

**PLANNING COMMISSION – JANUARY 8, 2019 – 6:00PM**

New Braunfels City Hall Council Chambers

**Applicant/Owner:** Sandra Neuse and Michael Smithers

**Address/Location:** 2254 and 2316 FM 725

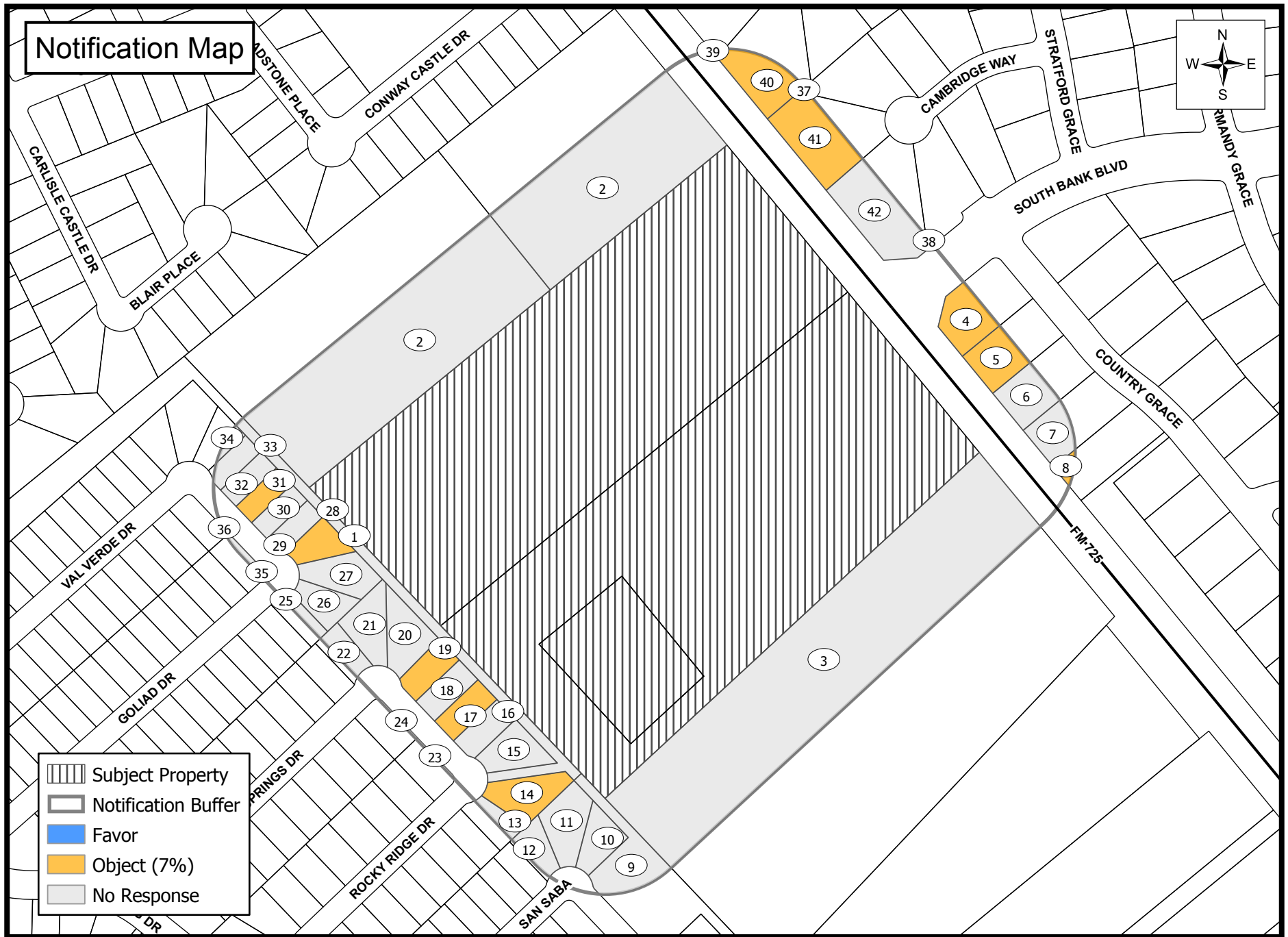
**PROPOSED ZONE CHANGE – CASE #PZ-18-045**

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

- |    |                                       |    |                                      |
|----|---------------------------------------|----|--------------------------------------|
| 1  | PROPERTY OWNER                        | 21 | GRIMSLEY DAVID L II & LESLIE A       |
| 2  | CELEBRATE LIFE CHURCH INC             | 22 | LUGANBEAL JERRE A & RICHARD          |
|    | SULLENS KENNETH ESTATE OF & ARTHUR    | 23 | SUMRALL PAUL L                       |
| 3  | SULLENS & GEORGE SHIPPERLEY &         | 24 | WALLEY JARED D & APRIL LEE           |
| 4  | MATIAS VICTOR & TERESA J              | 25 | ROHNOW DAVID G & GRACE A             |
| 5  | PHILLIPS DONALD W & HELEN C           | 26 | MEDELLIN SHALEE MICHELLE             |
| 6  | SALA ARTURO & JULIANNE Y LOPEZ-SALA   | 27 | SIRIO MARIO ANTONIO & ROXANNE NICOLE |
|    | STINSON DOUGLAS L & ALBINA            | 28 | CATAN ANDREA L                       |
| 7  | ABUGRAYRAEVNA STINSON                 | 29 | SLABY FRANK M                        |
| 8  | GOLDAPP ALVIN ALLEN & CATHY LYNN      | 30 | GOMEZ HECTOR                         |
|    | DOVE CROSSING HOME OWNERS ASSOCIATION | 31 | EVANS KENNETH B & ANN D              |
| 9  | INC                                   | 32 | VINSON JARED W                       |
| 10 | WOJTASCZYK LINDSY E                   | 33 | ROGERS BRIAN                         |
| 11 | DRAPER MARK                           | 34 | BRANDALICK DEAN                      |
| 12 | LAING SCOTT CAMERON & SHILA N         | 35 | GOODSPEED DOUG                       |
| 13 | FAVELA LINO & JANE F                  | 36 | SWIGART VICKI G                      |
| 14 | TERRAL ANGELA LOUISE & GARRETT W      | 37 | DAVIS SHAY B & TINA M                |
| 15 | SINGH URDHAWRETA & MAN MOHAN          | 38 | LIGHTSEY JOHN & CAROL                |
| 16 | SMAGAC LYNDA                          | 39 | SNIDER DREW W & DIANNA L             |
| 17 | KING BARRY L & SHAUNA J FOARD         | 40 | MILLER CHAD & APRIL                  |
| 18 | ALBERT LISA & JOHN                    | 41 | BIBLE ASHLEY PAIGE                   |
| 19 | WATSON SANDRA                         | 42 | BAKER JESSICA MARIE                  |
| 20 | MOULTHROP SCOTT                       |    |                                      |

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**SEE MAP**



**Matt Greene**

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# 4

**From:** Teresa Matias <teresamatias@me.com>  
**Sent:** Friday, January 04, 2019 1:26 PM  
**To:** Matt Greene  
**Cc:** ICE Victor Matias; teresamatias@me.com  
**Subject:** Rezone Opinion  
**Attachments:** Rezone.PDF

Matt

Please find our objection to the rezoning for case #PZ18-045z

Please confirm acceptance of this email.

By the way the notice states a return date of August 6th, this is a problem and I suggest to resend with a corrected date along with an extension.

Thank you

Teresa Matias  
830-609-7861

Case: #PZ18-045 (Neuse/Smithers) (MG)

Name: Victor and Teresa Matias

Address: 2304 Country Grace

Property Number on Map: 4

We object to the rezoning of the property Lot 2 and 3, Country Meadows Subdivision, addressed at 2254 and 2316 FM 725.

Reasons for Objection:

1. FM 725 is a busy road as it is and to have additional traffic will only make the road busier and the safety of those exiting and entering Southbank will be hindered. This even gets worse during the school year with buses getting into and out of Southbank.
2. The property value of our home and the homes around ours will be negatively affected. We would not have purchased the home if the property in question were zoned as is being requested.
3. Having businesses move into this property will have a negative impact for the homes around due to the higher likelihood of vandalism and vagrancy.
4. Additional lighting will be needed to support whatever moves into this property which will have a negative impact on our well-being.
5. The noise level will increase due to the increased traffic in and out of the subject property, as it has with the addition of the traffic light. Additional use of the traffic light will increase the noise level which will have a negative impact on our quality of life.

*Teresa Matias*

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ18-045 (Neuse/Smithers) (MG)

Date Sent: 12/14/18

Name: Victor + Teresa Matias

Address: 2304 Country Grace

Property number on map: 4

Comments: (Use additional sheets if necessary)

I favor: \_\_\_\_\_

I object: ☒   
 (State reason for objection)   
 see attached

Signature: *Teresa Matias*



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ18-045 (Neuse/Smithers) (MG)

Date Sent: 12/14/18

Name: DONALD W. & HELEN C. PHILLIPS

Address: 2312 COUNTRY GRACE

Property number on map: 5

Comments: (Use additional sheets if necessary)

FM 725 IS NOT CAPABLE OF EFFICIENTLY HANDLING  
ADDITIONAL TRAFFIC THIS WOULD GENERATE.

Signature: Helen C. Phillips  
Donald W. Phillips



I favor: \_\_\_\_\_

I object: XXXXXX  
(State reason for objection)

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ18-045 (Neuse/Smithers) (MG)

Date Sent: 12/14/18

Name: A. ALLEN & CATHY GONDAR

Address: 2336 COUNTRY GRACE

Property number on map: 8

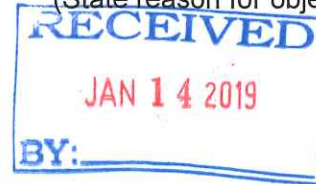
Comments: (Use additional sheets if necessary)

See attached

Signature: [Signature]

I favor: \_\_\_\_\_

I object: XV  
(State reason for objection)



Matt Greene  
City of New Braunfels  
Planning Commission  
550 Landa Street  
New Braunfels, TX 78130



Re: PZ18-045

Mr. Greene

My wife, Cathy, and I are opposed to the rezoning for the following reasons:

1. The property abuts three subdivisions and would change the character of these neighborhoods.
2. The rezoning would directly affect our property values as it would be visible from our backyard,
3. In our opinion it would have detrimental traffic flow to and from our neighborhood, including a serious increase in traffic on FM 725.
4. Even if drainage meets all local codes regarding runoff control the amount of asphalt parking required for a commercial development would cause the potential for flooding in Southbank.
5. A commercial development would have adverse environmental impacts on all neighborhoods. This includes light pollution from the tall lights required for a commercial parking lot, it would add to noise experienced in the neighborhoods from early morning trash collection and delivery trucks, and it would add to the heat experienced in the neighborhoods from the asphalt heat island effect.

A handwritten signature in black ink, appearing to read "Allen Goldapp".

Allen and Cathy Goldapp

2336 Country Grace

Property #8

Southbank Unit 1, Block 1, Lot 5

New Braunfels, TX 78130

A handwritten signature in black ink, appearing to read "Cathy Goldapp".

#14

**Holly Mullins**

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**From:** garrettterral@gmail.com  
**Sent:** Monday, January 07, 2019 3:17 PM  
**To:** Holly Mullins  
**Subject:** Pz18-045 obosition

Good afternoon,

My name is Garrett Terral and reside at 205 Rocky Ridge Dr. I am writing to express my oposition to the rezoning pz18-045. My property is in the 200 ft buffer zone and highly oppose the Rezoning for many reasons. Anything you need from me to state my position, I will be more than happy to provide.

V/R

Garrett Terral  
205 Rocky Ridge Dr

#17

Shauna Foard

Barry King

Address: 2439 Concho Loop

Property number on map: #17

I hereby state my objection of the rezoning.

My reasons for objection follow: The properties in question back right up to my backyard. This is a quiet residential neighborhood. The C-18 and C-O are detrimental to property values of our homes because these 2 categories being requested allow for most all types of commercial operations. When this subdivision was built it was purported that no commercial properties would be built behind our neighborhood that could destroy the values of your property. There simply are NOT neighborhood friendly zoning categories and are unsafe as far as families and children are concerned due to the types of commercial activities which might occur on the identified areas requesting to be rezoned.

I STRONGLY OBJECT TO THESE REQUESTS FOR REZONING.

Additionally, the notices, which were postmarked December 21, 2019 were posted on the Friday before Christmas which means that people who were gone for the holidays lost 9 days of the Notification for Buffer residents. This has allowed only 7 other days for notices to be received by mail by people out of town for the holidays. In fact I have yet to receive notification except from neighbors.

PLEASE CONSIDER POSTPONING ANY DECISION IN THIS MATTER UNTIL A SUBSEQUENT MEETING IN FEBRUARY 2019.

#19

## Matt Greene

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**From:** Sandi Watson <sandiwatson909@gmail.com>  
**Sent:** Wednesday, January 02, 2019 5:08 PM  
**To:** Matt Greene  
**Subject:** Rezoning Case: #PZ-18-045 (Neuse/Smithers) (MG)

My name is Sandra Watson  
Address: 2431 Concho Loop in New Braunfels  
Property number on map: #19

I hereby state my objection to the rezoning.

My reasons for objection follow: The properties in question back right up to my back yard. This has been a peaceful and quiet residential neighborhood. The "C-1B" and "C-O" are detrimental to property values of our homes because these two categories being requested allow for most all types of commercial operations. When this subdivision was built it was purported that no commercial would be built behind these properties to destroy the values of our property. These simply are NOT neighborhood friendly zoning categories and unsafe as far as families and children are concerned due to the types of commercial activities which might occur on the identified areas requesting to be rezoned.

I STRONGLY OBJECT TO THESE REQUESTS FOR REZONING.

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Sandi Watson  
[sandiwatson909@gmail.com](mailto:sandiwatson909@gmail.com)

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ18-045 (Neuse/Smithers) (MG)

Date Sent: 12/14/18

Name: Andrea Caton

Address: 2393 Carson Loop

Property number on map: 28

Comments: (Use additional sheets if necessary)

Signature: Andrea Caton

RECEIVED

JAN 28 2019

I favor: BY: \_\_\_\_\_

I object: ✓  
(State reason for objection)

*Don't want a business in my  
backyard.*



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ18-045 (Neuse/Smithers) (MG)

Date Sent: 12/14/18

Name: Kenneth B. Evans

Address: 2381 CARROLL LOOP

Property number on map: 31

Comments: (Use additional sheets if necessary)

WE LIKE THE STATUS QWO! ANYTHING WILL MOST  
LIKELY HURT PROPERTY VALUES,

Signature: Kenneth B. Evans



I favor: \_\_\_\_\_

I object: X  
(State reason for objection)



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ18-045 (Neuse/Smithers) (MG)

Date Sent: 12/14/18

Name: Dyana Dianna Snider

Address: 2324 Stratford Gate

Property number on map: 39

Comments: (Use additional sheets if necessary)

Signature: 

RECEIVED

JAN 04 2018

I favor: BY:

I object: X  
(State reason for objection)

I Fear Loss of Property  
Value as well as the possibility  
of an unsightly establishment

#40

**Matthew W. Simmont**

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**From:** Chad Miller <chadmiller44@hotmail.com>  
**Sent:** Monday, January 7, 2019 11:20 AM  
**To:** Matthew W. Simmont  
**Subject:** Rezoning of fm725

Hello

I live in 2323 stratford grace, which will be directly affected by the pending zoning change of fm725. While i do not oppose growth for tue city of nb, i do feel the zoning classification is too broad. The decision for this classification was made with the sole intention of maximizing the overall value of the properties that will be brought to market, not for what would best interest the surrounding properties. For this reason, i oppose the proposed reclassification.

Thank you,

Chad Miller  
8303020292

Sent via the Samsung Galaxy S9+, an AT&T 4G LTE smartphone

#41

## Matthew W. Simmont

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**From:** Ashley Bible <wine1231@yahoo.com>  
**Sent:** Friday, January 4, 2019 6:06 PM  
**To:** Matthew W. Simmont  
**Subject:** Re: Case No PZ-18-045

Mr. Simmons,

I am reaching out to you as a Southbank Homeowner. I, Ashley McDaniel of 122 Cambridge Way, resides less than 200 ft away from the properties listed below and our family objects to the proposed zoning but would favor zoning that is "much more residential friendly." If you have any questions, please feel free to call me at +15127730658.

Case No. PZ-18-045

The properties are Lots 2 and 3, Country Meadows Subdivision located between Conway Castle Drive and Klein Road on FM725.

Proposed zoning change is from R-1 and APD to C-1B and C-0.

Thank you,  
Ashley McDaniel

#41

[Sent from Yahoo Mail for iPhone](#)

Outside of the  
200' Notification  
Area

**Matthew W. Simmont**

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**From:** Becky Goldstein <beckyg96@yahoo.com>  
**Sent:** Saturday, January 5, 2019 8:37 AM  
**To:** Matthew W. Simmont  
**Subject:** Objection to rezoning

Dear Mr. Simmont,

I'm a resident on Conway Castle Dr and am writing to strongly object to the proposed change in zoning to Lots 2 and 3, Country Meadows Subdivision located between Conway Castle Dr and Klien Road on FM 725.

I understand the proposed zoning change would move these lots from R-1 and APD to C- 1B and C-O which is unacceptable for this more upscale residential area. I would favor and urge the Planning Commission for zoning much more residential friendly.

Best Regards,  
Rebecca Goldstein  
157 Conway Castle Dr  
New Braunfels, TX 78130

[Sent from Yahoo Mail on Android](#)

Outside of the  
100' Notification  
Area

**Matthew W. Simmont**

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**From:** Debbie Lewis <lewisd@satx.rr.com>  
**Sent:** Saturday, January 5, 2019 9:46 AM  
**To:** Matthew W. Simmont  
**Subject:** Case No. PZ-18-045

Case No. PZ-18-045

The properties are Lots 2 and 3, Country Meadows Subdivision located between Conway Castle Drive and Klein Road on FM725.

Proposed zoning change is from R-1 and APD to C-1B and C-O.

Mr. Simmont,

I OBJECT to the above zoning but would favor zoning that is much more residential friendly. And would like for you to strongly object to this zoning.

Thank you,  
Deborah Lewis  
2201 Waterford Grace  
New Braunfels, Texas 78130

Outside of the  
200' Notification  
Area

**Matthew W. Simmont**

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**From:** RAYMOND LAFREY <rlafrey39@gmail.com>  
**Sent:** Saturday, January 5, 2019 10:30 AM  
**To:** Matthew W. Simmont  
**Cc:** Southbank Homeowner's Association  
**Subject:** FM 725 Rezoning Case No. PZ-18-045

Mr Simmonts,

I am Raymond LaFrey, and live in Southbank, New Braunfels.

This is in regard to Case No. PZ-18-045, Lots 2 and 3, Country Meadows Subdivision, located between Conway Castle Drive and Klein Road on FM725, and the proposed zoning change from R-1 and APD to C-1B and C-O.

I strongly object to the proposed zoning change and recommend zoning that is much more residential friendly.

Respectfully,

Raymond R. LaFrey

2221 Windsor Pl

New Braunfels, Texas 78130

830 214 0621

In your email you might say you object to the above zoning but would favor zoning that is "much more residential friendly." (Rather than proposing specific zoning at this point that we would find acceptable, it's better to wait until the zoning meeting to determine what alternative we would favor. At this point we simply want to state our objection to the currently proposed zoning).



Outside of the  
200' Notification  
Area

**Matthew W. Simmont**

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**From:** Jackie Rockoff <JackieRockoff@Comcast.net>  
**Sent:** Saturday, January 5, 2019 11:24 AM  
**To:** Matthew W. Simmont  
**Subject:** In reference to Case No. PZ-18-045, Proposed zoning changes

Referencing: Case No. PZ-18-045

Lots 2 and 3, Country Meadows Subdivision located between Conway Castle Drive and Klein road on FM 725

Regarding: Proposed zoning change from R-1 and APD to C-1B and C-O

Mr. Simmont,

I am a resident of the Southbank subdivision on FM 725 across from the above listed properties, and I **STRONGLY OBJECT** to the proposed zoning changes of that property to C-1B and C-O. Southbank has been a staple in the New Braunfels community for decades. We take pride in our friendly community-centered neighborhood, upscale reputation, and safe atmosphere. Changing the property zoning to C-1B and C-O could bring less desirable businesses to the area that could potentially degrade our community by default.

I would be in favor of zoning that is much more residential friendly.

Thank you,

Jackie Rockoff

*2274 Normandy Grace*  
Southbank Resident

[jackierockoff@comcast.net](mailto:jackierockoff@comcast.net)

832-350-1985

Outside of the  
200' Notification  
Area

**Matthew W. Simmont**

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**From:** Ken <ken2288@att.net>  
**Sent:** Saturday, January 5, 2019 12:21 PM  
**To:** Matthew W. Simmont  
**Subject:** Proposed zoning change is from R-1 and APD to C-1B and C-O.

As a resident of SouthBank subdivision, we think this proposed zoning change to the property across 725 from SouthBank would allow development that could devalue our properties. I would favor a more restrictive and neighborhood friendly zoning to be applied.

Thank you for your consideration.

Ken & Deana Bates  
2288 Brittany Grace



Outside of the  
200' Notification  
Area

**Matthew W. Simmont**

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**From:** Rick Burr <rgburr24@gmail.com>  
**Sent:** Saturday, January 5, 2019 4:28 PM  
**To:** Matthew W. Simmont  
**Subject:** Case No. PZ-18-045

Dear Simmont:

My wife and I are home owners in the Southbank Subdivision located on FM725. Our street address is 2357 Waterford Grace, New Braunfels, Texas 78130.

I am writing concerning the case referenced in the above subject line concerning lots 2 and 3, Country Meadows Subdivision located between Conway Castle Drive and Klein Road on FM725. There is a proposed zoning change from R-1 and APD to C-1B and C-O.

My wife and I object to the zoning change but would be comfortable with a much more residential friendly zone.

Sincerely,  
Richard G. Burr

Outside 200'  
Notification  
Area

**Matthew W. Simmont**

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**From:** Monique Lassiter <moniquelasseter@gmail.com>  
**Sent:** Saturday, January 5, 2019 5:23 PM  
**To:** Matthew W. Simmont  
**Subject:** Objection to Zoning along 725

Dear Sir,

I would like to oppose the current zoning proposal to C-1B across from my subdivision, Southbank.

This proposed zoning is not acceptable to our residential neighborhood. I do not oppose the other zoning proposal.

Blessings,

Monique and James Lasseter

2275 Brittany Grace

Sent from my iPhone

Outside of the  
200' Notification  
Area

**Matthew W. Simmont**

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**From:** M Lasseter <mycandlelady@satx.rr.com>  
**Sent:** Saturday, January 5, 2019 5:26 PM  
**To:** Matthew W. Simmont  
**Subject:** FM 725 Zoning objection

Dear Sir,

I would like to oppose the current zoning proposal to C-1B across from my subdivision, Southbank.

This proposed zoning is not acceptable to our residential neighborhood. I do not oppose the other zoning proposal.

Thank you,

Barbara Vincenti

2279 Brittany Grace

**Matthew W. Simmont**

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Outside of the  
200' Notification  
Area

**From:** Tommie Gillespie <tommie.gillespie@yahoo.com>  
**Sent:** Friday, January 4, 2019 8:59 PM  
**To:** Matthew W. Simmont  
**Subject:** Rezoning 725

I am property owner in south bank subdivision on Stratford Grace.

I would much prefer another subdivision built across from our subdivision than any businesses that my devalue my property.

Sent from my iPhone

2260 Stratford Grace

Outside of the  
200' Notification  
Area

**Matthew W. Simmont**

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**From:** Vincent Polito <v.polito@att.net>  
**Sent:** Friday, January 4, 2019 8:43 PM  
**To:** Matthew W. Simmont  
**Subject:** Case No. PZ-18-045

Mr Simmont

I am writing in reference to a zoning change request that is before the city of New Braunfels. The location of the property is Lots 2 and 3, Country Meadows Subdivision, located between Conway Castle Drive and Klein Road on FM 725. This property is located across FM 725 from the Southbank Subdivision. The proposed zoning change is from R-1 and APD to C-1B and C-O. My name is Vincent Polito and I am a resident and homeowner in the Southbank Subdivision. (2340 Normandy Grace) I am opposed to this zoning request as currently stated. My main objection is that if you look at the area bounded by Walnut Ave, County Line Road, Klein Road and the Guadalupe River, this general area has been overwhelmingly developed as single family residential. There are some businesses located along County Line Road and Walnut with also a scattered number along FM 725, most of which would be considered neighborhood friendly commercial. (churches, businesses located in renovated homes etc) I believe this use of this land has been well-established for many years now and the city of New Braunfels should act to keep this generally residential area intact and supported by the city. I would support a zoning change for this area to either single family residential or a more neighborhood friendly commercial designation. Changing the zoning to C-1B or C-O would allow for a very wide range of commercial entities to enter the area, many of which would not be neighborhood friendly. This would fundamentally change the nature of this general area and negatively impact a great number of residents since a great number of New Braunfels residents live within the Walnut, County Line Road, Klein Road, Guadalupe River rectangle. Please vote against this zoning change request and explore ways to make this a more neighborhood friendly proposal.

Thanks in advance for your consideration of my request. I can be reached at 281-610-1172 if you have further questions.

Sincerely

Vincent Polito

2340 Normandy Grace

New Braunfels

Outside of the  
200' Notification  
Area

**Matthew W. Simmont**

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**From:** Nancy Fussell <nancytravel@hotmail.com>  
**Sent:** Friday, January 4, 2019 7:48 PM  
**To:** Matthew W. Simmont  
**Subject:** Case No. PZ-18-045

Mr. Simmont,

I am writing concerning Lots 2 and 3, Country Meadows Subdivision located between Conway Drive and Klien Road on FM 725. I understand there is a proposed zoning change from R-1 and APD to C- 1B and C-O.

My husband and I object to the above zoning change. We would favor zoning more residential friendly. We live in Southbank subdivision.

Thank you,  
Nancy and Donald Seymour  
2302 Waterford Grace  
New Braunfels, Tx 78130

Sent from my iPad



Outside of the  
200' Notification  
Area

**Matthew W. Simmont**

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**From:** Ed Warnecke <edwarnecke1@gmail.com>  
**Sent:** Friday, January 4, 2019 6:12 PM  
**To:** Matthew W. Simmont  
**Subject:** proposed rezoning change

Subject:  
Zoning change being considered for case #PZ-18-045 ....lots 2 & 3 in Country Meadows Sub-division on FMR 725  
...across from SouthBank Sub-Division

Please accept this e-mail as my formal objection to the above referenced lots being rezoned from R-1 and APD to C-1B and C-O

As a resident of the SouthBank Subdivision I would request that the zoning be changed to one that is much more residential friendly.....and one which would not devalue the considerable investment many residents in SouthBank have made in our homes.

Thank you for your consideration of this objection and request.

Edwin A. Warnecke  
2317 Essex Grace  
New Braunfels, Texas 78130  
Phone #.....830-609-2408

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This email has been checked for viruses by Avast antivirus software.  
<https://www.avast.com/antivirus>

Outside of the  
200' Notification  
Area

**Matthew W. Simmont**

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**From:** Rick Love <RLove@vintageair.com>  
**Sent:** Friday, January 4, 2019 6:02 PM  
**To:** Matthew W. Simmont  
**Cc:** 'lindamazureklove@gmail.com'  
**Subject:** Re-zoning application

Hello Mr. Simmont,

My name is Rick Love, and I have lived with my family in the Southbank subdivision since 1992. We chose to build our home in this area of New Braunfels because it was somewhat out of the city and a quiet residential area. I understand that progress and growth have become inevitable, but I also ask that you keep people and families in mind when you consider Zoning change applications. I am aware that you have a request (Case No. PZ-18-045

The properties are Lots 2 and 3, Country Meadows Subdivision located between Conway Castle Drive and Klein Road on FM725) that is requesting a Zoning change from R-1 and APD to C-1B and C-O. If approved, this change will open the door to some heavy commercial development right across the street from our subdivision. Again, I understand that growth is happening everywhere in new Braunfels, but I would request that perhaps rezoning to a more residentially friendly class be considered.

Thank you for your consideration.

Best regards,

Rick Love  
2208 Waterford Grace  
New Braunfels, TX 78130



Outside of the  
200' Notification  
Area

**Matthew W. Simmont**

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**From:** Gary Steel <gsteel274@gmail.com>  
**Sent:** Friday, January 4, 2019 5:32 PM  
**To:** Matthew W. Simmont  
**Subject:** Case No. PZ-18-045

I live in Southbank and am very concerned about the rezoning of:  
Lots 2 and 3, Country Meadows Subdivision located between Conway Castle Drive and Klein Road on FM725.

Proposed zoning change is from R-1 and APD to C-1B and C-O.

I object to the above zoning as being way too broad and inclusive to be across from the residents in my subdivision and Pecan Grove, but would favor zoning that is much more residential friendly.

Gary Steel  
274th District Judge  
Comal, Guadalupe and Hays Counties

2268 Waterford Grace  
New Braunfels TX 78130

Outside of 200'  
Notification Area

**Matthew W. Simmont**

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**From:** Paul B <paulbialick@gmail.com>  
**Sent:** Friday, January 4, 2019 5:01 PM  
**To:** Matthew W. Simmont  
**Subject:** Opposition of zoning request

Mr Simmont,

My name is Paul Bialick, I am a resident of Southbank and wanted to let you know I/We are opposed to the re-zoning of the property across from us on FM 725 to C-1B.

I understand that re-zoning the properties to commercial is inevitable but believe C-1B is to broad.

Thankyou for your attention to this matter.

Sincerely,

Paul S Bialick  
(c)210.379.3982  
Www.ucs-now.com  
Www.texasskiranch.com  
"It's A Way Of Life!"

2253 Waterford Grace

Outside of 2001  
Notification  
Area

**Matthew W. Simmont**

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**From:** D'Ann <vangorkum21@gmail.com>  
**Sent:** Friday, January 4, 2019 3:11 PM  
**To:** Matthew W. Simmont  
**Subject:** Commercial zoning across from 725

At 102 Country Grace S we object to the current zoning. We want zoning that is beneficial for a residential area.

D'Ann Vangorkum

Outside of the  
200' Notification  
Area

**Matthew W. Simmont**

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**From:** Susan Allpass <susanallpass.sa@gmail.com>  
**Sent:** Friday, January 4, 2019 2:30 PM  
**To:** Matthew W. Simmont  
**Subject:** Southbank Resident apposing rezoning

My name is Susan Allpass and I live in Southbank. I would like to express my concerns about the rezoning on 725. This zoning is not acceptable for the residents here in order to protect our property values. I have lived in this subdivision going on 12 years and value my long term investment in my home. Please reconsider this zoning change. Thank you for allowing us to have a voice in this matter.

Bob and Susan Allpass  
Southbank Residents

2314 Brittany Grace

Outside of the  
200' Notification  
Area

**Matthew W. Simmont**

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**From:** Kyle Rieger <hanginon44@hotmail.com>  
**Sent:** Friday, January 4, 2019 2:15 PM  
**To:** Matthew W. Simmont  
**Subject:** Objection to zoning C-1B & C-0

**Importance:** High

As a resident of Southbank, and a current address of 2316 Normandy Grace, I hereby submit a written "Objection" to the zoning proposal along 725 to C-1B & C-0. Please take this under immediate consideration.

Kyle Rieger  
**Coyote Consulting**  
**575-973-3268**  
**210-508-5734**

Outside of the  
200' Notification  
Area

**Matthew W. Simmont**

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**From:** pop-server.satx.rr.com <pkellerhals@satx.rr.com>  
**Sent:** Monday, January 7, 2019 10:10 AM  
**To:** Matthew W. Simmont  
**Cc:** Justin Meadows  
**Subject:** Case No. PZ-18-045

We have lived at 2307 Stratford Grace, in the SouthBank community, for 11 years and are very happy with the neighborhood, facilities and location. We are concerned with the proposed rezoning currently being proposed for Lots 2 and 3, Country Meadows subdivision on FM725. We object to the zoning change from R-1 and APD to C-1B and C-O and favor a much more residential friendly zoning.

We would appreciate your support in this endeavor.

Thanks,

Paul and Dixie Kellerhals

Outside of  
200' Notification  
Area

**Matthew W. Simmont**

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**From:** Lance Wipf <lwipf@standardtextile.com>  
**Sent:** Monday, January 7, 2019 10:46 AM  
**To:** Matthew W. Simmont  
**Subject:** Case No. PZ-18-045

Good Morning Mr. Simmont,

I live in Southbank and am writing to let you know my wife and I object to the proposed zoning change as it is currently written for Case No. PZ-18-045 (Lots 2 and 3 Country Meadows Subdivision located between Conway Castle Drive and Klein Road on FM725).

We understand that zoning changes are eminent along FM725, but would like to see a much more "residential friendly" zone classification.

Thank you for your consideration in this matter.

**Lance Wipf**

Textile Consultant

111 Dover Grace

**STANDARD TEXTILE**

One Knollcrest Dr. | Cincinnati, Ohio 45237 | [standardtextile.com](http://standardtextile.com)  
210-410-0477 | Fax: 513-552-9032

**STANDARD**  
TEXTILE



outside 200'  
Notification  
Area

**Matthew W. Simmont**

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**From:** Jaymie Snider <jsnider@boonchapman.com>  
**Sent:** Monday, January 7, 2019 9:31 AM  
**To:** Matthew W. Simmont  
**Subject:** Southbank -Case No, PZ-18-045

Good morning,

I am emailing in regards to the re-zoning across the street from my subdivision of Southbank. Please accept and further distribute my information, as I will not be able to attend the City Council meeting tomorrow night.

I strongly oppose the proposed re-zoning of lots 2 and 3 on Country Meadows Subdivision located on Conway Castle DR and 725. The C1B and C-O is not something I would like to see across the street. I would favor zoning that is more residential friendly.

Please accept this opposition as we have been residents of Southbank for twelve years. Our address is 2319 Stratford Grace.

Thank you!

**Jaymie Snider**, Talent and Development Manager  
Boon-Chapman, Soluta, Prime Dx, Interceptis  
**D:** 512.233.7190 | **F:** 512.233.7036

**\*\*CONFIDENTIAL HEALTH INFORMATION ENCLOSED\*\***

Health Care Information is personal and sensitive information related to a person's health care. It is being e-mailed to you after appropriate authorization from the patient/member or under circumstances that do not require patient/member authorization. You, the recipient, are obligated to maintain the health care information in a safe, secure and confidential manner. Re-disclosure of the health care information transmitted without additional patient/member consent or as permitted by law is prohibited. Unauthorized re-disclosure or failure to maintain confidentiality could subject you to penalties described in federal and state law. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this information is STRICTLY PROHIBITED. If you have received this message by error, please notify us immediately and destroy the related message.



Outside of the  
200' Notification  
Area

Holly Mullins

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**From:** Mark Andrews <mark.andrews@co.hays.tx.us>  
**Sent:** Monday, January 07, 2019 1:59 PM  
**To:** Holly Mullins  
**Cc:** 'kimberlidandrews@gmail.com'  
**Subject:** Rezoning of FM 725

To whom it may concern,

I will start by saying I am a layperson when it comes to zoning, and all the goings-on of city management, planning, and design, so I respectfully ask for your patients. My name is Mark Andrews and I own and reside in my home at 216 Rock Springs Dr. New Braunfels, TX 78130. It has been brought to my attention that an entity or persons are seeking a zoning change to a property that fronts FM 725 and is directly east, north-east from my property.

I understand a letter was sent to those property owners that were within a 200-foot buffer from the proposed zone change, and I am approximately 1 house outside that buffer. We are approximately 3 houses away from the cul-de-sac that intersects with Concho Loop. The parcel of land I am speaking of is directly behind the homes on Concho Loop.

I have been a police officer for 17 years, and know firsthand the type of issues that can arise out of having a commercial establishment so close to a residential neighborhood. I am concerned a zone change, depending on the type of establishment to be built, could adversely affect the value of my property and the safety of my family and neighbors.

I respectfully request this zoning change be denied due to the proximity of the affected neighbors and homes.

Feel free to contact me at any time via my personal cell phone at 210.825.7334 or my personal email address at [texas5ohh@yahoo.com](mailto:texas5ohh@yahoo.com).

Thank you,

*Deputy Mark Andrews*

Hays County Sheriff's Office  
Community Outreach Unit  
1307 Uhland Rd. San Marcos, TX  
(512) 393-7342 ofc  
(512) 787-4363 cell  
[mark.andrews@co.hays.tx.us](mailto:mark.andrews@co.hays.tx.us)

Outside 200'  
Notification  
Area

**Matthew W. Simmont**

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**From:** chaz gallagher <chazgallagher@gmail.com>  
**Sent:** Monday, January 7, 2019 2:47 PM  
**To:** Matthew W. Simmont  
**Subject:** In reference to Case No. PZ-18-045, Proposed zoning changes

Referencing: Case No. PZ-18-045

Lots 2 and 3, Country Meadows Subdivision located between Conway Castle Drive and Klein road on FM 725

Regarding: Proposed zoning change from R-1 and APD to C-1B and C-O

Mr. Simmont,

I am a resident of the Southbank subdivision on FM 725 across from the above listed properties, and I **STRONGLY OBJECT** to the proposed zoning changes of that property to C-1B and C-O. I think thats just opening it up to a broad spectrum of things to get the sale price up higher. Im all for PRO business but would rather see a SUP so we the residents and city could help make sure the business would fit it the right way with the surrounding neighborhood.

Southbank has been a staple in the New Braunfels community for decades. We take pride in our friendly community-centered neighborhood, upscale reputation, and safe atmosphere. Changing the property zoning to C-1B and C-O could bring less desirable businesses to the area that could potentially degrade our community by default.

I would be in favor of zoning that is much more residential friendly or SUP.

Thank you,

**Chaz Gallagher**

**2281 Normandy Grace  
New Braunfels, TX 78130**

Outside of Joe's  
Notification Area

**Matthew W. Simmont**

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**From:** Randy Visser <randy.visser85@gmail.com>  
**Sent:** Monday, January 7, 2019 2:23 PM  
**To:** Matthew W. Simmont  
**Subject:** In reference to Case No. PZ-18-045, Proposed zoning changes

Referencing: Case No. PZ-18-045  
Lots 2 and 3, Country Meadows Subdivision located between Conway Castle Drive and Klein road on FM 725

Regarding: Proposed zoning change from R-1 and APD to C-1B and C-O

Mr. Simmont,

I am a resident of the Southbank subdivision on FM 725 across from the above listed properties, and I STRONGLY OBJECT to the proposed zoning changes of that property to C-1B and C-O. Southbank has been a staple in the New Braunfels community for decades and is unique in its location and desirability to live. We take tremendous pride in our friendly community-centered neighborhood, upscale reputation with strong architectural values and safe atmosphere. Changing the property zoning to C-1B and C-O could bring less desirable businesses to the area that could potentially degrade our community by default. We have spent many years keeping this neighborhood the way it is for reasons and do not want to see something like this rezoning diminish many, MANY years of hard work that we have dedicated to make Southbank what it is today. This is something that we do not desire and could very much impact our not only values, but also our overall neighborhood reputation

I would be in favor of zoning that is much more residential and neighborhood friendly.

Randy Visser  
Southbank Homeowner and Resident/Realtor  
[randy.visser85@gmail.com](mailto:randy.visser85@gmail.com)  
830-660-9413

2326 Waterford Grace



outside of 200'  
Notification Area

**Matthew W. Simmont**

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**From:** Susan Stoval <susanstoval1@yahoo.com>  
**Sent:** Monday, January 7, 2019 2:03 PM  
**To:** Matthew W. Simmont  
**Subject:** Case no PZ-18-045 proposed zoning change

Referencing: Case No. PZ-18-045

Lots 2 and 3, Country Meadows Subdivision located between Conway Castle Drive and Klein road on FM 725

Regarding: Proposed zoning change from R-1 and APD to C-1B and C-O

Mr. Simmont,

I am a resident of the Southbank subdivision on FM 725 across from the above listed properties, and I STRONGLY OBJECT to the proposed zoning changes of that property to C-1B and C-O. Southbank has been a staple in the New Braunfels community for decades. We take pride in our friendly community-centered neighborhood, upscale reputation, and safe atmosphere. Changing the property zoning to C-1B and C-O could bring less desirable businesses to the area that could potentially degrade our community by default.

I would be in favor of zoning that is much more residential and neighborhood friendly.

Thank you,

Susan Stoval  
2272 Stratford Grace  
Southbank Resident

[Sent from Yahoo Mail for iPhone](#)

Outside of the  
800' Notification  
Area

Holly Mullins

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**From:** Michelle Martinez <mmartinez1177@yahoo.com>  
**Sent:** Tuesday, January 08, 2019 11:03 AM  
**To:** Holly Mullins  
**Subject:** Zoning proposal for fm 725

Hi,

I would like to object to the rezoning proposal for fm725. I'm a resident of the Dove Crossing subdivision and I absolutely do not want the land zoned for commercial use.

Thank you,

Michelle Wadsworth

2424 Dove Crossing Dr.

[Sent from Yahoo Mail for iPhone](#)

**Matt Greene**

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Outside of the  
GCC Notification Area

**From:** Matthew W. Simmont  
**Sent:** Thursday, January 17, 2019 9:43 AM  
**To:** Matt Greene  
**Subject:** FW: Zoning 725 : opposed to C-1B/C-O

*Matthew W. Simmont, AICP  
Planner | Planning and Community Development  
550 Landa St | New Braunfels, TX 78130  
830-221-4058 | [MSimmont@nbtexas.org](mailto:MSimmont@nbtexas.org) | [www.nbtexas.org/planning](http://www.nbtexas.org/planning)*

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**From:** kim bond <[kim@kimbond.com](mailto:kim@kimbond.com)>  
**Sent:** Wednesday, January 16, 2019 3:28 PM  
**To:** Matthew W. Simmont <[MSimmont@nbtexas.org](mailto:MSimmont@nbtexas.org)>  
**Subject:** Zoning 725 : opposed to C-1B/C-O

Hello Michael Simmont,  
and Matt Greene,

As a resident of Southbank neighborhood, we are heavily opposed to the zoning change to C-1B and C-O,

We are, however, in favor of a more neighborhood friendly zone to preserve the surrounding quiet residential neighborhoods including Pecan Crossing and Southbank.

We are in favor of widening 725, as the traffic is already too fast and too heavy going both directions and we are desiring a bike lane for those not wishing to drive into downtown!

Sincerely  
Kim E. Bond  
2329 Brittany Grace  
New Braunfels, TX, 78130

Outside of  
200' Notification  
Area

**Matt Greene**

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**From:** mactxau@aol.com  
**Sent:** Friday, January 04, 2019 1:38 PM  
**To:** Matt Greene  
**Subject:** Pending Zoning Change Case PZ18-045

As a property owner in Dove Crossing Subdivision, I adamantly OBJECT to the current pending zoning change along FM 725. The current level of traffic, noise, congestion, and number of individuals ignoring the city ordinances and HOA policies, is causing the property values to decline and decreasing the quality of life for current residents.

Thank you for your time.

MeLinda Collier, property owner

2621 Dove Crossing Dr.



**Matt Greene**

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outside of  
200' Notification  
Area

**From:** Mindy Huddleston <mhaggie05@gmail.com>  
**Sent:** Monday, January 07, 2019 6:16 PM  
**To:** Matt Greene  
**Cc:** Justin Meadows  
**Subject:** In reference to Case No. PZ-18-045, Proposed zoning changes

Referencing: Case No. PZ-18-045

Lots 2 and 3, Country Meadows Subdivision located between Conway Castle Drive and Klein road on FM 725

Regarding: Proposed zoning change from R-1 and APD to C-1B and C-O

Mr. Simmont,

I am a resident of the Southbank subdivision on FM 725 across from the above listed properties, and I STRONGLY OBJECT to the proposed zoning changes of that property to C-1B and C-O. Southbank has been a staple in the New Braunfels community for decades. We take pride in our friendly community-centered neighborhood, upscale reputation, and safe atmosphere. Changing the property zoning to C-1B and C-O could bring less desirable businesses to the area that could potentially degrade our community by default.

The new rezoning will also bring heavier traffic to an already congested road. It will also continue to bring the noise level up around the surrounding area. It will also will open the community up to potential crime. South Bank is a very family friendly neighborhood and we LOVE to keep the area around us the same.

I would be in favor of zoning that is much more residential and neighborhood friendly.

Thank you,

Mindy Huddleston

Southbank Resident  
mhaggie05@gmail.com  
281.239.5067

2454 Country Grace

Outside of  
200' Notification Area

**Matt Greene**

---

**From:** Trina Lozoya <Trina.Lozoya@txcourts.gov>  
**Sent:** Friday, January 04, 2019 11:08 AM  
**To:** Matt Greene  
**Cc:** Justin Meadows  
**Subject:** Proposed Rezoning on 725 - question

Good morning.

I am writing to lodge my objection to the proposed rezoning of Lots 2 and 3, Country Meadows Subdivision at 2254 and 2316 FM 725. (See Case: #PZ18-045).

My concerns center on, in no particular order:

1. Increased noise.
2. Increased criminal activity.
3. Loss of property value.
4. Increased traffic.

The notice sent to neighbors does not include any indication of the type of business intended for the property. However, many of the authorized non-residential uses listed within the ordinances for C-O and C-1B have been correlative, historically, with the four concerns I listed above.

Although private individuals have the right to use their property to their own benefit, that right is not unfettered. The negative effects of those proposed uses must be taken into consideration and balanced against the private individuals' rights. The health, safety and welfare of the surrounding community is an important government interest – some would call it compelling. Therefore, the planning commission should carefully consider the rezoning proposal, and in my opinion, reject rezoning to the C-O and C-1B designations.

Thank you for your time,  
Trina Lozoya  
277 Val Verde Dr.  
New Braunfels, TX 78130  
830-708-6690

**Trina Lozoya**

Staff Attorney  
Fourth Court of Appeals  
300 Dolorosa, Suite 3200  
San Antonio, Texas 78205  
Office: 210-335-3969



Outside of 2001  
Notification Area

**Matt Greene**

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**From:** Kay Watson <kaywatsonrealtor@gmail.com>  
**Sent:** Tuesday, January 08, 2019 8:17 AM  
**To:** Matt Greene  
**Cc:** Justin Meadows  
**Subject:** Object Zone Change - Case No. PZ-18-045  
**Attachments:** winmail.dat

Dear Mr. Greene,

My name is Kay Watson and I am a home owner in the Southbank subdivision on FM 725. I am emailing you concerning the notices posted and information I have received proposing a zoning change from R-1 and APD to C-1B and C-O for the properties Lots 2 and 3, Country Meadows Subdivision located between Conway Castle Drive and Klein Road on FM725.

I OBJECT to the above proposed zoning change, but would favor zoning that is "much more residential friendly."

Case No. PZ-18-045

Thank you,  
Kay Watson  
2262 Normandy Grace  
New Braunfels, TX 78130

This email and its attachments, if any, are intended for the personal use of the named recipient(s) and may contain confidential, privileged, or proprietary information. If you are not a named recipient, or an agent responsible for delivering it to a named recipient, you have received this email in error. In that event, please (a) immediately notify me by reply email, (b) do not review, copy, save, forward, or print this email or any of its attachments, and (c) immediately delete and/or destroy this email and its attachments and all electronic and physical copies thereof. Thank you.

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Texas law requires all real estate licensees to give the following information about brokerage services to Prospective buyers, tenants, sellers, and landlords: Below is a link for the Information About Brokerage Services Form.

[CLICK HERE!](#)

Kay Watson  
Re/Max River Cities  
903-571-4634

## Matt Greene

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**From:** Watson, Clint J <Clint.Watson@cmc.com>  
**Sent:** Monday, January 07, 2019 12:05 PM  
**To:** Matt Greene  
**Cc:** Justin Meadows  
**Subject:** Object Zone Change - Case No. PZ-18-045

Dear Mr. Greene,

My name is Clint Watson and I am a home owner in the Southbank subdivision on FM 725. I am emailing you concerning the notices posted and information I have received proposing a zoning change from R-1 and APD to C-1B and C-O for the properties Lots 2 and 3, Country Meadows Subdivision located between Conway Castle Drive and Klein Road on FM725.

I OBJECT to the above proposed zoning change, but would favor zoning that is "much more residential friendly."

Case No. PZ-18-045

Thank you,  
Clint Watson  
2262 Normandy Grace  
New Braunfels, TX 78130

This email and its attachments, if any, are intended for the personal use of the named recipient(s) and may contain confidential, privileged, or proprietary information. If you are not a named recipient, or an agent responsible for delivering it to a named recipient, you have received this email in error. In that event, please (a) immediately notify me by reply email, (b) do not review, copy, save, forward, or print this email or any of its attachments, and (c) immediately delete and/or destroy this email and its attachments and all electronic and physical copies thereof. Thank you.



Matthew W. Simmont

Southbank  
Owners'  
Association

Outside of the  
200' Notification Area

**From:** Gene Challenner <gcnbt@gmail.com>  
**Sent:** Wednesday, January 2, 2019 5:58 PM  
**To:** Matthew W. Simmont  
**Subject:** Southbank's position on FM725 Rezoning  
**Attachments:** Pecan Crossing 2007 border fence agreement.pdf

Matthew:

Per our earlier conversation, I am sending you the letter regarding Southbank's position on the Rezoning Proposal on FM725 across from Southbank. I appreciate your including it in the packet for the January 8 Planning Commission meeting. It is as follows:



January 2, 2019

New Braunfels Planning Commission members and staff  
New Braunfels City Hall  
550 Landa Street  
New Braunfels, TX 78130

Re: Zoning Change on FM 725 Guadalupe County

We understand that New Braunfels is considering a Zoning Change on FM725 Southeast of County Line Road across from Southbank. The Southbank Owners oppose the proposed change to C1-B and C-O.

Southbank Owners Association represents 317 Homes directly across FM 725 from the property for which the zoning change is requested, and a number of our residents are within 200 feet of the subject property. Southbank believes that the proposed change is incompatible with the residential use in Southbank and the other adjacent residential neighborhoods, which include Pecan Crossing with over 200 homes, and Dove Crossing and its adjacent neighborhoods with over 800 homes. The proposed uses of C1-B and C-O allows incompatible uses, including for example outdoor bars and entertainment venues along with high density multi-family homes. Concerns over traffic, light, noise and drainage prompt us to ask for denial of the proposed zoning change.

Southbank Owners appreciate that the location of this property on FM 725 make it very attractive for commercial development, and we are aware that the Future Land Use Plan is for this area to be commercially developed. We also recognize that the owners deserve to develop their property, so long as it doesn't adversely affect the residential neighborhoods within close proximity. Therefore, Southbank Owners would consider that if R-1 and APD designations do not remain in place, the list of businesses in the attached document would be acceptable to us. The document is the Rezoning Agreement dated March 14, 2007 between the City of New Braunfels Planning Commission, Southbank and Pecan Crossing, and is in reference to property along FM725 between Southbank and County Line Road. The list referred to is Attachment B, the last two pages of the document.

Southbank Owners Association looks forward to participating at the Planning Meeting on January 8, 2019 and the subsequent City Council Meetings as this proposal is considered.

Sincerely,

Gene Challenner  
President, Southbank Owners Association

**ATTACHMENT "B"**  
**PERMISSIBLE COMMERCIAL PROPERTY USES**

Accounting, auditing, bookkeeping, tax preparations  
Animal grooming shop  
Answering and message services  
Antique shop  
Appliance repair  
Armed services recruiting center  
Art dealer/gallery  
Artist or artisan's studio  
Bakery (retail)  
Bank, savings and loan, or credit  
Barber/beauty shop, haircutting (non-college)  
Bicycle sales and/or repair  
Book binding  
Book store  
Cafeteria/café/delicatessen  
Caterer  
Child day care/children's nursery (business)  
Church/place of religious assembly  
Clinic (dental)  
Clinic (medical)  
Coffee shop  
Computer and electronic sales  
Computer repair  
Confectionery store (retail)  
Country club (private)  
Curio shops  
Drapery shop/blind shop  
Drug sales/pharmacy  
Electrical repair shop  
Farmers market (produce market - wholesale)  
Florist  
Food or grocery store without gasoline sales  
Furniture sales (indoor)  
Garden shops and greenhouses  
Handicraft shop  
Hardware store  
Health club (physical fitness; indoors only)  
Kiosk (providing a retail service)  
Laundry/dry cleaning (drop off/pick up)  
Locksmith  
Major appliance sales (indoor)  
Martial arts school  
Medical supplies and equipment



Municipal use owned or operated by the City of New Braunfels, including libraries  
Museum  
Needlework shop  
Offices, brokerage services  
Offices, business or professional  
Offices, computer programming and data processing  
Offices, consulting  
Offices, engineering, architecture, surveying or similar  
Offices, health services  
Offices, insurance agency  
Offices, legal services - including court reporting  
Offices, medical offices  
Offices, real estate  
Offices, security/commodity brokers, dealers, exchanges and financial services  
Pet shop/supplies (10,000 sq. ft. or less)  
Photographic printing/duplicating/copy shop or printing shop  
Photographic studio (no sale of cameras or supplies)  
Photographic supply  
Plant nursery  
Public recreation/services building for public park/playground areas  
Publishing/printing company (e.g., newspaper)  
Quick lube/oil change/minor inspection  
Radio/televisions shop, electronics, computer repair  
Recycling kiosk  
Restaurant  
Restaurant/prepared food sales  
Shoe repair shops  
Shopping center  
Studios (are, dance, music, drama, reducing, photo, interior decorating, etc.)  
Tailor shop  
Travel agency  
Vacuum cleaner sales and repair  
Veterinary hospital (no outside animal runs or kennels)  
Video rental/sales

## REZONING AGREEMENT

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF GUADALUPE

§

§

This Rezoning Agreement is entered into by and between Anthony W. Eugenio ("Developer") and Southbank Owner's Association, Inc. ("Southbank") (collectively referred to herein as "the Parties") and is effective as of the date of the later signature hereto.

WHEREAS, Developer is owner of +/- 85 acres of real property in Guadalupe County, Texas. The property is located on the corner of County Line Road and FM 725 and sometimes referred to as Pecan Crossing (the "Subdivision"). The Subdivision is shown on Attachment A. This attachment is a copy of MBC Engineers Drawing, "Pecan Crossing FM 725 Guadalupe County, Texas", dated March 14, 2007, and denominated Job Number 29432-GUAD, Sheet 1 of 1. Attachment A incorporated herein and made a part hereof for all purposes;

WHEREAS, Developer desires to develop the Subdivision and has applied for rezoning with the City of New Braunfels;

WHEREAS, Southbank appeared at a public hearing on the proposed rezoning and spoke in opposition to same;

WHEREAS, the City of New Braunfels Planning Commission reset the rezoning application to provide an opportunity for the parties to meet and resolve their differences;

WHEREAS, Southbank has requested Developer to agree to certain conditions;

WHEREAS, Developer has agreed to those conditions as hereinafter set forth, in return for which Southbank has agreed to no longer oppose the rezoning application;

NOW THEREFORE in consideration of the mutual promises and stipulations set forth herein, the Parties agree as follows:

1. The minimum building size for a main building on an R-1A-6.6 lot shall be 1,600 sq. ft. The minimum building size for a zero lot line main building shall be 1,200 sq. ft.;
2. For one family and zero lot line homes, the masonry requirement shall be the lesser of three sides masonry on the first floor or 70% of the surface of the exterior wall area (excluding gables, windows and door openings). Masonry shall include stucco, brick veneer, ceramic tile, clay, masonry veneer, stone and all other material commonly referred to in Guadalupe and Comal Counties as masonry, but shall exclude any product, regardless of



3. A six foot tall wooden solid screening fence shall be constructed on the border between Southbank and a finally platted part of this tract or unit phase of this subdivision for which a final plat has been recorded and with the bracing facing Southbank before a permit is issued for any building in the unit phase. Southbank shall have the option to upgrade the fence to eight feet and/or masonry and pay the increased cost.

7. All trees on the tract with a diameter of four inches or greater measured 4.5 feet above the ground that are within 10 feet of a property line of Southbank shall be preserved. The diameter of a multi-trunked tree shall be determined by measuring the diameter of all the tree's trunks at 4.5 feet above the ground and adding them together. If tree(s) are removed from this area or caused to die, it shall be considered a violation of the zoning ordinance and trees with an equal number of inches of what was removed shall be replaced in the 10 foot wide area, as approved by the Planning Director, before building permit(s) anywhere in the tract may be issued. Replacement trees must be at least 1.5 inches in diameter at 4.5 feet above the ground and be from the approved tree list in the zoning ordinance;
8. The developer of the tract shall provide Southbank representatives with a copy of the drainage design documentation submitted to the City. The documentation shall be provided at the same time it is submitted to the City for approval. Southbank representatives may hire an engineer to review the documentation and may submit comments to the City. The developer shall not take or cause to be taken any action that would impede or impair any neighborhood drainage design comments from being taken into consideration by the City in its review and approval of the drainage design;
9. The permitted uses in the C-1B area shall be limited to those uses listed in Attachment "B" (which attachment is incorporated herein and made a part hereof for all purposes) and similar in quality and with comparable design features to that shown in Attachment "C" (which attachment is incorporated herein and made a part hereof for all purposes), as determined by the Planning Director;

10. In return for the Developer's agreement and promises set forth in paragraphs one through nine above, Southbank agrees not to oppose the rezoning application;
11. Developer agrees that the natural, probable and foreseeable consequences of a breach by the Developer of any of the Developer's agreements and promises set forth in paragraphs one through ten above will result in irreparable injury and damage to Southbank that is not adequately compensable in damages. Developer further stipulates that its agreements and promises are supported by adequate consideration. Accordingly Developer agrees that Southbank may immediately seek and obtain injunctive relief against the breach or threatened breach of any of Developer's agreements and promises set forth in paragraphs one through ten above;
12. This Agreement is the joint work product of the parties and in the event of any ambiguities no inferences shall be drawn for or against either party. The language used in this Agreement is deemed to be the language chosen by the Parties hereto to express their mutual intent, and no rule of strict construction will be applied against any party, regardless of the actual drafter of the Agreement;
13. Failure of a party to require performance by another party under this Agreement will not affect the right of such party to require performance in the future. No delay, failure, or waiver of either party's exercise or partial exercise of any right or remedy under this Agreement shall operate to limit, impair, preclude, cancel, waive or otherwise affect such right or remedy. A waiver by a party of any breach of any term of this Agreement will not be construed as a waiver of any continuing or succeeding breach. Should any provision of this Agreement be invalid or unenforceable, the remainder of the provisions will remain in effect;
14. This Agreement shall not be amended or modified except by written amendment executed by duly authorized representatives of the Parties;
15. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument; and
16. This Agreement may be executed and accepted by facsimile signature and any such signature shall be of the same force and effect as an original signature.

**THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK**

THIS AGREEMENT IS HEREBY ACCEPTED.

\_\_\_\_\_  
Anthony W. Eugenio

\_\_\_\_\_  
Date

SOUTHBANK OWNER'S ASSOCIATION, INC. By

\_\_\_\_\_  
Name/Title: \_\_\_\_\_

\_\_\_\_\_  
Date

Catherine L. Fain

150 Oklahoma Avenue

New Braunfels, Texas 78130-8110

Email: cathifain@yahoo.com

2/3/2019

830 6201971

cathifain@yahoo.com

New Braunfels Planning Commission

550 Landa St

New Braunfels, TX 78130

(830) 221-4050

Re: Rezoning on FM725 meeting on 2/5/19

Dear Commission Members:

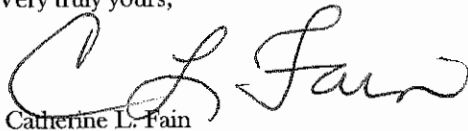
As the owners of the home located at 2333 Essex Grace, Southbank, New Braunfels, Texas, we would like to voice our opposition to the proposed rezoning to C-1B & C-O.

We strongly feel it would be detrimental to the families that live in the area if the commercial zoning were to be so lax. There are so many mini-storage businesses on 725 already. They are both unsightly and could even bring in a criminal element to the area.

Please keep the area safe and do not approve this lax rezoning. I realize that progress is imminent, but it must be monitored to serve the area.

If you have any questions, please call us.

Very truly yours,



Catherine L. Fain



Mitchell W. Fain

