

July 5, 2022

Planning Division  
City of New Braunfels  
550 Landa Street  
New Braunfels TX 78130

RE: Waiver Request – Villas at Barbarosa  
Section 118-46(y)9c – Request to Escrow Barbarosa Rd/Alves Ln Right Turn Lane

To Whom It May Concern:

Per approved Villas at Barbarosa Traffic Impact Analysis Report traffic mitigation recommendation #1, a right turn lane must be installed at the intersection of Barbarosa Rd on to Alves Ln. Section 118-46(y)9c requires the applicant to show all reasonable efforts have been made to implement turn lanes required by TIA. It is our engineering judgement that existing conditions at this intersection do not support installation of a safe right turn lane. Per Section 118-46(y)5d, the proposed development will be denied unless the developer agrees to escrow with the city an amount equivalent to the cost of the proposed improvement. We respectfully request to escrow traffic mitigation recommendation #1 per the TIA report. Justification for this request is further explained in the following paragraphs. The code sections referenced above are pasted below. Furthermore, a right turn lane exhibit and TIA worksheet from the approved TIA report is attached to this letter.

Section 118-46(y)9c:

“The construction of turn lanes may be limited due to topographic conditions or need to obtain right-of-way from adjacent property owners. The applicant must show that all reasonable efforts have been made to implement turn lanes required by the TIA or this chapter. This may include relocating driveways or streets to allow for the construction of turn lanes or alternate design options.”

Section 118-46(y)5d:

“*Mitigation.* If the TIA's determination for roadways and intersections indicates that the proposed development would cause a reduction in the level of service for any roadway or intersection within the impact area that would cause the roadway to fall below the level of service C, the proposed development will be denied unless the developer agrees to one of the following conditions:

- d. Escrow with the city an amount equivalent to the cost of the improvements necessary to mitigate the adverse traffic impact.”

We believe the right turn lane construction at the intersection of Barbarosa Ln and Alves to be unreasonable for the following reasons:

1. A sidewalk would encroach on to the previously platted Vier Steigen property at the Northwest corner of the intersection, requiring ROW acquisition.
2. The proposed right turn lane edge extends to ~1ft away from the corner property line at its worst-case instance. This would create an unsafe buffer at the private property from the public traffic using the right turn lane.
3. The overhead electric along Barbarosa Rd would need to be relocated within an easement offset from the proposed right turn lane. This required easement does not exist at the private property located adjacent to the Barbarosa Rd/Alves Ln intersection and would need to be acquired.

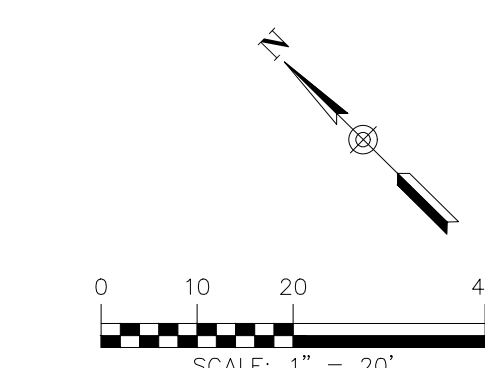
With the previous statements taken in to consideration, we respectfully request approval for the right turn lane at the intersection of Barbarosa Rd and Alves Ln improvements to be escrowed in-lieu of construction. If approved, the valuation for the escrow will be coordinated with City staff at a later date. Please contact me if you have any questions or concerns.

Thank you,

A handwritten signature in blue ink that reads "Chris Van Heerde PE". The signature is fluid and cursive.

Chris Van Heerde, PE  
Managing Partner  
HMT Engineering & Surveying





— EXISTING CONTOURS  
— PROPOSED CONTOURS  
BUILDING SETBACK LINE  
UTILITY EASEMENT  
DRAINAGE EASEMENT

THIS DOCUMENT IS RELEASED  
FOR THE PURPOSE OF  
INTERIM REVIEW UNDER  
THE AUTHORITY OF  
CHRISTOPHER P. VAN HEERDE  
P.E. # 93047 ON 07/11/22.  
IT IS NOT TO BE USED FOR  
CONSTRUCTION, BIDDING  
OR PERMIT PURPOSES.



**HMT**  
ENGINEERING & SURVEYING

[illegible]

DATE: <b>July 2022</b>
DRAWN BY: <b>PMM</b>
DESIGNED BY:
REVIEWED BY: <b>CVH</b>
HMT PROJECT NO.: <b>385.002</b>

**SHEET**  
**EX A**

## CITY OF NEW BRAUNFELS TRAFFIC IMPACT ANALYSIS (TIA) WORKSHEET

Complete this worksheet as a requirement for zoning, master plan, plat and permit as specified in City of New Braunfels Code of Ordinances Sections 114-99 and 118-46.

*Note: The Code provides the minimum information for a TIA report and it is recommended that a scoping meeting be scheduled with the Engineering Division.*

### Section 1: General Information

Project Name: Villas at Barbarosa				Date: 06/16/2022	
Subdivision Plat Name: Villas at Barbarosa			Project Address/Location: Barbarosa Road approximately 1,050 northwest of Alves Lane		
<b>Location?</b> <input type="checkbox"/> City of New Braunfels		<input checked="" type="checkbox"/> New Braunfels ETJ		<input checked="" type="checkbox"/> Comal County	
				<input type="checkbox"/> Guadalupe County	
Owner Name: Kaplan Acquisitions, LLC			Owner Email: KLu@KapCorp.com		
Owner Address: 777 Post Oak Blvd, Ste 850, Houston, TX 77056			Owner Phone: (713) 977-5699		
Preparer Company: Lee Engineering, LLC					
Preparer Name: James Robertson, PhD, PE, PTOE, RSP2IB			Preparer Email: jrobertson@lee-eng.com		
Preparer Address: 8122 Datapoint Drive Suite 1005, San Antonio, TX 78229			Preparer Phone: (210) 561-5411		
TIA scoping meeting with City Engineering Division staff? (required for reports)		<input checked="" type="checkbox"/> Yes. Date: 12/12/2021		TIA Worksheet/Report approved with previous zoning, plan, plat or permit?	
		<input type="checkbox"/> No.		<input checked="" type="checkbox"/> No. Complete Page 1 only.	
				<input type="checkbox"/> Yes. Complete Pages 1 and 2.	
<b>Application Type or Reason for TIA Worksheet/Report</b>					
<input type="checkbox"/> Zoning/Concept Plan/Detail Plan <input type="checkbox"/> Master Plan <input type="checkbox"/> Preliminary Plat <input checked="" type="checkbox"/> Final Plat <input type="checkbox"/> Permit <input type="checkbox"/> Other					
<b>TIA Submittal Type</b> (A TIA Worksheet is required with all zoning, plan, plat and permit applications)					
<input type="checkbox"/> TIA Worksheet Only (100 peak hour trips or less)		<input checked="" type="checkbox"/> Level 1 TIA Report (101-500 peak hour trips)			
<input type="checkbox"/> TIA Worksheet Only – Previous TIA Report Approved		<input type="checkbox"/> Level 2 TIA Report (501-1,000 peak hour trips)			
<input type="checkbox"/> TIA Worksheet Only – Previous TIA Report not required (supporting documentation may be required)		<input type="checkbox"/> Level 3 TIA Report (1,001 or more peak hour trips)			

### Section 2: Proposed Land Use and Trip Information for Application

Unit	Land Use	ITE Code <sup>1</sup>	ITE Unit <sup>2</sup>	Est. Project Units	Critical Peak Hour	AM Peak Hour Rate	PM Peak Hour Rate	WKND Peak Hour Rate	Daily Trip Rate	AM Peak Hour Trips	PM Peak Hour Trips	WKND Peak Hour Trips	Daily Trips
1	Single-Family Detached Housing	210	Dwelling Units	200	PM	0.74	0.99	0.93	9.44	148	198	186	1,888
<i>Total from additional tabulation sheet (if necessary):</i>													
<b>Total:</b>										148	198	186	1,888

<sup>1</sup>Institute of Transportation Engineers (ITE) Trip Generation, 10<sup>th</sup> Edition or most recent; <sup>2</sup>E.g., Dwelling Units, Acres, Employees, KSF, etc.

<b>Internal Use Only</b>	Reviewed by:			Date:
	<input type="checkbox"/> TIA Worksheet is acceptable.	<input type="checkbox"/> TIA Worksheet requires corrections.	<input type="checkbox"/> TIA Report required.	<input type="checkbox"/> TIA Report not required.

**Section 3: Previously Approved TIA Worksheet/Report**

Project Name:				
Preparer Company:		Preparer Name:		Date:
Type:	<input type="checkbox"/> TIA Worksheet Only	<input type="checkbox"/> Level 1 TIA Report	<input type="checkbox"/> Level 2 TIA Report	<input type="checkbox"/> Level 3 TIA Report
Approved with:	<input type="checkbox"/> Zoning/Concept Plan/Detail Plan	<input type="checkbox"/> Master Plan	<input type="checkbox"/> Plat	<input type="checkbox"/> Permit <input type="checkbox"/> Other

**Section 4: Update to and Status of Land Use and Trip Information for Total Development with Approved TIA Worksheet/Report (All Subdivision Units)**

Unit	Land Use	Status <sup>3</sup>	ITE Code <sup>1</sup>	ITE Unit <sup>2</sup>	Est. Project Units	Critical Peak Hour	AM Peak Hour Rate	PM Peak Hour Rate	WKND Peak Hour Rate	Daily Trip Rate	AM Peak Hour Trips	PM Peak Hour Trips	WKND Peak Hour Trips	Daily Trips
Total from additional tabulation sheet (if necessary):														
Total:														

<sup>1</sup>Institute of Transportation Engineers (ITE) Trip Generation, 10<sup>th</sup> Edition or most recent; <sup>2</sup>E.g., Dwelling Units, Acres, Employees, KSF, etc.;

<sup>3</sup>Specify current approved status of unit: PLAN – Zoning/Concept Plan/Detail Plan/Master Plan, PP – Preliminary Plat, FP – Final Plat, P – Permit, C – Completed, A – With this Application (current)

**Section 5: Approved TIA Worksheet/Report Conformance**

Approved TIA Conformance	AM Peak Hour Trips	PM Peak Hour Trips	WKD Peak Hour Trips	Daily Trips
Approved development total:				
Updated development total:				
Difference development total:				
<b>New TIA Report Required?</b>				
Increase in Peak Hour Trips (PHT) over 100?	<input type="checkbox"/> Yes. New TIA Report required to be approved prior to approval. <input type="checkbox"/> No.			

**Section 6: Required TIA Mitigation Measures**

Mitigation Measures	Unit	Total PHT
1. In1: SE Barbarossa, Provide 1 RT Only Lane.	0	0
2. Int 2: NE Access 1, Provide 1 LT & 1 RT Only Lane.	1	1 AM
3. Int 2: When Warranted, Provide Traffic Signal.	1	74 PM
4. Int 2: SE Barbarossa, Provide 1 RT Only Lane.	1	112 PM
5.		
6.		

LETTER OF CERTIFICATION

July 1, 2022

Final Plat (Public Improvements Not Required)  
Villas at Barbarosa  
LOC22-0005

Owner:  
Vier Steigen Investments LLC  
130 S. Seguin Ave, Ste 100  
New Braunfels TX 78130  
[Fred.heimer@sv-re.com](mailto:Fred.heimer@sv-re.com)

Applicant:  
Khoi Luu  
Kaplan Acquisitions LLC  
777 Post Oak Blvd, Ste 850  
Houston TX 77056  
[kluu@kapcorp.com](mailto:kluu@kapcorp.com)

Licensed Engineer:  
HMT Eng. & Surveying  
Chris Van Heerde, PE  
290 S Castell Ave Ste 100  
New Braunfels TX 78130  
[chrisvh@hmtnb.com](mailto:chrisvh@hmtnb.com)

The Engineering Division reviewed the Letter of Certification (LOC) application and associated documents for the referenced subdivision. The LOC is hereby issued with approval of the following documents:

Final Plat (Public Improvements Not Required)			
<input checked="" type="checkbox"/>	Preliminary Drainage Report 4/25/2022	Date:	5/20/2022
<input checked="" type="checkbox"/>	Preliminary Street and Utility Drawings	Date:	1/20/2022
<input checked="" type="checkbox"/>	Traffic Impact Analysis Worksheet 4/24/2022	Date:	5/20/2022
<input checked="" type="checkbox"/>	Traffic Impact Analysis Report 6/16/2022	Date:	6/17/2022

**Conditions of Approval:**

1. The eastbound right-turn lane on Barbarosa Ln at Alves Ln is required to be constructed by the developer. Sec. 118-46(y)9c of the City code states that all reasonable efforts must be made to provide the required mitigation.

Note: Drainage review will continue in greater detail at time of permit.

**Planning**

The following Planning notes do not constitute a comprehensive review and are only intended to help the applicant before plat submittal. **They do not affect the Letter of Certification approval.**

1. The numbering of the plat notes are duplicated (items 10 & 11 are listed twice), there should be 17 plat notes.

Note that the applicant shall submit the subdivision plat or master plan to the Planning and Development Services Department. The subdivision plat or master plan shall be accompanied by a separate application, application fee and associated documents required on the application checklists including approved LOCs.



## PUBLIC WORKS

**Scope of Issuance:** An LOC does not authorize the development or subdivision of land nor does it approve items not specified and reviewed by other entities. An LOC shall remain valid for one (1) year from the date of issuance. After that time period, a new LOC shall be required to apply for a subdivision plat or master plan.

**Amendments:** An LOC may be amended prior to submitting an application for subdivision plat or master plan if the proposed amendment: does not change the boundary of the subdivision; does not change the peak hour trips by more than 10 percent or traffic impact analysis submittal type; or does not change the drainage area, development discharge location or floodplain/floodway boundary.

**Recording Procedures:** LOCs are not recorded. An LOC shall be maintained by the owner or applicant and presented with the application for subdivision plat or master plan to the Planning and Development Services Department.

Please contact the Engineering Division at (830) 221-4020 if you have any questions or need any additional information.

Respectfully,

Jessica Perry, E.I.T.  
Graduate Engineer

JP /cs