

CITY OF NEW BRAUNFELS, TEXAS PLANNING COMMISSION MEETING



CITY HALL - COUNCIL CHAMBERS 550 LANDA STREET

TUESDAY, FEBRUARY 2, 2021 at 6:15 PM

TO PROTECT THE HEALTH OF THE PUBLIC AND LIMIT THE POTENTIAL SPREAD OF COVID-19, NO IN-PERSON PUBLIC ACCESS TO THIS MEETING IS AVAILABLE. READ BELOW FOR WAYS TO PARTICIPATE IN THIS MEETING.

To participate via zoom use the link: https://us02web.zoom.us/j/84847801557 or call (833) 926-2300 ID # 848 4780 1557.

AGENDA

1. CALL TO ORDER

Request all phones and other devices be turned off, except emergency on-call personnel.

2. ROLL CALL

3. APPROVAL OF MINUTES

A) Approval of the January 5, 2021 Regular <u>21-136</u> Meeting Minutes pg. 1

4. IN-PERSON CITIZENS' COMMUNICATIONS IS TEMPORARILY SUSPENDED

This is typically time for the public to provide input on items not on this agenda. It is a violation of state law for the Commission to act on or discuss items not on the agenda. In order to ensure the safety of commissioners, staff and the general public during the pandemic, in-person communications is temporarily suspended. However, citizens may email their comments to planning@nbtexas.org. Comments will be distributed to the Planning Commission.

5. CONSENT AGENDA

All items listed below are considered to be routine and non-controversial by the Planning Commission and will be approved by one motion. There will be no separate discussion of these items unless a Planning Commissioner 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.

- A) **FP21-0003** Approval of the final plat for August 21-106
 Fields, Phase 4. pg. 13
 Applicant: HMT Engineering & Surveying; Owner: August Fields, LP
- B) **FP21-0004** Approval of the final plat for August <u>21-110</u> Fields, Phase 5. pg. 19

Posted On: 1/29/2021 11:30:32AM

	Applicant: HMT Engineering & Surveying; Owner: August Fields, LP	
C)	FP21-0005 Approval of the final plat for Grace 2 Meadows, Unit 1. pg. 25 Applicant: HMT Engineering & Surveying; Owner: MSSC Investments, LP	<u> 1-113</u>
D)		<u> 1-115</u>
E)	FP21-0008 Approval of the final plat for The Gardens at New Braunfels with conditions. pg. 41 Applicant: James Ingalls, Moeller & Associates Engineering; Owner: JP Gip	<u>21-68</u> ps
F)	FP21-0014 Approval of the final plat for New Braunfels 2 Westside Community Center Library. pg. 47 Applicant: HMT Engineering & Surveying; Owner: City of New Braunfels	<u>21-94</u>
G)	FP21-0015 Approval of the final plat for Vangaurd Farms. pg. 51 2 Applicant: HMT Engineering & Surveying; Owner: Gary Krieg; ULF, LLC	<u> 1-117</u>
<u>INDIVI</u>	IDUAL ITEMS FOR CONSIDERATION	
A)	Presentation by the Texas Community Watershed 2 Partners regarding scenario planning with the CHARM mapping tool and community workshops. pg. 58 Dana Snyder, Urban Resilience Planner and Program Coordinator with the Texas Community Watershed Partners	
B)	Public hearing and recommendation to City Council 2 regarding proposed amendments to Chapter 66 Historic Preservation for the protection and preservation of historic trees within historic districts and historic properties. pg. 71 Caleb Gasparek, Historic Preservation Officer	<u>21-114</u>
C)	Discuss and consider a recommendation to City Council 2 regarding the removal of a segment of the Minor Arterial identified in the City of New Braunfels Regional Transportation Plan that is the future extension of County Line Road from FM 1044 to Engel Road. pg. 83 Garry Ford, Jr., Assistant Public Works Director/City Engineer	<u>21-41</u>
D)	DCP20-327 Public hearing and recommendation to City 2 Council regarding a proposed rezoning of approximately 19.963 acres out of the Sarah DeWitt Survey No. 48,	<u>21-67</u>

6.

Abstract No. 103, in Guadalupe County, Texas, located

at the northeast corner of the intersection of FM 725 and East Klein Road, from "R-1" Single-Family District and "APD" Agricultural/Pre-Development District to "REAPD" River's Edge Apartments Planned Development District, pg. 95 Applicant: Herman Kittle Properties, Inc. (Elena Sanders, Director of Development) Owner: Margaret Denise Kosko

- E) PZ20-0329 Public hearing and recommendation to City 21-89 Council regarding a proposed rezoning of approximately 68.05 acres out of the O. Russell Survey No. 2, Abstract No. located at the northern corner 485. intersection of Goodwin Lane and Orion Drive, from "APD" Agricultural/Pre-Development District to "R-1A-4" Lot "R3-H" Single-Family Small Residential and Multifamily High Density District. pg. 123 Applicant: James Ingalls, P.E.; Owner: EB Industries (Richard Byrd)
- F) PZ20-0330 Public hearing and recommendation to City 21-64 Council regarding a proposed rezoning of approximately 14.608 acres out of the H. Foster Survey No. Abstract No. 154, Comal County, Texas, located at the northwest corner of the intersection of IH 35 and FM 306, "M-1" Light Industrial District to "MU-B" from High Intensity Mixed Use District. pg. 137 Applicant: Moeller & Associates (James Ingalls, P.E.); Owner: Smithco Development (Matt Strange)
- G) **REP21-007** Public Hearing and consideration of the 21-95 replat of Oak Grove Estates Unit 1, Lot 1 and Oak Grove Estates Unit 2, Block 1, Lot 1A, establishing Oak Grove Estates Unit 5. pg. 151 Applicant/Owner: Dean Schilling
- H) **REP21-012** Public Hearing and consideration of the 21-93 replat of a portion of Lot 3 and Lot 4, New City Block 1055, Kuehler Addition establishing Lots 3R and 4R, with a waiver. pg. 159

Applicant: Moeller & Associates (James Ingalls, P.E.); Owner: Deborah Pawlik

SUP20-267 Public hearing and recommendation to 21-88 I) City Council regarding proposed to а rezoning a Special Use Permit to allow a variety of apply residential and non-residential development on approximately 49.5 acres out of the A-103, Sarah Dewitt

City of New Braunfels, Jexas and addressed at 514

& 720 W. Zipp Road, from "R-1A-6.6" Single Family District to allow all uses allowed in the following zoning districts: "MU-B" High Intensity Mixed Use, "R-1A-4" Single-Family Small Lot Residential, "ZH-A" Zero Lot Line Home and "R-2A" Single and Two-Family Residential. pg. 165

Applicant: Thor Thornhill; Owner: Gregory Family Revocable Trust

- J) WVR21-010 Consideration of a waiver to Section 118-49 21-92 of the Subdivision Platting Ordinance to not require sidewalk construction along FM 2722 for the Preserve at Elm Creek Subdivision. pg. 181

 Applicant: William B. Ball, P.E., HMT Engineering & Surveying; Owner: JHJ Land and Cattle Company Holdings, LLC
- K) HST20-302 Public recommendation to 21-78 hearing and City Council for the landmark designation the addressed property currently as 210 South Castell Avenue, a commercial space commonly known as the Producer's Co-Op building, pg. 189 Applicant/Owner: Ronald B. Snider, Fredrick Heimer, & Michael Meyer

7. STAFF REPORT

8. ADJOURNMENT

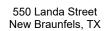
CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at the New Braunfels City Hall.

Board Liaison

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.







Planning Commission Agenda Item Report 2/2/2021

Agenda Item No. A)

Planning Commission Regular Meeting Minutes January 5, 2021

Members Present

Chair Lee Edwards
Vice Chair Stanley Laskowski
Ron Reaves
Creighton Tubb
Thomas Meyer
Chad Nolte
Jerry Sonier
John Mathis
Shaun Gibson

Staff Present

Christopher J. Looney, Planning Director Frank Onion, Assistant City Attorney Jean Drew, Senior Planner Maddison O'Kelley, Assistant Planner Caleb Gasparek, Historic Preservation Officer Holly Mullins, Senior Planner Matt Greene, Planner Matthew Simmont, Planner Sam Hunter, Planning Technician

Members Absent

None

1. The above meeting was called to order by Chair Edwards at 6:00 p.m.

2. ROLL CALL

Roll was called, and a quorum was declared.

3. APPROVAL OF MINUTES

Motion by Vice Chair Laskowski, seconded by Member Sonier, to approve the regular meeting minutes of December 1, 2020. Motion carried (9-0-0).

4. CITIZENS COMMUNICATION

Chair Edwards stated in person communication had been temporarily suspended due to COVID-19 and encouraged the public to send their comments in emails to planning@nbtexas.org which will be distributed to the Commissioners.

5 CONSENT AGENDA

No items.

6 ITEMS FOR CONSIDERATION

Motion by Vice Chair Laskowski, seconded by Commissioner Gibson, to postpone Item 6M, the recommendation to City Council regarding the removal of a segment of the Minor Arterial identified in the City of New Braunfels Regional Transportation Plan that is the future extension of County Line Road from FM 1044 to Engel Road to the February 2, 2021 regular meeting. Motion carried (9-0-0).

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to postpone Item 6F, recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow a variety of residential and non-residential development on approximately 49.5 acres out of the A-103, Sarah Dewitt Survey, addressed at 514 & 720 W. Zipp Road, from "R-1A-6.6" Single Family District to allow all uses allowed in the following zoning districts: "MU-B" High Intensity Mixed Use, "R-1A-4" Single-Family Small Lot Residential, "ZH-A" Zero Lot Line Home and "R-2A" Single and Two-Family Residential to the February 2, 2021 regular meeting with new public notice to be provided. Motion carried (9-0-0).

Motion by Commissioner Meyer, seconded by Commissioner Sonier, to move item 6J to be presented after item 6B. Motion carried (9-0-0).

A) Briefing on forthcoming proposed amendments to remove regulatory barriers to workforce

housing. Jean Drew, Senior Planner

Mrs. Drew presented.

Discussion followed on concerns regarding the presented duplex, live work, and home occupation revisions including parking, single family districts, small lots, and clarification for what was being proposed.

B) Presentation and briefing regarding proposed amendments to Chapter 66 Historic Preservation for the protection and preservation of historic trees within historic districts and historic landmarks. *Caleb Gasparek, Historic Preservation Officer*

Mr. Gasparek presented.

Discussion followed on clarification and suggestions for the presented draft concerning tree types, mitigation fund, and penalties.

J) SUP20-298 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow outdoor music in the "C-1" Local Business District adjacent to residential use on approximately 1.2 acres consisting of Lot 5, Block 1, Rio Vista Addition, addressed at 1951 Gruene Road. Applicant: Ross Wilkinson; Owner: Rosemary Phillips; Case Manager: Matthew Simmont.

Mr. Simmont presented and recommended denial or approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

Ross Wilkinson, 422 Elmwood Drive, provided his reasoning for the request.

Discussion followed on similar cases previously denied and how this request may be different.

Discussion followed on conditions in the case the request is approved and considerations of postponement and public outreach.

Mr. Wilkinson stated he is open to postponement to reach out to surrounding residents.

Discussion followed.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Meyer, seconded by Commissioner Reaves, to postpone the proposed rezoning to apply a Special Use Permit to allow outdoor music in the "C-1" Local Business District adjacent to residential use on approximately 1.2 acres consisting of Lot 5, Block 1, Rio Vista Addition, addressed at 1951 Gruene Road to the March 2, 2021 Planning Commission meeting. Motion carried (9-0-0).

C) PZ20-0285 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 19.735 acres out of the Orilla Russell Survey, A-485 and the Nancy Kenner Survey, A-306, Comal County, Texas, located south of the intersection of Gray Cloud Drive and Twin Dish Way, from "R-1A-6.6" Single Family District to "R-1A-5.5" Single Family District. Owner: Milestone Conrads Development (Chesley Swann III, Vice President); Applicant: HMT Engineering & Surveying (Stephen Hanz, COO); Case Manager: Matt Greene.

Mr. Greene presented and recommended approval.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

Chris Van Heerde, 290 S Castell Ave, HMT, provided clarification on the request.

Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wanted to speak in opposition.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Reaves, seconded by Commissioner Meyer, to recommend approval to City Council of the proposed rezoning of approximately 19.735 acres out of the Orilla Russell Survey, A-485 and the Nancy Kenner Survey, A-306, Comal County, Texas, located south of the intersection of Gray Cloud Drive and Twin Dish Way, from "R-1A-6.6" Single Family District to "R-1A-5.5" Single Family District with staff recommendations. Motion carried (8-0-1) with Commissioner Tubbs in opposition.

The commission initiated a 5-minute break at 7:36pm and resumed at 7:41pm.

D) PZ20-0292 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 5.996 acres out of the Orilla Russell Survey No. 2, Abstract No. 485, Comal County, Texas, addressed at 689 Orion Drive, from "M-1A" Light Industrial District to "R-1A-6.6" Single-Family District. Applicant: Robert Whipkey; Case Manager: Matt Greene.

Mr. Greene presented and recommended approval.

Chair Edwards asked if there were any questions for staff.

Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.

Chris Van Heerde, 290 S Castell, stated support for the request in the form of public comment.

Chair Edwards asked if anyone wanted to speak in opposition.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if the applicant would like to speak.

Robert Whipkey, 689 Orion Drive, stated intent behind the request.

Chair Edwards asked if there were any further questions or a motion.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to recommend approval to City Council of the proposed rezoning of approximately 5.996 acres out of the Orilla Russell Survey No. 2, Abstract No. 485, Comal County, Texas, addressed at 689 Orion Drive, from "M-1A" Light Industrial District to "R-1A-6.6" Single-Family District. Motion carried (9-0-0).

E) PZ20-0295 Public hearing and recommendation to City Council regarding proposed revisions to the Solms Landing Planned Development ("SLPD") concept plan and development standards, on approximately 98 acres out of the A M Esnaurizar A-20 Survey, addressed at 253 S. Kowald Lane. Applicant: James Mahan; Case Manager: Holly Mullins.

Mrs. Mullins presented and recommended approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed on the concerns listed in the staff report and how these have been resolved.

Vice Chair Laskowski expressed concerns over density, traffic, and impact on adjacent neighborhoods.

Discussion followed.

Chair Edwards asked if the applicant would like to speak.

Burt Wellmann, KFW, 15818 Turfway Park, addressed traffic and density concerns.

Discussion followed.

James Mahan, 173 Oak Canopy Court, addressed density concerns.

Chair Edwards opened the public hearing and asked if anyone wished to speak.

Kevin Pernicano, 2071 Windchime Way, asked for clarification on what each of the zone classifications stand for on the presented concept plan.

Cameron Dunlavy, Sun Communities Inc., asked for clarification on the potential development.

Mr. Mahan provided clarification.

Chair Edwards closed the public hearing.

Discussion followed on the TIA approval.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Meyer, seconded by Commissioner Tubb, to recommend denial to City Council of the proposed revisions to the Solms Landing Planned Development ("SLPD") concept plan and development standards, on approximately 98 acres out of the A M Esnaurizar A-20 Survey, addressed at 253 S Kowald Lane. Motion carried (8-0-1) with Commissioner Gibson in opposition.

G) SUP20-284 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit on approximately 23 acres out of the A.P. Fuquay survey No. 35, Abstract No. 155, Comal County, Texas, located at the southwest corner of the intersection of E. Common Street and Old FM 306, to allow multifamily high-density residential use in the "C-1" Local Business District and "M-1" Light Industrial District. Owner: Noland and Vera Koepp, Ltd. Partnership Applicant: HMT Engineering & Surveying (Thor Thornhill); Case Manager: Matt Greene.

Mr. Greene presented and recommended approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed for clarification on height restrictions for multifamily, traffic issues, and density.

Chair Edwards asked if the applicant would like to speak.

Chris Crim, 290 S Castell, stated the intent behind the request.

Discussion followed on clarification for the proposed multifamily development.

Chair Edwards opened the public hearing and asked if anyone wished to speak.

Mike Phelan, 1224 Gruene Valley Circle, stated traffic as a concern.

Ron Riffel, 1728 Gruene Vineyard Crossing, stated traffic and property values as a concern.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Sonier, seconded by Commissioner Gibson, to recommend approval to City Council of the proposed rezoning to apply a Special Use Permit on approximately 23 acres out of the A.P. Fuquay survey No. 35, Abstract No. 155, Comal County, Texas, located at the southwest corner of the intersection of E. Common Street and Old FM 306, to allow multifamily high-density residential use in the "C-1" Local Business District and "M-1" Light Industrial District. Motion carried (8-0-1) with Commissioner Mathis in opposition.

H) SUP20-289 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow duplexes (two-family dwellings) or office/warehouse use in the "APD" Agricultural/Pre-Development District on approximately 0.938 acres out of the A.M. Esnaurizar Eleven League Grant, Subdivision No. 107, addressed at 187 Prairie View Road. Applicant: Moeller & Associates (James Ingalls, P.E.) Owner: Dianna Lynn Scott; Case Manager: Matt Greene.

Mr. Greene presented and recommended approval of the SUP request to allow duplexes on the subject property with conditions as outlined in the staff report and recommends denial of the request for office/warehouse use.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

No one spoke.

Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wanted to speak in opposition.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Sonier, seconded by Commissioner Mathis, to recommend approval to City Council the proposed rezoning to apply a Special Use Permit to allow duplexes (two-family dwellings), and recommend denial to allow office/warehouse use in the "APD" Agricultural/Pre-Development District on approximately 0.938 acres out of the A.M. Esnaurizar Eleven League Grant, Subdivision No. 107, addressed at 187 Prairie View Road with staff recommendations.

Discussion followed on clarification of the motion. Motion carried (9-0-0).

I) SUP20-291 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow a seven-unit, townhouse style residential development on approximately 0.7 acre located at the southwestern terminus of the 2300 block of Michigan Street. Applicant: Brian Mendez – Urban Civil; Owner: Habitat for Humanity (Crystal Moore); Case Manager: Matthew Simmont.

Mr. Simmont presented and recommended approval with nine conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Commissioner Sonier voiced support for the development.

Discussion followed on parking and clarification on the nature of the development.

Chair Edwards asked if the applicant would like to speak.

Bryan Mendez, 190 S Seguin St, Urban Civil, stated he is available to answer any questions.

Discussion followed on the intent and reasoning for rezoning from ZH-A.

Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wanted to speak in opposition.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Sonier, seconded by Commissioner Gibson, to recommend approval to City Council of the proposed rezoning to apply a Special Use Permit to allow a seven-unit, townhouse style residential development on approximately 0.7 acre located at the southwestern terminus of the 2300 block of Michigan Street. Motion carried (9-0-0).

K) SUP20-299 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family residence in the C-3 Commercial District, addressed at 262 E. Nacogdoches Street. Applicant/Owner: Aurora Hayes; Case Manager: Holly Mullins.

Mrs. Mullins presented and recommended approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed on prior cases approved without driveway paving being required.

Chair Edwards asked if the applicant would like to speak.

Vincent Vero, 11030 Endicott Lane, state he is present to answer any questions.

Discussion followed on the driveway apron and paving.

Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wanted to speak in opposition.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to recommend approval to City Council of the proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family residence in the C-3 Commercial District, addressed at 262 E. Nacogdoches Street with staff recommendations. Motion carried (9-0-0).

L) SUP20-300 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow an RV resort on approximately 28 acres consisting of Lot 1D-R Walnut Heights Subdivision and approximately 24 acres out of the J M Veramendi A-2 Survey, located in the 700 block of N. Walnut Avenue. Applicant: James Ingalls; Case Manager: Holly Mullins.

Mrs. Mullins presented and recommended approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed on concerns for the RV park development.

Chair Edwards asked if the applicant would like to speak.

Stuart Blythin, 431 N Hickory, provided clarification on the request.

James Ingalls, 2021 State Hwy 46, provided additional information on the request.

Discussion followed on public outreach, accommodations other than the RV portion, and clarification on the nature of the accommodations.

Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wanted to speak in opposition.

Leon Woolsey, 620 Creek Dr, stated he is in opposition for various listed reasons and assembled a petition against the proposed development with neighbors.

Julie Woolsey, 622 Creek Dr, stated she opposes the development citing traffic concerns.

Brandon Tristan, 2219 Stonecrest Dr, asked a question in regard to drainage.

Commissioner Meyer stated the drainage is not currently being considered.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Reaves, seconded by Commissioner Meyer, to recommend approval to City Council of the proposed rezoning to apply a Special Use Permit to allow an RV resort on approximately 28 acres consisting of Lot 1D-R Walnut Heights Subdivision and approximately 24 acres out of the J M Veramendi A-2 Survey, located in the 700 block of N. Walnut Avenue with staff recommendations. Motion carried (9-0-0).

N) CS20-319 Discuss and consider a recommendation to City Council regarding a variance request to allow a proposed business, addressed at 344 Landa Street, to provide alcohol sales (wine and beer, no onsite consumption) within 300 feet of a church. Case Manager: Maddison O'Kelley.

Ms. O'Kelley presented.

Chair Edwards asked if there were any questions for staff.

Commissioner Meyer asked why staff had not included a recommendation.

Ms. O'Kelley stated the decision should be made based off of the criteria provided in the Texas Local Government Code.

Discussion followed on the lack of response from the River City Vineyard Community Church property and surrounding properties.

Chair Edwards asked if the applicant would like to speak.

Bob Pineda, 344 Landa Street, clarified the nature of the retail business and liquor sales for off-premise consumption.

Discussion followed on the proposed nature of the liquor sales.

Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wanted to speak in opposition.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Sonier, seconded by Commissioner Gibson, to recommend approval to City Council of the proposed business, addressed at 344 Landa Street, to provide alcohol sales (wine and beer, no onsite consumption) within 300 feet of a church. Motion carried (9-0-0).

O) REP20-307 Public Hearing and consideration of the Self Subdivision, that includes a replat of Lot 1R, Schleicher Estates Subdivision, with a waiver to not extend an existing street. Applicant: Moeller & Associates (James Ingalls, P.E.); Owner: Sandra E. Self; Case Manager: Matthew Simmont.

Mr. Simmont presented and recommended approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Ron Reaves asked for clarification on the public notice.

Mr. Simmont stated that the State requires only the original subdivision within 200 feet to be notified.

Chair Edwards asked if the applicant would like to speak.

James Ingalls, 2021 S State Hwy 46, stated the intent of the property owner.

Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wanted to speak in opposition.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to approve the proposed Self Subdivision, that includes a replat of Lot 1R, Schleicher Estates Subdivision, with a waiver to not extend an existing street. Motion carried (9-0-0).

P) REP20-315 Public Hearing and consideration of the Spring Valley Subdivision, Unit 1A that includes a replat of Tract 1, Anita's Acres Subdivision. Applicant: Moeller & Associates (James Ingalls, P.E.); Owner: San Antonio 2015 LLC (David C. Frye); Case Manager: Matthew Simmont.

Mr. Simmont presented and recommended approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

James Ingalls, 2021 S State Hwy 46, stated he was present to answer any questions.

Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wanted to speak in opposition.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Sonier, seconded by Commissioner Gibson, to approve the proposed Spring Valley Subdivision, Unit 1A that includes a replat of Tract 1, Anita's Acres Subdivision. Motion carried (9-0-0).

Q) PL-20-022 Consideration of the final plat for Senaido Dual Crossing Subdivision with waivers. *Applicant: Brian Mendez; Case Manager: Holly Mullins.*

Mrs. Mullins presented. Staff recommended approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed on the configuration of the subdivision potentially changing at some point.

Chair Edwards asked if the applicant would like to speak.

Bryan Mendez, 190 S Seguin St, stated he is present to answer any questions.

Chair Edwards asked if there were any further questions or a motion.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to approve the proposed final plat for Senaido Dual Crossing Subdivision and waivers with staff recommendations. Motion carried (9-0-0).

R) WVR20-323 Consideration of a waiver to Section 118-45 of the Subdivision Platting Ordinance to allow a lot with no public street frontage addressed at 610 Dammann Lane. *Applicant: James Dillon.*

Mrs. Mullins presented. Staff did not oppose the request.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

No one spoke.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Sonier, seconded by Commissioner Gibson, to approve the proposed waiver to Section 118-45 of the Subdivision Platting Ordinance to allow a lot with no public street frontage addressed at 610 Dammann Lane. Motion carried (9-0-0).

S) CS20-0257 Public hearing and recommendation to City Council regarding a request for acceptance of 102.68 acres out of the A.M. Esnaurizar A-20 Survey into the City of New Braunfels extraterritorial jurisdiction (ETJ) located on FM 758 approximately 1,000 feet west of State Highway 123 North. Drew Hubbard, Owners' Agent.

Mrs, Mullins presented. Staff recommended approval of the annexation.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

James Ingalls, 2021 S State Hwy 46, stated the intent behind the proposed development.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Reaves, seconded by Vice Chair Laskowski, to recommend approval to City Council of the request for acceptance of 102.68 acres out of the A.M. Esnaurizar A-20 Survey into the City of New Braunfels extraterritorial jurisdiction (ETJ) located on FM 758 approximately 1,000 feet west of State Highway 123 North. Motion carried (9-0-0).

T) ORD20-301 Public hearing and recommendation to City Council regarding a proposed amendment to the Veramendi Development Design & Control Document. Applicant & Developer: Peter James, Chief Executive Officer - ASA Properties; Case Manager: Matthew Simmont.

Mr. Simmont presented and recommended approval.

Chair Edwards asked if there were any questions for staff.

Commissioner Reaves asked if any alleyways in the subdivision are adjacent to the Oak Run Subdivision
Discussion followed.
Chair Edwards asked if the applicant would like to speak.
Garrett Mechler, 387 West Mill, clarified the intent behind the request.
Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.
No one spoke.
Chair Edwards asked if anyone wanted to speak in opposition.
No one spoke.
Chair Edwards closed the public hearing.
Chair Edwards asked if there were any further questions or a motion.
Motion by Commissioner Sonier, seconded by Commissioner Gibson, to recommend approval to Cit Council of the proposed amendment to the Veramendi Development Design & Control Document. Motion carried (9-0-0).
7. STAFF REPORT
Mr. Looney stated the Missing Middle presentation zoom link will be sent later this week and gave an update on the Assistant Director interviews in process.

Date

There being no further business, Chair Edwards adjourned the meeting at 10:19 pm.

8 ADJOURNMENT

Chair



Planning Commission Agenda Item Report

550 Landa Street New Braunfels, TX

2/2/2021

Agenda Item No. A)

Presenter/Contact

Applicant: HMT Engineering & Surveying; Owner: August Fields, LP (830) 625-8555 - plats@hmtnb.com

SUBJECT:

FP21-0003 Approval of the final plat for August Fields, Phase 4.

Plat Information:

Case No.: FP21-0003

Applicant: HMT Engineering & Surveying (Bill Ball, P.E.)

290 S. Castell Ave.

New Braunfels, TX 78130

(830) 625-8555 plats@hmtnb.com

Owner: August Fields, LP (Barth Timmerman)

501 Vale Street Austin, TX 78746

(512) 773-0498 barth@greenviewdev.com

Staff Contact: Matt Greene

(830) 221-4053

mgreene@nbtexas.org

Description: Platting 61 single-family residential lots and 1 drainage lot on 11.28 acres

The subject property is comprised of 11.28 acres located between FM 1101 and Alves Lane, west of Canyon Middle School and east of Freiheit Elementary School and is zoned "August Fields" Planned Development District (AFPD). Phases 1, 2 and 3 of the development have been recorded.

Drainage:

The Public Works Department reviewed preliminary drainage with the Letter of Certification process as required by Section 118-51.e of the Subdivision Platting Ordinance and in accordance with the requirements of Chapter 143 Municipal Drainage Utility Systems, and the Drainage and Erosion Control and Design Manual.

No portion of the subject property is located within the 1% annual chance floodplain.

Utilities:

All lots in this subdivision will be provided water, sewer, and electric service by New Braunfels

Utilities. Utility easements have been designated on the plat as requested.

Transportation:

Regional Transportation Plan

There are no thoroughfares designated on the Regional Transportation Plan internal to or adjacent to the subject property.

Hike and Bike Trail Plan

This plat is in compliance with the City's Hike and Bike Trails Plan. There are no existing or proposed trails internal to or adjacent to the subject property.

Sidewalks

Four-foot wide sidewalks will be constructed per City standards by the developer and home builder adjacent to the internal streets.

Roadway Impact Fees:

The subdivision is subject to Roadway Impact Fees and will be assessed the fees for Service Area 6 with the approval of the final plat. The Impact Fees will be collected at time of building permit as indicated in the then current fee schedule for the intended use.

Parkland Dedication and Development:

Public park land is being dedicated in Phase 1 of this development per the Development Agreement between the developer and the City.

Staff Recommendation:

To meet the requirements of the Subdivision Platting Ordinance and other adopted codes, the applicant's proposed final plat must comply with the conditions noted below. Staff recommends approval of the applicant's proposed final plat the following Conditions of Approval:

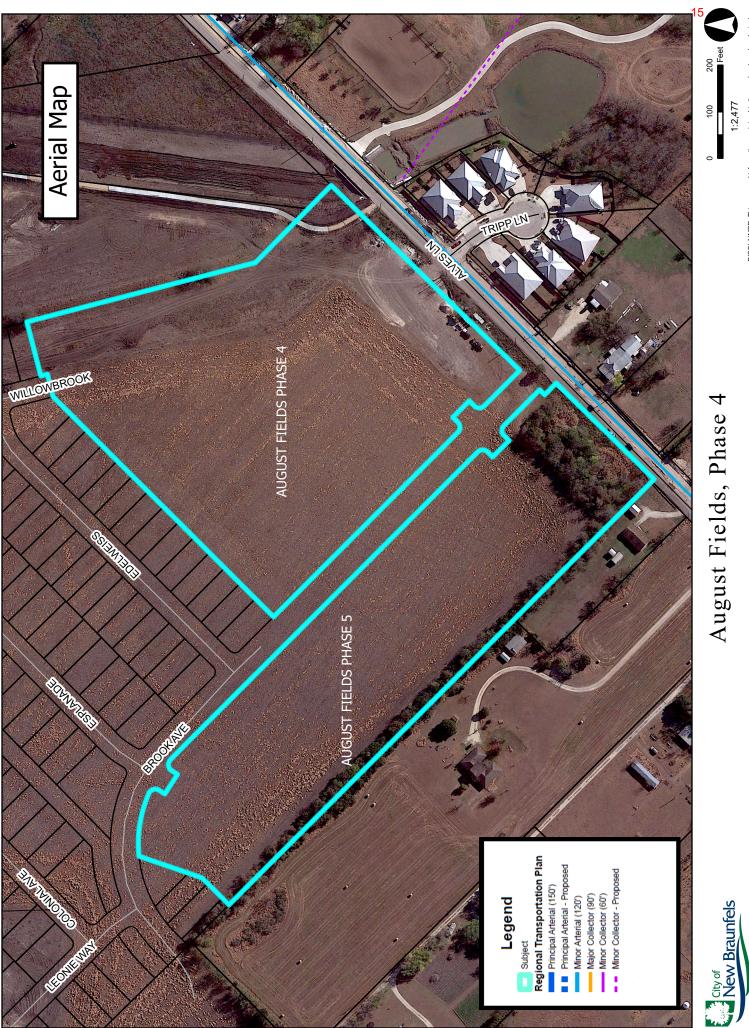
- 1. Add "according to the adopted flood maps of the City of New Braunfels" in Plat Note #7. (NBCO 118-30)
- 2. Add a note to the plat stating "This subdivision is subject to Airport Hazard Zoning District standards of the City of New Braunfels Zoning Ordinance". (NBCO 118-30)
- 3. Revise street name "Split Rock Road" to "Split Rock Rd". (NBCO 118-29(b)(3))
- 4. Provide a 15-foot wide Utility Easement fronting Alves Lane, outside of the Right-of-Way dedication. (NBCO 118-48)

Approval Compliance:

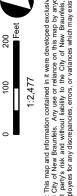
Pursuant to state law, if the Planning Commission approves with conditions, to obtain approval of the final plat, the applicant must submit to the City a written response that satisfies each condition of approval prior to expiration of the final plat (Section 118-32(b)). In accordance with Chapter 212, Texas Local Government Code, the City will determine the final plat approved if the response adequately addresses each Condition of Approval.

Attachments:

Aerial Map Final Plat



August Fields, Phase 4



DISCLAIMER: This map and information contained in it were developed exclusively for use by the Clyt of New Braunleis. Any use or reflance on this map by anyone elses is at that party's risk and without liability to the Clyt of New Braunfals, its officials or employees for any discrepancies, errors, or variances which may exist.

PLAT NOTES:

- ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983, GRID. DISTANCES SHOWN HEREON ARE BASED UPON SURFACE MEASUREMENTS. TO CONVERT SURFACE DISTANCES TO GRID, APPLY A COMBINED SCALE FACTOR OF 1.00015. ALL LOTS WITHIN THE SUBDIVISION WILL BE PROVIDED WATER, SEWER AND ELECTRIC SERVICE BY NEW BRAUNFELS UTILITIES. TELEPHONE AND CABLE SERVICES FOR THE SUBDIVISION WILL BE PROVIDED BY AT&T COMMUNICATIONS AND/OR SPECTRUM.

 - MONUMENTS WERE FOUND OR SET AT EACH CORNER OF THE SURVEY BOUNDARY OF THE SUBDIVISION. MONUMENTS AND LOT MARKERS WILL BE SET WITH 1/2" IRON PINS WITH PLASTIC CAP STAMPED "HMT" IMMEDIATELY AFTER COMPLETION OF UTILITY INSTALLATION AND STREET CONSTRUCTION UNLESS NOTED OTHERWISE.
 - THIS SUBDIVISION IS NOT WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.
 - THIS SUBDIVISION IS WITHIN THE CITY LIMITS OF NEW BRAUNFELS, TEXAS.
 - THIS SUBDIVISION IS WITHIN THE COMAL INDEPENDENT SCHOOL DISTRICT.
- NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN ANY SPECIAL FLOOD HAZARD AREA (100 YR. FLOOD), AS DEFINED BY THE COMAL COUNTY, TEXAS, FLOOD INSURANCE RATE MAP NUMBER 48091C0455F, EFFECTIVE DATE SEPTEMBER 2, 2009 AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- NO STRUCTURES, WALLS OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO LANDSCAPING, FENCES, OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE EASEMENTS OR DECREASE THE HYDRAULIC CAPACITY OF THE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY OF NEW BRAUNFELS SHALL HAVE THE RIGHT OF INGRESS OVER GRANTOR'S ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS.
 - FUTURE DEVELOPMENT IS SUBJECT TO CHAPTER 114 (STREETS, SIDEWALKS AND OTHER PUBLIC SPACES) OF THE NEW BRAUNFELS CODE OF ORDINANCES.
- FOUR (4) FOOT WIDE SIDEWALKS WILL BE CONSTRUCTED PER CITY STANDARDS ADJACENT TO THE CURB BY THE DEVELOPER AT THE TIME OF STREET CONSTRUCTION ALONG:

 A. WILLOWBROOK LOT 910, BLOCK 2. 10.
 - FOUR (4) FOOT WIDE SIDEWALKS WIL BE CONSTRUCTED PER CITY STANDARDS ADJACENT TO THE CURB BY THE HOME BUILDER AT THE TIME OF BUILDING CONSTRUCTION ALONG:

 A. WILLOWBROOK, SPLIT ROCK ROAD, HAYSTACK, SCARE CROW, AND BROOK AVE. Ξ.
- THE ELEVATION OF THE LOWEST FLOOR OF A STRUCTURE SHALL BE AT LEAST 10 INCHES ABOVE THE FINISHED GRADE OF THE SURROUNDING GROUND, WHICH SHALL BE SLOPED IN A FASHION SO AS TO DIRECT STORMWATER AWAY FROM THE STRUCTURE. PROPERTIES ADJACENT TO STORMWATER CONVEYANCE STRUCTURES MUST HAVE A FLOOR SLAB ELEVATION OF FLOOR JOISTS A MINIMUM OF ONE FOOT ABOVE THE 100—YEAR WATER FLOW ELEVATION IN THE STRUCTURE. DRIVEWAYS SERVING HOUSES ON THE DOWNHILL SIDE OF THE STREET SHALL HAVE A PROPERLY SIZED CROSS SWALE PREVENTING RUNOFF FROM ENTERING THE GARAGE AND SHALL PREVENT WATER FROM LEAVING THE STREET. 12.
 - THIS SUBDIVISION IS SUBJECT TO THE 2006 CITY OF NEW BRAUNFELS PARK LAND DEDICATION AND DEVELOPMENT ORDINANCE. THIS PLAT IS APPROVED FOR ONE DWELLING UNIT(S) PER BUILDABLE LOT WITH A MAXIMUM OF 61 BUILDABLE LOTS. AT SUCH TIME THAT ADDITIONAL DWELLING UNITS ARE CONSTRUCTED, THE OWNER OF THE LOT(S) SHALL NOTIFY THE CITY AND COMPLY WITH THE ORDINANCE FOR EACH DWELLING UNIT. 13.
- THIS UNIT CONTAINS 61 BUILDABLE RESIDENTIAL LOTS, ALL LOTS MEET THE MINIMUM SQUARE FOOTAGE REQUIREMENT ACCORDING TO THE "AUGUST FIELDS" PLANNED DEVELOPMENT DISTRICT ORDINANCE <u>2017—39.</u> 14.
- LOT 910, BLOCK 2 (DRAINAGE) WILL BE MAINTAINED BY THE AUGUST FIELDS HOMEOWNERS ASSOCIATION, ITS SUCCESSORS AND/ OR ASSIGNS. 15.

NEW BRAUNFELS UTILITIES NOTES:

- MAINTENANCE OF DEDICATED UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. ANY USE OF AN EASEMENT, OR ANY PORTION OF IT, INCLUDING LANDSCAPING OR DRANAGE FEATURES, IS SUBJECT TO AND SHALL NOT CONFLICT WITH THE TERMS AND CONDITIONS IN THE EASEMENT, MUST NOT ENDANGER OR INTERFERE WITH THE RIGHTS GRANTED BY THE EASEMENT TO NEW BRAUNFELS UTILITIES, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE SUBJECT TO APPLICABLE PERMIT REQUIREMENTS OF THE CITY OF NEW BRAUNFELS OR ANY OTHER GOVERNING BODY. THE PROPERTY OWNER MUST OBTAIN, IN ADVANCE, WRITTEN AGREEMENT WITH THE UTILITIES TO UTILIZE THE EASEMENT, OR ANY PART OF IT.
 - UTILITIES WILL POSSESS A 5' WDE SERVICE EASEMENT TO THE DWELLING ALONG THE SERVICE LINE TO THE SERVICE ENTRANCE. THIS EASEMENT WILL VARY DEPENDING UPON LOCATION OF DWELLING AND SERVICE. $\ddot{5}$
 - UTILITIES SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARD AND METER LOCATIONS SHALL NOT BE LOCATED WITHIN A FENCED AREA.
- EACH LOT MUST HAVE ITS OWN WATER AND SEWER SERVICE AT THE OWNER'S/DEVELOPER'S EXPENSE.
- DO NOT COMBINE ANY NEW UTILITY EASEMENTS (U.E.) WITH DRAINAGE EASEMENTS (D.E.) OR MAKE CHANGES IN GRADE WITHIN THE UTILITY EASEMENTS (U.E.) WITHOUT WRITTEN APPROVAL FROM NEW BRAUNFELS UTILITIES.

KNOW ALL MEN BY THESE PRESENTS:

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

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.

DOROTHY J. TAYLOR REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6295 290 S. CASTELL AVE., SUITE 100, NEW BRAUNFELS, TEXAS 78130

2021 PREPARED JANUARY 4,



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A.M. ESNAURIZER SURVEY, ABSTRACT NO. 1, SUNTY, TEXAS, AND BEING A PORTION OF A IN DOCUMENT NO. 201506014162, OFFICIAL COMAL COUNTY, TEXAS. BEING 11.28 ACRES SITUATED IN THE A.M. SUBDIVISIONS NO. 61 & 62, COMAL COUNTCALLED 84.65 ACRE TRACT RECORDED IN PUBLIC RECORDS, COM



OCATION MAP NOT TO SCALE

CITY APPROVED THIS THE DAY OF BY THE PLANNING COMMISSION OF THE BRAUNFELS, TEXAS.

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ACCEPTANCE APPROVED FOR CHAIRMAN

CITY ENGINEER DATE

PLANNING DIRECTOR

DATE

NEW BRAUNFELS UTILITIES

DATE

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I (WE) THE UNDERSIGNED OWNER(S) OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE <u>AUGUST FIELDS</u>, <u>PHASE</u> 4 A SUBDIVISION TO THE CITY OF NEW BRAUNFELS, COUNTY OF COMAL, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY SUBDIVIDE SUCH PROPERTY AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

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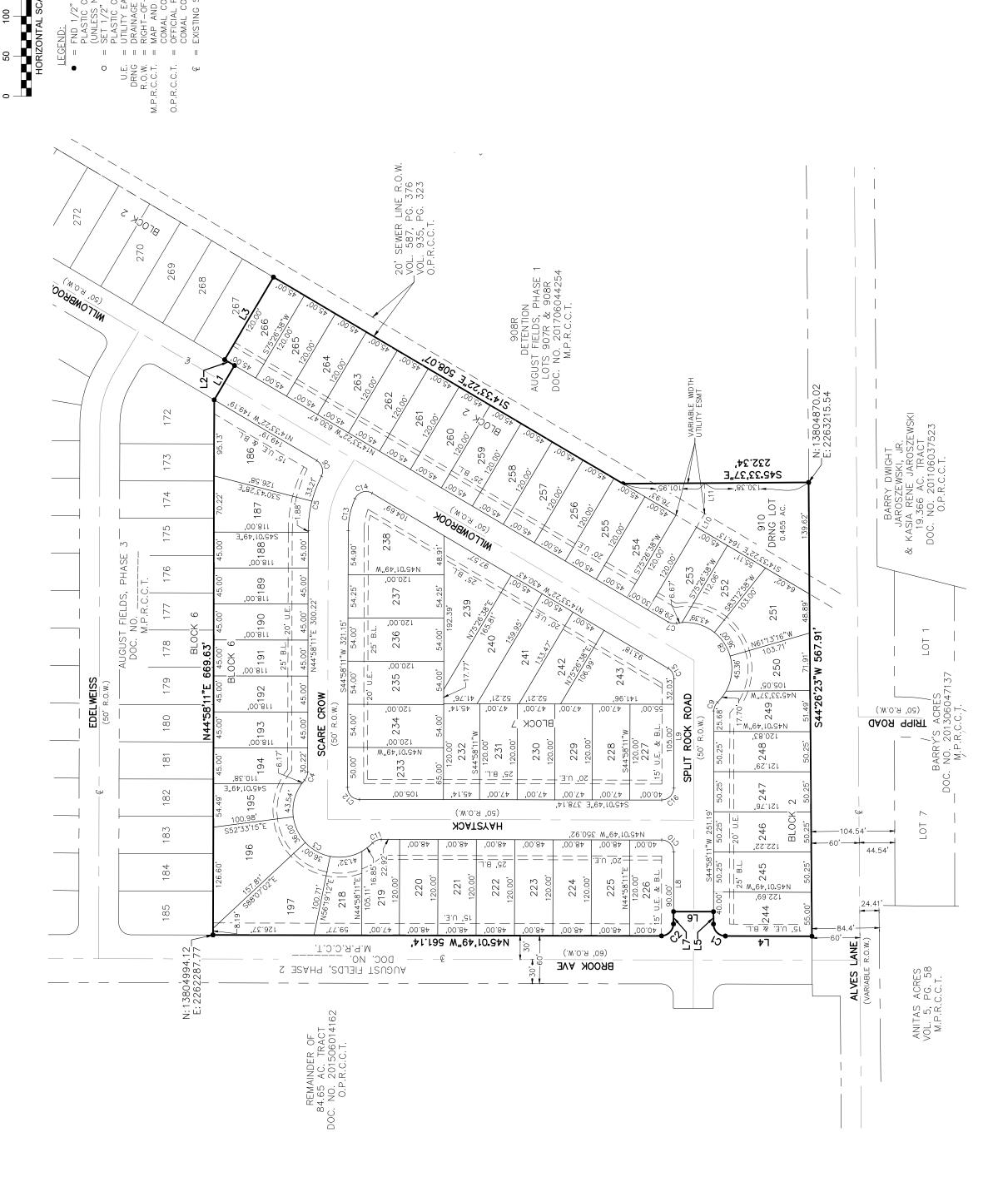
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STABLISHING S, PH ℩ FINAL AUGUST

BEING 11.28 ACRES SITUATED IN THE A SUBDIVISIONS NO. 61 & 62, COMAL CO CALLED 84.65 ACRE TRACT RECORDED PUBLIC RECORDS, (

TABLE	DIRECTION	N75°26°38"E	N14°33′22″W	N75°26°38"E	N45°01'49"W	N44°58′11″E	N45°01'40"W	S44°58′11″W	N44°58′11″E	N44°58′11″E	N75°26°38″E	N44°26'23"E
LINE TA	LENGTH	50.00'	14.32,	120.00,	108.20,	15.49'	50.00,	15.49'	74.51'	137.03,	20.00,	37.94,
	# JNIT	L1	L2	L3	۲4	57	97	۲٦	87	67	L10	L11

	CHORD BEARING	N00°01'49"W	S89°58′11″W	N02°17'49"W	N65*45'34"E	N58*27'54"E	N28*42'08"E	S35°23'49"E	S17°25'21"W	S68°01'34"W	N00°01'49"W	N68°05'12"W	N00°01′49″W	N56*49'12"E	S62°56°35″E	S15°12'24"W	S89°58'11"W
	CHORD LENGTH	21.21'	21.21'	115.98	10.65	70.01	20.56'	10.67'	111.31'	11.75,	21.21'	11.75	21.21'	41.07	22.43,	14.89'	21.21'
CURVE TABLE	TANGENT	15.00,	15.00,	2879.64	5.69,	36.00,	14.11,	5.71,	197.83'	6.38	15.00,	6.38,	15.00,	20.98	16.89'	8.58,	15.00,
CUR	DELTA	.,00,00.060	.00,00.060	177*41'32"	041°34'46"	026.59'26"	086°31°00"	041*40'52"	147"19"12"	046°06'46"	.00,00.060	046°06'46"	.00,00.060	023*42'02"	096*46'24"	059'31'34"	.,00,00.060
	RADIUS	15.00,	15.00,	58.00,	15.00,	150.00,	15.00,	15.00,	58.00,	15.00,	15.00,	15.00,	15.00,	100.00,	15.00,	15.00,	15.00,
	LENGTH	23.56'	23.56'	179.88	10.89,	70.66	22.65'	10.91	149.13,	12.07,	23.56'	12.07'	23.56'	41.37	25.34'	15.58	23.56'
	CURVE	C1	C2	C3	C4	C5	90	C7	C8	60	C10	C11	C12	C13	C14	C15	C16



ENGINEERING & SURVEYING



Planning Commission Agenda Item Report

550 Landa Street New Braunfels, TX

2/2/2021

Agenda Item No. B)

Presenter/Contact

Applicant: HMT Engineering & Surveying; Owner: August Fields, LP (830) 625-8555 - plats@hmtnb.com

SUBJECT:

FP21-0004 Approval of the final plat for August Fields, Phase 5.

Plat Information:

Case No.: FP21-0004

Applicant: HMT Engineering & Surveying (Bill Ball, P.E.)

290 S. Castell Ave., Suite 100 New Braunfels, TX 78130

(830) 625-8555 plats@hmtnb.com

Owner: August Fields, LP (Barth Timmerman)

501 Vale Street Austin, TX 78746

(512) 773-0498 barth@greenviewdev.com

Staff Contact: Matt Greene

(830) 221-4053

mgreene@nbtexas.org

Description: Platting 48 single-family residential lots and 2 drainage lots on 9.2 acres

The subject property is comprised of 9.2 acres located between FM 1101 and Alves Lane, west of Canyon Middle School and east of Freiheit Elementary School and is zoned "August Fields" Planned Development District (AFPD). Phases 1, 2 and 3 of the development have been recorded and Phase 4 is the item before this one on the agenda. This plat proposes 48 single-family residential lots and 2 drainage lots.

Drainage:

The Public Works Department reviewed preliminary drainage with the Letter of Certification process as required by Section 118-51.e of the Subdivision Platting Ordinance and in accordance with the requirements of Chapter 143 Municipal Drainage Utility Systems, and the Drainage and Erosion Control and Design Manual.

No portion of the subject property is located within the 1% annual chance floodplain.

Utilities:

All lots in this subdivision will be provided water, sewer, and electric service by New Braunfels Utilities. Utility easements have been designated on the plat as requested.

Transportation:

Regional Transportation Plan

This plat is in compliance with the Regional Transportation Plan. The property is adjacent to Alves Lane, a 120-foot Minor Arterial. The existing right-of-way width of Alves Lane is approximately 50 feet. Thirty-five feet of right-of-way will be dedicated for Alves Lane with this plat.

Hike and Bike Trail Plan

This plat is in compliance with the City's Hike and Bike Trails Plan. There are no existing or proposed trails internal to or adjacent to the subject property.

Sidewalks

Four-foot wide sidewalks will be constructed per City standards by the developer and home builder adjacent to the internal streets.

Roadway Impact Fees:

The subdivision is subject to Roadway Impact Fees and will be assessed the fees for Service Area 6 with the approval of the final plat. The Impact Fees will be collected at time of building permit as indicated in the then current fee schedule for the intended use.

Parkland Dedication and Development:

Public park land is being dedicated in Phase 1 of this development per the Development Agreement between the developer and the City.

Staff Recommendation:

To meet the requirements of the Subdivision Platting Ordinance and other adopted codes, the applicant's proposed final plat must comply with the conditions noted below. Staff recommends approval of the applicant's proposed final plat with the following Conditions of Approval:

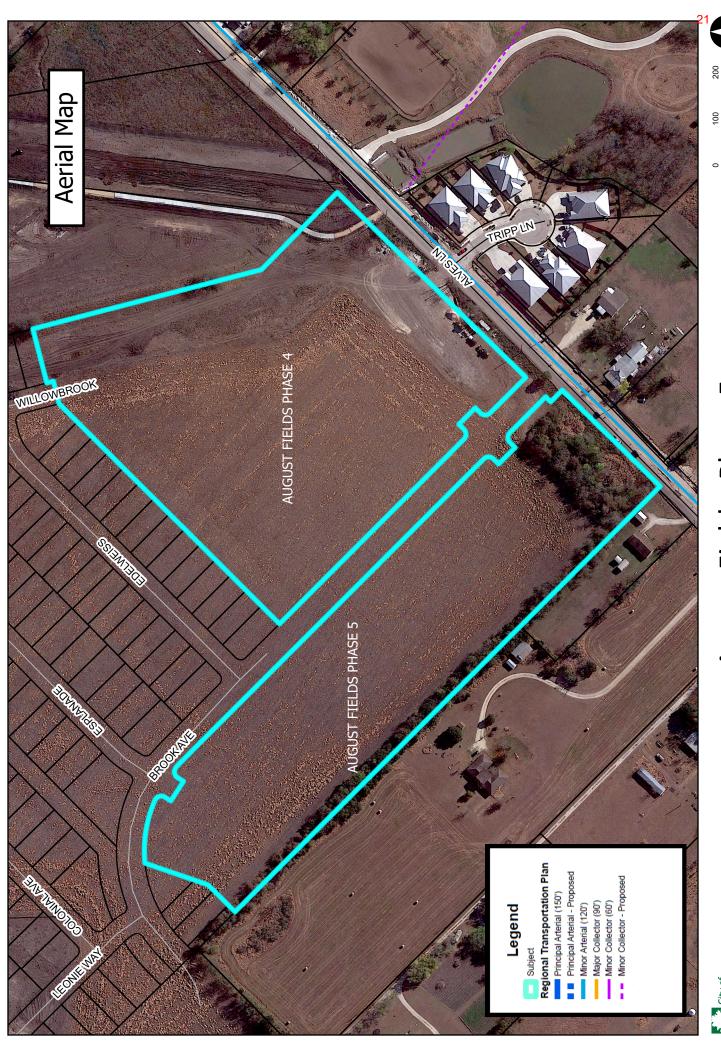
- 1. Add "according to the adopted flood maps of the City of New Braunfels" in Plat Note #7. (NBCO 118-30)
- 2. Add a note to the plat stating "This subdivision is subject to Airport Hazard Zoning District standards of the City of New Braunfels Zoning Ordinance". (NBCO 118-30)
- 3. Revise street name "Split Rock Road" to "Split Rock Rd". (NBCO 118-29(b)(3))
- 4. Provide a 15-foot wide Utility Easement fronting Alves Lane, outside of the Right-of-Way dedication. (NBCO 118-48)
- 5. Revise "Lot 920, Block 9" to "Lot 920, Block 10" in Plat Note #10. (NBCO 118-24(15)

Approval Compliance:

Pursuant to state law, if the Planning Commission approves with conditions, to obtain approval of the final plat, the applicant must submit to the City a written response that satisfies each condition of approval prior to expiration of the final plat (Section 118-32(b)). In accordance with Chapter 212, Texas Local Government Code, the City will determine the final plat approved if the response adequately addresses each Condition of Approval.

Attachments:

Aerial Map Final Plat



August Fields, Phase 5





- ALL LOTS WITHIN THE SUBDIVISION WILL BE PROVIDED WATER, SEWER AND ELECTRIC SERVICE BY NEW BRAUNFELS UTILITIES. TELEPHONE AND CABLE SERVICES FOR THE SUBDIVISION WILL BE PROVIDED BY AT&T COMMUNICATIONS AND/OR SPECTRUM.
- ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983, GRID. DISTANCES SHOWN HEREON ARE BASED UPON SURFACE MEASUREMENTS. TO CONVERT SURFACE DISTANCES TO GRID, APPLY A COMBINED SCALE FACTOR OF 1.00015.
 - MONUMENTS WERE FOUND OR SET AT EACH CORNER OF THE SURVEY BOUNDARY OF THE SUBDIVISION. MONUMENTS AND LOT MARKERS WILL BE SET WITH 1/2" IRON PINS WITH PLASTIC CAP STAMPED "HMT" IMMEDIATELY AFTER COMPLETION OF UTILITY INSTALLATION AND STREET CONSTRUCTION UNLESS NOTED OTHERWISE.
 - THIS SUBDIVISION IS NOT WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.
 - THIS SUBDIVISION IS WITHIN THE CITY LIMITS OF NEW BRAUNFELS, TEXAS.
 - THIS SUBDIVISION IS WITHIN THE COMAL INDEPENDENT SCHOOL DISTRICT.
- NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN ANY SPECIAL FLOOD HAZARD AREA (100 YR. FLOOD), AS DEFINED BY THE COMAL COUNTY, TEXAS, FLOOD INSURANCE RATE MAP NUMBER 48091C0455F, EFFECTIVE DATE SEPTEMBER 2, 2009 AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- NO STRUCTURES, WALLS OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO LANDSCAPING, FENCES, OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE EASEMENTS OR DECREASE THE HYDRAULIC CAPACITY OF THE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY OF NEW BRAUNFELS SHALL HAVE THE RIGHT OF INGRESS OVER GRANTOR'S ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS.
 - FUTURE DEVELOPMENT IS SUBJECT TO CHAPTER 114 (STREETS, SIDEWALKS AND OTHER PUBLIC SPACES) OF THE NEW BRAUNFELS CODE OF ORDINANCES.
- FOUR (4) FOOT WIDE SIDEWALKS WILL BE CONSTRUCTED PER CITY STANDARDS ADJACENT TO THE CURB BY THE DEVELOPER AT THE TIME OF STREET CONSTRUCTION ALONG:

 A. CLAY AVE LOT 916, BLOCK 9, AND LOT 920, BLOCK 9. 10.
- FOUR (4) FOOT WIDE SIDEWALKS WILL BE CONSTRUCTED PER CITY STANDARDS ADJACENT TO THE CURB BY THE HOMEBUILDER AT THE TIME OF BUILDING CONSTRUCTION ALONG:

 A. ESPLANADE, CLAY AVE, MANGER LANE, SPLIT ROCK ROAD, AND BROOK AVE. Ξ.
- THE ELEVATION OF THE LOWEST FLOOR OF A STRUCTURE SHALL BE AT LEAST 10 INCHES ABOVE THE FINISHED GRADE OF THE SURROUNDING GROUND, WHICH SHALL BE SLOPED IN A FASHION SO AS TO DIRECT STORMWATER AWAY FROM THE STRUCTURE. PROPERTIES ADJACENT TO STORMWATER CONVEYANCE STRUCTURES MUST HAVE A FLOOR SLAB ELEVATION OF FLOOR JOISTS A MINIMUM OF ONE FOOT ABOVE THE 100—YEAR WATER FLOW ELEVATION IN THE STRUCTURE. DRIVEWAYS SERVING HOUSES ON THE DOWNHILL SIDE OF THE STREET SHALL HAVE A PROPERLY SIZED CROSS SWALE PREVENTING RUNOFF FROM ENTERING THE GARAGE AND SHALL PREVENT WATER FROM LEAVING THE STREET. 12.
- THIS SUBDIVISION IS SUBJECT TO THE 2006 CITY OF NEW BRAUNFELS PARK LAND DEDICATION AND DEVELOPMENT ORDINANCE. THIS PLAT IS APPROVED FOR ONE DWELLING UNIT(S) PER BUILDABLE LOT WITH A MAXIMUM OF 48 BUILDABLE LOTS. AT SUCH TIME THAT ADDITIONAL DWELLING UNITS ARE CONSTRUCTED, THE OWNER OF THE LOT(S) SHALL NOTIFY THE CITY AND COMPLY WITH THE ORDINANCE FOR EACH DWELLING UNIT. 13.
 - THIS UNIT CONTAINS 48 BUILDABLE RESIDENTIAL LOTS. ALL LOTS MEET THE MINIMUM SQUARE FOOTAGE REQUIREMENT ACCORDING TO THE "AUGUST FIELDS" PLANNED DEVELOPMENT DISTRICT ORDINANCE <u>2017—39.</u> 4.
- LOT 916, BLOCK 9 (DRAINAGE) AND LOT 920, BLOCK 10 (DRAINAGE) WIL BE OWNED AND MAINTAINED BY THE AUGUST FIELDS HOMEOWNERS ASSOCIATION, ITS SUCCESSORS AND/OR ASSIGNS. 15.

NEW BRAUNFELS UTILITIES NOTES:

Dec 15, 2020 - 3:18pm

- MAINTENANCE OF DEDICATED UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. ANY USE OF AN EASEMENT, OR ANY PORTION OF IT, INCLUDING LANDSCAPING OR DRANAGE FEATURES, IS SUBJECT TO AND SHALL NOT CONFLICT WITH THE TERMS AND CONDITIONS IN THE EASEMENT, MUST NOT ENDANGER OR INTERFERE WITH THE RIGHTS GRANTED BY THE EASEMENT TO NEW BRAUNFELS UTILITIES, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE SUBJECT TO APPLICABLE PERMIT REQUIREMENTS OF THE CITY OF NEW BRAUNFELS OR ANY OTHER GOVERNING BODY. THE PROPERTY OWNER MUST OBTAIN, IN ADVANCE, WRITTEN AGREEMENT WITH THE UTILITIES TO UTILIZE THE EASEMENT, OR ANY PART OF IT.
 - UTILITIES WILL POSSESS A 5' WDE SERVICE EASEMENT TO THE DWELLING ALONG THE SERVICE LINE TO THE SERVICE ENTRANCE. THIS EASEMENT WILL VARY DEPENDING UPON LOCATION OF DWELLING AND SERVICE. 5
- UTILITIES SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARD AND METER LOCATIONS SHALL NOT BE LOCATED WITHIN A FENCED AREA.
- EACH LOT MUST HAVE ITS OWN WATER AND SEWER SERVICE AT THE OWNER'S/DEVELOPER'S EXPENSE.
- DO NOT COMBINE ANY NEW UTILITY EASEMENTS (U.E.) WITH DRAINAGE EASEMENTS (D.E.) OR MAKE CHANGES IN GRADE WITHIN THE UTILITY EASEMENTS (U.E.) WITHOUT WRITTEN APPROVAL FROM NEW BRAUNFELS UTILITIES.

KNOW ALL MEN BY THESE PRESENTS:

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

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.

DOROTHY J. TAYLOR REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6295 290 S. CASTELL AVE., SUITE 100, NEW BRAUNFELS, TEXAS 78130

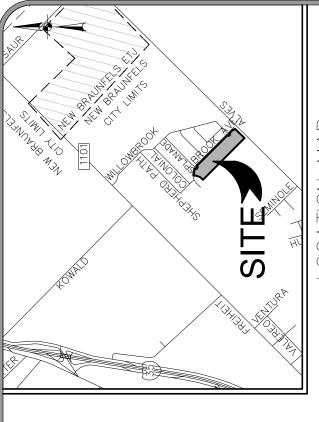
PLAT REVISED JANUARY 4, 2021 PLAT PREPARED JUNE 19, 2020



Drawing Name: T:\096 - Barth Timmermann\007 - August Fields Units 4 & 5\Plat\August Fields Unit 5\Plat\August Fields Unit

\Box $\overline{\mathcal{O}}$ \triangleleft STABLISHING Sلتا PLAT AUGUST FI FINAL

A.M. ESNAURIZER SURVEY, ABSTRACT NO. 1, DUNTY, TEXAS, AND BEING A PORTION OF A IN DOCUMENT NO. 201506014162, OFFICIAL COMAL COUNTY, TEXAS. BEING 9.20 ACRES SITUATED IN THE A.M. SUBDIVISIONS NO. 61 & 62, COMAL COUNT CALLED 84.65 ACRE TRACT RECORDED IN PUBLIC RECORDS, COM



LOCATION MAP NOT TO SCALE

APPROVED THIS THE DAY OF BY THE PLANNING COMMISSION OF THE BRAUNFELS, TEXAS.

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NEW

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CHAIRMAN

ACCEPTANCE

APPROVED FOR

PLANNING DIRECTOR DATE

CITY ENGINEER DATE NEW BRAUNFELS UTILITIES DATE

OF COMAL OF STATE O

I (WE) THE UNDERSIGNED OWNER(S) OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE <u>AUGUST FIELDS</u>, <u>PHASE</u> 5 A SUBDIVISION TO THE CITY OF NEW BRAUNFELS, COUNTY OF COMAL, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY SUBDIVIDE SUCH PROPERTY AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

OF TEXAS OF COMAL

STATE OF COUNTY OF

 DAY FOR RECORD IN THE MAP AND PLAT RECORDS,

OF COMAL COUNTY ON THE $\forall \bot$ 20 FILED WAS INSTRUMENT #OOC#

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OF

TEXAS COUNTY, COMAL CLERK, COUNTY

ON THIS

WAS ACKNOWLEDGED BEFORE ME

THIS INSTRUMENT

 DAY

F TEXAS OF COMAL

STATE OF COUNTY OF

AUGUST FIELDS, LP BARTH TIMMERMAN 501 VALE STREET AUSTIN, TX 78746

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BEING 9.20 ACRES SITUATED IN THE A.M. ESNAURIZER SURVEY, ABSTRACT NO. 1, SUBDIVISIONS NO. 61 & 62, COMAL COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 84.65 ACRE TRACT RECORDED IN DOCUMENT NO. 201506014162, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS.

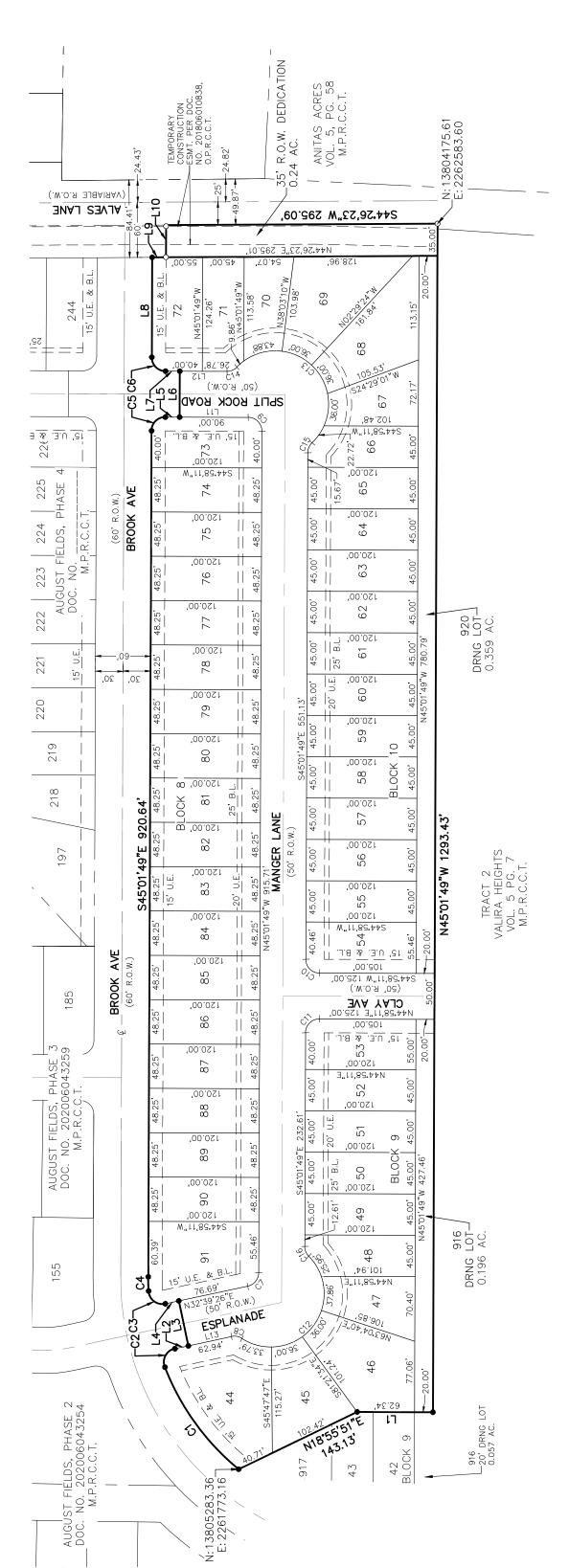


LEGEND:

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PLASTIC CAP STAMPED "HMT"
(UNLESS NOTED OTHERWISE)

O = SET 1/2" IRON PIN W/
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PLAT REVISED JANUARY 4, 2021 PLAT PREPARED JUNE 19, 2020





Planning Commission Agenda Item Report 2/2/2021

Agenda Item No. C)

Presenter/Contact

Applicant: HMT Engineering & Surveying; Owner: MSSC Investments, LP (830) 625-8555 - plats@hmtnb.com

SUBJECT:

FP21-0005 Approval of the final plat for Grace Meadows, Unit 1.

Plat Information:

Case No.: FP21-0005

Applicant: HMT Engineering & Surveying (Tim Gorena, P.E.)

290 S. Castell Ave., Suite 100 New Braunfels, TX 78130

(830) 625-8555 plats@hmtnb.com

Owner: MSSC Investments, LP (Richard Mott)

1922 Dry Creek Way San Antonio, TX 78259

(830) 625-4279 mssinvestments@gmail.com

Staff Contact: Matt Greene

(830) 221-4053

mgreene@nbtexas.org

Description: Platting 168 single-family residential lots, 1 park lot, 3 drainage lots and 2 open

space lots on 36.63 acres

The subject property is comprised of 36.63 acres located on the north side of Barbarosa Road between the intersections of Alves Lane and Stone Gate Drive (formerly Three Mile Creek private road) on the south side of Runway 13 of the New Braunfels Regional Airport. The first 450 feet of depth of the property adjacent to Barbarosa Road is zoned "R-2" Single and Two-Family District, with the remainder of the subdivision being located outside the City Limits of New Braunfels in the ETJ in Comal County. This subdivision will consist of 168 single-family residential lots, 1 park lot, 3 drainage lots and 2 open space lots.

Drainage:

The Public Works Department reviewed preliminary drainage with the Letter of Certification process as required by Section 118-51.e of the Subdivision Platting Ordinance and in accordance with the requirements of Chapter 143 Municipal Drainage Utility Systems, and the Drainage and Erosion Control and Design Manual.

No portion of the subject property is located within the 1% annual chance floodplain.

Utilities:

All lots in this subdivision will be provided water, sewer, and electric service by New Braunfels Utilities. Utility easements have been designated on the plat as requested.

Transportation:

Regional Transportation Plan

This plat is in compliance with the Regional Transportation Plan. Barbarosa Road is designated as a 150-foot Principal Arterial and approximately 55 feet of right-of-way will be dedicated with this plat. The subdivision also includes a portion of the proposed extension of Alves Lane, which is designated as a 90-foot Major Collector on the City's Regional Transportation Plan. Approximately 45 feet of right-of-way will be dedicated with this plat.

Traffic Improvements:

The 2019 City Bond Program includes the improvement of Barbarosa Road to become a four-lane roadway with a raised median and curbs, gutters and sidewalks, from FM 1101 to just south of Alves Lane. Final design and construction of the roadway is dependent on overall bond funding. Final determination to fund the project is scheduled for Fiscal Year 2023; however, funding projections indicate that there are insufficient funds for the improvements. Furthermore, the improvements identified in the bond do not extend to the subject property.

The subdivision TIA report indicates the current road conditions will require construction of a left turn deceleration lane for the ultimate buildout of the subdivision. The developer is responsible for the installation of the left turn deceleration lane once the warrants of the TIA are met. The timing of the left turn deceleration improvement shall be coordinated with the potential City capital improvements for Barbarosa Road at the time of final plat and mitigated in accordance with Section 118-46(y) of the Subdivision Platting Ordinance.

The TIA report indicates the current road conditions will require construction of a traffic signal at the intersection of Barbarosa Lane and Alves Lane for the ultimate buildout of the Grace Meadows Subdivision. It will be the responsibility of the developer to install and activate the traffic signal once the warrants for the TIA are met. The timing of the improvements shall be coordinated with the potential City capital improvements at the time of final plat and mitigated in accordance with Section 118-46(y) of the Subdivision Platting ordinance.

Access:

Secondary access will be provided with an offsite 50-foot wide temporary access easement that will eventually be platted and improved as a public street within Unit 2 and Unit 4, connecting the subdivision to Westmeyer Road.

Hike and Bike Trail Plan

This plat is in compliance with the City's Hike and Bike Trails Plan as there are no trails identified on the plan for this subject property. There are no existing, and the applicant is not proposing, trails internal to or adjacent to the subject property.

Sidewalks

Four-foot wide sidewalks will be constructed per City standards by the developer and home builder adjacent to the internal streets.

City Council approved a waiver to allow payment of escrow in lieu of construction of a 6-foot wide public sidewalk adjacent to the future extension of Alves Lane. The escrow amount must be approved by the City Engineer for the portion of the sidewalk adjacent to this final plat and paid to the City of New Braunfels prior to recordation of this plat.

Roadway Impact Fees:

Roadway Impact Fees for Service Area 6 are hereby assessed for the portion of the subdivision that is within the city limits with the approval of the final plat. Roadway Impact Fees will be collected at the time of time of building permit as indicated in the then current fee schedule.

Parkland Dedication and Development:

This subdivision is subject to the 2018 Parkland Dedication and Development Ordinance. It requires new residential projects to dedicate park land (or cash in-lieu-of) and pay a park development fee per dwelling unit. This development will set aside 2.06 acres of land in Unit 1 for a private park to be used as credit towards the park land ordinance requirements for the subdivision.

Staff Recommendation:

To meet the requirements of the Subdivision Platting Ordinance and other adopted codes, the applicant's proposed final plat must comply with the conditions noted below. Staff recommends approval of the applicant's proposed final plat with the following Conditions of Approval:

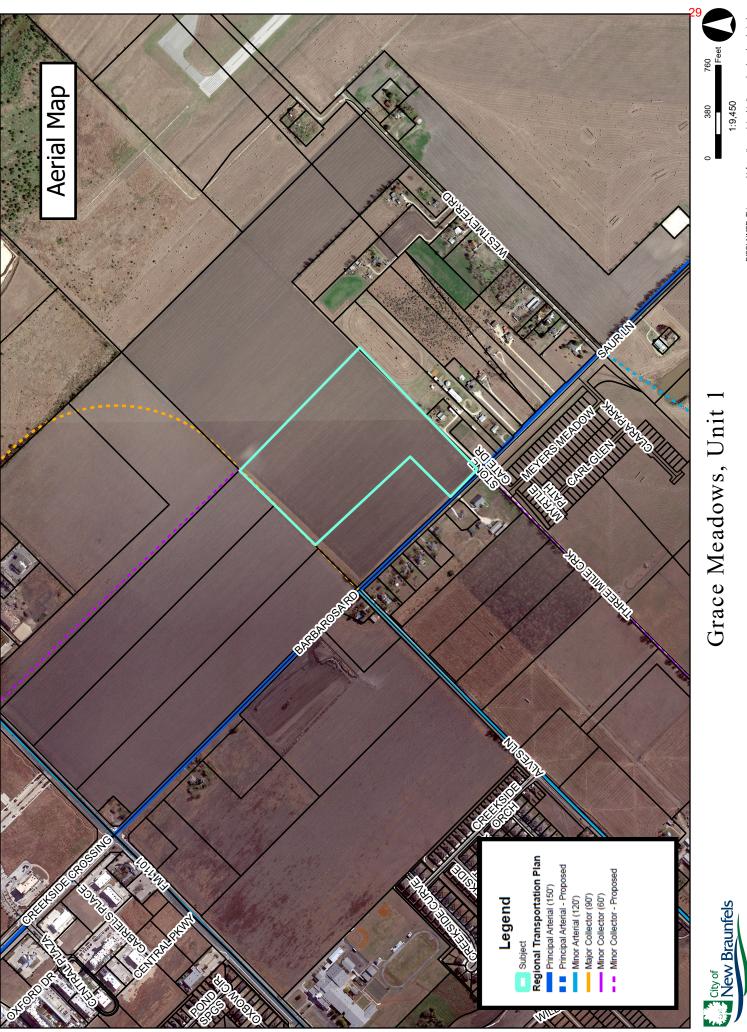
- 1. Revise Plat Note #5 to indicate the subdivision is located within the City Limits of New Braunfels and within the extraterritorial jurisdiction of the City of New Braunfels. (NBCO 118-24(15)
- 2. Add "according to the adopted flood maps of the City of New Braunfels" in Plat Note #7. (NBCO 118-30)
- 3. Add a note to the plat stating "This subdivision is subject to Airport Hazard Zoning District standards and regulations of the City of New Braunfels Zoning Ordinance". (NBCO 118-30)
- 4. Revise street name "Grace Park Rd" to "Grace Park". (NBCO 118-29(b)(3))
- 5. Revise street name "Genade Trl" to "Genada Trl". (NBCO 118-29(b)(3))
- 6. Add an additional Plat Note stating "Six (6) foot wide sidewalks for the future extension of Alves Lane will be escrowed in lieu of construction as approved by the City Council of the City of New Braunfels on August 24, 2020 and will be paid to the City of New Braunfels prior to plat recordation". (NBCO 118-49(d))
- 7. Add "Lot 903, Block 9" to Plat Note #10D and revise "Grace Park Rd" to "Grace Park". (NBCO 118-49(d)
- 8. Revise Plat Note #10E by changing "Genade Trl" to "Genada Trl". (NBCO 118-49(d)
- 9. Revise "Grace Park Rd" to "Grace Park" and "Genade Trl" to "Genada Trl" in Plat Note #11. (NBCO 118-49(d))
- 10. Revise the "Block 8" label to read "Block 9" in Plat Note #16. (NBCO 118-29(b)(3)
- 11. It will be the responsibility of the developer to construct a left turn deceleration lane once the warrants for the TIA are met. The timing of the improvements shall be coordinated with the potential City capital improvements at the time of final plat and mitigated in accordance with Section 118-46(y) of the Subdivision Platting ordinance. (NBCO 118-46 (y))
- 12. It will be the responsibility of the developer to install and activate the traffic signal at the intersection of Bargarosa Lane and Alves Lane once the warrants for the TIA are met. The timing of the improvements shall be coordinated with the potential City capital improvements at the time of final plat and mitigated in accordance with Section 118-46 (y) of the Subdivision Platting ordinance. (NBCO 118-46(y))
- 13. All separate instrument easements referenced on the plat must be recorded prior to plat recordation and document numbers must be labeled with the easements on the plat. Copies of all recorded easement documents must be submitted prior to plat recordation. (NBCO 118-48)
- 14. The outer boundary of the subdivision does not qualify as an accurate boundary. An accurate boundary is required for the plat. (NBCO 118-21.c))

Approval Compliance:

Pursuant to state law, if the Planning Commission approves with conditions, to obtain approval of the final plat, the applicant must submit to the City a written response that satisfies each condition of approval prior to expiration of the final plat (Section 118-32(b)). In accordance with Chapter 212, Texas Local Government Code, the City will determine the final plat approved if the response adequately addresses each Condition of Approval.

Attachments:

Aerial Map Final Plat



Grace Meadows, Unit 1

Source: City of New Braunfels GIS Date: 1/28/2021



- ALL LOTS WITHIN THE SUBDIVISION WILL BE PROVIDED WATER, SEWER AND ELECTRIC SERVICE BY NEW BRAUNFELS UTILITIES. TELEPHONE AND CABLE SERVICES FOR THE SUBDIVISION WILL BE PROVIDED BY AT&T COMMUNICATIONS AND/OR SPECTRUM.
 - ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983, GRID. DISTANCES SHOWN HEREON ARE BASED UPON SURFACE MEASUREMENTS. TO CONVERT SURFACE DISTANCES TO GRID, APPLY A COMBINED SCALE FACTOR OF 1.00015.
 - MONUMENTS WERE FOUND OR SET AT EACH CORNER OF THE SURVEY BOUNDARY OF THE SUBDIVISION. MONUMENTS AND LOT MARKERS WILL BE SET WITH 1/2" IRON PINS WITH PLASTIC CAP STAMPED "HMT" IMMEDIATELY AFTER COMPLETION OF UTILITY INSTALLATION AND STREET CONSTRUCTION UNLESS NOTED OTHERWISE.
- THIS SUBDIVISION IS NOT WITHIN THE EDWARDS AQUIFER RECHARGE ZONE,
- THIS SUBDIVISION IS WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY LIMITS OF NEW BRAUNFELS, TEXAS. 4. 7.
- NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN ANY SPECIAL FLOOD HAZARD AREA (100 YR. FLOOD), AS DEFINED BY THE COMAL COUNTY, TEXAS, FLOOD INSURANCE RATE MAP NUMBER 48091CO460F, EFFECTIVE DATE SEPTEMBER 2, 2009 AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THIS SUBDIVISION IS WITHIN THE COMAL INDEPENDENT SCHOOL DISTRICT. 9 .
 - NO STRUCTURES, WALLS OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO LANDSCAPING, FENCES, OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE EASEMENTS OR DECREASE THE HYDRAULIC CAPACITY OF THE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY OF NEW BRAUNFELS SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS. $\dot{\infty}$
 - FUTURE DEVELOPMENT IS SUBJECT TO CHAPTER 114 (STREETS, SIDEWALKS AND OTHER PUBLIC SPACES) OF THE NEW BRAUNFELS CODE OF ORDINANCES. о́
- FOUR (4) FOOT WIDE SIDEWALKS WILL BE CONSTRUCTED PER CITY STANDARDS ADJACENT TO THE CURB BY THE DEVELOPER AT THE TIME OF STREET CONSTRUCTION ALONG:

 A. DIGNITY WAY LOT 904, BLOCK 2.

 B. COURTSEY TRL LOT 904, BLOCK 2.

 C. DONAIRE LN LOT 905, BLOCK 1.

 D. GRACE PARK RD LOTS 901 AND 902, BLOCK 10, LOT 904, BLOCK 2, AND OPPOSITE LOTS 901 AND 902, BLOCK 10.

 E. GENADE TRL LOT 902, BLOCK 10 AND LOT 903, BLOCK 9. 10.

- 9 FOUR (4) FOOT WIDE SIDEWALKS WILL BE CONSTRUCTED PER CITY STANDARDS ADJACENT TC THE CURB BY THE HOME BUILDER AT THE TIME OF THE BUILDING CONSTRUCTION ALONG:
 A. DIGNITY WAY, COURTSEY TRL, GENADE TRL, PARDON WAY, DONAIRE LN AND GRACE PARK RD.

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[7 8 11

L12 L13

- THE ELEVATION OF THE LOWEST FLOOR OF A STRUCTURE SHALL BE AT LEAST 10 INCHES ABOVE THE FINISHED GRADE OF THE SURROUNDING GROUND, WHICH SHALL BE SLOPED IN A FASHION SO AS TO DIRECT STORMWATER AWAY FROM THE STRUCTURE. PROPERTIES ADJACENT TO STORMWATER CONVEYANCE STRUCTURES MUST HAVE A FLOOR SLAB ELEVATION OF FLOOR JOISTS A MINIMUM OF ONE FOOT ABOVE THE 100-YEAR WATER FLOW ELEVATION IN THE STRUCTURE. DRIVEWAYS SERVING HOUSES ON THE DOWNHILL SIDE OF THE STREET SHALL HAVE A PROPERLY SIZED CROSS SWALE PREVENTING RUNOFF FROM ENTERING THE GARAGE AND SHALL PREVENT WATER FROM LEAVING THE STREET. 12.
- - THIS SUBDIVISION IS SUBJECT TO THE 2018 CITY OF NEW BRAUNFELS PARK LAND DEDICATION AND DEVELOPMENT ORDINANCE. THIS PLAT IS APPROVED FOR ONE DWELLING UNIT(S) PER BUILDABLE LOT WITH A MAXIMUM OF 168 BUILDABLE LOTS. AT SUCH TIME THAT ADDITIONAL DWELLING UNITS ARE CONSTRUCTED, THE OWNER OF THE LOT(S) SHALL NOTIFY THE CITY AND COMPLY WITH THE ORDINANCE FOR EACH DWELLING UNIT. ALL DRAINAGE EASEMENTS WITHIN THE LOTS WILL BE OWNED AND MAINTAINED BY PROPERTY OWNER. 13.
- 15.

4.

- PERMANENT WATER QUALITY CONTROLS ARE REQUIRED FOR THIS SUBDIVISION PLAT IN ACCORDANCE WITH THE CITY OF NEW BRAUNFELS DRAINAGE AND EROSION CONTROL DESIGN MANUAL.
- LOT 901, BLOCK 10 (OPEN SPACE), LOT 902, BLOCK 10 (DRAINAGE), LOT 903, BLOCK 9 (DRAINAGE), LOT 904, BLOCK 2 (HOA PARK), LOT 905, BLOCK 1 (UTILITY) WILL BE OWNED AND MAINTAINED BY THE GRACE MEADOWS HOME OWNER ASSOCIATION, ITS SUCCESSORS AND/OR ASSIGNS. 16.

BRAUNFELS UTILITIES NOTES: NEW

- MAINTENANCE OF DEDICATED UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. ANY USE OF AN EASEMENT, OR ANY PORTION OF IT, INCLUDING LANDSCAPING OR DRAINAGE FEATURES, IS SUBJECT TO AND SHALL NOT CONFLICT WITH THE TERMS AND CONDITIONS IN THE EASEMENT, MUST NOT ENDANGER OR INTERFERE WITH THE RIGHTS GRANTED BY THE EASEMENT TO NEW BRAUNFELS OF ITS SUCCESSORS AND ASSIGNS, AND SHALL BE SUBJECT TO APPLICABLE PERMIT REQUIREMENTS OF THE CITY OF NEW BRAUNFELS OR ANY OTHER GOVERNING BODY. THE PROPERTY OWNER MUST OBTAIN, IN ADVANCE, WRITTEN AGREEMENT WITH THE UTILITIES TO UTILIZE THE EASEMENT, OR ANY PART OF IT.
 - UTILITIES WILL POSSESS A 5' WDE SERVICE EASEMENT TO THE DWELLING ALONG THE SERVICE LINE TO THE SERVICE ENTRANCE. THIS EASEMENT WILL VARY DEPENDING UPON LOCATION OF DWELLING AND SERVICE.
 - UTILITIES SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARD AND METER LOCATIONS SHALL NOT BE LOCATED WITHIN A FENCED AREA.
 - EACH LOT MUST HAVE ITS OWN WATER AND SEWER SERVICE AT THE OWNER'S/DEVELOPER'S EXPENSE.
- DO NOT COMBINE ANY NEW UTILITY EASEMENTS (U.E.) WITH DRAINAGE EASEMENTS (D.E.) OR MAKE CHANGES IN GRADE WITHIN THE UTILITY EASEMENTS (U.E.) WITHOUT WRITTEN APPROVAL FROM NEW BRAUNFELS UTILITIES. 5.
 - KNOW ALL MEN BY THESE PRESENTS:

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

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.

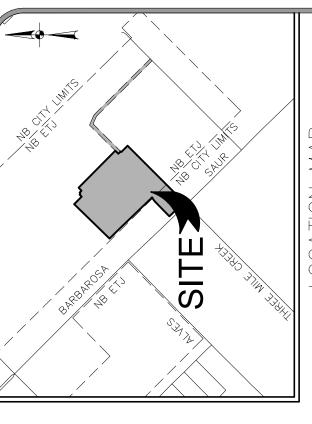
DOROTHY J. TAYLOR REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6295 290 S. CASTELL AVE., SUITE 100, NEW BRAUNFELS, TEXAS 78130

PLAT REVISED DECEMBER 15, 2020 PLAT REVISED OCTOBER 30, 2020 PLAT PREPARED AUGUST 28, 2020



ESTABLISHING ADOWS, $\vdash \forall \exists$ ℩ FINAL GRACE

I SUBDIVISION NO. 58 OF THE A.M. ESNAURIZAR COUNTY, TEXAS. BEING A PORTION OF A CALLED DOCUMENT NO. 200706027817, OFFICIAL PUBLIC, COMAL COUNTY, TEXAS ES SITUATED IN FRANT, COMAL CO DESCRIBED IN D RECORDS, BEING 36.63 ACRES SELEVEN LEAGUE GRAN 88.5 ACRE TRACT DES



LOCATION MAP NOT TO SCALE

CHORD BEARING

CHORD LENGTH

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N89°50'26"E

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	LENGTH	99.56	23.56'	173.19,	30.80	10.18	146.38'	10.18'	23.56'	23.56'	23.56'	178.52	145.11'	149.57'	19.95
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STATE OF TEXAS COUNTY OF COMAL

I (WE) THE UNDERSIGNED OWNER(S) OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE GRACE MEADOWS, UNIT 1 A SUBDIVISION TO THE CITY OF NEW BRAUNFELS, COUNTY OF COMAL, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY SUBDIVIDE SUCH PROPERTY AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

MSSC INVESTMENTS LP RICHARD MOTT 1922 DRY CREEK WAY SAN ANTONIO, TX 78259	STATE OF TEXAS COUNTY OF	THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS DAY OF . 20 .	
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APPROVED THIS THE	THE PLANNING COMMISSION	BRAUNFELS, TEXAS.	

NOE	PLANNING DIRECTOR	CITY ENGINEER	NEW BRAUNFELS UTILITIES	
CHAIRMAN APPROVED FOR ACCEPTANCE	DATE	DATE	DATE	

STATE OF TEXAS COUNTY OF COMAL

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> TEXAS COUNTY, COMAL CLERK, COUNTY

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0.P.R.C.C.T. 0.P.R.G.C.T. (60' R.O.W.) WESTMEYER RD COMAL COUNTY LIMITS GUADALUPE COUNTY LIMITS T ESTABLISHING (DOWS, (TIMMERMAN SUBDIVISION VOL. 6, PG. 178 M.P.R.C.C.T. VOL. 4, PG. 193 M.P.R.G.C.T. TEMPORARY 50' WIDE & UTILITY EASEMENT DOC. NO. O.P.R.C.C.T. TO EXPIRE UPON RECC OF TUTURE PLAT GRACE ME BEING 36.63 ACRES SITUATED IN ELEVEN LEAGUE GRANT, COMAL 88.5 ACRE TRACT DESCRIBED IN RECORDS, $\frac{1}{2}$ 1 B LOT LOT SEE SHEET 2 OF 3 MSSC INVESTMENTS CALLED 88.5 AC. DOC. NO. 200706027817 O.P.R.C.C.T. MATCHLINE A ~



Planning Commission Agenda Item Report

550 Landa Street New Braunfels, TX

2/2/2021

Agenda Item No. D)

Presenter/Contact

Applicant: HMT Engineering & Surveying; Owner: MSSC Investments, LP (830) 625-8555 - plats@hmtnb.com

SUBJECT:

FP21-0006 Approval of the final plat for Grace Meadows, Unit 2.

Plat Information:

Case No.: FP21-0006

Applicant: HMT Engineering & Surveying (Tim Gorena, P.E.)

290 S. Castell Ave., Suite 100 New Braunfels, TX 78130

(830) 625-8555 plats@hmtnb.com

Owner: MSSC Investments, LP (Richard Mott)

1922 Dry Creek Way San Antonio, TX 78259

(830) 625-4279 mssinvestments@gmail.com

Staff Contact: Matt Greene

(830) 221-4053

mgreene@nbtexas.org

Description: Platting 147 single-family residential lots, 1 park lot, 3 drainage lots and 1 open

space lot on 27 acres

The subject property is comprised of 27 acres located on the north side of Barbarosa Road between the intersections of Alves Lane and Stone Gate Drive (formerly Three Mile Creek private road) on the south side of Runway 13 of the New Braunfels Regional Airport and is outside the City Limits of New Braunfels in the ETJ in Comal County. This subdivision will consist of 147 single-family residential lots, 3 drainage lots and 1 open space lot.

Drainage:

The Public Works Department reviewed preliminary drainage with the Letter of Certification process as required by Section 118-51.e of the Subdivision Platting Ordinance and in accordance with the requirements of Chapter 143 Municipal Drainage Utility Systems, and the Drainage and Erosion Control and Design Manual.

No portion of the subject property is located within the 1% annual chance floodplain.

Utilities:

All lots in this subdivision will be provided water, sewer, and electric service by New Braunfels Utilities. Utility easements have been designated on the plat as requested.

Transportation:

Regional Transportation Plan

This plat is in compliance with the Regional Transportation Plan. The subdivision includes a portion of the proposed extension of Alves Lane, which is designated as a 90-foot Major Collector on the City's Regional Transportation Plan. Approximately 45 feet of right-of-way will be dedicated with this plat.

<u>Traffic Improvements</u>:

The 2019 City Bond Program includes the improvement of Barbarosa Road to become a fourlane roadway with a raised median and curbs, gutters and sidewalks, from FM 1101 to just south of Alves Lane. Final design and construction of the roadway is dependent on overall bond funding. Final determination to fund the project is scheduled for Fiscal Year 2023; however, funding projections indicate that there are insufficient funds for the improvements. Furthermore, the improvements identified in the bond do not extend to the subject property.

The subdivision TIA report indicates the current road conditions will require construction of a left turn deceleration lane for the ultimate buildout of the subdivision. The developer is responsible for the installation of the left turn deceleration lane once the warrants of the TIA are met. The timing of the left turn deceleration improvement shall be coordinated with the potential City capital improvements for Barbarosa Road at the time of final plat and mitigated in accordance with Section 118-46(y) of the Subdivision Platting Ordinance.

The TIA report indicates the current road conditions will require construction of a traffic signal at the intersection of Barbarosa Lane and Alves Lane for the ultimate buildout of the Grace Meadows Subdivision. It will be the responsibility of the developer to install and activate the traffic signal once the warrants for the TIA are met. The timing of the improvements shall be coordinated with the potential City capital improvements at the time of final plat and mitigated in accordance with Section 118-46(y) of the Subdivision Platting ordinance.

Access:

Secondary access will be provided with an offsite 50-foot wide temporary access easement that will eventually be platted and improved as a public street within Unit 4, connecting the subdivision to Westmeyer Road.

Hike and Bike Trail Plan

This plat is in compliance with the City's Hike and Bike Trails Plan as there are no existing or proposed trails internal to or adjacent to the subject property per the Hike and Bike Trail Plan.

Sidewalks

Four-foot wide sidewalks will be constructed per City standards by the developer and home builder adjacent to the internal streets.

City Council approved a waiver to allow payment of escrow in lieu of construction of a 6-foot wide public sidewalk adjacent to the future extension of Alves Lane. The escrow amount must be approved by the City Engineer for the portion of the sidewalk adjacent to this final plat and paid to the City of New Braunfels prior to recordation of this plat.

Roadway Impact Fees:

Roadway Impact Fees for Service Area 6 are hereby assessed for the portion of the subdivision that is within the city limits with the approval of the final plat. Roadway Impact Fees will be collected at the time of building permit as indicated in the then current fee schedule.

Parkland Dedication and Development:

This subdivision is subject to the 2018 Parkland Dedication and Development Ordinance. It requires new residential projects to dedicate park land (or cash in-lieu-of) and pay a park development fee per dwelling unit. This development will set aside 2.06 acres of land in Unit 1 for a private park to be used as credit towards the park land ordinance requirements for the subdivision.

Staff Recommendation:

To meet the requirements of the Subdivision Platting Ordinance and other adopted codes, the applicant's proposed final plat must comply with the conditions noted below. Staff recommends approval of the applicant's proposed final plat with the following Conditions of Approval:

- 1. Add "according to the adopted flood maps of the City of New Braunfels" in Plat Note #7. (NBCO 118-30)
- 2. Add a note to the plat stating "This subdivision is subject to Airport Hazard Zoning District standards and regulations of the City of New Braunfels Zoning Ordinance". (NBCO 118-30)
- 3. Revise street name "Grace Park Rd" to "Grace Park". (NBCO 118-29(b)(3))
- 4. Add an additional Plat Note stating "Six (6) foot wide sidewalks for the future extension of Alves Lane will be escrowed in lieu of construction as approved by the City Council of the City of New Braunfels on August 24, 2020 and will be paid to the City of New Braunfels prior to plat recordation". (NBCO 118-49(d))
- 5. Revise Plat Note #10A. by changing "Lot 907, Block 8" to "Lot 905, Block 1, Grace Meadows, Unit 1". (NBCO 118 -49(d)
- 6. Revise Plat Note #10D. by changing "Grace Park Rd" to "Grace Park". (NBCO 118-49(d)
- 7. Revise Plat Note #11 by changing "Grace Park Rd" to "Grace Park". (NBCO 118-49(d)
- 8. Revise "Lot 903, Block 9" to "Lot 903, Block 8" in Plat Note #16. (NBCO 118-24(15)
- 9. It will be the responsibility of the developer to construct a left turn deceleration lane once the warrants for the TIA are met. The timing of the improvements shall be coordinated with the potential City capital improvements at the time of final plat and mitigated in accordance with Section 118-46(y) of the Subdivision Platting ordinance. (NBCO 118-46 (v))
- 10. It will be the responsibility of the developer to install and activate the traffic signal at the intersection of Bargarosa Lane and Alves Lane once the warrants for the TIA are met. The timing of the improvements shall be coordinated with the potential City capital improvements at the time of final plat and mitigated in accordance with Section 118-46 (y) of the Subdivision Platting ordinance. (NBCO 118-46(y))
- 11. All separate instrument easements referenced on the plat must be recorded prior to plat recordation and document numbers must be labeled with the easements on the plat. Copies of all recorded easement documents must be submitted prior to plat recordation. (NBCO 118-48)
- 12. Grace Meadows Unit 1 must be recorded prior to or simultaneously with Unit 2 to meet the requirement for adequate access. (NBCO 118-46(t)(2)c.1.)
- 13. The outer boundary of the plat does not qualify as an accurate boundary. An accurate boundary is required for the plat. (NBCO 118-29.b1 & c)
- 14. Revise Plat Note #13 to indicate a maximum of 147 buildable lots rather than 151. (NBCO 118-24(15)
- 15. Add a Sheet 3 to the plat to show the remaining portion of the off-site 50-foot wide Temporary Access Easement and relabel the plat sheets "Sheet 1 of 3, Sheet 2 of 3 and Sheet 3 of 3. (NBCO 118-48)

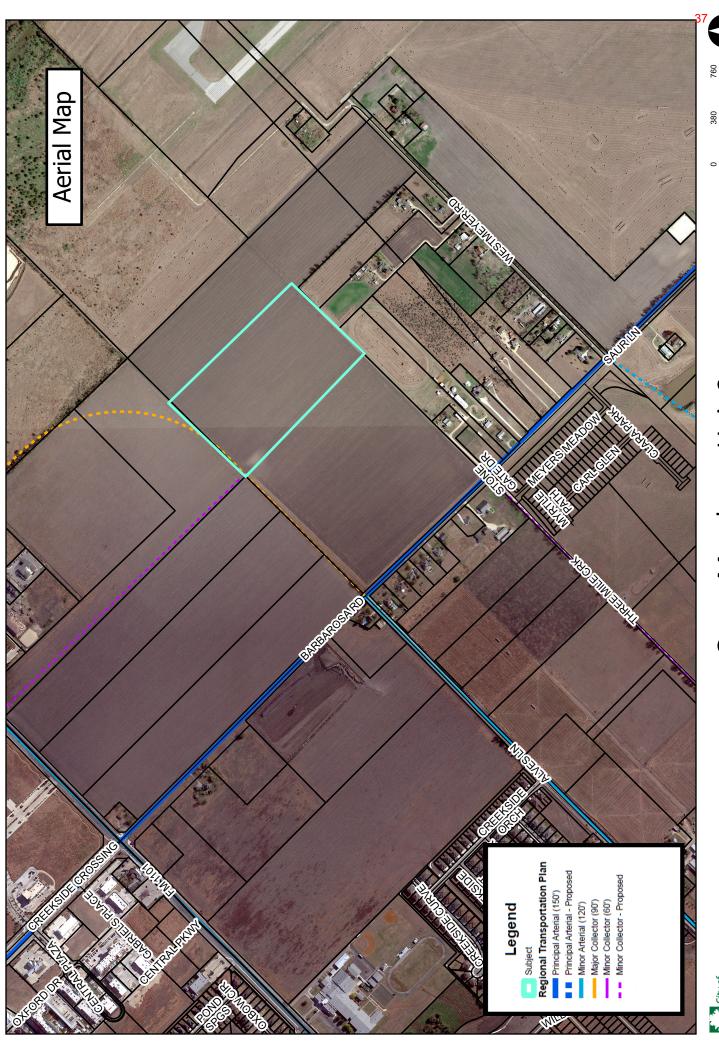
Approval Compliance:

Pursuant to state law, if the Planning Commission approves with conditions, to obtain approval of the final plat, the applicant must submit to the City a written response that satisfies each condition of approval prior to expiration of the final

plat (Section 118-32(b)). In accordance with Chapter 212, Texas Local Government Code, the City will determine the final plat approved if the response adequately addresses each Condition of Approval.

Attachments:

Aerial Map Final Plat



Grace Meadows, Unit 2

Source: City of New Braunfels GIS Date: 1/28/2021





PLAT NOTES:

- ALL LOTS WITHIN THE SUBDIVISION WILL BE PROVIDED WATER, SEWER AND ELECTRIC SERVICE BY NEW BRAUNFELS UTILITIES. TELEPHONE AND CABLE SERVICES FOR THE SUBDIVISION WILL BE PROVIDED BY AT&T COMMUNICATIONS AND/OR SPECTRUM.
- ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983, GRID. DISTANCES SHOWN HEREON ARE BASED UPON SURFACE MEASUREMENTS. TO CONVERT SURFACE DISTANCES TO GRID, APPLY A COMBINED SCALE FACTOR OF 1.00015.
 - MONUMENTS WERE FOUND OR SET AT EACH CORNER OF THE SURVEY BOUNDARY OF THE SUBDIVISION. MONUMENTS AND LOT MARKERS WILL BE SET WITH 1/2" IRON PINS WITH PLASTIC CAP STAMPED "HMT" IMMEDIATELY AFTER COMPLETION OF UTILITY INSTALLATION AND STREET CONSTRUCTION UNLESS NOTED OTHERWISE.
 - THIS SUBDIVISION IS NOT WITHIN THE EDWARDS AQUIFER RECHARGE ZONE. 4. 7.
- THIS SUBDIVISION IS WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY LIMITS OF NEW BRAUNFELS, TEXAS.
- NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN ANY SPECIAL FLOOD HAZARD AREA (100 YR. FLOOD), AS DEFINED BY THE COMAL COUNTY, TEXAS, FLOOD INSURANCE RATE MAP NUMBER 48091CO460F, EFFECTIVE DATE SEPTEMBER 2, 2009 AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THIS SUBDIVISION IS WITHIN THE COMAL INDEPENDENT SCHOOL DISTRICT. 9 .
 - NO STRUCTURES, WALLS OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO LANDSCAPING, FENCES, OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE EASEMENTS OR DECREASE THE HYDRAULIC CAPACITY OF THE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY OF THE CITY OF NEW BRAUNFELS SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS. $\dot{\infty}$
 - FUTURE DEVELOPMENT IS SUBJECT TO CHAPTER 114 (STREETS, SIDEWALKS AND OTHER PUBLIC SPACES) OF THE NEW BRAUNFELS CODE OF ORDINANCES. 6
- 10.
- FOUR (4) FOOT WIDE SIDEWALKS WILL BE CONSTRUCTED PER CITY STANDARDS ADJACENT TO THE CURB BY THE DEVELOPER AT THE TIME OF STREET CONSTRUCTION ALONG:

 A. PARDON WAY LOT 906, BLOCK 8 AND LOT 907, BLOCK 8.

 B. HONOR RD LOT 903, BLOCK 9, LOT 907, BLOCK 8, AND LOT 908, BLOCK 8.

 C. DONAIRE LN LOT 906, BLOCK 8, AND LOT 907, BLOCK 8.

 D. GRACE PARK RD LOT 903, BLOCK 9.

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- FOUR (4) FOOT WIDE SIDEWALKS WILL BE CONSTRUCTED PER CITY STANDARDS ADJACENT THE CURB BY THE HOME BUILDER AT THE TIME OF BUILDING CONSTRUCTION ALONG:

 A. PARDON WAY, ELEGANCE DR, FINESSE LN, HONOR RD, DONAIRE LN AND GRACE PARK RD. 12.
 - THE ELEVATION OF THE LOWEST FLOOR OF A STRUCTURE SHALL BE AT LEAST 10 INCHES ABOVE THE FINISHED GRADE OF THE SURROUNDING GROUND, WHICH SHALL BE SLOPED IN A FASHION SO AS TO DIRECT STORMWATER AWAY FROM THE STRUCTURE. PROPERTIES ON BOJTOM OF STORMWATER CONVEYANCE STRUCTURES MUST HAVE A FLOOR SLAB ELEVATION OF BOJTOM OF FLOOR JOISTS A MINIMUM OF ONE FOOT ABOVE THE 100—YEAR WATER FLOW ELEVATION IN THE STRUCTURE. DRIVEWAYS SERVING HOUSES ON THE DOWNHILL SIDE OF THE STREET SHALL HAVE A PROPERLY SIZED CROSS SWALE PREVENTING RUNOFF FROM ENTERING THE GARAGE AND SHALL PREVENT WATER FROM LEAVING THE STREET. 13.
 - THIS SUBDIVISION IS SUBJECT TO THE 2018 CITY OF NEW BRAUNFELS PARK LAND DEDICATION AND DEVELOPMENT ORDINANCE. THIS PLAT IS APPROVED FOR ONE DWELLING UNIT(S) PER BUILDABLE LOT WITH A MAXIMUM OF 151 BUILDABLE LOTS. AT SUCH TIME THAT ADDITIONAL DWELLING UNITS ARE CONSTRUCTED, THE OWNER OF THE LOT(S) SHALL NOTIFY THE CITY AND COMPLY WITH THE ORDINANCE FOR EACH DWELLING UNIT.
 - ALL DRAINAGE EASEMENTS WITHIN THE LOTS WILL BE OWNED AND MAINTAINED BY PROPERTY OWNER. 4.
- PERMANENT WATER QUALITY CONTROLS ARE REQUIRED FOR THIS SUBDIVISION PLAT IN ACCORDANCE WITH THE CITY OF NEW BRAUNFELS DRAINAGE AND EROSION CONTROL DESIGN MANUAL. 15.
- LOT 903, BLOCK 9 (DRAINAGE), LOT 906, BLOCK 8 (DRAINAGE), LOT 907, BLOCK 8 (OPEN SPACE), LOT 908, BLOCK 8 (DRAINAGE), AND LOT 910, BLOCK 8 (UTILITY) WILL BE OWNED AND MAINTAINED BY THE GRACE MEADOWS HOME OWNER ASSOCIATION, ITS SUCCESSORS AND/OR ASSIGNS. 16.

BRAUNFELS UTILITIES NOTES: NEW

- MAINTENANCE OF DEDICATED UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. ANY USE OF AN EASEMENT, OR ANY PORTION OF IT, INCLUDING LANDSCAPING OR DRAINAGE FEATURES, IS SUBJECT TO AND SHALL NOT CONFLICT WITH THE TERMS AND CONDITIONS IN THE EASEMENT, MUST NOT ENDANGER OR INTERFERE WITH THE RIGHTS AND SHALL BE SUBJECT TO APPLICABLE PERMIT SEQUIREMENTS OF THE CITY OF NEW BRAUNFELS OR ANY OTHER GOVERNING BODY. THE PROPERTY OWNER MUST OBTAIN, IN ADVANCE, WRITTEN AGREEMENT WITH THE UTILITIES TO UTILIZE THE EASEMENT, OR ANY PART OF IT.
 - UTILITES WILL POSSESS A 5' WIDE SERVICE EASEMENT TO THE DWELLING ALONG THE SERVICE LINE TO THE SERVICE ENTRANCE. THIS EASEMENT WILL VARY DEPENDING UPON LOCATION OF DWELLING AND SERVICE.
- UTILITIES SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARD AND METER LOCATIONS SHALL NOT BE LOCATED WITHIN A FENCED AREA.
- EACH LOT MUST HAVE ITS OWN WATER AND SEWER SERVICE AT THE OWNER'S/DEVELOPER'S EXPENSE.
- DO NOT COMBINE ANY NEW UTILITY EASEMENTS (U.E.) WITH DRAINAGE EASEMENTS (D.E.) OR MAKE CHANGES IN GRADE WITHIN THE UTILITY EASEMENTS (U.E.) WITHOUT WRITTEN APPROVAL FROM NEW BRAUNFELS UTILITIES.

I, THE UNDERSIGNED DOROTHY J. TAYLOR, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE UNDER MY SUPERVISION AND IN COMPLIANCE WITH CITY AND STATE SURVEY REGULATIONS AND LAWS AND MADE ON THE GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY KNOW ALL MEN BY THESE PRESENTS:

DOROTHY J. TAYLOR REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6295 290 S. CASTELL AVE., SUITE 100, NEW BRAUNFELS, TEXAS 78130 PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.

PLAT REVISED JANUARY 4, 2021 PLAT REVISED OCTOBER 30, 2020 PLAT PREPARED AUGUST 28, 2020



■ 290 S. CASTELL AVE., STE. 100 NEW BRAUNFELS, TX 78130 TBPE FIRM F-10961 TBPLS FIRM 10153600

ESTABLISHING ADOWS $\vdash \forall \exists$ \mathbb{Z} FINAL GRACE

I SUBDIVISION NO. 58 OF THE A.M. ESNAURIZAR COUNTY, TEXAS. BEING A PORTION OF A CALLED DOCUMENT NO. 200706027817, OFFICIAL PUBLIC, COMAL COUNTY, TEXAS ES SITUATED IN BRANT, COMAL CO DESCRIBED IN D RECORDS,

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	LENGTH	23.56'	23.56	23.56	10.18'	146.38'	10.18'	37.37'	56.52	37.68'	19.22'	13.05'	23.56	23.56	23.56	23.56'	23.56'	23.56'	23.56'	23.56'	270.79
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•	NCE	PLANNING DIRECTOR	CITY ENGINEER	NEW BRAUNFELS UTILITIES
CHAIRMAN	APPROVED FOR ACCEPTANCE	DATE	DATE	DATE

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I (WE) THE UNDERSIGNED OWNER(S) OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE GRACE MEADOWS, UNIT 2 A SUBDIVISION TO THE CITY OF NEW BRAUNFELS, COUNTY OF COMAL, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY SUBDIVIDE SUCH PROPERTY AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

OF TEXAS OF COMAL

STATE OF COUNTY OF

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WAY 78259

MSSC INVESTMENTS RICHARD MOTT 1922 DRY CREEK V SAN ANTONIO, TX

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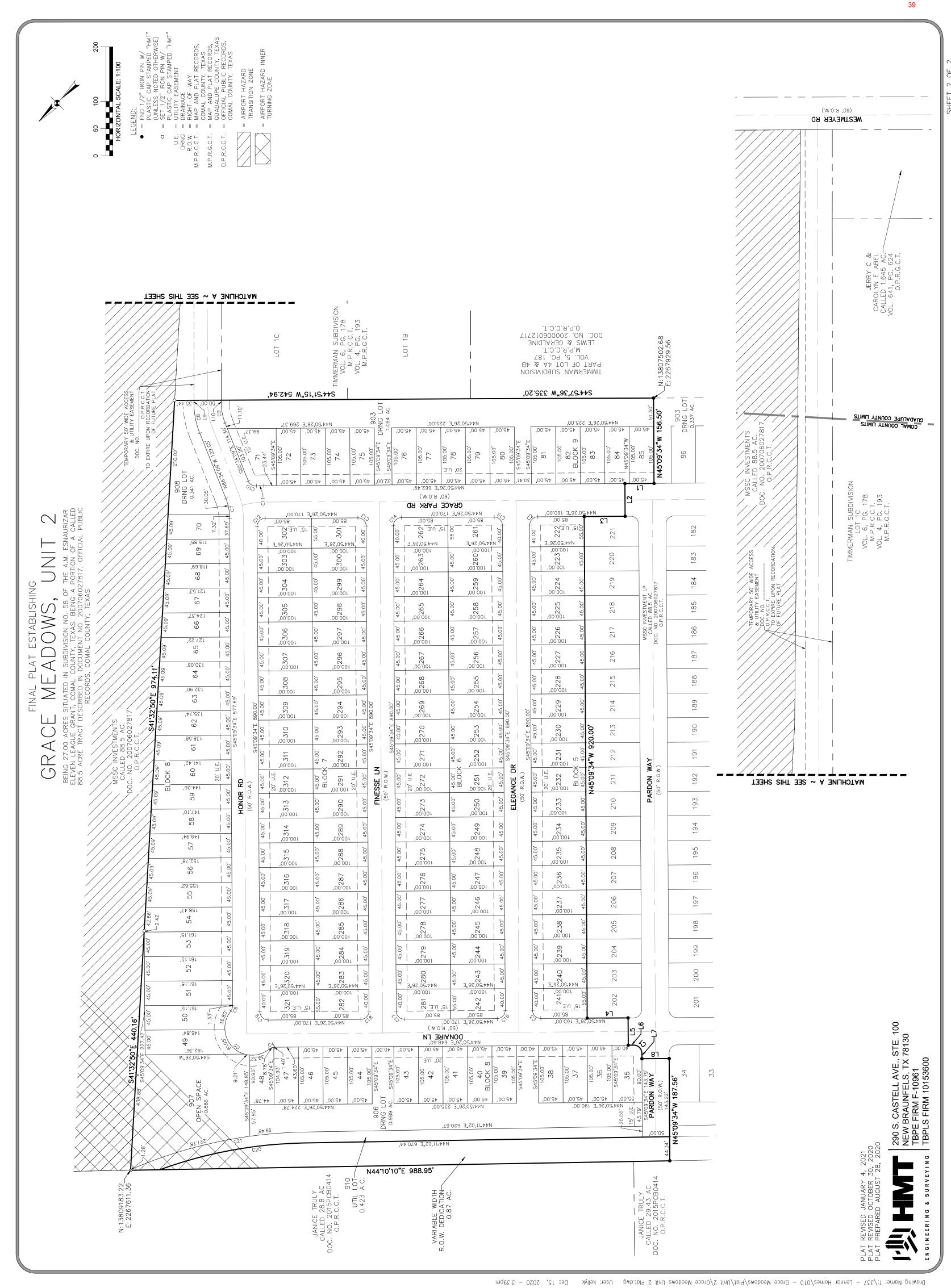
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Planning Commission Agenda Item Report

2/2/2021

Agenda Item No. E)

Contact

Applicant: James Ingalls, Moeller & Associates Engineering; Owner: JP Gips (830) 358-7127 - plats@ma-tx.com

SUBJECT:

FP21-0008 Approval of the final plat for The Gardens at New Braunfels with conditions.

Plat Information:

Case #: FP21-0008

Owner: The Gardens at New Braunfels. LLC

JP Gips, Member 541 Magazine Avenue New Braunfels, TX 78130

jpgips@gmail.com

Engineer: James Moeller, P.E.

Moeller & Associates Engineering Solutions

2021 SH 46 West, Suite 105 New Braunfels, TX 78130

(830) 358-7127

jamesingalls@ma-tx.com

Case Manager: Holly Mullins

(830) 221-4054

hmullins@nbtexas.org

Description: 5 residential lots on 1 acre

Background:

The subject property is located behind the New Braunfels Public Library (Main Branch) on the northeast corner of S. East Avenue and Dittlinger Street. It is currently a vacant tract zoned "R-2" Single and Two-family District.

Four of the five proposed lots (Lots 1, 3, 4 and 5) meet the minimum area required in our zoning ordinance for duplexes (8,000 square feet; 8,500 square feet for corner lots). Two dwelling units are planned on each of these lots. Lot 2 is less than 8,000 square feet in area where only a single-family dwelling can be allowed.

Drainage:

The Public Works Department reviewed preliminary drainage with the Letter of Certification process

as required by Section 118-51e of the Platting Ordinance and in accordance with the requirements of Chapter 143 Municipal Drainage Utility Systems, and the Drainage and Erosion Control and Design Manual. Project drainage for new construction will be reviewed with the building permit. No portion of the subject property is located within the 1% annual chance flood zone.

Utilities:

Electric, water and wastewater services are provided by New Braunfels Utilities (NBU). Utility easements are indicated on the plat as required by NBU.

Transportation:

Regional Transportation Plan:

The plat is in compliance with the City's Regional Transportation Plan and no additional right-of-way dedication is required.

Hike and Bike:

The plat is in compliance with the City's Hike and Bike Trails Plan as there are no proposed trails or bike lanes adjacent to the subject property.

Sidewalks:

Four-foot wide sidewalks will be constructed within the right-of-way along Dittlinger Street and E. East Avenue, by the home builder as each residential lot is developed.

Roadway Impact Fees:

Roadway Impact Fees for Study Area 2 are hereby assessed with approval of the final plat. Fees will be collected with building permits at the then current rate based on use.

Parkland Dedication and Development:

This subdivision is subject to the 2018 Parkland Dedication and Development Ordinance and proposes 9 new residential units. To comply with the ordinance, the development must pay a fee of \$1,940 per dwelling (\$17,460 total) prior to recording the final plat.

Staff Recommendation:

To meet the requirements of the City's Subdivision Platting Ordinance and other adopted codes, the applicant's final plat must comply with the conditions noted below. Staff recommends approval of the proposed final plat with the following Conditions of Approval:

- 1. Include a Block Number for the subdivision. (NBCO 118-29)
- 2. Indicate location of existing adjacent and opposite driveways. (NBCO 118-98)
- 3. Provide title or position within the LLC for individual signing the plat. (NBCO 118-30)
- 4. Revise Plat Note 2 to state sidewalks will be constructed at least 3 feet from the curb/edge of pavement. (NBCO 118-49)
- 5. Revise or remove Plat Note 13 if there is no property owners' association or drainage easements. (NBCO 118-45)
- 6. Label the grid state plane coordinates (two decimals places) that are the farthest from each other on two corners of the outer boundary. (Ord. 118-21.c)

Approval Compliance:

To obtain approval of the final plat, the applicant must submit to the City a revised final plat and a written response that satisfies each condition of approval prior to expiration of the plat (Sec. 118-32 (k)). In accordance with Chapter 212, Texas Local Government Code, the City will determine the final plat approved if the response adequately addresses each Condition of Approval.

Attachments:

- 1. Aerial Map
- 2. Final Plat



PL20-0008 The Gardens at New Braunfels Final Plat

STATE OF TEXAS COUNTY OF COMAL

I, THE UNDERSIGNED OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE GARDENS AT NEW BRAUNFELS. TO THE CITY OF NEW BRAUNFELS, COUNTY OF COMAL, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY SUBDIVIDE SUCH PROPERTY AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

LLC. OWNER: THE GARDENS AT NEW BRAUFELS, LI ATTN: JAMESON GIPS 541 MAGAZINE AVE, NEW BRAUNFELS, TX 78130

님 THIS

BEFORE INSTRUMENT

PRESENTS: THESE MEN BY ALL

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

SURVEYOR

DREW A. MAWYER
REGISTERED PROFESSIONAL LAND SI
D.A. MAWYER LAND SURVEYING
5151 W. SH46
NEW BRAUNFELS, TEXAS 78132
FIRM #10191500



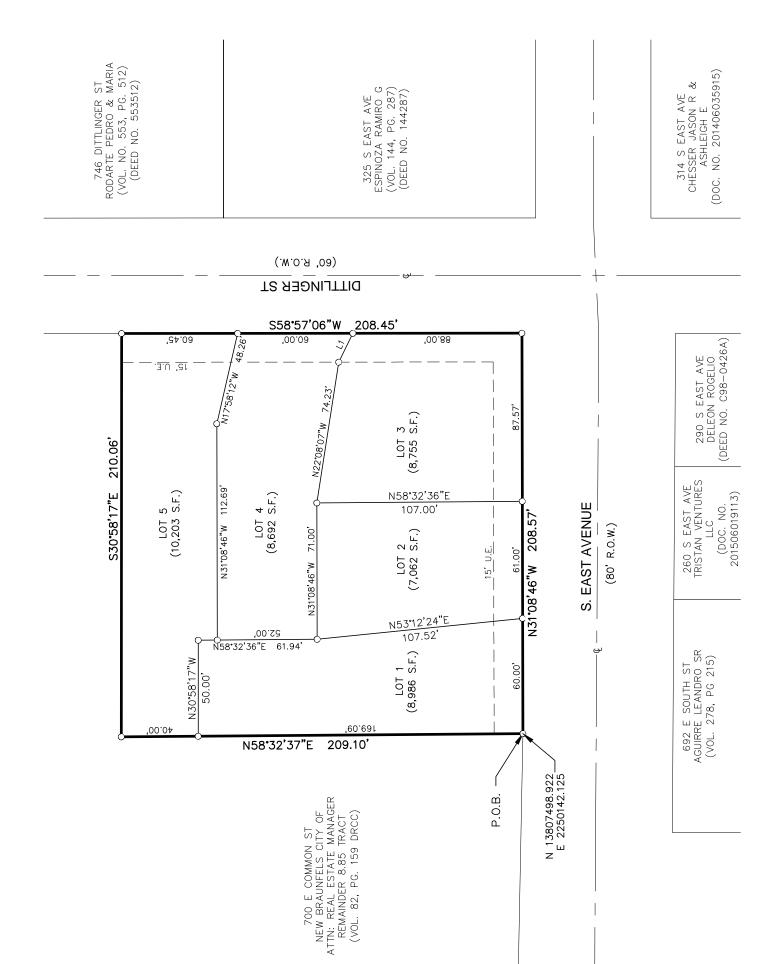
MOELLER & ASSOCIATES Engineering Solutions 46 W, Ste. 105 ' unfels, TX 78132 30) 358-7127 TBPE FIRM F-13351 2021 SH 46 W, New Braunfels, ph: (830) 3 www.ma-tx.com TBPE

LEGEND:
P.O.B.
B.L.
D.E.
U.E.
O.S.

 $\bigcirc \bullet \boxed{\cdot}$

AT NEW BRAUNFELS GARDENS THE

BEING 1.00 ACRE TRACT OF LAND OUT OF J. M. VERAMENDI TWO LEAGUE SURVEY, ABSTRACT NO. 2, CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS AND BEING ALL OF A CALLED 1.00 ACRE TRACT DESCRIBED IN DEED TO THE GARDENS AT NEW BRAUNFELS, LLC. OF RECORD IN DOCUMENT NO. 2020006045672, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS.



BEARING

LENGTH 16.70'

TABLE

LINE

SCALE 1"=50

В

20

THE CITY OF NEW BRAUNFELS,

APPROVED THIS THE PLANNING COMMISSION OF

ACCEPTANCE

APPROVED FOR

CHAIRMAN

DATE

GENERAL NOTES:

- ELECTRIC AND SEWER, WATER, PROVIDED BE ALL LOTS WITHIN THE SUBDIVISION WILL SERVICES BY NEW BRAUNFELS UTILITIES.
- SIDEWALK NOTES:

 . FOUR (4) FOOT WIDE SIDEWALKS WILL BE CONSTRUCTED BY THE HOME BUILDER PER CITY STANDARDS AT THE TIME OF BUILDING CONSTRUCTION, UNLESS OTHERWISE NOTED ON THE PLAT, ALONG:

 S. EAST AVENUE; DITTLINGER ST 2. SI 2.1.
 - 3
- 4.
- SCHOOL DISTRICT. SUBDIVISION IS WITHIN THE NEW BRAUNFELS INDEPENDENT 里
- ALL BEARINGS AND COORDINATES SHOWN HEREON ARE IN GRID BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983. DISTANCES SHOWN HEREON ARE SURFACE USING COMBINED SCALE FACTOR OF 1.00015.
- MONUMENTS WERE FOUND OR SET AT EACH CORNER OF THE SURVEY BOUNDARY OF THE SUBDIVISION. MONUMENTS AND MARKERS WILL BE SET WITH 1/2" IRON PIN WITH PLASTIC CAP STAMPED "DAM #5348 PROP. COR." IMMEDIATELY AFTER COMPLETION OF UTILITY INSTALLATION AND STREET CONSTRUCTION UNLESS NOTED OTHERWISE. 5.
 - THE CITY CITY LIMITS OF 里 THE GARDENS AT NW BRAUNFELS FALLS WITHIN BRAUNFELS.

9

- THE SUBDIVISION IS FOR DUPLEX RESIDENTIAL HOMES. THE PROPOSED USE OF 7.
- BEING <u>THE GARDENS AT NEW BRAUNFELS</u> ESTABLISHING A TOTAL OF 5 LOTS, WITH BUILDABLE. ∞
- THIS SUBDIVISION IS SUBJECT TO THE 2018 CITY OF NEW BRAUNFELS PARK LAND AND DEDICATION ORDINANCE. THIS PLAT IS APPROVED FOR 9 DWELLING UNITS WITH A MAXIMUM OF 5 BUILDABLE LOTS. AT SUCH TIME THAT ADDITIONAL DWELLING UNITS ARE CONSTRUCTED; THE OWNER OF THE LOT SHALL CONTACT THE CITY AND COMPLY WITH THE ORDINANCE FOR EACH DWELLING UNIT. 6
 - NO STRUCTURES, WALLS OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT, NO SECONDSCAPING, FENCES, OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE EASEMENTS OR DECREASES THE HYDRAULIC CAPACITY OF THE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY OF NEW BRAUNFELS AND GUADALUPE COUNTY SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTORS ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE EASEMENTS. 10.
- THE ELEVATION OF THE LOWEST FLOOR SHALL BE AT LEAST 10 INCHES ABOVE THE FINISHED GRADE OF THE SURROUNDING GROUND, WHICH SHALL BE SLOPED IN A FASHION SO AS TO DIRECT STORMWATER AWAY FROM THE STRUCTURE. PROPERTIES ADJACENT TO STORMWATER CONVEYANCE STRUCTURES MUST HAVE A FLOOR SLAB ELEVATION OR BOTTOM OF FLOOR JOISTS A MINIMUM OF ONE FOOT ABOVE THE 100—YEAR WATER FLOW ELEVATION IN THE STRUCTURE. DRIVEWAYS SERVING HOUSES ON THE DOWNHILL SIDE OF THE STREET SHALL HAVE A PROPERLY SIZED CROSS SWALE PREVENTING RUNDFF FROM ENTERING THE GARAGE AND SHALL PREVENT WATER FROM LEAVING THE STREET. Ξ.

NO STRUCTURES IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC WATER AND SEWER SYSTEM WHICH HAS BEEN APPROVED BY NEW BRAUNFELS UTILITIES. 12.

BRAUNFELS

CITY ENGINEER

DATE

DATE

- NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN THE EXISTING SPECIAL FLOOD HAZARD ZONE A, 100—YEAR FLOOD BOUNDARY, AS DEFINED BY THE GUADALUPE COUNTY, TEXAS COMMUNITY PANEL NUMBER 48091C0455F, REVISED SEPTEMBER 02, 2009 AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. 13. MAINTENANCE OF DRAINAGE EASEMENT DESIGNATED WITHIN A LOT SHALL RESPONSIBILITY OF THE PROPERTY OWNERS ASSOCIATION. 4.
- EACH LOT OWNER SHALL BE RESPONSIBLE FOR VERIFYING THE DEPTH OF THE SEWER SERVICE STUB OUT AND DETERMINING THE MINIMUM SERVICEABLE FINISH FLOOR ELEVATION.

15.

16.

17.

FUTURE DEVELOPMENT IS SUBJECT TO CHAPTER 114 (STREETS, SIDEWALKS, AND OTHER PUBLIC SPACES) OF THE NEW BRAUNFELS CODE OF ORDINANCES.

NO PORTION OF THIS PROPERTY IS WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.

NEW BRAUNFELS UTILITIES NOTES:

NEW

- MAINTENANCE OF DEDICATED UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. ANY USE OF AN EASEMENT, OR ANY PORTION OF IT, INCLUDING LANDSCAPING OR DRAINAGE FEATURES, IS SUBJECT TO AND SHALL NOT CONFLICT WITH THE RIGHTS GRANTED BY THE EASEMENT, MUST NOT ENDANGER OR INTERFERE WITH THE RIGHTS GRANTED BY THE EASEMENT TO NEW BRAUNFELS UTILITIES, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE SUBJECT TO APPLICABLE PERMIT REQUIREMENTS OF THE CITY OF NEW BRAUNFELS OR ANY OTHER GOVERNING BODY. THE PROPERTY OWNER MUST OBTAIN, IN ADVANCE, WRITTEN AGREEMENT WITH THE UTILITIES TO UTILIZE THE EASEMENT, OR ANY PART OF IT.
- UTILITIES WILL POSSESS A 5' WIDE SERVICE EASEMENT TO THE BUILDING ALONG THE SERVICE LINE TO THE SERVICE ENTRANCE. THIS EASEMENT DEPENDING UPON LOCATION OF DWELLING AND SERVICE. Б. 2
- UTILITIES SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARD AND METER LOCATIONS SHALL NOT BE LOCATED WITHIN A FENCED AREA.
 - $\forall \bot$ SEWER EACH LOT MUST HAVE ITS OWN WATER AND OWNER'S/DEVELOPER'S EXPENSE.
- DO NOT COMBINE ANY NEW UTILITY EASEMENTS (U.E.) WITH DRAINAGE EASEMENTS (D.E.) OR MAKE CHANGES IN GRADE WITHIN THE UTILITY EASEMENTS (U.E.) WITHOUT WRITTEN APPROVAL FROM NEW BRAUNFELS UTILITIES.

COUNTY,

COUNTY CLERK, COMAL

I, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WAS FILED FOR RECORD IN THE MAP AND PLAT RECORDS, DOC#

COMAL COUNTY ON THE DAY OF 20 AT MITNESS MY HAND OFFICIAL SEAL, THIS THE DAY OF A.D. 20 AD THE DAY OF A.D. 20 AD

STATE OF TEXAS COUNTY OF COMAI

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PAGE 1 OF



Planning Commission Agenda Item Report

550 Landa Street New Braunfels, TX

2/2/2021

Agenda Item No. F)

Presenter/Contact

Applicant: HMT Engineering & Surveying; Owner: City of New Braunfels (830) 625-8555 - plats@hmtnb.com

SUBJECT:

FP21-0014 Approval of the final plat for New Braunfels Westside Community Center Library.

Plat Information:

Case No.: FP21-0014

Applicant: HMT Engineering & Surveying (Eric Ply, P.E.)

290 S. Castell Ave.

New Braunfels, TX 78130

(830) 625-8555 plats@hmtnb.com

Owner: City of New Braunfels (Jennifer Cain, Capital Programs Manager)

550 Landa Street

New Braunfels, TX 78130

(830) 221-4648 jcain@nbtexas.org

Staff Contact: Matt Greene

(830) 221-4053

mgreene@nbtexas.org

Description: Platting 1 commercial lot consisting of 2.071 acres

The subject property is located on the southwest corner of the intersection of Krueger Avenue and Interstate Highway 35 and currently in the process of rezoning from C-3 and R-2 to MU-A. There are two existing buildings on the property and one will be removed as the City is in the process of design and approval for a new library facility on the site.

Drainage:

The Public Works Department reviewed preliminary drainage with the Letter of Certification process as required by Section 118-51.e of the Subdivision Platting Ordinance and in accordance with the requirements of Chapter 143 Municipal Drainage Utility Systems, and the Drainage and Erosion Control and Design Manual.

No portion of the subject property is located within the 1% annual chance floodplain.

Utilities:

All lots in this subdivision will be provided water, sewer, and electric service by New Braunfels

Utilities. Utility easements have been designated on the plat as requested.

Transportation:

Regional Transportation Plan

This plat does not include any streets within the development and the site is not adjacent to any streets within the Regional Transportation Plan.

Hike and Bike Trail Plan

This plat is in compliance with the City's Hike and Bike Trails Plan. There are no existing or proposed trails internal to or adjacent to the subject property.

Sidewalks

Six-foot wide sidewalks exist along S. Krueger Avenue and Interstate Highway 35.

Roadway Impact Fees:

The subdivision is subject to Roadway Impact Fees and will be assessed the fees for Service Area 2 with the approval of the final plat. The Impact Fees will be collected at time of building permit as indicated in the then current fee schedule for the intended use.

Parkland Dedication and Development:

This plat is a non-residential plat and does not have park land requirements.

Staff Recommendation:

To meet the requirements of the Subdivision Platting Ordinance and other adopted codes, the applicant's proposed final plat must comply with the conditions noted below. Staff recommends approval of the applicant's proposed final plat with the following Conditions of Approval:

- 1. Remove the 28-foot Building Line from the plat. (NBCO 118-24)
- 2. Add "according to the adopted flood maps of the City of New Braunfels" in Plat Note #7 and correct the map panel number from 0455F to 0445F. (NBCO 118-30)
- 3. Provide a drainage easement for the existing detention facility located on the southwest corner of the lot. (NBCO 118-51)
- 4. The outer boundary of the subdivision does not qualify as an accurate boundary. An accurate boundary is required for the plat. (NBCO 118-29(b) & (c))
- 5. Revise approval block to include approval by the Planning Commission and with Planning Commission Chairman's signature line. (NBCO 118-30(d))

Approval Compliance:

Pursuant to state law, if the Planning Commission approves with conditions, to obtain approval of the final plat, the applicant must submit to the City a written response that satisfies each condition of approval prior to expiration of the final plat (Section 118-32(b)). In accordance with Chapter 212, Texas Local Government Code, the City will determine the final plat approved if the response adequately addresses each Condition of Approval.

Attachments:

Aerial Map Final Plat

49

2021

PREPARED JANUARY

290 S. CASTELL AVE., STE. 100 NEW BRAUNFELS, TX 78130 TBPE FIRM F-10961 TBPLS FIRM 10153600

ENGINEERING & SURVEYING

THE ELEVATION OF THE LOWEST FLOOR OF A STRUCTURE SHALL BE AT LEAST 10 INCHES ABOVE THE FINISHED GRADE OF THE SURROUNDING GROUND, WHICH SHALL BE SLOPED IN A FASHION SO AS TO DIRECT STORMWATER AMAY FROM THE STRUCTURE. PROPERTIES DADACENT TO STORMWATER CONVEYANCE STRUCTURES MUST HAVE A FLOOR SLAB ELEVATION OR BOTTOM OF FLOOR JOISTS A MINIMUM OF ONE FOOT ABOVE THE 100-YEAR WATER FLOW ELEVATION IN THE STRUCTURE. DRIVEWAYS SERVING HOUSES ON THE DOWNHILL SIDE OF THE STREET SHALL HAVE A PROPERLY SIZED CROSS SWALE PREVENTING RUNOFF FROM ENTERING THE GARAGE AND SHALL PREVENT WATER FROM LEAVING THE STREET.

SIX (6) FOOT WIDE SIDEWALKS ARE EXISTING ALONG S KRUEGER AVE AND INTERSTATE HIGHWAY 35.

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Ξ.

FUTURE DEVELOPMENT IS SUBJECT TO CHAPTER 114 (STREETS, SIDEWALKS AND OTHER PUBLIC SPACES) OF THE NEW BRAUNFELS CODE OF ORDINANCES.

ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983, GRID. DISTANCES SHOWN HEREON ARE BASED UPON SURFACE MEASUREMENTS. TO CONVERT SURFACE DISTANCES TO GRID, APPLY A COMBINED SCALE FACTOR OF 1.00015.

ALL LOTS WITHIN THE SUBDIVISION WILL BE PROVIDED WATER, SEWER AND ELECTRIC SERVICE BY NEW BRAUNFELS UTILITIES. TELEPHONE AND CABLE SERVICES FOR THE SUBDIVISION WILL BE PROVIDED BY AT&T COMMUNICATIONS AND/OR SPECTRUM.

NOTES:

MONUMENTS WERE FOUND OR SET AT EACH CORNER OF THE SURVEY BOUNDARY OF THE SUBDIVISION. MONUMENTS AND LOT MARKERS WILL BE SET WITH 1/2" IRON PINS WITH PLASTIC CAP STAMPED "HMT" IMMEDIATELY AFTER COMPLETION OF UTILITY INSTALLATION AND STREET CONSTRUCTION UNLESS NOTED OTHERWISE.

THIS SUBDIVISION IS NOT WITHIN THE EDWARDS AQUIFER RECHARGE ZONE. THIS SUBDIVISION IS WITHIN THE CITY LIMITS OF NEW BRAUNFELS, TEXAS.

4. 70. 00.

NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN ANY SPECIAL FLOOD HAZARD AREA (100 YR. FLOOD), AS DEFINED BY THE COMAL COUNTY, TEXAS, FLOOD INSURANCE RATE MAP NUMBER 48091C0455F, EFFECTIVE DATE SEPTEMBER 2, 2009 AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

THIS SUBDIVISION IS WITHIN THE NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT.

NO STRUCTURES, WALLS OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO LANDSCAPING, FENCES, OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE EASEMENTS OR DECREASE THE HYDRAULIC CAPACITY OF THE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY OF THE CITY OF NEW BRAUNFELS SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS.

NON-RESIDENTIAL USE SUBDIVISIONS ARE NOT SUBJECT TO THE PARK LAND DEDICATION AND DEVELOPMENT REQUIREMENTS. HOWEVER, AT SUCH TIME ANY DWELLING UNITS ARE CONSTRUCTED, THE OWNER OF THE LOT SHALL CONTACT THE CITY AND COMPLY WITH THE ORDINANCE FOR EACH DWELLING UNIT.

ALL DRAINAGE EASEMENTS WITHIN THE LOTS WILL BE OWNED AND MAINTAINED BY PROPERTY OWNER.

13.

12.

4.

PERMANENT WATER QUALITY CONTROLS ARE REQUIRED FOR THIS SUBDIVISION PLAT IN ACCORDANCE WITH THE CITY OF NEW BRAUNFELS DRAINAGE AND EROSION CONTROL DESIGN MANUAL.

NEW BRAUNFELS UTILITIES NOTES:

MAINTENANCE OF DEDICATED UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. ANY USE OF AN EASEMENT, OR ANY PORTION OF IT, INCLUDING LANDSCAPING OR DRANAGE FEATURES, IS SUBJECT TO AND SHALL NOT CONFLICT WITH THE TERMS AND CONDITIONS IN THE EASEMENT, MUST NOT ENDANGER OR INTERFERE WITH THE RIGHTS GRANTED BY THE EASEMENT TO NEW BRAUNFELS UTILITIES, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE SUBJECT TO APPLICABLE PERMIT REQUIREMENTS OF THE CITY OF NEW BRAUNFELS OR ANY OTHER GOVERNING BODY. THE PROPERTY OWNER MUST OBTAIN, IN ADVANCE, WRITTEN AGREEMENT WITH THE UTILITIES TO UTILIZE THE EASEMENT, OR ANY PART OF IT.

UTILITIES WILL POSSESS A 5' WDE SERVICE EASEMENT TO THE DWELLING ALONG THE SERVICE LINE TO THE SERVICE ENTRANCE. THIS EASEMENT WILL VARY DEPENDING UPON LOCATION OF DWELLING AND SERVICE.

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DO NOT COMBINE ANY NEW UTILITY EASEMENTS (U.E.) WITH DRAINAGE EASEMENTS (D.E.) OR MAKE CHANGES IN GRADE WITHIN THE UTILITY EASEMENTS (U.E.) WITHOUT WRITTEN APPROVAL FROM NEW BRAUNFELS UTILITIES.

NBU IS NOT RESPONSIBLE FOR DAMAGES TO PROPERTY IMPROVEMENTS (I.E. LANDSCAPING, TREES, PAVEMENT, SIGNS, DRAINAGE STRUCTURES, PRIVATE UTILITIES, ETC.) THAT ARE PLACED IN ANY TYPE OF UTILITY EASEMENT. TO ENSURE NO CONFLICTS EXIST WITH UTILITY INFRASTRUCTURE IN THE EASEMENT, ALL SUCH IMPROVEMENTS PLACED IN ANY TYPE OF UTILITY EASEMENT MUST BE REVIEWED AND APPROVED THROUGH THE NBU EASEMENT ENCROACHMENT PROCESS. NBU DEVELOPMENT SERVICES FACILITATES THE EASEMENT ENCROACHMENT APPLICATION PROCESS.

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

KNOW ALL MEN BY THESE PRESENTS:

DOROTHY J. TAYLOR REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6295 290 S. CASTELL AVE., SUITE 100, NEW BRAUNFELS, TEXAS 78130

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.

EACH LOT MUST HAVE ITS OWN WATER AND SEWER SERVICE AT THE OWNER'S/DEVELOPER'S EXPENSE.

UTILITIES SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARD AND METER LOCATIONS SHALL NOT BE LOCATED WITHIN A FENCED AREA.



Planning Commission Agenda Item Report

550 Landa Street New Braunfels, TX

2/2/2021

Agenda Item No. G)

Presenter/Contact

Applicant: HMT Engineering & Surveying; Owner: Gary Krieg; ULF, LLC (830) 625-8555 - plats@hmtnb.com

SUBJECT:

FP21-0015 Approval of the final plat for Vangaurd Farms.

Plat Information:

Case No.: FP21-0015

Applicant: HMT Engineering & Surveying (Chris Van Herde, P.E.)

290 S. Castell Ave., Suite 100 New Braunfels, TX 78130

(830) 625-8555 plats@hmtnb.com

Owner: Gary Krieg; ULF, LLC

6000 S. Congress Avenue

Austin, TX 78745

(512) 658-6497 gkrieg@impactdevelopers.com

Staff Contact: Matt Greene

(830) 221-4053

mgreene@nbtexas.org

Description: Platting multifamily residential lots on 16.9 acres

The subject property is comprised of 16.9 acres located between Post Road and the Union Pacific Rail Road tracks, southwest of FM 306, is zoned "Post Road Development" Planned Development District (PRDPD) and is currently undeveloped agricultural land. Per the PRDPD, the property is designated for multifamily use. This subdivision will consist of 2 multifamily residential lots and the extension of Nissan Way. A Detail Plan must be submitted for approval by the Planning Commission prior to a building permit being issued for development of either lot.

Drainage:

The Public Works Department reviewed preliminary drainage with the Letter of Certification process as required by Section 118-51.e of the Subdivision Platting Ordinance and in accordance with the requirements of Chapter 143 Municipal Drainage Utility Systems, and the Drainage and Erosion Control and Design Manual.

No portion of the subject property is located within the 1% annual chance floodplain.

Utilities:

All lots in this subdivision will be provided water, sewer, and electric service by New Braunfels Utilities. Utility easements have been designated on the plat as requested, however, NBU has noted additional easements for electric extension may be needed within the interior, containing any and all electric primary and the utility easement between line segments L1, L2, L3, L19, L20, L21, L22 and L23 needs to be increased from 10 feet wide to 20 feet wide.

<u>Transportation</u>:

Regional Transportation Plan

This plat is in compliance with the Regional Transportation Plan. A portion of a proposed 60-foot wide Minor Collector (Nissan Way) is shown on the Regional Transportation Plan connecting IH 35 to FM 306 within the boundaries of the subject property which will be dedicated and constructed by the developer.

Hike and Bike Trail Plan

This plat is in compliance with the City's Hike and Bike Trails Plan as there are no existing or proposed trails internal to or adjacent to the subject property per the Hike and Bike Trails Plan.

Sidewalks

The owner/developer will construct 6-foot wide sidewalks adjacent to Nissan Way and Summer Sweet Rd. at the time of development of each lot.

Roadway Impact Fees:

Roadway Impact Fees for Service Area 3 are hereby assessed with the approval of the final plat. Roadway Impact Fees will be collected at the time of building permit as indicated in the then current fee schedule.

Parkland Dedication and Development:

The subject property is part of the Post Road Development Master Plan and this subdivision is subject to the 2006 Parkland Dedication and Development Ordinance. It requires new residential projects to dedicate park land (or cash inlieu-of) and pay a park development fee per dwelling unit. Parkland dedication and development requirements for this plat have been met with the parkland dedicated and improved in Phase 1 of the Heather Glen Subdivision (also part of the Post Road Development Master Plan).

Staff Recommendation:

To meet the requirements of the Subdivision Platting Ordinance and other adopted codes, the applicant's proposed final plat must comply with the conditions noted below. Staff recommends approval of the applicant's proposed final plat with the following Conditions of Approval:

- Add "according to the adopted flood maps of the City of New Braunfels" in Plat Note #7. (NBCO 118-30)
- 2. Add a note to the plat stating "This subdivision is subject to Airport Hazard Zoning District standards and regulations of the City of New Braunfels Zoning Ordinance". (NBCO 118-30)
- 3. The utility easement between line segments L1, L2, L3, L19, L20, L21, L22 and L23 needs to be increased from 10 feet wide to 20 feet wide. (NBCO 118-48(a))
- 4. The outer boundary of the subdivision does not qualify s an accurate boundary. An accurate boundary is required for the plat (NBCO 118-29b1 & c)
- 5. Provide dimensions for the variable width temporary turnaround easement in Detail "A". (NBCO 118-48(a)

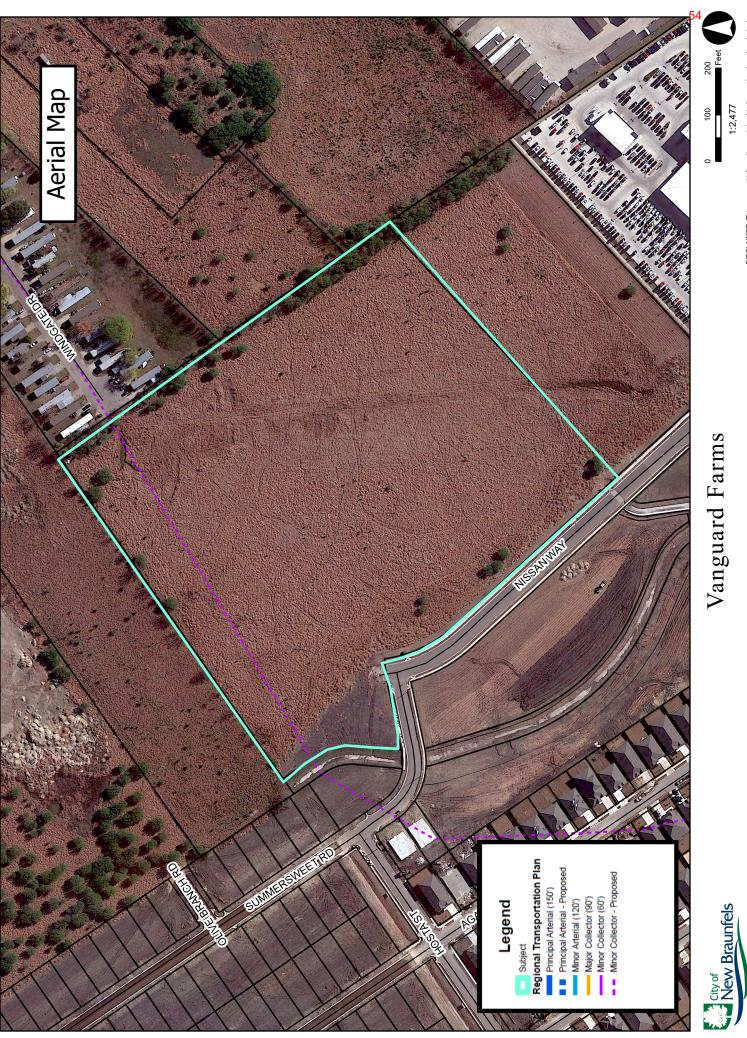
Approval Compliance:

Pursuant to state law, if the Planning Commission approves with conditions, to obtain approval of the final plat, the applicant must submit to the City a written response that satisfies each condition of approval prior to expiration of the final

plat (Section 118-32(b)). In accordance with Chapter 212, Texas Local Government Code, the City will determine the final plat approved if the response adequately addresses each Condition of Approval.

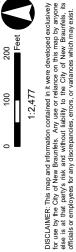
Attachments:

Aerial Map Final Plat









Source: City of New Braunfels GIS Date: 1/28/2021

- ALL LOTS WITHIN THE SUBDIVISION WILL BE PROVIDED WATER, SEWER AND ELECTRIC SERVICE BY NEW BRAUNFELS UTILITIES. TELEPHONE AND CABLE SERVICES FOR THE SUBDIVISION WILL BE PROVIDED BY AT&T COMMUNICATIONS AND/OR SPECTRUM.
 - ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983, GRID. DISTANCES SHOWN HEREON ARE BASED UPON SURFACE MEASUREMENTS. TO CONVERT SURFACE DISTANCES TO GRID, APPLY A COMBINED SCALE FACTOR OF 1.00015.
 - MONUMENTS WERE FOUND OR SET AT EACH CORNER OF THE SURVEY BOUNDARY OF THE SUBDIVISION. MONUMENTS AND LOT MARKERS WILL BE SET WITH 1/2" IRON PINS WITH PLASTIC CAP STAMPED "HMT" IMMEDIATELY AFTER COMPLETION OF UTILITY INSTALLATION AND STREET CONSTRUCTION UNLESS NOTED OTHERWISE.
 - THIS SUBDIVISION IS NOT WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.
 - THIS SUBDIVISION IS WITHIN THE CITY LIMITS OF NEW BRAUNFELS, TEXAS.
- NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN ANY SPECIAL FLOOD HAZARD AREA (100 YR. FLOOD), AS DEFINED BY THE COMAL COUNTY, TEXAS, FLOOD INSURANCE RATE MAP NUMBER 48091C0455F, EFFECTIVE DATE SEPTEMBER 2, 2009 AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THIS SUBDIVISION IS WITHIN THE COMAL INDEPENDENT SCHOOL DISTRICT.
- NO STRUCTURES, WALLS OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO LANDSCAPING, FENCES, OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE EASEMENTS OR DECREASE THE HYDRAULIC CAPACITY OF THE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY OF THE CITY OF NEW BRAUNFELS SHALL HAVE THE RIGHT OF INGRESS OVER GRANTOR'S ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS.
 - FUTURE DEVELOPMENT IS SUBJECT TO CHAPTER 114 (STREETS, SIDEWALKS AND OTHER PUBLIC SPACES) OF THE NEW BRAUNFELS CODE OF ORDINANCES.
- SIX (6) WIDE SIDEWALKS WILL BE CONSTRUCTED BY THE OWNER/DEVELOPER PER CITY STANDARDS AT THE TIME OF BUILDING CONSTRUCTION ALONG:

 A. NISSAN WAY
 B. SUMMER SWEET RD 10.
- THE ELEVATION OF THE LOWEST FLOOR OF A STRUCTURE SHALL BE AT LEAST 10 INCHES ABOVE THE FINISHED GRADE OF THE SURROUNDING GROUND, WHICH SHALL BE SLOPED IN A FASHION SO AS TO DIRECT STORMWATER AWAY FROM THE STRUCTURE. PROPERTIES ADJACENT TO STORMWATER CONVEYANCE STRUCTURES MUST HAVE A FLOOR SLAB ELEVATION OR BOTTOM OF FLOOR JOISTS A MINIMUM OF ONE FOOT ABOVE THE 100-YEAR WATER FLOW ELEVATION IN THE STRUCTURE. DRIVEWAYS SERVING HOUSES ON THE DOWNHILL SIDE OF THE STREET SHALL HAVE A PROPERLY SIZED CROSS SWALE PREVENTING RUNOFF FROM ENTERING THE GARAGE AND SHALL PREVENT WATER FROM LEAVING THE STREET. Ξ.
 - THIS SUBDIVISION IS SUBJECT TO THE 2006 CITY OF NEW BRAUNFELS PARK LAND DEDICATION AND DEVELOPMENT ORDINANCE. THIS PLAT IS APPROVED FOR 266 DWELLING UNIT(S) PER BUILDABLE LOT. AT SUCH TIME THAT ADDITIONAL DWELLING UNITS ARE CONSTRUCTED, THE OWNER OF THE LOT(S) SHALL NOTIFY THE CITY AND COMPLY WITH THE ORDINANCE FOR EACH DWELLING UNIT. 12.
 - THIS UNIT CONTAINS 2 BUILDABLE RESIDENTIAL LOTS. ALL LOTS MEET THE MINIMUM SQUARE FOOTAGE REQUIREMENT ACCORDING TO THE ZONING ORDINANCE. 13.
 - ALL DRAINAGE EASEMENTS WITHIN THE LOTS WILL BE OWNED AND MAINTAINED BY PROPERTY OWNER. 14.
- PERMANENT WATER QUALITY CONTROLS ARE REQUIRED FOR THIS SUBDIVISION PLAT IN ACCORDANCE WITH THE CITY OF NEW BRAUNFELS DRAINAGE AND EROSION CONTROL DESIGN MANUAL. 15.

NEW BRAUNFELS UTILITIES NOTES:

- MAINTENANCE OF DEDICATED UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. ANY USE OF AN EASEMENT, OR ANY PORTION OF IT, INCLUDING LANDSCAPING OR DRAINAGE FEATURES, IS SUBJECT TO AND SHALL NOT CONFLICT WITH THE TERMS AND CONDITIONS IN THE EASEMENT, WUST NOT ENDANGER OR INTERFERE WITH THE RIGHTS GRANTED BY THE EASEMENT TO NEW BRAUNFELS OF THIS SUCCESSORS, AND SHALL BE SUBJECT TO APPLICABLE PERMIT REQUIREMENTS OF THE CITY OF NEW BRAUNFELS OR ANY OTHER GOVERNING BODY. THE PROPERTY OWNER MUST OBTAIN, IN ADVANCE, WRITTEN AGREEMENT WITH THE UTILITIES TO UTILIZE THE EASEMENT, OR ANY PART OF IT.
 - UTILITES WILL POSSESS A 5' WIDE SERVICE EASEMENT TO THE DWELLING ALONG THE SERVICE LINE TO THE SERVICE ENTRANCE. THIS EASEMENT WILL VARY DEPENDING UPON LOCATION OF DWELLING AND SERVICE.
- UTILITIES SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARD AND METER LOCATIONS SHALL NOT BE LOCATED WITHIN A FENCED AREA.
- EACH LOT MUST HAVE ITS OWN WATER AND SEWER SERVICE AT THE OWNER'S/DEVELOPER'S EXPENSE.
- DO NOT COMBINE ANY NEW UTILITY EASEMENTS (U.E.) WITH DRAINAGE EASEMENTS (D.E.) OR MAKE CHANGES IN GRADE WITHIN THE UTILITY EASEMENTS (U.E.) WITHOUT WRITTEN APPROVAL FROM NEW BRAUNFELS UTILITIES.
 - NBU IS NOT RESPONSIBLE FOR DAMAGES TO PROPERTY IMPROVEMENTS (I.E. LANDSCAPING, TREES, PAVEMENT, SIGNS, DRAINAGE STRUCTURES, PRIVATE UTILITIES, ETC.) THAT ARE PLACED IN ANY TYPE OF UTILITY EASEMENT. TO ENSURE NO CONFLICTS EXIST WITH UTILITY INFRASTRUCTURE IN THE EASEMENT, ALL SUCH IMPROVEMENTS PLACED IN ANY TYPE OF UTILITY EASEMENT MUST BE REVIEWED AND APPROVED THROUGH THE NBU EASEMENT ENCROACHMENT PROCESS, NBU DEVELOPMENT SERVICES FACILITATES THE EASEMENT ENCROACHMENT APPLICATION PROCESS.

KNOW ALL MEN BY THESE PRESENTS:

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

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.

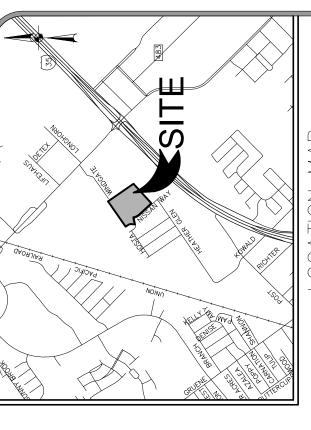
DOROTHY J. TAYLOR REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6295 290 S. CASTELL AVE, SUITE 100, NEW BRAUNFELS, TEXAS 78130

POS. CASTELL AVE., STE. 100 NEW BRAUNFELS, TX 78130 TBPE FIRM F-10961 TBPLS FIRM 10153600

PLAT REVISED JANUARY 4, 2021 PLAT REVISED APRIL 23, 2019 PLAT PREPARED MARCH 25, 2019

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LAND OUT OF THE H. FOSTER SURVEY NO. 34, NNTY, TEXAS. BEING ALL OF THE 16.9012 ACRE NO. 201806026063, OFFICIAL PUBLIC RECORDS, AL COUNTY, TEXAS. BEING A 16.90 ACRE TRACT OF ABSTRACT NO. 154, COMAL COL TRACT RECORDED IN DOCUMENT COM



OCATION MAP NOT TO SCALE

NEW 님 CITY APPROVED THIS THE DAY OF BY THE PLANNING COMMISSION OF THE BRAUNFELS, TEXAS.

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APPROVED FOR

CHAIRMAN

ACCEPTANCE

PLANNING DIRECTOR DATE

NEW BRAUNFELS UTILITIES DATE

CITY ENGINEER

DATE

OF COMAL OF STATE O

I (WE), THE UNDERSIGNED OWNER(S) OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS <u>VANGUARD FARMS</u>, A SUBDIVISION TO THE CITY OF NEW BRAUNFELS, COUNTY OF COMAL, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY SUBDIVIDE SUCH PROPERTY AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

OF TEXAS OF COMAL

STATE OF COUNTY OF

DO HEREBY CERTIFY THAT THE FOREGOING FOR RECORD IN THE MAP AND PLAT RECORDS, 풀 N O OF COMAL COUNTY FILED WAS INSTRUMENT #OOC#

 DAY

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THIS THE SEAL, HAND OFFICIAL ≽ WITNESS

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TEXAS COUNTY, COMAL CLERK, COUNTY

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WAS ACKNOWLEDGED BEFORE ME

THIS INSTRUMENT

 DAY

ULF, LLC BY: GARY KRIEG 6000 S CONGRESS AVE. AUSTIN, TEXAS 78745

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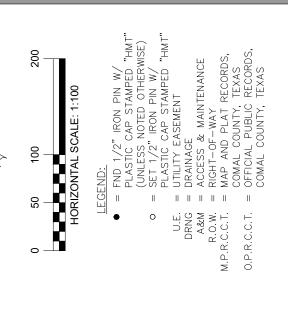
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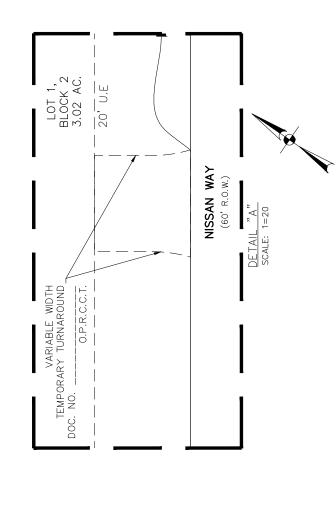
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LAND BEING A 16.90 ACRE TRACT OF LA ABSTRACT NO 154, COMAL COUN TRACT RECORDED IN DOCUMENT N COMAL



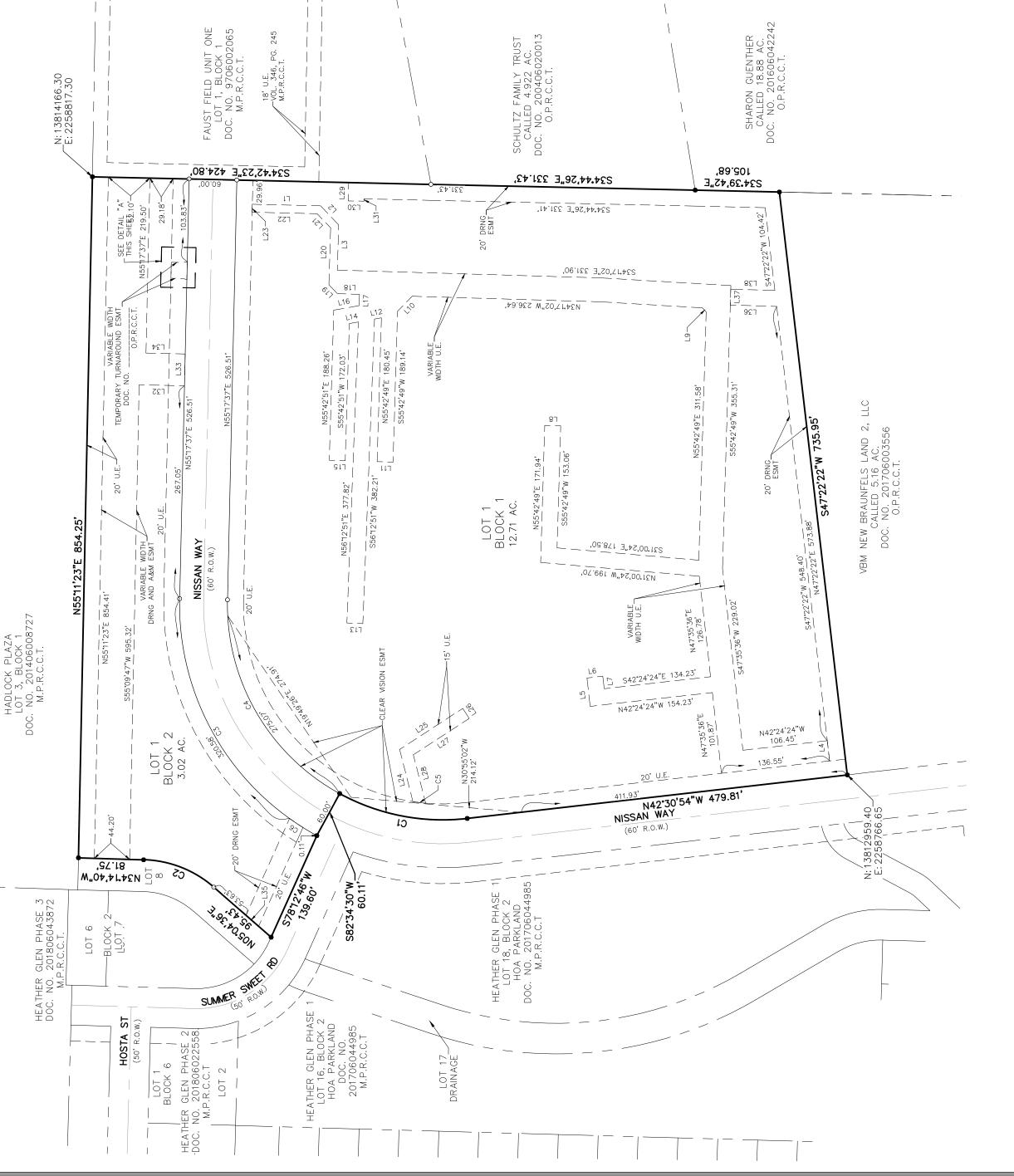
			CUR	CURVE TABLE		
CURVE	LENGTH	RADIUS	DELTA	TANGENT	TANGENT CHORD LENGTH CHORD BEARING	CHORD BEARING
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C2	96.39'	140.00,	140.00' 039'26'50"	50.19	94.50'	N14°39′42"W
C3	360.99,	330.00	330.00' 062*40'38"	200.95	343.26'	S23°57'18"W
C4	295.32,	270.00′	270.00' 062*40'05"	164.38'	280.81	S23°57'34"W
C5	16.07,	250.00	003*41'01"	8.04,	16.07'	S29*13'16"E
90	20.29,	330.00,	330.00' 003*31'23"	10.15,	20.29,	N02.07,40"W

L	BLE.	DIRECTION	S10°26'07"W	S34*42'31"E	S55°17'37"W	N39°44'51"E	S69°01'40"E	S20°58'20"W	N69°01'40"W	S39°44′51″W	N55°42'49"E	S34.42'23"E	N55°42'49"E	S34°42'23"E	N55°17'37"E	N34*42'23"W	N05°04'36"E	S34°24′53″E	N55°42'49"E	S34°24'53"E		
LINE TABLE	A I INF	LENGTH	24.56'	81.50'	10.00,	67.58	94.30,	15.00,	83.56'	62.60'	23.00,	20.00,	3.00,	56.90'	39.96,	49.18,	20.90,	58.18	20.00,	55.25,		
		# JNIT	L21	L22	L23	L24	L25	126	L27	L28	179	L30	L31	T25	L33	L34	L35	136	L37	L38		
L	מרד	DIRECTION	S34°42'31"E	S10°26'07"W	S55°42'49"W	S47°22'22"W	S47°35'36"W	N42°24'24"W	N47°35′36″E	S34°17'11"E	S11°34'15"W	S81°54'12"E	N34°17'11"W	N46°10'40"W	N33°47'09"W	N46°10'40"W	N34°17'09"W	S46°10'40"E	N56°12'51"E	S33°47'09"E	S10°42'49"W	S55.42,49"W
LINE TABLE	LINE IA	LENGTH	85.65	32.88'	56.83	25.49'	35.77'	20.00,	15.77'	20.00,	6.86	26.43,	20.00,	8.72,	20.00,	11.68'	20.00,	32.30'	14.09'	27.95,	15.25	71.30,
		LINE #		12	L3	۲4	15	97	٢٦	87	67	L10	[1]	L12	L13	L14	L15	L16	L17	L18	L19	L20



PLAT REVISED JANUARY 4, 2021 PLAT REVISED APRIL 23, 2019 PLAT PREPARED MARCH 25, 2019

290 S. CASTELL AVE., STE. 100 NEW BRAUNFELS, TX 78130 TBPE FIRM F-10961 TBPLS FIRM 10153600 ENGINEERING & SURVEYING





Planning Commission Agenda Item Report 2/2/2021

550 Landa Street New Braunfels, TX

Agenda Item No. A)

Presenter/Contact

Dana Snyder, Urban Resilience Planner and Program Coordinator with the Texas Community
Watershed Partners
(410) 812-8408 - dana.snyder@tamu.edu

SUBJECT:

Presentation by the Texas Community Watershed Partners regarding scenario planning with the CHARM mapping tool and community workshops.

BACKGROUND / RATIONALE:

The Texas Community Watershed organization reached out to Planning and Development Services staff about providing a short presentation on the CHARM program. This program allows for communities to plan for scenarios such as floods, growth, and environmental projects, to predict and analyze these scenarios in real time, and to provide workshops for community education on risk awareness and disaster resiliency. Dana Snyder will be providing a quick overview of this program.

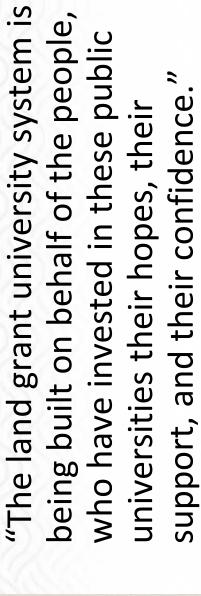


TEXAS COMMUNITY WATERSHED PARTNERS

A Program of the Texas A&M AgriLife Extension







Abraham Lincoln, upon signing the Morrill Act, July 2, 1862
 SERVING YOU TODAY
 TRUSTED RESEARCH
 LOCAL EDUCATORS...
 EXTENDING KNOWLEDGE
 PROVIDING SOLUTIONS





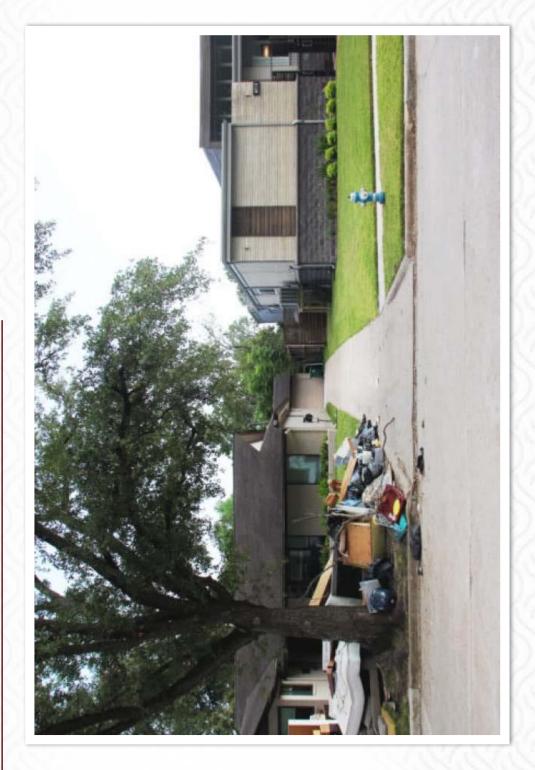
sustainability and resilience into the hands of We engage resources of the Texas A&M University System to put the tools of the community.



Resilience

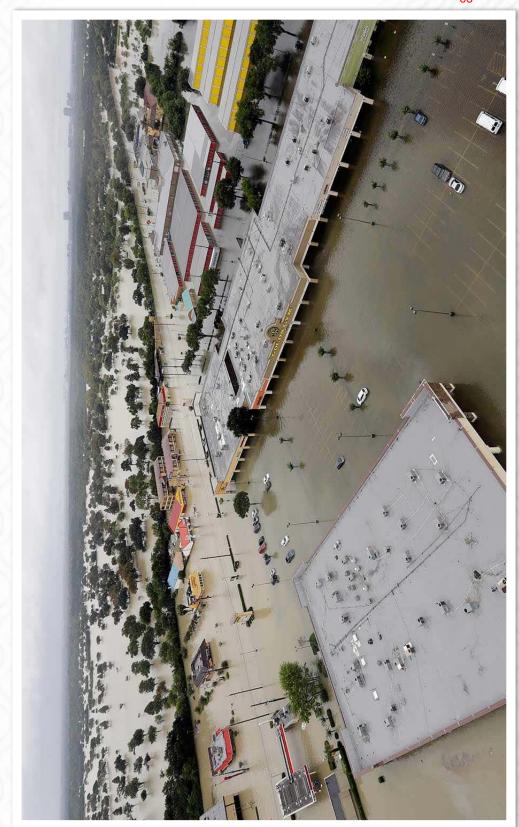
Resilience- the ability to "jump back" or "rebound" from a disturbance or crisis.

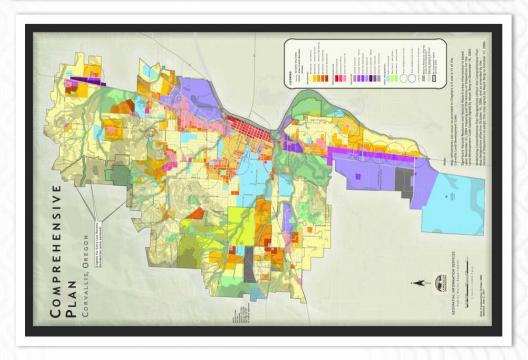
Community Resilience- The ability of a community or region to adapt to and respond to disruptions and events of various sorts, including natural disasters.





Planning a community has its challenges







Creating a resilient community

Best available data and information

2. Community involvement

Community

Planning



Engineered Solutions

Preparation & Response



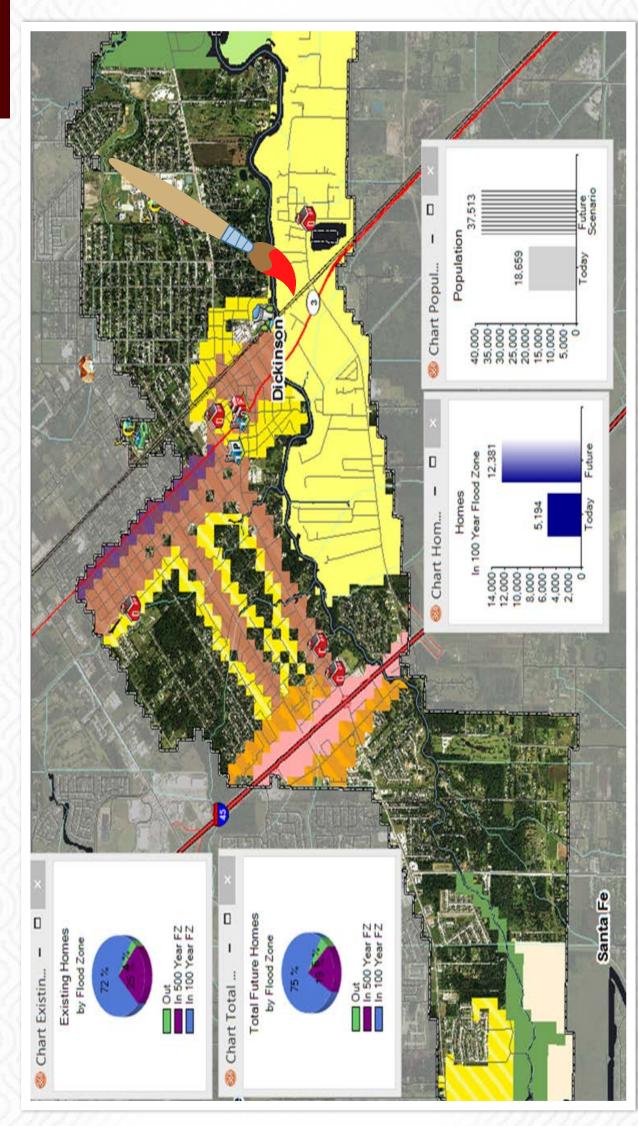


CHARM

CHARM is a Texas A&M Public participation tool designed to support planning-level projects and help communities be more sustainable and resilient.





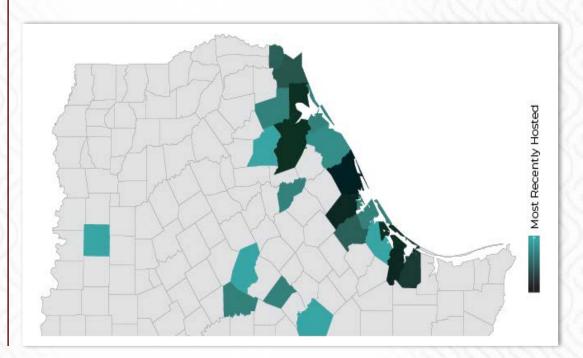




CHARM County Workshops

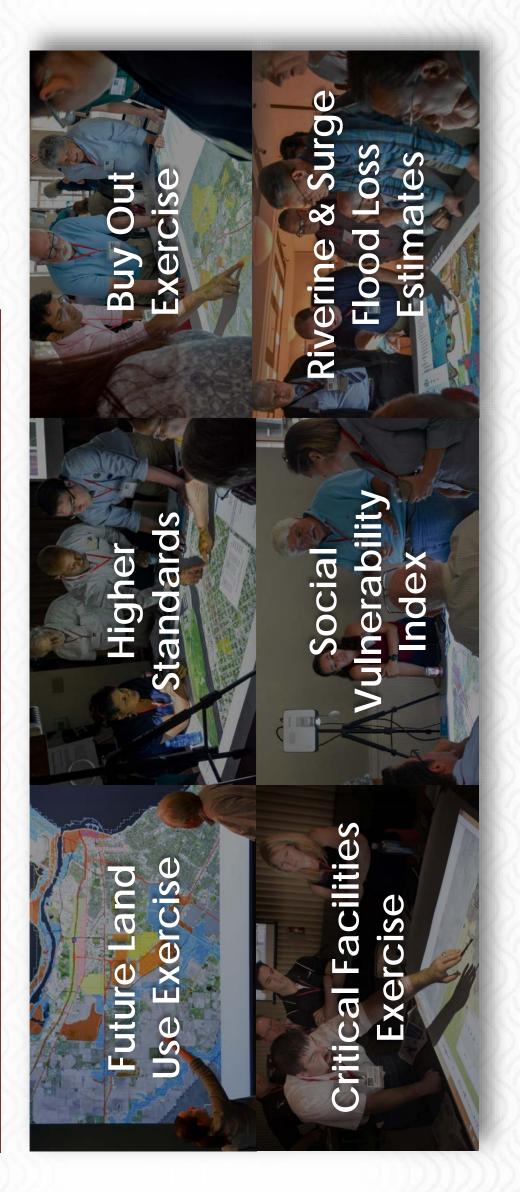
- Hosted over 20 County Workshops
- 800+ Participants
- Satisfaction Rate: 4.9 stars





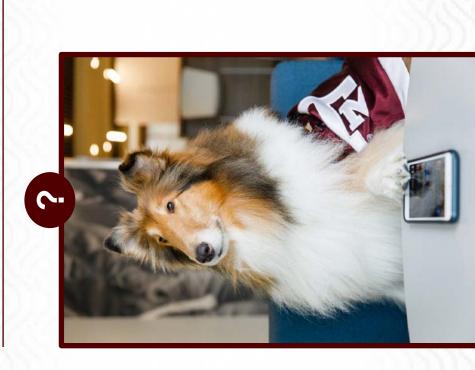


CHARM hosts customizable, hyper-local, interactive, data-driven analyses





Questions?



Texas Community Watershed Partners

TCWP.tamu.edu

CommunityCHARM.org

Dana Snyder

Resilience and Sustainability Planner Dana.Snyder@tamu.edu

Amanda Ashcroft

Urban Planner

Amanda. Ashcroft@tamu.edu





Planning Commission Agenda Item Report 2/2/2021

Agenda Item No. B)

Presenter/Contact Caleb Gasparek, Historic Preservation Officer (830) 221-4086 - CGasparek@nbtexas.org

SUBJECT:

Public hearing and recommendation to City Council regarding proposed amendments to Chapter 66 Historic Preservation for the protection and preservation of historic trees within historic districts and historic properties.

BACKGROUND / RATIONALE:

In the summer of 2020, residents of the Sophienburg Hill Historic District and Commissioners on the Historic Landmark Commission (HLC) requested to amend Chapter 66 of the City's Code of Ordinances to include guidelines and protection measures for historic and heritage trees within the City's historic districts and historic landmarks. The HLC and residents of the Sophienburg Hill Historic District have been concerned about removal of historic trees. In response, staff prepared some draft edits to the Historic Preservation Ordinance to provide protection measures for certain trees in historic districts and landmarks, while providing a framework for the removal and replacement of trees.

There are currently two tree preservation ordinances active in New Braunfels. Both ordinances include a process for the removal of protected trees. The first is found in Chapter 144 Zoning, Subsection 5.3. The ordinance was first adopted in 1999, and though there have been several amendments over the past 22 years, the ordinance remains largely unchanged. The ordinance includes a process for the removal of protected trees on <u>commercial</u> properties, while residential properties are exempt from the ordinance. This ordinance already applies to any commercial properties located within the City's four Historic Districts.

The second tree preservation ordinance is found within Chapter 34 Vegetation Protection Code of the Veramendi Development & Design Control Document (DDCD). The DDCD was adopted in 2013 and has received several updates since. Chapter 34 only applies to the Veramendi WCID area. The DDCD requires that a preliminary tree survey, a tree replacement plan, and a tree protection plan be submitted at the time of a Veramendi Sector Plan or when a building permit is submitted. Chapter 34 includes a program for off-site replacement of protected trees, and a payment in lieu of replacement should replanting not be possible.

The proposed amendment to Chapter 66 would create a series of standards and protection measures for trees found within historic districts and on historic properties. Unlike Chapter 144, the amendment would apply to residential properties with historic zoning overlay. Like Chapter 34 of the Veramendi DDCD, the amendment includes the option for the replating of trees offsite and the option for a payment in lieu of replacement should replanting not be possible. The proposed amendment does not add new protected trees, but instead uses existing Appendix A from Chapter 144, which lists

protected trees within City Limits. Similarly, the amendment to Chapter 66 uses <u>existing</u> Appendix B of Chapter 144, which lists undesirable trees that would not require a tree removal permit and not be subject to the ordinance. These two existing ordinance appendices are included as attachments in this agenda packet for your reference.

After receiving feedback from residents and industry experts, staff has revised several sections of the proposed ordinance to be more consistent with the City's existing tree preservation ordinance.

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

City Plan/Council	Action 1.11: Update policies and codes to achieve development
Priority: Envision	patterns that implement the goals of this plan. Action 1.2:
New Braunfels	Create plans for neighborhoods and transitional areas to
Comprehensive Plan	maintain quality of life. Action 2.2: Prioritize areas that are best
	suited for conservation and preservation. Action 2.25: Increase
	resources for historic preservation. Action 5.17: Review and
	update Tree and Landscape ordinances to ensure New Braunfels
	remains a green city and expands its tree canopy. Action 7.14:
	Increase tree canopy for increased shade to encourage walking

FISCAL IMPACT:

The proposed draft includes a tree mitigation fund as an option which can be used to plant and maintain trees within historic districts, historic landmarks, open spaces, and city parks.

COMMITTEE RECOMMENDATION:

The draft ordinance amendments were reviewed and recommended for approval by the Historic Landmark Commission at their November meeting.

The draft ordinance amendments were also reviewed and recommended for approval by the Parks Board (which also serves as the City's Tree Board) at their December meeting.

The Planning Commission was briefed on the amendment at their regular January meeting, though no action was taken at that time.

STAFF RECOMMENDATION:

Staff recommends approval of the amendment to Chapter 66 Historic Preservation. The proposed amendments were drafted using best practices from other tree preservation ordinances in Texas. The natural landscape, like the built environment, is a character defining feature of many historic neighborhoods and should not be viewed as an independent entity separate from the overall character of New Braunfels' historic neighborhoods. Additionally, the proposed amendment aligns with the City's goal of maintaining its status as a recognized Tree City by the Arbor Day Foundation, and would implement several Actions in Envision New Braunfels.

Public Notice

Though mailed public notice is not required for amendments to ordinances, city staff mailed 332 drafts of the proposed amendment to owners of historic properties within City Limits. Staff has received one written response in favor, and two written responses in objection.

ATTACHMENTS:

- 1. Draft Ordinance
- Appendix A Approved Plant List
 Appendix B Undesirable Trees

Section 66. Historic Preservation.

<u>Section 66-69 Tree Preservation and Protection within Designated Historic</u> Districts and Historic Landmarks

Section 66-69.1 Purpose

The purpose of this section is to encourage the protection and preservation of existing protected, heritage, and historic trees located within the boundaries of designated local historic districts and local historic landmarks. In addition to the numerous benefits trees provide to the urban landscape, trees provide signification contributions to the unique character of historic districts and properties. Protection and preservation of historic assets within historic districts and historic landmarks is essential to preserving the character of the local community.

Section 66-69.2 Jurisdiction

The terms and provisions of this article shall apply to all properties within designated local historic districts and designated local historic landmarks within the city limits of the City of New Braunfels.

Section 66-69.3 Definitions

For the purposed of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

<u>Diameter at breast height or DBH</u> generally means the diameter in inches of a tree as measured through the main trunk at four and a half feet above the ground level. If there are multiple trunks, diameter at breast height is calculated as the diameter of the largest trunk plus one-half the sum of all subsequent trunks. If there is branching that creates a widening of the trunk at four and a half feet above the ground level, measure diameter at the narrowest point directly below the branching.

Heritage Tree means any tree that is unique to the individual historic district or landmark because of its size, age, or historic association as determined by the City Horticulturist/Arborist/Forester, Historic Preservation Officer and/or Historic Landmark Commission.

<u>Historic Tree</u> means any tree which has reached a DBH of 35 inches or is 75 years of age or older.

Protected Tree means any tree which is found within Appendix A Approved Plant

<u>List of Section 144-5.3 Landscaping, tree preservation, public trees and screening.</u>

<u>Qualified Arborist means any individual that has obtained the necessary education, experience, and qualification and is familiar with local fauna to accurately identify, assess, and provide recommendations on trees in the New Braunfels area.</u>

<u>Unprotected or Undesirable Tree</u> means any tree that is found in Appendix B of Chapter 144-5.3-1 Landscaping, Tree Preservation, Public Trees, Screening, Fences, Buffering and Lighting.

Section 66-69.4 General Provisions

- (1) It shall be unlawful for any person or corporation to recklessly remove, or cause the removal of any protected, heritage, or historic tree without first submitting the appropriate application for a permit and securing approval in the form and manner specified by this chapter. An approved tree removal permit is required prior to any person conducting activities.
- (2) A tree removal permit is not needed if:
 - a. The protected, heritage, or historic tree(s) is diseased or sustained damage, which was not recklessly inflicted by the owner, his agents or employees, in the form of a broken trunk, broken limbs or uprooting. Additionally a tree removal permit is not required if the tree creates a hazard to life or property.
 - i. Evidence showing that the tree is diseased, damaged, or is a hazard to life property shall be submitted to the Historic Preservation Officer prior to the removal of such trees. For these types of situations, no review by the Historic Landmark Commission is required.
 - b. The tree to be removed is an unprotected or undesirable tree as found in Appendix B of Section 144-5.3 Landscaping, tree preservation, public trees and screening

Section 66-69.5 Tree Removal Permit Approval Authority and Appeal

- (1) The Historic Landmark Commission shall have the authority to approve a tree removal permit as it pertains to this ordinance.
- (2) If a request to remove a protected, heritage, or historic tree(s) is denied by the Historic Landmark Commission, the applicant may appeal the denial to the Zoning Board of Adjustment, by filing written notice of such appeal, along with a nonrefundable fee of \$75.00, with the Planning and Development

- <u>Services Department, within 60 days of the notice of denial. Hearings shall be conducted in compliance with the Texas Open Meetings Act.</u>
- (3) The Historic Landmark Commission and the Zoning Board of Adjustment may seek the testimony of a qualified arborist. If such expert testimony is requested by the Commission, it shall be provided by the City.

Section 66-69.6 Application and Process for Tree Removal Permit

- (1) Prior to the commencement of any work that directly impacts or causes the removal or of a heritage, protected, or historic tree, the owner/applicant shall file an application for tree removal with the Historic Preservation Office.
- (2) An application for tree removal permit must provide the following information:
 - a. A survey indication of the location of the tree(s)
 - b. A tree inventory including:
 - i. The diameter of the tree as measured at DBH
 - ii. The approximate drip-line area of the tree
 - iii. The species/common name of the tree
 - iv. If trees are to be preserved or removed, the reason for removal
 - c. A certified arborist report is highly recommended to verify condition of all trees and ensure viability and protection of preserved trees.
 - d. In the case of a Historic Tree, removal or impacts that may severely damage the tree will not be approved without a hardship provision.

 Evidence of a hardship provision must be provided by the application based on the following factors:
 - i. Whether there is a unique physical circumstance that requires the removal of the Historic Tree.
 - ii. Whether the preservation or mitigation of a Historic Tree unduly burdens the property.
 - iii. Whether the removal of a Historic Tree is necessary to preserve a historic dwelling, building, or other historic asset of the property or district in question.
- (3) Where practical, an application for the removal of a heritage, historic, or protected tree shall be combined with any other applications applicable to review by Chapter 66.
- (4) <u>Upon receipt of an application to remove a heritage, protected, or historic tree</u> the Historic Landmark Commission shall review the application at a regularly

scheduled meeting within 45 days from the date the completed application is received. An application cannot be considered until it has been deemed complete by the Historic Preservation Office. The Commission has the authority to approve, deny, or approve with modifications the application, after a public hearing and testimony from the applicant and the public on the request. In the event the commission does not move to consider the application within 90 days of its receipt, the application shall be granted.

(5) All decisions of the Commission shall be in writing and a copy shall be sent to the applicant.

Section 66-69.7 Heritage, Protected, and Historic Tree Replacement

Removal of any protected, heritage, or historic tree(s) will require a tree removal permit and replacing or replanting of the tree(s) on site, or within a Historic District or at a Historic Landmark.

- 1) As much as is feasible, replanting shall be made to restore the natural landscape of the area
 - a) Removed Protected Trees shall be replanted at a replacement ratio of one half inch (1/2) DBH for each one inch DBH of the removed tree.
 - b) Removed Heritage Trees shall be replanted at a replacement ratio of one half inch (1/2) DBH for each one inch DBH of the removed tree.
 - i. <u>Heritage trees must be of the same species or another tree species predominant in the district.</u>
 - c) <u>Historic trees shall be preserved and cannot be removed without a hardship provision as defined in Section 66-69.6-f is applied for and the tree removal permit is approved by the Historic Landmark Commission.</u>
 - d) In the case of removal, Historic Trees shall be replanted at a ratio of one inch DBH for each one inch DBH of removed tree.
- 2) Protected, heritage, or historic tree(s) can be transplanted on the subject site, within a designated historic district, or at a historic landmark as a condition of the tree removal permit approval. Transplanting trees requires a transplanting and tree care plan as part of the application packet provided by a Certified Arborist.
- 3) Tree replacement must occur at the completion of construction projects or within 6 months of the removal of a protected, heritage, or historic tree. The Historic Preservation Officer may grant extensions up to 6 months at a time upon request of the applicant, for issues such as construction delays.

- 4) Replacement trees that do not survive for a period of at least 24 months shall be replaced by the original applicant for removal until they survive a 24-month period.
- (1) Tree Replacement Mitigation Fund. In the event that a protected, heritage, or historic tree cannot be replanted, a payment in lieu of replacement can be reviewed and approved by the Historic Landmark Commission. The funds shall be used for the purchasing, planting, and maintenance of trees on site, within a historic district, or within an approved location such as open space or a city park.
 - a. The amount of payment required shall be determined by the per caliper inch of tree being removed and the average cost of planting the tree as determined by the City Arborist or City Forester. A payment schedule of fees shall be published by the Parks and Recreation department every 3 years with the update of the Parks Ordinance.
 - b. Should the replacement tree be located on city property or city park/open space, the city shall be responsible for the purchasing, planting, and maintenance of the tree(s) after the applicant has paid the required amount into the Tree Replacement Mitigation Fund.
 - c. <u>Tree replacement mitigation fees shall be paid prior to the issuance of</u> a tree removal permit.

<u>Section 66-69.8 Penalties</u>. The violation of any provision of this Section shall be a misdemeanor and shall be punishable, upon conviction, by a fine of not more than \$2,000.

APPENDIX A

APPROVED PLANT LIST

Shade

Scientific Name

* Carya illinoensis
* Catalpa bignoniodes
* Ehretia anacua
Fraxinus Pennsylvania
* Fraxinus texansis
* Juglans major
Juglans microcarda
* Juglans nigra
* Maclura pomifera
* Magnolia grandiflora
* Platanus mexicana
Platanus occidentalis

* Quercus buckleyi (texana)
* Quercus canbyi
* Quercus durandii
* Quercus fusiformis
Quercus glaucoides
* Quercus gravesii

* Quercus laceyi (glaucoides)
* Quercus macrocarpa
Quercus mohriana
* Quercus muhlenbergii
* Quercus polymorpha

Quercus pungens var.vaseyana

* Quercus virginiana Quercus texana

* Sapindus drummondii * Taxodium distichum * Taxodium mucronatum

Tilia caroliana * Ulmus Americana * Ulmus crassifolia

Ornamental

* Acacia roemeriana * Acer grandidentatum Arbutus xalapensis * Bauhinia congesta

* Cercis canadensis var. texensis

* Cercis canadensis
* Cercis reniformis
* Chilopsis linearis
* Condalia hookeri
Cordia boissieri
* Cotinus obovatus
* Diospyrus texana

* Eriobotrya japonica

<u>TREES</u>

Common Name

Pecan
Catalpa
Anaqua
Green ash
Texas ash
Arizona Walnut
Nogalillo, river walnut

Black walnut

Osage Orange, Bois d'Arc,

Magnolia

Mexican sycamore Texas sycamore Texas red oak Canby's oak Durand oak

Escarpment live oak

Lacey oak

Chisos red, Graves

Lacey's oak Bur oak Shin oak

Chinkapin *or* Chinquapin oak Mexican live or Monterrey oak

Vasey oak Southern live oak Red oak

Soapberry
Bald cypress
Montezuma cypress
Carolina basswood
American elm
Cedar elm

Roemer's acacia
Bigtooth maple
Texas madrone
Anacacho orchid tree
Texas or Oklahoma redbud

Mexican redbud Desert willow Condalia, brazil

Wild olive, Mexican wild olive

American smoketree Texas persimmon Loquat (exotic)

^{*} denotes recommended species.

* Fraxinus cuspidate Hamamelis virginiana

* Ilex deciduas Ilex vomitoria

* Juglans microcarpa * Koelreuteria bipinnata

* Lagerstroemia indica, fauriei, & X's

* Leaucaena retusa

Malus sp.

* Myrospermum sousanum

Parkinsonia aculeate

* Pistacia texensis

Prunus barbonia

* Prunus caroliniana

* Prunus mexicana

* Prunus virginiana

* Pyrus calleryana

Pyrus ioensis

* Rhamnus caroliniana

* Rhus lanceolata

Rhus virens

* Sophora affinis

* Sophora secundiflora

* Ungnadia speciosa

* Viburnum rufidulum

Vitex agnus-castus

Zizyphus jujuba

EVERGREEN

* Cupressus arizonica

* Juniperus virginiana Pinus cembroides

Pinus eldarica

* Pinus halepensis

* Pinus pinea

PALMS

* Chamaerops humilius

* Phoenix canariensis

* Sabal mexicana

* Sabal texana

* Washingtonia filifera

Fragrant ash Witch hazel

Possum-haw holly

Yaupon holly

Little, Texas walnut

Goldenrain tree (exotic)

Crepe myrtle, etc. (exotic)

Goldenball leadtree

Blanco crabapple

Arroyo sweetwood

Retama, Jerusalem Thorn

Texas pistache

Redbay

Cherry laurel

Mexican plum

Chokeberry

Callery pear (exotic)

Blanco crabapple

Carolina buckthorn

Flameleaf sumac

Evergreen Sumac

Texas sophora or Eve's

Mountain laurel or mescal bean

Mexican buckeye

Rusty blackhaw

Lavender tree

Chinese date, Jujube

Arizona cypress

Eastern red cedar

Mexican pinyon pine, Remote pine

Afghan pine

Aleppo pine (exotic)

Italian stone pine (exotic)

Mediterranean fan palm (exotic)

Canary Island or false date (exotic)

Mexican or Texas sabal

Palm, sabal and dwarf sabal

California fan (exotic)

APPENDIX B

UNDESIRABLE TREES

Scientific Name

Acacia farnesiana Acer negundo Ailanthus altissima Albizia julibrissin

Broussonetia papyrifera (L.) L=Hér. ex. Vent.)

Celtis laevigata Eriobotrya japonica Firmiana simplex Fraxinus velut

Koelrenteria paniculata

Juniperus ashei
Ligustrum japonicum
Melia azedarach L.
Populus nigra "italica"
Prosopis glandulosa
Prunus salicina
Pyrus calleryana
Sapium sebiferum

Tamarix ramosissima Ledeb.

Common Name

Huisache or Sweet Acacia

Box Elder Tree of Heaven

Mimosa

Paper Mulberry

Sugarberry or Hackberry Chinese Loquat or Loquat Chinese Parasol/Varnish Tree

Arizona Ash

Golden-Rain Tree

Ashe-Juniper or Mountain Cedar

Ligustrum or Privet Chinaberry tree Lombardy Popular

Mesquite Japanese Plum Bradford Pear Chinese Tallow

Saltcedar



Planning Commission Agenda Item Report 2/2/2021

550 Landa Street New Braunfels, TX

Agenda Item No. C)

Presenter/Contact Garry Ford, Jr., Assistant Public Works Director/City Engineer (830) 221-4020 - gford@nbtexas.org

SUBJECT:

Discuss and consider a recommendation to City Council regarding the removal of a segment of the Minor Arterial identified in the City of New Braunfels Regional Transportation Plan that is the future extension of County Line Road from FM 1044 to Engel Road.

BACKGROUND / RATIONALE:

The City of New Braunfels received an Application for Regional Transportation Plan Amendment requesting removal of a segment of the Minor Arterial in the Regional Transportation Plan (RTP) that is the future extension of County Line Road from FM 1044 to Engel Road. The application included a subdivision site plan for the "1845 Subdivision" that is noncompliant with the City's subdivision regulations.

The County Line Road Minor Arterial thoroughfare runs south of and parallel to IH 35 from Engel Road north to Barbarosa Road. Existing segments include County Line Road from FM 1044 to south of the Guadalupe River and Alves Lane from State Highway 46 to Barbarosa Road. The current right-of-way dedication requirement for a Minor Arterial is 120 feet and the developer may be required to construct two lanes if supported by a traffic impact analysis (TIA).

The RTP is the City's adopted plan for guiding thoroughfare system improvements, including the existing and planned extension of city streets and highways. The thoroughfare system is comprised of existing and planned interstates, expressways, parkways, arterials, and collectors which require wider or new rights-of-way. The primary objective of the RTP is to ensure the dedication of adequate right-of-way on appropriate alignments and of enough width to serve existing and future transportation needs. The Texas Local Government Code allows the City to require development plans and subdivision plats to conform to the general plan for current and future roadways

City staff communicated the Minor Arterial thoroughfare requirements with the property owner through predevelopment meetings, traffic impact analysis scoping meeting, and a meeting with the property owners, their attorneys, and City staff and Counsel. In March 2020, New Braunfels Utilities (NBU) notified the City that they received a request for electric service design and that subdivision layout was inconsistent with the City's RTP. The City and NBU informed the property owner that the subdivision site plan was noncompliant with the city's subdivision regulations and could not be accepted.

In addition to the request to remove the Minor Arterial thoroughfare, the City received a request to conduct a rough proportionality analysis for the proposed subdivision. The analysis was completed in accordance with State Law and concluded that the proposed development is roughly proportionate

based on the noncompliant subdivision site plan and TIA. The rough proportionality analysis may be updated based on a compliant site plan that considers the future thoroughfare.

City staff reviewed the request based on the thoroughfare connection, current and future transportation mobility needs, and compliance of the Minor Arterial thoroughfare with nearby developments. As previously stated, the subject Minor Arterial thoroughfare is parallel to IH 35 and is critical for mobility south of the highway. The thoroughfare has been on the plan since at least 2005 and provides a connection to the future Parkway between IH 35 and FM 1044. FM 1044 currently ends at the IH 35 northbound frontage road which is a limitation of the existing arterial.

The Capital-Alamo Connections Study, a TxDOT initiated a study to develop bi-regional strategies to enhance mobility within the greater Austin-San Antonio region, identified the limited availability of alternatives to IH 35 and designating, prioritizing, and coordinating arterial improvements in regional and local thoroughfare plans as a key strategy to address future mobility needs. Furthermore, the study indicated that a most trips are for local travel and the completion of the County Line Road extension from FM 1044 to Engel Road will improve mobility.

The master planned developments of Highland Grove, Highland Gardens, Morningside Hills, and Morningside Trails have provided the right-of-way dedication for the Minor Arterial between FM 1044 and Engel Road. Morningside Hills is planned to have a segment of the arterial constructed to serve the development and Highland Grove has also provided the right-of-way dedication for the future Parkway that will connect to Rueckle Road and IH 35.

Removal of a segment of the Minor Arterial that is the future extension of County Line Road south of FM 1044 is <u>not</u> recommended. The removal will create a gap between FM 1044 and Highland Gardens with no other alternative to make the roadway connection. Thoroughfares on the RTP represent a generalized location and can be refined to meet local site conditions. Modifications to the site plan, zoning, and other adjustments to the roadway network, drainage facilities, intersections, and access will allow for various development scenarios. City staff is willing to work with the property owner to fully develop the site and meet the City's development and transportation requirements.

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

Envision New Braunfels Comprehensive Plan		Ensure the thoroughfare plan includes and ordinances require adequate dedication and reservation of right-of-way for future roadways.
Envision New Braunfels Comprehensive Plan	[PLAN INITIATIVE]	Upgrade existing arterials and major collectors and identify new alignments to create a network of expressway or parkway functional classification roadways. Create a plan by 2020; complete construction by 2040.

Envision New Braunfels Comprehensive Plan	[PROJECT]	Identify missing linkages across town that create barriers to efficient mobility (e.g. the Town Creek neighborhood connections to Downtown and Landa Street, Guadalupe River crossings southwest of Cypress Bend Park and another on the east side of IH-35, parallel routes to Hwy 46 South, etc); implement a plan to construct.
Envision New Braunfels Comprehensive Plan	[PLAN	Address future infrastructure needs when roadways are built by planning for infrastructure not necessarily needed at the present, but what will be needed in the future.

FISCAL IMPACT:

The fiscal impact is unknown.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff does not recommend removal of a segment of the Minor Arterial identified in the City of New Braunfels Regional Transportation Plan that is the future extension of County Line Road from FM 1044 to Engel Road.



APPLICATION FOR REGIONAL TRANSPORTATION PLAN AMENDMENT

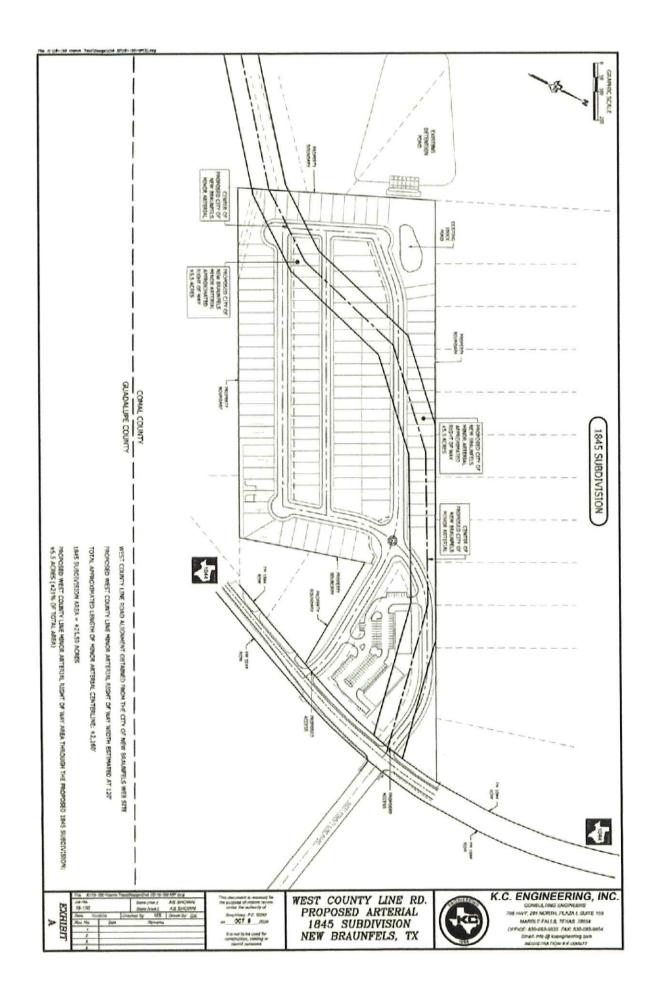
Planning and Community Development 550 Landa Street, New Braunfels TX 78130 Phone: (830) 221-4050

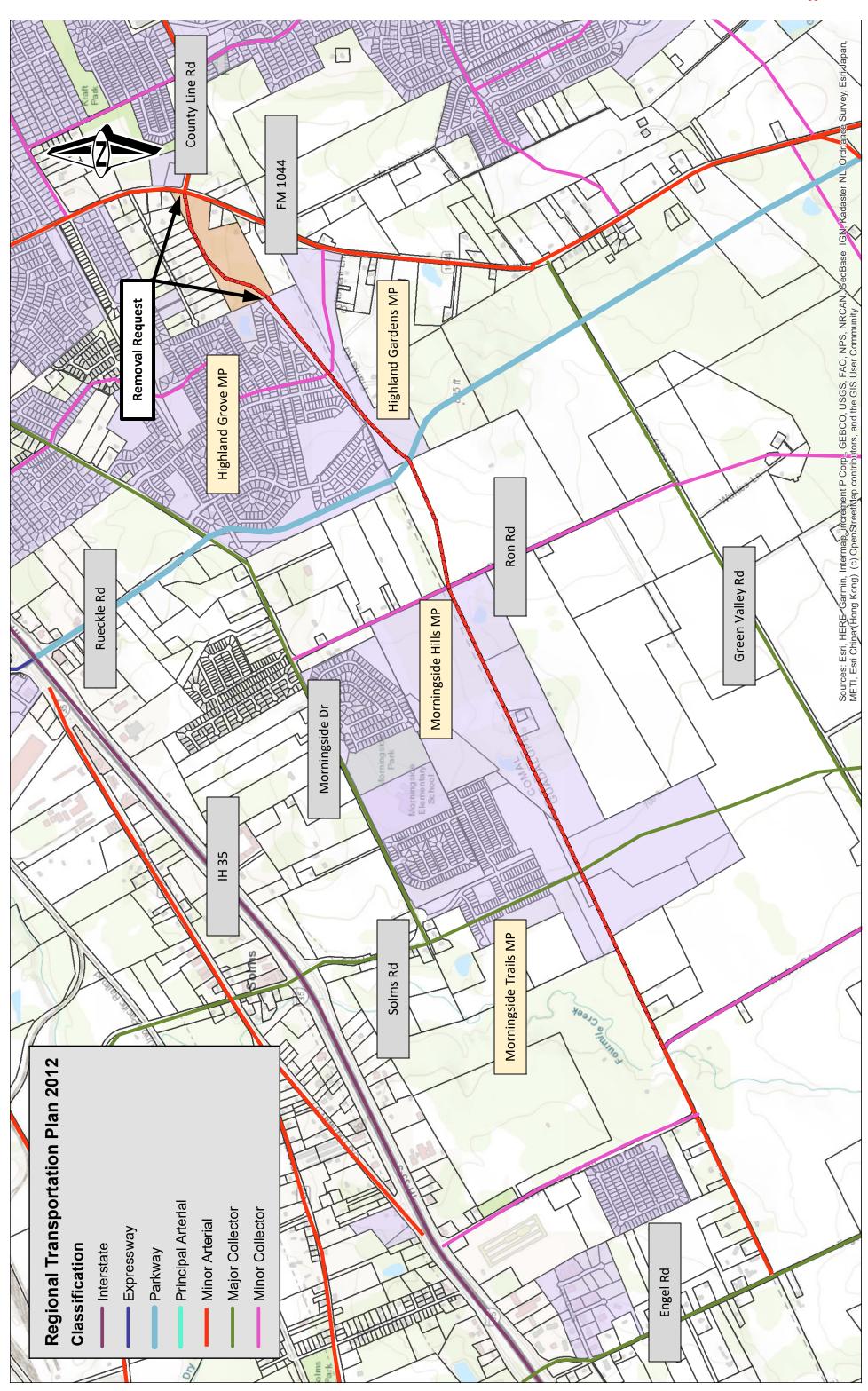
Case No. AMD 20-243

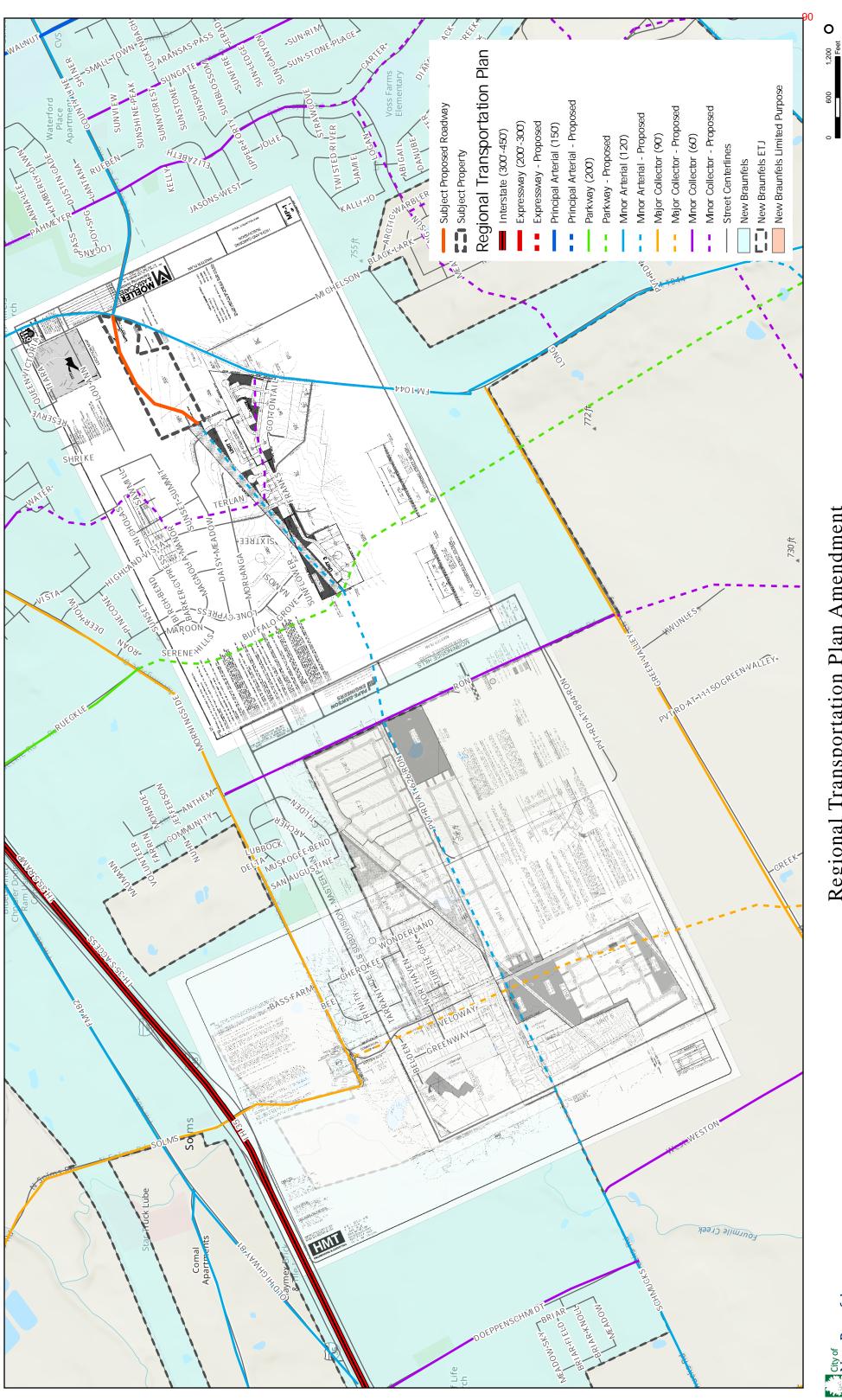
FEE: \$927 (\$900 application fee + \$27 technology fee (3%))				
Owner: Michael C. Kramm, Kelvin Henry Kramm, Corrie Lea Fey				
Address: PO Box 785, Marble Falls, TX 78654				
Telephone:(512) 644-7889				
Applicant: Michael C. Kromm Kelvin Henry Kromm Cowie Lee Fey				
Applicant: Michael C. Kramm, Kelvin Henry Kramm, Corrie Lea Fey				
Address: PO Box 785, Marble Falls, TX 78654				
Telephone:(512) 644-7889				
Amendment Request: Classification Realignment Removal Right-of-way Other				
Road Segment (road name with the beginning and ending of the segment based upon cross streets): West County Line Road from FM 1044 to FM 725				
Proposed Amendment: Remove the proposed thoroughfare from our property.				
SUBMITTAL REQUIREMENTS All submittal items below must be submitted for application to be accepted for processing. One hard copy and one pdf copy each on flash drive/disc. Letter detailing the logic and rational for the request Exhibit, to scale, showing road segment Traffic Impact Analysis (TIA) Worksheet and TIA Report (if associated with a master plan or plat permit application) as specified in City of New Braunfels Code of Ordinances Sec. 114-99 and 118-46. Exhibit, to scale, showing proposed amendment (realignment, removal and/or right-of-way) \$927 fee (\$900 application fee + \$27 technology fee (3%))				
Signed: Market Market Date: 10-16-2020 Owner/Applicant				
Amendment Process: 1. Review by City Departments 2. Coordination with local agencies and Texas Department of Transportation (if necessary) 3. Finalization of staff recommendation 4. Planning Commission makes recommendation to City Council 5. City Council makes final decision through resolution				
Date complete application received: 10/21/20 Received by:				

Southwest Appraisal Group Real Estate Appraisers and Consultants



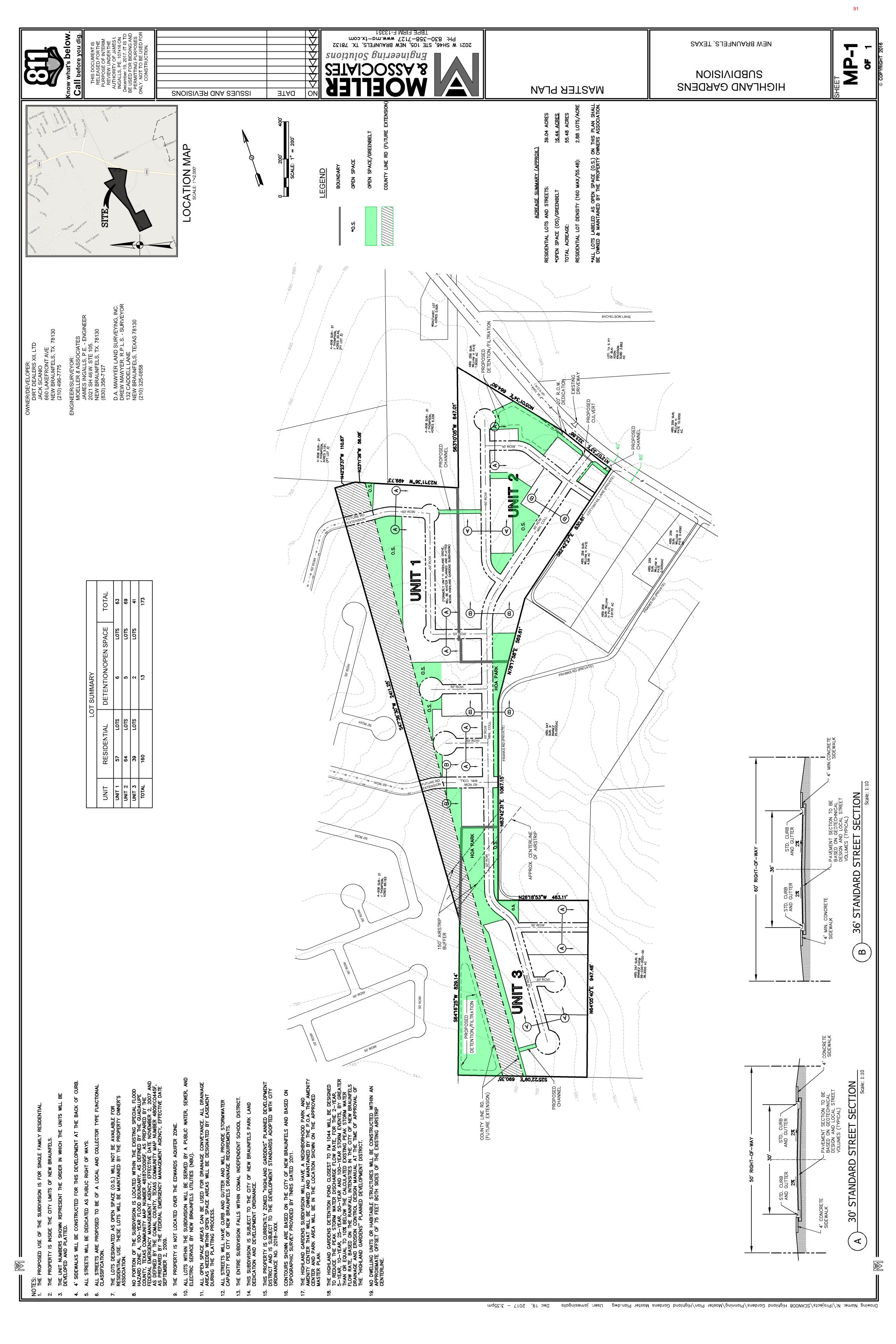






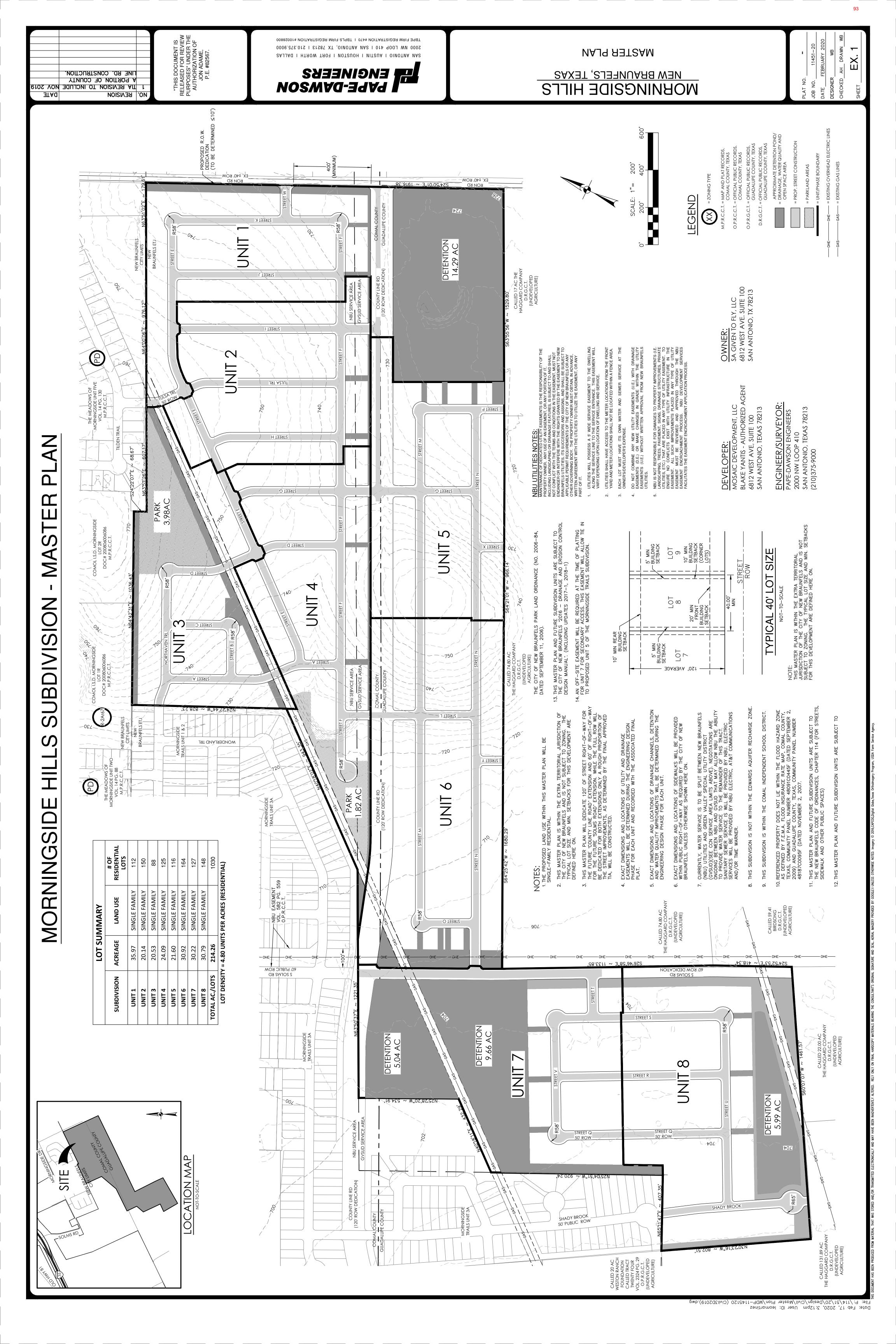


Source: City of New Braunfels GIS Date: 12/30/2020



File: P:/\bar{2}05/00/01/Design/Civil/MDP2050500_AMENDMENT_REV -D.dwg

Date: May 15, 2019, 9: 42am User ID: rwalden







Planning Commission Agenda Item Report

550 Landa Street New Braunfels, TX

2/2/2021

Agenda Item No. D)

Presenter/Contact

Applicant: Herman Kittle Properties, Inc. (Elena Sanders, Director of Development) Owner: Margaret Denise Kosko

(925) 586-7619 - esanders@hermankittle.com <mailto:esanders@hermankittle.com>

SUBJECT:

DCP20-327 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 19.963 acres out of the Sarah DeWitt Survey No. 48, Abstract No. 103, in Guadalupe County, Texas, located at the northeast corner of the intersection of FM 725 and East Klein Road, from "R-1" Single-Family District and "APD" Agricultural/Pre-Development District to "REAPD" River's Edge Apartments Planned Development District.

BACKGROUND / RATIONALE:

Case No.: DCP20-0327

Council District: 2

Applicant: Herman Kittle Properties, Inc. (Elena Sanders, Director of Development)

500 East 96th Street, Ste 300

Indianapolis, IN 46240

(925) 586-7619 - esanders@hermankittle.com

Owner: Margaret Denise Kosko

2655 FM 725

New Braunfels, TX 78130

(830) 624-6330

Staff Contact: Matt Greene, Planner

(830) 221-4053 - mgreene@nbtexas.org

The subject property is comprised of 19.963 acres on the northeast corner of the intersection of FM 725 and East Klein Road abutting FM 725 and Lake Dunlap and is developed with a single-family residence and some accessory buildings. The front 300 feet of depth of the subject property adjacent to FM 725 is zoned "R-1" Single-Family District and the remainder of the property is zoned "APD" Agricultural-Pre/Development District. The area around the subject property includes a mixture of residential and non-residential uses including single-family residential neighborhoods, four churches, two self-storage facilities, two convenience stores with fuel sales, a bingo hall, a restaurant, and the site of a future IDEA Public School. Properties to the east, across Lake Dunlap, as well as most properties to the south, across East Klein Road, are outside the city limits.

The applicant is requesting a zoning change from R-1 and APD to a Planned Development District (PD) for multifamily with a maximum density of 20 units per acre. If approved the PD will be known as "River's Edge Apartments".

The base zoning for the proposed PD is "R-3H" Multifamily High Density District, which is intended for development of multiple-family residences at not more than 24 units per acre that should be located on arterials and state roads and not be accessed through single-family and duplex areas. In general, the applicant proposes more restrictive development standards than the R-3H district pertaining to permitted uses, maximum density, minimum lot area, minimum setbacks, maximum building height and maximum lot coverage (see attached R-3H and PD Development Standards Comparison Table). However, the proposed residential setback development standard could potentially allow a less restrictive setback as it proposes an alternate method of measuring building height at the eave of a building rather than at the highest point of a structure. (see notes at the bottom of the attached R-3H and PD Development Standards Comparison Table).

If the Planning Commission chooses to recommend approval of the proposed PD as submitted, staff suggests modifying the residential setback requirement to meet the minimum standard of the R-3H District or at least incorporate an incremental or stair step setback requirement so that the height at any point on the building must have at least an equal distant setback from the adjacent residential property line. For example if the eave of a building is 30 feet above grade and the peak of the roof is 45 feet above grade, the eave must be setback at least 30 feet from the property line and the location of the roof pitch on the building must be setback at least 45 feet from the property line. This would help alleviate any concerns from nearby single-family homes who often prefer increased buffering from multi-story residential structures.

TXDOT has indicated access from FM 725 would be restricted due to its location near the intersection with Klein Road and the traffic signal. The applicant proposes access from Klein Road, a Minor Arterial roadway, but will need to negotiate with the adjacent property owner for access.

If the rezoning is approved for the Planned Development District, a Detail Plan (similar to a site plan) will be required to be submitted to the City and approved by the Planning Commission prior to issuing a building permit for the construction of the multifamily development. The property will also need to be platted prior to obtaining a building permit.

Surrounding Zoning and Land Use:

North - R-1 & APD / Single-family residence and agricultural use

South - APD & R-1, Across E. Klein Rd, C-3 & outside City Limits / Undeveloped parcels, across E. Klein Rd., single-family residences, a church and undeveloped parcels

East - Across Lake Dunlap, outside City Limits / Undeveloped parcels

West - Across FM 725, R-2A / A church

Determination Factors:

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

• Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole (The proposed zoning would be appropriate and compatible with the mixture of existing residential and commercial development in the area. High density multifamily use is intended along arterials and state roads where it will not be accessed through single-family or two-family areas. The subject property is located on FM 725, a state roadway with a Principal Arterial classification that will soon be widened. Access is proposed from Klein Road, a Minor Arterial).

- 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 impact on existing streets will be reviewed through the platting process. A TIA will be required at that time, which will determine if any improvements are required to be made by the developer to accommodate traffic associated with the proposed multifamily development. The adequacy of public facilities and utilities to serve any additional demand is evaluated by each provider. NBISD and utility providers have been notified of the proposed rezoning).
- How other areas designated for similar development will be affected (The proposed zoning change should not negatively affect other areas designated for similar development as the proposed PD development standards are generally more restrictive than the standard R-3H zoning district with the exception of the residential setback buffer previously mentioned in this report).
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (Drainage, utility and traffic impact will be reviewed and addressed through the platting process. A masonry buffer wall (unless objected to by abutting property owner(s)) and landscaping will be required along the common property line shared with the 25-acre parcel to the north with a single family-residence as well a minimum setback of 25 feet. Depending on the pitch of the roof of the buildings near the adjacent residential property line, the proposed residential setback requirement allowing height of the building to be measured at the eave rather than the highest point of the building could potentially result in a lesser setback than required by the R-3H District).
- Whether the request is consistent with the Comprehensive Plan: See below

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

DELICOTO A TRANSPORTE IN TAXABLE PROPERTY OF THE PROPERTY OF T		
City Plan/Council	Consistent Actions Action 1.3: Encourage balanced and	
Priority: Envision New	fiscally responsible land use patterns. Action 3.1: Plan for	
Braunfels	healthy jobs/housing balance. Action 3.18: Encourage multifamily to disperse throughout the community rather than	
	to congregate in masse. Action 3.13: Cultivate an	
	environment where a healthy mix of different housing	
	products at a range of sizes, affordability, densities,	
	amenities and price points can be provided across the	
	community as well as within individual developments.	
	Future Land Use Plan: The property lies within the Dunlap	
	Sub Area on a Transitional Mixed-Use Corridor (FM 725) and	
	is in close proximity to existing and proposed Outdoor	
	Recreation and Civic Centers.	

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Approval. Multifamily use of the subject property would be compatible and consistent with development and zoning in the surrounding area and the Comprehensive plan. The property fronts

onto FM 725, a Principal Arterial roadway, and access is proposed from Klein Road, a Minor Arterial roadway; high density multifamily use is intended to be located on such roadways, and does not require access through any residential neighborhoods. Staff's recommendation includes modifying the proposed residential setback development standard to meet the minimum requirement of the R-3H District or at least incorporate an incremental or stair step setback requirement so that the height at any point on a building must have at least an equal distant setback from an adjacent single or two-family residential use or zoned property.

Notification:

Public hearing notices were sent to 7 owners of property within 200 feet of the request and inside the City Limits of New Braunfels. The City has received no responses in favor at this time and one opposed from property owner number 5 on the notification map.

Opposition from within the notification area represents more than 20% of the notification area. A $\frac{3}{4}$ majority of City Council (6 votes) will be required for approval of the applicant's request.

Staff received 4 additional responses in opposition representing 3 properties outside of the notification buffer and City Limits on East Klein Road.

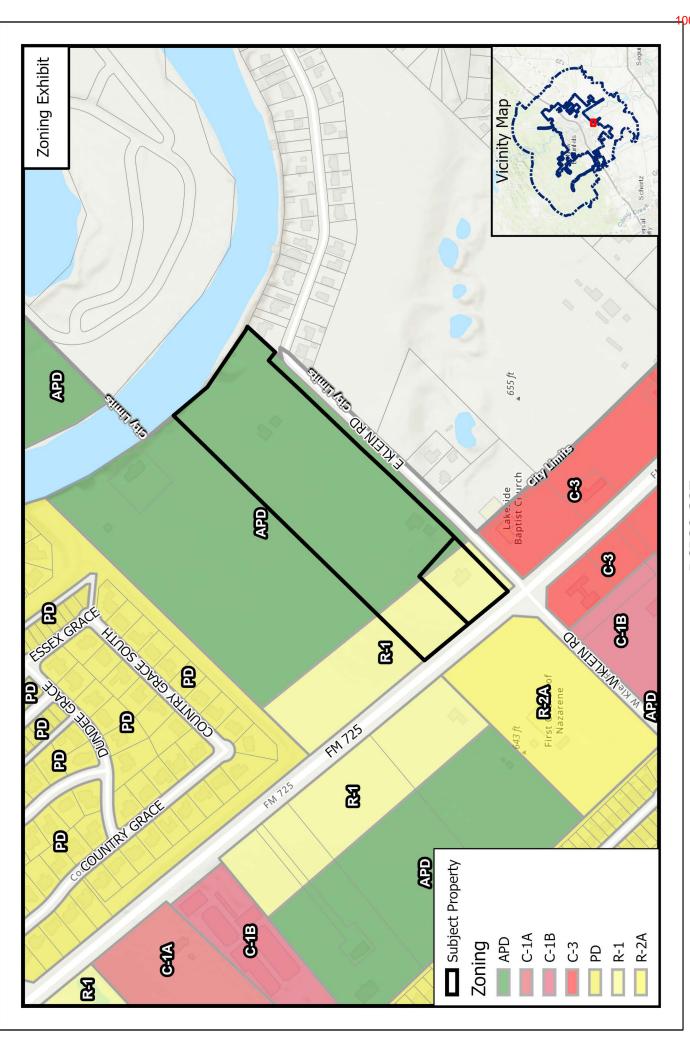
RESOURCE LINKS:

- Chapter 144, Sec. 3.3-1 "R-1" Single Family District, of the City's Code of Ordinances: https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Secs. 3.4-1 "APD" Agricultural/Pre-Development District, of the City's Code of Ordinances:
 https://library.municode.com/tx/new-braunfels/codes/code of ordinances?
- Chapter 144, Secs. 3.5 Planned Development Districts, of the City's Code of Ordinances: https://library.municode.com/tx/new-braunfels/codes/code of ordinances?

ATTACHMENTS;

- Aerial Map
- 2. Land Use Maps (Zoning, Existing and Future Land Use)
- 3. Proposed Concept Plan
- 4. Proposed Development Standards
- 5. "R-3H" Multifamily High Density District and "River's Edge Apartments" Planned Development District Development Standards Comparison Table
- 6. Notification List, Map and Responses





DCP20-327

City of New Braunfels

R-1 and APD to "REAPD" River's Edge Apartments Planned Development District

Source: City of New Braunfels Planning

Date: 1/15/2021

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of New Braunfels, its officials or employees for any discrepancies, errors, or variances which may exist.

Feet

500

250



DCP20-327

R-1 and APD to "REAPD" River's Edge Apartments Planned Development District

Source: City of New Braunfels Planning

Date: 1/15/2021



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Feet

500

250

EXISTING CENTERS

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 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 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.





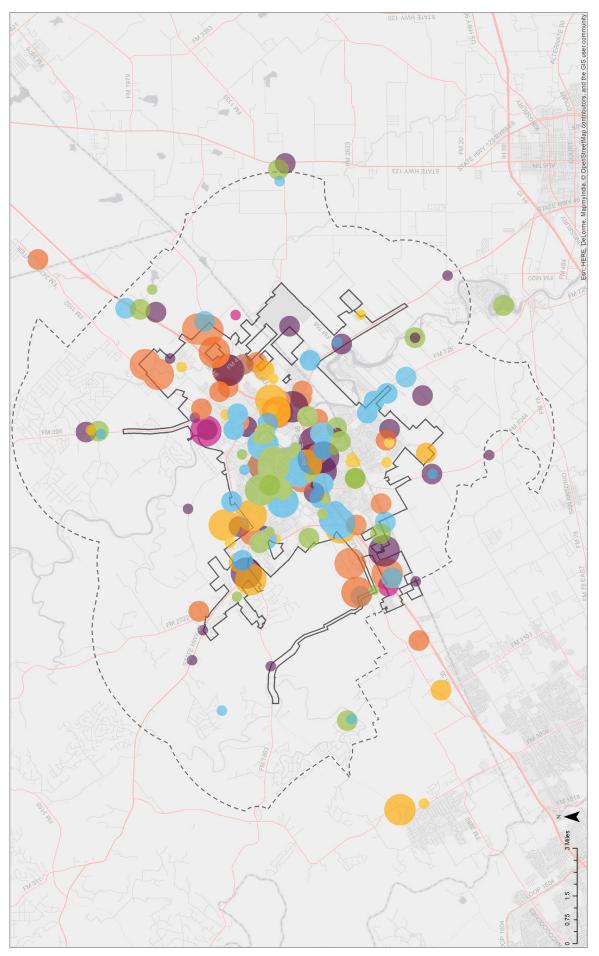
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The location of existing centers was determined through the analysis of previous studies and background documents, windshield surveys, and reviewed by City staff, Steering Committee members, and Plan Element Advisory Group members during a public workshop.

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

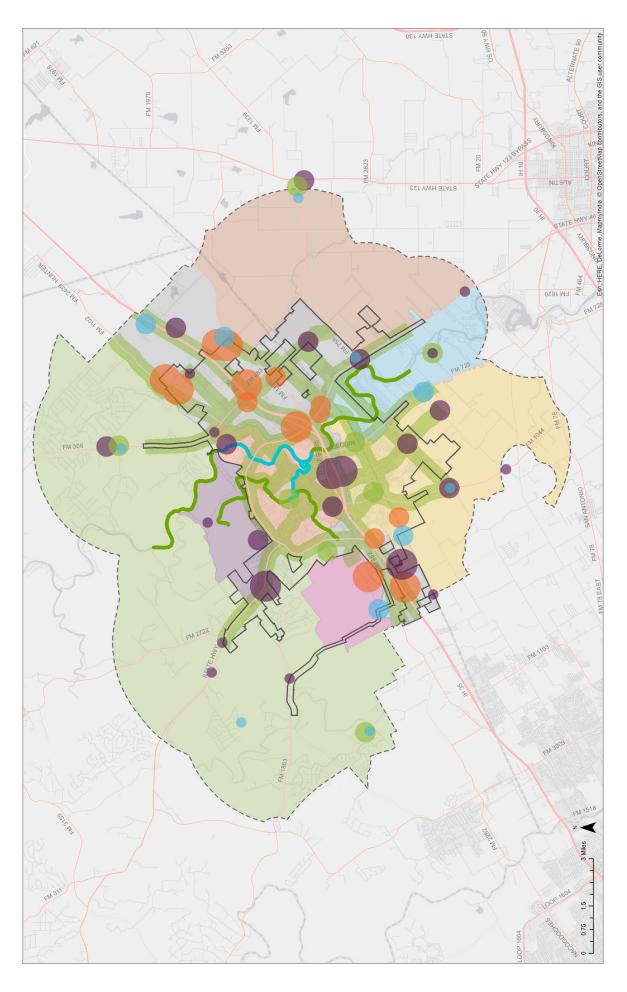
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7

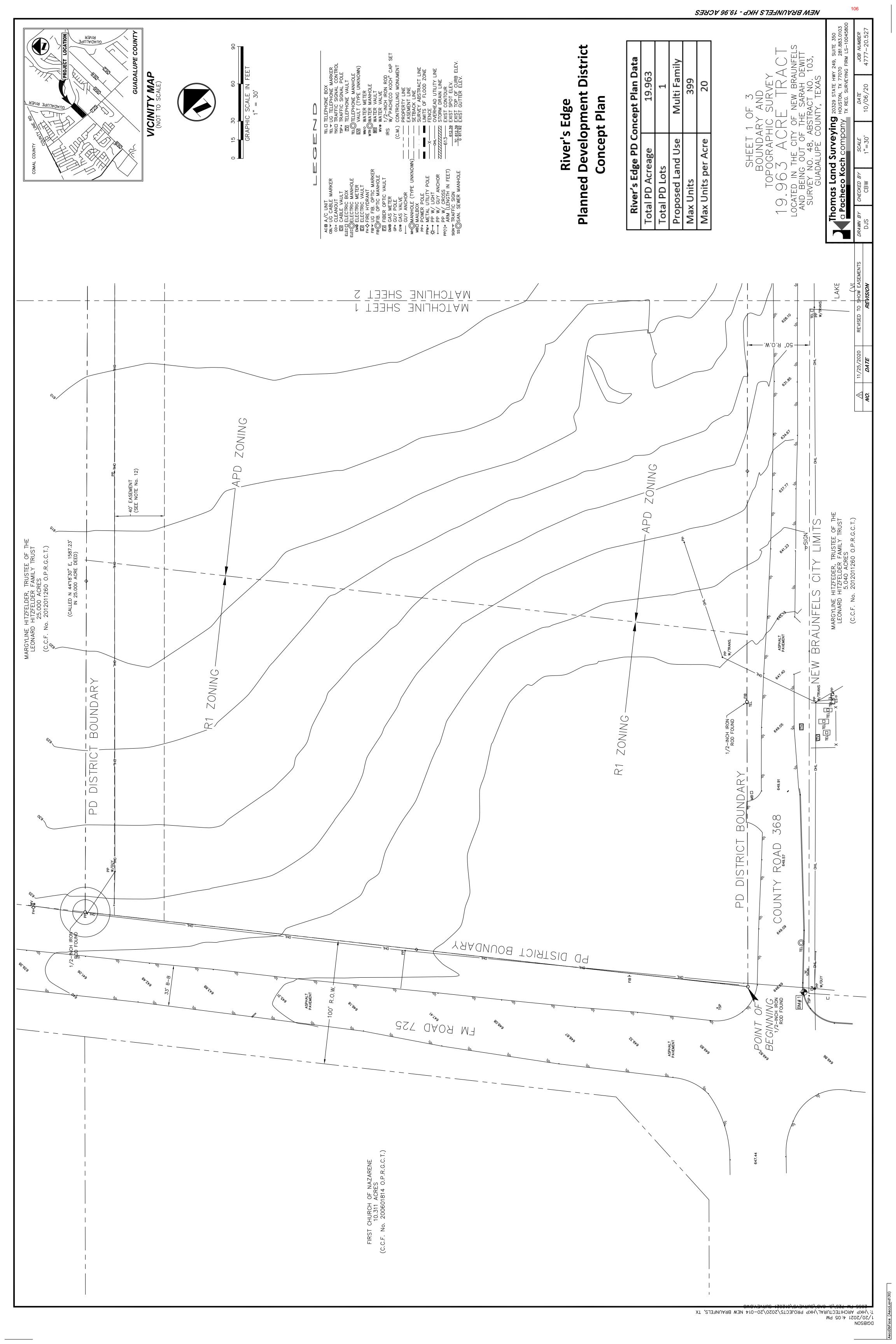
Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

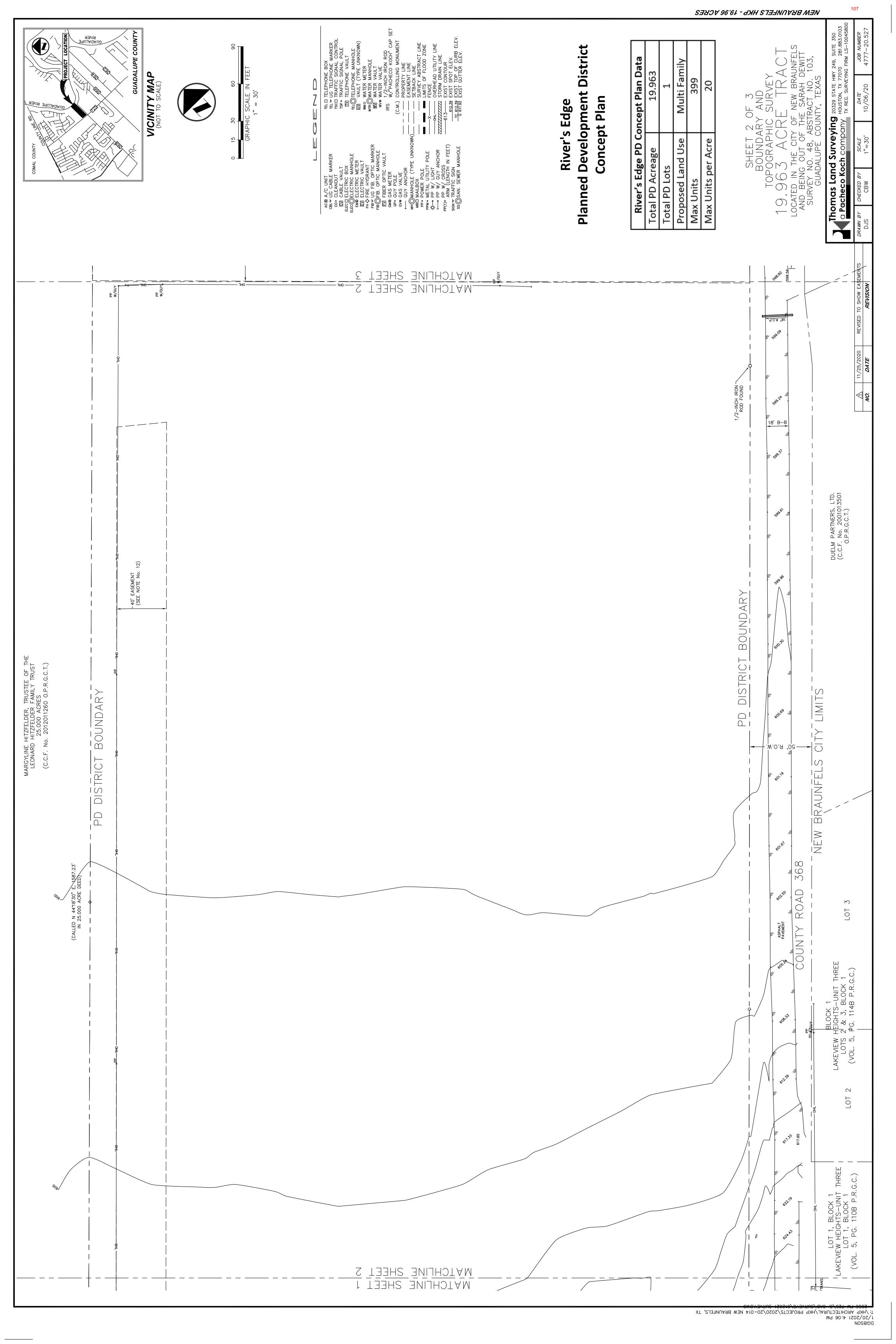
SUB AREA 8

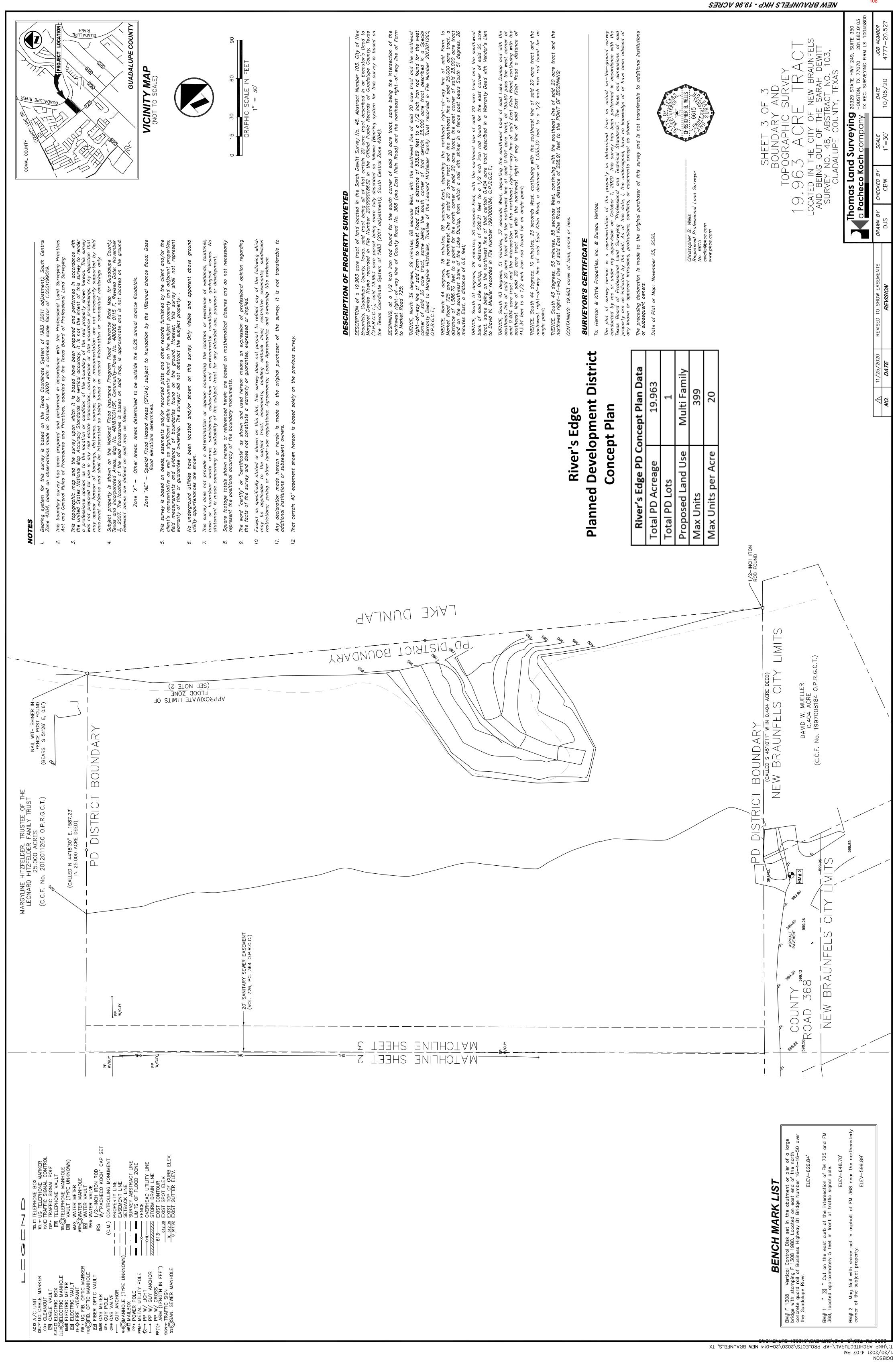
This fast-growing Sub Area includes many neighborhoods offering affordable places for young families to live.



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.







"River's Edge Apartments" Planned Development District <u>Development Standards</u>

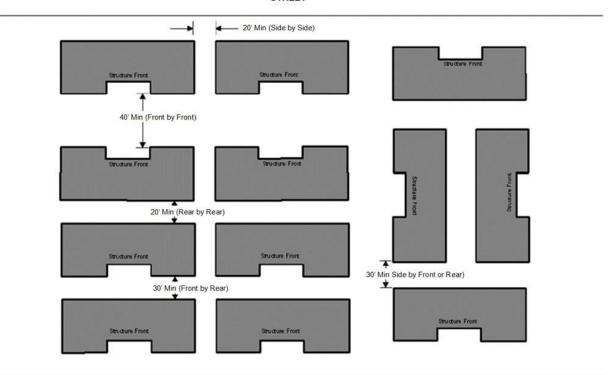
1) Base Zoning

- i) "R-3H" Multifamily High Density District as defined by the City of New Braunfels Code of Ordinances Chapter 144, Article III, Section 144-3.4-5 and included in Appendix 'A'.
- 2) Minimum lot area.
 - i) Lot area. The minimum lot area for a multifamily dwelling shall be 20,000 square feet; for each unit over ten an additional 2,250 square feet of lot area shall be required.
- 3) Minimum lot width and depth.
 - i) 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.
 - ii) Lot depth. The minimum depth of the lot shall be 100 feet.
- 4) Minimum front, side, and rear building setback areas.
 - i) Front building setback. 25 feet
 - ii) Rear building setback. 25 feet
 - iii) Side building setback. There shall be a side building setback on each side of a building not less than 25 feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots
 - iv) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from public the right-of-way to the garage, if attached to a public right of way, 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.
 - v) Residential setback.
 - (1) Where a multifamily dwelling abuts a one- or two-family use or zoning district, a multifamily building's average 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. A building's height for this requirement is to be measured from grade to eve. A building's average setback is to be determined by averaging the distance a building's closest and furthest corners on the side of the building facing the property line.
 - (2) Where a multifamily dwelling abuts a one or two-family use or zoning district, no multifamily building will be within 60 feet of a one or two-family residential structure certified for occupancy.
- 5) Maximum height of buildings.
 - i) 45 feet, 50 feet when a pitched roof is used (minimum 4:12 pitch).
- 6) Maximum building coverage.
 - Lot coverage. The maximum building coverage shall be 30% percent of the total lot or tract.
- 7) Maximum Lot Coverage
 - i) Impervious Coverage: The maximum impervious cover for the development shall be 65% of the total lot or tract.
- 8) Minimum parking standards for each general land use.
 - i) One-bedroom apartment or unit: One and one-half spaces.
 - ii) Two-bedroom apartment or unit: Two spaces.
 - iii) Each additional bedroom: One-half space.

- 9) Other standards as deemed appropriate.
 - i) Distance between structures. For multifamily structures, there shall be a minimum of 20 feet between structures side by side; a minimum of 30 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 30 feet front to rear. (See Illustration 1.)

Illustration 1

STREET



STREET

Development Standard	R-3H District	"River's Edge Apartments" PD
Permitted Uses	Residential: Accessory building/structure Bed and breakfast inn Boardinghouse/lodging house Community home Dormitory Family home adult care Family home child care Hospice Multifamily apartments/condominiums Rental or occupancy for less than 1 month Residential use in buildings with the following non-residential uses: Non Residential Uses: Adult day care (no overnight) Art dealer/gallery Barns and farm equipment storage (related to agricultural uses) Cemetery and/or mausoleum Church/place of religious assembly Community building (associated with residential uses) Contractors temporary on-site construction office Electrical substation Farms, general (crops) Farms, general (livestock/ranch) Golf course, public or private Governmental building or use with no outside storage Museum Nursing/convalescent home/sanitarium Park and/or playground (public or private)	 Accessory building/structures Community home Multifamily (apartments/condominiums) Park and/or playground (public or private) Public or private recreation/services building for public park/playground areas Recreation buildings (prate or public) Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system This PD does not allow for mixed use development. All non-residential buildings must serve a use as it directly relates to the multifamily housing (i.e. clubhouse, maintenance buildings(s) and garages)

	Public recreation/services building		
	for public park/playground areas		
	Recreation buildings (public)		
	Retirement home/home for the aged (a) blin		
	(public)		
	• School, K-12 (public or private)		
	 Telephone exchange buildings (office only) 		
	University or college (public or		
	private)		
	Water storage (surface, underground)		
	or overhead), water wells and		
	pumping stations that are part of a		
	public or municipal system		
Maximum Density	24 units per acre	*20 units per acre	
Minimum Lot Area	20,000 square feet	20,000 square feet *plus an additional	
		2,250 square feet of lot area for each	
		unit over ten	
Minimum Lot Width	Interior lot = 60 feet	Interior lot = 60 feet	
	Corner lot = 72 feet	Corner lot = 72 feet	
Minimum Lot Depth	100 feet	100 feet	
Minimum Front Building Setback	25 feet	25 feet	
Minimum Rear Building Setback	25 feet	25 feet	
Minimum Side Building Setback	20 feet. Corner lots shall have 15-foot	*25 feet. Corner lots shall have 15-foot	
	side building setback adjacent the	side building setback adjacent the	
	street where rear lot line abuts rear	street where rear lot line abuts rear lot	
	lot line of adjacent lot; 25-foot side	line of adjacent lot; 25-foot side	
	building setback adjacent the street	building setback adjacent the street	
	where rear lot line abuts side lot line	where rear lot line abuts side lot line of	
	of adjacent lot	adjacent lot	
Minimum Distance Between	Minimum of 10 feet between	*Minimum of 20 feet between	
Structures	structures side by side; minimum of 20	structures side by side; *minimum of	
	feet between structures side by front	30 feet between structures side by	
	or rear; minimum of 40 feet between	front or rear; minimum of 40 feet	
	structures front to front; minimum of	between structures front to front;	
	20 feet between structures backing	minimum of 20 feet between	
	rear to rear, and a minimum of 20 feet	structures backing rear to rear, and a	
	between structures front to rear	*minimum of 30 feet between	
		structures front to rear	

Minimum Garage Setback	20 feet where driveway is located in front of garage attached to a public	20 feet where driveway is located in front of garage attached to a public		
	right-of-way	right-of-way		
Minimum Residential Setback	Minimum 20-foot setback from an adjacent property line zoned or used for 1 or 2-family use plus 1 foot for each foot of building height over 20 feet	**Minimum average setback of 20-feet from an adjacent property line zoned or used for 1 or 2 family use plus 1 foot for each foot of building height over 20 feet. A building's height for this requirement is to be measured from grade to eve. A building's average setback is to be determined by averaging the distance a building's closest and furthest corners on the side of the building facing the property line. *Where a multifamily dwelling abuts a 1 or 2 family use or zoning district, no multifamily building will be within 60 feet of a 1 or 2 family residential structure certified for occupancy		
Maximum Height	45 feet or 60 feet when a pitched roof is used (minimum 4:12)	45 feet or *50 feet when a pitched roof is used (minimum 4:12 pitch)		
Maximum Building Coverage	N/A	*30% of the total lot or tract		
Maximum Lot Coverage	The combined area of all yards shall be at least 50% of the total lot or tract; provided however, in the event enclosed or covered parking is provided, the minimum total yard area requirement shall be 40% of the total lot or tract	*The maximum impervious cover for the development shall be 65% of the total lot or tract		
Minimum Parking Requirement	1-bedroom unit = 1.5 spaces 2-bedroom unit = 2 spaces Each additional bedroom =1/2 space	1-bedroom unit = 1.5 spaces 2-bedroom unit = 2 spaces space Each additional bedroom =1/2 space		



Though the proposed development standard for the residential setback states a required minimum average setback of 20 feet from the nearest property line zoned or used for 1 or 2 family use, there will be a minimum 25-foot setback from the residentially zoned and used property to the north as the minimum side setback requirement in the proposed development standards is 25 feet. However, the development standard proposes building height to be measured from grade to eave, whereas, the Zoning Ordinance measures building height from the average elevation of surrounding grade to the highest point of the structure, which is generally the peak of the roof. The provision also requires a minimum 60-foot setback between any multifamily building and any adjacent 1 or 2 family residential

structure, which is unique to the proposed development standards as the R-3H residential setback requirement does not require a specific setback between multifamily buildings and adjacent 1 or 2 family residential structures.



Though maximum lot coverage is proposed to be addressed through a different method with the development standards, it is more restrictive than the maximum lot coverage allowed in the R-3H District. The development standards utilize a combination of both a maximum building coverage of 30% and a maximum impervious coverage of 65%. This will give the ability to limit both building coverage to (30%) and impervious cover (65%) whereas the R-3H District only requires a minimum open yard area of 50%, or, 40% if covered parking is provided. Open yard area does include parking lots and any other areas that are not occupied by buildings. In addition, R-3H does not have a maximum impervious cover restriction, allowing as much of the lot or parcel to be developed with asphalt, concrete or other improvements that are not buildings.

PLANNING COMMISSION - FEBRUARY 2, 2021 - 6:00PM

Zoom Meeting

Applicant/Owner: Elena Sanders

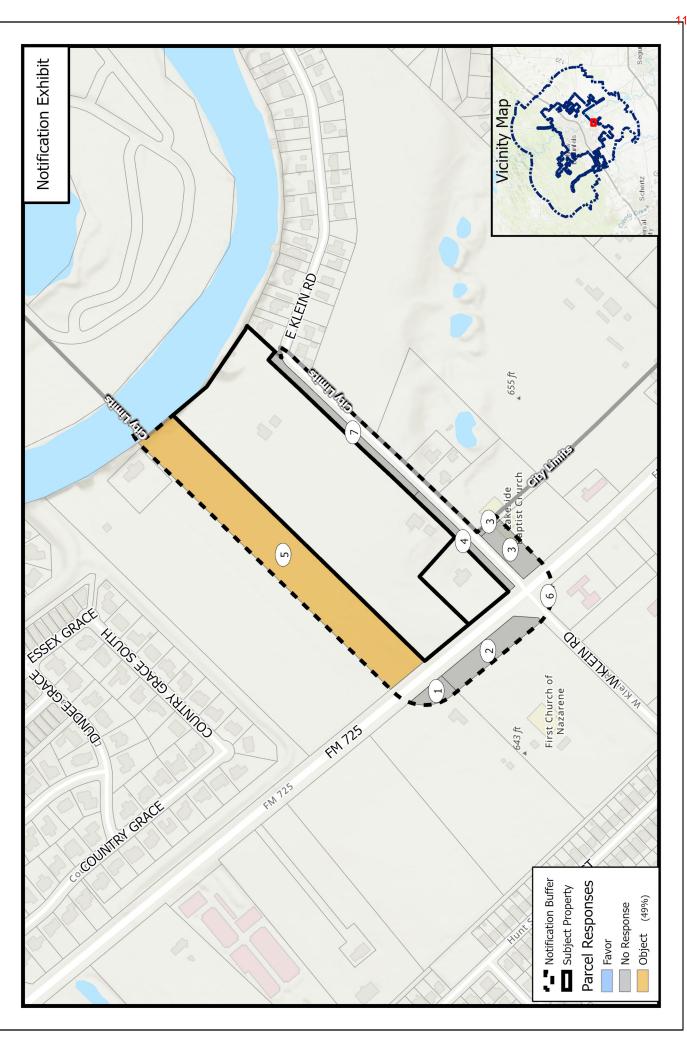
Address/Location: 2655 FM 725

PROPOSED ZONE CHANGE - CASE #DCP20-327

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. THE BHALLA FAMILY LIMITED PARTNERSHIP LP
- 2. FIRST CHURCH OF NAZARENE
- 3. NEW GENERATIONS FELLOWSHIP OF NEW BRAUNFELS TEXAS
- 4. GUADALUPE COUNTY
- 5. HITZFELDER MARGYLINE & LEONARD HITZFELDER FAMILY TRUST
- 6. JUNIPER VENTURES OF TEXAS LLC
- 7. DUELM PARTNERS LTD

SEE MAP



DCP20-327

R-1 and APD to "REAPD" River's Edge Apartments Planned Development District

Source: City of New Braunfels Planning

Date: 1/27/2021



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of New Braunfels, its officials or employees for any discrepancies, errors, or variances which may exist.

Feet

500

January 26, 2021

JAN 27 2021

Case: #DCP20-327 (MG)

Name Margyline Hitzfelder

Mailing Address 2553 FM 725, New Braunfels, TX 78130

Property number on map 5

I object to this high-density multi-family development because it would totally disrupt my life. I have lived here in my home over 3 decades and enjoy my peaceful and quiet neighborhood. This large development right next door to me would cause me stress and grief which I do not need or deserve at this time in my life. Please help me maintain the sanctity of my home.

Thank you,

Margyline Hetz folder
Margyline Hitzfelder

January 26, 2021

JAN 27 2021

Case: #DCP20-327 (MG)

Name Marilyn Kadlecek

Mailing Address 305 E Klein Rd, New Braunfels, TX 78130

Property number on map – within 70 feet of property

I object to this high-density multi-family development because it would totally disrupt my life. I am retired and have lived within 70 feet of this property for over 35 years. I am old, can't afford to move and don't want to move. I want to keep my neighborhood a quiet and peaceful place.

Thank you,

Marilyn Kadleak
Marilyn Kadlecek

January 26, 2021

JAN 27 2021

Case: #DCP20-327 (MG)

Name Karen Nussbaumer

Mailing Address 2323 Bretzke Ln, New Braunfels, TX 78132

Affected Property Address 433 E Klein

Property number on map 75 feet from property

Karen Nussbaumer

I object to this high-density multi-family development. An apartment complex in the middle of an old established neighborhood does not make sense. The increased noise, traffic and light pollution would ruin a quaint area. I realize development is a given in a community such as this but please keep this area low density.

Sincerely,

Karen Nussbaumer

From:			
To:			
Subject: Date:			
Date:			

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Greene,

I am writing regarding the proposed re-zoning for case # DCP20-327. My home is directly across the street from the property requesting the zone change. I am greatly opposed to this change. That beautiful piece of land means so much more to me than just a quiet neighborhood that we love and an open view with wildlife. It has become part of our home as it belonged to someone very special to me that was adamant that it never be developed. The sense of peace that we get on our dead end road is very much due to the open land on two sides of us which was a very important in our decision to buy what we thought would be our forever home. More people and apartments comes with inevitable noise and crime. The wildlife that inhabits the property will be forced out with construction and our peaceful home in the country becomes just another city street. We have already had to fight against having power lines come through our neighborhood along with the previous owner of the property and will continue to try to uphold Al's last wishes for his beloved land. Please consider what this change means for the people that already make their home here and help us to preserve the way of life we have chosen as well as keep the legacy of a real American hero alive.

Sincerely,

Gina Griffith
306 E Klein Rd.
New Braunfels, TX 78130

Sent from my iPad

From:			
To:			
Subject: Date:			
Date:			

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Matt Greene,

My Name is Ron Griffith

My address is Address 306 E Klein Rd, New Braunfels, TX 78130

Good morning. I am writing this regarding Case #DCP20-327. I live directly across the street from the property, approximately thirty-five feet from the fence line.

I oppose this proposed rezoning for the following reasons.

We bought our home about eight years ago, with intention of it being our forever home, as well as my retirement and inheritance for my children. This is where my grandkids are supposed to come and enjoy quality time with me and my wife.

I strongly feel the addition of an apartment complex and community would greatly impact my peace and quiet as well as adversely affect the long-term value of my home. With the development of apartments across the street from my house, crime and noise are inevitable, and my view will no longer be of the beautiful Texas sunset.

I live here, and I feel very safe here with the addition of apartments my sense of safety and security will be abruptly taken away.

Several factors assisted in the decision to purchase where we did. One of the biggest reasons is that we knew Grandpa Al Kosko, the previous owner of the land, would never sell or develop. He absolutely loved the property with all he had. Until his death, he and I discussed what he wanted to do with the property. His adamancy to keep the property open land was a point he was always certain to make. I have been taking care of the property for eight years, as long we have lived on Klein road. Grandpa Al and I visited almost daily for years. I was the closed person to him as he had no biological relatives left in this world. When he passed away so did his lineage and now this proposal will change his legacy, his long-spoken wishes, and the treasured value of the open property.

As close as we were, he knows that I loved this land as much as he did, he believed we were the only two people in the world who would not develop or deface the property he worked so hard to maintain and preserve for many years.

He asked me many times throughout the years to make sure nothing happened to the property. I have many videos of his requests and I honestly believe that he felt confident that I would execute his last wishes.

I know deep in my heart Grandpa Al would be devastated to see the place he loved be destroyed with apartments. I ask you to please deny the proposal to rezone the area.

I do not want to lose value on my home, and I do not wish to be pushed out by new developments. I do not want to lose the safe and secure feeling of my home. And most of all, I do not want to see Grandpa Als legacy disappear.

Sincerely, Ron Griffith 307-217-3332



Planning Commission Agenda Item Report

550 Landa Street New Braunfels, TX

2/2/2021

Agenda Item No. E)

Presenter/Contact

Applicant: James Ingalls, P.E.; Owner: EB Industries (Richard Byrd) (830) 358-7127 / plats@ma-tx.com

SUBJECT:

PZ20-0329 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 68.05 acres out of the O. Russell Survey No. 2, Abstract No. 485, located at the northern corner of the intersection of Goodwin Lane and Orion Drive, from "APD" Agricultural/Pre-Development District to "R-1A-4" Single-Family Small Lot Residential and "R3-H" Multifamily High Density District.

BACKGROUND / RATIONALE:

Case No.: PZ20-0329

Council District: 4

Applicant: James Ingalls, P.E.

Moeller & Associates 2021 SH 46W, Ste. 105 New Braunfels, TX 78132

(830) 358-7127 plats@ma-tx.com

Owner: EB Industries

Richard Byrd (251) 510-1118

rbyrd@aspengroverealty.com

Staff Contact: Matthew Simmont, AICP

(830) 221-4058

msimmont@nbtexas.org

The approximately 68-acre tract is located north of the intersection of Goodwin Lane and Orion Drive. The subject property is up to approximately 1,200 feet wide and 3,000 feet deep, extending northwest with Orion Drive frontage to Nebel Street and Alster. The unimproved property is in agricultural production, a portion of which lies within the Alligator Creek floodplain.

The applicant has indicated the intent of this request is to allow for a residential development containing approximately 520 dwelling units.

Surrounding Zoning and Land Use:

North - Alster, Wasser Ranch PD / Local street and railroad

South - Across Goodwin Ln., Oak Creek Estates PD and ZH-A / Single family residences (Creekside Farms and Oak Creek Estates) and Alligator Creek floodplain)

East - Wasser Ranch PD / Single family residences and Alligator Creek floodplain
West - Across Orion Drive, M-1A, MU-B and APD / Duplex residences and a planned manufactured home community.

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 (R-3H adjacent to this key intersection creates opportunities for encouraged housing variety and density which is generally compatible with the expanding neighborhood of residential use.)
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (CISD was sent notice of this request. 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 change should not impact other areas designated for similar development.);
- Any other factors that will substantially affect the public health, safety, morals, or general
 welfare (None identified. Drainage, utility and traffic impact issues will be reviewed and
 addressed through the platting process.); and
- Whether the request is consistent with the Comprehensive Plan: see below

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

City Plan/Council	Action 1.3: Encourage balanced and fiscally responsible
Priority: Envision New	land use patterns. Action 3.13: Cultivate an environment
Braunfels	where a healthy mix of different housing products at a range
Comprehensive Plan	of sizes, affordability, densities, amenities and price points
	can be provided across the community as well as within
	individual developments. Action 3.22: Encourage venues
	within walking distance of neighborhoods and schools.
	Future Land Use Plan: The property is situated in the Oak
	Creek Sub-Area near Existing Employment, Market and
	Education Centers.

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Approval. The applicant's proposal to create a residential development with a variety of housing types is consistent with ongoing development in the area, which is transitioning from available industrial opportunities to residential. It is, therefore, supported by the Comprehensive Plan as noted above, as well as the Workforce Housing Study.

Notification:

Public hearing notices were sent to 26 owners of property within 200 feet. The City has received no responses.

RESOURCE LINKS:

• Chapter 144, Section 3.4-1. "APD" Agricultural / Pre-Development District of the City's Code of Ordinances:

https://library.municode.com/tx/new-braunfels/codes/code of ordinances?

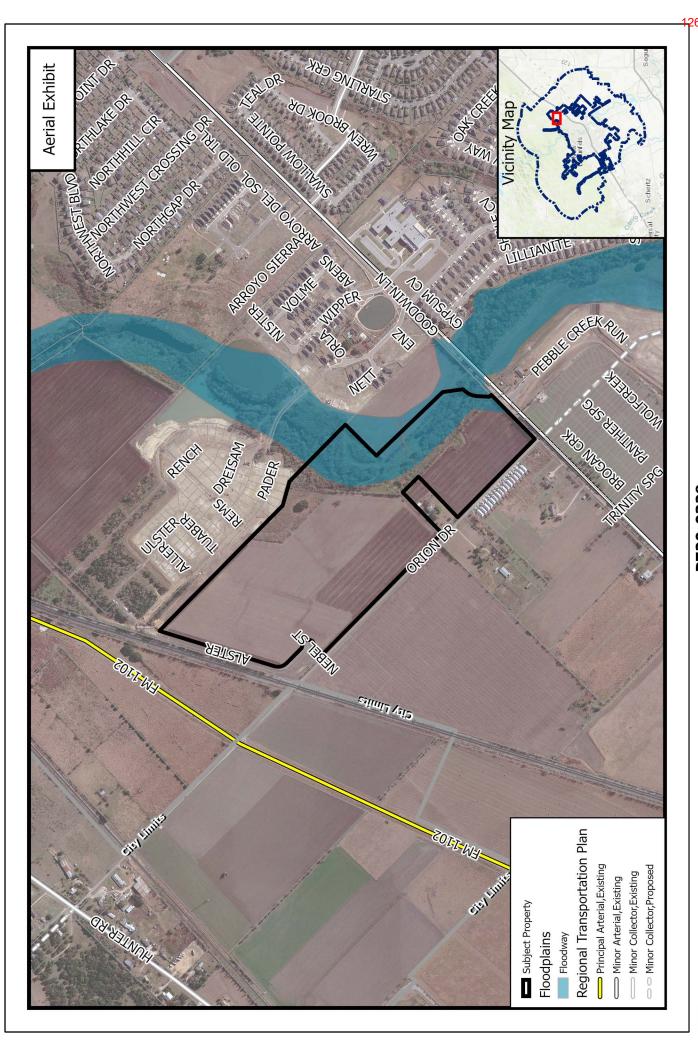
• Chapter 144, Section 3.4-2. "R-1A-4" Single-Family Small Lot Residential District of the City's Code of Ordinances:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances? Chapter 144, Section 3.4-5. "R-3H" Multifamily High Density District of the City's Code of Ordinances:

https://library.municode.com/tx/new braunfels/codes/code of ordinances?

ATTACHMENTS:

- Aerial Map
- 2. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
- 3. Proposed Zoning Exhibit
- 4. Notification List, Map and Responses



APD to R-1A-4 and R-3H PZ20-0329

Source: City of New Braunfels Planning

Date: 1/15/2021



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Feet

900

APD to R-1A-4 and R-3H PZ20-0329

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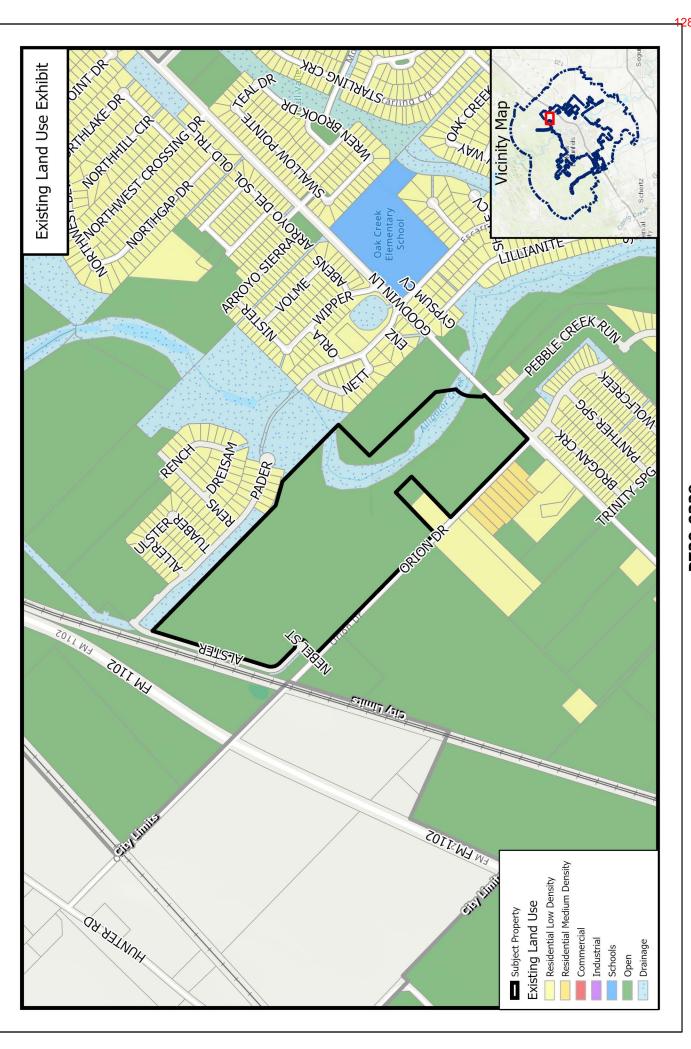




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Feet

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PZ20-0329 APD to R-1A-4 and R-3H



Feet

900

450

Source: City of New Braunfels Planning Date: 1/15/2021

City of New Braunfels

EXISTING CENTERS

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 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 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.

tv Hal

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

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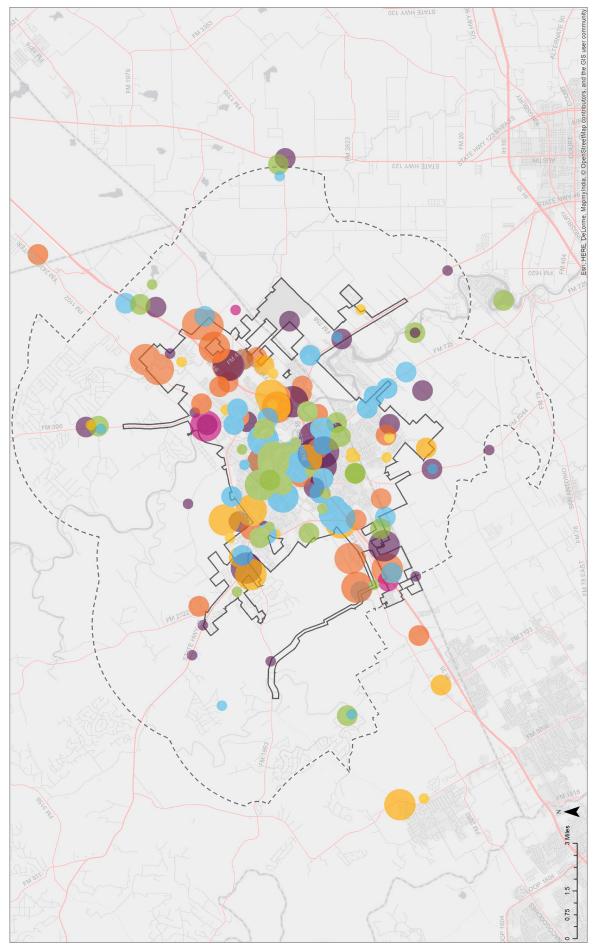












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Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

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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

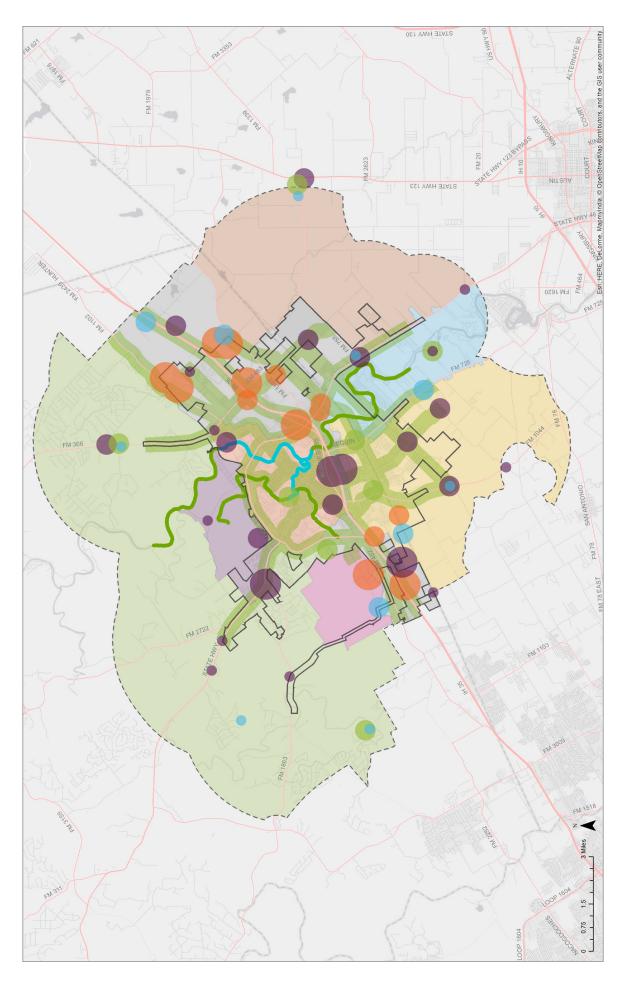
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SUB AREA 7

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.



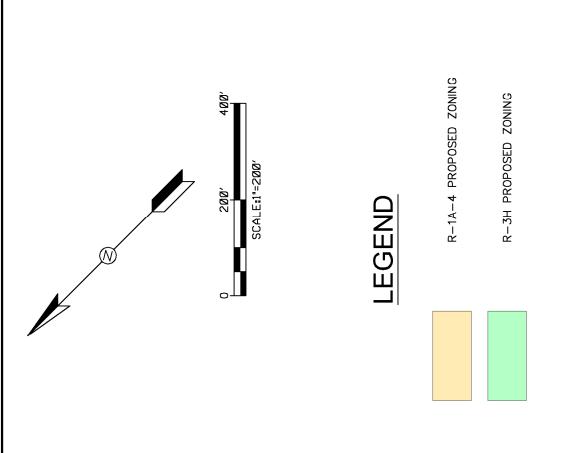
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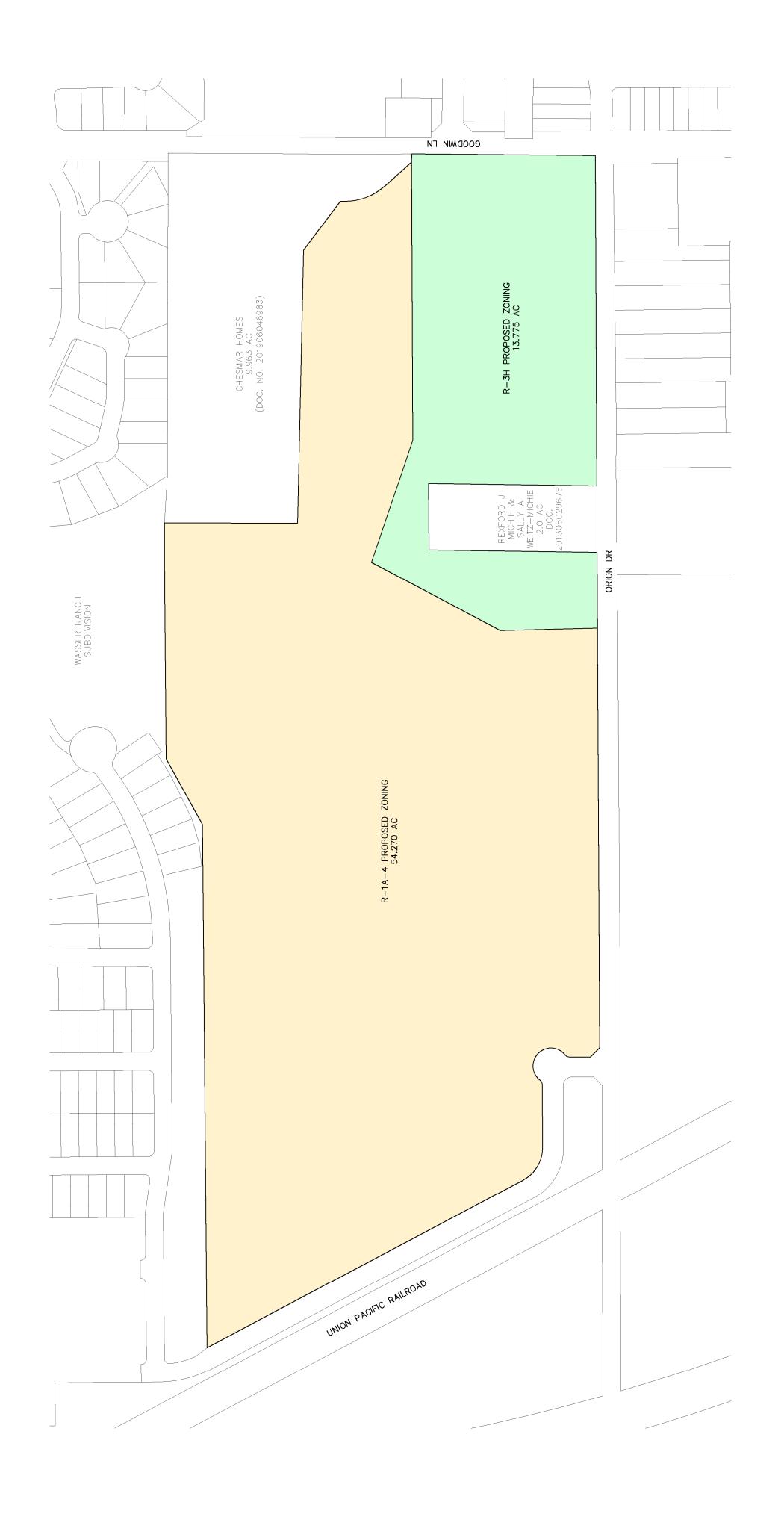
2021 W SH46, STE 105, NEW BRAUNFELS, TX. 78132 PH: 830—358—7127 www.ma—tx.com TBPE FIRM F-13351

JTA

ISSUES AND REVISIONS

Drawing Name: N:/!Projects/ASGR001 Goodwin 69ac Tract Unit 1 and 2/Civil/Exhibits/Zoning Exhibit.dwg User: MelanieNorris Jan 08, 2021 - 10:56am





PLANNING COMMISSION - FEBRUARY 2, 2021 - 6:00PM

Zoom Meeting

Applicant/Owner: James Ingalls, P.E.

Address/Location: Intersection of Orion Dr & Goodwin Ln

PROPOSED ZONE CHANGE - CASE #PZ20-0329

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. MARIPOSA HOLDINGS LLC

 MICHIE REXFORD J & SALLY A WEITZ-MICHIE

3. WHIPKEY ROBERT D & PAULA J

4. SEBA PETER E

5. REVIVE NEW BRAUNFELS MINISTRIES

6. KOCH WAYLON

7. WILLIAMS MARK E & TERRY K8. JMH FAMILY HOLDINGS LLC

9. SCHEEL SHAWN

10. KOEHN N MICAH

11. SADDLER DAVID L & CRYSTAL M SADDLER

12. IVY B SCHLICHTING PROP II LTD

13. CONTINENTAL HOMES OF TEXAS LP

14. FRECH MARY E

15. PROPERTY OWNERS

16. ROW JOHNNIE F

17. CHESMAR HOMES CT LTD

18. FEATHERSTON DONALD C

19. ROGERS MELISSA J & CHRISTOPHER N

20. RICHARDSON NANCY C

21. HORTON CAPITAL PROPERTIES LLC

22. CASARES PAUL & CASANDRA R

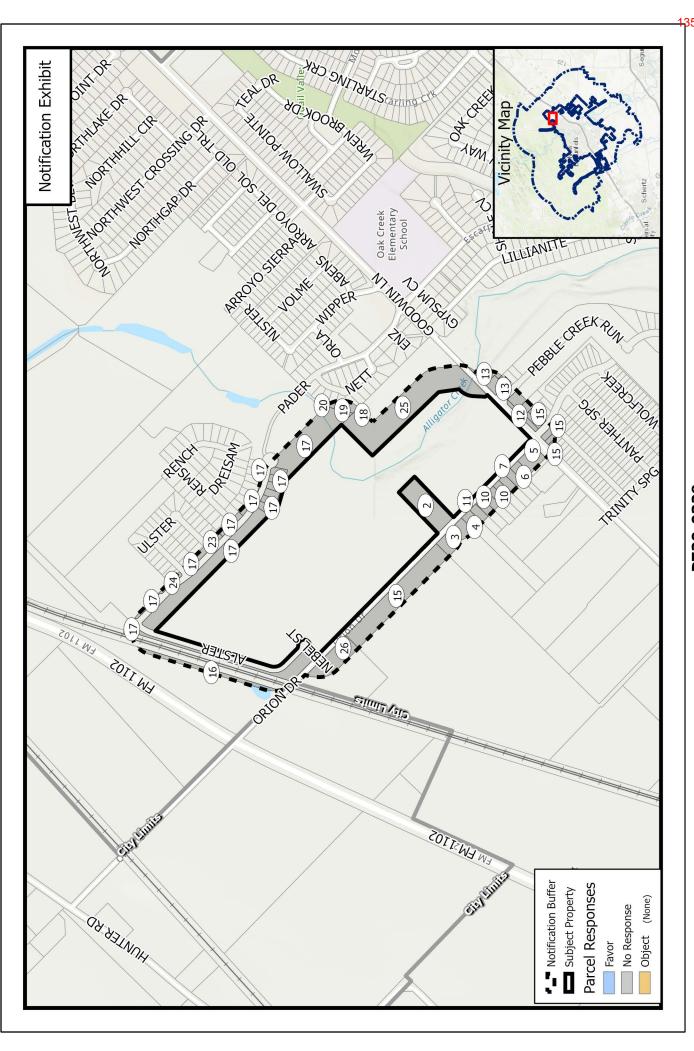
23. TRUESDELL ESSENCE M & NOLAN A

24. DE LA CRUZ CHRISTOPHER M & MICHELLE F

25. CHESMAR HOMES LLC

26. SCHMIDT KENNETH W

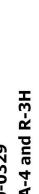
SEE MAP



APD to R-1A-4 and R-3H PZ20-0329

Source: City of New Braunfels Planning

Date: 1/15/2021





DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of New Braunfels, its officials or employees for any discrepancies, errors, or variances which may exist.

Feet

900



Planning Commission Agenda Item Report

550 Landa Street New Braunfels, TX

2/2/2021

Agenda Item No. F)

Presenter/Contact

Applicant: Moeller & Associates (James Ingalls, P.E.); Owner: Smithco Development (Matt Strange) (830) 358-7127 - plats@hmtnb.com mailto:plats@hmtnb.com

SUBJECT:

PZ20-0330 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 14.608 acres out of the H. Foster Survey No. 34, Abstract No. 154, Comal County, Texas, located at the northwest corner of the intersection of IH 35 and FM 306, from "M-1" Light Industrial District to "MU-B" High Intensity Mixed Use District.

BACKGROUND / RATIONALE:

Case No.: PZ20-0330

Council District: 5

Applicant: Moeller & Associates (James Ingalls, P.E.)

2021 SH 46 W, Ste 105 New Braunfels, TX 78132

(830) 358-7127 - plats@ma-tx.com

Owner: Smithco Development (Matt Strange)

1400 Post Oak, Ste 900 Houston, TX 77056

(713) 622-4040 - matt@smithcodevelopment.com

Staff Contact: Matt Greene, Planner

(830) 221-4053 - mgreene@nbtexas.org

The subject property is comprised of approximately 14.608 acres out of a larger 18.88-acre parcel located on the northwest corner of the intersection of IH 35 and FM 306 and is currently zoned "M-1" Light Industrial District. It is presently undeveloped and the remaining 4.272 acres of the parent tract fronting IH 35 is zoned "C-3" Commercial District.

The applicant indicates the intended uses of the property are retail and multifamily. Retail use is permitted under the current M-1 designation but multifamily is not, therefore, the applicant is requesting the zoning change to a mixed use district that allows both uses.

Surrounding Zoning and Land Use:

North - M-1 / Hotel and light manufacturing

South - M1A, Across IH 35, M-1Ar69 / Manufacture home sales lot and auto transmission repair

- shop, across IH 35, Convenience store with fuel sales (Buc-ee's)
- East C-3 & M-1, Across FM 306, C-3 & M-1 / Convenience store with fuel sales, Across M 306, grocery store (HEB) and shopping center and fast food restaurant
- West C-3, M-1, M-1A & "Post Road Development" PD / Auto transmission repair shop, undeveloped lot approved for multifamily use through a PD, and an undeveloped parcel

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 (MU-B is intended to provide for a mixture of more intense retail, office, and industrial uses to enable people to live, work and shop in close proximity. The permitted uses of the MU-B District are consistent with the existing zoning and land uses in the vicinity of the subject property that are adjacent to IH 35 and nearby in the New Braunfels Town Center at Creekside development and the approved Solms Landing Planned Development).
- 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 impact on existing streets will be reviewed through the platting process. The adequacy of public facilities and utilities to serve any additional demand is evaluated by each provider. CISD and utility providers have been notified of the proposed rezoning).
- How other areas designated for similar development will be affected (The proposed zoning change should not negatively affect other areas designated for similar development).
- Any other factors that will substantially affect the public health, safety, morals, or general
 welfare (None identified. Drainage, utility and traffic impact will be reviewed and addressed
 through the platting process).
- Whether the request is consistent with the Comprehensive Plan: See below

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

City Plan/Council	Consistent Actions Action 1.3: Encourage balanced and
Priority: Envision New	fiscally responsible land use patterns. Action 1.8:
Braunfels	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. Future Land Use
	Plan: The property lies within the Oak Creek Sub Area on a
	Transitional Mixed-Use Corridor near existing and future
	Employment, Market, Medical, Outdoor Recreation,
	Education and Tourist/Entertainment Centers.

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Approval. MU-B allows uses consistent with the existing light industrial, commercial and residential development and zoning in the area, while offering the opportunity for mixed-use development as encouraged in Envision New Braunfels. Mixed uses at this location would provide an appropriate intensity transition outward from the major node.

Notification:

Public hearing notices were sent to 11 owners of property within 200 feet of the request. The City has received no responses at this time.

RESOURCE LINKS:

- Chapter 144, Sec. 3.3-11 "M-1" Light Industrial District, of the City's Code of Ordinances: https://library.municode.com/tx/new-braunfels/codes/code-of-ordinances?
- Chapter 144, Secs. 3.4-11 "MU-B" High Intensity Mixed Use District, of the City's Code of Ordinances:

https://library.municode.com/tx/new braunfels/codes/code of ordinances?

ATTACHMENTS;

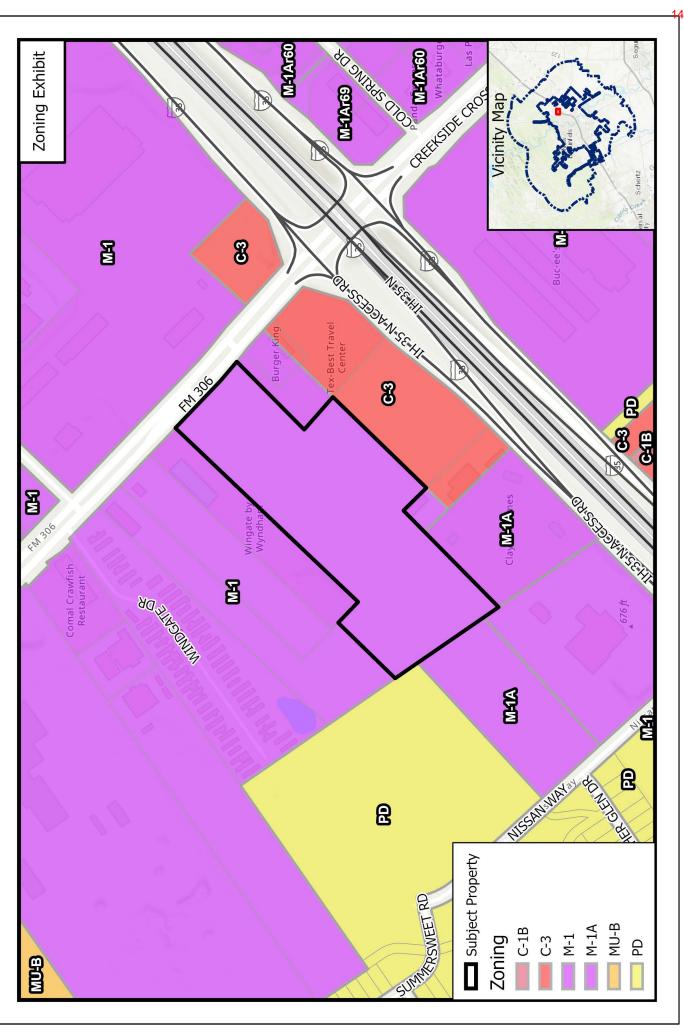
- 1. Aerial Map
- Land Use Maps (Zoning, Existing and Future Land Use)
- 3. Zoning Exhibit
- 4. Notification List and Map











M-1 to MU-B PZ20-0330



Feet

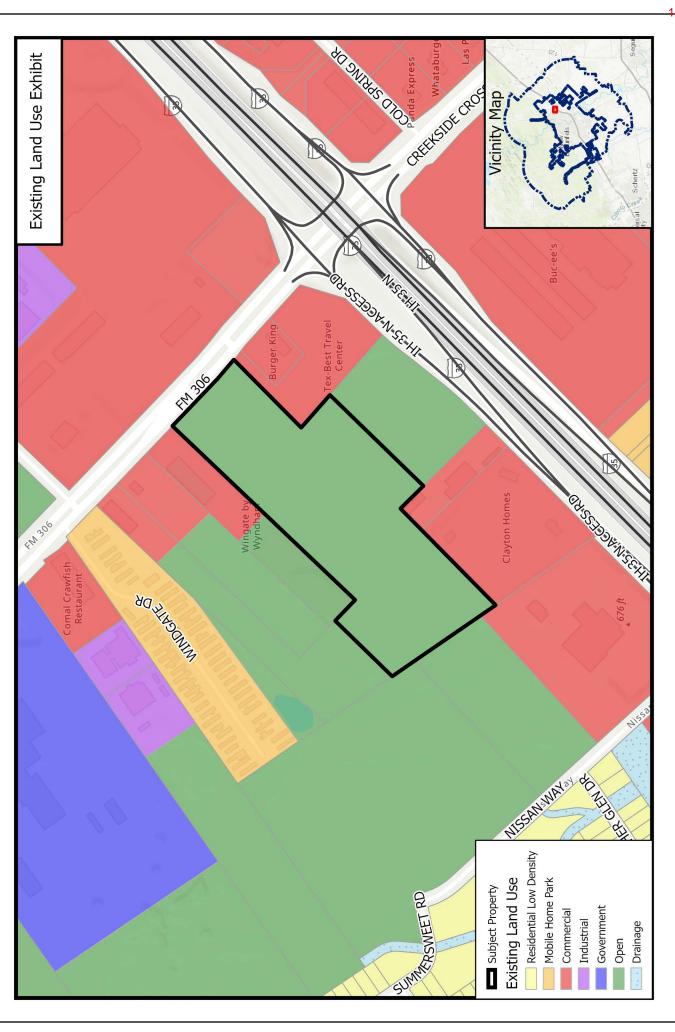
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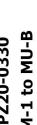


Source: City of New Braunfels Planning

Date: 1/21/2021



M-1 to MU-B PZ20-0330



Source: City of New Braunfels Planning

Date: 1/21/2021



Feet

440

220



EXISTING CENTERS

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 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 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.



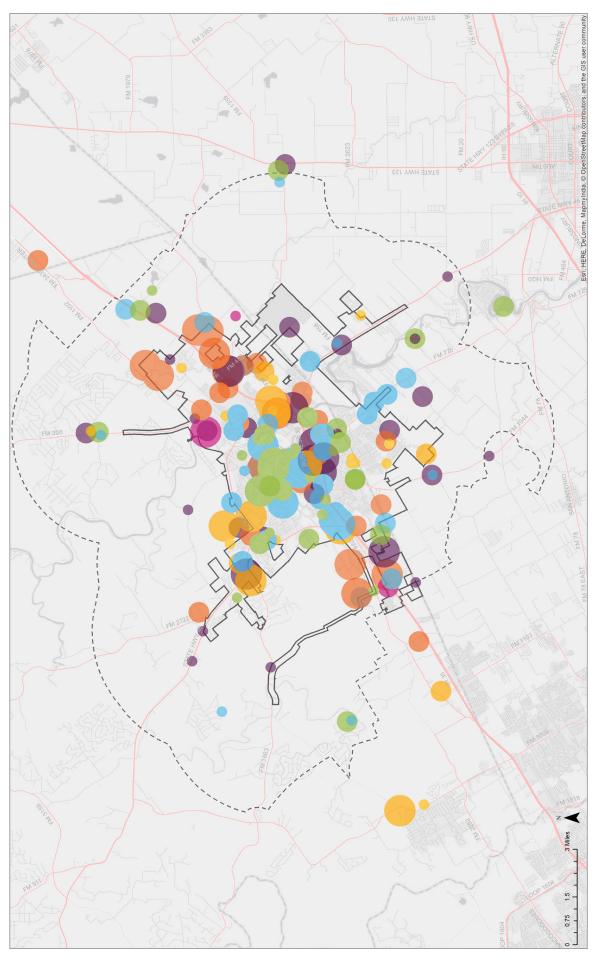


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The location of existing centers was determined through the analysis of previous studies and background documents, windshield surveys, and reviewed by City staff, Steering Committee members, and Plan Element Advisory Group members during a public workshop.

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.

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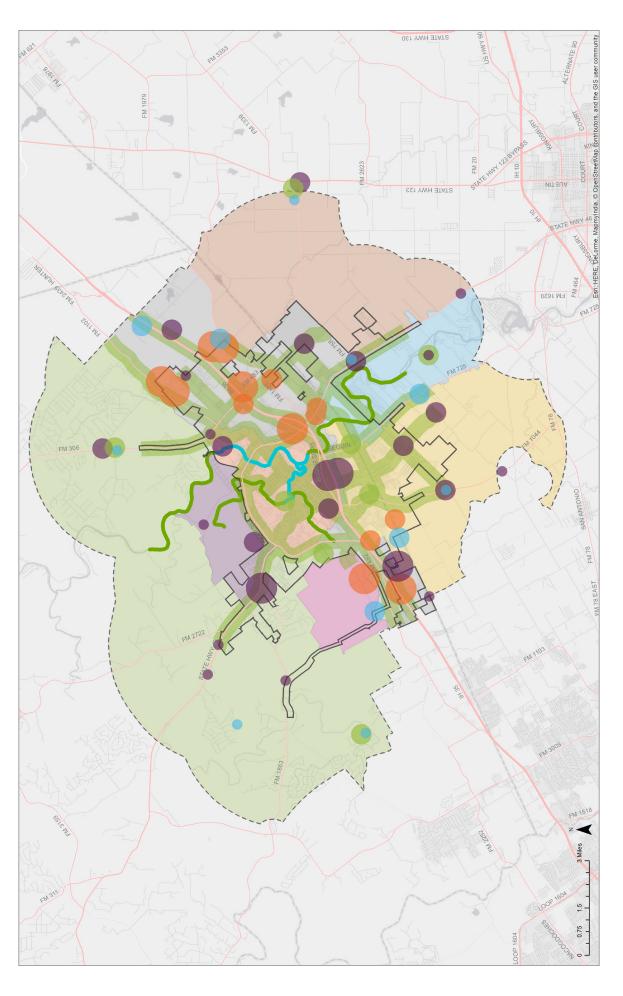
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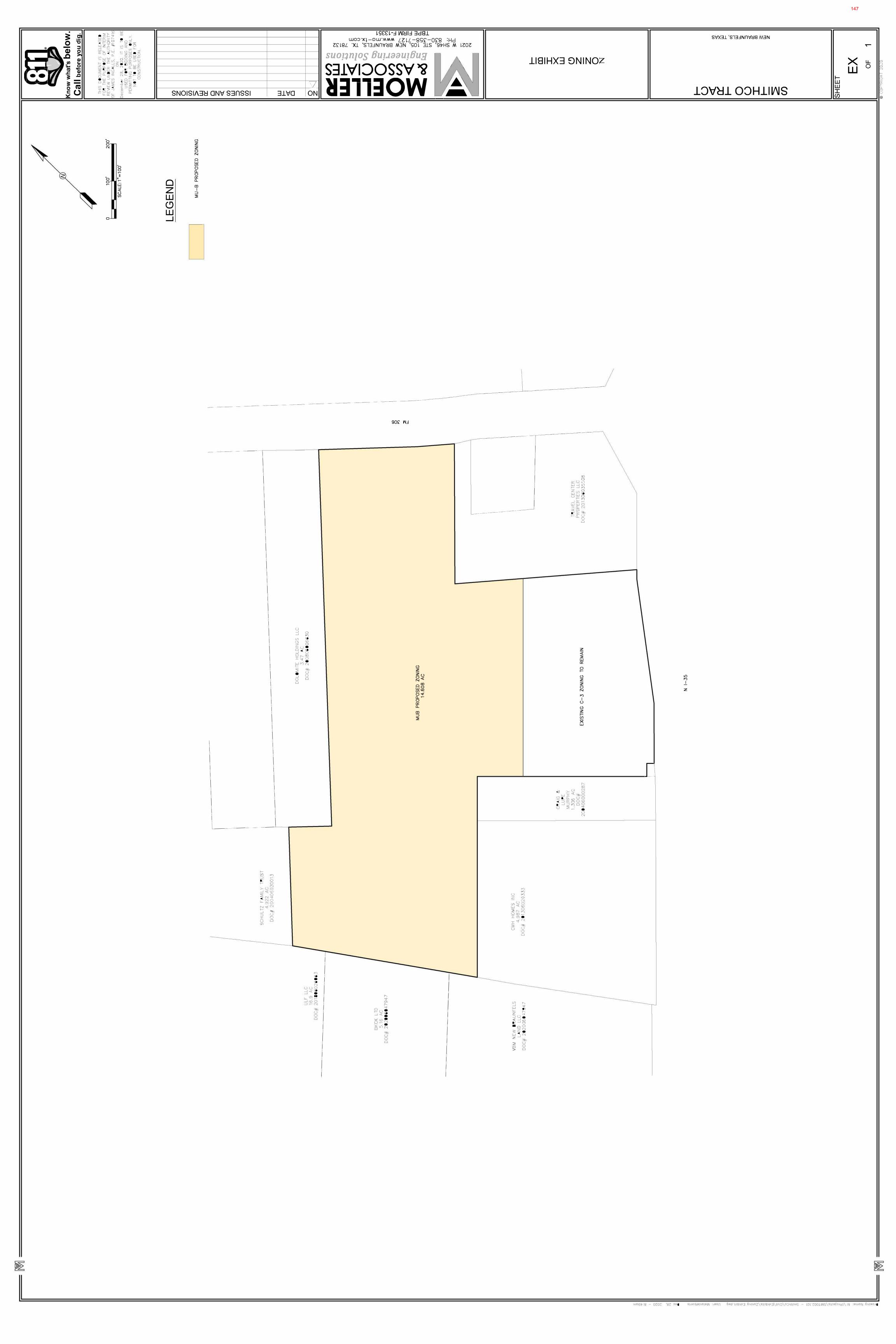
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PLANNING COMMISSION - FEBRUARY 2, 2021 - 6:00PM

Zoom Meeting

Applicant/Owner: James Ingalls, P.E.

Address/Location: Intersection of FM 306 & IH 35 N

PROPOSED ZONE CHANGE - CASE #PZ20-0330

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. SCHULTZ FAMILY TRUST

2. MURPHY CRAIG & LUPE

3. CMH HOMES INC

4. DOLOMITE HOLDINGS LLC

5. ORMOND LARRY G & JEANETTE

6. VBM NEW BRAUNFELS LAND 2 LLC

7. HEB GROCERY CO LP

8. WRJ FINANCIAL LTD ET AL

9. TRAVEL CENTER PROPERTIES LLC

10. ULF LLC

11. VBM NEW BRAUNFELS LAND LLC

SEE MAP

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of New Braunfels, its officials or employees for any discrepancies, errors, or variances which may exist.

Feet 440

220

M-1 to MU-B PZ20-0330

Source: City of New Braunfels Planning Date: 1/15/2021





Planning Commission Agenda Item Report

550 Landa Street New Braunfels, TX

2/2/2021

Agenda Item No. G)

Presenter/Contact

Applicant/Owner: Dean Schilling

SUBJECT:

REP21-007 Public Hearing and consideration of the replat of Oak Grove Estates Unit 1, Lot 1 and Oak Grove Estates Unit 2, Block 1, Lot 1A, establishing Oak Grove Estates Unit 5.

Plat Information:

Case #: REP21-007

Applicant/Owner: Dean Schilling

1531 Flaming Oak Dr. New Braunfels, TX 78132

(830) 832-9893

trumppetter@gmail.com

Surveyor: Albert Uecker, R.P.L.S

Albert Uecker Consulting, LLC

340 Hidden Oaks Bulverde, TX 78163 (210) 602-4238

tx.surveyor@gmail.com

Case Manager: Matthew Simmont

(830) 221-4058

msimmont@nbtexas.org

Description: Replatting two lots to create three residential lots

Background:

The subject property includes two platted lots near the northeast corner of the intersection of FM 306 and Oak Knot Drive. Lot 1A is undeveloped and contains approximately 2.5 acres with approximately 570 feet of frontage along FM 306 and 200 feet of frontage along Oak Knot Drive. Lot 1 is approximately 27,000 square feet in area and is developed with a single-family residential dwelling.

The applicant is proposing to create two lots for residential development and expand an existing developed lot.

Drainage:

The City's Public Works Department reviewed with the approved letter of certification as required by Section 118-51.e of the Subdivision Platting Ordinance and in accordance with Chapter 143

Municipal Drainage Utility Systems, and the Drainage and Erosion Control and Design Manual (DECDM).

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

Utilities:

Water services will be provided by 4-D Water Company, LLC. Wastewater services will be provided by on-site sanitary facilities. Electric service will be provided by Pedernales Electric Cooperative. Utility easements will be provided as requested by the utility providers. Utility services are existing and no extensions are required.

Transportation:

Regional Transportation Plan:

The proposed replat is in compliance with the Regional Transportation Plan. FM 306 is identified as a 150-wide Principal Arterial and the current right-of-way width does not meet the minimum requirements. Additional right-of-way will be dedicated with the plat.

Hike and Bike Trail Plan:

This plat is in compliance with the City's Hike and Bike Trails Plan as there are no identified trails within or adjacent to the subject property.

Sidewalks:

Sidewalks are existing along FM 306. Sidewalks are not required along Oak Knot and Flaming Oak as the roadways are designated as Local Streets, One-Family, Large Lot Residential.

Roadway Impact Fees:

The portion of this subdivision located within the city limits is subject to Roadway Impact Fees and is hereby assessed the fees for Service Area 4 with the approval of this plat. The Impact Fees will be collected at the time of building permit as indicated in the then current fee schedule for the intended use.

Parkland Dedication and Development:

This subdivision is subject to the City's 2018 Parkland Dedication and Development Ordinance. The development is required to pay parkland dedication and development fees for the increase of one additional proposed residential lot prior to plat recordation.

Notification:

Public hearing notices were sent to 14 owners of property within 200 feet of the request. The City has received no responses.

Staff Recommendation:

To meet the requirements of the City's Subdivision Platting Ordinance and other adopted codes, the applicant's final plat must comply with the conditions noted below. Staff recommends approval of the proposed final plat with the following Conditions of Approval:

- 1. Adjust the plat title block so that it is centered and on the top of page 1 (NBCO 118-21(c)).
- 2. Add a date of preparation to the plat (NBCO Sec. 118-24(9).
- 3. Add a block number to the plat (NBCO Sec. 118-24(13).
- 4. Add a "purpose for replat" statement to the plat (NBCO Sec. 118-34(i).

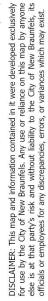
- 5. Revise the surveyor's certificate as specified in the platting code (NBCO 118-30(a)).
- 6. Correct the signature line label for "New Braunfels Utilities" (NBCO Sec. 118-21(c)).
- 7. State and label the grid state plane coordinates (two decimal places) that are the farthest from each other on two corners of the outer boundary (NBCO Sec. 118-21(c)).
- 8. State the scale factor for the surface distances (NBCO Sec. 118-24.15, 118-21(c) and TAC 663-20).
- 9. A final digital plat must be submitted when proceeding with recordation, format must be in: (NBCO Sec. 118-21(c))
 - a. NAD 1983 State Plane Texas South Central FIPS 4204 (US Survey feet).
 - b. Grid scale.
 - c. All x-referenced files must not be in blocks.
 - d. Dwg format 2013 version or later.

Approval Compliance:

To obtain approval of the final plat, the applicant must submit to the City a revised final plat and a written response that satisfies each condition of approval prior to expiration of the plat (Sec. 118-32 (b)). In accordance with Chapter 212, Texas Local Government Code, the City will determine the final plat approved if the response adequately addresses each Condition of Approval.

Attachments:

- 1. Aerial Map
- 2. Replat
- 3. Notification List and Map



REP21-007

Replat for residential development

Source: City of New Braunfels Planning Date: 1/15/2021



2 0F

PAGE

WE, THE UNDERSIGNED OWNERS OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREON AS FINAL PLAT OF OAK GROVE ESTATES - UNIT 5, LOTS I, 2, AND 3, A SUBDIVISION TO THE CITY OF NEW BRAUNFELS, COUNTY OF COMAL, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY SUBDIVIDE SUCH PROPERTY AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, PARKS, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

DEAN W. SCHILLING 1531 FLAMING OAK DR NEW BRAUNFELS, TX 78132

78132 BETTY A. SCHILLING 1531 FLAMING OAK DR NEW BRAUNFELS, TX 78

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS STATE OF TEXAS COUNTY OF COMAL

DAY

2021. 9F NOTARY PUBLIC, STATE OF COMMISSION EXPIRES I, THE UNDERSIGNED, ALBERT UECKER, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE, IN COMPLIANCE WITH CITY AND STATE SURVEYING REGULATIONS AND LAWS, MADE ON THE GROUND, AND THAT CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

RECORDED FOR ANY 10

PURPOSE

A CERTIFICATE OF APPROVAL AND ACCEPTANCE BY THE PLANNING COMMISSION SHALL BE PLACED ON THE SUBDIVISION PLAT, AS FOLLOWS: # 5888 ALBERT UECKER, R.P.L.S

APPROVED THIS THE _____ DAY OF _______PLANDING COMMISSION OF THE CITY OF NEW BRAUNFELS, TEXAS.

里 202I, BY

D. LEE EDWARDS CHAIRMAN

ВY: APPROVED FOR ACCEPTANCE

DATE DIRECTOR Services DEVELOPMENT AND PLANNING

NEW BRAUNFELS UTILITY

DATE

DATE

CITY ENGINEER

STATE OF T

COMAL COUNTY, 2021, AT P PF RECORDS, DOCUMENT ON THE

OFFICIAL SEAL, AND HAND WITNESS MY

REVISION TRACKING (THIS SECTION TO BE REMOVED BEFORE RECORDING.)

COMAL COUNTY, TEXAS COUNTY CLERK, DEPUTY

RY **PRELIMINA**

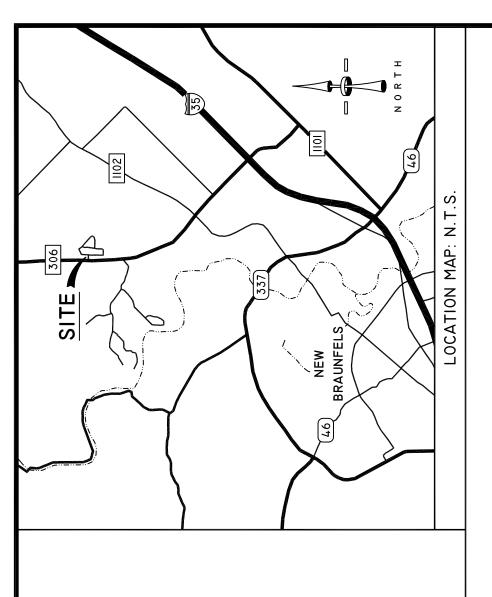
PURPOSE ANY œ RECORDED FO \mathbf{m} 10

NOT

FINAL PLAT OF:

OAK GROVE ESTATES - UNIT 5

BEING A REPLAT OF LOT I, OAK GROVE ESTATES UNIT ONE, RECORDED IN VOLUME 5, PAGE 395, MAP AND PLAT RECORDS OF COMAL COUNTY, TEXAS, AND LOT IA, BLOCK I, OAK GROVE ESTATES UNIT TWO, RECORDED IN VOLUME 9, PAGE 53, MAP AND PLAT RECORDS OF COMAL COUNTY, TEXAS.



= MAP AND PLAT RECORDS O COMAL COUNTY, TEXAS = PUBLIC UTILITY EASEMENT BUILDING SETBACK LINE LEGEND: M.P.R.C.C.T. P.U.E. B.L. LOT 5
OAK GROVE ESTATES
UNIT ONE
VOL. 5, PG. 395
/ M.P.R.C.C.T.

15' WATER LINE EASEMENT ——> VOL. 5, PG. 195 M.P.R.C.C.T.

LOT IA 5. K. GROVES SUBDIVISION DOC. # 200706018350 M.P.R.C.C.T.

G.

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CALLED 0.059 A DEDICATION DOC. # 200706010 M.P.R.C.C.T.

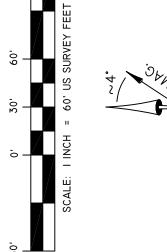
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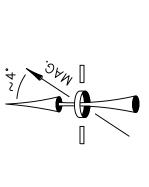
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15' P.U.E. | | DOC. # | 200706018350 | M.P.R.C.C.T. |

S 78 40'59" E - 191.18'

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LOT 4
OAK GROVE ESTATES
UNIT ONE
VOL. 5, PG. 395
M.P.R.C.C.T.

PROPOSED — 150' SANITARY CONTROL EASEMENT PER PLAT DOC. # 200706018350 M.P.R.C.C.T.

150' SANITARY-CONTROL EASEMENT VOL. 9, PG. 195 M.P.R.C.C.T.

SOUTHWESTERN BELL
EASEMENT FOR
UNDERGROUND FACILITIES—
(CALLED 10—FEET IN WIDTH)
VOL. 221, PG. 964
DEED RECORDS
COMAL COUNTY, TX

15' WATER LINE – EASEMENT VOL. 5, PG. 395 M.P.R.C.C.T.

20' FIRE-LANE, DRAINAGE, AND UTILITY EASEMENT – VOL. 9, PG. 53 M.P.R.C.C.T.

_ K œ 0

AREA BEING RE-PLATTED FOR PURPOSE OF EXPANDING LOT I, OAK GROVE ESTATES UNIT ONE, AND DIVIDING LOT IA, BLK. I, OAK GROVE ESTATES UNIT TWO. AREA BEING RE-PLATTED

LOT 3
OAK GROVE ESTATES
UNIT ONE
VOL. 5, PG. 395
M.P.R.C.C.T.

N 02∘00.¢2"E - ¢80°82.

.62.722" W - 549.39"

CALLED 2.533 AC.
LOT IA, BLK. I
OAK GROVE ESTATES
UNIT TWO
VOL. 9, PG. 53
M.P.R.C.C.T.

RECORDED FOR ANY PRELIMINARY BE

LOT 2
OAK GROVE ESTATES
UNIT ONE
VOL. 5, PG. 395
M.P.R.C.C.T.

PURPOSE

NC. EASEMENT (BLANKET)
OVER OAK GROVE ESTATES UNIT ONE TC
PEDERNALES ELECTRIC COOPERATIVE, INC
PER VOL. 288, PG. 665
DEED RECORDS OF COMAL COUNTY, TX

NOM BENAMED AS FLAMING OAK DRIVE OAK GROVE LANE (60' R.O.W.)

2 01°37'32" W - 130.00'

LOT I
OAK GROVE ESTATES
UNIT ONE
VOL. 5, PG. 395
M.P.R.C.C.T.

N 01°37'32" E - 130.00'

N 01∘12'17" E - 93.28'

N 89°04'02" W - 210.00

OAK GROVE LANE (R.O.W. VARIES) NOW RENAMED AS OAK KNOT DRIVE

W - 119.35

.70,50°68 N

81°56′17" W 80.58′

15' B.L.

ENCUMBRANCES NOT SHOWN:

S 89°04'02" E - 210

20' FIRE—LANE, DRAINAGE, – AND UTILITY EASEMENT VOL. 9, PG. 53 M.P.R.C.C.T.

DEED RECORDS COMAL COUNTY, TX

STATE HIGHWAY COMMISSION (DEDICATION)

۸0۲.

M. HIGHWAY (R.O.W. VARI)

. 162, PG. 140

(S B I B A V

90ς

PER OAK GROVES ESTATES UNIT ONE PLAT: 5-FOOT AERIAL EASEMENT ON EACH SIDE OF ALL EASEMENTS AND STREETS AND EXTENDING UPWARDS AS REQUIRED.

BEN: 2: REV. 4 : REV. 3 **KEV. 2**:

NEW BRAUNFELS UTILITY NOTES:

- PROPERTY OWNER. ANY USE OF AN EASEMENT, OR ANY PORTION OF IT, INCLUDING LANDSCAPING OR DRAINAGE FEATURES, IS SUBJECT TO AND SHALL NOT CONFLICT WITH THE TERMS AND CONDITIONS IN THE EASEMENT, MUST NOT ENDANGER OR INTERFERE WITH THE RIGHTS GRANTED BY THE EASEMENT TO NEW BRAUNFELS UTILITIES, IT'S SUCCESSORS AND ASSIGNS, AND SHALL BE SUBJECT TO APPLICABLE PERMIT REQUIREMENTS OF THE COPY. THE CONTINES OR ANY OTHER GOVERNING BODY. THE PROPERTY OWNER MUST OBTAIN, IN ADVANCE, WRITTEN AGREEMENT WITH THE UTILITIES TO UTILIZE THE EASEMENT, OR ANY PART OF IT.
- NOT TO BE UTILITIES WILL POSSESS A 5-FOOT WIDE SERVICE EASEMENT TO THE DWELLING ALONG THE SERVICE LINE TO THE SERVICE ENTRANCE. THIS EASEMENT WILL VARY DEPENDING UPON LOCATION OF DWELLING AND SERVICE. ς.
- UTILITIES SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARD AND METER LOCATIONS SHALL NOT BE LOCATED WITHIN A FRACED AREA. Б.
- EACH LOT MUST HAVE IT'S OWN WATER AND SEWER AT THE DWNER/DEVELOPER'S 4
- Do not combine any new utility easement (u.e.) with dramage easements (d.e.) nor make changes in grade within the utility easements (u.e.) without written approval from New Braunfels Utilities. δ.

PLAT NOTES:

- WATER: 4-D WATER COMPANY, LLC.
 SEWER: ON-SITE SANITARY SEWAGE FACILITIES
 TELEPHONE & CABLE: AT&T COMMUNICATIONS AND/OR SPECTRUM THIS PROPERTY LIES WITHIN THE FOLLOWING SERVICE AREAS: ELECTRIC: PEDERNALES ELECTRIC CO-OP, INC.
- THIS SUBDIVISION LIES IN THE EDWARDS AQUIFER CONTRIBUTING ZONE WITHIN THE TRANSITION ZONE. 7
- A PORTION OF THIS SUBDIVISION LIES IN THE CITY LIMITS OF NEW BRAUNFELS AND A PORTION LIES WITHIN THE NEW BRAUNFELS EXTRATERRITORIAL JURISDICTION LIMITS. w.
- THIS SUBDIVISION IS WITHIN THE COMAL INDEPENDENT SCHOOL DISTRICT. 4
- SECTIONS OF THE DRAINAGE EASEMENTS, OR DECREASE THE HYDRAULIC CAPACITY OF THE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY OF NEW BRAUNFELS SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE EASEMENTS. NO STRUCTURES, WALLS, OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO LANDSCAPING, FENCES, OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS 5
- FUTURE DEVELOPMENT IS SUBJECT TO CHAPTER 114 (STREETS, SIDEWALKS AND OTHER PUBLIC SPACES) OF THE NEW BRAUNFELS CODE OF ORDINANCES. ó.
- SIDEWALKS ARE NOT REQUIRED ALONG OAK KNOT DRIVE AND FLAMING OAK. 7
- SIDEWALKS ARE EXISTING ALONG HIGHWAY 306. œ.
- THE ELEVATION OF THE LOWEST FLOOR OF A STRUCTURE SHALL BE AT LEAST 10 INCHES ABOVE THE FINISHED GRADE OF THE SURROUNDING GROUND, WHICH SHALL BE SLOPED IN A FASHION SO AS TO DIRECT STORMWATER AWAY FROM THE STRUCTURE. PROPERTIES ADJACENT TO STORMWATER CONVEYANCE STRUCTURES MUST HAVE A FLOOR SLAB ELEVATION, OR BOTTOM OF FLOOR JOIST, A MINIMUM OF ONE FOOT ABOVE THE 100-YEAR WATER FLOW ELEVATION IN THE STRUCTURE. DRIVEWAYS SERVING HOUSES ON THE DOWNHILL SIDE OF THE STREET SHALL HAVE A PROPERLY SIZED CROSS SWALE PREVENTING RUNOFF FROM ENTERING THE GARAGE, AND SHALL PREVENT WATER FROM LEAVING THE STREET.
- THIS SUBDIVISION IS SUBJECT TO THE CITY OF NEW BRAUNFELS PARK LAND DEDICATION AND DEVELOPMENT ORDINANCE. THIS PLAT IS APPROVED FOR ONE DWELLING UNIT PER BUILDABLE LOT WITH A MAXIMUM OF TWO (2) BUILDABLE LOTS, AT SUCH TIME THAT ADDITIONAL DWELLING UNITS ARE CONSTRUCTED, THE OWNER OF THE LOT SHALL CONTACT THE CITY AND COMPLY WITH THE ORDINANCE FOR EACH NEW DWELLING UNIT 0
- THIS PLAT CONTAINS 3 BUILDABLE RESIDENTIAL LOTS. ALL LOTS MEET THE MINIMUM SQUARE FOOTAGE REQUIREMENTS ACCORDING TO THE ZONING ORDINANCE. =
- ALL DRAINAGE EASEMENTS WITHIN THE LOTS WILL BE MAINTAINED BY PROPERTY OWNERS. 12
- NO TILE OR CONCRETE SANITARY SEWER OF SEPTIC TANKS, LIVESTOCK, CESSPOOLS, OPEN-JOINTED SEPTIC TANK DRAIN-FIELDS, OR ANY HAZARD THAT MIGHT CAUSE POLLUTION TO THE WATER WELL SHALL BE LOCATED WITH THE SANITARY CONTROL EASEMENTS SHOWN ON THIS PLAT. 5

SURVEYOR'S NOTES:

- ALL BEARINGS AND COORDINATES SHOWN ARE BASED UPON THE NAD83(2011) TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204). ALL DISTANCES SHOWN ARE SURFACE DISTANCES. <u>-</u>:
- 1/2" IRON BARS WITH PLASTIC CAPS STAMPED "RPLS 5888" SET AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED. ς.

OT I, OAK GROVE ESTATES UNIT ONE, RECORDED IN VOLUME 5 LAT RECORDS OF COMAL COUNTY, TEXAS, AND LOT IA, BLOCK UNIT TWO, RECORDED IN VOLUME 9, PAGE 53, MAP AND PLAT RECORDS OF COMAL COUNTY, TEXAS. BEING A REPLAT OF LOTE PAGE 395, MAP AND PLA OAK GROVE ESTATES U

PRELIMINARY

PURPOSE

RECORDED FOR

FINAL PLAT OF: GROVE ESTATES ¥ OA

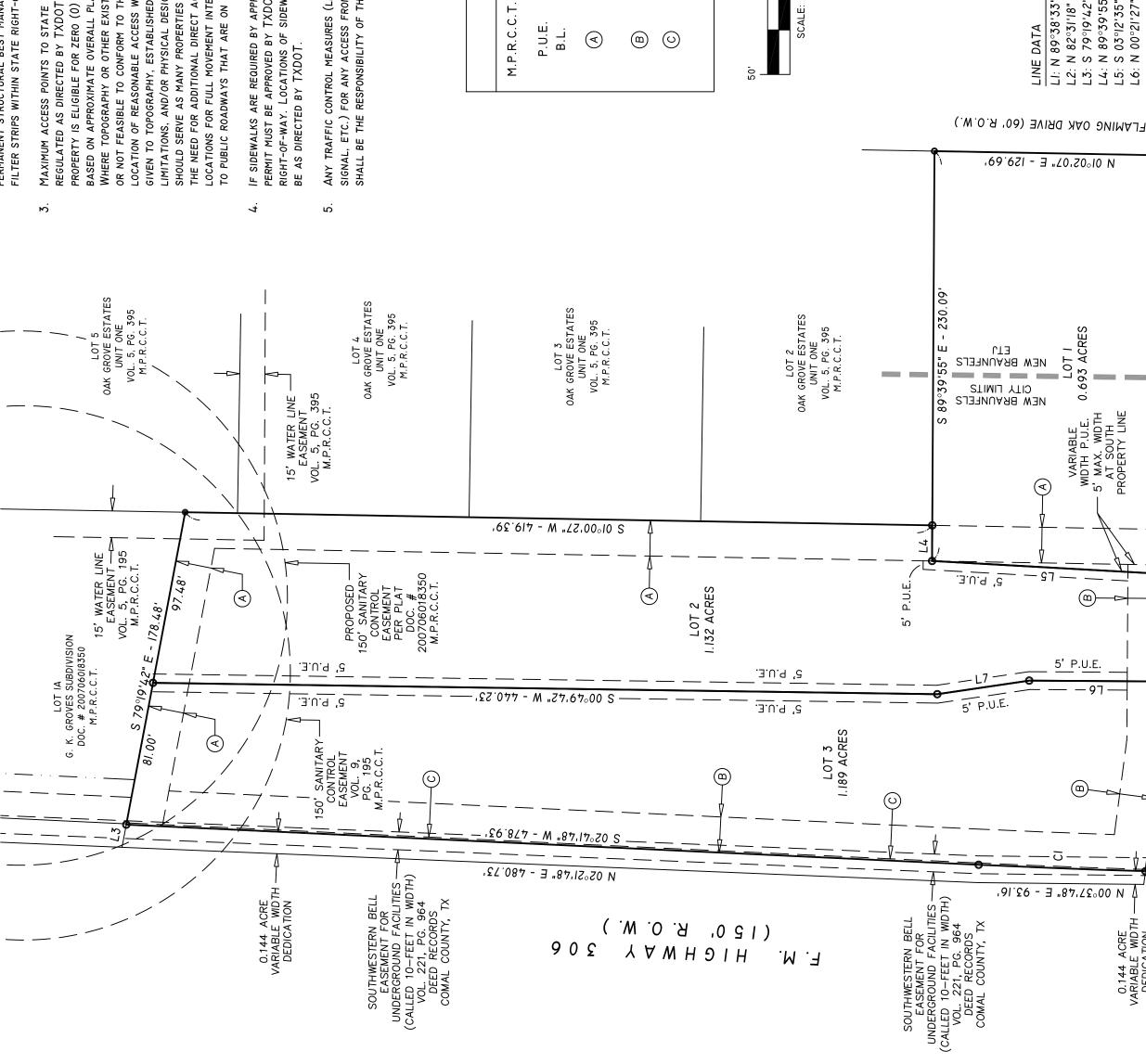
ς. ., <u>.</u>

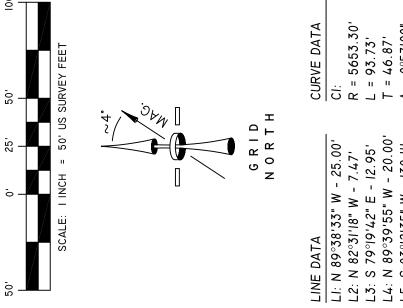
FOR RESIDENTIAL DEVELOPMENT ADJACENT TO STATE RIGHT-OF-WAY. THE DEVELOPER SHALL BE RESPONSIBLE FOR ADEQUATE SETBACK AND/OR SOUND ABATEMENT MEASURES FOR FUTURE NOISE MITIGATION.

FOR RESIDENTIAL DEVELOPMENT

PLAT NOTES:

- PERMANENT STRUCTURAL BEST MANAGEMENT PRACTICE DEVICES OR VEGETATIVE FILTER STRIPS WITHIN STATE RIGHT-OF-WAY WILL NOT BE ALLOWED. THE EXISTING DRAINAGE SYSTEM WITHIN THE HIGHWAY RIGHT-OF-WAY. FOR PROJECTS IN THE EDWARDS AQUIFER RECHARGE OR CONTRIBUTING ZONES, OUTFALLS FOR WATER QUALITY AND/OR DETENTION PONDS TREATING IMPERVIOUS COVER RELATED TO THE DEVELOPMENT, WILL NOT ENCROACH BY STRUCTURE OR GRADING INTO STATE RIGHT-OF-WAY. PLACEMENT OF ADVERSE IMPACT OWNER/DEVELOPER IS RESPONSIBLE FOR PREVENTING ANY MAXIMUM ACCESS POINTS TO STATE HIGHWAY REGULATED AS DIRECTED BY TXDOT'S "ACCES Б.
 - LOCATION OF REASONABLE ACCESS WILL BE DETERMINED WITH CONSIDERATION GIVEN TO TOPOGRAPHY, ESTABLISHED PROPERTY OWNERSHIPS, UNIQUE PHYSICAL LIMITATIONS, AND/OR PHYSICAL DESIGN CONSTRAINTS. THE SELECTED LOCATION SHOULD SERVE AS MANY PROPERTIES AND INTERESTS AS POSSIBLE TO REDUCE THE NEED FOR ADDITIONAL DIRECT ACCESS TO THE HIGHWAY. IN SELECTING WILL BE IUAL". THIS REGULATED AS DIRECTED BY TXDOT'S "ACCESS MANAGEMENT MANUAL". THIS PROPERTY IS ELIGIBLE FOR ZERO (0) POINTS OF ACCESS TO FM HWY 306 BASED ON APPROXIMATE OVERALL PLATTED FRONTAGE OF 572.66 FEET. WHERE TOPOGRAPHY OR OTHER EXISTING CONDITIONS MAKE IT INAPPROPRIATE OR NOT FEASIBLE TO CONFORM TO THE CONNECTION SPACING INTERVALS, THE PREFERENCE WILL BE GIVEN LOCATIONS FOR FULL MOVEMENT INTERSECTIONS, PREFERENCE WILL TO PUBLIC ROADWAYS THAT ARE ON LOCAL THOROUGHFARE PLANS.
- IF SIDEWALKS ARE REQUIRED BY APPROPRIATE CITY ORDINANCE, A SIDEWALK PERMIT MUST BE APPROVED BY TXDOT, PRIOR TO CONSTRUCTION WITHIN STATE RIGHT-OF-WAY. LOCATIONS OF SIDEWALKS WITHIN STATE RIGHT-OF-WAY SHALL BE AS DIRECTED BY TXDOT.
- SIGNAL, ETC.) FOR ANY ACCESS FRONTING A STATE MAINTAINED ROADWAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER/OWNER. ANY TRAFFIC CONTROL MEASURES (LEFT-TURN LANE, RIGHT-TURN LANE,





= I' Non-Access Easement along Entire western property Line of Lot 3.

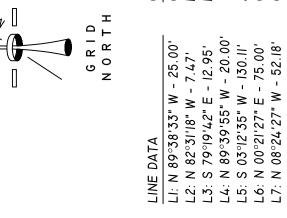
AND L. 9,

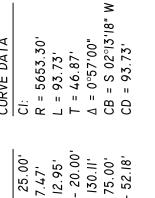
20' FIRE-LANE, DRAINAGE, A UTILITY EASEMENT PER VOL. PG. 53, M.P.R.C.C.T.

20' DRAINAGE AND UTILITY

= MAP AND PLAT RECORDS OF COMAL COUNTY, TEXAS = PUBLIC UTILITY EASEMENT

= BUILDING SETBACK LINE





7 0F 2 PAGE

TO BE RECORDED FOR ANY PURPOSE

NOT

OAK KNOT DRIVE (R.O.W. VARIES)

0' 60.35' N 89°38'33" W -

34.00'

0.144 ACRE VARIABLE WIDTH DEDICATION

73.18

PRELIMINARY

156

PLANNING COMMISSION - FEBRUARY 2, 2021-6:00PM

Zoom Meeting

Applicant/Owner: Dean W. Schilling

Address/Location: Replat of Oak Grove Estates Unit 1, Lot 1 and Oak Grove Estates Unit 2,

Block 1, Lot 1A.

PROPOSED REPLAT - CASE #REP21-007

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. 4 D WATER COMPANY LLC 8. KELLER VALESKA S & KEVIN J MCHUGH

2. WALKER JEAN 9. KARBACH TAYLOR B ET AL

3. MACHALEC PAUL G & ELIZABETH 10. ANITEI DOROTHEA T E IRREVOCABLE TRUST #2

4. BRADY CHAD & AMANDA 11. ENGELHARDT SUSAN E IRRVCBL TRST ET AL

5. JACKSON JEREMY M & VANESSA C 12. LUCKEMEYER PAUL S & SHERI S

6. HIXON RON & ANA L 13. BLOCH BOBBIE J & BILLY R

7. OAK GROVE ESTATES OWNERS ASSN INC ET AL 14. LOWRY JON D & ANNA T

SEE MAP



Feet 250

125

REP21-007



Replat for residential development

Source: City of New Braunfels Planning

Date: 1/15/2021



Planning Commission Agenda Item Report

550 Landa Street New Braunfels, TX

2/2/2021

Agenda Item No. H)

Presenter/Contact

Applicant: Moeller & Associates (James Ingalls, P.E.); Owner: Deborah Pawlik

SUBJECT:

REP21-012 Public Hearing and consideration of the replat of a portion of Lot 3 and Lot 4, New City Block 1055, Kuehler Addition establishing Lots 3R and 4R, with a waiver.

Plat Information:

Case #: REP21-012

Owner: Deborah Pawlik

354 E. Faust Street

New Braunfels, TX 78130

Applicant: James Ingalls, P.E.

Moeller & Associates 2021 SH 46W, Ste. 05 New Braunfels, TX 78132

(830) 358-7127

jamesingalls@ma-tx.com

Case Manager: Matthew Simmont

(830) 221-4058

msimmont@nbtexas.org

Description: A replat to create two separate residential lots

Waiver: Street frontage for proposed lot

Background:

The subject property is located on the south side of E. Faust Street, east of its intersection with Kuehler Ave. The proposed 13,500 square foot replat will create two lots that are intended to maintain the existing residential development. The replat will adjust the historic remnant internal lot line to avoid internal setback encroachments of the existing structures.

Street Frontage:

Section 118-45(b) of the Platting Ordinance requires all lots to front onto a dedicated, improved public street. The plat is proposing to create one lot that does not include the minimum required street frontage. **The developer is requesting a waiver to the required lot frontage** to allow for the creation of two individual lots intended to continue residential use. The developer has proposed an access easement that will guarantee access to a public street.

Staff is not opposed to the waiver request as it will facilitate separate ownership of the subject property with two dwelling units, each with separate guaranteed access to a public street.

Drainage:

The City's Public Works Department reviewed project drainage with the approved letter of certification as required by Section 118-51.e of the Subdivision Platting Ordinance and in accordance with Chapter 143 Municipal Drainage Utility Systems, and the Drainage and Erosion Control and Design Manual (DECDM).

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

Utilities:

Electric, water and wastewater services are currently provided by New Braunfels Utilities (NBU). The existing services have been evaluated and approved by NBU through a letter of certification, no extension of main lines is required.

Transportation:

Regional Transportation Plan:

The proposed replat complies with the Regional Transportation Plan. East Faust Street is indicated as a 60-foot wide Minor Collector and adequate right-of-way exists.

Hike and Bike Trail Plan:

There are no trails identified on the City's Hike and Bike Trails Plan within or adjacent to the subject site. Therefore, the proposed replat is in compliance with the plan.

Sidewalks:

Construction of four-foot wide sidewalks will be required along East Faust Street at the time of new or re-development on each lot.

Roadway Impact Fees:

The portion of this subdivision located within the city limits is subject to Roadway Impact Fees and is hereby assessed the fees for Service Area 3 with the approval of this replat. The Impact Fees will be collected at the time of building permit as indicated in the then current fee schedule for the intended use.

Parkland Dedication and Development:

This subdivision is subject to the City's 2018 Parkland Dedication and Development Ordinance. Because there is an existing residence on each proposed lot, no park fees are required at this time. If additional dwelling units are added, park fees for the new dwelling units will be required to be paid at the time of building permit.

Staff Recommendation:

To meet the requirements of the City's Subdivision Platting Ordinance and other adopted codes, the applicant's final plat must comply with the conditions noted below. Staff recommends approval of the proposed replat with the waiver and the following Conditions of Approval:

1. Revise the title of the plat to begin "Final plat establishing New City Block 1055, Kuehler Addition, Lots 3R and 4R, being a replat of..." (NBCO 118-21(c)).

- 2. Remove note #16 (NBCO118-21(c)).
- 3. Add a sidewalk note (NBCO 118-49(d)).
- 4. Include a 20-foot wide utility easement fronting E. Faust Street.
- 5. A final digital plat must be submitted when proceeding with recordation, format must be in: (NBCO Sec. 118-21(c))
 - a. NAD 1983 State Plane Texas South Central FIPS 4204 (US Survey feet).
 - b. Grid scale.
 - c. All x-referenced files must not be in blocks.
 - d. Dwg format 2013 version or later.

Approval Compliance:

To obtain approval of the final plat, the applicant must submit to the City a revised final plat and a written response that satisfies each condition of approval prior to expiration of the plat (Sec. 118-32 (b)). In accordance with Chapter 212, Texas Local Government Code, the City will determine the final plat approved if the response adequately addresses each Condition of Approval.

Attachments:

- 1. Aerial Map
- 2. Lot Frontage Waiver Request
- 3. Proposed Replat

REP21-012



Feet

150



Replat

Source: City of New Braunfels Planning Date: 1/22/2021



January 11, 2021

Planning Department City of New Braunfels 550 Landa Street New Braunfels, TX 78130

RE: Kuehler Addition Lots 3R and 4R Replat – Waiver Request Letter

Please accept this letter as a formal request for a waiver to:

- Street frontage for Lot 3R
 - To meet the minimum lot width requirement the plat does not meet the requirement for street frontage for Lot 3R. An access easement to E Faust St is proposed.

If you need additional information or have any questions, please do not hesitate to contact myself or Jeff Moeller, P.E.

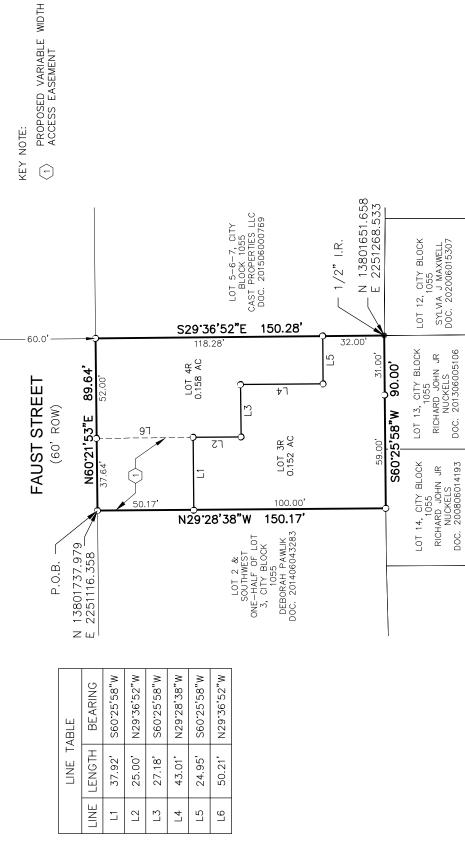
Sincerely,

James Ingalls, P.E.

OF KUEHLER T PL/

LOTS 3R AND 4R ADDITION FINAL

BEING A REPLAT OF A 0.10 ACRE TRACT LYING AND BEING SITUATED IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, BEING THE NORTHEAST ONE—HALF (1/2) OF LOT 3, NEW CITY BLOCK 1055, KUEHLER ADDITION, AS RECORDED IN VOLUME 46, PAGE 430, DEED RECORDS OF COMAL COUNTY, TEXAS, BEING THE SAME TRACT, DESCRIBED IN TRACT I, IN AN EXECUTRIX'S DEED TO DEBORAH K. PAWLIK RECORDED IN DOCUMENT NO. 201406043283, OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS AND BEING LOT 4, NEW CITY BLOCK 1055, OF KUEHLER ADDITION, AN ADDITION TO THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, ACCORDING TO THE MAP OF PLAT THEREOF RECORDED IN VOLUME 46, PAGES 430—431, OF THE DEED RECORDS, COMAL COUNTY, TEXAS.



2 LOT

LOT

N.E. 1/2 1/2

2 & S.W. OF LOT 3

LOT 1/2

FAUST STREET

ROW)

(60,

ALL LOTS WITHIN THE SUBDIVISION WILL BE PROVIDED WATER, BY NEW BRAUNFELS UTILITIES. NOTES: <u>.</u>:

EXISTING

- EXISTING

LOT 13

LOT 14

LOT 15

LOT 16

THE PURPOSE OF THE REPLAT IS: THE LOT LINE BETWEEN EXISTING LOT 3 AND 4 SINCE IT IS OVER THE STRUCTURE.

N.E. ONE-HALF (1/2) LOT 3 AND LOT

AREA TO BE REPLATTED

THE SUBDIVISION IS WITHIN THE NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT.

2

STATE OF TEXAS COUNTY OF COMAL

ALL BEARINGS AND COORDINATES SHOWN HEREON ARE IN GRID BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983. DISTANCES SHOWN HEREON ARE SURFACE USING COMBINED SCALE FACTOR OF 1.00015.

4.

MONUMENTS WERE FOUND OR SET AT EACH CORNER OF THE SURVEY BOUNDARY OF THE SUBDIVISION. MONUMENTS AND MARKERS WILL BE SET WITH 1/2" IRON PIN WITH PLASTIC CAP STAMPED "DAM #5348 PROP. COR." IMMEDIATELY AFTER COMPLETION OF UTILITY INSTALLATION AND STREET CONSTRUCTION UNLESS NOTED OTHERWISE.

LOT 3R AND LOT 4R, KUEHLER ADDITION, DOES FALL WITHIN THE CITY LIMITS OF THE CITY OF NEW BRAUNFELS. 5.

THE PROPOSED USE OF THE SUBDIVISION IS FOR SINGLE FAMILY RESIDENTIAL.

9

WITH 2 LOT 3R AND LOT 4R, KUEHLER ADDITION, ESTABLISHING A TOTAL OF 2 LOTS, BEING BUILDABLE. ۲.

D AND PER THAT SHALL THIS SUBDIVISION IS SUBJECT TO THE 2018 CITY OF NEW BRAUNFELS PARK LAND DEDICATION ORDINANCE. THIS PLAT IS APPROVED FOR 1 DWELLING UNIT BUILDABLE LOTS. AT SUCH TIME 1 ADDITIONAL DWELLING UNITS ARE CONSTRUCTED; THE OWNER OF THE LOT SHOONTACT THE CITY AND COMPLY WITH THE ORDINANCE FOR EACH DWELLING UNIT. $\dot{\infty}$

T, NO CROSS CROSS ITY OF THE HAVE TY TO MENTS AINAGE NO STRUCTURES, WALLS OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLANDSCAPING, FENCES, OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CSECTIONS OF THE DRAINAGE EASEMENTS OR DECREASES THE HYDRAULIC CAPACIT THE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF CITY ENGINEER. THE CITY OF NEW BRAUNFELS AND GUADALUPE COUNTY SHALL THE RIGHT OF INGRESS AND EGRESS OVER GRANTORS ADJACENT PROPERTY REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEM AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAIL EASEMENTS. 6

THIS

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BEFORE

ACKNOWLEDGED

WAS

TEXAS

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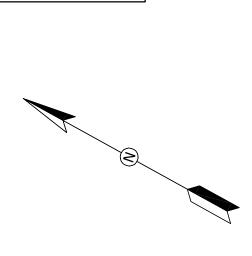
ETHE IN A ERTIES SLAB ETHE OUSES CROSS WATER THE ELEVATION OF THE LOWEST FLOOR SHALL BE AT LEAST 10 INCHES ABOW! FINISHED GRADE OF THE SURROUNDING GROUND, WHICH SHALL BE SLOPED FASHION SO AS TO DIRECT STORMWATER AWAY FROM THE STRUCTURE. PROPE ADJACENT TO STORMWATER CONVEYANCE STRUCTURES MUST HAVE A FLOOR ELEVATION OF BOTTOM OF FLOOR JOISTS A MINIMUM OF ONE FOOT ABOVE 100—YEAR WATER FLOW ELEVATION IN THE STRUCTURE. DRIVEWAY'S SERVING HOW THE DOWNHILL SIDE OF THE STREET SHALL HAVE A PROPERLY SIZED OF SWALE PREVENTING RUNOFF FROM ENTERING THE GARAGE AND SHALL PREVENT VEROM LEAVING THE STREET. 0.

TO A INFELS NO STRUCTURES IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED PUBLIC WATER AND SEWER SYSTEM WHICH HAS BEEN APPROVED BY NEW BRALUTLITES.

5348

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SURVEYOR



LOCATION MAP

GREEN VAL

TRADE CENTER

12. MAINTENANCE OF DRAINAGE EASEMENT DESIGNATED WITHIN A LOT SHALL RESPONSIBILITY OF THE PROPERTY OWNERS ASSOCIATION. 13.

SEWER, AND ELECTRIC

NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN THE EXISTING SPECIAL FLOOD HAZARD ZONE A, 100—YEAR FLOOD BOUNDARY, AS DEFINED BY THE GUADALUPE COUNTY, TEXAS COMMUNITY PANEL NUMBER 48091C0455F, REVISED SEPTEMBER 02, 2009 AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. OF 11,

EACH LOT OWNER SHALL BE RESPONSIBLE FOR VERIFYING THE DEPTH OF THE SEWER SERVICE STUB OUT AND DETERMINING THE MINIMUM SERVICEABLE FINISH FLOOR ELEVATION.

FUTURE DEVELOPMENT IS SUBJECT TO CHAPTER 114 (STREETS, SIDEWALKS, AND OTHER PUBLIC SPACES) OF THE NEW BRAUNFELS CODE OF ORDINANCES. 15.

ANY DRIVEWAY CONSTRUCTION ON COUNTY ROADS WITHIN THE UNINCORPORATED AREAS OF GUADALUPE COUNTY MUST BE PERMITTED BY THE GUADALUPE COUNTY ROAD DEPARTMENT. 16.

17. NO PORTION OF THIS PROPERTY IS WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.

NEW BRAUNFELS UTILITIES NOTES:

MAINTENANCE OF DEDICATED UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. ANY USE OF AN EASEMENT, OR ANY PORTION OF IT, INCLUDING LANDSCAPING OR DRAINAGE FEATURES, IS SUBJECT TO AND SHALL NOT CONFLICT WITH THE TRANS AND CONDITIONS IN THE EASEMENT, MUST NOT ENDANGER OR INTERFERE WITH THE RIGHTS GRANTED BY THE EASEMENT TO NEW BRAUNFELS UTILITIES, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE SUBJECT TO APPLICABLE PERMIT REQUIREMENTS OF THE CITY OF NEW BRAUNFELS OR ANY OTHER GOVERNING BODY. THE PROPERTY OWNER MUST OBTAIN, IN ADVANCE, WRITTEN AGREEMENT WITH THE UTILITIES TO UTILIZE THE EASEMENT, OR ANY PART OF IT.

UTILITIES WILL POSSESS A 5' WIDE SERVICE EASEMENT TO THE BUILDING ALONG THE SERVICE LINE TO THE SERVICE ENTRANCE. THIS EASEMENT DEPENDING UPON LOCATION OF DWELLING AND SERVICE.

UTILITIES SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARD AND METER LOCATIONS SHALL NOT BE LOCATED WITHIN A FENCED AREA.

EACH LOT MUST HAVE ITS OWN WATER AND OWNER'S/DEVELOPER'S EXPENSE.

DO NOT COMBINE ANY NEW UTILITY EASEMENTS (U.E.) WITH DRAINAGE EASEMENTS (D.E.) OR MAKE CHANGES IN GRADE WITHIN THE UTILITY EASEMENTS (U.E.) WITHOUT WRITTEN APPROVAL FROM NEW BRAUNFELS UTILITIES.

В 20 APPROVED THIS THE DAY OF PLANNING COMMISSION OF THE CITY OF NEW BRAUNFELS,

ACCEPTANCE APPROVED FOR

CHAIRMAN

PLANNING DIRECTOR

DATE

NEW BRAUNFELS UTILITIES

DATE

I, DO HERBY CERTIFY THAT THE FILED FOR RECORDS IN THE MAP AND PLAT RECORDS, DOC# COMAL COUNTY ON THE DAY OF AN OFFICIAL SEAL, THIS THE DAY OF

TEXAS COUNTY, COUNTY CLERK, COMAL

January 11, 2021

PREPARED:

LEGEND:
P.O.B.
B.L.
D.E.
U.E.
R.O.W.

POINT OF BEGINNING
BUILDING SETBACK LINE
DRAINAGE EASEMENT
UTILITY EASEMENT
RIGHT-OF-WAY
OPEN SPACE LOT
PAGE MATCH LINE
1/2" IRON PIN SET \bigcirc \bullet *ASSOCIATES
Engineering Solutions 2021 SH 46W, Ste. 105 New Braunfels, TX 78132 ph: (830) 358-7127 www.ma-tx.com TBPE FIRM F-13351

AS THE LOT 3R AND LOT 4R, KUEHLER ADDITION TO THE CITY OF NEW BRAUNFELS, COUNTY OF COMAL, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY SUBDIVIDE SUCH PROPERTY AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED. I, THE UNDERSIGNED, DREW A. MAWYER, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE UNDER MY SUPERVISION AND IN COMPLIANCE WITH CITY AND STATE SURVEY REGULATIONS AND LAWS AND MADE ON THE GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION. DREW A. MAWYER REGISTERED PROFESSIONAL LAND SU D.A. MAWYER LAND SURVEYING 5151 W. SH46 NEW BRAUNFELS, TEXAS 78132 FIRM #10191500 NOTARY PUBLIC, STATE OF MY COMMISSION EXPIRES: OWNER: DEBORAH PAWLIK 354 E FAUST ST NEW BRAUNFELS, THIS INSTRUMENT STATE OF TEXAS COUNTY OF COM, KNOW Drawing Name: N:/!Projects/CHAF002 Faust Street Rezoning/Planning/Platting/FAUST ST REPLAT.dwg Jan 11, 2021 - 8:32am User: MelanieNorris

ALL MEN BY THESE PRESENTS:



Planning Commission Agenda Item Report

550 Landa Street New Braunfels, TX

2/2/2021

Agenda Item No. I)

Presenter/Contact

Applicant: Thor Thornhill; Owner: Gregory Family Revocable Trust (830) 625-8555 / plats@hmtnb.com

SUBJECT:

SUP20-267 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow a variety of residential and non-residential development on approximately 49.5 acres out of the A-103, Sarah Dewitt Survey, addressed at 514 & 720 W. Zipp Road, from "R-1A-6.6" Single Family District to allow all uses allowed in the following zoning districts: "MU-B" High Intensity Mixed Use, "R-1A-4" Single-Family Small Lot Residential, "ZH-A" Zero Lot Line Home and "R-2A" Single and Two-Family Residential.

BACKGROUND / RATIONALE:

Case No.: SUP20-267

Council District: 2

Applicant: Thor Thornhill

HMT Engineering & Surveying 290 S. Castell Avenue, Suite 100

New Braunfels, TX 78130

(830) 625-8555 plats@hmtnb.com

Owner: Gregory Family Revocable Trust

Rosemarie L. Gregory 436 Lakeview Boulevard New Braunfels, TX 78130

Staff Contact: Matthew Simmont, AICP

(830) 221-4058

msimmont@nbtexas.org

The approximately 50-acre tract is located south of the intersection of South Walnut Avenue and West Klein Road. The subject property is approximately 871 feet wide and extends southeast to West Zipp Road. A portion of the property is currently improved with two single-family residences with most of the property being undeveloped. The proposed Type 1 Special Use Permit (SUP) would allow for a wide variety of residential and non-residential development to occur on the property, subject to specified conditions and development standards.

Development of the property will include the extension of South Walnut Avenue, a Principal Arterial on the City's thoroughfare plan (up to 120 feet of right-of-way width), along the northeastern boundary of the property.

The applicant has indicated the intent of this request is to bring together an assortment of compatible commercial and residential uses to take advantage of the arterial intersection.

Surrounding Zoning and Land Use:

North - Across W. Klein Rd., C-1B & APD / Single family residence and undeveloped

South - Across W. Zipp Rd., Outside City Limits / Single family residences

East - APD / Single family residences

West - R-1A-6.6 / Ridgemont Subdivision - single family residences

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 (MU-B zoning is appropriate for the portion of the subject property along W. Klein Road, a Minor Arterial and S. Walnut Avenue, a Principal Arterial. MU-B as a base zoning district adjacent to this node creates opportunities for encouraged mixeduse and density which is generally compatible with the expanding neighborhood of residential and educational use, near an Existing Education Center and within an existing Employment Center and Future Market Center. In addition, the flexibility to utilize a variety of low to medium density residential districts on the balance of the property can complement the existing development trends of the area.)
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (NBISD was sent notice of this request. 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 change should not impact other areas designated for similar development.);
- Any other factors that will substantially affect the public health, safety, morals, or general
 welfare (None identified. Drainage, utility and traffic impact issues will be reviewed and
 addressed through the platting process.); and
- Whether the request is consistent with the Comprehensive Plan: see below

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

City Plan/Council	Action 1.3: Encourage balanced and fiscally responsible
Priority: Envision New	land use patterns. Action 3.13: Cultivate an environment
Braunfels	where a healthy mix of different housing products at a range
Comprehensive Plan	of sizes, affordability, densities, amenities and price points
	can be provided across the community as well as within
	individual developments. Action 3.22: Encourage venues
	within walking distance of neighborhoods and schools.
	Future Land Use Plan: The property is situated in the
	Walnut Springs Sub-Area, at an intersection of two
	Transitional Mixed-Use Corridors, is within an Existing
	Employment Center, near an Existing Education Center, and
	within a Future Market Center.

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Approval. The applicant's proposal to create a mixed-use development with a variety of residential opportunities is consistent with ongoing development in the area and is supported and encouraged by the Comprehensive Plan as noted above. Use of the identified zoning districts is intended to provide flexibility with the type and variety of uses allowed on the property. It will encourage an integrated mixture of uses that are beneficial to the neighborhood and Existing Education and Employment Centers, and will assist with buildout of the Future Market Center to serve the neighborhood. The proposed setback and development standards help to ensure that the type and scale of development is appropriate with existing and future adjacent land uses, along with the added flexibility of having multiple land uses available creating opportunities for walkable scale development which is consistent with current trends as well as Envision New Braunfels.

Notification:

Public hearing notices were sent to 46 owners of property within 200 feet. The City has received no responses.

RESOURCE LINKS:

• Chapter 144, Section 3.4-2. "R-1A-4" Single-Family Small Lot Residential District of the City's Code of Ordinances:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

Chapter 144, Section 3.4-3. "R-2A" Single-Family and Two-Family District of the City's Code of Ordinances:

https://library.municode.com/tx/new braunfels/codes/code of ordinances?

• Chapter 144, Section 3.4-9. "ZH-A" Zero Lot Line Home District of the City's Code of Ordinances:

https://library.municode.com/tx/new braunfels/codes/code of ordinances?

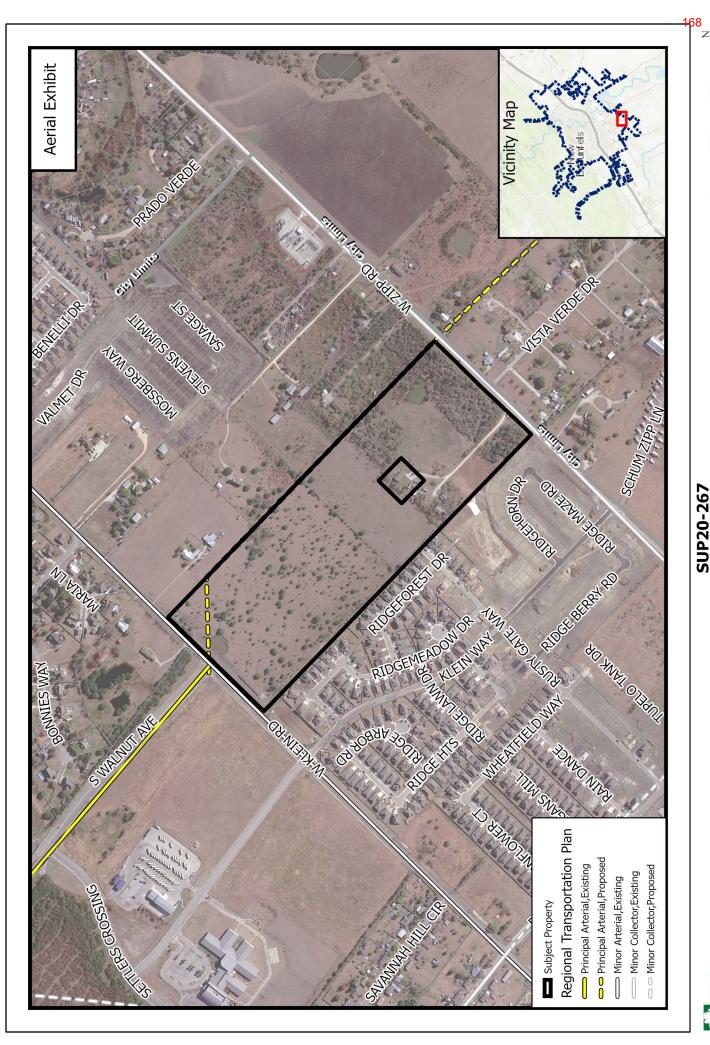
• Chapter 144, Section 3.4-11. "MU-B" High Intensity Mixed Use District of the City's Code of Ordinances:

https://library.municode.com/tx/new braunfels/codes/code of ordinances?

• Chapter 144, Section 3.6 (SUP) of the City's Code of Ordinances: https://library.municode.com/tx/new braunfels/codes/code of ordinances?

ATTACHMENTS:

- Aerial Map
- 2. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
- 3. Proposed Setback Restrictions and Conditions / Development Standards
- 4. Notification List, Map and Responses



SUP to allow mixed-use and residential development

Vew Braunfels

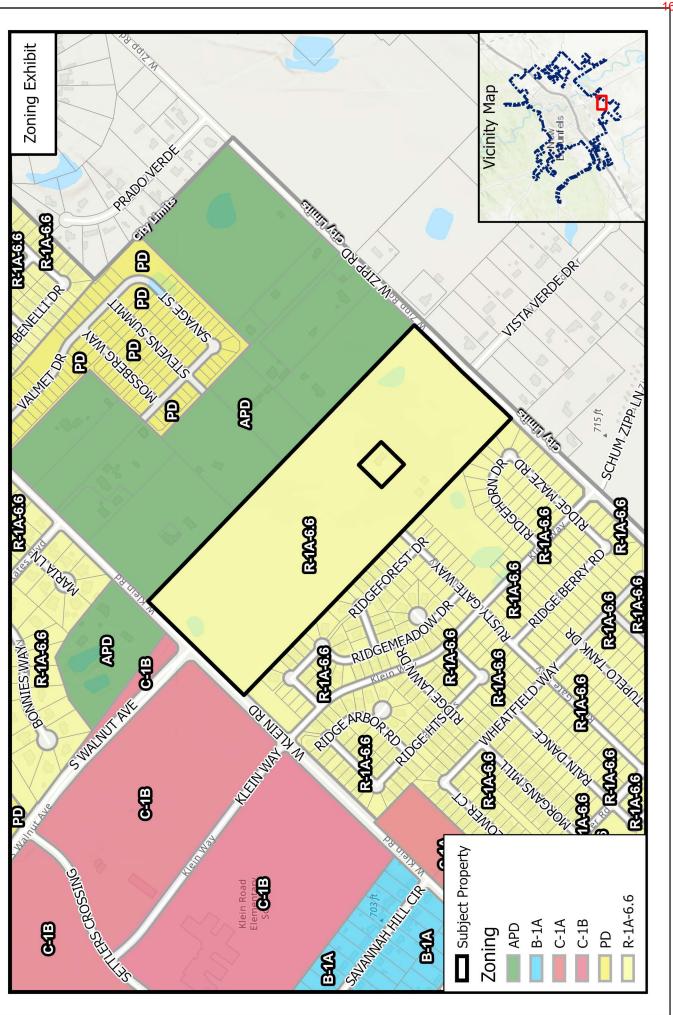
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Feet

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Source: City of New Braunfels Planning Date: 11/13/2020





City of New Braunfels



Source: City of New Braunfels Planning Date: 11/13/2020

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SUP to allow mixed-use and residential development SUP20-267

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City of New Braunfels

EXISTING CENTERS

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 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 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.





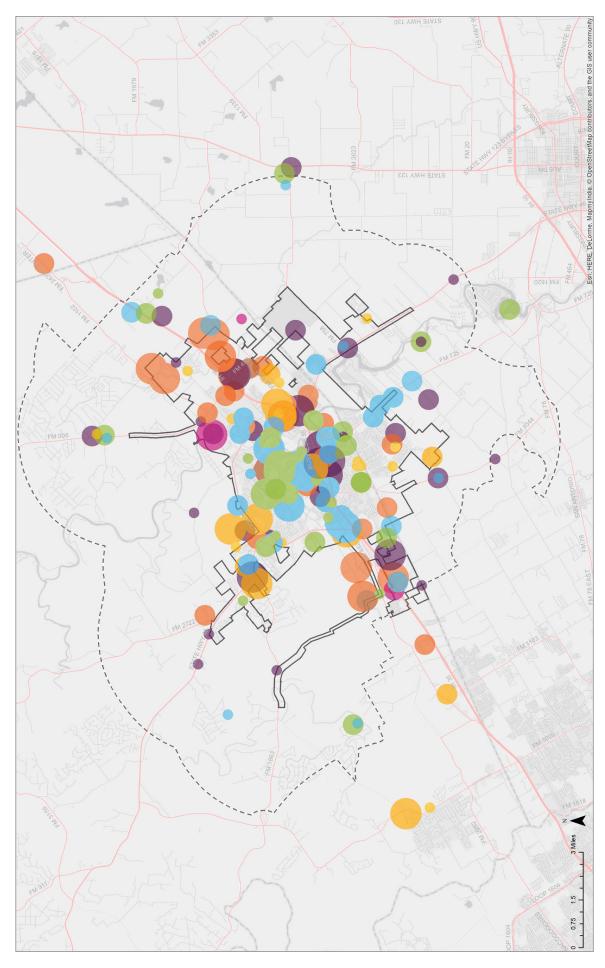
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The location of existing centers was determined through the analysis of previous studies and background documents, windshield surveys, and reviewed by City staff, Steering Committee members, and Plan Element Advisory Group members during a public workshop.

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

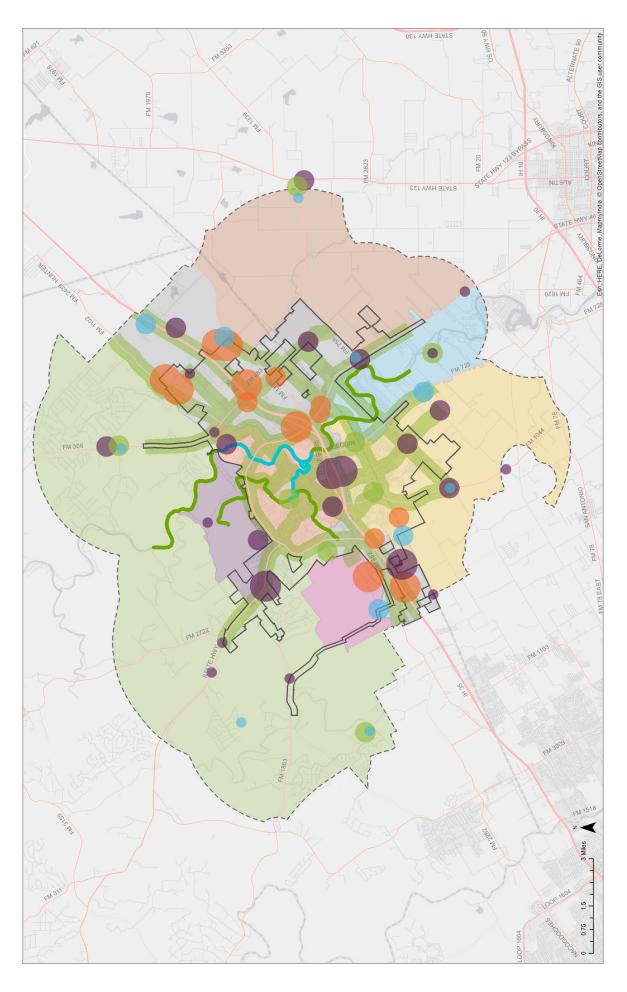
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

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.

Special Use Permit Conditions / Development Standards

- 1. A master plan of the subject property shall include the location and extent of the base zoning district areas for its entirety.
- 2. The maximum building height within the "MU-B" High Intensity Mixed Use zoning district shall be 60 feet for non-residential and multifamily use.
- 3. A sidewalk that is at least 10 feet in width is required on the southwest side of Walnut Avenue. The sidewalk is to be separated from the roadway by a landscaping area of at least 7 feet in width (furnishing zone).
- 4. Street trees (1, minimum 3-inch diameter for every 40 feet of roadway frontage) are required to be planted in the furnishing zone. If street trees are not permitted within the furnishing zone due to utility easement restrictions, they must be planted no more than 10 feet from the edge of the required sidewalk. The street trees requirement fulfills the landscaping requirements under Section 144-5.3-1(b)(7)(i)(2), City of New Braunfels Code of Ordinances - Street Frontage Trees and Shrubs.
- 5. All other zoning standards and requirements in Chapter 144, City of New Braunfels Code of Ordinances shall apply independently to each base zoning district.
- 6. The following list of uses, normally allowed in the "MU-B" High Intensity Mixed Use District, are removed from the base zoning district "MU-B" High Intensity Mixed Use:

Aircraft support and related services

Airport

All terrain vehicle (ATV) dealer/sales

Amphitheater Archery range Athletic fields

Auto body repair, garages Auto glass repair/tinting Auto interior shop / upholstery

Auto muffler shop

Auto or trailer sales rooms or yards Auto or trailer sales rooms or yards - new

Auto paint shop

Auto repair garage (general) Bottling or distribution plants (milk)

Bottling works Bowling alley/center

Broadcast station (with tower)

Bus barns or lots Bus passenger stations

Contractor's office/sales, with outside storage including vehicles

Commercial amusement concessions and facilities

Dance hall / dancing facility (not to include a dancing studio for students)

Driving range Electroplating works

Electronic assembly / high tech manufacturing

Engine repair/motor manufacturing re-

manufacturing and/or repair

Fair ground Forge (hand) Forge (power)

Freight terminal, rail/truck Freight terminal, truck Furniture manufacture Galvanizing works

Golf course (public, private or miniature) Heavy load (farm) vehicle sales/repair

Heliport

Home repair and yard equipment retail and

rental outlets Industrial laundries

Laboratory equipment manufacturing Leather products manufacturing

Light manufacturing

Lumberyard

Lumberyard or building material sales

Machine shop

Manufactured home sales Manufacturing and processes Metal fabrication shop

Mini-warehouse/self storage units Motorcycle dealer (primarily new/repair) Moving, transfer, or storage plant Outside storage (as primary use)

Portable building sales Rappelling facilities Rodeo grounds

RV park

RV/travel trailer sales Sheet metal shop Shooting gallery - Indoor

Sign manufacturing/painting plant Storage - Exterior storage for boats and

recreational vehicles

Storage in bulk

Studio for radio or television (with tower)

Tire sales (outdoors)

Truck or transit terminal (with outside storage)

Truck stop

Used or second hand merchandise/furniture

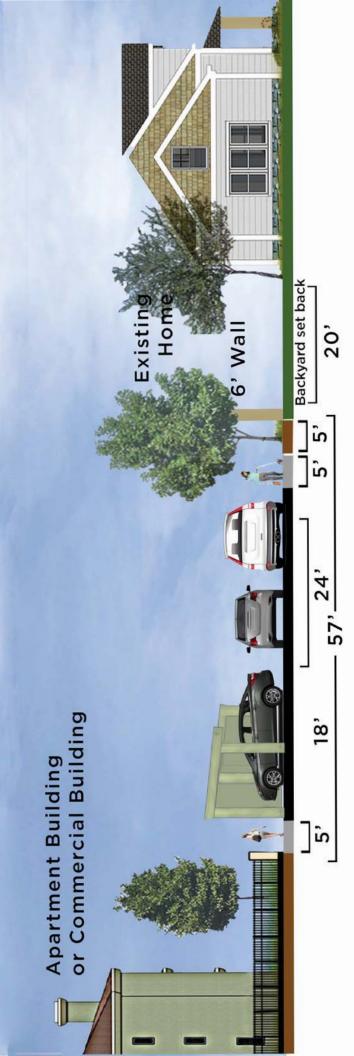
Veterinary hospital with outside animal runs or kennels

Warehouse/office and storage/distribution center

Welding shop

Wholesale sales offices and sample room





This setback is not applicable to 2 story R-1A-4, ZHA or R-2A zoning districts. It is not applicable to a single story commercial building fronting along Klein Road adjacent to the Ridgemont Subdivision.

PLANNING COMMISSION - DECEMBER 1, 2020 - 6:00PM

Zoom Webinar

Applicant/Owner: HMT Engineering & Surveying

Address/Location: 614 & 720 W Zipp Rd

PROPOSED SPECIAL USE PERMIT - CASE #SUP20-267

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.	ELLIS BRENDA	21. MELVIN LISA D
2.	KRETZMEIER PAUL H	22. SOLIS HECTOR JR & CLAUDIA R
3.	SCRIBNER TERI	23. NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT
4.	ZAVALA JUAN F & LINDA S	24. KOKKEBY SEAN & STEPHANIE
5.	HAMBRICK GRACE	25. PROFFITT ROBERT S & JENNIFER M
6.	SCHOENHERR DUANE & GLORIA	26. CAVAZOS JESUS ELI & MELISSA DENISE
7.	WILLIAMS JASON & DANNALYN	27. KLEIN JANET WALL
8.	MASON JERMAINE S & TONYA S	28. GUILLEN KRISTEN
9.	YANEZ ROBERT JR & KELLI-ANNE P BARROW	29. HAHN AARON
10.	AMESCUA KRISTIN M & CODY J YORK	30. MARES EILEEN R
11.	HARRISON MATTHEW T & SANDRA V	31. RIDGEMONT HOME OWNERS ASSOCIATION INC
12.	YOUNG GLEN & JAMIE	32. ROBLES TOM R & PAULA MERRILL ROBLES
13.	CRISSY ANGELA G & JOANN M HOLLIDAY	33. GUERRA-TREVINO NORMA & RUBEN TREVINO
14.	WOLF ANDREW S & DALLAS	34. SCOTT RANDY J & LISA M
15.	PULTE HOMES OF TEXAS LP	35. BRAY DEBORAH E
16.	Property Owner	36. PRIORITY RELOCATION COMPANY LLC
17.	MOLO CHRISTOPHER M & DAWN LANTERO	37. CANTON CHRISTOPHER MICHAEL & JYOTI KAY CANTO
18.	BUSHBY FRANCIS RUSSELL & SYLVIA LEA	38. ESCOBAR DANIEL SANTOS
19.	MOORE ROBERT EUGENE & MONICA C	39. STEVENSON RICHARD ROY & LAUREN MAE
20.	WARD LEE ALAN & KIMBERLEY MARIE	40. STONE GREG

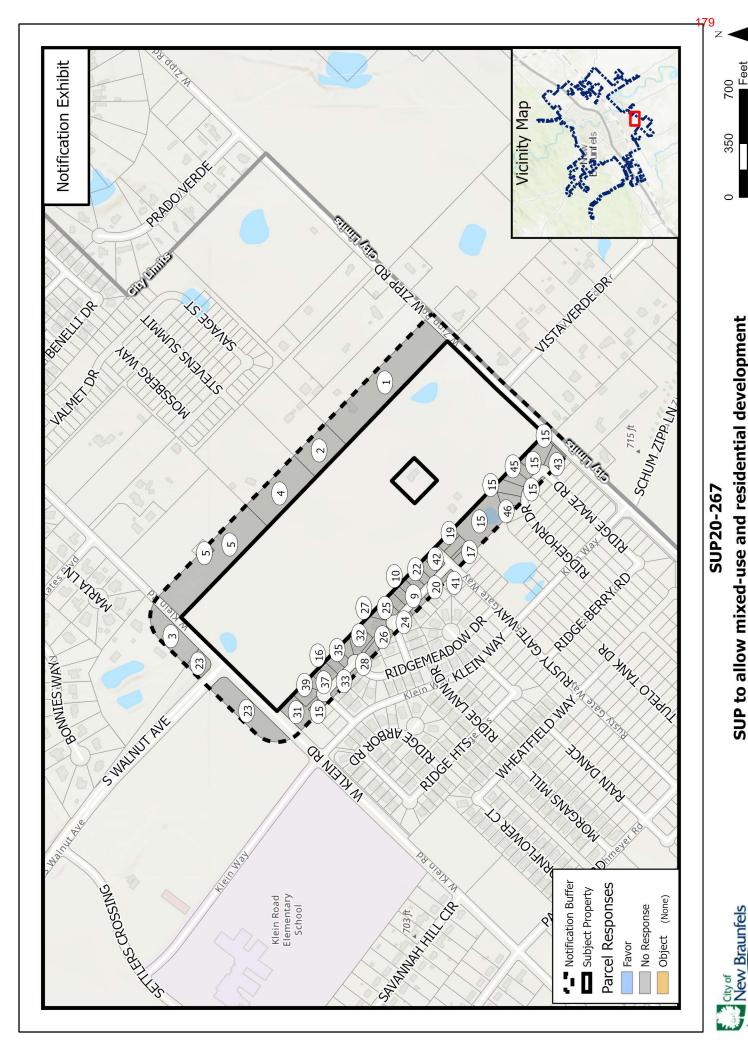
41. GUNN BARBARA

44. RUNDELL BRENDON M & LOURDES

42. RITSON BARBARA S & GREGG E

- 45. RAYGOZA BRENDAN C
- 43. RODRIGUEZ ROBERT LEE & NAISHCA MARIE MOODY 46. DAVIS MEGAN L & TEXAS J

SEE NOTIFICATION MAP



Source: City of New Braunfels Planning Date: 11/13/2020

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Planning Commission Agenda Item Report

550 Landa Street New Braunfels, TX

2/2/2021

Agenda Item No. J)

Presenter/Contact

Applicant: William B. Ball, P.E., HMT Engineering & Surveying; Owner: JHJ Land and Cattle Company Holdings, LLC
(830) 625-8555 - plats@hmtnb.com

SUBJECT:

WVR21-010 Consideration of a waiver to Section 118-49 of the Subdivision Platting Ordinance to not require sidewalk construction along FM 2722 for the Preserve at Elm Creek Subdivision.

Plat Information:

Owner/

Applicant: JHJ Land & Cattle Company Holdings, LLC (James H. Jacobs)

4411 S IH 35, Suite 100 Georgetown, TX 78626

(512) 844-4333; jj@grandendeavorhomes.com

Engineer: HMT Engineering and Surveying (William B. Ball, P.E.)

290 S. Castell Ave.

New Braunfels, TX 78130

(830) 625-8555 plats@hmtnb.com

Staff Contact: Matthew Simmont

(830) 221-4058

msimmont@nbtexas.org

Description: Sidewalk waiver request for a proposed subdivision with 205 lots intended for

residential use on 295 acres

The subject tract is located within the ETJ of New Braunfels and in Comal County, west of the intersection of FM 2722 and Bear Creek Trail. The property is also located south of, and adjacent to, the Vintage Oaks at the Vineyard Neighborhood which is mostly outside of the New Braunfels ETJ. The applicant is intending to develop a large-lot (minimum 1 acre) subdivision with 205 residential lots.

Transportation:

Regional Transportation Plan:

FM 2722 is designated as a 120-foot wide Minor Arterial and the existing right-of-way as shown on the master plan exhibit is in conformance with platting standards. Any required right-of-way dedication or improvements requested by TxDOT will be addressed during master plan and final plat review.

Sidewalks:

Six-foot wide sidewalks are required to be constructed by the developer along the development side of the TxDOT roadway, FM 2722. The applicant is requesting a waiver to not construct approximately 3,000 linear feet of the required sidewalk along FM 2722.

It is likely that bicycle and pedestrian activity will increase along FM 2722 with the progress of development along this transportation corridor. The expansion of safe pedestrian routes is a priority for the community as stated in Envision New Braunfels, the Comprehensive Plan.

Waiver criteria are provided below in Commission Findings. The applicant states that there are no existing sidewalks along FM 2722 within the vicinity of this development. In addition, the developer has stated that anticipated TxDOT improvements to FM 2722 and state regulatory changes could cause the installation of sidewalk at this time to be premature.

In considering this waiver request, the Planning Commission has three options:

- 1. To deny the waiver request and require sidewalk construction when the property is platted;
- 2. To require that the developer escrow the estimated amount of a 6-foot wide sidewalk for construction by TxDOT at a later date; or
- 3. To recommend approval of the waiver.

All sidewalk waiver requests recommended for approval, or approval with conditions, by the Planning Commission will be forwarded to City Council for final consideration.

Commission Findings:

The adopted Subdivision Platting ordinance indicates the Planning Commission shall not approve/recommend approval of a waiver unless it makes findings based upon the evidence presented to it in each specific case that:

- 1. Granting the waiver will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver will not prevent the orderly subdivision of other property in the vicinity.
- 2. Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; or an alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein; and
- 3. The waiver will not in any manner vary the provisions of the Zoning Ordinance or other ordinance(s) of the City.

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

City Plan/Council	Action 6.4: Consider how each new development project
Braunfels	impacts the transportation system and ensure appropriate mitigation is implemented. Action 7.3: Prioritize connecting
	sidewalk gaps through development requirements or public investment. Action 7.5: Continue development of sidewalks and trails to increase interconnectivity by 5 percent each year to support reduction of carbon footprint. Action 7.19: Improve connectivity for all modes of transportation including bicycles.

FISCAL IMPACT:

Sidewalks not constructed or escrowed with development will have to be constructed later at taxpayer expense.

STAFF RECOMMENDATION:

Staff recommends the applicant escrow the cost of construction of the required sidewalk along FM 2722. Funds designated for sidewalk installation with future improvements to this roadway will offset these costs to the taxpayer.

Attachments:

- 1. Aerial Map
- 2. Waiver Request
- 3. Master Plan Exhibit

WVR21-010 The Preserve at Elm Creek Sidewalk Waiver



290 S. Castell Avenue, Ste 100 New Braunfels, TX 78130 TBPE-FIRM F-10961 TBPLS FIRM 10153600

January 4, 2021

City of New Braunfels Planning Department 550 Landa Street New Braunfels, TX 78130

RE:

Waiver Request - The Preserve at Elm Creek Subdivision

Section 118-49(a)(1) - Sidewalks

To Whom It May Concern:

Please accept this letter as a waiver request to The Preserve at Elm Creek Master Plan. HMT is requesting a waiver to Section 118-49(a)(1) — Sidewalks stating that "On the subdivision or development side or sides of all major thoroughfares or arterial streets as indicated on the city's thoroughfare plan, or a major thoroughfare as determined by the planning commission, and on perimeter streets." This waiver is a request to allow for not building a sidewalk along the frontage of FM 2722 in the Preserve at Elm Creek Subdivision.

This request is primarily due to the site's proximity to the ETJ line, since the neighboring Vintage Oaks Subdivision was designed to Comal County standards due to the site being divided by the ETJ line and unincorporated county limits, a sidewalk was not built for this subdivision to tie into. Also, the existing subdivisions along FM 2722 to the south of The Preserve at Elm Creek that are also in the ETJ have not built a sidewalk along FM 2722. Without any possibility of an extension of the sidewalk to the north and without the City's intervention and funding, there is only a slim chance of any extension to the south. This sidewalk would come from nowhere and go nowhere. For reference, this would be the first sidewalk built along FM 2722, with the nearest tie in being at Hwy 46, roughly 4 miles away.

The second reason for this request is that TxDOT has plans to expand FM 2722. As it currently sits, there is hardly space for a sidewalk due to the large channel along the right-of-way. On top of that, a sidewalk would be torn out upon expansion of FM 2722. TxDOT and the City of New Braunfels have already agreed to handle the development of the hike and bike trail for the same reasons.

The other crucial reason being that the state legislature is currently in their bill filing period for the upcoming session. It is expected that bills related to ETJ reduction and/or elimination across the state will be forthcoming and will prevent the continuation of any sidewalk in the ETJ along FM 2722 until City annexation makes its way all the way out there. For the reasons of ETJ line proximity, the expansion of FM 2722, as well as an expectation of new state laws regarding ETJ elimination, it would be a misspent effort to include a sidewalk along FM 2722.

In our professional opinion, the granting of this waiver will not adversely affect the health, welfare and safety of our New Braunfels residents and visitors. We feel this waiver request is in harmony with the intent of the City of New Braunfels Platting Ordinance.

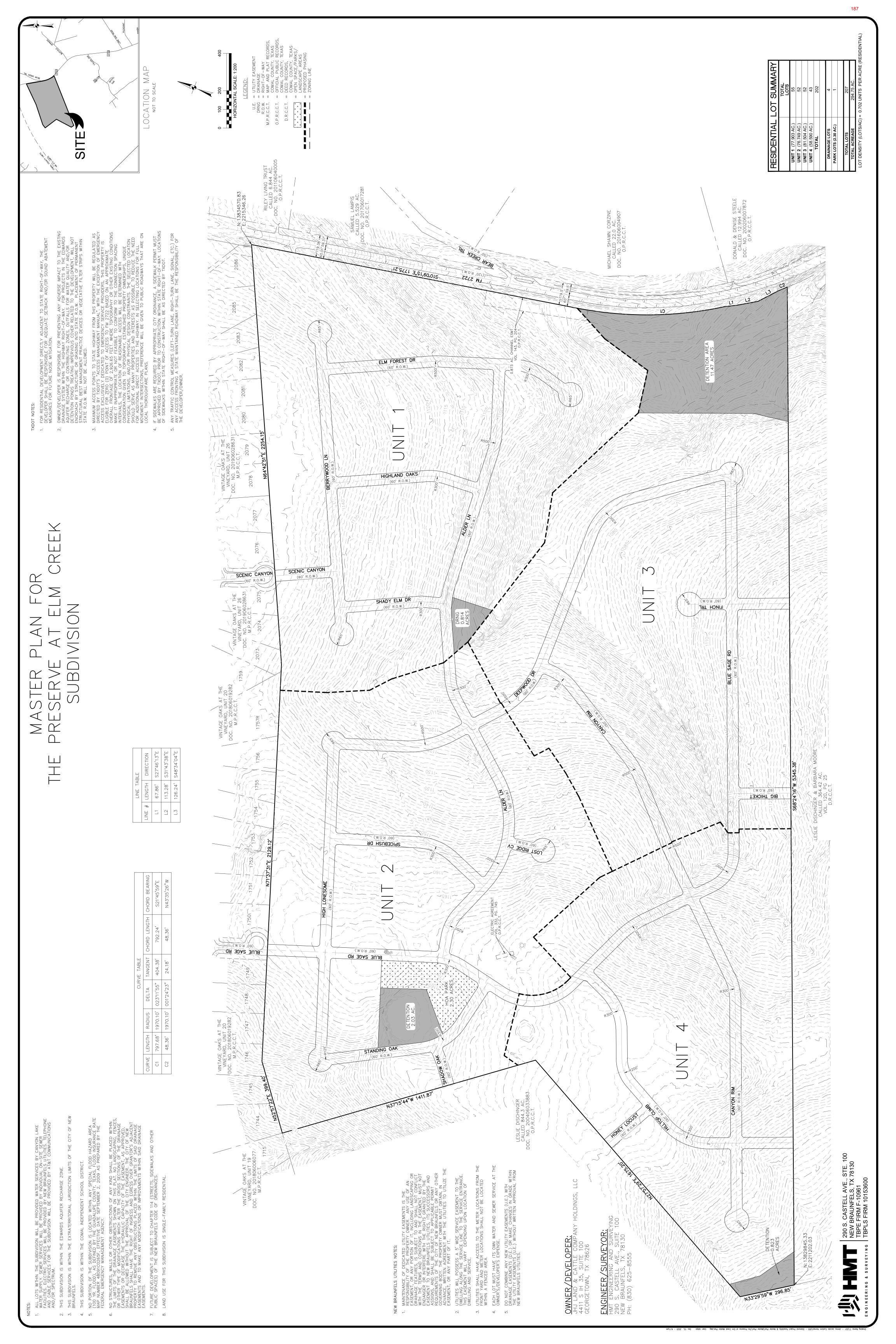
Please contact me if you have any questions or comments.

Mr Bas

Thank you,

William B. Ball, PE Senior Project Manager







Planning Commission Agenda Item Report

550 Landa Street New Braunfels, TX

2/2/2021

Agenda Item No. K)

Presenter/Contact

Applicant/Owner: Ronald B. Snider, Fredrick Heimer, & Michael Meyer (210) 273-8118 - ronsnider28@gmail.com

Subject:

HST20-302 Public hearing and recommendation to City Council for the landmark designation of the property currently addressed as 210 South Castell Avenue, a commercial space commonly known as the Producer's Co-Op building.

Background:

Case No: HST20-302

Council District: 5

Staff Contact: Caleb Gasparek, Historic Preservation Officer

(830)221-4086 - CGasparek@nbtexas.org

The subject property is an irregularly shaped lot with frontage on South Castell Avenue, West Coll Street, and Hill Avenue. The property is directly adjacent to the Downtown Historic District and directly north of the Sophienburg Hill Historic District.

Designating the property as a historic landmark, per the applicants' request, will not alter the underlying C-2 zoning of the property. If approved, the property would have a Historic Landmark (HL) zoning overlay district, though with regards to site plans, uses, setbacks, and other development land use regulations, such property shall be governed by its C-2 base zoning district.

Surrounding Zoning and Land Use:

North - C-2 / Downtown Commercial District & Downtown Historic District

South - SND-1 & C-1A / Special Neighborhood District 1, Neighborhood Business District, & Sophienburg Hill Historic District

East - M-1 / Light Industrial District

West - C-2 / Downtown Commercial District & Downtown Historic District

Historic Context:

The Producer's Co-Op of New Braunfels was established on November 1st, 1944 to provide agricultural products to Comal and other surrounding counties. The Co-Op experienced rapid growth following its establishment, and by 1946 required additional space for its operations.

Sanborn maps from 1907 to 1922 indicate that the site was previously occupied by the Dittlinger Cotton Gin. A railroad track led directly to the cotton gin for the loading and unloading of products. By 1922 only a small portion of the Dittlinger Cotton Gin remained, though a timber frame warehouse

owned by local contractor A.C. Moeller had been erected in the rear of the lot adjacent to the railroad track. The Producer's Co-Op purchased the warehouse building in 1946. That same year the Co-Op hired local architect Jeremiah Schmidt to design an 80-foot x 80-foot warehouse to meet their growing needs. A building permit issued on August 9th, 1946 indicates that the building was originally valued at \$29,000, and was built by local contractor Edwin Hanz. The Schmidt building was added on to in the rear several times after it was constructed in 1947, though the primary structure on Castell designed by Schmidt remains unchanged. The Producer's Co-Op remains in business to this day.

Architecturally, the Producer's Co-Op building is one of the few intact late Art Deco/Moderne style buildings in New Braunfels. Identifying characteristics include glass-block windows, stucco exterior, flat roof, and horizontal grooves or lines on the façade.

Request:

The applicants/owners applied for/requested this landmark designation for the subject property. The applicants/owners are, therefore, in support of this rezoning.

Staff Analysis:

According to Chapter 66 of the New Braunfels Code of Ordinances, a historic landmark may be designated if it meets at least 1 of the 6 criteria as established in subsection 56 "Criteria for the designation of historic landmarks and districts."

- 1) Possesses significance in history, architecture, archaeology, or culture.

 The Producer's Co-Op has significance in its association with the agricultural history of the community following WWII. Architecturally, the Schmidt building is indicative of the late Art Deco/Moderne style.
- Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.
 The Producer's Co-Op is significant in its contribution to local agricultural history.
- 3) Is associated with the lives of persons significant in our past.

 While the site is mostly associated with the Co-Op itself, founding members of the Co-Op include prominent members of the community.
- 4) Embodies the distinctive characteristics of a type, period, or method of construction. *N/A*
- 5) Represents the work of a master designer, builder, or craftsman.

 Associated with locally renowned architect Jerimiah Schmidt and contractor Edwin Hanz.
- 6) Represents an established and familiar visual feature of the neighborhood or city.

 The Producer's Co-Op is a familiar feature along Castell Ave. and the downtown area.

Recommendation:

Chapter 66 subsection 54 further states that upon recommendation of the Historic Landmark Commission, the proposed historic landmark will then follow the regular rezoning procedures and be reviewed by the Planning Commission and City Council for final determination.

The proposed Landmark Designation was reviewed by the Historic Landmark Commission at their regularly scheduled meeting on January 12, 2021 and recommended for approval (8-0-0).

Staff concurs with the recommendation of the Historic Landmark Commission. The Producer's Co-Op is a staple of Downtown and not only is a good example of the late Art Deco/Moderne style, but is significant in its association with local architect Jeremiah Schmidt and the development of agriculture following WWII.

Notification:

Public hearing notices were sent to 17 owners of property within 200 feet of the request. The City has received no responses at this time.

Resource Links:

- Chapter 66, Sec. 54 "<u>Designation of Historic Landmarks</u>"
 https://library.municode.com/tx/new-braunfels/codes/code of ordinances?
- Chapter 66, Sec. 56 "Criteria for the Designation of Historic Landmarks and Districts"
 https://library.municode.com/tx/new-braunfels/codes/code of ordinances?

Attachments:

- 1. Application
- 2. Location Map
- 3. Land Use Maps (Zoning, Existing, and Future Land Use)
- 4. Sanborn Maps
- 5. Photographs
- 6. Notification List and Map

HST20-302





APPLICATION FOR HISTORIC DESIGNATION

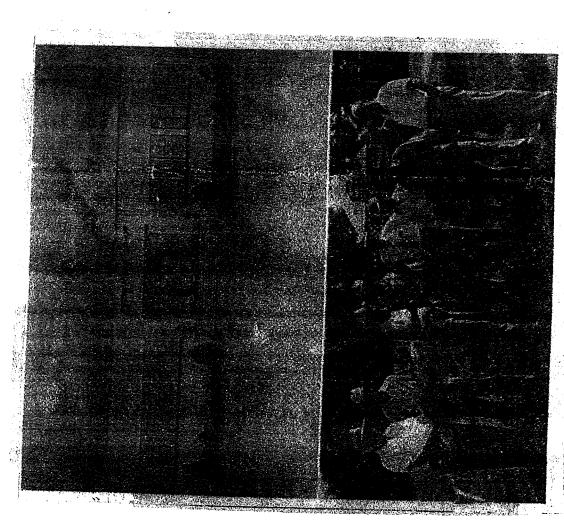
City of New Braunfels, Planning and Environmental Department 424 S. Castell Avenue, New Braunfels TX 78130 (830) 221-4057

1.	Name of proposed Landmark: The Producer's Co-Op		
2.	Address of Landmark: 210 S Castell Ave		
3.	CITY BLOCK 1003, LOT 204-205 & W 21.06 LT 203 & S 13 LT 206 & N 83 W 40, LT206 & PT LTS 195-196 & NE PT LT 197-198-199 & PT LT 200		
4.	Owner Name: Ronald B Snider, Fredrick Heimer, Michael Meyer		
5.	Owner Address: 186 S. Castell Ave., New Braunfels, TX, 78130		
6.	Contact phone numbers: 210-273-8118		
7.	HISTORY: a brief history is required and should be attached to this application. The followin information should be included, if known:		
	 Original owner/builder/architect/bibliography and footnotes Subsequent owners Original and subsequent uses of significance Dates of the above Any anecdotes concerning the landmark and/or its owners Photographs of facades General description of the structure 		
10. I hereby request consideration of the above described structure/site as a historic landmark according to the provisions of the New Braunfels Historic Landmark Preservation Ordinance. I have read this Drdinance and fully understand its effect on my property. This application shall be considered as my vritten permission as owner of the above described property for historic designation by the New Braunfels City Council.			
Ow	ner Signature Date		
	FOR OFFICE USE ONLY		
Applicat	ion received by: Date:		
	RECOMMENDATIONS FOR APPROVAL		
IISTORIC LANDMARK COMMISSION: Date:			
LANNING COMMISSION: Date:			

The Producers Cooperative (Brief Building History)

Established in 1944, The Producers Co-Op experienced rapid growth and found themselves in need of a larger warehouse. In spring of 1946, the property adjacent to the "Herald Building" (188 South Castell) was placed under contract and an architect from San Antonio, Jeremiah Schmidt, was hired to begin working on the 80x80 concrete and steel structure.

In early 1947, The Producers Co-Op had completed their new building and have remained the sole occupants until 2021. Through out the years, additions have been made but the primary structure has remained unchanged.



LAYING THE CORNER-STONE on the Producer's Co-Op new warehouse are Presinandles shovel; From left to right looking at blue-print. Leslie Ehlers, Mgr., and Otto Tinnermann, Jr., Seey. Extremo left is friend Bo's Pent. Other directors looking on are John Classen, A. Weidher, Ben Wolle and H. Laubach.

Spring - 1946

Producers Co-Op Lets Contract for New Building on South Castell St.; Remarkable 18 Months Growth

Contract for erection of a new warehouse, office building and display appear for the Froducers Co-Op on South Castell. Street adjacent to the new Herald Building, was revealed this week.

Contract was let to Edwin Hanz, local contractor. Construction will begin this week and the building is expected, to be ready for occulance, by about next faminary 1, Jereminh Schmidt is architect and cillard Simpson of San Antonio is consulting engineer. The new build-ing will be 80x80 feet, or about 6.400 aquare feed of floor space. It will be a fireproof building steel windows and concrete with steel windows and concrete with steel windows

Offices, display rooms and reception rooms will take up the front part of the building with warehouse space in the back.

The new building, besides affording considerably increased storage
space for the organization, affords
a front on a main struct. The original site was the former wool and
mohair warehouse on Hill Street,
today, besides the real estate on
Castall Street, a large warehouse
edjacent to the railroad tracks has
been purchased and a 40x40 cement
tile building is already under construction which, when completed
will house a fedd grinder and a feed
and molasses mixer.

The Producers Cooperative Markeiling Association, familiarly known as the Producers Co-Op, was orgenized on November 1, 1944, with 142 members and \$18,000 capital stock which today has risen to 289 members with \$50,000 in stock subgeribed and paid in. Over 1,200 pa trons were served in 1945.

The organization is owned and operated solely by producers of agricultural products, serving Comal and surrounding counties, and sets out to do four distinctive aims and purposes, according to E. E. Volgt, publicity chairman:

1. To sell and buy in line with other competetive business;

2. To see that producers of agricultural products receive the highcat possible price for their commodities thru the method of returning to each individual the savings
which have accumulated thru the
years, — the so-called patronage
dividend in so doing, members and
non-mambers are on an equal foot-

3 To get in closer contact the people of the rural districts in order to have a better understanding, so they can be served to their best advantage.

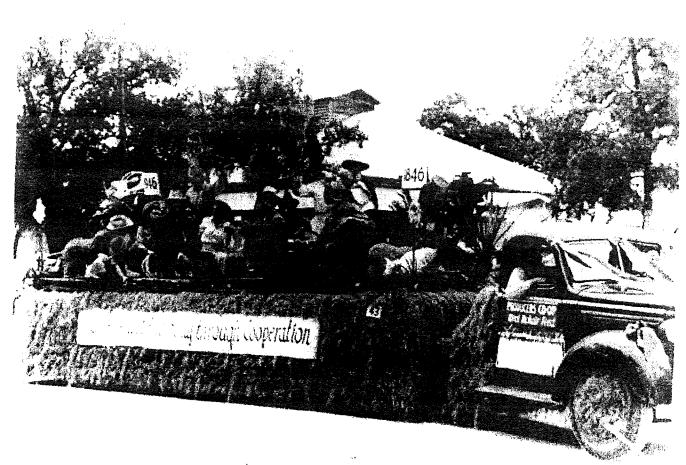
4. The render special service to rural residents, by having to rent or loan implements and machinery when needed.

The business specializes in handifug wool, mobair, feeds, seeds, and
velorinarian supplies. During the
first year in business it handled
bire-equarters of a million pounds
of wool and mobain and this spring
was credited with making one of
the highest sales of mobair of the
season, netting the producers \$8½
to \$912, cents per pound for grown
and 78½ to 19½ cents for kid.

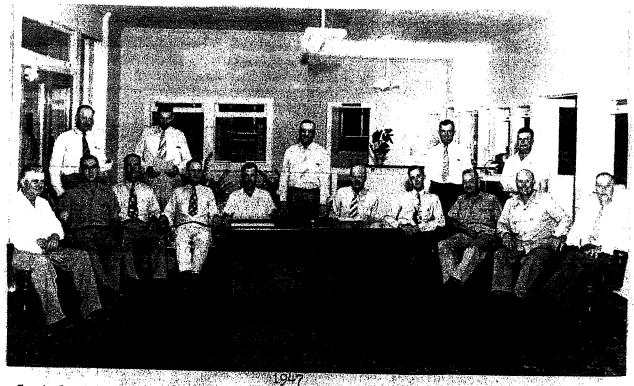
On completion of the new buildting a grand opening is planned to further acquaint members and patrons with the services offered by the organization.

the organization.
Officers include Willard Hill, president, E. E. Voigt, vice-preal-dent, Oito Timmermann, Secretary and Lesile Ehlers, treasurer-manger. Other directors are C. L. Mezerole, John P. Classen, Herman Blank, John Karbach, Arthur Weidner, R. R. Coreth, Herman Hittledder, D. L. Knibbe, Gus Krause and Ben

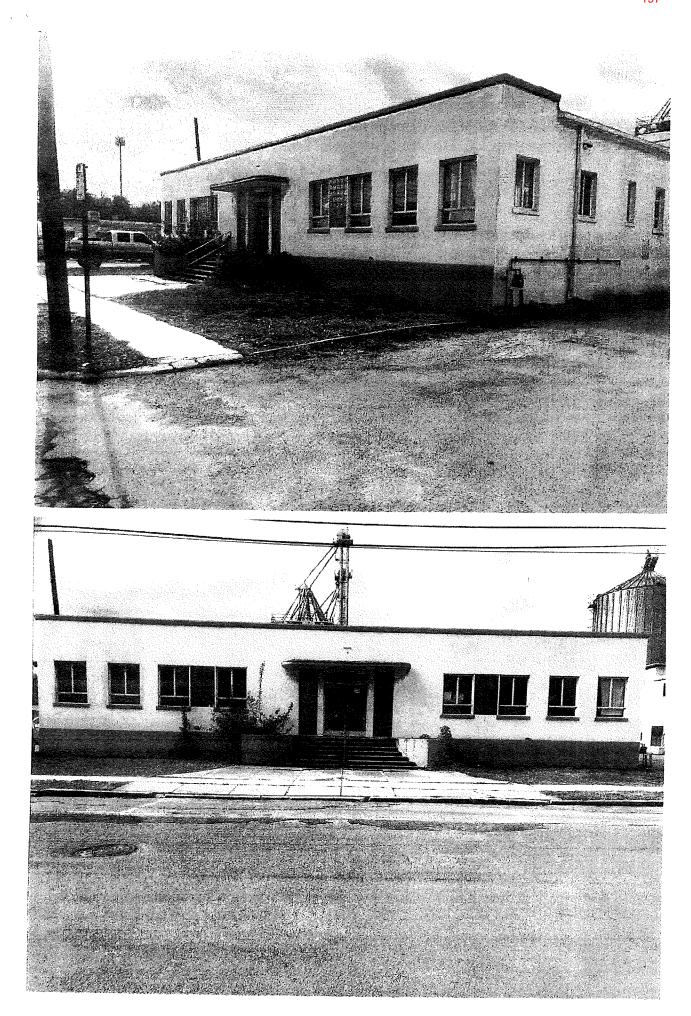




1046 - New Prespitato Consumitat Dunato



Seated: Otto Timmermann, Ben Wolle, Herman Blank, R.R. Coreth, Leslie Ehlers, John Classen, Sr., John Karbach, W.D. Hill, C.L. Meserole, Gus Schaefer Standing: Arthur Weidner, H.J. Laubach, Ervin Voigt, Herman Hitzfelder, D.L. Knibbe





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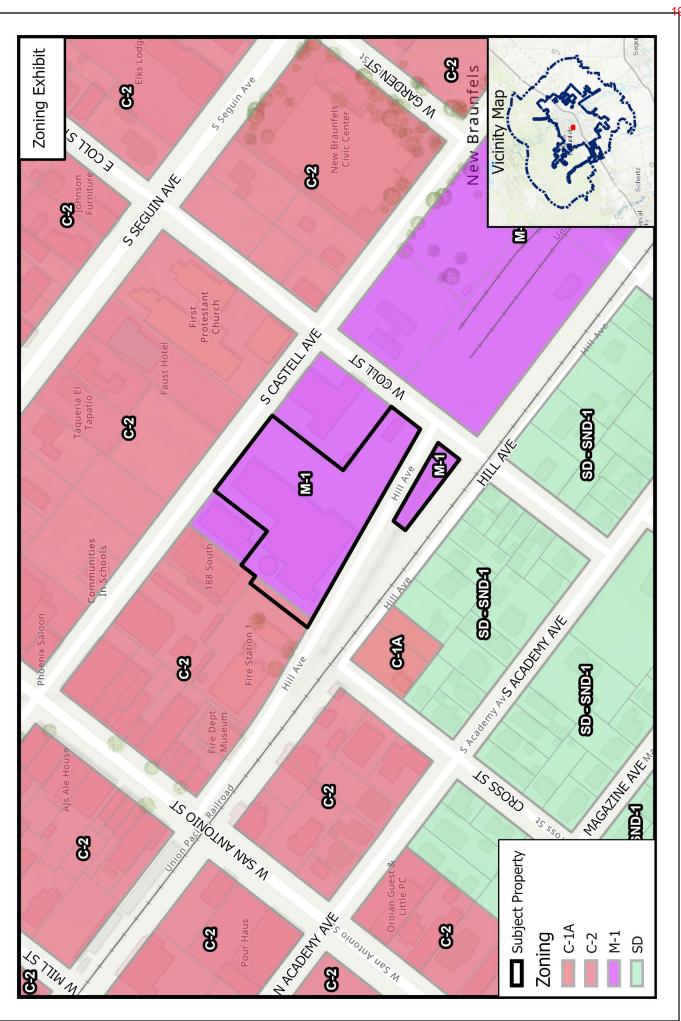
HIST20-302



Landmark Designation of 210 S. Castell Ave.

Source: City of New Braunfels Planning

Date: 1/19/2021



HIST20-302 Landmark Designation of 210 S. Castell Ave.



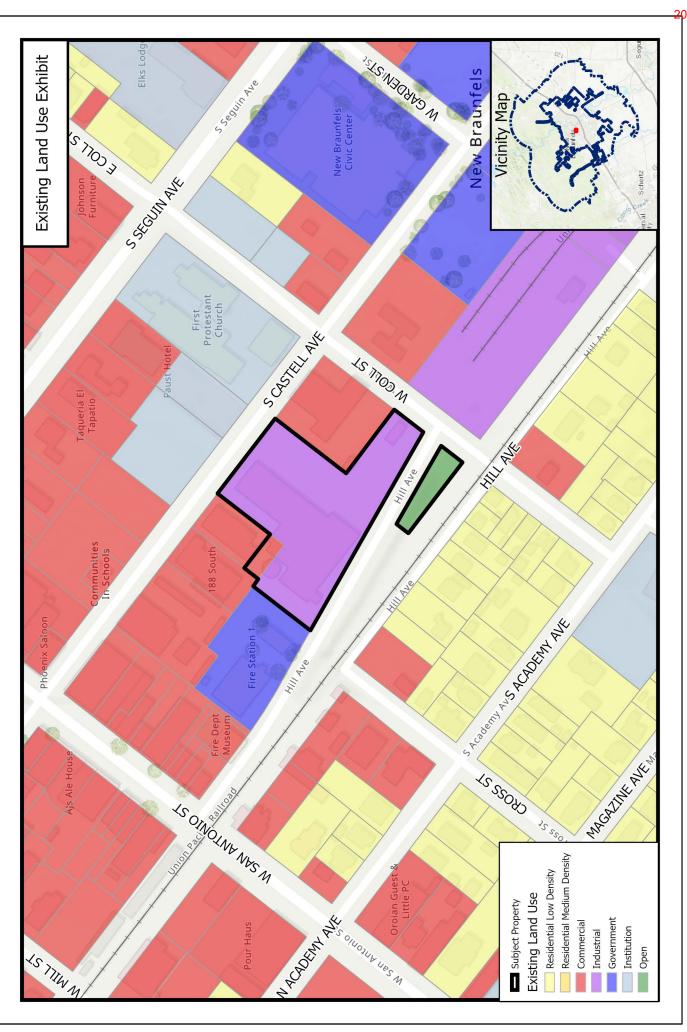
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Source: City of New Braunfels Planning Date: 1/19/2021



City of New Braunfels

HIST20-302 Landmark Designation of 210 S. Castell Ave.

Source: City of New Braunfels Planning

Date: 1/19/2021

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EXISTING CENTERS

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 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 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.





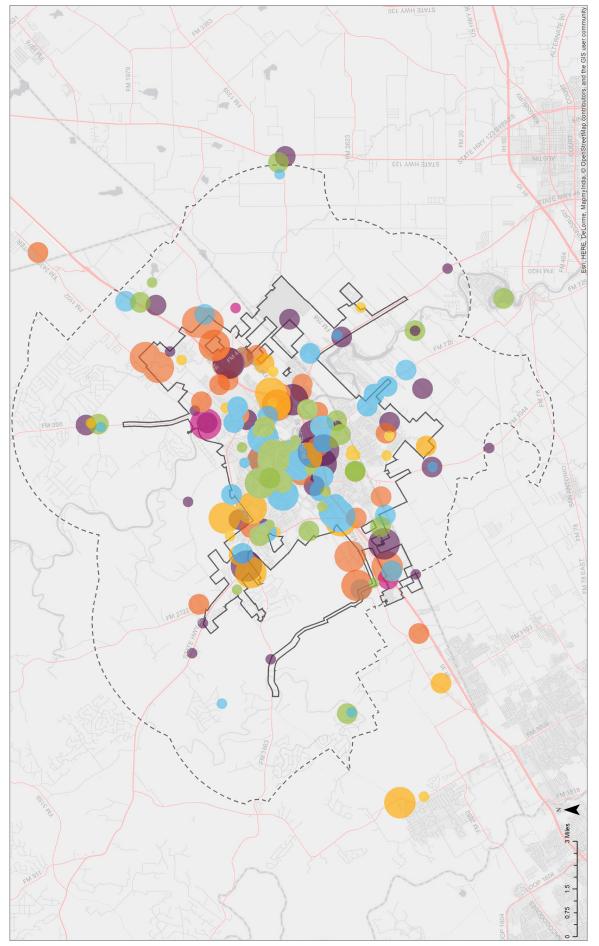
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The location of existing centers was determined through the analysis of previous studies and background documents, windshield surveys, and reviewed by City staff, Steering Committee members, and Plan Element Advisory Group members during a public workshop.

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

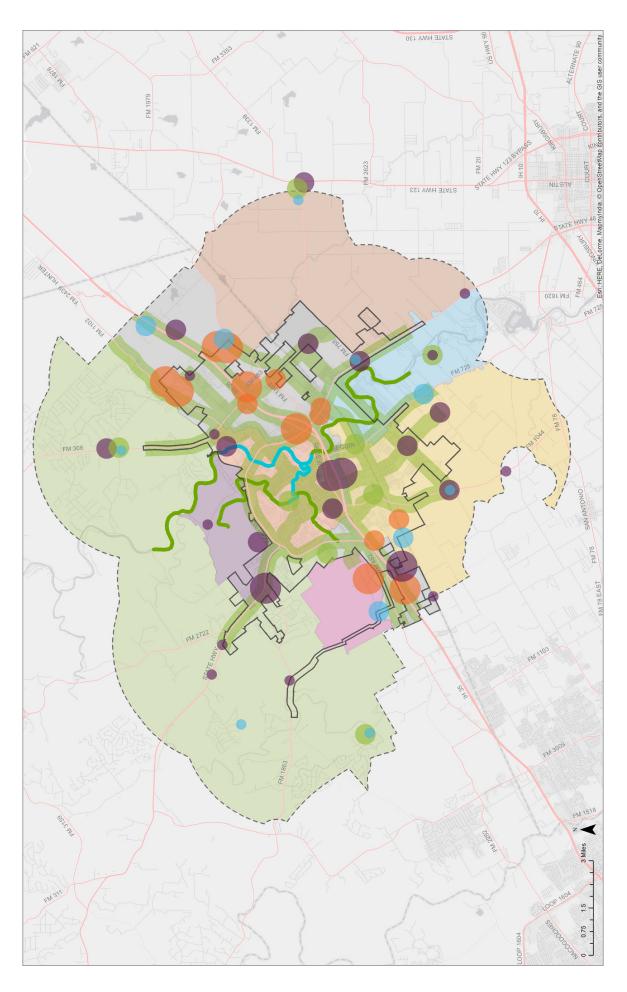
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7

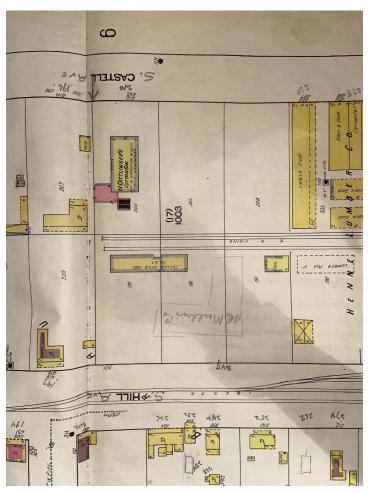
Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

SUB AREA 8

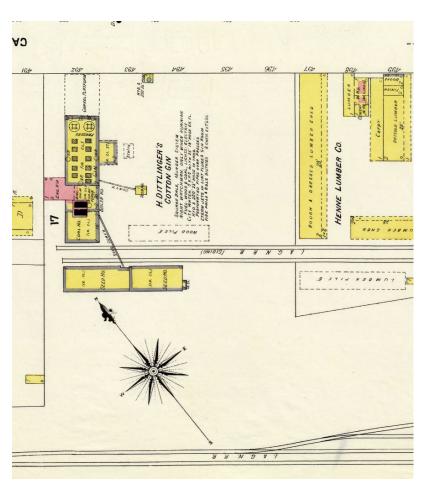
This fast-growing Sub Area includes many neighborhoods offering affordable places for young families to live.



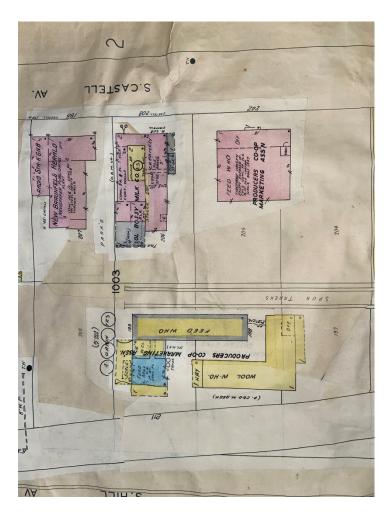
A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. Preferred future growth scenario combines Scenarios A and C per recommendations of the Envision New Braunfels Steering Committee (February 2018). Exact boundaries of sub areas, centers, and corridors may be zoomed and viewed online.



1922 Sanborn Map (Note the A.C. Moeller Co. Building drawn in)



1907 Sanborn Map



1949 Sanborn updated through 1960's



1930 Sanborn Map



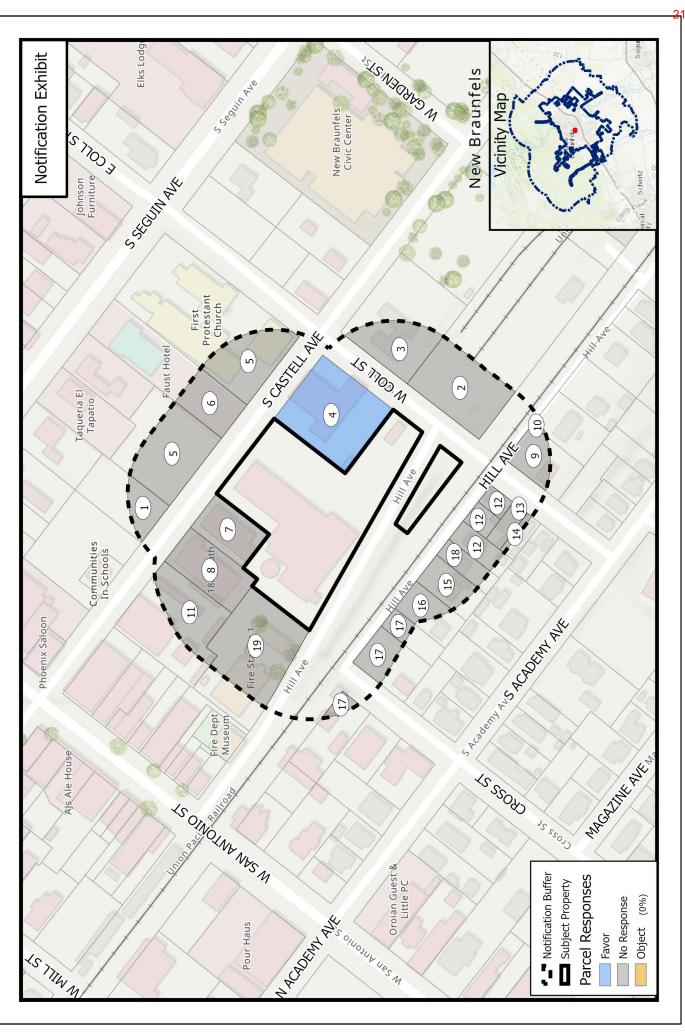














HIST20-302 Landmark Designation of 210 S. Castell Ave.

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11. SNIDER RONALD B & CASTELL PROP LLC

PLANNING COMMISSION - February 2, 2021 - 6:00PM

Zoom Meeting

Applicant/Owner: Ron Snider

Address/Location: 220 S. Castell Ave.

PROPOSED LANDMARK DESIGNATION - CASE #HST20-302

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. WEST SAN ANTONIO 111 LLC 12. FORRES PARTNERSHIP

2. UNLISTED 13. VALENZUELA FELICIANO & JOSEFA

3. NEW BRAUNFELS INDUSTRIAL DEVELOPMENT CORP 14. MUELLER JOSHUA A & CASSIE A

4. SPRINGFED INVESTMENTS LLC 15. LABOWSKI MARY ANN

5. FIRST PROTESTANT CHURCH OF NEW BRAUNFELS 16. RODRIGUEZ MARIA L

6. POWEROHM PROPERTIES LLC 17. FORRES DONALD E & LYNN S

ROCKFIELD PROPERTIES LLC
 SNIDER RONALD B & CAROL C
 NEW BRAUNFELS CITY OF

9. VOSIKA REBECCA

10. WHITTENBURG STANLEY D & MARGIE H

SEE MAP