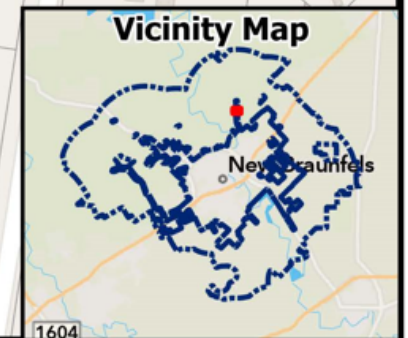
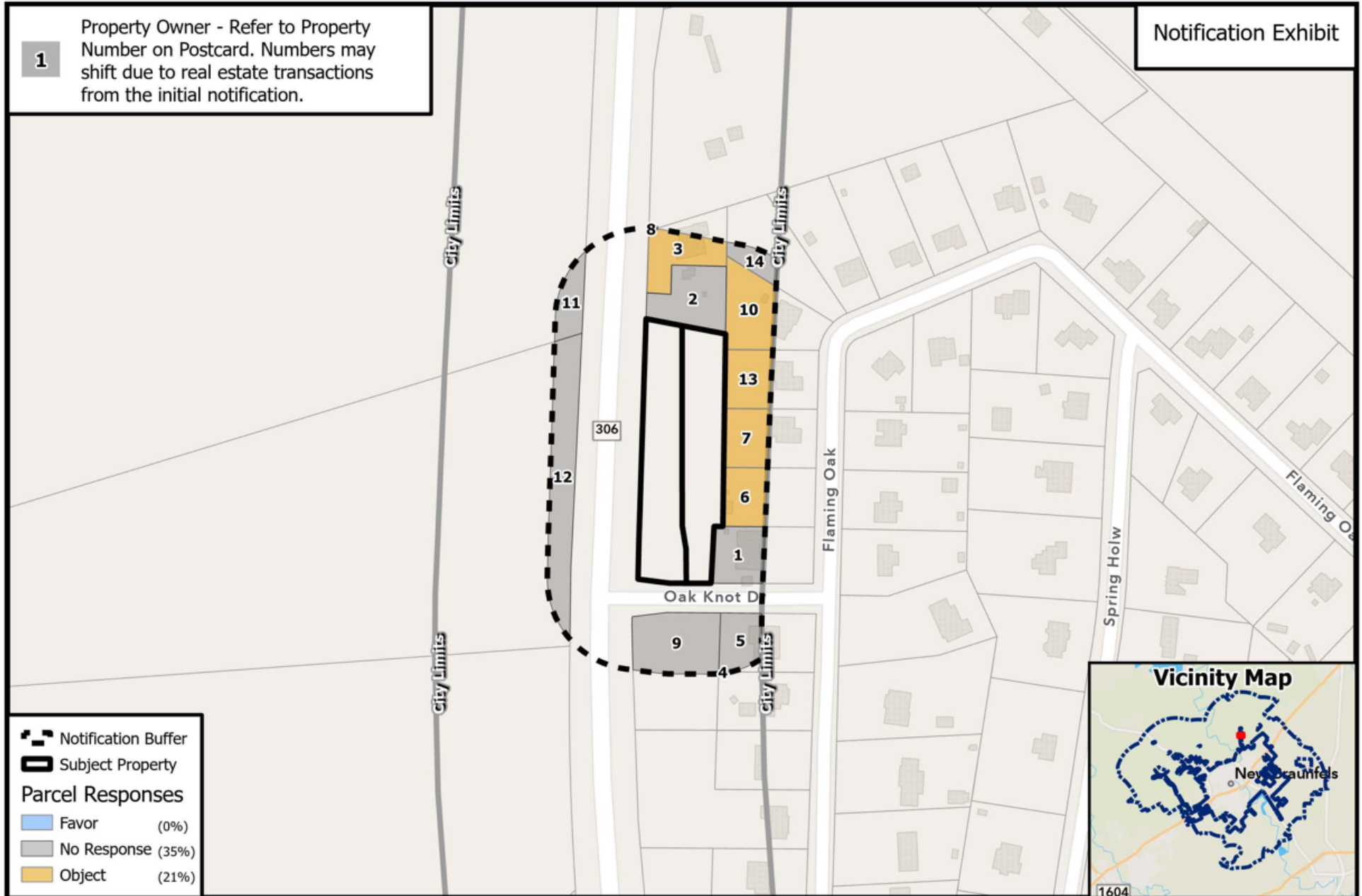


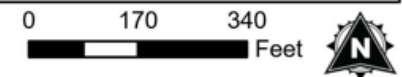
1

Property Owner - Refer to Property Number on Postcard. Numbers may shift due to real estate transactions from the initial notification.

Notification Exhibit



**PZ23-0425**  
**R-1 AH to C-O AH**



Path: \\chfs-1\Departments\Planning\ZoneChange & SUPs\2023\PZ23-0456 - 1983 SH 46 - MU-A

Source: City of New Braunfels Planning  
Date: 12/19/2023

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.

**PLANNING COMMISSION – December 5, 2023 – 6:00PM**

City Hall Council Chambers

**Applicant:** Dean Schilling

**Address/Location:** 125 & 145 Oak Knot Drive

**PROPOSED ZONING CHANGE – CASE #PZ23-0425**

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. LINGEBACH STEVEN JR & LAURIE A    | 8. LOWRY JON D & ANNA T                    |
| 2. 4 D WATER COMPANY LLC             | 9. OAK GROVE ESTATES OWNERS ASSN INC ET AL |
| 3. WALKER JEAN                       | 10. KELLER VALESKA S                       |
| 4. MACHALEC PAUL G & ELIZABETH C     | 11. KARBACH AMELIA A ET AL                 |
| 5. GUERENA GLORIA & ROBERT R DENINNO | 12. ENGELHARDT SUSAN E IRRVCBL TRST ET AL  |
| 6. JACKSON JEREMY M & VANESSA C      | 13. LUCKEMEYER PAUL S & SHERI S            |
| 7. HIXON RON & ANA L                 | 14. BLOCH BOBBIE J & BILLY R               |

**SEE MAP**

# NB City Council

## C-O Zone Request

### 08JAN24

Docket: PZ23-0425

TIA23-0085

This is Dean W. Schilling, 1508 Hickory Heights Dr, Waverly, Iowa 50677

First Reading for a  
Zone Change Request from R-1 to C-O 'Commercial Office District'

*to exemplify "new office development of the highest character, without excess additional traffic"*

Possible Office Types:

- |                    |                  |
|--------------------|------------------|
| i) engineering     | v) consulting    |
| ii) professional   | vi) real estate  |
| iii) architectural | vii) insurance   |
| iv) brokerage      | viii) securities |

The purpose of zoning to C-O is to benefit the Oak Grove Estates neighborhood, by providing 1) office space for professional clientele services and 2) uniform traffic flow throughout the day.

There are two driveways that front this property to Oak Knot Drive, which in turn transitions to FM306, facilitating ingress and egress.

This is especially advantageous, since they are the first driveway opportunities at the front entrance to the Oak Grove Estates subdivision.

As a result, there will be minimal office clientele traffic within the subdivision itself.

Office routines should be relatively quiet; even more so during the evenings and on weekends.

The TIA23-0085 Determination Letter was issued 08NOV23, allocating 10,000 sf of office space, based on the TIA worksheet and Determination Form submitted to the City of New Braunfels Planning Department via their network portal.

Similarly, the TIA23-0085 Approval Letter was issued 04DEC23, stipulating the identical 10,000 sf office space as outlined in the above Determination Letter.

The plat itself is comprised of over 100,000 sf of vacant land. The office space authorized by the TIA Approval Letter would occupy less than 10% of the property, as surveyed & platted in March2021.

Thus, 90% of this gently sloped topography lends itself very well to containment and runoff-detention engineering solution.

The FM306 frontage extends for 572 feet, with excellent signage visibility.

All utilities are available, including water, electric, cable, fiber-optic, and telephone. A cellphone tower is nearby.

The 4D Water Company lines and meter couplings are installed, complete and ready to accept the water meters.

This plat exceeds OSSF aerobic septic system minimum leach-field size standards.

The property lies within the Edwards Aquifer Contributing Zone, but within the Transition Zone. It does not lie in the Edwards Aquifer Recharge Zone.

This common-sense **C-O** zone change would typify the highest and best use for this property.

I would be happy to answer further questions.

DWS

KELLER VALESKA S  
854 COLLEEN DRIVE  
CANYON LAKE TX 78132

Property #: 10  
PZ23-0425  
Case Manager: ML

COMMENTS

FAVOR ☐

OPPOSE ☒

This is a single  
family District and  
should remain  
unencumbered.

MACHALEC PAUL G & ELIZABETH C  
1411 FLAMING OAK DR  
NEW BRAUNFELS TX 78132  
Property #: 4  
PZ23-0425  
Case Manager: ML

COMMENTS

FAVOR ☐

OPPOSE ☒

- 1) Please see Attached letter  
MR. Schilling sent to  
the Zoning Committee on  
Oct. 3, 2018 opposing  
the commercial zoning  
change of said property.
- 2) Thought city Council  
wanted this stretch of  
FM 306 to be "The  
GATEWAY to the Hill Country"?

HIKON RON & ANA L  
1561 FLAMING OAK DR  
NEW BRAUNFELS TX 78132  
Property #: 7  
PZ23-0425  
Case Manager: ML

COMMENTS

FAVOR ☐

OPPOSE ☒

Mr. Schilling was instrumental in the fight  
against rezoning this property as commercial  
a few years ago. He came to this neighborhood with  
a petition to sign - check your records. He told  
the neighborhood group that he would purchase  
these lots to extend his back yard (lot 1)  
and keep the rest as open space. He made the  
purchase and, soon after, cleared the land  
and put it up for sale as residential, at  
that time. How can we trust a man who  
already deceived us? This has been our  
home for 35 years. This is where we  
spend quality time with our young  
grandsons. NO! - we do not want a  
commercial zone behind our back yard.  
We appreciate your consideration and  
hope you agree that this property should  
remain residential.

Sincerely,  
Ron & Ana Hikon

WALKER JEAN

3030 FM 306

NEW BRAUNFELS TX 78132

Property #: 3

PZ23-0425

Case Manager: ML

COMMENTS

FAVOR ☐

OPPOSE ☒



JACKSON JEREMY M & VANESSA C

1541 FLAMING OAK DR

NEW BRAUNFELS TX 78132

Property #: 6

PZ23-0425

Case Manager: ML

Rcvd @ 12/6/19 9:40 am

FAVOR ☐

OPPOSE ☒

COMMENTS

1. This proposed change introduces traffic & safety concerns to neighborhood
2. Proposed change not in accordance w/ NB Comprehensive Plan
3. No one who buys in an area like this wants to be adjacent to commercial property.



Case Manager: ML

FAVOR ☐COMMENTS

OPPOSE ☒

THE PREVIOUS OWNER OF THESE  
LOTS ATTEMPTED TO GET THE  
ZONING CHANGED TO C-1A A COUPLE  
OF YEARS AGO. IT WAS DEFEATED  
BY THE OWNERS OF THE ADJOINING  
LOTS INCLUDING THE CURRENT  
OWNER. THE CURRENT OWNER  
NO LONGER LIVES IN THE  
NEIGHBORHOOD AND IS NOW  
TRYING TO CHANGE THE ZONING  
TO BE ABLE TO SELL/DEVELOPE  
THESE LOTS. THIS GREEN AREA  
PROVIDES A BUFFER FROM THE TRAFFIC  
ON HWY 306 SO WE OPPOSE THIS  
ZONING CHANGE REQUEST. <sup>10/2</sup>  
D. H. H. H. H.

**From:** [Ken Brandt](#)  
**To:** [Mary Lovell](#)  
**Subject:** Commercial Zoning Application: PZ23-0425  
**Date:** Tuesday, December 5, 2023 1:32:59 PM

---

**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.**

My wife, Deborah, and I, Ken Brandt, live on 1691 Flaming Oak Dr., New Braunfels, TX 78132. We both oppose the application, PZ23-0425, for commercial zoning of the FM306 North Oak Grove Estates (OGE) frontage lots.

I appreciate the research and the support to oppose the re-zoning application.

Rezoning this land from residential to commercial is not a benefit to New Braunfels; it is a FM306 safety-risk, a risk to the OGE community water supply, and a depreciation threat to the value of OGE properties.

In 2018 a similar commercial zoning application was denied. Referring back to 2018, when Dean Schilling and numerous other OGE owners led the opposition to the zoning application, there have been no significant upgrades or changes to OGE. There are still over ninety residences in OGE, and one entrance/exit; there is no turning lane to the entrance. This is a major safety-risk, specifically to the significant traffic increase and average vehicle traffic speed on north FM306. FM306 in front of OGE is now a four lane highway with a center turning lane. The speed limit is 50 mph; however, it appears that the average vehicle speed is 60 mph.

Adding commercial buildings, with increased vehicles quickly entering/exiting the property, will increase the safety-risk to children, homes, adults walking -- the entire OGE.

In 2023, the OGE water supply was overburdened due to the drought. Now, adding businesses to the limited water supply and with the required commercial septic system, that would be close to the water source and could contaminate the water, this adds a significant risk to the community's water supply system.

Adding commercial buildings, i.e., gas stations, storage units, retail businesses, that would butt-up to home-owners properties will decrease the current values of the homes and potentially increase the safety-factors. There are no other residential areas within two miles; I question the necessity to add commercial buildings that will add noise, safety-risks, and potential water contamination to the residents of OGE.

Ken Brandt  
1691 Flaming Oak Dr.  
New Braunfels, TX

**From:** [Celia McMichael](#)  
**To:** [Mary Lovell](#)  
**Subject:** Opposition to Commercial Zoning application PZ23-0425  
**Date:** Tuesday, December 5, 2023 6:39:36 PM

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**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.**

I, Celia McMichael, reside in the Oak Grove Estates (OGE) neighborhood at 823 Winding Oak Dr., New Braunfels, TX 78132. We oppose Dean Schilling's application PZ23-0425 for commercial zoning of the FM306 North OGE frontage lots. Below is a summary of our concerns with commercial zoning of those lots. These concerns were expressed by Dean Schilling and numerous other OGE owners in opposition to his predecessor's 2018 commercial zoning application which the City denied.

**A. Current Commercial Zoning Application** The lots which Dean Schilling seeks to rezone as commercial have been zoned residential and a part of the OGE neighborhood since its inception. The lots border Oak Knot Drive, the sole entrance to and from our neighborhood, encompasses the rock walls bearing the OGE signage and planter beds and abut the backyards of several of our neighbor's homes and our neighborhood water supply operated by 4-D Water Company. OGE owners have maintained the planter beds and mowed the grass around our signage walls for at least 40 years. Dean represented to me that he purchased the North frontage lot to stop it from being zoned and developed for commercial use. Rather than arrange a sale of the lots to a residential developer or the current OGE owners whose homes abut his lots, Dean has filed an application to change the zoning to commercial. For the same reasons that Dean opposed commercial zoning of this lot in 2018, equity should prevent him from rezoning them as commercial now.

**B. Opposition and Concerns** The following concerns were voiced by me, Dean Schilling and other residents in opposition to prior commercial zoning applications of the frontage lots. These concerns still exist today:

1. A commercial business will increase traffic congestion at the sole access to our neighborhood and create a safety problem for residents and children who walk, play and bike our neighborhood streets since there is no traffic light, no sidewalks, mileage signage, speed bumps and few street lights;
2. A commercial business will cause light and noise pollution and interfere with the use and enjoyment of all homeowners;
3. Removal of any more trees on these lots will increase the noise level of FM 306 and exacerbate the water flow problems and flooding of adjacent homes created by the expansion of FM 306;
4. A commercial septic system would create an unreasonable risk of water contamination to our residential water well supply, the Edwards aquifer recharge zone and our water tower on the North lot which requires a 150-foot setback;
5. The private water company who services the Oak Grove residents has already raised our rates this year to make repairs to an outdated system and we will be overburdened if required to bear the cost to update service for a commercial business.

**C. History of Prior Commercial Zoning Denials**

1. **2018 Commercial Zoning Dispute and City Denial** Five years ago, Dean Schilling and numerous other OGE owners successfully led our neighborhood's opposition to a commercial zoning application filed by the prior owners of the North and South FM306 frontage lots. Those owners, who called themselves The Oak Grove Property Owners, were comprised of 11 current or former OGE homeowners who had purchased the lots in 1987 to stop the developer from rezoning them for commercial development. Over the years, some of the Oak Grove Property Owners died or moved away. Rather than sell their interests to other OGE homeowners, they filed an

application for commercial zoning and contracted to sell them for mini-storage units and a strip center/office park. Mr. Schilling recounted his feelings of betrayal when the Oak Grove Property Owners filed a commercial zoning application because its spokesperson Gary Spitzer had represented to him that the lots were deed restricted as residential and had been purchased to keep them so. Dean Schilling drafted a petition and elicited signatures from most of the 94 OGE homeowners to oppose the commercial zoning application. At the October 3, 2018, meeting of the Planning Commission for Zone Change Applications, several OGE residents and adjacent property owners voiced opposition to the zoning change. Ms. Jen Crownover, County Commission 4, sent an email to Mark Hoyt, on City Council, voicing her opposition to the zoning change and the reasons for it. Art Garza and his wife who own the private water company that services our neighborhood supported our opposition. HMT Engineer Thor Thornhill also spoke on our behalf in opposition to the commercial zoning of this lot. Following the City's 2018 denial of the prior commercial zoning application, the Oak Grove Property Owners sold the South frontage lot to a newly formed neighborhood HOA called Oak Grove Estates Owners Association. The purchase price was funded by loans from HOA members and two OGE homeowners whose lots abutted the South lot. The South lot was then replatted into three parcels with each of the two OGE homeowners who contributed to the purchase price incorporating a subdivided parcel into their homestead and the HOA retaining ownership of the corner lot. The Oak Grove Property Owners sold the North lot to Dean Schilling whose home abutted the North lot. Subsequently, he sold his house and moved out of town.

2. The 1987 Commercial Zoning Dispute In 1987, after approximately 35 homes had been built in the neighborhood, the developer S.D. David Jr sought to rezone the frontage lots as commercial for a convenience store and gas station. The existing lot owners objected and on January 12, 1988, the developer submitted a revised residential plat plan for Oak Grove Estates-Unit Two showing the lots as unplatted which he then contracted to sell to The Oak Grove Property Owners on January 21, 1988. During the 2019 commercial zoning battle, the applicant's spokesperson Mr. Spitzer told me that Dean Schilling and the rest of the OGE residents who opposed the zoning change were making the same arguments that he and the other OGE homeowners had made 30 years earlier in 1987.

3. The Frontage Lots Long Residential History The frontage lots have always been residential. On September 10, 1979, the plat plan for Oak Grove Estates-Unit One was approved listing the frontage lots as unplatted. That year, landowner William R. Meuth sought to change the zoning on the frontage lots to commercial, which was denied. In April 1983, Mr. Meuth and the 10 OGE owners of record executed Amended Building Restrictions limiting the use of the lots in Unit One of Oak Grove Estates solely for single family residential purposes. The document filed May 16, 1983, appointed 5 homeowners to serve as the Architectural Control Committee to enforce the restrictive covenants and oversee the mailboxes. The frontage lots remained residential and were zoned R-1 Single Family District (residential) when they were annexed into the City in 1984. In 1985, the developer SD David Jr began purchasing undeveloped lots in the neighborhood and on August 27, 1985, replatted the frontage lots into 15 residential lots as Oak Grove Estates-Unit Two which was approved (Vol. 8, page 172).

Thank you  
Celia McMichael

DEC 06 2023

Vanessa and Jeremy Jackson  
1541 Flaming Oak Dr  
New Braunfels, TX 78132

City of New Braunfels  
Planning & Development Services  
550 Landa Street  
New Braunfels, TX 78130

To the Planning Commission and City Council of New Braunfels:

I am writing to strongly oppose the proposed zoning change for PZ23-0425 on FM306 near the new water cistern.

Our residence is directly adjacent to the property in question. I strongly oppose changing it to a commercial zone for multiple reasons in .

Point 1 – The New Braunfels Comprehensive Plan – Changing this spot to a commercial zone is in direct opposition to the city’s stated goals for the future. The area in question is on a transitional corridor in Sub Area 6 as defined by the New Braunfels Comprehensive Plan (hereafter referred to as the Plan). As a reminder, the priorities for Sub Area 6 is:

- *an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.*
- *This sub area lies within the famed Texas Hill Country. Its lush trees and natural drainage provide important habitat for the golden-cheeked warbler.*
- *The most rural areas of the ETJ are still feeling pressure to develop. Buildings are clustered into the least sensitive part of the land from an ecological point of view, and are often built using low-impact infrastructure such as green stormwater.*
- *The remaining conserved land is often forested land, agricultural land, ranch land, or land that provides some ecosystem services like endangered species habitat or aquifer recharge.*
- *Typically, the undeveloped areas are protected from future development with conservation easements or other forms of covenant registered to the title of the land.*

Point 2 – There is no need for this zoning change. For a zoning change to occur, there should be a demonstrated need for it.

- A. The owner has not been able to sell the property to develop for residential use because access to 306 was denied. They have to access via Oak Knot. To accommodate a commercial property in the same situation, this would most likely require removal of multiple thriving mature oak trees – also in direct opposition to the Plan.
- B. The owner did not really try to sell to neighbors directly adjacent to the property. At one point he offered to sell to two of the four affected neighbors with survey lines drawn not in alignment with the property lines already in place. It would have created a zig-zag in the line which makes fencing awkward. As the residents of 1541 Flaming Oak, he did not approach us about purchasing the land behind our house. We absolutely would have been interested in purchasing from our back line to FM306.



- C. Commercial property using Oak Knot as its entrance/exit will create traffic concerns for the neighbors that live there and will also create additional safety issues since all the mailboxes for Oak Grove Estates are across from where access would be and it is a Comal ISD bus stop for middle and high school students in that general area.

Point 3 – Any zoning change to commercial is not in alignment with the surrounding area uses. Everything is residential or future residential with the exception of the water cistern directly across from the neighborhood. There is no reason to have this as a small commercial spot. Changing the zoning opens the door to having a commercial property in this residential area which has the potential to make the neighborhood more susceptible to small crimes like theft and vandalism. It would be odd to have this one small parcel zoned as commercial

**A possible compromise for future consideration:**

Assuming the owner is not really interested in selling the plots to the neighbors adjacent to it, then that particular property (currently split in two) would be much better suited to being zoned for eventual use as a Neighborhood or Pocket Park. As Parks are a component of the Comprehensive Plan and it states: *"This plan element addresses the preservation of natural resources, improving the health and wellness of the community and providing balanced access to public parks and programs."* As New Braunfels seeks to move purposefully and intelligently into the future, large and small parks will be an inevitable necessity to meet that goal.

Additionally, on page 98 of the comprehensive plan, it states "Parks provide "positive economic benefits. They enhance property values, increase municipal revenue, bring in homebuyers and workers, and attract retirees. At the bottom line, parks are a good financial investment for a community. The National Association of Home Builders found that 65 percent of home shoppers surveyed felt that parks would seriously influence them to move to a community. Knowledge workers prefer places with a diverse range of outdoor recreational activities, from walking trails to rock climbing. Workers attracted to an area are then positioned to put money back into the local economy through jobs, housing, and taxes, which then contribute to parks."

The Plan also indicated a significant need for more neighborhood park spaces if they are going to reach the 189-acre goal by 2027. This would be a nice park.

Thank you for your consideration,



Vanessa and Jeremy Jackson  
1541 Flaming Oak Dr  
New Braunfels, TX 78132  
[vanessa.jackson007@gmail.com](mailto:vanessa.jackson007@gmail.com)  
254-258-1821; 254-258-1822

**From:** [Steven Lingeback](#)  
**To:** [Mary Lovell](#)  
**Subject:** Opposition to rezoning measure PZ23-0425  
**Date:** Tuesday, December 5, 2023 10:58:20 AM

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**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.**

Hello! My name is Steve Lingeback, and I am the homeowner of 1531 Flaming Oak Dr. I live here with my wife and children. I am a disabled retired Air Force veteran, and I purchased this home from Mr. Dean Schilling in 2021. We wholeheartedly oppose Dean Schilling's application PZ23-0425 for commercial zoning of the FM306 North OGE frontage lots. When I purchased this home, Mr. Schilling assured me that he and the neighbors had taken measures to prevent the subject lots from ever being developed commercially. Obviously, this was a major factor in my decision to purchase this home, as commercial development of these lots would be almost directly in my backyard. Such a change would be massive detriment to my entire neighborhood, but especially to the adjoining property owners like myself. I am dramatically opposed to the wanton destruction of my and my neighbor's home values for the sake of unwanted commercial development.

Furthermore, it is my understanding that Mr. Schilling acquired those lots based on an agreement that they not be developed in this way, essentially defrauding his neighborhood to acquire them. I ask that we honor the wishes of the neighborhood homeowners, and the original intention of the neighborhood committee in preserving the quality of our homes. Mr. Schilling is no longer a homeowner here, and is now an out-of-town investor who is looking out for his profit motive, as he no longer has any interest in the responsible development of our community. To honor his request to rezone these lots would be an affront to the spirit of community that New Braunfels, and Texas in a larger sense, stands for.

I sincerely hope my words don't fall on deaf ears, or fade into white noise that is ignored. As opposed as many New Braunfels residents are to the rapid and sometimes hard to understand urbanization of the town, it is important to note that this specific change would have a very direct and very real negative impact on taxpaying Texans like myself. Please consider our position on this issue. The profit based motivation of out-of-town investors should not dictate the quality of our town. This is about choosing to honor our community before we honor money. I hope your decision is the right one for the sake of our community.

Very Respectfully,  
Steve Lingeback  
USAF, RET.



**From:** [Joyce Hellstern](#)  
**To:** [Mary Lovell](#)  
**Cc:** [Joyce Hellstern](#); [Vickie Tuten](#)  
**Subject:** We oppose application PZ23-0425 for commercial zoning of the FM306 Oak Grove Estates frontage lots  
**Date:** Tuesday, December 5, 2023 2:20:14 AM

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**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.**

My husband, Robert Nowicki, and I, Joyce Hellstern, reside in the Oak Grove Estates (OGE) neighborhood at 323 Spring Hollow Dr., New Braunfels, TX 78132. We oppose Dean Schilling's application PZ23-0425 for commercial zoning of the FM306 North OGE frontage lots. Below is a summary of our concerns with commercial zoning of those lots. These concerns were expressed by Dean Schilling and numerous other OGE owners in opposition to his predecessor's 2018 commercial zoning application which the City denied.

#### **A. Current Commercial Zoning Application**

The lots which Dean Schilling seeks to rezone as commercial have been zoned residential and a part of the OGE neighborhood since its inception. The lots border the Oak Knot Drive, the sole exit and entrance out of our neighborhood, encompasses the rock walls bearing the OGE signage and planter beds and abut the backyards of 6 of our neighbor's homes and our neighborhood water supply operated by 4-D Water Company. OGE owners have maintained the planter beds and mowed the grass around our signage walls for at least 40 years. Dean represented to me that he purchased the North frontage lot to stop it from being zoned and developed for commercial use. Rather than arrange a sale of the lots to a residential developer or the current OGE owners whose homes abut his lots, Dean has filed an application to change the zoning to commercial. For the same reasons that Dean opposed commercial zoning of this same lot in 2018, equity should prevent him from rezoning them as commercial now.

#### **B. Opposition and Concerns**

The following concerns were voiced by Dean Schilling and other residents in opposition to prior commercial zoning applications of the frontage lots and still exist today:

1. A commercial business will increase traffic congestion at the sole access to our neighborhood and create a safety problem for residents and children who walk, play and bike our neighborhood streets since there is no traffic light, no sidewalks, mileage signage, speed bumps and few street lights;
2. A commercial business will cause light and noise pollution and interfere

with the use and enjoyment of all homeowners;

3. Removal of any more trees on these lots will increase the noise level of FM 306 and exacerbate the water flow problems and flooding of adjacent homes created by the expansion of FM 306;

4. A commercial septic system would create an unreasonable risk of water contamination to our residential water well supply, the Edwards aquifer recharge zone and our water tower on the North lot which requires a 150-foot setback;

5. The private water company who services the Oak Grove residents has already raised our rates this year to make repairs to an outdated system and we will be overburdened if required to bear the cost to update service for a commercial business.

### **C. History of Prior Commercial Zoning Denials**

#### **1. 2018 Commercial Zoning Dispute and City Denial**

Five years ago, Dean Schilling and numerous other OGE owners successfully led our neighborhood's opposition to a commercial zoning application filed by the prior owners of the North and South FM306 frontage lots. Those owners, who called themselves The Oak Grove Property Owners, were comprised of 11 current or former OGE homeowners who had purchased the lots in 1987 to stop the developer from rezoning them for commercial development. Over the years, some of the Oak Grove Property Owners died or moved away. Rather than sell their interests to other OGE homeowners, they filed an application for commercial zoning and contracted to sell them for mini-storage units and a strip center/office park. Mr. Schilling recounted his feelings of betrayal when the Oak Grove Property Owners filed a commercial zoning application because its spokespersons Gary Spitzer had represented to him that the lots were deed restricted as residential and had been purchased to keep them so.

Dean Schilling drafted a petition and elicited signatures from most of the 94 OGE homeowners to oppose the commercial zoning application. At the October 3, 2018, meeting of the Planning Commission for Zone Change Applications, several OGE residents and adjacent property owners voiced opposition to the zoning change. Ms. Jen Crownover, County Commission 4, sent an email to Mark Hoyt, on City Council, voicing her opposition to the zoning change and the reasons for it. Art Garza and his wife who own the private water company that services our neighborhood supported our opposition. HMT Engineer Thor Thornhill also spoke in opposition to commercial zoning.

Following the City's 2018 denial of the prior commercial zoning application, the Oak Grove Property Owners sold the South frontage lot to a newly formed HOA called Oak Grove Estates Owners Association. The purchase price was funded by loans from HOA members and two OGE homeowners whose lots abutted the South lot. The South lot was then replatted into three parcels with each of the two OGE homeowners who contributed to the purchase price incorporating a subdivided parcel into their homestead and the HOA retaining ownership of the corner lot. The Oak

Grove Property Owners sold the North lot to the applicant Dean Schilling whose home abutted the North lot. Subsequently, he sold his house and moved out of town.

## **2. The 1987 Commercial Zoning Dispute**

In 1987, after approximately 35 homes had been built in the neighborhood, the developer S.D. David Jr sought to rezone the frontage lots as commercial for a convenience store and gas station. The existing lot owners objected and on January 12, 1988, the developer submitted a revised residential plat plan for Oak Grove Estates-Unit Two showing the lots as unplatted which he then contracted to sell to The Oak Grove Property Owners on January 21, 1988. During the 2019 commercial zoning battle, the applicant's spokesperson Mr. Spitzer told me that Dean Schilling and the rest of the OGE residents who opposed the zoning change were making the same arguments that he and the other OGE homeowners made 30 years earlier in 1987.

## **3. The Frontage Lots Long Residential History**

The frontage lots have always been residential. On September 10, 1979, the plat plan for Oak Grove Estates-Unit One was approved listing the frontage lots as unplatted. That year, landowner William R. Meuth sought to change the zoning on the frontage lots to commercial, which was denied. In April 1983, Mr. Meuth and the 10 OGE owners of record executed Amended Building Restrictions limiting the use of the lots in Unit One of Oak Grove Estates solely for single family residential purposes. The document filed May 16, 1983, appointed 5 homeowners to serve as the Architectural Control Committee to enforce the restrictive covenants and oversee the mailboxes. The frontage lots remained residential and were zoned R-1 Single Family District (residential) when they were annexed into the City in 1984. In 1985, the developer SD David Jr began purchasing undeveloped lots in the neighborhood and on August 27, 1985, replatted the frontage lots into 15 residential lots as Oak Grove Estates-Unit Two which was approved (Vol. 8, page 172).

**From:** [Paula New](#)  
**To:** [Mary Lovell](#)  
**Subject:** Opposition to the Commercial Zoning application PZ23-0425  
**Date:** Tuesday, December 5, 2023 5:09:30 PM

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**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.**

My husband and I have lived at 1730 Flaming Oak in Oak Grove in New Braunfels off of 306 since November of 1995.

We oppose the zoning change that has been put forth to allow Dean Schilling to sell the lots he purchased in 2018 as commercial properties. He purchased them as residential property after he helped lead a fight to prevent a commercial development from being built behind his own home. At that time, he so strongly opposed to those lots being developed into a commercial property that he crafted a petition that he took door to door to solicit signatures against this development. Once that zoning change was successfully denied, he purchased the lots himself at residential (not commercial) prices ostensibly to prevent any further commercial interest. Now that he has sold his primary residence in the neighborhood, it is the height of hypocrisy that he now attempting to do to his former neighbors what he did not want to happen to himself.

Those lots have no access off of 306; any access would have to be on the only road leading into our neighborhood, which is a short and narrow road (Oak Knot). A commercial property would prevent us from having easy access to our homes and would significantly devalue the properties adjacent to it. Additionally, our mail boxes are on that road and there is not much room to maneuver/drive by to get the mail already; more traffic would exacerbate that issue. Those mailboxes had to be replaced within the last few years due to criminals coming in off of 306 and trying to break into them and steal our mail. Having more outside traffic into our neighborhood would just increase the vulnerability of those boxes and be more dangerous for those of us who walk to get our mail.

Also, if I were one of the original commercial purchasers from 2018, I might be tempted to sue Comal County for not approving my commercial zoning request if this subsequent zoning change is then allowed to take place. (I believe that person was Steve Hall who was planning on building a convenience store).

Sincerely,

Paula and Larry New  
512-644-3372  
830-629-0178

Vanessa Jackson  
1541 Flaming Oak Dr  
New Braunfels, TX 78132

To the Planning Commission and City Council of New Braunfels

I am writing to strongly oppose the proposed zoning change for PZ23-0425 on FM306 near the new water

Our residence is directly adjacent to the property in question. I strongly oppose changing it to a commercial zone for multiple reasons.

Point 1 – The New Braunfels Comprehensive Plan – Changing this spot to a commercial zone is in direct opposition to the city's stated goals for the future. The area in question is on a transitional corridor in Sub Area 6 as defined by the New Braunfels Comprehensive Plan (hereafter referred to as the Plan). As a reminder, the priorities for Sub Area 6 is:

- *an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.*
- *This sub area lies within the famed Texas Hill Country. Its lush trees and natural drainage provide important habitat for the golden-cheeked warbler.*
- *The most rural areas of the ETJ are still feeling pressure to develop. Buildings are clustered into the least sensitive part of the land from an ecological point of view, and are often built using low-impact infrastructure such as green stormwater.*
- *The remaining conserved land is often forested land, agricultural land, ranch land, or land that provides some ecosystem services like endangered species habitat or aquifer recharge.*
- *Typically, the undeveloped areas are protected from future development with conservation easements or other forms of covenant registered to the title of the land.*

Point 2 – There is no need for this zoning change. For a zoning change to occur, there should be a demonstrated need for it.

- A. The owner has not been able to sell the property to develop for residential use because access to 306 was denied. They have to access via Oak Knot. To accommodate a commercial property in the same situation, this would most likely require removal of multiple thriving mature oak trees – also in direct opposition to the Plan.
- B. The owner did not really try to sell to neighbors directly adjacent to the property. At one point he offered to sell to two of the four affected neighbors with survey lines drawn not in alignment with the property lines already in place. It would have created a zig-zag in the line which makes fencing awkward. As the residents of 1541 Flaming Oak, he did not approach us about purchasing the land behind our house. We absolutely would have been interested in purchasing from our back line to FM306.
- C. Commercial property using Oak Knot as its entrance/exit will create traffic concerns for the neighbors that live there and will also create additional safety issues since all the mailboxes for Oak Grove Estates are across from where access would be and it is a Comal ISD bus stop for middle and high school students in that general area.

Point 3 – Any zoning change to commercial is not in alignment with the surrounding area uses. Everything is residential or future residential with the exception of the water cistern directly across from the neighborhood. There is no reason to have this as a small commercial spot. Changing the zoning opens the door to having a commercial property in this residential area which has the potential to make the neighborhood more susceptible to small crimes like theft and vandalism. It would be odd to have this one small parcel zoned as commercial

**A possible compromise for future consideration:**

Assuming the owner is not really interested in selling the plots to the neighbors adjacent to it, then that particular property (currently split in two) would be much better suited to being zoned for eventual use as a Neighborhood or Pocket Park. As Parks are a component of the Comprehensive Plan and it states: *“This plan element addresses the preservation of natural resources, improving the health and wellness of the community and providing balanced access to public parks and programs.”* As New Braunfels seeks to move purposefully and intelligently into the future, large and small parks will be an inevitable necessity to meet that goal.

Additionally, on page 98 of the comprehensive plan, it states *“Parks provide “positive economic benefits. They enhance property values, increase municipal revenue, bring in homebuyers and workers, and attract retirees. At the bottom line, parks are a good financial investment for a community. The National Association of Home Builders found that 65 percent of home shoppers surveyed felt that parks would seriously influence them to move to a community. Knowledge workers prefer places with a diverse range of outdoor recreational activities, from walking trails to rock climbing. Workers attracted to an area are then positioned to put money back into the local economy through jobs, housing, and taxes, which then contribute to parks.”*

The Plan also indicated a significant need for more neighborhood park spaces if they are going to reach the 189-acre goal by 2027. This would be a nice park.

Thank you for your consideration,

Vanessa and Jeremy Jackson  
1541 Flaming Oak Dr  
New Braunfels, TX 78132  
[vanessa.jackson007@gmail.com](mailto:vanessa.jackson007@gmail.com)  
254-258-1821; 254-258-1822

**From:** [Rachel Torres](#)  
**To:** [Mary Lovell](#)  
**Subject:** Opposition PZ23-0425  
**Date:** Tuesday, December 5, 2023 9:33:34 AM  
**Attachments:** [Opposition Letter to Zoning Change .docx](#)

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Hello,

My name is Rachel Torres. My husband (Jose Torres) and I own 1161 Flaming Oak Dr. We are writing to express opposition to the application to change the lots at the front of Oak Grove Estates to commercial zoning. I will also attach a letter from another neighbor who is out of town and unable to attend tonight's meeting. We agree with the points made in the letter I'm attaching. In addition, our neighborhood entrance is easy to miss when driving at (or above like most do) the speed limit on 306. It's not easy to get out of during peak traffic times either, if you need to turn left on to 306. Having a commercial property that would require turning on to Oak Knot Dr (our ONLY entrance and exit) would create safety and traffic issues. There is a bus stop there and our community mail boxes. That property is simply not feasible for commercial use. It's way too close to neighbors backyards and community shared space. It should be left as the tiny bit of green space it is, something we are rapidly losing in New Braunfels.

Thank You,  
Rachel Torres  
832-845-5253

[Sent from Yahoo Mail for iPhone](#)