



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



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

MONDAY, AUGUST 26, 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: Mayor Pro Tem Wayne Peters

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

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

PROCLAMATIONS:

- A) Payroll Week
- B) Steven Johnsons Syndrome Awareness Month

PRESENTATIONS:

- A) Retiree Recognition - Diane Watson
- B) Presentation and possible direction on proposed amendments to the Zoning Ordinance regarding parking or storage of oversized vehicles within residential zoning districts.
Christopher J. Looney, Planning & Community Development Director
- C) Presentation and briefing to City Council on HB 3167, state-mandated changes to the platting process.
Christopher J. Looney, Planning and Community Development Director

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of August 12, 2019, and the special meetings of August 12, 13, 14, and 19, 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 the Airport Master Plan Update.
Robert Lee, Airport Director
- B) Approval of a contract modification to KSA Engineers, Inc. for the Airport Taxilane Extension project.
Joshua Niles, Capital Project Manager
- C) Approval of a contract expenditure with BB Inspection Services for \$35,000 for on-call support for city inspections.
Christopher Looney, Planning and Community Development Director
- D) Approval of a temporary road closure for the Comal County Fair Parade to be held on September 27, 2019.
Amy McWhorter, Downtown Development Coordinator
- E) Approval of a resolution in support of the Comal County Historical Commission to obtain National Register of Historic Places designation for the property located at 500 Main Plaza, a local historic landmark known as the New Braunfels Main Plaza.
Amy McWhorter, Historic Preservation Officer
- F) Approval of annual routine recurring expenditures for FY 2018-19 in accordance with City Charter Section 9.17.
Barbara Coleman, Purchasing Manager

Ordinances

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

- G) 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 in front of the NBU access gate on Hunter Road.

Garry Ford, City Engineer

- H) Approval of the second and final reading of an ordinance amending Section 126-146 (a) and adding Section 126-147 of the City of New Braunfels Code of Ordinances to revise the school speed zones on FM 1101.

Garry Ford, City Engineer

- I) Approval of the second and final reading of an ordinance regarding amendments to Chapter 144, Zoning, Section 3.3-11, M-1 Light Industrial, Section 3.3-12, M-2 Heavy Industrial, Section 3.4-18, M-1A Light Industrial, Section 3.4-19, M-2A Heavy Industrial, and Section 4.2, Land Use Matrix.

Christopher J. Looney, Planning and Community Development Director

- J) Approval of the first reading of an ordinance creating a temporary San Antonio Street Bridge Safety Zone that will prohibit river and pedestrian traffic upstream, under, and downstream of the bridge, during TxDOT construction; authorizing the City Manager to determine date such activities are safe to resume; establishing up to a \$500.00 fine; and repealing Section 86-17 of the Code of Ordinances, entitled Gruene Road River Bridge Water Safety Zone; and providing an effective date.

Val Acevedo, City Attorney, and Kristi Aday, Assistant City Manager

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of the installation of speed humps or other traffic calming measures on Hanz Drive within the Cotton Crossing subdivision.

Garry Ford, City Engineer

- B) Public hearing and first reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area B.

Garry Ford, City Engineer

- C) Discuss and consider approval of the first reading of an ordinance to raise the speed limit on Walnut Avenue between Landa Street and Business IH-35 to 35 mph.

Garry Ford, City Engineer

- D) Discuss and consider approval to authorize the City Manager to enter into a professional services contract with Pape-Dawson Engineers to complete the Preliminary Engineering Report for the FM 1863

Extension between State Highway 46 and the Veramendi Development.

Garry Ford, City Engineer

- E) Discuss and consider approval to authorize the City Manager to enter into a preliminary development agreement with Casina Creek Homes, LLC for the construction of Hanz Drive between River Terrace and Loop 337/State Highway 46.

Garry Ford, City Engineer

- F) Public hearing and first reading of an ordinance regarding the proposed rezoning of 39.241 acres, consisting of Lot 2, AD2 Subdivision and approximately 34 acres out of the A-485 O Russell Survey 1, located in the 3900 and 4000 blocks of IH-35 North, from "M-1" Light Industrial and "APD" Agricultural/Pre-Development Districts to "M-1A" Light Industrial District.

Christopher J. Looney, Planning and Community Development Director

- G) Public hearing and first reading of an ordinance regarding the proposed rezoning of Lot 1, Block 1, AD2 Subdivision, addressed at 4001 IH-35 North, from "M-1" Light Industrial and "APD" Agricultural/Pre-Development Districts to "M-1A" Light Industrial District.

Christopher J. Looney, Planning and Community Development Director

- H) Public hearing and first reading of an ordinance regarding the proposed rezoning of 3.92 acres out of the William H. Pate Survey No. 22, addressed at 2188 F.M. 1044, from "APD" Agricultural/Pre-Development District to "MU-B" High Intensity Mixed Use District.

Christopher J. Looney, Planning and Community Development Director

- I) Public hearing and first reading of an ordinance regarding the proposed rezoning of a 0.25 acre tract out of the J Noyes Survey 259, Abstract 430, addressed at 471 Engel Road and a 2.0 acre tract out of the J Noyes Survey 259, Abstract 430 and a 3.0 acre tract out of the J Thompson Survey 21, Abstract 608, addressed at 491 Engel Road, from "APD" Agricultural/Pre-Development District to "C-1B" General Business District.

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

- J) Discussion and possible direction to staff regarding Chapter 90 of the Code of Ordinances concerning solicitation regulations.

Harry Bowers, District 3 Councilmember

5. EXECUTIVE SESSIONS

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

- A) Deliberate issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code, including but not limited to:
 - Project Nautilus
 - Project 2x4
- B) Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code
 - Property for city facilities
- C) Deliberate pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:
 - Korczyk vs. CONB, et al.
- D) Deliberate the appointment, evaluation, duties, discipline, or removal of the Municipal Court Judge in accordance with Section 551.074 of the Texas Government Code.

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

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

7. **ADJOURNMENT**

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at the New Braunfels City Hall on August 21, 2019, at 4:00 p.m.

Patrick Aten, City Secretary

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

City of New Braunfels



Proclamation

THE STATE OF TEXAS §

COUNTY OF COMAL §

CITY OF NEW BRAUNFELS §

WHEREAS, the American Payroll Association and its more than 20,000 members have launched a nationwide public awareness campaign that pays tribute to the more than 150 million people who work in the United States and the payroll professionals who support the American system by paying wages, reporting worker earnings and withholding federal employment taxes; and

WHEREAS, payroll professionals in New Braunfels, Texas play a key role in maintaining the economic health of New Braunfels, carrying out such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting and depositing; and

WHEREAS, payroll departments collectively spend more than \$2.4 trillion annually complying with myriad federal and state wage and tax laws; and

WHEREAS, payroll professionals play an increasingly important role ensuring the economic security of American families by helping to identify noncustodial parents and making sure they comply with their child support mandates; and

WHEREAS, payroll professionals have become increasingly proactive in educating both the business community and the public at large about the payroll tax withholding systems; and

WHEREAS, payroll professionals meet regularly with federal and state tax officials to discuss both improving compliance with government procedures and how compliance can be achieved at less cost to both government and businesses.

NOW, THEREFORE, I, BARRON CASTEEL, Mayor of the City of New Braunfels, do hereby proclaim the first full week of September 2019 as

PAYROLL WEEK

and I hereby give additional support to efforts of the people who work in New Braunfels and of the payroll profession.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 26th day of August 2019.

CITY OF NEW BRAUNFELS

BY: _____
BARRON CASTEEL, Mayor

City of New Braunfels



Proclamation

THE STATE OF TEXAS §

COUNTY OF COMAL §

CITY OF NEW BRAUNFELS §

WHEREAS, Stevens Johnson Syndrome (SJS) was discovered in 1922 by two pediatricians, A.M. Stevens and F.C. Johnson, after they diagnosed a child with “severe ocular and oral involvement to a drug reaction”; and

WHEREAS, almost any medication, including over the counter drugs, can cause SJS affecting people of any age; and

WHEREAS, one to two million Americans are hospitalized annually as a result of taking recommended medications, of which ten percent do not recover; and

WHEREAS, the most commonly implicated drugs are anti-convulsants, antibiotics, and anti-inflammatory medications, and it is generally thought that Stevens Johnson Syndrome, commonly considered a rare disease, may be more prevalent due to the lack of accurately reported cases to the Federal Drug Administration.

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

STEVENS JOHNSON SYNDROME AWARENESS MONTH

and call upon all citizens to show their support for the families coping with SJS in New Braunfels.

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 26th day of August 2019.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. A)



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. B)

Presenter/Contact

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

SUBJECT:

Presentation and possible direction on proposed amendments to the Zoning Ordinance regarding parking or storage of oversized vehicles within residential zoning districts.

BACKGROUND / RATIONALE:

The City of New Braunfels receives complaints of large, commercial vehicles, such as tractor trailer rigs, parked in residential driveways and in back yards. While there are ordinances addressing the paving of driveways, and the parking of such vehicles on the street in front of homes, there is not an ordinance addressing the parking of such vehicles in residential driveways.

Attached is a draft with alternatives for possible consideration and discussion at a future meeting, if City Council is inclined to direct staff to proceed. The draft limits the largest of commercial vehicles, while still allowing modest commercial vehicles for those employees allowed to bring vehicles home from work in the evenings.

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

CITY PLAN/COUNCIL PRIORITY Envision New Braunfels Comprehensive Plan	Action 1.11: Update policies and codes to achieve development patterns that implement the goals of Envision New Braunfels. Action 3.6: Pro-actively provide a regulatory environment that remains business and resident friendly. Action 3.17: Enact policies that dis-incentivize incompatible commercial encroachment into neighborhoods that whittle away at the edges, while still allowing for neighborhood scale commercial within walking distance of homes. Action 7.8: Enhance pedestrian quality of the City by limiting the realm of the automobile.
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:















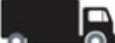

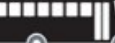
























N/A

STAFF RECOMMENDATION:

Staff recommends proceeding with a process for consideration of a code amendment to address this concern of neighborhood residents.

Chapter 144, Zoning, Section 1.4. Definitions.

“Oversized Vehicle” means any vehicle designated as Class 6, Class 7 or Class 8 vehicles as illustrated herein, including but not limited to the following designated vehicles: dump trucks, truck-tractors, tractor-trailers, semi-trailers, 18-wheelers, concrete mixing trucks, buses, or other similar vehicles at the weights identified herein. The term shall exclude recreational vehicles as defined in Chapter 144.

Class 1: 6,000 pounds or less  Full Size Pickup  Mini Pickup  Minivan  SUV  Utility Van	Class 5: 16,001 to 19,500 pounds  Bucket  City Delivery  Large Walk In
Class 2: 6,001 to 10,000 pounds  Crew Size Pickup  Full Size Pickup  Mini Bus  Minivan  Step Van  Utility Van	Class 6: 19,501 to 26,000 pounds  Beverage  Rack  School Bus  Single Axle Van  Stake Body
Class 3: 10,001 to 14,000 pounds  City Delivery  Mini Bus  Walk In	Class 7: 26,001 to 33,000 pounds  City Transit Bus  Furniture  High Profile Semi  Home Fuel  Medium Semi Tractor  Refuse  Tow
Class 4: 14,001 to 16,000 pounds  City Delivery  Conventional Van  Landscape Utility  Large Walk In	Class 8: 33,001 pounds and over  Cement Mixer  Dump  Fire Truck  Home Fuel  Heavy Semi Tractor  Refrigerated Van  Semi Sleeper  Tour Bus

“Park, parking or store”, when prohibited, means the standing of an Oversized Vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in the loading or unloading of merchandise or passengers.

Sec. 5.1-4. Parking and Storage of Certain Vehicles.

(a) Parking, standing or storing of vehicles as described below in Residential Districts.

- (1) It shall be unlawful for any person or owner to allow to park, stand or store any Oversized Vehicle upon any vacant or undeveloped lot/land, private street, private alley, private parkway, private premises or public place within a Residential District of the City of New Braunfels.
- (2) This section shall not prevent the parking or standing of the above described vehicles in such areas for the purpose of expeditiously loading and unloading of passengers, freight, merchandise or property; nor prevent the parking of any such vehicles owned and operated for the normal course of business operations in any permitted non-residential use, such as farms, churches, daycare centers and school district facilities.
- (3) Provided further, that this subsection shall not apply to street construction, maintenance and repair equipment trucks, rollers and implements, or to trucks, equipment, trailers and vehicles used by any public service utility companies, the city or its contractors engaged in repairing or extending public service utilities, providing city services or as engaged in an active permitted construction project.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. C)

Presenter/Contact

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

SUBJECT:

Presentation and briefing to City Council on HB 3167, state-mandated changes to the platting process.

BACKGROUND / RATIONALE:

HB 3167 was adopted by the Texas Legislature this past Session, and was signed into law by Governor Abbott. This new law, going into effect on September 1, 2019, makes changes to the time allowed to review and approve subdivision plats or related “plans”. Many Texas cities are having to modify their processes and, as a result, will likely be more consistent with each other.

The current process in New Braunfels is structured around a monthly submittal calendar based on the dates of Planning Commission meetings. Applicants presently submit their plat or master plan applications 43 days ahead of the Planning Commission meeting. Staff reviews applications for completeness, then distributes copies of each submittal to the various reviewing agencies, including local utility providers, different city departments, and other state agencies as applicable.

These entities review the submittals against the adopted codes or respective agency rules. If deficiencies are noted (presently referred to as “comments”), the reviewing entities work with applicants to resolve before the Planning Commission meeting. If resolution is not possible, the applicants will sometimes delay their Planning Commission hearing to work out issues.

The new state law makes several major changes:

1. Establishes a 30-day “shot clock” for review of plans and plats. Once a plat/plan is “filed”, the governing body must approve, approve with conditions, or deny within 30 days.
2. Defines “plan” for the purposes of this chapter of the Local Government Code. It includes documents typically associated with the plat review and approval process, including subdivision infrastructure “construction plans”.
3. Requires cities to provide written statements to applicants following Planning Commission action on their application. The letter must clearly articulate the decision of Planning Commission including details of any conditions required. All conditions must be directly related to an ordinance requirement or state law.
4. After the Planning Commission decision, the new law allows the applicants unlimited time to “respond” to the Planning Commission outcome and demonstrate how they will comply with the conditions or decision.
5. Provides the city 15 days to take action on the applicant’s response. This city’s action should be approval, or disapproval if the applicant did not meet all of the conditions.
6. Neither the city nor the Planning Commission can require an applicant to waive these

deadlines. However, an applicant may request a 30-day extension.

7. Failure of the city to meet these deadlines, deems a plat or plan application automatically approved.

One additional, slightly related change is in regards to replats. Public hearings will no longer be required for every replat; however some very specific types will require public hearings. Regardless of whether a public hearing is required, within 15 days after the replat is approved by the Planning Commission, the city is required to send written notice to each owner of a lot in the original subdivision that is within 200 feet of the replat.

Staff has received guidance from the Texas Municipal League (TML) and the American Planning Association (APA) on implementation. Staff has also consulted with an outside attorney for additional assistance, and is working closely with NBU, other utility providers, the two counties in which our ETJ extends, and is comparing notes with neighboring municipalities to drive a regionally consistent outcome. Staff is also reaching out to development community representatives for preliminary discussions.

Changes to the process must be in place in time for the November Planning Commission meeting deadline in October. (The deadline for the October Planning Commission meeting, based on current process, has already passed; applications filed under the current process are following the current procedures.) Once a new process draft is completed, staff will share and discuss with the development community for their input before implementation.

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

CITY PLAN/COUNCIL PRIORITY	Ensure policies and ordinances are in compliance with state statutes.
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FISCAL IMPACT:

The hiring of outside consultants to assist with implementation of this new law.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

N/A

H.B. No. 3167

AN ACT

relating to county and municipal approval procedure for land development applications.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 212.001, Local Government Code, is amended by amending Subdivision (2) and adding Subdivision (3) to read as follows:

(2) "Plan" means a subdivision development plan, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development plan.

(3) "Plat" includes a preliminary plat, general plan, final plat, and replat.

SECTION 2. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0085 to read as follows:

Sec. 212.0085. APPROVAL PROCEDURE: APPLICABILITY. The approval procedures under this subchapter apply to a municipality regardless of whether the municipality has entered into an interlocal agreement, including an interlocal agreement between a municipality and county under Section 242.001(d).

SECTION 3. The heading to Section 212.009, Local Government Code, is amended to read as follows:

Sec. 212.009. APPROVAL PROCEDURE: INITIAL APPROVAL.

SECTION 4. Section 212.009, Local Government Code, is amended by amending Subsections (a), (b), (c), and (d) and adding

H.B. No. 3167

1 Subsections (b-1) and (b-2) to read as follows:

2 (a) The municipal authority responsible for approving plats
3 shall approve, approve with conditions, or disapprove ~~[act-on]~~ a
4 plan or plat within 30 days after the date the plan or plat is filed.
5 A plan or plat is ~~[considered]~~ approved by the municipal authority
6 unless it is disapproved within that period and in accordance with
7 Section 212.0091.

8 (b) If an ordinance requires that a plan or plat be approved
9 by the governing body of the municipality in addition to the
10 planning commission, the governing body shall approve, approve with
11 conditions, or disapprove ~~[act-on]~~ the plan or plat within 30 days
12 after the date the plan or plat is approved by the planning
13 commission or is ~~[considered]~~ approved by the inaction of the
14 commission. A plan or plat is ~~[considered]~~ approved by the
15 governing body unless it is disapproved within that period and in
16 accordance with Section 212.0091.

17 (b-1) Notwithstanding Subsection (a) or (b), if a
18 groundwater availability certification is required under Section
19 212.0101, the 30-day period described by those subsections begins
20 on the date the applicant submits the groundwater availability
21 certification to the municipal authority responsible for approving
22 plats or the governing body of the municipality, as applicable.

23 (b-2) Notwithstanding Subsection (a) or (b), the parties
24 may extend the 30-day period described by those subsections for a
25 period not to exceed 30 days if:

26 (1) the applicant requests the extension in writing to
27 the municipal authority responsible for approving plats or the

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1 governing body of the municipality, as applicable; and

2 (2) the municipal authority or governing body, as
 3 applicable, approves the extension request.

4 (c) If a plan or plat is approved, the municipal authority
 5 giving the approval shall endorse the plan or plat with a
 6 certificate indicating the approval. The certificate must be signed
 7 by:

8 (1) the authority's presiding officer and attested by
 9 the authority's secretary; or

10 (2) a majority of the members of the authority.

11 (d) If the municipal authority responsible for approving
 12 plats fails to approve, approve with conditions, or disapprove ~~act~~
 13 ~~on~~ a plan or plat within the prescribed period, the authority on
 14 the applicant's request shall issue a certificate stating the date
 15 the plan or plat was filed and that the authority failed to act on
 16 the plan or plat within the period. The certificate is effective in
 17 place of the endorsement required by Subsection (c).

18 SECTION 5. Subchapter A, Chapter 212, Local Government
 19 Code, is amended by adding Sections 212.0091, 212.0093, 212.0095,
 20 212.0096, 212.0097, and 212.0099 to read as follows:

21 Sec. 212.0091. APPROVAL PROCEDURE: CONDITIONAL APPROVAL OR
 22 DISAPPROVAL REQUIREMENTS. (a) A municipal authority or governing
 23 body that conditionally approves or disapproves a plan or plat
 24 under this subchapter shall provide the applicant a written
 25 statement of the conditions for the conditional approval or reasons
 26 for disapproval that clearly articulates each specific condition
 27 for the conditional approval or reason for disapproval.

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1 (b) Each condition or reason specified in the written
 2 statement:

3 (1) must:

4 (A) be directly related to the requirements under
 5 this subchapter; and

6 (B) include a citation to the law, including a
 7 statute or municipal ordinance, that is the basis for the
 8 conditional approval or disapproval, if applicable; and

9 (2) may not be arbitrary.

10 Sec. 212.0093. APPROVAL PROCEDURE: APPLICANT RESPONSE TO
 11 CONDITIONAL APPROVAL OR DISAPPROVAL. After the conditional
 12 approval or disapproval of a plan or plat under Section 212.0091,
 13 the applicant may submit to the municipal authority or governing
 14 body that conditionally approved or disapproved the plan or plat a
 15 written response that satisfies each condition for the conditional
 16 approval or remedies each reason for disapproval provided. The
 17 municipal authority or governing body may not establish a deadline
 18 for an applicant to submit the response.

19 Sec. 212.0095. APPROVAL PROCEDURE: APPROVAL OR DISAPPROVAL
 20 OF RESPONSE. (a) A municipal authority or governing body that
 21 receives a response under Section 212.0093 shall determine whether
 22 to approve or disapprove the applicant's previously conditionally
 23 approved or disapproved plan or plat not later than the 15th day
 24 after the date the response was submitted.

25 (b) A municipal authority or governing body that
 26 conditionally approves or disapproves a plan or plat following the
 27 submission of a response under Section 212.0093:

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(1) must comply with Section 212.0091; and

(2) may disapprove the plan or plat only for a specific condition or reason provided to the applicant under Section 212.0091.

(c) A municipal authority or governing body that receives a response under Section 212.0093 shall approve a previously conditionally approved or disapproved plan or plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.

(d) A previously conditionally approved or disapproved plan or plat is approved if:

(1) the applicant filed a response that meets the requirements of Subsection (c); and

(2) the municipal authority or governing body that received the response does not disapprove the plan or plat on or before the date required by Subsection (a) and in accordance with Section 212.0091.

Sec. 212.0096. APPROVAL PROCEDURE: ALTERNATIVE APPROVAL PROCESS. (a) Notwithstanding Sections 212.009, 212.0091, 212.0093, and 212.0095, an applicant may elect at any time to seek approval for a plan or plat under an alternative approval process adopted by a municipality if the process allows for a shorter approval period than the approval process described by Sections 212.009, 212.0091, 212.0093, and 212.0095.

(b) An applicant that elects to seek approval under the alternative approval process described by Subsection (a) is not:

(1) required to satisfy the requirements of Sections

H.B. No. 3167

212.009, 212.0091, 212.0093, and 212.0095 before bringing an action challenging a disapproval of a plan or plat under this subchapter; and

(2) prejudiced in any manner in bringing the action described by Subdivision (1), including satisfying a requirement to exhaust any and all remedies.

Sec. 212.0097. APPROVAL PROCEDURE: WAIVER PROHIBITED. A municipal authority responsible for approving plats or the governing body of a municipality may not request or require an applicant to waive a deadline or other approval procedure under this subchapter.

Sec. 212.0099. JUDICIAL REVIEW OF DISAPPROVAL. In a legal action challenging a disapproval of a plan or plat under this subchapter, the municipality has the burden of proving by clear and convincing evidence that the disapproval meets the requirements of this subchapter or any applicable case law. The court may not use a deferential standard.

SECTION 6. Section 212.014, Local Government Code, is amended to read as follows:

Sec. 212.014. REPLATTING WITHOUT VACATING PRECEDING PLAT. A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

(1) is signed and acknowledged by only the owners of the property being replatted;

(2) is approved~~[, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be~~

H.B. No. 3167

~~heard,~~] by the municipal authority responsible for approving plats;
and

(3) does not attempt to amend or remove any covenants
or restrictions.

SECTION 7. Section 212.015, Local Government Code, is
amended by adding Subsections (a-1), (f), and (g) and amending
Subsection (b) to read as follows:

(a-1) If a proposed replat described by Subsection (a)
requires a variance or exception, a public hearing must be held by
the municipal planning commission or the governing body of the
municipality.

(b) Notice of the hearing required under Subsection (a-1)
~~[Section 212.014]~~ shall be given before the 15th day before the date
of the hearing by:

(1) publication in an official newspaper or a
newspaper of general circulation in the county in which the
municipality is located; and

(2) by written notice, with a copy of Subsection (c)
attached, forwarded by the municipal authority responsible for
approving plats to the owners of lots that are in the original
subdivision and that are within 200 feet of the lots to be
replatted, as indicated on the most recently approved municipal tax
roll or in the case of a subdivision within the extraterritorial
jurisdiction, the most recently approved county tax roll of the
property upon which the replat is requested. The written notice may
be delivered by depositing the notice, properly addressed with
postage prepaid, in a post office or postal depository within the

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1 boundaries of the municipality.

2 (f) If a proposed replat described by Subsection (a) does
 3 not require a variance or exception, the municipality shall, not
 4 later than the 15th day after the date the replat is approved,
 5 provide written notice by mail of the approval of the replat to each
 6 owner of a lot in the original subdivision that is within 200 feet
 7 of the lots to be replatted according to the most recent
 8 municipality or county tax roll. This subsection does not apply to
 9 a proposed replat if the municipal planning commission or the
 10 governing body of the municipality holds a public hearing and gives
 11 notice of the hearing in the manner provided by Subsection (b).

12 (g) The notice of a replat approval required by Subsection
 13 (f) must include:

14 (1) the zoning designation of the property after the
 15 replat; and

16 (2) a telephone number and e-mail address an owner of a
 17 lot may use to contact the municipality about the replat.

18 SECTION 8. Subchapter A, Chapter 232, Local Government
 19 Code, is amended by adding Section 232.0023 to read as follows:

20 Sec. 232.0023. APPROVAL PROCEDURE: APPLICABILITY. The plat
 21 application approval procedures under this subchapter apply to a
 22 county regardless of whether the county has entered into an
 23 interlocal agreement, including an interlocal agreement between a
 24 municipality and county under Section 242.001(d).

25 SECTION 9. The heading to Section 232.0025, Local
 26 Government Code, is amended to read as follows:

27 Sec. 232.0025. APPROVAL PROCEDURE: TIMELY APPROVAL OF PLATS

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1 AND PLANS.

2 SECTION 10. Section [232.0025](#), Local Government Code, is
 3 amended by amending Subsections (d), (f), (g), (h), and (i), and
 4 adding Subsection (d-1) to read as follows:

5 (d) Except as provided by Subsection (f), the commissioners
 6 court or the court's designee shall approve, approve with
 7 conditions, or disapprove ~~[take final action on]~~ a plat
 8 application~~[, including the resolution of all appeals,]~~ not later
 9 than the 30th ~~[60th]~~ day after the date the ~~[a]~~ completed ~~[plat]~~
 10 application is received by the commissioners court or the court's
 11 designee. An application is approved by the commissioners court or
 12 the court's designee unless the application is disapproved within
 13 that period and in accordance with Section 232.0026.

14 (d-1) Notwithstanding Subsection (d), if a groundwater
 15 availability certification is required under Section [232.0032](#), the
 16 30-day period described by that subsection begins on the date the
 17 applicant submits the groundwater availability certification to
 18 the commissioners court or the court's designee, as applicable.

19 (f) The 30-day ~~[60-day]~~ period under Subsection (d):

20 (1) may be extended for a ~~[reasonable]~~ period not to
 21 exceed 30 days, if:

22 (A) requested and agreed to in writing by the
 23 applicant and approved by the commissioners court or the court's
 24 designee; or

25 (B) ~~[(2) may be extended 60 additional days if]~~
 26 Chapter [2007](#), Government Code, requires the county to perform a
 27 takings impact assessment in connection with the ~~[a]~~ plat

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1 application; and

2 (2) ~~[(3)]~~ applies only to a decision wholly within the
3 control of the commissioners court or the court's designee.

4 (g) The commissioners court or the court's designee shall
5 make the determination under Subsection (f)(1) ~~[(f)(2)]~~ of whether
6 the 30-day ~~[60-day]~~ period will be extended not later than the 20th
7 day after the date a completed plat application is received by the
8 commissioners court or the court's designee.

9 (h) The commissioners court or the court's designee may not
10 require ~~[compel]~~ an applicant to waive the time limits or approval
11 procedure contained in this subchapter ~~[section]~~.

12 (i) If the commissioners court or the court's designee fails
13 to approve, approve with conditions, or disapprove a plat
14 application ~~[take final action on the plat]~~ as required by this
15 subchapter ~~[Subsection (d)]~~:

16 (1) the commissioners court shall refund the greater
17 of the unexpended portion of any ~~[plat]~~ application fee or deposit
18 or 50 percent of an ~~[a plat]~~ application fee or deposit that has
19 been paid;

20 (2) the ~~[plat]~~ application is granted by operation of
21 law; and

22 (3) the applicant may apply to a district court in the
23 county where the tract of land is located for a writ of mandamus to
24 compel the commissioners court to issue documents recognizing the
25 plat application's ~~[plat's]~~ approval.

26 SECTION 11. Subchapter A, Chapter [232](#), Local Government
27 Code, is amended by adding Sections 232.0026, 232.0027, 232.0028,

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232.00285, and 232.0029 to read as follows:

Sec. 232.0026. APPROVAL PROCEDURE: CONDITIONAL APPROVAL OR DISAPPROVAL REQUIREMENTS. (a) A commissioners court or designee that conditionally approves or disapproves of a plat application under this subchapter shall provide the applicant a written statement of the conditions for the conditional approval or the reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

(b) Each condition or reason specified in the written statement:

(1) must:

(A) be directly related to the requirements of this subchapter; and

(B) include a citation to the law, including a statute or order, that is the basis for the conditional approval or disapproval, if applicable; and

(2) may not be arbitrary.

Sec. 232.0027. APPROVAL PROCEDURE: APPLICANT RESPONSE TO CONDITIONAL APPROVAL OR DISAPPROVAL. After the conditional approval or disapproval of a plat application under Section 232.0026, the applicant may submit to the commissioners court or designee that conditionally approved or disapproved the application a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The commissioners court or designee may not establish a deadline for an applicant to submit the response.

Sec. 232.0028. APPROVAL PROCEDURE: APPROVAL OR DISAPPROVAL

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1 OF RESPONSE. (a) A commissioners court or designee that receives a
 2 response under Section 232.0027 shall determine whether to approve
 3 or disapprove the applicant's previously conditionally approved or
 4 disapproved plat application not later than the 15th day after the
 5 date the response was submitted under Section 232.0027.

6 (b) A commissioners court or designee that conditionally
 7 approves or disapproves a plat application following the submission
 8 of a response under Section 232.0027:

9 (1) must comply with Section 232.0026; and

10 (2) may disapprove the application only for a specific
 11 condition or reason provided to the applicant for the original
 12 application under Section 232.0026.

13 (c) A commissioners court or designee that receives a
 14 response under Section 232.0027 shall approve a previously
 15 conditionally approved or disapproved plat application if the
 16 applicant's response adequately addresses each condition for the
 17 conditional approval or each reason for the disapproval.

18 (d) A previously conditionally approved or disapproved plat
 19 application is approved if:

20 (1) the applicant filed a response that meets the
 21 requirements of Subsection (c); and

22 (2) the commissioners court or designee that received
 23 the response does not disapprove the application on or before the
 24 date required by Subsection (a) and in accordance with Section
 25 232.0026.

26 Sec. 232.00285. DEVELOPMENT PLAN REVIEW. (a) In this
 27 section, "development plan" includes a preliminary plat,

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preliminary subdivision plan, subdivision construction plan, site plan, general plan, land development application, or site development plan.

(b) Unless explicitly authorized by another law of this state, a county may not require a person to submit a development plan during the plat approval process required by this subchapter. If a county is authorized under another law of this state to require approval of a development plan, the county must comply with the approval procedures under this subchapter during the approval process.

Sec. 232.0029. JUDICIAL REVIEW OF DISAPPROVAL. In a legal action challenging a disapproval of a plat application under this subchapter, the county has the burden of proving by clear and convincing evidence that the disapproval meets the requirements of this subchapter or any applicable case law. The court may not use a deferential standard.

SECTION 12. Section [232.0025\(e\)](#), Local Government Code, is repealed.

SECTION 13. The change in law made by this Act applies only to a plat application filed on or after the effective date of this Act. A development or plan application filed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 14. This Act takes effect September 1, 2019.

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 President of the Senate

 Speaker of the House

I certify that H.B. No. 3167 was passed by the House on May 2, 2019, by the following vote: Yeas 119, Nays 18, 1 present, not voting.

 Chief Clerk of the House

I certify that H.B. No. 3167 was passed by the Senate on May 21, 2019, by the following vote: Yeas 27, Nays 3, 1 present, not voting.

 Secretary of the Senate

 APPROVED:

Date

 Governor



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

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 August 12, 2019, and the special meetings of August 12, 13, 14, and 19, 2019.

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, AUGUST 12, 2019**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on August 12, 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 6:04 p.m. Mayor Pro Tem Peters gave the invocation and Mayor Casteel led the Pledge of Allegiance and Salute to the Texas Flag.

PROCLAMATIONS:

A) Payroll Week

The proclamation was not presented.

PRESENTATIONS:

A) Presentation of the Airport Master Plan Update.

Mayor Casteel read the aforementioned caption.

Robert Lee introduced the item. Michael Mallonee presented the item.

No action was taken.

1. MINUTES

A) Discuss and consider approval of the minutes of the regular City Council meeting of July 22, 2019.

Mayor Casteel read the aforementioned caption.

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

2. CITIZENS' COMMUNICATIONS

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

Mayor Casteel read the aforementioned caption.

Jim Holster, Jonathan McJunkin, and Pam Timmerman 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) Acceptance of approximately 41 acres out of ABS 20 A.M. Esnaurizar Survey into the City of New Braunfels' extraterritorial jurisdiction located west of SH 123 N and north of Harboth Road.
- B) Approval of the City of New Braunfels FY 2018-19 Third Quarter Investment Report.
- C) Approval of a resolution of support for the Texas Department of Transportation's 2020 Unified Transportation Plan.
- D) Approval of a resolution authorizing the submission of projects for the 2019 Safe Routes to School Program.

Ordinances

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

- E) 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 in front of the NBU access gate on Hunter Road.
- F) Approval of the first reading of an ordinance amending Section 126-146 (a) and adding Section 126-147 of the City of New Braunfels Code of Ordinances to revise the school speed zones on FM 1101.
- G) Approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 0.80 acres out of the A M

Esnaurizar Survey, addressed at 947 State Highway 46 South, from "R-2" Single and Two-family District to "MU-B" High Intensity Mixed Use District.

Mayor Casteel read the aforementioned captions, except item H which was pulled from the Consent Agenda by Mayor Pro Tem Peters for further discussion.

Councilmember Hines moved to approve the Consent Agenda except item H. Councilmember Hoyt seconded the motion which passed unanimously via roll call vote.

- H) Approval of the second and final reading of an ordinance regarding the proposed rezoning to amend an existing Special Use Permit to allow a commercial tuber entrance and takeout in the "C-4" Commercial Resort District on property presently addressed as 444 East San Antonio Street.

Mayor Casteel read the aforementioned caption.

Stacy Snell presented the item.

Mayor Pro Tem Peters moved to approve the item with an added condition that the subject use remains subject to regulation by the TDLR, including the TDLR Variance Results Report issued to Gregg Weston issued June 2017 that allowed for postponement of compliance with Texas Accessibility Standards until future alterations or renovations are initiated or until a complaint is filed, whichever occurs first. Councilmember Hines seconded the motion which passed unanimously via roll call vote.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of the second and final reading of an ordinance regarding amendments to Chapter 144, Zoning, Section 3.3-11, M-1 Light Industrial, Section 3.3-12, M-2 Heavy Industrial, Section 3.4-18, M-1A Light Industrial, Section 3.4-19, M-2A Heavy Industrial, and Section 4.2, Land Use Matrix.
Staff recommends postponement of this item.

Mayor Casteel read the aforementioned caption.

Councilmember Hines moved to postpone the item. Councilmember Bowers seconded the motion which passed unanimously.

- B) Public hearing and adoption of a resolution accepting 24.12 acres out of ABS 20 A.M. Esnaurizar Survey into the City of New Braunfels' extraterritorial jurisdiction located on the west side of SH 123 N, north of Harboth Road.

Mayor Casteel read the aforementioned caption.

Stacy Snell presented the item.

No one spoke during the public hearing.

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

- C) Discuss and consider approval of the first reading of an ordinance to amend Chapter 6 of the City's Code of Ordinances prohibiting the use and display of bull hooks, and addressing the care of animals used in performing exhibitions.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

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

- D) Discuss and consider direction to staff regarding legislative priority recommendations to submit to the Texas Municipal League for inclusion in their advocacy efforts; and discuss appointment of a delegate to serve as the City's Liaison at the TML Annual Business Meeting.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

No action was taken.

5. EXECUTIVE SESSIONS

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

- A) Deliberate issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code, including but not limited to:
 - Project Nautilus
 - Project Go
 - Project Maintenance
 - Cemex
- B) Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code
 - Property for city facilities
- C) Deliberate pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:
 - Water Districts

Mayor Casteel read the aforementioned captions.

The City Council recessed into Executive Session from 6:48 p.m. - 7:42 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 7:43 p.m.

No vote or action was taken.

7. ADJOURNMENT

The meeting adjourned at 7:43 p.m.

Date Approved: August 26, 2019

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary

**SPECIAL MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
SPECIAL MEETING OF MONDAY, AUGUST 12, 2019**

The City Council of the City of New Braunfels, Texas, met in a special session on August 12, 2019, at 4:30 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 4:35 p.m. Councilmember Hoyt gave the invocation and Mayor Casteel led the Pledge of Allegiance and Salute to the Texas Flag.

1. WORKSHOP

- A) Presentation and discussion regarding the Fiscal Year 2019-20 Proposed Budget and Plan of Municipal Services and the 2019 effective and rollback tax rates.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

No action was taken.

- B) Discuss and consider approval of the Proposed 2019 Tax Rate.

Mayor Casteel read the aforementioned caption.

Jared Werner presented the item.

Councilmember Bowers moved that the proposed tax rate be set at .48822 per \$100 of valuation, which is effectively a 7.8 percent increase in the tax rate. Councilmember Meadows seconded the motion which was unanimously approved via roll call vote.

- C) Discuss and consider scheduling the public hearings on the 2019 tax rate and the FY 2019-20 Proposed Budget and Plan of Municipal

Services.

Mayor Casteel read the aforementioned caption.

Jared Werner presented the item.

Councilmember Hoyt moved to set the public hearings for the tax rate at a meeting beginning at 6:00 p.m. on Thursday, August 22, 2019, and Tuesday, September 3, 2019, and the public hearing on the FY2019-20 Proposed Budget and Plan of Municipal Services on Thursday, August 22, 2019, at a meeting beginning at 6:00 p.m. - all in the City Council Chambers at 550 Landa Street. Councilmember Bowers seconded the motion which passed unanimously via roll call vote.

Mayor Casteel announced the FY2019-20 Proposed Budget along with the 2019 tax rate will be adopted on September 9, 2019, at a meeting beginning at 6:00 p.m. in Council Chambers located at 550 Landa Street.

The meeting adjourned at 5:33 p.m.

Date Approved: August 26, 2019

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary

**SPECIAL MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
SPECIAL MEETING OF TUESDAY, AUGUST 13, 2019**

The City Council of the City of New Braunfels, Texas, met in a special session on August 13, 2019, at 4:30 p.m.

City Councilmembers present were:

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

Absent 1 - Councilmember Shane Hines

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Tejas Room at 4:52 p.m. Councilmember Garcia gave the invocation and Mayor Casteel led the Pledge of Allegiance and Salute to the Texas Flag.

1. WORKSHOP

- A) Discuss and consider approval of the second and final reading of an ordinance to amend Chapter 6 of the City's Code of Ordinances prohibiting the use and display of bull hooks, and addressing the care of animals in performing exhibitions.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

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

- B) Discuss and consider possible action regarding the Fiscal Year 2019-20 Proposed Budget and Plan of Municipal Services and the proposed 2019 tax rate, and announce public hearings.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

No action was taken.

Mayor Casteel announced the FY2019-20 Proposed Budget along with the 2019 tax rate will be adopted on September 9, 2019, at a meeting beginning at 6:00 p.m. in Council Chambers located at 550 Landa Street.

The meeting adjourned at 5:50 p.m.

Date Approved: August 26, 2019

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary

**SPECIAL MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
SPECIAL MEETING OF WEDNESDAY, AUGUST 14, 2019**

The City Council of the City of New Braunfels, Texas, met in a special session on August 14, 2019, at 4:30 p.m.

City Councilmembers present were:

Present 5 - Mayor Barron Casteel, Councilmember Justin Meadows, Councilmember Harry Bowers, Councilmember Matthew E. Hoyt, and Mayor Pro Tem Wayne Peters

Absent 2 - Councilmember Shane Hines, and Councilmember Leah García

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Tejas Room at 4:35 p.m. Mayor Casteel gave the invocation and led the Pledge of Allegiance and Salute to the Texas Flag.

1. WORKSHOP

A) Discuss and consider possible action regarding the Fiscal Year 2019-20 Proposed Budget and Plan of Municipal Services and the proposed 2019 tax rate, and announce public hearings.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

No action was taken.

Mayor Casteel announced the FY2019-20 Proposed Budget along with the 2019 tax rate will be adopted on September 9, 2019, at a meeting beginning at 6:00 p.m. in Council Chambers located at 550 Landa Street.

The meeting adjourned at 5:08 p.m.

Date Approved: August 26, 2019

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary

**SPECIAL MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
SPECIAL MEETING OF MONDAY, AUGUST 19, 2019**

The City Council of the City of New Braunfels, Texas, met in a special session on August 19, 2019, at 4:30 p.m.

City Councilmembers present were:

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

Absent 1 - Councilmember Leah García

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 4:39 p.m. Councilmember Hines gave the invocation and Mayor Casteel led the Pledge of Allegiance and Salute to the Texas Flag.

1. WORKSHOP

- A) Discuss and consider possible action regarding the Fiscal Year 2019-20 Proposed Budget and Plan of Municipal Services and the proposed 2019 tax rate and announce public hearings.

Mayor Casteel read the aforementioned caption.

Judy Young presented the item.

No action was taken.

Mayor Casteel announced the FY2019-20 Proposed Budget along with the 2019 tax rate will be adopted on September 9, 2019, at a meeting beginning at 6:00 p.m. in Council Chambers located at 550 Landa Street.

The City Council asked to cancel the August 20 City Council workshop.

- B) Discuss and consider approval of an expenditure for the purchase of playground equipment with GameTime for Morningside Park and the purchase of equipment with Play & Park Structures for Landa Park and purchase of concrete and site work for both parks with D&M

Owens and the appropriate budget amendment.

Mayor Casteel read the aforementioned caption.

Stacey Dicke presented the item.

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

- C) Discussion and possible direction regarding amendments to the current Industrial Zoning Districts in the Zoning Ordinance, Chapter 144 of the City's Code of Ordinances.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Michael Meek spoke on the item.

City Council gave direction to place the second reading of the industrial zoning ordinance on the August 26 City Council agenda.

No action was taken.

- D) Discuss and consider approval of a resolution identifying legislative priority recommendations to submit to the Texas Municipal League for inclusion in their advocacy efforts; and appoint a delegate to serve as the City's Liaison at the Texas Municipal League Annual Business Meeting.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Councilmember Bowers moved to appoint Chris Looney as the TML liaison. Councilmember Meadows seconded the motion which passed unanimously.

Mayor Pro Tem Peters moved to approve the resolution. Councilmember Hoyt seconded the motion which passed unanimously.

The meeting adjourned at 5:47 p.m.

Date Approved: August 26, 2019

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. A)

Presenter/Contact

*Robert Lee, Airport Director
(830) 221-4295 - rlee@nbtexas.org*

SUBJECT:

Approval of the Airport Master Plan Update.

BACKGROUND / RATIONALE:

The Airport Master Plan Update was presented to City Council on August 12, 2019.

Under the guidance and recommendation of TxDOT Aviation, the Airport Master Plan Update was completed for the purpose of assessing the existing and future needs of New Braunfels Regional Airport and providing direction for future development. The Master Plan Update also serves as a means to update the Airport Layout Plan (ALP).

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

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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Airport Advisory Board unanimously recommended the Airport Master Plan on July 10.

STAFF RECOMMENDATION:

Staff recommends the Airport Master Plan be approved.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. B)

Presenter/Contact

Joshua Niles, Capital Project Manager
(830) 221-4638 - jniles@nbtexas.org

SUBJECT:

Approval of a contract modification to KSA Engineers, Inc. for the Airport Taxilane Extension project.

BACKGROUND / RATIONALE:

On October 22, 2015, the NBEDC approved up to \$2.4 million for a project to extend the corporate taxilane by four hundred feet. The extension creates up to four new hangar sites and provides a road to access them. KSA was tasked with the design of this taxilane extension, and on March 14th, 2018 the City received seven bids. Curran was awarded the construction contract and began work on May 29, 2018.

KSA was hired to provide construction administration services, which included construction materials testing and a resident project representative as required by TXDOT Aviation for an amount of \$200,559.

The project was scheduled for completion on October 25, 2018 and reached substantial completion April 5, 2019. The completion of the project was delayed due to correcting pavement defects. Due to the delay of the project, KSA was required to remain on-site and continue to provide project management.

KSA's additional services have totaled \$38,000. The additional cost and time associated with the project will be resolved with contractor before final payment.

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

<input checked="" type="checkbox"/>	Yes	City of New Braunfels Strategic Priorities	Infrastructure-Continue an ongoing program of infrastructure construction and maintenance.
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FISCAL IMPACT:

Within the NBEDC project budget for the taxilane extension, sufficient funds are available to support the contract modification as described above.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approving a contract modification to KSA Engineering for additional project management totaling \$38,000.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. C)

Presenter/Contact

*Christopher Looney, Planning and Community Development Director
(830) 221-4055 - CLooney@nbtexas.org*

SUBJECT:

Approval of a contract expenditure with BB Inspection Services for \$35,000 for on-call support for city inspections.

BACKGROUND / RATIONALE:

Per section 917 of the City Charter, City Council approval is required for an annual purchase that exceeds \$25,000.

The Planning Department utilizes BB Inspection Services to support on-call work for inspection services. BB Inspection Services is a pre-qualified vendor on the City's IDIQ for professional services. City Planning staff are recommending a contract increase bringing the total value of the contract to \$35,000. This is expected to support the City through the remainder of the FY2018-19.

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

X	Yes	City Plan/Council Priority: of the City Charter, City Council approval is required for an annual purchase that exceeds \$25,000. City staff are recommending a contract for
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FISCAL IMPACT:

Funding for this expenditure is allocated in the Development Services Fund Budget for FY 2018-19, therefore sufficient funds are available.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a contract expenditure with BB Inspection Services for \$35,000 for on-call support for city inspections.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. D)

Presenter/Contact

*Amy McWhorter, Downtown Development Coordinator
(830) 221-4057 - amcwhorter@nbtexas.org*

SUBJECT:

Approval of a temporary road closure for the Comal County Fair Parade to be held on September 27, 2019.

BACKGROUND / RATIONALE:

Applicant: Comal County Fair Association

The Comal County Fair Association has submitted an application to close Seguin Avenue from Faust Street to Zink Street, and Landa Street from Seguin Avenue to Landa Park Drive on September 27, 2019, from 7:00 a.m. until 1:00 p.m. The event is slated to run from 9:00 a.m. until 1:00 p.m.

Chapter 126.41 of the City Code allows the Chief of Police the authority to close streets; however, traditionally this has been for public safety considerations or small events such as neighborhood block parties (as an example). Additionally, the "Street Closure Request" process outlined in Chapter 126.41 does not include requirements for City services such as trash clean up and street sweeping, or associated costs.

The Civic and Convention Center has an event during this time and there will be traffic and parking conflicts. Therefore, we will be closing the Castell lot for Civic Center event parking providing a reserved 106 spaces for those attendees.

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

N/A

FISCAL IMPACT:

There is no direct fiscal impact to the City except for the proposed in-kind sponsorship of the event as follows:

- Police overtime, estimated at \$1,200.00
- Waived food permit fee: \$25.00
- City-developed traffic control plan: \$100.00 (estimated labor value)
- Barricade loan and delivery/pick-up: \$340.00 (estimated labor value)

STAFF RECOMMENDATION:

Staff recommends approval.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. E)

Presenter/Contact

*Amy McWhorter, Historic Preservation Officer
(830) 221-4057; amcwhorter@nbtexas.org*

SUBJECT:

Approval of a resolution in support of the Comal County Historical Commission to obtain National Register of Historic Places designation for the property located at 500 Main Plaza, a local historic landmark known as the New Braunfels Main Plaza.

BACKGROUND / RATIONALE:

The Comal County Historical Commission is interested in pursuing a project to list the subject property in the National Register of Historic Places. The property known as Main Plaza has been determined eligible for inclusion in the National Register of Historic Places by the Texas Historical Commission. The inclusion of this property in the National Register of Historic Places would increase awareness of the significance of the plaza and its history as well as the importance of Historic Preservation.

The inclusion of this property in the National Register of Historic Places would not place any new restrictions on the use or maintenance of the property. As a local landmark, the structure is currently subject to local regulations on its exterior alterations and maintenance in accordance with the City's Historic Landmark Preservation Ordinance. Additionally, restrictions and regulations impacting the building at the state and federal level are triggered by the structure's eligibility for inclusion in the National Register of Historic Places (which is currently established) rather than its listing in the register. These existing regulations include the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act.

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	Action 2.2: Prioritize areas that are best suited for conservation and preservation.
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FISCAL IMPACT:

N/A

HISTORIC LANDMARK COMMISSION RECOMMENDATION:

The Historic Landmark Commission held a public hearing on August 13, 2019 and voted to recommend support for the resolution (7-0-0, Commissioners Poss and Feingold were absent).

STAFF RECOMMENDATION:

Staff recommends approval.

RESOLUTION NO. 2019-R_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS IN SUPPORT OF THE COMAL COUNTY HISTORICAL COMMISSION'S INIATIVE TO OBTAIN NATIONAL REGISTER OF HISTORIC PLACES LISTING FOR THE PROPERTY ADDRESSED AT 500 MAIN PLAZA, A LOCAL HISTORIC LANDMARK KNOWN AS THE NEW BRAUNFELS MAIN PLAZA,

WHEREAS, the Comal County Historical Commission is interested in pursuing a project to obtain listing of the subject property on the National Register of Historic Places and said property is owned by the City of New Braunfels; and

WHEREAS, the Main Plaza remains a prominent feature of the City of New Braunfels Original Town plan; and

WHEREAS, the Main Plaza includes several structures and objects of cultural and historical significance and is an important local landmark; and

WHEREAS, the listing of the property is in support of several of the City's Comprehensive Plan Goals regarding Historic Preservation and the identification of historically significant places that should be preserved and rehabilitated;

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

THAT, the City of New Braunfels supports the efforts of the Comal County Historical Commission to obtain listing of the property located at 500 Main Plaza, a local landmark known as the New Braunfels Main Plaza.

PASSED, ADOPTED AND APPROVED this the 26th day of August, 2019.

CITY OF NEW BRAUNFELS

BY: _____
BARRON CASTEEL, Mayor

ATTEST:

PATRICK ATEN, City Secretary

\\chfs-1\Departments\Planning\Historic Preservation\Main Plaza.docx



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. F)

Presenter/Contact

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

SUBJECT:

Approval of annual routine recurring expenditures for FY 2018-19 in accordance with City Charter Section 9.17.

BACKGROUND / RATIONALE:

Per section 9.17 of the City Charter, City Council approval is required for annual purchases that exceed \$25,000. There are various routine expenditures that occur every year and staff recommends that these expenditures be approved all at once, to more efficiently manage staff resources as well as ensure compliance with the charter. This will eliminate the need for these expenditure requests to be brought to City Council individually throughout the year.

This action will allow purchases to be made as needed throughout the year. As indicated below, the purchases are competitively vetted by cooperative agreements, quote or justified as a single source. Funding has been allocated for all of the expenditures detailed below.

As additional vendors that are anticipated to exceed the \$25,000 threshold are identified, they would still be brought for City Council at that time. Moreover, any purchases that warrant individual consideration and approval will be brought to City Council in that manner.

The following purchases and estimated annual expenditures are recommended for City Council consideration:

Vendor	Service	Estimated	Solicitation Source
Galls Inc.	Fire and Police uniforms CC Approved 80,000, 12/10, increase To cover new staff and ancillary uniforms -Funding is incorporated into the appropriate operating budget	\$150,000	BuyBoard
NSTS, LLC	Shop tools -Funding is incorporated into the appropriate operating budget	\$ 40,000	Best Value
Terracon Consultants	Multi contracts for Material Testing - Funding is incorporated into the appropriate budget	\$ 80,000	IDIQ Prof Svc
TKO Equipment Co.	Rental of street equipment - Motor	\$ 46,000	Best Value

Grader & Rollers to support 2nd crew
 - Funding is incorporated into the appropriate budget

Twincrest Technologies

Traffic Signal sensors
 - Funding is incorporated into the appropriate budget

\$ 55,000

HGAC/TXMAS

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

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

Funding for all initiatives and expenditures above were incorporated into the appropriate FY 2018-19 departmental budgets. However, the amounts above are estimates; actual costs are dependent upon needs. If the actual costs above exceed what was allocated in the budget for those services, departments are required to make that difference up elsewhere within their line item budget.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of annual recurring expenditures for FY 2018-19 in accordance with City Charter section 9.17.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. G)

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 in front of the NBU access gate on Hunter Road.

BACKGROUND / RATIONALE:

Council District: 4

City Council unanimously approved the first reading of an ordinance to amend Section 126-346 (f) of the City of New Braunfels Code of Ordinances to restrict parking in front of the NBU access gate on Hunter Road on August 12, 2019.

Engineering staff received a request from NBU to restrict parking along the west side of Hunter Road near the gate to access the NBU lift station. NBU stated that they are concerned about the potential for a sanitary sewer overflow if they are unable to access their lift station. No parking zone signs were authorized by Thomas Wibert, Chief of Police, on June 19, 2019.

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:

The Transportation and Traffic Advisory Board unanimously approved a recommendation to City Council to amend Section 126-346 (f) of the City of New Braunfels Code of Ordinances to restrict parking in front of the NBU access gate on Hunter Road at their meeting on July 11, 2019.

STAFF RECOMMENDATION:

Staff recommends approval of establishing a no parking, tow-away zone along the west side of Hunter Road from a point 175 feet south of the intersection with Rapids Road for a distance of 30 feet in a southerly direction.

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 HUNTER ROAD AT THE NBU ACCESS GATE.**

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:

- (122) On the west side of Hunter Road from a point 175 feet south of the intersection with Rapids Road for a distance of 30 feet in a southerly direction. 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



No Parking Zone on Hunter Road for NBU access



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. H)

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 126-146 (a) and adding Section 126-147 of the City of New Braunfels Code of Ordinances to revise the school speed zones on FM 1101.

BACKGROUND / RATIONALE:

Council District: 5

City Council unanimously approved the first reading of an ordinance to amend Section 126-146 (a) and adding Section 126-147 of the City of New Braunfels Code of Ordinances to revise the school speed zones on FM 1101 on August 12, 2019.

With the completion of roadway improvements on FM 1101 by TxDOT and review of the school speed zone ordinances in the City of New Braunfels Code of Ordinances, staff identified that the school speed zone signs posted on FM 1101 were not consistent with the location written in the code. There are three schools along FM 1101: Canyon Middle, Freiheit Elementary, and Canyon High School. School speed zone signs are posted for separate school speed zones at each of these schools, but existing code shows one school speed zone that covers all three of the schools.

A school zone is a section of roadway adjacent to a school or a school crosswalk where signs designating a school are present. A school speed zone is a special reduced speed zone for schools allowed by ordinance and defined by school speed signs. Ideally, school speed zones should be kept short to enhance driver compliance. School speed zones are intended for pedestrian safety and not to facilitate vehicle movements.

Based on the guidance provided in the TMUTCD, the existing posted school speed zones are the most appropriate for the three schools along FM 1101 and the current code should be rewritten to reflect the posted signs.

The current ordinance states that the speed limit on FM 1101 is 45 mph and 35 mph during times when the school zone flashing lights are operating; however, the posted speed limit outside of school zone times for the zones at Canyon Middle and Freiheit Elementary is 55 mph. Because TxDOT sets the speed limits on the state system (which includes Farm to Market roads like FM 1101), city staff spoke with TxDOT about this discrepancy. TxDOT provided the results of a speed survey that was completed in October 2007 that listed a speed limit of 45 mph in the area of the Canyon High School speed zone and a speed limit of 55 mph at the speed zones for Canyon Middle and Freiheit Elementary schools. The speeds shown on this survey were adopted in an ordinance by the New

Braunfels City Council in 2008 but were not reflected in the ordinance for the school speed zones on FM 1101 that was adopted by City Council in 2011.

The city has requested that TxDOT complete another speed survey on FM 1101 between SH 46 and Creekside Way due to roadway and sidewalk improvements and the increased development along FM 1101 since 2007. Once this study is complete, city staff will make any necessary updates to this ordinance to reflect the results.

The current school speed zone times for all three zones are 7:00 a.m. - 9:30 a.m. and 2:00 p.m. - 5:00 p.m. If the proposed amendment to the school speed zone is approved, city staff will work with the administration at each school to set appropriate school speed zone times for each campus.

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

Envision New Braunfels Strategy 7: Connect All: Action 7.58: Develop a survey/study to evaluate the signage of the city streets, Downtown traffic circle, county roads and Interstate Highway 35, including wayfinding, street names, and regulatory signage. Within the next three years. Based on the recommendations from the study, begin implementation of approved changes.

FISCAL IMPACT:

None.

COMMITTEE RECOMMENDATION:

The Transportation and Traffic Advisory Board unanimously approved a recommendation to City Council amending Section 126-146 (a) and adding Section 126-147 of the City of New Braunfels Code of Ordinances to revise the school speed zones on FM 1101 at their meeting on July 11, 2019.

STAFF RECOMMENDATION:

Staff recommends revising the city ordinance for the school speed zones on FM 1101 to reflect the speed zones that are currently posted.

ORDINANCE NO. 2019-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-146 (a) AND CREATING SECTION 126-147 OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES TO AMEND THE SCHOOL SPEED ZONES ON FM 1101.

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

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

I.

THAT the City of New Braunfels Code of Ordinances Section 126-146 (a) is hereby amended as follows:

- (a) No person shall drive any vehicle on the following streets within the areas designated in this subsection during the posted hours or when the school zone flashing lights are operating from 7:00 a.m. to 5:00 p.m. on each scheduled school day during every authorized school term, in excess of 35 miles per hour; and 45 miles per hour at every other time:

FM 1101 from 463 feet northeast of the intersection with Ventura Drive for a distance of 1,979 feet northeast.

II.

THAT the City of New Braunfels Code of Ordinances Section 126-147 is hereby created as follows:

Sec. 126-147. – Same-Same-Fifty-five miles per hour at other times.

- (a) No person shall drive any vehicle on the following streets within the areas designated in this subsection during the posted hours or when the school zone flashing lights are operating from 7:00 a.m. to 5:00 p.m. on each scheduled school day during every authorized school term, in excess of 35 miles per hour; and 55 miles per hour at every other time:

FM 1101 from 3,123 feet northeast of the intersection with Ventura Drive for a distance of 1,030 feet northeast.

FM 1101 from 1,514 southwest of the intersection with FM 306 for a distance of 1,478 feet southwest.

- (b) Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed \$200.00.

III.

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

IV.

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

V.

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

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

Sec. 126-146. - Speed zones—Thirty-five miles per hour on school days—Forty-five miles per hour at other times.

- (a) No person shall drive any vehicle on the following streets within the areas designated in this subsection during the posted hours or when the school zone flashing lights are operating from 7:00 a.m. to 5:00 p.m. on each scheduled school day during every authorized school term, in excess of 35 miles per hour; and 45 miles per hour at every other time:

FM 1101 from 463 feet northeast of the intersection with Ventura Drive for a distance of 1,979 feet northeast the intersection 0.42 miles northeast of State Highway 46 to 0.514 miles northeast of Kowald Lane.

- (b) Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed \$200.00.

(Ord. No. 2011-73, § I, 10-10-11; Ord. No. 2017-16, § I, 2-13-17)

Sec. 126-147. - Same—Same—Fifty-five miles per hour at other times.

- (a) No person shall drive any vehicle on the following streets within the areas designated in this subsection during the posted hours or when the school zone flashing lights are operating from 7:00 a.m. to 5:00 p.m. on each scheduled school day during every authorized school term, in excess of 35 miles per hour; and 55 miles per hour at every other time:

FM 1101 from 3,123 feet northeast of the intersection with Ventura Drive for a distance of 1,030 feet northeast.

FM 1101 from 1,514 feet southwest of the intersection with FM 306 for a distance of 1,478 feet southwest.

- (b) Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed \$200.00.

Sec. 126-147~~8~~. - Speed limit on FM 306.

- (a) The maximum, reasonable and prudent speed limits on the section of FM 306 from MP 16.539, at the intersection with IH 35 northbound Frontage Road, to MP 17.520, at the intersection with FM 1101, for a distance of 0.981 miles approximately, as follows: 35 mph from IH 35 northbound Frontage Road extending southeast for 0.322 miles, then 45 mph for the next 0.659 miles until FM 1101.

(Ord. No. 2016-27, § I, 5-9-16)

Sec. 126-14~~9~~⁸. - Speed limits on FM 1863.

- (a) No person shall drive any vehicle on the following streets within the areas designated in this subsection during the posted hours or when the school zone flashing lights are operating from 7:00 a.m. to 5:00 p.m. on each scheduled school day during every authorized school term, in excess of 35 miles per hour; and 45 miles per hour at every other time:

FM 1863 from a point of 850 feet west from the intersection of State Highway 46 West for a distance of 1,625 feet.

- (b) Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed \$200.00.

(Ord. No. 2014-45, § I, 7-10-17)

Editor's note— Ord. No. 2017-45, § I, adopted July 10, 2017, enacted provisions intended for use as section 126-145. Inasmuch as there are already provisions so designated, and at the discretion of the editor, said provisions have been redesignated as section 126-148.

Secs. 126-1~~5049~~—126-155. - Reserved.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. I)

Presenter

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

SUBJECT:

Approval of the second and final reading of an ordinance regarding amendments to Chapter 144, Zoning, Section 3.3-11, M-1 Light Industrial, Section 3.3-12, M-2 Heavy Industrial, Section 3.4-18, M-1A Light Industrial, Section 3.4-19, M-2A Heavy Industrial, and Section 4.2, Land Use Matrix.

BACKGROUND / RATIONALE:

Case No.: ORD-19-111

Council District: All

Applicant: City of New Braunfels

Staff Contact: Jean Drew, Senior Planner
jdrew@nbtexas.org
(830) 221-4652

City Council held a public hearing May 28, 2019, unanimously approved the first reading, and gave directions for follow up steps including but not limited to rezoning industrial zoned tracts that are developed with residential uses and amending the land use matrix for consistency across similar uses. The second reading was originally scheduled for June 10, 2019; City Council postponed it to August 12, 2019 at which time they approved a second postponement to facilitate additional discussion at the August 19th City Council Workshop.

New Braunfels' first zoning districts (1945) were cumulative in nature, meaning that uses allowed in the least intense residential district were also allowed in the multi-family district; everything allowed in multifamily was also allowed in the commercial districts, and everything allowed in the commercial districts was also allowed in industrial districts (all uses).

This practice has continued with the current zoning ordinance retaining those old cumulative zoning districts, resulting in single family and multifamily residential uses within industrial zoned areas. This triggers compatibility concerns for both industrial and residential use, resulting in 1) a very limited amount of remaining industrial zoned property not impacted by residential land use or potential future residential development, 2) existing residences negatively impacted by the intensity of neighboring industrial or heavy commercial activity, and 3) property value impacts.

New Braunfels must preserve its industrial zoning to attract industry and jobs, and to maintain a healthy and diverse tax base. Concurrently, New Braunfels must protect residential areas, providing

balance to both. At the January 2019 City Council/Planning Commission Joint Workshop, staff discussed ways to address issues presented by historic cumulative zoning practices. On April 8, 2019, and on August 19, 2019, City Council directed staff to proceed with the various steps recommended in accordance with the Comprehensive Plan.

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.
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FISCAL IMPACT:

Limiting residential encroachment into or near industrial areas protects opportunities for economic development and job expansion, allows growth in our tax base, and protects property values for all. And, limiting industrial impacts on neighborhoods protects residential property owners' safety, property values, and enjoyment of their personal investments.

COMMITTEE RECOMMENDATION:

The Planning Commission held a Public Hearing May 7, 2019 and recommended approval of the proposed ordinance revision.

STAFF RECOMMENDATION:

Staff recommends approval and will proceed with the immediate next steps including, but not limited to, use matrix consistency analysis and resulting code updates.

Draft Minutes for the May 7, 2019 Planning Commission Regular Meeting

ORD19-111 Public hearing and recommendation to City Council regarding amendments to the Code of Ordinances, Chapter 144, Zoning, Section 3.3-11, M-1 Light Industrial, Section 3.3-12, M-2 Heavy Industrial, Section 3.4-18 M-1A Light Industrial, Section 3.4-19, M-2A, Heavy Industrial, and Section 4.2, Land Use Matrix.

(Applicant: City of New Braunfels; Case Manager: J. Drew)

Mrs. Drew presented the proposed amendments to the Code of Ordinances, Chapter 144, Zoning, Section 3.3-11, M-1 Light Industrial, Section 3.3-12, M-2 Heavy Industrial, Section 3.4-18 M-1A Light Industrial, Section 3.4-19, M-2A, Heavy Industrial, and Section 4.2, Land Use Matrix. She described the proposed implementation and timeline.

Commission Gibson inquired about the grandfathering process.

Discussion followed regarding Chapter 245 of the Local Government Code and vested rights determination.

Commissioner Laskowski inquired about sections of the ordinance remaining.

Discussion followed.

Vice Chair Reaves stated the distribution of the proposed amendments to the stakeholders brought forward questions and concerns. He stated more information should be provided to address the questions and concerns.

Commissioner Meyer expressed an understanding of the need for the proposed amendments and the concerns expressed by stakeholders and Commissioner Gibson.

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

No one spoke.

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

No one spoke.

Motion by Commissioner Meyer, seconded by Commissioner Laskowski, to close the public hearing. Motion carried (8-0-0).

Motion by Commissioner Meyer, seconded by Commissioner Tubb, to recommend approval to City Council regarding the proposed amendments to the Code of Ordinances, Chapter 144, Zoning, Section 3.3-11, M-1 Light Industrial, Section 3.3-12, M-2 Heavy Industrial, Section 3.4-18 M-1A Light Industrial, Section 3.4-19, M-2A, Heavy Industrial, and Section 4.2, Land Use Matrix, with Staff recommendations.

Commissioner Gibson requested more information regarding Chapter 245 of the Local Government Code and the feedback provided by developers.

Discussion followed regarding Chapter 245 of the Local Government Code and the vested rights determination process.

Commissioner Gibson expressed concern and requested more time to review Chapter 245 of the Local Government Code and the feedback provided by developers.

Discussion followed.

Motion carried with Commissioner Gibson in opposition (7-1-0).

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF TUESDAY, MAY 28, 2019**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on May 28, 2019, at 6:00 p.m.

City Councilmembers present were:

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

Absent: 1 - Councilmember Justin Meadows

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:16 p.m. Mayor Pro Tem Peters gave the invocation and Mayor Casteel led the Pledge of Allegiance and Salute to the Texas Flag.

PROCLAMATIONS:

A) Bond Advisory Committee

Mayor Casteel presented proclamations to the Bond Advisory Committee and all those that helped pass the 2019 bond package.

B) Gun Violence Awareness Day

Mayor Casteel proclaimed June 7 as Gun Violence Awareness Day.

1. MINUTES

A) Discuss and consider approval of the minutes of the regular City Council meeting of May 13, 2019, and the special meeting of May 20, 2019.

Mayor Casteel read the aforementioned caption.

Mayor Pro Tem Peters moved to approve the minutes. Councilmember Bowers seconded the motion which passed unanimously.

2. CITY COUNCIL ACTIONS

A) Complete and issue Certificates of Election to the

Councilmembers-elect.

Mayor Casteel read the aforementioned caption.

Patrick Aten presented the item.

- B) Administer oath of office to District 1 Councilmember-elect Shane Hines.

Mayor Casteel read the aforementioned caption.

District Court Judge Bruce Boyer administered the oath of office to Councilmember Shane Hines.

- C) Discuss and consider the election of a Mayor Pro Tem.

Mayor Casteel read the aforementioned caption.

Councilmember Bowers moved to appoint Wayne Peters as Mayor Pro Tem. Councilmember Hoyt seconded the motion which passed unanimously.

3. 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.

4. 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 Central Texas Technology Center Advisory Board for a term ending April 26, 2020.

- B) Approval of the appointment of one individual to the Airport Advisory Board for a term ending May 12, 2022.
- C) Approval of the appointment of one individual to the Downtown Board for a term ending May 31, 2022.
- D) Approval of a resolution naming a representative and an alternate to the Alamo Area Council of Governments Board of Directors.
- E) Approval of annual contracts for road construction materials with Brauntex Materials, Inc., Cemex, Century Asphalt, Ltd., Colorado Materials, Ltd., Ergon Asphalt, Green Dream International, and Lhoist North America.
- F) Approval of the purchase of a 2019 Transit Cargo Van from Bluebonnet Motors, Inc. as a replacement vehicle for Facility Maintenance and to declare the replaced vehicle as surplus.
- G) Approval of a contract with Kimley-Horn and Associates, Inc. for professional services to review and revise the City's current draft Street Design Guide and Roadway Construction Standard Details.
- H) Approval of annual routine recurring expenditures for FY 2018-19 in accordance with City Charter Section 9.17.
- I) Approval to authorize the City Manager to execute an Interlocal Agreement with the Harris County Department of Education - Choice Partners Cooperative in accordance with Texas Government Code 791, Texas Interlocal Cooperation Act.
- J) Approval of the renewal of a contract with PM AM Corporation to provide alarm management services for the Police Department.
- K) Approval for City Manager to execute a contract with Kimley-Horn and Associates for survey and due diligence of Kohlenberg Road Development Project on behalf of the New Braunfels Economic Development Corporation for \$35,675.
- L) Approval of a resolution recommended by the New Braunfels Economic Development Corporation approving a project expenditure of up to \$4,000,000 for land acquisition of approximately 60 acres in the northwest part of Subdivision 13, Esnaurizar Eleven Grant, New Braunfels, Comal County, Texas, for an economic development project authorized by Local Government Code Chapters 501 and 505 as

amended.

- M) Approval of 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.
- N) Approval of an expenditure of \$115,000 as required by the Texas Department of Transportation concerning the reconstruction of the upper structure of the San Antonio Street Bridge over the Comal River for the acquisition for a two-year timeframe of a 1.458 acre temporary construction easement out of a 26.048 acre property addressed as 370 W. Lincoln Street, owned by Liberty Partnership, LTD, and authorization for the City Manager to execute all necessary documents.
- O) Approval to submit a Notice of Intent and revised Storm Water Management Plan to Texas Commission on Environmental Quality for coverage under the reissued Small MS4 General Permit.

Ordinances

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

- P) Approval of the first reading of an ordinance amending Chapter 142 pertaining to methods of fishing and release of non-native aquatic species into any body of water within the city limits.
- Q) Approval of the second and final reading of an ordinance amending Appendix D-Fee Schedule in the City's Code of Ordinances to authorize the rounding down the total of fees owed to the nearest whole dollar amount.
- R) Approval of the second and final reading of an ordinance granting rehabilitation tax relief for a five-year period to the property addressed as 575 S. Hill Avenue, a contributing resource in the Sophienburg Hill Historic District.
- S) Approval of the second and final reading of an ordinance granting rehabilitation tax relief for a five-year period to the property addressed as 564 S. Hill Avenue, a contributing resource in the Sophienburg Hill Historic District and a local Historic Landmark known as the Kopplin-Leitch House.

- T) Approval of the second and final reading of an ordinance amending the Code of Ordinances Section 86-97 Landa Park miniature golf and paddle boat fees.

Mayor Casteel read the aforementioned captions, except item C which was pulled from consideration.

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

5. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of a contract with Seidel Construction LLC for the renovation of Market Plaza Park and approval authority for the City Manager to approve any changes up to the contingency amount for project expenditures of \$124,682.

Mayor Casteel read the aforementioned caption.

Councilmember Hines stepped away from the dais.

Stacey Dicke presented the item.

Councilmember Garcia moved to approve the item. Councilmember Bowers seconded the motion which passed unanimously (5-0).

Councilmember Hines returned to the dais.

- B) Discuss and consider approval of the first reading of an ordinance to install an all-way stop at the intersection of Oak Run Parkway and Westpointe Drive.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

Jerry Everett, Rolf Schmitz, and Jerry Sonier spoke on the item.

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

- C) Presentation and discussion on the results and major conclusions of the 2019 New Braunfels Citizen Survey conducted by the National Research Center.

Mayor Casteel read the aforementioned caption.

Sheri Masterson introduced the item. Morgan Adams presented the item.

No action was taken.

- D) Presentation and update on floating aquatic vegetation management in the Comal River.

Mayor Casteel read the aforementioned caption.

Alan Stigall presented the item.

No action was taken.

<City Council took a break.>

- E) Presentation and possible action on the Airport Master Plan Update.

This item was pulled from consideration.

- F) Discuss and consider approval of the appointment of one individual to the Community Development Advisory Committee for a term ending December 13, 2020.

Mayor Casteel read the aforementioned caption.

Patrick Aten presented the item.

Councilmember Bowers moved to appoint Robert Blythin. Councilmember Hoyt seconded the motion which passed unanimously.

- G) Discuss and consider approval of a roster of participant organizations for the Complete Count Committee to assist the U.S. Census Bureau with awareness and outreach for the 2020 Decennial Census.

Mayor Casteel read the aforementioned caption.

Sheri Masterson presented the item.

Rosalena Lopez spoke on the item and requested a youth representative on the committee.

Mayor Pro Tem Peters moved to approve the item with the additions of the Senior Citizens Foundation and a youth representative. Councilmember Hoyt seconded the motion which passed unanimously.

- H) Discuss and consider approval for the City Manager to execute a contract with Derek Howorth (or his LLC) for the management of the Das Rec Swim Team.

Mayor Casteel read the aforementioned caption.

Stacey Dicke presented the item.

Councilmember Bowers moved to postpone the item to June 3, 2019. Councilmember Hines seconded the motion which passed unanimously.

- I) Discuss and consider approval of a five-year renewal and amendment of the current agreement beginning October 1, 2019 until September 30, 2024, between the City of New Braunfels and the Greater New Braunfels Chamber of Commerce Inc. concerning the use of Hotel Occupancy Tax.

This item was pulled from consideration.

- J) Public hearing and first reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the "M-1" Light Industrial District at 343 E. Mill Street.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Evan Quiros spoke during the public hearing.

Mayor Pro Tem Peters moved to approve the item with a limit of six occupants. Councilmember Bowers seconded the motion which passed 5-1 with Councilmember Hoyt opposed.

- K) Public hearing and first reading of an ordinance regarding amendments to Chapter 144, Zoning, Section 3.3-11, M-1 Light Industrial, Section 3.3-12, M-2 Heavy Industrial, Section 3.4-18, M-1A Light Industrial, Section 3.4-19, M-2A Heavy Industrial, and Section 4.2, Land Use Matrix.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

No one spoke during the public hearing.

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

- L) Public hearing and first reading of an ordinance regarding the proposed rezoning to amend a Special Use Permit to include a utility shed in the "C-2" Central Business District on Lot 32R, New City Block 2016, addressed at 468, 476, and 486 N. Market Avenue.

Mayor Casteel read the aforementioned caption.

Stacy Snell presented the item.

Matt Pusateri spoke during the public hearing.

Mayor Pro Tem Peters moved to approve the item with the stipulation that the applicant resolve the fence issue with his neighbor. Councilmember Bowers seconded the motion which passed unanimously.

- M) Discuss and reconsider approval of the second and final reading of an ordinance regarding the proposed amendment to the "Cotton Cottages" Planned Development District (CCPD) Concept Plan, Detail Plan and related Development Standards, comprising 5.732 acres out of Lot 2A-1, F & M Hanz Estate Resubdivision, located on the south side of Hanz Drive between Loop 337 and Gruene Road.

Mayor Casteel read the aforementioned caption.

Councilmember Bowers moved to reconsider the item. Mayor Pro tem Peters seconded the motion which passed unanimously.

Stacy Snell presented the item.

Councilmember Bowers moved to approve the item with the revised site plan of six additional parking spaces. Councilmember Hoyt seconded the motion which passed unanimously via roll call vote.

6. 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

The City Council did not recess into Executive Session.

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).

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

8. ADJOURNMENT

The meeting adjourned at 9:15 p.m.

Date Approved: June 10, 2019

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, JUNE 10, 2019**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on June 10, 2019, at 6:00 p.m.

City Councilmembers present were:

Present: 5 - Councilmember Shane Hines, Councilmember Justin Meadows, Councilmember Matthew E. Hoyt, Mayor Pro Tem Wayne Peters, and Councilmember Leah García

Absent: 2 - Mayor Barron Casteel, and Councilmember Harry Bowers

The meeting was called to order by Mayor Pro Tem Peters in the New Braunfels City Hall Council Chambers at 6:03 p.m. Mayor Pro Tem Peters gave the invocation and led the Pledge of Allegiance and Salute to the Texas Flag.

PROCLAMATIONS:

A) Safety Month

Mayor Pro Tem Peters proclaimed June as Safety Month.

B) Garbage Man Week

Mayor Pro Tem Peters proclaimed June 16-22, 2019, as Garbage Man Week.

PRESENTATIONS:

A) Presentation on the Recycling Program.

Mayor Pro Tem Peters read the aforementioned caption.

Mike Mundell presented the item. No action was taken.

B) Presentation on the New Braunfels Transit Study.

Mayor Pro Tem Peters read the aforementioned caption.

Garry Ford presented the item. No action was taken.

1. MINUTES

A) Discuss and consider approval of the minutes of the regular City

Council meeting of May 28, 2019, and the special meeting of June 3, 2019.

Mayor Pro Tem Peters read the aforementioned caption.

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

2. CITY COUNCIL ACTIONS

A) Administer oath of office to District 2 Councilmember-elect Justin Meadows.

Mayor Pro Tem Peters read the aforementioned caption.

District Judge Robison administered the oath of office to Councilmember Justin Meadows.

3. 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 Pro Tem Peters read the aforementioned caption.

No one spoke.

4. CONSENT AGENDA

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

Resolutions & Action Items

A) Approval of a resolution relating to establishing the City's intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various improvements from the proceeds of the tax-exempt obligations to be issued by the City for authorized purposed; authorizing other matters incident and related thereto; and providing an effective date

- B) Approval of the issuance of an invitation for competitive sealed proposals for the Common Street Project since the City Council finds that this delivery method will provide the best value to the City.

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 142 pertaining to methods of fishing and release of non-native aquatic species into waterbodies within the city limits.
- F) Approval of the second and final reading of an ordinance to install an all-way stop at the intersection of Oak Run Parkway and Westpointe Drive.

Mayor Pro Tem Peters read the aforementioned captions. Items C and E were pulled for further consideration. Councilmember Hines moved to approve the Consent Agenda. Councilmember Hoyt seconded the motion which passed unanimously via roll call vote.

- C) Approval of the second and final reading of an ordinance regarding a proposed rezoning to amend a Special Use Permit to include a utility shed in the "C-2" Central Business District on Lot 32R, New City Block 2016, addressed at 468, 476, and 486 N. Market Avenue.

Mayor Pro Tem Peters read the aforementioned caption.

Stacy Snell presented the item.

Mayor Pro Tem Peters moved to approve the item with the condition that the neighbor and applicant submit to the City a signed agreement that the fence issue is resolved. Councilmember Hines seconded the motion which passed unanimously via roll call vote.

- E) Approval of the second and final reading of an ordinance regarding amendments to Chapter 144, Zoning, Section 3.3-11, M-1 Light Industrial, Section 3.3-12, M-2 Heavy Industrial, Section 3.4-18, M-1A Light Industrial, Section 3.4-19, M-2A Heavy Industrial, and Section 4.2, Land Use Matrix.

Mayor Pro Tem Peters read the aforementioned caption.

Chris Looney presented the item.

Cindy Bennett, Dwight Schmidt, Lavaine Kester, Bernerd Boarnet, and Warren Hoskinson spoke on the item.

Councilmember Meadows moved to postpone the item to August 12. Mayor Pro Tem Peters seconded the motion which passed unanimously.

<City Council took a break.>

5. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of the first reading of an ordinance amending Appendix D-Fee Schedule in the City's Code of Ordinances to change residential fees from valuation-based calculations to per square foot calculations and flat fees.

Mayor Pro Tem Peters read the aforementioned caption.

TJ Grossi presented the item.

Kandace Tornquist spoke on the item.

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

- B) Discuss and consider approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the "M-1" Light Industrial District at 343 E. Mill Street.

Mayor Pro Tem Peters read the aforementioned caption.

Chris Looney presented the item.

Evan and Christine Quiros spoke on the item.

Councilmember Hines moved to approve the item. Councilmember Garcia seconded the motion. Mayor Pro Tem Peters moved to amend the motion to limit occupancy to 6 occupants and 2 children. Councilmember Garcia seconded the motion to amend which passed

4-1 with Councilmember Hoyt opposed. The amended main motion passed 4-1 via roll call vote with Councilmember Hoyt opposed.

- C) Discuss and consider approval of the purchase of 1.298 acres, being Lot 5, Block 1, George Subdivision, Unit 3, located at 3030 W. San Antonio Street, New Braunfels, Texas and authorize the City Manager to execute all necessary documents.
- D) Discuss and consider approval of the purchase of 10.485 acres, being Lot 1, George Subdivision, Unit 2, located on W. San Antonio Street, New Braunfels, Texas and authorize the City Manager to execute all necessary documents.

Mayor Pro Tem Peters read the aforementioned captions C and D.

Robert Camareno presented the items.

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

- E) Discuss and consider approval of a resolution to amend portions of Alves Lane and FM 1101 on the City of New Braunfels Regional Transportation Plan.

Mayor Pro Tem Peters read the aforementioned caption.

Garry Ford presented the item.

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

- F) Discuss and consider approval of the removal of the speed humps on Hunter Road.

Mayor Pro Tem Peters read the aforementioned caption.

Garry Ford presented the item.

Sharlene and Brian Bailey and Rusty Brockman spoke on the item.

Councilmember Hoyt moved to deny the removal of the speed humps. Councilmember Garcia seconded the motion which passed unanimously.

- G) Discuss and consider a request for a conditional sign permit for Freiheit Village located near the northwest intersection of Creekside Crossing and FM 1101.

Mayor Pro Tem Peters read the aforementioned caption.

Stacy Snell presented the item.

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

- H) Discuss and consider approval of the creation of a Workforce Housing Taskforce.

Mayor Pro Tem Peters read the aforementioned caption.

Robert Camareno presented the item.

Doy Cole, Kandace Tornquist, Rusty Brockman, and Mary Ann Sy spoke on the item.

City Council gave direction for the creation of a committee on the June 24 City Council agenda.

6. EXECUTIVE SESSIONS

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

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

Mayor Pro Tem Peters read the aforementioned captions.

City Council recessed into Executive Session from 9:32 p.m. - 9:54 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).

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

The City Council reconvened into open session. No vote or action was taken.

8. ADJOURNMENT

The meeting adjourned at 9:55 p.m.

Date Approved: June 28, 2019

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary

Ordinance 2019-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144, ZONING, SECTION 3.3-11, M-1 LIGHT INDUSTRIAL, SECTION 3.3-12, M-2 HEAVY INDUSTRIAL, SECTION 3.4-18 M-1A LIGHT INDUSTRIAL, SECTION 3.4-19, M-2A, HEAVY INDUSTRIAL, AND SECTION 4.2, LAND USE MATRIX; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels, Texas, finds it necessary to establish rules and regulations governing the use of land in the city limits; and

WHEREAS, the City Council has directed that regulations dealing with the use and development of land be reviewed by the Planning Commission to make recommendations concerning improving those regulations; and

WHEREAS, the Planning Commission held a public hearing on May 7, 2019 and recommended approval of amendments to remove residential as an allowed use in the M-1, M-2, M-1A and M-2A industrial zoning districts, and update the Land Use Matrix to reflect these revisions; and

WHEREAS, the City Council finds that adopting updated regulations for industrial zoning districts protects the tax base, provides enhanced opportunities for economic development and better protects residential property values and the residents' quality of life, which is in the best interest of the citizens of New Braunfels; **now therefore**,

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

SECTION 1

THAT Chapter 144, Zoning, Section 3.3-11 M-1, Light Industrial, is hereby amended as shown below:
3.3-11. *"M-1" light industrial district.* The following regulations shall apply in all "M-1" districts:

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

(1) *Uses permitted by right:*

Accounting, auditing, bookkeeping, and tax preparations
 Aircraft support and related services
 Airport
 All terrain vehicle (ATV) dealer / sales
 Ambulance service (private)
 Amphitheater
 Amusement devices/arcade (four or more devices)
 Amusement services or venues (indoors) (see Sec. 5.13)
 Amusement services or venues (outdoors)
 Animal grooming shop
 Answering and message services
 Antique shop
 Appliance repair
 Archery range
 Armed services recruiting center
 Art dealer / gallery
 Artist or artisan's studio
 Assembly/exhibition hall or areas
 Athletic fields
 Auction sales (non-vehicle)
 Auto body repair, garages (see Sec. 5.11)
 Auto glass repair/tinting (see Sec. 5.11)
 Auto interior shop / upholstery (see Sec. 5.11)
 Auto leasing
 Auto muffler shop
 Auto or trailer sales rooms or yards (see Sec. 5.12)
 Auto or truck sales rooms or yards - primarily new (see Sec. 5.12)
 Auto paint shop (see Sec. 5.11)
 Auto repair as an accessory use to retail sales (see Sec. 5.11)
 Auto repair garage (general) (see Sec. 5.11)
 Auto supply store for new and factory rebuilt parts
 Auto tire repair /sales (indoor)
 Automobile driving school (including defensive driving)
 Bakery (retail)
 Bank, savings and loan, or credit union
 Bar/Tavern
 Barber/beauty college (barber or cosmetology school or college)
 Barber/beauty shop, haircutting (non-college)
 Barns and farm equipment storage (related to agricultural uses)
 Battery charging station
 Bicycle sales and/or repair
 Billiard / pool facility
 Bingo facility
 Bio-medical facilities
 Blacksmith or wagon shops
 Book binding
 Book store
 Bottling or distribution plants (milk)
 Bottling works

Bowling alley/center (see Sec. 5.13)
 Broadcast station (with tower) (see Sec. 5.7)
 Bus barns or lots
 Bus passenger stations
 Cafeteria / café / delicatessen
 Campers' supplies
 Car wash (self service; automated)
 Car wash, full service (detail shop)
 Carpenter, cabinet, or pattern shops
 Carpet cleaning establishments
 Caterer
 Cemetery and/or mausoleum
 Check cashing service
 Chemical laboratories (not producing noxious fumes or odors)
 Child day care/children's nursery (business)
 Church/place of religious assembly
 Civic/conference center and facilities
 Cleaning, pressing and dyeing (non-explosive fluids used)
 Clinic (dental)
 Clinic (emergency care)
 Clinic (medical)
 Club (private)
 Coffee shop
 Cold storage plant
 Commercial amusement concessions and facilities
 Communication equipment (installation and/or repair)
 Community building (associated with residential uses)
 Computer and electronic sales
 Computer repair
 Confectionery store (retail)
 Consignment shop
 Contractor's office/sales, with outside storage including vehicles
 Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)
 Convenience store with or without fuel sales
 Country club (private)
 Credit agency
 Curio shops
 Custom work shops
 Dance hall / dancing facility
 Day camp
 Department store
 Drapery shop / blind shop
 Driving range
 Drug sales/pharmacy
 Electrical repair shop
 Electrical substation
 Electronic assembly/high tech manufacturing
 Electroplating works
 Engine repair/motor manufacturing re-manufacturing and/or repair
 Exterminator service (with outside storage)
 Fair ground
 Farmers market (produce market - wholesale)
 Farms, general (crops) (see Chapter 6, Municipal Code)
 Farms, general (livestock/ranch) (see Chapter 6, Municipal Code)
 Feed and grain store

Filling station (fuel tanks must be below the ground)
 Florist
 Flour mills, feed mills, and grain processing
 Food or grocery store with or without fuel sales
 Food processing (no outside public consumption)
 Forge (hand)
 Forge (power)
 Fraternal organization/civic club (private club)
 Freight terminal, rail/truck (when any storage of freight is wholly outside an enclosed building)
 Freight terminal, truck (all storage of freight in an enclosed building)
 Frozen food storage for individual or family use
 Funeral home/mortuary
 Furniture manufacture
 Furniture sales (indoor)
 Galvanizing works
 Garden shops and greenhouses
 Golf course (miniature)
 Golf course, public or private
 Grain elevator
 Greenhouse (commercial)
 Handicraft shop
 Hardware store
 Health club (physical fitness; indoors only)
 Heating and air-conditioning sales / services
 Heavy load (farm) vehicle sales/repair (see Sec. 5.14)
 Heliport
 Home repair and yard equipment retail and rental outlets
 Hospital, general (acute care/chronic care)
 Hospital, rehabilitation
 Hotel/motel
 Ice delivery stations (for storage and sale of ice at retail only)
 Ice plants
 Industrial laundries
 Kiosk (providing a retail service)
 Laboratory equipment manufacturing
 Laundromat and laundry pickup stations
 Laundry, commercial (w/o self serve)
 Laundry/dry cleaning (drop off/pick up)
 Laundry/washateria (self serve)
 Lawnmower sales and/or repair
 Leather products manufacturing
 Light manufacturing
 Limousine / taxi service
 Locksmith
 Lumberyard (see Sec. 5.15)
 Lumberyard or building material sales (see Sec. 5.15)
 Machine shop
 Maintenance/janitorial service
 Major appliance sales (indoor)
 Manufactured home sales
 Manufacturing and processes
 Market (public, flea)
 Martial arts school
 Medical supplies and equipment
 Metal fabrication shop
 Micro brewery (onsite manufacturing and/or sales)

Mini-warehouse/self storage units (no outside boat and RV storage permitted)
 Mini-warehouse/self-storage units (with outside boat and RV storage permitted)
 Motion picture studio, commercial film
 Motion picture theater (indoors)
 Motion picture theater (outdoors, drive-in)
 Motorcycle dealer (primarily new / repair)
 Moving storage company
 Moving, transfer, or storage plant
 Museum
 Needlework shop
 Non-bulk storage of fuel, petroleum products and liquefied petroleum
 Offices, brokerage services
 Offices, business or professional
 Offices, computer programming and data processing
 Offices, consulting
 Offices, engineering, architecture, surveying or similar
 Offices, health services
 Offices, insurance agency
 Offices, legal services - including court reporting
 Offices, medical offices
 Offices, real estate
 Offices, security/commodity brokers, dealers, exchanges and financial services
 Outside storage (as primary use)
 Park and/or playground (public or private)
 Parking lots (for passenger car only) (not as incidental to the main use)
 Parking structure/public garage
 Pawn shop
 Personal watercraft sales (primarily new / repair)
 Pet shop / supplies (10,000 sq. ft. or less)
 Pet store (more than 10,000 sq. ft.)
 Photo engraving plant
 Photographic printing/duplicating/copy shop or printing shop
 Photographic studio (no sale of cameras or supplies)
 Photographic supply
 Plant nursery (no retail sales on site)
 Plant nursery (growing for commercial purposes with retail sales on site)
 Plastic products molding/reshaping
 Plumbing shop
 Portable building sales
 Poultry killing or dressing for commercial purposes
 Propane sales (retail)
 Public recreation/services building for public park/playground areas
 Publishing/printing company (e.g., newspaper)
 Quick lube/oil change/minor inspection
 Radio/television shop, electronics, computer repair
 Recreation buildings (public or private)
 Recycling kiosk
 Refreshment/beverage stand
 Research lab (non-hazardous)
 Restaurant with drive through service
 Restaurant/prepared food sales
 Retail store and shopping center
 Rodeo grounds
 RV/Travel Trailer Sales
 School, K-12 (public or private)
 School, vocational (business/commercial trade)

Security monitoring company (no outside storage or installation)
 Security systems installation company (with outside storage)
 Sheet metal shop
 Shoe repair shops
 Shooting gallery - indoor (see Sec. 5.13)
 Sign manufacturing/painting plant
 Stone/clay/glass manufacturing
 Storage - exterior storage for boats and recreational vehicles
 Storage in bulk
 Studio for radio or television (with tower) (see Sec. 5.7)
 Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)
 Tailor shop
 Tattoo or body piercing studio
 Taxidermist
 Telemarketing agency
 Telephone exchange buildings (office only)
 Tennis court (commercial)
 Theater (non-motion picture; live drama)
 Tire sales (outdoors)
 Tool rental
 Transfer station (refuse/pick-up)
 Travel agency
 Truck or transit terminal
 Truck Stop
 University or college (public or private)
 Upholstery shop (non-auto)
 Used or second hand merchandise/furniture store
 Vacuum cleaner sales and repair
 Veterinary hospital (with or without outside animal runs or kennels) with the exception that outdoor kennels may not be used between the hours of 9:00 p.m. and 7:00 a.m. and are prohibited adjacent to residential
 Video rental / sales
 Warehouse / office and storage / distribution center
 Waterfront amusement facilities - berthing facilities sales and rentals
 Waterfront amusement facilities - boat fuel storage / dispensing facilities
 Waterfront amusement facilities - boat landing piers / launching ramps
 Waterfront amusement facilities – swimming / wading pools / bathhouses
 Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system
 Welding shop
 Wholesale sales offices and sample rooms
 Woodworking shop (ornamental)

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

(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.* 120 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 a "R" or "B-1" zone, a side building setback of not less than six feet shall be provided.
- (4) *Rear building setback.* 20 feet.
- (5) *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.
- (6) *Width of lot.* The minimum width of a lot shall be 60 feet, provided that where a lot has less width than required and such lot was in separate ownership prior to February 4, 1984, this requirement will not prohibit the construction of a use enumerated in this district.
- (7) *Corner lots.* A minimum 25-foot front yard setback and side building setback adjacent to streets shall be required on all corner lots. A canopy at least six feet in height, attached to the main building, may be built within 15 feet of the street line so long as such construction is not supported by columns which will obstruct the vision of vehicles driving upon adjacent streets.
- (8) *Lot depth.* 100 feet.

Section 2

THAT Chapter 144, Zoning, Section 3.3-12 M-2, Heavy Industrial, is hereby amended as shown below:

3.3-12. "*M-2*" *heavy industrial district*. The following regulations shall apply in all "M-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:*
 - Accounting, auditing, bookkeeping, and tax preparations
 - 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. 5.11)
 Auto or truck sales rooms or yards - primarily new (see Sec. 5.12)
 Auto paint shop (see Sec. 5.11)
 Auto repair as an accessory use to retail sales (see Sec. 5.11)
 Auto repair garage (general) (see Sec. 5.11)
 Auto supply store for new and factory rebuilt parts
 Auto tire repair /sales (indoor)
 Automobile driving school (including defensive driving)
 Bakery (retail)
 Bank, savings and loan, or credit union
 Bar/Tavern
 Barber/beauty college (barber or cosmetology school or college)
 Barber/beauty shop, haircutting (non-college)
 Barns and farm equipment storage (related to agricultural uses)
 Battery charging station
 Bicycle sales and/or repair
 Billiard / pool facility
 Bingo facility
 Bio-medical facilities
 Blacksmith or wagon shops
 Blooming or rolling mills
 Book binding
 Book store
 Bottling or distribution plants (milk)
 Bottling works
 Bowling alley/center (see Sec. 5.13)
 Breweries/distilleries and manufacture of alcohol and alcoholic beverages
 Broadcast station (with tower) (see Sec. 5.7)
 Bus barns or lots
 Bus passenger stations
 Cafeteria / café / delicatessen
 Campers' supplies
 Canning/preserving factories
 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 (e.g., ammonia, bleaching powder)
 Chemical laboratories (not producing noxious fumes or odors)
 Child day care/children's nursery (business)
 Church/place of religious assembly
 Cider mills
 Civic/conference center and facilities
 Cleaning, pressing and dyeing (non-explosive fluids used)
 Clinic (dental)
 Clinic (emergency care)
 Clinic (medical)
 Club (private)

Coffee shop
 Cold storage plant
 Commercial amusement concessions and facilities
 Communication equipment (installation and/or repair)
 Community building (associated with residential uses)
 Computer and electronic sales
 Computer repair
 Concrete or asphalt mixing plants - permanent
 Concrete or asphalt mixing plants – temporary
 Confectionery store (retail)
 Consignment shop
 Contractor's office/sales, with outside storage including vehicles
 Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)
 Convenience store with or without fuel sales
 Cotton ginning or baling works
 Country club (private)
 Credit agency
 Curio shops
 Custom work shops
 Dance hall / dancing facility
 Day camp
 Department store
 Drapery shop / blind shop
 Driving range
 Drug sales/pharmacy
 Electrical generating plant
 Electrical repair shop
 Electrical substation
 Electronic assembly/high tech manufacturing
 Electroplating works
 Enameling 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)
 Farms, general (livestock/ranch) (see Chapter 6, Municipal Code)
 Feed and grain store
 Filling station (fuel tanks must be below the ground)
 Florist
 Flour mills, feed mills, and grain processing
 Food or grocery store with or without fuel sales
 Food processing (no outside public consumption)
 Forge (hand)
 Forge (power)
 Fraternal organization/civic club (private club)
 Freight terminal, rail/truck (when any storage of freight is outside an enclosed building)
 Freight terminal, truck (all storage of freight in an enclosed building)
 Frozen food storage for individual or family use
 Funeral home/mortuary
 Furniture manufacture
 Furniture sales (indoor)
 Galvanizing works
 Garden shops and greenhouses
 Golf course (miniature)

Golf course, public or private
 Governmental building or use
 Grain elevator
 Greenhouse (commercial)
 Handicraft shop
 Hardware store
 Health club (physical fitness; indoors only)
 Heating and air-conditioning sales / services
 Heavy load (farm) vehicle sales/repair (see Sec. 5.14)
 Heavy manufacturing
 Heliport
 Hides/skins (tanning)
 Home repair and yard equipment retail and rental outlets
 Hospital, general (acute care/chronic care)
 Hospital, rehabilitation
 Hotel/motel
 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
 Livestock sale and auction
 Locksmith
 Lumber mill
 Lumberyard (see Sec. 5.15)
 Lumberyard or building material sales
 Machine shop
 Maintenance/janitorial service
 Major appliance sales (indoor)
 Manufactured home sales
 Manufacturing and processes
 Market (public, flea)
 Martial arts school
 Meat or fish packing/storage plants
 Medical supplies and equipment
 Metal fabrication shop
 Micro brewery (onsite mfg. and/or sales)
 Mini-warehouse/self storage units (no outside boat and RV storage permitted)
 Mini-warehouse/self storage units (with outside storage permitted)
 Motion picture studio, commercial film
 Motion picture theater (indoors)
 Motion picture theatre (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

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)
 Paint manufacturing
 Park and/or playground (private or public)
 Parking lots (for passenger car only) (not as incidental to the main use)
 Parking structure/public garage
 Pawn shop
 Personal watercraft sales (primarily new / repair)
 Pet shop / supplies (10,000 sq. ft. or less)
 Pet store (more than 10,000 sq. ft.)
 Photo engraving plant
 Photographic printing/duplicating/copy shop or printing shop
 Photographic studio (no sale of cameras or supplies)
 Photographic supply
 Plant nursery (growing for commercial purposes but no retail sales on site)
 Plant nursery (retail sales / outdoor storage)
 Plastic products molding/reshaping
 Plumbing shop
 Portable building sales
 Poultry killing or dressing for commercial purposes
 Propane sales (retail)
 Public recreation/services building for public park/playground areas
 Publishing/printing company (e.g., newspaper)
 Quick lube/oil change/minor inspection
 Radio/television shop, electronics, computer repair
 Recreation buildings (public or private)
 Recycling kiosk
 Refreshment/beverage stand
 Research lab (non-hazardous)
 Restaurant with drive-through
 Restaurant/prepared food sales
 Retail store and shopping center
 Rodeo grounds
 RV/travel trailer sales
 Sand/gravel sales (storage or sales)
 School, K-12 (public or private)
 School, vocational (business/commercial trade)
 Security monitoring company
 Security systems installation company (with outside storage)
 Sheet metal shop
 Shoe repair shops
 Shooting gallery - indoor (see Sec. 5.13)
 Sign manufacturing/painting plant
 Stone/clay/glass manufacturing
 Storage - exterior storage for boats and recreational vehicles
 Storage in bulk

Studio for radio or television (without tower)
 Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)
 Tailor shop
 Tattoo or body piercing studio
 Taxidermist
 Telemarketing agency
 Telephone exchange buildings (office only)
 Tennis court (commercial)
 Theater (non-motion picture; live drama)
 Tire sales (outdoors)
 Tool rental
 Transfer station (refuse/pick-up)
 Travel agency
 Truck or transit terminal
 Truck Stop
 University or college (public or private)
 Upholstery shop (non-auto)
 Used or second hand merchandise/furniture store
 Vacuum cleaner sales and repair
 Veterinary hospital (with or without outside animal runs or kennels) with the exception that outdoor kennels may not be used between the hours of 9:00 p.m. and 7:00 a.m. and are prohibited adjacent to residential
 Video rental / sales
 Warehouse / office and storage / distribution center
 Waterfront amusement facilities - berthing facilities sales and rentals
 Waterfront amusement facilities - boat fuel storage / dispensing facilities
 Waterfront amusement facilities - boat landing piers / launching ramps
 Waterfront amusement facilities – swimming / wading pools / bathhouses
 Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system
 Welding shop
 Wholesale sales offices and sample rooms
 Woodworking shop (ornamental)

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

- (2) Any other uses not now or hereinafter prohibited by ordinance of the City of New Braunfels regulating nuisances, except that the following uses will be permitted only by approval of the City Council after report from the Health Department, Fire Department, and the Planning Commission:

Acid manufacture.
 Auto wrecking yards.
 Bulk storage of fuel, liquefied petroleum and flammable liquids.
 Cement, lime, gypsum or plaster of Paris manufacture.
 Distillation of bones.
 Explosives manufacture or storage.
 Fertilizer manufacture and storage.
 Garbage, offal or dead animal reduction or dumping.
 Gas manufacture.
 Iron and steel manufacture.
 Junkyards, including storage, sorting, baling or processing of rags.
 Manufacture of carbon batteries.
 Manufacture of paint, lacquer, oil, turpentine, varnish, enamel, etc.
 Manufacture of rubber, glucose, or dextrin.
 Monument or marble works.
 Oil compounding and barreling plants.

Paper or pulp manufacture.
 Petroleum or its products (refining of).
 Railroad roundhouses or shops.
 Rock crushers.
 Smelting of tin, copper, zinc or iron ores.
 Steel furnaces.
 Stockyards or slaughtering.
 Structural iron or pipe works.
 Sugar refineries.
 Tar distillation or manufacture.
 Tar products.
 Wire or rod mills.
 Wood distillation plants (charcoal, tar, turpentine, etc.).
 Wool scouring.

- (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) *Height.* 120 feet.
- (2) *Front building setback.* 25 feet.
- (3) *Side building setbacks.* No side building setback is required except that where a side line of a lot in this district abuts upon the side line of a lot in a "R" or "B-1" zone, a side building setback of not less than six feet shall be provided.
- (4) *Rear building setback.* 20 feet.
- (5) *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.
- (6) *Width of lot.* The minimum width of a lot shall be 60 feet, provided that where a lot has less width than required and such lot was in separate ownership prior to February 4, 1984, this requirement will not prohibit the construction of a use enumerated in this district.
- (7) *Corner lots.* A minimum 25-foot front yard setback and side building setback adjacent to streets shall be required on all corner lots. A canopy at least six feet in height, attached to the main building, may be built within 15 feet of the street line so long as such construction is not supported by columns which will obstruct the vision of vehicles driving upon adjacent streets.
- (8) *Lot depth.* The depth of the lot shall be at least 100 feet.
- (9) *Parking.* See Sec. 5.1 for permitted uses parking.

SECTION 3

THAT Chapter 144, Zoning, Section 3.4-18, M-1A, Light Industrial, is hereby amended

as shown below:

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:*

Accounting, auditing, bookkeeping, and tax preparations
)
 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
 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
 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/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) *Height.* 120 feet.

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

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

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

(5) *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.

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

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

(8) *Lot depth.* 100 feet.

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

~~(2)~~

SECTION 4

THAT Chapter 144, Zoning, Section 3.4-19, M-2A, Heavy Industrial, is hereby amended as shown below:

3.4-19 "M-2A" heavy industrial district.

Purpose. The M-2A heavy industrial district is intended primarily for the conduct of heavy manufacturing, assembling and fabrication activities 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 such as the railroad. The following regulations shall apply in all "M-2A" districts:

- (a) *Authorized uses.* Uses permitted by right and by special use permit 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:*

Accounting, auditing, bookkeeping, and tax preparations
 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.5.0)
 Auto interior shop / upholstery (see Sec.5.11)
 Auto leasing
 Auto muffler shop (see Sec.5.11)
 Auto or trailer sales rooms or yards (see Sec.5.11)
 Auto or truck sales rooms or yards - primarily new (see Sec. 5.12)
 Auto paint shop
 Auto repair as an accessory use to retail sales (see Sec.10)
 Auto repair (general) (see Sec.10)
 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

Blooming or rolling mills
 Book binding
 Book store
 Bottling or distribution plants (milk)
 Bottling works
 Bowling alley/center (see Sec. 5.13)
 Breweries/distilleries and manufacture of alcohol and alcoholic beverages
 Broadcast station (with tower) (see Sec. 5.7)
 Bus barns or lots
 Bus passenger stations
 Cafeteria / café / delicatessen
 Campers' supplies
 Canning/preserving factories
 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 (e.g., ammonia, bleaching powder)
 Chemical laboratories (not producing noxious fumes or odors)
 Church/place of religious assembly
 Cider mills
 Civic/conference center and facilities
 Cleaning, pressing and dyeing (non-explosive fluids used)
 Club (private)
 Coffee shop
 Cold storage plant
 Commercial amusement concessions and facilities
 Communication equipment - installation and/or repair
 Community building (associated with residential uses)
 Computer and electronic sales
 Computer repair
 Concrete or asphalt mixing plants - permanent
 Concrete or asphalt mixing plants - temporary
 Confectionery store (retail)
 Consignment shop
 Contractor's office/sales, with outside storage including vehicles
 Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)
 Convenience store with or without fuel sales
 Cotton ginning or baling works
 Credit agency
 Crematorium
 Curio shops
 Custom work shops
 Dance hall / dancing facility (see Sec. 5.13)
 Department store
 Drapery shop / blind shop
 Driving range
 Drug sales/pharmacy
 Electrical generating plant
 Electrical repair shop
 Electrical substation
 Electronic assembly/high tech manufacturing

Electroplating works
 Enameling works
 Engine repair/motor manufacturing re-manufacturing and/or repair
 Exterminator service
 Fair ground
 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
 Flour mills, feed mills, and grain processing
 Food or grocery store with or without fuel sales
 Food processing (no outside public consumption)
 Forge (hand)
 Forge (power)
 Fraternal organization/civic club (private club)
 Freight terminal, rail/truck (when any storage of freight is wholly outside an enclosed building)
 Freight terminal, truck (all storage of freight in an enclosed building)
 Frozen food storage for individual or family use
 Funeral home/mortuary
 Furniture manufacture
 Furniture sales (indoor)
 Galvanizing works
 Garden shops and greenhouses
 Golf course
 Golf course (miniature)
 Governmental building or use Grain elevator
 Greenhouse (commercial)
 Handicraft shop
 Hardware store
 Health club (physical fitness; indoors only)
 Heating and air-conditioning sales / services
 Heavy load (farm) vehicle sales/repair (see Sec.5.14)
 Heavy manufacturing
 Heliport
 Hides/skins (tanning)
 Home repair and yard equipment retail and rental outlets
 Hospital, general (acute care/chronic care)
 Hospital, rehabilitation
 Hotel/motel
 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
 Livestock sales/auction
 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
 Meat or fish packing/storage plants
 Medical supplies and equipment
 Metal fabrication shop
 Micro brewery (onsite manufacturing and/or sales)
 Mini-warehouse/self storage units (no outside boat and RV storage permitted)
 Mini-warehouse/self storage units with outside boat and RV storage
 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
 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)
 Paint manufacturing
 Park and/or playground (private or public)
 Parking lots (for passenger car only) (not as incidental to the main use)
 Parking structure / public garage
 Pawn shop
 Personal watercraft sales (primarily new / repair)
 Pet shop / supplies (10,000 sq. ft. or less)
 Pet store (more than 10,000 sq. ft.)
 Photo engraving plant
 Photographic printing/duplicating/copy shop or printing shop
 Photographic studio (no sale of cameras or supplies)
 Photographic supply
 Plant nursery
 Plant nursery (growing for commercial purposes with retail sales on site)
 Plastic products molding/reshaping
 Plumbing shop
 Portable building sales
 Poultry killing or dressing for commercial purposes
 Propane sales (retail)
 Public recreation/services building for public park/playground areas
 Publishing/printing company (e.g., newspaper)

Quick lube/oil change/minor inspection
 Radio/television shop, electronics, computer repair
 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/travel trailer sales
 Sand/gravel sales (storage or sales)
 School, K-12 (public or private)
 School, vocational (business/commercial trade)
 Security monitoring company
 Security systems installation company (with outside storage)
 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
 Stone/clay/glass manufacturing
 Storage - interior and 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 (see home occupation)
 Tattoo or body piercing studio
 Taxidermist
 Telemarketing agency
 Telephone exchange buildings (office only)
 Tennis court (commercial)
 Theater (non-motion picture; live drama)
 Tire sales (outdoors)
 Tool rental
 Transfer station (refuse/pick-up)
 Travel agency
 Truck or transit terminal (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 obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

- (2) Any other uses not now or hereinafter prohibited by ordinance of the City of New Braunfels regulating nuisances, except that the following uses will be permitted only by approval of the City Council after report from the Health Department, Fire Department, and Planning Commission:

Acid manufacture.
 Auto wrecking yards.
 Bulk storage of fuel, liquefied petroleum and flammable liquids.
 Cement, lime, gypsum or plaster of Paris manufacture.
 Distillation of bones.
 Explosives manufacture or storage.
 Fertilizer manufacture and storage.
 Garbage, offal or dead animal reduction or dumping.
 Gas manufacture.
 Iron and steel manufacture.
 Junkyards, including storage, sorting, baling or processing of rags.
 Manufacture of carbon batteries.
 Manufacture of paint, lacquer, oil, turpentine, varnish, enamel, etc.
 Manufacture of rubber, glucose, or dextrin.
 Monument or marble works.
 Oil compounding and barreling plants.
 Paper or pulp manufacture.
 Petroleum or its products (refining of).
 Railroad roundhouses or shops.
 Rock crushers.
 Smelting of tin, copper, zinc or iron ores.
 Steel furnaces.
 Stockyards or slaughtering.
 Structural iron or pipe works.
 Sugar refineries.
 Tar distillation or manufacture.
 Tar products.
 Wire or rod mills.
 Wood distillation plants (charcoal, tar, turpentine, etc.).
 Wool scouring.

- (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) *Height.* 120 feet.

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

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

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

~~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) *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.

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

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

(8) *Lot depth.* 100 feet.

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

SECTION 5

THAT Chapter 144, Zoning, Section 4.2, Land Use Matrix, is hereby amended as shown below:

4.2 Land Use Matrix.

Legend																																					
P – The land use is permitted by right in the zoning district indicated.																																					
– The land use is prohibited in the zoning district indicated (Blank).																																					
NOTE: An application for a Special Use Permit may be made for any land use not permitted in any district, except PD.																																					
Types of Land Uses		Pre-1987 Zoning Districts										Post-1987 Zoning Districts																									
		R-1	R-2	R-3	B-1	TH	ZH	C-1	C-2	C-3	C-4	M-1	M-2	APD	R-1A-43.5	R-1A 12	R-1A 8	R-1A 6.6	R-2A	R-3L	R-3H	B-1A	B-1B	TH-A	ZH-A	MU-A	MU-B	C-1A	C-1B	C-2A	C-4A	C-4B	CO	M-1A	M-2A		
Accessory building/structure (see Sec. 5.4)		P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Accessory dwelling (one accessory dwelling per lot, no kitchen)		P	P	P			P	P	P	P	P			P	P	P	P	P																		P	
Accounting, auditing, bookkeeping, and tax preparations								P	P	P	P	P														P	P	P	P	P	P	P	P	P	P		
Acid manufacture																																					
Adult day care (no overnight stay)								P	P	P	P									P	P				P	P	P	P	P	P	P	P	P	P	P		
Adult day care (with overnight stay)			P					P	P	P	P													P	P	P	P	P	P	P	P	P	P	P	P		
Aircraft support and related services										P		P	P							P	P															P	P
Airport												P	P							P	P															P	P
All-terrain vehicle (ATV) dealer / sales									P	P	P	P	P							P	P								P	P	P	P	P	P	P	P	
Ambulance service (private)								P	P	P	P	P	P							P	P								P	P	P	P	P	P	P	P	
Amphitheaters (outdoor live performances)									P	P	P	P	P																P	P	P	P	P	P	P	P	
Amusement devices/arcade (four or more devices)									P	P	P	P	P												P	P	P	P	P	P	P	P	P	P	P	P	
Amusement services or venues (indoors) (see Sec. 5.13)								P	P	P	P	P	P															P	P	P	P	P	P	P	P	P	

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Types of Land Uses	Pre-1987 Zoning Districts	Post-1987 Zoning Districts
	R-1 R-2 R-3 B-1 TH ZH C-1 C-2 C-3 C-4 M-1 M-2	APD R-1A-43.5 R-1A 12 R-1A 8 R-1A 6.6 R-2A R-3L R-3H B-1A B-1B TH-A ZH-A MU-A MU-B C-1A C-1B C-2A C-4A C-4B CO M-1A M-2A
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 artisans studio		
Assembly/exhibition hall or areas		
Assisted living facility/retirement home		
Athletic fields		
Auction sales (non-vehicle)		
Auto body repair, garages (see Sec. 5.11)		

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Types of Land Uses	Pre-1987 Zoning Districts
	Post-1987 Zoning Districts
	R-1 R-2 R-3 B-1 TH ZH C-1 C-2 C-3 C-4 M-1 M-2
	R-1A R-1A.43.5 R-1A.12 R-1A.8 R-1A.6.6 R-2A R-3L R-3H B-1A B-1B TH-A ZH-A MU-A MU-B C-1A C-1B C-2A C-4A C-4B CO M-1A M-2A
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 & factory rebuilt parts	
Auto tire repair /sales (indoor)	
Auto wrecking yards	
Automobile driving school (including defensive driving)	
Bakery (retail)	

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Types of Land Uses	Pre-1987 Zoning Districts
	Post-1987 Zoning Districts
	R-1 R-2 R-3 B-1 TH ZH C-1 C-2 C-3 C-4 M-1 M-2
	R-1A-43.5 R-1A 12 R-1A 8 R-1A 6.6 R-2A R-3L R-3H B-1A B-1B TH-A ZH-A MU-A MU-B C-1A C-1B C-2A C-4A C-4B CO M-1A M-2A
Bank, savings and loan, or credit union	
Bar/Tavern (no outdoor music)	
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	
Bed and breakfast inn (see Sec. 5.6)	
Bicycle sales and/or repair	
Billiard / pool facility	
Bingo facility	
Bio-medical facilities	
Blacksmith or wagon shops	
Blooming or rolling mills	

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	R-1	R-2	R-3	B-1	TH	ZH	C-1	C-2	C-3	C-4	M-1	M-2	APD	R-1A-43.5	R-1A 12	R-1A 8	R-1A 6.6	R-2A	R-3L	R-3H	B-1A	B-1B	TH-A	ZH-A
Boarding house/lodging house			P	P			P	P	P	P									P			P		
Book binding								P	P		P	P												
Book store							P	P	P	P	P	P												
Bottling or distribution plants (milk)									P		P	P												
Bottling works									P		P	P												
Bowling alley/center (see Sec. 5.13)								P	P	P	P	P												
Breweries/distilleries and manufacture of alcohol and alcoholic beverages												P												
Broadcast station (with tower) (see Sec. 5.7)								P	P		P	P												
Bulk storage of gasoline, petroleum products, liquefied petroleum and flammable liquids (see Sec. 5.27)																								
Bus barns or lots								P	P		P	P												
Bus passenger stations								P	P		P	P												
Cabin or cottage (rental)									P															
Cabin or cottage (rental for more than 30 days)									P		P	P												

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Types of Land Uses	Pre-1987 Zoning Districts
	Post-1987 Zoning Districts
	R-1A 12
	R-1A 8
	R-1A 6.6
	R-2A
	R-3L
	R-3H
	B-1A
	B-1B
	TH-A
	ZH-A
	MU-A
	MU-B
	C-1A
	C-1B
	C-2A
	C-4A
	C-4B
	CO
	M-1A
	M-2A
Cafeteria / café / delicatessen	P
Campers' supplies	P
Canning/preserving factories	P
Car wash (self-service; automated)	P
Car wash, full service (detail shop)	P
Carpenter, cabinet, or pattern shops	P
Carpet cleaning establishments	P
Caterer	P
Cement, lime, gypsum or plaster of paris manufacture	
Cemetery and/or mausoleum	P
Check cashing service	P
Chemical laboratories (e.g., ammonia, bleaching powder)	P
Chemical laboratories (not producing noxious fumes or odors)	P
Child day care/children's nursery (business)	P

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		R-1	R-2	R-3	B-1	TH	ZH	C-1	C-2	C-3	C-4	M-1	M-2	APD	R-1A-43.5	R-1A 12	R-1A 8	R-1A 6.6	R-2A	R-3L	R-3H	B-1A	B-1B	TH-A	ZH-A	MU-A	MU-B	C-1A	C-1B	C-2A	C-4A	C-4B	CO	M-1A	M-2A		
Church/place of religious assembly		P	P	P	P	P	P	P	P	P	P	P	P	P		P											P	P	P	P	P	P	P	P	P		
Cider mills													P																							P	
Civic/conference center and facilities									P	P	P	P	P	P														P	P	P	P			P	P	P	
Cleaning, pressing and dyeing (non-explosive fluids used)								P	P	P		P	P													P	P	P	P					P	P	P	
Clinic (dental)								P	P	P		P	P													P	P	P	P	P	P			P	P	P	
Clinic (emergency care)								P	P	P		P	P													P	P	P	P	P			P	P			
Clinic (medical)								P	P	P		P														P	P	P	P	P			P	P			
Club (private)								P	P	P		P	P													P	P	P	P	P	P			P	P	P	
Coffee shop								P	P	P		P	P													P	P	P	P	P	P			P	P	P	
Cold storage plant												P	P																							P	P
Commercial amusement concessions and facilities									P	P		P	P															P	P	P					P	P	P
Communication equipment - installation and/or repair								P	P	P		P	P													P	P	P	P					P	P	P	P
Community building (associated with residential uses)		P	P	P	P	P	P	P	P	P		P	P			P	P	P	P	P	P	P	P	P	P	P						P	P	P	P	P	
Community home (see definition)		P	P	P	P	P	P	P	P	P					P	P	P	P	P	P	P	P	P	P	P	P	P						P				

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Computer and electronic sales		
Computer repair		
Concrete or asphalt mixing plants - permanent		
Concrete or asphalt mixing plants - temporary		
Confectionery store (retail)		
Consignment shop		
Contractor's office/sales, with outside storage including vehicles		
Contractor's temporary on-site construction office		
Convenience store with gas sales		
Convenience store without gas sales		
Cotton ginning or baling works		
Country club (private)		
Credit agency		
Crematorium		

Legend																																				
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Electronic assembly/high tech manufacturing												P	P														P							P	P	
Electroplating works												P	P														P							P	P	
Enameling works													P																					P	P	
Engine repair/motor manufacturing re-manufacturing and/or repair												P	P														P							P	P	
Explosives manufacture or storage																																				
Exterminator service								P	P	P		P	P														P		P	P				P	P	
Fair ground												P	P														P							P	P	
Family home adult care		P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P				P											
Family home child care		P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P				P											
Farmers market (produce market - wholesale)								P	P	P	P	P	P	P														P						P		
Farms, general (crops) (see chapter 6, municipal code & Sec. 5.9)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Farms, general (livestock/ranch) (see chapter 6, municipal code & Sec. 5.9)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Feed & grain store										P	P	P	P	P													P		P	P				P	P	
Fertilizer manufacture and storage																																				

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Types of Land Uses	Pre-1987 Zoning Districts	Post-1987 Zoning Districts
	R-1	R-1A 12
	R-2	R-1A 8
	R-3	R-1A 6.6
	B-1	R-1A 4.3.5
	TH	APD
	ZH	C-1
	C-1	C-2
	C-2	C-3
	C-3	C-4
	C-4	M-1
	M-1	M-2
	M-2	
Filling station (gasoline tanks must be below the ground)		
Florist		
Flour mills, feed mills, and grain processing		
Food or grocery store with gasoline sales		
Food or grocery store without gasoline sales		
Food processing (no outside public consumption)		
Forge (hand)		
Forge (power)		
Fraternal organization/civic club (private club)		
Freight terminal, rail/truck (when any storage of freight is wholly outside an enclosed building)		
Freight terminal, truck (all storage of freight in an enclosed building)		
Frozen food storage for individual or family use		
Funeral home/mortuary		
Furniture manufacture		

Legend																																				
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Types of Land Uses		Pre-1987 Zoning Districts										Post-1987 Zoning Districts																								
		R-1	R-2	R-3	B-1	TH	ZH	C-1	C-2	C-3	C-4	M-1	M-2	APD	R-1A-43.5	R-1A 12	R-1A 8	R-1A 6.6	R-2A	R-3L	R-3H	B-1A	B-1B	TH-A	ZH-A	MU-A	MU-B	C-1A	C-1B	C-2A	C-4A	C-4B	CO	M-1A	M-2A	
Furniture sales (indoor)								P	P	P		P	P													P	P							P	P	
Galvanizing works												P	P													P	P								P	P
Garbage, offal or dead animal reduction or dumping																																				
Garden shops and greenhouses								P	P	P		P	P													P	P							P	P	
Gas manufacture																																				
Gas or oil wells																																				
Golf course (public or private)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Golf course (miniature)								P	P	P	P	P	P	P												P	P	P	P	P	P	P	P	P	P	
Governmental building or use with no outside storage		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Grain elevator												P	P	P	P																				P	P
Greenhouse (commercial)								P	P	P		P	P	P												P	P	P	P	P	P	P	P	P	P	
Handicraft shop								P	P	P		P	P	P												P	P	P	P	P	P	P	P	P	P	
Hardware store								P	P	P		P	P	P												P	P	P	P	P	P	P	P	P	P	
Hay, grain, and/or feed sales (wholesale)														P																						

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Types of Land Uses	Pre-1987 Zoning Districts
	Post-1987 Zoning Districts
	R-1A 43.5
	R-1A 12
	R-1A 8
	R-1A 6.6
	R-2A
	R-3L
	R-3H
	B-1A
	B-1B
	TH-A
	ZH-A
	MU-A
	MU-B
	C-1A
	C-1B
	C-2A
	C-4A
	C-4B
	CO
	M-1A
	M-2A
Health club (physical fitness; indoors only)	P
Heating & air-conditioning sales / services	P
Heavy load (farm) vehicle sales/repair (see Sec. 5.14)	P
Heavy manufacturing	P
Heliport	P
Hides/skins (tanning)	P
Home occupation (see Sec. 5.5)	P
Home repair and yard equipment retail and rental outlets	P
Hospice	P
Hospital, general (acute care / chronic care)	P
Hospital, rehabilitation	P
Hotel/motel	P
Hotels/motels - extended stay (residence hotels)	P
HUD code–manufactured home (see Sec. 5.8)	P

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Types of Land Uses		Pre-1987 Zoning Districts												Post-1987 Zoning Districts																							
		R-1	R-2	R-3	B-1	TH	ZH	C-1	C-2	C-3	C-4	M-1	M-2	APD	R-1A-43.5	R-1A 12	R-1A 8	R-1A 6.6	R-2A	R-3L	R-3H	B-1A	B-1B	TH-A	ZH-A	MU-A	MU-B	C-1A	C-1B	C-2A	C-4A	C-4B	CO	M-1A	M-2A		
	HUD code–manufactured home subdivisions (see Sec. 5.8)																					P											P				
	Ice delivery stations (for storage and sale of ice at retail only)							P	P	P		P	P														P							P			
	Ice plants												P	P														P							P		
	Industrial laundries											P	P															P							P		
	Iron and steel manufacture																																				
	Junkyards, including storage, sorting, baling or processing of rags																																				
	Kiosk (providing a retail service)							P	P	P	P	P	P													P	P	P	P	P	P	P	P	P	P	P	
	Laboratory equipment manufacturing											P	P															P							P		
	Laundromat and laundry pickup stations							P	P	P	P	P	P													P	P	P	P	P	P	P	P	P	P	P	
	Laundry, commercial (w/o self-serve)								P	P		P	P															P							P		
	Laundry/dry cleaning (drop off/pick up)							P	P	P		P	P													P	P	P	P	P	P	P	P	P	P	P	
	Laundry/washeteria (self-serve)							P	P	P		P	P													P	P	P	P	P	P	P	P	P	P	P	
	Lawnmower sales and/or repair							P	P	P		P	P													P	P	P	P	P	P	P	P	P	P	P	
	Leather products manufacturing											P	P														P									P	

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	Post-1987 Zoning Districts
	R-1A 12
	R-1A 8
	R-1A 6.6
	R-2A
	R-3L
	R-3H
	B-1A
	B-1B
	TH-A
	ZH-A
	MU-A
	MU-B
	C-1A
	C-1B
	C-2A
	C-4A
	C-4B
	CO
	M-1A
	M-2A
Light manufacturing	P
Limousine / taxi service	P
Livestock sales/auction	P
Locksmith	P
Lumber mill	P
Lumberyard (see Sec. 5.15)	P
Lumberyard or building material sales (see Sec. 5.15)	P
Machine shop	P
Maintenance/janitorial service	P
Major appliance sales (indoor)	P
Manufacture of carbon batteries	
Manufacture of paint, lacquer, oil, turpentine, varnish, enamel, etc.	
Manufacture of rubber, glucose, or dextrin	
Manufactured home sales	P

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Types of Land Uses	Pre-1987 Zoning Districts	Post-1987 Zoning Districts
	R-1 R-2 R-3 B-1 TH ZH C-1 C-2 C-3 C-4 M-1 M-2	APD R-1A-43.5 R-1A 12 R-1A 8 R-1A 6.6 R-2A R-3L R-3H B-1A B-1B TH-A ZH-A MU-A MU-B C-1A C-1B C-2A C-4A C-4B CO M-1A M-2A
Manufacturing and processes		P
Manufacturing processes not listed		
Market (public, flea)		P
Marital arts school		P
Meat or fish packing/storage plants		P
Medical supplies and equipment		P
Metal fabrication shop		P
Microbrewery (onsite mfg. and/or sales)		P
Mini-warehouse/self-storage units (no boat and RV storage permitted)		P
Mini-warehouse/self-storage units with outside boat and rv storage		P
Monument, gravestone, or marble works (manufacture)		
Motion picture studio, commercial film		P
Motion picture theater (indoors)		P
Motion picture theater (outdoors, drive-in)		P

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		R-1	R-2	R-3	B-1	TH	ZH	C-1	C-2	C-3	C-4	M-1	M-2	APD	R-1A-43.5	R-1A 12	R-1A 8	R-1A 6.6	R-2A	R-3L	R-3H	B-1A	B-1B	TH-A	ZH-A	MU-A	MU-B	C-1A	C-1B	C-2A	C-4A	C-4B	CO	M-1A	M-2A
Motorcycle dealer (primarily new / repair)									P	P		P	P														P							P	P
Moving storage company										P		P	P														P							P	P
Moving, transfer, or storage plant										P		P	P														P							P	P
Multifamily (apartments/condominiums)			P	P		P		P	P	P	P									P						P						P			
Museum			P	P		P		P	P	P	P	P	P							P						P	P	P	P	P	P	P		P	
Natural resource extraction and mining																																			
Needlework shop								P	P	P		P	P													P	P	P	P	P	P	P		P	
Nonbulk storage of gasoline, petroleum products and liquefied petroleum									P	P		P	P													P	P	P	P	P	P	P		P	
Nursing/convalescent home/sanitarium			P	P		P		P	P	P	P									P						P	P	P	P	P	P				
Offices, brokerage services								P	P	P	P	P	P													P	P	P	P	P	P	P	P	P	
Offices, business or professional								P	P	P	P	P	P													P	P	P	P	P	P	P	P	P	
Offices, computer programming and data processing								P	P	P	P	P	P													P	P	P	P	P	P	P	P	P	
Offices, consulting								P	P	P	P	P	P													P	P	P	P	P	P	P	P	P	
Offices, engineering, architecture, surveying or similar								P	P	P	P	P	P													P	P	P	P	P	P	P	P	P	

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Offices, health services								P	P	P	P	P	P														P	P	P	P	P	P	P	P	P	
Offices, insurance agency								P	P	P	P	P	P														P	P	P	P	P	P	P	P	P	
Offices, legal services - including court reporting								P	P	P	P	P	P														P	P	P	P	P	P	P	P	P	
Offices, medical offices								P	P	P	P	P	P														P	P	P	P	P	P	P	P	P	
Offices, real estate								P	P	P	P	P	P														P	P	P	P	P	P	P	P	P	
Offices, security/commodity brokers, dealers, exchanges and financial services								P	P	P	P	P	P														P	P	P	P	P	P	P	P	P	
Oil compounding and barreling plants																																				
One family dwelling, detached		P	P	P	P			P	P	P	P			P	P	P	P	P	P			P				P						P				
Outside storage (as primary use)												P	P														P									
Paint manufacturing													P															P								
Paper or pulp manufacture																																				
Park and/or playground (private and public)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Parking lots (for passenger car only) (not as incidental to the main use)								P	P	P	P	P	P	P													P	P	P	P	P	P	P	P	P	
Parking structure / public garage									P	P	P	P	P	P													P	P	P	P	P	P	P	P	P	

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	R-1A 8
	R-1A 6.6
	R-2A
	R-3L
	R-3H
	B-1A
	B-1B
	TH-A
	ZH-A
	MU-A
	MU-B
	C-1A
	C-1B
	C-2A
	C-4A
	C-4B
	CO
	M-1A
	M-2A
Pawn shop	P
Personal watercraft sales (primarily new / repair)	P
Pet shop / supplies (less than 10,000 sq. ft.)	P
Pet store (over 10,000 sq. ft.)	P
Petroleum or its products (refining of)	
Photo engraving plant	P
Photographic printing/duplicating/copy shop or printing shop	P
Photographic studio (no sale of cameras or supplies)	P
Photographic supply	P
Plant nursery (no retail sales on site)	P
Plant nursery (retail sales/outdoor storage)	P
Plastic products molding/reshaping	P
Plumbing shop	P
Portable building sales	P

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	Post-1987 Zoning Districts
	R-1 R-2 R-3 B-1 TH ZH C-1 C-2 C-3 C-4 M-1 M-2
	R-1A-4.3.5 R-1A 12 R-1A 8 R-1A 6.6 R-2A R-3L R-3H B-1A B-1B TH-A ZH-A MU-A MU-B C-1A C-1B C-2A C-4A C-4B CO M-1A M-2A
Poultry killing or dressing for commercial purposes	
Propane sales (retail)	
Public recreation/services building for public park/playground areas	
Publishing/printing company (e.g., newspaper)	
Quick lube/oil change/minor inspection	
Radio/television shop, electronics, computer repair	
Railroad roundhouses or shops	
Rappelling facilities	
Recreation buildings (private)	
Recreation buildings (public)	
Recycling kiosk	
Refreshment/beverage stand	
Rental or occupancy for less than one month (see Sec. 5.17)	
Research lab (non-hazardous)	

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		R-1	R-2	R-3	B-1	TH	ZH	C-1	C-2	C-3	C-4	M-1	M-2	APD	R-1A-43.5	R-1A 12	R-1A 8	R-1A 6.6	R-2A	R-3L	R-3H	B-1A	B-1B	TH-A	ZH-A	MU-A	MU-B	C-1A	C-1B	C-2A	C-4A	C-4B	CO	M-1A	M-2A		
Residential use in buildings with non-residential uses permitted in the district								P	P	P	P										P					P	P			P	P						
Restaurant/prepared food sales								P	P	P	P	P	P													P	P	P	P	P	P	P					
Restaurant with drive through service								P	P	P	P	P	P													P	P	P	P	P	P	P					
Retail store & shopping center without drive through service (50,000 sq. ft. bldg. or less)								P	P	P	P	P	P													P	P	P	P	P	P	P					
Retail store & shopping center with drive through service (50,000 sq. ft. bldg. or less)								P	P	P	P	P	P													P	P	P	P	P	P	P					
Retail store & shopping center (more than 50,000 sq. ft. bldg.)								P	P	P	P	P	P														B	P	P	P	P	B	P	P			
Retirement home/home for the aged				P	P			P	P	P	P									P	P	P	P			P	P	P	P	P			P				
Rock crushers and rock quarries																																					
Rodeo grounds											P	P	P		P												P				P			P			
RV park										P	P																P	P			P						
RV/travel trailer sales									P	P	P	P	P														P	P	P	P	P			P			
Sand/gravel sales (storage or sales)														P																						P	
School, K-12 public or private		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
School, vocational (business/commercial trade)								P	P	P	P	P	P														P	P	P				P	P	P	P	

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	R-2	R-1A 4.3.5
	R-3	R-1A 12
	B-1	R-1A 8
	TH	R-1A 6.6
	ZH	R-2A
	C-1	R-3L
	C-2	R-3H
	C-3	B-1A
	C-4	B-1B
	M-1	TH-A
	M-2	ZH-A
Security monitoring company (no outside storage or installation)	P	MU-A
Security systems installation company	P	MU-B
Sexually oriented business (see Chapter 18, Code of Ordinances)		C-1A
Sheet metal shop		C-1B
Shoe repair shops		C-2A
Shooting gallery - indoor (see Sec. 5.13)		C-4A
Shooting range - outdoor (see Sec. 5.13)		C-4B
Shopping center		CO
Sign manufacturing/painting plant		M-1A
Single family industrialized home (see Sec. 5.8)	P	M-2A
Smelting of tin, copper, zinc or iron ores		
Specialty shops in support of project guests and tourists		
Stables (as a business) (see chapter 6, municipal code)	P	
Stables (private, accessory use) (see chapter 6, municipal code)	P	

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	R-1A 6.6
	R-2A
	R-3L
	R-3H
	B-1A
	B-1B
	TH-A
	ZH-A
	MU-A
	MU-B
	C-1A
	C-1B
	C-2A
	C-4A
	C-4B
	CO
	M-1A
	M-2A
Steel furnaces	
Stockyards or slaughtering	
Stone/clay/glass manufacturing	
Storage - exterior storage for boats and recreational vehicles	
Storage in bulk	
Structural iron or pipe works	
Studio for radio or television - without tower (see zoning district for tower authorization)	
Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)	
Sugar refineries	
Tailor shop (see home occupation)	
Tar distillation or manufacture	
Tattoo or body piercing studio	
Taxidermist	
Telecommunications towers/antennas (see Sec. 5.7)	

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Telemarketing agency								P	P	P	P	P	P													P	P	P	P	P	P	P	P	P	P	P
Telephone exchange buildings (office only)				P	P			P	P	P	P	P	P							P							P	P	P	P	P	P	P	P	P	P
Tennis court (commercial)									P	P	P	P	P																	P	P	P	P	P	P	P
Theater (non-motion picture; live drama)								P	P	P	P	P	P													P	P	P	P	P	P	P	P	P	P	P
Tire sales (outdoors)									P	P		P	P																	P	P	P	P	P	P	P
Tool rental								P	P	P	P	P	P													P	P	P	P	P	P	P	P	P	P	P
Townhouse (attached)						P															P						P					P				
Transfer station (refuse/pick-up)										P		P	P																						P	P
Travel agency								P	P	P	P	P	P													P	P	P	P	P	P	P	P	P	P	P
Truck or transit terminal												P	P														P								P	P
Truck stop										P		P	P																					P	P	P
Tuber entrance and takeout facilities (see Sec 5.13)																																				
University or college (public or private)								P	P	P	P	P	P							P							P	P	P	P	P	P	P	P	P	P
Upholstery shop (non-auto)								P	P	P	P	P	P																							P

Legend																																											
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Used or second hand merchandise/furniture store									P	P		P	P															P	P						P								
Vacuum cleaner sales and repair								P	P	P		P	P													P	P	P	P					P		P							
Vehicle storage facility																													P														
Veterinary hospital (no outside animal runs or kennels)										P		P	P													P	P	P	P						P		P						
Veterinary hospital (with outdoor animal runs or kennels that may not be used between the hours of 9:00 p.m. and 7:00 a.m.)										P		P	P														P									P		P					
Video rental / sales																																						P		P			
Warehouse / office and storage / distribution center																																						P		P			
Waterfront amusement facilities - berthing facilities sales and rentals																																						P		P			
Waterfront amusement facilities - boat fuel storage/dispensing facilities																																						P		P			
Waterfront amusement facilities - boat landing piers/launching ramps																																						P		P			
Waterfront amusement facilities - swimming/wading pools/bathouses																																						P		P			
Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system		P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P		
Welding shop																																									P		P

Legend	
P – The land use is permitted by right in the zoning district indicated.	
– The land use is prohibited in the zoning district indicated (Blank).	
NOTE: An application for a Special Use Permit may be made for any land use not permitted in any district, except PD.	
Types of Land Uses	Post-1987 Zoning Districts
	Pre-1987 Zoning Districts
	R-1
	R-2
	R-3
	B-1
	TH
	ZH
	C-1
	C-2
	C-3
	C-4
	M-1
	M-2
	APD
	R-1A-43.5
	R-1A 12
	R-1A 8
	R-1A 6.6
	R-2A
	R-3L
	R-3H
	B-1A
	B-1B
	TH-A
	ZH-A
	MU-A
	MU-B
	C-1A
	C-1B
	C-2A
	C-4A
	C-4B
	CO
	M-1A
	M-2A
Wholesale sales offices and sample rooms	P
Wire or rod mills	
Wood distillation plants (charcoal, tar, turpentine, etc.)	
Woodworking shop (ornamental)	P
Wool scouring	
Zero lot line / patio homes	P

SECTION 6

THAT 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 7

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 8

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

SECTION 9

THAT in accordance with the provisions of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

SECTION 10

THAT 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 28th day of May, 2019.

PASSED AND APPROVED: Second and Final Reading this the 26th day of August, 2019.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. J)

Presenter/Contact

*Val Acevedo, City Attorney, and Kristi Aday, Assistant City Manager
(830) 221-4285 - kaday@nbtexas.org*

SUBJECT:

Approval of the first reading of an ordinance creating a temporary San Antonio Street Bridge Safety Zone that will prohibit river and pedestrian traffic upstream, under, and downstream of the bridge, during TxDOT construction; authorizing the City Manager to determine date such activities are safe to resume; establishing up to a \$500.00 fine; and repealing Section 86-17 of the Code of Ordinances, entitled Gruene Road River Bridge Water Safety Zone; and providing an effective date.

BACKGROUND / RATIONALE:

Construction on the San Antonio Street Bridge commences on September 3, 2019, when the bridge will be closed to vehicular and pedestrian traffic. River recreation on the Comal River will continue throughout the construction period; however, the contractor has identified a limited time period during which river and pedestrian traffic near and underneath the bridge should be temporarily halted for the safety and protection of the public. The contractor will be demolishing the upper deck of the bridge, and while the appropriate safety measures will be in place, it is advisable to restrict passage underneath during this time.

This ordinance designates the area underneath, upstream and downstream of the bridge as a "safety zone" and gives the New Braunfels Police Department the legal authority to prohibit the public from entering this zone beginning September 23, 2019, until a time period designated by the City Manager. This ordinance is similar to another temporary ordinance that was passed during the reconstruction of the Gruene Road River Bridge in 2008, but it was never repealed, so that is also being accomplished with this agenda item.

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

N/A

FISCAL IMPACT:

There is no fiscal impact to this action by the City Council.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance.

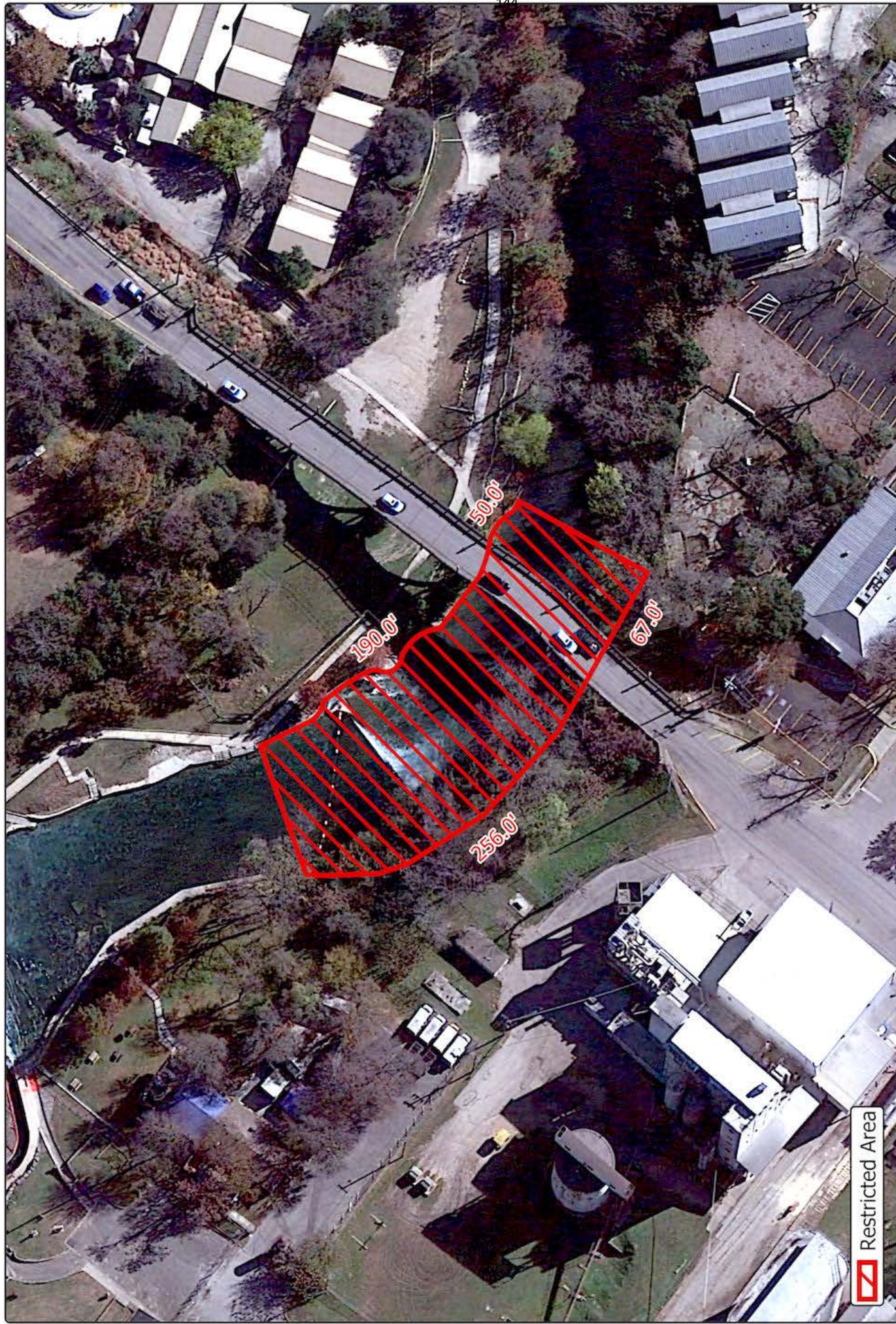


Exhibit A - as it relates to the Ordinance

ORDINANCE NO. _____

AN ORDINANCE REPEALING SECTION 86-17, GRUENE ROAD RIVER BRIDGE WATER SAFETY ZONE, OF THE NEW BRAUNFELS CODE OF ORDINANCES; ADOPTING A TEMPORARY SAN ANTONIO STREET BRIDGE SAFETY ZONE DURING TXDOT CONSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING A FINE NOT TO EXCEED \$500.00 FOR AN OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Department of Transportation is proceeding with reconstruction of the San Antonio Street Bridge; and

WHEREAS, the public use of the Comal River beneath and within Comal River may result in rafters, tubers, swimmers, or other users of the Comal River to unknowingly entering the unsafe construction area in and around the bridge; and

WHEREAS, entering the construction area would be detrimental to the public health, safety, and welfare, of the public; and

WHEREAS, the Texas Water Safety Act, Texas Parks and Wildlife Code §31.092, provides for local regulation with respect to public water within a city's corporate limits and all the lakes owned by it, and allows a city to designate by ordinance certain areas as bathing, fishing, swimming, or otherwise restricted areas and may make rules and regulations relating to the operation and equipment of boats which it deems necessary for the public safety; and

WHEREAS, the City Council has determined, in the best interest of the residents and visitors of the City of New Braunfels, that the construction site and area surrounding the San Antonio Street Bridge should be declared a restricted area for a limited time during construction.

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

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. That the Code of Ordinances, City of New Braunfels, Texas is hereby amended by repealing Section 86-17, and the City Council adopts an ordinance that establishes the San Antonio Street Bridge Safety Zone and related provisions is hereby adopted and shall read as follows:

~~86-17. Gruene Road River Bridge Safety Zone.~~

~~(a) It shall be unlawful for any person on the Guadalupe River to enter the Gruene Road Guadalupe River Bridge restricted area. The restricted area shall be marked upstream, of the bridge by buoys directing the public to exit the Guadalupe River to the West Bank. The restricted area is generally described as the following: an area generally described as the Right of Way of the Gruene River Bridge over the Guadalupe River and extending 100 feet downstream of the bridge Right of Way within the banks of the Guadalupe River and extending 250 feet upstream of the bridge Right of Way along the east bank and 60 feet upstream of the bridge Right of Way along the west bank within the banks of the Guadalupe River. This ordinance shall terminate upon the reopening of the Gruene Road River Bridge to vehicular and pedestrian traffic.~~

~~(b) Exceptions to the prohibition within this ordinance includes bridge construction workers, maintenance crews, on duty governmental personnel, and other similarly authorized personnel.~~

~~(c) Any person, business, or other entity that provides, for a fee, flotation devices or other equipment necessary to float the Guadalupe River, which float commences up stream of the Gruene Road River Bridge, shall be responsible for providing sufficient personnel to assure the safe and expeditious exit of persons and removal of flotation devices from the Guadalupe River at the restricted area.~~

~~(d) Any person, business, or other entity that provides, for a fee, flotation devices or other equipment necessary to float the Guadalupe River, which float commences up stream of the Gruene Road River Bridge, shall be responsible for posting and providing adequate notice of the restricted area similar to the following: "Gruene Road Bridge Construction, you must exit the Guadalupe River and stay out of restricted area marked by buoys and other markers".~~

~~(e) Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor offense punishable by a fine not to exceed \$500.00 for each offense.~~

Establishment of San Antonio Street Bridge Safety Zone

(a) Beginning September 23, 2019, and for a limited duration to be determined by the city manager, it shall be unlawful for any person on the Comal River to enter the restricted area referred to as the San Antonio Street Bridge Safety Zone and depicted in Exhibit A attached to this ordinance. The restricted area shall be marked up stream of the bridge by buoys directing the public to exit the Comal River to the north bank of the Comal River. The restricted area is depicted in Exhibit A and generally described as the right-of-way of the San Antonio Street Bridge over the Comal River and extending 256 feet upstream of the bridge right-of-way along the south bank within the banks of the Comal

River and extending 190 feet upstream of the bridge right-of-way along the north bank and extending 50 feet downstream of the bridge right-of-way along the north bank within the banks of the Comal River, and 67 feet downstream of the bridge right-of-way along the south bank within the banks of the Comal River.

(b) Exceptions to the prohibition within this ordinance includes bridge construction workers, maintenance crews, on-duty governmental personnel, and other similarly authorized personnel.

(c) Any person, business, or other entity that provides, for a fee, flotation devices or other equipment necessary to float the Comal River, which float commences up stream of the San Antonio Street Bridge and shall be responsible for providing sufficient personnel to assure the safe and expeditious exit of persons and removal of flotation devices from the Comal River at the restricted area.

(d) Any person, business, or other entity that provides, for a fee, flotation devices or other equipment necessary to float the Comal River, which float commences up stream of the San Antonio Street Bridge, shall be responsible for posting and providing adequate notice of the restricted area similar to the following: **“San Antonio Street Bridge Safety Zone, You Must Exit the Comal River and stay out of the restricted area marked by buoys and other markers.”**

(e) This ordinance shall terminate upon the announcement by the City Manager that Comal River activities can safely and lawfully resume in the San Antonio Street Bridge Safety Zone. The announcement shall be published one time in the local newspaper.

(f) Any person who violates any provision of this ordinance shall be guilty of a misdemeanor offense punishable by a fine not to exceed \$500.00 for each offense.

SECTION 3. 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 4. All provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

SECTION 5. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 6. In accordance with the provisions of the City Charter, this Ordinance may be read and published by descriptive caption only.

SECTION 7. This Ordinance shall become adopted and effective ten (10) days after the date of publication in a newspaper pursuant to the Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this _____day of August, 2019.

PASSED AND APPROVED: Second reading this _____day of September, 2019.

CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. A)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the installation of speed humps or other traffic calming measures on Hanz Drive within the Cotton Crossing subdivision.

BACKGROUND / RATIONALE:

Council District: 4

Citizens submitted a request for the installation of speed humps on Hanz Drive within the Cotton Crossing subdivision. Hanz Drive is classified as a minor collector in the 2012 City of New Braunfels Regional Transportation Plan. The request was evaluated based on petition, operational and geometric requirements established in the City of New Braunfels Speed Hump Policy approved in 1999.

Twenty-four signatures were required to meet the two-thirds requirement, and 25 signatures were received. An operational requirement in the policy is that the 85th percentile speed must be at least 5 miles per hour over the regulatory speed limit of 30 mph. Traffic data collected over a four-day period, including the weekend, showed the 85th percentile speed of 34 miles per hour which does not meet the speed criteria in the Speed Hump Policy. These requirements are listed in the attachment to this report.

The Speed Hump Policy also requires proposed speed humps on a street to be approved by the emergency services departments. The New Braunfels Fire Department and the New Braunfels Police Department do not recommend the installation of speed humps due to the potential for a significant impact on response times because Hanz Drive is regularly used during emergency responses. Additionally, the Police Department voiced concerns about the potential for drivers to cut through on the slip street in the 1600 block of Hanz Drive to go around the speed humps in that location.

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

The item was presented to the Transportation and Traffic Advisory Board at their meeting on July 11, 2019. Numerous residents spoke of the concerns they have about speeding, motorcycles driving through, through trucks, and vehicles driving two to three abreast down Hanz Drive. The Board voted for staff to evaluate traffic calming options other than speeds humps for Hanz Drive. Staff stated that

since the traffic data does not meet the speed threshold for speed humps, staff would present the item to City Council to approve speed humps or direct staff to work with the Board and community on traffic calming options.

Staff has begun requesting approval for the speed hump locations from individual property owners to help expedite the timeline for installation if speed humps are approved by City Council. As of the date of writing this report, two property owners in the 1400 block of Hanz Drive have approved the proposed location and staff has not yet heard from the third directly affected property owner. Two property owners adjacent to the proposed location in the 1600 block of Hanz Drive are opposed to the proposed speed hump location due to noise and pollution concerns. Staff will continue to work with property owners to find a location that meets the requirements in the speed hump policy and is approved by adjacent property owners.

Funding

The City has specific funding for the installation of speed humps. This is the third speed hump request for the 2018-2019 fiscal year.

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

Envision New Braunfels Strategy 7: Connect All: Action 7.16: Develop a program and process for consideration of citizen requests for neighborhood traffic calming.

FISCAL IMPACT:

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

COMMITTEE RECOMMENDATION:

This item was considered and discussed by the Transportation and Traffic Advisory Board at their meeting on July 11, 2019. The Board unanimously passed a motion for staff to evaluate options for different traffic calming measures on Hanz Drive.

STAFF RECOMMENDATION:

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

Petition

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

Operational and Geometric Characteristics of the Street

Requirement		Satisfied?
1.	The street shall provide access to abutting residential and/or commercial properties.	Yes
2.	The street shall not have more than one lane of traffic in each direction.	Yes
3.	The street shall have a regulatory speed limit of 30 mph or less as determined in accordance with State Law.	Yes: 30 mph
4.	The 85 th percentile speed on the street must be at least 35 mph or 5 mph over the regulatory speed limit.	No: 34 mph
5.	The speed humps should not be located on a horizontal curve, on vertical curves where visibility of the hump is restricted, or on approaches to these curves.	Yes
6.	The street should have curb and gutter. Considerations may be given to street without curb and gutter to accommodate drainage and prevent vehicle run-arounds.	Yes
7.	The street must be approved by the emergency services departments.	No ^a
8.	The street must have a 24-hour traffic volume of at least 800 vehicles.	Yes: 1,540 vpd average

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

Speed and Volume Data (Thursday, May 2 to Sunday, May 5, 2019)

	≤25 mph	26-30 mph	31-35 mph	36-40 mph	41+ mph
Average vpd	257	485	576	189	32

Project Prioritization Criteria

Criteria		Points Assigned
1. Crash	2 reported crashes over a period of 3 consecutive years	0 ^a
2. Speed	4 mph difference between 85 th percentile speed and regulatory speed limit	0
3. Traffic Volume	Two-way peak hour volume of 264 vph	2
4. Type of Neighborhood	School within ½ mile radius of project street	1
Total:		3

^aNeither of the reported crashes were speed-related, so no points were assigned.





City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. B)

Presenter/Contact

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

SUBJECT:

Public hearing and first reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area B.

BACKGROUND / RATIONALE:

Council District: 5

Staff has received a request from property owners along South Veramendi Avenue between East Basel Street and East Mather Street to be included in the existing Parking by Permit Area B. The requested area consists of single-family homes.

Signed petitions have been received from the property owners and residents requesting addition into Parking by Permit Area B on both sides of South Veramendi Avenue between East Basel Street and East Mather Street. This request is for daily between 8:00 a.m. to 8:00 p.m., from May 1 to September 30, which is consistent with the existing Parking by Permit Area B ordinance.

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

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

A public hearing on the application shall be conducted by City Council. Notices of the public hearing were mailed to all property owners (as shown on the latest tax roll) within a 300 foot radius of the requested area and all residents listed on the petition.

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

Envision New Braunfels 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 streets and drainage budget.

COMMITTEE RECOMMENDATION:

The Transportation and Traffic Advisory Board unanimously approved a recommendation to City Council to amend Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area B to include both sides of South Veramendi Avenue between East Basel Street and East Mather Street at their meeting on July 11, 2019.

STAFF RECOMMENDATION:

Staff recommends approval of amending Parking by Permit Area B to include both sides of South Veramendi Avenue between East Basel Street and East Mather Street.

ORDINANCE NO. 2019-_____**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS, AMENDING SECTION 126-354 (c) TO AMEND
PARKING BY PERMIT AREA B.**

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

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

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

I.

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

- (2) Area B, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.
 - s. On both sides of S. Veramendi Avenue from E. Basel Street to E. Mather Street.

II.

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

III.

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

IV.

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

PASSED AND APPROVED: First reading this the _____ day of _____, 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 Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. C)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the first reading of an ordinance to raise the speed limit on Walnut Avenue between Landa Street and Business IH-35 to 35 mph.

BACKGROUND / RATIONALE:

Council Districts: 1, 3, and 6

Engineering staff has received numerous requests to raise the speed limit on Walnut Avenue between Landa Street and IH-35 from the existing posted 30 mph. Walnut Avenue is classified as a principal arterial on the city's thoroughfare plan and the requested section varies between a four-lane divided roadway and a five-lane undivided roadway.

Speed limits on Texas roads, including city streets, are set by statute in Section 545.352 of the Texas Transportation Code. The current speed limit on most city residential streets is 30 mph. The statute includes the following prima facie speed limits:

- Street in Urban District - 30 mph
- Alley in Urban District - 15 mph

Speed limits are set to inform motorists of appropriate driving speeds under favorable conditions. Regardless of the posted speed limit some drivers will operate at speeds where they feel comfortable, given the design of the road and development/activity along the roadside. The overall goal of setting the speed limit is almost always to increase safety within the context of retaining reasonable mobility for motorists.

Speed studies were conducted in two locations on Walnut Avenue in January 2019: between Cross Street and Lee Street and between Creek Drive and Landa Street in January 2019. Previously, traffic speed and volume data were collected on Walnut Avenue between Cross Street and Lee Street and between Eikel Street and Landa Street in December 2014. The results of these speed studies are shown in the attached traffic study summary.

In addition to data collection, the roadside environment and crash history were studied. There are two at-grade railroad crossings in this portion of Walnut Avenue that are part of the New Braunfels quiet zone. The traffic crash data for the previous three years showed that there were 69 reported crashes for this section of Walnut Avenue, with 17 listing speed as a factor.

The New Braunfels Police Department reviewed this request for an increased speed limit, and

recommended that the speed limit on Walnut Avenue between Landa Street and Business IH-35 be raised to 35 mph. Their recommendation included retaining the existing 30 mph speed limit on Walnut Avenue between Business IH-35 and IH-35.

Prior to this meeting, notices were mailed to property owners on Walnut Avenue between Katy Street and Business IH-35 because these properties may require backing maneuvers onto Walnut Avenue.

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

Envision New Braunfels Strategy 7: Connect All: Action 7.22: Adopt a Complete Streets policy to ensure ease of access for all people and all transportation modes.

FISCAL IMPACT:

Traffic control signs cost approximately \$150 each. Sufficient funding is available in the FY18-19 approved street and drainage budget.

COMMITTEE RECOMMENDATION:

This request was considered and unanimously approved by the Transportation and Traffic Advisory Board at their meeting on June 13, 2019.

STAFF RECOMMENDATION:

Staff recommends increasing the posted speed limit on Walnut Avenue between Landa Street and Business IH-35 to 35 mph and that the speed limit between Business IH-35 and IH-35 be retained at 30 mph.

Traffic Study Summary

Date:	April 2, 2019
Prepared By:	Mary Hamann, P.E., Engineer
Request:	Raise existing 30 mph speed limit to 35 mph on Walnut Avenue between Landa Street and IH-35
Recommendation:	Raise existing 30 mph speed limit to 35 mph on Walnut Avenue between Landa Street and Business IH-35 based on current speeds

Background

The statutory maximum speed limit in the City of New Braunfels is 30 miles per hour (mph) except where otherwise established by ordinance and posted by official traffic signs. Walnut Avenue extends from Loop 337 on the north side of New Braunfels south to Klein Road, with posted speed limits varying from 30 mph to 45 mph. The portion of Walnut Avenue considered for this study is from Landa Street to IH-35 (see Figure 1).

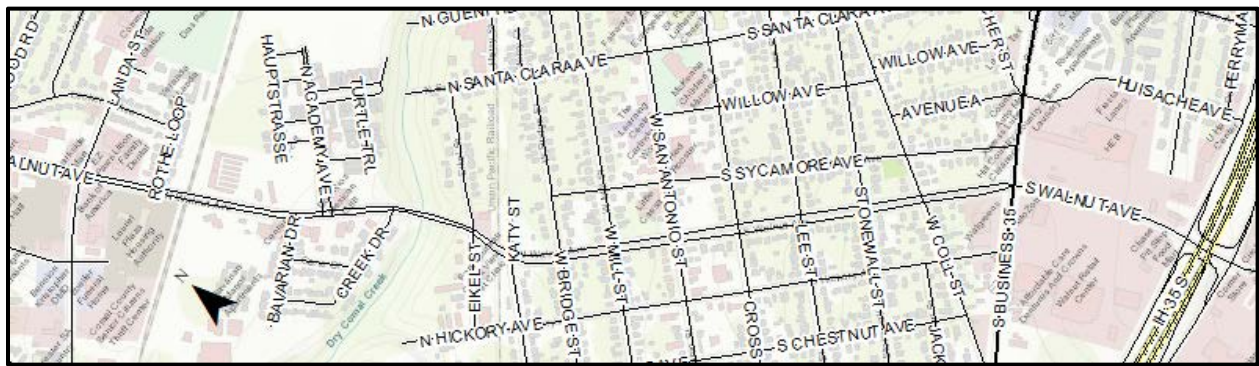


Figure 1. Walnut Avenue

An engineering study was completed to evaluate raising the existing 30 mph to 35 mph on Walnut Avenue between Landa Street to IH-35. The study was completed at the request of citizens due to speeding and safety concerns.

Guidance

Speed limits applicable to public streets are established:

- Statutorily – a maximum speed limit applicable to a particular class of road that is established by State law; or
- As altered speed zones – based on engineering studies.

The maximum speed limits posted should be based primarily on the 85th percentile speed – the speed at or below which 85 percent of vehicles travel. Other factors that may be considered when establishing or reevaluating speed limits include the following:

- Road characteristics
- Roadside development and environment
- Parking practices and pedestrian activity
- Reported crash experience

A city may declare a lower speed limit of not less than 25 miles per hour if the governing body determines that the prima facie speed limit on the streets is unreasonable or unsafe. By State Law, a traffic engineering study is required in order for a city to lower a speed limit below 25 mph.

Site Investigation

A site investigation was conducted on Walnut Avenue between Landa Street to IH-35 in December 2014 and again in January 2019 to evaluate the raised speed limit. The investigation included a review of the road characteristics, roadside environment, parking practices and pedestrian activity. The study was repeated due to the completion of multiple construction projects in the study area throughout the last five years.

The studied portion of Walnut Avenue is constructed as a variable width road. It is a five-lane, undivided roadway with a continuous two-way left turn lane from IH-35 to Business IH-35 (Elliot Knox Boulevard). The portion of the roadway between Business IH-35 and Katy Street is a four-lane roadway with a raised median. Between Katy Street and Landa Street, it alternates between a four-lane divided roadway and a five-lane undivided roadway.

There are two at-grade railroad crossings in this portion of Walnut Avenue; between Katy Street and Eikel Street and between Rothe Loop and Bavarian Drive. These crossings are a part of the New Braunfels quiet zone.

There are 46 driveways on Walnut Avenue between Landa Street and Business IH-35. Of these 46 driveways, only 13 require a backing maneuver onto Walnut Avenue to exit. The portion between Business IH-35 and IH-35 is all commercial development and no backing maneuvers are required at any of the driveways.

Crash History

Traffic crash data for 2016 through February 2019 was found through TxDOT's Crash Records Information System. There were 69 reported crashes on this section of Walnut Avenue during this time. Based on the crash data, speeding was a factor for 17 of these reported crashes.

The Federal Railroad Administration database did not list any crashes at the two at-grade railroad crossings on this section of Walnut Avenue in the last three years.

Data Collection

Traffic speed and volume data were collected in two locations on Walnut Avenue: between Cross Street and Lee Street and between Creek Drive and Landa Street in January 2019. Previously, traffic speed and volume data were collected on Walnut Avenue between Cross Street and Lee Street and between Eikel Street and Landa Street in December 2014. The results of these studies are shown in Tables 1 and 2 below, respectively.

Table 1. January 2019 Walnut Avenue speed and volume study results

Direction	Location	Total Vehicles	50 th Percentile Speed (mph)	85 th Percentile Speed (mph)
NB	Cross St to	8,598	28	33
SB	Lee St	8,622	37	42
NB	Landa St to	8,415	33	39
SB	Creek Dr	8,565	32	37

Table 2. December 2014 Walnut Avenue speed and volume study results

Direction	Location	Total Vehicles	50 th Percentile Speed (mph)	85 th Percentile Speed (mph)
NB	Cross St to	7,670	32	37
SB	Lee St	8,123	31	35
NB	Landa St to	8,371	32	37
SB	Eikel St	8,428	33	36

Recommendation

The New Braunfels Police Department has reviewed this request and recommends that the regulatory speed limit on Walnut Avenue between Landa Street and Business IH-35 be raised to 35 mph. Their recommendation included retaining the 30 mph speed limit on Walnut Avenue between Business IH-35 and IH-35.

Based on the site investigation and collected speed data, it is recommended that the regulatory speed limit on Walnut Avenue between Landa Street and Business IH-35 be raised to 35 mph. The measured 85th percentile speeds for both locations and data collection times are all over the posted 30 mph speed limit and are closer to the requested 35 mph speed limit. Maintaining the existing 30 mph speed limit on this portion of Walnut Avenue may make the roadway less safe because of the variation in speeds between those travelling at the posted speed limit and those travelling closer to the 85th percentile speeds.

It is recommended that the speed limit on Walnut Avenue between Business IH-35 and IH-35 be maintained at the current 30 mph due to the density of commercial driveways and high traffic volumes.

ORDINANCE NO. 2019-_____**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, CREATING SECTION 126-149 TO SET THE SPEED LIMIT ON PORTIONS OF WALNUT AVENUE.**

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

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

I.

THAT Section 126-149 is hereby created to read:

Sec. 126-149. – Speed limit on Walnut Avenue.

The maximum, reasonable and prudent speed limit on the section of Walnut Avenue from Landa Street to IH 35 Business shall be no greater than 35 miles per hour.

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



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. D)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval to authorize the City Manager to enter into a professional services contract with Pape-Dawson Engineers to complete the Preliminary Engineering Report for the FM 1863 Extension between State Highway 46 and the Veramendi Development.

BACKGROUND / RATIONALE:

The FM 1863 Extension between State Highway 46 and the Veramendi Development is a Minor Arterial on the City's Thoroughfare Plan and a project in the Roadway Impact Fee Capital Improvement Plan. Furthermore, the FM 1863 connection from State Highway 46 to the Veramendi Development is an item in the *Development Agreement Between City of New Braunfels And Word-Borchers Ranch Joint Venture for Proposed Mixed Use Development*.

The Veramendi development agreement has provisions for the right-of-way and construction of the external FM 1863 connection. The City is responsible for acquiring the right-of-way of the external FM 1863 connection. Veramendi is responsible for the dedication of the right-of-way internal to Veramendi and the construction of two lanes of the roadway improvements within the external and internal right-of-way prior to recording the final plat that triggers the need for the improvement. The threshold trigger for the construction of two lanes is when the roadway within the development reaches 10,500 daily trips.

In addition to the Veramendi agreement, City staff is coordinating with property owners adjacent to State Highway 46 and Alyssa Way on the external FM 1863 extension alignment, timing and site development needs. Staff is also in constant communication with residents of neighboring communities concerned about traffic congestion, mobility and safety, and the progress of the Veramendi development.

A Preliminary Engineering Report (PER) is necessary to develop design concepts, evaluate traffic needs and ultimately determine the roadway, drainage, utility and right-of-way needs with associated cost estimates. This will provide the City with the information necessary to determine the scope of the project and project funding needs. It will also provide impacted property owners information on site specific development requirements.

Staff recommends Pape-Dawson Engineers to perform the engineering services required for the PER. Pape-Dawson is a pre-qualified vendor on the City's Indefinite Delivery, Indefinite Quantity Contract and familiar with the overall project. Pape-Dawson developed the original alignment associated with the Veramendi development and agreement. They are also familiar with the overall traffic and drainage in the area and how it impacts the Veramendi development. Pape-Dawson has

successfully completed design projects for the City including Klein Road Phase 2 PER and Westside Pedestrian Improvement Project. They have the project team, experience and past performance to complete the project. Additionally, staff feels that Pape-Dawson is the best team due to the timing of the project.

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

N/A

FISCAL IMPACT:

The final negotiated contract is \$199,473. The contract is billed hourly not to exceed the amount; therefore, some tasks may require less effort than anticipated resulting in reduced costs. There is sufficient funding in Roadway Impact Fee Service Area 1 Fund to cover the contract amount.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the professional services contract with Pape-Dawson Engineers to complete the Preliminary Engineering Report for the FM 1863 Extension between State Highway 46 and the Veramendi Development.

Exhibit Z
to Development Agreement
External FM 1863 Connection ROW

[illegible]

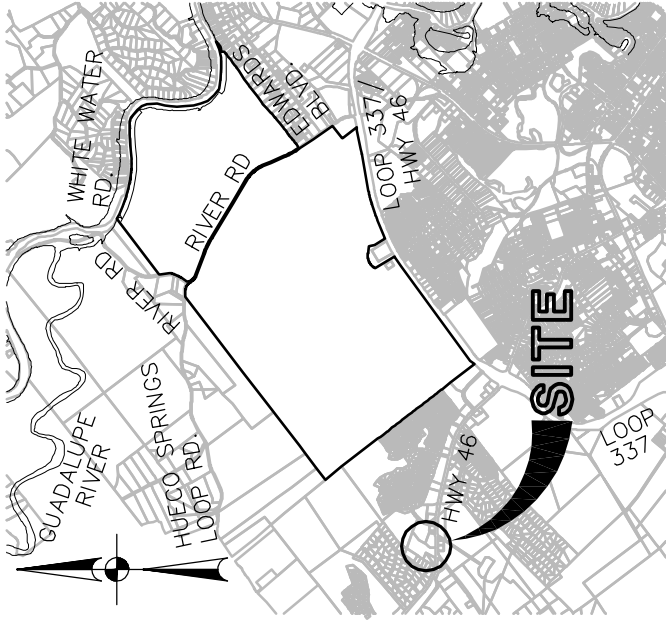
Pape-Dawson Engineers

555 EAST RAMSEY | SAN ANTONIO, TEXAS 78216 | PHONE: 210.375.9000
FAX: 210.375.9010

TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 470

VERAMENDI
NEW BRAUNFELS, TEXAS
EXHIBIT Z: EXTERNAL FM 1863 CONNECTION ROW

PLAT NO. _____
 JOB NO. 7620-00
 DATE MARCH 5, 2012
 DESIGNER TB
 CHECKED TB DRAWN ML
 SHEET 1 OF 1

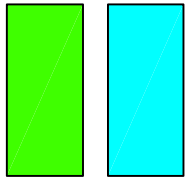


LOCATION MAP
NOT-TO-SCALE

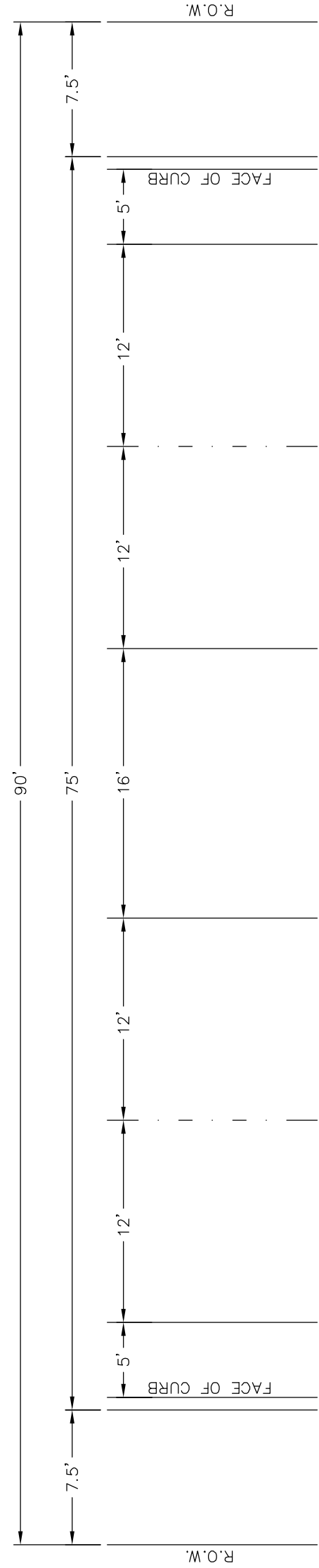
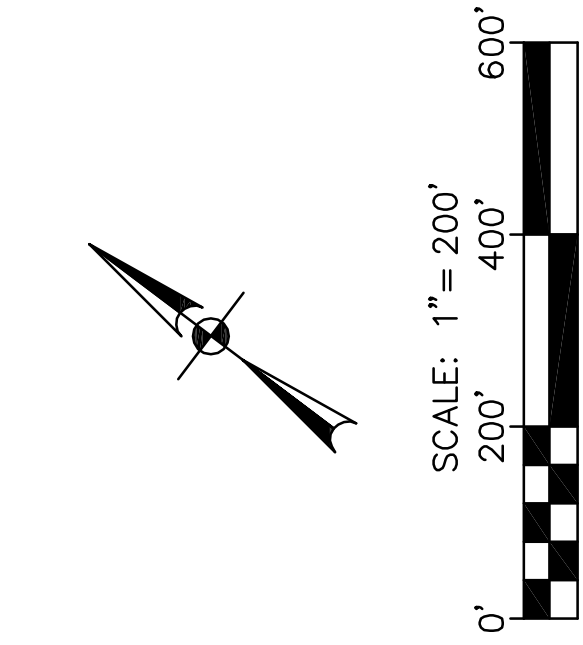
LEGEND

EASEMENTS

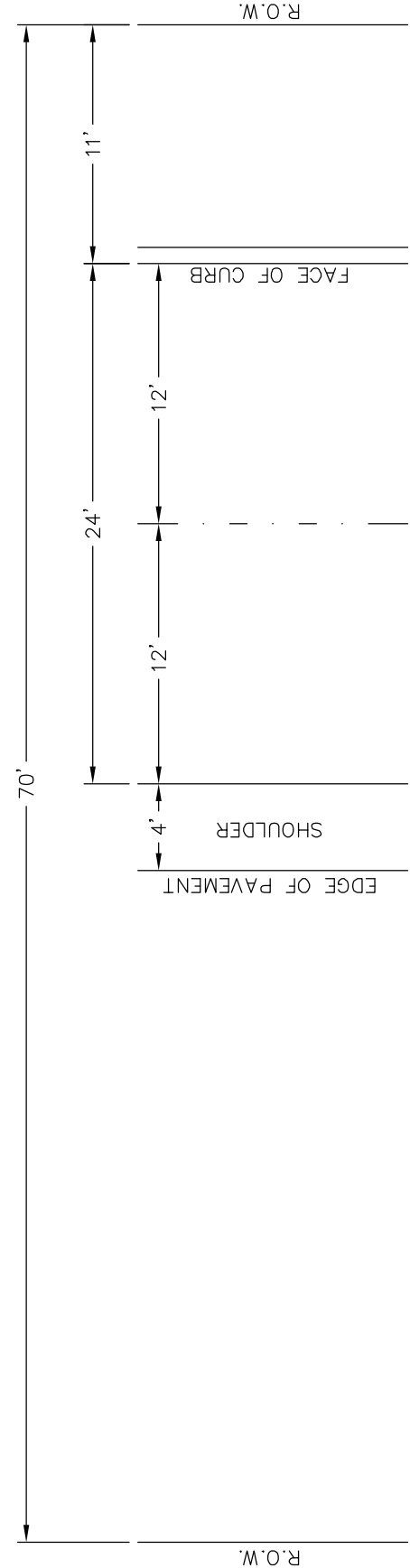
RIGHT-OF-WAY



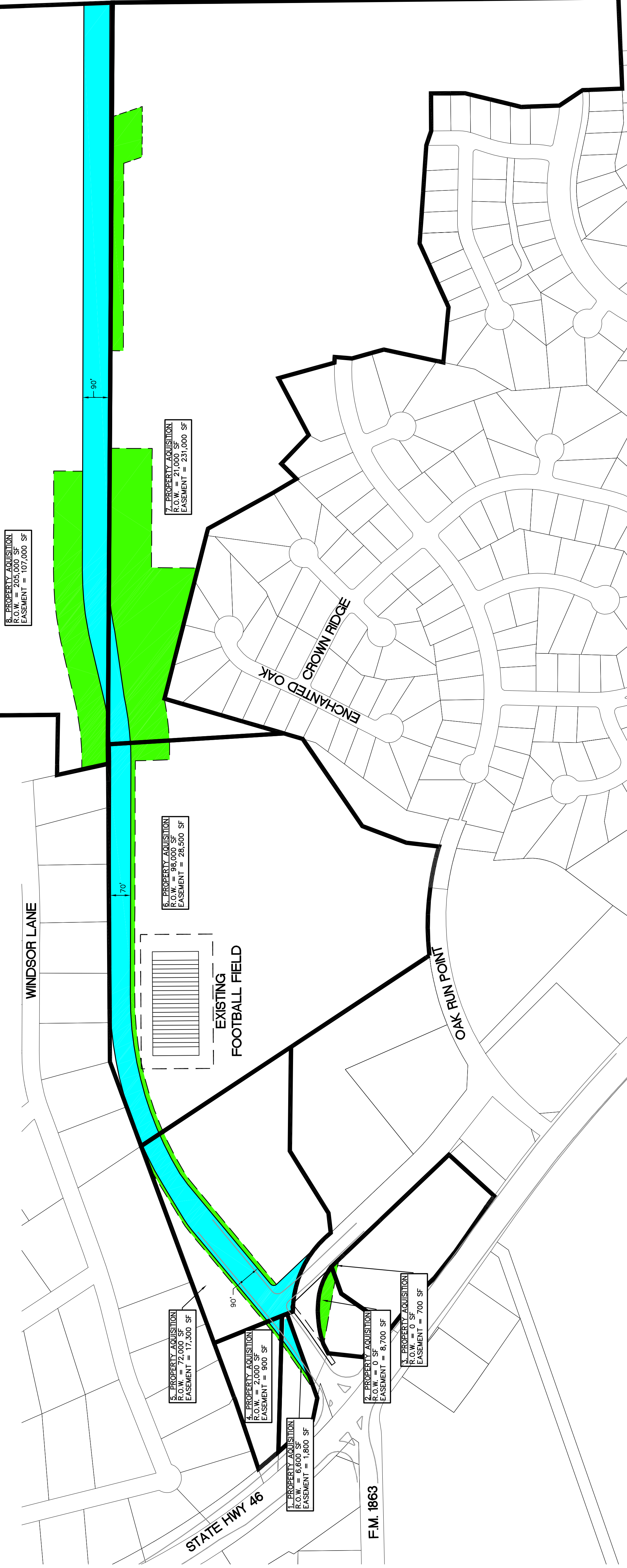
**WORD BORCHERS
RANCH**



90' R.O.W. MAJOR ARTERIAL



70' R.O.W. MINOR ARTERIAL



THIS DOCUMENT HAS BEEN PRODUCED FROM MATERIAL THAT WAS STORED AND/OR TRANSMITTED ELECTRONICALLY AND MAY HAVE BEEN INADEQUATELY ALTERED. ONLY ON FINAL HARDCOPY MATERIALS BEARING THE CONSULTANT'S ORIGINAL SIGNATURE AND SEAL.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. E)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval to authorize the City Manager to enter into a preliminary development agreement with Casina Creek Homes, LLC for the construction of Hanz Drive between River Terrace and Loop 337/State Highway 46.

BACKGROUND / RATIONALE:

Casina Creek Homes, LLC is the Developer of The Casinos at Gruene Subdivision located on Hanz Drive between River Terrace and Loop 337/State Highway 46. On August 1, 2018, the Developer submitted a "Master Plan" for the proposed development of the Casinos at Gruene Subdivision which will include a total of 126 residential dwelling units divided into two phases.

Hanz Drive between River Terrace and Loop 337 is approximately 1,300 feet and currently consists mostly of an unimproved road in 60 feet of right-of-way. Two hundred feet of roadway is constructed at Loop 337 at provides access to a local business at 1262 Hanz Drive. The developer is required to provide public access to the subdivision from Loop 337 and River Terrace. The section of Hanz Drive is on the City's Thoroughfare Plan and Roadway Impact Fee Capital Program and the City and Developer are partnering on the constructing the roadway based on the impact and proportionate requirement of the development.

The proposed improvements to Hanz Drive include constructing a new 30-foot roadway and sidewalk on the southside of the roadway between River Terrace and Loop 337. The improvements will include a new stop control intersection at River Terrace and connection to the full access and new traffic signal at Loop 337. The project will provide River Terrace with full access from Loop 337 through Hanz Drive which will be limited at River Terrace and Loop 337 with the current Texas Department of Transportation project. The project will also provide pedestrian connectivity with new sidewalks on Loop 337 and pedestrian signals at the Loop 337 intersection.

The total cost of the project, including construction, engineering and \$13,608 of roadway impact fees to be paid, is currently estimated at \$440,540. The maximum assessable roadway impact fee and measure of rough proportionality is \$391,809.60 based on the 2013 Roadway Impact Fee Study. It is estimated that the City will participate with approximately \$50,000 out of the Roadway Impact Fee Service Area 2 Fund which currently has a balance of \$114,998.

This preliminary development agreement will allow for the Developer to begin obtaining initial survey work and developing 30% design plans for the project which will define the scope of the project and provide a more accurate cost estimate. The developer estimates that the initial design phase will cost no more than \$36,250 and shall take no longer than six months to complete. Once preliminary

design work is complete and accepted by the City Engineer, the developer shall be credited \$13,608 for roadway impact fees due and reimbursed \$22,462 from Roadway Impact Fee Service Area 2 Fund. Upon completion and acceptance of the preliminary design plans, Staff will finalize the second phase of the development agreement which will establish the terms and conditions for final design and construction of the improvements.

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

2006 New Braunfels Comprehensive Plan

Goal 15: Ensure that the developer provides impact analysis and contributes toward capital improvement programs proportionate to the development's impact.

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

FISCAL IMPACT:

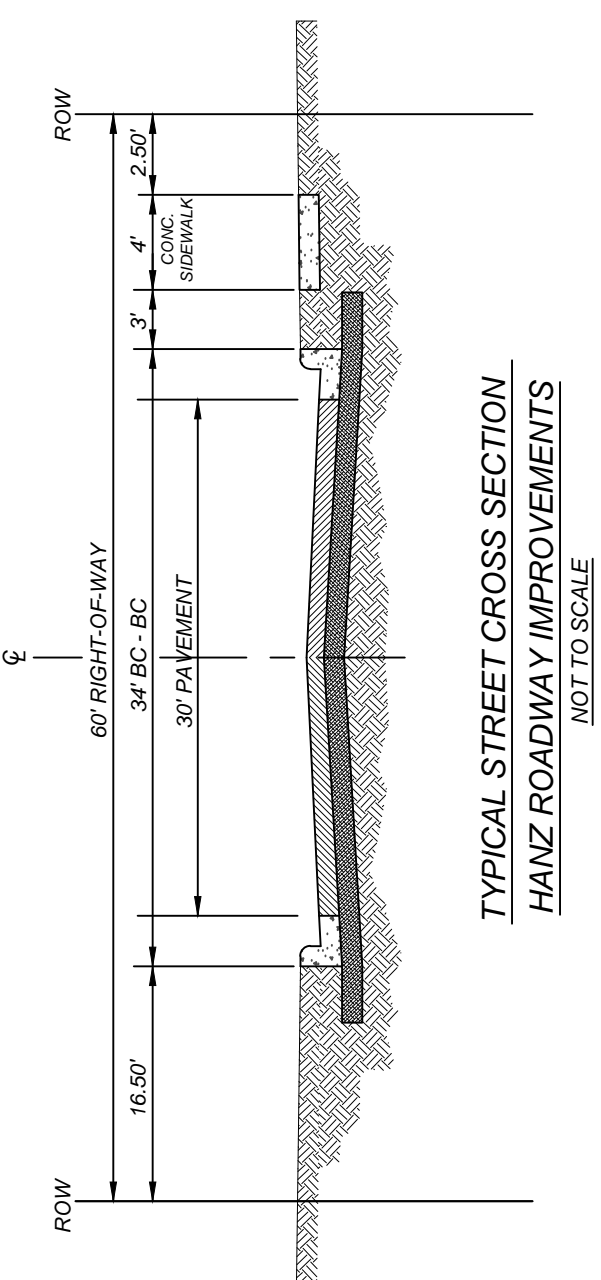
The Casinos at Gruene Phase 1 & 2 Subdivision is projected to be credited a total of \$13,608 in roadway impact fees due to the City and reimbursed \$22,462 from Roadway Impact Fee Service Area 2 Fund for the preliminary agreement. There is sufficient funding in Roadway Impact Fee Service Area 2 Fund to cover the preliminary agreement amount.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of this item.





City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. F)

Presenter

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

SUBJECT:

Public hearing and first reading of an ordinance regarding the proposed rezoning of 39.241 acres, consisting of Lot 2, AD2 Subdivision and approximately 34 acres out of the A-485 O Russell Survey 1, located in the 3900 and 4000 blocks of IH-35 North, from "M-1" Light Industrial and "APD" Agricultural/Pre-Development Districts to "M-1A" Light Industrial District.

BACKGROUND / RATIONALE:

Case No.: PZ19-0207

Council District: 4

Applicant/Owner: Michael Scott Turner
940 Eikel Street
New Braunfels, TX 78130
(830) 708-5070
mike@grandeice.com

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

The subject property is currently vacant and is located along the IH-35 frontage road between Oak Creek Subdivision and Camping World. It surrounds the 5-acre Faulkner tract that is the subject of PZ19-0206, also on this agenda.

The front 300 feet of the property, annexed in 1984, is currently zoned M-1 Light Industrial (a cumulative zoning district that allows residential, commercial and industrial uses). The remainder was annexed in 2003 and is still zoned the interim APD Agricultural/Pre-Development District.

The owner/applicant indicated no immediate plans for development, but is requesting M-1A Light Industrial District zoning on the entire 39 acres for development continuity and to facilitate the future sale of the property.

The M-1A district is intended for light manufacturing and fabrication, warehousing, distribution, wholesaling and service operations that do not typically depend on frequent customer visits.

General Information:

Surrounding Zoning and Land Use:

North - Oak Creek PD/ Drainage
South -
East -
West -

Across IH-35, M-1/ Light industrial (distribution center)
M-1, APD/ Undeveloped
M-1, APD/ Undeveloped

Floodplain:

A portion of the property is located in the Alligator Creek floodway, and over half is within the 1% annual chance flood zone. The City's floodplain development standards will apply to any future development.

Regional Transportation Plan:

The subject property has frontage on the IH-35 access road. The need for any right-of-way dedication will be evaluated at the time of platting.

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan City Council Priority	Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 1.8: Concentrate future industrial and employment centers along existing high capacity transportation networks, such as Interstate 35. City Council and Planning Commission direction to protect viable industrially zoned tracts from incompatible land use encroachment, and increase industrial greenfield.
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FISCAL IMPACT:

N/A

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 is appropriate along this segment of the Interstate Highway and is consistent with existing zoning in the area. The subject property is located between the IH-35 southbound exit and entrance ramps, potentially reducing the quantity of truck traffic within the City's internal roadway network.*);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*The proposed zoning should not conflict with existing and proposed schools, streets, or utilities in the area.*);
- How other areas designated for similar development will be affected (*The proposed zoning should not impact other areas designated for similar development. M-1A on this tract will increase inventory of industrially zoned land that does not allow single-family or two-family residential.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*There should be no other factors that will negatively affect the public health, safety, morals, or general welfare. The Oak Creek Subdivision has a platted drainage lot immediately adjacent to the subject property which will increase separation/buffer between uses.*); and
- Whether the request is consistent with the Comprehensive Plan (*The subject property lies within the Oak Creek Sub Area and a Transitional Mixed-Use Corridor (IH-35), and is near existing Market and Employment Centers.*)

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on August 6, 2019 and voted unanimously to recommend approval of the applicant's rezoning request (8-0-0).

STAFF RECOMMENDATION:

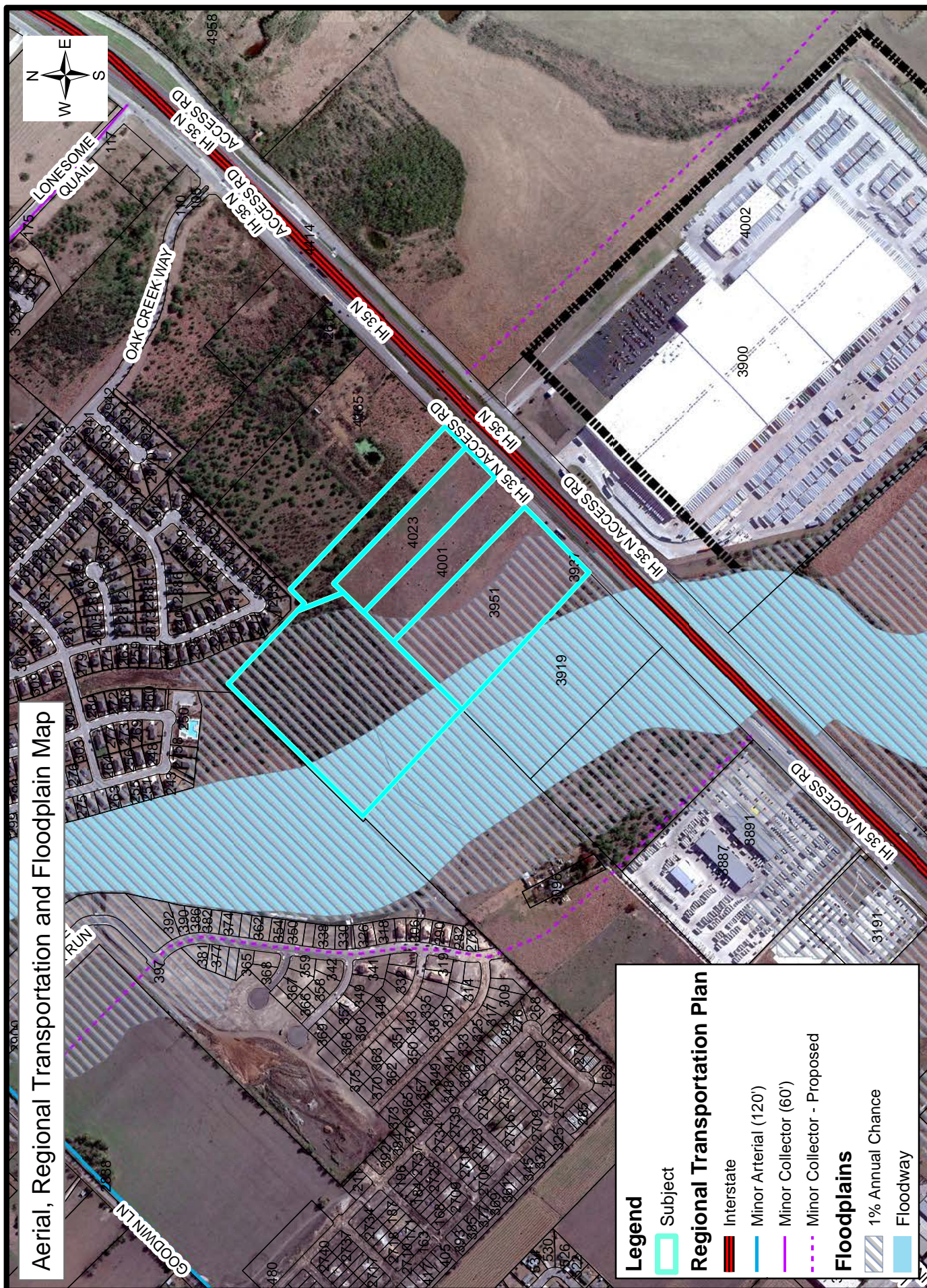
The requested M-1A zoning would be consistent with existing surrounding zoning along IH-35 in this area, including its location between the IH-35 southbound exit and entrance ramps facilitating truck traffic, and with City Council's priority to increase the inventory of industrial greenfield. Therefore, staff recommends approval.

Notification:

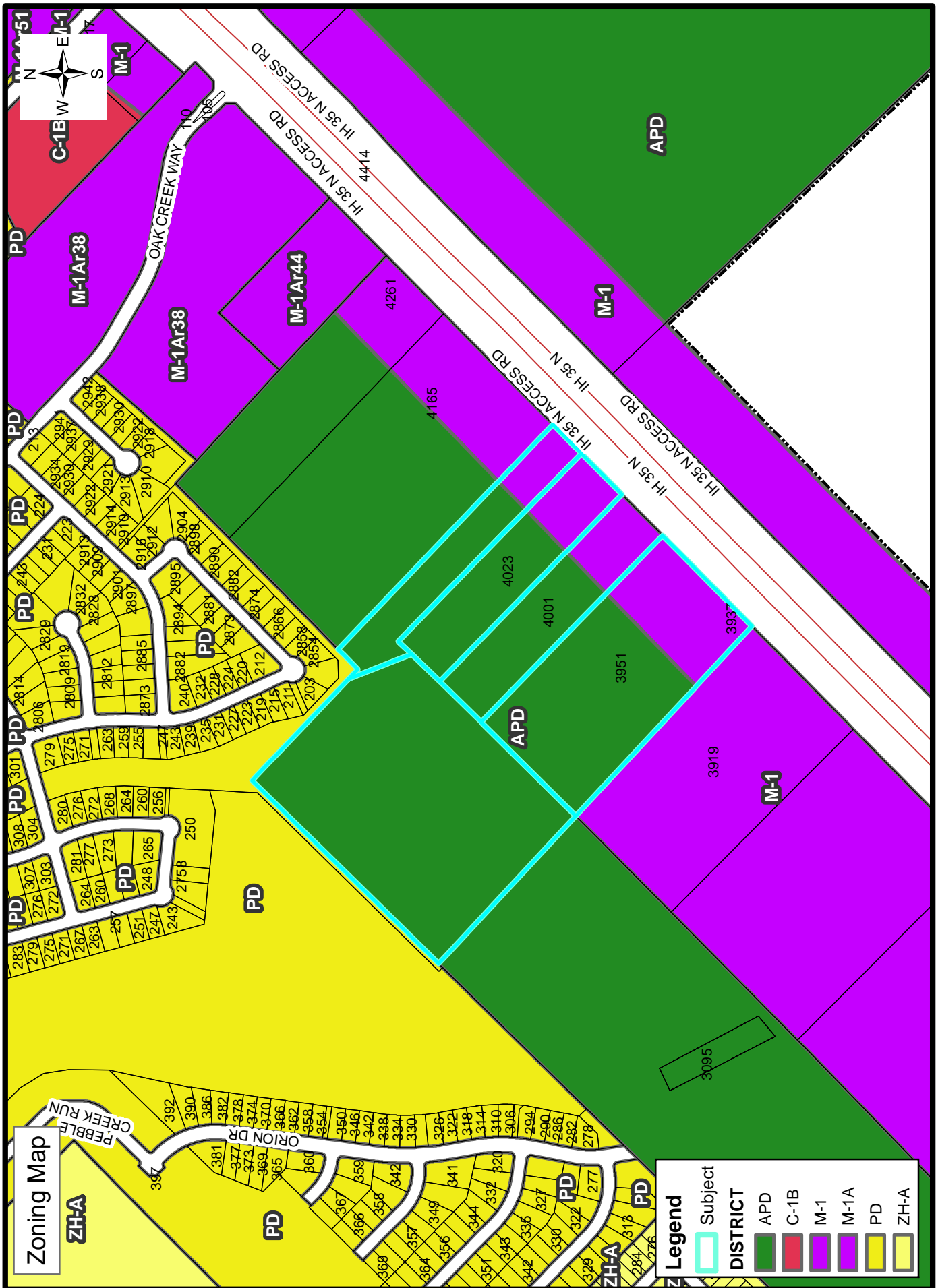
Public hearing notices were sent to 18 owners of property within 200 feet. The City has received no responses to date.

Attachments:

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

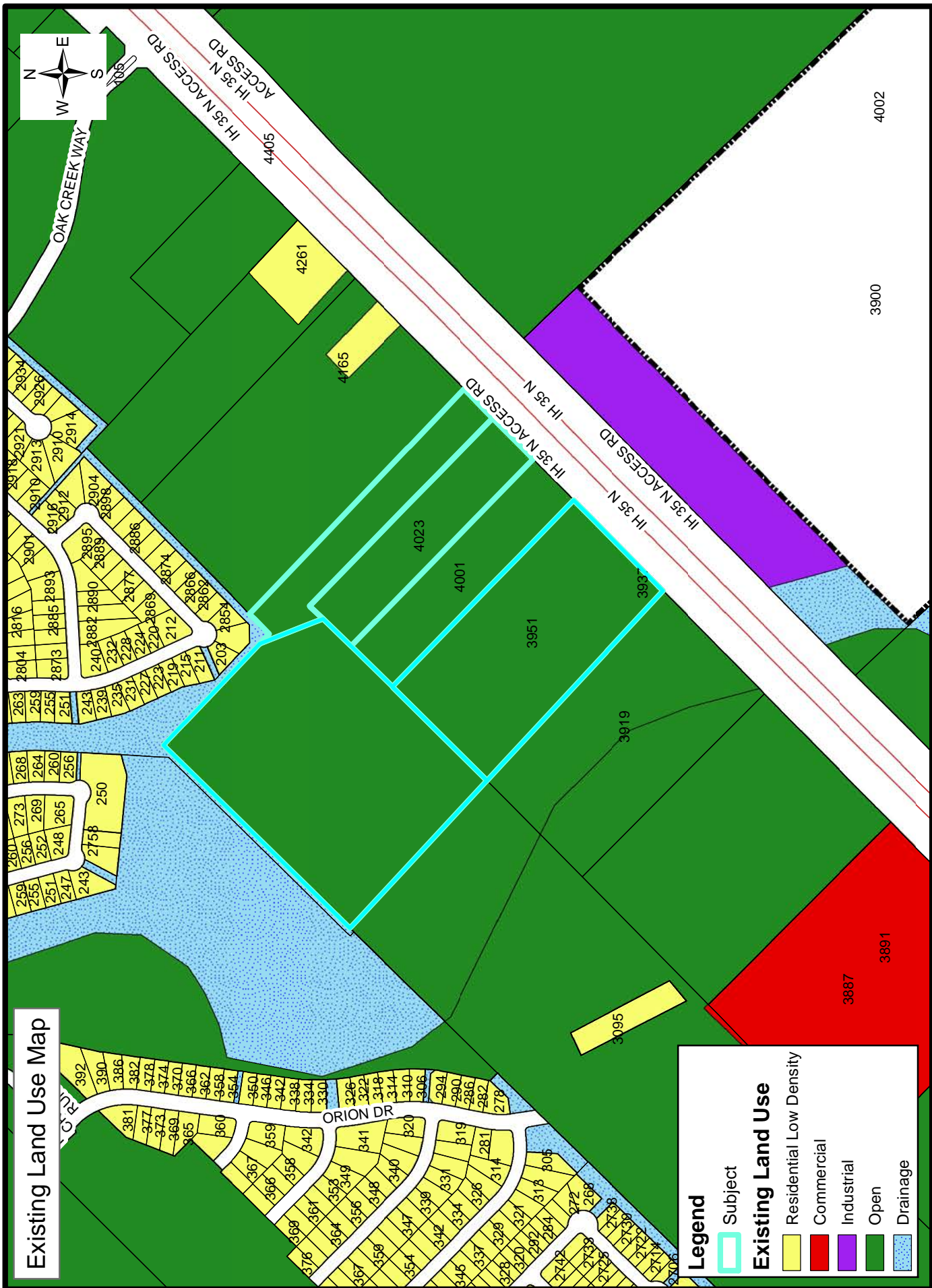


**PZ19-0207
3900 & 4000 IH-35 North
M-1 and APD to M-1A**



PZ19-0207
3900 - 4000 IH-35 North
M-1 and APD to M-1A





PZ19-0207
3900 - 4000 IH-35 North
M-1 and APD 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

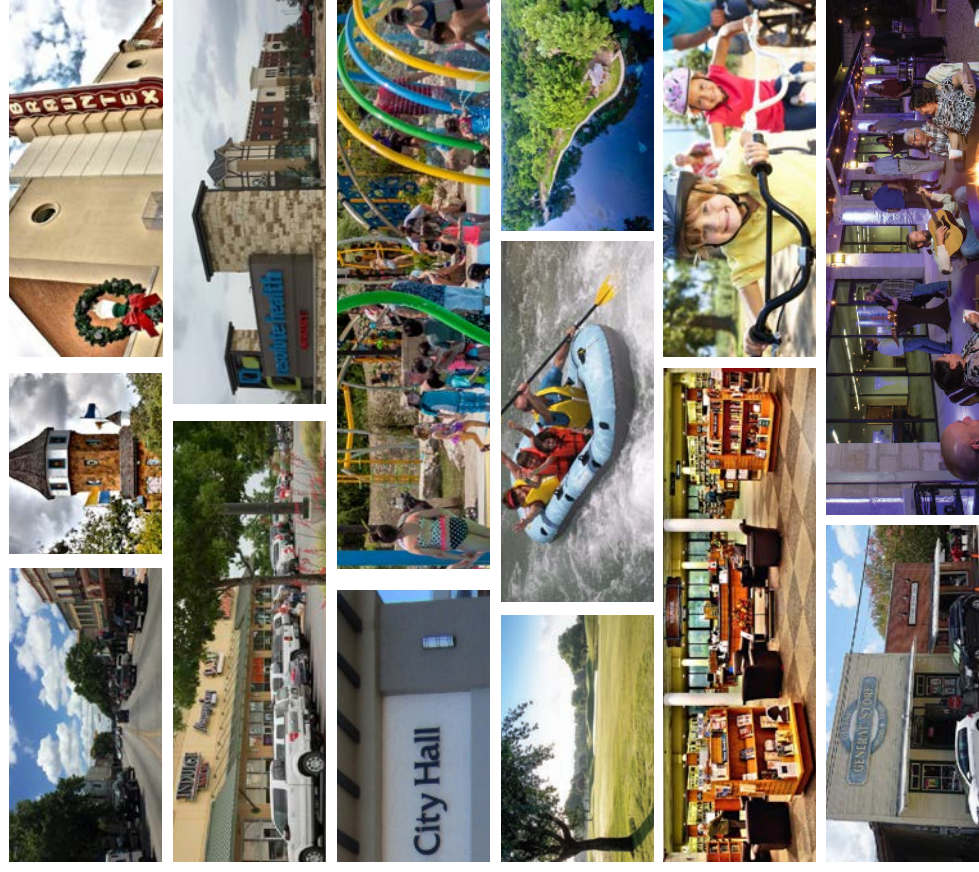
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

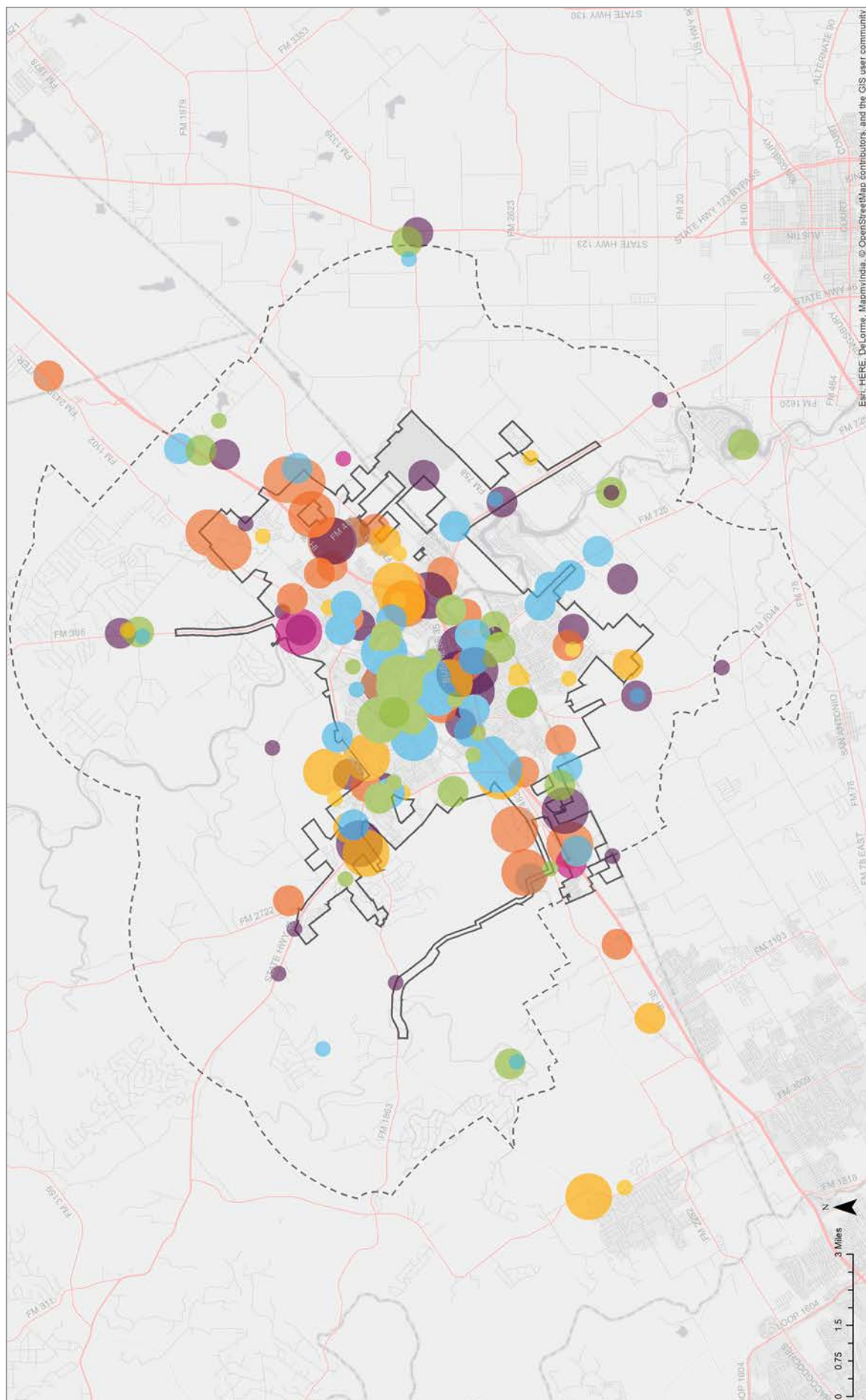
● EDUCATION CENTER

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

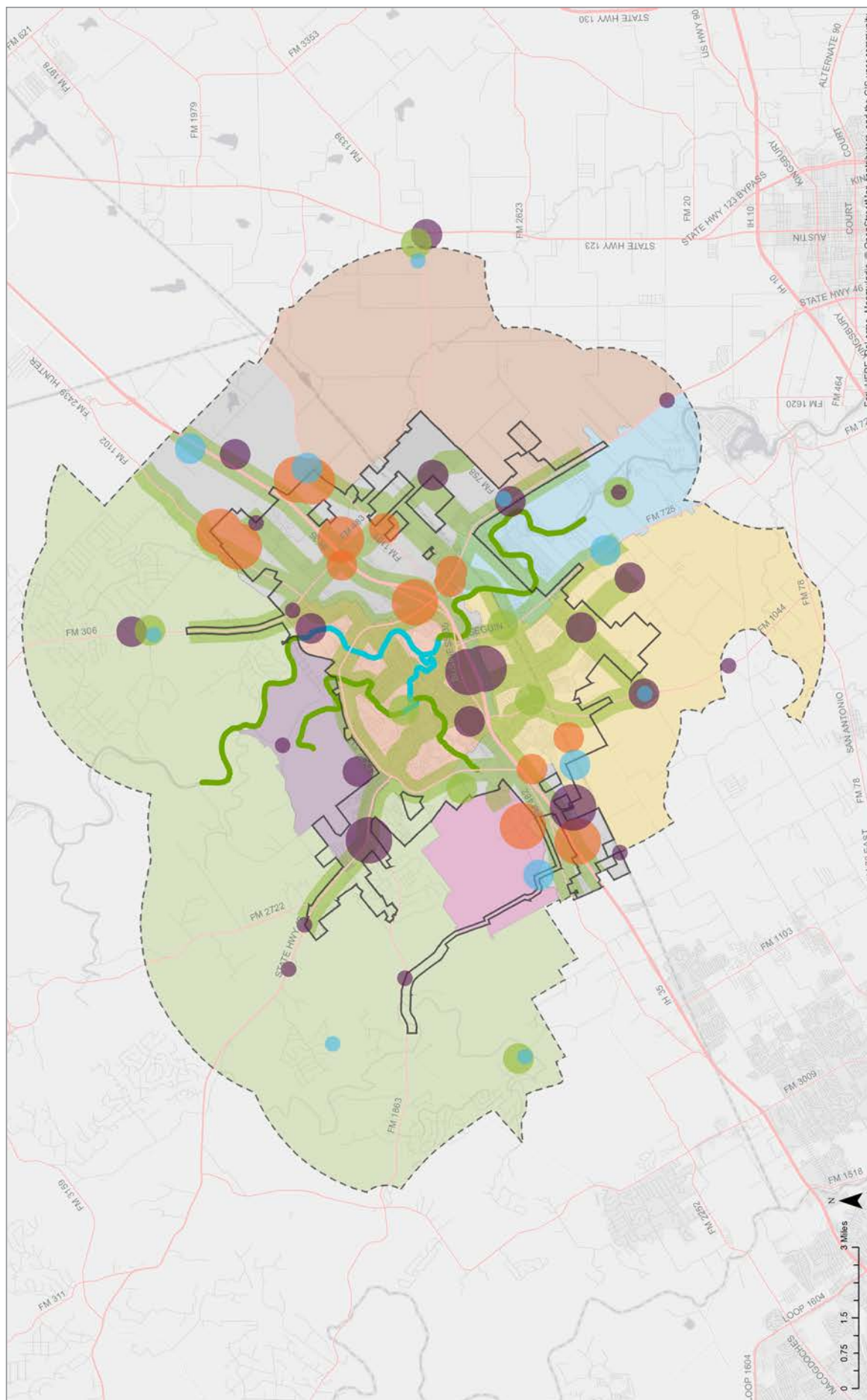
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

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 – August 6, 2019 – 6:00PM

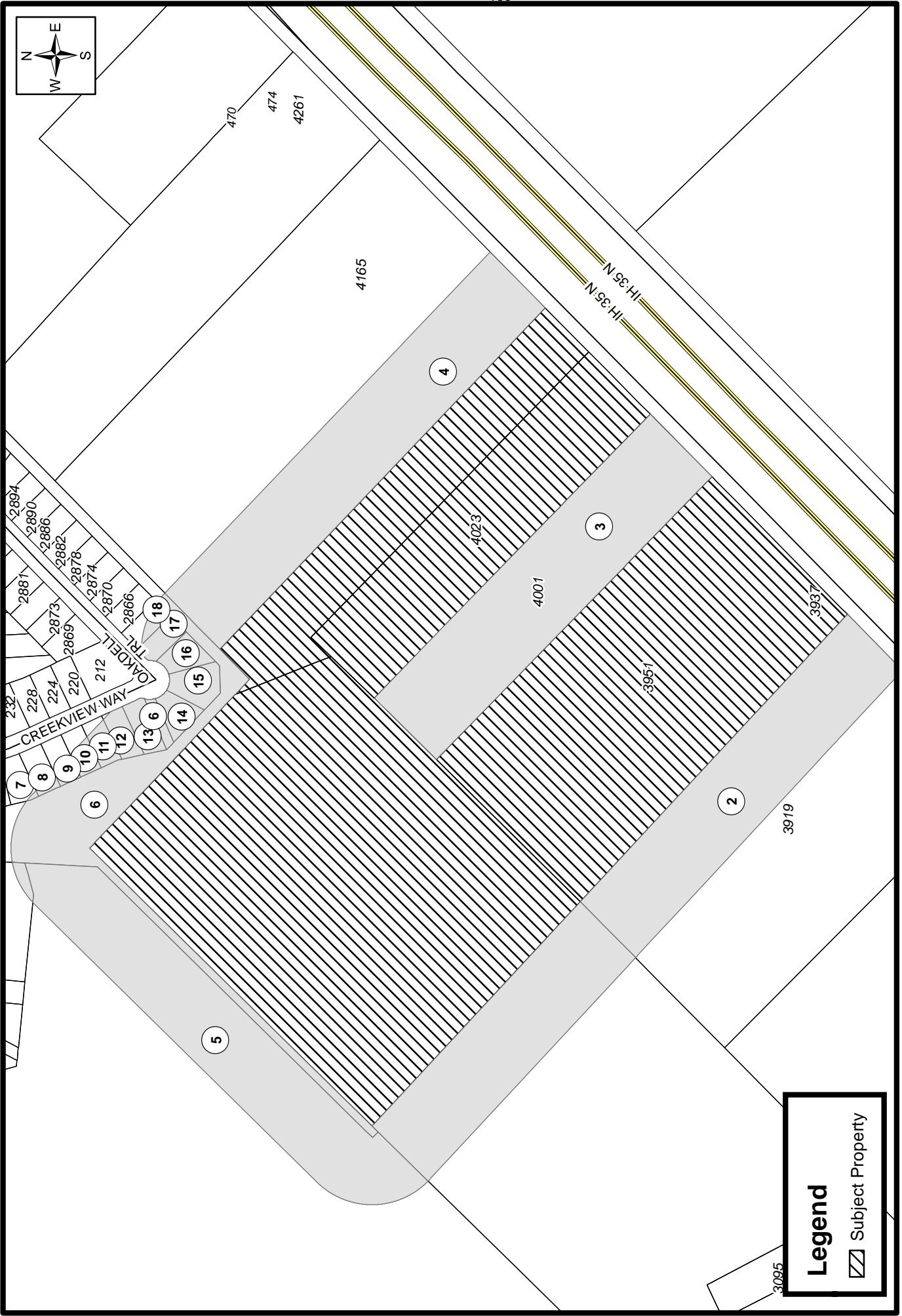
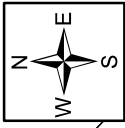
New Braunfels City Hall Council Chambers

Applicant/Owner: Michael Scott Turner**Address/Location:** Approximately 40 acres out of the O. Russell 2 Survey, located in the 3900 and 4000 block of IH-35 North (see map)**PROPOSED SPECIAL USE PERMIT – CASE #SUP19-0207**


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. M A ANDERSON REAL ESTATE LLC | 10. FRAPRIE MARK RAYMOND |
| 2. LEHMANN GERALD K | 11. SADLER CATHERINE M & JACOB R |
| 3. FAULKNER DATHAN | 12. BARAJAS CRYSTAL & ANTHONY |
| 4. HOOVER RONALD C | 13. MURPHY RYAN & ASHLEY |
| 5. CONTINENTAL HOMES OF TEXAS | 14. SILVA MONICA MENJARES |
| 6. OAK CREEK ESTATES MASTER | 15. WIGINTON JAMES D & BEATRICE |
| 7. MONTOYA OSCAR HUMBERTO | 16. RECK STANLEY & DEBBIE |
| 8. JOHNSON PATRICIA A | 17. MCCLEARY DAVID M TRUST & |
| 9. LINGMANN MICHAEL & REBECCA | 18. HALUZAN JANICE S & RON |
-

SEE MAP



Legend

 Subject Property

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.

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING 39.241 ACRES, CONSISTING OF LOT 2, AD2 SUBDIVISION AND APPROXIMATELY 34 ACRES OUT OF THE O. RUSSELL SURVEY NO. 1, LOCATED IN THE 3900 AND 4000 BLOCKS OF IH-35 NORTH, FROM “M-1” LIGHT INDUSTRIAL AND “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICTS TO “M1-A” 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 “M1-A” 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 Lot 2, AD2 Subdivision and approximately 34 acres out of the O. Russell Survey No. 1, located in the 3900 and 4000 blocks of IH-35 North from “M-1” and “APD” to “M1-A” 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 “M-1” and “APD” to “M1-A” Light Industrial District:

39.241 acres consisting of Lot 2, AD2 Subdivision and approximately 34 acres out of the O. Russell Survey No. 1, located in the 3900 and 4000 blocks of IH-35 North as described in Exhibit “A” and delineated on 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 26th day of August, 2019.

PASSED AND APPROVED: Second reading this 9th day of September, 2019.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



METES AND BOUNDS DESCRIPTION
FOR A
39.241 ACRE TRACT OF LAND
"ZONING"

BEING a 39.241 acre tract of land situated in the City of New Braunfels, Comal County, Texas, being out of the Orilla Russell League Survey No. 2, Abstract No. 485, and being comprised of the following tracts of land: All of a called 10.00 acre tract of land, as conveyed to Michael Scott Turner, and recorded in Document No. 200606033124, of the Official Public Records of Comal County, Texas; All of a called 18.282 acre tract of land, as conveyed to Michael S. Turner, and recorded in Document No. 200806036952, of the Official Public Records of Comal County, Texas; The remaining portion of a called 27.45 acre tract of land, as conveyed to MST-35 #6, LLC, and recorded in Document No. 201406026505, of the Official Public Records of Comal County, Texas; and all of Lot 2, Block 1, A-D Subdivision, Unit 2, as recorded in Volume 11, Page 292, of the Map and Plat Records of Comal County, Texas, as conveyed to MST-35 #6, LLC, and recorded in Document No. 201406026506, of the Official Public Records of Comal County, Texas; and said 39.241 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a point in the Northwestern Right-of-Way (R.O.W.) line of Interstate Highway 35 (I.H. 35) (a variable width R.O.W.), being the most Easterly corner of Tract 2, Hansmann Estates, as recorded in Volume 5, Page 331, of the Map and Plat Records of Comal County, Texas, being the most Southerly corner of said 10.00 acre tract of land, and being the most Southerly corner of this herein described tract of land;

THENCE departing the Northwestern R.O.W. line of said I.H. 35, and with the common line between said Tract 2 and said 10.00 acre tract of land, N 45° 31' 14" W, a distance of 975.84 feet to a point for the most Northerly corner of said Tract 2, being the most Easterly corner of a called 69.92 acre tract of land, as conveyed to M.A. Anderson Real Estate, L.L.C., and recorded in Document No. 201006017581, of the Official Public Records of Comal County, Texas, being the most Southerly corner of said 18.282 acre tract of land, being the most Westerly corner of said 10.00 acre tract of land, and being a Southwesterly corner of this herein described tract of land;

THENCE with the common line between said 69.92 acre tract of land and said 18.282 acre tract of land, N 45° 41' 16" W, a distance of 71.43 feet to a point in the common line between said 69.92 acre tract of land and said 18.282 acre tract of land, and being a Southwesterly corner of this herein described tract of land;

THENCE continuing with the common line between said 69.92 acre tract of land and said 18.282 acre tract of land, N 45° 20' 34" W, a distance of 723.56 feet to a point for the most Northerly Northeast corner of said 69.92 acre tract of land, being in the Southeasterly line of a called 46.000 acre tract of land, as conveyed to Continental Homes of Texas, L.P., and recorded in Document No. 201706004722, of the Official Public Records of Comal County, Texas, and being the most Westerly corner of said 18.282 acre tract of land and this herein described tract of land;

EXHIBIT "A"

THENCE with the Northwestern line of said 18.282 acre tract of land, the Southeasterly line of said 46.000 acre tract of land, and with a Southerly line of Lot 25A (Variable Width Public Utility Easement and Drainage Easement), Block "A", Oak Creek Estates, Phase 1B, as recorded in Document No. 200706004819, of the Map and Plat Records of Coma County, Texas, N 44° 57' 27" E, a distance of 1,001.74 feet to a point for a Southerly interior corner of said Lot 25A, and being the most Northerly corner of said 18.282 acre tract of land and this herein described tract of land;

THENCE continuing with the common line between said Lot 25A and said 18.282 acre tract of land, S 46° 16' 03" E, a distance of 590.96 feet to a point for a Southerly corner of said Lot 25A, being a Northwestern corner of the remaining portion of aforementioned 27.45 acre tract of land, being an Easterly corner of said 18.282 acre tract of land, and being a Northeasterly corner of this herein described tract of land;

THENCE departing the Easterly line of said 18.282 acre tract of land, and with the common line between said Lot 25A and the remaining portion of said 27.45 acre tract of land, N 46° 05' 22" E, a distance of 103.42 feet to a point in the Southeasterly line of said Lot 25A, being the most Northerly Northwest corner of the remaining portion of said 27.45 acre tract of land, being the most Westerly corner of a called 16.47 acre tract of land, as conveyed to Ronald C. Hoover, and recorded in Document No. 201606018532, of the Official Public Records of Comal County, Texas, and being a Northeasterly corner of this herein described tract of land;

THENCE departing the Southeasterly line of said Lot 25A, and with the common line between the remaining portion of said 27.45 acre tract of land and said 16.47 acre tract of land, S 46° 03' 59" E, a distance of 1,196.77 feet to a point in the Northwestern R.O.W. line of said I.H. 35, being the most Southerly corner of said 16.47 acre tract of land, and being the most Easterly corner of the remaining portion of said 27.45 acre tract of land and this herein described tract of land;

THENCE with the Northwestern R.O.W. line of said I.H. 35, with the Southeasterly line of the remaining portion of said 27.45 acre tract of land, and with the Southeasterly line of aforementioned Lot 2, A-D Subdivision, S 45° 55' 01" W, a distance of 456.80 feet to a point in the Northwestern R.O.W. line of said I.H. 35, being the most Southerly corner of said Lot 2, same being the most Easterly corner of Lot 1, of said A-D Subdivision, and being a Southeasterly corner of this herein described tract of land;

THENCE departing the Northwestern R.O.W. line of said I.H. 35, and with the common line between said Lots 1 and 2, N 45° 31' 14" W, a distance of 975.84 feet to a point for the most Westerly corner of said Lot 2, being the most Northerly corner of said Lot 1, being in the Southeasterly line of aforementioned 18.282 acre tract of land, and being a Northwestern interior corner of this herein described tract of land;

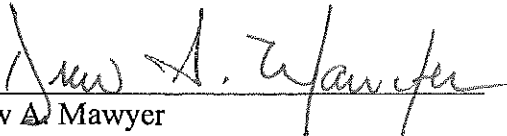
THENCE with the common line between said Lot 1 and said 18.282 acre tract of land, S 45° 54' 00" W, a distance of 223.26 feet to a point for the most Westerly corner of said Lot 1, being the most Northerly corner of aforementioned 10.00 acre tract of land, being in the Southeasterly line of said 18.282 acre tract of land, and being a Northwestern interior corner of this herein described tract of land;

THENCE departing the Southeasterly line of said 18.282 acre tract of land, and with the common line between said Lot 1 and said 10.00 acre tract of land, S 45° 31' 14" E, a distance of 975.84 feet to a point in the Northwestern R.O.W. line of said I.H. 35, being the most Southerly corner of said Lot 1, the most Easterly corner of said 10.00 acre tract of land, and being a Southeasterly corner of this herein described tract of land;

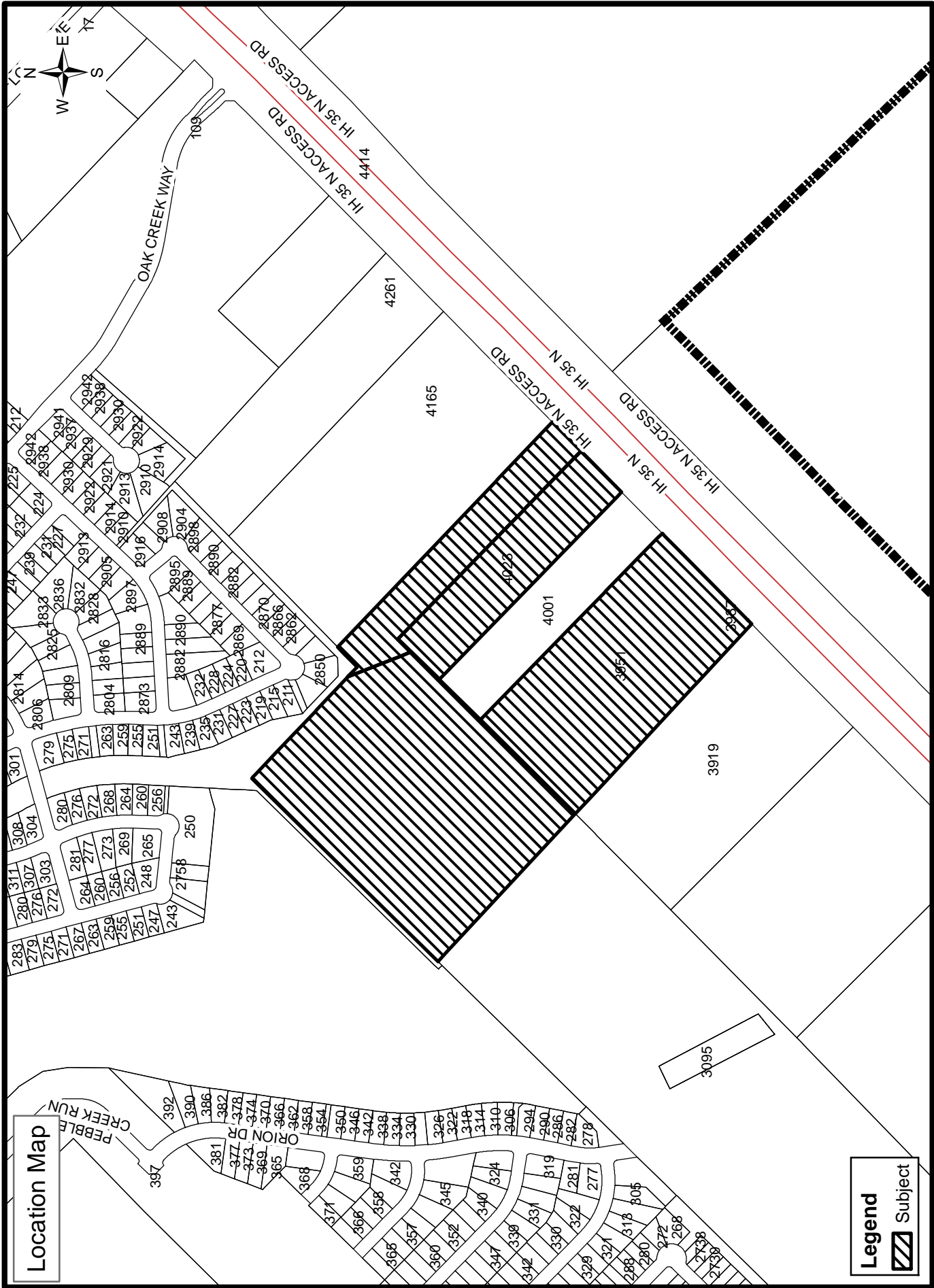
THENCE with the Northwesterly R.O.W. line of said I.H. 35, and with the Southeasterly line of said 10.00 acre tract of land, S 45° 54' 00" W, a distance of 446.52 feet to the POINT OF BEGINNING, and containing 39.241 acres of land, more or less.

"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 Document No. 200606033124, of the Official Public Records of Comal County, Texas.


Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191500
5151 W. SH 46, NEW BRAUNFELS, TX 78132
COR003- 4023 I.H. 35- 39.241 AC- 061319





PZ19-0207
3900 - 4000 IH-35 North
M-1 and APD to M-1A

Legend
[Shaded Box] Subject





City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. G)

Presenter

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

SUBJECT:

Public hearing and first reading of an ordinance regarding the proposed rezoning of Lot 1, Block 1, AD2 Subdivision, addressed at 4001 IH-35 North, from "M-1" Light Industrial and "APD" Agricultural/Pre-Development Districts to "M-1A" Light Industrial District.

BACKGROUND / RATIONALE:

Case No.: PZ19-0206

Council District: 4

Applicant/Owner: Dathan Faulkner
2310 Roosevelt Ave.
San Antonio, TX 78210
(210) 922-7901
david@allstategear.com

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

The subject 5-acre tract is currently vacant and is located along the IH-35 frontage road between Oak Creek Subdivision and Camping World. It is surrounded by the 39 acres owned by Mr. Turner that is the subject of PZ19-0207, also on this agenda.

The front 300 feet of the property, annexed in 1984, is currently zoned M-1 Light Industrial (a cumulative zoning district that allows residential, commercial and industrial uses). The remainder was annexed in 2003 and is still zoned the interim APD Agricultural/Pre-Development District. The property has been in agriculture production for several or many years.

The owner/applicant indicated no immediate plans for development, but is requesting M-1A Light Industrial District zoning for development continuity and to facilitate the future sale of the property.

The M-1A district is intended for light manufacturing and fabrication, warehousing, distribution, wholesaling and service operations that do not typically depend on frequent customer visits.

General Information:

Surrounding Zoning and Land Use:

North - Oak Creek PD/ Drainage

South -

East -

West -

Across IH-35, M-1/ Light industrial (distribution center)

M-1, APD/ Undeveloped

M-1, APD/ Undeveloped

Floodplain:

A portion of the property is located in the Alligator Creek floodway with over half within the 1% annual chance flood zone. The City's floodplain development standards will apply to any future development.

Regional Transportation Plan:

The subject property has frontage on the IH-35 access road. The need for any right-of-way dedication will be evaluated at the time of platting.

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan City Council Priority	Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 1.8: Concentrate future industrial and employment centers along existing high capacity transportation networks, such as Interstate 35. City Council and Planning Commission direction to protect viable industrially zoned tracts from incompatible land use encroachment, and increase industrial greenfield.
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FISCAL IMPACT:

N/A

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 is appropriate along this segment of the Interstate Highway and is consistent with existing zoning in the area. The subject property is located between the IH 35 southbound exit and entrance ramps, potentially reducing the quantity of truck traffic within the City's internal roadway network.*);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*The proposed zoning should not conflict with existing and proposed schools, streets, or utilities in the area.*);
- How other areas designated for similar development will be affected (*The proposed zoning should not impact other areas designated for similar development. M-1A on this tract will increase inventory of industrially zoned land that does not allow single-family or two-family residential.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*There should be no other factors that will negatively affect the public health, safety, morals, or general welfare.*); and
- Whether the request is consistent with the Comprehensive Plan (*The subject property lies within the Oak Creek Sub Area and a Transitional Mixed-Use Corridor (IH-35), and near existing Market and Employment Centers.*)

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on August 6, 2019 and unanimously recommended approval of the applicant's rezoning request. (8-0-0)

STAFF RECOMMENDATION:

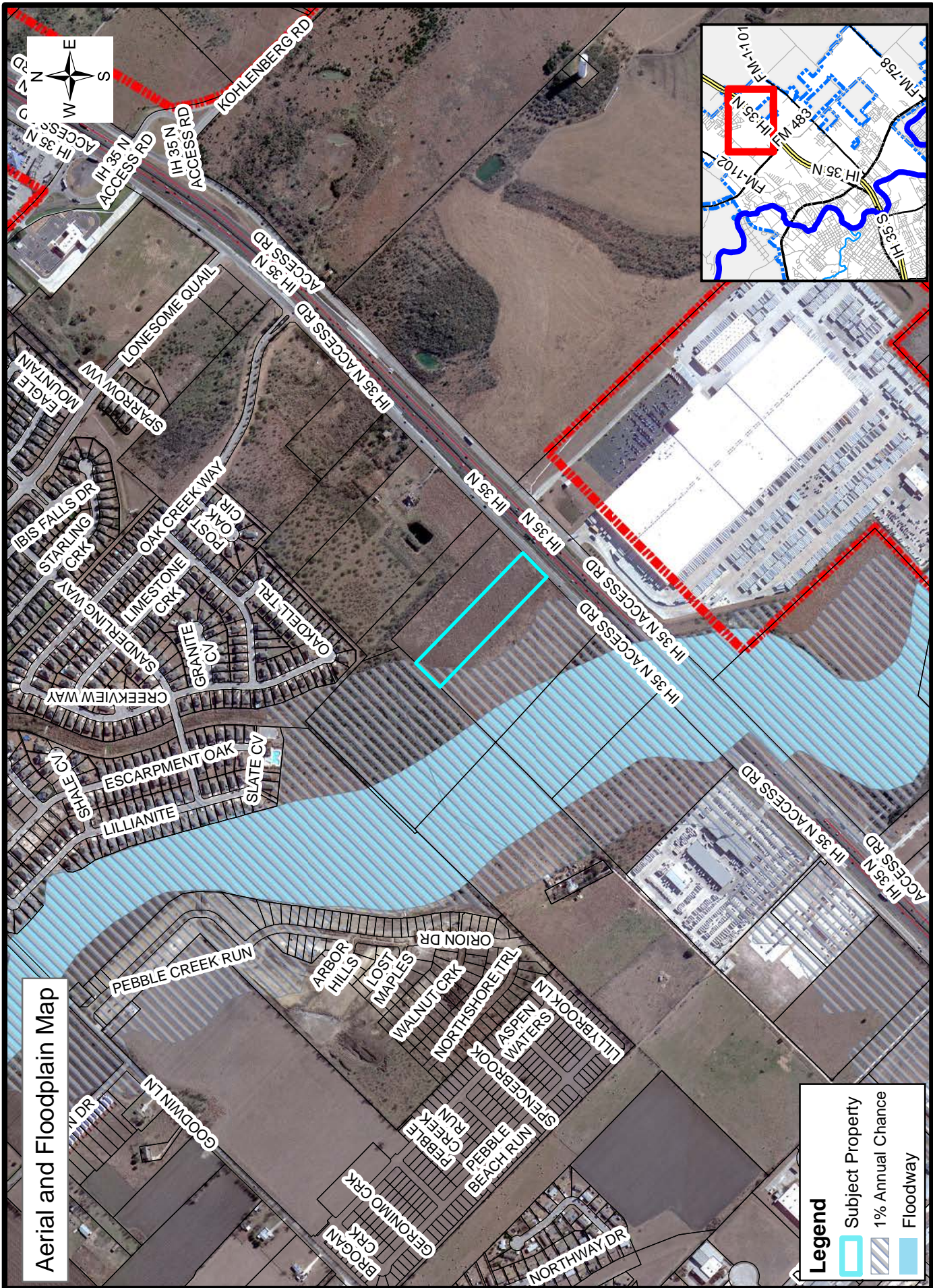
The requested M-1A zoning would be consistent with existing surrounding zoning along IH-35 in this area, including its location between the IH-35 southbound exit and entrance ramps facilitating truck traffic, and with City Council's priority to increase the inventory of industrial greenfield. Therefore, staff recommends approval.

Notification:

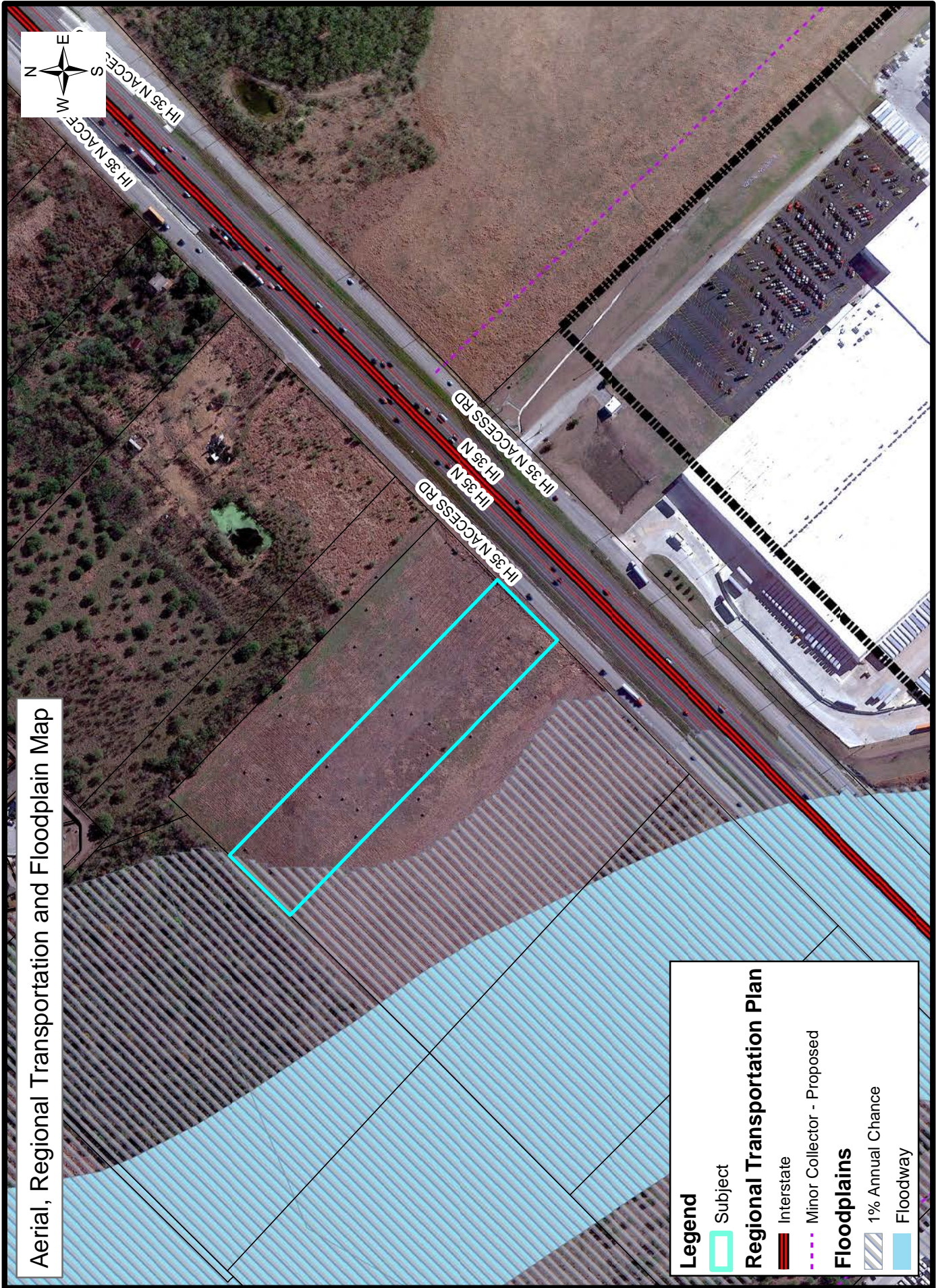
Public hearing notices were sent to 1 owner of property within 200 feet (the applicant for Case# PZ19-0207). The City has received no response to date.

Attachments:

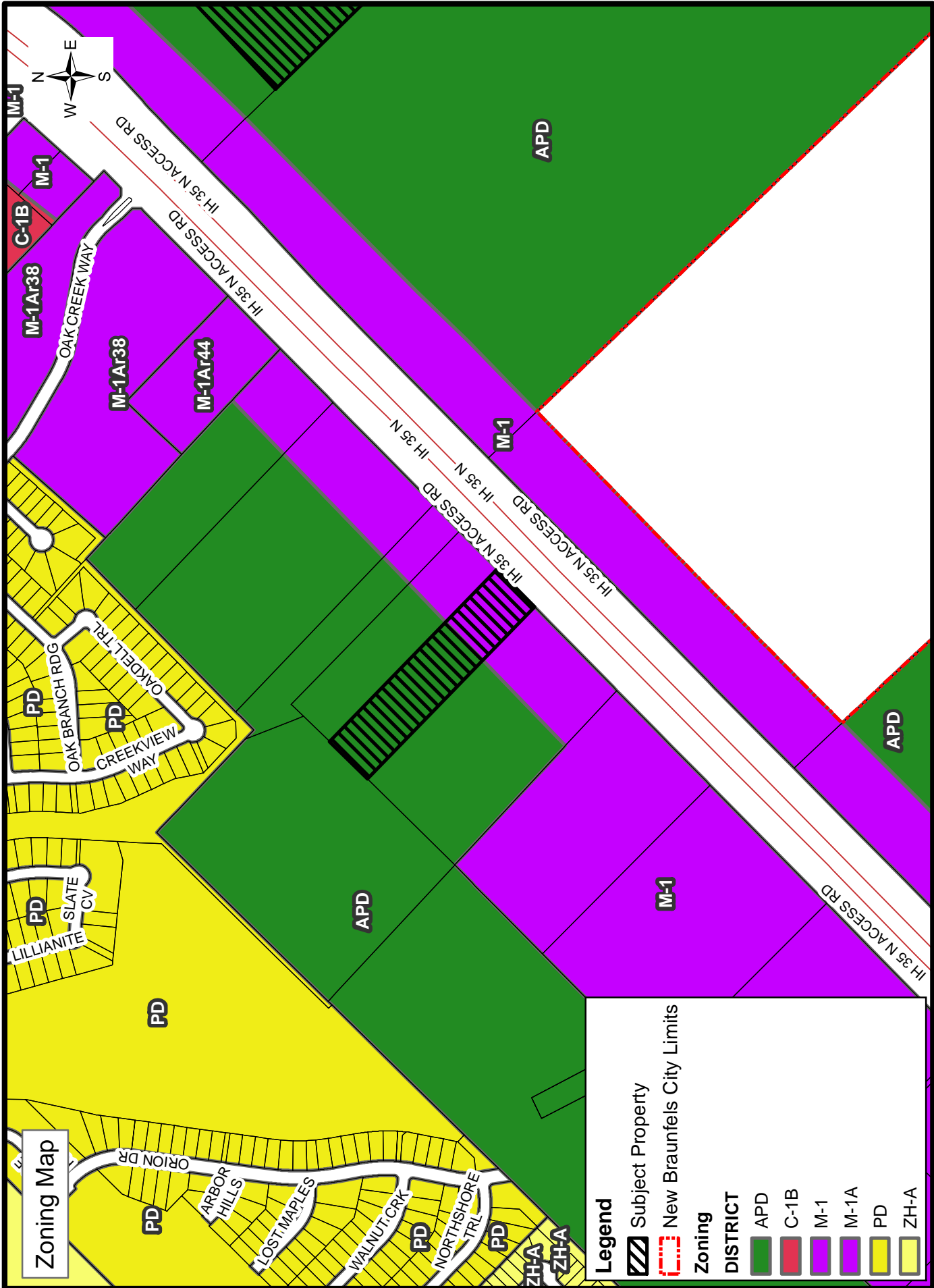
1. Aerial Map
2. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
3. Notification List and Map
4. Sec. 3.4-18 M-1A
5. Excerpt of Minutes from August 6, 2019 Planning Commission Regular Meeting
6. Ordinance



PZ19-0206
4001 IH 35
Zone Change from M-1 and APD to M-1A



PZ19-0206
4001 IH-35 North
M-1 and APD to M-1A



PZ19-0206
4001 IH-35 North
Zone Change from M-1 and APD to M-1A



PZ19-0206
4001 IH-35 North
Zone Change from M-1 and APD 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

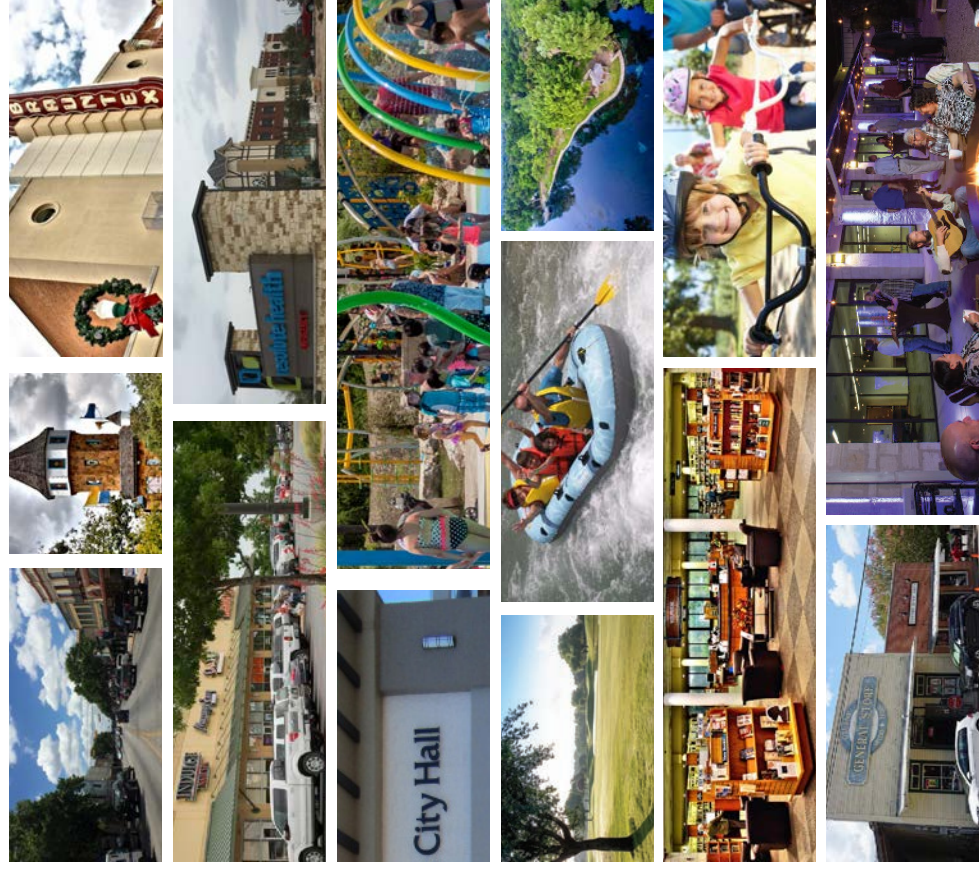
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

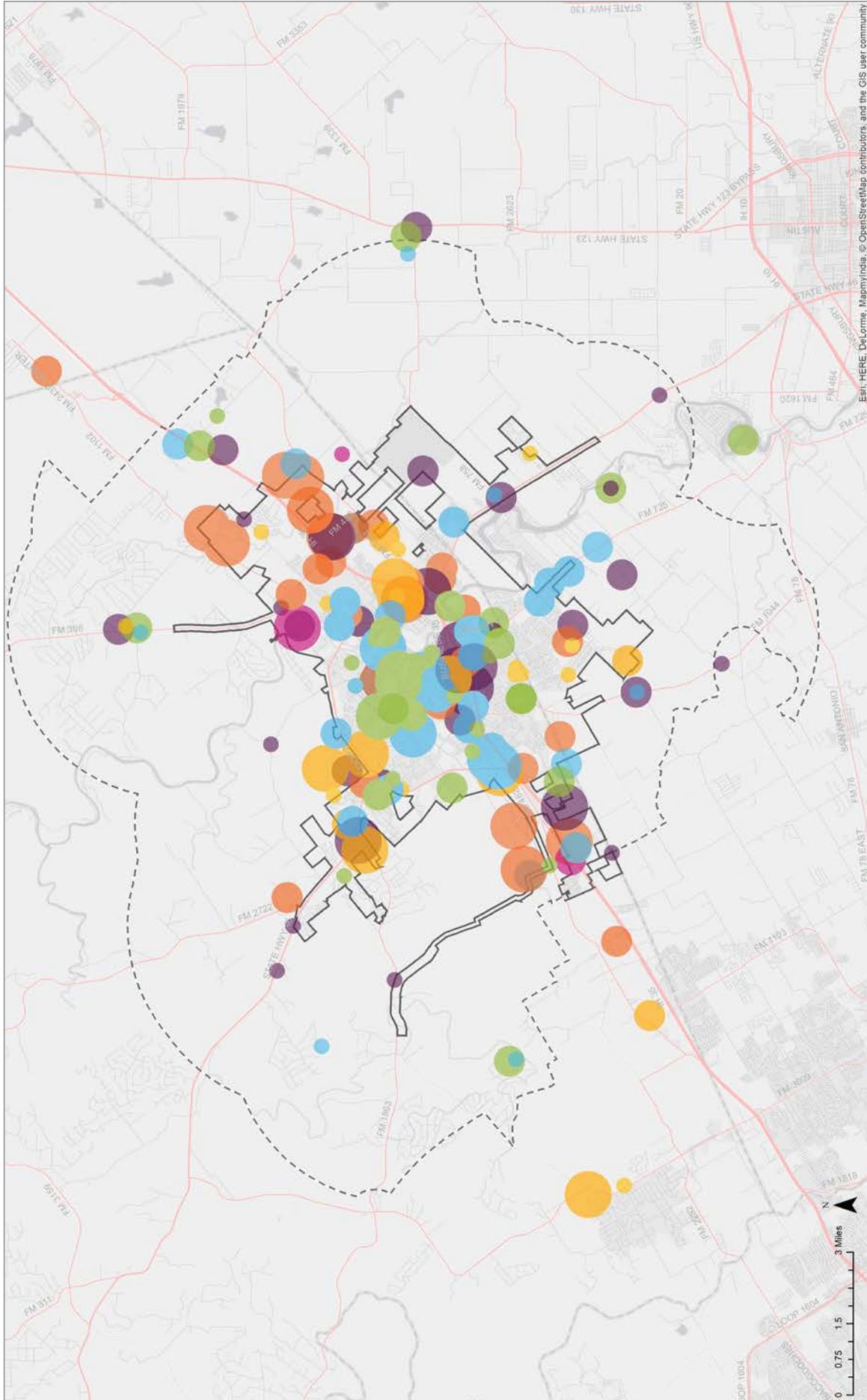
● EDUCATION CENTER

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

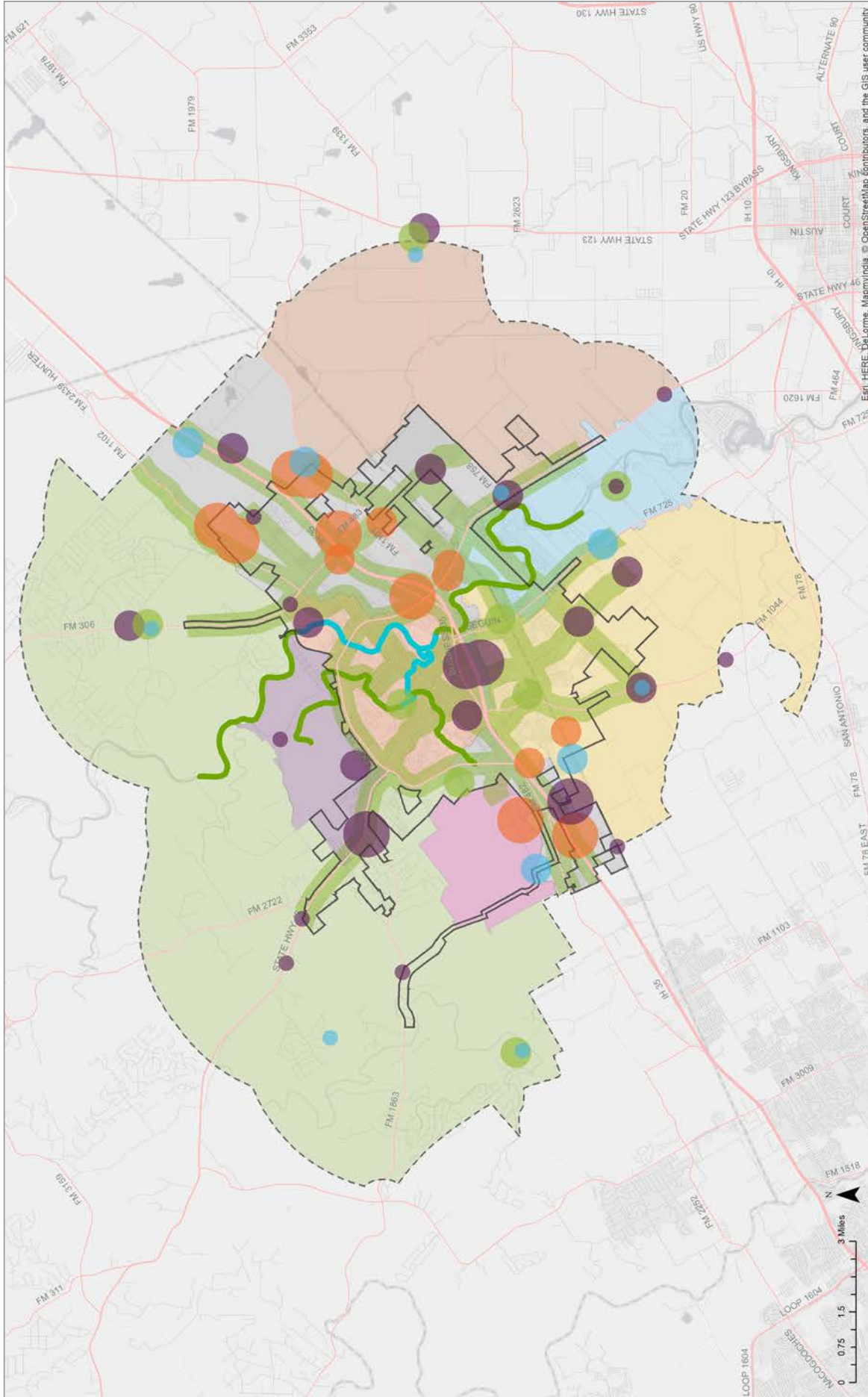
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

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 – August 6, 2019 – 6:00PM

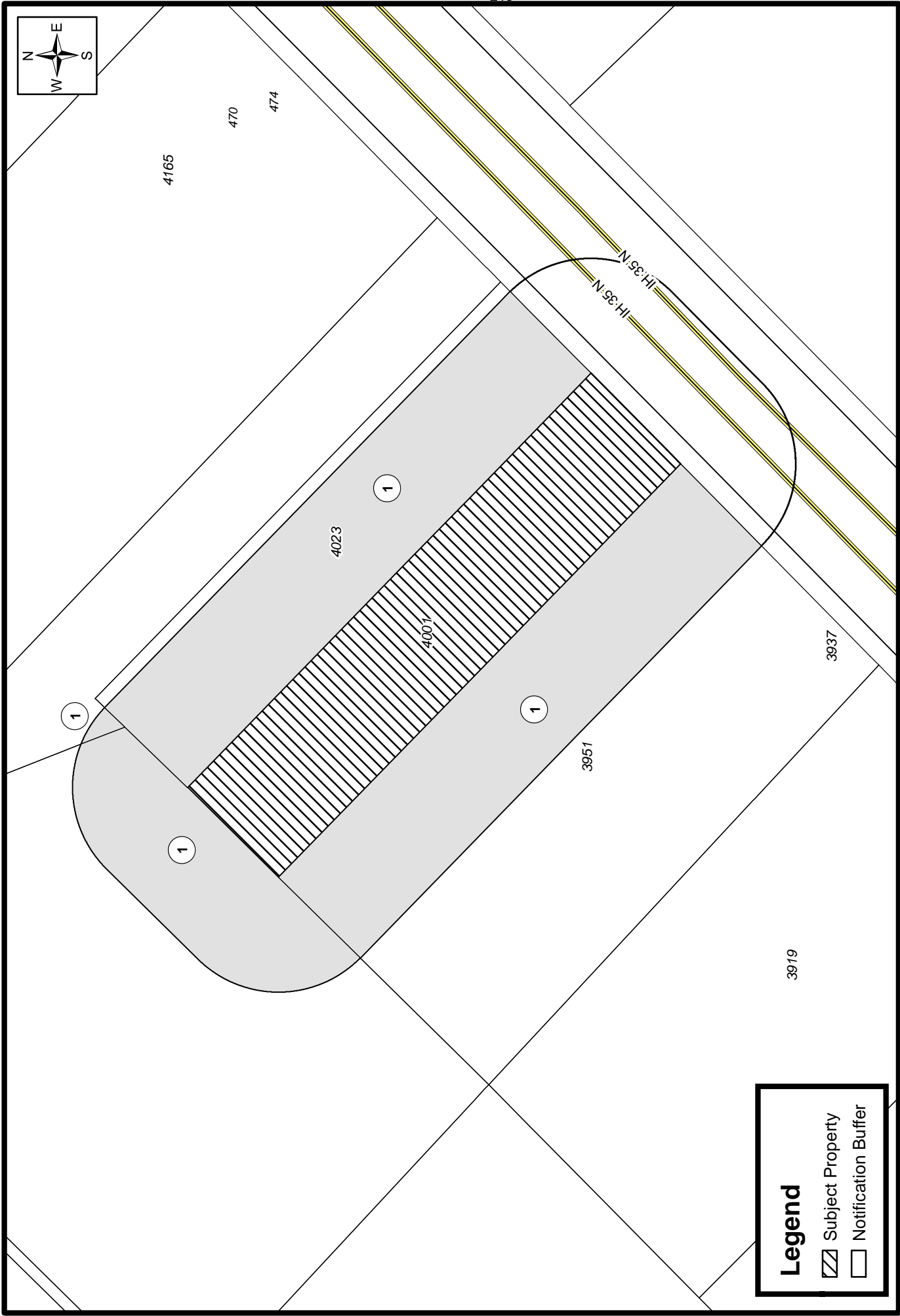
New Braunfels City Hall Council Chambers

Applicant/Owner: Dathan Faulkner**Address/Location:** Lot 1, Block 1, A-D Subdivision, Unit 2, addressed at 4001 IH 35 N.**PROPOSED SPECIAL USE PERMIT – CASE #SUP19-0206**

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. TURNER MICHAEL SCOTT

SEE MAP



PZ19-0206
4001 IH-35 North
M-1 and APD to M1-A

Map Created: 7/18/2019



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.

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING LOT 1, BLOCK 1, AD2 SUBDIVISION, ADDRESSED AT 4001 IH 35 NORTH, FROM “M-1” LIGHT INDUSTRIAL DISTRICT AND “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT 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 Lot 1, Block 1, AD2 Subdivision, addressed at 4001 IH 35 North, from “M-1” Light Industrial District and “APD” Agricultural/Pre-Development 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 “M-1” Light Industrial District and “APD” Agricultural/Pre-Development District to “M-1A” Light Industrial District:

Lot 1, Block 1, AD2 Subdivision, addressed at 4001 IH 35 North, as delineated on Exhibit “A” attached.

SECTION 2

THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

SECTION 3

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

SECTION 4

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

SECTION 5

THIS ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this 26th day of August, 2019.

PASSED AND APPROVED: Second reading this 9th day of September, 2019.

CITY OF NEW BRAUNFELS

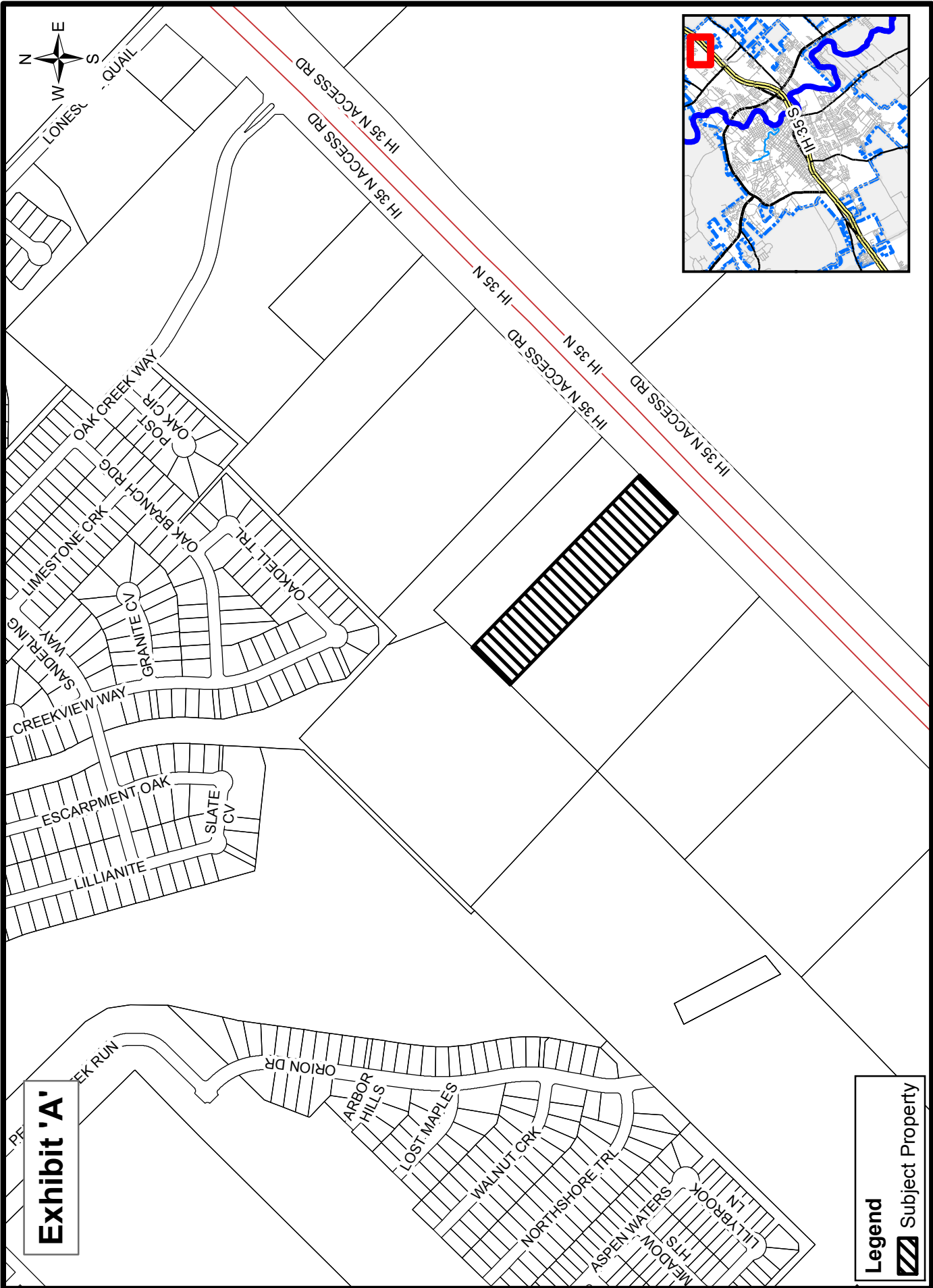
BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



PZ19-0206
4001 IH-35 North
Zone Change from M-1 and APD to M-1A

EXCERPT OF MINUTES FROM AUGUST 6, 2019 PLANNING COMMISSION REGULAR MEETING

Public hearing and recommendation to City Council regarding the proposed rezoning of Lot 1, Block 1, AD2 Subdivision, addressed at 4001 IH-35 North, from 'M-1' Light Industrial and 'APD' Agricultural/Pre-Development Districts to 'M-1A' Light Industrial District.

(Applicant: Dathan Faulkner; Case Manager, Matt Greene)

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

Howard Guidry, 27014 Rockwall Parkway, stated he was the applicant. Mr. Guidry explained the intent for his request and stated the Commission may ask him any questions they have.

Applicant and owner David Faulkner, 2310 Roosevelt Ave, San Antonio, voiced support for the rezoning

Motion by Commissioner Meyer, seconded by Commission Tubbs, to close the public hearing. Motion carried (8-0-0).

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to recommend approval to City Council regarding the proposed rezoning of Lot 1, Block 1 addressed 4001 Ih-35 North, from 'M-1' Light Industrial and 'APD' Agricultural/Pre-Development Districts to 'M-1A' Light Industrial District. Motion carried (8-0-0).



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. H)

Presenter

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

SUBJECT:

Public hearing and first reading of an ordinance regarding the proposed rezoning of 3.92 acres out of the William H. Pate Survey No. 22, addressed at 2188 F.M. 1044, from "APD" Agricultural/Pre-Development District to "MU-B" High Intensity Mixed Use District.

BACKGROUND / RATIONALE:

Case No.: PZ19-0201

Council District: 1

Applicant and
Property Owner: Johnnie Joe Rodriguez
1529 FM 306
New Braunfels, TX 78132
johnnierod@icloud.com
(830) 743-0048

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

The approximately 4-acre subject property is located on the west side of F.M. 1044 between Lou Ann Drive and Green Valley Road. The property is currently developed with a single-family residence and two outbuildings.

The applicant is requesting to rezone the subject property to "MU-B" High Intensity Mixed Use District to allow for a flexible variety of options to facilitate re-development. While "MU-B" allows a mix of uses (see Attachment 5 for uses allowed by right), mixed-use is not required.

The "MU-B" district is intended to provide a mix of residential, retail, office and industrial uses in close proximity to one another to create opportunities for people to live, work and shop in a single location. The concept works best on larger tracts that can integrate the various uses in a cohesive, large-scale, walkable development. Adjacent properties with agricultural and low intensity uses along F.M. 1044, a Minor Arterial, have the potential to support a mixed-use area in the future.

Surrounding Zoning and Land Use:

North - APD/ Mobile-home residences (non-conforming)

South - APD/ Agricultural with mobile-home residences (non-conforming); Single-family residences
 East - Across FM 1044, APD/ Undeveloped
 West - APD/ Agricultural with mobile-home residences (non-conforming)

Floodplain:

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

Regional Transportation Plan:

F.M. 1044 is identified as a 120-foot wide Minor Arterial. The current right-of-way width at this location is approximately 80 feet.

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 1.6: Incentivize infill development and redevelopment to take advantage of existing infrastructure. Action 3.3: Balance commercial centers with stable neighborhoods.
--	--

FISCAL IMPACT:

N/A

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 (*Setbacks and buffers will facilitate compatibility with the adjacent residential use. Given the size and location of the property, it is unlikely to be used for the more intense MU-B uses such as fairgrounds, truck terminal with outside freight storage, or heliport.*);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*The proposed zoning should not conflict with existing and proposed schools, streets, or utilities.*);
- How other areas designated for similar development will be affected (*The proposed zoning should not impact other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*There should be no other factors that will substantially affect the public health, safety, morals, or general welfare.*); and
- Whether the request is consistent with the Comprehensive Plan (*The subject property lies within the Walnut Springs Sub Area, and along a Transitional Mixed-Use Corridor.*)

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on August 6, 2019 and recommended approval of the applicant's request (6-2-0) with Commissioners Meyer and Tubb in objection, and with Chair Edwards absent.

STAFF RECOMMENDATION:

The requested zoning is consistent with the Transitional Mixed-Use Corridor designation, and buffer requirements should mitigate any potential impact on adjacent residential use. Therefore, staff

recommends approval.

Notification:

Public hearing notices were sent to 5 owners of property within 200 feet. The City has received two responses in objection (#1 & 4). **More than 20% of the property within 200 feet is represented by opposition, therefore, pursuant to state statute, a supermajority vote of City Council is required to approve the applicant's request.**

Attachments:

1. Aerial Map
2. Applicant request statement
3. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
4. Notification List, Map and Responses
5. Sec. 3.4-11 MU-B
6. Photograph
7. Draft Planning Commission Meeting Minutes
8. Ordinance



PZ19-0201
2188 FM 1044
Zone Change from APD to MU-B

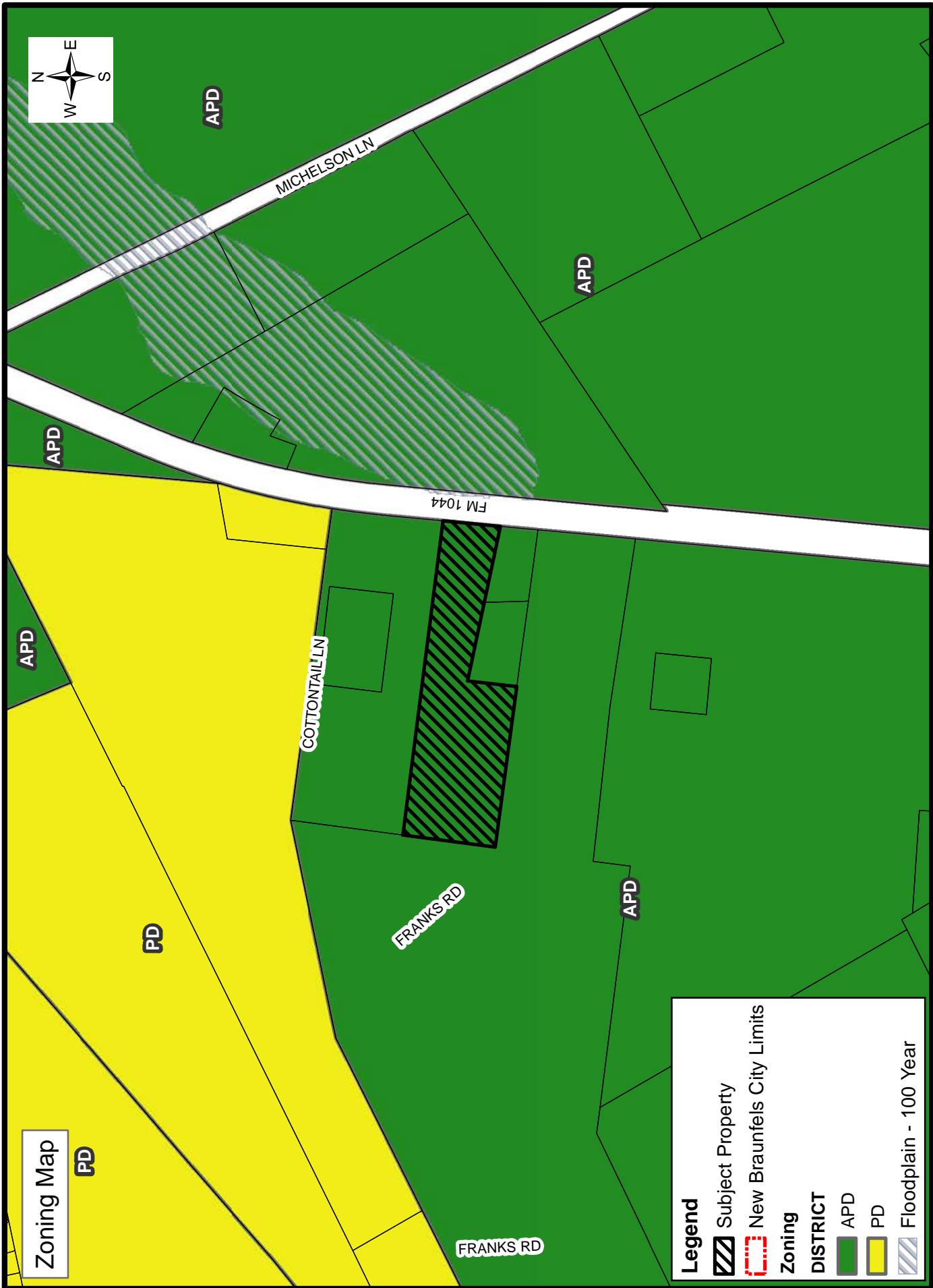
REQUEST FOR RE-ZONING

June 23, 2019

We are proising change of zoning from APD to light Commercial/Residential. Currently we do not have a proposed project in mind, however commerial is our interest and desire.

Property: 2188 FM 1044
New Braunfels Tx 78130

Owner: Johnnie J Rodriguez



PZ19-0201
2188 FM 1044
Zone Change from APD to MU-B

Existing Land Use Map



MICHELSON LN

FM 1044

COTTONTAIL LN





FRANKS RD

FRANKS RD

Legend

-  Subject Property
-  New Braunfels City Limits

Existing Land Use

-  Residential Low Density (Less than 5 Units/Acre)
-  Residential Medium (6-12 Units/Acre)
-  Open
-  Floodplain - 100 Year



PZ19-0201
2188 FM 1044
Zone Change from APD to M-UB

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

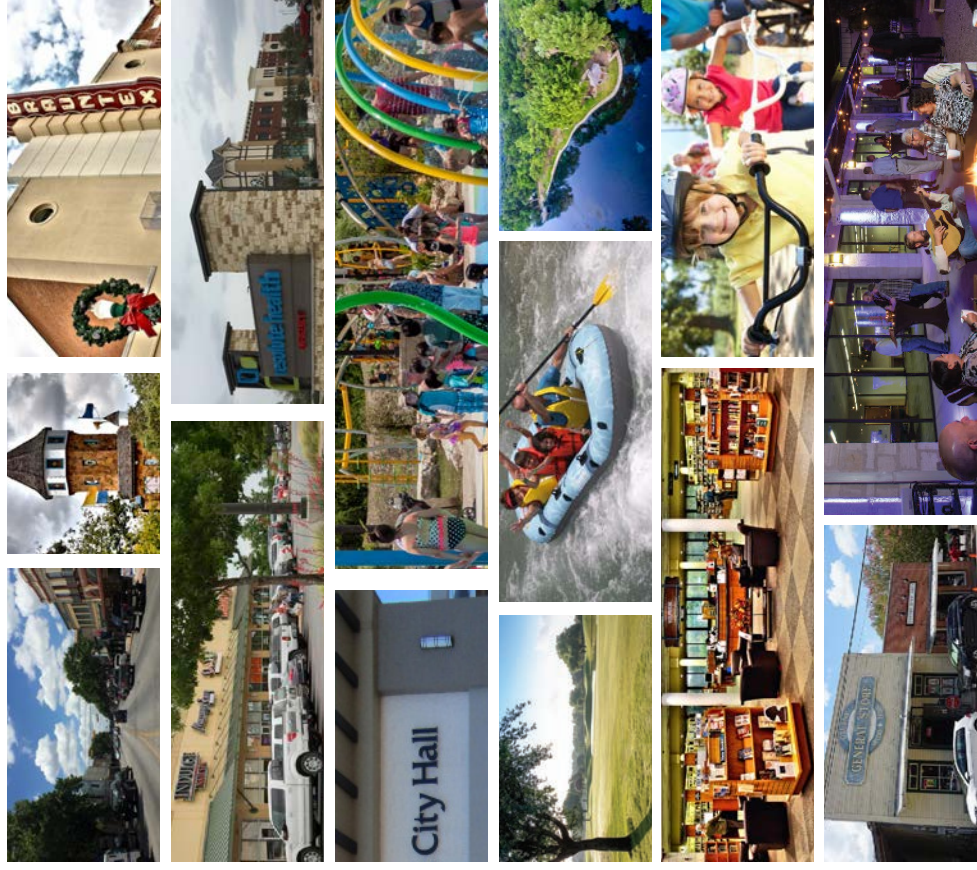
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

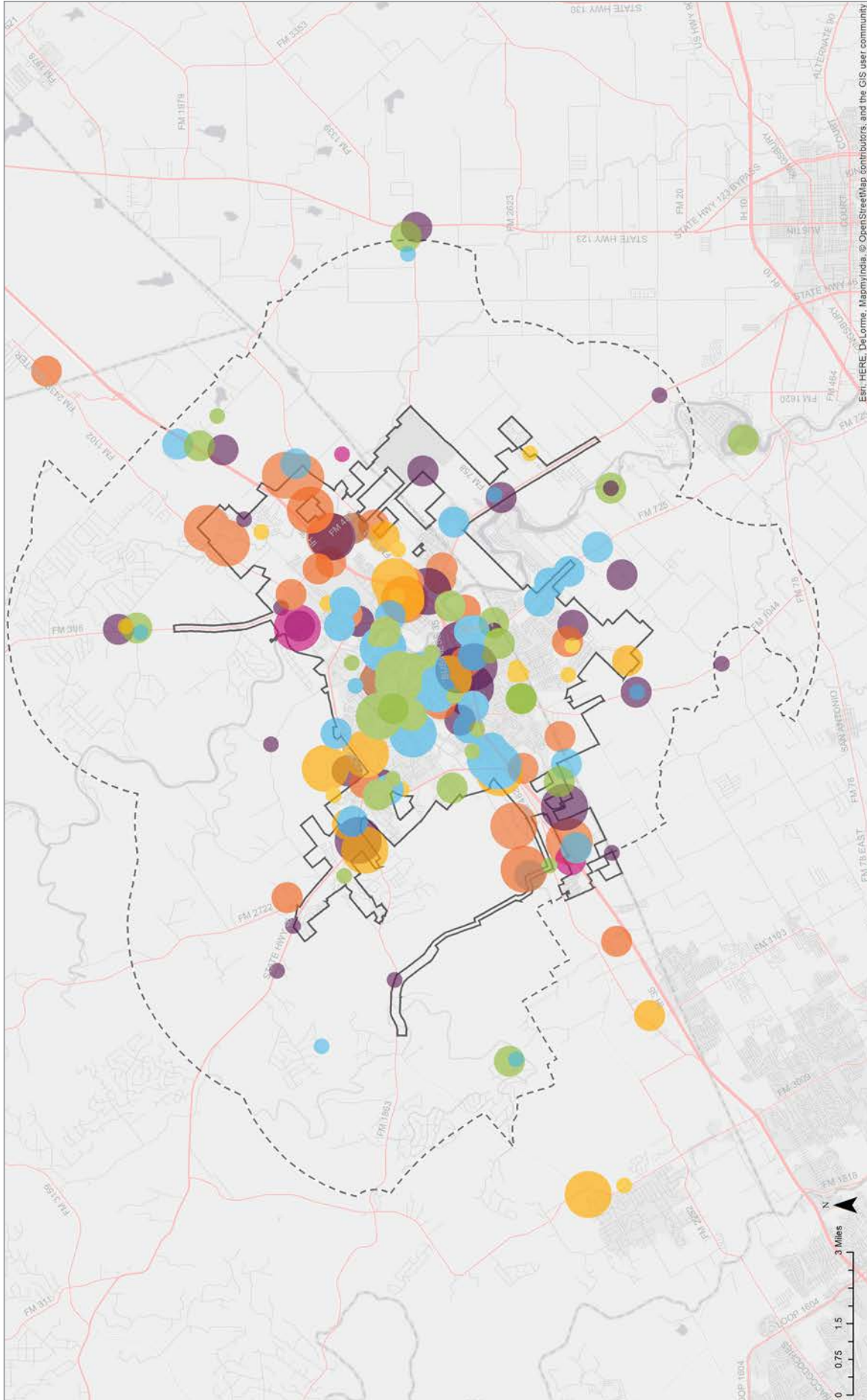
● EDUCATION CENTER

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

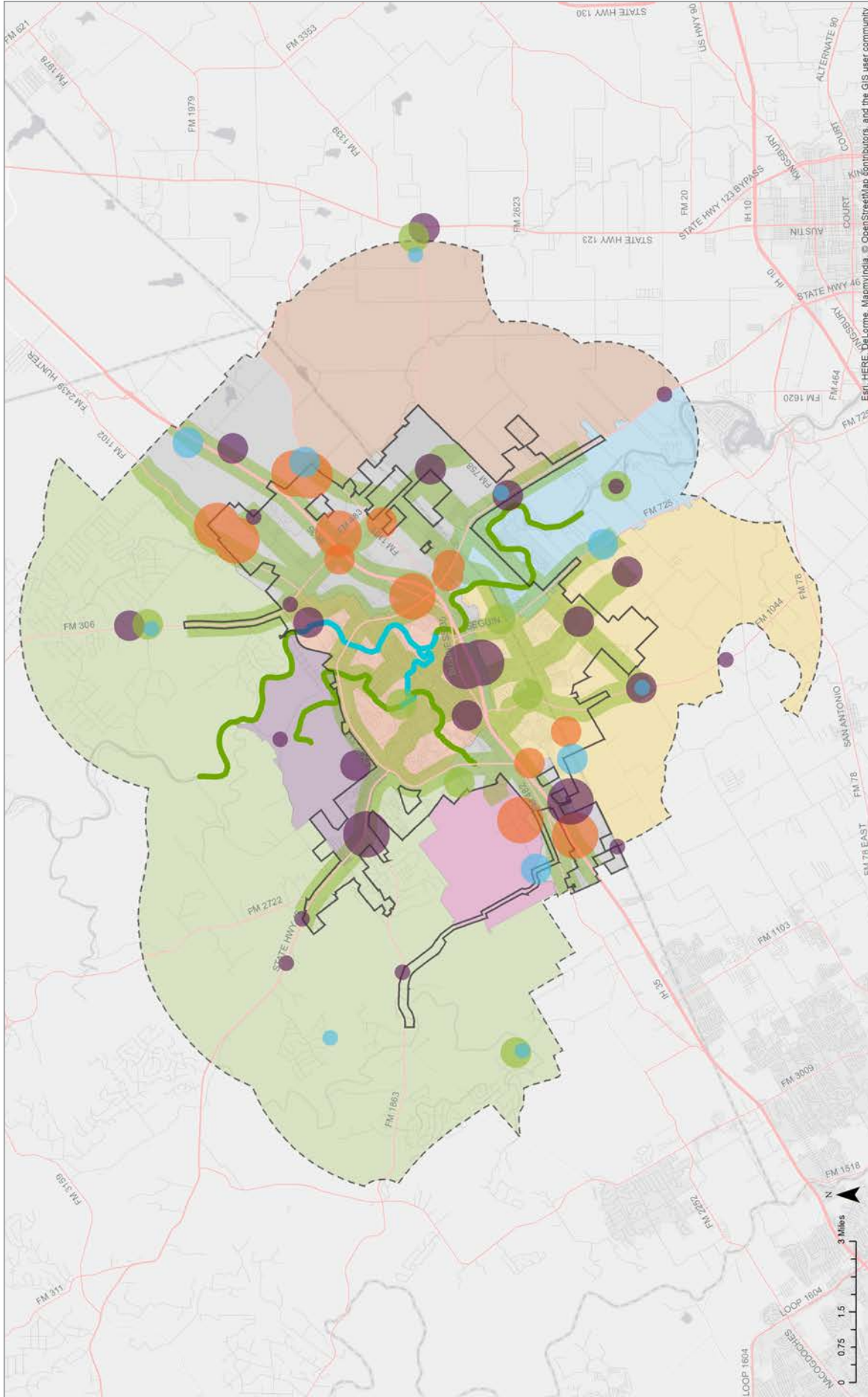
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

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 – August 6, 2019 – 6:00PM

New Braunfels City Hall Council Chambers

Applicant/Owner: Johnnie Joe Rodriguez**Address/Location:** 2188 FM 1044**PROPOSED SPECIAL USE PERMIT – CASE #SUP19-0201**

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. FRANKS RUTH M | 4. WILLIAMS JOHN F & D E |
| 2. SCOTT THOMAS D & DEBORAH J | 5. WISDOM T E JR & J A |
| 3. TAMEZ RICARDO RAUL & DELFA | |

SEE MAP



PZ19-0201
2188 FM 1044
Zone Change from APD to MU-B



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ19-0201 (Rodriguez) ms

Name: Ruth M. Franks

I favor: _____

Address: 400 Franks Rd.

Property number on map: 614-C S. Bus. IH 35 N.B. 78130(mailing)

I object: XXX

Property number : 1

(State reason for objection)

Comments: (Use additional sheets if necessary)

(Attached)

Signature: Ruth M. Franks



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ19-0201 (Rodriguez) ms

Name: JOHN & DEBBIE WILLIAMS

I favor: _____

Address: 111 COTTONTAIL LN, NEW BRUNSWICK

Property number on map: 4

I object: X

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Debbie Williams



AREA IS PREDOMINATELY RESIDENTIAL. ANY
NON-RESIDENTIAL USE WOULD NOT
FIT WITHIN THE NEIGHBORHOOD.

Case #PZ19-0201 (Rodriguez)ms

Comments:

1. Dangerous ingress from and egress to FM 1044
2. Added congestion to an already inadequate road
3. Concerns about septic situation
4. Water drainage
5. Certain types of businesses would have a negative effect on nearby residences
6. Light pollution

Ruth M. Franks

Ruth M. Franks

3.4-11. "MU-B" high intensity mixed use district.

Purpose. The MU-B High Intensity Mixed Use District is intended to provide for a mixture of more intense retail, office, and industrial uses in close proximity to enable people to live, work and shop in a single location. Bed-and-breakfast establishments could also be located in this district. Pedestrian walkways and open areas are desired in order to promote a pedestrian-friendly environment.

- (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)
Hospice

Multifamily (apartments/condominiums – at least five units)
Rental or occupancy for less than one month (see Sec. 5.17)
Residential use in buildings with the following non-residential uses
Townhouse (at least five lots)

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 (4 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
Assisted living facility / retirement home
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 (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 (cosmetology school)
Barber/beauty shop, haircutting (non-college)
Barns and farm equipment storage (related to agricultural uses)
Battery charging station
Bicycle sales and/or repair
Billiard / pool facility
Bingo facility
Bio-medical facilities
Blacksmith or wagon shops
Book binding
Book store
Bottling or distribution plants (milk)
Bottling works
Bowling alley/center (see Sec. 5.13)
Broadcast station (with tower) (see Sec. 5.6)
Bus barns or lots
Bus passenger stations
Cafeteria / café / delicatessen
Campers' supplies
Car wash (self service; automated)
Car wash, full service (detail shop)
Carpenter, cabinet, or pattern shops

Carpet cleaning establishments
 Caterer
 Cemetery and/or mausoleum
 Check cashing service
 Chemical laboratories (not producing noxious fumes or odors)
 Child day care / children's nursery (business)
 Church/place of religious assembly
 Civic/conference center and facilities
 Cleaning, pressing and dyeing (non-explosive fluids used)
 Clinic (dental)
 Clinic (emergency care)
 Clinic (medical)
 Club (private)
 Coffee shop
 Cold storage plant
 Commercial amusement concessions and facilities
 Communication equipment - installation or repair
 Computer and electronic sales
 Computer repair
 Confectionery store (retail)
 Consignment shop
 Contractor's office/sales, with outside storage including vehicles
 Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)
 Convenience store with or without fuel sales
 Country club (private)
 Credit agency
 Curio shops
 Custom work shops
 Dance hall / dancing facility (see Sec. 5.13)
 Day camp
 Department store
 Drapery shop / blind shop
 Driving range
 Drug sales/pharmacy
 Electrical repair shop
 Electrical substation
 Electronic assembly/high tech manufacturing
 Electroplating works
 Engine repair, manufacturing/re-manufacturing
 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 (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 with no outside storage
 Greenhouse (commercial)
 Handicraft shop
 Hardware store
 Health club (physical fitness; indoors only)
 Heating and air-conditioning sales / services
 Heavy load (farm) vehicle sales/repair (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 (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	Recreation buildings (public or private)
Micro brewery (onsite manufacturing and sales)	Recycling kiosk
Mini-warehouse/self storage units (with or without outside boat and RV storage)	Refreshment/beverage stand
Motion picture studio, commercial film	Research lab (non-hazardous)
Motion picture theater (indoors)	Restaurant with drive through
Motion picture theater (outdoors, drive-in)	Restaurant/prepared food sales
Motorcycle dealer (primarily new / repair)	Retail store and shopping center
Moving storage company	Retirement home/home for the aged
Moving, transfer, or storage plant	Rodeo grounds
Museum	RV park
Needlework shop	RV/travel trailer sales
Non-bulk storage of fuel, petroleum products and liquefied petroleum	School, K-12 (public or private)
Nursing/convalescent home/sanitarium	School, vocational (business/commercial trade)
Offices, brokerage services	Security monitoring company
Offices, business or professional	Security systems installation company
Offices, computer programming/ data processing	Sheet metal shop
Offices, consulting	Shoe repair shops
Offices, engineering, architecture, surveying or similar	Shooting gallery - indoor (see Sec. 5.13)
Offices, health services	Shopping center
Offices, insurance agency	Sign manufacturing/painting plant
Offices, legal services - including court reporting	Specialty shops in support of project guests and tourists
Offices, medical offices	Storage - exterior storage for boats and recreational vehicles
Offices, real estate	Storage in bulk
Offices, security/commodity brokers, dealers, exchanges and financial services	Studio for radio or television (with tower) (see Sec. 5.7)
Outside storage (as primary use)	Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)
Park and/or playground (private or public)	Tailor shop
Parking lots (for passenger car only) (not as incidental to the main use)	Tattoo or body piercing studio
Parking structure / public garage	Taxidermist
Pawn shop	Telemarketing agency
Personal watercraft sales (primarily new / repair)	Telephone exchange (office and other structures)
Pet shop / supplies (10,000 sq. ft. or less)	Tennis court (commercial)
Pet store (more than 10,000 sq. ft.)	Theater (non-motion picture; live drama)
Photo engraving plant	Tire sales (outdoors)
Photographic printing/duplicating/copy shop	Tool rental
Photographic studio (no sale of cameras or supplies)	Transfer station (refuse/pick-up)
Photographic supply	Travel agency
Plant nursery	Truck or transit terminal (with outside storage)
Plant nursery (growing for commercial purposes with retail sales on site)	Truck Stop
Plastic products molding/reshaping	University or college (public or private)
Plumbing shop	Upholstery shop (non-auto)
Portable building sales	Used or second hand merchandise/furniture store
Propane sales (retail)	Vacuum cleaner sales and repair
Public recreation/services building for public park/playground areas	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
Publishing/printing company (e.g., newspaper)	Video rental / sales
Quick lube/oil change/minor inspection	Warehouse/office and storage/distribution center
Radio/television shop, electronics, computer repair	Waterfront amusement facilities - berthing facilities sales and rentals
Rappelling facilities	

Waterfront amusement facilities - boat fuel storage / dispensing facilities
 Waterfront amusement facilities - boat landing piers/launching ramps
 Waterfront amusement facilities – swimming / wading pools / bathhouses

Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system
 Welding shop
 Wholesale sales offices and sample rooms
 Woodworking shop (ornamental)

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

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

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

(1) Non-residential uses.

- (i) *Height.* 120 feet.
- (ii) *Front building setback.* No front building setback required.
- (iii) *Side building setback.* No side building setback is required.
- (iv) *Rear building setback.* Five feet minimum with an additional two feet required for each story above 24 feet, up to a maximum setback of 25 feet; there shall be no encroachment or overhangs into this required rear building setback.
- (v) *Residential setback.* Where a non-residential building or a multifamily development of more than three units 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.
- (vi) *Minimum lot area.* The minimum internal lot area shall be 6,000 square feet or 7,000 square feet for a corner lot.
- (viii) *Minimum lot frontage:* 60 feet.
- (ix) *Lot depth.* 100 feet.
- (x) *Parking.* See Section 5.1 for other permitted uses' parking.

(2) Multifamily dwellings.

- (i) *Height.* 120 feet.
- (ii) *Front building setbacks.* 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) *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.
- (vii) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet.
- (viii) *Density.* No maximum.
- (ix) *Lot area* 20,000 square feet.
- (x) *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.
- (xi) *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; a minimum of 20 feet between structures backing rear to rear, and a minimum of 20' between structures front to rear. (See Illustration 1)
- (xii) *Access to an arterial roadway or state highway required.* Developments in this district must have direct access to either an arterial roadway or state highway.
- (xiii) *Lot depth.* 100 feet.
- (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.

(3) 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 five lots. 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.



Subject Property from FM 1044

Public hearing and recommendation to City Council regarding the proposed rezoning of 3.92 acres addressed at 2188 FM 1044, from 'APD' Agricultural/Pre-Development district to 'MU-B' High Intensity Mixed Use District.

(Applicant: Johnnie Joe Rodriguez; Case Manager: Matthew Simmont)

Mr. Simmont summarized the requested and stated Staff recommended approval

Commissioner Meyer asked if this lot would be the only 'MU-B' zoning type if approved

Mr. Simmont clarified that yes, the surrounding zoning is all 'APD'

Applicant John Rodriguez, 1585 FM 1044, spoke in support of the rezoning

Tom Wisdom, 2097 FM 1044, spoke in objection to the rezoning and asked what could be built on the lot if the rezoning was approved

Vice Chair Reaves states that almost anything other than industrial could potentially be built in the 'MU-B' zoning district

Mr. Simmont clarified that 'MU-B' does allow for a large variety of uses.

Discussion followed

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

Motion by Commissioner Sonier, seconded by Commissioner Gibson, to recommend approval to City Council regarding the proposed rezoning of 3.92 acres addressed 2188 FM 1044, from 'APD' Agricultural/Pre-Development district to 'MU-B' High Intensity Mixed Use District. Motion Carried (6-2-0).

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 3.92 ACRES OUT OF THE WILLIAM H. PATE SURVEY NO. 22, ADDRESSED AT 2188 F.M. 1044, FROM “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT TO “MU-B” HIGH INTENSITY MIXED USE 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 “MU-B” High Intensity Mixed Use 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 3.9168 acres out of the William H. Pate Survey No. 22, addressed at 2188 F. M. 1044, from “APD” Agricultural/Pre-Development District to “MU-B” High Intensity Mixed Use 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 “APD” to “MU-B” High Intensity Mixed Use District:

3.9168 acres out of the William H. Pate Survey No. 22, addressed at 2188 F.M. 1044, as described in Exhibit “A” and delineated on 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 26th day of August, 2019.

PASSED AND APPROVED: Second reading this 9th day of September, 2019.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

All that certain 3.9168 acres of land, more or less, in the William H. Pate Survey No. 22, Guadalupe County, Texas and being more fully described as follows, to-wit:

Being a 3.9168 acre tract of land out of SUBDIVISION No. 10 and 11, of the Wm. H. Pate Survey No. 22, in Guadalupe County, Texas, and being out of & a part of that called 4.725 acre tract of land conveyed to Thomas D. Scott, et ux, by deed recorded in Volume 621, Page 118, Deed Record of Guadalupe County, Texas, said 3.9168 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8 inch iron rod found in the West line of Farm to Market Road No. 1044, said point marking the Northwest corner of the said Thomas Scott 4.725 acre tract;

THENCE, South 05 deg. 53' West, 150.14 (called 150.0) feet with the West line of said F.M. 1044 and the East line of the said 4.725 acre tract, to a 1/2 inch iron rod set for the upper Southeast corner of the herein described tract;

THENCE North 82 deg. 04' West 400.0 feet to a 1/2 inch iron rod set for an interior ell corner of the herein described tract;

THENCE, South 05 deg. 53' West, 100.0 feet to a 1/2 inch iron rod set in the South line of the said 4.725 acre tract, said point being the lower Southeast corner of the herein described tract;

THENCE, North 82 deg. 04' West, 448.28 feet with the South line of the said 4.725 acre tract, to a 3/8 inch iron rod found marking the Southwest corner of the said 4.725 acre tract;

THENCE, North 08 deg. 34' East, 250.0 feet with the West line of the said 4.725 acre tract, to a 1/2 inch iron rod set for the Northwest corner of the said 4.725 acre tract and the herein described tract;

THENCE, South 82 deg. 04' East 836.57 (called 834.91) feet with the North line of the said 4.725 acre tract, to the PLACE OF BEGINNING and containing 3.9168 acres or 170,619 square feet of land.

2016028364

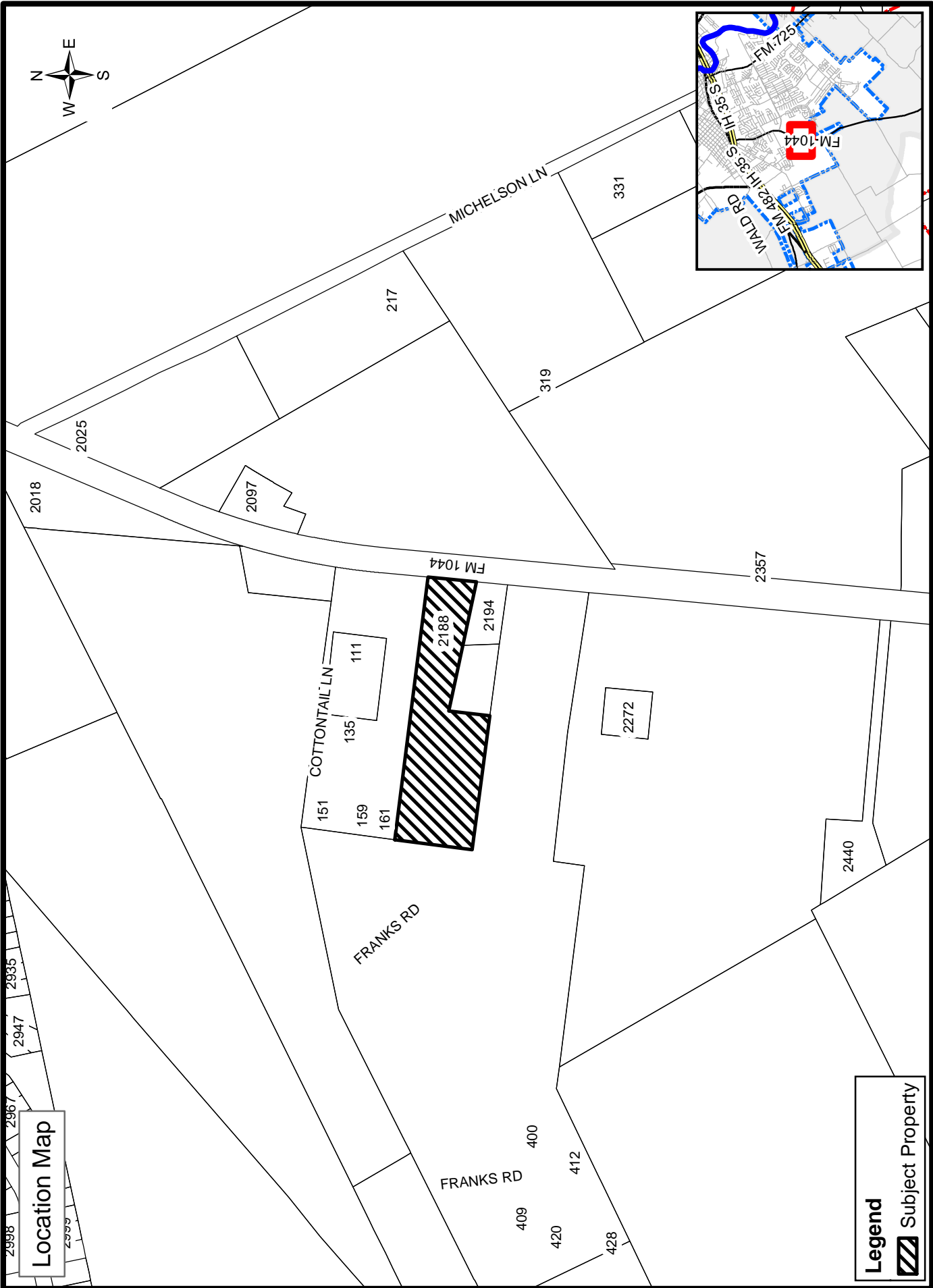
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OFFICIAL PUBLIC RECORDS
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TERESA KIEL, COUNTY CLERK
GUADALUPE COUNTY, TEXAS



Teresa Kiel

EXHIBIT "A"



PZ19-0201
2188 FM 1044
Zone Change from APD to MU-B





City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. I)

Presenter

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

SUBJECT:

Public hearing and first reading of an ordinance regarding the proposed rezoning of a 0.25 acre tract out of the J Noyes Survey 259, Abstract 430, addressed at 471 Engel Road and a 2.0 acre tract out of the J Noyes Survey 259, Abstract 430 and a 3.0 acre tract out of the J Thompson Survey 21, Abstract 608, addressed at 491 Engel Road, from "APD" Agricultural/Pre-Development District to "C-1B" General Business District.

BACKGROUND / RATIONALE:

Case No.: PZ19-0114

Council District: 1

Applicant: Rene De La Cruz
1413 Shannon Circle
New Braunfels, TX 78130
(830) 609-8985

Owner: Melvin and Helen Voigt Revocable Living Trust (Helen Voigt)
491 Engel Road
New Braunfels, TX 78130
(830) 708-5241

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

This item was postponed at the June 24, 2019 and July 25, 2019 City Council meetings to allow the applicant an opportunity to meet with the neighbor to the south regarding their concerns. The applicant has indicated a meeting with the concerned neighbor took place on July 8th and believes all the neighbor's concerns have been addressed. The applicant intends to meet with the neighbor again prior to the City Council meeting to obtain neighbor's formal withdrawal of their objection in writing. Pending formal withdrawal of their objection, this item remains at more than 20% of property within 200 feet represented by opposition.

The subject property is 5.25 acres near Engel Road Industrial Park, approximately one-third of a mile south of IH-35. The subject property is narrow with 193 feet of frontage on Engle Road (Major Collector) and extends 1,530 feet deep. It is zoned APD with one single-family residence near the

front at Engel Road.

The applicant is requesting a rezoning from APD to C-1B to facilitate future unspecified development. The C-1B District allows a broad range of office, service and retail uses. Current access from Engel Road and the subject property's proximity to IH 35 does not require travel through any residential areas to access future development on the site.

Surrounding Zoning and Land Use:

North - APD / Undeveloped

South - APD/ Undeveloped

East - R-1A-6.6 / Briar Meadows Subdivision (single family homes)

West - Across Engel Rd., Outside City Limits / Single family home and undeveloped

Floodplain:

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

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 a Major Collector, Engel Road currently provides residential, commercial and industrial traffic access to IH 35. With installation of the required buffer between the subject property and the residential lots adjacent to the rear, C-1B uses could be appropriate.*).
- 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 commercial 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 site development processes.*); and
- Whether the request is consistent with the Comprehensive Plan (*The subject property is located in the Oak Creek Sub Area in close proximity to Future Employment and Market Centers and a Transitional Mixed-Use Corridor. It also lies near an existing Employment Center.*)

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 IH-35. Action 3.3: Balance commercial centers with stable neighborhoods
--	---

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on June 4, 2019 and unanimously recommended approval (9-0-0).

STAFF RECOMMENDATION:

Staff recommends approval based upon several factors:

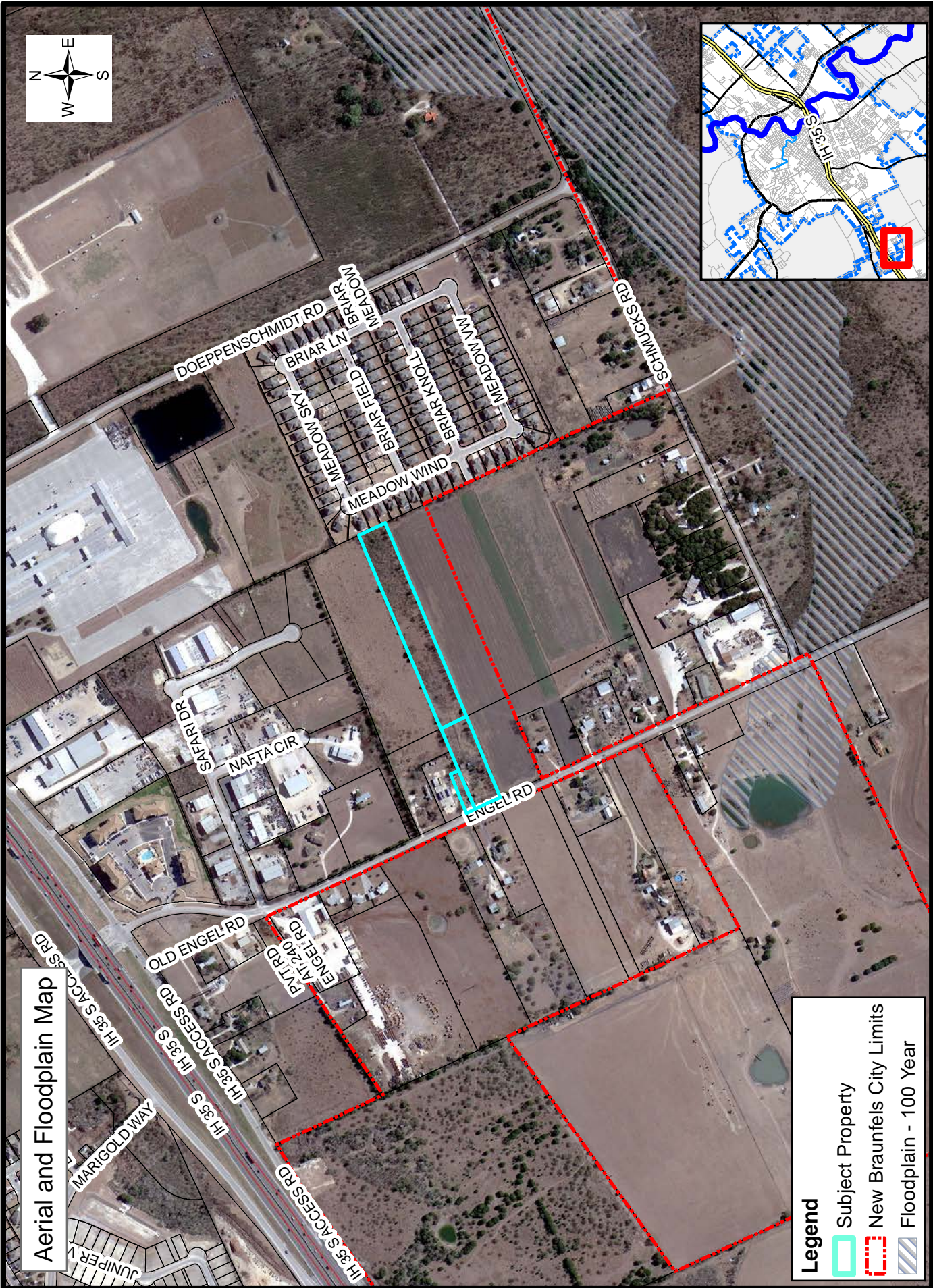
- The subject property's location: close proximity to IH-35 (1,900 feet) and the entrance to the Engel Road Industrial Park (1,100 feet).
- There are several non-residential uses on nearby properties.
- The proximity of many large under-developed tracts.
- New commercial development at this location would utilize existing infrastructure and without access through residential areas.
- The existing residential neighborhood adjacent to the rear of the subject property would be protected through residential buffer requirements.
- The C-1B District would provide transitional zoning between the industrial development along IH 35 and the undeveloped properties further to the south.

Notification:

Public hearing notices were sent to 18 owners of property within 200 feet of the request. The City has received no responses in favor and two opposed (#7 and #15). Opposition represents more than 20% of the notification area, which requires a $\frac{3}{4}$ majority of City Council (6 votes) to approve per state statute.

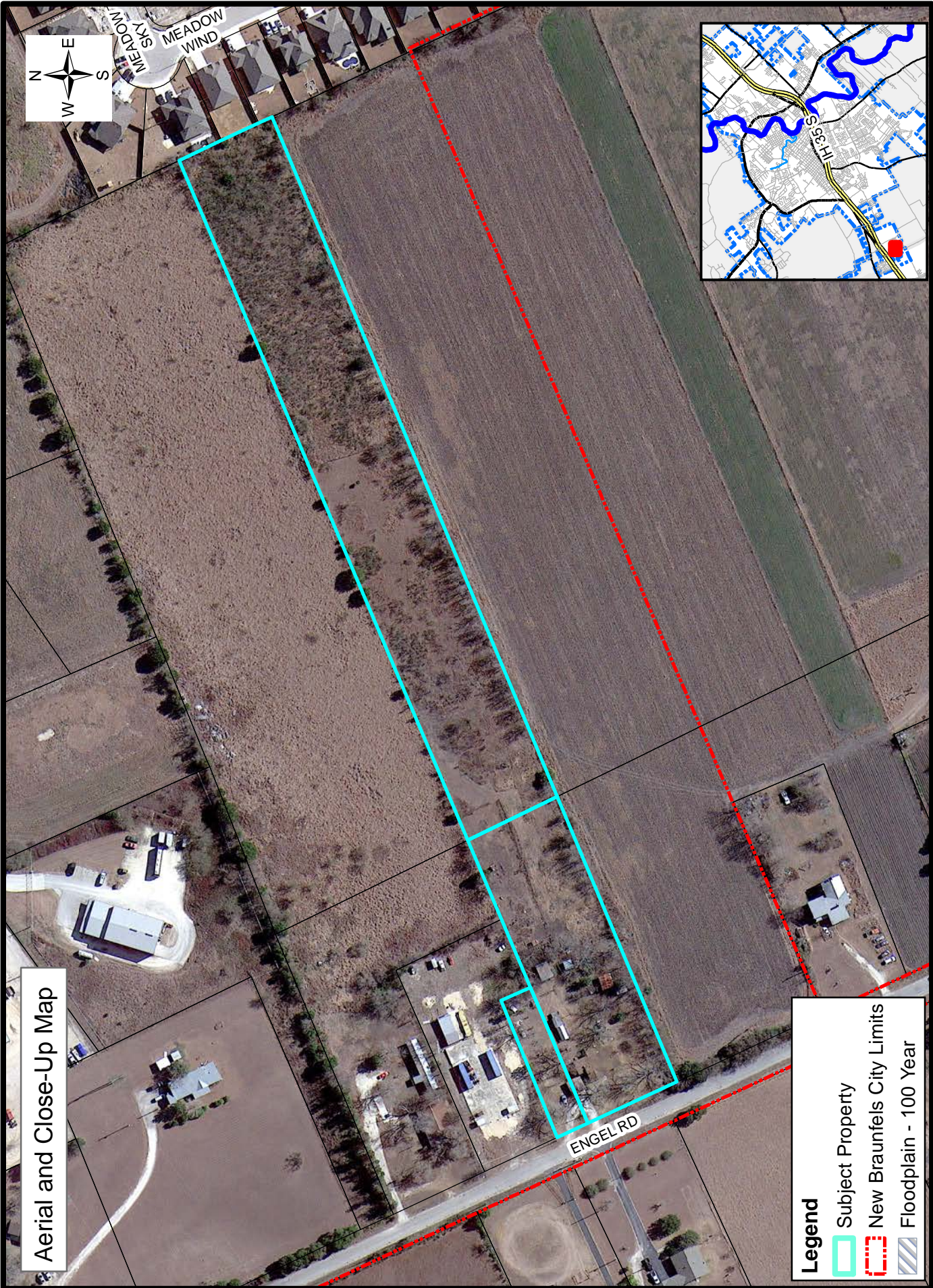
Attachments:

- Aerial Maps
- Survey of Subject Property
- Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
- Notification List, Map and Response
- Photograph of Subject Property
- Ordinances:
 - Sec. 3.4-1 APD
 - Sec. 3.4-13 C-1B
- Excerpt of Minutes from the June 4, 2019 Regular Planning Commission
- Ordinance



PZ-19-0114
471 & 491 Engel Road
Zone Change from APD to C-1B





PZ-19-0114
471 & 491 Engel Road
Zone Change from APD to C-1B



SURVEY OF SUBJECT PROPERTY

RECEIVED

APR 18 2019

BY:

471 & 491 Engel Road

Being a tract of land situated in the John Thompson one league and labor Survey, Abstract No. 608 and the John Noyes 640 Acre Survey, Abstract No. 430, Comal County, Texas, some being that tract of land conveyed to The Malvin G. Volgi and Helen F. Volgi Revocable Living Trust, by deeds recorded in Document Nos. 9006030193 and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner, said corner being the South corner of that tract of land conveyed to Randal Adams and Susan L. Adams, by deed recorded in County Clerk File No. 20170603814, Real Property Records of Comal County, Texas and lying along the Northeast line of Engel Road (public right-of-way);

THENCE North 67 degrees 25 minutes 00 seconds East, along a Southeast line of said Adams tract, a distance of 218.48 feet to a 60d nail found for corner;

THENCE South 24 degrees 14 minutes 42 seconds East, along a Southeast line of said Adams tract, a distance of 49.37 feet to a 60d nail found for corner;

THENCE North 67 degrees 15 minutes 13 seconds East, along a Southeast line of said Adams tract, a distance of 1317.27 feet to a fence post found for corner, said corner being the West corner of that tract of land conveyed to Vincent Schwab, by deed recorded in County Clerk File No. 200406023981, Real Property Records of Comal County, Texas;

THENCE South 24 degrees 47 minutes 35 seconds East, a distance of 142.13 feet to a point for corner, said corner being the North corner of that tract of land conveyed to Eilon Schwab and Leora M. Schwab, as Trustees of Eilon Schwab and Leora M. Schwab Revocable Living Trust, by deed recorded in County Clerk File No. 200306015102, Real Property Records of Comal County, Texas, from which a fence post bears North 45 degrees 21 minutes 51 seconds West, a distance of 0.82 feet for witness;

THENCE South 67 degrees 15 minutes 40 seconds West, along the Northwest line of said Schwab tract (200306015102), a distance of 1535.16 feet to a point for corner, said corner being the West corner of that tract of land conveyed to Vincent Schwab, by deed recorded in Volume 493, Page 688, Deed Records of Comal County, Texas and lying along the Northeast line of aforementioned Engel Road from which a 1/2 inch iron rod found online in a Northwestern direction at a distance of 2.50 feet for reference;

THENCE North 24 degrees 49 minutes 17 seconds West, along the Northeast line of said Engel Road, a distance of 191.95 feet to the POINT OF BEGINNING and containing 228,744 square feet or 5.25 acres of land.

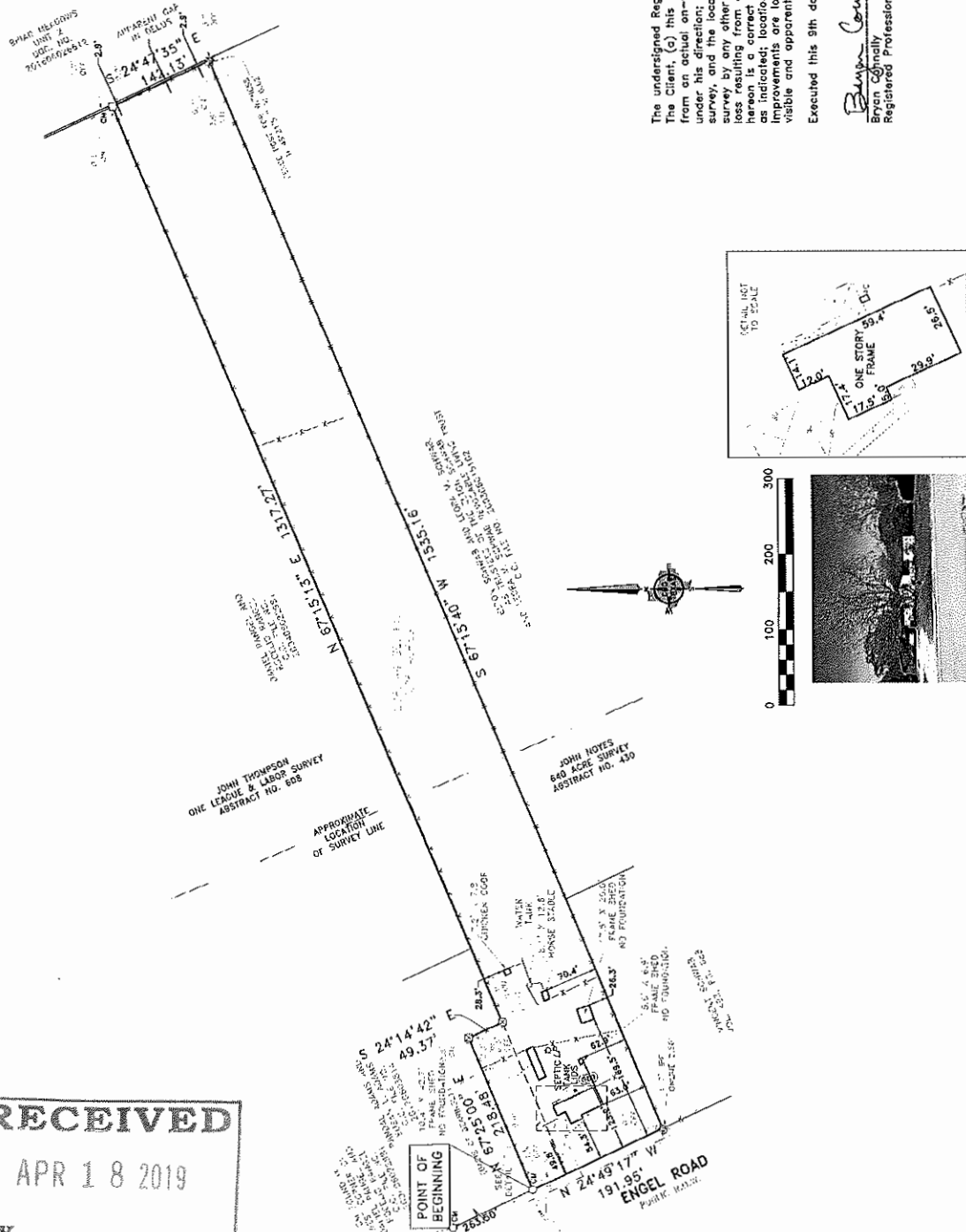
SURVEYOR'S CERTIFICATE

The undersigned Registered Professional Land Surveyor (Bryan Connolly) hereby certifies to The Client, (c) this survey and the property description set forth herein were prepared from an actual on-the-ground survey; (b) such survey was conducted by the Surveyor, or under his direction; (c) all monuments shown hereon actually existed on the date of this survey, and the location, size and type of material thereof are correctly shown; Use of this survey by any other parties and/or for other purposes shall be at User's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings are as shown and EXCEPT AS SHOWN, all improvements are located within the boundaries here indicated and there are no visible and apparent encroachments or protrusions on the ground.



Executed this 9th day of April, 2019

Bryan Connolly
Bryan Connolly
Registered Professional Land Surveyor No. 5513



NOTE: According to the F.I.R.M. in Map No. 48051C045E, this property does lie in Zone 1 and is located within the 100 year flood zone.

DATE	REVISIONS	NOTES
BT		

DATE	REVISIONS	NOTES
BT		

NOTE: This survey is made in conjunction with the information provided by the client. CBS Surveying Texas, the existence of easements, restrictive covenants or other encumbrances.

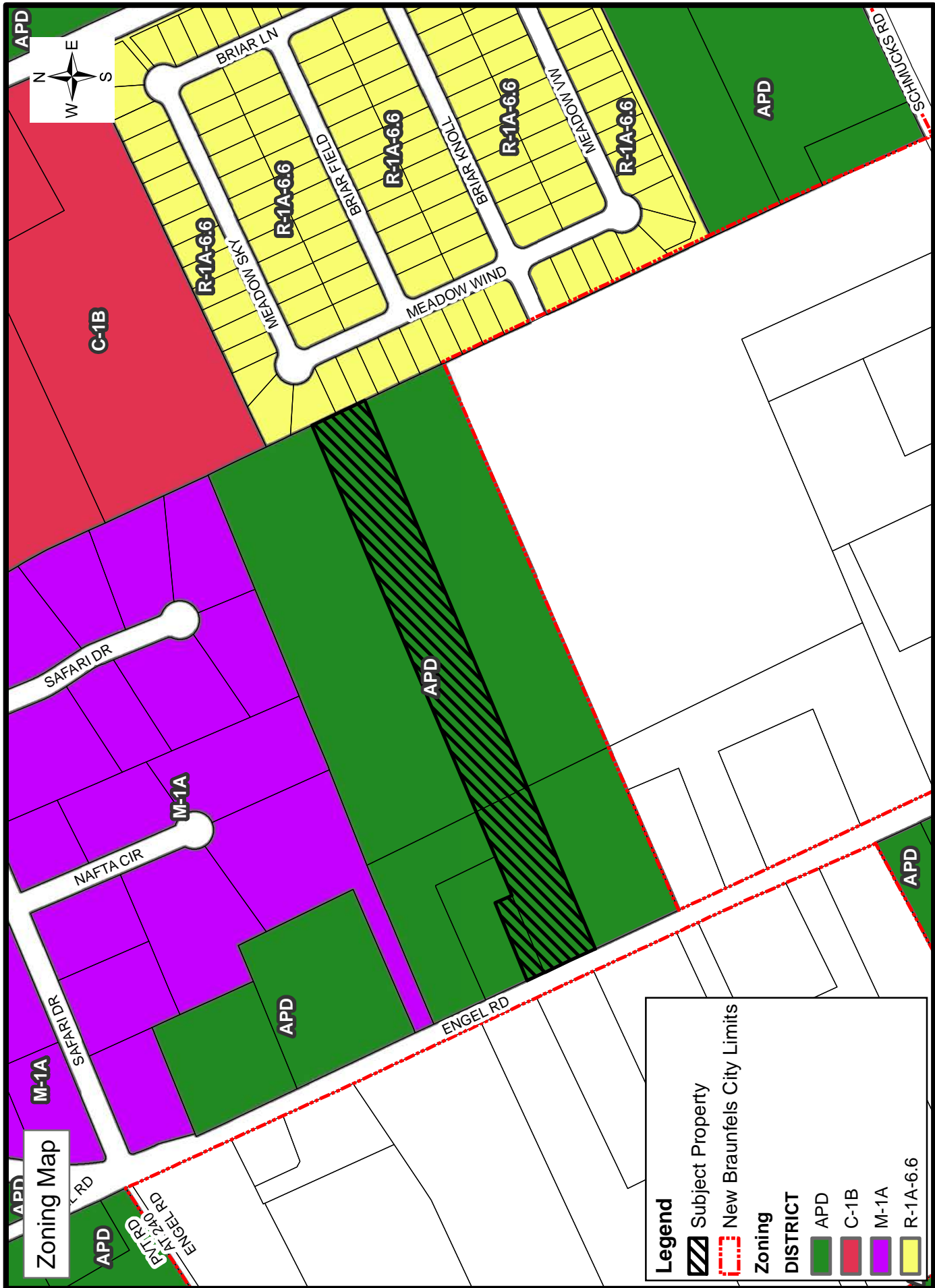
NOTES:
BEARINGS ARE BASED ON DEED RECORDED IN DOC. NO. 9866030193.
CASEMENTS AND BUILDING UNITS ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

SCALE	DATE	JOB NO.	G.F. NO.	DRAWN
1" = 100'	04/09/19	1806233	N/A	MARIA

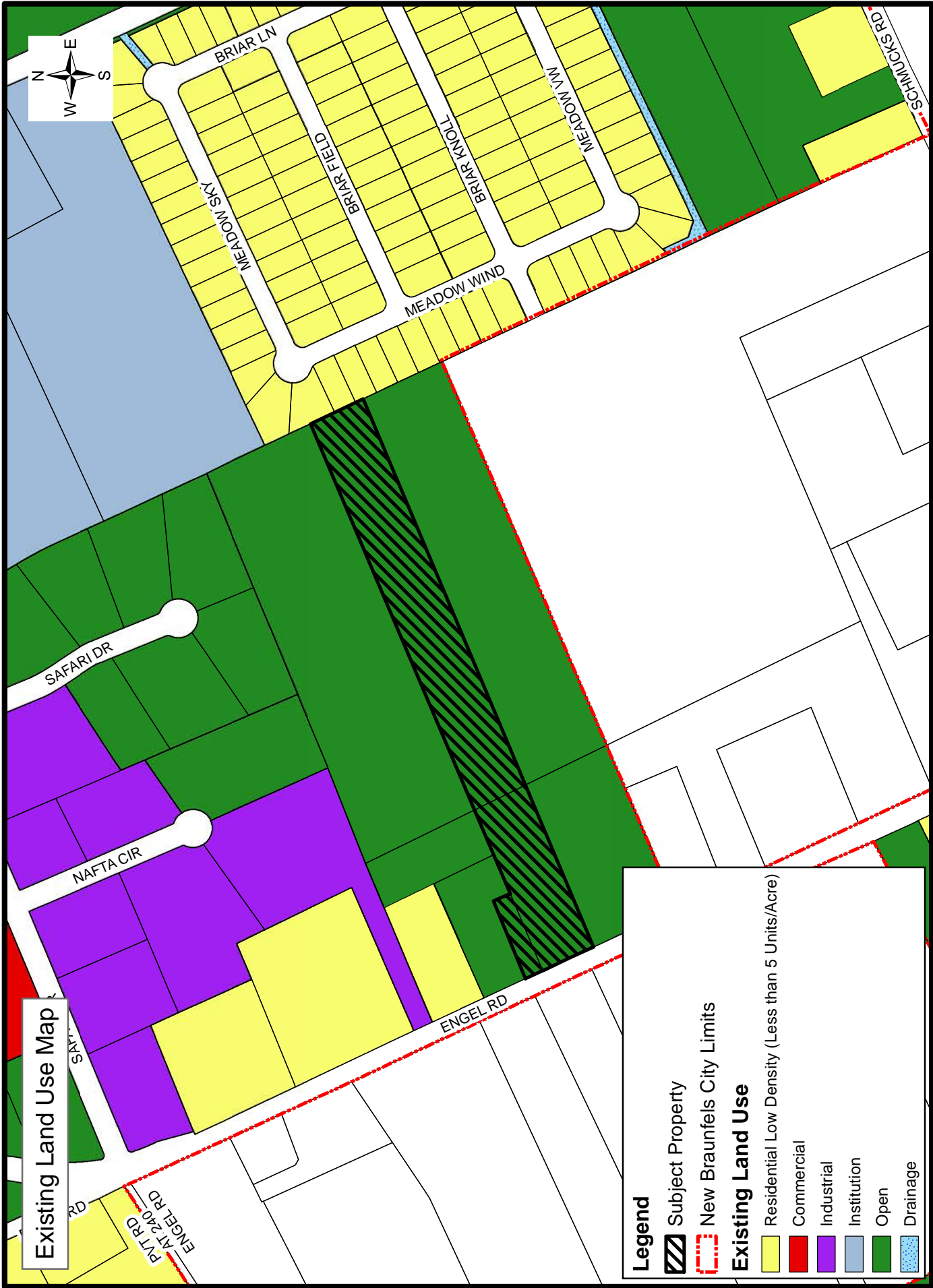
CBC
SURVEYING & CONSULTING
12025 Shiloh Road, Ste. 240
Buda, TX 78610
P 512-344-2216
F 512-344-2216
www.cbc-tx.com

METES AND BOUNDS
JOHN THOMPSON ONE LEAGUE & LABOR SURVEY, ABSTRACT NO. 608
AND THE JOHN NOYES 640 ACRE SURVEY, ABSTRACT NO. 430
COMAL COUNTY, TEXAS
471 & 491 ENGEL ROAD

ACCEPTED BY: _____ DATE: _____



PZ-19-0114
471 & 491 Engel Road
Zone Change from APD to C-1B



PZ-19-0114
471 & 491 Engel Road
Zone Change from APD to C-1B

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

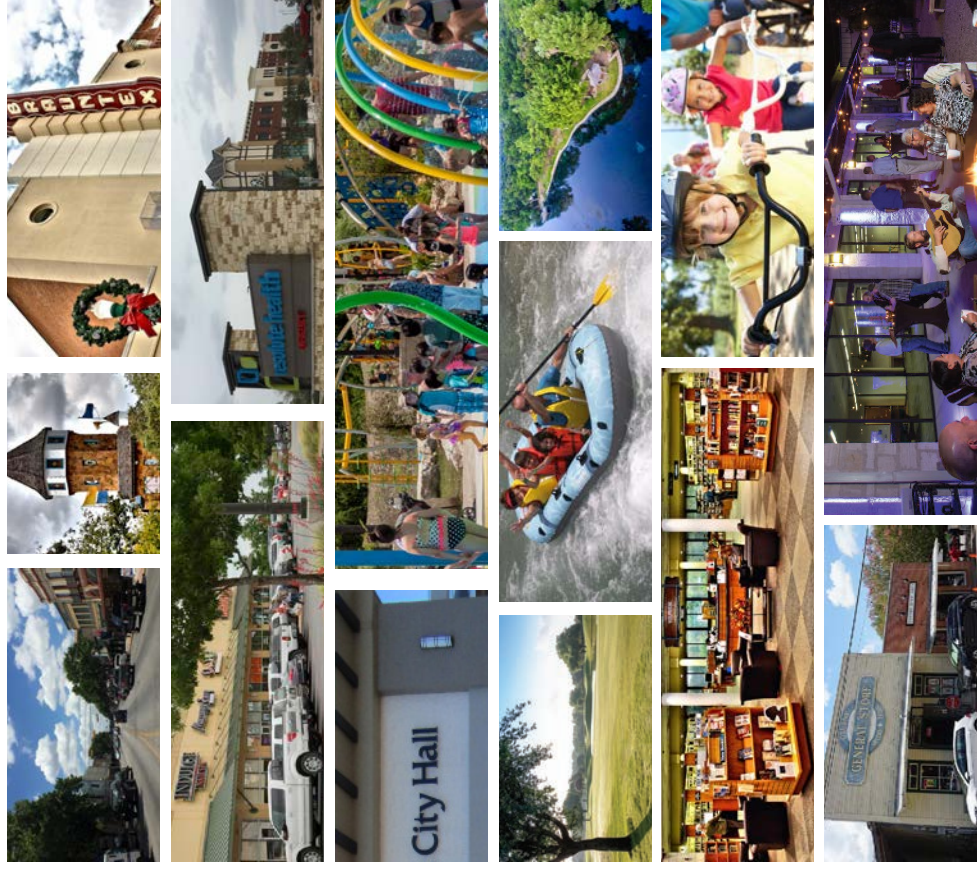
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

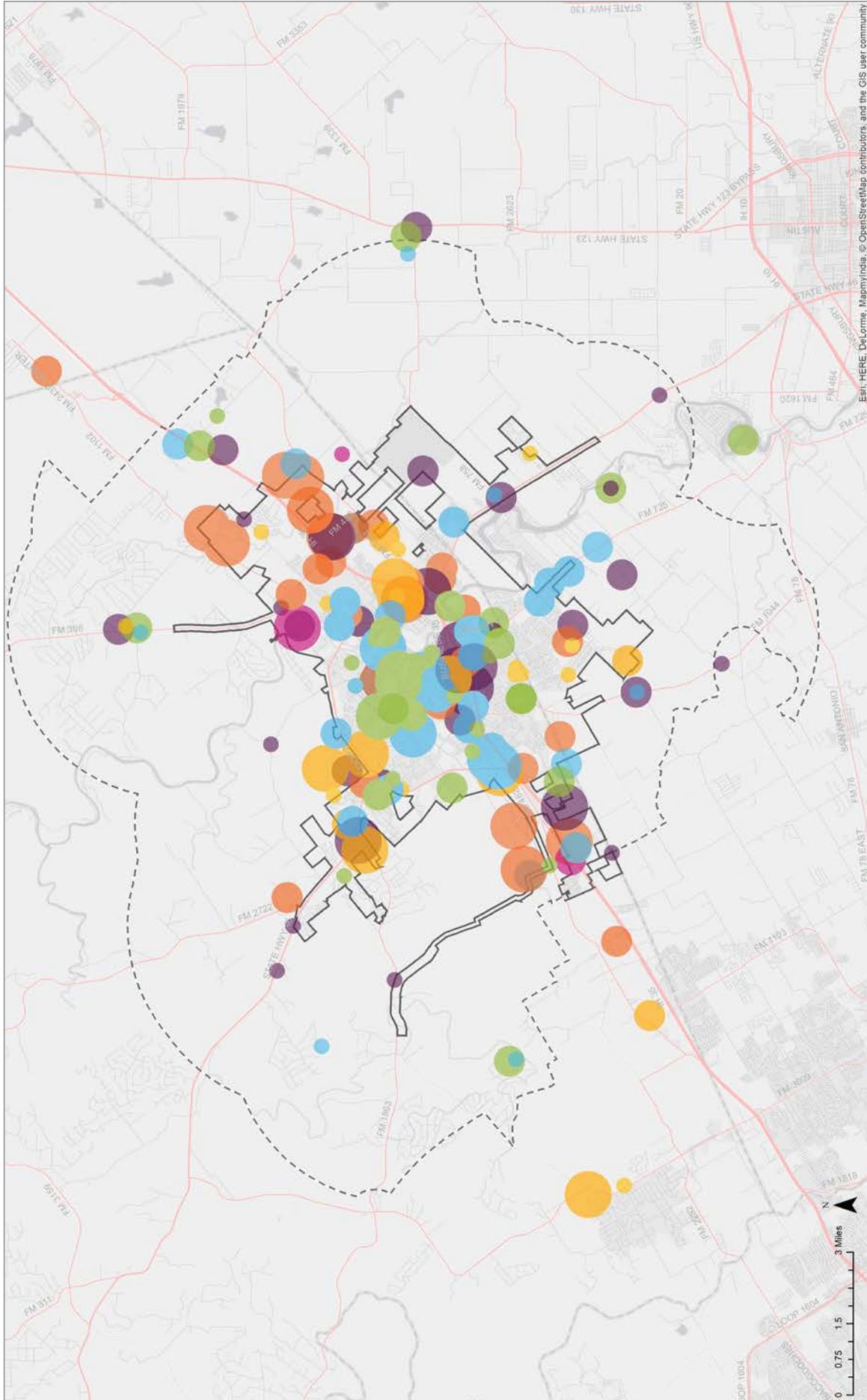
● EDUCATION CENTER

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.



PLANNING COMMISSION – JUNE 4, 2019 – 6:00PM

New Braunfels City Hall Council Chambers

Applicant/Owner: Rene De La Cruz/Melvin & Helen Voigt Revocable Living Trust (Helen Voigt)

Address/Location: 471 Engel Road and 491 Engel Road

PROPOSED SPECIAL USE PERMIT – CASE #PZ19-0114

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 DIETZ BETTY | 10 NULL |
| 2 ENGEL RV & BOAT STORAGE LLC | 11 ANGELICO JUSTINE M |
| 3 WILLIAMS BRYAN K & NANCY J | 12 HUTH CHRISTINE J & CLINTON H |
| 4 WILLIAMS ROY A | 13 RAMOS JOHN E JR |
| 5 ADAMS RANDAL & SUSAN L | 14 AINO SAN ANTONIO LLC |
| 6 RANGEL DANIEL & ROGELIO | 15 GARCIA MARGARITA |
| 7 SCHWAB REVOCABLE LIVING TRUST | 16 BALES JOEL P & JULIE A |
| 8 NEW BRAUNFELS TREE OF LIFE CHURCH INC | 17 MELCHER RICHARD A & JANET A |
| 9 FIERRO MATTHEW & SHELBY | 18 HERNANDEZ JESSICA M & EDDIE |

SEE MAP



PZ19-0114
471 & 491 Engel Road
Zone Change from APD to C-1B



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ19-0114 MG

Name: ELTON SCHWAB

I favor: _____

Address: 675 ENGEL RDProperty number on map: 7I object: ✓

(State reason for objection)

Comments: (Use additional sheets if necessary)

The property in consideration is located on the watershed of a pond that provides water used for irrigating crops grown for human consumption and drinking water for livestock. Contaminants in runoff water exiting the property is a major concern.

Signature: Elton Schwab

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ19-0114 MG

Name: Margarita GarciaAddress: 478 Meadow WindProperty number on map: 15

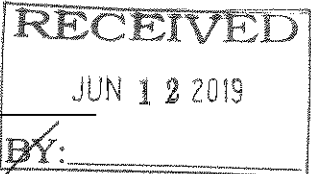
I favor: _____

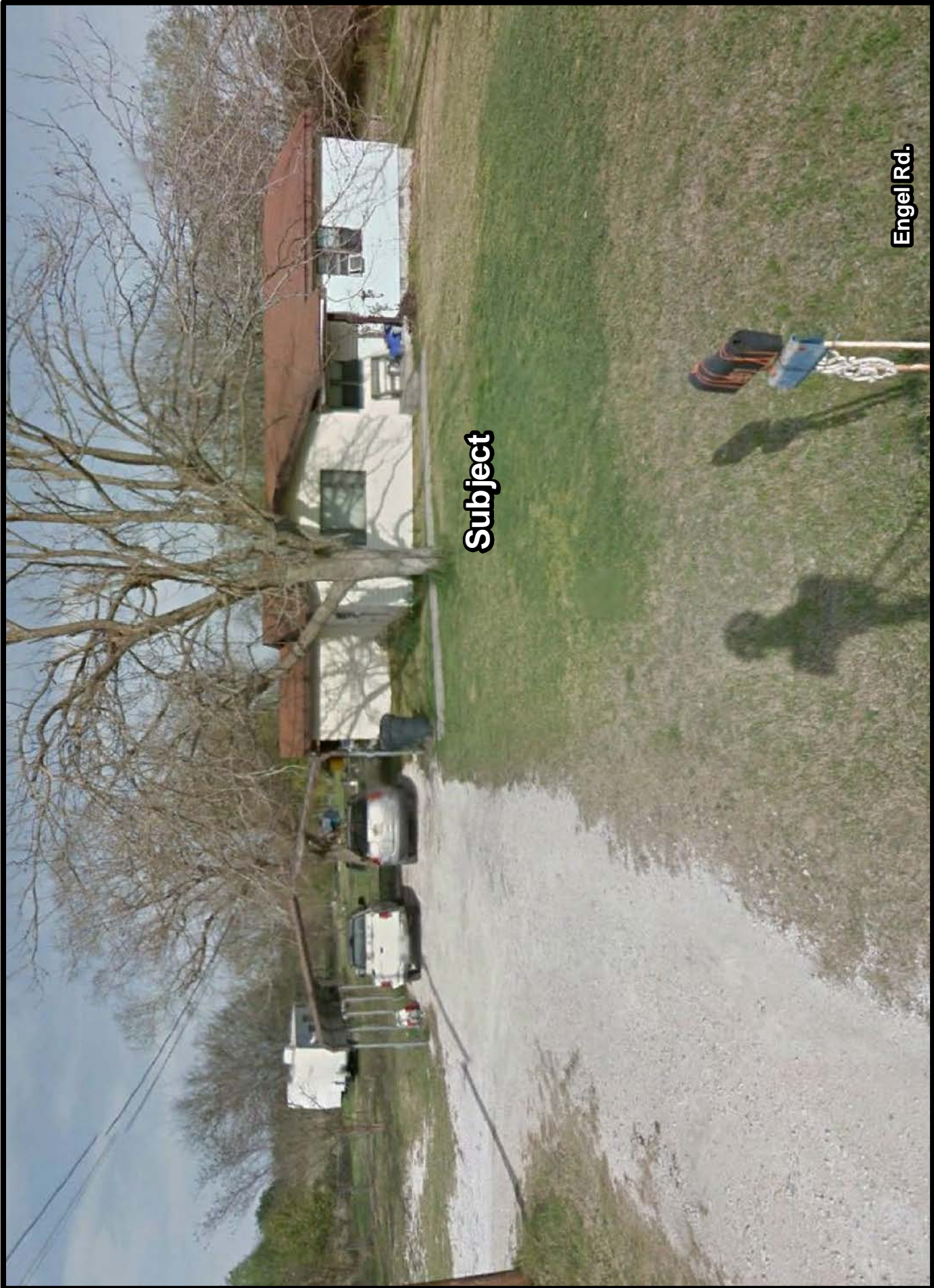
I object: ☒ _____

(State reason for objection)

Comments: (Use additional sheets if necessary)

I vote to preserve the natural beauty
and peace surrounding my property. It is
the reason I moved here.

Signature: Margarita Garcia



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

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

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

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

(1) *Uses permitted by right:*

Residential uses:

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

Non-residential uses:

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

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

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

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

(1) *Height.* 35 feet.

(2) *Front yards.* 25 feet.

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

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

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

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

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

(8) *Lot depth.* 100 feet.

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

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

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

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

(1) *Uses permitted by right:*

Residential uses:

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

Non-residential uses:

- Accounting, auditing, bookkeeping, and tax preparations
- Adult day care (no overnight stay)
- Adult day care (with overnight stay)
- All terrain vehicle (ATV) dealer / sales
- Ambulance service (private)
- Amphitheater
- Amusement devices/arcade (four or more devices)
- Amusement services or venues (indoors)
- Amusement services or venues (outdoors)
- Animal grooming shop
- Answering and message services
- Antique shop
- Appliance repair
- Armed services recruiting center
- Art dealer / gallery
- Artist or artisan's studio
- Assembly/exhibition hall or areas
- Athletic fields
- Auction sales (non-vehicle)
- Auto body repair, garages (see Sec. 5.11)
- Auto glass repair/tinting (see Sec. 5.11)
- Auto interior shop / upholstery (see Sec. 5.11)
- Auto leasing
- Auto muffler shop (see Sec. 5.11)
- Auto or trailer sales rooms or yards ((see Sec. 5.11)
- Auto or truck sales rooms or yards - primarily New (see Sec. 5.12)
- Auto paint shop (see Sec. 5.11)
- Auto repair as an accessory use to retail sales (see Sec. 5.11)
- Auto repair garage (general) (see Sec. 5.11)
- Auto supply store for new and factory rebuilt parts
- Auto tire repair /sales (indoor)
- Automobile driving school (including defensive driving)
- Bakery (retail)
- Bank, savings and loan, or credit
- Bar/Tavern

Barber/beauty college (barber or cosmetology school or college)
 Barber/beauty shop, haircutting (non-college)
 Barns and farm equipment storage (related to agricultural uses)
 Battery charging station
 Bicycle sales and/or repair
 Billiard / pool facility
 Bingo facility
 Bio-medical facilities
 Book binding
 Book store
 Bowling alley/center (see Sec. 5.13)
 Broadcast station (with tower) (see Sec. 5.7)
 Bus barns or lots
 Bus passenger stations
 Cafeteria / café / delicatessen
 Campers' supplies
 Car wash (self service; automated)
 Car wash, full service (detail shop)
 Carpenter, cabinet, or pattern shops
 Carpet cleaning establishments
 Caterer
 Cemetery and/or mausoleum
 Check cashing service
 Child day care/children's nursery (business)
 Church/place of religious Assembly
 Civic/conference center and facilities
 Cleaning, pressing and dyeing (non-explosive fluids used)
 Clinic (dental)
 Clinic (emergency care)
 Clinic (medical)
 Club (private)
 Coffee shop
 Commercial amusement concessions and facilities
 Communication equipment - installation and/or repair
 Computer and electronic sales
 Computer repair
 Confectionery store (retail)
 Consignment shop
 Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)
 Convenience store with or without fuel sales
 Country club (private)
 Credit agency
 Curio shops
 Custom work shops
 Dance hall / dancing facility (see Sec. 5.13)
 Day camp
 Department store
 Drapery shop / blind shop
 Driving range
 Drug sales/pharmacy
 Electrical repair shop
 Electrical substation
 Exterminator service
 Farmers market (produce market - wholesale)
 Farms, general (crops) (see Chapter 6, Municipal Code and Sec. 5.9)

Farms, general (livestock/ranch) (see Chapter 6, Municipal Code and Sec. 5.9)
 Feed and grain store
 Filling station (fuel tanks must be below the ground)
 Florist
 Food or grocery store with or without fuel sales
 Fraternal organization/civic club (private club)
 Frozen food storage for individual or family use
 Funeral home/mortuary
 Furniture sales (indoor)
 Garden shops and greenhouses
 Golf course (public or private)
 Golf course (miniature)
 Greenhouse
 Handicraft shop
 Hardware store
 Health club (physical fitness; indoors only)
 Heavy load (farm) vehicle sales/repair (see Sec. 5.14)
 Home repair and yard equipment retail and rental outlets
 Hospital, general (acute care/chronic care)
 Hospital, rehabilitation
 Hotel/motel
 Hotels/motels - extended stay (residence hotels)
 Ice delivery stations (for storage and sale of ice at retail only)
 Kiosk (providing a retail service)
 Laundromat and laundry pickup stations
 Laundry, commercial (w/o self serve)
 Laundry/dry cleaning (drop off/pick up)
 Laundry/washateria (self serve)
 Lawnmower sales and/or repair
 Limousine / taxi service
 Locksmith
 Maintenance/janitorial service
 Major appliance sales (indoor)
 Martial arts school
 Medical supplies and equipment
 Micro brewery (onsite manufacturing and / or sales)
 Mini-warehouse/self storage units with outside boat and RV storage
 Mini-warehouse/self storage units (no outside boat and RV storage permitted)
 Motion picture studio, commercial film
 Motion picture theater (indoors)
 Motion picture theater (outdoors, drive-in)
 Motorcycle dealer (primarily new / repair)
 Moving storage company
 Museum
 Needlework shop
 Nursing/convalescent home/sanitarium
 Offices, brokerage services
 Offices, business or professional
 Offices, computer programming and data processing
 Offices, consulting
 Offices, engineering, architecture, surveying or similar
 Offices, health services
 Offices, insurance agency
 Offices, legal services - including court reporting
 Offices, medical offices
 Offices, real estate

Offices, security/commodity brokers, dealers, exchanges and financial services
 Park and/or playground (public or private)
 Parking lots (for passenger car only) (not as incidental to the main use)
 Parking structure / public garage
 Pawn shop
 Personal watercraft sales (primarily new / repair)
 Pet shop / supplies (10,000 sq. ft. or less)
 Pet store (more than 10,000 sq. ft.)
 Photographic printing/duplicating/copy shop or printing shop
 Photographic studio (no sale of cameras or supplies)
 Photographic supply
 Plant nursery
 Plant nursery (retail sales / outdoor storage)
 Plumbing shop
 Portable building sales
 Public recreation/services building for public park/playground areas
 Publishing/printing company (e.g., newspaper)
 Quick lube/oil change/minor inspection
 Radio/television shop, electronics, computer repair
 Recreation buildings (private)
 Recreation buildings (public)
 Recycling kiosk
 Refreshment/beverage stand
 Research lab (non-hazardous)
 Restaurant
 Restaurant/prepared food sales
 Retail store and shopping center
 Retirement home/home for the aged
 RV park
 RV/travel trailer sales
 School, K-12 (public or private)
 School, vocational (business/commercial trade)
 Security monitoring company
 Security systems installation company (with outside storage)
 Shoe repair shops
 Shooting gallery - indoor (see Sec. 5.13)
 Shopping center
 Sign manufacturing/painting plant
 Specialty shops in support of project guests and tourists
 Storage – exterior storage for boats and recreational vehicles
 Studio for radio or television (without tower)
 Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)
 Tailor shop
 Tattoo or body piercing studio
 Taxidermist
 Telemarketing agency
 Telephone exchange buildings (office only)
 Tennis court (commercial)
 Theater (non-motion picture; live drama)
 Tire sales (outdoors)
 Tool rental
 Travel agency
 University or college (public or private)
 Upholstery shop (non-auto)
 Used or second hand merchandise/furniture store
 Vacuum cleaner sales and repair

Vehicle storage facility
 Veterinary hospital (no outside animal runs or kennels)
 Video rental / sales
 Waterfront amusement facilities – swimming / wading pools / bathhouses
 Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system
 Wholesale sales offices and sample rooms
 Woodworking shop (ornamental)

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

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

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

- (1) *Height.* 75 feet.
- (2) *Front building setback.* 25 feet.
- (3) *Side building setback.* No side building setback is required except that where a side line of a lot in this district abuts upon the side line of a lot in any residential zone, a side building setback of not less than six feet shall be provided.
- (4) *Corner lots.* Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots. Where a minimum 25-foot setback is required, a canopy at least eight feet in height, attached to the main building, may be built within 15 feet of the property line so long as such construction will not obstruct the vision of vehicular or pedestrian traffic.
- (5) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
- (6) *Residential setback.* Effective November 8, 2006, where any building abuts a one or two family use or zoning district, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
- (7) *Rear building setback.* 20 feet.
- (8) *Width of lot.* 60 feet.
- (9) *Lot depth.* 100 feet.
- (10) *Parking.* See Section 5.1 for permitted uses' parking.

Draft Minutes for the June 4, 2019 Planning Commission Regular Meeting

PZ19-0114 Public hearing and recommendation to City Council regarding a proposed rezoning of a 0.25 acre tract out of the J Noyes Survey 259, Abstract 430, addressed at 471 Engel Road and a 2.0 acre tract out of the J Noyes Survey 259, Abstract 430 and a 3.0 acre tract out of the J Thompson Survey 21, Abstract 608, addressed at 491 Engel Road, from “APD” Agricultural/Pre-Development District to “C-1B” General Business District.

(Applicant: Rene De La Cruz; Case Manager: M. Greene)

Mr. Greene summarized the request and stated Staff recommended approval with the conditions outlined in the staff report.

Commissioner Meyer inquired if the reasoning to change the zoning was monetary based, and if there was intention to develop.

Mr. Greene stated the applicant was present and could answer those questions.

Discussion followed regarding adjacent zoning districts and pedestrian connection issues.

Commissioner Meyer stated a name had been null on the public hearing notice list.

Mr. Greene clarified.

Vice Chair Reaves inquired about the minimum buffering requirements for non-residential developments adjacent to residential.

Mr. Greene clarified.

Chair Edwards asked if anyone wished to speak in favor.

Helen Voigt, 491 Engel Road, stated she was the property owner. She provided her history of the property and stated she was requesting the zone change to assist with the sale of the land.

Rene De La Cruz, 1413 Shannon Circle, stated he was working with Ms. Voigt with the sale of the land. He described a history of the property.

Brandon Voigt, 306 McKinley Road, wished to speak in favor. He stated commercial was the best use of the land and commercial development would benefit the city. He expressed his belief that it was the property owner's right to pursue the highest and best use.

Chair Edwards asked if anyone wished to speak in opposition.

No one spoke.

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

Motion by Commissioner Sonier, seconded by Commissioner Nolte, to recommend approval to City Council regarding a proposed rezoning of a 0.25 acre tract out of the J Noyes Survey 259, Abstract 430, addressed at 471 Engel Road and a 2.0 acre tract out of the J Noyes Survey 259, Abstract 430 and a 3.0 acre tract out of the J Thompson Survey 21, Abstract 608, addressed at 491 Engel Road, from “APD” Agricultural/Pre-Development District to “C-1B” General Business District with Staff recommendations. Motion carried (9-0-0).

Commissioner Meyer clarified his vote of approval was based on the well being of the city.

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING A 0.25 ACRE TRACT OF LAND OUT OF THE J. NOYES SURVEY 259, ABSTRACT 430, ADDRESSED AT 471 ENGEL ROAD AND A 2.0 ACRE TRACT OF LAND OUT OF THE J. NOYES SURVEY 259, ABSTRACT 430 AND A 3.0 ACRE TRACT OF LAND OUT OF THE J. THOMPSON SURVEY 21, ABSTRACT 608, ADDRESSED AT 491 ENGEL ROAD, FROM “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT TO “C-1B” GENERAL BUSINESS DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

WHEREAS, in keeping with the spirit and objectives of the “C-1B” General Business District, the City Council has given due consideration to all components of said district; and

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

WHEREAS, the City Council desires to amend the Zoning Map by changing the zoning of a 0.25 acre tract out of the J Noyes Survey 259, Abstract 430, addressed at 471 Engel Road and a 2.0 acre tract out of the J Noyes Survey 259, Abstract 430 and a 3.0 acre tract out of the J Thompson Survey 21, Abstract 608, addressed at 491 Engel Road, from “APD” Agricultural/Pre-Development District to “C-1B” General Business District; **now, therefore;**

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

SECTION 1

THAT Sections 1.2-1 and 1.2-2, Chapter 144, of the New Braunfels Code of Ordinances and particularly the Zoning Map of the City of New Braunfels, are amended by changing the following described tract of land from “APD” Agricultural/Pre-Development District to “C-1B” General Business District:

“A 0.25 acre tract out of the J Noyes Survey 259, Abstract 430, addressed at 471 Engel Road and a 2.0 acre tract out of the J Noyes Survey 259, Abstract 430 and a 3.0 acre tract out of the J Thompson Survey 21, Abstract 608, addressed at 491 Engel Road, as described on Exhibit “A” and delineated on 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 26th day of August, 2019.

PASSED AND APPROVED: Second reading this 9th day of September, 2019.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

Being a tract of land situated in the John Thompson one league and labor Survey, Abstract No. 608 and the John Noyes 640 Acre Survey, Abstract No. 430, Comal County, Texas, same being that tract of land conveyed to The Melvin G. Voigt and Helen F. Voigt Revocable Living Trust, by deeds recorded in Document Nos: 9806030189 and 9806030190, Real Property Records of Comal County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner, said corner being the South corner of that tract of land conveyed to Randal Adams and Susan L. Adams, by deed recorded in County Clerk File No. 20170603814, Real Property Records of Comal County, Texas and lying along the Northeast line of Engel Road (public right-of-way);

THENCE North 67 degrees 25 minutes 00 seconds East, along a Southeast line of said Adams tract, a distance of 218.48 feet to a 60d nail found for corner;

THENCE South 24 degrees 14 minutes 42 seconds East, along a Southwest line of said Adams tract, a distance of 49.37 feet to a 60d nail found for corner;

THENCE North 67 degrees 15 minutes 13 seconds East, along a Southeast line of said Adams tract, a distance of 1317.27 feet to a fence post found for corner, said corner being the East corner of that tract of land conveyed to Daniel Rangel and Rogelio Rangel, by deed recorded in County Clerk File No. 200406022981, Real Property Records of Comal County, Texas;

THENCE South 24 degrees 47 minutes 35 seconds East, a distance of 142.13 feet to a point for corner, said corner being the North corner of that tract of land conveyed to Elton Schwab and Leora M. Schwab, as Trustees of Elton Schwab and Leora M. Schwab Revocable Living Trust, by deed recorded in County Clerk File No. 200306015102, Real Property Records of Comal County, Texas, from which a fence post found bears North 49 degrees 21 minutes 51 seconds West, a distance of 0.62 feet for witness;

THENCE South 67 degrees 15 minutes 40 seconds West, along the Northwest line of said Schwab tract (200306015102), a distance of 1535.16 feet to a point for corner, said corner being the West corner of that tract of land conveyed to Vincent Schwab, by deed recorded in Volume 493, Page 688, Deed Records of Comal County, Texas and lying along the Northeast line of aforementioned Engel Road, from which a 1/2 inch iron rod found online in a Northwesterly direction at a distance of 2.50 feet for reference;

THENCE North 24 degrees 49 minutes 17 seconds West, along the Northeast line of said Engel Road, a distance of 191.95 feet to the POINT OF BEGINNING and containing 228,744 square feet or 5.25 acres of land.

Being a tract of land situated in the John Thompson one league and labor Survey, Abstract No. 603 and the John Noyes 640 Acre Survey, Abstract Survey No. 430, Comal County, Texas, same being that tract of land conveyed to The Melvin G. Voigt and Helen F. Voigt Revocable Living Trust, by deeds recorded in Document Nos. 9806030189 and 9806030190, Real Property Records of Comal County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner, said corner being the South corner of that tract of land conveyed to Randal Adams and Susan L. Adams, by deed recorded in County Clerk File No.

20170603814, Real Property Records of Comal County, Texas and lying along the Northeast line of Engel Road (public right-of-way);

THENCE North 67 degrees 25 minutes 00 seconds East, along a Southeast line of said Adams tract, a distance of 218.48 feet to a 60d nail found for corner;

THENCE South 24 degrees 14 minutes 42 seconds East, along a Southwest line of said Adams tract, a distance of 49.37 feet to a 60d nail found for corner;

THENCE North 67 degrees 15 minutes 13 seconds East, along a Southeast line of said Adams tract, a distance of 1317.27 feet to a Southeast post found for corner, said corner being the East corner of that tract of land conveyed to Daniel Rangel and Rogelio Rangel, by deed Recorded in County Clerk File No. 200406022981, Real Property Records of Comal County, Texas;

THENCE South 24 degrees 47 minutes 35 seconds East, a distance of 442.13 feet to a point for corner, said corner being the North corner of that tract of land conveyed to Elton Schwab and Georga Lee Schwab, as trustees of Elton Schwab and Georga Lee Schwab Trust, by Real Property Records of Elton Schwab and Georga Lee Schwab Trust, File No. 2003060015102; and then North 66 degrees 15 minutes 15 seconds East, a distance of 0.62 feet for witness;

THENCE South 67 degrees 15 minutes 40 seconds West, along the Northwestern line of said Schwab tract (200306015102), a distance of 535.18 feet to a point for corner, said point being the West corner of that lot of land conveyed to and owned by the Schwab tract and in the Northwest 1/4 of Section 13, T4S, R10E, of the Custer County Texas, and on the Northwest line of aforementioned Engel Tract, and from the Northwest line of said aforementioned Engel Tract, to a point on which a 1/2 inch iron rod found online in a Northwesterly direction at a distance of 2.50 feet for reference;

THENCE North 24 degrees 49 minutes 17 seconds West, along the Northeast line of said Engel Road, a distance of 191.95 feet to the POINT OF BEGINNING and containing 228,744 square feet or 5.25 acres of land.

SURVEYOR'S CERTIFICATE

The undersigned Registered Professional Land Surveyor (Surveyor) certifies to the Client (a) that the above-mentioned description was prepared by the Surveyor, or by a duly qualified and licensed land surveyor under his or her direct supervision; (b) that such survey was conducted by the Surveyor, or by a duly qualified and licensed land surveyor under his or her direct supervision; (c) all monuments shown hereon actually existed on the date of the survey, and the location, size and type of material thereof are correctly shown; Use of this survey by any other party for other purposes shall be at User's own risk and any reliance on this survey by any other party shall not be the responsibility of the undersigned. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings are as shown and dimensions indicated; location and type of trees, shrubs, fences, easements, encroachments and thereon are as shown and dimensions indicated; and there are no visible and apparent encroachments or encroachments on the ground.

Executed this 9th day of April, 2019

Bryan Connolly
Bryan Connolly
Registered Professional Land Surveyor No. 5513

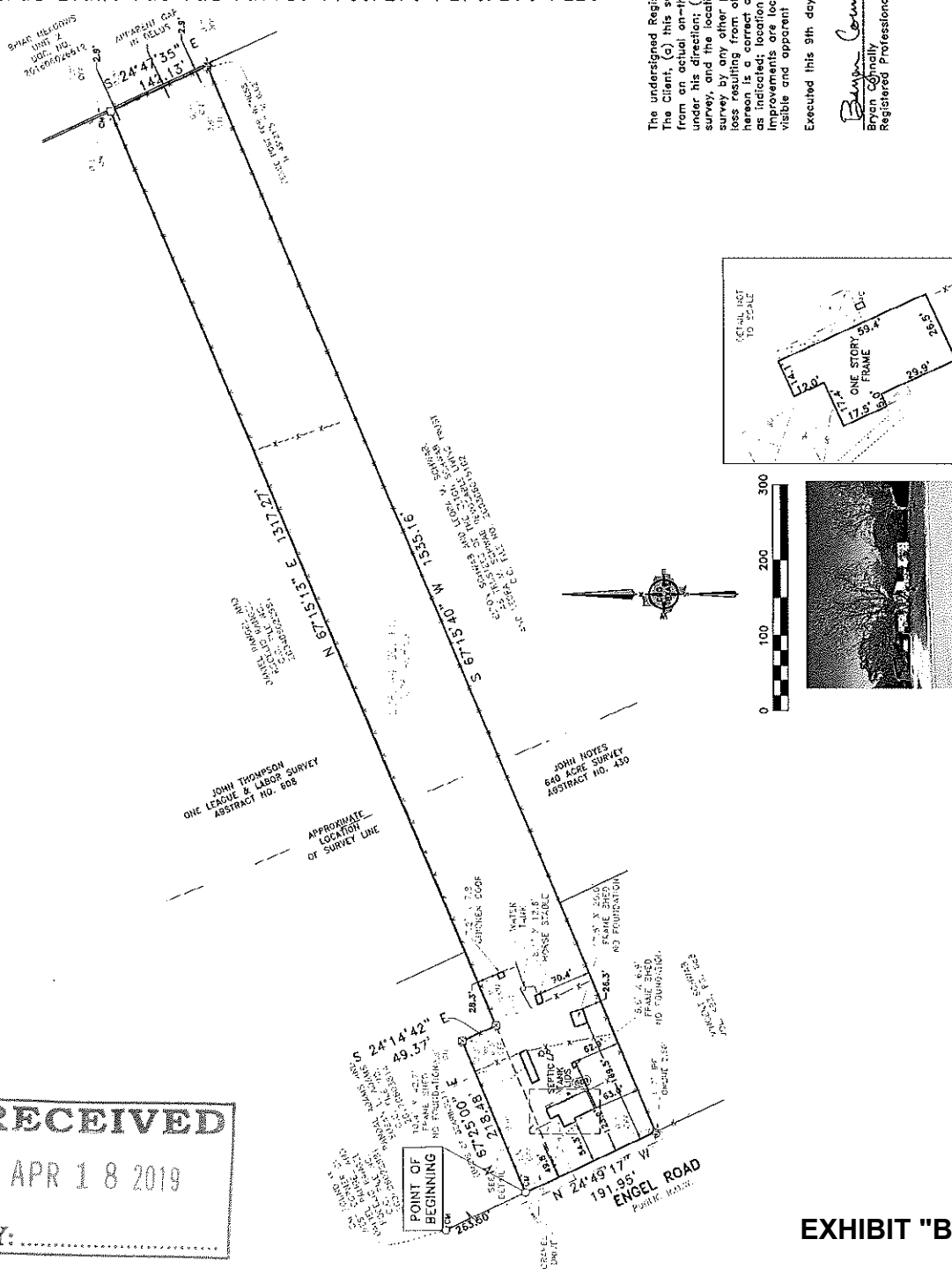


METES AND BOUNDS

JOHN THOMPSON ONE LEAGUE & LABOR SURVEY, ABSTRACT NO. 608
AND THE JOHN NOYES 640 ACRE SURVEY, ABSTRACT NO. 430

COMAL COUNTY TEXAS

471 & 491 ENGEL ROAD



NOTE: According to the F.I.R.M. in Map No. 48091C0445F, this property does lie in Zone X and does not lie within the 100 year flood zone.

LEGEND

[illegible]

NOTE: This survey is made in conjunction with the information provided by the client, C&S Surveying Texas, LLC has not researched the land title records for the existence of easements, restrictive covenants or other encumbrances.

NOTES:
BEARINGS ARE BASED ON OLD RECORDED IN DOC. NO. 880630190.
EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

[illegible]

CBG
SUNSHINE CLASSIC
12025 Shiloh Road, Ste. 240
Dallas, TX 75228
P 214.349.9485
F 214.349.2216
Firm No. 10156800
Email: cbg@cbg.com

SCALE	DATE	JOB NO.	G.F. NO.	DRAWN
1" = 100'	04/09/19	1906233	N/A	MARIA

SCALE	DATE	JOB NO.	G.F. NO.	DRAWN
1" = 100'	01/08/10	1000372	41/1	1.10.10

does lie in Zone X



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. J)

Presenter/Contact

*Harry Bowers, District 3 Councilmember
hbowers@nbtexas.org*

SUBJECT:

Discussion and possible direction to staff regarding Chapter 90 of the Code of Ordinances concerning solicitation regulations.

BACKGROUND / RATIONALE:

Councilmember Harry Bowers requested this agenda item.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

N/A

Chapter 90 - PEDDLERS AND SOLICITORS¹¹

Footnotes:

--- (1) ---

Cross reference— Businesses, ch. 18; health and sanitation, ch. 62; vehicles used for peddling fruits and vegetables, § 62-83; secondhand goods, ch. 102; streets, sidewalks and other public places, ch. 114; traffic and vehicles, ch. 126.

State Law reference— Home solicitation transactions, Vernon's Ann. Civ. St. art. 5069-13.01 et seq.; criminal trespass, V.T.C.A., Penal Code § 30.05; persons regarded as retailers under sales tax law, V.T.C.A., Tax Code § 151.024.

Sec. 90-1. - 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:

Mobile food unit (MFU) means an approved and permitted vehicle mounted, self or otherwise propelled, self-contained food service vehicle, designed to be readily movable, used to store, prepare, display, serve or sell frozen or refrigerated confections, including but not limited to ice cream cones, frozen ice cream novelties, raspas or paletas. A mobile food unit does not include a stand, booth, or push or peddle cart.

Posted notice means a sign or signs posted on the property or at or near the entrance to a building, reasonably likely to come to the attention of solicitors, peddlers, or other individuals, indicating that soliciting activities are forbidden.

Soliciting activities means any of those activities engaged in by a solicitor or peddler or mobile food unit as described in this section.

Solicitor or peddler or mobile food unit (MFU) means any individual, firm, or corporation who may be traveling from place to place and who:

- (1) Sells or attempts to sell frozen or refrigerated confections or takes or attempts to take orders for the sale of goods, wares, merchandise, or personal property (including tickets for shows and books of coupons which could be traded in for goods or services) for immediate or future delivery;
- (2) Collects or attempts to collect money or property.

(Code 1961, § 15-1; Ord. No. 2016-47, § 1, 8-23-16)

Cross reference— Definitions generally, § 1-2.

Sec. 90-2. - Regulation of activities.

- (a) It shall be unlawful for any person to engage in soliciting activities upon premises where a posted notice exists prohibiting such soliciting activities, with wording such as "No solicitors" or wording with similar intent.
- (b) Mobile food units are prohibited to operate on vacant or unimproved properties at any time.
- (c) Mobile food units shall not vend or sell within any city park, including streets within said parks, unless first approved by the city's parks and recreation department.

- (d) Mobile food units shall be subject to permitting through the city environmental services division, and shall comply with all applicable planning and zoning requirements, if applicable, in addition to complying with all statutory and local traffic codes and regulations.
- (e) Mobile food unit operators and food handlers, shall be subject to national, state, and local criminal background checks as administered through an accredited processor. The fees for local, state and national background checks are the responsibility of the applicant. Documentation of clearance of applicable criminal background checks shall be provided to the environmental services division and renewed every two years for all mobile food unit personnel vending frozen or refrigerated confections. Based on the results of the background check into the applicant's criminal history, the permitting authority will determine the applicant's eligibility. However, in no case will a permit be issued to a person who is a sex offender.
 - (1) Mobile food unit operators and food handlers shall wear a photo ID badge visible to patrons indicating their name and the date their background clearance was issued.
 - (2) Mobile food units shall prominently display their New Braunfels' mobile food unit permit number on the outside of vehicle that is visible and legible to patrons standing five feet from the vehicle.

(Code 1961, § 15-2; Ord. No. 2016-47, § 1, 8-23-16)

Sec. 90-3. - Noises, amplifiers, use of streets restricted.

In addition to the general provisions set forth in this chapter, peddlers, solicitors, mobile food units, or advertising or magazine vendors shall be subject to the following special provisions:

- (1) *Loud noises and amplifying devices.*
 - a. No peddler, solicitor, advertising or magazine vendors, nor any person in his behalf, shall shout, make any outcry, blow a horn, ring a bell, or use any sound device, including any loudspeaking radio or sound amplifying system, upon any of the streets, alleys, parks, or other places of the city or upon any private premises in the city where sound of sufficient volume is so emitted or produced there from as to be capable of being plainly heard upon the streets, avenues, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.
 - b. Mobile food units (MFU) are prohibited from utilizing loud noises and amplifying devices as described in this section except they are allowed to use amplified music in compliance with the limitations specified in chapter 82, Offenses and miscellaneous provisions, section 82-10.
 - c. MFUs must turn off all music when stationary except when stopped at controlled intersections.
- (2) *Use of public streets.* No peddler, solicitor, mobile food unit or advertising or magazine vendor shall:
 - a. Have exclusive right to any location in the public streets.
 - b. Be permitted a stationary location.
 - c. Be permitted to operate in a congested area where his operations might impede or inconvenience the public.
 - d. Be permitted to demonstrate, sell or offer for sale any goods, wares or merchandise from any vehicle upon any street or highway within the city limits. Mobile food units are permitted to serve and sell from public streets in compliance with the regulations within this chapter.

- e. Be permitted to solicit funds, demonstrate, sell or offer to sell any frozen or refrigerated confections, goods, wares, merchandise, magazines or other items during the hours of darkness within the city limits.
- f. Peddlers, solicitors, mobile food units, or advertising or magazine vendors shall limit their hours to true daylight, which is defined as 30 minutes before sunrise to 30 minutes after sunset.
- g. Mobile food units shall be prohibited from stopping on any street in the state highway system, regardless of the speed limit, including Farm-to-Market Roads located within the corporate boundaries of the city. A state highway system includes, but is not limited to, Interstate Highway 35, Loop 337, FM 725, Business 35, FM 1044, FM 758, FM 1101, FM 306, FM 1102, FM 482, FM 2722, SH 46 and Business 46 (excluding Business 46 located between Coll Street and Walnut Avenue).
- h. Mobile food units are hereby authorized to sell or dispense frozen or refrigerated confections on authorized public streets in compliance with the following:
 - 1. On streets where the posted speed limit is 35 miles per hour or less, with the exception of the following:
 - A. Common Street;
 - B. County Line Road;
 - C. Landa Street;
 - D. McQueeney Road;
 - E. Walnut Avenue;
 - F. San Antonio Street;
 - G. Seguin Avenue;
 - H. Within the boundaries of the New Braunfels' Main Street District; and
 - I. Gruene Road and Hunter Road within the boundaries of the Gruene National Historic District.
 - 2. Mobile food units shall be limited to three trips down a street within one 24-hour period. Trips up and down a cul-de-sac will be counted as one trip.
 - 3. Prior to making a sale or dispensing such frozen or refrigerated confection the driver of such vehicle shall drive to the side of the street, as close as practical to the curb, and if there is no curb, then as close as practical to the edge of the paved portion or the edge of the portion used for vehicular traffic of said road.
 - 4. The driver shall stop, stand or park such vehicle in full compliance with all applicable ordinances of the city and statutes of the state, and particularly ordinances governing the stopping, standing, or parking of vehicles, and such vehicle shall remain so stopped, standing or parked for no longer than is necessary to make the immediate sale or to dispense such frozen or refrigerated confections.
 - 5. Mobile food units shall be equipped with a sign clearly visible from both the front and rear, mounted on the top of the truck and bearing the warning "CAUTION—CHILDREN." The lettering for such sign shall be block style letters not less than six inches high and one-half inch wide, and such letters shall be black against a yellow background. Flasher-type warning lights displaying yellow to the front and red to the rear and which operate continuously while the truck is stopped for the purpose of making a sale or dispensing frozen desserts shall be installed at each end of the sign.
 - 6. Mobile food units shall not stop within 20 feet of an intersection or double park when attempting a sale or when making a sale.

7. All mobile food units when stopped on city streets must vend from the curbside of the vehicle. No vending from the driver's side will be allowed when stopped on city streets.

For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

(Code 1961, § 15-3; Ord. No. 2016-47, § 1, 8-23-16)

Cross reference— Placing of goods, containers or other obstructions in right-of-way, § 114-4.

Sec. 90-4. - Penalty for violation of chapter.

Any person or agent thereof who shall violate a provision of this chapter shall be deemed guilty of a misdemeanor offense and, upon conviction, shall be punished by a fine of not more than \$500.00.

(Code 1961, § 15-4; Ord. No. 2016-47, § 1, 8-23-16)



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. A)

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

- Project Nautilus
- Project 2x4



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. B)

Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code

- Property for city facilities



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. C)

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

- Korczyk vs. CONB, et al.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/26/2019

Agenda Item No. D)

Deliberate the appointment, evaluation, duties, discipline, or removal of the Municipal Court Judge in accordance with Section 551.074 of the Texas Government Code.

