CITY OF NEW BRAUNFELS, TEXAS
CITY COUNCIL MEETING

CITY HALL - COUNCIL CHAMBERS
550 LANDA STREET

MONDAY, APRIL 8, 2019 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 Shane Hines

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

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

PROCLAMATIONS:

A) Safe Digging Month
B) 50th Anniversary of Boy Scout Troop 119
C) Save the Monarchs Month

PRESENTATIONS:

A) Presentation to recognize New Braunfels Scout Fischer Marlow for his act of service in retrieving a damaged American flag from the Main Plaza.
Stacey Dicke, Parks and Recreation Director

B) Presentation of the Legacy Tree, Legacy Bench, and Main Plaza Memorial Brick program through the Parks and Recreation Department.
Stacey Dicke, Parks and Recreation Director

C) Presentation on protection of industrial zoning.
Christopher J. Looney, Planning and Community Development Director

D) Update on the 2019 Bond Program.
Robert Camareno, City Manager

1. MINUTES

A) Discuss and consider approval of the minutes of the regular City Council meeting of March 25, 2019.
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 $48,695 expenditure with Marathon Fitness through a Buyboard contract for the purchase of additional exercise equipment for Das Rec.
Stacey Dicke, Parks and Recreation Director

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

B) Approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 19 acres out of the J Thompson Survey 21 A-608, located at the terminus of Courtyard Drive, from “R-2” Single and Two-family District and “C-1” Local Business District to “M-1A” Light Industrial District.
Christopher J. Looney, Planning and Community Development Director

C) Approval of the second and final reading of an ordinance amending Section 126-346 (f) of the City of New Braunfels Code of Ordinances to restrict parking on a portion of Unicorn Avenue.
Garry Ford, City Engineer

D) Approval of the second and final reading of an ordinance amending Division 4 of Article VII of Chapter 126 of the Code of Ordinances regarding parking meters.
Garry Ford, City Engineer

E) Approval of the second and final reading of an ordinance regarding the proposed rezoning to apply a Type 2 Special Use Permit to allow professional offices, an addition to a thrift store building and associated parking in the "R-2" Single and Two-Family District, addressed at 617 North Walnut Avenue and 6, 8, 10, and 12 Cane Street.
Christopher J. Looney, Planning and Community Development Director

4. INDIVIDUAL ITEMS FOR CONSIDERATION

A) Public hearing and first reading of an ordinance regarding Youth Programs Standards of Care for the Parks and Recreation Department.
Stacey Dicke, Parks and Recreation Director

B) Public hearing and first reading of an ordinance regarding the proposed rezoning of Lots 2 and 3, Country Meadows Subdivision, addressed at 2254 and 2316 FM 725, from "R-1" Single Family District and "APD" Agricultural/Pre-Development District to "C-1A" Neighborhood Business District and "C-O" Commercial Office District.
Christopher J. Looney, Planning and Community Development Director

C) Discuss and consider approval of a resolution in support of proposed legislation that increases the legal age from 18 to 21 to purchase, accept, possess, or consume cigarettes, e-cigarettes, or tobacco products; specifically supporting Senate Bill 21 and House Bill 749 and requesting that state legislators support these bills by voting in favor of this proposed legislation.
Barron Casteel, Mayor

D) Discuss and consider approval of a resolution creating a Complete Count Committee to assist the U.S. Census Bureau with awareness and outreach for the 2020 Decennial Census.
Christopher 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 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 issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code, including but not limited to:

- Project Nautilus

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 April 3, 2019, at 10:00 a.m.

_____

Patrick Aten, City Secretary

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

City of New Braunfels

Proclamation

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

WHEREAS, each year, the nation's underground utility infrastructure is jeopardized by unintentional damage by those who fail to call 811 to have underground lines located prior to digging, and undesired consequences such as service interruption, damage to the environment, and personal injury and even death are the potential results; and

WHEREAS, the Common Ground Alliance and its 1700 members promote the national call-before-you-dig number, 811, to reduce these damages.

WHEREAS, 811 provides potential excavators and homeowners a simple number to reach their local One Call Center to request utility line locations at the intended dig site and was designated by the FCC in 2005; and

WHEREAS, through education of safe digging practices, excavators and homeowners can save time and money keeping our nation safe and connected by making a simple call to 811 in advance of any digging project, waiting the required amount of time, respecting the marked lines by maintaining visual definition throughout the course of the excavation, and finally, digging with care around the marks; and

WHEREAS, all parties agree that safe digging is a shared responsibility, and to know what's below, call 811 before you dig.

NOW, THEREFORE, I, BARRON CASTEEL, Mayor of the City of New Braunfels, do hereby proclaim the month of April 2019 as

SAFE DIGGING MONTH

in New Braunfels and encourage excavators and home owners throughout the City to always call 811 before digging as safe digging is no accident.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed on this the 8th day of April 2019.

CITY OF NEW BRAUNFELS

_____

BARRON CASTEEL, Mayor

City of New Braunfels

Proclamation

THE STATE OF TEXAS §

COUNTY OF COMAL §

CITY OF NEW BRAUNFELS §

WHEREAS, Boy Scout Troop 119 was founded on April 1, 1969, and has been continuously sponsored by First United Methodist Church, New Braunfels; and

WHEREAS, Boy Scout Troop 119 provides quality programming to cultivate character and instill a sense of duty among its scouts for current and future service to their communities and country through the ideas and principles of the Scout Oath and the Scout Law; and

WHEREAS, Boy Scout Troop 119 has provided countless of continuous hours of community service to the greater New Braunfels community, improving the lives of individuals, families, organizations, and the community at large.

NOW, THEREFORE, I, BARRON CASTEEL, Mayor of the City of New Braunfels, Texas, do hereby recognize the

50TH ANNIVERSARY OF BOY SCOUT TROOP 119

and wish them many more years of continued success and service in scouting.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of New Braunfels to be affixed this 8th day of April 2019.

CITY OF NEW BRAUNFELS

_____

BARRON CASTEEL, Mayor

City of New Braunfels

Proclamation

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

WHEREAS, the monarch butterfly is an iconic North American species whose multigenerational migration and metamorphosis from caterpillar to butterfly has captured the imagination of millions of Americans; and

WHEREAS, City of New Braunfels officials are concerned about the decline of the monarch butterfly population; and

WHEREAS, twenty years ago more than one billion Eastern monarch butterflies migrated to Mexico; and

WHEREAS, in the winter of 2014 only 60 million monarch butterflies made the trip; and

WHEREAS, the North American monarch population has declined by more than 90 percent in the past two decades; and

WHEREAS, monarch scientists attribute the decline to the degradation and loss of summer breeding habitat in the US and loss of winter habitat in Mexico; and

WHEREAS, cities, towns and counties have a critical role to play to help save the monarch butterfly by providing habitat, landscape policies and educating citizens; and

WHEREAS, through the National Wildlife Federation's "Mayors' Monarch Pledge" U.S. cities, municipalities, and other communities are committing to create habitat for the monarch butterfly and pollinators, and to educate citizens about how they can make a difference at home and in their community.

NOW, THEREFORE, I, BARRON CASTEEL, Mayor of the City of New Braunfels, Texas do hereby proclaim the month of April 2019 as

SAVE THE MONARCHS MONTH

in the City of New Braunfels and encourage residents to take part in events and initiatives to protect and restore the habitat of the North American monarch butterfly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Braunfels, Texas to be affixed this the 8th day of April 2019.

CITY OF NEW BRAUNFELS, TEXAS

BY: _____
BARRON CASTEEL, Mayor

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

4/8/2019

Agenda Item No. A)

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

SUBJECT:
Presentation to recognize New Braunfels Scout Fischer Marlow for his act of service in retrieving a damaged American flag from the Main Plaza.

BACKGROUND / RATIONALE:
Fischer Marlow, son of Tim and Jennifer Marlow, is a sixth grader at Oak Run Middle and is currently a Tenderfoot Scout with Troop 381. Fischer has two younger brothers who are also Scouts.

On the night of January 28, 2019, Fischer and his dad were headed home from a Scout meeting and Fischer noticed the United States flag on the Main Plaza had fallen on the ground due to a snapped pole line. He asked his father to pull over. When they got out of the car, another good Samaritan had also seen the flags and stopped. Fischer retrieved the flags and the second adult secured the snapped rope.

Being concerned that someone would mistake that he was stealing the flags, his dad called a family friend, Police Officer Chris Peltier. Officer Peltier promised to send a message about the flag retrieval. The next morning, Fischer wanted to return the flags himself, so his parents brought him to city hall where he handed over the folded flags.

Although he feels he was just in the right place at the right time, we are very grateful to Fischer for taking action and knowing what to do. It is small acts of service like this one that make the difference in a community. Even though Fischer is young, we can rest assured that the future of our city is in good hands.

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

FISCAL IMPACT:
N/A

COMMITTEE RECOMMENDATION:
N/A

STAFF RECOMMENDATION:
N/A

City of New Braunfels

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

4/8/2019

Agenda Item No. B)

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

SUBJECT:
Presentation of the Legacy Tree, Legacy Bench, and Main Plaza Memorial Brick program through the Parks and Recreation Department.

BACKGROUND / RATIONALE:
The Parks and Recreation Department has a donation program available for individuals or groups to purchase a legacy tree, legacy bench or memorial brick. Each program provides opportunities to honor people, cherish the memory of a loved one, celebrate a birth, commemorate special events such as a wedding or anniversary, or simply help beautify our parks.

Trees, benches, or bricks are unique gifts that last for several lifetimes.

A permanent record of all donations is kept at the Parks and Recreation office. Donors receive a location map and certificate suitable for framing. Information shown on the certificate includes the honoree name, donor name, occasion, date and location of the tree, bench or brick.

Legacy Tree Program:
Donation: $250 per tree
Donations to the Legacy Tree Program are used to purchase the tree, provide tree care and protection. These trees help reforest our parks. Tree species will be selected by the City's Urban Forester to best fit the planting location and encourage a diverse and healthy forest.

Legacy Bench Program:
Donation: $1,100 per bench
Donations to the Legacy Bench Program are used to purchase a five foot park bench. Benches provide a peaceful place of rest and reflection for park visitors. A plaque on the backrest will commemorate the honoree/event of choice.

Main Plaza Brick Program:
Donation $150 per brick
Donations to the Brick Program are used to purchase an engraved brick that will be installed on the Main Plaza. Funds will also be used to beautify and maintain the Plaza and the historic monuments. Bricks measure 8' X 4" X 2.5"

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

FISCAL IMPACT:
Fund collected for this program are placed in the Donations Fund and are tracked and used specifically for the items noted.

COMMITTEE RECOMMENDATION:
N/A

STAFF RECOMMENDATION:
N/A

LEGACY TREE PROGRAM
DONATION: $250 PER TREE

Donations to the Legacy Tree Program are used to purchase the tree, provide for the tree's care and protection and help reforest our parks. The tree species will be selected by the City's Urban Forester to best fit the planting location and to encourage a diverse and healthy urban forest.

LEGACY BENCH PROGRAM
DONATION: $1,100 PER BENCH

Donations to the Legacy Bench Program are used to purchase a five-foot park bench. Benches provide a peaceful place of rest and reflection to park visitors and a plaque on the backrest will commemorate the honoree/event of your choice.

MAIN PLAZA BRICK PROGRAM
DONATION: $150 PER BRICK

"Preserving our Past, Paving our Future" Donations to the Brick Program are used to purchase an engraved brick to the donor's specifications that will be installed around Main Plaza. Funds will also be used to beautify and maintain the Plaza and the historic monuments, including the bandstand, which is a focal point in the landscape and history of New Braunfels.

Bricks measure 8" x 4" x 2.5"

PLEASE NOTE:
Trees, benches and bricks will be installed November through March only.

WHAT IS THE LEGACY TREE, BENCH OR BRICK DONATION PROGRAM?

Each program provides opportunities to honor people, cherish the memory of a loved one, celebrate a birth, commemorate special events such as a wedding or anniversary, or simply help beautify our parks. Trees, benches or bricks are unique gifts that last for several lifetimes.

A permanent record of all donations is kept at the Parks and Recreation office. You will receive a location map and certificate suitable for framing. Information shown on the certificate includes the honoree name, donor name, occasion, date, and location of the tree, bench or brick.

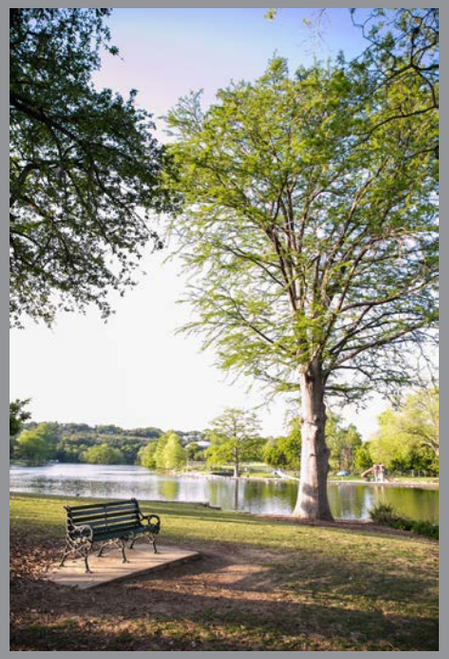
OTHER DONATIONS

Monetary donations in smaller amounts will be used for our annual tree planting initiatives throughout the park system.

FOR ADDITIONAL INFORMATION
CALL (830) 221-4350

DONATION PROGRAMS

LEGACY TREE
LEGACY BENCH
MAIN PLAZA BRICK



City of New Braunfels

PARKS AND RECREATION DEPARTMENT

ORDER FORM

NAME: _____ DAYTIME PHONE: _____

ADDRESS: _____ EMAIL: _____

NAME & MAILING ADDRESS FOR CERTIFICATE OF PLANTING/INSTALLATION (IF DIFFERENT FROM ABOVE):

_____

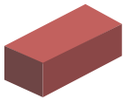
LEGACY TREE PROGRAM: THIS TREE IS (CIRCLE ONE): IN MEMORY OF IN HONOR OF TO CELEBRATE OTHER:_____

DONATION: $250 PERSON/EVENT: _____

LEGACY BENCH PROGRAM THIS TREE IS (CIRCLE ONE): IN MEMORY OF IN HONOR OF TO CELEBRATE OTHER:_____

DONATION: $1,100 PERSON/EVENT: _____

MAIN PLAZA BRICK PROGRAM PLEASE FILL IN THE SPACES AS YOU WANT THEM TO APPEAR ON THE PAVER (UPPER CASE ONLY). PLACE ONLY ONE CHARACTER (LETTER, NUMBER, ETC.) PER SPACE. LEAVE A SPACE BETWEEN NAMES AND BEFORE AND AFTER "&". LINES WILL AUTOMATICALLY BE CENTERED. THERE IS A MAXIMUM OF 18 CHARACTERS PER LINE (INCLUDING SPACES) WITH A THREE-LINE MAXIMUM.



DONATION: $150

BRICK #1

BRICK #2

PAYMENT BY CHECK
Mail Donation Form along with a check (payable to City of New Braunfels) to:

City of New Braunfels
Parks and Recreation Department
110 Golf Course Rd.
New Braunfels, TX 78130

PAYMENT BY CREDIT CARD
Scan and email this form to: parks@nbtexas.org

Credit Card Info (circle one): MC VISA AMEX DISCOVER

Card #: _____ CVV: _____ Exp. Date: _____

City of New Braunfels

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

4/8/2019

Agenda Item No. C)

Presenter
Christopher J. Looney, Planning and Community Development Director
(830) 221-4055 - clooney@nbtexas.org

SUBJECT:
Presentation on protection of industrial zoning.

BACKGROUND / RATIONALE:
Council District: All

Staff Contact: Jean Drew, Senior Planner
(830) 221-4050
jdrew@nbtexas.org

Zoning first came about in the early 1900s by popular demand. Citizens of various cities grew concerned with heights of buildings and intensity of uses impacting their properties and their health. After several cities experimented with zoning, the federal government developed the Standard Zoning Enabling Act in the 1920s through which states could model rules for their cities to enact. The Supreme Court upheld the rights of cities to regulate uses through zoning in 1926.

Early zoning ordinances were “pyramidal” or cumulative in nature, i.e. uses allowed in the least intense residential district were also allowed in the multi-family district; everything allowed in the multifamily district was allowed in the commercial district; and so on, all the way up to industrial districts which allowed everything. In the 1920s and 1930s, before the proliferation of the automobile, this development pattern was effective because it allowed residential to be built in close proximity to factories, providing Americans with easy walking access from their homes to the places they worked.

One example we still see remnants of is cities would zone land along their railroad tracks industrial to accommodate warehousing, factories, etc. adjacent to the predominant mode of commercial transport at the time. If the city’s zoning was cumulative, this did not preclude residences from also being built near rail lines. If the commercial districts also allowed residential uses, pockets of homes might lie in close proximity to heavy commercial activity as well.

While this was an effective development pattern in the early 20th century, as the automobile made Americans more mobile, concerns emerged: many residents no longer wanted to live near intense commercial or industrial uses; and industrial uses were being impacted by concerned residents in close proximity.

Other zoning ordinances that came about at the same time, or soon thereafter, separated uses so that the cumulative effect did not occur, i.e. residential districts allowed only residential; commercial only commercial, etc. in efforts to ensure more compatibility of uses. Typical transitions would include

rings of commercial zoning surrounding industrial before leading into residentially zoned property.

As time moved on, more innovative zoning concepts emerged such as performance zoning, form-based zoning, and others. Today, mixed-use zoning districts that ensure compatibility through development standards are a popular concept as people begin to experiment with a variety of different transportation modes and walking regains popularity.

New Braunfels' first zoning districts were cumulative in nature. In 1987, New Braunfels added a new set of zoning districts to their ordinance. The more cumulative "pre-1987 districts" remained but property could not be rezoned to the old districts.

Remnants of historic zoning and development patterns across the U.S. include a variety of residential home types near commercial uses or near property zoned industrial. Unintended consequences of the historic practices include:

1. Residents buy a home, and then industrial or commercial uses later develop adjacent to them.
2. Vacant industrial land that is difficult to develop or attract a job generator to, due to:
    a. existing adjacent residential uses, or
    b. vacant adjacent land zoned to allow residential.
3. The gradual evaporation of available industrial zoned land with no land being newly zoned to industrial.

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	**Action 1.3:** Encourage balanced and fiscally responsible land use patterns. **Action 1.8:** Concentrate future investment in industrial and employment centers near existing and emerging hubs, such as the airport; and along existing high capacity transportation networks, such as Interstate Highway 35. **Action 1.11:** Update policies and codes to achieve development patterns that implement the goals of Envision New Braunfels. **Action 3.3:** Balance commercial centers with stable neighborhoods. **Action 3.6:** Proactively provide a regulatory environment that remains business and resident friendly.

FISCAL IMPACT:

Limiting residential encroachment into or near industrial areas protects opportunities for economic development and job expansion, and protects property values for all.

COMMITTEE RECOMMENDATION:

City Council and the Planning Commission discussed this topic at their January joint workshop. City Council directed staff to analyze the issue further and bring forward potential steps to address the concern presented by historic cumulative zoning practices.

STAFF RECOMMENDATION:

There are several steps that can be taken to address the existing, and potential future, conflict of

incompatible land uses. Staff recommends proceeding with 1(a) and 1(b) below, with the subsequent items to possibly follow with direction accordingly:

1. Protect existing vacant properties zoned industrial, or those in areas identified as Employment Centers in the Comprehensive Plan.
    - **a. Amend the industrial zoning districts to remove residential as an allowed use.**
    - **b. Review existing non-annexation agreements to determine status and/or expiration.**
    - c. Consider annexing properties near or within Future Employment Centers and near existing industrial greenfield; if annexed, zone to a district that prevents incompatible development.
2. Increase inventory of industrial greenfield.
    - a. Rezone properties within or near Employment Centers to industrial or mixed use zoning districts to accommodate future industrial.
    - b. Consider annexing property east of the airport; zone it industrial.
        - i. Protects airport from incompatible uses.
        - ii. Increases inventory of industrial.
        - iii. Pushes city limits east to capture ETJ recently conditionally released by Seguin.
    - c. Consider creating a new zoning district: BP (Business Park) for cohesive, master planned, campus style light industrial development.
3. Identify areas developed with industrial but are presently zoned commercial or residential; rezone accordingly.
    - a. Ensure adjacent vacant tracts do not allow new residential.
4. Identify areas developed with residential but are presently zoned industrial. Removing residential as an allowed use would make the homes nonconforming:
    - a. If the Comprehensive Plan calls for those areas to be residential, rezone them to residential.
    - b. If the Comprehensive Plan calls for those areas to be future Employment Centers, rezone them to commercial, mixed use or industrial.

While current trends in land use planning encourage mixed uses, such intermingling of uses should include necessary mitigation measures to ensure property values, housing affordability, job creation, economic development, and citizen quality of life are all maintained. Therefore:

5. Ensure mixed use zoning includes impact mitigation measures.
    - a. Amend mixed use districts if necessary to increase or tier buffers between incompatible uses based on intensity.

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

4/8/2019

Agenda Item No. D)

Presenter/Contact
Robert Camareno, City Manager
rcamareno@nbtexas.org

SUBJECT:
Update on the 2019 Bond Program.

BACKGROUND / RATIONALE:
[Enter Background/Rationale Here]

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

FISCAL IMPACT:
[Enter Fiscal Impact Here]

COMMITTEE RECOMMENDATION:
[Enter Committee Recommendation Here]

STAFF RECOMMENDATION:
[Enter Staff Recommendation Here]

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

4/8/2019

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 March 25, 2019.

MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, MARCH 25, 2019

The City Council of the City of New Braunfels, Texas, met in a Regular Session on March 25, 2019, 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

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

PROCLAMATIONS:

A) Autism Awareness Month
Mayor Casteel proclaimed April as Autism Awareness Month.

B) 100th Anniversary of the New Braunfels Chamber of Commerce
Mayor Casteel recognized the 100th Anniversary of the New Braunfels Chamber of Commerce.

C) Crime Victims' Rights Week
Mayor Casteel proclaimed April 7-13 as Crime Victims' Rights Week.

PRESENTATIONS:

A) 2018 Achievement of Library Excellence Award
The New Braunfels Public Library was recognized for their award.

B) Presentation and possible direction to staff regarding the management of floating aquatic vegetation in the Comal River.

Mayor Casteel read the aforementioned caption.

Charles Irvine and Thom Hardy presented the item.

Jay Harmon, Daryl Nutt, Roy Haag, Alan Stigall, and John Brooks spoke on the item.

City Council gave direction for the item to be placed on the April 22 agenda for further discussion.

<City Council took a break.>

1. MINUTES

A) Discuss and consider approval of the minutes of the regular City Council meeting of March 11, 2019, and the special meeting of March 18, 2019.

Mayor Casteel read the aforementioned caption.

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

2. CITIZENS' COMMUNICATIONS

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

Mayor Casteel read the aforementioned caption.

No one spoke.

3. CONSENT AGENDA

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

Resolutions & Action Items

A) Approval of the appointment of one individual to the New Braunfels Partnership Committee for a term ending August 1, 2022.

B) Approval of a resolution accepting the gift of a book vending kiosk for use by the public library for library services from the New Braunfels Public Library Foundation, Inc.

C) Approval of a contract with GTS, Inc for the purchase of computers, monitors, security cameras, network components, general computing

accessories and computer software including server and desktop client software packages up to $150,000.

Ordinances

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

D) Approval of the second and final reading of an ordinance amending Chapter 130, Article IV, Division 5, Division 6, and Division 7 of the Code of Ordinances relating to Water Conservation and Critical Period Management Plan, Regulated Activities, and Drought Management Plan.

E) Approval of the second and final reading of an ordinance to amend Chapter 66 of the Code of Ordinances, Sections 26 and 52, regarding membership qualifications of the Heritage Commission and the Historic Landmark Commission.

F) Approval of the second and final reading of an ordinance granting the extension of rehabilitation tax relief for a second five-year period to the property addressed as 586 W. Mill Street, a Local Historic Landmark known as the Froehlich-Stein House.

G) Approval of the second and final reading of an ordinance granting the extension of rehabilitation tax relief for a second five-year period to the property addressed as 455 S. Academy Avenue, a Local Historic Landmark known as the Schaeffer-Brewer House.

H) Approval of the second and final reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to create a new Parking by Permit Area O.

I) Approval of the first reading of an ordinance amending Section 126-346 (f) of the City of New Braunfels Code of Ordinances to restrict parking on a portion of Unicorn Avenue.

J) Approval of the first reading of an ordinance amending Division 4 of Article VII of Chapter 126 of the Code of Ordinances regarding parking meters.

Mayor Casteel read the aforementioned captions.

Councilmember Garcia moved to approve the Consent Agenda. Councilmember Bowers seconded the motion which passed

unanimously via roll call vote.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

A) Discuss and consider approval of a resolution recommending approval by the Texas Department of Transportation of the proposed design of two gateway monument signs to be installed within the right-of-way along IH 35 to commemorate New Braunfels' 175th Anniversary; and authorizing the city manager to execute a Gateway Monument Interlocal Agreement with TXDOT, and any agreements necessary and incidental thereto, including with the Greater New Braunfels Chamber of Commerce for design, construction, and installation.

Mayor Casteel read the aforementioned caption.

Stephen Hanz presented the item.

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

B) Discuss and consider approval of an ordinance authorizing the issuance of "City of New Braunfels, Texas Utility System Revenue Commercial Paper Notes, Series 2019A and Series 2019B" in an aggregate principal amount of not to exceed $75,000,000 to provide interim financing to pay project costs for eligible project for the City's Utility System, approving and authorizing the execution of agreements to be entered into in connection with the commercial paper notes and resolving other matters incident and related thereto.

Mayor Casteel read the aforementioned caption.

Ian Taylor and Dawn Shriewer presented the item.

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

C) Discuss and consider acceptance of the FY 2017-18 Audit and Comprehensive Annual Financial Report performed by Belt Harris Pechacek, LLLP.

Mayor Casteel read the aforementioned caption.

Sandy Paulos and Robert Belt presented the item.

Councilmember Hines moved to accept the item. Councilmember Garcia seconded the motion which passed unanimously.

D) Discuss and consider approval of the first reading of an ordinance to install an all-way stop at the intersection of Hunter Road and Rapids Road.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

Byren Bexley and Keith Buvinghausen spoke on the item.

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

E) Public hearing regarding the proposed Amendment to Veramendi, Sector Plan 1A, within the Comal County Water Improvement District #1, encompassing 273.37 acres out of the Juan Martin de Veramendi Survey No.2, Abstract 3, including property adjacent to and east of the Oak Run Subdivision.

Mayor Casteel read the aforementioned caption.

Councilmember Bowers moved to postpone the item to May 13. Councilmember Meadows seconded the motion which passed unanimously.

F) Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 19 acres out of the J Thompson Survey 21 A-608, located at the terminus of Courtyard Drive, from “R-2” Single and Two-family District and “C-1” Local Business District to “M-1A” Light Industrial District.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Thor Thornhill and Dennis Laskowski spoke during the public hearing.

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

G) Public hearing and first reading of an ordinance regarding the proposed rezoning to apply a Type 2 Special Use Permit to allow professional offices, an addition to a thrift store building and associated parking in the "R-2" Single and Two-Family District, addressed at 617 North Walnut Avenue and 6, 8, 10, and 12 Cane Street.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Dick Hillyer spoke during the public hearing.

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

H) Discuss and consider a request for a conditional sign permit to allow a pole sign that would be taller and with a larger sign cabinet than allowed by ordinance, for TexStar Bank, presently addressed at 954 Loop 337.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Mayor Pro Tem Peters moved to approve the item with a 100 square foot sign that is 28 feet tall, and no other signs allowed on the property. Councilmember Meadows seconded the motion which passed 6-1, with Councilmember Hoyt opposed.

I) Discuss and consider approval to authorize the City Manager to enter into a license agreement between the City of New Braunfels and LGI Homes of Texas, LLC for encroachments in the public right-of-way near the intersection of Solms Road and Morningside Drive.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

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

J) Discuss and consider approval of the second and final reading of an ordinance amending Code of Ordinances Chapter 126 Traffic and Vehicles to prohibit shared mobility services using motor-assisted scooter and electric bicycles.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

Mayor Pro Tem Peters moved to approve the item. Councilmember Garcia seconded the motion which passed 6-1 via roll call vote, with Councilmember Hines opposed.

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

Mayor Casteel read the aforementioned captions.

City Council recessed into Executive Session from 8:57 p.m. - 9:22 p.m.

No vote or action was taken.

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

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

The City Council reconvened into Open Session at 9:23 p.m.

No vote or action was taken.

7. ADJOURNMENT

The meeting adjourned at 9:23 p.m.

Date Approved: April 8, 2019

_____

Barron Casteel, Mayor

Attest:

_____

Patrick Aten, City Secretary

City of New Braunfels

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

4/8/2019

Agenda Item No. A)

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

SUBJECT:
Approval of a $48,695 expenditure with Marathon Fitness through a Buyboard contract for the purchase of additional exercise equipment for Das Rec.

BACKGROUND / RATIONALE:
Since opening in July 2018, Das Rec has seen over 14,000 members join the facility. This membership rate is almost three times the number of anticipated members from the business plan and the FY 2018-19 Adopted Budget. As a result of the increased memberships, preliminary revenue projections indicate a 120% cost recovery at the end of Fiscal Year 2018-19.

Additional exercise equipment would help better serve our members and provide more opportunities for use during our busiest times. Das Rec staff has tracked the usage of all equipment as well as tracked member requests to determine what additional equipment would best serve our members. The City will utilize a Marathon Fitness contract through the BuyBoard cooperative which has been competitively procured and satisfies purchasing requirements. Staff is seeking approval to purchase the following equipment:

Spinner Bikes (6)
Rower (2)
Elliptical (5)
Recumbent Bike (2)

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

Yes	**City Council Priority:**	Strategic Priorities: 10. Maintain an ongoing program to provide exemplary customer service

FISCAL IMPACT:
The additional equipment was not incorporated into the FY 2018-19 Adopted Budget. Towards the end of the fiscal year, if a budget amendment is needed to account for these expenditures, membership revenue should be able to cover the costs. Therefore, sufficient funds are available to support these purchases.

COMMITTEE RECOMMENDATION:
N/A

STAFF RECOMMENDATION:

Staff recommends approval of an expenditure with Marathon Fitness for the purchase of exercise equipment at a cost of $48,695 through a Buyboard contract.

City of New Braunfels

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

4/8/2019

Agenda Item No. B)

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

SUBJECT:
Approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 19 acres out of the J Thompson Survey 21 A-608, located at the terminus of Courtyard Drive, from “R-2” Single and Two-family District and “C-1” Local Business District to “M-1A” Light Industrial District.

BACKGROUND / RATIONALE:

Case No.: PZ-19-001

Council District: 6

Applicant/Owner: Hollmig Family Partnership
130 S. Seguin Avenue, Suite 100
New Braunfels, TX 78130
(830) 660-4959
craig.hollmig@gmail.com

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

City Council held a public hearing on March 25, 2019 and unanimously approved the first reading of the requested rezoning ordinance.

The vacant subject property comprises 19.05 acres behind the commercial frontage along the east side of Seguin Avenue (a.k.a. FM 725). It lies beyond the terminus of Courtyard Drive, approximately one-quarter mile south of IH-35. The majority of the property is currently zoned R-2 (Single and Two-family District), with smaller areas of C-1 (Local Business) and M-1A (Light Industrial) Districts (see Attachment 2).

The applicant is requesting M-1A on the entire tract. This will provide uniform zoning and development standards on the property to facilitate future development. The applicant has not indicated specific plans for the property but is working with New Braunfels Utilities (NBU) to provide access to the Kuehler Avenue wastewater treatment plant with an extension of Courtyard Drive. Current access to that plant is available only through a residential area.

The M-1A district is intended primarily for light manufacturing and fabrication, warehousing, and

research and development that do not typically depend on frequent customer visits.

General Information:

Surrounding Zoning and Land Use:

North - Across drainage channel (North Trib), R-2/ Single-family residences
South - M-2/ Undeveloped, drainage channel (South Trib)
East - Across Coco Lane, R-2/ Undeveloped; NBU wastewater treatment facility
West - C-1 and M-1A/ Manufacturing and wholesale: Church; Bank

Floodplain:

The subject property lies between the North and South Tributary drainage areas. A portion of the property is within the 1% annual chance flood zone and floodway of the North Tributary.

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 *(M-1A zoning allows most general commercial uses permitted in C-1B as well as office/warehouse, light manufacturing, and multifamily residential. It is separated from the adjacent residential neighborhood by the North Tributary drainage easement (over 100 feet in width) which provides a natural buffer. The proposed zoning would serve as a transition between residential zoning to the north, commercial zoning to the west, and the existing M-2 Heavy Industrial zoning to the south.);*
- 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 requested zoning should not conflict with existing and proposed schools. The adequacy of public facilities and utilities to serve the property is evaluated by each provider at the platting and permitting stages.)*;
- How other areas designated for similar development will be affected *(The proposed zoning would add to the inventory of Light Industrial zoning in the vicinity and the City overall.)*;
- 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, utilities and traffic impact will be reviewed and addressed through the platting and permitting processes.)*; and
- Whether the request is consistent with the Comprehensive Plan *(The subject property is located in the Walnut Springs Sub Area, partially within a Transitional Mixed-Use Corridor and near existing Market, Employment and Outdoor Recreation Centers. The proposed zoning would steer industrial and employment uses toward high capacity transportation networks while maintaining balance with existing neighborhoods.)*

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

City Plan/Council Priority: Envision New Braunfels	**Action 1.3**: Encourage balanced and fiscally responsible land use patterns. **Action 1.8**: Concentrate future investment in industrial and employment centers near existing and emerging hubs and along existing high capacity transportation networks such as Interstate Highway 35. **Action 3.3**: Balance commercial centers with stable neighborhoods.

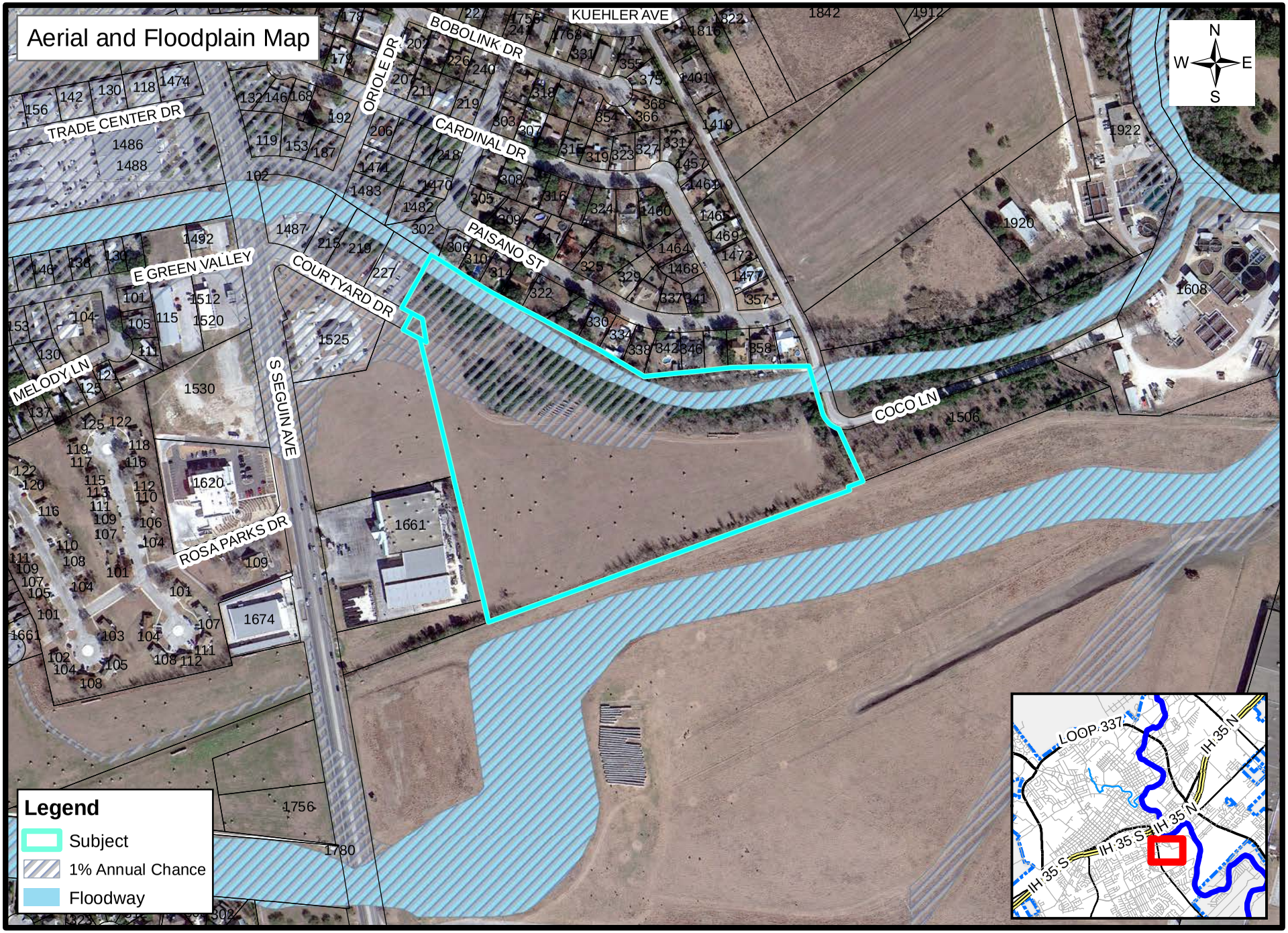
FISCAL IMPACT:
N/A

COMMITTEE RECOMMENDATION:
The Planning Commission held a public hearing on March 5, 2019 and voted unanimously to recommend approval of the request. (9-0-0)

STAFF RECOMMENDATION:
The subject property is within one-quarter mile of IH-35 with access to FM 725. New development on this site would be able to utilize Courtyard Drive for access to major roads and not require access through residential areas. Access to and development of the property is impacted by the floodplain and floodway of the North Tributary and must meet all requirements of the City's floodplain development ordinances. For this reason, the area may not be suitable for residences as allowed under the current R-2 zoning. M-1A would provide a transition from the more intense adjacent M-2 to the south, and the North Tributary would serve as a natural buffer between the subject property and the existing residential neighborhood. Therefore, staff recommends approval.

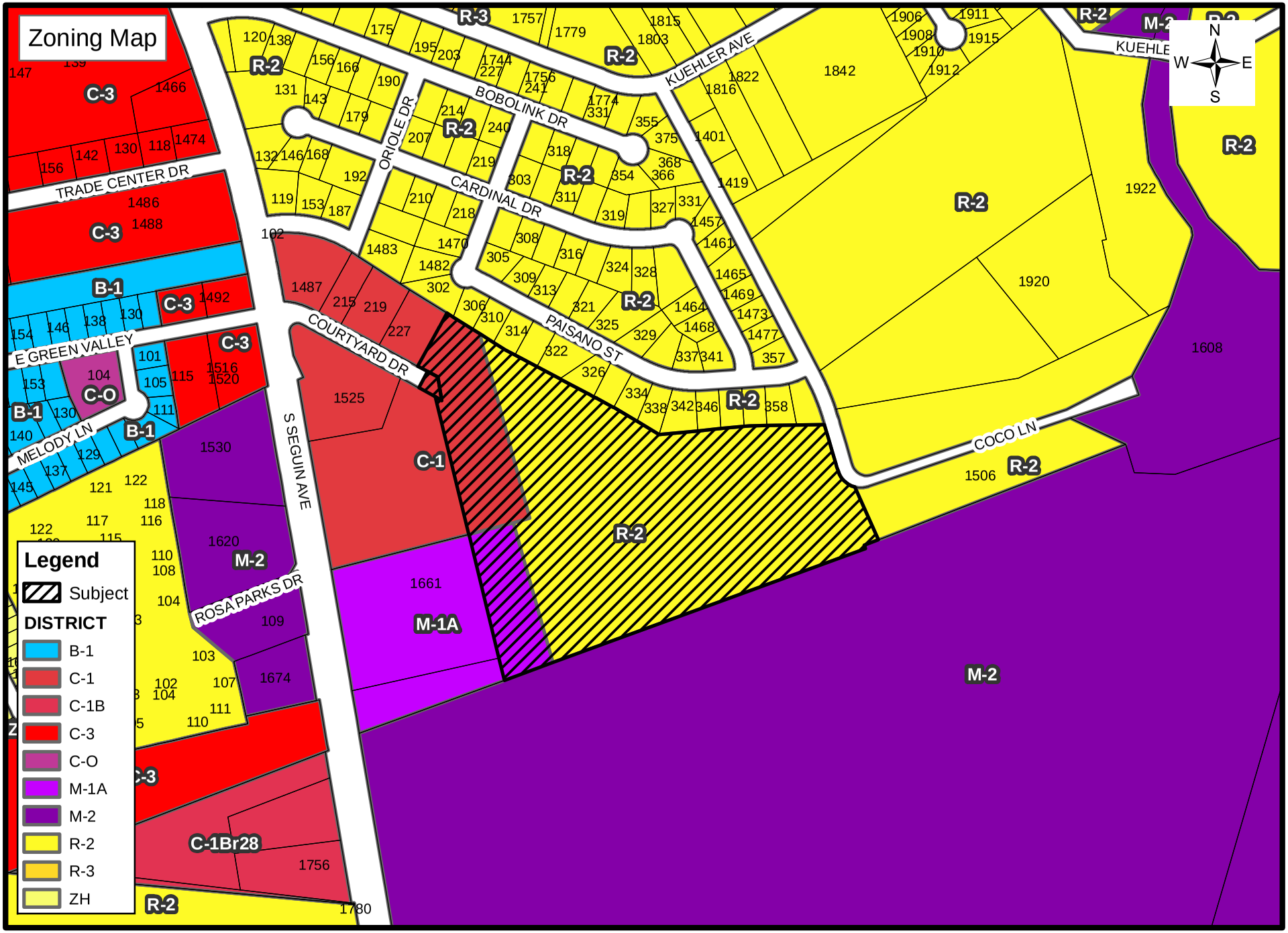
Notification:
Public hearing notices were sent to 37 owners of property within 200 feet of the request. The City has received two responses in favor (#2, 36) and three in objection (#4, 9, 10).

Attachments:
1. Aerial Map
2. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
3. Notification Map and Responses
4. Sec. 3.4-18 M-1A
5. Photograph
6. Draft Planning Commission Minutes
7. Ordinance



City of New Braunfels

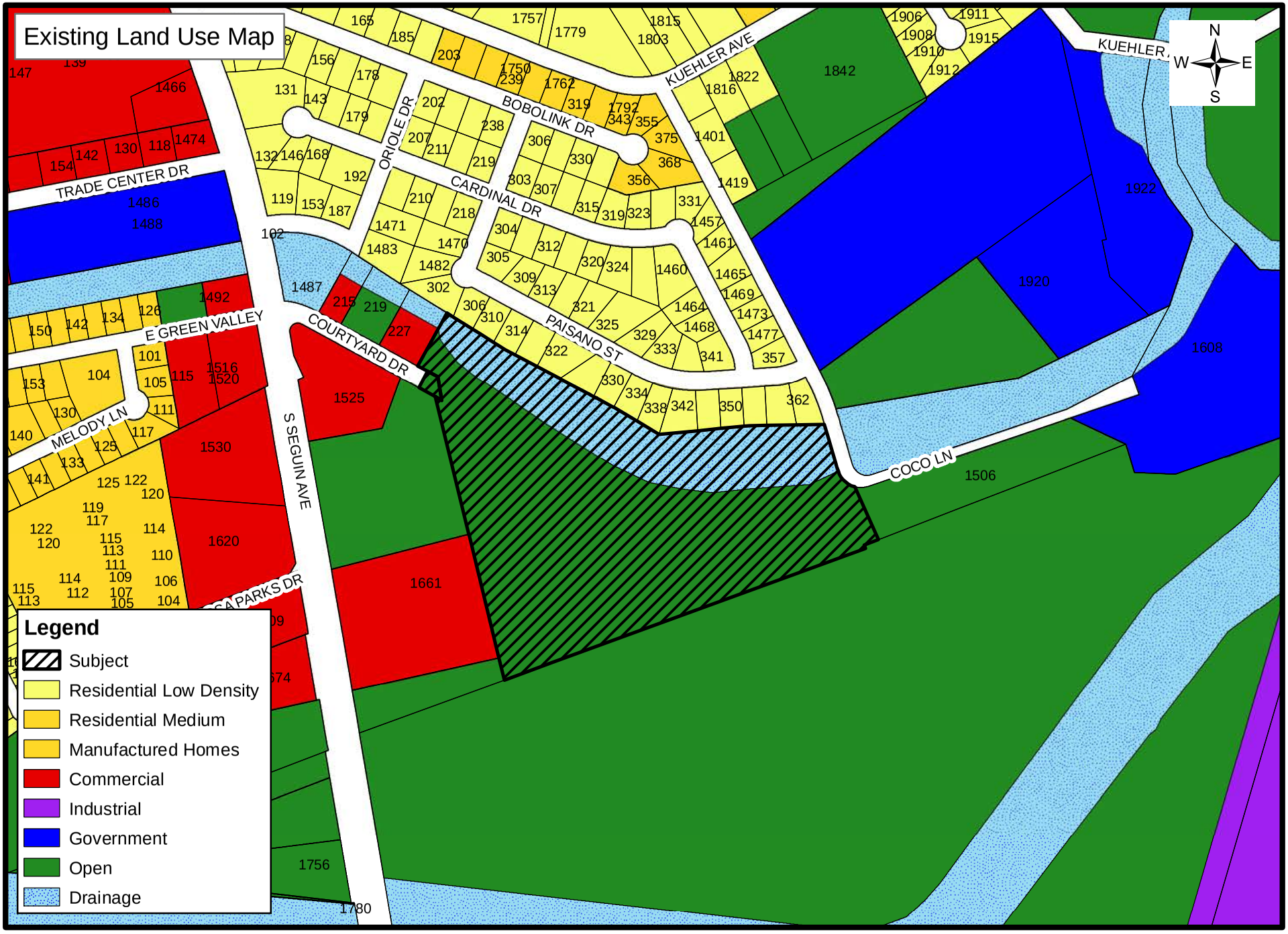
PZ-19-001
Courtyard Drive
R-2 and C-1 to M-1A



City of New Braunfels

PZ-19-001
Courtyard Drive
R-2 and C-1 to M-1A

ATTACHMENT 2



City of New Braunfels

PZ-19-001
Courtyard Drive
R-2 and C-1 to M-1A

EXISTING CENTERS

Centers are the middle, core or heart of an area. It is a point of activity and vitality. Centers come in many sizes and have different purposes or activities within. They may have endangered species habitat or aquifer recharge areas that require additional standards and consideration relating to future growth. It is envisioned that all centers be walkable, connected, and have a mix of uses. These centers must provide adequate infrastructure to support the commercial development present especially mobility and access for pedestrians, bicycles, vehicles and transit. Given the mixed-use nature of these centers, parking should be shared and not detract from the aesthetic of the area.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

MEDICAL CENTER

Medical Centers are mixed-use areas centered around a medical destination such as a hospital or clinic.

CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

OUTDOOR RECREATION CENTER

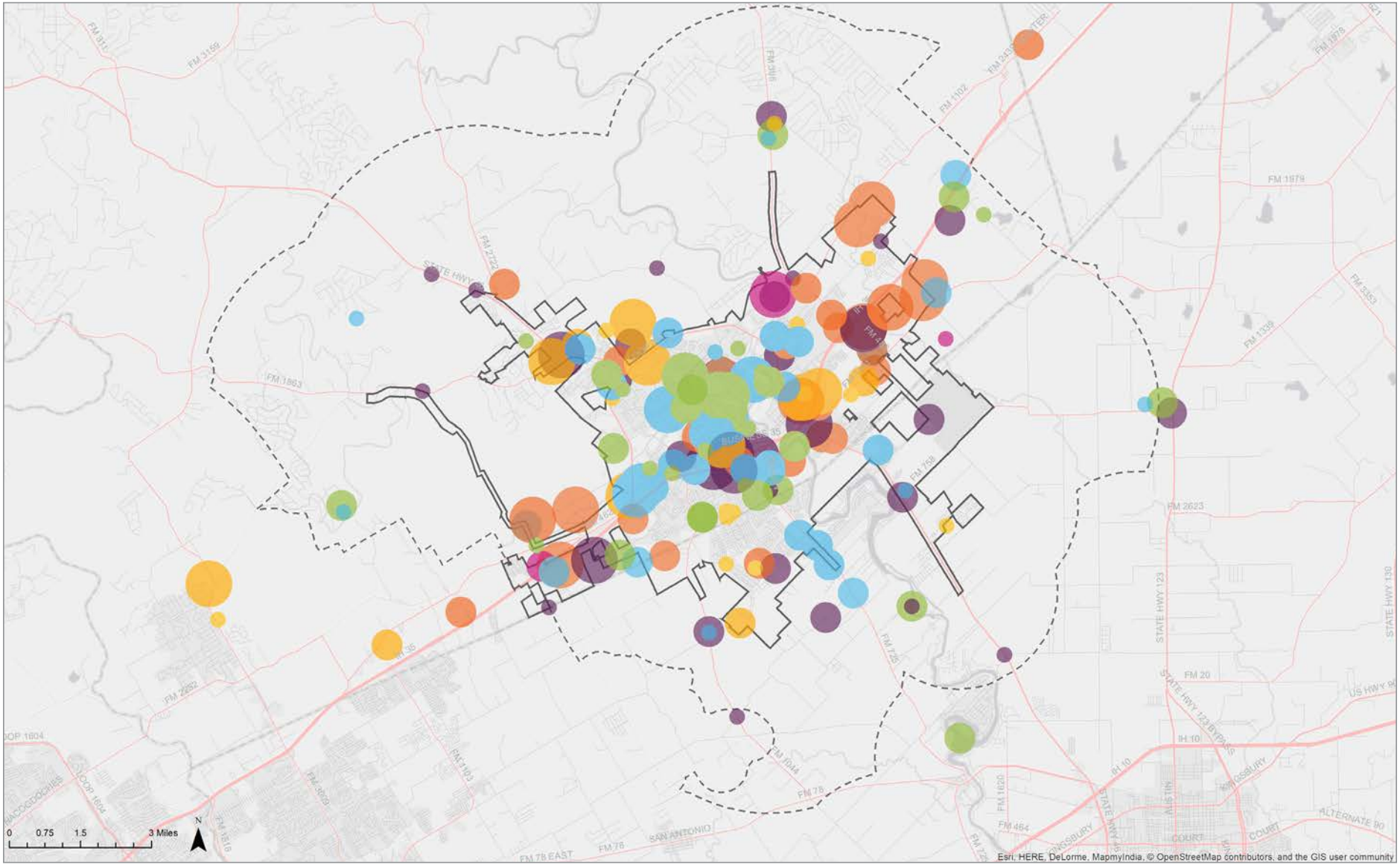
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

EDUCATION CENTER

Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

TOURIST/ENTERTAINMENT CENTER

Tourist/Entertainment Centers are mixed-use areas around an entertainment venue such as Gruene Hall or a tourist destination such as the Tube Chute.



The location of existing centers was determined through the analysis of previous studies and background documents, windshield surveys, and reviewed by City staff, Steering Committee members, and Plan Element Advisory Group members during a public workshop.

FUTURE LAND USE PLAN

A future land use plan is how land is envisioned to be. It establishes priorities for more detailed plans (sub area plans) and for detailed topical plans (such as parks and open spaces, trails and roads). It cannot be interpreted without the goals and actions of Envision New Braunfels.

TRANSITIONAL MIXED-USE CORRIDOR
Transitional Mixed-Use Corridors express an aspiration to retrofit existing auto-dominated retail corridors with a mix of uses and a variety of travel modes over time.

OUTDOOR RECREATION CENTER
Outdoor Recreation Centers are centered around a public or private outdoor destination like Fischer Park.

EMPLOYMENT CENTER
Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER
Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

CIVIC CENTER
Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

SUB AREA 1
Sub Area 1 includes the Downtown, Gruene and the Mid-Century or older neighborhoods that surround them. It is home to the natural springs and headwaters of flowing rivers that have attracted New Braunfelsers to the town for centuries.

SUB AREA 2
Sub Area 2 refers to the neighborhoods and residential enclaves that have grown alongside the Hill Country landscape.

SUB AREA 3
Sub Area 3 includes a planned community offering a diversity of housing, distinct community centers and preserved Hill Country landscape features.

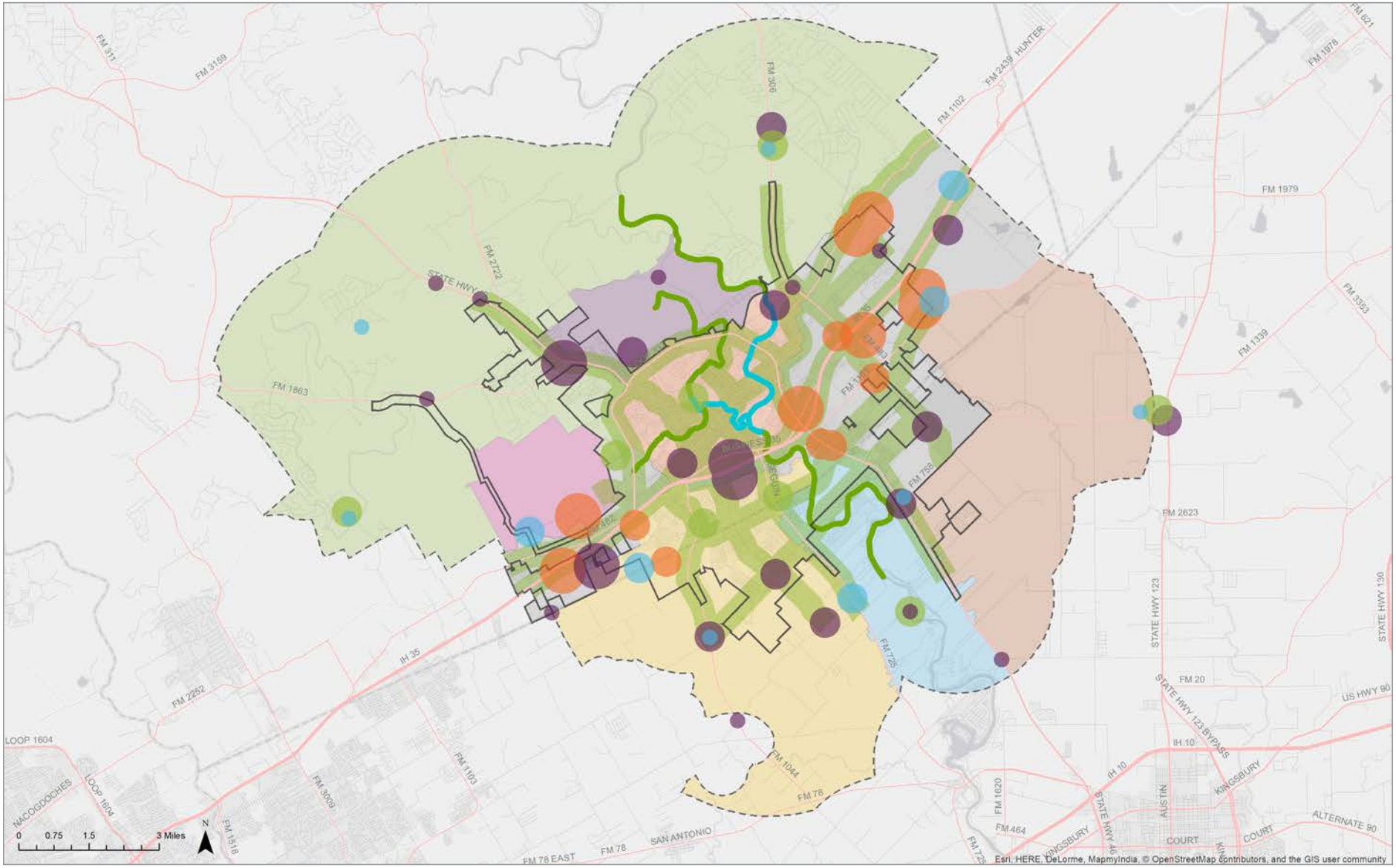
SUB AREA 4
At the heart of Sub Area 4 is Fischer Park. Proximity to IH-35, downtown and neighboring communities like McQueeney makes this area highly desirable and accessible.

SUB AREA 5
Sub Area 5 bridges together many communities east of IH-35. It includes the scenic landscape along both banks of the Guadalupe River between Highway 46 and FM 725.

SUB AREA 6
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7
Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

SUB AREA 8
This fast-growing Sub Area includes many neighborhoods offering affordable places for young families to live.



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 – MARCH 5, 2019 – 6:00PM

New Braunfels City Hall Council Chambers

Applicant/Owner: Craig Hollmig

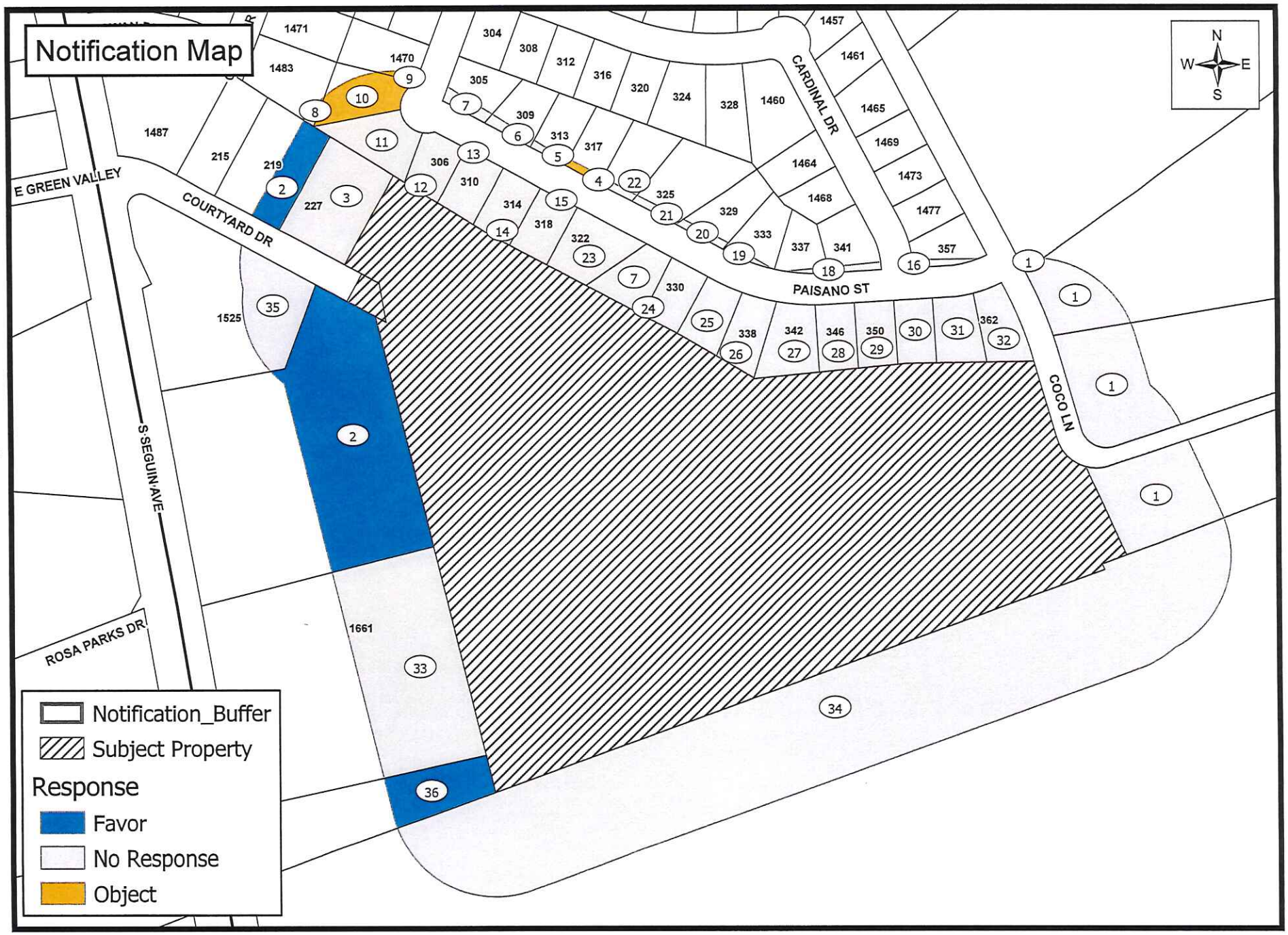
Address/Location: 19.05 acres at the terminus of Courtyard Drive

PROPOSED ZONE CHANGE – CASE #PZ-19-001

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 City of
2. Hollmig Family Ptnrshp Ltd
3. New Beginnings Christian Center Church
4. Rudd Dawn E & John
5. Montague Kathleen
6. Sprehe Christine
7. Dycus J Bert & Charlotte J
8. Fisher Chad Everett
9. Bohmann Barbara J
10. Lopez Juan V & Ana M
11. Howard Rita M & Kellye S Seekatz
12. Nester Kenneth D & Kathleen E
13. Petersen Lamarr M
14. Schneider Michael L & Pamela A
15. Samuelson Darren M & Rebecca D
16. Heyden Richard L
17. Schmidt Darryl & Shirley
18. Obriotti Mary L
19. Huemoller Michael
20. Haight Floyd J III & Tracy Wagner
21. Parsons Colette L
22. Brace Thomas J
23. Staas Leslie
24. Johnson Larry G & Cynthia H
25. Barnes Billy W & Judy A
26. Grouchy Jim A & Irma C
27. Wagner Tracy D
28. Ohlenbusch Brian L & Melanie P
29. Bielke Garth Wayne
30. Yaroslawski Kathryn
31. Ramirez Rodolfo
32. Jentsch Jessica & Robert
33. Tuttle Investments Ltd
34. Carowest Land Ltd
35. First Commercial Financial Corp
36. Vectron Inc

SEE MAP



City of New Braunfels

PZ-19-001
Courtyard Drive and Seguin Avenue
Zone Change from C-1 and R-2 to M-1A

Map Created 2/13/19

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-19-001 (Hollmig) hm

Name: CRAIG Hollmig

Address: 396 Lakeview BLVD NB TX

Property number on map: #2 & 36

I favor: ✓

I object: _____

(State reason for objection)

Comments: (Use additional sheets if necessary)

or 130 S. Seguin St
Suite 100
NB TX 78130

Signature: Craig Hollmig

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
MAR 06 2019
BY:

Case: #PZ-19-001 (Hollmig) hm

Name: Juan Lopez

Address: 1482 Paisano St

Property number on map: #10

I favor: _____

I object: objection

(State reason for objection)

Comments: (Use additional sheets if necessary)

1. Traffic will increase not addressed.
2. The drainage needs to be expanded, stops at coco street bridge rain water backs up during rain may increase flooding.
3. Street is a dead end not traffic ready.

Signature: Juan Lopez
Gina Lopez

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-19-001 (Hollmig) hm

Name: Barbara J. Bohmann
Address: P.O. Box 462, Kendalia, TX 78027
Property number on map: 9

I favor:_____

I object: See Below
(State reason for objection)

Comments: (Use additional sheets if necessary)

First off, this mail out was sent out incomplete:

...no list of names of property owners was provided,

...when I called and obtained a list of property owners #18 was left blank (someone owns this property even if its a bank or mortgage company), and while the list of property owners was numbered 1 through 37 only property numbers 1 through 36 are shown on the enclosed map. Where is property #37 supposably owned by Vectron Inc., located?

1. Will the property owners listed in this mail out be protected from "Light Trespassing?"

2. Will the only entrance to this new addition be from Courtyard Drive? Or, will it also be accessible from Coco Lane? Thereby creating more traffic for the adjoining property owners in the Helms Terrace Subdivision.

3. Who will be responsible for the drainage area located behind properties 11 through 32 (not shown on this map) and will it be expanded upon to compensate for the additional runoff from this area that will soon most likely be more asphalt then green belt?

4. Who will be held responsible for the erosion of the soil from the backyards and fence lines on properties 11 through 32 due to the possibility of increased drainage from runoff?

5. Will the tree/brush line behind properties 11 through 32 be totally cleared out?

6. Will some sort of protective structure (wall, privacy fence, etc.) be erected to protect property owners 11 through 32 from noise, trash, alley ways, and other disturbing occurrences?

7. Will NBU now access their area via this new addition or continue to use the low water crossing on Coco Lane? Or, will Coco Lane be widened in the future and a bridge built over this drainage area to allow future traffic and development?

While everyone is very aware that New Braunfels continues to grow, this subdivision and the homes in it all existed prior to Mr. Hollmig purchasing the adjoining property from Gene Foerster in 2007. Considering all the " non-residential uses" that would be granted in the rezoning of this property, I ask that the City Planning Commission address the above issues and get concrete answers prior to granting this request to rezone the entire property to a M-1A Light Industrial District.

Signature: Barbara J. Bohmann

CASE #PZ-19-001(HOLLMIG)

Kenneth & Kathy Nester
306 Paisano St.
Property #12

TO THE CITY OF NEW BRAUNFELS PLANNING COMMISSION:

This letter is in reference to the rezoning of the property behind us. We don't necessarily have objections just some concerns. We love our neighborhood and neighbors having lived here since 1991. We are retired and planned on staying here for awhile more...God willing.
Here are some of our worries:

1. Not knowing what possibly can be put in behind us. After looking over the list....kinda scary at some of the options. Wish we knew what the owner is going to use it for.

2. Losing the privacy of the trees and brush which also helps break some of the noise of the speeding traffic on Seguin Ave. We enjoy the privacy in our back yard ..we are lucky to have.

3. More run-off into the drainage ditch which already rises rapidly.

4. And just more noise, traffic and lighting issues.

We understand the owner can do what he wants but we hope he will respect the 'owners' behind him.

Sincerely,

Kenneth Nester
Kathy Nester

From: Barbara Bohmann <barbb@gvtc.com>
Sent: Friday, March 22, 2019 11:55 AM
To: Holly Mullins
Subject: Re: Courtyard Drive Rezoning

RECEIVED
MAR 22 2019
BY:

Ms Mullins,

Let me thank you for your reply to the questions that I submitted in reference to this zoning issue. But as always, with those answers come a few additional questions.

It appears that the Planning and Zoning Commission is about the first step in a business or individual's process in accomplishing the task at hand in doing business with the City on development issues. From what I gather from the info provided below, Planning and Zoning has nothing to do with light trespassing, drainage, trees/brush, and/or residential buffering. This is truly amazing due to the fact that the decision the commission makes will 99.9% of the time affect all those items mentioned. So with that being said, exactly what criteria does the commission look at or use to determine their decision on properties they rezone in the City? What is the ultimate tie breaker on a piece of property such as the almost 20 acres being rezoned from predominately R-2 Single & Two family to M-1A Light Industrial...is the tie breaker what's in the best interest for the community as a whole or is it ultimately what stands to benefit the City coffers?

It would appear that you would get something in concrete on the drainage area (not specifically shown on the map) prior to approving, or in conjunction with this rezoning. Or will that come later, as you stated below, and then undoubtedly and inevitably become the expense of the local taxpayers?

With the constant complaint of lack of low to mid income housing in the New Braunfels area (I35 corridor), why would you take a piece of property that is predominately zoned R-2 Single and Two-family and rezone it to M-1A Light Industrial? The people that are the true life blood of your community...middle class, hard working individuals...can't exist and pay mortgages, taxes, and insurance on $350 to $500K homes. Not to mention that many are now being driven out of enjoying home ownership because of the high cost of taxes. Also, let's not forget many of the older generation that seek to downsize and move to smaller homes.

I can't, in a common sense way, see the benefit for the adjoining property owners and the City of New Braunfels to rezone this property to become M-1A Light Industrial. The property seems, from a supply and demand aspect, to fall under "best use" as an R-2 Single & Two family zoned district.

Thank you in advance for your serious consideration in leaving this property zoned as it currently is.

Sincerely,

Barb Bohmann

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
MAR 18 2019
BY:

Case: #PZ-19-001 (Hollmig) hm

Name: John Rudd
Address: 317 Paisano
Property number on map: 4

I favor: ____
I object: ✓ JRudd
(State reason for objection)

Comments: (Use additional sheets if necessary) Rezoning the Property will allow commercial businesses to open which will reduce our property's value and the value of other properties in our neighborhood.

Signature: John Rudd
3/18/2019

3.4-18 "M-1A" light industrial district.

Purpose. The M-1A light industrial district is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, distribution, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses generally require accessibility to major thoroughfares, major highways, and/or other means of transportation. The following regulations shall apply in all "M-1A" districts:

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

(1) *Uses permitted by right*:

Residential uses:
Accessory building/structure
Bed and breakfast inn (see Sec. 5.6)
Boardinghouse/lodging house
Community home (see definition)
Dormitory (in which individual rooms are for rental)
Multifamily (apartments/condominiums – at least five units)
Residential use in buildings with the following non-residential uses

Non-residential uses:
Accounting, auditing, bookkeeping, and tax preparations
Adult day care (no overnight stay)
Adult day care (with overnight stay)
Aircraft support and related services
Airport
All terrain vehicle (ATV) Dealer / Sales
Ambulance service (private)
Amphitheater
Amusement devices/arcade (four or more devices)
Amusement services or venues (indoors) (see Sec. 5.13)
Amusement services or venues (outdoors)
Animal grooming shop
Answering and message services
Antique shop
Appliance repair
Archery range
Armed services recruiting center
Art dealer / gallery
Artist or artisan's studio
Assembly/exhibition hall or areas
Athletic fields
Auction sales (non-vehicle)
Auto body repair, garages (see Sec. 5.11)
Auto glass repair/tinting (see Sec. 5.11)
Auto interior shop / upholstery (see Sec. 5.11)
Auto leasing
Auto muffler shop (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
Auto repair garage (general) (see Sec. 5.11)

Auto supply store for new and factory rebuilt parts
Auto tire repair /sales (indoor)
Automobile driving school (including defensive driving)
Bakery (retail)
Bank, savings and loan, or credit union
Bar/Tavern
Barber/beauty college (barber or cosmetology school or college)
Barber/beauty shop, haircutting (non-college)
Barns and farm equipment storage (related to agricultural uses)
Battery charging station
Bicycle sales and/or repair
Billiard / pool facility
Bio-medical facilities
Blacksmith or wagon shops
Book binding
Book store
Bottling or distribution plants (milk)
Bottling works
Bowling alley/center (see Sec. 5.13)
Broadcast station (with tower) (see Sec. 5.7)
Bus barns or lots
Bus passenger stations
Cafeteria / café / delicatessen
Campers' supplies
Car wash (self-service; automated)
Car wash, full service (detail shop)
Carpenter, cabinet, or pattern shops
Carpet cleaning establishments
Caterer
Cemetery and/or mausoleum
Check cashing service
Chemical laboratories (not producing noxious fumes or odors)
Church/place of religious assembly
Civic/conference center and facilities
Cleaning, pressing and dyeing (non-explosive fluids used)
Clinic (dental)
Clinic (emergency care)
Clinic (medical)
Club (private)
Coffee shop
Cold storage plant
Commercial amusement concessions and facilities
Communication equipment - installation and/or repair
Community building (associated with residential use)
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 (with permit from Building Official; Sec. 5.10)
Convenience store with or without fuel sales
Credit agency
Crematorium
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
Electronic assembly/high tech manufacturing
Electroplating works
Engine repair/motor manufacturing re-manufacturing and/or repair
Exterminator service
Fair ground
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
Food processing (no outside public consumption)
Forge (hand)
Forge (power)
Fraternal organization/civic club (private club)
Freight terminal, rail/truck (when any storage of freight is outside an enclosed building)
Freight terminal, truck (all storage of freight in an enclosed building)
Frozen food storage for individual or family use
Funeral home/mortuary
Furniture manufacture
Furniture sales (indoor)
Galvanizing works
Garden shops and greenhouses
Golf course (public or private)
Golf course (miniature)
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)
Heliport
Home repair and yard equipment retail and rental outlets
Hospital, general (acute care/chronic care)
Hospital, rehabilitation
Hotel/motel
Hotels/motels - extended stay (residence hotels)
Ice delivery stations (for storage and sale of ice at retail only)
Ice plants
Industrial laundries
Kiosk (providing a retail service)
Laboratory equipment manufacturing
Laundromat and laundry pickup stations
Laundry, commercial (w/o self-serve)
Laundry/dry cleaning (drop off/pick up)
Laundry/washateria (self-serve)
Lawnmower sales and/or repair

Leather products manufacturing
Light manufacturing
Limousine / taxi service
Locksmith
Lumberyard (see Sec. 5.15)
Lumberyard or building material sales (see Sec. 5.15)
Machine shop
Maintenance/janitorial service
Major appliance sales (indoor)
Manufactured home sales
Manufacturing and processes
Market (public, flea)
Martial arts school
Medical supplies and equipment
Metal fabrication shop
Microbrewery (onsite manufacturing and/or sales)
Mini-warehouse/self-storage units (with or without outside boat and RV storage)
Motion picture studio, commercial film
Motion picture theater (indoors)
Motion picture theater (outdoors, drive-in)
Motorcycle dealer (primarily new / repair)
Moving storage company
Moving, transfer, or storage plant
Museum
Needlework shop
Non-bulk storage of fuel, petroleum products and liquefied petroleum
Nursing/convalescent home/sanitarium
Offices, brokerage services
Offices, business or professional
Offices, computer programming and data processing
Offices, consulting
Offices, engineering, architecture, surveying or similar
Offices, health services
Offices, insurance agency
Offices, legal services - including court reporting
Offices, medical offices
Offices, real estate
Offices, security/commodity brokers, dealers, exchanges and financial services
Outside storage (as primary use)
Park and/or playground (private)
Park and/or playground (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 (growing for commercial purposes with retail sales on site)
Plastic products molding/reshaping
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
Rappelling facilities
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
Rodeo grounds
RV park
RV/travel trailer sales
School, K-12 (public or private)
School, vocational (business/commercial trade)
Security monitoring company
Security systems installation company
Sheet metal shop
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
Storage in bulk
Studio for radio or television (with tower) (see Sec. 5.7)
Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)
Tailor shop
Tattoo or body piercing studio
Taxidermist
Telemarketing agency
Telephone exchange (office and other structures)
Tennis court (commercial)
Theater (non-motion picture; live drama)
Tire sales (outdoor)
Tool rental
Transfer station (refuse/pick-up)
Travel agency
Truck or transit terminal (with outside storage)
Truck Stop
University or college (public or private)
Upholstery shop (non-auto)
Used or second-hand merchandise/furniture store
Vacuum cleaner sales and repair
Veterinary hospital (with or without outside animal runs or kennels) with the exception that outdoor kennels may not be used between the hours of 9:00 p.m. and 7:00 a.m. and are prohibited adjacent to residential
Video rental / sales
Warehouse / office and storage / distribution center
Waterfront amusement facilities - berthing facilities sales and rentals
Waterfront amusement facilities - boat fuel storage / dispensing facilities
Waterfront amusement facilities - boat landing piers/launching ramps

Waterfront amusement facilities – swimming / wading pools / bathhouses
Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system
Welding shop
Wholesale sales offices and sample rooms
Woodworking shop (ornamental)

Any comparable business or use not included in or excluded from any other district described herein, provided that such use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

(2) Only the following manufacturing and processes are permitted when they meet the following requirements:

No use is permitted that would emit or cause radiation, dust, odor, smoke, gas or fumes objectionable to persons of ordinary sensitivity or reasonably hazardous to health, beyond the boundary property lines of the lot or tract upon which the use is located, and which do not generate noise or vibration at the boundary of the M-1A district which is generally perceptible in frequency or pressure above the ambient level of noise in the adjacent areas.

Assaying works
Cooperage works
Foundries (iron, brass, bronze, aluminum).
Hides and skins (storage and curing).
Manufacture of adding machines, cash registers, typewriters, basket material, boxes, electric lamps, clay, shale and glass products, cutlery tools, bicycles, electrical machinery, tools, fiberglass products, and piping subassemblies
Metal stamping, shearing, punching, forming, cutting, cleaning, heat treating, etc.
Sheet metal shops
Welding

(3) *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.* 25 feet.

(iii) *Side building setback.* No side building setback is required.

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

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

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

(ix) *Lot depth*. 100 feet.

(x) *Parking.* See Sec. 5.1 for permitted uses' parking.

(2) 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) *Side building setback.* A side building setback of five feet shall be provided. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots.

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

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

(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) *Accessory uses.* Accessory uses such as swimming pools, tennis courts and playgrounds will not be permitted within any required yard.

(viii) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 72 feet.

(ix) *Density.* 24 units per acre.

(x) *Lot area.* 20,000 square feet.

(xi) *Lot coverage.* The combined area of all yards shall be at least 50 percent of the total lot or tract; provided however, that in the event enclosed or covered parking is provided, the minimum total yard area requirement shall be 40 percent of the total lot or tract.

(xii) *Distance between structures.* There shall be a minimum of 10 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 20 feet between structures backing rear to rear, and a minimum of 20 feet between structures front to rear. (See Illustration 1)

(xiii) *Minimum number of units*. Five.

(xiv) *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.

Subject Property at the end of Courtyard Drive

Draft Minutes for the March 5, 2019 Planning Commission Regular Meeting

PZ-19-001 Public hearing and recommendation to City Council regarding the proposed rezoning of approximately 19 acres out of the J. Thompson Survey 21 A-608, located at the terminus of Courtyard Drive, from "R-2" Single and Two-family District and "C-1" Local Business District to "M-1A" Light Industrial District.
(Applicant: Craig Hollmig – Hollmig Family Partnership; Case Manager: H. Mullins)

Mrs. Mullins summarized the request and stated Staff recommended approval.

Chair Edwards invited the applicant to speak.

Thor Thornhill, 410 N. Seguin, stated he would answer any questions on behalf of the applicant.

Chair Edwards asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wished to speak in opposition.

Dennis Paczkowski, 330 Paisano Street, spoke in opposition. He expressed concerns regarding increased runoff and trespassing from the subject property.

Tracy Wagner, 342 Paisano Street, spoke in opposition. She stated she held concerns regarding runoff and drainage.

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to close the public hearing.

Commissioner Laskowski stated the Commission only reviewed the requested zone change for the property and compliance with the City's drainage requirements will be reviewed at the time of development.

Chair Edwards asked to have the public hearing reopened to answer a citizen's question.

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to reopen the public hearing. Motion carried (9-0-0).

Tracy Wagner, 342 Paisano Street, asked for clarification regarding the current zoning of the property and the request.

Chair Edwards clarified the property currently has three different zoning designations.

Motion by Commissioner Laskowski, seconded by Commissioner Nolte, to close the public hearing. Motion carried (9-0-0).

Motion by Commissioner Laskowski, seconded by Commissioner Gibson, to recommend approval to City Council regarding the proposed rezoning of approximately 19 acres out of the J. Thompson Survey 21 A-608, located at the terminus of Courtyard Drive, from "R-2" Single and Two-family District and "C-1" Local Business District to "M-1A" Light Industrial District. Motion carried (9-0-0).

DRAFT

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING 19.05 ACRES OUT OF THE J THOMPSON SURVEY 21 A-608, LOCATED AT THE TERMINUS OF COURTYARD DRIVE, FROM "R-2" SINGLE AND TWO-FAMILY AND "C-1" LOCAL BUSINESS DISTRICTS TO "M-1A" LIGHT INDUSTRIAL 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 "M-1A" Light Industrial 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 rezoning 19.05 acres out of the J Thompson Survey 21 A-608, located at the terminus of Courtyard Drive, from "R-2" Single and Two-family District and "C-1" Local Business District to "M-1A" Light Industrial 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 rezoning the following described tract of land from "R-2" and "C-1" to "M-1A" Light Industrial District:

> 19.05 acres out of the J Thompson Survey 21 A-608, located at the terminus of Courtyard Drive, as delineated on Exhibit "A" and described in Exhibit "B" 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 25th day of March, 2019.

PASSED AND APPROVED: Second reading this 8th day of April, 2019.

CITY OF NEW BRAUNFELS

_____

BARRON CASTEEL, Mayor

ATTEST:

_____

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

_____

VALERIA M. ACEVEDO, City Attorney

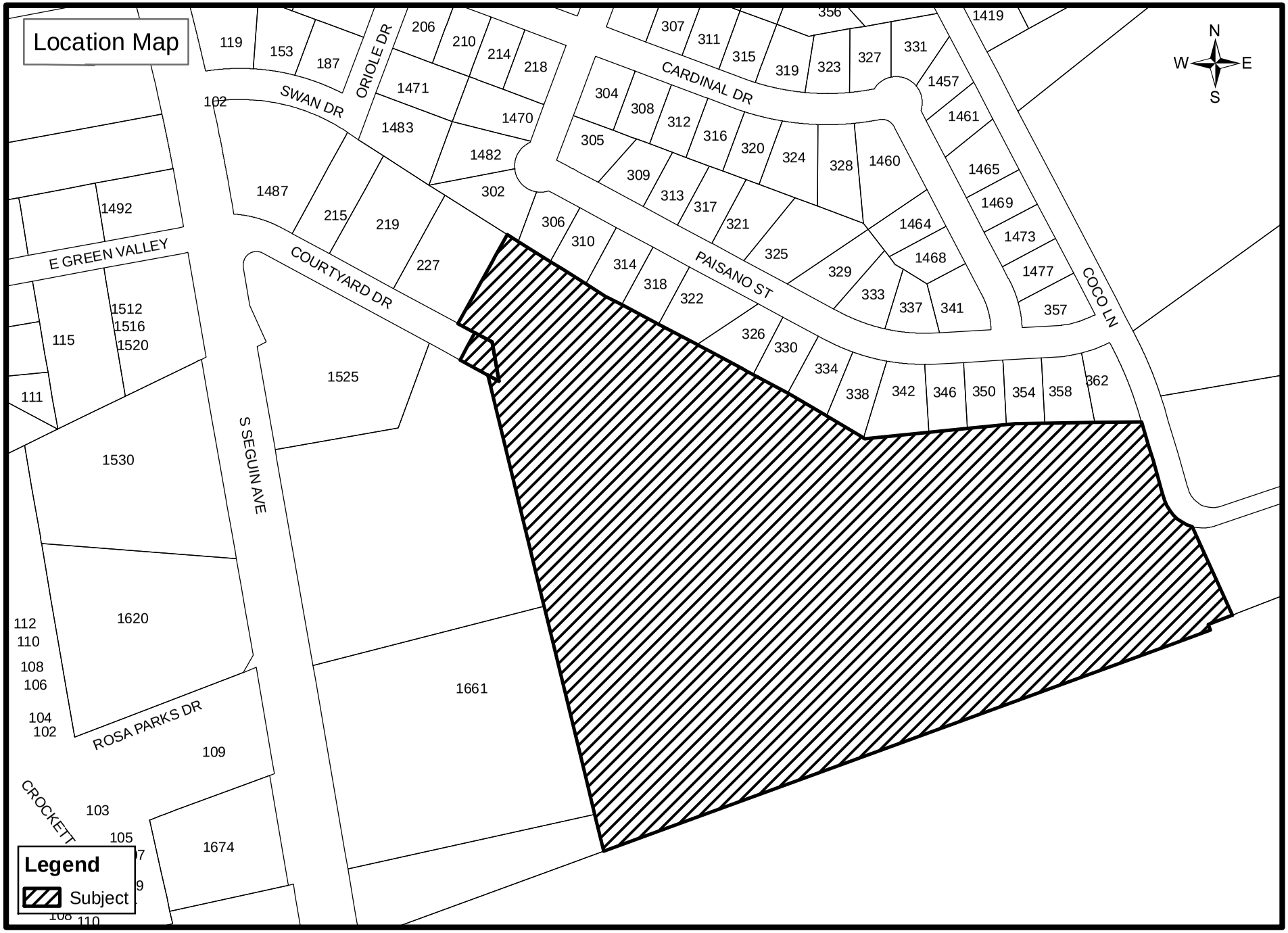


EXHIBIT A

City of New Braunfels

PZ-19-001
Courtyard Drive
R-2 and C-1 to M-1A

HMT
ENGINEERING & SURVEYING

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 16.06 ACRE TRACT

Being 16.06 acres of land located in the James Thompson Survey, A-608, Comal County, Texas. Said tract being that same land described as "Tract One", 21.170 acres and "Tract Two", 0.084 of an acre in a deed to Holmig Family Partnership, Ltd., recorded in Document No. 200706009539 of the Official Public Records of Comal County, Texas. Said tract being more particularly described as follows:

BEGINNING at a the Southwest corner of herein described tract and on the North line of a called 225.36 acre tract, recorded in Document No. 9806013438 of the Official Public Records of Comal County, Texas;

THENCE across said 21.170 acre tract, the following three courses:

1) North 15°43'18"West, a distance of 487.66 feet to a corner;
2) North 75°11'18"East, a distance of 53.01 feet to a corner;
3) North 14°56'40"West, a distance of 607.69 feet to a corner on the South line of said Helms Terrace, Unit 5, a subdivision recorded in Volume 7, Page 42 of the Comal County Plat Records, Texas;

THENCE with the North line of said 21.170 acre tract, the following seven courses:

1.) South 57°57'46"East, a distance of 92.67 feet to a ½" iron rod found;
2.) South 61°30'47"East, a distance of 201.94 feet to a ½" iron rod found;
3.) South 61°32'48"East, a distance of 198.28 feet to a point;
4.) South 59°23'57"East, a distance of 173.59 feet to a point for the common corner of Lots 18 and 19;
5.) North 84°02'33"East, a distance of 326.41 feet to a point;
6.) South 89°28'20"East, a distance of 219.15 feet to a ½" iron rod found for the Southeast corner of Lot 24, Helms Terrace Subdivision, Unit 6, lying in the West line of Coco Drive;
7.) South 89°30'39"East, a distance of 35.82 feet to a ½" iron rod found in the East margin of Coco Drive for the Northeast corner of said 21.170 acre tract and the West line of a called 4.48 acre tract "First Tract" conveyed to the City of New Braunfels, recorded in Volume 134, Page 535 of the Comal County Deed Records;

THENCE with the East line of said 21.170 acre tract, the following two courses:

1.) South 12°50'11"East, crossing said Coco Drive, a distance of 220.03 feet to a ½" iron rod found for the Southwest corner of Coco Drive and the Northwest corner of a called 2.915 acre tract, conveyed to the City of New Braunfels, recorded in Document No. 200206025005 of the Official Public Records of Comal County, Texas;
2.) With the West line of said 2.915 acre tract, South 25°22'41"East, a distance of 174.85 feet to a ½" iron rod found for the Southeast corner of said 21.170 acre tract and the Southwest corner of said 2.915 acre tract, lying on said North line of a called 225.36 acre tract;

THENCE with the South line of said 21.170 acre tract and the North line of said 225.36 acre tract, South 69°01'32"West, a distance of 1119.82 feet to the POINT OF BEGINNING and containing 16.06 acres of land in Comal County, Texas.

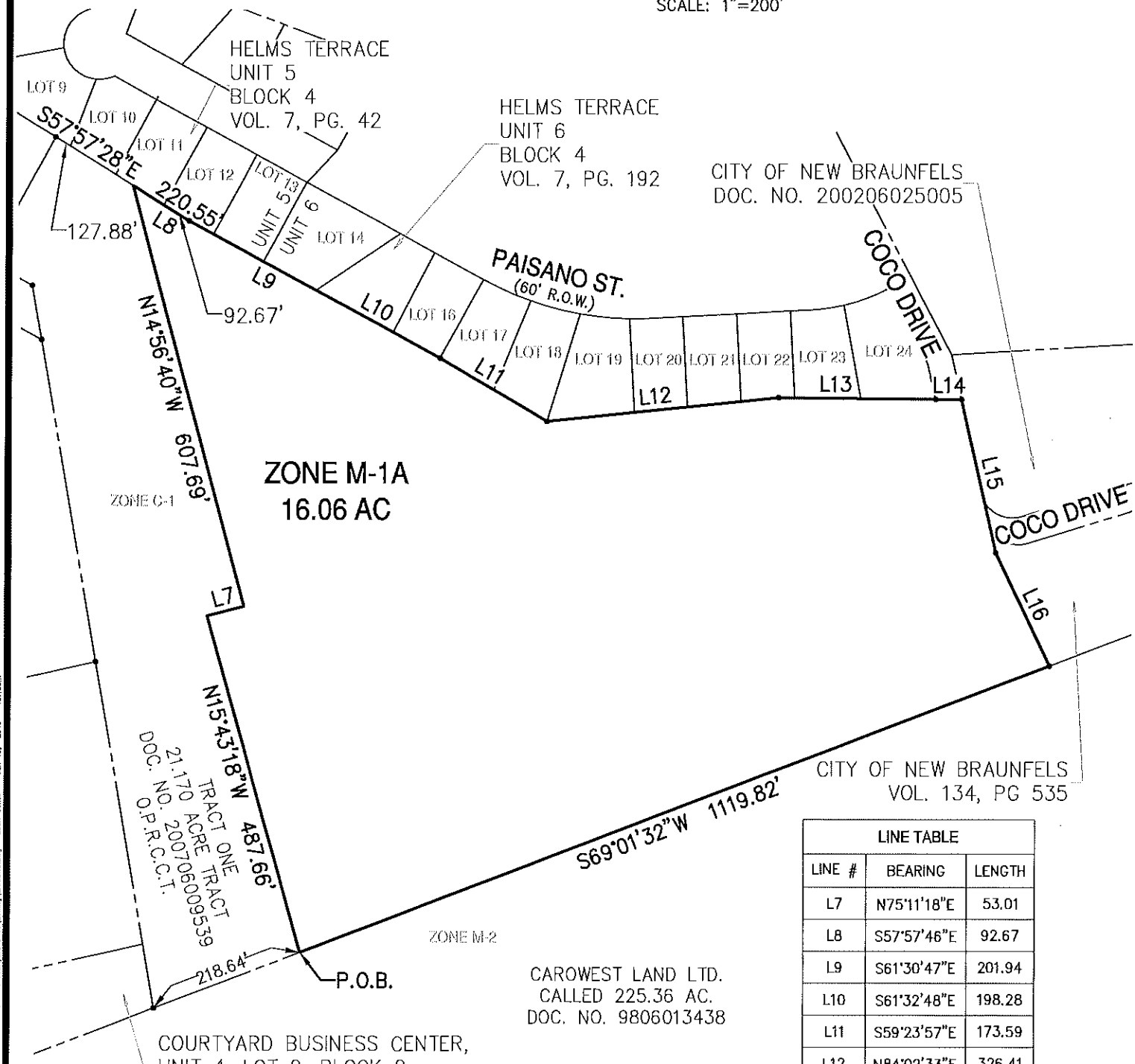
EXHIBIT B

REZONING EXHIBIT - 16.06 ACRE TRACT FROM ZONE R-2 TO ZONE M-1A OUT OF A 21.17 ACRE TRACT OF LAND OUT OF J. THOMPSON SURVEY, ABSTRACT 608, RECORDED IN DOCUMENT NO. 200706009539, DEED RECORDS, COMAL COUNTY, TEXAS.

LEGEND:

● = FND 1/2" IRON PIN
R.O.W. = RIGHT-OF-WAY
P.O.B. = POINT OF BEGINNING
O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS

SCALE: 1"=200'



LINE TABLE		
LINE #	BEARING	LENGTH
L7	N75°11'18"E	53.01
L8	S57°57'46"E	92.67
L9	S61°30'47"E	201.94
L10	S61°32'48"E	198.28
L11	S59°23'57"E	173.59
L12	N84°02'33"E	326.41
L13	S89°28'20"E	219.15
L14	S89°30'39"E	35.82
L15	S12°50'11"E	220.03
L16	S25°22'41"E	174.85

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NEW BRAUNFELS,
TEXAS, 78130
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TBPLS FIRM 10153600

Drawing Name: T:\118 - Craig Hollmig\118.002 - 21 Acres on Courtyard Drive\Zoning\EXHIBITS.dwg User: Gomez Jan 18, 2019 - 10:15am

HMT
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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 2.99 ACRE TRACT

Being 2.99 acres of land located in the James Thompson Survey, A-608, Comal County, Texas. Said tract being that same land described as "Tract One", 21.170 acres and "Tract Two", 0.084 of an acre in a deed to Holmig Family Partnership, Ltd., recorded in Document No. 200706009539 of the Official Public Records of Comal County, Texas. Said tract being more particularly described as follows:

BEGINNING at a ½" iron rod found at the End of Courtyard Drive, a West corner of said 21.170 acre tract, for a West corner of herein described tract;

THENCE along a Northwest line of said 21.170 acre tract, North 28°46'10"East, a distance of 60.10 feet to the ½" iron rod found for a West corner of herein described tract;

THENCE with the Northeast margin of Courtyard Street and a West line of said 21.170 acre tract, North 61°37'13"West, a distance of 33.49 feet to a ½" iron rod with cap "HMT" set for the Northwest corner of said 21.170 acre tract and the Southeast corner of Lot 5A, Amending Plat of Courtyard Business Center, Unit Two, a subdivision recorded in Volume 9, Page 219 of the Map Records of Comal County, Texas;

THENCE with the Northwest line of said 21.170 acre tract and the Southeast line of said Lot 5A, North 28°31'12"East, a distance of 197.19 feet to a ½" iron rod found for the Northernmost corner of the herein described tract, and the Northeast corner of said Lot 5A, lying in the South line of Lot 9, Helms Terrace, Unit 5, a subdivision recorded in Volume 7, Page 42 of the Comal County Plat Records;

THENCE with the North line of said 21.170 acre tract and the South line of said Helms Terrace, Unit 5, South 57°57'46"East, a distance of 127.88 feet to a ½" iron rod found;

THENCE across said 21.170 acre tract, the following two courses:

1) South 14°56'40"East, a distance of 607.69 feet to a corner;
2) South 75°11'18"West, a distance of 217.80 feet to a corner;

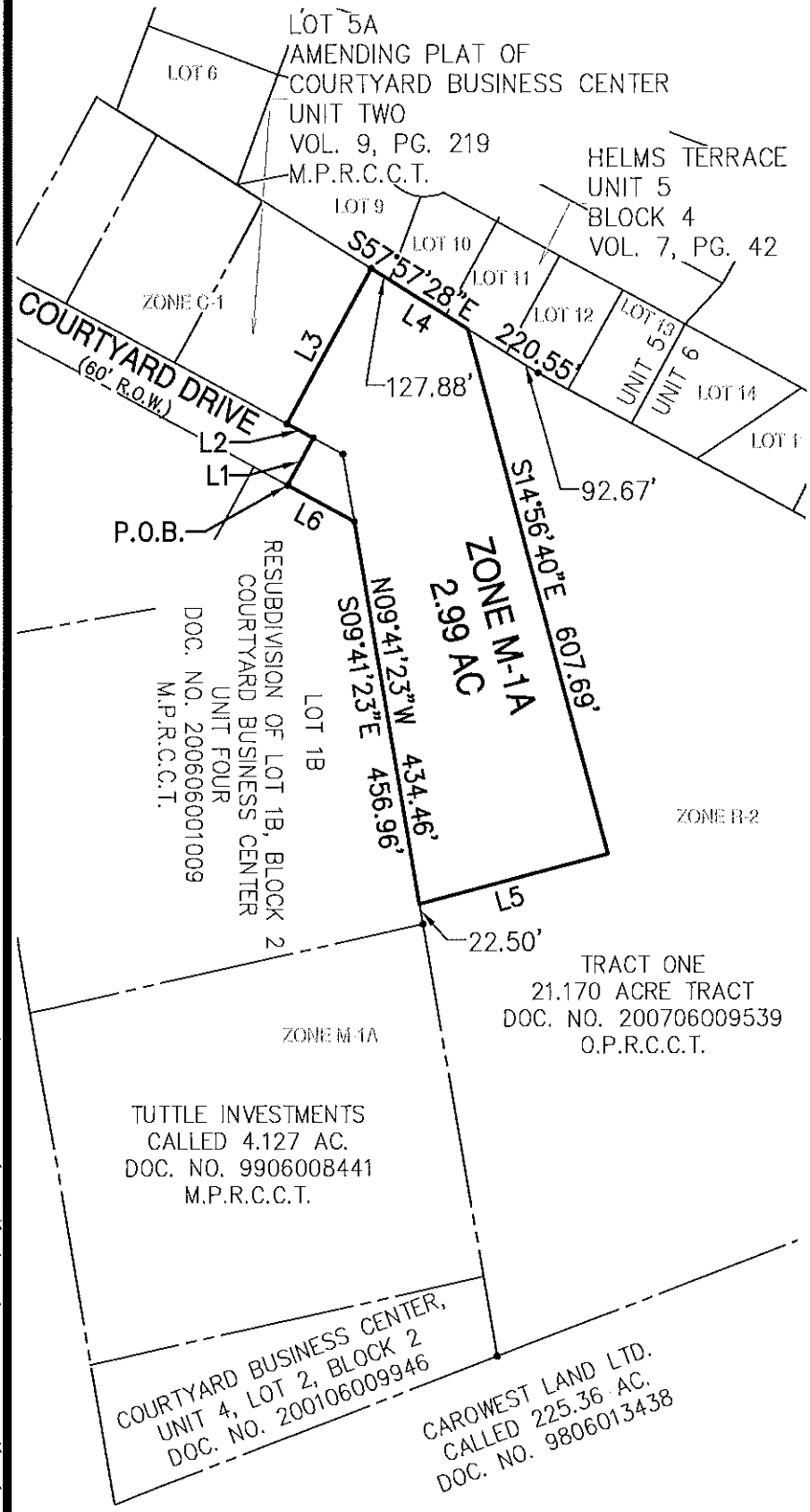
THENCE with the East line of said Lot 1B, North 09°41'23"West, a distance 434.46 feet to a ½" iron rod found for the Northeast corner of Lot 1B and the Southernmost corner of said 0.084 of an acre tract;

THENCE with the Northeast line of Lot 1B, North 61°33'58"West, a distance of 85.27 feet to the POINT OF BEGINNING and containing 2.99 acres of land in Comal County, Texas.

REZONING EXHIBIT - 2.99 ACRE TRACT FROM ZONE C-1 TO ZONE M-1A OUT OF A 21.17 ACRE TRACT OF LAND OUT OF J. THOMPSON SURVEY, ABSTRACT 608, RECORDED IN DOCUMENT NO. 200706009539, DEED RECORDS, COMAL COUNTY, TEXAS.

LEGEND:

● = FND 1/2" IRON PIN
R.O.W. = RIGHT-OF-WAY
P.O.B. = POINT OF BEGINNING
O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS



SCALE: 1"=200'

LINE TABLE		
LINE #	BEARING	LENGTH
L1	N28°46'10"E	60.01
L2	N61°37'13"W	33.49
L3	N28°31'12"E	197.19
L4	S57°57'46"E	127.88
L5	S75°11'18"W	217.80
L6	N61°33'58"W	85.27

HMT
ENGINEERING & SURVEYING
410 N. SEGUIN AVE.
NEW BRAUNFELS,
TEXAS, 78130
WWW.HMTNB.COM
PH:(830)625-8555
TBPLS FIRM 10153600

Drawing Name: T:\118 - Craig Hallinig\118.002 - 21 Acres on Courtyard Drive\Zoning\EXHIBITS.dwg User: Gamal Jan 18, 2019 - 10:14am

City of New Braunfels

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

4/8/2019

Agenda Item No. C)

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

SUBJECT:

Approval of the second and final reading of an ordinance amending Section 126-346 (f) of the City of New Braunfels Code of Ordinances to restrict parking on a portion of Unicorn Avenue.

BACKGROUND / RATIONALE:

Council District: 6

City Council unanimously approved the first reading of an ordinance amending Section 126-346 (f) of the City of New Braunfels Code of Ordinances to restrict parking on a portion of Unicorn Avenue on March 25, 2019.

Staff received a request from multiple property owners along the 600-700 blocks of West Merriweather Street, the 600 block of Southeast Terrace, Tower Line, and the 1000-1300 blocks of Unicorn Avenue to create a new parking by permit area. The primary reason for the request is due to on-street parking from CBE Companies employees in the neighborhood.

At their meeting on January 10, 2019, the Transportation and Traffic Advisory Board discussed and recommended that the proposed time for the parking by permit area be revised to daily, from 7:00 a.m. to 7:00 p.m., instead of the year-round time that was requested. Representatives from the neighborhood agreed that this change would address the existing parking concerns.

Discussion between City Council, residents, and staff at the February 11, 2019 City Council meeting led to revisions to the proposed parking by permit area location to only include the residential properties along Unicorn Avenue in the proposed parking by permit area. The portion of the west side of Unicorn Avenue along commercial property is proposed to be a no parking, tow-away zone.

Notices of the public hearing were mailed to all property owners (as shown on the latest tax roll) and residents who signed the petition within a 300 foot radius of the requested permit area prior to the March 11 meeting.

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

Strategy 1: Support Vibrant Centers; Action 1.2: Create plans for neighborhoods and transitional areas to maintain quality of life.

FISCAL IMPACT:

Traffic control signs cost approximately $150 each. Sufficient funding is available in the FY18-19 approved Public Works budget.

COMMITTEE RECOMMENDATION:
N/A

STAFF RECOMMENDATION:
Staff recommends the creation of a no parking, tow-away zone on the west side of Unicorn Avenue from the intersection with South Business 35 south for a distance of 760 feet.

ORDINANCE NO. 2019-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-346 TO RESTRICT PARKING ON A PORTION OF UNICORN AVENUE.

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

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

I.

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

(121) On the west side of Unicorn Avenue from the intersection with South Business 35 south for a distance of 760 feet. Such no parking zone shall be designated as a tow away zone.

II.

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

III.

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

IV.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This

Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this the _____ day of _____, 2019.

PASSED AND APPROVED: Second reading this the _____ day of _____, 2019.

CITY OF NEW BRAUNFELS, TEXAS

_____
BARRON CASTEEL, MAYOR

ATTEST:

_____
PATRICK D. ATEN, CITY SECRETARY

APPROVED AS TO FORM:

_____
VALERIA M. ACEVEDO, CITY ATTORNEY

Requested new No Parking Zone

City of New Braunfels

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

4/8/2019

Agenda Item No. D)

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

SUBJECT:
Approval of the second and final reading of an ordinance amending Division 4 of Article VII of Chapter 126 of the Code of Ordinances regarding parking meters.

BACKGROUND / RATIONALE:
City Council unanimously approved the first reading of an ordinance amending Division 4 of Article VII of Chapter 126 of the Code of Ordinances regarding parking meters on March 25, 2019.

City staff is proposing amendments to Division 4 of Article VII of Chapter 126 of the Code of Ordinances regarding parking meters to update to current practices and technology. In addition, the paid parking currently listed in Sec. 86-7 is proposed to be moved to this section so that all paid parking ordinances are consolidated for uniform operations and enforcement. Changes to specific sections are detailed below:

Sec. 86-7. Operation of vehicles in parks.

- Moving the portions of this section related to parking fees in Prince Solms Park, Landa Park parking lots located off Elizabeth Avenue, East San Antonio Street, and Hinman Island Drive to Chapter 126.
- Referencing Sec. 126-381 for all paid parking within parks.

Sec. 126-1. Definitions.

- Moving the definition of “holiday” from Sec. 126-385.
- Adding the definitions of “paid parking space”, “paid parking zone”, “parking meter”, “parking occasion”, “parking pay station”, “pay and display station”, and “pay by space station” to reflect changes made to Division 4 of Article VII as a part of this update effort.

Division 4. Meters.

- Renaming division “Metered and pay station parking”.

Sec. 126-381. Parking meter zones established.

- Renaming section “Paid parking space and paid parking zone established”.
- Removing parking meter zone locations that no longer have parking meters.
- Moving the paid parking in Prince Solms Park, Landa Park parking lots located off Elizabeth Avenue, East San Antonio Street, and Hinman Island Drive to this section from Sec. 86-7.
- Restructuring the exceptions for each paid parking zone to consolidate similar exceptions into one list.

Sec. 126-382. Installation and maintenance; authority of the chief of police.

- Updating language from “parking meters” to “paid parking spaces and parking zones” to be consistent with the rest of this division.

Sec. 126-383. Location; signals.

- Renaming section to “Location”.
- Updating language to address locations of paid parking spaces and paid parking zones in addition to parking meters.
- Including language to give the parks and recreation director authority over paid parking within parks.

Sec. 126-384. Marking spaces; method of parking.

- Updating section to be consistent with surrounding communities.
- Adding method of parking in paid parking spaces and paid parking zones to include all possibilities.

Sec. 126-385. Operation; hours and days required; exceptions.

- All the information from this section is now in Sec. 126-381.

Sec. 126-386. Payment excused while loading or unloading.

- Removing this section at the direction of the Legal Department. Similar language is not included in any surrounding cities.

Sec. 126-387. Deposit of coins; oversized vehicles.

- Renaming section to “Fee due for parking vehicle”.
- Updating section to include pay parking stations in addition to parking meters as well as different payment methods.

Sec. 126-388. Extending time prohibited.

- Renaming section to “Time limits on paid parking”.
- Updating section to be consistent with surrounding communities.

Sec. 126-389. Use of slugs prohibited.

- Updating language to include parking pay stations in addition to parking meters.

Sec. 126-390. Damaging or tampering with meters.

- Updating language to include parking pay stations in addition to parking meters.

Sec. 126-391. Collection procedures; disposition of coins.

- Removing this section as it is not required to be in the ordinance.

Sec. 126-392. Purposes of levy.

- Removing this section as it is not required to be in the ordinance.

Sec. 126-393. Violations - Report; notice.

- Moving the penalties and towing of vehicles requirements from Sec. 86-7 to this section.
- Updating the enforcement requirements to be consistent with surrounding communities.

Sec. 126-394. Violations - Overtime parking.

- Removing this section as it is addressed in Sec. 126-388(a).

Sec. 126-395. Violations - Overtime parking prohibited; presumptive evidence.

- Renaming section to “Presumptive evidence”.
- Updating the presumptive evidence portion to be consistent with surrounding communities.

Sec. 126-396. Violations - Fine; “Traf-O-Teria” payments.

- Removing this section because the “Traf-O-Teria” system is not used in New Braunfels.

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

Strategy 1: Support Vibrant Centers: Action 1.11: Update policies and codes to achieve development patterns that implement the goals of this plan.

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the amendments to Division 4 of Article VII of Chapter 126 of the Code of Ordinances regarding parking meters.

Sec. 86-7. - Operation of vehicles in parks.

(d) Paid parking within parks is listed in section 126-381. ~~(1) *Parking fees in Prince Solms Park.* There shall be a parking fee charged for all parking spaces in Prince Solms Park between the hours of 8:00 a.m. and 7:00 p.m. daily from May 1 through Labor Day. Such parking fee shall be paid by the operator of each vehicle at the designated locations and shall be charged $20.00 for every parking space utilized by a vehicle of any size. If city personnel determine that a vehicle is using more than one parking space, then an additional $20.00 fee will be charged. Once paid by the operator, the space is not transferable to another vehicle. If a vehicle leaves and then returns later in the same day when the fee is applicable, a new $20.00 fee will be charged to park in one space.~~

~~(2) *Exceptions.*~~

~~a. A resident Prince Solms Sports pass shall be made available for users of the Prince Solms Park tennis courts, basketball courts and disc golf course.~~

~~For the purpose of this section, the term "resident" applies to persons who reside within the city limits. The term of the resident - Prince Solms Sports pass is May 1st through Labor Day in the same year the pass was purchased. The fee for the Prince Solms Sports pass shall be $40.00 and valid for two years. All holders of a resident Prince Solms Sports pass shall be entitled entry into Prince Solms Park parking area at no additional charge, seven days a week, excluding holidays, from May 1st through Labor Day for the purpose of parking their vehicles to utilize the tennis courts, basketball courts and disc golf course in the park.~~

~~b. Vehicles with disabled veteran license plates will be exempt from parking fees.~~

~~c. When it has been determined by the city manager or his designated representative that weather or other conditions do not warrant charging such a fee, it may be temporarily suspended.~~

Commented [MKH1]: Moved to Chapter 126.

(e) Reserved. ~~(1) *Parking fees at the Landa Park parking lots located off Elizabeth Avenue.* There shall be a parking fee charged for the 155 parking spaces located in Landa Park parking lots located off Elizabeth Avenue between the hours of 8:00 a.m. and 7:00 p.m. daily from May 1 through Labor Day. Such parking fee shall be paid by the operator of each vehicle at the designated locations and shall be charged $10.00 for every parking space utilized vehicle of any size. If city personnel determine that a vehicle is using more than one parking space, then an additional $10.00 fee will be charged. Once paid by the operator, the space is not transferable to another vehicle. If a vehicle leaves and then returns later in the same day when the fee is applicable, a new $10.00 fee will be charged to park in one space. All fees collected from this parking lot will go into the River Activities Fund.~~

~~(2) *Exceptions.*~~

~~a. The Landa Park parking lot with 43 spaces located directly in front of the park and recreation department operations buildings will be reserved for staff use from May 1 through Labor Day and will not be available for paid parking. There will be reserved parking spots in this parking lot for mini-golf patrons that will be clearly marked and signed.~~

~~b. A Resident Parking Pass shall be made available for users of the Landa Park parking lots located off Elizabeth Avenue.~~

~~For the purpose of section 86-7, the term "resident" applies to persons who reside within the city limits. For the purpose of section 86-7 (e), (f), and (g), there is no fee for the Resident Parking Pass and it shall be valid for three years. All holders of a Resident Parking Pass shall be entitled entry into Elizabeth Street parking area, Hinman Island Drive on street parking, and East San Antonio Street on street parking at no additional charge, daily, excluding holidays, from May 1st through Labor Day for the purpose of parking their vehicles.~~

~~c. Vehicles with disabled veteran license plates will be exempt from parking fees.~~

~~d. When it has been determined by the city manager or his designated representative that weather or other conditions do not warrant charging such a fee, it may be temporarily suspended.~~

Commented [MKH2]: Moved to Chapter 126.

~~(3) a. *Penalties.* Any person who shall violate any provision of this section or fail to comply with any of the provisions herein, shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not exceeding $200.00. Each day any violation of this section continues shall constitute a separate and distinct offense.~~

~~b. *Towing of vehicles.* In addition to being cited for violations of this section, such vehicles can be towed at the discretion of the city manager, the chief of police, or the parks and recreation director, or their designated representatives. All towing costs incurred shall be the responsibility of the vehicle owner or operator. The installation and erection of appropriate signs is hereby authorized.~~

(f) Reserved.~~(1) *East San Antonio Street.* There shall be a parking fee charged for all parking spaces on the north side of East San Antonio Street between the intersection with South Liberty Avenue and the Comal River bridge between the hours of 8:00 a.m. and 7:00 p.m. daily from May 1 through Labor Day. Such parking fee shall be paid by the operator of each vehicle at the designated locations and shall be charged $20.00 for every parking space utilized by a vehicle of any size. If city personnel determine that a vehicle is using more than one parking space, then an additional $20.00 fee will be charged. Once paid by the operator, the space is not transferable to another vehicle. If a vehicle leaves and then returns later in the same day when the fee is applicable, a new $20.00 fee will be charged to park in one space. All fees collected from this parking location will go into the River Activities Fund.~~

~~(2) *Exceptions.*~~

~~a. A resident parking pass shall be available for residents to park in this location.~~

~~b. Vehicles with disabled veteran license plates will be exempt from parking fees.~~

~~c. When it has been determined by the city manager or his designated representative that weather or other conditions do not warrant charging such a fee, it may be temporarily suspended.~~

Commented [MKH3]: Moved to Chapter 126.

(g) Reserved.~~(1) *Hinman Island Drive.* There shall be a parking fee charged for all parking spaces on Hinman Island Drive between the hours of 8:00 a.m. and 7:00 p.m. daily from May 1 through Labor Day. Such parking fee shall be paid by the operator of each vehicle at the designated locations and shall be charged $30.00 for every parking space utilized by a vehicle of any size. If city personnel determine that a vehicle is using more than one parking space, then an additional $30.00 fee will be charged. Once paid by the operator, the space is not transferable to another vehicle. If a vehicle leaves and then returns later in the same day when the fee is applicable, a new $30.00 fee will be charged to park in one space. All fees collected from this parking lot will go into the River Activities Fund.~~

~~(2) *Exceptions.*~~

~~a. A resident parking pass shall be available for residents to park in this location.~~

~~b. Vehicles with disabled veteran license plates will be exempt from parking fees.~~

~~c. When it has been determined by the city manager or his designated representative that weather or other conditions do not warrant charging such a fee, it may be temporarily suspended.~~

Commented [MKH4]: Moved to Chapter 126.

Sec. 126-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Holiday means any holiday which is designated as such by the city council.

Paid parking space means a space that is delineated on a public right-of-way for which payment is required to park a vehicle.

Commented [MKH5]: Moved from old Meters section to definitions.

Paid parking zone means a group of parking spaces, on a public right-of-way or on City property, that are delineated by a posted sign and for which payment is required to park a vehicle.

Parking meter means any mechanical or electronic device that the City places or erects on City property, adjacent to a paid parking space for the purpose of managing and controlling the use of paid parking spaces and that requires payment for use.

Parking occasion means the uninterrupted period of time that a vehicle is parked in a paid parking space or a paid parking zone while paid parking time limits are in effect.

Parking pay station means any electronic device, except a parking meter, that the City places or erects on City property, for the purpose of managing and controlling the use of paid parking spaces and paid parking zones and that requires payment for use.

Pay and display station means a parking pay station that dispenses a receipt, as proof of payment, to be displayed as required.

Pay by space station means a parking pay station that measures the lawful parking occasion and its expiration for specific paid parking spaces without issuing a receipt for display on a vehicle.

(Code 1961, §§ 23-1, 23-69; Ord. No. 2005-06, § I, 1-24-05; Ord. No. 2011-59, § 1, 8-8-11)

Cross reference— Definitions generally, § 1-2.

State Law reference— Definitions, Vernon's Ann. Civ. St. art. 6701d, §§ 1 et seq., 20A.

DIVISION 4. - ~~METERS~~ METERED AND PAY STATION PARKING

Sec. 126-381. - ~~Parking meter~~ Paid parking space and paid parking zones established.

(a) The below-listed zones may be diminished or extended and enlarged or other paid parking spaces or paid parking zones may be created when authorized by the city council. The following described ~~parts of streets in the city~~areas are hereby established as paid parking ~~meter~~ zones:

~~(1) That part of San Antonio Street which lies between Missouri Pacific Railroad and Comal Street.~~

~~(2) That part of Seguin Street which lies between Coll Street and Bridge Street.~~

~~(3) That part of Castell Street which lies between Coll Street and Bridge Street.~~

~~(4) That part of Mill Street which lies between Missouri Pacific Railroad and the east property line of the Comal County Courthouse Annex.~~

(1) *Prince Solms Park.* There shall be a parking fee charged for all parking spaces in Prince Solms Park between the hours of 8:00 a.m. and 7:00 p.m. daily from May 1 through Labor Day. Such parking fee shall be paid by the operator of each vehicle at the designated locations and shall be charged $20.00 for every parking space utilized by a vehicle of any size. If city personnel determine that a vehicle is using more than one parking space, then an additional $20.00 fee will be charged. Once paid by the operator, the space is not transferable to another vehicle. If a vehicle leaves and then returns later in the same day when the fee is applicable, a new $20.00 fee will be charged to park in one space.

Exceptions. A Resident Prince Solms Sports pass shall be made available for users of the Prince Solms Park tennis courts, basketball courts and disc golf course.

For the purpose of section 126-381, the term "resident" applies to persons who reside within the city limits. The term of the Resident Prince Solms Sports pass is May 1st through Labor Day in the same year the pass was purchased. The fee for the Resident Prince Solms Sports pass shall be $40.00 and valid for two years. All holders of a Resident Prince Solms Sports pass shall be entitled entry into Prince Solms Park parking area at no additional charge,

Commented [MKH6]: All parking meters downtown were removed in 1988.

seven days a week, excluding holidays, from May 1st through Labor Day for the purpose of parking their vehicles to utilize the tennis courts, basketball courts and disc golf course in the park.

(2) *Landa Park parking lots located off Elizabeth Avenue.* There shall be a parking fee charged for the 155 parking spaces located in Landa Park parking lots located off Elizabeth Avenue between the hours of 8:00 a.m. and 7:00 p.m. daily from May 1 through Labor Day. Such parking fee shall be paid by the operator of each vehicle at the designated locations and shall be charged $10.00 for every parking space utilized vehicle of any size. If city personnel determine that a vehicle is using more than one parking space, then an additional $10.00 fee will be charged. Once paid by the operator, the space is not transferable to another vehicle. If a vehicle leaves and then returns later in the same day when the fee is applicable, a new $10.00 fee will be charged to park in one space. All fees collected from this parking lot will go into the River Activities Fund.

Exceptions. The Landa Park parking lot with 43 spaces located directly in front of the park and recreation department operations buildings will be reserved for staff use from May 1 through Labor Day and will not be available for paid parking. There will be reserved parking spots in this parking lot for mini-golf patrons that will be clearly marked and signed.

(3) *East San Antonio Street.* There shall be a parking fee charged for all parking spaces on the north side of East San Antonio Street between the intersection with South Liberty Avenue and the Comal River bridge between the hours of 8:00 a.m. and 7:00 p.m. daily from May 1 through Labor Day. Such parking fee shall be paid by the operator of each vehicle at the designated locations and shall be charged $20.00 for every parking space utilized by a vehicle of any size. If city personnel determine that a vehicle is using more than one parking space, then an additional $20.00 fee will be charged. Once paid by the operator, the space is not transferable to another vehicle. If a vehicle leaves and then returns later in the same day when the fee is applicable, a new $20.00 fee will be charged to park in one space. All fees collected from this parking location will go into the River Activities Fund.

(4) *Hinman Island Drive.* There shall be a parking fee charged for all parking spaces on Hinman Island Drive between the hours of 8:00 a.m. and 7:00 p.m. daily from May 1 through Labor Day. Such parking fee shall be paid by the operator of each vehicle at the designated locations and shall be charged $30.00 for every parking space utilized by a vehicle of any size. If city personnel determine that a vehicle is using more than one parking space, then an additional $30.00 fee will be charged. Once paid by the operator, the space is not transferable to another vehicle. If a vehicle leaves and then returns later in the same day when the fee is applicable, a new $30.00 fee will be charged to park in one space. All fees collected from this parking lot will go into the River Activities Fund.

(b) *General Exceptions.*

(1) Vehicles with disabled veteran license plates will be exempt from parking fees.

(2) When it has been determined by the city manager or his designated representative that weather or other conditions do not warrant charging such a fee, it may be temporarily suspended.

(3) A Resident Parking Pass shall be made available for users of the paid parking spaces and paid parking zones in section 126-381 (b), (c), and (d).

For the purpose of section 126-381, the term "resident" applies to persons who reside within the city limits. There is no fee for the Resident Parking Pass and it shall be valid for three years. All holders of a Resident Parking Pass shall be entitled entry into Elizabeth Street parking area, East San Antonio Street on street parking, and Hinman Island Drive on street parking at no additional charge, daily, excluding holidays, from May 1st through Labor Day for the purpose of parking their vehicles.

Commented [MKH7]: From Sec. 86-7.

Commented [MKH8]: Consolidated exceptions from all paid parking areas to avoid repetition and potential mistakes when areas are revised in the future.

~~All frontages on the streets designated as parking meter zones are included in this section. The above-described zones may be diminished or extended and enlarged or other parking meter zones may be created when authorized by the city council.~~

(Code 1961, § 23-141)

Sec. 126-382. - Installation and maintenance; authority of chief of police.

The chief of police is hereby authorized to provide for the installation, regulation, maintenance, control, operation and use of paid parking spaces and parking zones~~parking meters~~ on any street or part of a street where parking is limited as to time by this article and where, in his opinion, the use of such parking meters would tend to reduce overparking in violation of this article. The chief of police is further authorized to maintain such parking ~~meters~~ spaces and zones~~in good workable condition~~.

(Code 1961, § 23-143)

Sec. 126-383. - Location~~; signals~~.

(a) The chief of police or the parks and recreation director for paid parking within parks may use parking meters and parking pay stations to assist in the enforcement of parking time restrictions.

(b) A parking meter must:

(1) be installed adjacent to the parking space it monitors or be labeled to indicate the space;

(2) indicate the maximum uninterrupted time a vehicle may remain parked in the space during any parking occasion; and

(3) display the amount of time a vehicle may remain legally parked in the space after the deposit of payment.

(c) A parking pay station must:

(1) be installed on the same City block or at the same City-owned or controlled parking lots or facilities as the paid parking space or paid parking zone it monitors;

(2) indicate the maximum uninterrupted time a vehicle may remain parked within the paid parking space or the paid parking zone during any parking occasion; and

(3) either:

(a) measure and store the amount of time a vehicle may remain legally parked after the deposit of payment; or

(b) issue a receipt that indicates the amount of time a vehicle may remain legally parked after the deposit of payment.

(d) A parking meter or a parking pay station shall indicate the hours and days that paid parking time limits are in effect.

(e) A parking meter or a parking pay station shall indicate the amount of the fee for parking a vehicle.

(f) The chief of police or the parks and recreation director for paid parking within parks shall equip parking meters and parking pay stations to accept coins in denominations appropriate to pay the fee for parking a vehicle.

~~The parking meters shall be installed upon the curb next to individual parking spaces and shall be at all times maintained so that such meters shall display a signal showing legal parking upon deposit therein of a proper coin of the United States in conformity with the requirements of this article, such signal to remain in evidence until expiration of such parking period, at which time it will indicate by automatic operation of a visible signal that the lawful parking period has expired. The legal signal shall be white and fully cover the dial glass window. The illegal sign shall be red and fully cover the dial glass window.~~

(Code 1961, § 23-144)

Sec. 126-384. - Marking spaces; method of parking.

(a) *Marking spaces.* Individual parking spaces within an on-street parking meter zone are designated by the individual meter poles. Individual parking spaces for off-street parking facilities are designated by lines or numbers or both. The city need not designate individual spaces in the on-street pay-station zones, but pay-station zones should have signs at both ends of the zone.~~The chief of police shall cause lines or marks to be painted on the streets or curbs about or alongside of the parking meters or upon any city maintained street, parking area or curb to designate the parking space for which such meter is to be used or to designate the parking space to be used upon such city maintained street or parking area.~~

(b) *Method of parking in paid parking spaces*. ~~Every vehicle being parked alongside of or next to any parking meter or upon a city maintained street or parking area shall be parked within the lines so marked or established. It shall be unlawful to park any vehicle across any such lines or marks or to park such vehicle in such way that the vehicle shall not be within the area so designated by such lines or markings, unless such vehicle is too large to be confined in one such space.~~

(1) A person must park a vehicle completely within the delineated parking space.

(2) A person may not park a vehicle in a paid parking space that is legally occupied by another vehicle.

(c) *Method of parking in paid parking zones.* A person must park a vehicle completely within posted signs for the zone.

(Code 1961, § 23-145)

Sec. 126-385. - ~~Operation; hours and days required; exceptions.~~ Reserved.

Commented [MKH9]: This is in Sec. 126-381.

~~(a) *When required.* Except in a period of emergency determined by an officer of a fire company or of the police department, or except in compliance with the directions of a police officer or traffic control signal, when any vehicle shall be parked in a space regulated by a parking meter between the hours of 8:00 a.m. and 3:00 p.m. on any day except Sundays and legal holidays, the owner, operator, or driver of such vehicle shall deposit the necessary number and denomination of coins of the United States of America as provided in section 126-387 in the parking meter regulating such space and placed in front or alongside thereof.~~

~~(b) *Legal holidays.* The term "legal holiday" as used in this section means any holiday which is designated as such by the city council.~~

~~(c) *Jury duty.* Those persons selected for jury duty in county court or in district court may be issued free parking privilege cards for that period they are required to perform jury duty.~~

~~(1) Jury duty free parking privilege cards shall be made available and under the control of the Comal County sheriff.~~

~~a. Each jury duty free parking privilege card shall be three inches wide and eight inches in length, and shall have a red-colored background with the words, printed in easy-to-read white letters, "Free Parking Privilege, Jury Duty, Comal County."~~

~~b. Each card shall have the Comal County sheriff's signature affixed on the lower righthand corner thereon.~~

~~c. Each card shall be numbered in the top righthand corner and have the date such free parking privilege, jury duty card was issued, stamped across the front and back of the card in numerals of not less than one inch in height.~~

d. Each person selected for jury duty shall be advised to place the free parking privilege, jury duty card on the ledge above the instrument panel of his vehicle directly behind the windshield on the driver's side of the vehicle so as to be visible at all times.

(2) Free parking privilege, jury duty cards shall be honored by the police department during those periods persons are required to perform jury duty.

(3) Those persons issued free parking privilege, jury duty cards shall park their vehicles off the area adjacent to the Comal County Courthouse (city plaza area) and on the east side of Seguin Street. No vehicle shall park in a designated loading zone or a designated no parking zone, or on sidewalks, or so as to block driveways or fire lanes.

(Code 1961, § 23-146)

Sec. 126-386. - Payment excused while loading or unloadingReserved.

The placing of coins in parking meters shall not be required of the owner or operator of any vehicle while actually engaged in the loading or unloading of persons therefrom, provided the parking for such purpose is restricted to such length of time as is absolutely necessary therefor, nor in the case of commercial trucks loading or unloading merchandise; provided, however, such loading and unloading of merchandise is restricted to such lengths of time as is absolutely necessary therefor, and to places of business where it is not possible to so load, unload, receive or deliver merchandise at a rear entrance.

(Code 1961, § 23-147)

Sec. 126-387. - Deposit of coinsFee due for parking vehicle; oversized vehicles.

(a) Unless exempted by a provision in this section, a person parking a vehicle in a paid parking space or paid parking zone shall immediately pay the parking fee due.

(b) A person must deposit U.S. coins in denominations accepted by the parking meter or parking pay station or use a credit card or bank debit card to pay the parking fee.

(c) A person may not use foreign currency in a parking meter or a parking pay station.

(d) A person may not deposit more than the amount of payment necessary to obtain the maximum parking time limit allowed during a parking occasion.

(e) If parking a vehicle in a space monitored by a pay and display station, a person shall immediately attach the pay station receipt to the inside of the vehicle's windshield adjacent to the curb. The receipt must be placed in a position so that it can be read from outside of the vehicle.

(f) A person may not park at a paid parking space with an inoperable parking meter unless the person pays at the nearest pay and display station and attaches the receipt to the window as required in subsection (e).

(g) A person may not park in a paid parking zone monitored by a pay and display station without a receipt from the nearest operable pay and display station.

(h) Where a meter or a parking zone accepts digital payment and a printed receipt is not provided, display of a printed receipt on the dashboard for digital payments is not required.

(a) *Deposit of coins.* Whenever any vehicle shall be parked next to a parking meter on any day, except on Sundays and holidays, between the hours of 8:00 a.m. and 3:00 p.m., the owner or operator of such vehicle shall park within the area designated by the curb and street marking lines as indicated for parallel or diagonal parking, and upon entering such parking space shall immediately deposit in such parking meter a five-cent coin or a one-cent coin of the United States, depending upon the length of time such vehicle shall be parked, and shall put the meter into operation; provided, however, that such owner or operator may use the unexpired time remaining on the meter from its previous use without depositing a coin therein; and, provided further, that no vehicle shall be parked for longer than the period prescribed for that zone by this article.

~~(b) *Oversized vehicles.* When a vehicle is too large to be confined in a single space, only the meter nearest the hood or front end of such vehicle need be operated.~~

Commented [MKH10]: None of the other cities I researched allowed this, nor does the existing text from 86-7 allow this.

(Code 1961, § 23-148)

Sec. 126-388. - ~~Extending time prohibited~~Time limits on paid parking.

(a) Paid parking time limits for parking spaces are established in section 126-381.

(b) The city council shall establish the maximum uninterrupted time a person may continuously park a vehicle for each parking occasion.

(c) When paid parking time limits are in effect, a person may not park a vehicle for more than the maximum parking time limit established by the city council for each parking occasion.

(d) A vehicle may not be moved and reparked in the same paid parking space or paid parking zone to avoid violating the maximum parking time limit for each parking occasion.

(e) When paid parking time limits are in effect, a person may not allow a vehicle to remain parked in a paid parking space or a paid parking zone when the authorized parking time has expired.

~~It shall be unlawful for any person to deposit or cause to be deposited in any parking meter any coin for the purpose of obtaining an extension of indicated parking time beyond the maximum limit prescribed by this article for parking of vehicles alongside of such meter.~~

(Code 1961, § 23-149)

Sec. 126-389. - Use of slugs prohibited.

It shall be unlawful to deposit or cause to be deposited in any parking meter or parking pay station any slug, device or other substitutes for coins of the United States.

(Code 1961, § 23-150)

Sec. 126-390. - Damaging or tampering with meters.

It shall be unlawful for any person to deface, injure, tamper with, open, break or destroy any parking meter or parking pay station, installed under the authority of this article, or otherwise to willfully impair its usefulness.

(Code 1961, § 23-151)

State Law reference— Criminal mischief, V.T.C.A., Penal Code § 28.03.

Sec. 126-391. - ~~Collection procedures; disposition of coins~~Reserved.

~~It shall be the duty of the chief of police to designate two members of the department to make regular collections of the money deposited in parking meters. It shall be the duty of such persons so designated to collect the coins on a weekly basis. The coins shall be collected in a portable device as approved by the chief of police. Such device shall be so constructed as to be moveable from meter to meter for collection purposes. It shall be so designed as to be under lock and key during the times the coins are being collected. The collected coins shall be brought to the police department and separated and counted by a mechanical device as approved by the chief of police. The collected coins shall be deposited into the trust and agency fund until such time as the applicable state sales tax has been paid quarterly, and the remaining balance will then be immediately deposited into the general fund.~~

(Code 1961, § 23-152)

Sec. 126-392. - ~~Purposes of levy~~Reserved.

~~The coins required to be deposited in parking meters are hereby levied as a police regulation and inspection fee to cover the cost of providing parking spaces, parking meters and installation and maintenance thereof; the cost of regulation, inspection, operation, control and use of the parking meter spaces and zones created in this article; for the regulation and control of traffic moving in and out of, and parking in, such parking spaces and zones so created; and for the cost of any resultant traffic administration expense.~~

(Code 1961, § 23-153)

Sec. 126-393. - Violations—Report; notice.

(a~~3~~) ~~a.~~ *Penalties.* Any person who shall violate any provision of this section or fail to comply with any of the provisions herein, shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not exceeding $200.00. Each day any violation of this section continues shall constitute a separate and distinct offense.

(b)~~.~~ *Towing of vehicles.* In addition to being cited for violations of this section, such vehicles can be towed at the discretion of the city manager, the chief of police, or the parks and recreation director for vehicles towed within city parks, or their designated representatives. All towing costs incurred shall be the responsibility of the vehicle owner or operator. The installation and erection of appropriate signs is hereby authorized.

Commented [MKH11]: From 86-7 under the Elizabeth lots.

(c) It is the duty of the police department, through its parking enforcement section, or of such other city employees as may be designated by the city manager, to enforce the provisions of this article and prosecute offenders. Parking violation notices should contain the number of the parking meter or pay station at which the vehicle is parked, the name of the state and number of the vehicle's license plate; the nature of the violation, and any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

~~(a) *Contents.* It shall be the duty of the meter officers of the city, acting in accordance with instructions issued by the chief of police, to report:~~

~~(1) The number of each parking meter which indicates the vehicle occupying the parking space adjacent to such parking meter is or has been parking in violation of any of the provisions of this article;~~

~~(2) The state license number and the licensing state of such vehicle;~~

~~(3) The time during which the vehicle is parked in violation of any of the provisions of this article;~~

~~(4) Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.~~

~~(b) *Notice.* Each meter officer shall attach to the illegally parked vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of a provision of this article and instructing such owner or operator to report as provided in section 126-479.~~

(Code 1961, § 23-154)

Sec. 126-394. - ~~Same—Overtime parking~~Reserved.

Commented [MKH12]: Addressed in 126-388(a).

~~If a vehicle shall remain parked in any parking space for longer than the time prescribed by this article or for such length of time that the parking meter shall display a signal indicating illegal parking, then in that event such vehicle shall be considered as parked overtime.~~

(Code 1961, § 23-155)

Sec. 126-395. - Same—~~Overtime parking prohibited; p~~Presumptive evidence.

~~(a) *Cause of illegal sign immaterial.* It shall be unlawful during the hours from 8:00 a.m. to 3:00 p.m., except Sundays and holidays, to permit a vehicle to remain parked in a designated parking space while the parking meter for such space indicates that such vehicle is illegally parked, whether such indication is the result of the failure to deposit a coin and operate a level or other actuating device of the meter, or the result of the automatic operation of the meter following the expiration of the authorized parking time subsequent to depositing of a coin therein at the time such vehicle was parked.~~

~~(b) *Presumptive evidence.*~~ The presence of a vehicle in a paid parking zone (a) when the paid-for time shown on adjacent parking meter is expired, (b) when the paid-for time shown on the relevant pay-by-space station has expired, or (c) when the paid-for time shown on the pay-and-display station receipt has expired is prima facie evidence (x) that the vehicle has been parked beyond the legal period of time fixed by this article or (y) that the operator did not deposit proper payment.~~The fact that a vehicle is parked in a metered parking space, during the hours of limited parking, without the meter time signal showing permitted parking, shall be prima facie evidence that the vehicle has been parked at such space longer than the lawfully permitted parking period. It shall be unlawful for any person to cause or permit any vehicle registered in his name to be unlawfully parked as set out in this section.~~

(Code 1961, § 23-156)

Sec. 126-396. - ~~Same—Fine; "Traf-O-Teria" payments~~Reserved.

~~Each violation of this division shall be punished by a fine of $1.00; except, however, where the operator of the vehicle parked in violation of this division makes use of the "Traf-O-Teria" system by depositing $0.50 enclosed in the envelope provided for that purpose, in any of the receptacles located within the city for the receipt of such envelopes, within 24 hours of the time indicated on the notice required in section 126-479 as having been the time of violation of this section.~~

(Code 1961, § 23-157)

Secs. 126-397—126-415. - Reserved.

ORDINANCE NO. 2019-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS AMENDING CHAPTER 126, ARTICLE VII, DIVISION 4 REGARDING PAID PARKING IN THE CITY.

WHEREAS, the Texas Transportation Code authorizes the governing body of a municipality to regulate and enforce other standards of operation which may be particular to its unique situation; and

WHEREAS, to include all paid parking locations and requirements in the City of New Braunfels in one list; and

WHEREAS, to update the paid parking requirements to reflect modern practices in surrounding communities; and

WHEREAS, the City Council of the City of New Braunfels, Texas has the authority under its Home Rule Charter and under the laws of the State of Texas to adopt regulations aimed to protect the health, safety and general welfare of its citizens.

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

I.

THAT Section 86-7 of the City of New Braunfels Code of Ordinances shall be amended to hereinafter read as follows:

Sec. 86-7. – Operation of vehicles in parks.

(d) Paid parking within parks is listed in section 126-381.
(e) Reserved.
(f) Reserved.
(g) Reserved.

II.

THAT Chapter 126 of the New Braunfels Code of Ordinances shall be amended to hereinafter read as follows:

Sec. 126-1. – Definitions.

Holiday means any holiday which is designated as such by the city council.

Paid parking space means a space that is delineated on a public right-of-way for which payment is required to park a vehicle.

Paid parking zone means a group of parking spaces, on a public right-of-way or on City property, that are delineated by a posted sign and for which payment is required to park a vehicle.

Parking meter means any mechanical or electronic device that the City places or erects on City property, adjacent to a paid parking space for the purpose of managing and controlling the use of paid parking spaces and that requires payment for use.

Parking occasion means the uninterrupted period of time that a vehicle is parked in a paid parking space or a paid parking zone while paid parking time limits are in effect.

Parking pay station means any electronic device, except a parking meter, that the City places or erects on City property, for the purpose of managing and controlling the use of paid parking spaces and paid parking zones and that requires payment for use.

Pay and display station means a parking pay station that dispenses a receipt, as proof of payment, to be displayed as required.

Pay by space station means a parking pay station that measures the lawful parking occasion and its expiration for specific paid parking spaces without issuing a receipt for display on a vehicle.

DIVISION 4. METERED AND PAY STATION PARKING

Sec. 126-381. – Paid parking space and paid parking zones established.

(a) The below-listed zones may be diminished or extended and enlarged or other paid parking spaces or paid parking zones may be created when authorized by the city council. The following described areas are hereby established as paid parking zones:

(1) *Prince Solms Park.* There shall be a parking fee charged for all parking spaces in Prince Solms Park between the hours of 8:00 a.m. and 7:00 p.m. daily from May 1 through Labor Day. Such parking fee shall be paid by the operator of each vehicle at the designated locations and shall be charged $20.00 for every parking space utilized by a vehicle of any size. If city personnel determine that a vehicle is using more than one parking space, then an additional $20.00 fee will be charged. Once paid by the operator, the space is not transferable to another vehicle. If a vehicle leaves and then returns later in the same day when the fee is applicable, a new $20.00 fee will be charged to park in one space.

Exceptions. A Resident Prince Solms Sports pass shall be made available for users of the Prince Solms Park tennis courts, basketball courts and disc golf course.

For the purpose of section 126-381, the term "resident" applies to persons who reside within the city limits. The term of the Resident Prince Solms Sports pass

is May 1st through Labor Day in the same year the pass was purchased. The fee for the Resident Prince Solms Sports pass shall be $40.00 and valid for two years. All holders of a Resident Prince Solms Sports pass shall be entitled entry into Prince Solms Park parking area at no additional charge, seven days a week, excluding holidays, from May 1st through Labor Day for the purpose of parking their vehicles to utilize the tennis courts, basketball courts and disc golf course in the park.

(2) *Landa Park parking lots located off Elizabeth Avenue.* There shall be a parking fee charged for the 155 parking spaces located in Landa Park parking lots located off Elizabeth Avenue between the hours of 8:00 a.m. and 7:00 p.m. daily from May 1 through Labor Day. Such parking fee shall be paid by the operator of each vehicle at the designated locations and shall be charged $10.00 for every parking space utilized vehicle of any size. If city personnel determine that a vehicle is using more than one parking space, then an additional $10.00 fee will be charged. Once paid by the operator, the space is not transferable to another vehicle. If a vehicle leaves and then returns later in the same day when the fee is applicable, a new $10.00 fee will be charged to park in one space. All fees collected from this parking lot will go into the River Activities Fund.

Exceptions. The Landa Park parking lot with 43 spaces located directly in front of the park and recreation department operations buildings will be reserved for staff use from May 1 through Labor Day and will not be available for paid parking. There will be reserved parking spots in this parking lot for mini-golf patrons that will be clearly marked and signed.

(3) *East San Antonio Street.* There shall be a parking fee charged for all parking spaces on the north side of East San Antonio Street between the intersection with South Liberty Avenue and the Comal River bridge between the hours of 8:00 a.m. and 7:00 p.m. daily from May 1 through Labor Day. Such parking fee shall be paid by the operator of each vehicle at the designated locations and shall be charged $20.00 for every parking space utilized by a vehicle of any size. If city personnel determine that a vehicle is using more than one parking space, then an additional $20.00 fee will be charged. Once paid by the operator, the space is not transferable to another vehicle. If a vehicle leaves and then returns later in the same day when the fee is applicable, a new $20.00 fee will be charged to park in one space. All fees collected from this parking location will go into the River Activities Fund.

(4) *Hinman Island Drive.* There shall be a parking fee charged for all parking spaces on Hinman Island Drive between the hours of 8:00 a.m. and 7:00 p.m. daily from May 1 through Labor Day. Such parking fee shall be paid by the operator of each vehicle at the designated locations and shall be charged

$30.00 for every parking space utilized by a vehicle of any size. If city personnel determine that a vehicle is using more than one parking space, then an additional $30.00 fee will be charged. Once paid by the operator, the space is not transferable to another vehicle. If a vehicle leaves and then returns later in the same day when the fee is applicable, a new $30.00 fee will be charged to park in one space. All fees collected from this parking lot will go into the River Activities Fund.

(b) *General Exceptions.*

(1) Vehicles with disabled veteran license plates will be exempt from parking fees.

(2) When it has been determined by the city manager or his designated representative that weather or other conditions do not warrant charging such a fee, it may be temporarily suspended.

(3) A Resident Parking Pass shall be made available for users of the paid parking spaces and paid parking zones in section 126-381 (b), (c), and (d).

For the purpose of section 126-381, the term “resident” applies to persons who reside within the city limits. There is no fee for the Resident Parking Pass and it shall be valid for three years. All holders of a Resident Parking Pass shall be entitled entry into Elizabeth Street parking area, East San Antonio Street on street parking, and Hinman Island Drive on street parking at no additional charge, daily, excluding holidays, from May 1st through Labor Day for the purpose of parking their vehicles.

Sec. 126-382. – Installation and maintenance; authority of the chief of police.

The chief of police is hereby authorized to provide for the installation, regulation, maintenance, control, operation and use of paid parking spaces and parking zones on any street or part of a street where parking is limited as to time by this article and where, in his opinion, the use of such parking meters would tend to reduce overparking in violation of this article. The chief of police is further authorized to maintain such parking spaces and zones.

Sec. 126-383. – Location.

(a) The chief of police or the parks and recreation director for paid parking within parks may use parking meters and parking pay stations to assist in the enforcement of parking time restrictions.

(b) A parking meter must:

(1) be installed adjacent to the parking space it monitors or be labeled to indicate the space;

(2) indicate the maximum uninterrupted time a vehicle may remain parked in the space during any parking occasion; and

(3) display the amount of time a vehicle may remain legally parked in the space after the deposit of payment.

(c) A parking pay station must:

(1) be installed on the same City block or at the same City-owned or controlled parking lots or facilities as the paid parking space or paid parking zone it monitors;

(2) indicate the maximum uninterrupted time a vehicle may remain parked within the paid parking space or the paid parking zone during any parking occasion; and

(3) either:

(a) measure and store the amount of time a vehicle may remain legally parked after the deposit of payment; or

(b) issue a receipt that indicates the amount of time a vehicle may remain legally parked after the deposit of payment.

(d) A parking meter or a parking pay station shall indicate the hours and days that paid parking time limits are in effect.

(e) A parking meter or a parking pay station shall indicate the amount of the fee for parking a vehicle.

(f) The chief of police or the parks and recreation director for paid parking within parks shall equip parking meters and parking pay stations to accept coins in denominations appropriate to pay the fee for parking a vehicle.

Sec. 126-384. – Marking spaces; method of parking.

(a) *Marking spaces.* Individual parking spaces within an on-street parking meter zone are designated by the individual meter poles. Individual parking spaces for off-street parking facilities are designated by lines or numbers or both. The city need not designate individual spaces in the on-street pay-station zones, but pay-station zones should have signs at both ends of the zone.

(b) *Method of parking in paid parking spaces.*

(1) A person must park a vehicle completely within the delineated parking space.

(2) A person may not park a vehicle in a paid parking space that is legally occupied by another vehicle.

(c) *Method of parking in paid parking zones.* A person must park a vehicle completely within posted signs for the zone.

Sec. 126-385. – Reserved.

Sec. 126-386. – Reserved.

Sec. 126-387. – Fee due for parking vehicle.

(a) Unless exempted by a provision in this section, a person parking a vehicle in a paid parking space or paid parking zone shall immediately pay the parking fee due.

(b) A person must deposit U.S. coins in denominations accepted by the parking meter or parking pay station or use a credit card or bank debit card to pay the parking fee.
(c) A person may not use foreign currency in a parking meter or a parking pay station.
(d) A person may not deposit more than the amount of payment necessary to obtain the maximum parking time limit allowed during a parking occasion.
(e) If parking a vehicle in a space monitored by a pay and display station, a person shall immediately attach the pay station receipt to the inside of the vehicle's windshield adjacent to the curb. The receipt must be placed in a position so that it can be read from outside of the vehicle.
(f) A person may not park at a paid parking space with an inoperable parking meter unless the person pays at the nearest pay and display station and attaches the receipt to the window as required in subsection (e).
(g) A person may not park in a paid parking zone monitored by a pay and display station without a receipt from the nearest operable pay and display station.
(h) Where a meter or a parking zone accepts digital payment and a printed receipt is not provided, display of a printed receipt on the dashboard for digital payments is not required.

Sec. 126-388. – Time limits on paid parking.

(a) Paid parking time limits for parking spaces are established in section 126-381.
(b) The city council shall establish the maximum uninterrupted time a person may continuously park a vehicle for each parking occasion.
(c) When paid parking time limits are in effect, a person may not park a vehicle for more than the maximum parking time limit established by the city council for each parking occasion.
(d) A vehicle may not be moved and reparked in the same paid parking space or paid parking zone to avoid violating the maximum parking time limit for each parking occasion.
(e) When paid parking time limits are in effect, a person may not allow a vehicle to remain parked in a paid parking space or a paid parking zone when the authorized parking time has expired.

Sec. 126-389. – Use of slugs prohibited.

It shall be unlawful to deposit or cause to be deposited in any parking meter or parking pay station any slug, device or other substitutes for coins of the United States.

Sec. 126-390. – Damaging or tampering with meters.

It shall be unlawful for any person to deface, injure, tamper with, open, break or destroy any parking meter or parking pay station, installed under the authority of this article, or otherwise to willfully impair its usefulness.

Sec. 126-391. – Reserved.

Sec. 126-392. – Reserved.

Sec. 126-393. – Violations-Report; notice.

(a) *Penalties.* Any person who shall violate any provision of this section or fail to comply with any of the provisions herein, shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not exceeding $200.00. Each day any violation of this section continues shall constitute a separate and distinct offense.

(b) *Towing of vehicles.* In addition to being cited for violations of this section, such vehicles can be towed at the discretion of the city manager, the chief of police, or the parks and recreation director for vehicles towed within city parks, or their designated representatives. All towing costs incurred shall be the responsibility of the vehicle owner or operator. The installation and erection of appropriate signs is hereby authorized.

(c) It is the duty of the police department, through its parking enforcement section, or of such other city employees as may be designated by the city manager, to enforce the provisions of this article and prosecute offenders. Parking violation notices should contain the number of the parking meter or pay station at which the vehicle is parked, the name of the state and number of the vehicle's license plate; the nature of the violation, and any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

Sec. 126-394. – Reserved.

Sec. 126-395. – Same-Presumptive evidence.

The presence of a vehicle in a paid parking zone (a) when the paid-for time shown on adjacent parking meter is expired, (b) when the paid-for time shown on the relevant pay-by-space station has expired, or (c) when the paid-for time shown on the pay-and-display station receipt has expired is prima facie evidence (x) that the vehicle has been parked beyond the legal period of time fixed by this article or (y) that the operator did not deposit proper payment.

Sec. 126-396. – Reserved.

Secs. 126-397-126-415. – Reserved.

III.

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

IV.

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

PASSED AND APPROVED: First reading this the ____ day of _____, 2019.

PASSED AND APPROVED: Second reading this the ____ day of _____, 2019.

CITY OF NEW BRAUNFELS, TEXAS

_____
BARRON CASTEEL, MAYOR

ATTEST:

_____
PATRICK D. ATEN, CITY SECRETARY

APPROVED AS TO FORM:

_____
VALERIA M. ACEVEDO, CITY ATTORNEY

City of New Braunfels

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

4/8/2019

Agenda Item No. E)

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

SUBJECT:
Approval of the second and final reading of an ordinance regarding the proposed rezoning to apply a Type 2 Special Use Permit to allow professional offices, an addition to a thrift store building and associated parking in the "R-2" Single and Two-Family District, addressed at 617 North Walnut Avenue and 6, 8, 10, and 12 Cane Street.

BACKGROUND / RATIONALE:

Case No.: PZ-18-051

Council District: 1

Owner/Applicant: Hope Hospice (Arlon Hermes, President)
611 N. Walnut Ave.
New Braunfels, TX 78130
(830) 358-5248
ahermes@hopehospice.net

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

City Council held a public hearing on March 25, 2019 and unanimously approved the first reading of the requested rezoning (7-0-0).

The 0.84-acre subject property is located on Walnut Avenue between Bavarian and Creek Drives. It consists of Lot 2, Tri County Subdivision, and the west 130 feet of Lots 6 and 7, Block 4, Bavarian Village Subdivision. A Type 2 Special Use Permit (SUP) was granted to the property in 2012 to allow the construction of professional offices and related parking in the "R-2" Single and Two-Family District. This current adopted SUP does not include the portion of Lot 6 described above (6 & 8 Cane Street).

The applicant is requesting approval of a new SUP as delineated on the proposed site plan (see Attachment 2) to replace the current SUP. The request includes:

- adding the property addressed at 6 and 8 Cane Street to the boundaries;
- adding a one-story addition to the back of the existing thrift store building (617 Walnut Avenue);
- reconfiguring existing parking and constructing new parking on the property addressed at 6

and 8 Cane Street;
- adding a donation drop-off adjacent to the proposed thrift store building addition; and
- removal of the 3 driveways on Cane St., replacing them with one single driveway.

The zoning ordinance requires commercial side setbacks to be:
- Zero feet when adjacent to other commercial
- 20 feet when adjacent to single or two-family residential; 20 feet, plus one additional foot setback for each foot of building height over 20 feet (added to the Zoning Ordinance in 2006)

The original building on the north side of the Hope Hospice property met the minimum setback requirements (6 feet) at the time it was constructed in 1990. In 2012 the current SUP was approved and authorized an expansion of this building. This expansion was adjacent to both commercial and residential. Through the SUP process, City Council approved the building's location to encroach 10 feet into the 20-foot setback required where partially adjacent to residential.

The site plan for the new SUP proposes an additional 3,000 square-foot single-story expansion to the thrift store building. This addition is proposed to be set back only 10 feet from the property lines abutting two single-family residential lots. Therefore, as part of this SUP request, the applicant is requesting this reduced setback. As proposed on the site plan, the building would be in line with the existing building on the tract. A masonry wall and landscape buffer will be required along the common property line of the two residential lots adjacent to the new commercial building addition and along the common residential property line adjacent to the new parking lot addition.

The new SUP also proposes a reconfiguration of the existing parking lot, including demolition of the existing duplex addressed at 6 and 8 Cane Street and adding additional parking in its place. With the reconfiguration of the parking lot, an additional 19 spaces will be gained, while some housing inventory would be lost.

Access to the property from Cane Street would be modified as well. There are currently 3 driveways with access to Cane Street; one for 617 Walnut Avenue, one for 10 and 12 Cane Street and one for 6 and 8 Cane Street. All current driveway approaches are proposed to be removed and replaced with a new driveway located closer to the center of the property. The current SUP requires the existing driveway to 617 Walnut Avenue to be gated with keypad or badge entry only with motion-controlled exit and to remain closed except when in use. The intent of this requirement was to deter cut-through traffic onto the neighborhood street. The applicant is proposing the new driveway not be gated. No feedback from the neighborhood has been received.

There are no proposed changes to the current approved uses of the property as office, retail and parking.

Surrounding Zoning and Land Use:
North - R-2 / Two single family residences
South - R-2 / Single family residence
East - C-1 / Remainder of Hope Hospice property and a law office
West - Across Cane St., R-2 / Single family residences

Floodplain:

A portion of the property is within the 1% annual chance flood zone (100-year floodplain).

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 *(As an extension and continuation of the existing use, the proposed SUP would allow activity that is appropriate and compatible with existing development in the area. The block on which the subject property is located includes 4 commercial properties and 5 single-family residences. However, required buffers between the commercial and residential properties would be provided.)*
- 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 SUP 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 utility provider.)*
- How other areas designated for similar development will be affected *(The proposed SUP should not negatively affect other areas designated for similar development.)*;
- Any other factors that will substantially affect the public health, safety, morals, or general welfare *(A smaller setback than required between the proposed building addition and adjacent residential lots could infringe upon the rights of the residential lot owners to equally enjoy their properties as other residential lot owners in the City adjacent to commercial properties with compliant setbacks. However, the proposal is for an addition that would be an extension of the existing/previously approved setback which seems to have had negligible impact on the residences. Additionally, the removal of the access gate might minimally increase commercial traffic on Cane Street.)* and
- Whether the request is consistent with the Comprehensive Plan *(The subject property is situated within a Transitional Mixed-Use Corridor within the New Braunfels Sub Area.)*

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

City Plan/Council Priority: Envision New Braunfels	**Action 1.3:** Encourage balanced and fiscally responsible land use patterns. **Action 1.6:** Incentivize infill development and redevelopment to take advantage of existing infrastructure. **Action 3.3:** Balance commercial centers with stable neighborhoods. **Action 3.6:** Proactively provide a regulatory environment that remains business and resident friendly.

FISCAL IMPACT:
N/A

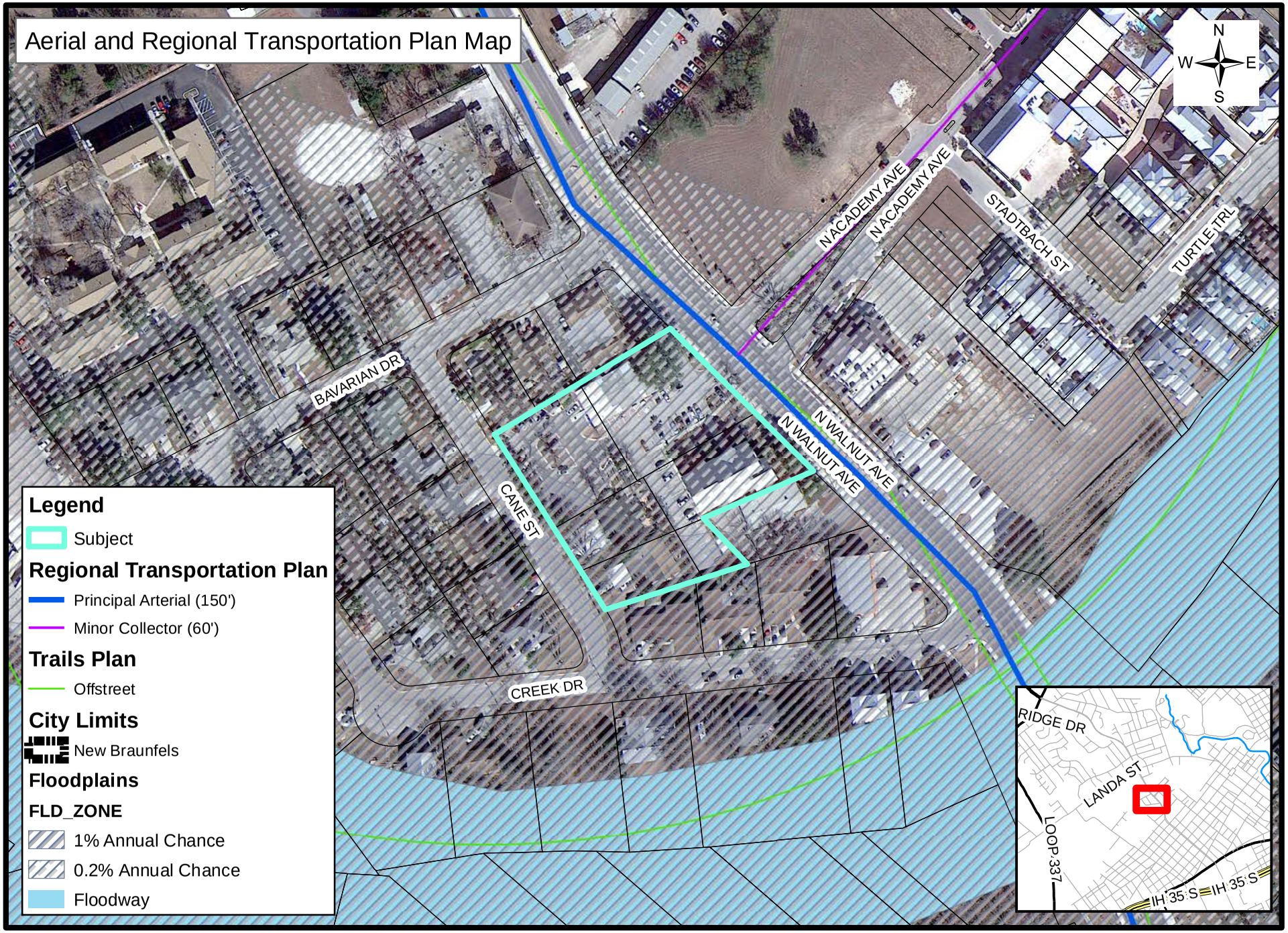
COMMITTEE RECOMMENDATION:
The Planning Commission held a public hearing on March 5, 2019 and voted unanimously to recommend approval. (9-0-0)

STAFF RECOMMENDATION:

While the reduced setback and removal of the access gate might impact the surrounding residential neighborhood, the proposed use is consistent with existing low intensity commercial on the site and within this block of Walnut Avenue. Additionally, mitigating buffers are required between commercial and residential. Walnut Avenue is a Transitional Mixed-Use Corridor with a mix of walkable commercial and residential uses in this vicinity. Additional development of the subject property as proposed will provide services consistent with the existing corridor and will add to the existing positive, pedestrian-oriented environment. Therefore, staff recommends approval.

Notification:
Public hearing notices were sent to 31 owners of property within 200 feet; the City has received no responses in favor or in opposition.

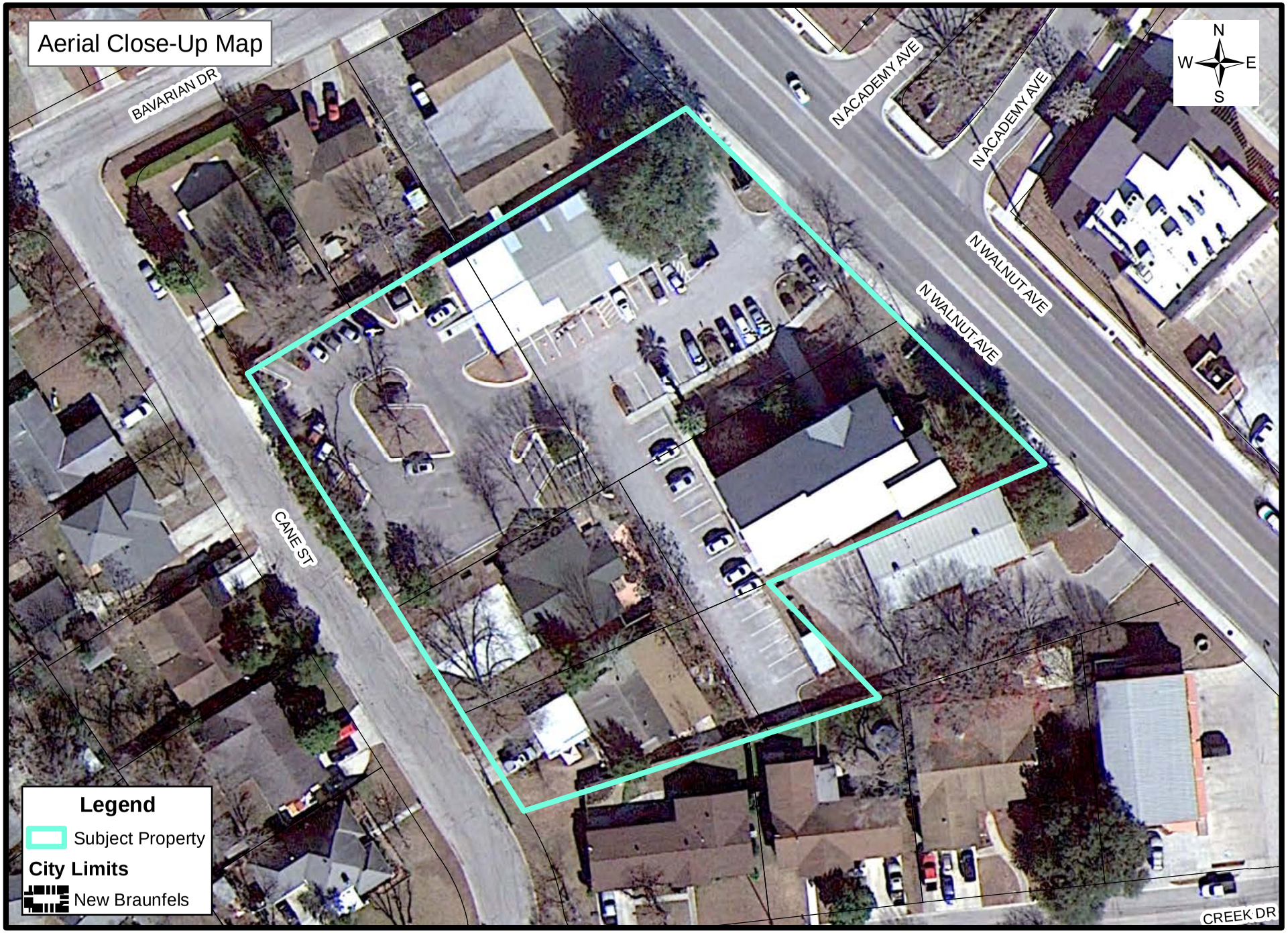
Attachments:
1. Aerial Maps
2. Proposed SUP Site Plan
3. Land Use Maps (Zoning, Existing Land Use and Future Land Use Plan)
4. Notification List and Map
5. Photographs
6. Sec. 3.3-2, R-2 & Sec. 3.6, SUP
7. Ordinance No. 2012-43
8. Excerpt from Draft Minutes of March 5, 2019 Regular Planning Commission Meeting
9. Ordinance



City of New Braunfels

PZ-18-051
611 N. Walnut
Amendment to a Type 2 SUP

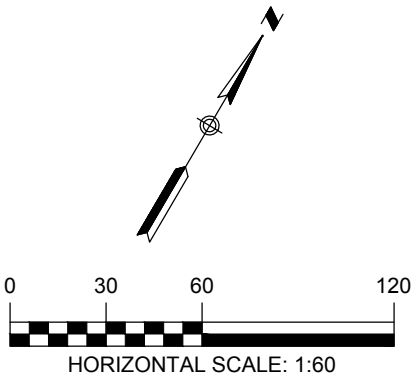
ATTACHMENT 1

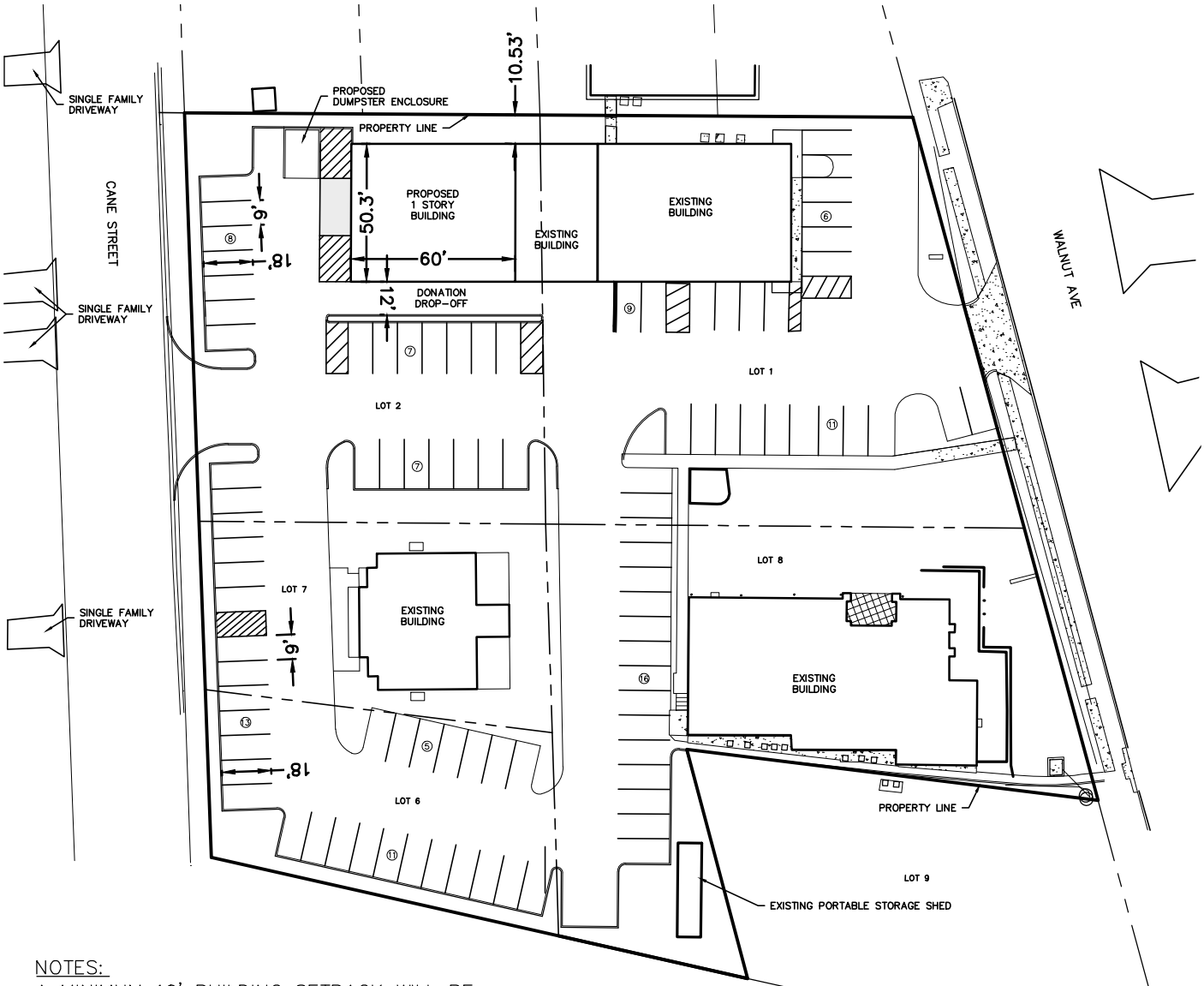


City of New Braunfels

PZ-18-051
611 N. Walnut
Amendment to Type 2 SUP

EXISTING RETAIL	5,000 SF
PROPOSED RETAIL	3,000 SF
TOAL RETAIL	8,000 SF
EXISTING PROFESSIONAL OFFICES	10,000 SF
TOTAL OFFICE	10,000 SF
REQUIRED PARKING RETAIL (1 SPACE PER 200 SF)	40 SPACES
REQUIRED PARKING OFFICE (1 SPACE PER 300 SF)	33 SPACES
TOTAL PARKING TO REQUIRED	73 SPACES
EXISTING PARKING	74 SPACES
ADDITIONAL PARKING	19 SPACES
TOTAL PARKING PROVIDED	93 SPACES





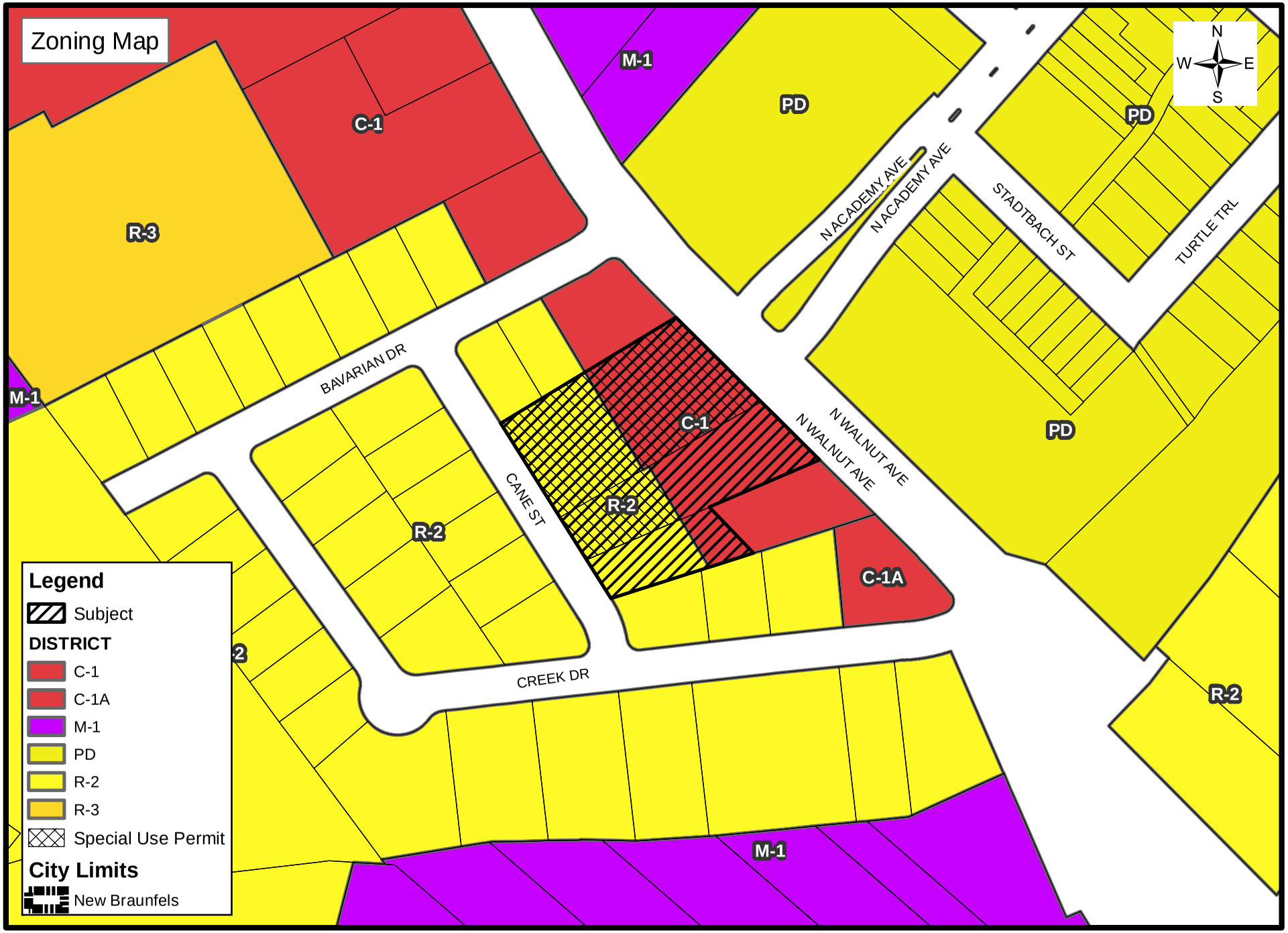
NOTES:
A MINIMUM 10' BUILDING SETBACK WILL BE PROVIDED ALONG THE NORTHERN PROPERTY LINE

TYPE 2 SUP SITE PLAN

(PROPOSED SUP SITE PLAN)

HMT ENGINEERING & SURVEYING
8200 W INTERSTATE 10, STE 810
SAN ANTONIO, TX 78253
HMTNB.COM
P(210) 562-3844•F(210) 562-3236
TBPE FIRM F-10961
TBPLS FIRM 10153600

Drawing Name: M:_Projects\003 - CgM & Associates_Craig Massouh\003.014 - Hope Hospice SUP\SUP\Type 2 SUP Site Plan.dwg User: hannahm Feb 14, 2019 - 4:23pm



City of New Braunfels

PZ-18-051
611 N. Walnut
Amendment to Type 2 SUP

ATTACHMENT 3

City of New Braunfels

PZ-18-051
611 N. Walnut
Amendment to Type 2 SUP

EXISTING CENTERS

Centers are the middle, core or heart of an area. It is a point of activity and vitality. Centers come in many sizes and have different purposes or activities within. They may have endangered species habitat or aquifer recharge areas that require additional standards and consideration relating to future growth. It is envisioned that all centers be walkable, connected, and have a mix of uses. These centers must provide adequate infrastructure to support the commercial development present especially mobility and access for pedestrians, bicycles, vehicles and transit. Given the mixed-use nature of these centers, parking should be shared and not detract from the aesthetic of the area.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

MEDICAL CENTER

Medical Centers are mixed-use areas centered around a medical destination such as a hospital or clinic.

CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

OUTDOOR RECREATION CENTER

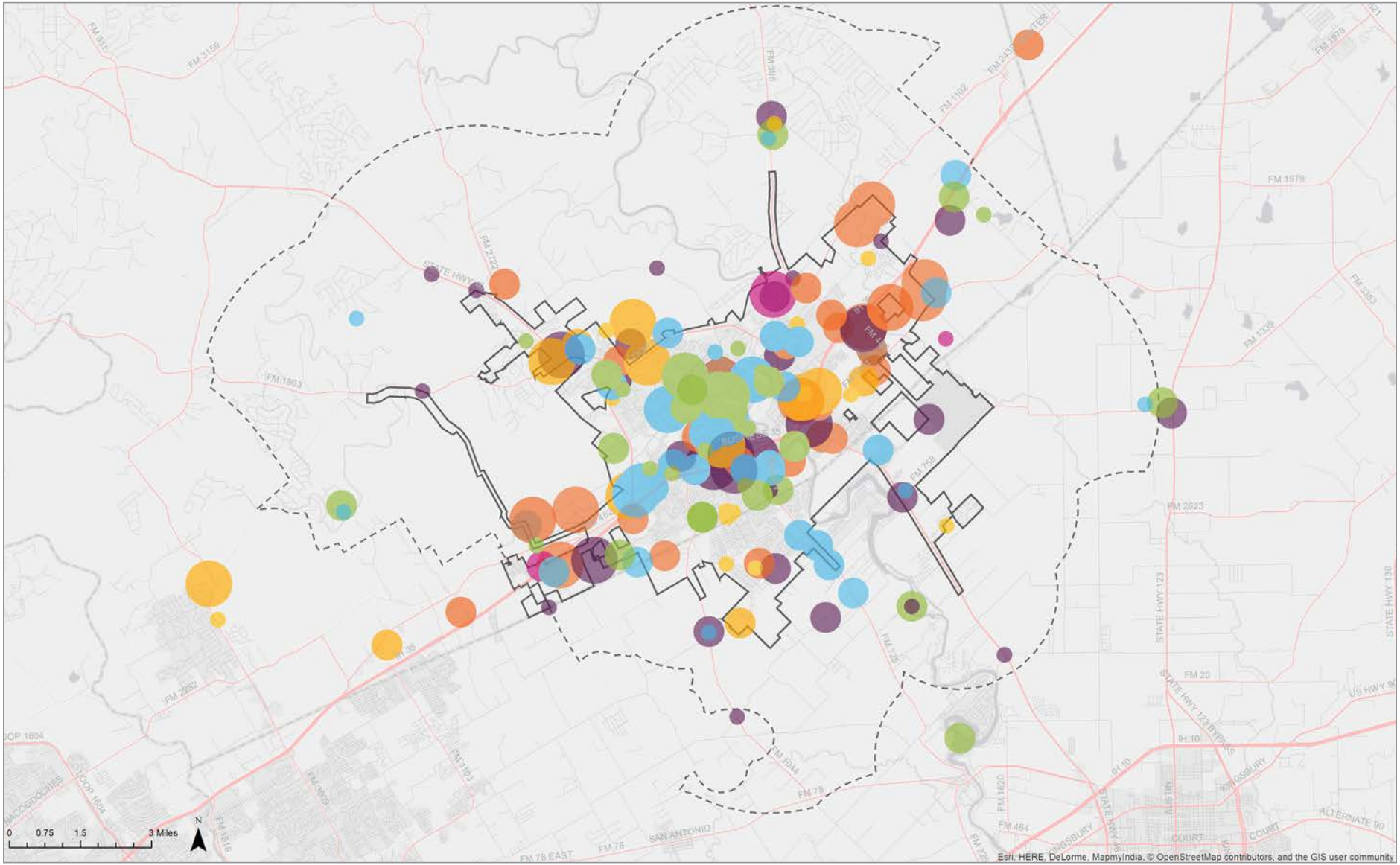
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

EDUCATION CENTER

Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

TOURIST/ENTERTAINMENT CENTER

Tourist/Entertainment Centers are mixed-use areas around an entertainment venue such as Gruene Hall or a tourist destination such as the Tube Chute.



The location of existing centers was determined through the analysis of previous studies and background documents, windshield surveys, and reviewed by City staff, Steering Committee members, and Plan Element Advisory Group members during a public workshop.

FUTURE LAND USE PLAN

A future land use plan is how land is envisioned to be. It establishes priorities for more detailed plans (sub area plans) and for detailed topical plans (such as parks and open spaces, trails and roads). It cannot be interpreted without the goals and actions of Envision New Braunfels.

TRANSITIONAL MIXED-USE CORRIDOR
Transitional Mixed-Use Corridors express an aspiration to retrofit existing auto-dominated retail corridors with a mix of uses and a variety of travel modes over time.

OUTDOOR RECREATION CENTER
Outdoor Recreation Centers are centered around a public or private outdoor destination like Fischer Park.

EMPLOYMENT CENTER
Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER
Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

CIVIC CENTER
Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

SUB AREA 1
Sub Area 1 includes the Downtown, Gruene and the Mid-Century or older neighborhoods that surround them. It is home to the natural springs and headwaters of flowing rivers that have attracted New Braunfelsers to the town for centuries.

SUB AREA 2
Sub Area 2 refers to the neighborhoods and residential enclaves that have grown alongside the Hill Country landscape.

SUB AREA 3
Sub Area 3 includes a planned community offering a diversity of housing, distinct community centers and preserved Hill Country landscape features.

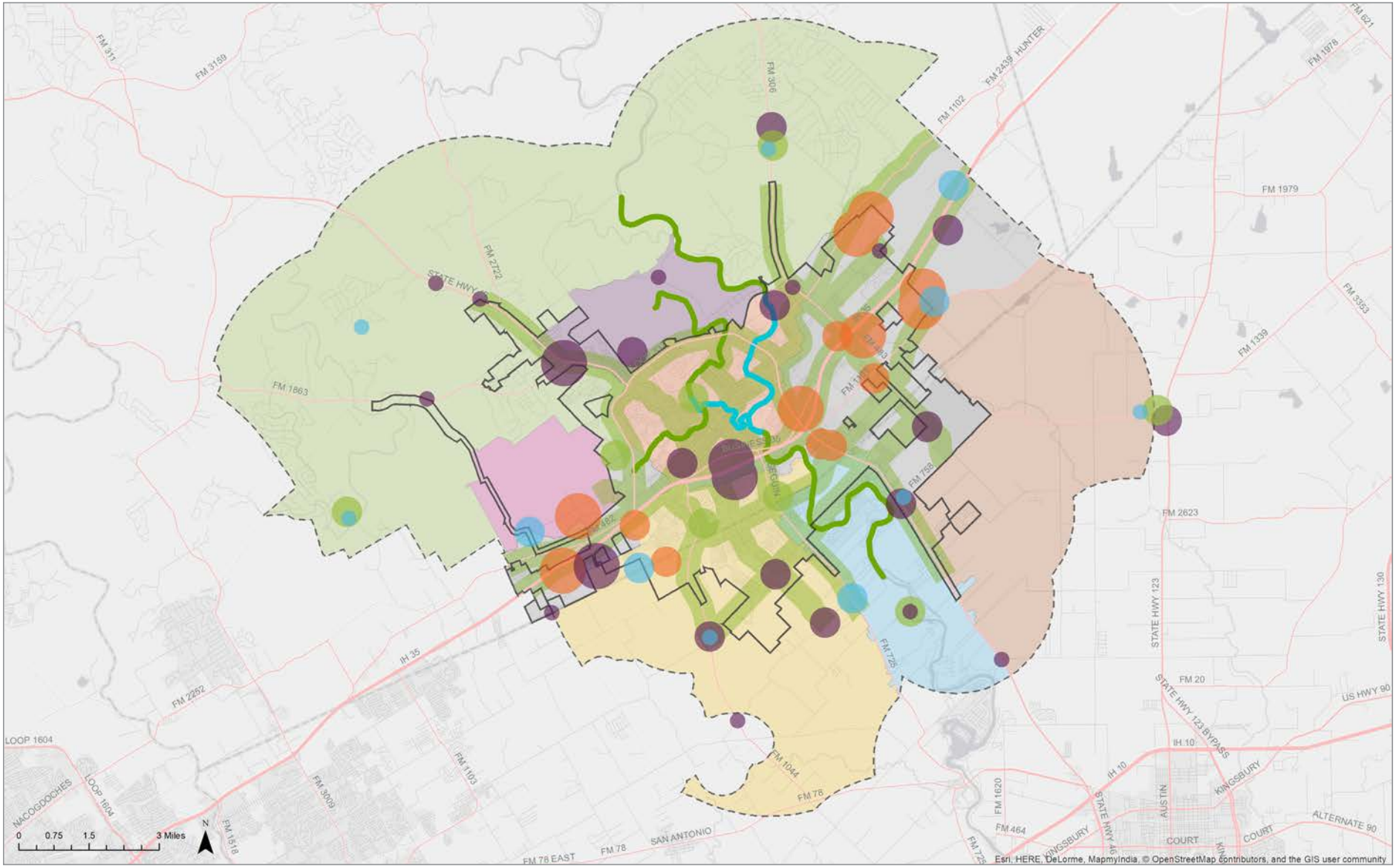
SUB AREA 4
At the heart of Sub Area 4 is Fischer Park. Proximity to IH-35, downtown and neighboring communities like McQueeney makes this area highly desirable and accessible.

SUB AREA 5
Sub Area 5 bridges together many communities east of IH-35. It includes the scenic landscape along both banks of the Guadalupe River between Highway 46 and FM 725.

SUB AREA 6
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7
Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

SUB AREA 8
This fast-growing Sub Area includes many neighborhoods offering affordable places for young families to live.



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 – FEBRUARY 5, 2019 – 6:00PM

New Braunfels City Hall Council Chambers

Applicant/Owner: Hope Hospice (Arlon Hermes, President)

Address/Location: 611, 613 and 617 North Walnut Avenue and 6, 8, 10 and 12 Cane Street

PROPOSED ZONE CHANGE – CASE #PZ-18-051

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

1. PROPERTY OWNER
2. TWOFOLD LLC
3. TRIESCH WAYNE E & LINDA
4. PROPERTY OWNER
5. KMNB LLC
6. WIEGEL BRANDEN CHUCK
7. FRITSCH JENS & KATIE M
8. MARTINEZ ARMANDO
9. BURSEY ERIC & MOLLY
10. ARMENDARIZ JESUS O & DORA E
11. WALKER MAUREEN P
12. ELLIOTT ROBERTA D
13. HAFFNER ARNOLD
14. WOOLSEY JULIE R
15. WOOLSEY ASHLEY N
16. PITTMAN JEANNETTE
17. DEAN BARBARA H
18. CINOTTO DAVID J & CHRISTINA M
19. EVANS PAUL ET AL
20. MORALES KARLO & NIDIA
21. BARTHELS CHELSEA & CLINTON
22. FLANAGAN JOHN R
23. WILLEFORD DWAYNE S & WANDA L BARTA
24. FROBOESE-KRUCIAK AMANDA S & BRANDON K
25. SCHALESKY DANA P & DEBORAH E
26. BERTOLACCI JOSH & KELSEY
27. EVANS PAUL & SANDRA
28. CREEK PLAZA LLC
29. COMAL CREEK RETAIL LLC
30. TC TOWN CREEK TEXAS LP
31. DELAVAN SYLVIA A

SEE MAP

ATTACHMENT 4

City of New Braunfels

PZ-18-051
611 N. Walnut
Amendment to a Type 2 SUP

Map Created 1/11/19

City of New Braunfels

PZ-18-051
611 N. Walnut
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City of New Braunfels

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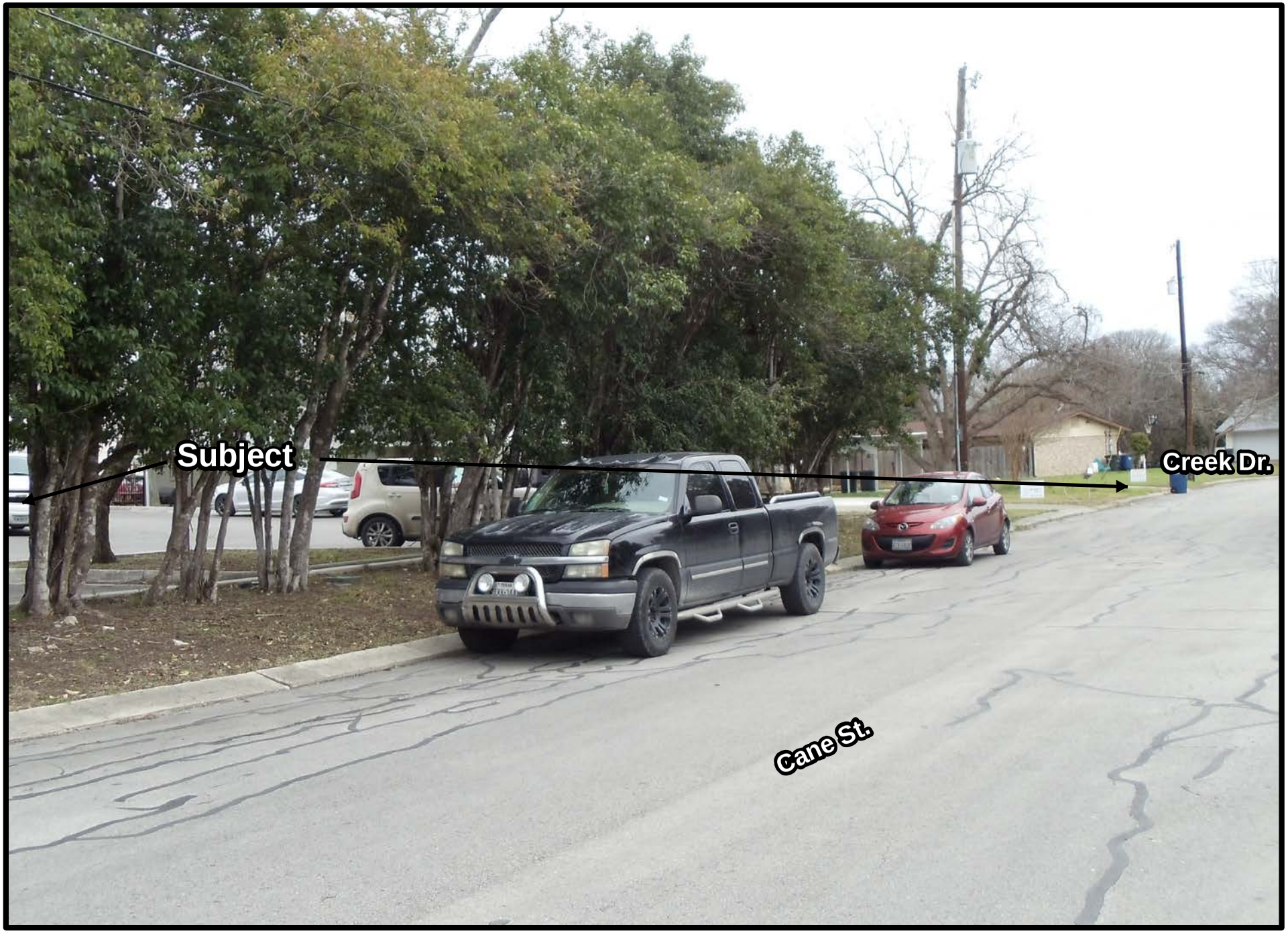


City of New Braunfels

PZ-18-051
611 N. Walnut
Amendment to Type 2 SUP

City of New Braunfels

PZ-18-051
611 N. Walnut
Amendment to Type 2 SUP

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. 3*5 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.

(CURRENT SPECIAL USE PERMIT ORDINANCE)

ORDINANCE NO. 2012- 43

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, GRANTING A TYPE II SPECIAL USE PERMIT TO ALLOW THE ERECTION OF PROFESSIONAL OFFICES AND RELATED PARKING IN AN "R-2" SINGLE AND TWO FAMILY DISTRICT LOCATED AT 617 N. WALNUT AVENUE AND 12 CANE 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 the proposed uses and improvements; and

WHEREAS, the City Council desires to grant a Type II Special Use Permit to 617 N. Walnut Avenue and 12 Cane Street, to allow the erection of professional offices and related parking in the "R-2" Single and Two-Family District;

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

SECTION 1

THAT Sections 3.6-2 and 3.6-3, Chapter 144 of the New Braunfels Code of Ordinances and particularly the Zoning Map of the City of New Braunfels, are revised by adding the following described tracts of land as a "Type II Special Use Permit" for the uses and conditions herein described:

"Being Lot 2, Tri County Subdivision and the west 130 feet of Lot 7, Block 4, Bavarian Village Subdivision, located at 617 N. Walnut Avenue and 12 Cane Street, to allow the erection of professional offices and related parking in an "R-2" Single and Two-Family District."

SECTION 2

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

ATTACHMENT 7

1. *Exhibit 'A' shall be considered the adopted site plan. Changes to the site plan in relation to commercial business will require amendment of the Special Use Permit by City Council.*
2. *Exhibit 'B' shall be the adopted construction schedule. Changes to the construction schedule in relation to the approved SUP will require amendment of the Special Use Permit by City Council.*
3. *A gate must be provided on Cane Street and must be keypad or badge entry only with a motion-controlled exit and must remain closed except when in use.*
4. *No gate shall be constructed to restrict access to Walnut Avenue.*

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.

PASSED AND APPROVED: First Reading this the 13th day of August, 2012.

PASSED AND APPROVED: Second Reading this the 27th day of August, 2012.

CITY OF NEW BRAUNFELS

GALE POSPISIL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

U:\Planning\Ordinances\Special Use Permits\Hope Hospice SUP 7-23-12.ord.docx

LEGEND
EXISTING BUILDING
FUTURE EXPANSION

TREE TABLE	
LABEL	DESCRIPTION
604	28" PALM
605	4" REDBUD
606	46" LIVE OAK
607	24" PECAN
608	36" PECAN
609	12" LIVE OAK
637	30" PECAN
1538	12" FIG
1539	15" FIG
1540	14" SYCAMORE
1542	24" PECAN
1543	30" PECAN
1544	28" PECAN
1759	35" PECAN
2003	36" PECAN

1 A1.0 COMPOSITE SITE PLAN
SCALE 1/16" = 1'-0"

SEAL:
INTERIM REVIEW

ARCHITECT
CGM and Associates Architects
968 W. San Antonio Street
New Braunfels, TX 78130
830-620-0770 Office
craig@cgm-arch.com
www.cgm-arch.com

CONSULTANT

HOPE HOSPICE MASTER PLAN
New Braunfels, Texas
CONCEPTUAL SITE PLAN

OWNER:
HOPE HOSPICE
611 North Walnut Avenue
New Braunfels, Texas 78130
Phone: (830) 625-7600

NAME	DATE	DESCRIPTION

PROJECT NO 1209-2012
CAD DWG FILE
1209 HOPE HOSPICE- SITE PLAN FILE 06192012.DWG
DRAWN BY RG
CHKD BY RG/CM
DATE 06-JUN-2012
COPYRIGHT
CGM & ASSOCIATES ARCHITECTS, INC. 2012
SHEET TITLE
CONCEPTUAL SITE PLAN

A1.0
SHEET 1 OF 1

EXHIBIT "A"

HOPE HOSPICE SITE PLAN

The Hope Hospice Site Plan, as presented to the Council, shows the completed vision which includes an enlarged Thrift Shop, plenty of parking, and a larger office building. This plan accommodates future growth of services.

As a nonprofit agency we receive much support from the community; however, at times, our vision is limited by financial realities. Due to this, we have broken down our long term plan into three phases.

Phase one is currently in operation. Our budget contains funds for purchasing the duplex behind the main office building, Thrift Shop renovation, and parking lot expansion on the land currently owned. Timing of this phase was planned with the work on Walnut Street in mind, as Thrift Shop revenues are expected to decrease due to road construction. Phase one should be completed by June 2013.

Phase two is expected to take 2-5 years; again, funds to complete the project will determine some of the timing. This phase includes removal of the duplex at 12 Cane Street and turning the lot into additional parking.

Until phase two begins, options for we would like to consider concerning the duplex include renting as currently the case, temporary conversion to a hospice residential unit, or using as additional office space and/or storage. With the residential unit, patients and their families will rent the duplex for short time periods. Hospice regulations require a home setting so the neighborhood should not see any differences between regular renters and residential renters.

If we were to use the duplex as office space or for storage, we would remove the wood fence only on the very back of the property and use the back doors as main entries. Parking would be in existing parking lots; it is not our intent to utilize the driveway on Cane Street in any way.

Once phase two is complete, fundraising for the current office building expansion will begin. We believe the entire vision may take eight to ten years to complete.

EXHIBIT "B"

Excerpt of Minutes from the March 5, 2019 Regular Planning Commission Meeting

PZ-18-051 Public hearing and recommendation to City Council regarding the proposed rezoning of 617 North Walnut Avenue and 6, 8, 10 and 12 Cane Street, to amend a Type 2 Special Use Permit for professional offices and parking lots in the "R-2" Single and Two-Family District.
(Applicant: Hope Hospice; Case Manager: M. Greene)

Mr. Greene summarized the request and stated Staff recommended approval.

Chair Edwards invited the applicant to speak.

Dick Hillyer, 393 Guada Coma, stated he would speak on behalf of Hope Hospice. He detailed the reasoning for the request and stated the adjacent residents have confirmed their support for the proposed improvements to the property.

Chair Edwards asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wished to speak in opposition.

No one spoke.

Motion by Commissioner Laskowski, seconded by Commissioner Nolte, to close the public hearing. Motion carried (9-0-0).

DRAFT

ORDINANCE NO. 2019-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW PROFESSIONAL OFFICES, AN ADDITION TO A THRIFT STORE BUILDING AND ASSOCIATED PARKING IN THE "R-2" SINGLE AND TWO-FAMILY DISTRICT, ADDRESSED AT 617 NORTH WALNUT AVENUE AND 6, 8, 10 AND 12 CANE 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 City Council desires to grant a Type 2 Special Use Permit for property addressed at 617 North Walnut Avenue and 6, 8, 10 and 12 Cane Street, to allow professional offices, an addition to a thrift store building and associated parking in the "R-2" Single and Two-Family District; **now therefore,**

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

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by adding the following described tract of land as a "Special Use Permit" for the uses and conditions herein described:

> "Being Lot 2, Tri County Subdivision and the west 130 feet of Lots 6 and 7, Block 4, Bavarian Village Subdivision, addressed at 617 North Walnut Avenue and 6, 8, 10 and 12 Cane Street, as delineated in the attached Exhibit 'A', to allow professional offices, an addition to a thrift store building and associated parking in the "R-2" Single and Two-Family District."

SECTION 2

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

1. The property will remain in compliance with the approved site plan in attached 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 25th day of March, 2019.

PASSED AND APPROVED: Second Reading this the 8th day of April, 2019.

CITY OF NEW BRAUNFELS

_____

BARRON CASTEEL, Mayor

ATTEST:

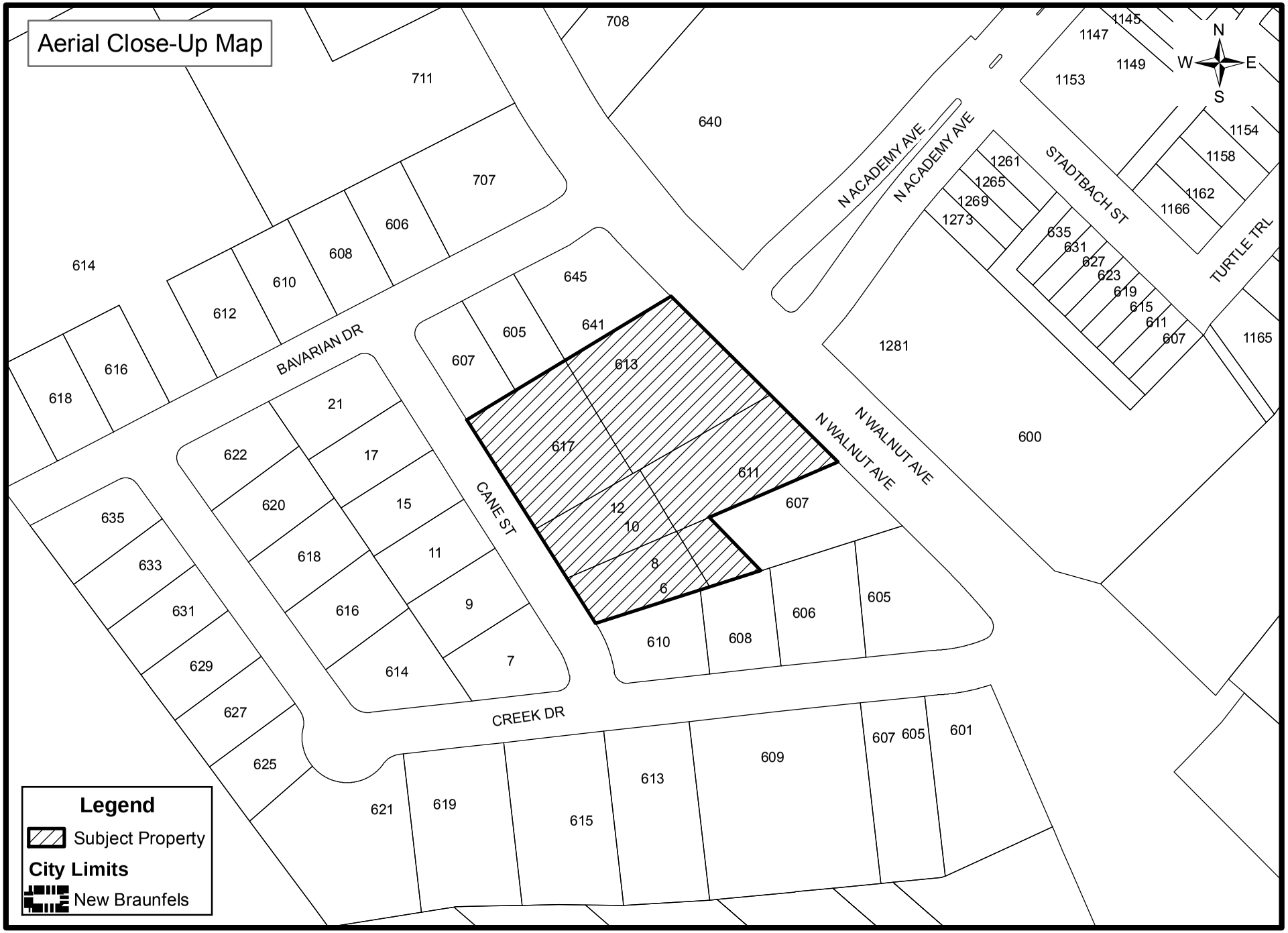
_____

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

_____

VALERIA M. ACEVEDO, City Attorney



City of New Braunfels

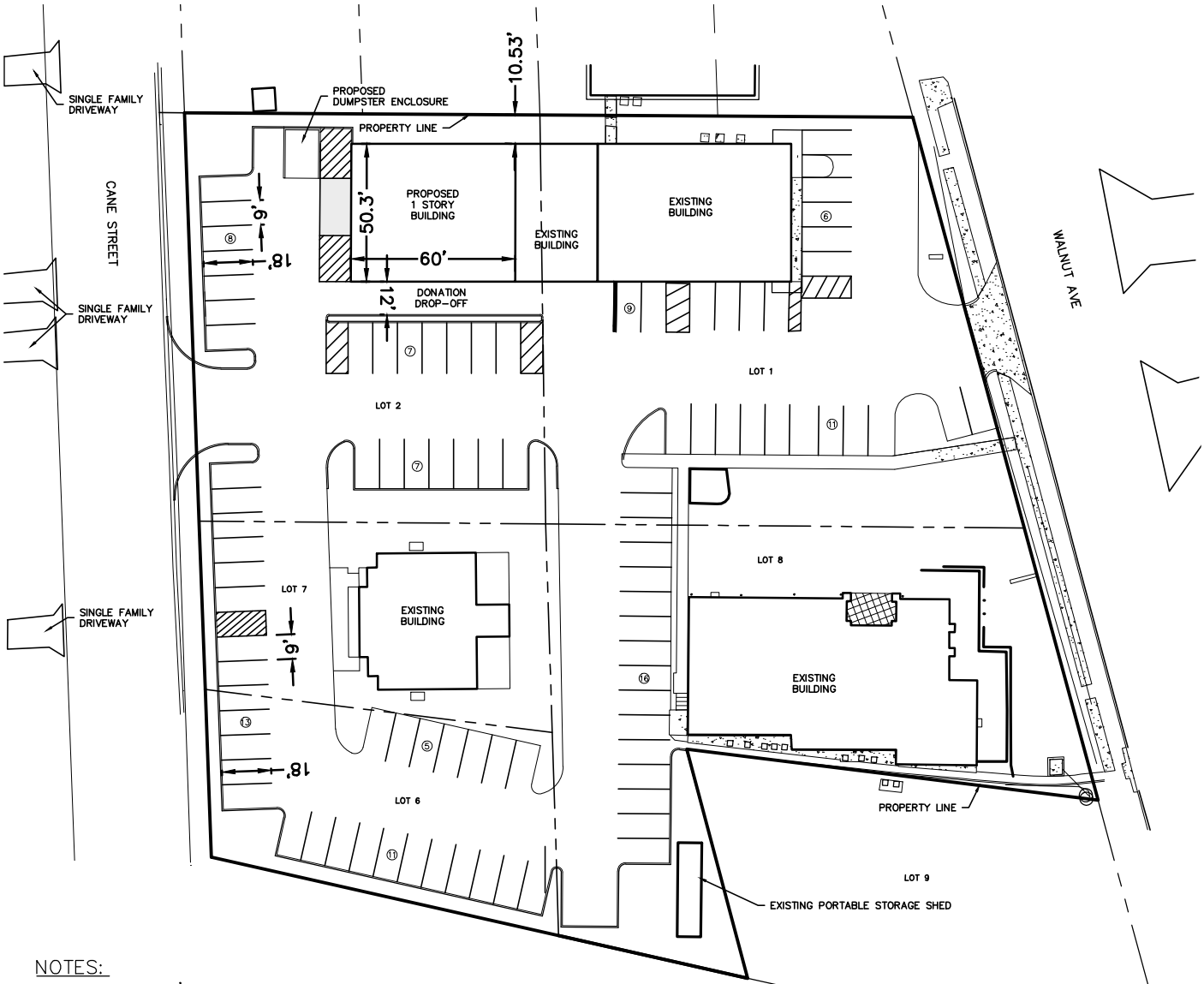
PZ-18-051
611 N. Walnut Ave & 6, 8, 10 & 12 Cane St.
Type 2 SUP

EXHIBIT 'A'

EXISTING RETAIL	5,000 SF
PROPOSED RETAIL	3,000 SF
TOAL RETAIL	8,000 SF
EXISTING PROFESSIONAL OFFICES	10,000 SF
TOTAL OFFICE	10,000 SF
REQUIRED PARKING RETAIL (1 SPACE PER 200 SF)	40 SPACES
REQUIRED PARKING OFFICE (1 SPACE PER 300 SF)	33 SPACES
TOTAL PARKING TO REQUIRED	73 SPACES
EXISTING PARKING	74 SPACES
ADDITIONAL PARKING	19 SPACES
TOTAL PARKING PROVIDED	93 SPACES

0 30 60 120

HORIZONTAL SCALE: 1:60



NOTES:
A MINIMUM 10' BUILDING SETBACK WILL BE PROVIDED ALONG THE NORTHERN PROPERTY LINE

TYPE 2 SUP SITE PLAN

HMT ENGINEERING & SURVEYING
8200 W INTERSTATE 10, STE 810
SAN ANTONIO, TX 78253
HMTNB.COM
P(210) 562-3844•F(210) 562-3236
TBPE FIRM F-10961
TBPLS FIRM 10153600

EXBHIBIT 'B'

Drawing Name: M:_Projects\003 - CgM & Associates_Craig Massouh\003.014 - Hope Hospice SUP\SUP\Type 2 SUP Site Plan.dwg User: hannahm Feb 14, 2019 - 4:23pm

City of New Braunfels

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

4/8/2019

Agenda Item No. A)

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

SUBJECT:
Public hearing and first reading of an ordinance regarding Youth Programs Standards of Care for the Parks and Recreation Department.

BACKGROUND / RATIONALE:
The City of New Braunfels Parks and Recreation Department plans to offer elementary-age day camp programs for children ages 5-13, as we have for many years. The Texas Legislature requires municipal day camp youth programs for these ages to meet day care licensing requirements or file for an exemption (Section 42.041 (b) (14) of the Human Resources Code). To receive exempt status, a municipality must submit a copy of program standards, a notice of a public hearing for the program and a copy of the ordinance adopting the standards.

Youth Programs Standards of Care will provide basic child care regulations for day camp activities operated by the New Braunfels Parks and Recreation Department. This will allow the department to qualify as exempt from requirements of the Texas Human Resources Code.

The Standards of Care will include:

- Staff ratios
- Minimum staff qualifications
- Minimum facility, health, and safety standards
- Mechanisms for monitoring and enforcing the adopted local standards
- Provide notice to parents that the day camp program is not licensed by the state

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

X	Yes	City Plan/Council Priority	Strategic Priorities: Effective Management: Maintain an ongoing program to provide exemplary customer service.

FISCAL IMPACT:
N/A

COMMITTEE RECOMMENDATION:
The Parks and Recreation Advisory Board recommended approval of the ordinance for Youth Program Standards of Care at their meeting on March 19, 2019.

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance for Youth Program Standards.

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City of New Braunfels

PARKS AND RECREATION DEPARTMENT

CAMP MINNEHAHA

New Braunfels Parks and Recreation

2019 Parent & Camper Handbook

Landa Recreation Center
164 Landa Park Drive
New Braunfels, TX 78130

Phone: (830) 221-4370

Hours of Operation: 7:30am-6:00pm, Mon-Fri

Table of Contents

- Table of Contents & Contact Information
- Mission/Goals
- Standards of Care
- Check-in/out & Payment Policy
- Preparing for Camp
- Daily Camp Schedule
- Water Activity Policy
- Camp Rules
- Behavior Policy
- Cell Phone/Electronics Policy
- Medication Policy
- Sudden Illness/Injury Policy

Contact Information

Landa Recreation Center Front Desk: (830) 221-4370

Recreation Programs Coordinator, Cassandra Paddock

Camp Coordinator, Sydney Paredes

Assistant Camp Coordinator, Laura Ochoa

If you need to be in touch with your camper or their counselor, please contact the Front Desk and they will relay the message in a timely manner. Camp Staff operates on a 2-way radio system. The Front Desk of the Recreation Center can radio and communicate with all camp staff throughout the day.

Any concerns regarding camp may be directed to the Camp Coordinator or the Recreation Programs Coordinator.

Camp Minnehaha is not licensed by the state of Texas in accordance with Chapter 42.041(b) (14) of the Human Resources Code.

Mission/Goals

City of New Braunfels Parks and Recreation Mission Statement:

Our mission is to afford diverse opportunities and access for all residents and visitors through innovative programs and facilities, open space preservation and economic enhancement

City of New Braunfels Parks and Recreation Vision Statement:

Our vision is to enhance the wellbeing of our community through laughter, play, conservation and discovery

Goals of Camp Minnehaha

Camp Minnehaha strives to provide safe and quality recreation experiences that develop camper's sense of self through the positive development of self-identity, self-esteem, self-confidence and self-respect.

Camp Minnehaha is not licensed by the state of Texas in accordance with Chapter 42.041(b) (14) of the Human Resources Code.

The following are policies, procedures and standards to be followed by staff, participants and parents to provide for the care and enjoyment of program participants enrolled in City of New Braunfels Parks and Recreation camp programs.

Standards of Care

Standards of care established by the City of New Braunfels will be monitored and enforced by City departments responsible for their respective areas as identified:

- Health and safety standards will be monitored and enforced by the City's Police, Fire, Health and Code Enforcement Departments.
- Staff and program issues will be monitored and enforced by the New Braunfels Parks and Recreation Department. Each Supervisor is responsible for visually checking the camp activities daily.
- Criminal Background Checks and Drug Tests will be conducted on prospective Day Camp employees and volunteers.
- Staffing Ratios: The number of children may not exceed staff by a minimum ratio of 1 staff per 15 children, ages 5-12.
- Program employees will inspect sites frequently for any sanitation or safety concerns. Those concerns should be passed on to Athletic Coordinator, Recreation Programs Coordinator, or Recreation Manager.
- Each program must have a fully stocked first aid kit.
- In a situation where evacuation is necessary, the first priority of staff is to make sure all participants are in a safe location.
- Program sites will be inspected by the Fire Marshall annually. Each Supervisor is responsible for compliance with Fire Marshall's directives.
- Emergency phone numbers are kept at the front desk and staff communicates between one another, the front desk and the Supervisor with two-way radios.
- Staff shall notify parents or authorized persons of children in the facility when there is an outbreak of a communicable disease required to be reported to the County Department of Health. Staff must notify parents of children in a group when there is an outbreak of lice or other infestation in the group.

Payment Policy & Checking In/Out

Payment Policy

Payment must be taken at the time of registration. A spot in the Camp Minnehaha program cannot be held without payment in full, this includes upcoming weeks after a camper is enrolled in the program. Camp Minnehaha does not offer scholarships or payment assistance for enrollment in the program.

Parents/Caregivers not able to pay for the entire summer up front, are encouraged to stay 2-3 weeks ahead in the enrollment process.

Check-in/out Policy

Check-in Time: 7:30-8:00am
Check-out Time: 5:00-6:00pm
We encourage campers to participate in a FULL DAY of camp!
Parents/Caregivers are required to complete a Personal Information Form (PI Form) for each camper. Parents/Caregivers will list on the PI Form each person they give permission to drop-off and pick-up their camper.

Only those listed on the PI form will be allowed to sign a camper in or out of the Camp Minnehaha Program. We do require a Driver's License or Photo ID at check-out.

Additions or subtractions to the PI form can only be made by a legal guardian and must be made in person at the Landa Recreation Center.

We require parents/caregivers or approved individuals on the PI form to sign their camper into and out of the program with a camp staff member in either the lobby or at curbside check-in (7:30-8:15am).

A table for check-in & check-out will be set-up in the front lobby of the Landa Recreation Center.

Please check the table for any important information or forms.

Late Fees

Parents/Caregivers who arrive after 6:00pm for pick-up will be charge a fee of a $1.00 per minute they are late. Fees are due at time of pick-up. Notices of being late are greatly appreciated, but fees will still apply.

If parents and emergency contacts cannot be contacted after 30 minutes, New Braunfels PD may be called.

Preparing for Camp

What to bring to camp each day

- Sack lunch *(refrigeration is not provided)*
- Water bottle (*it's hot and we want you to stay hydrated!)*
- Sun screen *(sunburned campers are NOT happy campers)*
- Swimsuit & towel for swimming days *(see weekly schedule)*
- Smile & Enthusiasm ☺
- Bring Clothes/ Shoes that can get dirty.

Items brought to camp can be stored in the upstairs meeting room in their designated Tribe area.

What NOT to bring to camp

- Cell Phones
- Toys (fidget spinners)
- Electronics
- Cards (Pokémon, Magic, collections, Yu-gi-oh, etc.)
- Water Toys
- Sports Equipment (Lifejackets are an exception)
- Gum or Candy
- Sandals/ flip flops/crocs or any shoes without a back or heel strap

Dress Code

- Be comfortable and dress appropriate for weather
- **Please wear tennis shoes** for running around and playing
- Sandals/ flip flops/crocs or any shoes without a back or heel strap **not** allowed
- At camp we play hard, so please know campers do get dirty (we don't recommend wearing your Sunday best!)
- Clothing that promotes substances, poor language, or anything inappropriate will not be tolerated
- Shorts must be an appropriate length, and shirts may not be revealing

It is recommended that all items brought to camp have the camper's names or initials on them.

Daily Camp Schedule

We think our camp program is fun enough, exciting enough, and important enough that campers should participate in a full day! Please make every effort to arrive to camp by 8am and depart after 5pm.

Time	Activity
7:30-8:00am	Arrival/Check-in
8:00-8:30am	"WAKE-UP"
8:30-9:00am	Tribal Calls, Awards & Announcements
9:00-10:00am	Period One
10:00-11:00am	Period Two
11:00-12:00pm	Jr. Campers: LUNCH Sr. Campers: Period Three
12:00-1:00pm	Sr. Campers: LUNCH Jr. Campers: Period Three
1:00-2:00pm	Period Four
2:00-3:00pm	Period Five- A.B.C.'s
3:00-3:30pm	SNACK
3:30-5:00pm	ALL CAMP EVENT
5:00-6:00pm	Open Gym/Check-Out

- Campers will be divided into Camp Tribes according to age (please check the sign in sheet to find out your camper's tribe assignment) and will rotate through the daily schedule with their tribe. Campers will generally remain in the same tribe per each session.
- Campers are required to provide their own lunch each day. We do not offer refrigeration or microwaves for lunches.
- Camp Minnehaha will provide a daily snack. **Please inform us of any food allergies.**
- An activity schedule providing the specific activities camp tribes will participate in will be posted for parents/caregivers daily at the Rec. Center Front Desk.
- Campers will participate daily in "specials" which will either be swimming, mini golf, or paddle boats.

Water Activity Policy

We recognize that while water activities are fun and contribute to the overall Camp Minnehaha program, we also recognize that they involve risk. Camp Minnehaha takes every effort to minimize this risk and ensure the safety of both campers and staff.

Water Activities May Include:

- Swimming at the Aquatics Complex
- Paddle Boats at the Landa Park Boat House
- Fishing in Landa Park
- Nature & Science activities involving water retrieval in Landa Park

All Campers who wish to swim without a life jacket will be required to take a swim test on the first day of the week prior to the start of swim time. Staff will ask their tribe Monday morning who will be taking the swim test that day.

Swim Test Requirements:

- Swim tests will be administered in small groups by a certified lifeguard.
- Campers are required to jump into the Spring Fed pool at the Aquatics Complex with water going over their head, resurface, and tread water before swimming to the platform and back. Campers may use any swim stroke they desire to complete the swim test as long as they display good flotation and ability. Once they reach the wall they must be able to get themselves out of the pool without aid.

Campers who do not pass a swim test will be restricted to shallower waters during all water activities and will be required to wear a life-jacket at all times.

Parents/Caregivers may exempt their camper from participating in the swim test. In doing so, the parent/caregiver is requiring their camper to wear a life jacket and be restricted to shallower waters.

Camp Minnehaha requests that campers requiring a life jacket during water activities provide a life jacket for the camper. Please label the life jacket with the camper's name. Life jackets may be left at camp for use during all activities. Camp Minnehaha will provide life jackets for camper families that cannot afford to purchase one. Please note that inner tubes, arm floaties and other flotation devices are not a substitute for lifejackets.

All camper groups participating in water activities will be supervised by a certified lifeguard and staff trained in water emergency procedures.

Parents/Caregivers shall be notified of water activities at the beginning of the week via the weekly camp schedule. Parents/Caregivers are asked to send appropriate swim wear, towel, and sun-screen with their camper on days that involve water activities.

Camp Rules

The rules of camp are designed to help create a positive and safe environment for both campers and staff. The rules are presented to campers in a positive way and focus on what campers should do rather than what they should not do. We use the rules of camp to help teach our campers to make good and positive choices.

1. Be Respectful
2. Be a Good Friend
3. Be Polite
4. Be a Good Listener
5. Be Kind
6. Be a Good Follower of Directions
7. Be Helpful
8. Be Responsible

Your First Day of Camp

To Drop Off:

- You will bring your camper inside to check in. It is very busy on day 1 and may take a few minutes to get your camper signed in.
- Staff will check your Participant Information Form and ask for any medication.
- You will sign your camper in, on your sign-in sheet you will see which tribe your camper has been assigned to. Please be prepared to write down who will be picking up your camper.
- Your camper will receive a Camp Minnehaha bag with their name on it. They do not have to use these bags, but it is encouraged.
- Once they have checked in they will go upstairs and put their belongings on their tribe shelf. If you would like to go with them you may but there is a staff member present to help them.
- After placing their belongings, they will go to the gym down the back stairwell and start their amazing fun filled day!
- Tribe Schedules will be posted daily, and the swim schedule is posted every week.

To Pick Up:

- You will need to bring a photo ID and show it to the staff member at the front desk.
- Please sign out your camper and look for any paperwork, letters or any other information that is on the table for you. If your campers name is highlighted please make sure to ask the staff, it means they need to talk to you.
- Staff will radio for your camper to get their belongings; please be patient your campers are sometimes involved in fantastic games and it takes us a few minutes to convince them they want to leave.
- Please ask your camper if they have all of their belongings, most campers will have at least one craft to take home per day.
- Please take home any medication that you have dropped off, staff are not available after hours.

Special Circumstances:

- It takes longer to pick up when your camper is not at the Rec Center, please check their schedule. If you plan on picking up when they will be away, calling beforehand is greatly appreciated.
- Please see lice section.

Behavior Modification Policy

We strive to create a safe and positive environment for all campers. We also encourage and promote campers to make positive choices that contribute to our safe environment.

We recognize that it's not always easy for campers to make positive choices and sometimes they don't know the right choice. It is in these instances that campers require guidance in making the right, positive choice. This is where our behavior plan is put into place. Our behavior plan is designed to provide positive guidance to campers and help teach them how to make positive choices.

For small behavior issues, children will be given reminders and have talks with their counselor about appropriate behavior. If these behavior issues continue to reoccur, or if the behavior warrants more than a chat, a "Minor" form will be filled out. This form is for problems with: following camp rules, being respectful, being safe, listening, making good decisions, following directions, being cooperative, being responsible and keeping hands/feet to themselves. This form is for staff to document behavior and relay information about issues to parents.

For large behavior issues, a "Major" form will be filled out. This form is for: verbal abuse towards self, other students, or staff, behavior requiring constant one-on-one intervention, damage to program location/building or property, damage to Camp Minnehaha property or damage to the property of others, and physical abuse towards self, other students or staff.

The following is the case for "Major" behavior incident reports:

- 1st Write Up- Camp Coordinator will call parent or talk to them upon pickup that day.
- 2nd Write Up- Parent meeting with Recreation Coordinator and Camp Coordinator.
- 3rd Write Up- 3 day suspension from Camp Minnehaha
- 4th Write Up- Dismissal from Camp Minnehaha

In cases of serious and/or ongoing behavior concerns behavior contracts may be written, parents will be given copy of the behavior contract. The terms of the contract will be agreed upon by the camper and the camp management. The Camp Coordinator or Assistant Coordinator will explain what is expected of the camper and what circumstances have led to the contract.

Please Note that Camp Minnehaha reserves the right to deny continued services to any camper who displays serious behavior concerns within our program.

Serious Behavior Concerns

Serious Behavior Concerns are defined as any action that causes physical harm to oneself or another person, extreme emotional harm to another person, property destruction, or puts the safety of oneself or another person in jeopardy.

F.Y.I.

FYI's or For Your Information sheets will be placed on the checkout table; they are folded in half with your campers name on them. These are to inform you of anything out of the ordinary that may have happened in your camper's day. You may or may not have been informed previously of the information on the form. Our staff will try to keep you as informed on your campers as possible.

Cell Phone/Electronics Policy

We are invested in the Camp Minnehaha program and hope that you are as well. We believe that our program is beneficial to our campers and the more they are engaged in the program the greater the benefit. To ensure that our campers are getting the full benefit of our camp program, we strongly discourage the use of electronic devices; in fact we don't even allow them at camp. This policy is not only for your child's benefit but your benefit as well, as we are not responsible for lost, stolen or damaged items.

Electronic Devices are defined as:

- Cellular Phones
- Computers
- Video game systems (i.e. Game boys, Nintendo DS, PSP's, etc.)
- I-Pads
- IPODS/MP3 Players
- Smart Watches

Camp Minnehaha does not permit the use of Electronic Devices during the hours of operation of Camp.

(7:30am-6:00pm, Monday-Friday)

If a camper brings any electronic device to Camp they will be asked to turn in the device to camp staff for the duration of the camp day. Confiscated electronic devices may be picked up from the front desk of the Landa Recreation Center by a parent/caregiver at the time of pick-up from the program.

Camp Minnehaha/Landa Recreation Center is not responsible for lost, stolen or damaged electronic device items.

Parents needing to get in touch with camp staff or their camper may contact the Front Desk of the Landa Recreation Center at **(830) 221-4370**. Front Desk staff will then contact the counselor via our 2-way Radio system to give them the necessary information.

We greatly appreciate your support in the implementation of this policy as it helps us to ensure the success of our program.

Medical Needs/Medications

Camp Minnehaha is not designed to support any major medical needs. All Camp staff is certified through the American Red Cross in First Aid/CPR/AED, but we do not staff any medical or nursing staff.

Campers who require the administration of medication during the camp day will need to have a Medication Authorization Form completed by a parent/caregiver and on file.

All medications brought to camp MUST be checked in to the Camp Coordinator and will be locked up in the office. The only exception to this rule is emergency medications, such as rescue inhalers or EPI-Pens. Emergency medications still need to be checked in to the Camp Coordinator, so we are aware campers have them.

All Medications must be brought to camp in the original pharmaceutical container, including the campers' name, medication name, dosage amount and times of administration.

When sending medications to camp, please only send the dosage amount for the current day.

The Camp Coordinator will log the medications including how they are administered, the dosage, and the time of administration in the Medical Administration Log Book.

Picking up medication is the responsibility of the parent. Staff is not available after hours if medication is left when campers are picked up.

Medications will be dispersed by a Camp Staff certified in First Aid/CPR/AED, and it will be documented in a Medical Administration Log Book.

Please do not send any campers to camp who are ill or contagious.

Sudden Illness/Injury

While we make every effort to keep kids injury free and healthy while at camp, kids do fall down and do get sick. To avoid the spread of illness and to ensure that kids are at their best to participate in camp programs, please do not send your child to camp if they are sick or injured.

All Camp Minnehaha Staff are certified in American Red Cross First Aid/CPR and AED

Injury

Should an injury occur during camp, staff will follow the following steps:

1. Assess the situation/remove other individuals from immediate danger-ensure safety of campers.
2. Radio injury to Front Desk at Recreation Center (if injury is severe, Front Desk will call 911).
3. Camp Coordinator and Administration will be sent to assist with injury/camper group if necessary.
4. Administer First Aid/CPR as required *(camp staff are equipped with basic first aid kits).*
5. Notify Parents of injury- if serious/severe via phone, if not serious via incident report at pick-up.
6. A serious injury requiring medical attention, (but not severe; i.e. stitches, sprain, broken bone), the camper will be transported to Christus Santa Rosa Hospital in New Braunfels via a city vehicle and camp staff personnel.
7. If injury is severe and requires EMS transport, a camp staff will accompany the camper to the hospital and stay until released by the arrival of a parent/caregiver.
8. An Incident Report will be completed by camp staff. One copy will be kept for our records and one copy will be sent home with the camper to parent/caregivers attention.

Sudden Illness

Should a sudden illness occur during camp, staff will follow the following steps:

1. Assess the situation.
2. Radio illness to Front Desk at Recreation Center and ask Coordinator/Administration relocate camper to front office if necessary (if Illness is severe front desk will call 911, camp staff will accompany to hospital until released by parent/caregiver arrival).
3. Administer first aid and care as needed & monitor camper.
4. Notify Parents of illness via phone.
5. If illness is serious, notify parent/caregiver they must pick-up their child from camp.
6. An Incident Report will be completed by camp staff. One copy will be kept for our records and one copy will be sent home with the camper to parent/caregivers attention.

In the case of a serious or severe injury or illness, a doctor's release may be required for the camper to rejoin the camp program.

Lice

If there is an incident of lice in camp as a precaution Camp Minnehaha **staff will check each camper BEFORE they may be admitted into camp. Please give yourself extra time to drop off your child to allow the check.** Keeping your child's safety and privacy as our utmost priority, we will do our best to be discrete and quick with these head lice checks. If we do have any lice incidents we will inform all camp families with a letter home or clearly posted sign. Please do not have the campers come with wet hair; it makes it hard to see them. Campers with long hair will be required to have their hair tied back until we have not had any cases for several days.

Campers with lice will be sent home until the lice have been treated and are no longer a risk to other campers.

Common signs and symptoms of head lice may include:

- **Intense itching**. An allergic reaction to the saliva that lice inject during feeding may result in itchy red bumps on your scalp, neck and shoulders. Some people, particularly if this is their first infestation, don't experience itching.
- **Adult lice on scalp.** The most common spots to find adult lice are behind your ears and along the back of your neck. Lice are tiny, about the size of a strawberry seed, but they can be up to 1/8 inch (3 millimeters) in size.
- **Lice eggs (nits) on hair shafts**. Nits resemble tiny pussy willow buds. Nits can be mistaken for dandruff, but unlike dandruff, they can't be easily brushed out of hair.

If your camper shows any of these symptoms, please consult your health care professional and seek treatment! As always, we are committed to the health and well-being of our campers at Camp Minnehaha! We also would appreciate notification so that we may be able to inform the other camp families; we will always be discrete on sensitive issues.

2019 Camp Minnehaha Swim Schedule

Monday

Time: 10:30-12:00pm
Camp Tribes: ALL CAMP (120 campers)
Pool: Springfed
Special Info: Swim tests will be given at this time and campers will be given wristbands identifying who has passed swim tests and who hasn't

Tuesday

No Swimming ☹

Wednesday

Time: 10:00-11:30am
Camp Tribes: Jr. Campers *(Eskimo, Hopi, Choctaw, Zuni, Kiowa)*
Pool: Springfed

Thursday

Time: 10:00-11:30am
Camp Tribes: Sr. Campers *(Apache, Shawnee, Mohawk, Arapaho, Hiawatha)*
Pool: Springfed

Friday

Time: 10:00-11:30am
Camp Tribes: Jr. Campers *(Eskimo, Hopi, Choctaw, Zuni, Kiowa)*
Pool: Springfed

Time: 1:00-2:30pm
Camp Tribes: Sr. Campers *(Apache, Shawnee, Mohawk, Arapaho, Hiawatha)*
Pool: Springfed

This schedule is subject to change on pool staff availability

ORDINANCE NO. 2019 - ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, ADOPTING DAY CARE STANDARDS FOR 2019; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the State of Texas Human Resources Code, Chapter 42 requires elementary age (5-13 years) recreation programs operated by a municipality annually adopt standards of care by ordinance after a public hearing in order to be exempt from child care licensing;

WHEREAS, the City Council of the City of New Braunfels has determined that Youth Programs Standards of Care will be beneficial to the City of New Braunfels and should be modified as recommended by Staff; and

WHEREAS, the City Council of the City of New Braunfels, Texas has the authority under its Home Rule Charter and under the laws of the State of Texas to adopt regulations aimed to protect the health, safety, and general welfare of its citizens.

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

The following standards of care are adopted by ordinance

Youth Programs Standards of Care

CITY OF NEW BRAUNFELS YOUTH PROGRAMS STANDARDS OF CARE

I. GENERAL INFORMATION/ADMINISTRATION

A. Purpose: To provide basic childcare regulations for recreation activities operated by the New Braunfels Parks and Recreation Department. This will allow the department to qualify as exempt from requirements of the Texas Human Resources Code.

B. Implementation: Program will be the responsibility of the New Braunfels Parks and Recreation Department, with Programs Supervisors and Coordinators (Recreation, Nature Education Center, Athletic and Aquatic) supervising the overall program and Recreation Specialists, Camp Coordinator, Assistant Coordinator, Recreation Instructors, KinderCare Leads and Kinder Care Attendants administering the program on-site.

C. Programs: Regulations apply to on-going recreational programs:
Holiday Adventure Camp
Spring Break Camp
Summer Day Camp
Day Off Day Camp
Nature Camps
Partial Sports, Nature and Hobby Camps
KinderCare- Das Rec

D. Other: Each site will make available for the public and staff a current copy of the Standards of Care. Standards of Care will also be made available on the Parks and Recreation Website at www.nbtexas.org/parks .

E. Program Sites:
Fischer Park Nature Education Center 1946 Monarch Way
Landa Aquatic Complex 350 Aquatic Circle
Landa Rec Center 164 Landa Park Drive
Landa Park 110 Golf Course Road
Das Rec, New Braunfels Recreation Center 345 Landa Street

F. Day Camp Objectives
1. To offer a program wide in scope and varied in activities of different recreational activities: sports, games, arts and crafts, nature education and discovery, etc.
2. To provide a pleasant and memorable experience in an engaging atmosphere.
3. To provide a safe environment always promoting good health and welfare for all.
4. To teach children how to spend their leisure time wisely, in an effort to meet several needs: emotional, physical and social.

G. Exemption Status: Once an exempt status is established, the Licensing Division will not monitor the recreational program. The Licensing Division will be responsible for investigating complaints of unlicensed childcare and for referring other complaints to the municipal authorities or, in the case of abuse/neglect allegation, to the local police authorities.

H. Standards of Care Review: Standards will be reviewed annually and approved by the City Council after a public hearing is held to pass an ordinance regarding section 42.041(b)(14) of the Human Resources Code.

I. Child Care Licensing will not regulate these programs nor be involved in any complaint investigation related to the program.

J. Any parent, visitor or staff may register a complaint by calling New Braunfels Parks and Recreation Administration Offices at 830-221-4350, Monday through Friday, 8:00 a.m. to 5:00 p.m.

II. STAFFING

A. **Day Camp Coordinator**-Job Descriptions and Essential Job Functions

Essential Job Functions:

1. Directs and supervises a day camp program for elementary aged children under the Supervision of the Programs Supervisor.
2. Develops and implements a daily camp curriculum under Parks and Recreation guidelines.
3. Responsible for ensuring camp activities are conducted in a safe, cost-efficient, professional manner.
4. Responsible for procurement of camp supplies, equipment and food items.
5. Responsible for all camp related record keeping.
6. Schedules all day camp counselors at appropriate levels to maintain established camper to staff ratios.
7. Interacts with parents, children and program staff to resolve disciplinary issues; evaluates and determines the enforcement of discipline guidelines; documents counseling sessions and prepares related reports.
8. Communicates daily with Programs Supervisor and holds weekly meetings with camp staff to monitor program during summer.
9. Supervises a staff of 4 -11 day camp leaders.
10. Is assisted by Assistant Camp Coordinator in this same duties with the similar qualifications.

Qualifications:

1. Required knowledge of operational characteristics, services and activities of summer day camp management and program planning and coordination and principles and practices of customer service.

2. Must possess a high school diploma or GED equivalent; AND one (1) year experience working with children required, with supervisory experience in a school or camp environment; one year college preferred.
3. Must possess a valid Texas Driver's License.

4. Must be able to successfully complete within two (2) weeks of employment: First Aid and Safety/Cardiopulmonary Resuscitation (CPR) / Automated External Defibrulator (AED) training.
5. Must possess skill in:

   a. Interpreting customer and facility needs and solving customer service and public relations issues.

   b. Demonstrating the ability to make sound decisions regarding the enforcement of disciplinary guidelines.

   c. Analyzing problems, providing alternatives, and identifying solutions in support of established goals.

   d. Responding to emergencies and determining corrective actions using available resources.

B. **Day Camp Counselor**-Job Descriptions and Essential Job Functions

Essential Job Functions:

1. Implements and monitors a day camp program for elementary aged children under the Supervisor of the Day Camp Coordinator and Assistant Coordinator.
2. Supervises and interacts with camp participants in a wide variety of recreational activities.
3. Responsible for ensuring daily camp activities are conducted in a safe, professional manner.
4. Responsible for communicating camp needs (equipment, supplies) to camp supervisor.
5. Responsible for interacting with camp participants, parents and supervisors to provide a high quality program.
6. Responsible for maintaining facility appearance during and after camp activities.
7. Responsible for reporting any camp incidents to camp supervisor.

Minimum Qualifications:

1. Must be mature, responsible and able to complete duties with minimal supervision.
2. Must be able to communicate well with the public, and skilled at interacting with children.
3. Must be sixteen (16) years of age AND one (1) year customer service/public interaction experience and experience working with children preferred.
4. Must have First Aid and CPR certification within two weeks of employment.
5. Must complete departmental day camp staff training.
6. Must pass city criminal background check prior to hiring.
7. Knowledge of recreational games, crafts and activities.

8. Prefer completion of at least 1 year of college.

C. **Recreation Instructor-** Job Descriptions and Essential Job Functions

Essential Job Functions

1. Assists in ensuring the delivery of high quality and consistent recreation programs and services.
2. Develops, plans, organizes, promotes, facilitates, and instructs programs as approved by the Supervisor to meet community needs; coordinated in alignment with the City's strategic objectives, policies and procedures, and State and Federal laws.
3. Maintains attendance and class records, including but not limited to program and participant surveys, accident and incident reports and league rosters; monitors course enrollment and reports deficiencies in inventory of supplies to supervisor for ordering.
4. Answers incoming calls and provides program information in person and via the telephone; greets facility and program guests and provides prompt, courteous and friendly customer services to the public, in order to maintain positive customer relations.
5. When necessary, handles minor disciplinary issues or rules interpretation at City facilitated programs and venues according to Parks and Recreation Department policies and procedures.
6. Assists in promoting and coordinating city-wide special events, including event setup and tear down.
7. Assists in managing a variety of administrative activities including computer records and cash management; operate computer registration/reservation system.
8. Facilitates and manages use of park amenities and facilities such as kayaks/paddle boats, trails, ponds, picnic facilities and miniature golf.
9. Maintains facility cleanliness and is active in presenting a clean, comfortable and safe environment; responsible for reporting potential and existing safety issues or concerns to supervisors to ensure patron safety.
10. Performs other duties as assigned or required

Minimum Qualifications:

1. High school diploma or GED equivalent; AND one (1) year customer service/public interaction experience required, with recreation, nature education or athletic instruction experience preferred.
2. Must possess a valid Texas Driver's License.

3. Must possess or be able to obtain within six months of employment: Community First Aid and Safety/Cardiopulmonary Resuscitation (CPR) / Automated External Defibrillator (AED) certification.
4. Operational characteristics, services and activities of nature education, recreation and athletic facilities.
5. Principles and practices of recreation, nature education and athletic program and/or league and special event planning and coordination.
6. Principles and practices of customer service.
7. Federal and State safety laws and regulations.

D. **Attendant (Seasonal**)- Job Descriptions and Essential Job Functions

Essential Job Functions:

1. Assists in ensuring the delivery of high quality and consistent programs and services to the community.
2. Facilitates nature programs, activities and special events for park guests and program participants.
3. Acts as a sales assistant and cashier in the Nature Education Center gift shop and manages cash transactions.
4. Prepares and assists in maintaining facilities at Fischer Park and the Nature Education Center including the boathouse, ponds, gardens and trails, etc. to ensure safe conditions and to meet community needs; must be in compliance with the City's strategic objectives, policies and procedures, and State and Federal laws.
5. Assists staff with special events programming and crowd control measures.
6. Assists in promoting recreation programs, City facilities and city-wide special events coordination and setup including guest party facilitation.
7. Performs basic administrative activities including accident/injury and work activity reports.
8. Monitors facility and equipment use by the public.
9. Performs basic grounds keeping and janitorial tasks.
10. Performs other duties as assigned or required.

Minimum Qualifications:

1. Must be sixteen (16) years of age AND one (1) year customer service/public interaction experience preferred.
2. Must possess or be able to obtain within two (2) weeks of employment: Community First Aid and Safety/Cardiopulmonary Resuscitation (CPR) / Automated External Defibrillator (AED) certification.
3. Required Knowledge of:
   • Principles and practices of customer service.

- Federal and State safety laws and regulations.

E. **KinderCare Lead** – Job Description and Essential Job Functions

Essential Job Functions:

1. Assists in ensuring the delivery of high quality and consistent programs and services to the community.
2. Assists in managing a variety of administrative activities including computer records, employee scheduling, accident/injury reports and work activity reports.
3. Assists in supervising Kinder Care area tasks.
4. Serving as a liaison between the Kinder Care staff and the Guest Services and Marketing Supervisor (report any problems).
5. Assisting with training and orientation of new staff and leading staff meetings.
6. Responsibilities of Kinder Care Attendants are also expected of Kinder Care Leads.
7. Maintains order and organization of facility's child care operations, programs, and processes.
8. Prepares and assists in maintaining facilities including but not limited to DAS REC, New Braunfels Recreation Center to ensure a safe condition and to meet community needs; must be in compliance with the City's strategic objectives, policies and procedures, and State and Federal laws.
9. Ensure safety and hygienic environment in the child care facility.
10. Be responsive to parents to fulfill their child care service needs.
11. Plan, organize and lead children in a range of interesting and enjoyable activities and games.
12. Set up and "clean as you go" during activity sessions to create a pleasant, attractive and sanitary environment for participants.
13. Assists with training and evaluating assigned staff; developing staff skills; meets regularly with staff to discuss and resolve workload and technical issues; reviews the work of assigned staff to assure the quality of assigned duties and responsibilities.
14. Assists with the development of procedures, forms, guidelines, and training programs for all assigned staff members
15. Develops, maintains and trains staff on records, systems, and procedures.
16. Monitors inventory of equipment and supplies and innates orders when needed.
17. Performs basic administrative activities including accident/injury and work activity reports.
18. Monitors facility and equipment use by the public.
19. Performs basic janitorial tasks.
20. Performs other duties as assigned or required.

Minimum Qualifications:

1. Must be at least sixteen (18) years of age AND one (1) year customer service/public interaction experience preferred. Must have one (1) year experience working with children in a childcare setting.
2. Must possess or be able to obtain within two (2) weeks of employment: Community First Aid and Safety/Cardiopulmonary Resuscitation (CPR) / Automated External Defibrillator (AED) certification.
3. Required skill in principles and practices of customer service.
4. Required skill in Federal and State safety laws and regulations.
5. Required skill in interpreting customer and facility needs and solving customer service and public relations issues.
6. Required skill in analyzing problems, providing alternatives, and identifying solutions in support of established goals.
7. Required skill in responding to emergencies and determining corrective actions using available resources.
8. Required skill in establishing and maintaining cooperative and effective working relationships with City employees, facility lessees and guests, event sponsors and vendors, and the general public.
9. Required skill in effective, clear and concise communication, both verbally and in writing.

F. **KinderCare Attendant** – Job Description and Essential Job Functions

Essential Job Functions:

1. Assists in ensuring the delivery of high quality and consistent programs and services to the community.
2. Maintains order and organization of facility's child care operations, programs, and processes.
3. Prepares and assists in maintaining facilities including but not limited to DAS REC, New Braunfels Recreation Center to ensure a safe condition and to meet community needs; must be in compliance with the City's strategic objectives, policies and procedures, and State and Federal laws.
4. Ensure safety and hygienic environment in the child care facility.
5. Be responsive to parents to fulfill their child care service needs.
6. Plan, organize and lead children in a range of interesting and enjoyable activities and games.
7. Set up and "clean as you go" during activity sessions to create a pleasant, attractive and sanitary environment for participants.
8. Assists in promoting recreation programs, City facilities and city-wide special events coordination and setup.
9. Performs basic administrative activities including accident/injury and work activity reports.
10. Monitors facility and equipment use by the public.
11. Performs basic janitorial tasks.
12. Performs other duties as assigned or required.

Minimum Qualifications:

10. Must be at least sixteen (16) years of age AND one (1) year customer service/public interaction experience preferred.
11. Required Licenses or Certifications:
12. Must possess or be able to obtain within two (2) weeks of employment: Community First Aid and Safety/Cardiopulmonary Resuscitation (CPR) / Automated External Defibrillator (AED) certification.
13. Required skill in principles and practices of customer service.
14. Required skill in Federal and State safety laws and regulations.
15. Required skill in interpreting customer and facility needs and solving customer service and public relations issues.
16. Required skill in analyzing problems, providing alternatives, and identifying solutions in support of established goals.
17. Required skill in responding to emergencies and determining corrective actions using available resources.
18. Required skill in establishing and maintaining cooperative and effective working relationships with City employees, facility lessees and guests, event sponsors and vendors, and the general public.
19. Required skill in effective, clear and concise communication, both verbally and in writing.

G. Other Requirements

1. Staff must complete the mandatory training program of at least 12 hours, in addition to planning hours with site staff prior to the start of camp. This training includes a departmental orientation, customer service, behavioral issues and discipline, as well as practical skills on activities for children in games, songs and crafts.
2. Staff must exhibit competency, good judgment and self-control throughout the duration of the camp.
3. Staff should relate to the children and parents with courtesy, respect, acceptance and patience.
4. Staff will be evaluated at least once during the summer, and visited with before program is over, to discuss any areas that should be addressed to insure employment in a following camp.
5. Staff shall not abuse or neglect children.

H. **Criminal Background Checks and Drug Testing**: Criminal background checks will be conducted on prospective employees. Applicants may be disqualified if they have a job related criminal conviction. A prospective employee will be subject to a drug test prior to hiring.

I. Before being hired, applicants must successfully complete a qualifying interview, clear a criminal history background check and pass a drug test.

J. **Staffing Ratios**:

Youth Programs:
The number of children may not exceed staff by a minimum ratio of 1 staff per 15 children, ages 5-13.
The number of children may not exceed staff by a minimum ratio of 1 staff per 10 children, ages 3-4.

Kinder Care:
The number of children may not exceed staff by a minimum ratio of 1 staff per 10 children, ages 1-10.
The number of children may not exceed staff by a minimum ratio of 1 staff per 3 children, ages 6-12 months.

III. FACILITY STANDARDS

A. Emergency evacuation and relocation plans will be posted at each facility.

B. Program employees will inspect sites frequently for any sanitation or safety concerns. Those concerns should be passed on to the Programs Supervisor immediately.

C. Each camp must have a fully stocked first aid kit. This shall be checked and stocked on a weekly basis by the Camp Coordinator.

D. In a situation where evacuation is necessary, the first priority of staff is to make sure all participants are in a safe location.

E. Program sites will be inspected annually by the Fire Marshall. Each Facility Coordinator is responsible for compliance with Fire Marshall's directives.

F. The recommended number of fire extinguishers shall be inspected quarterly and available for use.

G. Fire drills should be conducted once a month during the summer camp.

H. Medication will only be administered with written parental consent. Prescription medications shall be left with staff in their original container, labeled with the child's name, date, directions and physician's name.

Medication shall be dispensed only as stated on the bottle, and not past the expiration date.

I. Non-prescription medicine with the child's name and date on the medication may be brought if in the original container. Non-prescription medication will only be administered with written parental consent.

J. Each site shall have adequate toilets and sinks located such that children can use them independently and program staff can supervise as needed.

K. All participants must wear tennis shoes daily. Sandals will not be allowed.

IV. SERVICE STANDARDS-Day Camp Staff

This information will be provided to each staff as a part of the day camp manual:

A. Camp staff shirts, shorts and tennis shoes are to be worn at all times.

B. City issued employee identification should be worn and clearly visible.

C. Camp participants and parents will be treated with respect at all times.

D. Camp staff will take it upon themselves to resolve complaints. Do not refer customer to another staff person. If you are unable to resolve the complaint on the spot, take the customer's name and phone number, investigate complaint resolution and then follow up with the customer. A Customer Comment Form should be filled out whenever a complaint or compliment is received.

E. Camp staff will keep parents continuously informed of camp activities. A daily schedule of activities will be available and kept with the sign in log.

F. Camp staff will note details of behavior of campers (accomplishments, discipline problems, general activities, etc.) and update parents as much as possible.

G. Camp staff will monitor the sign in/out log at all times.

H. Camp staffs will clean rooms and activity areas daily.

I. Camp staff will spend 100% of their time actively involved with campers and/or parents.

V. OPERATIONAL ISSUES

A. Emergency Phone numbers are kept at the front desk of the facilities. Those numbers include fire, police, and ambulance services as well as participant guardian contact numbers.

B. All staff will stay in contact at all times with the front desk and other camp staff through wireless, 2-way radios and cell phones.

C. A Day Camp Manual is given to every staff member, which outlines the following:
   1. Discipline Issues
   2. City Rules and Regulations
   3. Forms that must be filled out
   4. Service Standards
   5. Game/activity leadership
   6. Ways to interact with children

D. Sign in-sign out sheets will be used every day. Only adults listed on sign-in/out release will be allowed to pick up children. An authorized person must enter the building and sign the sheet in order for staff to release the child.

E. Emergency evacuation and relocation plans will be posted at each facility.

F. Enrollment information will be kept and maintained on each child and shall include:
   1. Child's name, birth date, home address, home telephone number and phone numbers where parents may be reached during the day.
   2. Names and telephone numbers of persons to whom the child can be released.
      - To be verified by the showing of photo ID upon pickup.
   3. Liability waiver and photo release.
   4. Parental consent to administer medication, medical information and release on participant.

G. Staff shall immediately notify the parent or other person authorized by the parent when the child is injured or has been involved in any situation that placed the child at risk.

H. Staff shall notify parents or authorized persons of children in the facility when there is an outbreak of a communicable disease in the facility that is required to be reported to the County Department of Health. Parents will also be notified of an occurrence of head lice.

I. Discipline:

1. Discipline and guidance of children must be consistent and based on an understanding of individual needs and development.

2. There shall be no harsh, cruel, or unusual treatment.
   a. Corporal punishment in any form will not be tolerated.
   b. Children shall not be shaken, bit, hit, or have anything put in or on their mouth as punishment.
   c. Children shall not be humiliated, yelled at or rejected.
   d. Children shall not be subjected to abusive or profane language.
   e. Punishment shall not be associated with food.
   f. Staff may use brief, supervised separation from the group if necessary, but staff shall not place children in a locked room or in a dark room with the door closed.
3. Incident reports will be filled out on any disciplinary cases, and information is to be shared with parents when picking up the child or sooner, when extreme cases occur.
4. Children who show patterns of endangerment to themselves, other participants or staff will be asked to leave the program.

J. Illness or Injury
1. Parents shall be notified in cases of illness or injury.
2. An ill child will not be allowed to participate if the child is suspected of having a temperature and/or accompanied by behavior changes or other signs or symptoms until medical evaluation indicates that the child can be included in the activities. In the event an injury cannot be administered through basic first aid, staff will call 911.
3. When an injury occurs, an incident report shall be filled out immediately. The form shall be filled out completely with the original sent to the Programs Supervisor and forwarded to the Recreation Manager and a copy kept in the Day Camp files.

VI. CAMP RULES

The rules of camp are designed to help create a positive and safe environment for both campers and staff. The rules are presented to campers in a positive way and focus on what campers should do rather than what they should not do. Camp rules are used to help teach our campers to make good, positive choices.

1. Be Respectful
2. Be a Good Friend
3. Be Polite
4. Be a Good Listener
5. Be Kind
6. Be a Good Follower of Directions
7. Be Helpful
8. Be Responsible

Passive and active camp activities are planned according to the participants' ages, interests and abilities. The activities should be flexible and promote social and educational advancement.

VII. MONITORING AND ENFORCEMENT

Standards of care established by the City of New Braunfels will be monitored and enforced by city departments responsible for their respective areas as identified:

A. Health and safety standards will be monitored and enforced by the City's Police, Fire, Health and Code Enforcement Departments.

B. Staff and program issues will be monitored and enforced by the New Braunfels Parks and Recreation Department. The Recreation Manager shall visit each site on a bi-monthly basis. Programs Supervisors are responsible for visually checking the camp activities on a daily basis. When this staff is not available, another full-time staff person is responsible for the daily check.

SECTION 2: SEVERABILITY.
It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 3. EFFECTIVE DATE:
This Ordinance shall become adopted and effective upon its second reading in compliance with the City Charter.

PASSED AND APPROVED: First reading this 8th day of April, 2019.
PASSED AND APPROVED: Second reading this 22nd day of April, 2019.

CITY OF NEW BRAUNFELS, TEXAS

_____
Barron Casteel, Mayor

ATTEST:

_____
Patrick Aten, City Secretary

APPROVED AS TO LEGAL FORM:

_____
Valeria M. Acevedo, City Attorney

City of New Braunfels

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

4/8/2019

Agenda Item No. B)

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 Lots 2 and 3, Country Meadows Subdivision, addressed at 2254 and 2316 FM 725, from “R-1” Single Family District and “APD” Agricultural/Pre-Development District to “C-1A” Neighborhood Business District and “C-O” Commercial Office District.

BACKGROUND / RATIONALE:

Case No.: PZ-18-045

Council District: 2

Applicants/
Owners:

Sandy Schuetz Neuse (Lot 2)
2254 FM 725
New Braunfels, TX 78130
(830) 481-4045
sandraneuse@gmail.com

Michael Smithers (Lot 3)
607 N. Walnut Avenue
New Braunfels, TX 78130
(830) 609-8587
mbsmithers@hotmail.com

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

This item was postponed at the applicant’s request at the February 25, 2019 City Council meeting. A neighborhood meeting was held March 18, 2019 with the applicants, approximately 35 neighbors, Council Member Meadows and City staff. Objections, zoning and the rezoning process were discussed.

The subject property consists of Lot 2 (10.39 acres) and Lot 3 (11.53 acres), Country Meadows Subdivision, situated between Conway Castle Drive and Klein Road on the southwest side of FM 725. The front 350 feet of the subject property (adjacent to FM 725) is zoned “R-1” Single Family District and the remainder of the property (abutting Dove Crossing Subdivision) is zoned “APD”

Agricultural/Pre-Development District. Each lot is presently occupied by a single-family residence.

The applicants are proposing C-1A for the approximately 325-foot deep front of the tract. They originally requested C-1B, but have since revised their application to the less intense C-1A. And, they are requesting the least intense C-O for the approximately 800-foot deep remaining rear of the property where it abuts residential.

The tract two lots to the south (2416 FM 725) was rezoned in 2016 from R-1 and APD to C-1B with an SUP for a self-storage facility. The tract three lots to the south (2466 FM 725) was also subject to a rezoning request in 2016 from R-1 and APD to C-1B with an SUP for an outdoor wedding/special event venue and short term rental; that case was withdrawn after the Planning Commission recommended denial.

General Information:

Surrounding Zoning and Land Use:
North - R-1 & APD / Renew Church
South - R-1 & APD / Single Family residence on 11.69 acres
East - Across FM 725, “South Bank” PD / Single-family residences
West - “Dove Crossing” PD / Single-family residences

Floodplain:
No portion of the property is within the 1% annual chance flood zone (100-year floodplain).

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 allow uses that serve neighborhoods without resulting in substantial impact, and C-O is intended as to allow a mix of professional offices and residences encouraging adaptive reuse or new developments sensitive to the surroundings. Widening of FM 725 is on the MPO 2019-2022 Transportation Improvement Program (TIP). A buffer wall and landscaping will be required where new commercial or multifamily development is adjacent to residential use.);*
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area *(The adequacy of public facilities and utilities to serve additional demand is evaluated by each provider. NBISD and utility providers have been notified of the request.)*;
- How other areas designated for similar development will be affected *(The proposed zoning should not negatively affect other areas designated for similar development.)*;
- Any other factors that will substantially affect the public health, safety, morals, or general welfare *(Drainage, utilities and traffic impact will be reviewed and addressed through the permitting process.)*; and
- Whether the request is consistent with the Comprehensive Plan *(The subject property is situated along a Transitional Mixed Use Corridor (FM 725) and is in close proximity to a future Civic Center and an existing Outdoor Recreation Center. The Walnut Springs Sub Area is on the west side of FM 725 and the Dunlap Sub Area is to the east of FM 725.*

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

City Plan/Council Priority: Envision New Braunfels	**Action 3.3:** *Balance commercial centers with stable neighborhoods.*

FISCAL IMPACT:
N/A

COMMITTEE RECOMMENDATION:
At their February 5, 2019 meeting, the Planning Commission recommended approval (7-0-0, with Commissioners Gibson and Mathis absent).

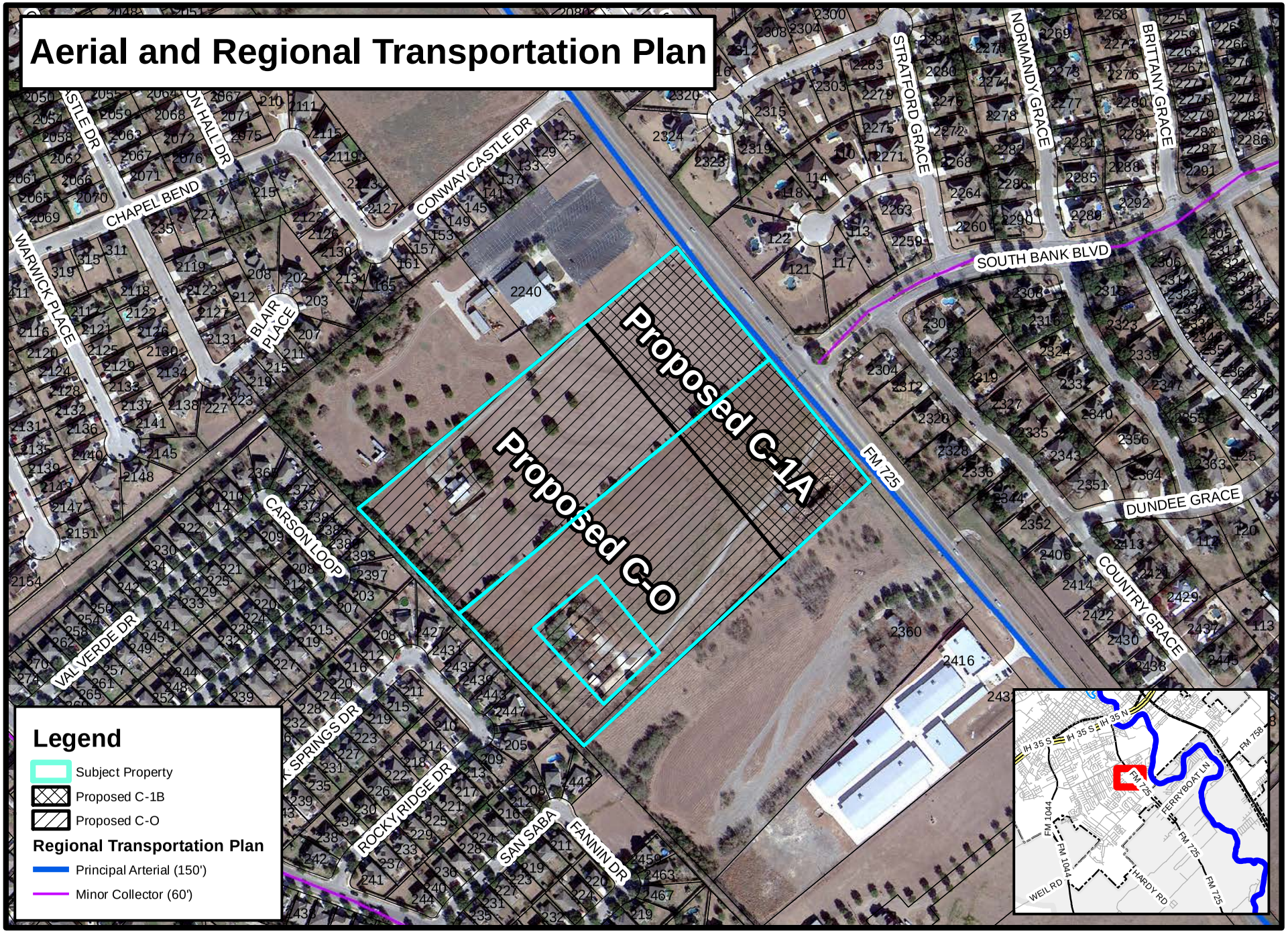
STAFF RECOMMENDATION:
The proposal is a compatible zoning configuration. It would keep more intense commercial at nearby intersections, allow pedestrian-oriented commercial services mid-block, and allow mixed office and residential uses in the rear, transitioning to single-family behind. Staff recommends approval.

Notification:
Public hearing notices were sent to 42 owners of property within 200 feet. As of publication of the agenda, the City has received no responses in favor and 32 opposed from numbers 1-2, 4-6, 8-9, 11-12, 14-24, 26-29, 31, 33-36 and 39-41. Opposition represents 34% of the notification area. With objection in excess of 20%, a ¾ majority of City Council (6 votes) is required to approve any rezoning request.

The City has received an additional 101 responses in opposition from property owners outside of the 200-foot notification area.

Attachments:
1. Aerial Maps
2. Application
3. Proposed Zoning Exhibit
4. Land Use Maps (Zoning, Existing Land Use, Existing Centers, Future Land Use Plan)
5. Notification List, Map and Responses
6. Photographs
7. Sec. 3.3-1 R-1, Sec. 3.4-1 APD, Sec. 3.4-13 C-1B and Sec. 3.4-17 C-O
8. Ordinance

Aerial and Regional Transportation Plan



City of New Braunfels

PZ-18-045
2254 & 2316 FM 725
R-1 & APD to C-1B & C-O

City of New Braunfels

CC/Cash/Check No.: 3280 Case No.: PZ-18-045
Amount Recd. $ 8090
Receipt No.: 21880

RECEIVED
OCT 25 2018
BY: MO
Submittal date – office use only

Planning & Community Development Department
Planning Division
550 Landa St. New Braunfels, TX 78130
(830) 221-4050 www.nbtexas.org

Zone Change Application

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: Sandra Schuetz Neuse & Michael B. Smithers
Mailing Address: 2254 Fm 725 & 2316 Fm 725 New Braunfels, Tx 78130
Telephone: 830-481-4045 830-609-8587 ~~Fax:~~ *Mobile:* THE SAME
Email: sandraneuse@gmail.com, mbsmithers@hotmail.com

2. Property Address/Location: 2254 Fm 725 & 2316 Fm 725 New Braunfels, Tx 78130

3. Legal Description:

Name of Subdivision: Country Meadows Subdivison, Guadalupe County
Lot(s): 2 & 3 *Block(s):* *Acreage:* 10.039 & 11.538

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: APD Residencial and Agriculture

7. Zoning Change Request:

Current Zoning: APD
Proposed Zoning: See Attached Exhibet

8. Proposed Use of Property and/or Reason for request (attach additional or supporting information if necessary):
To conform with the Citys Future Land Use Plan. Applicants worked with City Staff to choose zoning that Staff would approve.

ATTACHMENT 2

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)*
☑	☑	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)*~~ SEE ATTACHED FUTURE LAND USE PLAN COPY ATTACHED
☑	☑	Application Fee: $ 3,000.00 *Standard Zone Change:* $1,000 + (21.57 acres x $100) = $ 2,000+ (max. $3,000)
☑	☑	Technology Fee: $ 90.00 3% of application fee → $ 3000 (application fee) x .03 = $ 90.00
☑	☑	**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.

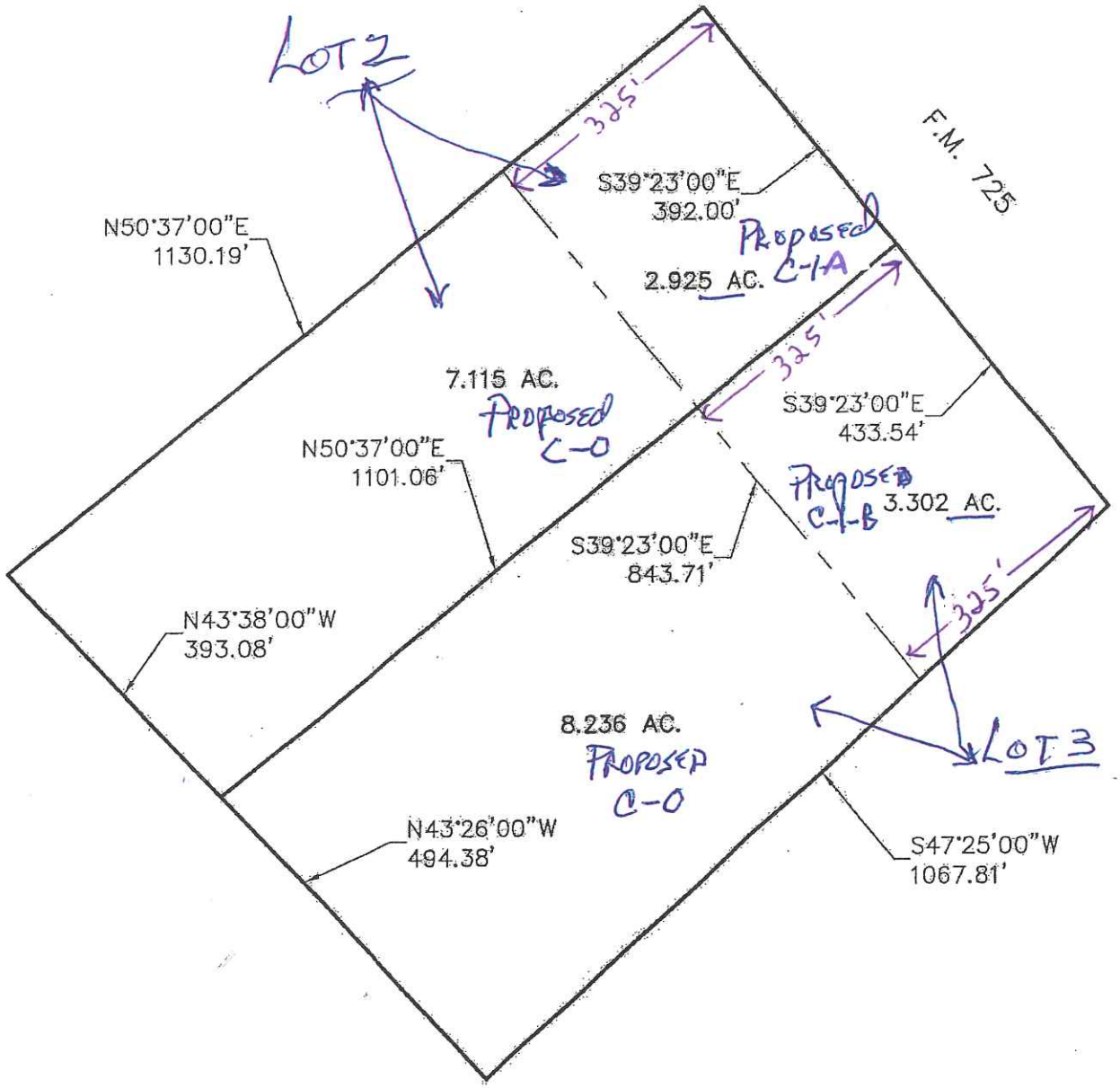
The undersigned hereby requests rezoning of the above described property as indicated.

Sandra Schultz House — 10-16-18 — Owner

Signature of Owner(s)/Agent — Date — Print Name & Title

Michael B. Andle — 10-16-18 — OWNER

SCALE: 1"=200'



D·A·MAWYER
LAND SURVEYING
5151 W. SH 46
NEW BRAUNFELS, TX 78132
PH: 830.730.4449
drawn@dam-tx.com
FIRM #10181500

DATE: XXXXX 2018 JOB XXXXX

PROPOSED ZONING EXHIBIT

ATTACHMENT 3

Matt Greene

From: Mike Smithers <mbs@sjtexaslaw.com>
Sent: Monday, February 04, 2019 4:46 PM
To: Matt Greene
Cc: Sandra Neuse (sandraneuse@gmail.com)
Subject: RE: PZ-18-045

Mr. Greene: This email shall provide Notice that I am changing from C-1B to C-1A on that portion of my rezoning request.Co-applicant,Sandra Neuse, will send a similar email notice. Thanks,

Michael B. Smithers
SMITHERS & JEMELA
607 N. Walnut
New Braunfels, Texas 78130
(830) 620-6666 - Telephone
(830) 620-6959 - Fax
Email: mbs@sjtexaslaw.com
URL: http://www.sjtexaslaw.com

This email may contain confidential and privileged material for the sole use of the intended recipient; any other use is prohibited. If you are not the intended recipient, please contact the sender by reply email and delete all copies of this message.

From: Matt Greene [mailto:MGreene@nbtexas.org]
Sent: Monday, February 04, 2019 2:14 PM
To: Mike Smithers
Cc: Sandra Neuse (sandraneuse@gmail.com)
Subject: RE: PZ-18-045

Good afternoon Mr. Smithers,

If you and Mrs. Neuse wish to change your request from C-1B to C-1A, we will need the request in writing (or an e-mail). You may also modify your request to C-1A during the presentation for your case. Neither would require any additional fees or notifications or further delays. It would be best (in my opinion) to request the modification in writing before the meeting. That way, the Planning Commission and those who responded to the case can be informed of the change prior to the meeting, potentially reducing comments, concerns at the meeting. We have received 1 additional comment from within the 200' notification area from #28 (opposed) and another from outside the 20' notification area (2333 Essex Grace, also opposed). I've attached all the written comments we've received thus far.

Matt Greene

From: Sandra Neuse <sandraneuse@gmail.com>
Sent: Tuesday, February 05, 2019 6:41 AM
To: Mike Smithers
Cc: Matt Greene
Subject: Re: PZ-18-045

Mr. Greene, This email is my confirmation that I will also change from C1-B to C1-A of my rezoning request that is set for review on February 5, 2019.

Thanks,
Sandra L. Neuse
2254 FM 725
New Braunfels, TX

On Mon, Feb 4, 2019 at 4:46 PM Mike Smithers <mbs@sjtexaslaw.com> wrote:

Mr. Greene: This email shall provide Notice that I am changing from C-1B to C-1A on that portion of my rezoning request.Co-applicant,Sandra Neuse, will send a similar email notice. Thanks,

Michael B. Smithers

SMITHERS & JEMELA

607 N. Walnut

New Braunfels, Texas 78130

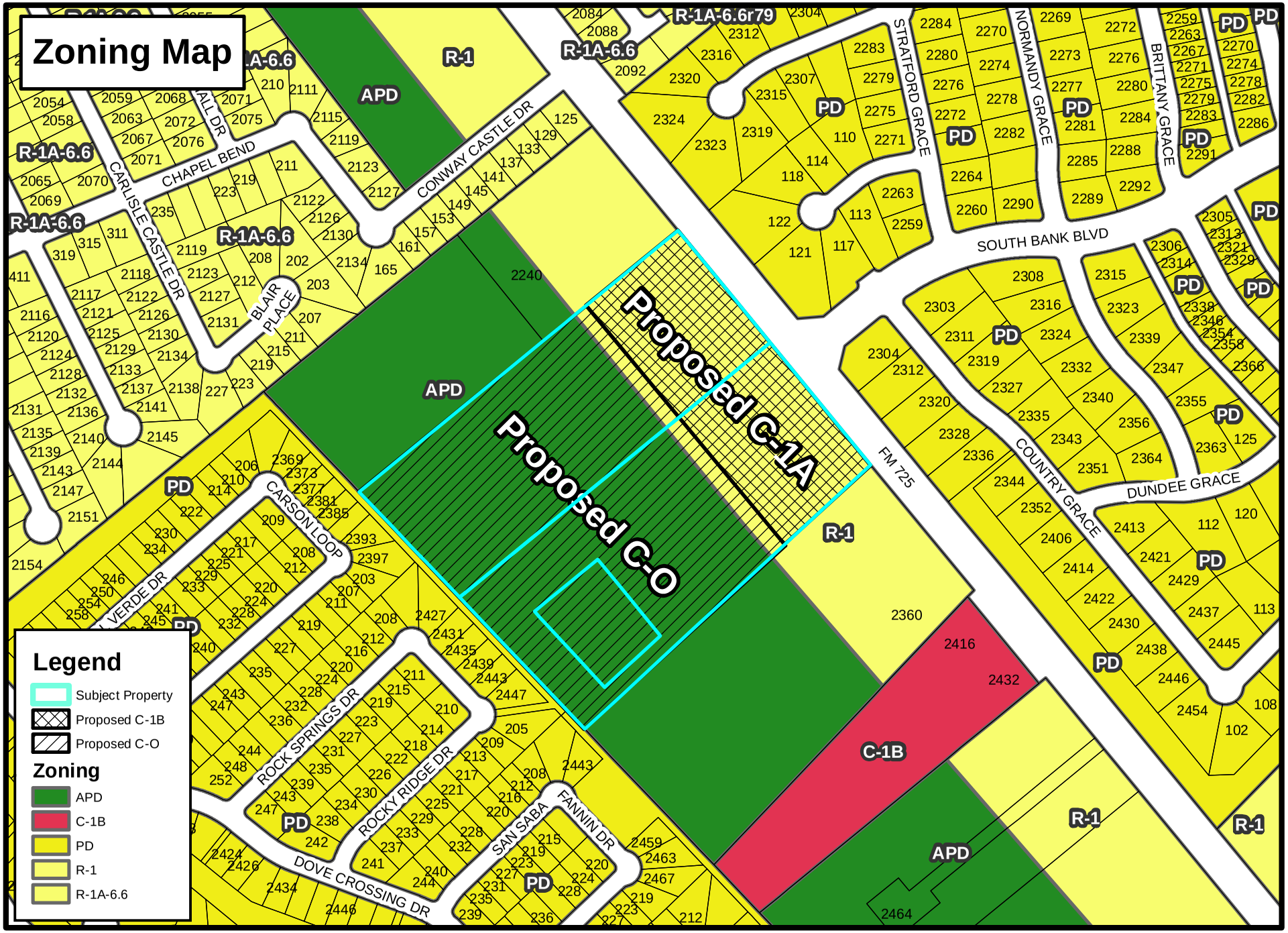
(830) 620-6666 - Telephone

(830) 620-6959 - Fax

Email: mbs@sjtexaslaw.com

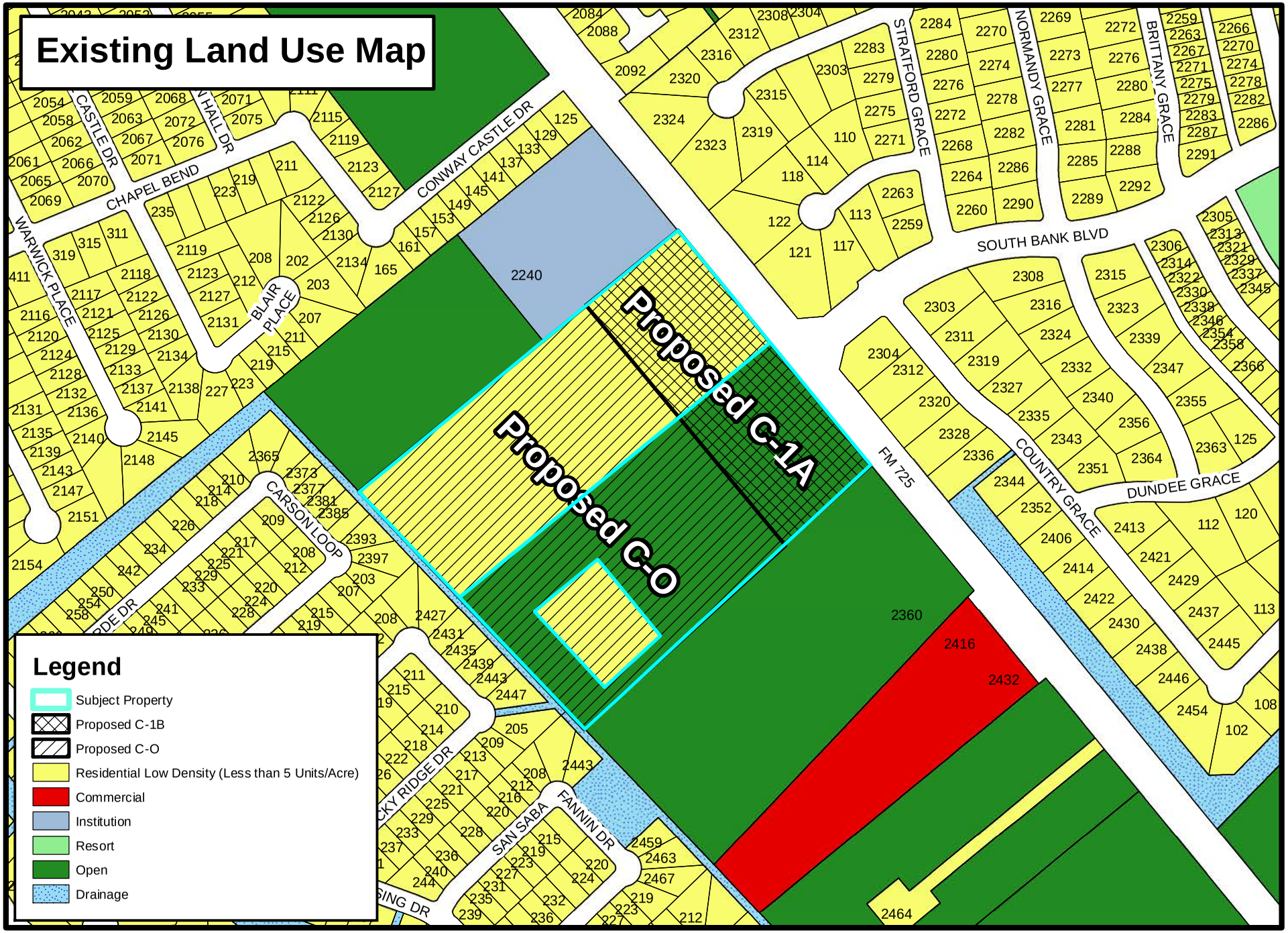
URL: http://www.sjtexaslaw.com

S & J
SMITHERS & JEMELA
ATTORNEYS AT LAW



City of New Braunfels

PZ-18-045
2254 & 2316 FM 725
R-1 & APD to C-1B & C-O



City of New Braunfels

PZ-18-045
2254 & 2316 FM 725
R-1 & APD to C-1B & C-O

EXISTING CENTERS

Centers are the middle, core or heart of an area. It is a point of activity and vitality. Centers come in many sizes and have different purposes or activities within. They may have endangered species habitat or aquifer recharge areas that require additional standards and consideration relating to future growth. It is envisioned that all centers be walkable, connected, and have a mix of uses. These centers must provide adequate infrastructure to support the commercial development present especially mobility and access for pedestrians, bicycles, vehicles and transit. Given the mixed-use nature of these centers, parking should be shared and not detract from the aesthetic of the area.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

MEDICAL CENTER

Medical Centers are mixed-use areas centered around a medical destination such as a hospital or clinic.

CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

OUTDOOR RECREATION CENTER

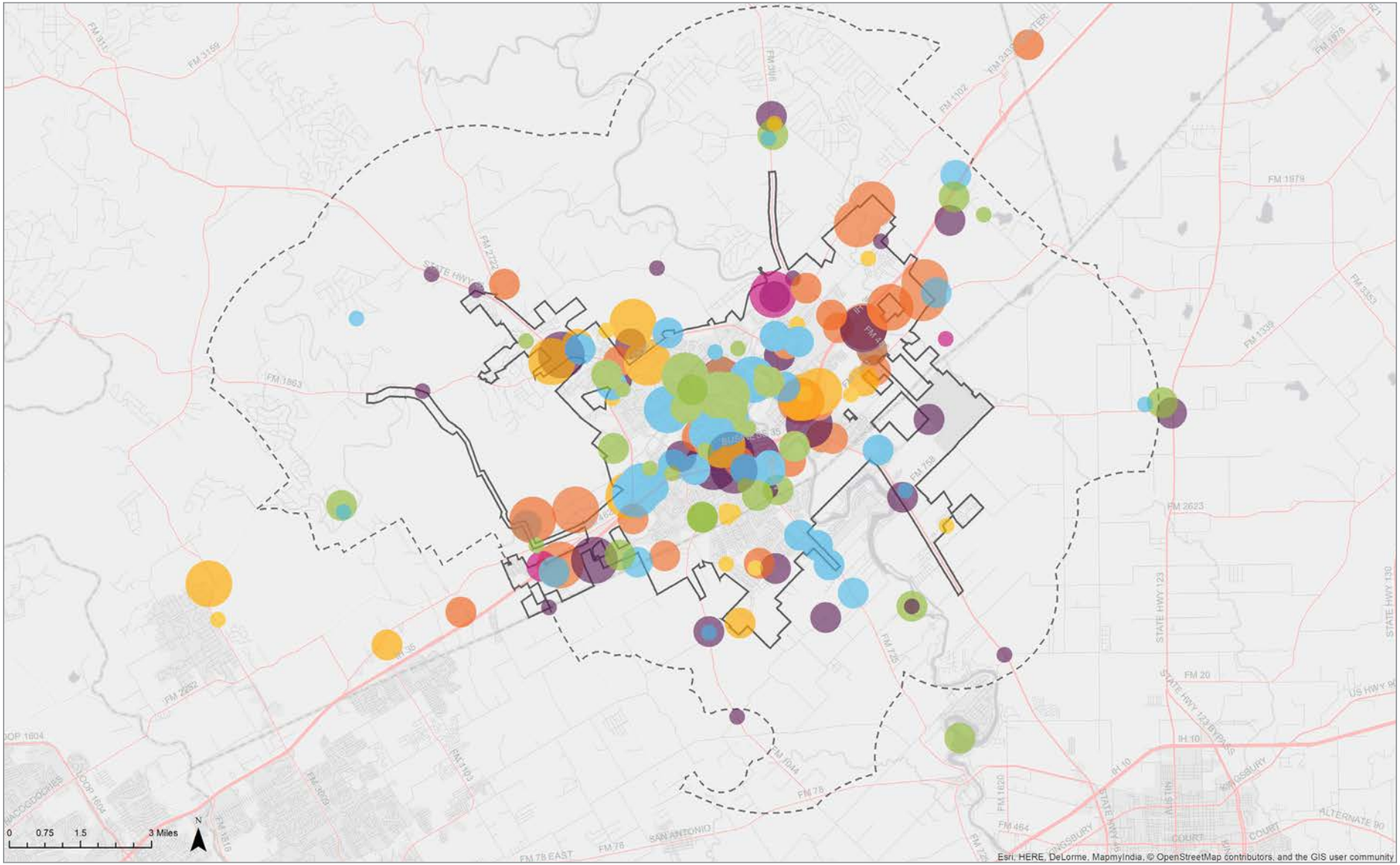
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

EDUCATION CENTER

Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

TOURIST/ENTERTAINMENT CENTER

Tourist/Entertainment Centers are mixed-use areas around an entertainment venue such as Gruene Hall or a tourist destination such as the Tube Chute.



The location of existing centers was determined through the analysis of previous studies and background documents, windshield surveys, and reviewed by City staff, Steering Committee members, and Plan Element Advisory Group members during a public workshop.

FUTURE LAND USE PLAN

A future land use plan is how land is envisioned to be. It establishes priorities for more detailed plans (sub area plans) and for detailed topical plans (such as parks and open spaces, trails and roads). It cannot be interpreted without the goals and actions of Envision New Braunfels.

TRANSITIONAL MIXED-USE CORRIDOR
Transitional Mixed-Use Corridors express an aspiration to retrofit existing auto-dominated retail corridors with a mix of uses and a variety of travel modes over time.

OUTDOOR RECREATION CENTER
Outdoor Recreation Centers are centered around a public or private outdoor destination like Fischer Park.

EMPLOYMENT CENTER
Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER
Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

CIVIC CENTER
Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

SUB AREA 1
Sub Area 1 includes the Downtown, Gruene and the Mid-Century or older neighborhoods that surround them. It is home to the natural springs and headwaters of flowing rivers that have attracted New Braunfelsers to the town for centuries.

SUB AREA 2
Sub Area 2 refers to the neighborhoods and residential enclaves that have grown alongside the Hill Country landscape.

SUB AREA 3
Sub Area 3 includes a planned community offering a diversity of housing, distinct community centers and preserved Hill Country landscape features.

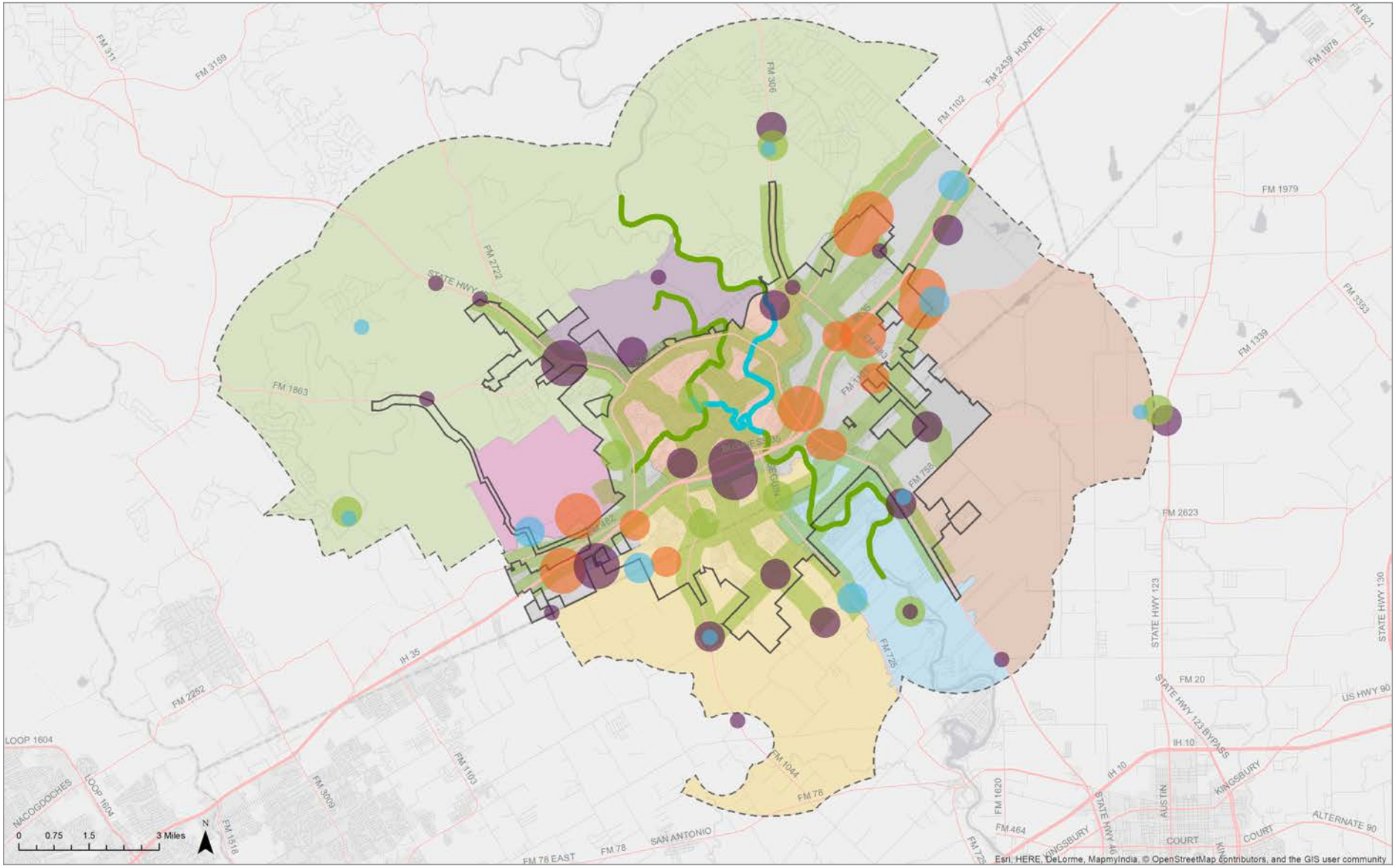
SUB AREA 4
At the heart of Sub Area 4 is Fischer Park. Proximity to IH-35, downtown and neighboring communities like McQueeney makes this area highly desirable and accessible.

SUB AREA 5
Sub Area 5 bridges together many communities east of IH-35. It includes the scenic landscape along both banks of the Guadalupe River between Highway 46 and FM 725.

SUB AREA 6
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7
Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

SUB AREA 8
This fast-growing Sub Area includes many neighborhoods offering affordable places for young families to live.



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 – JANUARY 8, 2019 – 6:00PM

New Braunfels City Hall Council Chambers

Applicant/Owner: Sandra Neuse and Michael Smithers

Address/Location: 2254 and 2316 FM 725

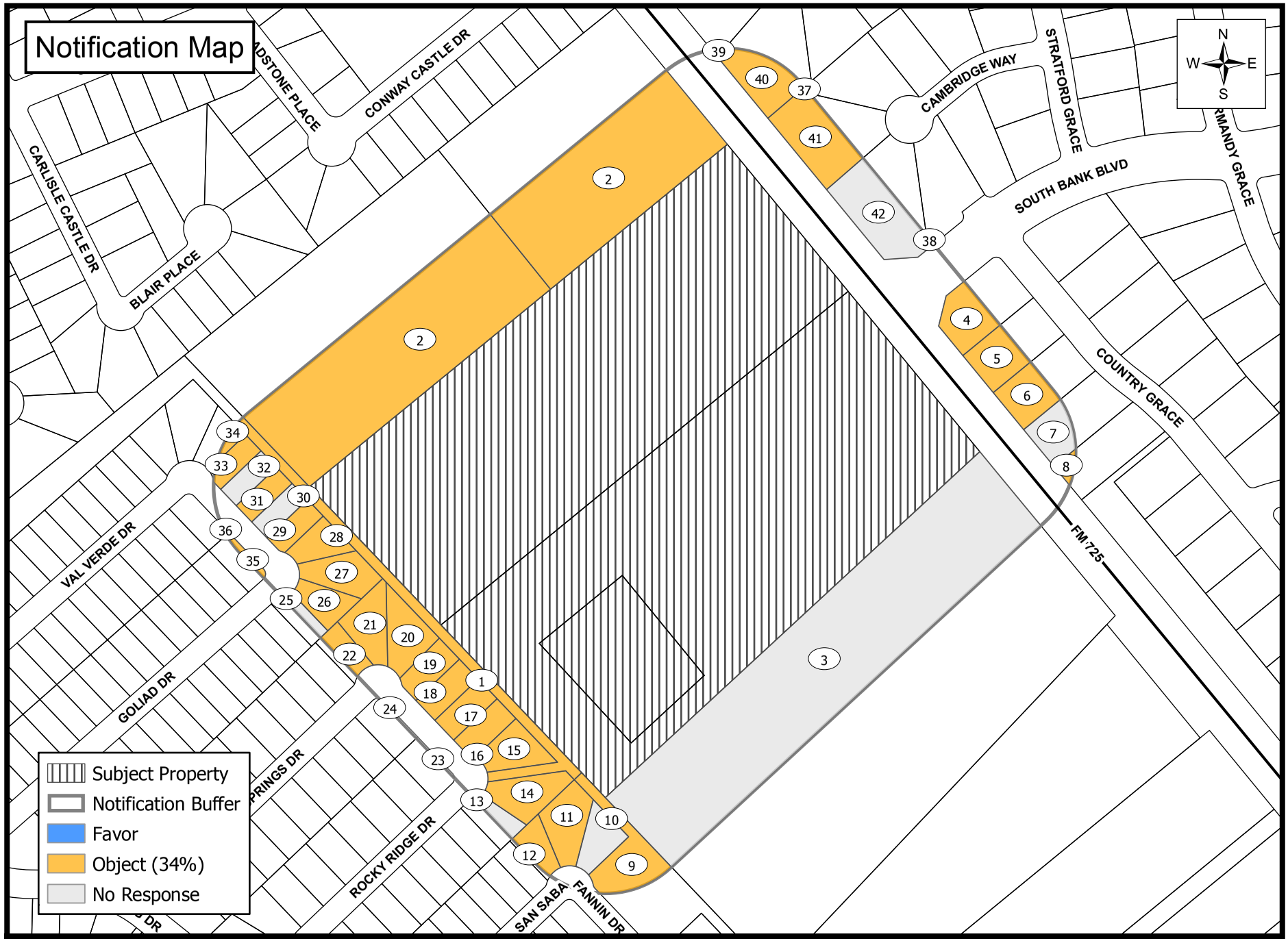
PROPOSED ZONE CHANGE – CASE #PZ-18-045

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

1 PROPERTY OWNER
2 CELEBRATE LIFE CHURCH INC
3 SULLENS KENNETH ESTATE
4 MATIAS VICTOR & TERESA J
5 PHILLIPS DONALD W & HELEN C
6 SALA ARTURO & JULIANNE Y LOPEZ-SALA
7 STINSON DOUGLAS & ALBINA A STINSON
8 GOLDAPP ALVIN ALLEN & CATHY LYNN
9 DOVE CROSSING HOA INC
10 WOJTASCZYK LINDSY E
11 DRAPER MARK
12 LAING SCOTT CAMERON & SHILA N
13 FAVELA LINO & JANE F
14 TERRAL ANGELA LOUISE & GARRETT W
15 SINGH URDHAWRETA & MAN MOHAN
16 SMAGAC LYNDA
17 KING BARRY L & SHAUNA J FOARD
18 ALBERT LISA & JOHN
19 WATSON SANDRA
20 CHASTAIN ALEXANDER CHRISTIAN & BRITTANY CHASTAIN
21 GRIMSLEY DAVID L II & LESLIE A
22 LUGEANBEAL JERRE A & RICHARD
23 SUMRALL PAUL L
24 WALLEY JARED D & APRIL LEE
25 ROHNOW DAVID G & GRACE A
26 MEDELLIN SHALEE MICHELLE
27 SIRIO MARIO ANTONIO & ROXANNE NICOLE
28 CATAN ANDREA L
29 SLABY FRANK M
30 GOMEZ HECTOR
31 EVANS KENNETH B & ANN D
32 VINSON JARED W
33 ROGERS BRIAN
34 BRANDALICK DEAN
35 GOODSPEED DOUG
36 SWIGART VICKI G
37 DAVIS SHAY B & TINA M
38 LIGHTSEY JOHN & CAROL
39 SNIDER DREW W & DIANNA L
40 MILLER CHAD & APRIL
41 BIBLE ASHLEY PAIGE
42 BAKER JESSICA MARIE

SEE MAP

ATTACHMENT 5



City of New Braunfels

PZ-18-045
2254 & 2316 FM 725
R-1 & APD to C-1B & C-O

Map Created 12/21/18

YOUR OPINION MATTERS – DETACH AND RETURN

RECEIVED
FEB 25 2019

Case: #PZ18-045 (Neuse/Smithers) (MG)

NAME: Lynda Smagac

I FAVOR:

ADDRESS: 2443 Concho Loop

PROPERTY NUMBER ON MAP: 16

I OBJECT: X
(State reason for objection)

Comments: (Use additional sheets if necessary)

I object to the rezoning of C-O which would allow multi-family housing.

Lynda Smagac
Signature

2/23/19
Date Signed

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 25 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Redemptive Grace Ministries Michael C. Foster, Pastor

I favor:

Address: 2240 FM 725, New Braunfels, Tx

Property number on map: #2

I object: X (MG)
(State reason for objection)

Comments: (Use additional sheets if necessary)

We do not favor rezoning commercially without restrictions. We do not favor large (3 story) complexes that can look into residents homes and yards.

Signature: Michael C. Foster
Pastor Michael C. Foster

RECEIVED
FEB 25 2019
BY:

YOUR OPINION MATTERS – DETACH AND RETURN

Case: #PZ18-045 (Neuse/Smithers) (MG)

NAME: Vicki Swigart

I FAVOR:

ADDRESS: 209 Val Verde Dr

PROPERTY NUMBER ON MAP: 36

I OBJECT: X
(State reason for objection)

Comments: (Use additional sheets if necessary) See back —

Vicki G. Swigart
Signature

2/24/19
Date Signed

I object to C-O zoning as follows:
multi family housing is apartments
more noise & lights
potential criminal activity & vandalism
too many NOT neighborhood friendly
categories in the C-O zoning

YOUR OPINION MATTERS – DETACH AND RETURN

RECEIVED
FEB 25 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)

NAME: David Grimsley II

I FAVOR:

ADDRESS: 2423 Concho Loop

PROPERTY NUMBER ON MAP: #21

I OBJECT:
(State reason for objection)

Comments: (Use additional sheets if necessary)

I object because of drainage problems, light pollution concerns, noise considerations, potential crime increase, privacy concerns. A primary reason for objection is the unknown of possible businesses or structures that could be built on this property of which many are included in the C-O Zoning.

DG

Signature

2-21-19
Date Signed

YOUR OPINION MATTERS – DETACH AND RETURN

RECEIVED
FEB 25 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)

NAME: LISA ALBERT PALENCIA

I FAVOR:

ADDRESS: 2435 Concho Loop

PROPERTY NUMBER ON MAP: 18

I OBJECT: X
(State reason for objection)

Comments: (Use additional sheets if necessary)

Because I don't want multi-family housing behind my back yard, or the increased noise, lights, potential crime increase and drainage problems resulting from C-O zoning

Lisa Albert Palencia
Signature

Feb 23, 2019
Date Signed

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 25 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: [illegible]
Address: 2320 Country Place
Property number on map: 8 6

I favor: _____

I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)

I object to the proposed rezoning that will allow multi-story multi-family residences in the tracts across FM 725 from my home.

Signature: [illegible]

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 25 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: JERRE LUGEANBEAL
Address: 208 ROCK SPRINGS DR
Property number on map: 22

I favor: _____

I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)

1. PROPERTY VALUES WILL BE NEGATIVELY AFFECTED
2. HIGHER LIKELIHOOD OF VANDALISM + VAGRANCY
3. INCREASED NOISE LEVEL

Signature: Jerre A. Lugeanbeal

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 25 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Man Mohan + Urdhavareta Singh
Address: 493 San Jacinto
Property number on map: 15

I favor: _____

I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)

can't handle more traffic + affect property values

Signature: [illegible]

#24

Matt Greene

From: april walley <aprilwalley@hotmail.com>
Sent: Tuesday, February 19, 2019 3:31 PM
To: Matt Greene
Subject: Rezoning

RECEIVED
FEB 19 2019
BY:

My name is April Walley. I live at 211 Rocks Springs Dr in Dove Crossing. I am opposed to the C-O rezoning of the property adjacent to our subdivision.

Thanks,

April Walley

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

RECEIVED
JAN 07 2019
BY:

Name: Kenneth B. Evans
Address: 2381 Cargo Loop
Property number on map: 31

I favor: _____
I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)
We like the status quo! Anything will most likely hurt property values.

Signature: Kenneth B. Evans

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

RECEIVED
JAN 04 2018
BY:

Name: Drewa Dianna Snider
Address: 2324 Stratford Grove
Property number on map: 39

I favor: _____
I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)
I fear loss of property value as well as the possibility of an unsightly establishment

Signature:

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
JAN 28 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Andrea Caton

Address: 2393 Carson Loop

Property number on map: 28

I favor: _____

I object: ✓
(State reason for objection)

Comments: (Use additional sheets if necessary)

Don't want a business in my backyard.

Signature: Andrea Caton

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
JAN 07 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: DONALD W. & HELEN C. PHILLIPS

Address: 2312 COUNTRY GRACE

Property number on map: 5

I favor: _____

I object: XXXXX
(State reason for objection)

Comments: (Use additional sheets if necessary)

FM 725 IS NOT CAPABLE OF EFFICIENTLY HANDLING ADDITIONAL TRAFFIC THIS WOULD GENERATE.

Helen C. Phillips

Signature: Donald W. Phillips

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 25 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: DON PHILLIPS

Address: 2312 COUNTRY GRACE

Property number on map: 5

I favor: _____

I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)

I object to the proposed rezoning that will allow multi-story multi-family residences in the tracts across FM 725 from my home.

Signature: Don Phillips Feb. 23, 2019

Case: #PZ18-045 (Neuse/Smithers) (MG)
Name: Victor and Teresa Matias
Address: 2304 Country Grace
Property Number on Map: 4

We object to the rezoning of the property Lot 2 and 3, Country Meadows Subdivision, addressed at 2254 and 2316 FM 725.

Reasons for Objection:

1. FM 725 is a busy road as it is and to have additional traffic will only make the road busier and the safety of those exiting and entering Southbank will be a hindered. This even gets worse during the school year with buses getting into and out of Southbank.
2. The property value or our home and the homes around ours will be negatively affected. We would not have purchased the home if the property in question were zoned as is being requested.
3. Having businesses move into this property will have a negative impact for the homes around due to the higher likelihood of vandalism and vagrancy.
4. Additional lighting will be needed to support whatever moves into this property which will have a negative impact on our well-being.
5. The noise level will increase due to the increased traffic in and out of the subject property, as it has with the addition of the traffic light. Additional use of the traffic light will increase the noise level which will have a negative impact on our quality of life.

Teresa Matias

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Victor + Teresa Matias
Address: 2304 Country Grace
Property number on map: 4

I favor: _____

I object: ✓
(State reason for objection)
see attached

Comments: (Use additional sheets if necessary)

Signature: Teresa Matias

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: ALLEN & CATHY GOLDAPP
Address: 2336 COUNTRY GRACE
Property number on map: 8

I favor: _____

I object: XX
(State reason for objection)

RECEIVED
JAN 14 2019
BY: _____

Comments: (Use additional sheets if necessary)
See attached

Signature: [signature]

My wife, Cathy, and I are opposed to the rezoning for the following reasons:

1. The property abuts three subdivisions and would change the character of these neighborhoods.
2. The rezoning would directly affect our property values as it would be visible from our backyard,
3. In our opinion it would have detrimental traffic flow to and from our neighborhood, including a serious increase in traffic on FM 725.
4. Even if drainage meets all local codes regarding runoff control the amount of asphalt parking required for a commercial development would cause the potential for flooding in Southbank.
5. A commercial development would have adverse environmental impacts on all neighborhoods. This includes light pollution from the tall lights required for a commercial parking lot, it would add to noise experienced in the neighborhoods from early morning trash collection and delivery trucks, and it would add to the heat experienced in the neighborhoods from the asphalt heat island effect.

[signature] [signature]

Allen and Cathy Goldapp
2336 Country Grace
Property #8
Southbank Unit 1, Block 1, Lot 5
New Braunfels, TX 78130

Case: #PZ18-045 (Neuse/Smithers) (MG)
Name: Victor and Teresa Matias
Address: 2304 Country Grace
Property Number on Map: 4

RECEIVED
FEB 19 2019
BY:

We object to the rezoning of the property Lot 2 and 3, Country Meadows Subdivision, addressed at 2254 and 2316 FM 725.

Reasons for Objection:

1. FM 725 is a busy road as it is and to have additional traffic will only make the road busier and the safety of those exiting and entering Southbank will be a hindered. This even gets worse during the school year with buses getting into and out of Southbank.
2. The property value or our home and the homes around ours will be negatively affected. We would not have purchased the home if the property in question were zoned as is being requested.
3. Having businesses move into this property will have a negative impact for the homes around due to the higher likelihood of vandalism and vagrancy.
4. Additional lighting will be needed to support whatever moves into this property which will have a negative impact on our well-being.
5. The noise level will increase due to the increased traffic in and out of the subject property, as it has with the addition of the traffic light. Additional use of the traffic light will increase the noise level which will have a negative impact on our quality of life.

Teresa Matias

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 19 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Victor + Teresa Matias
Address: 2304 Country Grace
Property number on map: 4

I favor: _____

I object: ✓
(State reason for objection)
see attached

Comments: (Use additional sheets if necessary)

Signature: Teresa Matias

#41

Matthew W. Simmont

From: Ashley Bible <wine1231@yahoo.com>
Sent: Friday, January 4, 2019 6:06 PM
To: Matthew W. Simmont
Subject: Re: Case No PZ-18-045

Mr. Simmons,

I am reaching out to you as a Southbank Homeowner. I, Ashley McDaniel of 122 Cambridge Way, resides less than 200 ft away from the properties listed below and our family objects to the proposed zoning but would favor zoning that is "much more residential friendly." If you have any questions, please feel free to call me at +15127730658.

Case No. PZ-18-045

The properties are Lots 2 and 3, Country Meadows Subdivision located between Conway Castle Drive and Klein Road on FM725.

Proposed zoning change is from R-1 and APD to C-1B and C-0.

Thank you,
Ashley McDaniel

#41

Sent from Yahoo Mail for iPhone

#40

Matthew W. Simmont

From: Chad Miller <chadmiller44@hotmail.com>
Sent: Monday, January 7, 2019 11:20 AM
To: Matthew W. Simmont
Subject: Rezoning of fm725

Hello

I live in 2323 stratford grace, which will be directly affected by the pending zoning change of fm725. While i do not oppose growth for tue city of nb, i do feel the zoning classification is too broad. The decision for this classification was made with the sole intention of maximizing the overall value of the properties that will be brought to market, not for what would best interest the surrounding properties. For this reason, i oppose the proposed reclassification.

Thank you,

Chad Miller
8303020292

Sent via the Samsung Galaxy S9+, an AT&T 4G LTE smartphone

#19

Matt Greene

From: Sandi Watson <sandiwatson909@gmail.com>
Sent: Wednesday, January 02, 2019 5:08 PM
To: Matt Greene
Subject: Rezoning Case: #PZ-18-045 (Neuse/Smithers) (MG)

My name is Sandra Watson
Address: 2431 Concho Loop in New Braunfels
Property number on map: #19

I hereby state my objection to the rezoning.

My reasons for objection follow: The properties in question back right up to my back yard. This has been a peaceful and quiet residential neighborhood. The "C-1B" and "C-O" are detrimental to property values of our homes because these two categories being requested allow for most all types of commercial operations. When this subdivision was built it was purported that no commercial would be built behind these properties to destroy the values of our property. These simply are NOT neighborhood friendly zoning categories and unsafe as far as families and children are concerned due to the types of commercial activities which might occur on the identified areas requesting to be rezones.
I STRONGLY OBJECT TO THESE REQUESTS FOR REZONING.

--
Sandi Watson
sandiwatson909@gmail.com

#17

Shauna Foard
Barry King
Address: 2439 Concho Loop
Property number on map: #17

I hereby state my objection of the rezoning.

My reasons for objection follow: The properties in question back right up to my backyard. This is a quiet residential neighborhood. The C-18 and C-O are determental to property values of our homes because these 2 categories being requested allow for most all types of commercial operations. When this subdivision was built it was purported that no commercial properties would be built behind our neighborhood that could destroy the values of your property. There simply are NOT neighborhood friendly zoning categories and are unsafe as far as families and children are concerned due to the types of commercial activities which might occur on the identified areas requesting to be rezoned.

I STRONGLY OBJECT TO THESE REQUESTS FOR REZONING.

Additionally, the notices, which were postmarked December 21, 2019 were posted on the Friday before Christmas which means that people who were gone for the holidays lost 9 days of the Notification for Buffer residents. This has allowed only 7 other days for notices to be received by mail by people out of town for the holidays. In fact I have yet to receive notification except from neighbors.

PLEASE CONSIDER POSTPONING ANY DECISION IN THIS MATTER UNTIL A SUBSEQUENT MEETING IN FEBRUARY 2019.

#14

Holly Mullins

From: garrettterral@gmail.com
Sent: Monday, January 07, 2019 3:17 PM
To: Holly Mullins
Subject: Pz18-045 obosition

Good afternoon,
My name is Garrett Terral and reside at 205 Rocky Ridge Dr. I am writing to express my oposition to the rezoning pz18-045. My property is in the 200 ft buffer zone and highly oppose the
Rezoning for many reasons. Anything you need from me to state my position, I will be more than happy to provide.

V/R
Garrett Terral
205 Rocky Ridge Dr

YOUR OPINION MATTERS – DETACH AND RETURN

RECEIVED
FEB 25 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
NAME: MARK DRAPER
ADDRESS: 2439 FANNIN DR
PROPERTY NUMBER ON MAP: 11
Comments: (Use additional sheets if necessary) or write

I FAVOR: ✓

I OBJECT: ✓
(State reason for objection here or on the reverse side of this paper.)

Signature

2-24-19
Date Signed

I OBJECT TO THE CO ZONING BECAUSE I DO NOT WANT WATER DRAINAGE ISSUES, I DO NOT WANT APARTMENTS OR MULTI FAMILY RESIDENCES, OR ANY TYPE BOARDING FACITIES.

YOUR OPINION MATTERS – DETACH AND RETURN

RECEIVED
FEB 26 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
NAME: Pam Sumrall
ADDRESS: 210 Rock Ridge Dr.
PROPERTY NUMBER ON MAP: 1 #23
Comments: (Use additional sheets if necessary) or write

I FAVOR: _____

I OBJECT: X
(State reason for objection here or on the reverse side of this paper.)

Signature

2-24-19
Date Signed

I have concerns for increased crime rates, ~~[illegible]~~ excessive lighting, and structures that will NOT be neighborhood friendly.

YOUR OPINION MATTERS – DETACH AND RETURN

FEB 25 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
NAME: Shula N Laung
ADDRESS: 208 San Saba New Braunfels Tx 78130
PROPERTY NUMBER ON MAP: 12
Comments: (Use additional sheets if necessary) or write

I FAVOR: _____
I OBJECT: X
(State reason for objection here or on the reverse side of this paper.)

Shula N Laung
Signature

2/24/19
Date Signed

I oppose C-O zoning we don't Section 8 housing, apartments, and potential increased crime, including theft & vagrance, and many other categories in C-O zoning

YOUR OPINION MATTERS – DETACH AND RETURN

RECEIVED
FEB 25 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
NAME: Shadae Michelle Medellin
ADDRESS: 203 Golinda Rd
PROPERTY NUMBER ON MAP: 26
Comments: (Use additional sheets if necessary) or write

I FAVOR: ____
I OBJECT: X
(State reason for objection here or on the reverse side of this paper.)

Shadae Medellin
Signature

2/24/19
Date Signed

I apose CO zoning because I do not want multi family housing 125 can not handle traffic.

YOUR OPINION MATTERS – DETACH AND RETURN

RECEIVED
FEB 25 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
NAME: Maria Lirio
ADDRESS: 2397 Carson Loop
PROPERTY NUMBER ON MAP: 27
Comments: (Use additional sheets if necessary) or write

I FAVOR: ____

I OBJECT: X
(State reason for objection here or on the reverse side of this paper.)

Maria Lirio
Signature

2/24/19
Date Signed

I would not want multi Family Housing and other catagories of C-O Zoning

75

YOUR OPINION MATTERS – DETACH AND RETURN

RECEIVED
FEB 25 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
NAME: Frank Haley
ADDRESS: 2389 Carson Loop
PROPERTY NUMBER ON MAP: 29
Comments: (Use additional sheets if necessary) or write

I FAVOR: _____

I OBJECT: X
(State reason for objection here or on the reverse side of this paper.)

Signature

Date Signed 2/24/19

I don't want O-O zoning behind me w/ apts & drainage issues, noise increase, light pollution, thefts, vandalisms increasing etc

YOUR OPINION MATTERS – DETACH AND RETURN

RECEIVED
FEB 25 2019

Case: #PZ18-045 (Neuse/Smithers) (MG)
NAME: Doug Goodspeed
ADDRESS: 208 Gollad
PROPERTY NUMBER ON MAP: 35
Comments: (Use additional sheets if necessary) or write

I FAVOR: ~~X~~
I OBJECT: X
(State reason for objection here or on the reverse side of this paper.)

Signature

2/24/19
Date Signed

I) We do Not want any Multi Family housing or Commerial properties Built. Due to potetial theft or Vandalism.

D.G.

YOUR OPINION MATTERS – DETACH AND RETURN

RECEIVED
FEB 25 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
NAME: BRIAN ROGERS
ADDRESS: 2373 Carson Loop
PROPERTY NUMBER ON MAP: 33
Comments: (Use additional sheets if necessary) or write

I FAVOR: ____
I OBJECT: X
(State reason for objection here or on the reverse side of this paper.)

Signature

2/22/19
Date Signed

I object to C-O zoning because I dont want multi family housing in back of me, or noise & light pollution, or additional thefts & crime!

BR

January 8, 2019

To: Mr. Matt Greene with The City of New Braunfels

Re: Case# PZ18-045

I object to the rezoning of lots 2 and 3, Country meadows subdivision, addressed at 2254 and 2316 FM 725 for the following reasons.

I purchased the house on Carson loop #34 on the map this past May (2018). Part of the appeal to the house and lot is the trees behind the fence line, the quite and the darkness at night. I am not excited to have a noisy neighbor on the other side of my back fence. I am not excited to have a bunch of extra bright LED pole lights shining in my windows at night. I would much rather see single family houses back behind my fence rather than the list of commercial uses contained in the letter. If I wanted a bunch of noise and chaos, I would have moved to a busier part of New Braunfels.

Thank you for your attention in this manner

Respectfully

Dean Brandalick

Dean Brandalick

2369 Carson Loop

New Braunfels, Texas 78130

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Dean Brandalick

Address: 2369 Carson Loop

Property number on map: # 34

I favor: _____

I object: See additional Sheet
(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Dean Brandalick

From: Justin Meadows <jwmeadows1980@gmail.com>
Sent: Saturday, February 23, 2019 9:10 AM
To: Matt Greene
Cc: banditoalejandro@me.com
Subject: Fwd: Objection to Dove Crossing Adjacent re-zoning

#20

Mr. Greene,

Just wanted to share the email below that I received from Mr. Alex Chastain. He owns property #20 on the notification map.

Thanks,

Justin

Sent from my iPhone

Begin forwarded message:

RECEIVED
FEB 25 2019
BY:

From: Alex Chastain <banditoalejandro@me.com>
Date: February 22, 2019 at 12:47:41 PM CST
To: <jmeadows@nbtexas.org>
Subject: Objection to Dove Crossing Adjacent re-zoning

Hello Justin,

My name is Alex Chastain, my wife and I just bought the property at 2427 Concho Loop in December. I have spoken to a few of my neighbors and they explained the zoning issue going on with he property adjacent to mine. I haven't received any kind of notification about this, I'm sure because they were sent to the old owner. I would like to express my rejection to the C-O zoning that is being proposed. I think its way too broad of a classification, and since there is no specific plan of what will be built this could have long reaching effects. I think we should table the zoning discussion until there is a buyer for the property and they can disclose what they plan to build. This will allow the homeowners to make an informed intelligent decision about the zoning and its impact on our property values.

Thank you!

Alex Chastain
714-773-2335

#1 & #9

Matt Greene

From: Justin Meadows
Sent: Saturday, February 23, 2019 10:28 AM
To: Matt Greene
Cc: Rob Randazzo
Subject: Fwd: Rezoning PZ-18-045 response

Mr. Greene,

Just wanted to share the email below that I received from Dove Crossing Home Owners Association Inc. They own property #9 on the notification map.

Thanks,

Justin

From: Rob Randazzo <skimedic72@msn.com>
Date: February 21, 2019 at 3:34:57 PM CST
To: Justin Meadows <JMeadows@nbtexas.org>
Subject: Rezoning PZ-18-045 response

RECEIVED
FEB 25 2019
BY:

Mr Meadows,

This letter is to serve on behalf of Dove Crossing Homeowners Association in reference to plot #9 as indicated in the immediate area map. Plot #9 is property owner by the homeowners association and I am authorized to reply as I am the President of the board of directors.

DCHOA opposes this proposal for the following reasons:
1. A zoning request of C-0 is too vague. More information would be needed as to what type of commercial business would be established.
2. The additional light noise would be detrimental to the residents and homeowners in the area.
3. The additional foot traffic increases the security risk of the properties in Dove Crossing.
4. The additional vehicle traffic along FM 725 poses a significant impact to residents of Dove Crossing that use that route as a means of entry or exit from Dove Crossing.
5. The impact of construction SIGNIFICANTLY impacts what is already inadequate storm drainage by reducing the amount of open land that allows for absorption into the ground. Dove Crossing is already experiencing inadequate drainage and storm runoff and any construction will only serve to add to the problem.
6. Having commercial zoning approved increases the potential of truancy by minors.
7. Rezoning in that area decreases what some owners see as appeal to their property, and therefore, impacts the valuation of their property. It will create a great deal of personal financial loss to the owners of adjacent properties.
8. The proposed zone is not intended for commercial use and should not be changed simply for the city of New Braunfels to increase tax revenue.

Please take these factors into consideration before approving a rezoning request.

#35

Matt Greene

From: Ashli Goodspeed <ashli0907@yahoo.com>
Sent: Monday, January 07, 2019 2:28 PM
To: Matt Greene; Justin Meadows
Subject: FM 725 Development/re-zoning by Dove Crossing

Hello,
I live in Dove Crossing on the corner of Goliad Dr and Carson Loop. I recently heard about the adjacent land being developed for commercial use. I didn't think we were included in the information that was sent out via the mail since our backyard does not butt up against that land, so Justin kindly sent me the information. But we checked our mail over the weekend and low and behold it was there. I don't know if I'll make the meeting tonight so I wanted to send in our opinion to have our voice heard, on that development in case I can't get to the meeting.

Our address is 208 Goliad Dr. We are #35 on the map that was included in the mailing. While we assumed that property would eventually be sold and turned into some type of commercial property, we do object to certain types of buildings and businesses that could likely be built there.

Our main objections for types of development that would/could be built on that land would be:
* Government/Section 8 housing
* Apartment complexes or any other type of residential housing that would be strictly used as rental properties, such as duplexes, mobile home park, etc.
* Night Clubs, bars, anything that would be open late hours and/or likely have loud music outdoors or be able to hear it outdoors even if it's indoor.
* Any type of business that would have a parking lot adjacent to Dove Crossing that would have a lot of light poles in the parking lot, such as a Walgreens, CVS, a car dealership, any other big strip mall or big box store or fast food restaurants.
* No high rise buildings as I don't want to walk out of my house, and when looking or turning to the left see big buildings or parking lot lights.
* If businesses were to be built there, we believe it should be businesses that are not loud, not open late at night, like past 8pm.
* It would also need to be something that wouldn't create a lot of trash, we don't want the area to start looking messy.
* Whatever is built there needs to be something that is neighborhood & family friendly, something that residents of that area could use, we don't want or need any type of business that would attract the summer tourists. I love living in a tourist town, but let's keep the tourists to our normal tourist attractions/areas.
* It should be something that would likely increase property values, not lower them.

I honestly believe that the only thing that neighboring residents would likely agree with going there would be something like a nursing home facility, or child daycare centers, as both are quiet. A daycare center would close early and not open weekends. We moved to a residential part of town, not a commercial part of town, and we'd like it to stay that way.

Thank you,
Ashli and Doug Goodspeed
830-387-9472
208 Goliad Dr.

RECEIVED
FEB 20 2019
BY:

Rezoning Objection

We object to the requested rezoning of lots 2 and 3 addressed at 2254 and 2316 FM 725. The traffic congestion on FM 725 continues to worsen at an alarming rate. Zoning these properties to C-1B and C-O will allow for more heavy commercial development in what is a residential area, adding more traffic and noise issues while ultimately contributing to lower property values for those of us in the adjoining sub-divisions.

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 20 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Rick Love

Address: 2208 Waterfords Grace

Property number on map: _____

I favor: _____

I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)

Outside 200' Notification Area

Signature: _____

Outside of 200' Notification Area

Catherine L. Fain
150 Oklahoma Avenue
New Braunfels, Texas 78130-8110
Email: cathifain@yahoo.com

2/3/2019

830 6201971 cathifain@yahoo.com

New Braunfels Planning Commission
550 Landa St
New Braunfels, TX 78130
(830) 221-4050

Re: Rezoning on FM725 meeting on 2/5/19

Dear Commission Members:

As the owners of the home located at 2333 Essex Grace, Southbank, New Braunfels, Texas, we would like to voice our opposition to the proposed rezoning to C-1B & C-O.

We strongly feel it would be detrimental to the families that live in the area if the commercial zoning were to be so lax. There are so many mini-storage businesses on 725 already. They are both unsightly and could even bring in a criminal element to the area.

Please keep the area safe and do not approve this lax rezoning. I realize that progress is imminent, but it must be monitored to serve the area.

If you have any questions, please call us.

Very truly yours,

C L Fain

Catherine L. Fain

Mitchell W Fain

Mitchell W. Fain

RECEIVED
FEB 04 2019
BY: PZ-18-045

Outside 200' Notification Area

Matt Greene

From: Gene Challenner <gcnbtx@gmail.com>
Sent: Friday, February 22, 2019 4:26 PM
To: Matt Greene
Subject: Letter opposing rezoning in Case PZ-18-045
Attachments: Smithers letter name redacted.pdf

RECEIVED
FEB 22 2019
BY:

Matt Greene and New Braunfels City Council:

The purpose of this letter is to inform you of our community's opposition to the proposed rezoning Case PZ-18-045. The Southbank Board of Directors represents the 319 owners in Southbank. In addition, we have been asked to speak for our neighboring home owners in Dove Crossing, which has 721 homes. We object to the request for rezoning the 'back' portion of the subject properties to C-O because of the broad range of possible uses, including the right to develop multi-story multi-family housing as a general category. Development rules are insufficient to control the many concerns for this category.

Nearly 50 individual property owners in our neighborhood and others wrote to the Planning Commission in opposition to this request. Our community attended the Commission meeting on February 5, 2019 and offered input and concerns. The Commission was disinterested in our concerns about incompatible use, infrastructure limitations, increased light or noise pollution, excess additional traffic or increased water runoff and drainage concerns. These are apparently left to be solved during engineering or by TxDOT. Therefore, we seek to be heard by the City Council and for our objections to be considered.

The Future Land Use plan for commercial zoning along FM725, with which we concur, allows acceptable commercial uses along FM 725. C-O Zoning, however, may be acceptable in new neighborhoods where adjacent R-1 communities have not already been developed but it is not compatible for properties adjacent to multiple existing R-1 neighborhoods. This proposed rezoning may maximize the selling price for the current owners, but shouldn't projects be reviewed on a case by case basis prior to approval and permitting, in order to determine compatibility? Southbank believes that the proposed rezoning would allow an incompatible development for property which is adjacent to fully developed R-1 neighborhoods.

While we appreciate the owners' right to seek the highest use of their property, we respectfully submit that our rights are of equal value. We embrace the New Braunfels Future Land Use Plan for land along the FM725 corridor; we know that continued growth will require all of us to cooperate in development that is good for everyone; we believe there is value in good urban planning and fair, effective zoning. However, we are asking the City Council to strike a balance between the goals of the Future Land Use Plan with the Council's fiduciary responsibility to maintain or improve the existing character and integrity of this area and to allow us the quiet enjoyment of our property, as assured by law.

In the past, our community has worked in cooperation with our neighbors and the City to support reasonable development and that is what we are trying to do again in this case. Despite these prior efforts, it has come to our attention that Southbank property owners have been sent letters (attached) which intimidate them to withdraw their objection to the rezoning request. Surely this is improper at least, and should certainly not be part of a process intended to reach mutually beneficial agreements.

We ask that Case PZ-18-045 be denied or postponed until our concerns and objections can be fully answered and addressed.

Respectfully,

Outside 200' Notification Area

Matt Greene

From: Jodie <jodiemangold@sbcglobal.net>
Sent: Sunday, February 24, 2019 5:28 PM
To: Matt Greene
Cc: Justin Meadows
Subject: Re-Zoning Objection - #PZ18-045 (Neuse/Smithers)

RECEIVED
FEB 25 2019
BY:

Mr. Greene,

We are writing to ask that you oppose/ deny the re-zoning request on the properties; Lots 2 & 3, Country Meadows Subdivision, addressed at 2254 and 2316 FM 725.

We are residents of New Braunfels and have resided in Southbank for the past 23 years, which you know is across FM 725 from the requested re-zoning.

We object/oppose to this re-zoning request because these properties are located next to many pre-existing residential neighborhoods. We do not want apartments or businesses that bring with them high traffic, bright lights and noise. Should this re-zoning be approved as requested we will not have a voice in what is developed around our pre-exiting neighborhood.

Regards,

Anthony and Jodie Mangold
Southbank Resident

Sent from my iPad

Outside 200' Notification Area

RECEIVED
FEB 25 2019
BY:

Matt Greene

From: Rick Burr <rgburr24@gmail.com>
Sent: Monday, February 25, 2019 3:32 PM
To: Matt Greene
Cc: Carol Burr; Rick Burr
Subject: Lots 2 and 3, Country Meadows Subdivision, addressed at 2254 and 2316 FM725

Dear Mr. Greene,

I am writing to you as a City representative to the New Braunfels City Council to express my objection to rezoning those properties listed in the above subject line.

My wife and I are owners of a single family residence in the South Bank subdivision located at 2357 Waterford Grace.

Facts in this Matter:

1. The proposed C-O zoning allows, among other things, various multistory, multifamily residential developments which can be 60 feet high and only 60 feet away from existing homeowners resulting in the facilities towering over existing back yards.

2. This intrusion is not fair to some of the established residential homeowners who are part of the approximately 1,300 single family residences currently in place.

3. The proximity of high, multifamily development next to residences may be acceptable in new developments where buyers know what could be expected but it is not fair to established residential homeowners.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Richard G. and Carol C. Burr

Outside 200' Notification Area

Matt Greene

From: Kelly Burris <Kelly.Burris@munters.com>
Sent: Tuesday, February 19, 2019 3:32 PM
To: Matt Greene
Subject: REZONING CASE #PZ18-045 (NEUSE/SMITHERS)
Attachments: img-190219212753-0001.pdf

RECEIVED
FEB 19 2019
BY:

Attached is my form stating my objections.
I am a resident living in Dove Crossing subdivision. My address is 237 Val Verde.
I am outside of the 200' Notification Area, but I would like to place my OBJECTION to this proposal, based on the following:

- The property value of my home and the homes in our subdivision will be negatively affected. I would not have purchased the home if the property in question were zoned as is being requested.
- Having businesses move into this property will have a negative impact for the homes in our subdivision, due to the higher likelihood of theft, vandalism, and vagrancy.

Respectfully,
Kelly Burris
237 Val Verde Drive
New Braunfels, TX 78130
830-481-7579
Email: kellyburris@att.net

Kelly Burris
Materials Analyst

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 19 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Kelly Burris
Address: 237 Val Verde
Property number on map: _____

I favor: _____
I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)
OBJECTIONS STATED IN EMAIL.

Signature: K Burris

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 19 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Kim Bond

I favor: _____

Address: 2329 Brittany Grace

Property number on map: _____

I object: Kim Bond
(State reason for objection)
See comments below

Comments: (Use additional sheets if necessary)

I am asking that any re-zoning or developments near Southbank BLvd and 725 complement the neighborhoods here.
(in terms of noise, traffic, etc) to preserve the current peace of the residents of all ages.
We need a bicycle lane going into downtown on 725 and sidewalks!

Signature: _____

Outside 200' Notification Area

Outside 200' Notification Area

Matt Greene

From: Amanda McMillan <a.mcmillan02@yahoo.com>
Sent: Wednesday, February 20, 2019 8:28 AM
To: Matt Greene
Subject: Case No. PZ-18-045

RECEIVED
FEB 20 2019
BY:

Mr. Greene,

Regarding Case No. PZ-18-045 , I OBJECT to the proposed zoning changes for Lot 2 and 3, Country Meadows Subdivision located between Conway Castle Dr and Klein Road on FM725. I am a homeowner in Dove Crossing and would prefer to see zoning changes that are much more family friendly and that do not lead to excess traffic on FM725 and within our neighborhoods.
Please object to this zoning change.
Sincerely,
Amanda McMillan
469-667-5248
2396 Medina
New Braunfels, TX 78130

Outside 200' Notification Area

Matt Greene

From: S Fischer <to4fishes@hotmail.com>
Sent: Wednesday, February 20, 2019 5:27 PM
To: Matt Greene
Subject: CASE NO. PZ-18-045 (NEUSE/SMITHERS)

RECEIVED
FEB 20 2019
BY:

TO: NEW BRAUNFELS COUNCIL MEMBERS
We own a home in New Braunfels, TX, at 2317 Waterford Grace, in Southbank Subdivision, across FM 725, from the properties which are the subject of the captioned case before you.

We wish to inform you that we are not in favor of the proposed change(s) for the properties in Case No. PZ-18-045. Our subdivision, along with many others, is zoned for residential purposes only. The current, proposed changes from residential zoning should not be approved. We are of the opinion that the proposed changes will potentially cause irreparable harm to our properties.

Sincerely,
Sue Ann & Rollin Fischer

Jackie Rockoff

From: Jackie Rockoff <JackieRockoff@Comcast.net>
Sent: Saturday, January 5, 2019 11:24 AM
To: 'msimmont@nbtexas.org'
Subject: In reference to Case No. PZ-18-045, Proposed zoning changes

RECEIVED
FEB 20 2019
BY:

Referencing: Case No. PZ-18-045
Lots 2 and 3, Country Meadows Subdivision located between Conway Castle Drive and Klein road on FM 725

Regarding: Proposed zoning change from R-1 and APD to C-1B and C-O

Mr. Simmont,

I am a resident of the Southbank subdivision on FM 725 across from the above listed properties, and I **STRONGLY OBJECT** to the proposed zoning changes of that property to C-1B and C-O. Southbank has been a staple in the New Braunfels community for decades. We take pride in our friendly community-centered neighborhood, upscale reputation, and safe atmosphere. Changing the property zoning to C-1B and C-O could bring less desirable businesses to the area that could potentially degrade our community by default.

I would be in favor of zoning that is much more residential friendly.

Thank you,

Jackie Rockoff

Southbank Resident
jackierockoff@comcast.net
832-350-1985

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 20 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Jackie Rockoff

Address: 2274 Normandy Grace.

Property number on map: _____

I favor: _____

I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)
I'm a resident of the Southbank subdivision on FM 725 across from the above listed property, and I STRONGLY OBJECT to the proposed zoning changes. Southbank has been a staple in the New Braunfels community for decades. We take pride in our friendly community-centered neighborhood, upscale reputation, and safe atmosphere. Changing the property zoning to C-O and C-1B could bring less desirable businesses and clientele to the area that could potentially degrade our community. I am in favor of zoning that is more residential friendly

Signature: JRockoff

Outside 200' Notification Area

Matt Greene

From: Misty Oyler <misty.oyler@yahoo.com>
Sent: Thursday, February 21, 2019 9:12 AM
To: Matt Greene; Justin Meadows
Subject: Objection to zoning changes Case # PZ-18-045
Attachments: Objection to ReZoning.pdf

RECEIVED
FEB 21 2019
BY:

Hello,

I am writing to express my objection to the zoning change request for case no. PZ-18-045, lots 2 and 3, Country Meadows, located between Conway Castle Drive and Klein Road on FM 725. While I live outside of the notification zone I feel this will negatively affect all residents within ours and neighboring subdivisions.

The change in zoning is not neighborhood friendly and would allow a large variation in commercial businesses and/or multi family residences to be built. Having commercial business or a multi-family residence causes concern for increased crime, traffic, and noise near a quiet and heavily single family residential areas (Dove Crossing, Pecan Crossing, Southbank).

Traffic on 725 and Klein Road is already heavy and at times dangerous and a change in zoning would increase this substantially. There are also schools near this area that would not benefit from an increase in traffic.

Thanks,
Misty Oyler
531 Gaines
New Braunfels TX 78130
Dove Crossing
210-954-2349
misty.oyler@yahoo.com

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 21 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Misty Oyler
Address: 531 Gaines Dr New Braunfels TX 78130
Property number on map: outside of 200 feet

I favor: ____
I object: X
(State reason for objection)

Such zoning changes will cause increase in crime, noise, traffic, pollution. Too close to single-family quiet residential area.

Comments: (Use additional sheets if necessary)
See email as well.

Signature: Misty Oyler

Outside 200' Notification Area

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 21 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: JoAnn Wilson

I favor: _____

Address: ~~112 Dundee Court~~ New Braunfels TX 78130
2245 S. Abbey Loop

Property number on map: _____

I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)

Advance rezoning to allow multifamily apartments next to existing R-1 neighborhoods creates an incompatible use, and must not be allowed. To consider rezoning on a project specific basis, lighting, traffic, pollution, noise, drainage and infrastructure must be demonstrated to be adequate.

Signature: [illegible]

Outside 200' Notification Area

Matt Greene

From: John Ahnert <jsahnert@earthlink.net>
Sent: Friday, February 22, 2019 10:33 AM
To: Matt Greene
Subject: CASE NO. PZ-18-045 (NEUSE/SMITHERS)

RECEIVED
FEB 22 2019
BY:

TO: NEW BRAUNFELS COUNCIL MEMBERS
We own a home in New Braunfels, TX, at 2309 Waterford Grace, in Southbank Subdivision, across FM 725, from the properties which are the subject of the captioned case before you.

We are not in favor of the proposed zoning changes as this will adversely affect our entrance and exit from our subdivision. Having commercial zoning this close to family homes is not good planning for many reasons and should be obvious to the board. NB is not hurting for developable land and there is no reason to have commercial establishments this close to family homes. Further down 725 there is plenty of land available that is NOT cheek by jowl next to single family homes.
Are we trying to look like Houston?

Thank you
John O. & Mary S. Ahnert

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 21 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Elsie Albritton

Address: 2254 Kensington Way

Property number on map: _____

I favor: _____

I object: Will bring undesireable
(State reason for objection)

Comments: (Use additional sheets if necessary)

businesses to our area.
will bring property values
down.

Signature: Elsie Albritton

Outside 200'
Notification
Area

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 21 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Robin Browning

Address: 2234 South Abbey Loop

Property number on map:

I favor:

I object: X
(State reason for objection)
addional traffic,
flood control,
loss of impervious cover

Comments: (Use additional sheets if necessary)

Outside 200' Notification Area

Signature: Robin Browning

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 21 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Fred Browning

Address: 2234 South Abbey Loop

Property number on map:

I favor:

I object: X
(State reason for objection)
Rezoning the property

Comments: (Use additional sheets if necessary)

Outside 200' Notification Area

Signature: Fred R. Browning

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 21 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Elizabeth Fowler

Address: 125 Dunlin Crane

Property number on map:

I favor:

I object: ✓
(State reason for objection)

Comments: (Use additional sheets if necessary)

I am concerned about how this rezoning will affect traffic at the entrance to our neighborhood.

Outside 200' Notification Area

Signature:

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 20 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Mike | Beth Bohan
Address: 2271 Brittany Grace
Property number on map:

I favor:
I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)
Southbank Subdivision

Concerned about unappealing business opening there

Outside 200' Notification Area

Signature:

Scanned by CamScanner

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 20 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: William W. Goodwin
Address: 9429 Country Grace
Property number on map:

I favor:
I object: ✓
(State reason for objection)

Comments: (Use additional sheets if necessary)
I oppose rezoning. This would increase already dangerous traffic conditions, increase flood water through our subdivision. Remediation would cost more than any tax gain.

Signature: William W. Goodwin

Outside 200' Notification Area

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 20 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Michael Pryor
Address: 2263 Stratford Grace
Property number on map:

I favor:
I object: ✓
(State reason for objection)

Comments: (Use additional sheets if necessary)
Too many unknowns regarding the types of businesses that plan to operate on this property.

Signature: Michael Pryor

Outside 200' Notification Area

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 20 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: JERRY C JARVIS

Address: 2353 BRITTANY GRACE

Property number on map:

I favor:

I object: SAFETY
(State reason for objection)

Comments: (Use additional sheets if necessary)

Outside 200' Notification Area

Signature: Jerry C Jarvis

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 20 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Patty Schaefer

Address: 183 Dalton St. 78130

Property number on map: –

I favor:

I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)

I would like a commercial zoning designation that is more appropriate for neighborhood housing.

Outside 200' Notification Area

Signature:

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 20 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: TRACY ISARRARAZ

Address: 2634 Dove Crossing

Property number on map: 9

I favor:

I object: ✓
(State reason for objection)

Comments: (Use additional sheets if necessary)

① Property value would DECREASE.
② Surrounding Roads would be too busy
③ Noise level would increase

Outside 200'

Signature: Tracy Isarraraz

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 20 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: MARTIN Puente JR

Address: 144 Dundee GRACE

Property number on map:

I favor:

I object: ✓
(State reason for objection)

Comments: (Use additional sheets if necessary)
TRAFFIC CONGESTION, it would get worse
TRAFFIC is Already heavy on FM 725
APARTMENTS would create more TRAFFIC.

Signature: Martin Puente Jr

Outside 200' Notification Area

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 20 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Shirley L. Camby

Address: 2210 Normandy Grace

Property number on map: —

I favor:

I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)
If re-zoned at all, it needs to be residental friendly to accomodate all the residental interests of those already livin near these properties

Signature: Shirley L. Camby

Outside 200' Notification Area

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 20 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: LANCE & Amy WIPF

Address: 111 Dover Grace, NB TX 78130

Property number on map:

I favor:

I object: X
(State reason for objection)

We want Neighborhood friendly Zoning

Comments: (Use additional sheets if necessary)

Signature:

Outside 200' Notification Area

RECEIVED
FEB 20 2019
BY:

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: NANCY SEYMOUR
Address: 2302 Waterford Grace
Property number on map:

I favor:
I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)
As a resident of Southbank, I would like the property across from Southbank as "residential friendly" as possible

Signature: Nancy Seymour

Outside 200' Notification Area

RECEIVED
FEB 20 2019
BY:

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Don Seymour
Address: 2302 Waterford Grace
Property number on map:

I favor:
I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)
Residential friendly businesses.

To much traffic. Present roads can not handle the traffic.

Signature: Donald Seymour

Outside 200' Notification Area

RECEIVED
FEB 20 2019
BY:

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Paul and Lilia Marek
Address: 2288 Stradford Grace
Property number on map:

I favor:
I object: Safety and Property Value
(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature:

Outside 200' Notification Area

Outside 200' Notification Area

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 19 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Pierre SCHMITZ

Address: 123 Country Grace South

Property number on map:

Comments: (Use additional sheets if necessary)

I favor:

I object: rezoning
(State reason for objection)
that does NOT clearly and specifically detail what can be built on the property.

Signature: 02/19/19

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 19 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: JEFF FOWLER

Address: 125 DUNDEE GRACE, NBTX 78130

Property number on map:

Comments: (Use additional sheets if necessary)

I favor:

I object: ✓
(State reason for objection)

TRAFFIC, NEIGHBORHOOD ACCESS

Signature:

Outside 200' Notification Area

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 19 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: DUANE D. WHITE

Address: 2284 STRATFORD GRACE

Property number on map: SOUTHBANK #7 BLOCK 8 LOT 45

Comments: (Use additional sheets if necessary)

I favor:

I object: UNLIMITED COMMERCIAL
(State reason for objection)

Signature:

Outside 200' Notification Area

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 19 2019
BY:

Outside 200' Notification Area

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Christie Schmitz

Address: 123 Country Grace South

Property number on map: _____

I favor: _____

I object: X due to the
(State reason for objection)

Comments: (Use additional sheets if necessary)

fact that the back half of the property is zoned for any commercial use what-so-ever therefore a buyer can put anything there - even if not neighborhood friendly

Signature: Christie Schmitz

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 19 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Rebecca L Goldstein

Address: 157 Conway Castle Dr NB

Property number on map: _____

I favor: _____

I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)

This is a residental area and needs to stay family friendly. Changing the zoning - increasing traffic - and opening the door to any type of business is unacceptable! - along with the property tax decreases in property value

Signature: Rebecca L Goldstein

Outside 200' Notification Area

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 19 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Stephen Couture

Address: 2250 South Abbey Loop

Property number on map: _____

I favor: _____

I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)

Traffic is already a nightmare on FM 725 due to all the new houses built. New commercial businesses will make bad traffic even worse.

Signature: [illegible]

Outside 200' Notification Area

RECEIVED
FEB 19 2019
BY:

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: ARCH R MALLARD
Address: 2267 KENSINGTON WAY
Property number on map:

Comments: (Use additional sheets if necessary)

Signature: Arch R. Mallard

I favor:

I object: X
(State reason for objection)
LOWER PROPERTY VALUES
TRAFFIC INCREASE

Outside 200' Notification Area

RECEIVED
FEB 19 2019
BY:

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Audra J. Coulter
Address: 126 Dalton St., NB, TX 78130
Property number on map:

Comments: (Use additional sheets if necessary)

Signature: Audra J. Coulter

I favor:

I object: ✓
(State reason for objection)

Outside 200' Notification Area

Added traffic and noise (depending on type of business) would very likely cause my property value to decrease.

RECEIVED
FEB 19 2019
BY:

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Kay Watson
Address: 2262 Normandy Grace
Property number on map:

Comments: (Use additional sheets if necessary)

Signature: Kay Watson

I favor:

I object: Depreciation of Home Values in South Bank if passed
(State reason for objection)

Outside 200' Notification Area

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 19 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Mark + Luz Voorhees

Address: 2242 Winston Place

Property number on map:

Comments: (Use additional sheets if necessary)

Signature:

I favor:

I object:
(State reason for objection)
Rezoning will Affect Neighborhood negative + impact Home Values for future resale.

Outside 200' Notification Area

Outside 200' Notification Area

Matt Greene

RECEIVED
FEB 19 2019
BY:

From: Cheri Beck <cbeck211@gmail.com>
Sent: Tuesday, February 19, 2019 4:00 PM
To: Matt Greene
Subject: Rezoning 725 area

AGAINST!

Scott & Cheryl Beck
2444 Dimmitt Drive
Dove Crossing

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 19 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Susan Allpass

Address: 2314 Brittany Grace, NB

Property number on map:

Comments: (Use additional sheets if necessary)

Signature: Susan Allpass

I favor:

I object: ✓
(State reason for objection)

Outside 200' Notification Area

Outside 200' Notification Area

RECEIVED
FEB 19 2019
BY:

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: CLINT WATSON

Address: 2262 NORMANDY GRACE, NB 78130

Property number on map:

Comments: (Use additional sheets if necessary)

SOUTHBANK SUBDIVISION

Signature: Clint Watson

I favor:

I object: X
(State reason for objection)

IT IS NON DESIRABLE FOR OUR NEIGHBORHOOD. FM 725 IS NOT WIDE ENOUGH TO SUPPORT BUSINESS TRAFFIC, IN THAT LOCATION. COMMERCIAL USE OF THAT PROPERTY IS INCONSISTANT WITH SURROUNDING USES.

RECEIVED
FEB 19 2019
BY:

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Deborah Lewis

Address: 2201 Waterford Grace

Property number on map:

Comments: (Use additional sheets if necessary)

No rezoning for multi-family/apartments or hotels

Signature: Deborah Lewis

I favor:

I object: X
(State reason for objection)

Outside 200' Notification Area

RECEIVED
FEB 19 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Thomas R. Donaho

Address: 2430 Country Grace, NB 78130

Property number on map:

Comments: (Use additional sheets if necessary)

I feel that a Zoning Code of "CO" is too broad and would rather that buyers of the property request zoning to match their intended use.

Signature: Thomas R. Donaho

I favor:

I object: X
(State reason for objection)

Outside 200' Notification Area

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 19 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Terrill E. Rowlo

Address: 2430 Country Grace, NB 78130

Property number on map: _____

I favor: _____

I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)
I feel that a "CO" Zone code is too Broad and would rather that buyers of the Property request Zoning to match their Intended use

Signature: Terrill E. Rowlo

Outside of 200' Notification Area

YOUR OPINION MATTERS - DETACH AND RETURN

Outside 200' Notification Area

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: VIRGINIA GIL

Address: 2260 BRITTANY GRACE

Property number on map: _____

I favor: _____

I object: I DON'T WANT TO HAVE COMERTIAL SITES NEAR MY HOUSE
(State reason for objection)

Comments: (Use additional sheets if necessary)

RECEIVED
FEB 19 2019
BY:

Signature: Ricardo Gil

YOUR OPINION MATTERS - DETACH AND RETURN

Outside 200' Notification Area

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: RICARDO GIL

Address: 2260 BRITTANY GRACE

Property number on map: _____

I favor: _____

I object: I WANT to KEEP MY NEIGHBORHOOD RESIDENTIAL AND QUIET
(State reason for objection)

Comments: (Use additional sheets if necessary)

RECEIVED
FEB 19 2019
BY:

Signature: Ricardo Gil

YOUR OPINION MATTERS - DETACH AND RETURN

Outside 200' Notification Area

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: RAYMOND LAFREY

Address: 2221 WINDSOR PL

Property number on map: ——

I favor: _____

I object: ✓
(State reason for objection)

Comments: (Use additional sheets if necessary)

NOT COMPATIBLE WITH THE NEIGHBOR

RECEIVED
FEB 19 2019
BY:

Signature: Raymond LaFrey

Outside of 200' Notification Area

Matt Greene

From: John Bedgood <johnbedgood@hotmail.com>
Sent: Tuesday, February 19, 2019 2:10 PM
To: Matt Greene
Subject: Notice of Public Hearing Smithers rezoning.pdf
Attachments: Notice of Public Hearing Smithers rezoning.pdf; ATT00001.txt

RECEIVED
FEB 19 2019
BY:

John Bedgood and Virginia Bedgood of 2231 Kensington Way, South Bank are against rezoning on 725

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 19 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Deborah Werner

Address: 112 Dundee Grace New Braunfels TX 78130

Property number on map: _____

I favor: _____

I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)

Advance rezoning to allow multifamily apartments next to existing R-1 neighborhoods creates an incompatible use, and must not be allowed. To consider rezoning on a project specific basis, lighting, traffic, pollution, noise, drainage and infrastructure must be demonstrated to be adequate.

Signature: Deborah Werner

Outside of 200' Notification Area

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 19 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Mark Werner

I favor: _____

Address: 112 Dundee Grace New Braunfels TX 78130

Property number on map: _____

I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)
Advance rezoning to allow multifamily apartments next to existing R-1 neighborhoods creates an incompatible use, and must not be allowed. To consider rezoning on a project specific basis, lighting, traffic, pollution, noise, drainage and infrastructure must be demonstrated to be adequate.

Signature: _____

outside 200' Notification Area

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Mitchell + Catherine Fain

I favor: _____

Address: 2333 Essex Grace

Property number on map: _____

I object: X
(State reason for objection)

RECEIVED
FEB 20 2019
BY:

Comments: (Use additional sheets if necessary)
Southbank

Keep it a safe + family friendly area

outside 200' Notification Area

Signature: C LeFain
M W Fain

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 25 2019
BY:

Outside 200' Notification Area

se: #PZ18-045 (Neuse/Smithers) (MG)
te Sent: 12/14/18

me: Mary Irwin

I favor: _____

dress: 2254 S. Abbey Loop

perty number on map: _____

I object: ✓
(State reason for objec

mments: (Use additional sheets if necessary)
I don't feel putting apartments by a pre-exis

Outside 200' Notification Area

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 25 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Beverly Lowak

Address: 2276 S. Abbey Loop, New Braunfels

Property number on map: _____

I favor: _____

I object: ✓
(State reason for objection)

Comments: (Use additional sheets if necessary)
My husband & I don't feel that apartments are suitable to be right across from existing single-family residential areas due to the wide range of potential businesses that could be built there under the proposed zoning.

Signature: Beverly Lowak

YOUR OPINION MATTERS - DETACH AND RETURN

FEB 25 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Christine J. Flynn

Address: 2438 Country Grace
New Braunfels, TX 78130-8995

Property number on map: _____

I favor: _____

I object: ✓
(State reason for objection)

Comments: (Use additional sheets if necessary)
The proposed C-O zoning would allow the property to be used for a broad variety of uses including, but not limited to, various multistory, multifamily residential developments that could be 60 feet high by the ordinance and only 60 feet away from existing single family residences. This proposed C-O zoning would not be appropriate within the existing, multi-subdivision, 1300 plus single family home environment.

Signature: Christine J. Flynn

Outside 200' Notification Area

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 25 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Jed Baker

Address: 2266 Normandy Grace

Property number on map: _____

I favor: _____

I object: ✓
(State reason for objection)

Comments: (Use additional sheets if necessary)
With too many single family residences (1300) in the proposed area, I believe apartments would be more suitable in another location.

Signature: _____

Outside 200' Notification Area

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED FEB 25 2019 BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Frances E. Roff
Address: 2223 Pecan Villa New Braunfels 78130
Property number on map:

I favor:
I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)

I disapprove of the low income housing. I paid a lot of money for living in this area. I am a NO vote.

Signature: Frances E. Roff

Outside 200' Notification Area

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED FEB 25 2019 BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Roger + Mary Pat Coco
Address: 2211 Pecan Villa
Property number on map:

I favor:
I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)

Don't want property values negatively affected by low income housing/apartments. Please do not rezone.

Signature: Mary Pat Coco

Outside 200' Notification Area

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED FEB 25 2019 BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Suzanne Padgett
Address: 2219 Pecan Villa
Property number on map:

I favor:
I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)

I am a senior citizen and I cant afford to move, I dont want my property value dropped

Signature: Suzanne Padgett

Outside 200' Notification Area

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 25 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Pamela R. Jones

Address: 2215 Pecan Villa

Property number on map:

I favor:

I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)

Protecting my property value.

Signature: Pamela R. Jones

Outside 200' Notification Area

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 25 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Cynthia Grubbs

Address: 2236 Pecan Tree

Property number on map:

I favor:

I object: ✓
(State reason for objection)

Comments: (Use additional sheets if necessary)

Do NOT want my property value to be Affected.

Signature: Cynthia Grubbs

Outside 200' Notification Area

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 25 2019
BY:

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Nancy Goodart

Address: 2214 Pecan Villa

Property number on map:

I favor:

I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Nancy Goodart

Outside 200' Notification Area

Outside 200' Notification Area

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

RECEIVED
FEB 21 2019

Name: Ashley Bible McDaniel
Address: 122 Cambridge Way, NB, TX 78130
Property number on map: #68

I favor: _____

I object: Privacy concerns.
(State reason for objection)

Comments: (Use additional sheets if necessary)

Seeing into my kitchen and living room area if the buildings are permitted to be built

Signature: Ashley Bible McDaniel

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 25 2019
BY: _____

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Stacy Gonzales
Address: 2459 FANNIN DR
Property number on map: _____

I favor: _____

I object: ✓
(State reason for objection)

Comments: (Use additional sheets if necessary)

Outside 200' Notification Area

Signature: Stacy Gonzales

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED
FEB 19 2019
BY: _____

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Cathy Langland
Address: 2378 Brittany Grace
Property number on map: _____

I favor: _____

I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)
We would like to see something that is more residential friendly, ~~that~~ taking the existing established neighborhood into consideration and also taking increase traffic into consideration.

Outside 200' Notification Area

Signature: Cathy Langland

Outside of the 200' Notification Area

Matthew W. Simmont

From: Becky Goldstein <beckyg96@yahoo.com>
Sent: Saturday, January 5, 2019 8:37 AM
To: Matthew W. Simmont
Subject: Objection to rezoning

Dear Mr. Simmont,

I'm a resident on Conway Castle Dr and am writing to strongly object to the proposed change in zoning to Lots 2 and 3, Country Meadows Subdivision located between Conway Castle Dr and Klien Road on FM 725.

I understand the proposed zoning change would move these lots from R-1 and APD to C- 1B and C-O which is unacceptable for this more upscale residential area. I would favor and urge the Planning Commission for zoning much more residential friendly.

Best Regards,
Rebecca Goldstein
157 Conway Castle Dr
New Braunfels, TX 78130

Sent from Yahoo Mail on Android

Outside of the 200' Notification Area

Matthew W. Simmont

From: Debbie Lewis <lewisd@satx.rr.com>
Sent: Saturday, January 5, 2019 9:46 AM
To: Matthew W. Simmont
Subject: Case No. PZ-18-045

Case No. PZ-18-045

The properties are Lots 2 and 3, Country Meadows Subdivision located between Conway Castle Drive and Klein Road on FM725.

Proposed zoning change is from R-1 and APD to C-1B and C-O.

Mr. Simmont,

I OBJECT to the above zoning but would favor zoning that is much more residential friendly. And would like for you to strongly object to this zoning.

Thank you,
Deborah Lewis
2201 Waterford Grace
New Braunfels, Texas 78130

Outside of the 200' Notification Area

Matthew W. Simmont

From: RAYMOND LAFREY <rlafrey39@gmail.com>
Sent: Saturday, January 5, 2019 10:30 AM
To: Matthew W. Simmont
Cc: Southbank Homeowner's Association
Subject: FM 725 Rezoning Case No. PZ-18-045

Mr Simmonts,

I am Raymond LaFrey, and live in Southbank, New Braunfels.

This is in regard to Case No. PZ-18-045, Lots 2 and 3, Country Meadows Subdivision, located between Conway Castle Drive and Klein Road on FM725, and the proposed zoning change from R-1 and APD to C-1B and C-O.

I strongly object to the proposed zoning change and recommend zoning that is much more residential friendly.

Respectfully,

Raymond R. LaFrey

2221 Windsor Pl

New Braunfels, Texas 78130

830 214 0621

In your email you might say you object to the above zoning but would favor zoning that is "much more residential friendly." (Rather than proposing specific zoning at this point that we would find acceptable, it's better to wait until the zoning meeting to determine what alternative we would favor. At this point we simply want to state our objection to the currently proposed zoning).

Outside of the 200' Notification Area

Matthew W. Simmont

From: Jackie Rockoff <JackieRockoff@Comcast.net>
Sent: Saturday, January 5, 2019 11:24 AM
To: Matthew W. Simmont
Subject: In reference to Case No. PZ-18-045, Proposed zoning changes

Referencing: Case No. PZ-18-045
Lots 2 and 3, Country Meadows Subdivision located between Conway Castle Drive and Klein road on FM 725

Regarding: Proposed zoning change from R-1 and APD to C-1B and C-O

Mr. Simmont,

I am a resident of the Southbank subdivision on FM 725 across from the above listed properties, and I **STRONGLY OBJECT** to the proposed zoning changes of that property to C-1B and C-O. Southbank has been a staple in the New Braunfels community for decades. We take pride in our friendly community-centered neighborhood, upscale reputation, and safe atmosphere. Changing the property zoning to C-1B and C-O could bring less desirable businesses to the area that could potentially degrade our community by default.

I would be in favor of zoning that is much more residential friendly.

Thank you,

Jackie Rockoff
2274 Normandy Grace
Southbank Resident
jackierockoff@comcast.net
832-350-1985

Outside of the 200' Notification Area

Matthew W. Simmont

From: Ken <ken2288@att.net>
Sent: Saturday, January 5, 2019 12:21 PM
To: Matthew W. Simmont
Subject: Proposed zoning change is from R-1 and APD to C-1B and C-O.

As a resident of SouthBank subdivision, we think this proposed zoning change to the property across 725 from SouthBank would allow development that could devalue our properties. I would favor a more restrictive and neighborhood friendly zoning to be applied.

Thank you for your consideration.

Ken & Deana Bates
2288 Brittany Grace

Outside of the 200' Notification Area

Matthew W. Simmont

From: Rick Burr <rgburr24@gmail.com>
Sent: Saturday, January 5, 2019 4:28 PM
To: Matthew W. Simmont
Subject: Case No. PZ-18-045

Dear Simmont:

My wife and I are home owners in the Southbank Subdivision located on FM725. Our street address is 2357 Waterford Grace, New Braunfels, Texas 78130.

I am writing concerning the case referenced in the above subject line concerning lots 2 and 3, Country Meadows Subdivision located between Conway Castle Drive and Klein Road on FM725. There is a proposed zoning change from R-1 and APD to C-1B and C-O.

My wife and I object to the zoning change but would be comfortable with a much more residential friendly zone.

Sincerely,
Richard G. Burr

Outside 200' Notification Area

Matthew W. Simmont

From: Monique Lassiter <moniquelasseter@gmail.com>
Sent: Saturday, January 5, 2019 5:23 PM
To: Matthew W. Simmont
Subject: Objection to Zoning along 725

Dear Sir,
I would like to oppose the current zoning proposal to C-1B across from my subdivision, Southbank.
This proposed zoning is not acceptable to our residential neighborhood. I do not oppose the other zoning proposal.
Blessings,
Monique and James Lasseter
2275 Brittany Grace
Sent from my iPhone

Outside of the 200' Notification Area

Matthew W. Simmont

From: M Lasseter <mycandlelady@satx.rr.com>
Sent: Saturday, January 5, 2019 5:26 PM
To: Matthew W. Simmont
Subject: FM 725 Zoning objection

Dear Sir,
I would like to oppose the current zoning proposal to C-1B across from my subdivision, Southbank.
This proposed zoning is not acceptable to our residential neighborhood. I do not oppose the other zoning proposal.
Thank you,
Barbara Vincenti
2279 Brittany Grace

Outside of the 200' Notification Area

Matthew W. Simmont

From: Tommie Gillespie <tommie.gillespie@yahoo.com>
Sent: Friday, January 4, 2019 8:59 PM
To: Matthew W. Simmont
Subject: Rezoning 725

I am property owner in south bank subdivision on Stratford Grace.
I would much prefer another subdivision built across from our subdivision than any businesses that my devalue my property.

Sent from my iPhone

2260 Stratford Grace

Outside of the 200' Notification Area

Matthew W. Simmont

From: Vincent Polito <v.polito@att.net>
Sent: Friday, January 4, 2019 8:43 PM
To: Matthew W. Simmont
Subject: Case No. PZ-18-045

Mr Simmont

I am writing in reference to a zoning change request that is before the city of New Braunfels. The location of the property is Lots 2 and 3, Country Meadows Subdivision, located between Conway Castle Drive and Klein Road on FM 725. This property is located across FM 725 from the Southbank Subdivision. The proposed zoning change is from R-1 and APD to C-1B and C-O. My name is Vincent Polito and I am a resident and homeowner in the Southbank Subdivision. (2340 Normandy Grace) I am opposed to this zoning request as currently stated. My main objection is that if you look at the area bounded by Walnut Ave, County Line Road, Klein Road and the Guadalupe River, this general area has been overwhelmingly developed as single family residential. There are some businesses located along County Line Road and Walnut with also a scattered number along FM 725, most of which would be considered neighborhood friendly commercial. (churches, businesses located in renovated homes etc) I believe this use of this land has been well-established for many years now and the city of New Braunfels should act to keep this generally residential area intact and supported by the city. I would support a zoning change for this area to either single family residential or a more neighborhood friendly commercial designation. Changing the zoning to C-1B or C-O would allow for a very wide range of commercial entities to enter the area, many of which would not be neighborhood friendly. This would fundamentally change the nature of this general area and negatively impact a great number of residents since a great number of New Braunfels residents live within the Walnut, County Line Road, Klein Road, Guadalupe River rectangle. Please vote against this zoning change request and explore ways to make this a more neighborhood friendly proposal.

Thanks in advance for your consideration of my request. I can be reached at 281-610-1172 if you have further questions.

Sincerely

Vincent Polito

2340 Normandy Grace

New Braunfels

Outside of the 200' Notification Area

Matthew W. Simmont

From: Nancy Fussell <nancytravel@hotmail.com>
Sent: Friday, January 4, 2019 7:48 PM
To: Matthew W. Simmont
Subject: Case No. PZ-18-045

Mr. Simmont,
I am writing concerning Lots 2 and 3, Country Meadows Subdivision located between Conway Drive and Klien Road on FM 725. I understand there is a proposed zoning change from R-1 and APD to C- 1B and C-O.
My husband and I object to the above zoning change. We would favor zoning more residential friendly. We live in Southbank subdivision.

Thank you,
Nancy and Donald Seymour
2302 Waterford Grace
New Braunfels, Tx 78130

Sent from my iPad

Outside of the 200' Notification Area

Matthew W. Simmont

From: Ed Warnecke <edwarnecke1@gmail.com>
Sent: Friday, January 4, 2019 6:12 PM
To: Matthew W. Simmont
Subject: proposed rezoning change

Subject:
Zoning change being considered for case #PZ-18-045 ....lots 2 & 3 in Country Meadows Sub-division on FMR 725 ...across from SouthBank Sub-Division

Please accept this e-mail as my formal objection to the above referenced lots being rezoned from R-1 and APD to C-1B and C-O

As a resident of the SouthBank Subdivision I would request that the zoning be changed to one that is much more residential friendly.....and one which would not devalue the considerable investment many residents in SouthBank have made in our homes.

Thank you for your consideration of this objection and request.

Edwin A. Warnecke
2317 Essex Grace
New Braunfels, Texas 78130
Phone #.....830-609-2408

This email has been checked for viruses by Avast antivirus software.
https://www.avast.com/antivirus

Outside of the 200' Notification Area

Matthew W. Simmont

From: Rick Love <RLove@vintageair.com>
Sent: Friday, January 4, 2019 6:02 PM
To: Matthew W. Simmont
Cc: 'lindamazureklove@gmail.com'
Subject: Re-zoning application

Hello Mr. Simmont,

My name is Rick Love, and I have lived with my family in the Southbank subdivision since 1992. We chose to build our home in this area of New Braunfels because it was somewhat out of the city and a quiet residential area. I understand that progress and growth have become inevitable, but I also ask that you keep people and families in mind when you consider Zoning change applications. I am aware that you have a request (Case No. PZ-18-045
The properties are Lots 2 and 3, Country Meadows Subdivision located between Conway Castle Drive and Klein Road on FM725) that is requesting a Zoning change from R-1 and APD to C-1B and C-O. If approved, this change will open the door to some heavy commercial development right across the street from our subdivision. Again, I understand that growth is happening everywhere in new Braunfels, but I would request that perhaps rezoning to a more residentially friendly class be considered.

Thank you for your consideration.

Best regards,

Rick Love
2208 Waterford Grace
New Braunfels, TX 78130

Outside of the 200' Notification Area

Matthew W. Simmont

From: Gary Steel <gsteel274@gmail.com>
Sent: Friday, January 4, 2019 5:32 PM
To: Matthew W. Simmont
Subject: Case No. PZ-18-045

I live in Southbank and am very concerned about the rezoning of:
Lots 2 and 3, Country Meadows Subdivision located between Conway Castle Drive and Klein Road on FM725.

Proposed zoning change is from R-1 and APD to C-1B and C-O.

I object to the above zoning as being way too broad and inclusive to be across from the residents in my subdivision and Pecan Grove, but would favor zoning that is much more residential friendly.

Gary Steel
274th District Judge
Comal, Guadalupe and Hays Counties

2268 Waterford Grace
New Braunfels TX 78130

Outside of 200' Notification Area

Matthew W. Simmont

From: Paul B <paulbialick@gmail.com>
Sent: Friday, January 4, 2019 5:01 PM
To: Matthew W. Simmont
Subject: Opposition of zoning request

Mr Simmont,

My name is Paul Bialick, I am a resident of Southbank and wanted to let you know I/We are opposed to the re-zoning of the property across from us on FM 725 to C-1B.
I understand that re-zoning the properties to commercial is inevitable but believe C-1B is to broad.
Thankyou for your attention to this matter.

Sincerely,

Paul S Bialick
(c)210.379.3982
Www.ucs-now.com
Www.texasskiranch.com
"It's A Way Of Life!"
2253 Waterford Grace

Outside of 200' Notification Area

Matthew W. Simmont

From: D'Ann <vangorkum21@gmail.com>
Sent: Friday, January 4, 2019 3:11 PM
To: Matthew W. Simmont
Subject: Commercial zoning across from 725

At 102 Country Grace S we object to the current zoning. We want zoning that is beneficial for a residential area.

D'Ann Vangorkum

Outside of the 200' Notification Area

Matthew W. Simmont

From: Susan Allpass <susanallpass.sa@gmail.com>
Sent: Friday, January 4, 2019 2:30 PM
To: Matthew W. Simmont
Subject: Southbank Resident apposing rezoning

My name is Susan Allpass and I live in Southbank. I would like to express my concerns about the rezoning on 725. This zoning is not acceptable for the residents here in order to protect our property values. I have lived in this subdivision going on 12 years and value my long term investment in my home. Please reconsider this zoning change. Thank you for allowing us to have a voice in this matter.

Bob and Susan Allpass
Southbank Residents
2314 Brittany Grace

Outside of the 200' Notification Area

Matthew W. Simmont

From: Kyle Rieger <hanginon44@hotmail.com>
Sent: Friday, January 4, 2019 2:15 PM
To: Matthew W. Simmont
Subject: Objection to zoning C-1B & C-0

Importance: High

As a resident of Southbank, and a current address of 2316 Normandy Grace, I hereby submit a written "Objection" to the zoning proposal along 725 to C-1B & C-0. Please take this under immediate consideration.

Kyle Rieger
Coyote Consulting
575-973-3268
210-508-5734

Outside of the 200' Notification Area

Matthew W. Simmont

From: pop-server.satx.rr.com <pkellerhals@satx.rr.com>
Sent: Monday, January 7, 2019 10:10 AM
To: Matthew W. Simmont
Cc: Justin Meadows
Subject: Case No. PZ-18-045

We have lived at 2307 Stratford Grace, in the SouthBank community, for 11 years and are very happy with the neighborhood, facilities and location. We are concerned with the proposed rezoning currently being proposed for Lots 2 and 3, Country Meadows subdivision on FM725. We object to the zoning change from R-1 and APD to C-1B and C-O and favor a much more residential friendly zoning.

We would appreciate your support in this endeavor.

Thanks,

Paul and Dixie Kellerhals

Outside of 200' Notification Area

Matthew W. Simmont

From: Lance Wipf <lwipf@standardtextile.com>
Sent: Monday, January 7, 2019 10:46 AM
To: Matthew W. Simmont
Subject: Case No. PZ-18-045

Good Morning Mr. Simmont,

I live in Southbank and am writing to let you know my wife and I object to the proposed zoning change as it is currently written for Case No. PZ-18-045 (Lots 2 and 3 Country Meadows Subdivision located between Conway Castle Drive and Klein Road on FM725).

We understand that zoning changes are eminent along FM725, but would like to see a much more "residential friendly" zone classification.

Thank you for your consideration in this matter.

Lance Wipf
Textile Consultant
111 Dover Grace
STANDARD TEXTILE
One Knollcrest Dr. | Cincinnati, Ohio 45237 | standardtextile.com
210-410-0477 | Fax: 513-552-9032

STANDARD
TEXTILE

Outside 200' Notification Area

Matthew W. Simmont

From: Jaymie Snider <jsnider@boonchapman.com>
Sent: Monday, January 7, 2019 9:31 AM
To: Matthew W. Simmont
Subject: Southbank -Case No, PZ-18-045

Good morning,

I am emailing in regards to the re-zoning across the street from my subdivision of Southbank. Please accept and further distribute my information, as I will not be able to attend the City Council meeting tomorrow night.

I strongly oppose the proposed re-zoning of lots 2 and 3 on Country Meadows Subdivision located on Conway Castle DR and 725. The C1B and C-O is not something I would like to see across the street. I would favor zoning that is more residential friendly.

Please accept this opposition as we have been residents of Southbank for twelve years. Our address is 2319 Stratford Grace.

Thank you!

Jaymie Snider, Talent and Development Manager
Boon-Chapman, Soluta, Prime Dx, Interceptis
D: 512.233.7190 | **F:** 512.233.7036

CONFIDENTIAL HEALTH INFORMATION ENCLOSED

Health Care Information is personal and sensitive information related to a person's health care. It is being e-mailed to you after appropriate authorization from the patient/member or under circumstances that do not require patient/member authorization. You, the recipient, are obligated to maintain the health care information in a safe, secure and confidential manner. Re-disclosure of the health care information transmitted without additional patient/member consent or as permitted by law is prohibited. Unauthorized re-disclosure or failure to maintain confidentiality could subject you to penalties described in federal and state law. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this information is STRICTLY PROHIBITED. If you have received this message by error, please notify us immediately and destroy the related message.

Outside of the 200' Notification Area

Holly Mullins

From: Mark Andrews <mark.andrews@co.hays.tx.us>
Sent: Monday, January 07, 2019 1:59 PM
To: Holly Mullins
Cc: 'kimberlidandrews@gmail.com'
Subject: Rezoning of FM 725

To whom it may concern,

I will start by saying I am a layperson when it comes to zoning, and all the goings-on of city management, planning, and design, so I respectfully ask for your patients. My name is Mark Andrews and I own and reside in my home at 216 Rock Springs Dr. New Braunfels, TX 78130. It has been brought to my attention that an entity or persons are seeking a zoning change to a property that fronts FM 725 and is directly east, north-east from my property.

I understand a letter was sent to those property owners that were within a 200-foot buffer from the proposed zone change, and I am approximately 1 house outside that buffer. We are approximately 3 houses away from the cul-de-sac that intersects with Concho Loop. The parcel of land I am speaking of is directly behind the homes on Concho Loop.

I have been a police officer for 17 years, and know firsthand the type of issues that can arise out of having a commercial establishment so close to a residential neighborhood. I am concerned a zone change, depending on the type of establishment to be built, could adversely affect the value of my property and the safety of my family and neighbors.

I respectfully request this zoning change be denied due to the proximity of the affected neighbors and homes.

Feel free to contact me at any time via my personal cell phone at 210.825.7334 or my personal email address at texas5ohh@yahoo.com.

Thank you,

Deputy Mark Andrews
Hays County Sheriff's Office
Community Outreach Unit
1307 Uhland Rd. San Marcos, TX
(512) 393-7342 ofc
(512) 787-4363 cell
mark.andrews@co.hays.tx.us

Outside 200' Notification Area

Matthew W. Simmont

From: chaz gallagher <chazgallagher@gmail.com>
Sent: Monday, January 7, 2019 2:47 PM
To: Matthew W. Simmont
Subject: In reference to Case No. PZ-18-045, Proposed zoning changes

Referencing: Case No. PZ-18-045

Lots 2 and 3, Country Meadows Subdivision located between Conway Castle Drive and Klein road on FM 725

Regarding: Proposed zoning change from R-1 and APD to C-1B and C-O

Mr. Simmont,

I am a resident of the Southbank subdivision on FM 725 across from the above listed properties, and I **STRONGLY OBJECT** to the proposed zoning changes of that property to C-1B and C-O. I think thats just opening it up to a broad spectrum of things to get the sale price up higher. Im all for PRO business but would rather see a SUP so we the residents and city could help make sure the business would fit it the right way with the surrounding neighborhood.

Southbank has been a staple in the New Braunfels community for decades. We take pride in our friendly community-centered neighborhood, upscale reputation, and safe atmosphere. Changing the property zoning to C-1B and C-O could bring less desirable businesses to the area that could potentially degrade our community by default.

I would be in favor of zoning that is much more residential friendly or SUP.

Thank you,

Chaz Gallagher

2281 Normandy Grace
New Braunfels, TX 78130

Outside of 200' Notification Area

Matthew W. Simmont

From: Randy Visser <randy.visser85@gmail.com>
Sent: Monday, January 7, 2019 2:23 PM
To: Matthew W. Simmont
Subject: In reference to Case No. PZ-18-045, Proposed zoning changes

Referencing: Case No. PZ-18-045
Lots 2 and 3, Country Meadows Subdivision located between Conway Castle Drive and Klein road on FM 725

Regarding: Proposed zoning change from R-1 and APD to C-1B and C-O

Mr. Simmont,

I am a resident of the Southbank subdivision on FM 725 across from the above listed properties, and I STRONGLY OBJECT to the proposed zoning changes of that property to C-1B and C-O. Southbank has been a staple in the New Braunfels community for decades and is unique in is location and desirability to live. We take tremendous pride in our friendly community-centered neighborhood, upscale reputation with strong architectural values and safe atmosphere. Changing the property zoning to C-1B and C-O could bring less desirable businesses to the area that could potentially degrade our community by default. We have spent many years keeping this neighborhood the way it is for reasons and do not want to see something like this rezoning diminish many, MANY years of hard work that we have dedicated to make Southbank what it is today. This is something that we do not desire and could very much impact our not only values, but also our overall neighborhood reputation

I would be in favor of zoning that is much more residential and neighborhood friendly.

Randy Visser
Southbank Homeowner and Resident/Realtor
randy.visser85@gmail.com
830-660-9413
2326 Waterford Grace

Outside of 200' Notification Area

Matthew W. Simmont

From: Susan Stoval <susanstoval1@yahoo.com>
Sent: Monday, January 7, 2019 2:03 PM
To: Matthew W. Simmont
Subject: Case no PZ-18-045 proposed zoning change

Referencing: Case No. PZ-18-045
Lots 2 and 3, Country Meadows Subdivision located between Conway Castle Drive and Klein road on FM 725

Regarding: Proposed zoning change from R-1 and APD to C-1B and C-O

Mr. Simmont,

I am a resident of the Southbank subdivision on FM 725 across from the above listed properties, and I STRONGLY OBJECT to the proposed zoning changes of that property to C-1B and C-O. Southbank has been a staple in the New Braunfels community for decades. We take pride in our friendly community-centered neighborhood, upscale reputation, and safe atmosphere. Changing the property zoning to C-1B and C-O could bring less desirable businesses to the area that could potentially degrade our community by default.

I would be in favor of zoning that is much more residential and neighborhood friendly.

Thank you,

Susan Stoval
2272 Stratford Grace
Southbank Resident

Sent from Yahoo Mail for iPhone

Outside of the 200' Notification Area

Holly Mullins

From: Michelle Martinez <mmartinez1177@yahoo.com>
Sent: Tuesday, January 08, 2019 11:03 AM
To: Holly Mullins
Subject: Zoning proposal for fm 725

Hi,

I would like to object to the rezoning proposal for fm725. I'm a resident of the Dove Crossing subdivision and I absolutely do not want the land zoned for commercial use.

Thank you,

Michelle Wadsworrh
2424 Dove Crossing Dr.

Sent from Yahoo Mail for iPhone

Outside of the 200' Notification Area

Matt Greene

From: Matthew W. Simmont
Sent: Thursday, January 17, 2019 9:43 AM
To: Matt Greene
Subject: FW: Zoning 725 : opposed to C-1B/C-O

Matthew W. Simmont, AICP
Planner | Planning and Community Development
550 Landa St | New Braunfels, TX 78130
830-221-4058 | MSimmont@nbtexas.org | www.nbtexas.org/planning

From: kim bond <kim@kimbond.com>
Sent: Wednesday, January 16, 2019 3:28 PM
To: Matthew W. Simmont <MSimmont@nbtexas.org>
Subject: Zoning 725 : opposed to C-1B/C-O

Hello Michael Simmont,
and Matt Greene,

As a resident of Southbank neighborhood, we are heavily opposed to the zoning change to C-1B and C-O,

We are, however, in favor of a more neighborhood friendly zone to preserve the surrounding quiet residential neighborhoods
including Pecan Crossing and Southbank.

We are in favor of widening 725, as the traffic is already too fast and too heavy going both directions
and we are desiring a bike lane for those not wishing to drive into downtown!

Sincerely
Kim E. Bond
2329 Brittany Grace
New Braunfels, TX, 78130

Outside of 200' Notification Area

Matt Greene

From: mactxau@aol.com
Sent: Friday, January 04, 2019 1:38 PM
To: Matt Greene
Subject: Pending Zoning Change Case PZ18-045

As a property owner in Dove Crossing Subdivision, I adamantly OBJECT to the current pending zoning change along FM 725. The current level of traffic, noise, congestion, and number of individuals ignoring the city ordinances and HOA policies, is causing the property values to decline and decreasing the quality of life for current residents.

Thank you for your time.

MeLinda Collier, property owner
2621 Dove Crossing Dr.

outside of 200' Notification Area

Matt Greene

From: Mindy Huddleston <mhaggie05@gmail.com>
Sent: Monday, January 07, 2019 6:16 PM
To: Matt Greene
Cc: Justin Meadows
Subject: In reference to Case No. PZ-18-045, Proposed zoning changes

Referencing: Case No. PZ-18-045
Lots 2 and 3, Country Meadows Subdivision located between Conway Castle Drive and Klein road on FM 725

Regarding: Proposed zoning change from R-1 and APD to C-1B and C-O

Mr. Simmont,

I am a resident of the Southbank subdivision on FM 725 across from the above listed properties, and I STRONGLY OBJECT to the proposed zoning changes of that property to C-1B and C-O. Southbank has been a staple in the New Braunfels community for decades. We take pride in our friendly community-centered neighborhood, upscale reputation, and safe atmosphere. Changing the property zoning to C-1B and C-O could bring less desirable businesses to the area that could potentially degrade our community by default.

The new rezoning will also bring heavier traffic to an already congested road. It will also continue to bring the noise level up around the surrounding area. It will also will open the community up to potential crime. South Bank is a very family friendly neighborhood and we LOVE to keep the area around us the same.

I would be in favor of zoning that is much more residential and neighborhood friendly.

Thank you,

Mindy Huddleston

Southbank Resident
mhaggie05@gmail.con
281.239.5067
2454 Country Grace

Outside of 200' Notification Area

Matt Greene

From: Trina Lozoya <Trina.Lozoya@txcourts.gov>
Sent: Friday, January 04, 2019 11:08 AM
To: Matt Greene
Cc: Justin Meadows
Subject: Proposed Rezoning on 725 - question

Good morning.

I am writing to lodge my objection to the proposed rezoning of Lots 2 and 3, Country Meadows Subdivision at 2254 and 2316 FM 725. (See Case: #PZ18-045).

My concerns center on, in no particular order:

1. Increased noise.
2. Increased criminal activity.
3. Loss of property value.
4. Increased traffic.

The notice sent to neighbors does not include any indication of the type of business intended for the property. However, many of the authorized non-residential uses listed within the ordinances for C-O and C-1B have been correlative, historically, with the four concerns I listed above.

Although private individuals have the right to use their property to their own benefit, that right is not unfettered. The negative effects of those proposed uses must be taken into consideration and balanced against the private individuals' rights. The health, safety and welfare of the surrounding community is an important government interest – some would call it compelling. Therefore, the planning commission should carefully consider the rezoning proposal, and in my opinion, reject rezoning to the C-O and C-1B designations.

Thank you for your time,
Trina Lozoya
277 Val Verde Dr.
New Braunfels, TX 78130
830-708-6690

Trina Lozoya
Staff Attorney
Fourth Court of Appeals
300 Dolorosa, Suite 3200
San Antonio, Texas 78205
Office: 210-335-3969

Outside of 200' Notification Area

Matt Greene

From: Kay Watson <kaywatsonrealtor@gmail.com>
Sent: Tuesday, January 08, 2019 8:17 AM
To: Matt Greene
Cc: Justin Meadows
Subject: Object Zone Change - Case No. PZ-18-045
Attachments: winmail.dat

Dear Mr. Greene,

My name is Kay Watson and I am a home owner in the Southbank subdivision on FM 725. I am emailing you concerning the notices posted and information I have received proposing a zoning change from R-1 and APD to C-1B and C-O for the properties Lots 2 and 3, Country Meadows Subdivision located between Conway Castle Drive and Klein Road on FM725.

I OBJECT to the above proposed zoning change, but would favor zoning that is "much more residential friendly."

Case No. PZ-18-045

Thank you,
Kay Watson
2262 Normandy Grace
New Braunfels, TX 78130

This email and its attachments, if any, are intended for the personal use of the named recipient(s) and may contain confidential, privileged, or proprietary information. If you are not a named recipient, or an agent responsible for delivering it to a named recipient, you have received this email in error. In that event, please (a) immediately notify me by reply email, (b) do not review, copy, save, forward, or print this email or any of its attachments, and (c) immediately delete and/or destroy this email and its attachments and all electronic and physical copies thereof. Thank you.

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Texas law requires all real estate licensees to give the following information about brokerage services to Prospective buyers, tenants, sellers, and landlords: Below is a link for the Information About Brokerage Services Form.
CLICK HERE!

Kay Watson
Re/Max River Cities
903-571-4634

Matt Greene

From: Watson, Clint J <Clint.Watson@cmc.com>
Sent: Monday, January 07, 2019 12:05 PM
To: Matt Greene
Cc: Justin Meadows
Subject: Object Zone Change - Case No. PZ-18-045

Dear Mr. Greene,

My name is Clint Watson and I am a home owner in the Southbank subdivision on FM 725. I am emailing you concerning the notices posted and information I have received proposing a zoning change from R-1 and APD to C-1B and C-O for the properties Lots 2 and 3, Country Meadows Subdivision located between Conway Castle Drive and Klein Road on FM725.

I OBJECT to the above proposed zoning change, but would favor zoning that is "much more residential friendly."

Case No. PZ-18-045

Thank you,
Clint Watson
2262 Normandy Grace
New Braunfels, TX 78130

This email and its attachments, if any, are intended for the personal use of the named recipient(s) and may contain confidential, privileged, or proprietary information. If you are not a named recipient, or an agent responsible for delivering it to a named recipient, you have received this email in error. In that event, please (a) immediately notify me by reply email, (b) do not review, copy, save, forward, or print this email or any of its attachments, and (c) immediately delete and/or destroy this email and its attachments and all electronic and physical copies thereof. Thank you.

Outside of 200' Notification Area

Matt Greene Southbank Owner's Association

From: Matthew W. Simmont
Sent: Tuesday, January 08, 2019 12:14 PM
To: Gene Challenner
Cc: Matt Greene; Holly Mullins
Subject: RE: Southbank's position on FM725 Rezoning

Mr. Challenner,

I have just been notified that due to a family emergency, the applicant is requesting postponement of consideration of this zone change request to the meeting for next month which will be held on February 5. If you could, please forward this information to other members of the owners association.

Thank you.

Matthew W. Simmont, AICP
Planner | Planning and Community Development
550 Landa St | New Braunfels, TX 78130
830-221-4058 | MSimmont@nbtexas.org | www.nbtexas.org/planning

From: Gene Challenner <gcnbtx@gmail.com>
Sent: Wednesday, January 2, 2019 5:58 PM
To: Matthew W. Simmont <MSimmont@nbtexas.org>
Subject: Southbank's position on FM725 Rezoning

Matthew:
Per our earlier conversation, I am sending you the letter regarding Southbank's position on the Rezoning Proposal on FM725 across from Southbank. I appreciate your including it in the packet for the January 8 Planning Commission meeting. It is as follows:

SOUTHBANK OWNERS ASSOCIATION

January 2, 2019

New Braunfels Planning Commission members and staff
New Braunfels City Hall
550 Landa Street
New Braunfels, TX 78130

Re: Zoning Change on FM 725 Guadalupe County

We understand that New Braunfels is considering a Zoning Change on FM725 Southeast of County Line Road across from Southbank. The Southbank Owners oppose the proposed change to C1-B and C-O.

Southbank Owners Association represents 317 Homes directly across FM 725 from the property for which the zoning change is requested, and a number of our residents are within 200 feet of the subject property.

Southbank believes that the proposed change is incompatible with the residential use in Southbank and the other adjacent residential neighborhoods, which include Pecan Crossing with over 200 homes, and Dove Crossing and its adjacent neighborhoods with over 800 homes. The proposed uses of C1-B and C-O allows incompatible uses, including for example outdoor bars and entertainment venues along with high density multi-family homes. Concerns over traffic, light, noise and drainage prompt us to ask for denial of the proposed zoning change.

Southbank Owners appreciate that the location of this property on FM 725 make it very attractive for commercial development, and we are aware that the Future Land Use Plan is for this area to be commercially developed. We also recognize that the owners deserve to develop their property, so long as it doesn't adversely affect the residential neighborhoods within close proximity. Therefore, Southbank Owners would consider that if R-1 and APD designations do not remain in place, the list of businesses in the attached document would be acceptable to us. The document is the Rezoning Agreement dated March 14, 2007 between the City of New Braunfels Planning Commission, Southbank and Pecan Crossing, and is in reference to property along FM725 between Southbank and County Line Road. The list referred to is Attachment B, the last two pages of the document.

Southbank Owners Association looks forward to participating at the Planning Meeting on January 8, 2019 and the subsequent City Council Meetings as this proposal is considered.

Sincerely,

Gene Challenner
President, Southbank Owners Association

YOUR OPINION MATTERS - DETACH AND RETURN Outside 200' Notification Area

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Altie McMannis
Address: 2323 NORMANDY GRACE
Property number on map: _____

I favor: _____
I object: ✓
(State reason for objection)

Comments: (Use additional sheets if necessary)
IF NOT A neighborhood friendly Businesses it will CAUSE too much traffic.

Signature: altie McMannis

YOUR OPINION MATTERS - DETACH AND RETURN Outside 200' Notification Area

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: Sondra von Gyllenband
Address: 2323 NORMANDY GRACE
Property number on map: _____

I favor: _____
I object: ✓
(State reason for objection)

Comments: (Use additional sheets if necessary)
IF NOT Neighborhood friendly it could CAUSE too much traffic.

Signature: Sondra von Gyllenband

YOUR OPINION MATTERS - DETACH AND RETURN Outside 200' Notification Area

Case: #PZ18-045 (Neuse/Smithers) (MG)
Date Sent: 12/14/18

Name: SUSAN DIMALINE
Address: 2323 NORMANDY GRACE
Property number on map: _____

I favor: _____
I object: ✓
(State reason for objection)

Comments: (Use additional sheets if necessary)
TOO MUCH TRAFFIC & THE EFFECTS THEREOF

Signature: S Dimaline

City of New Braunfels

PZ-18-045
2254 & 2316 FM 725
R-1 & APD to C-1B & C-O

City of New Braunfels

PZ-18-045
2254 & 2316 FM 725
R-1 & APD to C-1B & C-O

3.3-1 “R-1” single-family district. The following regulations shall apply in all "R-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)
- 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
- 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)
- 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

(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) 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. 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 set back at least 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 per single-family residence 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. See Section 5.1 for other permitted uses' parking.

(2) Non-Residential uses.

(i) *Height.* 35 feet.

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

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

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

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

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

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

(viii) *Lot depth*. 100 feet.

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

3.4. *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.

3.4-12. *"C-1A" neighborhood business district.*

Purpose. This district is established to provide office, business and professional services, and light retail and commercial uses to serve adjacent neighborhoods. The uses found in the neighborhood business district are generally clustered at major intersections of collector streets near the perimeters of residential neighborhoods. No major shopping or office centers are included in this district. No use that is noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas shall be included in this district. The following regulations shall apply in all "C-1A" districts:

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

(1) *Uses permitted by right*:

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

Non-residential uses:
- Accounting, auditing, bookkeeping, and tax preparations
- Adult day care (no overnight stay)
- Adult day care (with overnight stay)
- Amusement devices/arcade (four or more devices)
- Animal grooming shop
- Answering and message services
- Antique shop
- Appliance repair
- Armed services recruiting center
- Art dealer / gallery
- Artist or artisan’s studio
- Auto leasing
- Auto supply store for new and factory rebuilt parts
- Auto tire repair /sales (indoor)
- Bakery (retail)
- Bank, savings and loan, or credit union
- Bars and taverns (no outdoor music)
- Barber/beauty shop, haircutting (non-college)
- Barns and farm equipment storage (related to agricultural uses)
- Battery charging station
- Bicycle sales and/or repair
- Bingo facility
- Book binding
- Book store
- Cafeteria / café / delicatessen
- Campers' supplies
- Caterer
- Cemetery and/or mausoleum
- Check cashing service
- Child day care/children's nursery (business)
- Church/place of religious assembly
- Cleaning, pressing and dyeing (non-explosive fluids used)
- Clinic (dental)

Clinic (emergency care)
Clinic (medical)
Coffee shop
Communication equipment - installation and/or repair
Computer and electronic sales
Computer repair
Confectionery store (retail)
Consignment shop
Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)
Convenience store without fuel sales
Credit agency
Curio shops
Custom work shops
Department store
Drapery shop / blind shop
Drug sales/pharmacy
Electrical repair shop
Electrical substation
Farms, general (crops) (see Chapter 6, Municipal Code and Sec. 5.9)
Farms, general (livestock/ranch) (see Chapter 6, Municipal Code and Sec. 5.9)
Florist
Food or grocery store without fuel sales (50,000 sq. ft. or less)
Frozen food storage for individual or family use
Garden shops and greenhouses
Golf course (public or private)
Governmental building or use
Greenhouse (commercial)
Handicraft shop
Hardware store
Health club (physical fitness; indoors only)
Heating and air-conditioning sales / services
Hospital, rehabilitation
Kiosk (providing a retail service)
Laundromat and laundry pickup stations
Laundry/dry cleaning (drop off/pick up)
Laundry/washateria (self serve)
Lawnmower sales and/or repair
Locksmith
Martial arts school
Museum
Needlework shop
Nursing/convalescent home/sanitarium
Offices, brokerage services
Offices, business or professional
Offices, computer programming and data processing
Offices, consulting
Offices, engineering, architecture, surveying or similar
Offices, health services
Offices, insurance agency
Offices, legal services - including court reporting
Offices, medical offices
Offices, real estate
Offices, security/commodity brokers, dealers, exchanges and financial services
Park and/or playground (private or public)
Parking lots (for passenger car only) (not as incidental to the main use)

Parking structure / public garage
Pawn shop
Pet shop / supplies (10,000 sq. ft. or less)
Photographic printing/duplicating/copy shop or printing shop
Photographic studio (no sale of cameras or supplies)
Photographic supply
Plant nursery
Plant nursery (retail sales / outdoor storage)
Public recreation/services building for public park/playground areas
Quick lube/oil change/minor inspection
Radio/television shop, electronics, computer repair
Recreation buildings (private or public)
Recycling kiosk
Refreshment/beverage stand
Restaurant
Restaurant/prepared food sales with drive throughs
Retail store and shopping center with drive through service (50,000 sq. ft. bldg. or less)
Retirement home / home for the aged
School, K-12 (public or private)
School, vocational (business/commercial trade)
Security monitoring company
Security systems installation company
Shoe repair shops
Shopping center
Specialty shops in support of project guests and tourists
Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)
Tailor shop
Telemarketing agency
Telephone exchange buildings (office only)
Theater (non-motion picture; live drama)
Tool rental
Travel agency
University or college (public or private)
Vacuum cleaner sales and repair
Veterinary hospital (no outside animal runs or kennels)
Video rental / sales
Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system
Woodworking shop (ornamental)

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

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

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

(1) *Height.* 35 feet.

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

(3) *Side building setback.* No side building setback is required except that where a side line of a lot in this district abuts upon the side line of a lot in any residential zone, a side building setback of not less than six feet shall be provided.

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

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

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

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

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

(9) *Lot depth*. 100 feet.

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

(11) *Size.* Any building on a lot shall be 50,000 square feet or less in size.

3.4-17. "*C-O" Commercial office district*.

Purpose. The commercial office district is established to create a mixed use district of professional offices and residential use. The regulations set forth in this article are intended to encourage adaptive reuse of buildings or new office developments of the highest character in areas that are compatible and sensitive to the surroundings and ensure historic integrity. Such uses should not generate excess additional traffic or access problems.

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

(1) *Uses permitted by right*:

Residential uses:
- Accessory building/structure
- Accessory dwelling (one accessory dwelling per lot, no kitchen)
- Bed and breakfast inn (see Sec. 5.6)
- Boardinghouse/lodging house
- Community home (see definition)
- Dormitory (in which individual rooms are for rental)
- Duplex / two-family / duplex condominiums
- Hospice
- Multifamily (apartments/condominiums)
- One family dwelling, detached
- Residential use in buildings with the following non-residential uses
- Single family industrialized home (see Sec. 5.8)
- Townhouse (attached)
- Zero lot line / patio homes

Non-residential uses:
- Accounting, auditing, bookkeeping, and tax preparations
- Adult day care (no overnight stay)
- Answering and message services
- Antique shop (household items)
- Armed services recruiting center
- Art dealer / gallery
- Artist or artisan's studio
- Bakery (retail)
- Bank, savings and loan, or credit union
- Barber/beauty shop, haircutting (non-college)
- Barns and farm equipment storage (related to agricultural uses)
- Book store
- Cemetery and/or mausoleum
- Check cashing service
- Church/place of religious assembly
- Clinic (dental)
- Clinic (emergency care)
- Clinic (medical)
- Coffee shop
- Community building (associated with residential uses)
- Confectionery store (retail)

Contractor's temporary on-site construction office (only with permit from building official)
Credit agency
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)
Garden shops and greenhouses
Golf course (public or private)
Governmental building or use
Kiosk (providing a retail service)
Laundry/dry cleaning (drop off/pick up)
Locksmith
Needlework shop
Offices, brokerage services
Offices, business or professional
Offices, computer programming and data processing
Offices, consulting
Offices, engineering, architecture, surveying or similar
Offices, health services
Offices, insurance agency
Offices, legal services - including court reporting
Offices, medical offices
Offices, real estate
Offices, security/commodity brokers, dealers, exchanges and financial services
Park and/or playground (private or public)
Photographic printing/duplicating/copy shop or printing shop
Photographic studio (no sale of cameras or supplies)
Photographic supply
Public recreation/services building for public park/playground areas
Recreation buildings (public)
Research lab (non-hazardous)
Retirement home/home for the aged - public
School, K-12 (public or private)
School, vocational (business/commercial trade)
Security monitoring company (no outside storage or installation)
Shoe repair shops
Telemarketing agency
Telephone exchange buildings (office only)
Tennis court (commercial)
Travel agency
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

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.* 15 feet.

(iii) *Side building setback.* A side building setback of not less than five feet shall be provided for a single story building or structure in which there are no openings to the side yard. A minimum 10 foot side building setback shall be provided for a single story building or structure with openings to the side yard.

(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.* 60 feet.

(vii) *Corner lots.* Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street except when abutting any residential district where the side building setback shall than become a minimum of 25-feet.

(viii) *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)

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

(2) 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 lines of the corner lots coincide with the side lot lines of the adjacent lots.

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

(v) *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.

(vi) *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 not located over the recharge zone and one acre located over the recharge zone.

(vii) *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 yards.* 25 feet.

(iii) *Side building setback.* There shall be a side building setback on each side of a building not less than 5 feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots.

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

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

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

(vii) *Lot area per family.* 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 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) *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.* 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.* A side building setback of 20 feet shall be provided. 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.

(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) *Parking and accessory uses.* Parking may encroach into the interior side and rear building setback as long as a solid screening fence or wall of six to eight feet in height is erected along the interior side and rear property lines. Accessory uses such as swimming pools, tennis courts and playgrounds will not be permitted within any required yard.

(viii) *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.

(ix) *Density.* 24 units per acre.

(x) *Lot area.* 20,000 square feet.

(xi) *Lot coverage.* The combined area of all yards shall not be less than 50 percent of the total lot or tract; provided however, that in the event enclosed or covered parking is provided, the minimum total yard area requirement shall be 40 percent of the total lot or tract.

(xii) *Distance between structures.* There shall be a minimum of 10 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 20 feet between structures backing rear to rear. (See Illustration 2)

(xiii) *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.

(5) Townhouses.

(i) *Height.* 35 feet.

(ii) *Front building setback.* 10 feet. If front entry garages/carports are provided, a minimum front yard of 20 feet shall be provided to the garage/carport.

(iii) *Side building setback.* No side building setbacks are required for interior lots except the minimum distance between two building groups shall be 20 feet and the minimum distance between a building group and any abutting subdivision boundary or zoning district boundary line shall be 20 feet. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street, except where the rear lot line of a corner lot coincides with a side lot line of an adjacent lot, then 25-foot minimum side yards adjacent to the street shall be provided.

(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.* No building shall be constructed closer than ten feet from the rear property line. If the rear of the lots abut any other residential zoning district, the rear building setback shall have a minimum depth of 20 feet.

(vi) *Width of lot.* Interior lots shall have a minimum width of 25 feet. Corner lots shall have a minimum width of 40 feet except where the rear lot line of a corner lot coincides with a side lot line of an adjacent lot, then the corner lot shall have a minimum width of 50 feet.

(vii) *Lot depth*. 100 feet.

(viii) *Lot area per family.* 2,500 square feet.

(ix) *Common open space.* A minimum of 250 square feet of common open space per lot shall be provided within the townhouse project. In computing the required common open space, individually owned townhouse lots, required front, rear, or side setbacks, streets, alleys, or public rights-of-way of any kind, vehicular drives, parking areas, service drives, or utility easements containing or permitting overhead pole carried service shall not be included. Drainage easements and detention ponds may be used in computing common open space.

(x) *Building group.* There shall be no less than two nor more than eight individual dwelling units in each building or dwelling group. Each building group shall be at least 20 feet from any other building group, measured from the nearest points of their foundations. Each building or building group shall be at least 20 feet from any subdivision or zoning district boundary line.

(xi) *Accessory buildings.* Any detached accessory buildings permitted, except carports open on at least two sides, shall be set at least three feet away from the side lot line unless their walls are equal in fire resistance to the common walls of the main structure. Detached carports, open on at least two sides, may be built to the property line with no common wall required. Rear building setback for an accessory building shall be three feet. Any accessory building permitted in district "R-1" shall be permitted in district "TH."

(xii) *Parking.* There shall be at least two off-street parking spaces for each townhouse. See Section 5.1 for other permitted uses' parking.

(6) Zero lot line / patio homes.

(i) *Height.* 35 feet.

(ii) *Front building setback.* 10 feet. If front entry garages/carports are provided, a minimum front yard of 20 feet shall be provided to the garage/carport.

(iii) *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 of ten 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.

(iv) *Corner lots.* Buildings on corner lots shall provide a minimum exterior side building setback of 10 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.

(v) *Rear building setback.* 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 abut any other residential zoning district, the rear building setback shall have a minimum depth of 20 feet.

(vi)*Width of lot.* 40 feet.

(vii) *Lot area.* 4,000 square feet.

(viii) *Lot depth*. 100 feet.

(ix) *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.

(x) *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)

(xi) *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.

(xii) *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.

(xiii) *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.

(c) *Parking and off-street loading requirements.* The parking requirements for the permitted uses described herein are outlined in Section 5.1. In the case of mixed uses, i.e., residential and commercial, the parking requirements shall be additive.

EXCERPT OF MINUTES FROM THE FEBRUARY 5, 2019 PLANNING COMMISSION REGULAR MEETING

PZ-18-045 Public hearing and recommendation to City Council regarding the proposed rezoning of Lots 2 & 3 Country Meadows Subdivision, addressed at 2254 & 2316 FM 725, from "R-1" and "APD" to "C-1B" and "C-O."
(Applicant: S. Neuse & M. Smithers; Case Manager: M. Greene)

Mr. Greene presented the Staff report and recommended approval.

Chair Edwards invited the applicant to speak.

Mike Smithers, 2316 FM 725, stated he was one of the applicants. Mr. Smithers provided a brief history of the property and explained the request. He informed the Commission that after learning some surrounding property owners were opposed to the rezoning, he decided to change his request from 'C-1B' along 'C-1A' along FM 725. He further described his efforts to communicate with the surrounding property owners.

Chair Edwards asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wished to speak in opposition.

Gene Challenner, 2370 Brittany Grace, wished to speak in opposition. He stated he withdrew his objection to the proposed 'C-1A' zoning along the FM 725 frontage, but he maintained his opposition to the proposed 'C-O' zoning at the rear of the properties. He stated he believed the allowed uses in the 'C-O' Ordinance would be incompatible with the adjacent neighborhood.

Mark Werner, 112 Dundee Grace, wished to speak in opposition. He stated he believed the proposed rezoning would harm the character of the Southbank neighborhood. He expressed specific concerns regarding height allowances in the 'C-O' zoning district. He withdrew his objection to the proposed 'C-1A' portion of the rezoning.

Jerry Cumby, 2270 Normandy Grace, wished to speak in opposition. He expressed concerns regarding the wide range of uses permitted in the 'C-O' zoning district. He said the Southbank residents would prefer a specific use be determined for the property prior to rezoning.

Susan Demoulin, 2323 Normandy Grace, wished to express her desire to communicate with the applicant regarding the request.

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to close the public hearing. Motion carried (7-0-0).

Vice Chair Reaves asked the applicant what his intention for the 'C-O' portion of the property is.

Mr. Smithers stated he hoped to sell the property and did not have a specific use intended for the property.

Discussion followed regarding the intended use of the property.

Commissioner Tubb asked what height restrictions there are on development adjacent to residential properties.

Mr. Greene clarified there are additional setback restrictions for each additional foot of building height over 20 feet.

DRAFT

Motion by Commissioner Meyer, seconded by Vice Chair Reaves, to recommend approval to City Council regarding the proposed rezoning of Lots 2 & 3 Country Meadows Subdivision, addressed at 2254 & 2316 FM 725, from “R-1” and “APD” to “C-1A” and “C-O.” Motion carried (7-0-0).

DRAFT

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING LOTS 2 AND 3, COUNTRY MEADOWS SUBDIVISION, ADDRESSED AT 2254 AND 2316 FM 725, FROM "R-1" SINGLE FAMILY DISTRICT AND "APD" AGRICULTURAL/PRE-DEVELOPMENT DISTRICT TO "C-1A" NEIGHBORHOOD BUSINESS DISTRICT AND "C-O" COMMERCIAL OFFICE 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 and the "C-O" Commercial Office District, the City Council has given due consideration to all components of said districts; and

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

WHEREAS, the City Council desires to amend the Zoning Map by rezoning Lots 2 and 3, Country Meadows Subdivision, addressed at 2254 and 2316 FM 725, from "R-1" Single Family District and "APD" Agricultural/Pre-Development District to "C-1A" Neighborhood Business District and "C-O" Commercial Office 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 rezoning the following described tracts of land from "R-1" Single Family District to "C-1A" Neighborhood Business District:

> 2.925 acres out of Lot 2, Country Meadows Subdivision, addressed at 2254 FM 725 IH-35, and 3.302 acres out of Lot 3, Country Meadows Subdivision, addressed at 2316 FM 725, as delineated on Exhibit "A" and described in Exhibit "B" attached.

SECTION 2

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 rezoning the following described tracts of land from “R-1” Single Family District and “APD” Agricultural/Pre-Development District to ”C-O” Commercial Office District:

7.115 acres out of Lot 2, Country Meadows Subdivision, addressed at 2254 FM 725 IH-35, and 8.236 acres out of Lot 3, Country Meadows Subdivision, addressed at 2316 FM 725, as delineated on Exhibit “A” and described in Exhibit “C” 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 25th day of February, 2019.

PASSED AND APPROVED: Second reading this 11th day of March, 2019.

CITY OF NEW BRAUNFELS

_____

BARRON CASTEEL, Mayor

ATTEST:

_____

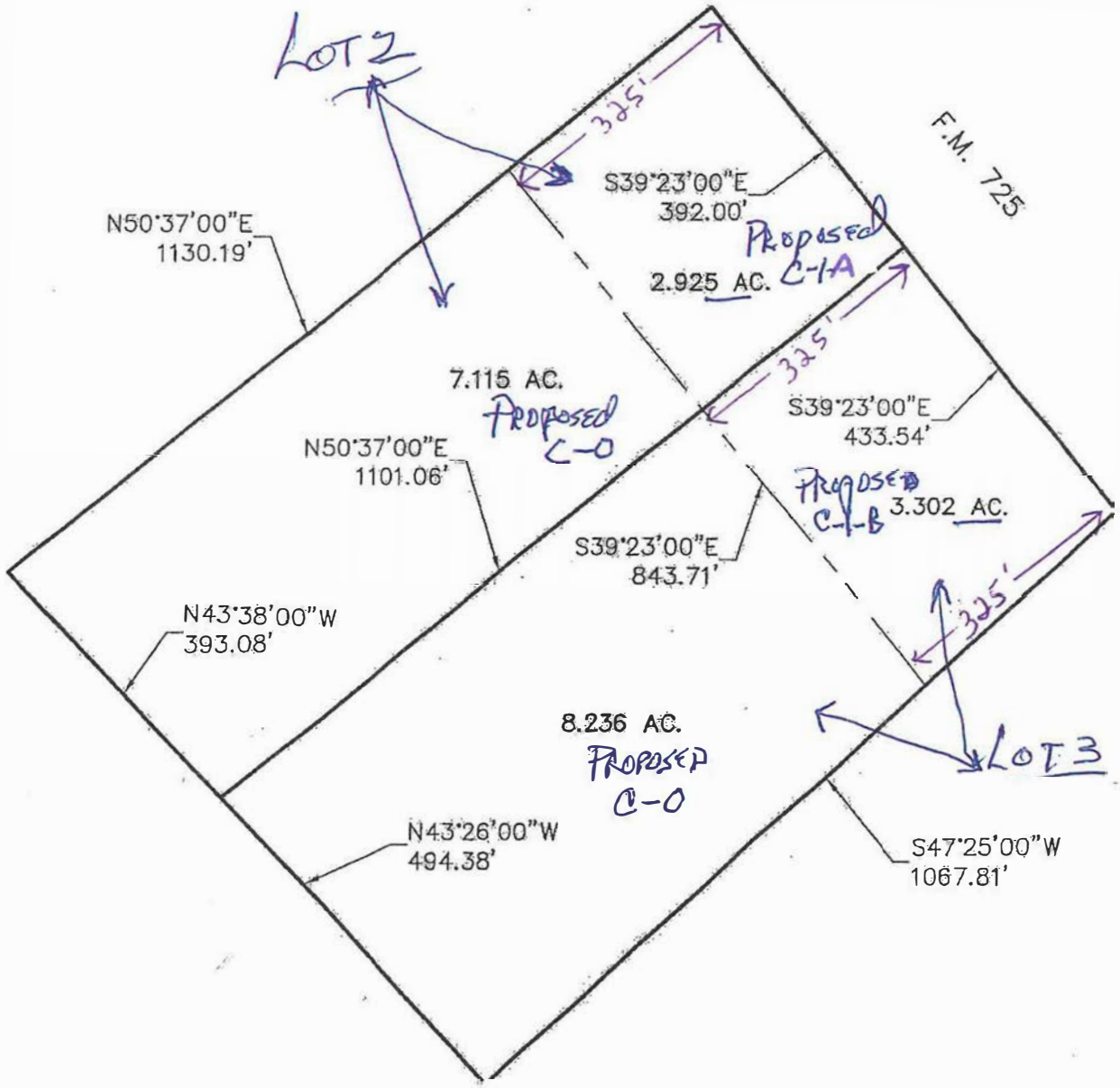
PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

_____

VALERIA M. ACEVEDO, City Attorney

SCALE: 1"=200'



D·A·MAWYER
LAND SURVEYING
5151 W. SH 46
NEW BRAUNFELS, TX 78132
PH: 830.730.4449
drewm@dam-tx.com
FIRM #10181500

DATE: XXXXX 2018 JOB XXXXX

PROPOSED ZONING EXHIBIT

EXHIBIT 'A'

D·A·MAWYER
LAND SURVEYING

METES AND BOUNDS DESCRIPTION
FOR A
3.302 ACRE TRACT OF LAND
"ZONING"

Being 3.302 acres of land situated in New Braunfels, Guadalupe County, Texas, being a portion of Lot 3, Country Meadows Subdivision, as recorded in Volume 4, Page 38, of the Map and Plat Records of Guadalupe County, Texas, as conveyed to Michael B. Smithers, and recorded in Volume 4200, Page 326, of the Official Public Records of Guadalupe County, Texas, and said 3.302 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a point in the Southwesterly Right-of-Way (R.O.W.) line of F.M. 725, being the most Northerly corner of said Lot 3, same being the most Easterly corner of Lot 2, of said Country Meadows Subdivision, as conveyed to the Sandra Neuse Living Trust, and recorded in Document No. 201899013646, of the Official Public Records of Guadalupe County, Texas, and being the most Northerly corner of this herein described tract of land;

THENCE with the Southwesterly R.O.W. line of said F.M. 725, and with the Northeasterly line of said Lot 2, S 39° 23' 00" E, a distance of 433.54 feet to a point for a corner in the Southwesterly R.O.W. line of said F.M. 725, being the most Easterly corner of said Lot 3, the most Northerly corner of Lot 4, of said Country Meadows Subdivision, as conveyed to Verdelle Y. Gramley, and recorded in Volume 2406, Page 206, of the Official Public Records of Guadalupe County, Texas, and being the most Easterly corner of this herein described tract of land;

THENCE departing the Southwesterly R.O.W. line of said F.M. 725, and with the common line between said Lots 3 and 4, S 47° 25' 00" W, a distance of 325.51 feet to a point for a corner in the common line between said Lots 3 and 4, and being the most Southerly corner of this herein described tract of land;

THENCE departing the common line between said Lots 3 and 4, and across and through said Lot 3, N 39° 23' 00" W, a distance of 451.71 feet to a point in the common line between said Lots 2 and 3, and being the most Westerly corner of this herein described tract of land;

EXHIBIT 'B'

THENCE with the common line between said Lots 2 and 3, N 50° 37' 00" E, a distance of 325.00 feet to the POINT OF BEGINNING, and containing 3.302 acres of land, more or less.

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

Bearings based on Volume 4, Page 38, of the Map and Plat Records of Guadalupe County, Texas.

Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191500
5151 W. State Highway, New Braunfels, TX 78132
LEG003- FM 725- ZONING- NE TRACT- 100518

D·A·MAWYER
LAND SURVEYING

METES AND BOUNDS DESCRIPTION
FOR A
2.925 ACRE TRACT OF LAND
"ZONING"

Being 2.925 acres of land situated in New Braunfels, Guadalupe County, Texas, being a portion of Lot 2, Country Meadows Subdivision, as recorded in Volume 4, Page 38, of the Map and Plat Records of Guadalupe County, Texas, as conveyed to the Sandra Neuse Living Trust, and recorded in Document No. 201899013646, of the Official Public Records of Guadalupe County, Texas, and said 2.925 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a point in the Southwesterly Right-of-Way (R.O.W.) line of F.M. 725, being the most Northerly corner of said Lot 2, same being the most Easterly corner of Lot 1, of said Country Meadows Subdivision, as conveyed to Celebrate Life Church, Inc., and recorded in Volume 2458, Page 251, of the Official Public Records of Guadalupe County, Texas, and being the most Northerly corner of this herein described tract of land;

THENCE with the Southwesterly R.O.W. line of said F.M. 725, and with the Northeasterly line of said Lot 2, S 39° 23' 00" E, a distance of 392.00 feet to a point for a corner in the Southwesterly R.O.W. line of said F.M. 725, being the most Easterly corner of said Lot 2, the most Northerly corner of Lot 3, of said Country Meadows Subdivision, as conveyed to Michael B. Smithers, and recorded in Volume 4200, Page 326, of the Official Public Records of Guadalupe County, Texas and being a Northeasterly corner of this herein described tract of land;

THENCE departing the Southwesterly R.O.W. line of said F.M. 725, and with the common line between said Lots 2 and 3, S 50° 37' 00" W, a distance of 325.00 feet to a point for a corner in the common line between said Lots 2 and 3, and being the most Southerly corner of this herein described tract of land;

THENCE departing the common line between said Lots 2 and 3, and across and through said Lot 2, N 39° 23' 00" W, a distance of 392.00 feet to a point in the common line between said Lots 1 and 2, and being the most Westerly corner of this herein described tract of land;

THENCE with the common line between said Lots 1 and 2, N 50° 37' 00" E, a distance of 325.00 feet to the POINT OF BEGINNING, and containing 2.925 acres of land, more or less.

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

Bearings based on Volume 4, Page 38, of the Map and Plat Records of Guadalupe County, Texas.

Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191500
5151 W. State Highway, New Braunfels, TX 78132
LEG003- FM 725- ZONING- NW TRACT- 100518

D•A•MAWYER
LAND SURVEYING

METES AND BOUNDS DESCRIPTION
FOR A
8.236 ACRE TRACT OF LAND
"ZONING"

Being 8.236 acres of land situated in New Braunfels, Guadalupe County, Texas, being a portion of Lot 3, Country Meadows Subdivision, as recorded in Volume 4, Page 38, of the Map and Plat Records of Guadalupe County, Texas, as conveyed to Michael B. Smithers, and recorded in Volume 4200, Page 326, of the Official Public Records of Guadalupe County, Texas, and said 8.236 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a point in the Southwesterly Right-of-Way (R.O.W.) line of F.M. 725, being the most Easterly corner of said Lot 3, and being the most Northerly corner of Lot 4, of said Country Meadows Subdivision, as conveyed to Verdelle Y. Gramley, and recorded in Volume 2406, Page 206, of the Official Public Records of Guadalupe County, Texas;

THENCE departing the Southwesterly R.O.W. line of said F.M. 725, and with the common line between said Lots 3 and 4, S 47° 25' 00" W, a distance of 325.51 feet to a point in the common line between said Lots 3 and 4, and being the most Easterly corner of this herein described tract of land and the POINT OF BEGINNING;

THENCE continuing with the common line between said Lots 3 and 4, S 47° 25' 00" W, a distance of 742.30 feet to a point for the most Southerly corner of said Lot 3, the most Westerly corner of said Lot 4, being in the Northeasterly line of a 20' Drainage and Utility Easement, as shown on Dove Crossing Subdivision, Unit 2 plat, and recorded in Volume 6, Page 436, of the Map and Plat Records of Guadalupe County, Texas, and being the most Southerly corner of this herein described tract of land;

THENCE with the Southwesterly line of said Lot 3, the Northeasterly line of said Drainage and Utility Easement, N 43° 26' 00" W, a distance of 494.38 feet to a point in the Northeasterly line of said Drainage and Utility Easement, being the most Westerly corner of said Lot 3, the most Southerly corner of Lot 2, of said Country Meadows Subdivision, as conveyed to the Sandra Neuse Living Trust, and recorded in Document No. 201899013646, of the Official Public Records of Guadalupe County, Texas, and being the most Westerly corner of this herein described tract of land;

THENCE departing the Northeasterly line of said Drainage and Utility Easement, and with the common line between said Lots 2 and 3, N 50° 37' 00" E, a distance of 776.06 feet to a point in the common line between said Lots 2 and 3, and being the most Northerly corner of this herein described tract of land;

THENCE departing the common line between said Lots 2 and 3, and across and through said Lot 3, S 39° 23' 00" E, a distance of 451.71 feet to the POINT OF BEGINNING, and containing 8.236 acres of land, more or less.

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

Bearings based on Volume 4, Page 38, of the Map and Plat Records of Guadalupe County, Texas.

Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191500
5151 W. State Highway, New Braunfels, TX 78132
LEG003- FM 725- ZONING- SE TRACT- 100518

D·A·MAWYER
LAND SURVEYING

METES AND BOUNDS DESCRIPTION
FOR A
7.115 ACRE TRACT OF LAND
"ZONING"

Being 7.115 acres of land situated in New Braunfels, Guadalupe County, Texas, being a portion of Lot 2, Country Meadows Subdivision, as recorded in Volume 4, Page 38, of the Map and Plat Records of Guadalupe County, Texas, as conveyed to the Sandra Neuse Living Trust, and recorded in Document No. 201899013646, of the Official Public Records of Guadalupe County, Texas, and said 7.115 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a point in the Southwesterly Right-of-Way (R.O.W.) line of F.M. 725, being the most Northerly corner of said Lot 2, and being the most Easterly corner of Lot 1, of said Country Meadows Subdivision, as conveyed to Celebrate Life Church, Inc., and recorded in Volume 2458, Page 251, of the Official Public Records of Guadalupe County, Texas;

THENCE departing the Southwesterly R.O.W. line of said F.M. 725, and with the common line between said Lots 1 and 2, S 50° 37' 00" W, a distance of 325.00 feet to a point in the common line between said Lots 1 and 2, and being the most Northerly corner of this herein described tract of land and the POINT OF BEGINNING;

THENCE departing the common line between said Lots 1 and 2, and across and through said Lot 2, S 39° 23' 00" E, a distance of 392.00 feet to a point in the Southeasterly line of said Lot 2, being in the Northwesterly line of Lot 3, of said Country Meadows Subdivision, as conveyed to Michael B. Smithers, and recorded in Volume 4200, Page 326, of the Official Public Records of Guadalupe County, Texas, and being the most Easterly corner of this herein described tract of land;

THENCE with the common line between said Lots 2 and 3, S 50° 37' 00" W, a distance of 776.06 feet to a point for the most Southerly corner of said Lot 2, the most Westerly corner of said Lot 3, being in the Northeasterly line of a 20' Drainage and Utility Easement, as shown on Dove Crossing Subdivision, Unit 3C plat, and recorded in Volume 6, Page 487, of the Map and Plat Records of Guadalupe County, Texas, and being the most Southerly corner of this herein described tract of land;

THENCE with the Northeasterly line of said Drainage and Utility Easement, and with the Southwesterly line of said Lot 2, N 43° 38' 00" W, a distance of 393.08 feet to a point in the Northeasterly line of said Drainage and Utility Easement, being the most Southerly corner of aforementioned Lot 1, and being the most Westerly corner of said Lot 2 and this herein described tract of land;

THENCE departing the Northeasterly line of said Drainage and Utility Easement, and with the common line between said Lots 1 and 2, N 50° 37' 00" E, a distance of 805.19 feet to the POINT OF BEGINNING, and containing 7.115 acres of land, more or less.

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

Bearings based on Volume 4, Page 38, of the Map and Plat Records of Guadalupe County, Texas.

Drew A. Mawyer
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TBPLS Firm Registration #10191500
5151 W. State Highway, New Braunfels, TX 78132
LEG003- FM 725- ZONING- SW TRACT- 100518

City of New Braunfels

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

4/8/2019

Agenda Item No. C)

Presenter/Contact
Barron Casteel, Mayor
(830) 221-4280 - bcasteel@nbtexas.org

SUBJECT:
Discuss and consider approval of a resolution in support of proposed legislation that increases the legal age from 18 to 21 to purchase, accept, possess, or consume cigarettes, e-cigarettes, or tobacco products; specifically supporting Senate Bill 21 and House Bill 749 and requesting that state legislators support these bills by voting in favor of this proposed legislation.

BACKGROUND / RATIONALE:
Texas 21 Coalition is a coalition of more than 75 public health groups that supports raising the minimum legal age for purchasing, accepting, possessing, or consuming cigarettes, e-cigarettes, and tobacco products from 18 to 21. On March 5th, the Texas 21 Coalition has announced its support for two pending bills during the 86th Legislative Session regarding increasing the legal age an individual to 21- Senate Bill 21 and House Bill 749. Passing this change to the law will will reduce tobacco use by youth and is a sound health policy that has been adopted by seven states and over 430 localities, including San Antonio, Texas. The City of San Antonio adopted its ordinance in January 2018, with an effective date of October 1, 2018. This allowed for a nine-month educational campaign period.

In December 2018, the U.S. Surgeon General, Vice Admiral Jerome M. Adams issued an advisory stressing the importance of protecting our youth from a lifetime of nicotine addiction and associated health risks by immediately addressing the epidemic of youth e-cigarette use. According to data from the Centers for Disease Control and Prevention and the Food and Drug Administration National Youth Tobacco Survey, the percentage of high school age children reporting past 30-day use of e-cigarettes rose by more than 75% between 2017 and 2018.

In addition to changing the legal age from 18 to 21, HB 749 and SB 21 would prohibit the distribution to and acceptance by a person under 21 (instead of 18) of a coupon or other item a recipient may use to receive, either in person or by courier deliver, a discounted cigarette, e-cigarette, or tobacco product.

These bills would also eliminate the first of two exceptions to the general prohibition. Currently, state law allows minors to possess cigarettes, e-cigarettes, or tobacco products in the following instances:

1. A minor who possesses in the presence of an adult parent, legal guardian, or spouse; or
2. An employer of the minor if possession or receipt of the cigarette- e-cigarette, or tobacco product is required in the performance of the employee's duties.

Finally, current state law requires that before a person can sell or provide cigarettes, e-cigarettes, and tobacco products, that person must first check the identification of any person that is younger than 27. Both bills propose to increase that age from 27 to 30.

The City of New Braunfels supports these bills in order to protect the health and safety of our youth. A copy of this resolution, if adopted, will be presented to the Governor of Texas, the leadership of the 86th Texas Legislature, and elected legislators that represent the City of New Braunfels interests in the House and the Senate.

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

FISCAL IMPACT:
None.

COMMITTEE RECOMMENDATION:
N/A

STAFF RECOMMENDATION:
N/A

86R5047 SRA-D

By: Huffman S.B. No. 21

A BILL TO BE ENTITLED
AN ACT

relating to the distribution, possession, purchase, consumption, and receipt of cigarettes, e-cigarettes, and tobacco products.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 161.081, Health and Safety Code, is amended by adding Subdivision (1-b) to read as follows:

(1-b) "Minor" means a person under 21 years of age.

SECTION 2. Subchapter H, Chapter 161, Health and Safety Code, is amended by adding Section 161.0815 to read as follows:

Sec. 161.0815. NONAPPLICABILITY. This subchapter does not apply to a product that is:

(1) approved by the United States Food and Drug Administration for use in the treatment of nicotine or smoking addiction; and

(2) labeled with a "Drug Facts" panel in accordance with regulations of the United States Food and Drug Administration.

SECTION 3. The heading to Section 161.082, Health and Safety Code, is amended to read as follows:

Sec. 161.082. SALE OF CIGARETTES, E-CIGARETTES, OR TOBACCO PRODUCTS TO PERSONS YOUNGER THAN 21 [~~18~~] YEARS OF AGE PROHIBITED; PROOF OF AGE REQUIRED.

SECTION 4. Sections 161.082(a) and (e), Health and Safety Code, are amended to read as follows:

(a) A person commits an offense if the person, with criminal negligence:

(1) sells, gives, or causes to be sold or given a cigarette, e-cigarette, or tobacco product to someone who is younger than 21 [~~18~~] years of age; or

(2) sells, gives, or causes to be sold or given a cigarette, e-cigarette, or tobacco product to another person who intends to deliver it to someone who is younger than 21 [~~18~~] years of age.

(e) A proof of identification satisfies the requirements of Subsection (d) if it contains a physical description and photograph consistent with the person's appearance, purports to establish that the person is 21 [~~18~~] years of age or older, and was issued by a governmental agency. The proof of identification may include a driver's license issued by this state or another state, a passport, or an identification card issued by a state or the federal government.

SECTION 5. The heading to Section 161.083, Health and Safety Code, is amended to read as follows:

Sec. 161.083. SALE OF CIGARETTES, E-CIGARETTES, OR TOBACCO PRODUCTS TO PERSONS YOUNGER THAN 30 [~~27~~] YEARS OF AGE.

SECTION 6. Sections 161.083(a), (b), and (c), Health and Safety Code, are amended to read as follows:

(a) A [~~Pursuant to federal regulation under 21 C.F.R. Section 1140.14(b), a~~] person may not sell, give, or cause to be sold or given a cigarette, e-cigarette, or tobacco product to someone who is younger than 30 [~~27~~] years of age unless the person to whom the cigarette, e-cigarette, or tobacco product was sold or given presents an apparently valid proof of identification.

(b) A retailer shall adequately supervise and train the retailer's agents and employees to prevent a violation of Subsection [~~Subsections~~] (a) [~~and (a-1)~~].

(c) A proof of identification described by Section 161.082(e) satisfies the requirements of Subsection [~~Subsections~~] (a) [~~and (a-1)~~].

SECTION 7. Section 161.084, Health and Safety Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (b-2) to read as follows:

(b) The sign must include the statement:

PURCHASING OR ATTEMPTING TO PURCHASE CIGARETTES, E-CIGARETTES, OR TOBACCO PRODUCTS BY A PERSON [~~MINOR~~] UNDER 21 [~~18~~] YEARS OF AGE IS PROHIBITED BY LAW. SALE OR PROVISION OF CIGARETTES, E-CIGARETTES, OR TOBACCO PRODUCTS TO A PERSON [~~MINOR~~] UNDER 21 [~~18~~] YEARS OF AGE IS PROHIBITED BY LAW. UPON CONVICTION, A CLASS C MISDEMEANOR, INCLUDING A FINE OF UP TO $500, MAY BE IMPOSED. VIOLATIONS MAY BE REPORTED TO THE TEXAS COMPTROLLER'S OFFICE BY CALLING (insert toll-free telephone number). PREGNANT WOMEN SHOULD NOT SMOKE. SMOKERS ARE MORE LIKELY TO HAVE BABIES WHO ARE BORN PREMATURE OR WITH LOW BIRTH WEIGHT.

(b-1) Immediately following the statement described by Subsection (b), the sign described by that subsection must include the statement:

THE PROHIBITIONS DESCRIBED ABOVE DO NOT APPLY TO A PERSON WHO WAS BORN ON OR BEFORE AUGUST 31, 2001.

(b-2) This subsection and Subsection (b-1) expire September 1, 2022.

SECTION 8. Sections 161.085(a) and (b), Health and Safety Code, are amended to read as follows:

(a) Each retailer shall notify each individual employed by that retailer who is to be engaged in retail sales of cigarettes, e-cigarettes, or tobacco products that state law:

(1) prohibits the sale or distribution of cigarettes, e-cigarettes, or tobacco products to any person who is younger than 21 [~~18~~] years of age as provided by Section 161.082 and that a violation of that section is a Class C misdemeanor; and

(2) requires each person who sells cigarettes, e-cigarettes, or tobacco products at retail or by vending machine to post a warning notice as provided by Section 161.084, requires each employee to ensure that the appropriate sign is always properly displayed while that employee is exercising the employee's duties, and provides that a violation of Section 161.084 is a Class C misdemeanor.

(b) The notice required by this section [~~Subsection (a)~~] must be provided within 72 hours of the date an individual begins to engage in retail sales of cigarettes, e-cigarettes, or tobacco products. The individual shall signify that the individual has received the notice required by this section [~~Subsection (a)~~] by signing a form stating that the law has been fully explained, that the individual understands the law, and that the individual, as a condition of employment, agrees to comply with the law.

SECTION 9. Section 161.086(b), Health and Safety Code, is amended to read as follows:

(b) Subsection (a) does not apply to:

(1) a facility or business that is not open to persons younger than 21 [~~18~~] years of age at any time;

(2) that part of a facility or business that is a humidor or other enclosure designed to store cigars in a climate-controlled environment and that is not open to persons younger than 21 years of age at any time; or

(3) a premises for which a person holds a package store permit issued under the Alcoholic Beverage Code and that is not open to persons younger than 21 years of age at any time.

SECTION 10. Section 161.087, Health and Safety Code, is amended by amending Subsections (a), (b), and (c) and adding

Subsections (a-1) and (b-1) to read as follows:

(a) A person may not distribute [~~to persons younger than 18 years of age~~]:

(1) a free sample of a cigarette, e-cigarette, or tobacco product; or

(2) a coupon or other item that the recipient may use to receive a free [~~or discounted~~] cigarette, e-cigarette, or tobacco product or a sample cigarette, e-cigarette, or tobacco product.

(a-1) A person may not distribute to persons younger than 21 years of age a coupon or other item that the recipient may use to receive a discounted cigarette, e-cigarette, or tobacco product.

(b) Except as provided by Subsection (c), a person, including a permit holder, may not accept or redeem, offer to accept or redeem, or hire a person to accept or redeem:

(1) a coupon or other item that the recipient may use to receive a free [~~or discounted~~] cigarette, e-cigarette, or tobacco product or a sample cigarette, e-cigarette, or tobacco product; or

(2) a coupon or other item that the recipient may use to receive a discounted cigarette, e-cigarette, or tobacco product if the recipient is younger than 21 [~~18~~] years of age.

(b-1) A coupon or other item that [~~such~~] a recipient described by Subsection (b) may use to receive a [~~free or~~] discounted cigarette, e-cigarette, or tobacco product [~~or a sample cigarette, e-cigarette, or tobacco product~~] may not be redeemable through mail or courier delivery.

(c) Subsections (a)(2), (a-1), [~~and~~] (b), and (b-1) do not apply to a transaction between permit holders unless the transaction is a retail sale.

SECTION 11. Sections 161.088(b) and (d), Health and Safety Code, are amended to read as follows:

(b) The comptroller may make block grants to counties and municipalities to be used by local law enforcement agencies to enforce this subchapter and Subchapter R in a manner that can reasonably be expected to reduce the extent to which cigarettes, e-cigarettes, and tobacco products are sold or distributed, including by delivery sale, to persons who are younger than 21 [~~18~~] years of age. At least annually, random unannounced inspections shall be conducted at various locations where cigarettes, e-cigarettes, and tobacco products are sold or distributed, including by delivery sale, to ensure compliance with this subchapter and Subchapter R. The comptroller shall rely, to the fullest extent possible, on local law enforcement agencies to enforce this subchapter and Subchapter R.

(d) The use of a person younger than 21 [~~18~~] years of age to act as a minor decoy to test compliance with this subchapter and Subchapter R shall be conducted in a fashion that promotes fairness. A person may be enlisted by the comptroller or a local law enforcement agency to act as a minor decoy only if the following requirements are met:

(1) written parental consent is obtained for the use of a person younger than 18 years of age to act as a minor decoy to test compliance with this subchapter and Subchapter R;

(2) at the time of the inspection, order, or delivery, the minor decoy is younger than 21 [~~17~~] years of age;

(3) the minor decoy has an appearance that would cause a reasonably prudent seller of cigarettes, e-cigarettes, or tobacco products to request identification and proof of age;

(4) the minor decoy carries either the minor's own identification showing the minor's correct date of birth or carries no identification, and a minor decoy who carries identification

presents it on request to any seller of or any person who delivers cigarettes, e-cigarettes, or tobacco products; and

(5) the minor decoy answers truthfully any questions about the minor's age at the time of the inspection, order, or delivery.

SECTION 12. Section 161.251, Health and Safety Code, is amended by adding Subdivision (1-b) to read as follows:

(1-b) "Minor" means a person under 21 years of age.

SECTION 13. Sections 161.252(a), (b), and (c), Health and Safety Code, are amended to read as follows:

(a) An individual who is younger than 21 [~~18~~] years of age commits an offense if the individual:

(1) possesses, purchases, consumes, or accepts a cigarette, e-cigarette, or tobacco product; or

(2) falsely represents himself or herself to be 21 [~~18~~] years of age or older by displaying proof of age that is false, fraudulent, or not actually proof of the individual's own age in order to obtain possession of, purchase, or receive a cigarette, e-cigarette, or tobacco product.

(b) It is an exception to the application of this section that the individual younger than 21 [~~18~~] years of age possessed the cigarette, e-cigarette, or tobacco product in the presence of[~~:~~

[~~(1) an adult parent, a guardian, or a spouse of the individual; or~~

[~~(2)~~] an employer of the individual, if possession or receipt of the cigarette, e-cigarette, or tobacco product is required in the performance of the employee's duties as an employee.

(c) It is an exception to the application of this section that the individual younger than 21 [~~18~~] years of age is participating in an inspection or test of compliance in accordance with Section 161.088.

SECTION 14. Sections 161.452(b) and (c), Health and Safety Code, are amended to read as follows:

(b) A person taking a delivery sale order of cigarettes shall comply with:

(1) the age verification requirements prescribed by Section 161.453;

(2) the disclosure requirements prescribed by Section 161.454;

(3) [~~the shipping requirements prescribed by Section 161.455;~~

[~~(4)~~] the registration and reporting requirements prescribed by Section 161.456;

(4) [~~(5)~~] the tax collection requirements prescribed by Section 161.457; and

(5) [~~(6)~~] each law of this state that generally applies to sales of cigarettes that occur entirely within this state, including a law:

(A) imposing a tax; or

(B) prescribing a permitting or tax-stamping requirement.

(c) A person taking a delivery sale order of e-cigarettes shall comply with:

(1) the age verification requirements prescribed by Section 161.453;

(2) the disclosure requirements prescribed by Section 161.454;

(3) [~~the shipping requirements prescribed by Section 161.455;~~

[~~(4)~~] the registration and reporting requirements prescribed by Section 161.456; and

(4) [~~(5)~~] each law of this state that generally applies to sales of e-cigarettes that occur entirely within this state.

SECTION 15. Sections 161.453(a) and (c), Health and Safety Code, are amended to read as follows:

(a) A person may not mail or ship cigarettes in connection with a delivery sale order unless before mailing or shipping the cigarettes the person accepting the delivery sale order first:

(1) obtains from the prospective customer a certification that includes:

(A) reliable confirmation that the purchaser is at least 21 [~~18~~] years of age; and

(B) a statement signed by the prospective purchaser in writing and under penalty of law:

(i) certifying the prospective purchaser's address and date of birth;

(ii) confirming that the prospective purchaser understands that signing another person's name to the certification is illegal, that sales of cigarettes to an individual under the age prescribed by Section 161.082 are illegal under state law, and that the purchase of cigarettes by an individual under that age is illegal under state law; and

(iii) confirming that the prospective purchaser wants to receive mailings from a tobacco company;

(2) makes a good faith effort to verify the information contained in the certification provided by the prospective purchaser under Subdivision (1) against a commercially available database or obtains a photocopy or other image of a government-issued identification bearing a photograph of the prospective purchaser and stating the date of birth or age of the prospective purchaser;

(3) sends to the prospective purchaser, by e-mail or other means, a notice that complies with Section 161.454; and

(4) for an order made over the Internet or as a result of an advertisement, receives payment for the delivery sale from the prospective purchaser by a credit or debit card that has been issued in the purchaser's name or by check.

(c) A person may not mail or ship e-cigarettes in connection with a delivery sale order unless before accepting a delivery sale order the person verifies that the prospective purchaser is at least 21 [~~18~~] years of age through a commercially available database or aggregate of databases that is regularly used for the purpose of age and identity verification. After the order is accepted, the person must use a method of mailing or shipping that requires an adult signature.

SECTION 16. Sections 161.083(a-1) and 161.455, Health and Safety Code, are repealed.

SECTION 17. (a) The changes in law made by this Act to Subchapters H, N, and R, Chapter 161, Health and Safety Code, apply only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurred before that date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

(c) The changes in law made by this Act to Subchapters H, N, and R, Chapter 161, Health and Safety Code, do not apply to a person who was born on or before August 31, 2001.

SECTION 18. This Act takes effect September 1, 2019.

86R5047 SRA-D

By: Zerwas H.B. No. 749

A BILL TO BE ENTITLED

AN ACT

relating to the distribution, possession, purchase, consumption, and receipt of cigarettes, e-cigarettes, and tobacco products.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 161.081, Health and Safety Code, is amended by adding Subdivision (1-b) to read as follows:

(1-b) "Minor" means a person under 21 years of age.

SECTION 2. Subchapter H, Chapter 161, Health and Safety Code, is amended by adding Section 161.0815 to read as follows:

Sec. 161.0815. NONAPPLICABILITY. This subchapter does not apply to a product that is:

(1) approved by the United States Food and Drug Administration for use in the treatment of nicotine or smoking addiction; and

(2) labeled with a "Drug Facts" panel in accordance with regulations of the United States Food and Drug Administration.

SECTION 3. The heading to Section 161.082, Health and Safety Code, is amended to read as follows:

Sec. 161.082. SALE OF CIGARETTES, E-CIGARETTES, OR TOBACCO PRODUCTS TO PERSONS YOUNGER THAN 21 [~~18~~] YEARS OF AGE PROHIBITED; PROOF OF AGE REQUIRED.

SECTION 4. Sections 161.082(a) and (e), Health and Safety Code, are amended to read as follows:

(a) A person commits an offense if the person, with criminal negligence:

(1) sells, gives, or causes to be sold or given a cigarette, e-cigarette, or tobacco product to someone who is younger than 21 [~~18~~] years of age; or

(2) sells, gives, or causes to be sold or given a cigarette, e-cigarette, or tobacco product to another person who intends to deliver it to someone who is younger than 21 [~~18~~] years of age.

(e) A proof of identification satisfies the requirements of Subsection (d) if it contains a physical description and photograph consistent with the person's appearance, purports to establish that the person is 21 [~~18~~] years of age or older, and was issued by a governmental agency. The proof of identification may include a driver's license issued by this state or another state, a passport, or an identification card issued by a state or the federal government.

SECTION 5. The heading to Section 161.083, Health and Safety Code, is amended to read as follows:

Sec. 161.083. SALE OF CIGARETTES, E-CIGARETTES, OR TOBACCO PRODUCTS TO PERSONS YOUNGER THAN 30 [~~27~~] YEARS OF AGE.

SECTION 6. Sections 161.083(a), (b), and (c), Health and Safety Code, are amended to read as follows:

(a) A [~~Pursuant to federal regulation under 21 C.F.R. Section 1140.14(b), a~~] person may not sell, give, or cause to be sold or given a cigarette, e-cigarette, or tobacco product to someone who is younger than 30 [~~27~~] years of age unless the person to whom the cigarette, e-cigarette, or tobacco product was sold or given presents an apparently valid proof of identification.

(b) A retailer shall adequately supervise and train the retailer's agents and employees to prevent a violation of Subsection [~~Subsections~~] (a) [~~and (a-1)~~].

(c) A proof of identification described by Section 161.082(e) satisfies the requirements of Subsection [~~Subsections~~] (a) [~~and (a-1)~~].

SECTION 7. Section 161.084, Health and Safety Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (b-2) to read as follows:

(b) The sign must include the statement:

PURCHASING OR ATTEMPTING TO PURCHASE CIGARETTES, E-CIGARETTES, OR TOBACCO PRODUCTS BY A PERSON [~~MINOR~~] UNDER 21 [~~18~~] YEARS OF AGE IS PROHIBITED BY LAW. SALE OR PROVISION OF CIGARETTES, E-CIGARETTES, OR TOBACCO PRODUCTS TO A PERSON [~~MINOR~~] UNDER 21 [~~18~~] YEARS OF AGE IS PROHIBITED BY LAW. UPON CONVICTION, A CLASS C MISDEMEANOR, INCLUDING A FINE OF UP TO $500, MAY BE IMPOSED. VIOLATIONS MAY BE REPORTED TO THE TEXAS COMPTROLLER'S OFFICE BY CALLING (insert toll-free telephone number). PREGNANT WOMEN SHOULD NOT SMOKE. SMOKERS ARE MORE LIKELY TO HAVE BABIES WHO ARE BORN

PREMATURE OR WITH LOW BIRTH WEIGHT.

(b-1) Immediately following the statement described by Subsection (b), the sign described by that subsection must include the statement:

THE PROHIBITIONS DESCRIBED ABOVE DO NOT APPLY TO A PERSON WHO WAS BORN ON OR BEFORE AUGUST 31, 2001.

(b-2) This subsection and Subsection (b-1) expire September 1, 2022.

SECTION 8. Sections 161.085(a) and (b), Health and Safety Code, are amended to read as follows:

(a) Each retailer shall notify each individual employed by that retailer who is to be engaged in retail sales of cigarettes, e-cigarettes, or tobacco products that state law:

(1) prohibits the sale or distribution of cigarettes, e-cigarettes, or tobacco products to any person who is younger than 21 [~~18~~] years of age as provided by Section 161.082 and that a violation of that section is a Class C misdemeanor; and

(2) requires each person who sells cigarettes, e-cigarettes, or tobacco products at retail or by vending machine to post a warning notice as provided by Section 161.084, requires each employee to ensure that the appropriate sign is always properly displayed while that employee is exercising the employee's duties, and provides that a violation of Section 161.084 is a Class C misdemeanor.

(b) The notice required by this section [~~Subsection (a)~~] must

be provided within 72 hours of the date an individual begins to engage in retail sales of cigarettes, e-cigarettes, or tobacco products. The individual shall signify that the individual has received the notice required by this section [~~Subsection (a)~~] by signing a form stating that the law has been fully explained, that the individual understands the law, and that the individual, as a condition of employment, agrees to comply with the law.

SECTION 9. Section 161.086(b), Health and Safety Code, is amended to read as follows:

(b) Subsection (a) does not apply to:

(1) a facility or business that is not open to persons younger than 21 [~~18~~] years of age at any time;

(2) that part of a facility or business that is a humidor or other enclosure designed to store cigars in a climate-controlled environment and that is not open to persons younger than 21 years of age at any time; or

(3) a premises for which a person holds a package store permit issued under the Alcoholic Beverage Code and that is not open to persons younger than 21 years of age at any time.

SECTION 10. Section 161.087, Health and Safety Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (a-1) and (b-1) to read as follows:

(a) A person may not distribute [~~to persons younger than 18 years of age~~]:

(1) a free sample of a cigarette, e-cigarette, or

tobacco product; or

(2) a coupon or other item that the recipient may use to receive a free [~~or discounted~~] cigarette, e-cigarette, or tobacco product or a sample cigarette, e-cigarette, or tobacco product.

(a-1) A person may not distribute to persons younger than 21 years of age a coupon or other item that the recipient may use to receive a discounted cigarette, e-cigarette, or tobacco product.

(b) Except as provided by Subsection (c), a person, including a permit holder, may not accept or redeem, offer to accept or redeem, or hire a person to accept or redeem:

(1) a coupon or other item that the recipient may use to receive a free [~~or discounted~~] cigarette, e-cigarette, or tobacco product or a sample cigarette, e-cigarette, or tobacco product; or

(2) a coupon or other item that the recipient may use to receive a discounted cigarette, e-cigarette, or tobacco product if the recipient is younger than 21 [~~18~~] years of age.

(b-1) A coupon or other item that [~~such~~] a recipient described by Subsection (b) may use to receive a [~~free or~~] discounted cigarette, e-cigarette, or tobacco product [~~or a sample cigarette, e-cigarette, or tobacco product~~] may not be redeemable through mail or courier delivery.

(c) Subsections (a)(2), (a-1), [~~and~~] (b), and (b-1) do not apply to a transaction between permit holders unless the transaction is a retail sale.

SECTION 11. Sections 161.088(b) and (d), Health and Safety

Code, are amended to read as follows:

(b) The comptroller may make block grants to counties and municipalities to be used by local law enforcement agencies to enforce this subchapter and Subchapter R in a manner that can reasonably be expected to reduce the extent to which cigarettes, e-cigarettes, and tobacco products are sold or distributed, including by delivery sale, to persons who are younger than 21 [~~18~~] years of age. At least annually, random unannounced inspections shall be conducted at various locations where cigarettes, e-cigarettes, and tobacco products are sold or distributed, including by delivery sale, to ensure compliance with this subchapter and Subchapter R. The comptroller shall rely, to the fullest extent possible, on local law enforcement agencies to enforce this subchapter and Subchapter R.

(d) The use of a person younger than 21 [~~18~~] years of age to act as a minor decoy to test compliance with this subchapter and Subchapter R shall be conducted in a fashion that promotes fairness. A person may be enlisted by the comptroller or a local law enforcement agency to act as a minor decoy only if the following requirements are met:

(1) written parental consent is obtained for the use of a person younger than 18 years of age to act as a minor decoy to test compliance with this subchapter and Subchapter R;

(2) at the time of the inspection, order, or delivery, the minor decoy is younger than 21 [~~17~~] years of age;

(3) the minor decoy has an appearance that would cause a reasonably prudent seller of cigarettes, e-cigarettes, or tobacco products to request identification and proof of age;

(4) the minor decoy carries either the minor's own identification showing the minor's correct date of birth or carries no identification, and a minor decoy who carries identification presents it on request to any seller of or any person who delivers cigarettes, e-cigarettes, or tobacco products; and

(5) the minor decoy answers truthfully any questions about the minor's age at the time of the inspection, order, or delivery.

SECTION 12. Section 161.251, Health and Safety Code, is amended by adding Subdivision (1-b) to read as follows:

(1-b) "Minor" means a person under 21 years of age.

SECTION 13. Sections 161.252(a), (b), and (c), Health and Safety Code, are amended to read as follows:

(a) An individual who is younger than 21 [~~18~~] years of age commits an offense if the individual:

(1) possesses, purchases, consumes, or accepts a cigarette, e-cigarette, or tobacco product; or

(2) falsely represents himself or herself to be 21 [~~18~~] years of age or older by displaying proof of age that is false, fraudulent, or not actually proof of the individual's own age in order to obtain possession of, purchase, or receive a cigarette, e-cigarette, or tobacco product.

(b) It is an exception to the application of this section that the individual younger than 21 [~~18~~] years of age possessed the cigarette, e-cigarette, or tobacco product in the presence of[~~:~~

[~~(1) an adult parent, a guardian, or a spouse of the individual; or~~

[~~(2)~~] an employer of the individual, if possession or receipt of the cigarette, e-cigarette, or tobacco product is required in the performance of the employee's duties as an employee.

(c) It is an exception to the application of this section that the individual younger than 21 [~~18~~] years of age is participating in an inspection or test of compliance in accordance with Section 161.088.

SECTION 14. Sections 161.452(b) and (c), Health and Safety Code, are amended to read as follows:

(b) A person taking a delivery sale order of cigarettes shall comply with:

(1) the age verification requirements prescribed by Section 161.453;

(2) the disclosure requirements prescribed by Section 161.454;

(3) [~~the shipping requirements prescribed by Section 161.455;~~

[~~(4)~~] the registration and reporting requirements prescribed by Section 161.456;

(4) [~~(5)~~] the tax collection requirements prescribed by Section 161.457; and

(5) [~~(6)~~] each law of this state that generally applies to sales of cigarettes that occur entirely within this state, including a law:

(A) imposing a tax; or

(B) prescribing a permitting or tax-stamping requirement.

(c) A person taking a delivery sale order of e-cigarettes shall comply with:

(1) the age verification requirements prescribed by Section 161.453;

(2) the disclosure requirements prescribed by Section 161.454;

(3) [~~the shipping requirements prescribed by Section 161.455;~~

[~~(4)~~] the registration and reporting requirements prescribed by Section 161.456; and

(4) [~~(5)~~] each law of this state that generally applies to sales of e-cigarettes that occur entirely within this state.

SECTION 15. Sections 161.453(a) and (c), Health and Safety Code, are amended to read as follows:

(a) A person may not mail or ship cigarettes in connection with a delivery sale order unless before mailing or shipping the cigarettes the person accepting the delivery sale order first:

(1) obtains from the prospective customer a certification that includes:

(A) reliable confirmation that the purchaser is at least 21 [~~18~~] years of age; and

(B) a statement signed by the prospective purchaser in writing and under penalty of law:

(i) certifying the prospective purchaser's address and date of birth;

(ii) confirming that the prospective purchaser understands that signing another person's name to the certification is illegal, that sales of cigarettes to an individual under the age prescribed by Section 161.082 are illegal under state law, and that the purchase of cigarettes by an individual under that age is illegal under state law; and

(iii) confirming that the prospective purchaser wants to receive mailings from a tobacco company;

(2) makes a good faith effort to verify the information contained in the certification provided by the prospective purchaser under Subdivision (1) against a commercially available database or obtains a photocopy or other image of a government-issued identification bearing a photograph of the prospective purchaser and stating the date of birth or age of the prospective purchaser;

(3) sends to the prospective purchaser, by e-mail or other means, a notice that complies with Section 161.454; and

(4) for an order made over the Internet or as a result of an advertisement, receives payment for the delivery sale from the prospective purchaser by a credit or debit card that has been issued in the purchaser's name or by check.

(c) A person may not mail or ship e-cigarettes in connection with a delivery sale order unless before accepting a delivery sale order the person verifies that the prospective purchaser is at least 21 [~~18~~] years of age through a commercially available database or aggregate of databases that is regularly used for the purpose of age and identity verification. After the order is accepted, the person must use a method of mailing or shipping that requires an adult signature.

SECTION 16. Sections 161.083(a-1) and 161.455, Health and Safety Code, are repealed.

SECTION 17. (a) The changes in law made by this Act to Subchapters H, N, and R, Chapter 161, Health and Safety Code, apply only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurred before that date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

(c) The changes in law made by this Act to Subchapters H, N, and R, Chapter 161, Health and Safety Code, do not apply to a

person who was born on or before August 31, 2001.

SECTION 18. This Act takes effect September 1, 2019.

FOR IMMEDIATE RELEASE
MARCH 5, 2019

CONTACT: Kirsten Voinis, 512-922-7141
or kvoinis@kvoinis.com

TIME TO KEEP TOBACCO OUT OF THE HANDS OF TEXAS TEENS

Broad coalition supports legislation to stop tobacco sales to Texans under 21

Stopping the sale of tobacco products to Texans under age 21 is sound policy and common sense, saves lives and dollars, and is overwhelmingly supported by Texans, according to a broad base of supporters who joined in a press conference Tuesday.

Texas legislators, Texas 21 (a coalition of more than 75 public health groups), physicians, and youth and military advocates voiced their support for House Bill 749 by Rep. John Zerwas, MD, (R-Richmond) and Senate Bill 21 by Sen. Joan Huffman (R-Houston). The bills would raise the minimum legal tobacco sale age from 18 to 21. HB 749 will be heard in House Public Health on Wednesday (March 6).

"It's time for our state to do what it can to protect our youth from a lifetime of nicotine addiction, from a lifetime struggling with chronic disease, and from a lifetime cut short because of tobacco," said Dr. John Carlo, chairman of the Texas Public Health Coalition and member of the Texas Medical Association's Council on Legislation. "It's time for T21."

About 95 percent of smokers start before age 21. In Texas, 7.4 percent of high school students smoke and over 10 percent use e-cigarettes, while 10,400 kids become daily smokers every year. Nearly half a million (498,000) Texas kids alive now will ultimately die prematurely from smoking if current trends continue.

"I am astounded that it's been well over five decades since the first Surgeon General's Report in 1964 on Smoking and Health, since we've first known of tobacco's carcinogenic effects," said Carlo, a preventative medicine specialist. "It's been almost 40 years since the tobacco industry was quoted calling 'today's teenagers' 'tomorrow's potential regular customer' – and yet, here we are, still having this fight. Tobacco use continues to be the number one cause of preventable chronic diseases and premature death in Texas."

Passing a law to reduce tobacco use is a sound health policy that also pays tremendous dividends by preventing diseases that cost the most to treat, Zerwas said.

"As a physician, the health-related importance of this proposed legislation can't be denied," Zerwas said. "As chairman of the House Appropriations Committee, I'd also like to point out that Tobacco 21 isn't just responsible public health policy, but it's also fiscally responsible for the State of Texas."

Every year smoking costs Texas $8.85 billion in direct health care costs, $1.96 billion in Medicaid costs and $8.22 billion in lost productivity. In addition, each Texas household pays $747 in state and federal taxes due to smoking-caused government expenditures.

More than two-thirds of Texas voters – 67 percent – favor raising the tobacco sale age to 21, Huffman said, citing a statewide poll of voters commissioned by Texas 21. That support spans the state as well as political and ideological spectrums, from Republican to Democrat, from conservative to liberal.

- more -

"I am encouraged by this poll that 2019 will be the year we pass a Tobacco 21 law," Huffman said. "I urge all Texans who agree to take a stand for our children and contact their senator and representative to ask them to support House Bill 749 and Senate Bill 21."

Huffman said she is especially concerned about the rapid rise in the use of e-cigarettes since the last Texas legislative session. E-cigarettes must be covered by the proposed bills, she said.

A recent report from the Centers for Disease Control and Prevention found that e-cigarette use grew nationally by 1.5 million kids between 2017-2018, erasing past progress in reducing youth tobacco use. The U.S. Surgeon General has issued an advisory declaring e-cigarette use among youth "an epidemic."

Kellen Kruk, a senior at Pineywoods Community Academy in Lufkin, said he's seen an astonishing surge in the use of e-cigarettes by his classmates. Kruk, 18, is founder and president of his school's "Say What!" (a statewide youth tobacco prevention coalition) as well as a local, state and national advocate for raising the tobacco age to 21.

"As an 18-year-old, I could go buy tobacco or e-cigarettes legally and share them with my peers," Kruk said. "I see students at my school who are already addicted to nicotine. They think it's cool to use e-cigarettes. Tobacco 21 needs to be implemented in Texas so that it takes tobacco out of the hands of high schoolers. We should be graduating with a diploma, not a lifelong addiction to tobacco."

Seven states have raised the legal minimum tobacco sale age to 21, along with at least 430 localities, including San Antonio.

Laws in two of those states exempt the military, meaning service members 18 and older can continue to purchase tobacco on and off military bases and installations. Such an exemption in Texas would be a mistake, said Brian Hayden of Universal City, a retired Air Force master sergeant and survivor of a heart attack, heart transplant and lung cancer. Hayden said his experiences have made him passionate that a statewide law to stop the sale of tobacco to those under age 21 must include the military.

"Yes, Texans can join the military at age 18," Hayden said. "But it's flawed logic to argue that you should be old enough to smoke if you're old enough to fight for your country. Tobacco use is a lethal and addictive behavior, not some rite of passage or sign of adulthood."

The Texas 21 Coalition includes more than 75 health organizations, including the American Cancer Society Cancer Action Network (ACS CAN), American Heart Association, American Lung Association, Texas Academy of Family Physicians, Texas Medical Association, Texas Pediatric Society and Texas Public Health Coalition. The University of Texas MD Anderson Cancer Center is present as an educational resource only. More information can be found at www.texas21.org. Follow the Coalition on Facebook at /texastobacco21 and Twitter at @TexasTobacco21.

- ## -

The following fact sheets can be found at www.texas21.org:

It's Time to Raise the Tobacco Age to 21 in Texas
Texas Overwhelmingly Supports Raising the Tobacco Age to 21
The Huge Toll of Tobacco in Texas
Electronic Cigarettes & Tobacco 21
Tobacco Use: Lethal & Addictive, And a Threat to Our Military
21 Reasons to Raise the Tobacco Sale Age to 21 in Texas
Raise the Tobacco Age to 21: We Can't Afford Not To

U.S. State And Local Issues
Raising The Tobacco Age To

Increasing the minimum sale age for tobacco products to 21 is a promising strategy to reduce smoking and other tobacco use among youth and save lives. Raising the sale age to 21 complements other strategies to reduce tobacco use, including higher tobacco taxes, strong smoke-free laws that include all workplaces and public places, and well-funded, sustained tobacco prevention and cessation programs.

Nearly all smokers start as kids or young adults, and these age groups are heavily targeted by the tobacco industry. Increasing the tobacco age to 21 will help to prevent young people from ever starting to smoke and to reduce the deaths, disease and health care costs caused by tobacco use.

> "Raising the legal minimum age for cigarette purchaser to 21 could gut our key young adult market (17-20) ..."
>
> – Philip Morris report, January 21, 1986

A March 2015 report by the Institute of Medicine (now called the National Academy of Medicine) strongly concluded that raising the tobacco age to 21 will have a substantial positive impact on public health and save lives.

The study found that increasing the tobacco age will significantly reduce the number of adolescents and young adults who start smoking; reduce smoking-caused deaths; and immediately improve the health of adolescents, young adults and young mothers who would be deterred from smoking, as well as their children.

Six states – California, New Jersey, Massachusetts, Oregon, Hawaii and Maine – have raised the tobacco age to 21, along with at least 430 localities, including New York City, Chicago, San Antonio, Boston, Cleveland, Minneapolis, both Kansas Cities, and Washington, D.C. Some of the localities are in the states that subsequently enacted statewide laws.

Most Adult Smokers Start Smoking Before Age 21

National data show that about 95 percent of adult smokers begin smoking before they turn 21. The ages of 18 to 21 are also a critical period when many smokers move from experimental smoking to regular, daily use. While less than half of adult smokers (46 percent) become daily smokers before age 18, four out of five do so before they turn 21.

Nicotine is addictive, and adolescents and young adults are more susceptible to its effects because their brains are still developing. Delaying the age when young people first experiment with or begin using tobacco can reduce the risk that they will become addicted smokers.

Tobacco Companies Target Kids And Young Adults

Tobacco companies intentionally market to kids and young adults to recruit "replacement smokers" and protect company profits. They know nearly all users become addicted before age 21. Increasing the tobacco age to 21 will help counter the efforts of the tobacco companies to target young people at a critical time when many move from experimenting with tobacco to regular smoking.

Raising The Sale Age Will Help Keep Tobacco Out Of High Schools

Research shows that kids often turn to older friends and classmates as sources of cigarettes. Increasing the tobacco age to 21 would reduce the likelihood that a high school student will be able to legally purchase tobacco products for other students and underage friends.

About 350 kids under the age of 18 become regular smokers each day – one in three will eventually die as result. We should do everything we can to prevent young people from smoking and save lives. Increasing the tobacco age to 21 will help achieve these goals.

Last updated Jan. 10, 2019

Related Materials

- States and Localities that Have Raised the Tobacco Sale Age to 21
- Fact Sheet: Increasing the Minimum Legal Sale Age for Tobacco Products to 21
- Fact Sheet: Increasing the Sale Age for Tobacco to 21 Will Reduce Smoking and Save Lives (short version)
- Building Strong Enforcement Into 21 Policies

- Raising the Tobacco Sale Age to 21 and the Military
- Responses to Misleading NATO/Swedish Match Arguments
- Institute of Medicine Report: Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products (March 12, 2015)
- Raising the Minimum Legal Sale Age to 21: Excerpts from the 2015 Institute of Medicine Report
- Fact Sheet: Tobacco Companies Marketing to Kids
- Preventing Tobacco Addiction Foundation

Related Press Releases

- New York Gov. Cuomo Proposes Bold Steps to Reduce Youth Tobacco Use, Including Raising Tobacco Sale Age to 21 (Jan 14, 2019)
- Hartford Acts to Protect Kids, Save Lives by Raising Tobacco Age to 21 (Oct 23, 2018)
- Illinois Governor Vetoes Measure to Raise Tobacco Sale Age to 21, Forfeiting Opportunity to Save Lives, Help Kids (Aug 27, 2018)

VIEW RELATED PRESS RELEASES

© 2019 Campaign for Tobacco-Free Kids

RESOLUTION 2019-R_____

A RESOLUTION OF THE CITY COUNCIL OF NEW BRAUNFELS, TEXAS, REQUESTING THE MEMBERS OF THE 86TH LEGISLATIVE SESSION OF THE STATE OF TEXAS TO SUPPPORT LEGISLATION THAT INCREASES THE LEGAL AGE FROM 18 TO 21 TO PURCHASE, ACCEPT, POSSESS, OR CONSUME CIGARETTES, E-CIGARETTES, OR TOBACCO PRODUCTS, AS PROVIDED IN SENATE BILL 21 AND HOUSE BILL 749 AND SUPPORTED BY THE TEXAS 21 COALITION; AND REQUESTING THE STATE LEGISLATORS SUPPORT THESE BILLS BY VOTING IN FAVOR OF THIS LEGISLATION.

WHEREAS, Texas 21 is a coalition of more than 75 public health groups that support raising the minimum legal age for purchasing tobacco related products, including e-cigarettes; and

WHEREAS, passing a law that will reduce tobacco use is a sound health policy; and

WHEREAS, 7 states[1] and over 440 localities, including San Antonio, Texas, have raised the legal minimum tobacco sale age to 21; and

WHEREAS, in December 2018, the U.S. Surgeon General, Vice Admiral Jerome M. Adams issued an advisory stressing the importance of protecting our youth from a lifetime of nicotine addiction and associated health risks by immediately addressing the epidemic of youth e-cigarette use; and

WHEREAS, the percentage of high school age children reporting past 30-day use of e-cigarettes rose by more than 75% between 2017 and 2018[2]; and

WHEREAS, according to the National Survey on Drug Use and Health[3], over 80% of adult smokers smoked their first cigarette before they turned 18, and nearly 95% started before age 21; and

WHEREAS, the City of New Braunfels endorses efforts proposed by the Texas 21 Coalition to amend Texas law to raise the legal age for buying and consuming tobacco products, including e-cigarettes, so that we protect the health

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[1] Hawaii, California, New Jersey, Oregon, Maine, Massachusetts, Virginia

[2] Centers for Disease Control and Prevention and the Food and Drug Administration National Youth Tobacco Survey

[3] United States Department of Health and Human Services. Substance Abuse and Mental Health Services Administration. Center for Behavioral Health Statistics and Quality. National Survey on Drug Use and Health (2016)

and safety of our youth; and

WHEREAS, it is the desire of this City Council that a copy of this resolution with appropriate names affixed be presented to the Governor of Texas, the leadership of the 86th Texas Legislature, and elected legislators that represent the City of New Braunfels interests in the House and the Senate.

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

THAT, the City of New Braunfels City Council hereby expresses its support and encourages the support of the state legislature for the following legislative reforms endorsed by Texas 21 Coalition to increase health and safety of our youth:

- Amend existing Texas law by raising the legal age from 18 to 21 for individuals to be sold or given a cigarette, e-cigarette, or tobacco product, including other amendments as reflected in Senate Bill 21 and House Bill 749, that amend Chapter 161 of the Texas Health and Safety Code.

ADOPTED AND APPROVED on this the _____ day of April 2019.

City of New Braunfels, Texas

_____
BARRON CASTEEL, Mayor

Attest:

_____
PATRICK D. ATEN, City Secretary

City of New Braunfels

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

4/8/2019

Agenda Item No. D)

Presenter/Contact
Christopher Looney, Planning and Community Development Director
(830) 221-4055 - clooney@nbtexas.org

SUBJECT:
Discuss and consider approval of a resolution creating a Complete Count Committee to assist the U.S. Census Bureau with awareness and outreach for the 2020 Decennial Census.

BACKGROUND / RATIONALE:
At their March 11, 2019 meeting, City Council heard a presentation provided by the U.S. Census Bureau's Regional Partnership Specialist Richard Castanon, regarding the federal government's approach to the 2020 Decennial Census. Pursuant to direction from City Council, attached is a draft resolution supporting the creation of a Complete Count Committee. The Committee will assist with local support and outreach to encourage citizen response to the Decennial Census.

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

City Plan or Policy: Envision New Braunfels Just a few of many Actions in the comprehensive plan that are impacted by a complete count.	**Action 1.13:** Use CDBG, NBEDC funds, and other dollars to fund commercial façade grants and other incentives for reinvestment. **Action 2.4:** Promote increased awareness of the diversity of cultures. **Action 6.3:** Include population growth estimates when planning and developing facility master plans to ensure adequate spaces. **Action 6.13:** Maintain or enhance response times by building and/or renovating fire/police stations as population growth or annexation warrant. **Action 7.55:** Collaborate with regional partners (MPO, TxDOT, AACOG, other cities, etc.) on future corridors between New Braunfels and Seguin to relieve congestion on SH 46, FM 725, and FM 1044 including an extension of FM 306 towards the airport, an extension of Business 35, an extension of Ruekle Road or Solms Road, and a connection to SH 130. **Action 8.2:** Leverage city/community/private partners (e.g. school system, developers, private industry, etc.) to plan for future community growth.

FISCAL IMPACT:
There is limited fiscal impact in the creation of the committee, save for any advertising/publicity needs. As New Braunfels lies within the San Antonio media market, New Braunfels will receive the positive effects of media ads produced by the San Antonio/Bexar County Complete Count Committee. A complete count of New Braunfels', and surrounding counties', populations will not only

ensure fair congressional and state legislature representation pursuant to the U.S. Constitution, but it will also ensure appropriate funding proportions allocated to local programs and projects that receive federal taxpayer dollars.

COMMITTEE RECOMMENDATION:
N/A

STAFF RECOMMENDATION:
Staff recommends approval.

RESOLUTION NO. 2019-R_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS SUPPORTING THE UNITED STATES CENSUS BUREAU BY ESTABLISHING A COMPLETE COUNT COMMITTEE TO COORDINATE EFFORTS, INCREASE COMMUNITY AWARENESS, AND DEPLOY RESOURCES ACROSS THE COMMUNITY TO ACHIEVE THE MOST ACCURATE AND COMPLETE POPULATION COUNT IN THE 2020 DECENNIAL CENSUS.

WHEREAS, the City Council of the City of New Braunfels, Texas recognizes that the United States Census Bureau is required by the U.S. Constitution to conduct a count of the population every 10 years to determine how many seats each state will have in the U.S. House of Representatives; and

WHEREAS, the U.S. Census has been performed every ten years since 1790, with the last census in 2010; and

WHEREAS, census data determines the redistricting of state legislative seats, and county and city voting districts; and

WHEREAS, the 2020 Census provides a historic opportunity to help shape the foundation of our representative republic and play an active role in American democracy; and

WHEREAS, New Braunfels' official census population directly affects the amount of federal tax dollars distributed locally for roads, schools, libraries, child and elder care, special needs resources, emergency preparation and response, public transportation, and other services, making an accurate count vital to our community and residents' well-being; and

WHEREAS, an accurate population count helps City Council better plan and fund needed facilities and services based on population distribution within the City; and

WHEREAS, the City welcomes assistance and advice from community-based organizations, the education community, local businesses and the media in counting the entire local population, including traditionally hard to count or the undercounted, populations; and

WHEREAS, the more informed that residents become about the 2020 Census, the probability of a successful enumeration will be increased; and

WHEREAS, the City of New Braunfels is committed to ensuring every resident is counted.

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

Section 1

The City of New Braunfels fully supports the efforts of the U.S. Census Bureau to obtain a complete population count for the City of New Braunfels, Texas in the United States Census 2020.

Section 2

The City of New Braunfels will participate with the U.S. Census Bureau to ensure a full and accurate count of residents.

Section 3

The City of New Braunfels encourages all residents to be counted and to participate in events and initiatives that will raise the overall awareness of the 2020 Census and increase participation.

Section 4

The City of New Braunfels hereby creates a “Complete Count Committee”, made up of representatives across the community, to assist in promotion, outreach, understanding and education regarding the 2020 Census.

Section 5

The City of New Braunfels City Council hereby directs staff to bring forward a process for appointments to be made to the Complete Count Committee by the City Council.

Section 6

This resolution shall take effect immediately from and after the date of passage and is so resolved.

PASSED, ADOPTED, AND APPROVED this the _____ day of _____, 2019

CITY OF NEW BRAUNFELS, TEXAS

BY: _____
Barron Casteel, Mayor

ATTEST:

_____
Patrick Aten, City Secretary

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

4/8/2019

Agenda Item No. 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

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

4/8/2019

Agenda Item No. B)

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

- Project Nautilus