



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



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

MONDAY, MARCH 22, 2021 at 6:00 PM

Rusty Brockman, Mayor

Shane Hines, Councilmember (District 1)

Justin Meadows, Mayor Pro Tem (District 2)

Harry Bowers, Councilmember (District 3)

Matthew E. Hoyt, Councilmember (District 4)

Jason E. Hurta, Councilmember (District 5)

James Blakey, Councilmember (District 6)

Robert Camareno, City Manager

To participate via Zoom, use the following link: Telephone Only:

<https://us02web.zoom.us/j/89332004990> or call

(833) 926-2300 Webinar ID: 893 3200 4990

MISSION STATEMENT

***The City of New Braunfels will add value to our community
by planning for the future, providing quality services, encouraging
community involvement and being responsive to those we serve.***

AMENDED AGENDA

CALL TO ORDER

CALL OF ROLL: CITY SECRETARY

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

INVOCATION: MAYOR BROCKMAN

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

PROCLAMATIONS:

- A) Theatre in Our Schools Month [21-229](#)

PRESENTATIONS:

- A) Presentation of the 2020 Achievement of Excellence in [21-257](#)
Libraries Award to the New Braunfels Public Library
Gretchen Pruett, Library Director
- B) Retiree Recognition - Jose Munoz [21-276](#)

1. MINUTES

- A) Discuss and consider approval of the minutes of the [21-264](#)
March 8, 2021 City Council meeting.

Caitlin Krobot, City Secretary

2. CITIZENS' COMMUNICATIONS

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

3. CONSENT AGENDA

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

Resolutions & Action Items

- A) Approval of a contract with Imperium Public Affairs to [21-277](#) coordinate legislative support services during the 2021 legislature.
Jared Werner, Chief Financial Officer
- B) Approval of a resolution of the City of New Braunfels [21-253](#) consenting to the addition of certain land into Comal County Water Improvement District Number 1A (Veramendi)
Jeff Jewell, Director of Economic and Community Development
- C) Discuss and consider approval of naming new park [21-54](#) property Timmermann Park.
Ylda Capriccioso, Park Development Manager
- D) Approval for purchase of 3 prefabricated [21-266](#) restroom-concession buildings from Restroom Facilities Ltd for placement at Zipp Family Sports Park in the amount of \$867,030 plus a 10% contingency and authority for the City Manager to execute any change orders up to the contingency amount.
Jennifer Cain, Capital Programs Manager
- E) Approval of a professional services agreement with [20-659](#) Vickrey & Associates, LLC. for preliminary design services of Alligator Creek Trail Master Plan.
Stacey Dicke, Parks and Recreation Director
- F) Approval of a resolution of the City Council of the City of [21-283](#) New Braunfels, Texas, approving a recommendation of the New Braunfels Economic Development Corporation

to provide up to \$58,000 the City of New Braunfels to partially fund a professional services agreement with Vickrey & Associates, LLC. for preliminary design services of Alligator Creek Trail Master Plan for the Parks Department.

Jeff Jewell, Economic Development Manager

- G) Approval of a resolution of the City of New Braunfels, [21-20](#) Texas, setting the public hearing on amending the Solms Landing Public Improvement District within the corporate boundaries of the City of New Braunfels, Texas, pursuant to chapter 372 of the Texas Local Government Code; authorizing the mailing and publication of notice of the public hearing in accordance with chapter 372 of the Texas Local Government Code.

Jared Werner, Chief Financial Officer

- H) Approval of issuance of contract modification with Freese [21-235](#) & Nichols, Inc. to continue work on the technical assessment and adoption support to the southeast sector of the City of New Braunfels Thoroughfare Plan.

Garry Ford, Assistant Public Works Director/City Engineer

- I) Approval of annual routine recurring expenditures for FY [21-265](#) 2021 in accordance with City Charter Section 9.17.

Barbara Coleman, Purchasing Manager

Ordinances

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

- J) Approval of the second and final reading of an ordinance [21-259](#) regarding a request from the Humane Society of New Braunfels Area (HSNBA) to waive development related fees for their new spay and neuter building.

Bryan Ruiz, Neighborhood Services Manager

- K) Approval of the second and final reading of proposed [21-261](#) amendments to Chapter 6, Animals, related to tethering, keeping of rabbits, general standards of pet care, and penalties, as recommended by the Animal Services Advisory Board.

Christopher J. Looney, AICP, Planning and Development Services Director

4. **INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Approval of the appointment of two individuals for terms [21-274](#) ending 3/11/2024 and one individual for an unexpired term ending 3/11/2023 to the Heritage Commission.

Caitlin Krobot, City Secretary

- B) Public hearing and first reading of an ordinance [21-245](#) regarding a proposed rezoning to amend an existing Special Use Permit to allow for two-story townhomes on approximately 10 acres located on the west side of Independence Drive, approximately 1,300 feet north of the intersection of Independence Drive and Oak Run Parkway.

Christopher J. Looney, AICP, Planning and Development Services Director

- C) Public hearing and first reading of an ordinance [21-149](#) regarding the proposed rezoning of approximately 19.963 acres out of the Sarah DeWitt Survey No. 48, Abstract No. 103, in Guadalupe County, Texas, located at the northeast corner of the intersection of FM 725 and East Klein Road, from "R-1" Single-Family District and "APD" Agricultural/Pre-Development District to "REAPD" River's Edge Apartments Planned Development District.

Christopher J. Looney, AICP, Planning and Development Services Director

- D) Public hearing and first reading of an ordinance [21-247](#) regarding a proposed rezoning to apply a Special Use Permit to allow outdoor music in the "C-1" Local Business District adjacent to residential use on approximately 1.2 acres consisting of Lot 5, Block 1, Rio Vista Addition, addressed at 1951 Gruene Road.

Christopher J. Looney, AICP, Planning and Development Services Director

- E) Public hearing and first reading of an ordinance [21-239](#) regarding a proposed revision to the Town Creek Planned Development (TCPD) concept plan and development standards, on approximately 66 acres located at North Academy and North Walnut Avenues.

Christopher J. Looney, AICP, Planning and Development Services Director

- F) Public hearing and first reading of an ordinance [21-240](#) regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of two single-family

residences in the “C-2” General Business District, addressed at 274 and 290 East Bridge Street.

Christopher J. Looney, AICP, Planning and Development Services Director

- G) Public hearing and first reading of an ordinance [21-251](#) regarding a proposed amendment to an existing Special Use Permit allowing a manufactured home community in the “M-1A” Light Industrial District on approximately 45 acres out of the Orilla Russell Survey No. 2, Abstract No. 485, Comal County, Texas, located on the south side of Orion Drive, west of Goodwin Lane and east of the Pacific Rail Road.

Christopher J. Looney, AICP, Planning and Development Services Director

- H) Public hearing and first reading of an ordinance [21-248](#) regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family residence in the C-2 Central Business District at 307 W. Bridge Street.

Christopher J. Looney, AICP, Planning and Development Services Director

- I) Discuss and consider approval of a resolution supporting [21-238](#) the submission of City of New Braunfels and Texas Department of Transportation projects to the Alamo Area Metropolitan Planning Organization for federal funding in Fiscal Years 2023-2026.

Garry Ford, Assistant Public Works Director/City Engineer

- J) Discuss and consider approval of the installation of [21-219](#) speed humps on Kowald Lane between Post Road and IH-35.

Garry Ford, Assistant Public Works Director/City Engineer

- K) Public hearing and first reading of an ordinance [21-220](#) amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area G.

Garry Ford, Assistant Public Works Director/City Engineer

- L) Public hearing and first reading of an ordinance to [21-224](#) amend Section 126-186 to restrict through truck traffic on Lake Front Avenue between the IH 35 Frontage Road and Freiheit Road and Freiheit Road between Lake Front Avenue and SH 46.

Garry Ford, Assistant Public Works Director/City Engineer

- M) Public hearing and first reading of an ordinance to [21-226](#) amend Section 126-346 to establish a no parking zone on E San Antonio Street at N Gilbert Avenue.

Garry Ford, Assistant Public Works Director/City Engineer

5. EXECUTIVE SESSIONS

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

- A) Deliberate the appointment, evaluation, duties, discipline, [21-284](#) or removal of the City Manager in accordance with Section 551.074 of the Texas Government Code.

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

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

7. ADJOURNMENT

CERTIFICATION

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

Caitlin Krobot, City Secretary

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



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

3/22/2021

Agenda Item No. A)



Proclamation

THE STATE OF TEXAS §

COUNTY OF COMAL §

CITY OF NEW BRAUNFELS §

WHEREAS, arts education – dance, music, theater arts, and visual arts – enriches the lives of countless people through arts programs in our schools, and acknowledges the arts as a powerful tool to unlock the potential of the whole child; and

WHEREAS, arts education is a critical component of the learning process and develops students’ creativity, self-discipline, and critical thinking abilities; and

WHEREAS, the importance of arts education is recognized as being necessary for the full development of all children; and

WHEREAS, *Theater in Our Schools Month* is a special opportunity for our community to engage in the ongoing process of arts education and being a heightened awareness of the importance of the arts in education.

NOW, THEREFORE, I, RUSTY BROCKMAN, Mayor of the City of New Braunfels, do hereby proclaim March 2021,

“THEATER IN OUR SCHOOLS MONTH”

A time to recognize the arts in schools and to urge all citizens to take an interest in and give full support to the unique contributions that quality school arts education programs provide for children.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of New Braunfels to be affixed this 8th day of March 2021.

CITY OF NEW BRAUNFELS, TEXAS

BY: _____
RUSTY BROCKMAN, MAYOR

3/22/2021

Agenda Item No. A)

PRESENTER:

Gretchen Pruett, Library Director

SUBJECT:

Presentation of the 2020 Achievement of Excellence in Libraries Award to the New Braunfels Public Library

DEPARTMENT: Library

COUNCIL DISTRICTS IMPACTED: All

BACKGROUND INFORMATION:

The New Braunfels Public Library received the 2020 Achievement of Excellence in Libraries Award from the Texas Municipal Library Director's Association for demonstrating consistent excellence and outstanding contributions to public library services in the community.

ISSUE:

N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:

N/A



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

3/22/2021

Agenda Item No. B)

3/22/2021

Agenda Item No. A)

PRESENTER:

Caitlin Krobot, City Secretary

SUBJECT:

Discuss and consider approval of the minutes of the March 8, 2021 City Council meeting.

DEPARTMENT: City Secretary

COUNCIL DISTRICTS IMPACTED: N/A

BACKGROUND INFORMATION:

N/A

ISSUE:

N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:

Recommend approval.

City of New Braunfels, Texas

City Hall – Council Chambers
Regular City Council Meeting Minutes
Monday, March 8, 2021
6:00 p.m.

City Council

Rusty Brockman, Mayor – Present
Shane Hines, Councilmember (District 1) – Present
Justin Meadows, Mayor Pro Tem (District 2) – Absent
Harry Bowers, Councilmember (District 3) – Present
Matthew E. Hoyt (District 4) – Present
Jason Hurta (District 5) – Present
James Blakey (District 6) – Present

The meeting was called to order by Mayor Brockman at 6:00 p.m. Councilmember Blakey gave the invocation and Mayor Brockman led the Pledge of Allegiance and Salute to the Texas Flag.

PRESENTATIONS:

- A) Presentation, discussion, and possible direction to staff regarding whether to require the use of face coverings by the public while at city facilities, and whether to place a limit on the building occupancy of certain city facilities.

Mayor Brockman read the aforementioned caption.

Robert Camareno presented the item.

The following individuals spoke on the item: Timothy Davis, Dr. Madison L. Lowry, M.D., Dr. Emily Briggs, M.D., Sean Lomonaco, Dr. Judith Thompson M.D., and Jim Holster.

Councilmember Blakey moved to make a motion to protect the city staff and to continue with the mask wearing. Councilmember Hoyt seconded the motion. Councilmember Hoyt rescinded his second to Councilmember Blakey's original motion. Councilmember Blakey revised his motion to state he moved to make a motion to protect the city staff and to continue with the mask wearing and added a date of April 12th to revisit wearing masks which passed 4-2 via roll call vote with Councilmember Hurta and Councilmember Hines in opposition.

Councilmember Hines moved to go for 100% occupancy in all city facilities.

Councilmember Bowers seconded the motion which was approved unanimously via roll call vote.

- B) Presentation of “New Braunfels at Work” web application and dashboard.

Mayor Brockman read the aforementioned caption.

Jenna Vinson presented the web application and introduced Neil Rose who provided an overview of the item.

- C) Presentation and update on the 2013 Bond, 2019 Bond and other various ongoing Capital projects.

Mayor Brockman read the aforementioned caption.

Jennifer Cain presented this item.

1. MINUTES

- A) Discuss and consider approval of the minutes of the February 22, 2021 City Council meeting.

Mayor Brockman read the aforementioned caption.

Councilmember Hurta moved to approve the item. Councilmember Hines seconded the motion which was approved unanimously via roll call vote.

2. CITIZENS' COMMUNICATIONS

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

Rodrigo Amaya and Garrison Miller spoke during Citizen’s Communications.

3. CONSENT AGENDA

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

Resolutions & Action Items

- A) Approval of a resolution, ratification of the submission of an application for funding to purchase forensic data collection equipment utilizing a U.S. Department of Justice, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant Program grant for Program Year 2022, and authorization for the City Manager to

Monday, March 8, 2021 New Braunfels City Council Regular Meeting

act on behalf of the City in all matters related to this grant.

- B) Approval of a contract with Ultimate Roof Systems for roof repairs at the New Braunfels Public Library and roof replacement at Fire Station 1 and the appropriate budget amendment.
- C) Approval of a contract modification to J3 Company as part of the 2013 Bond Klein Road Reconstruction project in the amount of \$108,291 for Change Order #9 and an additional \$75,000 for contingency that is needed for unforeseen conditions associated with the TXDOT FM1044 intersection alignment and the appropriate budget amendment.
- D) Approval of a resolution authorizing the City Manager to execute a deed accepting two acres of park property as prescribed in a development agreement with August Fields, LP.
- F) Approval to authorize the City Manager to execute a Memorandum of Understanding with the New Braunfels Parks Foundation allowing the Foundation to accept 46 acres of land to hold in trust for the City of New Braunfels for a future park.
- E) Approval of a resolution authorizing the City Manager to enter into an Agreement to Contribute Right-of-way Funds with the Texas Department of Transportation for highway improvements on FM 725 from Zipp Road to County Line Road.
- G) Approval to authorize the City Manager to enter into a five-year software maintenance contract with Presidio Networked Solutions Group in the amount of \$86,400 (\$17,280 annually) for the City's phone system utilizing a Texas Department of Information Resources contract
- H) Approval of the City of New Braunfels FY 2021 First Quarter Investment Report.
- I) Approval to authorize the City Manager to enter into a joint election agreement between the City of New Braunfels, the New Braunfels Independent School District, the Comal Independent School District, the City of Garden Ridge, and the City of Bulverde regarding the May 1, 2021 election.
- J) Approval to authorize the City Manager to enter into an agreement between the City of New Braunfels and Comal County regarding election services for the May 1, 2021 elections.
- K) Approval of an expenditure with Fun Abounds of Southern Texas for the purchase of a shade structure for the Fischer Park Archeology Dig for \$42,000 utilizing a Buyboard contract 529-19.
- L) Approval to authorize the City Manager to execute an amendment to the contract with the Law Offices of Ryan Henry, PLLC for legal representation in matters involving an administrative ADAA complaint, and for review and analysis of

related City policies and procedures.

- M) Approval of a contract amendment with Doucet and Associates for engineering design and bid support services for a stormwater treatment basin to be included as part of the Elizabeth Ave Realignment project.
- N) Approval to authorize the City Manager to execute an Interlocal Cooperative Purchasing Agreement with Michigan Collegiate Telecommunications Association in accordance with the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code and Chapter 271, Texas Local Government Code for telecommunication products and services.
- O) Approval to purchase a Commercial Paver for the City's Public Works Streets & Drainage Division staff, from Cooper Equipment Co. through a BuyBoard Cooperative contract and approval of the appropriate budget amendment.
- P) Approval of a resolution in support of Comal County urging the Texas Legislature to amend Section 502.402, Texas Transportation Code during the 87th legislative session.

Ordinances

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

- Q) First reading on an ordinance regarding a request from the Humane Society of New Braunfels Area (HSNBA) to waive development related fees for their new spay and neuter building.
- R) Approval of the second and final reading of an ordinance to designate the property currently addressed as 210 South Castell Avenue as a historic landmark to be known as the Producer's Co-Op.
- S) Approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 14.608 acres out of the H. Foster Survey No. 34, Abstract No. 154, Comal County, Texas, located at the northwest corner of the intersection of IH 35 and FM 306, from "M-1" Light Industrial District to "MU-B" High Intensity Mixed Use District.

Item 3 – P was pulled for individual consideration.

Mayor Brockman read the aforementioned captions A through O and Q through S.

Councilmember Hurta moved to approve consent agenda items A – O and Q – S. Councilmember Hines seconded the motion which passed unanimously via roll call vote.

Mayor Brockman read the caption for item 3 – P.

Monday, March 8, 2021 New Braunfels City Council Regular Meeting

Greg Malatek presented this item.

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

Mayor Brockman recessed for a break at 8:10 p.m. and returned into session at 8:22 p.m.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider an ordinance authorizing the issuance of short term obligations in the aggregate principal amount not to exceed \$100,000,000 to pay project costs for eligible projects for the City's utility systems, authorizing the execution of agreements to be entered into on connection therewith, approving and authorizing certain authorized officers and employees to act on behalf of the City and New Braunfels Utilities in the sale and delivery of such short term obligations and resolving other matters incident and related thereto and providing an effective date.

Mayor Brockman read the aforementioned caption.

Ian Taylor and Dawn Schriewer presented this item.

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

- B) Discuss and consider approval of an ordinance regarding the ratification of a waiver of certain permit fees and solid waste management fees related to the 2021 winter storm.

Mayor Brockman read the aforementioned caption.

Robert Camareno and Christopher Looney presented this item.

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

- C) Discuss and consider approval of a construction contract with Stoddard Construction Management Inc., a materials testing contract with Raba Kistner, payment to New Braunfels Utilities (NBU) for water and sewer impact fees, a contract with Hill International for on-site Owner's Representative services and authorize the City Manager to execute any change orders up to the contingency amount as part of the 2019 Bond Westside Library Branch Project.

Mayor Brockman read the aforementioned caption.

Jennifer Cain presented this item.

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

- D) Discuss and consider the reconsideration of a proposed ordinance to rezone approximately 68.05 acres out of the O. Russell Survey No. 2, Abstract No. 485, located at the northern corner of the intersection of Goodwin Lane and Orion Drive, from “APD” Agricultural/Pre-Development District to “R-1A-4” Single-Family Small Lot Residential and “R3-H” Multifamily High Density District.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented this item.

Councilmember Hurta moved to go forward with the re-consideration of this item. Councilmember Hines seconded the motion. The Mayor opened the floor for public comment.

The following individuals spoke on the item: James Ray, Donald Featherston, Debra Howell, Janet Cole, Alicia Cook, Bobby Cook, Andrew Hand, James Ingall, Kyle McClain, Bob Burleson, Lawrence Spradley, Richard Byrd, and Jon Barger.

At this point roll call was taken on the aforementioned motion which passed 4-2 with Councilmember Hoyt and Councilmember Bowers in opposition.

Councilmember Hines made a motion to postpone until our April 12, 2021 meeting. Councilmember Hoyt seconded the motion which passed with Councilmember Hoyt in opposition.

- E) Public hearing and first reading of proposed amendments to Chapter 6, Animals, related to tethering, keeping of rabbits, general standards of pet care, and penalties, as recommended by the Animal Services Advisory Board.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented this item.

Councilmember Hines made a motion to approve the item. Councilmember Bowers seconded the motion which passed unanimously via roll call vote.

- F) Public hearing and first reading of an ordinance regarding a proposed amendment to Chapter 66 Historic Preservation for the protection and preservation of trees within historic districts and historic properties.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented this item.

Councilmember Hoyt made a motion to approve the item. Councilmember Hines seconded the motion which failed via roll call vote with Councilmember Bowers, Councilmember Hurta, Councilmember Blakey, and Mayor Brockman in opposition.

5. EXECUTIVE SESSIONS

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

- A) Deliberate issues regarding economic development negotiations in accordance with section 551.087 of the Texas Government Code.
 - Project Broadband
 - Project Locked
 - CGT
- B) Deliberate the purchase, exchange, lease, or value of real estate in accordance with Section 551.072 of the Texas Government Code; and, Deliberate pending/contemplated litigation, settlement offers, and matters related to privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071 of the Texas Government Code, specifically
 - Tolle Street ROW Abandonment

Mayor Brockman read the aforementioned captions and recessed into Executive Session at 10:01 p.m.

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

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

Mayor Brockman reconvened into open session at 10:50 p.m.

No action was taken.

7. ADJOURNMENT

Mayor Brockman adjourned at 10:50 p.m.

Rusty Brockman, Mayor

Caitlin Krobot, City Secretary

DRAFT

4/12/2021

Agenda Item No. A)

PRESENTER:

Jared Werner, Chief Financial Officer

SUBJECT:

Approval of a contract with Imperium Public Affairs to coordinate legislative support services during the 2021 legislature.

DEPARTMENT: Finance**COUNCIL DISTRICTS IMPACTED:** Citywide**BACKGROUND INFORMATION:**

During the 87th legislative session, lawmakers are contemplating a significant change in the methodology and process for sourcing local sales taxes. Current sales tax administrative code sources local sales taxes at a company's place of business. As a result, all in-state internet or call-based orders result in sales tax revenue for the taxing entities where a company's place of business that receives the orders is located. The comptroller has established a new rule that redefines where internet orders are sourced. With the change, sales taxes collected on internet sales would be sourced to the governmental entities where the order was fulfilled or received (destination). During the 86th legislature, House bills 1525 and 2153 were passed, which allowed for the collection of sales taxes from marketplace providers and remote sellers that currently do not have a place of business in Texas (i.e. Wayfair, eBay, etc.). The implementation is currently slated for October 1, 2021; intentionally to allow the legislature to contemplate this issue during the 87th legislature. If the state were to transition to a destination-based model, it is anticipated that the City's General Fund would lose approximately \$2 million in net sales tax revenue.

The proposed rule is a major change to sales tax sourcing laws and procedures. In addition, the change essentially eliminates the opportunities for taxing entities to utilize sales tax economic development agreements to recruit and retain companies. These partnerships established through current state law (Chapter 380 of the local government code) have also led to economic benefits to the state of Texas. At last, this change will require all businesses in Texas that offers online commerce to develop POS systems and processes that would need to track up to 1,600 different local sales and use tax collection rates (to support the destination-based model).

The City of New Braunfels plans to convey our concerns and thoughts as it relates to this matter. To better coordinate those discussions and interactions, City staff recommends partnering with Imperium Public Affairs to assist staff with a comprehensive strategic plan to advance the City's objectives through the remainder of the 2021 legislative session regarding Chapter 380 program.

The initial contract term will be through September 30, 2021, at a monthly cost of \$10,000, not to exceed \$75,000.

ISSUE:

Strategic Priorities 9: Maintain fiscal stability of City operations.

FISCAL IMPACT:

Funding for these services will be supported by the non-departmental department of the FY 2021 Adopted Budget.

RECOMMENDATION:

Staff recommends approval of a contract with Imperium Public Affairs to provide public affairs services during the 2021 legislature.

3/22/2021

Agenda Item No. B)

Presenter/Contact

Jeff Jewell, Director of Economic and Community Development
(830) 221-4621 - jjewell@nbtexas.org

SUBJECT:

Approval of a resolution of the City of New Braunfels consenting to the addition of certain land into Comal County Water Improvement District Number 1A (Veramendi)

BACKGROUND / RATIONALE:

The Veramendi project submitted a petition for the City to consent to the annexation of land into the Comal County Master Water Improvement District Number 1A (WID). Texas Local Government Code, Section 42.0425, provides that land within the extraterritorial jurisdiction of a city may not be added to the District without the written consent of the city. The resolution would consent to the WID adding an approximate 57-acre tract to its boundaries as shown in Exhibit A and designated with hatch lines.

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

<input checked="" type="checkbox"/>	Yes	City Plan/Council Priority:	17. Establish a vision for the future of the City of New Braunfels 18. Work with existing entities to ensure sustainable quality development 21. Ensure community connectivity and mobility
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FISCAL IMPACT:

None

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the Resolution as it is consistent with the overall Master Framework Plan adopted as part of the consent to create the WID.

LEGEND:

● = FND 1/2" IRON PIPE
IN 2017

R.O.W. = RIGHT-OF-WAY

REMAINDER OF CALLED 218.15 AC
VOL. 244, PG. 646
O.P.R.C.C.T.

REMAINDER OF CALLED 2086 AC
DOC. NO. 201006024825

C300

L830

L831

L829

REMAINDER OF CALLED 255.715 AC
DOC. NO. 201706013192
O.P.R.C.C.T.

C299

C301

REMAINDER OF CALLED 255.715 AC
DOC. NO. 201706013192
O.P.R.C.C.T.

LOT 904
VERAMENDI PRECINCT 15A, UNIT 1
DOC. NO. 201806043770
M.P.R.C.C.T.

56.8 ACRE ADDITION
TO WID 1A

L835

REMAINDER OF CALLED 2086 AC
DOC. NO. 201006024825
O.P.R.C.C.T.

C302

C298

L827

L837

L825

L839

L840

C303

OAK RUN PARKWAY
(SUBDIVISION PLAT OF VERAMENDI 1A-1)
(DOC. NO. 20180601685, M.P.R.C.C.T.)

VERAMENDI 1-1
DOC. NO. 20180601685
M.P.R.C.C.T.

VERAMENDI PRECINCT 13
UNIT 1
DOC. NO. 20180601685
M.P.R.C.C.T.

VERAMENDI PRECINCT 13
UNIT 2
DOC. NO. 201806043759
M.P.R.C.C.T.

REMAINDER OF CALLED 104.40 AC
DOC. NO. 201706024862
O.P.R.C.C.T.

CALLED 5.000 ACRES
DOC. NO. 201806034689
O.P.R.C.C.T.

W.I.D. 1A PREVIOUS AREA = 413.7 ACRES
+ 56.8 AC. ADDITION
= 470.5 ACRES (TRACT 1)
+ 17.8 AC. (TRACT 2)
TOTAL AREA = 488.3 ACRES

REMAINDER OF CALLED 255.715 AC
DOC. NO. 201706013192
O.P.R.C.C.T.

REMAINDER OF CALLED 255.715 AC
DOC. NO. 201706013192
O.P.R.C.C.T.

LOT 912, BLOCK 19
VERAMENDI PRECINCT 13, UNIT 3
DOC. NO. 201806043762
M.P.R.C.C.T.

BORCHERS BLVD
(86' R.O.W.)
(SUBDIVISION PLAT OF VERAMENDI 1A-1)
(DOC. NO. 201806043757, M.P.R.C.C.T.)

REMAINDER OF CALLED 255.715 AC
DOC. NO. 201706013192
O.P.R.C.C.T.

REMAINDER OF CALLED 2086 AC
DOC. NO. 201006024825
O.P.R.C.C.T.

REMAINDER OF CALLED 104.40 AC
DOC. NO. 201706024862
O.P.R.C.C.T.

REMAINDER OF CALLED 2086 AC
DOC. NO. 201006024825
O.P.R.C.C.T.

17.8 ACRES
WID 1A TRACT 2

REMAINDER OF CALLED 2086 AC
DOC. NO. 201006024825
O.P.R.C.C.T.

OAK RUN SUBDIVISION
UNIT NINE
DOC. NO. 9806011099
M.P.R.C.C.T.

OAK RUN SUBDIVISION
UNIT TEN
DOC. NO. 9806013415
M.P.R.C.C.T.

OAK RUN SUBDIVISION
UNIT ELEVEN
DOC. NO. 9806024554
M.P.R.C.C.T.

OAK RUN SUBDIVISION
UNIT TWELVE
DOC. NO. 9906018773
M.P.R.C.C.T.

OAK RUN SUBDIVISION
UNIT THIRTEEN
DOC. NO. 20006021667
M.P.R.C.C.T.

OAK RUN SUBDIVISION
UNIT FOURTEEN
DOC. NO. 200606032712
M.P.R.C.C.T.

OAK RUN COMMERCIAL RESERVE
UNIT SEVEN
DOC. NO. 200206005209
M.P.R.C.C.T.

OAK RUN COMMERCIAL RESERVE
UNIT EIGHT
DOC. NO. 200106003623
M.P.R.C.C.T.

CALLED 48.237 ACRE TRACT
DOC. NO. 201806036476
O.P.R.C.C.T.

REMAINDER OF CALLED 255.715 AC
DOC. NO. 201706013192
O.P.R.C.C.T.

REMAINDER OF CALLED 2086 AC
DOC. NO. 201006024825
O.P.R.C.C.T.

THIS DOCUMENT WAS PREPARED UNDER 22 TAC §663.21,
DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND
SURVEY AND IS NOT TO BE USED TO CONVEY

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C297	937.03	577.00	093°02'49"	N87°56'23"W	837.41
C298	253.07	1000.00	014°30'00"	N87°15'00"W	252.40
C299	1245.13	1500.00	047°33'38"	S76°13'11"W	1209.69
C300	276.37	1515.00	010°27'07"	N57°39'56"E	275.99
C301	1803.42	5000.00	020°39'56"	N73°13'28"E	1793.66
C302	1013.70	1400.00	041°29'11"	S75°41'58"E	991.70
C303	225.19	1500.00	012°54'10"	S61°24'28"E	224.72

THIS DOCUMENT WAS PREPARED UNDER 22 TAC §663.21,
DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND
SURVEY, AND IS NOT TO BE USED TO CONVEY OR
ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE
RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE
CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE
POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED. IT
SHALL NOT BE RECORDED FOR ANY PURPOSE.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS CONSENTING TO THE ADDITION OF CERTAIN
LAND INTO COMAL COUNTY WATER IMPROVEMENT DISTRICT NO. 1A

WHEREAS, on _____, 2021, the City of New Braunfels, Texas (the “City”) received the Petition for Consent to Annexation of Land into Comal County Water Improvement District No. 1A (the “Petition”) executed by Veramendi PE-Brisbane, LLC, a Texas limited liability company, Veramendi PE-Fremantle, LLC, a Texas limited liability company, and Word-Borchers Ranch Real Estate Limited Partnership, a Texas limited partnership (collectively, the “Petitioners”), attached hereto as Exhibit “A”; and

WHEREAS, the Petition seeks to add that certain tract of land described therein (the “Property”) to Comal County Water Improvement District No. 1A (the “District”), the same being wholly located in the extraterritorial jurisdiction of the City; and

WHEREAS, Texas Local Government Code, Section 42.0425, provides that land within the extraterritorial jurisdiction of a city, town or village may not be added to the District without the written consent of such city, town or village; and

WHEREAS, the City Council of the City desires to adopt a Resolution for the purpose of consenting to the addition of the Property to the District.

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

Section 1. That the facts set out in the preamble are true and correct and are incorporated herein for all purposes.

Section 2. That the City Council hereby gives its written consent, pursuant to Section 42.0425, Texas Local Government Code, to the addition of the Property to the District.

Section 3. The City Council of the City officially finds determines, recites, and declares that a sufficient written notice of the date, hour, place, and subject of this meeting of the City Council was posted at a place convenient to the public and at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, and that this meeting was open to the public as required by law at all times during which this Resolution and the subject matter thereof was discussed, considered, and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.

PASSED AND APPROVED by the City Council of the City of New Braunfels, Texas on the _____ day of _____, 2021.

Mayor

ATTEST:

City Secretary

(CITY SEAL)

EXHIBIT “A”
Petition for Consent

PETITION FOR CONSENT TO ANNEXATION OF LAND
INTO COMAL COUNTY WATER IMPROVEMENT DISTRICT NO. 1A

THE STATE OF TEXAS §
 §
COUNTY OF COMAL §

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS:

The undersigned, Veramendi PE-Brisbane, LLC, a Texas limited liability company, Veramendi PE-Fremantle, LLC, a Texas limited liability company, and Word-Borchers Ranch Real Estate Limited Partnership, a Texas limited partnership (collectively, the "Petitioners") being the owners of the property described in Exhibit "A" attached hereto (the "Property"), respectfully petition the City of New Braunfels, Texas (the "City") for its consent to the annexation of the Property into Comal County Water Improvement District No. 1A ("District"). In support of this Petition, the Petitioner would show the following:

I.

The Property sought to be added to the District is described by the metes and bounds descriptions in Exhibit "A" attached hereto and made a part hereof for all purposes.

II.

The Property lies wholly within Comal County, Texas, and not within the boundaries of any incorporated city or town. The Property lies wholly within the exclusive extraterritorial jurisdiction of the City.

III.

The Petitioner is the holder of title to all of the Property as shown by the Comal County Tax Rolls and conveyances of record. With the exception of Security State Bank & Trust and Word Borchers Ranch Real Estate, LP, there are no lienholders on the Property. No one resides on the Property.

IV.

The District was organized, created and established pursuant to an Order Dividing Comal County Water Improvement District No. 1, Establishing Terms of Division, Creating Comal County Master Water Improvement District, Comal County Water Improvement District No. 1A, and Comal County Water Improvement District No. 1B ; And Appointing Directors (the "Order Dividing"), in accordance with pursuant to Senate Bill 2464, 81st Texas Legislature, Regular Session and codified at Chapter 9038, Texas Special District Local Laws Code, effective June 19, 2009, as a conservation and reclamation district created under the and essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, of the Texas Constitution, and

operating pursuant to Chapters 49 and 51 of the Texas Water Code, as amended. The District generally is empowered and authorized to purchase, construct, acquire, own, operate, maintain, repair, improve, or extend inside and outside its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary to accomplish the purposes of its creation.

V.

The general nature of the work to be done by and within the Property at the present time is the construction, maintenance and operation of a waterworks system for domestic purposes; the construction, maintenance and operation of a sanitary sewer collection system; the control, abatement and amendment of the harmful excess of waters and the reclamation and drainage of overflowed lands within the lands to be included within the District; and the construction of roads and of such additional facilities, systems, plants and enterprises as shall be consistent with the purposes for which the District is organized.

VI.

There is a necessity for the improvements above described because the Property is located within an area that is experiencing substantial and sustained residential growth, is urban in nature and is not supplied with adequate water, sanitary sewer, and drainage facilities and roads. The health and welfare of the future inhabitants of the Property require the acquisition and installation of an adequate waterworks, sanitary sewer, and storm drainage system and roads. The purchase, construction, extension, improvement, maintenance and operation of such waterworks system and storm and sanitary sewer collection and disposal systems and roads will conserve and preserve the natural resources of this State by promoting and protecting the purity and sanitary condition of the State's waters and will promote and protect the public health and welfare of the community; therefore, a public necessity exists for the inclusion of the Property within the District.

VII.

Said proposed improvements are practicable and feasible, in that the terrain of the Property is of such a nature that a waterworks system and sanitary and storm sewer systems and roads can be constructed at a reasonable cost; and said land will be developed for residential purposes in the foreseeable future.

VIII.

A preliminary investigation has been instituted to determine the cost of the project attributable to the Property, and it is now estimated by those filing this Petition, from such information as they have at this time, that the ultimate cost of the development contemplated will be approximately \$ 8,434,746.

WHEREFORE, the undersigned respectfully pray that this Petition be granted in all respects and that the City Council of the City of New Braunfels, Texas, adopt a resolution giving its written consent to the addition of the Property to the District.

RESPECTFULLY SUBMITTED THIS 2 ^{March} day of ~~February~~, 2021.

PETITIONER:

VERAMENDI PE-BRISBANE, LLC,
a Texas limited liability company

By: ASA PEHCO LLC,
a Texas limited liability company
its Manager

By: [Signature]
Name: PETER R JAMES
Title: PRESIDENT

THE STATE OF TEXAS §
 §
COUNTY OF Comal §

This instrument was acknowledged before me on the 25th day of February, 2021, by Peter James, President of ASA Pehco LLC, a Texas limited liability company, Manager of Veramendi PE-Brisbane, LLC, a Texas limited liability company, on behalf of said entity.



[Signature]
Notary Public in and for the State of Texas

[SEAL]

PETITIONER:

VERAMENDI PE-FREMANTLE, LLC,
a Texas limited liability company

By: **Veramendi Development Company, LLC,**
a Texas limited liability company
its Manager

By: **ASA Properties LLC,**
a Texas limited liability company
its Manager

By: 
Peter R. James, Manager

THE STATE OF TEXAS §
 §
COUNTY OF Comal §

This instrument was acknowledged before me on the 2nd day of February, 2021, by Peter R. James, Manager of ASA Properties LLC, a Texas limited liability company, Manager of Veramendi Development Company, LLC, a Texas limited liability company, Manager of Veramendi PE-Fremantle, LLC, a Texas limited liability company, on behalf of said limited liability company.




Notary Public in and for the State of Texas

[SEAL]

PETITIONER:

**WORD-BORCHERS RANCH REAL ESTATE
LIMITED PARTNERSHIP,**

a Texas limited partnership

By: **Word-Borchers Ranch Management
Company, LLC,**
a Texas limited liability company
its General Partner

By: 

Timothy Dean Word, III, Manager

THE STATE OF TEXAS

§


§

COUNTY OF Comal

§

This instrument was sworn, subscribed, and acknowledged before me on the 27th day of January, 2021, by Timothy Dean Word, III, Manager of Word-Borchers Ranch Management Company, LLC, a Texas limited liability company, as General Partner of Word-Borchers Ranch Real Estate Limited Partnership, on behalf of said limited liability company and limited partnership.





Notary Public in and for the State of Texas

[SEAL]

PETITIONER:

**WORD-BORCHERS RANCH REAL ESTATE
LIMITED PARTNERSHIP,**
a Texas limited partnership

By: **Word-Borchers Ranch Management
Company, LLC,**
a Texas limited liability company
its General Partner

By: *Amber Word Heisner*
Amber Word Heisner, Manager

THE STATE OF TEXAS §
 §
COUNTY OF Comal §

This instrument was sworn, subscribed, and acknowledged before me on the 28th day of January, 2021, by Amber Word Heisner, Manager of Word-Borchers Ranch Management Company, LLC, a Texas limited liability company, as General Partner of Word-Borchers Ranch Real Estate Limited Partnership, on behalf of said limited liability company and limited partnership.



Emily Lane
Notary Public in and for the State of Texas

[SEAL]

PETITIONER:

**WORD-BORCHERS RANCH REAL ESTATE
LIMITED PARTNERSHIP,**

a Texas limited partnership

By: **Word-Borchers Ranch Management
Company, LLC,**
a Texas limited liability company
its General Partner

By: *Georgia Borchers Duettra*
Georgia Borchers Duettra, Manager

THE STATE OF ~~NEW MEXICO~~ ^{TEXAS} §
§
COUNTY OF Comal §

This instrument was sworn, subscribed, and acknowledged before me on the 28th day of January, 2021, by Georgia Borchers Duettra, Manager of Word-Borchers Ranch Management Company, LLC, a Texas limited liability company, as General Partner of Word-Borchers Ranch Real Estate Limited Partnership, on behalf of said limited liability company and limited partnership.



Emily Lane
Notary Public in and for the State of ~~New Mexico~~ Texas
My commission expires: 4/7/23

[SEAL]

PETITIONER:

**WORD-BORCHERS RANCH REAL ESTATE
LIMITED PARTNERSHIP,**
a Texas limited partnership

By: **Word-Borchers Ranch Management
Company, LLC,**
a Texas limited liability company
its General Partner

By: Marcia Borchers McGlothlin
Marcia Borchers McGlothlin, Manager

THE STATE OF TEXAS §
 §
COUNTY OF Comal §

This instrument was sworn, subscribed, and acknowledged before me on the 28th day of January, 2021, by Marcia Borchers McGlothlin, Manager of Word-Borchers Ranch Management Company, LLC, a Texas limited liability company, as General Partner of Word-Borchers Ranch Real Estate Limited Partnership, on behalf of said limited liability company and limited partnership.



Emily Lane
Notary Public in and for the State of Texas

[SEAL]

EXHIBIT "A"



290 S. Castell Avenue, Ste. 100
New Braunfels, TX 78130
(830) 625-8555
TBPE-FIRM F-10961
TBPLS FIRM 10153600

METES AND BOUNDS DESCRIPTION FOR A 56.8 ACRE TRACT OF LAND "ADDITION TO WID 1A"

Being a 56.8 acre tract of land out of the J.M. Veramendi Survey No. 2, Abstract No. 3, Comal County, Texas, being a portion of the remainder of a called 2086 acre tract of land described in Document Number 201006024825, Official Public Records, Comal County, Texas, said 56.8 acre tract of land being more particularly described as follows

COMMENCING at a 1/2" iron pin (w/ cap "HMT") found in the Northeast line of the remainder of a called 218.15 acre tract, described in Volume 244, Page 646, Deed Records, Comal County, Texas, for the West corner of the remainder of a called 255.715 acre tract, described in Document No. 201706013192, Official Public Records, Comal County, Texas;

THENCE with the common line of said remainder of 218.15 acres and said remainder of 2086 acres, the following 2 calls:

1. N 39°19'02" W a distance of 50.02 feet to the POINT OF BEGINNING of the herein described tract;
2. N 39°19'02" W a distance of 15.01 feet to a point for the West corner of the herein described tract;


THENCE over and across said remainder of 2086 acres, the following ten (14) calls:

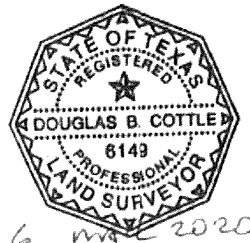
1. N 52°26'23" E a distance of 1178.52 feet to a point for a corner;
2. Along the arc of a curve to the right, having a radius of 1515.00 feet, an arc length of 276.37 feet, a central angle of 10°27'07", and a chord bearing and distance of N 57°39'56" E, 275.99 feet to a point for a corner;
3. N 62°53'30" E a distance of 446.16 feet to a point for a corner;
4. Along a curve to the right, having a radius of 5000.00 feet, an arc length of 1803.42 feet, a central angle of 20°39'56", and a chord bearing and distance of N 73°13'28" E, 1793.66 feet to a point for a corner;
5. N 83°33'26" E a distance of 570.95 feet to a point for a corner;
6. Along a curve to the right, having a radius of 1400.00 feet, an arc length of 1013.70 feet, a central angle of 41°29'11", and a chord bearing and distance of S 75°41'58" E, 991.70 feet to a point for a corner;
7. S 54°57'23" E a distance of 315.68 feet to a point for a corner;
8. Along a curve to the left, having a radius of 1000.00 feet, an arc length of 225.19 feet, a central angle of 12°54'10", and a chord bearing and distance of S 61°24'28" E, 224.72 feet to a point for a corner;
9. S 67°51'33" E a distance of 183.44 feet to a point for a corner;
10. S 21°53'06" W a distance of 322.35 feet to a point for a corner, from which a 1/2" iron pin (w/ cap "HMT") found for an angle point of the remainder of a called 104.40 acre

- tract, described in Document No. 201706024862, Official Public Records, Comal County, Texas, bears S 04°30'00" E a distance of 112.01 feet;
11. S 85°30'00" W a distance of 1124.36 feet to a point for a corner;
 12. Along a curve to the right, having a radius of 1000.00 feet, an arc length of 253.07 feet, a central angle of 14°30'00", and a chord bearing and distance of N 87°15'00" W, 252.40 feet to a point for a corner;
 13. N 80°00'00" W a distance of 1852.63 feet to a point for a corner;
 14. Along a curve to the left, having a radius of 1500.00 feet, an arc length of 1245.13 feet, a central angle of 47°33'38", and a chord bearing and distance of S 76°13'11" W, 1209.69 feet to a point for a corner;
 15. S 52°26'23" W a distance of 1178.08 feet to the POINT OF BEGINNING and containing 56.8 acres of land in Comal County, Texas.

Bearings are based upon the Texas Coordinate System, South Central Zone (4204), NAD 83.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.


Douglas B. Cottle
Registered Professional Land Surveyor No. 6149



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WMB_WID 1A ADDITION_56.8ac.docx

METES AND BOUNDS DESCRIPTION
FOR A 56.8 ACRE TRACT OF LAND
"ADDITION TO WID 1A"

Being a 56.8 acre tract of land out of the J.M. Veramendi Survey No. 2, Abstract No. 3, Comal County, Texas, being a portion of the remainder of a called 2086 acre tract of land described in Document Number 201006024825, Official Public Records, Comal County, Texas, said 56.8 acre tract of land being more particularly described as follows

COMMENCING at a 1/2" iron pin (w/ cap "HMT") found in the Northeast line of the remainder of a called 218.15 acre tract, described in Volume 244, Page 646, Deed Records, Comal County, Texas, for the West corner of the remainder of a called 255.715 acre tract, described in Document No. 201706013192, Official Public Records, Comal County, Texas;

THENCE with the common line of said remainder of 218.15 acres and said remainder of 2086 acres, the following 2 calls:

1. N 39°19'02" W a distance of 50.02 feet to the POINT OF BEGINNING of the herein described tract;
2. N 39°19'02" W a distance of 15.01 feet to a point for the West corner of the herein described tract;

THENCE over and across said remainder of 2086 acres, the following ten (14) calls:

1. N 52°26'23" E a distance of 1178.52 feet to a point for a corner;
2. Along the arc of a curve to the right, having a radius of 1515.00 feet, an arc length of 276.37 feet, a central angle of 10°27'07", and a chord bearing and distance of N 57°39'56" E, 275.99 feet to a point for a corner;
3. N 62°53'30" E a distance of 446.16 feet to a point for a corner;
4. Along a curve to the right, having a radius of 5000.00 feet, an arc length of 1803.42 feet, a central angle of 20°39'56", and a chord bearing and distance of N 73°13'28" E, 1793.66 feet to a point for a corner;
5. N 83°33'26" E a distance of 570.95 feet to a point for a corner;
6. Along a curve to the right, having a radius of 1400.00 feet, an arc length of 1013.70 feet, a central angle of 41°29'11", and a chord bearing and distance of S 75°41'58" E, 991.70 feet to a point for a corner;
7. S 54°57'23" E a distance of 315.68 feet to a point for a corner;
8. Along a curve to the left, having a radius of 1000.00 feet, an arc length of 225.19 feet, a central angle of 12°54'10", and a chord bearing and distance of S 61°24'28" E, 224.72 feet to a point for a corner;
9. S 67°51'33" E a distance of 183.44 feet to a point for a corner;
10. S 21°53'06" W a distance of 322.35 feet to a point for a corner, from which a 1/2" iron pin (w/ cap "HMT") found for an angle point of the remainder of a called 104.40 acre

- tract, described in Document No. 201706024862, Official Public Records, Comal County, Texas, bears S 04°30'00" E a distance of 112.01 feet;
11. S 85°30'00" W a distance of 1124.36 feet to a point for a corner;
 12. Along a curve to the right, having a radius of 1000.00 feet, an arc length of 253.07 feet, a central angle of 14°30'00", and a chord bearing and distance of N 87°15'00" W, 252.40 feet to a point for a corner;
 13. N 80°00'00" W a distance of 1852.63 feet to a point for a corner;
 14. Along a curve to the left, having a radius of 1500.00 feet, an arc length of 1245.13 feet, a central angle of 47°33'38", and a chord bearing and distance of S 76°13'11" W, 1209.69 feet to a point for a corner;
 15. S 52°26'23" W a distance of 1178.08 feet to the POINT OF BEGINNING and containing 56.8 acres of land in Comal County, Texas.

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This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Douglas B. Cottle
Registered Professional Land Surveyor No. 6149



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\MB_WID 1A ADDITION_56.8ac.docx

3/22/2021

Agenda Item No. C)

Presenter/Contact

Ylda Capriccioso, Park Development Manager
(830) 221-4358 - ycapriccioso@nbtexas.org

SUBJECT:

Discuss and consider approval of naming new park property Timmermann Park.

BACKGROUND / RATIONALE:

August Fields is a new 300 single-family subdivision in Park District 2 and City Council District 5, located between Alves Lane and FM 1101 in New Braunfels.

As a part of the negotiated park land requirements, the developer set-aside 2.17 acres of park land, constructed and donated a new public park and hike and bike trail connection. The property was accepted by resolution as City park land at the March 8 City Council meeting.

The City has a Guidelines for Naming or Renaming Park Property that provides a process to assist the City Council with naming a park and recreational facility. In consideration of these guidelines, the proposed name below meets the following criteria:

- The subdivision in which the park property is located;
- A significant historic feature, event, or person;
- An individual or group who has made exceptional contributions to the City of New Braunfels with preference being given for contributions to parks and recreation services.

In addition, staff also addressed the following questions for naming consideration:

- Will the name have historical, cultural, and social significance?
- Will the name be suitable for the park or recreational facility based on the location or history of the park, recreational facility or the surrounding neighborhood?
- Will the name memorialize or commemorate people, places, or events that are of enduring importance to the community?

Park staff contacted the developer to learn more about the land August Fields was built on and any other pertinent history they wanted to share. The developer provided staff with a rich history of the Timmermann family's emigration to Texas, their establishment locally as responsible and respected citizens, and tidbits about how they enjoyed their life on the family farm. Below is the summary of the Timmermann family history.

Family History:

- August Fields was developed by Barth Timmermannn of Austin, Texas, the grandson of August Timmermann Sr., for whom August Fields is named.
- August Sr., son of Christian and Wilhelmine Timmermannn, was born in 1854. He came to the US at

age 2 with his family in 1856 and arrived in Galveston in 1857.

- August Sr. married Anna Kellerman and had 8 children August Jr., Willie, Hermann, Max, Bruno, Anna, Emma, and Leonie
- August Sr. was a prominent and progressive farmer and he purchased the land where August Fields is located in 1899 from the Bock Family.
- August Sr. was a member of The Order of Sons of Hermann
- August Sr. died in 1939 and is buried in the Comal Cemetery.
- To honor August Timmermann Sr and his family's farming lifestyle, the Barth Timmermann, the developer and relative, name the residential subdivision August Fields.

Staff recommends using the Timmermann family name for the park. It continues the naming tradition consistent with the neighborhood name, it recognizes the family's heritage and history in the area and credits the Timmermann family's contribution to the City's first park and trail in Park District 2.

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

--	--	--	--

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Parks and Recreation Advisory Board recommended approval of the name Timmermann Park at their meeting on December 15, 2020.

STAFF RECOMMENDATION:

Staff recommends that the new park in the August Fields subdivision be named Timmermann Park.

3/22/2021

Agenda Item No. D)

PRESENTER:

Jennifer Cain, Capital Programs Manager

SUBJECT:

Approval for purchase of 3 prefabricated restroom-concession buildings from Restroom Facilities Ltd for placement at Zipp Family Sports Park in the amount of \$867,030 plus a 10% contingency and authority for the City Manager to execute any change orders up to the contingency amount.

DEPARTMENT: Public Works, Capital Programs**COUNCIL DISTRICTS IMPACTED:** District 2, City Wide**BACKGROUND INFORMATION:**

As part of the 2019 Bond Prop 2 Program, Zipp Family Sports Park Phase 1 will require 3 independent restroom and concession buildings to serve the softball, baseball and soccer locations. Staff has elected to solicit the services of Restroom Facilities Ltd (RFL), utilizing a contract through the BuyBoard Cooperative, as part of the overall design of the sports park. Each single-story building will be 702 square feet and include a concession stand area, 4 toilets on each side, water fountain and storage chase. These restrooms will be similar to the one at Hinman Island.

The restroom installation will be coordinated with the construction project for the Zipp Family. The sports park project is expected to bid in 2021. It is necessary to contract for the design and purchase to better coordinate with the overall project. Based on the current rates of construction materials and the park construction date staff is also recommending an additional 10% contingency for inflation and other factors in the amount of \$86,703. Total contract approval is \$953,373. The City will contract with Restroom Facilities Ltd utilizing a cooperative BuyBoard contract that complies with competitive procurement requirements.

ISSUE:

Council action, Council approval

FISCAL IMPACT:

The proposed purchase amount is within the cost estimates developed for the 2019 bond projects. Therefore, sufficient funds are available to approve and begin expensing bond proceeds for the expenditures as described above.

RECOMMENDATION:

Staff recommends approval of the purchase from Restroom Facilities Ltd including a contingency for a total amount of \$953,373.

3/22/2021

Agenda Item No. E)

Presenter/Contact

Stacey Dicke, Parks and Recreation Director
(830) 221-4355 - sdicke@nbtexas.org

SUBJECT:

Approval of a professional services agreement with Vickrey & Associates, LLC. for preliminary design services of Alligator Creek Trail Master Plan.

BACKGROUND / RATIONALE:

The City's recently updated Hike and Bike Trail Plan includes Opportunity Areas for future trail planning and construction. Alligator Creek Trail is identified as one of these Opportunity Areas. The proposed trail would be a good candidate for upcoming funding opportunities through Texas Parks and Wildlife Department or MPO funding. Staff is seeking approval of a professional services agreement with Vickrey & Associates, LLC. for preliminary design services for an Alligator Creek Trail Master Plan.

Alligator Creek spans northwest and east sides of New Braunfels, crossing IH-35. The West Alligator Creek segment is located in Park District 1, west of IH-35, and includes approximately 1/2 mile of existing hike and bike trail, the plan would identify additional trail opportunities. The East Alligator Creek segment, in Park District 2 and east of IH-35, includes approximately 1.5 miles of existing hike and bike trail, the plan would identify additional trail connections.

The Master Plan for Alligator Creek trails would design preferred alignments to connect existing trails, road projects, local destinations, schools and neighborhoods. It will also include park amenities including but not limited to seating, bike racks, wayfinding, signage and disc golf.

Staff is recommending Vickrey & Associates for this project. The scope of work will include performing a site analysis to evaluate existing conditions, robust public outreach to community members, adjacent landowners and potential trail users, prepare a conceptual trail alignment and trail amenities, and an opinion of cost. The design will include conceptual plans for the proposed 46-acre tract planned to be dedicated to the city as a public park.

Vickrey & Associates assisted the City in the Hike and Bike Trail Plan update 2020 and is familiar with the City's trail network. Additionally, they are experienced with the MPO funding requirements.

Vickrey & Associates is pre-qualified on the City's IDIQ for Professional Services and fulfills the procurement requirements. The cost of these services is \$83,478. This project proposes funding through cost-sharing with the New Braunfels Economic Development Corporation (\$56,228) and the remainder (\$26,850) from Parks Development Funds.

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

Yes	Strategic Priorities:	Maintain fiscal stability of City operations Expand recreational, arts and cultural enrichment opportunities Preserve and improve our open space Ensure a variety of transportation options for pedestrian, cycling and vehicular mobility
	Envision New Braunfels Comprehensive Plan	Action 1.12: Collaborate with internal and with external partners and stakeholders to identify and connect sidewalk and bicycle lanes to trails to improve access and connectivity to key hubs and desirable destinations Action 3.20: Encourage residential developments to include pedestrian and bicycle friendly trails to nearby schools, preferably within a 2-mile radius of each school. Action 4.1: Ensure parks and green spaces are within a one-mile walk or bicycle ride for every household in New Braunfels. Action 4.4: Prioritize existing city-owned land and future land acquisition decisions to focus investments in a greenway system that achieves a contiguous network.

FISCAL IMPACT:

As mentioned above, the total cost for the Master Plan project will be \$83,478. If approved by the City Council, the NBEDC will provide funding in the amount of \$56,228. Funding for the city's portion of this project (\$26,850) will come from Park Development Funds.

COMMITTEE RECOMMENDATION:

The Parks and Recreation Advisory Board recommended approval of this item at their meeting on September 15, 2020. The NBEDC recommended approval of this item at their meeting on March 3, 2021.

STAFF RECOMMENDATION:

Staff recommends approval of the resolution and the professional services agreement with Vickery & Associates, LLC. for preliminary design services of Alligator Creek Trail Master Plan.

3/22/2021

Agenda Item No. F)

Presenter/ContactJeff Jewell, Economic Development Manager
(830) 221-4621 - jjewell@nbtexas.org**SUBJECT:**

Approval of a resolution of the City Council of the City of New Braunfels, Texas, approving a recommendation of the New Braunfels Economic Development Corporation to provide up to \$58,000 the City of New Braunfels to partially fund a professional services agreement with Vickrey & Associates, LLC. for preliminary design services of Alligator Creek Trail Master Plan for the Parks Department.

BACKGROUND / RATIONALE:

The City's recently updated Hike and Bike Trail Plan includes Opportunity Areas for future trail planning and construction. Alligator Creek Trail is identified as one of these Opportunity Areas. The proposed trail would be a good candidate for upcoming funding opportunities through Texas Parks and Wildlife Department or MPO funding.

Alligator Creek spans northwest and east sides of New Braunfels, crossing IH-35. The West Alligator Creek segment is located in Park District 1, west of IH-35, and includes approximately 1/2 mile of existing hike and bike trail, the plan would identify additional trail opportunities. The East Alligator Creek segment, in Park District 2 and east of IH-35, includes approximately 1.5 miles of existing hike and bike trail, the plan would identify additional trail connections.

A Master Plan for Alligator Creek trails would design preferred alignments to connect existing trails, road projects, local destinations, schools and neighborhoods. It will also include park amenities including but not limited to seating, bike racks, wayfinding, signage and disc golf.

The New Braunfels Economic Development Corporation (NBEDC) approved an expenditure of up to \$58,000 for a contract with Vickrey & Associates for development of the Alligator Creek Trails Master Plan at their meeting on March 3, 2021. Vickrey & Associates is pre-qualified on the City's IDIQ for Professional Services and fulfills the procurement requirements.

The total cost of these services is \$83,478. The New Braunfels Economic Development Corporation (\$56,228) and the remainder (\$26,850) from Parks Development Funds.

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

Yes	Strategic Priorities:	Maintain fiscal stability of City operations Expand recreational, arts and cultural enrichment opportunities Preserve and improve our open space Ensure a variety of transportation options for pedestrian, cycling and vehicular mobility
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	Envision New Braunfels Comprehensive Plan	
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FISCAL IMPACT:

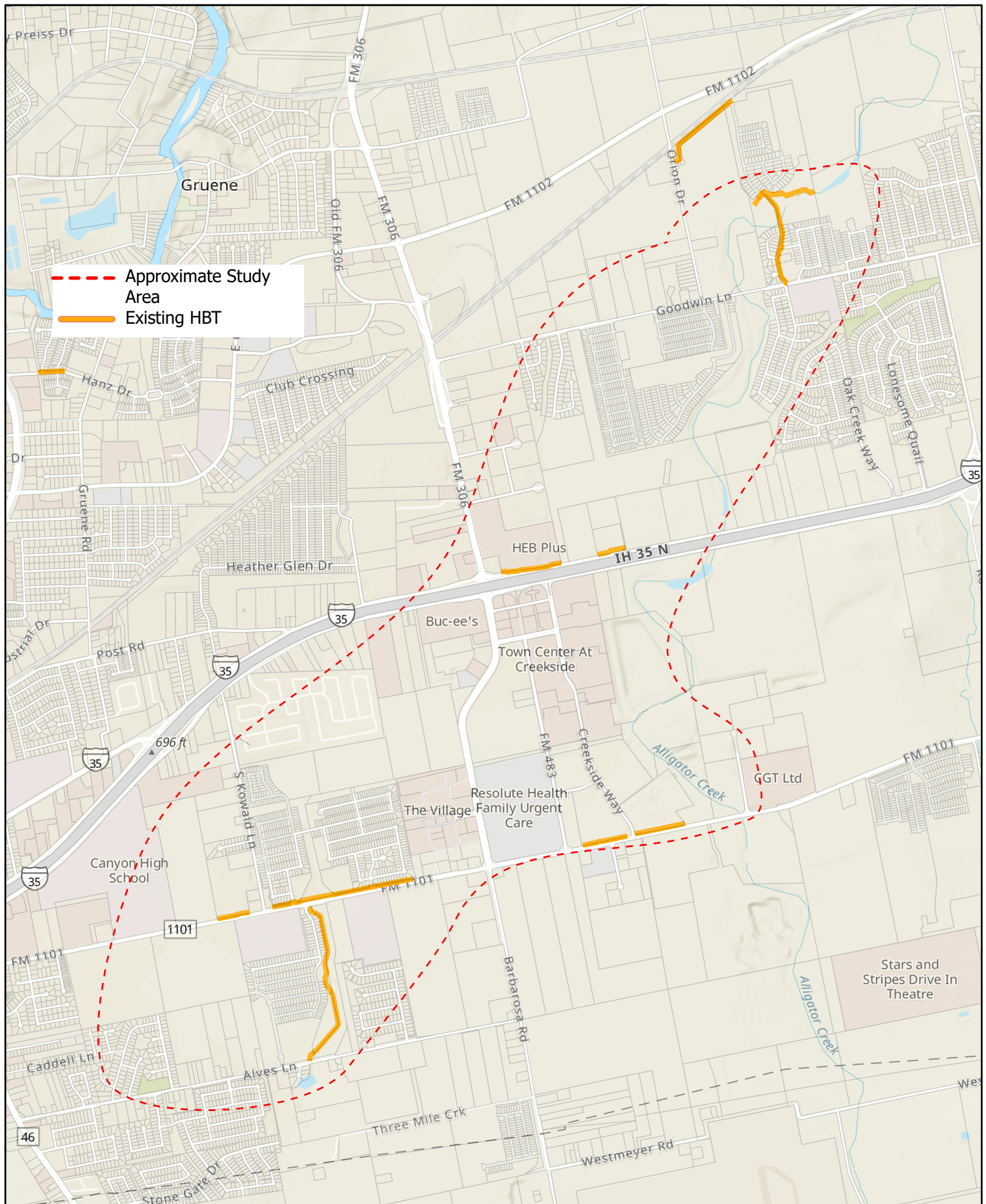
The NBEDC has sufficient funds to support the portion of the project described above.

COMMITTEE RECOMMENDATION:

The NBEDC recommended approval of this item at their meeting on March 3, 2021.

STAFF RECOMMENDATION:

Staff recommends approval of the resolution for an EDC expenditure with Vickery & Associates, LLC. for preliminary design services of Alligator Creek Trail Master Plan.



Proposed Alligator Creek Trail



RESOLUTION NO. 2021-R _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS APPROVING A RECOMMENDATION OF THE NEW BRAUNFELS ECONOMIC DEVELOPMENT CORPORATION TO PROVIDE UP TO \$58,000 TO THE CITY OF NEW BRAUNFELS FOR PRELIMINARY SCHEMATIC DESIGN OF THE ALLIGATOR CREEK TRAIL, AN ELIGIBLE PROJECT EXPENDITURE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels Economic Development Corporation (“EDC”) Board of Directors met on March 3, 2021 to consider a request from the City of New Braunfels to provide funds for preliminary design for the proposed Alligator Creek Trail; and

WHEREAS, the City of New Braunfels Hike and Bike Trail Plan includes a plan for the construction of a multi-use recreation trail along Alligator Creek; and

WHEREAS, the City of New Braunfels intends to undertake preliminary design on the western portion of the proposed trail and the funds provided by the EDC will allow it to undertake preliminary design of the entire proposed trail; and

WHEREAS, the EDC Board of Directors held public meeting public meeting on November 30, 2020, to set strategic priorities and directed staff to investigate projects to further the implementation of the City of New Braunfels Hike and Bike Trail Plan; and

WHEREAS, the EDC Board of Directors held a public hearing on March 3, 2021, to solicit public comment with regard to the City’s funding request; and

WHEREAS, the EDC Board of Directors, after holding a public hearing and discussing the request, recommended that the project expenditure be approved; and

WHEREAS, Section 505.152 of the Texas Local Government Code authorizes the EDC to make the expenditure on behalf of the City of New Braunfels;

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

SECTION 1: That the City Council approves and authorizes the recommendation of the New Braunfels Economic Development Corporation to provide a grant to the City of New Braunfels in an amount up to \$58,000.00 for funding the project design for the Alligator Creek Trail is hereby approved.

SECTION 2: That a contract between the EDC and City will be executed to fulfill the terms and conditions of the grant and the City Manager is authorized to execute the Agreement on behalf of the City.

SECTION 3: That this Resolution shall become effective from and after the date of its passage.

PASSED, ADOPTED AND APPROVED this 22nd day of March 2021.

CITY OF NEW BRAUNFELS, TEXAS

By: _____
Rusty Brockman, Mayor

ATTEST:

Caitlin Krobot, City Secretary

3/22/2021

Agenda Item No. G)

Presenter/Contact

Jared Werner, Chief Financial Officer
(830) 221-4385 - jwerner@nbtexas.org

SUBJECT:

Approval of a resolution of the City of New Braunfels, Texas, setting the public hearing on amending the Solms Landing Public Improvement District within the corporate boundaries of the City of New Braunfels, Texas, pursuant to chapter 372 of the Texas Local Government Code; authorizing the mailing and publication of notice of the public hearing in accordance with chapter 372 of the Texas Local Government Code.

BACKGROUND / RATIONALE:

The City is authorized under Chapter 372 of the Texas Local Government Code (the "Act"), to create a public improvement district within its extraterritorial jurisdiction and its corporate limits.

On August 9, 2018, Solms Landing Development, LLC, a Texas limited company and The Jerome W. Timmermann Family Trust, filed with the City Secretary a petition requesting the establishment of a public improvement district for property within the corporate limits of the City.

On February 26, 2021, the Original Petitioner and Chupik Properties & Design, Inc, a Texas corporation filed with the City Secretary an amended and restated petition. amending, restating, and replacing in full the Original Petition for the sole purpose of increasing the cost of improvements in the District. When an update on the development was provided to City Council back in November, boundary modifications as well as additional costs were considered to be part of an amendment; however, the boundaries of the district, are in fact going to remain as they are currently at approximately 97 acres.

The resolution included with this item calls for a public hearing to be held on April 12, 2021. In addition, the resolution authorizes the mailing and publication of notice of the public hearing.

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

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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Approval of the resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF NEW BRAUNFELS, TEXAS, SETTING THE PUBLIC HEARING ON AMENDING THE SOLMS LANDING PUBLIC IMPROVEMENT DISTRICT WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF NEW BRAUNFELS, TEXAS, PURSUANT TO CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE; AUTHORIZING THE MAILING AND PUBLICATION OF NOTICE OF THE PUBLIC HEARING IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE.

WHEREAS, the City of New Braunfels, Texas (the "City"), is authorized under Chapter 372 of the Texas Local Government Code (the "Act"), to create a public improvement district within its extraterritorial jurisdiction and its corporate limits; and

WHEREAS, on August 9, 2018, Solms Landing Development, LLC, a Texas limited company and The Jerome W. Timmermann Family Trust, (collectively, the "Original Petitioner"), filed with the City Secretary of New Braunfels (the "City Secretary") a petition (the "Original Petition"), requesting the establishment of a public improvement district (the "District") for property within the corporate limits of the City; and

WHEREAS, on February 26, 2021, the Original Petitioner and Chupik Properties & Design, Inc, a Texas corporation (collectively, the "Petitioner") filed with the City Secretary an amended and restated petition (the "Amended and Restated Petition"), amending, restating, and replacing in full the Original Petition for the sole purpose of increasing the cost of improvements in the District; and

WHEREAS, no assessments have been levied upon any property within the District in connection with the Original Petition; and

WHEREAS, the Amended and Restated Petition has been examined, verified, and found to meet the requirements of Section 372.005 and is sufficient for consideration by the City Council of the City (the "City Council"); and

WHEREAS, the City Council will hold a public hearing in accordance with Section 372.009 of the Act regarding the amendments to the District in the corporate limits of the City in accordance with the Amended and Restated Petition; and

WHEREAS, in order to hold a public hearing for amending the District, notice must be given in a newspaper of general circulation in the municipality in which the District is located before the 15th day before the date of the hearing, and written notice must be mailed to the current address of each owner, as reflected on the tax rolls, of property that would be subject to assessment under the District, attached as Exhibit "B"; and

WHEREAS, both the newspaper notice and mailed notice must contain the information required for notice as provided for in Section 372.009 of the Act; and

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

SECTION 1. All of the above recitals are hereby found to be true and correct factual determinations of the City and are hereby approved and incorporated by reference as though fully set forth herein.

SECTION 2. The Amended and Restated Petition was submitted to the City and was filed with the City Secretary and complies with the Act.

SECTION 3. That a public hearing is hereby called for April 12, 2021 at 7:00 p.m., to be held at City Hall, in the City Council Chambers, 550 Landa Street, New Braunfels TX, for the purpose of hearing public testimony with respect to amending the District to increase the costs of improvements, and that any interested person may appear and provide testimony and comment on the advisability of amending the District.

SECTION 4. That attached hereto as Exhibit A is the Amended and Restated Petition for the Creation of a Public Improvement District within the City of New Braunfels, Texas for the Solms Landing Public Improvement District. Attached hereto as Exhibit B is a form of the Notice of Public Hearing (the "Notice"), the general form and substance of which is hereby adopted and approved.

SECTION 5. That the City Secretary is hereby authorized and directed to cause said Notice to be published in substantially the form attached hereto, in a newspaper of general circulation in the municipality in which the proposed public improvement district will be located, and to notify any affected landowners within the boundaries of the proposed public improvement district as required by law. The City Secretary shall provide notice before the 15th day before the date of the public hearing.

SECTION 6. That City staff is authorized and directed to take such other actions as are required (including, but not limited to, notice of the public hearing as required by the Texas Open Meetings Act) to place the public hearing on the agenda for the April 12, 2021 meeting of the City Council.

SECTION 7. That if any portion of this Resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the City Council hereby determines that it would have adopted this Resolution without the invalid provision.

SECTION 8. That the City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all in accordance with and as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and the Act.

SECTION 9. That this Resolution shall take effect from and after its passage and it is accordingly so resolved.

PASSED & APPROVED by the **CITY COUNCIL** of the **CITY OF NEW BRAUNFELS** on the ____ day of _____, 2021 on vote of ____ AYES; ____ NAYS; ____ ABSTENTIONS.

RUSTY BROCKMAN
MAYOR
CITY OF NEW BRAUNFELS

ATTEST:

CAITLIN KROBOT
CITY SECRETARY
CITY OF NEW BRAUNFELS

EXHIBIT A
AMENDED AND RESTATED PETITION FOR CREATION OF THE PID

[To Be Attached]

EXHIBIT B

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING REGARDING AMENDING A PUBLIC IMPROVEMENT DISTRICT

Pursuant to Section 372.009(c) and (d) of the Texas Local Government Code, as amended (the "Act"), notice is hereby given that the City Council of the City of New Braunfels, Texas ("City"), will hold a public hearing to accept public comments and discuss the amended and restated petition (the "Petition"), filed by Solms Landing Development, LLC, a Texas limited company, The Jerome W. Timmermann Family Trust, and Chupik Properties & Design, Inc, a Texas corporation (collectively, the "Owner"), requesting that the City amend the previously created public improvement district known as Solms Landing Public Improvement District (the "District") to include property owned by the Owner.

Time and Place of the Hearing. The public hearing will be held at New Braunfels City Council Chambers, 550 Landa Street, New Braunfels, Texas at 7 p.m. on April ___, 2021.

General Nature of the Proposed Public Improvements. The general nature of the proposed public improvements are: (i) the establishment of parks and open space, together with the design, construction and maintenance of any ancillary structures, features or amenities such as trails, pavilions, community facilities, parking facilities, sidewalks, irrigation, walkways, lighting, benches, trash receptacles and any similar items located therein; (ii) landscaping; (iii) acquisition, construction, and improvement of water, wastewater and drainage facilities; (iv) acquisition, construction and improvement of streets, roadways, rights-of-way and related facilities; (v) entry monumentation and features; (vi) signage; (vii) projects similar to those listed in subsections (i) - (vi) above; and (viii) payment of costs associated with constructing and financing the public improvements listed in subparagraphs (i) - (vii) above, including costs of establishing, administering and operating the District.

Estimated Cost of the Authorized Improvements. The estimated cost to design, acquire and construct the Authorized Improvements is \$17,000,000 (including issuance and other financing costs).

District Boundaries. The District's boundaries include approximately 97.97 acres of land generally located in New Braunfels, Comal County, Texas, and being more fully described in Exhibit A attached hereto.

Proposed Method of Assessment. An assessment methodology will be prepared that will address: (i) how the costs of the public improvements financed with the assessments are assessed against the property in the District, (ii) the assessments to be collected each year, and (iii) reduction of the assessments for costs savings (pursuant to the annual review of the service plan for the District). Additionally, a report will be prepared showing the special benefits accruing to property in the District and how the costs of the public improvements are assessed to property on the basis of the special benefits. The result will be that equal shares of the costs will be imposed on property similarly benefited.

The assessment methodology will result in each parcel paying its fair share of the costs of the public improvements provided with the assessments based on the special benefits received by the property from the public improvements and property equally situated paying equal shares of the costs of the public improvements.

Proposed Apportionment of Cost between the District and the City. Amending the District will not obligate the City to provide any funds to finance the Public Improvements. All of the costs of the Public Improvements will be paid from assessments levied on the property within the District and from other funds available to the Owner

EXHIBIT A



AMENDED AND RESTATED PETITION FOR THE CREATION OF A PUBLIC
IMPROVEMENT DISTRICT TO FINANCE IMPROVEMENTS TO SOLMS LANDING
DEVELOPMENT

THE STATE OF TEXAS

§

CITY OF NEW BRAUNFELS

§

§

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS

The undersigned petitioners (the “*Petitioners*”), acting pursuant to the provisions of Chapter 372, Texas Local Government Code (the “*Act*”), request that the City of New Braunfels accept this Amended and Restated Petition for the Creation of a Public Improvement District to Finance Improvements to Solms Landing Development (this “*Amended and Restated Petition*”) for the Solms Landing Public Improvement District (the “*District*”) in the territory described in Exhibit A attached hereto (the “*Land*”), which was created by the City of New Braunfels, Texas (the “*City*”), pursuant to Resolution No. 2019-R09 (the “*Original Creation Resolution*”). This Amended and Restated Petition amends, restates, and replaces in full the Petition for the Creation of a Public Improvement District to Finance Improvements to Solms Landing Development, dated August 9, 2018 (the “*Original Petition*”) submitted by Solms Landing LLC, a Texas limited liability company, and The Jerome W. Timmermann Family Trust as the therein defined “*Petitioners*” for the sole purpose of modifying the estimated cost of the proposed construction of the Public Improvements, defined below in Section 4. The *Petitioners* request that the City modify the Original Creation Resolution consistent with the following:

Section 1. Petitioners. (a) In compliance with the requirements of Texas Local Government Code, Section 372.005(b), as determined by the current tax rolls of the Comal County Appraisal District, the *Petitioners* constitute (i) the owners of taxable real property representing more than 50% of the appraised value of real property liable for assessment under the proposal described herein, and (ii) the record owners of taxable real property that constitutes more than 50% of the area of all taxable real property that is liable for assessment under such proposal.

(b) With respect to community property, the *Petitioners* recognize that the City may accept the signature of a spouse as a representation of both spouses that they support the creation or renewal of the PID absent a separate property agreement. *However, the Petitioners recognize that if City staff is made aware of any disagreement among owners of community property, those petitions will not be counted.*

Section 2. General Nature of the Proposed Construction and Maintenance of the Public Improvements. The general nature of the proposed public improvements (the “*Public Improvements*”) are: (i) the establishment of parks and open space, together with the design, construction and maintenance of any ancillary structures, features or amenities such as trails, pavilions, community facilities, swimming pools, irrigation, walkways, lighting, benches, trash receptacles and any similar items located therein; (ii) landscaping; (iii) acquisition, construction, and improvement of water, wastewater and drainage facilities; (iv) acquisition, construction and

improvement of streets, roadways, rights-of-way and related facilities; (v) entry monumentation and features; (vi) signage; (vii) projects similar to those listed in subsections (i) – (vi) above; and (viii) payment of costs associated with constructing and financing the public improvements listed in subparagraphs (i) – (vii) above, including costs of establishing, administering and operating the District.

Section 3. Boundaries. The boundaries of the District are described in Exhibit A, attached hereto and in the Original Creation Resolution.

Section 4. Estimated Cost and Terms of the Proposed Construction of the Public Improvements. The estimated cost of the proposed construction is \$17,000,000.00 (including issuance and other financing costs). Further terms for the District are described more fully through a Term Sheet attached hereto as Exhibit B

Section 5. Method of Assessment. An assessment methodology will be prepared that will address (i) how the costs of the Public Improvements financed with the assessments are assessed against the property in the District, (ii) the assessments to be collected each year, and (iii) reduction of the assessments for costs savings (pursuant to the annual review of the service plan for the District). Additionally, a report will be prepared showing the special benefits accruing to property in the District and how the costs of the Public Improvements are assessed to property on the basis of the special benefits. The result will be that equal shares of the costs will be imposed on property similarly benefited.

The assessment methodology will result in each parcel paying its fair share of the costs of the Public Improvements provided with the assessments based on the special benefits received by the property from the Public Improvements and property equally situated paying equal shares of the costs of the Public Improvements.

Section 6. Apportionment of Cost between the City and the District. Approval, creation, or modification of any term of the PID will not obligate the City to provide any funds to finance the proposed Public Improvements. All of the costs of the proposed Public Improvements will be paid by assessments of the property within the District and from other sources of funds, if any, available to the owner of the Land.

Section 7. Management of the District. The City will manage the District, or, to the extent allowed by law, the City may contract with either a non-profit, or a for-profit organization including a Public Facilities Corporation created by the City pursuant to Chapter 303, Texas Local Government Code, to carry out all or a part of the responsibilities of managing the District, including the day-to-day management and administration of the District.

Section 8. Advisory Board. An advisory board may be established by the City Council of the City (the “*City Council*”) and such board may recommend an improvement plan to the City Council.

Section 9. City Review. Petitioners, including Solms Landing Development, LLC, (the “Developer”), recognize that the City shall have the right, upon reasonable prior written notice to the Developer and during normal business hours, to audit and inspect the Developer’s records,

books, and all other relevant records related to reimbursable amounts in connection with the District. The foregoing parties agree to maintain the appropriate confidentiality of such records, unless disclosure of such records and information shall be required by (i) a lawful court order or a lawfully issued subpoena, (ii) Texas state law, (iii) an ordinance lawfully adopted by the City, or (iv) the Office of the Texas Attorney General.

Section 10. PID Policy Compliance. (a) The Public Improvements would meet or exceed the criteria set forth in Section II(4)(a)-(i) of the City's Public Improvement District (PID) Policy (the "PID Policy"), as illustrated in Exhibit C, attached hereto.

(b) Petitioners have read and understand the PID policy, and will adhere to all language therein.

Accordingly, Petitioners hereby request the modification of the District by the City Council and file this Petition with the City Secretary in support thereof.

[Signature on following page]

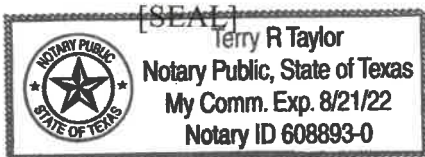
PETITIONERS:

Solms Landing Development, LLC

By: [Signature]
Name: James Mahon
Title: Principal

THE STATE OF TEXAS
COUNTY OF Comal

THIS INSTRUMENT is acknowledged before me on this 26th day of February, 2021, by James Mahon, as Principal of Solms Landing Development, LLC, on behalf of said LLC.



[Signature]
Notary Public, State of Texas

The Jerome W. Timmermann Family Trust

Date: 2-25-2021

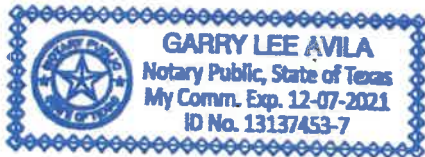
By: Betty Timmermann
Betty M. Timmermann
Trustee

THE STATE OF TEXAS
COUNTY OF Comal

THIS INSTRUMENT is acknowledged before me on this 25 day of February, 2021, by Betty M. Timmermann as Trustee of The Jerome W. Timmermann Family Trust on behalf of said Trust.

[SEAL]

Garry Lee Avila
Notary Public, State of Texas



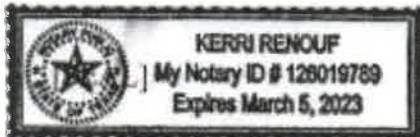
Chupik Properties & Design, Inc.
a Texas corporation

Date: 2/22/2021

By: [Signature]
Name: RONALD V. CHUPIK
Title: PRESIDENT

THE STATE OF TEXAS
COUNTY OF COMAL

THIS INSTRUMENT is acknowledged before me on this 22nd day of February, 2021, by RONALD V. CHUPIK as PRESIDENT of Chupik Properties & Design, Inc., a Texas corporation on behalf of said corporation.



[Signature]
Notary Public, State of Texas

EXHIBIT A

LAND



**FIELD NOTES
FOR
A 97.97 ACRE TRACT**

A 97.97 acre tract of land, situated in the City of New Braunfels, out of the A.M. Esnaurizar Survey No. 1, Abstract 98, Comal County, Texas, and being the remaining portion of a called 2.028 acre tract of land, Tract I, and the remaining portion of a called 96.26 acre tract of land, Tract II, both being described by Deed of Gift of record in Volume 365 Page 866 of the Deed Records of Comal County, Texas and also being all of a called 4.225 acre tract of land as described by Deed of Gift of record in Volume 365 Page 869 of the Deed Records of Comal County, Texas. Said 97.97 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a found $\frac{1}{2}$ " iron rod with a plastic cap stamped "Bury & Partners" in the current southeast right-of-way line of Interstate Highway 35 (I.H. 35), a variable width public right-of-way, for the most easterly corner of a called 0.020 acre tract of land as conveyed to the State of Texas of record in Document No. 9906030874 of the Official Public records of Comal County, Texas, for the most west corner of Lot 1, Block "A", of the Canyon Crossroads Subdivision Plat of record in Document No. 201106028280 of the Map and Plat Records of Comal County, Texas, in the northeast line of said 2.028 acre tract and for the most northerly corner of the tract described herein, from which a found "x" in concrete for the west end of a cutback at the intersection of I.H. 35 and F.M. 306 bears, N 47° 22' 18" E, a distance of 1162.81 feet;

THENCE: S 43° 30' 05" E, departing the southeast right-of-way line of I.H. 35 and along and with the northeast line of said 2.028 acre tract and the southwest line of said Lot 1, at a distance of 657.49 feet passing a found $\frac{1}{2}$ " iron rod with a plastic cap stamped "Bury & Partners" for the south corner of said Lot 1 and the west corner of Lot 6, Block "A", Replat of Lot 2, Canyon Crossroads Subdivision of record in Document No. 201206016264 of the Map and Plat Records of Comal County, Texas, and continuing along and with the southwest line of Lot 6 and the northeast line of said 2.028 acre tract, a total distance of 1456.05 feet to a found $\frac{1}{4}$ " iron rod (bent) for the east corner of said 2.028 acre tract, the south corner of said Lot 6, in the northwest line of said 4.225 acre tract, in the northwest line of said 96.26 acre tract and for an interior corner of the tract described herein;

THENCE: N 45° 03' 35" E, along and with the northwest line of the 4.225 acre tract and the 96.26 acre tract, and the southeast line of Lot 6, a distance of 369.73 feet to a found $\frac{1}{4}$ " iron rod for the an interior corner of Lot 6, the north corner of said 4.225 acre tract and 96.26 acre tract, and a north exterior corner of the tract described herein;

THENCE: S 43° 58' 01" E, along and with a southwest line of said lot 6, the southwest line of Lot 1, Block 1, of the Creekside Fire Station Subdivision Plat of record in Document No. 201006023741 of the Map and Plat Records of Comal County, Texas, the southwest line of a called 5.395 acre tract of land as conveyed to the City of New Braunfels of record in Document No. 200606042906 of the Official Public Records of Comal County, Texas (now known as Creekside Crossing, a 150 foot wide public right-of-way), the northeast line of the 4.225 acre tract and the 96.26 acre tract, a distance of 1505.89 feet to a found $\frac{1}{2}$ " iron rod for the most southerly corner of said 5.395 acre tract, the most westerly corner of a called 6.529 acre tract of land as conveyed to the City of New Braunfels of record in Document No.

Page 1 of 3

200606042905 of the Official Public Records of Comal County, Texas, the most northerly corner of Lot 14R1, of the Amending Plat of lots 8R, 14R, and 32R of Creekside Wellness Center Establishing Lots 8R1, 14R1 and 32R of Creekside Wellness Center of record in Document no. 201306033846 of the Map and Plat Records of Comal County, Texas, for the east corner of the 96.26 acre tract and the tract described herein, from which a found $\frac{1}{2}$ " iron rod with a plastic cap stamped "TEAM" bears, S 38° 38' 50" E, a distance of 0.16 feet;

THENCE: S 45° 01' 44" W, along and with the westerly line of said Lot 14R1, a distance of 369.20 feet to a found $\frac{1}{2}$ " iron rod with a plastic cap stamped "Hollmig" for an interior corner of said Lot 14R1 and an exterior corner of the tract described herein;

THENCE: S 45° 29' 57" W, along and with the northwest lines of Lot 14R1, at a distance of 912.00 feet, a found $\frac{1}{2}$ " iron rod with a plastic cap stamped "HMT" for the west corner of said Lot 14R1 and the north corner of a called 82.76 acre tract of land as conveyed to KB Home Lone Star Inc., of record in Document No. 201406004602 of the Official Public Records of Comal County, Texas, continuing along and with the northwest line of the 82.76 acre tract, at a distance of 2001.79 feet, a found $\frac{1}{2}$ " iron rod with a plastic cap stamped "HMT" for the west corner of said 82.76 acre tract and a northwest exterior corner of a called 36.90 acre tract of land as conveyed to KB Home Lone Star Inc., of record in Document No. 201606006903 of the Official Public Records of Comal County, Texas, and continuing along and with the northwest line of said 36.90 acre tract, a total distance of 3694.97 feet to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" in the northeast right-of-way line of South Kowald Road (also being the northeast line of a called 0.295 acre tract of land as conveyed to the County of Comal of record in Volume 140 Page 563 of the Deed Records of Comal County, Texas), at the most westerly corner of said 36.90 acre tract, in the southeast line of said 96.26 acre tract and for the most southerly corner of the tract described herein;

THENCE: N 43° 16' 27" W, along and with the northeast right-of-way line of South Kowald Road and the 0.295 acre tract, a distance of 793.41 feet to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for the north corner of said 0.295 acre tract, the most southerly corner of Comal Farms Subdivision, Unit One, a plat of record in Volume 12 Pages 217-218 of the Map and Plat Records of Comal County, Texas, in the northwest line of said 96.26 acre tract and for the most westerly corner of the tract described herein;

THENCE: Departing the northeast right-of-way line of South Kowald Road and along and with the common line between said Comal Farms Subdivision and the 96.26 acre tract, the following two (2) courses:

1. N 45° 21' 50" E, a distance of 2719.37 feet to a found $\frac{1}{2}$ " iron rod for the most easterly corner of said Comal Farms Subdivision, an interior corner of the 96.26 acre tract and the tract described herein, and
2. N 44° 29' 27" W, a distance of 703.79 feet to a found $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW SURVEYING" for the south corner of Lot 1 of the New Braunfels Storage Subdivision Plat of record in Volume 13 Page 101 of the Map and Plat Records of Comal County, Texas, a southwest exterior corner of the 96.26 acre tract and the tract described herein;

THENCE: N 45° 29' 59" E, along and with the northwest line of the 96.26 acre tract, the southeast line of said Lot 1, the southeast line of a called 7.66 acre tract of land as conveyed to Barbara Nell Dean of record in Document No. 200306047820 of the Official Public Records of Comal County, Texas and the southeast line of Lot 3, Block 1 of the Richter Estates Subdivision Plat of record in Volume 7 Page 64 of the Map and Plat Records of Comal County, Texas, a distance of 911.95 feet to a point for the west

Page 2 of 3

corner of the 4.225 acre tract, the east corner of said Lot 3, the south corner of the 2.028 acre tract and an interior corner of the tract described herein, from which a found ½" iron rod (leaning) bears, N 19° 09' 21" W, a distance of 0.45 feet;

THENCE: N 43° 30' 05" W, along and with the northeast line of Lot 3 and Lot 1, both of said Richter Estates Subdivision, and the southwest line of the 2.028 acre tract, a distance of 1458.50 feet to a set ½" iron rod in the current southeast right-of-way line of L.H. 35, for the south corner of the 0.020 acre tract, the most easterly corner of a called 0.076 acre tract of land as conveyed to the State of Texas of record in Document No. 200106035524 of the Official Public records of Comal County, Texas and for a southwest exterior corner of the tract described herein, from which a found ½" iron rod in the current southeast right-of-way line of L.H. 35 and for the south corner of said 0.076 acre tract bears, S 45° 22' 17" W, a distance of 227.32 feet;

THENCE: N 45° 22' 17" E, along and with the current southeast right-of-way line of L.H. 35, also being the southeast line of said 0.020 acre tract, a distance of 60.01 feet to the **POINT OF BEGINNING** and containing 97.97 acres, more or less, in the City of New Braunfels, Comal County, Texas. Said tract being described in accordance with a survey prepared by KFW Surveying. Bearings are based on NAD83 (2011) Texas State Plane South Central Zone, 4204. Distances recited herein are surface distances using an average combined scale factor of 0.99985790106.



Job No.: 16-139
Prepared by: KFW Surveying
Date: December 2, 2016
File: S:\Draw 2016\16-139 95 Acres Timmerman Tract - New Braunfels\DOCS\FN -
97.97 Acres

EXHIBIT B

TERM SHEET CITY OF NEW BRAUNFELS, TEXAS COMAL COUNTY, TEXAS SOLMS LANDING PUBLIC IMPROVEMENT DISTRICT 2/3/21

It is requested that the following limitations and performance standards shall apply to the Solms Landing Public Improvement District ("the PID") agreed to by Solms Landing Development, LLC ("the Owner") or its affiliates and assignees, and the City of New Braunfels, Texas ("the City") in connection with the planned development of the 113 acre Solms Landing mixed-use master planned development ("the Project"):

FINANCING CRITERIA – PUBLIC IMPROVEMENT DISTRICT

1. Maximum Authorized Improvements (including hard costs, soft costs, contingency, and a construction management fee) for the PID: \$17,000,000
2. Minimum appraised value to lien ratio for each PID bond issued: 3:1
3. Maximum PID equivalent tax rate including PID annual installment: \$100/\$40
Assessed Value
4. Maximum years of capitalized interest : 2
5. Maturity of bonds (to extent allowed by law): 30 years
6. It is agreed that the improvements to be funded by the PID are limited to those defined as Authorized Improvements under Texas Local Government Code Section 372.003 ("Authorized Improvements").
7. The aggregate principal amount of bonds required to be issued shall not exceed an amount sufficient to fund: (i) the actual costs of the qualified public improvements (ii) required reserves and capitalized interest during the period of construction and not more than 12 months after the completion of construction and in no event for a period greater than 3 years from the date of the initial delivery of the bonds and (iii) any costs of issuance. Provided, however that to the extent the law(s) which limit the period of capitalized interest to 12 months after completion of construction change, the foregoing limitation may be adjusted to reflect the law(s) in effect at the time of actual bond issuance.

MISCELLANEOUS

1. The PID will be created by the City.

2. No PID bonds will be issued without the approval by the City of a Service and Assessment Plan ("SAP") for the PID.
3. No General Obligation or Certificate of Obligation bonds will be utilized by the City to fund the PID.
4. The PID may seek bond issues in advance of construction of Authorized Improvements subject to compliance with this term sheet.
5. Special assessments on any given portion of the property may be adjusted in connection with subsequent bond issues as long as the maximum PID annual installment rate is not exceeded, and the special assessments are determined in accordance with the SAP. Special assessments on any portion of the property will bear a direct proportionate relationship to, and will not exceed, the special benefit of the public improvements to that improvement area. Scheduled special assessments will not be increased on any lot once conveyed to an end user.
6. The City shall not be obligated to provide funds for any improvements except from the proceeds of the PID.
7. The PID Bond Indenture will contain language precluding the City from making any debt service payments for the PID Bonds other than from available special assessment revenues.
8. The PID will be responsible for payment of all of the City's reasonable and customary costs and expenses associated with the financing and administrative activities of the PID. The City and the Owner will agree to a budget for the City's costs in advance of the creation of the PID and preparation of bond documents. Ongoing administrative costs of the PID will be paid through the annual installments of the special assessments.
9. It is agreed that the PID will be exempt from any public bidding or other purchasing and procurement policies per Texas Local Government Code Section 252.022(a) (9) which states that a project is exempt from such policies if "paving drainage, street widening, and other public improvements, or related matters, if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements."
10. The appraiser preparing the appraisal required in connection with the PID Bonds shall be selected by the City in consultation with the Owner and all reasonable fees shall be paid by the Owner.
11. The underwriter responsible for the sale of the PID Bonds shall be selected by the City in consultation with the Owner and all of its fees shall be paid from bond proceeds.
12. No additional security or surety will be provided by the Owner, or its assignees, for the construction of the Authorized Improvements that are being funded by the PID.

13. It is agreed that all principal landowners will provide any required continuing disclosure obligations associated with the issuance of PID Bonds as required under the Indenture or any other regulatory agreement or regulatory agency.
14. This term sheet shall remain in place and in force until such time and date that a final Financing Agreement is executed by both the City and the Owner.

EXHIBIT C

PID POLICY COMPLIANCE

<u>City of New Braunfels PID Policy Requirements</u>	<u>Solms Landing Development</u>
<p>Do the contemplated Public Improvements generate economic development benefits to the City beyond what normal development would and meeting the goals of the Economic Development Strategic Plan?</p>	<p>Yes. Solms Landing will provide numerous economic benefits to the city of New Braunfels. These benefits will include not only sales and property tax but also Hotel Occupancy tax revenue and job creations. Initial analysis predicts over 1800 jobs would be created throughout the development. These jobs will target a variety of industries and skillsets providing both entry-level retail jobs as well as retail management positions and professional services and medical positions. In addition Solms landing will have a variety of retail components. Many of the target areas for Solms Landing such as food & beverage and entertainment will minimize retail leakage that was discussed in the Retail Gap Analysis. Solms Landing will provide a variety of housing options to meet the changing demand of residents of New Braunfels. These will include dense living options such as zero lot line homes, attached townhomes, and for rent multi-family products.</p>
<p>Do the contemplated Public Improvements provide for improvements in the public right-of-way which create new or enhanced public roads and streets and which enhance and create opportunities to redevelop older or underutilized areas of the City); (e.g., entryways, gateways, landscaping, street trees, fountains, specialty lighting, art, decorative and landscaped streets and sidewalks, bike lanes, multi-use trails, signage, terminating vistas, decorative pedestrian lighting, pedestrian safety elements, ADA accessibility, underground utilities, etc.)?</p>	<p>Yes. All major roads within Solms Landing will be public roads creating interconnectivity in a growing part of the city. The development's minor collector will include traffic calming measures at pedestrian crossing and will include a roundabout to alleviate congestion. In addition all roads will include enhanced landscaping and sidewalks to create a pedestrian friendly environment. All utilities will be underground and provide cross connectivity to existing utilities systems.</p>

Do the contemplated Public Improvements meet community needs (e.g., enhanced drainage improvements, land and infrastructure for re-irrigation of treated wastewater, off-street public parking facilities, pedestrian and trail connectivity, mobility enhancements and workforce housing)?	Yes. Solms Landing provides regional and master planned detention facilities. Solms Landing is designed to promote shared parking by users adjacent to each other that use parking during different hours of the day. Solms Landing will have a trail and pedestrian system that connects to the adjoining properties of West Village at Creekside and Creekside Town Center.
Do the contemplated Public Improvements exceed development requirements of the City; in particular enhanced architectural standards, enhanced landscaping, low impact development (LID) features, impervious cover limitations, parking lot shading, floorplan variety, and which provide for a superior design of lots or buildings including green building ratings systems for energy efficiency?	Yes. The Solms Landing Development standards include enhanced architecture standards as well as enhanced landscaping requirements to provide ample shading and coverage on a site that currently has little shading. Building layouts are designed to promote pedestrian walkability and roads have features such as Z-Crossing and Roundabouts as traffic calming measures.
Do the contemplated Public Improvements provide for increased recreation and open space opportunities for public use?	Yes. Interconnectivity and quality outdoor space are key components to the vision of Solms landing. Through an integrated network of Hike and Bike trails the public will be able to access a variety of aspects in the development. In addition these trails will allow residents from adjacent developments to access the area and connect to local schools and employers such as Resolute Health. Furthermore the development will have a variety of park spaces to include a central park, a sports park and a dog park all of which will be connected by the sites trail system.
Do the contemplated Public Improvements protect and preserve natural amenities and environmental assets such as the rivers, lakes, trees, creeks, ponds, floodplains, slopes, hills, viewsapes, aquifer recharge and/or contributing zones, and wildlife habitats?	Yes. The site currently is used as farmland. However the development plan does include a variety of parks, walking trails and landscaping that will add to the natural look and feel of the overall development.
Do the contemplated Public Improvements protect and preserve existing historical buildings, structures, features or places and preserve the rural and community amenities or features that further the look and feel of the hill country or would otherwise be of special benefit to the property users or community; or which establish a unified architectural or design theme throughout the development that complements the community's character and heritage?	Yes. Although the site currently does not have any existing historical buildings or any landmarks that need to be preserved, the development will look to create a future identify consistent with the heritage and history of the region.

<p>Are the contemplated Public Improvements associated with property located within the city limits of the City of New Braunfels.</p>	<p>Yes. Development is located within the city of New Braunfels. Specifically it is located in the Creekside area and in close proximity to schools, employers and commercial development.</p>
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3/22/2021

Agenda Item No. H)

Presenter/Contact

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

SUBJECT:

Approval of issuance of contract modification with Freese & Nichols, Inc. to continue work on the technical assessment and adoption support to the southeast sector of the City of New Braunfels Thoroughfare Plan.

BACKGROUND / RATIONALE:

Freese & Nichols Inc. was selected from the City's Indefinite Quantity, Indefinite Delivery (IDIQ) list and issued a task order in November 2020 to review an application submitted by a developer to amend the adopted thoroughfare plan alignment at the existing junction of Saur Lane, FM 758, and Weltner Road. The initial work is underway and has been determined that additional services are needed by Freese & Nichols to extend their review of the transportation network relative to forecasted growth/needs and provide recommendations for vehicular travel and bike/pedestrian considerations for the southeast sector of the city bound by generally by IH -35, east of SH 46 and the ETJ areas of New Braunfels and Seguin. Recommendations based on this assessment will form a framework for long-term growth and development and identifying preservation of key transportation corridors in this rapidly growing area of the city. Based on the findings of this assessment, Freese & Nichols, Inc will support the City in adoption of the new Thoroughfare Plan within this sector.

The City Engineer has determined that these services are currently necessary and are best delivered through a 3rd party. These reviews involve checking to make sure all necessary transportation planning principles and current information are considered and checking necessary connectivity and land-use accessibility are provided within reasonable transportation engineering and planning judgement.

Freese & Nichols, Inc.'s professional services fee is \$59,900.

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

Yes	Envision New Braunfels Comprehensive Plan	ACTION 7.50 [POLICY] Ensure the thoroughfare plan includes and ordinances require adequate dedication and reservation of right-of-way for future roadways.
Yes	Envision New Braunfels Comprehensive Plan	ACTION 7.54 [PLAN INITIATIVE] Consider segments of a potential outer loop, parkway or beltway on the City's thoroughfare plan as it pertains to relieving congestion.

FISCAL IMPACT:

Sufficient funds are available to support this contract modification with the appropriate service area of the Roadway Development Impact Fee Fund.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the issuance of a contract modification with Freese & Nichols, Inc. to proceed with the proposed thoroughfare plan technical assessment and adoption support.

January 6, 2020

Garry Ford, PE, PTOE
Assistant Public Works Director/City Engineer
City of New Braunfels

Re: Proposal for Professional Planning Services
Thoroughfare Plan Sector

Dear Mr. Ford:

Freese and Nichols, Inc. (FNI) is pleased to submit this proposal for providing professional transportation planning services to the City of New Braunfels (City) to perform thoroughfare plan alignment technical services for proposed revisions to a sector of the City transportation plan. The scope in this proposal is in response to review of proposed thoroughfare plan amendments by development and subsequent deliberations between the City, TxDOT, and Utility providers.

BACKGROUND

Through the City's subdivision authority and transportation infrastructure coordinating processes, there may be proposed revisions to the thoroughfare plan alignment such as updating alignments and functional classifications that need to go through a 3rd party application review as conditions evolve and infrastructure coordination detail apparent only at the time of subdivision are more developed. These reviews will involve checking to make sure all necessary transportation planning principles and current information are considered and checking necessary connectivity and land-use accessibility are provided within reasonable transportation engineering and planning judgement. The City of New Braunfels requested FNI prepare a proposal to assist with assessment and alignment testing of the Plan, approximately.

EXHIBIT A - SCOPE OF SERVICES (BASIC SERVICES)

FNI will render professional services as detailed in the attached scope of work (Attachment A).

EXHIBIT B - TIME OF COMPLETION

As noted in Exhibit A, FNI will substantially complete the Technical Services for Phase II within 7-9 weeks of notice to proceed and analysis of all necessary design documentation. FNI proposes to complete Phase III, Adoption Support, within an additional 4-8 weeks contingent on public meeting scheduling. Total project timeframe is proposed to be 3-5 months, in total. If FNI's services are delayed through no fault of FNI, FNI shall be entitled to equitable adjustment of compensation and FNI shall be entitled to adjust contract schedule consistent with the number of days delay.

DESIGNATED REPRESENTATIVES

FNI designates the following representatives:

FNI's Project Manager

David Paine, AICP, PTP
10431 Morado Circle, Suite 300
Austin, Texas 78759
Phone: 512-617-3107
E-mail: David.Paine@freese.com

FNI's Accounting Representative

Stephanie Kirchstein
2711 North Haskell Ave., Suite 3300
Dallas, TX 75204
Phone: 214-217-2212
E-mail: Stephanie.Kirchstein@freese.com

EXHIBIT C - COMPENSATION

FNI proposes to furnish our services as described herein on a time and materials basis in accordance with Attachment CO, "Compensation". The total fee for each review shall be dependent on the nature of the design but shall not exceed \$59,900 in combination. FNI will perform the services covered within this document up to the contract amount. If additional effort is needed for an assigned review, FNI will communicate the need for a supplemental at that time.

Payment of the services shall be due and payable upon submission of a statement for services. Statements for services shall not be submitted more frequently than monthly.

We appreciate this opportunity to submit this proposal. If additional information or clarification is desired, please do not hesitate to contact us.

Sincerely,

FREESE AND NICHOLS, INC.

A handwritten signature in dark ink, appearing to read 'D. Paine'.

David Paine, AICP, PTP
Project Manager
512-617-3107

A handwritten signature in dark ink, appearing to read 'Bregger Garrison'.

Bregger Garrison, P.E.
Client Representative
210-298-3841

SCOPE OF SERVICES

BASIC SERVICES: FNI shall render the following professional services in connection with the development of the Project:

Phase I - The initial phase of thoroughfare plan services for the Southeast sector was accomplished under separate task order.

Phase II – Thoroughfare Plan Southeast Sector Technical Assessment

Thoroughfare Plan Assessment

The purpose of this assessment is to review the transportation network relative to forecasted growth/needs and provide recommendations for vehicular travel and bike/pedestrian considerations for the southeast sector of the city bound by generally by IH-35, east of SH 46 and the ETJ areas of New Braunfels and Seguin. Subarea network recommendations will form a framework for long-term growth and development and identifying preservation of key transportation corridors in this rapidly growing area of the city.

Key plan elements include: review transportation goals and interagency coordination¹, high level assessment of existing conditions², review of projected growth and needs³, review of functional classification system of thoroughfares⁴, and consideration of alternative alignments for corridor preservation.⁵ Plan assessment will be coordinated through City Staff. As an advisory committee has been determined to not be needed, the Consultant expects to work through City staff directly with Planning and Zoning Committee and City Council. Stakeholder and citizen input garnered from an optional town hall-style public input meeting would support plan development prior to the required public hearing process at the conclusion of the study.

Task 1.0 – Issues identification, Goals review and Agency Coordination

Staff input will be sought at the outset of the plan process for identifying critical issues and needs. FNI will incorporate understanding of thoroughfare planning efforts and/or studies from other agencies to ensure that connectivity with other current and long-range regional system enhancements are considered. Supplemental data will be collected from Guadalupe County, the Texas Department of Transportation, and the local MPO if applicable. Additionally, previous city planning initiatives and/or other departmental plans will be obtained from the client for coordination purposes.

The assessment of projected thoroughfare needs will be based on current/existing forecasts and constraints for the study area (i.e., 2045 MTP and/or AAMPO 2025 TDM results). The City will participate in coordinate the transfer of data files, with consultant leading the file request to AAMPO. Key activities in this task include;

Activities

- 1.1 Issues Identification. Seek input of thoroughfare system issues from City staff and/or stakeholders. Obtain input on transportation network strengths, weaknesses, needs and opportunities.
- 1.2 Review Plan Goals. Review existing transportation-specific plan policies and goals that the City utilizes to facilitate the implementation of the transportation system. Policies of any existing Thoroughfare Plan or comprehensive plan would serve as a basis for update of the Thoroughfare Plan subarea.
- 1.3 Review of existing thoroughfare plans and/or planning efforts from area agencies and other city departments as provided in the first month of schedule to coordinate roadway system compatibility.
- 1.4 Obtain roadway planning and improvement initiatives by County, MPO, TXDOT.
- 1.5 Reasonable conversion of PDF-based data into GIS format for use of the project (up to 8 hours heads-up digitization, georeferenced).
- 1.6 Obtain the latest travel forecasts (2045 MTP, 2025 AAMPO TDM, as available) from MPO and/or TXDOT to serve as a basis for determining future roadway needs.

- 1.7 Site assessment – driving the area and conducting a window assessment of current conditions not available through remote sensing (ie. internet based imagery).

Task Products

Issues identification for plan subarea development; existing and planned thoroughfares, county and regional planning coordination, roadway system connectivity and roadway standards. Product will be provided as a base-map or series of up to five basemaps for key issue areas to be assessed, securing available data from which to inform the alignment alternatives and incorporation of other agency transportation studies/efforts with the City transportation plan implementation process.

Task 2.0 – Analysis of Existing Thoroughfare System

FNI will conduct a general overview of the existing thoroughfare system to serve the subarea. Elements included as part of this review will include: existing functional classification, existing and future major traffic generators, existing daily traffic volumes, and programmed transportation improvements.

Data of traffic volumes will be based on available information as compiled by TxDOT, MPO, and the City, such as through a traffic impact assessment for development. Data from a roadway impact fee study or phase may also be considered, if available.

Activities

- 2.1 Existing traffic and project use data compiling.
- 2.2 High-level review the existing functional classification of the roadway network.
- 2.3 Identification of existing/future major traffic generators affecting the study area.
- 2.4 Incorporation of any other existing modal plan elements such as bike/pedestrian networks, funded transit and programmed roadway improvements, as provided.

Task Product

Analysis of existing roadway system to serve as a basis for thoroughfare plan development.

Task 3.0 – Projected Growth and Travel Needs

The Future Land Use Plan and demographic projections serve as the basis from which thoroughfare plan needs are based. The determination of long-term roadway needs will be based on recent MPO and/or TxDOT travel forecasts for the City study area as updated, combined with high level comparison of predominant development patterns provided by the City in development of this effort. Based on information from the City and developed through needs identification and demographic projections of the current Comprehensive Plan, FNI will compare key area differences in the existing Future Land Use Plan with MPO-based demographics to identify and, if needed, update planning-level volume projection ranges for up to 4 priority Traffic Area Zones or superblocks within the study area.

A high-level review of socio-demographics forecast will compare development intensity from the current, available model forecast with future land use plans derived from the City Comprehensive Plan or current understanding provided by staff. Projected volumes may be adjusted to reflect a commensurate development intensity between the two data sets and summarized as ranges of probable volumes for up to four (4) priority screening lines. A general screen line/cordon analysis process may be used to adjust upward or downward forecasted volumes from Task 2.

Activities

- 3.1 Obtain and compare differences between predominant development patterns, future land use plan projections and travel demand model socio-demographics, generally; identify key area of changes in land use intensities with direction from City staff.
- 3.2 Screenline capacity assessment to determine roadway need ranges for up to four (4) priority corridors. Analysis will be focused on threshold levels and volumes will be expressed as ranges to inform CIP project development discussions. Intersection configurations would be additional services.

Task Products

High-Level assessment of existing and future land use patterns, predominant development patterns and comparison with MPO and/or TxDOT demographics of existing modeled output. Assessment of roadway needs based on forecasted travel demands of the area to inform network capacity. Adjustment of forecasted volume ranges for priority corridors, based on input from City staff and expected intensity of predominant development patterns.

Task 4.0 –Thoroughfare Plan Sector Alternatives Development

Based on plan input, future land use patterns and provided travel forecasts of the region, FNI will prepare a Thoroughfare Plan assessment and alternatives map to test alignments. Up to 5 issue or focus areas identified in Task 1 to be addressed for corridor preservation testing as part of this assessment. The Thoroughfare Plan assessment map will also incorporate considerations for connectivity with other existing bike/pedestrian network planning and other regional transit initiatives. Key sub-elements include:

4.1 Near-Term Thoroughfare Plan Alternatives Assessment

FNI will review the thoroughfare network/functional classifications to facilitate near-term corridor preservation needs of the City. The plan will also consider regional connectivity with key corridors within the immediate County and adjacent city thoroughfare plans. FNI will test plausible alignments, update of functional class and cross sections in a tabular summary form. The plan will incorporate consideration from recent planning for transit, bike and pedestrian, and utility coordination connectivity if provided. Key corridor alignment alternatives will be developed, to the greatest extent possible, to avoid and minimize impacts to dwellings, critical flaws, mapped environmental features, and existing development entitlements. City staff will assist and identify any key elements for connection within the city and or special areas to be included on the issue subarea maps.

4.2 Thoroughfare Plan Southeast Subarea Map

The Thoroughfare Plan will be summarized on a single map and depicting roadway functional class throughout the study area. Both existing and future roadway segments of collector class and higher will be identified. Supporting roadway section recommendation information will be provided in tabular format to detail the composition of each functional class facility, number of travel lanes, and associated right-of-way. The right-of-way basis will follow existing criteria provided by the City and through consultation with TxDOT and, if needed, Guadalupe County, The City of Seguin, and the Alamo Area MPO. Up to four customized roadway sections will be developed, as needed, for this sub-sector.

Task Product

Up to five (5) issue area mapbook exhibits with between two and four plausible alignment alternatives per issue-area will be created. Alignments will be annotated to include key considerations. Mapbooks will be provided at between 1:800 and 1:1400 scale. One thoroughfare plan subarea amendment map will be created, with up to four customized cross-section illustrations specific to the plan subarea and key issue areas.

After draft, a videoconference with City staff will be held to discuss the initial draft plan alignments. FNI will facilitate the videoconference. Subject to staff comments, up to two additional draft revisions will be prepared and summary information prepared for dissemination by City staff for public input such as at a town hall presentation, regular planning and zoning committee meeting or City council meeting. FNI will facilitate a town hall meeting in person or virtually as an additional service.

Task 5.0 Thoroughfare Plan Summary Memo

Based on comments from the staff or garnered through a Town Hall-style meeting, one (1) draft final revision of the draft (“final draft”) will be prepared and submitted to the City for use during the public hearing process with the City Council.

One electronic file (PDF format) of the Final Thoroughfare Plan Map will be submitted to the City for use in the public hearing process. Any final comments from the public hearing will be addressed in the final plan in

which FNI will submit a revised electronic file (PDF format).

Phase III – Sector Plan Adoption Support

Task 6.0 – Adoption Meeting

FNI staff will prepare a brief presentation for adoption of the revised Long-term Thoroughfare Plan to describe the process, schedule, and updated recommendations. FNI staff will meet with City Staff to review the presentation prior to presenting at City Council, then FNI staff will present the recommendations to a City Council meeting for adoption. Attendance will be conducted in person or virtually.

Activities

6.1 Preparation of summary presentation and presentation at City Council meeting (Virtual or in person).

Meetings

Phase II

For this plan effort, up to Four (4) meetings have been budgeted and for the development of the Thoroughfare Plan Southeast Sector and include:

- Task 1 – 1 videoconference or telepresence meeting (1 x City staff)
- Task 3 – 1 meetings (1 videoconference with City staff)
- Task 4 – 2 meetings (1 with City staff; 1 public meeting with City Council or P&Z, attendance in person or via videoconference, facilitated by others)
- Up to 3 hours of additional check-in/telepresence meetings (ex. 6 x 30 minute, each) are also included. These are anticipated to be biweekly status briefs, as necessary.

Phase III

For this plan effort, up to three (3) additional meetings have been budgeted and for the development of the Thoroughfare Plan Sector update adoption support and include:

- Task 6 – 3 meetings - 2 videoconference or telepresence meeting (2 City staff), and 1 public meeting with City Council, attendance in person or via videoconference, facilitated by others).

Reports and Products

All documents will be prepared using Microsoft Word software. To ensure retention of proper formatting, submittals to the City will be made via PDF electronic file format. At the conclusion of the study, electronic files will be submitted to the City for use by the City as desired. All mapping will be created in ESRI ArcGIS software and copies of maps transmitted via PDF format.

Mapping

The City's existing base mapping will be used as the basis for this project (provided to the Consultant at no additional cost to the Consultant). The base map will be manipulated using ESRI's ArcGIS software for plan mapping, with additional plans/PDFs georeferenced in. All City electronic GIS or CAD files relevant to the preparation of the Thoroughfare Plan map will be made available to the consultant.

Schedule

The overall time for project completion is estimated to be approximately 3 – 5 months. We anticipate the technical work to be completed over 2-3 months, followed the public hearing process in the remaining time.

ADDITIONAL SERVICES: Additional Services to be performed by FNI, if authorized by OWNER, which are not included in the above described basic services, are described as follows:

- A. Development of Goals and Objectives if City does not have them from an adopted Comprehensive plan or other similar guiding policy document.
- B. Compiling crash data and assessing safety concerns are important in transportation planning but considered additional services from this lited assessment.
- C. Making link-level designations for additional corridors beyond those enumerated above.
- D. Additional coordination meetings with regional partners not expressed above – TxDOT, AAMPO, Guadalupe County, Comal County, VIA, ART, or others.
- E. Roadway section revisions and costs.
- F. Facilitation of town hall scale, or in person public meetings to develop this project.
- G. Making revisions to drawings, specifications or other documents when such revisions are 1) not consistent with approvals or instructions previously given by OWNER or 2) due to other causes not solely within the control of FNI.
- H. Preparing applications and supporting documents for government grants, loans, or planning advances and providing data for detailed applications.
- I. Preparing data and reports for assistance to OWNER in preparation for hearings before regulatory agencies, courts, arbitration panels or any mediator, giving testimony, personally or by deposition, and preparations therefore before any regulatory agency, court, arbitration panel or mediator.
- J. Assisting OWNER in preparing for, or appearing at litigation, mediation, arbitration, dispute review boards, or other legal and/or administrative proceedings.
- K. Assisting OWNER in the defense or prosecution of litigation in connection with or in addition to those services contemplated by this AGREEMENT. Such services, if any, shall be furnished by FNI on a fee basis negotiated by the respective parties outside of and in addition to this AGREEMENT.
- L. Visits to the site in excess of the number of trips included for site visits, coordination meetings, or contract completion activities.
- M. Providing basic or additional services on an accelerated time schedule. The scope of this service include cost for overtime wages of employees and consultants, inefficiencies in work sequence and plotting or reproduction costs directly attributable to an accelerated time schedule directed by the OWNER.
- N. Preparing statements for invoicing or other documentation for billing other than for the standard invoice for services attached to this professional services agreement.

City of New Braunfels Thoroughfare Plan Sector Assessment 1/5/2021 Detailed Cost Breakdown

[illegible]

3/22/2021

Agenda Item No. I)

Presenter/ContactBarbara Coleman, Purchasing Manager
(830) 221-4389 - bcoleman@nbtexas.org**SUBJECT:**

Approval of annual routine recurring expenditures for FY 2021 in accordance with City Charter Section 9.17.

BACKGROUND / RATIONALE:

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

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

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

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

Vendor Source	Service	Estimated	Solicitation
Bluebonnet Motors	Automotive Supplies & Services For Citywide fleet - requesting An increase from \$48,000 to \$75,000 - Funding is incorporated into the appropriate Operating budget	\$48,000	Sourcewell
Freese & Nichols Inc.	Increase of expenditure for Professional Services for Citywide engineering. This is an estimated annual increase From \$40,000 to \$100,000 -Funding is incorporated into the appropriate operating budgets	\$100,000	City IDIQ Professional Svc

Leissner Auto Parts	Increase of expenditures for fleet Vehicle auto parts and supplies. This is an estimated annual increase from \$30,000 to \$50,000 -Funding is incorporated into the Waste Management Enterprise Fund and other appropriate operating budgets	\$50,000	NJPA.
Watch Guard	Vehicle accessories to support City fleet vehicles and evidence library for Police Department. -Funding is incorporated into the appropriate operating budgets	\$75,000	Buy Board/HGAC

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

Yes	Strategic Priorities:	9. Maintain fiscal stability of City operations
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FISCAL IMPACT:

Funding for all initiatives and expenditures above were incorporated into the appropriate FY 2021 departmental budgets. However, the amounts above are estimates; actual costs are dependent upon needs. If the actual costs above exceed what was allocated in the budget for those services, departments are required to make that difference up elsewhere within their operating budget.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of annual recurring expenditures for FY 2021 in accordance with City Charter section 9.17

3/22/2021

Agenda Item No. J)

Presenter/Contact

Bryan Ruiz, Neighborhood Services Manager
(830) 221-4073 - bruiz@nbtexas.org

SUBJECT:

Approval of the second and final reading of an ordinance regarding a request from the Humane Society of New Braunfels Area (HSNBA) to waive development related fees for their new spay and neuter building.

BACKGROUND / RATIONALE:

Council District: 1

Owner/Applicant: Humane Society of New Braunfels Area
Sarah Hammond - Executive Director
3353 Morningside Drive
New Braunfels, TX 78130
(830) 629-5287
generalinfo@hsnba.org

City Council held a public meeting on March 8, 2021 and unanimously approved the first reading of the ordinance.

The Humane Society of New Braunfels Area (HSNBA) is requesting a waiver of fees associated with bringing a building onto their property. The building will provide a location to spay and neuter dogs and cats before adoption. The HSNBA is a not-for-profit organization that works with the City of New Braunfels to house stray animals brought in by the Animal Services Team of the City. The HSNBA also accepts stray pets brought in by citizens and, if space allows, pets whose owners can no longer care for them.

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

Envision New Braunfels Comprehensive Plan	Action 3.6: Pro-actively provide a regulatory environment that remains business and resident friendly. Action 8.3: Foster opportunities for collaboration with local nonprofits.
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FISCAL IMPACT:

Application and plan review fees offset the costs associated with the City's examination of plans and processing of development applications, thereby reducing the impact to the taxpayer. If approved, this waiver would result in a reduction of application, and plan review revenue to the Development Services Fund.

- Type VB construction permitting fees for a 1500 square-foot structure, Occupancy Group B, is \$1,300.
- With plan review fees and inspection fees the total would be approximately \$1,800.

COMMITTEE RECOMMENDATION:

[NA]

STAFF RECOMMENDATION:

Approval. Staff supports permit fee relief or discounts for not-for-profit organizations. The City has provided reduced fees or discounts for such organizations for a variety of city permits such as street banners, special event permits, building permits, and health permits. The Humane Society of New Braunfels Area is a not-for-profit entity that provides services to the community and relies on local contributions and assistance for support.

City Council has approved similar fee waivers on individual projects for Hope Hospice (May 2015), The Food Bank (January 2016), NB Housing Partners (December 2016) and Habitat for Humanity (March 2018).

Attachments:

1. Applicant's Request for fee waiver.
2. Building drawing and location of proposed structure.
3. Ordinance

January 22, 2021

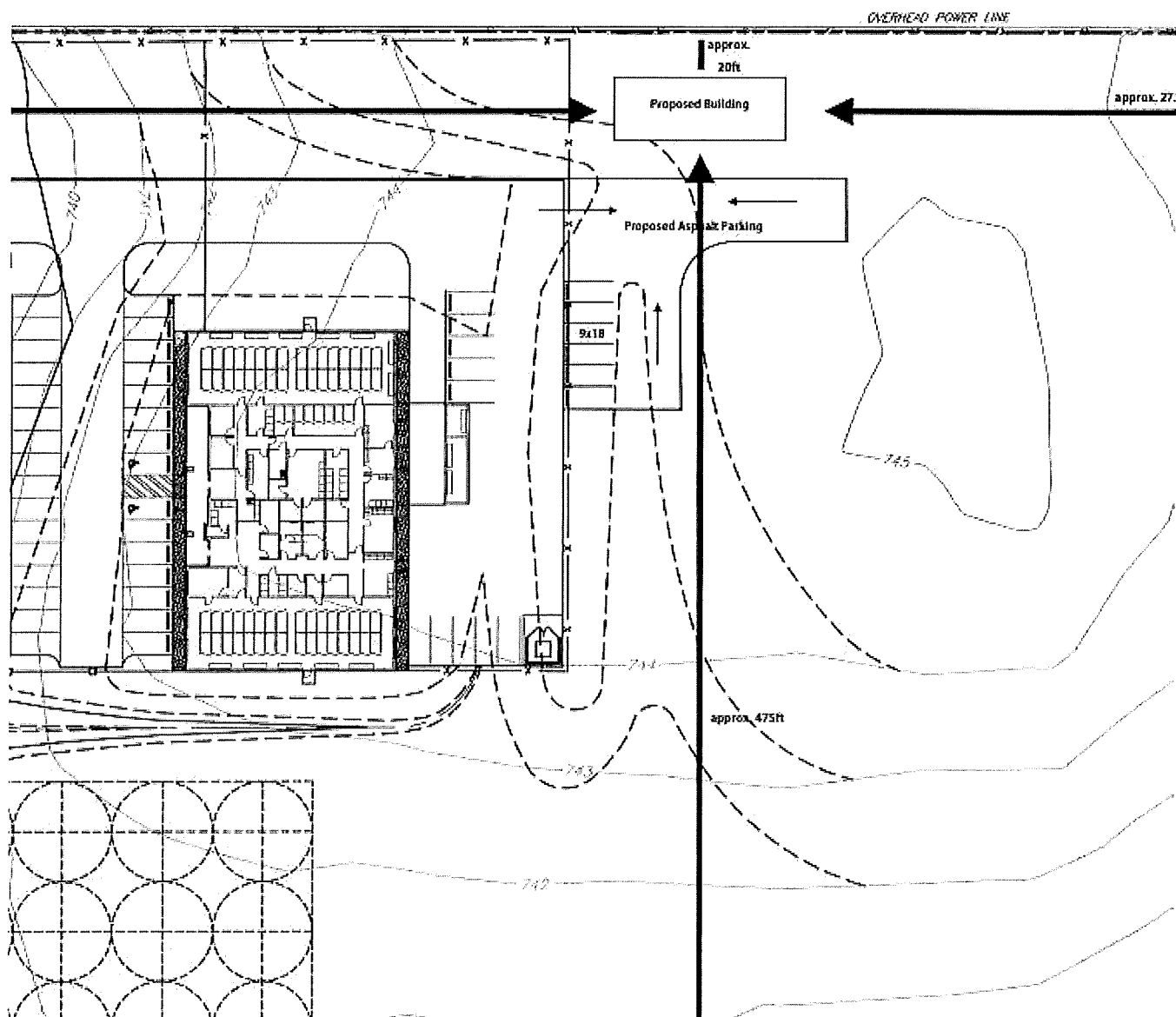
Chris,

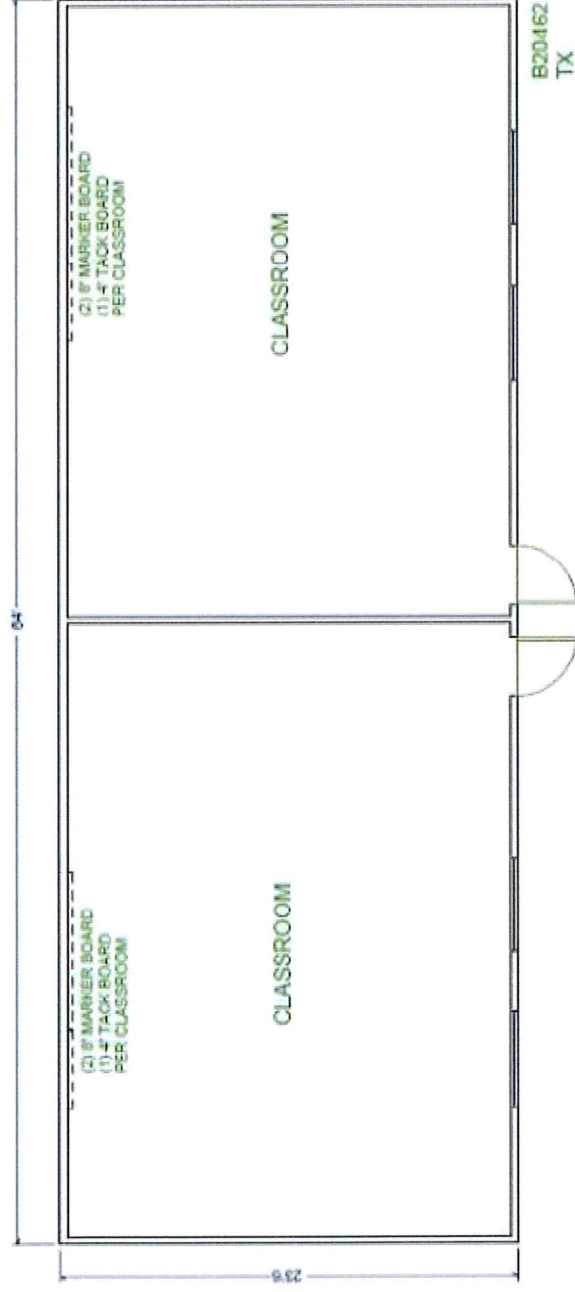
I'd like to submit a formal request for consideration of waiving the City of New Braunfels fees for permitting, platting and other development related fees for our project to build a new building on our property for the purpose of spaying and neutering dogs and cats prior to their adoption from our facility. Any little bit of help we can get would be much appreciated! Let me know what information I can provide to submit this request.

Have a great weekend!

Until there are no more homeless pets,

Sarah Hammond
Executive Director
HSNBA
830-629-5287
www.hsnba.org





ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS AUTHORIZING THE WAIVER OF DEVELOPMENT RELATED FEES ASSOCIATED WITH THE HUMANE SOCIETY OF NEW BRAUNFELS' BUILDING TO BE USED FOR A SPAY AND NEUTER CLINIC.

WHEREAS, Humane Society of New Braunfels Area is a not-for-profit corporation with a commitment to improving the well-being of the citizens and pets of our community; and

WHEREAS, the Envision New Braunfels Comprehensive Plan encourages collaboration with not-for-profits, and that the City maintain its friendly business and resident regulatory climate; and

WHEREAS, the Humane Society of New Braunfels Area is planning to move a structure onto its site and develop it as a facility for the spaying and neutering of pets; and

WHEREAS, the City Council of the City of New Braunfels wishes to provide support to Humane Society of New Braunfels Area because of their ongoing efforts to make New Braunfels a better place to live by increasing the quality of life for our pets.

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

SECTION 1

THAT the City of New Braunfels City Council hereby waives and suspends all development related fees (including application fees for permits, plan review, platting and inspections) for the Humane Society of New Braunfels' spay and neuter facility. The fees waived are those development-related fees specifically enumerated in Appendix D of the City's Code of Ordinances. Further, the City of New Braunfels City Council adopts the above-mentioned findings and finds a valid public purpose exists for the waiver of the above described fees.

SECTION 2

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

SECTION 3

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

SECTION 4

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

SECTION 5

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

PASSED AND APPROVED: First reading this 8th day of March, 2021.

PASSED AND APPROVED: Second reading this 22nd day of March, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

3/22/2021

Agenda Item No. K)

Presenter

Christopher J. Looney, AICP, Planning and Development Services Director
clooney@nbtexas.org

SUBJECT:

Approval of the second and final reading of proposed amendments to Chapter 6, Animals, related to tethering, keeping of rabbits, general standards of pet care, and penalties, as recommended by the Animal Services Advisory Board.

BACKGROUND / RATIONALE:

Council District: All

Staff Contact: Bryan Ruiz, Neighborhood Services Manager
(830) 221-4073
bruiz@nbtexas.org

City Council held a public hearing on March 8, 2021 and unanimously approved the first reading of the proposed ordinance.

Chapter 6 of the City's Code of Ordinances includes standards for the care and treatment of pets and animals in New Braunfels. State of Texas statutes include minimal standards that the City of New Braunfels codified initially in 1961. Amendments over the years have built upon those minimum state standards to meet the community's local desires and goals for animal care. The Animal Services Advisory Board (ASAB) has considered a collection of additional amendments over the last year:

Tethering

In response to calls for service, Animal Control staff periodically encounter instances of dogs being chained or tied up at the bare minimum of three feet. Such a limited tether length not only limits a dog's radius of movement, but sometimes puts shade, shelter and even food and water out of reach. Amendments were drafted to provide standards for tethering to ensure a pet's health and safety.

Rabbits

Historically, New Braunfels' rules have been very limiting on rabbit ownership. Several years ago, the City adopted more flexible rules for chickens due to increased interest and trends toward locally sourced food. Interest in keeping rabbits for pets (outside of the typical agriculture programs) is also becoming a trend. However, if owners release their pet rabbits to the Humane Society's Animal Shelter, the shelter cannot adopt them out due to the current limiting regulations. The proposed amendments are intended to provide added flexibility for pet rabbit ownership.

General Care

After instances of concern from the public regarding observed owner mistreatment of pets, staff received requests from citizens to examine the ordinances for opportunities to strengthen the rules. Staff researched ordinances in other Texas cities, and worked with the ASAB to develop some amendments that clarify requirements associated with food, water, shelter, and inclement weather.

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

Envision New Braunfels Comprehensive Plan	Action 3.6: Pro-actively provide a regulatory environment that remains business and resident friendly. Action 3.35: Support local non-profits whose mission includes Envision New Braunfels goals.
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Animal Services Advisory Board considered and recommended approval of these consolidated amendments at their meetings in 2020 and 2021.

STAFF RECOMMENDATION:

Approval.

ATTACHMENTS:

- Draft Ordinance
- ASAB Minutes

ORDINANCE NO. 2020-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 6 ANIMALS RELATED TO TETHERING, RABBITS AND GENERAL CARE AND TREATMENT OF PETS, INCREASING ONE MINIMUM FINE TO \$100, AND INCREASING THE MAXIMUM FINE TO \$2000; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels has the authority pursuant to statutory provisions of the Texas Health and Safety Code Chapter 821 to adopt and employ regulatory ordinances for the control of domestic animals, and

WHEREAS, the City Council of the City of New Braunfels, Texas, is concerned about the keeping of rabbits, and the proper care and treatment of pets in New Braunfels; and

WHEREAS, the City Council of the City of New Braunfels, Texas deems it necessary to amend its ordinances to achieve desired outcomes of pet ownership; and

WHEREAS, the Comprehensive Plan, Envision New Braunfels, has multiple action items supporting these amendments, including Action 3.6: Pro-actively provide a regulatory environment that remains business and resident friendly; and Action 3.35: Support local non-profits whose mission includes Envision New Braunfels goals; and

WHEREAS, the City Council has directed that ordinances dealing with the care of pets be reviewed by the Animal Services Advisory Board to make recommendations concerning improving those regulations; and

WHEREAS, the Animal Services Advisory Board held separate public hearings on these amendments on May 14, 2019, July 23, 2019, and January 27, 2021 and recommended approval of the proposed amendments; and

WHEREAS, the City Council heard a briefing on these amendments at their regular meeting on February 22, 2021; and

WHEREAS, the City Council held a public hearing and first reading on said amendments at their regular meeting on March 8, 2021; and

WHEREAS, the City Council hereby finds and determines that these amendments

are in the best interest of the citizens of New Braunfels, Texas.

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

SECTION 1

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

SECTION 2

THAT Chapter 6, Animals, Section 6-1 Definitions, is hereby amended with additions as underlined and deletions as stricken:

ARTICLE I. – IN GENERAL

Sec. 6-1. – Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon means left without the needed protection, care, or support by the owner, a person, partnership, or corporation.

Altered or sterilized means the surgical removal of the reproductive organs of a dog or cat or the use of nonsurgical methods and technologies approved by the United States Food and Drug Administration or the United States Department of Agriculture to permanently render the animal unable to reproduce.

Animal means every nonhuman species of animal, both domestic and wild.

Animal at large means any animal not under the restraint (as defined in this section) of a person capable of controlling the animal on or off the premises of the owner.

Animal Care means the responsible practice of good handling, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when deemed necessary by an Animal Control Officer to prevent suffering or impairment of health.

Animal control officer or humane officer means any person designated by the city as a law enforcement officer who is qualified to perform such duties as required by this chapter and/or state law.

Animal shelter means any facility operated by a humane society, or municipal agency or its authorized agents, for the purpose of impounding animals under the

authority of this chapter or state law for care, confinement, return to owner, adoption or euthanasia.

Animal welfare group means any not-for-profit group with 501(c)(3) status whose primary mission includes animal welfare.

Auction means any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this chapter. This definition does not apply to individual sales of animals by owners.

Bite means puncturing or tearing of the skin by an animal's teeth.

Bullhook means a tool or device, also known as an elephant goad or an ankus, used in handling and training elephants, consisting of a spike, hook or combination thereof, attached to a shaft or handle.

Cat means any live or dead felis catus.

Circus means a commercial variety show featuring animal acts for public entertainment.

Commercial animal establishment means any pet shop, grooming shop, guard dog or obedience training center, animal auction, riding school or stable, zoological park, circus, performing animal exhibition, or boarding or breeding kennel.

Cruel manner includes a manner that causes or permits intentional pain or suffering.

Currently vaccinated means vaccinated and satisfying the following criteria:

- (1) The animal must have been at least three months of age at the time of vaccination;
- (2) At least 30 days have elapsed since the initial vaccination;
- (3) Not more than 12 months have elapsed since the most recent vaccination.

Designated Custodian means a person who has possession or control or responsibility of an animal in their direct supervision and is performing veterinary treatment, grooming, training, law enforcement activity, or any other animal related service where the owner and the custodian have agreed to the animal related service or activity.

Dog means any live or dead canis familiaris.

Domestic animal means tame, domesticated, of or pertaining to the family or household.

Ear tipping means the painless removing of the tip of the left ear of a cat while the cat is anesthetized by a licensed veterinarian.

Feral cat means any unowned, homeless, wild, or untamed cat which is too poorly socialized to be handled (and therefore must be trapped and sedated for examination) and which cannot be placed into a typical home as a domestic pet.

Feral cat colony means a group of cats that congregate together, more or less as a unit, who are fed and cared for by a feral cat colony caregiver.

Feral cat colony caregiver means a person who is approved by a sponsor who feeds feral cats, performs trap-neuter-return, and provides long-term care and monitoring for adult feral cats.

Food means access to food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, except as prescribed by a veterinarian.

Fowl means a bird of any kind; domestic cock or hen (gallus gallus).

Grooming shop means a commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

Guard dog means any professionally trained dog that will detect and warn its handler that an intruder is present in or near an area that is being secured.

Identification means any acceptable method such as micro-chipping, registration tag, or tattoo readily traceable to the current owner.

Kennel or *cattery* means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats; and/or a facility for keeping more than four animals of the same species.

Licensed veterinarian means a veterinarian licensed to practice veterinary medicine in one or more of the 50 states.

Livestock means domestic animals used or raised on a farm, especially those kept for a profit; specifically, horses, ponies, mules, donkeys, cattle, goats, ~~rabbits~~, sheep and swine, regardless of age, sex or breed.

Local health authority or *rabies control officer*. The city sanitarian shall be designated as the rabies control officer and shall handle all duties required under the Rabies Control Act of 1981 (V.T.C.A., Health and Safety Code § 826.001 et seq.).

Microchip implant means a passive electronic device that is injected into an animal by means of a hypodermic-type syringe device. Each microchip shall contain a unique and original number that is read by an electronic scanning device for the purposes of animal identification and recovery by the animal's owners.

Observation period means the ten days following a bite incident during which the biting animal's health status must be monitored. The ten-day observation period will begin on the day of the bite incident (day one).

Owner means any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more, or if it returns to a residence or business on three separate days.

Performing animal exhibition means any spectacle, display, act, or event, in which performing animals are used. This shall include animal amusement vendors such as, but not limited to, pony-go-round rides, commercial horseback pictures, etc.

Pet or companion animal means any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

Pet shop means any person, partnership, or corporation, whether operated separately or in connection with another business enterprise (except for a licensed kennel), that buys, sells, or boards any species of animal.

Possible exposure to rabies means the receipt of a bite or scratch from any warm-blooded animal, animal to human or animal to animal, is reason to suspect exposure to rabies.

Properly fitting means, with respect to a collar or harness used for a dog, a collar or harness that: does not impede the dog's normal breathing or swallowing; and is attached to the dog in a manner that does not allow for escape and does not cause injury to the dog.

Provocation means any purposeful act that causes an animal to bite, scratch, or attack in protection of self, owner, or owner's premises. Entrance, in any manner, into an area where an animal is properly under restraint in compliance with city ordinances would be considered provocation, irrespective of the reason for such entrance.

Public nuisance means any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" means and includes, but is not limited to, any animal that:

- (1) Is repeatedly at large or stray;
- (2) Damages the property of anyone other than its owner;
- (3) Molests or intimidates pedestrians or passersby;
- (4) Trespasses on school grounds;
- (5) Chases vehicles;
- (6) Excessively makes disturbing noises, including but not limited to continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (7) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (8) Causes insanitary conditions in enclosures or surroundings where the animal is kept or harbored;
- (9) Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained; or
- (10) Attacks other domestic animals.

Quarantine means strict confinement, for the purpose of preventing the spread of disease, under restraint by closed cage, isolation, kennel, rabies chamber, paddock, or

in any other manner approved by the local health authority on the private premises of the owner or at a facility approved by the state department of health.

Quarantine period means that portion of the observation period during which a biting animal is physically confined for observation as provided for under section 6-109.

Rabies means an acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite.

Registered feral cat colony means a managed feral cat colony registered with a sponsor and meeting all requirements of this chapter.

Releasing agency means a public or private animal pound, shelter, or humane organization. The term does not include an individual who occasionally renders humane assistance or shelter in the individual's home to a dog or cat.

Restraint means that an animal is secured by a leash or lead and under the control of a responsible person and obedient to that person's commands. At all other times, a dog or other such animal shall be confined to the realty or premises of the owner of such dog or other animal by a substantial fence of sufficient strength and height to prevent such dog or other animal from escaping therefrom; or inside a house on such premises; or secured on such premises by a leash consisting of a material of sufficient strength to prevent such dog or other animal from escaping from such premises. It shall be unlawful for the leash to be arranged in a manner that allows the dog or other animal to get on or across or within eight feet of any street, park, or other public land or within eight feet of any sidewalk, public way, place or building when such leash is stretched to its full length. Any animal so arranged shall be considered dangerous to the public in general and declared a nuisance and shall be impounded. Although cats shall be exempt from the leash requirement while on the premises of the owner, any cat straying on the property of anyone except its owner shall be deemed a public nuisance animal and will be subject to impoundment.

Riding school or stable means any place that has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule, or burro; or any place that regularly buys, sells, or trains the above animals, including a racetrack, trotting track, or rodeo.

School zone means a reduced-speed zone designated on a street by a local authority to facilitate safe crossing of the street by children going to or leaving a public or private elementary or secondary school during the time the reduced speed limit applies.

Scratch means a scrape left by the claws or nails of an animal and of sufficient severity to break the skin and draw blood.

Shelter means provision of and access to housing that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry; during hot weather, is properly shaded and does not readily conduct heat; during cold weather, has a windbreak at its entrance and provides a quantity of bedding material consisting of hay, cedar shavings, or the equivalent that

is sufficient to protect the animal from cold and promote the retention of body heat; and, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

Sick animal means any animal that appears to be suffering from an infectious, contagious, or communicable disease; or that is showing evidence of a physical injury, physical disorder, or traumatic injury; or that has an elevated temperature.

Sponsor is any animal welfare group partnered with and approved by the city that agrees to comply with the requirements of the ordinance from which this definition derives for sponsors and provides written notice to the city that it will serve as a sponsor.

Stray means animal running free or at large, with no physical or verbal restraint.

Tether means any leash, chain, cord, rope, or other means of restraining an animal or the act of chaining, tying, fastening or otherwise securing an animal to a fixed point so that it can move, lie down or range only within certain limits.

Traceable identification means a type of identification, such as a tag, microchip, or tattoo that can be readily used by an animal control officer or animal welfare personnel to identify the current ownership of an animal.

Trap, neuter and return (TNR) program shall mean a nonlethal, humane alternative to deal with the feral cats which are captured, vaccinated, altered and returned back to their location in order to encourage the stabilization of the free-roaming feral cat population in the city.

Unowned animal means any animal for which an owner has not been identified.

Vaccinated means properly injected with a rabies vaccine licensed for use in the subject species by the United States Department of Agriculture and administered by or under the direct supervision of a licensed veterinarian.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

Vicious animal means any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals; or an individual animal which the local health authority has reason to believe has a dangerous disposition, likely to be harmful to humans or other animals.

Water means provision of and access to clean, fresh, drinkable water that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian.

Wild animal means any animal except the common domestic species (including, but not limited to, dogs, cats, horses, cattle, swine, sheep, and goats), regardless of the state or duration of captivity.

Wild state means living in its original, natural condition; not domesticated.

Wildlife means any animal that occurs naturally in the wild state.

Zoological park means any facility operated by a person, partnership, corporation, or government agency, other than a pet shop or kennel, displaying or exhibiting one or more species of no domesticated animals.

(Code 1961, § 3-1; Ord. No. 2006-51, § I, 6-12-06; Ord. No. 2014-58, § 2, 8-11-14; Ord. No. 2019-54, § 2, 8-13-19)

Cross reference— Definitions generally, § 1-2.

State Law reference— Definitions pertaining to rabies, V.T.C.A., Health and Safety Code § 826.002.

SECTION 3

THAT Chapter 6, Animals, Section 6-2 Animal Control Officer is hereby amended with deletions as stricken:

Sec. 6-2. - Animal control officer.

An animal control officer(s) shall be appointed to enforce all provisions of this chapter, including gathering ~~up~~ and impounding or quarantining any livestock, fowl, cats, dogs, or other domestic and nondomestic animals found running at large (stray) within the city limits.

(Code 1961, § 3-2)

SECTION 4

THAT Chapter 6, Animals, Section 6-5 Penalty for Violation of Chapter; Schedule of Fines, is hereby amended with additions as underlined and deletions as stricken:

Sec. 6-5. - Penalty for violation of chapter; schedule of fines.

- (a) Any person who shall violate any of the provisions of this chapter, or fail to comply therewith or with any of the provisions thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than \$25.00 and not more than \$2,000.00~~\$500.00~~, unless specifically listed on the minimum penalty schedule in subsection (b), and each and every day's violation shall constitute a separate and distinct offense. Subsequent convictions for any violation of this chapter within a 12-month period shall double the minimum applicable fine listed in subsection (b), up to and including the maximum allowed by law. If any person is found guilty of violating

section 6-76, pertaining to animal care, such person's permit to own, keep, harbor, or have custody of animals shall be deemed automatically revoked and no new permit may be issued.

(b) Upon conviction of the specific ordinance violation listed, the minimum fine imposed shall be as follows:

- (1) Animal abandonment\$ ~~100.00~~ 50.00
- (2) No rabies vaccination50.00
- (3) Not registered/licensed30.00
- (4) Failure to obtain permit before opening200.00
- (5) Failure to renew permit by due date30.00
- (6) Allowed to run at large, stray:
 - a. Unneutered dog or cat40.00
 - b. Neutered dog or cat25.00
 - c. Any other animal25.00
- (7) More than four dogs or cats, per animal30.00
- (8) Unconfined and/or non-muzzled vicious animal200.00
- (9) Unconfined female dog or cat in heat30.00
- (10) Failure to surrender animal for rabies observation200.00
- (11) ~~Reserved.~~ Failure to comply with section 6-76100.00
- (12) Failure to comply with section 6-79500.00

(Code 1961, § 3-29; Ord. No. 2019-54, § 2, 8-13-19)

SECTION 5

THAT Chapter 6, Animals, Section 6-76, Animal Care Generally, is hereby amended with additions as underlined and deletions as stricken:

ARTICLE IV. – Care and Keeping

Division 1. – Generally

Sec. 6-76. - Animal care ~~generally.~~

- (a) No owner shall fail to provide his~~their~~ animals with: ~~sufficient wholesome and nutritious food, water in sufficient quantities, adequate ventilation, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.~~

(1) Food;

- a. Storage of feed: All feed provided for animals shall be stored and kept in a ratproof, fly tight building, box, container, or receptacle. Persons in charge of horse stables must carry out a continuous, active rat control program.

(2) water in sufficient quantities;

(3) adequate ventilation;

(4) shelter/protection from the weather:

- a. Minimum space requirements for both indoor and outdoor enclosures shall include the following.

- i. The housing facilities shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.
- ii. Enclosures shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement.
- iii. Inadequate space may be indicated by evidence of overcrowding, debility, stress or abnormal behavior patterns.
- iv. When sunlight is likely to cause heat exhaustion if an animal is outside, without sufficient shade by natural or artificial means, the owner must provide sufficient shade to protect the animal from direct sunlight.

- b. An owner may not leave an animal outside and unattended whether they are restrained or not if the following weather conditions have been issued for the jurisdiction by the National Weather Service:

- i. a winter weather advisory, or the actual or effective outdoor windchill is below 32 degrees Fahrenheit,
- ii. a heat advisory, or
- iii. a hurricane, tropical storm, flash flood or tornado warning.

- c. Exemptions

- i. If owner can provide shelter as indicated in section 6-76(a)(4)a., or as defined in definitions under shelter, no violation exists
- ii. this section shall only apply to domesticated companion pets (e.g. cats and dogs) and does not apply to Zoo's, Zoological parks, or livestock.

(5) veterinary care when needed to prevent suffering, and

(6) humane care and treatment.

- (b) No person shall beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any cockfight, bullfight, or other combat between animals or between animals and humans.

- (c) No owner of an animal shall abandon such animal. If an owned animal has been impounded by the animal control officer, no owner shall allow the animal to remain in the animal shelter beyond the 120-hour maximum for a licensed animal or the 72-hour maximum for an unlicensed animal, for the purpose of adopting the animal at a lower cost than the fine and fee(s).
- (d) Chickens, ducklings, or rabbits younger than eight weeks of age may not be sold in quantities of fewer than 25 to a single purchaser during traditional holiday times of the year.
- (e) No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter, any contest, game or other competition; as an inducement to enter a place of amusement; or as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.
- (f) No person shall expose any known poisonous substance, whether mixed with food or not, so that the substance shall be liable to be eaten by any animal; provided, that it shall be lawful for a person to expose on his own property common rat poison mixed only with vegetable substance.
- (g) No person, except a person licensed by the state parks and wildlife department, shall place or set out steel jaw leg and/or neck traps with the intent of trapping any animal.
- (h) Any person who, as the operator of a motor vehicle, strikes a domestic or nondomestic animal shall as soon as practicable report such injury or death to the animal control officer or the humane society so that the animal may be picked up.
- (i) No person shall sell, trade, lease, rent, or give away any live animal on any roadside, public right-of-way, commercial or private parking lot, or on the premises of any licensed food service establishment located within the city limits.

(j) Tethering animals.

(1) A person commits an offense if they tether an animal to a stationary object for any length of time except, as allowed by this subsection.

(2) A "skyline" type aerial trolley consisting of a line that is strung between two (2) fixed points that are at least twenty (20) feet apart with a down line that is at least five (5) feet in length is allowed as long as the following are met.

- a. The skyline is attached to a properly fitting collar or harness. Choke or prong-type collars are prohibited; and
- b. The skyline does not allow the animal to move outside the person's property or come within eight (8) feet of public property if tethered outside a fenced area.
- c. The area must be free and clear of debris or obstructions within ten (10) feet of the restrained animal.
- d. The area must have adequate shade and shelter for the animal.
- e. The area must have adequate food and water for the animal

(3) An owner may not leave a dog outside and unattended by use of any restraint, tether or skyline/trolley system:

- a. between the hours of 10 p.m. and 6 a.m.;
- b. within 500 feet of the premises of a school;
- c. in the case of extreme weather conditions, including conditions in which:
 - i. the actual or effective (wind chill) outdoor temperature is below 32 degrees Fahrenheit,
 - ii. a heat advisory has been issued by a local or state authority or jurisdiction, or
 - iii. a hurricane, tropical storm, flash flood, or tornado warning has been issued for the jurisdiction by the National Weather Service.

(4) A defense to the prosecution is if an animal is being restrained by the designated custodian in the absence of the owner by use of a tether for veterinary treatment, grooming, training, law enforcement activity, or any other animal related service agreed upon with the owner.

(k) Removal of animal waste.

(1) The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas, or private property including the property of the owner.

(2) Minimum standards of sanitation necessary to provide humanely clean conditions for both indoor and outdoor enclosures shall include periodic cleanings to remove excretions and other waste materials, and trash to minimize health hazards.

(Code 1961, § 3-10; Ord. No. 2006-51, § IV, 6-12-06)

State Law reference— Cruelty to animals, V.T.C.A., Penal Code § 42.09;
dogfighting, V.T.C.A., Penal Code § 42.10.

SECTION 6

THAT Chapter 6, Animals, Section 6-77, Keeping of Domestic Animals is hereby amended with additions as underlined and deletions as stricken:

Sec. 6-77. - Keeping of domestic animals.

(a) It shall be unlawful for any person to own, keep, or harbor more than four dogs, ~~or~~ cats, or rabbits over three months of age at any one address or location within the city limits. It shall be an affirmative defense to prosecution under subsection 6-77(a), that the cats are feral cats in a sponsor approved trap, neuter, and return feral cat colony program.

(b) All persons residing in the city who own one or more dogs must keep such dogs at

the residential premises permanently occupied and inhabited by the dog owners. It shall be unlawful for such dog owners to keep their dogs at any other location within the city limits.

- (c) It shall be unlawful for any person who is the owner of any hog, or any person who has any hog under his management or control, to keep such hog, or allow such hog to remain, in any pen or in any other place within the city limits.
- (d) Household pets which are normally and customarily kept as household pets (including pigeons, but excluding chickens, pheasants, cows, horses, sheep, goats, ~~rabbits~~, and other fowl and livestock) will be allowed in any zoning district. No person shall keep, harbor or maintain more than 75 pigeons on a single lot, parcel or tract of land. All pigeons so kept shall be confined at all times in a clean, sanitary cage or loft located at least 50 feet from any residence on adjacent property. Pigeons bearing a seamless leg band issued by a recognized association of pigeon fanciers may be released for exercise or performance, upon the condition that the owner or person having possession of such pigeons shall not permit them to alight on any structure or property of others. Livestock or other fowl may be kept in any zoning district on a tract of land containing a minimum of 40,000 square feet. Up to 50 fowl or one head of livestock may be kept for each 40,000 square feet of land on the tract. No fractional measurements of land will be allowed in computing such required land area, nor shall such fowl or livestock be allowed to roam, graze, or be housed within 100 feet of any residence on adjacent property or within 500 feet of any food service establishment or food processing establishment, regardless of ownership or occupancy of such establishments.

A person who wishes to keep or house chickens on his or her property, where that property encompasses an area of less than 40,000 square feet, shall register with the city's animal control services division and shall comply with all of the following requirements:

- (1) Keep no more than four chicken hens per lot.
- (2) The principal defined use of the person's property shall be single-family or two-family dwelling.
- (3) No person shall keep any rooster.
- (4) No person shall slaughter any hens on his or her property.
- (5) The chicken hens shall be provided with and housed inside of a covered structured enclosure at all times, which is located within the rear yard inside of a fenced perimeter enclosure. The rear perimeter fence shall be securely constructed so to keep the chicken hens separated from other animals.
- (6) A person shall not keep chicken hens in any location on the property other than in the rear yard. For purposes of this section, "rear yard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family or two-family structure and extending to the side lot lines.

- (7) No covered enclosure shall be located closer than ten feet to any property line of an adjacent property.
- (8) All enclosures for the keeping of chicken hens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure. The covered enclosure shall not be located closer than 30 feet to any residential structure on an adjacent property. Additionally, where two primary residential structures are located on a single lot, a covered enclosure shall not be located closer than 30 feet to any residential structure on the same lot, or adjoining lots.
- (9) For purposes of this section, adjacent property means all parcels of property that the property comes into contact with at one or more points, except for parcels that are legally adjacent to but are in fact separated from the property by a public or private street or waterway.
- (10) All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.
- (11) If the above requirements are not complied with, the city may revoke any registration granted under this section and/or initiate prosecution for a criminal infraction violation.

(e) Rabbits:

- (1) A person who wishes to keep or house rabbits on his or her property, where that property encompasses an area of less than 40,000 square feet, shall register with the city's animal control services division and shall comply with all of the following requirements.
- (2) A person commits an offense if they keep, harbor, or maintain on the premises of a single residence within the city more than four rabbits and one litter of rabbits at any one time. The total number of rabbits shall not exceed the total number of animals allowed within the city limits of four. It is an exception to prosecution that the owner of the rabbits and the subject premises meet the requirements below.
 - a. Rabbits shall be kept within the residence, pens, coops, dens or hutches which meet the requirements of this chapter. A fenced yard shall not qualify as a pen, coop or hutch for purposes of compliance with this subsection.
 - b. No person shall slaughter any rabbits on his or her property.
 - c. The rabbits shall be provided with and housed inside of a covered structured enclosure at all times, which is located within the rear yard inside of a fenced perimeter enclosure. The rear perimeter fence shall be securely constructed so to keep the rabbits separated from other animals.

- d. No covered enclosure shall be located closer than ten feet to any property line of an adjacent property.
- e. All enclosures for the keeping of rabbits shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure. The covered enclosure shall not be located closer than 30 feet to any residential structure on an adjacent property. Additionally, where two primary residential structures are located on a single lot, a covered enclosure shall not be located closer than 30 feet to any residential structure on the same lot, or adjoining lots.
- f. For purposes of this section, adjacent property means all parcels of property that the property comes into contact with at one or more points, except for parcels that are legally adjacent to but are in fact separated from the property by a public or private street or waterway.
- g. All feed and other items associated with the keeping of rabbits that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.

(~~ef~~) Subsections (a), (b), (c), ~~and~~ (d), and (e) of this section shall not apply to animal shelters, veterinary establishments, animal hospitals operated by a licensed veterinarian, or commercial animal establishments located on property zoned for such purposes. Such establishments, however, must meet sanitation requirements and keep animals securely caged or penned. The provisions of such subsections shall not be construed to prohibit any person engaged in operating any abattoir, packinghouse or stockyard from keeping livestock for a reasonable length of time while awaiting their use in connection with the operation of such abattoir, packinghouse or stockyard which had been zoned for such use.

(~~f~~g) It is a defense to prosecution for violations of the distance and number requirements of this section, if the violating animals were kept at the violation location on the date said location was annexed by the city.

(Code 1961, § 3-11; Ord. No. 2006-51, § V, 6-12-06; Ord. No. 2013-6, § II, 1-28-13; Ord. No. 2014-58, § 8, 8-11-14)

SECTION 7

THAT Chapter 6, Animals, Section 6.80 Removal of Animal Waste and Section 6.81 Storage of Feed is hereby amended with deletions as stricken:

~~Sec. 6-80. Removal of animal waste.~~

~~The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas, or private property including the property of the owner.~~

~~(Code 1961, § 3-14)~~

~~Sec. 6-81. Storage of feed.~~

~~All feed provided for animals shall be stored and kept in a ratproof, fly tight building, box, container, or receptacle. Persons in charge of horse stables must carry out a continuous, active rat control program.~~

~~(Code 1961, § 3-15)~~

SECTION 8

THAT it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 9

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

SECTION 10

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

SECTION 11

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

SECTION 12

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

City of New Braunfels.

PASSED AND APPROVED: First reading this the 8th day of March, 2021.

PASSED AND APPROVED: Second reading this the 22nd day of March, 2021

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

Minutes from May 14, 2019, Animal Services Advisory Board

b) Chairman Dr. Rierson read the agenda caption; "Discussion and possible recommendation regarding draft ordinance of allowing rabbits within the city limits."

i. Discussion was started by staff describing the previous meeting with the board agreeing to model the potential rabbit ordinance around the current chicken ordinance. Staff discussed the draft ordinance for rabbits is similar to the chicken ordinance but if rabbits are allowed, they would count towards the number of domesticated animals someone can keep (4 dogs, cats, or rabbits). Additional discussion was around section 2 (b); which indicates if rabbits are to be allowed only in this section which is restricted to single or two-family dwellings. The board discussed this and decided to remove section 2 (b) from the draft. The board approved the draft ordinance and recommended approval to city council.

ii. John Velasquez made a motion to recommended approval to city council.

iii. Sarah Hammond made a motion to second.

Minutes from July 23, 2019, Animal Services Advisory Board

a) Board Member Sarah Hammond read the agenda caption, Discussion and recommendation regarding proposed draft ordinance of tethering rules

i. All members read through the ordinance and discussion followed. Bryan Ruiz explained the definitions that were added due to questions from the last meeting. Eric Trager had a question pertaining to a line being long enough for a dog to lie down and asked if we should make appropriate changes per species. Nathan Brown, Attorney, suggested we add "commonly accepted practices" to cover some questions asked. John Velazquez suggested we change the word "care", which was discussed to use "supervised". The board approved the draft ordinance changes and recommended approval to city council. within the city limits.

ii. John Velasquez made a motion to recommended approval to city council.

iii. Tanya Palmer made a motion to second.

3/22/2021

Agenda Item No. A)

PRESENTER:

Caitlin Krobot, City Secretary

SUBJECT:

Approval of the appointment of two individuals for terms ending 3/11/2024 and one individual for an unexpired term ending 3/11/2023 to the Heritage Commission.

DEPARTMENT: City Secretary's Office

COUNCIL DISTRICTS IMPACTED: City-wide

BACKGROUND INFORMATION:

The Heritage Commission is a 7 member commission that acts in an advisory capacity on matters relating to heritage and historic preservation activities, events and projects that will benefit the citizens of the City and advises the City Council on uses of funding available from private and/or public sources that will benefit any local heritage activity, project, or organization and annual HOT funding allocations to heritage agencies in the community. The Commission is to be composed of citizens of the City who are interested in historic preservation and heritage activities, and shall not include any current paid employees or board members of any organization that requests funding from the Commission.

The vacancy was advertised from 1/19/2021 to 2/26/2021. The City Secretary's Office received a total of 8 applications, 2 of which are not eligible because they do not live within the City limits. Eligible applicants include:

- Kristi Joy Simmons
- Pamela Brandt
- Carolyn Phelan
- Lauren Strack
- Eberhart Moese
- Mary Van Deldon

ISSUE:

Heritage Commission appointments require City Council approval.

FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATION:

Staff recommends the appointment of two individuals for terms ending 3/11/2024 and one individual for an unexpired term ending 3/11/2023.

Heritage Commission - Term Expiration 3/11/2024

Eligible

First Name	Last Name	Date Submitted	City Resident	City Council District	City University	City Board/Commission Experience
Kristi Joy	Simmons	2/22/2021	Yes	District 3	No	No
Pamela	Brandt	2/23/2021	Yes	District 3	No	No
Carolyn	Phelan	2/23/2021	Yes	District 3	No	No
Lauren	Strack	2/23/2021	Yes	District 5	No	No
Eberhart	Moese	2/24/2021	Yes	District 6	No	Yes - Current Heritage Commission, 2 terms served
Mary	Van Delden	2/26/2021	Yes	District 3	No	No

Not Eligible

First Name	Last Name	Date Submitted	City Resident	City Council District	City University	City Board/Commission Experience
Carola	Davis	2/11/2020	No	ETJ	No	Past - HLC Member
Kurt	Andersen-Vie	1/20/2021	No	ETJ	No	No

3/22/2021

Agenda Item No. B)

Presenter

Christopher J. Looney, AICP, Planning and Development Services Director
clooney@nbtexas.org

SUBJECT:

Public hearing and first reading of an ordinance regarding a proposed rezoning to amend an existing Special Use Permit to allow for two-story townhomes on approximately 10 acres located on the west side of Independence Drive, approximately 1,300 feet north of the intersection of Independence Drive and Oak Run Parkway.

BACKGROUND / RATIONALE:

Case No.: SUP21-036

Council District: 5

Applicant:

James Ingalls, P.E.

Moeller & Associates
2021 SH 46 W., Ste 105
New Braunfels, TX 78132
(830) 358-7127
plats@ma-tx.com

Owner:

Westpointe Commercial, Ltd. (Mark

Wauford)
P.O. Box 702348
Dallas, TX 75370
mark.wauford@pcdci.com

Staff Contact:

Matthew Simmont, AICP
(830) 221-4058
msimmont@nbtexas.org

The subject property consists of approximately 10 acres located between proposed Mission Hill Park and Westpointe Self-Storage. The site is currently zoned MU-Ar82 with additional restrictions that prohibit certain uses (primarily incompatible commercial). A Special Use Permit was approved on the subject property in January 2017 that added multifamily and assisted living facility/retirement home uses to the list of uses prohibited on the site and restricted the maximum height on this tract to 960 feet above mean sea level (msl). In addition, any townhouse (attached) or duplex/two-family dwelling/duplex condominium development is not permitted to exceed one story.

To preserve the scenic views from Mission Hill Park, a maximum height of 960 feet above msl was set with the approval of the 2017 SUP. Additionally, the base zoning district of MU-A sets a maximum building height of 35 feet for this property. Building height is measured from the finished grade, while the msl elevation will maintain a constant height where backfill of the site is not restricted. Currently, the property generally slopes

downward from west to east with a maximum grade elevation of approximately 930 feet above msl along the proposed Mission Hill Park property down to approximately 900 feet above msl along Independence Drive.

The applicant has indicated the intent of the submitted request is to allow for a development that will maintain the maximum height restriction of 960 feet above msl or 35 feet, whichever is more restrictive, while offering the opportunity to develop with two-story residential use.

The SUP process provides an opportunity for site-specific consideration of certain uses or activities that might otherwise be incompatible with adjacent uses or existing land use patterns. SUPs can be approved with conditions to achieve compatibility and protect neighboring properties.

Surrounding Zoning and Land Use:

North -	MU-A/	Westpointe Self-Storage							
South	-	MU-A/	Proposed	Mission	Hill	Park	and	Elan	Westpointe
				(Senior Living)					
East	-	Across	Independence	Dr.,	C-1B	/	Westpointe	Village	Shopping
				Center					
West -				MU-A/	Proposed Mission Hill Park				

Determination Factors:

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

- Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole (*The proposed request would allow increased residential variety while maintaining the maximum building height restriction previously approved to protect the views from Mission Hill Park.*)
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*NBISD was sent notice of this request. The adequacy of public facilities and utilities to serve the property is evaluated by each provider at the platting and permitting stages.*);
- How other areas designated for similar development will be affected (*The proposed zoning change should not impact other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*None identified. Drainage, utility and traffic impact issues will be reviewed and addressed through the platting process.*); and
- Whether the request is consistent with the Comprehensive Plan: *see below*

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan Workforce Housing Study	Action 3.13: Cultivate an environment where a healthy mix of different housing products at a range of sizes, affordability, densities, amenities and price points can be provided across the community as well as within individual developments. Future Land Use Plan: The property is situated in the Hoffmann Lane Sub-Area (6), near an intersection of two Transitional Mixed-Use Corridors and is within existing Market, Outdoor Recreation, Civic and Education Centers. • Ensure through city zoning and other required legal entitlements related to housing construction that new types of housing products (small-lot, duplex, townhome, etc.) are allowed by regulations. • Create or adjust city regulations that allow for multi-unit owned/rented mix like two and three-flats where the owners earn rental income.
--	--

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on March 2, 2021 and recommended approval (6-2) with Commissioners Reaves and Meyer opposed and Commissioner Gibson absent.

STAFF RECOMMENDATION:

Approval. The proposed amendment to the Type 1 Special Use Permit to allow for the development of two-story townhomes is consistent with mixed-use development in the immediate area and addresses Comprehensive Plan and Workforce Housing Study goals. In addition, the applicant's request to maintain the maximum height restriction of 960 feet above msl will serve to protect the views from Mission Hill Park.

Notification:

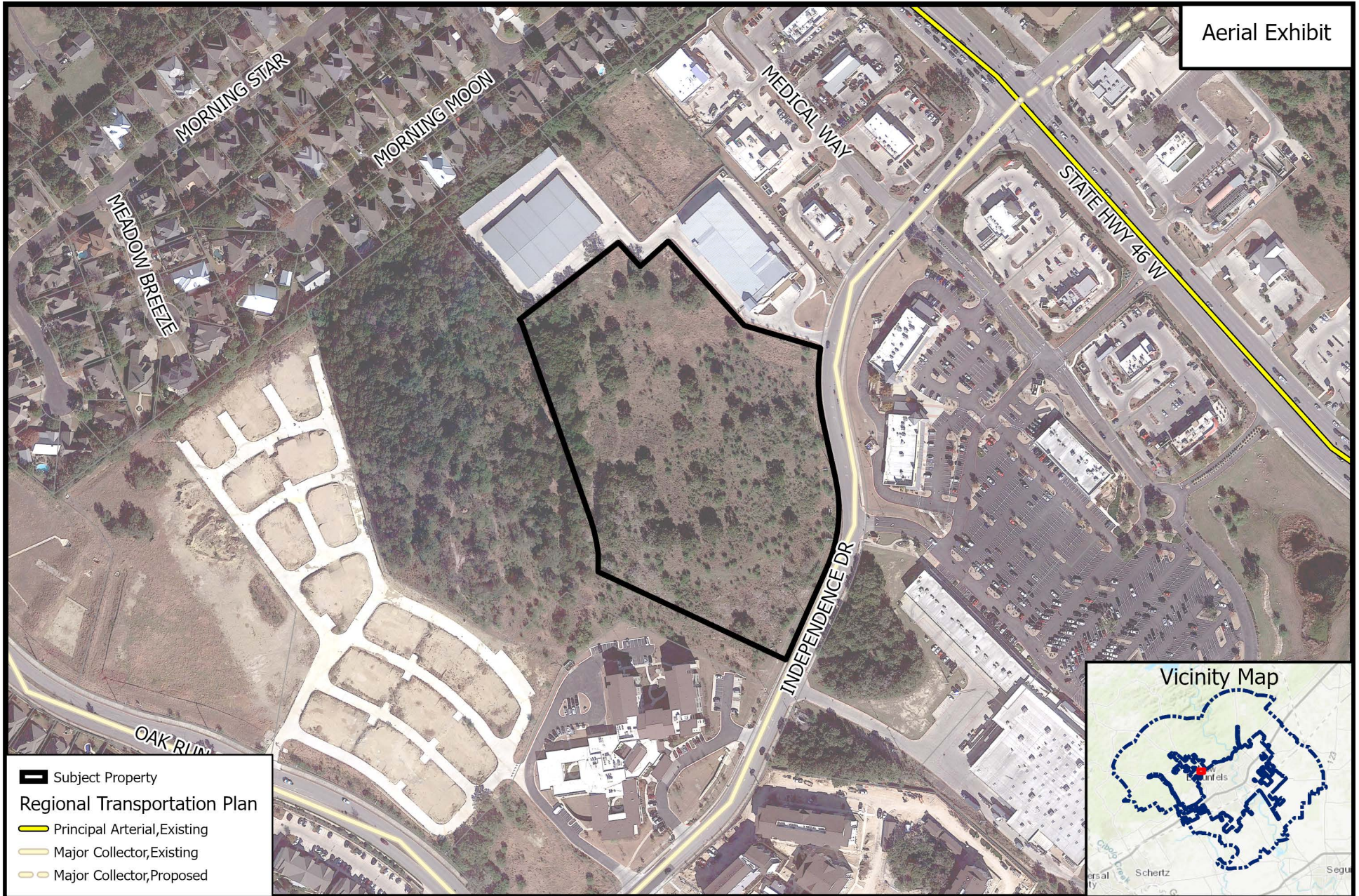
Public hearing notices were sent to 7 owners of property within 200 feet. The City has received no responses.

RESOURCE LINKS:

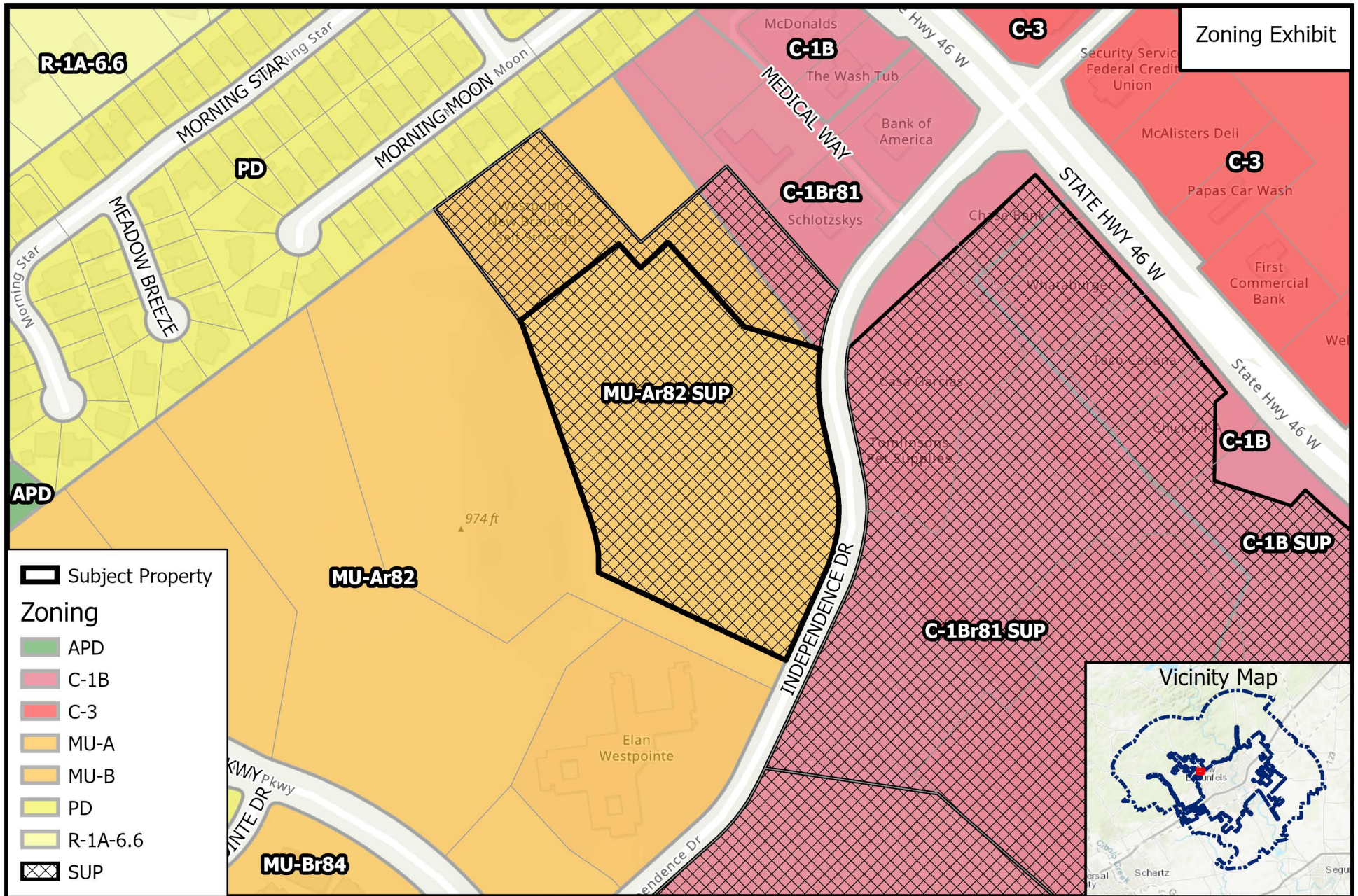
- Chapter 144, Section 3.4-10. *"MU-A" Low Intensity Mixed Use District* of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Section 3.6 (SUP) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

ATTACHMENTS:

1. Aerial Map
2. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
3. Ordinance 2017-15 (SUP proposed to be amended)
4. Traffic Impact Analysis (TIA) Worksheet
5. Notification List, Map and Responses
6. Draft Planning Commission Meeting Minutes
7. Ordinance



SUP21-036
Request to allow two-story townhouse development



SUP21-036

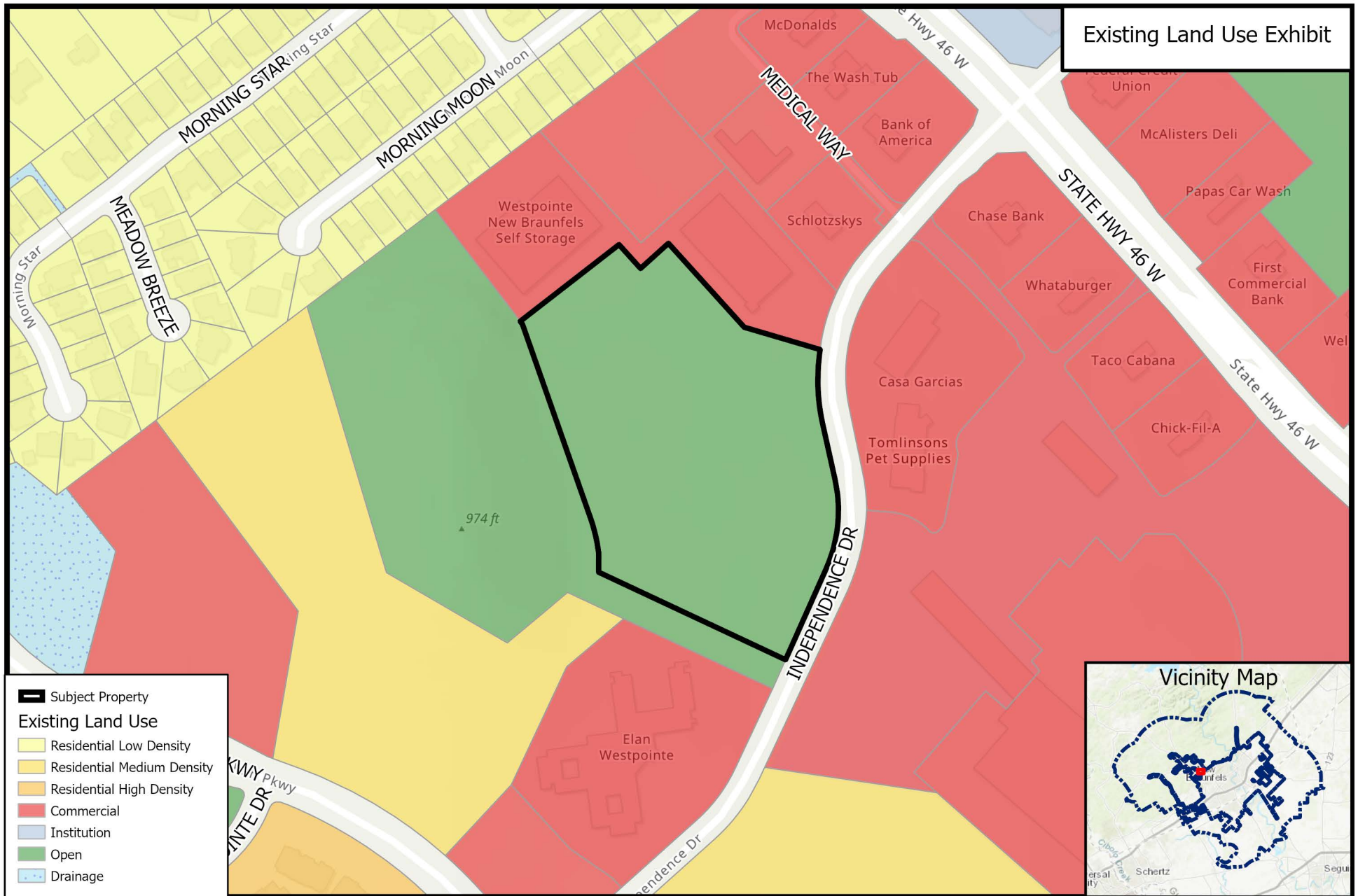
Request to allow two-story townhouse development

0 175 350
Feet



Source: City of New Braunfels Planning
Date: 2/23/2021

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by any other party is at that party's risk and without liability to the City of New Braunfels. The City of New Braunfels and its officials or employees are not responsible for any discrepancies, errors, or variances which may exist.



SUP21-036
Request to allow two-story townhouse development

EXISTING CENTERS

Centers are the middle, core or heart of an area. It is a point of activity and vitality. Centers come in many sizes and have different purposes or activities within. They may have endangered species habitat or aquifer recharge areas that require additional standards and consideration relating to future growth. It is envisioned that all centers be walkable, connected, and have a mix of uses. These centers must provide adequate infrastructure to support the commercial development present especially mobility and access for pedestrians, bicycles, vehicles and transit. Given the mixed-use nature of these centers, parking should be shared and not detract from the aesthetic of the area.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

MEDICAL CENTER

Medical Centers are mixed-use areas centered around a medical destination such as a hospital or clinic.

CIVIC CENTER

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

OUTDOOR RECREATION CENTER

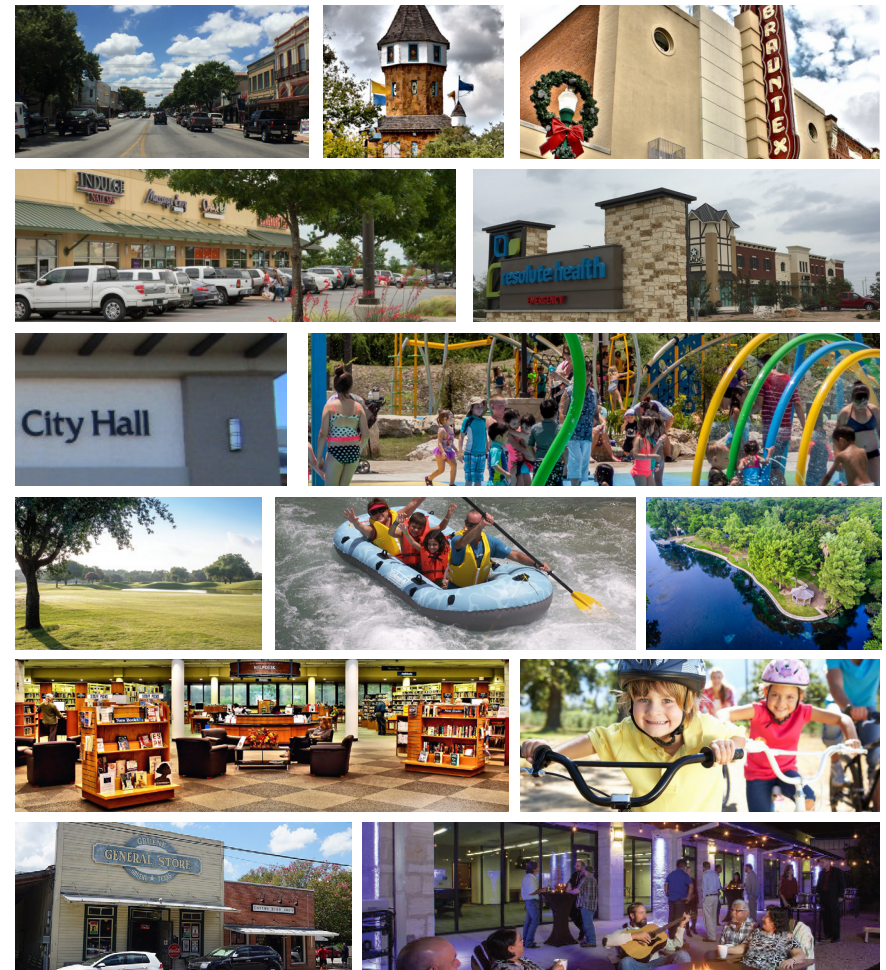
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

EDUCATION CENTER

Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

TOURIST/ENTERTAINMENT CENTER

Tourist/Entertainment Centers are mixed-use areas around an entertainment venue such as Gruene Hall or a tourist destination such as the Tube Chute.



FUTURE LAND USE PLAN

A future land use plan is how land is envisioned to be. It establishes priorities for more detailed plans (sub area plans) and for detailed topical plans (such as parks and open spaces, trails and roads). It cannot be interpreted without the goals and actions of Envision New Braunfels.

TRANSITIONAL MIXED-USE CORRIDOR

Transitional Mixed-Use Corridors express an aspiration to retrofit existing auto-dominated retail corridors with a mix of uses and a variety of travel modes over time.

OUTDOOR RECREATION CENTER

Outdoor Recreation Centers are centered around a public or private outdoor destination like Fischer Park.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

CIVIC CENTER

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

SUB AREA 1

Sub Area 1 includes the Downtown, Gruene and the Mid-Century or older neighborhoods that surround them. It is home to the natural springs and headwaters of flowing rivers that have attracted New Braunfelsers to the town for centuries.

SUB AREA 2

Sub Area 2 refers to the neighborhoods and residential enclaves that have grown alongside the Hill Country landscape.

SUB AREA 3

Sub Area 3 includes a planned community offering a diversity of housing, distinct community centers and preserved Hill Country landscape features.

SUB AREA 4

At the heart of Sub Area 4 is Fischer Park. Proximity to IH-35, downtown and neighboring communities like McQueeney makes this area highly desirable and accessible.

SUB AREA 5

Sub Area 5 bridges together many communities east of IH-35. It includes the scenic landscape along both banks of the Guadalupe River between Highway 46 and FM 725.

SUB AREA 6

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

SUB AREA 7

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

SUB AREA 8

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

ORDINANCE NO. 2017-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, GRANTING A TYPE 1 SPECIAL USE PERMIT TO RESTRICT THE MAXIMUM HEIGHT AND TO ELIMINATE ALLOWED USES IN THE "MU-AR82" LOW INTENSITY MIXED USE DISTRICT ON APPROXIMATELY 10 ACRES LOCATED ON THE WEST SIDE OF THE 1900 BLOCK OF INDEPENDENCE DRIVE (PROPERTY A) AND TO RESTRICT THE MAXIMUM HEIGHT AND TO ALLOW UP TO 240 RESIDENTIAL UNITS IN THE "C-1BR81" GENERAL BUSINESS DISTRICT ON APPROXIMATELY 13.6 ACRES LOCATED EAST OF THE INTERSECTION OF OAK RUN PARKWAY AND INDEPENDENCE DRIVE (PROPERTY B); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of a Special Use Permit, the City Council has given due consideration to all components of said permit; and

WHEREAS, the City also recognizes that granting such a permit is possible while promoting the health, safety, and general welfare of the public, by providing harmony between existing zoning districts and land uses; and

WHEREAS, it is the intent of the City to ensure for the health, safety and general welfare of the public by providing compatibility and orderly development, which may be suitable only in certain locations in a zoning district through the implementation of a Special Use Permit meeting those requirements cited in Sections 3.6-2 and 3.6-3, Chapter 144, of the New Braunfels Code of Ordinances; and

WHEREAS, the property is located in an area suitable for the proposed uses and restrictions; and

WHEREAS, the City Council desires to grant a Type 1 Special Use Permit to restrict the maximum height and to eliminate allowed uses on Property A and to restrict the maximum height and to allow up to 240 residential units on Property B;

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

SECTION 1

THAT Sections 3.6-2 and 3.6-3, Chapter 144 of the New Braunfels Code of Ordinances and particularly the Zoning Map of the City of New Braunfels, are revised by adding the following described tract of land as a "Type 1 Special Use Permit" for the use and conditions herein described:

"Property A being 9.978 acres located on the west side of the 1900 block of Independence Drive, as described in Exhibit 'A' and delineated on Exhibit 'B' attached, to add multifamily and assisted living facility/retirement home uses to the list of uses prohibited and to restrict the maximum height to 960 feet above mean sea level."

SECTION 2

THAT Sections 3.6-2 and 3.6-3, Chapter 144 of the New Braunfels Code of Ordinances and particularly the Zoning Map of the City of New Braunfels, are revised by adding the following described tract of land as a "Type 1 Special Use Permit" for the use and conditions herein described:

"Property B being 13.647 acres located east of the intersection of Oak Run Parkway and Independence Drive, as described in Exhibit 'C' and delineated on Exhibit 'D' attached, to add multifamily, townhouse, and duplex/two-family dwelling/duplex condominium uses to the list of uses allowed and to restrict the maximum height to 965 feet above mean sea level. In addition, no more than 240 dwelling units are allowed to be developed."

SECTION 3

THAT The Special Use Permit be subject to the following additional restrictions:

1. Any townhouse(attached) or duplex/two-family dwelling/duplex condominium development shall not be permitted to exceed one story for Property A. Height limitations for said uses on Property B are provided in Section 4.
2. The maximum height restriction for Property A is not limited to building height and will apply to all property improvements and rooftop equipment and appurtenances.

3. Rooftop equipment and ancillary appurtenances on Property B may extend up to 7 feet above the maximum height of 965 feet above mean sea level.
4. Vehicular and pedestrian access from Property B to the access drive that is located along the southeast property boundary of Property B is guaranteed by a separately recorded access easement.
5. A pedestrian sidewalk connection to the adjacent shopping and retail uses in compliance with city standards is provided along the access drive that is located along the southeast property boundary of Property B.

SECTION 4

THAT the development standards for duplexes, multifamily or townhouse use on Property B shall be as follows:

(1) Duplexes.

- (i) *Height.* One story or 35 feet.
- (ii) *Front building setback.* 25 feet.
- (iii) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.
- (iv) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
- (v) *Rear building setback.* 20 feet.
- (vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet, provided that where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.
- (vii) *Lot area per family.* Two-family dwellings (duplexes) hereafter erected or altered shall have a lot area of not less than 8,000 square feet for an interior lot and 8,500 square feet for a corner lot. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall not prohibit the erection of a one-family residence, but shall prohibit the erection of a two-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one acre and approved by the City Sanitarian.
- (viii) *Lot depth.* 100 feet.
- (ix) *Parking.* Two off-street parking spaces shall be provided for each two-family dwelling unit.

(2) Multifamily dwelling.

- (i) *Height.* 35 feet; 50 feet when a pitched roof is used (minimum 4:12 slope) with a maximum height not to exceed 960 feet above mean sea level.
- (ii) *Front building setback.* 25 feet.
- (iii) *Side building setback.* A side building setback of 20 feet shall be provided adjacent to property zoned "R-1", "R-1A-43.5", "R-1A-12", "R-1A-8", "R-1A-6.6", "R-2", "R-2A", "TH", "TH-A", "ZH", "ZH-A", "MU-A", "B-1", "B-1A" and "B-1B". A side building setback of only six feet shall be provided adjacent to multifamily, commercially and industrially zoned property. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots.
- (iv) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
- (v) *Rear building setback.* The depth of the rear building setback shall be at least 25 percent of the depth of the lot, but such depth need not be more than 25 feet.
- (vi) *Accessory uses.* Accessory uses such as swimming pools, tennis courts and playgrounds will not be permitted within any required yard.
- (vii) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet.
- (viii) *Lot area.* 15,000 square feet.
- (ix) *Lot coverage.* The combined area of all yards shall not be less than 50 percent of the total lot or tract; provided however, that in the event enclosed or covered parking is provided, the minimum total yard area requirement shall be 40 percent of the total lot or tract.
- (x) *Distance between structures.* There shall be a minimum of 12 feet between structures side by side; a minimum of 30 feet between structures side by front or rear; a minimum of 50 feet between structures front to front; and a minimum of 20 feet between structures backing rear to rear; and a minimum of 20 feet between structures front to rear. (See Illustration 2)
- (xi) *Lot depth.* 100 feet.
- (xii) *Parking.*
For apartments, apartment hotel units and other multifamily dwellings, off-street parking spaces shall be provided in accord with the following schedule:
 - 1. One-bedroom apartment or unit . . . 1 1/2 spaces
 - 2. Two-bedroom apartment or unit . . . 2 spaces
 - 3. Each Additional bedroom . . . 1/2 space
 - 4. Each dwelling unit provided exclusively for low income elderly occupancy . . . 3/4 space ("Low income elderly" is defined as any person 55 years of age or older with low or moderate income, according to HUD standards.)

(3) Townhouses.

- (i) *Height.* One story or 35 feet.

- (ii) *Front building setback.* 10 feet. If front entry garages/carports are provided, a minimum front yard of 20 feet shall be provided to the garage/carport.
- (iii) *Side building setback.* No side building setbacks are required for interior lots except the minimum distance between two building groups shall be 20 feet and the minimum distance between a building group and any abutting subdivision boundary or zoning district boundary line shall be 20 feet. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street, except where the rear lot line of a corner lot coincides with a side lot line of an adjacent lot, then 25-foot minimum side yards adjacent to the street shall be provided.
- (iv) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
- (v) *Rear building setback.* No building shall be constructed closer than ten feet from the rear property line. If the rear of the lots abut any other residential zoning district, the rear building setback shall have a minimum depth of 20 feet.
- (vi) *Width of lot.* Interior lots shall have a minimum width of 25 feet. Corner lots shall have a minimum width of 40 feet except where the rear lot line of a corner lot coincides with a side lot line of an adjacent lot, then the corner lot shall have a minimum width of 50 feet.
- (vii) *Lot depth.* 100 feet.
- (viii) *Lot area per family.* 2,500 square feet.
- (ix) *Common open space.* A minimum of 250 square feet of common open space per lot shall be provided within the townhouse project. In computing the required common open space, individually owned townhouse lots, required front, rear, or side setbacks, streets, alleys, or public rights-of-way of any kind, vehicular drives, parking areas, service drives, or utility easements containing or permitting overhead pole carried service shall not be included. Drainage easements and detention ponds may be used in computing common open space.
- (x) *Building group.* There shall be no less than two nor more than eight individual dwelling units in each building or dwelling group. Each building group shall be at least 20 feet from any other building group, measured from the nearest points of their foundations. Each building or building group shall be at least 20 feet from any subdivision or zoning district boundary line.
- (xi) *Accessory buildings.* Any detached accessory buildings permitted, except carports open on at least two sides, shall be set at least three feet away from the side lot line unless their walls are equal in fire resistance to the common walls of the main structure. Detached carports, open on at least two sides, may be built to the property line with no common wall required. Rear building setback for an accessory building shall be three feet. Any accessory building permitted in district "R-1" shall be permitted in district "TH."
- (xii) *Parking.* There shall be at least two off-street parking spaces for each townhouse.

SECTION 5

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

SECTION 6

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

SECTION 7

THIS ordinance will take effect upon the second and final reading.

PASSED AND APPROVED: First Reading this the 9th day of January, 2017.

PASSED AND APPROVED: Second Reading this the 23rd day of January, 2017.

CITY OF NEW BRAUNFELS


BARRON CASTEEL, Mayor

ATTEST:


PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:


VALERIA M. ACEVEDO, City Attorney



BURY

9.978 Acres
(628,053 sq. ft.)
110729-50003ex1.dwg.

Fn. No. 110729-50003-1
January 20, 2016
Job No. 110729-50003.97

Field Note Description

Of a 9.978 acre tract of land situated in the city of New Braunfels, Comal County, Texas; and being a remaining portion of that certain called 205.00 acre tract of land as conveyed to Investor Grosenbacher Partnership in Document Number 200706031735 of the Official Public Records of Comal County, Texas; said 9.978 acre tract more particularly described by metes and bounds as follows with all bearings being referenced to the North American Datum of 1983, Texas Coordinate System, South Central Zone:

Beginning, at a found 1/2-inch iron rod with Bury Cap for corner; said point being the most Southerly corner of Westpointe Village Self-Storage as recorded in Document Number 201506021380 of the Comal County Map Records, and being on the West Right-of-Way line of Independence Drive (60' R.O.W.);

Thence, along the West Right-of-Way line of Independence Drive and the East lines of the herein described tract as follows:

- Along the arc of a curve to the left, having a chord of South 02° 26' 41" E, 139.81 feet, a radius of 430.00 feet and a central angle of 18° 44' 15", a distance of 140.62 feet, to a found 1/2-inch iron rod at a point of tangency for corner;
- S 11° 49' 35" E, 154.80 feet, to a found 1/2-inch iron rod at a point of curvature for corner;
- Along the arc of a curve to the right, having a chord of S 06° 38' 56" W, 234.50 feet, a radius of 370.00 feet and a central angle of 36° 57' 02", a distance of 238.62 feet, to a found 1/2-inch iron rod at a point of tangency for corner;
- S 25° 07' 27" W, 195.36 feet, to a found 1/2-inch iron rod for the most Southerly corner of the herein described tract; said point also being the most Easterly corner of a called 10.005 acre tract as recorded in Document Number 201206022549 of the Official Public Records of Comal County, Texas;

EXHIBIT "A"

Thence, along the Westerly lines of the herein described tract and the Easterly lines of said 10.005 acre tract as follows:

- N 64° 53' 04" W, 470.42 feet, to a found 1/2-inch iron rod for corner;
- N 00° 09' 14" E, 43.69 feet, to a found 1/2-inch iron rod at a point of curvature for corner;
- Along the arc of a curve to the left, having a chord of 12° 51' 07" E, 78.32 feet, a radius of 174.00 feet and a central angle of 26° 00' 46", a distance of 79.00 feet, to a found 1/2-inch iron rod at a point of tangency for corner;
- N 19° 19' 58" W, 476.44 feet, to a found 1/2-inch iron rod for corner;
- N 37° 21' 40" W, 7.99 feet, to a found 1/2-inch iron rod with Bury Cap for corner; said point being the Southwest corner of said Westpointe Village Self-Storage tract;

Thence, along the Southerly lines of said Westpointe Village Self-Storage Tract and the Northerly lines of the herein described tract as follows:

- N 52° 39' 11" E, 279.43 feet, to a found 1/2-inch iron rod with Bury Cap for corner;
- S 41° 35' 05" E, 73.77 feet, to a found 1/2-inch iron rod with Bury Cap for corner;
- N 48° 24' 55" E, 86.16 feet, to a found 1/2-inch iron rod with Bury Cap for corner;
- S 41° 35' 05" E, 259.69 feet, to a found 1/2-inch iron rod with Bury Cap for corner;
- S 73° 05' 52" E, 177.96 feet, to the **Point of Beginning**, containing 9.978 acres (434,661 square feet) of land, more or less.

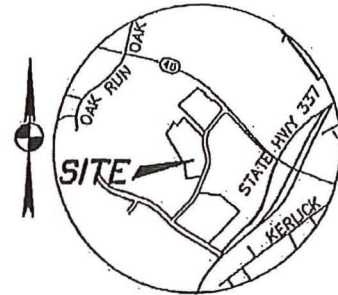
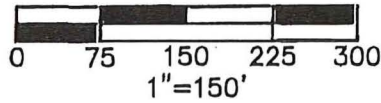
"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

Note: Survey plat of even date to accompany this Field Note Description.

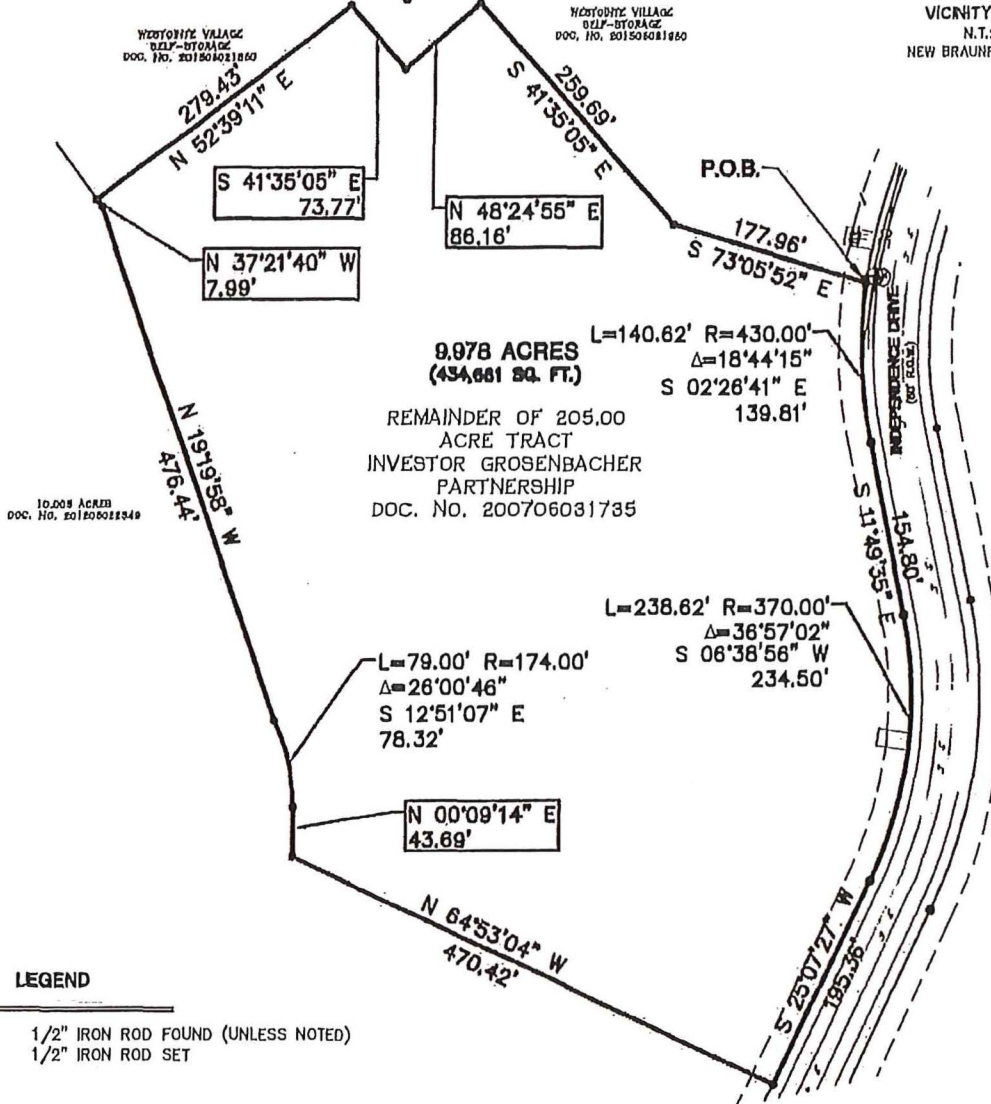
 10/19/16

Hal B. Lane III
Registered Professional Land Surveyor
Texas Registration Number 4690
Bury-San, Inc.
70 NE Loop 410, Suite 1100
San Antonio, Texas 78216
210/525-9090
TBPLS Firm No. 101075-01





VICINITY MAP
N.T.S.
NEW BRAUNFELS, TEXAS



BURY

221 West Sixth Street, Suite 600
Austin, Texas 78701
Tel (512) 328-0011 Fax (512) 328-0325
TBPE # F-1048 TBPLG # F-10107600
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EXHIBIT
FOR
9.978 ACRES

INVESTOR GROSENBACHER PARTNERSHIP

PAGE 4 OF 4

DATE: 1-20-16

SCALE: 1" = 150'

DRAWN BY: HBL

FILE: H:\110729_WESTPOINTE PLAT APP REMAIN

PROJECT No. R0110729-50003.97

11/11/2022 Westpointe Plat Application 11072950003.97.dwg modified by HBL on 1/20/2016 10:00 AM

EXHIBIT "B"



13.647 ACRES
(594,458 SQ. FT.)
110729-50003_Bndy-Tract D.dwg

FN NO. 2223-10219-4
September 21, 2016
JOB NO. 222310219

FIELD NOTE DESCRIPTION

Being 13.647 acres of land situated in the city of New Braunfels, Comal County, Texas, being that certain called 13.646 acre "Tract III" as conveyed to Westpointe Commercial, LTD., by Deed dated May 19, 2010 and recorded in Document Number 201006016821 of the Official Public Records of Comal County, Texas; said 13.647 acres being more particularly described as follows, with all bearings being referenced to the North American Datum of 1983, Texas State Plane Coordinate System, South Central Zone;

Beginning, at a found "PK" nail on the Southeast right-of-way line of Independence Drive (60' R.O.W.), for the most Northerly corner of the herein described tract, said point also being the Southwesterly corner of Westpointe Subdivision Unit 2, Lot 1, Block 1 as recorded in Document No. 201006009911 of the Map and Plat Records of Comal County, Texas; having a Grid coordinate of N = 13,807,776.84, E = 2,234,305.02;

Thence, along the Southwesterly lines of said Lot 1, Block 1, Westpointe Subdivision Unit 2 as follows:

- S 81° 35' 56" E, 399.92 feet, to a found 1/2-inch iron rod with a "BPI" cap for corner;
- S 48° 34' 57" E, 452.01 feet, to a set 1/2-inch iron rod with a "BPI" cap on the Northwesterly line of a called 40' Ingress/Egress and Utility Easement as recorded in Document No. 201006009911, for the most Easterly corner of the herein described tract;

Thence, along the Northwesterly lines of said 40' Ingress/Egress and Utility Easement as follows:

- S 47° 29' 30" W, 441.03 feet, to a found 1/2-inch iron rod with a "BPI" cap at a point of curvature for corner;
- Along the arc of a curve to the right, having a chord of S 55° 11' 30" W, 100.24 feet, a radius of 375.00 feet and a central angle of 15° 21' 40", for an arc distance of 100.54 feet, to a found 1/2-inch iron rod with a "BPI" cap at a point of reverse curvature for corner;

EXHIBIT "C"

- Along the arc of a curve to the left, having a chord of S 48° 25' 36" W, 211.51 feet, a radius of 425.00 feet and a central angle of 28° 49' 00", for an arc distance of 213.75 feet, to a found 1/2-inch rod with a "BPI" cap at a point of tangency;
- S 34° 06' 38" W, 75.29 feet, to a found 1/2-inch rod with a "BPI" cap in the northwesterly right-of-way line of Oak Run Parkway (R.O.W. width varies) for the most Southerly corner of the herein described tract;

Thence, along the Northeast right-of-way line of Oak Run Parkway and the Southwest lines of said 13.646-acre tract as follows:

- N 55° 58' 16" W, 522.50 feet, to a found 1/2-inch iron rod with a "BPI" cap at a point of curvature for corner;
- Along the arc of a curve to the right, having a chord of N 50° 11' 04" W, 192.92 feet, a radius of 955.00 feet and a central angle of 11° 35' 38", for an arc distance of 193.25 feet, to a found "PK" nail at point of compound curvature for corner;
- Along the arc of a curve to the right, having a chord of N 02° 08' 20" E, 21.31 feet, a radius of 15.00 feet and a central angle of 90° 30' 39", for an arc distance of 23.70 feet, to a set 1/2-inch iron rod with a "BPI" cap on the northerly end of a curve return in the southeasterly right-of-way line of Independence Drive (60' R.O.W.) for a point of tangency;

Thence, along the Southeasterly right-of-way line of Independence Drive and the Northwesterly lines of said 13.646 acre tract as follows:

- N 47° 28' 39" E, 461.02 feet, along the Southeasterly right-of-way line of Independence Drive, to a found "PK" nail at point of compound curvature for corner;
- Along the arc of a curve to the left, having a chord of N 36° 23' 10" E, 166.94 feet, a radius of 430.00 feet and a central angle of 22° 23' 10", for an arc distance of 168.01 feet, to a set 1/2-inch iron rod with "BPI" cap at a point of tangency for corner;
- N 24° 49' 17" E, 35.42 feet, to the **Point of Beginning**, containing 13.647 acres (594,458 square feet) of land, more or less.

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

Note: Survey plat of even date to accompany this Field Note Description.

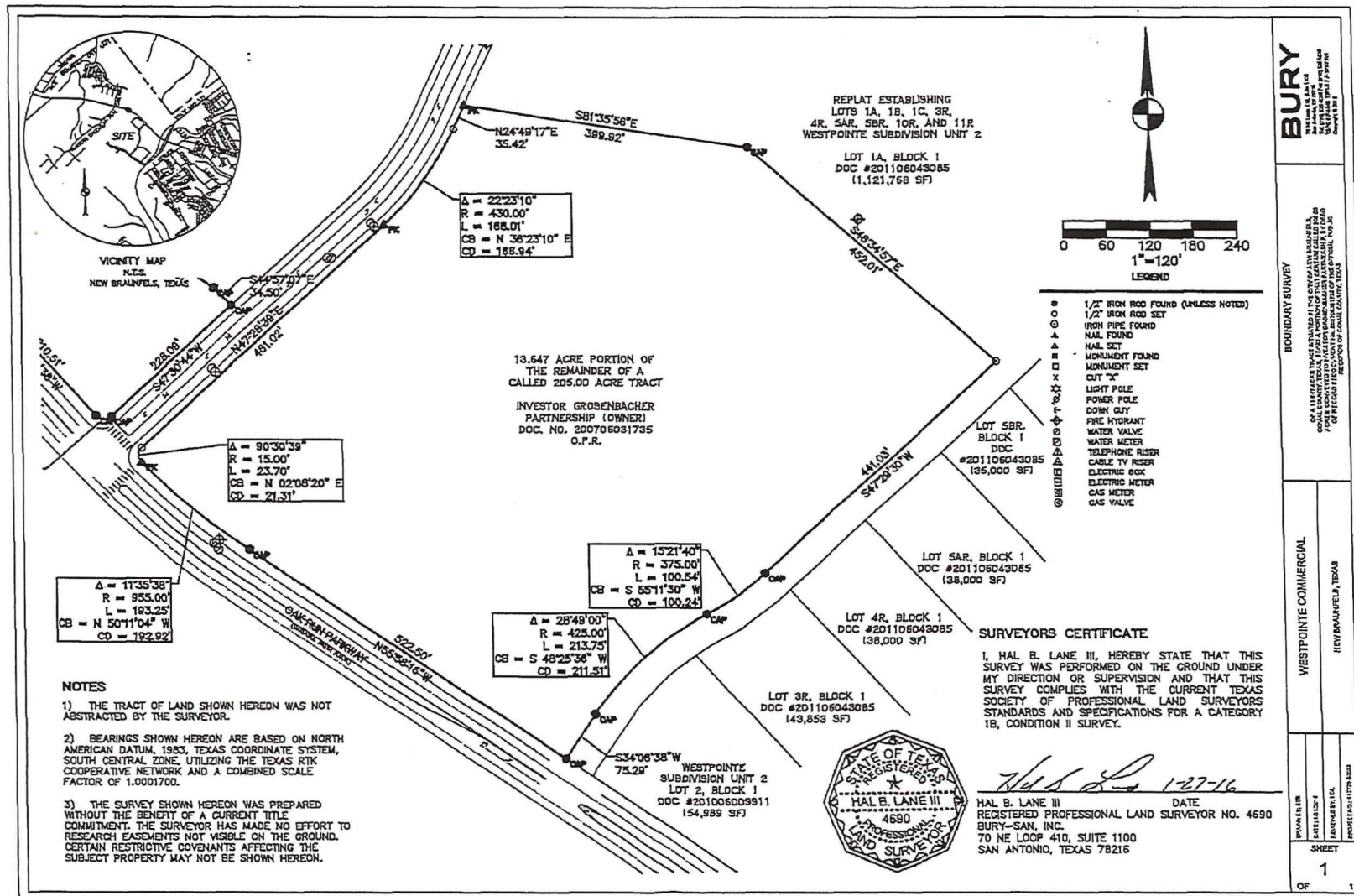
Hal B. Lane III

9/21/16

DATE

Hal B. Lane III
Registered Professional Land Surveyor
Texas Registration Number 4690
Stantec Consulting Services, Inc.
70 NE Loop 410, Suite 1100
San Antonio, Texas 78216
210/525-9090
TBPLS Firm No.: 10194228





CITY OF NEW BRAUNFELS TRAFFIC IMPACT ANALYSIS (TIA) WORKSHEET

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

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

Section 1: General Information

Project Name:				Date:			
Subdivision Plat Name:				Project Address/Location:			
Location? <input type="checkbox"/> City of New Braunfels		<input type="checkbox"/> New Braunfels ETJ		<input type="checkbox"/> Comal County		<input type="checkbox"/> Guadalupe County	
Owner Name:				Owner Email:			
Owner Address:				Owner Phone:			
Preparer Company:							
Preparer Name:				Preparer Email:			
Preparer Address:				Preparer Phone:			
TIA scoping meeting with City Engineering Division staff? (required for reports)		<input type="checkbox"/> Yes. Date: <input type="checkbox"/> No.		TIA Worksheet/Report approved with previous zoning, plan, plat or permit?		<input type="checkbox"/> No. Complete Page 1 only. <input type="checkbox"/> Yes. Complete Pages 1 and 2.	
Application Type or Reason for TIA Worksheet/Report							
<input type="checkbox"/> Zoning/Concept Plan/Detail Plan		<input type="checkbox"/> Master Plan		<input type="checkbox"/> Preliminary Plat		<input type="checkbox"/> Final Plat	
				<input type="checkbox"/> Permit		<input type="checkbox"/> Other	
TIA Submittal Type (A TIA Worksheet is required with all zoning, plan, plat and permit applications)							
<input type="checkbox"/> TIA Worksheet Only (100 peak hour trips or less)				<input type="checkbox"/> Level 1 TIA Report (101-500 peak hour trips)			
<input type="checkbox"/> TIA Worksheet Only – Previous TIA Report Approved				<input type="checkbox"/> Level 2 TIA Report (501-1,000 peak hour trips)			
<input type="checkbox"/> TIA Worksheet Only – Previous TIA Report not required (supporting documentation may be required)				<input type="checkbox"/> Level 3 TIA Report (1,001 or more peak hour trips)			

Section 2: Proposed Land Use and Trip Information for Application

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

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

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

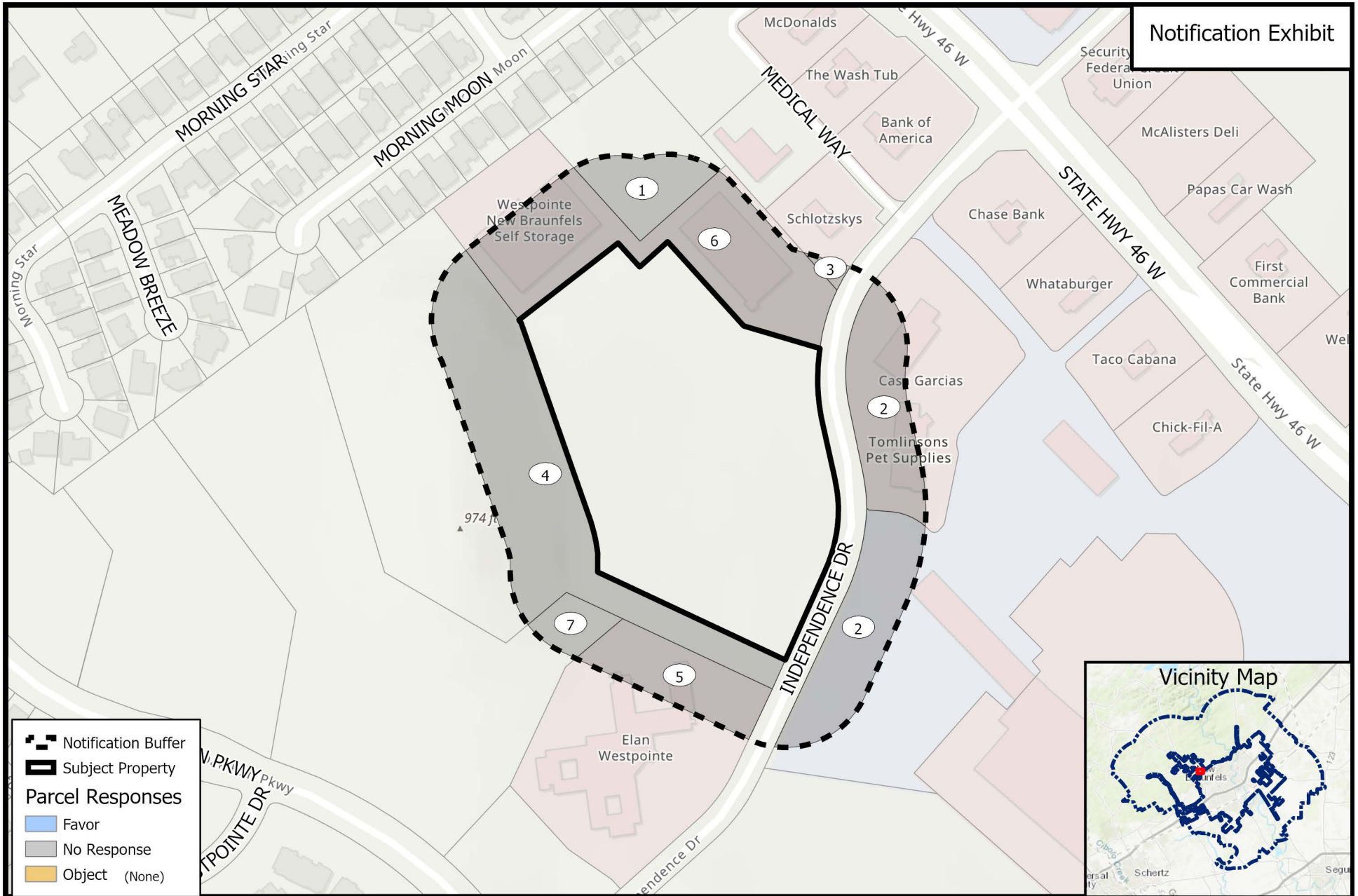
Project Name:				
Preparer Company:		Preparer Name:		Date:
Type:	<input type="checkbox"/> TIA Worksheet Only	<input type="checkbox"/> Level 1 TIA Report	<input type="checkbox"/> Level 2 TIA Report	<input type="checkbox"/> Level 3 TIA Report
Approved with:	<input type="checkbox"/> Zoning/Concept Plan/Detail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

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

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

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

Mitigation Measures	Unit	Total PHT
1.		
2.		
3.		
4.		
5.		
6.		



SUP21-036

Request to allow two-story townhouse development



Draft Minutes for the March 2, 2021 Planning Commission Regular Meeting

C) SUP21-036 Public hearing and recommendation to City Council regarding a proposed rezoning to amend an existing Special Use Permit to allow for two-story townhomes on approximately 10 acres located on the west side of Independence Drive, approximately 1,300 feet north of the intersection of Independence Drive and Oak Run Parkway. Applicant: James Ingalls, P.E. - Moeller & Associates; Owner: Westpointe Commercial, Ltd. (Mark Wauford); Case Manager: Matthew Simmont

Mr. Simmont presented and recommended approval of the request.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

James Ingalls, 2021 St Hwy 46 S, elaborated on the intent behind the request.

Discussion followed on access, number of units, and further clarification.

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

Shirley Shaw stated she is attending the meeting to learn about development around the city and has no comment on the current case.

Chair Edwards closed the public hearing.

Commissioner Reaves presented points on prior context of the request and history of the site.

Cory Elrod, 503 Lakeview Blvd, provided context on the previous request and history of the land with current ownership.

Discussion followed.

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

Motion by Commissioner Reaves, seconded by Commissioner Meyer, to recommend denial to City Council of the proposed rezoning to amend an existing Special Use Permit to allow for two-story townhomes on approximately 10 acres located on the west side of Independence Drive, approximately 1,300 feet north of the intersection of Independence Drive and Oak Run Parkway.

Discussion followed on further context of the previous request and history of the land with current ownership.

Discussion followed on the height and grade and discussion on the proposed motion.

Motion failed (2-6) with Vice Chair Laskowski, Commissioner Mathis, Commissioner Nolte, Commissioner Sonier, Commissioner Tubb, and Chair Edwards in opposition.

Motion by Commissioner Sonier, seconded by Commissioner Nolte, to recommend approval to City Council of the proposed rezoning to amend an existing Special Use Permit to allow for two-story townhomes on approximately 10 acres located on the west side of Independence Drive, approximately 1,300 feet north of the intersection of Independence Drive and Oak Run Parkway with staff recommendations. Motion carried (6-2) with Commissioner Reaves and Commissioner Meyer in opposition.

Motion by Commissioner Reaves, seconded by Commissioner Meyer, to amend the current motion with conditions of approval including no vehicular access from city property to private property, requirement of a masonry retaining wall, and a requirement of shielded lighting. Motion failed (3-5) with Vice Chair

Laskowski, Commissioner Mathis, Commissioner Nolte, Commissioner Sonier, and Chair Edwards in opposition.

Discussion followed on the conditions of the amended motion.

DRAFT

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, GRANTING APPROVAL OF THE REMOVAL OF THE RESTRICTION THAT ANY TOWNHOUSE(ATTACHED) OR DUPLEX/TWO-FAMILY DWELLING/DUPLEX CONDOMINIUM DEVELOPMENT SHALL NOT BE PERMITTED TO EXCEED ONE STORY FOR PROPERTY A, AS AN AMENDMENT TO ORDINANCE NUMBER 2017-15, A TYPE 1 SPECIAL USE PERMIT TO RESTRICT THE MAXIMUM HEIGHT AND TO ELIMINATE ALLOWED USES IN THE “MU-AR82” LOW INTENSITY MIXED USE DISTRICT ON APPROXIMATELY 10 ACRES LOCATED ON THE WEST SIDE OF THE 1900 BLOCK OF INDEPENDENCE DRIVE; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of a Special Use Permit, the City Council has given due consideration to all components of said permit; and

WHEREAS, the City also recognizes that granting such a permit is possible while promoting the health, safety, and general welfare of the public, by providing harmony between existing zoning districts and land uses; and

WHEREAS, it is the intent of the City to ensure for the health, safety and general welfare of the public by providing compatibility and orderly development, which may be suitable only in certain locations in a zoning district through the implementation of a Special Use Permit meeting those requirements cited in Sections 3.6-2 and 3.6-3, Chapter 144, of the New Braunfels Code of Ordinances; and

WHEREAS, the property is located in an area suitable for the proposed uses; and

WHEREAS, the requested rezoning is in accordance with Envision New Braunfels, the City's Comprehensive Plan; and

WHEREAS, the City Council desires to grant approval of an amendment to Ordinance Number 2017-15, a Type 1 Special Use Permit to restrict the maximum height and to eliminate uses in the “MU-AR82” Low Intensity Mixed Use District on approximately 10 acres located on the west side of the 1900 block of Independence Drive, by removing the restriction that any townhouse(attached) or duplex/two-family dwelling/duplex condominium development shall not be permitted to exceed one story for Property A; **now, therefore;**

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

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by adding the following tract of land as a "Special Use Permit" for the uses and conditions herein described:

Being approximately 10 acres located on the west side of the 1900 block of Independence Drive, as described in Exhibit '1A' and delineated in Exhibit '1B' attached, removing the additional restriction in Ordinance Number 2017-15, Section 3, that any townhouse(attached) or duplex/two-family dwelling/duplex condominium development shall not be permitted to exceed one story for Property A.

SECTION 2

THAT the Special Use Permit be subject to the following additional restrictions:

1. Site development shall be in compliance with all other standards of the City's Code of Ordinances.
2. All other restrictions associated with Ordinance Number 2017-15, Section 3, shall remain in effect, Exhibit '1C'.

SECTION 3

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

SECTION 4

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

SECTION 5

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

PASSED AND APPROVED: First reading this 22nd day of March, 2021.

PASSED AND APPROVED: Second reading this 12th day of April, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "1A"
Page 1 of 3

BURY

9.978 Acres
(628,053 sq. ft.)
110729-50003ex1.dwg.

Fn. No. 110729-50003-1
January 20, 2016
Job No. 110729-50003.97

Field Note Description

Of a 9.978 acre tract of land situated in the city of New Braunfels, Comal County, Texas; and being a remaining portion of that certain called 205.00 acre tract of land as conveyed to Investor Grosenbacher Partnership in Document Number 200706031735 of the Official Public Records of Comal County, Texas; said 9.978 acre tract more particularly described by metes and bounds as follows with all bearings being referenced to the North American Datum of 1983, Texas Coordinate System, South Central Zone:

Beginning, at a found 1/2-inch iron rod with Bury Cap for corner; said point being the most Southerly corner of Westpointe Village Self-Storage as recorded in Document Number 201506021380 of the Comal County Map Records, and being on the West Right-of-Way line of Independence Drive (60' R.O.W.);

Thence, along the West Right-of-Way line of Independence Drive and the East lines of the herein described tract as follows:

- Along the arc of a curve to the left, having a chord of South 02° 26' 41" E, 139.81 feet, a radius of 430.00 feet and a central angle of 18° 44' 15", a distance of 140.62 feet, to a found 1/2-inch iron rod at a point of tangency for corner;
- S 11° 49' 35" E, 154.80 feet, to a found 1/2-inch iron rod at a point of curvature for corner;
- Along the arc of a curve to the right, having a chord of S 06° 38' 56" W, 234.50 feet, a radius of 370.00 feet and a central angle of 36° 57' 02", a distance of 238.62 feet, to a found 1/2-inch iron rod at a point of tangency for corner;
- S 25° 07' 27" W, 195.36 feet, to a found 1/2-inch iron rod for the most Southerly corner of the herein described tract; said point also being the most Easterly corner of a called 10.005 acre tract as recorded in Document Number 201206022549 of the Official Public Records of Comal County, Texas;

EXHIBIT "1A"
Page 2 of 3

Thence, along the Westerly lines of the herein described tract and the Easterly lines of said 10.005 acre tract as follows:

- N 64° 53' 04" W, 470.42 feet, to a found 1/2-inch iron rod for corner;
- N 00° 09' 14" E, 43.69 feet, to a found 1/2-inch iron rod at a point of curvature for corner;
- Along the arc of a curve to the left, having a chord of 12° 51' 07" E, 78.32 feet, a radius of 174.00 feet and a central angle of 26° 00' 46", a distance of 79.00 feet, to a found 1/2-inch iron rod at a point of tangency for corner;
- N 19° 19' 58" W, 476.44 feet, to a found 1/2-inch iron rod for corner;
- N 37° 21' 40" W, 7.99 feet, to a found 1/2-inch iron rod with Bury Cap for corner; said point being the Southwest corner of said Westpointe Village Self-Storage tract;

Thence, along the Southerly lines of said Westpointe Village Self-Storage Tract and the Northerly lines of the herein described tract as follows:

- N 52° 39' 11" E, 279.43 feet, to a found 1/2-inch iron rod with Bury Cap for corner;
- S 41° 35' 05" E, 73.77 feet, to a found 1/2-inch iron rod with Bury Cap for corner;
- N 48° 24' 55" E, 86.16 feet, to a found 1/2-inch iron rod with Bury Cap for corner;
- S 41° 35' 05" E, 259.69 feet, to a found 1/2-inch iron rod with Bury Cap for corner;
- S 73° 05' 52" E, 177.96 feet, to the **Point of Beginning**, containing 9.978 acres (434,661 square feet) of land, more or less.

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

EXHIBIT "1A"
Page 3 of 3

Note: Survey plat of even date to accompany this Field Note Description.

Hal B. Lane III 10/19/16

Hal B. Lane III
Registered Professional Land Surveyor
Texas Registration Number 4690
Bury-San, Inc.
70 NE Loop 410, Suite 1100
San Antonio, Texas 78216
210/525-9090
TBPLS Firm No. 101075-01



EXHIBIT "1B"
Page 1 of 1

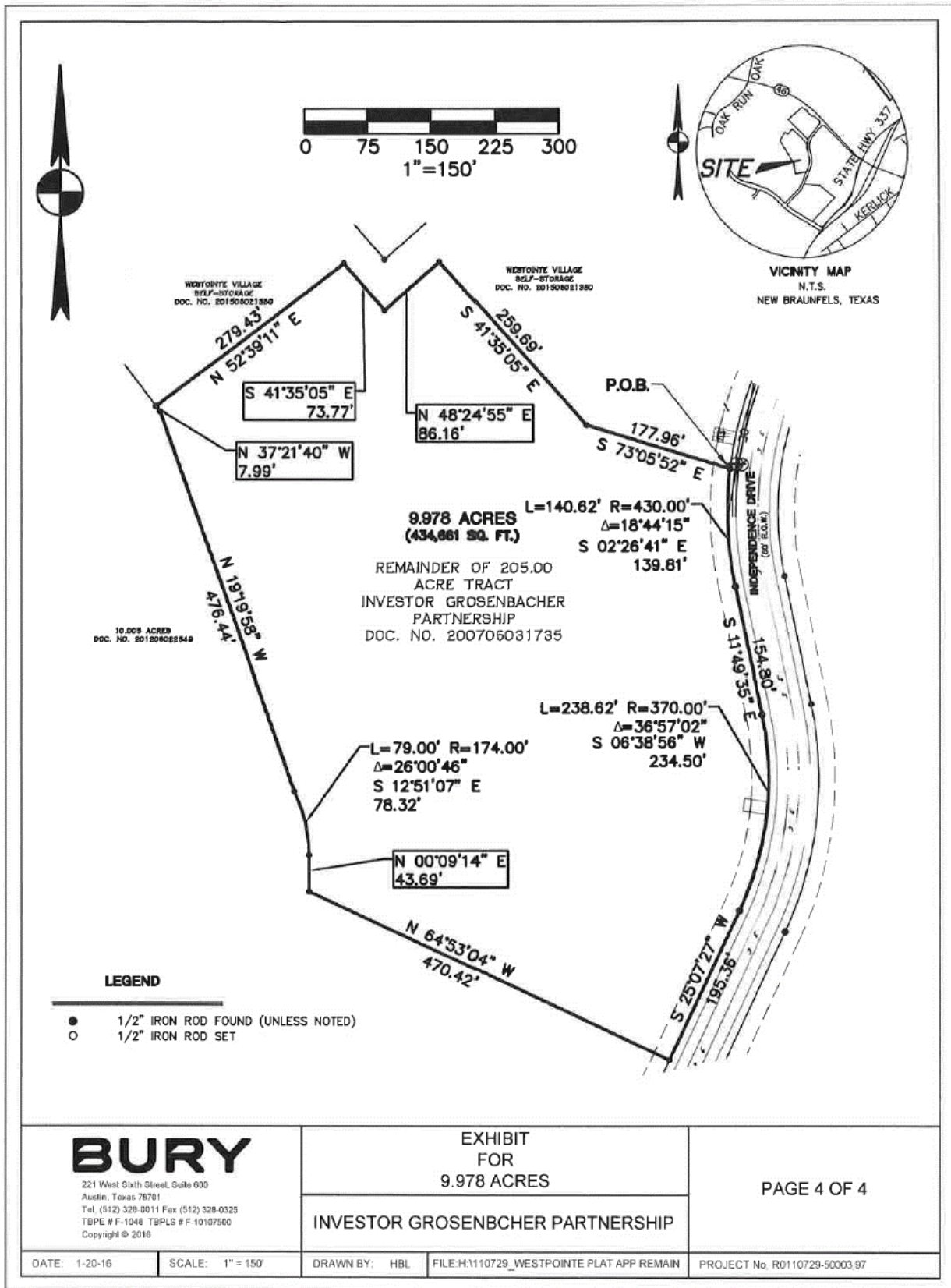


EXHIBIT “1C”
Page 1 of 14

ORDINANCE NO. 2017- 15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, GRANTING A TYPE 1 SPECIAL USE PERMIT TO RESTRICT THE MAXIMUM HEIGHT AND TO ELIMINATE ALLOWED USES IN THE “MU-AR82” LOW INTENSITY MIXED USE DISTRICT ON APPROXIMATELY 10 ACRES LOCATED ON THE WEST SIDE OF THE 1900 BLOCK OF INDEPENDENCE DRIVE (PROPERTY A) AND TO RESTRICT THE MAXIMUM HEIGHT AND TO ALLOW UP TO 240 RESIDENTIAL UNITS IN THE “C-1BR81” GENERAL BUSINESS DISTRICT ON APPROXIMATELY 13.6 ACRES LOCATED EAST OF THE INTERSECTION OF OAK RUN PARKWAY AND INDEPENDENCE DRIVE (PROPERTY B); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of a Special Use Permit, the City Council has given due consideration to all components of said permit; and

WHEREAS, the City also recognizes that granting such a permit is possible while promoting the health, safety, and general welfare of the public, by providing harmony between existing zoning districts and land uses; and

WHEREAS, it is the intent of the City to ensure for the health, safety and general welfare of the public by providing compatibility and orderly development, which may be suitable only in certain locations in a zoning district through the implementation of a Special Use Permit meeting those requirements cited in Sections 3.6-2 and 3.6-3, Chapter 144, of the New Braunfels Code of Ordinances; and

WHEREAS, the property is located in an area suitable for the proposed uses and restrictions; and

WHEREAS, the City Council desires to grant a Type 1 Special Use Permit to restrict the maximum height and to eliminate allowed uses on Property A and to restrict the maximum height and to allow up to 240 residential units on Property B;

EXHIBIT "1C"
Page 2 of 14

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

SECTION 1

THAT Sections 3.6-2 and 3.6-3, Chapter 144 of the New Braunfels Code of Ordinances and particularly the Zoning Map of the City of New Braunfels, are revised by adding the following described tract of land as a "Type 1 Special Use Permit" for the use and conditions herein described:

"Property A being 9.978 acres located on the west side of the 1900 block of Independence Drive, as described in Exhibit 'A' and delineated on Exhibit 'B' attached, to add multifamily and assisted living facility/retirement home uses to the list of uses prohibited and to restrict the maximum height to 960 feet above mean sea level."

SECTION 2

THAT Sections 3.6-2 and 3.6-3, Chapter 144 of the New Braunfels Code of Ordinances and particularly the Zoning Map of the City of New Braunfels, are revised by adding the following described tract of land as a "Type 1 Special Use Permit" for the use and conditions herein described:

"Property B being 13.647 acres located east of the intersection of Oak Run Parkway and Independence Drive, as described in Exhibit 'C' and delineated on Exhibit 'D' attached, to add multifamily, townhouse, and duplex/two-family dwelling/duplex condominium uses to the list of uses allowed and to restrict the maximum height to 965 feet above mean sea level. In addition, no more than 240 dwelling units are allowed to be developed."

SECTION 3

THAT The Special Use Permit be subject to the following additional restrictions:

1. Any townhouse(attached) or duplex/two-family dwelling/duplex condominium development shall not be permitted to exceed one story for Property A. Height limitations for said uses on Property B are provided in Section 4.
2. The maximum height restriction for Property A is not limited to building height and will apply to all property improvements and rooftop equipment and appurtenances.

EXHIBIT “1C”
Page 3 of 14

3. Rooftop equipment and ancillary appurtenances on Property B may extend up to 7 feet above the maximum height of 965 feet above mean sea level.
4. Vehicular and pedestrian access from Property B to the access drive that is located along the southeast property boundary of Property B is guaranteed by a separately recorded access easement.
5. A pedestrian sidewalk connection to the adjacent shopping and retail uses in compliance with city standards is provided along the access drive that is located along the southeast property boundary of Property B.

SECTION 4

THAT the development standards for duplexes, multifamily or townhouse use on Property B shall be as follows:

(1) Duplexes.

- (i) *Height.* One story or 35 feet.
- (ii) *Front building setback.* 25 feet.
- (iii) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.
- (iv) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
- (v) *Rear building setback.* 20 feet.
- (vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet, provided that where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.
- (vii) *Lot area per family.* Two-family dwellings (duplexes) hereafter erected or altered shall have a lot area of not less than 8,000 square feet for an interior lot and 8,500 square feet for a corner lot. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall not prohibit the erection of a one-family residence, but shall prohibit the erection of a two-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one acre and approved by the City Sanitarian.
- (viii) *Lot depth.* 100 feet.
- (ix) *Parking.* Two off-street parking spaces shall be provided for each two-family dwelling unit.

EXHIBIT "1C"
Page 4 of 14

(2) Multifamily dwelling.

- (i) *Height.* 35 feet; 50 feet when a pitched roof is used (minimum 4:12 slope) with a maximum height not to exceed 960 feet above mean sea level.
- (ii) *Front building setback.* 25 feet.
- (iii) *Side building setback.* A side building setback of 20 feet shall be provided adjacent to property zoned "R-1", "R-1A-43.5", "R-1A-12", "R-1A-8", "R-1A-6.6", "R-2", "R-2A", "TH", "TH-A", "ZH", "ZH-A", "MU-A", "B-1", "B-1A" and "B-1B". A side building setback of only six feet shall be provided adjacent to multifamily, commercially and industrially zoned property. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots.
- (iv) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
- (v) *Rear building setback.* The depth of the rear building setback shall be at least 25 percent of the depth of the lot, but such depth need not be more than 25 feet.
- (vi) *Accessory uses.* Accessory uses such as swimming pools, tennis courts and playgrounds will not be permitted within any required yard.
- (vii) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet.
- (viii) *Lot area.* 15,000 square feet.
- (ix) *Lot coverage.* The combined area of all yards shall not be less than 50 percent of the total lot or tract; provided however, that in the event enclosed or covered parking is provided, the minimum total yard area requirement shall be 40 percent of the total lot or tract.
- (x) *Distance between structures.* There shall be a minimum of 12 feet between structures side by side; a minimum of 30 feet between structures side by front or rear; a minimum of 50 feet between structures front to front; and a minimum of 20 feet between structures backing rear to rear; and a minimum of 20 feet between structures front to rear. (See Illustration 2)
- (xi) *Lot depth.* 100 feet.
- (xii) *Parking.*
For apartments, apartment hotel units and other multifamily dwellings, off-street parking spaces shall be provided in accord with the following schedule:
 - 1. One-bedroom apartment or unit . . . 1 1/2 spaces
 - 2. Two-bedroom apartment or unit . . . 2 spaces
 - 3. Each Additional bedroom . . . 1/2 space
 - 4. Each dwelling unit provided exclusively for low income elderly occupancy . . . 3/4 space ("Low income elderly" is defined as any person 55 years of age or older with low or moderate income, according to HUD standards.)

(3) Townhouses.

- (i) *Height.* One story or 35 feet.

EXHIBIT "1C"
Page 5 of 14

- (ii) *Front building setback.* 10 feet. If front entry garages/carports are provided, a minimum front yard of 20 feet shall be provided to the garage/carport.
- (iii) *Side building setback.* No side building setbacks are required for interior lots except the minimum distance between two building groups shall be 20 feet and the minimum distance between a building group and any abutting subdivision boundary or zoning district boundary line shall be 20 feet. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street, except where the rear lot line of a corner lot coincides with a side lot line of an adjacent lot, then 25-foot minimum side yards adjacent to the street shall be provided.
- (iv) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
- (v) *Rear building setback.* No building shall be constructed closer than ten feet from the rear property line. If the rear of the lots abut any other residential zoning district, the rear building setback shall have a minimum depth of 20 feet.
- (vi) *Width of lot.* Interior lots shall have a minimum width of 25 feet. Corner lots shall have a minimum width of 40 feet except where the rear lot line of a corner lot coincides with a side lot line of an adjacent lot, then the corner lot shall have a minimum width of 50 feet.
- (vii) *Lot depth.* 100 feet.
- (viii) *Lot area per family.* 2,500 square feet.
- (ix) *Common open space.* A minimum of 250 square feet of common open space per lot shall be provided within the townhouse project. In computing the required common open space, individually owned townhouse lots, required front, rear, or side setbacks, streets, alleys, or public rights-of-way of any kind, vehicular drives, parking areas, service drives, or utility easements containing or permitting overhead pole carried service shall not be included. Drainage easements and detention ponds may be used in computing common open space.
- (x) *Building group.* There shall be no less than two nor more than eight individual dwelling units in each building or dwelling group. Each building group shall be at least 20 feet from any other building group, measured from the nearest points of their foundations. Each building or building group shall be at least 20 feet from any subdivision or zoning district boundary line.
- (xi) *Accessory buildings.* Any detached accessory buildings permitted, except carports open on at least two sides, shall be set at least three feet away from the side lot line unless their walls are equal in fire resistance to the common walls of the main structure. Detached carports, open on at least two sides, may be built to the property line with no common wall required. Rear building setback for an accessory building shall be three feet. Any accessory building permitted in district "R-1" shall be permitted in district "TH."
- (xii) *Parking.* There shall be at least two off-street parking spaces for each townhouse.

SECTION 5

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

EXHIBIT "1C"
Page 6 of 14

SECTION 6

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

SECTION 7

THIS ordinance will take effect upon the second and final reading.

PASSED AND APPROVED: First Reading this the 9th day of January, 2017.

PASSED AND APPROVED: Second Reading this the 23rd day of January, 2017.

CITY OF NEW BRAUNFELS


BARRON CASTEEL, Mayor

ATTEST:


PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:


VALERIA M. ACEVEDO, City Attorney



EXHIBIT "1C"
Page 7 of 14

BURY

9.978 Acres
(628,053 sq. ft.)
110729-50003ex1.dwg.

Fn. No. 110729-50003-1
January 20, 2016
Job No. 110729-50003.97

Field Note Description

Of a 9.978 acre tract of land situated in the city of New Braunfels, Comal County, Texas; and being a remaining portion of that certain called 205.00 acre tract of land as conveyed to Investor Grosenbacher Partnership in Document Number 200706031735 of the Official Public Records of Comal County, Texas; said 9.978 acre tract more particularly described by metes and bounds as follows with all bearings being referenced to the North American Datum of 1983, Texas Coordinate System, South Central Zone:

Beginning, at a found 1/2-inch iron rod with Bury Cap for corner; said point being the most Southerly corner of Westpointe Village Self-Storage as recorded in Document Number 201506021380 of the Comal County Map Records, and being on the West Right-of-Way line of Independence Drive (60' R.O.W.);

Thence, along the West Right-of-Way line of Independence Drive and the East lines of the herein described tract as follows:

- Along the arc of a curve to the left, having a chord of South 02° 26' 41" E, 139.81 feet, a radius of 430.00 feet and a central angle of 18° 44' 15", a distance of 140.62 feet, to a found 1/2-inch iron rod at a point of tangency for corner;
- S 11° 49' 35" E, 154.80 feet, to a found 1/2-inch iron rod at a point of curvature for corner;
- Along the arc of a curve to the right, having a chord of S 06° 38' 56" W, 234.50 feet, a radius of 370.00 feet and a central angle of 36° 57' 02", a distance of 238.62 feet, to a found 1/2-inch iron rod at a point of tangency for corner;
- S 25° 07' 27" W, 195.36 feet, to a found 1/2-inch iron rod for the most Southerly corner of the herein described tract; said point also being the most Easterly corner of a called 10.005 acre tract as recorded in Document Number 201206022549 of the Official Public Records of Comal County, Texas;

EXHIBIT "A"

EXHIBIT "1C"
Page 8 of 14

Thence, along the Westerly lines of the herein described tract and the Easterly lines of said 10.005 acre tract as follows:

- N 64° 53' 04" W, 470.42 feet, to a found 1/2-inch iron rod for corner;
- N 00° 09' 14" E, 43.69 feet, to a found 1/2-inch iron rod at a point of curvature for corner;
- Along the arc of a curve to the left, having a chord of 12° 51' 07" E, 78.32 feet, a radius of 174.00 feet and a central angle of 26° 00' 46", a distance of 79.00 feet, to a found 1/2-inch iron rod at a point of tangency for corner;
- N 19° 19' 58" W, 476.44 feet, to a found 1/2-inch iron rod for corner;
- N 37° 21' 40" W, 7.99 feet, to a found 1/2-inch iron rod with Bury Cap for corner; said point being the Southwest corner of said Westpointe Village Self-Storage tract;

Thence, along the Southerly lines of said Westpointe Village Self-Storage Tract and the Northerly lines of the herein described tract as follows:

- N 52° 39' 11" E, 279.43 feet, to a found 1/2-inch iron rod with Bury Cap for corner;
- S 41° 35' 05" E, 73.77 feet, to a found 1/2-inch iron rod with Bury Cap for corner;
- N 48° 24' 55" E, 86.16 feet, to a found 1/2-inch iron rod with Bury Cap for corner;
- S 41° 35' 05" E, 259.69 feet, to a found 1/2-inch iron rod with Bury Cap for corner;
- S 73° 05' 52" E, 177.96 feet, to the **Point of Beginning**, containing 9.978 acres (434,661 square feet) of land, more or less.

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

EXHIBIT "1C"
Page 9 of 14

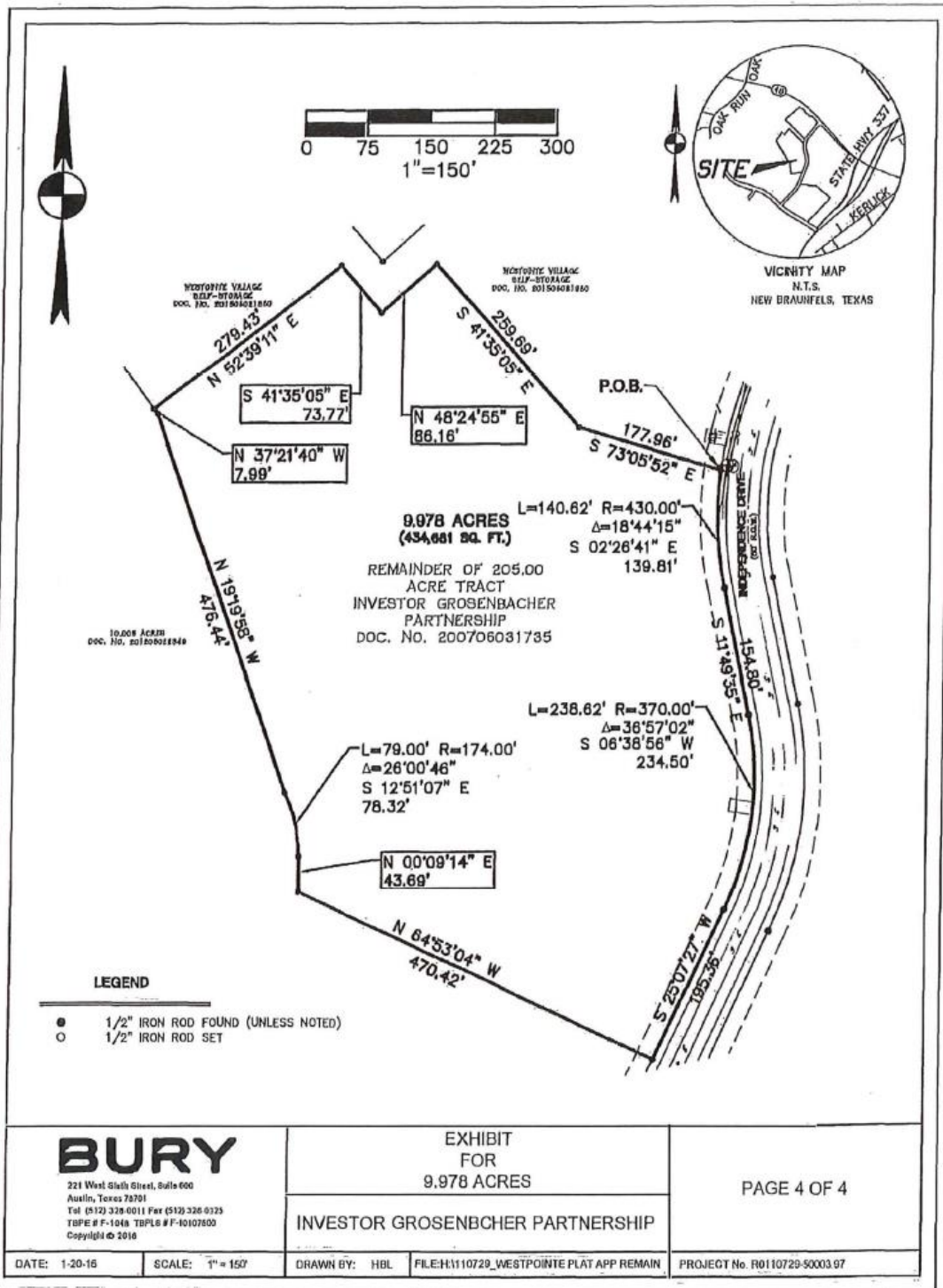
Note: Survey plat of even date to accompany this Field Note Description.

 10/19/16

Hal B. Lane III
Registered Professional Land Surveyor
Texas Registration Number 4690
Bury-San, Inc.
70 NE Loop 410, Suite 1100
San Antonio, Texas 78216
210/525-9090
TBPLS Firm No. 101075-01



EXHIBIT "1C"
Page 10 of 14



11010729 Westpointe Plat Application 110107290003.97.dwg newplat by HBL on 1/20/16 10:41 AM

EXHIBIT "B"

EXHIBIT "1C"
Page 11 of 14



13.647 ACRES
(594,458 SQ. FT.)
110729-50003_Bndy-Tract D.dwg

FN NO. 2223-10219-4
September 21, 2016
JOB NO. 222310219

FIELD NOTE DESCRIPTION

Being 13.647 acres of land situated in the city of New Braunfels, Comal County, Texas, being that certain called 13.646 acre "Tract III" as conveyed to Westpointe Commercial, LTD., by Deed dated May 19, 2010 and recorded in Document Number 201006016821 of the Official Public Records of Comal County, Texas; said 13.647 acres being more particularly described as follows, with all bearings being referenced to the North American Datum of 1983, Texas State Plane Coordinate System, South Central Zone;

Beginning, at a found "PK" nail on the Southeast right-of-way line of Independence Drive (60' R.O.W.), for the most Northerly corner of the herein described tract, said point also being the Southwesterly corner of Westpointe Subdivision Unit 2, Lot 1, Block 1 as recorded in Document No. 201006009911 of the Map and Plat Records of Comal County, Texas; having a Grid coordinate of N = 13,807,776.84, E = 2,234,305.02;

Thence, along the Southwesterly lines of said Lot 1, Block 1, Westpointe Subdivision Unit 2 as follows:

- S 81° 35' 56" E, 399.92 feet, to a found 1/2-inch iron rod with a "BPI" cap for corner;
- S 48° 34' 57" E, 452.01 feet, to a set 1/2-inch iron rod with a "BPI" cap on the Northwesternly line of a called 40' Ingress/Egress and Utility Easement as recorded in Document No. 201006009911, for the most Easterly corner of the herein described tract;

Thence, along the Northwesternly lines of said 40' Ingress/Egress and Utility Easement as follows:

- S 47° 29' 30" W, 441.03 feet, to a found 1/2-inch iron rod with a "BPI" cap at a point of curvature for corner;
- Along the arc of a curve to the right, having a chord of S 55° 11' 30" W, 100.24 feet, a radius of 375.00 feet and a central angle of 15° 21' 40", for an arc distance of 100.54 feet, to a found 1/2-inch iron rod with a "BPI" cap at a point of reverse curvature for corner;

EXHIBIT "C"

EXHIBIT "1C"
Page 12 of 14

- Along the arc of a curve to the left, having a chord of S 48° 25' 36" W, 211.51 feet, a radius of 425.00 feet and a central angle of 28° 49' 00", for an arc distance of 213.75 feet, to a found 1/2-inch rod with a "BPI" cap at a point of tangency;
- S 34° 06' 38" W, 75.29 feet, to a found 1/2-inch rod with a "BPI" cap in the northwesterly right-of-way line of Oak Run Parkway (R.O.W. width varies) for the most Southerly corner of the herein described tract;

Thence, along the Northeast right-of-way line of Oak Run Parkway and the Southwest lines of said 13.646-acre tract as follows:

- N 55° 58' 16" W, 522.50 feet, to a found 1/2-inch iron rod with a "BPI" cap at a point of curvature for corner;
- Along the arc of a curve to the right, having a chord of N 50° 11' 04" W, 192.92 feet, a radius of 955.00 feet and a central angle of 11° 35' 38", for an arc distance of 193.25 feet, to a found "PK" nail at point of compound curvature for corner;
- Along the arc of a curve to the right, having a chord of N 02° 08' 20" E, 21.31 feet, a radius of 15.00 feet and a central angle of 90° 30' 39", for an arc distance of 23.70 feet, to a set 1/2-inch iron rod with a "BPI" cap on the northerly end of a curve return in the southeasterly right-of-way line of Independence Drive (60' R.O.W.) for a point of tangency;

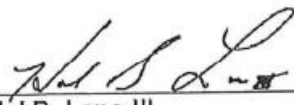
Thence, along the Southeasterly right-of-way line of Independence Drive and the Northwesterly lines of said 13.646 acre tract as follows:

- N 47° 28' 39" E, 461.02 feet, along the Southeasterly right-of-way line of Independence Drive, to a found "PK" nail at point of compound curvature for corner;
- Along the arc of a curve to the left, having a chord of N 36° 23' 10" E, 166.94 feet, a radius of 430.00 feet and a central angle of 22° 23' 10", for an arc distance of 168.01 feet, to a set 1/2-inch iron rod with "BPI" cap at a point of tangency for corner;
- N 24° 49' 17" E, 35.42 feet, to the **Point of Beginning**, containing 13.647 acres (594,458 square feet) of land, more or less.

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

Note: Survey plat of even date to accompany this Field Note Description.

EXHIBIT "1C"
Page 13 of 14



Hal B. Lane III
Registered Professional Land Surveyor
Texas Registration Number 4690
Stantec Consulting Services, Inc.
70 NE Loop 410, Suite 1100
San Antonio, Texas 78216
210/525-9090
TBPLS Firm No.: 10194228

9/21/16

DATE



ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 03-14-2008 BY 60322 UCBAW/STP/STP

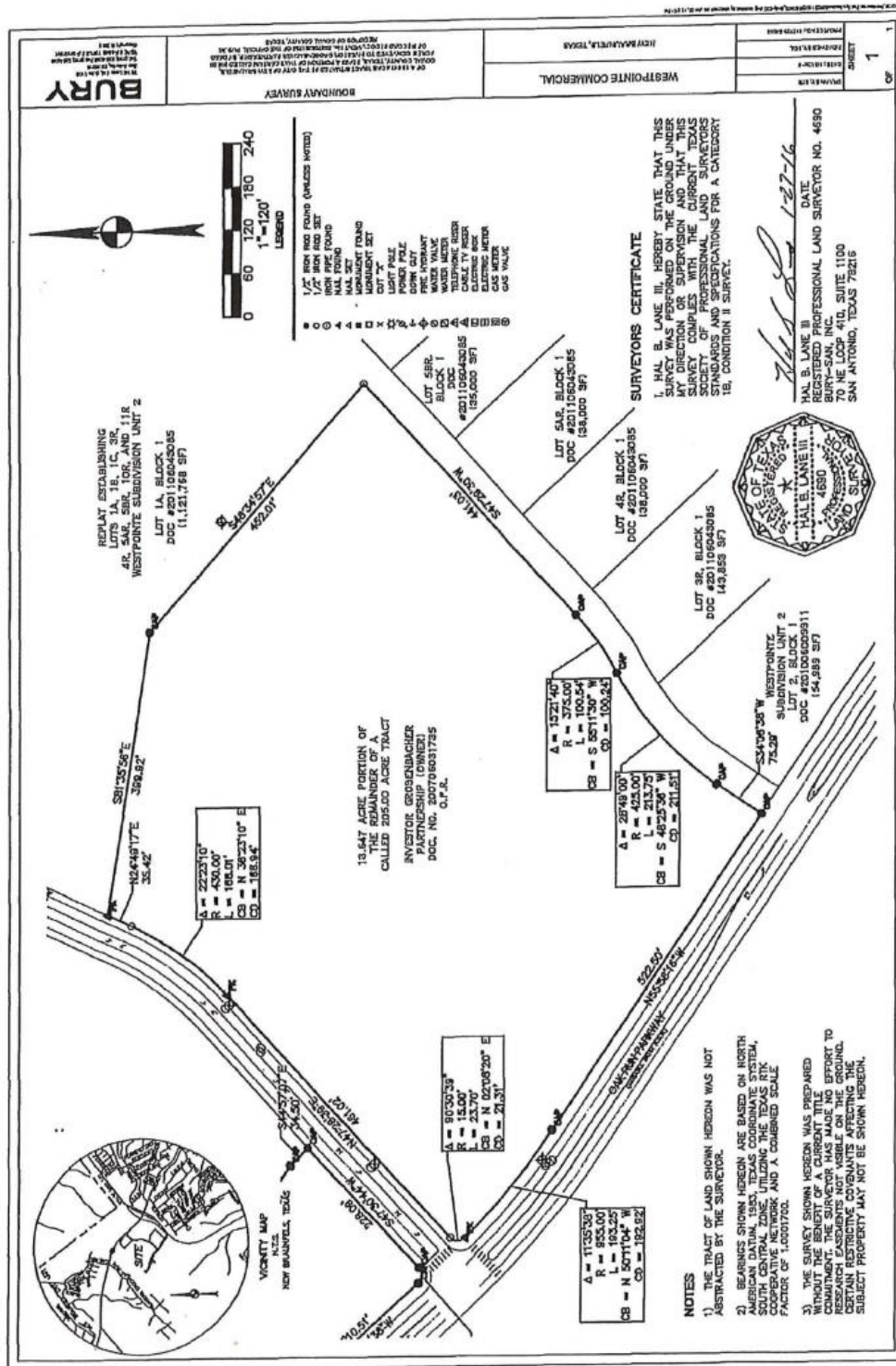


EXHIBIT "D"

3/22/2021

Agenda Item No. C)

Presenter

Christopher J. Looney, AICP, Planning and Development Services Director
clooney@nbtexas.org

SUBJECT:

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

BACKGROUND / RATIONALE:

Case No.: DCP20-0327

Council District: 2

Applicant: Herman Kittle Properties, Inc. (Elena Sanders, Director of Development)
500 East 96th Street, Ste 300
Indianapolis, IN 46240
(925) 586-7619 - esanders@hermankittle.com

Owner: Margaret Denise Kosko
2655 FM 725
New Braunfels, TX 78130
(830) 624-6330

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

The subject property is comprised of 19.963 acres on the northeast corner of the intersection of FM 725 and East Klein Road abutting FM 725 and Lake Dunlap and is developed with a single-family residence and some accessory buildings. The front 300 feet of depth of the subject property adjacent to FM 725 is zoned "R-1" Single-Family District and the remainder of the property is zoned "APD" Agricultural-Pre/Development District.

The area around the subject property includes a mix of residential and non-residential uses including single-family residential neighborhoods, four churches, two self-storage facilities, two convenience stores with fuel sales, a bingo hall, a restaurant, and the site of a future IDEA Public School. Properties to the east, across Lake Dunlap, as well as most properties to the south, across East Klein Road, are outside the city limits.

The applicant is requesting a zoning change from R-1 and APD to a Planned Development District (PD) for multifamily with a maximum density of 20 units per acre. If approved, the PD will be known as "River's Edge Apartments". PD is a customizable zoning district with which the property owner can craft their own set of development standards to accommodate innovative development options, and address unique issues such as access, terrain, lot shape, mixed use, etc. The PD process includes two steps:

1. *Concept plan.* This first step in the planned development process establishes the most general guidelines for the district by identifying the land use types, development standards, approximate road locations and project boundaries, and illustrates the integration of these elements into a master plan for the whole district.
2. *Detail plan.* This final step includes the details of development in a site plan drawing.

If this rezoning request (Concept Plan) is approved, a follow-up Detail Plan will be required to be submitted to the City and approved by the Planning Commission prior to issuing a building permit for the construction of the multifamily development. The property will also need to be platted prior to obtaining a building permit.

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

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

Surrounding Zoning and Land Use:

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

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

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

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

Determination Factors:

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

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

Road, a Minor Arterial).

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

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

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

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on February 2, 2021. A motion to approve with staff recommendations failed (3-6-0).

STAFF RECOMMENDATION:

Approval. To help alleviate any concerns from nearby single-family homes who often prefer increased buffering from multi-story residential structures, staff recommends the following condition:

- Incorporate an incremental or stair-step setback requirement so that the height at any point on a building must have at least an equal distant setback from an adjacent property used or zoned for single or two-family residential.

For example, if the eave of a building is 30 feet above grade and the peak of the roof is 45 feet above grade, the eave must be setback at least 30 feet from the property line and the location of the roof pitch on the building must be setback at least 45 feet from the property line.

For a stricter setback, an alternative could be to require the proposed residential setback development standard meet the minimum requirement of the R-3H District (no part of any building could be closer to the property line than 20 feet, plus one foot for each foot of building height over 20 feet, measured at the peak of the roof).

Notification:

Public hearing notices were sent to 7 owners of property within 200 feet of the request and inside the City Limits of New Braunfels. The City has received one response in favor from property owner number 2 and three opposed from property owners of numbers 4, 5 and 7 on the notification map as well as 9 additional objections from outside the 200-foot notification area and/or outside of city limits. Four of these responses come from four different residents occupying the same address.

Opposition currently represents more than 20% of the land within the notification area. Pursuant to state statute, a $\frac{3}{4}$ majority of City Council (6 votes) will be required for approval of the applicant's request.

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

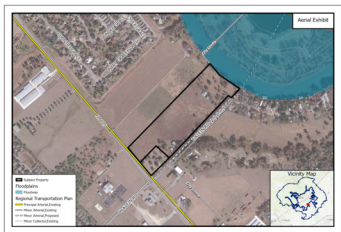
RESOURCE LINKS:

- Chapter 144, Sec. 3.3-1 "R-1" Single Family District, of the City's Code of Ordinances:
[https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?_ga=2.181111111.1582222222.1582222222-1582222222.1582222222)
- Chapter 144, Secs. 3.4-1 "APD" Agricultural/Pre-Development District, of the City's Code of Ordinances:
[https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?_ga=2.181111111.1582222222.1582222222-1582222222.1582222222)
- Chapter 144, Secs. 3.5 Planned Development Districts, of the City's Code of Ordinances:
[https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?_ga=2.181111111.1582222222.1582222222-1582222222.1582222222)

ATTACHMENTS:

1. Aerial Map
2. Land Use Maps (Zoning, Existing and Future Land Use)
3. "R-3H" Multifamily High Density District and "River's Edge Apartments" Planned Development District Development Standards Comparison Table
4. Notification List, Map and Responses
5. Excerpt of minutes from the February 2, 2021 Planning Commission Regular Meeting

6. Ordinance



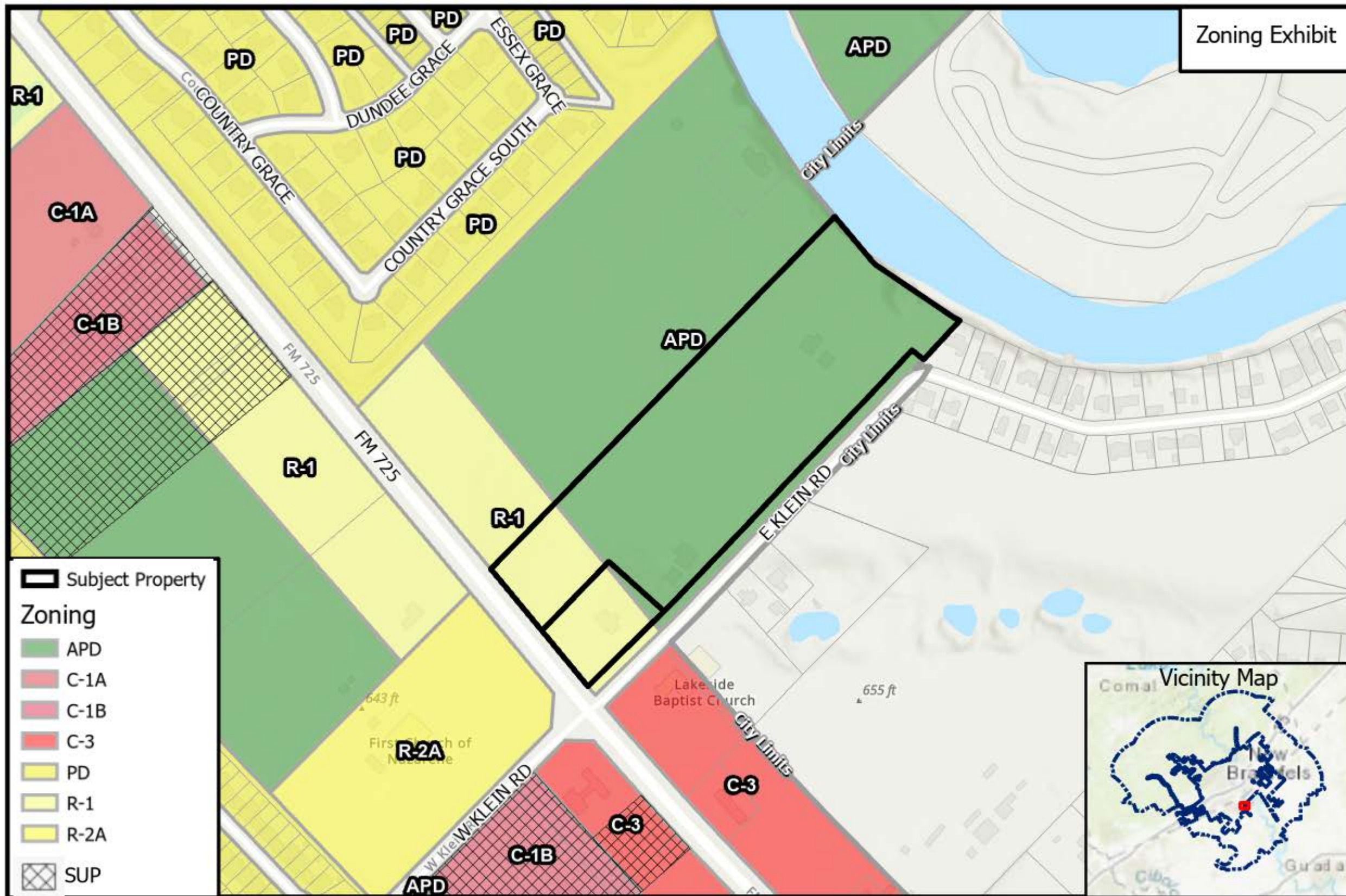
DCP26-327
R-1 and APD to "REAPD" River's Edge Apartments Planned Development District



Map: 1244-C:\Department\Planning\Development\DCP\Mapas\2025\DCP26-327 - River's Edge

Source: City of New Brunswick Planning
 Date: 1/15/2025

DISCLAIMER: This map and information contained in it was developed exclusively for use by the City of New Brunswick. Any use or reliance on this map by anyone other than the City of New Brunswick is at the user's risk. The City of New Brunswick, its officials or employees are not responsible for any discrepancies, errors, or omissions which may occur.



DCP20-327

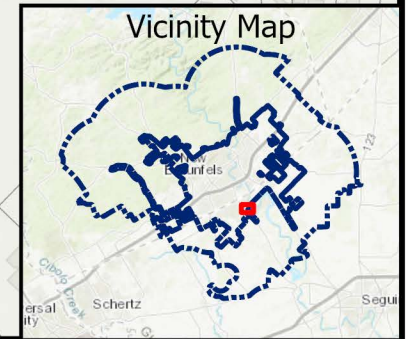
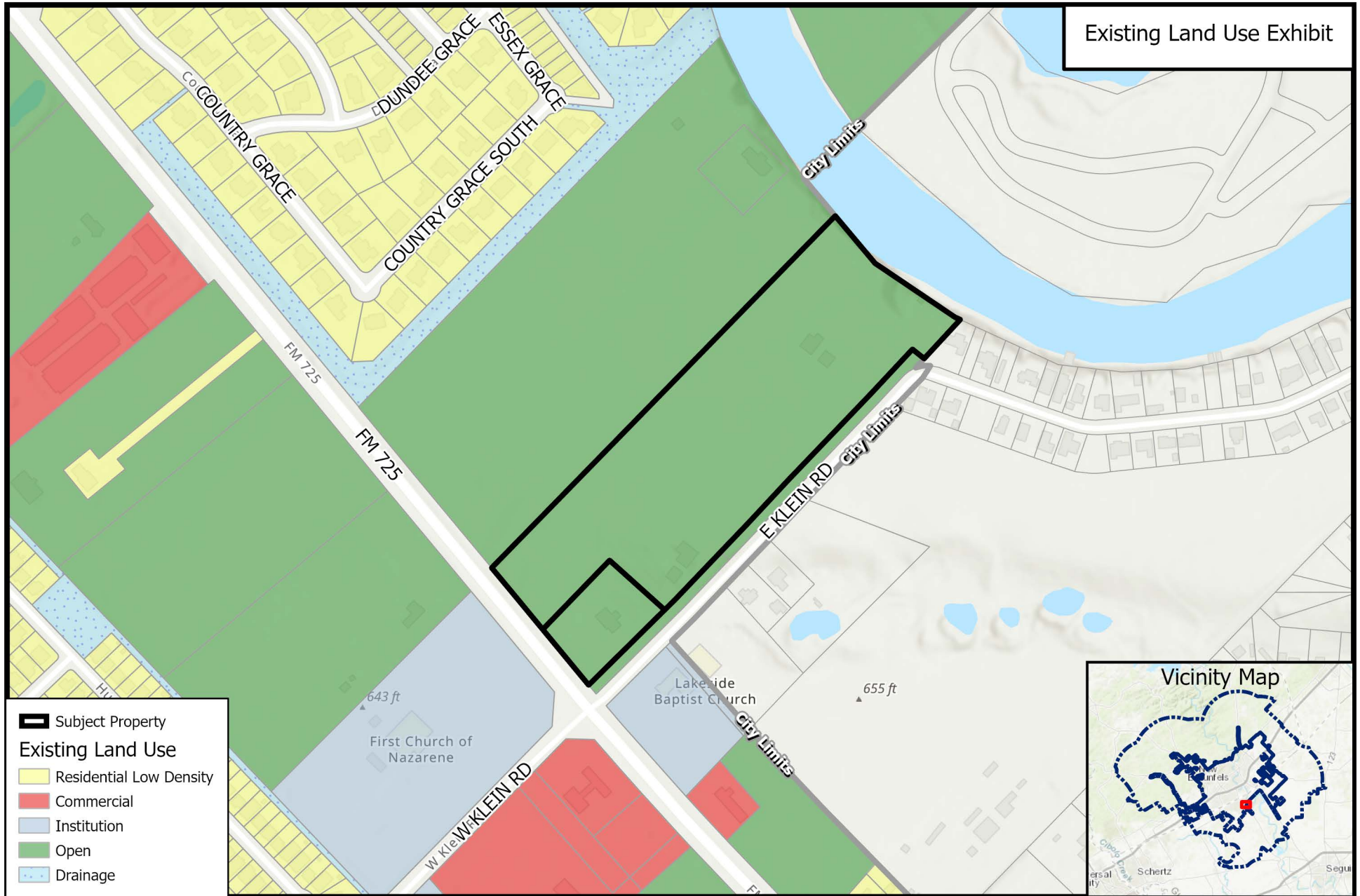
R-1 and APD to "REAPD" River's Edge Apartments Planned Development District

0 250 500 Feet

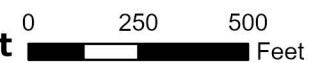


Source: City of New Braunfels Planning
Date: 3/15/2021

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DCP20-327
R-1 and APD to "REAPD" River's Edge Apartments Planned Development District



EXISTING CENTERS

Centers are the middle, core or heart of an area. It is a point of activity and vitality. Centers come in many sizes and have different purposes or activities within. They may have endangered species habitat or aquifer recharge areas that require additional standards and consideration relating to future growth. It is envisioned that all centers be walkable, connected, and have a mix of uses. These centers must provide adequate infrastructure to support the commercial development present especially mobility and access for pedestrians, bicycles, vehicles and transit. Given the mixed-use nature of these centers, parking should be shared and not detract from the aesthetic of the area.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

MEDICAL CENTER

Medical Centers are mixed-use areas centered around a medical destination such as a hospital or clinic.

CIVIC CENTER

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

OUTDOOR RECREATION CENTER

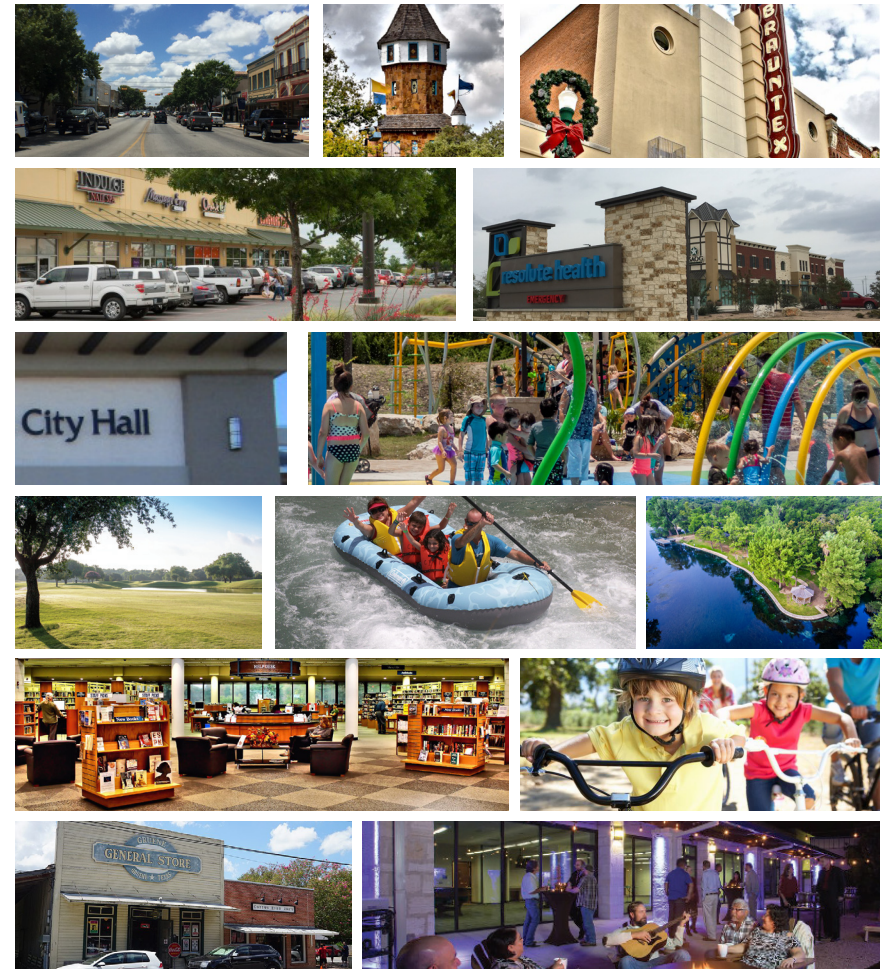
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

EDUCATION CENTER

Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

TOURIST/ENTERTAINMENT CENTER

Tourist/Entertainment Centers are mixed-use areas around an entertainment venue such as Gruene Hall or a tourist destination such as the Tube Chute.



FUTURE LAND USE PLAN

A future land use plan is how land is envisioned to be. It establishes priorities for more detailed plans (sub area plans) and for detailed topical plans (such as parks and open spaces, trails and roads). It cannot be interpreted without the goals and actions of Envision New Braunfels.

TRANSITIONAL MIXED-USE CORRIDOR

Transitional Mixed-Use Corridors express an aspiration to retrofit existing auto-dominated retail corridors with a mix of uses and a variety of travel modes over time.

OUTDOOR RECREATION CENTER

Outdoor Recreation Centers are centered around a public or private outdoor destination like Fischer Park.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

CIVIC CENTER

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

SUB AREA 1

Sub Area 1 includes the Downtown, Gruene and the Mid-Century or older neighborhoods that surround them. It is home to the natural springs and headwaters of flowing rivers that have attracted New Braunfelsers to the town for centuries.

SUB AREA 2

Sub Area 2 refers to the neighborhoods and residential enclaves that have grown alongside the Hill Country landscape.

SUB AREA 3

Sub Area 3 includes a planned community offering a diversity of housing, distinct community centers and preserved Hill Country landscape features.

SUB AREA 4

At the heart of Sub Area 4 is Fischer Park. Proximity to IH-35, downtown and neighboring communities like McQueeney makes this area highly desirable and accessible.

SUB AREA 5

Sub Area 5 bridges together many communities east of IH-35. It includes the scenic landscape along both banks of the Guadalupe River between Highway 46 and FM 725.

SUB AREA 6

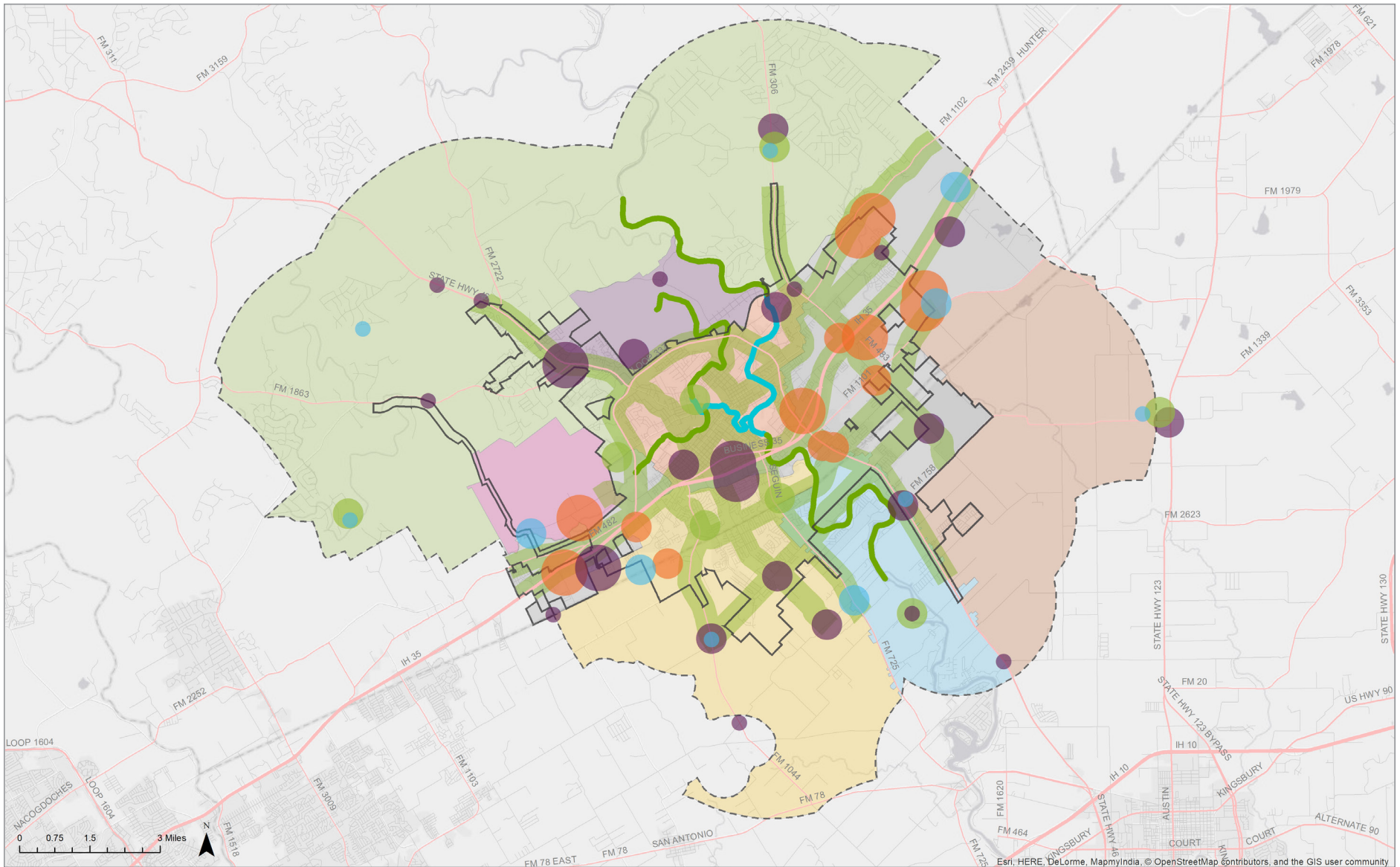
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7

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

SUB AREA 8

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



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. Preferred future growth scenario combines Scenarios A and C per recommendations of the Envision New Braunfels Steering Committee (February 2018). Exact boundaries of sub areas, centers, and corridors may be [zoomed and viewed online](#).

“R-3H” Multifamily High Density District and “River’s Edge Apartments” Planned Development District Development Standards Comparison Table

* = Development Standard that is more restrictive than the R-3H District

** = Development Standard that is less restrictive than the R-3H District

Development Standard	R-3H District	“River’s Edge Apartments” PD
Permitted Uses	<p><u>Residential:</u></p> <ul style="list-style-type: none"> • Accessory building/structure • Bed and breakfast inn • Boardinghouse/lodging house • Community home • Dormitory • Family home adult care • Family home child care • Hospice • Multifamily apartments/condominiums • Rental or occupancy for less than 1 month • Residential use in buildings with the following non-residential uses: <p><u>Non Residential Uses:</u></p> <ul style="list-style-type: none"> • Adult day care (no overnight) • Art dealer/gallery • Barns and farm equipment storage (related to agricultural uses) • Cemetery and/or mausoleum • Church/place of religious assembly • Community building (associated with residential uses) • Contractors temporary on-site construction office • Electrical substation • Farms, general (crops) • Farms, general (livestock/ranch) • Golf course, public or private • Governmental building or use with no outside storage • Museum • Nursing/convalescent home/sanitarium • Park and/or playground (public or private) 	<p>*</p> <ul style="list-style-type: none"> • Accessory building/structures • Community home • Multifamily (apartments/condominiums) • Park and/or playground (public or private) • Public or private recreation/services building for public park/playground areas • Recreation buildings (prate or public) • Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system <p>This PD does not allow for mixed use development. All non-residential buildings must serve a use as it directly relates to the multifamily housing (i.e. clubhouse, maintenance buildings(s) and garages)</p>

“R-3H” Multifamily High Density District and “River’s Edge Apartments” Planned Development District Development Standards Comparison Table

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	<ul style="list-style-type: none"> • Public recreation/services building for public park/playground areas • Recreation buildings (public) • Retirement home/home for the aged (public) • School, K-12 (public or private) • Telephone exchange buildings (office only) • University or college (public or private) • Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system 	
Maximum Density	24 units per acre	*20 units per acre
Minimum Lot Area	20,000 square feet	20,000 square feet *plus an additional 2,250 square feet of lot area for each unit over ten
Minimum Lot Width	Interior lot = 60 feet Corner lot = 72 feet	Interior lot = 60 feet Corner lot = 72 feet
Minimum Lot Depth	100 feet	100 feet
Minimum Front Building Setback	25 feet	25 feet
Minimum Rear Building Setback	25 feet	25 feet
Minimum Side Building Setback	20 feet. Corner lots shall have 15-foot side building setback adjacent the street where rear lot line abuts rear lot line of adjacent lot; 25-foot side building setback adjacent the street where rear lot line abuts side lot line of adjacent lot	*25 feet. Corner lots shall have 15-foot side building setback adjacent the street where rear lot line abuts rear lot line of adjacent lot; 25-foot side building setback adjacent the street where rear lot line abuts side lot line of adjacent lot
Minimum Distance Between Structures	Minimum of 10 feet between structures side by side; minimum of 20 feet between structures side by front or rear; minimum of 40 feet between structures front to front; minimum of 20 feet between structures backing rear to rear, and a minimum of 20 feet between structures front to rear	*Minimum of 20 feet between structures side by side; *minimum of 30 feet between structures side by front or rear; minimum of 40 feet between structures front to front; minimum of 20 feet between structures backing rear to rear, and a *minimum of 30 feet between structures front to rear

“R-3H” Multifamily High Density District and “River’s Edge Apartments” Planned Development District Development Standards Comparison Table

* = Development Standard that is more restrictive than the R-3H District

** = Development Standard that is less restrictive than the R-3H District

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



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

“R-3H” Multifamily High Density District and “River’s Edge Apartments” Planned Development District Development Standards Comparison Table

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



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

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

Zoom Meeting

Applicant/Owner: Elena Sanders

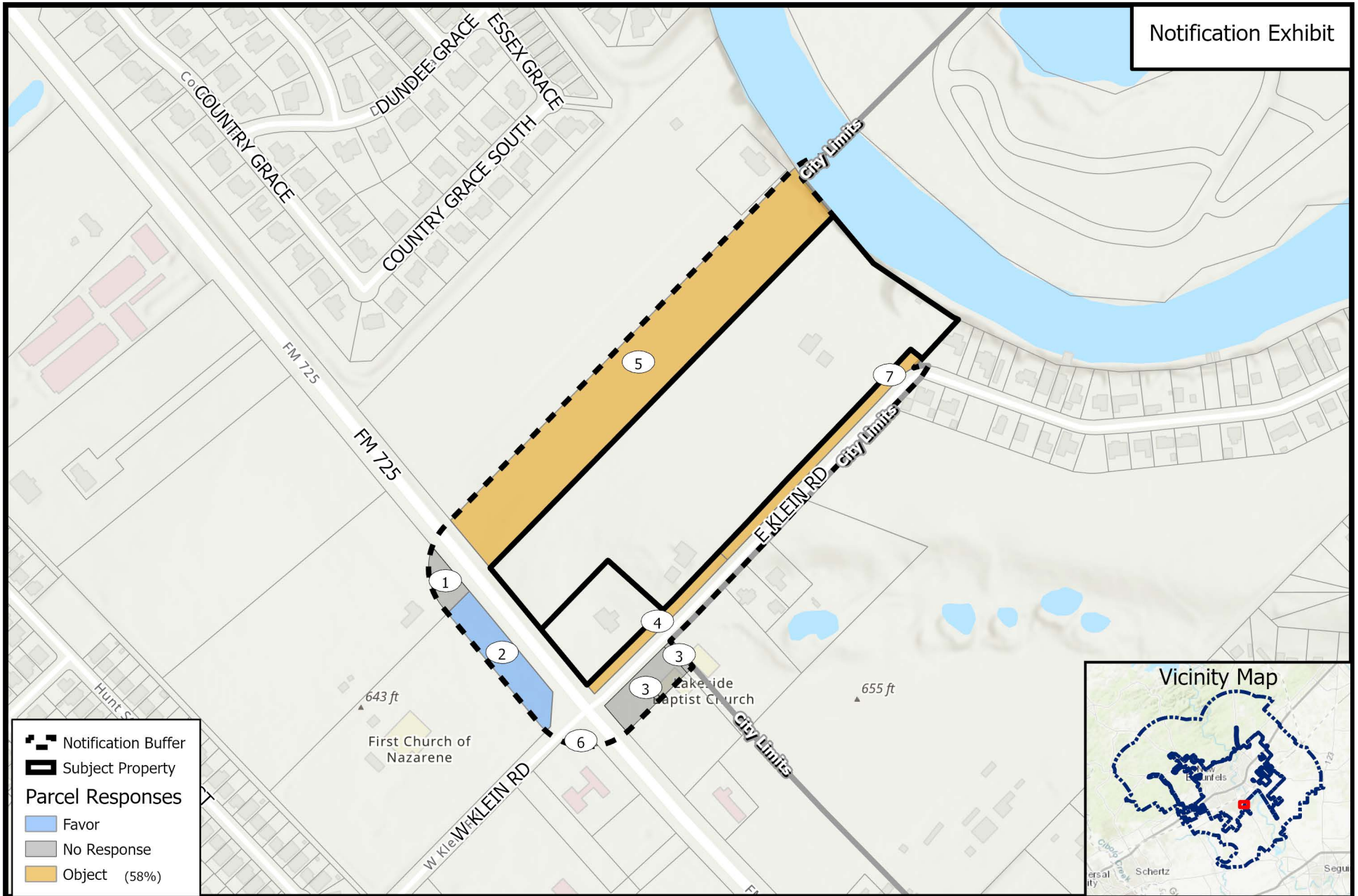
Address/Location: 2655 FM 725

PROPOSED ZONE CHANGE – CASE #DCP20-327

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

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

SEE MAP



YOUR OPINION MATTERS - PLEASE RETURN THIS FORM COMPLETED

Case: #DCP20-327 (MG)

Name: NB Church of the NazareneI favor: XAddress: 210 W. Klein Road, NB, 78130Property number on map: 2

I object: _____

(State reason for objection)

Comments: (Use additional sheets if necessary)

~~RECEIVED~~

MAR 10 2021

We will go on record as supporting this new apartment development, and welcoming new families to our neighborhood in New Braunfels! It's exciting to see that vacant lot put to use!

Thank you for notifying us of this

We would like to talk about the possibility of an ingress/egress to our property, directly across the street from the potential entryway to the apartments, if there is an ingress/egress to their property along FM 725. Thank you

Signature: 

January 26, 2021

JAN 27 2021

Case: #DCP20-327 (MG)

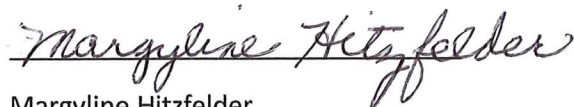
Name Margyline Hitzfelder

Mailing Address 2553 FM 725, New Braunfels, TX 78130

Property number on map 5

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

Thank you,



Margyline Hitzfelder

YOUR OPINION MATTERS - DETACH AND RETURN

189

Case: #DCP20-327 (MG)

Name:

Duelm Partners Ltd

Address:

2867 FM 725 NB TX

Property number on map:

7 and 4

I favor:

I object:

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature:

Merlyn Duelm
Merlyn Duelm

The proposed rezoning change
for this proposed development
is a great safety concern.

(continued on back)

The traffic situation on
FM 725 would increase causing
more of a major traffic problem
than the currently existing
issues.

Merlyn Duelm
2-01-2021

January 26, 2021

JAN 27 2021

Case: #DCP20-327 (MG)


Name Marilyn Kadlecek

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

Property number on map – within 70 feet of property

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

Thank you,

A handwritten signature in cursive script that reads "Marilyn Kadlecek". The signature is written in dark ink and is positioned above the printed name.

Marilyn Kadlecek

January 26, 2021

JAN 27 2021

Case: #DCP20-327 (MG)

Name Karen Nussbaumer

Mailing Address 2323 Bretzke Ln, New Braunfels, TX 78132

Affected Property Address 433 E Klein

Property number on map 75 feet from property

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

Sincerely,

A handwritten signature in cursive script that reads "Karen Nussbaumer". The signature is written in dark ink and is positioned above a horizontal line.

Karen Nussbaumer

From: [Gina Griffith](#)
To: [Matt Greene](#)
Subject: Case # DCP20-327
Date: Wednesday, January 27, 2021 8:50:43 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.

Mr. Greene,

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

Sincerely,

Gina Griffith
[306 E Klein Rd.](#)
[New Braunfels, TX 78130](#)

Sent from my iPad

From: [Ron Griffith](#)
To: [Matt Greene](#)
Subject: Case number Case #DCP20-327
Date: Wednesday, January 27, 2021 8:19:48 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.

Matt Greene,

My Name is Ron Griffith

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

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

I oppose this proposed rezoning for the following reasons.

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

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

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

Several factors assisted in the decision to purchase where we did. One of the biggest reasons is that we knew Grandpa Al Kosko, the previous owner of the land, would never sell or develop.

He absolutely loved the property with all he had. Until his death, he and I discussed what he wanted to do with the property. His adamancy to keep the property open land was a point he was always certain to make. I have been taking care of the property for eight years, as long we have lived on Klein road. Grandpa Al and I visited almost daily for years. I was the closed person to him as he had no biological relatives left in this world. When he passed away so did his lineage and now this proposal will change his legacy, his long-spoken wishes, and the treasured value of the open property.

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

From: [Kyla Griffith](#)
To: [Matt Greene](#)
Subject: Regarding Case #DCP20-327
Date: Saturday, January 30, 2021 7:51:26 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.

To whom it may concern,

Good afternoon, I am writing in regards to case #DCP20-327. My name is Kyla Griffith and my family owns the house across the street from the property, 306 E. Klein. This house is special. Being a nomadic family, growing up I had never lived in a house longer than two years. This home has been a home for me for seven. This home has been a place to return after college, a place to bring friends and enjoy the serenity that Klein road holds. My family moved from Wyoming, and didn't plan on staying in Texas; but when my parents found this house our lives took a different and wonderful turn. The calm street with nothing but fields in all lines of sight, reminded us all of back home. It was like the stars had aligned as they had been eyeballing the property for months. They bought it, they poured blood, sweat, and tears into making it ours. The location of this house played, and still plays, a significant role in the love for our home. While low income housing is crucial, there is other land for that. This land that has been protected for years and years by Grandpa Al, the previous owner of the property, and my father holds a level of sentimentality that I wish I could put in to words. Grandpa Al's dying wish was to never see the property developed. I know it's a lot to ask considering I can only briefly explain to you the amount of financial, physical, and emotional ties that my family and I have to this beautiful piece of untouched property, but I do so humbly. I ask you to please reconsider developing this property. Our happy and established lives would flip upside down.

Thank you for your time.

With respect,
Kyla Griffith

From: [Amy Erickson](#)
To: [Matt Greene](#)
Subject: Opposed to Proposed Zoning Change
Date: Friday, January 29, 2021 3:05:19 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.

Case number Case #DCP20-327

Name: Amy Erickson
Address 306 E Klein Rd, New Braunfels, TX 78130

My home is located across the street to the property currently requesting a zone change. I strongly and passionately oppose this proposed zoning change.

Not only would it impact my peace of mind, but it would also greatly impact the neighborhood, quality of life, and joy from the entire community.

I have lived at this location for nearly 5 years, transplanted from Nebraska. After living in San Antonio and experiencing the hectic noise and rush of city life, I came here specifically to enjoy the peace, quiet, and beauty of this home and location. I have finally found somewhere to call "home" and have loved and found peace here. This home is everything I wanted, and even more so NEEDED. The trees, pasture, animals, and especially the QUIET called out to me and why I chose to live here. Not having loud neighbors and incessant traffic has been extremely important. These things are what I love about my home here.

We moved here with the understanding that the land would not be commercialized and that our quality of life here would be enjoyed for years to come. This is our community and it needs to stay as it was intended.

Sincerely,
Amy Erickson
210.331.1208
amy.erickson.tx@gmail.com

--

Thank you,

Amy Erickson
210.331.1208
amy.erickson.tx@gmail.com
www.linkedin.com/in/amy-ericksontrng/

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

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

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

Sincerely,

Ron Griffith

307-217-3332

From: [David Mueller](#)
To: [Matt Greene](#)
Subject: #DCP20-327
Date: Friday, January 29, 2021 8:24:01 AM

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

Mr Green

I am David Mueller and live on 301 E Klein Rd, New Braunfels ,Tx 78130.

My house is adjacent to the property requesting a zone change. I oppose this proposed zoning change because a high density development would greatly impact my piece and quiet. Thank you for hearing my objection.

Sincerely

David Mueller

830-237-2311

dmueller@nbsd.org

Sent from my iPhone

--

CONFIDENTIALITY NOTICE: This email & attached documents may contain confidential information. All information is intended only for the use of the named recipient. If you are not the named recipient, you are not authorized to read, disclose, copy, distribute or take any action in reliance on the information and any action other than immediate delivery to the named recipient is strictly prohibited. If you have received this email in error, do not read the information and please immediately notify sender by telephone to arrange for a return of the original documents. If you are the named recipient you are not authorized to reveal any of this information to any other unauthorized person. If you did not receive all pages listed or if pages are not legible, please immediately notify sender by phone.

From: [rsmitchan](#)
To: [Matt Greene](#)
Subject: Case #DCP20-327
Date: Sunday, January 31, 2021 9:28:49 AM

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.

Case #DCP20-327

Name: Scott and Rose Mitchan
Address: 310 East Klein Road, New Braunfels, TX 78130

My house is a couple of houses from the property requesting zone change. I oppose this proposed zoning change because it would greatly impact my peace and quiet.

Sincerely,
Scott and Rose Mitchan
830-237-5190
rsmitchan@gmail.com
mitchansplumbing@gmail.com

Draft Minutes for the February 2, 2021 Planning Commission Regular Meeting

D) Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 19.963 acres out of the Sarah DeWitt Survey No. 48, Abstract No. 103, in Guadalupe County, Texas, located at the northeast corner of the intersection of FM 725 and East Klein Road, from “R-1” Single-Family District and “APD” Agricultural/Pre-Development District to “REAPD” River’s Edge Apartments Planned Development District. Applicant: Herman Kittle Properties, Inc. (Elena Sanders, Director of Development); Owner: Margaret Denise Kosko; Case Manager: Matt Greene.

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

Chair Edwards asked if there were any questions for staff.

Discussion followed on access to FM 725 and Klein Rd.

Chair Edwards asked if the applicant would like to speak.

Elena Sanders, Herman & Kittle Properties, 500 East 96th Street STE 300, addressed various concerns brought up previously and additional concerns brought up with public notice responses.

Discussion followed on height, access, surrounding properties, setbacks, and topography.

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

Karen Nussbaumer, 2323 Bretzke Ln, stated opposition to the request citing traffic and noise.

Ron Griffith, 306 E Klein, stated opposition to the request citing neighborhood character.

Chair Edwards closed the public hearing.

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

Motion by Commissioner Meyer, seconded by Commissioner Sonier, to recommend approval to City Council of the proposed rezoning of approximately 19.963 acres out of the Sarah DeWitt Survey No. 48, Abstract No. 103, in Guadalupe County, Texas, located at the northeast corner of the intersection of FM 725 and East Klein Road, from “R-1” Single-Family District and “APD” Agricultural/Pre-Development District to “REAPD” River’s Edge Apartments Planned Development District. Motion failed (3-0-6) with Vice Chair Laskowski, Commissioner Gibson, Commissioner Reaves, Commissioner Mathis, Commissioner Nolte, and Commissioner Sonier in opposition.

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 19.963 ACRES OUT OF THE SARAH DEWITT SURVEY NO. 48, ABSTRACT 103, GUADALUPE COUNTY, TEXAS, LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF FM 725 AND EAST KLEIN ROAD, FROM “R-1” SINGLE FAMILY DISTRICT AND “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT TO “REAPD” RIVER’S EDGE APARTMENTS PLANNED DEVELOPMENT DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of the “PDD” Planned Development District, the City Council has given due consideration to all components of said district; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the requested rezoning is in accordance with Envision New Braunfels, the City’s Comprehensive Plan; and

WHEREAS, the City Council desires to amend the Zoning Map by rezoning approximately 19.963 acres out of the Sarah DeWitt Survey No. 48, Abstract No. 103, Guadalupe County, Texas, located at the northeast corner of the intersection of FM 725 and East Klein Road, from “R-1” Single Family District and “APD” Agricultural/Pre-Development District to “REAPD” River’s Edge Apartments Planned Development District, **now, therefore;**

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

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by rezoning the following described tract of land from “R-1” Single Family District and “APD” Agricultural/Pre-Development District to “REAPD” River’s Edge Apartments Planned Development District:

Approximately 19.963 acres out of the Sarah DeWitt Survey No. 48, Abstract No. 103, Guadalupe County, Texas, located at the northeast corner of the intersection of FM 725 and East Klein Road, as described in Exhibit "A" and delineated in Exhibit "B" attached, and adopting the "REAPD" River's Edge Apartments Planned Development District Concept Plan as depicted on Exhibit "C" and the Development Standards as stated in Exhibit "D".

SECTION 2

THAT approval of the "REAPD" River's Edge Apartments Planned Development District is subject to the following condition:

1. A Detail Plan application must be submitted to the City and approved by the Planning Commission prior to approval of any City issued permits to begin construction of the proposed development.

SECTION 3

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

SECTION 4

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

SECTION 5

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

SECTION 6

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

PASSED AND APPROVED: First reading this 22nd day of March, 2021.

PASSED AND APPROVED: Second reading this 12th day of April, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

METES & BOUNDS DESCRIPTION OF A 19.963 ACRE TRACT OF LAND

DESCRIPTION of a 19.963 acre tract of land located in the Sarah Dewitt Survey No. 48, Abstract Number 103, City of New Braunfels, Guadalupe County, Texas, said tract being all of that certain 20 acre tract described in an Executor's Deed to Margaret Denise Kosko recorded in File Number 201999018632 in the Official Public Records of Guadalupe County, Texas (O.P.R.G.C.T.), said 19.963 acre parcel being more fully described as follows (Bearing system for this survey is based on the Texas Coordinate System of 1983 (2011 adjustment), South Central Zone 4204):

BEGINNING, at a 1/2 inch iron rod found for the south corner of said 20 acre tract, same being the intersection of the northwest right-of-way line of County Road No. 368 (aka East Klein Road) and the northeast right-of-way line of Farm to Market Road 725;

THENCE, North 39 degrees, 29 minutes, 08 seconds West, with the southwest line of said 20 acre tract and the northeast right-of-way line of said Farm to Market Road 725, a distance of 535.89 feet to a 1/2 inch iron rod found for the west corner of said 20 acre tract, same being the south corner of that certain 25.000 acre tract described in a Special Warranty Deed to Margyline Hitzfelder, Trustee of the Leonard Hitzfelder Family Trust recorded in File Number 2012011260, O.P.R.G.C.T.;

THENCE, North 44 degrees, 18 minutes, 09 seconds East, departing the northeast right-of-way line of said Farm to Market Road 725 and with the northwest line of said 20 acre tract and the southeast line of said 25.000 acre tract, a distance of 1,586.70 feet to a point for the north corner of said 20 acre tract, the east corner of said 25.000 acre tract and on the southwest bank of Lake Dunlap, from which a nail with shiner in a fence post bears South 51 degrees, 26 minutes East, a distance of 0.6 feet;

THENCE, South 51 degrees, 26 minutes, 20 seconds East, with the northeast line of said 20 acre tract and the southwest bank of said Lake Dunlap, a distance of 528.21 feet to a 1/2 inch iron rod found for the east corner of said 20 acre tract, same being on the northwest line of that certain 0.404 acre tract described in a Warranty Deed with Vendor's Lien to David W. Mueller recorded in File Number 1997008184, O.P.R.G.C.T.;

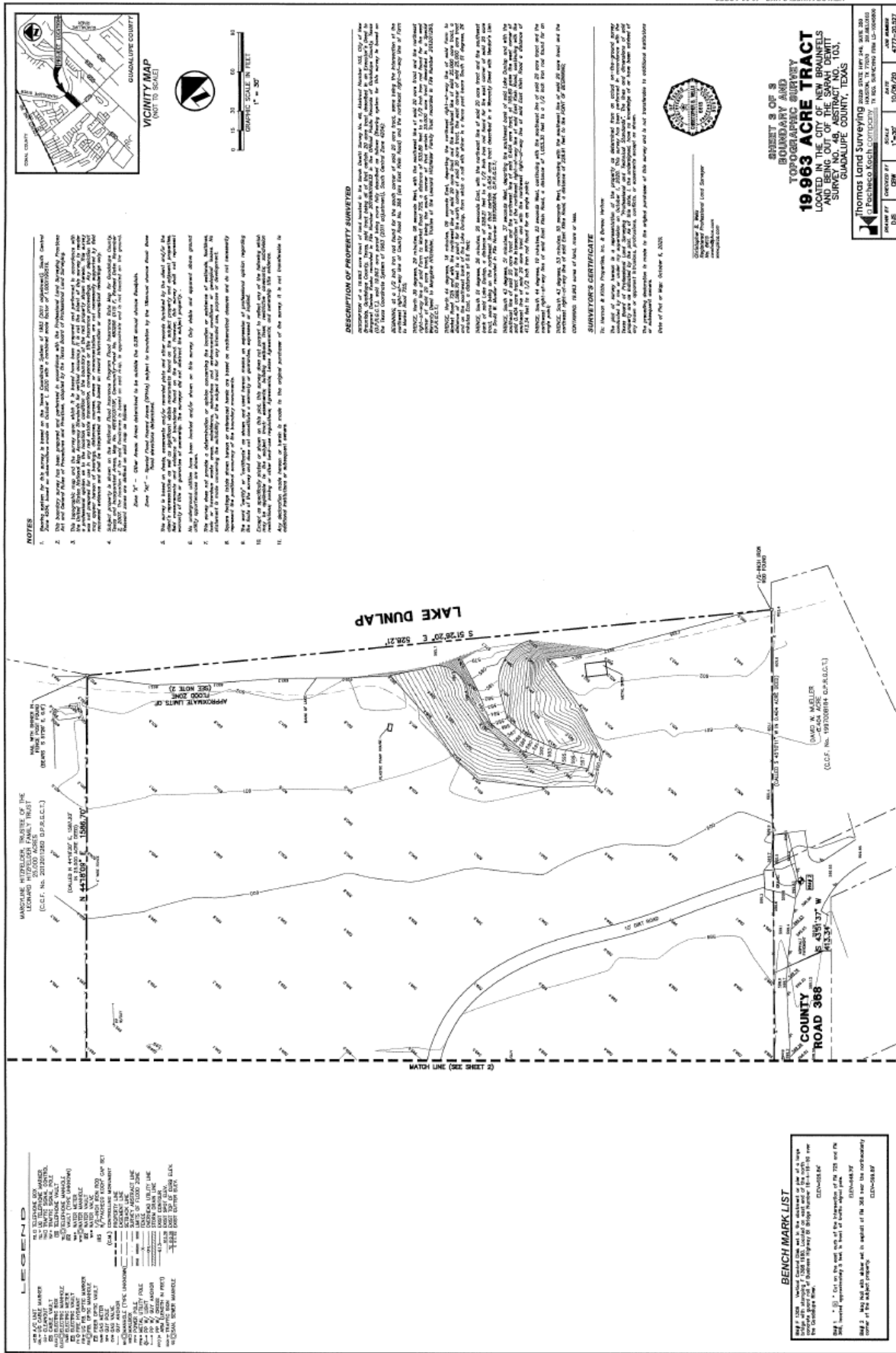
THENCE, South 43 degrees, 51 minutes, 37 seconds West, departing the southwest bank of said Lake Dunlap and with the southeast line of said 20 acre tract and the northwest line of said 0.404 acre tract, at 195.80 pass the west corner of said 0.404 acre tract and the intersection of the northeast right-of-way line of said East Klein Road, continuing with the southeast line of said 20 acre tract and with the northwest right-of-way line of said East Klein Road a distance of 413.34 feet to a 1/2 inch iron rod found for an angle point;

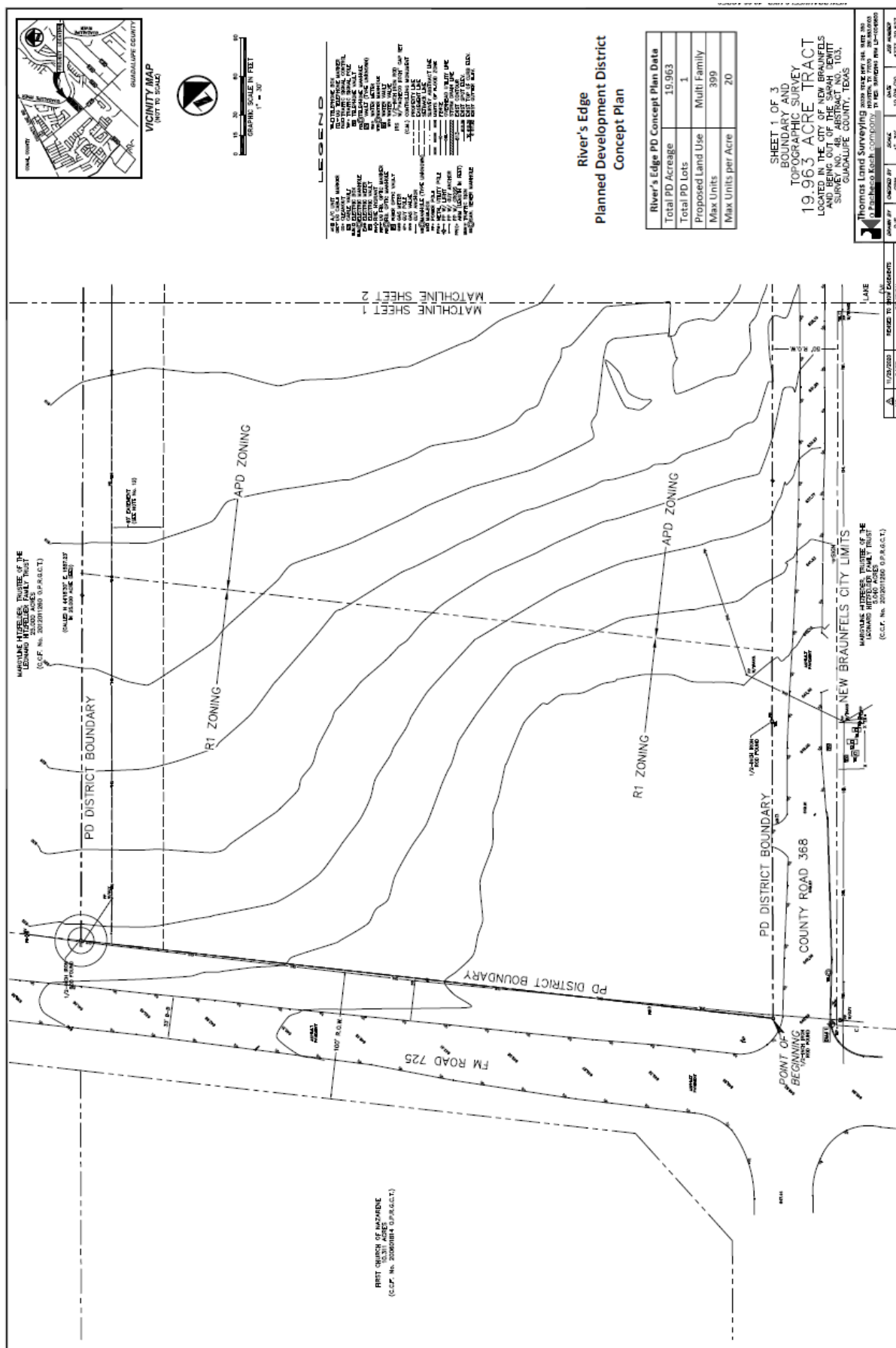
THENCE, South 44 degrees, 10 minutes, 23 seconds West, continuing with the southeast line of said 20 acre tract and the northwest right-of-way line of said East Klein Road, a distance of 1,055.30 feet to a 1/2 inch iron rod found for an angle point;

THENCE, South 43 degrees, 53 minutes, 55 seconds West, continuing with the southeast line of said 20 acre tract and the northwest right-of-way line of said East Kline Road, a distance of 228.91 feet to the POINT OF BEGINNING;

CONTAINING: 19.963 acres of land, more or less.

EXHIBIT "A"





"River's Edge Apartments" Planned Development District

Development Standards

- 1) *Base Zoning.*
 - i) "R-3H" Multifamily High Density District as defined by the City of New Braunfels Code of Ordinances Chapter 144, Article III, Section 144-3.4-5.
- 2) *Minimum lot area.*
 - i) Lot area. The minimum lot area for a multifamily dwelling shall be 20,000 square feet; for each unit over ten an additional 2,250 square feet of lot area shall be required.
- 3) *Minimum lot width and depth.*
 - i) Width of lot. The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet.
 - ii) Lot depth. The minimum depth of the lot shall be 100 feet.
- 4) *Minimum front, side, and rear building setback areas.*
 - i) Front building setback. 25 feet
 - ii) Rear building setback. 25 feet
 - iii) Side building setback. There shall be a side building setback on each side of a building not less than 25 feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots
 - iv) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from public the right-of-way to the garage, if attached to a public right of way, shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed.
 - v) Residential setback.
 - (1) Where a multifamily dwelling abuts a one- or two-family use or zoning district, a multifamily building's average setback from the one- or two-family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet. A building's height for this requirement is to be measured from grade to eve. A building's average setback is to be determined by averaging the distance a building's closest and furthest corners on the side of the building facing the property line.
 - (2) Where a multifamily dwelling abuts a one or two-family use or zoning district, no multifamily building will be within 60 feet of a one or two-family residential structure certified for occupancy.
- 5) *Maximum height of buildings.*
 - i) 45 feet, 50 feet when a pitched roof is used (minimum 4:12 pitch).
- 6) *Maximum building coverage.*
 - i) Lot coverage. The maximum building coverage shall be 30% percent of the total lot or tract.
- 7) *Maximum Lot Coverage*
 - i) Impervious Coverage: The maximum impervious cover for the development shall be 65% of the total lot or tract.

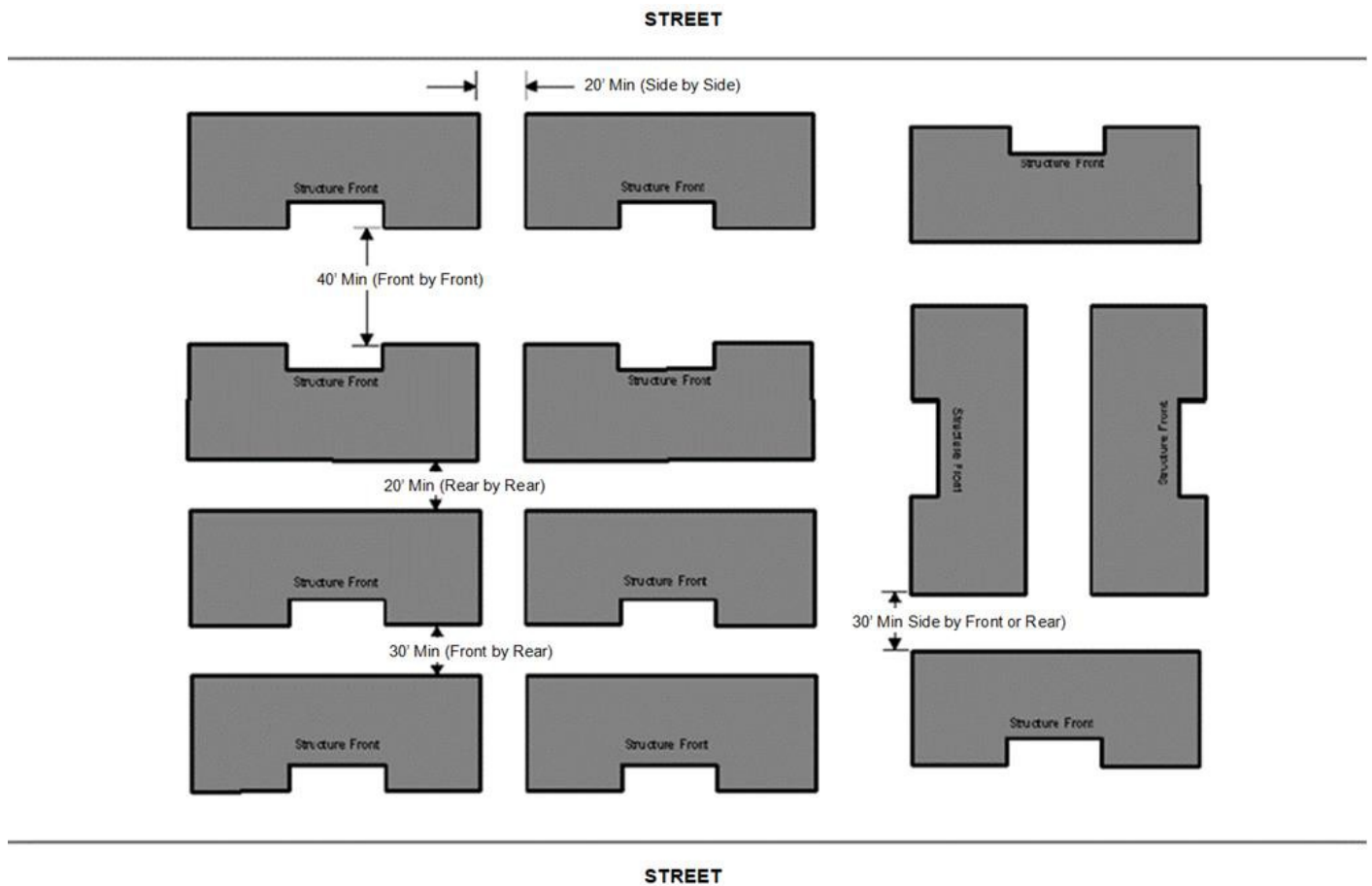
8) *Minimum parking standards for each general land use.*

- i) One-bedroom apartment or unit: One and one-half spaces.
- ii) Two-bedroom apartment or unit: Two spaces.
- iii) Each additional bedroom: One-half space.

9) *Distance between structures.*

- i) For multifamily structures, there shall be a minimum of 20 feet between structures side by side; a minimum of 30 feet between structures side by front or rear; a minimum of 40 feet between structures front to front; and a minimum of 20 feet between structures backing rear to rear, and a minimum of 30 feet front to rear. (See Illustration 1.)

Illustration
1



3/22/2021

Agenda Item No. D)

Presenter

Christopher J. Looney, AICP, Planning and Development Services Director
clooney@nbtexas.org

SUBJECT:

Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow outdoor music in the "C-1" Local Business District adjacent to residential use on approximately 1.2 acres consisting of Lot 5, Block 1, Rio Vista Addition, addressed at 1951 Gruene Road.

BACKGROUND / RATIONALE:

Case No.: SUP20-298

Council District: 4

Applicant:

Roger Rocket Real Estate LLC
422 Elmwood Drive
New Braunfels, TX 78130
(713) 446-9793
rfwilkinson@gmail.com

Ross Wilkinson, Managing Member

Owner:

1951 Gruene Road
New Braunfels, TX 78130

Rosemary R.C. Nunez (Phillips)

Staff Contact:

Matthew Simmont, AICP
(830) 221-4058
msimmont@nbtexas.org

The 1.185-acre subject property is located south of Loop 337 on the east side of Gruene Road. The site is developed with a 1,216 square foot residential structure that was constructed in 1968. The applicant would like to convert the house to commercial restaurant use and is requesting approval of a Special Use Permit (SUP) to allow the potential future restaurant to have live outdoor music.

Their plan is to extend a covered outdoor patio from the rear of the building. The conceptual site plan shows a total of 20 tables arranged with six tables within the enclosed dining room and restaurant, nine tables under the covered patio, and five open air tables with space for live music performances.

To protect the quality and enjoyment of private residential property, Section 5.3-4 of the City's Zoning Ordinance prohibits outdoor music when adjacent to single-family residential and duplex zoning and land uses. The subject property is adjacent to single-family residential uses to the south and east. In addition, the site is adjacent to the 124-unit Ranch at the Guadalupe apartment

complex that was constructed in 2017.

Neighboring C-1 zoned property to the south with frontage on Gruene Road is developed with similar era single-family homes on large lots that were platted as the Rio Vista Addition in 1934. The surrounding neighborhood is well-established and stable. Property to the east is also part of the Rio Vista Addition. This area is zoned R-2 (Single-family and Two-family) and is developed with single-family homes. Property to the north is zoned C-1 and developed with a large apartment complex.

While the Zoning Ordinance includes the aforementioned residential protection provision, the purpose of the SUP process is to provide an opportunity for site-specific consideration of certain uses or activities that might otherwise be incompatible with adjacent uses or existing land use patterns. As SUPs are conditional zoning overlays, they can be approved with conditions to achieve compatibility and protect neighboring properties.

Surrounding Zoning and Land Use:

North - C-1 / Multifamily

South - C-1 / Single-family and two-family dwellings

East - R-2 / Single-family and two-family dwellings

West - Across Gruene Road and Union Pacific Railroad, M-1 / Commercial and agricultural

Determination Factors:

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

- Whether the permitted use will be appropriate in the immediate area and the relationship of the use to the surrounding area and to the City as a whole. *(The subject property is at the perimeter of an established residential area of single- and multi-family homes. Without sound mitigation measures, allowing outdoor music could introduce an incompatible land use to adjacent residents. The site appears capable of accommodating the required number of parking spaces. Parking, landscaping, and other site development standards will be reviewed for compliance during site plan review of the necessary commercial permit.)*
- Whether the zoning change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area. *(The proposed use does not appear to conflict with any of these elements. Although, site utility upgrades may be identified during the house conversion and permitting process.)*
- How other areas designated for similar development will be affected. *(Allowing outdoor music would not likely affect nearby areas designated for similar development.)*
- Any other factors that will substantially affect the public health, safety, morals, or general welfare. *(The use of outdoor music could negatively impact the health and general welfare of the public in neighboring residential areas.)*
- Whether the request is consistent with the Comprehensive Plan: *see below*

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	Action 3.3: Balance commercial centers with stable neighborhoods. Action 3.6: Proactively provide a regulatory environment that remains business and resident friendly. Future Land Use Plan: The property is situated in the New Braunfels Sub-Area and along a Transitional Mixed-Use Corridor.
--	---

FISCAL IMPACT:

1. If approved, the City's Code Compliance Team might be frequently called to enforce compliance with the SUP, due to the numerous homes in close proximity. This may have an impact on the team's resources.
2. If approved, the City's Police Department might be called to investigate noise complaints and frequently measure decibel levels pursuant to the City's Noise Ordinance (Section 82-9).

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on March 2, 2021 and recommended denial (7-0-1) with Commissioner Gibson absent; Commissioner Mathis abstained.

STAFF RECOMMENDATION:

Outdoor live music appears inappropriate at this location for the following reasons:

1. The property is surrounded on three sides by existing, stable residential uses. The conceptual site plan shows the music stage oriented toward the apartment complex. Given the difficulty of controlling noise trespass, it is anticipated that the use may create a nuisance for surrounding residents.
2. The applicant has not yet provided information regarding noise mitigation, or specific measures to minimize disruptions to neighbors. Per Section 82-9 of the City's Code of Ordinances, the maximum decibel level permissible for any type of sound emitted from a property that is located within 100 feet of a residential district is 85 decibels between 10:00 AM to 10:00 PM and 75 decibels at all other times.

Therefore, staff recommends denial. However, if City Council is inclined to approve, staff recommends the SUP include conditions. Examples of noise mitigation measures that have been suggested for similar projects and appropriate for consideration at this location include:

1. Require an acoustic shell for the stage that directs sound away from residences.
2. Set a size limit for the stage.
3. Limit live music to acoustic performances.
4. Limit performance hours.
5. Limit the days of the week that performances occur.
6. Specify rules for playing recorded music through outdoor speakers.
7. Increase site screening and landscaping requirements.
8. Require onsite monitoring and record keeping of decibel levels by the business owner.

Notification:

Public hearing notices were sent to 10 owners of property within 200 feet. The City has received no responses in favor and seven responses in objection (# 1, 2, 3, 4, 6, 7, 8) to the request. Opposition represents more than 20% of the notification area. Pursuant to state statute, a $\frac{3}{4}$ majority of City Council (6 votes) will be required for approval of the applicant's request unless that opposition changes. Staff received an additional 4 written responses from outside the 200-foot notification area.

RESOURCE LINKS:

- Chapter 82, Section 9. *Noise Regulations* of the City's Code of Ordinances:

[https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH82OFMIPR_S82-Chapter 144, Section 3.3-7. "C-1" Local Business District](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH82OFMIPR_S82-Chapter%20144_Section%203.3-7) of the City's Code of Ordinances:

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

- Chapter 144, Section 3.6 (SUP) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Section 5.3-4 *Additional Residential Buffering Requirements* of the City's Code of Ordinances:

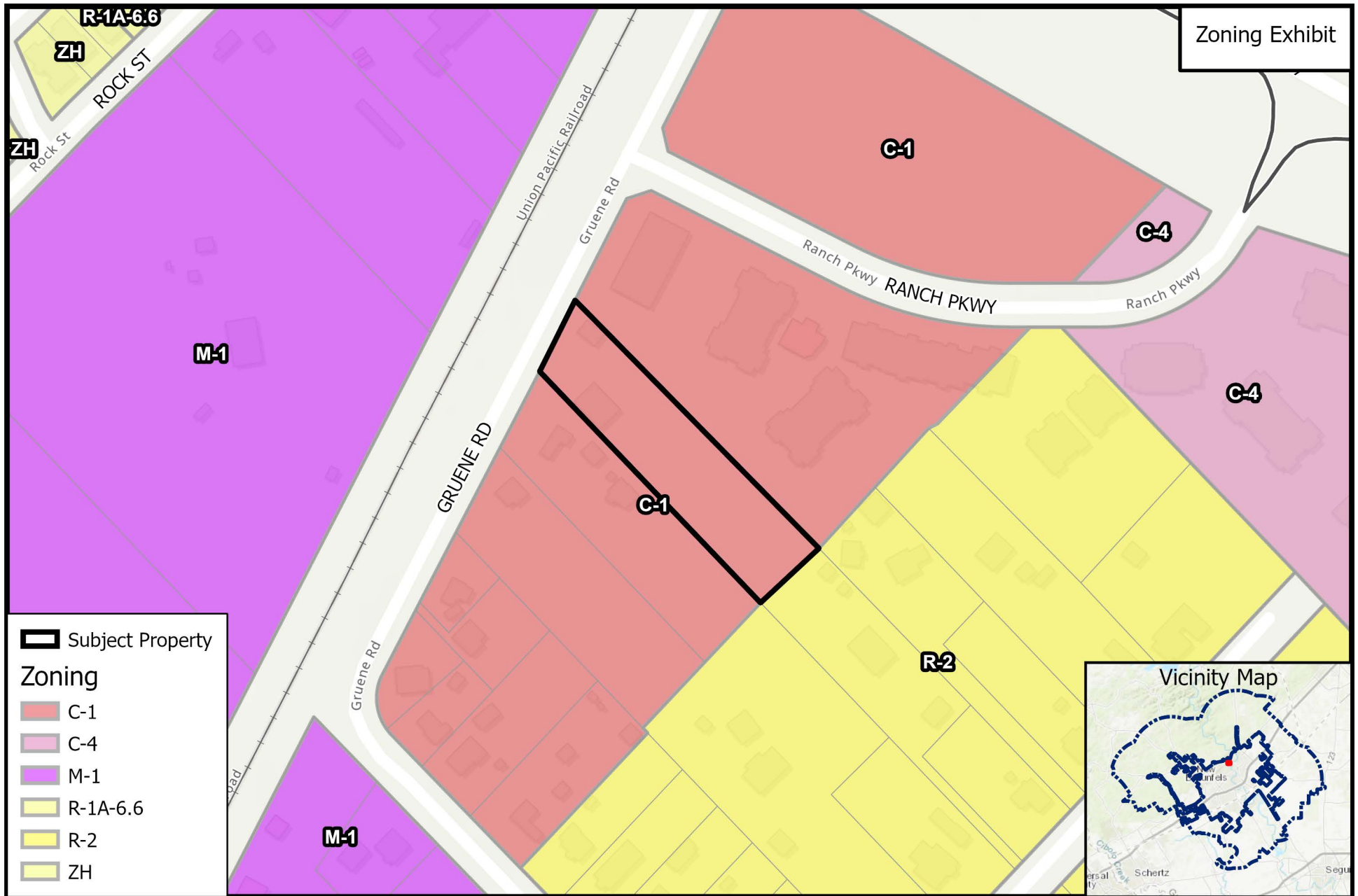
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

ATTACHMENTS:

1. Aerial Map
2. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
3. Request Letter and Conceptual Site Plan
4. Email Correspondence with Applicant
5. Notification List, Map and Responses
6. Draft Planning Commission Meeting Minutes
7. Ordinance

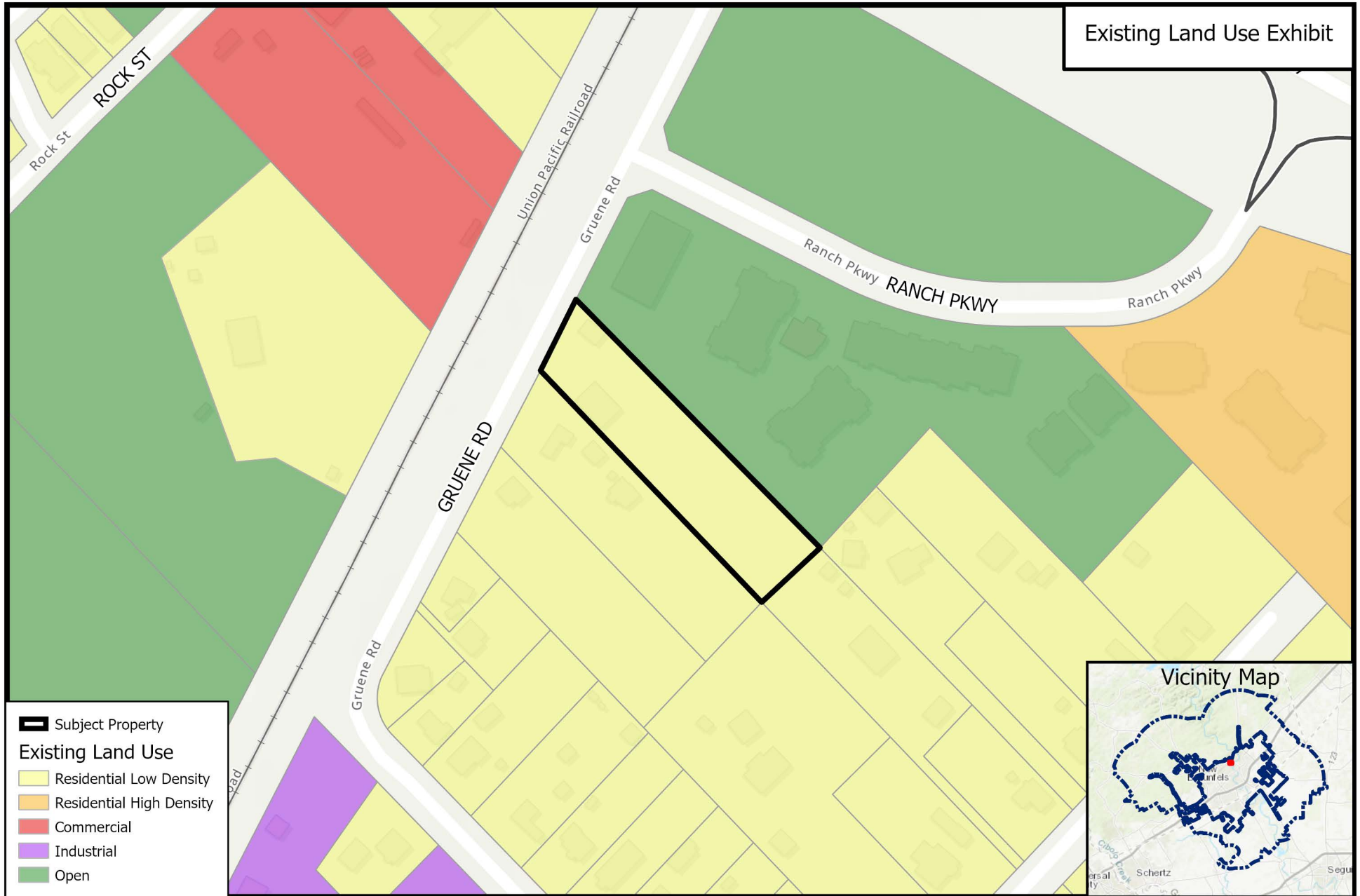


SUP20-298
SUP to allow for live music



SUP20-298 **SUP to allow for live music**





SUP20-298
SUP to allow for live music

EXISTING CENTERS

Centers are the middle, core or heart of an area. It is a point of activity and vitality. Centers come in many sizes and have different purposes or activities within. They may have endangered species habitat or aquifer recharge areas that require additional standards and consideration relating to future growth. It is envisioned that all centers be walkable, connected, and have a mix of uses. These centers must provide adequate infrastructure to support the commercial development present especially mobility and access for pedestrians, bicycles, vehicles and transit. Given the mixed-use nature of these centers, parking should be shared and not detract from the aesthetic of the area.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

MEDICAL CENTER

Medical Centers are mixed-use areas centered around a medical destination such as a hospital or clinic.

CIVIC CENTER

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

OUTDOOR RECREATION CENTER

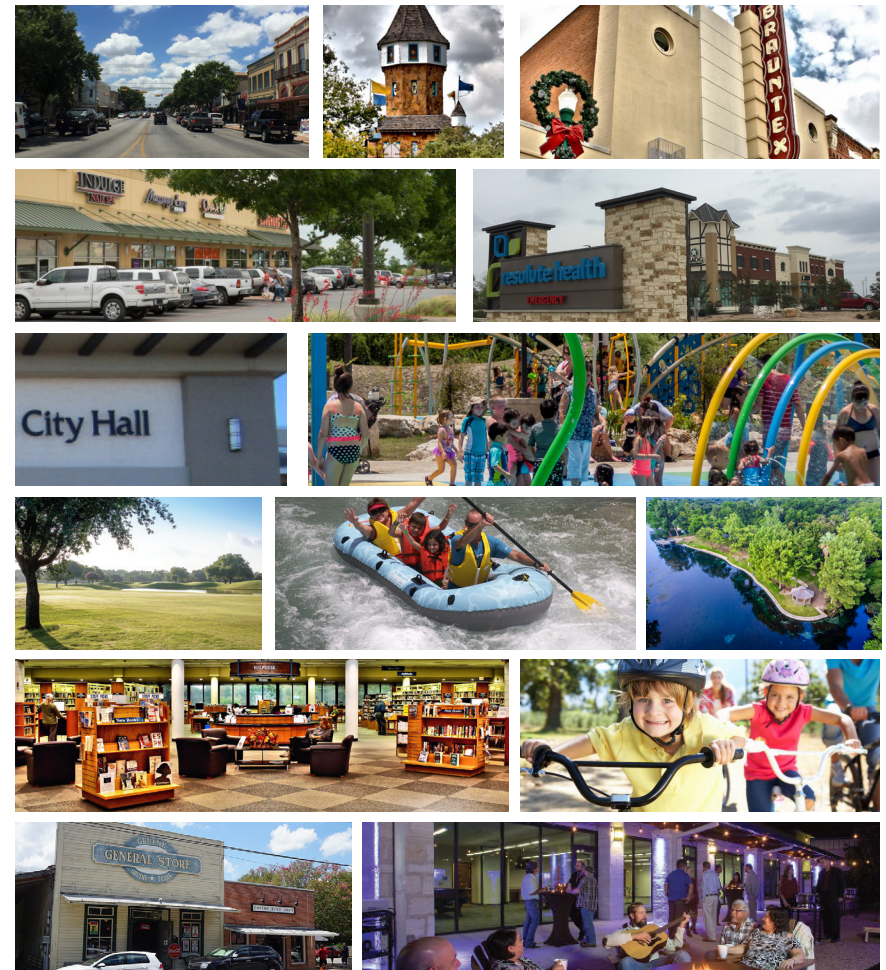
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

EDUCATION CENTER

Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

TOURIST/ENTERTAINMENT CENTER

Tourist/Entertainment Centers are mixed-use areas around an entertainment venue such as Gruene Hall or a tourist destination such as the Tube Chute.



FUTURE LAND USE PLAN

A future land use plan is how land is envisioned to be. It establishes priorities for more detailed plans (sub area plans) and for detailed topical plans (such as parks and open spaces, trails and roads). It cannot be interpreted without the goals and actions of Envision New Braunfels.

TRANSITIONAL MIXED-USE CORRIDOR

Transitional Mixed-Use Corridors express an aspiration to retrofit existing auto-dominated retail corridors with a mix of uses and a variety of travel modes over time.

OUTDOOR RECREATION CENTER

Outdoor Recreation Centers are centered around a public or private outdoor destination like Fischer Park.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

CIVIC CENTER

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

SUB AREA 1

Sub Area 1 includes the Downtown, Gruene and the Mid-Century or older neighborhoods that surround them. It is home to the natural springs and headwaters of flowing rivers that have attracted New Braunfelsers to the town for centuries.

SUB AREA 2

Sub Area 2 refers to the neighborhoods and residential enclaves that have grown alongside the Hill Country landscape.

SUB AREA 3

Sub Area 3 includes a planned community offering a diversity of housing, distinct community centers and preserved Hill Country landscape features.

SUB AREA 4

At the heart of Sub Area 4 is Fischer Park. Proximity to IH-35, downtown and neighboring communities like McQueeney makes this area highly desirable and accessible.

SUB AREA 5

Sub Area 5 bridges together many communities east of IH-35. It includes the scenic landscape along both banks of the Guadalupe River between Highway 46 and FM 725.

SUB AREA 6

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

SUB AREA 7

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

SUB AREA 8

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



THE LYONS GROUP

November 29, 2020

City of New Braunfels
Building, Planning & Zoning
550 Landa Street
New Braunfels, Texas 78130

Re: 1951 Gruene Road, Zoned C-1
Special Use Permit Application

On behalf of my client Ross Wilkinson, Managing Member of Roger Rocket Real Estate LLC, please find attached the Special Use Permit (SUP) Application and attachments for filing with the City Building, Planning & Zoning and appropriate fees.

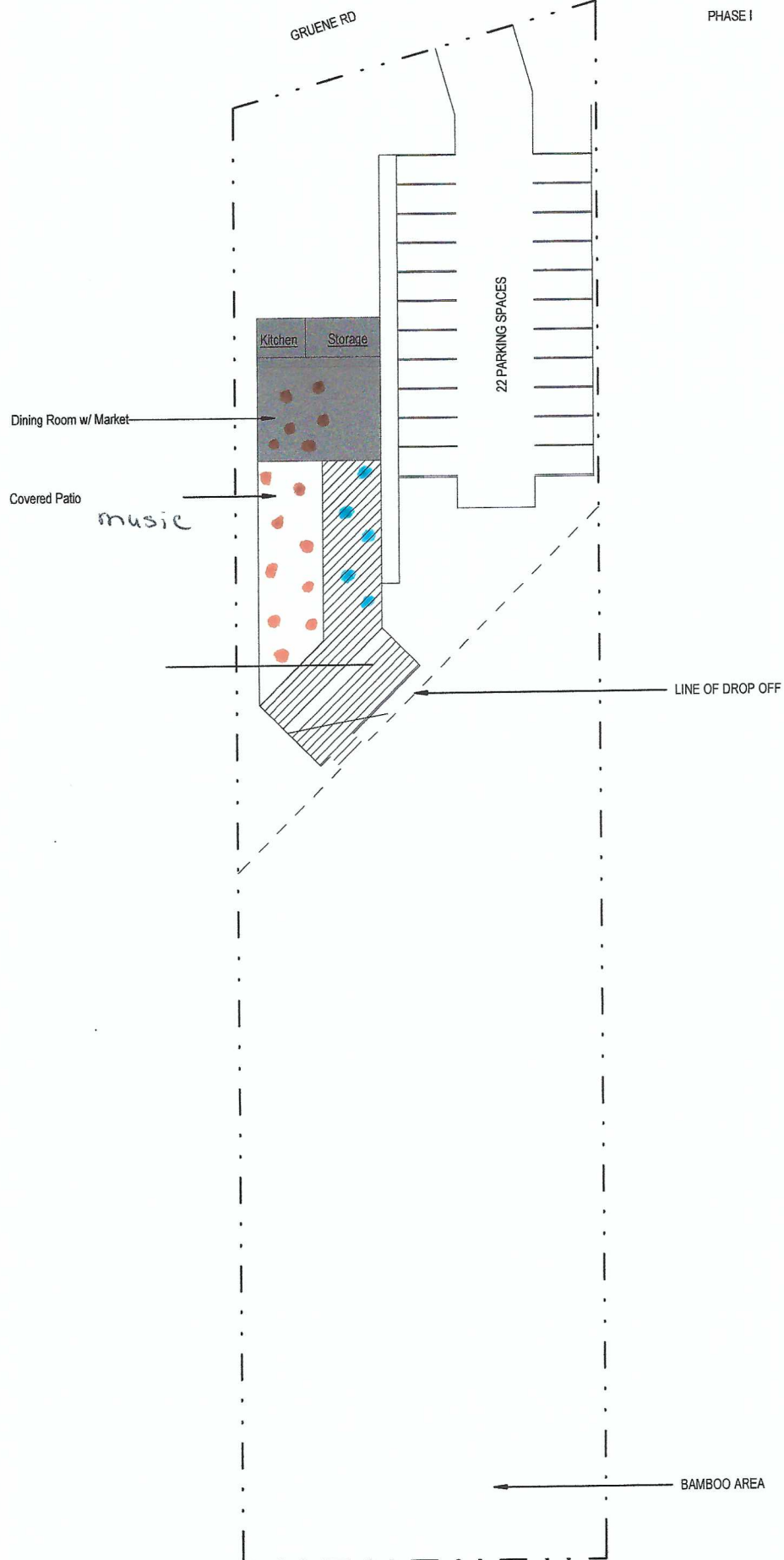
The purpose of this application is for the approval and acceptance by the Board and City Council for live music on the patio of his "to be built" restaurant at 1951 Gruene Road.

If you have any questions, comments or corrections please contact me at your earliest possible opportunity at the phone number listed below.

Thank you for your attention and cooperation in this matter.

Sincerely,

Michelle Lyons
/ml
attachments



From: [Matthew W. Simmont](#)
To: [Ross Wilkinson](#)
Cc: [Michelle Lyons](#)
Subject: RE: 1951 Gruene Road SUP request
Date: Friday, February 12, 2021 4:14:58 PM
Attachments: Surrounding Addresses.docx
SUP20-298.xls

Thank you for the update Ross,

We will not need to send out a new property owner notification for this SUP request. I would encourage you to reach out to the surrounding property owners to discuss some of the details and provide the additional information that you outlined in your email. The surrounding owners can send in updated/additional responses up until City Council consideration of the request. There will also be opportunity for further discussion on the specifics of your request during the Planning Commission and City Council meetings.

In case it might be helpful, I have attached an address listing and mail merge of the surrounding property owners. Feel free to use this information to reach out to the neighbors so that you may communicate with them directly on the request.

Please let me know if you have any questions.

Thank you,

Matthew W. Simmont, AICP
Planner | Planning and Development Services
550 Landa St | New Braunfels, TX 78130
830-221-4058 | MSimmont@nbtexas.org | www.nbtexas.org/planning
#OneCityOneTeam

From: Ross Wilkinson <rossfwilkinson@icloud.com>
Sent: Friday, February 12, 2021 3:01 PM
To: Matthew W. Simmont <MSimmont@nbtexas.org>
Cc: Michelle Lyons <marymmathis4@gmail.com>
Subject: Re: 1951 Gruene Road SUP request

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.

Hi Matthew,

Thank you again for reaching out to me on this reminder. Below please find a message I would like to pass on to our new neighbors and anyone else of whom it may concern.

Hello,

My name is Ross Wilkinson and I have owned a restaurant in New Braunfels for nearly 6 years by The Name, The River House. Over the last year, as many would imagine, we have had to stay on our toes and do all we could to survive the covid-19 crisis. Over the last year I found myself looking for a location I could purchase to expand our market, catering and to go business while staying in Gruene. I came across 1951 Gruene Rd and saw enormous potential for the concept that I am planning on bringing to this location.

That brings me to the purpose of this letter. I wanted to explain to my future neighbors what I feel was a big misunderstanding as far as "outdoor music" goes. I was able to read many of the responses from those who received notice and the overwhelmingly common theme was that neighbors did not want a live music venue opening up here and they certainly didn't want music playing loud and late. This I completely understand and fully agree with so I was motivated me to make sure that we were able to explain that we were not looking to open a live music venue or play music loud or late on this property. The reason for the SUP aka "Special Use Provision" letter was that we wanted to be able to offer an acoustic solo keyboard or guitar during a Sunday brunch or Valentine's dinner. We do acoustic dinners and brunches at our current location and we have never played anymore than a duet at a time and never have we ever had anyone play later than 9pm. My intentions behind making sure we had the "all clear" for what is called outdoor music were for scenarios such as this. We are not looking to be a live music venue.

We would like to make an agreement with our neighbors and neighborhood that would promise no music after 9pm. No full bands. No drums or loud crash symbols. We are a food and beverage concept first and foremost and in this business of hospitality the ambiance can be a big element that enhances the guest experience....and that has a lot to do with lights, food, service, atmosphere and sometimes music...especially in New Braunfels. This is an "as needed" type of situation and not what I would consider routine. We are excited to come to the area and get to

work. I'm looking forward to providing what I feel is a much needed product in an underserved area and I'm looking forward to getting to know you all as neighbors and hopefully customers.
I appreciate the time you have taken to read this.
Thank you,
Ross Wilkinson

On Feb 11, 2021, at 10:27 AM, Matthew W. Simmont <MSimmont@nbtexas.org> wrote:

That sounds great Ross. Thank you for getting back to me!

<EmailLogo-Small_c6d86cff-0062-47bb-89b0-351933562e2d.png> Matthew W. Simmont, AICP
Planner | Planning and Development Services
550 Landa St | New Braunfels, TX 78130
830-221-4058 | MSimmont@nbtexas.org | www.nbtexas.org/planning

#OneCityOneTeam

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<instagram_59f46ed4-523c-47da-a034-86de8a4782fc.png>

Do you have a question about a permit? Check out the [Citizen Portal](#).
We encourage you to keep up with the progress on our new comprehensive plan by visiting www.envisionnewbraunfels.org.

This email, plus any attachments, may constitute a public record of the City of New Braunfels and may be subject to public disclosure under the [Texas Public Information Act](#).

Please take a moment to complete the City of New Braunfels [Customer Satisfaction Survey](#).

From: RF Wilkie <rfwilkinson@gmail.com>
Sent: Thursday, February 11, 2021 10:14 AM
To: Matthew W. Simmont <MSimmont@nbtexas.org>
Cc: Michelle Lyons <marymathis4@gmail.com>
Subject: Re: 1951 Gruene Road SUP request

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.

Matthew,
Thank you so much for the follow up. Hope you are well. I'm sorry for the slow reply as I have been in Houston dealing with a family matter. We are busy with all sorts of things these days. I'm sorry I have not got this to you yet. I have an emailed drafted that I have not yet sent. When I get back to my office this afternoon I will take moment to finalize and send over.
Appreciate it.
Ross

On Feb 11, 2021, at 9:28 AM, Matthew W. Simmont <MSimmont@nbtexas.org> wrote:

Hello Mr. Wilkinson,

I haven't heard back from you on this request so I wanted to make sure you received my message. Please let me know if you have any updates.

Thank you,

<EmailLogo-
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351933562e2d.png>

Matthew W. Simmont, AICP
Planner | Planning and Development Services
550 Landa St | New Braunfels, TX 78130
830-221-4058 | MSimmont@nbtexas.org | www.nbtexas.org/planning

#OneCityOneTeam

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the [Texas Public Information Act](#).

Please take a moment to complete the City of New Braunfels [Customer Satisfaction Survey](#).

From: Matthew W. Simmont <MSimmont@nbtexas.org>

Sent: Tuesday, February 9, 2021 8:26 AM

To: RF Wilkie <RFWilkinson@gmail.com>

Subject: 1951 Gruene Road SUP request

Good morning Mr. Wilkinson,

I am sending you a reminder to please provide me with any additional information and/or adjustments to your request to allow outdoor music with the planned restaurant on this property. I will need the information no later than lunchtime on Friday 2/13, so that it can be included in the updated notices sent to surrounding property owners. Feel free to let me know if you have any questions.

Thank you,

Matthew W. Simmont, AICP
Planner | Planning and Development Services
550 Landa St | New Braunfels, TX 78130
830-221-4058 | MSimmont@nbtexas.org | www.nbtexas.org/planning
#OneCityOneTeam

PLANNING COMMISSION – JANUARY 5, 2021– 6:00PM

Zoom Meeting

Applicant: Ross Wilkenson – Roger Rocket Real Estate, LLC

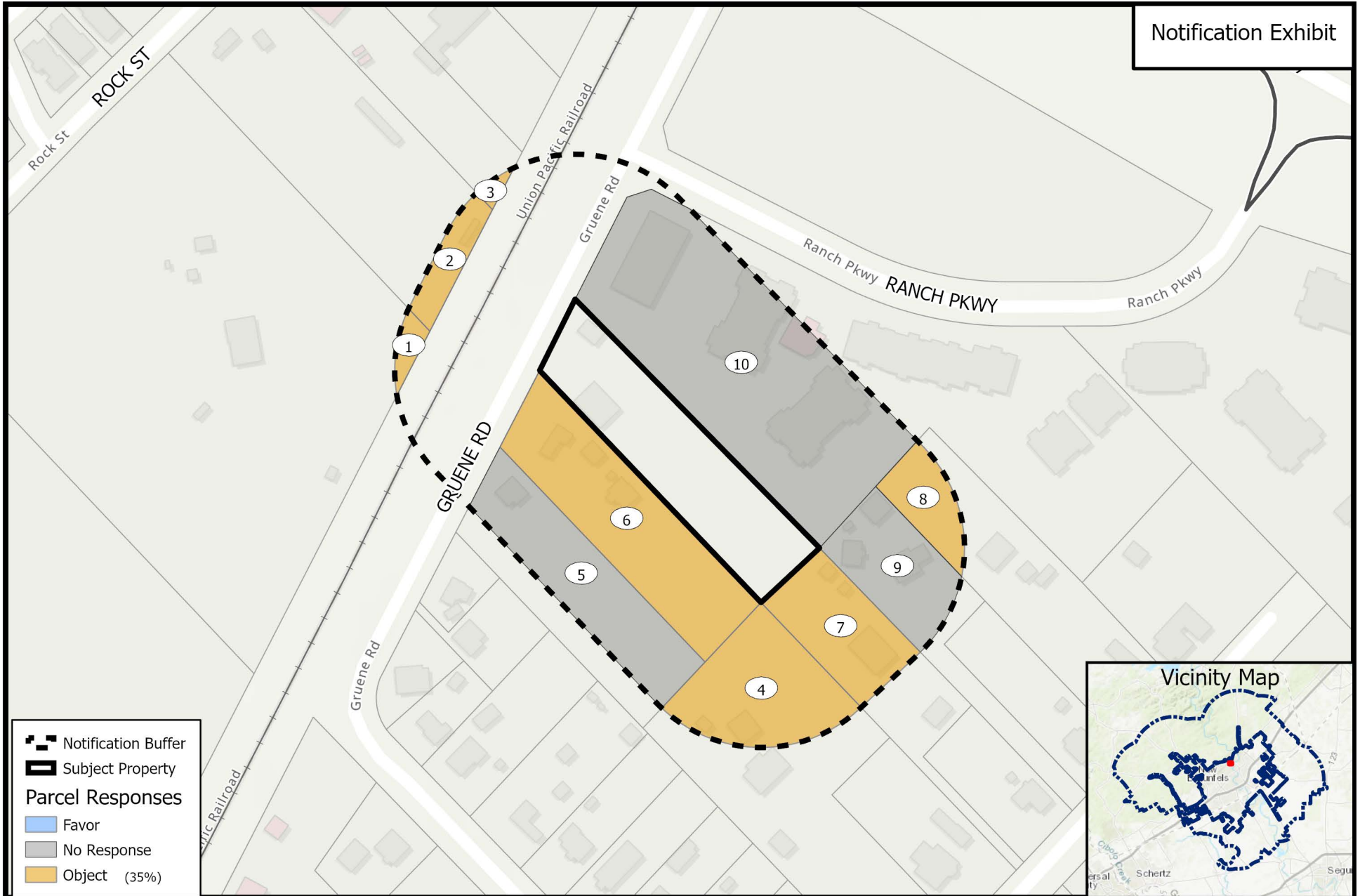
Address/Location: 1951 Gruene Road (see included map)

PROPOSED SPECIAL USE PERMIT – CASE #SUP20-298

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. JOLLY WILLIAM E | 6. SPARKMAN FAMILY RVCBL TRST |
| 2. REICHERT KENNETH & MARINDA RVCBL LVNG TRST | 7. SHARP SYDNEY C |
| 3. PALM MARTIN W & DIANE | 8. GRAVES SUSANN D |
| 4. GUERRERO OMAR D & CECILIA | 9. ROOM 8 LLC |
| 5. GARZA MAURO JR | 10. LODGE AT THE GUADALUPE LLC |

SEE MAP



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

Name: Bill Jolly

Address: 1958 Gruene Rd 78130

Property number on map: 1

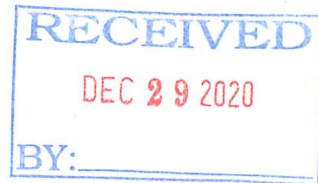
I favor: _____

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

concerned with NOISE, traffic,

Signature: _____



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

Name: Kenneth & Miranda Reicher

Address: 1950 Gruene Rd. NBTX

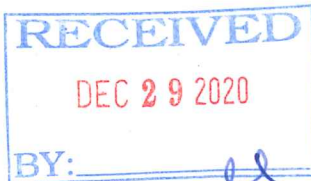
Property number on map: 2

I favor: _____

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

(Gary Kraft)



Signature: _____

I sleep during the Day
I have health Issues.
I object to the noise

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

Name: Martin Palmy

Address: 768 Rock Street

Property number on map: 3

I favor: _____

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

opposed to Music & Noise near my Home

Signature: _____



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

Name: Omar & Cecilia Guerrero

Address: 825 E Torrey ST.

Property number on map: 4

I favor: _____

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

See Letter

We object to the sound of constant music in our neighborhood without the right to turn the music off at any given moment.

In support of our neighbor Beth Sparkman who is ill and needs constant rest & sleep.



Signature: Cecilia Guerrero

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

Name: BETH SPARKMAN

Address: 1959 Gruene Rd

Property number on map: Lot #4 Block #1

#6 Rio Vista addition

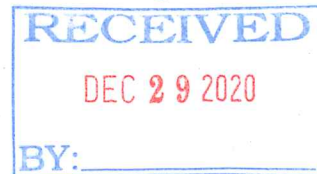
I favor: _____

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

I am next door and do not want the noise

Signature: Beth Sparkman



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

Name: Sydney C. Sharp

Address: 845 E Torrey St.

Property number on map: 7

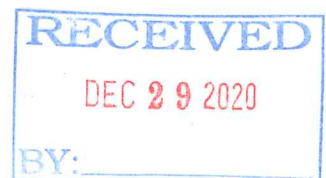
I favor: _____

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

no outdoor music in our residential neighborhood. I have renters directly behind the property who would be directly affected. The festaurant is welcome.

Signature: Sydney Sharp



YOUR OPINION MATTERS - DETACH AND RETURN

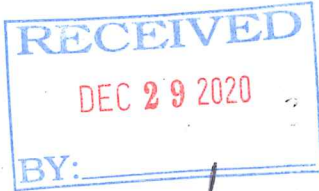
Case: #SUP20-298 ms

Name: Susann Graves
Address: 875 E. Torrey St.
Property number on map: 8

I favor: _____

I object: ☒ (State reason for objection)

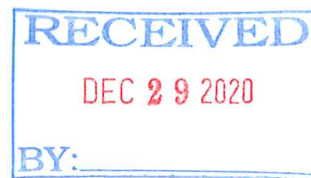
Comments: (Use additional sheets if necessary)



Signature: Susann Graves

My family has owned this property since 1968 and purchased because of the dead end street and quiet neighborhood. Would not want loud music at night. This would also make it difficult to rent the property!

Omar D and Cecilia Guerrero
825 East Torrey Street
New Braunfels, Texas 78130
(830)221-8600



#4

December 26, 2020

City of New Braunfels
Building, Planning and Zoning Division
c/o Matthew Simmont
550 Landa Street
New Braunfels, Texas 78130

Re: 1951 Gruene Road, Zoned C-1
Special Use Permit Application
Case: # SUP20-298 ms

On behalf of myself and the neighborhood members listed below, in the Rio Vista Subdivision, and affected surrounding neighborhood, we adamantly object to an issuance of a Special Use Permit to **Ross Wilkenson, Managing Member of Rocket Real Estate LLC, agent for Rosemary Philips, owner.**

We oppose the issuance of a Special Use Permit to allow **Outdoor Music** in or around our neighborhood.

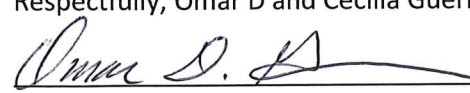
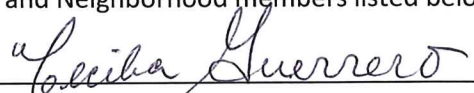
The reason for this objection is that we do not want the constant sound of music in our neighborhood without the right to turn it off at any moment.

We purchased our property with much thought and methodical planning as to the future of our lives in our forever home. We researched to make sure that we lived near all the amenities of the city but were not IN the city, as to not have to deal with the noise and sounds that come with city living.

We understand the need for expansion, and we want to support all small businesses, especially during this critical time, but we do not want any additional noise in our neighborhood.

Thank you for understanding.

Respectfully, Omar D and Cecilia Guerrero and Neighborhood members listed below.

  Dec. 26, 2020
Omar D and Cecilia Guerrero -Property number: Lot 10 A, Block 1, Rio Vista Addition

Continued Page 2

Page 2

William E Jolly-

1958 Gruene Rd 78130
210-888-9289

Kenneth and Miranda Reicher-

1950 GROENE RD.
830-302-0044

Martin and Diane Palm-

mwpalm 830-832-3328

768 Rock St, NB TX / Map # 3

Mauro Jr. Garza-

Sparkman Family Trust-

Beth Sparkman - 210 355 1877
lot #4 Rio Vista Addition Block #1

Sydney C Sharp-

Sydney Sharp 291 E. Lincoln St., NB 78130 (979) 676-0202

Susan D, Graves

Susann Graves, owner 875 E. Torrey St.
Madison Johnson (830) 624-5889 opposed to live music
would create difficulty
sleeping for my children

Room 8 LLC

Lodge At the Guadalupe LLC

— Leroy E. Zimmerman Jr. 784 Rock St. 830-302-9451

— Martin Rene Arango (512) 665-0995 845 E Torrey St.
* WE OPPOSE THE CONSTANT NOISE FROM LIVE MUSIC IN OUR RESIDENTIAL AREA.— MELVIN NORTE, JR 830 624 0243 849 E. Torrey St.
ESTER NORTE
— NO LIVE MUSIC IN RESIDENTIAL AREA

— Don Robert Cass

881 E. Torrey 830 221 5170

donrobertcass@gmail.com Please No Loud Music.

page 2

Pg 3

Uma Lisa Tamez

830 237 30 83

524 Rock Street

bluntzer2000@yahoo.com

No loud music please

Dana D Tamez

210 3878539

524 Rock St.

dtamez@pasate.com

Restaurant OK - no loud music on patio

Sodalis Senior Living
550 Rock Street
Diane Lewis Exec. Director
830-624-7703Alice Williams
806 E. TORREY
830-660-0558

Matthew W. Simmont

From: Cece Guerrero <ccgrrr@yahoo.com>
Sent: Monday, March 1, 2021 1:16 PM
To: Matthew W. Simmont
Subject: Public Hearing March 2, 2021 RE: Case # SUP20-298 ms

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.

Omar D. and Cece Guerrero

825 E Torrey St.

New Braunfels TX. 78130

4 M.S.
LOT # 10 on Property Map

March 1, 2021

City of New Braunfels
 Building, Planning and Zoning Division
 c/o Mathew Simmont
 550 Landa Street
 New Braunfels TX. 78130

RE: Case # SUP20-298 ms

Dear Mr. Chairman,

This letter is regarding the public hearing held on January 5, 2021 and the upcoming hearing to be held on March 2, 2021.

Mr. Ross Wilkerson is requesting a special permit for live outdoor music in the C – 1 local business district adjacent to our neighborhood located at 1951 Greene Rd.

On the January 5 meeting, Mr. Wilkerson commented that his restaurant would play live outdoor music on the patio and would close said patio at 9 pm daily. On the application there is no clarification of either time to begin or end the music or what days of music would be played. We would like clarification of that information.

He also mentions that he tries to do with the client requests be it for a rehearsal dinner or birthday party, so we are not sure what type of music he would be complying to play. All this is very vague, and we would like to point that out.

We are concerned that as it stands, and the city Council agrees to Mr. Wilkinson's request for a permit, you are basically giving him a "CART BLANC" to do as he pleases when he pleases.

Having worked as an event attendant at the Civic Center, Cece recalls that very few live bands adhered to the rule of 85 dB. We are concerned that it would be exceedingly difficult for Mr. Wilkinson to control the volume of a live band.

Mr. Wilkinson also brought up an elderly neighbor who wrote that she liked to sleep in late and that the noise would bother her. To which Mr. Wilkerson responded that in that case, even a garbage truck would bother the sleeping person. I do not believe we can compare a garbage truck that only comes once a week for a brief two to five minutes, to having a constant noise like the one that will be coming from his restaurant. What we would like to point out, is that besides the live music we would also have to put up with noise from food delivery trucks, the constant work being done at his place while it is being built and patron noise.

We understand that these may seem like petty details, but we believe they are important details when it comes down to peaceful and quiet enjoyment of this neighborhood.

We are not opposed to a restaurant in our neighborhood, and would like to make that truly clear, but we do not want anyone to create or suffer any nuisances in the premises affecting the rights of others.

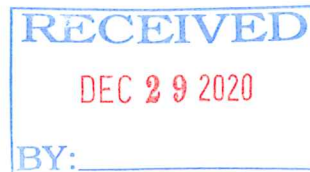
We thank you for your time, understanding and consideration to what we have stated here.

Sincerely,

Omar and Cece Guerrero (830) 221 – 8600 or (830) 660 – 8438 Please call if you have any questions.

December 28, 2020

City of New Braunfels
Planning Commission
Case #SUP20-298 ms – 1951 Gruene RD
Public Hearing Date: January 5, 2021



#8

To Whom It May Concern:

I object to the request for a special use permit to allow outdoor music in the C-1 Local Business District and adjacent to residential use.

I own the property shown as property #8 on your map. My parents purchased this 1-1/3 acres of land in 1968 when my father was transferred from Beeville, TX, where he worked with Southwestern Bell, to fill an opening in New Braunfels. They loved the size of the lot and the quiet, peaceful neighborhood. The dead end street was a real plus. My mother passed in 1995 and after my father passed in 2009, I inherited the property and have maintained ever since. I rent out the house in front part of property and I use the workshop in the back portion of the property. When I go to the workshop in the back of my property, I enjoy the peace and quiet and would hate to lose that to loud music at all hours. My current renter is a nurse who works at night and has 3 young children. As you know music echoes and would disturb her as she tries to sleep during the day and would disturb her children at night. Having this noise would definitely be a deterrent to future renters. If the quietness of this area is lost with loud music, renters will not want to stay long or not rent in this area at all, causing hardships for all affected landlords. Then there is the issue of trying to sell property. A home purchase is the most important purchase that people make and I truly feel the loud music at all hours would keep away potential buyers, also causing a hardship for the owners trying to sell. So many people will be seriously affected by this noise – for various medical reasons, there are owners who can't sleep at night, but only during the day, so the music during day will affect them too.

I have been told by others in this vicinity, that they can hear the music coming from Harley Davidson dealership across Loop 337 and Gruene Hall which is further away!! Can you even imagine how loud this music will be for all surrounding neighbors even past the 200 feet you indicated on the map. Many of which have owned and lived in their homes for many, many years. Their daily lives will change forever.

I respectfully ask that you please deny this special use permit request to allow outdoor music in the C-1 Local Business District and adjacent to residential use.

Sincerely,

Susann Graves
Property #8

Responses received from outside of the 200-foot Notification Area.

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

Name: Anna Lisa + Daniel Tamy I favor: _____

Address: 524 Rock Street

I object: ☒ (State reason for objection)

Property number on map: not on the

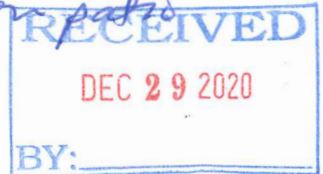
Comments: (Use additional sheets if necessary)

map but nearby

Restaurant O.K
No loud music
on patio

Signature: _____

Anna Lisa Tamy
Daniel D Tamy



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

Name: Alice Williams

I favor: _____

Address: 806 E. TORREY

I object: ☒ (State reason for objection)

Property number on map: _____

Comments: (Use additional sheets if necessary)

I don't want the noise.

Signature: _____

Alice Williams



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

Name: Robert Wynne

I favor: _____

Address: 890 E Torrey

I object: ☒ (State reason for objection)

Property number on map: _____

Comments: (Use additional sheets if necessary)

Too much music noise
for my old ears

Signature: _____

Bob Wynne

There was a reason for
noise abatement in the first
place.



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

JAN 05 2021

Name: Elizabeth Wynne

I favor: _____

BY: PR

Address: 890 E. Torrey St

I object: ✓ (State reason for objection)

Property number on map: _____

Comments: (Use additional sheets if necessary)

Signature: Elizabeth Wynne

If there is a microphone
used we will hear it here.
The County Fair music comes
in loud and clear every Sept.

Draft Minutes for the March 2, 2021 Planning Commission Regular Meeting

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

Mr. Simmont presented and recommended denial citing proximity to adjacent Residential properties, and orientation of the music towards adjacent multifamily, or approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed on if there were any changes to the proposed Special Use Permit from the prior meeting it was presented, if the special use permit is tied to the land, and the status of public outreach by the applicant.

Chair Edwards asked if the applicant would like to speak.

Ross Wilkinson, 1951 Gruene Rd, provided further context on the intent behind the request and public outreach.

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

Michelle Lyons, 1820 Cypress Rapid, stated her support for the request and reiterated points made previously.

Mel Nolte, 849 E Torrey, stated opposition to the request due to noise concerns affecting outdoor enjoyment of adjacent residential properties.

Discussion followed on if there is a potential conflict of interest.

Commissioner Nolte stated he does not meet the legal criteria for a conflict of interest.

Susann, 875 E Torrey St, stated her opposition to the request in line with previous concerns.

Omar & Cecilia Guerrero, 825 E Torrey St, stated opposition to the request in line with previous concerns.

Beth Sparkmann, 1959 Gruene Rd, stated opposition to the request in line with previous concerns.

Sydney, 291 E Lincoln, stated opposition to the request in line with previous concerns and stated additional concerns with land use.

Renee Arroyo, 845 E Torrey, stated opposition to the request in line with previous concerns.

Chair Edwards closed the public hearing.

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

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to recommend denial to City Council of the proposed rezoning to apply a Special Use Permit to allow outdoor music in the “C-1” Local Business District adjacent to residential use on approximately 1.2 acres consisting of Lot 5, Block 1, Rio Vista Addition, addressed at 1951 Gruene Road.

Discussion followed on concerns with the request.

Motion carried (7-0-1) with Commissioner Mathis abstained.

DRAFT

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A SPECIAL USE PERMIT TO ALLOW OUTSIDE MUSIC IN THE “C-1” LOCAL BUSINESS DISTRICT, ON APPROXIMATELY 1.2 ACRES CONSISTING OF LOT 5, BLOCK 1, RIO VISTA ADDITION, ADDRESSED AT 1951 GRUENE ROAD; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of a Special Use Permit, the City Council has given due consideration to all components of said permit; and

WHEREAS, the City recognizes that granting such a permit is possible while promoting the health, safety and general welfare of the public, by providing harmony between existing zoning districts and land uses; and

WHEREAS, it is the intent of the City to ensure for the health, safety and general welfare of the public by providing compatible and orderly development, which may be suitable only in certain locations in a zoning district through the implementation of a Special Use Permit meeting those requirements cited in Sections 3.6-2 and 3.6-3, Chapter 144 of the New Braunfels Code of Ordinances; and

WHEREAS, the property is located in an area suitable for outside music; and

WHEREAS, the requested rezoning is in accordance with Envision New Braunfels, the City's Comprehensive Plan; and

WHEREAS, the City Council desires to grant a Special Use Permit at 1951 Gruene Road, to allow outside music in the “C-1” Local Business District; **now, therefore**;

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

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by adding the following tract of land as a “Special Use Permit” for the uses and conditions herein described:

Being approximately 1.2 acres consisting of Lot 5, Block 1, Rio Vista Addition, addressed at 1951 Gruene Road, as depicted in Exhibit “A” attached, to allow outside music in the “C-1” Local Business District.

SECTION 2

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

SECTION 3

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

SECTION 4

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

PASSED AND APPROVED: First reading this 22nd day of March, 2021.

PASSED AND APPROVED: Second reading this 12th day of April, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

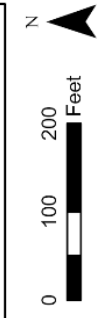
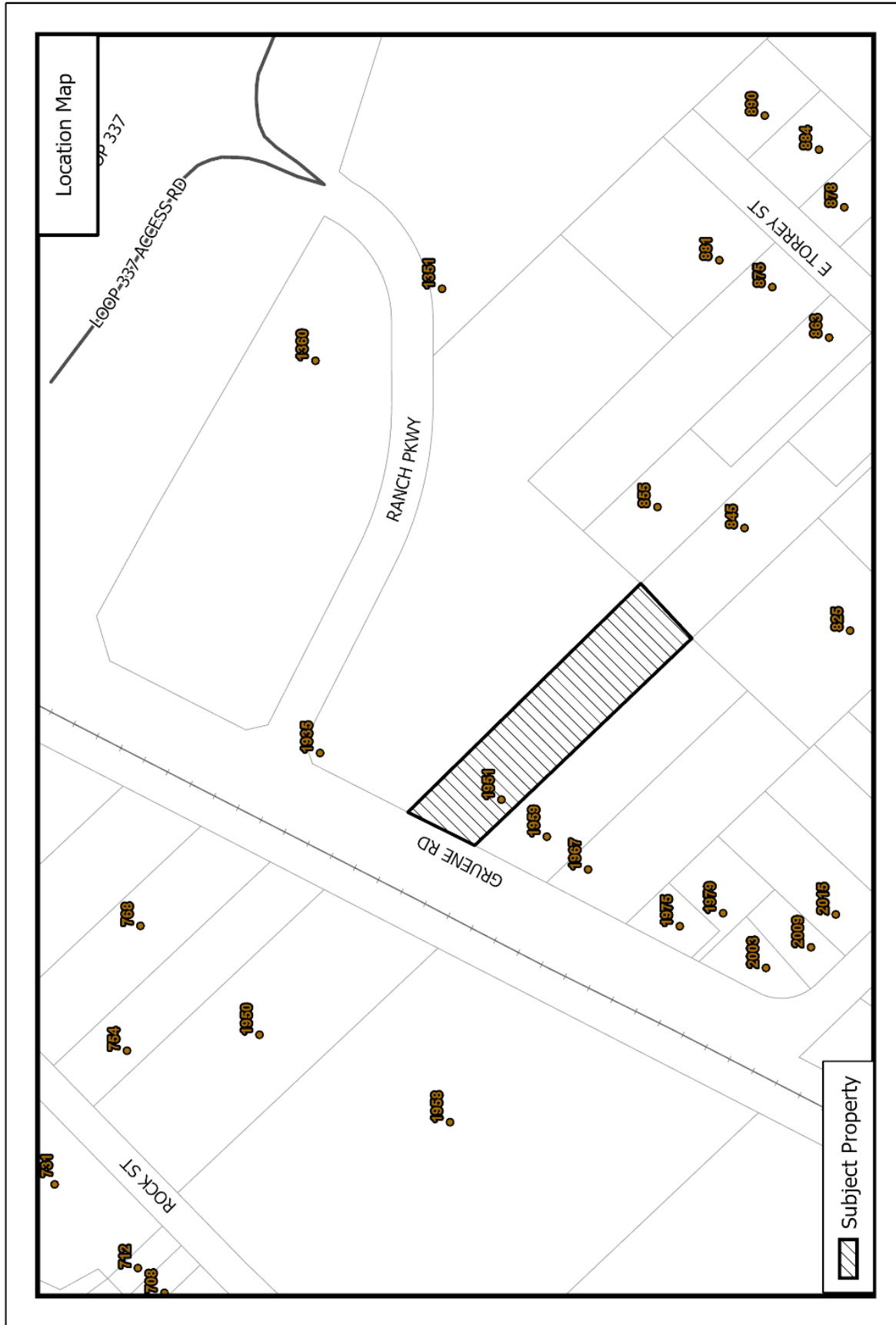
ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"



SUP20-298 SUP to allow for live music

Source: City of New Braunfels Planning
Date: 3/5/2021

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

Path: \\cifs-1\Departments\Planning\ZoneChange-SUP-Replats\2020\SUP20-298 - 1951 Grune

3/22/2021

Agenda Item No. E)

Presenter

Christopher J. Looney, AICP, Planning and Development Services Director
clooney@nbtexas.org

SUBJECT:

Public hearing and first reading of an ordinance regarding a proposed revision to the Town Creek Planned Development (TCPD) concept plan and development standards, on approximately 66 acres located at North Academy and North Walnut Avenues.

BACKGROUND / RATIONALE:

Case No.: PZ20-0332

Council District: 1

Applicant: Chris Van Heerde, P.E.
HMT Engineering & Surveying
290 S. Castell Avenue
New Braunfels, TX 78130
(830) 625-8555 plats@hmtnb.com

Owner: TC Town Creek Texas LP
David Wolters, General Partner
979 N. Academy Avenue
New Braunfels, TX 78130
(512) 633-2245 david@towncreektexas.com

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

Town Creek is a 66-acre mixed use development located on Walnut Avenue between the Dry Comal Creek and Union Pacific Railroad tracks. The developer's planned development zoning was approved in 2006 to create a unique, walkable community with a range of housing and business opportunities.

Street Network Revisions

The proposed TCPD concept plan revision includes the addition of one new Neighborhood Connector street and two alleys (highlighted on Attachment 3) to accommodate residential development in Phase 4.

Fredericksburg Road

The TCPD concept plan currently includes an extension of Fredericksburg Road from North Academy Avenue across the railroad tracks to Landa Street. The applicant's original request included removal of the Fredericksburg Road extension from the City's Regional Transportation Plan and from the concept plan. The applicant stated Union Pacific Railroad (UPRR) has not approved an at-grade crossing on Fredericksburg Road, and cited logistical constraints to constructing an over- or underpass. Following discussion at the Planning Commission meeting, and staff's recommendation that the extension remain on the Transportation Plan with further evaluation of the design requirements and constraints, the applicant withdrew this portion of their request.

ISSUE:

The addition of one Neighborhood Connector street and two alleys is consistent with existing development patterns in Town Creek and with the TCPD intent to create a walkable community with alley-loaded residences. It is supported by the Envision New Braunfels Comprehensive Plan Action 7.11 to allow for smaller/narrower streets and lot size variety within individual subdivisions.

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on March 2, 2021 and recommended approval of the proposed revision to add a Neighborhood Connector street and alleys, without the removal of Fredericksburg Road. (8-0-0 with Commissioner Gibson absent)

STAFF RECOMMENDATION:

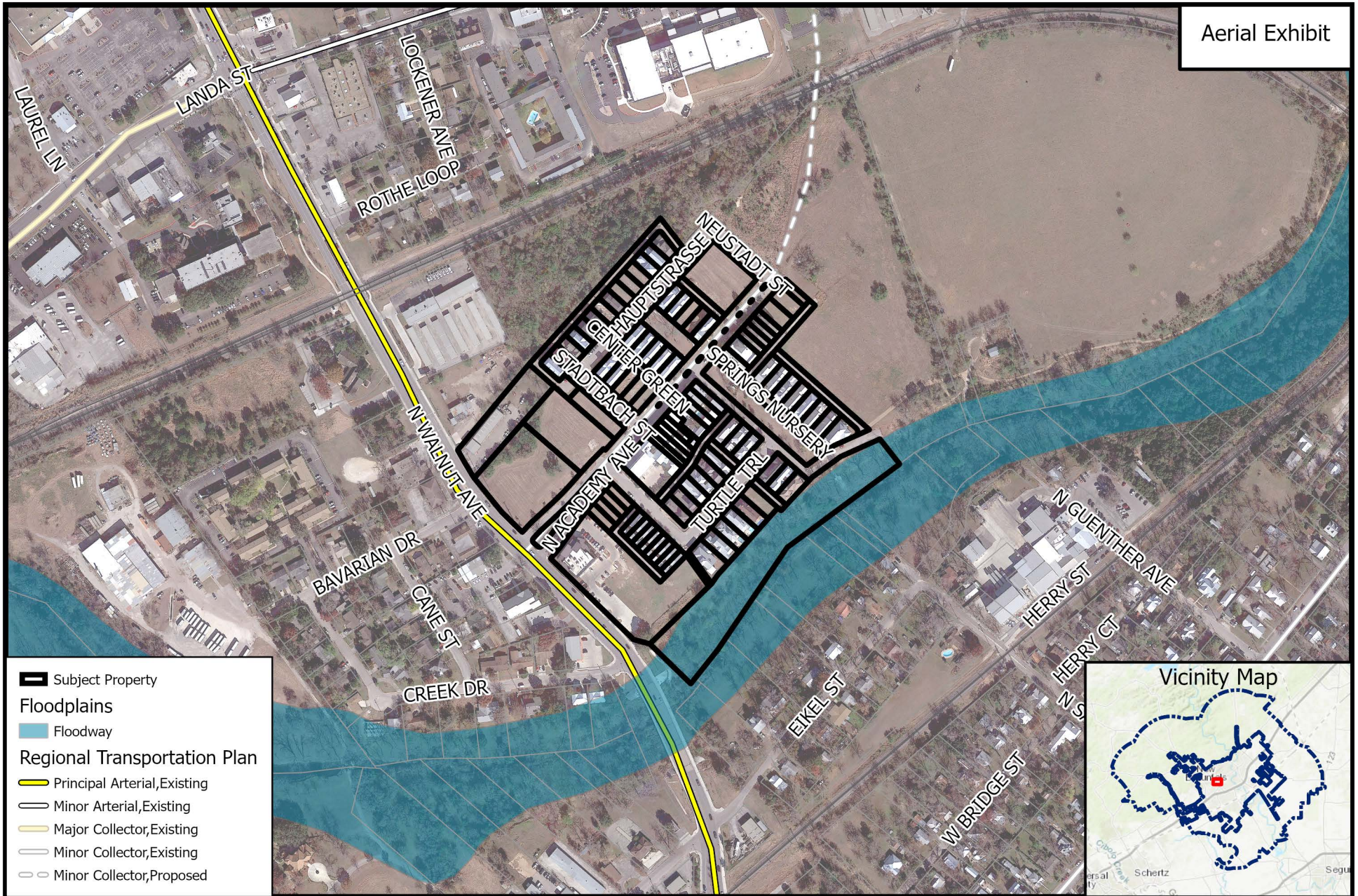
Staff recommends approval of the additional Neighborhood Connector street and alleys in Phase 4 of Town Creek.

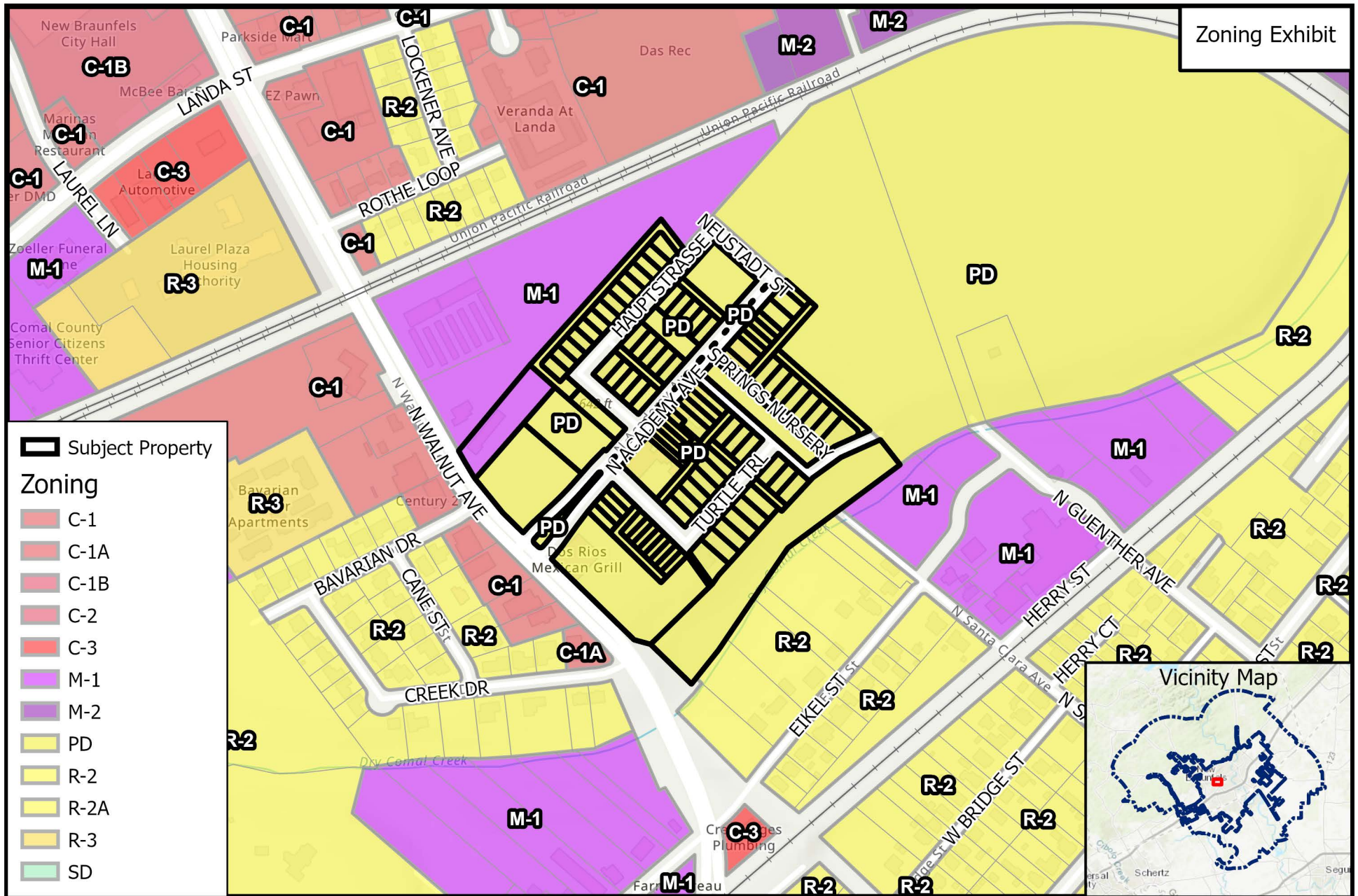
Notification:

Public hearing notices were sent to 100 owners of property inside Town Creek and within 200 feet of the request. To date, the City has received three responses in favor (#15, 91, 96) and 23 in objection, representing 9% of the notification area. Objection was primarily in response to the removal of the Fredericksburg Road extension.

Attachments:

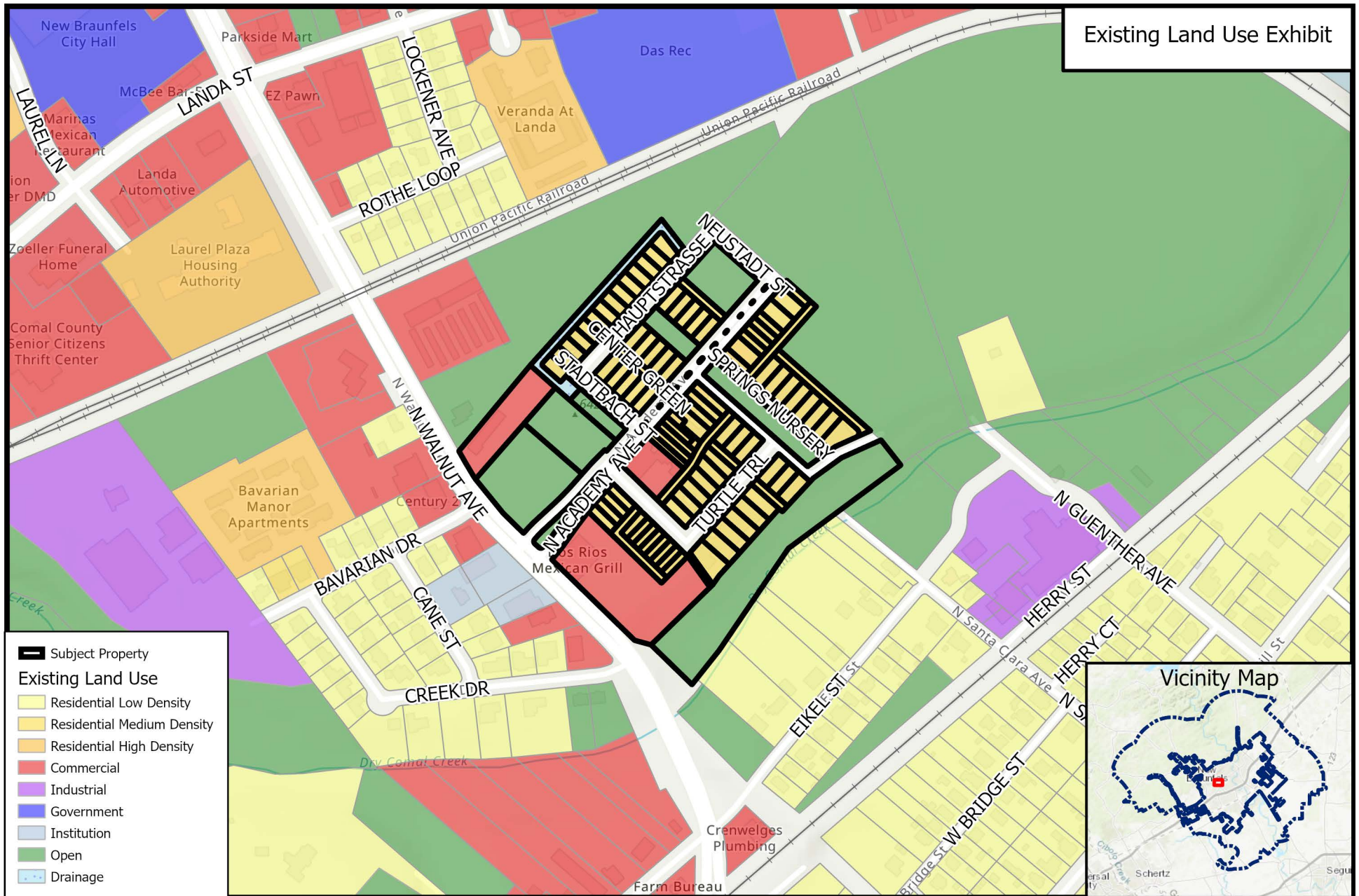
1. Aerial Map
2. Land Use Maps (Zoning, Existing Land Use, Future Land Use)
3. Current and Proposed Concept Plan Exhibits B & C
4. Notification Map & Responses
5. Ordinance





PZ20-0332
Amendment to Town Creek PD





EXISTING CENTERS

Centers are the middle, core or heart of an area. It is a point of activity and vitality. Centers come in many sizes and have different purposes or activities within. They may have endangered species habitat or aquifer recharge areas that require additional standards and consideration relating to future growth. It is envisioned that all centers be walkable, connected, and have a mix of uses. These centers must provide adequate infrastructure to support the commercial development present especially mobility and access for pedestrians, bicycles, vehicles and transit. Given the mixed-use nature of these centers, parking should be shared and not detract from the aesthetic of the area.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

MEDICAL CENTER

Medical Centers are mixed-use areas centered around a medical destination such as a hospital or clinic.

CIVIC CENTER

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

OUTDOOR RECREATION CENTER

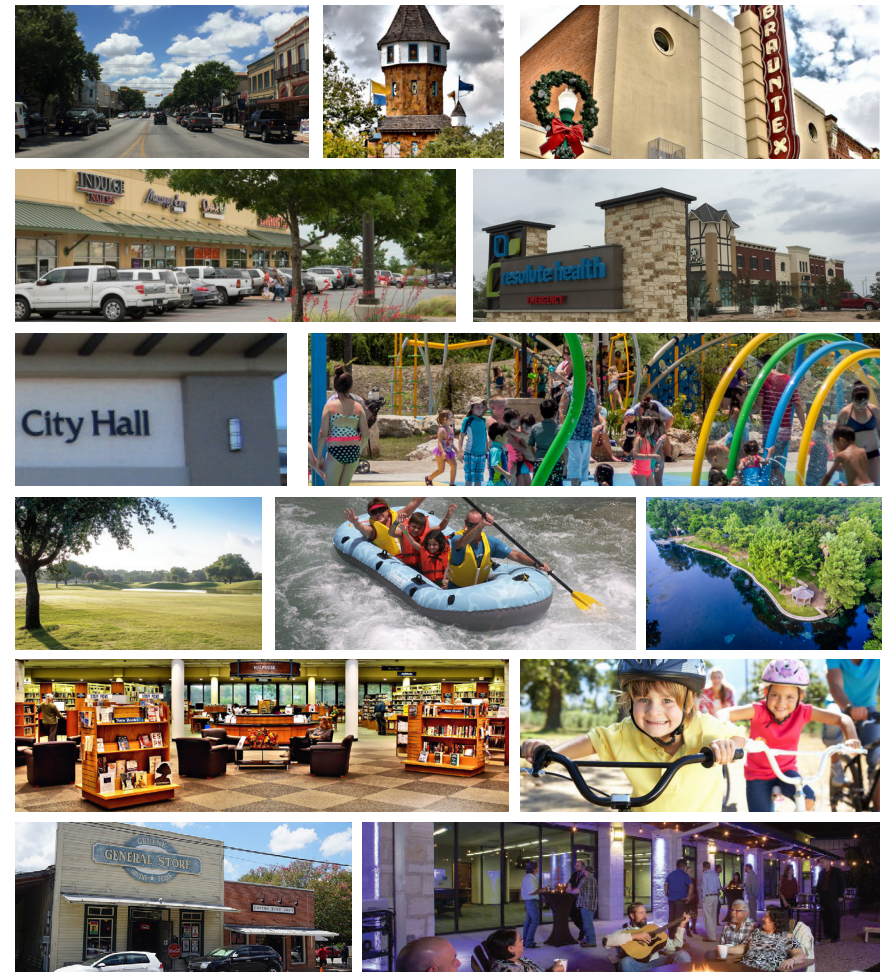
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

EDUCATION CENTER

Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

TOURIST/ENTERTAINMENT CENTER

Tourist/Entertainment Centers are mixed-use areas around an entertainment venue such as Gruene Hall or a tourist destination such as the Tube Chute.



FUTURE LAND USE PLAN

A future land use plan is how land is envisioned to be. It establishes priorities for more detailed plans (sub area plans) and for detailed topical plans (such as parks and open spaces, trails and roads). It cannot be interpreted without the goals and actions of Envision New Braunfels.

TRANSITIONAL MIXED-USE CORRIDOR

Transitional Mixed-Use Corridors express an aspiration to retrofit existing auto-dominated retail corridors with a mix of uses and a variety of travel modes over time.

OUTDOOR RECREATION CENTER

Outdoor Recreation Centers are centered around a public or private outdoor destination like Fischer Park.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

CIVIC CENTER

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

SUB AREA 1

Sub Area 1 includes the Downtown, Gruene and the Mid-Century or older neighborhoods that surround them. It is home to the natural springs and headwaters of flowing rivers that have attracted New Braunfelsers to the town for centuries.

SUB AREA 2

Sub Area 2 refers to the neighborhoods and residential enclaves that have grown alongside the Hill Country landscape.

SUB AREA 3

Sub Area 3 includes a planned community offering a diversity of housing, distinct community centers and preserved Hill Country landscape features.

SUB AREA 4

At the heart of Sub Area 4 is Fischer Park. Proximity to IH-35, downtown and neighboring communities like McQueeney makes this area highly desirable and accessible.

SUB AREA 5

Sub Area 5 bridges together many communities east of IH-35. It includes the scenic landscape along both banks of the Guadalupe River between Highway 46 and FM 725.

SUB AREA 6

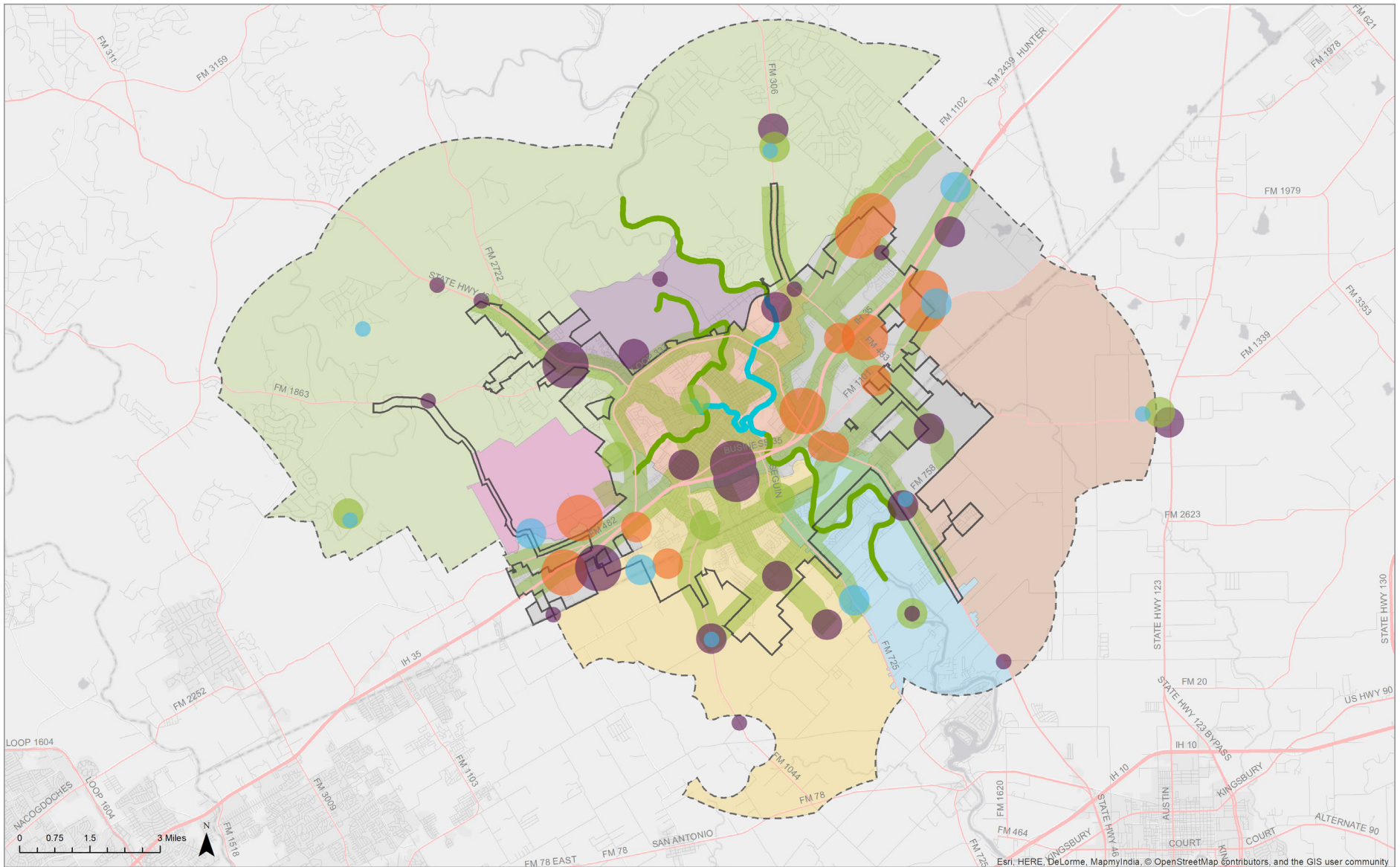
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7

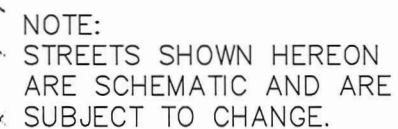
Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

SUB AREA 8

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



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. Preferred future growth scenario combines Scenarios A and C per recommendations of the Envision New Braunfels Steering Committee (February 2018). Exact boundaries of sub areas, centers, and corridors may be [zoomed and viewed online](#).



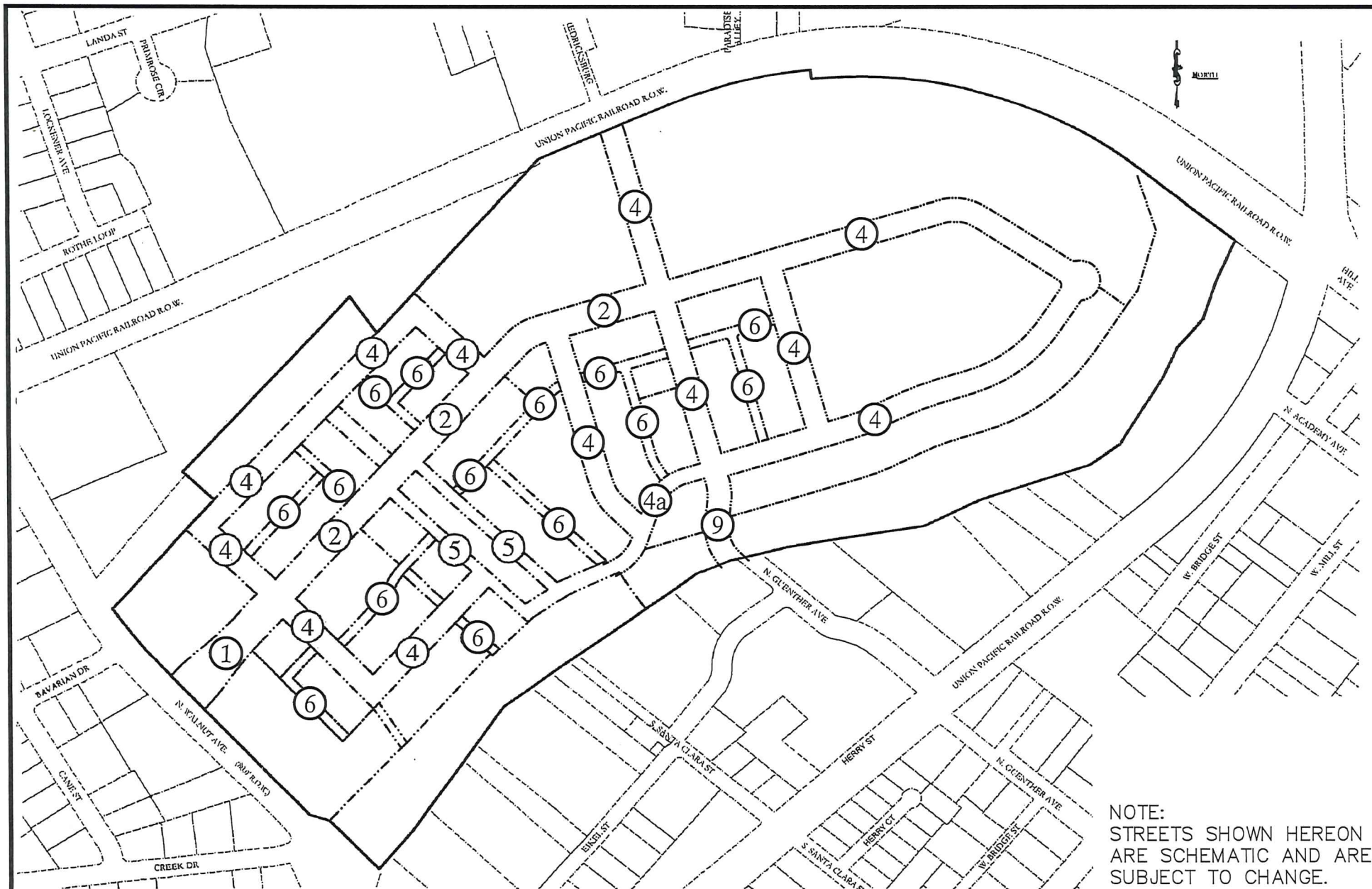
290 S. CASTELL AVE.,
STE. 100
NEW BRAUNFELS, TX
78130
TBPE FIRM F-10961
TBPLS FIRM 10153600

NOT TO SCALE

REVISÉ: MAR 3, 2021

PROPOSED

SHT: 1 OF 1



NOTE:
STREETS SHOWN HEREON
ARE SCHEMATIC AND ARE
SUBJECT TO CHANGE.



TOWN CREEK
NEW BRAUNFELS, TEXAS

EXHIBIT C MASTER STREET NETWORK (AMENDED)

HMT
ENGINEERING & SURVEYING

410 N. SEGUIN AVE.
NEW BRAUNFELS,
TEXAS, 78130
PH: (830)625-8555
FAX: (830)625-8556
www.HMTNB.com
TBPE FIRM F-10961

NOT TO SCALE

REVISED: FEB 21, 2017

Current
SHT: 1 OF 1



NOTE:
STREETS SHOWN HEREON
ARE SCHEMATIC AND ARE
SUBJECT TO CHANGE.



TOWN CREEK
NEW BRAUNFELS, TEXAS

EXHIBIT C MASTER STREET NETWORK (AMENDED)



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

NOT TO SCALE

REVISED: MAR 3, 2021

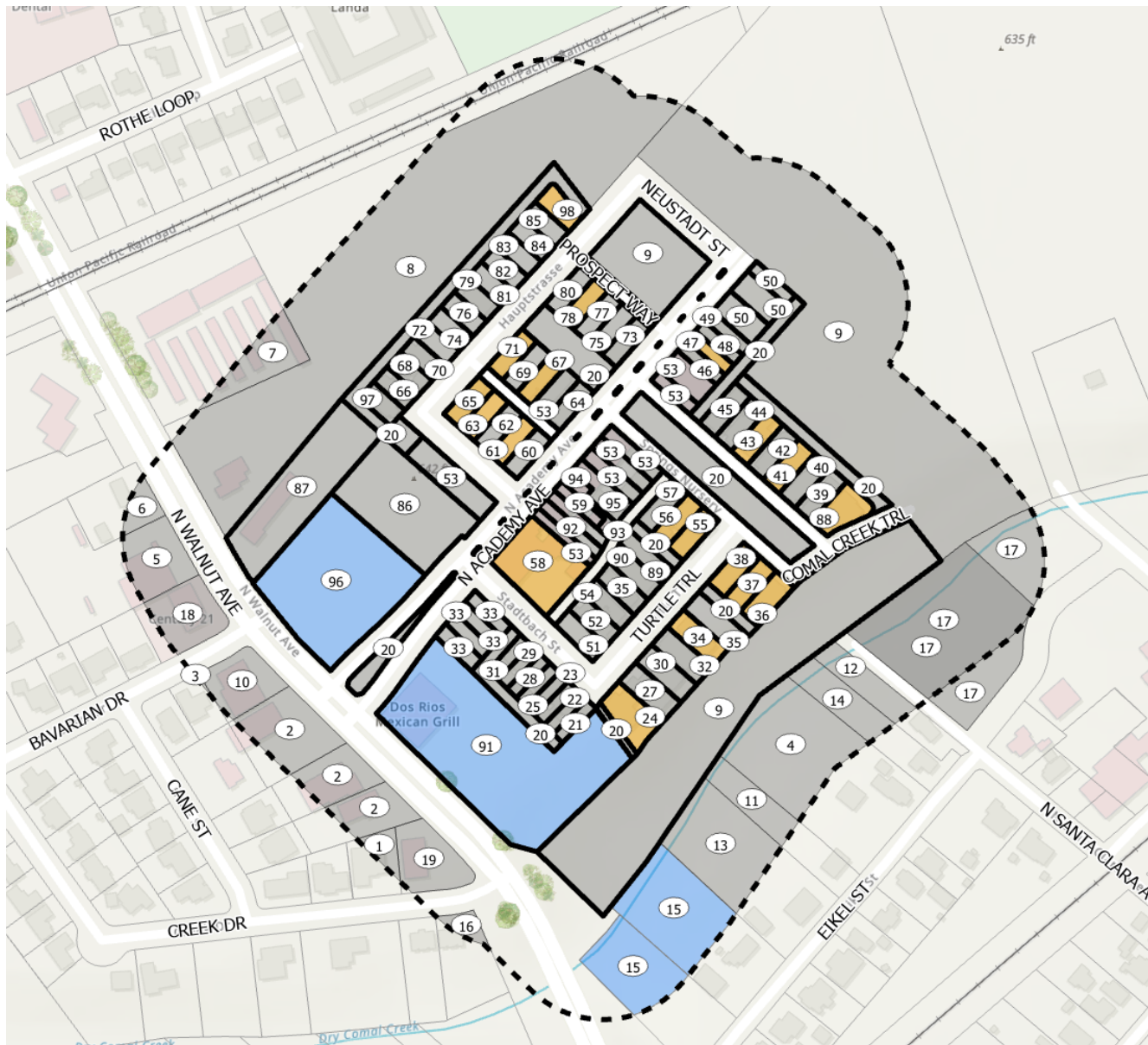
PROPOSED

SHT: 1 OF 1

PLANNING COMMISSION – MARCH 2, 2021 CASE #PZ20-0332

The circled numbers on the map correspond to the property owners listed below. All information is from the Comal County Appraisal District Records.

1. Morales Karlo & Nidia
2. Hope Hospice Foundation
3. Triesch Wayne E & Linda
4. King David R & Patricia
5. Hansmann Roy L et al
6. Sydenstricker Delores Jean
7. Schriewer Properties LLC
8. Walnut Centre LLC
9. TC Town Creek Texas LP
10. Twofold LLC
11. Kowalski Darren G & Tamara D
12. Lamm Michele
13. Neckar Milton Jr & Charlaire
14. Machuca Patricia A
15. Turner Michael Scott & Pauline D
16. Creek Plaza LLC
17. New Braunfels Smokehouse Inc
18. KMNb LLC
19. Evans Paul Et Al
20. Town Creek Texas POA
21. Gilman Rebecca V
22. Shannon Kelly O & Diana Newell
23. Property Owner
24. Jewell Jeff & Alice
25. Peake Ronnie & Julianne
26. Hartung Phil & Nanette
27. Flores Paul & Sharla S
28. Keyser Mike T
29. Treadwell Jesselyn & Alan
30. Weichsel Elaine
31. Reynolds Martin
32. Neuhaus Joseph R Jr & Lisa K
33. TCRWSJ LLC
34. Lambert Gregory & Rosemary
35. Ashley Jennifer
36. Fogg Sharon
37. Jefferson Delbert R & Patricia J
38. Yarrito Fernando A
39. Bischoff James C & Patricia E
40. Gansle Richard C & Susan L
41. Nelson Barbara Lackner
42. Shannon Kathryn M
43. Rose James G & Nancy L
44. Henderson Marilyn
45. Petta James F & Sandra L
46. Sitz Peter
47. Slate-Schleicher Pamela
48. Vance Joel A & Terri D
49. Monacelli Kenneth & Alyssa L
50. Sierra Classic Homes Inc
51. Langenhahn Eric T
52. Dorrestijn Rob & Heather
53. 1778 Photography, Boulevard Townhomes LLC, Angela Marciniak
54. Pope Calen & Lydia Kimeli-Pope
55. Reitz J R & Pamela
56. Johnson Tara L
57. Espinal Judith A & Arlen
58. Town Creek Texas Properties LLC
59. Ackerson Rachel B & James D
60. Hughes William & Heidi
61. Vanoli Elizabeth J et al
62. Mangaraja Marihot & Rosalie
63. Herold Barbara A
64. Johnson J Mark & Amy R
65. Outlaw Rawley M & Cora W
66. Jurica William S & Lezlee B
67. Zanner Eddie
68. Brazee Khristian
69. Burgener Joseph & Barbara
70. Tatsch Roger Jr & Donna
71. Stephenson Glenn & Beverly
72. Wade Margaret S
73. Harris Julie N
74. Spencer Scott C
75. Hines Shane E & Mallory S
76. Rector Sarah E & Robert J
77. Wallace Bryant & Carl Heintz
78. Anderson Cindy
79. Merrill Nicholas
80. Liscar Mary & Eric
81. Devaney Brian & Laura
82. Hopkins Elizabeth
83. Jenkins Denise D
84. Watkins Gayle F
85. Wiedenfeld Kurt R
86. GBMC Holdings LLC
87. Vanstory Randy & Roxi
88. King Robert M & Julie A
89. McPheeters Janet S
90. Wallace Megan M
91. Comal Creek Retail LLC
92. Panagakos Elaina
93. Konecny Karen S
94. Mertink Sandra
95. Torluemke Douglas & Jennifer
96. 1280 North Academy LLC
97. Bertagnoli Chad
98. Peters Allen & Heather



PZ20-0332
Town Creek Planned Development

YOUR OPINION MATTERS - DETACH AND RETURN

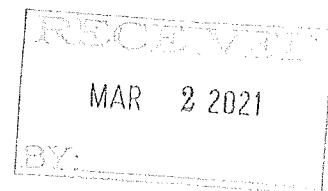
Case: #PZ20-0332 TCPD (hm)

Name: Paulina's mile TurnerI favor: XAddress: 940 Eiku St.

I object: _____ (State reason for objection)

Property number on map: 15

Comments: (Use additional sheets if necessary)

Signature: PW Turner

YOUR OPINION MATTERS - DETACH AND RETURN

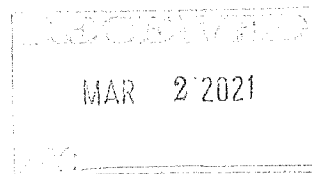
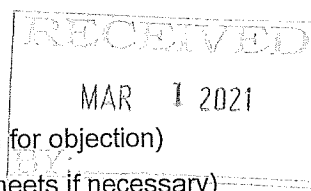
Case: #PZ20-0332 TCPD (hm)

Name: Comal Creek Retail, LLCI favor: ✓Address: 701 Richmond Ave #250

I object: _____ (State reason for objection)

Property number on map: # 90

Comments: (Use additional sheets if necessary)

Signature: [Signature]

YOUR OPINION MATTERS - DETACH AND RETURN

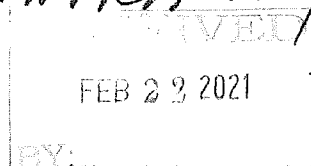
Case: #PZ20-0332 TCPD (hm)

Name: Elton ReneauI favor: ✓Address: 352 LANDA

I object: _____ (State reason for objection)

Property number on map: 96

Comments: (Use additional sheets if necessary)

Signature: [Signature]1280 NORTH FICKS BLVD, LLC

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Alice + Jeff JewellAddress: 1165 Turtle TrailProperty number on map: 24

I favor: _____

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: *Alice*

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Rosemary LambertAddress: 1149 Turtle TrailProperty number on map: 34

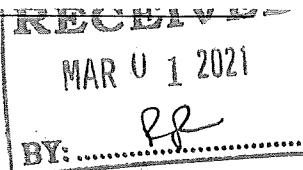
I favor: _____

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

I believe that we need another entrance/exit to the subdivision as promised in 2011-2012

Signature: *Rosemary Lambert*



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: SHARON FOGGAddress: 585 Springs NurseryProperty number on map: #36

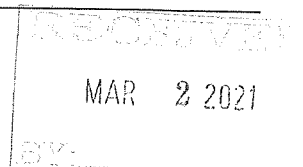
I favor: _____

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

Consideration for increased homes/cars when phase 4 starts. Currently entrance on Walnut is very busy from residences + businesses. Second entrance between will not be enough for the planned growth + SAFETY.

Signature: *Sharon Fogg*



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Delbert & Patricia JEFFERSON I favor: _____Address: 509 Springs NurseryI object: ☒ (State reason for objection) ReProperty number on map: 37Comments: (Use additional sheets if necessary) attached

We object to Removal of Fredericksburg Rd. extension across RR. Believe it's in resident's best interest to retain the ROW for any possibility for 3rd access to TC as density greatly increases -

Signature: DN J

RECEIVED

FEB 22 2021

RECEIVED

FEB 3 2 2021

BY: RT

Additional comment: It seems to be similar to an ERCOT situation: Engineering firm doesn't think a third access to TC could be needed; doesn't seem to be a possibility given the RR's position. But they do not live in Town Creek and are not sensitive to streets blocked by the Railroad in both directions on Landa and also at Guenther by one of the same trains. In time, things can happen and we very probably will need a third access. Unimaginable things can and do happen as we have recently witnessed. We need to maintain the option of a third access for TC.

#37

Pat & Richard Jefferson

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Fernando Yarrito

I favor: _____

Address: 593 Springs NurseryI object: ☒ (State reason for objection) ReProperty number on map: 38

Comments: (Use additional sheets if necessary)

The planned Phase 3 & 4 additions to Town Creek will triple the size of the neighborhood (TC). Single and multifamily structures as well as businesses will significantly increase the number of vehicles entering and leaving the neighborhood. To lock us in with only two points of entry forever creates connectivity issues and impacts the safety of residents. Future access to Fredericksburg Road is needed for the viability of Town Creek. To eliminate it is short sighted.

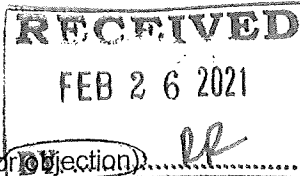
Signature: Fernando Yarrito

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FEB 26 2021

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)



Name: Barbara Nelson

I favor: _____

Address: 598 SPRINGS NURSERY

I object: ☒ (State reason for objection) RR

Property number on map: 41

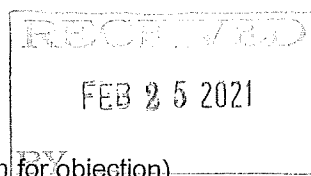
Comments: (Use additional sheets if necessary)

Supporting this change eliminates future possibility for an additional access point to Town Creek. I strongly object to eliminating a potential access @ Fredericksburg Rd. to Town Creek. The RR may change its position on a new crossing in the future

Signature: [Signature]

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)



Name: James & Nancy Rose

I favor: _____

Address: 606 Springs Nursery

I object: ☒ (State reason for objection) RR

Property number on map: 43

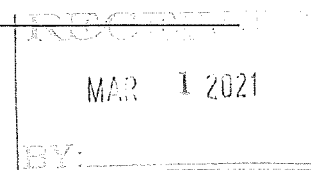
Comments: (Use additional sheets if necessary)

When Town Creek is fully developed (Ph. 3 & 4) the additional access should be considered; it will be critical to the SAFETY of all the residents. DO NOT ELIMINATE THIS POTENTIAL ACCESS POINT at FREDERICKSBURG ROAD into TOWN CREEK!

Signature: James P. Rose

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)



Name: Pamela Slate-Schleicher

I favor: _____

Address: 955 N. Academy Ave NB TX

I object: ☒ (State reason for objection)

Property number on map: 47 78130

Comments: (Use additional sheets if necessary)

Signature: [Signature]

I think it is a safety concern that there will not be another entrance to/exit from Town Creek. Walnut exit is not sufficient

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: J.R. (Rick) & Pam Reitz

Address: 605 Springs Nursery

Property number on map: 55

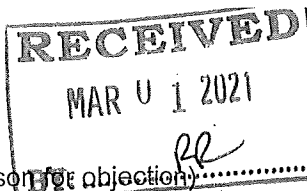
Signature: [Signature]

I favor: _____

I object: ☒ (State reason for objection) _____

Comments: (Use additional sheets if necessary)

It would eliminate a potential future entrance/exit to Town Creek that may be needed by the City for traffic flow.



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Tara Johnson

Address: 609 Springs Nursery

Property number on map: 56

Signature: [Signature]

I favor: _____

I object: ☒ (State reason for objection)

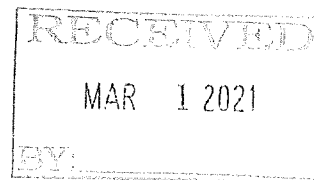
Comments: (Use additional sheets if necessary)

I want ^{improvement} access for emergency vehicles

While I understand what the development team wants to do, and I would likely benefit financially from supporting the amendment as a limited partner in the development itself, I do not support shutting the door permanently to the Fredericksburg connection. I feel doing so is shortsighted and not in the long term interest of Town Creek or New Braunfels.

Therefore I do not support this case.

Trace Jurica #58
SKYHOUSE collection
www.skyhousecollection.com
830.237.6771



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Elizabeth VanoleAddress: 645 Center GreenProperty number on map: 61Signature: Elizabeth Vanole

I favor: _____

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

Do you have a more detailed map to show? Will there be streets other than Academy to drive thru? My issue is traffic + congestion. Thank you.

RECEIVED

MAR 2 2021

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Barbara HeroldAddress: 653 Center GrnProperty number on map: 63

Object to removal of the Fredericksburg Rd extension across railroad tracks

Signature: Barbara Herold

I favor: _____

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

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MAR 1 2021

BY:

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Cora & Rawley OutlawAddress: 657 Center GreenProperty number on map: 65Signature: Cora Outlaw

I favor: _____

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

Strongly object. We know RR Com does not want to work with us but we need another access into TC and that would eliminate any chance.

RECEIVED

MAR 2 2021

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: EDDIE ZANNER

Address: 650 CENTER GREEN

Property number on map: 67

I favor: _____

I object: X (State reason for objection)

Comments: (Use additional sheets if necessary)

**PLEASE SEE ATTACHED SHEET*

Signature: _____

I don't believe Fredericksburg, or an Academy access, has to be a complete roadway or nothing. How about a pedestrian/bicycle access? Facilities such as Das Rec and Landa Park blend well with walking or riding a bike. Also, not using a car reduces traffic in our neighborhood and city streets (not to mention less parking needed at the destination). For me, a major draw of our development is the ability to "not" use a car to get to nearby destinations.

Thank you, Eddie Zanner

#67

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Glenn LYNN STEPHENSON

Address: 568 CENTER GREEN

Property number on map: 71

I favor: _____

I object: V (State reason for objection)

Comments: (Use additional sheets if necessary)

Should stay the way it is in the original plat.

Signature: _____

Glenn Stephenson

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Cynthia AndersonAddress: 655 Prospect WayProperty number on map: 78

I favor: _____

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

I do not want the removal of Fredericksburg Road Extension across the railroad tracks. I feel it is necessary for the safety of all of us.

Signature: Cynthia J. Anderson

MAR 1 2021

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Julie & Bob KingAddress: 586 Springs NurseryProperty number on map: 88

I favor: _____

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Julie King

My husband and I purchased our lot in 2004 and I currently serve as President of the POA. I was involved in the initial discussions with the railroad for egress. With the additional density planned for the final 2 phases, we may have need for a back access point. I am in FAVOR of the change in roads but

OPPOSED Phase 4 of the abandonment of Fredericksburg Road extension

RECEIVED

FEB 25 2021

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Allen + Heather PetersAddress: 1108 HauptstrasseProperty number on map: 98

I favor: _____

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

We feel the option for addition entrance/exit into Town Creek will be necessary as the community grows. The Fredericksburg Road would allow this option.

Signature: Heather Peters

MAR 2 2021

RECEIVED

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Greg & Renee Young

Address: 1145 N. Academy Ave.

Property number on map: _____

I favor: _____

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

Want to leave more options open for the community later.

Signature: Renee Anne Young

MAR 2 2021

269

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Wade and Kathy Sinclair

Address: 1145 N. Academy #102 OR

Property number on map: _____ Rear

I favor: _____

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

* We would like to keep our options open for a future third entry into Town Creek.

Signature: Kathy Sinclair

* We are not sure our property number on map.

MAR 1 2021

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Matt Kyle / KNNB LLC

Address: 702 N. Walnut Ave

Property number on map: 18

I favor: _____

I object: _____ (State reason for objection)

Comments: (Use additional sheets if necessary)

I can't object or favor. I will attend zoom to see what they are specifically wanting. I'm glad this area has developed. It's too bad the Academy Pass couldn't get approved. Historic preservation is key, but that could be achieved.

Signature: Matt Kyle

MAR 2 2021

Draft Minutes for the March 2, 2021 Planning Commission Regular Meeting

B) PZ20-0332 Public hearing and recommendation to City Council regarding proposed revisions to the Town Creek Planned Development (TCPD) concept plan and development standards, on approximately 66 acres located at N. Academy Avenue and N. Walnut Avenue. Applicant: Chris Van Heerde, HMT Engineering & Surveying; Case Manager: Holly Mullins

Chris Van Heerde, 290 S Castell Ave, asked to proceed without the proposed removal of the Fredericksburg connection.

Mrs. Mullins presented and recommended approval without removal of the Fredericksburg thoroughfare.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

Chris Van Heerde, 290 S Castell, elaborated on the intent behind the request.

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

No one spoke.

Chair Edwards closed the public hearing.

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

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to recommend approval to City Council of the proposed revisions to the Town Creek Planned Development (TCPD) concept plan and development standards, on approximately 66 acres located at N. Academy Avenue and N. Walnut Avenue with staff recommendations. Motion carried (8-0-0).

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS APPROVING REVISIONS TO THE TOWN CREEK PLANNED DEVELOPMENT ("TCPD") CONCEPT PLAN AND DEVELOPMENT STANDARDS, ON APPROXIMATELY 66 ACRES LOCATED AT N. ACADEMY AVENUE AND N. WALNUT AVENUE; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of the "PDD" Planned Development District, the City Council has given due consideration to all components of said district; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the requested rezoning is in accordance with Envision New Braunfels, the City's Comprehensive Plan; and

WHEREAS, the City Council desires to approve revisions to the Town Creek Planned Development ("TCPD") concept plan and development standards, specifically the Transect Map Exhibit B and Street Network Exhibit C contained therein, as adopted by City Council in Ordinance 2017-41; **now, therefore;**

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

SECTION 1

THAT the Transect Map Exhibit B and Street Network Exhibit C of the Town Creek Planned Development ("TCPD") Concept Plan and Development Standards adopted by City Council in Ordinance 2017-41 are hereby revised by adopting the Concept Plan and Development Standards as attached in Exhibit "A".

SECTION 2

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

SECTION 3

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

SECTION 4

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

PASSED AND APPROVED: First reading this 22nd day of March, 2021.

PASSED AND APPROVED: Second reading this 12th day of April, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT “A”

Town Creek Concept Plat and Development Standards

Town Creek Planned Development District Concept Plan

Table of Contents

- I. Relation to the Development Plan**
- II. Acreage**
- III. Survey**
- IV. Land Uses**
- V. General Thoroughfare Layout**
- VI. Development Standards**
- VII. Definitions**

Exhibits

- A. Survey**
- B. Transect Map**
- C. Street Network**
- D. Street Cross-Sections**
- E. Building Type Matrix**
- F. Transect Matrix**
- G. Preferred Plant Pallet**

I. Relation to the Development Plan

Town Creek is a mixed use walk able neighborhood complementing the historic downtown of the City and is planned to be consistent with the New Braunfels Comprehensive Plan. The Town Creek Concept Plan is based on the vision created during the Community Design Charrette held June 7 -9, 2006. Town Creek finds its roots in the enduring qualities of New Braunfels —its small-town ambience, its traditional downtown and its strong heritage. Town Creek will promote walk ability, providing a range of housing opportunities, protect and enhance existing surrounding neighborhoods, promote economic growth through a positive fiscal impact, enhance the visual environment of the City, enhance the green appearance and the parks system of the City, improve connectivity, encourage use of transit and walking, link major surrounding destinations, promote a lively downtown, and expand market opportunities for the core of New Braunfels.

II. Acreage

The total Acreage of the project is 65.9 acres.

III. Survey

A survey of the project is attached hereto as Exhibit A.

IV. Land Uses

A. Relationship to Development Standards

Land Uses allowed herein shall conform to the development standards set forth in Section VI below according to the Transect Map attached hereto as Exhibit B.

B. The following residential land uses shall be allowed:

1. Single Family House (Large, Medium, Small, Cottage)
2. Multi-Unit House (2 to 6 Units)
3. Town House
4. Courtyard Apartment
5. Loft/Commercial Building
6. Live-Work

See the Building Type Matrix attached hereto as Exhibit E for complete description of these building types.

C. Total Residential Units

Total residential units shall not exceed 1,500.

D. The following non-residential uses shall be allowed in any building except Single Family Houses, Multi-Unit Houses, and Courtyard Apartments:

1. Retail services
2. Pharmacy
3. Dry cleaners
4. Retail goods sales
5. Art, antique, furniture or electronics studio (retail, repair or fabrication)
6. Restaurant, café, deli or coffee shop (beer, wine or other alcoholic beverage on premises sales shall be allowed)
7. Coffee roasting
8. Bakery
9. Beer, wine or other alcoholic beverage on premises sales
10. Movie theater
11. Performance theater
12. Museum, philanthropic, civic or governmental institutions
13. Fraternal or other private social club (beer, wine or other alcoholic beverage on premises sales shall be allowed provided that no more than 25 percent of the total floor area of any building may be utilized for the exclusive sale of alcoholic beverages)
14. Surface parking
15. Structured parking garage provided that the frontage on the ground floor addressing the primary street is not parking
16. Hotel (beer, wine or other alcoholic beverage on premises sales shall be allowed)
17. Single-room rental bed & breakfast (beer, wine or other alcoholic beverage on premises sales shall be allowed)
18. Professional offices

19. Health services office, clinic, hospital or laboratory
20. Government/civic offices
21. Transit
22. Farmer's market, parade, cultural events (requires special use permit)
23. Home occupation
24. Church or other places of worship
25. Greenhouse (e.g. – retail nursery)
26. School (public or private, any level)
27. Studio (dance, athletic, performance, etc.)
28. Indoor showroom (wholesale or retail)
29. Drive-through services (parcels adjacent to Walnut Avenue only)

E. Similar and Prohibited Uses

Uses not specifically enumerated in the Town Creek District, but are substantially similar, may be permitted upon the approval of the Planning Director, subject to appeal to the Zoning Board of Adjustment. All other uses shall be prohibited including but not limited to the following:

1. Daily house rentals
2. Vehicular services/repair
3. Heavy manufacturing
4. Drive-through services (except parcels adjacent to Walnut Avenue)
5. Warehousing
6. Automotive & machinery repair (as primary use)
7. Automotive & machinery washes
8. Automotive rental
9. Automotive sales
10. Boat sales
11. Bulk distribution centers (provided that this shall not prohibit warehouse use that is ancillary to a permitted primary use)
12. Camper sales
13. Campgrounds
14. Donation centers
15. Eating establishment with drive-through services
16. Flea markets
17. Heavy equipment sales, rental & leasing
18. Industrial building sales
19. Kennels, manufactured home sales
20. Mini warehouses
21. Portable building sales (as a primary use)
22. Recreational vehicle parks
23. Recycling centers (provided that this prohibition shall not prevent use of temporary collection and storage bins for recyclable materials generated by a permitted use during the ordinary course of business)
24. Self-Storage
25. Shooting ranges
26. Truck service or repair
27. Truck stops
28. Wholesale nurseries (as a primary use)
29. Wrecking yards

F. Outdoor Displays

Outdoor displays for non-residential uses shall be limited to no more than 50% of the building's private frontage. Displays shall be allowed with functional restrictions within the building's public frontage (i.e., the public right-of-way) by license upon the approval of the Planning Director, subject to appeal to the Zoning Board of Adjustment.

G. Café Seating

Outdoor café seating for restaurant, café, deli or coffee shop uses shall be limited to the building's private frontage unless café seating is approved by the Planning Director within the building's public frontage (i.e., the public right-of-way), subject to appeal to the Zoning Board of Adjustment.

H. Open Spaces/Parks

Town Creek shall provide (i) no less than 9.0 acres of dedicated contiguous land for the Dry Comal Creek Trail Park within the flood plain of Dry Comal Cree. Town Creek shall dedicate to the City the land for the Dry Comal Creek Trail Park. The City shall hold and maintain that park.

Town Creek shall also provide no less than 6.5 acres total (10% of the gross site area) of the following elements: community gardens, pocket parks, greens, squares, plazas and playgrounds dispersed throughout the remainder of the neighborhood. These open spaces shall be held privately for public access, unless a written request from the City is made and accepted for a particular space to be dedicated to the City. The open spaces held privately shall be maintained either by a foundation or homeowners association, or by a Special District if created by the City for the purpose of maintaining the open space.

V. General Thoroughfare Layout

A. The Street Network

The Street layout shall be based on the Street Network attached hereto as Exhibit C. Upon request by the applicant, street locations, street cross-section type and intersection design may be modified to a reasonable extent with approval of staff and without amendment to the Concept Plan or a prior Detail Plan (if applicable), in order to (i) accommodate configuration of open space, (ii) save specimen trees, (iii) maintain the integrity and vision of the charrette plan, (iv) accommodate drainage, or (v) facilitate the design of the station area if a commuter rail transit stop is implemented adjacent to Town Creek. Additional streets shall be designed and constructed according to the street cross-sections below.

All residential and commercial buildings within Phase 3 and 4 will be required to be sprinkled if a secondary means of access is not in place at the time of construction. Potential access locations include Guenther Road, Fredericksburg Road, or Paradise Alley.

1. Guenther bridge access will be required to meet all city requirements
2. Fredericksburg and Paradise Alley must have a signed access agreement with Union Pacific Railroad and all property owners involved. Improvements to Paradise Alley to facilitate access will be the responsibility of the Town Creek Development.

B. Street Cross-Sections

The “Arterial,” “Collector,” and “Local” Streets allowed are delineated in the respective Street Types Cross-Sections attached hereto as Exhibit D and referenced on the Master Street Network, Exhibit C. Street types and cross-sections are established herein to facilitate an integrated set of transportation choices – driving, walking, cycling and transit, as well as to form a place bounded by building facades creating “street walls.”

C. Additional Streets Not Shown on General Plan

1. Based on the concept plan, additional streets shall be located so that all streets terminate at other streets unless constrained by natural or perimeter site conditions. Cul-de-sacs shall be permitted only when warranted by natural site conditions.
2. All lots regardless of use may be served by alleys. Alleys are required for all single-family houses unless the building utilizes a pull through garage.

D. Curb Return Radii

Curb return radii shall be from 10 feet to 15 feet, unless required to be larger due to public safety considerations as determined by the City Engineer for a specific location; in which case, the radius shall not exceed 25 feet.

VI. Development Standards

A. General

1. Walkability

In order to facilitate walkability and livability, all streets (excluding alleys) shall provide accessible sidewalks with “street” trees or adjacent trails, and carefully designed civic spaces such as greens, squares, plazas and trails shall be integrated within the neighborhood. Sidewalks shall have a minimum width as shown in the Street Cross Sections, Exhibit D. Furthermore, pedestrian bulbouts shall be allowed at all intersections if the bulb does not interfere with required turn lanes.

2. Subdivision Standards

The Town Creek PD shall establish the street network, street cross-section, and intersection design criteria as well as lot standards for subdivision platting within the PD area.

3. PD Standards Supersede

If conflicts arise with the New Braunfels Code of Ordinances for zoning, subdivision or other development standards, the Town Creek PD shall control unless stated otherwise herein.

B. Transect Standards and Building Types

1. The Building Types allowed are delineated in the Building Type Matrix attached hereto as Exhibit E. The development standards not contained in the Building Type Matrix are established in the Transect Matrix attached hereto as Exhibit F, including those standards for primarily non-residential buildings. The Building Type Matrix, Exhibits E, and the Transect Matrix, Exhibit F, shall be used in conjunction with the Transect Map, Exhibit B.
2. Buildings intended for all non-residential use, located T5 and T6 Zones, may be constructed with zero side and rear yards and such that the side yard requirement shall adhere to the particular build-to-line established for the street facing the side.

C. Parking Standards

1. Off-Street Parking Requirements

a. Residential

The Building Type Matrix attached hereto as Exhibit E establishes the off-street parking requirements for residential uses.

b. Non-Residential

Off-street parking requirements for all non-residential uses shall be no less than 1 space per 500 square feet of gross office or retail floor space in the T6 Zone and no less than 1 space per 333 square feet of gross office or retail floor space in all other T-Zones.

2. Off-Street Parking Location

- a. Off-street parking for uses on lots with the T4, T5, and T6 Zones shall not be located between the front of the building and the public right-of-way, except along Walnut Avenue.
- b. In the T5 and T6 Zones, surface parking lots located on the side of a building shall be configured such that the side of the parking bays closest to the street shall be screened by a wall or landscaped ornamental metal fence no less than 3 feet and no more than 4.5 feet in height or in accordance with existing ordinances.

3. On-Street Parking

As on-street parking promotes walkable mixed-use neighborhoods, including entertainment, retail, restaurants and live-work housing, subject to public safety considerations for a particular location, on-street parking shall be allowed as shown on the Street Cross Sections, Exhibit D, and will not be allowed within alleys.

4. Promotion of Neighborhood Business – Entertainment, Retail and Restaurant Uses

The number of off-street parking spaces required for neighborhood businesses, including retail services, retail goods sales; pharmacies; dry cleaners; art, antique, furniture or electronic studios (retail, repair or fabrication); restaurants, cafes, delis or coffee shops; and retail bakeries shall be waived for the first 1000 square feet of gross use space in all buildings.

5. Promotion of Live-Work

For all non-residential uses allowed, the first 500 square feet of gross use space shall be exempt from off-street parking requirements in Live-Work Units.

6. Shared Parking

Off-street parking requirements for uses permitted in the Town Creek Planned District may be reduced or waived subject to a shared parking agreement or a coordinated parking plan in accordance with the ULI Protocol, or any other accepted industry standard, and as approved by the Planning Director, subject to appeal to the Zoning Board of Adjustment.

D. Architectural Standards

1. Except for detached single family houses, an expression line shall delineate divisions between floors of all buildings, and a cornice shall delineate the tops of facades that do not utilize a pitched roof, for retail storefronts, a transom, display window area and bulkhead at the base shall be utilized.
2. Rooftop mechanical equipment shall be screened by a parapet, or by a screen on pitched roofs.
3. Ground floor retail building plate heights shall be at least 12 feet in height except for live-work units.
4. Windows shall be oriented vertically, windows on single family or townhouse residential buildings shall also utilize surrounds or shutters, as well as mullions between grouped windows.
5. Columns and piers visible from the street shall be spaced no farther apart than they are tall, unless approved in writing by the Town Creek Architectural Control Committee.
6. Transparency: Each floor of any building façade, except for houses, facing a park, plaza or street shall contain transparent windows covering from 15 percent of the façade area. In order to provide clear views of merchandise and to provide natural surveillance of exterior street spaces, the street-level floor along streets in T5 and T6 zones shall have transparent windows covering no less than 25% of the façade area.
7. Permitted finishes for commercial or mixed use buildings – At least 80% of the exterior of all new buildings (excluding doors and windows) shall be finished in one or more of the following materials:
 - a. Brick, stone, cast stone, rock, marble, granite, glass block, tile or stucco
 - b. Exterior Insulating Finishing System (EIFS) as an accent (abuse resistant EIFS shall be utilized below 8 feet above grade)
 - c. Cementitious-fiber siding (no Visible seams) with at least a 50-year warranty
 - d. Split face concrete block, poured-in-place concrete, and tilt-wall concrete (only adjacent to Walnut Street). Any use of concrete products shall have an integrated color and be textured or patterned. Tilt-wall concrete structures shall include reveals, punch-outs, or other similar surface characteristics to enhance the façade on at least 25 percent of each façade.
8. The following permitted finishes for residential buildings and live/work units shall be allowed: Cementitious-fiber siding (no visible seams); corrugated metal; brick' stone; man-made stone and stucco. The following shall be allowed up to 30% as an accent material: wood, Exterior Insulated Finishing System (EIFS) (abuse resistant EIFS below 8 feet above grade) or similar material over a cementitious base, rock, glass block and tile.
9. Architectural elements, including porches, roof overhangs, verandas, stoops, bay windows, window shutters, balconies, masonry clad chimneys, picket fences or other decorative nonopaque front-yard fence, attached pergolas or colonnades. On single-family residences, parches and at least two additional elements from the preceding list

shall be utilized. Balconies, verandas and roof overhangs may encroach beyond the build-to-line into the public sidewalk, provided the encroachment is less than 9 feet, and any support columns do not come within 4 feet of the curb or otherwise obstruct the view of drivers. Balconies, verandas, and roof overhangs shall provide at least 8 feet of clearance and shall not protrude over paved roadway. Single-family houses on corner lots shall have porches facing onto both street sides, whether two separate porches or wrap-around porch. Encroachment beyond the “build to” line where the permanent building structure, as specified above, can extend into the UE will be allowed with Town Creek Phases 1 and 2 if coordinated with NBU, but will not be allowed in subsequent phases.

10. Plate Heights for single-family residential homes shall be no less than 10 feet for the first floor and 9 feet for the second or higher floors.
11. All garage doors facing the street shall be divided into single bays separated by at least an 18-inch column.
12. All buildings shall be designed such that no mechanical equipment (HVAC, etc.), except vents or stacks, is visible from the public right-of-way or open space, whether the equipment is located on the ground, exterior walls or the roof.

E. Landscape

1. General

- a. The landscape will complement the urban design and architecture in defining the character of Town Creek. The functional role of the landscape is to identify and define view corridors and sightlines, major open spaces, pedestrian movement patterns and gathering spaces; to create and control microclimates and reduce energy consumption; to screen unsightly features; and to help provide an appropriate sense of scale for all phases of the built environment. The ecological role of the landscape is to ensure the seamless integration of the built environment into the natural environment, while minimizing impacts of development on the local ecosystem.

2. Trees

- a. Landscapes shall emphasize large shade tree canopy coverage, particularly in open spaces and pedestrian walks and gathering spaces such as plazas and exterior courtyards. Year-round visual interest shall be attained through the use of approved species per the Preferred Plant Pallet, Exhibit G.
- b. Trees shall be planted in a continuous strip adjacent to all public streets, spaced approximately 30 feet on center in order to create a full canopy effect at mature height. Trees shall either be planted in a green space strip no less than 5 feet in width or within an irrigated tree grate consistent with the architectural character of the campus or adjacent development. Street trees shall be located no closer than 3 feet from the back of curb. Root containment technology, as approved by the City Engineer, shall be used if the species and location pose a potential hazard to curb and sidewalk infrastructure.
- c. Trees shall be planted in a continuous pattern where feasible within all street medians.
- d. All trees shall be selected from the tree list contained in Exhibit G attached hereto.

3. Shrubs and Other Plants

- a. Shrubs shall be selected from the plant list contained in Exhibit G attached hereto.

4. Beds and Turf

- a. The use of St. Augustine turf grass shall not be permitted.
- b. Grasses and turf shall be selected from Exhibit G attached hereto.

5. Buffers and Screening

- a. Trash and dumpster screening shall be provided in accordance with Section 191.7.B of the New Braunfels Code of Ordinances.
- b. Residential Buffer between multi-family or non-residential development and single or two family development, per Section 191.7.A.5 of the New Braunfels Code of Ordinances, does not apply to the Town Creek Planned Development because adequate buffers are already accounted for in the design and added buffers would degrade the mixed-use, walkable aspects of the project.

6. Maintenance

- a. Landscapes maintenance shall be in accordance with Section 191.9 of the New Braunfels Code of Ordinances.

7. Parking

- a. A minimum of 15 square feet of landscaping per surface parking space, including tree islands, shall be provided within the paved boundaries of a surface parking lot.
- b. Any portion of each surface parking space shall be located within 60 feet of the trunk of a tree, and pavement shall not be allowed within 3 feet of the trunk of trees.
- c. The landscaped areas shall be protected by raised curbs except where wheel stops are utilized as the front of parking spaces along a landscaped median between parking bays.
- d. Landscaped islands of a minimum of 8 feet in width and extending the entire length of the parking stall shall be located at the terminus of all rows of surface parking and shall contain at least one tree consistent with Exhibit G.
- e. The requirements in this section shall be waived for structured parking and for temporary (less than one year) parking lots in undeveloped areas of the Town Creek Planned Development area.

F. Signage

1. One address number shall be attached to the building in proximity to the principal entrance or at a mailbox according to city specifications.
2. One blade sign for each business may be permanently installed perpendicular to the façade and may extend over the sidewalk with 8 feet of clearance. Such a sign shall not exceed a total of 6 square feet.
3. Signage may be lit externally only with full-spectrum source.
4. Business signs attached to buildings may be a maximum of 4'x8'. The signs may be lighted, and neon is permitted or signs within shop front windows.
5. Pole signs shall not be allowed.
6. Group signs for 2-10 businesses shall be allowed upon approval of the Planning Director, subject to appeal to the Zoning Board of Adjustment. The size of such signs shall be a maximum of 6 feet in height and 60 square feet.
7. Monument signs shall be allowed at Walnut Street, Academy Street and Fredericksburg Street at the perimeter of the district, and shall not exceed 6 feet in height and 60 square feet.
8. For Lots within Block 2 and Block 6 that front onto Walnut Street, one 64 foot blade sign is allowed with frontage on Walnut Avenue and sign must be attached to the building façade facing Walnut Avenue.

VII. Definitions

Accessory or Ancillary Building

A building that is a separate 400 to 800 square foot dwelling unit connected to the garage with cooking facilities and bathroom, but shall not require a separate water meter or additional off street parking; or a building that serves for recreation, utilities or maintenance support in a park or civic space

Blade Sign

Tenant identification sign that uses letterforms, logo, and /or graphic elements, projects at right angle from the face of the building, is located on a pier adjacent to the transom windows, and has a maximum height equal to the height of the transom windows. Blade signs can be aluminum, stainless steel, painted wood, sandblasted glass, or translucent acrylic. A blade sign identifies a tenant on a pedestrian level.

Build -to -Line

The line to which the primary building shall be constructed as opposed to a set -back line; the build -to -line is established on the applicable street type cross - section and may have a range such as " 10 to 15 feet" from the right -of -way line. A side of a building on a corner lot may encroach the build -to -line.

Full Spectrum Source

Incandescent or fluorescent lights that emit white light, as opposed to another color.

Home Occupation

A residential unit providing for a combination of uses in which home occupation activity can occur. The occupation function shall be incidental to the primary function of the building as residence. No person outside the residence may be employed unless the residence is a Live -Work unit. There shall be no exterior display, no exterior storage of materials and no other variation from the residential character of the principal building, unless the residential unit is a Live -Work Unit

Live Work Lot

Lots in T5 or T6, of the size required by the Building Type Matrix, and as specified by the owner at time of building permit.

Live Work Unit

A unit on a Live Work Lot. One upstairs residential unit and one street -level commercial unit required on each lot. Additional units on the lot may be residential or commercial, and separate entrances shall be provided for the residential and commercial components. The maximum number of units allowed on a lot is determined by the Transect Matrix Exhibit F.

Loft

A dwelling unit contained in an office, retail or other commercial building with interior entrances into the living units or common interior or exterior corridor entrances.

Off Street Parking

A requirement for parking a vehicle in a space not within the public right- off -way, and which can be satisfied with or without a covered parking space.

Pergola

An arbor or passageway of columns supporting a roof of trelliswork on which climbing plants are trained to grow.

Plate Height

The height of the horizontal member capping exterior wall studs, as measured at the bottom of the horizontal member.

Pull Through Garage

A garage set back behind a house that is either a separate structure or connected by breezeway, accessory building or ancillary building, and which is accessed by a driveway from the front address.

Raised Basement

A building level whose floor level is partly below grade, but which is much higher than usual so that its ceiling is well above ground level.

Stacked Townhouse

A townhouse with an additional living unit above.

Story

A constructed horizontal division of a building providing habitable space or structured parking. Attics (including improved attics with slanted ceilings), rooftop decks, rooftop solariums, and raised basements are not considered stories for the purposes of determining building height based on stories.

Surround

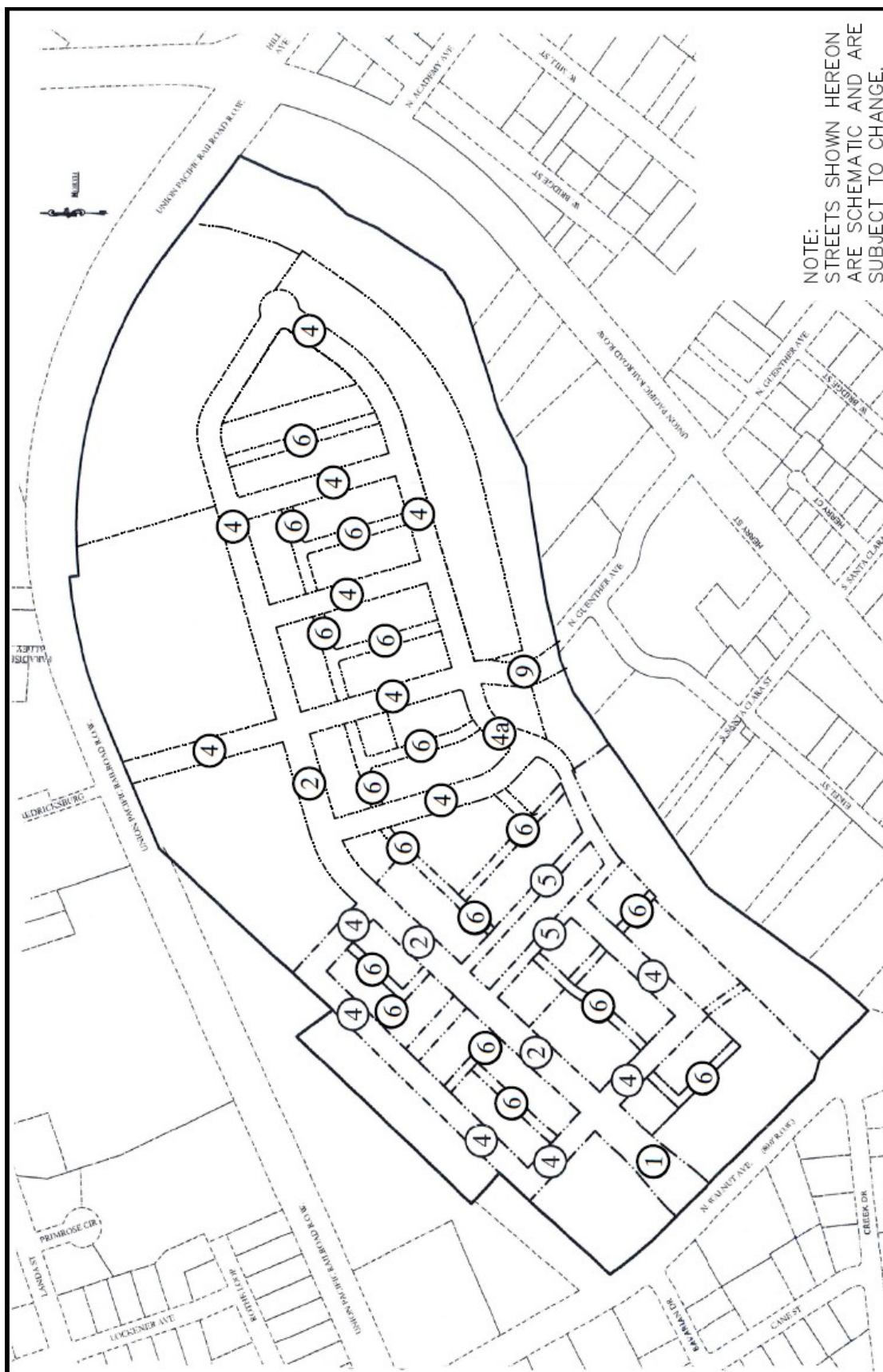
A continuous concrete, wooden, brick, or stone border around a window, door or other opening that is designed to complement the style of the building.

Townhouse

A single - family house of two or more stories that is connected to a similar house by a common.

Unit

A residential unit.



NOT TO SCALE

REVISÉ: MAR 3, 2021

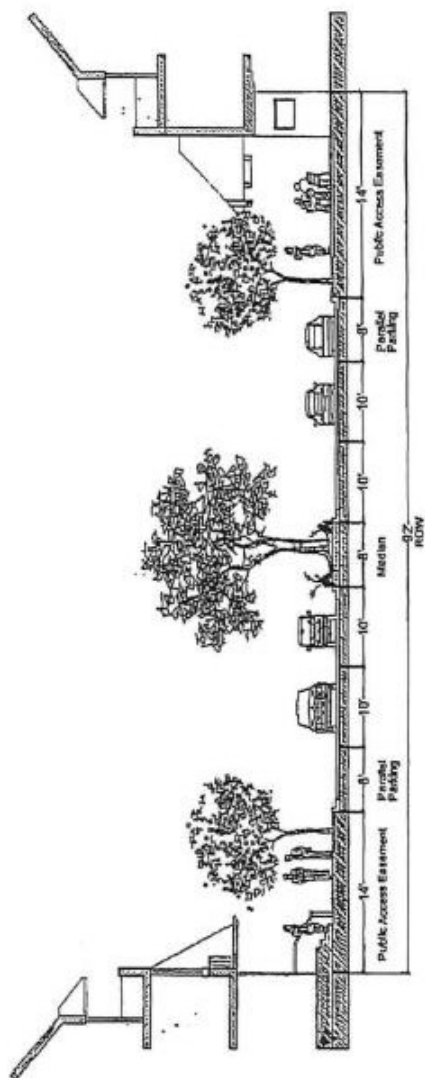
SHT: 1 OF 1

EXHIBIT C
MASTER STREET
NETWORK
(AMENDED)

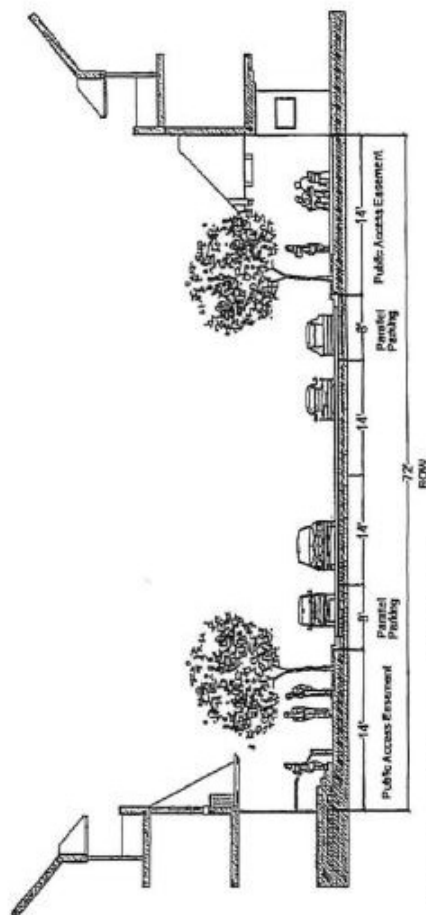


290 S. CASTELL AVE.,
STE. 100
NEW BRAUNFELS, TX
78130
TBPE FIRM F-10961
TBPLS FIRM 10153600





① Boulevard (Commercial Collector)



② Boulevard (Commercial Collector)



EXHIBIT D
STREET CROSS
SECTIONS
(AMENDED)

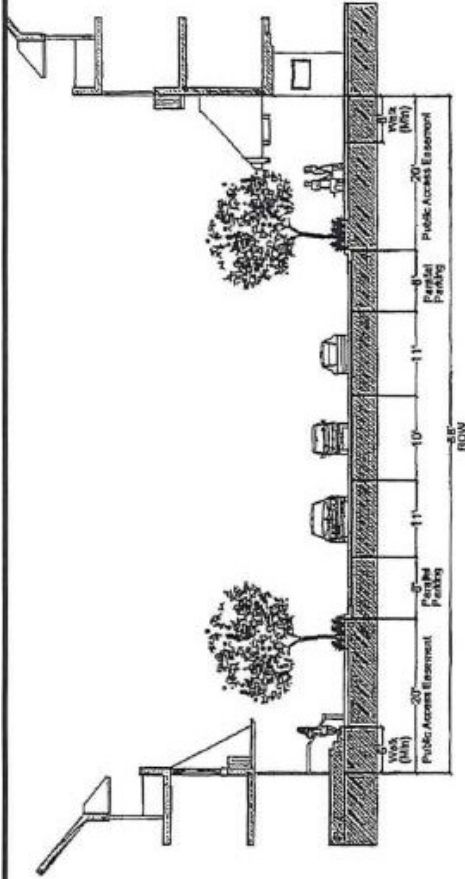


410 N. SEQUIN AVE.
NEW BRAUNFELS,
TEXAS, 78130
PH: (830)625-8555
FAX: (830)625-8556
www.HMTNB.com
TPE FIRM F-10961

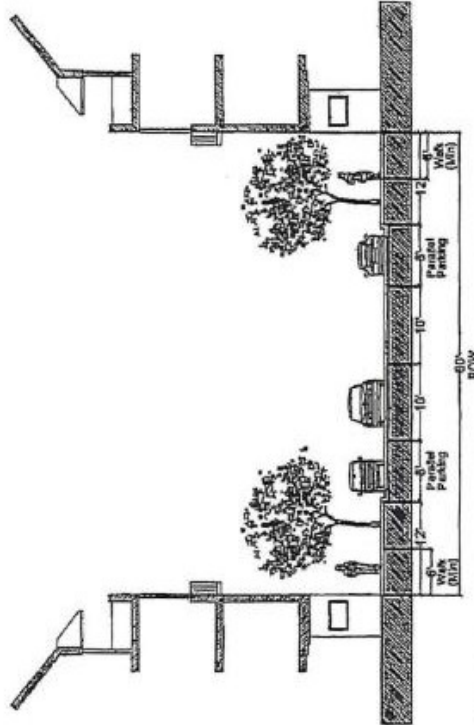
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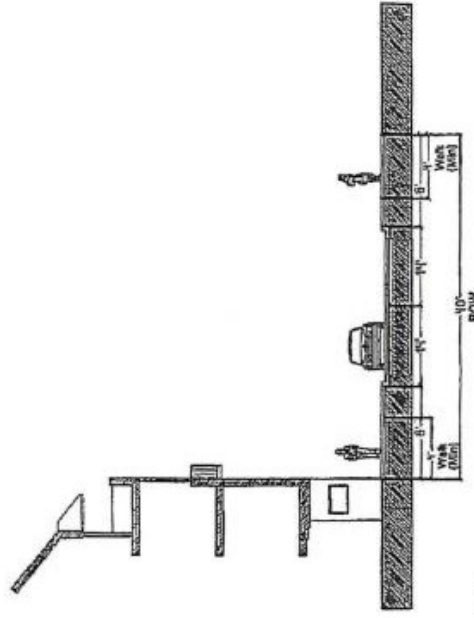
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③ Town Center Streets (Commercial Collector)



④ Neighborhood Connector (Commercial Collector)



④ Neighborhood Connector (Commercial Collector)



EXHIBIT D
STREET CROSS
SECTIONS
(AMENDED)

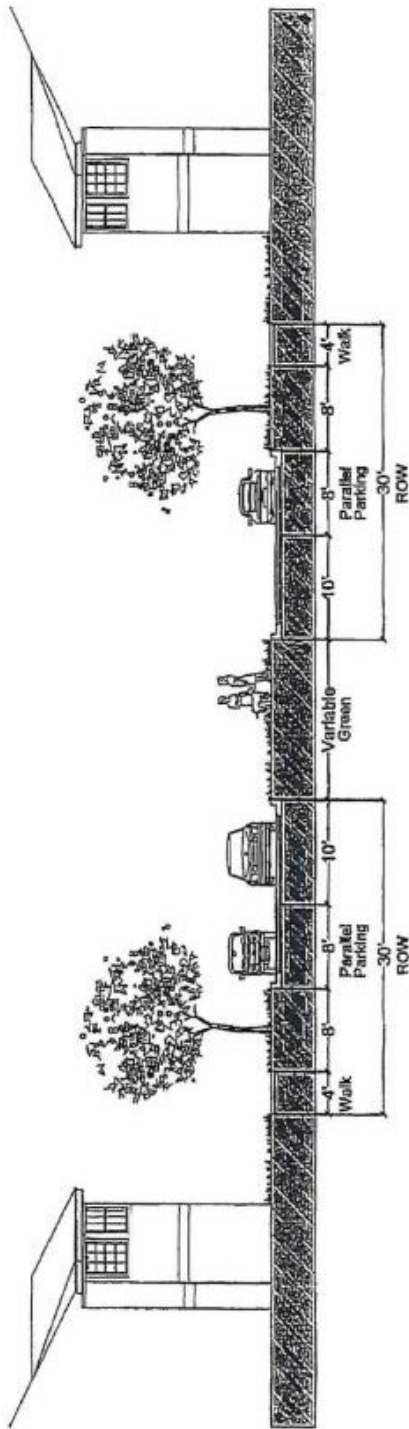


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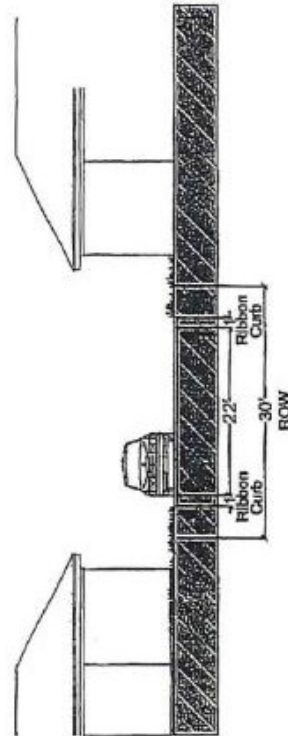
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REVISED: APR 18, 2017

SHT: 2 OF 4



⑤ Lane (One Way Paired)



⑥ Alley (Alley - Residential)



EXHIBIT D
STREET CROSS
SECTIONS
(AMENDED)

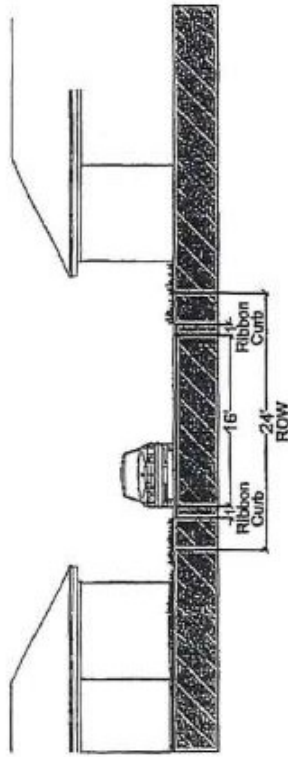


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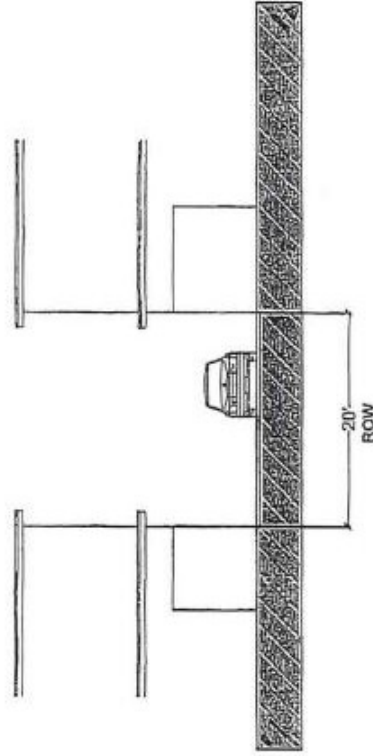
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SHT: 3 OF 4



⑦ Alley (Alley - Residential)



⑧ Alley (Alley - Commercial)

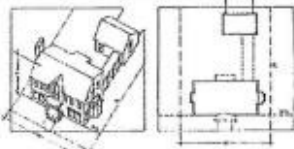
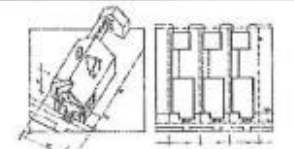
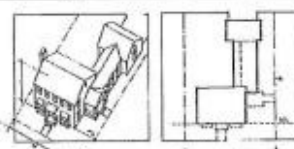

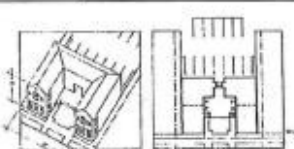





⑨ Local Street

<p>NOT TO SCALE</p> <p>REVISED: APR 18, 2017</p> <p>SHT: 4 OF 4</p>	<p>HMT</p> <p>ENGINEERING & SURVEYING</p> <p>410 N. SEGUIN AVE. NEW BRAUNFELS, TEXAS, 78130 PH: (830) 625-8555 FAX: (830) 625-8556 WWW.HMTNB.COM TBE FIRM F-10961</p>	<p>EXHIBIT D</p> <p>STREET CROSS</p> <p>SECTIONS</p> <p>(AMENDED)</p>	<p>TOWN CREEK</p> <p>NEW BRAUNFELS, TEXAS</p>
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Exhibit E

Building Types
Town Creek PD

Types	Lot Width Minimum (ft)	Lot Depth Minimum (ft)	Build-to-Line (BTL)	Minimum Side Yard (ft)	Minimum Rear Yard	Minimum Lot Area	Allowed Traveled Zones	Covered Parking (ft)	Off Street Parking Spaces Minimum Per Dwelling Unit	Accessory Building	Prototypical Building Configurations
Large House	50'-	100'		5'	5'	6000'	T3	R	2	A R60	
Medium House	30'-35'	50'		3'	5'	4500'	T3, T4	R	2	A R100	
Small House	40'-45'	50'		0-4' (H)	5'	3500'	T3, T4, T5, T6	R	2	A R110	
Cottage	20'-30'	60'		0-4' (H)	5'	1800'	T3, T4, T5, T6	R	2	A R120	
Multi-Unit House (7)	30'-100'	100'		5'	5'	6000'	T4, T5, T6	A	1.5	A R40	
Townhouse or Stacked Townhouse	20'-30'	30'	See Forward Maps (Exhibit F) for Build-to-Line Standards	0'	5'	1800'	T4, T5, T6	R	2	A R11	
Courtyard Apartment (8)	100'	100'		5'	0'	10,000'	T4, T5	A	1	H	
Loft Commercial Building (11)(9)	100'	100'		5'	0'	10,000'	T5, T6	A	1	H	
Live/Work (11)	20'-30'	60'		5'	0'	1800'	T5, T6	A	1	A R11	

A - Allowed	H - Not Allowed	R - Required
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A-Allowed

H-Not Allowed

R-Required

Explanatory Regulations:

- (1) For attached buildings, side yard minimum requirement shall apply to exterior side of center lots only; for side of buildings on corner lots, the side yard requirement may adhere to the particular build-to-line established for the street facing the side.
- (2) An enclosed garage or a carport shall be constructed of same material as main residential structure. Rear-located garages may be attached at side property line. Carports shall not be allowed for front-loaded parking. "Put-through" garages shall be allowed if the front facade of the garage is set back behind the rear facade of the house. Covered walkways connecting the garage and the house shall be allowed, with only up to 150 square feet constructed to enable air-conditioned space.
- (3) Accessory units above the garage shall be required for all single-family houses on corner lots.
- (4) Accessory unit is a separate 400 to 800 square foot dwelling unit connected to or above the garage with cooking facilities and bathroom, but shall not require a separate water meter or additional off street parking.
- (5) Side yard 4'; but it can be shifted up to 0' if the total distance between buildings is at least 5'.
- (6) Side yard 2'; but it can be shifted up to 0' if the total distance between buildings is at least 6'.
- (7) 2 to 4 units shall be allowed; the design of the building shall make the multi-unit structure appear as a large single-family house.
- (8) Courtyard(s) shall face street and provide at least 100 square feet of courtyard space per unit.
- (9) All live-residential uses shall be allowed on any floor.
- (10) Structured Parking shall be allowed within the building if enclosed on at least 3 sides on the ground floor.
- (11) Non-residential uses allowed on ground floor level with separate outside entrances for residential and non-residential uses.

Town Creek Transect Zoning

T-Zone:	T1	T3	T4	T5	T6
Standard:	Green Space	Residential	Residential	Vertical mixed use	Vertical mixed use
Build-to-Line	n/a	10 to 30 feet	5 to 20 feet	0 to 15 feet	0 to 15 feet
Building Height	1 story max for ancillary buildings	2 story (max.)	1 to 3 stories	2 (min.) to 4 (max.)	2 (min.) to 5 (max.)
Maximum Floor to Area Ratio (non-res.)	n/a	1.5	3.0	4.0	5.0
Maximum Lot Coverage	n/a	70%	80%	100%	100%
Parking -- Minimum Off-Street per 1000 sq. ft (non-res.)	n/a	3.0	3.0	3.0	2.0
Maximum Residential Density per acre	n/a	20 units	30 units	40 units	60 units

ALLOWED USES IN TOWN CREEK

The permitted uses within Town Creek were chosen for their neighborhood and pedestrian-friendly character. Here are the permitted uses within Town Creek:

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. retail services 2. pharmacy 3. dry cleaners 4. retail goods sales 5. art, antique, furniture or electronics studio (retail) 6. restaurant, café, deli or coffee shop 7. coffee roasting 8. bakery 9. beer, wine or other alcoholic beverage on premises sales 10. movie theater 11. performance theater 12. museum, philanthropic, civic or governmental institutions 13. fraternal or other private social club | <ol style="list-style-type: none"> 14. surface parking 15. structured parking garage 16. hotel 17. single-room rental bed & breakfast 18. professional offices 19. health services office, clinic, hospital or laboratory 20. government/civic offices 21. transit 22. farmer's market, cultural events (special permit) 23. home occupation 24. church or other places of worship 25. greenhouse (e.g. -- retail nursery) 26. school (public or private, any level) 27. studio (dance, athletic, performance, etc.) |
|---|--|

Town Creek New Braunfels, Texas

EXHIBIT G – Preferred Plant Pallet

		T1	T2	T3	T4	T5	T6	Street
Shade Trees:								
Bigtooth Maple	<i>Acer grandidentatum</i>		x	x	x	x	x	x
River Birch	<i>Betula nigra</i>	x	x	x	x			x
Osage Orange	<i>Bois d'arc</i>		x	x	x	x		
Pecan	<i>Carya illinoensis</i>	x	x	x	x			
Texas Ash	<i>Fraxinus texensis</i>	x	x	x	x	x		
Arizona Walnut	<i>Juglans major</i>	x	x	x	x			
Black Walnut	<i>Juglans nigra</i>	x	x	x	x			
Magnolia	<i>Magnolia grandiflora</i>	x	x	x	x	x		
Texas Pistache	<i>Pistacia texana</i>	x	x	x	x			
Texas Sycamore	<i>Platanus occidentalis</i>		x	x	x	x		
Cottonwood	<i>Populus deltoides</i>	x	x	x				
Candy's Oak	<i>Quercas canbyi</i>							
Burr Oak	<i>Quercas macrocarpa</i>	x	x	x	x	x	x	x
Chinquapin Oak	<i>Quercas muhlenbergii</i>	x	x	x	x	x	x	x
Mexican White Oak	<i>Quercas polymorpha</i>	x	x	x	x	x	x	x
Shin Oak	<i>Quercas mohriana</i>	x	x	x	x	x		
Shumard Red Oak	<i>Quercas shumardii</i>			x	x			
Texas Red Oak	<i>Quercas texana</i>			x	x			
Live Oak	<i>Quercas virginiana</i>			x	x	x	x	x
Western Soapberry	<i>Sapindus drummondii</i>				x	x	x	
Montezuma Cypress	<i>Taxodium mucronatum</i>	x	x	x				
American Elm	<i>Ulmus americana</i>	x	x	x	x	x	x	x
Cedar Elm	<i>Ulmus crassifolia</i>	x	x	x	x	x	x	x
Lacebark Elm	<i>Ulmus parvifolia</i>		x	x	x	x	x	x
Drake Elm	<i>Ulmus parvifolia "Drake"</i>			x	x	x	x	x
Lacey Oak	<i>Quercas glaucoides</i>	x	x	x	x	x	x	x
Bald Cypress	<i>Taxodium distichum</i>	x	x	x	x			
Ornamental Trees:								
Guajillo	<i>Acacia berlandieri</i>	x	x	x	x			
Roemer's Acacia	<i>Acacia roemeriana</i>	x	x	x	x			
Wright Acacia	<i>Acacia wrightii</i>	x	x	x	x			
Texas Madrone	<i>Arbutulus xalapensis</i>	x	x	x				
Anacacho Orchid Tree	<i>Bauhinia congesta</i>	x	x	x				
Paloverde Tree	<i>Cercidium macrum</i>	x	x					
Texas Redbud	<i>Cercis canadensis 'texana'</i>	x	x	x	x	x	x	x
Desert Willow	<i>Chilopsis linearis</i>	x	x	x	x	x	x	x
Condalia	<i>Condalia hookeri</i>	x	x	x	x			
Smoke Tree	<i>Gontinus obovatus</i>	x	x	x	x			
Wild Olive	<i>Cordia boissieri</i>	x	x	x	x			
Roughleaf Dogwood	<i>Cornus drummondii</i>		x	x	x	x	x	x
American Smoketree	<i>Cotinus obovatus</i>	x	x	x				
Texas Persimmon	<i>Diospyros texana</i>	x	x	x				
Sandpaper Tree	<i>Ehretia anacua</i>	x	x	x				
Kidneywood	<i>Eysenhardtia texana</i>	x	x	x	x			

Soapbush	<i>Guajacum angustifolium</i>	x	x	x				
Witch Hazel	<i>Hamamelis virginiana</i>	x	x	x				
Possumhaw Holly	<i>Ilex decidua</i>	x	x	x	x	x	x	
Yaupon Holly	<i>Ilex vomitoria</i>	x	x	x	x	x	x	
Little Texas Walnut	<i>Juglans microcarpa</i>	x	x	x				
Coyotillo	<i>Karwinskia humboldtiana</i>	x	x	x				
Crepe Myrtle	<i>Lagerstroemia indica</i>		x	x	x	x	x	x
Golden Leadball Tree	<i>Leucaena retusa</i>	x	x	x	x	x		
Blanco Crabapple	<i>Malus ioensis var. texana</i>	x	x	x	x	x	x	
Wax Myrtle	<i>Myrica cerifera</i>		x	x	x	x	x	x
Arroyo Sweetwood	<i>Myrospermum sousanum</i>	x	x	x	x			
Retama	<i>Parkinsonia aculeate</i>	x	x					
Cherry Laurel	<i>Prunus caroliniana</i>		x	x	x	x	x	
Mexican Plum	<i>Prunus mexicana</i>	x	x	x	x	x	x	x
Chokeberry	<i>Prunus virginiana</i>	x	x	x				
Carolina Buckthorn	<i>Rhamnus Carolinian</i>	x	x	x	x	x		
Lanceleaf Sumac	<i>Rhus lanceolata</i>	x	x	x	x			
Evergreen Sumac	<i>Rhus virens</i>	x	x	x				
Weeping Willow	<i>Salix babylonica*</i>			x	x	x		
Eve's Necklace	<i>Sophora affinis</i>	x	x	x	x	x	x	
Texas Mountain Laurel	<i>Sophora secundiflora</i>	x	x	x	x	x	x	x
Mexican Buckeye	<i>Ungnadia speciosa</i>	x	x	x	x	x	x	x
Rusty Blackhaw Viburnum	<i>Viburnum rufidulum</i>	x	x	x	x			
Vitex	<i>Vitex agnus-castus</i>		x	x	x	x	x	
Toothache Tree	<i>Zanthoxylum hirtum</i>	x	x	x				
Shrubs:								
Glossy Abelia	<i>Abelia grandiflora</i>			x	x	x	x	
Flame Acanthus	<i>Anisacanthus quadrifidus 'wrightii'</i>	x	x	x	x	x	x	
Agarita	<i>Berberis trifoliata</i>	x	x	x				
Bougainvillea	<i>Bougainvillea spp.</i>				x	x	x	
Butterfly Bush	<i>Buddleia spp.</i>		x	x	x	x		
American Beautyberry	<i>Callicarpa americana</i>	x	x	x	x	x	x	
Bottlebrush	<i>Callistemon citrinus</i>	x	x	x	x	x	x	
Chile Pequin	<i>Capsicum annuum 'aviculare'</i>	x	x	x	x			
Candlestick Tree	<i>Cassia alata</i>		x	x	x			
Bird of Paradise	<i>Ceaselpinia gilliesi</i>				x	x	x	
Pride of Barbados	<i>Ceaselpinia pulcherrima</i>	x	x	x	x	x		
Snakewood	<i>Colubrina texensis</i>	x	x	x				
Cotoneaster	<i>Cotoneaster spp.</i>	x	x	x	x	x	x	
Crinum Lily	<i>Crinum spp.</i>			x	x	x	x	
Cigar Plant	<i>Cuphea spp.</i>	x	x	x	x	x	x	
Black Dalea	<i>Dalea frutescens</i>	x	x	x	x	x	x	
Sotol	<i>Dasylirion spp.</i>	x	x	x				
Silverberry	<i>Eleagnus pungens</i>				x	x		
Eleagnus	<i>Eleagnus spp.</i>				x	x	x	
Coral Bean	<i>Erythia cisti-galli</i>	x	x	x	x	x	x	
Coralbean	<i>Erythrina herbacea</i>	x	x	x	x	x	x	
Texas Elbow Bush	<i>Foresteria pubescebs</i>	x	x	x	x	x		
Silk Tassel	<i>Garrya ovata</i>	x	x	x	x	x	x	
Red Yucca	<i>Hesperaloe parvifolia</i>	x	x	x	x			

Texas Star Hibiscus	<i>Hibiscus coccineus</i>			x	x	x	x	
Burford Holly	<i>Ilex cornuta 'Burfordii'</i>				x	x	x	
Primrose Jasmine	<i>Jasminum mesneyi</i>			x	x	x	x	
Dwarf Crepe Myrtle	<i>Lagerstroemia indica</i>			x	x	x	x	
Texas Sage	<i>Leucophyllum frutescens</i>	x	x	x	x	x	x	
Green Cloud Sage	<i>Leucophyllum frutescens 'green cloud'</i>			x	x	x	x	
Silverado Sage	<i>Leucophyllum frutescens 'silverado'</i>		x	x	x	x	x	
White Honeysuckle	<i>Lonicera albiflora var. albiflora</i>	x	x	x	x	x	x	
Barbados Cherry	<i>Malpighia glabra</i>	x	x	x	x	x	x	
Turk's Cap	<i>Malvaviscus drummondii</i>	x	x	x	x	x	x	
Dwarf Wax Myrtle	<i>Myrica pusilla</i>	x	x	x	x	x	x	
Nandina	<i>Nandina domestica</i>				x	x	x	
Oleander	<i>Nerium oleander</i>			x	x	x	x	
Nolina	<i>Nolina texana</i>	x	x	x	x			
Prickly Pear	<i>Opuntia engelmannii 'lindheimeri'</i>	x	x	x				
Pavonia	<i>Pavonia lasiopetala</i>	x	x	x	x	x	x	
Texas Mock Orange	<i>Philadelphus texensis</i>	x	x	x	x	x	x	
Yew	<i>Podocarpus macrophyllum</i>		x	x	x	x		
Mexican Oregano	<i>Poliomintha longiflora</i>	x	x	x	x	x	x	
Pyracantha	<i>Pyracantha spp.</i>	x	x	x				
Indian Hawthorne	<i>Raphiolepis indica</i>				x	x	x	
Aromatic Sumac	<i>Rhus aromatica</i>	x	x	x	x			
Smooth Sumac	<i>Rhus glabra</i>	x	x	x	x	x	x	
Evergreen Sumac	<i>Rhus virens</i>	x	x	x	x			
Rosemary	<i>Rosmarinus officinalis</i>	x	x	x	x	x	x	
Trailing Rosemary	<i>Rosmarinus prostrata</i>	x	x	x	x	x	x	
Dwarf palmetto	<i>Sabal minor</i>	x	x	x	x	x	x	
Autumn Sage	<i>Salvia greggii</i>	x	x	x	x	x	x	
Elderberry	<i>Samucus canadensis</i>	x	x	x	x	x	x	
Coralberry	<i>Symphoricarpos orbiculatus</i>	x	x	x	x	x	x	
Blackhaw Viburnum	<i>Viburnum prunifolium</i>				x	x	x	
Buckley Yucca	<i>Yucca constricta</i>	x	x	x	x			
Twisted-Leaf Yucca	<i>Yucca rupicola</i>	x	x	x	x			
Softleaf Yucca	<i>Yucca rupicola</i>	x	x	x				
Spanish Dagger	<i>Yucca spp.</i>	x	x	x				
Ornamental Grasses:								
Western Wheatgrass	<i>Agropyron smithii</i>	x	x	x	x			
Big Bluestem	<i>Andropogon gerardi</i>	x	x	x	x	x		
Brushy Bluestem	<i>Andropogon glomeratus</i>	x	x	x	x	x		
Sideoats Grama	<i>Bouteloua curtipendula</i>	x	x	x	x	x	x	
Inland Seaoats	<i>Chasmanthium latifolium</i>	x	x	x	x	x	x	
Umbrella Grass	<i>Cyperus alternifolius</i>		x	x	x	x	x	
Sugarcane Plume Grass	<i>Erianthus giganteus</i>	x	x	x	x	x	x	
Curly Mesquite	<i>Hilaria belangeri</i>	x	x	x				
Monky Grass	<i>Liriope muscari</i>				x	x	x	
Miscanthus	<i>Miscanthus spp.</i>				x	x	x	
Ear Muhly	<i>Muhlenbergia arenacea</i>	x	x	x	x	x		
Gulf Muhly	<i>Muhlenbergia capillaris</i>	x	x	x	x	x	x	
Lindheimer Muhly	<i>Muhlenbergia lindheimeri</i>	x	x	x	x	x	x	
Weeping Muhly	<i>Muhlenbergia duboides</i>	x	x	x	x	x	x	

Seep Muhly	<i>Muhlenbergii reverchonii</i>	x	x	x	x	x		
Deer Muhly	<i>Muhlenbergii rigens</i>	x	x	x	x	x	x	
Beargrass	<i>Nolina spp.</i>	x	x	x	x	x	x	
Switchgrass	<i>Panicum virgatum</i>	x	x	x	x	x	x	
Little Bluestem	<i>Schizachyium scoparium</i>	x	x	x	x	x	x	
Green Lily	<i>Schoenocaulon texanum</i>		x	x	x	x		
Indiangrass	<i>Sorghastrum nutans</i>	x	x	x	x	x		
Mexican Feathergrass	<i>Stipa tenuissima</i>	x	x	x	x	x	x	
Eastern Grama Grass	<i>Tripsacum dactyloides</i>	x	x	x	x	x	x	
Vines:								
Crossvine	<i>Bignonia capreolata</i>	x	x	x	x	x	x	
Trumpet Vine	<i>Campsis radicans</i>	x	x	x	x	x	x	
Carolina jessamine	<i>Gelsemium sempervirens</i>	x	x	x	x	x	x	
English Ivy	<i>Hedera helix</i>				x	x	x	
Morning Glory	<i>Ipomoea spp.</i>	x	x	x	x	x	x	
Coral Honeysuckle	<i>Lonicera sempervirens</i>	x	x	x	x	x	x	
Virginia Creeper	<i>Parthenocissus quinquefolia</i>	x	x	x	x	x		
Boston Ivy	<i>Parthenocissus tricuspidata</i>				x	x	x	
Passionflower	<i>Passiflora alata caerulea</i>			x	x	x	x	
Cypress Vine	<i>Quamoclit pennata</i>		x	x	x			
Lady Banksia Rose	<i>Rosa banksiae 'Lutea'</i>				x	x	x	
Santolina	<i>Santolina virens</i>				x	x	x	
Dwarf periwinkle	<i>Vinca major</i>	x	x	x	x	x	x	
Texas Wisteria	<i>Wisteria macrostachya</i>	x	x	x	x	x	x	
Turf Grasses:								
Buffalograss	<i>Buchloe dactyloides</i>	x	x	x	x	x	x	
Bermuda Grass	<i>Cynodon dactylon</i>	x	x	x	x	x	x	
Zoysiagrass	<i>Zoysia spp.</i>	x	x	x	x	x	x	

3/22/2021

Agenda Item No. F)

PRESENTER:

Christopher J. Looney, AICP, Planning and Development Services Director

SUBJECT:

Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of two single-family residences in the "C-2" General Business District, addressed at 274 and 290 East Bridge Street.

DEPARTMENT: Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** Council District 5**BACKGROUND INFORMATION:**

Applicant/Owner: Morgan & Jay Behrens
290 E. Bridge Street
New Braunfels, TX 78130
(214) 232-2380 morgan.behrens10@gmail.com

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

The subject property consists of one parcel with two residential structures, located at the south corner of East Bridge Street and North Market Avenue near Downtown New Braunfels. The applicants are requesting a Special Use Permit (SUP) to allow short term rental (STR) of both houses.

274 E. Bridge: This house has two bedrooms and one bathroom. Per the Zoning Ordinance, maximum occupancy of a STR with one bathroom is 5 occupants, and minimum off-street parking is 2 spaces. There is adequate space in the asphalt driveway to accommodate at least two vehicles.

290 E. Bridge: The larger house contains three bedrooms with two bathrooms, for maximum occupancy of 8 occupants. A concrete driveway was recently constructed to meet the minimum parking requirement of 3 spaces.

Surrounding Zoning and Land Use:

North - Across Bridge Street, C-2/ Single-family residence
South - C-2/ Commercial offices
East - Across Market Avenue, M-1/ Single-family residence with STR SUP
West - C-2/ Single-family residence with STR SUP

ISSUE:

The proposed SUP meets the Zoning Ordinance requirements for a short term rental, and is consistent with the following actions from the Envision New Braunfels Comprehensive Plan:

- Action 1.3 Encourage balanced and fiscally responsible land use patterns.
- Action 1.14 Ensure regulations do not unintentionally inhibit the provisions of a variety of flexible and

innovative lodging options and attractions.

- Future Land Use: The property is situated within the New Braunfels Sub-Area, in close proximity to the Central Business District, Tourist/Entertainment Centers, and Outdoor Recreation Centers.

The site is centrally located near Downtown, within a short drive to many visitor attractions, and in a transitional area containing a mix of residential and commercial uses including several existing STRs. Short term rental standards in the Zoning Ordinance help to ensure proper measures are in place to protect public health, safety, and neighboring properties.

If the SUP is approved, a separate Short Term Rental Permit will be required.

FISCAL IMPACT:

If approved, the property will be subject to local and state hotel occupancy tax (HOT).

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on March 2, 2021 and recommended approval 7-0-0 with Commissioner Nolte recused and Commissioner Gibson absent.

STAFF RECOMMENDATION:

The applicants' requested SUP meets the short term rental requirements of the Zoning Ordinance, and the subject property is in a mixed-use area appropriate for the proposed use. Staff recommends approval with the following conditions:

1. The residential character of the property must be maintained.
2. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.
3. Occupancy is limited to a maximum of 5 guests at 274 E. Bridge and 8 guests at 290 E. Bridge.
4. All other standards of the Zoning Ordinance will be met and a Short-Term Rental Permit is required.

Notification:

Public hearing notices were sent to 19 owners of property within 200 feet of the request. The City received two responses in favor (#3, 13) and none in objection.

Resource Links:

- Chapter 144, Sec. 3.3-7 (C-2) of the City's Code of Ordinances:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C H144ZO_ARTIII ZODI_S144-3.3ZODIREPRZOPRJU221987

- Chapter 144, Sec. 3.6 (SUP) of the City's Code of Ordinances:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C H144ZO_ARTIII ZODI_S144-3.6SPUSPE

- Chapter 144, Sec. 5.17 (Short-term Rental) of the City's Code of Ordinances:

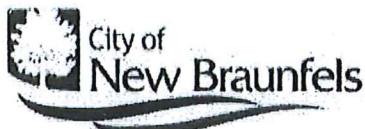
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C H144ZO_ARTVDEST_S144-5.17SHTEREOC

ATTACHMENTS:

1. Aerial Map
2. Application, Site Plan and Floor Plan
3. Land Use Maps (Zoning, Existing, Future Land Use, Short Term Rental)

-
4. Notification Map
 5. Photograph
 6. Ordinance





**Planning & Community Development Department
Planning Division**

550 Landa St. New Braunfels, Tx 78130
(830) 221-4050 www.nbtexas.org

CC/Cash/Check No.:	Case No.:
Amount Recd. \$	
Receipt No.:	
50P21-041	
BY: <i>RR</i> Submittal Date office use only	

Special Use Permit Application to Allow Short Term Rental

Any application that is missing information will be considered incomplete and will not be processed.

1. Applicant - If owner(s), so state; If agent or other type of relationship, a letter of authorization must be furnished from owner(s) at the time submitted.

Name: Morgan + Jay Behrens
 Mailing Address: 290 E Bridge St. New Braunfels, Tx 78130
 Telephone: 214 232 2580 Fax: _____ Mobile: _____
 Email: morgan.behrens@gmail.com

2. Property Address/Location: 274 E Bridge St. New Braunfels, Tx 78130
290 E Bridge St. "

3. Legal Description:
 Name of Subdivision: City Block 2008, N95 of LT 139, Acres. 209
 Lot(s): _____ Block(s): _____ Acreage: .209

4. Existing Use of Property: Long term rental

5. Current Zoning: C2

*Please note Short Term Rentals are prohibited in the following residential districts, & a Special Use Permit could not be requested:

- R-1 • ZH • TH • R-1A-43.5 • R-1A-8 • R-2A • B-1B
- R-2 • ZH-A • B-1 • R-1A-12 • R-1A-6.6 • B-1A • TH-A

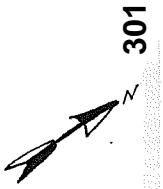
6. Proposed Special Use Permit*: Type 1 X OR Type 2 _____

*see page 4 for information regarding Type 1 and Type 2 Special Use Permits

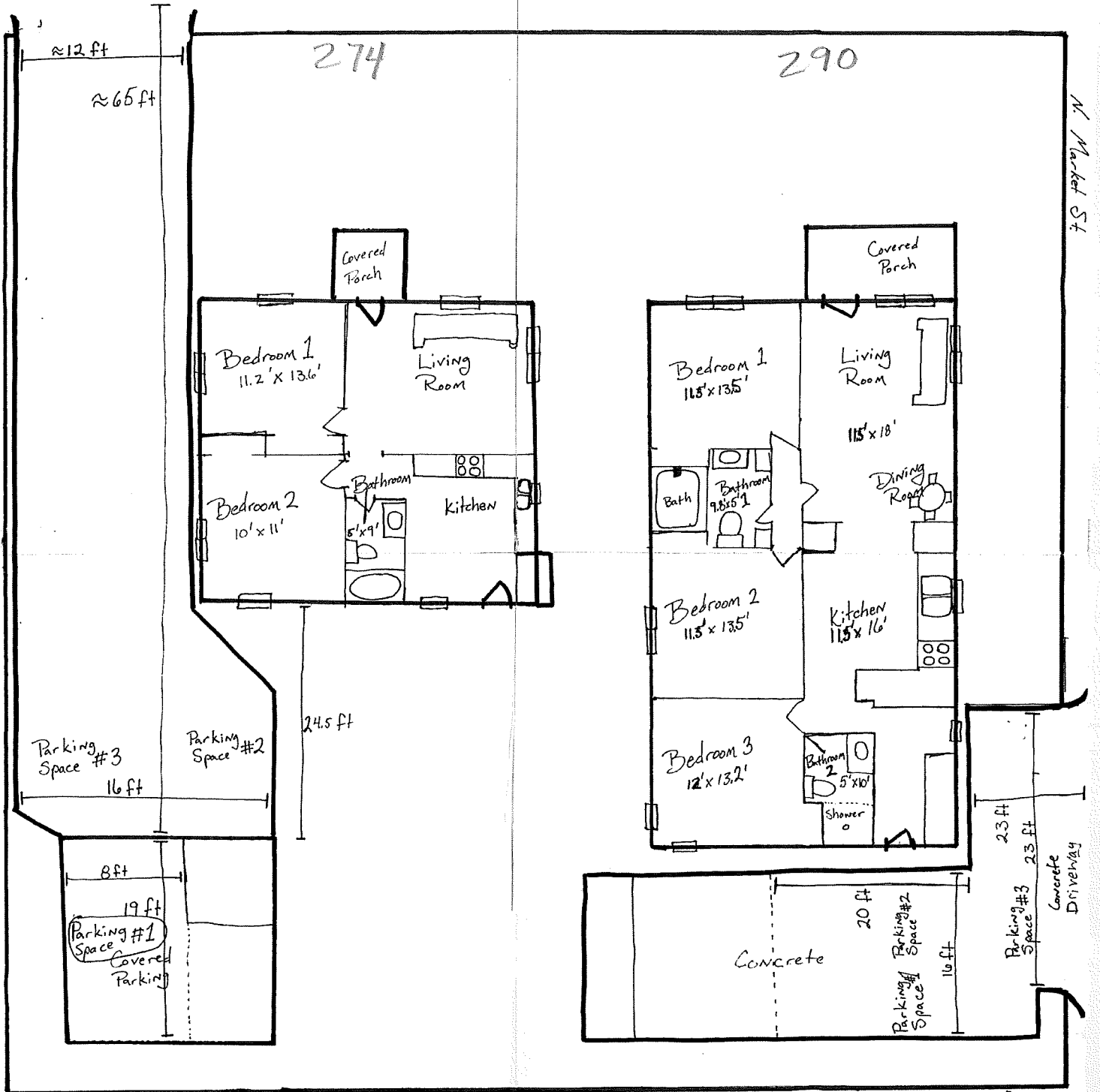
7. Explain how the proposed Short Term Rental use will be well suited for the neighborhood (attach additional or supporting information if necessary): This property is already located next to and in the neighborhood of multiple other properties that are currently doing short term rental. Additionally, because we plan to live onsite, we hope to offer a greater level of quality control to the neighborhood. Addresses listed on VRBO/Airbnb:

288 N. Market, 264 E Bridge, 343 E Mill, 353 E Mill, 341 N. Market, 258 E Mill

E. Bridge St.

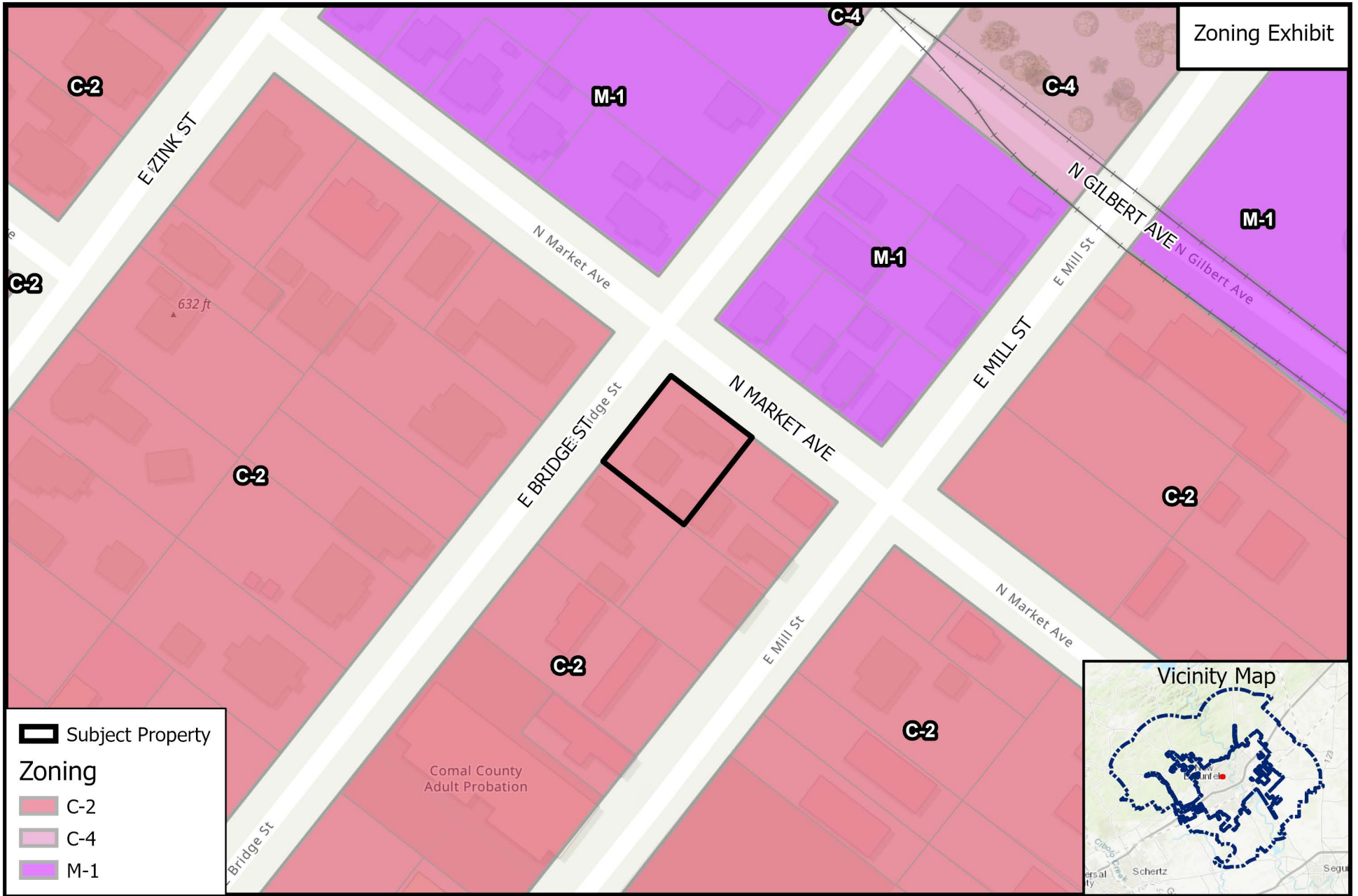


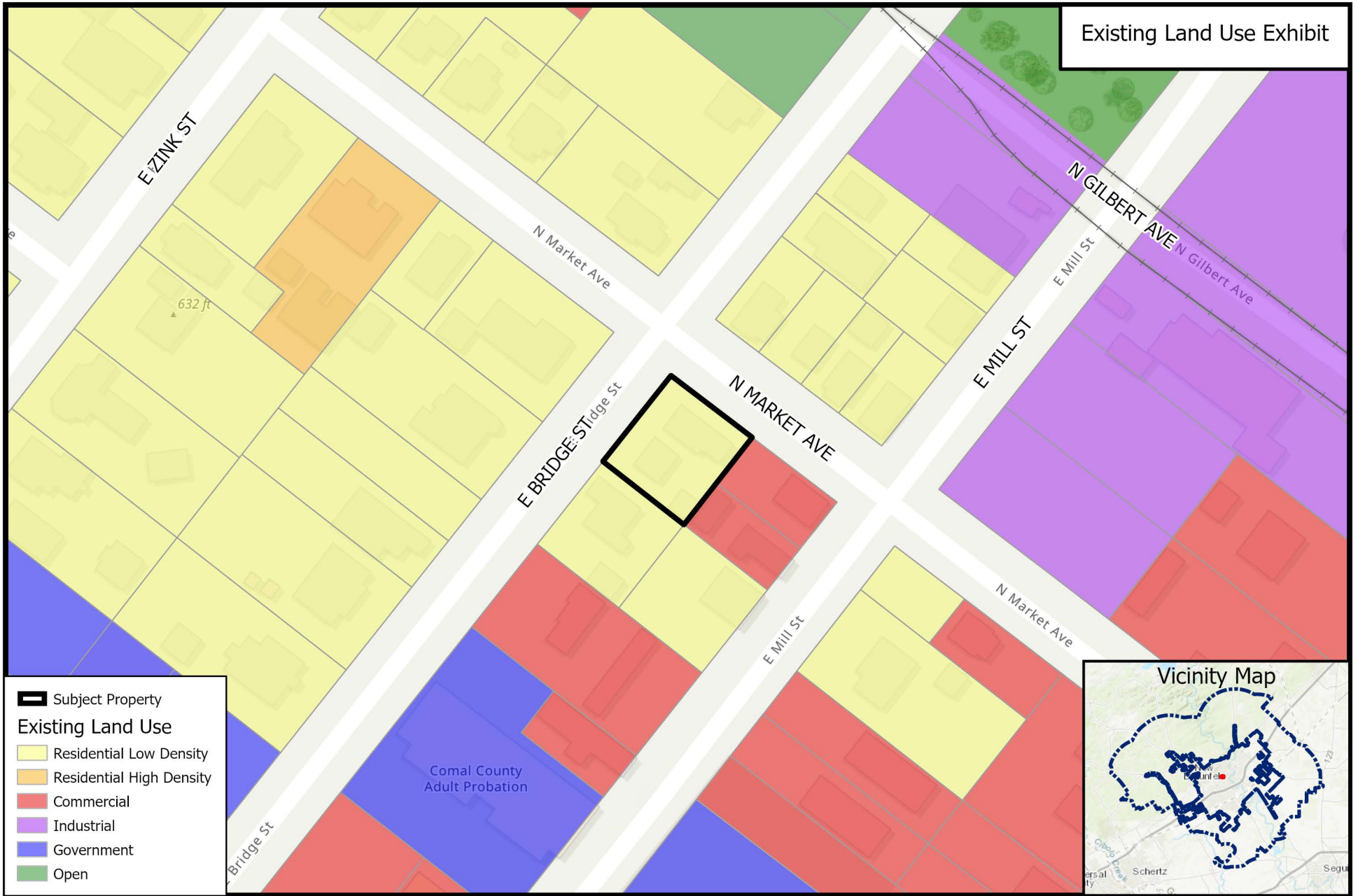
301



Minimum dimensions for 1 parking space

8 ft wide
19 ft deep





EXISTING CENTERS

Centers are the middle, core or heart of an area. It is a point of activity and vitality. Centers come in many sizes and have different purposes or activities within. They may have endangered species habitat or aquifer recharge areas that require additional standards and consideration relating to future growth. It is envisioned that all centers be walkable, connected, and have a mix of uses. These centers must provide adequate infrastructure to support the commercial development present especially mobility and access for pedestrians, bicycles, vehicles and transit. Given the mixed-use nature of these centers, parking should be shared and not detract from the aesthetic of the area.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

MEDICAL CENTER

Medical Centers are mixed-use areas centered around a medical destination such as a hospital or clinic.

CIVIC CENTER

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

OUTDOOR RECREATION CENTER

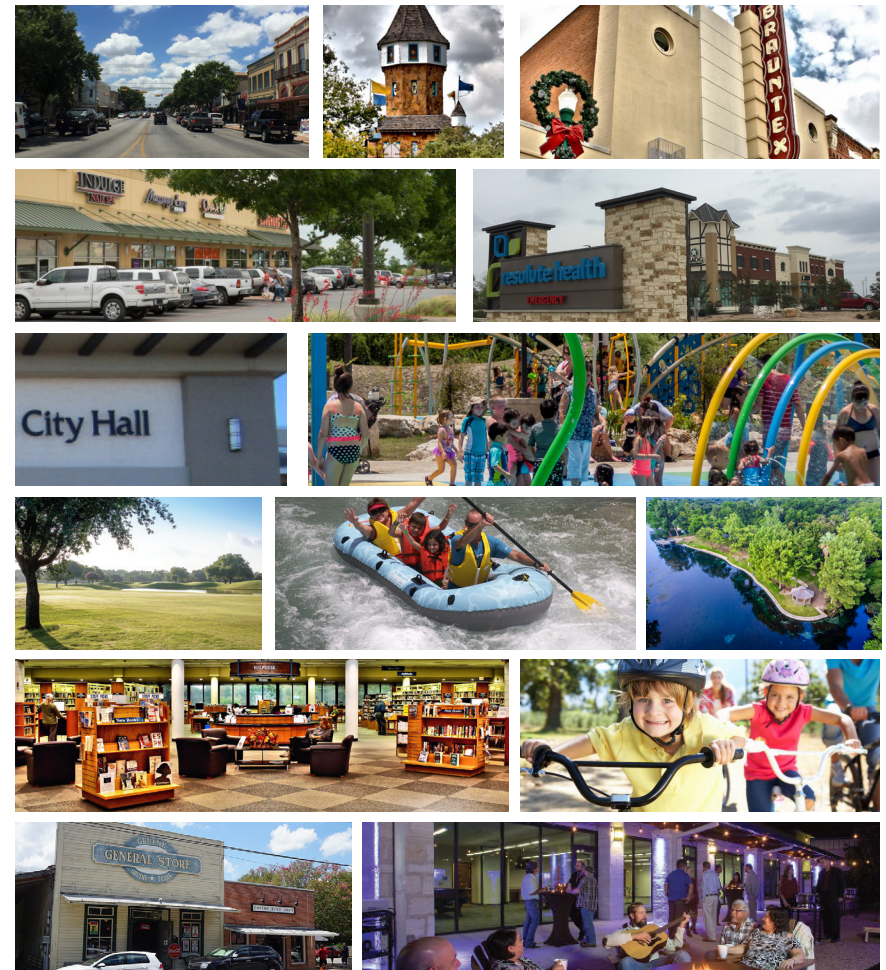
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

EDUCATION CENTER

Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

TOURIST/ENTERTAINMENT CENTER

Tourist/Entertainment Centers are mixed-use areas around an entertainment venue such as Gruene Hall or a tourist destination such as the Tube Chute.



FUTURE LAND USE PLAN

A future land use plan is how land is envisioned to be. It establishes priorities for more detailed plans (sub area plans) and for detailed topical plans (such as parks and open spaces, trails and roads). It cannot be interpreted without the goals and actions of Envision New Braunfels.

TRANSITIONAL MIXED-USE CORRIDOR

Transitional Mixed-Use Corridors express an aspiration to retrofit existing auto-dominated retail corridors with a mix of uses and a variety of travel modes over time.

OUTDOOR RECREATION CENTER

Outdoor Recreation Centers are centered around a public or private outdoor destination like Fischer Park.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

CIVIC CENTER

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

SUB AREA 1

Sub Area 1 includes the Downtown, Gruene and the Mid-Century or older neighborhoods that surround them. It is home to the natural springs and headwaters of flowing rivers that have attracted New Braunfelsers to the town for centuries.

SUB AREA 2

Sub Area 2 refers to the neighborhoods and residential enclaves that have grown alongside the Hill Country landscape.

SUB AREA 3

Sub Area 3 includes a planned community offering a diversity of housing, distinct community centers and preserved Hill Country landscape features.

SUB AREA 4

At the heart of Sub Area 4 is Fischer Park. Proximity to IH-35, downtown and neighboring communities like McQueeney makes this area highly desirable and accessible.

SUB AREA 5

Sub Area 5 bridges together many communities east of IH-35. It includes the scenic landscape along both banks of the Guadalupe River between Highway 46 and FM 725.

SUB AREA 6

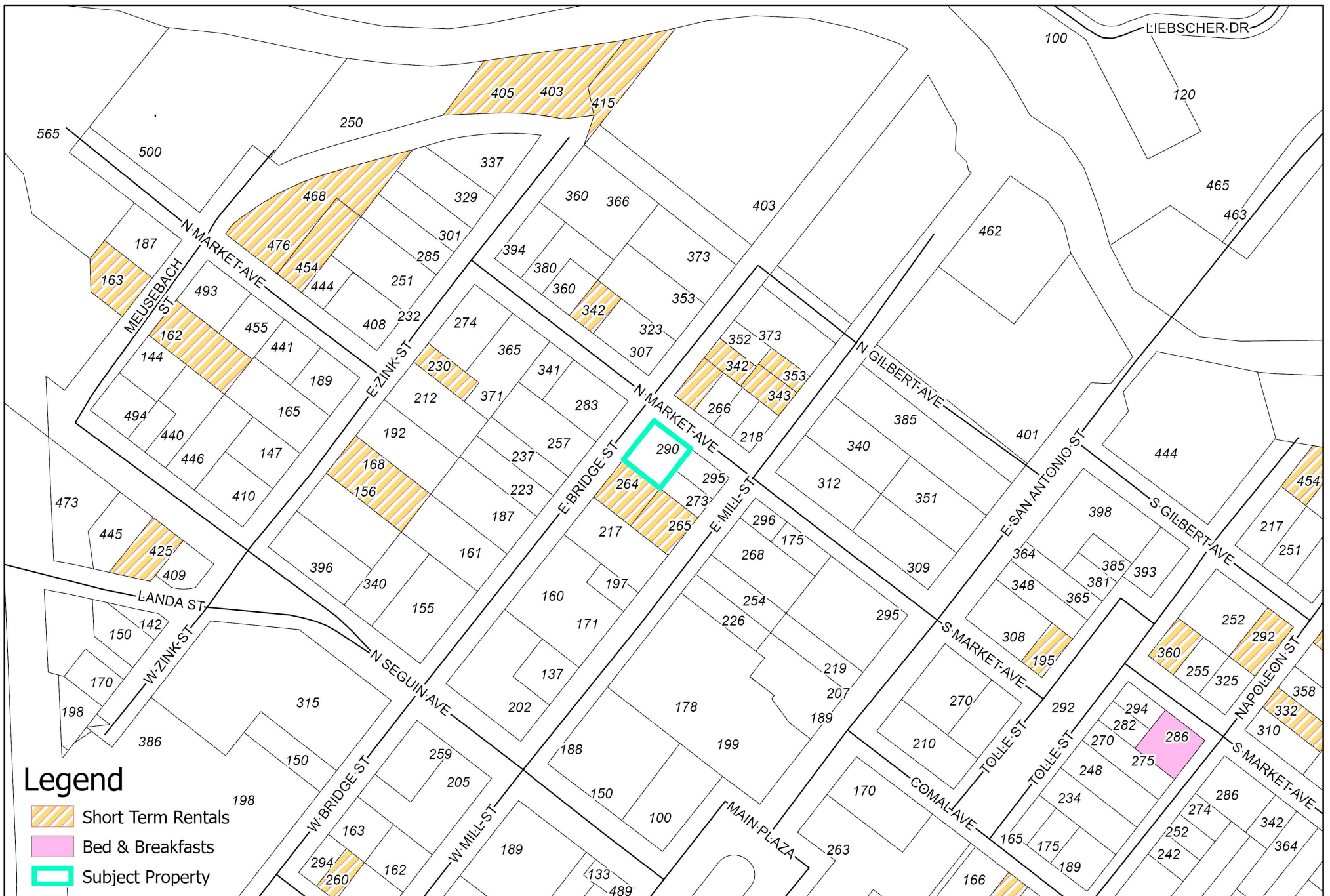
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7

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

SUB AREA 8

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



Short Term Rental Vicinity Map



290 and 274 E. Bridge

PLANNING COMMISSION – MARCH 2, 2021– 6:00PM

Zoom Meeting

Applicant/Owner: Morgan & Jay Behrens

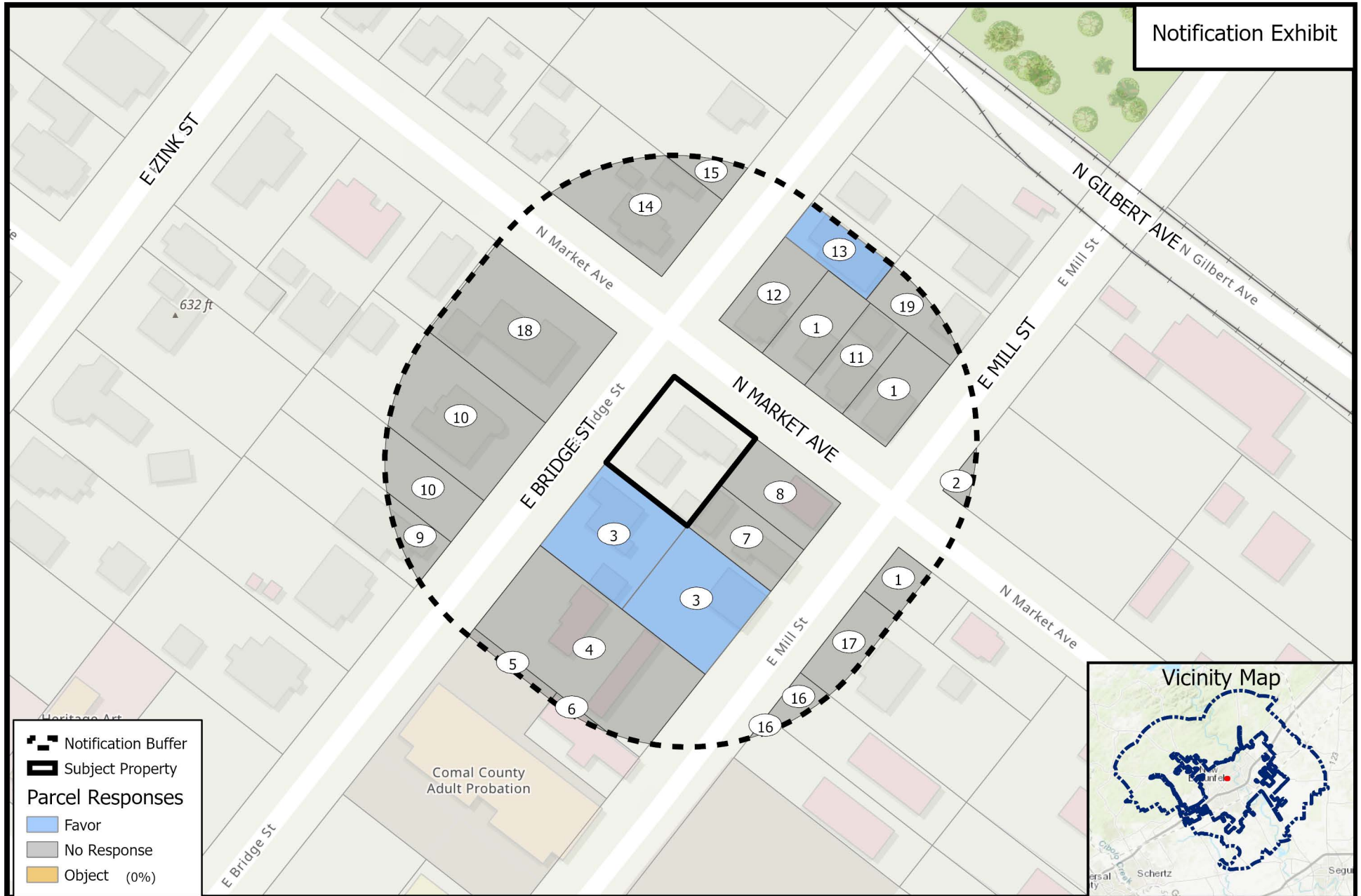
Address/Location: 274 & 290 E. Bridge Street

PROPOSED SPECIAL USE PERMIT – CASE #SUP21-041

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. NOLTE MELVIN JR | 11. NOLTE MELVIN JR ET AL |
| 2. ADM MILLING CO | 12. LAMMERS LESLIE J & THOMAS E TUMLINSON |
| 3. TAMEZ INVESTMENTS LLC | 13. ZUNKHOUSE RENTALS |
| 4. CAPITOL BANKSHARES INC | 14. LEATHERWOOD PAUL W |
| 5. COMAL COUNTY OF | 15. RODRIGUEZ SANTIAGO |
| 6. KINGDOM TRUST COMPANY & MLAI LLC | 16. CASTEEL PARTNERS LTD |
| 7. CASTEEL PARTNERS LP | 17. CASTEEL CARTER ET AL |
| 8. MOZELEY-JACQUES RENTALS LLC | 18. SIPPEL NOREEN |
| 9. REEVES JAMES E | 19. QDREAM LLC |
| 10. SAEGERT JOEL & MERRY | |

SEE MAP



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-041 Behrens (hm)

Name: Daniel + Anna Tamer

I favor: ☒

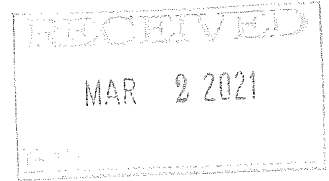
Address: 264 East Bridge

I object: _____ (State reason for objection)

Property number on map: next door
#3

Comments: (Use additional sheets if necessary)

Signature: Anna Tamer



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-041 Behrens (hm)

Name: Lunkhouse Rentals

I favor: ☒

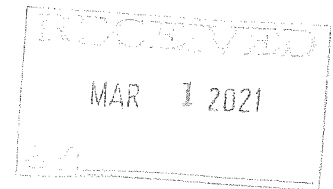
Address: 342 E Bridge St

I object: _____ (State reason for objection)

Property number on map: B

Comments: (Use additional sheets if necessary)

Signature: L Whitehouse



Draft Minutes for the March 2, 2021 Planning Commission Regular Meeting

E) SUP21-041 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of two single-family residences in the “C-2” General Business District, addressed at 274 and 290 East Bridge Street. Applicant/Owner: Morgan and Jay Behrens; Case Manager: Holly Mullins.

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

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

Jay & Morgan Behrens, 290 E Bridge, stated they will be living at the 290 E Bridge St address but wanted to have the ability to do Short Term Rental for both addresses on the property.

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

No one spoke.

Chair Edwards closed the public hearing.

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

Motion by Commissioner Sonier, seconded by Vice Chair Laskowski, to recommend approval to City Council of the proposed rezoning to apply a Special Use Permit to allow short term rental of two single-family residences in the “C-2” General Business District, addressed at 274 and 290 East Bridge Street with staff recommendations. Motion carried (7-0-0) with Commissioner Nolte recused.

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A SPECIAL USE PERMIT TO ALLOW THE SHORT-TERM RENTAL OF TWO SINGLE-FAMILY DWELLINGS IN THE “C-2” GENERAL BUSINESS DISTRICT, ON A PORTION OF LOT 139 CITY BLOCK 2008, ADDRESSED AT 274 AND 290 E. BRIDGE STREET; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of a Special Use Permit, the City Council has given due consideration to all components of said permit; and

WHEREAS, the City recognizes that granting such a permit is possible while promoting the health, safety and general welfare of the public, by providing harmony between existing zoning districts and land uses; and

WHEREAS, it is the intent of the City to ensure for the health, safety and general welfare of the public by providing compatible and orderly development, which may be suitable only in certain locations in a zoning district through the implementation of a Special Use Permit meeting those requirements cited in Sections 3.6-2 and 3.6-3, Chapter 144 of the New Braunfels Code of Ordinances; and

WHEREAS, the property is located in an area suitable for short term rentals; and

WHEREAS, the requested rezoning is in accordance with Envision New Braunfels, the City's Comprehensive Plan; and

WHEREAS, the City Council desires to grant a Special Use Permit at 274 and 290 E. Bridge Street, to allow short term rental of two single-family dwellings in the “C-2” General Business District; **now, therefore;**

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

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by adding the following tract of land as a “Special Use Permit” for the uses and conditions herein described:

Being a portion of Lot 139 City Block 2008, addressed at 274 and 290 E. Bridge Street, as depicted in Exhibit “A” attached, to allow a short-term rental in the “C-2” General Business District.

SECTION 2

THAT the Special Use Permit be subject to the following conditions:

1. The residential character of the property must be maintained.
2. The property will remain in compliance with the approved site plan illustrated in Exhibit "B". Any significant changes to the site plan will require a revision to the SUP.
3. Occupancy of the short-term rental is limited to five (5) guests at 274 E. Bridge and 8 guests at 290 E. Bridge.
4. All other standards of the Zoning Ordinance will be met, and a separate Short-Term Rental Permit is required.

SECTION 3

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

SECTION 4

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

SECTION 5

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

PASSED AND APPROVED: First reading this 22nd day of March, 2021.

PASSED AND APPROVED: Second reading this 12th day of April, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

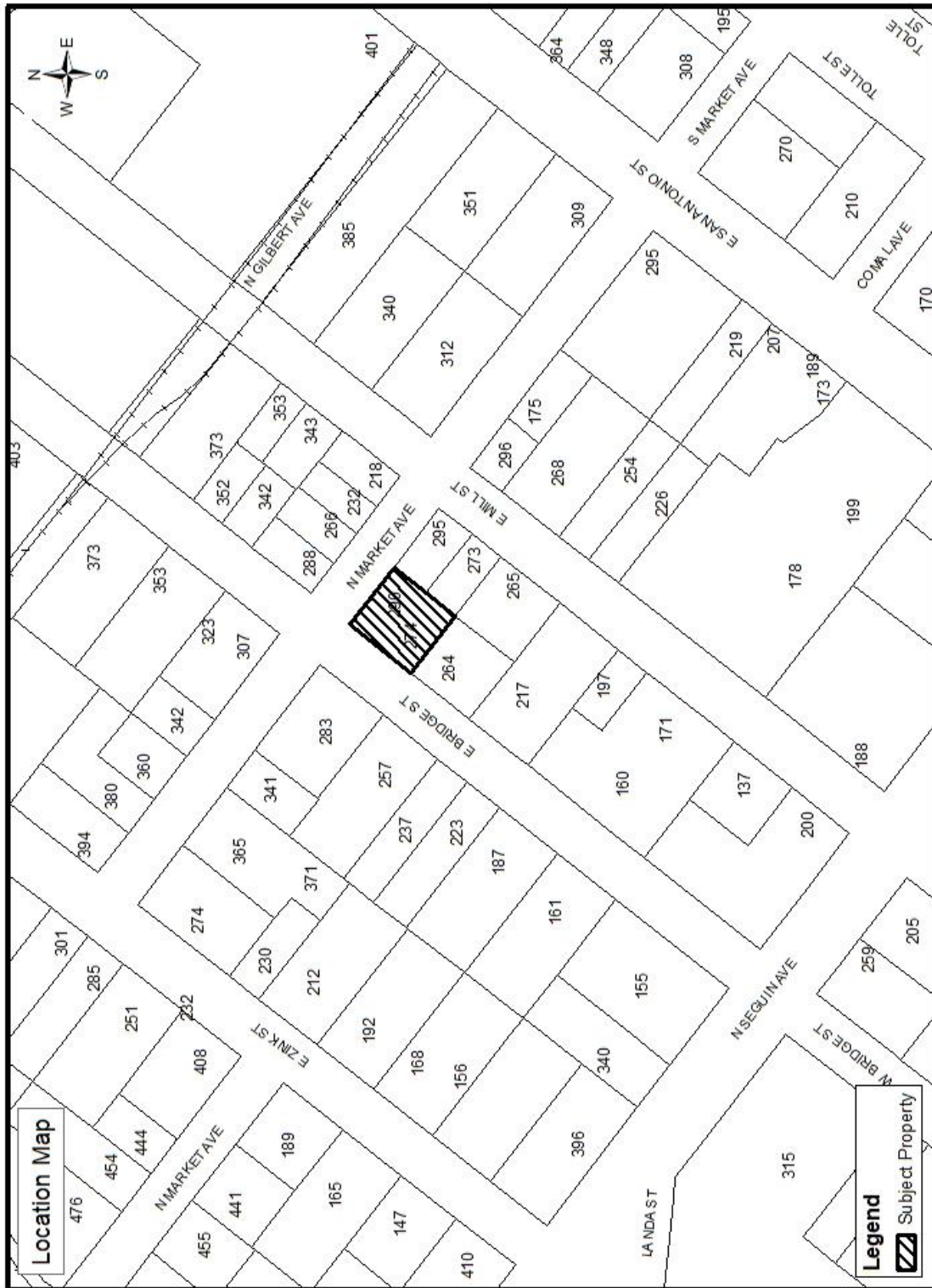
ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

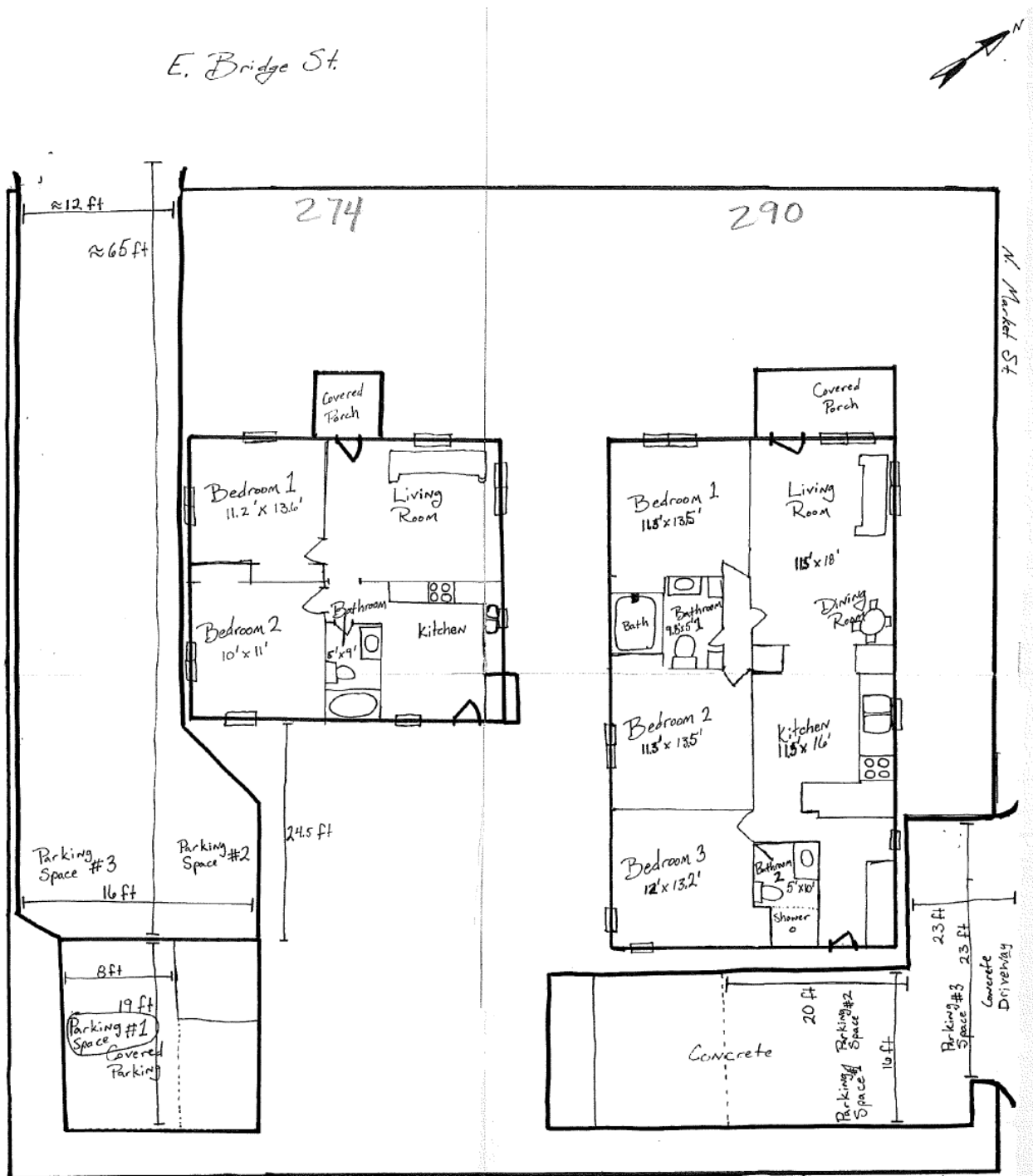
EXHIBIT "A"



SUP21-041
274 & 290 E. Bridge Street
SUP for Short Term Rental

EXHIBIT "A"

EXHIBIT "B"



Site Plan

3/22/2021

Agenda Item No. G)

Presenter

Christopher J. Looney, AICP, Planning and Development Services Director
clooney@nbtexas.org

SUBJECT:

Public hearing and first reading of an ordinance regarding a proposed amendment to an existing Special Use Permit allowing a manufactured home community in the "M-1A" Light Industrial District on approximately 45 acres out of the Orilla Russell Survey No. 2, Abstract No. 485, Comal County, Texas, located on the south side of Orion Drive, west of Goodwin Lane and east of the Pacific Rail Road.

BACKGROUND / RATIONALE:

Case No.: SUP21-042

Council District: 4

Applicant: Moeller & Associates (James Ingalls, P.E.)
2021 SH 46 W., Ste. 105
New Braunfels, TX 78132
(830) 358-7127 - jamesingalls@ma-tx.com

Owner: Yes Acquisitions, LLC (Mike Askins)
5050 S. Syracuse St.
Denver, CO 80237
(303) 483-7300 - maskins@yescommunities.com

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

The subject property is comprised of approximately 45 acres on the south side of Orion Drive west of Goodwin Lane and east of the Pacific Railroad tracks. City Council approved a Type 2 Special Use Permit (SUP) on January 13th, 2020 allowing the property to be developed as a manufactured home community with specific limitations and requirements as noted in Exhibit 'A' and Section 3 of the attached SUP ordinance (Ordinance No. 2020-03).

The applicant is requesting an amendment to the SUP to eliminate the requirement for a 6-foot tall masonry perimeter wall along a portion of the property adjacent to Orion Drive where the community's amenity center and other amenity and landscape features will be located (see Attachment A of the Applicant's Project Letter for the Proposed Amending Special Use Permit Site Plan), or, allow the fencing at this location to be constructed with metal pickets and wood posts as

shown in Exhibit C of the Applicant's Project Letter (attached). The applicant believes no fence or the proposed see-through metal picket and wood post fence would be more aesthetically pleasing than the 6-foot tall masonry wall, and would enhance the aesthetics of Orion Drive by allowing the amenities to be seen from the street.

Surrounding Zoning and Land Use:

North - Across Orion Dr., PD and Wasser Ranch PD / undeveloped with zone changes to R-1A-4.4 and R-3H pending

South - M-1A / undeveloped (New Braunfels Distribution Center Subdivision)

East - M-1A, R-1A-6.6 and APD / Single-family dwellings and undeveloped

West - Across UPRR tracks, M-1A and outside city limits / Undeveloped

Determination Factors:

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

- Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole *(No change in use is proposed with this SUP amendment. Recent rezoning activity in the area has resulted in the residential use being compatible with zoning and uses in the immediate area which consists of a mixture of single-family residential development with varying lot sizes, duplexes and proposed multifamily use).*
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area *(The adequacy of public facilities and utilities to serve any additional demand is evaluated by each provider. CISD and utility providers have been notified of the proposed SUP amendment).*
- How other areas designated for similar development will be affected *(The proposed SUP amendment should not negatively affect other areas designated for similar development).*
- Any other factors that will substantially affect the public health, safety, morals, or general welfare *(The use of the property as a manufactured home community will be subject to the supplemental standards as specified in Appendix B of the City of New Braunfels Code of Ordinances, plus the standards adopted with the current SUP ordinance).*
- Whether the request is consistent with the Comprehensive Plan: See below

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

City Plan/Council Priority: Envision New Braunfels	Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 2.8: Establish or expand architectural standards for quality of design across the city. Action 3.1: Plan for healthy jobs/housing balance. Action 3.13: Cultivate an environment where a healthy mix of different housing products at a range of sizes, affordability, densities, amenities and price points can be provided across the community as well as within individual developments. Action 3.30: Encourage and incentivize workforce/affordable housing to attract new workforce entrants and young families. Future Land Use Plan: The property lies within the Oak Creek Sub Area near existing and future Employment Centers.
---	---

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on March 2, 2021 and recommended approval (7-0-0, with Chair Edwards recused) with staff recommended conditions.

STAFF RECOMMENDATION:

While staff notes that perimeter masonry fencing can be appealing, the applicant's request is not out of character with development in the area. Therefore, staff recommends approval with the following conditions:

1. Development of the project must be in substantial compliance with the approved site plan.
2. All other conditions associated with Ordinance No. 2020-03 remain in effect.

Notification:

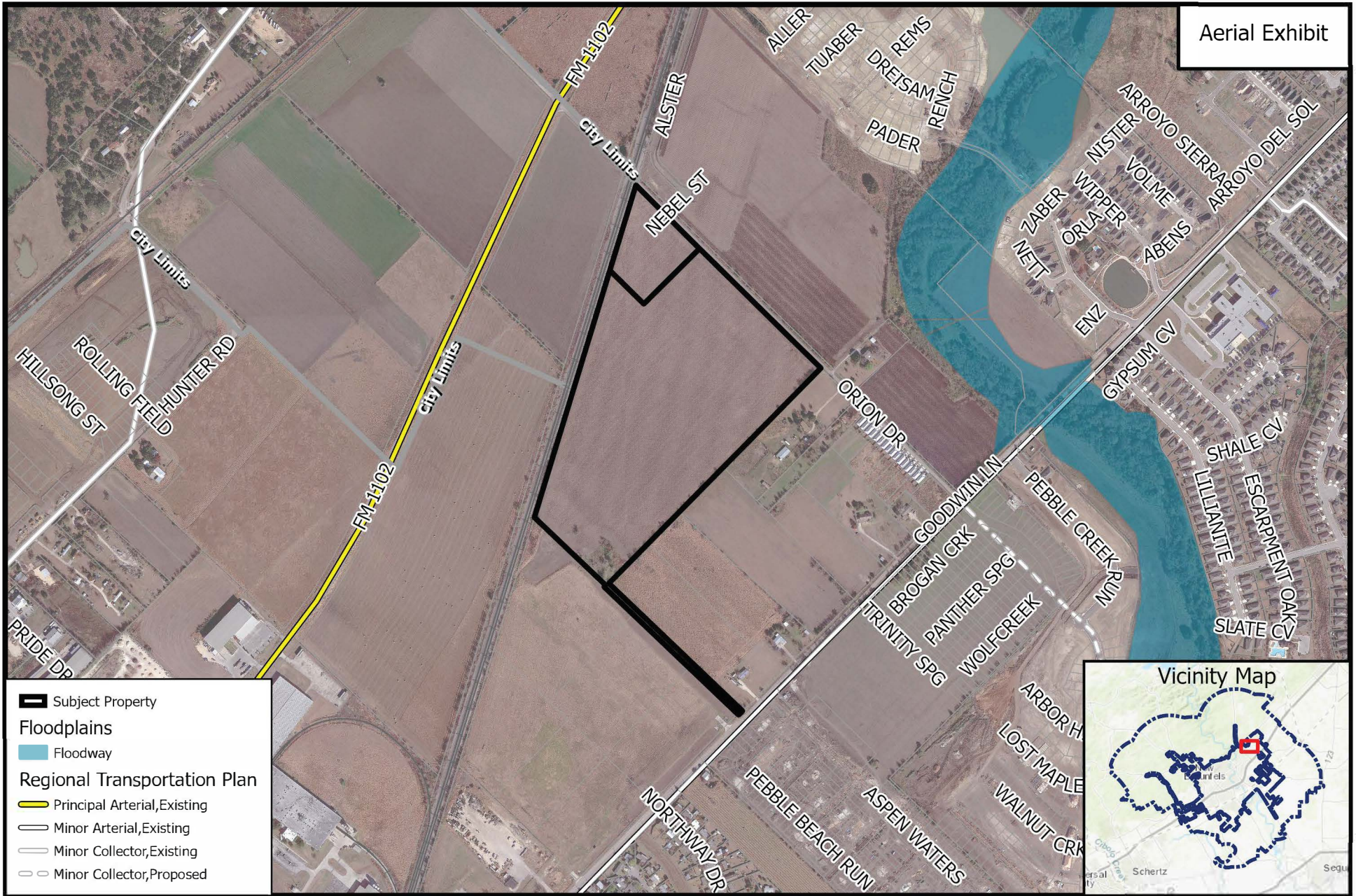
Public hearing notices were sent to 10 owners of property within 200 feet of the request. One response was received in favor from property owner number 4 and none opposed at this time.

RESOURCE LINKS:

- Chapter 144, Sec. 3.4-18 "M-1A" Light Industrial District, of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Sec. 3.4-6 Special Use Permits, of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Appendix B - Mobile Home Communities, of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

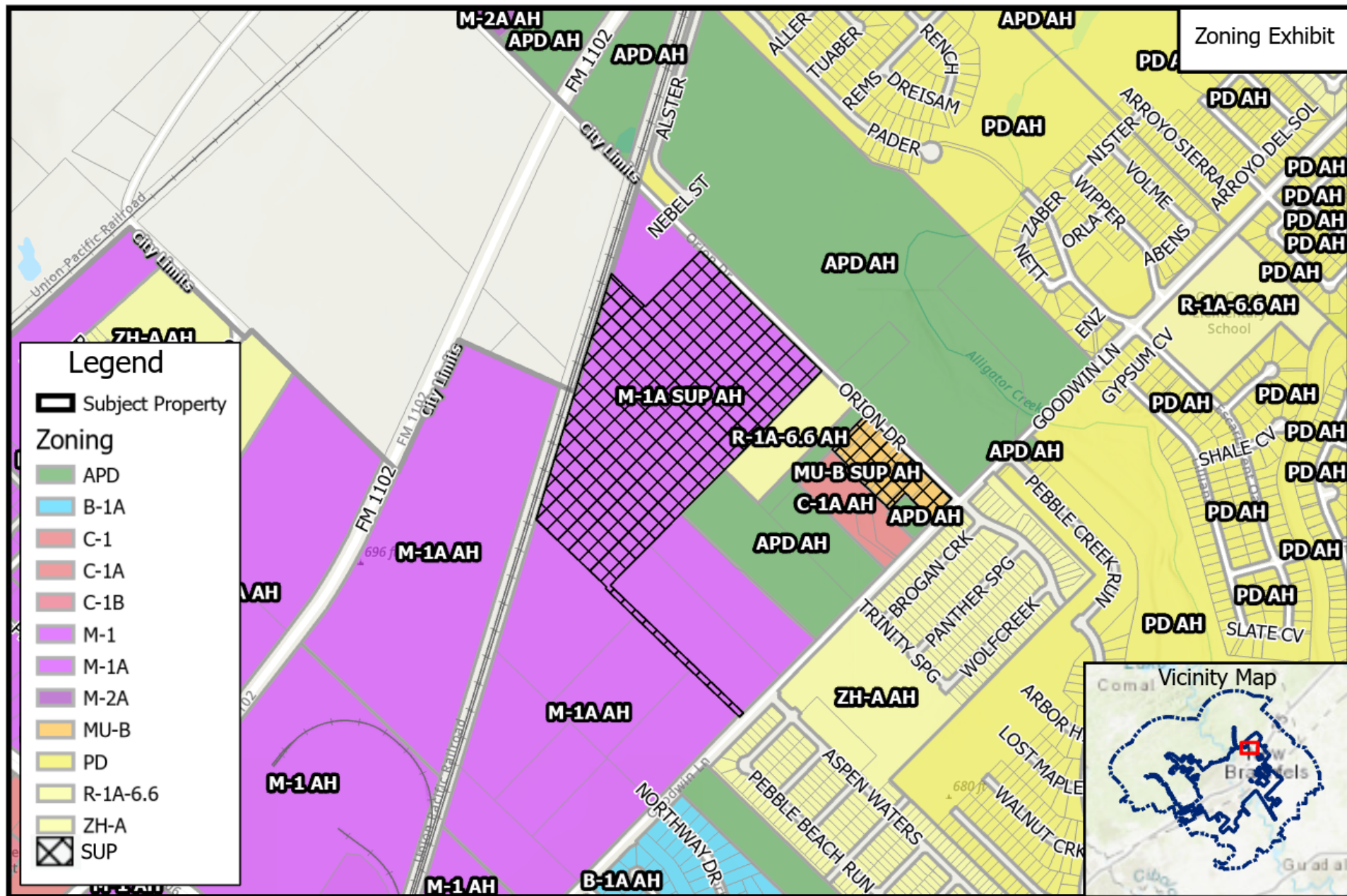
ATTACHMENTS:

1. Aerial Map
2. Land Use Maps (Zoning, Existing and Future Land Use)
3. Applicant's Project Letter
4. Proposed Fencing Plan
5. Notification List and Map
6. Excerpt of Minutes from the March 2, 2021 Planning Commission Regular Meeting
7. Draft Ordinance



SUP21-042

Request to amend a previously approved SUP



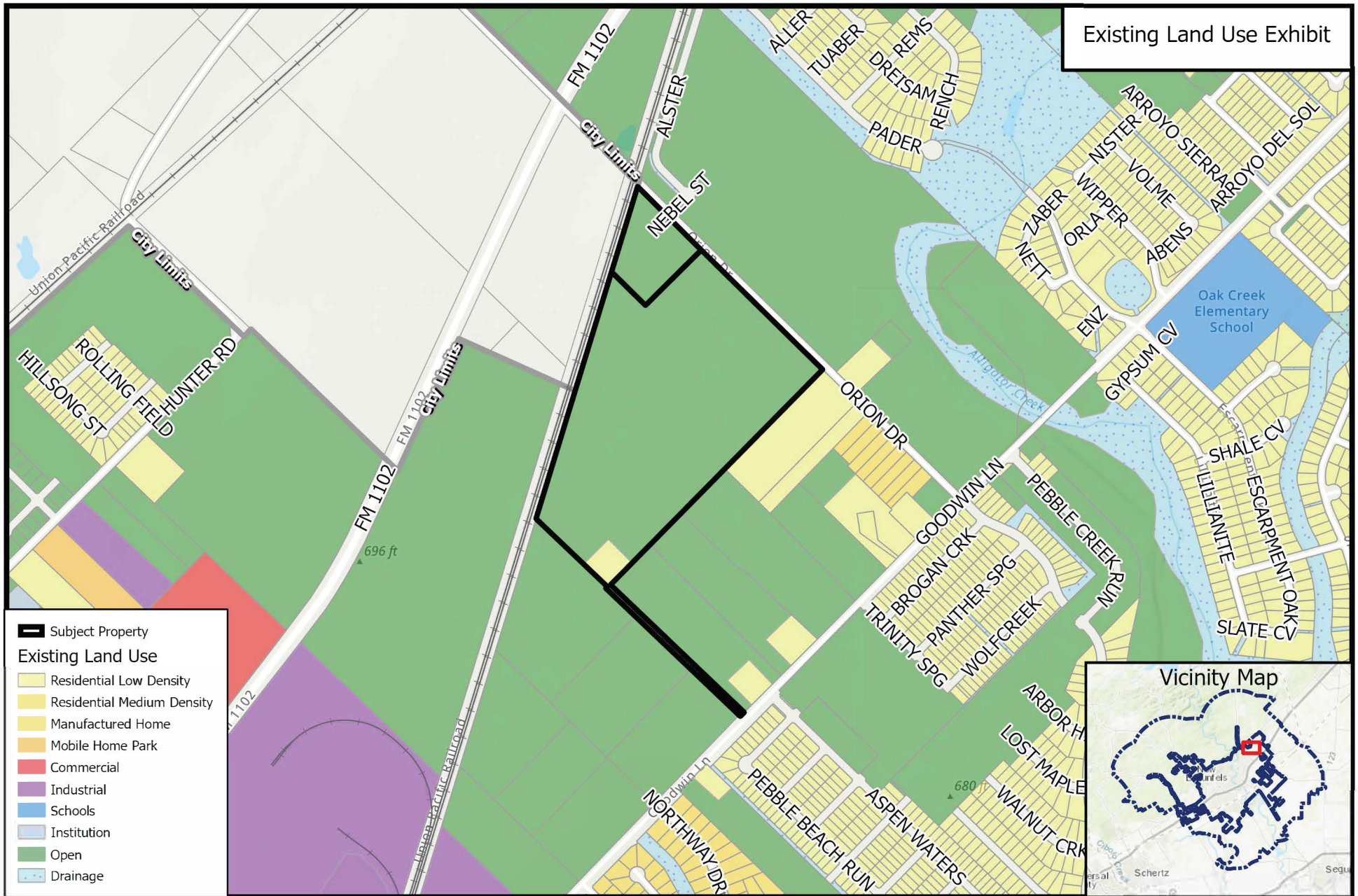
SUP21-042

Request to amend a previously approved SUP



Source: City of New Braunfels Planning
Date: 3/3/2021

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



SUP21-042

Request to amend a previously approved SUP

0 480 960 Feet



Source: City of New Braunfels Planning
Date: 2/9/2021

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by any other party 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.

323

EXISTING CENTERS

Centers are the middle, core or heart of an area. It is a point of activity and vitality. Centers come in many sizes and have different purposes or activities within. They may have endangered species habitat or aquifer recharge areas that require additional standards and consideration relating to future growth. It is envisioned that all centers be walkable, connected, and have a mix of uses. These centers must provide adequate infrastructure to support the commercial development present especially mobility and access for pedestrians, bicycles, vehicles and transit. Given the mixed-use nature of these centers, parking should be shared and not detract from the aesthetic of the area.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

MEDICAL CENTER

Medical Centers are mixed-use areas centered around a medical destination such as a hospital or clinic.

CIVIC CENTER

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

OUTDOOR RECREATION CENTER

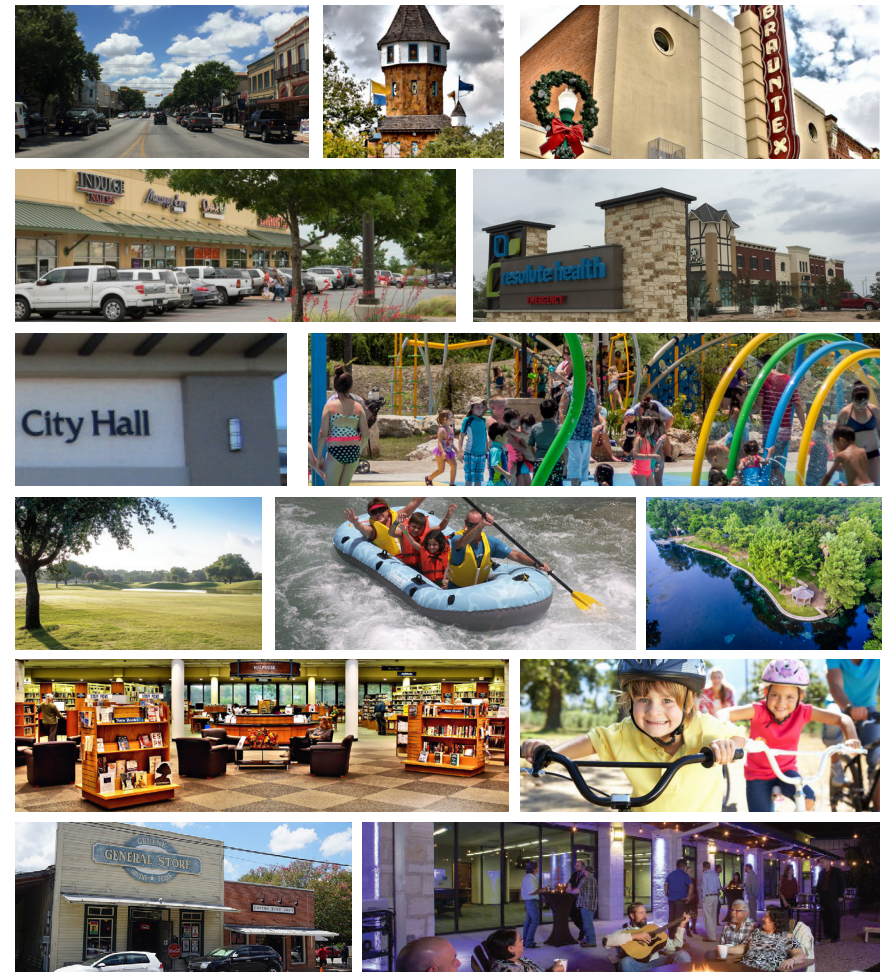
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

EDUCATION CENTER

Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

TOURIST/ENTERTAINMENT CENTER

Tourist/Entertainment Centers are mixed-use areas around an entertainment venue such as Gruene Hall or a tourist destination such as the Tube Chute.



FUTURE LAND USE PLAN

A future land use plan is how land is envisioned to be. It establishes priorities for more detailed plans (sub area plans) and for detailed topical plans (such as parks and open spaces, trails and roads). It cannot be interpreted without the goals and actions of Envision New Braunfels.

TRANSITIONAL MIXED-USE CORRIDOR

Transitional Mixed-Use Corridors express an aspiration to retrofit existing auto-dominated retail corridors with a mix of uses and a variety of travel modes over time.

OUTDOOR RECREATION CENTER

Outdoor Recreation Centers are centered around a public or private outdoor destination like Fischer Park.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

CIVIC CENTER

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

SUB AREA 1

Sub Area 1 includes the Downtown, Gruene and the Mid-Century or older neighborhoods that surround them. It is home to the natural springs and headwaters of flowing rivers that have attracted New Braunfelsers to the town for centuries.

SUB AREA 2

Sub Area 2 refers to the neighborhoods and residential enclaves that have grown alongside the Hill Country landscape.

SUB AREA 3

Sub Area 3 includes a planned community offering a diversity of housing, distinct community centers and preserved Hill Country landscape features.

SUB AREA 4

At the heart of Sub Area 4 is Fischer Park. Proximity to IH-35, downtown and neighboring communities like McQueeney makes this area highly desirable and accessible.

SUB AREA 5

Sub Area 5 bridges together many communities east of IH-35. It includes the scenic landscape along both banks of the Guadalupe River between Highway 46 and FM 725.

SUB AREA 6

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

SUB AREA 7

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

SUB AREA 8

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



January 21, 2021

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

Special Use Permit Type 2 (Orion Dr Property) – Project Summary Letter

The intent of this letter is to provide clarification for the Special Use Permit Application submitted for the property located off Orion Dr northwest of Goodwin Ln.

The project site was approved a Special Use Permit (SUP-19-0121) by City Council on January 13, 2020. This application has been submitted to propose a revision to Section 3 #11, regarding the fence requirement along perimeter of the property. This section under the approved Ordinance is below:

11. A 6-foot tall masonry fence must be constructed around the perimeter of the property on three sides prior to the placement of any vertical structures. The side adjacent to the railroad track will not require a masonry fence.

The Orion Subdivision (The Dwelling Project) has planned to satisfy this requirement; however we would like to discuss the possibility of requesting a gap in the masonry wall requirement as outlined by the blue line in diagram below (also attached as Exhibit A). This request is to ensure visibility of the amenity center. The amenity center is designed to include landscape programming that will contribute to the beautification of Orion Drive. These enhancements include pond and fountain, fishing pier, gardens, and an amenity building structure that is in character with the local vernacular, and are represented in Exhibit B.

These enhancements provide a superior view from Orion Drive than does a 6' masonry fence in terms of aesthetics. The gap we are requesting will only occur along the amenity center where we could introduce a metal picket fence with wood posts if needed along the amenity center frontage as indicated in Exhibit C. We welcome your feedback and interest in the improvements to Orion Drive.

Please accept this summary for the referenced project. If you need additional information or have any questions, please do not hesitate to contact myself or Jeff Moeller, P.E.

Sincerely,

A handwritten signature in blue ink, appearing to read 'James Ingalls'.

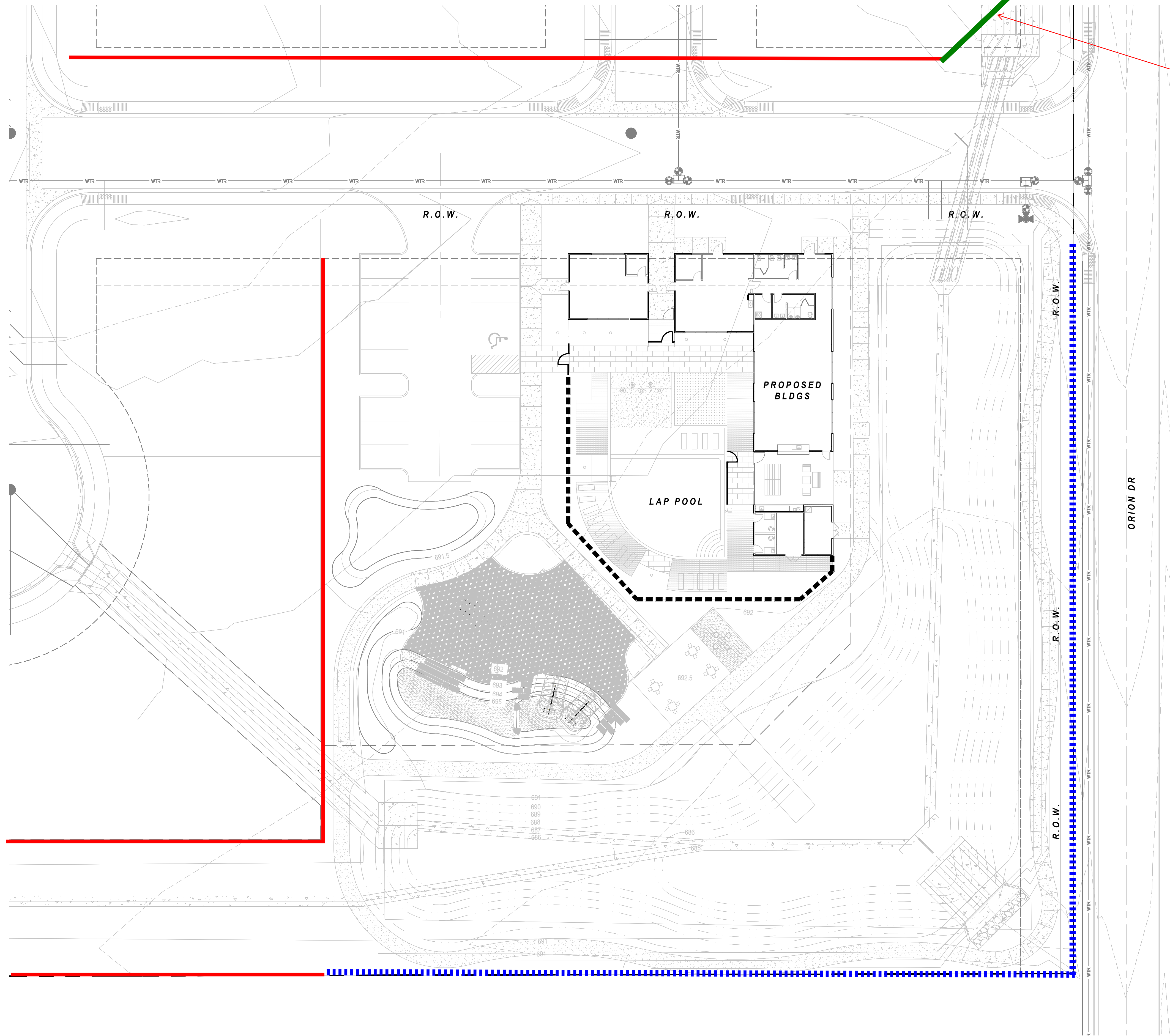
James Ingalls, P.E.

EXHIBIT A

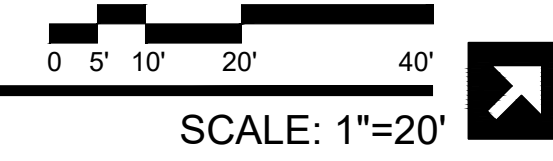








1 FENCING PLAN
PLAN



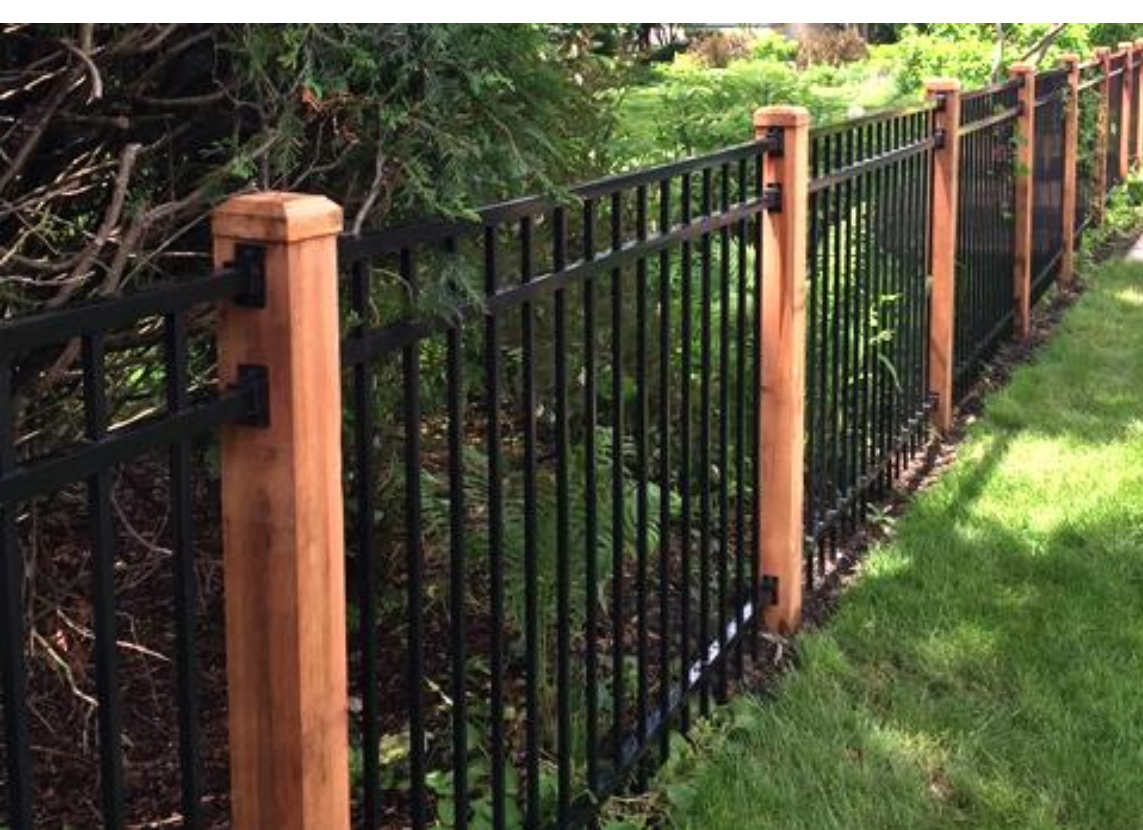
Boardform Sign Panel with Metal community Letters



Required 6' tall masonry fence
Type: Fencetrete | Pattern: vertical wood



Remove Fence or Provide Metal picket Fence with wood column



201 GROVETON | SATX 78210
210.314.5582 | MPSTUD.IO

75% CD
REVIEW SET

FOR REVIEW ONLY
Not for regulatory approval,
permitting or construction

PROJECT

DWELLING

AMENITY CENTER

PROJECT ADDRESS
ORION DRIVE & GOODWIN LANE
NEW BRAUNFELS, TX 78130

OWNER | CLIENT
YES COMMUNITIES
5050 S SYRACUSE ST, SUITE 1200
DENVER, CO 80237

OWNER'S REPRESENTATIVE
MIKE ASKINS
720.440.5588
MASKINS@YESCOMMUNITIES.COM

SUBCONSULTANT

REVISIONS

NO.	DATE	DESCRIPTION
1	09.25.20	50% CD SET

ISSUE SETS

NO.	DATE	DESCRIPTION
1	09.25.20	50% CD SET

SHEET INFORMATION

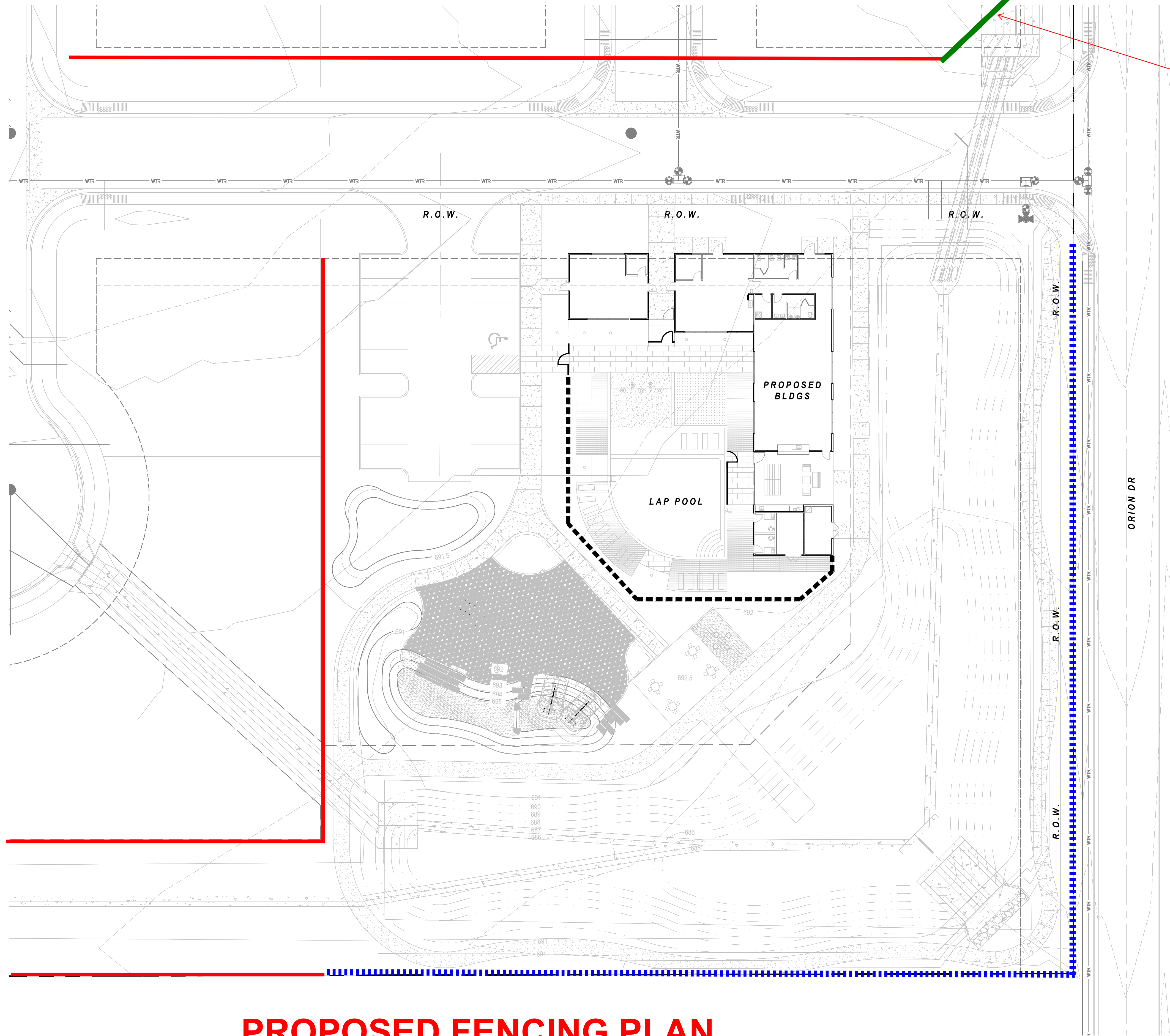
PROJECT NO.
20025
DATE ISSUED
NOVEMBER 18, 2020
SHEET NAME

FENCING PLAN

SHEET NUMBER

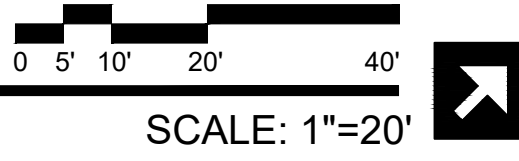
LF 1.1

EXHIBIT C



PROPOSED FENCING PLAN

1 FENCING PLAN
PLAN



Boardform Sign Panel with Metal community Letters



Required 6' tall masonry fence
Type: Fencecrete | Pattern: vertical wood



Remove Fence or Provide Metal picket Fence with wood column



201 GROVETON | SATX 78210
210.314.5582 | MPSTUD.IO

75% CD
REVIEW SET

FOR REVIEW ONLY
Not for regulatory approval,
permitting or construction

PROJECT

DWELLING

AMENITY CENTER

PROJECT ADDRESS

ORION DRIVE & GOODWIN LANE
NEW BRAUNFELS, TX 78130

OWNER | CLIENT

YES COMMUNITIES

5050 S SYRACUSE ST, SUITE 1200
DENVER, CO 80237

OWNER'S REPRESENTATIVE

MIKE ASKINS

720.440.5588

MASKINS@YESCOMMUNITIES.COM

SUBCONSULTANT

REVISIONS

NO.	DATE	DESCRIPTION
1	09.25.20	50% CD SET

ISSUE SETS

NO.	DATE	DESCRIPTION
1	09.25.20	50% CD SET

SHEET INFORMATION

PROJECT NO.

20025

DATE ISSUED

NOVEMBER 18, 2020

SHEET NAME

FENCING PLAN

SHEET NUMBER

LF 1.1

PLANNING COMMISSION – MARCH 2, 2021– 6:00PM

Zoom Meeting

Applicant/Owner: James Ingalls, P.E., Moeller & Associates, agent for YES Acquisitions, LLC, owner

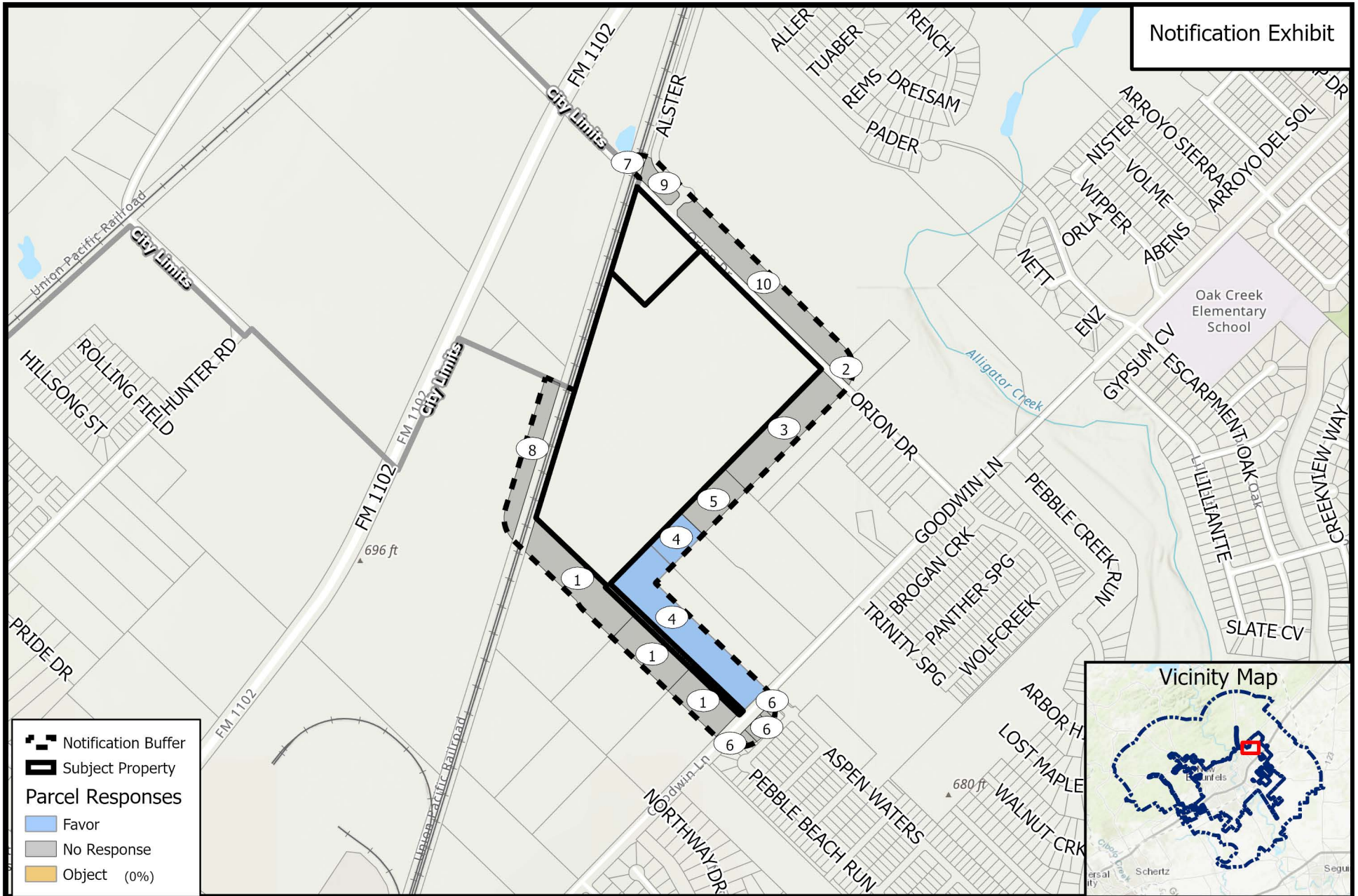
Address/Location: Approximately 45 acres located on the south side of Orion Drive, west of Goodwin Lan and east of the Union Pacific Railroad.

PROPOSED SUP – CASE #SUP21-042

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. KOONTZ MCCOMBS 1 LTD
2. MICHIE REXFORD J & SALLY A WEITZ-MICHIE
3. WHIPKEY ROBERT D & PAULA J
4. KESTER LAVAINÉ & BARBARA RVCBL TRST
5. LEHMANN LARRY W & MARY ANN
6. AMH CREEKSIDE DEVELOPMENT LLC
7. ROW JOHNNIE F
8. HOLLMIG MARY ANN
9. CHESMAR HOMES CT LTD
10. E B INDUSTRIES

SEE MAP



SUP21-042

Request to amend a previously approved SUP request

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-042 (MG)

Name:

Address:

Property number on map:

Comments: (Use additional sheets if necessary)

Signature:

MAR 11 2021

I favor: ☒

I object: ☐

(State reason for objection)

Draft Minutes for the March 2, 2021 Planning Commission Regular Meeting

F) SUP21-042 Public hearing and recommendation to City Council regarding a proposed amendment to an existing Special Use Permit allowing a manufactured home community in the “M-1A” Light Industrial District on approximately 45 acres out of the Orilla Russell Survey No. 2, Abstract No. 485, Comal County, Texas, located on the south side of Orion Drive, west of Goodwin Lane and east of the Pacific Rail Road. Applicant: Moeller & Associates (James Ingalls, P.E.); Owner: Yes Acquisitions, LLC (Mike Askins); Case Manager: Matt Greene

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

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

James Ingalls, 2021 S State Hwy 46, elaborated on the intent behind the request.

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

No one spoke.

Chair Edwards closed the public hearing.

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

Motion by Commissioner Sonier, seconded by Commissioner Meyer, to recommend approval to City Council the proposed amendment to an existing Special Use Permit allowing a manufactured home community in the “M-1A” Light Industrial District on approximately 45 acres out of the Orilla Russell Survey No. 2, Abstract No. 485, Comal County, Texas, located on the south side of Orion Drive, west of Goodwin Lane and east of the Pacific Rail Road with staff recommendations.

Discussion followed on the motion in regard to the fencing of the property.

Motion carried (7-0-0) with Chair Edwards recused.

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, GRANTING APPROVAL OF THE REMOVAL OF THE REQUIREMENT FOR CONSTRUCTION OF A 6-FOOT TALL MASONRY WALL ALONG THE PERIMETER PROPERTY BOUNDARY ADJACENT TO THE LOCATION OF THE PROPOSED AMENITY CENTER, ALLOWING CONSTRUCTION OF A METAL PICKET AND WOOD POST FENCE OR NO FENCE OR WALL AT ALL, AS AN AMENDMENT TO ORDINANCE NUMBER 2020-03, A TYPE 2 SPECIAL USE PERMIT ALLOWING A MANUFACTURED HOME COMMUNITY IN THE “M-1A” LIGHT INDUSTRIAL DISTRICT, ON APPROXIMATELY 45 ACRES OF LAND OUT OF THE ORILLA RUSSELL LEAGUE SURVEY, NO. 2, ABSTRACT NO. 485, COMAL COUNTY, TEXAS, LOCATED ON THE SOUTH SIDE OF ORION DRIVE AND EAST OF THE UNION PACIFIC RAILROAD; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of a Special Use Permit, the City Council has given due consideration to all components of said permit; and

WHEREAS, the City recognizes that granting such a permit is possible while promoting the health, safety and general welfare of the public, by providing harmony between existing zoning districts and land uses; and

WHEREAS, it is the intent of the City to ensure for the health, safety and general welfare of the public by providing compatible and orderly development, which may be suitable only in certain locations in a zoning district through the implementation of a Special Use Permit meeting those requirements cited in Sections 3.6-2 and 3.6-3, Chapter 144 of the New Braunfels Code of Ordinances; and

WHEREAS, the property is located in an area suitable for the proposed uses; and

WHEREAS, the City Council desires to grant approval of an amendment to Ordinance Number 2020-03, a Type 2 Special Use Permit allowing a manufactured home community in the “M-1A” Light Industrial District on approximately 45 acres of land out of the Orilla Russell League Survey, No. 2, Abstract No. 485, Comal County, Texas, located on the south side of Orion Drive and east of the Union Pacific Railroad , by removing the requirement for construction of a 6-foot tall masonry wall along the perimeter property

boundary adjacent to the location of the proposed amenity center, allowing construction of a metal picket and wood post fence or no fence or wall at all.

WHEREAS, the requested amendment is in accordance with Envision New Braunfels, the City's Comprehensive Plan; **now, therefore**;

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

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by adding the following tract of land as a "Type 2 Special Use Permit" for the uses and conditions herein described:

Being approximately 45 acres of land out of the Orilla Russell League Survey, No. 2, Abstract No. 485, Comal County, Texas, located on the south side of Orion Drive and east of the Union Pacific Railroad, as delineated in the attached Exhibit 'A' and described in Exhibit 'B', with no requirement for construction of a 6-foot tall masonry wall along the perimeter property boundary adjacent to the location of the proposed amenity center, allowing construction of a metal picket and wood post fence or no fence or wall at all.

SECTION 2

THAT the Special Use Permit be subject to the following conditions:

1. Exhibit "C" shall be considered the adopted site plan. Development of the project must be in substantial compliance with the approved site plan.
2. Site development shall be in compliance with all other standards of the City's Code of Ordinances.
3. Conditions associated with Ordinance Number 2020-03, Section 3, shall remain in effect, Exhibit 'D'.

SECTION 3

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

SECTION 4

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

SECTION 5

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

PASSED AND APPROVED: First reading this 22nd day of March, 2021.

PASSED AND APPROVED: Second reading this 12th day of April, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

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

BEING a 45.518 acre tract of land situated in the Orilla Russell League Survey No. 2, Abstract No. 485, in the City of New Braunfels, Comal County, Texas, being all of those same certain tracts of land referred to as Tract Two (50 Acres) and Tract Three (0.45 Acres), as conveyed to Lorine M. Schmidt, as Independent Executrix of the Estate of Bennie Lee Schmidt, and recorded in Document No. 200906033825, of the Official Public Records of Comal County, Texas, and said 45.518 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron pin found in the Southwesterly Right-of-Way (R.O.W.) line of Orion Drive (a 50' wide R.O.W.), being the most Northerly corner of a called 6.000 acre tract of land, as conveyed to Denise M. Vargas and Frances A. Horton, and recorded in Document No. 9706000286, of the Official Public Records of Comal County, Texas, and being the Easterly corner of said 50 acre tract of land and this herein described tract of land;

THENCE departing the Southwesterly R.O.W. line of said Orion Drive, with a Southeasterly line of said 50 acre tract of land, with the Northwesterly line of said 6.000 acre tract of land, the Northwesterly line of a called 10.00 acre tract of land, as conveyed to John C. Chunn (Trustee), and recorded in Volume 653, Page 780, of the Official Public Records of Comal County, Texas, and with the Northwest line of a called 17.41 acre tract of land, as conveyed to Lavaine and Barbara Kester Revocable Trust, as recorded in Document No. 201606001619, of the Official Public Records of Comal County, Texas, S 44° 32' 19" W, a distance of 1,917.78 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for the most Westerly corner of said 17.41 acre tract of land, being in the Northeasterly line of said Tract Three, being in the Southeasterly line of said Tract Two, and being a Southwesterly interior corner of this herein described tract of land;

THENCE with the Southwesterly line of said 17.41 acre tract of land, and with the Northeasterly line of said Tract Three, S 46° 29' 11" E, a distance of 1,164.59 feet to a ½" iron pin found in the Northwesterly R.O.W. line of Goodwin Lane (a 50' wide R.O.W.), being the most Southerly corner of said 17.41 acre tract of land, and being the most Easterly South corner of said Tract Three and this herein described tract of land;

THENCE with the Northwesterly R.O.W. line of said Goodwin Lane, and with the Southeasterly line of said Tract Three, S 43° 53' 47" W, a distance of 14.00 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set in the Northwesterly R.O.W. line of said Goodwin Lane, and being the most Southerly corner of said Tract Three and this herein described tract of land;

THENCE departing the Northwesterly R.O.W. line of said Goodwin Lane, with the Southwest line of said Tract Three, N 46° 29' 51" W, at a distance of 20.93 feet passing the most Easterly corner of Lot 1, New Braunfels Distribution Center Subdivision, as recorded in Document No. 200706033760, of the Map and Plat Records of Comal County, Texas and continuing with the Northeasterly lines of Lots 5 and 7, of said New Braunfels Distribution Center Subdivision, a total distance of 1,175.93 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set in the Northeasterly line of said Lot 7, being the most Westerly corner of said Tract Three, and being a Southwesterly corner of this herein described tract of land;

THENCE continuing with the common line between said Lot 7 and said Tract Three, N 43° 54' 09" E, a distance of 14.00 feet to a ½" iron pin found for a Northeasterly corner of said Lot 7, being the most Northerly corner of said Tract Three, being in the Southwesterly line of said Tract Two, and being a Southwesterly corner of this herein described tract of land;

THENCE continuing with the common line between said Lot 7 and said Tract Two, N 46° 29' 18" W, a distance of 618.29 feet to a ½" iron pin with cap stamped "Sherwood" found in the Southeasterly R.O.W. line of the Missouri-Pacific Railroad, being the most Northerly corner of said Lot 7, and being the most Westerly corner of said Tract Two and this herein described tract of land;

THENCE with the Southeasterly R.O.W. line of said Missouri-Pacific Railroad, and with the Northwesterly line of said Tract Two, N 17° 02' 40" E, a distance of 1601.41 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set in the Southeasterly R.O.W. line of said Missouri-Pacific Railroad and being a Northerly corner of this herein described tract of land;

THENCE departing the Southeasterly R.O.W. line of said Missouri-Pacific Railroad, and across said 50 acre tract of land, the following calls:

S 45° 19' 31" E, a distance of 288.99 feet to a point for an interior corner;

N 44° 40' 29" E, a distance of 512.00 feet to a point in the Southwesterly R.O.W. line of said Orion Drive;

THENCE with the Southwesterly R.O.W. line of said Orion Drive and with the Northeasterly line of said Tract Two, S 45° 19' 31" E, a distance of 1,078.63 feet to the POINT OF BEGINNING, and containing 45.518 acres of land.

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

Bearings based on the Texas State Plane Coordinate System, South Central Zone (4204), North American Datum 1983.

Metes & Bounds were prepared this the 20th day of September, 2019.

EXHIBIT 'A', PG. 2

BEING A 50.450 ACRE TRACT OF LAND SITUATED IN THE ORILLA RUSSELL LEAGUE SURVEY NO. 2, ABSTRACT NO. 485, IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, AND BEING OUT OF THOSE SAME CERTAIN TRACTS OF LAND REFERRED TO AS TRACT TWO AND TRACT THREE, AS CONVEYED TO LORINE M. SCHMIDT, AS INDEPENDENT EXECUTRIX OF THE ESTATE OF BENNIE, LEE SCHMIDT, AND RECORDED IN DOCUMENTS NO. 200906033825, OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS

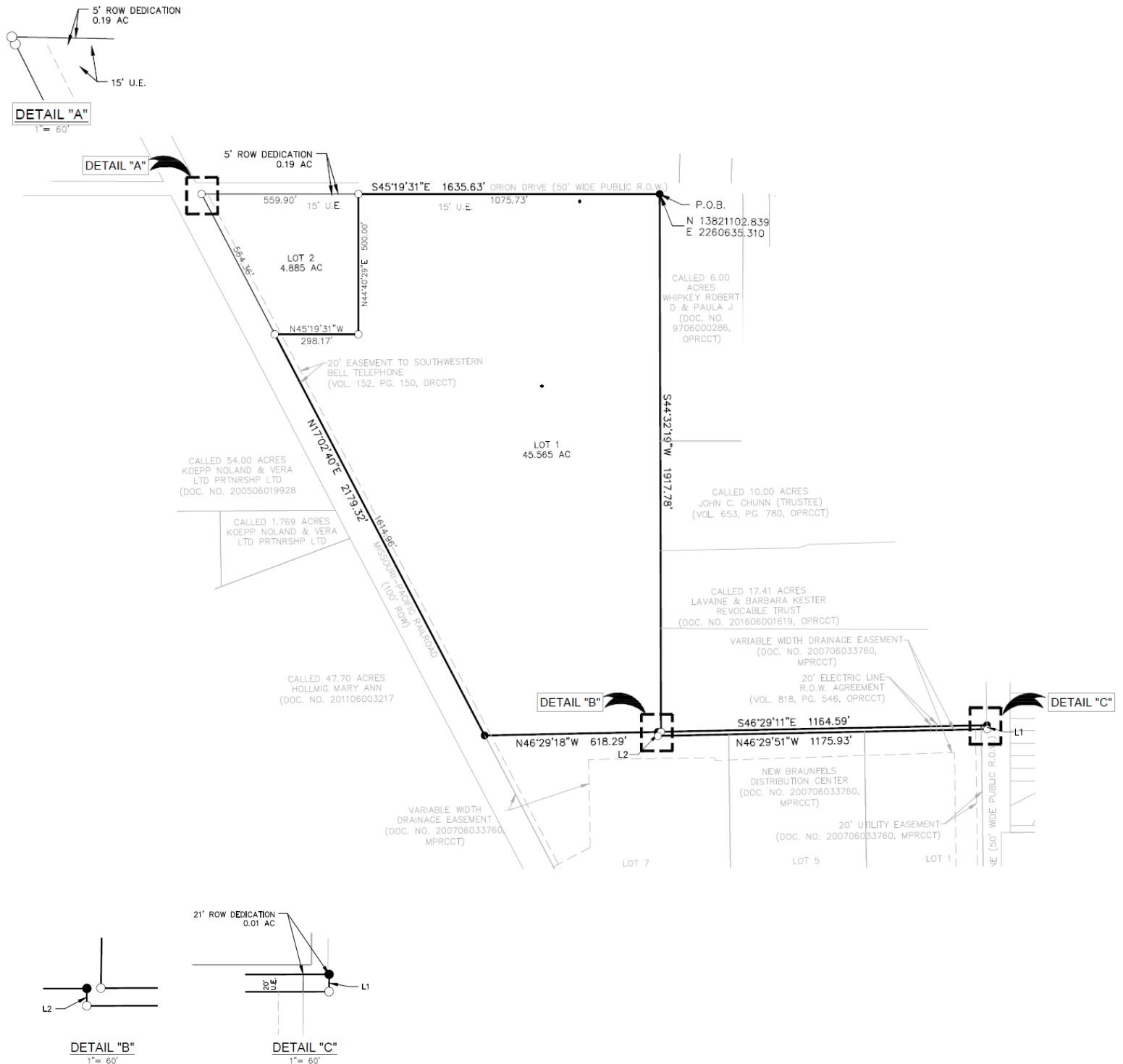
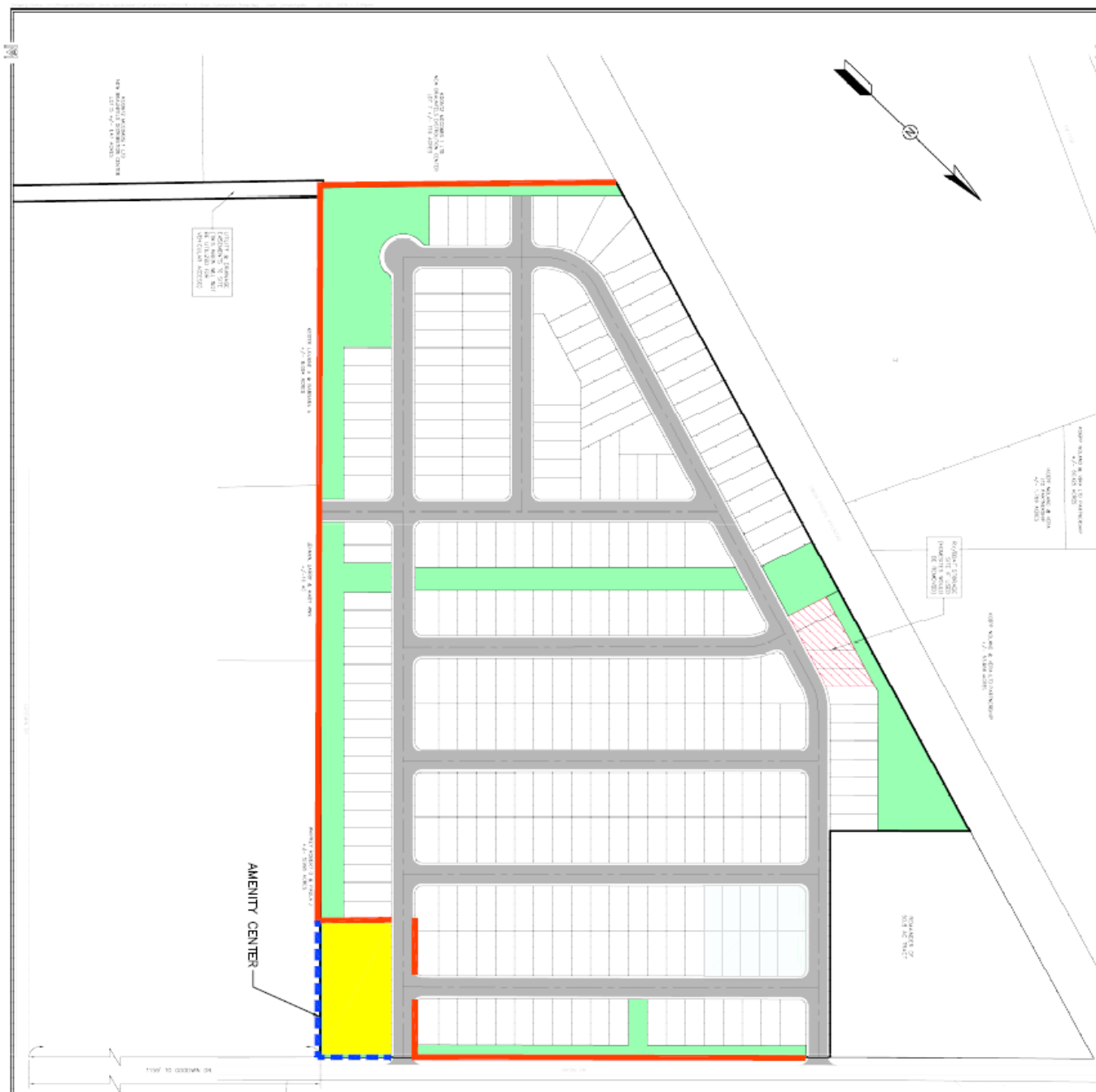






EXHIBIT 'B'



NOTES:

1. MAXIMUM 280 HOMESITES
2. THE DEVELOPER WILL WIDEN OF ORION DR TO A MINIMUM 24FT PAVEMENT WIDTH FROM GOODWIN LN TO SECOND DEVELOPMENT ENTRY.
3. INTERNAL DRIVES ARE PRIVATE AND MAINTAINED BY DEVELOPMENT
4. AMENITY CENTER AND CLUBHOUSE CONSTRUCTED IN FIRST DEVELOPMENT PHASE
5. SINGLE OWNER - YES! COMMUNITIES
6. NO RV'S OR BOATS ALLOWED TO BE PARKED AT THE HOMESITE OR ON THE STREET
7. DESIGNATED PARKING AREA FOR RV, VEHICLE, AND BOAT STORAGE
8. NO ON-STREET PARKING ALLOWED
9. CONCRETE SIDEWALKS AND HOMESITE DRIVES THROUGHOUT NEIGHBORHOOD
10. ALL INTERNAL DRIVES, UTILITIES, AND DRAINAGE IMPROVEMENTS WILL BE CONSTRUCTED AT ONE TIME IN THE INITIAL PHASE. HOMES WILL BE PHASED IN SIMILAR TO A STANDARD RESIDENTIAL DEVELOPMENT CONSTRUCTION TIMING.

DEVELOPMENT STANDARDS

			
AMENITY CENTER	GAP IN MASONRY FENCE/BARRIER @ AMENITY CENTER	REQUIRED 6' TALL MASONRY FENCE/BARRIER	GREENSPACE/DRAINAGE AREAS

LEGEND

SHEET 1 OF 1	ORION SUBDIVISION <small>NEW BRANDELS, TEXAS</small>	SITE PLAN SPECIAL USE PERMIT TYPE 2	 MOELLER & ASSOCIATES Engineering Solutions <small>2021 W. 5440, STE. 100, NEW BRANDELS, TX 76132 PH: 817-565-7121 www.moa-tx.com TDS FIRM # 13351</small>	NO. DATE ISSUES AND REVISIONS EXHIBIT 'C'	 Know what's below. Call before you dig.
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ORDINANCE NO. 2020- 03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW A MANUFACTURED HOME COMMUNITY IN THE "M-1A" LIGHT INDUSTRIAL DISTRICT, ON 45 ACRES OUT OF THE ORILLA RUSSELL LEAGUE SURVEY, NO. 2, ABSTRACT NO. 485, LOCATED ON THE SOUTH SIDE OF ORION DRIVE AND EAST OF THE UNION PACIFIC RAIL ROAD; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of a Special Use Permit, the City Council has given due consideration to all components of said permit; and

WHEREAS, the City also recognizes that granting such a permit is possible while promoting the health, safety, and general welfare of the public, by providing harmony between existing zoning districts and land uses; and

WHEREAS, it is the intent of the City to ensure for the health, safety and general welfare of the public by providing compatibility and orderly development, which may be suitable only in certain locations in a zoning district through the implementation of a Special Use Permit meeting those requirements cited in Sections 3.6-2 and 3.6-3, Chapter 144, of the New Braunfels Code of Ordinances; and

WHEREAS, the property is located in an area suitable for a manufactured home community; and

WHEREAS, the City Council desires to grant a Type 2 Special Use Permit for 45 acres out of the Orilla Russell League Survey, No. 2, Abstract No. 485, located on the south side of Orion Drive and east of the Union Pacific Rail Road, to allow a manufactured home community in the "M-1A" Light Industrial District; and

WHEREAS, the requested rezone supports the visions and goals of the City's Envision New Braunfels Comprehensive Plan; **now, therefore;**

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

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by adding the following described tract of land as a "Special Use Permit" for the uses and conditions herein described:

"Being 45 acres out of the Orilla Russell League Survey, No. 2, Abstract No. 485, located on the south side of Orion Drive and east of the Union Pacific Rail Road, as delineated in the attached Exhibit 'A', and described in Exhibit 'B', to allow a manufactured home community in the "M -1A" Light Industrial District

SECTION 2

THAT the Special Use Permit be subject to the site plan and restrictions stipulated in Exhibit 'A'.

SECTION 3

THAT the Special Use Permit be subject to the following additional conditions:

1. The development is limited to a maximum of 280 homesites.
2. The developer is required to improve Orion Drive to a minimum width of 24 feet of pavement from Goodwin Lane to the second development entry nearest the railroad tracks. In conjunction with improvements to Orion Drive, further improvements to Orion Drive shall include curbs, gutters and sidewalks on both sides of Orion Drive, which shall meet City standards.
3. Internal drive isles are private and will be maintained by the owner of the development.
4. The development is to be owned by a single owner.
5. Parking of RVs and boats at the homesites or on the private drives is prohibited. The adopted site plan includes a designated area where RVs and boats may be stored.
6. Vehicle parking is prohibited in the private drive aisles.
7. Concrete sidewalks and homesite driveways will be constructed throughout the neighborhood.
8. All internal drive aisles, utilities and drainage improvements will be constructed at one time in the initial phase of development; homes will be phased in.
9. An amenity center and clubhouse will be constructed with the first phase of development.
10. Utilities to the site and drainage infrastructure must meet City standards and include protection of wells on neighboring properties.
11. A 6-foot tall masonry fence must be constructed around the perimeter of the property on three sides prior to the placement of any vertical structures. The side adjacent to the railroad track will not require a masonry fence.
12. All properties placed within the development must meet all applicable building codes.
13. All properties placed within the development must meet all applicable building codes and maintain a 20 Year Composition Shingle or Metal (R-Panel) roof type.
14. All properties placed within the development must meet all applicable building codes and maintain premium skirting with wind rods.
15. All adjacent storage units must meet all applicable building codes and be painted to

match the applicable structure.

16. The owner is required to submit a report to the City annually demonstrating how they are complying with the conditions of the Special Use Permit.

SECTION 4

THAT the Special Use Permit be subject the development standards of Appendix B – Mobile Home Communities, of the City of New Braunfels Code of Ordinances.

SECTION 5

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

SECTION 6

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

SECTION 7

THIS ordinance will take effect upon the second and final reading of same.

PASSED AND APPROVED: First Reading this the 23rd day of September 2019.

PASSED AND APPROVED: Second Reading this the 13th day of January 2020.

CITY OF NEW BRAUNFELS


BARRON CASTEEL, Mayor

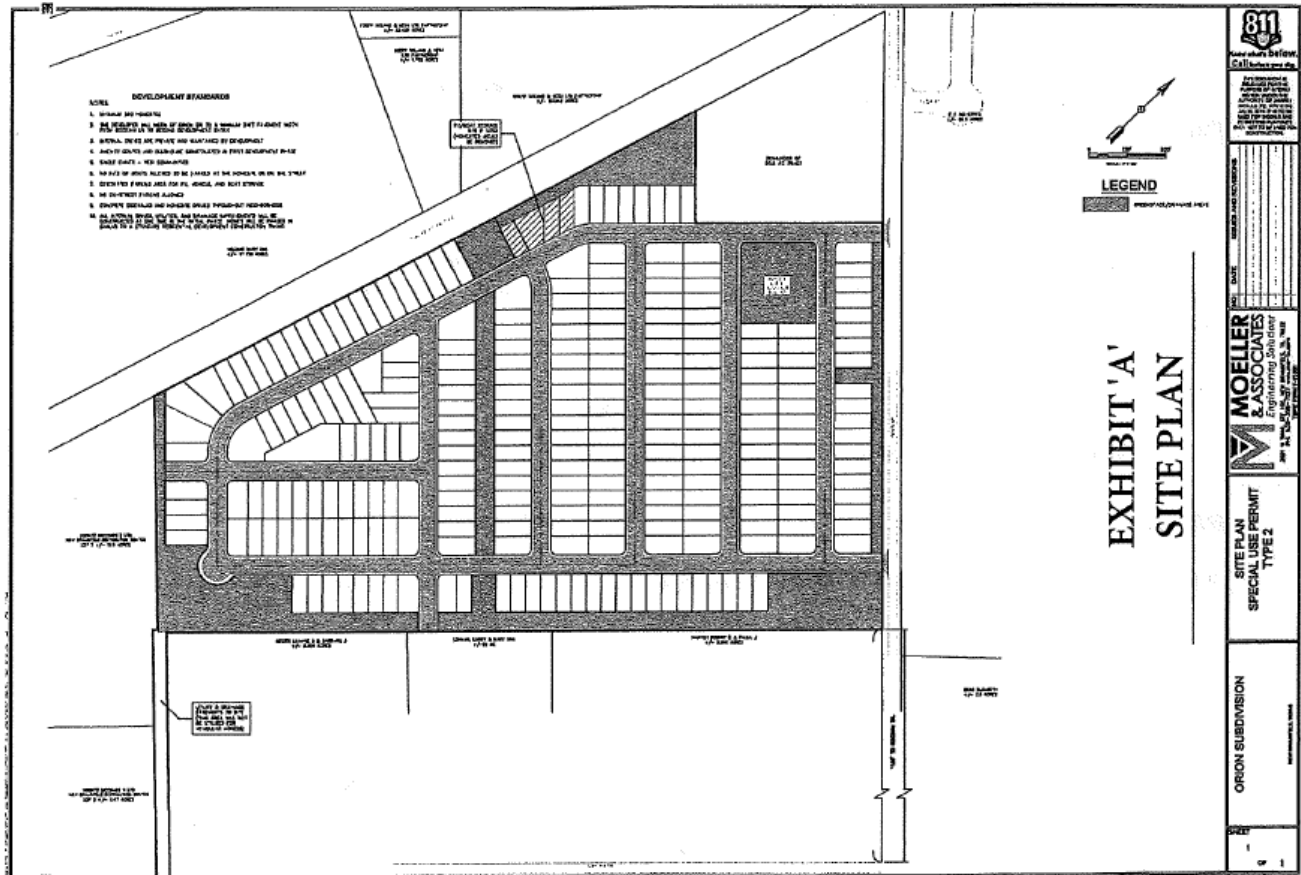
ATTEST


PATRICK D. ATEN, City Secretary



APPROVED AS TO FORM:


VALERIA M. ACEVEDO, City Attorney



M

THE 1900

KOEPP NOLAND & YERA LTD PARTNERSHIP
+/- 10,425 ACRES

KOEPP NOLAND & YERA
LTD PARTNERSHIP
+/- 1,769 ACRES

KOEPP NOLAND & YERA LTD PARTNERSHIP
+/- 53,981 ACRES

NOTES:

DEVELOPMENT STANDARDS

1. MAXIMUM 280 HOMESITES
2. THE DEVELOPER WILL Widen OF ORION DR TO A MINIMUM 24FT PAVEMENT WIDTH FROM GOODWIN LN TO SECOND DEVELOPMENT ENTRY.
3. INTERNAL DRIVES ARE PRIVATE AND MAINTAINED BY DEVELOPMENT
4. AMENITY CENTER AND CLUBHOUSE CONSTRUCTED IN FIRST DEVELOPMENT PHASE
5. SINGLE OWNER - YES! COMMUNITIES
6. NO RV'S OR BOATS ALLOWED TO BE PARKED AT THE HOMESITE OR ON THE STREET
7. DESIGNATED PARKING AREA FOR RV, VEHICLE, AND BOAT STORAGE
8. NO ON-STREET PARKING ALLOWED
9. CONCRETE SIDEWALKS AND HOMESITE DRIVES THROUGHOUT NEIGHBORHOOD
10. ALL INTERNAL DRIVES, UTILITIES, AND DRAINAGE IMPROVEMENTS WILL BE CONSTRUCTED AT ONE TIME IN THE INITIAL PHASE. HOMES WILL BE PHASED IN SIMILAR TO A STANDARD RESIDENTIAL DEVELOPMENT CONSTRUCTION TIMING.

RV/BOAT STORAGE
SITE IF USED
(HOMESITES WOULD
BE REMOVED)

TRAIL PARKING RECREATION

HOLLAND MARY ANN
+/- 47,708 ACRES



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

BEING a 45.518 acre tract of land situated in the Orilla Russell League Survey No. 2, Abstract No. 485, in the City of New Braunfels, Comal County, Texas, being all of those same certain tracts of land referred to as Tract Two (50 Acres) and Tract Three (0.45 Acres), as conveyed to Lorine M. Schmidt, as Independent Executrix of the Estate of Bennie Lee Schmidt, and recorded in Document No. 200906033825, of the Official Public Records of Comal County, Texas, and said 45.518 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron pin found in the Southwesterly Right-of-Way (R.O.W.) line of Orion Drive (a 50' wide R.O.W.), being the most Northerly corner of a called 6.000 acre tract of land, as conveyed to Denise M. Vargas and Frances A. Horton, and recorded in Document No. 9706000286, of the Official Public Records of Comal County, Texas, and being the Easterly corner of said 50 acre tract of land and this herein described tract of land;

THENCE departing the Southwesterly R.O.W. line of said Orion Drive, with a Southeasterly line of said 50 acre tract of land, with the Northwesterly line of said 6.000 acre tract of land, the Northwesterly line of a called 10.00 acre tract of land, as conveyed to John C. Chunn (Trustee), and recorded in Volume 653, Page 780, of the Official Public Records of Comal County, Texas, and with the Northwest line of a called 17.41 acre tract of land, as conveyed to Lavaine and Barbara Kester Revocable Trust, as recorded in Document No. 201606001619, of the Official Public Records of Comal County, Texas, S 44° 32' 19" W, a distance of 1,917.78 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for the most Westerly corner of said 17.41 acre tract of land, being in the Northeasterly line of said Tract Three, being in the Southeasterly line of said Tract Two, and being a Southwesterly interior corner of this herein described tract of land;

THENCE with the Southwesterly line of said 17.41 acre tract of land, and with the Northeasterly line of said Tract Three, S 46° 29' 11" E, a distance of 1,164.59 feet to a ½" iron pin found in the Northwesterly R.O.W. line of Goodwin Lane (a 50' wide R.O.W.), being the most Southerly corner of said 17.41 acre tract of land, and being the most Easterly South corner of said Tract Three and this herein described tract of land;

THENCE with the Northwesterly R.O.W. line of said Goodwin Lane, and with the Southeasterly line of said Tract Three, S 43° 53' 47" W, a distance of 14.00 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set in the Northwesterly R.O.W. line of said Goodwin Lane, and being the most Southerly corner of said Tract Three and this herein described tract of land;

THENCE departing the Northwesterly R.O.W. line of said Goodwin Lane, with the Southwest line of said Tract Three, N 46° 29' 51" W, at a distance of 20.93 feet passing the most Easterly corner of Lot 1, New Braunfels Distribution Center Subdivision, as recorded in Document No. 200706033760, of the Map and Plat Records of Comal County, Texas and continuing with the Northeasterly lines of Lots 5 and 7, of said New Braunfels Distribution Center Subdivision, a total distance of 1,175.93 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set in the Northeasterly line of said Lot 7, being the most Westerly corner of said Tract Three, and being a Southwesterly corner of this herein described tract of land;

EXHIBIT 'B'

1

EXHIBIT 'D', PG. 6

THENCE continuing with the common line between said Lot 7 and said Tract Three, N 43° 54' 09" E, a distance of 14.00 feet to a ½" iron pin found for a Northeasterly corner of said Lot 7, being the most Northerly corner of said Tract Three, being in the Southwesterly line of said Tract Two, and being a Southwesterly corner of this herein described tract of land;

THENCE continuing with the common line between said Lot 7 and said Tract Two, N 46° 29' 18" W, a distance of 618.29 feet to a ½" iron pin with cap stamped "Sherwood" found in the Southeasterly R.O.W. line of the Missouri-Pacific Railroad, being the most Northerly corner of said Lot 7, and being the most Westerly corner of said Tract Two and this herein described tract of land;

THENCE with the Southeasterly R.O.W. line of said Missouri-Pacific Railroad, and with the Northwesterly line of said Tract Two, N 17° 02' 40" E, a distance of 1601.41 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set in the Southeasterly R.O.W. line of said Missouri-Pacific Railroad and being a Northerly corner of this herein described tract of land;

THENCE departing the Southeasterly R.O.W. line of said Missouri-Pacific Railroad, and across said 50 acre tract of land, the following calls:

S 45° 19' 31" E, a distance of 288.99 feet to a point for an interior corner;

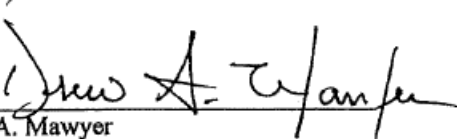
N 44° 40' 29" E, a distance of 512.00 feet to a point in the Southwesterly R.O.W. line of said Orion Drive;

THENCE with the Southwesterly R.O.W. line of said Orion Drive and with the Northeasterly line of said Tract Two, S 45° 19' 31" E, a distance of 1,078.63 feet to the POINT OF BEGINNING, and containing 45.518 acres of land.

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

Bearings based on the Texas State Plane Coordinate System, South Central Zone (4204), North American Datum 1983.

Metes & Bounds were prepared this the 20th day of September, 2019.


Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191500
5151 W. SH 46, NEW BRAUNFELS, TX 78132
MOE352- ORION 45.518 AC- 052819



3/22/2021

Agenda Item No. H)

Presenter

Christopher J. Looney, AICP, Planning and Development Services Director
clooney@nbtexas.org

SUBJECT:

Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family residence in the C-2 Central Business District at 307 W. Bridge Street.

BACKGROUND / RATIONALE:

Case No.: SUP21-043

Council District: 1

Owner/Applicant: Jami Carr
401 Buffalo Springs Spur
New Braunfels, TX 78132
(210) 683-2650
carr2casa@gmail.com

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

The subject property is located northeast of the intersection of North Academy Avenue and West Bridge Street and is zoned C-2 Central Business District. The applicant is requesting a Special Use Permit (SUP) to allow short term rental of the 1,300 square foot residence on the lot.

The house has 2 bedrooms and 2 bathrooms. Per the Zoning Ordinance, maximum occupancy of this residence if rented as an STR would be limited to 6 occupants. The minimum off-street parking requirement for this proposed STR is 2 spaces, or one per sleeping room. The existing paved driveway can accommodate at least three cars.

If the SUP zoning is approved, a separate short-term rental permit is also required.

Surrounding Zoning and Land Use:

North -	Across Railroad ROW, C-2/ Single-family residence
South -	C-2/ Single-family residence
East -	C-2/ Single-family residence
West -	Across W. Bridge St., C-2/ Single-family residence

Determination Factors:

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

- Whether the permitted uses will be appropriate in the immediate area and their relationship to

the area and to the City as a whole (*The site is centrally located within a short drive to many visitor attractions, and in an area characterized by a mix of residential and commercial uses, including existing STRs.*);

- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*There do not appear to be any conflicts with these elements.*);
- How other areas designated for similar development will be affected (*The proposed use should not impact other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*Short term rental standards help to ensure proper measures are in place to protect public health, safety and neighboring properties.*); and
- Whether the request is consistent with the Comprehensive Plan.

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	Action 1.3 Encourage balanced and fiscally responsible land use patterns. Action 1.14 Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions. Future Land Use: The property is situated within the New Braunfels Sub-Area, in close proximity to a Recreational River Corridor and Existing Tourist/Entertainment, and Outdoor Recreation Centers.
--	--

FISCAL IMPACT:

If approved, the property will be subject to local and state hotel occupancy tax (HOT).

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on March 2, 2021 and recommended approval (7-1) with Commissioner Reaves opposed and Commissioner Gibson absent.

STAFF RECOMMENDATION:

Approval in accordance with the ordinance requirements, including the following conditions:

1. The residential character of the property must be maintained.
2. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.
3. Occupancy of the short-term rental is limited to a maximum of 6 guests.
4. All other standards of the Zoning Ordinance will also be met, and a separate Short-Term Rental Permit is required.

Notification:

Public hearing notices were sent to 16 owners of property within 200 feet. The City has received two responses in favor (#9 & 11) and six responses (#2, 3, 4, 12, 15, 16) in objection to the request. Opposition represents more than 20% of the notification area. Pursuant to state statute, a $\frac{3}{4}$ majority of City Council (6 votes) will be required for approval of the applicant's request unless that opposition changes.

RESOURCE LINKS:

-
- Chapter 144, Sec. 3.3-8 (C-2) of the City's Code of Ordinances:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C H144ZO_ARTIIIZODI_S144-3.3ZODIREPRZOPRJU221987

- Chapter 144, Sec. 3.6 (SUP) of the City's Code of Ordinances:

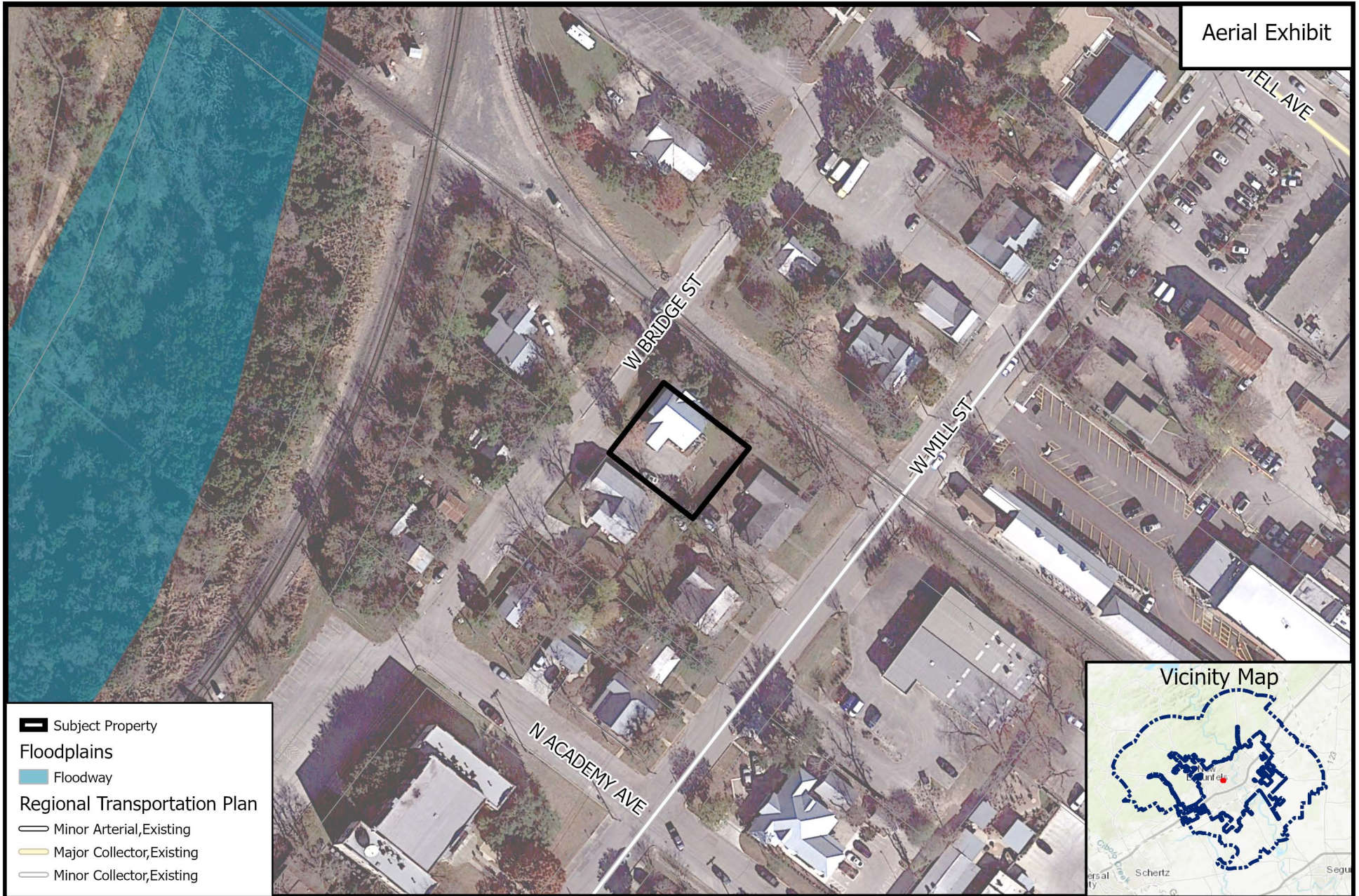
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C H144ZO_ARTIIIZODI_S144-3.6SPUSPE

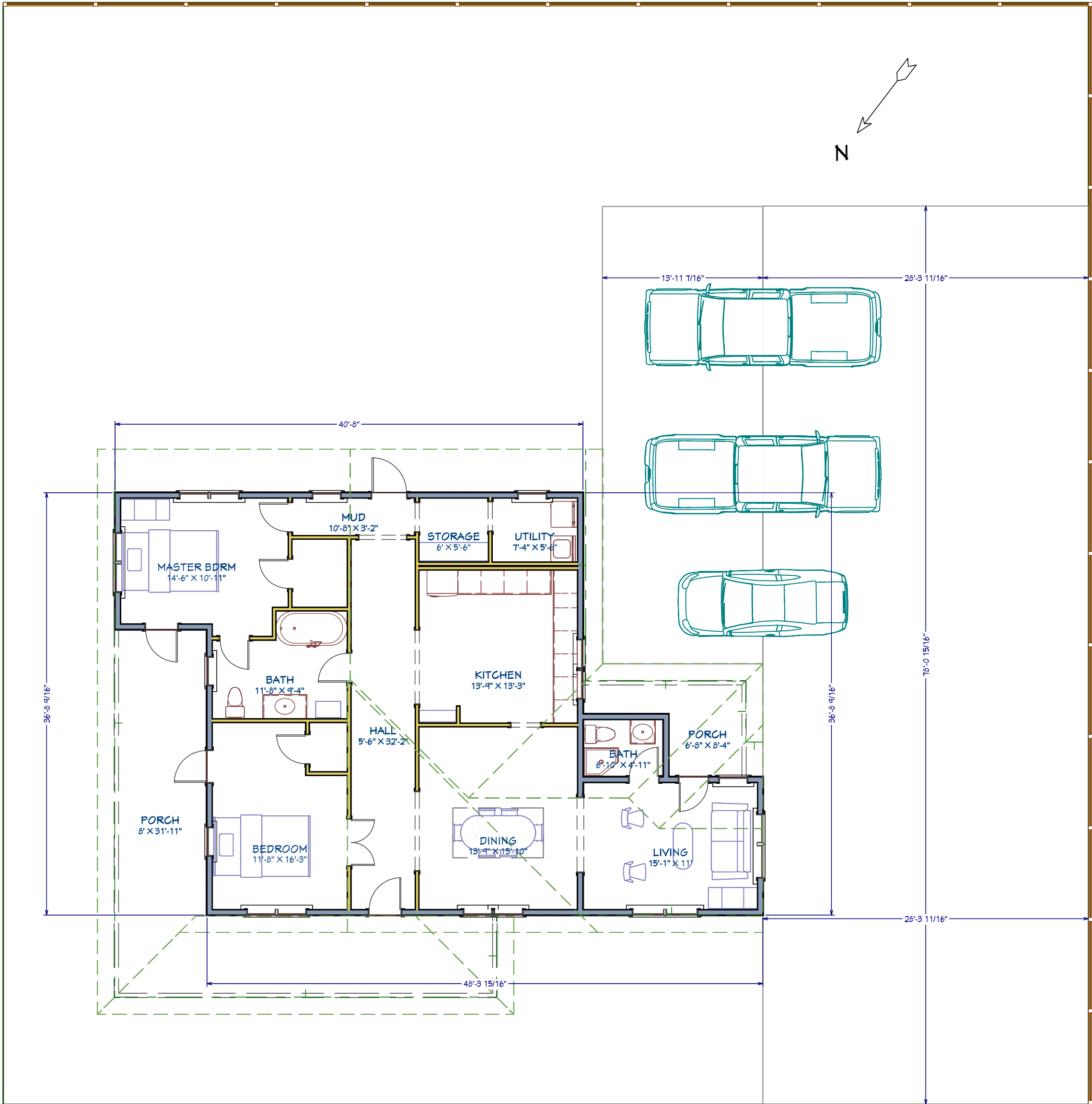
- Chapter 144, Sec. 5.17 (Short-term Rental) of the City's Code of Ordinances:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C H144ZO_ARTVDEST_S144-5.17SHTEREOC

ATTACHMENTS:

1. Aerial Map
2. Site/Floor Plan
3. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan, Short Term Rental)
4. Notification List, Map and Responses
5. Photographs
6. Draft Planning Commission Meeting Minutes
7. Ordinance





1st Floor Floor

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NO.	DESCRIPTION	BY	DATE

SHEET TITLE:	Site Plan
--------------	-----------

PROJECT DESCRIPTION:	307 West Bridge Street Proposed Air B&B
----------------------	--

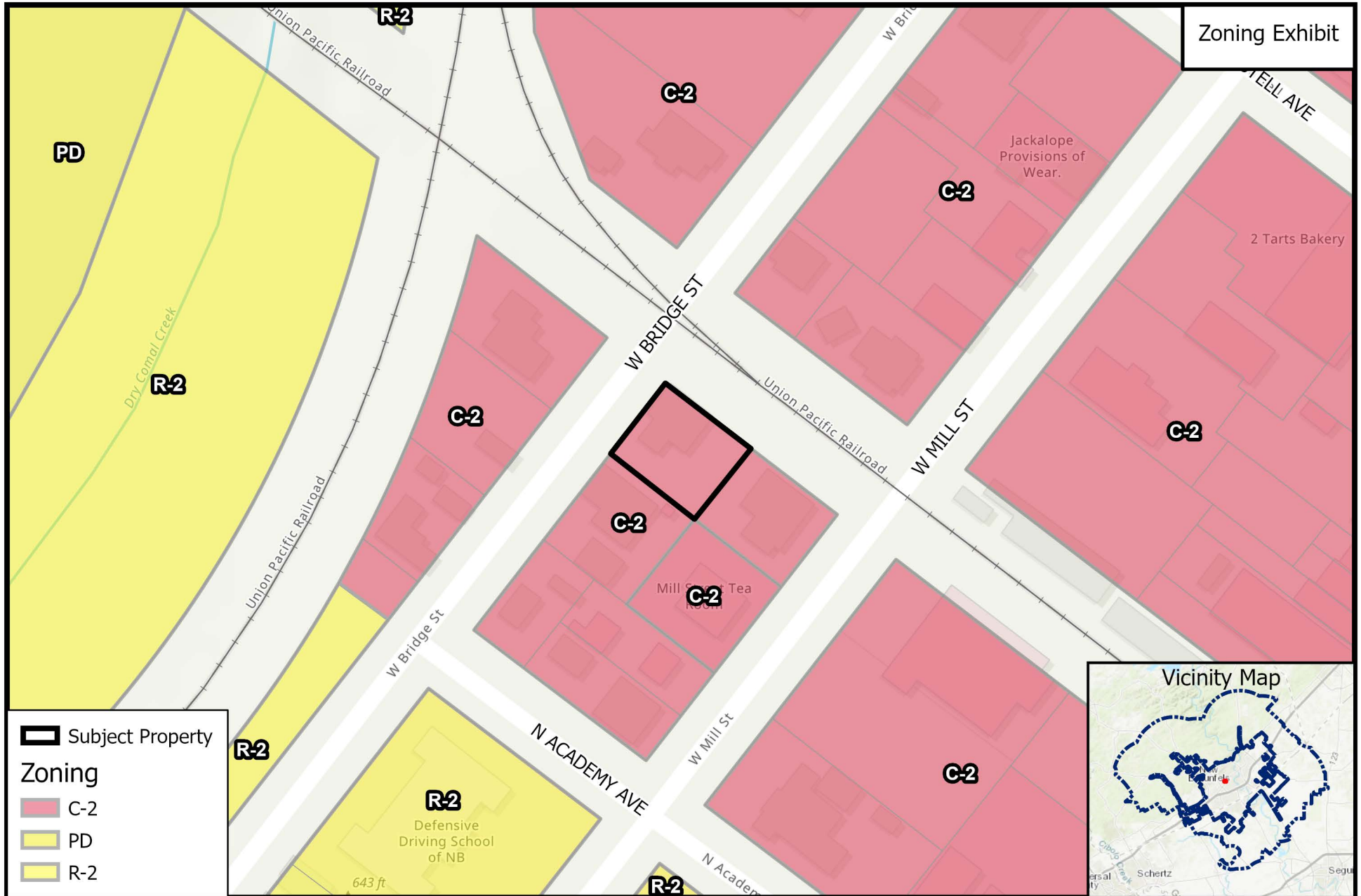
DRAWINGS PROVIDED BY:	Jami Carr
-----------------------	-----------

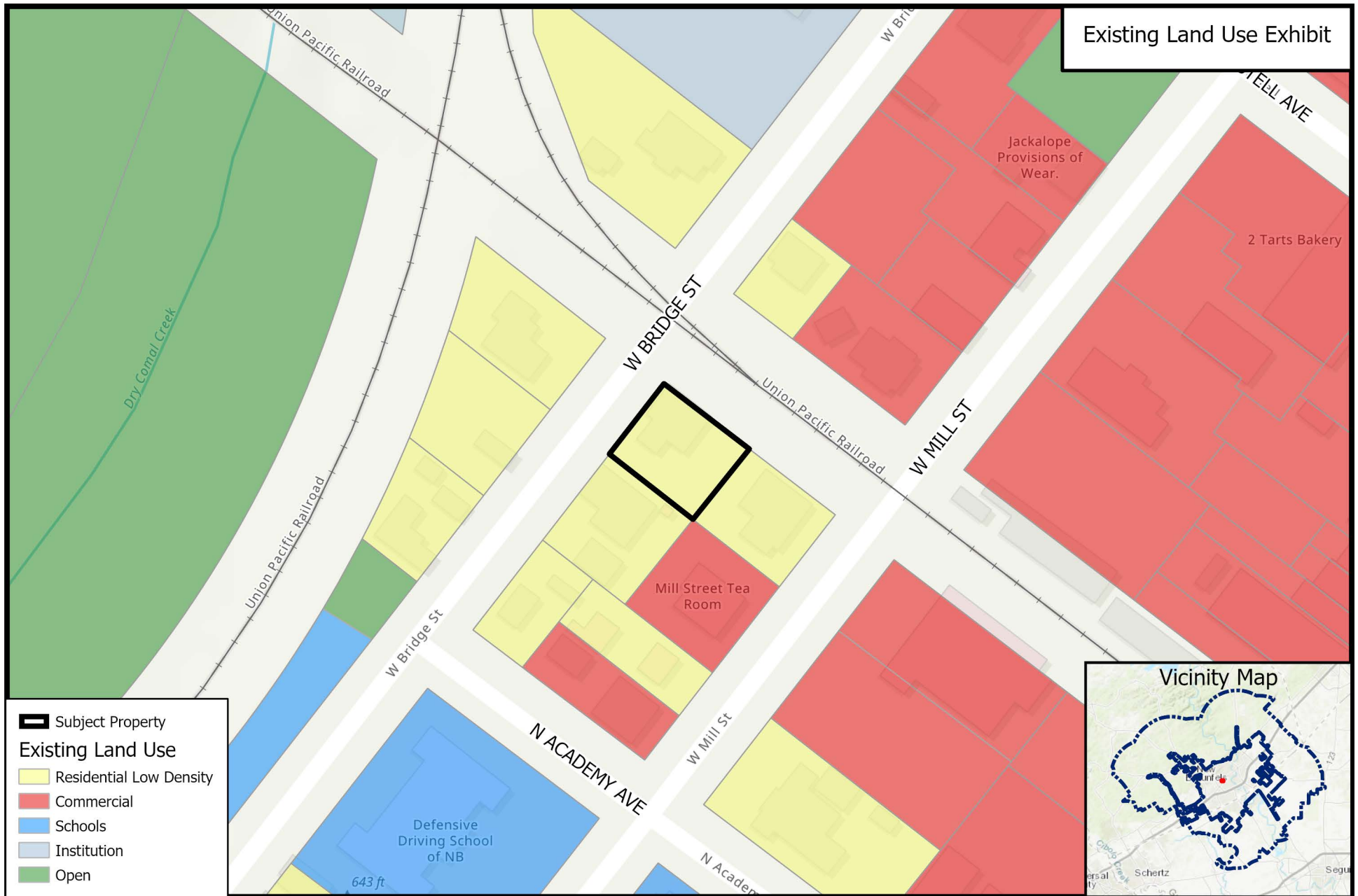
1/25/2021

1/8"= 1'

SHEET:

S-1





EXISTING CENTERS

Centers are the middle, core or heart of an area. It is a point of activity and vitality. Centers come in many sizes and have different purposes or activities within. They may have endangered species habitat or aquifer recharge areas that require additional standards and consideration relating to future growth. It is envisioned that all centers be walkable, connected, and have a mix of uses. These centers must provide adequate infrastructure to support the commercial development present especially mobility and access for pedestrians, bicycles, vehicles and transit. Given the mixed-use nature of these centers, parking should be shared and not detract from the aesthetic of the area.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

MEDICAL CENTER

Medical Centers are mixed-use areas centered around a medical destination such as a hospital or clinic.

CIVIC CENTER

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

OUTDOOR RECREATION CENTER

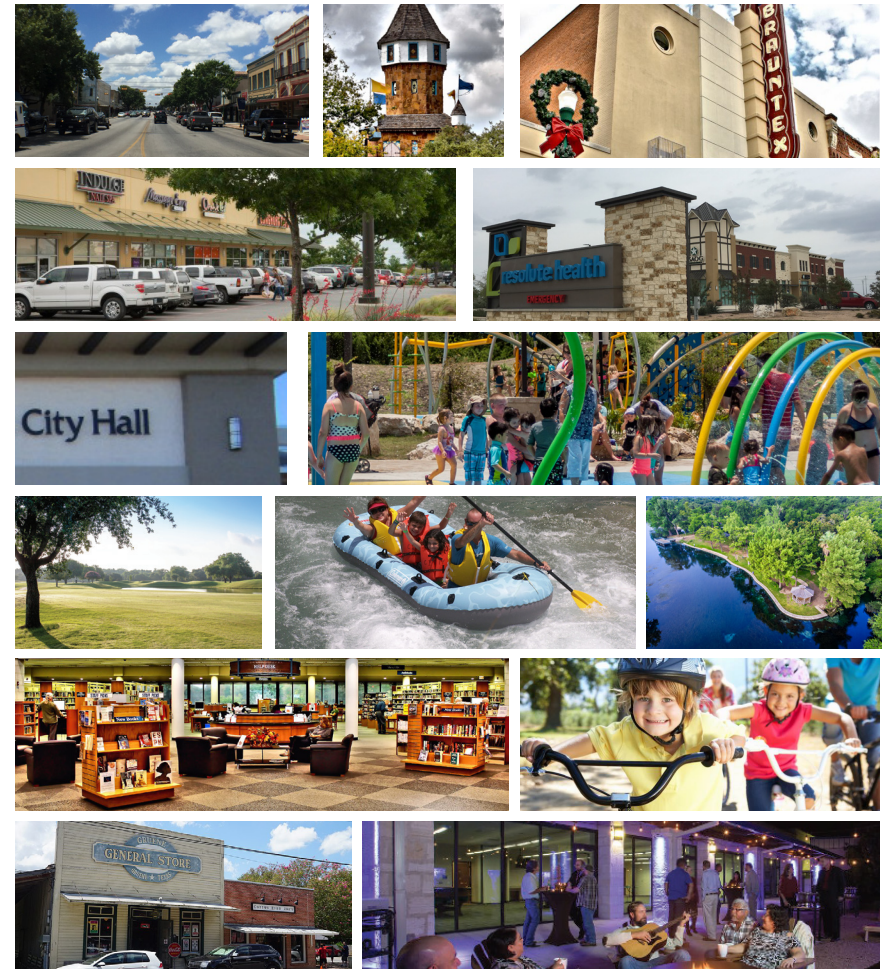
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

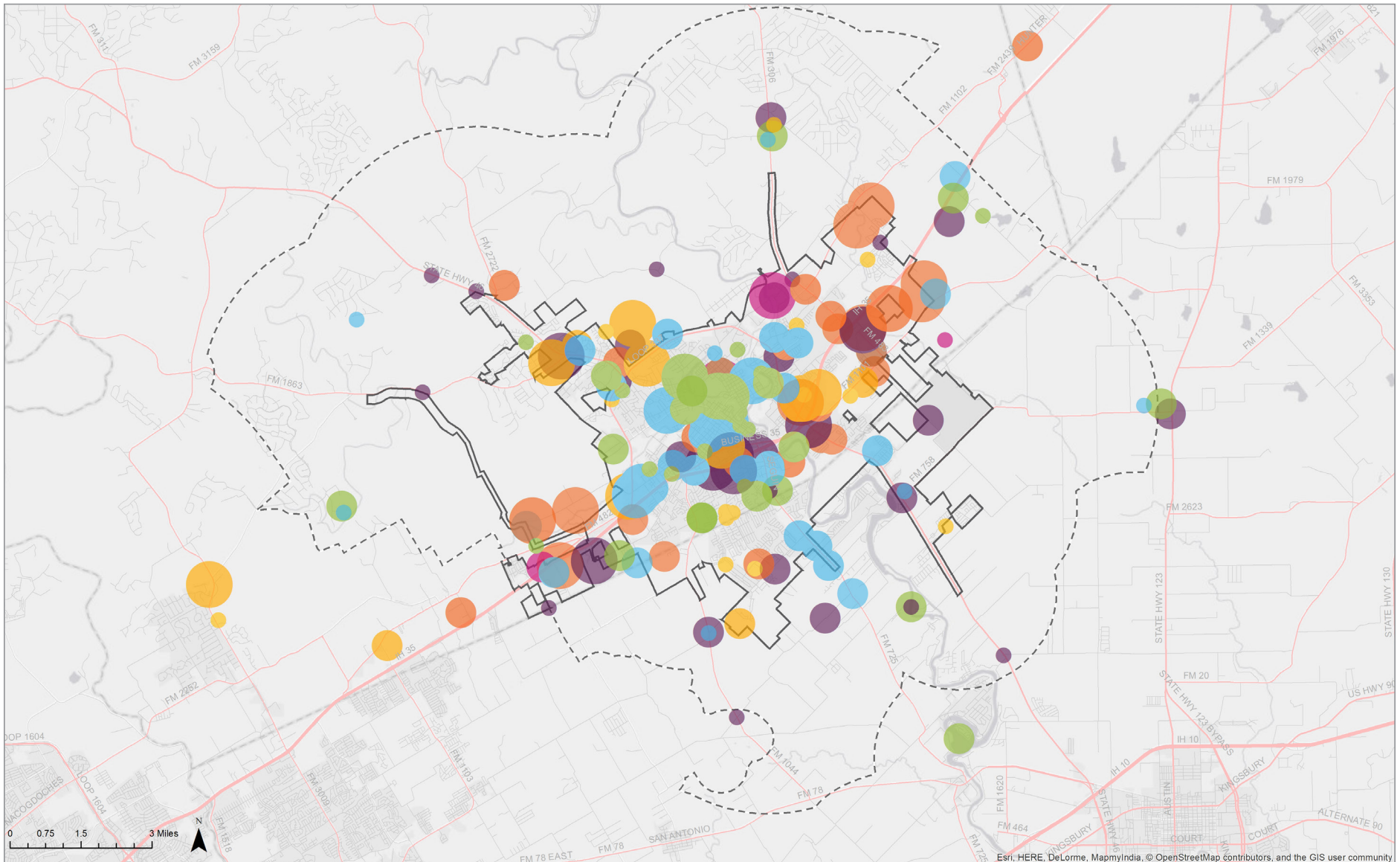
EDUCATION CENTER

Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

TOURIST/ENTERTAINMENT CENTER

Tourist/Entertainment Centers are mixed-use areas around an entertainment venue such as Gruene Hall or a tourist destination such as the Tube Chute.





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

FUTURE LAND USE PLAN

A future land use plan is how land is envisioned to be. It establishes priorities for more detailed plans (sub area plans) and for detailed topical plans (such as parks and open spaces, trails and roads). It cannot be interpreted without the goals and actions of Envision New Braunfels.

TRANSITIONAL MIXED-USE CORRIDOR

Transitional Mixed-Use Corridors express an aspiration to retrofit existing auto-dominated retail corridors with a mix of uses and a variety of travel modes over time.

OUTDOOR RECREATION CENTER

Outdoor Recreation Centers are centered around a public or private outdoor destination like Fischer Park.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

CIVIC CENTER

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

SUB AREA 1

Sub Area 1 includes the Downtown, Gruene and the Mid-Century or older neighborhoods that surround them. It is home to the natural springs and headwaters of flowing rivers that have attracted New Braunfelsers to the town for centuries.

SUB AREA 2

Sub Area 2 refers to the neighborhoods and residential enclaves that have grown alongside the Hill Country landscape.

SUB AREA 3

Sub Area 3 includes a planned community offering a diversity of housing, distinct community centers and preserved Hill Country landscape features.

SUB AREA 4

At the heart of Sub Area 4 is Fischer Park. Proximity to IH-35, downtown and neighboring communities like McQueeney makes this area highly desirable and accessible.

SUB AREA 5

Sub Area 5 bridges together many communities east of IH-35. It includes the scenic landscape along both banks of the Guadalupe River between Highway 46 and FM 725.

SUB AREA 6

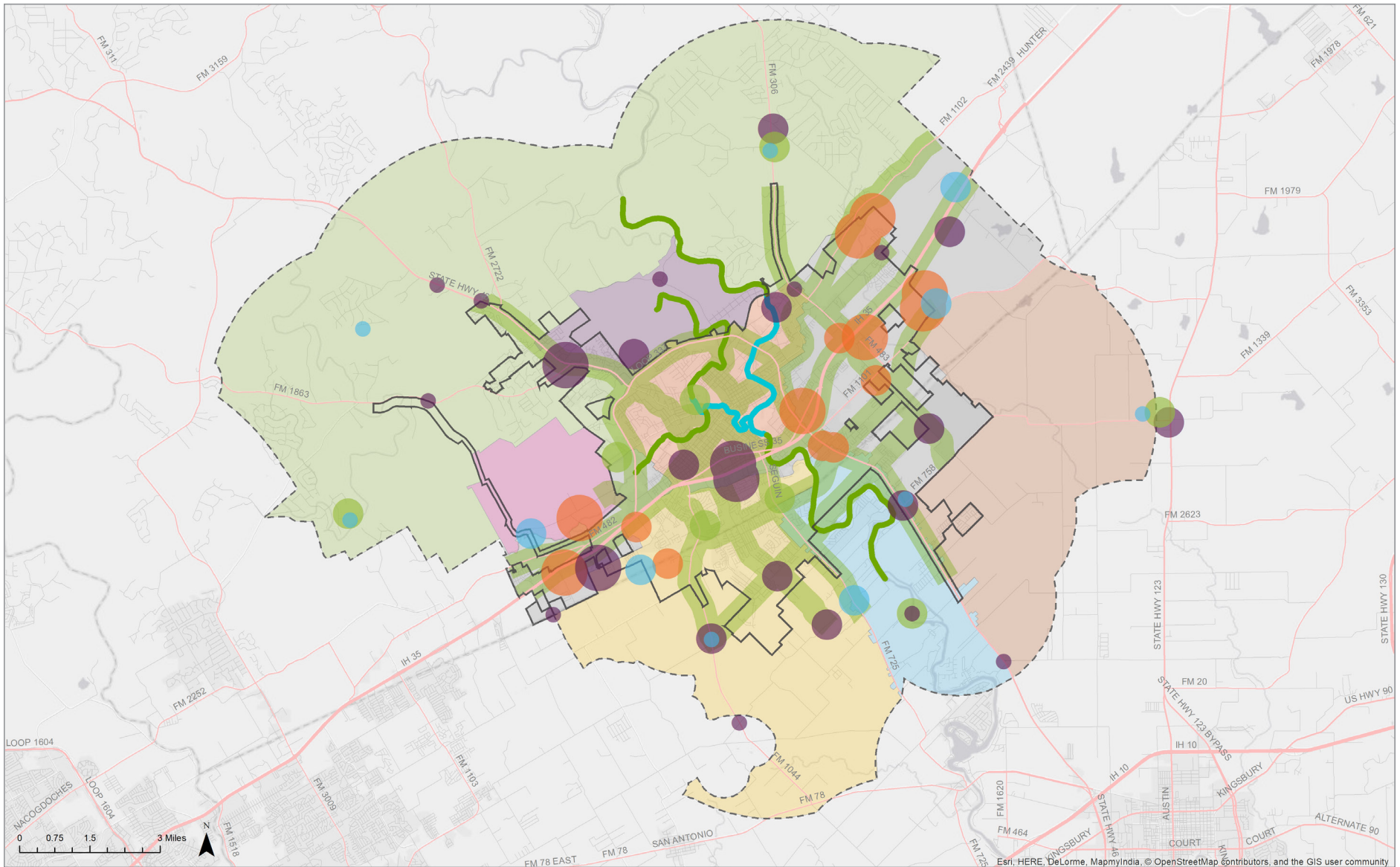
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7

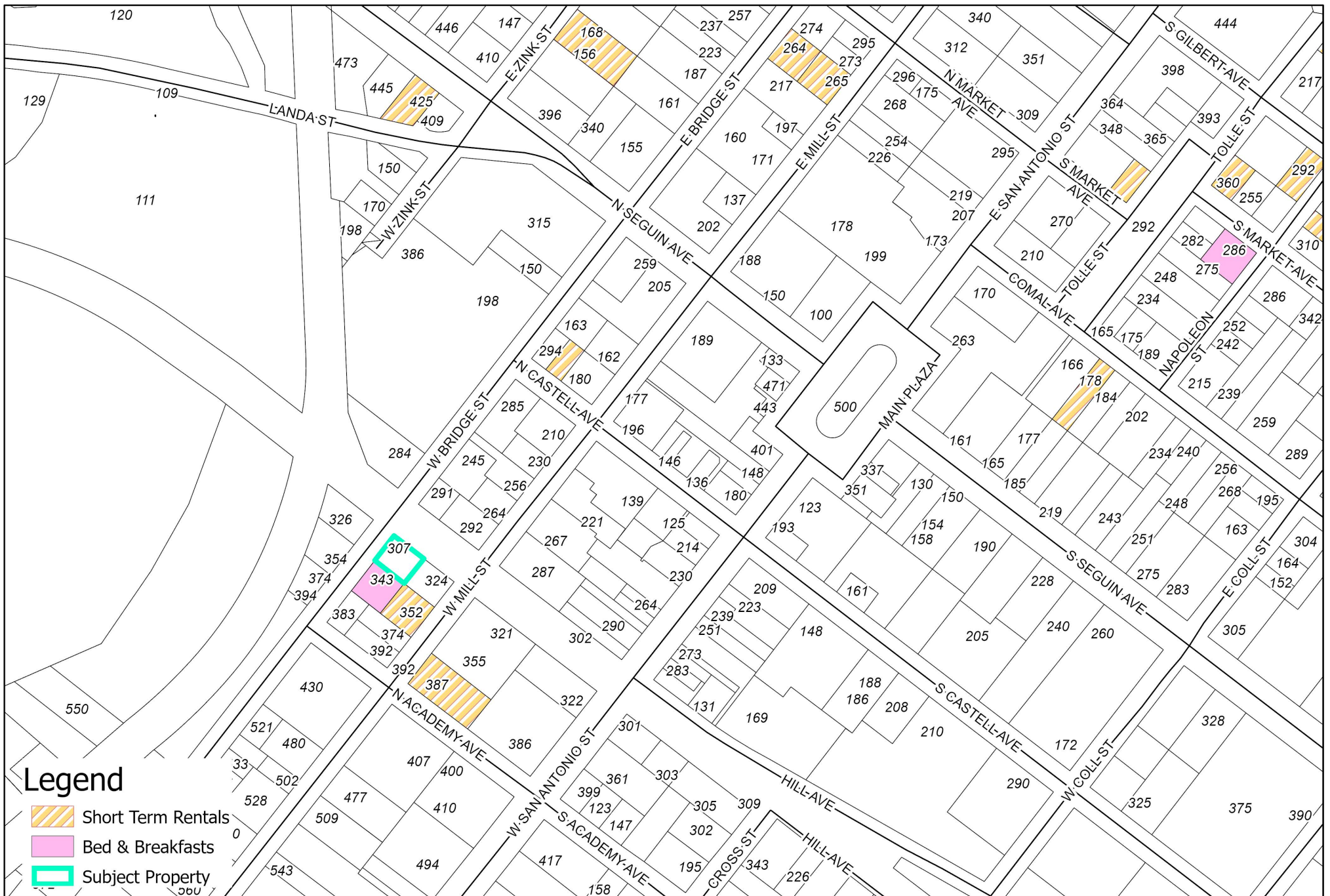
Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

SUB AREA 8

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



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. Preferred future growth scenario combines Scenarios A and C per recommendations of the Envision New Braunfels Steering Committee (February 2018). Exact boundaries of sub areas, centers, and corridors may be [zoomed and viewed online](#).



PLANNING COMMISSION – MARCH 2, 2021– 6:00PM

Zoom Meeting

Applicant/Owner: Jami Carr, owner

Address/Location: 307 W. Bridge Street

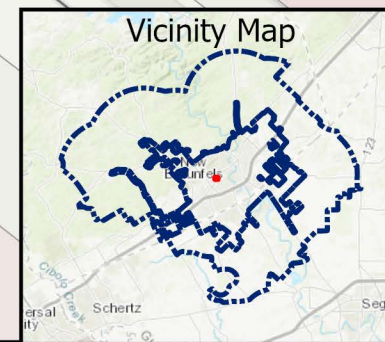
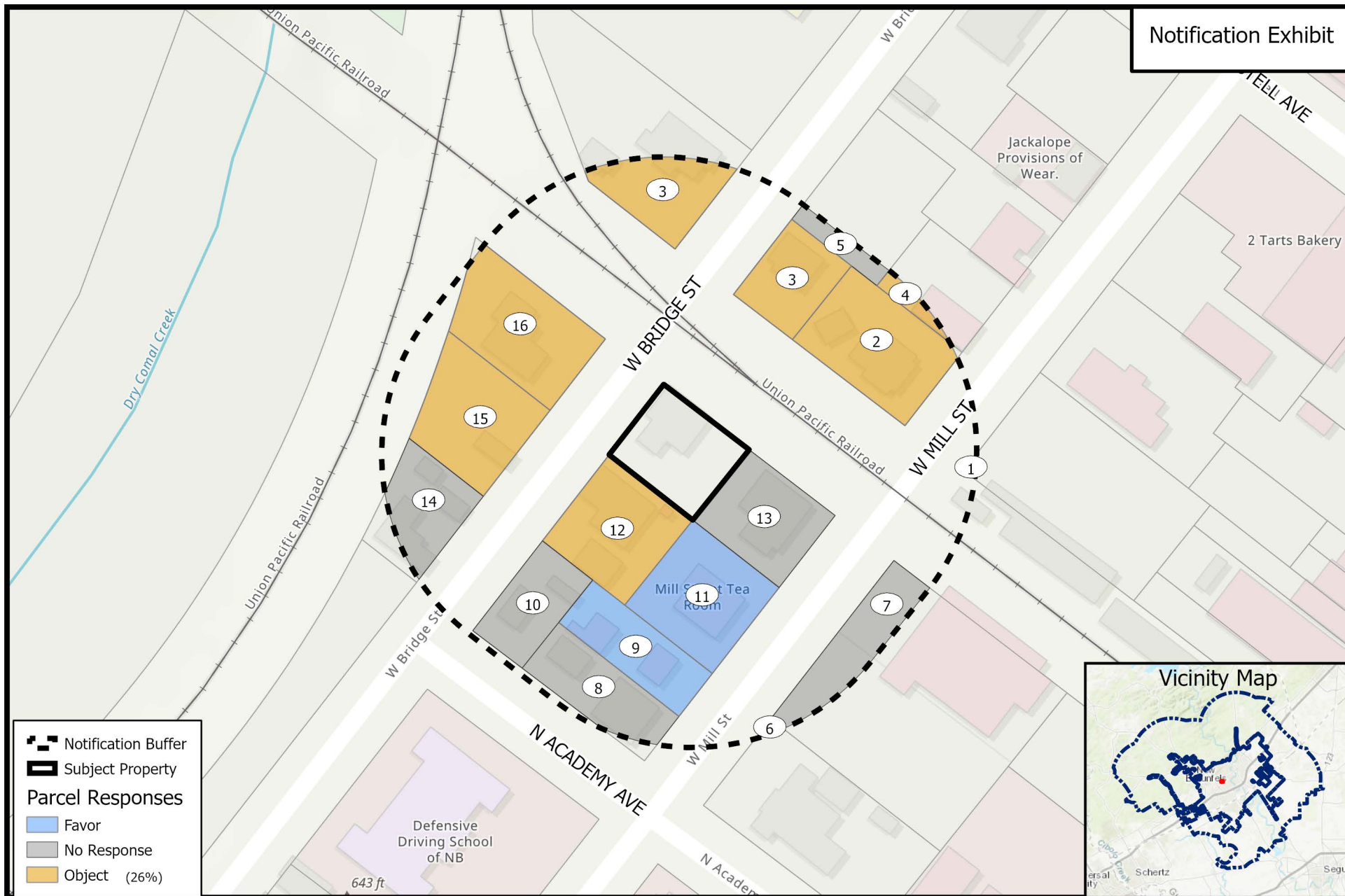
PROPOSED SUP – CASE #SUP21-043

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. BRAUNTEX PERFORMING ARTS THEATRE ASSN | 9. RIMMELIN PAUL |
| 2. MUND JEFF A & DENISE E | 10. MORGAN MARY ANN |
| 3. PROPERTY OWNER | 11. LAMMERS LESLIE J & THOMAS E TUMLINSON |
| 4. MUND JEFF A & DENISE F | 12. GLASGOW JAMES E JR & CAROLYN M |
| 5. FLORES P F ARCHBISHOP S A | 13. GOMEZ THERESA B & ROBERT JR |
| 6. BOCK BENNIE W II & KATHARYN H | 14. WOOD RUTH L |
| 7. DIRTY LAUNDRY LLC | 15. PATTON ROBERT L |
| 8. SEALS FAMILY PROPERTIES LLC | 16. WEBER JAMES P & MARTHA |

SEE MAP

Notification Exhibit



RECEIVED

YOUR OPINION MATTERS - DETACH AND RETURN

FEB 25 2021

Case: #SUP21-043 ms

Name: Michael + Elizabeth Rust favor: _____

Initial: MR

Address: 284 + 291 W. Bridge

I object: ☒ (State reason for objection)

Property number on map: 3 (X2)

Comments: (Use additional sheets if necessary)

We are already negatively impacted by amplified live music every night up until 12 a.m. from the Pour Haus. The party environment in the downtown area with 4 alcohol establ. 1 block away has deteriorated our quality of life and we have been here since 1980 before anyone of these businesses.

Signature: Michael Rust Elizabeth Rust

Allowing a short term rental within 200 ft (actually closer to one property) will bring added noise and safety concerns. It's easy to research online all the negatives about STR's in New Braunfels. The city itself even complains.

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-043 ms

Name: PAUL RIMMELIN

I favor: ☒

Address: 374 W. MILL ST.

I object: _____ (State reason for objection)

Property number on map: 9

Comments: (Use additional sheets if necessary)

Signature: Paul Rimmelin

RECEIVED
FEB 26 2021
BY: MR

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED

Case: #SUP21-043 ms

Name: James Glasgow

I favor: _____

FEB 26 2021

Address: 343 W. Bridge St.

I object: ☒ (State reason for objection)

Property number on map: 12

Comments: (Use additional sheets if necessary)

We are right next door to this address and have two young boys. Random visitors may be a very disturbing to the peace in this quiet, historical neighborhood, the very reason we moved here this past summer. Thank you for your consideration.

Signature: _____

Rene Raynes

From: Jeff Mund <jeff@THEMUNDGROUP.COM>
Sent: Friday, February 26, 2021 2:23 PM
To: Rene Raynes
Subject: RE: EMAIL

RECEIVED

FEB 26 2021

Initial: RR

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 object to the change special use permit on bridge street.

#4

Jeff Mund

From: Rene Raynes <RRaynes@nbtexas.org>
Sent: Friday, February 26, 2021 12:31 PM
To: Jeff Mund <jeff@THEMUNDGROUP.COM>
Subject: EMAIL



#OneCityOneTeam



Rene Raynes
Administrative Assistant | Planning and Development Services
550 Landa St | New Braunfels, TX 78130
830-221-4052 | RRaynes@nbtexas.org | www.nbtexas.org/planning

[Citizen Portal.](#)

We encourage you to keep up with the progress on our new comprehensive plan by visiting www.envisionnewbraunfels.org.

This email, plus any attachments, may constitute a public record of the City of New Braunfels and may be subject to public disclosure under the [Texas Public Information Act](#).

Please take a moment to complete the City of New Braunfels [Customer Satisfaction Survey](#).

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-043 ms

Name: Leslie CammingsI favor: ✓Address: 480 W Mill St

I object: _____ (State reason for objection)

Property number on map: 11

Comments: (Use additional sheets if necessary)

Signature: [Signature]

RECEIVED

MAR - 2 2021

Initial: _____

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-043 ms

Name: Robert Patton

I favor: _____

Address: 354 W. BridgeI object: X (State reason for objection)Property number on map: 15

Comments: (Use additional sheets if necessary)

our small established neighborhood is not an appropriate location for a short term rental.

Signature: [Signature]

RECEIVED

MAR - 2 2021

Initial: _____

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-043 ms

Name: James & Martha Weber

I favor: _____

Address: 326 W. Bridge St.I object: ✓ (State reason for objection)Property number on map: 16

Comments: (Use additional sheets if necessary)

Not wanting to block the Carr family from joining our family oriented neighborhood. Our objection is the uncertainty of people moving in and out on a short term basis.

Signature: [Signature]

RECEIVED

MAR - 2 2021

Initial: _____



Property frontage along W. Bridge Street



Property with entrance drive

Draft Minutes for the March 2, 2021 Planning Commission Regular Meeting

G) SUP21-043 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family residence in the C-2 Central Business District at 307 W. Bridge Street. Applicant/Owner: Jami Carr; Case Manager: Matthew Simmont

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

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

Nikki and Jami Carr, 307 W Bridge St, comprehensively addressed concerns from surrounding property owners.

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

Libby Rust, 291 W Bridge St, property 3, stated her concerns are in regard to property ownership changing and noise concerns with surrounding properties.

Chair Edwards closed the public hearing.

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

Motion by Commissioner Meyer, seconded by Commissioner Mathis, to recommend approval to City Council of the proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family residence in the C-2 Central Business District at 307 W. Bridge Street with staff recommendations. Motion carried (7-1) with Commissioner Reaves in opposition.

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A SPECIAL USE PERMIT TO ALLOW THE SHORT-TERM RENTAL OF A SINGLE-FAMILY DWELLING IN THE “C-2” CENTRAL BUSINESS DISTRICT, ON LOT 105, NEW CITY BLOCK 2010, ADDRESSED AT 307 W. BRIDGE STREET; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of a Special Use Permit, the City Council has given due consideration to all components of said permit; and

WHEREAS, the City recognizes that granting such a permit is possible while promoting the health, safety and general welfare of the public, by providing harmony between existing zoning districts and land uses; and

WHEREAS, it is the intent of the City to ensure for the health, safety and general welfare of the public by providing compatible and orderly development, which may be suitable only in certain locations in a zoning district through the implementation of a Special Use Permit meeting those requirements cited in Sections 3.6-2 and 3.6-3, Chapter 144 of the New Braunfels Code of Ordinances; and

WHEREAS, the property is located in an area suitable for short-term rentals; and

WHEREAS, the requested rezoning is in accordance with Envision New Braunfels, the City's Comprehensive Plan; and

WHEREAS, the City Council desires to grant a Special Use Permit at 307 W. Bridge Street, to allow short term rental of a single-family dwelling in the “C-2” Central Business District; **now, therefore;**

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

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by adding the following tract of land as a “Special Use Permit” for the uses and conditions herein described:

Being Lot 105, New City Block 2010, addressed at 307 W. Bridge Street, as depicted in Exhibit “A” attached, to allow short-term rental in the “C-2” Central Business District.

SECTION 2

THAT the Special Use Permit be subject to the following conditions:

1. The residential character and appearance of the property must be maintained.

2. The property will remain in compliance with the approved site plan illustrated in Exhibit "B". Any significant changes to the site plan will require a revision to the SUP.
3. Occupancy of the short-term rental is limited to a maximum of six (6) guests.
4. All other standards of the Zoning Ordinance will also be met, and a separate Short-Term Rental Permit is required.

SECTION 3

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

SECTION 4

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

SECTION 5

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

PASSED AND APPROVED: First reading this 22nd day of March, 2021.

PASSED AND APPROVED: Second reading this 12th day of April, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

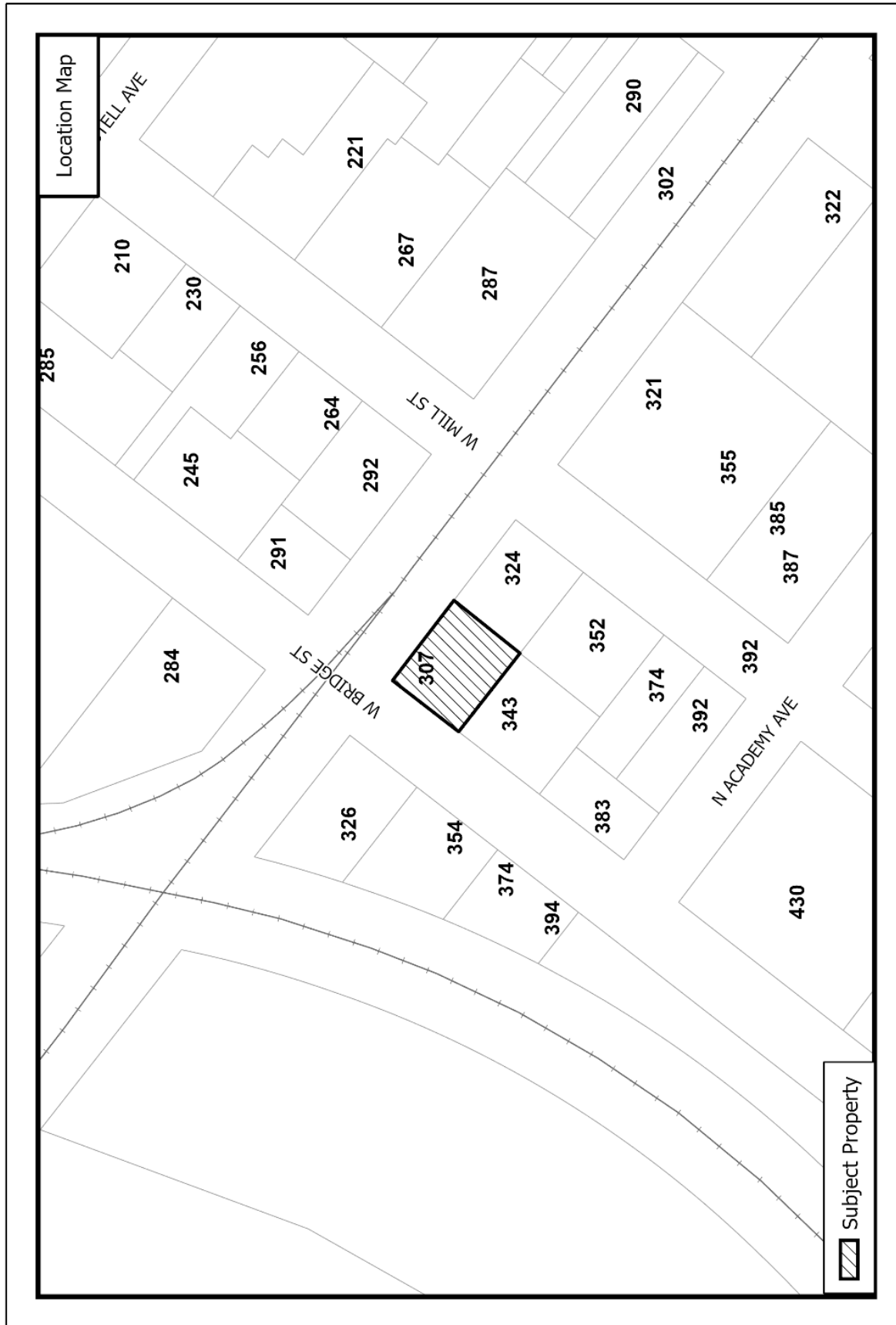
ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

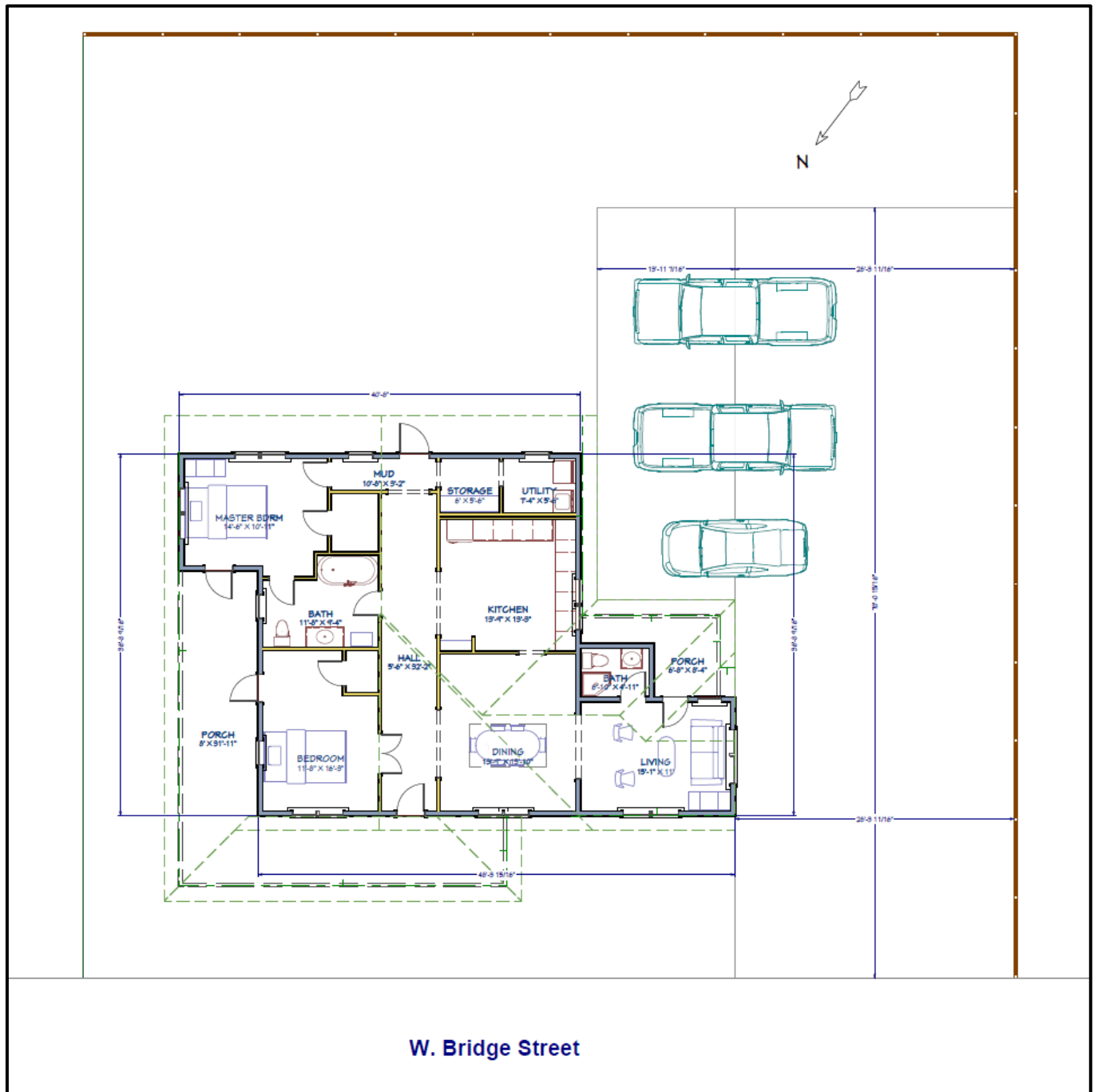


DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of New Braunfels, its officials or employees for any discrepancies, errors, or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

Source: City of New Braunfels Planning
Date: 3/5/2021



EXHIBIT "B"



3/22/2021

Agenda Item No. I)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of a resolution supporting the submission of City of New Braunfels and Texas Department of Transportation projects to the Alamo Area Metropolitan Planning Organization for federal funding in Fiscal Years 2023-2026.

BACKGROUND / RATIONALE:

The Alamo Area Metropolitan Planning Organization (AAMPO) has issued an agency call for Surface Transportation Block Grant (STBG), Transportation Alternatives (TA), and Congestion Mitigation and Air Quality (CMAQ) projects in support of the development of the FY 2023-2026 Transportation Improvement Program. STBG eligible projects include roadway capacity, operational, bicycle & pedestrian, and transit improvements and programs. TA eligible projects include bicycle, pedestrian, and transit improvements and programs. CMAQ projects are limited to transportation improvements in Bexar County based on their Marginal Nonattainment designation. Contingent upon the availability of federal funding, the estimated STBG amount available is \$165 million and the estimated TA amount available is \$22 million.

STBG and TA are reimbursable federal funding programs and provide 80% of construction costs. The implementing agency is responsible 20% local match of construction costs and 100% of project development costs including engineering, environmental, right-of-way, construction management, and project administration. Although the AAMPO Transportation Policy Board selects the projects associated with funds, the Texas Department of Transportation (TxDOT) is the federally designated pass-through agency. The implementing agency is required to enter into agreements with TxDOT and pay TxDOT for project review and administration.

Projects submitted for funding consideration must have a minimum construction cost of \$1,000,000 and must be on functionally classified roads and in areas that are open to the public. Project submittals and commitment of local match are due to the AAMPO on April 1, 2021. Projects will be selected in August 2021 by AAMPO's Transportation Policy Board based on technical score, agency priorities, project readiness, and public input.

City staff are recommending four city projects for AAMPO's call for projects. The projects are recommended based on mobility and safety needs, high growth locations, and the city's transportation goals.

The recommended STBG projects, listed in priority, include:

- 1. Barbarosa Rd/Saur Ln Street Improvements from FM 1101 to Saengerhalle Rd.** The project includes improving the roadway from two lanes to four lanes with turn lanes and medians. The project also includes traffic control, sidewalk, and drainage improvements. The section from FM 1101 to Alves Lane is on the 2019 Bond Program to be funded for final design and construction if funds are available. The proposed project terminates at Saengerhalle Rd due to various constraints and the additional

planning work required to determine the appropriate alignment.

- 2. Kohlenberg Rd Street Improvements from IH 35 to FM 1101.** The project includes improving the roadway from two lanes to four lanes with turn lanes and medians. The project also includes traffic control, sidewalk, and drainage improvements. Preliminary engineering was completed for the proposed project in preparation for the 2019 Bond Program; however, it was not selected for funding.

The recommended TA projects, listed in priority, include:

- 1. Dry Comal Pedestrian and Bicycle Trail from Walnut Ave to Elizabeth Ave.** The project includes a 10' shared use path along the Dry Comal Creek and Landa Park Drive. Preliminary engineering was completed for the proposed project from Walnut Ave to Landa St and is planned to be extended to Elizabeth Ave to connection improvements planned on Landa Park Drive and Elizabeth Ave.
- 2. Common St Pedestrian Improvements from Liberty Ave to Loop 337.** The project includes 6' sidewalks on both sides of Common St to connect Hinman Island, Prince Solms, and River Acres Parks, Comal County Fair Grounds, New Braunfels Public Library, cemeteries, and area neighborhoods. It will also connect to funded pedestrian improvements on Union Ave and on local streets adjacent to Lamar Elementary school. The project also includes enhanced pedestrian crossings.

City staff also coordinated with TxDOT on projects on the State Highway System being considered for the AAMPO call for projects. TxDOT identified three projects to submit for STBG funding and looking for city support for the project. The projects listed in priority below were included in IH 35 Operational Study in 2017 that developed and cleared highway, ramp, and interchange projects along the IH 35 corridor from FM 1103 to the Comal/Hays County Line.

- 1. IH 35 & Loop 337/Rueckle Rd Operational Improvements.** The project includes new turnaround bridges and travel lane and signal improvements. The project ties into city improvements on Rueckle Rd.
- 2. IH 35 & Solms Rd Operational Improvements.** The project includes new turn around bridges and travel lane and signal improvements. The project ties into city improvements on Solms Rd.
- 3. IH 35 & Schmidt Ave Operational Improvements.** The project includes new roundabout intersections and travel lane and sidewalk improvements on Schmidt Ave.

City staff are preparing the applications for the proposed city projects including project scope, cost estimates, and documentation. The application also requires a resolution of support for the project and commitment of local match.

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

ENVISION NEW BRAUNFELS	ACTION 2.12 [PROJECT]	Use trails, shuttles and complete streets to connect existing and new destinations/experiences.
	ACTION 3.19 [PLAN INITIATIVE]	Improve walkability across town to attract younger generations seeking pedestrian connections.
	ACTION 3.20 [POLICY]	Encourage residential developments to include pedestrian and bicycle friendly trails to nearby schools, preferably within a 2-mile radius of each school.

ACTION 7.1 [PROJECT]	Implement a sidewalk improvement program to install and replace sidewalks or walking trails where they do not exist or have gaps, particularly near and to/ from schools.
ACTION 7.19 [POLICY]	Improve connectivity for all modes of transportation including bicycles.
ACTION 7.21 [POLICY]	Ensure there is connected multi-modal access to all public facilities and from all parts of town.
ACTION 7.49 [PROJECT]	Widen IH-35 exits and intersecting roads for increased traffic flow.
ACTION 7.53 [PLAN INITIATIVE]	Upgrade existing arterials and major collectors and identify new alignments to create a network of expressway or parkway functional classification roadways. Create a plan by 2020; complete construction by 2040.
ACTION 7.55 [PARTNERSHIP]	Collaborate with regional partners (MPO, TxDOT, AACOG, other cities, etc.) on future corridors between New Braunfels and Seguin to relieve congestion on SH 46, FM 725, and FM 1044 including an extension of FM 306 towards the Airport, an extension of Business 35, an extension of Rueckle Road or Solms Road, and a connection to SH 130.
ACTION 7.59 [PLAN INITIATIVE]	Address future infrastructure needs when roadways are built by planning for infrastructure not necessarily needed at the present, but what will be needed in the future.
ACTION 8.15 [PARTNERSHIP]	Provide active multi-modal transportation networks that create “physical connections” particularly between or through historic/cultural destinations, Wurstfest grounds, and trails.

FISCAL IMPACT:

The STBG and TA programs are a reimbursable federal funding program and the city is responsible for the minimum 20% local match for the construction cost and 100% of project development costs for city projects.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a resolution supporting the submission of City of New Braunfels and Texas Department of Transportation projects to the Alamo Area Metropolitan Planning Organization for federal funding in Fiscal Years 2023-2026.

RESOLUTION NO. 2021-____

A RESOLUTION SUPPORTING THE SUBMISSION OF CITY OF NEW BRAUNFELS AND TEXAS DEPARTMENT OF TRANSPORTATION PROJECTS FOR THE ALAMO AREA METROPOLITAN PLANNING ORGANIZATION'S SURFACE TRANSPORTATION BLOCK GRANT AND TRANSPORTATION ALTERNATIVES CALL FOR PROJECTS FOR THE FY 2023-2026 TRANSPORTATION IMPROVEMENT PROGRAM.

WHEREAS, the Alamo Area Metropolitan Planning Organization has issued a call for Surface Transportation Block Grant and Transportation Alternatives funded projects for the FY 2023-2026 Transportation Improvement Program; and

WHEREAS, the Alamo Area Metropolitan Planning Organization has provided the City of New Braunfels the opportunity to submit and support transportation improvement projects within New Braunfels; and

WHEREAS, the City of New Braunfels will submit and be the sponsoring agency for transportation improvement projects in the city for consideration for the 2023-2026 Transportation Improvement Program; and

WHEREAS, the Texas Department of Transportation will submit and be the sponsoring agency for projects on the State Highway System in the city for consideration for the 2023-2026 Transportation Improvement Program;

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

THAT, the City of New Braunfels supports and commits to the local match for city projects as indicated in Exhibit "A" which is attached hereto; and

THAT, the City of New Braunfels supports the Texas Department of Transportation projects in the city as indicated in Exhibit "B" which is attached hereto.

PASSED, ADOPTED AND APPROVED this 22nd day of March, 2021.

City of New Braunfels, Texas

RUSTY BROCKMAN, Mayor

Attest:

CAITLIN KROBOT, City Secretary

EXHIBIT “A”

**City of New Braunfels Transportation Improvement Projects for the Alamo Area
Metropolitan Planning Organization FY 2023-2026 Transportation Improvement Program as
Recommended by City of New Braunfels City Council on March 22, 2021**

Priority	Roadway	Limits	Description
Surface Transportation Block Grant			
1	Barbarosa Rd/ Saur Ln	FM 1101 – Saengerhalle Rd	Improve to 4 lanes with turn lanes, median, sidewalks and drainage/traffic control improvements
2	Kohlenberg Rd	IH 35 – FM 1101	Improve to 4 lanes with turn lanes, median, sidewalks and drainage/traffic control improvements
Transportation Alternatives			
1	Dry Comal Creek Trail	Walnut Ave – Elizabeth Ave	Construct shared-use path along a portion of Dry Comal Creek, Landa Str and Landa Park Dr
2	Common St Pedestrian Improvements	Liberty Ave – Loop 337	Construct sidewalks and enhanced pedestrian crossings

EXHIBIT “B”

Texas Department of Transportation Transportation Improvement Projects for the Alamo Area Metropolitan Planning Organization FY 2023-2026 Transportation Improvement Program as Recommended by City of New Braunfels City Council on March 22, 2021

Priority	Roadway	Limits	Description
1	IH 35	Loop 337/ Rueckle Rd	Interchange improvements including new turnaround bridges, sidewalks, and approach lane and signal improvements.
2	IH 35	Solms Rd	Interchange improvements including new turnaround bridges, sidewalks, and approach lane and signal improvements.
3	IH 35	Schmidt Ave	Interchange improvements including new roundabout intersections, sidewalks, and approach lane improvements.

3/22/2021

Agenda Item No. J)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the installation of speed humps on Kowald Lane between Post Road and IH-35.

BACKGROUND / RATIONALE:**Council District: 5**

Citizens submitted a request for the installation of speed humps on Kowald Lane between Post Road and IH-35. Kowald Lane is a residential street with a speed limit of 30 mph. Speed limit signs were not posted on Kowald Lane at the time of this request but are scheduled to be installed in the next month. The request was evaluated based on petition, operational and geometric requirements established in the City of New Braunfels Speed Hump Policy approved in 1999.

Nine signatures were required to meet the two-thirds requirement, and nine signatures were received. An operational requirement in the policy is that the 85th percentile speed must be at least 5 miles per hour over the regulatory speed limit of 30 mph. Traffic data collected over 24 hours on Thursday, November 19th, 2020, showed the 85th percentile speed of 28 miles per hour which does not meet the speed criteria in the Speed Hump Policy. Additionally, the volume requirement in the approved speed hump policy is a daily traffic volume of at least 800 vehicles per day. The traffic data collected measured only 452 vehicles per day. These requirements are listed in the attachment to this report.

The Speed Hump Policy also requires proposed speed humps on a street to be approved by the emergency services departments. The New Braunfels Fire Department and the New Braunfels Police Department approve of the installation of speed humps on the requested street.

If the request is approved, the street will be placed on the list of streets eligible for speed hump installation for up to three years. Speed hump projects will be prioritized according to the criteria established in the Speed Hump Policy.

This portion of Kowald Lane does not have curbs, so curb extensions will need to be installed with the speed humps to ensure that drivers do not circumvent the speed humps.

The Speed Hump Policy also states that the alteration or removal of speed humps requires the same petition process as the installation request, with at least two-thirds of all adjacent households and businesses in favor of speed hump removal. The city will not provide any funding for the removal of speed humps if it is requested.

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

Envision New Braunfels Strategy 7: Connect All: Action 7.16: Develop a program and process for

consideration of citizen requests for neighborhood traffic calming.

FISCAL IMPACT:

Speed hump installation cost including speed cushions, signing and pavement markings for two sets of speed humps costs approximately \$14,000 to \$18,000 depending on location. The cost of the required curb extensions is estimated to be approximately \$1,200 for each set of speed humps. Funding for speed humps are included in the FY 2021 streets division operating budget and sufficient funds are currently available.

COMMITTEE RECOMMENDATION:

This item was considered and discussed by the Transportation and Traffic Advisory Board at their meeting on February 11, 2021. The Board passed a motion opposed to the installation of speed humps on Kowald Lane between Post Road and IH-35 with six in favor of Staff's recommendation and one opposed.

STAFF RECOMMENDATION:

Staff does not recommend approval of speed humps on Kowald Lane between Post Road and IH-35 as it does not meet the speed or volume criteria established in the Speed Hump Policy.

Petition

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

Operational and Geometric Characteristics of the Street

Requirement	Satisfied?
1. The street shall provide access to abutting residential and/or commercial properties.	Yes
2. The street shall not have more than one lane of traffic in each direction.	Yes
3. The street shall have a regulatory speed limit of 30 mph or less as determined in accordance with State Law.	Yes: 30 mph
4. The 85 th percentile speed on the street must be at least 35 mph or 5 mph over the regulatory speed limit.	No: 28 mph
5. The speed humps should not be located on a horizontal curve, on vertical curves where visibility of the hump is restricted, or on approaches to these curves.	Yes
6. The street should have curb and gutter. Considerations may be given to street without curb and gutter to accommodate drainage and prevent vehicle run-arounds.	No
7. The street must be approved by the emergency services departments.	Yes ^a
8. The street must have a 24-hour traffic volume of at least 800 vehicles.	No: 452 vpd average

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

Speed and Volume Data

	≤25 mph	26-30 mph	31-35 mph	36-40 mph	41+ mph
Average vpd (11/19)	256	163	28	4	1

Project Prioritization Criteria

Criteria		Points Assigned
1. Crash	0 reported crashes over a period of 3 consecutive years	0
2. Speed	-2 mph difference between 85 th percentile speed and regulatory speed limit	0
3. Traffic Volume	Two-way peak hour volume of 37 vph	0
4. Type of Neighborhood	1. Schools within a ½ mile radius of the project street	0
	2. Special pedestrian generators within a 1,000 foot radius of the project street	0
	3. Absence of sidewalks on the project street	1
Total:		1



3/22/2021

Agenda Item No. K)

Presenter/Contact

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

SUBJECT:

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

BACKGROUND / RATIONALE:

Council District: 5

Staff has received a request from a property owner along Guada Coma Drive to be included in the existing Parking by Permit Area G. The requested area consists of one single-family home.

A signed petition has been received from the property owner requesting addition into Parking by Permit Area G on the east side of Guada Coma Drive between Comal Avenue and Lindheimer Street. This request is for daily between 8:00 a.m. to 8:00 p.m., from May 1 to September 30, which is consistent with the existing Parking by Permit Area G ordinance.

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

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

The Council Meeting is a public hearing for this consideration. Notices of the public hearing were mailed to all property owners (as shown on the latest tax roll) within a 300-foot radius of the requested area.

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

Envision New Braunfels Strategy 1: Support Vibrant Centers: Action 1.2: Create plans for neighborhoods and transitional areas to maintain quality of life.

FISCAL IMPACT:

Traffic control signs cost approximately \$150 each. Sufficient funding is available in the FY 2021 approved streets and drainage budget.

COMMITTEE RECOMMENDATION:

The Transportation and Traffic Advisory Board unanimously recommended approval of amending Parking by Permit Area G to include the east side of Guada Coma Drive between Comal Avenue and Lindheimer Street at their meeting on February 11, 2021.

STAFF RECOMMENDATION:

Staff recommends approval of amending Parking by Permit Area G to include the east side of Guada Coma Drive between Comal Avenue and Lindheimer Street.

ORDINANCE NO. 2021-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS, AMENDING SECTION 126-354 (c) TO AMEND
PARKING BY PERMIT AREA G.**

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

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

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

I.

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

(8) Area G, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.

e. On the east side of Guada Coma Drive from the intersection with Comal Avenue to the intersection with Lindheimer Street.

II.

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

III.

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

IV.

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

PASSED AND APPROVED: First reading this the _____ day of _____, 2021.

PASSED AND APPROVED: Second reading this the _____ day of _____, 2021.

CITY OF NEW BRAUNFELS, TEXAS

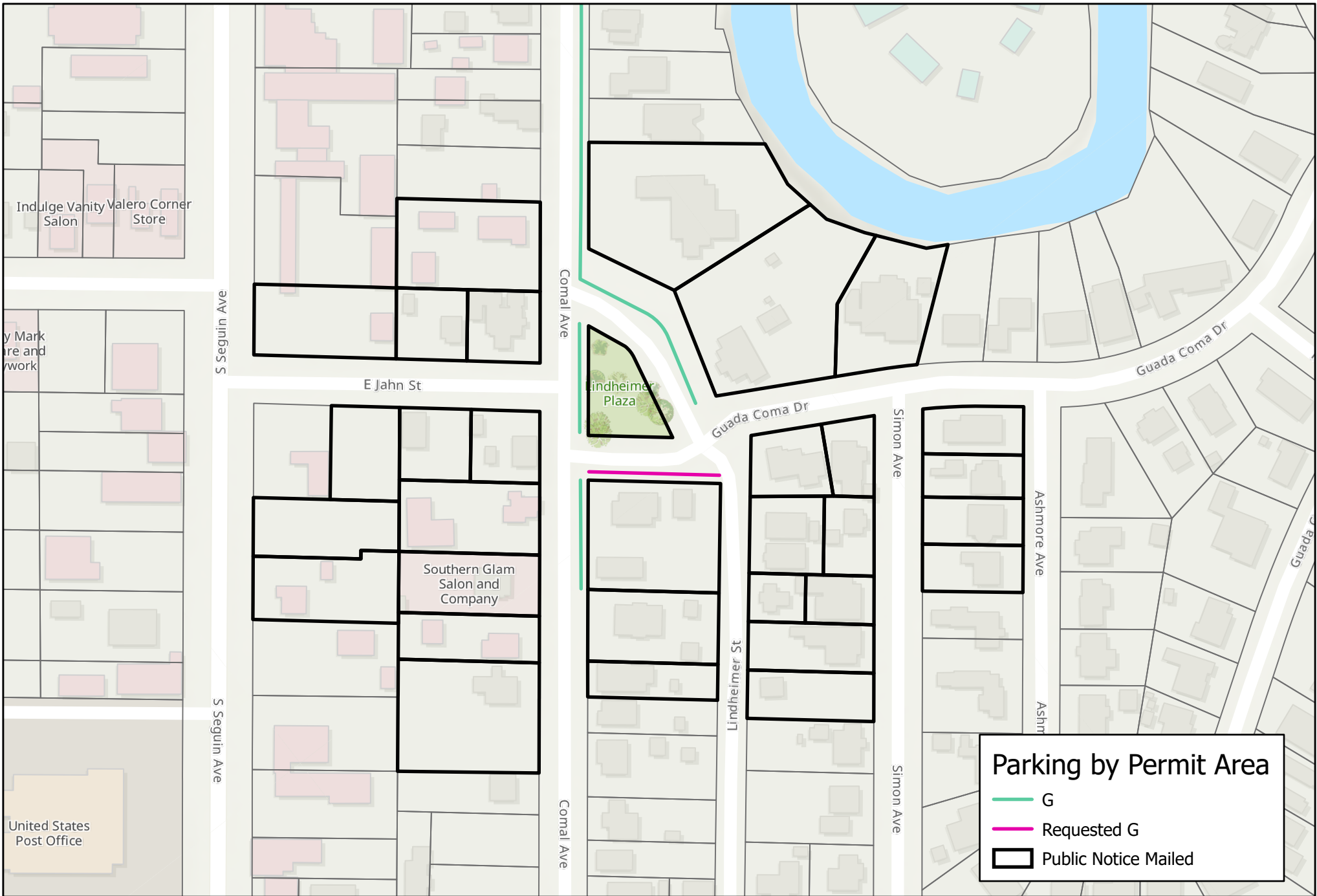
RUSTY BROCKMAN, MAYOR

ATTEST:

CAITLIN KROBOT, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY



Parking by Permit Area G Public Notice Area

3/22/2021

Agenda Item No. L)

Presenter/Contact

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

SUBJECT:

Public hearing and first reading of an ordinance to amend Section 126-186 to restrict through truck traffic on Lake Front Avenue between the IH 35 Frontage Road and Freiheit Road and Freiheit Road between Lake Front Avenue and SH 46.

BACKGROUND / RATIONALE:

Council District: 5

City staff received a request to restrict through truck traffic on Lake Front Avenue between the IH 35 Frontage Road and Freiheit Road and Freiheit Road between Lake Front Avenue and SH 46. City staff completed a traffic study which included a site investigation, multiple observation periods of data collecting, and a review of the crash history in the study area. Using the results of the traffic study and taking into consideration the future striping plans for Lake Front Avenue and Freiheit Road, staff formed a recommendation to establish through truck traffic restrictions.

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

N/A

FISCAL IMPACT:

Traffic control signs cost approximately \$150 each. Sufficient funding is available in the FY2021 approved street and drainage budget.

COMMITTEE RECOMMENDATION:

The Transportation and Traffic Advisory Board unanimously recommended the creation of through truck traffic restrictions on Lake Front Avenue between the IH 35 Frontage Road and Freiheit Road and Freiheit Road between Lake Front Avenue and SH 46 at their meeting on February 11, 2021.

STAFF RECOMMENDATION:

Staff recommends through truck traffic restrictions on Lake Front Avenue between the IH 35 Frontage Road and Freiheit Road and Freiheit Road between Lake Front Avenue and SH 46.

Traffic Study Summary

Date: February 11, 2021

Prepared By: Carly Farmer, E.I.T., Engineer

Request: Install “No Thru Trucks” signs on Lake Front Avenue between the IH 35 Frontage Road and Freiheit Road and Freiheit Road from Lake Front Avenue to SH 46.

Recommendation: “No Thru Trucks” signs are recommended

Background

Lake Front Avenue is controlled by a two-way stop at the IH 35 Frontage Road and an all-way stop at Freiheit Road. The posted speed limit on Lake Front Avenue is 30 miles per hour (mph). Freiheit Road is controlled by an all-way stop at Lake Front Avenue and a traffic signal at SH 46. The posted speed limit on Freiheit Road is 30 mph.

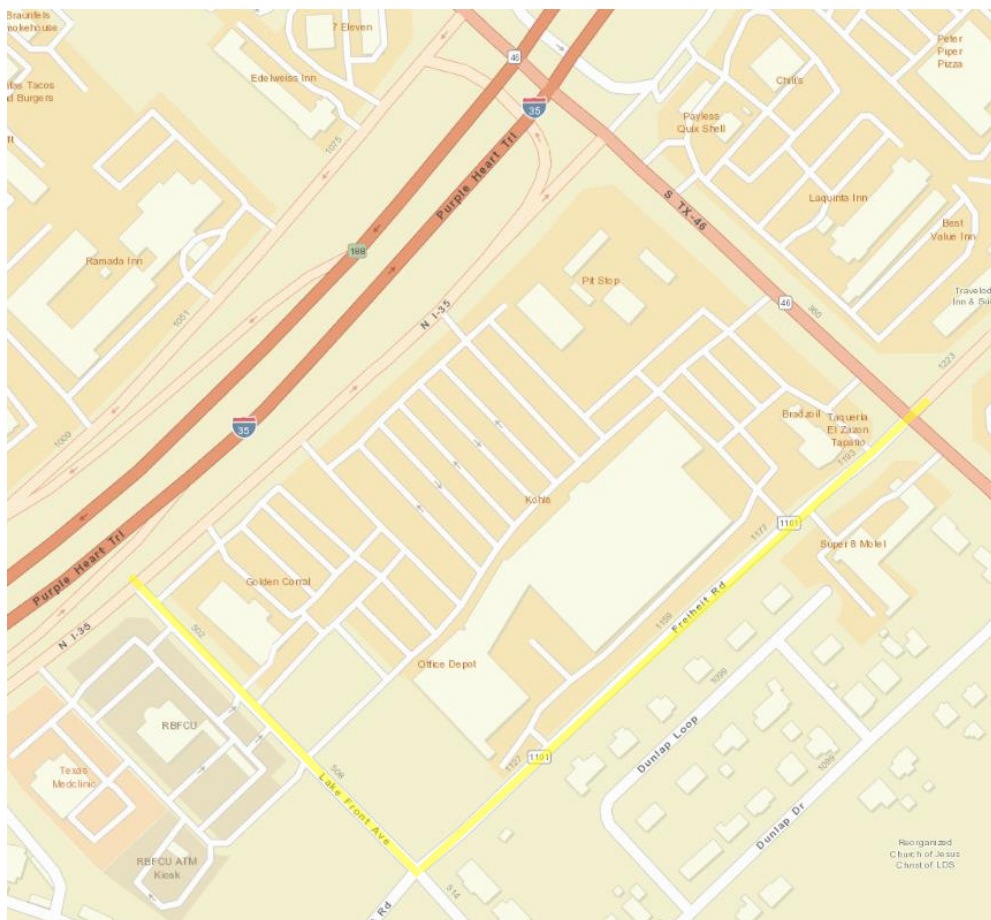


Figure 1. Traffic Study Area on Lake Front Avenue and Freiheit Road

There are plans to restripe both Lake Front Avenue and Freiheit Road in the study area in the future. The proposed striping plan is attached to this report.

An engineering study was completed in November 2020 and January 2021 to evaluate the installation of “No Thru Trucks” signs on Lake Front Avenue between the IH 35 Frontage Road and Freiheit Road and Freiheit Road between Lake Front Avenue and SH 46. The study was completed due to a complaint associated with through trucks. There is concern about large trucks turning onto Lake Front off of the IH 35 Frontage Road and using Freiheit Road to avoid the intersection of IH 35 and SH 46.

Guidance

Sections 2B.39 and 5B.04 of the Texas Manual on Uniform Traffic Control Devices (TMUTCD) provide support and guidance for the application of “No Trucks” (R5-2) signs. “No Trucks” signs are used to give notice to road users that State or local statutes or ordinances exclude designated types of traffic from using particular roadways or facilities. There is no specific guidance for when this sign should be installed. Therefore, engineering judgment should be used.

Section 126-1 of the City of New Braunfels Code of Ordinances provides a definition for “trucks”:

Truck means any motor vehicle designed, used or maintained primarily for the transport of property. For purposes of this section, the following are not included within the definition of a truck: (1)Light trucks, including any truck with a manufacturer's rated carrying capacity not to exceed 2,000 pounds and including those trucks commonly known as pickup trucks, panel delivery trucks, vans and carryall trucks.(2)Recreational vehicles and passenger buses.

Site Investigation

Vehicle classification data was collected on Wednesday, November 4, 2020 for both eastbound and westbound Lake Front Avenue between the IH 35 Frontage Road and Freiheit Road.

Multiple site investigations were conducted along Lake Front Avenue and Freiheit Road at multiple times throughout the day – during AM, midday and PM peak times – over the course of January 22-January 26, 2021. The investigation included a review of the road characteristics and through truck activity.

The segment of Lake Front Avenue in the study area is located within a commercial area with several driveways to various businesses and a shopping center. The segment of Freiheit Road in the study area borders a commercial and residential area. No homes front this segment of Freiheit Road but there are driveways for accessing the loading area of a shopping center, a hotel, and a restaurant.

Crash History

Traffic crash data for 2018 through 2021 was found through TxDOT’s Crash Records Information System. There were zero crashes reported for both Lake Front Avenue and Freiheit Road in the study area.

Data Collection

Traffic data was collected on Wednesday, November 4, 2020 for both eastbound and westbound Lake Front Avenue between the IH 35 Frontage Road and Freiheit Road. Vehicle classification was determined using the Federal Highway Administration vehicle classifications and the City of New Braunfels Code of Ordinances definition of a truck.

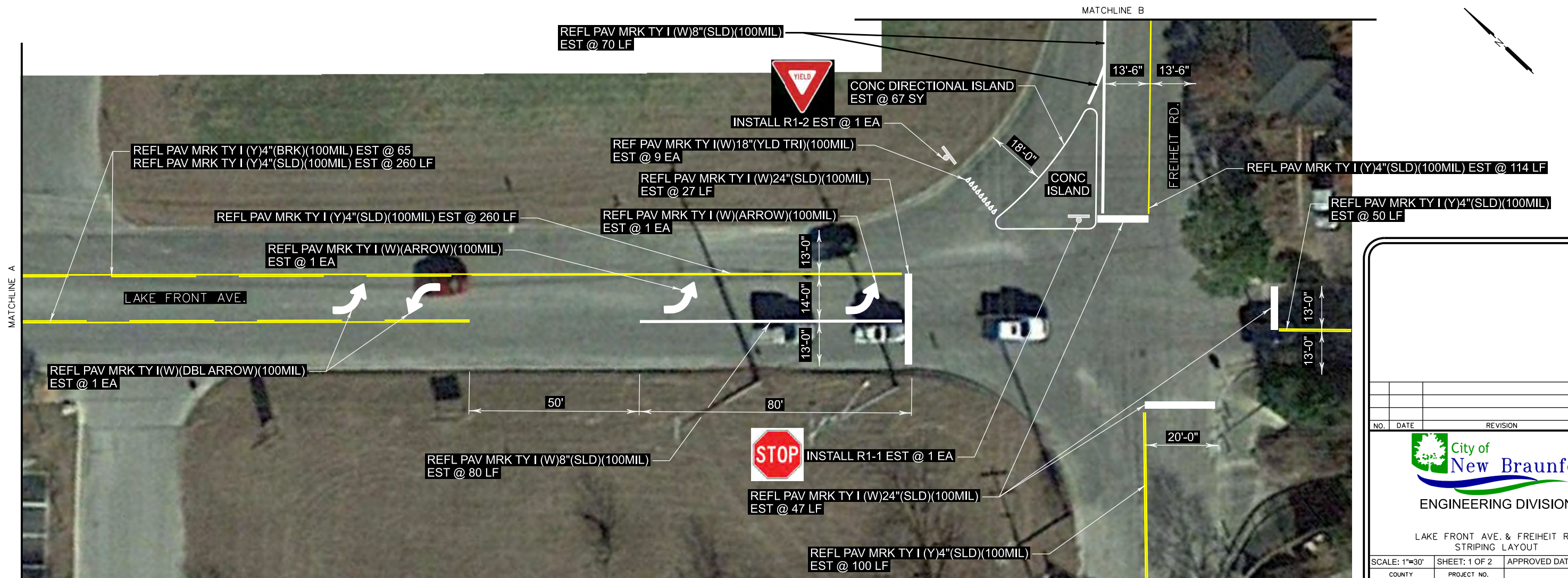
Through truck activity was observed during the timeframe of January 22-26, 2021 along Lake Front Avenue and Freiheit Road. Staff conducted observations for the morning peak (7:15-8:15 AM), the afternoon peak (12:00-1:00 PM), and the evening peak (4:30-5:30 PM). The data collection occurred during the Covid-19 pandemic, but otherwise represents typical traffic conditions.

The average daily traffic (ADT) for Lake Front Avenue is 5855 vehicles per day, of which an average of 1% are trucks. Based on through truck observations, between 60%-100% of trucks on Lake Front Avenue during the three peak study periods are through trucks utilizing eastbound Lake Front Avenue and northbound Freiheit Road to bypass the intersection of IH 35 and SH 46.


The results of this study show that “No Trucks” or “No Thru Trucks” signs are warranted. The high ADT on Lake Front Avenue does not benefit from larger, slower trucks coming through the area, and the proposed striping plan on Lake Front Avenue and Freiheit Road will reduce the lane widths on Lake Front Avenue and reduce the size of the intersection of Lake Front Avenue and Freiheit Road. These improvements will not properly accommodate large through trucks.

Recommendation

A thru truck restriction on Lake Front Avenue and Freiheit Road is recommended by staff at this time.



NO.	DATE	REVISION	APPROV.


 ENGINEERING DIVISION
 LAKE FRONT AVE. & FREIHEIT RD.
 STRIPING LAYOUT
 SCALE: 1"=30' SHEET: 1 OF 2 APPROVED DATE: 10/2019
 COUNTY PROJECT NO. COMAL



ITEM DESCRIPTION	UNIT	EST	FINAL
CONC DIRECTIONAL ISLAND	SY	67	
REFL PAV MRK TY I(W)8"(SLD)(100MIL)	LF	167	
REFL PAV MRK TY I(W)24"(SLD)(100MIL)	LF	157	
REFL PAV MRK TY I(W)(ARROW)(100MIL)	EA	2	
REFL PAV MRK TY I(W)(DBL ARROW)(100MIL)	EA	3	
REF PAV MRK TY I(W)18"(YLD TRI)(100MIL)	EA	9	
REFL PAV MRK TY I(Y)4"(BRK)(100MIL)	LF	240	
REFL PAV MRK TY I(Y)4"(SLD)(100MIL)	LF	3350	
REFL PAV MRK TY I(Y)24"(SLD)(100MIL)	LF	64	
REFL PAV MRK TY I(Y)(MED NOSE)(100MIL)	EA	2	
INSTALL R1-1 (STOP SIGN)	EA	1	
INSTALL R1-2 (YIELD SIGN)	EA	1	
REMOVE SM RD SN SUP&AM (STOP SIGN)	EA	1	

NO.	DATE	REVISION	APPROV.



ENGINEERING DIVISION

LAKE FRONT AVE. & FREIHEIT RD.
STRIPING LAYOUT

SCALE: 1"=30'	SHEET: 2 OF 2	APPROVED DATE: 10/2019
COUNTY	PROJECT NO.	
COMAL		

ORDINANCE NO. 2021-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-186 OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES TO RESTRICT THROUGH TRUCK TRAFFIC ON LAKE FRONT AVENUE BETWEEN THE IH 35 FRONTAGE ROAD AND FREIHEIT ROAD AND ON FREIHEIT ROAD BETWEEN LAKE FRONT AVENUE AND SH 46.

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

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

I.

THAT Chapter 126 of the City of New Braunfels Code of Ordinances is hereby amended as follows:

Sec. 126-186. – Through trucks prohibited.

Through trucks are prohibited on the following roads:

(32) Lake Front Avenue between the IH-35 Frontage Road and Freiheit Road.

(33) Freiheit Road between Lake Front Avenue and SH 46

II.

All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only. All provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

III.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such

invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

IV.

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

PASSED AND APPROVED: First reading this the _____ day of _____, 2021.

PASSED AND APPROVED: Second reading this the _____ day of _____, 2021.

CITY OF NEW BRAUNFELS, TEXAS

RUSTY BROCKMAN, MAYOR

ATTEST:

CAITLIN KROBOT, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY

3/22/2021

Agenda Item No. M)

Presenter/Contact

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

SUBJECT:

Public hearing and first reading of an ordinance to amend Section 126-346 to establish a no parking zone on E San Antonio Street at N Gilbert Avenue.

BACKGROUND / RATIONALE:

Council District: 5

With the completion of the San Antonio Street Bridge, E San Antonio Street was repaved and restriped, including the pavement markings of the downtown two-hour parking spaces. City staff recognized the need for wider clearance around the driveways of the ADM Milling Co. The mill has two driveways fronting E San Antonio Street: (1) just west of the San Antonio Street Bridge and (2) at N Gilbert Avenue. Due to the ingress and egress of large trucks at these two driveways, allowing parking poses a safety issue for both the parked vehicles and the trucks. With the recent restriping of downtown two-hour parking, staff excluded the area around the mill driveways for parking. Staff now recommends establishing this area as an official no parking zone in the Code of Ordinances and installing appropriate signage.

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

N/A

FISCAL IMPACT:

Traffic control signs cost approximately \$150 each. Sufficient funding is available in the FY2021 approved streets and drainage budget.

COMMITTEE RECOMMENDATION:

The Transportation and Traffic Advisory Board unanimously voted to recommend amending the city ordinance to establish a no parking zone on E San Antonio Street at N Gilbert Avenue at their meeting on February 11, 2021.

STAFF RECOMMENDATION:

Staff recommends amending the city ordinance to establish a no parking zone on E San Antonio Street at N Gilbert Avenue.



- Proposed No Parking
- Existing 2 HR Parking
- Mill Access

ORDINANCE NO. 2021-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS, AMENDING SECTION 126-346 TO RESTRICT
PARKING ON A PORTION OF EAST SAN ANTONIO STREET.**

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

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

I.

THAT the City of New Braunfels Code of Ordinances Section 126-346 (f) is hereby amended as follows:

- (129) On the north side of E San Antonio Street from 260 feet east of the intersection with North Market Avenue easterly to the San Antonio Street Bridge. Such no parking zone shall be designated as a tow away zone.

II.

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

III.

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

IV.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This

Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this the _____ day of _____, 2021.

PASSED AND APPROVED: Second reading this the _____ day of _____, 2021.

CITY OF NEW BRAUNFELS, TEXAS

RUSTY BROCKMAN, MAYOR

ATTEST:

CAITLIN KROBOT, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

3/22/2021

Agenda Item No. A)

Deliberate the appointment, evaluation, duties, discipline, or removal of the City Manager in accordance with Section 551.074 of the Texas Government Code.