkbox"/> Sleeping areas</td> </tr> <tr> <td><input checked="" type="checkbox"/> Dimensions of each room</td> <td><input checked="" type="checkbox"/> Doors and windows</td> </tr> <tr> <td><input checked="" type="checkbox"/> Room Labels (kitchen, bathroom, dining room, garage, etc.)</td> <td></td> </tr> </table> <p>(Type 2) Development/site plan with the following information: (*Please note: Additional information may be requested.)</p> <table border="0"> <tr> <td><input type="checkbox"/> Drawn to scale</td> <td><input type="checkbox"/> Location of all buildings</td> </tr> <tr> <td><input type="checkbox"/> North arrow</td> <td><input type="checkbox"/> Number of parking spaces (parking calculation table required)</td> </tr> <tr> <td><input type="checkbox"/> Property lines</td> <td><input type="checkbox"/> Dimensions of parking space and maneuvering space</td> </tr> <tr> <td><input type="checkbox"/> Adjacent street names</td> <td><input type="checkbox"/> Driveways (means of ingress/egress)</td> </tr> </table> <p>Application Fee: \$ _____</p> <p style="text-align: center;">\$1,500 + (_____ acres x \$100) = \$ _____ (max. \$4,000)</p> <p>Technology Fee: \$ _____</p> <p style="text-align: center;">3% of application fee → \$ _____ (application fee) x .03 = \$ _____</p> <p>Public Hearing Newspaper Notice: \$236 (\$115 each for Planning Commission and City Council + 3% technology fee)</p> <p>Public Hearing Mail Notifications and Signage. *Please note: The total fee will be calculated by Staff after application submittal based on the quantity of mailed notices and signs and must be paid when sign(s) are picked up by the applicant when sign(s) are picked up by the applicant.</p>	<input checked="" type="checkbox"/> Layout of the building	<input checked="" type="checkbox"/> Sleeping areas	<input checked="" type="checkbox"/> Dimensions of each room	<input checked="" type="checkbox"/> Doors and windows	<input checked="" type="checkbox"/> Room Labels (kitchen, bathroom, dining room, garage, etc.)		<input type="checkbox"/> Drawn to scale	<input type="checkbox"/> Location of all buildings	<input type="checkbox"/> North arrow	<input type="checkbox"/> Number of parking spaces (parking calculation table required)	<input type="checkbox"/> Property lines	<input type="checkbox"/> Dimensions of parking space and maneuvering space	<input type="checkbox"/> Adjacent street names	<input type="checkbox"/> Driveways (means of ingress/egress)
<input checked="" type="checkbox"/> Layout of the building	<input checked="" type="checkbox"/> Sleeping areas															
<input checked="" type="checkbox"/> Dimensions of each room	<input checked="" type="checkbox"/> Doors and windows															
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<input type="checkbox"/> Property lines	<input type="checkbox"/> Dimensions of parking space and maneuvering space															
<input type="checkbox"/> Adjacent street names	<input type="checkbox"/> Driveways (means of ingress/egress)															

Please note: The signature indicates that the owner or an authorized agent has reviewed the requirements of this application and attached checklist, and all items on this checklist have been addressed and complied with. The owner/authorized agent understands that an incomplete application will **not** be accepted, and this application will **not** be accepted after the 4 p.m. deadline on an application deadline date, as outlined on the calendar attached to this application. The signature authorizes City of New Braunfels staff to visit and inspect the property for which this application is being submitted.

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

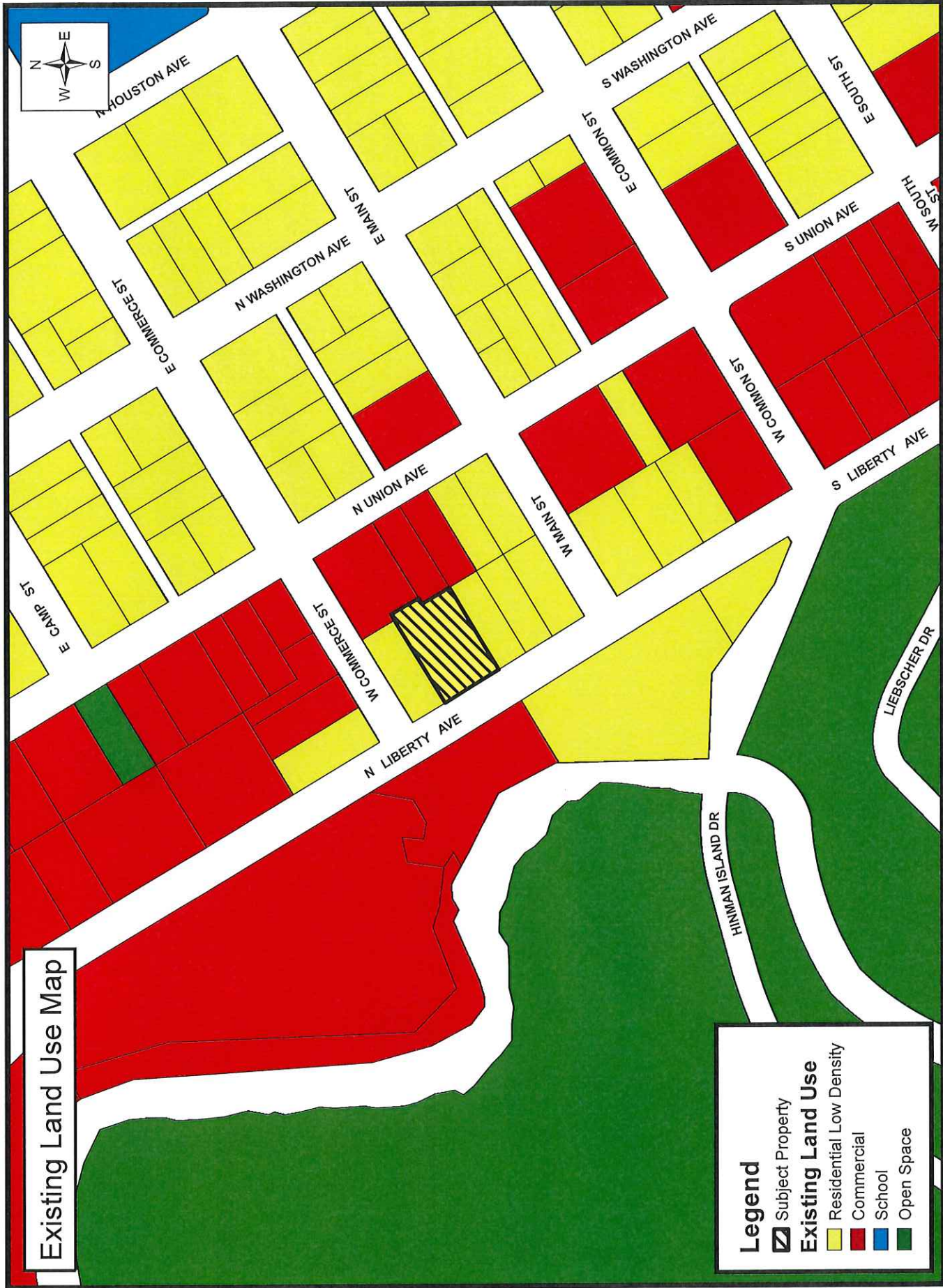
B.M. Adams 830.608.4901 sea1@satx.rr.com
 Owner's Name (Printed) Phone Number Email
 1741 Hidden Meadows Dr. New Braunfels, TX 78132
 Owner's Mailing Address

 Signature of Owner 08.01.18
 Date



Map Created: 8/21/2018

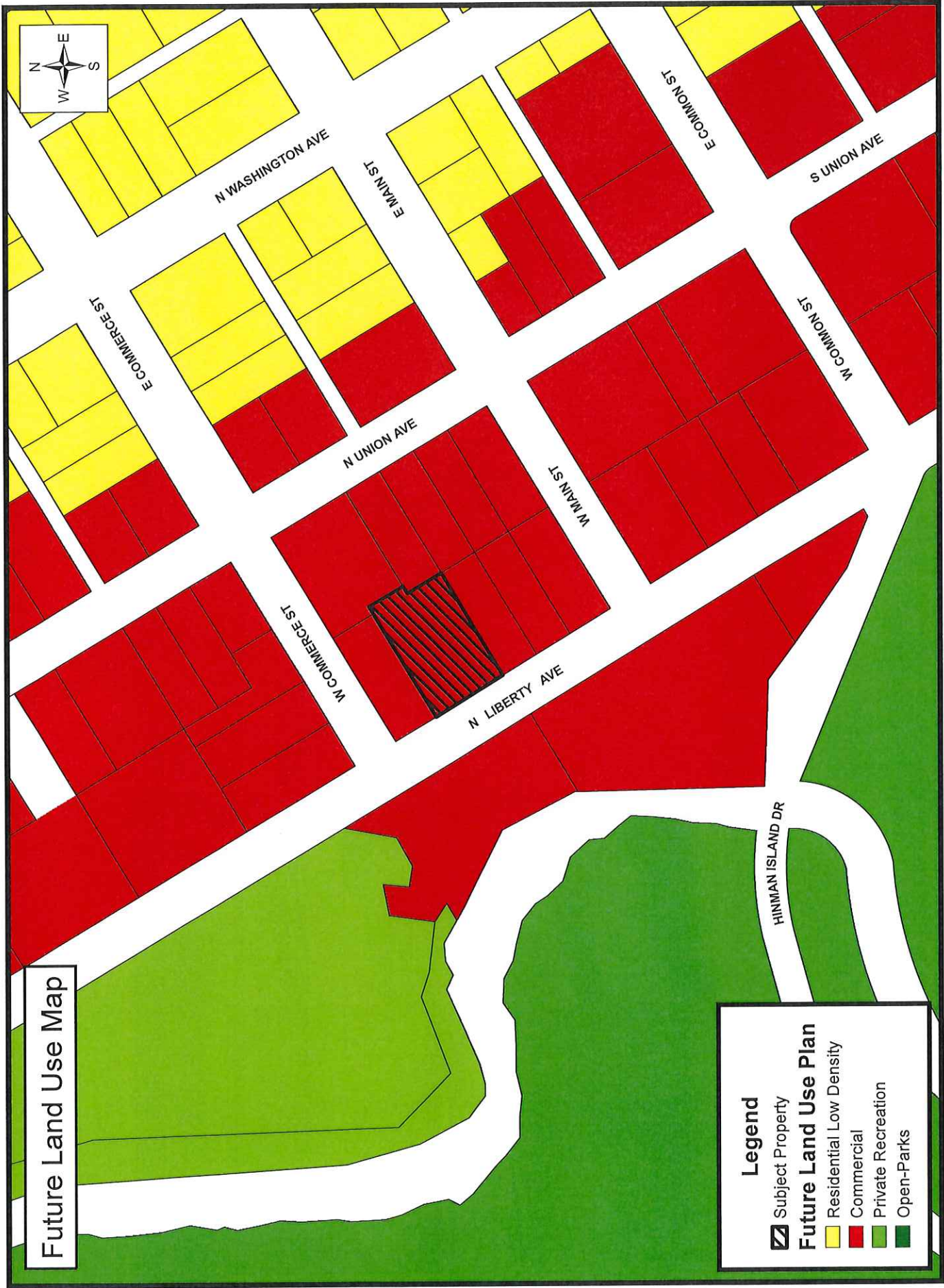
PZ-18-030
274 N. Liberty
SUP to allow Short Term Rentals in R-3





Map Created: 8/21/2018

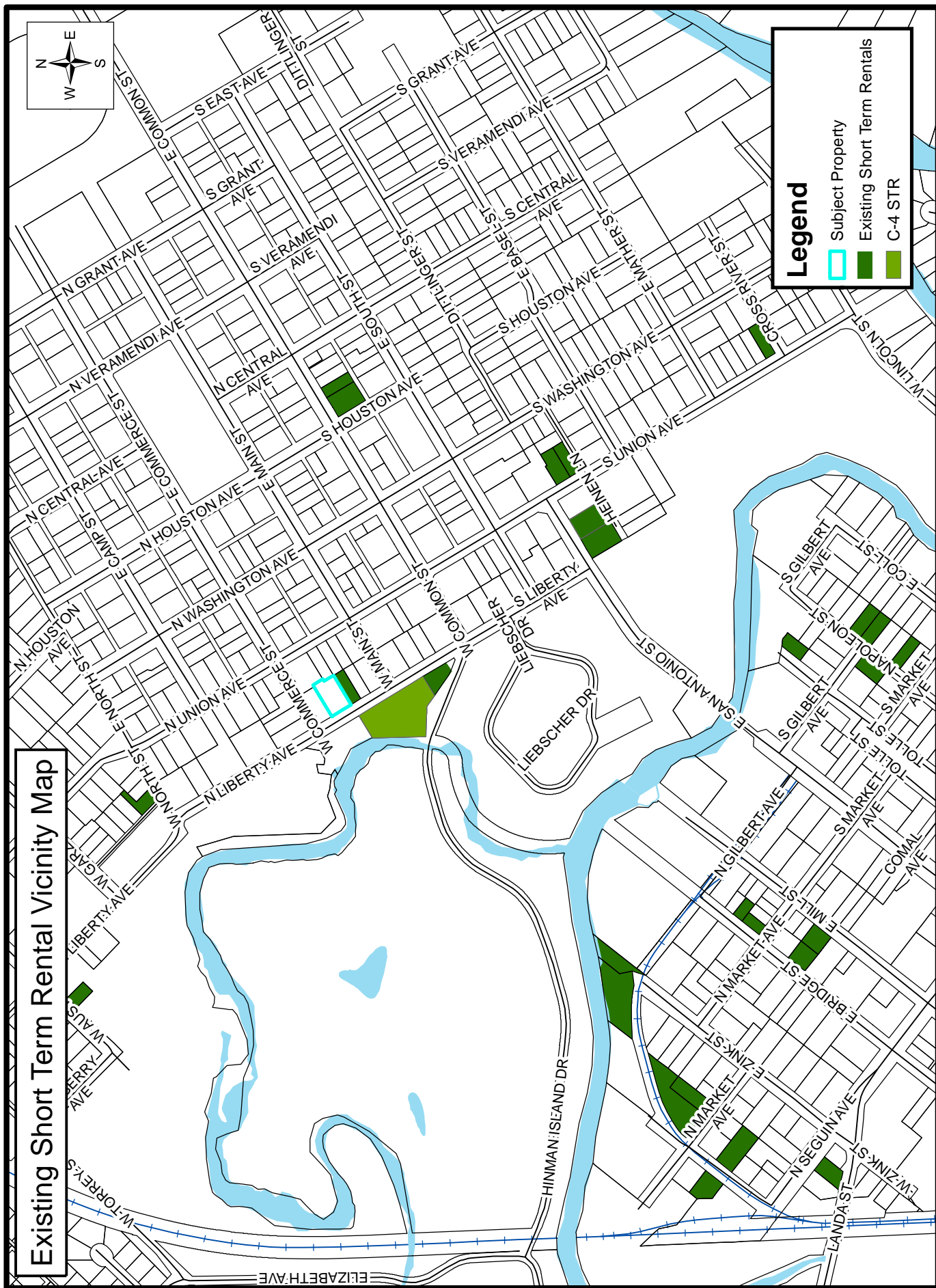
PZ-18-030
274 N. Liberty
SUP to allow Short Term Rentals in R-3

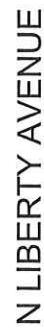


Map Created: 8/21/2018

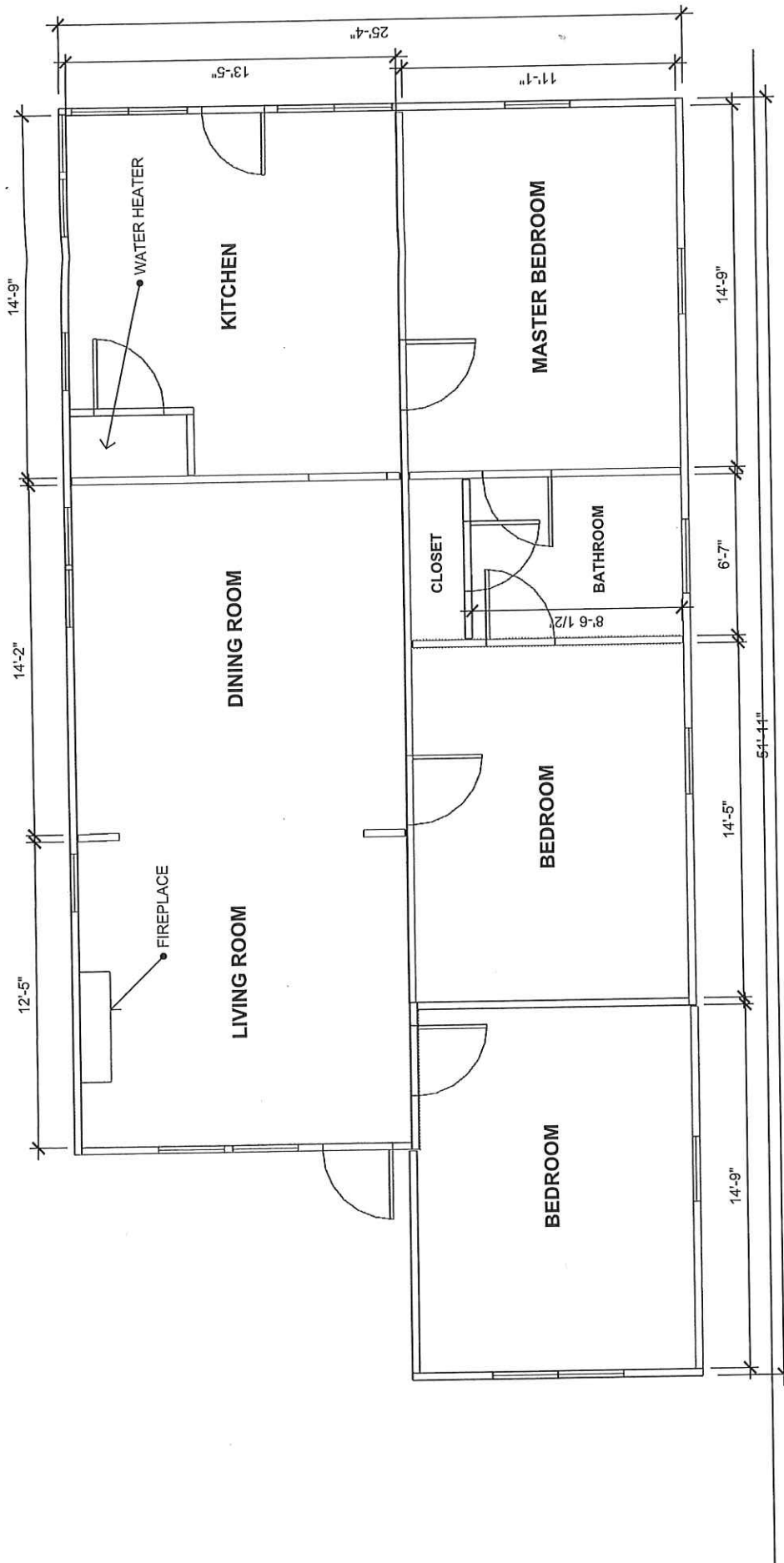
PZ-18-030
274 N. Liberty
SUP to allow Short Term Rentals in R-3







OCCUPANCY	PARKING SPACE	PARKING ANGLE	STALL DEPTH	STALL WIDTH	STALL ACCESS
1	1	0	20'	12'	29'
2	2	0	20'	12'	29'
3	3	0	20'	12'	29'
+1	4	0	20'	12'	29'



Geo ID No: 50000039700 Property ID No: 2766 Legal Description: CITY BLOCK 5068, LOT 2, 3 & W 9' LOT 11		CLIENT ADAMS	PROJECT LIBERTY STREET	PROJECT NO. 201.810.01	ISSUE 07.29.18	DRAWN BY DC	DESCRIPTION FLOORPLAN	323 DESIGN & BUILD
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PLANNING COMMISSION – SEPTEMBER 5, 2018 – 6:00PM

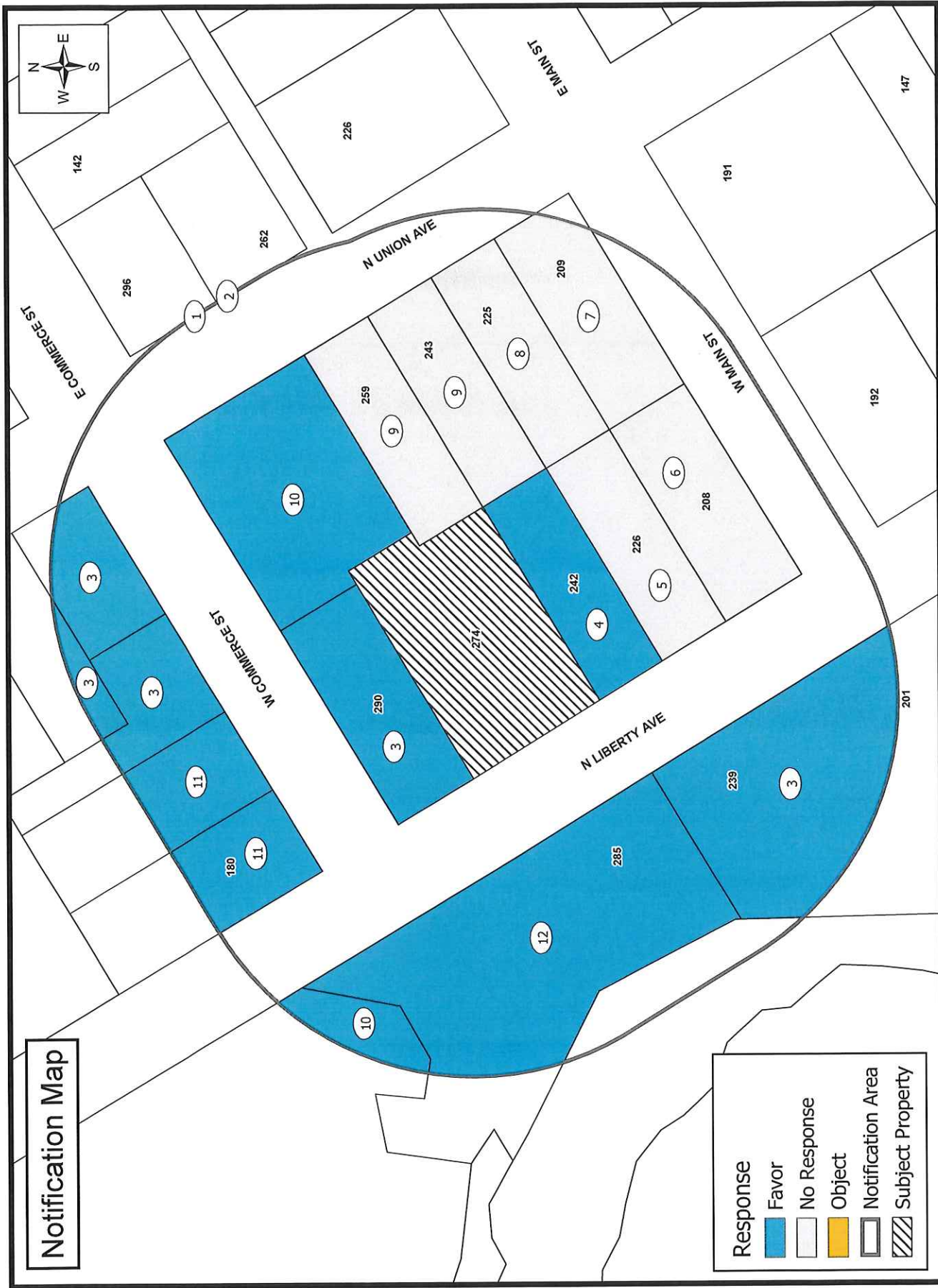
New Braunfels City Hall Council Chambers

Applicant/Owner: Meadows Investments, LLC**Address/Location:** 274 N. Liberty Ave.**PROPOSED SPECIAL USE PERMIT – CASE #PZ-18-030**

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 KANZ HELEN | 10 BAD SCHLOSS INC |
| 2 MAYER JOANN | 11 HENRY WALNUT LTD |
| 3 LIBERTY PARTNERSHIP LTD | 12 PROPERTY OWNER |
| 4 GRIFFITH JAMES D & SUSAN Y | |
| 5 VERTUCCI ROBERT D | |
| 6 CLARKSON SHANNON R B & TIMOTHY G | |
| 7 SOLIS G KURT & SHIRLEY J | |
| 8 KOEHLER DOROTHY | |
| 9 TEXCAL LAND COMPANY LTD | |

SEE MAP



Map Created 8/7/18

PZ-18-030
274 N. Liberty
SUP to allow Short Term Rentals in R-3



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-030 (MEADOWS INVESTMENTS LLC) (HM)

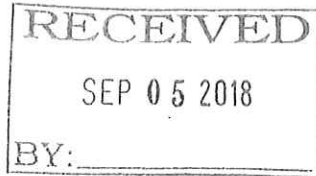
Name: Helen KartzAddress: 296 N. Union AveProperty number on map: 1

Comments: (Use additional sheets if necessary)

I favor: ✓

I object: _____

(State reason for objection)

Signature: JoAnn Mayer POA

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-030 (MEADOWS INVESTMENTS LLC) (HM)

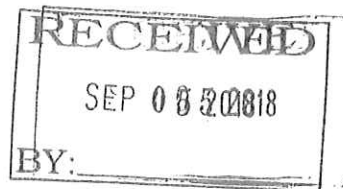
Name: Jo Ann MayerAddress: 262 N. Union AveProperty number on map: 2

Comments: (Use additional sheets if necessary)

I favor: ✓

I object: _____

(State reason for objection)

Signature: JoAnn Mayer

243
YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-030 (MEADOWS INVESTMENTS LLC) (HM)

Name: JAMES D & SUSAN Y. GRIFFITH

Address: 242 N. LIBERTY AVE

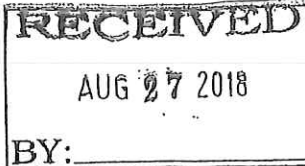
Property number on map: 4

I favor: ✓

I object: _____

(State reason for objection)

Comments: (Use additional sheets if necessary)



Signature: J. David Griffith

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-030 (MEADOWS INVESTMENTS LLC) (HM)

Name: Gary Henry

Address: 290 Liberty NB 78130

Property number on map: 3

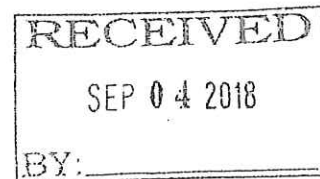
I favor: ✓

I object: _____

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: G. Henry



244
YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-030 (MEADOWS INVESTMENTS LLC) (HM)

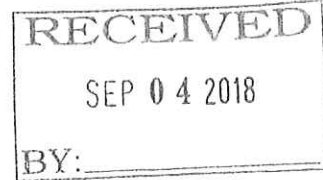
Name: Gary Henry
Address: Union St. NB 78130
Property number on map: 10

I favor: ☒

I object: _____
(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: G. Henry



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-030 (MEADOWS INVESTMENTS LLC) (HM)

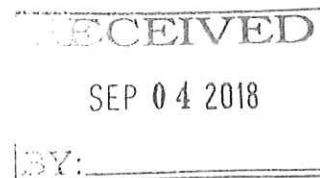
Name: Gary Henry
Address: 180 Commerce NB 78130
Property number on map: 11

I favor: ☒

I object: _____
(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: G. Henry



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-030 (MEADOWS INVESTMENTS LLC) (HM)

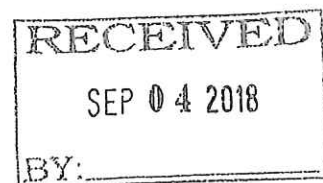
Name: Gary Henry
Address: 290 Liberty NB 78130
Property number on map: ~~12~~ 1244

I favor: ☒

I object: _____
(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: G. Henry





Existing residential structure



Existing driveway access from Liberty Avenue



Proposed parking area

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

**PZ-18-030 Public hearing and recommendation to City Council regarding the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the “R-3” Multifamily District addressed at 274 N. Liberty Avenue.
(Applicant: Meadows Investment; Case Manager: H. Mullins)**

Mrs. Mullins presented the Staff report and recommended approval with the following conditions:

1. The applicant will obtain building permits and complete necessary repairs to make the structure safe to occupy.
2. The residential character of the property must be maintained.
3. 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.

Discussion followed regarding the enforcement of the three conditions.

Chair Edwards invited the applicant to speak.

Terry Adams, 274 N. Liberty Avenue, stated she was the applicant. She described her intentions to renovate the existing structure and stated short-term rentals will be a temporary use.

Commissioner Laskowski asked the applicant if she was opposed to limiting the short-term rental occupancy.

Ms. Adams said no, but it was not her preference.

Chair Edwards asked if anyone wished to speak in favor.

James Griffith, 242 N. Liberty Avenue, wished to speak in favor. He gave a brief history of the property and stated he is pleased the applicant is willing to renovate the property.

Chair Edwards asked if anyone wished to speak in opposition.

No one spoke.

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

Discussion followed regarding the permitted occupancy.

Commissioner Laskowski expressed concerns regarding occupancy and the number of bathrooms provided.

Discussion followed.

Motion by Commissioner Meyer, seconded by Commissioner Tubb, to recommend approval to City Council regarding the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the “R-3” Multifamily District addressed at 274 N. Liberty Avenue with Staff recommendations. Motion carried (7-1-0) with Commissioner Laskowski in opposition.

3.3-3. "R-3" multifamily district. The following regulations shall apply in all "R-3" districts:

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

(1) *Uses permitted by right:*

Residential uses:

- Accessory building/structure
- Accessory dwelling (one accessory dwelling per lot, no kitchen)
- Boardinghouse/lodging house
- Community home (see definition)
- Duplex/two-family/duplex condominiums
- Family home adult care
- Family home child care
- Home Occupation (see Sec. 5.5)
- Hospice
- Multifamily (apartments/condominiums)
- One family dwelling, detached
- Rental or occupancy for less than one month (see Sec. 5.17)
- Single family or two-family industrialized home (see Sec. 5.8)

Non-residential uses:

- Adult daycare (with overnight stay)
- Assisted living facility/retirement home
- Barns and farm equipment storage (related to agricultural uses)
- Cemetery and/or mausoleum
- Church/place of religious assembly
- Community building (associated with residential uses)
- Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)
- Country club (private)
- Electrical substation
- Farms, general (crops) (see Chapter 6, Municipal Code and Sec. 5.9)
- Farms, general (livestock/ranch) (see Chapter 6, Municipal Code and Sec. 5.9)
- Fraternal organization/civic club (private club)
- Golf course, public or private
- Governmental building or use with no outside storage
- Museum
- Nursing / convalescent Home / sanitarium
- Park and/or playground (public or private)
- Plant nursery (growing for commercial purposes but no retail sales on site)
- Public recreation/services building for public park/playground areas
- Recreation buildings (private or public)
- Retirement home / home for the aged - public
- School, K-12 (public or private)
- Telephone exchange buildings (office only)
- University or college (public or private)

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

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

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

(1) One family dwellings.

(i) *Height.* 35 feet.

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

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

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

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

(vi) *Width of lot.* Interior lots 60 feet. Corner lots 70 feet. Where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.

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

(viii) *Lot depth.* 100 feet.

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

(2) Duplexes.

(i) *Height.* 35 feet.(ii) *Front building setback.* 25 feet.

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

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

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

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

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

(viii) *Lot depth.* 100 feet.

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

(3) Multifamily dwellings.

(i) *Height.* 45 feet, 60 feet when a pitched roof is used (minimum 4:12 pitch)

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

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

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

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

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

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

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

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

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

(xi) *Parking.*

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

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

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

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

(1) Non-Residential Uses.

(i) *Height.* 45 feet.

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

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

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

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

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

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

(viii) *Lot depth.* 100 feet.

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

3.6. Special Use Permits.

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

Types of Special Use Permit:

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

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

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

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

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

- (5) Screening and buffering, features to minimize visual impacts, and/or set-backs from adjacent uses;
 - (6) Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - (7) Required yards and open space;
 - (8) Height and bulk of structures;
 - (9) Hours of operation;
 - (10) Paving of streets, alleys, and sidewalks,
 - (11) Provisions for drainage,
 - (12) Exterior construction material and building design; and
 - (13) Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.
- (e) *Public health, safety, convenience and welfare.* The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.

3.6-4. *Procedures for special use permit (SUP).* Granting of an SUP is considered zoning and as such, all the procedures for changing a zoning district apply to an application for an SUP. After a public hearing and upon the recommendation of the Planning Commission, the City Council may approve, deny or modify the site plan and issue a special use permit containing such requirements and safeguards as necessary to protect adjoining property, including conditions addressing the standards in Section 3.6-3(d).

3.6-5. *Revocation.* The SUP for a Type 1 permit may be considered for revocation if a use other than the use approved in the SUP or in the underlying zoning district is developed or other stated requirements are not met. The SUP for a Type 2 permit may be considered for revocation for the following reasons:

- (a) Construction is not begun within five years of the date of approval of the permit.
- (b) Progress toward completion is not being made. Progress toward completion includes the following:
 - (1) An application for a final plat is submitted;
 - (2) A good faith effort is made to file with a regulatory agency an application for a permit necessary to begin or continue completion of the project;
 - (3) Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of 5% of the most recent appraised market value of the real property on which the project is located;
 - (4) Security is posted with the city to ensure performance of an obligation required by the city; or

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

5.17. Short term rental or occupancy.

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

5.17-2 Definitions:

"Adult" means an individual 17 years of age or older.

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

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

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

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

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

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

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

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

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

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

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

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

5.17-3 Applicability.

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

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

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

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

(e) *Conduct on premises.*

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

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

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

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

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

5.17-5 *Short Term Rental Permit.*

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

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

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

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

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

5.17-7 *Enforcement/Penalty.*

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

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

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

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

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

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW SHORT TERM RENTAL OF A SINGLE-FAMILY DWELLING IN THE “R-3” MULTIFAMILY DISTRICT, ADDRESSED AT 274 N. LIBERTY AVENUE; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

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

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

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

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

WHEREAS, the City Council desires to grant a Type 2 Special Use Permit for Lots 2, 3 and the W 9 feet of Lot 11, City Block 5068, addressed at 274 N. Liberty Avenue, to allow the short-term rental of a single-family dwelling in the “R-3” Multifamily District; **now therefore**,

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

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by adding the following described tract of land as a "Special Use Permit" for the uses and conditions herein described:

“Being Lots 2, 3 and the W 9 feet of Lot 11, City Block 5068, addressed at 274 N. Liberty Avenue, as delineated in the attached Exhibit ‘A’, to allow the short-term rental of a single-family dwelling in the “R-3” Multifamily District.”

SECTION 2

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

1. The applicant will obtain building permits and complete necessary repairs to make the structure safe to occupy.
2. The residential character of the building must be maintained.
3. The property will remain in compliance with the approved site plat attached as Exhibit 'B'. Any significant changes to the site plan will require a revision to the SUP.

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 24th day of September, 2018.

PASSED AND APPROVED: Second Reading this the 8th day of October, 2018.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



Location Map

Legend

☒ Subject Property

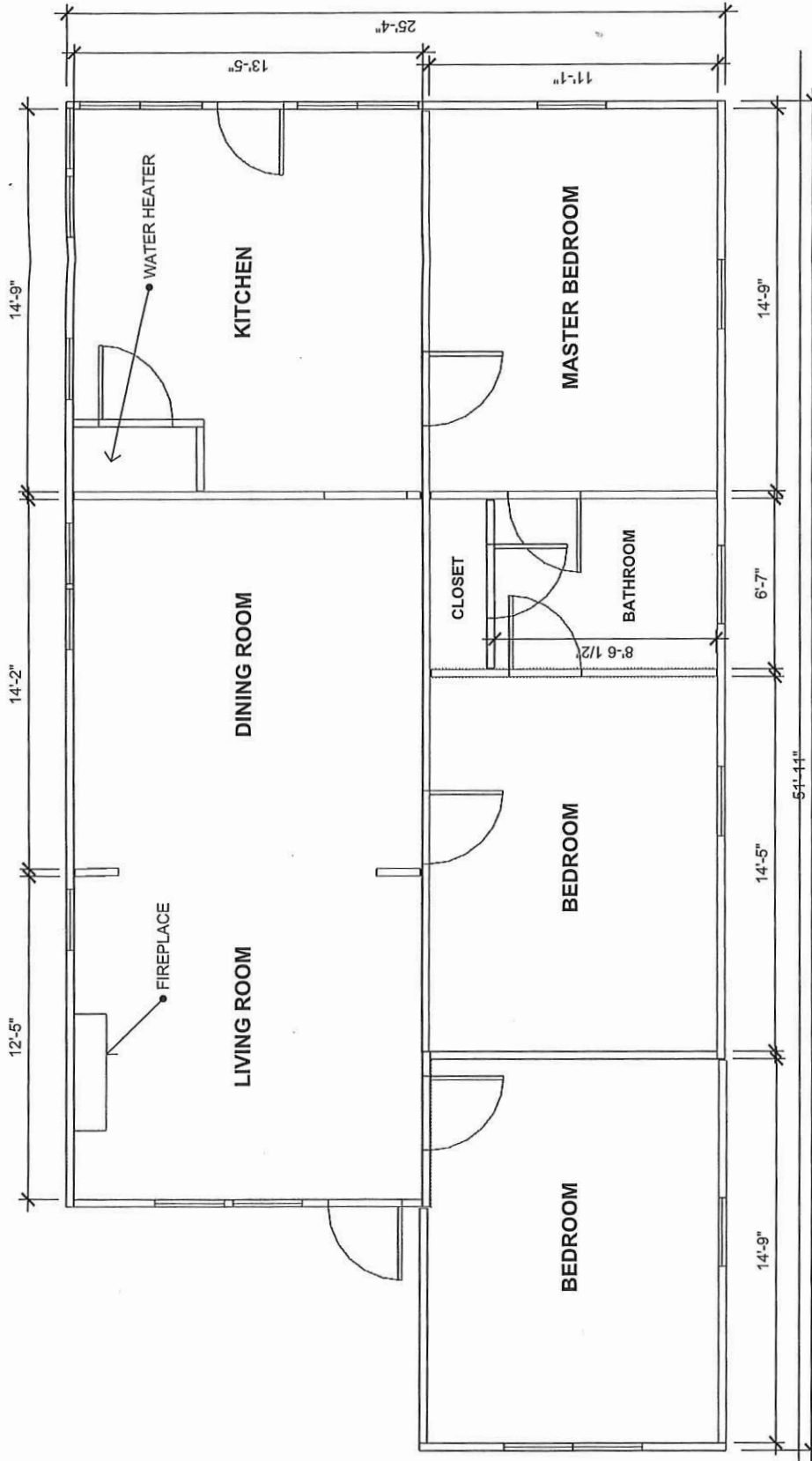


PZ-18-030

274 N. Liberty

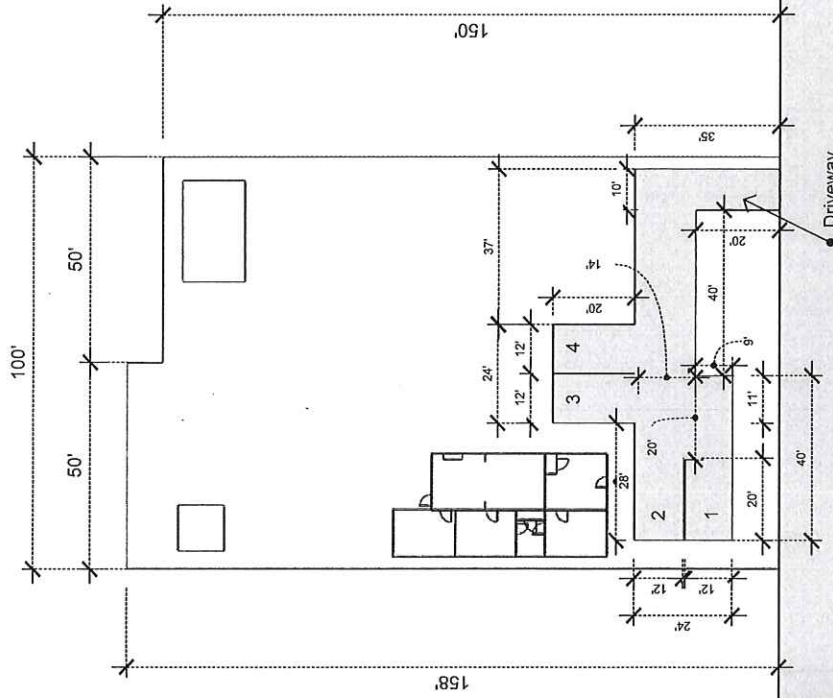
SUP to allow Short Term Rentals in R-3

Map Created: 9/11/2018



Geo ID No: 50000039700 Property ID No: 2766 Legal Description: CITY BLOCK 5068, LOT 2, 3 & W 9' LOT 11		CLIENT ADAMS		PROJECT LIBERTY STREET	PROJECT NO. 201.810.01	ISSUE 07.29.18	DRAWN BY DC	DESCRIPTION FLOORPLAN	323 DESIGN & BUILD
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BLOCK 5068



PARKING CALCULATION TABLE

OCCUPANCY	PARKING SPACE	PARKING ANGLE	STALL DEPTH	STALL WIDTH	STALL ACCESS
1	1	0	20'	12'	29'
2	2	0	20'	12'	29'
3	3	0	20'	12'	29'
+1	4	0	20'	12'	29'

W COMMERCE STREET

W MAIN STREET

N LIBERTY AVENUE

Geo ID No: 50000039700 Property ID No: 2766
Legal Description: CITY BLOCK 5068, LOT 2, 3 & W 9' LOT 11

CLIENT
ADAMS

PROJECT
LIBERTY STREET

PROJECT NO.
201-810.01

ISSUE
07.29.18

DRAWN BY
DC

DESCRIPTION
SITE PLAN

323
DESIGN & BUILD



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. G)

Presenter

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

SUBJECT:

Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 40.9 acres out of the A M Esnaurizar Survey, Abstract 20, located on the northwest corner of the intersection of State Highway 46 South and Saengerhalle Road from "APD" Agricultural/Pre-Development District and "R-2" Single-Family and Two-Family District to "C-1B" General Business District and "ZH-A" Zero Lot Line Home District.

BACKGROUND / RATIONALE:

Case No.: PZ-18-032

Council District: 2

Owner/Applicant: AC 483 Ltd., Craig Holmig - Agent
410 N. Seguin Ave.
New Braunfels TX, 78130

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

The approximately 40.9 acre subject property is an undeveloped, unplatted tract. The property has approximately 780 feet of frontage along SH 46 and 1,150 feet of frontage along Saengerhalle Road. It surrounds the historic Saengerhalle dance hall that has been converted to a training center for Ashley Furniture.

The applicant is requesting the portion of the property that has frontage along State Highway 46 South (4.16 acres) be rezoned from "R-2" Single-Family and Two-Family District to "C-1B" General Business District. He is also asking for the remainder of the property (36.73 acres) to be rezoned from "APD" Agricultural/Pre-Development District to "ZH-A" Zero Lot Line Home District.

C-1B zoning is intended for office and retail uses located along or at the intersection of major collectors or arterials that can handle the anticipated traffic volumes. The subject property meets that intent as State Highway 46 South is a Principal Arterial and Saengerhalle Road is a Minor Arterial. Per New Braunfels' Zoning Ordinance, non-residential and multifamily development adjacent to property zoned or used for single or two-family development requires residential buffering (wall and trees).

The portion of the property proposed for ZHA zoning would allow for the development of a residential subdivision with single-family detached homes on minimum forty foot wide / 100 foot deep lots, with a minimum lot area of 4,000 square feet each. Typical 5-foot side setbacks on both sides of the lot are permitted as are houses that may also be constructed with a zero setback on one side and a 10-foot setback on the other side, allowing for a variety of detached housing types. The developer must determine at time of platting which setbacks are to be utilized.

General Information:

Size: Approximately 40.89 acres

Surrounding Zoning and Land Use:

North - Bailey's Pond Planned Development / Undeveloped

South - Across Saengerhalle Road, R-1A-6.6 & C-1B / Single-family residences; undeveloped

East - R-1A-6.6 / Single-family residences

West - Across SH 46, R-2 / Undeveloped

Comprehensive Plan / Future Land Use Designation

Commercial along the SH 46 frontage with the balance being Low Density Residential

- Oak Creek Sub Area
- Near an existing Civic Center
- Along a Transitional Mixed Use Corridor

Floodplain:

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

Regional Transportation Plan:

State Highway 46 is identified as a 120-foot wide Principal Arterial and the current right-of-way width is approximately 110 feet. Right-of-way dedication and/or mitigation measures will be reviewed for compliance with code requirements with the platting of the subject property.

Saengerhalle Road is identified as a 120-foot wide Minor Arterial and the current right-of-way width is approximately 70 feet. Right-of-way dedication and/or mitigation measures will be reviewed for compliance with code requirements with the platting of the subject property.

Improvement(s):

3 billboards and overhead electric lines

Determination Factors:

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

- Whether the permitted uses will be appropriate in the immediate area and their relationship to the area and to the City as a whole (*The proposed use of the property for commercial development along SH 46 with the remainder of the property proposed for single-family development is compatible with the neighboring uses.*);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*The proposed zoning change should not conflict with the existing and proposed water supply, sanitary sewer and other utilities in the area. The adequacy of public facilities and utilities to serve the additional demand is*

evaluated by each provider. CISD and utility providers have been notified of the proposed development. Impact to streets is noted in the Transportation section above.);

- How other areas designated for similar development will be affected (*The proposed zoning change should not negatively affect other areas designated for similar development; however, continued suburban style single-family detached residential development of the large vacant tracts along State Highway 46 will contribute to utility demands and increased traffic as future residents travel to goods and services. Increased commercial at nodes along Hwy 46 can alleviate some traffic congestion at the Interstate intersections.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare. (*There should be no other factors that will substantially affect the public health, safety, morals, or general welfare. Drainage, utility and traffic impact issues will be reviewed and addressed through the platting process.*); and
- Whether the request is consistent with the Comprehensive Plan. (*The proposed zoning is consistent with the Commercial and Low Density Residential categories, and the property is located within a Transitional Mixed-Use Corridor.*)

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

✓	Yes	City Plan/Council Priority: Envision New Braunfels <i>Pros and Cons Based on Policies Plan</i>	Pros: Action 3.3: <i>Balance commercial centers with stable neighborhoods.</i> The proposed commercial and single-family residential districts are in accordance with the Future Land Use Plan and are compatible with current and anticipated surrounding land uses. The residential zoning would be consistent with the existing and developing neighborhoods in the area. And the commercial zoning would provide opportunities for retail and services for area residents. Action 3.13: <i>Cultivate an environment where a healthy mix of different housing products at a range of sizes, affordability, densities, amenities and price points can be provided across the community as well as within individual developments.</i> The proposed residential zoning district would allow development of an additional variety of types, sizes and price points of single-family housing in this growing area of the city. Cons: None
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on September 5, 2018 and recommended approval of the applicant's request (8-0-0 with Commissioner Sonier absent).

STAFF RECOMMENDATION:

Staff recommends approval of the applicant's request. The zoning districts proposed would be

compatible with the surrounding residential neighborhoods and commercial uses along Hwy 46, and it would be in accordance with the Comprehensive Plan.

Notification:

Public hearing notices were sent to 56 owners of property within 200 feet of the request. The Planning Division has received one response (#46) in objection.

ATTACHMENTS:

1. Aerial and Regional Transportation Plan Map
2. Application and Proposed Zoning Exhibit
3. Land Use Maps
4. Future Land Use Map
5. Notification List, Notification Map and Notification Responses
6. Photographs
7. Zoning Ordinance Sections:
 - Sec. 3.3-2 "R-2" Single-Family and Two-Family District
 - Sec. 3.4-1 "APD" Agricultural/Pre-Development District
 - Sec. 3.4-9 "ZH-A" Zero Lot Line Home District
 - Sec. 3.4-13 "C-1B" General Business District
8. Planning Commission Meeting Draft Minutes
9. Ordinance



Map Created 8/17/18

PZ-18-032

40.9 acres located on the northeast corner of the intersection of State Highway 46 S. and Saengerhalle Road
 Zone Change from APD/R-2 to ZH-A/C-1B



**Planning & Community Development Department
Planning Division**

550 Landa St. New Braunfels, TX 78130
(830) 221-4050 www.nbtexas.org

CC/Cash/Check No.: 7028 Case No.: P2-18-082
Amount Recd. \$ 3,090
Receipt No.: 7028

RECEIVED

AUG 01 2018

BY: Submittal date - office use only

Any application that is missing information will be considered incomplete and will not be processed.

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: AC 483 LTD, Craig Hollmig

Mailing Address: _____

Telephone: 830.660.4959

Fax: _____

Mobile: _____

Email: craighollmig@gmail.com

2. Property Address/Location: Intersection of Hwy 46 & Saengerhalle Road

3. Legal Description:

Name of Subdivision: ABS: 20 SUR: A M ESNAURIZAR

Lot(s): _____ Block(s): _____ Acreage: 40.892

4. County: ☐ Comal ☒ Guadalupe School District: ☒ CISD ☐ NBISD ☐ OTHER: _____

5. Is the property located in the floodway or floodplain: ☐ YES ☒ NO

6. Existing Use of Property: Open

7. Zoning Change Request:

Current Zoning: APD, R-2

Proposed Zoning: ZH-A, C1-B

Is this a Planned Development?: ☐ YES ☒ NO

8. Proposed Use of Property and/or Reason for request (attach additional or supporting information if necessary):
To allow 40' lots within the residential portion of the development and commercial development along Hwy 46

STAFF:

APPLICANT:



A survey and/or metes and bounds description of the property with an exhibit illustrating property boundaries (if property is not platted)



Letter of Authorization for appointed agent (if applicable)



3 TIA worksheets and 2 Traffic Impact Analysis (if required, contact the Engineering Division at (830) 221-4020, or at Engineering@nbtexas.org, for more information) level 1



A map of the floodplain overlaying the property proposed for zoning or, at a minimum, a copy of the proper FEMA flood map, with panel number (applicable if 'YES' was selected for question #5 on page 1)



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



Copy of deed showing current ownership.



Future Land Use Plan Update: \$500 (if applicable, verify with the Planning Division)



(If submitting a DETAIL PLAN) 17 copies of the development standards on the detail plan AND/OR provide the standards in a separate document as described in the Zoning Ordinance, Section 3.5.



(If submitting a CONCEPT PLAN) 17 copies of the standards and Concept plan (1":200')



Application Fee: \$ 3,090

Standard Zone Change: \$1,000 + (40.892 acres x \$100) = \$ 4,089.2 (max. \$3,000)

Detail Plan: \$2,000 + (_____ acres x \$100) = \$_____ (max. \$5,000)

Concept Plan: \$1,000 + (_____ acres x \$100) = \$_____ (max. \$3,000)



Technology Fee: \$ 90

3% of application fee → \$ 3,000 (application fee) x .03 = \$ 90



Newspaper Notice: \$236 (\$115 each for Planning Commission and City Council + 3% tech. fee)



Public Hearing Mail Notifications and Signage

***Please note:** The total will be calculated by Staff after application submittal and must be paid when sign(s) are picked up by the applicant.

Please note: The signature indicates that the owner or an authorized agent has reviewed the requirements of this application and attached checklist, and all items on this checklist have been addressed and complied with. The owner/authorized agent understands that an incomplete application will **not** be accepted, and this application will **not** be accepted after the 4 p.m. deadline on an application deadline date, as outlined on the calendar attached to this application. The signature authorizes City of New Braunfels staff to visit and inspect the property for which this application is being submitted.

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

Craig Hollmig
Signature of Owner(s)/Agent

Date

Print Name & Title

HIDDEN SPRINGS
PROPOSED ZONING DESIGNATION EXHIBIT



ZHA
36.732 AC.

C-1B
4.16 AC.

46

MARY

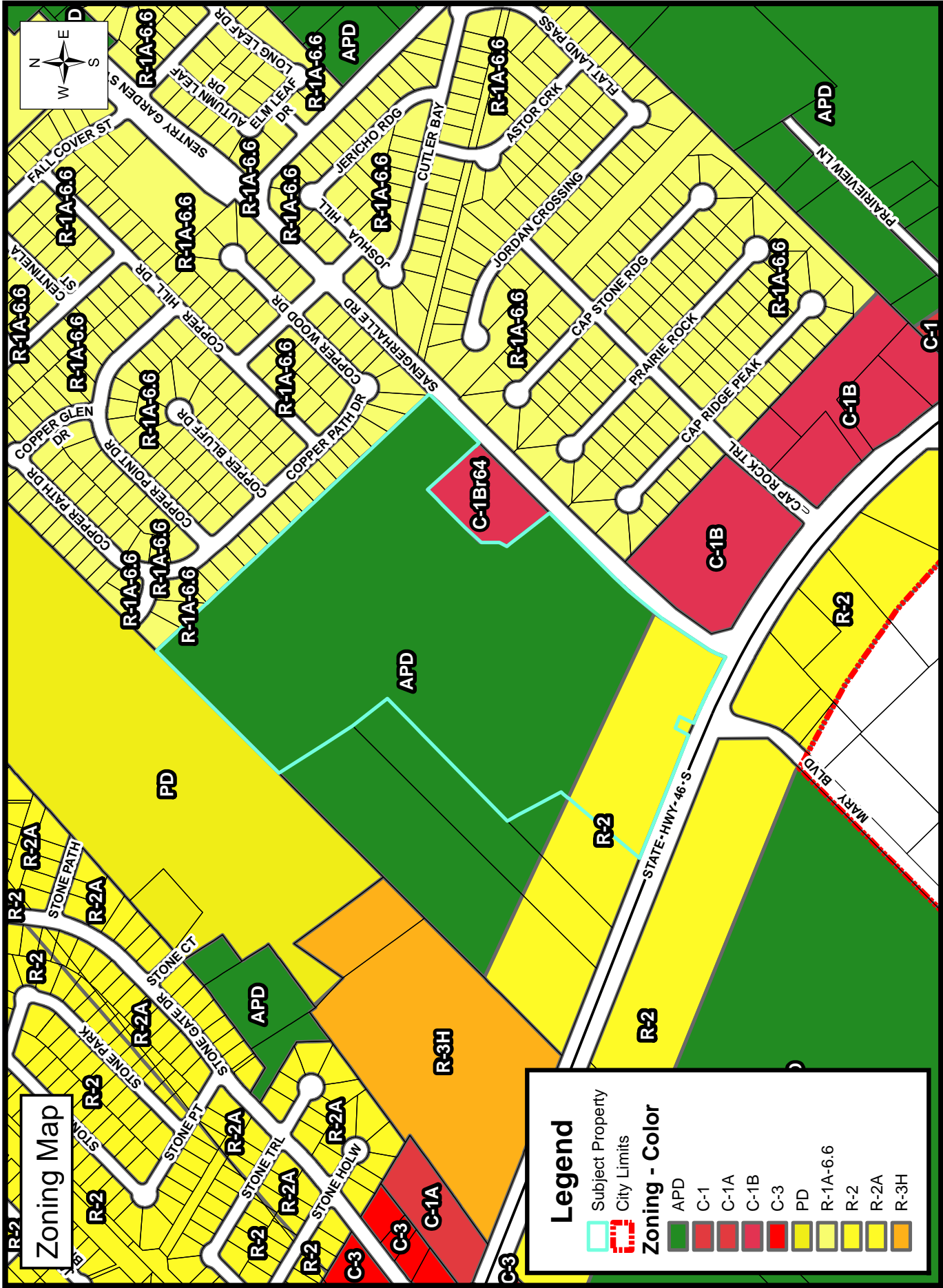
COPPER PATH DR

SAENGERHALLE ROAD

CAP ROCK TRL



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

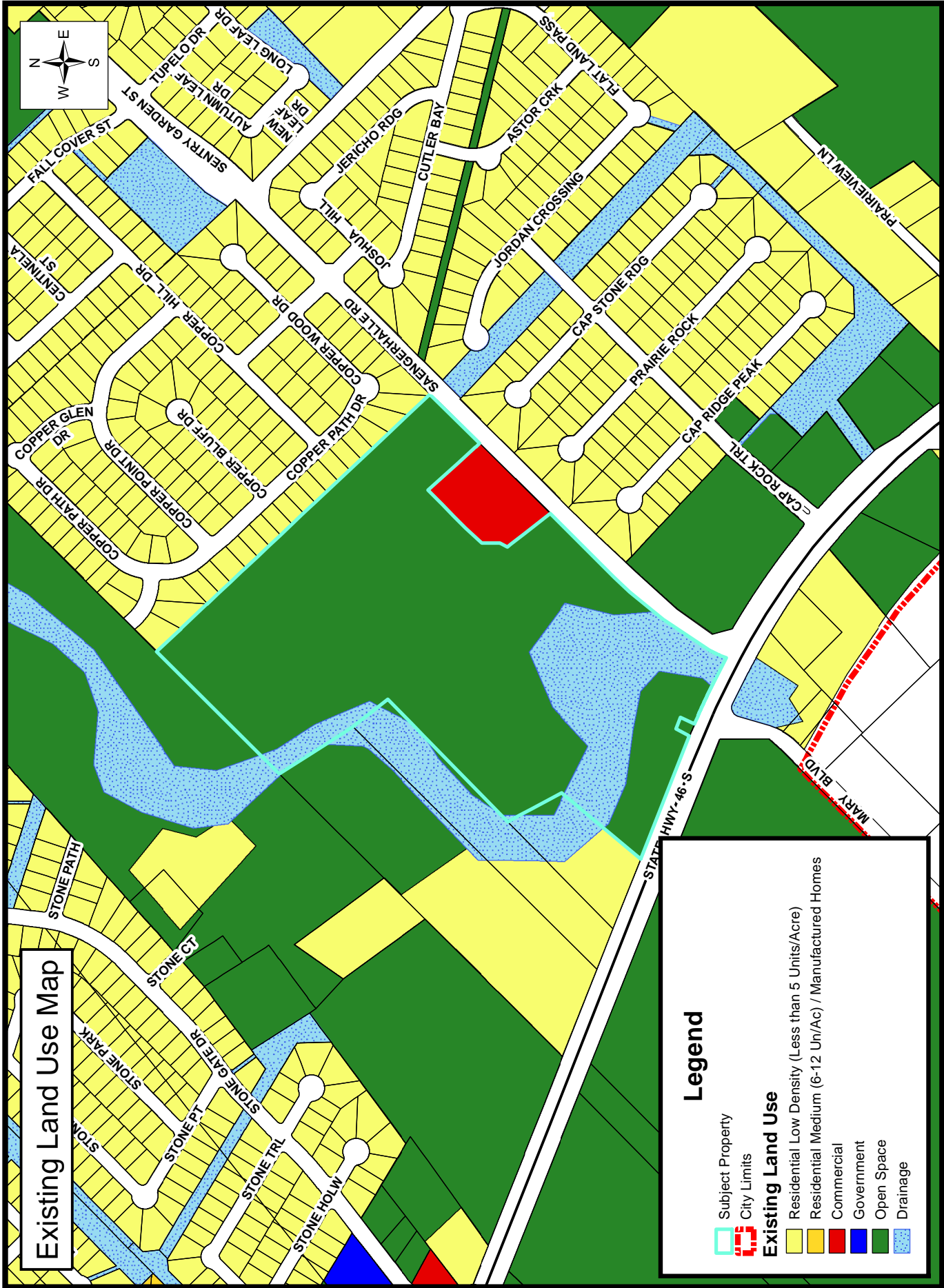


Map Created 8/17/18

PZ-18-032

40.9 acres located on the northeast corner of the intersection of State Highway 46 S. and Saengerhalle Road
Zone Change from APD/R-2 to ZH-A/C-1B

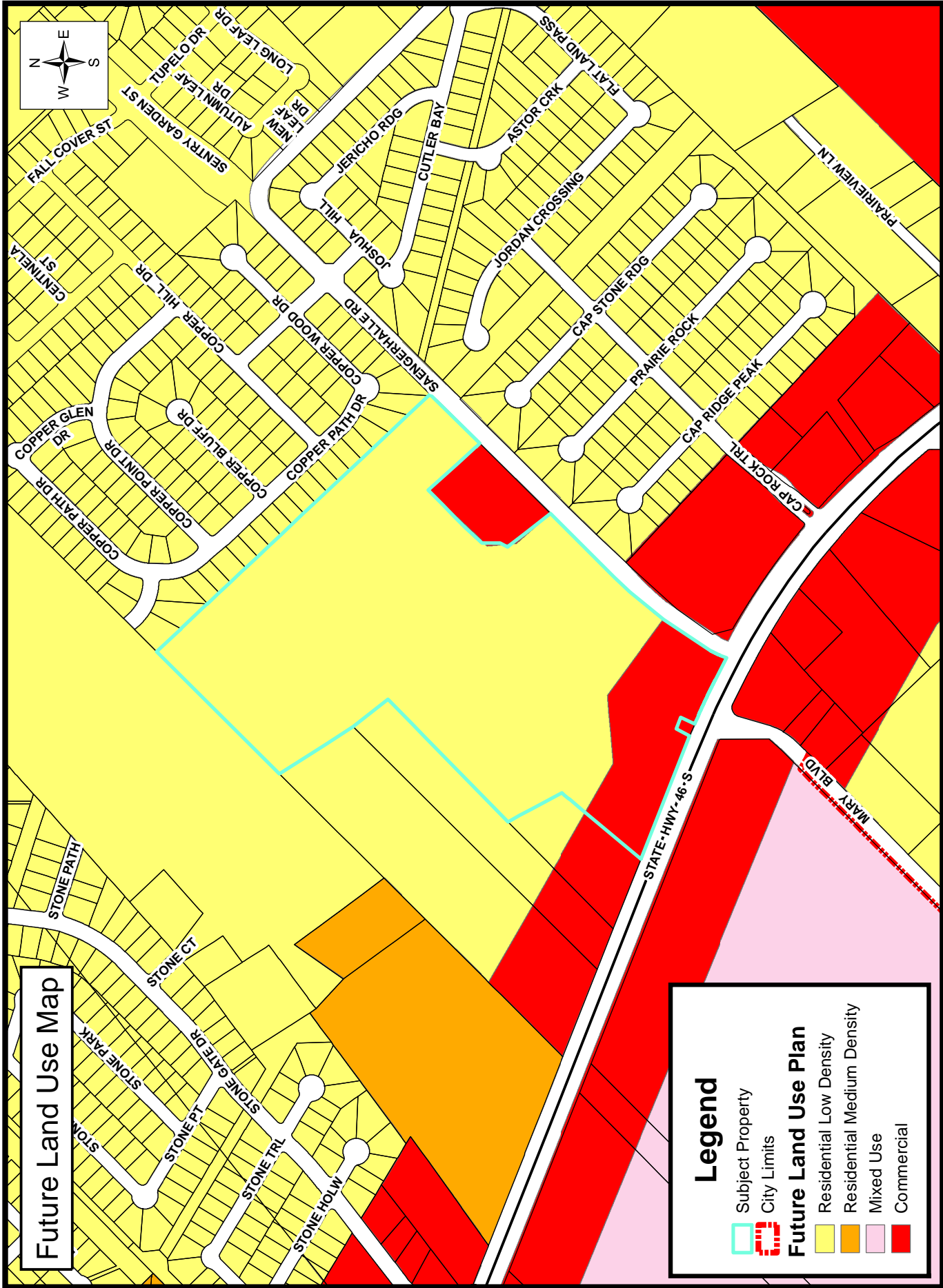


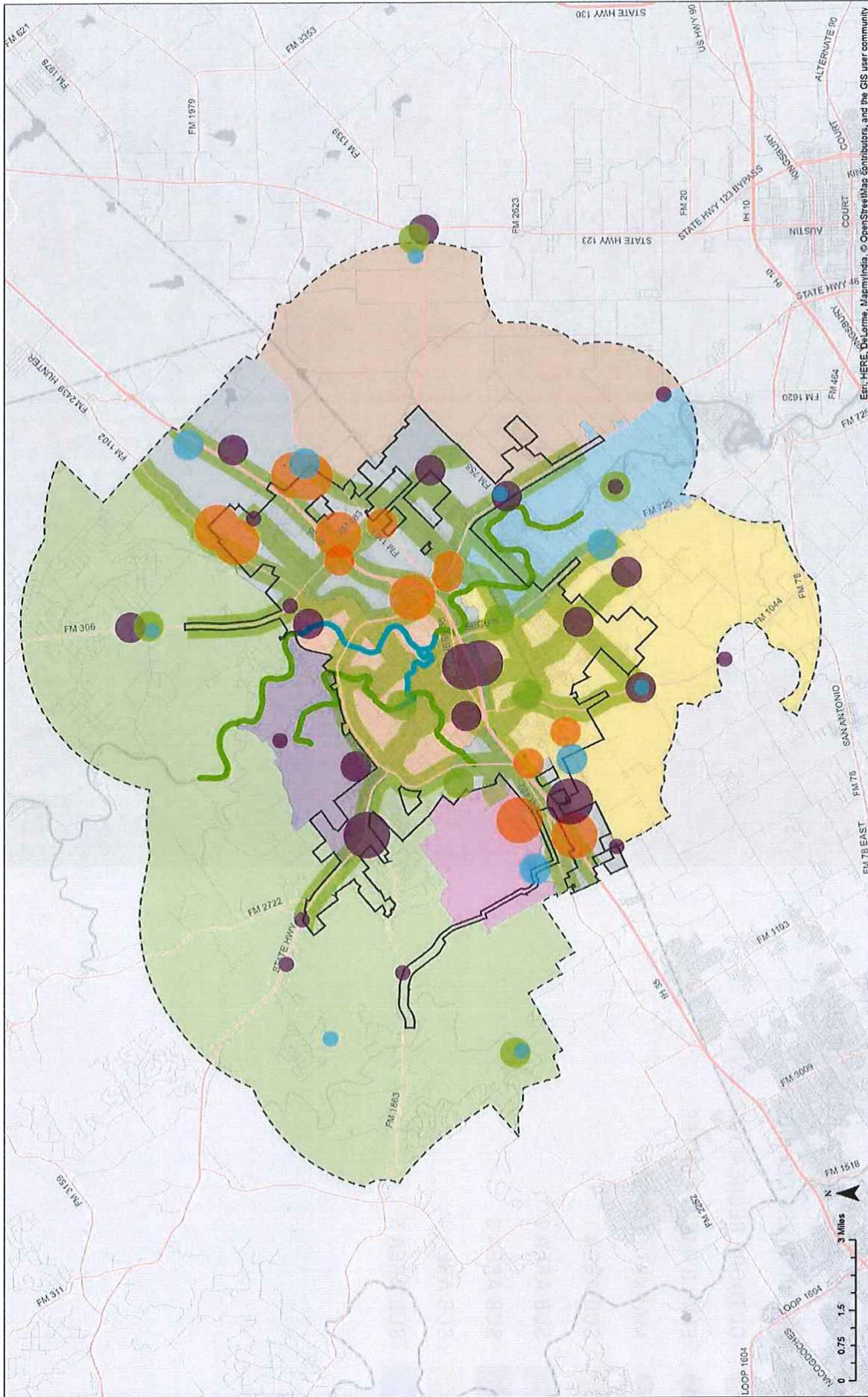


Map Created 8/17/18

PZ-18-032

40.9 acres located on the northeast corner of the
intersection of State Highway 46 S. and Saengerhalle Road
Zone Change from APD/R-2 to ZH-A/C-1B





A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. Preferred future growth scenario combines Scenarios A and C per recommendations of the Envision New Braunfels Steering Committee (February 2018). Exact boundaries of sub areas, centers, and corridors may be [zoomed and viewed online](#).

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

New Braunfels City Hall Council Chambers

Applicant/Owner: Craig Hollmig (Agent for AC 483 LTD)**Address/Location:** 40.9 acres located on the northeast corner of the intersection of State Highway 46 S. and Saengerhalle Road – Abstract 20, Survey: A M ESNAURIZAR (map attached)**PROPOSED ZONE CHANGE – CASE #PZ-18-032**

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 NEW BRAUNFELS UTILITIES | 29 BROWN LARRY M & SONYA L |
| 2 BOYDSTON LEONARD A | 30 MCCARTHY JUDY L |
| 3 CRUZ ROBERT & MARY ANN | 31 RAMIREZ RAY & REXANN |
| 4 CONSTABLE AUBREY L | 32 ELLIOTT KENNETH D & CHERYL L |
| 5 CHUPACABRA LAND LTD | 33 LANGE DAVID MAX & VICTORIA |
| 6 NB 46 INVESTMENTS LLC | 34 DEVANEY DUSTIN JOSEPH & EMILY ESTELLE |
| 7 SEALS SAENGERHALLE LLC | 35 DAUGHERTY ADAM P & CATHERINE |
| 8 TULLIST E & CAROLYN A | 36 GARCIA RICARDO C & NATIVIDAD A |
| 9 BRASS REAL ESTATE GROWTH FUND IV LP | 37 VILLARREAL JAVIER |
| 10 RAWLINGS SHERYL R & JUDITH MIHAN | 38 KNEUPPER KEVIN W |
| 11 VARGAS EVELYN M & IGNACIO R | 39 RYDER TOMMY R & SUSAN |
| 12 KELLY REBECCA A | 40 CAPROCK VENTURES 46-18 LLC |
| 13 GUERRERO MARIO A & MELINDA | 41 SULLIVAN REBECCA M |
| 14 JOHNSON KENNETH H & LIN Z | 42 VILLARREAL PEDRO A & KARLA F |
| 15 1384 COPPER PATH DR TRUST | 43 JOHNSON RICHARD & MEGAN |
| 16 GABBARD SHAWN L & KIMBERLY | 44 BROWN JOSEPH H |
| 17 TOVAR JUSTO S & DORA | 45 WEBORG CHRISTOPHER & ANN PREIS WEBORG |
| 18 SPANDAU CARL MICHAEL | 46 PAYNE SHANNON & ANGEL AVALOS |
| 19 PROPERTY OWNER | 47 SALAZAR SAMUEL |
| 20 JACKSON FELICIA DAWN | 48 CLAYTON PATRICIA A |
| 21 PROPERTY OWNER | 49 WHITEHEAD MING MENG & RODNEY ANTHONY |
| 22 BAXTER TRAVIS B & BRATTANY J | 50 GROSENHEIDER ELAINE |
| LAWRY JOHN N JR & ELAINE M REVOCABLE | 51 RAMIREZ NABOR & TIFFANI M |
| 23 LIVING TRUST | 52 EVOLA RONALD A & MICHELE L |
| 24 LOHMAN MICHAEL D | 53 CAPROCK ASSOCIATION INC |
| 25 ACOSTA CRUZ L & YOLANDA T | 54 MCCAFFREY MARTIN |
| 26 HIXSON JANET L | 55 COPPOCK KIMBERLY & SHAWN DAVID |
| 27 DOEGE BETH F & AMBER C DOEGE | 56 SWARTZ ELIZABETH |
| 28 RAMOS BARDOMIANO C | |

SEE MAP



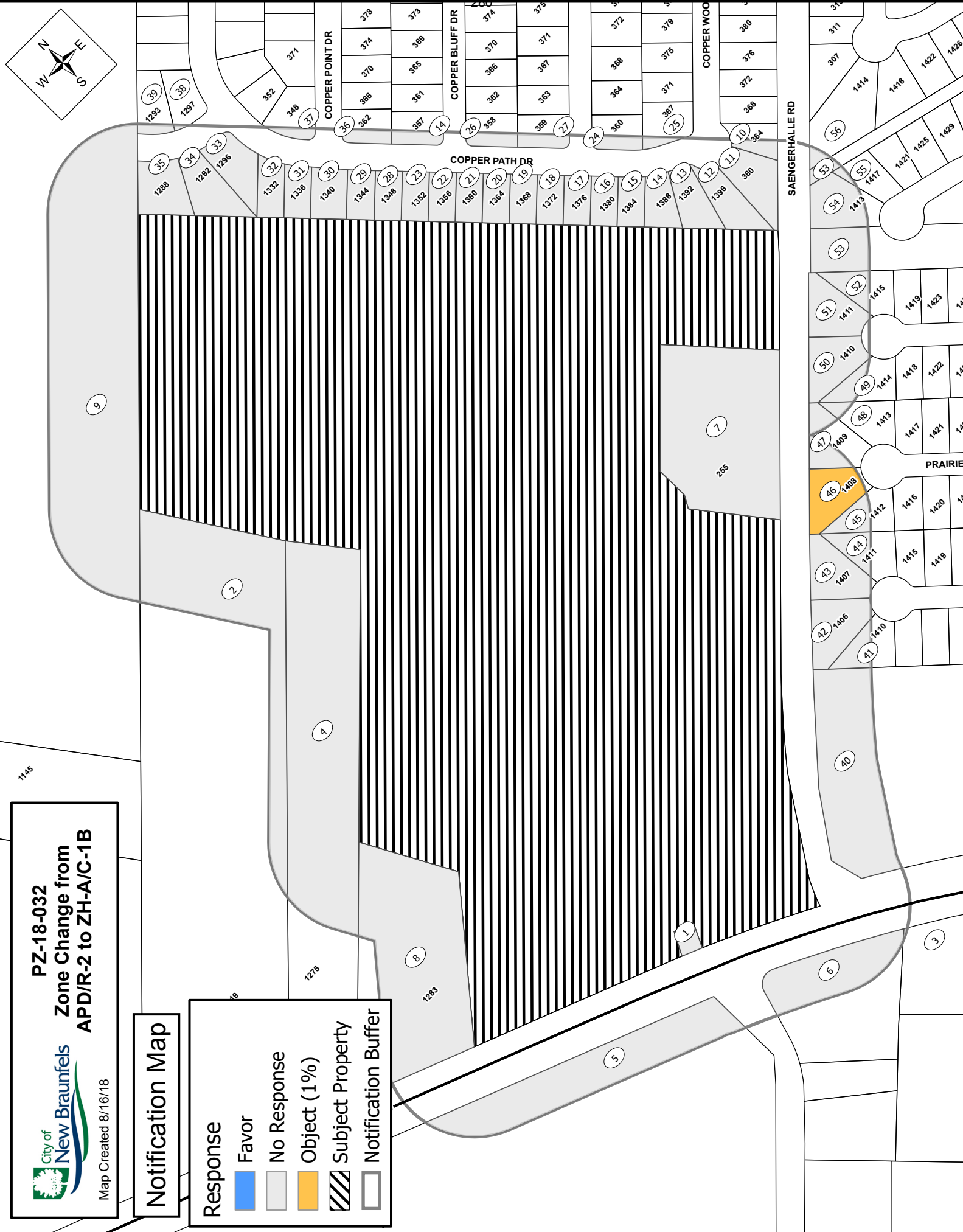
PZ-18-032
Zone Change from
APD/R-2 to ZH-A/C-1B

Map Created 8/16/18

Notification Map

Response

-  Favor
-  No Response
-  Object (1%)
-  Subject Property
-  Notification Buffer



YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED

SEP 07 2018

Case: #PZ-18-032 (HOLLMIG) (MS)

Name: SHANNON PAYNE

I favor: BY:

Address: 1408 PRAIRIE ROCK

Property number on map: 46

I object: ☒

(State reason for objection)

Comments: (Use additional sheets if necessary)

WE ARE AGAINST THE PROPOSED BUILDING WORK DUE TO THE LOSS OF PRIVACY, TRAFFIC, ROAD SAFETY, THE ENVIRONMENTAL IMPACT IT WILL HAVE ON US (DEFORESTATION, ETC.) AS WELL AS THE NEEDS OF THE LOCAL AREA/COMMUNITY.

Signature: [Signature]



Subject Property from SH 46 and Saengerhalle Rd.



Subject Property from Saengerhalle Rd.

3.3-2. "*R-2*" *single-family and two family district*. The following regulations shall apply in all "R-2" 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 dwelling (one accessory dwelling per lot, no kitchen)
- Accessory building/structure
- Community home (see definition)
- Duplex/two-family/duplex condominium
- Family home adult care
- Family home child care
- Home Occupation (see Sec. 5.5)
- One family dwelling, detached
- Single family industrialized home (see Sec. 5.8)

Non-residential uses:

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

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

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

(1) One family dwellings.

(i) *Height*. 35 feet.

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

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

- (iv) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
 - (v) *Rear building setback.* 20 feet.
 - (vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet, provided that where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.
 - (vii) *Lot area per family.* Every single-family dwelling hereafter erected or altered shall have a lot area of not less than 6,600 square feet per family for interior lots, and 7,000 square feet per family for corner lots. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall not prohibit the erection of a one-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one half acre or one acre on the Edwards Aquifer Recharge Zone.
 - (viii) *Lot depth.* 100 feet.
 - (ix) *Parking.* Two off-street parking spaces shall be provided for each one family detached dwelling unit. See Section 5.1 for other permitted uses' parking.
- (2) Duplexes.
- (i) *Height.* 35 feet.
 - (ii) *Front building setback.* 25 feet.
 - (iii) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.
 - (iv) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
 - (v) *Rear building setback.* 20 feet.
 - (vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet.
 - (vii) *Lot area per family.* Duplexes hereafter erected or altered shall have a lot area of not less than 8,000 square feet for an interior lot and 8,500 square feet for a corner lot. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall prohibit the erection of a two-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one acre and approved by the City Sanitarian.
 - (viii) *Lot depth.* 100 feet.

- (ix) *Parking.* Two off-street parking spaces shall be provided for each two-family dwelling unit. See Section 5.1 for other permitted uses' parking.
- (3) Non-Residential Uses.
- (i) *Height.* 35 feet.
 - (ii) *Front building setback.* 25 feet.
 - (iii) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Where any building abuts a property with a one or two family use, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
 - (iv) *Corner lots.* Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots. Where a minimum 25-foot setback is required, a canopy at least eight feet in height, attached to the main building, may be built within 15 feet of the property line so long as such construction will not obstruct the vision of vehicular or pedestrian traffic.
 - (v) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
 - (vi) *Rear building setback.* 20 feet.
 - (vii) *Width of lot.* 60 feet.
 - (viii) *Lot depth.* 100 feet.
 - (ix) *Parking.* See Section 5.1 for permitted uses' parking.

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

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

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

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

(1) *Uses permitted by right:*

Residential uses:

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

Non-residential uses:

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

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

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

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

(1) *Height.* 35 feet.

(2) *Front yards.* 25 feet.

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

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

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

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

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

(8) *Lot depth.* 100 feet.

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

3.4-9. "ZH-A" zero lot line home district.

Purpose. The ZH-A zero lot line home district is intended for development of detached single-family residences on compact lots having one side building setback reduced to zero feet, also commonly referred to as "zero lot line", and having a minimum lot size of four thousand (4,000) square feet. The following regulations shall apply in all "ZH-A" districts:

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

(1) **Uses permitted by right:**

Residential uses:

Accessory building/structure
 Accessory dwelling (one accessory dwelling per lot, no kitchen)
 Community home (see definition)
 Family home adult care
 Family home child care
 Home Occupation (Sec. 5.5)
 Single family industrialized housing (Sec. 5.8)
 Zero lot line / patio homes

Non-residential uses:

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

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

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

(1) **Height.** 35 feet.

(2) **Front building setback.** A minimum front yard of 10 feet shall be provided to the front of the house. If front entry garages/carports are provided, a minimum front yard of 20 feet shall be provided to the garage/carport.

(3) **Side building setback.** There shall be no side building setback required on one side of the lot and a minimum of 10 feet in the opposite side yard. If the side of the lot abuts any other residential zoning district, that side building setback shall have a minimum depth of 10 feet. The dwelling on the "no side building setback required" side may be off-set from the property line by no more than one foot. However, a provision can be made for 5 foot setbacks on both sides if it meets all applicable building codes.

(4) **Corner lots.** Buildings on corner lots shall provide a minimum exterior side building setback of ten feet. If entry to a garage/carport is provided on the exterior side a minimum yard of 20 feet shall be provided to the garage/carport.

(5) **Rear building setbacks.** If rear entry garages/carports are provided from an alley, the rear building setback shall have a minimum depth of 20 feet. If no alley is provided and garage/carport entries

are from the front, the rear building setback shall have a minimum depth of 10 feet. If the rear of the lots abuts any other residential zoning district, the rear building setback shall have a minimum depth of 20 feet.

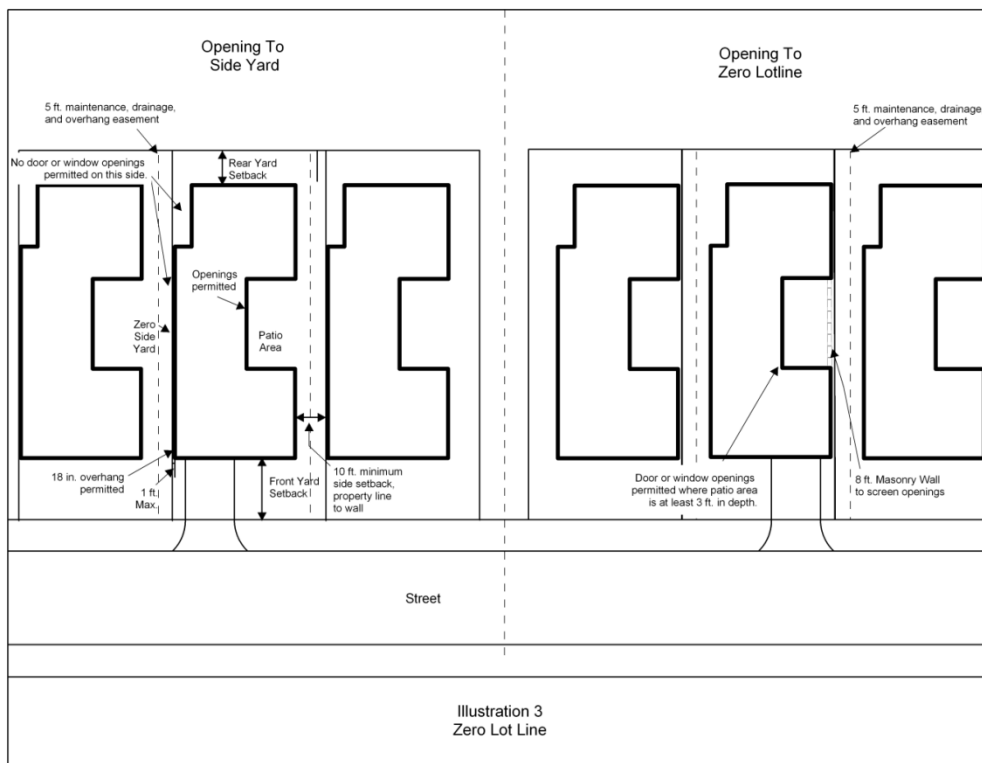
(6) *Width of lot.* 40 feet.

(7) *Lot area.* 4,000 square feet.

(8) *Lot depth.* 100 feet.

(c) *Other requirements:*

- (1) *Minimum area zoned.* Not less than three lots with common side lot lines will be zoned for zero lot line homes. When facing on the same street within the same block, mixing of ZH structures and other residential structures will not be allowed. However, this does not preclude other residential uses on one side of a street with ZH uses on the opposite side of the street within the same block or different blocks.
- (2) *Zero lot line wall.* No door or window openings shall be built into the side wall facing the zero lot line except those that are more than three feet from the property line and screened by a masonry wall at least eight feet in height so that the opening(s) is not visible from the adjoining property. (See Illustration 3, “ZH-A” district)
- (3) *Overhang.* Eaves and gutters may overhang the zero lot line side of the lot by no more than 18 inches. If there is an overhang over the lot line, a gutter is required such that roof runoff shall not be deposited over the lot line onto adjoining property.
- (4) *Maintenance, drainage and overhang easement.* A maintenance, drainage and overhang easement of five feet shall be provided on each lot that is adjacent to a lot with a zero setback allowance. This easement shall be for the purpose of maintaining the wall and foundation that is adjacent to one side property line to provide for proper maintenance and drainage.
- (5) *Parking.* There shall be at least two off-street parking spaces for each zero lot line home. See Section 5.1 for other permitted uses' parking.



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.

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

**PZ-18-032 Public hearing and recommendation to City Council regarding the proposed rezoning of approximately 40.9 acres out of the A M Esnaurizar Survey, Abstract 20, located on the northwest corner of the intersection of State Highway 46 South and Saengerhalle Road from “APD” Agricultural/Pre-Development District and “R-2” Single-Family and Two-Family District to “C-1B” General Business District and “ZH-A” Zero Lot Line Home District.
(Applicant: Craig Hollmig; Case Manager: M. Simmont)**

Mr. Simmont presented the Staff report and recommended approval.

Vice Chair Reaves stated he was concerned regarding drainage and the density of ZH-A lot sizes.

Mr. Simmont stated the ZH-A zoning designation is still considered low-density residential despite the small lot size requirement.

Chair Edwards invited the applicant to speak.

Thor Thornhill, a representative of the applicant, stated the ZH-A zoning designation was chosen because it would allow for the developer to sell the homes at an affordable rate. He informed the Commission a large portion of the property falls within a drainage easement and will therefore limit the buildable area of the property.

Discussion followed regarding the drainage easement.

Commissioner Meyer asked how many units were being proposed.

Mr. Thornhill said approximately 104 units.

Chair Edwards asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wished to speak in opposition.

Denise Smith, 365 Copper Path, wished to speak in opposition. She stated the intersection of Saengerhalle Road and State Highway 46 is already too congested. She also informed the Commission there is Texas Historical Cemetery on the property which she hopes will be preserved.

Peter James, 1398 Fall Cover, wished to speak in opposition. He stated he was concerned with the impact the development will have on traffic in the area. He further stated he does not believe the lots will address the need for affordable housing.

Louis Cavallaro, 1342 Jericho Ridge, wished to speak in opposition. He expressed concerns regarding traffic congestion and safety. He further described the issue of limited visibility when turning on to State Highway 46.

Judy McCarthy, 1340 Copper Path, wished to speak in opposition. She stated she had concerns regarding traffic safety, drainage, and the impact the development will have on her property's value.

Mr. Thornhill clarified the cemetery will be protected because the existing drainage easement will prevent development near it.

Discussion then followed regarding the affordability of the lots.

Shawn Gabbard, 1380 Copper Path, wished to speak in opposition. He expressed concerns regarding the impact on traffic. He stated he does not believe a stop light will be installed on Saengerhalle and Highway 46. He further detailed the frequency of traffic accidents in the area.

Motion by Commissioner Laskowski, seconded by Vice Chair Reaves, to close the public hearing. Motion carried (8-0-0).

Discussion followed regarding workforce housing.

Motion by Commissioner Gibson, seconded by Commissioner Meyer, to recommend approval to City Council regarding the proposed rezoning of approximately 40.9 acres out of the A M Esnaurizar Survey, Abstract 20, located on the northwest corner of the intersection of State Highway 46 South and Saengerhalle Road from "APD" Agricultural/Pre-Development District and "R-2" Single-Family and Two-Family District to "C-1B" General Business District and "ZH-A" Zero Lot Line Home District. Motion carried (8-0-0).

DRAFT

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 36.73 ACRES OUT OF THE A.M. ESNAURIZAR SURVEY, A-20, GUADALUPE COUNTY, TEXAS, WHICH SURROUNDS THE PROPERTY ADDRESSED AT 255 SAENGERHALLE ROAD FROM “R-2” SINGLE-FAMILY AND TWO-FAMILY DISTRICT AND “APD” AGRICULTURAL / PRE-DEVELOPMENT DISTRICT TO “ZH-A” ZERO LOT LINE HOME DISTRICT; AND REZONING APPROXIMATELY 4.16 ACRES OUT OF THE A.M. ESNAURIZAR SURVEY, A-20, GUADALUPE COUNTY, TEXAS, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY 46 SOUTH AND SAENGERHALLE ROAD FROM “R-2” SINGLE-FAMILY AND TWO-FAMILY DISTRICT AND “APD” AGRICULTURAL / PRE-DEVELOPMENT DISTRICT TO “C-1B” GENERAL BUSINESS DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

WHEREAS, in keeping with the spirit and objectives of the “ZH-A” Zero Lot Line Home District and the “C-1B” General Business District, the City Council has given due consideration to all components of said district; and

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

WHEREAS, the City Council desires to amend the Zoning Map by changing the zoning of approximately 36.73 acres, surrounding the property addressed at 255 Saengergalle Road from “R-2” Single-Family and Two-Family District and “APD” Agricultural / Pre-Development District to “ZH-A” Zero Lot Line Home District; and the City Council desires to amend the Zoning Map by changing the zoning of approximately 4.16 acres, located at the northwest corner of the intersection of State Highway 46 South and Saengerhalle Road from “R-2” Single-Family and Two-Family District and “APD” Agricultural / Pre-Development District to “C-1B” General Business District; **now, therefore;**

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

SECTION 1

THAT Sections 1.2-1 and 1.2-2, Chapter 144, of the New Braunfels Code of Ordinances and particularly the Zoning Map of the City of New Braunfels, are amended by changing the following described tract of land from “R-2” Single-Family and Two—Family District and “APD” Agricultural / Pre-Development District to “ZH-A” Zero Lot Line Home District:

“Approximately 36.73 acres situated in the A.M. Esnaurizar Survey, Abstract No. 20, being a portion out of a called 40.892 acre tract recorded in Volume 2413, Page 820, Official Public Records, Guadalupe County, Texas, as described on Exhibit “A” and delineated on Exhibit “B” attached.”

SECTION 2

THAT Sections 1.2-1 and 1.2-2, Chapter 144, of the New Braunfels Code of Ordinances and particularly the Zoning Map of the City of New Braunfels, are amended by changing the following described tract of land from “R-2” Single-Family and Two—Family District and “APD” Agricultural / Pre-Development District to “C-1B” General Business District:

“Approximately 4.16 acres situated in the A.M. Esnaurizar Survey, Abstract No. 20, being a portion out of a called 40.892 acre tract recorded in Volume 2413, Page 820, Official Public Records, Guadalupe County, Texas, as described on Exhibit “C” and delineated on Exhibit “D” attached.”

SECTION 3

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

SECTION 4

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

SECTION 5

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

SECTION 6

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

PASSED AND APPROVED: First reading this 24th day of September, 2018.

PASSED AND APPROVED: Second reading this 8th day of October, 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-18-032 HMT\Ordinance.docx



410 N. Seguin Ave.
 New Braunfels, TX 78130
 HMTNB.COM
 830.625.8555 • FAX: 830.625.8556
 TBPLS FIRM 10153600



**METES AND BOUNDS DESCRIPTION
 FOR A 36.732 ACRE TRACT**

Being 36.732 acres of land located in the A.M. Esnaurizar Survey, A-20, Guadalupe County, Texas. Said tract being a portion out of a called 40.892 acre tract, described in a deed to AC 483, LTD., a Texas Limited Partnership, recorded in Volume 2413, Page 820 of the Official Public Records of Guadalupe County, Texas. Said tract being more particularly described as follows:

BEGINNING at a ½" iron rod found with a yellow cap being the Southeast corner of the herein described tract; the South corner of Lot 7, Block 2 of Saengerhalle Subdivision Unit One, recorded in Volume 6, Pages 406-407 of the Map and Plat Records of Guadalupe County, Texas and lying in the margin of the North line of Saengerhalle Road (a variable width right-of-way);

THENCE with the margin of Saengerhalle Road, South 44°58'49"West, a distance of 265.67 feet to a ½" iron rod with found for a southerly corner of the herein described tract and being the East corner of the a called 2.229 acre tract, recorded in Document No. 2014021056 of the Official Public Records of Guadalupe County, Texas;

THENCE with the common line of the said 2.229 acre tract and the herein described tract, the following five courses:

- 1.) North 42°45'48"West, a distance of 264.58 feet to a square bar found at the corner from which a 5/8" iron rod found bears South 16°44'58"West, 0.11 feet;
- 2.) South 45°06'57"West, a distance of 289.88 feet to a ½" iron rod found with a cap stamped "RPLS 2633";
- 3.) South 00°32'50"East, a distance of 75.08 feet to a ½" iron rod found;
- 4.) South 29°57'07"West, a distance of 33.11 feet to a ½" iron rod found;
- 5.) South 38°38'51"East, a distance of 205.63 feet to a ½" iron rod found, lying in the margin of Saengerhalle Road;

THENCE with the Northwest margin of Saengerhalle Road, South 43°35'12"West, a distance of 790.60 feet to a point from which a ½" iron rod found on the Northwest flare corner of a called 5.513 acre tract, recorded in Volume 2312, Page 913 of the Deed Records of Guadalupe County, Texas, bears South 69°10'45"East, a distance of 99.84 feet;

THENCE across the herein described tract, the following two courses:

- 1.) North 05°16'07"East, a distance of 215.69 feet to a point for a corner;
- 2.) North 68°24'13"West, a distance of 647.12 feet to a point for a corner lying in the Southeast line of a called 2.563 acre tract, recorded in Volume 1343, Pages 554 of the Official Public Records Guadalupe County, Texas;

THENCE with the Southeast line of the said 2.563 acre tract, North 39°49'57"East, a distance of 113.42 feet to a ½" iron rod found and being the Southeast corner of the said 2.563 acre tract;

THENCE with the Northeast line of the said 2.563 acre tract, North 29°16'30"West, a distance of 229.51 feet to a found wooden fence post being the Northeast corner of the said 2.563 acre

EXHIBIT "A"

tract and lying in the South line of a called 3.945 acre tract, recorded in Volume 355, Page 596 of the Official Public Guadalupe County, Texas;

THENCE with the common line of the herein described tract and the said 3.945 acre tract, the following two courses:

- 1.) North 44°55'41"East, a distance of 504.05 feet to a ½" iron rod found with a cap stamped "RPLS 2633"
- 2.) North 07°06'54"West, a distance of 191.85 feet to a found wooden fence post being the North corner of the said 3.945 acre tract and the Southeast corner of a called 10.337 acre tract, recorded in Document No. 2017029354 of the Official Public Records, Guadalupe County, Texas;

THENCE with the common line of the herein described tract and the said 10.337 acre tract, the following two courses:

- 1.) North 13°56'42"West, a distance of 99.63 feet to a ½" iron rod found;
- 2.) North 33°52'30"West, a distance of 247.49 feet to a ½" iron rod found with a cap stamped "KOLODZIE" and lying in the South line of a called 35.805 acre tract, recorded in Document No. 2016005292 of the Official Public Records, Guadalupe County, Texas;

THENCE with the South line of the said 35.805 acre tract, North 44°53'02"East, a distance of 681.30 feet to a ½" iron rod found in concrete, being the west corner of Lot 27, Block 2, Saengerhalle Subdivision Unit Two, recorded in Volume 6, Pages 507-508 of the Map and Plat Records of Guadalupe County, Texas;

THENCE with the South line of the said Saengerhalle Subdivision Unit Two, South 43°15'11"East, at a distance of 125.02 feet passing a ½" iron rod found for the common corner of Lot 26 and 27, at a distance of 463.03 feet passing a ½" iron rod found for the common corner of Lot 21 and 22, at a distance of 584.82 feet passing a ½" iron rod for the common corner of Lot 19 and 20, for a total distance of 1,423.99 feet to the POINT OF BEGINNING and containing 36.732 acres of land in Guadalupe County, Texas.

Bearings are based upon the Texas State Plane Coordinate System, South Central Zone (4204) NAD83.

Surveyed this the 1st day of August, 2018.

Reference survey of said 36.732 acre tract of land prepared this same date.

Dorothy J. Taylor 8-1-18
 Dorothy J. Taylor
 Registered Professional Land Surveyor No. 6295
 Job No. 297-001



· NO ATTEMPT HAS BEEN MADE TO LOCATE ANY IMPROVEMENTS, EASEMENTS OR RIGHTS-OF-WAY NOT SHOWN HEREON.

SCALE: 1"=200'

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	264.58'	N42°45'48"W
L2	289.88'	S45°06'57"W
L3	75.08'	S00°32'50"E
L4	33.11'	S29°57'07"W
L5	205.63'	S38°38'51"E
L6	113.42'	N39°49'57"E
L7	191.85'	N07°06'54"W
L8	99.63'	N13°56'42"W

ENGINEERING & SURVEYING

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND
 UNDER MY SUPERVISION
 THIS 31ST DAY OF JULY 2018
 DOROTHY J. TAYLOR
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 62995
 297 001



410 N. Seguin Ave.
New Braunfels, TX 78130
HMTNB.COM
830.625.8555 • FAX: 830.625.8556
TBPLS FIRM 10153600



METES AND BOUNDS DESCRIPTION FOR A 4.160 ACRE TRACT

Being 4.160 acres of land located in the A.M. Esnaurizar Survey, A-20, Guadalupe County, Texas. Said tract being a portion of a called 40.892 acre tract described in a deed to AC 483, LTD., a Texas Limited Partnership, recorded in Volume 2413, Page 820 of the Official Public Records of Guadalupe County, Texas. Said tract being more particularly described as follows:

BEGINNING at a ½" iron rod found with a cap stamped "B AND A" being the Northwest corner of the herein described tract and the Southwest corner of a called 2.563 acre tract, recorded in Volume 1343, Page 554 of the Official Public Records of Guadalupe County, Texas;

THENCE with Southeast line of the said 2.563 acre tract and Northwest line of the herein described tract, North 39°49'57"East, a distance of 268.48 feet to a point for the Northeast corner of the herein described tract, from which a ½" iron rod found bears North 39°49'57"East a distance of 113.42 feet being the Southeast corner of the said 2.563 acre tract;

THENCE across the said 40.892 acre tract, the following two courses:

- 1.) South 68°24'13"East, a distance of 647.12 feet to a point for corner;
- 2.) South 05°16'07"West, a distance of 215.69 feet to a point lying in the North margin of Saengerhalle Road, from which a ½" iron rod found on the Northwest flare corner of a called 5.513 acre tract, recorded in Volume 2312, Page 913 of the Deed Records of Guadalupe County, Texas, bears South 69°10'45"East, a distance of 99.84 feet;

THENCE with the North margin of Saengerhalle Road flare corner, South 78°14'17"West, a distance of 100.76 feet to a point on the North margin of State Highway 46 and the beginning of a non-tangent curve to the left;

THENCE with the North margin of State Highway 46, said curve having a radius of 2,925.36 feet, a central angle of 03°04'35", a chord bearing and distance of North 65°45'35"West, 157.05 feet and an arc length of 157.07 feet to a ½" iron rod found, also being the Southeast corner of a called 2485 Sq. ft. tract, recorded in Volume 1638, Page 571 of the Official Public Records of Guadalupe County, Texas;

THENCE with the said 2485 Sq. ft. tract, the following three courses:

- 1.) North 27°45'09"East, a distance of 49.75 feet to a ½" iron rod found;
- 2.) North 67°55'33"West, a distance of 49.91 feet to a ½" iron rod found;
- 3.) South 27°40'21"West, a distance of 50.00 feet to a TxDOT Aluminum Disk found in the North margin of State Highway 46;

THENCE with the North margin of State Highway 46, North 68°24'13"West, a distance of 500.87 feet the POINT OF BEGINNING and containing 4.160 acres of land in Guadalupe County, Texas.

Bearings are based upon the Texas State Plane Coordinate System, South Central Zone (4204) NAD83. Surveyed this the 1st day of August, 2018.

Reference survey of said 4.160 acre tract of land prepared this same date.

Dorothy J. Taylor
Dorothy J. Taylor
Registered Professional Land Surveyor No. 6295
Job No. 297.001



EXHIBIT "C"



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. H)

Presenter

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

SUBJECT:

Public hearing and first reading of an ordinance regarding the proposed rezoning of 1 acre out of the L. Salinas Survey-458, Abstract 531, Comal County, Texas, addressed at 318 FM 1863, from "APD" Agricultural/Pre-Development District to "C-1A" Neighborhood Business District.

BACKGROUND / RATIONALE:

Case No.: PZ-18-025

Council District: 3

Owner/Applicant: Carlton Henk
P.O. Box 311057
New Braunfels, TX 78131-1057
(830) 743-3090

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

The subject property is located on the north side of FM 1863 about 1,900 feet west of the intersection of FM 1863 and SH 46, adjacent to the New Braunfels Christian Academy and within the Hoffman Lane Sub Area as identified in the Comprehensive Plan. The one-acre site has 170 feet of frontage on FM 1863. There is currently a single family dwelling on the property.

The applicant originally requested a rezoning from APD to C-1B (General Business District), but agreed to amend his request to C-1A as recommended by the Planning Commission. He has indicated no specific proposed use for the property at this time and intends to sell it, according to his application. The subject property is surrounded by property owned by the New Braunfels Christian Academy that is also zoned C-1A.

General Information:

Size: 1.0 acre

Surrounding Zoning and Land Use:

North - C-1A / New Braunfels Christian Academy

South -	Across FM 1863, R-1 / Undeveloped
East -	C-1A / New Braunfels Christian Academy
West -	C-1A / Undeveloped

Comprehensive Plan/ Future Land Use Designation:

Commercial

- Hoffman Lane Sub Area
- Near an existing Education Center and Future Market Center

Floodplain:

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

Transportation:

FM 1863 is designated as a Principal Arterial with a 150-foot wide right-of-way. The current right-of-way width of FM 1863 is 80 feet. Right-of-way dedication will be required at the time of platting.

Improvement(s):

There is a single family residence on the property.

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 (*C-1A is intended to provide neighborhood scale uses, generally at intersections of collectors and along neighborhood perimeters. The property is within close proximity of the intersection of FM 1863 and SH 46 and is surrounded on three sides with C-1A.*)
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*The proposed zoning should not conflict with existing or proposed streets or utilities in the area. The property is immediately adjacent to one of the driveways to the New Braunfels Christian Academy and could potentially have an impact on school traffic and/or may require reciprocal access. A traffic impact analysis (TIA) will be required at the time of building permit and may require traffic mitigation measures, depending on the proposed use of the property.*);
- How other areas designated for similar development will be affected (*The proposed zoning should not impact other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*There should be no other factors that will substantially affect the public health, safety, morals, or general welfare.*); and
- Whether the request is consistent with the Comprehensive Plan (*The request is consistent with the Future Land Use Plan designation of the property as commercial and is located near existing Education and Market Centers.*)

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

✓	Yes	City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	Pros: <i>Action 3.3 Balance commercial centers with stable neighborhoods.</i> The subject property is along a Principal Arterial that has remaining undeveloped frontage and has retained its heavily tree-ed, Hill Country character. It is surrounded by existing C-1A, which is intended to serve residential neighborhoods with pedestrian friendly, neighborhood scale commercial uses at intersections or along neighborhood perimeters. Cons: None
---	-----	---	--

FISCAL IMPACT:

[Enter Fiscal Impact Here]

N/A

COMMITTEE RECOMMENDATION:

[Enter Committee Recommendation Here]

The Planning Commission held a public hearing on September 5, 2018 and recommended approval of C-1A rather than the applicant's originally requested C-1B (5-2-0, with Commissioner Sonier absent and Chairman Edwards recused).

STAFF RECOMMENDATION:

[Enter Staff Recommendation Here]

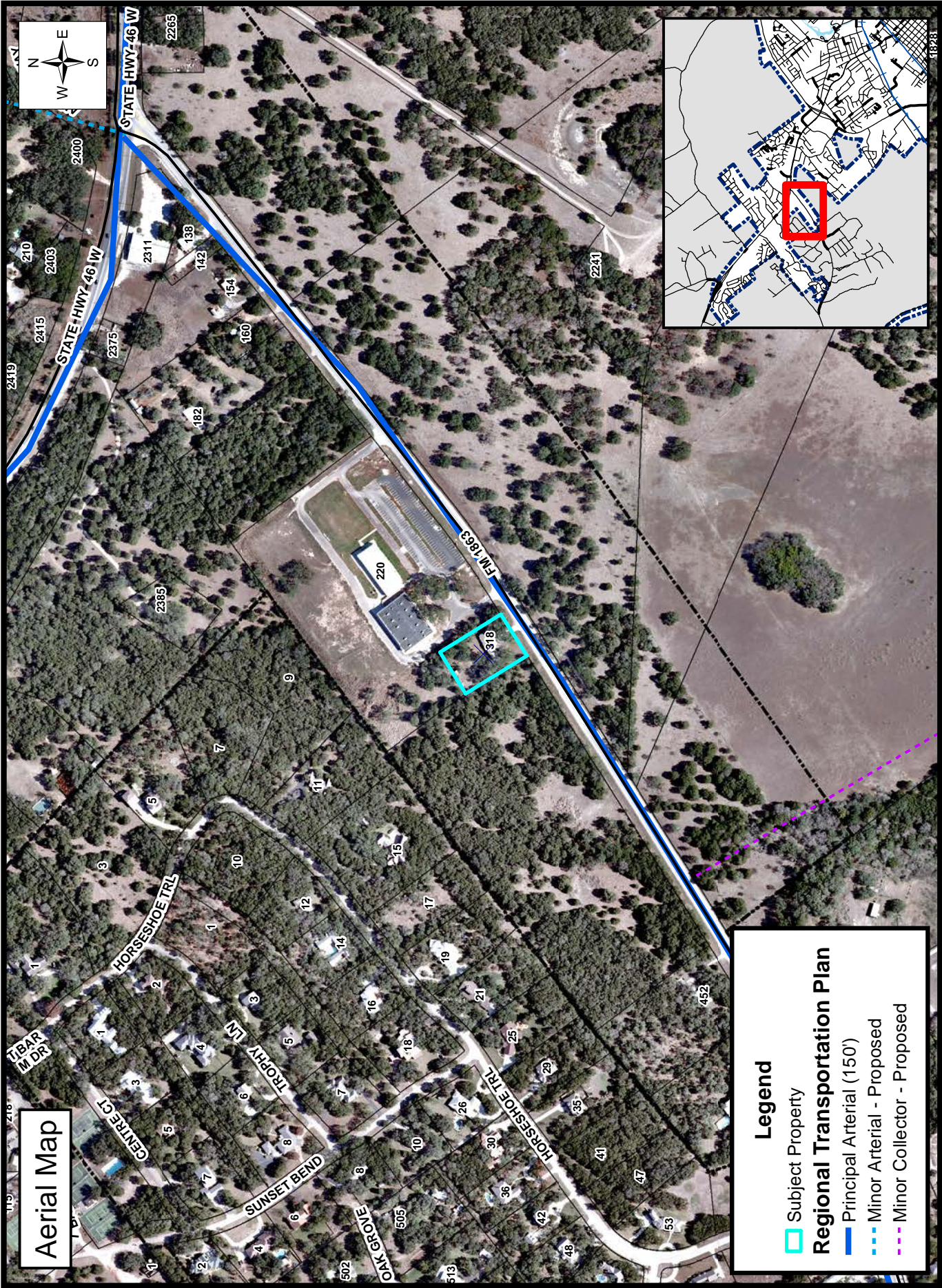
Staff recommends approval of the Planning Commission's recommendation of C-1A as it is consistent with existing surrounding zoning.

Notification:

Public hearing notices were sent to owners of 2 properties within 200 feet of the request. The Planning Division has received no responses.

Attachments:

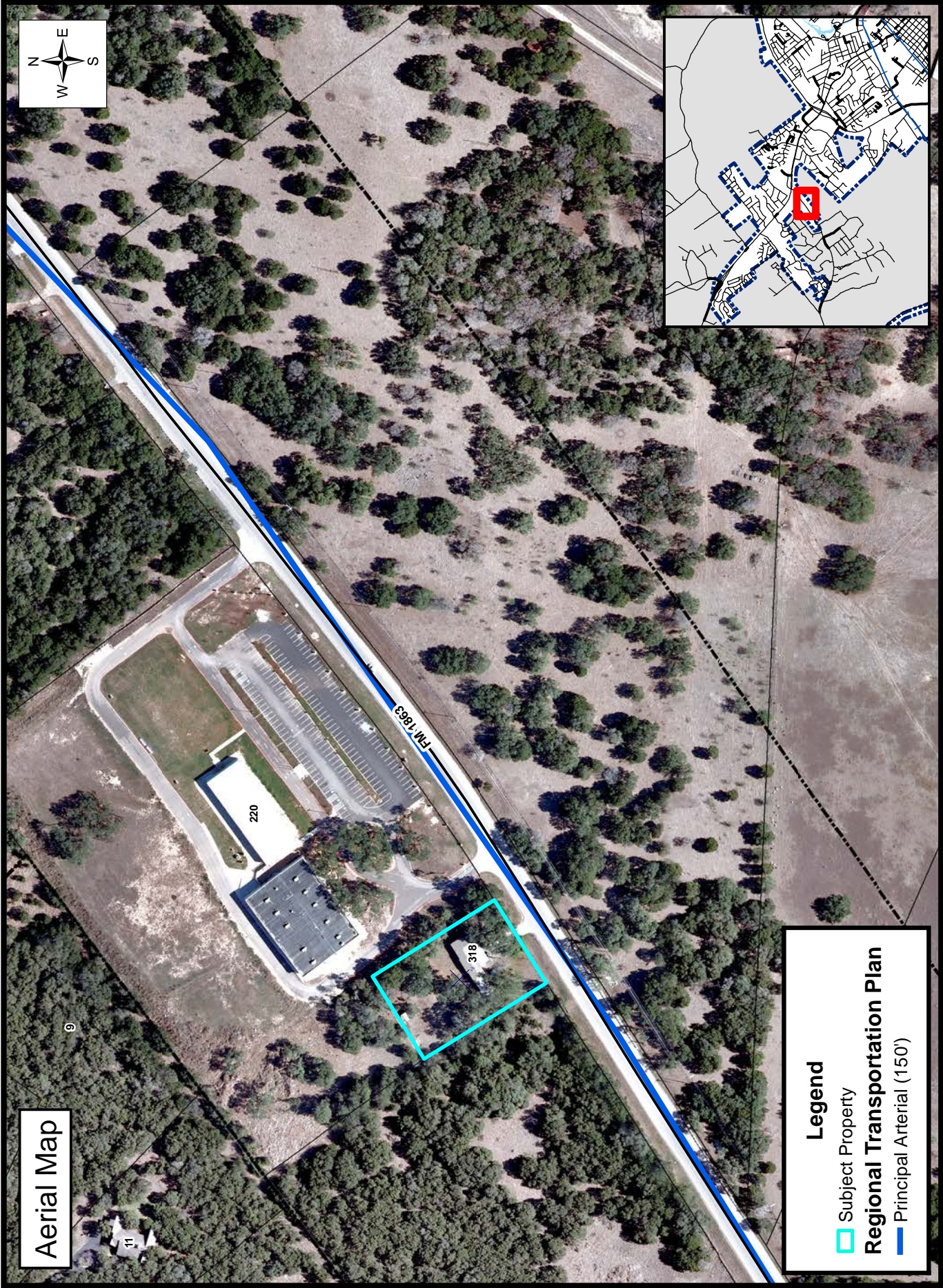
1. Aerial Maps
2. Application
3. Land Use Maps
4. Future Land Use Plan
5. Notification List and Map
6. Sec. 3.4-1 APD
7. Sec. 3.4-13 C-1B
8. Photograph
9. Draft Minutes from the September 5, 2018 Regular Planning Commission Meeting
10. Ordinance



Map Created 8/3/18

PZ-18-025
318 FM 1863
APD to C1-B







APPLICATION FOR A ZONING CHANGE

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

Case Number: PZ-18-025

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

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: Carlton HenkMailing Address: P.O. Box 311057 New Braunfels Tx 78131-1057Telephone: 830-625-0223 Fax: _____ Mobile: 830-743-3090Email: henk paving @ sbcglobal.net

2. Property Address/Location: 318 FM 1863 New Braunfels

3. Legal Description: _____

Name of Subdivision: _____

Lot(s): _____ Block(s): _____ Acreage: 1 Acre

4. Existing Use of Property: Residential

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

property to be sold

6. Zoning Change Request: Current Zoning: _____ Proposed Zoning: C1-b

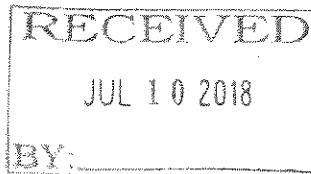
For "PDD Planned Development District", check if: Concept Plan ☐ OR Detail Plan ☐

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

to conform with surrounding commercial properties

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

9. REQUIRED ATTACHMENTS:

☒ Metes and bounds description and survey if property is not platted.☒ 3 TIA worksheets and 2 Traffic Impact Analysis if required.☒ Location in 100-year floodplain: Please provide a map of the floodplain overlaying the property proposed for zoning or, at a minimum, a copy of the proper FEMA flood map, with panel number. (Current floodplain maps are those most recently adopted by the City Council.)☒ Map of property in relation to City limits/major roadways or surrounding area.☒ If requesting a Planned Development (PD), applicant must provide 17 development standards on the detail plan and/or provide the standards in a separate document as described in the Zoning Ordinance, Section 3.5; Provide 17 copies of the standards and Concept plan (1":200') for distribution; 4 copies of the survey (1":200') (if preparing revisions to existing Planned Development (PD) please provide one legible 11x17).☒ Copy of deed showing current ownership.☒ Mailed notification _____ x 2.15 each = _____☒ Newspaper Notice \$115.00 each☒ Future Land Use Plan Update \$500.00☒ Technology fee: 3% of total fee: \$ _____

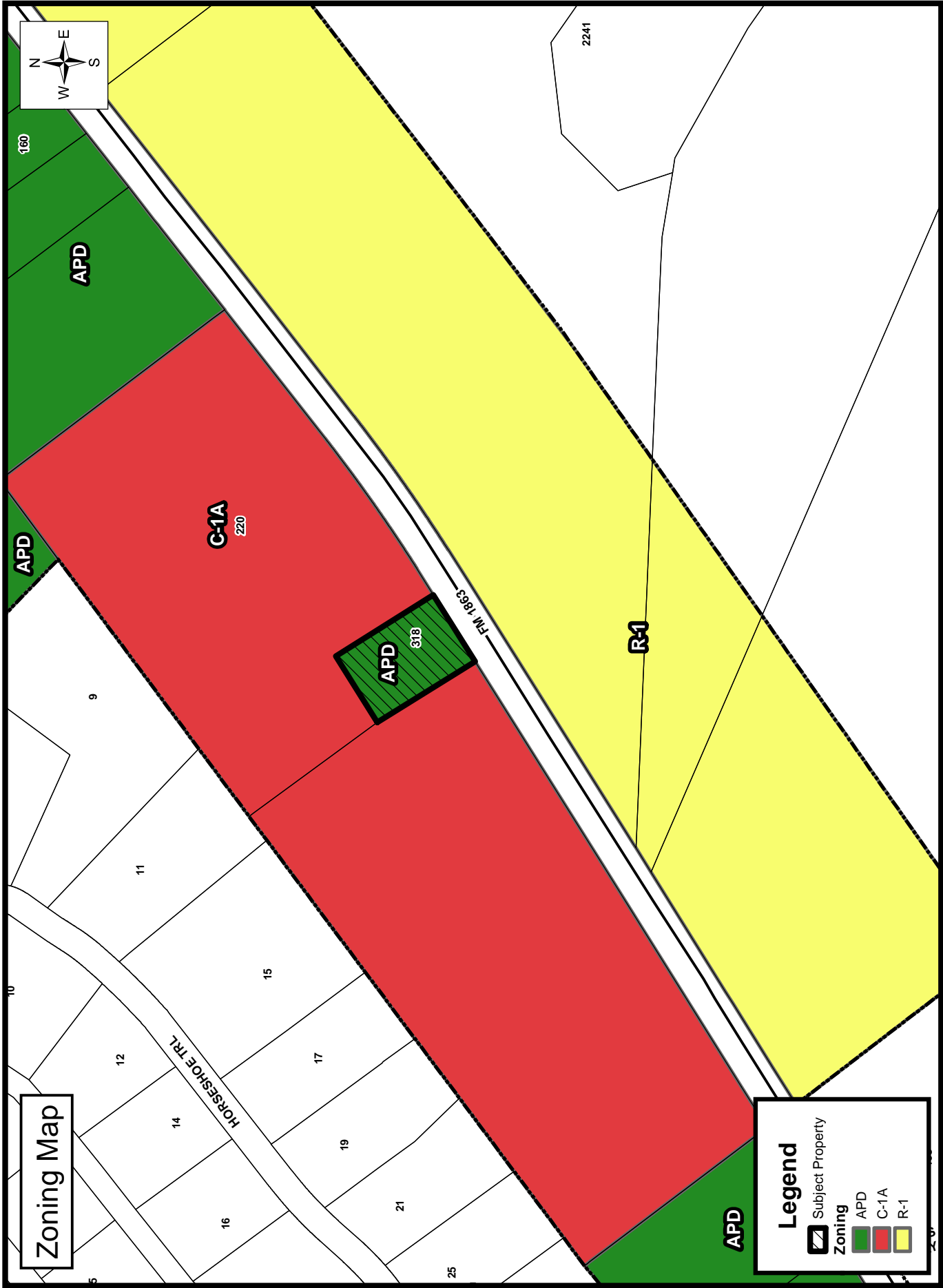
The undersigned hereby requests rezoning of the above described property as indicated.

Carlton Henk
Signature of Owner(s)/Agent

7-10-18
Date
Carlton Henk
Print Name & Title

For Office Use Only

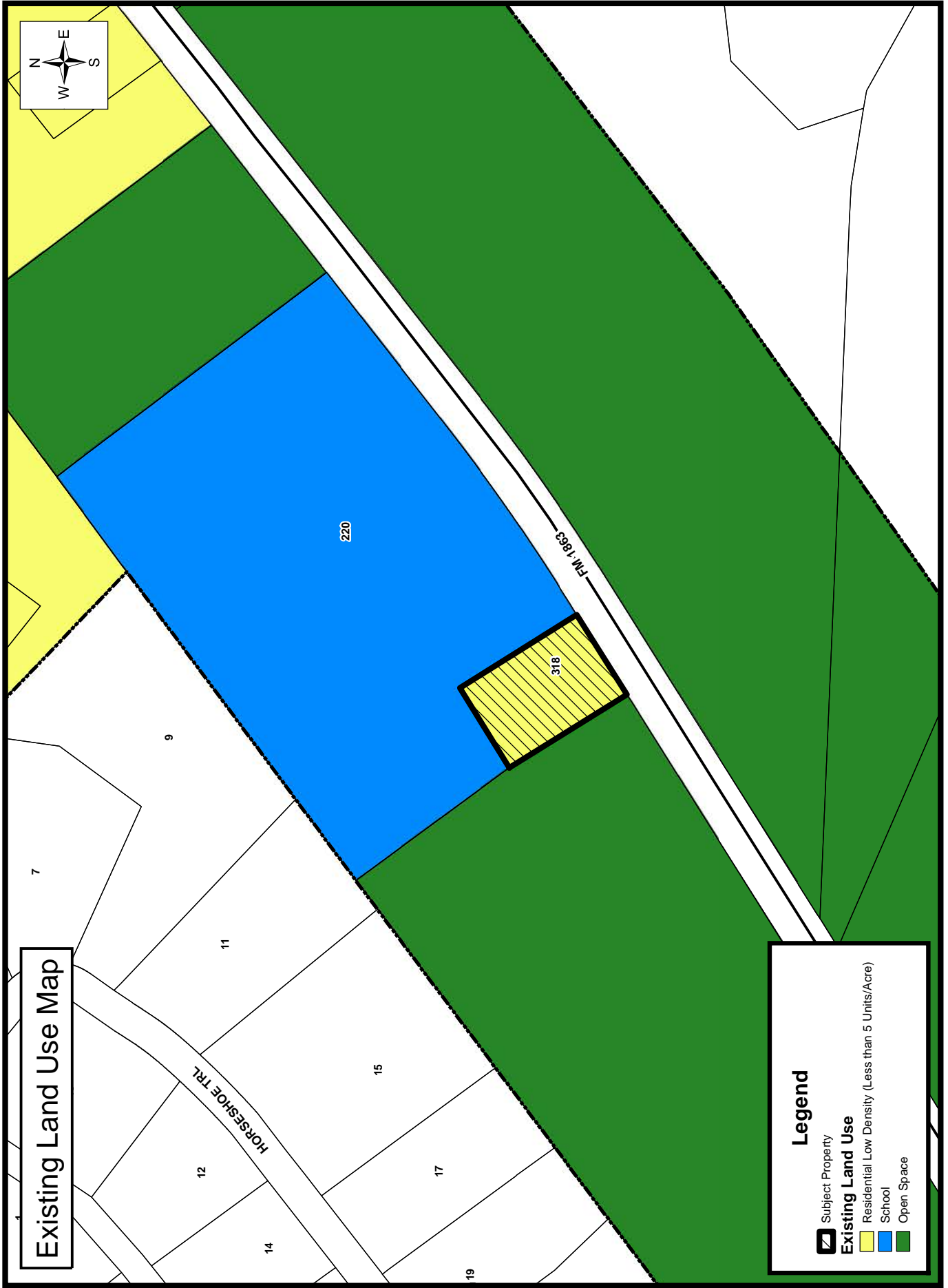
Fee Received By: K. Crowe Amount: \$1,369 Receipt No.: 214356Date Received: 7/10/18 Zoning signs issued: _____ Date: _____ No.: _____Cash/Check Number: 1655 Case Number: PZ-18-025

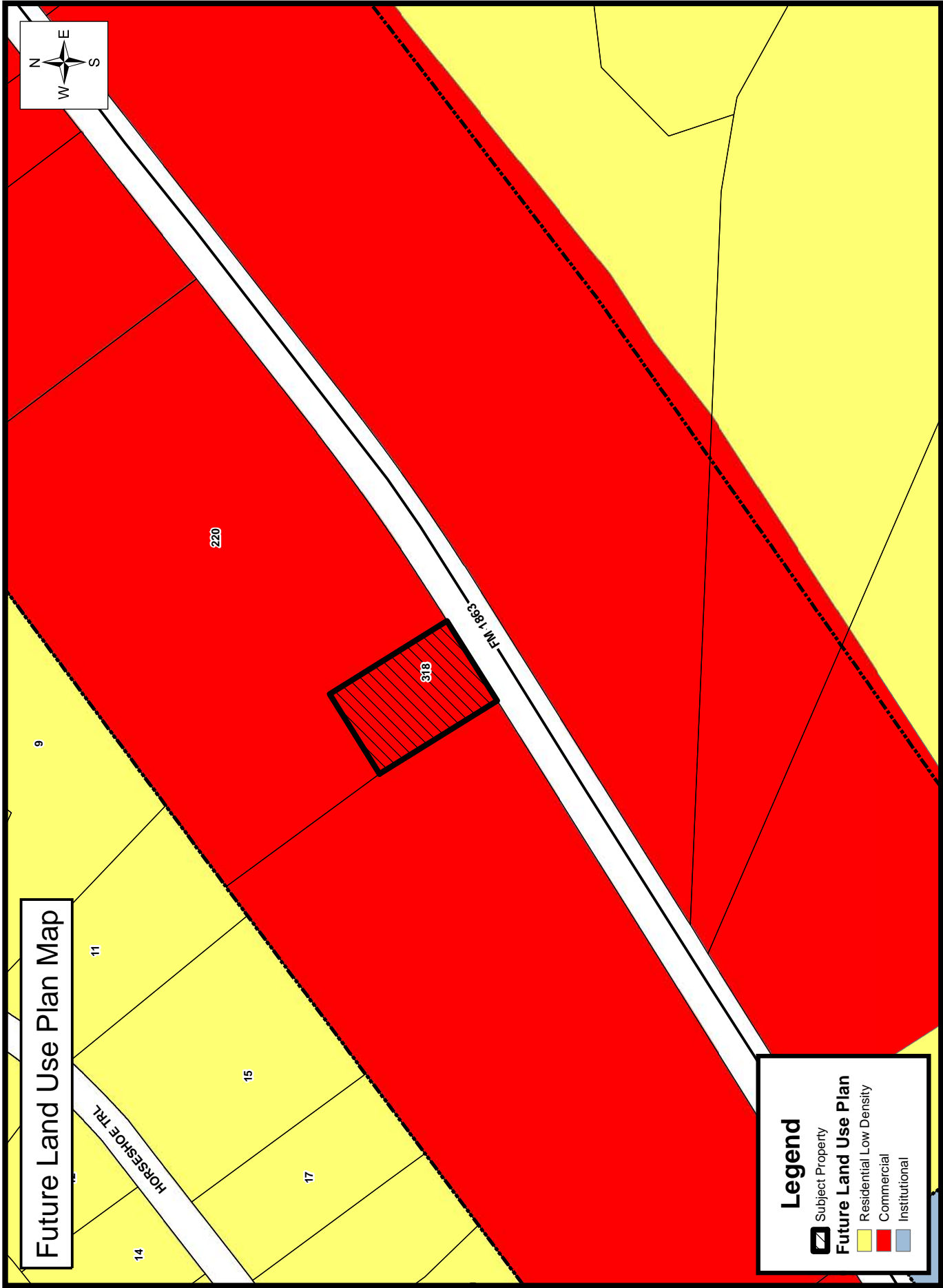


Map Created 8/3/18

PZ-18-025
318 FM 1863
APD to C1-B







A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. Preferred future growth scenario combines Scenarios A and C per recommendations of the Envision New Braunfels Steering Committee (February 2018). Exact boundaries of sub areas, centers, and corridors may be [zoomed and viewed online](#).

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

New Braunfels City Hall Council Chambers

Applicant/Owner: Carlton Henk**Address/Location:** 318 FM 1863**PROPOSED ZONE CHANGE – CASE #PZ-18-025**

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 N B CHRISTIAN ACADEMY
- 2 DISCHINGER FRANK E TSTMNTRY RSDRY TRST

SEE MAP

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

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

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

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

(1) *Uses permitted by right:*

Residential uses:

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

Non-residential uses:

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

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

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

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

(1) *Height.* 35 feet.

(2) *Front yards.* 25 feet.

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

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

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

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

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

(8) *Lot depth.* 100 feet.

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

3.4-13. "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

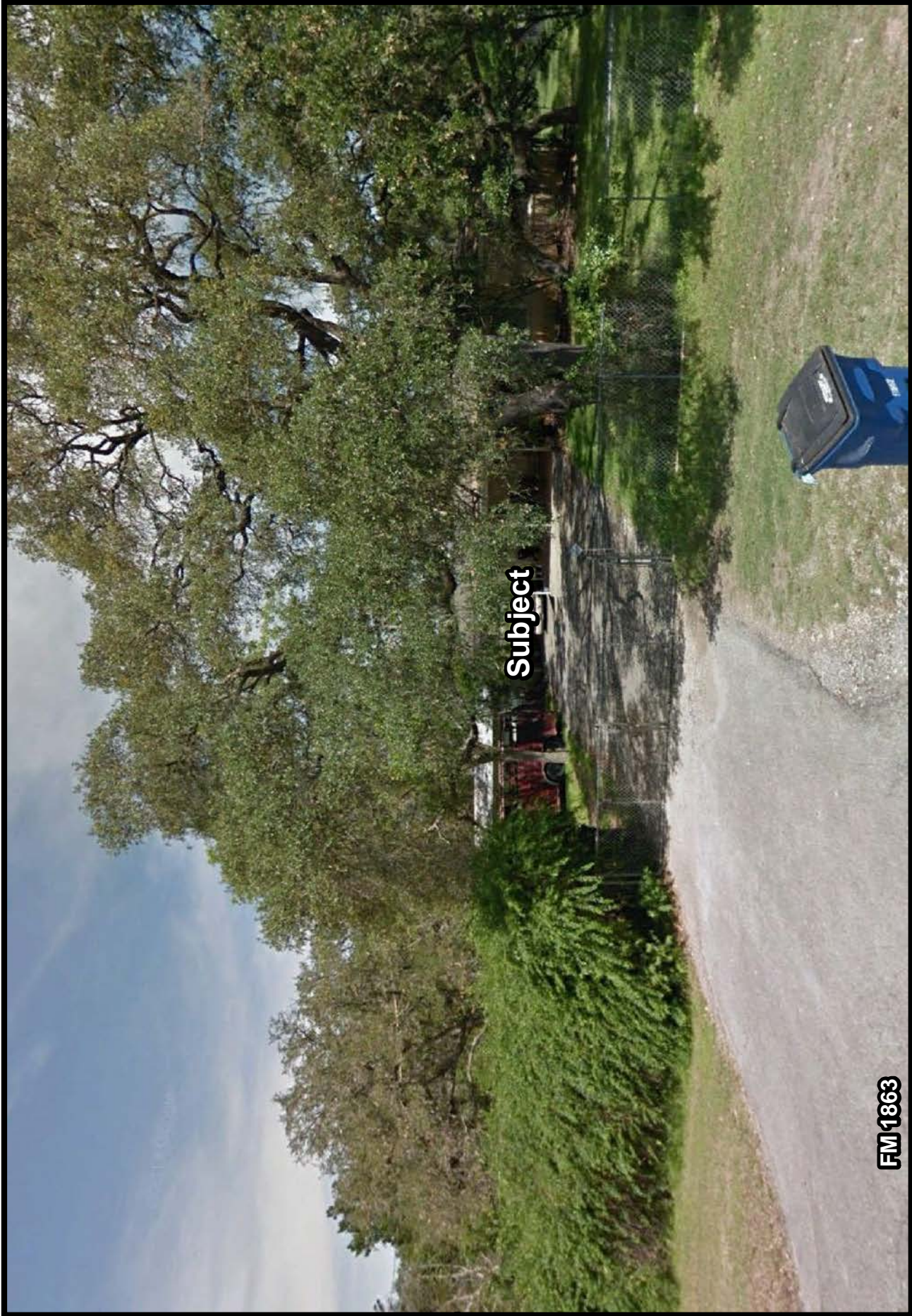
Vehicle storage facility
 Veterinary hospital (no outside animal runs or kennels)
 Video rental / sales
 Waterfront amusement facilities – swimming / wading pools / bathhouses
 Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system
 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.

**FM 1863****Subject**

PZ-18-025
318 FM 1863
APD to C1-B

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

PZ-18-025 Public hearing and recommendation to City Council regarding the proposed rezoning of 1 acre out of the L. Salinas Survey-458, Abstract 531, Comal County, Texas, addressed at 318 FM 1863, from “APD” Agricultural/Pre-Development District to “C-1B” General Business District.
(Applicant: Carlton Henk; Case Manager: M. Greene)

Mr. Greene presented the Staff report and recommended approval.

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

No one spoke.

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

Derek Graham, 917 Koolabah Avenue, wished to speak in opposition. He stated he was representing the New Braunfels Christian Academy adjacent to the subject property. He said had concerns regarding the permitted uses in the “C-1B” General Business District and how several of them could affect the well-being of the children attending the school.

Motion by Commissioner Meyer, seconded by Commissioner Laskowski, to close the public hearing.

Commissioner Mathis stated he was concerned because the intended use of the property was not being specified.

Vice Chair Reaves stated he was also concerned regarding the broad range of uses permitted in the “C-1B” General Business District.

Discussion followed.

Commissioner Gibson, seconded by Commissioner Meyer, motioned to approve the proposed rezoning, however, to change the requested zoning district to “C-1A” Neighborhood Business District.

Commissioner Meyer asked why the “C-1A” zoning district was chosen.

Commissioner Gibson explained the “C-1A” zoning designation would allow the property to conform with the adjacent properties and would limit the more intense uses permitted in the “C-1B” zoning district.

Discussion followed.

The Commission invited the applicant to speak and explain the request.

Carlton Henk, the applicant, stated he does not have an intended use for the property. He stated the requested zone change was intended to make it easier to sell the property.

Discussion followed.

Motion by Commissioner Gibson, seconded by Commissioner Meyer, to recommend approval to City Council regarding the proposed rezoning of 1 acre out of the L. Salinas Survey-458, Abstract 531, Comal County, Texas, addressed at 318 FM 1863, from “APD” Agricultural/Pre-Development District to “C-1A” Neighborhood Business District. Motion carried (6-2-0) with Commissioner Mathis and Commissioner Nolte in opposition.

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING OF 1 ACRE OUT OF THE L. SALINAS SURVEY-458, ABSTRACT 531, COMAL COUNTY, TEXAS, ADDRESSED AT 318 FM 1863, FROM "APD" AGICULTURAL/PRE-DEVELOPMENT DISTRICT TO "C-1A" NEIGHBORHOOD BUSINESS DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

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

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

WHEREAS, the City Council desires to amend the Zoning Map by changing the zoning of 1 acre out of the L. Salinas Survey-458, Abstract 532, Comal County, Texas, addressed as 318 FM 1863, from "APD" Agricultural/Pre-Development District to "C-1A" Neighborhood Business District; **now, therefore;**

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

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by changing the following described tract of land from "APD" Agricultural/Pre-Development District to "C-1A" Neighborhood Business District:

"1 acre out of the L. Salinas Survey-458, Abstract 532, Comal County, Texas, addressed as 318 FM 1863, as delineated on Exhibit "A" attached."

SECTION 2

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

SECTION 3

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

SECTION 4

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

SECTION 5

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

PASSED AND APPROVED: First reading this 24th day of September, 2018.

PASSED AND APPROVED: Second reading this 8th day of October, 2018.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



Map Created 8/3/18

PZ-18-025
318 FM 1863
APD to C1-B





City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. I)

Presenter

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

SUBJECT:

Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow the short term rental of a single family residence in the "C-1" Local Business District addressed at 132 East North Street.

BACKGROUND / RATIONALE:

Case No.: PZ-18-029

Council District: 5

Owner/Applicant: East North Properties, LLC (Chris Snider)
1411 FM 1101 Suite A
New Braunfels, TX 78130
(830) 626-1344

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

The subject property is located on the south side of East North Street, between North Union and North Washington Avenues in the New Braunfels Sub Area as identified in the Comprehensive Plan. The tract comprises 7,000 square feet and is occupied by an 840 square-foot single family residence constructed in 1925.

This lot is presently zoned "C-1" Local Business District, which allows rental or occupancy for less than one month. However, the structure on the subject property is a single-family dwelling which requires approval of a Special Use Permit (SUP) before it can be used as a short term rental. If the SUP is approved, an administrative Short Term Rental Permit is also required prior to the first rental along with annual fire inspections.

The applicant indicates the one-story dwelling has three sleeping areas (2 bedrooms and a living room with a fold-out sofa), which would allow a maximum occupancy of 10 adults for a short-term rental. Minimum required off-street parking is one space per sleeping area (3), with a maximum of number of sleeping areas plus one (4). The applicant is requesting approval to utilize an existing continuous gravel driveway that extends the depth of the property between East North Street and an

unnamed alley that can technically park approximately six (6) vehicles bumper to bumper. It does not seem efficient for a drive to be utilized to park 6 vehicles in a line as drivers naturally leave sufficient space and walk between parked vehicles. Therefore, it appears the driveway could more practically accommodate a maximum of four (4) vehicles and not overburden the neighborhood. The maximum number of parking spaces was intended to limit the development of large “parking areas” in residential neighborhoods to maintain residential character.

The subject property is eligible for Historic Designation and Staff encourages the applicants to pursue Historic Designation of the dwelling to preserve the character of the area and of the existing home. Historic Designation would also provide the owner with potential tax benefits.

General Information:

Size: = 7,000 square feet

Surrounding Zoning and Land Use:

North - Across E. North St., C-1 / Convenience store

South - C-1 / Single family residence

East - R-2 / Single-family residence

West - C-1/ Exercise studio

Comprehensive Plan / Future Land Use Designation:

Residential Low Density

- New Braunfels Sub Area
- Near existing Medical and Tourist/Entertainment Centers
- Near a Transitional Mixed Use Corridor (Union Avenue)

Floodplain:

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

Transportation:

East North Street is identified as a 60-foot wide Minor Collector on the 2012 Regional Transportation Plan. The current right-of-way width is 40 feet. No additional right-of-way dedication will be required with use of the property as a short term rental, however, should the property be replatted, a 10-foot right-of-way dedication will be required at that time.

Improvement(s):

Single-family residence

Determination Factors:

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

- Whether the permitted uses will be appropriate in the immediate area and their relationship to the area and to the City as a whole (*The subject property is zoned C-1 within an area of mixed*

-
- uses and in close proximity to Schlitterbahn and the Christus Santa Rosa hospital.);
 - Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area *(There do not appear to be any conflicts with these elements.);*
 - How other areas designated for similar development will be affected *(There should be no negative effects on areas designated for similar development. Staff's recommendation includes maintaining the residential appearance of the structure.);*
 - Any other factors that will substantially affect the public health, safety, morals, or general welfare. *(The use of this property as a short term rental will be subject to the supplemental standards as required in Section 5.17 of the Zoning Ordinance. These standards help to ensure that proper measures are in place to protect public health and to encourage appropriate use of the property.);* and
 - Whether the request is consistent with the Comprehensive Plan. *(The Comprehensive Plan identifies the subject property as lying in close proximity to an existing Tourist/Entertainment Center.)*

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

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

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

✓	Yes	City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	Pros: Action 1.14 <i>Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions.</i> Use of this property for a Short Term Rental would create a flexible lodging option near Schlitterbahn and the Christus Santa Rosa Hospital. Action 3.3 <i>Balance commercial centers with stable neighborhoods.</i> The subject property is in an area of mixed commercial and residential uses with a convenience store across the street and studio next door. Authorized short term rentals can create an appropriate transition from retail commercial and service uses to residential. Cons: None.
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FISCAL IMPACT:

If approved, the property will be subject to state and local hotel occupancy tax (HOT). The property owner will be responsible for remitting the local portion of taxes to the City as specified by the Finance Department.

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on September 5, 2018 and recommended approval of the applicant's request with staff recommended conditions, plus they recommended an additional condition that the maximum occupancy be limited to 6 adults (7-1-0, with Commissioner Sonier absent).

STAFF RECOMMENDATION:

Staff recommends approval of the applicant's request. The gravel parking is existing and would blend with the characteristics of the neighborhood as there are mixtures of paved and unpaved parking in this neighborhood. The proposed use of the property would complement the mixed uses in the area while maintaining a residential appearance and create a necessary transition from the convenience store across the street and the studio next door. Staff's recommendation includes the following conditions:

1. The residential character and appearance of the building/property must be maintained.
2. 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.

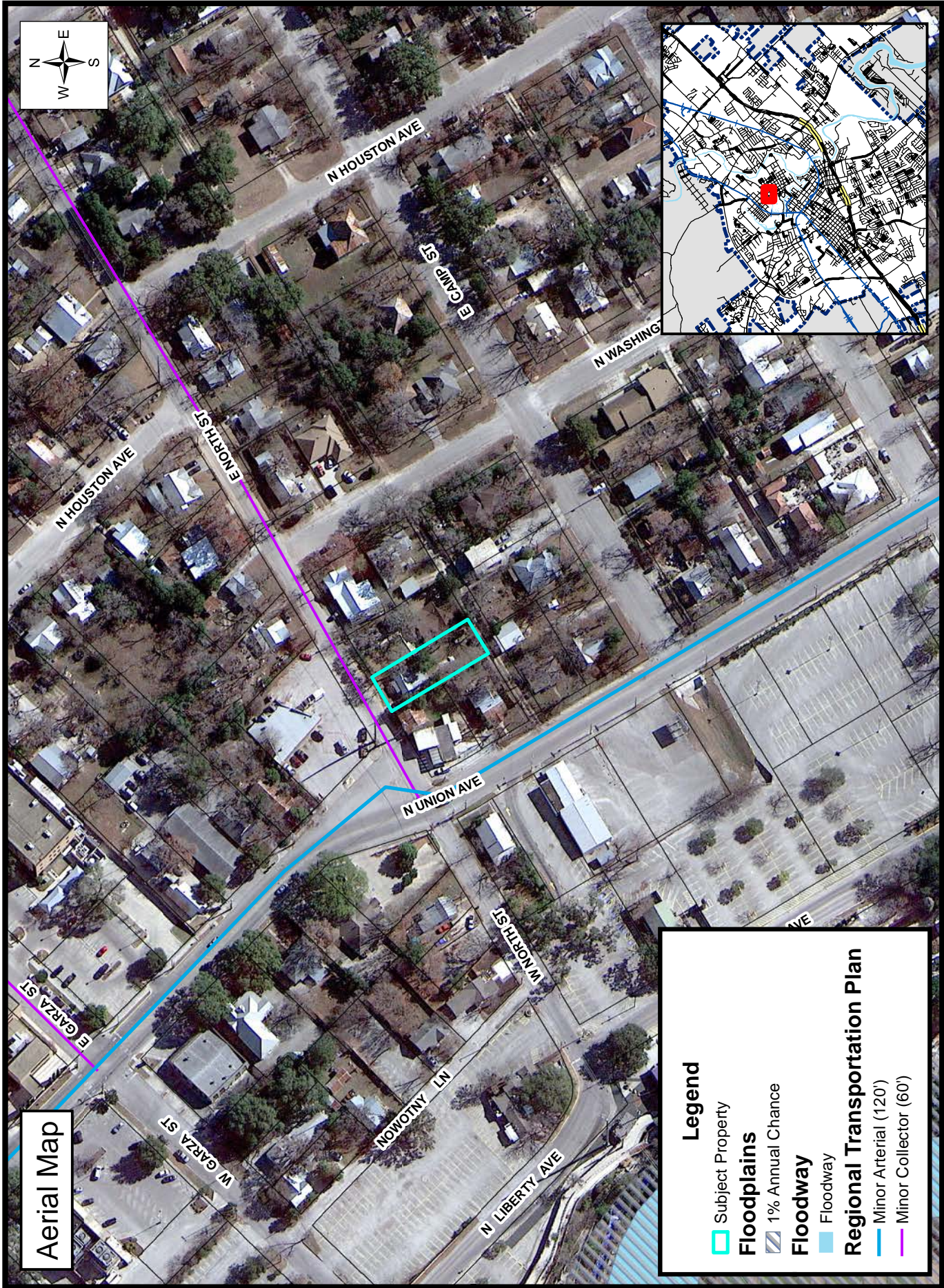
Notification:

Public hearing notices were sent to 16 owners of property within 200 feet of the request. The Planning Division has received 4 responses in favor (#'s 2, 5, 11 & 14) and 2 opposed (#'s 6 & 7).

ATTACHMENTS:

1. Aerial Maps
2. Application
3. Site Plan

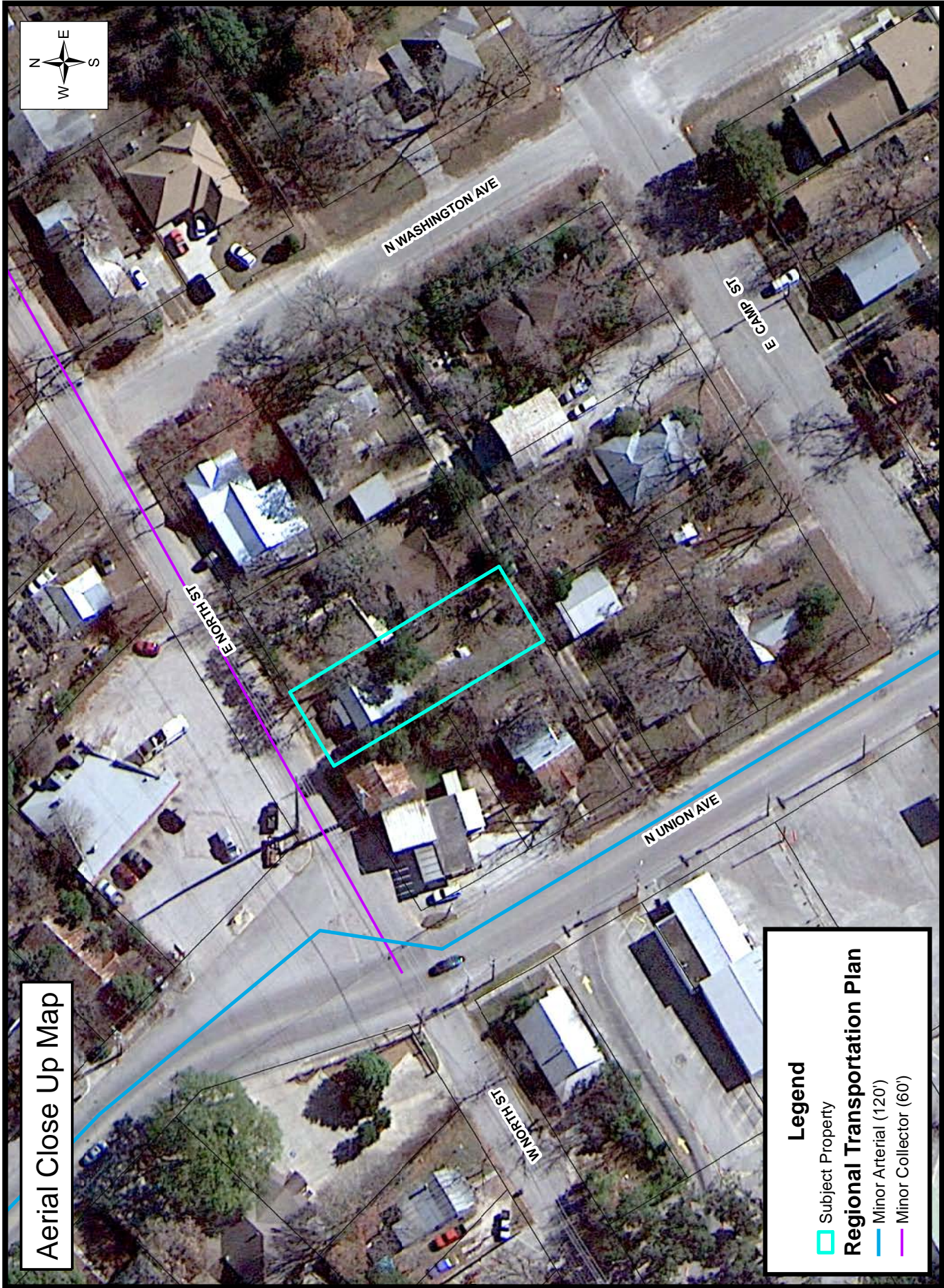
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4. Floor Plan
 5. Zoning and Land Use Maps
 6. Future Land Use Plan
 7. Short Term Rental Vicinity Map
 8. Notification List and Map
 9. Photographs
 10. Sections 3.3-7 C-1, 3.6 Special Use Permits & 5.17 Short Term Rentals
 11. Draft Minutes of the September 5, 2018 Regular Planning Commission Meeting
 12. Ordinance



Map Created: 8/6/2018

PZ-18-029
132 E. North St.
SUP to allow Short Term Rentals in C-1





PZ-18-029
132 E. North St.
SUP to allow Short Term Rentals in C-1

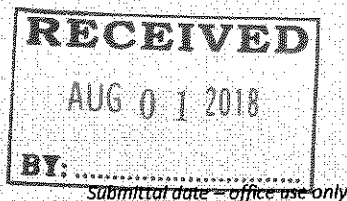


**Planning & Community Development Department
Planning Division**

550 Landa St. New Braunfels, Tx 78130
(830) 221-4050 www.nbtexas.org

CC/Cash/Check No.: card
Amount Recd. \$ 1,798
Receipt No.: 215300

Case No.: PZ48-029



Special Use Permit Application to Allow Short Term Rental

Any application that is missing information will be considered incomplete and will not be processed.

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: East North Properties, LLC

Mailing Address: 1411 FM 1101, Suite A, New Braunfels, TX 78130

Telephone: 512-656-9970 Fax: 830-626-1344 Mobile: 512-656-9970

Email: chrissnidermail@gmail.com

2. Property Address/Location: 132 E. North St, New Braunfels, TX 78130

3. Legal Description:

Name of Subdivision: CBD-CASTELL, COMAL, UNION

Lot(s): Lot 3 Block(s): City Block 5081 Acreage: 0.1607

4. Existing Use of Property: Commercial and / or residential long-term rentals

5. Current Zoning: C-1

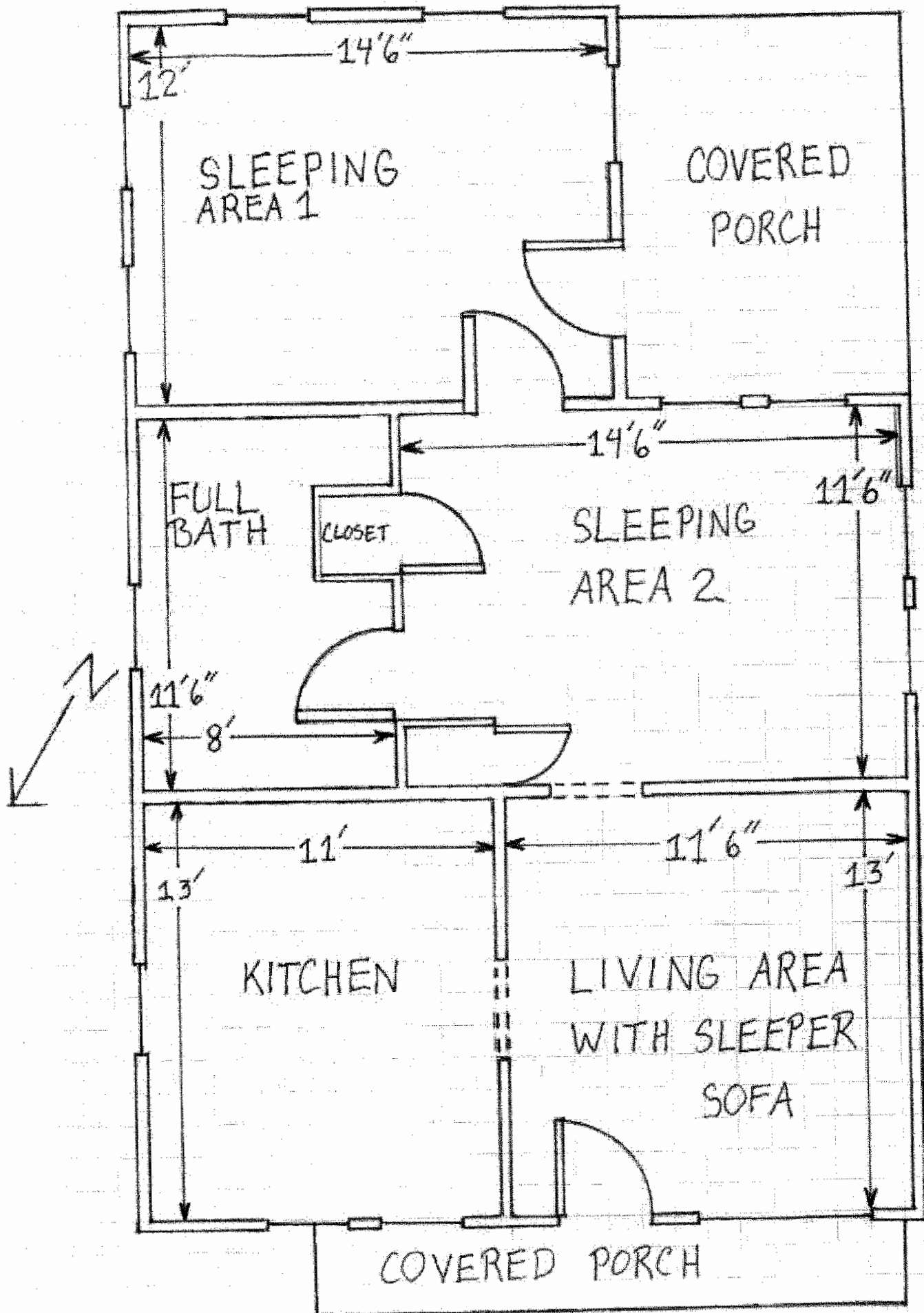
*Please note Short Term Rentals are **prohibited** in the following residential districts, & a Special Use Permit could **not** be requested:

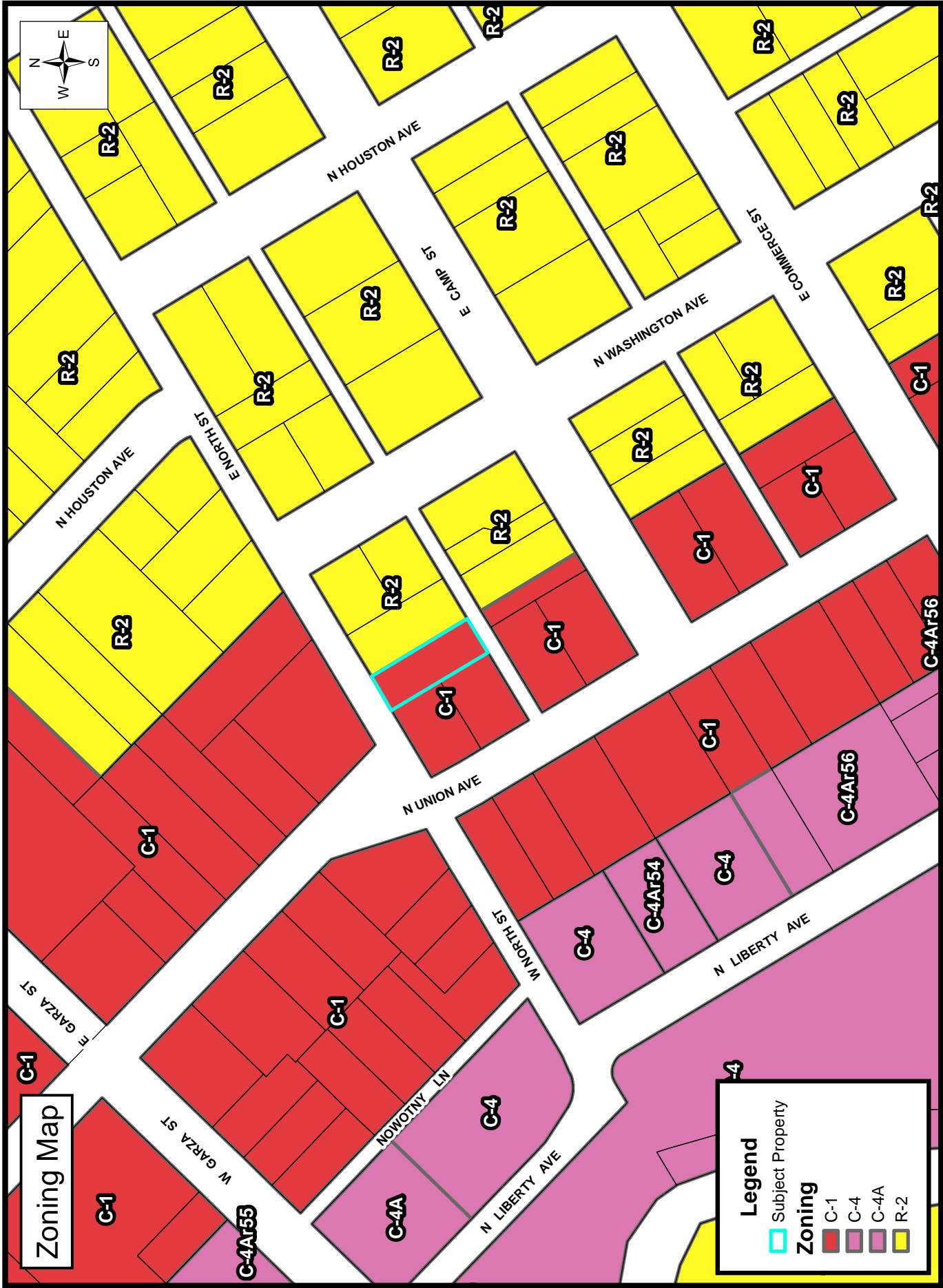
- R-1 • R-3 • TH • R-1A-43.5 • R-1A-8 • R-2A • B-1B • ZH-A
- R-2 • B-1 • ZH • R-1A-12 • R-1A-6.6 • B-1A • TH-A

6. Proposed Special Use Permit*: Type 1 OR Type 2 X - Type 2

*see page 4 for information regarding Type 1 and Type 2 Special Use Permits

7. Explain how the proposed Short Term Rental use will be well suited for the neighborhood (attach additional or supporting information if necessary): This Short Term Rental will compliment other current property uses in the neighborhood including a nearby convenience store (directly across the street), a neighboring commercial property that currently houses a workout studio and most recently housed a bar prior to that, a hospital (1000' away), a waterpark (1000' away) and various other short-term and resort rentals that currently exist in the neighborhood.

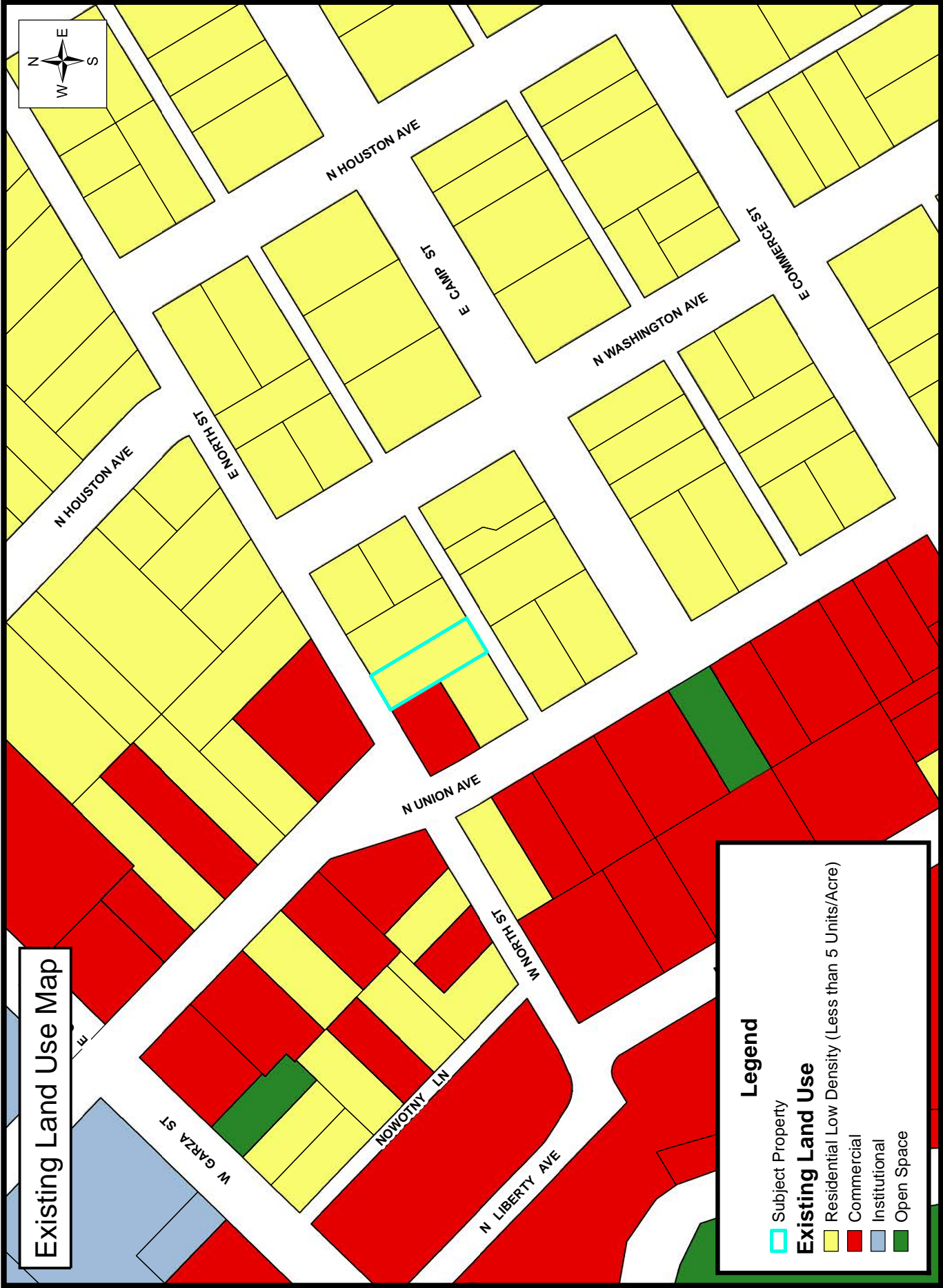


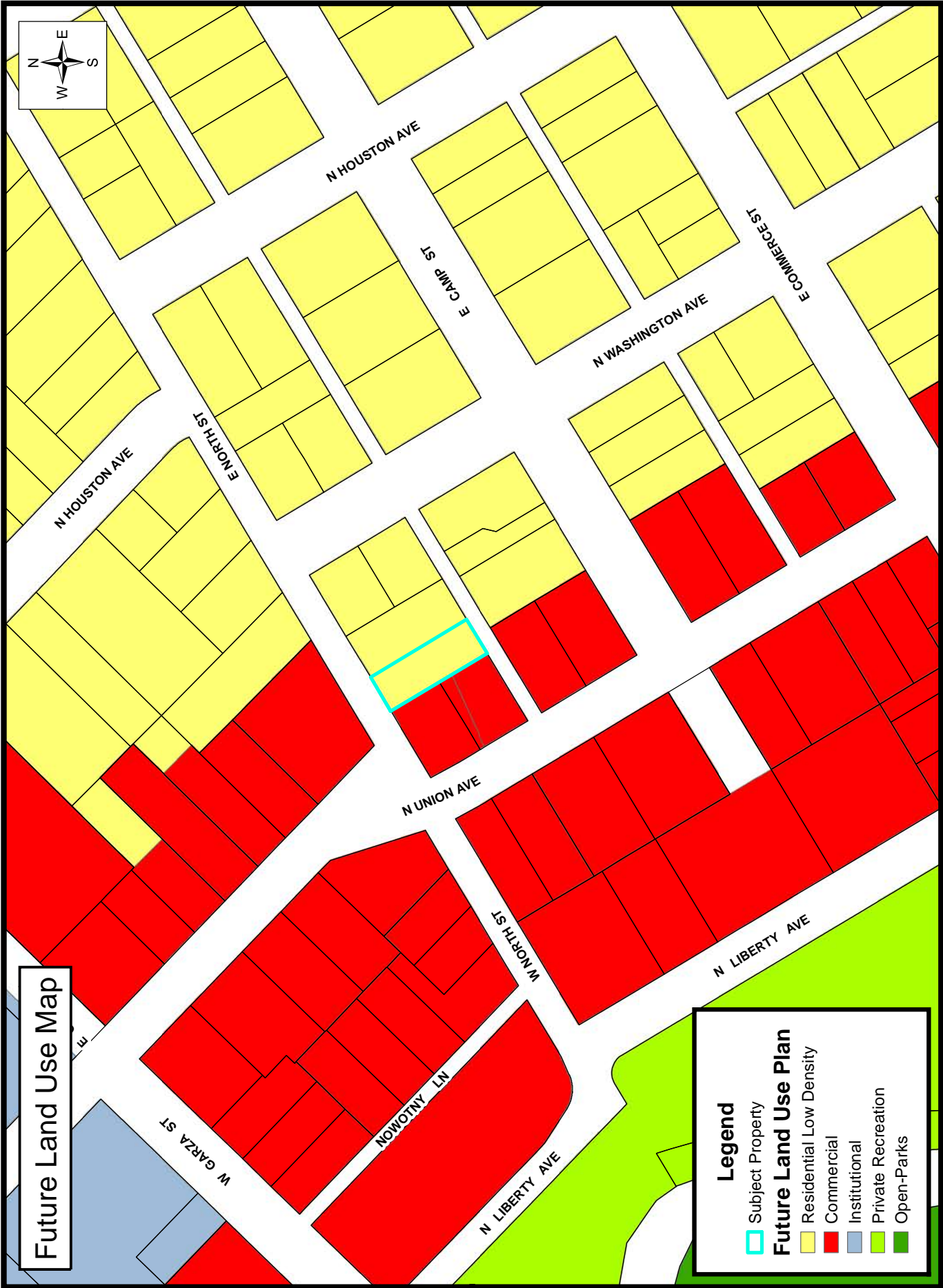


Map Created: 8/6/2018

PZ-18-029
132 E. North St.
SUP to allow Short Term Rentals in C-1

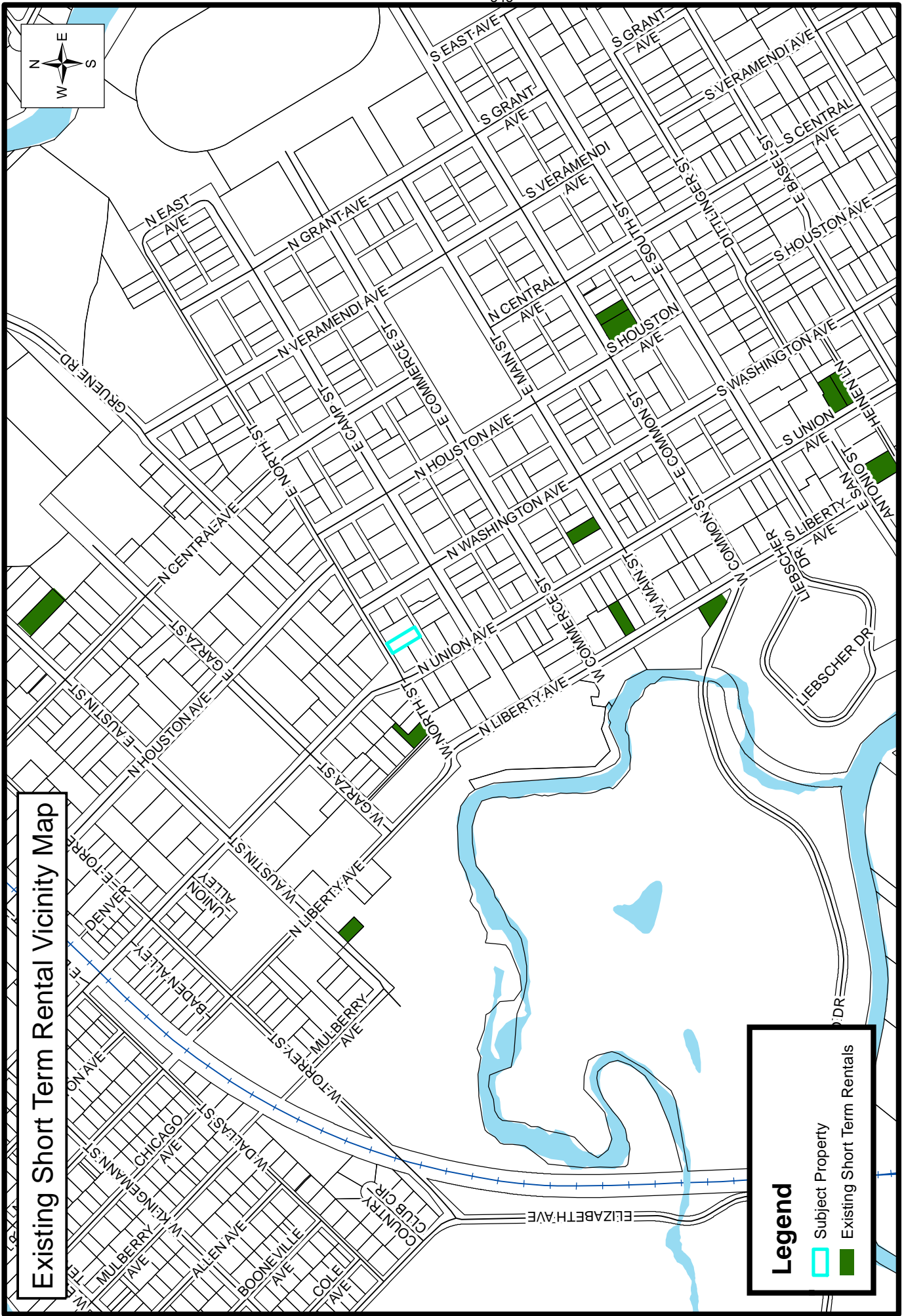






PZ-18-029
132 E. North St.
SUP to allow Short Term Rentals in C-1

A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. Preferred future growth scenario combines Scenarios A and C per recommendations of the Envision New Braunfels Steering Committee (February 2018). Exact boundaries of sub areas, centers, and corridors may be [zoomed and viewed online](#).



Map Created: 8/6/2018

PZ-18-029
132 E. North St.
SUP to allow Short Term Rentals in C-1



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

New Braunfels City Hall Council Chambers

Applicant/Owner: East North Properties, LLC**Address/Location:** 132 E. North St.**PROPOSED SPECIAL USE PERMIT – CASE #PZ-18-029**

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 CORBIN THOMAS A | 10 CASTANEDA SARA R ESTATE OF |
| 2 SNIDER LIVING TRUST 3-30-2017 | 11 NOSUBI LTD |
| 3 GARCIA RENE SR | 12 AGUIRRE JESUS |
| 4 ARELLANO DONNA M | 13 CLITHEROE R L |
| 5 LEDBETTER REX J | 14 ALI NOORUDDIN Y & SANDRA M |
| 6 GOFF MYRA LEE ADAMS | 15 BARRIENTOS CAROLINA G |
| 7 BOYD BEN R & KAREN D | 16 AMARO JOHN D |
| 8 N B HERMANN SONS HOME ASSN | |
| 9 LIBERTY PARTNERSHIP LTD | |

SEE MAP

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-029 (EAST NORTH PROPERTIES LLC) (MG)

Name: Snider Living TrustAddress: 100 E. North St.Property number on map: 2

Comments: (Use additional sheets if necessary)

I favor: ☒

I object: _____

(State reason for objection)

Signature: Al Snider

RECEIVED

AUG 30 2018

BY: _____

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-029 (EAST NORTH PROPERTIES LLC) (MG)

Name: REX LEDBETTERAddress: 412 & 436 N. UNIONProperty number on map: 5

Comments: (Use additional sheets if necessary)

I favor: ☒

I object: _____

(State reason for objection)

Signature: Rex Ledbetter

RECEIVED

AUG 30 2018
05

BY: _____

YOUR OPINION MATTERS - DETACH AND RETURN

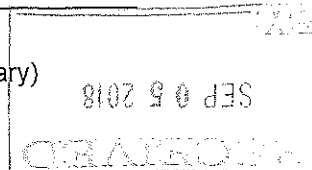
Case: #PZ-18-029 (EAST NORTH PROPERTIES LLC) (MG)

Name: Dr. Mary Geldornick, MDI favor: ☒Address: 505 N. Union AveProperty number on map: 11

I object: _____

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Mary E. Geldornick MD

YOUR OPINION MATTERS - DETACH AND RETURN

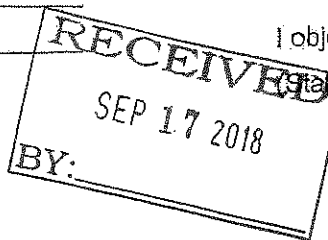
Case: #PZ-18-029 (EAST NORTH PROPERTIES LLC) (MG)

Name: Ali NooruddinI favor: ☒Address: 508 N. Union Ave.Property number on map: 14

I object: _____

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Ali Nooruddin

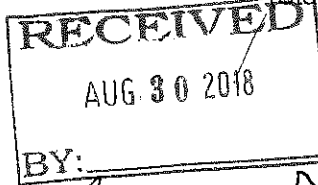
Case: #PZ-18-029 (EAST NORTH PROPERTIES LLC) (MG)

Name: Myra Lee Adams Goff
Address: 145 E. Camp St NB TX 78130
Property number on map: #6 and #6

I favor: _____

I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)



Signature: _____

Dear Planning Commission Members and City Council,

Thank you for allowing our consideration in this very contentious issue. We are very much against this move for a short-term rental by East North Properties, LLC, for 132 E. North Street. Our property is located on Block 1 of the Braunfels subdivision with an alley separating our property at 145 E. Camp Street and 167 E. Camp Street with the property in question. The alley is a public right-of-way and cannot be used for parking. The property in question has limited parking.

The Braunfels subdivision is the oldest subdivision in New Braunfels. It is a quiet neighborhood and has recently become a desirable place to live. Many of the homes are being purchased, renovated and used for family dwellings. The neighborhood school is also a draw. There are several family dwellings with small children adjacent to and nearby this proposed short-term rental property. There is very little buffer zone between this property and the neighbors. Short-term rentals have not had the best reputation in town for their occupants being respectful to the neighbors. While this property would be a good long-term rental property, we cannot see the advantage of short-term rental for the neighborhood. We suggest that you view the property in question to look at its location and nearby residents.

We take pride in the historic value of our property. Our home, which we recently remodeled was built in 1923. Multiple generations have of the same family have lived in our home. Since the early 1950s, the adjacent carriage house was renovated as a two-apartment complex. Carports are located at the back of the apartments and the residents use the alley to access their carport. Our current renter has lived in the apartment for almost ten years.

We feel it is important to protect our neighborhoods that are primarily residential areas. We have chosen to live in New Braunfels in this quiet neighborhood and are fearful that our family dwelling situation could be easily disrupted by short-term renters.

We ask that you please consider saving our residential areas for residents. There are enough hotels in the area to accommodate visitors.

Myra Lee Adams Goff
Dyn H Goff
Property #6

Case: #PZ-18-029 (EAST NORTH PROPERTIES LLC) (MG)

Name: Ben Richard and Karen Goff Boyd

I favor: _____

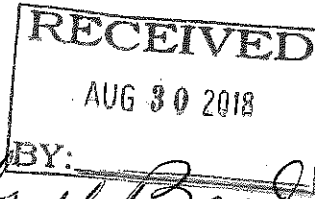
Address: 189 E. Camp St. NB TX 78130

Property number on map: #7

I object: X

(State reason for objection)

Comments: (Use additional sheets if necessary)



Signature: Ben Richard and Karen Goff Boyd

Planning Commission and City Council,

We have lived at 189 E. Camp Street (property 7) for almost 40 years in a home built in 1924 by my great-grandfather. My mother and father live at 145 E. Camp Street (property 6) and my mother was born in the home that she lives in. My parents also own the property between our homes at 167 E. Camp that are two apartments. We chose many years ago to live in this neighborhood. It is a quiet area and in the past few years, many families have purchased the older homes and renovated them. It has become an up-and-coming neighborhood for young families with a good school. Our community residential areas need to be protected. Our investments in our property need to be protected. We have invested in these properties since the early 1900s.

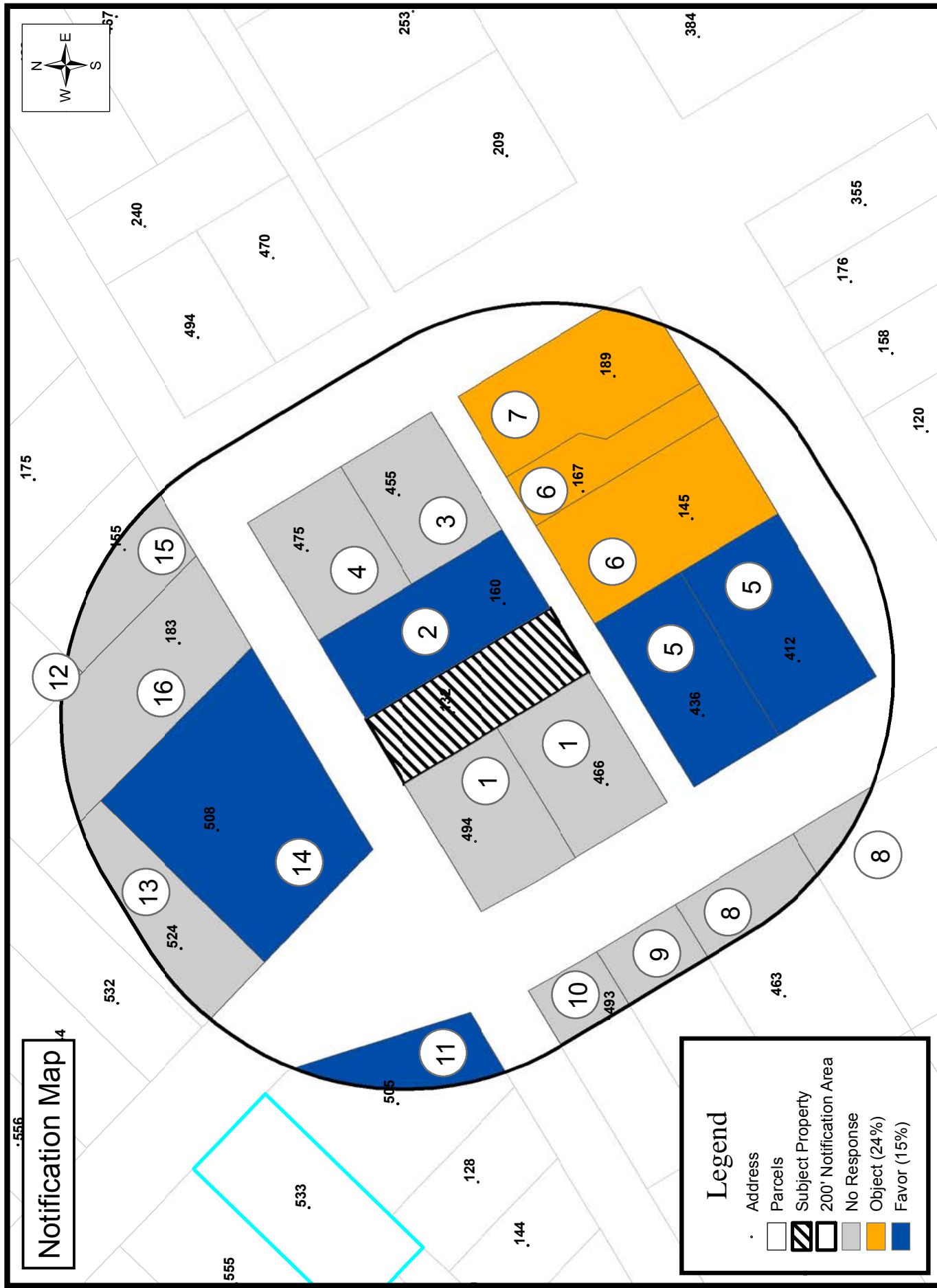
Many short-term rentals do not have a good reputation and do not belong in residential neighborhoods. This particular property at 132 E. North Street, while great for long-term rental, is not in a good location for short-term rental. There is very little buffer zone between the property and neighbors, some having small children. There is very little parking. Our town has sufficient hotels and resorts to accommodate short-term rentals and this change in zoning for this property could be detrimental to the neighborhood benefitting one and negatively affecting many.

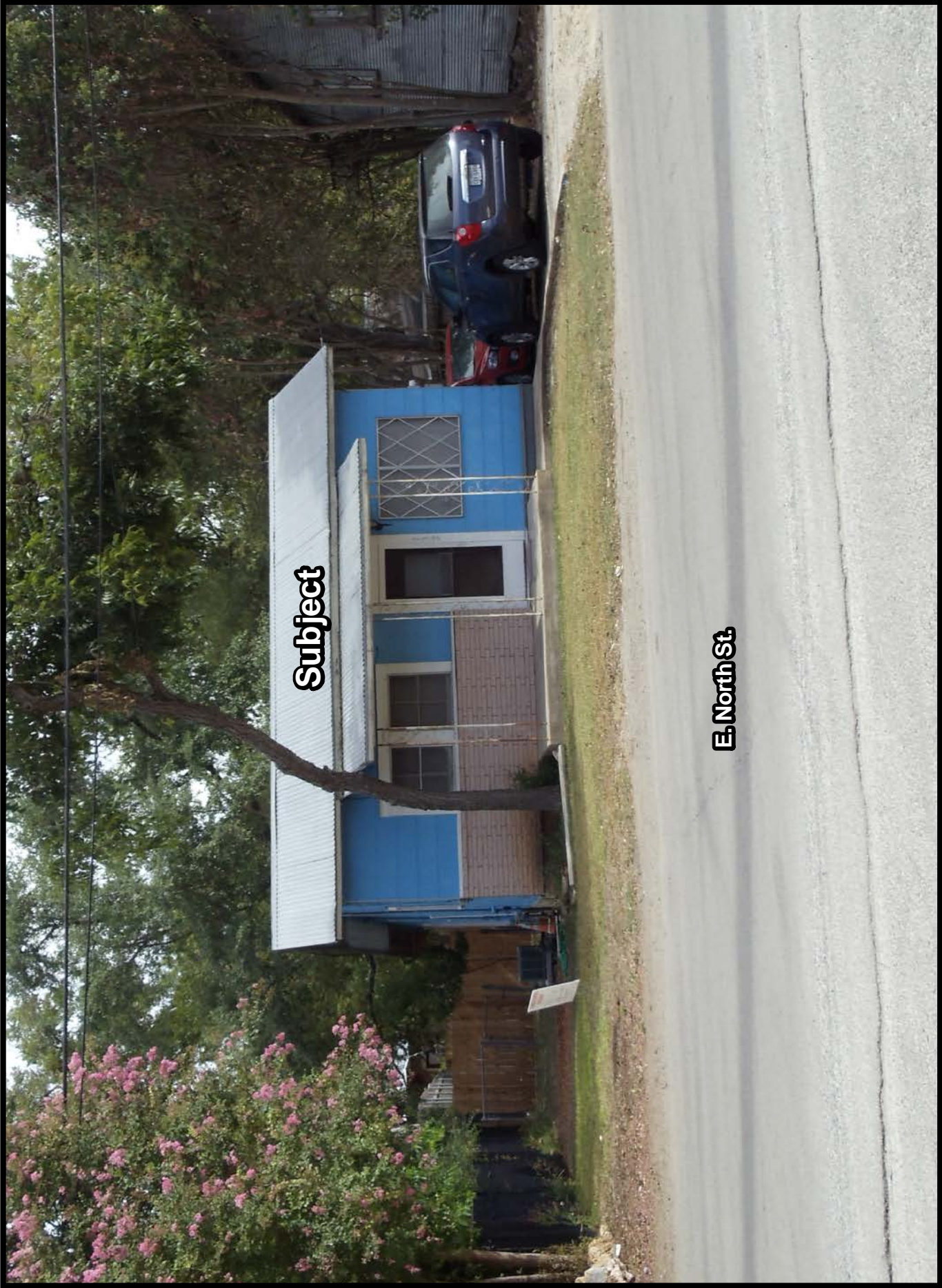
New Braunfels is growing at a very fast rate and our residential areas are in jeopardy. Please consider the future of this neighborhood when considering this type of zoning.

We are against this type of zoning change.

Ben Richard and Karen Goff Boyd Ben Richard and Karen Goff Boyd

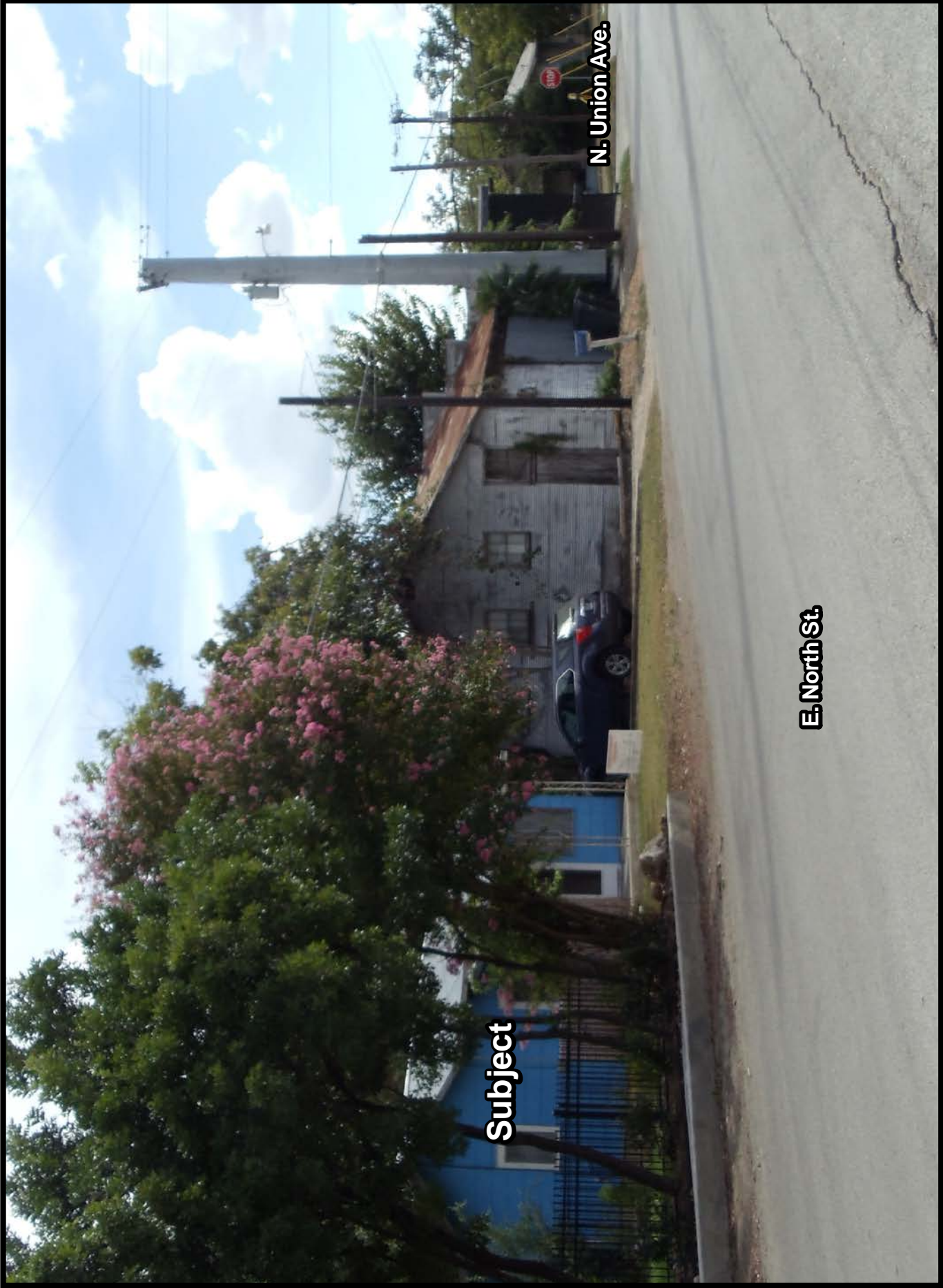
8/25/18





Photograph taken 8/29/18

PZ-18-029
132 E. North St.
SUP to allow Short Term Rentals in C-1



Photograph taken 8/29/18

PZ-18-029
132 E. North St.
SUP to allow Short Term Rentals in C-1

3.3-7. "C-1" local business district. The following regulations shall apply in all "C-1" districts:

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

(1) *Uses permitted by right.*

Residential uses:

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

Non-residential uses:

- Accounting, auditing, bookkeeping, and tax preparations
- Adult day care (no overnight stay)
- Adult day care with overnight stay
- Ambulance service (private)
- Animal grooming shop
- Answering and message services
- Antique shop
- Appliance repair
- Armed services recruiting center
- Art dealer / gallery
- Artist or artisan's studio
- Automobile driving school (including defensive driving)
- Bakery (retail)
- Bank, savings and loan, or credit union
- Bar/Tavern (No outdoor music)
- Barber/beauty college (barber or cosmetology school or college)
- Barber/beauty shop, haircutting (non-college)
- Barns and farm equipment storage (related to agricultural uses)
- Battery charging station
- Bicycle sales and/or repair
- Book binding
- Book store
- Cafeteria / café / delicatessen
- Campers' supplies
- Cemetery and/or mausoleum
- Check cashing service
- Child day care/children's nursery (business)
- Church/place of religious assembly
- Cleaning, pressing and dyeing (non-explosive fluids used)

Clinic (dental)
 Clinic (medical)
 Clinic (emergency care)
 Club (private)
 Coffee shop
 Communication equipment (installation and/or repair)
 Community building (associated with residential uses)
 Computer and electronic sales
 Computer repair
 Consignment shop
 Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)
 Convenience store with or without fuel sales
 Country club (private)
 Credit agency
 Curio shops
 Custom work shops
 Day camp
 Department store
 Drapery shop / blind shop
 Drug sales/pharmacy
 Electrical repair shop
 Electrical substation
 Exterminator service
 Farmers market (produce market - wholesale)
 Farms, general (crops) (see Chapter 6, Municipal Code and Sec. 5.9)
 Farms, general (livestock/ranch) (see Chapter 6, Municipal Code and Sec. 5.9)
 Filling station (fuel tanks must be below the ground)
 Florist
 Food or grocery store with or without fuel sales
 Fraternal organization/civic club (private club)
 Frozen food storage for individual or family use
 Funeral home/mortuary
 Furniture sales (indoor)
 Garden shops and greenhouses
 Golf course (miniature)
 Golf course, public or private
 Governmental building or use with no outside storage
 Greenhouse (commercial)
 Handicraft shop
 Hardware store
 Health club (physical fitness; indoors only)
 Hospice
 Hospital, general (acute care/chronic care)
 Hospital, rehabilitation
 Hotel/motel
 Hotels/motels - extended stay (residence hotels)
 Ice delivery stations (for storage and sale of ice at retail only)
 Kiosk (providing a retail service)
 Laundromat and laundry pickup stations
 Laundry/dry cleaning (drop off/pick up)
 Laundry/washateria (self serve)
 Lawnmower sales and/or repair
 Locksmith

Martial arts school
 Medical supplies and equipment
 Mini-warehouse/self storage units (no boat / RV storage permitted; no outside storage)
 Motion picture studio, commercial film
 Motion picture theater (indoors)
 Museum
 Needlework shop
 Nursing/convalescent home/sanitarium
 Offices, brokerage services
 Offices, business or professional
 Offices, computer programming and data processing
 Offices, consulting
 Offices, engineering, architecture, surveying or similar
 Offices, health services
 Offices, insurance agency
 Offices, legal services - including court reporting
 Offices, medical offices
 Offices, real estate
 Offices, security/commodity brokers, dealers, exchanges and financial services
 Park and/or playground (public or private)
 Parking lots (for passenger car only) (not as incidental to the main use)
 Pawn shop
 Pet shop / supplies (10,000 sq. ft. or less)
 Photographic printing/duplicating/copy shop or printing shop
 Photographic studio (no sale of cameras or supplies)
 Photographic supply
 Plant nursery (growing for commercial purposes with retail sales on site)
 Plant nursery (retail sales / outdoor storage)
 Plumbing shop
 Public recreation/services building for public park/playground areas
 Radio/television shop, electronics, computer repair
 Recreation buildings (public)
 Refreshment/beverage stand
 Restaurant/prepared food sales
 Restaurant with drive through service
 Retail store and shopping center with drive through service (50,000 sq. ft. bldg. or less)
 Retirement home/home for the aged
 School, K-12 (public or private)
 School, vocational (business/commercial trade)
 Security monitoring company
 Shoe repair shops
 Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)
 Studio for radio or television (without tower)
 Tailor shop (see home occupation)
 Telecommunications towers/antennas (see Sec. 5.7)
 Telemarketing agency
 Telephone exchange buildings (office only)
 Theater (non-motion picture; live drama)
 Tool rental

Travel agency
 University or college (public or private)
 Upholstery shop (non-auto)
 Vacuum cleaner sales and repair
 Video rental / sales
 Water storage (surface, underground or overhead), water wells
 and pumping stations that are part of a public or municipal
 system
 Woodworking shop (ornamental)

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

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

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

(1) Non-residential uses.

(i) *Height.* 35 feet.

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

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

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

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

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

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

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

(2) One family dwellings.

(i) *Height.* 35 feet.

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

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

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

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

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

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

(viii) *Lot depth.* 100 feet.

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

(3) Duplexes.

(i) *Height.* 35 feet.

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

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

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

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

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

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

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

(viii) *Lot depth.* 100 feet.

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

(4) Multifamily dwellings.

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

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

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

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

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

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

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

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

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

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

(xi) *Lot depth.* 100 feet.

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

1. One-bedroom apartment or unit . . . 1 1/2 spaces
2. Two-bedroom apartment or unit . . . 2 spaces
3. Each Additional bedroom . . . 1/2 space
4. Each dwelling unit provided exclusively for low income elderly occupancy . . . 3/4 space ("Low income elderly" is defined as any person 55 years of age or older with low or moderate income, according to HUD standards.)

See Section 5.1 for other permitted uses' parking.

3.6. *Special Use Permits.*

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

Types of Special Use Permit:

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

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

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

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

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

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

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

5.17. Short term rental or occupancy.

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

5.17-2 Definitions:

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

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

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

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

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

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

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

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

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

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

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

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

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

5.17-3 Applicability.

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

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

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

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

(e) *Conduct on premises.*

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

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

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

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

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

5.17-5 Short Term Rental Permit.

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

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

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

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

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

5.17-7 Enforcement/Penalty.

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

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

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

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

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

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

**PZ-18-029 Public hearing and recommendation to City Council regarding the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the “C-1” Local Business District addressed at 132 East South North Street.
(Applicant: East North Properties LLC; Case Manager: M. Greene)**

Mr. Greene presented the Staff report and recommended approval.

Discussion followed regarding the alley access, parking and the existing gravel driveway.

Commissioner Meyer and Commissioner Gibson expressed concern regarding the permitted occupancy of 10 people considering the size of the home.

Discussion followed.

Commissioner Laskowski requested a workshop to be scheduled to discuss revising the current short-term rental ordinance.

Chair Edwards invited the applicant to speak.

Chris Snider, 160 E. North St, stated he was the applicant. He provided a history of the property and stated he believed the best use of the property would be a short-term rental facility. He informed the Commission he lives in the home immediately adjacent to the property and would therefore be able to maintain it and enforce the City's policies.

Chair Edwards asked Mr. Snider if he would accept limiting the occupancy to 6.

Mr. Snider said yes.

Chair Edwards asked if anyone wished to speak in favor.

Rex Ledbetter, 436 and 412 Union, wished to speak in favor. He stated he believed short-term rentals would benefit the neighborhood. He then stated he hoped to open a short-term rental facility in the area in the future.

Chair Edwards asked if anyone wished to speak in opposition.

Karen Boyd, 189 Camp St, wished to speak in opposition. She stated she believes a short-term rental facility would disturb the existing residents of the neighborhood.

Motion by Commissioner Meyer, seconded by Commissioner Nolte, to close the public hearing. Motion carried (8-0-0).

Discussion followed regarding the existing and future land use map.

Motion by Commissioner Meyer, seconded by Commissioner Gibson, to recommend approval to City Council regarding the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the “C-1” Local Business District addressed at 132 East South North Street, with a condition to limit the maximum occupancy to 6, and with Staff recommendations. Motion carried (8-0-0).

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW SHORT TERM RENTAL OF A SINGLE FAMILY DWELLING IN THE "C-1" LOCAL BUSINESS DISTRICT, ON LOT 3, CITY BLOCK 5081, ADDRESSED AT 132 EAST NORTH STREET; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

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

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

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

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

WHEREAS, the City Council desires to grant a Type 2 Special Use Permit for Lot 3, City Block 5081, addressed at 132 East North Street, to allow the short term rental of a single family dwelling in the "C-1" Local Business District; **now therefore**,

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

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by adding the following described tract of land as a "Special Use Permit" for the uses and conditions herein described:

"Being Lot 3, City Block 5081, addressed at 132 East North Street, as delineated in the attached Exhibit 'A', to allow the short term rental of a single family dwelling in the "C-1" Local Business District."

SECTION 2

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

1. The residential character and appearance of the building/property must be maintained.
2. 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.

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 24th day of September, 2018.

PASSED AND APPROVED: Second Reading this the 8th day of October, 2018.

CITY OF NEW BRAUNFELS

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

9/24/2018

Agenda Item No. J)

Presenter

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

SUBJECT:

Discuss and consider a waiver from the requirement to construct sidewalks along Schumanns Beach Road for the proposed final plat of E & S Subdivision.

BACKGROUND / RATIONALE:

Case #: PL-18-098

Owner: Edwin and Shannah Donhauser
342 Schumanns Beach Road
New Braunfels, TX 78130

Applicant/Surveyor: D. A. Mawyer Land Surveying, Inc.
5151 Highway 46 W
New Braunfels, TX 78132
(830) 220-6042

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

The subject property is located on Schumanns Beach Road, one-half mile northeast of FM 725, within the City's ETJ (extraterritorial jurisdiction). It is situated within the Dunlap Sub Area and near a Scenic River Corridor. The applicant is processing a final plat of the property with one residential lot on approximately two acres.

Schumanns Beach Road extends approximately one mile from FM 725 towards Lake Dunlap and then becomes a private access easement for another two-thirds of a mile, where it terminates at a private driveway. There is no public right-of-way connection to any other streets, and no public access to the river/lake, so usage is limited to private property owners.

The applicant has requested a waiver from the sidewalk requirement along Schumanns Beach Road, citing the rural nature of the properties in the area, the lack of connectivity to other areas, and the absence of existing sidewalks.

New Braunfels' Subdivision Platting Ordinance allows an exemption from the sidewalk requirement for Rural Residential Street Sections with 60 feet of right-of-way width if all lots have at least 100 feet of street frontage. Schumanns Beach does not meet the standards for an exemption as the right-of-

way width is 50 feet and, although most lots have at least 100 feet of street frontage, not all do.

Sidewalk connectivity is important for mobility as well as for community health. Where not built by developers as part of new development, the sidewalk network is generally built property by property based upon current development regulations so exempting individual projects weakens the effectiveness of this endeavor. However, there are few sidewalks nearby as most of the surrounding area is rural in nature and the closest sidewalk is along FM 725 at Samuels Court Subdivision, almost one mile away (Attachment 4). Additionally, the majority of properties east of the subject tract, fronting the south side of Schumanns Beach Road, are one acre (or less) limiting the likelihood of redevelopment into additional lots due to minimum size requirements for on-site septic facilities.

The Subdivision Platting Ordinance authorizes waivers to be granted when an undue hardship will result from strict compliance with the ordinance, or where the purpose of the regulation may be served to a greater extent by an alternative proposal, so that substantial justice may be done, and the public interest secured. A waiver may not be approved unless it is found that:

1. Granting the waiver will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver will not prevent the orderly subdivision of other property in the vicinity;
2. Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations is carried out; or an alternate design will generally achieve the same result or intent as the standards and regulations prescribed in the Subdivision Platting Ordinance; and
3. The waiver will not in any manner vary the provisions of the Zoning Ordinance or other ordinance (s) of the City.

Sidewalk waivers may only be granted by City Council after a recommendation from the Planning Commission. If approved, sidewalk construction will not be required along Schumanns Beach Road. However, at some point in the future sidewalks may have to be constructed, or other modifications to the right-of-way may have to be made, to be compliant with the Americans with Disabilities Act (ADA).

If the sidewalk waiver is denied, a 4-foot wide sidewalk will be required along the subject property, within the Schumanns Beach right-of-way.

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

	City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	Located within the Dunlap Sub Area and near a Scenic River Corridor Action 7.3 <i>Prioritize connecting sidewalk gaps through development requirements or public investment.</i> Action 7.5 <i>Continue development of sidewalks and trails to increase interconnectivity by 5 percent each year to support reduction of carbon footprint.</i>
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FISCAL IMPACT:

At some point in the future, sidewalks may have to be constructed, or other modifications made to the right-of-way, to comply with the Americans with Disabilities Act, possibly at taxpayer expense.

COMMITTEE RECOMMENDATION:

On September 3, 2018 the Planning Commission approved the final plat for E & S Subdivision with a recommendation for approval of a waiver from the sidewalk requirement along Schumanns Beach Road.

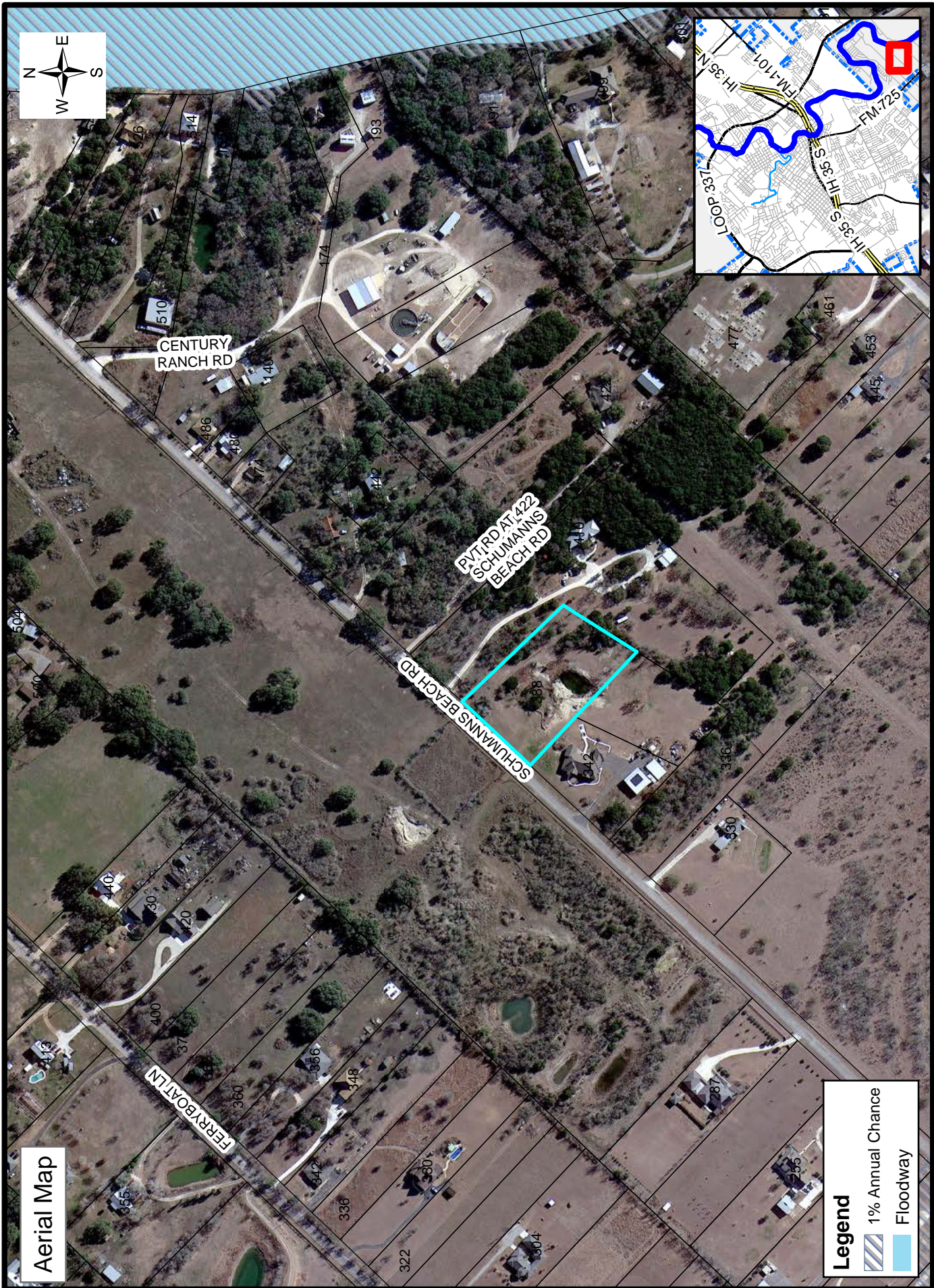
STAFF RECOMMENDATION:

Staff recommends approval of the applicant's request due to:

- the rural nature of the area,
- the fact that Schumanns Beach Road becomes a private access easement and does not connect to any other public streets,
- the limited likelihood of redevelopment of additional lots due to the minimum acreage requirement for on-site septic systems, and
- the distance to the next nearest sidewalk.

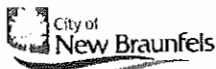
Attachments:

1. Aerial Map
2. Application and Waiver Request
3. Plat
4. Sidewalk Exhibit
5. Photograph of Schumanns Beach Road



**PL-18-098
E & S Subdivision
Final Plat**





Final Plat Application & Checklist

Case No.: PL-18-_____

1. **Proposed Subdivision Plat Name:** E & S SUBDIVISION Unit No. N/A
Nearest Street Intersection: SHUMANN'S BEACH ROAD & STATE HWY. 46
Acreage: 1.998
Quantity of proposed lots: 1 Res. N/A Com. N/A Park N/A Drainage N/A Open Space
2. **Boundaries:** City Limits: ☐ In ☒ Out **County:** ☐ Comal ☒ Guadalupe
School District: ☐ CISD ☒ NBISD ☐ Other _____
Adjacent TxDOT Roadway: ☐ Yes ☒ No
Utility District: ☐ NBU ☒ GVEC ☒ AT&T ☐ GBRA ☒ Green Valley ☐ Other AT&T, SPECTRUM
3. **Preliminary Plat:** ☐ Yes ☒ No Date approved: _____
 If yes, provide a copy of Preliminary Plat and verify conformance.
4. **Subdivision Master Plan:** ☐ Yes ☒ No Date approved: _____
 If yes, provide a copy of the Master Plan and verify conformance
5. **Planned Development District:** ☒ No ☐ Yes Date approved: _____ Ord. No. _____
 If yes, provide a copy of the PDD development standards and concept/detail plan and verify conformance
6. **Public infrastructure proposed with subdivision.** ☐ Water ☐ Wastewater ☐ Streets (including private)
☐ Stormwater N/A **Construction plans approved?** ☐ Yes ☒ No
 Construction plans approved/date and agency: _____
7. **Licensed Engineer/Surveyor:** DREW A. MAWYER, RPLS
Mailing Address: 5151 W SH 46, NEW BRAUNFELS, TX 78132
Telephone: 830-730-4449 **Email:** DrewM@dam-tx.com
8. **Waiver(s) approved with the Master Plan or Preliminary Plat:** N/A
 If yes, provide copy of approval letter.
9. **Waiver(s) requested (\$150-\$300 each):** SIDEWALK WAIVER - \$300.00 ; Street pavement width
 Justification for waiver(s) in compliance with NBCO Sec. 118-11 must be attached in separate document.
10. **Present use of the property:** RESIDENTIAL **Current Zoning:** N/A
11. **Proposed use(s) of the property:** RESIDENTIAL
12. **Traffic Impact Analysis document required per NBCO Sec. 114-99, Sec. 118-46:** WORKSHEET - \$100.00
 Worksheet (always) TIA per worksheet: ☒ None ☐ Level 1 ☐ Level 2 ☐ Level 3
 If previously approved, provide a copy of the Traffic Impact Analysis and verify conformance
13. **Is the property subject to any liens, encumbrances, or judgments?** ☐ Yes ☒ No
 If yes, provide details on a separate sheet. Permission from any lien holder(s) and/or removal of any encumbrances or judgments will be necessary prior to filing of a plat with the County Clerk's office.
14. **Is any part of the property in a regulatory floodway?** ☐ Yes ☒ No
15. **Is any part of the property in a regulatory floodplain?** ☐ Yes ☒ No

IMPORTANT NOTES:

- All staff comments must be addressed by the resubmittal date. If not, the plat will be rejected and will NOT be forwarded to the Planning Commission.
- For plats on TxDOT right-of-way, it is highly recommended that a permit be submitted to TxDOT prior to submitting the plat application.
- All new plats must be reviewed by the Park Development Manager in the Parks and Recreation Department, (830) 221-4358.

Final Plat Application

Please Note: The signature of owner authorizes City of New Braunfels staff to visit and inspect the property for which this application is being submitted. The signature also indicates that the applicant or his agent has reviewed the requirements of this application/checklist and all items on this checklist have been addressed and complied with.

(Check One:)

 I will represent my application before the City Staff and/or Planning Commission.

 X I hereby authorize the person named below to act as my agent/applicant in processing this application before the City Staff and/or Planning Commission.

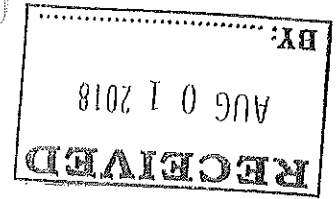
Furthermore, I agree to comply with all platting and subdivision requirements of the City of New Braunfels. I understand the plat will be rejected and will **NOT** be forwarded to the Planning Commission unless staff comments are satisfactorily addressed by the plat resubmittal meeting date. I voluntarily waive my right to request a certificate stating the date the plat was filed and that the Planning Commission failed to act on the plat within thirty days. I do not object to consideration of the plat on _____ (date of Planning Commission meeting). This waiver expires after _____ (date of Planning Commission meeting).

Edwin P and Shannah C Donhauser 210-413-0235
 Owner's Name (printed) Phone Cell
 342 Schumanns Beach Rd New Braunfels TX 78130
 Owner's Address City State Zip
 [Signature] 7-27-18 epdhauser@yahoo.com
 Owner's Signature Date Email Address

Agent/Applicant Name: DREW A. MAWLER, RPLS
 Company: D.A. MAWLER LAND SURVEYING, INC.
 5151 W SH 46 NEW BRAUNFELS, TX 78132
 Mailing Address City State Zip
 830-730-4449 DREW@DAM-TX.COM
 Phone Cell Email

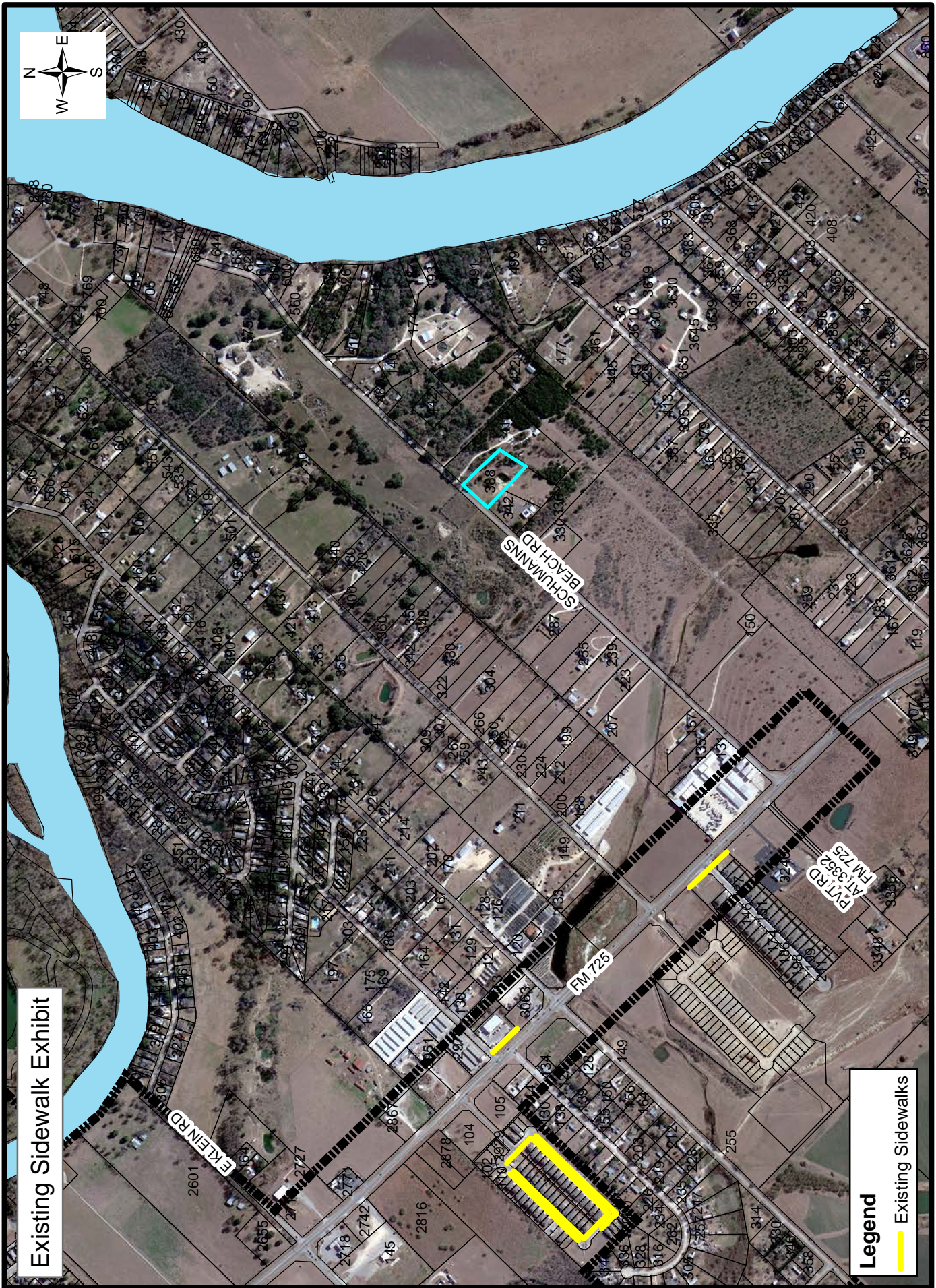
APPLICATION FEE SCHEDULE

FEE TO PLAT	OTHER FEES THAT APPLY:
\$1,250 base fee + \$100 per acre (\$2,500 max)	TIA Worksheet \$100
	Sidewalk Waivers \$300.00
	Plat Variance / Waiver \$150.00 each
	Level 1 TIA \$500
	Level 2 TIA \$750
	Level 3 TIA \$1,250
	Technology Fee 3% of Application subtotal fee



Reason for Request for Sidewalk Waiver

Two acre residential rural lot located in the ETJ of The City of New Braunfels. This residential lot has no connectivity to any other development. There are residential acreage lots and large acreage tracts located on Schumann's Beach. There are no other sidewalks located on the road.



Existing Sidewalk Exhibit

Legend

Existing Sidewalks



PL-18-098
E & S Subdivision
Final Plat

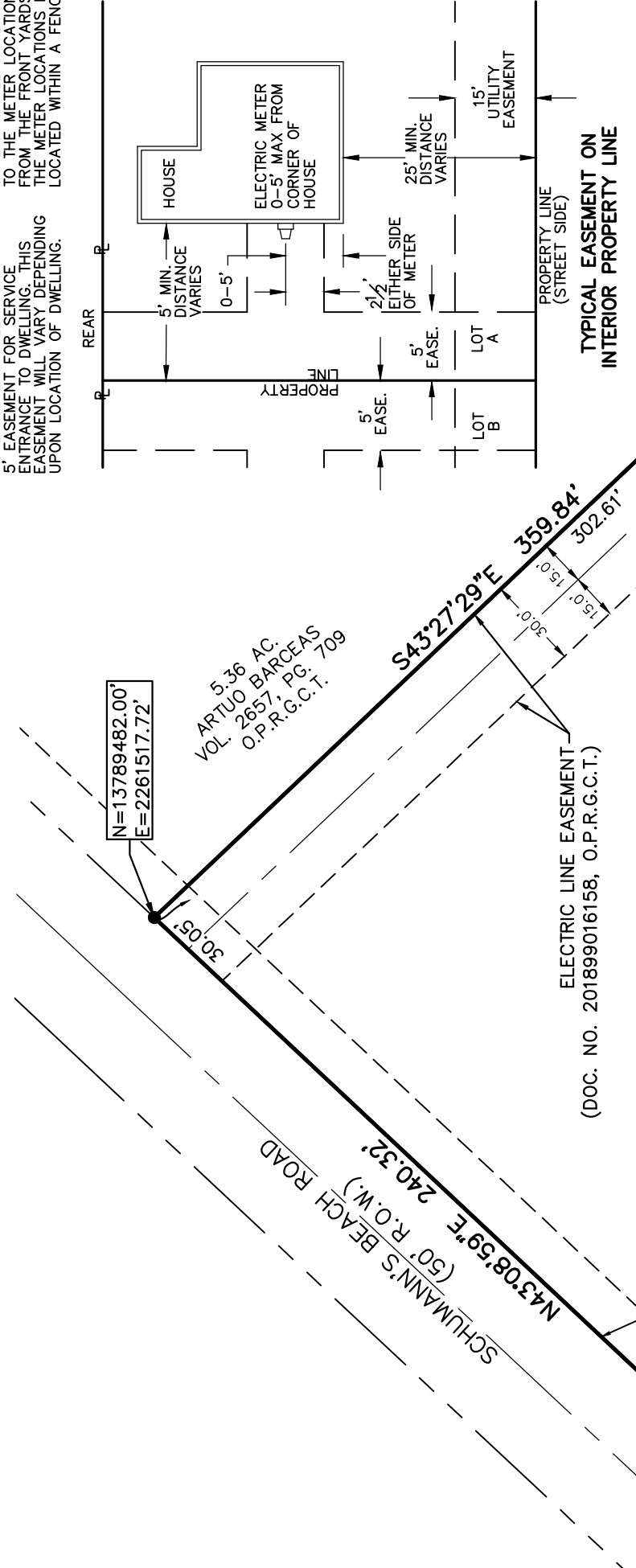
A FINAL PLAT ESTABLISHING
E & S SUBDIVISION

BEING A 1.998 ACRE TRACT OF LAND OUT OF THE J.S. JOHNSON SURVEY NO. 47, ABSTRACT 190, SITUATED IN GUADALUPE COUNTY, TEXAS, AND BEING A PORTION OF 13.046 ACRE TRACT OF LAND AS RECORDED IN VOLUME 3181, PAGE 5037 OF THE OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS.

GREEN VALLEY SPECIAL UTILITY DISTRICT:

EASEMENT CERTIFICATE

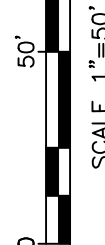
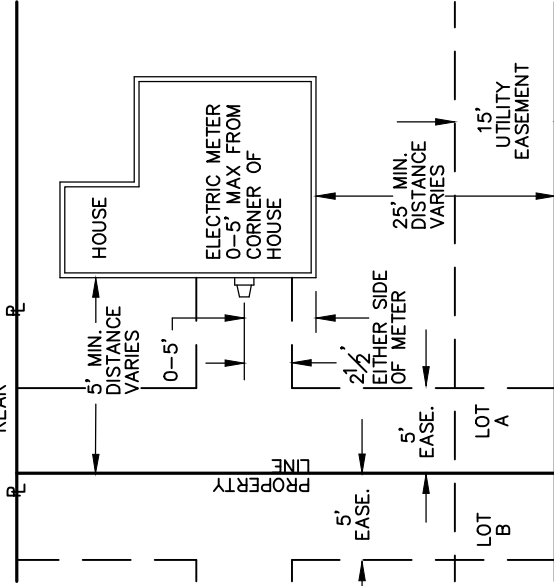
- THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO GREEN VALLEY SPECIAL UTILITY DISTRICT OF MARION, TEXAS, ITS SUCCESSORS AND ASSIGNS, A PERPETUAL EASEMENT WITH THE RIGHT TO ERECT, CONSTRUCT, INSTALL AND LAY OVER AND ACROSS THOSE AREAS MARKED AS "WATERLINE EASEMENT" AND IN ALL STREETS AND BYWAYS, SUCH PIPELINES, SERVICE LINES, WATER METERS, AND OTHER WATER SYSTEM APPURTENANCES AS IT REQUIRES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS, THE RIGHT TO REMOVE FROM SAID LAND ALL TREES, SHRUBS, GRASSES, PAVEMENTS, FENCES, STRUCTURES, IMPROVEMENTS OR OTHER OBSTRUCTIONS WHICH MAY INTERFERE WITH THE FACILITY OR THE ACCESS THERETO, IT IS AGREED AND UNDERSTOOD THAT NO BUILDING, CONCRETE SLAB OR WALLS WILL BE PLACED WITHIN SAID EASEMENT AREAS. NO OTHER UTILITY LINES MAY BE LOCATED WITHIN 36" PARALLEL TO WATERLINES.
- ANY MONETARY LOSS TO GREEN VALLEY SUD RESULTING FROM MODIFICATIONS REQUIRED OF UTILITY EQUIPMENT LOCATED WITHIN SAID EASEMENTS DUE TO GRADE CHANGE OR GROUND ELEVATION ALTERATIONS SHALL BE CHARGED TO THE PERSON OR PERSONS DEEMED RESPONSIBLE FOR SAID GRADE CHANGES OR GROUND ELEVATION ALTERATIONS. UPON ENTERING IN AND UPON SAID EASEMENT, THE DISTRICT WILL ENDEAVOR TO RESTORE THE LAND SURFACE TO A USEABLE CONDITION BUT IS NOT OBLIGATED TO RESTORE IT TO A PRE-EXISTING CONDITION.
- THE EASEMENT CONVEYED HEREIN WAS OBTAINED OR IMPROVED THROUGH FEDERAL FINANCIAL ASSISTANCE. THIS EASEMENT IS SUBJECT TO THE PROVISION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, AND THE REGULATIONS ISSUED PURSUANT THERETO FOR SO LONG AS THE EASEMENT CONTINUES TO BE USED FOR THE SAME OR SIMILAR PURPOSE FOR WHICH FINANCIAL ASSISTANCE WAS EXTENDED OR FOR SO LONG AS THE GRANTEE OWNS IT, WHICHEVER IS LONGER.



GUADALUPE VALLEY ELECTRIC COOPERATIVE:

- GVEC WILL MAINTAIN A 5' EASEMENT FOR SERVICE ENTRANCE TO DWELLING. THIS EASEMENT WILL VARY DEPENDING UPON LOCATION OF DWELLING.
- GVEC SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARDS WITH THE METER LOCATIONS NOT BEING LOCATED WITHIN A FENCED AREA.
- GVEC TO HAVE A 5' WIDE ELECTRIC EASEMENT ON ALL ROAD CROSSINGS IN WHICH ELECTRIC LINES ARE PLACED.
- ALL UTILITY EASEMENTS ARE FOR THE CONSTRUCTION, MAINTENANCE (INCLUDING BUT NOT LIMITED TO REMOVAL OF TREES AND OTHER OBSTRUCTIONS), READING OF METERS, AND REPAIR OF ALL OVERHEAD AND UNDERGROUND UTILITIES.
- ALL TRACTS ARE SUBJECT TO A 15' ELECTRIC AND COMMUNICATION EASEMENT ALONG ALL SIDE, FRONT AND REAR PROPERTY LINES.
- EACH LOT IS SUBJECT TO A FLOATING 10' WIDE BY 40' LONG GUY WIRE EASEMENT TO BE LOCATED BY GVEC.
- ALL EXISTING GVEC OVERHEAD LINES POSSESS A 30' CENTERLINE EASEMENT, 15' EACH SIDE OF LINE.
- WHERE UNDERGROUND SERVICES ARE UTILIZED GVEC WILL POSSESS A 5-FOOT WIDE EASEMENT TO THE SERVICE METER LOCATION. EASEMENT TO FOLLOW SERVICE LINE AND WILL VARY DEPENDING ON LOCATION OF BUILDING OR STRUCTURE.
- NO BUILDINGS, WELLS OR OTHER OBSTRUCTIONS SHALL BE PLACED IN ANY UTILITY EASEMENT

NOTE: G.V.E.C. WILL MAINTAIN 5' EASEMENT FOR SERVICE ENTRANCE TO DWELLING. THIS EASEMENT WILL VARY DEPENDING UPON LOCATION OF DWELLING.



LEGEND:

- D.R.C.C.T. = DEED RECORDS, GUADALUPE COUNTY, TEXAS
- O.P.R.G.C.T. = OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS
- B.L. = BUILDING SETBACK LINE
- U.E. = UTILITIES EASEMENT
- D.E. = DRAINAGE EASEMENT
- R.O.W. = RIGHT-OF-WAY
- = 1/2" IRON PIN SET
- = IRON PIN FOUND

KNOW ALL MEN BY THESE PRESENTS:

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

DREW A. MAWYER
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5348
D.A. MAWYER LAND SURVEYING
5151 W. SH 46, NEW BRAUNFELS, TX 78132

APPROVED THIS THE _____ DAY OF _____, 20____ BY THE
PLANNING COMMISSION OF THE CITY OF NEW BRAUNFELS, TEXAS.

CHAIRMAN _____

APPROVED FOR ACCEPTANCE _____

DATE _____ PLANNING DIRECTOR _____

DATE _____ CITY ENGINEER _____

STATE OF TEXAS
COUNTY OF GUADALUPE

I, _____ COUNTY CLERK OF SAID COUNTY, DO HEREBY
CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF
AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE, ON
THE _____ DAY OF _____, A.D. 20____
AT _____ M. AND DULY RECORDED
AT _____ M. IN THE MAP AND PLAT RECORDS OF
GUADALUPE COUNTY, TEXAS IN VOLUME _____ PAGE _____
TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE
THIS _____ DAY OF _____, A.D. 20____

COUNTY CLERK, GUADALUPE COUNTY, TEXAS

DEPUTY

NOTES:

- ALL LOTS WITHIN THE SUBDIVISION WILL BE SERVED BY A PUBLIC WATER SUPPLY OWNED BY GREEN VALLEY SPECIAL UTILITY DISTRICT (GVSD). SANITARY SERVICE WILL BE PROVIDED BY INDIVIDUAL FACILITIES. TELEPHONE SERVICE FOR THE SUBDIVISION WILL BE PROVIDED BY AT&T COOPERATIVE (GVEC). COMMUNICATIONS AND/OR SPECTRUM. THERE WILL BE NO GAS SERVICE PROVIDED.
- ALL BEARINGS AND COORDINATES SHOWN HEREON ARE IN GRID BASED UPON TEXAS PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM OF 1983. DISTANCES SHOWN HEREON ARE SURFACE USING COMBINED SCALE FACTOR OF 1.00015.
- MONUMENTS WERE FOUND OR SET AT EACH CORNER OF THE SURVEY BOUNDARY OF THE SUBDIVISION. MONUMENTS AND LOT MARKERS WILL BE SET WITH 1/2" IRON PIN WITH PLASTIC CAP LABELLED "DAM #5348 PROP. COR." AFTER COMPLETION OF UTILITY INSTALLATION AND STREET CONSTRUCTION UNLESS NOTED OTHERWISE.
- THE E & S SUBDIVISION IS WITHIN THE EXTRATERRITORIAL JURISDICTION LIMITS OF THE CITY OF NEW BRAUNFELS.
- THE SUBDIVISION IS WITHIN THE NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT.
- THE SUBDIVISION IS NOT WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.
- 4-FOOT PUBLIC SIDEWALKS WILL BE CONSTRUCTED ADJACENT TO THE PAVEMENT ON SCHUMANN'S BEACH ROAD BY THE OWNER/BUILDER AT THE TIME OF BUILDING CONSTRUCTION. NOTE: A WAIVER REQUEST TO THE INSTALLATION OF THE SIDEWALKS HAS BEEN SUBMITTED.
- NO STRUCTURES, WALLS OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO LANDSCAPING, FENCES, OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE EASEMENTS OR DECREASES THE HYDRAULIC CAPACITY OF THE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY ENGINEER. THE CITY OF NEW BRAUNFELS AND GUADALUPE COUNTY SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTORS ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE EASEMENTS.
- THE ELEVATION OF THE LOWEST FLOOR SHALL BE AT LEAST 10 INCHES ABOVE THE FINISHED GRADE OF THE SURROUNDING GROUND, WHICH SHALL BE SLOPED IN A FASHION SO AS TO DIRECT STORMWATER AWAY FROM THE STRUCTURE. PROPERTIES ADJACENT TO STORMWATER CONVEYANCE STRUCTURES MUST HAVE A FLOOR SLAB ELEVATION OR BOTTOM OF FLOOR, IN ACCORDANCE WITH SEC. 118--30(k).
- FUTURE DEVELOPMENT IS SUBJECT TO CHAPTER 114 (STREETS, SIDEWALKS AND OTHER PUBLIC SPACES) OF THE NEW BRAUNFELS CODE OF ORDINANCES.
- NO STRUCTURES IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC WATER SYSTEM WHICH HAS BEEN APPROVED BY GREEN VALLEY SPECIAL UTILITY DISTRICT.
- E & S SUBDIVISION, ESTABLISHING A TOTAL OF 1 RESIDENTIAL LOT.
- NO PORTION OF THE RESIDENTIAL LOT WITHIN THIS SUBDIVISION ARE LOCATED WITHIN THE EXISTING SPECIAL FLOOD HAZARD ZONE A, 100-YEAR FLOOD BOUNDARY, AS DEFINED BY THE GUADALUPE COUNTY, TEXAS COMMUNITY PANEL 48187C0115F, EFFECTIVE NOVEMBER 2, 2007 AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- THIS SUBDIVISION IS SUBJECT TO THE 2006 CITY OF NEW BRAUNFELS PARK LAND DEDICATION AND DEVELOPMENT ORDINANCE. THIS PLAT IS APPROVED FOR ONE (1) DWELLING UNIT PER BUILDABLE LOT WHERE FEES ARE DUE AT THE TIME OF RECORDATION. AT SUCH TIME THAT ADDITIONAL DWELLING UNITS ARE CONSTRUCTED, THE OWNER OF THE LOT SHALL CONTACT THE CITY AND COMPLY WITH THE ORDINANCE FOR EACH DWELLING UNIT.
- ANY DRIVEWAY CONSTRUCTION ON COUNTY ROADS WITHIN THE UNINCORPORATED AREAS OF GUADALUPE COUNTY MUST BE PERMITTED BY THE GUADALUPE COUNTY ROAD DEPT.
- MAINTENANCE OF DRAINAGE EASEMENTS DESIGNATED WITHIN A LOT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.
- ANY INSTALLATION OF SEPTIC SYSTEMS WITHIN THE UNINCORPORATED AREAS OF GUADALUPE COUNTY MUST BE PERMITTED BY THE GUADALUPE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT.
- PERMANENT WATER QUALITY CONTROLS ARE REQUIRED FOR THIS SUBDIVISION PLAT IN ACCORDANCE WITH THE CITY OF NEW BRAUNFELS DRAINAGE AND EROSION CONTROL DESIGN MANUAL.

STATE OF TEXAS
COUNTY OF GUADALUPE

I, THE UNDERSIGNED OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS A LOT 1, BLOCK 1, E & S SUBDIVISION, TO THE CITY OF NEW BRAUNFELS, COUNTY OF GUADALUPE, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY SUBDIVIDE SUCH PROPERTY AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

EDWIN P. DONHAUSER
342 SCHUMANN'S BEACH RD.
NEW BRAUNFELS, TX 78130

STATE OF TEXAS
COUNTY OF _____

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____, 2018,
THIS _____ DAY OF _____

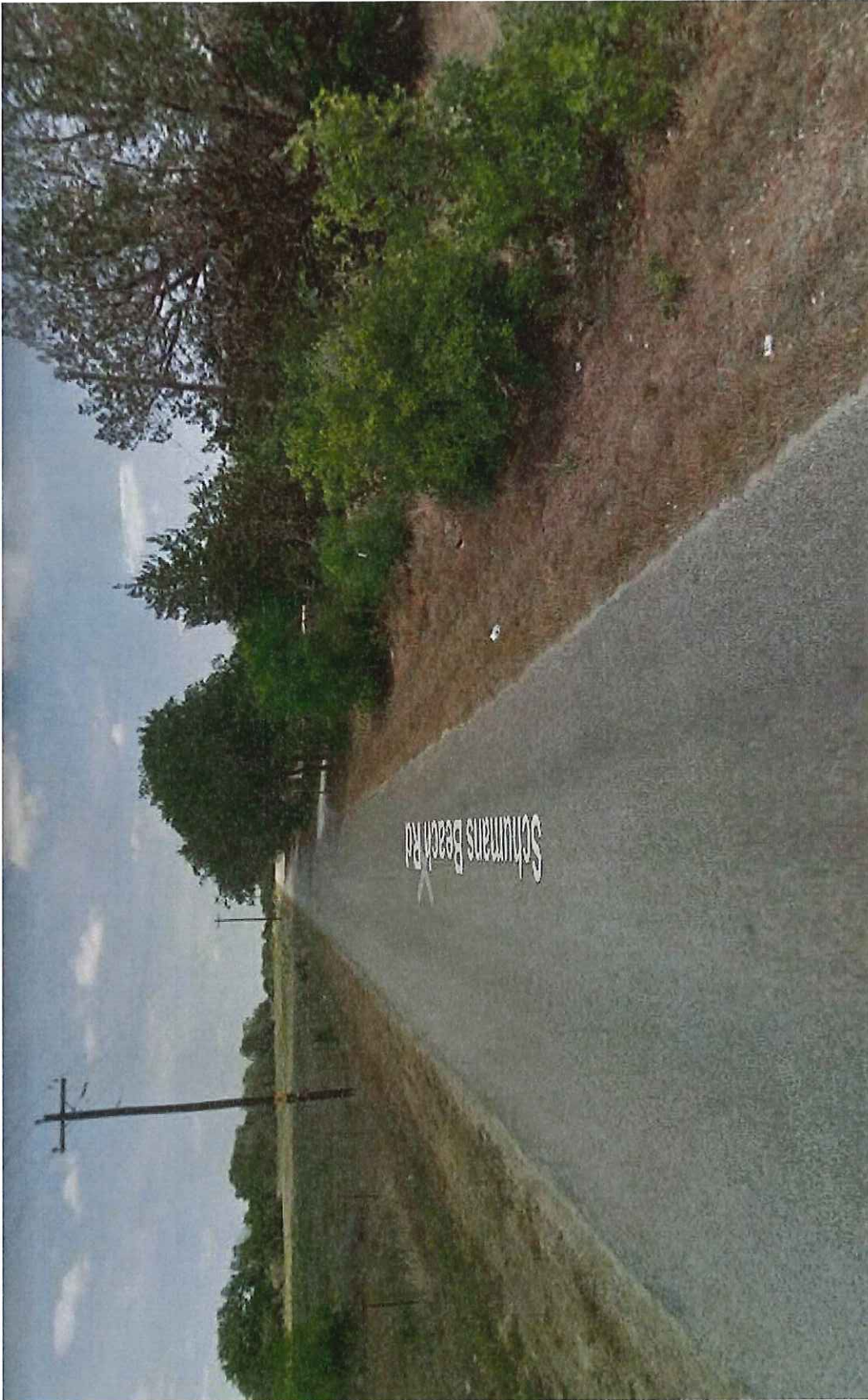
BY _____

NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES: _____

D.A. MAWYER
LAND SURVEYING

5151 W. SH 46
NEW BRAUNFELS, TX 78132
PH: 530.720.4447
drew@mawyer-llc.com

DATE: JULY 2018 JOB: MS014



Schumanns Beach Road adjacent to Subject Property



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. K)

Presenter

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

SUBJECT:

Discuss and consider an appeal of the Non-Residential and Multifamily Design Standards, Articulation and Exterior Building Material requirements for a proposed office/warehouse development in the "C-1B" General Business District at 1913 Post Road.

BACKGROUND / RATIONALE:

Case No.: CS-18-025

Council District: 5

Applicant/Agent: Stuart Hansmann
1972 Round Table
New Braunfels, TX 78130
(830) 708-1734
stuart1@nbtx.com

Property Owner: Samuel & Marguerite Kobrinsky and Doug Lee
235 Monterey Street, Suite A
Salinas, CA 93901
(831) 373-8550

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

The subject property is approximately six acres of undeveloped land at 1913 Post Road, near its intersection with the southbound IH-35N frontage road within the Oak Creek Sub Area as identified in the Comprehensive Plan. Kayden Park 2, an office/warehouse development, is located on the adjacent property at 1965 Post Road. The owner of Kayden Park 2 is purchasing the subject property and is proposing a similar development to be known as Kayden Park 3.

Kayden Park 2 originally consisted of two metal buildings constructed in 2000; this was prior to adoption of any commercial building design or residential buffer requirements. In 2017, City Council approved a requested rezoning for a Special Use Permit (SUP) to allow deviations from the then-adopted building materials requirements, residential tree buffer, and sign ordinance standards for the construction of additional buildings and signage on the Kayden Park 2 property. The applicant's rationale for their request was to maintain consistency with the existing buildings, while honoring the

intent of the ordinance. As a result of the SUP, a 4-foot tall clay tile brick wainscot was added to the bottom of the facades of two existing buildings, vertical pillars were clad in the same clay tile brick, and one new building along Post Road was allowed to be clad primarily in metal with the same 4-foot wainscoting for a consistent appearance along Post Road.

Proposal:

The applicant is requesting the subject appeal of the building design standards to allow the facades of three new buildings in Kayden Park 3 to be consistent with Kayden Park 2. The applicant's proposal is for the bottom 4 feet of buildings as indicated on the site plan (Attachment 3) to be clad in the same clay tile brick, with the remainder of the building facades to be metal rather than the required "primary materials". Note that Buildings 800, 1000 and 1200 are not adjacent to or fronting a public street or residential property and therefore are not subject to the building design standards. The surrounding PD-zoned property is occupied by drainage infrastructure.

The applicant submitted building plans for a building permit for Kayden Park 3 that meet the exterior material requirements pending the outcome of this appeal.

General Information:

Lot Size: 5.963 acres

Surrounding Zoning and Land Use:

North: Heather Glen Planned Development; future drainage infrastructure

South: Across Post Road, C-3, M-1A/ Commercial, Light Industrial

East: C-3/ Office-warehouse development

West: Heather Glen Planned Development; future drainage infrastructure

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

	City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	Action 2.8: <i>Establish or expand architectural standards for quality of design across the city.</i> City Council recently updated and enhanced the commercial building façade requirements.
--	--	--

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommended approval of the request for façade alternatives at Kayden Park 2 as development of that property began prior to amendments to the building façade standards, and the applicant was enhancing the appearance of existing structures. While Kayden Park 3 is a new development on a separate property, and the design standards were adopted by City Council to improve the visual appeal and structural integrity of commercial buildings within New Braunfels, staff also recognizes that the applicant's request would result in a consistent appearance along Post Road.

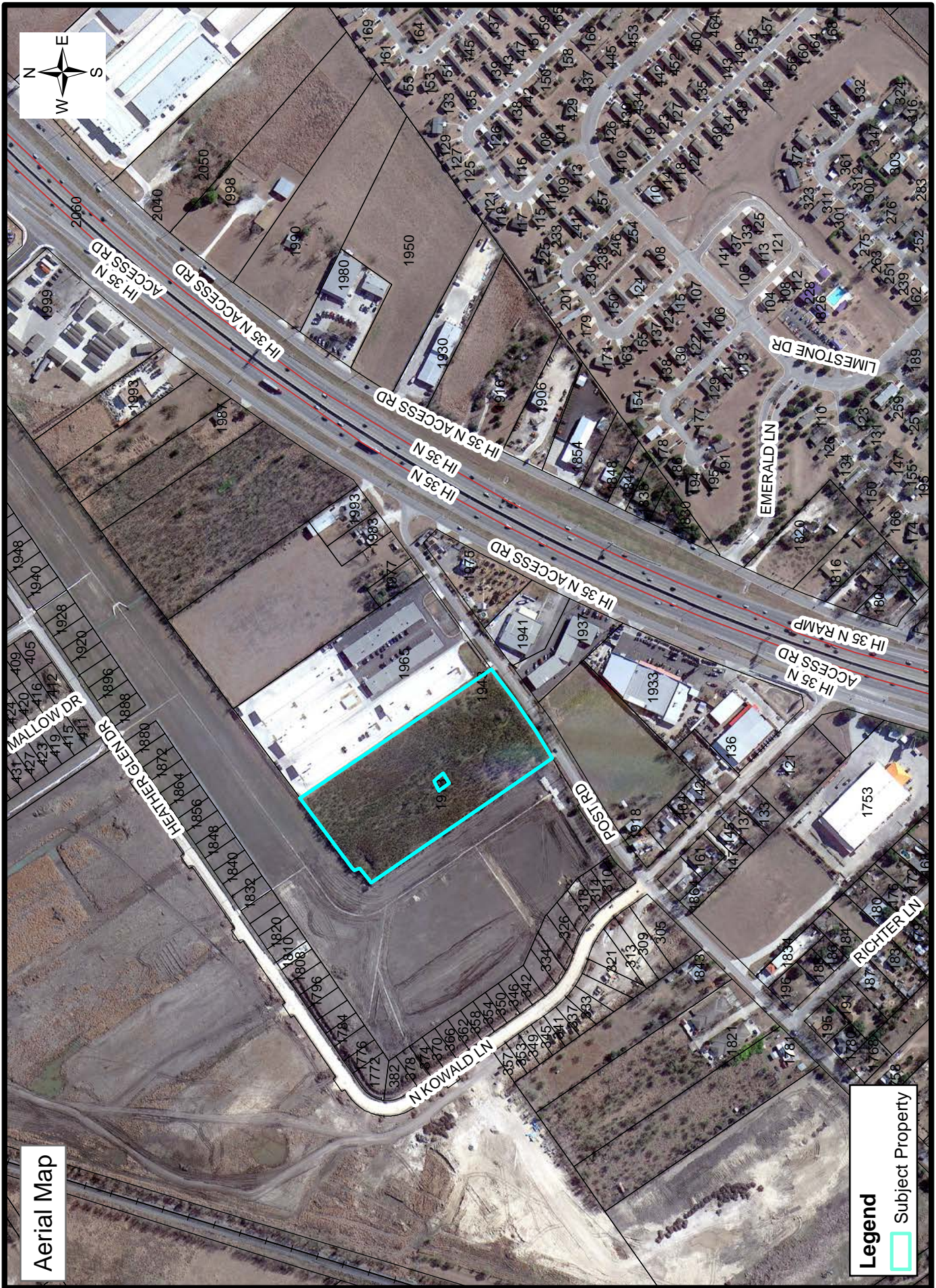
Options City Council may consider include:

-
- Approval as requested;
 - Denial;
 - Partial approval; or
 - Approval of alternatives including any stipulations on materials.

Staff recommends that if City Council approves the applicant's request that the development be consistent with the adjacent Kayden Park 2 development with brick on the bottom 4 feet of the facades of the subject structures, as depicted on their site plan. And that any metal material also be consistent with the existing structures in Kayden Park 2.

Attachments:

1. Aerial Map
2. Application
3. Proposed Site Plan
4. Photographs of Kayden Park 2
5. Section 5.22-4 Exterior Building Materials



CS-18-025
Appeal of Building Design Standards
1913 Post Road



Legend
Subject Property

CS-18-025



APPEAL OF BUILDING DESIGN STANDARDS

Planning and Community Development
 550 Landa Street, New Braunfels TX 78130
 Phone: (830) 221-4050
 Email: planning@nbtexas.org

Fee: \$515

(\$500 application fee + \$15 technology fee (3%))

1. Property Owner(s):

Name: SAMUEL & MARGUERITE KOBRINSKY & Doug LEE
 Mailing Address: 235 MONTEREY ST, STE A, SALINAS, CA 93901
 Email: EBARNES1978@SBCGLOBAL.NET - DOUGLAS831@GMAIL.COM
 Telephone: _____ Mobile: 831-373-8560

2. Agent: (If the applicant is not the owner, a letter of authorization must be furnished from the owner(s) at the time the application is submitted.)

Name: STUART HANSMANN
 Mailing Address: 1972 ROUND TABLE, NB 78180
 Email: STUART1@NBTX.COM
 Telephone: 830-708-1734 Mobile: 830-708-1734

3. Property Address/Location: 1913 POST RD
KAYDEN PARK III

4. Detailed description of design standard(s) not in compliance with Sec. 5.22 Non-Residential and Multifamily Design Standards (use additional sheet if necessary):

5.22-4 EXTERIOR BUILDING MATERIALS
80% MASONRY REQUIREMENT ON BUILDINGS
700, 900, 1100 DOES NOT APPLY TO BLOS 800, 1000, 1200

5. Reason for request (use additional sheet if necessary):
REQUEST TO USE D'HANIS CLAY TILE WAINSCOT 48"
INSTEAD OF 80% REQUIREMENT TO MATCH EXISTING
PROJECT KAYDEN PARK II, 1965 POST RD

6. Attachments: The following items must be submitted with the application:

- ☒ Completed application.
☒ Details of construction materials.
☒ Façade elevation drawing.

- ☒ Site plan.
 \$515 fee (\$500 application fee +
 \$15 technology fee (3%)).

The undersigned hereby requests City Council to consider an appeal to the Building Design Standards for the location(s) stated above.

Stuart Hansmann
 Print Name of Owner/Agent

[Signature]
 Signature of Owner/Agent

8/10/18
 Date



FOR OFFICE USE ONLY:

Received by: MO Date Received: 8/10/18 Receipt No.: 215744

Council Meeting Date: 09/24/18 Case No.: CS-18-025





1913 Post Rd

New Braunfels

- Legend**
- Parcels
 - City Limits
 - Counties
 - ETJ
 - Citations

Notes
Map notes



1: 2,257

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

0.1 Miles

0.04

0

0.1

WGS_1984_Web_Mercator_Auxiliary_Sphere
City of New Braunfels GIS Division



Kayden Park Z



Sec. 144-5.22. - Non-residential and multifamily design standards.

5.22-1. *Applicability of non-residential design standards.* All non-residential and multifamily buildings, with the exception of those described in subsection 144-5.22-2, below, that are adjacent to or front a public roadway, public park or residential district must comply with the standards of this section.

5.22-2. *Structures exempt from design standards.*

- (a) Industrial uses. Industrial use buildings shall be exempt from the design standards when located in a zoning district that allows industrial use and where adjacent to other properties zoned and/or used for industrial purposes;
- (b) Expansions of existing buildings containing 10,000 square feet or less gross floor area, if the expansion is no more than 40 percent of the existing building area;
- (c) Expansions of existing buildings containing more than 10,000 square feet gross floor area, if the expansion is no more than 20 percent of the existing building area;
- (d) Metal buildings used for industrial uses are not exempt from additional landscape standards as required in subsection 144-5.22-3(e).
- (e) Additional landscaping for metal buildings for industrial uses. All metal industrial buildings shall incorporate the following elements in addition to subsection 144-5.3 of the zoning ordinance:
 - (1) A minimum of one tree and four shrubs for every 40 feet (or portion thereof) of building facade that is adjacent to or fronting a public roadway, public park or residential district shall be installed using trees from the approved plant list (zoning ordinance: chapter 144). The above requirements shall be planted within 40 feet of the building facade.
 - (2) Trees shall be planted no closer than 20 feet apart.
 - (3) In no event may trees other than ornamental trees listed in appendix A of the zoning ordinance be planted under overhead power lines.
 - (4) All new trees shall be provided with a permeable surface of 60 square feet per tree under the drip line.
 - (5) All planting areas shall be a minimum of five feet in width.

5.22-3. *Building mass, articulation and building elements.*

- (a) *Purpose.* In order to provide building articulation and interest in design and human scale to the facade of a building, a variety of building techniques are required. The purpose of this section is to ensure that the front of non-residential and multifamily structures have a variety of offsets, relief, and insets to provide a more interesting facade appearance.
- (b) *Applicability.* The following articulation standards shall apply to building facades facing a public street.
- (c) *Building articulation.*
 - (1) *Horizontal (or depth) articulation.*
 - (i) *Maximum distance between offsets.* No building facade shall extend for a distance greater than three times its average height without a perpendicular offset.
 - (ii) *Minimum depth of offsets.* Offset depth shall be a minimum 15 percent of the average building height.
 - (iii) *Minimum length of offsets.* Offset shall extend laterally for a distance equal to at least ten percent of the entire facade.
 - (iv) *Offset depth variation.* Offsets can be of varying depth as long as the minimal standard is satisfied.

- (v) *Facade calculation.* For calculation purposes, the facade shall be considered the total distance of the building line.

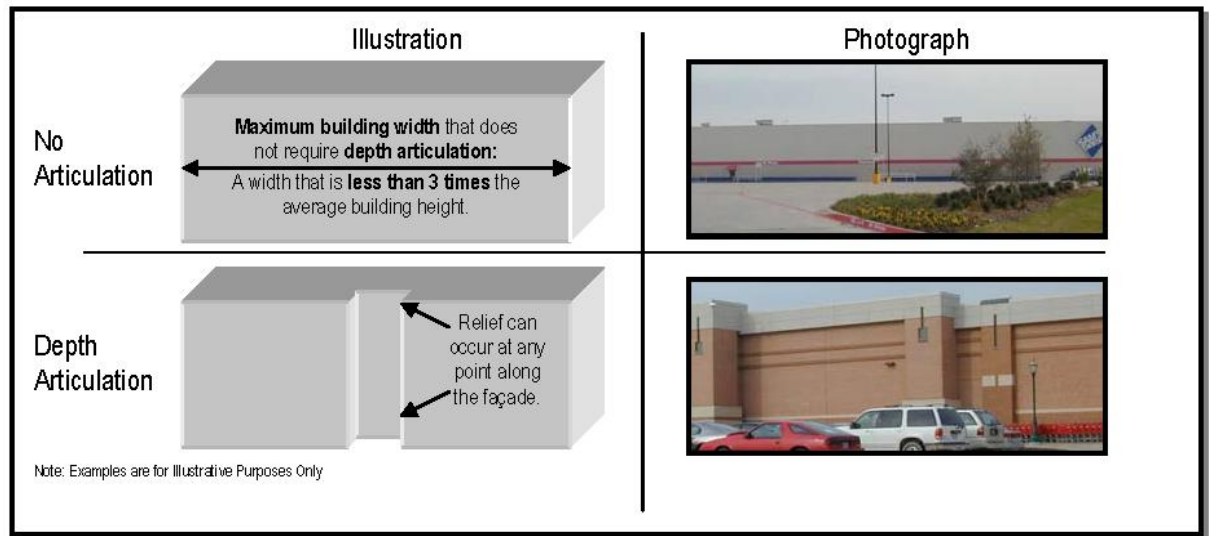
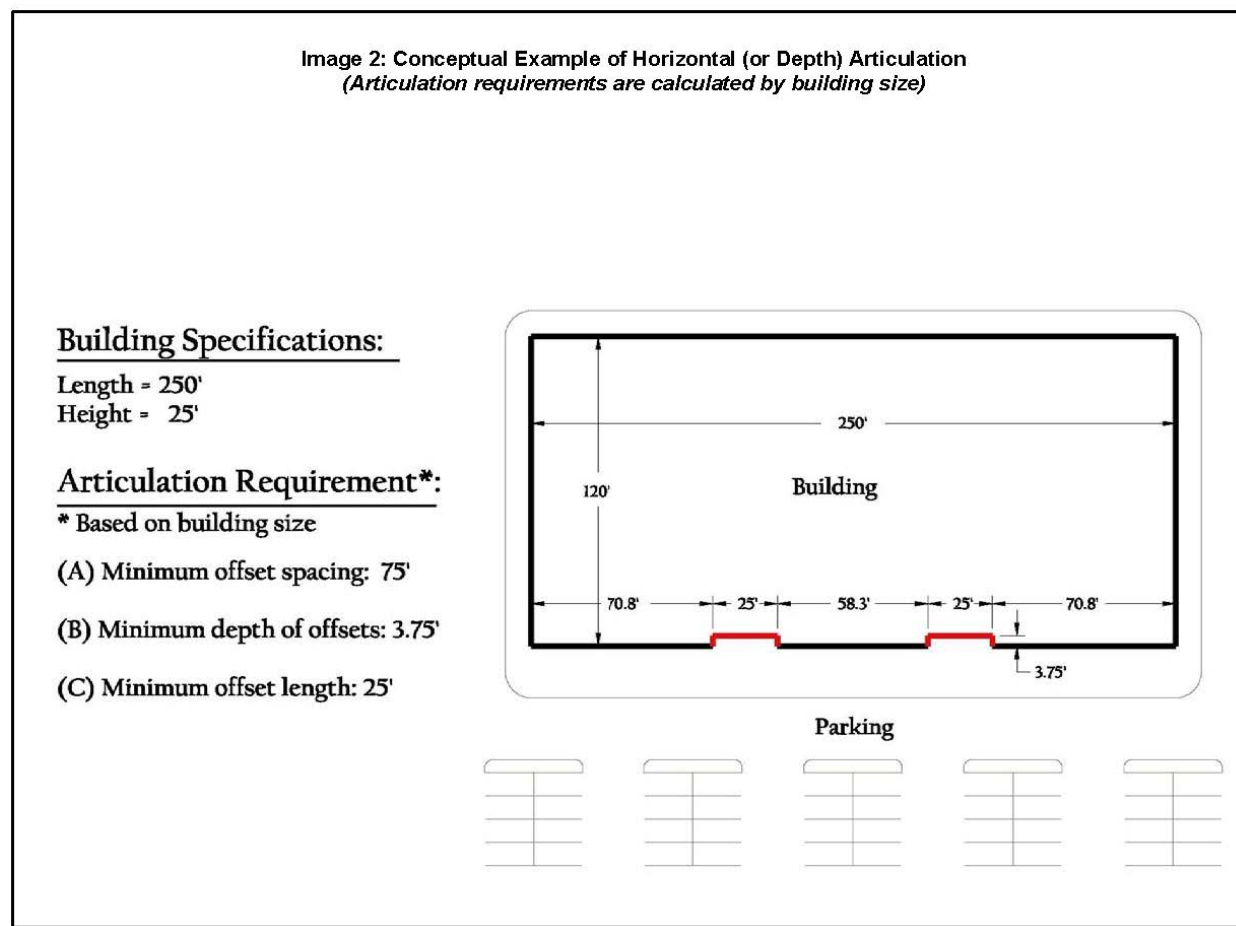


Image 1. Horizontal (or Depth) Articulation Examples



- (2) *Vertical (or height) articulation.*

- (i) *Maximum distance between elevation changes.* No wall shall extend horizontally for a distance greater than three times its average height without a change in elevation.
- (ii) *Minimum height of elevation changes.* An elevation change height shall be a minimum 15 percent of the average building height.
- (iii) *Minimum length of elevation changes.* An elevation change shall continue to extend laterally for a distance equal to at least ten percent of the entire facade.
- (iv) *Elevation change variation.* Elevation changes can be of varying heights as long as the minimal standard is satisfied.
- (v) *Facade calculation.* For calculation purposes, the facade shall be considered the total distance of the building facade.

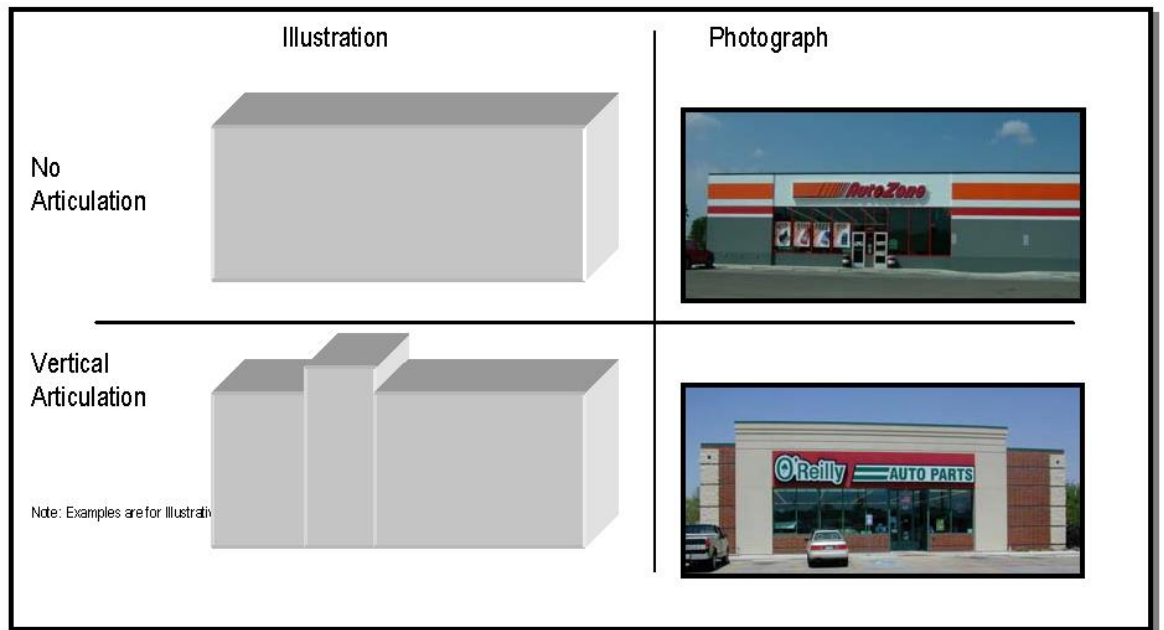


Image 3. Vertical (or Height) Articulation Examples

Image 4: Conceptual Example of Vertical (or Height) Articulation
(Articulation requirements are calculated by building size)

Building Specifications:

Length = 250'

Height = 25'

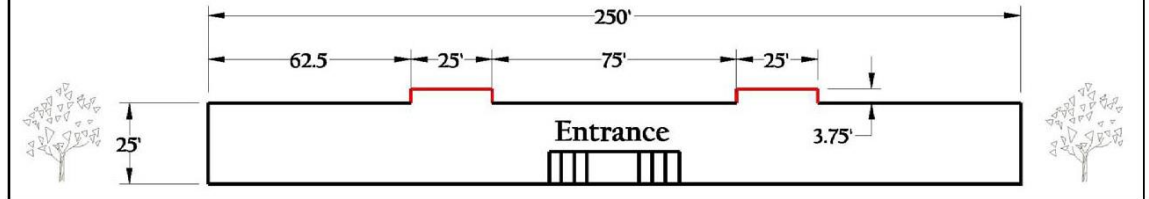
Articulation Requirement*:

* Based on building size

(A) Minimum distance between elevation changes: 75'

(B) Minimum height of elevation change: 3.75'

(C) Minimum length of elevation change: 25'



- (d) *Building elements.* All buildings shall incorporate at least four of the following building elements:
- (1) Lighting features;
 - (2) Awnings;
 - (3) Canopies;
 - (4) Alcoves;
 - (5) Windows;
 - (6) Recessed entries;
 - (7) Ornamental cornices;
 - (8) Pillar posts;
 - (9) Other building elements that contribute to the human scale of a building.
- (e) *Additional landscaping for metal buildings for industrial uses.* All metal industrial buildings shall incorporate the following elements in addition to section 144-5.3:
- (1) A minimum of one tree and four shrubs for every 40 feet (or portion thereof) of building facade shall be installed using trees from the approved plant list (subsection 144-5.3-1.). The above requirements shall be planted within 40 feet of the building facade.
 - (2) Trees shall be planted no closer than 20 feet apart.
 - (3) In no event may trees other than ornamental trees listed in Appendix A of subsection 144-5.3-1 be planted under overhead power lines.
 - (4) All new trees shall be provided with a permeable surface of 60 square feet per tree under the drip line.

- (5) All planting areas shall be a minimum of five feet in width.

5.22-4. Exterior building materials.

Exterior finish requirement. At least 80 percent of the vertical walls of all buildings (excluding doors and windows) to which these standards apply, shall be finished in one or more primary materials:

- (a) Primary materials.
 - (1) Brick, stone, cast stone, rock, marble, granite;
 - (2) Glass block, tile;
 - (3) Stucco or plaster;
 - (4) Glass with less than 20 percent reflectance (however, only a maximum of 50 percent of a building may be constructed in glass);
 - (5) Split-face concrete block, poured-in-place concrete, and tilt-wall concrete. Any use of concrete products shall have an integrated color and be textured or patterned. Tilt-wall concrete structures shall include reveals, punch-outs, or other similar surface characteristics to enhance the facade on at least ten percent of each facade.
 - (6) Fiber cement, such as James Hardie brand products or equivalent.
- (b) Masonry. In every instance, the lower four feet of the vertical walls of all buildings must be finished in one or more of the primary materials noted in subsection (a)(1) or (a)(5) above.
- (c) Secondary materials. The remaining 20 percent of the exterior finish is discretionary and may include, but is not limited to, Exterior Insulation and Finish System (EIFS), wood, metal (including stamped, embossed, or coated panels) or other non-reflective materials.
- (d) Additions to existing structures with vertical walls made of wood, including shingles and siding, may utilize wood in an amount consistent with the percentage of wood on the original structure.

5.22-5. Consistent facade standard.

- (a) All facades or sides of a building shall be designed with architectural style and building materials consistent with the front facade.
- (b) Side or rear facing facades, not on a public roadway, are not required to meet the articulation standards in section 144-5.22-3.

5.22-6. Roof treatments.

- (a) Parapets shall be used to conceal roof top equipment on flat roofs. If a sight line drawing is provided with the site plan showing that all roof top equipment will not be visible from the public right-of-way or adjacent property, then a parapet wall shall not be required.

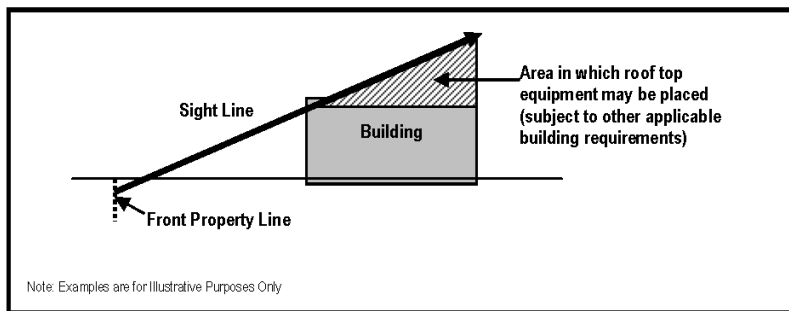


Image 5. Sight Line Example

- (b) Where overhanging eaves are used, overhangs may be no less than two feet beyond the supporting walls.
- (c) Any roof using shingles shall use dimensional shingles (shingles that have a shadow at the top exposure to give added depth and definition).
- (d) Red tile roofs. Red tile roofs are not considered shingles for the purpose of the section.

5.22-7. *Roof types.* The following types of roofs are prohibited:

- (a) Mansard roofs and canopies without a minimum vertical distance of eight feet and at an angle not less than 25 degrees, and not greater than 70 degrees;
- (b) Back-lit awnings used as a mansard or canopy roof.

5.22-8. *Entryways/customer entrance treatments and pedestrian routes.*

- (a) Any front entry shall be set back from the drive a minimum distance of 15 feet.
- (b) Single-use or multi-tenant buildings over 60,000 square feet in size must provide clearly defined, highly visible customer entrances that include an outdoor patio area, at least 200 square feet in area, that incorporates the following:
 - (1) Benches or other seating components;
 - (2) Decorative landscape planters or wing walls that incorporate landscaped areas;
 - (3) Structural or vegetative shading; and
 - (4) Pedestrian routes between parking areas and buildings.

5.22-9. *Applications procedures.* The above standards shall be required to be shown on a site plan that is part of a building permit application. Facade elevation drawings shall also be required.

5.22-10. *Appeal procedures.*

- (a) Enforcement of this section may be appealed to the city council.
- (b) Appeal procedures.
 - (1) All appeal actions for a site plan application denied by the planning director or his/her designee shall be submitted to and reviewed by the city council, if requested by the applicant.
 - (2) An appeal must be made in writing on an application form available in the planning and community development department, shall be accompanied by an application fee per appendix D of this Code and shall include a site plan, building elevation plan and landscape plan.
 - (3) The appeal shall be scheduled for consideration of the site plan on the regular agenda of the council within 30 days after the appeal application is received, or, in the case of an incomplete application, 30 days after the submission is deemed complete.
 - (4) The council shall review the site plan and shall recommend approval, approval subject to certain conditions, or disapproval of the concept plan or building site plan.
 - (5) The city council shall determine final approval or disapproval of all site plan appeals.

(Ord. No. 2012-49, § 1(Exh. A), 9-10-12; Ord No. 2017-06, § 3, 1-9-17; Ord. No. 2018-21, § 2, 3-26-18)



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. A)

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

- Project Rethread



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. B)

Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code

- Property for city facilities



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/24/2018

Agenda Item No. C)

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.

