



**CITY OF NEW BRAUNFELS, TEXAS  
PLANNING COMMISSION MEETING**



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

**TUESDAY, NOVEMBER 2, 2021 at 6:00 PM**

**AGENDA**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

**3. APPROVAL OF MINUTES**

A) Approval of the October 6, 2021 Regular Meeting Minutes.

**4. CITIZENS' COMMUNICATIONS**

*This time is for citizens to address the Planning Commission on any issues or items NOT on the agenda. It is a violation of the Texas Open Meetings Act for the Commission to address, discuss or take action on any items not on the agenda. In addition to this venue, citizens may also email any comments to [planning@nbtexas.org](mailto:planning@nbtexas.org). Emailed comments will be distributed to the Planning Commission.*

**5. BRIEFINGS**

*None*

**6. CONSENT AGENDA**

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

A) FP21-0359 Approval of the final plat for Highland Ridge, Unit 1 with conditions.

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

Owner: HVH Homes, LLC (Derek Milikien)

B) FP21-0361 Approval of the final plat for Courtyard Business Center, Unit 5 with conditions.

Applicant: INK Civil (James Ingalls, P.E.)

Owner: Hollmig Family Partnership; Craig Hollmig

**7. INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) SUP21-318 Public hearing and recommendation to the City Council regarding a proposed rezoning to apply a Special Use Permit to allow 75 dwelling units where lot area allows a maximum of 64, through the conversion of existing hotel guestrooms into studio apartments in the "C-3 AH" Commercial District Airport Hazard Overlay, on Lots 3C and 3D, JM Subdivision, addressed at 1533 IH-35 North.

Applicant/Owner: Dan Norville, Vivo Investment Group

- B) ORD21-369 Public Hearing and recommendation to the City Council of an ordinance to revise sections of the Code of Ordinances regarding the approval and/or appeals authority in: Chapter 144, Zoning, Section 5.1, Parking, loading, stacking and vehicular circulation, Section 5.22, Nonresidential and Multi-family Design Standards, Section 5.23, Temporary vending operations, and, Section 5.24, Temporary mobile storage units; Chapter 118, Subdivision Platting, Section 118-11, Waiver, Section 118-44, Blocks, and, Section 118-49, Sidewalks; and, amendments to Appendix D, Fee Schedule, Section A schedule of development fees.

Presenter: Maddison O'Kelley

- C) WVR21-360 Discuss and consider a waiver from Section 118-49(a) of the Subdivision Platting Ordinance to not require the construction of a 6-foot wide public sidewalk along the Interstate 35 Access Road adjacent to Lot1, Block 1 of the proposed Herber Estates Subdivision.

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

Owner: John Herber

- D) WVR21-363 Discuss and consider a waiver request from Section 118-49 of the Subdivision Platting Ordinance to not require construction of a sidewalk along Loop 337 for the Lark Canyon Subdivision Unit 1.

Applicant: Westwood Professional Services (Drew Defendorf)

Owner: Meritage Homes (Tonda Alexander)

8. **STAFF REPORT**

9. **ADJOURNMENT**

**CERTIFICATION**



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

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Board Liaison

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



## Planning Commission Agenda Item Report

550 Landa Street  
New Braunfels, TX

**11/2/2021**

Agenda Item No. A)

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**Planning Commission  
Regular Meeting Minutes  
October 6, 2021**

**Members Present**

Chair Lee Edwards  
Vice Chair Stanley Laskowski  
Ron Reaves  
Jerry Sonier  
John Mathis  
Creighton Tubb  
Kurt Andersen-Vie

**Staff Present**

Christopher J. Looney, Director of Planning and Development Services  
Frank Onion, Assistant City Attorney  
Jean Drew, Assistant Director of Planning and Development Services  
Stacy Snell, Planning Manager  
Garry Ford, Assistant Public Works Director/City Engineer  
Holly Mullins, Senior Planner  
Matthew Simmont, Senior Planner  
Matt Greene, Senior Planner  
Sam Hunter, Assistant Planner

**Members Absent**

Shaun Gibson  
Chad Nolte

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

**2. ROLL CALL**

Roll was called at 6:00pm, and a quorum was declared.

**3. APPROVAL OF MINUTES**

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to approve the regular meeting minutes of September 8, 2021 as presented. Motion carried (7-0-0).

**4. CITIZENS COMMUNICATION**

None.

**5. BREIFINGS**

**A) Approval of the Planning Commission 2022 Calendars for Zoning Applications and Subdivision Plat Applications. *Stacy A.M. Snell, Planning Manager***

Mrs. Snell presented and recommended approval.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to approve the Planning Commission 2022 Calendars for Zoning Applications and Subdivision Plat Applications. Motion carried (7-0-0).

**B) Briefing with no action regarding New Braunfels' growth and buildout. *Jeff Jewell, Economic and Community Development Director.***

Mr. Looney made an introduction and presented on the ETJ.

Mr. Jewell presented on the historical and future growth in New Braunfels and the implications of this growth pattern.

Discussion followed on potential growth strategies and potential annexations.

- C) Briefing with no action regarding forthcoming amendments to various development-related ordinances to streamline processes.** *Christopher J. Looney, Planning and Development Services Director.*

Mr. Looney presented on potential items to be considered only administratively or by boards and commissions rather than City Council.

Commissioner Reaves asked about the tree ordinance which the Planning Commission had recommended approval and was not approved by City Council.

## **6. CONSENT AGENDA**

**A) FP21-0298 Approval of the final plat for Veramendi Precinct 20, Unit 2 with conditions.**

Applicant: Pape-Dawson Engineers Inc. (Jocelyn Perez, P.E.)

Owner: Veramendi PE – Brisbane, LLC (Peter James)

**B) FP21-0326 Approval of the final plat for Navarro Subdivision Unit 2C with conditions.**

Applicant: KFW Engineers & Surveying (A. Nicholas Reynolds, P.E.)

Owner: Lennar Homes of Texas Land & Construction (Richard Mott)

**C) FP21-0327 Approval of the final plat for Navarro Subdivision Amenity Center with conditions.**

Applicant: KFW Engineers & Surveying (A. Nicholas Reynolds, P.E.)

Owner: Lennar Homes of Texas Land & Construction (Richard Mott)

**D) FP21-0330 Approval of the final plat for Cloud Country Subdivision, Unit 6 with conditions.**

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

Owner: Milestone Conrads Development, Ltd. (Chesley Swann III)

**E) FP21-0331 Approval of the final plat for Cloud Country Subdivision, Unit 8 with conditions.**

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

Owner: Milestone Conrads Development, Ltd. (Chesley Swann III)

**F) FP21-0332 Approval of the final plat for SmithCo 35 and 306 with conditions.**

Applicant: INK Civil (Shan Klar, P. E.)

Owner: SmithCo Development (Jim Smith)

Motion by Commissioner Sonier seconded by Vice Chair Laskowski, to approve the consent agenda with staff recommendations. Motion carried (8-0-0).

## **7. INDIVIDUAL ITEMS FOR CONSIDERATION**

**A) SUP21-118 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 71.3 acres out of the W. Mockford Survey No. 285, located at the southwest terminus of Westpointe Drive, from “APD” Agricultural/Pre-Development to “C-1B” General Business District with a Special Use Permit to allow unscreened outdoor storage.** *Applicant: HMT Engineering & Surveying – Chris Van Heerde, P.E.; Owner: New Braunfels Utilities; Case Manager: Matthew Simmont.*

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

Chair Edwards asked if there were questions for staff.

Discussion followed on clarification for the location of outdoor storage, fencing, and TIA.

Chair Edwards asked if the applicant would like to speak.

Chris Van Heerde presented on the proposed development, associated proposed plans, and addressed community concerns.

Discussion followed on clarification of the outdoor storage.

Ryan Kelso provided clarification on outdoor storage.

Discussion followed on buffering, screening, outdoor storage of transformers, and fencing.

Ian Taylor provided clarification behind the intent of the request for no masonry wall.

Discussion followed on buffering, fencing, and the TIA.

James Robertson provided clarification on the TIA.

Chair Edwards asked if anyone would like to speak in opposition to the request.

Bill Skeen presented as a representative to Mission Crossing Apartments and expressed concerns on traffic, future Mission Crossing Apartment developments along Oak Run Parkway, and property values.

Jerry Everette stated opposition to the request citing traffic and property values.

Leigh Rowlands stated opposition to the request citing environmental concerns.

Craig Rowlands stated opposition to the request citing traffic and environmental concerns.

Commissioner Sonier stepped out at 7:42.

Susan Ross stated opposition to the request citing school bus routes and traffic concerns.

Discussion followed.

Commissioner Sonier returned at 7:45.

Ray Lorence stated opposition to the request citing safety and fire concerns.

Scott McVey stated opposition to the request citing noise concerns.

Mike Keel stated opposition to the request citing buffer, fencing, and noise concerns.

Discussion followed on fencing.

Jim Poage read a letter on the behalf of Mark Matise, stating opposition to the request citing traffic concerns.

Jim Poage stated opposition to the request citing TIA and traffic.

Commissioner Mathis stepped out at 7:56.

John O'Brien stated opposition to the request citing land use and TIA concerns.

Commissioner Mathis returned at 8:00pm.

Chair Edwards initiated a break 8:01pm

Chair Edwards resumed the meeting at 8:09pm

Chair Edwards asked if anyone would like to speak in favor of the request.

No one spoke.

Chair Edwards asked if the applicant would like to provide any additional information.

Ryan Kelso addressed environmental, traffic, emergency access, and noise concerns.

Ian Taylor addressed concerns on traffic, the aquifer, and the environment.

Chair Edwards asked if there were further discussion or a motion.

Discussion followed on the intent behind the relocation of NBU headquarters, traffic, access, fencing, land use, and potential conditions with approval.

Motion by Reaves, seconded by Sonier, to recommend denial regarding the proposed rezoning of approximately 71.3 acres out of the W. Mockford Survey No. 285, located at the southwest terminus of Westpointe Drive, from "APD" Agricultural/Pre-Development to "C-1B" General Business District with a Special Use Permit to allow unscreened outdoor storage. Motion carried (7-0-0).

**B) PZ21-0322 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 6,600 square feet (0.15 acre) consisting of Lot 36, Block 1, Green Valley Estates Subdivision, addressed at 138 E. Green Valley, from "B-1" Conventional and Mobile Home District to "C-O" Commercial Office District. Applicant: Gilbert & Angelita Morales; Case Manager: Matthew Simmont.**

Mr. Simmont presented and recommended denial as stated in staff report.

Chair Edwards asked if there were questions for staff.

Discussion followed on if the existing structure would need to be removed with rezoning.

Chair Edwards asked if the applicant would like to speak.

Gilbert Morales clarified the intent behind the request.

Chair Edwards asked if anyone would like to speak in favor of the request.

No one spoke.

Chair Edwards asked if anyone would like to speak in opposition of the request.

No one spoke.

Chair Edwards asked if there were further discussion or a motion.

Discussion followed on the steps following the decision and land use.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to recommend denial of the proposed rezoning of approximately 6,600 square feet (0.15 acre) consisting of Lot 36, Block 1, Green Valley Estates Subdivision, addressed at 138 E. Green Valley, from "B-1" Conventional and Mobile Home District to "C-O" Commercial Office District. Motion carried (7-0-0).

**C) PZ21-0313 Public hearing and recommendation to City Council regarding the proposed rezoning of approximately 5.35 acres out of the A. M. Esnaurizar Survey. Addressed at 850 State Highway 46 South, from "M-1 AH" Light Industrial District – Airport Hazard Overlay to "ZH-A - AH" Zero Lot Line Home District – Airport Hazard Overlay. Applicant: James Ingalls, INK Civil; Owner: Randy Harris; Case Manager: Holly Mullins.**

Mrs. Mullins presented and recommended approval as stated in staff report.

Chair Edwards asked if there were questions for staff.

Chair Edwards asked if the applicant would like to speak.

James Ingalls provided clarification behind the request.

Discussion followed on housing type, the area being rezoned, proposed units, and traffic.

Chair Edwards asked if anyone would like to speak in favor of the request.

No one spoke.

Chair Edwards asked if anyone would like to speak in opposition of the request.

Brenadette Faust spoke in opposition to the request citing traffic and access concerns.

Chair Edwards asked if there were any questions for the applicant.

Discussion followed on streets and access concerns.

Charlie Britsch spoke in opposition of the request citing traffic and access concerns.

Chair Edwards closed the public hearing and asked if there were further discussion or a motion.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to recommend approval regarding the proposed rezoning of approximately 5.35 acres out of the A. M. Esnaurizar Survey. Addressed at 850 State Highway 46 South, from "M-1 AH" Light Industrial District – Airport Hazard Overlay to "ZH-A - AH" Zero Lot Line Home District – Airport Hazard Overlay. Motion carried (7-0-0).

**D) SUP21-316 Public hearing and recommendation to City Council regarding a proposed zone change to apply a Special Use Permit to allow multifamily residential use in the "APD" Agricultural/Pre-Development District, on approximately 18 acres out of the John Thompson Survey No. 21, Abstract No. 608, Comal County, Texas, addressed at 441 Ron Road. Applicant: Aspen Heights Partners (T.C. Selman); Owner: Crystal Kindred; Case Manager: Matt Greene.**

Mr. Greene presented and recommended approval as stated in staff report.

Chair Edwards asked if there were questions for staff.

Discussion followed on masonry walls and nearby developments.

Chair Edwards asked if the applicant would like to speak.

TC Selman elaborated on the intent behind the request and presented additional plans.

Chair Edwards asked if anyone would like to speak in favor of the request.

No one spoke.

Chair Edwards asked if anyone would like to speak in opposition of the request.

No one spoke.

Chair Edwards asked if there were further discussion or a motion.

Motion by Vice Chair Laskowski, seconded by Commissioner Reaves, to recommend approval of the proposed zone change to apply a Special Use Permit to allow multifamily residential use in the "APD" Agricultural/Pre-Development District, on approximately 18 acres out of the John Thompson Survey No. 21, Abstract No. 608, Comal County, Texas, addressed at 441 Ron Road. Motion carried (7-0-0).

**E) SUP21-319 Public hearing and recommendation to City Council regarding a proposed rezoning from "M-1" Light Industrial District and "APD" Agricultural Pre-Development District to "C-1B" General Business District with a Special Use Permit to allow the expansion of an existing zoo on approximately 19.2 acres, consisting of Lots 2, 3, 4, 5 and 6, Collins Estates, Unit 2, addressed at 5562, 5640, and 5686 IH 35 Sand 203 and 223 Rusch Ln. Applicant: Mark Stuart, Owners: ET Animal Real Estate, Inc., Eric Trager and Susan Turner; Case Manager: Matt Greene.**

Mr. Greene presented and recommended approval as stated in staff report.

Chair Edwards asked if there were questions for staff.

Chair Edwards asked if the applicant would like to speak.

Mark Stuart stated he was present to answer any questions.

Chair Edwards asked if anyone would like to speak in favor of the request.

No one spoke.

Chair Edwards asked if anyone would like to speak in opposition of the request.

No one spoke.

Chair Edwards asked if there were any questions for the applicant.

Chair Edwards asked if there were further discussion or a motion.

Motion by Vice Chair Laskowski, seconded by Commissioner Reaves, to recommend approval of the proposed rezoning from "M-1" Light Industrial District and "APD" Agricultural Pre-Development District to "C-1B" General Business District with a Special Use Permit to allow the expansion of an existing zoo on approximately 19.2 acres, consisting of Lots 2, 3, 4, 5 and 6, Collins Estates, Unit 2, addressed at 5562, 5640, and 5686 IH 35 Sand 203 and 223 Rusch Ln. Motion carried (7-0-0).

**F) REP21-328 Public hearing and consideration of the replat of Lot 81 Block 1, Northwest Crossing Unit 3, establishing Lots 81RA and 81RB.** *Applicant: Urban Civil; Owner: Northwest Crossing Owners Association, Inc.; Case Manager: Holly Mullins.*

Mrs. Mullins presented and recommended approval as stated in staff report.

Chair Edwards asked if there were questions for staff.

Chair Edwards asked if the applicant would like to speak.

Lay Perry, NBU, stated NBU will be purchasing the property and is available to answer any questions.

Discussion followed for clarification of the intent behind the request and approval from the subdivision.

Chair Edwards asked if anyone would like to speak.

Ron Savage, HOA, clarified the intent behind the request.

Alejandro Duque stated opposition to the request citing land use concerns.

Brian Mendez, applicant, stated he is present to answer any questions.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were further discussion or a motion.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to approve the replat of Lot 81 Block 1, Northwest Crossing Unit 3, establishing Lots 81RA and 81RB. Motion carried (6-0-1) with Commissioner Tubb in opposition.

**G) REP21-334 and WVR21-333 Discuss and consider approval of the replat for Lot 4, Block 12C, Veramendi Precinct 15A, Neighborhood Center with conditions and with a waiver to Section 118-45(b) of the Subdivision and Platting Ordinance, lot frontage.** *Applicant: HMT Engineering & Surveying (William B. Ball, P.E.; Owner: Veramendi PE – Brisbane, LLC (Peter James).*

Mr. Simmont presented and stated staff is not opposed to the request.

Chair Edwards asked if there were questions for staff.



Chair Edwards asked if the applicant would like to speak.

Bill Ball clarified the intent behind the request.

Commissioner Sonier stepped out 9:49pm.

Chair Edwards asked if anyone would like to speak.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were further discussion or a motion.

Motion by Vice Chair Laskowski, seconded by Commissioner Reaves, to approve the replat for Lot 4, Block 12C, Veramendi Precinct 15A, Neighborhood Center with conditions and with a waiver to Section 118-45(b) of the Subdivision and Platting Ordinance, lot frontage. Motion carried (6-0-0).

Commissioner Sonier returned 9:54pm.

**H) WVR21-335 Discuss and consider a waiver request from Section 118-43(b) to not require the extension of Fredericksburg Road to be constructed to the property line with the proposed Town Creek Subdivision Phase 4.** *Applicant: HMT Engineering & Surveying (Chris Van Heerde); Owner: Town Creek Texas LP; Case Manager (David Wolters): Holly Mullins.*

Mrs. Mullins presented and recommended right-of-way dedication, escrow deposit for the construction of the collector street and sidewalks to the UPRR right-of-way, and restriction of access or other use for a potential grade crossing and denial of the waiver as stated in staff report.

Chair Edwards asked if there were questions for staff.

Chair Edwards asked if the applicant would like to speak.

Chris Van Heerde clarified the intent behind the request.

Discussion followed on access for the subdivision and Guenther bridge.

Chair Edwards asked if there were further discussion or a motion.

Motion by Vice Chair Laskowski, seconded by Sonier, to grant the waiver with conditions for right-of-way dedication constructed to a point approximately 75 feet south of the property line, with escrow for the construction of the collector street and sidewalks to the UPRR right-of-way, and restriction of uses along the 75 feet of unconstructed right of way. Motion carried (7-0-0).

**I) Appointment of a Planning Commission representative to the Workforce Housing Advisory Committee.**

Motion by Ron Reaves, seconded by Vice Chair Laskowski, to nominate Chair Edwards as a representative to the Workforce Housing Advisory Committee. Motion carried (7-0-0).

**J) Appointment of a Planning Commission representative to the Bond Advisory Committee.**

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to nominate Ron Reaves to the Bond Advisory Committee. Motion carried (7-0-0).

**K) Appointment of a Planning Commission representative to the Unified Development Code Citizens Advisory Committee.**

Motion by Commissioner Sonier, seconded by Ron Reaves, to nominate Vice Chair Laskowski to the Unified Development Code Citizens Advisory Committee. Motion carried (7-0-0).

**8. STAFF REPORT**

Mrs. Snell gave an update on the newly adopted reappointment timeline for the Commission.

Discussion followed.

**9 ADJOURNMENT**

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

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**Chair**

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**Date**

11/2/2021

Agenda Item No. A)

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**PRESENTER:**

Applicant: HMT Engineering &amp; Surveying (Chris Van Heerde, P.E.)

Owner: HVH Homes, LLC (Derek Milikien)

**SUBJECT:**

FP21-0359 Approval of the final plat for Highland Ridge, Unit 1 with conditions.

**DEPARTMENT:** Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** City Council District 2**BACKGROUND INFORMATION:**

Case #: FP21-0359

Owner: HVH Homes, LLC (Derek Milikien)  
3602 Paesanos Pkwy  
Suite 200  
San Antonio, TX 78231  
(210) 662-0066 dmilikien@viewhomesinc.com

Applicant: HMT Engineering & Surveying (Chris Van Heerde, P.E.)  
290 S. Castell Ave., suite 100  
New Braunfels, TX 78130  
(830) 625-8555 chrisvh@hmtnb.com

Staff Contact: Matt Greene  
(830) 221-4053 mgreene@nbtexas.org

Description: Platting 13.4 acres into 66 single-family residential lots, 1 drainage lot and 1 open space lot

**ISSUE:**

The subject property is located within the City Limits of New Braunfels in Guadalupe County on West Zipp Road, south of the Legend Pond Subdivision and zoned "ZH-A" Zero Lot Line Home District. The plat proposes 66 single-family residential lots, 1 Drainage Lot and 1 Open Space Lot on 13.4 acres. Residential lots will be developed with minimum 5-foot side yard setbacks on both sides of the lots.

**Drainage:**

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

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approved construction plans as required by Section 118-51e of the Subdivision and Platting Ordinance and in accordance with the requirements of Chapter 143 Municipal Drainage Utility Systems, and the Drainage and Erosion Control and Design Manual.

No portion of this final plat is located within the 100-year floodplain.

**Utilities:**

Electric service will be provided by Guadalupe Valley Electric Cooperative (GVEC), water service will be provided by Green Valley Special Utility District (GVSUD) and wastewater service will be provided by Guadalupe-Blanco River Authority (GBRA). LOCs for all utility providers have been provided including approved construction drawings for water and wastewater improvements. Utility easements are indicated on the plat as required.

**Transportation:**

Regional Transportation Plan:

This final plat is in compliance with the City's Regional Transportation Plan. The extension of West Zipp Road, a perimeter street, is designated as a 60-foot wide minor collector. A 45-foot wide right-of-way dedication for the extension of West Zipp Road will occur with the recordation of this plat. The extension of Pahmeyer Road will be internal to the boundaries of this plat and is designated as a 60-foot wide minor collector. The full right-of-way dedication and construction of Pahmeyer Road within the boundaries of this plat will occur with the recordation of this plat.

Hike and Bike:

This plat is in compliance with the City's Hike and Bike Trails Plan as there are no trails identified within or adjacent to the subject property on the plan. The applicant is not proposing any trails with this development.

Sidewalks:

The home builders will construct 4-foot wide public sidewalks adjacent to residential lots within the subdivision at the time of home construction. The developer will construct 4-foot wide public sidewalks adjacent to all non-buildable lots and on both sides of the extension of Zipp Road at the time of subdivision construction. A portion of the perimeter sidewalk adjacent to existing Zipp Road will be constructed by the developer interior to Lot 902 (Drainage Lot) and adjacent to Lots 19 and 20, Block 1, as approved by City Council on June 28, 2021 as an alternative pedestrian access plan.

**Roadway Impact Fees:**

The subject property is hereby assessed Roadway Impact Fees for Roadway Impact Fee Service Area 5 with the approval of this final plat. The Roadway Impact Fees will be collected at the time of building permit as indicated in the then current fee schedule for the intended use.

**Parkland Dedication and Development:**

This subdivision is subject to the 2018 Parkland Dedication and Development Ordinance. The developer intends to provide a private park in Unit 2 and amenities throughout the subdivision. Since a private park is proposed, only a portion of the park development fee may be eligible for reimbursement. Eligibility for reimbursement will be determined when amenities are complete. As fiscal surety, the developer is required to pay parkland dedication and development fees in the amount of \$2,246 for each of the 66 residential lots (\$148,236 total) prior to plat recordation.

**FISCAL IMPACT:**

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N/A

**RECOMMENDATION:**

Approval with conditions. To meet the requirements of the City's Subdivision Platting Ordinance and other adopted codes, the plat must comply with the Conditions of Approval noted below:

1. Include the entire Guadalupe County Clerk recordation certificate per Section 118-30(e). *(NBCO 118-30(e))*
2. Revise Plat Note #8 to state: No structures, walls or other obstructions of any kind shall be placed within the limits of the drainage easements shown on this plat. No landscaping, fences, or other type of modifications which alter the cross sections of the drainage easements or decrease the hydraulic capacity of the easement, as approved, shall be allowed without the approval of the City Engineer. The City of New Braunfels and Guadalupe County shall have the right of ingress and egress over grantor's adjacent property to remove any obstructions placed within the limits of said drainage easements and to make any modifications or improvements within said drainage easements. *(NBCO 118-24(15))*
3. Label the street name (W. Zipp Rd) in the location of the extension of W. Zipp Rd. adjacent to Lot 901, Block 1. *(NBCO 118-29(b)(2))*
4. Add Plat Note #10d. stating: "The extension of W. Zipp Rd Lot 901 Block 1 and opposite Lot 901, Block 1". *(NBCO 118-30(h))*
5. Add a Plat Note stating: "Sidewalks adjacent to Pahmeyer Rd, London Ave and Langston Ln, opposite Lots 1 and 31, Block 1, Lots 32 and 52, Block 2 and Lots 53 and 66, Block 3, will be constructed with future units of the development". *(NBCO 118-30(h))*
6. Revise Plat Note #11 to state: "Four (4) foot wide sidewalks will be constructed by the developer at the time of subdivision construction per City standards one foot off the lot line adjacent to Lots 19, 20 and 902, Block 1 in accordance with the alternative pedestrian access plan approved by the City of New Braunfels City Council on June 28, 2021." *(NBCO 118-30(h))*
7. Revise plat note # 7 to state: "No portion of this subdivision is located within an indicated Special Flood Hazard Area (100-yr. flood) according to the adopted flood maps of the City of New Braunfels, as defined by the Guadalupe County, Texas, Flood Insurance Rate Map Number 48091C0115F, effective date November 7, 2007 as prepared by the Federal Emergency Management Agency". *(NBCO 118-30(i))*
8. Prior to plat recordation, existing Zipp Road where adjacent to Block 1, shall be renamed (City will process the street name change). *(NBCO 118-24(15))*
9. Revise Plat Note #10c. with new street name. *(NBCO 118-29(b)(2))*
10. Include all offsite easement document numbers on the plat and provide copies of said documents. *(NBCO 118-48(d))*
11. Add a Plat Note stating: "Residential lots will be developed with minimum 5-foot wide interior side

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yard setbacks.” *(NBCO 118-24(15))*

12. Parkland Dedication and Development fees in the amount of \$148,236 shall be collected prior to plat recordation. *(NBCO 188-63 & 118-64)*

**Approval Compliance:**

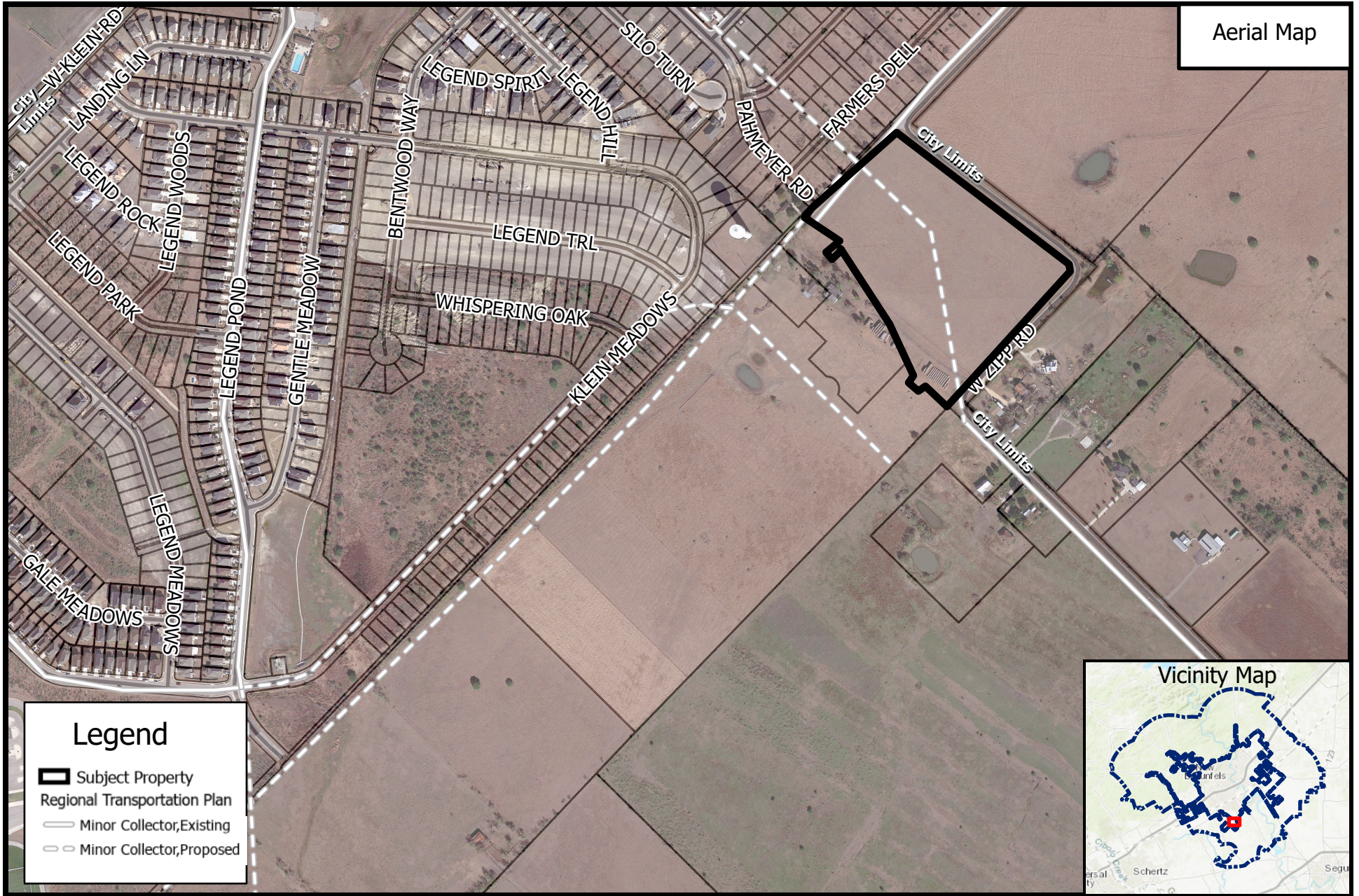
To obtain final approval of the plat, the applicant must submit to the City a revised plat and written response that satisfies each condition of approval prior to expiration of the plat (Sec. 118-32(b)). In accordance with chapter 212, Texas Local Government Code, the City will determine the plat approved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

**Attachments:**

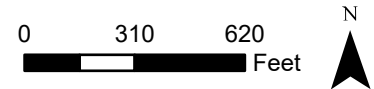
Aerial Map

Final Plat





**FP21-0359**  
**Final Plat - Highland Ridge, Unit 1**





Drawing Name: T:\080 - Armadillo Homes\080.007 - Highland Ridge\Unit 1\Highland Ridge Unit 1 Plat.dwg User: kellyk Sep 19, 2021 - 8:04am

PLAT NOTES:

- ALL LOTS WITHIN THE SUBDIVISION WILL BE PROVIDED WATER SERVICES BY GREEN VALLEY SPECIAL UTILITY DISTRICT (GVSUD). SEWER SERVICES WILL BE PROVIDED BY GUADALUPE-BLANCO RIVER AUTHORITY (GBRA). ELECTRIC SERVICES WILL BE PROVIDED BY GUADALUPE VALLEY ELECTRIC COOPERATIVE (GVEC). TELEPHONE AND CABLE SERVICES FOR THE SUBDIVISION WILL BE PROVIDED BY AT&T COMMUNICATIONS AND/OR SPECTRUM.
- ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983, GRID. DISTANCES SHOWN HEREON ARE BASED UPON SURFACE MEASUREMENTS. TO CONVERT SURFACE DISTANCES TO GRID, APPLY A COMBINED SCALE FACTOR OF 1.00015.
- MONUMENTS WERE FOUND OR SET AT EACH CORNER OF THE SURVEY BOUNDARY OF THE SUBDIVISION. MONUMENTS AND LOT MARKERS WILL BE SET WITH 1/2" IRON PINS WITH PLASTIC CAP STAMPED "HMT" IMMEDIATELY AFTER COMPLETION OF UTILITY INSTALLATION AND STREET CONSTRUCTION UNLESS NOTED OTHERWISE.
- THIS SUBDIVISION IS NOT WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.
- THIS SUBDIVISION IS WITHIN THE CITY LIMITS OF NEW BRAUNFELS, TEXAS.
- THIS SUBDIVISION IS WITHIN THE NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT.
- NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN ANY SPECIAL FLOOD HAZARD AREA (100 YR. FLOOD), AS DEFINED BY THE GUADALUPE COUNTY, TEXAS, FLOOD INSURANCE RATE MAP NUMBER 48091C0115F, EFFECTIVE DATE NOVEMBER 2, 2007 AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- NO STRUCTURES, WALLS OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO LANDSCAPING, FENCES, OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE EASEMENTS OR DECREASE THE HYDRAULIC CAPACITY OF THE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY ENGINEER. THE CITY OF NEW BRAUNFELS SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE EASEMENTS.
- FUTURE DEVELOPMENT IS SUBJECT TO CHAPTER 114 (STREETS, SIDEWALKS AND OTHER PUBLIC SPACES) OF THE NEW BRAUNFELS CODE OF ORDINANCES.
- FOUR (4) FOOT WIDE SIDEWALKS WILL BE CONSTRUCTED PER CITY STANDARDS ADJACENT TO THE CURB BY THE DEVELOPER AT THE TIME OF STREET CONSTRUCTION ALONG:
  - PAHMEYER RD - LOT 901, BLOCK 1; OPPOSITE LOT 901, BLOCK 1, LOT 1, BLOCK 1, LOTS 53 AND 66, BLOCK 3, LOTS 32 AND 52, BLOCK 2, AND LOT 31, BLOCK 1.
  - ANGELOU ST AND LANGSTON LN - LOT 902, BLOCK 1.
  - ZIPP RD - LOTS 8-19, BLOCK 1; LOTS 20-31, BLOCK 1.
- FOUR (4) FOOT WIDE SIDEWALKS WILL BE CONSTRUCTED PER CITY STANDARDS ONE FOOT OFF THE LOT LINE OF LOT 902, BLOCK 1 ADJACENT TO LOT 19, BLOCK 1 AND LOT 20, BLOCK 1.
- FOUR (4) FOOT WIDE SIDEWALKS WILL BE CONSTRUCTED PER CITY STANDARDS ADJACENT TO THE CURB BY THE HOME BUILDER AT THE TIME OF BUILDING CONSTRUCTION ALONG:
  - PAHMEYER RD, LONDON AVE, ANGELOU ST, WHITMAN ST, AND LANGSTON LN.
- THE ELEVATION OF THE LOWEST FLOOR OF A STRUCTURE SHALL BE AT LEAST 10 INCHES ABOVE THE FINISHED GRADE OF THE SURROUNDING GROUND, WHICH SHALL BE SLOPED IN A FASHION SO AS TO DIRECT STORMWATER AWAY FROM THE STRUCTURE. PROPERTIES ADJACENT TO STORMWATER CONVEYANCE STRUCTURES MUST HAVE A FLOOR SLAB ELEVATION OR BOTTOM OF FLOOR JOISTS A MINIMUM OF ONE FOOT ABOVE THE 100-YEAR WATER FLOW ELEVATION IN THE STRUCTURE. DRIVEWAYS SERVING HOUSES ON THE DOWNHILL SIDE OF THE STREET SHALL HAVE A PROPERLY SIZED CROSS SWALE PREVENTING RUNOFF FROM ENTERING THE GARAGE AND SHALL PREVENT WATER FROM LEAVING THE STREET.
- THIS SUBDIVISION IS SUBJECT TO THE 2018 CITY OF NEW BRAUNFELS PARK LAND DEDICATION AND DEVELOPMENT ORDINANCE. THIS PLAT IS APPROVED FOR ONE DWELLING UNIT PER BUILDABLE LOT WITH A MAXIMUM OF 66 BUILDABLE LOTS. AT SUCH TIME THAT ADDITIONAL DWELLING UNITS ARE CONSTRUCTED, THE OWNER OF THE LOT(S) SHALL NOTIFY THE CITY AND COMPLY WITH THE ORDINANCE FOR EACH DWELLING UNIT.
- THIS UNIT CONTAINS 66 BUILDABLE RESIDENTIAL LOTS. ALL LOTS MEET THE MINIMUM SQUARE FOOTAGE REQUIREMENT ACCORDING TO THE ZONING ORDINANCE.
- ALL DRAINAGE EASEMENTS WITHIN THE LOTS WILL BE OWNED AND MAINTAINED BY PROPERTY OWNER.
- PERMANENT WATER QUALITY CONTROLS ARE REQUIRED FOR THIS SUBDIVISION PLAT IN ACCORDANCE WITH THE CITY OF NEW BRAUNFELS DRAINAGE AND EROSION CONTROL DESIGN MANUAL.
- LOT 901, BLOCK 1 (GVSUD) AND LOT 902, BLOCK 1 (DRAINAGE) WILL BE OWNED AND MAINTAINED BY THE HIGHLAND RIDGE HOMEOWNERS ASSOCIATION, ITS SUCCESSORS AND/OR ASSIGNS.

KNOW ALL MEN BY THESE PRESENTS:

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

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

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

PLAT PREPARED OCTOBER 4, 2021



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

# FINAL PLAT ESTABLISHING HIGHLAND RIDGE, UNIT 1

BEING AN 13.40 ACRE TRACT OF LAND SITUATED IN THE SARAH DEWITT SURVEY NO. 48, ABSTRACT NO. 103, GUADALUPE COUNTY, TEXAS. BEING A PORTION OF A CALLED 18.186 ACRE TRACT DESCRIBED IN DOCUMENT NO. 202099024053, OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS.

GBRA NOTES:

- THE GUADALUPE-BLANCO RIVER AUTHORITY (GBRA) IS HEREBY DEDICATED THE EASEMENT AND RIGHTS-OF-WAY IN THE AREAS DESIGNATED ON THIS PLAT AS "GBRA SANITARY SEWER" AS WELL AS THOSE EASEMENTS AND RIGHTS-OFWAY SPECIFICALLY DEDICATED TO IT FOR THE PURPOSE OF ACCESSING, INSTALLING, CONSTRUCTING, RECONSTRUCTING, OPERATING, MAINTAINING, INSPECTING, REPAIRING, REMOVING, AND RELOCATING BURIED AND/OR EXPOSED SANITARY SEWER FACILITIES AND APPURTENANCES.
- TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS, GBRA SHALL HAVE THE RIGHT TO REMOVE SAID LANDS OF ALL TREES OR PARTS THEREOF, OR ANY OTHER OBSTRUCTIONS WHICH MAY ENDANGER, OR INTERFERE WITH MAINTENANCE OF THE FACILITIES AND APPURTENANCES.
- OTHER UTILITIES, STRUCTURES, GRADING, DRAINAGE, DETENTION/RETENTION PONDS, LANDSCAPING, TREES, ROADS, PARKING LOTS, FENCES, WALLS, CONSTRUCTION OF ANY TYPE, OR ANY OTHER IMPROVEMENTS OR OBSTRUCTIONS, ARE NOT ALLOWED WITHIN GBRA EASEMENT.
- DESIGNS FOR ANY PROPOSED ALTERATIONS OR CROSSINGS OF GBRA EASEMENTS MUST BE APPROVED IN WRITING BY GBRA AND THE INSTALLATION OF SUCH MUST BE INSPECTED AND APPROVED BY GBRA.
- MAINTENANCE OF EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER.
- THE PROPERTY OWNER MUST INSTALL 16-FOOT GATES IN ANY FENCES THAT CROSS GBRA UTILITIES; GATES MUST BE CENTERED ACROSS GBRA UTILITIES.
- CUSTOMER SANITARY SEWER SERVICES SHALL NOT BE INSTALLED WITHIN FENCED AREAS.

THIS SUBDIVISION PLAT HAS BEEN SUBMITTED TO AND APPROVED FOR EASEMENTS. UPON REQUEST OF THE CUSTOMER AND PAYMENT OF THE REQUIRED FEES, GBRA WILL PROVIDE DOMESTIC SEWER SERVICE TO EACH LOT IN THIS SUBDIVISION, BY AGREEMENT WITH THE DEVELOPER.

GUADALUPE-BLANCO RIVER AUTHORITY \_\_\_\_\_ DATE \_\_\_\_\_

GREEN VALLEY SPECIAL UTILITY DISTRICT (GVSUD):

**EASEMENT CERTIFICATE**  
THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, IN PERSON OR THROUGH A DULLY AUTHORIZED AGENT, DEDICATES TO GREEN VALLEY SPECIAL UTILITY DISTRICT OF MARION, TEXAS, ITS SUCCESSORS AND ASSIGNS, A PERPETUAL EASEMENT WIT THE RIGHT TO ERECT, CONSTRUCT, INSTALL AND LAY OVER AND ACROSS THOSE AREAS MARKED AS "WATERLINE EASEMENT" AND IN ALL STREETS AND BYWAYS, SUCH PIPELINES; SERVICE LINES, WATER METERS, AND OTHER WATER SYSTEM APPURTENANCES AS IT REQUIRES, TOGETHER WIT THE RIGHT OF INGRESS AND EGRESS, THE RIGHT TO REMOVE FROM SAID LAND ALL TREES, SHRUBS, GRASSES, PAVEMENTS, FENCES, STRUCTURES, IMPROVEMENTS OR OTHER OBSTRUCTIONS WHICH MAY INTERFERE WITH THE FACILITY OR THE ACCESS THERETO. IT IS AGREED AND UNDERSTOOD THAT NO BUILDING, CONCRETE SLAB OR WALLS WILL BE PLACED WITHIN SAID EASEMENT AREAS. NO OTHER UTILITY LINES MAY BE LOCATED WITHIN 36" PARALLEL TO WATER LINES.

ANY MONETARY LOSS TO GREEN VALLEY SUD RESULTING FROM MODIFICATIONS REQUIRED OF UTILITY EQUIPMENT LOCATED WITHIN SAID EASEMENTS DUE TO GRADE CHANGE OR GROUND ELEVATION ALTERATION SHALL BE CHARGED TO THE PERSON OR PERSONS DEEMED RESPONSIBLE FOR SAID GRADE CHANGES OR GROUND ELEVATION ALTERATIONS. UPON ENTERING IN AND UPON SAID EASEMENT, THE DISTRICT WILL ENDEAVOR TO RESTORE THE LAND SURFACE TO A USEABLE CONDITION BUT IS NOT OBLIGATED TO RESTORE IT TO A PRE-EXISTING CONDITION.

THE EASEMENT CONVEYED HEREIN WAS OBTAINED OR IMPROVED THROUGH FEDERAL FINANCIAL ASSISTANCE. THIS EASEMENT IS SUBJECT TO THE PROVISION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, AND THE REGULATION ISSUED PURSUANT THERETO FOR SO LONG AS THE EASEMENT CONTINUES TO BE USED FOR THE SAME OR SIMILAR PURPOSE FOR WHICH FINANCIAL ASSISTANCE WAS EXTENDED OR FOR AS LONG AS THE GRANTEE OWNS IT, WHICHEVER IS LONGER.

THIS SUBDIVISION PLAT HAS BEEN SUBMITTED TO AND APPROVED FOR EASEMENTS. UPON REQUEST OF THE CUSTOMER AND PAYMENT OF THE REQUIRED FEES, THE DISTRICT WILL PROVIDE DOMESTIC WATER SERVICE TO EACH LOT IN THIS SUBDIVISION, BY AGREEMENT WITH THE DEVELOPER.

GREEN VALLEY SPECIAL UTILITY DISTRICT \_\_\_\_\_ DATE \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF GUADALUPE

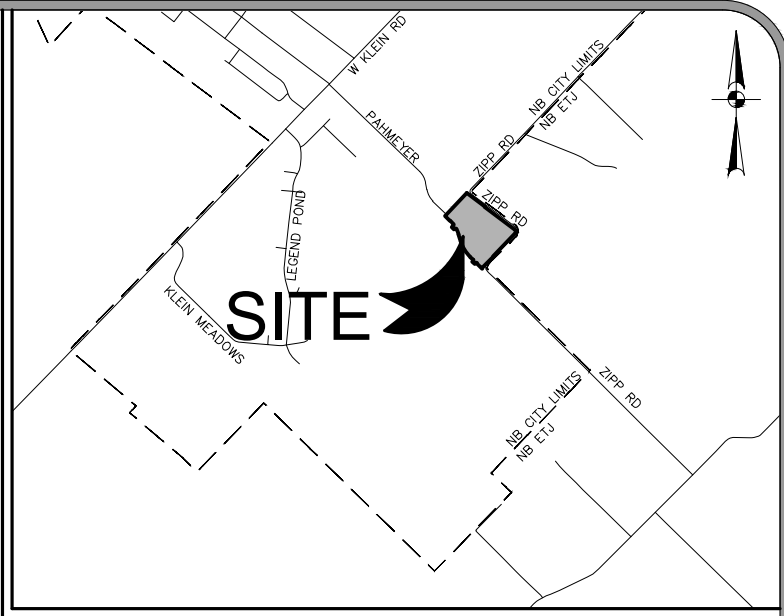
I (WE) THE UNDERSIGNED OWNER(S) OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE HIGHLAND RIDGE, UNIT 1 SUBDIVISION TO THE CITY OF NEW BRAUNFELS, COUNTY OF GUADALUPE, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY SUBDIVIDE SUCH PROPERTY AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS,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

HVH HOMES, LLC - A TEXAS LIMITED LIABILITY COMPANY  
BY: STEVE ATCHISON, REGIONAL PRESIDENT - TEXAS AND NEW MEXICO  
555 MIDDLE CREEK PARKWAY, SUITE 500  
COLORADO SPRINGS, CO 80921

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_,  
BY \_\_\_\_\_

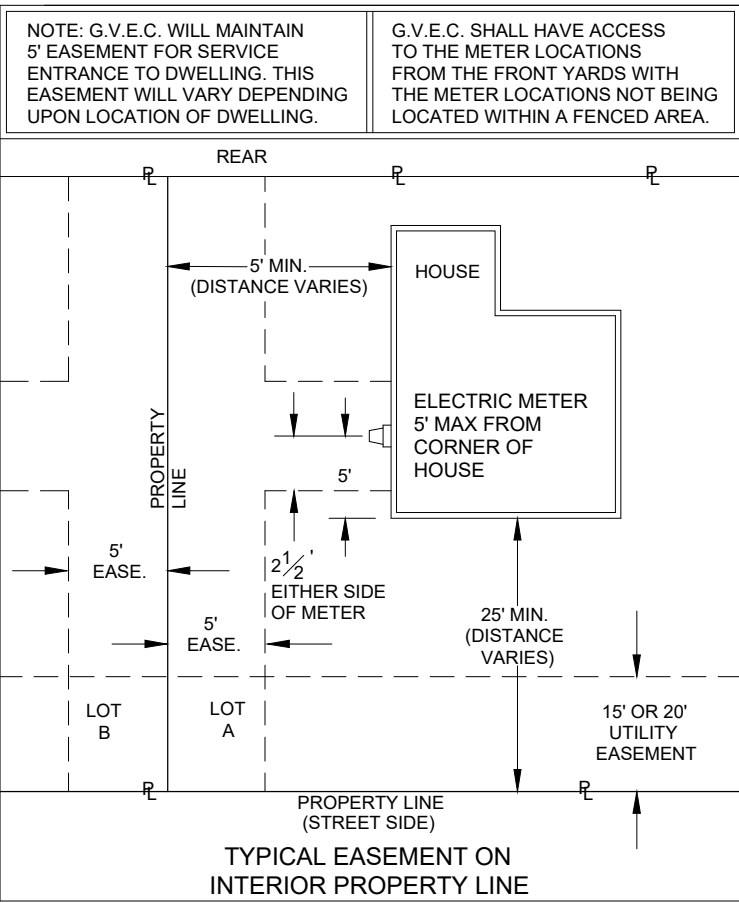
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_



LOCATION MAP  
NOT TO SCALE

GVEC NOTES:

- GVEC WILL POSSESS A 5-FOOT WIDE EASEMENT TO THE SERVICE METER LOCATION. EASEMENT TO FOLLOW SERVICE LINE AND WILL VARY DEPENDING ON LOCATION OF BUILDING OR STRUCTURE.
- GVEC SHALL HAVE ACCESS TO METER LOCATIONS FROM THE FRONT YARD WITH THE LOCATION NOT BEING WITHIN A FENCED AREA.
- ANY EASEMENT DESIGNATED AS A GVEC 20'x20' UTILITY EASEMENT SHALL REMAIN OPEN FOR ACCESS AT ALL TIMES AND SHALL NOT BE WITHIN A FENCED AREA.
- ALL UTILITY EASEMENTS ARE FOR THE CONSTRUCTION, MAINTENANCE (INCLUDING BUT NOT LIMITED TO REMOVAL OF TREES AND OTHER OBSTRUCTIONS), READING OF METERS, AND REPAIR OF ALL OVERHEAD AND UNDERGROUND UTILITIES.



APPROVED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_,  
BY THE PLANNING COMMISSION OF THE CITY OF NEW BRAUNFELS, TEXAS.

\_\_\_\_\_  
CHAIRMAN

APPROVED FOR ACCEPTANCE

\_\_\_\_\_  
DATE PLANNING DIRECTOR

\_\_\_\_\_  
DATE CITY ENGINEER

STATE OF TEXAS  
COUNTY OF GUADALUPE

COUNTY CLERK, GUADALUPE COUNTY, TEXAS

DEPUTY \_\_\_\_\_

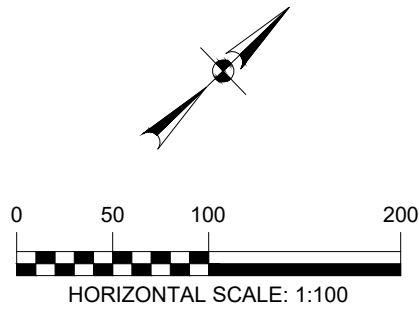


CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD LENGTH	CHORD BEARING
C1	26.04'	15.00'	099°29'01"	17.71'	22.89'	S84°52'51"W
C2	21.08'	15.00'	080°30'59"	12.70'	19.39'	N05°07'09"W
C3	265.04'	540.00'	028°07'17"	135.24'	262.39'	N31°19'00"W
C4	85.13'	480.00'	010°09'44"	42.68'	85.02'	N22°20'13"W
C5	28.45'	15.00'	108°39'23"	20.90'	24.37'	N81°44'47"W
C6	21.34'	15.00'	081°29'52"	12.92'	19.58'	N03°10'36"E
C7	71.25'	480.00'	008°30'15"	35.69'	71.18'	N41°49'28"W
C8	67.08'	540.00'	007°07'04"	33.58'	67.04'	N42°31'04"W
C9	25.42'	15.00'	097°06'56"	16.99'	22.49'	S87°31'00"E
C10	9.24'	15.00'	035°17'54"	4.77'	9.10'	N26°16'35"E
C11	143.28'	50.00'	164°11'17"	360.06'	99.05'	N89°16'43"W
C12	10.18'	15.00'	038°53'24"	5.30'	9.99'	S26°37'46"E
C13	11.55'	100.00'	006°37'02"	5.78'	11.54'	S49°22'59"E
C14	17.32'	150.00'	006°37'02"	8.67'	17.31'	N49°22'59"W
C15	10.18'	15.00'	038°52'15"	5.29'	9.98'	S65°30'36"E
C16	146.38'	50.00'	167°44'30"	465.62'	99.43'	N01°04'28"W
C17	10.18'	15.00'	038°52'15"	5.29'	9.98'	S63°21'39"W
C18	23.38'	15.00'	089°18'10"	14.82'	21.08'	S00°43'33"E
C19	23.56'	15.00'	090°00'00"	15.00'	21.21'	N01°04'28"W
C20	23.74'	15.00'	090°41'50"	15.18'	21.34'	N89°16'27"E

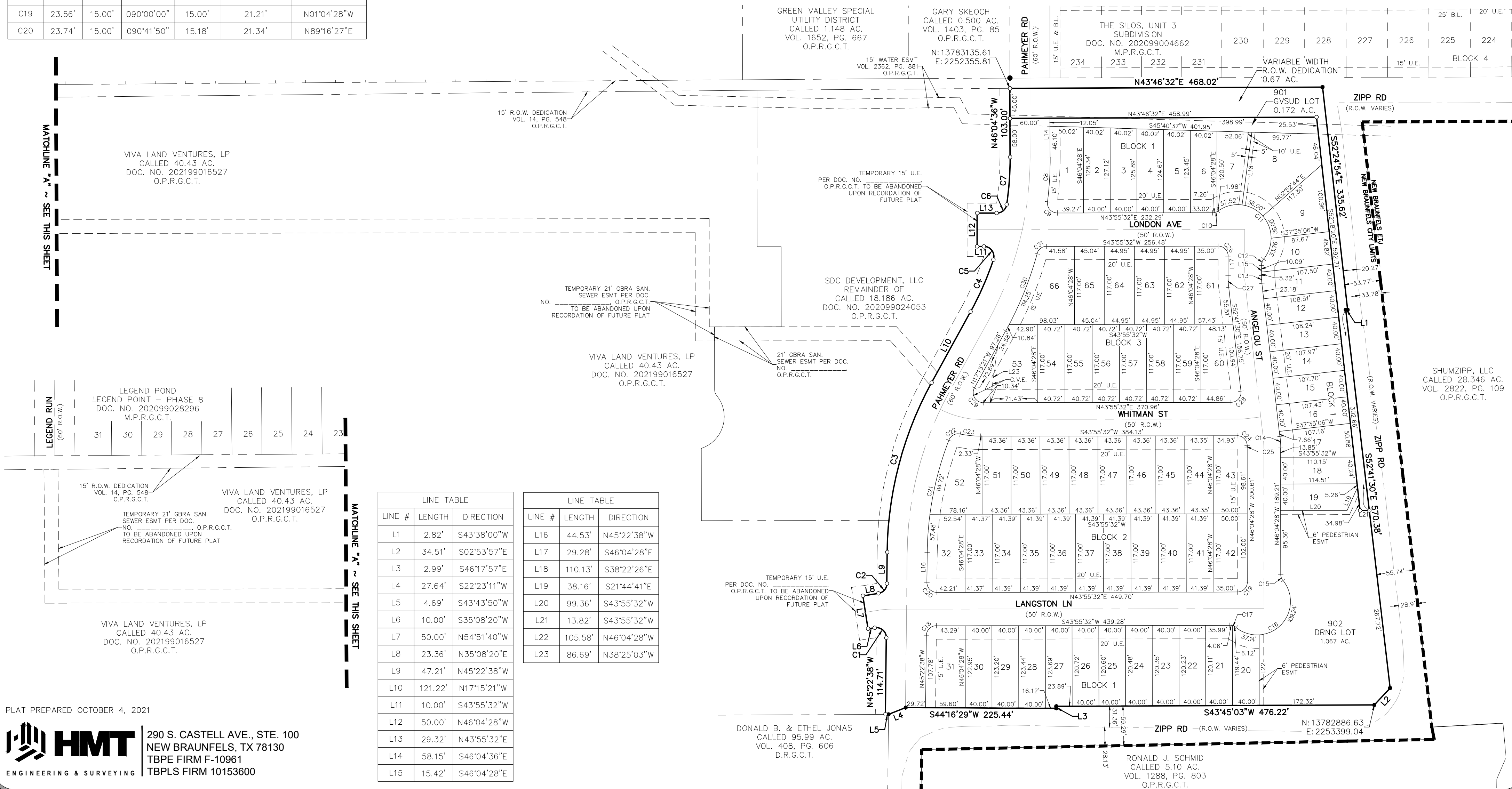
CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD LENGTH	CHORD BEARING
C21	172.20'	480.00'	020°33'15"	87.03'	171.27'	S35°06'01"E
C22	21.05'	15.00'	080°25'11"	12.68'	19.37'	S15°23'13"W
C23	30.56'	150.00'	011°40'16"	15.33'	30.50'	N49°45'40"E
C24	22.96'	15.00'	087°42'49"	14.41'	20.79'	S87°46'55"W
C25	3.99'	100.00'	002°17'14"	2.00'	3.99'	N47°13'05"W
C26	23.56'	15.00'	090°00'00"	15.00'	21.21'	S88°55'32"W
C27	17.32'	150.00'	006°37'02"	8.67'	17.31'	S49°22'59"E
C28	25.29'	15.00'	096°37'02"	16.84'	22.40'	N04°22'59"W
C29	31.11'	15.00'	118°49'07"	25.37'	25.82'	S76°39'55"E
C30	125.09'	540.00'	013°16'20"	62.83'	124.81'	N23°53'31"W
C31	19.49'	15.00'	074°27'13"	11.40'	18.15'	S06°41'55"W

# FINAL PLAT ESTABLISHING HIGHLAND RIDGE, UNIT 1

BEING AN 13.40 ACRE TRACT OF LAND SITUATED IN THE SARAH DEWITT SURVEY NO. 48, ABSTRACT NO. 103, GUADALUPE COUNTY, TEXAS. BEING A PORTION OF A CALLED 18.186 ACRE TRACT DESCRIBED IN DOCUMENT NO. 202099024053, OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS.



- LEGEND:**
- = FND 1/2" IRON PIN W/ PLASTIC CAP STAMPED "HMT" (UNLESS NOTED OTHERWISE)
  - = SET 1/2" IRON PIN W/ PLASTIC CAP STAMPED "HMT"
  - U.E. = UTILITY EASEMENT
  - SAN. = SANITARY
  - C.V.E. = CLEAR VISION EASEMENT
  - ESMT = EASEMENT
  - DRNG = DRAINAGE
  - R.O.W. = RIGHT-OF-WAY
  - M.P.R.G.C.T. = MAP AND PLAT RECORDS, GUADALUPE COUNTY, TEXAS
  - O.P.R.G.C.T. = OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS



LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	2.82'	S43°38'00"W
L2	34.51'	S02°53'57"E
L3	2.99'	S46°17'57"E
L4	27.64'	S22°23'11"W
L5	4.69'	S43°43'50"W
L6	10.00'	S35°08'20"W
L7	50.00'	N54°51'40"W
L8	23.36'	N35°08'20"E
L9	47.21'	N45°22'38"W
L10	121.22'	N17°15'21"W
L11	10.00'	S43°55'32"W
L12	50.00'	N46°04'28"W
L13	29.32'	N43°55'32"E
L14	58.15'	S46°04'36"E
L15	15.42'	S46°04'28"E

LINE TABLE		
LINE #	LENGTH	DIRECTION
L16	44.53'	N45°22'38"W
L17	29.28'	S46°04'28"E
L18	110.13'	S38°22'26"E
L19	38.16'	S21°44'41"E
L20	99.36'	S43°55'32"W
L21	13.82'	S43°55'32"W
L22	105.58'	N46°04'28"W
L23	86.69'	N38°25'03"W

PLAT PREPARED OCTOBER 4, 2021



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

11/2/2021

Agenda Item No. B)

**PRESENTER:**

Applicant: INK Civil (James Ingalls, P.E.)

Owner: Hollmig Family Partnership; Craig Hollmig

**SUBJECT:**

FP21-0361 Approval of the final plat for Courtyard Business Center, Unit 5 with conditions.

**DEPARTMENT:** Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** Council District 6**BACKGROUND INFORMATION:**

Case #: FP21-0361

Owner: Craig Hollmig  
Hollmig Family Partnership  
130 S. Seguin Ave, Suite 100  
New Braunfels, TX 78130  
(830) 660-4959  
craighollmig@gmail.com

Engineer: Dorothy J. Taylor  
HMT Engineering & Surveying  
290 S. Castell Ave, Suite 100  
New Braunfels, TX 78130  
(830) 625-8555  
plats@hmtnb.com

Case Manager: Matthew Simmont  
(830) 221-4058  
msimmont@nbtexas.org

Description: Two commercial lots and the extension of Courtyard Drive on 21.24 acres.

**ISSUE:**

The subject property, intended for commercial development, is located between FM 725 and the existing dead-end terminus of Courtyard Dr. The extension of Courtyard Dr. will provide code compliant turnarounds and access to the Kuehler Wastewater Treatment Plant.

**Drainage:**

The Public Works Department has reviewed and approved final project drainage with the construction plans as required by Section 118-51e of the Subdivision Platting Ordinance and in accordance with Chapter 143 Municipal Drainage Utility Systems and the Drainage and Erosion Control and Design Manual.

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A portion of this subdivision is located within the floodway and 100-year floodplain with the limits shown as required.

**Utilities:**

Electric, water and wastewater services will be provided by New Braunfels Utilities (NBU). Construction drawings have been approved and utility easements are indicated on the plat as required.

**Transportation Plan:**

The final plat is in compliance with the City's Regional Transportation Plan. Final plat is extending Courtyard Drive.

**Hike and Bike:**

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

**Sidewalks:**

Six-foot wide public sidewalks will be constructed per City standards by the developer at the time of street construction along Courtyard Drive.

**Roadway Impact Fees:**

The subdivision is in Roadway Impact Fee Study Area 5, and fees are hereby assessed with the approval of this plat. Impact Fees will be calculated and payable at the time of permit based on the land use at the then current rate.

**Parkland Dedication and Development:**

This subdivision is subject to the City's 2018 Parkland Dedication and Development Ordinance. The intended development of the property is non-residential use and the plat is not proposing any parkland dedication or improvements. Should the property be developed with residential units, the owners of the property will be required to comply with the ordinance prior to building permit issuance through the payment of park land dedication and development fees for each dwelling unit.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

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

1. Correct the subdivision name on the lot label that is adjacent to the northwest corner of the subject property to *Courtyard Business Center, Unit Two, Lot 5A, Block 1* (NBCO 118-21(c)).
2. Label Courtyard Dr within the boundary of the subject property (NBCO 118-29(b)(3)).
3. Label the easement shown on the northwestern part of the property, south of Lot 14 of Helms Terrace Unit 6 (NBCO 118-48).
4. Include all of the one percent annual chance floodplain limits within the drainage easement. Part of the flood zone close to the water quality pond is not within an easement (NBCO 118-51(e)2).
5. Include the following note on the final plat:  
"All new construction or substantial improvements in areas of special flood hazards shall be

---

constructed **2 feet** above the base flood elevation (NBCO 58-30(1)(4))”

*Approval Compliance:*

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

*Attachments:*

Aerial Map

Proposed Final Plat









LINE TABLE			CURVE TABLE				
LINE	CURVE	LENGTH	BACKSIGHT	DELTA	TANGENT	CHORD LENGTH	CHORD BEARING
22	C1	104.99'	540.00'	011°08'25"	52.66'	104.83'	N55°59'45"W
23	C2	20.00'	N22°14.4'E				
23	C2	67.94'	15.00'	011°57'20"	50.26'	99.98'	S56°24'13"E
24	C3	15.68'	555'34.38"	8.52'	15.08'		N89°49'48"E
24	C3	69.98'	S55°57'41"				
C4		126.10'	65.00'	011°09'16"	94.85'	107.24'	N64°22'52"W
C5		15.68'	16.17'	055°34'38"	8.52'	15.08'	S32°33'33"E
C6		406.71'	480.00'	048°32'49"	216.46'	394.65'	S86°39'17"E
C7		15.55'	16.17'	055°05'17"	8.43'	14.95'	N41°31'40"E
C8		124.99'	65.00'	101°0'33"	93.13'	106.60'	S69°04'18"W
C9		15.55'	16.17'	055°05'17"	8.43'	14.95'	S83°23'03"E
C10		15.68'	16.17'	055°34'38"	8.52'	15.08'	N41°16'59"W
C11		126.10'	65.00'	011°09'16"	94.85'	107.24'	S69°04'18"E
C12		15.68'	16.17'	055°34'38"	8.52'	15.08'	N83°08'22"W
C13		457.54'	540.00'	048°32'49"	243.52'	443.98'	S86°39'17"E
C14		15.55'	16.17'	055°05'17"	8.43'	14.95'	N89°55'31"W
C15		124.99'	65.00'	101°0'33"	93.13'	106.60'	S62°22'52"E
C16		15.55'	16.17'	055°05'17"	8.43'	14.95'	N34°50'14"W
C17		112.68'	540.00'	011°57'20"	56.54'	112.47'	S56°24'13"E
C18		93.33'	480.00'	011°08'25"	46.81'	93.18'	N55°59'45"W

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	88.34'	N61°33'58"W
L2	100.00'	N50°25'33"W
L3	70.26'	S62°22'52"E
L4	33.97'	N69°04'18"E
L5	7.08'	N69°04'18"E
L6	11.36'	N69°04'18"E
L7	33.57'	N69°04'18"E
L8	70.65'	S62°22'52"E
L9	17.11'	N63°39'15"W
L10	42.15'	N71°42'54"W
L11	24.58'	N86°14'01"W
L12	4.64'	S73°27'37"W
L13	6.97'	S12°50'11"E
L14	100.00'	N50°25'33"W
L15	157.67'	N27°37'08"E
L17	55.63'	S59°24'49"E
L18	107.92'	S26°49'19"W
L19	22.15'	S72°30°4"W
L20	31.07'	S27°37'08"W
L21	41.54'	N62°22'52"W

11/2/2021

Agenda Item No. A)

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**PRESENTER:**

Applicant/Owner: Dan Norville, Vivo Investment Group

**SUBJECT:**

SUP21-318 Public hearing and recommendation to the City Council regarding a proposed rezoning to apply a Special Use Permit to allow 75 dwelling units where lot area allows a maximum of 64, through the conversion of existing hotel guestrooms into studio apartments in the "C-3 AH" Commercial District Airport Hazard Overlay, on Lots 3C and 3D, JM Subdivision, addressed at 1533 IH-35 North.

**DEPARTMENT:** Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** Council District 5**BACKGROUND INFORMATION:**

Case No.: SUP21-318

## Applicant/

Owner: Dan Norville  
Vivo Investment Group  
841 Apollo Street  
El Segundo, CA 90245  
(310) 699-2983      dan@vivoinvestmentgroup.com

Agent: Jeffrey Harlan  
Ervin Cohen & Jessup, LLP  
9401 Wilshire Blvd.  
Hollywood, CA 90212  
(949) 335-2904      jharlan@ecjlaw.com

Staff Contact: Holly Mullins  
(830) 221-4054      hmullins@nbtexas.org

The subject property consists of two platted lots with frontage on both IH-35 and Business 35. It is the site of a former Quality Inn hotel. The applicant proposes to convert the existing hotel guestrooms into studio/efficiency apartments for long-term occupancy. Multifamily use is permitted by right in the C-3 Commercial District.

The property is located within the Conical Zone of the Airport Hazard Overlay for building height. This overlay does not impact the existing structure or proposed redevelopment.



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*Surrounding Zoning and Land Use:*

North - C-3/ Medical office

South - C-3/ Distribution warehouse

East - Across IH-35, R-2/ Comal High School

West - Across Bus. 35. C-3/ Mini warehouse storage, electrical contractor

**ISSUE:**

Multifamily use is an allowed use in the C-3 Commercial District; however, the maximum number of dwelling units allowed on a property is determined by the size of the lot. Development standards require a minimum of 15,000 square feet for the first 10 units, and an additional 1,500 square feet per dwelling unit thereafter.

The subject property consists of two lots totaling 2.2 acres (95,875 square feet), which allows a maximum of 64 dwelling units pursuant the C-3 standards.

The hotel building has 75 guestrooms proposed to become 75 studio/efficiency dwelling units. There are no maximum number of guest rooms associated with a hotel based on lot size, but the same number of rooms as studio/efficiency units exceed the maximum number of dwelling units allowed per the C-3 zoning by 11 units.

**The applicant is requesting this Type 2 Special Use Permit (SUP) to allow a total of 75 dwelling units on 2.2 acres.** In calculating the maximum number of dwelling units allowed, the ordinance does not specify or limit the number of bedrooms per unit, so the subject property could potentially accommodate 64 two-, three- or four-bedroom dwelling units. For comparison, a 64-unit complex with equal mix of 1, 2 and 3 bedrooms would provide 128 total bedrooms. If this were to be proposed, a total of 128 parking spaces would be required for that number of bedrooms, which would reduce the amount of amenity space. The proposed development will contain 75 bedrooms that requires 83 parking spaces (1.1 per studio unit) and will provide an amenity area.

The site plan indicates the off-street parking requirement will be accommodated on Lot 3C with the existing structure. Lot 3D is proposed for resident amenities including lounge areas, barbeques, a community garden, bocce court and a dog park. This request was submitted as a Type 2 SUP and the site plan will be adopted with the ordinance if the special use permit is approved. Any substantial changes to the site plan will require amendment of the SUP.

As part of the implementation of the Envision New Braunfels Comprehensive Plan, staff is currently analyzing minimum lot size requirements for multifamily development should City Council wish to consider possible code revisions if it is uncovered that there may be more appropriate and equitable ways to determine minimum lot size for multifamily development.

The request is consistent with the following actions from Envision New Braunfels:

- Action 1.6: Incentivize infill development and redevelopment to take advantage of existing infrastructure.
- Action 1.11: Update policies and codes to achieve development patterns that implement the goals of this plan.
- Action 2.1: Sustain community livability for all ages and economic backgrounds.
- 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 3.16: Review and revise regulations that inadvertently inhibit creative housing options or workforce housing alternatives.

- 
- Action 3.30: Encourage and incentivize workforce/affordable housing to attract new workforce entrants and young families.
  - Action 3.31: Adopt policies and ordinances supportive of workforce housing, creating opportunities that make investment in workforce housing more feasible for private and nonprofit developers.
  - Future Land Use: The property is located within the Oak Creek Sub-Area and along a transitional mixed use corridor. It is in close proximity to existing and future market centers, and several education centers.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Staff recommends approval of the Special Use Permit. The proposed development meets several action items from Envision New Braunfels and is a creative re-use of an existing underutilized building.

*Mailed notification pursuant to State statute:*

Public hearing notices were sent to 6 owners of property within 200 feet of the request. To date, the City has received no responses.

**Resource Links:**

- Chapter 144, Sec. 3.3-9 (C-3) 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](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C H144ZO_ARTIIIZODI_S144-3.3ZODIREPRZOPRJU221987)

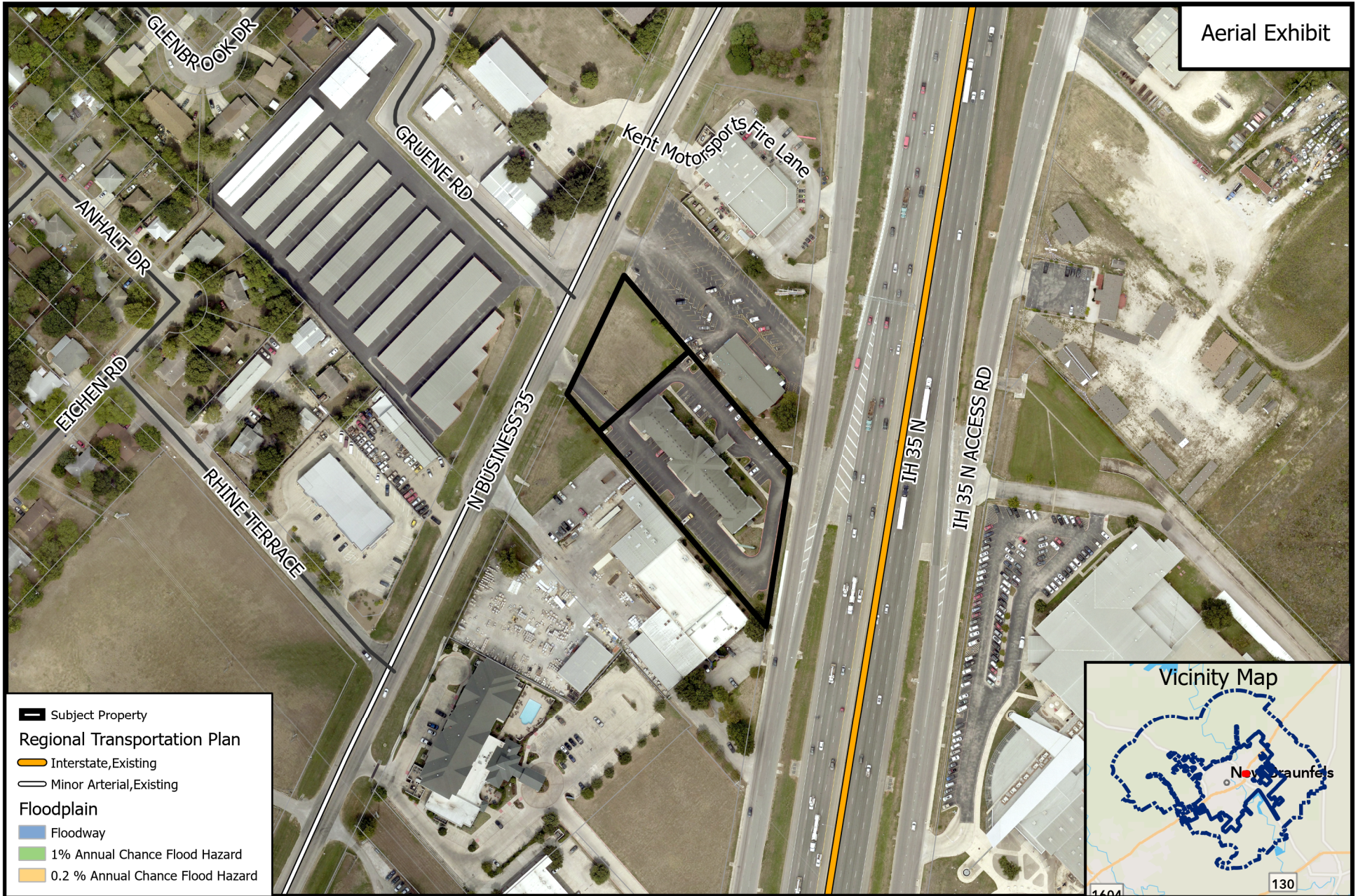
- Chapter 144, Sec. 3.6 (SUP) of the City's Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_C H144ZO\\_ARTIIIZODI\\_S144-3.6SPUSPE](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C H144ZO_ARTIIIZODI_S144-3.6SPUSPE)

**Attachments:**

1. Aerial Map
2. Request Letter
3. Land Use Maps (Zoning, Existing, Future Land Use)
4. TIA Worksheet
5. Notification Map
6. Photograph





## SUP21-318

### Special Use Permit request for increased density



**Special Use Permit Application:      1533 Interstate Highway 35 North Frontage Road,  
New Braunfels, TX**

The proposed Project involves redevelopment of an existing 75-room motel as a 75-unit residential apartment complex. The Property contains two lots—one includes the existing motel, and the adjacent one is vacant—totaling 2.1985 acres. The vacant lot will be improved with resident-serving amenities, including lounge areas, barbecues, a community garden, bocce court, and dog park.

Allows for compatible and orderly development

The Property contains the 75-room Quality Inn, a three-story motel. The proposed Project includes development of multifamily residential uses, which are allowed by right in the C-3 (Commercial District) zone. By revitalizing an underperforming commercial motel with 75 residential housing units, the proposed Project fulfills the City's demand for new housing suitably located near employment centers, supporting commercial uses, and transportation. Accordingly, the proposed Project is a compatible and appropriate development that advances the City's land use goals.

Consistent with Comprehensive Plan

The New Braunfels community has grown rapidly in the past decade, which has highlighted a need to not only increase the supply of housing, but also to preserve affordability and economic diversity. The proposed Project, located within the Transitional Mixed-Use Corridor identified in the Envision New Braunfels comprehensive plan, supplies much-needed housing near the City's job centers, such as the nearby Town Center at Creekside along the Interstate Highway 35 corridor. In particular, the proposed Project will provide 75 studio/efficiency units of new workforce housing, with anticipated rental rates of \$825-\$950. This will serve local moderate to low-income households and renters, including those in the City's tourism, healthcare, and industrial sectors.

Indeed, the proposed Project is consistent with several of the goals and policies delineated in Envision New Braunfels. By creating new housing opportunities—especially workforce housing—it supports the City's economic competitiveness goals of creating new permanent lodging in an underutilized neighborhood and corridor, and expanding the live/work/play destination along Interstate Highway 35 (Economic Competitiveness Goals 1 and 2).

And by re-using an existing, developed site along a commercial corridor, the proposed Project also supports the City's policies of: concentrating future investment in industrial and employment centers near existing and emerging hubs, such as along existing high capacity transportation networks, such as Interstate Highway 35 (ACTION 1.8); incentivizing infill development and redevelopment to take advantage of existing infrastructure (ACTION 1.6); cultivating 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 3.13); and incentivizing home development that is affordable and close to schools, jobs and transportation (ACTION 3.15).

#### Consistent with Zoning District

The Property is zoned C-3 (Commercial District), which allows multifamily residential uses by right. Accordingly, the proposed residential use is consistent with the general purpose and intent of the C-3 zoning district regulations.

#### Meets Supplemental Standards

The proposed Project is consistent with the applicable development standards as follows:

- Provides 83 parking spaces, which satisfies the City's parking standards for studio/efficiency units (i.e., 1.1 spaces/unit).
- The 2.1985-acre (95,766 sf) site meets minimum lot area standard of 15,000 square feet.
- Meets minimum lot width (60 feet) and lot depth (100 feet) standards
- Meets setback requirements: Front – 25 feet; Rear – 25 feet; Side – 5 feet

The Applicant's entitlement request is to allow the conversion of the existing 75 motel rooms to individual residences (i.e., studio/efficiency units). Based on the Property's size (2.1985 acres), the City's lot area standard currently allows for 64 units. As detailed herein, the proposed Project provides essential workforce housing at a suitable and appropriate location in furtherance of the City's planning, economic development, and land use goals.

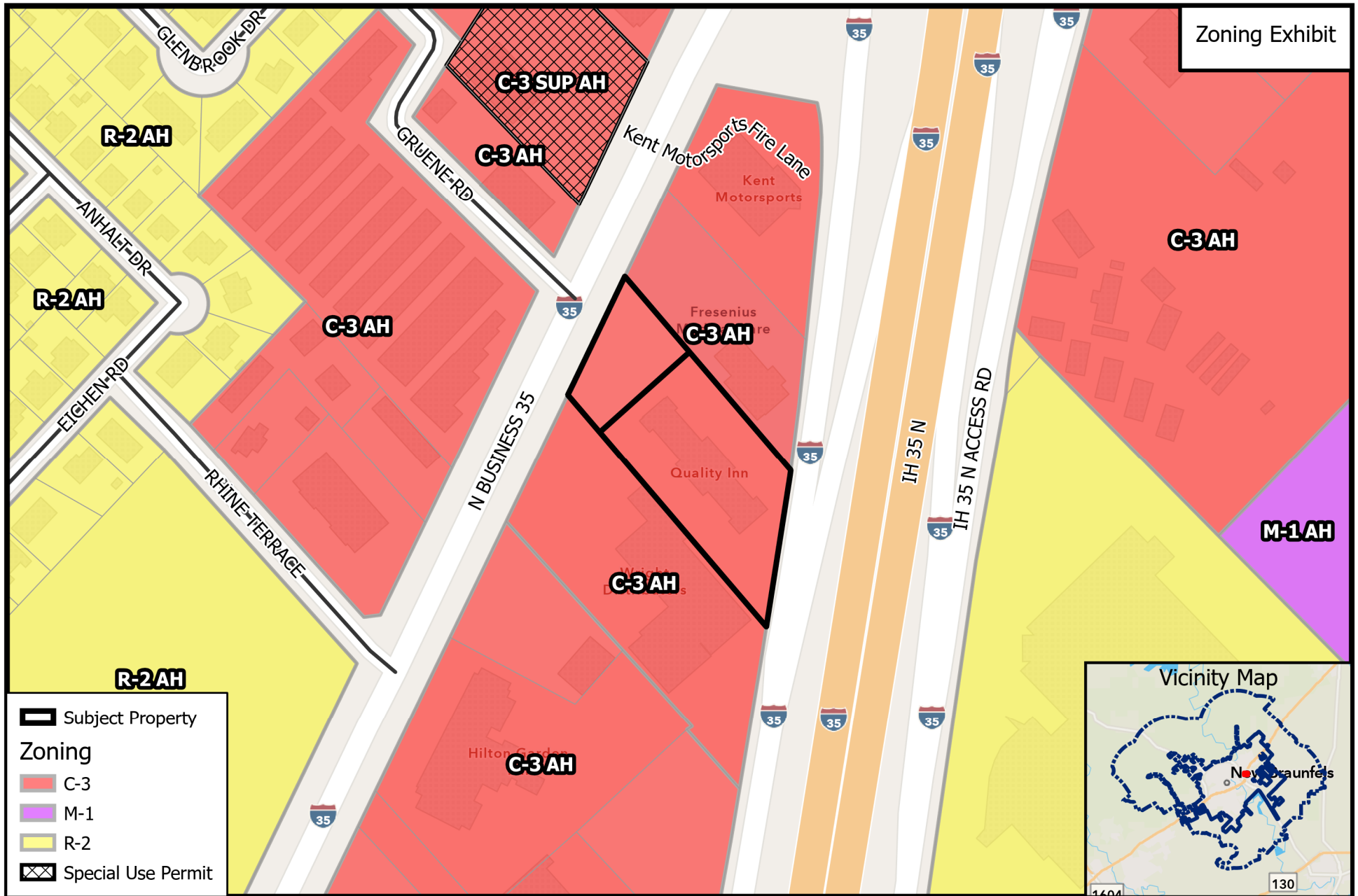
#### Compatible with and preserves the character and integrity of adjacent development

By adding new housing along the Interstate Highway 35 corridor, the proposed Project capitalizes on the opportunity to meet the increasing demand for residential uses in an area ripe for an appropriate transition. As noted above, the applicable zoning allows for multifamily residential uses by right, and the proposed Project complements existing residential development to the west and north. The Project site is also located in close proximity to schools (Goodwin Frazier Elementary, Church Hill Middle School, Memorial Early College High School, and Canyon High School), and resident-serving commercial uses (e.g., New Braunfels Marketplace, and intersection of Interstate Highway 35 and Highway 46 W).

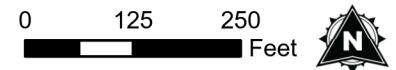
#### Not materially detrimental to the public health, safety, convenience and welfare

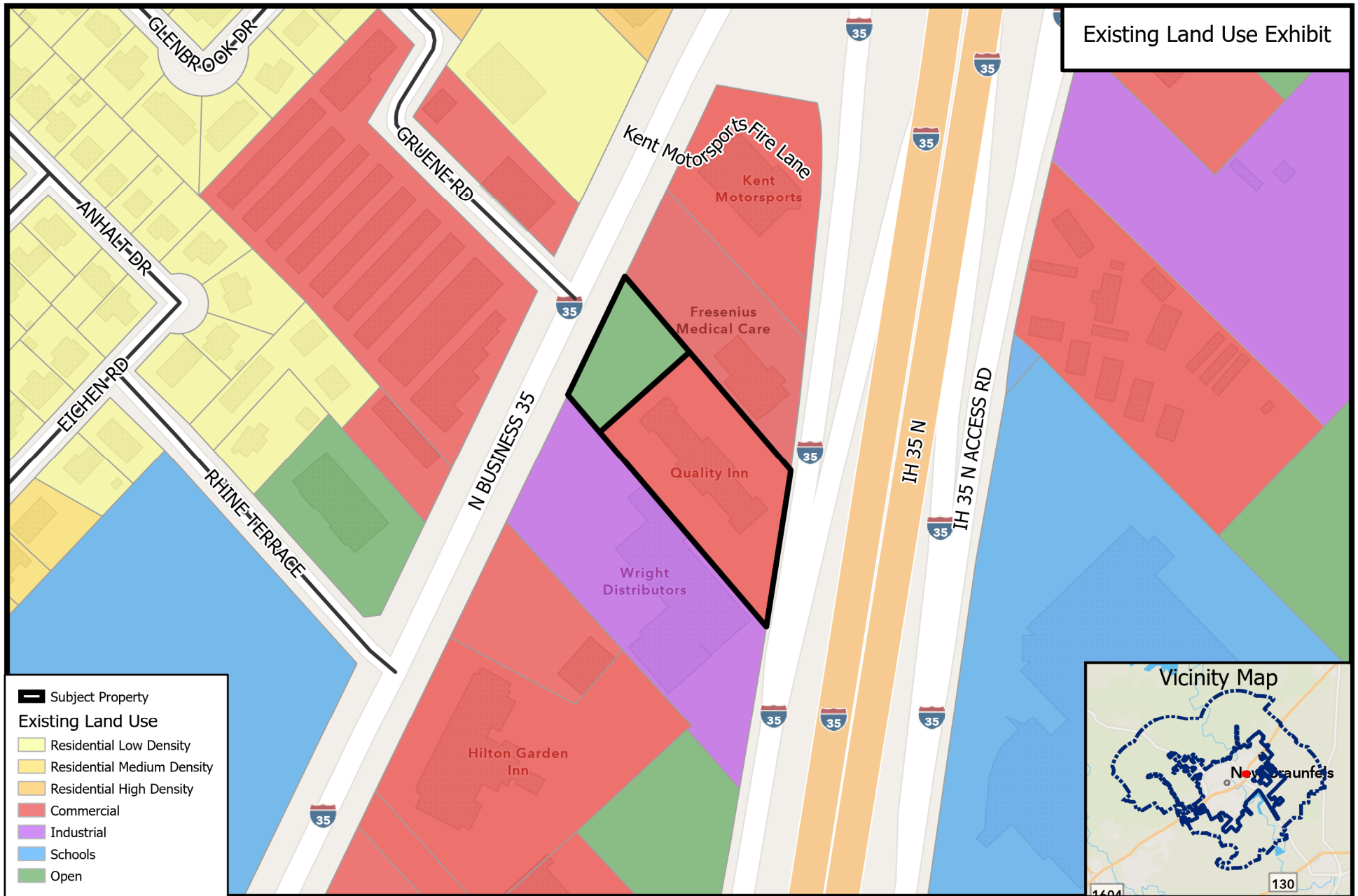
The proposed Project will benefit the New Braunfels community by converting an underutilized motel to a more viable, full-time residential living environment. The redevelopment will add no additional intensity to the Property, but will create new workforce housing opportunities for City residents. Reimagining an urban infill site with multifamily residential uses, including resident-serving amenities such as a dog park, bocce ball court, barbecues, and community lounge areas and garden, will not adversely affect surrounding properties or the natural environment; in fact, residents will have easy access to serve their everyday needs, and also be able to take advantage of existing and planned public transit. The introduction of multifamily residential dwellings is appropriate for this location, which is close to retail, commercial, and employment uses intended to serve the residents of surrounding neighborhoods.





**SUP21-318**  
**Special Use Permit request for increased density**







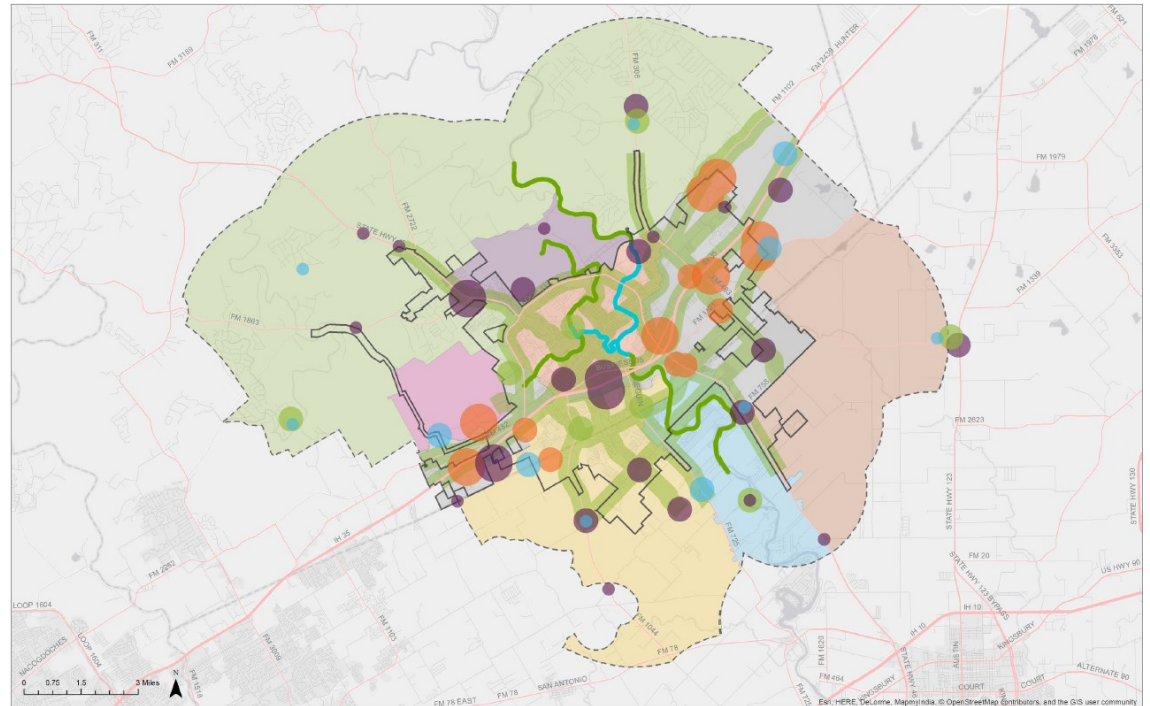


## Envision New Braunfels

A SPECIAL PLACE BY DESIGN

- ◆ Located in the Oak Creek Sub-Area
- ◆ Near Existing Market and Education Centers

# Future Land Use Map



- **Action 1.6:** Incentivize infill development and redevelopment to take advantage of existing infrastructure.
- **Action 2.1:** Sustain community livability for all ages and economic backgrounds.
- **Action 3.13:** Cultivate an environment where a healthy mix of housing products at a range of sizes, affordability, densities, and price points can be provided.
- **Action 3.16:** Review and revise regulations that inadvertently inhibit creative housing options or workforce housing alternatives.
- **Action 3.30:** Encourage and incentivize workforce/affordable housing to attract new workforce entrants and young families.

# CITY OF NEW BRAUNFELS TRAFFIC IMPACT ANALYSIS (TIA) DETERMINATION FORM

Complete this form to determine Traffic Impact Analysis requirements.  
A site exhibit must be with this form to be considered a complete submittal.

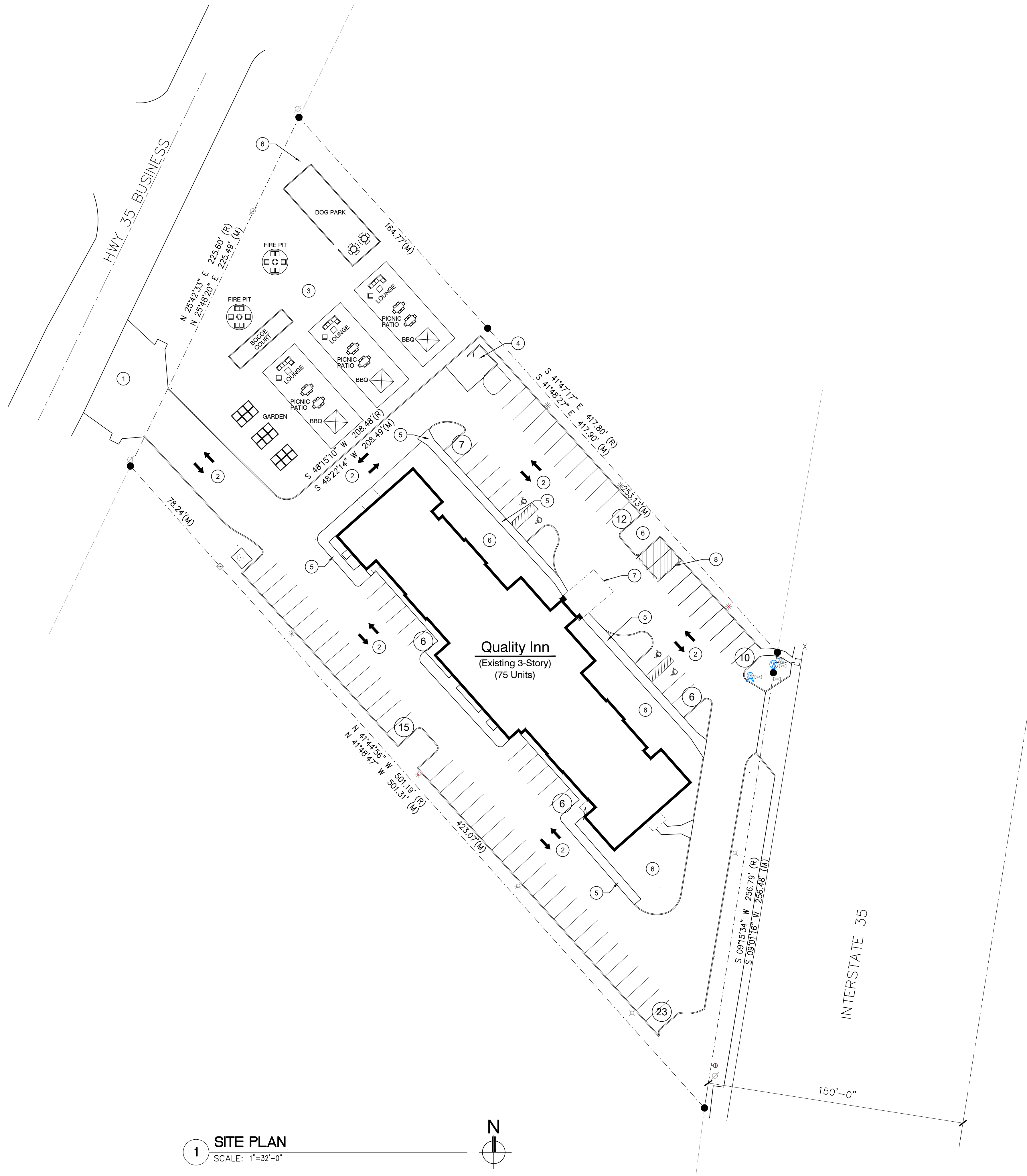
## Section 1: General Information

<b>General Information</b>			
Project Name: Vivo New Braunfels - Quality			Date: 06/22/2021
Subdivision Plat Name: JM LOT 3C		Project Address/Location: 1533 N Interstate 35 Frontage Rd, New Braunfels, TX 78130	
Location?	<input checked="" type="checkbox"/> City of New Braunfels	<input type="checkbox"/> New Braunfels ETJ	<input checked="" type="checkbox"/> Comal County <input type="checkbox"/> Guadalupe County
Owner Name: Vivo Investment Group		Owner Email: jacky@nrcapllc.com or akash@vivoinvestmentgroup.com	
Owner Address: 21515 Hawthorne Blvd, Torrance CA 90503		Owner Phone: (310) 505-7769	
Preparer Company: Kimley-Horn and Associates, Inc.			
Preparer Name: Jordan Schaefer, P.E.		Preparer Email: Jordan.Schaefer@Kimley-Horn.com	
Preparer Address: 601 NW Loop 410, STE 350, San Antonio, Texas 78216		Preparer Phone: (210) 541-9166	
<b>Application Type or Reason for TIA Worksheet/Report</b>			
<input type="checkbox"/> Master Plan <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Final Plat <input type="checkbox"/> Commercial Permit <input checked="" type="checkbox"/> Zoning			
<b>TIA Submittal Type</b> (A TIA Worksheet is required with <u>all</u> zoning, plan and plat applications)			
<input checked="" 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"/> Level 2 TIA Report (501-1,000 peak hour trips)		<input type="checkbox"/> Level 3 TIA Report (1,001 or more peak hour trips)	
<b>Previously Approved TIA</b> (Required if this project is part of a development with a previously approved TIA report)			
Previously Approved TIA Report Name:			City Approval Date:
<b>TxDOT Access Approved?</b>			
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable			

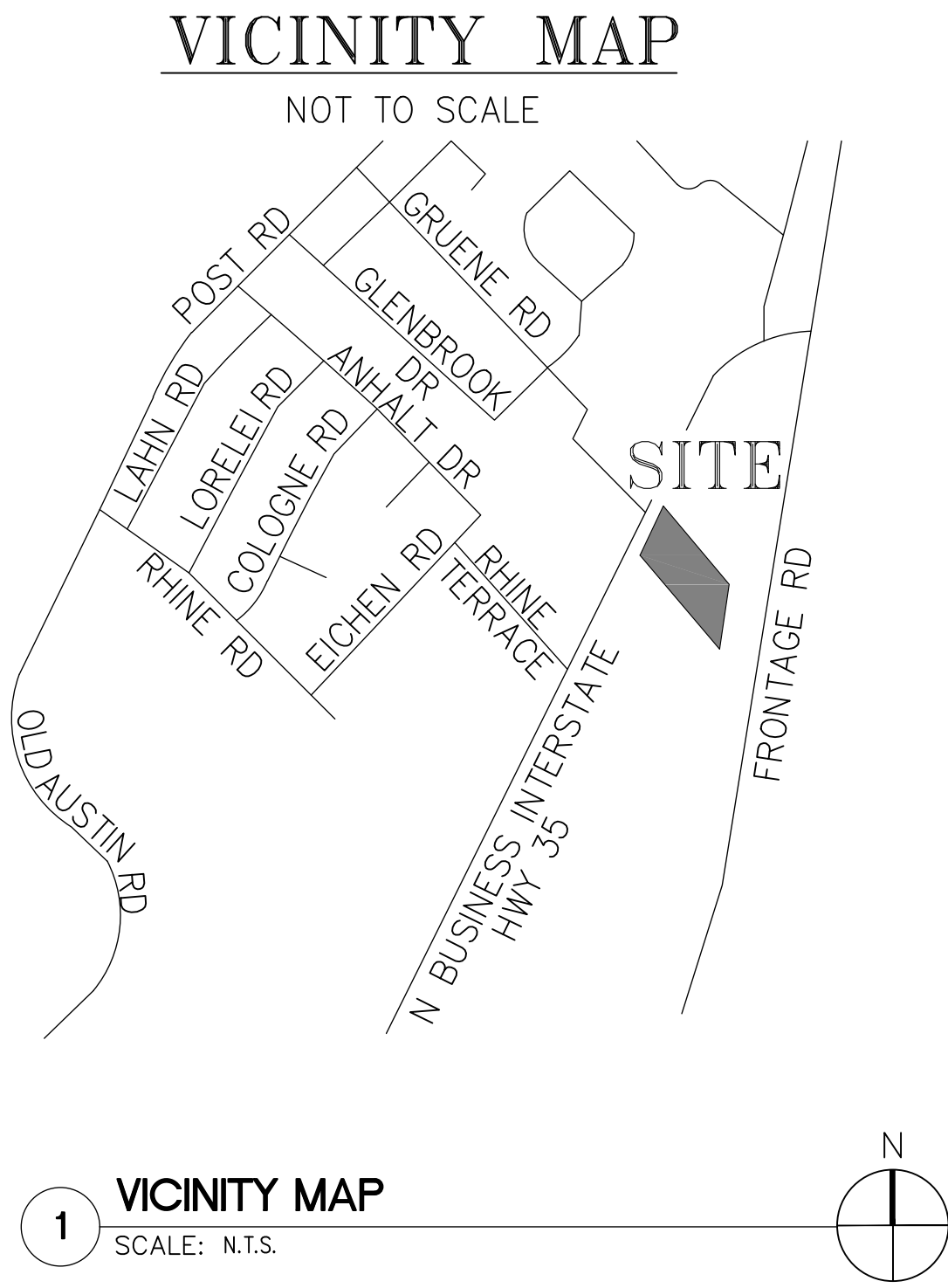
## Section 2: Proposed Land Use and Trip Information for Application

Land Use	ITE Code <sup>1</sup>	ITE Unit <sup>2</sup>	Est. Project Units	AM Peak Hour Rate	PM Peak Hour Rate	WKND Peak Hour Rate	AM Peak Hour Trips	PM Peak Hour Trips	WKND Peak Hour Trips
Multifamily Housing (Mid-Rise)	221	Dwelling Units	75	0.36	0.44	0.44	27	33	33
Total from additional tabulation sheet (if necessary):									
<b>Total:</b>							27	33	33

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

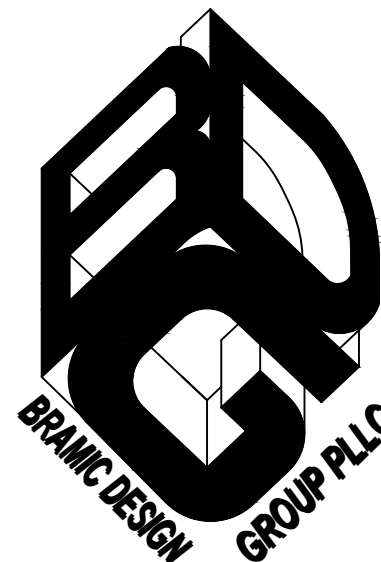


1 SITE PLAN  
SCALE: 1"=32'-0"



VICINITY MAP	
SCALE: N.T.S.	
PROJECT DATA:	
ZONING	
SITE AREA:	
1. LOT 3C:	70,432 SF
2. LOT 3D:	25,344 SF
TOTAL SF:	95,766 SF (2.198 ACRES)
BUILDING SF:	
1. 1ST FLOOR:	14,189 SF
2. 2ND FLOOR:	14,189 SF
3. 3RD FLOOR:	14,189 SF
TOTAL SF:	42,567 SF
SITE DENSITY CALCULATIONS:	
1. UNITS 1 - 10 (15,000 SF)	15,000 SF REQUIRED
2. UNITS 11 - 75 (1/500 SF/UNIT) 97,500 SF REQUIRED	97,500 SF REQUIRED
TOTAL PARCEL SF REQUIRED FOR USE: 112,500 SF (TOTAL EXISTING - 95,766 SF)	
OCCUPANCY TABULATIONS:	
1. EXISTING USE:	HOTEL
2. PROPOSED USE:	APARTMENTS
PARKING:	
1. EXISTING:	81 SPACES (4 HANDICAPPED INCLUDED)
2. NEW SPACES ADDED	2 SPACES
TOTAL SPACES	83
LANDSCAPING	
BICYCLE PARKING	EXISTING (ADDITIONAL TBD) TBD

- SITE PLAN KEYNOTES:**
- EXISTING CURB CUT TO REMAIN
  - EXISTING DRIVE TO REMAIN
  - EXISTING OPEN AREA TO REMAIN (REMODELED FOR OUTDOOR RECREATIONAL USE)
  - EXISTING TRASH ENCLOSURE
  - EXISTING SIDEWALK
  - EXISTING LANDSCAPED AREA
  - EXISTING CANOPY AT DROP OFF AREA
  - REMOVE EXISTING CURBING, ADD NEW ASPHALT PAVING MATCH ADJACENT



9516 E. VENTASO CIRCLE  
TUCSON, AZ 85715  
PHONE: (520) 401-9183

PROJECT: 21-699  
DATE: 8/18/2021  
DRAWN: WJM  
CHECKED: GG

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DO NOT SCALE DRAWING

Remodeling  
for  
**VIVO Apartments  
New Braunfels 2**  
1533 N. Interstate 35  
New Braunfels, Texas

**Preliminary  
Site Plan**



SHEET: **C1.0**

**PLANNING COMMISSION – OCTOBER 6, 2021 – 6:00PM**

City Hall Council Chambers

**Applicant/Owner:** Dan Norville

**Address/Location:** 1533 IH-35 North

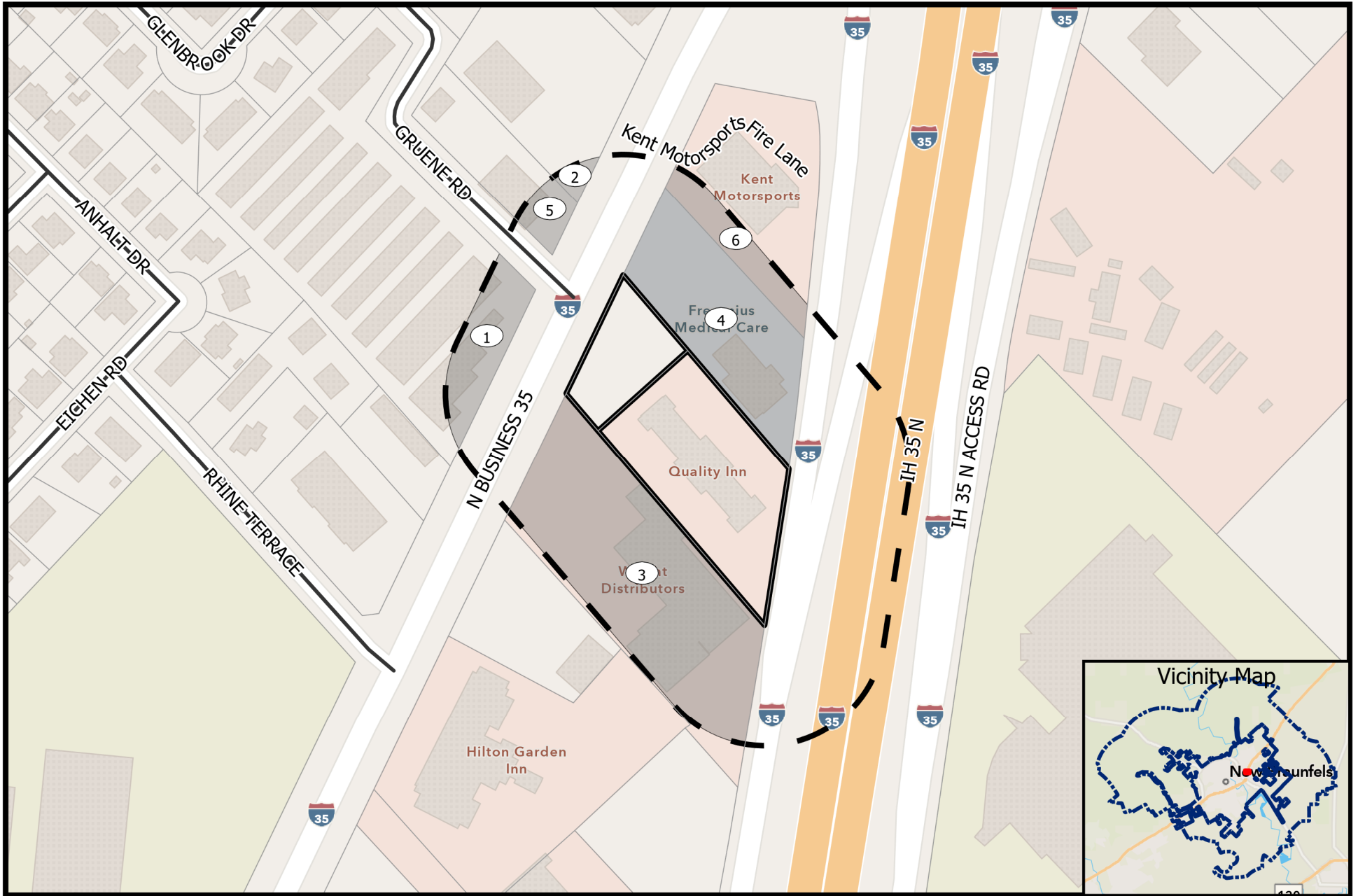
**PROPOSED SPECIAL USE PERMIT – CASE #SUP21-318**

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. SCHMIDT VALORIE              | 4. JT NEW BRAUNFELS PROPERTIES LLC ET AL |
| 2. 1845 SMOKED MEAT COMPANY LLC | 5. 5320 GEORGE COOPER LTD                |
| 3. WRIGHT DISTRIBUTING CO INC   | 6. KENT REAL ESTATE LP                   |

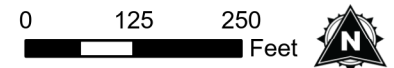
**SEE MAP**





**SUP21-318**

**Special Use Permit request for increased density**



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.



11/2/2021

Agenda Item No. B)

---

**PRESENTER:**

Presenter: Maddison O'Kelley

**SUBJECT:**

ORD21-369 Public Hearing and recommendation to the City Council of an ordinance to revise sections of the Code of Ordinances regarding the approval and/or appeals authority in: Chapter 144, Zoning, Section 5.1, Parking, loading, stacking and vehicular circulation, Section 5.22, Nonresidential and Multi-family Design Standards, Section 5.23, Temporary vending operations, and, Section 5.24, Temporary mobile storage units; Chapter 118, Subdivision Platting, Section 118-11, Waiver, Section 118-44, Blocks, and, Section 118-49, Sidewalks; and, amendments to Appendix D, Fee Schedule, Section A schedule of development fees.

**DEPARTMENT:** Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** All**BACKGROUND INFORMATION:**

Case #: ORD21-369

City Council directed staff at their July 12, 2021 regular meeting to research and identify streamlining opportunities where local development-related ordinances require City Council or Planning Commission consideration for a final decision. Staff provided a briefing for the Planning Commission on October 6, 2021 on the sections of the code that were identified as opportunities for streamlining.

**ISSUE:**

It has been noted that some of these processes do not necessarily rise to a level requiring City Council scrutiny and, with appropriate criteria, could be addressed and finalized at an administrative or board/commission level. The intent of the proposed amendments is to enhance customer service and reduce review times for customers and developers by re-evaluating the decision-making hierarchy and which board, commission or Council should decide appeals or waivers.

Staff has examined the currently adopted ordinances and thus far has identified the following processes for amendment:

**Zoning Ordinance**

- Revise appeal process for Temporary Mobile Storage Units, Off-site Parking Plans, Multi-family and Non-residential design standards, and Temporary Vendor Permits.

**Platting Ordinance**

- Revise approval and appeal process for Alternative Pedestrian Plans, block length waivers and sidewalk

---

waivers

### **Fee Schedule**

- Adjust sidewalk waiver fee to reflect reduced costs associated with the reduced public hearing notification requirements.

This initiative addresses the following action items from **Envision New Braunfels**:

- **Action 3.6:** Pro actively provide a regulatory environment that remains business and resident friendly.
- **Action 7.4:** Strengthen sidewalk requirements in the City's codes.
- **Action 7.7:** Ensure that local development codes which require sidewalks, trails, lanes or paths include healthy living, safety, and vehicular congestion relief as an intent.
- **Action 7.9:** Enact/enforce maximum block size limitations.

### **FISCAL IMPACT:**

N/A

### **RECOMMENDATION:**

Based on the research conducted, staff recommends approval of the proposed revisions to processes for various appeal and waiver requests.

### **Attachments:**

1. Draft Chapter 144 Zoning Amendments
2. Draft Chapter 118 Subdivision Platting Amendments
3. Draft Appendix D Fee Schedule Amendments



\*\*\*\*\*

## Sec. 144-5.1. Parking, loading, stacking and vehicular circulation.

### 5.1-1. General provisions.

- (i) *Off-site parking.* As a means of satisfying off-street parking requirements, off-site parking shall be permitted with the approval of an application for off-site parking. Off-site parking is subject to the following:
- (1) The applicant has submitted an application for off-site parking that includes an access plan demonstrating that access to the off-site parking is reasonably and safely accessible by the public by foot;
  - (2) The nearest edge of the closest parking space of the off-site parking is no further than 800 feet from the lot or parcel of the premise using the off-site parking (subject property);
  - (3) The off-site parking spaces are not shared with any other off-premise use and are not required parking for any other premise;
  - (4) The off-site parking spaces shall be paved and striped to city code prior to a certificate of occupancy being granted to the premise using the off-site parking;
  - (5) An off-site parking agreement between the off-site parking area property owner and the property owner of the subject property on a form approved by the city attorney. The term of the agreement shall be no less than ten years. The agreement shall bind future owners or assigns. The agreement shall state that, if for any reason the agreement is not followed, the owner of the subject property shall acknowledge that the property is in violation of this chapter and that the certificate of occupancy may be voided by the city. The agreement shall state that it cannot be cancelled or amended unless by written agreement from the city, is replaced with on-site parking in accordance with code, or is replaced with another off-site parking agreement;
  - (6) Failure to renew or maintain an off-site parking agreement for required parking may result in loss of compliance with off-street parking requirements resulting in the revocation of the certificate of occupancy; and
  - (7) Directional signage shall be provided as follows:
    - (a) At the entrance to the off-site parking. There shall be no more than one such directional sign, it shall be no larger than four square feet per face, and state parking is allowed for the establishment using the off-site parking.
    - (b) In the on-site parking area of the subject property, stating and/or showing where the off-site parking is located. There shall be no more than one such sign that shall be no larger than four square feet per face.
  - (8) Consideration of application. The ~~planning and community development department~~ [Planning and Development Services Department](#) shall approve or deny any completed application based on the above criteria and any additional information deemed necessary for a thorough review. Any application that is missing information will be considered incomplete and will not be processed. If approved, the off-site parking agreement shall be recorded in the appropriate county deed records and a copy shall be provided to the ~~planning and community development department~~ [Planning and Development Services Department](#).
  - (9) Appeal procedures. Aggrieved parties may appeal an off-site parking administrative decision. Appeals are considered by the ~~city council~~ [zoning board of adjustment](#).

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- 
- (a) An appeal must be made with an application form available in the ~~planning and community development department~~ Planning and Development Services Department with the requirements to file an appeal as outlined in section 144-2.2 of this chapter.
  - ~~(b) The appeal shall be scheduled for consideration on a regular agenda of the city council.~~
  - (b) The zoning board of adjustment shall review the site plan and shall approve, approve subject to certain conditions, or disapprove the off-site parking plan.
  - (c) The ~~city council~~ zoning board of adjustment shall determine final approval or disapproval of all off-site parking appeals.

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## **Sec. 144-5.22. Non-residential and multifamily design standards.**

### *5.22-10. Appeal procedures.*

- (a) Enforcement of this section may be appealed to the planning commission ~~city council~~.
- (b) Appeal procedures.
  - (1) ~~All Any~~ appeal ~~actions for a site plan application denied by the planning director or his/her designee~~ shall be submitted ~~to and~~ by the applicant ~~city council~~ within 30 days of the denial if requested by the applicant.
  - (2) An appeal must be made in writing on an application form available in the ~~planning and community development department~~ Planning and Development Services Department and shall be accompanied by an application fee per appendix D of this Code ~~and shall include a site plan, building elevation plan and landscape plan.~~
  - ~~(3) The appeal shall be scheduled for consideration of the site plan on the regular agenda of the council within 30 days after the appeal application is received, or, in the case of an incomplete application, 30 days after the submission is deemed complete.~~
  - (3) The appeal shall be scheduled for consideration on the next available agenda of the planning commission.
  - ~~(4) (4)~~ The ~~council~~ planning commission shall review the site plan appeal and shall ~~recommend approval approve, approval approve~~ subject to certain conditions, or ~~disapproval disapprove of~~ the ~~concept plan or building site plan appeal~~.
  - ~~(5) (5)~~ The ~~city council~~ planning commission shall determine final approval or disapproval of all ~~site plan~~ appeals.

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## **Sec. 144-5.23. Temporary vending operations.**

### *5.23-22. Appeal procedures.*

- (a) Enforcement of this section may be appealed to the ~~city council~~ zoning board of adjustment.
- (b) Appeal actions.

- 
- (1) ~~All An~~ appeal ~~actions for a site plan application denied by the planning director~~ shall be submitted to the Planning and Development Services Department. ~~to and reviewed by the city council, if requested by the applicant. The requirements to file an appeal are outlined in section 144-2.2 of this chapter.~~
  - (2) The appeal shall be scheduled for consideration ~~of the site plan~~ on the next available ~~regular~~ agenda of the ~~council board~~ within 30 days after the submission is received, or, in the case of an incomplete submission, 30 days after the submission is deemed complete.
  - (3) The ~~council board~~ shall review the site plan appeal and shall approve, approve subject to certain conditions, or disapprove the ~~concept plan or site plan~~ appeal.
  - (4) The ~~city council~~ zoning board of adjustment shall determine final approval or disapproval of all ~~site plan~~ appeals.

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## **Sec. 144-5.24. Temporary mobile storage units.**

### *5.24-14. Appeal procedures.*

- (a) Enforcement of this section may be appealed to the planning commission. ~~city council.~~
- (b) Appeal actions.
  - (1) ~~All Any~~ appeal ~~actions for a site plan application denied by the planning director or his/her designee~~ shall be submitted ~~to and reviewed by the city council, if requested~~ by the applicant within 30 days of the denial.
  - (2) The appeal shall be scheduled for consideration ~~of the site plan~~ on the ~~regular~~ next available agenda of the ~~council~~ planning commission within 30 days after the submission is received, or, in the case of an incomplete submission, 30 days after the submission is deemed complete.
  - (3) The ~~council~~ planning commission shall review the ~~site plan~~ appeal and shall ~~recommend approval~~ approve, ~~approval~~ approve subject to certain conditions, or ~~disapproval~~ disapprove ~~of the concept plan or site plan~~ appeal.
  - (4) The ~~city council~~ planning commission shall determine final approval or disapproval of all ~~site plan~~ appeals.

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## Sec. 118-11. Waiver.

- (a) *General.* Where the ~~planning commission~~ city finds that undue hardships will result from strict compliance with a certain provision(s) of this chapter, or where the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve a waiver from any portion of these regulations so that substantial justice may be done and the public interest is secured, provided that the waiver shall not have the effect of nullifying the intent and purpose of these regulations, and further provided that the planning commission shall not approve a waiver unless it shall make findings based upon the evidence presented to it in each specific case that:
- (1) Granting the waiver will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver will not prevent the orderly subdivision of other property in the vicinity;
  - (2) Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; or an alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein;
  - (3) The waiver will not in any manner vary the provisions of the zoning ordinance or other ordinance(s) of the city.
- (b) *Zoning variance.* If a zoning variance is requested on a particular parcel of property, then it may be decided concurrently with the submittal and consideration of any request for a waiver from any provision of this chapter.
- (c) *Zoning district change.* The commission may consider a master plan or any type of plat simultaneously with a zoning district change application and may condition approval of a master plan or any type of plat upon final city council approval of the zoning district change that would cause the master plan or plat to be consistent with the zoning.
- (d) *Conditions.* In approving a waiver from any provision of this chapter, the planning commission may require such conditions as will secure substantially the purposes described in this chapter.
- (e) *Procedures.*
- (1) ~~Except for requests for sidewalk waivers, a~~ An application requesting a waiver shall be submitted in writing to the planning and development services department by the property owner or agent. This may be a separate request or concurrent with the subdivision application. ~~The planning director may authorize the submittal and processing of a waiver petition prior to a subdivision application.~~ The petition application shall explain the purpose of the waiver, state fully the grounds for the waiver, and all of the facts relied upon by the petitioner.
  - (2) All W~~w~~ waivers, other than for block length, may be approved, disapproved or approved with conditions by the planning commission.
  - ~~(3) — All waivers for sidewalks approved and approved with conditions, including the approval of the escrowing of funds for the construction of sidewalks on perimeter streets to be built at a later date as prescribed in subsection 118-49(c), will be forwarded to city council for final consideration. Therefore, a petition application for a sidewalk waiver must be submitted in writing to the planning and development services department by the property owner or agent and routed through the planning commission and city council process before the associated plat may be submitted or filed.~~
  - ~~(4)~~ (3) Block length waivers may be approved, disapproved or approved with conditions by the Planning and Development Services Department.

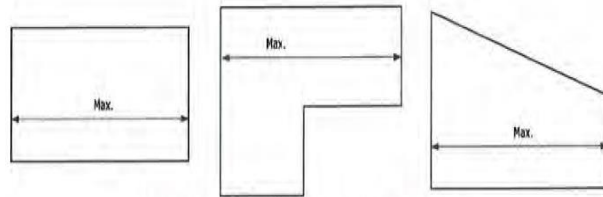
- (4) The findings of the planning commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the planning commission meeting at which a waiver is considered, approved or disapproved.

(Ord. No. 2006-84, § 1(Exh. A), 9-11-06; Ord. No. 2014-62, § 1, 9-8-14; Ord. No. 2019-89, § 1, 12-9-19)

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## Sec. 118-44. Blocks.

- (a) Measurement. The length of a block is measured along the longest axis, as illustrated below:



Maximum block length applies to the longest axis of a block

- (b) Block lengths shall not exceed 1,200 feet except along arterial streets.
- (c) Maximum block lengths along an arterial shall be 1,600 feet, except under special conditions as determined by the ~~planning commission~~[Planning and Development Services Department](#).
- (d) Waivers.
- (1) An application requesting a waiver to block length shall be submitted in writing to the planning and development services department by the property owner or agent concurrent with the subdivision application. The petition application shall explain the purpose of the waiver, state fully the grounds for the waiver, and all of the facts relied upon by the petitioner.
  - (2) Block length waivers are subject to the requirements outlined in section 118-11(a) of this chapter.
  - (3) In making a determination regarding a requested block length waiver, the Planning and Development Services Department shall consider the provision of multi-use trails that create pedestrian and cyclist connections, street design, curvature, and use of islands. Multi-use trails shall be designed in compliance with current city standards.
  - (4) The applicant may appeal a decision of the Planning and Development Services Department to deny a block length waiver or disagrees with the conditions placed upon an approved block length waiver to the planning commission. The appeal request shall include supporting documents, and the decision by the Planning and Development Services Department. The planning commission can affirm, reverse, or modify the decision.
  - (5) The planning commission shall determine final approval or disapproval of a block length waiver or conditions on a block length waiver request.

(Ord. No. 2006-84, § 1(Exh. A), 9-11-06; Ord. No. 2019-89, § 1, 12-9-19)

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## Sec. 118-49. Sidewalks.

- (a) *Requirement for installation.* Sidewalks shall be required, unless an exception is granted by the planning commission ~~and city council~~, in accordance with the following:
- (1) On the subdivision or development side or sides of all major thoroughfares or arterial streets as indicated on the city's thoroughfare plan, or a major thoroughfare as determined by the planning commission, and on perimeter streets.
  - (2) On both sides of a street that serves as a local or collector street, except:
    - a. No sidewalks are required along a local residential large-lot street section, as shown in this chapter, where there is no parking on the street and where each lot has at least 100 feet of frontage;
    - b. When an alternative pedestrian access plan is approved ~~by the planning commission and city council~~; and
    - c. When a waiver as outlined in Section 118-11(a) of this chapter ~~an exception~~ is granted by the planning commission ~~and city council~~.
  - (3) As deemed necessary by the planning commission in any area based on uniformity along the street and conformity with the surrounding area.
- (b) *Installation.* Sidewalks shall be installed at the street front of lots, along the street side of corner lots, and as required on perimeter streets. Sidewalks shall be constructed in accordance with city standards and specifications at such time as the lot is improved unless otherwise determined by the planning commission. For instance, where there would be no building improvement to the area adjacent to the sidewalk.
- (c) *Escrow.* With regard to sidewalks on perimeter streets, the planning commission, upon request of the applicant, may allow the applicant to deposit in escrow the cost of sidewalks, as approved by the city engineer, for installation of sidewalks at a later date. The escrow money or letter of credit shall be deposited with the city prior to filing of the final plat.
- (d) *Plat note.* A plat note shall be placed on the final plat indicating that sidewalks were required, upon which streets sidewalks were required and who is responsible for installation.
- (e) *Location of sidewalks.*
- (1) Sidewalks shall usually be constructed in the right-of-way of the adjacent street, but may be in easements as approved by the planning commission. For instance, along TxDOT ROW where future improvements would damage the sidewalk or where the walk is not adjacent to a street.
  - (2) Sidewalks adjacent to single-family or two-family lots, along a local street, shall be placed in the right-of-way at least three feet from the curb or adjacent to the curb.
  - (3) All sidewalks adjacent to collector streets, arterial streets, or TxDOT highways shall be separated by at least four feet from the curb or edge of the shoulder.
- (f) *Reserved.*
- (g) *Pedestrian and bikeways.* Pedestrian and bikeways, six feet in width, located in the right-of-way or in a public access easement, shall be dedicated and constructed where deemed necessary by the planning commission, to provide circulation or access to schools, playgrounds, parks, shopping centers, arterial streets and community facilities, or to provide pedestrian circulation within the subdivision. For instance, the commission may require such pedestrian or bikeways between lots at the end of culs-de-sac. Pedestrian and



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bikeways shall be constructed by the developer with a surface approved by the planning commission. Such pedestrian and bikeways may be required along perimeter streets.

(h) *Sidewalk widths.* Sidewalk widths shall be as follows:

- (1) Along one or two family lots: Four feet.
- (2) Along multifamily or non-residential lots: Six feet.
- (3) In front of a commercial or multifamily building(s) where there is less than a ten-foot building setback: Ten feet.

(i) *Waivers.*

(1) Sidewalk waivers are subject to the requirements outlined in section 118-11 of this chapter.

(2) In making a determination regarding a requested sidewalk waiver, the planning commission shall consider the following:

- a. The presence of unique or unusual topographic, vegetative, or other natural conditions exist so that strict adherence to the sidewalk requirements contained herein is not physically feasible;
- b. That strict adherence to the sidewalk requirements contained herein is not in keeping with the purposes and goals of the code of ordinances and the City's Comprehensive Plan;
- c. Proximity to existing or planned pedestrian generators, such as schools, libraries, shopping centers, community centers, transit stops, parks and other government buildings;
- d. Whether any public sidewalk or roadway improvements are planned or contemplated in the area; and
- e. Any other information deemed appropriate in the professional judgment of the planning and development services staff and City Engineer.

(4) The planning commission shall determine final approval or disapproval of a sidewalk waiver.

~~(i)~~ (j) Alternate pedestrian access plan. Rather than requiring sidewalks on both sides of all streets within a subdivision, or along a perimeter street, the applicant may present for the Planning and Development Services Department ~~planning commission and city council~~ approval an alternate plan showing pedestrian access within and to destinations outside the subdivision such as schools and shopping. Such a plan might provide for no sidewalks on cul-de-sac bubbles, on both sides of all streets, or where the street was wider than the minimum standards.

(1) Alternate pedestrian access plans may be approved, disapproved or approved with conditions by the Planning and Development Services Department.

(2) The alternate pedestrian circulation plan shall contain at a minimum the following information:

- a. Letter explaining the purpose of the request,
- b. Location and arrangement of sidewalks, multiuse trails and pathways,
- c. Phasing or time schedule for the construction of the sidewalks, multiuse trails and pathways, and
- d. Identification of the sidewalk segments required under this section that will not be constructed.

(3) In making a determination regarding approval of an alternate pedestrian access plan, the following factors shall be considered:

- a. The presence of unique or unusual topographic, vegetative, or other natural conditions exist so that strict adherence to the sidewalk requirements contained herein is not physically feasible;

- 
- b. The linear distance of the travel path of the sidewalks in the alternative pedestrian access plan must be comparable to the linear distance of the travel path of the sidewalk if constructed adhering to the requirements within this section.
  - c. If the proposed sidewalks are not located within a public right-of-way, a private street or an existing irrevocable ingress/egress easement, then public access easements shall be included on the plat.
  - d. All sidewalk construction shall conform to the latest criteria of the Americans with Disabilities Act (ADA).
- (4) In considering the plan, the Planning and Development Services Department may require and impose conditions to ensure that access to and along the sidewalk areas is safe, convenient, and provides pedestrians with adequate paths of movement.
  - (5) The applicant may appeal a decision of the Planning and Development Services Department to deny an alternate pedestrian access plan or disagrees with the conditions placed on an approved alternate pedestrian access plan to the planning commission. The appeal shall include supporting documents, and the decision by the Planning and Development Services Department. The planning commission can affirm, reverse, or modify the decision.
  - (6) The planning commission shall determine final approval or disapproval of an alternate pedestrian access plan.

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**Sec. A. Schedule of development fees.**

APPLICATION	FEE
<b>PLATTING RELATED</b>	
*****	
Plat waiver/subdivision variance <del>(not including sidewalk waivers)</del>	\$150.00
*****	
<b>MISCELLANEOUS</b>	
*****	
<del>Sidewalk waiver</del>	<del>\$300.00</del>
*****	

11/2/2021

Agenda Item No. C)

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**PRESENTER:**

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

Owner: John Herber

**SUBJECT:**

WVR21-360 Discuss and consider a waiver from Section 118-49(a) of the Subdivision Platting Ordinance to not require the construction of a 6-foot wide public sidewalk along the Interstate 35 Access Road adjacent to Lot1, Block 1 of the proposed Herber Estates Subdivision.

**DEPARTMENT:** Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** N/A Outside City Limits**BACKGROUND INFORMATION:**

Case #: WVR21-360

Owner: John Herber  
175 Herber  
New Braunfels, TX 78130  
(830) 237-3383 jwoodshop@gmial.com

Applicant: HMT Engineering & Surveying (Bill Ball, P.E.)  
290 S. Castell Ave., Suite 100  
New Braunfels, TX 78130  
(830) 625-8555 billb@hmtnb.com

Staff Contact: Matt Greene  
(830) 221-4053 mgreene@nbtexas.org

The subject property consists of approximately 38.64 acres located at the intersection of IH 35 and Herber in the ETJ in Comal County and is intended to be subdivided into 2 residential lots. The minor plat of the Herber Estates Subdivision was approved by the Planning Commission with a waiver from the requirement for Lot 2 to have frontage on an improved dedicated public street. One of the Planning Commission's Conditions of Approval of the minor plat is to add a plat note stating: "a six (6) foot wide sidewalk will be constructed along Interstate 35 Frontage Road per City standards by the owner/developer of Lot 1, Block 1 within 60 days of recordation of this subdivision plat". The length of 6-foot wide sidewalk required to be constructed is approximately 30 linear feet.

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Sidewalks:

**The applicant is requesting a waiver from the requirement of constructing a 6-foot wide public sidewalk along the Interstate 35 Frontage Road adjacent to Lot 1, Block 1.**

Section 118-49(a)(1) of the Subdivision Platting Ordinance requires sidewalks on the subdivision or development side or sides of all major throughfares or arterial streets as indicated on the City's throughfare plan, or a major throughfare as determined by the Planning Commission, and on perimeter streets. The applicant is requesting a waiver to not construct a sidewalk along the Interstate 35 Frontage Road.

The applicant states in the attached engineer's letter, that "the waiver is requested to avoid ineffective and redundant operations relating to TxDOT's planned project for the I-35 Comal County Operational Improvements Northern Project extending from the Guadalupe River in New Braunfels to the Comal/Hays County Line, which includes the planned construction of sidewalks along the Interstate 35 Frontage Road" (see attached Photograph and Schematic Exhibit). As shown in the exhibit, the Interstate 35 Frontage Road will be relocated and in closer proximity to the existing Interstate 35 roadway at a lower grade elevation. Further, the engineer states that "TxDOT has informed him they do not see the need for the applicant to construct the sidewalk at this time as the sidewalk would not have any connections for several miles (under current conditions) and would not tie-into the future sidewalk constructed by TxDOT along the realigned Interstate 35 Frontage Road, and would just be abandoned or demolished during the TxDOT construction project." The attached exhibit shows the location of the future TxDOT sidewalk that will be constructed approximately 100 feet from the Herbert Final Plat ROW where the code requires the sidewalk to be constructed.

Sidewalks are required to provide walkable and multimodal connections for pedestrians to have an alternative means of access to adjacent locations without needing to drive a car. Staff typically supports requiring sidewalks, and a standard comment might require that escrow be posted to allow the sidewalk to be constructed at a later date, or that a note be placed on the final plat indicating that the sidewalk must be constructed at the time of building permit, as was the staff recommended condition placed on approval of this final plat. However, neither method would accommodate this proposal to allow TxDOT to construct the sidewalk as part of their future realignment project.

**ISSUE:**

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

The Subdivision Platting Ordinance authorizes waivers to be granted when:

1. An undue hardship will result from strict compliance with the ordinance, or
2. When the purpose of the regulation may be served to a greater extent by an alternative proposal, so that substantial justice may be done, and the public interest is secured.

**Commission Findings:**

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

1. Granting the waiver will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver will not prevent the orderly subdivision of other property in the vicinity.
2. Because of the particular physical surroundings, shape and/or topographical conditions of the specific



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property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; or an alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein; and

3. The waiver will not in any manner vary the provisions of the Zoning Ordinance or other ordinance(s) of the City.

**FISCAL IMPACT:**

Sidewalks not constructed by the developer may have to be constructed later at taxpayer expense.

**RECOMMENDATION:**

Approval. Staff believes the TxDOT planned project for the I-35 Comal County Operational Improvements Northern Project can better fulfill this requirement by the future construction of a continual sidewalk with connections to adjacent properties.

**Resource Links:**

Chapter 118-49(a)(1) Sidewalks, of the City's Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH118SUPL\\_ARTIVDEST\\_S118-49SI](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH118SUPL_ARTIVDEST_S118-49SI)

Chapter 118-49(b) Sidewalks, of the City's Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH118SUPL\\_ARTIVDEST\\_S118-49SI](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH118SUPL_ARTIVDEST_S118-49SI)

**Attachments:**

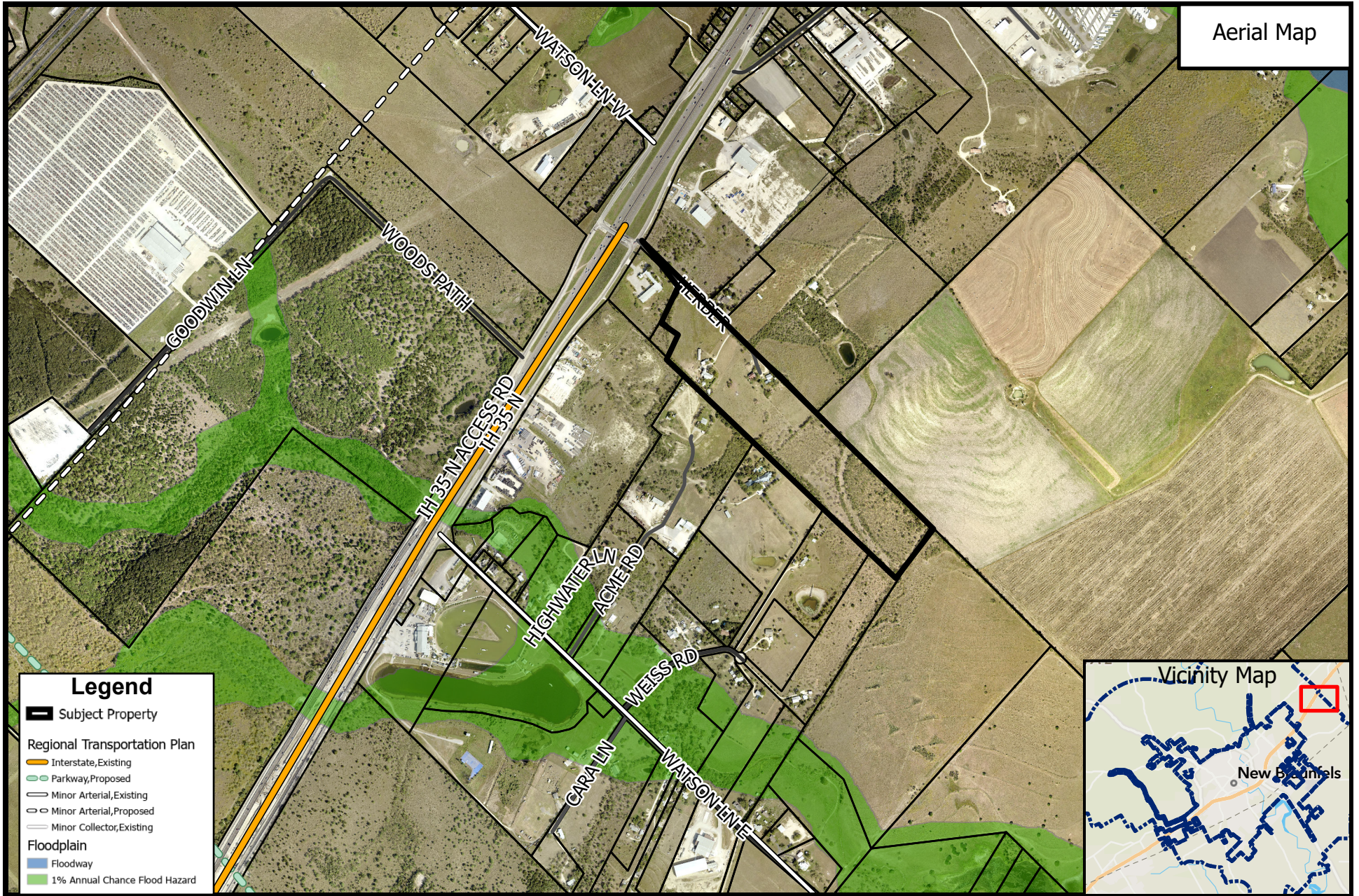
Aerial Maps

Approved Final Plat (not recorded)

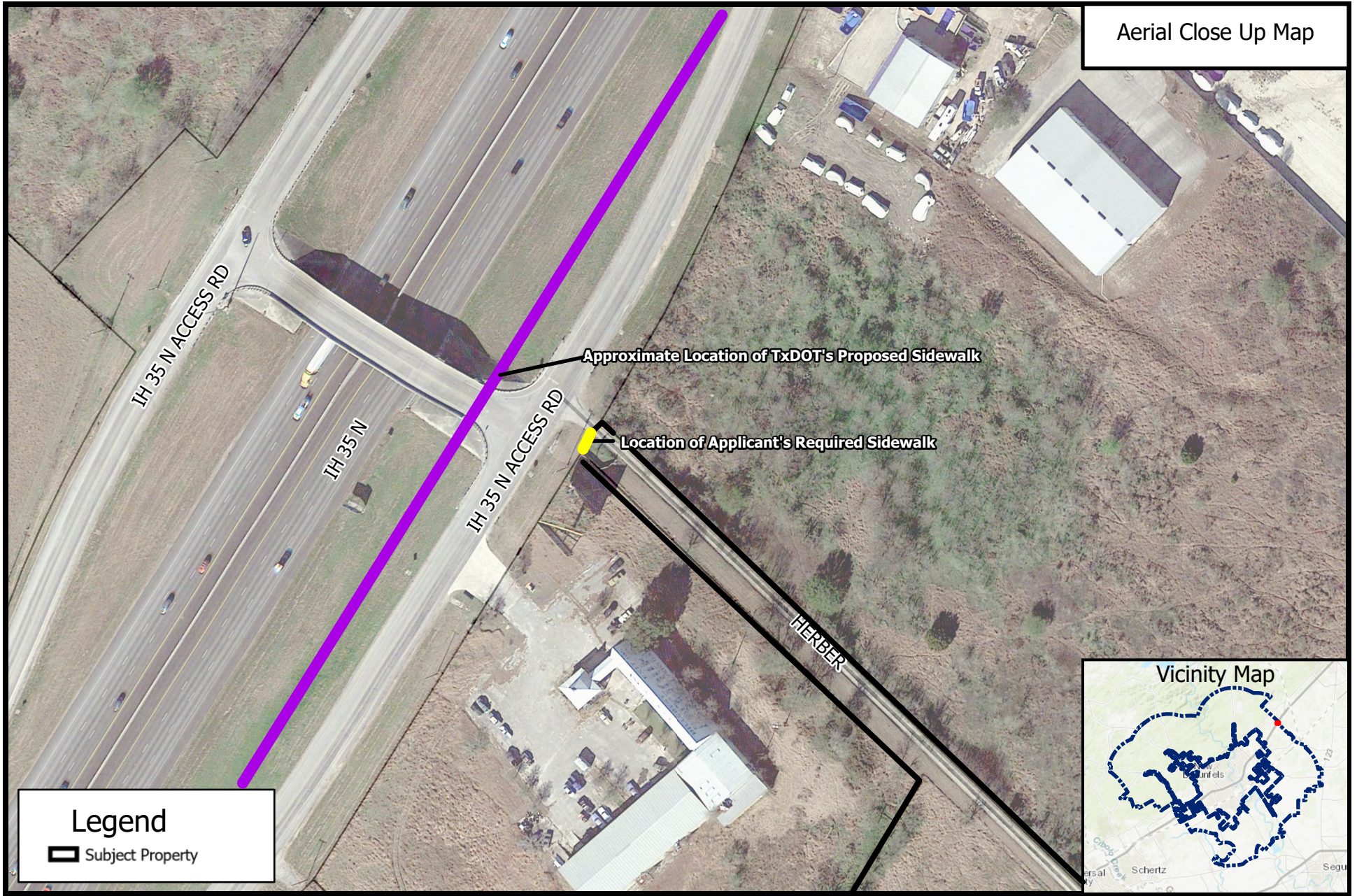
Applicant's Letter of Waiver Justification

Photograph and Schematic Exhibit









Aerial Close Up Map

Vicinity Map

# Legend

Subject Property

**WVR21-360**

## **Sidewalk Waiver Request - Herber Estates Final Plat**

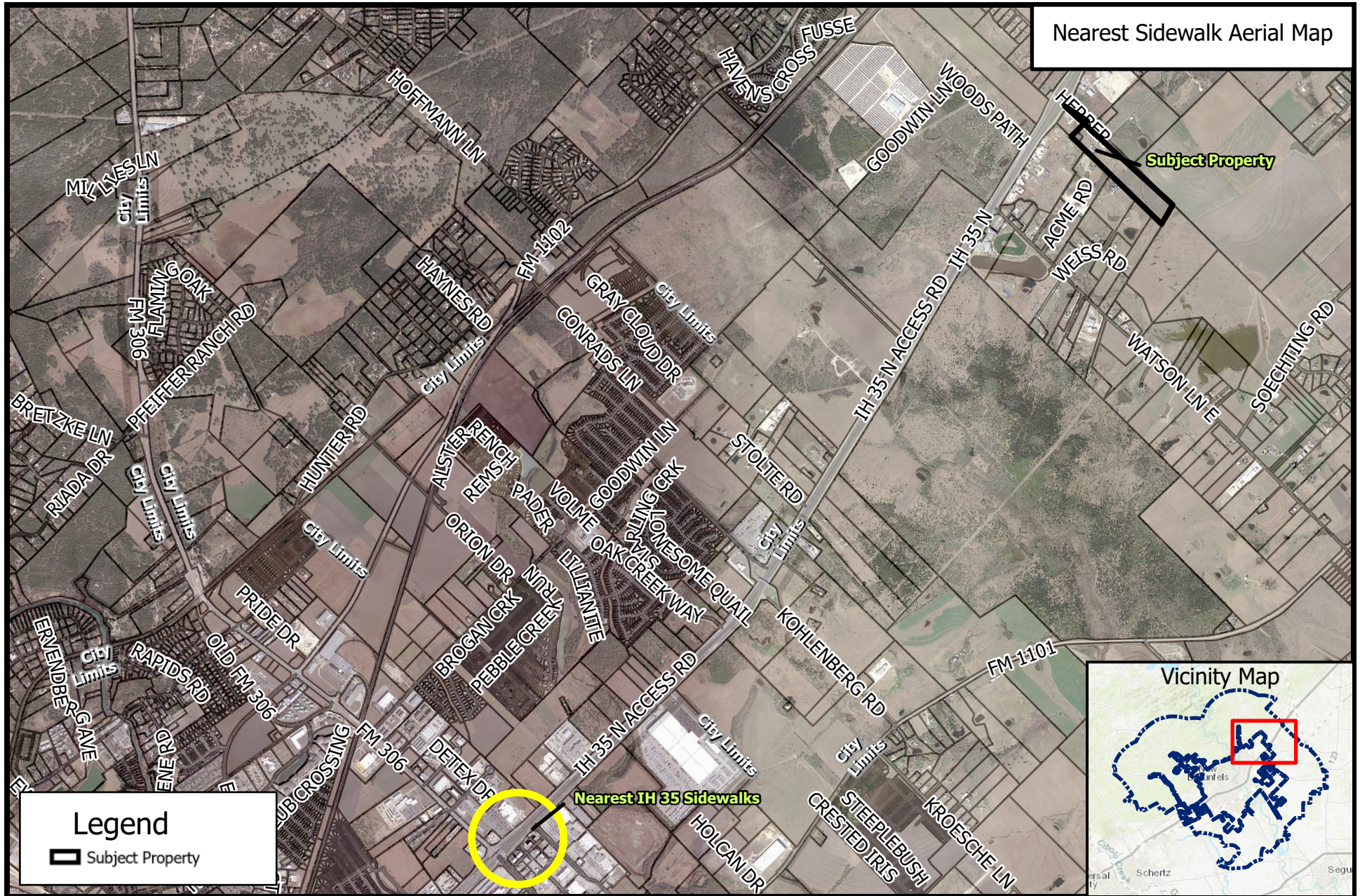
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Source: City of New Braunfels Planning  
Date: 10/21/2021

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.







PLAT NOTES:

- ALL LOTS WITHIN THE SUBDIVISION WILL BE PROVIDED WATER SERVICES BY CRYSTAL CLEAR SPECIAL UTILITY DISTRICT. SEWER SERVICES WILL BE PROVIDED BY INDIVIDUAL ON SITE SEWAGE FACILITIES, AND ELECTRIC SERVICES WILL BE PROVIDED BY NEW BRAUNFELS UTILITIES. TELEPHONE AND CABLE SERVICES FOR THE SUBDIVISION WILL BE PROVIDED BY AT&T COMMUNICATIONS AND/OR SPECTRUM.
- ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983. GRID DISTANCES SHOWN HEREON ARE BASED UPON SURFACE MEASUREMENTS. TO CONVERT SURFACE DISTANCES TO GRID, APPLY A COMBINED SCALE FACTOR OF 1.00015.
- MONUMENTS WERE FOUND OR SET AT EACH CORNER OF THE SURVEY BOUNDARY OF THE SUBDIVISION. MONUMENTS AND LOT MARKERS WILL BE SET WITH 1/2" IRON PINS WITH PLASTIC CAP STAMPED "HMT" IMMEDIATELY AFTER COMPLETION OF UTILITY INSTALLATION AND STREET CONSTRUCTION UNLESS NOTED OTHERWISE.
- THIS SUBDIVISION IS NOT WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.
- THIS SUBDIVISION IS WITHIN THE EXTRATERRITORIAL JURISDICTION LIMITS OF CITY LIMITS OF THE CITY OF NEW BRAUNFELS, TEXAS.
- THIS SUBDIVISION IS WITHIN THE COMAL INDEPENDENT SCHOOL DISTRICT.
- NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN AN INDICATED SPECIAL FLOOD HAZARD ZONE ACCORDING TO THE ADOPTED FLOOD MAPS OF THE CITY OF NEW BRAUNFELS, AS DEFINED BY THE COMAL COUNTY, TEXAS, FLOOD INSURANCE RATE MAP NUMBER 48091C0295F, EFFECTIVE DATE SEPTEMBER 2, 2009 AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- NO STRUCTURES, WALLS OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO LANDSCAPING, FENCES, OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE EASEMENTS OR DECREASE THE HYDRAULIC CAPACITY OF THE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY ENGINEER. THE CITY OF NEW BRAUNFELS SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE EASEMENTS.
- FUTURE DEVELOPMENT IS SUBJECT TO CHAPTER 114 (STREETS, SIDEWALKS AND OTHER PUBLIC SPACES) OF THE NEW BRAUNFELS CODE OF ORDINANCES.
- SIX (6) FOOT WIDE SIDEWALKS ARE NOT REQUIRED WITH THIS PLAT AS THE PROPERTY DOES NOT HAVE ROADWAY FRONTAGE.
- THE ELEVATION OF THE LOWEST FLOOR OF A STRUCTURE SHALL BE AT LEAST 10 INCHES ABOVE THE FINISHED GRADE OF THE SURROUNDING GROUND, WHICH SHALL BE SLOPED IN A FASHION SO AS TO DIRECT STORMWATER AWAY FROM THE STRUCTURE. PROPERTIES ADJACENT TO STORMWATER CONVEYANCE STRUCTURES MUST HAVE A FLOOR SLAB ELEVATION OR BOTTOM OF FLOOR JOISTS A MINIMUM OF ONE FOOT ABOVE THE 100-YEAR WATER FLOW ELEVATION IN THE STRUCTURE DRIVEWAYS SERVING HOUSES ON THE DOWNHILL SIDE OF THE STREET SHALL HAVE A PROPERLY SIZED CROSS SWALE PREVENTING RUNOFF FROM ENTERING THE GARAGE AND SHALL PREVENT WATER FROM LEAVING THE STREET.
- THIS SUBDIVISION IS SUBJECT TO THE 2018 CITY OF NEW BRAUNFELS PARK LAND DEDICATION AND DEVELOPMENT ORDINANCE. THIS PLAT IS APPROVED FOR TWO DWELLING UNIT(S) PER BUILDABLE LOT WITH A MAXIMUM OF 2 BUILDABLE LOTS. AT SUCH TIME THAT ADDITIONAL DWELLING UNITS ARE CONSTRUCTED, THE OWNER OF THE LOT(S) SHALL NOTIFY THE CITY AND COMPLY WITH THE ORDINANCE FOR EACH DWELLING UNIT.

NEW BRAUNFELS UTILITIES NOTES:

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

KNOW ALL MEN BY THESE PRESENTS:

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

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

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

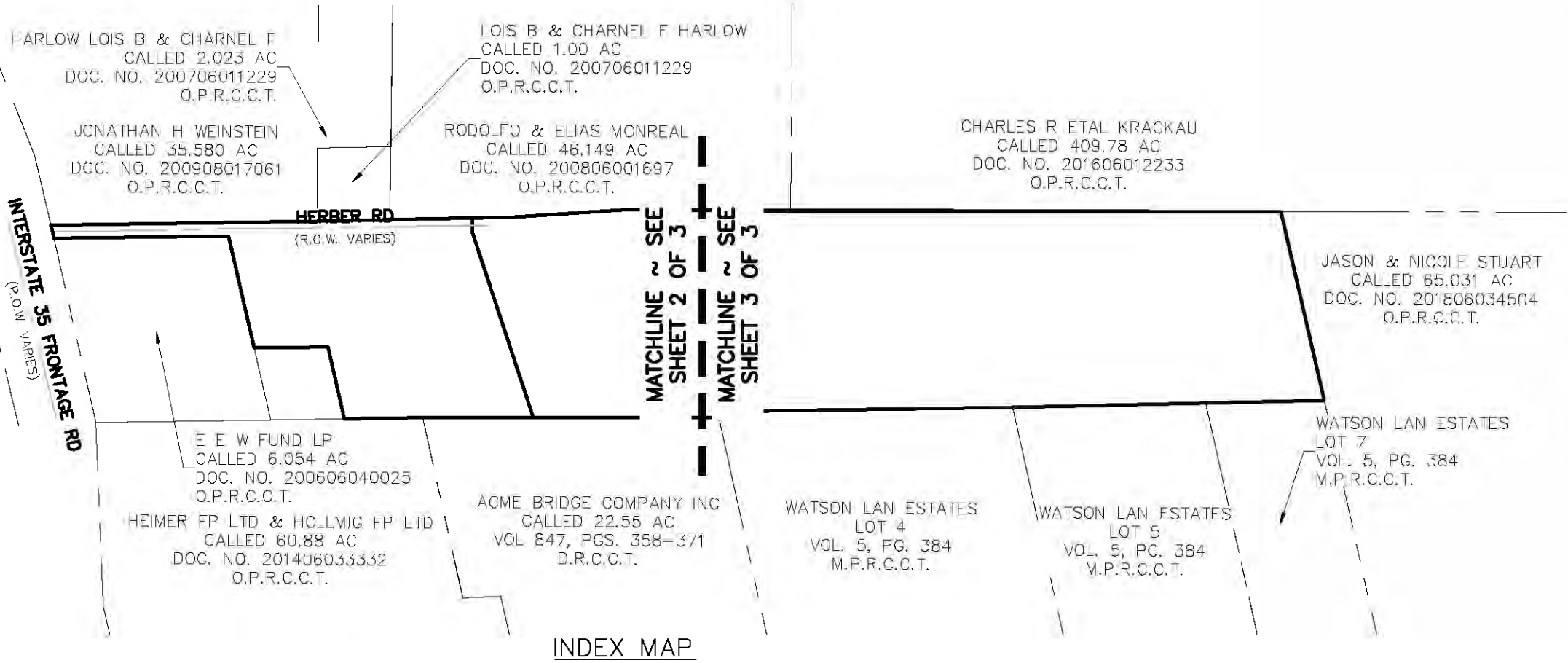
PLAT PREPARED JUNE 25, 2021



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

## MINOR PLAT ESTABLISHING HERBER ESTATES

BEING A 38.64 ACRE TRACT SITUATED IN THE A.M. ESNALIZIAR SURVEY NO. 1, ABSTRACT NO. 98, COMAL COUNTY, TEXAS, BEING A PORTION OF A CALLED 39.656 ACRE TRACT OF LAND RECORDED IN DOCUMENT NO. 200006014501, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS.



STATE OF TEXAS  
COUNTY OF COMAL

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

KIMBERLEY ANN HERBER  
175 HERBER RD  
NEW BRAUNFELS, TX 78130

STATE OF TEXAS  
COUNTY OF COMAL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_,  
BY \_\_\_\_\_

NOTARY PUBLIC, STATE OF TEXAS  
MY COMMISSION EXPIRES: \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF COMAL

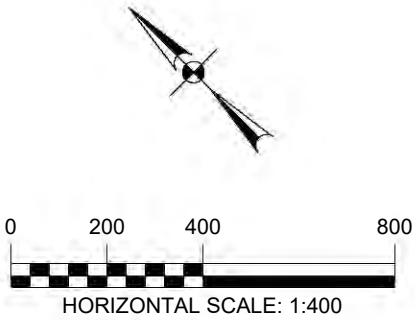
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JOHN SAMUEL HERBER  
175 HERBER RD  
NEW BRAUNFELS, TX 78130

STATE OF TEXAS  
COUNTY OF COMAL

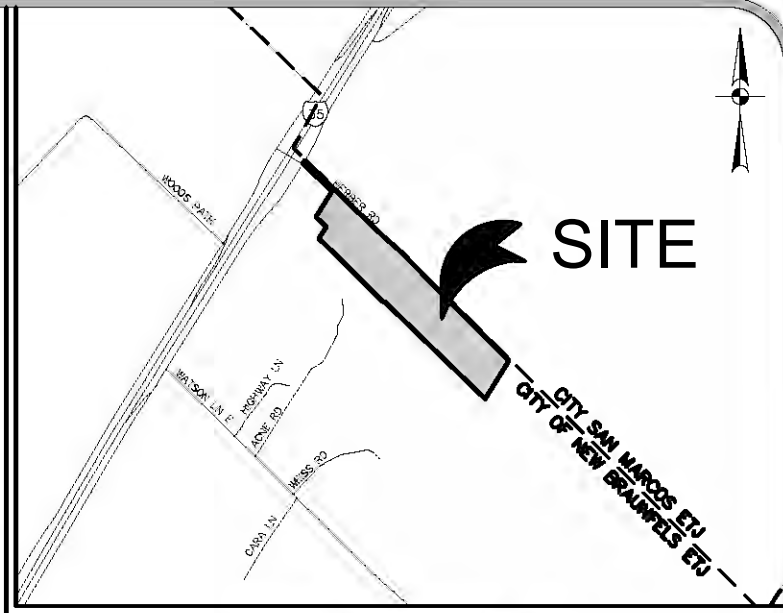
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BY \_\_\_\_\_

NOTARY PUBLIC, STATE OF TEXAS  
MY COMMISSION EXPIRES: \_\_\_\_\_



LEGEND:

- = FND 1/2" IRON PIN W/ PLASTIC CAP STAMPED "HMT" (UNLESS NOTED OTHERWISE)
- = SET 1/2" IRON PIN W/ PLASTIC CAP STAMPED "HMT"
- R.O.W. = RIGHT-OF-WAY
- O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS
- D.R.C.C.T. = DEED RECORDS, COMAL COUNTY, TEXAS
- M.P.R.C.C.T. = MAP AND PLAT RECORDS, COMAL COUNTY, TEXAS
- O.P.R.G.C.T. = OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS



LOCATION MAP  
NOT TO SCALE

TXDOT NOTES:

- FOR RESIDENTIAL DEVELOPMENT DIRECTLY ADJACENT TO STATE RIGHT-OF-WAY, THE DEVELOPER SHALL BE RESPONSIBLE FOR ADEQUATE SETBACK AND/OR SOUND ABATEMENT MEASURES FOR FUTURE NOISE MITIGATION.
- OWNER/DEVELOPER IS RESPONSIBLE FOR PREVENTING ANY ADVERSE IMPACT TO THE EXISTING DRAINAGE SYSTEM WITHIN THE HIGHWAY RIGHT-OF-WAY. FOR PROJECTS IN THE EDWARDS AQUIFER RECHARGE OR CONTRIBUTING ZONES, OUTFALLS FOR WATER QUALITY AND/OR DETENTION PONDS TREATING IMPERVIOUS COVER RELATED TO THE DEVELOPMENT, WILL NOT ENCR OACH BY STRUCTURE OR GRADING INTO STATE R.O.W. PLACEMENT OF PERMANENT STRUCTURAL BEST MANAGEMENT PRACTICE DEVICES OR VEGETATIVE FILTER STRIPS WITHIN STATE R.O.W. WILL NOT BE ALLOWED.
- MAXIMUM ACCESS POINTS TO STATE HIGHWAY FROM THIS PROPERTY WILL BE REGULATED AS DIRECTED BY TXDOT'S "ACCESS MANAGEMENT MANUAL". THIS PROPERTY IS ELIGIBLE FOR ONE (1) POINT OF ACCESS OF RIGHT-IN/RIGHT-OUT ONLY TO INTERSTATE HIGHWAY 35 BASED ON AN APPROXIMATE OVERALL FRONTAGE OF 38.61 FEET. WHERE TOPOGRAPHY OR OTHER EXISTING CONDITIONS MAKE IT INAPPROPRIATE OR NOT FEASIBLE TO CONFORM TO THE CONNECTION SPACING INTERVALS, THE LOCATION OF REASONABLE ACCESS WILL BE DETERMINED WITH CONSIDERATION GIVEN TO TOPOGRAPHY, ESTABLISHED PROPERTY OWNERSHIPS, UNIQUE PHYSICAL LIMITATIONS, AND/OR PHYSICAL DESIGN CONSTRAINTS. THE SELECTED LOCATION SHOULD SERVE AS MANY PROPERTIES AND INTERESTS AS POSSIBLE TO REDUCE THE NEED FOR ADDITIONAL DIRECT ACCESS TO THE HIGHWAY. IN SELECTING LOCATIONS FOR FULL MOVEMENT INTERSECTIONS, PREFERENCE WILL BE GIVEN TO PUBLIC ROADWAYS THAT ARE ON LOCAL THOROUGHFARE PLANS.
- IF SIDEWALKS ARE REQUIRED BY APPROPRIATE CITY ORDINANCE, A SIDEWALK PERMIT MUST BE APPROVED BY TXDOT, PRIOR TO CONSTRUCTION WITHIN STATE RIGHT-OF-WAY. LOCATIONS OF SIDEWALKS WITHIN STATE RIGHT-OF-WAY SHALL BE AS DIRECTED BY TXDOT.
- ANY TRAFFIC CONTROL MEASURES (LEFT-TURN LANE, RIGHT-TURN LANE, SIGNAL, ETC.) FOR ANY ACCESS FRONTING A STATE MAINTAINED ROADWAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER/OWNER.

APPROVED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_,  
BY THE PLANNING COMMISSION OF THE CITY OF NEW  
BRAUNFELS, TEXAS.

CHAIRMAN

APPROVED FOR ACCEPTANCE

DATE PLANNING DIRECTOR

DATE CITY ENGINEER

DATE NEW BRAUNFELS UTILITIES

STATE OF TEXAS  
COUNTY OF COMAL

I, \_\_\_\_\_ DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WAS FILED FOR RECORD IN THE MAP AND PLAT RECORDS, DOC# \_\_\_\_\_ OF COMAL COUNTY ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ M.

WITNESS MY HAND AND OFFICIAL SEAL, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

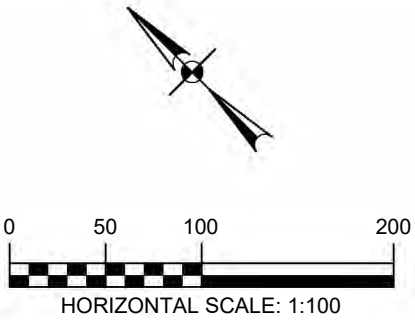
COUNTY CLERK, COMAL COUNTY, TEXAS

DEPUTY



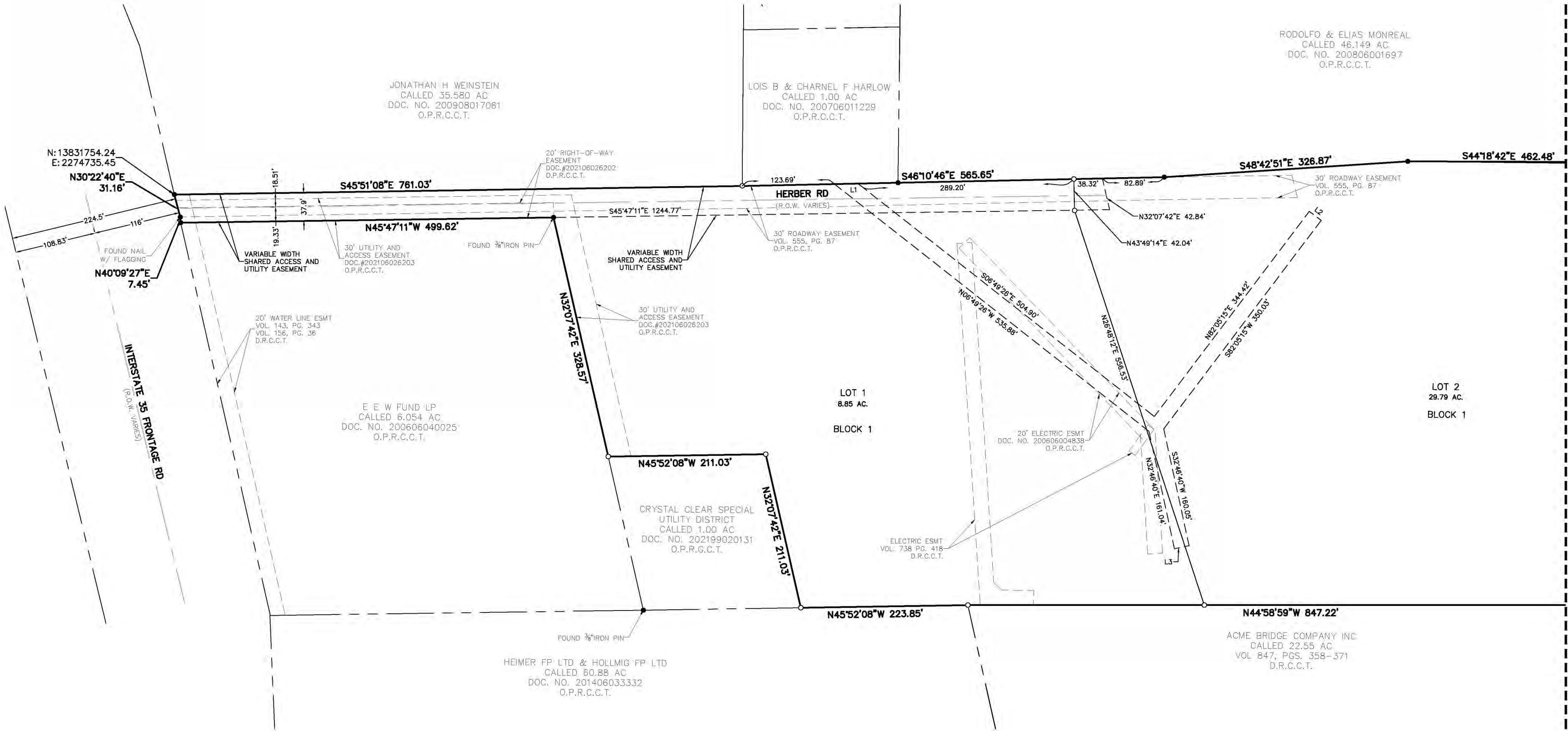
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NO. 200006014501, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS.



LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	31.54'	S46°10'46"E
L2	20.00'	S07°54'45"E
L3	20.00'	N57°13'20"W

- LEGEND:
- = FND 1/2" IRON PIN W/  
PLASTIC CAP STAMPED "HMT"  
(UNLESS NOTED OTHERWISE)
  - = SET 1/2" IRON PIN W/  
PLASTIC CAP STAMPED "HMT"
  - R.O.W. = RIGHT-OF-WAY
  - O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS,  
COMAL COUNTY, TEXAS
  - D.R.C.C.T. = DEED RECORDS,  
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COMAL COUNTY, TEXAS
  - O.P.R.G.C.T. = OFFICIAL PUBLIC RECORDS,  
GUADALUPE COUNTY, TEXAS



Drawing Name: T:\PLT Plats\PLT161 - Herbert Road Platting\Plat\Herber Estates Plat.dwg User: jonathanc Jul 27, 2021 - 4:26pm

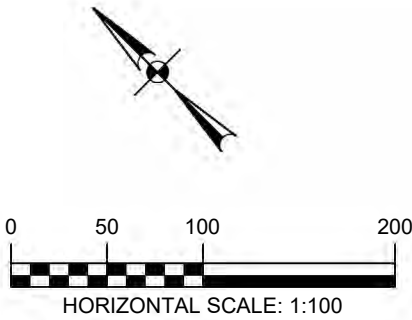
PLAT PREPARED JUNE 25, 2021



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

MINOR PLAT ESTABLISHING  
HERBER ESTATES

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COMAL COUNTY, TEXAS
  - O.P.R.G.C.T. = OFFICIAL PUBLIC RECORDS,  
GUADALUPE COUNTY, TEXAS

RODOLFO & ELIAS MONREAL  
CALLED 46.149 AC  
DOC. NO. 200806001697  
O.P.R.C.C.T.

CHARLES R ETAL KRACKAU  
CALLED 409.78 AC  
DOC. NO. 201606012233  
O.P.R.C.C.T.

S44°18'42"E 462.48'

S44°56'15"E 1403.44'

FOUND 1/2" IRON PIN  
W/ CAP STAMPED  
"RPLS 4069"

S32°02'25"W 552.61'

JASON & NICOLE STUART  
CALLED 65.031 AC  
DOC. NO. 201806034504  
O.P.R.C.C.T.

LOT 2  
29.79 AC.  
BLOCK 1

FOUND 1/2" IRON PIN  
W/ CAP STAMPED  
"RPLS 4069"

N:13828824.03  
E:2276956.47

N46°16'47"W 891.74'

N45°48'08"W 837.49'

WATSON LAN ESTATES  
LOT 4  
VOL. 5, PG. 384  
M.P.R.C.C.T.

WATSON LAN ESTATES  
LOT 5  
VOL. 5, PG. 384  
M.P.R.C.C.T.

WATSON LAN ESTATES  
LOT 7  
VOL. 5, PG. 384  
M.P.R.C.C.T.

S63°37'35"W  
7.92'  
S49°03'32"W  
9.82'  
N44°58'59"W  
847.22'

MATCHLINE A ~ SEE SHEET 2 OF 3

PLAT PREPARED JUNE 25, 2021



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



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

October 1, 2021

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

RE: Waiver Request – Herber Estates Subdivision  
Section 118-49(a)(1) - Sidewalks

To Whom It May Concern:

Please accept this letter as a waiver request to Herber Estate Subdivision (Property Number 71669). HMT is requesting a waiver to Section 118-49(a)(1) – Sidewalks stating that “On the subdivision or development side or sides of all major thoroughfares or arterial streets as indicated on the city's thoroughfare plan, or a major thoroughfare as determined by the planning commission, and on perimeter streets.” This waiver is a request to allow for not building a sidewalk along the frontage of IH 35 NB Frontage Road at Herber Road (~STA 1181+00).

This request is primarily due to avoid ineffective and redundant operations. The site in question is approximately 30' on the I-35 NB Frontage near Watson Lane W. As it currently stands (Attachment 1), there are no sidewalks located along the frontage road for approximately 4.3 miles (nearest sidewalk is in the Creekside Shopping Center). The TxDOT planned project for the I-35 Comal County Operational Improvements Northern Project extends from the Guadalupe River to the Comal/Hays County Line. As seen in Attachment 2, a sidewalk is planned along the frontage. Also seen in Attachment 2 is that the location of I-35 NB Frontage Road will be relocated and shifted over closer to the interstate. TxDOT also has informed us that they do not see the need to require the sidewalk at this time. Under current conditions, if a sidewalk is constructed along the frontage, it will not have any connections for several miles, it will not tie-in with the future sidewalk along the frontage road, and it will be demolished or abandoned during the TxDOT construction process. Also attached for your reference are the boundary survey and final plat for the property.

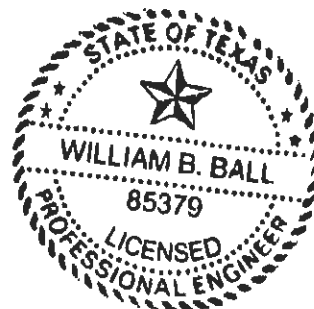
A secondary option from the recommendations from the City of New Braunfels review for final plat stated, “A six (6) foot wide sidewalk will be constructed along Interstate 35 per City standards by the owner/developer of Lot 1, Block 1 at the time of the building of construction on Lot 1 Block 1. (NBCO I18039(h))”. This proposes delaying the sidewalk until development construction; however, as mentioned earlier, this sidewalk will not have any connections or tie into the future TxDOT sidewalk.

In our professional opinion, the granting of this waiver will not adversely affect the health, welfare and safety of our New Braunfels residents and visitors. We feel this waiver request is not only in harmony with the intent of the City of New Braunfels Platting Ordinance, but will also prevent redundant operations and wasting resources.

Please contact me if you have any questions or comments.

Thank you,

William B. Ball, PE  
Senior Project Manager

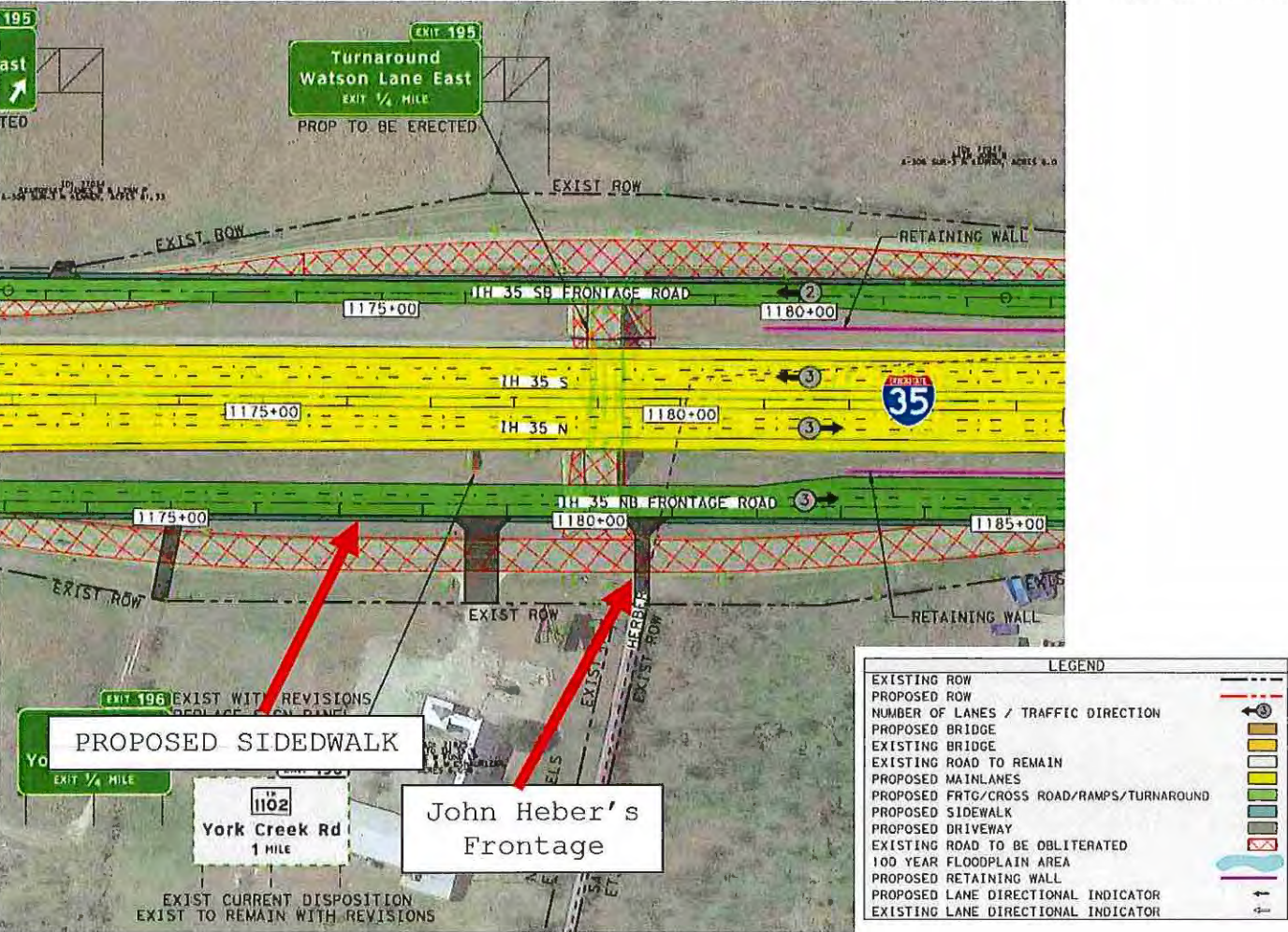




Attachment 1: Heber Road Currently.



Attachment 2: TxDOT's I-35 Comal County Operational Improvements Northern Project



11/2/2021

Agenda Item No. D)

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**PRESENTER:**

Applicant: Westwood Professional Services (Drew Defendorf)

Owner: Meritage Homes (Tonda Alexander)

**SUBJECT:**

WVR21-363 Discuss and consider a waiver request from Section 118-49 of the Subdivision Platting Ordinance to not require construction of a sidewalk along Loop 337 for the Lark Canyon Subdivision Unit 1.

**DEPARTMENT:** Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** Council District 3**BACKGROUND INFORMATION:**

Case #: WVR21-363

Owner: Meritage Homes  
Tonda Alexander  
2722 Bitters Road, Suite 200  
San Antonio, TX 78248  
(210) 298-4294 tonda.alexander@meritagehomes.com

Engineer: Drew Defendorf, P.E.  
Westwood Professional Services  
1718 Dry Creek Way, Suite 110  
San Antonio, TX 78259  
(210) 265-8309 drew.defendorf@westwoodps.com

Case Manager: Holly Mullins  
(830) 221-4054 hmullins@nbtexas.org

Lark Canyon Subdivision is located near the intersection of Westpointe Drive and Loop 337. Most of Lark Canyon is outside the city limits in the City's ETJ; however, a strip of land adjacent to Loop 337 is within the city limits and zoned R-2. A subdivision master plan was approved in 2020 and a final plat for Unit 1 approved in 2021.

**ISSUE:**

The applicant is requesting a waiver from Section 118-49 to not require construction of a sidewalk along Loop 337, citing challenges with construction and practicality of the sidewalk location. Their letter detailing their request is attached.



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This section of Loop 337 was constructed prior to TxDOT including sidewalks in their projects. However, TxDOT is currently constructing sidewalks along the segment of Loop 337 near the intersection of River Road which has topography challenges as well. The subject sidewalk waiver would create a future gap in sidewalk of approximately 420 linear feet if approved.

All sidewalk waivers recommended for approval, or approval with conditions, by the Planning Commission are forwarded to City Council for final consideration. If the Planning Commission denies the waiver request, that denial stands.

The ordinance authorizes waivers to be granted when:

1. An undue hardship will result from strict compliance with the ordinance, or
2. The purpose of the regulation may be served to a greater extent by an alternative proposal; and provided the waiver shall not nullify the intent and purpose of the regulations.

Waiver criteria are provided below in Commission Findings.

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

1. Deny the waiver request and require the sidewalk to be installed with subdivision construction. (The exact location would need to be determined. Section 118-49 requires sidewalks along TxDOT right-of-way to be separated at least four feet from the curb.)
2. Require that the developer escrow the estimated amount for the cost of the sidewalk for construction by the City at a later date. (This is not a viable option as there are no City projects planned for this area in the next 10 years.)
3. Recommend approval of the waiver.

#### **Commission Findings:**

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

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

#### **FISCAL IMPACT:**

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

#### **RECOMMENDATION:**

Staff does not support waiving the sidewalk requirement. Staff acknowledges the challenges associated with this location but does not believe they are insurmountable as demonstrated by TxDOT's current sidewalk installation on Loops 337 at River Road. Envision New Braunfels Comprehensive Plan identifies several actions related to improving connectivity and prioritizing the sidewalk network. The subject property is located between residential development and a major commercial center where a safe pedestrian route is important.



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Absence of a sidewalk does not preclude people from walking.

Staff recommends the waiver be denied, and the applicant continue to examine the property for sidewalk locations to meet the intent of the ordinance requirement.

Should the Planning Commission recommend approval of the sidewalk waiver, it will go to City Council on November 22nd for final action.

**Resource Links:**

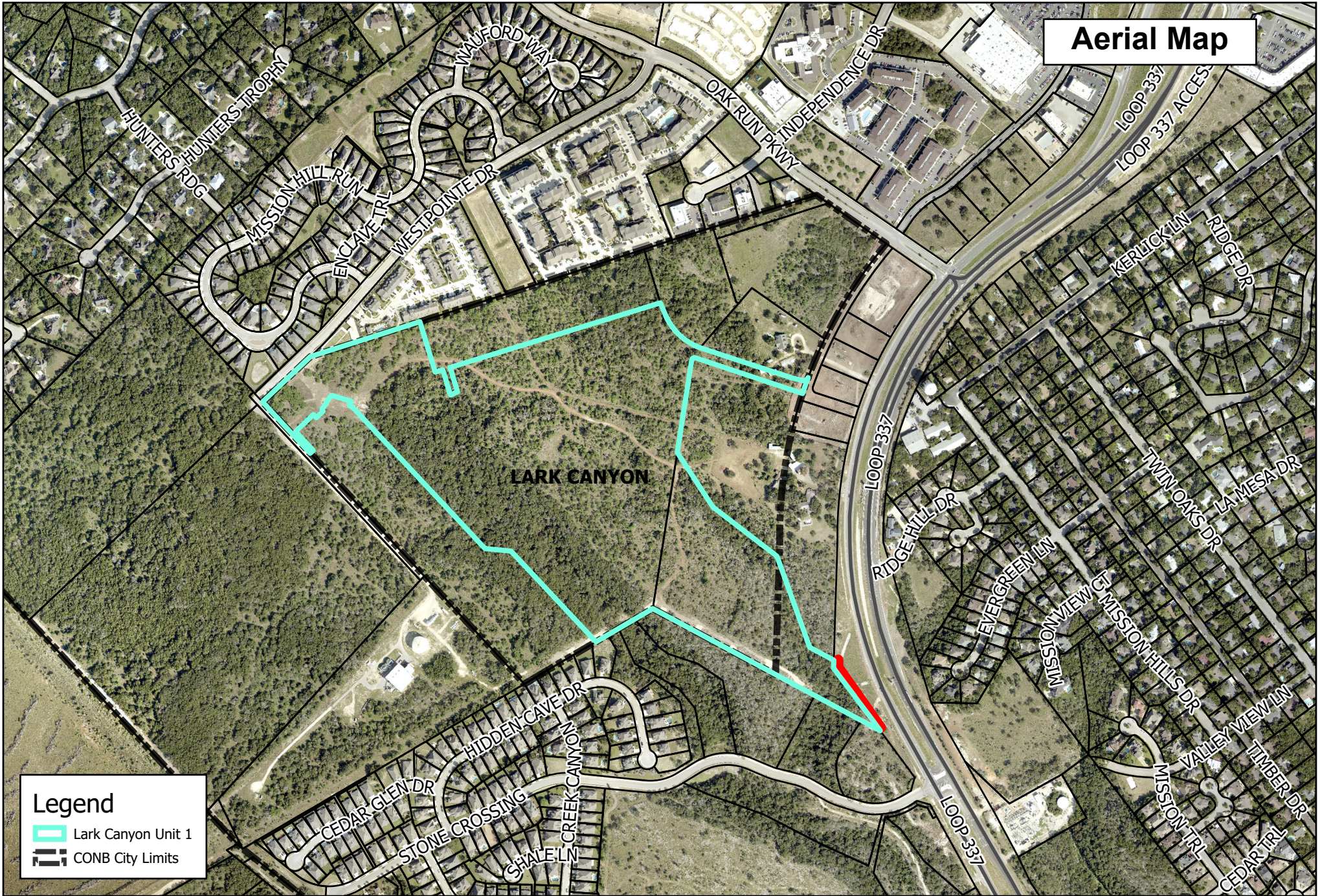
Chapter 118-49 Sidewalks, of the City's Code of Ordinances:

[Sec. 118-49. - Sidewalks. | Code of Ordinances | New Braunfels, TX | Municode Library](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH118SUPL_ARTIVDEST_S118-49SI)  
<[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH118SUPL_ARTIVDEST_S118-49SI)  
[nodeId=PTIICOOR\\_CH118SUPL\\_ARTIVDEST\\_S118-49SI](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH118SUPL_ARTIVDEST_S118-49SI)>

**Attachments:**

1. Aerial Map
2. Plat Waiver Justification Letter
3. Sidewalk Exhibit
4. Photographs





## Lark Canyon Unit 1 Sidewalk Waiver



October 4, 2021

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

**Re: Lark Canyon Unit 1 (FP21-0242)  
Sidewalk Waiver Written Justification**

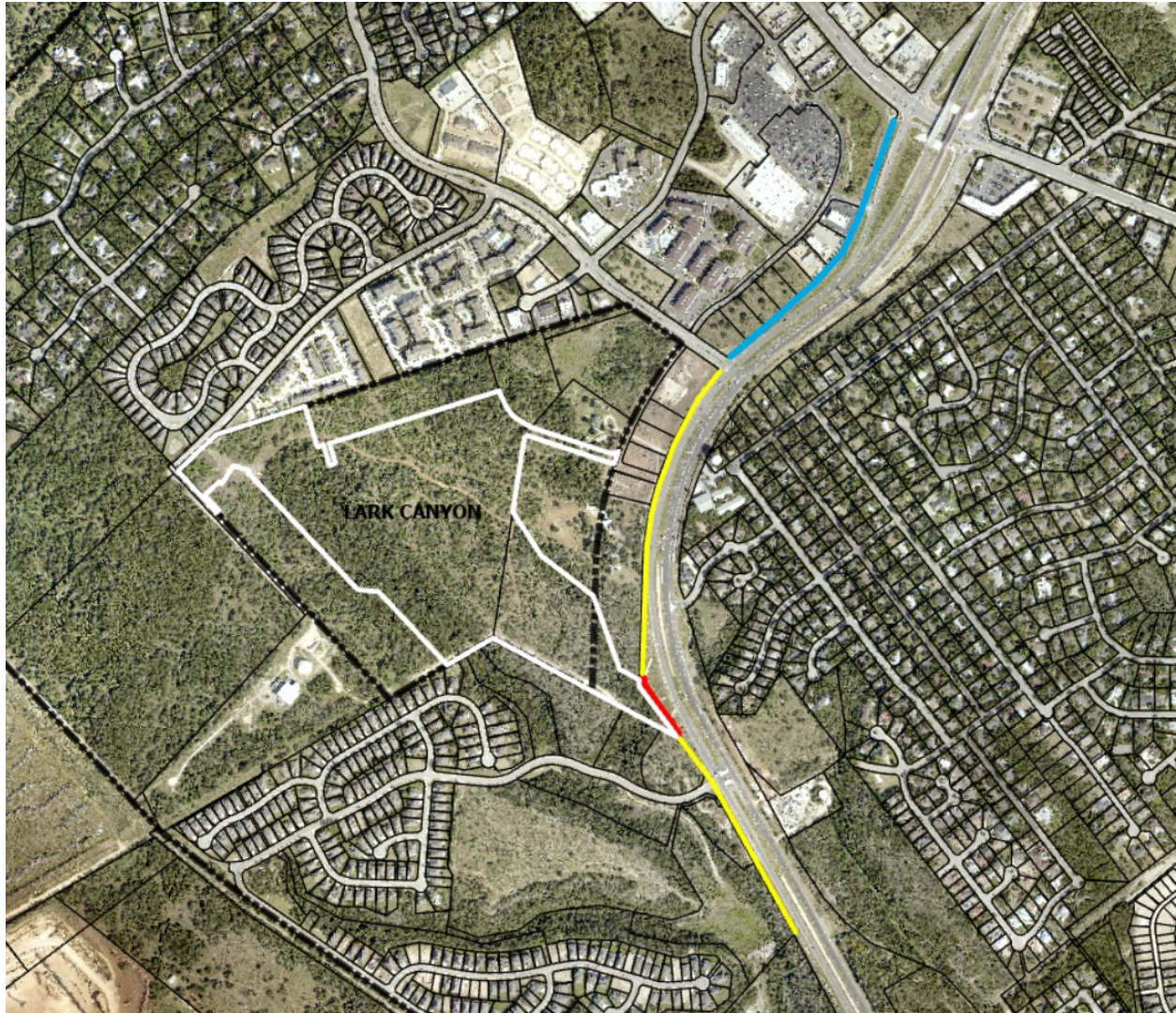
Ms. Holly Mullins,

A sidewalk waiver is being requested with the Lark Canyon Unit 1 Final Plat for the portion of the tract that is adjacent to Loop 337. Comment number seven received with the conditional approval of the Lark Canyon Unit 1 final plat states "Revise note 3 to include the construction of a 6-foot wide sidewalk along Loop 337 at time of subdivision construction". Westwood is formally requesting this requirement be waived due to the challenges of construction, and the practicality of the sidewalk location. If constructed on the developer side of the tract this portion of sidewalk would extend through an existing drainageway and would be directly downstream of two TxDOT culverts that run under Loop 337. This would pose both a risk to public safety during a storm event and to the longevity of the sidewalk itself. Proposed slopes for the sidewalk would exceed 25% for certain stretches due to the existing grades of the valley. Additionally, there was not space designated adjacent to the highway for the sidewalk to be constructed within the TxDOT right-of-way. There is a barricade that runs alongside this portion of Loop 337. Directly outside of the barricade existing ground drops toward the drainage outfalls at a cross slope that does not meet ADA requirements. It is for these reasons that Westwood proposes the sidewalk requirement along Loop 337 should be waived.

Sincerely,



Drew A. Defendorf, P.E.  
Assistant Project Manager  
Westwood Professional Services



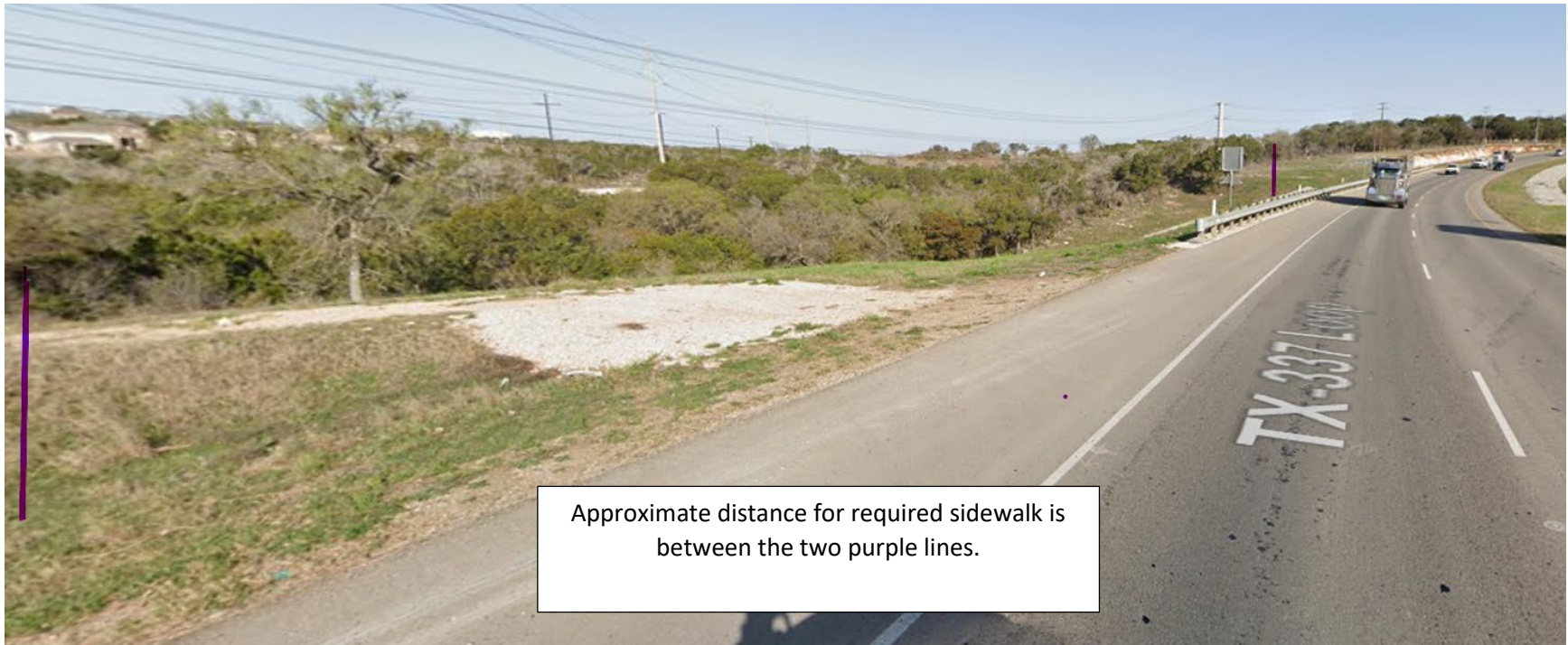
TxDOT did not construct sidewalks for this portion of Loop 337.

Lark Canyon Unit 1 is outlined in White.

The sidewalk waiver request is shown in Red.

Blue indicates existing sidewalk, and Yellow where new sidewalks will be required.







Slope from Loop 337 within right-of-way



Slope from bottom of hill toward Loop 337





Culvert 1 from below and above





Culvert 2 from below and above





Drainageway along property line